

AGENDA City Planning Committee Meeting Open Portion

Monday, 25 July 2022

at 5:30 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

1.	CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY 5					
2.	CONFIRMATION OF MINUTES5					
3.	CONSIDERATION OF SUPPLEMENTARY ITEMS 5					
4.	INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST 6					
5.	TRANSFER OF AGENDA ITEMS					
6.	PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS6					
7.	COMMITTEE ACTING AS PLANNING AUTHORITY					
	7.1	APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997				
		7.1.1	25 Salamanca Place, 39 Salamanca Place, 41 Salamanca Place and Adjacent Road Reserve - Alterations (External Lighting)	8		
	7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015					
		7.2.1	36 Federal Street, North Hobart - Dwelling	92		
		7.2.2	1 Ellerslie Road, Battery Point - Alterations	200		
		7.2.3	1/2-4 Flinders Lane, Sandy Bay and Common Land of Parent Title - Change of Use to Visitor Accomodation	256		
		7.2.4	8 - 10 Downie Street, South Hobart - Change of Use to Visitor Accommodation	320		
		7.2.5	1/35 Valley Street, West Hobart & Common Land of Parent Title & 37 Valley Street & Lot 0/40 Valley Street, West Hobart - Change of Use to Visitor Accommodation			
8.	REPORTS					
	8.1 State Planning Provisions Review - Feedback on Scoping Paper8.2 City Planning - Advertising Report					
	8.3	-	ated Decision Report (Planning)			

9.	COMMIT	ITEE ACTION STATUS REPORT	500		
	9.1 Cor	nmittee Actions - Status Report	500		
10.	RESPO	NSES TO QUESTIONS WITHOUT NOTICE	505		
		ort Stay Accommodation- Scheme Amendment			
	10.2 Sho	ort Stay Accommodation - Call In	508		
	10.3 Pla	nning Process - Ethics	510		
	10.4 UTa	as Sandy Bay Rezoning - Request for Further Information	512		
		sial - Affordable Housing			
		velopment Applications - Residential			
		velopment Applications - Refusals Residential			
	10.8 Development Applications - Withdrawn				
	10.9 Development Applications - Withdrawn / Reasons				
	10.10				
	Approved				
	10.11	Property Ownership - International Owners			
	10.12				
	10.13	Short Stay Accommodation - Insurance			
11.	QUESTI	ONS WITHOUT NOTICE	525		
12	CLOSE	PORTION OF THE MEETING	526		

City Planning Committee Meeting (Open Portion) held Monday, 25 July 2022 at 5:30 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 31 March 2022 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

Apologies:

Leave of Absence: Nil.

Deputy Lord Mayor Councillor H Burnet

(Chairman)

Alderman J R Briscoe

Councillor W F Harvey Alderman S Behrakis

Councillor M Dutta

Councillor W Coats

NON-MEMBERS

Lord Mayor Councillor A M Reynolds Alderman M Zucco Alderman Dr P T Sexton Alderman D C Thomas Councillor J Fox Councillor Dr Z 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, 4 July 2022 and the Special City Planning Committee meeting held on Monday, 11 July 2022, 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.

APPLICATIONS UNDER THE SULLIVANS COVE PLANNING 7.1 **SCHEME 1997**

7.1.1 25 SALAMANCA PLACE, 39 SALAMANCA PLACE, 41 SALAMANCA PLACE AND ADJACENT ROAD RESERVE -**ALTERATIONS (EXTERNAL LIGHTING)** PLN-21-530 - FILE REF: F22/70685

25 Salamanca Place, 39 Salamanca Place, 41

Salamanca Place and Adjacent Road Reserve

Proposal: Alterations

Expiry Date: 2 September 2022

Extension of Time: Not applicable

Author: Richard Bacon

RECOMMENDATION

Address:

That pursuant to the Sullivans Cove Planning Scheme 1997, the Council refuse the application for alterations (external lighting) at Nos. 25 and 39-41 Salamanca Place 7004 and the adjacent road reserve for the following reasons:

- 1 The proposal does not meet clause 22.4.5 of the Sullivans Cove Planning Scheme 1997 because the 'buildings or works' do not complement or contribute to the cultural heritage significance, character and appearance of the heritage listed place and Salamanca Place, are individually prominent and the location, bulk and appearance will adversely affect the heritage values of a place of cultural significance.
- 2 The proposal does not meet clause 28.6 of the Sullivans Cove Planning Scheme 1997 because the demolition results in an unacceptable impact on the cultural heritage values (fabric) of heritage listed places and Sullivans Cove.

PLN-21-530 - 25 SALAMANCA PLACE BATTERY Attachment A:

POINT TAS 7004 - Planning Committee or

Delegated Report 4 12 12

Attachment B: PLN-21-530 - 25 SALAMANCA PLACE BATTERY

POINT TAS 7004 - CPC Agenda Documents I

Attachment C: PLN-21-530 - 25 SALAMANCA PLACE BATTERY

POINT TAS 7004 - Planning Referral Officer

Cultural Heritage Report I



APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997

City of HOBART

Type of Report: Committee

Council: 1 August 2022

Expiry Date: 2 September 2022

Application No: PLN-21-530

Address: 25 SALAMANCA PLACE, BATTERY POINT

ADJACENT ROAD RESERVE

39 SALAMANCA PLACE, BATTERY POINT 41 SALAMANCA PLACE, BATTERY POINT

Applicant: Alex Nielsen (Circa Architecture)

27 Hunter Street

Proposal: Alterations (External Lighting)

Representations: NIL

Performance criteria: Heritage, Demolition

1. Executive Summary

- 1.1 Planning approval is sought for alterations (external lighting) at Nos. 25 and 39-41 Salamanca Place and the adjacent road reserve.
- 1.2 More specifically the proposal includes:
 - external downlights to be installed to the parapet frontages of No.25 Salamanca Place, Nos. 39 and 41 Salamanca Place, and to the west side elevation (Montpelier Retreat frontage) of No.39 Salamanca Place.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Heritage Clause 22.4.5
 - 1.3.2 Demolition Clause 28.3.1
- 1.4 No representations were received during the statutory advertising period between the 17th June and 1st July 2022.
- 1.5 The proposal is recommended for refusal on heritage grounds.

Item No. 7.1.1

Agenda (Open Portion) City Planning Committee Meeting - 25/7/2022

Page 11
ATTACHMENT A

1.6 The final decision is delegated to the Council, because the proposal involves Council land (adjacent road reserve).

2. Site Detail

- 2,1 The sites are within Sullivans Cove Mixed Use 2.0 under the Sullivans Cove Planning Scheme 1997.
- 2.2 The sites have been visited dated the 12th August 2021.



Figure 1 above: location plan showing Nos. 25 and 39-41 Salamanca Place.

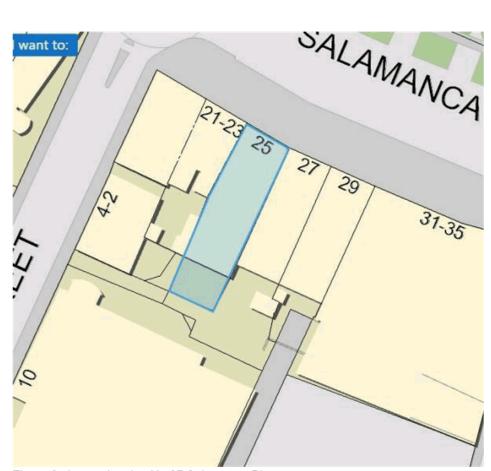


Figure 2 above: site plan No.25 Salamanca Place.

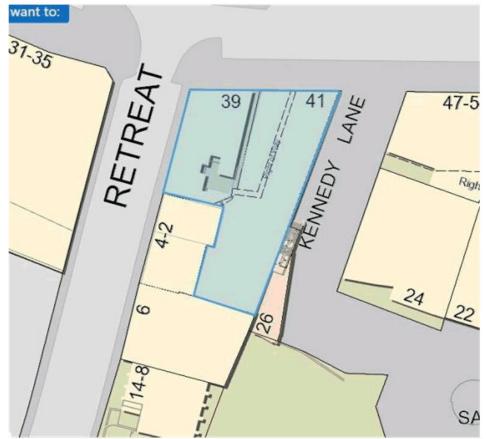


Figure 3 above: site plan Nos. 39-41 Salamanca Place.



Figure 4: street view No.25 Salamanca Place.



Figure 5 above: street view Nos. 39-41 Salamanca Place.



Figure 6 above: submitted exterior spotlight design.

3. Proposal

- 3.1 Planning approval is sought for alterations (external lighting) at Nos. 25 and 39-41 Salamanca Place and the adjacent road reserve.
- 3.2 More specifically the proposal is for:
 - external downlights to be installed to the parapet frontages of No.25 Salamanca Place, Nos. 39 and 41 Salamanca Place, and to the west side elevation (Montpelier Retreat frontage) of No.39 Salamanca Place.

4. Background

- 4.1 The external lighting has already been installed. The matter is the subject of Council enforcement action under ENF-21-133 dated the 21st June 2021.
- 4.2 Council General Manager Consent was granted under GMC-21-56 dated the 21st September 2021.

5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between the 17th June and the 1st July 2022.

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.
- The site is located in the Sullivans Cove Mixed Use 2.0 Activity Area of the Sullivans Cove Planning Scheme 1997.
- 6.3 The existing and proposed use is visitor accommodation. The existing use is a permitted use in the Activity Area. The proposed use 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 16.3 Activity Area Controls
 - 6.4.3 Part E Schedule 1 Conservation of Cultural Heritage Values
 - 6.4.4 Part E Schedule 2 Urban Form
 - 6.4.5 Part E Schedule 7 Demolition
- The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Heritage clause 22.4.5

- 6.5.2 Demolition clause 28.3.1.
- 6.6 Each performance criterion is assessed below.
- 6.7 Heritage Part E 22.4.5 P1
 - 6.7.1 The acceptable solution at clause 22.4.4 states as follows.

'Building or works' on places of cultural significance is 'permitted' in respect to this

Schedule where it can be demonstrated that the following 'deemed to comply' provisions

have been satisfied:

☐ The 'building or works' are related to the conservation of a place of cultural

significance and are to be undertaken in accordance with a Conservation Plan

accepted by the Planning Authority as satisfying the submission requirements for an application.

- 6.7.2 The proposal includes works at heritage listed sites.
- 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 22.4.5 provides as follows:

'Building or works' on places of cultural significance which cannot satisfy the 'deemed to

comply' provisions of Clause 22.4.4 may be approved at the discretion of the Planning

Authority.

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.
6.7.5	Assessment of the performance criterion by Council's Senior Cultural Heritage Officer follows. (Please see Senior Cultural Heritage Officer report).
	Assessment: The proposed work is for 'buildings and works' and 'demolition' and must be assessed against Schedule 1 and Schedule 7 of the Scheme, specifically against the following clauses:
	Clause 22.4.5 'Discretionary' 'Building or Works':
	'Building or works' on places of cultural significance which cannot satisfy the 'deemed to comply' provisions of Clause 22.4.4 may be approved at the discretion of the Planning Authority.
	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;

The painting of previously unpainted surfaces is discouraged.

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

Response:

individually prominent;

This proposal seeks the retrospective approval for the installation of 14 new downlights/spotlights on top of the pediment/parapet of three separate buildings that are part of the historic Salamanca streetscape.

The new lights are black units (Vinta) on black brackets that project out from the outer most point of the external building line by approximately 400mm. The black brackets were fabricated for this purpose and are separate to the actual light. The lights on all three buildings have been described as identical, however, the lights over 41 Salamanca Place (Salamanca Fresh) project out further over the four columns/pilasters on the facade to cast lighting over these features.

The specifications for the Vinta spotlights submitted as part of the application are shown below, however the photographs above show that the installed lights are different and have a larger cowl or hood.

(For image see Senior Cultural Heritage Officer report).

The above drawing does not reflect what was installed as the spot lights on all buildings have a longer and deeper profile or cowl/hood and present as larger fixtures.

In assessing this proposal, the following Tribunal decision in relation to a heritage listed place in Sullivans Cove is appropriate to consider.

In James Richard Gandy v Hobart City Council and Tasmanian Heritage Council [2016], the Tribunal upheld Council's decision to refuse the addition of solar panels to the roof of 19-21 Castray Esplanade. The Tribunal found that the heritage values of the listed place would be negatively impacted on by the installation of the solar panels. In discussion, the Tribunal, in considering the provisions of the Scheme, noted that the proposal had to "confer a state of completeness (or wholeness) upon the building and bring something to the cultural significance, character and appearance of it, within its setting." (at 37).

The Tribunal went on to state: "It is harder to make the case in circumstances where, for example, it is proposed to add some adornment to a part of the public face of a building. Arguably such work does not bring balance, nor does it contribute by bringing completeness or adding something to each of the elements identified. Were the proposal not for solar panels (which may confer an environmental benefit) but instead was constituted by the addition of a wrought iron or ornate lattice, it would be easy to comprehend that such works would not bring balance, or

contribute to, the heritage qualities of the place."

The Tribunal's decision and interpretation of the Scheme are particularly relevant in this instance. This proposal is for black lights and brackets that hang over the parapet and during daylight hours are prominent, particularly against the skyline. The lights over 41 Salamanca (Salamanca Fresh) are even more visually prominent, given they are mounted further forward over the facade. This proposal creates a visual impact that does not complement or contribute to the heritage value, character and appearance of the place and its setting, in line with the decision of the Tribunal. While this application is confined to 14 lights on three buildings, it might be worth considering what Salamanca were to look like if all the existing building were to have lights of this type or design along the parapets/tops of buildings and whether it would 'confer a state of completeness (or wholeness) upon the building...'

It is also appropriate to consider the Planning Application (PLN-20-150) for lighting to the Parliament House garden, and the lighting to the Coat of Arms on the Parliament House pediment. That application also included the removal of floodlights and other incidental lights that illuminated the facade of Parliament House. That application demonstrated a wide analysis of options, design considerations, lighting strategies including details from the involvement of specialist lighting designers to consider the sensitive illumination of the facade. In addition, the applicants sought numerous on-site meetings with Council's Senior Cultural Heritage Officer and Heritage Tasmania in recognition of the need to respect the heritage values of the building in its setting both at night time and during the day, by limiting intrusive light fittings and ensuring sensitive fixings into the sandstone. The following image shows the lighting that has been undertaken thus far.

(For image see Senor Cultural Heritage Officer report).

Parliament House lighting (PLN-20-150) using miniature spot lights for the flag poles and linear wall wash LED with stainless steel fastenings fixed into the mortar/grout. None of these are visible during the day.

In summary, the lighting solution for 25, 39 and 41 Salamanca Place is heavy handed, outdated, unsympathetic and prominent in Hobart's premier streetscape. It is considered that lighting solutions in Sullivans Cove and especially Salamanca Place must be of the highest standard, utilise the latest technology and specialist lighting design input. This application fails to demonstrate that the consideration of heritage values,

have been taken into account. The proposal fails to satisfy clause 22.4.5 dot point 1, 3 and 5.

Conclusion:

In Schedule 1 - Conservation of Cultural Heritage Values of the Scheme states that 'Conservation of the cultural heritage values of Sullivans Cove is the primary objective of the Scheme.'

This lighting proposal is not compatible with good conservation, contributes to complements the heritage values of the place through good lighting design by involving specialist lighting designers.

The proposal is recommended for refusal.

- 6.7.6 The proposal does not comply with the performance criterion.
- 6.8 Demolition Part E 28.3.1
 - 6.8.1 There is no acceptable solution for demolition. Clause 28.3.1 states as follows.

A permit is required for all demolition in the Cove. All such demolition is 'discretionary'.

- 6.8.2 The proposal includes works including some demolition.
- 6.8.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 The performance criterion at clause 28.8.1 'Demolition on a Place of Cultural Significance' provides as follows:

Where the application involves the demolition of a building on a Place included in Table 1

of Schedule 1 – Conservation of Cultural Heritage Values then the application must satisfy

the following:

- The requirement of Clause 22.4.3 for the submission of a Conservation Plan, and
- The provision of street elevations or 'true perspectives' to show the scale and impact

of the demolition on places of cultural significance and the streetscape.

6.8.5 Assessment of the performance criterion by Council's Senior Cultural Heritage Officer follows.

(Please see Senior Cultural Heritage Officer report).

Schedule 7 Demolition clause 28.5:

Guidelines for Development Control

The demolition of any building, or works on land shall not be 'permitted' unless; a replacement development has been approved, or such demolition is required by statutory order or is authorised by the Building Surveyor as essential to public safety.

Any application for demolition:

- (a) Shall be refused if the building is included as a cultural heritage place in Table 1 of the Conservation of Cultural Heritage Values Schedule of this Scheme, unless;
- (i) The demolition is approved as part of a Conservation Plan approved by the Planning Authority or otherwise in its discretion under the Conservation of Cultural Heritage Values Schedule of this Scheme;
- (ii) The building clearly detracts from the cultural values or significance of the place; or
- (iii) There are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part.
- (b) May be refused if in the opinion of the Planning Authority the building contributes to the cultural heritage or urban character of the Activity Area and the building is capable of continued beneficial use.

Response:

The attachment of the brackets for the Vinta lights onto the parapet has required some demolition in the form of drilling. The drawings submitted describe the brackets being Chemset into the parapet. Chemset is a polyester injection adhesive that anchors fixings into the stone. Usually the Chemset fills the hole and 'glues' the fixings into the stone.

It is a destructive method and when this approach is used directly into soft sandstone or masonry, large holes are formed, rather than the usual requirement for sensitive fixings using stainless steel into mortar joints where damage to the masonry is minimised. For example, signage planning proposals requiring fixings into masonry, specifications are

required to either utilise existing holes or to drill into mortar joints and not use synthetic glues. This has not occurred in this instance. No specific details, such as photographs have been provided to illustrate how the brackets are fixed, but based on past examples of where signs have been Chemset into masonry, the result is highly destructive and the damage irreversible.

These three buildings have parapets/cornice features that are typically flat on top and exposed to wind and rain. Unless carefully detailed rain and moisture can pool. Drilling and fixings of this type can create new areas of moisture ingress and speed up the deterioration of soft and porous stone.

While it could be argued that the 'demolition' is only minor, however, with each instance of intervention and damage such as the drilling into sandstone, the damage is cumulative and irreversible, requiring greater interventions/maintenance in years to come. It is in the category of a 'death by a thousand cuts' of Hobart's and Tasmania's premier heritage place and tourist destination. In terms of the Burra Charter which advocates the 'do as much as necessary, but as little as possible' principle for the conservation of places of significance, this is a heavy handed and unsophisticated solution. While the scale and impact of the demolition cannot be shown in street elevations or perspectives as required by the Scheme, it is not work that would be regarded as good conservation or sensitive and contemporary lighting design. This proposal fails to satisfy clause 28.5 and 28.6.

Conclusion:

In Schedule 1 - Conservation of Cultural Heritage Values of the Scheme states that 'Conservation of the cultural heritage values of Sullivans Cove is the primary objective of the Scheme.'

This lighting proposal is not compatible with good conservation, contributes to complements the heritage values of the place through good lighting design by involving specialist lighting designers.

The proposal is recommended for refusal.

6.8.6 The proposal does not comply with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for alterations (external lighting) at Nos. 25 and 39-41 Salamanca Place and the adjacent road reserve.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered unacceptable in terms of heritage and demolition provisions under the Planning Scheme.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Senior Cultural Heritage Officer, Development Engineer, Manager Surveying Services and Road Asset Engineer.

The Council's Senior Cultural Heritage Officer recommends refusal of the proposal on the following grounds.

- 1. The proposal does not meet clause 22.4.5 of the Sullivans Cove Planning Scheme1997 because the 'buildings or works' do not complement or contribute to the cultural heritage significance, character and appearance of the heritage listed place and Salamanca Place, are individually prominent and the location, bulk and appearance will adversely affect the heritage values of a place of cultural significance.
- 2. The proposal does not meet clause 28.5 or 28.6 of the Sullivans Cove Planning Scheme1997 because the demolition results in an unacceptable impact on the cultural heritage values (fabric) of heritage listed places and Sullivans Cove.

The other officers have raised no objection to the proposal, subject to conditions.

7.5 With regard to proposed night lighting, the Acceptable Solution for 'Permitted' Buildings under Clause 23.7.1 of Schedule 2 Urban Form under the Planning Scheme states as follows.

'Night-Lighting'

• Must accentuate the wall of the building when illuminated, and where appropriate also highlight the landscaping.

The proposal is not considered to conflict with Urban Form 'Permitted' Clause 23.7.1 with regard to 'Night-Lighting'.

7.6 The Tasmanian Heritage Council issued a Notice of Interest under THC Works Ref 6728 dated the 18th October 2021, stating it has no interest in the proposal.

- 7.7 The applicant has consented to two extensions of time to allow Council consideration of the proposal.
- 7.8 The proposal is recommended for refusal.

8. Conclusion

The proposed alterations (external lighting) at Nos. 25 and 39-41 Salamanca Place and the adjacent road reserve does not satisfy the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for refusal.

9. Recommendations

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council refuse the application for alterations (external lighting) at Nos. 25 and 39-41 Salamanca Place and the adjacent road reserve for the following reasons:

- The proposal does not meet clause 22.4.5 of the Sullivans Cove Planning Scheme 1997 because the 'buildings or works' do not complement or contribute to the cultural heritage significance, character and appearance of the heritage listed place and Salamanca Place, are individually prominent and the location, bulk and appearance will adversely affect the heritage values of a place of cultural significance.
- The proposal does not meet clause 28.6 of the Sullivans Cove Planning Scheme 1997 because the demolition results in an unacceptable impact on the cultural heritage values (fabric) of heritage listed places and Sullivans Cove.

Item No. 7.1.1

Agenda (Open Portion) City Planning Committee Meeting - 25/7/2022



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: 12 July 2022

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

21 September 2021

Alex Nielsen (Circa Morris Nunn Architects)
27 Hunter Street
HOBART TAS 7000

mailto: alex@circamorrisnunn.com.au

Dear Sir/Madam

25 SALAMANCA PLACE, BATTERY POINT - GMC - PLN-21-530 NOTICE OF LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION - GMC-21-56

Site Address:

25 Salamanca Place, Battery Point

Description of Proposal:

Alterations (External Lighting)

Applicant Name:

Alex Nielsen Morris Nunn Architects

PLN (if applicable):

PLN-21-530

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 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 - Circa Morris-Nunn Architects

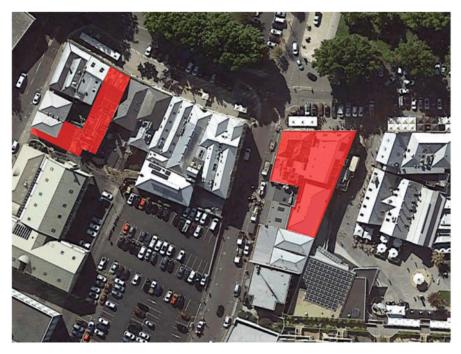


25 39/41 SALAMANCA PLACE

EXTERNAL LIGHTING DEVELOPMENT APPLICATION

DRAWING LIST

DA01 LOCATION PLAN DA02 NORTH ELEVATION DA03 NORTH ELEVATION DA04 WEST ELEVATION DA05 DETAIL



LOCATION PLAN

revisions

FOR PLANNING ONLY

original drawing size

A3

25 + 39/41 SALAMANCA

PV + DM Behrakis

GPO Box 67 Hobert, TAS Australia, 7001

These designs, plans and specifications and the occysight therein we the property of Circs Morris-Nann Architects and must not be used, reproduced or occided wholly or in part without the written permission of Circs Morris-Nann Psy Ltd.

circa morris-nunn architects

Contact

bil atrium | 27 hunter et | hobert | tac | 7000 03 6236 9544 info@circamorrienum.com.au

These drawings show deeign intent and are suitable as a guide only. The bulliar shall black and welly all dimensions and welly all encode circles on to the Architect. On not sale of the deswings. Drawings are not to be used for construction purposes until caused by the Architect for construction.

COVER

DEVELOPMENT APPLICATION

drawing nº

cou

1526-DA01

Α



Approved - General Manager Consent Прогновает GMC-21-56 21/09/2021



01 NORTH ELEVATION

scale 1:100

FOR PLANNING ONLY

revisions

original drawing size **A**3

25 + 39/41 SALAMANCA

PV + DM Behrakis

GPO Box 67 Hobert, TAS Australia, 7001

These designs, plans and specifications and the oppyright therein we the property of Otros Morrie-Nann Architects and must not be used, reproduced or oppied wholly or in part without the written permission of Oros Morrie-Nann Psy Ltd.

circa morris-nunn architects

Contact

kl atrium | 27 hunter st | hobert | tes | 7000 03 6236 9544 info@circamorrienunn.com.au

These drawings show design intent and are suitable as a guide only. The bulliar shall black and welly all dimensions and welly all entered criticators to the Architect. On not saled of the deswings. Drawings are not to be used for construction purposes until caused by the Architect for construction.

NORTH ELEVATION

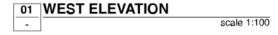
DEVELOPMENT APPLICATION

1526-DA02

Α







revisions

ving size

25 + 39/41 SALAMANCA

PV + DM Behrakis

GPO Box 67 Hobart, TAS Australia, 7001

A3

These designs, plans and specifications and the copyright therein are the property of Circs Morris-Nann Architects and must not be used, reproduced or copied wholly or in part without the written permission of Circa Morris-Nann Pty Ltd.

 $\mathbf{circa}\ morris\text{-}nunn\ architects$

Contact

Matrium | 27 hunter st | hobart | tas | 7000 03 6236 9544 Info@circamorrienum.com.au

These drawings show design intent and are outside as a guide only. The builder shall check and verify all dimensions and verify all entered critication to the Architect. On not bead off the drawings. Drawings are not to be used for construction purposes until listuated by the Architect for construction.

NORTH ELEVATION

DEVELOPMENT APPLICATION

drawing of

1526-DA03

Α

FOR PLANNING ONLY







revisions

original drawing size

25 + 39/41 SALAMANCA

PV + DM Behrakis

GPO Box 67 Hobart, TAS Australia, 7001

A3

These designs, plans and specifications and the copyright therein are the property of Circa Morrist-Nann Architects and must not be used, reproduced or opied wholly or in part without the written permission of Circa Morrist-Nann Pty Ltd.

circa morris-nunn architects

Contact

ixl atrium | 27 hunter st | hobert | tas | 7000 03 6236 9644 info@circamorrisnum.com.au

These drawings show design intent and are suitable as a guide only. The builder shall check and verify all drimensions and verify all entends criticate to the Architect. Do not sole of the drawings. Drawings are not to be used for construction purposes until issued by the Architect for construction.

WEST ELEVATION

DEVELOPMENT APPLICATION

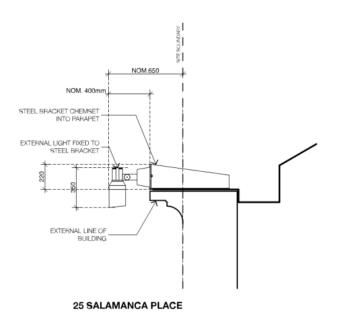
descript of

1526-DA04

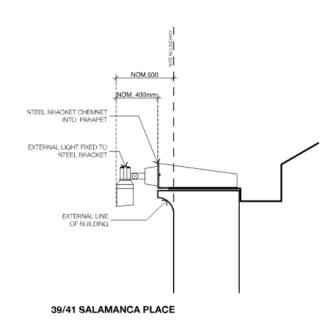
Α

FOR PLANNING ONLY









revisions

ginal drawing size

25 + 39/41 SALAMANCA

PV + DM Behrakis

GPO Box 67 Hobart, TAS Australia, 7001

These designs, plans and specifications and the copyright therein are the property of Circa Morrist-Nann Architects and must not be used, reproduced or opied wholly or in part without the written permission of Circa Morrist-Nann Pty Ltd.

 ${\bf circa}\ morris-nunn\ architects$

Contact

ixl atrium | 27 hunter st | hobert | tas | 7000 03 6236 9644 info@circamorrisnum.com.au

These drawings show design intent and are suitable as a guide only. The builder shall frock and writy all disnessions and verify all entude circles not the Architect. Do not basis off the drawings. Drawings are not to be used for construction purposes until issued by the Architect for construction. DETAIL

DEVELOPMENT APPLICATION

descript of

1526-DA05

.

FOR PLANNING ONLY

Α

Ca

cırca morris-nunn architects

IXL Atrium e. info@circamorrisnunn.com.au
27 Hunter Street w. circamorrisnunn.com.au
Hobart TAS 7000 AU p. +61 3 6236 9544

October 4, 2021 Hobart City Council

Ref: PLN-21-530

Re: External Lights Application

Dear Richard Bacon,

I am writing with regard to the installation of thirteen external façade lights located on the parapets of Moss Hotel - number 41, 39 and 25 Salamanca Place. MOSS is a highly successful and award-winning boutique hotel within the heart of Salamanca.

As a result of consultation with Gamma illumination, a Sydney based lighting design specialist, the Vinta external light (product number 1348) was selected to illuminate the façade of MOSS Hotel. Please see the product specification attached to this letter. The Vinta external light met the project lighting brief, to highlight the heritage façade while keeping the light pollution low. The Vinta's narrow beam does not overwhelm and flood the façade with light but rather focus one's attention on the texture and detail of the masonry façades. The subtle and unique lighting strategy proposed by Gamma Illumination and implemented by Behrakis Group is an important component in Moss Hotel's wayfinding strategy. The same Vinta external light fitting has been used to illuminate and unify the several separate buildings that make up Moss Hotel, enabling guests to easily navigate between buildings and throughout Salamanca more broadly.



Figure 1: 41-39 Salamanca Place

Ca

The Vinta external lights are positioned between the existing windows, the narrow, shrouded beams amplify the rhyme of the heritage façades as seen below in figure 2.



Figure 2: 39 Salamanca Place from Montpelier Street

To further reduce the impact on the heritage façade the Vinta external lights are mounted on custom designed and locally fabricated steel brackets. The steel brackets sheath the existing parapet reducing the number of fixings required to support the lights. The fixings locations are concealed and are not visible from the street below preserving and maintaining integrity of the heritage facades. See attached drawings.



Figure 3: 25 Salamanca Place

We hope this additional information gives clarity to the MOSS external lighting strategy. If you require any further details please let us know.

Kind Regards,

Alex Nielsen Associate Architect.



CONSTRUCTION & DESIGN

- Outdoor LED adjustable floodlight
- Constructed in pressure die cast aluminium alloy with durable powdercoat paint finish
- Secure tilt adjustable mechanism for reliable and accurate alignment with swivel range of 90°
- Pure aluminium reflector with symmetrical wide beam distribution and low glare illumination
- Clear tempered glass lens with silicone seals and stainless steel exposed fasteners provide IP65 weather protection
- . Ideal for highlighting building facades and landscape features

TECHNICAL PERFORMANCE

- 22W total system power consumption with overload and short circuit protection
- >65,000 hours lifespan (L70)
- Premium quality Japanese LED Module with high lumen output per waft
- Chromaticity tolerance (macAdam step) 2
- Available in 3K, 4K, and 5K colour temperature with low colour shift over time

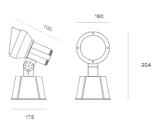
OPTICAL & THERMAL PERFORMANCE

- Reflector and customised heatsink provides premium optical and thermal performance
- Efficient optical control various beam angles with no harsh cut off and ultra low glare

ELECTRICAL SYSTEM

A.C.N 003 081 534 / A.B.N 42 003 081 534

- Supplied completely assembled with integral leading and trailing edge mains dimmable driver and terminal block
- Power factor > 0.9 with active power factor correction
- Input voltage 220-240V, 50/60 Hz



CODE: 1348-VNSP-2.4K-07

5K

Weight (kg) 3K and 4K

15Deg 2400K

IP65

2.4 CRI	>85	CRI >75	90'	F	士	C€	IP65 3 3
TOTAL SYST	EM POV	VER CONSUM	PTION = 22V	v			
CODE ORDE	RING G	UIDE: PRODU Exampl	CT CODE		FFIX		
WATTAGE	Τ.	COLOUR TEMPERATURE			>55° WIDE		HOT LED LUMENS
				PRODUCT	CODES		
		3K		1348-	-3K		2414
22W		4K		1348	-4K		2584
		5K		1348	-5K		2618
		ADD SUFFIX AFT					221

 /DALI
 Dali Dimming
 ✓

 /DSI
 DSI Dimming
 ✓

 Switch Dim
 ✓

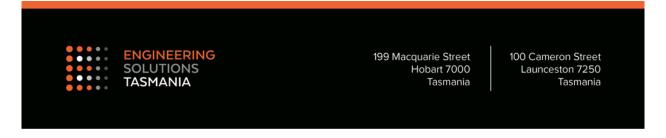
 /AD
 Analogue Dimming 1-10V
 ✓

 Leading & Trailing edge mains dimming
 STANDARD

-07 Textured Black
-11 Textured Silver

Head Office 42-46 Scrivener St, Warwick Farm, NSW 2170, Australia | Tel +61 2 9822 7333 | Fax +61 2 9822 7399 | info@gammaillumination.com

www.gammaillumination.com



PROJECT COMMUNICATION

То:	Alex Nielsen	PC No:	16035 PC 06
Company:	circa morris-nunn architects	Date:	2 December 2021
From:	Andrew Blackberry	No. of Pages:	1
Project:	25, 39-41 Salamanca	Trade:	Mechanical

SUBJECT: 25 and 39-41 Salamanca -External Façade Lighting

The External Lighting design for the of the building was designed to highlight the facade of the building whilst giving consideration for glare, heritage value of the building and excessive spill from the site. This was achieved By the following:

- The Luminaire selected has a colour temperature of 2400K. to a warm appearance on the building.
- the selected fitting has a 15 Degree lighting distribution to reduce spill and ensure there was not a blanket illumination across the entire façade and highlight the building between the windows.
- The luminaires were discreetly positioned to provide minimal visual impact to the faced whilst allowing the building to be illuminated. With the luminaires located at the top of the building and aiming down this has ensured there is no Upward Light into the sky. It also significantly reduced the glare.

Kind Regards

Andrew Blackberry Electrical Building Practitioner. - CC49Q



28 April 2022

General Manager Hobart City Council GPO Box 503 HOBART TAS 7001

RE: 25 SALAMANCA PLACE, BATTERY POINT & ADJACENT ROAD RESERVE & 39 SALAMANCA PLACE & 41 SALAMANCA PLACE, BATTERY POINT ALTERATIONS (EXTERNAL LIGHTING)

APPLICATION NO. PLN-21-530

Please accept this correspondence as a response to Council's request for further information (RFI) received on 28 June 2021. This correspondence also seeks to respond to the notice of intent to issue an Enforcement Notice ENF 21-135

Each of the matters sought for further information are reproduced, and responses follow.

HER Fi Provide a detailed drawing and description of each light fitting and fixing methods
 1 & 2 including all dimensions and provide more accurate drawings of the steel brackets.
 Provide accurate drawings of the positioning of the light fittings on 41 Salamanca
 Place given the different placement of the brackets and light fittings.

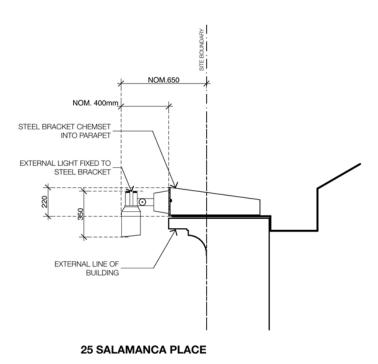
Planning Response

Attached to this correspondence is a set of drawings which describe each of the light fittings and fixing methods including dimensions. Figure 1 is taken from these drawings.

The lighting fixtures are relatively unobtrusive as can be seen in figure 1, particularly in relation to lighting fixtures on other similar buildings in Salamanca. An example is that shown in figure 2 above Irish Murphys.









HER Fi Provide all advice from Gamma Illumination in relation to HER Fi 4 " Provide a report prepared by a suitably qualified lighting engineer for a lighting design feasibility report to achieve design options, address existing lighting issues, and undertake an assessment of options to improve building aesthetics and highlight building details, good light control and minimise physical impacts on historic building fabric."

Planning Response

Lighting is necessary to provide for health and safety, accessibility, and convenience and in some instances for aesthetic purposes, to emphasise built structures, landscapes and even trees. Salamanca Place like the



PO Box 58 SOUTH HOBART, Tasmania 7004 0438376840 evan@e3planning.com.au



Environment • Sustainable Development • Economics

majority of other urban centres has been lit mainly on a ad hoc basis, without an overall defined lighting plan. This has resulted in a multitude of different lights, lighting fixtures, illumination, and differing impacts upon the heritage fabric of Salamanca Place when viewed particularly at night. The majority of fixtures are not evidently visible during the day.

Prior to the introduction of LED's and other lighting technologies the majority of external lighting was flood lighting which required less fixtures and greater intensity of illumination, specifically for the purpose of health and safety. Examples of this type of lighting at Salamanca Place are shown in Figure 2.



Figure 2: Flood lighting above Irish Murphys 21-23 Salamanca Place

Flood lighting by its nature is not subtle lighting as it is unidirectional, illuminates large areas and is specifically for the purpose of protecting the health and safety of visitors and pedestrians. Flood lighting within Salamanca Place can be seen in figures 3, 4, 5, 8, 9 and 10.





Environment • Sustainable Development • Economics



Figure 3: Flood lighting above 41 Salamanca Place.



Figure 4: Image showing lighting along Salamanca Place Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.31pm





Environment • Sustainable Development • Economics

Most buildings within Salamanca also have individual lighting to illuminate public spaces. This is most evident between Woobys Lane and Kennedy Lane above restaurants and bars.

The lit appearance of Salamanca Place showing the different lighting treatments is shown in figures 4-9. These figures showing differing lighting treatments for different purposes including aesthetics. The Salamanca Arts Centre is lit with four mauve lights and one elevated flood light and numerous first floor lighting. The images were taken after business hours and several offices or visitor accommodation establishments still had rooms lit.

There are several buildings within Salamanca Place which have similar lighting treatments as that proposed at 39 and 41 Salamanca Place. This includes 27 and 29 Salamanca Place (Watermans Hotel) as shown in figure 10. This type of lighting serves a very different purpose to that of flood lighting in that it seeks to accentuate the appearance of the buildings through the use of shadows, highlighting building elements such as windows, windowsills, lintels, sandstone block work and pointing.

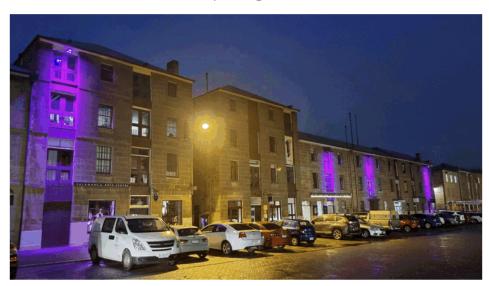


Figure 5: Image taken in front of 81 Salamanca Place looking east Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.22pm





Environment • Sustainable Development • Economics



Figure 6: Image taken in front of 65-79 Salamanca Place looking south Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.29pm



Figure 7: Image taken in front of 65-79 Salamanca Place looking south Samsung SM-G996B F1.8 1/25s 5.40mm ISO800





Environment • Sustainable Development • Economics



Figure 8: Image taken in front of 65-79 Salamanca Place looking southeast Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.49pm



Figure 9: Image taken in front of Kellys Steps 65-79 Salamanca Place looking south Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.39pm





Environment • Sustainable Development • Economics

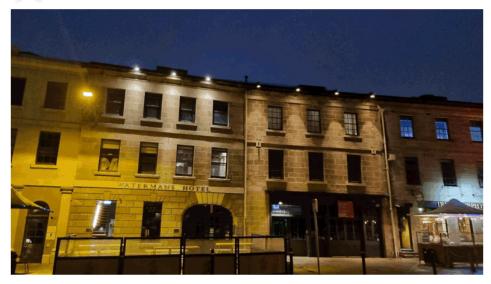


Figure 10: Image taken in front of 27 Salamanca Place looking south Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.39pm

The downlighting proposed for 39 and 41 Salamanca Place serves two purposes, to accentuate and highlight the heritage fabric of the building by making it appear as a dominant built element within the landscape and to illuminate the footpath. Figures 11-15 show the appearance of the buildings when illuminated and figure 16 shows 39 Salamanca Place illuminated and 41 Salamanca Place not illuminated.

Figure 11 shows clearly how the more subtle use of the downlighting has enhanced and highlighted the appearance of the buildings themselves when compared against the streetlight in the right of the image which has as its purpose to flood the streetscape with light.

The lighting colour chosen is 3000K which is a soft warm light as opposed to streetlighting and floodlighting which can be as high as 5000K and seeks to recreate a more daylight feel within the landscape, this can be seen in figure 10 and 11. The lighting colour chosen is appropriate to highlight the building elements using shadows without flooding the building with light.





Environment * Sustainable Development * Economics



Figure 11: Image looking southeast toward 39 Salamanca Place, cnr of Salamanca Place and Morrison Street Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.44pm





Environment * Sustainable Development * Economics



Figure 12: Image looking south at façade of 39 Salamanca Place when illuminated Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.45pm





Environment • Sustainable Development • Economics



Figure 13: Image looking southeast at façade of 39 and 41 Salamanca Place when illuminated Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.46pm



Figure 14: Image looking south toward 39 and 41 Salamanca Place, when illuminated Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.47pm





Environment • Sustainable Development • Economics



Figure 15: Image looking south toward 39 Salamanca Place façade illuminated Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.48pm







Figure 16: Image looking southwest toward façade of 39 and 41 Salamanca Place, showing 39 Salamanca Place illuminated and 41 Salamanca not illuminated Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.49pm

Conclusion

Lighting within Salamanca Place is ad-hoc without any consistent lighting form being dominant. The lighting proposed for 39 and 41 Salamanca Place in my opinion draw attention to the heritage character and fabric of the buildings using subtle direct warm downlights. The shadows created by this form of lighting highlight important elements including windows, lintels, windowsills, and sandstone blockwork.

If you have any further queries, please do not hesitate to contact me on 0438 376 840 or email evan@e3planning.com.au.

Regards

Evan Boardman

Grad Dip URP, B ScEnv, B Econ MEIANZ





RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
41654	1
EDITION 7	DATE OF ISSUE 11-Jul-2011

SEARCH DATE : 26-Feb-2016 SEARCH TIME : 09.36 AM

DESCRIPTION OF LAND

City of HOBART Lot 1 on Diagram 41654 Being the land secondly described in Conveyance No. 64/7974 Derivation : Part of 4A-3R-26Ps. Gtd. to W.T. Parramore Prior CT 4611/15

SCHEDULE 1

C881784 TRANSFER to OLYMPUS SUPERANNUATION FUND (TAS) PTY LTD Registered 11-Jul-2011 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any 35/834 CONVEYANCE: Benefiting Easement: Right to pass and repass over the Right of Way shown on Diagram No. 41654

35/834 CONVEYANCE - Burdening Easement: Right to pass and repass (For W.J. Adams) over the said land within described

UNREGISTERED DEALINGS AND NOTATIONS



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
90515	2
EDITION 7	DATE OF ISSUE

SEARCH DATE : 26-Feb-2016 SEARCH TIME : 09.37 AM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Diagram 90515 (formerly being 18-20 HOB)

Derivation: Part of 4A-3R-26Ps. Section Q.3. Gtd. to W.T.

Parramore.

Prior CT 2787/43

SCHEDULE 1

C881784 TRANSFER to OLYMPUS SUPERANNUATION FUND (TAS) PTY LTD Registered 11-Jul-2011 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
90515	3
EDITION	DATE OF ISSUE
7	11-Jul-2011

SEARCH DATE : 26-Feb-2016 SEARCH TIME : 09.38 AM

DESCRIPTION OF LAND

City of HOBART Lot 3 on Diagram 90515 (formerly being 18-20HOB) Derivation : Part of 4A-3R-26Ps. Gtd. to W.T. Parramore Prior CT 4611/16

SCHEDULE 1

C881784 TRANSFER to OLYMPUS SUPERANNUATION FUND (TAS) PTY LTD Registered 11-Jul-2011 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
35/834 CONVEYANCE - BENEFITING EASEMENT: Right to enter and erect a wall
35/834 CONVEYANCE - BURDENING EASEMENT: Right to enter upon a party wall (For W.J. Adams and others)
35/834 CONVEYANCE - BURDENING EASEMENT: Right for support (For W.J. Adams and others)

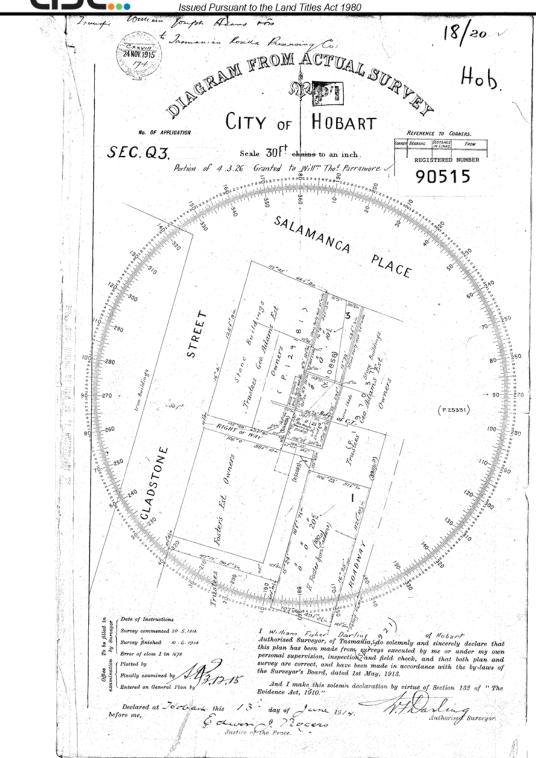
UNREGISTERED DEALINGS AND NOTATIONS



FOLIO PLAN

RECORDER OF TITLES





Search Date: 26 Feb 2016

Search Time: 09:38 AM

Volume Number: 90515

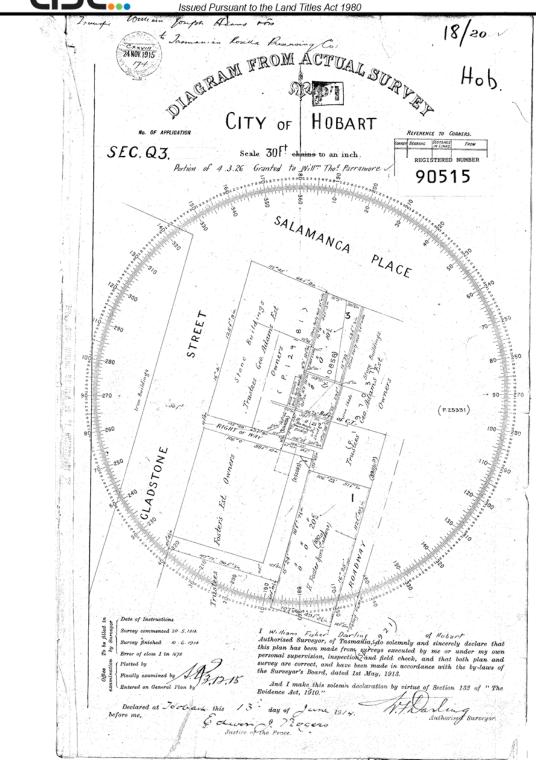
Revision Number: 01



FOLIO PLAN

RECORDER OF TITLES





Search Date: 26 Feb 2016

Search Time: 09:37 AM

Volume Number: 90515

Revision Number: 01

Page 57 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
114251	1
EDITION	DATE OF ISSUE
9	26-Aug-2015

SEARCH DATE : 26-Feb-2016 SEARCH TIME : 09.41 AM

DESCRIPTION OF LAND

City of HOBART Lot 1 on Sealed Plan 114251 Derivation: Part of 0-3-27 Granted to T. Hewitt Derived from Stratum Plan No.37 Prior CT 64025/1

SCHEDULE 1

B879816 & C32163 PETER BEHRAKIS, VICTORIA ANN BEHRAKIS,
DENNIS BEHRAKIS and MARIA BEHRAKIS as tenants in
common in equal shares

SCHEDULE 2

Reservations and conditions in the Crown Grant if any SP114251 EASEMENTS in Schedule of Easements
C80268 TRANSFER of EASEMENT Benefiting Easement: Right to Pass & Repass over the land marked "A.B.C.D" on SP No. 114251 Registered 09-Jan-1998 at 12.03 PM

UNREGISTERED DEALINGS AND NOTATIONS



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 101911	FOLIO 1
EDITION	DATE OF ISSUE
7	11-Jul-2011

SEARCH DATE : 26-Feb-2016 SEARCH TIME : 09.40 AM

DESCRIPTION OF LAND

City of HOBART
Lot 1 on Diagram 101911

Being the land described in Conveyance 60/3903 Derivation: Part of 0A-3R-27Ps. Gtd. to Thomas Hewitt

Derived from Application No. 10,993 C.T.

SCHEDULE 1

C881784 TRANSFER to OLYMPUS SUPERANNUATION FUND (TAS) PTY LTD Registered 11-Jul-2011 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any 22/8462 GRANT OF RIGHT OF WAY: Burdening Easement: Right to pass and repass on foot only (for the owners of the land shown on the plan drawn on Grant of Right of Way No. 22/8462) over the Right of Way shown on Diagram 101911

UNREGISTERED DEALINGS AND NOTATIONS

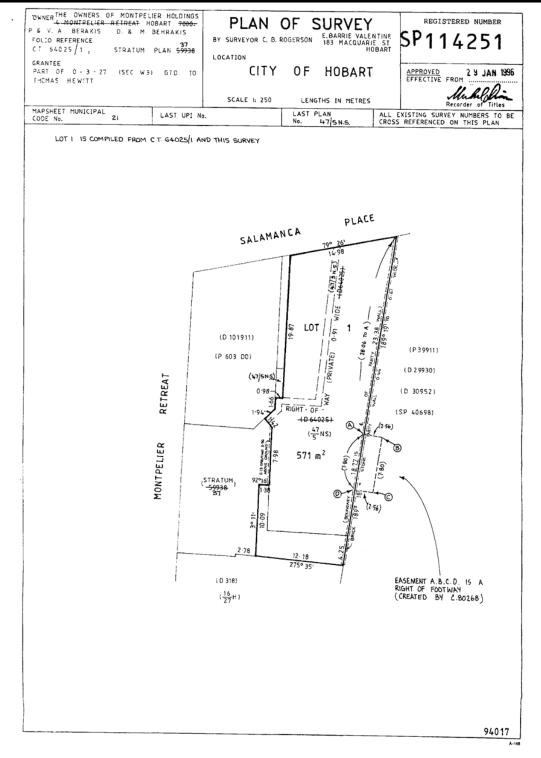


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 26 Feb 2016

Search Time: 09:41 AM

Volume Number: 114251

Revision Number: 03



FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980

APPROVED.	14 SEP 1997 1 Mulail	2 /	CONVERSION PLAN	REGISTERED NUMB	ER
FILE		RECORDER OF TITLES	CONVERTED FROM60/3903	D.1019	11
NUMBER	A.10993		PART OF 0-3-27 GTD. TO THOMAS HEWITT		S.J.G.
					10.9.92

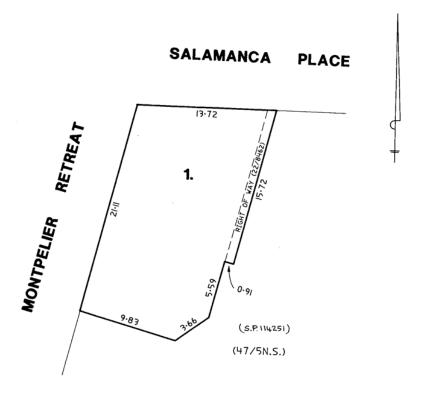
SKETCH BY WAY OF ILLUSTRATION ONLY

CITY/TOWN OF HOBART (SEC.W.3)
LAND DISTRICT OF
RARISH OF

PARISH OF LENGTHS ARE IN METRES. NOT TO SCALE. LENGTHS IN BRACKETS IN LINKS/FEET & INCHES TASMAP MUNICIPAL LAST TASMAP

UPI NO.

ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN



Search Date: 26 Feb 2016

Search Time: 09:40 AM

Volume Number: 101911

Revision Number: 01



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



REGISTERED NUMBER

SP114251 SCHEDULE OF EASEMENTS



Note:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such
- (2) any easements or profits à prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows.

Lot 1 is together with the full right and liberty to maintain use cleanse repair renew and replace the spouting now projecting over the strip of land marked 0.13 Spouting on the plan.

assuments, no covenants and no protito

burdon the lot shown on the plan-

The party wall on the plan is a party wall within the meaning of Section 348 of the Conveyancing and Law of Property Act 1884 and Lot 1 and Folio of the Register Volume 40698 Folio 3 on the plan are transferred together with and subject to all easements and other rights deriving from that section.

THE COMMON SEAL of L T LITTLE

PTY LTD (ACN 009 469 485) the

registered proprietor of the land comprised in Certificate of Title Volume 59938 Folio 2 was hereunto affixed in the presence of



DIRECTOR

Dittee L'Like

Search Date: 26 Feb 2016

Search Time: 09:41 AM

Volume Number: 114251

Revision Number: 03



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SP. 114251

THE COMMON SEAL of PERPETUAL

TRUSTEES TASMANIAN LTD as

ortgagee under mortgage number B472970 was hereunto affixed in accordance with its Articles of Association by authority of a resolution of its Board of Directors in the presence of:



SECRETARY

SIGNED by PETER BERAKIS, VICTORIA ANNE

BERAKIS, DENNIS BEHRAKIS and MARIA

BEHRAKIS the registered proprietors of the land comprised in Certificate of Title

Volume 64025 Folio 1 in the presence

Olan & FC.

NO TAKKA ST HUBBET

SIGNED by the RETIREMENT

BENEFITS FUND INVESTMENT TRUST

by its duly constituted attorney Terence Leigh Hancock

pursuant to power of attorney registered

number 65/3433 (who declares he has no

notice of the revocation of such power of

attorney) in the presence of:

15 Princes ST

INVESTMENT officer

As mortgagee under mortgage number we hereby consent to this Schedule of Easements, and as the registered proprietors of the land comprised in Certificate of Title Volume 40698 Folio 3.

Search Date: 26 Feb 2016

Search Time: 09:41 AM

Volume Number: 114251

Revision Number: 03

Page 2 of 4



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SP 114251

This is the schedule of easements attached to the plan	of P+V BERAKIS A D+M BEHRAKIS (Insert Subdivider's Full Name)
	affecting land in
C.T. 64.025/1 STRATUN PLAN 59 (Insert Title 1	938 Reference)
Sealed by HOBART CITY COUNCIL	on LTM JANUARY 1995
Solicitor's Reference	MANAGER SURVEYING SERVICES

Search Date: 26 Feb 2016 Search Time: 09:41 AM

Volume Number: 114251

Revision Number: 03

Page 3 of 4



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 2 OF2.... PAGE/S

Registered Number

SP 114251

SUBDIVIDER: BEHRAKIS & ORS FOLIO REFERENCE: 64025/1

Lot 1 is subject to the full free and absolute and perpetual right of way and passage across through and over the premises sold to the said Leslie Keith Sansom to the said messuage but on foot only and without horses and other animals or vehicles of any description by day and by night at all times and for all purposes over and along right of way 0.91 wide on the plan but so that nothing contained in this reservation shall operate or be construed so as to prevent the said Leslie Keith Sansom his heirs and assigns from maintaining the wooden posts now standing within the boundaries of the said piece of land 0.91 wide or from renewing or replacing the same.

This annexure page added this 8th day of October 1997

MICHAEL DIXON RECORDER OF TITLES

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Search Date: 26 Feb 2016

Search Time: 09:41 AM

Volume Number: 114251

Revision Number: 03

Page 4 of 4



CERTIFICATE OF TITLE DECLARATION

Application address: 25, 39 - 41 Salamanca Place, Battery Point, 7004
Application number:
I hereby declare that the Certificate of Title submitted with the above application on .05/10/2021 is a current copy of the Title. I declare no changes have occurred to the Title since the search date.
Signed:
Name: Ganche Chua (Circa Morris-Nunn Architects)

Please note: Submission of this form is only acceptable if the copy of the title provided lists the name of the current owner.



Enquiries to: City Planning Phone: (03) 6238 2715

Email: coh@hobartcity.com.au

21 September 2021

Alex Nielsen (Circa Morris Nunn Architects) 27 Hunter Street **HOBART TAS 7000**

mailto: alex@circamorrisnunn.com.au

Dear Sir/Madam

25 SALAMANCA PLACE, BATTERY POINT - GMC - PLN-21-530 NOTICE OF LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION - GMC-21-56

Site Address:

25 Salamanca Place, Battery Point

Description of Proposal:

Alterations (External Lighting)

Applicant Name:

Alex Nielsen Morris Nunn Architects

PLN (if applicable):

PLN-21-530

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 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 - Circa Morris-Nunn Architects



GMC-21-56

20 September 2021

MEMORANDUM: DIRECTOR CITY AMENITY

REQUEST TO GRANT LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address: 25 Salamanca Place, Battery Point

Description of Proposal: Alterations (External Lighting)

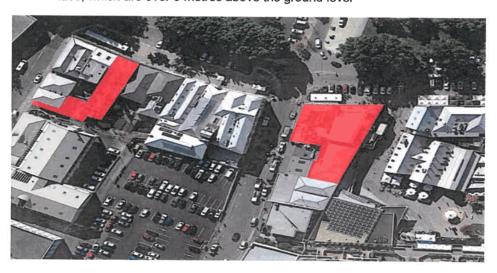
Applicant Name: Alex Nielsen

Morris Nunn Architects

Planning Ref: PLN-21-530

The proposed development within the highway reservation of Salamanca Place consists of

 Install of outdoor lighting attached to the building at 25 and 39/41 Salamanca Place, which are over 6 metres above the ground level



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

Created: 17/12/2012 Updated: 20/09/2021

Page 2 of 2

The City recommends the Director City Amenity grant consent for the lodgement of the development application.

RECOMMENDATION

That pursuant to Section 52 of the Land Use Planning and Approvals Act 1993, the General Manager grant consent on behalf of the Hobart City Council as the owner/administrator of the above land to allow the applicant to make application to the City for a planning permit for the development described above and as per the attached documents.

Adronal

(Glenn Doyle)

DIRECTOR CITY AMENITY

Approved / Not Approved

Date: 20 Sept. 2021

Attachments/Plans:

Proposal

25 39/41 SALAMANCA PLACE

EXTERNAL LIGHTING DEVELOPMENT APPLICATION

DRAWING LIST

DA01 LOCATION PLAN DA02 NORTH ELEVATION DA03 NORTH ELEVATION DA04 WEST ELEVATION DA05 DETAIL



LOCATION PLAN

FOR PLANNING ONLY

revisions

original drawing size

A3

25 + 39/41 SALAMANCA

PV + DM Behrakla

GPO Box 67 Hobart, TAS Australia, 7001

These designs, plans and specifications and the reportpil therein are the requested from Marris-Hairn Architectural mat magnet, by Jets. Hauselburner part without the without pair respect of Carta Monte-Artification Physical

circa morris-nunn architects

Contact

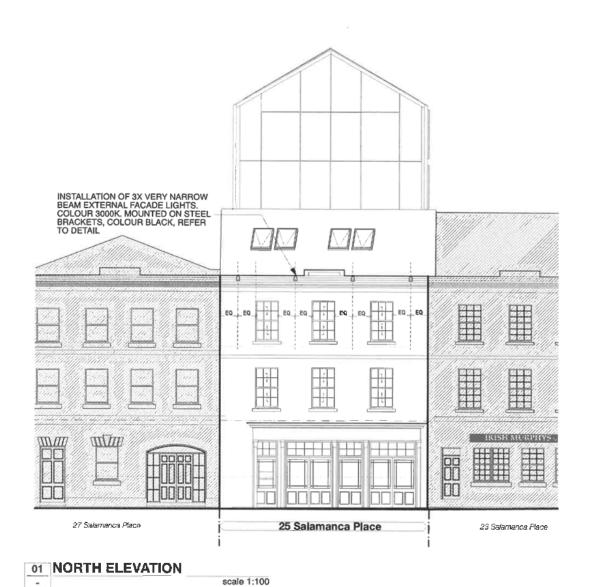
ist strium | 27 number st.] hobart | tas | 7000 CG 6236 9544 into@circamorrishunn.com.au

These drawings show design intent and are suitable as a guide only. The builder shall check and welfy all differentions and welfy all control criticals to the Architect. Do not scale of the drawings. Drawings are not to be used for construction purposes until saused by the Architect for conselection.

COVER

DEVELOPMENT APPLICATION

1526-DA01



FOR PLANNING ONLY

revisions

25 + 39/41 SALAMANCA

PV + DM Behrakis

GFO Box 67 Hoban, TAS Australia, 7001

This a Designs, plant and apparent were the rhywight frame do the property of these deformability matchines and mining the used, repealed of a charlest wholey or in part without the results are mappen of Clara Maries Virus Fig. 10.

circa morris-nunn architects

Contact

ki atilum | 27 numer st | hobart | tas | 7000 03 6236 9544 httsGrozmorishum.com.au

These drawings show design intent and are suitable as a guide only. The builder shall draok and verify all dimensions and verify all orientations and verify all orientations to the Architect. Do not scale of the clawsings.

Drawings are not to be used for construction purposes until assed by

NORTH ELEVATION

DEVELOPMENT APPLICATION

issue

A3

1526-DA02

Α



01 WEST ELEVATION scale 1:100

revisions

25 + 39/41 SALAMANCA

PV + DM Behrekis

GFO E/4/67 Hacert AS Avantala 7004

These dissipital plans and suscidioalisms and the deposity therein we the property of Great Manne-Manne-Prohibed is and must not be reset, represented or deplate whether of in part without title written permission of Chesa Monte-Poum Pry LLD.

circa morris-nunn architects

Contact

Ni szistni | 27 minter stij hoben inja i 7000-33 6236 9544 pleifarcementation conseq.

These develops those design initial and see authibite sees guilde only. The turbuler stated career and setting all other relations and setting all other relations and setting would unchange to be Authority. Do not seated of the description, Demonstration of the description, Demonstration of the best seen for exercise from purposed until secured by the Authority or conselectation.

NORTH ELEVATION

DEVELOPMENT APPLICATION Sove [rele

1526-DA03

A

FOR PLANNING ONLY





revisions

original drawing size

25 + 39/41 SALAMANCA

PV + DM Behrakis

GRO Stadsy Hoter, INC Austre a 7001

These designs, plans and specifications and the copyright therein are the property of Gins Mores-Nann Architects and must not be used, reproduced or copied wholly or in part without the written permission of Ceta Mores-Nann Pty Ltd.

circa morris-nunn architects

Contact

xistrium | 24 duréenst libet pat | 566 | 7000-03 6236 9544 побратовно тапить, сего, эк

WEST ELEVATION

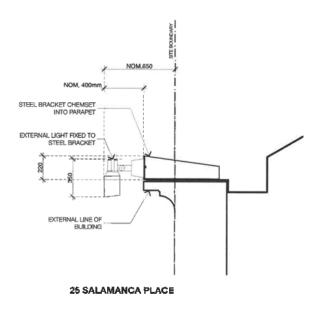
DEVELOPMENT APPLICATION

1526-DA04

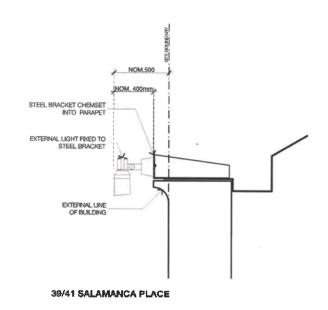
issue

Α

FOR PLANNING ONLY







revisions

agta gelwent: lenight

25 + 39/41 SALAMANCA

PV + DM Behrekla

(970) Erz BZ Habsig TAS Australis (700)

These designs, plane and operations and the popyright therement the property of Cross Momer Hunn Architects and must not be used, recorded to copied white only part without the written permission of Cross Membelson Pay 15 circa morris-nunn architects

Contact

kist ur i ji 27 nuntra at jihobart ji tadi. 7000 -Ca 5204 Gesta Intotheraementen nooniya

These charvings allow bridge inflore worklaves, heaviered quildy only. The budder of all these and weight distributions and weight all services and weight of the budder of the distribution to the distribution of the distribution. During a service of the distribution of the distribution

DETAIL

DEVELOPMENT APPLICATION IZAGE UID IO

drawing of

1526-DA05

Α

FOR PLANNING ONLY

Planning: #238834	
Property	
25 SALAMANCA PLACE BATTERY POINT TAS 7004	
People	
Applicant	
*	
Circa Architecture	
Alex Nielsen	
27 Hunter Street HOBART TAS 7000	
0488 752 225	
alex@circamorrisnum.com.au	
Owner	
* Olympus Superannuation Fund Tas Pty Ltd	
Orympus Superannuanon Punci Las Lty Lac	
GPO Box 67	
HOBART TAS 7001	
0412 66 66 17	
peter.shires@behrakisgroup.com	
Entered By	
ALEX NIELSEN	
6 / 19 QUAYLE STREET	
SANDY BAY TAS 7005	
0488 752 225	
alexankemielsen@gmail.com	
Use	
Visitor accomodation	
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

If this application is related to an enforcement action please enter Enforcement NumENF-21-134 Details What is the current approved use of the land / building(s)? Visitor Accomodation Please provide a full description of the proposed use or development (i.e. demolition swimming pool and garage) The Installation External Facade Lights Estimated cost of development 10000.00 Existing floor area (m2) Proposed floor area (m2) Site area (4000.00 Carparking on Site Total parking spaces Existing parking spaces 0 0 1700 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? Proposed floor area (m2) Site area (m2) Site area (m3) Site area (m4) 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? Ves Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? Pres Trite (Folio text and Plan and Schedule of Easements) Trite (Folio text and Plan and Schedule of Easements) Trite (Folio text and Plan and Schedule of Easements)	
Details What is the current approved use of the land / building(s)? Visitor Accomodation Please provide a full description of the proposed use or development (i.e. demolition swimming pool and garage) The Installation External Facade Lights Estimated cost of development 10000.00 Existing floor area (m2) Proposed floor area (m2) Site area (m2) At 1700 Carparking on Site N/A Total parking spaces Existing parking spaces 0 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? Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? Documents Required Documents Title (Folio text and Plan and Schedule of Easements) Title (Folio text and Plan and Schedule of Easements) Title (Folio text and Plan and Schedule of Easements)	
Details What is the current approved use of the land / building(s)? Visitor Accomodation Please provide a full description of the proposed use or development (i.e. demolitions wimming pool and garage) The Installation External Facade Lights Estimated cost of development 10000.00 Existing floor area (m2) Proposed floor area (m2) Site area (m2) Proposed floor area (m2) Site area (m2) Other parking on Site N/A Total parking spaces Existing parking spaces 0 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? Pocuments Required Documents Title (Folio text and Plan and Schedule of Easements) Title (Folio text and Plan and Schedule of Easements) Title (Folio text and Plan and Schedule of Easements)	iber
What is the current approved use of the land / building(s)? Visitor Accomodation Please provide a full description of the proposed use or development (i.e. demolitions wimming pool and garage) The Installation External Facade Lights Estimated cost of development 10000.00 Existing floor area (m2) Proposed floor area (m2) Site area (4000.00 4000.00 1700 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? * * * * * * * * * * * * *	
Visitor Accomodation Please provide a full description of the proposed use or development (i.e. demolition swimming pool and garage) * The Installation External Facade Lights Estimated cost of development * 10000.00 Existing floor area (m2)	
Please provide a full description of the proposed use or development (i.e. demolition swimming pool and garage) The Installation External Facade Lights Estimated cost of development 10000.00 Existing floor area (m2) Proposed floor area (m2) Site area (do 0.00) Carparking on Site Total parking spaces Existing parking spaces 0 N/A Total parking spaces Existing parking spaces 0 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? Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? Pocuments Required Documents Title (Folio text and Plan and Schedule of Easements) Title (Folio text and Plan and Schedule of Easements) TITLES pdf	
The Installation External Facade Lights Estimated cost of development 10000.00 Existing floor area (m2) Proposed floor area (m2) Site area (4000.00 4000.00 1700 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? Tasmania Heritage Register is this property on the Tasmanian Heritage Register? Documents Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES.pdf	
Estimated cost of development * 10000.00 Existing floor area (m2)	n and new dwelling,
Existing floor area (m2) Proposed floor area (m2) Site area (4000.00 4000.00 1700 Carparking on Site N/A Total parking spaces Existing parking spaces 0 0 0 Cother (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? Brocuments Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES pdf	
Existing floor area (m2) Proposed floor area (m2) Site area (4000.00 4000.00 1700 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? * Other Details Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? • Yes Pocuments Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES pdf	
Existing floor area (m2) Proposed floor area (m2) Site area (4000.00 4000.00 1700 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? * Other Details Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? • Yes Pocuments Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES pdf	
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? * O Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? Pocuments Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES pdf	m2)
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? * OTASMANIA Heritage Register Is this property on the Tasmanian Heritage Register? Pocuments Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES pdf	/
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? * O Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? • Yes Documents Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES pdf	
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? Documents Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES.pdf	
Does the application include signage? * No How many signs, please enter 0 if there are none involved in this application? * 0 Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? • Yes Documents Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES.pdf	
* No How many signs, please enter 0 if there are none involved in this application? * 0 Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? • Yes Documents Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES.pdf	
How many signs, please enter 0 if there are none involved in this application? * 10 * * * * * * * * * * * * *	
How many signs, please enter 0 if there are none involved in this application? * 0 Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? • Yes Documents Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES.pdf	
Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? • Yes Documents Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES.pdf	
Tasmania Heritage Register Is this property on the Tasmanian Heritage Register? Yes Documents Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES.pdf	
Is this property on the Tasmanian Heritage Register? • Yes Documents Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES.pdf	
Required Documents Title (Folio text and Plan and Schedule of Easements) * TITLES pdf	
Title (Folio text and Plan and Schedule of Easements) * TITLES.pdf	
* TITLES.pdf	
-	
Plans (proposed, existing)	
* 41 Salamanca Place (Guest Accomodation).pdf	

Hobart City Council 16 Elizabeth Street, Hobart 7000

Tax Invoice Official Receipt

ABN: 39 055 343 428

10/08/2021

Receipt No: 344166

Alex Nielsen 27 Hunter Street HOBART TAS 7000 To:

Description Reference \$ 300.00 \$ 400.00 Planning Permit Fee Planning Permit Advertising Fee* Tasmanian Heritage Property Fee \$ 150.00

\$ 850.00 $\mathbf{Transaction} \ \mathbf{Total}^{\star} \mathbf{:}$ Includes GST of: \$ 36.36

Cheque payments subject to bank clearance

Enquiries to: City Planning Phone: (03) 6238 2715

Email: coh@hobartcity.com.au

PAYMENT SUMMARY

ABN: 39 055 343 428

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

11/08/2021

To:

YOUR REFERENCE ONLY: 25 Salamanca Place

Alex Nielsen 27 Hunter Street HOBART TAS 7000

Description	Amount
Planning Permit Fee	\$ 300.00
Planning Permit Advertising Fee*	\$ 400.00
Tasmanian Heritage Property Fee	\$ 150.00
Total [*] :	\$ 850.00
Includes GST of:	\$ 36.36

Tax Receipt will be issued on payment.



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

PLANNING REF: PLN-21-530 THC WORKS REF: 6728

REGISTERED PLACE NO: 1930, 1963 & 1964

FILE NO: 15-03-82THC, 10-53-48THC & 07-02-23THC APPLICANT: Alex Nielsen, Circa Morris Nunn Architects

DATE THC RECEIVED: 13 October 2021
DATE OF THIS NOTICE: 18 October 2021

NOTICE OF INTEREST

(Historic Cultural Heritage Act 1995)

The Places: 25, 39 & 41 Salamanca Place, Battery Point

Proposed Works: External lighting

Under s36(3)(a) of the Historic Cultural Heritage Act 1995 the Tasmanian Heritage Council provides notice that it has no interest in the discretionary permit application the Tasmanian Heritage Council, having regard for the Works Guidelines, is satisfied with the likely impact of the proposed works and does not wish to specify any conditions of approval.

The local planning authority is required to notify the Heritage Council of its determination of this application, or if the application is taken to have been withdrawn. Please be aware that, if a discretionary permit is not issued, an application must be made to the Heritage Council for a Certificate of Exemption in order to obtain heritage approval. Please advise the applicant accordingly.

Please contact Russell Dobie on 1300 850 332 if you would like to discuss any matters relating to this application or this notice.

Russell Dobie

Regional Heritage Advisor - Heritage Tasmania

Under delegation of the Tasmanian Heritage Council

Application Referral Cultural Heritage - Response

From:	Sarah Waight
Recommendation:	Proposal is unacceptable.
Date Completed:	
Address:	25 SALAMANCA PLACE, BATTERY POINT ADJACENT ROAD RESERVE 39 SALAMANCA PLACE, BATTERY POINT 41 SALAMANCA PLACE, BATTERY POINT
Proposal:	Alterations (External Lighting)
Application No:	PLN-21-530
Assessment Officer:	Richard Bacon,

Referral Officer comments:

Background:

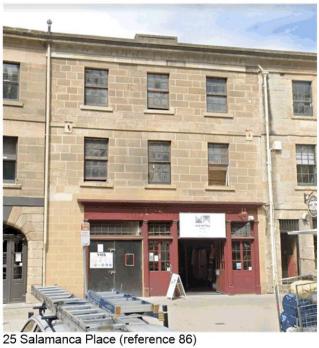
This application is for demolition and lighting across 3 buildings in Salamanca Place.

The proposal is seeking retrospective approval for works already undertaken and subject to enforcement.

The proposal is for 14 downlights/spotlights attached to the top or parapet of the following buildings that are identified as heritage listed in Table 1 Places of Cultural Significance in Schedule 1 Conservation of Cultural Heritage Values of the *Sullivans Cove Planning Scheme* 1997.

The construction of the warehouse buildings that line Salamanca today began in the 1830s, continuing through to the 1900s, for use by whalers, timber merchants, the jam and fruit industry, iron works and engineering businesses. The buildings represent a time and place when unpretentiousness, simplicity, functionality and rudimentary character were the order of the day. Number 41 Salamanca Place is more ornate than the sandstone warehouses nearby, being built in the later Victorian period, but even so, it is relatively unadorned and simple in its presentation. Lighting exists in Salamanca, as is shown in the applicant's documentation, although the majority of these examples predate the Scheme and in other instances are unapproved works. The most recent example of an approval issued for lighting upgrades in Sullivans Cove was the proposal for Parliament House and gardens (PLN-20-150). The garden lighting has been installed as has the facade lighting to the Coat of Arms on the Parliament House pediment. A photograph of that work is shown later in this report.

The heritage listed places are as follows:





39 Salamanca Place (reference 92)



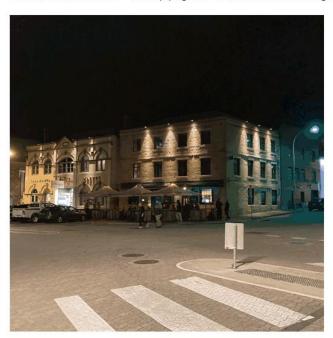
41 Salamanca Place (reference 93)

The proposal is shown below during both day light and at night:





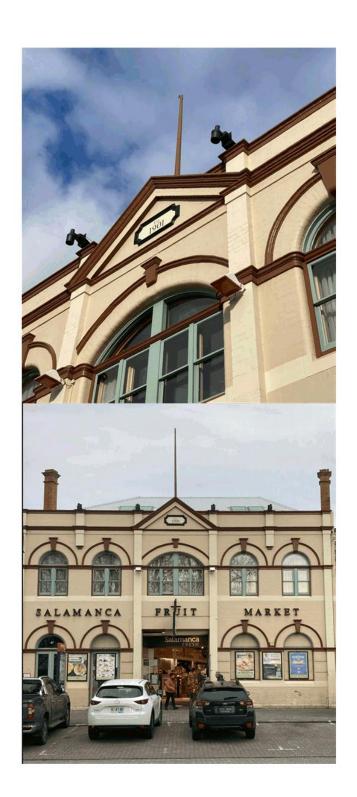
25 Salamanca Place - four (4) lights. Source: Council images







39 Salamanca Place - three (3) lights on Salamanca Place and three (3) along Montpelier Retreat. Source: Council images





41 Salamanca Place - four (4) lights. Source: Council images

Assessment:

The proposed work is for 'buildings and works' and 'demolition' and must be assessed against Schedule 1 and Schedule 7 of the Scheme, specifically against the following clauses:

Clause 22.4.5 'Discretionary' 'Building or Works':

'Building or works' on places of cultural significance which cannot satisfy the 'deemed to comply' provisions of Clause 22.4.4 may be approved at the discretion of the Planning Authority.

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.

Response:

This proposal seeks the retrospective approval for the installation of 14 new downlights/spotlights on top of the pediment/parapet of three separate buildings that are part of the historic Salamanca streetscape.

The new lights are black units (Vinta) on black brackets that project out from the outer most point of the external building line by approximately 400mm. The black brackets were fabricated for this purpose and are separate to the actual light. The lights on all three buildings have been described as identical, however, the lights over 41 Salamanca Place (Salamanca Fresh) project out further over the four columns/pilasters on the facade to cast lighting over these features.

The specifications for the Vinta spotlights submitted as part of the application are shown below, however the photographs above show that the installed lights are different and have a larger cowl or hood.



The above drawing does not reflect what was installed as the spot lights on all buildings have a longer and deeper profile or cowl/hood and present as larger fixtures.

In assessing this proposal, the following Tribunal decision in relation to a heritage listed place in Sullivans Cove is appropriate to consider.

In James Richard Gandy v Hobart City Council and Tasmanian Heritage Council [2016], the Tribunal upheld Council's decision to refuse the addition of solar panels to the roof of 19-21 Castray Esplanade. The Tribunal found that the heritage values of the listed place would be negatively impacted on by the installation of the solar panels. In discussion, the Tribunal, in considering the provisions of the Scheme, noted that the proposal had to "confer a state of completeness (or wholeness) upon the building and bring something to the cultural significance, character and appearance of it, within its setting." (at 37).

The Tribunal went on to state: "It is harder to make the case in circumstances where, for example, it is proposed to add some adornment to a part of the public face of a building. Arguably such work does not bring balance, nor does it contribute by bringing completeness or adding something to each of the elements identified. Were the proposal not for solar panels (which may confer an environmental benefit) but instead was constituted by the addition of a wrought iron or ornate lattice, it would be easy to comprehend that such works would not bring balance, or contribute to, the heritage qualities of the place."

The Tribunal's decision and interpretation of the Scheme are particularly relevant in this instance. This proposal is for black lights and brackets that hang over the parapet and during daylight hours are prominent, particularly against the skyline. The lights over 41 Salamanca (Salamanca Fresh) are even more visually prominent, given they are mounted further forward over the facade. This proposal creates a visual impact that does not complement or contribute to the heritage value, character and appearance of the place and its setting, in line with the decision of the Tribunal. While this application is confined to 14 lights on three buildings, it might be worth considering what Salamanca were to look like if all the existing building were to have lights of this type or design along the parapets/tops of buildings and whether it would 'confer a state of completeness (or wholeness) upon the building...'

It is also appropriate to consider the Planning Application (PLN-20-150) for lighting to the Parliament House garden, and the lighting to the Coat of Arms on the Parliament House pediment. That application also included the removal of floodlights and other incidental lights that illuminated the facade of Parliament House. That application demonstrated a wide analysis of options, design considerations, lighting strategies including details from the involvement of specialist lighting designers to consider the sensitive illumination of the facade. In addition, the applicants sought numerous on-site meetings with Council's Senior Cultural Heritage Officer and Heritage Tasmania in recognition of the need to respect the heritage values of the building in its setting both at night time and during the day, by limiting intrusive light fittings and ensuring sensitive fixings into the sandstone. The following image shows the lighting that has been undertaken thus far.



Parliament House lighting (PLN-20-150) using miniature spot lights for the flag poles and linear wall wash LED with stainless steel fastenings fixed into the mortar/grout. None of these are visible during the day.



Parliament House during daytime. Source: Council image

In summary, the lighting solution for 25, 39 and 41 Salamanca Place is heavy handed, outdated, unsympathetic and prominent in Hobart's premier streetscape. It is considered that lighting solutions in Sullivans Cove and especially Salamanca Place must be of the highest standard, utilise the latest technology and specialist lighting design input. This application fails to demonstrate that the consideration of heritage values, have been taken into account. The proposal fails to satisfy clause 22.4.5 dot point 1, 3 and 5.

Schedule 7 Demolition clause 28.5:

Guidelines for Development Control

The demolition of any building, or works on land shall not be 'permitted' unless; a replacement development has been approved, or such demolition is required by statutory order or is authorised by the Building Surveyor as essential to public safety.

Any application for demolition:

- (a) Shall be refused if the building is included as a cultural heritage place in Table 1 of the Conservation of Cultural Heritage Values Schedule of this Scheme, unless;
- (i) The demolition is approved as part of a Conservation Plan approved by the Planning Authority or otherwise in its discretion under the Conservation of Cultural Heritage Values Schedule of this Scheme;
- (ii) The building clearly detracts from the cultural values or significance of the place; or (iii) There are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part.
- (b) May be refused if in the opinion of the Planning Authority the building contributes to the cultural heritage or urban character of the Activity Area and the building is capable of

continued beneficial use.

Response:

The attachment of the brackets for the Vinta lights onto the parapet has required some demolition in the form of drilling. The drawings submitted describe the brackets being Chemset into the parapet. Chemset is a polyester injection adhesive that anchors fixings into the stone. Usually the Chemset fills the hole and 'glues' the fixings into the stone.

It is a destructive method and when this approach is used directly into soft sandstone or masonry, large holes are formed, rather than the usual requirement for sensitive fixings using stainless steel into mortar joints where damage to the masonry is minimised. For example, signage planning proposals requiring fixings into masonry, specifications are required to either utilise existing holes or to drill into mortar joints and not use synthetic glues. This has not occurred in this instance. No specific details, such as photographs have been provided to illustrate how the brackets are fixed, but based on past examples of where signs have been Chemset into masonry, the result is highly destructive and the damage irreversible.

These three buildings have parapets/cornice features that are typically flat on top and exposed to wind and rain. Unless carefully detailed rain and moisture can pool. Drilling and fixings of this type can create new areas of moisture ingress and speed up the deterioration of soft and porous stone.

While it could be argued that the 'demolition' is only minor, however, with each instance of intervention and damage such as the drilling into sandstone, the damage is cumulative and irreversible, requiring greater interventions/maintenance in years to come. It is in the category of a 'death by a thousand cuts' of Hobart's and Tasmania's premier heritage place and tourist destination. In terms of the Burra Charter which advocates the 'do as much as necessary, but as little as possible' principle for the conservation of places of significance, this is a heavy handed and unsophisticated solution. While the scale and impact of the demolition cannot be shown in street elevations or perspectives as required by the Scheme, it is not work that would be regarded as good conservation or sensitive and contemporary lighting design. This proposal fails to satisfy clause 28.5 and 28.6.

Conclusion:

In Schedule 1 - Conservation of Cultural Heritage Values of the Scheme states that 'Conservation of the cultural heritage values of Sullivans Cove is the primary objective of the Scheme.'

This lighting proposal is not compatible with good conservation, contributes to complements the heritage values of the place through good lighting design by involving specialist lighting designers.

The proposal is recommended for refusal.

Sarah Waight Senior Cultural Heritage Officer 11 July 2022

Reasons for Refusal:

1. The proposal does not meet clause 22.4.5 of the *Sullivans Cove Planning Scheme1997* because the 'buildings or works' do not complement or contribute to the cultural heritage significance, character and appearance of the heritage listed place and Salamanca Place, are individually prominent and the location, bulk and appearance will adversely affect the heritage values of a place of cultural significance.

2. The proposal does not meet clause 28.5 or 28.6 of the *Sullivans Cove Planning Scheme*1997 because the demolition results in an unacceptable impact on the cultural heritage values (fabric) of heritage listed places and Sullivans Cove.

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.2.1 36 FEDERAL STREET, NORTH HOBART - DWELLING PLN-21-661 - FILE REF: F22/71559

Address: 36 Federal Street, North Hobart

Proposal: Dwelling

Expiry Date: 25 July 2022

Extension of Time: Not applicable

Author: Tristan Widdowson

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for dwelling at 36 Federal Street, North Hobart 7000, 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-21-661 - 36 FEDERAL STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 19

Cranes or other temporary structures used in the construction of the approved development must not create an obstruction or hazard for the operation of aircraft.

Advice:

Further advice about whether the development will or will not create an obstruction or hazard can be obtained by contacting the Civil Aviation Safety Authority, the Department of Health and Human Services (rhhfmeadmin@ths.tas.gov.au, (03) 6166 8832) and the helipad/helicopter operator (Rotorlift, chiefpilot@rotorlift.com.au, (03) 6248 4117

Please be aware of the possibility of downdraft conditions in the Royal Hobart Hospital Heli Airspace / flightpath area from operating helicopters on any crane lifts when any crane operation is taking place and consider this in Job Safety Analysis / Safe Work Method Statements.

Please consider the use of boom illumination or warning lights when operating in the Royal Hobart Hospital Heli Airspace / flightpath area as part of Job Safety Analysis / Safe Work Method Statements.

Reason for condition

To ensure that buildings do not interfere with safe aircraft operations in the vicinity of the Royal Hobart Hospital helipad.

PLN s1

Additional private open space must be provided for the sole use of the dwelling. It must be located on the ground level with a minimum area of 10m² and is to be sited between 'bedroom 2' (as per the Final Planning Documents) and the rear wall of the existing building on the site.

Reason for condition

To ensure the dwelling has sufficient private open space

ENG sw1

Prior to first occupation or commencement of use (whichever occurs first), 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.

Any private or private shared stormwater system passing through third-party land must have sufficient receiving capacity.

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 3b

Detailed designs of the parking area must be submitted and approved via a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or commencement of works (whichever occurs first). The detailed designs submitted must:

- 1. be prepared and certified by a suitably qualified engineer,
- 2. be in general accordance with the Australian Standard AS/NZS 2890.1:2004,
- 3. must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, where the design deviates from AS/NZS 2890.1:2004, and
- 4. show typical sections, dimensions, levels, any gradients & transitions, and other details as Council deem necessary to satisfy the above requirement.

Prior to first occupation or commencement of use (whichever occurs first), the parking area must be constructed in accordance with the approved detailed designs.

Reason for condition

To ensure the safe and efficient use of the approved parking area, and compliance with the relevant the Australian Standards.

ENG_{3c}

Prior to first occupation or commencement of use (whichever occurs first), a suitably qualified engineer must certify that the parking area has been constructed in accordance with detailed designs approved under Condition ENG 3b.

Advice:

An example certificate is available on our website.

Reason for condition

To ensure the safe and efficient use of the approved parking area, and compliance with the relevant the Australian Standards.

ENG 4

Prior to first occupation or commencement of use (whichever occurs first), the parking area approved by this permit must be constructed to a sealed standard (spray seal, asphalt/bitumen, concrete, pavers, or equivalent Council approved) and surface drained to the Council's stormwater infrastructure.

Reason for condition

To ensure the safety of users of the driveway, turning areas, spaces etc., 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 (off-street) car parking spaces approved for use on site by this permit is Two (2).

Reason for condition

To ensure the provision of parking for the use is safe and efficient, and explicit clarification of the parking provisions approved.

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.

ENV₁

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

Advice:

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

Reason for condition

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

HER 17a

The colour of the proposed garage door must not contrast with the proposed face brick EF-02 (as shown on drawing DA-26, Rev A, dated 9/9/21). It must be of a similar light colour tone as the proposed face brick.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing the proposed colour in accordance with the above requirement.

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

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 development at a heritage place/precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HFR 17c

The external colours, materials and finishes of the approved development must be substantially in accordance with the approved plans. Any substantial change in the colours, materials and finishes requires further approval.

Reason for condition

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

HER 21a

The new driveway immediately adjacent to the heritage listed masonry house must be constructed to the following standards:

- There must be a permeable, but trafficable surface treatment immediately adjacent to and along the full length of the heritage building's side wall, no less than 150mm wide,
- The depth of the permeable surface must be equal to the depth of the new driveway and subgrade beneath,
- The new driveway surface must be sloped/ graded to channel surface water away from the listed building, and
- The level of the permeable surface treatment and driveway must be lower than sub-floor vents (if any) and internal floor levels.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing levels, depth, setback from the house wall, and type and colour of the permeable surface treatment.

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

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 avoid the creation of conditions conducive to rising damp in the heritage building and to ensure the visual character of the driveway is in keeping with the historic character of the place.

ADVICE

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

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

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's online services e-planning portal. Detailed instructions can be found here.

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click here for more information.

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

PLUMBING PERMIT

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

STORMWATER

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

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-21-661 - 36 FEDERAL STREET NORTH

HOBART TAS 7000 - Planning Committee or

Delegated Report !

Attachment B: PLN-21-661 - 36 FEDERAL STREET NORTH

HOBART TAS 7000 - CPC Agenda Documents U

POF.

Attachment C: PLN-21-661 - 36 FEDERAL STREET NORTH

HOBART TAS 7000 - Planning Referral Officer

Cultural Heritage Report I

Attachment D: PLN-21-661 - 36 FEDERAL STREET NORTH

HOBART TAS 7000 - 38 Federal Street Shadow

Diagrams J



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

City of HOBART

Type of Report: Committee

Committee: 25 July 2022

Expiry Date: 25 July 2022

Application No: PLN-21-661

Address: 36 FEDERAL STREET, NORTH HOBART

Applicant: LXN ARCHITECTURE & CONSULTING

PO BOX 136

Proposal: Dwelling Representations: Three

Performance criteria: Inner residential Zone Development Standards, Parking and Access Code,

Attenuation Code, Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for a dwelling at 36 Federal Street, North Hobart.
- 1.2 More specifically the proposal is for a single dwelling at the rear of the existing commercial building. The dwelling would be two storeys, and provide two car parking spaces.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Inner Residential Zone Building Envelope, Private Open Space
 - 1.3.2 Parking and Access Code Layout of Parking Areas
 - 1.3.3 Attenuation Code Development for a Sensitive Use
 - 1.3.4 Historic Heritage Code Building and Works on a Listed Place
- 1.4 Three representations were received objecting to the proposal within the advertising period.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee, because three objections have been received.

2. Site Detail

2.1 The site is 36 Federal Street (only CT. 32923/3), which contains an existing heritage listed building fronting onto Federal Street. The site is located within a predominantly residential area, although there are a mix of other non-residential uses in the vicinity of the site.



Figure 1: GIS Map Image 1:500



Figure 2: Frontage of subject site, showing the existing heritage listed commercial building.



Figure 3: Subject site looking towards under construction dwellings to the rear. The proposed dwelling would be situated in front of these dwellings.

3. Proposal

- 3.1 Planning approval is sought for a dwelling at 36 Federal Street, North Hobart.
- 3.2 More specifically the proposal is for a single dwelling at the rear of the existing commercial building. The dwelling would be two storeys, and provide two car parking spaces.

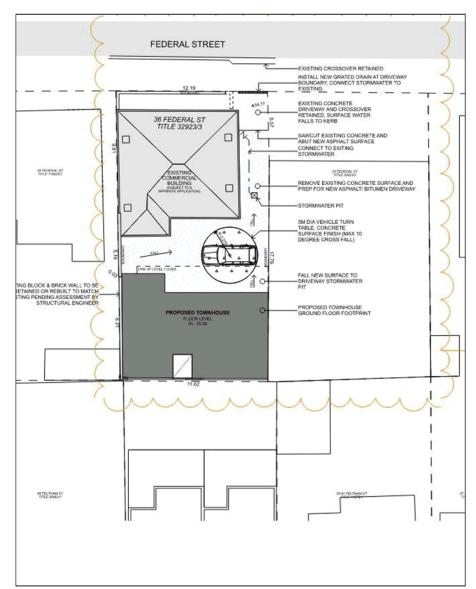


Figure 4: Proposed site plan.



Figure 5: Proposed street elevation.

4. Background

- 4.1 Upon lodgment of the proposal the applicant was advised to increase the setback of the upper level of the dwelling from the western (side) and southern (rear) boundaries to minimise overshadowing and visual impact in respect of the adjoining proprieties.
- 4.2 The under-construction two dwellings to the rear of the subject site fronting Feltham Street were approved under PLN-20-237. The completed demolition of the rear lean to and steel roof structure at the rear of the cottage at 36 Federal Street was approved under PLN-21-24.

5. Concerns raised by representors

- 5.1 Three representations objecting to the proposal were received within the advertising period, 23 May to 6 June 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.

Insufficient parking provided.

Excessive site coverage proposed.

Unacceptable heritage impact.

Unacceptable overshadowing impact on neighbours, and future dwellings on the subject site (aka 43 Feltham).

Overshadowing plans are inaccurate/don't show full extent of overshadowing.

Visual impact is unacceptable for neighbours.

Any construction works must not damage neighbouring properties.

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 of the commercial building was general retail and hire. No change of use to the commercial building is proposed. The proposal is for a new single dwelling. The existing use is discretionary in the zone. The proposed use is no permit required in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Part D 11 Inner Residential Zone
 - 6.4.2 E5.0 Road and Railway Assets Code
 - 6.4.3 E6.0 Parking and Access Code
 - 6.4.4 E7.0 Stormwater Management Code
 - 6.4.5 E9.0 Attenuation Code
 - 6.4.6 E13.0 Historic Heritage Code
- The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Inner Residential Zone:

Building Envelope - 11.4.2 P3 Private Open Space - 11.4.3 P2

6.5.2 Parking and Access Code:

Layout of Parking Layout - E6.7.5 P1

6.5.3 Historic Heritage Code:

Demolition, Building and Works on a Listed Place - E13.7.1 P1, E13.7.2 P1, P2, P3

6.5.4 Attenuation Code:

Development for a Sensitive Use - E9.7.2. P1

- 6.6 Each performance criterion is assessed below.
- 6.7 Building Envelope 11.4.2 P3
 - 6.7.1 The acceptable solution at clause 11.4.2 A3 requires development to be contained within a three dimensional building envelope, only be within 1.5m of a side boundary if the length of the wall within 1.5m doesn't exceed 9m, and be setback from the rear boundary by 1.5m.
 - 6.7.2 The proposed single dwelling is built on the side and rear boundaries, and protrudes beyond the three dimensional building envelope.
 - 6.7.3 The proposal doesn't meet the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.7.4 The performance criterion at clause 11.4.2 P1 provides as follows:

The siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
- (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
- (ii) overshadowing the private open space of a dwelling on an adjoining property;
- (iii) overshadowing of an adjoining vacant property; or
- (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; and
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.
- 6.7.5 There are three relevant residential properties that are considered to adjoin the subject site, these include 38 Federal Street to the west, the two under construction dwellings to the rear of the site of the same address, but with frontage to Feltham Street and the property to the southeast at 39-41 Feltham Street. In respect of potential impact on the habitable rooms of these properties (other than a bedroom) relative to the existing site conditions there is no additional overshadowing to the properties at 38 Federal Street and 39-41 Feltham Street. It is noted that additional shadow diagrams were also reviewed that showed the full extent of the 38 Federal Street, as the submitted drawings were cropped to fit all properties within the plan. These additional shadow diagrams are

provided at Attachment D to this report.

The dwellings under construction at 36 Federal Street contain habitable room windows at ground floor level and are subject to existing over shadowing impacts from the double height section of wall on the boundary shared with 39-41 Feltham Street and the warehouse at 34 Federal Street. The application has included detailed shadow diagrams that include perspective drawings that reflect the level of sunlight entering the windows of the dwelling at each hour of the day on the winter solstice as well as a detailed assessment of the percentage of sunlight received.

In summary the submitted shadow diagrams demonstrate that both dwellings begin to receive sun into the living space starting from 9am which increases in penetration of the space, unaffected by the proposed development, until approximately 12pm. It is from this point that the proposed dwelling on the subject site begins to impact on the sunlight that the glazed doors to the living areas of the adjoining dwellings receive. By 1pm the existing conditions allow for all of the glazed doors of the western dwelling to receive full sunlight and approximately half of the doors of the eastern dwelling until 2pm where it also receives full sunlight until beyond 3pm. The impact from the proposed development by 1pm will result in approximately only a third of both dwellings glazed doors receiving sunlight and soon after 2pm they are in complete shadow from the proposed development.

The resulting impact from the proposed development is that the dwellings will still receive good solar penetration of the ground level living areas during the morning in winter however afternoon sunlight will be reduced completely as a result of the proposal. It should be noted that this presents the worst case scenario in terms of solar access for the under construction dwellings. The resulting impact of the proposed dwelling on the afternoon sun of the adjoining dwellings is significant, however this is largely a factor of the existing site conditions, structures and orientation of the sites rather than the siting and scale of the proposed development. It is also noted that when the development for the dwellings was previously approved there was an approximately 4.5m high structure sited on the boundary which has since been demolished with the proposed development to have a 3m high wall. The upper level is also setback 2.52m from the rear boundary which significantly improves the solar access to the adjoining dwellings.

The permitted building envelope provides a measure of acceptable development scale and siting. The application has included a detailed

comparison of the shadow impacts of the permitted building envelope versus the proposed development and the impact is directly comparable. Similarly, in respect of the overshadowing of the dwellings' private open space, the permitted building envelope versus the proposed development the impact is also directly comparable during the winter solstice. The current existing condition allows for a small parcel of the private open space of the western dwelling to receive sunlight at 12pm and 1pm. However it is also noted after reviewing the shadow diagrams for the original approval of the dwellings that due to the existing structure on the rear boundary at the time, the level of sunlight the private open space received is equivalent to the impact of the proposed development and therefore effectively not reduced by the current proposal. Refer to Figure 6 below.



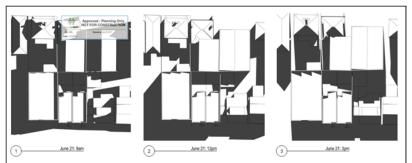


Figure 6: Comparison of the proposed shadows cast by this proposal on the dwellings to the rear (top image) at 43 Feltham St, and the shadows cast by the existig site conditions when those dwellings were approved in 2020 (bottom image).

6.7.6 In respect of the private open space of the property at 39-41 Feltham

Street, the submitted shadow diagrams show that there is no additional impact on the private open space during the winter solstice with the existing wall on the western and northern boundary limiting the afternoon solar access of the space. The only notable variation to the existing sunlight of the private open space of 38 Federal Street is additional shadow cast to the roof of the shed in the rear corner of the property. Therefore the impact is not considered to be unreasonable.

- 6.7.7 In respect of visual impact the siting of the upper level of the dwelling has been designed to minimise the apparent scale and bulk when viewed from the adjoining properties. This is achieved through the use of setbacks and reducing the height of the structure to the minimum achievable under construction standards. The proposal also utilises the commercial warehouse site at 34 Federal Street to its advantage by siting the upper level on the boundary. The upper level is proposed to be setback 2.52m from the rear boundary and is substantially within the permitted building envelope. Although visible from the under construction dwellings to the rear the setback combined with the comparatively low height will not result in an unreasonable visual impact on the properties. Although the lower level is sited on the rear boundary when the dwellings were originally approved there was an existing approximately 4.5m high roof structure in the same location on the subject site. Therefore the proposed building form at the ground level is considered to result in a reduced impact. To the western side there is an existing 3.456m high wall on the boundary shared with 38 Federal Street which is to either be retained or replaced pending an engineering assessment. The upper level extension is 6 metres long with 800m wide deck and extends 2.2m-2.4m above the existing wall. Due to the height of existing wall on the boundary it will restrict visibility of the upper level within close proximity. The combination of this existing element and the proposed setback of the upper level of 1.387m -1.47m means that although the extension will be visible from the rear yard, visibility will be limited in close proximity to the extension minimising the apparent scale of the building form.
- 6.7.8 The separation of the proposed building forms is unchanged from the previous arrangement on the site. Also due to the pattern of smaller lots in the area the majority of dwellings are built up to side boundaries with various structures and parts of dwellings sited on the rear boundary.
- 6.7.9 The proposal complies with the performance criterion.
- 6.8 Private Open Space 11.4.3 P2

- 6.8.1 The acceptable solution at clause 11.4.3 A2 requires a dwelling to have an area of private open space with various attributes including that it is 24sqm in area, has a minimum horizontal dimension of 4m, and is not used for vehicle access or parking.
- 6.8.2 The proposal includes an area of private open space in front of the dwelling which is 24sqm in area, but it does not achieve the 4m horizontal dimension, and is located in the area also need for vehicular access.
- 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 main defined area of useable private open space is the deck area on the upper level of the dwelling. It is directly accessible from the open plan dining and living area via sliding doors and due to its northerly aspect will have good solar access. The area is partially inset within the building form and covered therefore protected from the elements allowing for it to serve as an extension of the dwelling for dining and entertaining. However as this area is only small and the dwelling is three bedrooms it is considered necessary that additional space be provided for the use of the dwelling. There is area available on the ground level however it has not been specifically defined for use of the dwelling. Therefore it is recommended that a condition be included on the permit requiring a defined additional area for the dwelling be created between bedroom 2 and the rear of the existing building on the site with a minimum area10sqm.

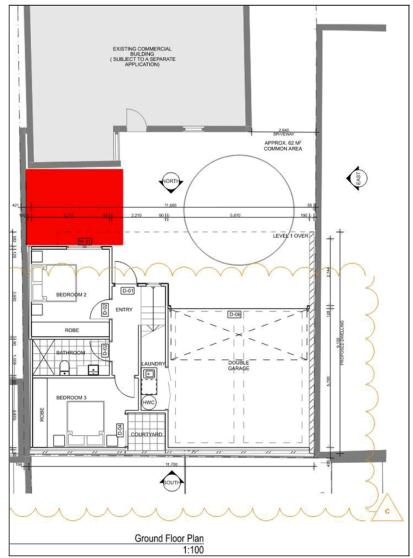


Figure 7: The area recommended to be conditioned for private open space is indicatively shown highlighted red.

- 6.8.6 The proposal complies with the performance criterion.
- 6.9 Layout of Parking Layout E6.7.5 P1
 - 6.9.1 The acceptable solution at clause E6.7.5 A1 requires the layout of parking spaces to be compliant with the relevant Australian Standard.
 - 6.9.2 The proposal includes a single dwelling with access and a two car

garage, which does not comply with the relevant Australian Standard due to the width of the driveway and inability to provide onsite turning.

- 6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criterion at clause E6.7.5 P1 provides as follows:

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

- 6.9.5 The Council's Development Engineer has provided the following assessment:
 - Car Parking Space Dimensions (AS2890.1 Fig 2.2 = 2.4x5.4m Class 1A):
 - Submitted documentation appears able to satisfy this requirement, albeit bays not dimensioned
 - Car Parking Space Design Envelope (AS2890.1 Fig 5.2 300mm clearance on side):
 - Submitted documentation appears able to satisfy this requirement, albeit not detailed
 - Headroom: (AS2890.1 Fig 5.3 = 2.2m clearance):
 - Submitted documentation appears unable to satisfy this requirement, D-06 dimensions not detailed and available headroom appears <2.2m (2m)
 - Parking Space Gradient (5%):
 - Submitted documentation appears able to satisfy this requirement, Floor Level RL detailed
 - Aisle Width (AS2890.1 Fig 2.2 = 5.8m Class 1A):
 - Submitted documentation appears able to satisfy this requirement, >5.8m (7.4m) available
 - Garage Door Width & Apron (AS2890.1 Fig 5.4 = 2.4m wide):
 - Submitted documentation appears able to satisfy this requirement
 - Parking Module Gradient (5% Acceptable):
 - Submitted documentation appears able to satisfy this requirement, Floor Level RL relative to Driveway RL shown (4.4%)

- Driveway Gradient & Width (AS2890.1 Section 2.6 = 25% and 3m):
- Submitted documentation appears unable to satisfy this requirement,
 gradient shown but <<3m width (2.4m)
- Transitions (AS2890.1 Section 2.5.3 = 12.5% summit, 15% sag = >2m transition):
- Submitted documentation appears able to satisfy this requirement

Summary:

Submitted documentation appears to meet the relevant criteria for a performance based solution, and therefore may be accepted by the City. The significantly deficient driveway width, <<3m (2.4m), and the layout of the parking module's inability to facilitate efficient on-site turning has been thoroughly considered by Development Engineering. Approval has been granted on the basis, On-site Turning is not a requirement for this development, and the minimum driveway width can be classified as 'existing', is not being reduced further, and appears to function practically.

- 6.9.6 The proposal complies with the performance criterion.
- 6.10 Demolition, Building and Works on a Listed Place E13.7.1 P1, E13.7.2 P1, P2, P3
 - 6.10.1 The proposal is for partial demolition, building and works on a listed place. The proposal has been assessed by the Council's Senior Cultural Heritage Officer. The officer's report is provided in full at Attachment C to this report. The officer made the following comments:

This application is for demolition and construction of a double story dwelling behind a heritage listed cottage. The significance of the listed place is as a Colonial Georgian house from the 19th century. It is a long standing heritage listing predating the current Scheme. It has been used for commercial purposes with internal alterations and until recently the rear yard contained storage and various rear light industrial structures. It does not have a traditional fenced front yard. The building retains the general appearance and characteristics of a 19th century Colonial Georgian single storey residential house with a symmetrical facade with a central door and traditional window apertures on either side, load bearing traditional masonry walls, traditional hipped roof, narrow eaves and traditional chimneys. All are important physical characteristics of a house from this period, sited comfortably within a group of neighbouring 19th century residential cottages, some heritage listed, others not.

By way of background, a previous application for the demolition of the rear storage sheds on this site (PLN-21-24) was approved.

No works are proposed to the front historic building as part of this application, with the plans having the notation: 'Existing Commercial Building - Subject to a separate application'. Should another application be submitted for this part of the site, it is expected that it be sympathetic to, enhance and respect the heritage values of the place such as, but not limited to, the removal of intrusive signage, the unsympathetic porch covering, concrete apron and new work such as a front fence to reinforce and improve the external appearance and historic character of the building. None of this work would be considered onerous or costly. However, the consideration of future works to the historic cottage are not part of this assessment.

Representations:

Council received three (3) representations with the following heritage and visual matters were raised:

"The proposed development is unsympathetic to the existing heritage building in front of it"

"The proposed development will crate an unreasonable loss of amenity through the visual impact of the scale and bulk of the building."

"The parking generated by the site on the Federal Street side of 36 Federal Street would appear to be greater than that considered by the TIS."

"...the scale, bulk and proportions of the development are substantially greater than the heritage fabric of the existing 'cottage' dwellings in Federal Street and the adjoining precinct. The Planning scheme requires development to be 'subservient and complimentary to the place'. a two-storey scale and outside of the envelope flat roofline of the new development is significantly greater in scale than our property, and cottages in both Federal and Feltham Streets to the point that it being considered subservient seems highly questionable."

"There is also concern regarding the impact on the heritage value and building structure of 39-41 Feltham Street, 38 Federal Street (built C19th), the heritage cottage on 36 Federal Street and surrounding properties with potential demolition of the boundary wall, excavation of foundations and ongoing building works occurring at 36 Federal Street if this development is approved."

Assessment:

The property is a heritage listed place as identified in Table E13.1 of the

Historic Heritage Code of the Scheme. The following provisions apply.

Clause E13.7.1 P1 Demolition

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

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

Response:

The demolition of an area of concrete driveway is proposed. The concrete landscaping is not considered significant. Clause E13.7.1 is satisfied.

However, a replacement driveway along the side is proposed. It is recommended that a condition be included in the permit to ensure a permeable surface is located adjacent to the masonry of the historic building to avoid conditions conducive to rising damp.

Clause E13.7.2 P1 Buildings and Works other than Demolition 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.

Response:

The proposal is for a two storey house which extends across the width of the block and to the rear boundary with a 2.4 and 3.99 metre setback from the rear wing and rear of the heritage listed house respectively. Wider than the heritage house and obviously larger, it introduces a large and bulkier built form to the rear of the house. However, given the nature and character of the cottage and its setting and the fact that the proposal is

two stories and set back from the cottage between 2.4 and 3.99 metres, it is considered that the character of the cottage would remain the focus. No change or loss of streetscape elements are proposed as part of this application, although, as already stated, further work to improve the setting of the cottage would be expected in any future application. On balance, it is considered that the proposal satisfies E13.7.2 P1.

Clause E13.7.2 P2 Buildings and Works other than Demolition 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.

Response:

The proposed dwelling would be set behind the existing historic house. The general locale contains structures which are approximate in height to the proposed development. The development would not project significantly above, or feel far in excess of the heights of existing built form in the vicinity. This street has a hybrid character composed of both period houses and storage and warehouses of a light industrial mixed use form. The proposed boxy or hard architectural vocabulary in white brick at the ground floor and Monument wall cladding and screens, windows that reference a traditional vertical character will not appear, nor be, out of context in this part of this street or area. While not physically subservient to the front cottage with a difference in height of just over 1 metre, the siting of the proposal and its setback in relation to the street frontage and listed historic structures is such that its modern expression results in it being relatively subservient and complementary and may accentuate the historic character. The proposal satisfies E13.7.2 P2 (a) (b) (c) and (d).

Clause E13.7.2 P3 Buildings and Works other than Demolition *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.*

Response:

The proposal has a small section of white brick load bearing walls, and a fenestration pattern that reflects traditional vertical windows. Although the colour of the garage door is not specified, it would benefit from having a similar light tone as the brick and this is recommended as a condition of permit. The proposed elevational treatment could be interpreted as the

material and fenestration pattern responding to the dominant heritage characteristics of the cottage. The new fabric is identifiable as new and would not be confused with historic fabric. Clause E13.7.2 P3 is met

The proposed development is assessed as satisfying E 13.7.1 P1 and E13.7.2 P1, E13.7.2 P2 and E13.7.2 P3. Conditions of permit are required.

- 6.10.2 The proposal complies with the performance criteria.
- 6.11 Development for a Sensitive Use E9.7.2. P1
 - 6.11.1 There is no acceptable solution for development for sensitive use in proximity to a use with potential to cause environmental harm.
 - 6.11.2 The proposal includes a sensitive use (residential) within the attenuation area for 71 Letitia Street (crematorium).
 - 6.11.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.11.4 The performance criterion at clause E.9.7.2 P1 provides as follows:

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

- (a) the nature of the use with potential to cause environmental harm; including:
- (i) operational characteristics;
- (ii) scale and intensity;
- (iii) degree of hazard or pollution that may emitted from the activity;
- (b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance;
- (c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions.
- 6.11.5 Approval is sought for the construction of a single dwelling at 36 federal Street, North Hobart.

The Attenuation Code applies because development for 'sensitive use' is proposed within the attenuation distance of an activity listed in Table E9.1

of the Code. The site is within 300m of a crematorium at 71 Letitia Street.

No exemptions apply. The relevant standards are under clause E9.7.2 of the Code ('Development for Sensitive Use in Proximity to Use with Potential to cause Environmental Harm').

There is no acceptable solution for A1. Performance criterion P1is set out above.

Odours and particulates are potential emissions from the crematorium stack.

Air emission modelling for another application much closer to the crematorium found low levels of emissions from the stack and no risk of environmental harm.

There is no established history of complaints about air emissions from the crematorium.

The proposed development site is a minimum of 230m from the crematorium stack and no impact upon the residents of the proposed dwellings is expected.

The exercise of discretion is recommended.

6.11.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Dwelling, at 36 Federal Street, North Hobart.

7.2 The application was advertised and received three objections. The representations raised concerns with respect to the proposal not providing enough car parking on site, the proposal being an overdevelopment of the site, the proposal having an unacceptable heritage impact, that the proposal will have an unacceptable impact on the amenity of adjoining properties, that construction works do not damage neighbouring properties, and a concern that the shadow diagrams were inaccurate or didn't provide the full extent of information required.

In response:

- With respect to overdevelopment (site coverage), the proposal (at 62.5%) complied with the acceptable solution which allows up to 65% of a site to be covered by roofed buildings.
- Similarly, with respect to car parking provision, the proposal provides two spaces, which complies with the acceptable solution. The layout of the car parking area has been considered and assessed above under section 6.
- With respect to heritage and amenity impacts, these have been considered and assessed under section 6 above.
- It is the responsibility of the developer to ensure that construction works do not damage neighbouring properties. The issuing of a planning approval does not authorise damaging neighbours' properties.
- With respect to the shadow diagrams, it is considered that extensive and thorough diagrams were provided by the applicant. However, it is acknowledged that they were cropped to fit all properties within the plan and therefore did not show the full extent of shading onto 38 Federal Street. Updated plans were provided by the applicant, and these are provided at Attachment D. These diagrams support the conclusion that overshadowing impacts on this neighbour will not be unreasonable.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer and Cultural Heritage Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed Dwelling at 36 Federal Street, North Hobart, satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Dwelling at 36 Federal Street, North Hobart, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-661 - 36 FEDERAL STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 19

Cranes or other temporary structures used in the construction of the approved development must not create an obstruction or hazard for the operation of aircraft.

Advice:

Further advice about whether the development will or will not create an obstruction or hazard can be obtained by contacting the Civil Aviation Safety Authority, the Department of Health and Human Services (rhhfmeadmin@ths.tas.gov.au, (03) 6166 8832) and the helipad/helicopter operator (Rotorlift, chiefpilot@rotorlift.com.au, (03) 6248 4117

Please be aware of the possibility of downdraft conditions in the Royal Hobart Hospital Heli Airspace / flightpath area from operating helicopters on any crane lifts when any crane operation is taking place and consider this in Job Safety Analysis / Safe Work Method Statements.

Please consider the use of boom illumination or warning lights when operating in the Royal Hobart Hospital Heli Airspace / flightpath area as part of Job Safety Analysis / Safe Work Method Statements.

Reason for condition

To ensure that buildings do not interfere with safe aircraft operations in the vicinity of the Royal Hobart Hospital helipad.

PLN s1

Additional private open space must be provided for the sole use of the dwelling. It must be located on the ground level with a minimum area of 10m² and is to be sited between 'bedroom 2' (as per the Final Planning Documents) and the rear wall of the existing building on the site.

Reason for condition

To ensure the dwelling has sufficient private open space

ENG sw1

Prior to first occupation or commencement of use (whichever occurs first), 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.

Any private or private shared stormwater system passing through third-party land must have sufficient receiving capacity.

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 3b

Detailed designs of the parking area must be submitted and approved via a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or commencement of works (whichever occurs first).

The detailed designs submitted must:

- 1. be prepared and certified by a suitably qualified engineer,
- 2. be in general accordance with the Australian Standard AS/NZS 2890.1:2004,
- must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, where the design deviates from AS/NZS 2890.1:2004, and
- show typical sections, dimensions, levels, any gradients & transitions, and other details as Council deem necessary to satisfy the above requirement.

Prior to first occupation or commencement of use (whichever occurs first), the parking area must be constructed in accordance with the approved detailed designs.

Reason for condition

To ensure the safe and efficient use of the approved parking area, and compliance with the relevant the Australian Standards.

ENG_{3c}

Prior to first occupation or commencement of use (whichever occurs first), a suitably qualified engineer must certify that the parking area has been constructed in accordance with detailed designs approved under Condition ENG 3b.

Advice:

An example certificate is available on our website.

Reason for condition

To ensure the safe and efficient use of the approved parking area, and compliance with the relevant the Australian Standards.

ENG 4

Prior to first occupation or commencement of use (whichever occurs first), the parking area approved by this permit must be constructed to a sealed standard (spray seal, asphalt/bitumen, concrete, pavers, or equivalent Council approved) and surface drained to the Council's stormwater infrastructure.

Reason for condition

To ensure the safety of users of the driveway, turning areas, spaces etc., 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 (off-street) car parking spaces approved for use on site by this permit is Two (2).

Reason for condition

To ensure the provision of parking for the use is safe and efficient, and explicit clarification of the parking provisions approved.

ENG₁

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

- Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
- 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.

HER 17a

The colour of the proposed garage door must not contrast with the proposed face brick EF-02 (as shown on drawing DA-26, Rev A, dated 9/9/21). It must be of a similar light colour tone as the proposed face brick.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing the proposed colour in accordance with the above requirement.

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

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 development at a heritage place/precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HER 17c

The external colours, materials and finishes of the approved development must be substantially in accordance with the approved plans. Any substantial change in the colours, materials and finishes requires further approval.

Reason for condition

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

HER 21a

The new driveway immediately adjacent to the heritage listed masonry house must be constructed to the following standards:

- There must be a permeable, but trafficable surface treatment immediately adjacent to and along the full length of the heritage building's side wall, no less than 150mm wide,
- The depth of the permeable surface must be equal to the depth of the new driveway and subgrade beneath,
- The new driveway surface must be sloped/ graded to channel surface water away from the listed building, and
- The level of the permeable surface treatment and driveway must be lower than sub-floor vents (if any) and internal floor levels.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing levels, depth, setback from the house wall, and type and colour of the permeable surface treatment.

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

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 avoid the creation of conditions conducive to rising damp in the heritage building and to ensure the visual character of the driveway is in keeping with the historic character of the place.

ADVICE

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

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

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's online services e-planning portal. Detailed instructions can be found here.

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click here for more information.

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

PLUMBING PERMIT

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

STORMWATER

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

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.

(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: 15 July 2022

Attachment(s):

Attachment B - CPC Agenda Document

Attachment C - Planning Referral Officer Cultural Heritage Report

Attachment D - 38 Federal Street Shadow Diagrams

36 Federal Street

DEVELOPMENT APPLICATION

PROJECT INFO

ADDRESS

36 FEDERAL STREET, NORTH HOBART, TAS 7000

LAND TITLE REFERENCE

CT: 32923/3

ZONE

INNER RESIDENTIAL

PROPOSED FLOOR AREAS:

GROUND FLOOR AREA: 82 m²
GROUND FLOOR COURTYARD: 2.4 m²
LEVEL 1 FLOOR AREA: 58 m²
LEVEL 1 PRIVATE OUTDOOR SPACE: 8 m²

REVISIONS

DRAWING SCHEDULE

DA-01	Cover Page
DA-02	Existing Survey
DA-03	Existing Site Plan
DA-04	Proposed Site Plan
DA-05	Proposed GF & L1 Plans
DA-06	Proposed Roof Plan
DA-07	Street, North & South Elevations
DA-08	East & West Elevations
DA-09	Shadow Diagrams - Plan View Existing & Proposed
DA-10	Shadow Diagrams - Plan View Existing & Proposed
DA-11	Shadow Diagrams - Plan View Permitted & Proposed
DA-12	Shadow Diagrams - Plan View Permitted and Proposed
DA-13	Shadow Diagrams - Aerial Perspective Existing & Proposed
DA-14	Shadow Diagrams - Aerial Perspective Existing & Proposed
DA-15	Shadow Diagrams - Aerial Perspective Permitted & Proposed
DA-16	Shadow Diagrams - Aerial Perspective Permitted & Proposed
DA-17	Shadow Diagrams - Feltham Courtyard Existing & Proposed
DA-18	Shadow Diagrams - Feltham Courtyard Existing & Proposed
DA-19	Shadow Diagrams - Feltham Courtyard Existing & Proposed
DA-20	Shadow Diagrams - Feltham Courtyard Permitted & Proposed
DA-21	Shadow Diagrams - Feltham Courtyard Permitted & Proposed
DA-22	Shadow Diagrams - Feltham Courtyard Permitted & Proposed
DA-23	Shadow Diagrams - Feltham Courtyard Existing & Permitted
DA-24	Shadow Diagrams - Feltham Courtyard Existing & Permitted
DA-25	Shadow Diagrams - Feltham Courtyard Existing & Permitted
DA-26	Material Palette
DA-27	Swept Paths 01
DA-28	Swept Paths 02



Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113

B LXN Group Pty, Ltd. Those designs, drawings and specifications must not be used, reproduced, or copied, wholly or in part without written permission. Drawings shall not be used for complication purpose antil squared for constitution. 36 Federal St.

SITE 36 Federal Street, North Hobart CLIENT 36 Federal St Holdings Pty Ltd PROJECT NUMBER

A18055

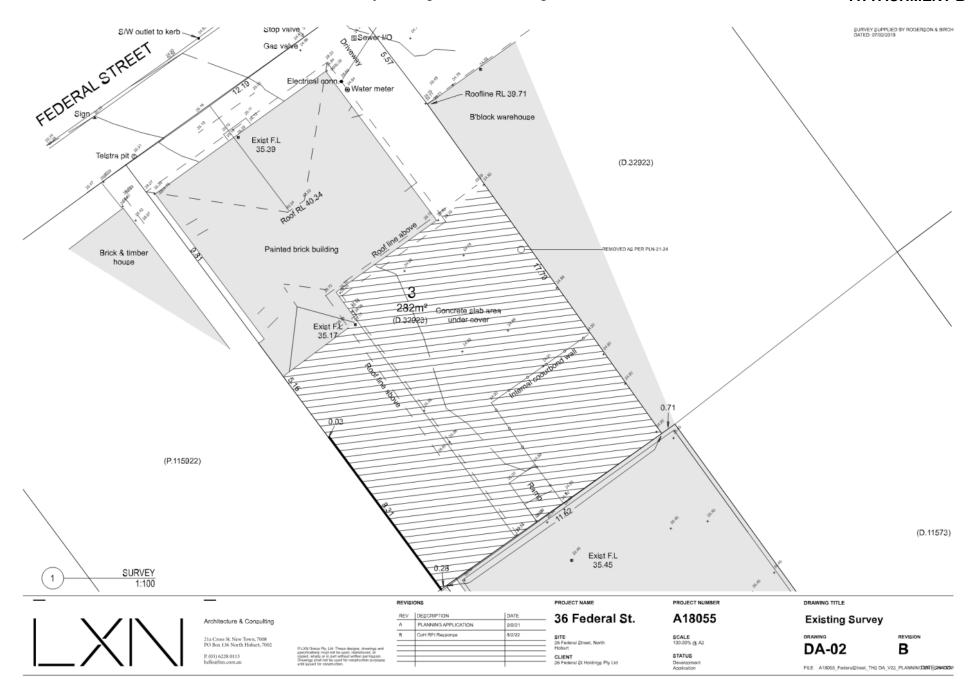
SCALE 100.00% (§. A3 STATUS Development Application DRAWING TITLE

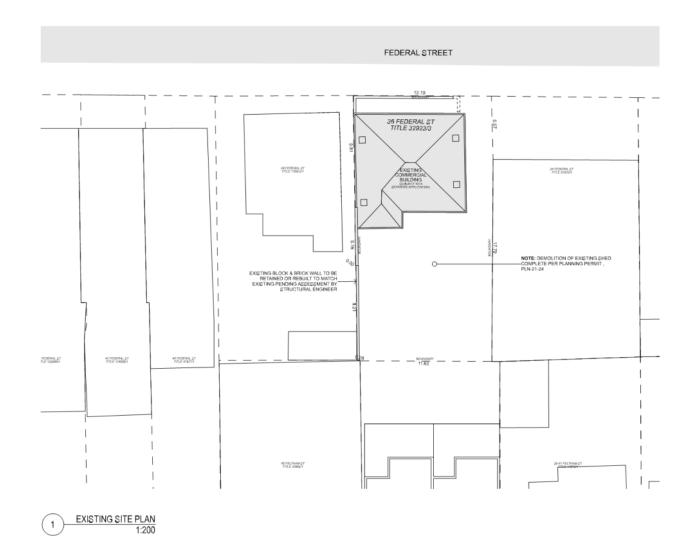
Cover Page

DA-01

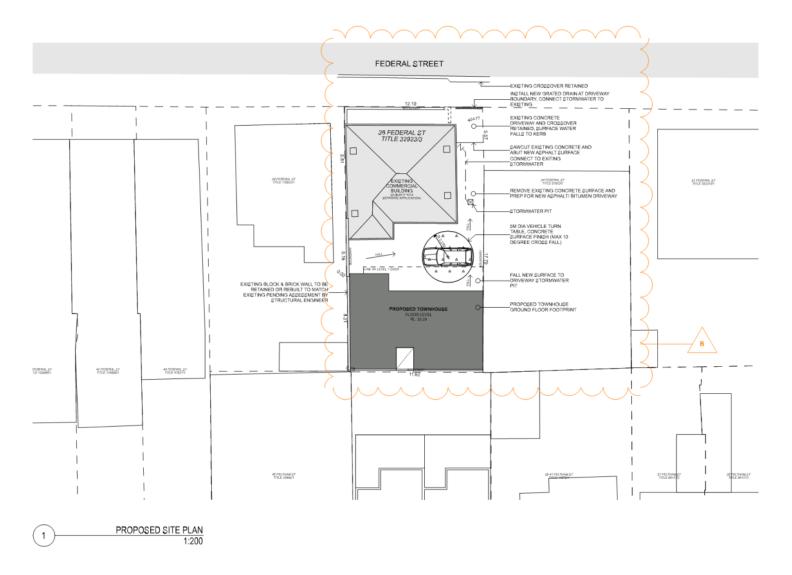
C

FILE A18065_FederalStreet_TH3 DA_V23_PLANNINGDANESHADION

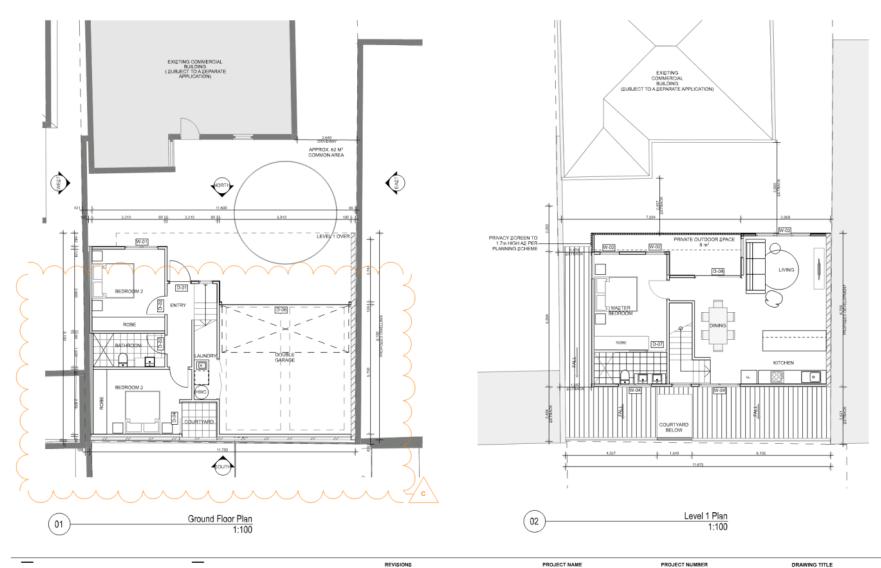




PROJECT NUMBER DRAWING TITLE REVISIONS REV DESCRIPTION 36 Federal St. A18055 **Existing Site Plan** Architecture & Consulting PLANNING APPLICATION DRAWING SITE 36 Federal Street, North Hobart REVISION 21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 DA-03 В CLIENT 36 Federal St Holdings Pty Ltd STATUS Development Application FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDANTESHADIZA









Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002

REV	DESCRIPTION	DATE
A	PLANNING APPLICATION	9/9/21
В	CoH RFI Response	8/2/22
С	CoH RFI Response	26/4/22

36 Federal St.

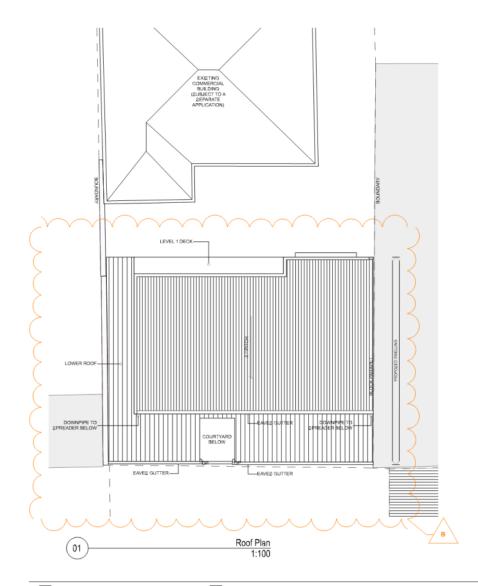
SITE 36 Federal Street, North Hobart CLIENT 36 Federal St Holdings Pty Ltd PROJECT NUMBER A18055

STATUS Developmen Application DRAWING TITLE

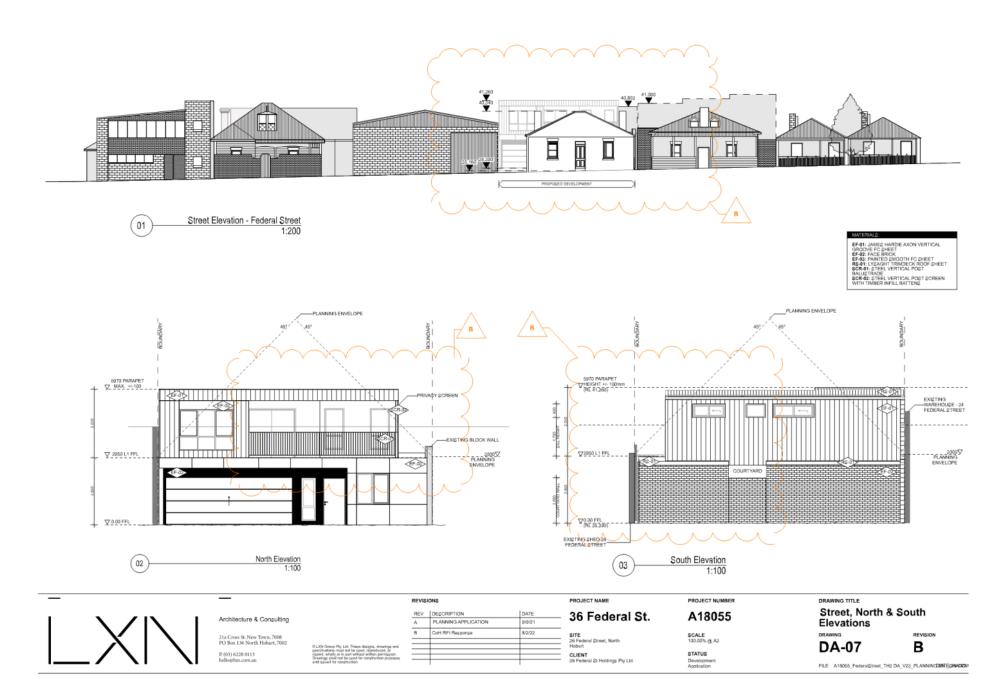
Proposed GF & L1 Plans

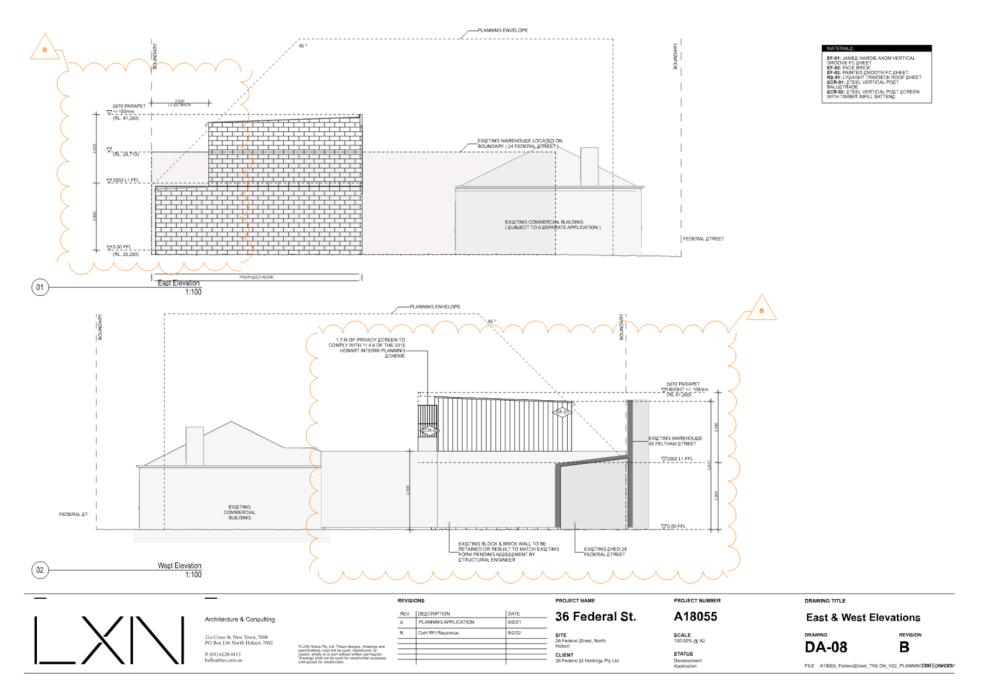
DRAWING **DA-05** REVISION С

FILE A18065_FederalStreet_TH3 DA_V23_PLANNINGDANESHADION

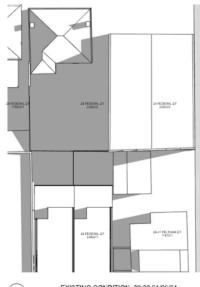




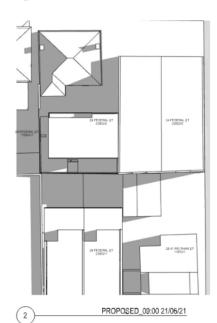




Page 140 ATTACHMENT B

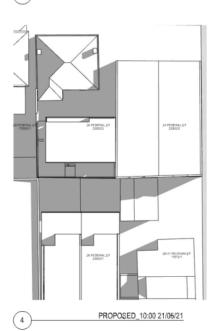


EXISTING CONDITION_09:00 21/06/21



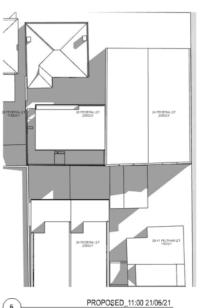
DA FEDERAL ET 22002 2 26 FEDERAL ST 228921

EXISTING CONDITION_10:00 21/06/21



04 FEDERAL DT 20002/0

EXISTING CONDITION_11:00 21/06/21





Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
A	CaH RFI Response	26/4/22

PROJECT NUMBER PROJECT NAME

A18055 36 Federal St.

SITE 36 Federal Street, North Hobert

STATUS CLIENT 36 Federal St Holdings Pty Ltd

SCALE 40.00% @ A3

DEVELOPMENT APPLICATION

Shadow Diagrams - Plan View Existing & Proposed

DA-09

Α

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDATES/6A002W



Page 142 ATTACHMENT B

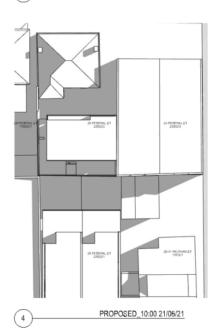


PERMITTED ENVELOPE_09:00 21/06/21



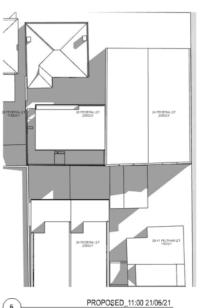
36 FEDERAL 328030 34 FEDERAL ET 22993/2 26 FEDERAL S1 22002/1

PERMITTED ENVELOPE_10:00 21/06/21



36 FEDERAL D 329030 4 FEDERAL ET

PERMITTED ENVELOPE_11:00 21/06/21





Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
A	CaH RFI Response	26/4/22

PROJECT NUMBER PROJECT NAME

A18055 36 Federal St.

SITE 36 Federal Street, North Hobert SCALE 40.00% @ A3

STATUS CLIENT 36 Federal St Holdings Pty Ltd

DEVELOPMENT APPLICATION

Shadow Diagrams - Plan View Permitted & Proposed

DA-11

Α

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDATES/6A002W



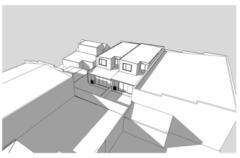
EXISTING CONDITION



Existing Condition 9 AM 21/06/21 Perspective



Existing Condition 10 AM 21/06/21 Perspective



Existing Condition 11 AM 21/06/21 Perspective

PROPOSED DEVELOPMENT



Proposed 9 AM 21/06/21 Perspective



Proposed 10 AM 21/06/21 Perspective



Proposed 11 AM 21/06/21 Perspective



Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
Α	CoH RFI Response	8/2/22
В	CoH RFI Response	26/4/22

PROJECT NAME PROJECT NUMBER

A18055 36 Federal St.

SITE 36 Federal Street, North Hobert SCALE 22.00%, 16.00%, 17.00°

STATUS CLIENT 36 Federal St Holdings Pty Ltd

DEVELOPMENT APPLICATION

Shadow Diagrams - Aerial Perspective Existing & Proposed DRAWING REVISION

DA-13

В

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDINTES#640020W

Page 145 **ATTACHMENT B**

EXISTING CONDITION



Existing Condition 12 PM 21/06/21 Perspective



Existing Condition 1 PM 21/06/21 Perspective



Existing Condition 2 PM 21/06/21 Perspective



Existing Condition 3 PM 21/06/21 Perspective

PROPOSED DEVELOPMENT



Proposed 12 PM 21/06/21 Perspective



Proposed 2 PM 21/06/21 Perspective



Proposed 3 PM 21/06/21 Perspective



Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
Α	CoH RFI Response	26/4/22

PROJECT NAME PROJECT NUMBER

A18055 36 Federal St.

SITE 36 Federal Street, North Hobert

SCALE 16.00%, 17.00% @ A3

CLIENT 36 Federal St Holdings Pty Ltd

STATUS

DEVELOPMENT APPLICATION

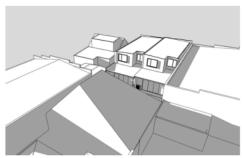
Shadow Diagrams - Aerial Perspective Existing & Proposed DRAWING REVISION

DA-14

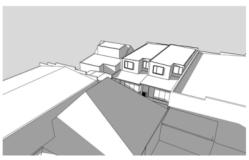
Α

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDANTES#640020W

PERMITTED ENVELOPE



Permitted Envelope 9 AM 21/06/21 Perspective



Permitted Envelope 10 AM 21/06/21 Perspective



PROPOSED DEVELOPMENT



Proposed 9 AM 21/06/21 Perspective



Proposed 10 AM 21/06/21 Perspective



Proposed 11 AM 21/06/21 Perspective



Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

	DESCRIPTION	DATE
Α	CoH RFI Response	26/4/22

PROJECT NAME PROJECT NUMBER

A18055 36 Federal St.

SITE 36 Federal Street, North Hobert SCALE 22.00%, 20.00% @ A3

STATUS CLIENT 36 Federal St Holdings Pty Ltd

DEVELOPMENT APPLICATION

Shadow Diagrams - Aerial Perspective Permitted & Proposed DRAWINGS REVISION

DA-15

Α

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDINTES#640020W

Page 147 **ATTACHMENT B**

PERMITTED ENVELOPE



Permitted Envelope 12 PM 21/06/21 Perspective



Permitted Envelope 1 PM 21/06/21 Perspective



Permitted Envelope 2 PM 21/06/21 Perspective



Permitted Envelope 3 PM 21/06/21 Perspective

PROPOSED DEVELOPMENT



Proposed 12 PM 21/06/21 Perspective



Proposed 1 PM 21/06/21 Perspective



Proposed 2 PM 21/06/21 Perspective



Proposed 3 PM 21/06/21 Perspective

Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
A	CoH RFI Response	26/4/22

PROJECT NAME PROJECT NUMBER

36 Federal St. A18055

SITE 35 Federal Street, North Hobert

SCALE 21.00%, 20.00% @ A3

STATUS

CLIENT 36 Federal St Holdings Pty Ltd

DEVELOPMENT APPLICATION

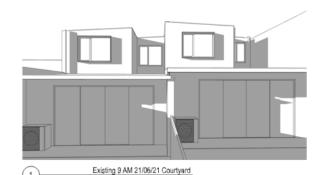
Shadow Diagrams - Aerial Perspective Permitted & Proposed DRAWING REVISION

DA-16

REVISION Α

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDANTES#640020W

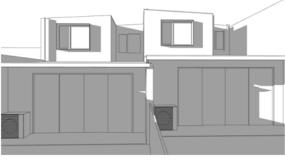
EXISTING







PROPOSED DEVELOPMENT



Proposed 9 AM 21/06/21 COURTYARD





Proposed 11 AM 21/06/21 COURTYARD



Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@km.com.au

REVISIONS

REV	DESCRIPTION	DATE
Α	CoH RFI Response	8/2/22
В	CoH RFI Response	26/4/22

5 LXN Group Pty, Ltd. These designs, drawings and specifications must not be used,

PROJECT NAME PROJECT NUMBER

36 Federal St. A18055

SITE 36 Federal Street, North Hobert SCALE 18.00% @ A3

CLIENT 36 Federal St Holdings Pty Ltd STATUS Development Application

DEVELOPMENT APPLICATION

Shadow Diagrams - Feltham Courtyard Existing & Proposed

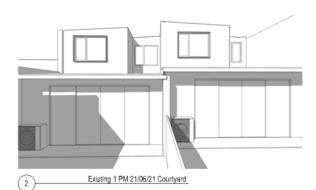
DA-17

B

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDANTESHADIZW

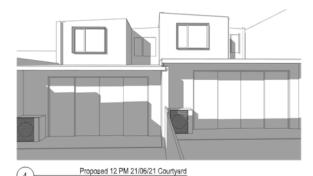
EXISTING



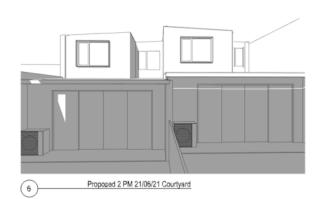




PROPOSED DEVELOPMENT









Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
Α	CoH RFI Response	26/4/22
	1	

O LXN Group Pty, Ltd. These designs, drawings and specifications must not be used

PROJECT NAME PROJECT NUMBER

36 Federal St. A18055

SITE SCALE
36 Federal Street, North 18.00% (§ A3
Hobart

CLIENT STATUS
36 Federal St Holdings Pty Ltd Developme

DEVELOPMENT APPLICATION

Shadow Diagrams - Feltham Courtyard Existing & Proposed

DA-18

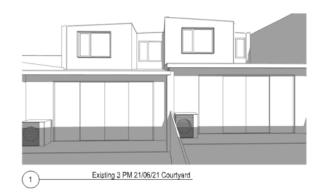
FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDINTESHADIZW

Α

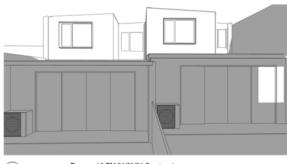
Agenda (Open Portion) City Planning Committee Meeting - 25/7/2022

Page 150 ATTACHMENT B

EXISTING



PROPOSED DEVELOPMENT



Proposed 3 PM 21/06/21 Courtyard

Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
Α	CoH RFI Response	26/4/22

PROJECT NAME PROJECT NUMBER

36 Federal St. A18055

SITE 35 Federal Street, North Hobert

SCALE 18.00% @ A3

STATUS

CLIENT 36 Federal St Holdings Pty Ltd

DEVELOPMENT APPLICATION

Shadow Diagrams - Feltham Courtyard Existing & Proposed REVISION REVISION

DA-19

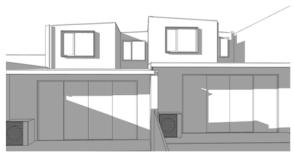
Α

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDANTES#640020W

PERMITTED ENVELOPE



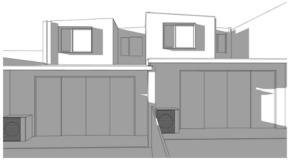
Permitted Envelope 9 AM 21/06/21 Courtyard



Permitted Envelope 10 AM 21/06/21 Courtyard



PROPOSED DEVELOPMENT



Proposed 9 AM 21/06/21 COURTYARD



5 Proposed 10 AM 21/06/21 COURTYARD



Proposed 11 AM 21/06/21 COURTYARD



Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
Α	CaH RFI Response	26/4/22

O LXN Group Pty, Ltd. These designs, drawings and specifications must not be used,

PROJECT NAME PROJECT NUMBER

36 Federal St. A18055

 SITE
 SCALE

 36 Foderal Street, North
 18.00% (§ A3

 Hobert
 STATUS

CLIENT ST.
36 Federal St Holdings Pty Ltd De

DEVELOPMENT APPLICATION

Shadow Diagrams - Feltham Courtyard Permitted & Proposed

DA-20

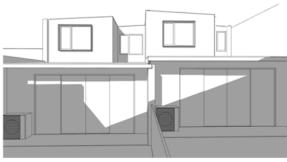
A

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDANTESHADIZW

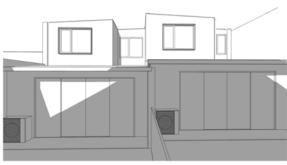
PERMITTED ENVELOPE



Permitted Envelope 12 PM 21/06/21 Courtyard

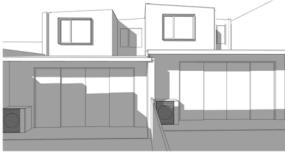


Permitted Envelope 1 PM 21/06/21 Courtyard



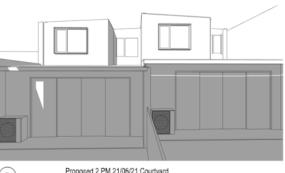
Permitted Envelope 2 PM 21/06/21 Courtyard

PROPOSED DEVELOPMENT



Proposed 12 PM 21/06/21 Courtyard





Proposed 2 PM 21/06/21 Courtyard



Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
Α	CoH RFI Response	26/4/22
	1	

PROJECT NUMBER PROJECT NAME

SCALE 18.00% @ A3

36 Federal St. A18055

SITE 36 Federal Street, North Hobert

STATUS CLIENT 36 Federal St Holdings Pty Ltd

DEVELOPMENT APPLICATION

Shadow Diagrams - Feltham Courtyard Permitted & Proposed DRAWIND REVISION

DA-21

Α

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDINTES#640020W

Agenda (Open Portion) City Planning Committee Meeting - 25/7/2022

Page 153 ATTACHMENT B

PERMITTED ENVELOPE



PROPOSED DEVELOPMENT





Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
Α	CoH RFI Response	26/4/22
	1	

PROJECT NUMBER PROJECT NAME

36 Federal St. A18055

SITE 36 Federal Street, North Hobert

SCALE 18.00% @ A3

CLIENT 36 Federal St Holdings Pty Ltd

STATUS

DEVELOPMENT APPLICATION

DRAWING TITLE
Shadow Diagrams - Feltham
Courtyard Permitted &
Proposed
DRAWING
REVISION

DA-22

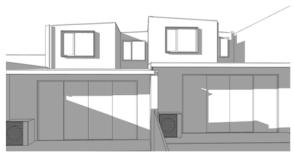
Α

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDANTES#640020W

PERMITTED ENVELOPE



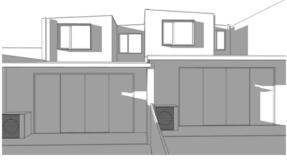
Permitted Envelope 9 AM 21/06/21 Courtyard



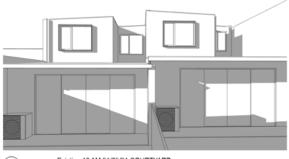
Permitted Envelope 10 AM 21/06/21 Courtyard



EXISTING



Existing 9 AM 21/06/21 COURTYARD



Existing 10 AM 21/06/21 COURTYARD



Existing 11 AM 21/06/21 COURTYARD



Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
Α	CoH RFI Response	26/4/22

PROJECT NUMBER PROJECT NAME

A18055 36 Federal St.

SITE 36 Federal Street, North Hobert

SCALE 18.00% @ A3 STATUS CLIENT 36 Federal St Holdings Pty Ltd

DEVELOPMENT APPLICATION

DRAWING TITLE Shadow Diagrams - Feltham Courtyard Existing & Permitted DRAWING REVISION

DA-23

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDINTES#640020W

Α

PERMITTED ENVELOPE



Permitted Envelope 12 PM 21/06/21 Courtyard



Permitted Envelope 1 PM 21/06/21 Courtyard



EXISTING



Existing 12 PM 21/06/21 Courtyard







Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@km.com.au

REVISIONS

REV	DESCRIPTION	DATE
A	CaH RFI Response	26/4/22
		_

© LXN Group Pty, Ltd. These designs, drawings and specifications must not be used

PROJECT NAME PROJECT NUMBER

36 Federal St. A18055

SITE SCALE
36 Federal Street, North 18.00% (§ A3
Hobart

Hobert

CLIENT STATUS

36 Federal St Holdings Pty Ltd Development

DEVELOPMENT APPLICATION

Shadow Diagrams - Feltham Courtyard Existing & Permitted Revision

DA-24

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDINTESHADIZW

Α

Agenda (Open Portion) City Planning Committee Meeting - 25/7/2022

Page 156 ATTACHMENT B

PERMITTED ENVELOPE



EXISTING





Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

REVISIONS

REV	DESCRIPTION	DATE
Α	CoH RFI Response	26/4/22
	1	

PROJECT NAME PROJECT NUMBER

36 Federal St. A18055

SITE 35 Federal Street, North Hobert

SCALE 18.00% @ A3

CLIENT 36 Federal St Holdings Pty Ltd

STATUS

DEVELOPMENT APPLICATION

Shadow Diagrams - Feltham Courtyard Existing & Permitted DRAWING

DA-25

Α

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDANTES#640020W

Agenda (Open Portion) City Planning Committee Meeting - 25/7/2022



EF-01:

JAMES HARDIE AXON VERTICAL GROOVE FIBRE CEMENT SHEET CLADDING PAINT COLOUR:

DULUX COLORBOND MONUMENT



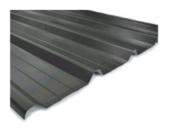
EF-02:

FACE BRICK COLOUR: PEARL ECHO FINISH: SMOOTH



EF-03:

PAINTED SMOOTH FC SHEET COLOUR: DULUX COLORBOND MONUMENT



RS-01:

LYSAGHT TRIMDECK ROOF SHEET PROFILE ONLY



SCR-01:

STEEL VERTICAL POST SCREEN PAINT COLOUR: DULUX COLORBOND MONUMENT



SCR-02:

STEEL VERTICAL POST SCREEN WITH TIMBER INFILL BATTENS FOR PRIVACY PAINT COLOUR: DULUX COLORBOND MONUMENT TIMBER FINISH: NATURAL



Architecture & Consulting

21a Cross St. New Town, 7008 PO Box 136 North Hobart, 7002 P. (03) 6228 0113 hello@kn.com.au

D LXN Group Pty. Ltd. These designs, drawings and specifications must not be used, reproduced, or capied, wholly or in part without written permission. Orawings shall not be used for construction purpose until squeed for construction.

REV	DESCRIPTION	DATE
Α	PLANNING APPLICATION	9/9/21
		_

REVISIONS

PROJECT NAME

36 Federal St.

SITE 36 Federal Street, North Hobart CLIENT 36 Federal St Holdings Pty Ltd

PROJECT NUMBER
A18055

SCALE (3 A3

STATUS Development Application DRAWING TITLE

Material Palette

DRAWING

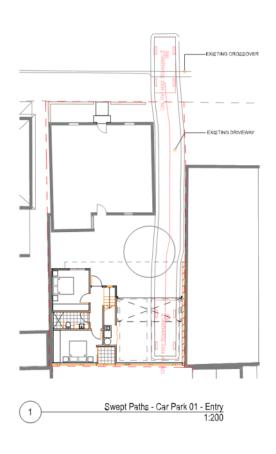
DA-26

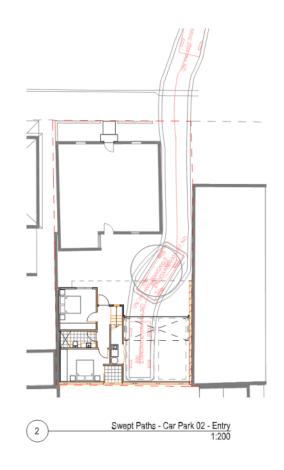
REVISION

-26 A

FILE A18055_FederalStreet_TH3 DA_V23_PLANNINGDENTESHADIZIV

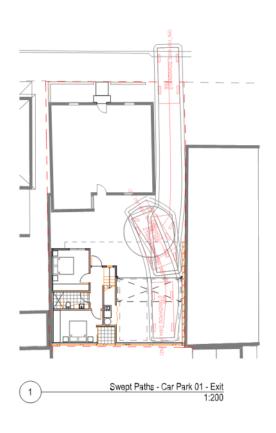
SWEPT PATHS PER AU_NZ STANDARDS 2004, 895 SWEPT PATH SWEPT PATHS CALCULATED USING AUTOTURN ONLINE SOFTWARE, V2.7.0.70, 2021

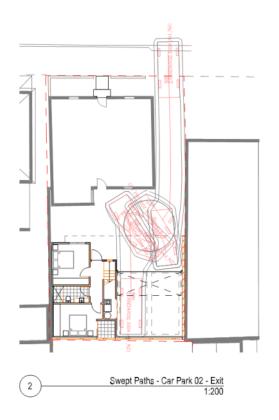






SWEPT PATHS PER AU_NZ STANDARDS 2004, 895 SWEPT PATH SWEPT PATHS CALCULATED USING AUTOTURN ONLINE SOFTWARE, V2.7.0.70, 2021







36 FEDERAL STREET, NORTH HOBART



PLANNING & URBAN DESIGN

PLANNING TAS PTY LTD TRADING AS IRENEINC PLANNING & SMITH STREET STUDIO PLANNING & URBAN DESIGN ABN 78 114 905 074

36 FEDERAL STREET, NORTH HOBART

Development Application to Hobart City Council

Last Updated - 30th September 2021 Author - Poppy Scharkie Reviewed - Irene Duckett

This report is subject to copyright the owner of which is Planning Tas Pty Ltd, trading as Ireneinc Planning and Smith Street Studio. All unauthorised copying or reproduction of this report or any part of it is forbidden by law and is subject to civil and criminal penalties as set out in the Copyright Act 1968. All requests for permission to reproduce this report or its contents must be directed to Irene Duckett.

TASMANIA

49 Tasma Street, North Hobart, TAS 7000 Tel (03) 6234 9281 Fax (03) 6231 4727 Mob 0418 346 283 Email planning@ireneinc.com.au

ireneinc planning & urban design

CONTENTS

CONTENTS		
1. INTRODUCTION	4	
1.1 THE SITE	4	
1.2 SITE SURROUNDS	5	
2. PROPOSAL	6	
3. PLANNING SCHEME PROVISIONS	7	
3.1 ZONING	7	
3.1.1 ZONE PURPOSE	7	
3.1.2 USE STATUS & STANDARDS	8	
3.1.3 DEVELOPMENT STANDARDS	8	
4. CODES	13	
4.1 ROAD AND RAILWAY ASSETS CODE	13	
4.1.1 USE STANDARDS	13	
4.1.2 DEVELOPMENT STANDARDS	13	
4.2 PARKING AND ACCESS CODE	13	
4.2.1 USE STANDARDS	13	
4.2.2 DEVELOPMENT STANDARDS	14	
4.3 STORMWATER MANAGEMENT CODE	17	
4.3.1 DEVELOPMENT STANDARDS	17	
4.4 HISTORIC HERITAGE CODE	17	
4.4.1 DEVELOPMENT STANDARDS FOR HERITAGE PLACES	17	
4.5 ROYAL HOBART HOSPITAL HELIPAD AIRSPACE SAP	20	
4.5.1 DEVELOPMENT STANDARDS	20	
5. SUMMARY	21	

1. INTRODUCTION

Ireneinc Planning & Urban Design has been engaged to prepare a planning report to accompany a development application for the site at 36 Federal Street, North Hobart.

1.1 THE SITE

The subject site's address is 36 Federal Street, however, only consists of one of the two titles associated with this address (CT 32923/3). The site has frontage to Federal Street and has a total site area of 302.9m². There is an existing commercial building located to the front (north) of the site and no changes are proposed to this building. A warehouse was previously located to the rear of the site and ran across the boundary to the adjoining title to the rear, however, is approved for demolition in a separate permit (PLN-21-24)



Figure 1: Site Locality with cadastre & street names (source: www.thelist.tas.gov.au © State of Tasmania).



Figure 2: Aerial image (source: www.thelist.tas.gov.au © State of Tasmania)

1.2 SITE SURROUNDS

The site is located approximately 415m north-east of the North Hobart shopping and dining precinct between Burnett Street and Federal Street and around 1km from the Hobart CBD. The area is generally dominated by residential dwelling areas to the north-east, east, south and southwest. However, the northern side of Federal Street is zoned Light Industrial and supports commercial businesses such as car repairs, metal fabrication services and electrical and lighting supplies. The area is characterised by generally 1-2 storey buildings and supports several heritage listed properties to the south.



Figure 3: Street view illustrating Federal Street looking east, along with nearby commercial businesses (source: Google Street View 2018)

2. PROPOSAL

The application is for the use and development of a three-bedroom dwelling at 36 Federal Street, North Hobart. The dwelling will be positioned to the rear of the site with an approximate setback of 100mm and 0m setback from the side boundaries. The two-storey townhouse has a consistent height of 5.97m. Two parking spaces will be provided within the garage, which is located behind the building line.

The existing commercial tenancy is currently vacant, and any future use will be subject to a separate application.

3. PLANNING SCHEME PROVISIONS

The area is within the *Hobart Interim Planning Scheme 2015*, and the following provisions are relevant to the site and proposed use and development.

3.1 ZONING

The subject land is located within the Inner Residential Zone (red) as are the immediately adjoining properties to the south, east and west.



Figure 4: Zone plan with cadastre (source: www.thelist.tas.gov.au © the State of Tasmania)

3.1.1 ZONE PURPOSE

The Purpose Statements for the zone are:

11.1.1.1 - To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

The proposal is of a similar dwelling type to that evident within the locality (1-2 storey single and multiple dwellings). The area is characterised by medium density residential development, which is in response to the historically narrow lot sizes and, in some instances, lots with multiple street frontages. The provision of an infill dwelling is consistent with the locality.

11.1.1.2 - To provide for compatible non-residential uses that primarily serve the local community.

No non-residential uses are proposed.

11.1.1.3 - To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.

The proposal is for a single dwelling; however, does represent a higher intensity of use and infill development on the site consistent with the prevailing site coverage and land-use intensity in the area. The site is within reasonable walking distance of the key North Hobart shopping/dining precinct and is near key public transport corridors. The proximity of the site to the CBD ensures that alternate modes of transportation can be adopted by residents.

11.1.1.4 - To encourage residential development that respects the neighbourhood character.

As outlined above and within this report, the proposed building is of a scale and density that is considered consistent and thereby respectful of the neighbourhood character.

11.1.1.5 - To provide a high standard of residential amenity.

The proposal provides a reasonable area of northwest facing private open space, and the scale of the building is consistent with that in the locality. The proposal retains the existing Besser block wall of the warehouse, and privacy to and from the proposed dwelling is achieved with compliant screening, higher sill heights or no windows on the boundaries adjoining other properties. Generally, the proposal does not increase overshadowing, other than a small amount over an existing roofed area on the property to the southeast.

11.1.1.6 - To allow commercial uses which provide services for the needs of residents of a neighbourhood and do not displace an existing residential use or adversely affect their amenity particularly through noise, traffic generation and movement, and the impact of demand for on-street parking.

The commercial use will be retained.

There are no Local Area Objectives or Desired Future Character Statements for the Zone.

3.1.2 USE STATUS & STANDARDS

Residential is permitted in the zone if for a single dwelling. The use standards in the zone apply to non-residential use and visitor accommodation, therefore the use standards do not apply.

3 1 3 DEVELOPMENT STANDARDS

Standards:11.4.1 Residential density for multiple dwellings, 11.4.4 Sunlight to private open space of multiple dwellings & 11.4.8 Waste storage for multiple dwellings are not applicable as the proposal is for a single dwelling. No front fences are proposed therefore standard 11.4.7 Frontage fences for all dwellings does not apply.

11.4.2 Setbacks and building envelope

Objective: To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (c) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

SCHEME REQUIREMENTS

Agenda (Open Portion) City Planning Committee Meeting - 25/7/2022

- A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:
- (a) if the frontage is a primary frontage, not less than 3m, or, if the setback from the primary frontage is less than 3m, not less than the setback, from the primary frontage, of any existing dwelling on the site;
- (b) if the frontage is not a primary frontage, not less than 2m, or, if the setback from the frontage is less than 2m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;
- (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or
- (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.

RESPONSE

- A1 a) The proposal is setback 14.07m from the frontage and therefore complies with A1 a).
- A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:
- (a) 4m, or alternatively 1m behind the building line;
- (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or
- (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.

RESPONSE

The garage is located beneath the 2^{nd} storey in line with the building, therefore complies with b).

- A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:
- (a) be contained within a building envelope (refer to Figures 11.1, 11.2 and 11.3) determined by: ...
- P3 The siting and scale of a dwelling must:
- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
- (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
- (ii) overshadowing the private open space of a dwelling on an adjoining property;
- (iii) overshadowing of an adjoining vacant property; or
- (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; and
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.

RESPONSE

The proposal extends beyond the building envelope and permitted side setbacks and therefore the performance criteria must be addressed.

The adjoining properties are 34, 36 (CT 32923/1) and 38 Federal Street. According to the shadow diagrams provided by LXN Architects, there is only a minor increase in overshadowing of 38 Federal Street at 9 am. The overshadowing occurs on an existing roof of an outbuilding at the property; and a minor increase in overshadowing to the roof of 34 Federal Street at 3 pm, a commercial warehouse. It will not overshadow the skylights of the warehouse based on aerial images provided on the list.

- a) i-iii) there is no increase in overshadowing to the private open space or habitable room on the adjoining sites. These sites are not vacant properties.
- iv) The existing Besser block wall will be retained, which screens the majority of the proposal from view from the adjoining sites, there is unlikely to be significant visual impact as a result.
- b) The proposal is consistent with development in the area which generally is built on or close to the boundaries as demonstrated in the table below. Of note, the blocks with the significant rear setback are those which have two frontages to Federal Street and Feltham Street.

Table 1: Existing separation of dwellings from boundaries (information measured on the List Map 2021)

Federal Street Address - property number	Southwest Side boundary- setback (m)	Northeast Side boundary - setback (m)	Rear Boundary- setback (m)
30	0	0	0
32	0	0	8
34	0	0	0
36 (CT 32923/3)	0	0	0
38	3.2	0	9
40	0	0	21
42	0	0	16.6
44	0	0	17
46	0	0	1.7
48	1.9	0	2.6
50	0	3.5	0

11.4.3 Site coverage and private open space for all dwellings

Objective: That dwellings are compatible with the amenity and character of the area and provide:

- (a) for outdoor recreation and the operational needs of the residents;
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is conveniently located and has access to sunlight

SCHEME REQUIREMENTS

A1 Dwellings must have:

- (a) a site coverage of not more than 65% (excluding eaves up to 0.6m wide); and
- (b) for multiple dwellings, a total area of private open space of not less than 40m2 associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the ground level (excluding a garage, carport or entry foyer).

RESPONSE

A1 a) The proposal has site coverage of 63.7 per cent.

b) Not applicable - the proposal is not for multiple dwellings.

A2 A dwelling must have private open space that:

- (a) is in one location and is not less than:
- (i) 24m2; or
- (ii) 12m2, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);
- (b) has a minimum horizontal dimension of:
- (i) 4m; or
- (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);
- (c) 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; and
- (d) has a gradient not steeper than 1 in 10.

RESPONSE

A2 The proposal provides an area of private open space that is in one location and a total area of $24m^2$ with dimensions of 3mx7.9m. The area is accessed directly from the living area and is within the building line, however, is located between the dwelling and frontage. The location is within 30 degrees west of true north and therefore satisfies c). The deck will be flat and therefore no steeper than 1 in 10. The proposal complies with A2.

11.4.5 Width of openings for garages and carports for all dwellings

Objective: To reduce the potential for garage or carport openings to dominate the primary frontage

SCHEME REQUIREMENT

A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).

RESPONSE

A1 The garage is located in excess of 12m and has a width of 5.5m, the proposal complies with A1.

11.4.6 Privacy for all dwellings

Objective: To provide a reasonable opportunity for privacy for dwellings.

SCHEME REQUIREMENTS

A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the

finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:

- (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:
- (i) from a window or glazed door, to a habitable room of the other dwelling on the same site: or
- (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site....

RESPONSE

A1 The upper deck has provided screening to a height of 1.7m and uniform transparency of not more than 25 per cent along the side boundary. The proposal complies with A1.

- A2 A window or glazed door, to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):
- (a) the window or glazed door:
- (i) is to have a setback of not less than 3m from a side boundary;
- (ii) is to have a setback of not less than 4m from a rear boundary;
- (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
- (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.
- (b) the window or glazed door:
- (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;
- (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of at least 1.7m above the floor level; or
- (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.

RESPONSE

A2 The upper rear wall has several windows to the kitchen and living areas. The proposed windows have a sill height of approximately 1.8m and therefore satisfy b) ii).

CODES

4.1 ROAD AND RAILWAY ASSETS CODE

E5.2.1 This Code applies to use or development of land:

- (a) that will require a new vehicle crossing, junction or level crossing; or
- (b) that intensifies the use of an existing access; or
- (c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
- (i) a rail network;
- (ii) a category 1 Trunk Road or a category 2 Regional Freight Road, that is subject to a speed limit of more than 60 km/h kilometres per hour.

The proposal does not require a new vehicle crossing or involve a sensitive use within 50m of a rail network of Category 1 or 2 Road. The existing commercial use on the site operated a warehouse/service industry to the rear. It is not anticipated that the proposal will increase vehicle movements, however, the relevant standards have been responded to as a precautionary measure.

4.1.1 USE STANDARDS

E5.5.1 - Existing road accesses and junctions

Objective: To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

SCHEME REQUIREMENTS

A3 - 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.

RESPONSE

A3 The proposal is for a single dwelling that likely has AADT of approximately 8. Only parking for the dwelling will be provided of the access and as such the proposal is unlikely to increase vehicle movements in excess of 40.

4.1.2 DEVELOPMENT STANDARDS

There are no relevant development standards

4.2 PARKING AND ACCESS CODE

4.2.1 USE STANDARDS

E6.6.1 Number of Car Parking Spaces

Objective: To ensure that:

- (a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.
- (b) a use or development does not detract from the amenity of users or the locality by:
 - (i) preventing regular parking overspill;
 - (ii) minimising the impact of car parking on heritage and local character.

SCHEME REQUIREMENTS

- A1 The number of on-site car parking spaces must be:
- (a) no less than the number specified in Table E6.1;

except if:

- the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;
- (ii) the site is subject to clauses E6.6.5, E6.6.6, E6.6.7, E6.6.8, E6.6.9 or E6.6.10 of this planning scheme.

RESPONSE

A1 Two parking spaces are provided in accordance with the requirement for a single dwelling containing 2 or more bedrooms in Table E6.1. The commercial tenancy will be subject to a separate future application.

4.2.2 DEVELOPMENT STANDARDS

E6.7.1 Number of Vehicular Accesses

Objective: To ensure that:

- (a) safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising:
 - (i) the number of vehicle access points; and
 - (ii) loss of on-street car parking spaces;
- (b) vehicle access points do not unreasonably detract from the amenity of adjoining land uses;
- (c) vehicle access points do not have a dominating impact on local streetscape and character.

SCHEME REQUIREMENTS

A1 - The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.

RESPONSE

A1 The existing vehicle access point will be retained.

E6.7.2 Design of Vehicle Accesses

Objective: To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.

SCHEME REQUIREMENTS

A1 Design of vehicle access points must comply with all of the following:

- (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 "Access Facilities to Off-street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;
- 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;
- (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;
- suitability for the type and volume of traffic likely to be generated by the use or development;
- (d) ease of accessibility and recognition for users.

RESPONSE

The proposed access is less than the required in A1. The following response has been provided by Keith Midson Traffic:

- a. Conflict between users. The Federal Street will have very low traffic volumes associated with the residential development, with a peak of only 1 vehicle per hour. Pedestrian users of the access will be associated with the residential unit access will also be low. This reduces vehicle conflicts at the access and reduces conflicts with other road users (including pedestrians and cyclists). The access is widest at the Federal Street access, and progressively narrows into the site. This will result in very low vehicle speeds for entry traffic. The access is existing and has been in continuous operation for many years without issue. The access arrangement is consistent with accesses in the surrounding area due to the historical development of constrained sites in the area.
- b. Traffic flow on adjoining roads. Traffic generation of the development will be 1 vehicle per hour during peak periods. This will not have any significant adverse impact on the traffic flow in Federal Street.
- c. Type and volume of traffic. The traffic generated by the site will be residential in nature (cars) with a peak of 1 vehicle per hour. This is compatible with the traffic on Federal Street.
- d. Ease of accessibility and recognition. The access is existing and consistent in appearance to other accesses along Federal Street.

E6.7.4 On-Site Turning

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

SCHEME REQUIREMENTS

- A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:
- (a) it serves no more than two dwelling units;
- (b) it meets a road carrying less than 6000 vehicles per day.

...

RESPONSE

A1 The proposal serves only 1 dwelling.

No on-site turning is required.

E6.7.5 Layout of Parking Areas

Objective: To ensure that parking areas for cars (including assessable parking spaces), motorcycles and bicycles are located, designed and constructed to enable safe, easy and efficient use.

SCHEME REQUIREMENTS

A1 - 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.

RESPONSE

The proposal will comply with the relevant Australian Standards.

E6.7.6 Surface Treatment of Parking Areas

Objective: To ensure that parking spaces and vehicle circulation roadways do not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

SCHEME REQUIREMENTS

- A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following:
- (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;
- (b) drained to an approved stormwater system,

unless the road from which access is provided to the property is unsealed.

RESPONSE

A1 The parking space/garage and access will be sealed and drained to the public stormwater system in accordance with A1.

E6.7.12 Siting of Car Parking

Objective: To ensure that the streetscape, amenity and character of urban areas is not adversely affected by siting of vehicle parking and access facilities.

SCHEME REQUIREMENTS

A1 - Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.

RESPONSE

A1 The parking areas are located within the building and behind the building line.

E6.7.14 Access to a Road

Objective: To ensure that access to the road network is provided appropriately.

SCHEME REQUIREMENTS

A1 - Access to a road must be in accordance with the requirements of the road authority.

...

RESPONSE

No changes to the existing access to Federal Street are proposed.

4.3 STORMWATER MANAGEMENT CODE

4.3.1 DEVELOPMENT STANDARDS

E7.7.1 Stormwater Drainage and Disposal

Objective: To ensure that stormwater quality and quantity is managed appropriately.

SCHEME REQUIREMENTS

A1 - Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.

RESPONSE

Stormwater will continue to be directed via gravity to public stormwater infrastructure.

The proposal complies with A1.

- 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;
- (b) new car parking is provided for more than 6 cars;
- (c) a subdivision is for more than 5 lots.

RESPONSE

A2 There is no increase in impervious surfaces. Currently, the whole site is either roofed or sealed. No more than two car spaces are proposed, and the application is not for subdivision. No water sensitive urban design principles are required.

- A3 A minor stormwater drainage system must be designed to comply with all of the following:
- (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;
- (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

RESPONSE

A3 Stormwater runoff will be no greater than pre-existing runoff.

4.4 HISTORIC HERITAGE CODE

The cottage at the front of the proposal is a heritage place (Ref:1109). This building is subject to a separate application. No works, demolition or modification to the heritage place are proposed. The following will respond to the relevant standards in the code.

4.4.1 DEVELOPMENT STANDARDS FOR HERITAGE PLACES

E13.7.1 Demolition

Objective: To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.

SCHEME REQUIREMENTS

A1 No Acceptable Solution

- 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.

RESPONSE

The cottage located closest to the frontage is the heritage place, the remainder of the site has been used for light industrial activity and does not contain heritage fabric. The cottage will be subject to a separate application and as such no demolition is proposed.

E13.7.1 Building and works other than demolition

Objective: To ensure that development at a heritage place is:

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

SCHEME REQUIREMENTS

A1 - No Acceptable Solution

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.

RESPONSE

P1 The proposal is for a residential typology that is compatible with the original use of the heritage place, however, offers a modern residential development that does not attempt to mimic the heritage place.

The new development will provide a separation of 2.4m from the cottage and will be sited to the rear of the site. The proposed dwelling will be two storeys located at the rear of the site, offering a transition in height within the site from the Federal Street frontage. The proposal is of a similar height to the warehouses located to the rear of the cottages along this portion of Federal Street as shown in the elevations provided within the architectural set.

The material palette is distinctly different, adopting neutral colours and contemporary finishes and fenestration to ensure the proposal does not dominate the heritage cottage.

The proposal will likely increase the appreciation of the cultural heritage significance in comparison to the current light industrial uses which appear to diminish these values both through form and use's development typology.

The cottage is located directly adjoining the frontage and as it will be subject to a separate application, the elements listed in b) where present will not be impacted.

SCHEME REQUIREMENTS

A1 - No Acceptable Solution

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.

RESPONSE

P2 a) As discussed above, the proposal is of a compatible scale offering a height transition on the site and appropriate separation between the heritage cottage and the new dwelling. The built form typology is residential which is consistent with the heritage use of the site. The fenestration proposed is contemporary.

- b) The proposal is sited to the rear of the site with approximately 14 m setback from the frontage. The heritage cottage is also located between the frontage and the new development.
- c) The proposal is separated from the heritage cottage by 2.4m
- d) The materials are neutral and contemporary to ensure the design is subservient and complementary to the heritage places.

SCHEME REQUIREMENTS

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.

RESPONSE

P4 No changes to the heritage cottage are proposed. The new development has selected materials, built form and fenestration which is clearly contemporary and readily identifiable as such.

SCHEME REQUIREMENTS

P4 Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.

RESPONSE

N/A No extensions to the existing heritage cottage are proposed.

SCHEME REQUIREMENTS

A5 New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.

RESPONSE

N/A No new front fences are proposed.

SCHEME REQUIREMENTS

A6 Areas of landscaping between a dwelling and the street must be retained.

RESPONSE

N/A The heritage cottage is subject to a separate application and no works between the dwelling and the street are proposed.

4.5 ROYAL HOBART HOSPITAL HELIPAD AIRSPACE SAP

The site and surrounding area are located within the extent of the RHH Helipad Airspace SAP. Therefore, the following provisions are relevant.

4.5.1 DEVELOPMENT STANDARDS

F4.3.1 Building Height

Objective: To ensure that buildings do not interfere with safe aircraft operations in the vicinity of the Royal Hobart Hospital Helipad.

SCHEME REQUIREMENTS

- A1 Building height including minor protrusions, masts or aerials within the areas shown on Figure F4.1 must be no more than:
- (a) 64.5 AHD if within the Inner Area;
- (b) 100m AHD if within the Outer Area

...

RESPONSE

A1 The site is within the Outer Area. The proposal is will below 100m AHD and complies with A1.

SUMMARY

The proposal is for the infill development of a single dwelling at the rear of a heritage place. The site currently has approval for the demolition of the existing warehouses and therefore this does not form part of the application. The heritage cottage will be subject to a separate application and therefore has been excluded from this assessment, where relevant.

The proposal is a two-storey, three-bedroom dwelling. The proposal provides a generous northwest facing upper deck, a light well courtyard and two parking spaces. The proposal triggers discretion as it extends beyond the amenity building envelope, and mandatory discretions due to the development occurring at a heritage place under the Historic Heritage Code.

The two-storey dwelling provides a transition in height from the street, and an appropriate separation from the heritage cottage. The materials, fenestration and building form are contemporary and the siting is located behind the cottage, ensuring the proposal is subservient and complementary to the heritage values on site.

ireneinc

PLANNING & URBAN DESIGN

26th of April

c/o Sarah Lindsay LXN Architecture

Dear Sarah

36 FEDERAL STREET, NORTH HOBART

As per your request, below is an assessment of the changes to the shadowing and solar access to the dwellings at the rear of the site. The relevant clause that triggers this assessment is 11.4.2 Setbacks and Building Envelope A3/P3. The proposal protrudes beyond the building envelope and therefore must be assessed in relation to P3 a). P3 b) has already been addressed within the planning report.

P3 The siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
 - (ii) overshadowing the private open space of a dwelling on an adjoining property;
 - (iii) overshadowing of an adjoining vacant property; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; and...

ADJOINING PROPERTIES

In Boland v Clarence Council, adjoining was taken to mean "that the word 'adjoins', in its various forms could mean either physical contiguity or close physical proximity, depending upon the context." In the Tasmanian Planning Scheme, adjoining has been defined as "means next to, or having a common boundary" which is separately defined to adjacent which means "near to and includes adjoining." In the context of the development, adjoining if interpreted to have physical contiguity, being next to or having a common boundary, refers to:

- 36 Federal Street (CT 32923/1)
- 38 Federal Street
- 34 Federal Street

if Boland v Clarence Council's broad definition is adopted, 39-41 Feltham Street and 45 Feltham Street may also be considered adjoining.

- 34 Federal Street and 45 Feltham Street are not vacant or dwelling and therefore does not require assessment in relation to i) iii). Therefore, the assessment of sunlight and overshadowing is in relation to:
 - 36 Federal Street (CT 32923/1)
 - 38 Federal Street
 - 39-41 Feltham Street

REDUCTION OF SUNLIGHT TO A HABITABLE ROOM

ireneinc

49 Tasma St, North Hobart, TAS 7000 Tel. (03) 6234 9281 Fax. (03) 6231 4727 Mob. 0418 346 283 Emaili planning@reneinc.com.au In L Hollier v Hobart City Council and Platinum Plus Properties Pty Ltd 2019 the tribunal stated in relation to Clause 11.4.2 Setbacks and Building Envelope P3 (i):

The assessment is one of the "reasonableness" of that loss. To ascertain whether the loss is unreasonable, the Tribunal must undertake a comparative analysis between the existing level of amenity and the level of amenity post development.

In relation to 38 Federal Street & 39-41 Feltham Street the shadow diagrams indicate that no habitable room is impacted. Therefore, the reduction of sunlight to a habitable room strictly relates to 36 Federal Street (CT 32923/1).

There are two dwellings (multiple dwellings) located at 36 Federal Street ((CT 32923/1) impacted by the proposal. The façade impact is described below, with upper levels being bedrooms and therefore excluded from the assessment.



Figure 1: View of northwest facades of multiple dwellings at 36 Federal Street (LXN Architecture)

In order to assess compliance with 11.4.2 Setbacks and Building Envelope P3 (i), the approach taken in J Fewkes v Clarence City council 2016 is adopted. The following will assess the facts in relation to the criteria described in J Fewkes v Clarence City council 2016

- 47. For glazed areas to be considered as being in, gaining or receiving sunlight, regard should be had to: \cdot
- a) Their size (including the proportion of glazing to size of room), number, location and orientation;

Each dwelling has four joined glazed doors into the living area. Each glazed panel is approximately 0.9x2.3. They are orientated northwest.

b) The proportion of glazed areas receiving sunlight (for larger or many glazed areas, a modest proportion may be acceptable);

Whilst the glazed panels are large, they do not currently receive full sunlight.

c) The size, type and nature of the affected room(s);

D2.4

The dwellings are a cojoined town house of two storeys. The ground floor area facing the site is an open plan living area, of the same size and dimension for each dwelling. The rooms are approximately 6.5 in depth, 5.5m wide and have a floor to ceiling height of 2.4m. The upper storeys are bedrooms and therefore do not require assessment under P3 a) i)

d) The duration, time, continuity and value (i.e. increased sunlight in winter, reduced in summer) of sunlight to be lost and retained;

	Dwell	Owelling 1 (East)										
	Door	Door 1.1			or 1.2 Door			or 1.3			Door 1.4	
	Existing	Proposed	Change	Existing	Proposed	Change	Existing	Proposed	Change	Existing	Proposed	Change
21/06/2022 9:00:00 AM	0%	0%	0%	0%	0%	0%	0%	0%	0%	3%	0%	-3%
21/06/2022 10:00:00 AM	0%	0%	0%	11%	1%	-11%	28%	13%	-15%	43%	31%	-12%
21/06/2022 11:00:00 AM	16%	16%	0%	20%	18%	-2%	20%	20%	0%	30%	29%	-1%
21/06/2022 12:00:00 AM	11%	11%	0%	20%	9%	-10%	26%	26%	-1%	26%	26%	-1%
21/06/2022 13:00:00 PM	6%	6%	0%	6%	7%	0%	63%	54%	-9%	89%	25%	-64%
21/06/2022 14:00:00 PM	51%	51%	0%	93%	0%	-93%	91%	0%	-91%	94%	0%	-94%
21/06/2022 15:00:00 PM	77%	77%	0%	75%	0%	-75%	74%	0%	-74%	76%	0%	-76%
Average	23%	23%	0%	32%	5%	-27%	43%	16%	-27%	51%	16%	-36%

In the case of door 1, the proposed development will not cause a loss of sunlight to the habitable room, and whilst the remaining doors will experience a loss, the impacts between 9am and midday are not substantial resulting in reasonable morning sun.

	Dwellin	Dwelling 2 (West)										
	Door 2.3	Door 2.1			oor 2.2 Door 2.3			.3 Door			2.4	
	Existing	Proposed	Change	Existing	Proposed	Change	Existing	Proposed	Change	Existing	Proposed	Change
21/06/2022 9:00:00 AM	0%	0%	0%	0%	0%	0%	0%	0%	0%	32%	29%	-3%
21/06/2022 10:00:00 AM	0%	0%	0%	48%	48%	0%	51.1%	51.1%	0%	57.4%	57.4%	0.0%
21/06/2022 11:00:00 AM	50%	49%	0%	57%	58%	0%	73%	73%	0%	74%	75%	0%
21/06/2022 12:00:00 AM	77%	63%	-13%	77%	61%	-15%	76%	62%	-14%	76%	63%	-13%
21/06/2022 13:00:00 PM	84%	33%	-51%	82%	32%	-49%	82%	32%	-50%	83%	32%	-51%
21/06/2022 14:00:00 PM	89%	1%	-88%	86%	1%	-84%	87%	1%	-86%	87%	1%	-86%
21/06/2022 15:00:00 PM	82%	0%	-82%	78%	0%	-78%	81%	0%	-81%	79%	40%	-39%

Average 55% 21% -33% 61% 29% -32% 64% 31% -33% 70% 439	-27%
--	------

The proposal will have minimal to no impact between the hours of 9am and 11am, with only a minor impact between 11am and midday. The proposal is considered to provide reasonable morning sun.

e) The density of the subject development, and expectations arising from the applicable zoning and planning controls on the development site and adjoining areas;

The development is for a single dwelling within the inner residential zone, as is the existing multiple dwellings to the rear of the site (36 Federal Street (CT 32923/1)). The intention of the zone is

"To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height... and 11.1.1.3 - To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors."

There is some expectation within this zone for medium density development including smaller building separations and increased height, and by virtue some tolerance for a reduction in sunlight as a result. The permitted amenity envelope for this zone would also result in a reduction of sunlight with an average of 17.5 percent direct sunlight between 9am and 3pm on June 21 for Dwelling 1 (east) and 31.7 percent for dwelling 2 (west). As this is the amenity envelope, it is considered that this represents reasonable level of sunlight as a benchmark. The proposed development reduces sunlight to an average of 36 percent for dwelling 1 and 27 percent for dwelling 2.

f) The design quality of the development - whether reasonable steps have been taken to maximise solar access and/or reduce overshadowing;

The design has been through several iterations to improve solar access, overshadowing and visual impact as a result of the development including the stepping back of the upper level from the western boundary and position the bulk of the upper level closer to the existing warehouse.

g) Overshadowing caused by solid structures such as eaves, fences and other fixtures;

36 Federal Street is located amongst remnant warehouse walls and existing warehouses. The rear of the house is completely fenced in by walls of heights up to 5m. There is a standard fence between the multiple dwellings and between the multiple dwellings and the site.

and

h) Overshadowing by vegetation should generally be ignored but may be relevant in a qualitative sense where the density of the vegetation suggests it should be treated as a fixture (e.g. a dense, high, evergreen hedge).

N/A no shadowing created by vegetation

a) Their size (including the proportion of glazing to size of room), number, location and orientation;

The windows (four glazed doors -approximately 0.9x2.3m, per dwelling) are large and provide glazing for most of the ground floor façade. They are orientated northwest.

OVERSHADOWING OF PRIVATE OPEN SPACE

Based on the shadow diagrams provided by LXN architecture, there appears to be no change to the shadowing on properties 38 Federal Street and 39-41 Feltham Street. Therefore, the assessment is of 36 Federal Street.

Private open space is defined as:

means an outdoor area of the land or dwelling for the exclusive use of the occupants of the land or dwelling.

In the instance of the two dwellings at 36 Federal Street, this refers to the courtyards which abut the development site. This is the sole area of private open space for each of the dwellings.

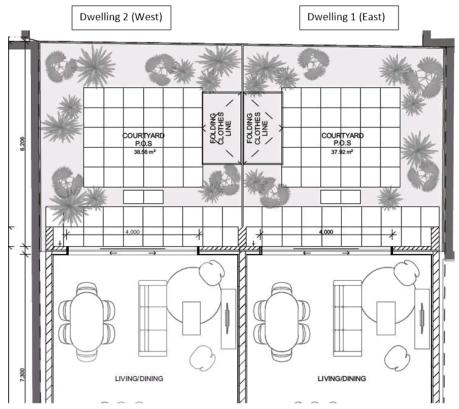


Figure 2: Plan of private open space of dwellings at 36 Federal Street (LXN Architecture)

The overshadowing is described in the following table:

	Percentage (%) of POS overshadowed								
	Dw	elling 2 (we	st)	Dwelling 1 (east)					
Date and Time	Existing	Proposed	change	Existing	Proposed	Change			
21/06/2022 9:00:00 AM	100	99	1	100	100	0			
21/06/2022 10:00:00 AM	100	100	0	100	100	0			
21/06/2022 11:00:00 AM	75	96	-22	100	100	0			
21/06/2022 12:00:00 AM	76	98	-22	100	100	0			
21/06/2022 13:00:00 PM	84	100	-16	97	100	-3			
21/06/2022 14:00:00 PM	100	100	0	100	100	0			

21/06/2022 15:00:00 PM	100	100	0	100	100	0
Average	91	99	-8	100	100	0

With regard to Dwelling 1, the proposal is not considered to cause a loss of amenity through overshadowing, as the proposal does not vary the shadowing substantially enough to be considered a loss. Regarding Dwelling 2, the proposal would result in overshadowing for the entirety of the day, where the existing conditions allow for some direct sunlight between 11am and 1pm. If the development were confined to the amenity envelope, which is considered to be reasonable test for amenity impacts from a development the overshadowing of the Private Open Space for Dwelling 2 would be similar and in some instances slightly worse than the proposed overshadowing impacts, as described below:

	Proposal overshadowing impact (%)	Amenity Envelope overshadowing impact (%)
21/06/2022 9:00:00 AM	1	0
21/06/2022 10:00:00 AM	0	0
21/06/2022 11:00:00 AM	-22	-22
21/06/2022 12:00:00 AM	-22	-24
21/06/2022 13:00:00 PM	-16	-16
21/06/2022 14:00:00 PM	0	0
21/06/2022 15:00:00 PM	0	0
Average	-8	-9

If you have any further queries in relation to any of the above, please contact me on 6234 9281.

Yours sincerely,

Irene Duckett

Director and Principal Planner

IRENEINC PLANNING & URBAN DESIGN



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

12 April 2022

Philippa Grainger LXN Architecture Via email

Dear Philippa,

36 FEDERAL ST - RESPONSE TO COUNCIL RFI

Further to our recent discussions, this letter provides a response to the traffic and parking matters raised in Council's request for further information regarding the abovementioned project.

Specifically this letter addresses the following request from Council:

- E6.7.5 To satisfy Hobart Interim Planning Scheme 2015 clause E6.7.5 Layout of Parking Areas, please provide scaled and dimensioned drawings prepared by a suitably qualified person, addressing all aspects of the acceptable solution or performance criteria.
 - Detail standard B99 base dimension swept paths, with uncompromised 300mm manoeuvring clearances, in and out of all proposed car parking bays, demonstrating no conflict with adjacent parking spaces, any structures and/or fixed objects, and no departure from the trafficable surface responsible for legal access.

Advice: Please provide revised swept path simulations demonstrating vehicle ingress & egress.

Australian Standards, AS2890.1, provides the requirements of the type of vehicles used in parking areas. There are two 'car' vehicle types contained in AS2890.1: B85 and B99 vehicles. These vehicles represent the 85th and 99th percentile cars in the Australian fleet respectively.

AS2890.1 states the following with respect to B99 vehicles:

"Design dimensions based on the B99 vehicle are required at all locations where failure of a vehicle to be able to physically fit into the facility would occasion intolerable congestion and possible hazard. Such locations shall include all access driveways, ramps and circulation roadways, unless there are special circumstances of severe space limitation coupled with relatively low traffic volumes in which case the B85 vehicle dimensions may be used".

In this case the development proposal is domestic and will not provide public car parking. With only two on-site car parking spaces and a peak generation of 2 vehicle per hour it would not be possible to create 'intolerable' congestion.

The B85 vehicle is therefore the appropriate design vehicle in accordance with AS2890.1 requirements. The swept path of B85 vehicle was therefore undertaken using AutoTurn software (with 300mm manoeuvring clearance incorporated). This is shown in Figure 1 and Figure 2 for entry and exit manoeuvres respectively. It is noted that the updated design incorporates a turntable that assists vehicle on-site manoeuvring.

It is further noted that the driveway is narrow, with a minimum width of 2.63 metres. The width of a B99 vehicle is 1.94 metres. When a buffer of 300mm is included on either side of the B99 vehicle, the width is 2.54 metres. This would therefore make it very difficult for a B99 vehicle to negotiate the driveway, irrespective of manoeuvring within the site. On this basis, it is highly unlikely that a B99 vehicle would attempt to access the site.

Figure 1 B85 Entry Movement Swept Paths

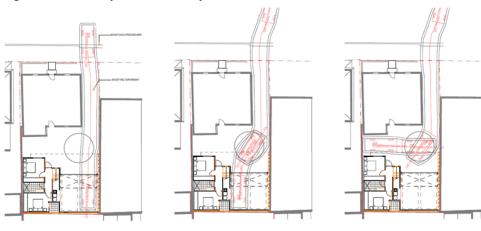
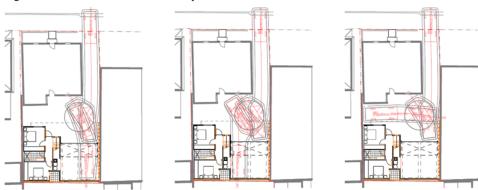


Figure 2 B85 Exit Movement Swept Paths



The swept paths demonstrate compliance with the Performance Criteria P1 of Clause E6.7.5 of the Planning Scheme.

It should be noted that the development is not required to provide on-site turning as the car parking does not service more than 2 dwelling units and fronts onto a road carrying less than 6,000 vehicles per day. It meets the requirements of Acceptable Solution A1 of Clause E6.7.4 of the Planning Scheme without the provision of on-site turning.

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



FOLIO PLAN

RECORDER OF TITLES

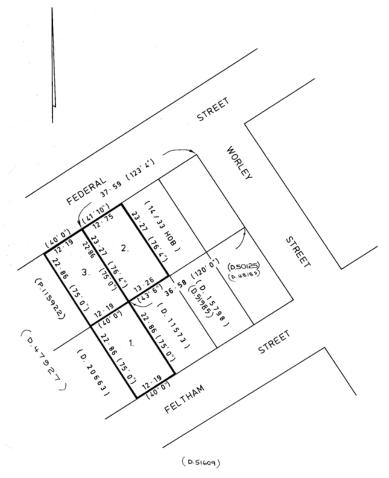


Issued Pursuant to the Land Titles Act 1980



SKETCH BY WAY OF ILLUSTRATION ONLY

CITY/TOWN OF HOBART LAND DISTRICT OF PARISH OF LENGTHS ARE IN METRES. NOT TO SCALE. LENGTHS IN BRACKETS IN LINKO/FEET & INCHES.



Page 191 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
32923	1
EDITION	DATE OF ISSUE
3	06-Mar-2018

SEARCH DATE : 10-Sep-2018 SEARCH TIME : 07.47 AM

DESCRIPTION OF LAND

City of HOBART Lot 1 on Diagram 32923 Being the land described in Conveyance No. 63/4279 Derivation: Part of 5A-3R-34Ps. Gtd. to E. Lowes Prior CT 4408/95

SCHEDULE 1

E129091 TRANSFER to 36 FEDERAL ST HOLDINGS PTY LTD Registered 06-Mar-2018 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any E129092 MORTGAGE to Butler McIntyre Investments Ltd Registered 06-Mar-2018 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

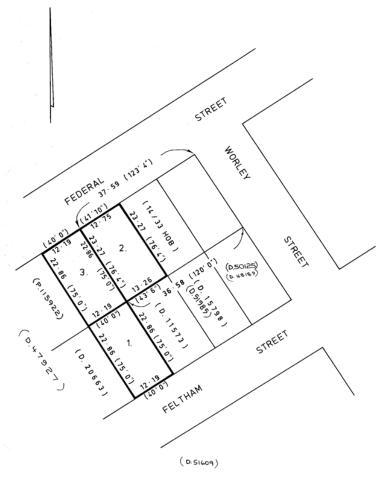


Issued Pursuant to the Land Titles Act 1980



SKETCH BY WAY OF ILLUSTRATION ONLY

CITY/TOWN OF HOBART LAND DISTRICT OF PARISH OF LENGTHS ARE IN METRES. NOT TO SCALE. LENGTHS IN BRACKETS IN LINKO/FEET & INCHES.



Search Date: 10 Sep 2018

Search Time: 07:46 AM

Volume Number: 32923

Revision Number: 01

Page 193 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
32923	3
EDITION	DATE OF ISSUE
3	06-Mar-2018

SEARCH DATE : 10-Sep-2018 SEARCH TIME : 07.46 AM

DESCRIPTION OF LAND

City of HOBART Lot 3 on Diagram 32923 Being the land described in Conveyance No. 63/4279 Derivation: Part of 5A-3R-34Ps. Gtd. to E. Lowes Prior CT 4408/95

SCHEDULE 1

E129091 TRANSFER to 36 FEDERAL ST HOLDINGS PTY LTD Registered 06-Mar-2018 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any E129092 MORTGAGE to Butler McIntyre Investments Ltd Registered 06-Mar-2018 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

Application Referral Cultural Heritage - Response

From:	Sarah Waight		
Recommendation: Proposal is acceptable subject to conditions.			
Date Completed:			
Address:	36 FEDERAL STREET, NORTH HOBART		
Proposal:	Dwelling		
Application No:	PLN-21-661		
Assessment Officer:	Tristan Widdowson,		

Referral Officer comments:

This application is for demolition and construction of a double story dwelling behind a heritage listed cottage. The significance of the listed place is as a Colonial Georgian house from the 19th century. It is a long standing heritage listing predating the current Scheme. It has been used for commercial purposes with internal alterations and until recently the rear yard contained storage and various rear light industrial structures. It does not have a traditional fenced front yard. The building retains the general appearance and characteristics of a 19th century Colonial Georgian single storey residential house with a symmetrical facade with a central door and traditional window apertures on either side, load bearing traditional masonry walls, traditional hipped roof, narrow eaves and traditional chimneys. All are important physical characteristics of a house from this period, sited comfortably within a group of neighbouring 19th century residential cottages, some heritage listed, others not.

By way of background, a previous application for the demolition of the rear storage sheds on this site (PLN-21-24) was approved.

No works are proposed to the front historic building as part of this application, with the plans having the notation: 'Existing Commercial Building - Subject to a separate application'. Should another application be submitted for this part of the site, it is expected that it be sympathetic to, enhance and respect the heritage values of the place such as, but not limited to, the removal of intrusive signage, the unsympathetic porch covering, concrete apron and new work such as a front fence to reinforce and improve the external appearance and historic character of the building. None of this work would be considered onerous or costly. However, the consideration of future works to the historic cottage are not part of this assessment.



Subject property in centre. Source: Council image



Subject property with driveway to the left side and existing two storey units to the rear. Source: Council image

Representations:

Council received three (3) representations with the following heritage and visual matters were raised:

- "The proposed development is unsympathetic to the existing heritage building in front of it"
- "The proposed development will crate an unreasonable loss of amenity through the visual impact of the scale and bulk of the building."
- "The parking generated by the site on the Federal Street side of 36 Federal Street would appear to be greater than that considered by the TIS."
- "...the scale, bulk and proportions of the development are substantially greater than the heritage fabric of the existing 'cottage' dwellings in Federal Street and the adjoining precinct. The Planning scheme requires development to be 'subservient and complimentary to the place'. a two-storey scale and outside of the envelope flat roofline of the new development is significantly greater in scale than our property, and cottages in both Federal and Feltham Streets to the point that it being considered subservient seems highly questionable."
- "There is also concern regarding the impact on the heritage value and building structure

of 39-41 Feltham Street, 38 Federal Street (built C19th), the heritage cottage on 36 Federal Street and surrounding properties with potential demolition of the boundary wall, excavation of foundations and ongoing building works occurring at 36 Federal Street if this development is approved."

Assessment:

The property is a heritage listed place as identified in Table E13.1 of the Historic Heritage Code of the Scheme. The following provisions apply.

Clause E13.7.1 P1 Demolition

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

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

Response:

The demolition of an area of concrete driveway is proposed. The concrete landscaping is not considered significant. Clause E13.7.1 is satisfied.

However, a replacement driveway along the side is proposed. It is recommended that a condition be included in the permit to ensure a permeable surface is located adjacent to the masonry of the historic building to avoid conditions conducive to rising damp.



Side of listed property with view to rear and site of proposed two storey unit development. Source: Council image

Clause E13.7.2 P1 Buildings and Works other than Demolition

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.

Response:

The proposal is for a two storey house which extends across the width of the block and to the rear boundary with a 2.4 and 3.99 metre setback from the rear wing and rear of the heritage listed house respectively. Wider than the heritage house and obviously larger, it introduces a large and bulkier built form to the rear of the house. However, given the nature and character of the cottage and its setting and the fact that the proposal is two stories and set back from the cottage between 2.4 and 3.99 metres, it is considered that the character of the cottage would remain the focus. No change or loss of streetscape elements are proposed as part of this application, although, as already stated, further work to improve the setting of the cottage would be expected in any future application. On balance, it is considered that the proposal satisfies E13.7.2 P1.



Rear yard of subject property. Source: Council image



Rear yard of subject property and neighbouring wall to 38 Federal Street. Source: Council image.

Clause E13.7.2 P2 Buildings and Works other than Demolition

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.

Response:

The proposed dwelling would be set behind the existing historic house. The general locale contains structures which are approximate in height to the proposed development. The development would not project significantly above, or feel far in excess of the heights of existing built form in the vicinity. This street has a hybrid character composed of both period houses and storage and warehouses of a light industrial mixed use form. The proposed boxy or hard architectural vocabulary in white brick at the ground floor and Monument wall cladding and screens, windows that reference a traditional vertical character will not appear, nor be, out of context in this part of this street or area. While not physically subservient to the front cottage with a difference in height of just over 1 metre, the siting of the proposal and its setback in relation to the street frontage and listed historic structures is such that its modern expression results in it being relatively subservient and complementary and may accentuate the historic character. The proposal satisfies E13.7.2 P2 (a) (b) (c) and (d).

Clause E13.7.2 P3 Buildings and Works other than Demolition

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.

Response:

The proposal has a small section of white brick load bearing walls, and a fenestration pattern that reflects traditional vertical windows. Although the colour of the garage door is not specified, it would benefit from having a similar light tone as the brick and this is recommended as a condition of permit. The proposed elevational treatment could be interpreted as the material and fenestration pattern responding to the dominant heritage characteristics of the cottage. The new fabric is identifiable as new and would not be confused with historic fabric. Clause E13.7.2 P3 is met

The proposed development is assessed as satisfying E 13.7.1 P1 and E13.7.2 P1, E13.7.2 P2 and E13.7.2 P3. Conditions of permit are required.

Sarah Waight Senior Cultural Heritage Officer 6 July 2022



7.2.2 1 ELLERSLIE ROAD, BATTERY POINT - ALTERATIONS PLN-22-322 - FILE REF: F22/71001

Address: 1 Elllerslie Road, Battery Point

Proposal: Alterations

Expiry Date: 22 August 2022

Extension of Time: Not applicable

Author: Mark O'Brien

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Alterations at 1 Ellerslie Road, 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-22-322 - 1 ELLERSLIE ROAD BATTERY POINT TAS 7004 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

Prior to first occupation or commencement of use (whichever occurs first), 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.

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.

ENG₁

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.

HER 6

All onsite excavation and disturbance must be monitored. Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

- 1. All excavation and/or disturbance must stop immediately; and
- A qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
- 3. All and any recommendations made by the archaeologist engaged in accordance with 2. above must be complied with in full; and

- 4. All features and/or deposits discovered must be reported to the Council with 3 days of the discovery; and
- A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with 2. above must be provided to Council within 30 days of receipt of the advice, assessment and recommendations.

Excavation and/or disturbance must not recommence unless and until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

HER 17a

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved to demonstrate that the palette of exterior colours, materials and finishes reflect the palette of colours, materials and finishes within the place.

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

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. For additional advice regarding appropriate colours, materials and finishes, contact Council's Cultural Heritage Officer by calling 6238 2715.

Reason for condition

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

ADVICE

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

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

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's online services e-planning portal. Detailed instructions can be found here.

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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

BUILDING PERMIT

You may need building approval in accordance with the *Building Act* 2016. Click here for more information.

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

PLUMBING PERMIT

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

STORMWATER

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

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-22-322 - 1 ELLERSLIE ROAD BATTERY

POINT TAS 7004 - Planning Committee or

Delegated Report !

Attachment B: PLN-22-322 - 1 ELLERSLIE ROAD BATTERY

POINT TAS 7004 - CPC Agenda Documents &

Attachment C: PLN-22-322 - 1 ELLERSLIE ROAD BATTERY

POINT TAS 7004 - Planning Referral Officer

Cultural Heritage Report I



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee

Council: 1 August 2022

Expiry Date: 22 August 2022

Application No: PLN-22-322

Address: 1 ELLERSLIE ROAD, BATTERY POINT
Applicant: Richard Crawford (architectsdesignhaus)

293 macquarie street

Proposal: Alterations

Representations: Zero

Performance criteria: Historic Heritage Code - Heritage Place; Place of Archaeological Potential

1. Executive Summary

- 1.1 Planning approval is sought for Alterations at 1 Ellerslie Road, Battery Point.
- 1.2 More specifically the proposal includes:
 - internal alterations creating additional ablutions, office and lobby area.
 - external alterations creating a covered entry porch and new sliding doors to outdoor dining area.
 - driveway works to improve grade near entry porch.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.2 Historic Heritage Code Heritage Place; Place of Archaeological Potential
- 1.4 No representations were received during the statutory advertising period between 24 June 2022 and 8 July 2022.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council, because the land is jointly managed by the Crown and City of Hobart.

2. Site Detail

2.3

- 2.1 The site at 1 Ellerslie Road is approximately 3,500m² in area and is occupied by the Royal Hobart Bowling Club. The site includes clubrooms and onsite parking in the south and bowling greens in the north. The site is in Battery Point, in the urban mixed use zone south of Hobart's central business area and directly adjoining Anglesea Barracks. The site is a locally listed heritage place and a place of archeological potential.
- 2.2 A site visit was undertaken by Council's Cultural Heritage Officer on 15 June 2022.



Figure 1: Aerial image of site (source: Geocortex)

3. Proposal

- 3.1 Planning approval is sought for Alterations at 1 Ellerslie Road, Battery Point.
- 3.2 More specifically the proposal is for:
 - internal alterations creating additional ablutions, office and lobby area.
 - external alterations creating a covered entry porch and new sliding doors to outdoor dining area.
 - driveway works to improve grade near entry porch.

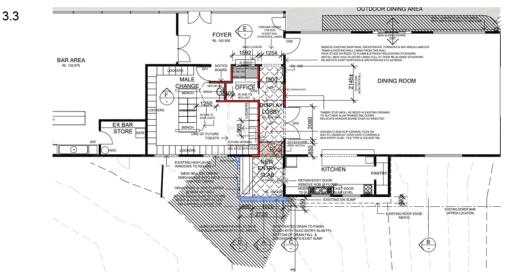


Figure 2: Extract of proposed floor plan (source: Applicant)

4. Background

4.1 The site is owned by the Crown, leased by the City of Hobart, and subleased to Royal Hobart Bowling Club. Therefore, the application has been submitted with Crown landowner consent and the General Manager's consent.

5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between 24 June 2022 and 8 July 2022.

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.

- The site is located within the Open Space Zone of the *Hobart Interim Planning Scheme 2015.*
- 6.3 The existing and proposed use is sports and recreation, which is a discretionary use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Part D 19 Open Space Zone
 - 6.4.2 E6.0 Parking and Access Code
 - 6.4.3 E7.0 Stormwater Management Code
 - 6.4.4 E13.0 Historic Heritage Code
- The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Historic Heritage Code:

Demolition and Works on a Listed Place - E13.7.1 P1; E13.7.2 P1

Demolition and Works in a Place of Archaeological Potential - E13.10.1

P1

- 6.6 Each performance criterion is assessed below.
- 6.7 Demolition and Works to a Listed Place E13.7.1 P1 and E13.7.2 P1, P2, P3, P4
 - 6.7.1 There is no acceptable solution for clause E13.7.1 A1 and E13.7.2 A1, A2, A3, A4.
 - 6.7.2 The proposal includes demolition and works to a listed place.
 - 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 E13.7.1 P1 and E13.7.2 P1 provides as follows:

E13.7.1 P1

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

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

E13.7.2 P1

Development must not result in any of the following:

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

E13.7.2 P2

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

- (a) scale and bulk, materials, built form and fenestration;
- (b) setback from frontage;

- (c) siting with respect to buildings, structures and listed elements;
- (d) using less dominant materials and colours.

E13.7.2 P3

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

E13.7.2 P4

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

6.7.5 The application has been referred to Council's Cultural Heritage Officer. A summary of the officer's assessment has been provided below.

The historic heritage significance of the place is linked to the bowling green, which is not proposed to be altered. The building supports the use of the bowling green but is not architecturally significant in itself.

Broadly speaking, the proposal is modest in scale, subservient to the existing place, in keeping with the character of the club, and sympathetic to the use of the site.

It is recommended that a condition be placed on any planning permit granted by Council to ensure that colours and finishes are appropriate.

- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Demolition and Works in a Place of Archaeological Potential E13.10.1 P1
 - 6.8.1 The acceptable solution at clause E13.10.1 A1 requires that the proposal does not involve excavation or ground disturbance.
 - 6.8.2 The proposal includes ground disturbance in a place of archaeological potential.
 - 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 E13.10.1 P1 provides as follows:

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

- (a) the nature of the archaeological evidence, either known or predicted;
- (b) measures proposed to investigate the archaeological evidence to confirm predictive statements of potential;
- (c) strategies to avoid, minimise and/or control impacts arising from building, works and demolition;
- (d) where it is demonstrated there is no prudent and feasible alternative to impacts arising from building, works and demolition, measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;
- (e) measures proposed to preserve significant archaeological evidence 'in situ'.
- 6.8.5 The application has been referred to Council's Cultural Heritage Officer. A summary of the officer's assessment has been provided below.

The amount of excavation is not clear but the location is known. A review of Sprents Plan and a history of the site do not yield any evidence that a building existed at the location of the proposed excavation. The site was once part of the Anglsea Barracks and it is possible that some military remains exist sub-surface.

It is recommended that a condition be placed on any planning permit granted by Council to ensure that appropriate steps are in place should any unanticipated archeological remains be found during demolition and construction works.

6.8.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Alterations at 1 Ellerslie Road.

- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer, and Parks Planner. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

The proposed Alterations at 1 Ellerslie Road satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Alterations at 1 Ellerslie Road, 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-22-322 - 1 ELLERSLIE ROAD BATTERY POINT TAS 7004 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

Prior to first occupation or commencement of use (whichever occurs first), 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.

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.

ENG₁

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.

HER 6

All onsite excavation and disturbance must be monitored. Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

- 1. All excavation and/or disturbance must stop immediately; and
- A qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
- 3. All and any recommendations made by the archaeologist engaged in accordance with 2. above must be complied with in full; and
- 4. All features and/or deposits discovered must be reported to the Council with 3 days of the discovery; and
- A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with 2. above must be provided to Council within 30 days of receipt of the advice, assessment and recommendations.

Excavation and/or disturbance must not recommence unless and until

approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

HER 17a

Prior to the issue of any approval under the Building Act 2016, revised plans must be submitted and approved to demonstrate that the palette of exterior colours, materials and finishes reflect the palette of colours, materials and finishes within the place.

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

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. For additional advice regarding appropriate colours, materials and finishes, contact Council's Cultural Heritage Officer by calling 6238 2715.

Reason for condition

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

ADVICE

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

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

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will

need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's online services e-planning portal. Detailed instructions can be found here.

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click here for more information.

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

PLUMBING PERMIT

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

STORMWATER

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

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.

Page 217 **ATTACHMENT A**

DIAL BEFORE YOU DIG

Item No. 7.2.2

Click here for dial before you dig information.

Page: 13 of 14

(Mark O'Brien)

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

(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 18 July 2022

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report



293 Macquarie Street Hobart
Tasmania Australia 7000
PO Box 544 Hobart 7001
Web: www.architectsdesignhaus.com
Email: info@architectsdesignhaus.com
Phone: +61 3 6234 5533
Fax: +61 3 6223 2656
ABN: 44 191 038 350

Job No-1709 3 September 2018

Planning Department Hobart City Council 16 Elizabeth Street Hobart 7000

To whom it may concern

Re: Planning Request Royal Hobart Bowling Club Inc -1 Ellerslie Road

Our client is proposing to modify a component of the existing Club rooms to provide a new entry and toilets to enhance the existing facilities at the above address.

Preliminary discussions with Hobart City Council representative Shannon Avery have allowed an onsite review our proposal and we have approval from the General manager to submit our documents for assessment (see attached)

Drawings 1709 DA-100 outlines the existing facility and 1709 DA-01 and 02 indicate the proposed extent of new work.

The proposed works include new toilets, modifying the wall facing the car park by inserting a new entry and creating an awning to protect the new entry.

Can you please assess these documents for approval.

If you have any query please contact the writer.

Yours faithfully,

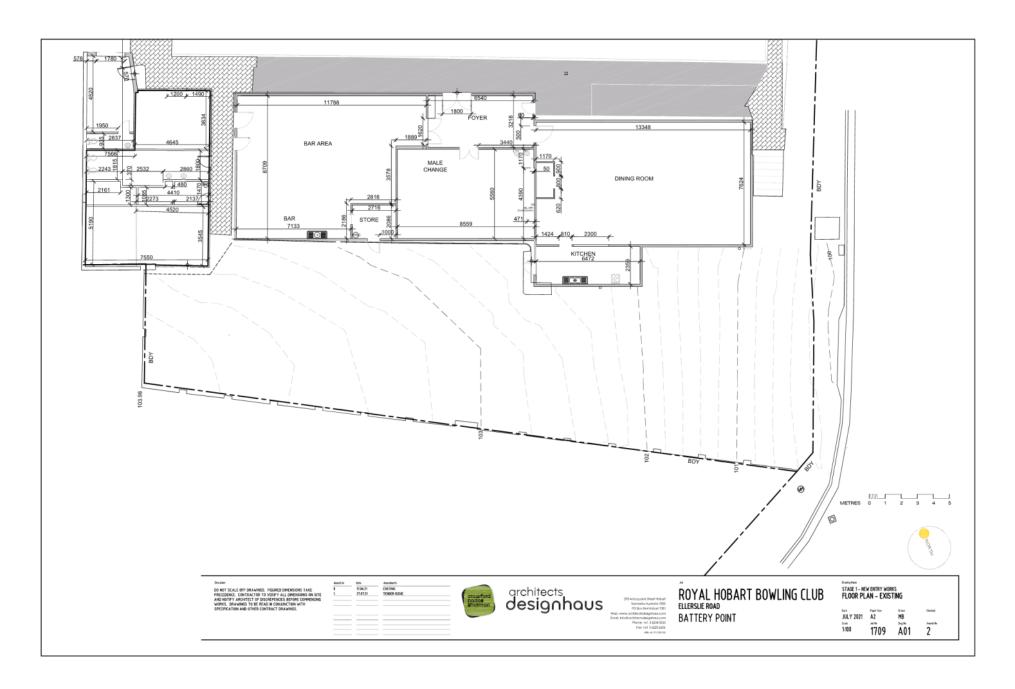
Richard Crawford

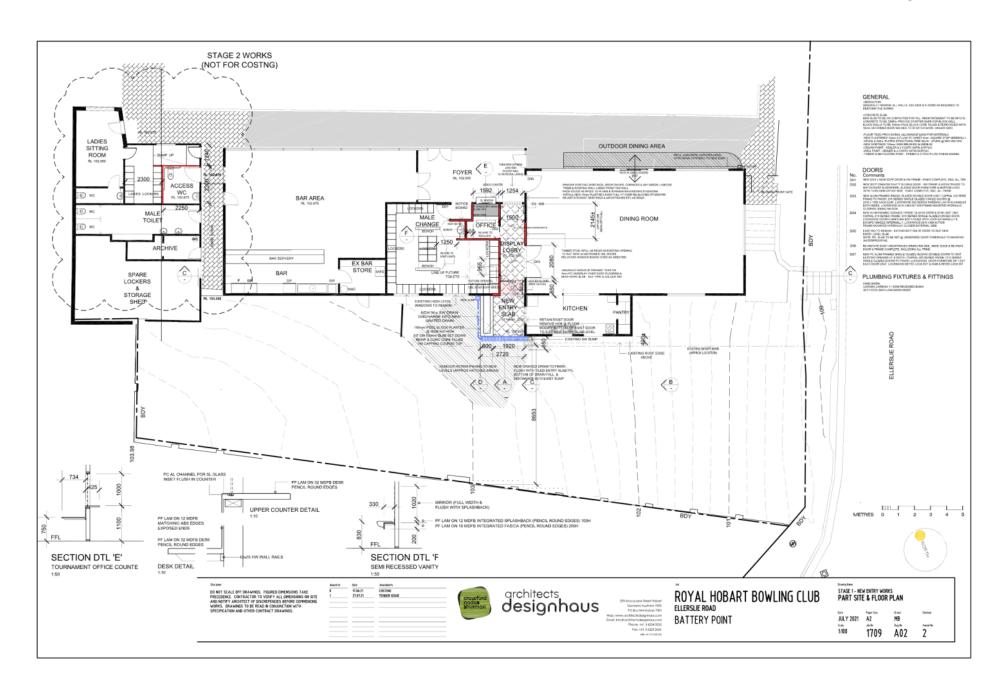
FRAIA

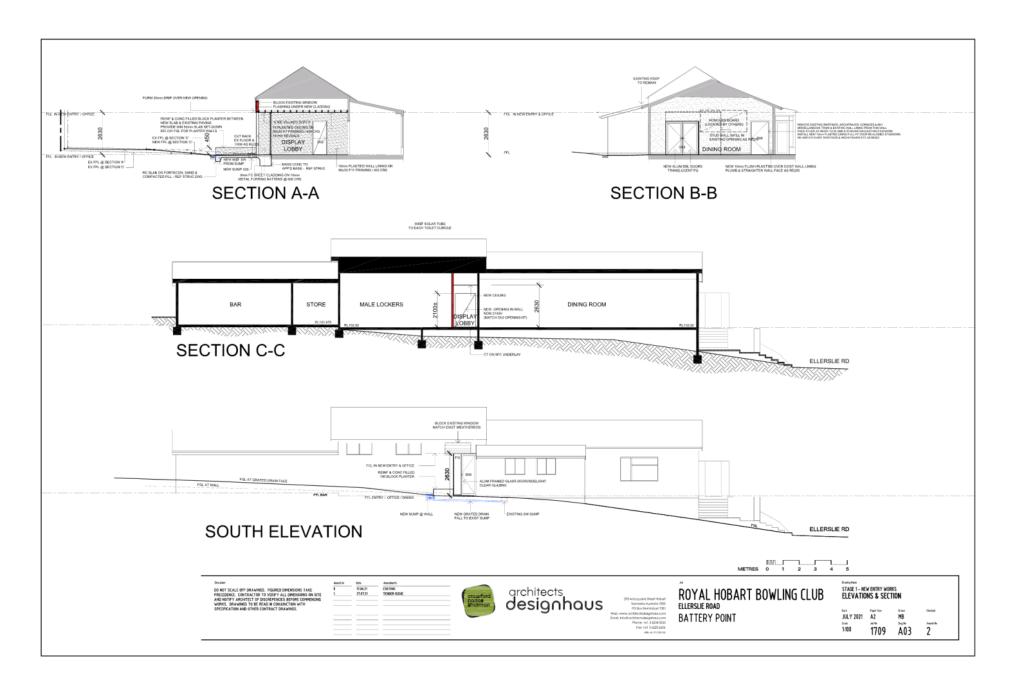
Architects Designhaus



Director







Mark O'Brien

From: Richard Crawford | Architects Designhaus < richard@architectsdesignhaus.com>

Thursday, 16 June 2022 9:30 AM Sent:

To: Mark O'Brien

Subject: RE: Assessment Email - PLN-22-322 - 1 ELLERSLIE ROAD BATTERY POINT TAS 7004

Caution! This message was sent from outside your organization

Allow sender | Block sender

Hi Mark,

I can confirm that the proposal does not involve any demolition or works to the front steps and garden.

Kind Regards,

Richard Crawford FRAIA

Director

(BArch) RMIT. Accredited Building Practitioner No CC988C

0418121431





205 Macquarie Street Hobart Tasmania Australia GPO Box 544 Hobart 7001 Phone: +61 3 6234 5533

Web: www.architectsdesignhaus.com

Email: richard@architectsdesignhaus.com

This communication is intended only for the recipient(s) named above and may contain confidential or privileged information. If you are not the intended recipient(s) of this message, please delete it immediately. You are advised that any use, disclosure, copying or distribution of the contained information is strictly prohibited.

All of the opinions expressed and/or advice given in this message are those of the individual sender, unless they are specifically stated to be those of Crawford Padas Shurman | Architects Designhaus

From: obrienm@hobartcity.com.au <obrienm@hobartcity.com.au>

Sent: Thursday, 16 June 2022 9:25 AM

To: Richard Crawford | Architects Designhaus < richard@architectsdesignhaus.com> Subject: Assessment Email - PLN-22-322 - 1 ELLERSLIE ROAD BATTERY POINT TAS 7004

Hi Richard,

Rather than send another formal letter, Council's Heritage Officer Megan Baynes has asked me to follow up something with you. Can you please confirm via return email that the proposal does not involve any demolition or works to the front steps and garden.

Megan is still considering the information you have provided to date and whether the proposal meets the requirements of the heritage code.



293 Macquarie Street Hobart
Tasmania Australia 7000
PO Box 544 Hobart 7001
Web: www.architectsdesignhaus.com
Email: info@architectsdesignhaus.com
Phone: +61 3 6234 5533
Fax: +61 3 6223 2656

14th June 2022

Hobart City Council 16 Elizabeth Street Hobart 7000

To Whom it may Concern,

RE: 1 Ellerslie Road Photos

The photos attached relate to the following areas:

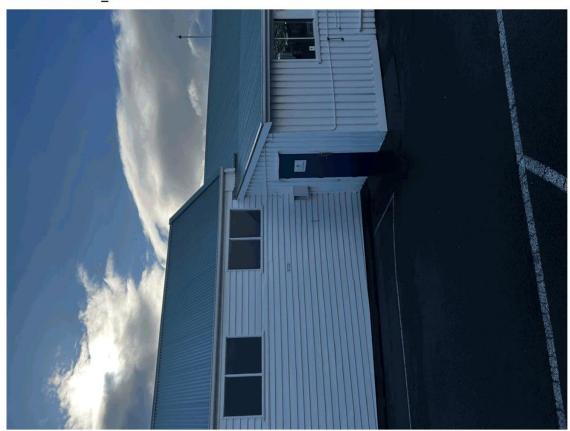
9751- external view for new entry door 9751-internal view towards entry door location 9753-Dining room opening (existing opening covered up) 9754-location of window into foyer 9755- location of window from foyer 9756- dining room entry

Yours faithfully,

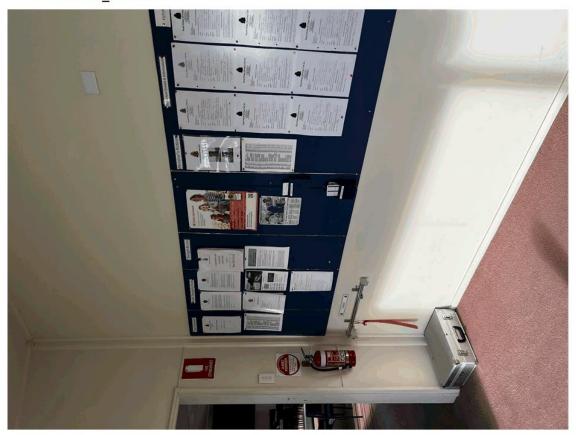
Richard Crawford Architects Designhaus

Director FRAIA

1. TrimDownload_2851206.JPG



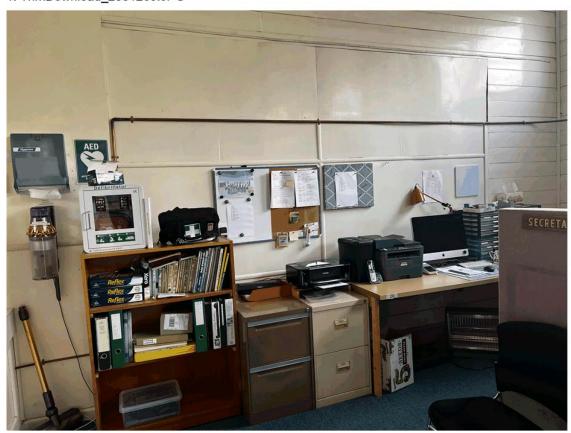
1. TrimDownload_2851207.JPG



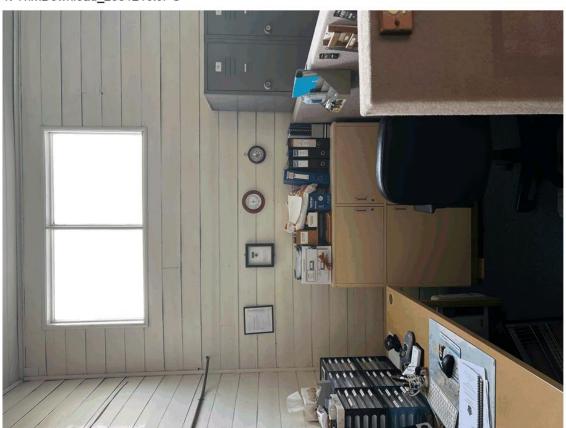
1. TrimDownload_2851208.JPG



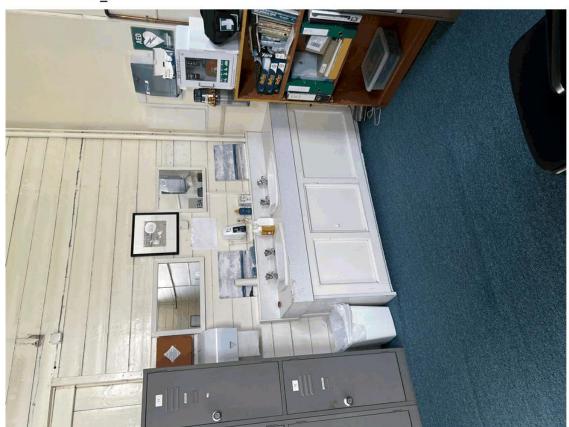
1. TrimDownload_2851209.JPG



1. TrimDownload_2851210.JPG

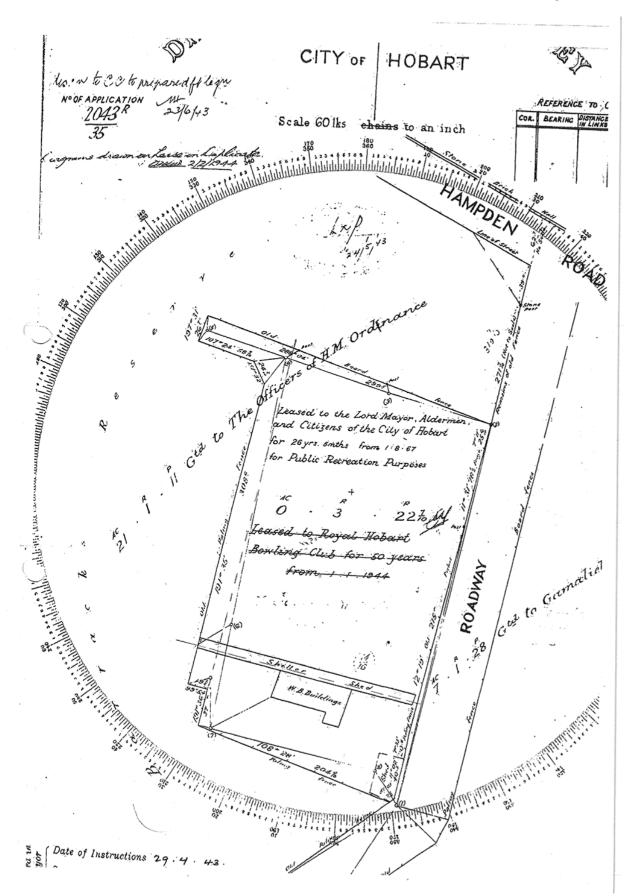


1. TrimDownload_2851212.JPG



Planning: #161367	
Planning: #161367	
roperty	
1 ELLERSLIE ROAD BATTERY POINT TA	AS 7004
aanla	
eople	
Applicant *	prohito stude size have
Applicant *	architectsdesignhaus Richard Crawford
	293 macquarie street
	HOBART TAS 7000
	0362345533 richard@architectsdesignhaus.com
	norm alganomicosoco alganicas com
Applicant *	architectsdesignhaus
Аррисан	Richard Crawford
	293 macquarie street
	HOBART TAS 7000
	0362345533 richard@architectsdesignhaus.com
Owner *	Royal Hobart Bowling Club Inc
	1 Ellerslie Road HOBART TAS 7000
	0362237640
	treasurer@royalhobartbowlingclub.org.au
Entered By	ARCHITECTS DESIGNHAUS PTY LTD
se	
Other	
etails	
cialis	
Have you obtained pre application adv	vice?
No	
- 110	
If YES please provide the pre application	on advice number eg PAE-17-xx
Are you applying for permitted didn't	accommodation as defined by the State Covernment Visites Assessed to
	accommodation as defined by the State Government Visitor Accommodation button for definition. If you are not the owner of the property you MUST
	owner that they are aware of this application. *
No No	
ls the application for SIGNAGE ONLY? number of signs under Other Details b	If yes, please enter \$0 in the cost of development, and you must enter the elow. *

⊚ No			
If this application is related	to an enforcement action please e	nter Enforcement Number	
Details			
What is the current approve	ed use of the land / building(s)? *		
Sporting Club			
Please provide a full descri	ption of the proposed use or devel	opment (i.e. demolition and new dwelling, swimming	
construction of new entry	and toilets		
Estimated cost of developm	ent *		
100000.00			
Existing floor area (m2)	Proposed floor area	n (m2)	
370.00	1.00		
Site area (m2)			
3610			
Carparking on Site			
Total parking spaces	Existing parking spaces	N/A	
17	17	☑ Other (no selection	
		chosen)	
Other Details			
Does the application includ No	e signage? *		
How many signs, please en this application? *	ter 0 if there are none involved in		
0			
Tasmania Heritage Reg	jister		
Is this property on the Tasn	nanian Heritage Register? No		
Documents			
Required Documents			
Title (Folio text and Plan and Schedule of Easements) *	Certificate of Title.pdf		
Plans (proposed, existing) *	Drawing Set.pdf		
	F18 89905 GM Landlord Consent - 1 E Bowling Club) - internal alterations and	Ellerslie Road, Battery Point - (Royal Hobart d building works.PDF	
Covering Letter	royal hobart bowling clubHCC letter1.p	df	
Covering Letter	overing Letter Crown Consent to DA - Royal Hobart Bowling Club - DA - Internal Alterations.pdf		



0

1100



a Jon 1968.

day of December.

INDENTURE made the thousand nine hundred and sixty-seven BETWEEN THE LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF HOBART in Tasmania acting by the Council (hereinafter called "the Lessor") of the one part and HAROLD THORNE of 308 Park Street, New Town Retired, LAURENCE WILLIAM SALMON of 91 Lord Street, Sandy Bay, Retired. and JOSEPH CLARENCE GREGG of 3 Montgomery Court, Hobart Retired the present Trustees of the Royal Hobart Bowling Club (hereinafter called "the Club" and which Trustees are hereinafter called "the Trustees" which expression shall include the successors and assigns of the present Trustees) of the other part NOW THIS INDENTURE WITNESSETH as follows:-1. IN consideration of the rent and the covenants by the Trustees the Lessor hereby demises unto the Trustees ALL THAT piece of land situate in Ellerslie Road, Hobart containing 3 roods 22 7/10th perches as the same is shown on the plan annexed hereto and there surrounded by red boundary lines TOGETHER WITH the pavilion and stands erected thereon and the right to charge for admission thereto (all of which is hereinafter referred to as "the demised premises") TO HOLD the same unto the Trustees for a period from the 1st day of August One thousand nine hundred and sixty-seven to the 30th day of December One thousand nine hundred and ninety-three yielding and paying therefor throughout the whole of the said term the yearly rental of Ten dollars (\$10.00) per annum payable yearly in advance the first of such payments having been made on the 1st day of August One thousand nine hundred and sixty-seven. 2. THE Trustees for and on behalf of the Club and as authorised

1967-117

4.(2)

agents thereof for themselves jointly and severally and the survivors or survivor of them their and his assigns hereby covenant with the Lessor to observe and perform the provisions and stipulations following that is to say -

- (a) That they will during the said term out of the funds of the Club pay to the Lessor in respect of the demised premises the rent hereby reserved.
- (b) That they will use the demised premises as bowling greens only and will take every possible care of the same and will at or before the expiration of the term hereby created repair any damage caused to the demised premises by any person entering thereon in pursuance of this Lease.
- (c) That they will not damage or permit to be damaged the fences, gates, pavilions or stands nor break or permit to be broken up or damaged the bowling greens and/or pavilions now erected or to be erected on the demised premises.
- (d) That they will during the continuance of this demise out of the funds of the Club pay for all the gas and electric light used by them in the pavilion or in connection with the said bowling greens AND will also pay out of the funds of the Club for all water used by them on the demised premises at such rate as may be fixed by the Lessor from time to time for the supply of water to private bowling greens.
- (e) That they will not assign or sublet the demised premises or any part thereof without the written consent of the Lessor first had and obtained PROVIDED HOWEVER that if the Trustees shall cease to represent the Royal Hobert Bowling Club they or their personal representatives may without any

з.

- licence assign this lease to any person or persons who shall for the time being represent the said Club.
- (f) They will permit the Lessor or its agents at all reasonable times to enter upon the demised premises for the purposes of seeing that the covenants on the part of the Trustees are being observed and performed.
- (g) That they will carry out within such time as shall be fixed by the Lessor and pay for out of the funds of the Club a scheme of improvements on the demised premises to be approved by the Lessor and shall expend on such improvements a sum of money to be approved by the Lessor but not to be less than Fourteen thousand dollars (\$14,000) in accordance with the plans and specifications to be submitted to and approved by the Lessor.
- (h) That they will at the expense of the Club at all times during this demise maintain and keep the bowling greens and the exterior and interior of all buildings at present on or to be erected on the demised premises and all drains thereon in good and tenantable repair and condition and hereby indemnify the Lessor against all expenditures whatsoever or howsoever arising in connection with the demised premises during the continuance of this demise.
- (i) That they will keep all fences on the demised premises in good repair and condition and fully maintained to the satisfaction of the Lessor.
- (j) That they will insure the demised premises in the joint names of themselves and the Lessor to the full insurable value thereof and pay all premiums necessary for that

4.

- purpose on or before the due date thereof and whenever required to produce to the Lessor or its agent the policy of insurance and the receipt for the current years premium.
- (k) That they will paint the outside of the buildings on the demised premises once in every five years and the inside thereof when required by the Lessor in writing to do so.
- (1) Not to affix on any part of the Club any placard, sign or poster without the previous consent in writing of the Lessor first had and obtained.
- (m) That they will duly bear pay and discharge municipal rates in respect of the demised premises on and from the 1st day of August, One thousand nine hundred and sixty-seven to the 30th day of December, One thousand nine hundred and ninety-three.
- (n) That they will at the end or sooner determination of the term hereby created peaceably deliver up possession of the demised premises to the Lessor in good order and condition.
- (o) That they will pay all costs and out-of-pocket expenses in connection with the preparation and registration of this Lease.
- 3. THE Lessor hereby covenants with the Trustees that the Trustees observing and performing the provisions and stipulations hereinbefore contained and on their part to be observed and performed shall peaceably and quietly enjoy the demised premises and shall not be disturbed by any act of the Lessor or any person or persons claiming under it.
- 4. If the Trustees commit or allow to be committed any breaches of any of the covenants on their part hereinbefore contained

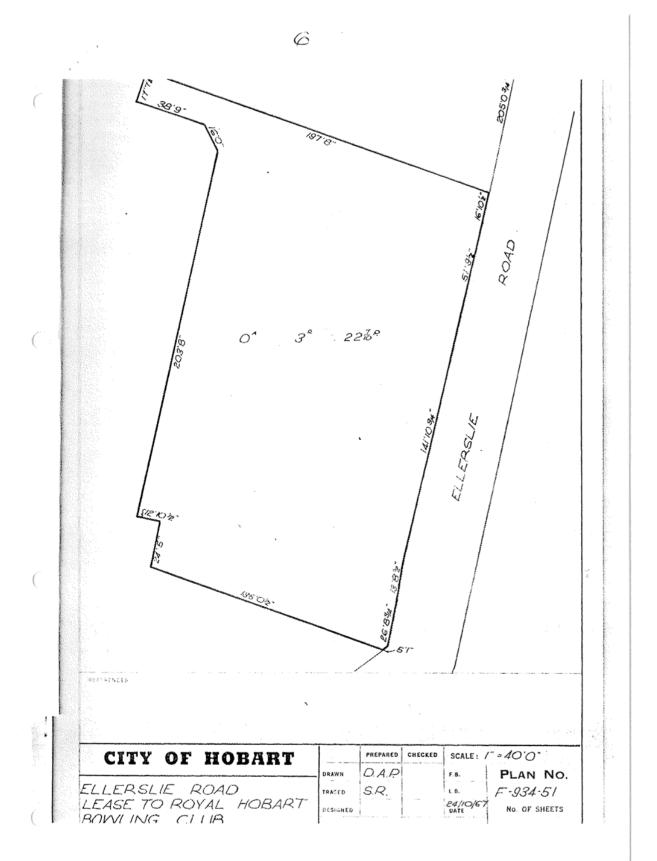
5.

or if the rent hereinbefore reserved or any part thereof shall remain unpaid for twenty one days after the same shall have become due whether legally demanded or not it shall be lawful in any such case for the Lessor to re-enter upon the demised premises and thereupon the term hereby granted shall be determined.

- 5. ANY notice required to be given or served upon the Trustees may be given or served by being sent by registered letter addressed to the Secretary of the Royal Hobart Bowling Club and shall be deemed to have been received by him on the day on which it would have been delivered in the ordinary course of the post.
- 6. THE Trustees are executing this demise in their capacity as Trustees for the time being of the Club and shall not be deemed to incur any personal liability by reason of any non-performance or non-observance of any of the covenants or stipulations on the part of the Trustees herein expressed to be performed or observed.
- 7. IF any dispute shall arise between the parties in relation to any rights or liabilities hereunder the same shall be referred to two arbitrators or their umpire pursuant to the Arbitration Act 1892 or the then subsisting statutory provisions relating to arbitration.

IN WITNESS whereof the Trustees have affixed their hands and seals and the Lessor has caused its Common Seal to be affixed hereunto the day and year first hereinbefore written.

6. THE COMMON SEAL OF THE LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF HOBART was hereunto affixed in the presence of A LORD MAYOR TOWN CLERK SIGNED SEALED AND DELIVERED by the said HAROLD THORNE in the presence SIGNED SEALED AND DELIVERED by the presence of -SIGNED SEALED AND DELIVERED by the said JOSEPH CLARENCE GREGG in the presence of -Mysohumill



1967 7/7

	, i	1
	The duty payable hereon was this day assessed by me at S / - 00 mothers.	
	Assessor of Stump Duties TREMANDIAN STAND	
We hereby certify to the rent payable under the Indenture of Lease herein mentioned is Ten Dollars (\$10.00) per annum. Wurdoch Clarke Cosgrove & Drake, per:-	THIS INDENTURE made the AND ONE OF THE CITY OF HOBERT THE LORD MAYOR ALDERHEN AND CITIZENS OF THE CITY OF HOBERT in Tasmania acting by the Council (hereinafter called "the Lessor") of the one part and ROBERT DONALD EVERETT of Number 3 Braeside Crescent Sandy Bay Hobart in Tasmania Retired Company Hanager LAURENCE WILLIAM SALMON of Number 91 Lord Street Sandy Bay aforesaid Retired Public Servant and VINCENT RECIMAND LONG of 1/24 Fitzroy Place Hobart in Tasmania Retired Public Servant the present Trustees of the Royal Hobart Bowling Club (hereinafter called "the Club" and which Trustees are hereinafter called "the Trustees" which expression shall include the successors and assigns of the present Trustees) of the other part IS SUPPLEMENTAL to an Indenture (hereinafter called "the Lease") dated the Eleventh day of December One thousand nine hundred and sixty seven and made between the Sessor of the one part and Barold Thorne of 308 Park Street New Town in Tasmania Retired Laurence William Salmon of 91 hord Street Sandy Bay Retired and Joseph Clarence Gregg of 3 Montgomery Court Hobart in Tasmania Retired of the other part whereby for the consideration therein expressed the lands and hereditaments therein and hereinafter describe were leased to the said Harold Thorne Laurence William Salmon and Joseph Clarence Gregg for a term expiring on the Thirtieth day of December One thousand nine hundred and	

-2ninety three AND WHEREAS the said Harold Thorne and the said Joseph Clarence Gregg have since the said Eleventh day of December One thousand nine hundred and slaty seven died AND WHEREAS the Present Trustees are the Trustees of the Club AND WHEREAS the term of the Lessor's Head Lease of the said lands and hereditaments from the Crown has been extended by thirty years AND WHEREAS the Lessor has agreed with the Trustees to extend the Lease for a term expiring on the Twenty minth day of December Two thousand and twenty three NOV THIS INDENTURE WITNESSETE that in consideration of the premises the Lessor hereby extends the term of the Lease for a period expiring on the Twenty minth day of December Two thousand and twenty three AND in all other respects the parties hereto confirm the terms of the Lease. IN WITNESS whereof the Trustees have affixed their hands and seals and the Lessor has caused its Common Seal to be affixed hereunto the day and year first hereinbefore written. THE COMMON SEAL of THE LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF HOBART was hereunto affixed in the presence of CHERK SIGNED SEALED AND DELIVERED by the said ROBERT DONALD EVERETT in the presence of 142 Marquance Street

SIGNED SEALED AND DELIVERED by the said LAURENCE WILLIAM SALMON in the presence of Agoddaw Harmayyare St. 142 Mayara. SIGNED SEALED AND DELIVERED by the said VINCENT REGINALD LONG in the presence of Agamus Africana Agamus Agam	1
said LAURENCE WILLIAM SALMON in the presence of Agoddaw FCIV 147 Managuare St SIGNED SEALED AND DELIVERED by the said VINCENT REGINALD LONG in the presence of	
said VINCENT REGINALD LONG in the	



THIS INDENTURE, made the De combe two thousand and eight day of BETWEEN ALAN STANLEY TRETHEWEY of Red Chapel Avenue, Sandy Bay in Tasmania, Retired Company Director and CHARLES WILLIAM CRAWFORD of Macquarie Street, South Hobart in Tasmania, Retired Architect (hereinafter called "the Trustees") of the one part and the AH BOWLING ROYAL HOBART-BOWLS-CLUB INC. (hereinafter called "the Bowls Club") of the other part, is SUPPLEMENTAL TO an Indenture (hereinafter called "the Lease") dated the 11th day of December, 1967 and made between the Lord Mayor, Alderman and Citizens of the City of Hobart (therein and hereinafter called "the Lessor") of the one part and HAROLD THORNE, LAWRENCE WILLIAM SALMON and JOSEPH CLARENCE GRIGG, [being and as the Trustees of the (then non incorporated) ROYAL HOBART-BOWLS CLUB and duly appointed as such pursuant to the Rules of the Club] of the other part WHEREBY, for the consideration therein expressed, the lands and hereditaments therein and hereinafter described were leased to the Trustees for a term expiring on 30/12/1993 AND SUPPLEMENTAL TO an Indenture (hereinafter called "the Extension") dated the 6th day of August, 1975 and made between the Lessor of the one part and Robert Donald Everett, the said Lawrence William Salmon and Vincent Reginald Long being and as the then current Trustees of the Club and duly appointed pursuant to the Rules of the Club, WHEREBY, for the consideration therein expressed, the Lessor extended the term of the Lease for a period expiring on the 29th day of December, 2023 and in all other respects confirmed the terms of the Lease AND WHEREAS by an Indenture dated 29th day of January, 1988 and made between the said Robert Donald Everett of the one part and the Trustees (and Eric George Drury) of the other part the said Robert Donald Everett transferred set over and assigned unto the Trustees (and Eric George Drury) the residue of the unexpired term created by the Lease and by the Extension and WHEREAS on and from the 13th day of March 1990 the Bowls Club became incorporated under the Associations Incorporation Act 1964 No. 02035C ("the Act") AND WHEREAS the said Eric George Drury died on the 9th day of June 2008 AND WHEREAS in the events which have happened the Trustees are the Trustees of the Bowls Club



WHEREAS doubts have arisen as to whether the residue of the unexpired term created by the Lease and by the Extension is has been and presently vested in the Bowls Club (vide Section 13 of the Act) or in the Trustees AND WHEREAS in any event the Trustees are desirous of retiring as Trustees NOW THIS INDENTURE WITNESSETH that to remove any doubt and in exercise of the power for such purpose vested in them by Law, the Rules of the Club and of all other powers them enabling in such behalf AND in consideration of the premises, the Trustees do hereby transfer, set over and absolutely assign unto the Bowls Club ALL THAT the rest and residue of the unexpired term of years created by the Lease and by the Extension in respect of the lands and hereditaments comprised therein TO HOLD the same unto and to the use of the Bowls Club SUBJECT TO and for the purposes expressed from time to time in the Rules of the Club and the Act.

<u>IN WITNESS</u> whereof the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written.

SIGNED SEALED AND DELIVERED

by the said ALAN STANLEY

TRETHEWEY in the presence of:-

SIGNED SEALED AND DELIVERED

By the said **CHARLES WILLIAM**

CRAWFORD in the presence of:-



5574839

8 August 2018

MEMORANDUM: GENERAL MANAGER

REQUEST TO GRANT LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address: 1 Ellerslie Road, Battery Point

(Royal Hobart Bowling Club)

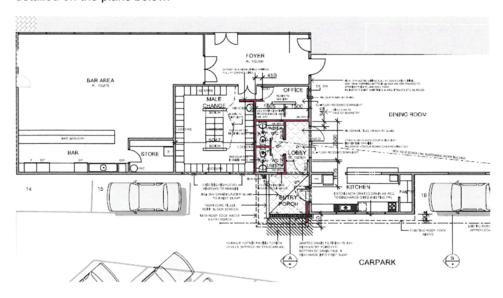
Description of Proposal: Internal alterations and building works

Applicant Name: Crawford Padus & Shurman,

Architects Designhaus

PLN (if applicable): N/A

The proposal is for internal alterations to the club rooms of the Royal Hobart Bowls Club which includes works in the men's and women's toilets and the entry porch as detailed on the plans below.



 $\ensuremath{\mathsf{MISSION}}$ ~ TO ENSURE GOOD GOVERNANCE OF OUR CAPITAL CITY.

The building is heritage listed and as such requires planning approval for the proposed works.

RECOMMENDATION

That pursuant to Section 52 of the Land Use Planning and Approvals Act 1993, the General Manager grant consent on behalf of the Hobart City Council as the owner/administrator of the above land to allow the applicant to make application to the City for a planning permit for the development described above and as per the attached documents.

(Shannon Avery)

ACTING MANAGER PARKS AND RECREATION

ENDORSED:

(Glenn Doyle)

DIRECTOR PARKS AND CITY AMENITY

Approved / Not Approved

GENERAL MANAGER

Date: 8/8/18



Enquiries to: Shannon Avery

2: (03) 6238 62882

coh@hobartcity.com.au

Our Ref: 5574839P

8 August 2018

Via Email: richard@crawfordshurman.com.au

Dear Mr Crawford

NOTICE OF LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address: 1 Ellerslie Road, Battery Point

(Royal Hobart Bowling Club)

Description of Proposal: Internal alteration and building works

Applicant Name: Crawford Padus & Shurman,

Architects Designhaus

PLN (if applicable): N/A

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 or as the owner/administrator of the land.

Yours faithfully

(N.D. Heath)

GENERAL MANAGER

Attachment: Land Owner Consent

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 f CityofHobartOfficial

ABN 39 055 343 428 Hobart City Council



5574839

LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address:

1 Ellerslie Road, Battery Point

(Royal Hobart Bowling Club)

Description of Proposal:

Internal alterations and building works

Applicant Name:

Crawford Padus & Shurman,

Architects Designhaus

PLN (if applicable):

N/A

The land indicated above is owned or is administered by the Hobart City Council.

The applicant proposes to lodge an application for a permit, pursuant to the *Land Use Planning and Approvals Act 1993*, in respect to the proposal described above.

Part or all of the application proposes use and/or development on land owned or administered by the City located at (as shown on the attached plans). Being and as General Manager of the Hobart City Council, I provide written permission to the making of the application pursuant to Section 52(1B)(b) of the Land Use Planning and Approvals Act 1993.

(Ń.D. Heath)

GENERAL MANAGER

This consent is for the making of a planning application only, and does not constitute landlord consent for the development to occur.



Department of Natural Resources and Environment Tasmania

GPO Box 44, Hobart, TAS 7001 Australia www.parks.tas.gov.au



Enquiries: Gerry Murrell Phone: (03) 6165 3065 Email: propertyservices@parks.tas.gov.au Our ref: 256523-001

23 May 2022

The Royal Hobart Bowling Club Inc C/- Richard Crawford (Crawford Padus & Shurman) Architects Designhaus 293 Macquarie Street HOBART TAS 7000

E: richard@architectsdesignhaus.com

Dear Mr Crawford.

LODGEMENT OF PLANNING APPLICATION THE ROYAL HOBART BOWLING CLUB INC INTERNAL ALTERATIONS TO CLUB ROOMS 1 ELLERSLIE ROAD BATTERY POINT

This letter, issued pursuant to section 52(1B) of the *Land Use Planning and Approvals Act 1993*, is to confirm that the Crown consents to the making of the enclosed Planning Permit Application, insofar as the proposed development relates to Crown land managed by the Department of Natural Resources and Environment Tasmania.

Crown consent is only given to the lodgement of this application. Any variation will require further consent from the Crown.

This letter does not constitute, nor imply, any approval to undertake works, or that any other approvals required under the *Crown Lands Act 1976* have been granted. If planning approval is given for the proposed development, the applicant will be required to obtain separate and distinct consent from the Crown before commencing any works on Crown land.

If you need more information regarding the above, please contact the officer nominated at the head of this correspondence.

Yours sincerely,

Jesse Walker

Team Leader (Assessments)

Application Referral Cultural Heritage - Response

From:	Megan Baynes
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	1 ELLERSLIE ROAD, BATTERY POINT
Proposal:	Alterations
Application No:	PLN-22-322
Assessment Officer:	Mark O'Brien,

Referral Officer comments:

This application involves alterations and additions to a Bowls Club which has been used for sporting activity on a continuous basis since at least c1910.

The applicant is seeking to create an accessible entrance and to provide new bathrooms. The bowling green is not proposed to be altered. The front garden and steps are not proposed to altered. Some demolition of weatherboard external and internal walls would be required. The property is a listed place in a heritage precinct within the zone of archaeological potential and thus the Heritage Code is enacted. The discretion is Archaeology, demolition and works at a listed place and in a heritage precinct.

Archaeology

E13.10.1 Building, Works and Demolition

Objective

To ensure that building, works and demolition at a place of archaeological potential is planned and implemented in a manner that seeks to understand, retain, protect, preserve and otherwise appropriately manage significant archaeological evidence.

Acceptable Solutions

A1 Building and works do not involve excavation or ground disturbance. The creation of a new level entry will require excavation at the side of the former changerooms. A1 is not met.

Performance Criteria

P1

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

- (a) the nature of the archaeological evidence, either known or predicted;
- (b) measures proposed to investigate the archaeological evidence to confirm predictive statements of potential;
- (c) strategies to avoid, minimise and/or control impacts arising from building, works and demolition;
- (d) where it is demonstrated there is no prudent and feasible alternative to impacts arising from building, works and demolition, measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;
- (e) measures proposed to preserve significant archaeological evidence 'in situ'.

The amount of excavation is not clear but the location in a car park is known, A review of Sprents Plan and a history of the site do not yield any evidence that a building existed at the location of the proposed excavation. The site was once part of the Anglsea Barracks and it is possible that some military remains exist sub-surface. It is possible to place a condition that excavation be monitored, and should any unanticipated remains be found, that an archaeologist be engaged and Council be notified. **Subject to a condition a 13.10.1 P1 is met**.

Listed Place

E13.7.1 Demolition

Objective: To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.

Acceptable Solutions

No acceptable solution

The historic heritage significance of the Bowling Club is linked to the green square of grass which is not proposed to be altered. The timber buildings support the use of the bowling green but it not architecturally significant in itsself. **E 13.7.1 P1 is met.**

E13.7.2 Buildings and Works other than Demolition

Objective: To ensure that development at a heritage place is:

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

Acceptable Solutions/ Performance Criteria

A1 No Acceptable Solution.

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. The proposed development appears to intend to match external and internal finishes and the impact is likely to be acceptable. The modest scope of the development and the likely involvement of a reputable senior architect will ensure the impact is well managed. It is possible to place a condition to control colors and finishes to ensure this is the case.

A2 No Acceptable Solution.

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.

The proposed development is modest and functional. the scale bulk and setback would be subservient being as it proposed set back from the street edge and set to be no higher than the existing building. The setback from the frontage is physically deferential. Siting is respectful. Colours and finishes were discussed at a site inspection and the intentions were sound. It is possible to place a condition to control colors and finishes given the documentation is sparse. Subject to a condition P2 is met.

A3 No Acceptable Solution.

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. The architect spoke of an intention to salvage, match and reuse materials. Subject to a colours and finishes condition, P2 is met.

A4 No Acceptable Solution.

P4 Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.

The proposed development includes creating a new accessible entry linking the car park, bowling club rooms and the green itself. The proposed works would make new openings in weather board walls. The walls are a commonly found 19th and 20th century construction method. The creation of new openings is precedented. The club appears to have been making modifications to suit its members for perhaps 120 years or more. The proposed works are sympathetic and complementary in the sense that they are being proposed by and for the members of the original use of the club. The applicant has employed an architect to prepare drawings and the proposed works are modest and in keeping with the character of the club. The works are single storey and located on the side of the building which is not adjacent the bowling green. Changes to building are limited to a new entry and some modification to internal partitions. The proposed alterations would be modest and sensible. The creation of an accessible entry will enable members to to use the building regardless of physical ability. The dominant characteristics of the club is a sporting activity on a grass square.. The works would improve access and so the works are necessary and useful. Weatherboards are proposed to be reused and/or matched. P4 is met.

A5 New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.

P5 New front fences and gates must be sympathetic in design, (including height, form, scale and materials), to the style, period and characteristics of the building to which they belong. N/A

A6 Areas of landscaping between a dwelling and the street must be retained.

P6 The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance of the place.

A6 is met.

Heritage Precinct

E13.8.1 Demolition

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

Acceptable Solution/ Performance Criteria

A1 No Acceptable Solution.

External demolition is limited to an area of a side elevation set back from the street, located in an area of car parking. The front fence/landscape is not proposed to be altered. A1 is met.

E13.8.2 Buildings and Works other than Demolition

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

Acceptable Solutions/Performance Criteria A1 No Acceptable Solution

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.

N/A

A2 No Acceptable Solution

P2 Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.

N/A

A3 No Acceptable Solution

P3 Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.

Applicant is proposing a single storey new entry to be located to the side of the existing building and well setback from the street. P3 is met.

A4 New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.

P4 New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct. N/A

A5 Areas of landscaping between a dwelling and the street must be retained. A5 is met.

Conclusion

The proposed development met A 13.10 P1 (Archaeology), E 13.7.1 P1, E13.7.2 P1, P2, P3, P4, A6 (Place), E 13.7.1 P1 and E.13.7.2 P3, and A5 (Precinct).

This application is recommended for approval with a standard archaeology condition and a condition regarding colours and finishes.

MB CHO 23 06

2022

7.2.3 1/2-4 FLINDERS LANE, SANDY BAY AND COMMON LAND OF PARENT TITLE - CHANGE OF USE TO VISITOR ACCOMODATION PLN-22-382 - FILE REF: F22/71008

Address: 1 / 2-4 Flinders Lane, Sandy Bay and Common

Land of Parent Title

Proposal: Change of Use to Visitor Accommodation

Expiry Date: 10 September 2022

Extension of Time: Not applicable

Author: Mark O'Brien

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use to visitor accommodation at Unit 1, 2-4 Flinders Lane, Sandy Bay 7005, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-22-382 - 1/2-4 FLINDERS LANE SANDY BAY TAS 7005 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

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

- 1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
- 2. To limit, manage, and mitigate behaviour issues caused as a

result of the visitor accommodation.

- 3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
- 4. To specify the maximum permitted occupancy of the visitor accommodation.
- 5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site is one, and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than one vehicle and the parking of any additional vehicles in nearby streets should also be discouraged.
- 6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

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

ADVICE

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

approval. Visit the Council's website for further information.

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

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.

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.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found here.

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

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

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly

basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act* 2003. Click here for more information, or call our Environmental Health team on 6238 2711.

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

Attachment A: PLN-22-382 - 1/2-4 FLINDERS LANE SANDY BAY

TAS 7005 - Planning Committee or Delegated

Report \mathbb{P}

Attachment B: PLN-22-382 - 1/2-4 FLINDERS LANE SANDY BAY

TAS 7005 - CPC Agenda Documents J. 🖺



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee

Council: 1 August 2022

Expiry Date: 10 September 2022

Application No: PLN-22-382

Address: 1 / 2 - 4 FLINDERS LANE, SANDY BAY

COMMON LAND OF PARENT TITLE

Applicant: Samuel Platts

12/38 Waterworks Road

Sarah Fox

12/38 Waterworks Road

Proposal: Change of Use to Visitor Accommodation

Representations: One

Performance criteria: Planning Directive No.6 - strata scheme

1. Executive Summary

- 1.1 Planning approval is sought for Change of Use to Visitor Accommodation at Unit 1,2-4 Flinders Lane, Sandy Bay.
- 1.2 More specifically the proposal includes:
 - change of use from residential to visitor accommodation for a one bedroom unit with one onsite parking space in a strata scheme of five dwellings.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Planning Directive No. 6 visitor accommodation
- 1.4 One (1) representation objecting to the proposal was received within the statutory advertising period between 28 June 2022 and 12 July 2022.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council, because application is of a category of applications called in by an Elected Member.

2. Site Detail

2.1 The site is at Unit 1, 2-4 Flinders Lane, Sandy Bay (site also known as lot 2 in the strata scheme). The site forms part of a strata scheme containing four units at 2-4 Flinders Lane, and 1 detached dwelling at 19 Princes Street. The site contains a one bedroom dwelling with private courtyard and one onsite car parking space. The site is in an inner residential neighbourhood that borders the mixed use activity corridor along Sandy Bay Road.



Figure 1: Aerial image of site (blue outline) and strata scheme boundary (orange outline) (source: LISTmap, accessed 16 June 2022)



Figure 2: View of site (white outline) looking west from Flinders Lane (source: realestate.com, accessed 16 June 2022)

3. Proposal

- 3.1 Planning approval is sought for Change of Use to Visitor Accommodation at Unit 1, 2-4 Flinders Lane, Sandy Bay.
- 3.2 More specifically the proposal is for:
 - change of use from residential to visitor accommodation for a one bedroom unit with one onsite parking space in a strata scheme of five dwellings.

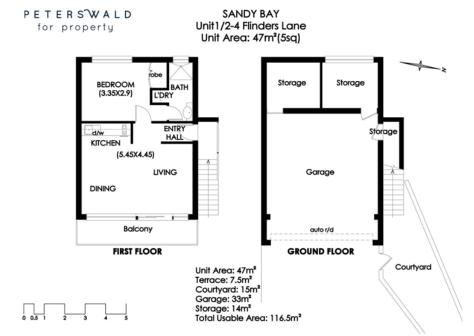


Figure 3: Floor plan of Unit 1 (source: realestate.com, accessed 16 June 2022)

4. Background

4.1 Unit 4, in the same strata scheme as the subject site, was granted a planning permit for change of use to visitor accommodation in 2016 (PLN-15-00979-01).

5. Concerns raised by representors

- 5.1 One (1) representation objecting to the proposal was received within the statutory advertising period between 28 June 2022 and 12 July 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.

"we are currently suffering through a prolonged and acute housing shortage in nipaluna/Hobart. Many have given up hope of any kind of housing security, a generation priced out of home ownership, and hundreds if not thousands are living in inappropriate housing, couch surfing, sleeping in cars, or sleeping rough. It is irresponsible, cruel, and immoral to be approving any applications that seek to turn residential properties into hotels for the investor class. To do so is to condemn more Tasmanians to languish in a housing crisis with no end in sight."

6. Assessment

- The Hobart Interim Planning Scheme 2015 is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015.*
- 6.3 The existing use is residential. The proposed use is visitor accommodation. The existing use is a permitted use in the zone. The proposed use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Planning Directive No.6 Exemption and Standards for Visitor Accommodation in Planning Schemes
 - 6.4.2 E6.0 Parking and Access Code
- The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Planning Directive No.6 Exemption and Standards for Visitor Accommodation in Planning Schemes:

Visitor Accommodation - 3.1 (e) P2

- 6.6 Each performance criterion is assessed below.
- 6.7 Visitor Accommodation 3.1 (e) P2
 - 6.7.1 The acceptable solution at clause 3.1 (e) A2 requires that visitor accommodation is not for a lot, as defined in the *Strata Titles Act 1998*, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.
 - 6.7.1 The proposal includes a change of use to visitor accommodation on a lot that is part of a strata scheme where another lot within that strata scheme is used for a residential use.
 - 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.7.4 The performance criterion at clause 3.1 (e) P2 provides as follows:

Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:

- (a) the privacy of residents;
- (b) any likely increase in noise;
- (c) the residential function of the strata scheme;
- (d) the location and layout of the lots;
- (e) the extent and nature of any other non-residential uses; and
- (f) any impact on shared access and common property.
- 6.7.5 The objectives of the visitor accommodation provisions are to ensure that visitor accommodation is compatible with the character and use of the area, that it does not cause an unreasonable loss of residential amenity, and that it does not impact on the safety and efficiency of local roads or rights of way.

The dwelling that is the subject of this change of use application is located in a strata scheme which contains a total of five dwellings, listed below:

- 19 Princes Street (known as Lot 1 in the strata scheme) is used as residential use.
- Unit 1 / 2-4 Flinders Lane (known as Lot 2 in the strata scheme) is the site proposed for visitor accommodation use.
- Unit 2 / 2-4 Flinders Lane (known as Lot 3 in the strata scheme) is used as residential use.
- Unit 3 / 2-4 Flinders Lane (known as Lot 4 in the strata scheme) is used as residential use.
- Unit 4 / 2-4 Flinders Lane (known as Lot 5 in the strata scheme) has a permit for visitor accommodation use granted in 2016.

The site is in a inner residential neighbourhood that borders a mixed use corridor along Sandy Bay Road. A varierty of uses exist in proximity to the site, including other visitor accommodation. Compatibility exists if the proposed use is in harmony or broad correspondence with existing uses that characterise the area. As there is existing visitor accommodation in the area dispersed among a variety of uses, the proposal is considered to be compatible with the character of the area.

The site is a one bedroom townhouse that shares a party wall with Unit 2 and a parking garage with Unit 4. The site has a private pedestrian entrance, directly accessed from Flinders Lane without visitors having to walk or drive past other dwellings in the strata scheme. It is likely that most bookings would occur for two persons, which would not generate excessive noise or privacy impacts. Therefore, the proposal is not considered to result in an unreasonable loss of residential amenity nor impact on the local road network. In addition, to ensure that reasonable residential amenity is maintained, a condition is recommended that requires the implementation of a visitor accommodation management plan regulating noise, behaviour, access and visitor numbers.

One representation was received; objecting to the proposal based on housing availability and affordability issues. Whilst it is acknowledged that this is an important issue, these concerns cannot be considered as part of this planning assessment as *Planning Directive No.6* does not include the matter as a relevant assessment criteria.

6.7.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Change of Use to Visitor Accommodation at Unit 1, 2-4 Flinders Lane, Sandy Bay.
- 7.2 The application was advertised and received one representation. The representation raised concerns including the current housing crisis, which is not a matter that can be considered as part of this planning assessment.
- 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 is recommended for approval.

8. Conclusion

8.1 The proposed Change of Use to Visitor Accommodation at Unit 1, 2-4 Flinders Lane, Sandy Bay, satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Change of Use to Visitor Accommodation at Unit 1, 2-4 Flinders Lane, Sandy Bay, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-22-382 - 1/2-4 FLINDERS LANE SANDY BAY TAS 7005 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

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

- To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
- 2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.
- 3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
- 4. To specify the maximum permitted occupancy of the visitor accommodation.
- 5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site is one, and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than one vehicle and the parking of any additional vehicles in nearby streets should also be discouraged.

To provide a name and contact phone number of a person who will
respond to any complaints regarding behaviour of guests. If the
property is sold the Visitor Accommodation Management Plan (VAMP)
must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

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

ADVICE

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

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

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.

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.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found here.

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

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

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click here for more information, or call our Environmental Health team on 6238 2711.

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

Item No. 7.2.3

Agenda (Open Portion) City Planning Committee Meeting - 25/7/2022

(Mark O'Brien)

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

(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 18 July 2022

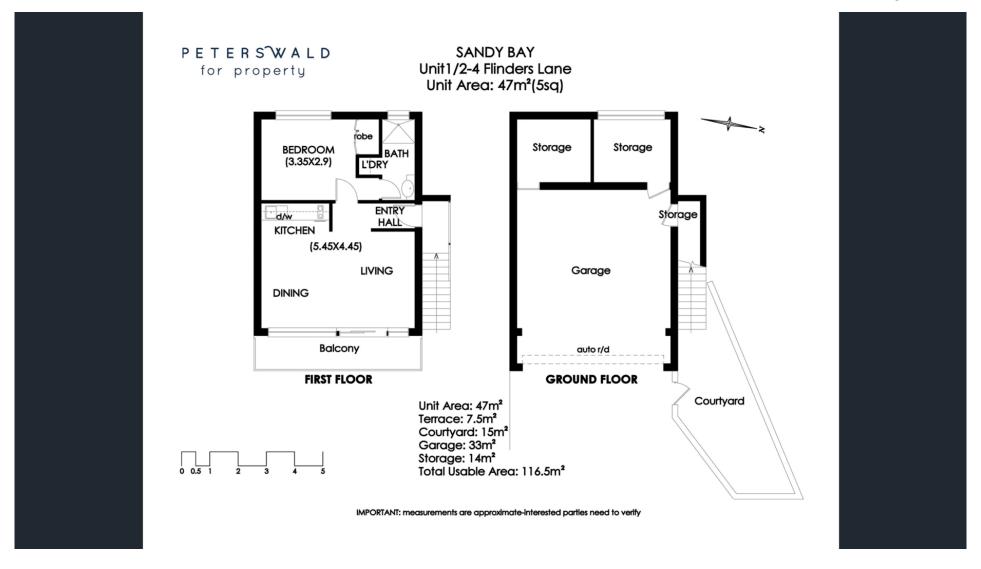
Attachment(s):

Attachment B - CPC Agenda Documents









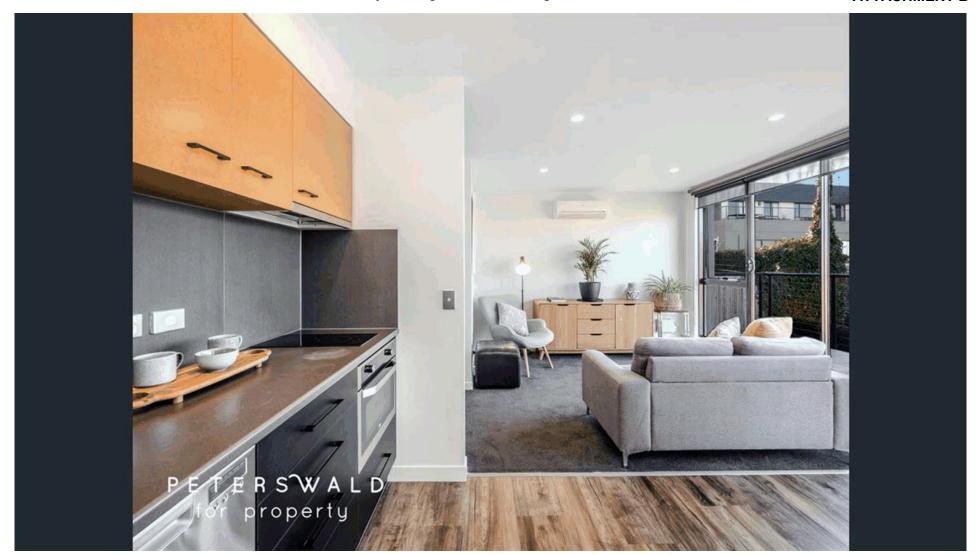


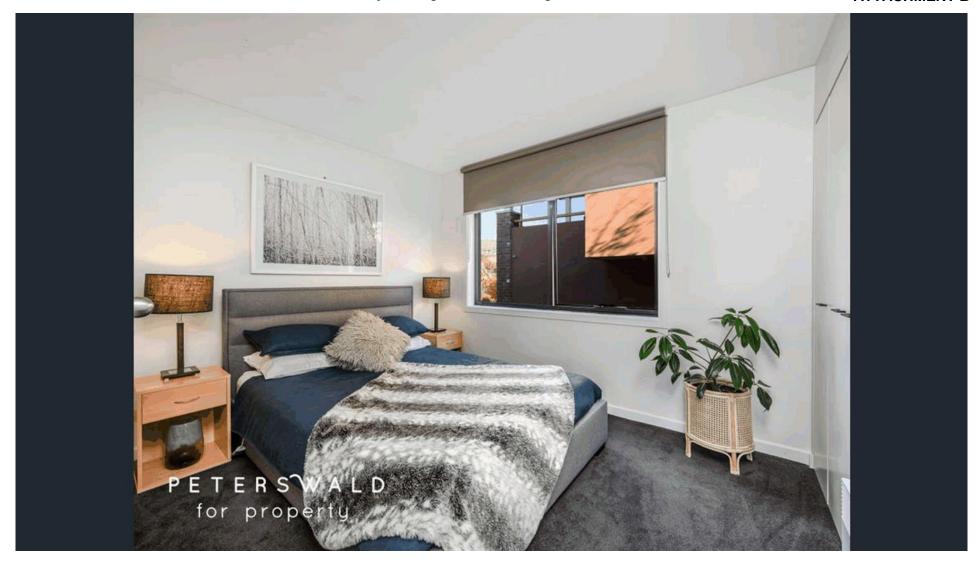


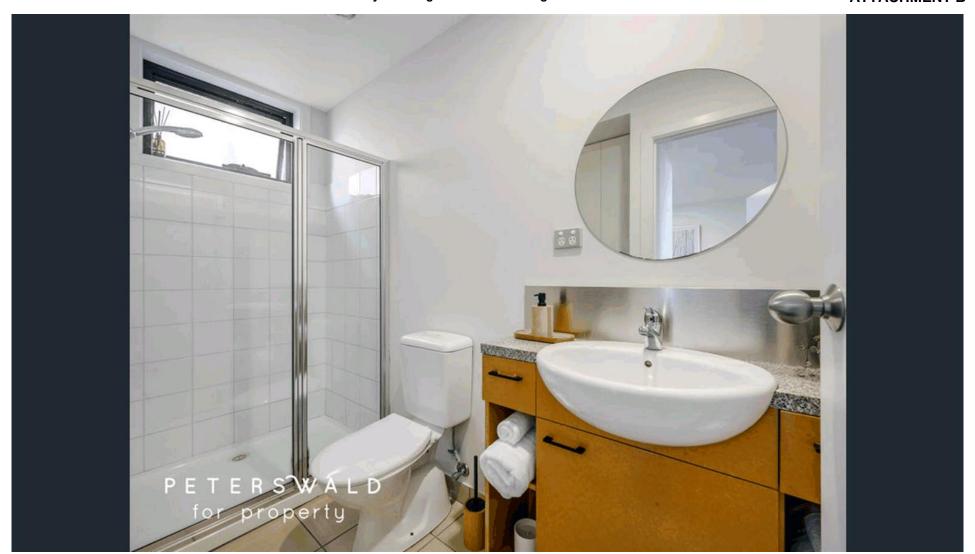


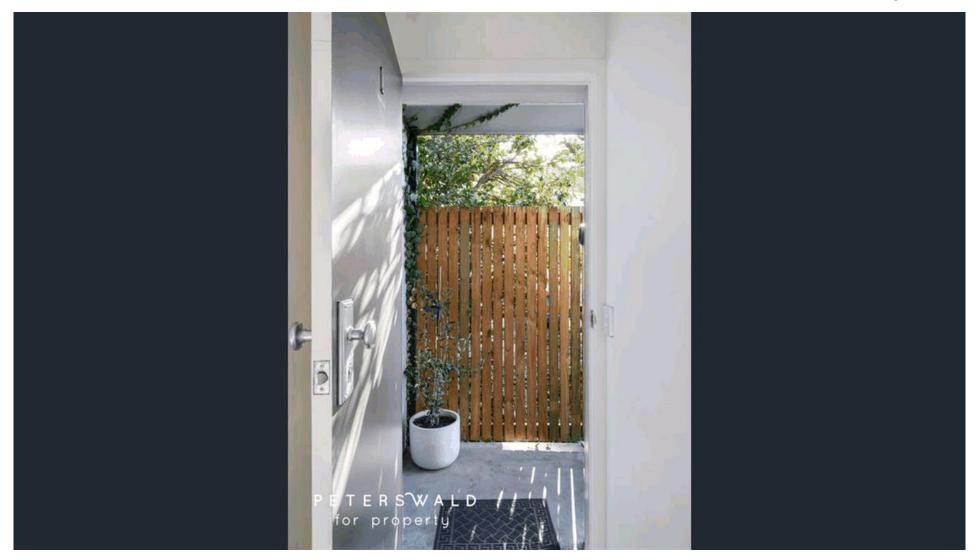


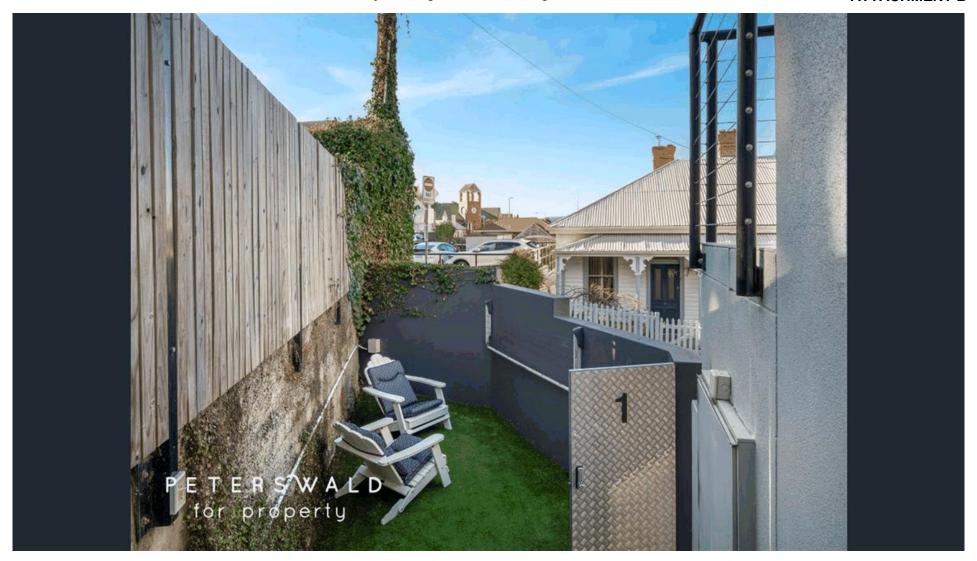


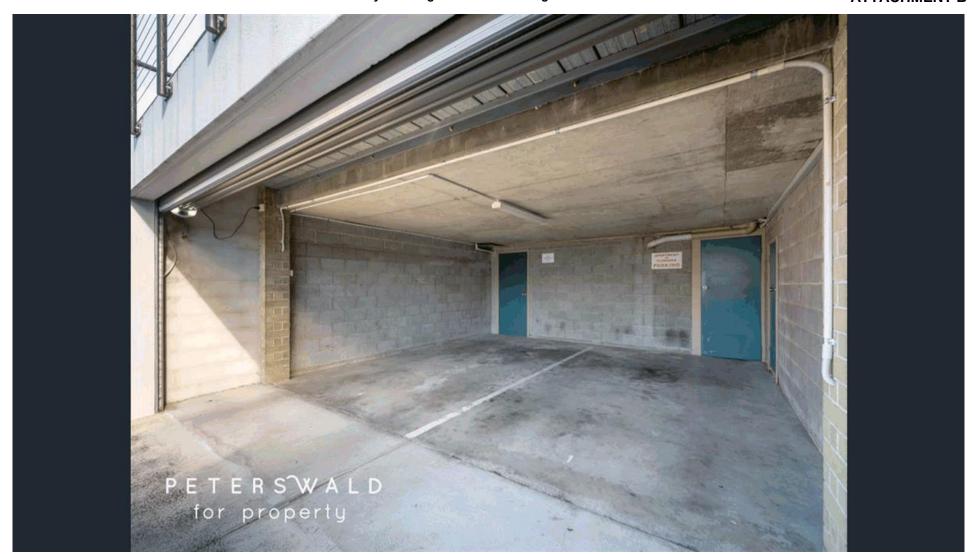














Delpero to Platts and Fox - 1/2-4 Flinders Lane, Sandy Bay



S

me 5:10 pm

to Henry. Jones 🔨



•••

From Sarah Fox sarahjanefox0@gmail.com

To Henry.Jones@doma.com.au

Date 14 Jun 2022, 5:10 pm

Good afternoon Henry,

I understand that you act for the Vendor.

I will advise in relation to the Inspection and Finance Clauses in due course.

Under section 52(1) of the Land Use Planning and Approvals Act 1993 I give notice that the Purchasers are lodging a planning application with Council for visitor accommodation.

Kind regards,

•••

Sarah Fox.

Office Use Only
[insert council branding and contact details]
Application no
Date received:
Fee:
Paid:

Guidance Information

Visitor Accommodation Use in Existing Habitable Buildings Standard Application Package

The Standard Application Package has been approved by the Minister for Planning to provide a simple pathway for seeking approval for the use of existing homes or habitable buildings for Visitor Accommodation as prescribed below. It comprises an Application for Planning Permit and a building self-assessment Form.

Completed forms must be lodged with the relevant planning/permit authority.

Application for Planning Permit

The Application for Planning Permit form relates to *Planning Directive No.6 – Exemption and Standards* for Visitor Accommodation in Planning Schemes, issued by the Minister for Planning under former sections 13(1)(a) and (4) of the *Land Use Planning and Approvals Act 1993*, and effective from 1 July 2018 and as modified on 1 August 2018.

The Application for Planning Permit form applies to the change of use of an existing habitable building where it is 'Permitted' under Planning Directive No. 6, as set out below:

Planning Scheme	Requirements
Interim planning	Change of use to Visitor Accommodation if:
schemes	located within the General Residential Zone; Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone, or Village Zone;
	not located within the Battery Point Heritage Precinct (BP1);
	guests are accommodated within existing habitable buildings;
	the use occupies not more than 200m² gross floor area per lot;
	• the use is not within a strata scheme ¹ that includes another lot, as defined in section 3 of the <i>Strata Titles Act 1998</i> , that is used for Residential use; and
	all other requirements in the planning scheme are met that are necessary for a 'Permitted' use.
Sullivans Cove	Change of use to Bed and Breakfast Establishment or Visitor Accommodation if:
Planning Scheme 1997	located within Activity Area 1.0 Inner City Residential (Wapping);
	guests are accommodated within existing habitable buildings;
	the use occupies not more than 200m² floor area per lot; and
	all other requirements in the planning scheme are met that are necessary for a 'Permitted' use.

¹ Strata scheme is defined in section 3 of the Strata Titles Act 1998.

¹ August 2018

The Application for Planning Permit form does not apply if:

> the use is exempt from requiring a planning permit under Planning Directive No.6, as set out below:

Planning Scheme	Exempt Qualification			
Interim planning schemes	Visitor Accommodation use in a dwelling (including an ancillary dwelling) if	(i)	it is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on	
Flinders Planning Scheme 2000	Visitor Accommodation use in a House, House and Ancillary Apartment or Grouped House if	(ii)	vacation or temporarily absent; or it is used by the owner or	
Sullivans Cove Planning Scheme 1996	Bed and Breakfast Establishment or Visitor Accommodation uses in a dwelling if		occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.	

the use requires a 'Discretionary' planning permit under the planning scheme. For example, a change of use to Visitor Accommodation that does meet the requirements for a 'Permitted' use under Planning Directive No. 6, or other provisions in the planning scheme apply requiring discretionary assessment, such as off-street parking, bushfire planning, heritage, or non-residential use standards in zones (e.g. external lighting requirements).

Applicants should use the standard Council planning application form.

> other uses or if any development (not otherwise exempt) is proposed, in addition to the change of use to Visitor Accommodation.

Applicants should use the standard Council planning application form.

Building self-assessment form

The building self-assessment form is mandated under the *Director's Determination – Short or Medium Term Visitor Accommodation*, issued by the Director of Building Control under section 20(1)(e) of the *Building Act 2016*, and effective from 1 July 2018.

This Determination applies only to existing dwellings or residential premises where a fee is being charged for the use of short or medium term visitor accommodation.

The building self-assessment form must be completed in the following situations where the property is used or intended to be used as visitor accommodation:

- > owner occupiers of residential premises of more than four bookable rooms, or
- > investment properties or shacks (not occupied by the owner) that have a gross floor area of not more than 200m² used for visitor accommodation.

The building self-assessment form requires the owner or occupier to declare that the property meets the minimum building standards with respect to an occupancy permit, plumbing, and essential building sentings.

The Determination and the building self-assessment form apply, irrespective of the planning requirements. The planning and building requirements are mutually exclusive. If any premises intended to be let for short-term visitor accommodation is a lot in a strata title scheme, and any other premises in that scheme are occupied as a residence by long term residents, the proponent is not permitted to use the building self-assessment process, unless the premises is located within Activity Area 1.0 Inner City Residential (Wapping) under the Sullivans Cove Planning Scheme 1997.

APPLICATION FOR PLANNING PERMIT CHANGE OF USE TO VISITOR ACCOMMODATION

Se	ection 58 of Land Use Planning and Approvals	Act 1993
To: H	SSART CITY CONCIL.	Planning Authority
The Proposal:		
Must tick one)		
\vee	anning Schemes:	
	f use to Visitor Accommodation if:	
	is are accommodated in existing habitable buildings; se has a gross floor area of not more than 200m² per lot;	
 the us 	se is not within a strata scheme ² that includes another lot, a	as defined in section 3 of
	trata Titles Act 1998, that is used for Residential use; and	
	and is within one of the following zones: General Residential;	
0	Inner Residential, excluding land within the Battery Point	t Heritage Precinct 1
	(BP1);	
0	Low Density Residential; Rural Living;	
	Environmental Living:	
0	Village.	
Sullivans	Cove Planning Scheme 1997:	
are accon than 200n	f use to Bed and Breakfast Establishment or Visitor Accommodated in existing habitable buildings and the use has a n² per lot, and the land is within the Activity Area 1.0 Inner 0	floor area of not more
(Wapping	<i></i>	
Description:		
Brief description o to be used:	f the proposed change of use, including whether the whole	or part of the building(s) a
	pely to Air BAB	
	but no strata body corporate rules.	
Sisting Rive	004 100 41101101 2001 (000)	
Applicant: Who	is making the application?	
Applicant Name:	SAMUEL DEANS PLATTS and SARPH JAN	ERX
Business / Company Name:		
Postal Address:	12138 waterworks Rd	Division
	Dunnyine TAS 7005	Phone
	113 700 3	Phone No:
	panisarite iiis roos	

Application for Planning Permit for Change of Use to Visitor Accommodation

1 of 3

Form approved pursuant to section 51(1AA) of the Land Use Planning and Approvals Act 1993

² Strata scheme means the complex of lots and common property (together with the system of administration and management) created on the registered strata plan.

The Land: Deta the proposed c	il address and title particulars hange of use	s of the land for	
Street Address:	1/2-4 flindes lane		
	Sandy Bay TAS	7005	
Certificate of Title Reference No.	58387/2		
Describe the way th			
Subject to s	sale. Seen advised vendor used il	I co locate loca les	us clay and
premissly	short tem stay:	- 43 - 2011 1019 10	W. C. D. T. C.
The Owner: Ow applicant's own	mer's name and address, if la	nd is not in	
	all names and addresses must be provided)		
Owner Name:	Christine Delpero is	the vendor sellin	a us the Property
Business / Company Name:	VIII. Julius pur		
Postal Address:		Pho	one No:
Email address:			
The Applicant:	Is the applicant the owner of	the land?	
(Must tick one) Yes - plea	se complete Section A below.		
No - pleas	se complete Section B below, and if re	elevant Sections C and D	
Section A: Own	er's Verification	() () () () () () () () () ()	
I/we am/are the own	er(s) of the land.		
	Name: [print]	Signed	Date
Owner(s):			
Section B: Appl	icant's Verification		
l/we, the applicant do to make this applicat		nes once the sale	e completes.
Applicant:	Name: [print]	Signed Signed	775 Date 14106122
	3/02	SAMUEL DEAMS PLA	Υ
	application involves land owned o		
The		consents to the making of	
General Manager:	Name: [print]	Signed	Date

Section D: If the application involves la	nd owned or administered by the Crown
---	---------------------------------------

The application must be signed by the Minister or relevant delegate responsible for the land and accompanied with written permission.

Declaration (to be completed for all applications)

I declare that the information I have given in this permit application to be true and correct to the best of my knowledge.

Applicant: Name: [print] Signed Date

Applicant: SAMUEL PEANS RATTS SILLS 14(06122

SARAH JANE FOX SEX 14(06122

Personal Information Protection Statement

As required under the Personal Information Protection Act 2004

- Personal information is managed in accordance with the Personal Information Protection Act 2004 and may be accessed by the individual to whom it relates, on request to the relevant planning authority.
- Information can be used for other purposes permitted by the Local Government Act 1993 and regulations made by or under that Act, and, if necessary, may be disclosed to other public sector bodies, agents or contractors of the relevant planning authority.

Planning Application Checklist

The Planning Authority requires the following to assess this Planning Application, with all documentation provided as required by the planning authority:

- (a) Completed Planning Application Form all relevant sections filled in and signed by land owner (if required) and applicant.
- (b) A copy of the current certificate of title for all land to which the permit sought is to relate (available from Service Tasmania or from www.thelist.tas.gov.au).
- (c) Either:
 - (i) a basic floor plan of the existing habitable building(s) to scale, including identification of the gross floor area for the proposed change of use to visitor accommodation, or
 - (ii) a signed declaration by the applicant confirming the area of the existing habitable building(s) for the proposed change of use to visitor accommodation has a gross floor area³ of not more than 200m²
- (d) Payment of the prescribed fee (up to \$250.00).

Failure to provide the required information may result in your application not being able to be accepted or processed.

Application for Planning Permit for Change of Use to Visitor Accommodation

3 of 3

³ Or floor area in the case of the Sullivans Cove Planning Scheme 1997.

BUILDING SELF-ASSESSMENT FORM

Director's Determination – Short or Medium Term Visitor Accommodation Section 20(1)(e) of Building Act 2016

This building self-assessment form must be completed in the following situations where the property is used or intended to be used for visitor accommodation, and a fee is being charged for such use:

- > owner occupiers of residential premises of more than four bookable rooms, or X
- \triangleright investment properties or shacks (not occupied by the owner) that have a gross floor area of not more than 200m² per lot used for visitor accommodation. \checkmark

The completed form must be lodged with the relevant Permit Authority.

If any premises intended to be let for short-term visitor accommodation is a lot in a strata title scheme, and any other premises in that scheme are occupied as a residence by long term residents, the proponent is not permitted to use the building self-assessment process, unless the premises is located within Activity Area 1.0 Inner City Residential (Wapping) under the Sullivans Cove Planning Scheme 1997.

To:			Permit Authority	
			Address	
			Suburb/postcode	
Owner / Occupier	details:	9.23		
(Only an owner or occupier ma	y complete this form)			
Owner / Occupier: (Delete one not applicable)				
Postal Address:			Phone No:	
				,
Email address:				
Address of Proper Accommodation:	ty used or intended	to be used for	· Visitor	
Street Address:				
Certificate of Title Reference No.				
Owner / Occupier	Declaration:	JAN VIII		4 13 . [9:3.]
I/we, as the owner / oc building requirements,	cupier of the property, d as set out below:	eclare that the p	property meets the fo	ollowing minimum
_	Name: [print]		Signed	Date
Owner/Occupier: (Delete one not applicable)				
Building Self-assessment	Form			1 of 3

Director's Determination – Short or Medium Term Visitor Accommodation

ncy Permit:	
)	
·	
• • • • • • • • • • • • • • • • • • • •	, the premises is fit for occupation consistent with f occupants stated on the permit will not be
an occupancy permit or occupancy certic constructed / altered before 1994).	ficate was not required (as the premises was
g:	
or (b) and (c) or (d))	
or occupier is to declare that –	
the premises is connected to a reticulate	ed sewerage system;
the premises is connected to an on-site	wastewater management system that:
is in good working order and will be a	maintained to perform to the same standard as it
 has a land application distribution are condition; and 	ea designed, installed and in good serviceable
 the maximum number of occupants of exceeded; and 	of the premises the system is designed for is not
there is a maintenance contract in pl	ace for the servicing of the system.
the premises to semisested to a reliculation	annual valor supply system,
	g from a tank, well, dam, etc.) is provided for the fthe <i>Public Health Act 1997.</i>
Il Building Services:	[18] 10 10 11 12 12 13 13 13 15 15 15 15 15 15 15 15 15 15 15 15 15
)	
or occupier is to declare that -	
maintenance, and fire safety features ar (regulations 72 to 78) of the <i>Building Re</i>	gulations 2016 and the Director's Maintenance of
	approved essential maintenance schedule, but alled and maintained in accordance with
	emovable lithium battery, or interconnected where there is more than one
. ,	ns a bedroom – allway, situated in the storey, that is associated
	or occupier is to declare that — if an occupancy permit has been issued that permit, and the maximum number of exceeded; an occupancy permit or occupancy certic constructed / altered before 1994). g: or (b) and (c) or (d)) or occupier is to declare that — the premises is connected to an on-site is in good working order and will be rewas designed; and has a land application distribution are condition; and the maximum number of occupants of exceeded; and there is a maintenance contract in plate the premises is connected to a reticulate a private drinking water supply (including premises that meets the requirements of the premises is not required to have an the following fire safety features are (regulations 72 to 78) of the Building Represcribed Essential Building Services of the premises is not required to have an the following fire safety features are instituted in the premises contain (i) installed in every corridor, or have a larm fitted); (a) if any storey of the premises contain (ii) installed in every corridor, or have a larm fitted);

- (ii) if there is no corridor, or hallway, situated in the storey, that is associated with a bedroom, between that part of the premises containing the bedroom and the remainder of the premises; and
- (b) in any other storey of the premises that does not contain a bedroom.
- If multistorey premises are let for visitor accommodation:
 - i. emergency evacuation lighting is provided; and
 - ii. exits are provided that are clearly marked and mapped for the visitor.





Standard Form Contract for Sale of Real Estate in Tasmania (2018)

The Particulars of Sale (2018)



The Standard Form Contract for Sale of Real Estate in Tasmania (2018) as approved for use by the Law Society of Tasmania and the Real Estate Institute of Tasmania is made up of two parts:

- 1. these agreed variables and non-standard clauses, known as "the Particulars of Sale (2018)"; and
- 2. the standard clauses known as "the Standard Conditions of Sale (2018)".

The Standard Conditions of Sale are adopted as part of the Contract by signature of the Particulars of Sale.

The parties may add special clauses in the Particulars of Sale, for instance to make their agreement subject to finance, sale, inspection, or other issues.

The Particulars of Sale may vary the Standard Form Contract. The Particulars of Sale have priority if there is any inconsistency with the Standard Conditions of Sale.

The drafting of the Particulars of Sale should make evident changes to the provisions of the Standard Form Contract. Words defined in the Particulars of Sale have that meaning when used in the Standard Conditions of Sale.

WORDS	DEFINITION
Contract Date	The III day of June 20 22
Vendor (The seller of the Property)	Name: Starr Farquhar MeMAHON and Christine DELPERO
	Suburb:
Vendor's Solicitor or Conveyancer	Firm: Person: Address:
Purchaser (The buyer of the Property)	Name: SAMUEL DEANS PLATTS and SARAH JANE FOX ABN: Address: 12138 Waterworks Road
	Suburb: Dynnyme State: TAs Postcode: 7005 Email: Phone:
Purchaser's Solicitor or Conveyancer	Firm: Person: Address:
Property (If part only, accurately	The Vendor's property at: (insert address) Street: UNIT 1 / 2 - 4 FLINDERS LANE
describe part)	Suburb: SANDY BAY State: TAS Postcode: 7005 Property Identifier Number: 5609915 As described by Title Reference(s): 58387/2

Vendor	Initials C	1

Witness Initials



58 Purchaser Initials









Standard Form Contract for Sale of Real Estate in Tasmania (2018)

The Particulars of Sale (2018)

PETERSWALD for property	V	THE LAW SOCIETY OF TASMANIA
----------------------------	---	-----------------------------------

Chattels	(List the Chattels included in this sale or attach annexure) All fixed floor coverings, all fixed electric light fittings, all fixed window furnishings, 1 X hotplates, 1 X oven, 1 X dishwasher, 1 X heatpump, 1 X rangehood.
Sale Price (See Standard Condition 2)	(in words)dollars
Chattels Value	The part of the Sale Price attributable to the Chattels is: (in words) NIL dollars (in figures) \$ 0
Deposit (See Standard Condition 2)	(in words)dollars
Deposit Holder (See Standard Condition 2)	(Insert name of person or organisation that will hold the Deposit) Peterswald for property Trust Account BSB: 017 010 Account: 4963 22416
Deposit Payment Time (See Standard Condition 2)	Either ☐ On the Contract Date or ☐ Other date - (specify): On or before five (6) business days from contract nate
GST Treatment (See Standard Condition 10)	Mark a box to indicate the GST Treatment. Either
GST Withholding Treatment (See Standard Condition 11)	Mark a box to indicate the GST Withholding Treatment. Either GST Withholding not required because: ✓ Sale is not a taxable supply ☐ Sale is GST-free ☐ Sale not new residential premises or potential residential land ☐ Property is potential residential land and Purchaser is registered with creditable purpose or GST Withholding required and: ☐ Property entirely new residential premises and/or potential residential land ☐ Property not entirely new residential premises and/or potential residential land
Completion Date (See Standard Condition 3)	Either The day of 20

Page 2 of 13 PS001 – 06/18 www.reit.com.au

PS001



Standard Form Contract for Sale of Real Estate in Tasmania (2018)

The Particulars of Sale (2018)



Availability (See Standard Condition 3(b))	On the Completion Date, the Vendor must make available to the Purchaser: Either
Purchaser's Required Use (See Standard Condition 4(a))	Either ✓ Residential or Other (specify):
	or
Vendor Warranty (See Standard Condition 9)	The Standard Condition 9 exclusion of warranties applies: Either
Cooling Off (See Standard Condition 19)	The Purchaser: Either

SPECIAL CLAUSES Use Special Clauses to vary or add to the Standard Conditions of Sale.

	If this Contract is subject to finance, complete all relevant details below. All relevant details must be completed for the following clause to apply.

It is a condition precedent to the Purchaser's obligation to complete this Contract, that within the Finance Period, the Financier makes available to the Purchaser a loan of the Finance Amount, on terms currently available in transactions of a similar nature.

The Purchaser is the party benefited by this condition precedent.

Finance Amount	(Insert amount) \$
Financier	(Insert name)
Finance Period	(Complete) Until the day of 20 or (Insert number) 7 days from the Contract Date or

Vendor Initials Witness Initials

000001343153

Purchaser Initials



Witness Initials (





Standard Form Contract

P	E T for	E R	SW oper	A L D ty	V	THE SOC OF TAS	LAW IETY SMANIA
---	------------	-----	------------	-------------	---	----------------------	-----------------------

	ale of Real Estate in Tasmania (2018) Particulars of Sale (2018) V3				
Subject to Sale Clause	sale	is Contract is subject to the signing and/or settlement of a contract for the of the Purchaser's Property, complete all relevant details below. All relevals must be completed for the relevant provision/s to apply.			
Purchaser's Property	(Inse	ert address)			
	Subu	urb State Postcode			
that within the nomin	ated Co	condition precedent to the Purchaser's obligation to complete this Contract Selling Period, the Purchaser obtains a contract for the sale of the free of any unsatisfied condition precedent. The Purchaser must offer the e for no more than the Maximum Asking Price.			
Contract Selling P	eriod	Either			
Maximum Asking	Price	(Insert amount) \$			
Subject to Complete Contract, that a sale Settlement of Sale.	ion: It is of the P	s a condition precedent to the Purchaser's obligation to complete this Purchaser's Property is completed on or before the nominated Deadline fo			
Deadline for Settle of Sale	ement	Either Not applicable or By the day of 20 or within days from			
Inspection Clause	If thi	is Contract is subject to a building inspection, complete all relevant details ow.			
ouildings and other improve f, strictly within the Building • a copy of a report, by Building Services Pro • specifying one or • certifying such de • notice that the Purch	ments of Inspect of a building of the Inspect of th				
Building Inspection Period	or	rert number of days) days from(0\lambda\rangle\chi 1)\text{0.}			

Building Inspection Period	(Complete) or (Insert num	until the	day of days from _	Contract Date
Defect Limit	Either or	\$	5	per cent of the Sale Price

Vendor Initials	Witness Initials	AC	Purchaser Initials	SP.	Witness Initials	CB



Standard Form Contract for Sale of Real Estate in Tasmania (2018)

The Particulars of Sale (2018) V3

PETERS WALD for property	V	THE LAW SOCIETY OF TASMANIA
-----------------------------	---	-----------------------------------

Shorter Period Clause	If selected below the Vendor may shorten the period to satisfy Special Clauses.
The Vendor may, by notice ir that notice is given the period	n writing to the Purchaser, shorten to two (2) business days after the day on which d for satisfying:
	special clauses to this Contract ving special clauses
Additional Special Clauses	are annexed
	ments) The attached annexure page(s) are part of this Contract.
 allow the Purchaser to provide for sale as is/o	ulars of Sale, the Standard Conditions of Sale: terminate without penalty within a cooling off period; and where is, without promises about physical condition, permits or certificates.
•	levant advice as soon as possible.
This Contract creates c	
	naser should insure the Property from the Contract Date.
legal obligations on ver Treatment clauses may are selected. In the cas consideration or contra	ne sale of residential premises or potential residential land trigger specific indors and purchasers. The GST Treatment and GST Withholding vavail a vendor of their legal obligations but only if the correct options is of a contract between associates, a contract involving non-monetary fact involving a GST mixed supply, the standard provisions are not onal advice and special clauses are required.
By signature the parties	
	Particulars of Sale and the Standard Conditions of Sale 2018,
	bund by this Contract for the sale of real estate, and
they had the opportun	nity to take necessary advice before signing the Particulars of Sale.
Vendor Signature	
in the presence of: Witness	Signature
	-f1///
Name, Address, Occupation	HARRY COOMER 93 Salamanca Place, Battery Point REAL ESTATE AGENT
	SPOX SUTT
Purchaser Signature	

COPYRIGHT JUNE 2018

Page 5 of 13 PS001 - 06/18

Agent Commission

in the presence of: Witness Signature Name, Address, Occupation of Witness

Other Charges

Deposit held:

Certified true copy by

PETERSWALD for property

ANNEXURE



Annexure A

CONTRACT OF SALE

This Annexure page is to be used only if there is insufficient space in the Schedule. Please insert the relevant corresponding Item number and heading.

ITEM	DESCRIPTION



Standard Form Contract for Sale of Real Estate in Tasmania (2018)

The Standard Conditions of Sale (2018)



The Standard Form Contract for Sale of Real Estate in Tasmania, as approved for use by the Law Society of Tasmania and the Real Estate Institute of Tasmania, is made up of two parts:

- 1. the agreed variables and non-standard clauses, known as "the Particulars of Sale (2018)"; and
- 2. the standard clauses known as "the Standard Conditions of Sale (2018)".

The Standard Conditions of Sale are adopted as part of the Contract by signature of the Particulars of Sale.

The parties may add special clauses in the Particulars of Sale, for instance to make their agreement subject to finance, sale, inspection or other issues.

The Particulars of Sale may vary the Standard Form Contract and will have priority if there is any inconsistency with the Standard Conditions of Sale.

The drafting of the Particulars of Sale should make evident changes to the provisions of the Standard Form Contract. Words defined in the Particulars of Sale have that meaning when used in the Standard Conditions of Sale.

1 Agreement to sell and buy

(a) The Vendor agrees to sell, and the Purchaser agrees to buy, free from encumbrances, the Property and the Chattels.

2 Sale Price and Deposit

- (a) The Sale Price is payable as follows:
 - (i) the Deposit, to the Deposit Holder as stakeholder at the Deposit Payment Time; and
 - (ii) the balance, either in cash or by a cheque drawn by a bank, on the Completion Date.
- (b) The Chattels Value is included in the Sale Price.
- (c) If no Chattels Value is included in the Particulars of Sale then the Chattels Value will be the written down value of the Chattels in the Vendor's taxation records for the year ending 30 June before the Completion Date.
- (d) If the Chattels do not have a written down value in the Vendor's taxation records, then the Chattels Value is nil.

3 Completion

- (a) The parties must complete this Contract on the Completion Date.
- (b) On the Completion Date the Vendor must:
 - make the Property available to the Purchaser as specified in the Particulars of Sale under the heading "Availability"; and
 - (ii) deliver to the Purchaser the documents of title to the Property and possession of the Chattels.
- (c) On the Completion Date the Purchaser must:
 - (i) pay all money payable on the Completion Date under this Contract;
 - (ii) authorise release of the Deposit held by the Deposit Holder; and
 - (iii) satisfy all the Purchaser's other obligations under this Contract due to be performed on or before the Completion Date.
- (d) No later than two (2) business days prior to completion of this Contract the Vendor must supply to the Purchaser all the information relating to the Vendor and to the Property (including without limitation a Transferor (Vendor) Transaction Certificate in the form prescribed by the Tasmanian State Revenue Office) required by the Purchaser for assessment and payment of duty on and registration of the transfer of the title to the Property and the Chattels.
- (e) Notwithstanding any other term of this Contract the Purchaser will not be obliged to complete the Contract any earlier than the date which is two (2) business days from the date upon which the said information is provided by the Vendor to the Purchaser.

4 Conditions precedent to completion

- (a) It is a condition precedent to the Purchaser's obligation to complete this Contract that, except as disclosed in the Particulars of Sale, there is no legal restriction:
 - (i) at the Contract Date still existing at the Completion Date,
 - (ii) that may hinder or prevent the Purchaser from using the Property for the Purchaser's Required Use,
 - (iii) which is not a restriction applicable to use of all property in Tasmania.
- (b) The term "legal restriction" includes, without limitation, restriction by:
 - (i) an easement,
 - (ii) a covenant,
 - (iii) a requirement or order of a statutory body, or
 - (iv) a requirement or order of a statutory planning agreement, planning scheme or planning permit.



Standard Form Contract for Sale of Real Estate in Tasmania (2018)

The Standard Conditions of Sale (2018)



- (c) The party benefited by a condition precedent may waive the benefit of the condition precedent.
- (d) Apart from the condition precedent in clause 4a, the party benefited by a condition precedent must use all reasonable endeavours to fulfil the condition precedent within the period stated for doing so.
- (e) To be effective, a waiver of a condition precedent must be given within the period allowed for its satisfaction.
- (f) If the party specified to benefit by a condition precedent does not give unconditional notice of either satisfaction or waiver of that condition precedent, in one of the ways specified in clause 16, before the period for satisfying that condition precedent expires, then the other party may treat this Contract as at an end, and each party:
 - is then released from their obligation to further perform the Contract, apart from the return to the Purchaser of any deposit paid; and
 - (ii) retains the rights they have against the other party because of a prior breach.

5 Ownership

Ownership of the Property and the Chattels passes on completion.

6 Removal of goods

- (a) Before completion the Vendor must remove from the Property all items not included in the sale.
- (b) The Vendor cannot claim from the Purchaser for items left on the Property for more than seven (7) days after written notice to remove. That notice will not be effective if served before completion.
- (c) The Vendor must indemnify the Purchaser against all claims made against the Purchaser about items not included in the sale, but left on the Property after completion.

7 Easements and covenants

Except as the Contract otherwise provides, the Purchaser accepts the Property:

- (a) together with all easements and covenants benefiting it, and
- (b) subject to all easements and covenants that are:
 - (i) registered,
 - (ii) apparent from an inspection of the Property, or
 - (iii) disclosed in this Contract, and
- (c) the Purchaser can not object to any such easements or covenants.

8 Title warranties

The Vendor warrants to the Purchaser that, at completion:

- (a) the Vendor will provide a good marketable documentary title to the Property;
- (b) none of the Chattels will be encumbered in any way;
- (c) the Chattels and the Property will either be the Vendor's absolute property, or the Vendor will have the power to require a transfer of the title to the Purchaser; and
- (d) the Property will be free from charges payable to any authority, either now or in the future, for anything that has occurred before the Contract Date. The Vendor indemnifies the Purchaser against all liability of that kind.

9 Other warranties

- (a) Subject to the risk of accidental damage to the Property and the Chattels passing to the Purchaser from the date of contract, the Vendor warrants to the Purchaser that, at completion the Property and the Chattels will be at least as clean, tidy and in good repair as when last inspected by the Purchaser prior to the contract.
- (b) Except as otherwise agreed in the Contract or as required by law, the Property is sold "As Is/ Where Is" and, the Vendor makes no legally binding warranty, description, or representation of any kind as to:
 - (i) the physical nature of the Property; or
 - (ii) the Property having any permits or certificates of completion or occupancy.

10 GST

- (a) If the GST Treatment in the Contract is "The sale is not a taxable supply" the Vendor warrants to the Purchaser that one or more of the following applies:
 - (i) the sale is not in the course or furtherance of an enterprise carried on by the Vendor;
 - (ii) the Vendor is neither registered, nor required to be registered, for GST; or
 - (iii) the sale is an input taxed supply of residential premises to be used predominantly for residential accommodation, and not new residential premises.

THE LAW

SOCIETY

PETERSWALD

for property

SC001



Standard Form Contract for Sale of Real Estate in Tasmania (2018)

The Standard Conditions of Sale (2018)

- (b) If the GST Treatment in the Contract is "The sale is not a taxable supply":
 - (i) the Vendor cannot recover from the Purchaser any GST payable on supplies under this Contract; and
 - the Vendor makes no warranty that the Purchaser will receive any GST Tax Credits on supplies under this Contract.
- (c) If the GST Treatment in the Contract is 'Margin Scheme' the Sale Price is inclusive of GST and the parties agree that the margin scheme applies.
- (d) If there is no indication of GST Treatment in the Contract then this clause 10 does not apply to this Contract.
- (e) A word defined in A New Tax System (Goods and Services Tax) Act 1999 (Cth) has that meaning when used about GST in this Contract.
- (f) This clause 10 does not merge on completion.

11 GST Withholding Treatment

- (a) The parties agree and acknowledge that the indication as to GST Withholding Treatment, together with the balance of this Contract, serves as notice from the Vendor as required by section 14-255 of the Taxation Administration Act 1953 (Cth).
- (b) If the GST Withholding Treatment in the Contract is 'GST Withholding not required because Sale is not a taxable supply' then the Vendor notifies and warrants to the Purchaser that no withholding is required and that the sale is not a taxable supply.
- (c) If the GST Withholding Treatment in the Contract is 'GST Withholding not required because Sale is GST-free' then the Vendor notifies the Purchaser that no withholding is required.
- (d) If the GST Withholding Treatment in the Contract is 'GST Withholding not required because Sale not new residential premises or potential residential land' then the Vendor notifies and warrants to the Purchaser that no withholding is required and that:
 - the Property is not new residential premises (unless the new residential premises have been created through substantial renovations of a building or is new commercial residential premises); and
 - (ii) the Property is not potential residential land that is included in a property subdivision plan (unless the Property contains a building that is in use for a commercial purpose).
- (e) If the GST Withholding Treatment in the Contract is 'GST Withholding not required because the Property is potential residential land and the Purchaser is registered and has a creditable purpose' then:
 - the Vendor warrants to the Purchaser that the Property is potential residential land that is included in a
 property subdivision plan and does not contain a building that is in use for a commercial purpose; and
 - (ii) the Purchaser warrants to the Vendor that:
 - (1) the Purchaser is registered for GST; and
 - (2) the Purchaser is acquiring the Property for a creditable purpose,
 - and, in reliance on the Purchaser's warranty, the Vendor notifies the Purchaser that no withholding is required.
- (f) If the GST Withholding Treatment in the Contract is 'GST Withholding required and Property entirely new residential premises and/or potential residential land' then the following clauses apply:
 - (i) The Vendor hereby notifies the Purchaser that the Purchaser must withhold the following amount ('the Withholding Amount') pursuant to section 14-250 of the Taxation Administration Act 1953 (Cth):
 - (1) If the GST Treatment in the Contract is 'Margin Scheme' then 7% of the Contract Price;
 - (2) If the GST Treatment in the Contract is 'The sale is a taxable supply and GST is included in the Sale Price according to the special clause added' then 1/11th of the Contract Price; or
 - (3) If the GST Treatment in the Contract is 'The sale is a taxable supply and GST is added to the Sale Price according to the special clause added' then 10% of the Contract Price,

and the Contract Price is the Sale Price.

- (ii) The Purchaser must lodge with the Australian Taxation Office;
 - (1) Form 1 (GST property settlement withholding notification online form), and provide the Payment Reference Number ('PRN') and Lodgement Reference Number to the Vendor, along with the payment slip that contains the PRN and is produced when Form 1 is lodged ('the Payment Slip'), prior to completion as a condition precedent to the Vendor's obligation to complete this Contract; and
 - (2) Form 2 (GST property settlement date confirmation online form) which the Purchaser warrants that the Purchaser will lodge on the date of completion.



Standard Form Contract for Sale of Real Estate in Tasmania (2018)

The Standard Conditions of Sale (2018)



- (iii) The Purchaser must procure a cheque drawn by a bank for the Withholding Amount ('the Withholding Cheque') payable to the Deputy Commissioner of Taxation and that cheque must be dealt with at completion or when the Purchaser first provides consideration, other than a deposit held on trust, to the Vendor if that is earlier than completion ('the Withholding Date').
- (iv) If the Vendor is represented by a Solicitor or Licensed Conveyancer ('the Vendor's Representative') then this clause 11(f)(iv) applies:
 - (1) The Purchaser must provide the Withholding Cheque to the Vendor's Representative on the Withholding Date and the parties agree that this fulfils the Purchaser's obligations to withhold the GST Withholding Amount.
 - (2) The Vendor must provide the Purchaser with an acknowledgement of receipt for the Withholding Cheque.
 - (3) The Vendor warrants that the Vendor will forward the Withholding Cheque, together with the Payment Slip, to the Deputy Commissioner of Taxation, as soon as practicable after the Withholding Date.
- (v) If the Vendor is not represented by a Solicitor or Licensed Conveyancer then the Purchaser warrants that the Purchaser will forward the Withholding Cheque, together with the Payment Slip, to the Deputy Commissioner of Taxation as soon as practicable after the Withholding Date.
- (vi) Unless the GST Treatment in the Contract is 'The sale price is a taxable supply and GST is added to the Sale Price according to the special clause added' then the balance of the Sale Price referred to in clause 2(a)(ii) of this Contract is taken to be net of the Withholding Amount.
- (vii) If the Purchaser makes a nomination pursuant to clause 12 of this Contract, then the nominee must fulfil the obligations in this clause 11(f).
- (g) If the GST Withholding Treatment in the Contract is 'GST Withholding required and Property is not entirely new residential premises and/or potential residential land' the Vendor must serve written notice on the Purchaser complying with section 14-255 of the *Taxation Administration Act 1953* (Cth) at least three (3) Business Days prior to the Withholding Date and to which clauses 11(f)(i)-(vii) of this Contract applies.
- (h) If no GST Withholding Treatment is indicated in the Contract and the property is residential premises or potential residential land, the Vendor must provide the Purchaser with a written notification in accordance with section 14-255 of the Taxation Administration Act 1953 (Cth) at least three (3) Business Days prior to the Withholding Date and in relation to which clauses 11(f)(iii)-(vii) of this Contract applies despite there being no GST Withholding Treatment indicated.
- (i) If the Vendor does not fulfil the Vendor's obligation in clause 11(g) or 11(h) then the Purchaser may, at the Purchaser's discretion:
 - (i) provide to, at the Purchaser's discretion:
 - (1) the Vendor's Representative on the Withholding Date (in which case clause 11(f)(iv)(3) applies); or
 - (2) to the Deputy Commissioner of Taxation as soon as practicable after the Withholding Date (in which case the Purchaser warrants to do so), a cheque drawn by a bank payable to the Deputy Commissioner of Taxation for the Withholding Amount as determined by clause 11(f)(i)(3) of this Contract, but if the Withholding Amount is indeterminable, then for 10% of the Sale Price; and
 - (ii) provide to the Vendor or the Vendor's Representative a cheque drawn by a bank for the balance referred to in clause 2(a)(ii) of this Contract net of the amount of the cheque referred to in clause 11(i)(i),

but the Purchaser must notify the Vendor in writing prior to the Withholding Date of the Purchaser's intention to exercise this discretion and that notification must specify whether the Purchaser elects to provide the cheque in accordance with clause 11(i)(i)(1) or 11(i)(i)(2), and if the discretion is exercised then the Vendor must treat the above as fulfilling the Purchaser's obligations in clause 2(a)(ii) of this Contract.

- (j) Where the Vendor provides a notification for the purpose of section 14-255 of the *Taxation Administration Act* 1953 (Cth) that is separate from this Contract, the Vendor warrants to the Purchaser that the contents of that notification are accurate.
- (k) Where one party makes a warranty to the other party in this clause 11, that party also indemnifies the other party for all liability, costs and expenses that result from the breach of that warranty.
- A word defined in A New Tax System (Goods and Services Tax) Act 1999 (Cth) or Taxation Administration Act 1953 (Cth) has that meaning when used about GST in this Contract.
- (m) This clause does not merge on completion.

THE LAW

SOCIETY

PETERSWALD

for property





Standard Form Contract for Sale of Real Estate in Tasmania (2018)

The Standard Conditions of Sale (2018)

12 Nominee

- (a) The Purchaser may nominate, in writing, other persons or corporations to complete this Contract.
- (b) The Purchaser remains personally liable to the Vendor to perform all the Purchaser's obligations under this Contract regardless of any nomination.

13 Joint and several liability

Each person or corporation named as comprising a party to this Contract is liable both jointly and severally.

14 Rights after completion

After completion:

- (a) the Purchaser retains the benefit of title warranties to the Chattels; and
- (b) each party retains the benefit of all provisions requiring or contemplating that the other party must do something after completion.

15 Boundary fences

- (a) The Purchaser cannot require the Vendor to contribute to the cost of erecting or repairing a dividing fence or wall between the Property and any adjoining land and owned by the vendor.
- (b) The Purchaser indemnifies the Vendor against all claims of that kind.

16 Notices

- (a) Unless the contract otherwise requires, a party may serve notices in other ways but a notice given by one party to the other is properly given if:
 - signed by any one or more persons or companies constituting the party giving the notice, or their solicitor or conveyancer, and
 - (ii) given to the receiving party or their solicitor or conveyancer, either
 - (1) personally; or
 - (2) by post to, or left at, the receiving party's address shown on this Contract; or
 - (3) by post to, or left at, the office of the receiving party's solicitor or conveyancer; or
 - (4) by facsimile transmission; or
 - (5) by email sent to an email address the recipient has, in the course of this transaction, nominated, acknowledged or used.
- (b) A notice is properly given if given to any one or more of the persons or companies constituting the receiving party for all of them.
- (c) A notice is taken to be received:
 - (i) if hand delivered, on delivery;
 - (ii) if sent by prepaid post, five days after the date of posting;
 - (iii) if sent by facsimile, at the time shown of correct and complete transmission to the recipient's facsimile number by the sending machine; or
 - (iv) if sent by email, when the email becomes capable of being retrieved by the recipient at an electronic address nominated, acknowledged or used by the recipient.

17 Time

In this Contract:

- (a) when a period dated or calculated from a given day, act, or event, is prescribed or allowed for any purpose, that period excludes that day, or the day of that act or event, as the case may be;
- (b) time extends until the next Business Day if the time for doing something falls on a day other than a Business Day;
- (c) a "Business Day" is a day other than a Saturday, Sunday, or a statutory holiday (as defined in the Statutory Holidays Act 2000) applicable to an area in which any part of the Property is located; and
- (d) only Business Days are counted for periods shorter than seven (7) days specified in this Contract.

SOCIETY

PETERSWALD

for property





Standard Form Contract for Sale of Real Estate in Tasmania (2018)

The Standard Conditions of Sale (2018)

18 Default

- (a) After the Completion Date, a party may, by fourteen (14) days notice to the other, make the time for completion essential so that failure to complete will constitute a fundamental breach of this Contract justifying termination.
- (b) If the Purchaser fails to complete the Contract in accordance with its terms then, unless the failure is due to the Vendor's wilful default, on termination of the Contract:
 - (i) the deposit is forfeited to the Vendor; and
 - (ii) in addition to any other remedies available:
 - (1) the Vendor may resell the Property and the Chattels in any manner and on any terms the Vendor chooses:
 - (2) the Vendor may claim any loss on resale from the Purchaser as liquidated damages; and
 - (3) any profit on resale will belong to the Vendor.

19 Cooling Off

Unless the Particulars of Sale otherwise provide, the Purchaser may terminate the contract, by serving on the Vendor notice of such termination within three (3) Business Days of when the contract is made, and then:

- (a) the obligations of the parties to complete ends; and
- (b) the Purchaser will be entitled to any deposit paid but neither party will be otherwise entitled to any compensation.

20 Foreign resident withholding tax

- (a) For the purposes of this clause:
 - "ATO Clearance Certificate" means a certificate issued under s14-220(1) of the Withholding Law which is current on the date of completion of this Contract;
 - "CGT Withholding Amount" means the amount determined under s14-200(3) (a) of the Withholding Law or, if a copy is provided to the Purchaser prior to completion of this Contract, a lesser amount specified in a variation notice under s14-235 of the Withholding Law; and
 - "Withholding Law" means Schedule 1 to the Taxation Administration Act 1953 (Cth).
- (b) This clause applies (despite any other provision of this Contract) if;
 - (i) The market value of the Property at the Contract Date is \$750,000.00 or more and this sale is not otherwise an excluded transaction under s14-215 of the Withholding Law; and
 - (ii) The Vendor has not given to the Purchaser at least two (2) business days prior to completion of this Contract for each person comprising the Vendor:
 - A. An ATO Clearance Certificate; or
 - B. A variation notice under s14-235 of the Withholding Law which remains current at the date of completion of this Contract varying the CGT Withholding Amount to nil.
- (c) This clause applies then:
 - (i) The Purchaser or the Purchaser's duly authorised representative must lodge a Foreign Resident Capital Gains Withholding Purchaser Payment Notification Form with the Australian Taxation Office for each person comprising the Purchaser and give copies to the Vendor with the payment reference numbers (PRN) on or before completion of this Contract;
 - (ii) The Purchaser or the Purchaser's duly authorised representative must on completion of this Contract:
 - A. Show to the Vendor or the Vendor's duly authorised representative a cheque drawn by a bank for the CGT Withholding Amount payable to the Deputy Commissioner of Taxation and provide to the Vendor or the Vendor's duly authorised representative a photocopy of that cheque; or
 - B. Provide to the Vendor or the Vendor's duly authorised representative such other assurance that payment of the CGT Withholding Amount will be made as may be approved and accepted by or on behalf of the Vendor.
 - (iii) The Purchaser must pay the CGT Withholding Amount to the Australian Taxation Office and give the Vendor within two (2) business days of completion of this Contract evidence that it has done so;

and the monies otherwise payable by the Purchaser to the Vendor upon completion of this Contract will be reduced by the amount of the CGT Withholding Amount.

SC001



Standard Form Contract for Sale of Real Estate in Tasmania (2018)

The Standard Conditions of Sale (2018)



- (d) For the purposes of this clause the market value of the Property is taken to be the Sale Price less any GST included in the Contract Price for which the Purchaser is entitled to an input tax credit unless:
 - (i) The Contract Price is for assets in addition to the Property; and
 - (ii) No later than two (2) business days prior to the date of completion of this Contract, the Vendor gives to the Purchaser a valuation of the Property as at the Contract Date prepared by a registered valuer;

in which case the market value of the Property will be as stated in the valuation.

21 Payment and apportionment of charges

- (a) The Vendor must pay all land tax, rates, contributions to any body corporate related to the Property, charges and assessments charged, or to be charged, against the Property ("the Charges") for the period ending on the 30th of June after completion ("the Adjustment Period").
- (b) The Charges for the Adjustment Period must be apportioned as at the earlier of:
 - (i) the date of possession; and
 - (ii) the date of completion.
- (c) Any rebate, indemnity or concession available to the Vendor must be ignored when calculating the Charges, unless the rebate, indemnity or concession reduces a Charge to zero, in which case there must be no apportionment of that Charge.
- (d) Land tax must be apportioned as if the Property were the Vendor's only Tasmanian land.

CAUTIONARY NOTES

- Clause 20 (d) specifies the meaning of the market value of the Property for the purposes of clause 20, but not for the purposes of the Withholding Law.
- Clause 11(f)(i) specifies the meaning of Withholding Amount and Contract Price for the purpose of clause 11, but not for the purpose of the GST Withholding provisions in the Taxation Administration Act 1935 (Cth).
- The provisions of clause 11 and clause 20 do not exhaustively specify all of the statutory obligations of the Vendor and the Purchaser pursuant to the Taxation Administration Act 1935 (Cth).
- The Vendor's and the Purchaser's compliance with the provisions of clause 11 and clause 20 may not necessarily constitute full compliance with their statutory obligations.
- · The parties should take appropriate professional advice with respect to:
 - The market value of the Property for the purposes of the Withholding Law;
 - The Withholding Amount and the Contract Price for the purpose of the Taxation Administration Act 1935 (Cth); and
 - The Vendor's and the Purchaser's statutory obligations pursuant to the Taxation Administration Act 1935 (Cth)

The parties confirm they have:

- · carefully read the Standard Conditions of Sale and the Particulars of Sale, and
- had the opportunity to take necessary advice before signing the Particulars of Sale.

Vendor Signature	~ `	
in the presence of: Witness Signature		
Purchaser Signature Spx Shot		
in the presence of: Witness Signature		
Property Address: Street: UNIT 1/2 - 4 FLINDERS LANE		
Suburb: SANDY BAY File reference:	State: TAS	Postcode: 7005

COPYRIGHT JUNE 2018

Page 13 of 13 SC001 - 06/18 www.reit.com.au



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
58387	2
EDITION	DATE OF ISSUE
9	11-Dec-2006

SEARCH DATE : 23-May-2022 SEARCH TIME : 03.08 PM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Strata Plan 58387 (formerly being STR859) and a general unit entitlement operating for all purposes of the Strata Scheme being a 5 undivided 1/30 interest Derived from Strata Plan 58387 Derivation: Part of 66A-2R-30Ps. Gtd. to W.M. Orr. Prior CT 3826/79

SCHEDULE 1

C757093 TRANSFER to CHRISTINE DELPERO Registered 11-Dec-2006 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
The registered proprietor holds the lot and unit entitlement
subject to any interest noted on common property
Folio of the Register volume 58387 folio 0

C757094 MORTGAGE to Australia and New Zealand Banking Group
Limited Registered 11-Dec-2006 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

5.5P



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
58387	0
EDITION	DATE OF ISSUE
3	22-Sep-2003

SEARCH DATE : 23-May-2022 SEARCH TIME : 03.08 PM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 58387 (formerly being

STR859)

Derivation: Part of 66A-2R-30Ps. Gtd. to W.M. Orr.

Prior CT 3824/53

SCHEDULE 1

C480880 STRATA CORPORATION NUMBER 58387/1, 19 PRINCES STREET, HOBART in relation to that part of the site comprising Lot 1 on Strata Plan No. 58387 and STRATA CORPORATION NO. 58387/2 & 3, 2 - 4 FLINDERS LANE, SANDY BAY in relation to that part of the site comprising Lots 2 & 3 on Strata Plan No. 58387

SCHEDULE 2

Reservations and conditions in the Crown Grant if any A701127 NOTIFICATION of change of By-Laws by adding to the bylaws in Part 1 of the seventh Schedule of Conveyancing & Law of Property Act 1884, the following: 11. That all matters relating to the maintenance, repairs & upkeep, the foundations, drainage works, roofs, spouts & gutters in respect of each flat on the plan shall be the sole responsibility for the time being of the owners of such flat. Registered 21-Jul-1980 at noon C431547 APPLICATION by owners to amend strata plan Registered 17-Jun-2003 at noon C480880 NOTICE of division of body corporate Registered 22-Sep-2003 at noon APPLICATION by body corporate to amend strata plan by C538664 adding new lots 4 & 5 Registered 26-Mar-2004 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

SF SP

Page 1 of 1

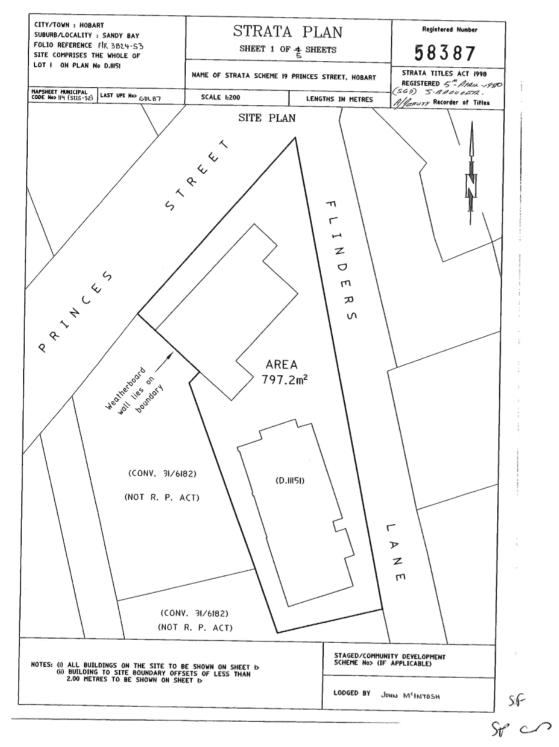


FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





Search Date: 23 May 2022 Search Time: 03:08 PM

Volume Number: 58387

Revision Number: 04

Page 1 of 5

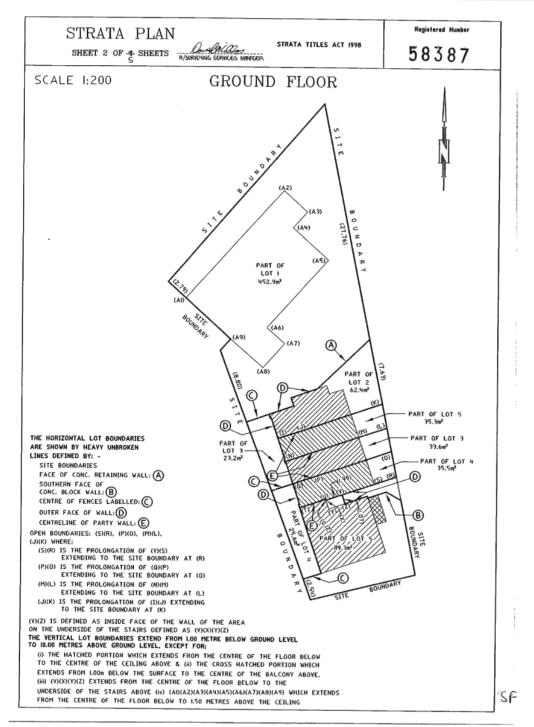


FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





SP Co

Search Date: 23 May 2022

Search Time: 03:08 PM

Volume Number: 58387

Revision Number: 04

Page 2 of 5

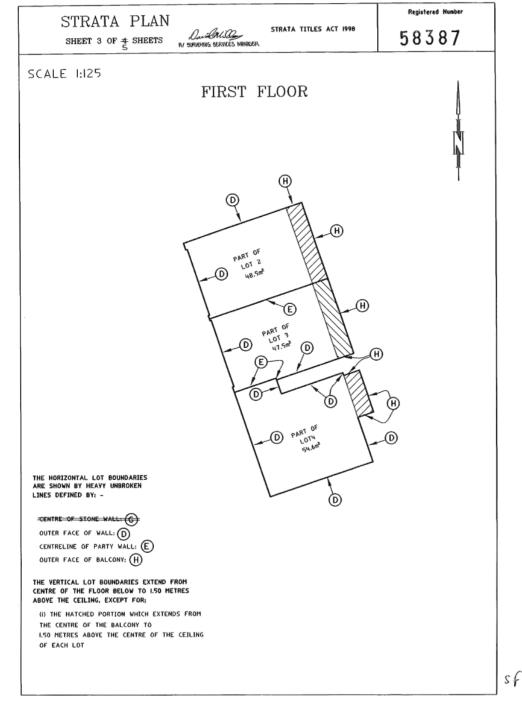


FOLIO PLAN

RECORDER OF TITLES







Volume Number: 58387

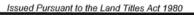
Revision Number: 04

Page 3 of 5



FOLIO PLAN

RECORDER OF TITLES





Registered Number

STRATA PLAN SHEET 4 OF \$\frac{1}{2}\$ SHEETS NAME OF BODY CORPORATE: \$\frac{19}{2}\$ PRINCES STREET, SANDY BAY, 7005. ADDRESS FOR THE SERVICE OF NOTICES: \$\frac{19}{2}\$ PRINCES STREET, SANDY BAY, 7005. SURVEYORS CERTIFICATE I, JOHN CERUTTY of, SKM Hobart a surveyor registered under the Land Surveyors Act 1909 certify that the building or buildings exceted on the site and drawn on sheet 1 of this plan are within the site boundaries of the folio stated on sheet 1 on this plan and this plan and this plan and this plan and the public of the state of the site of the folio stated on sheet 1 on the public of the state of the site of the folio stated on sheet 1 on the public of the state of the site of the site of the folio stated on sheet 1 on the public of the state of the site of the site of the site of the site of the state of the site	-
NAME OF BODY CORPORATE: 19 PRINCES STREET, SANDY BAY, 7005. ADDRESS FOR THE SERVICE OF NOTICES: 19 PRINCES STREET, SANDY BAY, 7005. SURVEYORS CERTIFICATE I, JOHN CERUTTY of, SKM Hobart a surveyor registered under the Land Surveyors Act 1909 certify that the building or buildings erected on the alte and drawn on sheet 1 of this plan or within the site boundaries of the folio stated on sheet 1 of this plan care within the site boundaries of the folio stated on sheet 1 of this plan care within the site boundaries of the folio stated on sheet 1 of this plan care within the site boundaries of the folio stated on sheet 1 of this plan care within the site boundaries of the folio stated on sheet 1 of this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 Application 1998 GENERAL UNIT ENTITLEMENTS	-
ADDRESS FOR THE SERVICE OF NOTICES: 19 PRINCES STREET, SANDY 8AY, 7005. SURVEYORS CERTIFICATE I, JOHN CERUTTY of, SKM Hobart a surveyor registered under the Land Surveyors Act 1909 certify that the building or buildings erected on the alte and drawn on sheet 1 of this plan are within the site boundaries of the folio stated on sheet 1 of this plan are within the site boundaries of the folio stated on sheet 1 of this plan are within the site boundaries is properly authorised according to law Application 22:01-04 Registered Surveyor date ref no GENERAL UNIT ENTITLEMENTS	<u></u>
SURVEYORS CERTIFICATE I, JOHN CERUTTY of, SKM Hobart a surveyor registered under the Land Surveyors Act 1909 certify that the building or buildings erected on the site and drawn on sheet 1 of this plan are within the site boundaries of the folio stated on sheet 1 and any encroachment beyond those boundaries is properly authorised according to law Application 22 : OI - Ou Registered Surveyor Act 1909 certify that the Hobart City Council has: (a) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 Application 22 : OI - Ou Registered Surveyor Act 1909 certify that the Hobart City Council has: (a) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 Application SURVEYING SERRIES, MARKIER date ref no GENERAL UNIT ENTITLEMENTS	
I. JOHN CERUITY of, SKM Hobart a surveyor registered under the Land Surveyors Act 1909 certify that the buildings or buildings erected on the site and drawn on sheet 1 of this plan are within the site boundaries of the folio stated on sheet 1 and any encrochment beyond those boundaries is properly authorised according to law I certify that the Hobart City Council has: (a) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 Application 22 101 Ou Registered Surveyor date ref no GENERAL UNIT ENTITLEMENTS	
a surveyor registered under the Land Surveyors Act 1908 certify that the building or buildings erected on the site and drawn on sheet 1 of this plan or within the site boundaries of the folio stated on sheet 1 and any encrocchment beyond those boundaries is properly authorised according to law (a) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 (c) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 (c) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 (d) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 (d) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 (d) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 (d) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998	<u></u>
the building or buildings erected on the site and drawn on sheet 1 of this plan are within the site boundaries of the folio stated on sheet 1 and any encrochment beyond those boundaries is properly authorised according to law Application 1 and 1	h
Rajúlstered Surveyor date ref no RESPRISES MARGER date ref no GENERAL UNIT ENTITLEMENTS	
LOT	
ENTILLEMENT	
1 10	
2 5	
3 5	
4 5	
5 5	
	
TOTAL 30	

Search Date: 23 May 2022 Search Time: 03:08 PM

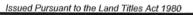
Volume Number: 58387

Revision Number: 04



FOLIO PLAN

RECORDER OF TITLES





	STRA	λTΑ	PI	_AN	ı									Reg	istered	Number	
	SHEET 5	0F	5 SI	HEETS					ST	RATA	ITLES	ACT 1998		58	33	8 7	
NOT	E: THIS (i) TH (ii) TH	E LOT	S HAV	E A :	SPECI	E USED AL UNIT AS BEEN	ENTITLE	MENT,	OR								
FOR	PURPOSE WHICH A	A SPE	CIAL	TINL	۱ ۱6	(ii) f	or fixing to or fixing to neeting of	he owner he numb	er's pro er of	portions votes t	te inter	to be made est in the ercisable by porate's inc	common pro The owner	perty; of	or lot at	a geni	iral iner
STRATE	E OF (THE CORPORATE STATE OF S	ON NO	583	87	ATE	STAA	E OF (T) TA CORPOR FLINDERS	NOITA	No.	58387		МАМ	E OF (TI	HIS) B	ODY (ORPOR	RATE
	RESS FOR NOTICES T 1 19 F SAN		S STR			0F	RESS FOR NOTICES		SERV	ICE		ADD OF	RESS FO NOTICES	R THE	SERV	ICE	
LOT No	UI GENERAL	NIT EN	ECIAL	(IF /	ANY)	LOT No	GENERA	LJ SI	NTITL	(IF	ANY)	LOT No	GENERA	NIT E	NTITLE	EMENT (IF	ANY)
1		(0)	(ii)	(lii)	(iv)	2	-	(i)	(ii)	(iii)	(iv)	-	-	(i)	(ii)	(iii)	(iv)
						3		1	\top		T		_	+	+	+-	
						4								\top		\vdash	
	-	-	<u> </u>	-	_	.5		↓_									
			-			L	<u> </u>	-	4_	-	ļ						
		\vdash		-			-	┼	-	-	-	-		-	_	L	
		-	-	-			-	+-	┼-	+	-	-	-	-	-	-	
				-				-	+	+-	+-	-		-	-	-	$\vdash\vdash$
									\vdash	\vdash	\vdash			+-	-	\vdash	\vdash
										-		_			\vdash	\vdash	\vdash
															-	\vdash	\vdash
								_	_	_	<u> </u>						
								<u> </u>	_	_	<u> </u>						
								-	-	-	-			_			
				-				-									
					\dashv				-	-							
									_					_			\dashv
																	\dashv
											-						
TOTAL				- 1		TOTAL						TOTAL					

Volume Number: 58387

Revision Number: 04

www.thelist.tas.gov.au

Planning: #258828	
Property	
4 FLINDERS LANE SANDY BAY TAS 7005	
oonlo	
eople	
Applicant *	
оррания	Samuel Platts
	12/38 Waterworks Road
	DYNNYRNE TAS 7005 0458 748 710
	sdplatts7@gmail.com
Applicant *	
••	Sarah Fox
	12/38 Waterworks Road
	DYNNYRNE TAS 7005 0419 126 153
	sarahjanefox0@gmail.com
Owner *	
	Samuel Platts 12/38 Waterworks Road
	DYNNYRNE TAS 7005
	0458 748 710
	sdplatts7@gmail.com
Owner *	Sarah Fox
	12/38 Waterworks Road
	DYNNYRNE TAS 7005
	0419 126 153 sarahjanefox0@gmail.com
	Sala paro loro es gritani sorri
Entered By	SAMUEL PLATTS
	0458 748 710
	sdplatts7@gmail.com
se	
Visitor accomodation	
etails	
Have you obtained pre application advice?	
⊚ No	
If YES please provide the pre application advic	ce number eg PAE-17-xx

	nom the own	ier tilat tiley are awa	are of this application. *	
Yes				
s the application for SIGNA number of signs under Othe			in the cost of development, and you must enter	the .
No				
f this application is related	to an enforce	ment action please (enter Enforcement Number	
etails				
What is the current approve	d use of the la	and / building(s)? *		
Residential				
Please provide a full descrip pool and garage) *	tion of the pr	oposed use or deve	lopment (i.e. demolition and new dwelling, swir	nming
			property and will be the 'owners' soon, in the me opy of email and contract attached to application	
Estimated cost of developme	ent *			
0.00				
Existing floor area (m2)		Proposed floor are	a (m2)	
48.50		48.50		
Site area (m2)		1		
111				
arparking on Site				
Total parking spaces	Existinç	g parking spaces	N/A	
1	1		☑ Other (no selection	
			chosen)	
ther Details				
Does the application include No	signage? *			
9 140				
How many signs, please ent this application? *	er 0 if there a	re none involved in		
0				
Tasmania Heritage Reg	ister			
s this property on the Tasm	anian Heritag	e Register?		
ocuments				
Required Documents	Contract in. title	search and plan.pdf		
Required Documents Title (Folio text and Plan and 0 Schedule of Easements) * Plans (proposed, existing) *		e search and plan.pdf		

Item No. 7.2.3

Agenda (Open Portion) City Planning Committee Meeting - 25/7/2022

Page 319 ATTACHMENT B

accommodation	
Contract showing applicants to be owners	Contract in. title search and plan.pdf
Email to Owner's solicitor giving notice	IMG_5767.jpg

7.2.4 8 - 10 DOWNIE STREET, SOUTH HOBART - CHANGE OF USE TO VISITOR ACCOMMODATION PLN-22-329 - FILE REF: F22/71493

Address: 8-10 Downie Street, South Hobart

Proposal: Change of Use to Visitor Accommodation

Expiry Date: 2 August 2022

Extension of Time: Not applicable

Author: Victoria Maxwell

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Change of Use to Visitor Accommodation at 8-10 Downie Street South Hobart TAS 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-22-329 8-10 DOWNIE STREET SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

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

- 1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
- 2. To limit, manage, and mitigate behavior issues caused as a result of the visitor accommodation.
- 3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
- 4. To specify the maximum permitted occupancy of the visitor accommodation.
- 5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (1), and detail where the parking space is located and how the space is to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than 1 vehicle and the parking of any additional vehicles in nearby streets should also be discouraged.
- 6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

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

ENG 5

The number of car parking spaces approved by this permit for use on site, under the approved use class definition (Visitor Accommodation), is One (1).

Reason for condition

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

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.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found here.

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

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

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click here for more information, or call our Environmental Health team on 6238 2711.

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

Attachment A: PLN-22-329 - 8-10 DOWNIE STREET SOUTH

HOBART TAS 7004 - Planning Committee or

Delegated Report !

Attachment B: PLN-22-329 - 8-10 DOWNIE STREET SOUTH

HOBART TAS 7004 - CPC Agenda Documents U

Adebe



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

City of HODAKT

Type of Report: Committee

Council: 1 August 2022

Expiry Date: 2 August 2022

Application No: PLN-22-329

Address: 8 - 10 DOWNIE STREET, SOUTH HOBART

Applicant: ELIZABETH RUTH WALSH

12 / 8 MARGARET STREET SANDY BAY TAS 7005

Proposal: Change of Use to Visitor Accommodation

Representations: One (1) representation.

Performance criteria: Planning Directive No. 6 Exemption and Standards for Visitor

Accommodation in Planning Schemes - Gross Floor Area and Strata

Scheme

Parking and Access Code - Deficiency in parking numbers.

1. Executive Summary

- 1.1 Planning approval is sought for Change of Use to Visitor Accommodation at 8-10 DOWNIE STREET SOUTH HOBART TAS 7004.
- 1.2 More specifically the proposal includes:
 - change of use of two (2) dwellings to visitor accommodation on a strata lot;
 - one of the dwellings has been operating as visitor accommodation, exempt under PD6 as the applicant lived on site in the other dwelling; the second dwelling has approval for extension into the existing workshop area, although the works have not commenced for this extension;
 - currently existing is a bedsit flat, where the owner has been living, but now wishes to relocate elsewhere and therefore wishes to change the second dwelling to visitor accommodation also;
 - one (1) parking space is proposed on site.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes Gross Floor Area and Strata Scheme
- 1.3.2 Parking and Access Code Number of Parking Spaces
- 1.4 One (1) representation objecting to the proposal was received within the statutory advertising period between 27th June and 11th July 2022.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council, because planning application is of a category that has been called in by an Elected Member.

2. Site Detail

2.1 The site is located on the western side of Downie St, just in from Macquarie St. Surrounding uses to the east, south and west are predominantly residential on small urban lots. Further to the east is the South Hobart Adult Education Centre. Properties along Macquarie St to the north are a mix of commercial and residential. This section of Macquarie St is on the fringe of the South Hobart commercial precinct.



Figure 1: Site plan (Geo Cortex, 2022)

The site is part of a strata scheme, which is comprised of (a) lot 1, known as 416-418 Macquarie Street, and has a mix of commercial and residential uses; and (b) lot 2, known as 8-10 Downie Street, which is accessed off Downie St and consists of the old bakery building and workshop (formerly stables). This application only relates to 8-10 Downie Street.



Figure 2: Downie St entrance (Google Streetview, 2022)

In the past a small bedsit was constructed on the western end of the workshop. This gained approval in 2017 and again in 2021 to extend into the workshop, making it a more useable residence. The works for the extension have not yet commenced, but the application remains valid within the two year window for commencement. One (1) parking space is proposed on site in the courtyard between the two buildings.



Figure 3: 3D Aerial view of subject site (HCC Digital Twin, 2022)

The workshop is currently used as the laundry for the Bakery Visitor Accommodation and a studio and storage.





Figure 4: Internal views of ground and upper floors of workshop (Officer photos, 2022)

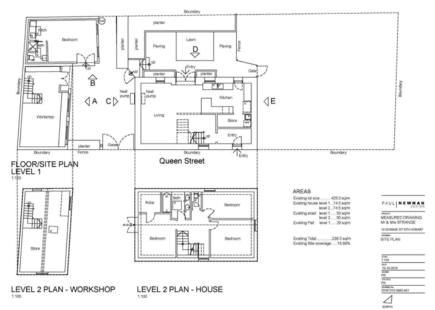


Figure 5: Existing Floor Plan for Bakery and Workshop (www.realestate.com.au, 2019)

3. Proposal

3.1 Planning approval is sought for Change of Use to Visitor Accommodation at 8-10 DOWNIE STREET SOUTH HOBART TAS 7004.

3.2 More specifically the proposal includes:

- change of use of two (2) dwellings to visitor accommodation on a strata lot;
- one of the dwellings has been operating as visitor accommodation, exempt under PD6 as the applicant lived on site in the other dwelling; the second dwelling has approval for extension into the existing workshop area, although the works have not commenced for this extension;
- currently existing is a bedsit flat, where the owner has been living, but now wishes to relocate elsewhere and therefore wishes to change the second dwelling to visitor accommodation also;
- one (1) parking space is proposed on site.

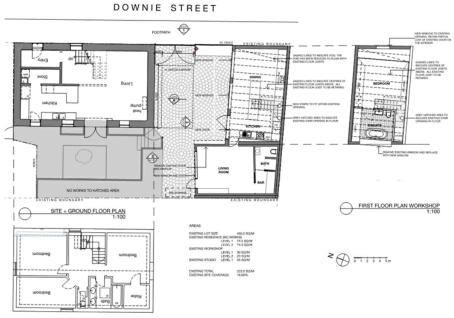


Figure 6: Proposed Floor Plan for Bakery and Workshop (Cumulus Studio, 2022)

4. Background

4.1 Previous relevant applications are as follows;

PLN-17-10: 8-10 DOWNIE STREET SOUTH HOBART TAS 7004 - Additional Dwelling (change workshop/flat to self contained unit)

PAM-20-157 - (PLN-17-10) - floor plan reconfiguration to increase number of bedrooms - withdrawn

ETA-19-55 - 8-10 DOWNIE STREET SOUTH HOBART TAS 7004 - for PLN-17-10

PLN-21-119: 8-10 DOWNIE STREET SOUTH HOBART TAS 7004 - (26/8/21) Partial demolition and alterations - Required CEP - not completed yet

The property was previously part of 416-418 Macquarie Street. Uses found for this property prior to strata title include in the building fronting Macquarie Street as two flats: upstairs and on side and commercial ground floor. Relevant permits include;

PLN-07-00553-01 - signage and alterations

PLN-21.6.89 - Change of use to consulting room on ground floor of shop.

PLN-200508 - Change Of Use

PLN-970422 - Partial change of use - workshop to flat

PLN-850772 - request to change Bake house to 2 bedroom flat, stables to panel beater garage and 1 bedroom flat

The property was strata titled in 2007.

It is the two latter permits which appear to have approved the conversion of the Bakehouse to residential and the end portion of the workshop to a flat. This is the current arrangement of uses on site.

Both PLN-17-10 and PLN-21-119 granted approval of a multiple dwelling on site. No parking was proposed, because the area between the two structures was set aside is private open space for the workshop. The private open space for the Bakery was proposed on the western side. The two dwellings were approved with a deficiency of four (4) parking spaces.

5. Concerns raised by representors

- 5.1 One (1) representation objecting to the proposal was received within the statutory advertising period between 27th June to 11th July 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.

We are currently suffering through a prolonged and acute housing shortage in nipaluna/Hobart, with a generation priced out of home ownership and living on inappropriate housing.

it is irresponsible, cruel and immoral to approve any applications that seek to turn residential properties into hotels for the investor class.

Please cobbers, do the right thing.

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.
- The site is located within the Inner Residential zone of the *Hobart Interim Planning* Scheme 2015.
- The existing use is Dwelling and Flat with exempt status for visitor accommodation because the operator lives on site. There is a live permit (not yet commenced) to convert the two structures to two (2) multiple dwellings. The proposed use is two (2) Visitor Accommodation units in the two (2) dwellings once completed, although the use is still requested to proceed within the bedsit flat, whilst the workshop is renovated. 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 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes
 - 6.4.2 E6.0 Parking and Access Code
- The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes

floor area greater than 200m2 - PD6 3.1 (e) P1

Strata Scheme lot - PD6 3.1 (e) P2

6.5.2 Parking and Access Code:

Number of Parking Spaces - E6.6.1 P1

- 6.6 Each performance criterion is assessed below.
- 6.7 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes Gross Floor Area 3.1 (e) P1
 - 6.7.1 The acceptable solution at clause 3.1 (e) A1 requires the gross floor area for Visitor Accommodation to be not more than 200m2.
 - 6.7.2 The proposal includes a total gross floor area when completed of 223m2 for the Bakery and Workshop buildings.
 - 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.7.4 The performance criterion at clause 3.1 (e) P1 of the Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes provides as follows:

Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:

- (a) the privacy of adjoining properties;
- (b) any likely increase in noise to adjoining properties;
- (c) the scale of the use and its compatibility with the surrounding character and uses within the area:
- (d) retaining the primary residential function of an area;
- (e) the impact on the safety and efficiency of the local road network; and
- (f) any impact on the owners and users rights of way
- 6.7.5 The proposed change of use will have no impact on the privacy of adjoining properties, as the buildings respectively gain direct access to the street from the bakery and via the courtyard for the workshop/flat.

Noise will be controlled by conditions for a Visitor Accommodation Management Plan should a permit be granted.

The proposal is converting a residence already being used for Visitor Accommodation and partial residential use also into visitor accommodation and will not alter the exterior of the two structures. The main difference is that the operator will not live on site, thereby creating two independent Visitor Accommodation uses. Whilst a survey of visitor accommodation in the area found 23 visitor accommodation permits granted since the early 2000s within a 200m2 radius of the site, this amounts to 10.5% of the 218 residential properties in that radius. Given the total 241 properties, of which the remaining 23 are a mix of commercial and community uses, this shows the area has a mix of uses, that the current proposal would be compatible within.

The residential component of the area remains slightly at around 90% and is clearly still the primary function of the area.

Council has previously twice approved a deficiency of four 4 parking spaces for residential development on site. With the removal of the need for private open space, one 1 parking space can be provided on site. One (1) remaining space is required to be provided on street, or else the visitor accommodation can be promoted without parking provision. The site being close to bus services and within easy walking of the CBD, the site is considered suitable for provision of only one space. Council's Development Engineer has indicated support for the reduction in the parking demand.

There are no external or shared access rights over or to the property, therefore (f) is not applicable.

- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes Strata Lot 3.1 (e) P2
 - 6.8.1 The acceptable solution at clause 3.1 (e) A2 requires Visitor Accommodation not be part of a strata scheme that also contains residential uses.
 - 6.8.2 The proposal includes two structures proposed for change of use to Visitor Accommodation within a Strata scheme with the lot fronting Macquarie Street (416-48 Macquarie Street), also containing residential uses.

- 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 3.1 (e) P2 of the Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes provides as follows:

Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:

- (a) the privacy of residents;
- (b) any likely increase in noise;
- (c) the residential function of the strata scheme;
- (d) the location and layout of the lots;
- (e) the extent and nature of any other nonresidential uses; and
- (f) any impact on shared access and common property.
- 6.8.5 The proposed change of use will have no impact on the privacy of adjoining properties, as the buildings respectively gain direct access to the street from the bakery and via the courtyard for the workshop/flat.

Given the brick walls enclosing the site from adjacent properties, it is considered unlikely that noise will be a concern. Notwithstanding this, should the proposal be approved, a condition will be included on the permit, requiring a Visitor Accommodation Management Plan to limit guest numbers, behaviour expectations and details of how these will be addressed and controlled.

The change to visitor accommodation should have little impact on the residential function of the strata scheme, because the site already has a mix of residential and commercial uses. The applicant indicates that both buildings are repurposed to residential, and have pitched ceilings that are not necessarily suited to long term residential use. It should be noted that Council has previously approved the buildings for residential purposes, but, this is as much because the Planning Scheme does not consider the likely compliance with the residential demands of the Building Act.

The deficiency of on site parking, poorly designed private open space and repurposing the buildings for residential, whilst previously approved, were not ideally designed for long term residential uses. In this case, whilst the buildings could be permanently occupied, they are not the most appropriate layout for this.

The two strata lots are separately accessed and do not share any common land, therefore the conversion to visitor accommodation will have little impact on the front lot. Given the separate access onto Downie St, the proposal is considered unlikely to affect surrounding and adjacent properties.

Non residential uses nearby include the Adult Education centre to the east, and various commercial specialty shops and services along Macquarie St. There is already a mix of residential and commercial uses in the area.

As mentioned previously, the proposal has independent access to Downie St and so there will be no impact on shared accesses or common property.

- 6.8.6 The proposal complies with the performance criterion.
- 6.9 Parking and Access Code Number of Parking Spaces E 6.6.1 P1
 - 6.9.1 The acceptable solution at clause 6.6.1 requires parking number to be no more or less than requires by Table 6.1, which requires one (1) parking space for each Visitor Accommodation unit.
 - 6.9.2 The proposal includes provision of one (1) on site parking space only.
 - 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 6.6.1 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;
- (I) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code; and
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.
- 6.9.5 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 The number of on-site car parking spaces must be:

- (a) no less than and no greater than the number specified in Table E6.1;Submitted documentation does not satisfy this requirement, a deficiency
- of One (1) car parking space is proposed.

Performance Criteria - P1: - COMPLIANT

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

(a) car parking demand; - The empirical parking assessment indicates

that the provision of 1 on-site car parking space will sufficiently meet the likely demands associated with part of the development.

- (b) the availability of on-street and public car parking in the locality; There is a readily available supply of on-street parking in the surrounding local road network. Parking is also available in the form of time-restricted parking, and residential parking for authorized residents. The available pool of parking may be able to meet the potential demands of visitors, particularly after normal working hours.
- (c) the availability and frequency of public transport within a 400m walking distance of the site; Metro Tasmania operate regular bus services along Macquarie Street, which is within 400 meters (80 meters) of the subject site.
- (d) the availability and likely use of other modes of transport; The site is located a convenient walking distance from local residential shops, schools and services.
- (e) the availability and suitability of alternative arrangements for car parking provision; No alternative parking provision is available due to the default constraints of the subject site.
- (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; N/A
- (g) any car parking deficiency or surplus associated with the existing use of the land; N/A
- (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; N/A
- (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; N/A
- (j) any verified prior payment of a financial contribution in lieu of parking for the land; N/A

- (k) any relevant parking plan for the area adopted by Council; N/A
- (I) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code; N/A 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. - No apparent impact.

Based on the above assessment and given the submitted documentation, the proposed parking quantity may be accepted under a performance based solution. This is particularly due to the proposed use class being likely to dictate the level of service required based on the structured management of the available parking provision(s).

6.9.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Change of Use to Visitor Accommodation at 8-10 DOWNIE STREET SOUTH HOBART TAS 7004.
- 7.2 The application was advertised and received one (1) representation. The representation raised concerns including there is an acute housing shortage in the city, it is irresponsible, cruel and immoral to approve applicants that convert residential properties into investment properties.
 - Whilst the grounds of representation have much planning merit, there is no head of power to support refusal under Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes. With no planning control upon which to rely, the representation grounds must be dismissed.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer and Cultural Heritage Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed Change of Use to Visitor Accommodation at 8-10 DOWNIE STREET SOUTH HOBART TAS 7004 satisfies the relevant provisions of the Hobart Interim Planning Scheme 2015, and as such is recommended for approval.

9. Recommendations

That:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Change of Use to Visitor Accommodation at 8-10 DOWNIE STREET SOUTH HOBART TAS 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-22-329 8-10 DOWNIE STREET SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

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

- To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
- 2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.
- To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
- 4. To specify the maximum permitted occupancy of the visitor accommodation.
- 5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (1), and detail where the parking space is located and how the space is to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than 1 vehicle and the parking of any

- additional vehicles in nearby streets should also be discouraged.
- To provide a name and contact phone number of a person who will
 respond to any complaints regarding behaviour of guests. If the
 property is sold the Visitor Accommodation Management Plan (VAMP)
 must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

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

ENG 5

The number of car parking spaces approved by this permit for use on site, under the approved use class definition (Visitor Accommodation), is One (1).

Reason for condition

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

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.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found here.

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

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

If you have a spa or a pool at your property then you are required to test for

microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click here for more information, or call our Environmental Health team on 6238 2711.

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



(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: 14 July 2022

Attachment(s):

Attachment B - CPC Agenda Documents

operty	
-10 DOWNIE STREET SOUTH HOBART TAS 700	4
eople	
Applicant *	
•	Rebecca French
	8-10 Downie Street SOUTH HOBART TAS 7004
	0449 200 789 becfrench76@gmail.com
	becireficity of gridalicom
Owner *	
Swilei	Rebecca French
	8-10 Downie Street SOUTH HOBART TAS 7004
	0449200789
	becfrench76@gmail.com
Entered Dr.	REBECCA JANE FRENCH
Entered By	0449 200 789
	becfrench76@gmail.com
se	
Visitor accomodation	
etails	
lave you obtained pre application advice?	
● Yes	
f YES please provide the pre application advic	e number eg PAE-17-xx
I met with Liz Wilson	
	odation as defined by the State Government Visitor Accommodation or definition. If you are not the owner of the property you MUST at they are aware of this application. *
⊚ Yes	
	lease enter \$0 in the cost of development, and you must enter the
number of signs under Other Details below. *	
	action please enter Enforcement Number

Details				
What is the current approved u	se of the land / b	ouilding(s)? *		
Residence/dwelling				
Please provide a full descriptio	n of the propose	ed use or developme	nt (i.e. demolition and new c	lwelling, swimming
2 separate short stay accomm Whilst also living on site. How			g this in the existing residen	ce and the smaller flat.
Estimated cost of development	*			
0.00				
Existing floor area (m2)	Prop	oosed floor area (m2)		
223.00		, ,		
Site area (m2)				
Site area (m2) 450				
Carparking on Site				
Total parking spaces	Existing parki	ing spaces	N/A	
1			➤ Other (no selection chosen)	
Other Details				
Does the application include si		ne involved in		
this application? *	on there are not	ine involved in		
0				
Tasmania Heritage Regist Is this property on the Tasmani		ister? No		
Documents				
Required Documents				
Title (Folio text and Plan and Folio Schedule of Easements) *	Plan-150439-2.pd	if		
Title (Folio text and Plan and Folio Schedule of Easements) *	TextCommonLot-	150439-2.pdf		
Title (Folio text and Plan and Folio Schedule of Easements) *	Text-150439-2.pd	if		
Plans (proposed, existing) * IMG	_9997.pdf			
Plans (proposed, existing) * IMG	_9996.pdf			
Covering Letter Cov	er letter.pdf			

Page 348
ATTACHMENT B

C

Tasmania Victoria South Australia

www.cumulus.studio info@cumulus.studio ABN: 11 626 284 115

Hobart City Council

22/06/2022

16 Elizabeth Street, Hobart

RE: 8-10 DOWNIE ST, SOUTH HOBART – CHANGE OF USE TO VISITOR ACCOMMODATION APPLICATION NO. PLN-22-329

Dear Ben Ikin,

In response to your request for information regarding clarification of the number of parking spaces, we confirm that there are no approved and one proposed car parking spaces on site. Please refer to the A002 FLOOR & SITE PLAN included with this application The Hobart Interim Planning Scheme requires (as specified in Table E6.1) one car parking space per visitor accommodation unit, Therefore, to comply with an acceptable solution, two parking spaces

due to the small size of and tight access to the site.

addresses the Hobart Interim Planning Scheme 2015 clause E6.6.1 performance criteria:

Please find below a summary of how the proposed change of use to visitor accommodation

would be required, one per unit. Accommodating two car parking spaces on site is not possible

 $E.6.6.1\ P1\ a.$ Car parking demand. & $E.6.6.1\ P1\ g.$ Deficiency or surplus associated with the existing use of the land.

Changing the use from multiple residential to visitor accommodation reduces the requirement for car parking onsite by 60% (multiple residential use requires four car parking spaces and one visitor car parking space while visitor accommodation requires two). The application PLN-22-329 proposes one car parking space, therefore substantially addressing the car parking deficiency by reducing the short fall of five car parking spaces to one car parking space and significantly reducing the demand for car parking within proximity to the site.

E.6.6.1 P1 b. Availability of on street and public car parking in the locality

Downie Street and the surrounding Drummond and Anglesea Streets have a mixture of limited (two-hour parking Monday to Friday) and unlimited car parking spaces during the week and completely unlimited over the weekend. Due to the nature of the visitor accommodation use, typically the demand for parking increases over the weekend period and reduces during the week.

E.6.6.1 P1 c. Availability and frequency of transport within 400m walking distance.

8 Downie St is located between Macquarie and Davey St-two major traffic corridors that support approximately five bus routes collectively. The site is located within proximity to Metro Bus Stop 9 No.411 Macquarie St (130m), Metro Bus St 10. No.451 Macquarie St (110m) and Metro Bus Stop 9

5

M

C Page 2

No.320 Davey St (400m). Providing the opportunity, for the users of the visitor accommodation, to catch a bus into the CBD approximately every 20 minutes.

E.6.6.1 P1 d Availability and likely use of other modes of transport

8 Downie St is located within 2kms of Salamanca Square and Hobart's CBD. The site has immediate access to a range of alternative means of transport such as walking, cycling, buses, scooters, Ubers and taxies. The site's proposed use of visitor accommodation and its proximity Hobart's major tourism attractions such as Battery Point, Salamanca and the CBD make alternative transport options a highly likely and preferable transport choice.

M

I hope the information above clarifies that the proposed use of visitor accommodation will ease the parking demand locally. 8 Downie St is perfectly positioned to take advantage of the numerous transport options available that are within very close proximity to the site.

Sincerely,

Elizabeth Walsh Associate Architect liz@cumulus-studio.net +61(3) 6231 4841

ı

L U S

24th May 2022

To whom it may concern,

My name is Bec French and I am the owner/occupier of 8-10 Downie street, South Hobart.

I have been living at this residence but am now looking to move out. I have also been running it as short term accommodation which I would like to continue after I move out.

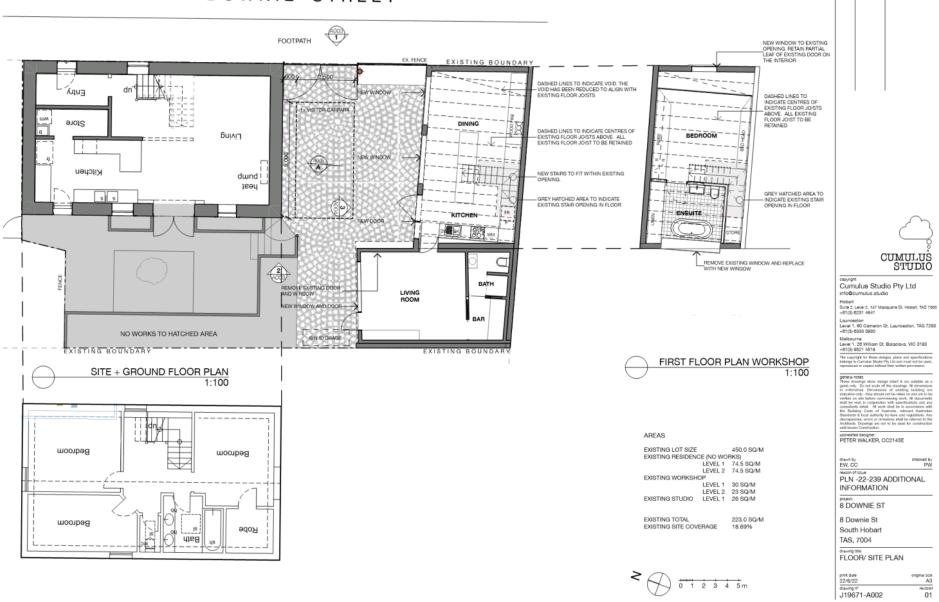
This application is for 2 different short stay permits within the one residence. Meaning, the flat/stables and the separate 3 bedroom house.

A couple of weeks ago I attended a meeting at the Hobart city council premises to discuss with Planning officer – Liz Wilson and architect Liz Walsh (Cumulus) to discuss the likelihood of this being passed. Liz Wilson indicated there to not be an issue. Therefore, I am now making the application.

Kind regards, Bec French

PLN-22-329 ADDITIONAL INFORMATION

DOWNIE STREET





RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
150439	2
EDITION	DATE OF ISSUE
3	09-Apr-2019

SEARCH DATE : 19-Feb-2021 SEARCH TIME : 02.12 PM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Strata Plan 150439 and a general unit entitlement operating for all purposes of the Strata Scheme being a 1 undivided 1/2 interest

Derived from Strata Plan 150439

Derivation: Part of 1A-0R-3.3/4Ps. Gtd. to J. McGrath

SCHEDULE 1

E174137 TRANSFER to REBECCA JANE FRENCH Registered 09-Apr-2019 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
The registered proprietor holds the lot and unit entitlement
subject to any interest noted on common property
Folio of the Register volume 150439 folio 0
E174138 MORTGAGE to National Australia Bank Limited
Registered 09-Apr-2019 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO	
150439	0	
EDITION	DATE OF ISSUE	
1	22-Mar-2007	

SEARCH DATE : 19-Feb-2021 SEARCH TIME : 02.12 PM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 150439

Derivation: Part of 1A-0R-3.3/4Ps. Gtd. to J. McGrath

Prior CT 203012/6

SCHEDULE 1

STRATA CORPORATION NUMBER 150439, 416 MACQUARIE STREET HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

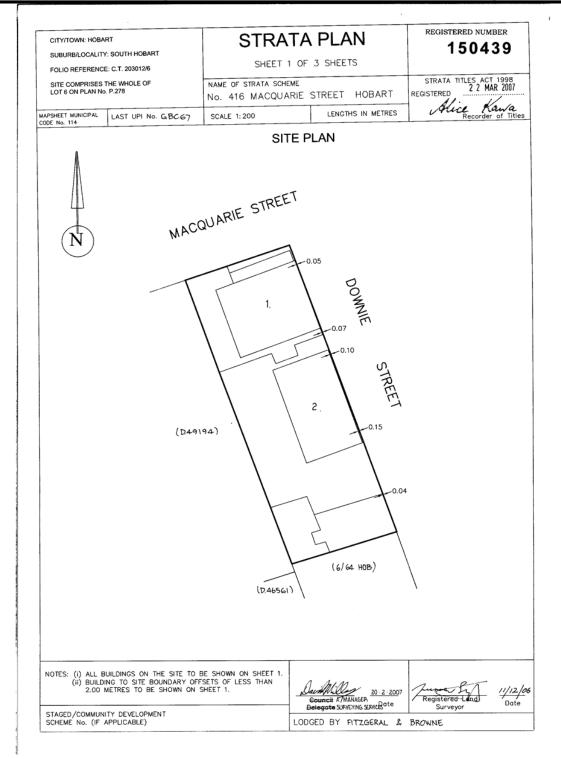


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 19 Feb 2021

Search Time: 02:13 PM

Volume Number: 150439

Revision Number: 01

Page 1 of 3

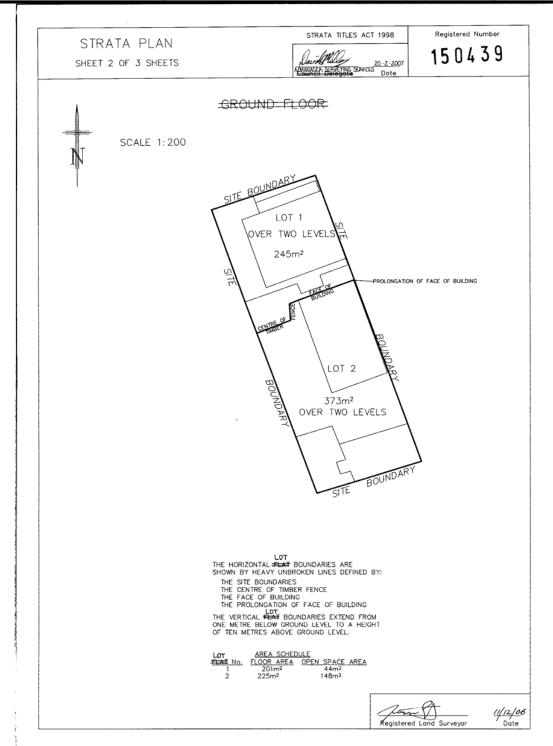


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 19 Feb 2021

Search Time: 02:13 PM

Volume Number: 150439

Revision Number: 01

Page 2 of 3



FOLIO PLAN

RECORDER OF TITLES





STRATA PLAN				Registered Number				
SHEET 3	OF 3 SHEETS		STRATA TITLES ACT 1998	15 0439				
NAME OF BODY CORPORATE: STRATA CORPORATION No. 150439, , 416 MACQUARIE STREET, HOBART ADDRESS FOR THE SERVICE OF NOTICES: 416 MACQUARIE STREET, HOBART 7000								
	SURVEYORS CERTIFICA	ATE	COUNCIL CERTIFICATE					
I Nicholas Griggs of Nick Griggs & Co. a surveyor registered under the Surveyors Act 2002 certify that the building or buildings erected on the site and drawn on sheet 1 of this plan are within the site boundaries of the folio stated on sheet 1 and any encroachment beyond those boundaries is properly authorised according to law. 11/12/06 1666			I certify that the Hobart City Council has:					
Registered Land	Surveyor Date	Ref No.	ACTING MANAGER SURVEYING SERVICES	Date Ref No.				
	GENERAL U	NIT ENTITLI	EMENTS					
LOT	UNIT ENTITLEMENT							
1	1							
2	1							
TOTAL	2							

Search Date: 19 Feb 2021

Search Time: 02:13 PM

Volume Number: 150439

Revision Number: 01

Page 3 of 3

7.2.5 1/35 VALLEY STREET, WEST HOBART & COMMON LAND OF PARENT TITLE & 37 VALLEY STREET & LOT 0/40 VALLEY STREET, WEST HOBART - CHANGE OF USE TO VISITOR ACCOMMODATION

PLN-22-243 - FILE REF: F22/71513

Address: 1/35 Valley Street, West Hobart & Common Land

Of Parent Title & 37 Valley Street & Lot 0/40

Valley Street, West Hobart

Proposal: Change of Use to Visitor Accommodation

Expiry Date: 26 August 2022

Extension of Time: Not applicable

Author: Victoria Maxwell

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use to visitor accommodation at 1/35 Valley Street West Hobart TAS 7000 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-22-243 1/35 VALLEY STREET WEST HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long

term residents. These measures must include, but are not limited to, the following requirements:

- 1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
- 2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.
- 3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
- 4. To specify the maximum permitted occupancy of the visitor accommodation.
- 5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (2), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than 2 vehicles and the parking of any additional vehicles in nearby streets should also be discouraged.
- 6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

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

ENG 5

The number of car parking spaces approved to be used on-site for Unit 1 is two (2). One of the approved car parking spaces is located within the garage for Unit 1. The second approved car parking space is located within the driveway and is in a jockey parking arrangement with the carparking space located within the garage for Unit 1.

Reason for condition

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

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.

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

FEES AND CHARGES

Click here for information on the Council's fees and charges.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found here.

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

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

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click here for more information, or call our Environmental Health team on 6238 2711.

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

Attachment A: PLN-22-243 - 1/35 VALLEY STREET WEST

HOBART TAS 7000 - Planning Committee or

Delegated Report !

Attachment B: PLN-22-243 - 1/35 VALLEY STREET WEST

HOBART TAS 7000 - CPC Agenda Documents U

P0F

Attachment C: PLN-22-243 - 1/35 VALLEY STREET WEST

HOBART TAS 7000 - Applicant Confirms Third

Parking Space to be Deleted J



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

City of HOBART

Type of Report: Committee

Council: 1 August 2022

Expiry Date: 26 August 2022

Application No: PLN-22-243

Address: 1 / 35 VALLEY STREET, WEST HOBART

COMMON LAND OF PARENT TITLE 37 VALLEY STREET, WEST HOBART

LOT 0 / 40 VALLEY STREET , WEST HOBART

Applicant: Evan Boardman (e3planning pty ltd)

PO Box 58

Proposal: Change of Use to Visitor Accommodation

Representations: Two (2) representations.

Performance criteria: Planning Directive No. 6 - Strata lot.

Parking and Access code - Number of parking spaces

1. Executive Summary

- 1.1 Planning approval is sought for a Change of Use to Visitor Accommodation at 1/35 VALLEY STREET WEST HOBART TAS 7000.
- 1.2 More specifically the proposal includes:
 - Change of use for the whole of a Multiple Dwelling from Residential to Visitor Accommodation;
 - An additional parking space is proposed at the entrance to the unit complex, which appears to require significant excavation.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes
 - 1.3.2 Parking and Access Code Number of Parking Spaces
- 1.4 Two (2) representations objecting to the proposal were received within the statutory advertising period between 15th and 29th June 2022.

- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council, because it is for a category of applications that have been called in by an Elected Member.

2. Site Detail

2.1 The site is located at the end of Valley Street, with access via Rights of Way over two other lots to the frontage to Valley Street. The site provides Right of Way for its eastern neighbour at the entrance to both properties. Surrounding properties are predominantly single dwellings on sloping sites. There are a number of multiple dwellings further to the south in Valley Street.



Figure 1: Site Plan (Geo Cortex, 2022)

The site is a steep south facing lot, containing two substantial multiple dwellings. The units share a common driveway to their individual parking areas.



Figure 2: View of access and subject site (Officer photos, 2022)

A visitor parking space is proposed adjacent to the entrance of the site. It is extremely steep. The original planning and building plans also showed this parking space, but no evidene can be found as to why the strata title was permitted to proceed without this space being either deleted from the plans or constructed. The parking space is not practical to install, given existing infrastructure on site. There are two water inspection covers, for water meter in the location of the proposed parking space.



Figure 3: Proposed Visitor Parking Space (Officer photo, 2022)

3. Proposal

- 3.1 Planning approval is sought for a Change of Use to Visitor Accommodation at 1/35 VALLEY STREET WEST HOBART TAS 7000.
- 3.2 More specifically the proposal includes:
 - Change of use for the whole of a Multiple Dwelling from Residential to Visitor Accommodation;
 - The Multiple Dwelling is built over three levels, with a one (1) vehicle garage at ground level, living space in the middle level and two bedrooms on the top level;
 - An additional parking space is proposed at the entrance to the unit complex, which appears to require significant excavation.

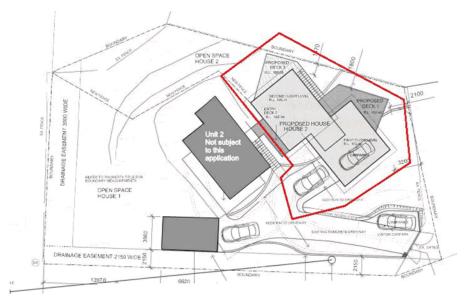


Figure 4: Site Plan (E3 Planning, 2022)



Figure 5: Unit 1 Floor Plans (E3 Planning, 2022)

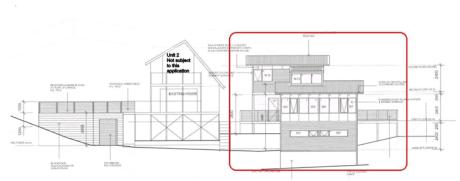


Figure 6: Front (South East) elevation (E3 Planning, 2022)



Figure 7: South West and North East Elevations (E3 Planning, 2022)

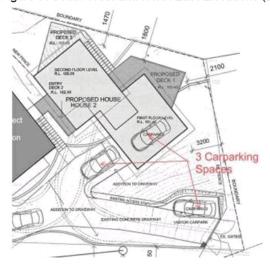


Figure 7: Proposal Parking (E3 Planning, 2022)

4. Background

4.1 Previous permits for development on site are listed below;

ENF-13-00878-01 - 35 Valley Street - WEST HOBART - Front gates installed which block neighbours access

PLN-09-00719-01 - Extension to Unit 1 - Parking space adjacent to driveway deleted

PLN-03-02221-01 - 35 Valley Street - WEST HOBART - Additional House (2nd house on site - shows visitor parking space adjacent to driveway)
PLN-990204 - 35 Valley Street - WEST HOBART - 1 House

The site was strata titled in 2006.

5. Concerns raised by representors

- 5.1 Two (2) representations objecting to the proposal were received within the statutory advertising period between 15th to 29th June 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 application should be refused on the basis that it does not comply with clause 3.1 (e) of Planning Directive No 6.

The use is not compatible with the character and use of the area and would cause an unreasonable loss of residential housing and amenity.

The complete dwelling would not be fit for proper use if changed to short stay accommodation, as the City of Hobart is experiencing a housing crisis. The dwelling's proper use would be for long term rental given its proximity to the CBD, etc.

Over the past five (5) years median rents in Hobart LGA have increased by 27% from \$470 to \$600 per week.

Core Logic reports that median Hobart rents are more expensive than Adelaide, Brisbane Perth and Melbourne, whilst Tasmanians have the lowest median income and the second highest rate of dependence on welfare in the country.

Greater Hobart js the least affordable capital city relative to income according to the Rental Affordability Index (RAI), which also found that tenants spend around 34% of their income on rent. Of the cohort represented, such spending is well above this median rate with some spending up to 80%, if on a low income.

According to the Dept Communities Tasmania the vacancy rate in Hobart in February 2021 was 0.6% and it is currently 0.3%.

According to the Dept Communities Tasmania the vacancy rate in Hobart in February 2021 was 0.6% and it is currently 0.3%.

Skyrocketing rents are likely playing a role in Hobartians becoming homeless, moving further away from their vital families and community supports and essential services, including schools and hospitals.

The ABS recently reported that the Hobart Municipality lost 971 residents in 2020-2021, whilst Clarence, Brighton and Huon Valley Municipalities gained 553, 486 and 281 residents respectively.

There are currently 481 investment properties being used for visitor accommodation within the Hobart Municipality, including a 9% increase between 1st July and 31st December 2021. These are all investment properties as this figure does not include owner occupier properties.

In December 2020 the Australian Housing and Urban Research Institute released a report entitled 'Marginal housing during COVID-19'. This report found that the return of an estimated 113 AirBnB properties to the private rental market in the Hobart Municipality during COVID-19 resulted in a 9% reduction in rents and concluded that "relatively small changes to the availability of dwellings can have very significant impacts on rent".

In 2018 the Tas Planning Commission acknowledged that "the conversion of housing stock to short term visitor accommodation is impacting the availability and affordability of long-term rentals". The findings from Hobart are not an outlier. In the words of Emeritus Prof Peter Phibbs "There's been a lot of academic research on short term rentals, literally hundreds of studies and those studies have concluded that there is a relationship between increases in short term activity and increases in housing rents".

It is strongly recommended that the application for change of use to visitor accommodation be refused. The application does not comply with clause 3.1.(e) because the use is not compatible with the character and use of the area and it would cause an unreasonable loss of residential amenity. The property is located in Hobart which already has 84 whole investment properties being used a visitor accommodation. Many of these would only a few years ago have housed young professionals, families and students would would have contributed to the vibrancy of their local communities, sending the children to local primary schools, participating in local sports teams and supporting local businesses.

West Hobart should remain a suburb which prioritises long term residents. The proliferation of short-term accommodation diminishes the "retaining of the primary residential function of the area" set out in the performance criteria (d) of clause 3.1 (e) of the Planning Directive. Further growth in short term accommodation within the Hobart Municipality will also result in reduced supply and increasing prices. For these reasons the application should be refused.

Clause 3.1 (e) requires the following;

P1(a) privacy of adjoining properties - transition to short stay accommodation would affect the privacy of the long term residents with constant visitors obtaining access to the property;

P1(b) a likely increase in noise - the possibility of visitors being able to be heard by neighbours because visitors would not be aware of the likely arrangements made by long term tenants (eg when is acceptable to play loud music);

P1(d) retaining the primary function of an area -this area is primarily a residential area for long term residents close to the South (West?) Hobart shopping district.

In the current housing crisis it should not be seen as within a residential function that homes transition into hotels. They need to be utilised as homes for long term residents. The primary function of all houses, apartments, units and studios is to provide shelter for those who live in the area. Changing this dwelling to short stay accommodation would not retain the primary residential function.

Diversity is decreasing in the city due to housing affordability and the increasing population and decreasing housing stock.

6. Assessment

- 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.
- The site is located within the General Residential zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Multiple Dwelling. The proposed use is Multiple Dwelling and Visitor Accommodation. The existing use is a Permitted use in the zone. The proposed use is a Discretionary use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes
 - 6.4.2 E6.0 Parking and Access Code

- The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes

Visitor Accommodation - 3.3.(d) P2

6.5.2 Parking and Access Code:

Number of Parking Spaces - E6.6.1 P1

- 6.6 Each performance criterion is assessed below.
- 6.7 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes Visitor Accommodation 3.1 (e) P2
 - 6.7.1 The acceptable solution at clause 3.1 (e) A2 requires visitor accommodation is not on a lot that is part of a strata scheme, where another lot within the strata scheme is used for residential development.
 - 6.7.2 The proposal includes a change of use to visitor accommodation on a lot that is part of a strata scheme with an existing residential use on the other strata lot.
 - 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.7.4 The performance criterion at clause 3.1 (e) P2 provides as follows:

Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:

- (a) the privacy of residents;
- (b) any likely increase in noise;
- (c) the residential function of the strata scheme;
- (d) the location and layout of the lots;
- (e) the extent and nature of any other nonresidential uses; and
- (f) any impact on shared access and common property.
- 6.7.5 Assessment of the proposal again the performance criteria requires assessment of the loss of amenity to residents within the strata scheme. There is one other dwelling within the strata scheme. The applicant

indicated that the resident of the other strata unit intended to operate the visitor accommodation on the subject strata lot. Therefore it could be argued that there should not be any loss of amenity to the current occupants. However, as the planning assessment relates to the land, not the particular residents, a thorough assessment of impacts is required.

A frequent concern of visitor accommodation within residential areas is noise from guests having parties. A Visitor Accommodation Management Plan (VAMP) can set out the measures that the operator will undertake to ensure that the Visitor Accommodation does not disrupt amenity through noise. The two units are separate structures, although the subject site has decks that face the other unit. Clear parameters regarding parties and noise can minimise these interruptions, through advertising on the booking website, provision of the operator's phone contacts should a party be noticed, limits on the number of guests and detailed expectations for guest behaviour can be provided in the VAMP, which would then minimise noise disruption. A condition should be imposed requiring a VAMP.

Given that access to the subject dwelling is via an internal garage and separate path to the dwelling, privacy should not significantly be impacted to the other unit. Access vis a shared right of way over two other lots. The subject site also provides Rights of Way to its eastern neighbour. All dwellings are orientated away from the road, or well above the access to take advantage of the south eastern views towards the river. It is considered that there is no significant affect on privacy to surrounding properties.

The proposal does not propose any change to the structure. The proposal is for the conversion of one dwelling. The scale of use is considered minor. One other Visitor Accommodation was recently applied for, but was found to be exempt as the applicant lives on site in one of the units in 40 Valley Street. No other visitor accommodation is noted in the vicinity.

The location of lots are via rights of way over adjacent land. However, the strata lots are approximately 430m2 each, which is close to the minimum lot size for the General Residential zone. The two units use a shared driveway, but have their own entrances. As well, a third guest space is proposed adjacent tot the driveway. However, this is not constructed and the gradient of the slope is such that it is not a suitable site for an extra space. The applicant has been contacted to discuss this matter and it has been agreed that the third parking space was not required in PLN-09-00719-01 and it should not be required now, especially given under the

planning scheme Visitor Accommodation only requires one (1) parking space. A condition is recommended to refuse the proposed parking space. This will also assist the eastern neighbour also, who shares the frontage vis another right of way.

This proposal is the only non residential use noted in the vicinity. However, provided guest behaviour is appropriately managed, it is not considered that the use will cause an unreasonable impact on amenity.

As mentioned above, the dwelling gains access via a shared Right of Way. These Rights of Way serve seven dwellings. however the dwelling are orientated away from the access and it is not considered likely that vehicle movement for the Visitor Accommodation will generate significant interruption to the amenity because of the shared access.

Two representations were received during the statutory advertising period, raising concerns regarding compliance with Planning Directive No. 6; citing incompatibility with the objectives of the clause and an unreasonable loss of residential amenity.

In response to the concern that the change of use would not be consistent with the objective of the clause, specifically the compatibility with the character and use of the area, an insight of the immediate neighbourhood has been provided. Given that there is one exempt Visitor Accommodation use and the current proposal in a 100m radius it is not considered that allowing the dwelling to be utilised for visitor accommodation would compromise the primarily residential character or function of the area. The representation ground must be dismissed.

One representation raised concern about compliance with all sub-clauses of clause 3.1 (e) P1. Because the proposal is within an existing habitable dwelling, it demonstrates compliance with the Acceptable Solution for this clause as it accommodates guest in an existing building and the gross floor area is not more than 200m2 per lot.

As can be seen above, the proposal complies with the Performance Criteria, and so the grounds of representation relating to the Performance Criteria for 3.1 (e) P2 must be dismissed.

- 6.7.6 The proposal complies with the performance criterion.
- 6.7 Parking and Access Code- Number of Parking Spaces E6.6.1 P1

- 6.7.1 The acceptable solution at clause 6.6.1 requires compliance with parking numbers to be no more or less than compliance with Table 6., which requires one (1) space for Visitor Accommodation.
- 6.7.2 The proposal includes Three (3) parking spaces, two (2) associated with the Visitor Accommodation and a further guest parking space adjacent to the entrance to the property.
- 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.7.4 The performance criterion at clause (insert clause number) 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;
- (I) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code; and
- (m) whether the provision of the parking would result in the loss, directly

or indirectly, of one or more significant trees listed in the Significant Trees Code.

6.7.5 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:

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

(a) no less than and no greater than the number specified in Table E6.1; - Submitted documentation does not satisfy this requirement, a surplus car parking spaces proposed. - NON COMPLIANT

Performance Criteria - P1:

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

(a) car parking demand;

- There are two existing on-site car parking spaces associated with Unit 1. One of the car parking spaces is located in the garage for Unit 1. The second car parking space is located in the driveway in a jockey parking arrangement with the car parking space located in the garage for Unit 1. A third on-site car parking space has been shown on the side of the driveway near the point of access to the site which appeared in an earlier planning application, however the strata plan was approved without the construction of this third on site car parking space. The location and gradient of this third car parking space is not suitable for vehicular parking and should not be constructed. The applicant has provided additional comment in support of the application that the third car parking space located on the side of the driveway "should be deleted as it is not required for the proposed use." The proposed use of Unit 1 as visitor accommodation only requires one parking space, therefore the existing two car parking spaces provided exceeds the required number of parking spaces for visitor accommodation. To meet the acceptable solution, there is to be no greater that the number of car parking spaces specified in

Table E 6.1. Exceeding the required number of on site car parking spaces requires assessment against the performance criteria.

- (b) the availability of on-street and public car parking in the locality;
- There is on-street parking in the surrounding road network, however as the on-site parking requirement is exceeded parking off site is not applicable.
- (c) the availability and frequency of public transport within a 400m walking distance of the site:
- Metro Tasmania operate regular bus services within 400 metres of the subject site.
- (d) the availability and likely use of other modes of transport;
- The site is located a convenient walking distance from shops, schools and services.
- (e) the availability and suitability of alternative arrangements for car parking provision;
- No alternative parking provision is available or considered necessary.
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;
- Not applicable.
- (g) any car parking deficiency or surplus associated with the existing use of the land;
- The proposed use of Unit 1 as visitor accommodation only requires one parking space, therefore the existing two car parking spaces provided exceeds the required number of parking spaces for visitor accommodation. Also, a third car parking space has been shown on the side of the driveway near the point of access to the site which appeared in an earlier planning application, however the strata plan was approved without the construction of this third on site car parking space. The location and gradient of this third car parking space is not suitable for vehicular parking and should not be constructed. The applicant has provided additional comment in support of the application that the third car parking space located on the side of the driveway "should be deleted as it is not required for the proposed use." To meet the acceptable solution, there is to be no greater that the number of car parking spaces specified in Table E 6.1. Exceeding the required number of on site car

parking spaces requires assessment against the performance criteria.

- (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.
- (I) 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.
- No impact.

Based on the above assessment and given the submitted documentation, the parking provision may be accepted under Performance Criteria P1:E6.6.1 of the Planning Scheme.

6.7.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for a Change of Use to Visitor Accommodation at 1/35 VALLEY STREET WEST HOBART TAS 7000.

7.2 The application was advertised and received two (2) representations. The representations raised concerns including that the change of use would not be compliant with the performance criterion under the Planning Directive No. 6 with respect to impacts to privacy, impacts to residential amenity, and impacts to the primary residential function of the area.

Both representations also cited other matters as reasons for refusal which including impacts upon housing availability and affordability.

The matter of housing availability, whilst it is a pressing concern in the Hobart Municipality, as well as the Greater Hobart Region, it is not a matter considered in Planning Directive No.6 and as such must be dismissed as it is not a relevant assessment criteria.

Both representations also raised concern about the impacts of the loss of dwellings from Residential to Visitor Accommodation, contributing to the social impacts of homelessness, housing stress, increasing house prices and changed character of suburbs. Whilst such concerns have considerable social weight and highlight a growing issue in the Hobart Municipality, and Greater Hobart Region, they are not considered relevant for planning assessment under the current State Government issued Planning Directive No. 6 and therefore cannot be supported. Both grounds of housing availability and the impacts of loss of housing through changed uses to visitor accommodation must be dismissed, because there is no head of power to sustain the representation grounds.

- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer. 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 Change of Use to Visitor Accommodation at 1/35 VALLEY STREET WEST HOBART TAS 7000 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 Change of Use to Visitor Accommodation at 1/35 VALLEY STREET WEST HOBART TAS 7000 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-22-243 1/35 VALLEY STREET WEST HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

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

- To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
- 2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.
- To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
- 4. To specify the maximum permitted occupancy of the visitor accommodation.
- 5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (2), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than 2 vehicles and the parking of any additional vehicles in nearby streets should also be discouraged.

To provide a name and contact phone number of a person who will
respond to any complaints regarding behaviour of guests. If the
property is sold the Visitor Accommodation Management Plan (VAMP)
must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

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

ENG 5

The number of car parking spaces approved to be used on-site for Unit 1 is two (2). One of the approved car parking spaces is located within the garage for Unit 1. The second approved car parking space is located within the driveway and is in a jockey parking arrangement with the carparking space located within the garage for Unit 1.

Reason for condition

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

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.

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

FEES AND CHARGES

Click here for information on the Council's fees and charges.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found here.

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

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

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click here for more information, or call our Environmental Health team on 6238 2711.

Item No. 7.2.5

Agenda (Open Portion) City Planning Committee Meeting - 25/7/2022

Page 382
ATTACHMENT A

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



(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: 14 July 2022

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Applicant Confirms Third Parking Space to be Deleted

Planning: #255522	
Property	
-	
2/35 VALLEY STREET WEST HOBART TAS 70	00
People	
Applicant *	e3planning pty ltd Evan Boardman PO Box 58 SOUTH HOBART TAS 7004 0438376840 evan@e3planning.com.au
Owner *	
	Terry Cutliffe 35 Valley Street WEST HOBART TAS 7000 0438376840 terry@hyperdrive.racing.com.au
Entered By	EVAN BOARDMAN 0438 376 840 evan@e3planning.com.au
Jse	
Visitor accomodation	
Details	
Have you obtained pre application advice?	
⊚ No	
If YES please provide the pre application ad	lvice number eg PAE-17-xx
	nmodation as defined by the State Government Visitor Accommodation of or definition. If you are not the owner of the property you MUST or that they are aware of this application.
⊚ No	
Is the application for SIGNAGE ONLY? If yes number of signs under Other Details below.	, please enter \$0 in the cost of development, and you must enter the
⊚ No	
If this application is related to an enforceme	ent action please enter Enforcement Number

Details	
What is the current appro-	oved use of the land / building(s)? *
Residential	
Please provide a full desc pool and garage) *	cription of the proposed use or development (i.e. demolition and new dwelling, swimming
Visitor Accommodation	
Estimated cost of develop	pment *
0.00	
Existing floor area (m2)	Proposed floor area (m2)
149.00	149.00
Site area (m2)	
446	
Total parking spaces 2 Other Details	Existing parking spaces N/A 2 Other (no selection chosen)
Other Details	
Does the application inclu	ude signage? *
	enter 0 if there are none involved in
Tasmania Heritage Re Is this property on the Tas Documents	egister smanian Heritage Register? No
Required Documents	
•	nd 1 35 Valley Street West Hobart Title.pdf
Plans (proposed, existing) *	* ARC-22-46 - 1 35 Valley Street West Hobart - Approved Planning Plans & Building Plans (2).pdf
Covering Letter	Covering Letter 1 25 Valley Street West Hebart 220422 pdf



03 June 2022

General Manager Hobart City Council GPO Box 503 HOBART TAS 7001

RE: 1 / 35 VALLEY STREET, WEST HOBART & COMMON LAND OF PARENT TITLE CHANGE OF USE TO VISITOR ACCOMMODATION APPLICATION NO. PLN-22-243

Please accept this correspondence as a response to Council's request for further information received 6 May 2022.

1. Amended plans that relate only to the dwelling proposed for change of use (currently the building plans for both units 1 and 2 of 35 Valley Street are provided, with no indication of the specific floor area to which the change of use applies). Please either filter and upload the floor and site plans to only show the area affected by this proposal in the building plans, or provide new plans (please note that plans from www.realestate.com.au are acceptable, with an annotated folio plan).

Planning Response

Amended plans and elevations are attached to this correspondence which only notate the proposal as relating to unit 1/35 Valley Street West Hobart. Where unit 2 is shown it has been notated such that the proposed change of use does not apply to unit 2.

2. Location and number of parking space(s).

Planning Response

Two dedicated carparking spaces are available to the proposed change of use to visitor accommodation. One within the existing garage and one tandem space, a visitor carparking space is also available at the bottom of the driveway as shown in figure 1.



PO Box 58 SOUTH HOBART, Tasmania 7004 0438376840 evan@e3planning.com.au

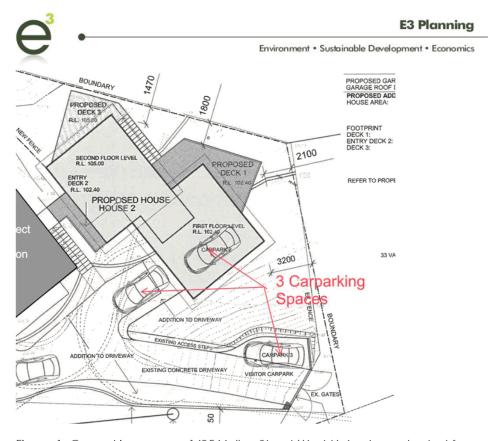


Figure 1: Carparking spaces 1/35 Valley Street West Hobart as adapted from Brian Pigden Drawings 35 Valley Street West Hobart.



A Visitor Accommodation Management Plan (VAMP) that includes measures
to limit, manage and mitigate unreasonable impacts upon the amenity of
permanent residents, including addressing issues like noise, waste
management, customer behaviour, security, and maximum occupancy.

Planning Response – Visitor Accommodation Management Plan

The Property Manager will reside at the adjoining property 2/35 Valley Street West Hobart and will be responsible for:

- Ensuring that all guests and visitors to the Property comply with the attached House Rules.
- These rules are to be attached to a prominent location on the property.
- Respond to complaints within a two-hour timeframe pertaining to guest behaviour made before 1 am or respond within a reasonable timeframe, but within 24 hours, in relation to all other complaints.
- Ensure the Property Manager contact details are always made available to residents.
- A Fire and Emergency Plan (including the Fire Evacuation Route) will always be placed in a visible location the property is operating as Visitor Accommodation.
- A list of Emergency and After-Hours contacts is to always be placed in a visible location the property is operating as Visitor Accommodation
- Ensure the correct maximum number of guests are staying overnight in accordance with Development Approval conditions.
- Maintain a register of all people who utilise the premises, available for inspection by Hobart City Council upon request.





E3 Planning

Environment • Sustainable Development • Economics

35 Valley Street House Rules



There shall be no more than 5 guests present at any one time. No parties are permitted



There shall be no use of any outdoor entertainment areas between 10 pm and 7 am.



No noise shall be permitted which may disturb neighbouring residents. No external speakers are permitted



Visitors are to only use parking spaces provided and not to park on street.

FIRES No open fires are permitted outside at any time.

CHILDREN Any children under the age of 12 must be always accompanied by an adult when they are on the property.

If you have any further queries, please do not hesitate to contact me on 0438 376 840 or email evan@e3planning.com.au.

Regards

Evan Boardman

Grad Dip URP, B ScEnv, B Econ MEIANZ





22 April 2022

General Manager Hobart City Council GPO Box 503 HOBART TAS 7001

RE: Unit 1 35 Valley Street West Hobart

Please find enclosed an application for a change of use to Visitor Accommodation at Unit 1 35 Valley Street West Hobart (the Property).

The Property is in the process of being purchased by my clients whom, are the owners of Unit 2 35 Valley Street West Hobart.

The dwelling has a floor are of 149m2 and a site area of 446m2 and has provision for 2 carparking spaces.

As the proposed change of use is located on a site which is currently used for multiple dwellings which have been strata titled it must be assessed against *Planning Directive No 6 Exemption and Standards for Visitor Accommodation in Planning Schemes 2018.* The relevant clauses are listed below, and responses follow.

Р1

Visitor accommodation must satisfy all the following:

(a) not adversely impact residential amenity and privacy of adjoining properties;

Response

The residential amenity of the adjoining properties would not be impacted by the proposal. Other than accommodating persons living away from their usual place of residence the dwelling will still be used for people to live and reside, albeit for shorter periods of time than



PO Box 58 SOUTH HOBART, Tasmania 7004 0438376840 evan@e3planning.com.au



E3 Planning

Environment • Sustainable Development • Economics

permanent accommodation. No changes to the building are proposed to provide for the change of use and all potential impacts upon privacy of adjoining properties would remain unchanged.

(b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site.

Response

Code E6.0 Parking and Access requires that 1 carparking space be provided for each unit and 1 space for each manager's dwelling and 50% of the relevant requirement for any ancillary use. Two carparking spaces have been approved associated with the unit 1 and 2 spaces for unit 2, this meets the relevant performance criteria. The owners of unit 2 would manage the visitor accommodation use and accordingly no demand is generated for carparking for a manager.

(c) be of an intensity that respects the character of use of the area.

Response

No increase in intensity of use would result from the proposal. The Property has 3 bedrooms, and this limits the intensity of the use.

(d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way.

Response

The safety and efficiency of the local road network would not alter because of the proposal, no alteration in traffic movements per day would result from the proposal. The Property is not subject to private rights of way.

- (e) be located on the same site as a dwelling providing long term residential accommodation, except for a caretakers dwelling, only if:
 - (i) it has a separate ground level pedestrian access to a road; or
 - (ii) there is an existing mix of uses on the site;

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







Response

Unit 2 35 Valley Street would be used as a caretakers dwelling, complying with clause (e). The dwelling has a separate ground level pedestrian access to a road and unit 1 will continue to be used for residential purposes.

P2 Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:

(a) the privacy of residents.

Response

No changes to the building are proposed to provide for the change of use and all potential impacts upon privacy of adjoining properties would remain unchanged.

(b) any likely increase in noise.

Response

It can be expected that the visitor accommodation use would not generate any increase in noise. The difference between long term residential use and visitor accommodation is principally the length of stay. If permanent residents are noisy, noise complaints often continue. If visitors are noisy, they then move on along with any noise.

(c) the residential function of the strata scheme.

(d) Response

The residential use of the strata scheme would continue as Unit 2 would be used for permanent residential purposes.

(e) the location and layout of the lots.

Response

The location and layout of the lot would not alter.

(f) the extent and nature of any other non-residential uses; and

Response



PO Box 58 SOUTH HOBART, Tasmania 7004 0438376840 evan@e3planning.com.au



No other non-residential uses are undertaken on the lot.

(g) any impact on shared access and common property.

Response

The number of vehicles using the property would not alter and no impacts upon shared access and common property would result.

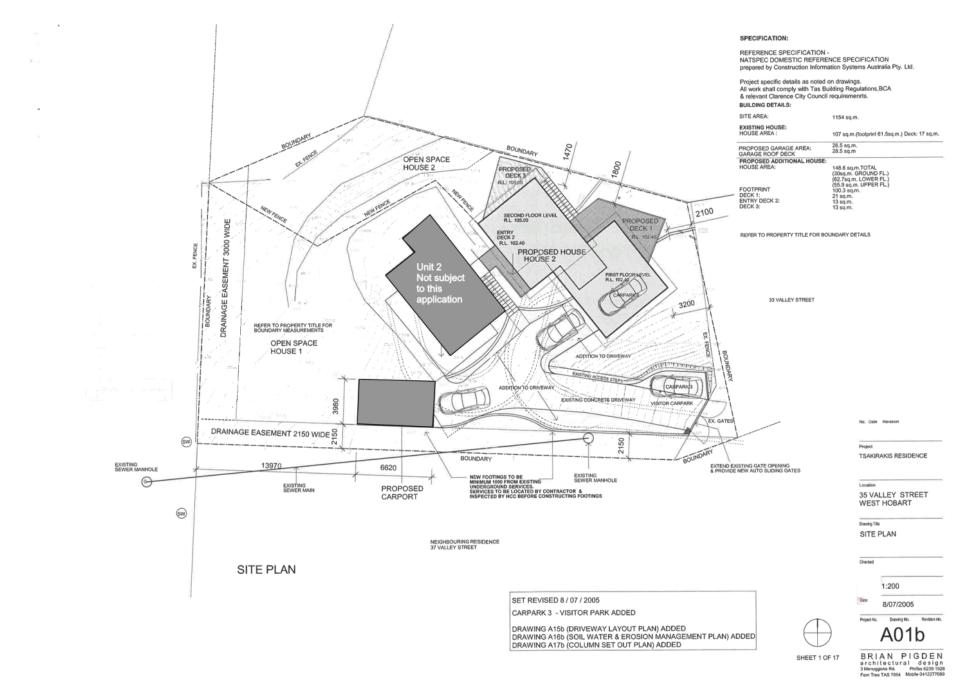
The proposal complies with all relevant provisions of Planning Directive no 6 and is recommended to Council for approval.

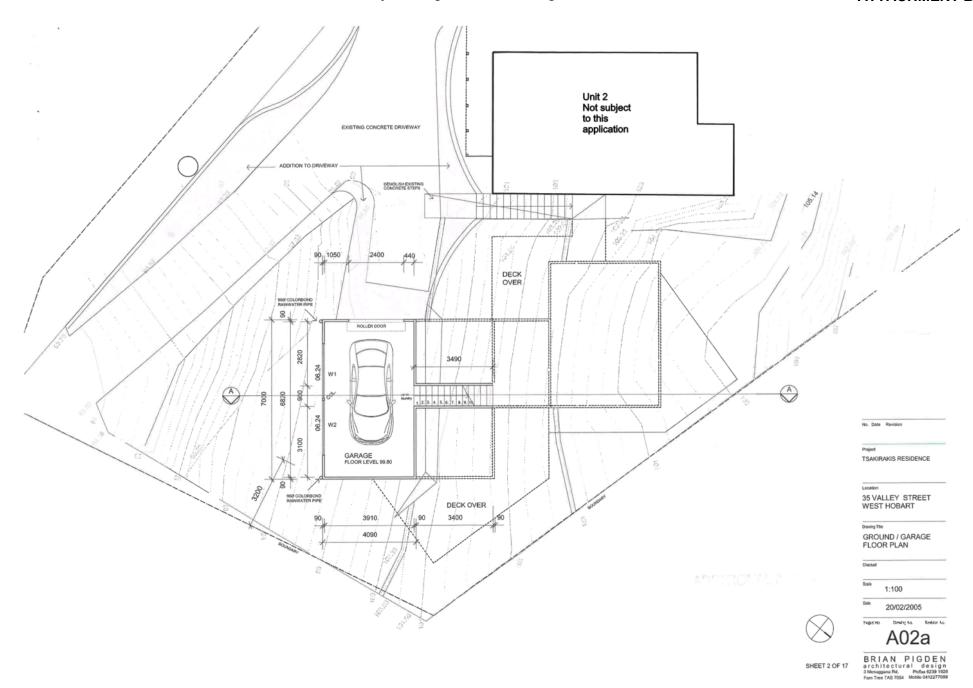
If you have any further queries, please do not hesitate to contact me on 0438 376 840 or email evan@e3planning.com.au.

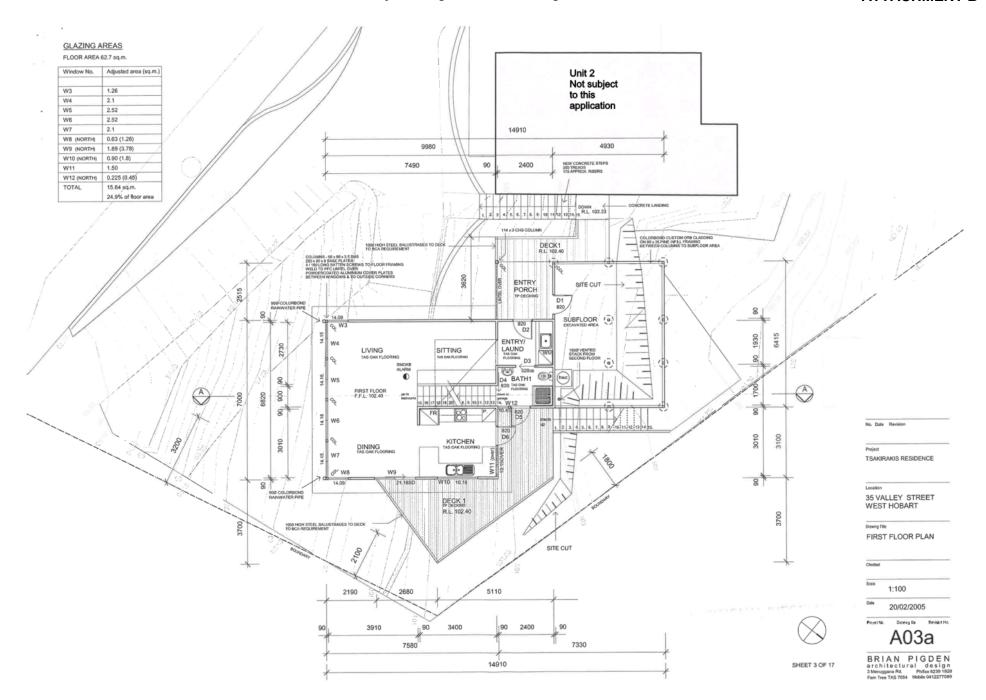
Regards

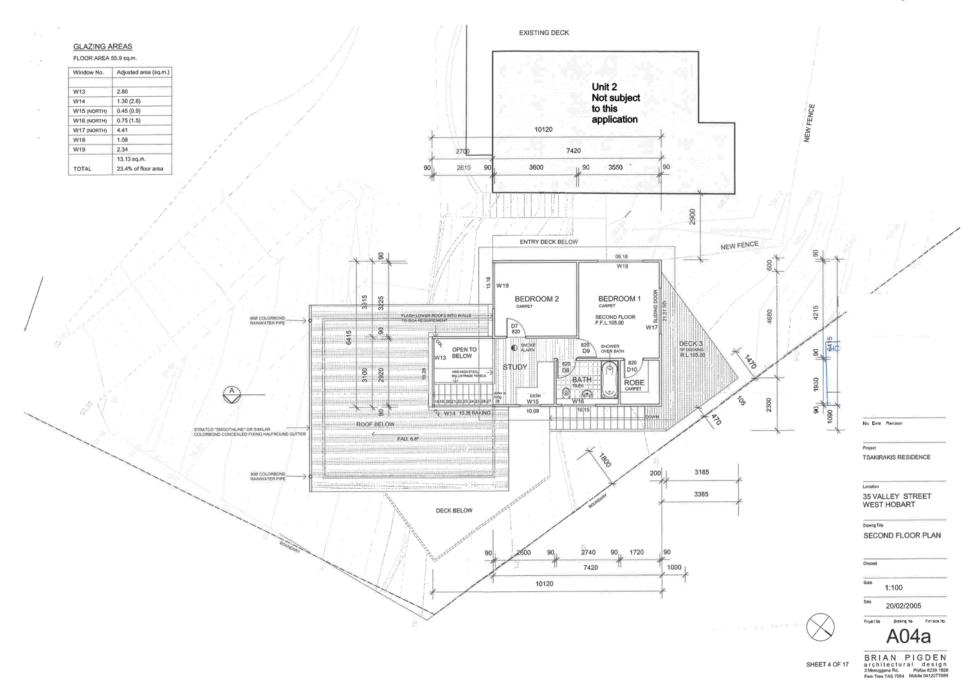
Evan Boardman

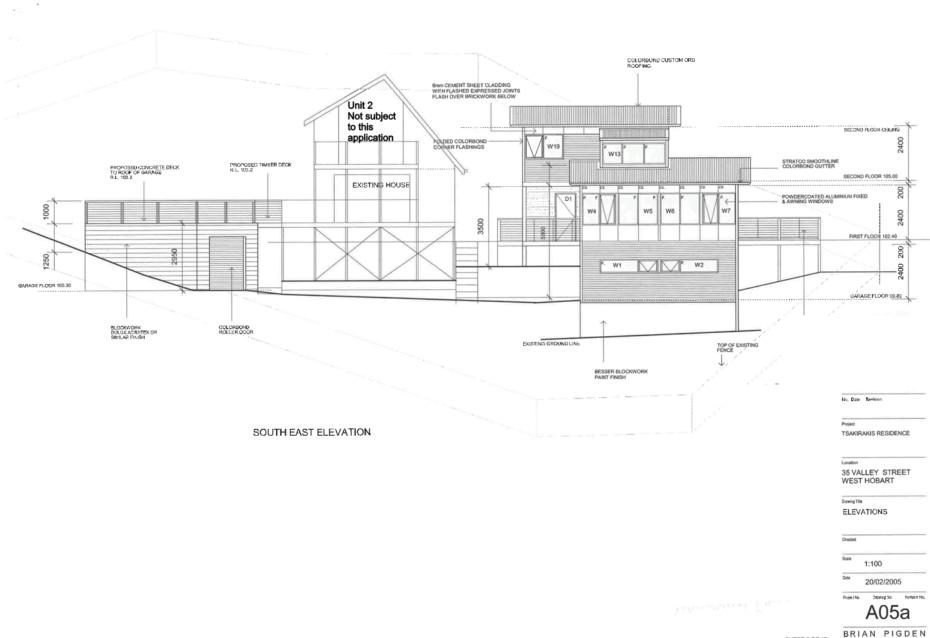
Grad Dip URP, B ScEnv, B Econ MEIANZ





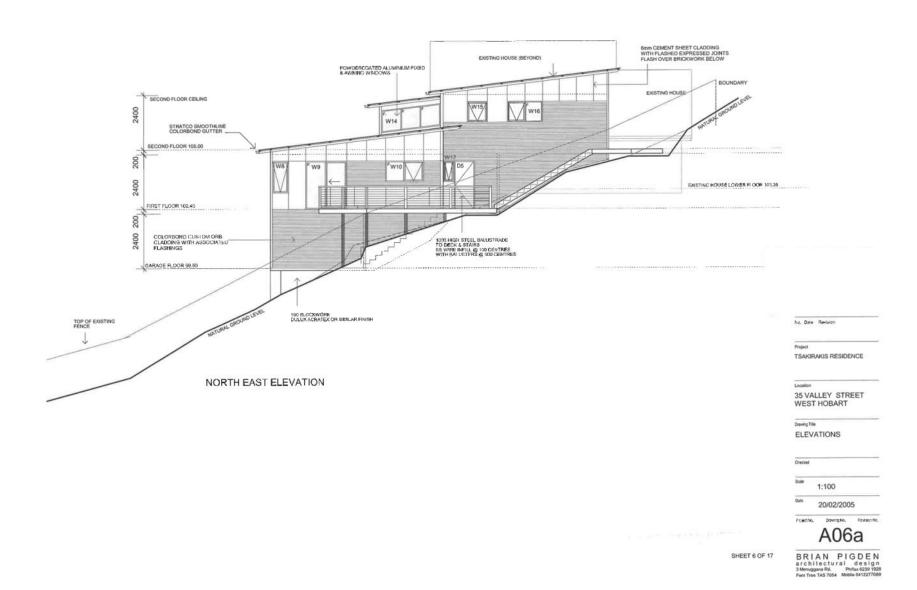


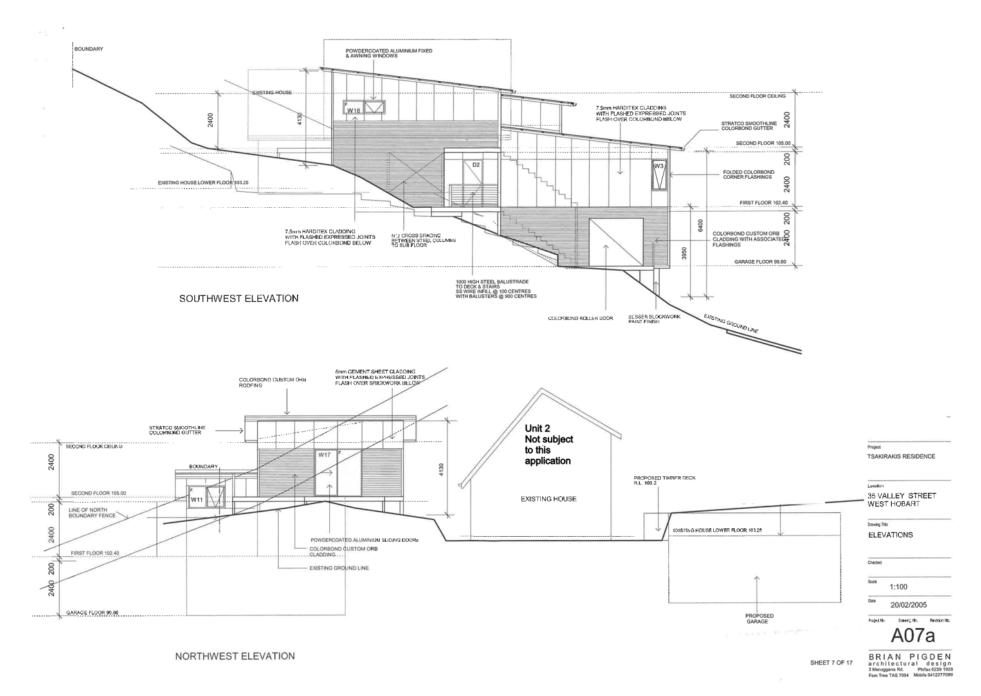


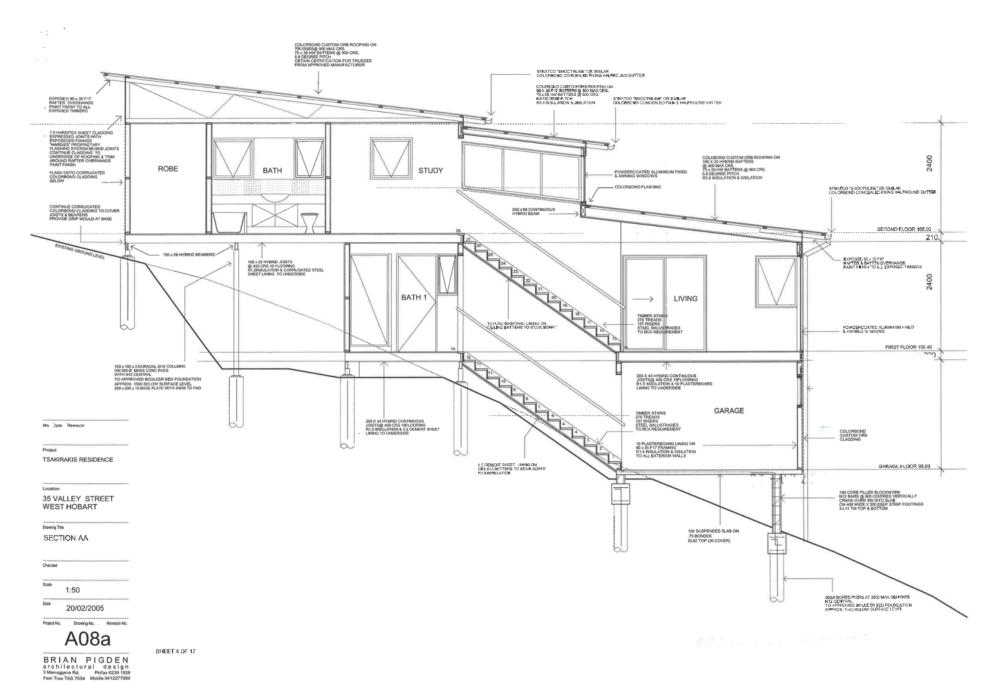


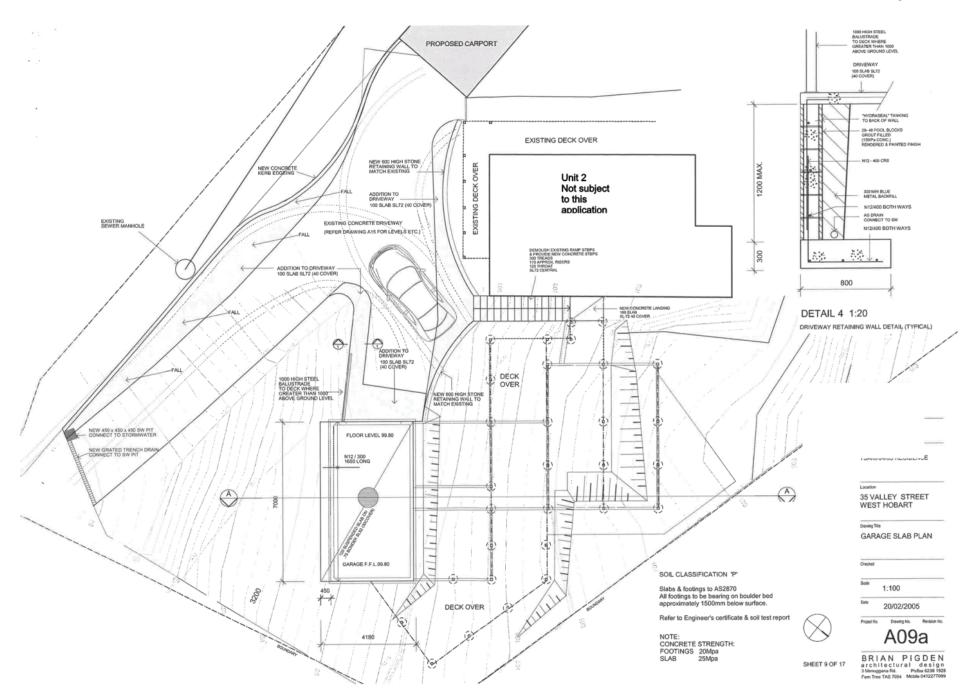
SHEET 5 OF 17

BRIAN PIGDEN architectural design 3 Meruggana Rd. Philax 6239 1928 Fem Tree TAS 7054 Mobile 0412277089









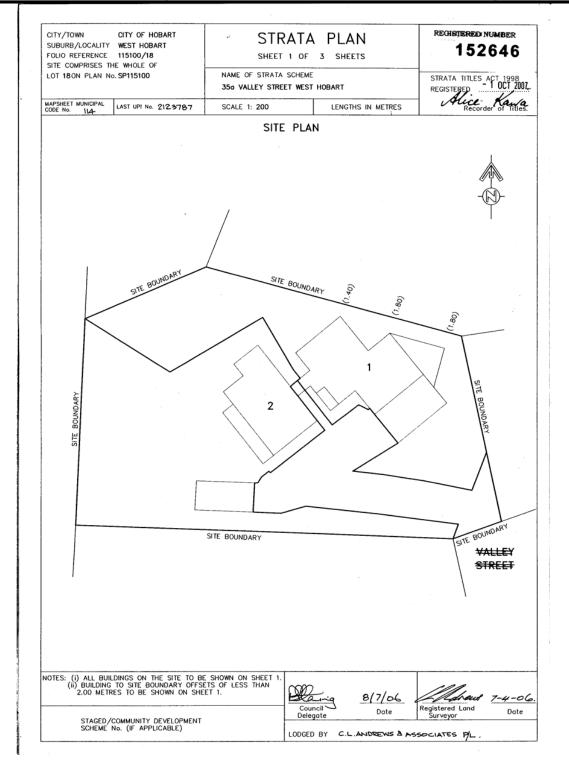


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 22 Apr 2022

Search Time: 12:19 PM

Volume Number: 152646

Revision Number: 01

Page 1 of 3

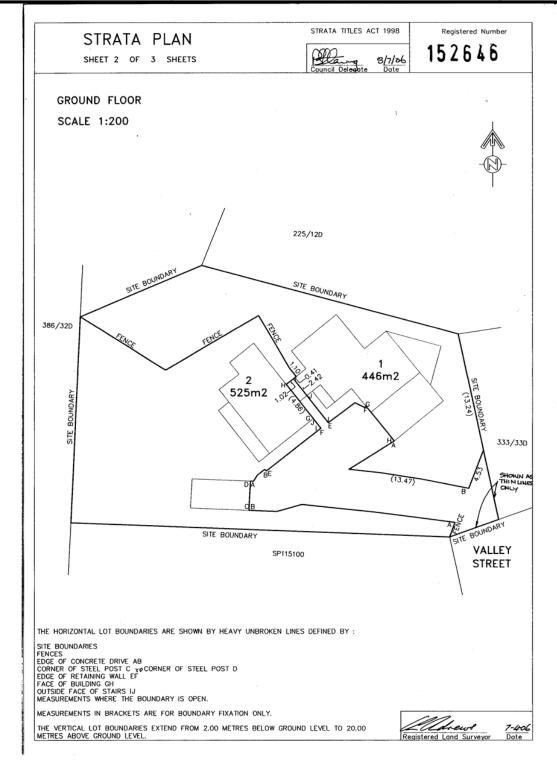


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 22 Apr 2022

Search Time: 12:19 PM

Volume Number: 152646

Revision Number: 01

Page 2 of 3



FOLIO PLAN

RECORDER OF TITLES





STRA	TA PLAN					egistered Number
SHEET 3	OF 3 SHEETS			STRATA TITLES ACT 199	15	2646
NAME OF BOI	STRATA CO DY CORPORATE: 35	RPORATION VALLEY S	M Nº 152646, STREET WEST HO	BART		
ADDDECC FOR	THE SERVICE OF NO	TIOCO. 75	- VALLEY STRE	ET WEST HODART 7000		
ADDRESS FOR			VALLET SIKE	ET WEST HOBART 7000	;	
	SURVEYORS CERTIFIC	CATE		COUN	NCIL CERTIFICAT	E
o surveyor registere the building or buil this plan are within	EWIS ANDREWS of 57 MT ed under the Land Survey dings erected on the site the site boundaries of t ent beyond those bounda	ors Act 190 and drawn he folio sta	09 certify that on sheet 1 of ited on sheet 1	I certify that the HOT (a) approved the lots sho (b) issued this certificate with section 31 of the	of approval in ac	cordance
can.				100m		
Registered Surv	7 <u>-4-0</u> 6 eyor date	ref no		Council Delegate	8/7/2006 date	1591316 ref no
	GENERAL	UNIT	ENTITLEM	ENTS		
LOT	UNIT ENTITLEMENT					
LOT 1	50					
LOT 2	50					
		_				
		-				
		-				
		1				
		-				
		-				
		-				
TOTAL	100					

Search Date: 22 Apr 2022

Search Time: 12:19 PM

Volume Number: 152646

Revision Number: 01

Page 3 of 3

Page 406 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 152646	FOLIO 1
EDITION	DATE OF ISSUE
5	05-Apr-2019

SEARCH DATE : 22-Apr-2022 SEARCH TIME : 12.19 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Strata Plan 152646 and a general unit entitlement operating for all purposes of the Strata Scheme being a 50 undivided 1/100 interest

Derived from Strata Plan 152646

Derivation: Part of 11 Acres 3 Roods Granted to W.Wood

SCHEDULE 1

D154901 TRANSFER to LUKE WILLIAM ROBERTS Registered 15-Jun-2015 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
The registered proprietor holds the lot and unit entitlement
subject to any interest noted on common property
Folio of the Register volume 152646 folio 0

SP115100 EASEMENTS in Schedule of Easements

SP115100 FENCING PROVISION in Schedule of Easements

E175219 MORTGAGE to B & E LTD Registered 05-Apr-2019 at 12.
01 PM

E175220 MORTGAGE to B & E LTD Registered 05-Apr-2019 at 12.
02 PM

UNREGISTERED DEALINGS AND NOTATIONS

Page 407 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
152646	0
EDITION	DATE OF ISSUE
1	01-Oct-2007

SEARCH DATE : 22-Apr-2022 SEARCH TIME : 12.19 PM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 152646

Derivation: Part of 11 Acres 3 Roods Granted to W.Wood

Prior CT 115100/18

SCHEDULE 1

STRATA CORPORATION NUMBER 152646, 35A VALLEY STREET, WEST HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any SP115100 EASEMENTS in Schedule of Easements SP115100 FENCING PROVISION in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

Page 408 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

17
DATE OF ISSUE 22-Jul-2020

SEARCH DATE : 04-May-2022 SEARCH TIME : 03.37 PM

DESCRIPTION OF LAND

City of HOBART Lot 17 on Sealed Plan 115100 Derivation: Part of 11 Acres 3 Roods Granted to W.Wood Prior CT 2305/79

SCHEDULE 1

C649347 TRANSFER to GLENN BOWERMAN and MADELEINE BOWERMAN Registered 17-Oct-2005 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any SP 115100 EASEMENTS in Schedule of Easements SP 115100 FENCING PROVISION in Schedule of Easements E226553 MORTGAGE to Commonwealth Bank of Australia Registered 22-Jul-2020 at noon

UNREGISTERED DEALINGS AND NOTATIONS

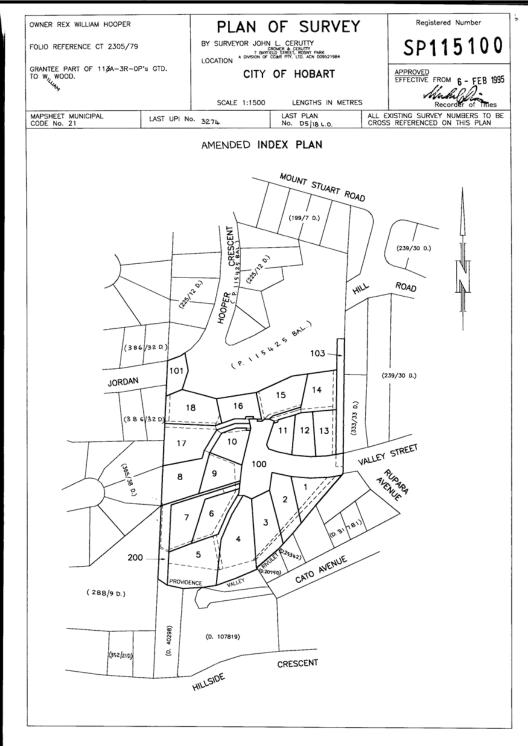


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 04 May 2022

Search Time: 03:41 PM

Volume Number: 115100

Revision Number: 09

Page 1 of 3

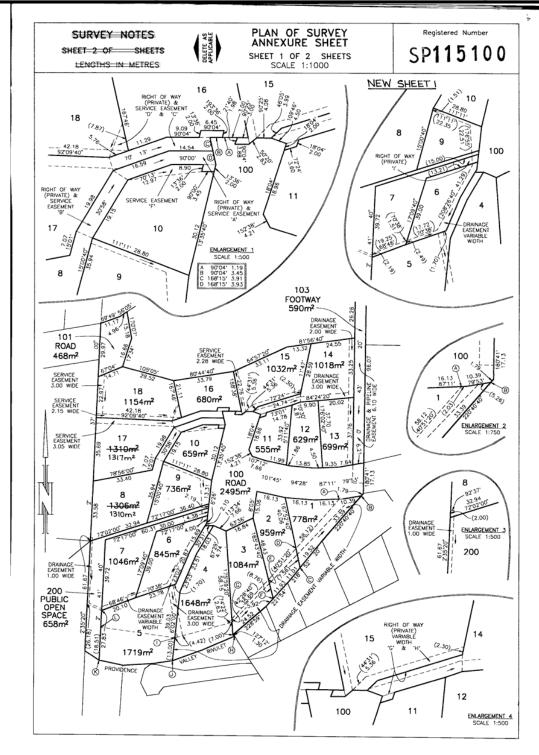


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



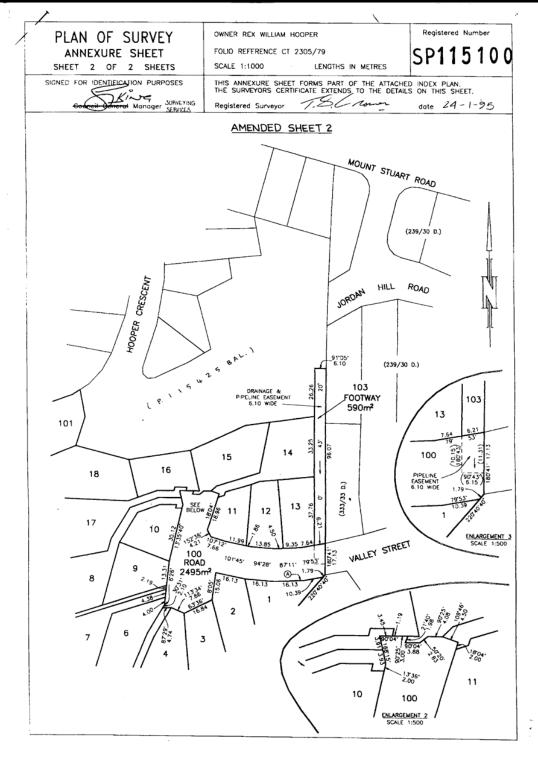


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 04 May 2022

Search Time: 03:41 PM

Volume Number: 115100

Revision Number: 09

Page 3 of 3

Page 412 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO		
125589	0		
EDITION 2	DATE OF ISSUE 31-May-2006		

SEARCH DATE : 04-May-2022 SEARCH TIME : 03.44 PM

DESCRIPTION OF LAND

City of HOBART
The Common Property for Strata Scheme 125589
Derivation: Part of 11 Acres 3 Roods Granted to W.Wood
Prior CT 115100/8

SCHEDULE 1

STRATA CORPORATION NUMBER 125589, 40 VALLEY STREET HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any SP 115100 EASEMENTS in Schedule of Easements SP 115100 FENCING PROVISION in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

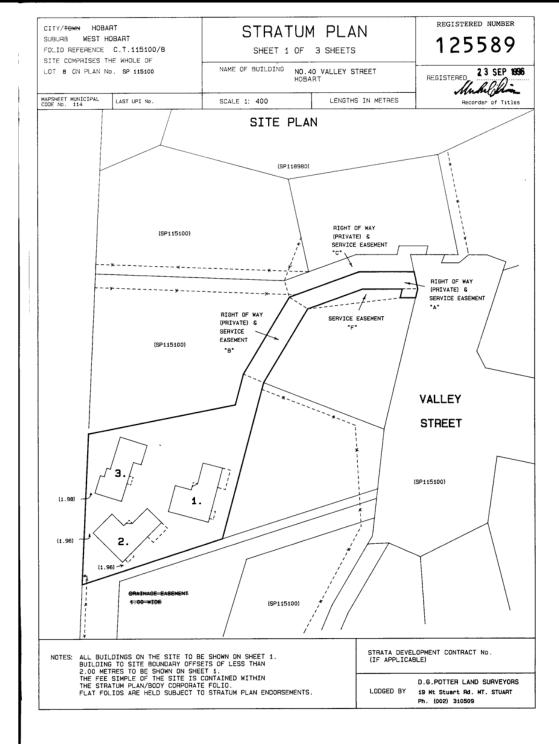


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 04 May 2022

Search Time: 03:44 PM

Volume Number: 125589

Revision Number: 01

Page 1 of 3

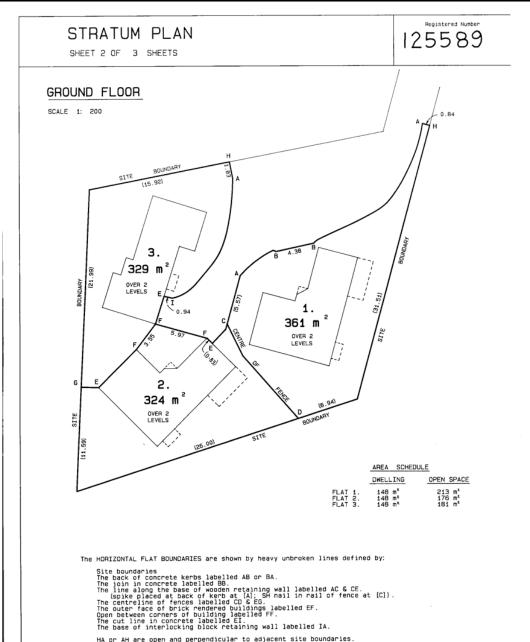


FOLIO PLAN

RECORDER OF TITLES







Search Date: 04 May 2022

Search Time: 03:44 PM

Volume Number: 125589

HA or AH are open and perpendicular to adjacent site boundaries. Measurements in brackets are for boundary fixation only.

The VERTICAL FLAT BOUNDARIES extend from 2 metres below Ground Level to 10 metres above Ground Level.

Revision Number: 01

Page 2 of 3

REGISTERED NUMBER



FOLIO PLAN

RECORDER OF TITLES





POSTAL ADDR	ESS FOR SERVICE (F NOTICES	1	SURVEYORS CERTIFICATE	
ON THE BODT	CORPORATE.			I. JOHN DAVID McCULLUM	
NO 40 VALLEY CIDEET				of DYNNYANE a surveyor registered under the Land Surveyors Act 1909 hereby certify that the building erected on the site and drawn on sheet i of this plan is within the external boundaries of the folio stated on sheet 1.	
NO. 40 VALLEY STREET WEST HOBART 7000					
				Minute 29/1/96 950404 Registered Surveyor date ref no	
UNIT ENTITLEMENTS FOR THIS BODY CORPORATE			COUNCIL CERTIFICATE		
FLAT	UNIT ENTITLEMENT	FLAT	UNIT ENTITLEMENT	I certify that the <u>HOBART CITY</u>	
1.	100			of the Local Government (Building & Miscellaneous Provisions) Act 1993	
2.	100			000	
3.	100			General Manager SURVEVING date ref no	
			-	(FOR OFFICE USE ONLY) MEMORIALS AFFECTING THE STRATUM PLAN	
	-			MEMUHIALS AFFECTING THE STHATUM PLAN	
			<u> </u>		
	-				

Search Date: 04 May 2022 Search Time: 03:44 PM

Volume Number: 125589

Revision Number: 01

Page 3 of 3

Page 416 ATTACHMENT B



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.

REGISTERED NUMBER SP115100

EASEMENTS AND PROFITS

PAGE 1 OF II PAGES

Each lot on the plan is together with:(1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:(1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Lot 6 is

 $\underline{\text{TOGETHER WITH}}$ a Right of Carriageway over the Right of Way (Private) "I" passing through lot 7 hereon.

Lot 7 is

 $\underline{\hbox{\scriptsize SUBJECT TO}}$ a Right of Carriageway over the Right of Way (Private) "I" passing through that lot as appurtenant to Lot 6 hereon.

Lot 8 is

 $\underline{\text{TOGETHER}}$ WITH a right of carriageway over the Right of Way (Private) and Service Easement "C" passing through lot 17 hereon.

TOGETHER WITH a Service Easement (as herein defined) over the Right of Way (Private) and Service Easement "C" passing through lot 17 hereon.

SUBDIVIDER : R.W. HOOPER

FOLIO REF : C.T. 2305/79

SOLICITOR & REFERENCE :

PLAN
SEALED BY : HOBART CITY COUNCIL

DATE : 30™ NOVEMBER 1994

891-1

REF No. General Manager

NOTE: THE COUNCIL GENERAL MANAGER MUST SIGN THE CERTIFICATE FOR THE PURPOSE OF IDENTIFICATION.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

PAGE 2 OF 11 PAGES

Registered Number SP115100

SUBJECT TO a right of carriageway over the Right of Way (Private) and Service Easement "A" as appurtenant to lots 16,17 & 18 hereon.

<u>SUBJECT TO</u> a Service Easement (as herein defined) over the Right of Way (Private) and Service Easement "A" as appurtenant to lots 16,17 & 18 hereon.

 $\underline{\text{SUBJECT}}$ TO a right of carriageway over the Right of Way (Private) and Service Easement "B" passing through that lot as appurtenant to lot 17 hereon.

 ${\hbox{\scriptsize \underline{SUBJECT\ TO}}}$ a Right of Drainage over the Drainage Easement 1.00 wide passing through that Lot in favour of the City of Hobart.

 $\underline{\text{TOGETHER}}$ WITH a Service Easement (as herein defined) over Service Easement "F" passing through lot 10 hereon.

Lot 10 is

SUBJECT TO a Service Easement (as herein defined) over Service



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

PAGE 3 OF 11 PAGES

SP115100

Easement "F" passing through that lot as appurtenant to lots 8, 16,17 & 18 hereon.

Lot 14 is

 $\overline{ ext{TOGETHER}}$ WITH a right of carriageway over the Right of Way (Private) Variable Width "H" passing through lot 15 hereon.

SUBJECT TO a right of carriageway over the Right of Way (Private) Variable width "G" passing through that lot as appurtenant to lot 15 hereon.

Lot 15 is

TOGETHER WITH a right of carriageway over the Right of Way (Private) Variable Width "G" passing through lot 14 hereon.

SUBJECT TO a Service Easement (as herein defined) over the Service Easement 2.28 wide passing through that lot as appurtenant to the balance.

SUBJECT TO a Right of Carriageway over the Right of Way (Private) Variable width "H" passing through that lot as appurtenant to lot 14 hereon.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 4 OF II PAGES

.

SP 115100

Registered Number

SUBDIVIDER:- R.W. HOOPER
FOLIO REFERENCE:- C.T. 2305/79

Lot 16 is

TOGETHER WITH a right of carriageway over the Right of Way (Private) and Service Easement "A" passing through Lot 8 hereon.

TOGETHER WITH a Service Easement (as herein defined) over the Right of Way (Private) and Service Easement "A" passing through Lot 8 hereon.

TOGETHER WITH a right of carriageway over the Right of Way (Private) and Service Easement "C" passing through Lot 17 hereon.

 $\overline{\text{TOGETHER WITH}}$ a Service Easement (as herein defined) over the Right of Way (Private) and Service Easement "C" passing through Lot 17 hereon.

TOGETHER WITH a right of carriageway over the Right of Way (Private) and Service Easement "D" passing through lot 18 hereon.

TOGETHER WITH a Service Easement (as herein defined) over the Right of Way (Private) and Service Easement "D" passing through lot 18 hereon.

NOTE:- Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 5 OF II PAGES

SP115100

SUBDIVIDER:- R.W. HOOPER
FOLIO REFERENCE:- 2305/79

TOGETHER WITH a Service Easement (as herein defined) over Service Easement "F" passing through lot 10 hereon.

Lot 17 is

TOGETHER WITH a Service Easement (as herein defined) over Service Easement "F" passing through lot 10 hereon.

TOGETHER WITH a right of carriageway over the Right of Way (Private) and Service Easement "A" passing through lot 8 hereon.

 $\overline{\text{TOGETHER WITH}}$ a Service Easement (as herein defined) over the Right of Way (Private) and Service Easement "A" passing through lot 8 hereon.

 $\overline{ ext{TOGETHER WITH}}$ a right of carriageway over the Right of Way (Private) and Service Easement "B" passing through lot 8 hereon.

 $\overline{\text{TOGETHER WITH}}$ a Service Easement (as herein defined) over the Right of Way (Private) and Service Easement "B" passing through lot 8 hereon.

NOTE:- Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

To the deating



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 6 OF 11 PAGES

SP115100

Registered Number

SUBDIVIDER:- R.W. HOOPER

FOLIO REFERENCE:- 2305/19

 ${\hbox{\scriptsize \underline{SUBJECT}}}$ TO a Service Easement (as herein defined) over the Service Easement 3.05 wide passing through that lot.

<u>SUBJECT TO</u> a right of carriageway over the Right of Way (Private) and Service Easement "C" passing through that lot as appurtenant to lots 8, 16 & 18 hereon.

<u>SUBJECT TO</u> a Service Easement (as herein defined) over the Right of Way (Private) and Service Easement "C" passing through that lot as appurtenant to lots 8, 16 & 18 hereon.

Lot 18 is

TOGETHER WITH a right of carriageway over the Right of Way (Private) and Service Easement "A" passing through lot 8 hereon.

 $\overline{\text{TOGETHER WITH}}$ a Service Easement (as herein defined) over the Right of Way (Private) and Service Easement "A" passing through lot 8 hereon.

TOGETHER WITH a right of carriageway over the Right of Way (Private) and Service Easement "C" passing through lot 17 hereon.

NOTE:- Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 7 OF IL PAGES

SP115100

Registered Number

SUBDIVIDER:- R.W. HOOPER
FOLIO REFERENCE:- 2305/79

TOGETHER WITH a Service Easement (as herein defined) over the Right of Way (Private) and Service Easement "C" passing through lot 17 hereon.

 $\overline{\text{TOGETHER WITH}}$ a Service Easement (as herein defined) over the Service Easement "F" passing through lot 10 hereon.

 ${\hbox{\scriptsize SUBJECT TO}}$ a Service Easement (as herein defined) over the Service Easement 2.15 wide passing that lot.

<u>SUBJECT TO</u> a Service Easement (as herein defined) over the Service Easement 3.00 wide passing through that lot as appurtenant to Lot 101 hereon.

<u>SUBJECT TO</u> a Right of Carriageway over the Right of Way (Private) and Service Easement "D" as appurtenant to lot 16 hereon.

 ${\hbox{\scriptsize SUBJECT TO}}$ a Service Easement (as herein defined) over the Right of Way (Private) and Service Easement "D" as appurtenant to lot 16 hereon.

Lot 100 is

 $\underline{\text{SUBJECT TO}}$ a Pipeline Easement (as herein defined) over the

Pipeline Easement 6.10 wide passing through that lot in favour

NOTE:- Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 8 OF 11 PAGES

SP115100

SUBDIVIDER:- R.W. HOOPER
FOLIO REFERENCE:- 2305/79

of the City of Hobart.

Lot 103 is

 $\underline{\text{SUBJECT TO}}$ a Right of Drainage over the Pipeline Easement 6.10 wide passing through that lot in favour of the City of Hobart

<u>SUBJECT TO</u> a Pipeline Easement (as herein defined) over the Pipeline Easement 6.10 wide passing through that lot in favour of the City of Hobart.

COVENANTS

The owners of lots 1,2,3,4 & 5 covenant with the owner and the owners for the time being of every other lot shown on the plan to the intent that the burden of these covenants may run with and bind the covenantors lot and every part thereof the benefit thereof shall be annexed to and devolved with each and every other lot shown on said plan to observe the following stipulations:

(a) Not to construct any buildings in that portion of the area marked ABCFHJKLIGED that passes through such lots.

NOTE:- Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 9 OF IL PAGES

SP115100

SUBDIVIDER: - R.W. HOOPER FOLIO REFERENCE: - 2305/79

FENCING PROVISION

In respect of each lot shown on the plan hereon the Vendor (Malwood Pty Ltd) shall not be required to fence.

INTERPRETATION

"Service Easement" means the full free right of every person who is entitled to an estate or interest in possession indicated as the dominant tenement or any part thereof with which said rights shall be capable of enjoyment in common with the owner of the servient tenement the Hobart City Council, Telecom, the Hydro-Electric Commission and Her Majesty the Queen to lay use and maintain forever water mains, pipes, drains, mains, channels, gutters, sewers, wires, cables and other conducting media of such size and number as shall from time to time be required in the strips of land shown on the plan hereon and marked "Service Easement" and the right for their surveyors and workmen from time to time and at all times hereafter to enter into and upon the said strips of land or any part thereof bringing upon the Service Easement such material machinery and other things as it shall think fit and proper to inspect the condition thereof and to repair amend and cleanse PROVIDED HOWEVER that any damage occasioned

NOTE:- Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Search Date: 04 May 2022

Search Time: 03:41 PM

Volume Number: 115100

Revision Number: 09



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 10 OF 11 PAGES

SP115100

Registered Number

SUBDIVIDER:- R.W. HOOPER
FOLIO REFERENCE:- 2305/79

thereby shall be made good.

"Pipeline Easement" means the Pipeline Easement created by Transfer No A259821 whereby the Transferor transferred to the Transferee the full and free right and liberty for the Transferee to lay and maintain water mains of such size and number as the Transferee may from time to time require through the strip of land of the width of 6.10 metres shown hereon and marked "Pipeline Easement 6.10 wide" and to use such pipes for the purposes of supplying water to such parts of the City of Hobart as the same may from time to time be required to serve together with the full and free right and liberty for the Transferee and its successors from time to time and at all times with surveyors workmen and others to enter into and upon the said strip of land to inspect the condition of the said water mains and to repair alter amend or cleanse the same and from time to time for the purposes aforesaid or any of them to bring and place upon the said strip of land or any part thereof such materials machinery and other things as they shall think proper and to dig up the surface of the said strip of land and to remove and carry away all sand clay gravel stones and earth which will be excavated or taken out in

NOTE:- Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing

Search Date: 04 May 2022

Search Time: 03:41 PM

Volume Number: 115100

Revision Number: 09

Page 10 of 11



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE II OF II PAGES

Registered Number SP 115 100

SUBDIVIDER:- R.W. HOOPER FOLIO REFERENCE:- 2305/79

laying the said pipes and in maintaining or repairing the same without doing any unnecessary damage to the surface of the said strip of land.

"Balance" means the land remaining in the Folio of the Register Volume 2305 folio 79 at the date of acceptance hereof after excepting thereout the lots on the plan hereon.

SIGNED by REX WILLIAM HOOPER as)
the Registered Proprietor of the)
land comprised in Folio of the Register)
Volume 2305 Folio 79 in the presence)

Survey or 2 Bayliolo

THE COMMON SEAL of MURDOS NOMINEES PTY LTD (A.C.N. 009 584 543) was hereto affixed in the presence of:

Co The

DIRECTOR/SECRETARY

NOTE:- Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

From: Evan Boardman <evan@e3planning.com.au>

Sent: Tuesday, 12 July 2022 9:06 AM
To: Victoria Maxwell; CoH Mail

Cc: 'Terry Cutcliffe'

Subject: PLN-22-243 - 1/35 VALLEY STREET WEST HOBART TAS 7000

Caution! This message was sent from outside your organization.

Allow sender | Block sender

Dear Victoria

As discussed the carparking space as shown on the plan on the side of the driveway should be deleted as it is not required for the proposed use and the gate which is shown on the driveway is not in use. Conditions to this effect could if Council so wished be included within any permit issued.

Regards

Evan

Evan Boardman B.Econ, B, Sci (Hons), Grad Dip URP Ph: 0438 376 840 PO Box 58 SOUTH HOBART TAS 7004 https://e3planning.com.au/





08 July 2022

General Manager Hobart City Council GPO Box 503 HOBART TAS 7001

RE: 1 / 35 VALLEY STREET, WEST HOBART & COMMON LAND OF PARENT TITLE CHANGE OF USE TO VISITOR ACCOMMODATION APPLICATION NO. PLN-22-243

Please accept this correspondence as a response to the Representations received during the advertising period of the above development application. It would be greatly appreciated if Council could consider this response when assessing the development application.

My clients Lauren Rieper and Terry Cutcliffe are the owners of the other unit at unit 2/35 Valley Street West Hobart and purchased unit 1 with the express purpose of managing it regulate the use and activities which are undertaken on and within the adjoining property. As they will live adjacent to the proposed visitor accommodation use, they will easily be able to manage and control the use and any potential impacts.

As Council would appreciate the only principal difference between long term rental and visitor accommodation is the length of time which residents would remain.

It is appreciated that Council is currently investigating the possibility of restricting the further expansion of visitor accommodation within its municipal boundaries, however the Hobart Interim Planning Scheme 2015 (the Scheme) is the scheme in place, and it provides for visitor accommodation, if it does not adversely impact residential amenity and privacy of adjoining properties. The length of time persons would reside within the unit could not impact residential amenity and privacy of adjoining properties. The accommodation capacity of the unit would not alter nor the number of people coming and going, including vehicle movements. There would be a detailed set of Rules of Accommodation which would be enforced by my clients the owners of both units.



Page



SUMMARY OF REP GROUNDS

- The application should be refused on the basis that it does not comply with clause 3.1 (e) of Planning Directive No 6.
- The use is not compatible with the character and use of the area and would cause an unreasonable loss of residential housing and amenity.

Response

The proposed visitor accommodation use would not alter or change the character of the area in any way shape or form. No development or change to the external appearance of the dwelling or the area would result from the proposal.

- The complete dwelling would not be fit for proper use if changed to short stay accommodation, as the City of Hobart is experiencing a housing crisis. The dwelling's proper use would be for long term rental given its proximity to the CBD, etc.

Response

The Scheme does not address or consider any housing crisis within the City of Hobart, and any such housing crisis is a broader policy matter which would need to be addressed via a change to *Planning Directive No 6 Exemption and Standards for Visitor Accommodation in Planning Scheme 2018* or the *Scheme*. Any housing crisis within Hobart City can not be addressed via approval or refusal of an individual development application for a single change of use to visitor accommodation.

- Over the past five (5) years median rents in Hobart LGA have increased by 27% from \$470 to \$600 per week.

Response

Median rents within the Hobart LGA are not a relevant matter which can be addressed via the Scheme.

- Core Logic reports that median Hobart rents are more expensive than Adelaide, Brisbane Perth, and Melbourne, whilst Tasmanians have the lowest





median income and the second highest rate of dependence on welfare in the country.

Response

Median incomes and welfare dependency are not relevant matters which are able to be addressed via planning schemes and certainly not via an individual planning application.

- Greater Hobart is the least affordable capital city relative to income according to the Rental Affordability Index (RAI), which also found that tenants spend around 34% of their income on rent. Of the cohort represented, such spending is well above this median rate with some spending up to 80%, if on a low income.

Response

Housing affordability is not a relevant matter which could be addressed via an individual development application.

- According to the Dept Communities Tasmania the vacancy rate in Hobart in February 2021 was 0.6% and it is currently 0.3%.

Response

Vacancy rates are not a relevant matter which could be addressed via an individual development application.

- Skyrocketing rents are likely playing a role in Hobartians becoming homeless, moving further away from their vital families and community supports and essential services, including schools and hospitals.

Response

Skyrocketing rents are not a relevant matter which could be addressed via an individual development application.

- The ABS recently reported that the Hobart Municipality lost 971 residents in 2020-2021, whilst Clarence, Brighton and Huon Valley Municipalities gained 553, 486 and 281 residents respectively.
- There are currently 481 investment properties being used for visitor accommodation within the Hobart Municipality, including a 9% increase





between 1st July and 31st December 2021. These are all investment properties as this figure does not include owner occupier properties.

Response

Housing affordability is not a relevant matter which could be addressed via individual development application.

- In December 2020 the Australian Housing and Urban Research Institute released a report entitled 'Marginal housing during COVID-19'. This report found that the return of an estimated 113 AirBnB properties to the private rental market in the Hobart Municipality during COVID-19 resulted in a 9% reduction in rents and concluded that 'relatively small changes to the availability of dwellings can have very significant impacts on rent".

Response

This is not a relevant planning matter which could be addressed via an individual development application.

- In 2018 the Tas Planning Commission acknowledged that "the conversion of housing stock to short term visitor accommodation is impacting the availability and affordability of long-term rentals". The findings from Hobart are not an outlier. In the words of Emeritus Prof Peter Phibbs "There's been a lot of academic research on short term rentals, literally hundreds of studies and those studies have concluded that there is a relationship between increases in short term activity and increases in housing rents".

Response

Housing rents are not a relevant matter which could be addressed via an individual development application.

- It is strongly recommended that the application for change of use to visitor accommodation be refused. The application does not comply with clause 3.1.(e) because the use is not compatible with the character and use of the area and it would cause an unreasonable loss of residential amenity. The property is located in Hobart which already has 84 whole investment properties being used a visitor accommodation. Many of these would only a few years ago have housed young professionals, families and students would would have contributed to the vibrancy of their local communities, sending





the children to local primary schools, participating in local sports teams, and supporting local businesses.

Response

The proposed change to visitor accommodation of one individual property would not alter or be incompatible with the character of the area. There are thousands of dwellings within West Hobart and tens of thousands across Hobart. It cannot be that changing the use of one would alter the area's overall character.

It is accepted that the provision of visitor accommodation across Hobart has become an economic and political issue, however it is not one which is able to be addressed via approval or refusal of a single application.

Visitor accommodation is a discretionary use within the zone and all relevant planning provisions have been addressed.

- West Hobart should remain a suburb which prioritises long term residents. The proliferation of short-term accommodation diminishes the "retaining of the primary residential function of the area" set out in the performance criteria (d) of clause 3.1 (e) of the Planning Directive. Further growth in short term accommodation within the Hobart Municipality will also result in reduced supply and increasing prices. For these reasons the application should be refused.

Response

The primary residential function of the area would be retained and would not alter because of the proposal. Changing one dwelling to visitor accommodation use would not alter any function particularly as the dwelling would still be used for accommodation, albeit for shorter periods.

- Clause 3.1 (e) requires the following: P1(a) privacy of adjoining properties - transition to short stay accommodation would affect the privacy of the long-term residents with constant visitors obtaining access to the property.

Response

Privacy of the adjoining properties would not alter because of the proposal, setback distances, the potential for overlooking, windows, screens etc would



PO Box 58 SOUTH HOBART, Tasmania 7004

0438376840 evan@e3planning.com.au



not alter. There is no evidence that visitors to short term accommodation and greater sticky beaks than long term residents. It may be that neighbouring residents do not recognise visitors however this does not mean that there would be any change to privacy. Simply because people live adjacent to one another on a long-term basis does not mean that they get to know one another, become friendly or even say hello.

P1(b) a likely increase in noise - the possibility of visitors being able to be heard by neighbours because visitors would not be aware of the likely arrangements made by long term tenants (e.g., when is acceptable to play loud music);

Response

There is no evidence that visitors cause any increase in noise. Visitors are present for short period of time and even if a noise incident occurs it would be a one off. This may not be the case for rowdier long-term residents such as students who might have parties every second weekend.

A set of accommodation rules would be posted within the accommodation unit detailing the rules around noise.

P1(d) retaining the primary function of an area -this area is primarily a residential area for long term residents close to the South (West?) Hobart shopping district.

Response

The primary residential function of the area would be retained and would not alter because of the proposal. Changing one dwelling to visitor accommodation use would not alter any function particularly as the dwelling would still be used for accommodation, albeit for shorter periods.

- In the current housing crisis, it should not be seen as within a residential function that homes transition into hotels. They need to be utilised as homes for long term residents. The primary function of all houses, apartments, units, and studios is to provide shelter for those who live in the area.
- Changing this dwelling to short stay accommodation would not retain the primary residential function.





Response

The primary residential function of the area would be retained and would not alter because of the proposal. Changing one dwelling to visitor accommodation use would not alter any function particularly as the dwelling would still be used for accommodation, albeit for shorter periods.

- Diversity is decreasing in the city due to housing affordability and the increasing population and decreasing housing stock.

Response

This is not a relevant planning matter which could be addressed via an individual development application.

None of the matters raised in the representations provide any basis for Council to refuse the development application. The proposal has been assessed against the relevant provisions of the Scheme and it complies. If you have any further queries, please do not hesitate to contact me on 0438 376 840 or email evan@e3planning.com.au.

Regards

Evan Boardman

Grad Dip URP, B ScEnv, B Econ MEIANZ



8. REPORTS

8.1 State Planning Provisions Review - Feedback on Scoping Paper File Ref: F22/69146

Report of the Manager City Futures and the Director City Life of 18 July 2022 and attachments.

Delegation: Council

REPORT TITLE: STATE PLANNING PROVISIONS REVIEW -

FEEDBACK ON SCOPING PAPER

REPORT PROVIDED BY: Manager City Futures

Director City Life

1. Report Purpose and Community Benefit

- 1.1. The purpose of this report is to provide feedback on the Tasmanian Government's scope of the State Planning Provisions (SPPs) review.
 - 1.1.1. The report benefits the community by encouraging the SPPs to be clear and comprehensive and to deliver good planning outcomes.

2. Report Summary

- 2.1. The proposal is to endorse a submission (**Attachment A**) in response to the Tasmanian Government's invitation to provide feedback on the scope of the SPPs review.
- 2.2. The SPPs are the consistent set of planning rules that, along with the Local Provisions Schedules (LPSs), make up the Tasmanian Planning Scheme.
- 2.3. The provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA) require the SPPs to be reviewed every 5 years. The SPPs came into effect in 2017 and are therefore due for this regular review.
- 2.4. The proposed submission includes the following main points:
 - 2.4.1. All elements of the SPPs should be within the scope of the review, and no part should be omitted from the review.
 - 2.4.2. The scope of the review should not exclude legislative change where required to adequately support the delivery of outcomes.
 - 2.4.3. Exemptions require a comprehensive review to ensure matters that should be considered by the scheme are not exempt, and that matters that don't require assessment are exempt.
 - 2.4.4. A thorough review of the residential standards is supported. The provisions do not currently encourage good outcomes.
 - 2.4.5. The Local Historic Heritage Code is considered deficient in many areas. The code is lengthy, not consistent and poorly drafted. It requires considerable redrafting to ensure it is consistent with current and good heritage practice and include references to the Burra Charter.

- 2.4.6. Consider potential mechanisms and issues for ensuring that development applications that propose improved access facilities to meet the equal access requirements of the National Building Code are taken into account in assessments under the Local Historic Heritage Code or the *Historic Cultural Heritage Act 1995*.
- 2.4.7. Significant Trees should be covered by a separate code, not the Historic Heritage Code, as there are many trees that are listed for reasons other than historic heritage significance.
- 2.4.8. The Natural Assets Code does not provide adequate protection of natural values through exemption of the code in a range of zones.
- 2.4.9. The Natural Hazards codes require significant review.
- 2.4.10. The parking rates under the Parking and Sustainable Transport Code should be reviewed and updated.
- 2.4.11. A Stormwater Management Code should be reintroduced.
- 2.4.12. There are a number of terms that would benefit from having definitions.
- 2.5. It is recommended that Council endorse the proposed submission in **Attachment A**.

3. Recommendation

That:

1. Council endorse the feedback on the scope of the State Planning Provisions review in Attachment A for submission to the Tasmanian Government.

4. Background

- 4.1. The Tasmanian Government has released a scoping paper on the draft SPPs for public comment (**Attachment B**).
- 4.2. The SPPs are the consistent set of planning rules (including the exemptions, administrative provisions, 23 zones and 16 codes) that make up the statewide part of the new Tasmanian Planning Scheme. The Tasmanian Planning Scheme is completed by the Local Provisions Schedules (LPSs), which set specific local rules for each municipal area.
- 4.3. The SPPs have no practical effect until a LPS is in effect in a municipal area. As the Hobart LPS is not yet in effect, the SPPs are not yet in operation in Hobart.
- 4.4. The SPPs are required to be reviewed every 5 years under section 30T of LUPAA.
- 4.5. The SPPs came into effect on 2 March 2017 and are therefore due for review.
- 4.6. The SPP review will occur in two stages, beginning with the current consultation phase on the scoping of the review which will assist in identifying key issues that require review. Following this stage, separate projects will be initiated to investigate these issues, and the SPPs will then be amended.
- 4.7. The second phase of the review is to ensure the SPPs are consistent with the Tasmanian Planning Policies (TPPs) once they are implemented (see diagram below).

State Planning Provisions Review timeline

Stage 1 Review



Scope

Invite public input to scope of the SPPs Review

Review

Review and prepare report on submissions and identify projects to progress Stage 1 amendments to the SPPs.

Stage 1 SPPs Amendments

Detailed consideration of issues and progression of Stage 1 amendments to the SPPs through the normal processes with assistance from stakeholder reference/consultative groups.

Stage 2 Review



Review for consistency with TPPs

Review SPPs for consistency with the TPPs (once made) and invite public input.

Stage 2 SPPs Amendments

Progress Stage 2 amendments to the SPPs to implement the TPPs through the normal processes with assistance from stakeholder reference/consultative groups.

- 4.8. Some of the issues raised during consultation may need to be addressed after the TPPs are finalised, and others will be able to be amended in the short-term.
- 4.9. Further information can be found at the Tasmanian Government planning reform website: https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions.
- 4.10. While the general deadline for this round of feedback is 29 July 2022, an extension has been granted until 5 August 2022 in order for this report to be considered by full Council.

5. Proposal and Implementation

- 5.1. The proposal is that Council endorse feedback on the scope of a review of the SPPs (**Attachment A**) for submission to the Tasmanian Government.
- 5.2. The scoping paper (**Attachment B**) suggests the following questions for consideration at this stage of the review:
 - Which parts of the SPPs do you think work well?

- Which parts of the SPPs do you think could be improved?
- What improvements do you think should be prioritised?
- Are there any requirements that you don't think should be in the SPPs?
- Are there additional requirements that you think should be included in the SPPs?
- Are there any issues that have previously been raised on the SPPs that you agree with or disagree with?
- Are there any of the issues summarised in the Review of Tasmania's Residential Development Standards – Issues Paper that you agree or disagree with?
- 5.3. The Scoping Paper further identifies what will not be within the scope of the review, specifically:
 - Local Provisions Schedules;
 - Regional Land Use Strategies;
 - · State Policies; or
 - The broader planning framework within LUPAA and associated legislation.
- 5.4. The proposed feedback submission (**Attachment A**) includes comments from various functional areas of the City of Hobart.
- 5.5. The main issues raised include:
 - 5.5.1. All elements of the SPPs should be within the scope of the review, and no part should be omitted from the review.
 - 5.5.2. The scope of the review should not exclude legislative change where required to adequately support the delivery of outcomes.
 - 5.5.3. Exemptions require a comprehensive review to ensure matters that should be considered by the scheme are not exempt, and that matters that don't require assessment are exempt.
 - 5.5.4. A thorough review of the residential standards is supported. The provisions do not currently encourage good outcomes.
 - 5.5.5. The Local Historic Heritage Code is considered deficient in many areas. The code is lengthy, not consistent and poorly drafted. It requires considerable redrafting to ensure it is consistent with current and good heritage practice and include references to the Burra Charter.

- 5.5.6. Consider potential mechanisms and issues for ensuring that development applications that propose improved access facilities to meet the equal access requirements of the National Building Code are taken into account in assessments under the Local Historic Heritage Code or the *Historic Cultural Heritage Act 1995*.
- 5.5.7. Significant Trees should be covered by a separate code, not the Historic Heritage Code, as there are many trees that are listed for reasons other than historic heritage significance.
- 5.5.8. The Natural Assets Code does not provide adequate protection of natural values through exemption of the code in a range of zones.
- 5.5.9. The Natural Hazards codes require significant review.
- 5.5.10. The parking rates under the Parking and Sustainable Transport Code should be reviewed and updated.
- 5.5.11. A Stormwater Management Code should be reintroduced.
- 5.5.12. There are a number of terms that would benefit from having definitions.
- 5.6. Many of the issues raised were also raised in previous submissions in response to the initial 2016 consultation on the SPPs and in response to the introduction of Planning Directive 8, which inserted exemptions and residential provisions from the SPPs into interim schemes.
- 5.7. It is proposed that the Tasmanian Government be advised that these previous submissions are generally still relevant, and should be considered again as part of the SPP review, in addition to the submission in **Attachment A**.
- 5.8. It is recommended that the submission to the Tasmanian Government provided in **Attachment A** be endorsed.

6. Strategic Planning and Policy Considerations

- 6.1. The proposed submission is consistent with the objectives of the Capital City Strategic Plan 2019-2029, in particular with the following outcomes:
 - 6.1.1. Hobart keeps a strong sense of identity, even as the city changes.
 - 6.1.2. Hobart's cityscape reflects the heritage, cultural and natural environment that make it special.
 - 6.1.3. In City decision-making, we consider how different aspects of Hobart life connect and contribute to sense of place.

- 6.1.4. Hobart communities are active, healthy and engaged in lifelong learning.
- 6.1.5. Hobart communities are safe and resilient, ensuring people can support one another and flourish in times of hardship.
- 6.1.6. Hobart is a creative and cultural capital where creativity is a way of life.
- 6.1.7. Hobart's economy reflects its unique environment, culture and identity.
- 6.1.8. Hobart's economy is strong, diverse and resilient.
- 6.1.9. An accessible and connected city helps maintain Hobart's pace of life.
- 6.1.10. Hobart has effective and environmentally sustainable transport systems.
- 6.1.11. The natural environment is part of the city and biodiversity is preserved, secure and flourishing.
- 6.1.12. Hobart is a city with renewable and ecologically sustainable energy, waste and water systems.
- 6.1.13. Hobart is responsive and resilient to climate change and natural disasters.
- 6.1.14. Hobart has a diverse supply of housing and affordable homes.
- 6.1.15. Development enhances Hobart's unique identity, human scale and built heritage.
- 6.1.16. Infrastructure and services are planned, managed and maintained to provide for community wellbeing.
- 6.1.17. Community involvement and an understanding of future needs help guide changes to Hobart's built environment.
- 6.1.18. Strong partnerships and regional collaboration make Hobart a thriving capital city.

7. Financial Implications

- 7.1. Funding Source and Impact on Current Year Operating Result
 - 7.1.1. None.
- 7.2. Impact on Future Years' Financial Result
 - 7.2.1. None.

- 7.3. Asset Related Implications
 - 7.3.1. None.

8. Legal, Risk and Legislative Considerations

8.1. Any amendments to the SPPs will be undertaken in accordance with the requirements of LUPAA.

9. Environmental Considerations

9.1. Environmental considerations are taken into account in the proposed submission, including protection of vegetation, climate change, and management of environmental hazards.

10. Social and Customer Considerations

10.1. The wellbeing of the community is considered in the feedback on the SPPs.

11. Marketing and Media

11.1. There are no marketing or branding implications of this proposal.

12. Community and Stakeholder Engagement

12.1. No engagement by the City is necessary as this report responds to a proposal by the Tasmanian Government.

13. Delegation

13.1. Delegation rests with 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.

Sandra Hogue

MANAGER CITY FUTURES

Neil Noye

DIRECTOR CITY LIFE

Date: 18 July 2022 File Reference: F22/69146

Attachment A: Proposed Submission $\mbox{$\mathbb{I}$}$

Attachment B: State Planning Provisions Review Scoping Paper I



Enquiries to: Sandra Hogue ☎: (03) 6238 2891

in hogues@hobartcity.com.au

Our Ref. S32-013-07

5 August 2022

Hon Michael Ferguson MP C/- State Planning Office Department of Premier and Cabinet GPO Box 123 Hobart TAS 7001

Via Email: yoursay.planning.tas.gov.au; stateplanning@dpac.tas.gov.au

Dear Hon Michael Ferguson MP

STATE PLANNING PROVISIONS REVIEW - CITY OF HOBART FEEDBACK

Thank you for the opportunity to provide feedback on the State Planning Policies.

Please refer to the City of Hobart submission provided as an attachment to this letter. This submission was endorsed at the Council meeting on 1 August 2022.

Some of the key issues and suggestions can be summarised as follows:

- All elements of the SPPs should be within the scope of the review, and no part should be omitted from the review.
- The scope of the review should not exclude legislative change where required to adequately support the delivery of outcomes.
- The exemptions require a comprehensive review to ensure matters that should be considered by the scheme are not exempt, and that matters that don't require assessment are exempt.
- A thorough review of the residential standards is supported. The provisions do not currently encourage good outcomes.
- The City of Hobart has a long and successful history of the protection of heritage places and heritage precincts of both local and state value. The Local Historic Heritage Code is considered deficient in many areas. The City's unique built heritage will be eroded because of inappropriate development on and adjacent to listed places and in heritage precincts. The Code is lengthy, not consistent, logically structured and poorly drafted. It requires considerable redrafting to ensure it is consistent with current and good heritage practice and include references to the Burra Charter and to operate in the Hobart context.

- Consider potential mechanisms and issues for ensuring that development applications that propose improved access facilities to meet the equal access requirements of the National Building Code are taken into account in assessments under the Local Historic Heritage Code or the Historic Cultural Heritage Act 1995.
- Significant Trees should be covered by a separate code, not the Historic Heritage Code, as there are many trees that are listed for reasons other than historic heritage significance.
- It is considered that the Natural Assets Code does not provide adequate protection of natural values. This code should be reviewed and updated.
- The Natural Hazards codes require significant review.
- It is suggested that the parking rates within the Parking and Sustainable Transport Code are reviewed and updated.
- Suggest including the Stormwater Management Code from the Southern Region's interim planning scheme into the SPPs. Stormwater will be insufficiently managed via the current SPPs and the Urban Drainage Act as currently proposed.
- There are a number of terms that would benefit from having definitions included within the SPPs, either within Section 3.0 Interpretation, or specifically within Codes. Refer to the attached document for details.

Please also refer to the previous City of Hobart submissions during the initial 2016 consultation phase of the SPPs and the implementation of Planning Directive 8, which provide further detailed issues that are generally still relevant.

If you have any questions relating to this matter, please contact me on 6238 2891 or hogues@hobartcity.com.au.

Yours faithfully

(Neil Noye)

DIRECTOR CITY LIFE

Section	Relevant Clause /	CoH Comment
	Provision	
Administration	on	
3.0	Actively	Require further clarity on definition. This term is referred to in the exemptions, and it is very difficult to administer when
INTERPRETATI	mobile	there is no agreed definition. Refer to report on ambiguous terminology by Chris Sharples:
ON	landform	http://www.williamccromer.com/content/uploads/2015/03/SharplesOpinion_CoastalDuneTerminology_PolicyImplications_
		<u>v3_May2012.pdf</u>
	Climate	Climate change related definitions should be added into the scheme.
	Change	
	Climate	
	Mitigation	
	(greenhouse	
	reduction)	
	Climate	
	Adaptation	
	Climate	
	Resilience	
	Climate	
	Change	
	hazard	
	Climate	
	vulnerability	
	Mal-	
	adaptation	

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	Coincident,	
	cascading,	
	concatenating	
	climate	
	hazard	
	Primary	The definition refers to the shortest frontage, which can cause issues, particularly in cases where multiple dwellings are
	frontage	proposed on corner lots or where a house addresses the longer frontage. Suggest acknowledging the frontage of an existing
		house addresses/the main entry point faces and in the case of vacant lots, whichever street is referred to in the address of
		the lot.
	Road	The definition should include 'user roads' which are highway reservations used by the public but are in the title of the
		property.
		This definition should also include areas the general public does not have permanent right of passage such as nature strips
		which are required for location of services, future works and embankments etc.
	Road reserve	This is not defined and should be. Does it include the whole of the highway reservation?
	Secondary	The definition of secondary residence should perhaps also include detached strata dwellings, not just single dwellings, as
	residence	buildings the use can be appurtenant to.
	Site coverage	The definition of site coverage should be changed to incorporate all hard surfaces to achieve better stormwater
		management outcomes. Solutions may be sod rooves, pervious pavers, on site detention, roof top gardens, etc. Designs that
		reduce the runoff or temporarily detain runoff.
	Short term vs.	It is unclear what the difference between 'short term' and 'medium term' (and, indeed, 'long term') accommodation is,
	Long term	under 'serviced apartment' and 'visitor accommodation'. These terms should be defined to avoid ambiguity.
	accommodati	
	on	

Section	Relevant Clause / Provision	CoH Comment
		There should also be certainty provided as to when a dwelling is considered a 'main place of residence'. The reference to the owner or occupier being on 'vacation' is vague in terms of time limit, and also suggests those away temporarily for reasons other than a 'vacation' and are not subject to the same consideration.
4.0 EXEMPTIONS	General	The exemptions require a comprehensive review to ensure matters that should be considered by the scheme are not exempt, and that matters that don't require assessment are exempt.
	Clause 4.2.4 – Road works	Refers to road reserve, which is not defined in Clause 3.0. The exemption needs to provide for maintenance and repair works to be undertaken within the whole highway reservation.
	Clause 4.2.5 – Vehicle crossings, junctions and level crossings	Vehicle crossings should be required to comply with C2.6.3 A1 and A2 – Number of Accesses for Vehicles.
	Clause 4.3.2 - Internal building and works	All internal building and works are exempt under this clause. Therefore, removal of fireplaces, original staircases, etc. could be exempt from heritage places. The footnote states that approval may be required for THR listed properties, but given that list is dwindling, this could have a significant impact, and could result in heritage 'shells'. Under the Heritage Code, more specific exemptions could be provided ensuring significant elements such as staircases, ceiling roses, fireplaces etc. are retained. Internal works fall within the definition of 'development' under the Act. Note the decision of MA and JM Purton v A and M Jackson [2013] TASRMPAT 99
		31 In the Tribunal's view, the definition of development should not be constrained in the manner contended by solicitors for the Council. Section 3A of LUPAA can be read and indeed ought to be read as the "construction of a building", "the exterior alteration of a building" or the "exterior decoration of a building". The use of the word "or" indicates that the eusdem generis rule ought not to apply and the word "construction" should therefore be given its ordinary meaning. That ordinary meaning includes the erection of internal and external walls and there is no logical basis for a distinction. To suggest that the particular

	Relevant	
Section	Clause /	CoH Comment
	Provision	
		mention of "exterior alteration" or "exterior decoration" favours the definition of a construction or indicates an intention to exclude internal changes to a building is, with respect, incorrect.
	Clause 4.3.6 -	What is the purpose of decks not being exempt if they are attached to or abutting a habitable building? It is considered that
	Unroofed	it shouldn't matter if it is attached or not attached to a habitable building. It is opined that subclause (a) should be deleted
	decks	and only subclause (b) be retained.
	Clause 4.3.7 -	Some clarity is required where it says "there are not more than 2 on a lot" and "not more than 1 on a lot". For example, if
	Outbuildings	you have an existing dwelling with a carport out the front, and you want to build a shed up to 18m² at the back of the
		property, are you excluded from doing this under 4.3.7 (b) because there is already an outbuilding on the lot (the carport)
		which is up to 18m ² ? If the carport is bigger than 18m ² , would the new shed be exempt under clause 4.3.7 (b) because there
		isn't an existing outbuilding with "a gross floor area not more than 18m2" because the existing outbuilding (the carport) is
		bigger than 18m ² ?
	Clause 4.3.10	Only demolition of 'exempt' buildings is exempt, which only covers those circumstances to which an exemption under 4.0
	– Demolition	applies. There are no exemptions under 4.0 relating to extensions etc., so demolition of a porch or a small lean-to laundry,
	of exempt	etc. would not be exempt. It would perhaps be better to refer to exempt OR no permit required development (aside from
	buildings	whole dwellings/buildings other than outbuildings).
	Clause 4.4.2 –	Landscaping and vegetation management – does this include tree removal? If so, (b) should not just apply to those specified
	Landscaping	in the heritage list. The City of Hobart's list is extensive and it is unrealistic to undertake an exercise to identify all trees of
	and	interest. It would be preferable to exclude places and precincts subject to the Local Historic Heritage Code from the
	vegetation	exemption, and then provide more detailed exemptions in the code itself, particularly with regard to large trees.
	management	
	Clause 4.5.3 –	Wind turbines should not be exempt in the more developed residential zones. Even if it complies with distances at a
	Wind turbines	particular point in time, subdivision and further development could encroach on these setbacks, and it would be
		inappropriate to use an existing wind turbine as a reason to restrict further development in zones where further
		development and subdivision is appropriate for densification purposes.

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	Clauses 4.6.3	Requires review. The exemption is considered too generous and generally more than required
	and 4.6.4 –	
	Fencings	
	within 4.5m	
	of a frontage,	
	and not	
	within 4.5m	
	of a frontage	
	Clause 4.6.8 -	It is not clear why a retaining wall would need to be setback at least 1.5m from a boundary. Retaining walls terracing a
	Retaining	garden for example would often run from side boundary to side boundary or a retaining wall could be on a front boundary.
	walls	
		Retaining walls below natural ground level should also be exempt under this clause, even if they retain a difference in ground
		level of >1.0m and even if they are within 1.5m of a boundary. Otherwise a retaining wall under the ground could trigger a
		front setback discretion, or a building envelope discretion, when the rest of the development is compliant. Ideally, retaining
		walls shouldn't trigger a building envelope or front setback discretion. On Hobart's sloping sites, it's difficult to avoid a
		retaining wall in the front setback.
	Outbuildings	There is no specification of the location of exempt outbuildings in residential zones. They should be required to be behind
	and garden	the main building line, or no less than the relevant Acceptable Solution requirement, whichever is the lesser.
	structures in	
	residential	
	zones	
	Minor	Minor structures such as paths, stairs, etc., should be exempt under 5.0, otherwise, again, these structures can trigger front
	structures	setback or building envelope discretions.
	Create a	We need a pathway for multiple dwellings to be 'no permit required' exempt, so that development which otherwise meets
	pathway for	every acceptable solution, can be NPR exempt, rather than needing a DA. We regularly have to take DAs for minor work at

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	multiple dwellings to be 'no permit required'	units - low decks, new windows, putting in bi-fold doors, etc., that meet every acceptable solution, but can't be exempted. If the same development was proposed on a single dwelling, it would be NPR exempt. This doesn't seem equitable, as multiple dwellings should be assessed in the same way as single dwellings.
	Operative clause	An operative clause is required that states that where an exemption excludes use or development to which a code applies, but then that use or development is specifically exempt from that code, it should be considered to be exempt from requiring a permit under the scheme. Alternatively, the approach taken for the limited exemptions in the interim schemes could be adopted (i.e. only referencing use/development that 'require a permit' under a particular code, thus excluding any use/development that is subsequently exempt from the code). The term 'subject to' a code, used in the TPS exemptions, is not adequately clear whether this only covers scenarios where a permit is required under the code.
General Prov	risions	
7.0 GENERAL PROVISIONS	Clause 7.1.1	Lack of clarity around whether this clause allows for a change of use from one (prohibited) use to another (prohibited) use, or whether it simply allows for changes to the existing prohibited use. It is preferable to allow going from one prohibited use to another, if that new prohibited use is a better fit for the site/zone.
	Clause 7.3	Subclause (b) relating to only 'minor changes' to lot shapes is currently causing problems in terms of definition and application. There are issues where boundary adjustments made to improve the usability of sites must be categorised as 'subdivision' because of this clause, and in some circumstances this makes them prohibited, which does not result in a positive planning outcome. For example, the amount of land being transferred between a large lot and a small lot may be considered 'minor' in scale to the larger lot involved, but not to the smaller lot and therefore it cannot be considered a boundary adjustment even though the usability is improved or at least not reduced for both lots. Perhaps reference should be made instead to achieving the Zone Purpose Statements/Desired Future Character Statements.
Zones	'	

	Relevant	
Section	Clause /	CoH Comment
	Provision	
GENERAL	Residential	Support residential standards being thoroughly reviewed.
COMMENTS	zones	
	New Specific	It is considered that the framework for justifying SAPs and PPZs does not provide clear guidance on when these can and
	Area Plans	should be applied. Some more directive provisions around the application of these would be beneficial.
	and	
	application of	
	Particular	
	Purpose Zone	
	General and	Many Acceptable Solutions don't adequately protect residential amenity/maintaining residential character. An analysis of
	Inner	acceptable solutions is required, such that acceptable solutions shouldn't allow for development that would not meet the
	residential	performance criteria.
	zones	
	Subdivision	Reference should be made to the LGAT/IPWEA Tasmanian Standard Drawings and Tasmanian Subdivision Guidelines at a
		minimum
		Reference should be made to the series of street lighting standards AS1158, earth retaining structures AS4678, vehicle crash
		barriers AS 1170.1 and safe design of structures code of practice (as adopted under section 274 of the Work Health and
		Safety Act 2012), Austroad guidelines and Department of State Growth Specifications, at the minimum for subdivisions
		Reference should be made to excavation and structures within the property and supporting the highway reservation (i.e
		building wall of a basement), to not undermine the structure integrity of the highway reservation and be designed in
		accordance with AS4678 with a design life for major public infrastructure
8.0 GENERAL	Clause 8.2 –	General retail and hire - the limitation on local shop prevents other uses which provide a local service such as hairdressers,
RESIDENTIAL	Use Table	this limitation applies in the General and Low Density Residential Zone but not in the Inner Residential Zone. This is
ZONE		unreasonably restrictive

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	Clause 8.4.2 –	The qualifications for business and professional services, food services and general retail and hire are seriously inadequate there should be qualifications to prevent displacement of residential uses in residential zones. It is not sufficient to rely on the zone purpose statements to prevent a proliferation of commercial uses in residential zones, particularly as it would be difficult to assess each individual application in relation to how many other applications for non-residential use have been approved, and if the application met all zone standards it would be difficult to refuse on the basis of proliferation of non-residential use. The primary issue for this PC should not be whether the new garage or carport is compatible with existing garages/carports
	P2 -Setbacks and building envelope for all dwellings	in the street (which may include some highly undesirable garages/carports), but whether the development maintains or improves the quality of the streetscape. [this should also be changed for other residential zones and also for provisions relating to non-residential garages and carports]
	Clause 8.4.3 – P1 and P2 - Site coverage and private open space for all dwellings	P1 and P2 should have the option for no private open space to be provided where 'the projected requirements of the occupants are considered to be satisfied by public open space in close proximity' to allow for adaptive reuse of existing buildings for multiple dwellings that may not have sufficient private open space on site, but are in very close proximity to a public park.
	Clause 8.6 - Development Standards for Subdivision	The Southern Interim Schemes contain a standard related to the appropriate provision of ways and public open space in the residential zones. The omission of this standard for residential subdivision with no alternative consideration of pedestrian links and open space is inconsistent with Southern Tasmanian Regional land Use Strategy (STRLUS) objectives: ROS 1.6 - Ensure subdivision and development is consistent with principles outlined in 'Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania.

	Relevant	
Section	Clause /	CoH Comment
	Provision	
		ROS 1 - Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well-being, amenity, environmental sustainability and the economy.
	Clause 8.6.2 -	What is the definition and scope of the "road network plan", it would be useful to have some guidance to provide greater
	Roads	consistency There needs to be a default alternative should a road network plan not be in existence (i.e. Austroads, IPWEA
		Standard drawings or similar guidance documents). P1 (g) refers to facilitating walking, cycling and public transport but is
		silent on the provision of suitable and appropriate bus stops , or bus routes. P1 (h) refers to bicycle on new arterial and
		collector roads –should also include link roads. These issues are also relevant in other zones where similar standards are
		used.
9.0 INNER	Clause 9.2 –	Food services (except for drive through take aways) and general retail and hire are discretionary without qualification. For
RESIDENTIAL	Use Table	example, new shops and shops in existing houses would have the same status as a change of use to a shop from an existing
ZONE		office. It is unreasonable to allow unconditional spread of commercial businesses on vacant sites or in existing houses in
		residential zones. If a mixed use environment is desired for a particular area, the mixed use zone should be applied. Inner
		residential zones are by definition only located close to existing services anyway, so they wouldn't necessarily need an
		unqualified increase in additional services within the zone itself, and it is likely that non-residential uses will start to
		proliferate in these inner-city zones and compromise the intent of the inner residential zone to primarily provide for high density residential accommodation.
	Clause 9.4.1 -	There is no maximum site area per dwelling or maximum permitted lot size (under 9.6.1) in the zone, which will not assist in
	Residential	increasing dwelling densities as required under the STRLUS. There is nothing in the zone actively encouraging higher density,
	density for	although this is the target zone for increased dwelling density. The zone is very unlikely to achieve the density required
	multiple	through the land use strategies if inefficient utilisation of land is allowed as permitted development.
	dwellings	
	Clause 9.4.3 -	P1 and P2 should have the option for no private open space to be provided where 'the projected requirements of the
	Site coverage	occupants are considered to be satisfied by public open space in close proximity' to allow for adaptive reuse of existing

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	and private	buildings for multiple dwellings that may not have sufficient private open space on site, but are in very close proximity to a
	open space	public park.
	for all	
	dwellings	
10.0 LOW	Clause 10.2 -	In a similar issue to the other residential zones, Business and Professional Services uses should not displace residential uses,
DENSITY	Use Table	and neither should local shops. It is particularly inappropriate that food services (other than drive through take aways) are
RESIDENTIAL		discretionary without qualification. It is preferred that this use be prohibited in this zone, but at the very least it should
ZONE		include the qualification as proposed under the General Residential Zone.
	Clause 10.4.3	Frontage setback of 8m is excessive, many of the existing setbacks in the current Low Density Zone under the HIPS are less
	- Setback	than this, it is suggested that the current 5.5m setback remain or there are likely to be numerous unnecessary discretionary
		applications required.
11.0 RURAL	Clause 11.2 -	Food Services being discretionary up to 200m2, regardless of whether in an existing commercial building or displacing a
LIVING ZONE	Use Table	residential use, is considered to be inappropriate in this zone and should be prohibited. At the very least, the qualification as
		described under the General Residential Zone should be added. General Retail and Hire should include the qualification as
		suggested under the General Residential Zone.
	Clause 11.4.2	A2 the frontage setback of 20m is excessive and will result in unnecessary discretionary applications, it is suggested that the
	- Building	current 10m setback in the HIPS be retained.
	height,	
	setback and	
	siting	
13.0 URBAN	Clause 13.4.6	The only issues dealt with in relation to dwellings are private open space and storage areas. It is considered that there is
MIXED USE	- Dwellings	merit in having slightly higher protection for residential amenity for dwellings in this zone, as it is a mixed use zone and not
ZONE		purely a business related zone. For example, the side setback provisions could also apply to adjoining lots with a residential

	Relevant	
Section	Clause /	CoH Comment
	Provision	
		use, and there could be consideration of overshadowing and privacy to adjacent residential dwellings in the performance criteria relating to height.
		There is a lack of residential and visitor accommodation amenity standards. CoH would like to see amenity standards
		introduced, and could be done so either via the Urban Mixed Use zone or through an amenity standards Code.
	Clause 13.5 -	There are no standards for new roads in subdivisions in this zone, the reason for this is not apparent. This also applies many
	Development	other zones where new roads as part of subdivision are a possibility.
	Standards for	
	Subdivision	
14.0 LOCAL	Clause 14.2 -	Business and professional services are NPR with no qualifications. Under the HIPS, only consulting room, medical centre and
BUSINESS	Use Table	post office are permitted, other uses in this class are discretionary. It is not appropriate to have general offices as NPR in a
ZONE		local business zone as offices don't tend to serve the local community directly. The local business zones in Hobart (and
		presumably other areas of the State) are not extensive and should prioritise higher order local services. Business and
		professional services uses other than those mentioned should be discretionary, and perhaps only if above ground floor level.
		Food services with drive through facilities should not be NPR in the zone.
		Hotel industry should be discretionary rather than permitted, as these zones are generally small and surrounded by
		residential zones, and such uses can have a significant impact.
		Equipment and machinery sales and hire, manufacturing and processing, service industry, storage are all discretionary under
		the TPS but are currently prohibited under the HIPS. These uses are generally not appropriate for local service zones and can
		be land intensive and of limited local benefit but with more significant amenity impacts.
	Clause 14.5.1	A2 provides for a 3.6m frontage which would allow internal lots which are generally not appropriate in Local Business Zones,
	- Lot design	wider frontages are required for businesses to front the street and create an attractive shopping environment.
	Clause 15.4.6	Dwellings in business zones should perhaps include sound insulation requirements to lessen potential future use conflicts.
	- Dwellings	

	Relevant	
Section	Clause /	CoH Comment
	Provision	
15.0 GENERAL	Clause 15.5.1	A2 provides for a 3.6m frontage which would allow internal lots which are generally not appropriate in General Business
BUSINESS ZONE	- Lot design	Zones, wider frontages are required for businesses to front the street and create an attractive shopping environment.
16.0 CENTRAL	General	Support a thorough review of the use and development standards. Many are not considered appropriate for this zoning.
BUSINESS		The City of Hobart proposes to override many of the standards in this zone with a Specific Area Plan as they not appropriate
ZONE		for the Hobart CBD. The SAP will address matters such as the current active frontage overlay, pedestrian priority streets, and pedestrian links and height standards.
	Clause 16.2 -	Allowing bulky goods sales at ground floor level as a permitted use in any central business area is inconsistent with the zone
	Use table	purpose to provide for a concentration of higher-order business and encourage activity at pedestrian levels with active
		frontages and shop windows offering interest and engagement to shoppers. Bulky Goods Sales includes uses such as garden
		and landscape suppliers, rural suppliers, timber yards, trade suppliers and motor vehicle, boat or caravan sales.
	Clause 16.4.6 - Dwellings	Dwellings in the Central Business Zone should perhaps include sound insulation requirements to lessen potential future use conflicts.
	Clause 16.5.1	Provides for a 3.6m frontage which would allow internal lots which are generally not appropriate in Central Business Zones,
	- Lot design	wider frontages are required for businesses to front the street and create an attractive shopping environment. The HIPS2015 currently has a minimum frontage of 4m in this zone.
22.0	General	Given the permitted lot size in the Rural Living Zone is 1ha/2ha, there is a significant gap between that zone and the
LANDSCAPE		Landscape Conservation Zone with a permitted lot size of 50ha. There is no zone to apply to larger lot bushland residential
CONSERVATIO		areas somewhere in between. Suggest reintroducing the Environmental Living Zone.
N ZONE	Clause 22.2 -	Food Services less than 200m2 are discretionary, as is General Retail and Hire associated with tourism. It is questioned
	Use Table	whether these are appropriate uses in a zone mainly focussed on visual and conservation issues.
	Clause 22.3.1	Domestic Animals, Resource Development, Sports and Recreation and Tourist Operations should be included in this use
	- Community	standard. It is not clear why you apply standards for something relatively benign like home-based childcare but not for the
	Meeting and	above uses which could have far greater impact?

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	Entertainmen	
	t, Food	
	Services, and	
	General Retail	
	and Hire uses	
26.0 UTILITIES	Clause 26.2 -	Provide for sale of compost / mulch (Bulky Goods Sales) and General Retail and Hire uses such as the Tip Shop as these are
ZONE	Use Table	often associated with recycling and waste disposal uses.
CODES		
C1.0 SIGNS	Exemptions	Exemptions should be standalone, not require assessment against the whole code to determine if the exemption applies or
CODE		not.
	Table C1.4	There are less exempt sign types – notably Above Awning Sign, Below Awning Sign, horizontal projecting wall sign, internal
		sign, transom sign, wall mural and wall sign have no exemptions. This may be overly restrictive and increase the number of
		unnecessary applications the planning authority must process. There should be controlled circumstances that allow for
		unobtrusive signs, limited in number, to be exempt.
		Fuel Price Signs, newspaper day bill signs, open/closed signs, reserve signs, screen signs, street number and umbrella sign are
		not defined signs in the TPS, but are in the HIPS, and are exempt. It is worth retaining a specific exemption for these as
		otherwise they would have to be classed as another sign type which may cause them to require a permit.
	Clause C1.6 -	'Discretionary' status has been removed for signs in particular zones and now sign types are either permitted in 'applicable
	Development	zones' if they meet the standards, or discretionary if in applicable zones and don't meet the standards. This is simpler than
	Standards for	the matrix of the HIPS, but removes the concept that a sign type can be generally discretionary based on the zone it is in. The
	Buildings and	table could be amended to include two applicable zone columns – one for zones where the sign type is permitted and one
	Works	for zones where the sign type is discretionary.

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	Clause C1.6.3	Third party signs in the form of poster panels (billboards) are generally unnecessary, create visual clutter and adversely affect
	- Third party	the visual qualities of the built and natural environment in Tasmania and should be prohibited. The billboards adjacent to
	sign	the Tasman Highway in the vicinity of the Hobart Airport are a prime example of this.
	Table C1.6	Generally review sign types in zones, seems unnecessarily restrictive for some sign types compared to the current Southern
		Interim Planning Schemes. If it is possible to have a use in a zone that requires signage then an appropriate range of sign
		types should be possible. For example food services and local shop are discretionary in the General Residential Zone but it is
		not possible to have an above awning sign or a building fascia sign. Also there is a need to review the consistency of sign
		types possible in zones, e.g. awning fascia is possible in all zones, above awning only possible in 8 zones not including the
		Local Business Zone.
C2.0 PARKING	General	The City of Hobart's Development Engineering department has concerns regarding the suitability of the Code being applied
AND		to Hobart, and its future effects on development planning within the municipality.
SUSTAINABLE		Call for a detailed review of the Code, as its Use and Development standards appear to be significantly deficient compared to
TRANSPORT		what is the currently available within the Hobart Interim Planning Scheme 2015. A review will allow the City of Hobart's
CODE		Development Engineering department to propose a Local Provision Schedule specific to Code 2.0 to address the gaps
		identified.
		There is an inability to consider on-site turning under the Code.
	Clause C2.5.1	Parking rates need a comprehensive review. They are over stated, onerous, and unsustainable.
	- Car parking	A maximum parking rate should also be specified for commercial uses in order to prevent over provision of parking
	numbers /	consistent with the STRLUS objectives.
	Table C2.1 -	
	Parking space	
	requirements	
	Clause C2.5.5	A1 (a) should relate to whichever is the 'lesser' rather than whichever is the greater.
	- Number of	

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	car parking	
	spaces within	
	the General	
	Residential	
	Zone and	
	Inner	
	Residential	
	Zone	
	Clause C2.6.3	The provision relating to number of access points should also have a qualification relating to Parking Precinct Plans. Hobart
	- Number of	has areas where no new vehicle access points are appropriate, or where they are appropriate only in certain circumstances.
	accesses for	
	vehicles	
	Clause C2.6.7	There should be requirements for end of trip facilities such as showers and lockers with the bicycle parking standards
	- Bicycle	consistent with the following STRLUS objective:
	parking and	
	storage	LUTI 1.12 Include requirements in planning schemes for end-of-trip facilities in employment generating developments that
	facilities	support active transport modes.
	within the	
	General	
	Business Zone	
	and Central	
	Business Zone	

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	Table C2.1 – Parking Space Requirements	Bicycle parking requirements for multiple dwellings (where in an apartment building) need to be included in Table C2.1.
	Clause C2.6.8 - Siting of parking and turning areas	The General Residential Zone should be included in the list of zones where parking should be behind the building line where possible.
C3.0 ROAD AND RAILWAY	General	Increased traffic at an existing access or junction cannot be considered under the Road and Railway Assets Code E5.0.
ASSETS CODE		Refer to South Hobart Progress Association v Hobart City Council and S Giameos [2017] TASRMPAT 5 and B Paterson, C Larkman, B & S Drake, D & S Reid and K Kam v Hobart City Council and Tasmania Wild Experience Pty Ltd [2020] TASRMPAT 24) Addition of a provision that considers the intensification that multiple developments have on the surrounding junctions and
		accesses would be beneficial.
C6.0 LOCAL HISTORIC HERITAGE CODE	General	Concerns with several areas including its application, definitions, omissions and structure. The Local Historic Heritage Code includes some significant changes compared to E13.0 Historic Heritage Code in HIPS 2015. This includes removing the application of the Code to places that are listed on the Tasmanian Heritage Register. This removes the opportunity for the City of Hobart who have actively managed heritage places over many decades to make important decisions and assessments in order to retain heritage values and consider streetscape, historic patterns of development, the height and bulk of buildings and to make thorough and holistic planning assessments under LUPAA. It is inappropriate to filter 'local' values from 'state' values or vice versa for the City of Hobart. Hobart's Community Vision (July 2018) recognises our shared sense of ownership of its unique heritage and unwillingness to compromise on our Hobart identity and character.

	Relevant	
Section	Clause /	CoH Comment
	Provision	
		There can be no reliance on the Tasmanian Heritage Council to assess applications to take into consideration of local heritage values, wider streetscape issues, historic and significant areas such as Battery Point and Sullivans Cove. Places are heritage listed for a range of reasons, including local and historic but also within a wider context of other heritage values. For example the Hobart Town Hall or Government House in Hobart are significance for heritage values such as aesthetics, creativity and archaeological, not just historic. They are also significant for their place within a wider landscape, townscape and/or streetscape setting. The Burra Charter 2013 has been adopted by the peak body of heritage professionals working in heritage conservation in Australia. It continues to reflect best heritage practice in heritage and conservation management by setting out a standard of practice for those who provide advice and make decisions about places of heritage value. It is a relevant and appropriate document to be reflected in the SPP. While it is positive to see the principle of adaptive reuse referenced in the Commentary on the General Provisions (see table 7.0.1, p.28), the Burra Charter is not a document from which only selected passages are taken and must be used as whole. The SPP should be consistent in the use of Burra Charter definitions, principles and
	Clause C6.2.2	practices. Consider potential mechanisms and issues for ensuring that development applications that propose improved access facilities to meet the equal access requirements of the National Building Code are taken into account in assessments under the Local Historic Heritage Code or the <i>Historic Cultural Heritage Act 1995</i> . Local Heritage Listed Places located within Heritage Precincts or Cultural Landscape Precincts only require assessment against standards for Heritage Places. Wider townscape / streetscape values may not be applicable in an individual heritage
		place assessment. Heritage place assessments will also fail to cover groupings of houses with matching features, the collective character of heritage precinct settings, the historic pattern of development, and other significant elements that are recognised within a wider heritage precinct environ. Allow for assessment against ALL relevant heritage provisions in C6 to provide a more holistic heritage assessment.

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	Clause C6.2.2 & Clause C6.2.3	Some parts of Hobart feature areas with condensed place listing for example Battery Point - a large percentage of the Battery Point 1 Precinct is covered with THR and CoH listed places, leaving little protection for the wider streetscape, townscape, settlement patterns, and unique Battery Point features to have no assessment requirements under the heritage precinct provisions. For example Arthurs Circus is highly significant for its consistent single storey streetscape, unique street layout, it is one of Australia's first subdivisions made up of 16 cottages, and the only circus street layout in Australia. Many of these unique streetscape qualities will fail to be assessed or taken into consideration under individual place provisions. Allow for assessment against ALL relevant heritage provisions in C6 to provide a more holistic heritage assessment, not just listed places.
	Clause C6.2.3	The assessment of planning applications for THR properties cannot be relied upon to achieve heritage outcomes that consider streetscape, heritage precinct or wider townscape settings. The following RMPAT decisions are a corroboration that the City of Hobart have appropriately considered heritage precinct values in assessments involving bulk, height and streetscape values, in contrast to the narrow place approach under the HCHA: • S Solvyns v Hobart City Council & Ors [2017] TASRMPAT 8 53 Runnymede Street, Battery Point • S Visagie v Hobart City Council and Ors [2017] TASRMPAT 2 - 141 Hampden Rd, Hobart • Hexa Pacific Pty Ltd v Hobart City Council and Ors [2020] TASRMPAT 1 - 58 Harrington Street, 59 Davey Street, 61 Davey Street and adjacent Road Reserve Clause C6.2.3 should be removed. Places with shared heritage values, e.g. state and local significance should be managed to conserve all values, and involve all associated levels of government to ensure that matters of concern to the local community, are not overlooked. THR properties that are currently also listed as local heritage places in HIPS 2015 will not be subject to Local Historic Heritage
		Code Standards despite having Local Historic Significance. This dismissal of the Heritage Code is inconsistent with LUPAA. In particular, Schedule 1 - Objectives Part 1 (e) and Objectives Part 2 (a) and (g). The Code must be informed by the objectives of the Act.

	Relevant	
Section	Clause /	CoH Comment
	Provision	
		C6.2.3 removes the opportunity for the City of Hobart to assess development applications for heritage impacts in order to retain 'local' heritage values. It also restricts the consideration of wider streetscape character, historical patterns of development, the height and bulk of nearby buildings, and removes the requirement under LUPAA to assess planning and development through co-ordinated action by state and local government. Clause C6.2.3 should be removed. The Code at present is unclear if the City of Hobart is able to assess archaeology on THR listed sites? The current Place of Archaeological Potential (defined in HIPS 2015) covers many early sites within the city. The THR only has a small number of sites listed specifically for archaeological potential. Council's overlay has led to many archaeological discoveries that have enhanced public knowledge and contributed to an understanding history of early Hobart settlements and sites. These important archaeological sites with the potential to yield new historical information will go unprotected, unrecorded or interpreted. An amendment of C6.2.3 is required to allow for assessment of THR listed properties under C6.8 Development Standards for Places or Precincts of Archaeological Potential. Lack of heritage precinct provisions for THR properties. Hobart's local streetscape significance cannot be assessed at a state level appropriately as state provisions relate to individual buildings. Heritage precincts have local significance that will be lost if only assessed within a state significance provisions for individual places within a historic streetscape. Refer to TASRMPAT decision on Heritage Precinct ground for refusal - Hexa Pacific Pty Ltd v Hobart City Council and Ors [2020] TASRMPAT 1 - 58 Harrington Street, 59 Davey Street, 61 Davey Street and adjacent Road Reserve.
	C6.4.1 -	Allow for Heritage Precinct Provisions C6.7 to be assessed in conjunction with THR properties Exemption (e) remains ambiguous as to whether internal demolition and works are exempt. It also does not allow for "like
	Exempt Development	for like" repairs and maintenance, (e) maintenance and repairs that do not involve removal, replacement or concealment of any external building fabric.
		C6.4.1 (e) needs to be re-drafted. The wording is poor and does not allow for basic 'like for like' replacement and maintenance. There is confusion in the wording as to whether internal works are exempt under this provision.

	Relevant	
Section	Clause /	CoH Comment
	Provision	
		The current like for like exemption E13.4.1 (b) maintenance and minor repair of buildings, including repainting, re-cladding, re-roofing and re-stumping where like-for-like materials and external colours are used - allows for a greater scope for exempting works such as roof replacements, or maintenance of cladding such a replacing damaged timber weatherboards or rotting window frames in a 'like for like manner' The exemption of internal works has no foundation in LUPAA, the premise having been tested in the Resource Planning and Appeals Tribunal – refer to MA and JM Purton v A and M Jackson [2013] TASRMPAT - 99. Further, the inclusion of an
		exemption for internal work in the SPPs demonstrates that LUPAA has been read to apply to internal development.
		The exemption is also inconsistent with the HCHA which does include scope for consideration of internal building and works for places entered on the Tasmanian Heritage Register. The exemption does not reflect industry best practice as set out in published and widely-used heritage standards such as the Australia ICOMOS Burra Charter and places as a whole, not a façade.
		Allow for assessment of internal works within local heritage places standards C6.6.1 Demolition, and a new provision with performance criteria that makes reference to internal works.
		The Burra Charter Article 5.1 "Conservation of a place should identify and take into consideration all aspects of cultural heritage, without unwarranted emphasis on anyone value at the expense of others." The protection of exterior elements of buildings only encourages facadism, and creates a thin veneer of heritage. As a result of the exemption of internal works the loss of highly significant interior features such as fireplaces and mantel pieces, original staircases, flooring such as wide pitt sawn floorboards, timber joinery and fitted cabinetry.
	Clause C6.8.1 - Building and works	C6.8 Development Standards for Places or precincts of Archaeological Potential P1 does not include any provisions for meaningful public benefit / interpretation.

	Relevant	
Section	Clause /	CoH Comment
	Provision	
		C6.8 P1 should include a provision (f) measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;
		HIPS E13.10.1 (d) measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;
	Clause C6.6.1 - Demolition	The provisions are poorly drafted. (f) and (g) essentially refer to the same thing. Whilst (h) is highly ambiguous 'any' economic considerations, an individual's economic considerations is should not be a planning scheme consideration.
		The wording from HIPS 2015 E13.7.1 Demolition P1 (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place - should be utilized in the SPPs and (h) of C6.6.1 should be removed.
		HIPS 2015 E13.7.1 Demolition states (a) there are environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place. The wording of this provision in HIPS 2015 is effective and much better drafted than the one in the SPP.
	Clause C6.6.5 Fences for Listed Places provision	C6.6.5 (c) is problematic in that the dominant fencing style in the setting may be a detracting element of the surrounding streetscape, and be full of high solid fences that were not approved under recent planning schemes. The fencing provisions for places make no mention of fencing materials. Yet the heritage precinct provisions for fencing (b) refer to height, form, style, and materials.
		Remove provision (c) from C6.6.5. Include the use of the word material in (e) the proposed height, (material), and location of the fence
		This provision causes issues in that the dominant fencing style in the setting may be a detracting element of the surrounding streetscape, and be full of high solid fences that were not approved under recent planning schemes. The fencing provisions

	Relevant	
Section	Clause /	CoH Comment
	Provision	
		for places make no mention of fencing materials. Yet the heritage precinct provisions for fencing (b) refer to height, form,
		style, and materials.
	Clause C6.9 - Significant	Concerns with including Significant Trees within the Heritage Code as it is not a logical or an ideal place.
	Tree	There are many trees in the Hobart Significant Tree list that are not listed for their heritage values but for other values such
	Provisions	as aesthetic reasons, for their value to a local community or because they are rare examples, unusual in their form, provide
		genetic diversity and so on. Refer to this recently written article on COH trees:
		https://www.fortysouth.com.au/environment/the-whos-who-of-trees
		The assessment used by the City of Hobart of significant trees falls across 10 categories. A copy of these categories can be provided separately.
		A wider appreciation of the rational for significance listings is required within a separate code with appropriate definitions including 'tree protection zone' which is a welcome addition. It is noted that the explanatory document provided states that it is not considered appropriate to include a separate code that is only applicable to 3 or so planning authorities. However, this document also acknowledges that many significant trees are listed for reasons other than heritage related reasons. It is also possible other municipal areas will take up the code over time.
C7.0 NATURAL	General	General review and rework of the Code required.
ASSETS CODE		The code addresses threatened flora species. Dealing with individual threatened species is a duplication of the Threatened Species Protection Act 1995 (TSPA), and has the capacity to cause issues. For example, it would only be possible to identify the species with a survey which may need to be completed for each proposal, and given the code is overlay-based this causes issues with identifying individual species.
		The Natural Assets Code does not provide adequate protection of natural values through exemption of the code in a range of
		zones. Priority vegetation is often found in these zones. Apply the Natural Assets Code to all zones

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	Clause C7.4 -	The exemptions under this Code are very broad , and not consistent with biodiversity conservation, scenic protection, or best
	Development	practice vegetation management across all land tenures (e.g. clearance and conversion or disturbance of priority and non-
	Exempt from	priority vegetation, works to protect water or coastal assets that may adversely impact locally rare species such as Little
	this Code	Penguin, or have unintended consequences).
		Include so that soil disturbance and removal of vegetation in a private garden within the bed and banks of a watercourse is
		not exempt, as this could contravene the code purpose. Riparian and coastal vegetation (native or exotic) has important
		functions even in private gardens (e.g. managing erosion, providing habitat). If it is going to be retained, at least include a definition.
	Clause C7.6.1	The standards for Class 4 streams are inadequate given they can be allocated to Class 4 purely on the basis of zoning.
	- Buildings	
	and works	
	within a	
	waterway and	
	coastal	
	protection	
	area or a	
	future coastal	
	refugia area	
	Clause C7.6.2	The standards in this section are unlikely to achieve the stated objectives. Further loss of priority vegetation will in many
	- Clearance	cases be unreasonable. It should be noted that these values are already in jeopardy and therefore require the highest level
	within a	of protection practicable.
	priority	
	vegetation	
	area	
	General	It is uncertain why the code does not apply to certain zones (e.g. Recreation, Major Tourism, Community Purpose, etc.)

Section	Relevant Clause / Provision	CoH Comment
C8.0 SCENIC PROTECTION CODE	Clause C8.4 - Use or Development Exempt from this Code	8.4.1 (a) – Should replace 'exotic' with 'introduced' – this provision effectively makes redundant the inclusion of the Agricultural Zone as a zone to which the code may be applicable. C8.4.1 (e) exempting 'subdivision not involving works' could have significant effects on scenic areas. This exemption for subdivision would override the subdivision provisions in the zones. Codes in general should not allow for a subdivision that was not possible under the relevant zone provisions. (Refer E10.8.1 in the HIPS for an example). C8.4.1 (f) – this exempts not just maintenance of existing roads, but construction of new roads, which could have a very significant impact on scenic values.
C9.0 ATTENUATION CODE	Table C9.1 - Attenuation Distances	A 200m attenuation distance seems excessive for small bakeries. Suggest 100m like milk processing works. Suggest including music and other performance venues, particularly those that operate late at night. An attenuation distance of 100-150m is probably appropriate.
C10.0 COASTAL EROSION HAZARD CODE	General Clause C10.3 Definition of	Use Standards are confusingly detailed, but development standards are minimal. There are no Acceptable Solutions other than for subdivision, and the Performance Criteria all rely on a coastal erosion hazard report, which puts a lot of cost onto the applicant. There is no environment and coastal processes protection, no foreshore access protection and no references to ecological processes, coastal dynamics and climate change – the code is generally lacking in its application. 'Tolerable Risk' - Poor definition. What are the risk criteria to evaluate whether the risk is tolerable? While the wording is unclear, it suggests that 'as low as reasonably practicable' is ok regardless of the actual level of risk.
	Terms	Manifest quantity' needs to be defined. 'Coastal protection works are defined in 3.1.3 just as 'means structures or works aimed at protecting land adjacent to tidal waters from erosion or inundation'. No scale or public authority etc. The HIPS15 definition includes 'considered necessary by an agency or council that have been designed by a suitably qualified person' and distinguishes 'initiated by the private sector', and this should be retained.

Section	Relevant Clause / Provision	CoH Comment
	Clause C10.5.3 Critical use, hazardous use or vulnerable use Clause C10.6.2 Coastal protection works within a coastal erosion hazard area	What is a coastal erosion event? And under P2 (b), what does <i>locations external to the immediate impact</i> mean? These need to be better clarified/defined. P1 - 'Kept to a minimum' is vague. Perhaps replace with 'the minimum required to adequately mitigate the risks to 2100'.
C11.0 COASTAL INUNDATION HAZARD CODE	General	The inundation code has been largely adapted from the landslip code (i.e. reliance on "tolerable risk") however lacks the supporting framework to make it able to be applied in an objective fashion. Tolerable risk is poorly defined. What are the risk criteria to evaluate whether the risk is tolerable? While the wording is unclear, it suggests that 'as low as reasonably practicable' is ok regardless of the actual level of risk. What is an 'unacceptable' level of risk? 'Hazardous use' and 'Manifest quantity' need to be defined. Coastal and Riverine Inundation areas are often concurrent and the risk must be assessed as such. Why does the Inundation Code not apply in Coastal flooding areas (C12.2.5)?

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	Clause	This is considered unreasonable for existing uses in non-urban zones. Why shouldn't they have the possibility of coastal
	C11.6.2	protection as well?
	Coastal	
	protection	
	works within	
	a coastal	
	inundation	
	hazard area	
C12.0 FLOOD-	Clause C12.4	There are concerns with these exemptions. Development associated with these uses (particularly outbuildings, landfilling
PRONE AREAS	Use or	and other obstructions) could have a significant impact upon inundation of other land. Suggest a conservative limit on the
HAZARD CODE	Development	size of structures within the flood zone as qualifications if these exemptions are to be retained.
	Exempt from	
	this Code	
	Clause 12.7.1	C12.7.1.b provides an Acceptable Solution pathway for creation of lots for existing buildings- regardless of whether the
	- Subdivision	existing building footprint is flooded. Many buildings were not assessed under the current flood legislation, and the risk
	within a	associated with their use not quantified. It does not specify these buildings are dwellings and assessed for risk for residential
	flood-prone	use. There is a risk that a Lot will be created which is unsuitable for residential use or development of a replacement
	hazard area	building. Due to changes in LG(BMP), it appears s109 h (a minimum Lot size free from inundation) would not apply in this
		case as a secondary protection.
		All subdivisions should be discretionary.
		C12.7.1 A1b to be either removed or at least limited to dwellings approved under this Scheme.
C13.0	General	This code should go back to applying to use and development in bushfire prone areas, not just subdivision. It's problematic
BUSHFIRE-		for it to apply to development at the building stage, but not the planning stage.

Section	Relevant Clause / Provision	CoH Comment
PRONE AREAS CODE		The exclusion of habitable buildings from this Code may have negative implications for developers who require hazard management areas in order to meet the required BAL under the building system (max. BAL-29) or the BAL standards that they can realistically afford. Many will (particularly during the early stage of introduction) need to go back for further planning approval to have vegetation clearing approved sufficient to achieve their required/desired BAL level. This will likely end up being more inefficient than the previous process for some applicants.
C14.0 POTENTIALLY	General	Concerns with the application of the Contaminated Land Code (e.g. land upslope from a potentially contaminated area, needing to take applications for very small areas of land disturbance).
CONTAMINATE D LAND CODE	Clause C14.3 Definition of Terms	'Site history' - The words 'if a site is likely to have been impacted by a potentially contaminating activity' are unclear. Is this just a site history that confirms that potentially-contaminating activities did not occur on the site or adjoining land or a site history and technical assessment that there was no contamination impact to a site as a result of potentially-contaminating activities?
C15.0 LANDSLIP	General	The peak body for such matters in Australia (AGS) use the term 'landslide' not 'landslip'. The Code should use the accepted terminology.
HAZARD CODE	Clause C15.3 Definition of Terms	'Hazardous use' - Include definition of 'manifest quantity'. 'Landslip hazard report' - The correct term is a 'landslide risk management report' – refer to AGS guidelines. 'Tolerable risk' - Poor definition.
Other		
	General	All elements of the SPPs should be within the scope of the review, and no part should be omitted from the review.
	General	The scope of the review should not exclude legislative change where required to adequately support the delivery of outcomes.

	Relevant	
Section	Clause /	CoH Comment
	Provision	
	Stormwater	There is no Stormwater Code within the SPPs thus stormwater is to be managed through the Urban Drainage Act (UDA) as an alternate pathway. It is considered that this will result in poor management outcomes and will not provide as strong a pathway for Council to manage stormwater and enforce stormwater related conditions on permits. A particular concern is the ability to request further information via this pathway and the ability to place conditions on permits.
		Stormwater management code provisions must be accommodated for within the scheme.
	Protection for linear bicycle and walking infrastructure on public land	The scheme has provided for road and railway asset protection, along with other major linear infrastructure protection i.e. Road and Railway Assets Code, Electricity Transmission Infrastructure Protection Code, however there is no code or provisions for protection for linear bicycle and walking infrastructure on public land. Such assets are deserving of the same level of protection as other linear community assets.
	PD 6	Lack of clarity around the terms 'short and medium term visitor accommodation' and 'temporarily absent'. Provide definitions of those terms, or provide guidelines around how those terms are to be applied.
	Climate change	Assessments need to be able to be undertaken at the whole of risk level, rather than at an individual development. For example a sea wall may be approved by an engineer who consider its function / performance at an individual development level rather than a whole of hazard level which may lead to maladaptive outcomes or transfer impacts elsewhere Capacity of Planning Schemes to consider future and/or unknown climate risk and hazard, and to avoid 'green-washing' (through technical responses) Overall deficiencies within the natural assets code
		Codes should be developed for heat and extreme storm events

Section	Relevant Clause / Provision	CoH Comment
		Diametric consecution includes (adaptation mathematical m
	5	Planning zones should include – 'adaptation pathway zones'
	Protection of	The ability to request further information, condition and/or refuse an application on the basis of impact to existing public
	infrastructure	infrastructure should be included.
	Local	TPS has removed the fact that all subdivisions are discretionary.
	Government	
	(Building and	Suggest reintroducing Clause 9.10.2 under HIPS into the TPS. It states that a permit for development involving a plan of
	Miscellaneous	subdivision is discretionary unless:
	Provisions)	(a) for adjustment of a boundary in accordance with clause 9.3.1;
	Act 1993	(b) the subdivision is prohibited in accordance with clause 8.9; or
		(c) the plan of subdivision must not be approved under section 84 Local Government (Building and Miscellaneous Provisions) Act 1993.
	Local	The Tasmanian Local Government Act and Local Government Building and Miscellaneous Provisions Act currently only
	Government	require Public Open Space (POS) contributions to be made for subdivisions. Stratum developments are not required to
	(Building and	contribute, which is leading to considerable deficiency and contribution towards future funding for public open space
	Miscellaneous	providing public amenity with new unit developments. This is particularly evident in the inner city of Hobart, and inner
	Provisions)	suburbs (Inner Residential Zones, Mixed use). It also needs to be increased from 5% to 10% to be consistent with interstate
	Act 1993	developer contributions
	Infrastructure	Implement the findings of the LGAT Infrastructure Contributions Discussions Paper - April 2022.
	Contributions	

State Planning Provisions Review

Scoping Paper



State Planning Office
Department of Premier and Cabinet



Author:

State Planning Office

Publisher:

Department of Premier and Cabinet

Date: May 2022

© Crown in Right of the State of Tasmania December 2019



Contents

Min	ister'	s Foreword	4
Intr	oduc	tion	5
Wh	y are	we reviewing the State Planning Provisions?	5
l.	Und	derstanding the SPPs	6
	1.1	Overview of land use planning in Tasmania	6
	1.2	The Tasmanian Planning Scheme	7
	1.3	Background of the SPPs	8
2.	Und	derstanding the review	9
	2.1	Scope of the review	9
	2.2	Review process	9
	2.3	What has happened so far	10
	Resi	idential and Housing Reviews	11
	Tası	manian Planning Policies (TPPs)	11
3.	Hov	w to get involved	12
4.	Wh	nat will happen next?	13



Minister's Foreword

The Government is committed to improving Tasmania's planning system and it will not be long before the Tasmanian Planning Scheme is fully in effect across our State, establishing a fairer, more consistent approach to planning and development approval. A single set of planning rules will apply across every local government area, generating efficiencies and increasing certainty and transparency for developers, planners, councils and our communities.

Having a well-drafted and contemporary planning scheme will ensure that our strategic land use planning policies and strategies are appropriately implemented, and that what is delivered on the ground through development applications are in accordance with community expectations.

As the new Minister for Planning, I believe that it is important that we regularly review our planning instruments to ensure they remain fit-for-purpose and current. Reviews provide the Government, councils, the community and other stakeholders with opportunities to identify areas for improvement and enable us to apply appropriate changes in policy and update specifications.

The State Planning Provisions (SPPs) came into effect as part of the Tasmanian Planning Scheme on 2 March 2017 following a comprehensive assessment process undertaken by the independent Tasmanian Planning Commission (the Commission), which included extensive public exhibition and 25 days of public hearings.

The SPPs establish the single set of planning rules for the 23 zones and 16 codes, which manage the use, development and conservation of land in Tasmania. Put simply the SPPs set out planning requirements such as the height of buildings, the uses allowed in particular locations, and what additional controls might be required for developing a heritage building. The SPPs are currently in effect across 12 municipalities in the State and will come into effect in the remaining areas following the approval of each council's Local Provisions Schedules.

Under the Land Use Planning and Approvals Act 1993 (LUPAA), the SPPs are required to be reviewed every five years. This review is now due.

It is also a requirement that the SPPs be reviewed in the context of the Tasmanian Planning Policies (TPPs) once they are made. The TPPs are currently being prepared and a suite of draft TPPs are expected to be publicly exhibited towards the end of this year.

The State Planning Office has already started preparing for the SPPs review, which will formally commence with the public release of this Scoping Paper. While the review will cover all the SPPs, we want to identify any issues of specific concern so that we can focus our efforts to where they are most needed, and develop a suite of short, medium and longer-term amendments.

The SPPs are a vital part of our planning system and I encourage everyone to consider how they could potentially be improved.

I look forward to hearing your views.

Hon Michael Ferguson MP Minister for Planning



Introduction

This paper introduces the first comprehensive review of the SPPs, the Statewide planning rules that apply as part of the Tasmanian Planning Scheme, and invites you to inform the scope of that review.

The aim is to identify the provisions of the SPPs that may require review, as well as if there is a need for any new provisions in the SPPs.

This paper has been prepared to help you provide feedback to assist us in identifying the scope of the SPPs review. The paper includes some key questions for you to consider and is organised with the following sections:

Section I explains what the SPPs are, how they work within the planning system, and why the government is reviewing them.

Section 2 details what the review will cover and how it will happen.

Section 3 lets you know how you can get involved.

Links and references to additional information that may assist you with providing feedback are included throughout this paper.

Why are we reviewing the State Planning Provisions?

The State Planning Provisions (SPPs) play an important role in the management of the use, development, and conservation of land in Tasmania, and it is important that they are regularly reviewed to ensure they remain contemporary and fit-for-purpose.

For these reasons, section <u>30T</u> of LUPAA requires that the SPPs are reviewed every 5 years. Section 30T of LUPAA also requires a review of the SPPs to take place after the making of the TPPs, which is expected to occur during 2023. This ensures consistency with the policies contained in the TPPs.

Having been approved in 2017, the SPPs are due for review during 2022. Regular review of planning instruments is considered best practice to:

- improve how they achieve their purpose,
- · apply improvements in knowledge and policy, and
- give people and groups a chance to provide their views on how those planning instruments are working, and to suggest improvements.

While the SPPs are not yet fully in effect across all our State, a suitable period has now passed since the SPPs were drafted to initiate a review. The full suite of SPPs have been in effect in some local government areas for nearly 2 years, and some parts of the SPPs are also already in effect in the remaining interim planning schemes. This provides enough information and experience for conducting the review.



I. Understanding the SPPs

1.1 Overview of land use planning in Tasmania

Land use planning is about putting in place a guiding framework of policies, strategies, and rules for use and development that will shape the future of how our society looks and functions. These tools then influence decision making about how our settlements, our infrastructure, and our landscapes look and how we want them to function.

Figure 1 illustrates an overview of Tasmania's land use planning system.

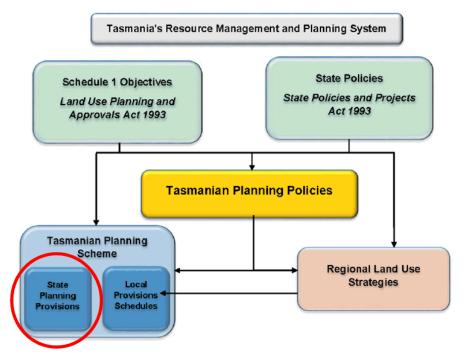


Figure 1 - Tasmania's land use planning system

The range of land use planning documents that make up Tasmania's planning system can be described as either 'strategic' or 'statutory' planning documents. The framework that provides for these documents is set out in LUPAA.

Strategic planning documents guide longer term land use and development through statements such as objectives, principles, policies, or strategies which are informed by social, economic, and environmental data. Strategic planning documents in Tasmania include the State Policies, the TPPs that are currently under preparation, and the three regional land use strategies. Councils also prepare a range of other local strategic planning documents.

The main statutory planning documents in Tasmania are the current planning schemes: the Tasmanian Planning Scheme and the remaining interim and older planning schemes. These set the rules for making decisions about use or development on particular sites in the immediate future.



It is the role of local councils acting as 'planning authorities' to assess applications for planning permits (often referred to as development applications) in accordance with the rules contained in planning schemes. The processes for making decisions on development applications are outlined in LUPAA.

1.2 The Tasmanian Planning Scheme

The Tasmanian Planning Scheme is made up of the SPPs and Local Provisions Schedules (LPS), as shown in Figure 2.

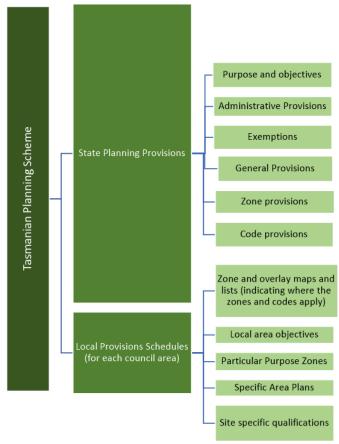


Figure 2 - Structure of the Tasmanian Planning Scheme

The rules in the Tasmanian Planning Scheme control the use, development, and conservation of land across the State in support of the LUPAA Schedule 1 Objectives, State Policies, and the TPPs (once made).

The SPPs are the Statewide set of rules (or provisions) expressed mainly through 23 zones and 16 codes. The SPPs also include administrative, general, and exemption provisions, and the requirements and a template for the LPS. More information on the SPPs is available on the Planning in Tasmania website.

The SPPs are prepared, approved and amended by the Minister for Planning, with expert planning advice provided by both the Commission and the State Planning Office.

The LPS apply the SPPs in each local government area through zone maps, overlay maps, and lists of places where the codes apply. LPS may also contain local area objectives, particular purpose zones (PPZs), specific area plans (SAPs), and site-specific qualifications (SSQs). Each of these is a form of planning control for unique places specific to the local area.

The Tasmanian Planning Scheme, including the SPPs, only applies once a council has its LPS approved. For this reason, some councils still operate under the older Interim Planning Schemes. All councils will eventually use the Tasmanian Planning Scheme to make decisions about land use and development.

The Tasmanian Planning Scheme also operates alongside other legislative requirements, including integrated assessment processes for:

- certain activities with the potential for environmental emissions or impacts (Level 2 activities) administered by the Environment Protection Authority (EPA)
 Tasmania;
- works on heritage places of State significance listed on the <u>Tasmanian Heritage</u> <u>Register</u> administered by <u>Tasmanian Heritage Council</u>; and
- considering impacts on <u>TasWater's water and sewerage infrastructure</u>.

Certain forestry operations and works, mineral exploration, and marine farming are managed under separate legislation. There are also exemptions from the Tasmanian Planning Scheme for certain electricity, water and sewerage, gas and railway infrastructure works as outlined in their relevant legislation.

1.3 Background of the SPPs

The first SPPs were drafted during 2015 as part of the Government's planning reform agenda to introduce a single Statewide planning scheme.

The drafting of the SPPs involved input from technical reference groups and consultative groups including State and regional organisations across business, industry, the community sector, environmental and heritage interests, and local government.

The SPPs largely adopted the structure established by <u>Planning Directive No. 1 – The Format and Structure of Planning Schemes</u> (Planning Directive No. 1) on which all interim planning schemes were based. Departures from Planning Directive No. 1 occurred to align the administrative provisions with the Tasmanian Planning Scheme structure required by LUPAA, in addition to:

- detailed reconsideration of the planning scheme exemptions;
- additional Special Provisions (renamed as General Provisions) from interim planning schemes; and
- reconsideration of some zones, such as replacing the Rural Resource Zone and Significant Agriculture Zone with the Rural Zone and Agriculture Zone, removal of the Environmental Living Zone, and inclusion of the Landscape Conservation Zone and the Future Urban Zone.

The content of the zones and codes in the SPPs was drafted with detailed regard to all interim planning schemes that were in operation at the time. It also captured the latest versions of codes as recommended by the Commission in accordance with:

 other approved or draft planning directives (the Bushfire-Prone Areas Code, Road and Railway Assets Code and Potentially Contaminated Land Code), and



 latest State Government policies on natural hazards (the Coastal Erosion Hazard Code, Coastal Inundation Hazard Code and Landslip Hazard Code).

During 2016, the Commission undertook a comprehensive independent assessment of the SPPs, including 60 days of public consultation and 25 days of public hearings.

The Commission's assessment of the SPPs concluded in December 2016 with a recommendations report being provided to the then Minister for Planning. In making the SPPs, the then Minister accepted the majority of the Commission's recommendations. A statement of reasons was released in response to those recommendations that were not accepted.

The SPPs were made on 2 March 2017.

2. Understanding the review

2.1 Scope of the review

The review will consider the SPPs component of the Tasmanian Planning Scheme. All of the SPPs are open to review.

It is important to note that this review does not include the:

- Local Provisions Schedules;
- Regional Land Use Strategies;
- State Policies; or
- the broader planning framework within LUPAA and associated legislation.

The review will not consider where zones and codes are applied in the Local Provisions Schedules. This is the role of individual councils with independent oversight from the Commission. Instead, the review will consider the rules and administrative requirements in the SPPs.

There are limitations on matters that may be covered by the Tasmanian Planning Scheme and the SPPs as listed in sections $\underline{11(3)}$ and $\underline{12}$ of LUPAA. Certain building design and engineering and safety requirements are also covered by the $\underline{Building\ Act\ 2016}$, associated regulations, and the $\underline{National\ Construction\ Code}$. These also do not form part of the review.

2.2 Review process

The SPPs review begins with the release of this scoping paper and related information documents (Step 1 in Figure 3 below).

Feedback received from the scoping process will assist with identifying those provisions in the SPPs that require review, potential gaps in the SPPs, and inform options for improvement and potential amendments to the SPPs. A report will be prepared in response to the feedback from the scoping process (Step 2 in Figure 3 below).

The scoping process will help inform key themes or parts of the SPPs that require more detailed consideration for progression through separate projects and conclude in amendments to the SPPs. The State Planning Office will establish reference groups and consultative groups to assist with these detailed projects and amendments.

Some matters may be addressed in the short-term through amendments to the SPPs (Step 3 in Figure 3 below), while others may require the finalisation of the TPPs before progressing (Step 4 in Figure 4 below). It is a requirement of LUPAA for the SPPs to be consistent with the TPPs.

The making of the TPPs, which is expected to occur during 2023, will result in a review of the SPPs for consistency. A discussion paper will be released for consultation to consider options for amendments to the SPPs to make them consistent with the TPPs (Step 4 in Figure 3 below).

The SPPs amendment processes are detailed in Part 3, Division 2 of LUPAA. All non-minor amendments are subject to public consultation, and independent assessment, including public hearings, by the Commission. The Commission then provides recommendations on the draft SPPs amendments which must be considered by the Minister for Planning before determining whether or not to make the amendment.



Figure 1 - The SPP review process

2.3 What has happened so far

The State Planning Office has put together a list of issues that have already been raised through conversations with stakeholders, along with submissions received through other processes. These processes include exhibition of <u>Planning Directive No. 8 – Exemptions</u>, <u>Application Requirements</u>, <u>Special Provisions and Zone Provisions</u> and reports provided to the Commission on the SPPs in accordance with section 35G of LUPAA.

A summary of these issues is available on the Planning in Tasmania website.

Section 35G of LUPAA provides a process for a local council, after considering submissions on their draft LPS, to advise the Commission on potential amendments to the SPPs. The Commission must consider the advice of the council and provide a recommendation to the Minister for Planning. More information on the process under s.35G of LUPAA is available of the Commission's website.

Several current projects will also inform the SPPs review. These projects are detailed below.



Residential and Housing Reviews

Review of the residential development standards derived from Planning Directive 4.1

The rules in the SPPs General Residential Zone and Inner Residential Zone are based on those in <u>Planning Directive 4.1 – Standards for Residential Development in the General Residential Zone</u> (Planning Directive No. 4.1).

In 2014, Planning Directive No. 4.1 introduced a Statewide set of rules for residential development in the General Residential Zone across all interim planning schemes.

In 2020 the State Planning Office commissioned a consultant to engage with stakeholders about their key concerns with the requirements in Planning Directive No. 4.1 and to seek examples of their practical application. This process has resulted in the Review of Tasmania's Residential Development Standards – Issues Paper which has been made available through the Planning in Tasmania website to further assist with scoping the SPPs Review.

Medium Density Residential Development Standards Project

In 2019, the then Premier of Tasmania announced a project to prepare planning rules to deliver consistent requirements for apartment developments in Tasmania. The new requirements will be implemented through an Apartment Code in the SPPs to provide a clear pathway for the assessment of apartments and encourage good quality design and liveable spaces.

The project is being managed by the State Planning Office in partnership with Hobart City Council through the Hobart City Deal and will be delivered through a future amendment to the SPPs.

This project will be informed by the SPPs Review, and the review of the residential development standards derived from Planning Directive No. 4.1.

More information on the medium density residential development standards project and the Apartment Code is available through the Planning in Tasmania website.

Tasmanian Planning Policies (TPPs)

The TPPs are high-level strategic policy ambitions and directions on land use planning matters of State and community interest. They will provide a way for the Tasmanian Government and community to consider and set directions on a broad range of complex and emerging planning issues. These high-level policies will inform strategic planning and the statutory planning provisions within the SPPs and LPS.

Some matters raised during the SPPs review scoping process may need to be considered in conjunction with the broader policies in the TPPs. The SPPs must be reviewed for consistency with these policies once the TPPs are made.

Once the TPPs are made, a discussion paper will be circulated to explore how consistent the SPPs are with the TPPs and what changes may need to be made to the SPPs.

More information on the TPPs is available through the Planning in Tasmania website.



3. How to get involved

The Government wants to hear from you about issues with the SPPs.

We want to hear about the provisions in the SPPs that you think require review, or any provisions that you think are missing.

Your feedback will help scope the 5-yearly review of the SPPs and to identify issues to be addressed through amendments to the SPPs.

We encourage you to read this scoping paper in full before providing your comments as a submission. Please note, the scope of the review is outlined in section 2.1 of this scoping paper. We also encourage you to peruse all other documents made available as part of the scoping process as these may help inform your submission.

To help you respond, we invite you to consider the following questions. We also encourage you to provide reasons and examples (where possible).

QUESTIONS TO CONSIDER

Which parts of the SPPs do you think work well?

Which parts of the SPPs do you think could be improved?

What improvements do you think should be prioritised?

Are there any requirements that you don't think should be in the SPPs?

Are there additional requirements that you think should be included in the SPPs?

Are there any issues that have previously been raised on the SPPs that you agree with or disagree with?

Are there any of the issues summarised in the Review of Tasmania's Residential Development Standards – Issues Paper that you agree or disagree with?

Submissions on the State Planning Provisions Scoping Paper can be made until the close of business on **29 July 2022** in one of the following ways:

- Via email to yoursay.planning@dpac.tas.gov.au
- Via post to:

Department of Premier and Cabinet State Planning Office GPO Box 123 HOBART TAS 7001

Submissions will be treated as public information and will be published on the <u>Planning in Tasmania website</u>, unless confidentiality is specifically requested.



No personal information other than an individual's name or the organisation making a submission will be published.

For further information, please contact the State Planning Office via email: stateplanning@dpac.tas.gov.au, or read the Tasmanian Government Public Submissions Policy.

The State Planning Office website contains more information on the Tasmanian Planning Scheme and the SPPs:

If you would like to discuss the SPPs review further, or would like a briefing, please contact the State Planning Office at: stateplanning@dpac.tas.gov.au or by telephoning 1300 703 977.

4. What will happen next?

Once the consultation period has ended, the State Planning Office will carefully consider all comments received.

Feedback received from this scoping process will assist with deciding the extent of the SPPs review. A report will be prepared in response to the feedback from the scoping process.

The scoping process will help inform key themes or parts of the SPPs that require more detailed consideration for progression through separate projects and conclude in amendments to the SPPs.





8.2 City Planning - Advertising Report File Ref: F22/66402

Memorandum of the Director City Life of 18 July 2022 and attachment.

Delegation: Committee



MEMORANDUM: CITY PLANNING COMMITTEE

City Planning - Advertising Report

Attached is the advertising list for the period 21 June 2022 to 4 July 2022.

RECOMMENDATION

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 LIFE

Date: 18 July 2022 File Reference: F22/66402

Attachment A: City Planning - Advertising Report I

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	
PLN-22-335	168 WATERWORKS ROAD	DYNNYRNE	Partial Demolition, Alterations, Extension, Ancillary Dwelling, Outbuilding and Carport	\$100,000	20/07/2022	ayersh	Director	28/06/2022	12/07/2022
PLN-22-394		I .	Alterations (Solar Panels)	\$611	02/08/2022	ayersh	Director	30/06/2022	14/07/2022
PLN-22-343		STUADT	Partial Demolition, Alterations and Extension	\$50,000	23/07/2022	baconr	Director	23/06/2022	07/07/2022
PLN-22-380		HOBART	Partial Change of Use to Visitor Accommodation	\$300,000	26/07/2022	baconr	Director	23/06/2022	07/07/2022
PLN-22-377		BATTERY POINT	Alterations	\$20,000	28/07/2022	baconr	Director	24/06/2022	08/07/2022
PLN-22-298	7 WAVERLEY AVENUE	LENAH VALLEY	Partial Demolition, Alterations and Extension	\$150,000	30/07/2022	langd	Director	22/06/2022	06/07/2022
PLN-22-368	644 - 644A SANDY BAY ROAD	ISANDY BAY	Extension to Operating Hours	\$0	28/07/2022	langd	Director	28/06/2022	12/07/2022

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-22-329	8 - 10 DOWNIE STREET	SOUTH HOBART	Change of Use to Visitor Accommodation	\$0	11/07/2022	maxwellv	Council (Called In)	27/06/2022	11/07/2022
PLN-20-534	337 NELSON ROAD	MOUNT NELSON	Two Multiple Dwellings (One Existing, One New)	\$550,000	07/08/2022	maxwellv	Director	30/06/2022	14/07/2022
PLN-22-295	17 APSLEY STREET	SOUTH HOBART	Partial Demolition, Alterations and Extension	\$500,000	04/08/2022	maxwellv	Director	01/07/2022	15/07/2022
PLN-22-388	31 YORK STREET	SANDY BAY	Front Fencing	\$8,000	29/07/2022	mcclenahanm	Director	28/06/2022	12/07/2022
PLN-22-385	14 MCDEVITT AVENUE	DYNNYRNE	Partial Demolition and Studio	\$75,000	27/07/2022	mcclenahanm	Director	28/06/2022	12/07/2022
PLN-22-322		BATTERY POINT	Alterations	\$100,000	22/08/2022	obrienm	Council (Council Land)	24/06/2022	08/07/2022
PLN-22-382	1/2-4 FLINDERS LANE AND COMMON LAND OF PARENT TITLE	SANDY BAY	Change of Use to Visitor Accommodation	\$0	10/09/2022	obrienm	Director	28/06/2022	12/07/2022

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-22-118	17 PAULDON DRIVE	ISANDY BAY	Alterations and Extension	\$19,755	15/07/2022	obrienm	Director	01/07/2022	15/07/2022
PLN-22-367	37 PEDDER STREET	NEW TOWN	Partial Demolition, Alterations, and Extension	\$250,000	08/08/2022	obrienm	Director	01/07/2022	15/07/2022
PLN-21-754	4 EDGE AVENUE	LENAH VALLEY	Partial Demolition, Alterations, Extension and Ancillary Dwelling	\$14,900	24/07/2022	sherriffc	Director	28/06/2022	12/07/2022
PLN-22-1	50 YORK STREET	SANDY BAY	Alterations, Signage and Partial Change of Use to Food Services	\$30,000	08/08/2022	sherriffc	Director	30/06/2022	14/07/2022
PLN-22-138	100 PINNACLE ROAD	MOUNT WELLINGTON	Upgrade to Water Infrastructure (Fern Tree Bower)	\$750,000	27/07/2022	sherriffc	Council (Council Land)	04/07/2022	18/07/2022
PLN-22-120	11 STEVENS FARM DRIVE	WEST HOBART	Dwelling	\$729,000	10/07/2022	smeea	Director	22/06/2022	06/07/2022
PLN-22-330	8 B ROMILLY STREET	SOUTH HOBART	Outbuilding	\$80,000	18/07/2022	smeea	Director	01/07/2022	15/07/2022

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-22-401	2 / 89 GIBLIN STREET	NEW TOWN	Alterations	\$180,000	03/08/2022	smeea	Director	04/07/2022	18/07/2022
PLN-22-162	139 ELIZABETH STREET	HOBART	Public Art (Mural)	\$0	29/07/2022	widdowsont	Director	22/06/2022	06/07/2022

8.3 Delegated Decision Report (Planning) File Ref: F22/70734

Memorandum of the Director City Life of 20 July 2022 and attachment.

Delegation: Committee



MEMORANDUM: CITY PLANNING COMMITTEE

Delegated Decision Report (Planning)

Attached is the delegated planning decisions report for the period 27 June 2022 to 15 July 2022.

RECOMMENDATION

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 LIFE

Date: 20 July 2022 File Reference: F22/70734

Attachment A: Delegated Decision Report (Planning) & 🖺

18 July 2022

Delegated Decisions Report (Planning)

Planning Description	Address	Works Value	Decision	Authority
PLN-21-387 Dwelling	5A ZOMAY AVENUE DYNNYRNE TAS 7005	\$ 950,000	Approved	Delegated
PLN-21-576 Partial Demolition, Alterations, Extension and Front Fencing	291 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 200,000	Approved	Delegated
PLN-21-754 Partial Demolition, Alterations, Extension and Ancillary Dwelling	4 EDGE AVENUE LENAH VALLEY TAS 7008	\$ 14,900	Approved	Delegated
PLN-21-835 Partial Demolition, Alterations and Partial Change of Use to Food Services and Business and Professional Services	137 LIVERPOOL STREET HOBART TAS 7000	\$ 2,200,000	Approved	Delegated
PLN-21-837 Change of Use to Visitor Accommodation	185 NELSON ROAD MOUNT NELSON TAS 7007	\$ 0	Approved	Delegated
PLN-22-120 Dwelling	11 STEVENS FARM DRIVE WEST HOBART TAS 7000	\$ 729,000	Approved	Delegated
PLN-22-139 Dwelling	27 BEAUMONT ROAD LENAH VALLEY TAS 7008	\$ 470,000	Approved	Delegated
PLN-22-175 Partial Demolition, Alterations, Extension, Signage, and Extension to Operating Hours	466 ELIZABETH STREET NEW TOWN TAS 7008	\$ 100,000	Approved	Delegated
PLN-22-193 Partial Demolition, Alterations, Extension, Carport, and Ancillary Dwelling	3 WOODLANDS AVENUE NEW TOWN TAS 7008	\$ 600,000	Approved	Delegated
PLN-22-232 Partial Demolition, Alterations, Extension and Ancillary Dwelling	18 ROMILLY STREET SOUTH HOBART TAS 7004	\$ 200,000	Approved	Delegated
PLN-22-263 Alterations, Partial Change of Use to Food Services and Signage	17/284-290 ELIZABETH STREET NORTH HOBART TAS 7000	\$ 14,000	Approved	Delegated
PLN-22-267 Extension to Operating Hours	29 SALAMANCA PLACE BATTERY POINT TAS 7004	\$ 0	Approved	Delegated
PLN-22-278 Alterations and Extension	85-99 COLLINS STREET HOBART TAS 7000	\$ 450,000	Approved	Delegated
PLN-22-284 Partial Demolition, Alterations and Extension	113 HILL STREET WEST HOBART TAS 7000	\$ 350,000	Approved	Delegated
PLN-22-298 Partial Demolition, Alterations and Extension	7 WAVERLEY AVENUE LENAH VALLEY TAS 7008	\$ 150,000	Approved	Delegated
PLN-22-301 Extension to Operating Hours	42 NEWDEGATE STREET NORTH HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-22-305 Dwelling	18 BEAUMONT ROAD LENAH VALLEY TAS 7008	\$ 950,000	Approved	Delegated
PLN-22-315 Change of Use to Visitor Accommodation	46 AUGUSTA ROAD LENAH VALLEY TAS 7008	\$ 0	Approved	Delegated
PLN-22-318 Partial Demolition and Alterations	31 WENTWORTH STREET SOUTH HOBART TAS 7004	\$ 20,000	Approved	Delegated
PLN-22-324 Partial Demolition, Alterations, and Extension	58 DUKE STREET SANDY BAY TAS 7005	\$ 500,000	Approved	Delegated
PLN-22-325 Change of Use to Visitor Accommodation	14 SHERBOURNE AVENUE WEST HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-22-334 Partial Demolition, Alterations, and Extension	107 YORK STREET SANDY BAY TAS 7005	\$ 65,000	Approved	Delegated
PLN-22-338 Partial Demolition and Alterations	19 BOA VISTA ROAD NEW TOWN TAS 7008	\$ 60,000	Approved	Delegated

Planning Description	Address	Works Value	Decision	Authority
PLN-22-34 Partial Demolition, Alterations, Extension and Swimming Pool	8 WENTWORTH STREET SOUTH HOBART TAS 7004	\$ 700,000	Approved	Delegated
PLN-22-340 Alterations	608 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 2,000	Approved	Delegated
PLN-22-343 Partial Demolition, Alterations, and Extension	18 AUVERGNE AVENUE MOUNT STUART TAS 7000	\$ 50,000	Approved	Delegated
PLN-22-344 Partial Demolition, Alterations, Studio, and Outbuilding	6A LAMBERT AVENUE SANDY BAY TAS 7005	\$ 400,000	Approved	Delegated
PLN-22-346 Alterations	32 PARLIAMENT STREET SANDY BAY TAS 7005	\$ 17,801	Approved	Delegated
PLN-22-348 Partial Demolition and Alterations	42 KELLY STREET BATTERY POINT TAS 7004	\$ 80,000	Approved	Delegated
PLN-22-349 Partial Demolition, Driveway and Garage	94 POTTERY ROAD LENAH VALLEY TAS 7008	\$ 35,000	Approved	Delegated
PLN-22-350 Alterations	34 DAVEY STREET HOBART TAS 7000	\$ 50,000	Approved	Delegated
PLN-22-360 Front Fencing	38 RYDE STREET NORTH HOBART TAS 7000	\$ 7,000	Approved	Delegated
PLN-22-370 Change of Use to Visitor Accommodation	6 WARNEFORD STREET HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-22-386 Change of Use to Visitor Accommodation	45 REGENT STREET SANDY BAY TAS 7005	\$ 0	Approved	Delegated
PLN-22-388 Front Fencing	31 YORK STREET SANDY BAY TAS 7005	\$ 8,000	Approved	Delegated
PLN-22-389 Partial Demolition and Alterations	2/27 JEANNETTE COURT LENAH VALLEY TAS 7008	\$ 50,000	Approved	Delegated
PLN-22-403 Change of Use to Visitor Accommodation	2 JERSEY STREET SANDY BAY TAS 7005	\$ 0	Approved	Delegated
PLN-22-412 Change of Use to Visitor Accommodation	10 HOOPER CRESCENT MOUNT STUART TAS 7000	\$ 0	Approved	Delegated
PLN-22-44 New Dwelling and Outbuilding	10 BLUESTONE RISE LENAH VALLEY TAS 7008	\$ 650,000	Approved	Delegated
PLN-22-56 Partial Demolition, Alterations, and Extension	13 WANDEET PLACE SANDY BAY TAS 7005	\$ 600,000	Approved	Delegated

9. COMMITTEE ACTION STATUS REPORT

9.1 Committee Actions - Status Report

A report indicating the status of current decisions is attached for the information of Elected Members.

RECOMMENDATION

That the information be received and noted.

Delegation: Committee

Attachment A: City Planning Committee Meeting - Status Report -

June 2022

CITY PLANNING COMMITTEE – STATUS REPORT

OPEN PORTION OF THE MEETING June 2022

Ref.	Title	Report / Action	Action Officer	Comments
1	SMOKE – FREE HOBART PROJECT UPDATE Open Committee 28 September 2020	Further investigations be undertaken to identify additional areas within the Hobart municipality that could be strategically implemented as smoke free. A further update to the City Planning Committee be provided in February 2021.	Director Connected City	Update to Committee to follow Executive Leadership Team review of project status and resourcing.
2	PUBLIC ART FRAMEWORK – PUBLIC ART PRIVATE DEVELOPMENT GUIDE Open Committee 23 November 2020	 A Public Amenity Policy for the City be developed, with public art being noted as one way a developer might contribute to the public amenity of the city. This policy would be the subject of a future report to the Council. A report be provided to the Council on an annual basis detailing the contributions made under the Public Art Private Development Guide. 	Director City Life Director Connected City	Officers are progressing the matter.

3	LOCAL HOUSING SOLUTIONS Open Council 21 June 2021	 A report be prepared that investigates ways Council can provide advice to property owners regarding dwelling and property modifications, with a view to increase accommodation options across Hobart. The advice be tailored for people who might want the flexibility to remain living at their property as their lifestyles might change or as they age, and also to increase the dwelling capacity on their property. The report would: Structure "plain English" explanations as to options for home modifications, planning requirements and how to meet building codes and heritage considerations. Identify suitable properties where an increase in the number of dwellings could be possible Provide more information for such opportunities in partnership with organisations such as the Australian Institute of Architects or Housing Industry Association Consider allocating officer time as point of contact on finding these local housing solutions Consider the financial return to Council in order for the program to be successful. 	Director City Life	Officers are progressing the matter.
---	--	---	--------------------	--------------------------------------

4	CLIMATE ACTION Open Council25 October 2021	Recognises and supports the Tasmanian Premier's plans to introduce a 2030 net zero target into law and develop decarbonisation and resilience plans for individual sectors - including waste and transport; Acknowledges that this target is important for playing our part to avoid dangerous climate change and meeting it will require significant changes to how we plan, build, manufacture and travel in the City of Hobart That in recognition of our role as the capital city and the emissions generated within our LGA, request that the CEO undertake an assessment and provide recommendations as part of a report back to Council on how the City will prepare for and strengthen its existing strategies, targets, practises and policies so that the City can assist in meeting this zero by 2030 target. iv. That this assessment look broadly to harmonise and standardise our organisation's approach and consider our role operationally and as a policy-maker including in planning, community development, waste, transport, corporate energy efficiencies and natural resources.	Director Connected City	Officers are progressing the matter.

		v. Seek a meeting with the Premier and Climate Change Minister to discuss the opportunities for collaboration on emission reductions projects and policies in the City of Hobart, and also authorises the CEO to make a submission to the Bill to amend the Climate Change Act."		
5	REGIONAL STRATEGY – ADAPTING TO A CHANGE COASTLINE IN TASMANIA Open Council 16 May 2022	The Council apply the Strategy's coastal management principles to the development of a series of integrated hazard management plans for Hobart's coastal and riverine catchments.	Director City Life	Officers and progressing the matter.

10. 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."

10.1 Short Stay Accommodation- Scheme Amendment File Ref: F22/45040; 13-1-10

Memorandum of the Director City Life of 8 July 2022.

10.2 Short Stay Accommodation - Call In

File Ref: F22/45042; 13-1-10

Memorandum of the Director City Life of 15 July 2022.

10.3 Planning Process - Ethics

File Ref: F22/45034; 13-1-10

Memorandum of the Director City Life of 15 July 2022.

10.4 UTas Sandy Bay Rezoning - Request for Further Information File Ref: F22/58615; 13-1-10

Memorandum of the Director City Life of 20 July 2022.

10.5 Social - Affordable Housing

File Ref: F22/58623; 13-1-10

Memorandum of the Director City Life of 20 July 2022.

10.6 Development Applications - Residential

File Ref: F22/68478; 13-1-10

Memorandum of the Director City Life of 18 July 2022.

10.7 Development Applications - Refusals Residential File Ref: F22/68482; 13-1-10

Memorandum of the Director City Life of 20 July 2022.

10.8 Development Applications - Withdrawn

File Ref: F22/68488; 13-1-10

Memorandum of the Director City Life of 20 July 2022.

10.9 Development Applications - Withdrawn / Reasons

File Ref: F22/68497; 13-1-10

Memorandum of the Director City Life of 18 July 2022.

10.10 Development Applications - Withdrawn / Subsequently Approved

File Ref: F22/68503; 13-1-10

Memorandum of the Director City Life of 18 July 2022.

10.11 Property Ownership - International Owners File Ref: F22/68631; 13-1-10

Memorandum of the Director City Life of 20 July 2022.

10.12 Property Ownership - Interstate Owners File Ref: F22/68645; 13-1-10

Memorandum of the Director City Life of 20 July 2022.

10.13 Short Stay Accommodation - Insurance File Ref: F22/68650; 13-1-10

Memorandum of the Director City Life of 19 July 2022.

That the information be received and noted.

Delegation: Committee



DEPUTY LORD MAYOR ELECTED MEMBERS

SHORT STAY ACCOMMODATION- SCHEME AMENDMENT

Meeting: City Planning Committee Meeting date: 9 May 2022

Raised by: Deputy Lord Mayor Burnet

Question:

Can the Director advise how many submissions have been received on the Short Stay Accommodation planning scheme amendment?

Response:

119 statutory representations were received during the public notification period (6 April – 6 May 2022) with one submission later withdrawn resulting in a total of 118 submissions.

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 LIFE

Date: 8 July 2022

File Reference: F22/45040; 13-1-10



DEPUTY LORD MAYOR ELECTED MEMBERS

SHORT STAY ACCOMMODATION - CALL IN

Meeting: City Planning Committee Meeting date: 9 May 2022

Raised by: Alderman Briscoe

Question:

Can the Director advise if there has been a blanket call in of all Short Stay Accommodation development applications?

Response:

A blanket "call in" of all visitor accommodation applications has not been requested. What has been requested to be "called in" for elected member consideration are applications on properties with the following attributes:

- the property is subject to the *Hobart Interim Planning Scheme 2015*, is zoned General Residential, Inner Residential or Low Density Residential and the application is discretionary under Planning Directive 6, that is:
 - o the use would be in an existing habitable building;
 - o the building has a gross floor area in excess of 200m2 per lot; or
 - o it is within a strata scheme; or
- the property is subject to the *Sullivans Cove Planning Scheme 1997*, is in Activity Area 1.0 Inner City Residential (Wapping) and is discretionary within Planning Directive 6, 3.3(e).

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 LIFE**

15 July 2022 Date:

F22/45042; 13-1-10 File Reference:



DEPUTY LORD MAYOR ELECTED MEMBERS

PLANNING PROCESS - ETHICS

Meeting: City Planning Committee Meeting date: 9 May 2022

Raised by: Alderman Briscoe

Question:

Can the Director advise if the planning process requires ethical decision making, if it does what are the factors in ethical decision making that we consider in our planning process?

Response:

Through a combination of mandatory steps which are requirements of the *Land Use Planning and Approvals Act 1993*, the Council's own customer service commitments which may be accessed on our <u>website</u>, and the strong governance processes which are followed, our planning assessments and decisions are made in an ethical way.

This ensures:

- the public is able to gain an understanding of our planning processes or a particular application by calling our duty planner during business hours;
- members of the public have access to view discretionary planning applications through the advertising and notification processes, and to make a representation in relation to a proposal;
- if more than two objections are received then an application will be considered by the City Planning Committee and representors are able to make a deputation to further address any concern or support for a proposal.

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 LIFE

Date: 15 July 2022

File Reference: F22/45034; 13-1-10



DEPUTY LORD MAYOR ELECTED MEMBERS

UTAS SANDY BAY REZONING - REQUEST FOR FURTHER INFORMATION

Meeting: City Planning Committee Meeting date: 6 June 2022

Raised by: Alderman Briscoe

Question:

Can the Director advise if the University has provided the extra information requested by Council Officers for their rezoning application for the Sandy Bay campus?

Response:

Information has been provided by UTas to the request for further information. Officers are currently analysing the information to establish whether it meets the original request.

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 LIFE

Date: 20 July 2022

File Reference: F22/58615; 13-1-10



DEPUTY LORD MAYOR ELECTED MEMBERS

SOCIAL - AFFORDABLE HOUSING

Meeting: City Planning Committee Meeting date: 6 June 2022

Raised by: Alderman Behrakis

Question:

Can the Director advise of the status of a previous motion that the Council would investigate stock and Council properties that may be able to be utilised for social and affordable housing?

Response:

Council may recall a significant report considering land and property availability for housing development was presented to City Planning Committee on 13 November 2017 as part of a broader housing report. This report included details and plans of potential but limited land opportunities owned by the City. The report noted issues with a number of the sites that would require considerable further investigation.

A further motion was presented to Council on 23 August 2021 from Alderman Behrakis and Councillor Ewin. The following motion was approved.

"As part of the "Affordable Housing and Homelessness Commitment 2021-21", Council report on whether any land or property or air rights owned by Hobart City Council is suitable or available to develop for the provision of social housing."

Subsequent to this motion the Affordable Housing and Homelessness Commitment 2021-23 included an action to "audit and review Council land/air rights suitable for social and/or affordable housing developments". Officers are currently tasked to conduct that review and we anticipate a report back to the relevant committee early in the new year.

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

Neil Noye

DIRECTOR CITY LIFE

Date: 20 July 2022

File Reference: F22/58623; 13-1-10



DEPUTY LORD MAYOR ELECTED MEMBERS

DEVELOPMENT APPLICATIONS - RESIDENTIAL

Meeting: City Planning Committee Meeting date: 4 July 2022

Raised by: Alderman Behrakis

Question:

Can the Director advise how many residential development applications have been approved and rejected by elected members of the full Council in the period November 2018 to June 2022?

Response:

Between November 2018 and June 2022, 94 residential development applications were approved by the Council and 16 were refused.

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 LIFE

Date: 18 July 2022

File Reference: F22/68478; 13-1-10



DEPUTY LORD MAYOR ELECTED MEMBERS

DEVELOPMENT APPLICATIONS - REFUSALS RESIDENTIAL

Meeting: City Planning Committee Meeting date: 4 July 2022

Raised by: Alderman Behrakis

Question:

Can the Director advise of residential development applications refused by the Council how many dwellings does this comprise for the period November 2018 to June 2022?

Response:

The 17 refused residential development applications between November 2018 and June 2022 comprised 28 dwellings. It is noted that in the same period the Council refused 7 mixed use developments which included dwellings, these applications comprised 250 dwellings.

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

Neil Noye

DIRECTOR CITY LIFE

Date: 20 July 2022

File Reference: F22/68482; 13-1-10



DEPUTY LORD MAYOR ELECTED MEMBERS

DEVELOPMENT APPLICATIONS - WITHDRAWN

Meeting: City Planning Committee Meeting date: 4 July 2022

Raised by: Councillor Coats

Question:

Can the Director advise how many development applications submitted were subsequently withdrawn by the applicant for the period November 2018 to June 2022?

Response:

Between November 2018 and June 2022, 333 development applications were withdrawn by the applicant.

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 LIFE

Date: 20 July 2022

File Reference: F22/68488; 13-1-10



DEPUTY LORD MAYOR ELECTED MEMBERS

DEVELOPMENT APPLICATIONS - WITHDRAWN / REASONS

Meeting: City Planning Committee Meeting date: 4 July 2022

Raised by: Councillor Dutta

Question:

Can the Director advise how many development applications submitted were subsequently withdrawn by the applicant and the reasons for such for the period November 2018 to June 2022?

Response:

The 333 withdrawn applications between November 2018 and June 2022 were broadly categorised into the following:

- 32 Advised of likely recommendation to refuse
- 1 Application Lapsed
- 90 Application no longer required
- 26 Administrative correction (including applications submitted in error)
- 20 Invalid application to be resubmitted
- 77 No reason provided by applicant
- 48 Application to be substantially amended before advertising
- 38 Application to be amended after advertising

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 LIFE

Date: 18 July 2022

File Reference: F22/68497; 13-1-10



DEPUTY LORD MAYOR ELECTED MEMBERS

DEVELOPMENT APPLICATIONS - WITHDRAWN / SUBSEQUENTLY APPROVED

Meeting: City Planning Committee Meeting date: 4 July 2022

Raised by: Councillor Harvey

Question:

Can the Director advise of the development applications withdrawn how many were subsequently resubmitted and approved for the period November 2018 to June 2022?

Response:

Of the 333 applications withdrawn between November 2018 and June 2022, 96 have subsequently been approved as part of a new application.

*It is noted that withdrawn applications are rarely resubmitted without modification, meaning the eventual approval will not match the details of the earlier withdrawn application.

In responding to this question, an application was considered to have been resubmitted where the value and nature of the use or development was broadly similar to the content of a subsequent application. Some illustrative examples of applications included are: a "Change of Use" being resubmitted as a "Partial Change of Use", "Two Multiple Dwellings" resubmitted as "Dwelling and Ancillary Dwelling", and "Partial Demolition, Alterations and Carport" resubmitted as "Partial Demolition, Alterations, Extension, and Alterations to Carparking.

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 LIFE

Date: 18 July 2022

File Reference: F22/68503; 13-1-10



DEPUTY LORD MAYOR ELECTED MEMBERS

PROPERTY OWNERSHIP - INTERNATIONAL OWNERS

Meeting: City Planning Committee Meeting date: 4 July 2022

Raised by: Alderman Briscoe

Question:

Can the Director advise how many residential properties in Hobart have international ownership and if the owner resides in another country?

Response:

As of 8 July 2022 the municipality has a total of 25,019 properties, 46 are International Residential Ownership which equates to 0.18%. 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 LIFE

Date: 20 July 2022

File Reference: F22/68631; 13-1-10



DEPUTY LORD MAYOR ELECTED MEMBERS

PROPERTY OWNERSHIP - INTERSTATE OWNERS

Meeting: City Planning Committee Meeting date: 4 July 2022

Raised by: Councillor Dutta

Question:

Can the Director advise how many residential properties in Hobart have interstate ownership and if the owner resides interstate?

Response:

As of 8 July 2022 the municipality has a total of 25,019 properties, 1,532 are Interstate Residential Ownership which equates to 6.1%.

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 LIFE

Date: 20 July 2022

File Reference: F22/68645; 13-1-10



DEPUTY LORD MAYOR ELECTED MEMBERS

SHORT STAY ACCOMMODATION - INSURANCE

Meeting: City Planning Committee Meeting date: 4 July 2022

Raised by: Deputy Lord Mayor Burnet

Question:

Can the Director advise whether the *Short Stay Accommodation Act (2019)* requires hosts to have the appropriate levels of insurance?

How do consumers and neighbours find out whether a registered visitor accommodation is properly insured?

Response:

No, the legislation does not require insurance.

Insurance details are a private matter for the owner of each property. A consumer would need to make an inquiry with the owner of a property to clarify the insurance status. There is no obligation for neighbours to be updated on insurance details.

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 LIFE

Date: 19 July 2022

File Reference: F22/68650; 13-1-10

11. 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:

- 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.
- 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.

12. CLOSED PORTION OF THE MEETING

That the Committee resolve by majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures)*Regulations 2015 because the items included on the closed agenda contain the following matters:

- Confirm the minutes of the Closed portion of the meeting
- Questions without notice in the Closed portion

The following items were discussed: -

Item No. 1	Minutes of the last meeting of the Closed Portion of the
	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	Questions Without Notice