



CITY OF HOBART

# **AGENDA**

## **City Planning Committee Meeting**

### **Open Portion**

**Tuesday, 14 February 2017**

**at 5.00 pm**

**Lady Osborne Room, Town Hall**

### **SUPPLEMENTARY ITEM**

#### **ORDER OF BUSINESS**

- 7. COMMITTEE ACTING AS PLANNING AUTHORITY .....2**
  - 7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING  
SCHEME 2015 .....3**
    - 7.1.3 54 King Street, Sandy Bay - Partial Demolition, Alterations,  
Extension, Partial Change of Use to Shop, and Signage .....3**

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

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

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

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

## 7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

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### 7.1.3 54 KING STREET, SANDY BAY - PARTIAL DEMOLITION, ALTERATIONS, EXTENSION, PARTIAL CHANGE OF USE TO SHOP, AND SIGNAGE PLN-16-1235 - FILE REF: F17/13931

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Address:	54 King Street, Sandy Bay
Proposal:	Partial Demolition, Alterations, Extension, Partial Change of Use to Shop, and Signage
Expiry Date:	3 March 2017
Extension of Time:	Not applicable
Author:	Michelle Foale

#### **RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, extension, partial change of use to shop, and signage at 54 King Street, Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

#### **GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-16-1235 - 54 King Street, Sandy Bay, TAS 7005 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

#### **TW**

**The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2016/01917-HCC dated 22 December 2016 as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

**PLN 10**

**The ground based panel sign (shown as sign D on the submitted plans) must not be flashing or intermittently illuminated.**

Reason for condition

To clarify the scope of the permit.

**PLN 14**

**Commercial vehicle movements, including deliveries to the site and removal of garbage, must be limited to within the hours of:**

- a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;**
- b) 7.00 am to 9.00 pm Sundays and public holidays**

Reason for the condition

To ensure that commercial vehicle movements do not have unreasonable impact on residential amenity on land within the nearby inner residential zone.

**PLN 3**

**Adequate storage space for rubbish for both the restaurant and shop uses must be provided on the lot either within the building or externally, appropriately screened from public view.**

**Drawings must be submitted and approved, prior to the commencement of works. The drawings must show the size and location of the storage area and, if external to the building show details of the screening including materials and height to satisfy the above requirement.**



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

*Advice: Once the drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure that the rubbish bins do not impact on the amenity of the locality, and to ensure compliance with the outdoor storage standards in the *Hobart Interim Planning Scheme 2015*.

## **PLN s2**

**Walls of the building facing the inner residential zone (ie. the western facade) must be coloured using colours with a light reflectance value not greater than 40 percent, prior to the commencement of use.**

**Plans submitted for building approval must specify the light reflectance value of the western facade in accordance with this requirement.**

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

*Advice: Once the plan has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure that building design contributes positively to the streetscape, the amenity and safety of the public and adjoining land in a residential zone.

## **ENG 7**

**At least one dedicated bicycle parking space (Class 3 - facilities to which the bicycle frame and wheels can be locked) is required on the site for the general retail and hire (shop) use. The facility must be publicly accessible at the front of the lot and clearly**

labelled for customer use prior to the commencement of the use.  
(Reference: AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 “Design of Parking Facilities” and clauses 3.1 “Security” and 3.3 “Ease of Use” of the same Standard.)

Drawings must be submitted and approved, prior to the first occupation. The drawing must:

1. Show the position and design of the bicycle parking to satisfy the above requirement.

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

*Advice: Once the drawing has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure safe and efficient parking adequate to provide for the use.

## ENG 1

The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council.

A photographic record of the Council 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 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 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. Sediment controls must be maintained until all areas of disturbance have been stabilized or re vegetated.**

*Advice: For further guidance in preparing a Soil and Water Management Plan (SWMP) – in accordance with Fact sheet 3 Derwent Estuary Program go to [www.hobartcity.com.au/development/engineering/standards-and-guidelines](http://www.hobartcity.com.au/development/engineering/standards-and-guidelines).*

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.

#### **ENVHE 2**

**A contamination Environmental Site Assessment report prepared by a suitably qualified and experienced person in accordance with the procedures and practices detailed in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM) as amended 2013 must be submitted to Council prior to the issue of any building consent under the *Building Act 2016*.**

**The report must conclude:**

- **Whether any site contamination presents a risk to workers involved in redevelopment of the site, or future users of the site, as a result of proposed excavation of the site;**
- **Whether any site contamination presents an**

**environmental risk from excavation conducted during redevelopment of the site;**

- **Whether any specific remediation and/or protection measures are required to ensure proposed excavation does not adversely impact human health or the environment before excavation commences; Based on the results of the Environmental Site Assessment that the excavation as part of the planned works will not adversely impact on human health or the environment (subject to implementation of any identified remediation and/or protection measures as required).**

**If the Environmental Site Assessment report concludes that remediation and/or protection measures are necessary to avoid risks to human health or the environment, a proposed remediation and/or management plan must be submitted prior to the issue of any building consent under the *Building Act 2016*. Any remediation or management plan involving soil disturbance must include a detailed soil and water management plan to prevent off-site transfer of potentially-contaminated soil or stormwater.**

**The development must be undertaken in accordance with any remediation and/or management plan required by this condition.**

*Advice: The condition above is required due to the absence of information enabling assessment of the proposal against the Potentially Contaminated Land Code of the Hobart Interim Planning Scheme 2015. If a site history prepared by a suitably qualified person that confirms potentially contaminating activities do not impact the site is provided to the Council, the development may be exempt from this Code under clause E2.4.3 of that planning scheme. In that scenario, the above condition may be able to be deleted from this planning permit under S.56 of the Land Use Planning and Approvals Act 1993. Please contact the Development Appraisal Planner on 6238 2715 for further information.*

Reason for condition

To determine the level of site contamination, and to identify any recommended remediation/management practices/safeguards which need to be followed/put in place during any excavations/ground

disturbance on, or for use of the site, to provide for a safe living environment.

## **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 a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition, via the Condition Endorsement Submission on Council's online e-service portal.

Once approved, the Council will respond to you via email that the condition(s) has been endorsed (satisfied). Detailed instructions can be found [here](#).

## **BUILDING PERMIT**

Building permit in accordance with the *Building Act 2000*. Click [here](#) for more information.

## **PLUMBING PERMIT**

Plumbing permit in accordance with the *Tasmanian Plumbing Regulations 2014*.

Click [here](#) for more information.

## **PUBLIC HEALTH**

Approved/endorsed plans for a food business fit out, in accordance

with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click [here](#) for more information.

## **FOOD BUSINESS REGISTRATION**

Food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information.

## **OCCUPATION OF THE PUBLIC HIGHWAY**

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

Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve).

Click [here](#) for more information.

## **REDUNDANT CROSSOVERS**

Redundant crossovers are required to be reinstated under the Hobart City Council's Highways By law. Click [here](#) for more information.

## **NOISE REGULATIONS**

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

## **WASTE DISPOSAL**

Click [here](#) for information regarding waste disposal.

## **FEES AND CHARGES**

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

Attachment A: PLN-16-1235 - 54 KING STREET SANDY BAY  
TAS 7005 - Planning Committee or Delegated  
Report ↓

- Attachment B: PLN-16-1235 - 54 KING STREET SANDY BAY  
TAS 7005 - CPC Agenda Documents ↓
- Attachment C: PLN-16-1235 - 54 KING STREET SANDY BAY  
TAS 7005 - Planning Referral Officer Report -  
Manager Traffic Engineering - Attachment C ↓

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	20 February 2017
Expiry Date:	3 March 2017
Application No:	PLN-16-1235
Address:	54 KING STREET , SANDY BAY
Applicant:	BYA ARCHITECTS 171A SANDY BAY ROAD SANDY BAY 7005
Proposal:	Partial Demolition, Alterations, Extension, Partial Change of Use to Shop, and Signage
Representations:	Five (5)
Performance criteria:	Use Standards, Development Standards, Parking and Access Code, Historic Heritage Code, Signs Code, and Potentially Contaminated Land Code

**1. Executive Summary**

- 1.1 Planning approval is sought for partial demolition, alterations, extension, partial change of use to shop, and signage at 54 King Street, Sandy Bay.
- 1.2 More specifically the proposal includes:
  - New building incorporating the existing rear dwelling building for a shop over three levels with walls to all boundaries and a screened deck at first floor level on the northern boundary for mechanical services;
  - Expansion of the existing restaurant building including repair and repainting, partial demolition, and new front verandah;
  - Development of new entry stair and ramp;
  - External lighting;
  - Solar panels; and
  - No on site parking.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 Zone use standards – hours of operation;



- 1.3.2 Zone development standards – site coverage;
  - 1.3.3 Parking and Access Code use standards - number of car parking and bicycle parking spaces;
  - 1.3.4 Signs Code use standards - use of signs;
  - 1.3.5 Signs Code development standards - number of signs and standards for signs within a heritage precinct;
  - 1.3.6 Historic Heritage Code development standards - demolition and buildings; and
  - 1.3.7 Potentially Contaminated Land Code development standards - excavation.
- 1.4 Five (5) representations objecting to the proposal were received within the statutory advertising period between 20 December 2016 and 3 January 2017.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council.

## 2. Site Detail

- 2.1 The site is 54 King Street, Sandy Bay (CT93883/2, 478m<sup>2</sup> lot). The site is an existing restaurant with a dwelling at the rear, located opposite the car park entrance to 'Woolworths' supermarket. The restaurant is now closed, but was previously 'The Bund in Shanghai' restaurant.

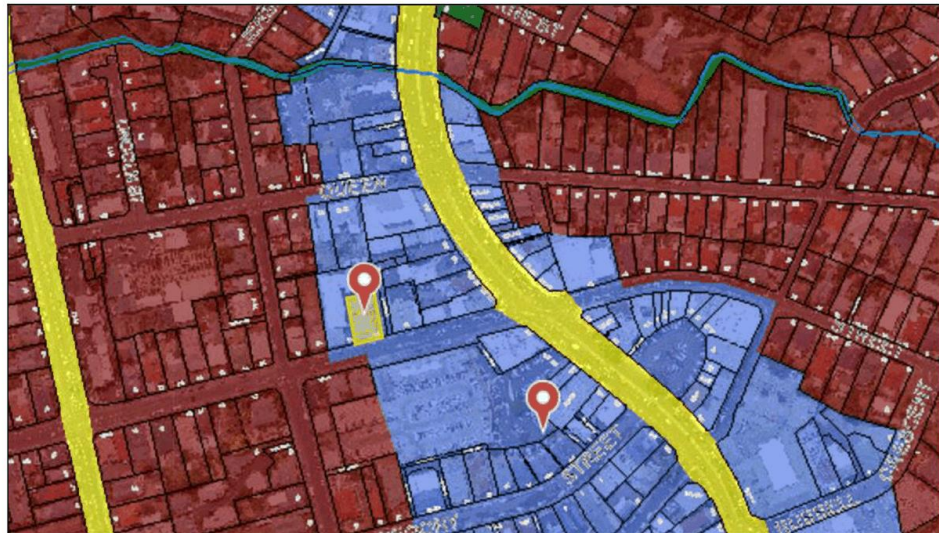


Figure 1. 54 King Street is in the general business zone of *Hobart Interim Planning Scheme 2015* (shown highlighted in yellow with red pin icon).

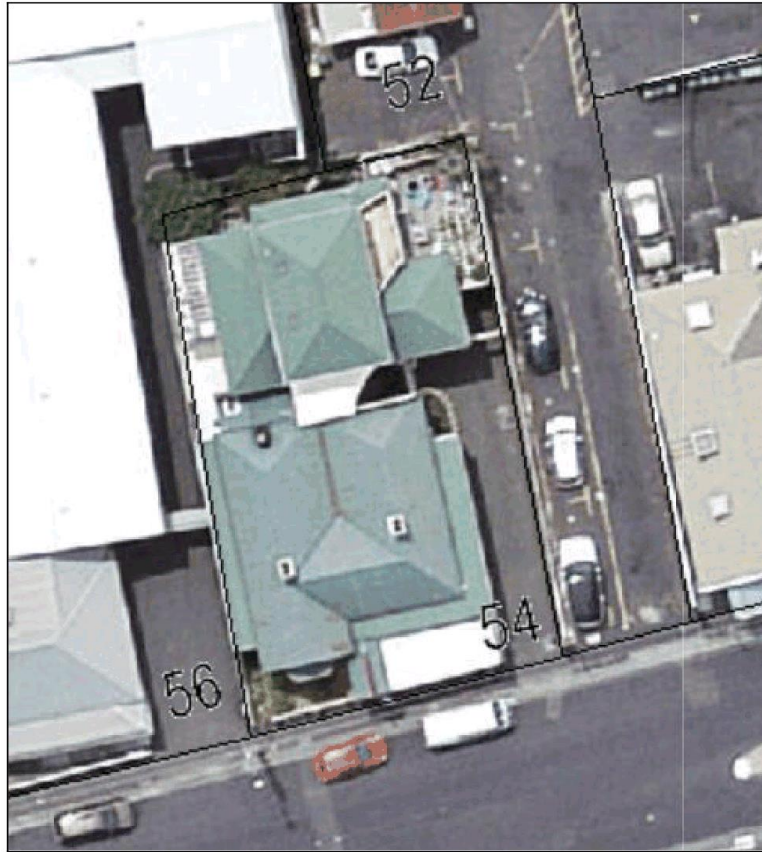


Figure 2. 54 King Street (Geocortex 2016).

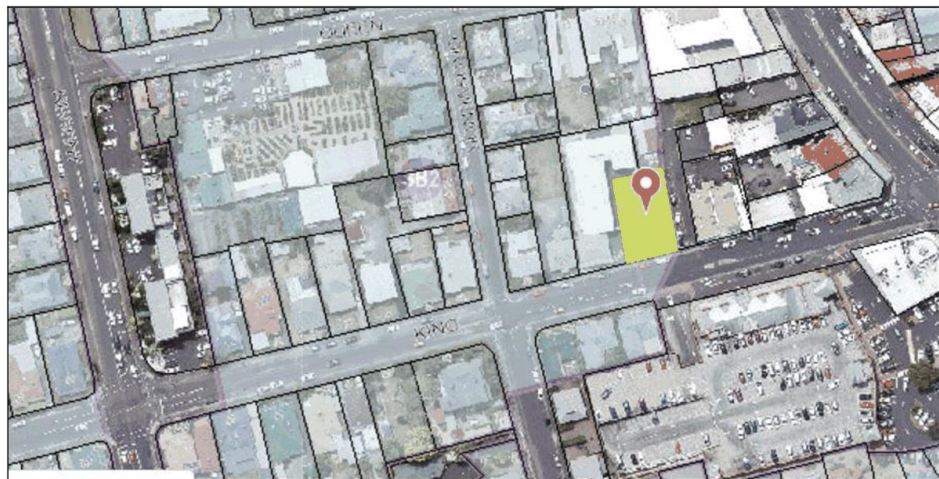


Figure 3. 54 King Street is on the eastern edge of the SB2 heritage precinct in the Historic Heritage Code E13.0 of the *Hobart Interim Planning Scheme 2015*.



Figure 4. The adjacent lot to the west, 56 King Street, is identified as a potentially contaminated site which triggers that code in the *Hobart Interim Planning Scheme 2015*.

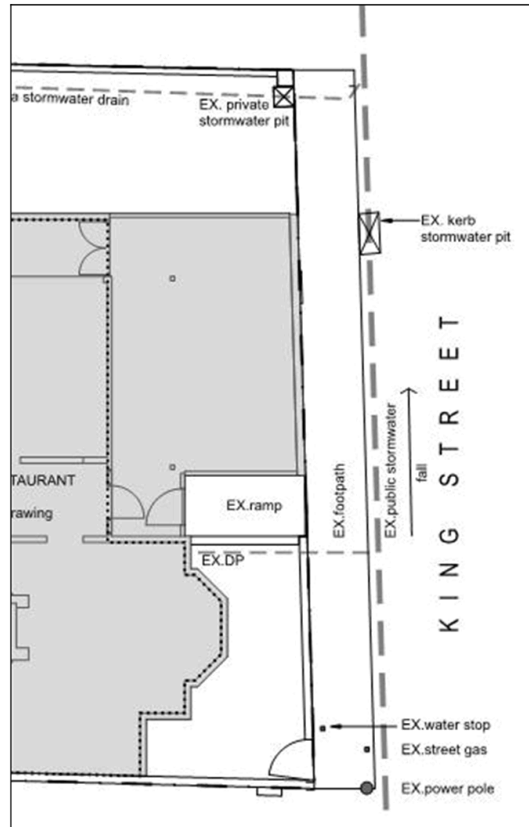


Figure 5. Existing building setback (excerpt from submitted ground level floor plan existing EX.01(C)).



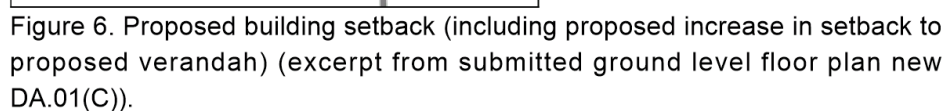




Figure 7. 54 King Street looking towards the north west from across King Street.  
(Image taken 17/1/17)

### **3. Proposal**

- 3.1 Planning approval is sought for partial demolition, alterations, extension, partial change of use to shop, and signage at 54 King Street, Sandy Bay.

3.2 More specifically the proposal includes:

- New building on the eastern side of the existing building extending to the rear of the lot (incorporating existing rear dwelling building) for a shop (200m<sup>2</sup> ground level, 109m<sup>2</sup> first floor) and ancillary store (58m<sup>2</sup> first floor) and ancillary office (36m<sup>2</sup> second floor);
- Up to 5.3m high boundary walls along all of rear / northern boundary, and rear third of western and eastern elevations);
- A screened deck at first floor level on the northern boundary for mechanical services;
- Existing restaurant kitchen floor area expanded by 46m<sup>2</sup>, number of approved seats increased from 40 to 80. Therefore, the total floor area of the existing restaurant plus new kitchen would be 193m<sup>2</sup> (increased from 147m<sup>2</sup>);
- Repair and repainting of timber restaurant building, partial demolition of part of eastern side to accommodate new shop building, rear / northern side for new restaurant kitchen, and the raised front verandah / al fresco dining area;
- Development of new entry stair and ramp and new open front verandah with balustrade;
- Five signs;
- External lighting (not requiring separate mounting) - non-security lighting turned off between 11pm and 6am, and baffled security lighting;
- Solar panels on the north east corner first floor roof; and
- All on-site parking would be removed.

3.3 The proposed hours of operations are 9am to 11pm as provided in the application information section of the application.

Clarification of hours was sought and provided by the applicant. Both uses would operate 7 days a week:

**Restaurant:**

- Monday to Thursday: 11am to 10pm; and
- Friday to Sunday: 11am to 11pm.

**Shop:**

- Monday to Sunday: 9am to 9pm.



3.4 For sign details see Plan 'signage new' DA.06(c). The proposal includes the following signs (letters as labelled on plans, definitions from Signs Code E17.0):

- Sign A – ground based sign (means a sign permanently attached to the ground on its own supportive structure, independent of any building, primarily intended to identify the premises or its access on arrival and not be seen from a distance);
- Sign B – pole sign (means a sign erected on a pole, poles or pylon independent of any building ...);
- Sign C – window sign (means a sign on the glass surface of a window or located less than 150mm behind a surface);
- Sign D – ground based panel sign (means a sign permanently attached to the ground on its own supportive structure, independent of any building, primarily intended to identify the premises and be seen from a distance ...), Illuminated;
- Sign E – wall sign (means a sign painted on or attached parallel to the wall of a building or fence surrounding a building), faces into 52 King Street lot.



Figure 8. The proposed four frontage signs for 54 King Street (excerpt from submitted plan DA.04(c) dated 28.11.2016). Does not include wall sign on side boundary.



Figure 9. Excerpt from submitted plan 3D aerial view NEW DA.00(C) dated 28.11.2016

#### 4. Background

- 4.1 Planning application PLN-16-791 for a similar proposal was submitted and was withdrawn on 4 November 2016; the officer recommendation of that proposal was for refusal. That proposal included a larger restaurant over three levels, with an elevator, over a similar footprint to the current proposal which proposes a larger shop floor area.
- 4.2 Due to an administrative error, representors to the PLN-16-791 application were not notified that the application had been withdrawn. While it is not a statutory requirement, it is Council's usual practice to notify all representors in writing when a planning application has been withdrawn.
- 4.3 The lot to the west, 56 King Street, received a planning permit PLN-05-00815 in 2006 for demolition and multiple dwelling (student accommodation) under the City of Hobart Planning Scheme 1982. This proposal included 13 car parking spaces and a bicycle rack. The lot was in the Local Service Zone.

- 4.4 Council records indicate that the restaurant was approved in 1995. It was approved on the basis of being a 40 seat restaurant. No further planning permits have been issued intensifying the restaurant use. However, it is understood that before it ceased operating, the restaurant had 80 seats. The submitted plans indicate that the 'existing' number of seats is 80 (100 standing). While this may be the way the restaurant was operating, the approved number of seats is 40. Therefore, while this application has been submitted on the basis that the number of restaurant seats will remain the same as existed at the previous 'Bund in Shanghai' restaurant, approval is required to increase from 40 to 80 seats.

**5. Concerns raised by representors**

- 5.1 Five (5) representations objecting to the proposal were received within the statutory advertising period between 20 December 2016 to 3 January 2017.
- 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.

1	<p>Traffic impact assessment contains only theoretical “observations” not current data collection/user experience research and is deficient - provides list.</p> <p>(From conclusion:) Approval of this redevelopment with effectively a 50 car parking space deficiency would make a mockery of the Planning Scheme – it may have been appropriate to waive the 25 odd car space required when the restaurant of 60 seat capacity was approved but this massive expansion undermines the integrity of the Village Planning intentions, disciplines and controls – the deficient car spaces being equivalent to more than half of the top floor of the Woolies carpark.</p> <p>(From conclusion:) Lack of current data collection and competent user experience research of customer parking undermines the TIA report and the “observations” of the report writer does nothing but suggest that all the risks of this redevelopment will be pushed onto the residential areas and the superficial assessment work defies the comment that “the proposed development is supported on traffic grounds” and totally corrupts the report intentions of providing stakeholders with “a clear understanding of traffic movements.”</p> <p>Other comments around:</p> <ul style="list-style-type: none"> <li>• Questions whether near tripling of retail space and Restaurant capacity (80 plus) will not have a major impact on surrounding residential areas; evident from existing customer parking practices that people prefer to park in nearby streets than Woolies carpark. Woolies large service trucks disrupt access to the car parks;</li> <li>• Concerned about Mart site service trucks.</li> <li>• Concern about increased restaurant seating capacity from 60 to 80 since previous application.</li> <li>• Concern about uncertainty of restaurant take-away component.</li> <li>• Concern about no on-site parking; there is a shortfall of 25-35 spaces for the existing use on the site and now an additional 17 car space shortfall. Other businesses have tried to offer some parking infrastructure.</li> <li>• Concern about Food Mart three times size; impact on western side of King Street; traffic congestion and loss of residential amenity.</li> </ul>
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2	<p>Re-lodged representation to first proposal (PLN-16-791, see summary below) and added further comment regarding current application including:</p> <ul style="list-style-type: none"> <li>• The statement made by Midson that “the parking demands ... can be absorbed in the surrounding area” is unsupported by analysis or evidence ... there is zero capacity in the “surrounding area” to absorb any increase.</li> <li>• The Midson opinion that “car parking demands will not drastically alter” is flawed ... floor area of the new supermarket will be triple that of the old ... transferred from the Eastern side of Sandy Bay Road to the Western side ... area incapable of “absorbing” it.</li> <li>• Midson refers to “a large pool of available on-street and off-street public parking” ... delusional ... Woolworths’ carpark ... is not a public carpark ...</li> <li>• The Midson report is (not) expert evidence ... no proper basis for waiver of the requirements of the planning scheme is made out.</li> <li>• Comments on poor timing of public notification in the holiday period.</li> </ul> <p>(Previous submission summary relating to PLN-16-791:)</p> <ul style="list-style-type: none"> <li>• Long term nearby resident concerned about the intensification of the traffic in the general area, deficiency in the number of on-street spaces available, made worse; illegal parking will increase - many occasions police required to remove vehicles from blocking driveway.</li> <li>• Developer’s own expert has identified a very significant shortfall in the number of car spaces required for the development.</li> <li>• No evidence to support that increased parking demand would be absorbed in surrounding area.</li> <li>• Intensification of use and additional traffic would be every evening; currently only significantly noisy Friday and Saturday evenings. Day and night time use not differentiated by traffic expert.</li> <li>• Concerned with traffic report generalised statistical approach.</li> <li>• Questions the trip generation data used for average restaurant - suggests is understated.</li> </ul>
3	Loading Bay and car park problem to this address (adjacent).

4	Development (shop and restaurant) would make King street even more unsafe / dangerous than it already is ... opposite Woolworths car park / delivery drive would create more traffic chaos. Already delivery trucks stop traffic in both lanes in King Street ... delivery trucks to this proposal compound problem, customer parking spaces / surrounding street parking is already maxed out.
5	<p>Strongly object, concludes:</p> <p>The proposed development for the change of use and relocation of Sandy Mart Shop to the subject site should be rejected as it would increase traffic generation and associated increased parking activity. It is an inappropriate site.</p> <p>Objection includes the following summarised points (on site observations in full representation):</p> <ul style="list-style-type: none"> <li>• unacceptable demand for parking spaces, significantly increase traffic generation and parking;</li> <li>• demand for parking spaces are at a premium and increasing to a heavy demand particularly late afternoon and evening peak period;</li> <li>• increasingly vehicles park in or across (adjacent) vehicular access preventing safe and effective ingress and egress from our property;</li> <li>• significant adverse road safety impact;</li> <li>• vehicular crashes are a regular occurrence of increasing concern and as outlined in Midson Traffic "the relatively high crash rate along King Street is related to the high traffic volume and the adjacent land use activity"</li> <li>• existing Sandy Mart late night trading closing times 10pm (approx.) or later at peak periods.</li> <li>• adjacent to student accommodation for 34 people.</li> </ul>

## 6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

- 6.2 The site is located within the General Business Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is restaurant and dwelling. The proposed use is restaurant (extended) in the food services use class and shop (with ancillary storage and office) in the general retail and hire use class. The existing uses are permitted uses in the zone (as existing dwelling is above ground floor level with parking on ground level). The proposed (continued and expanded) use restaurant is permitted, and the proposed use shop is also permitted in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 D21.0 General Business Zone.
  - 6.4.2 E2.0 Potentially Contaminated Land Code.
  - 6.4.3 E6.0 Parking and Access Code.
  - 6.4.4 E7.0 Stormwater Management Code.
  - 6.4.5 E13.0 Historic Heritage Code.
  - 6.4.6 E17.0 Signs Code.
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 D21.0 General business zone, 21.3 Use standards, D21.3.1 Hours of Operation P1.
  - 6.5.2 D21.0 General business zone, 21.4 Development Standards for buildings and works, D21.4.8 Site Coverage P1.
  - 6.5.3 E6.0 Parking and Access Code, E6.6 Use Standards, E6.6.1 Number of Car Parking Spaces P1 (and E6.6.6 Number of Car Parking Spaces - General and Local Business Zones P1).
  - 6.5.4 E6.0 Parking and Access Code, E6.6 Use Standards, E6.6.4 Number of Bicycle Parking Spaces.
  - 6.5.5 E17.0 Signs Code, E17.6 Use Standards, E17.6.1 Use of Signs P4.
  - 6.5.6 E17.0 Signs Code, E17.7 Development Standards, E17.7.1 Number of

Signs P2.

- 6.5.7 E17.0 Signs Code, E17.7 Development Standards, E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts P1.
- 6.5.8 E13.0 Historic heritage Code, E13.8 Development Standards for Heritage Precincts, E13.8.1 Demolition P1.
- 6.5.9 E13.0 Historic heritage Code, E13.8 Development Standards for Heritage Precincts, E13.8.2 Buildings and Works other than Demolition P1 and P3.
- 6.5.10 E2.0 Potentially Contaminated Land Code, E2.6 Development Standards, E2.6.2 Excavation P1.
- 6.6 Each performance criterion is assessed below.
- 6.7 D21.3.1 Hours of Operation P1
- 6.7.1 The acceptable solution at clause D21.3.1 A1 requires:
- Hours of operation of a use within 50 m of a residential zone must be within:*
- (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;*
- (b) 7.00 am to 9.00 pm Sundays and Public Holidays.*
- except for office and administrative tasks.*
- 6.7.2 The site is 17 metres from the boundary with the Inner Residential Zone to the west and 8 metres to the south (the zone changes at the midpoint of King Street).
- The proposed hours of operations are 9am to 11pm as provided in the application information section of the application. Clarification of hours was sought and provided by the applicant. Both uses would operate 7 days a week:
- Restaurant - Monday to Thursday 11am to 10pm, Friday to Sunday 11am to 11pm; and
  - Shop - Monday to Sunday 9am to 9pm.
- 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 D21.3.1 P1 provides as follows:

*Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.*

- 6.7.5 It is only the restaurant component of the proposal that is outside the hours of operation, and only then by an hour on Friday and Saturday nights, and two hours on a Sunday night. The proposed development design would result in most of the external site activity being on the southern and eastern sides of the property, furthest from the Inner Residential Zone. The proposed hours of operation would be consistent with other uses in the General Business Zone area. Residential amenity is most likely to be affected by commercial vehicle movements outside of these hours; see assessment of relevant standard below.

It is also noted that the applicant states that the proposed operating hours are the same as the previous restaurant use, however Council records from the 1995 approval of the restaurant do not indicate what the operating hours were.

The objective of this standard D21.3.1 states: *To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.*

- 6.7.6 The proposal complies with the performance criterion.

6.8 D21.3.2 Noise P1

- 6.8.1 The acceptable solution at clause D21.3.2 A1 requires particular noise levels within certain timeframes measured at the boundary of a residential zone.
- 6.8.2 Information was not required of the applicant regarding measurement of noise from the site. Whether the noise levels from the proposed use would comply with A1 is unknown. The site is 17 metres from the boundary with the Inner Residential Zone to the west and 8 metres to the south (the zone changes at the midpoint of King Street).
- 6.8.3 The proposal may not comply with the acceptable solution; therefore assessment against the performance criterion has been undertaken.

- 6.8.4 The performance criterion at clause D21.3.2 P1 provides as follows:

*Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.*

- 6.8.5 Similarly to hours of operation standard above, noise from the use is likely to be towards the front of the lot away from the inner residential zone. The bulk of the rear portion of the building on 56 King Street would also assist in shielding the Inner Residential Zone to the north and west from noise from the subject lot.

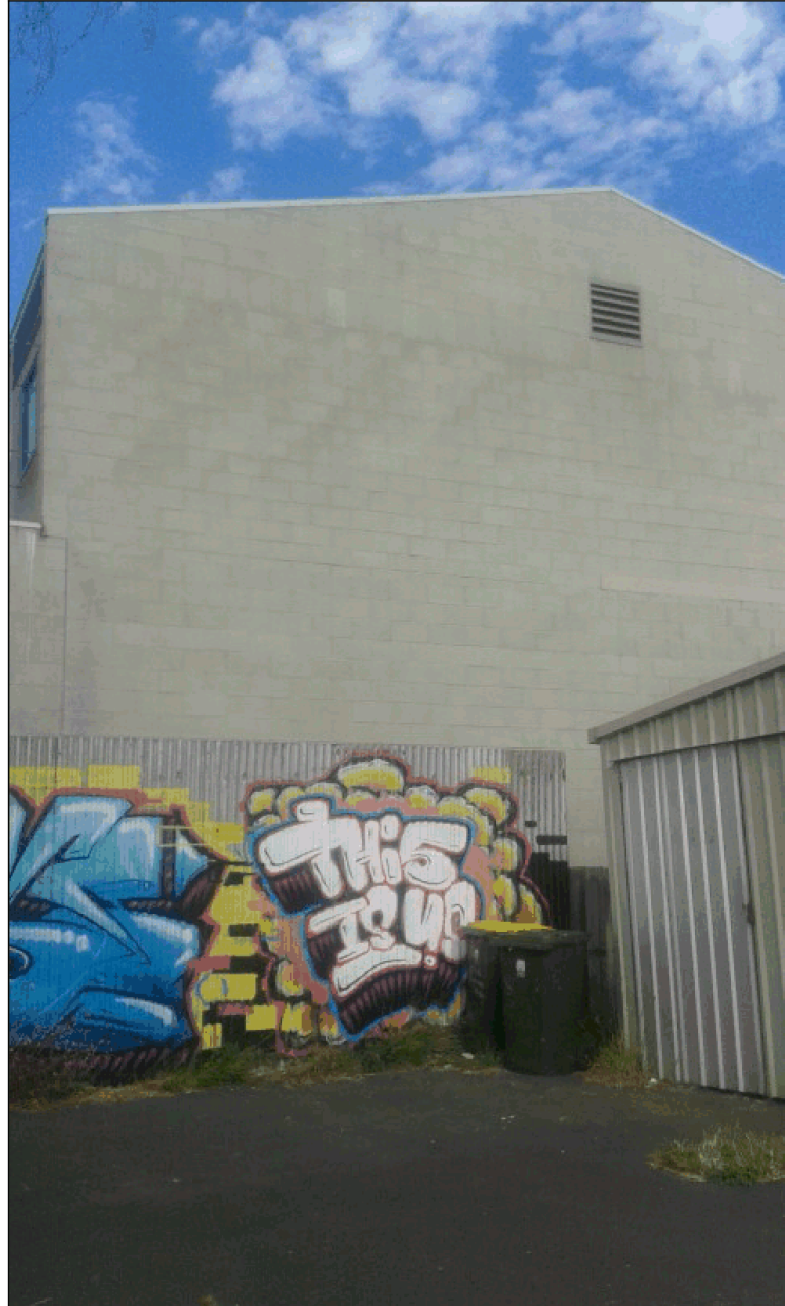


Figure 10. rear portion of the building on 56 King Street (taken from driveway of 52 King Street 17/1/17).



Figure 11. Rear of 54 King Street (Image taken from driveway of 52 King Street 17/1/17).

The objective of this standard D21.3.2 states: *To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.*

6.8.6 The proposal complies with the performance criterion.

6.9 D21.3.4 Commercial Vehicle Movements P1

6.9.1 The acceptable solution at clause D21.3.4 A1 requires:

*Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of:*

- (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;*
- (b) 7.00 am to 9.00 pm Sundays and public holidays.*

6.9.2 Information was not provided regarding commercial vehicle movements to the site. The site is 17 metres from the boundary with the inner residential zone to the west and 8 metres to the south (the zone changes at the midpoint of King Street). Deliveries to the site for the shop and restaurant would be reliant on on-street parking. The application form details for the goods deliveries question: *Will there be any commercial vehicles accessing the site?* was marked as No, which cannot be the case.

6.9.3 As further information regarding this was not requested or provided, the

proposal may not comply with the acceptable solution; therefore assessment against the performance criterion has been undertaken.

- 6.9.4 The performance criterion at clause D21.3.4 P1 provides as follows:

*Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:*

- (a) the time and duration of commercial vehicle movements;*
- (b) the number and frequency of commercial vehicle movements;*
- (c) the size of commercial vehicles involved;*
- (d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);*
- (e) noise reducing structures between vehicle movement areas and dwellings;*
- (f) the level of traffic on the road;*
- (g) the potential for conflicts with other traffic.*

- 6.9.5 There was some representor concern about the existing situation with commercial deliveries particularly to the supermarket complex across King Street and the disruption these cause to traffic and residential amenity.

The objective of this standard D21.3.4 is:

*To ensure that commercial vehicle movements not have unreasonable impact on residential amenity on land within a residential zone.*

In part because there is no on-site parking for commercial deliveries, it is recommended that commercial vehicle movements be limited via condition to the acceptable solution criteria to within the hours of:

- (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;
- (b) 7.00 am to 9.00 pm Sundays and public holidays.

Note: The application was referred to the council's Cleansing and Solid Waste Unit which determined it to be acceptable without waste conditions.

- 6.9.6 The proposal complies with the performance criterion provided

compliance with the recommended condition.

6.10 D21.4.6 Outdoor Storage Areas P1

- 6.10.1 The acceptable solution at clause D21.4.6 A1 requires that outdoor storage areas for non-residential uses must be located behind the building line and all goods and materials stored must be screened from public view
- 6.10.2 The proposal did not include any information about outdoor storage. It is considered likely that such storage areas, at least for rubbish, would be necessary for these uses, and the only area of the lot that will be external to a building is at the front.
- 6.10.3 The proposal may not comply with the acceptable solution; therefore assessment against the performance criterion has been undertaken.
- 6.10.4 The performance criterion at clause D21.4.6 P1 provides as follows (relevant portion):

*Outdoor storage areas for non-residential uses must satisfy all of the following:*

*(a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality; ...*

The objective of 21.4.6 is: *To ensure that outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.*

- 6.10.5 To satisfy the objective above, a condition is recommended for an adequate storage space for rubbish to be shown either within the building or externally, appropriately screened.
- 6.10.6 The proposal complies with the performance criterion provided compliance with the recommended condition.

6.11 D21.4.8 Site Coverage P1

- 6.11.1 The acceptable solution at clause D21.4.8 A1 requires that site coverage must be no more than 60%.
- 6.11.2 The proposal would cover approximately 90% of the lot with buildings

(430m<sup>2</sup> of 478m<sup>2</sup>).

- 6.11.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.11.4 The performance criterion at clause D21.4.8 P1 provides as follows:

*Site coverage must not have an adverse impact on heritage or streetscape values or the amenity of nearby properties.*

The objective of the 21.4.8 standard is:

*To ensure that building design, form and site layout enhances and maintains the character of the streetscape and protects residential amenity.*

- 6.11.5 Whilst the increased building bulk towards the rear of the lot would introduce greater building bulk into the vicinity, effectively taking the two storey element of the existing dwelling building out to the side and rear boundaries, the high element in the middle (proposed ancillary office) is an existing part of the building, and the height of the proposed building at the boundary would not exceed the height limitation in the building height standard D21.4.1. It is also noted that the proposal has the support of the Council's Cultural Heritage Officer. See assessment below under paragraphs 6.17 and 6.18.



Figure 12. Subject lot 54 King Street to the right of image, adjacent residential use at 56 King Street to the left of image.

- 6.11.6 The proposal complies with the performance criterion.

6.12 E6.6.1 Number of Car Parking Spaces P1 (and E6.6.6 Number of Car Parking Spaces - General and Local Business Zones P1)

- 6.12.1 The acceptable solution at clause E6.6.1 A1 requires that the number of on-site car parking spaces must be no less than and no greater than the number specified in Table E6.1. The site is in the General Business Zone and is therefore subject to the additional clause at E.6.6.6 which states that additional car parking is only required to be provided if a redevelopment of the site is proposed. It is considered that the proposal amounts to a redevelopment of the site, based primarily on the shop use and extension, and as such additional parking must be provided in accordance with the Table requirements.

The Table at clause E6.1 provides that for a shop, the parking requirement is 1 space per 30m<sup>2</sup>. Therefore with 403m<sup>2</sup> of floor area proposed (comprising 309m<sup>2</sup> shop area plus ancillary spaces office and storage of 94m<sup>2</sup>), 13.43 (rounded up to 14) car parking spaces are required for the shop.

The Table at clause E6.1 provides that for a restaurant use, the required number of parking spaces is 1 space per 3 seats, or 15 spaces per 100m<sup>2</sup>, whichever is the greater.

However there is a further note to the Table, which says '*where an existing use or development is extended or intensified, the additional number of car parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of parking spaces is not reduced*'.

The restaurant is an existing use (Council records indicate the use ceased operating in May 2016, so there is no doubt that their existing use rights remain). Therefore according to the note to the Table, the amount of parking to be provided for the existing use is based only on the amount the use is extended or intensified. The proposal includes a 46m<sup>2</sup> extension to the kitchen of the restaurant, and according to Council records, involves a 40 seat intensification (see section 4. Background above for more detail on the existing approved number of seats).

Based on the parking requirements set out above, 1 space per 3 seats equates to 13.33 spaces (rounded up to 14) for a 40 seat intensification. The number of parking spaces required to be provided for the restaurant extension could be determined in one of two ways. It could be determined



on the basis that at 15 spaces per 100m<sup>2</sup> (which equates to 0.15 spaces per 1m<sup>2</sup>), a 46m<sup>2</sup> extension requires 6.9 spaces (rounded up to 7) to meet the acceptable solution. However, it could also be determined that the parking space requirement is only triggered once 100m<sup>2</sup> or more of additional floor area is proposed. Therefore, given the extension is for only 46m<sup>2</sup>, there is no additional car parking requirement. Either way, the 14 spaces required by the 40 seat intensification is the greater number, and the proceeding assessment has been done on that basis as required by Table E6.1.

Therefore the additional car parking requirement is 14 for the shop and 14 for the restaurant, giving a total of 28 car parking spaces.

- 6.12.2 The proposal includes the removal of all existing on site car parking (which is associated with the existing residential use) and no new on site car parking is proposed. The applicant submitted a Traffic Impact Assessment.



Figure 13. Existing car parking and storage under dwelling at rear of 54 King Street. (Image taken 17/1/17)

- 6.12.3 The proposal does not comply with the acceptable solutions; therefore assessment against the performance criteria is relied on.
- 6.12.4 The performance criterion at clause E6.6.1 P1 provides as follows:

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

*(a) car parking demand;*

- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.*

The objective of E6.6.1 is:

*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.*

The objective of E6.6.6 is:

*To ensure that the requirements for car parking facilities do not detract*

*from the character or user amenity and convenience of those street frontages and other spaces in the Local Business or General Business Zones.*

- 6.12.5 The Council's Manager Traffic Engineering generally concurs with the conclusion and recommendations of the submitted Traffic Impact Assessment (TIA) report by Midson Traffic (dated 1 December 2016). That response is attached to this report and included the following comments:

*'... The TIA suggests that the public transport provision, the high on-street parking turnover in nearby streets and the likely shared trips within the Sandy Bay retail precinct mean that the development would not have a significant impact on traffic and parking in the area. It is understood that the shop and restaurant uses will not operate concurrently so that parking demands for the two uses will not coincide. ... Subject to conditions, there are not considered to be any road safety or traffic engineering concerns regarding the approval of this proposed development.'*

As the two uses will operate concurrently, clarification was sought from the Council's Manager Traffic Engineering. The officer has indicated that rather than support for the proposal being on the basis of the uses not operating concurrently, it is on the basis that the times of peak demand for each use being unlikely to coincide.

- 6.12.6 The proposal complies with the performance criterion.

6.13 E6.6.4 Number of Bicycle Parking Spaces

- 6.13.1 The acceptable solution at clause E6.6.4 A1 (and Table E6.2) requires one class 3 bicycle parking space (facilities to which the bicycle frame and wheels can be locked).

- 6.13.2 The proposal does not include any bicycle parking on the plans although the submitted traffic assessment includes on page 19:

*The required bicycle space could be provided at the front of the shop, adjacent to the doorway as a bicycle rack.*

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

- 6.13.4 The performance criterion at clause E6.6.4 provides as follows:

*The number of on-site bicycle parking spaces provided must have regard to all of the following:*

- (a) the nature of the use and its operations;*
- (b) the location of the use and its accessibility by cyclists;*
- (c) the balance of the potential need of both those working on a site and clients or other visitors coming to the site.*

- 6.13.5 It is recommended that a condition be included to require at least one dedicated bicycle parking space to be provided on the site for customer use with reference to the standards under E6.7.10 Design of Bicycle Parking Facilities – within 30m of the entrance to the building (A1) and the design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 “Design of Parking Facilities” and clauses 3.1 “Security” and 3.3 “Ease of Use” of the same Standard (A2).

- 6.13.6 The proposal complies with the performance criterion provided there is satisfaction of the recommended condition.

6.14 E17.6.1 Use of Signs P4

- 6.14.1 The acceptable solution at clause E17.6.1 A1 requires that a sign must be a permitted sign in Table E.17.3 – all proposed signs comply. A4 requires that an illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign.

- 6.14.2 The proposal includes Sign D – a ground based panel sign that would be illuminated. 56 King Street adjacent is a residential boarding house use within 30m.

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

- 6.14.4 The performance criterion at clause E17.6.1 P4 provides as follows:

*An illuminated sign within 30 metres of a residential use must not have an unreasonable impact upon the residential amenity of that use caused by light shining into windows of habitable rooms.*

- 6.14.5 The proposed sign would be on the side of the lot furthest from the

residential use and the building would be in between the sign and windows in the adjacent building.

6.14.6 The proposal complies with the performance criterion.

6.15 E17.7.1 number of signs P2

6.15.1 The acceptable solution at clause E17.7.1 A2 requires that the number of signs per business per street frontage of less than 20m in length is 3.

6.15.2 The proposal includes 5 signs, 4 of which face the street / front of the property. The wall sign along the proposed side boundary wall facing the adjacent lot car park is not on the street frontage.

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

6.15.4 The performance criterion at clause E17.7.1 P2 provides as follows:

*The number of signs per business per street frontage must:*

*(a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;*

*(b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;*

*(c) not involve the repetition of messages or information.*

6.15.5 The four signs as proposed are supported. The proposed side boundary wall sign (labelled E on the plans) is not ideal as it is setback 7 metres from the frontage at its closest edge and would face towards the adjacent lot car park and right of way at 52 King Street. The sign may contribute to conflict with regard to use of the adjacent lot for car parking and deliveries, however there is nothing in this standard relating to a side boundary sign.

6.15.6 The proposal complies with the performance criterion provided the recommended condition is satisfied.

6.16 E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts P1

- 6.16.1 There is no acceptable solution for E17.7.2 A1 which is for signs in heritage precincts in the Historic Heritage Code E13.0.
- 6.16.2 The proposal includes signs on a place within heritage precinct SB2.
- 6.16.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.16.4 The performance criterion at clause E17.7.2 P1 provides as follows (relevant portion):

*A sign ... within a Heritage Precinct ... must satisfy all of the following:*

- (a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;*
- (b) be placed so as to allow the architectural details of the building to remain prominent;*
- (c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;*
- (d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;*
- (e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;*
- (f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;*
- (g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;*
- (h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;*
- (i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.*

- 6.16.5 No objection is raised by the Council's Cultural Heritage Officer with regard to this standard.
- 6.16.6 The proposal complies with the performance criterion.
- 6.17 E13.8.1 Demolition P1
- 6.17.1 There is no acceptable solution for E13.8.1 A1 which is for demolition in heritage precincts.

6.17.2 The proposal includes partial demolition of the buildings at 54 King Street.

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

6.17.4 The performance criterion at clause D13.8.1 P1 provides as follows:

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

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

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

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

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

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

6.17.5 The Council's Cultural Heritage Officer commented:

*The proposed work involves demolition of unsympathetic additions to the original building and will allow better appreciation of the qualities of the original building.*

6.17.6 The proposal complies with with the performance criterion.

6.18 E13.8.2 Buildings and Works other than Demolition P1 and P3

6.18.1 There is no acceptable solution for E13.8.2 A1 and A3 buildings and works in heritage precincts.

6.18.2 The proposal includes alterations and extensions to the buildings at 54 King Street.

6.18.3 There is no acceptable solution; therefore assessment against the

performance criterion is relied on.

- 6.18.4 The performance criteria at clauses E13.8.2 P1 and P3 provides as follows:

*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.*

*P3 - Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.*

- 6.18.5 The Council's Cultural Heritage Officer commented:

*The new work is subservient to the principal building, and is set back from the frontage.*

*... the overall significance of the Heritage Precinct as listed will not be reduced. The development proposal has been carefully designed to allow retention of the existing building, and will reveal more of the building's original configuration and appearance.*

- 6.18.6 The proposal complies with the performance criterion.

6.19 E2.6.2 Excavation P1

- 6.19.1 There is no acceptable solution for E2.6.2 A1 which is for excavation on or adjacent to a site identified as potentially contaminated land.

- 6.19.2 The proposal includes development including excavation on 54 King Street which is adjacent to 56 King Street, which is identified as potentially contaminated land in the Council's records. The potential for 56 King Street to be contaminated land was not identified until after the period had passed for requesting further information from the applicant (under Section 54 of the *Land Use Planning and Approvals Act 1993*) and public advertising had occurred.

- 6.19.3 In the absence of information being requested or provided assessment against the performance criterion is relied on.

- 6.19.4 The performance criterion at clause E2.6.2 P1 provides as follows:

*Excavation does not adversely impact on health and the environment,*



*having regard to:*

*(a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or*

*(b) a plan to manage contamination and associated risk to human health and the environment that includes:*

*(i) an environmental site assessment;*

*(ii) any specific remediation and protection measures required to be implemented before excavation commences; and*

*(iii) a statement that the excavation does not adversely impact on human health or the environment.*

- 6.19.5 Research and a full review on the 56 King Street site (previously Taxi Combined) by the Council's Environmental Health Officer revealed that LPG storage tanks were removed from 56 King Street in September 2004, however records about the extent of site clean up have not yet been obtained. The state government Environmental Protection Agency has provided information.

While it is always preferable to identify a potentially contaminated site and request requisite information prior to public advertising, as this was not done in this instance, it is recommended that a condition be included on any planning permit issued requiring satisfaction of the above standard prior to the issue of a building permit. This will ensure that works do not occur on site prior to the submission and approval of an environmental site assessment (ESA), and (if required by the ESA) a contamination management plan.

- 6.19.6 The proposal complies with the performance criterion provided the recommended condition is satisfied.

- 6.20 For reference below is the desired future character statement for the Sandy Bay Shopping Centre within General Business Zone:

Clause D21.1.3 provides a desired future character statement for the Sandy Bay shopping Centre (relevant portions):

*The Sandy Bay Shopping Centre should continue to function as the main shopping and commercial focus for the southern suburbs of the city. Any expansion of the major supermarkets likely to generate additional trade or additional vehicular traffic would need to demonstrate that the resultant*

*development would result in an enhanced physical environment, no increase detriment in the management and impact of traffic on pedestrian safety and amenity and no adverse effects on the amenity of the residential streets immediately surrounding the centre. ...*

*The Centre's predominantly retail and associated service functions should be reinforced by local offices and other activities providing services to the community it serves, ideally above ground floor level. Residential use above ground floor level of buildings fronting onto public streets or at the rear of sites and abutting other residential uses and zones is encouraged. ...*

*Restaurants, cafes and take - away food shops will continue to be appropriate, preferably interspersed with shops along or close to Sandy Bay Road.*

*The current environmental image of the centre, derived from continuous development of generally two storey or equivalent height along Sandy Bay Road with no or minimal front setbacks should be reinforced. On the streets leading from Sandy Bay Road the height, layout and design of any new development should be more reflective of their transition to the adjacent residential areas and with an emphasis on adaptation of formerly residential buildings.*

*Where appropriate, development should seek to upgrade the pedestrian amenity and amenities of the precinct, through the creation of passive recreation spaces and further improvements to pedestrian network of the sort now surrounding the Bay Village. The civic works associated with the Gregory Street Local Area Plan should be complimented by works on private land when the opportunity arises. Elsewhere in the Centre, street furniture and hard and soft landscaping should be co-ordinated to give cohesion and identity to the Precinct.*

*Signs and graphics should be bright but generally located at below awning level. Free standing uses with their own vehicular accesses and customer car parking may be expected to provide other low key signs to identify their presence appropriate to the desired image of the centre.*

*Generally, small extensions or changes of use will not be required to provide on-site parking. Proposals for on-site parking and servicing, not in accordance with the Council's standards for layout and dimensions and which accordingly are likely to generate vehicular traffic that will create traffic management or parking problems, or conflict with pedestrian movement will not be approved.*

## **7. Discussion**

- 7.1 Planning approval is sought for partial demolition, alterations, extension, partial change of use to shop, and signage at 54 King Street, Sandy Bay.
- 7.2 The application was advertised and received five (5) representations. The representations raised concerns including size of proposed shop use, the impact that no on site parking for the existing and proposed uses would have on residential amenity and pedestrian and traffic safety in the vicinity, methodology of and observations in the submitted traffic impact assessment, and service trucks.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well with a few exceptions for which conditions have been recommended.
- 7.4 The proposal has been assessed by other Council officers, including the Cultural Heritage Officer, Manager Traffic Engineering, Development Engineer, Road Services Engineer and Environmental Health Officer. The officers have raised no objection to the proposal, subject to conditions. The response by the Council's Manager Traffic Engineering to the submitted Traffic Impact Assessment is included as an attachment for reference. Several conditions have been recommended to improve the function of the uses, including provision of on site rubbish storage space, a site contamination report, and provision of at least one site bicycle parking space.
- 7.5 The proposal is recommended for approval.

## 8. Conclusion

- 8.1 The proposed partial demolition, alterations, extension, partial change of use to shop, and signage at 54 King Street, Sandy Bay satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

**9. Recommendations**

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, extension, partial change of use to shop, and signage at 54 King Street, Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-16-1235 - 54 KING STREET, SANDY BAY, TAS 7005 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

**TW**

**The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2016/01917-HCC dated 22 December 2016 as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

**PLN 10**

**The ground based panel sign (shown as sign D on the submitted plans) must not be flashing or intermittently illuminated.**

Reason for condition

To clarify the scope of the permit.

**PLN 14**

**Commercial vehicle movements, including deliveries to the site and removal of garbage, must be limited to within the hours of:**

- (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;**
- (b) 7.00 am to 9.00 pm Sundays and public holidays**

Reason for the condition

To ensure that commercial vehicle movements do not have unreasonable impact on residential amenity on land within the nearby inner residential zone.

### **PLN 3**

**Adequate storage space for rubbish for both the restaurant and shop uses must be provided on the lot either within the building or externally, appropriately screened from public view.**

**Drawings must be submitted and approved, prior to the commencement of works. The drawings must show the size and location of the storage area and, if external to the building show details of the screening including materials and height to satisfy the above requirement.**

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

*Advice: Once the drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure that the rubbish bins do not impact on the amenity of the locality, and to ensure compliance with the outdoor storage standards in the *Hobart Interim Planning Scheme 2015*.

### **PLN s2**

**Walls of the building facing the inner residential zone (ie. the western facade) must be coloured using colours with a light reflectance value not greater than 40 percent, prior to the commencement of use.**

**Plans submitted for building approval must specify the light reflectance value of the western facade in accordance with this requirement.**

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

*Advice: Once the plan has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*

Reason for condition

To ensure that building design contributes positively to the streetscape, the amenity and safety of the public and adjoining land in a residential zone.

#### **ENG 7**

**At least one dedicated bicycle parking space (Class 3 - facilities to which the bicycle frame and wheels can be locked) is required on the site for the general retail and hire (shop) use. The facility must be publicly accessible at the front of the lot and clearly labelled for customer use prior to the commencement of the use. (Reference: AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 “Design of Parking Facilities” and clauses 3.1 “Security” and 3.3 “Ease of Use” of the same Standard.)**

**Drawings must be submitted and approved, prior to the first occupation. The drawing must:**

1. **Show the position and design of the bicycle parking to satisfy the above requirement.**

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

*Advice: Once the drawing has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure safe and efficient parking adequate to provided for the use.

#### **ENG 1**

**The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council.**

**A photographic record of the Council 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 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 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. Sediment controls must be maintained until all areas of disturbance have been stabilized or re vegetated.**

*Advice: For further guidance in preparing a Soil and Water Management Plan (SWMP) – in accordance with Fact sheet 3 Derwent Estuary Program go to [www.hobartcity.com.au/development/engineering/standards-and-guidelines](http://www.hobartcity.com.au/development/engineering/standards-and-guidelines).*

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.

#### **ENVHE 2**

**A contamination Environmental Site Assessment report prepared by a suitably qualified and experienced person in accordance with the procedures and practices detailed in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM) as amended 2013 must be submitted to Council prior to the issue of any building consent under the *Building Act 2016*.**

The report must conclude:

- **Whether any site contamination presents a risk to workers involved in redevelopment of the site, or future users of the site, as a result of proposed excavation of the site;**

- Whether any site contamination presents an environmental risk from excavation conducted during redevelopment of the site;
- Whether any specific remediation and/or protection measures are required to ensure proposed excavation does not adversely impact human health or the environment before excavation commences;
- Based on the results of the Environmental Site Assessment that the excavation as part of the planned works will not adversely impact on human health or the environment (subject to implementation of any identified remediation and/or protection measures as required).

If the Environmental Site Assessment report concludes that remediation and/or protection measures are necessary to avoid risks to human health or the environment, a proposed remediation and/or management plan must be submitted prior to the issue of any building consent under the *Building Act 2016*. Any remediation or management plan involving soil disturbance must include a detailed soil and water management plan to prevent off-site transfer of potentially-contaminated soil or stormwater.

The development must be undertaken in accordance with any remediation and/or management plan required by this condition.

*Advice: The condition above is required due to the absence of information enabling assessment of the proposal against the Potentially Contaminated Land Code of the Hobart Interim Planning Scheme 2015. If a site history prepared by a suitably qualified person that confirms potentially contaminating activities do not impact the site is provided to the Council, the development may be exempt from this Code under clause E2.4.3 of that planning scheme. In that scenario, the above condition may be able to be deleted from this planning permit under S.56 of the Land Use Planning and Approvals Act 1993. Please contact the Development Appraisal Planner on 6238 2715 for further information.*

Reason for condition

To determine the level of site contamination, and to identify any recommended remediation/management practices/safeguards which need to be followed/put in place during any excavations/ground disturbance on, or for use of the site, to provide for a safe living environment.

#### 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 a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition, via the Condition Endorsement Submission on Council's online e-service portal.

Once approved, the Council will respond to you via email that the condition(s) has been endorsed (satisfied). Detailed instructions can be found [here](#).

#### **BUILDING PERMIT**

Building permit in accordance with the *Building Act 2000*. Click [here](#) for more information.

#### **PLUMBING PERMIT**

Plumbing permit in accordance with the *Tasmanian Plumbing Regulations 2014*. Click [here](#) for more information.

#### **PUBLIC HEALTH**

Approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click [here](#) for more information.

#### **FOOD BUSINESS REGISTRATION**

Food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information.

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

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

Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve).

Click [here](#) for more information.

#### **REDUNDANT CROSSOVERS**

Redundant crossovers are required to be reinstated under the Hobart City Council's Highways By law. Click [here](#) for more information.

#### **NOISE REGULATIONS**

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

#### **WASTE DISPOSAL**

Click [here](#) for information regarding waste disposal.

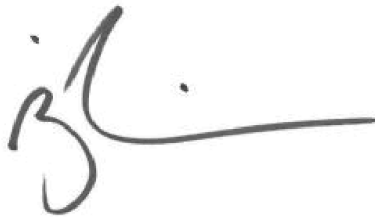
#### **FEES AND CHARGES**

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



(Michelle Foale)

*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: 19 January 2017

**Attachments:**

Attachment B - CPC Agenda Documents including Taswater Notice TWDA 2016/01917-HCC dated 22/12/2016

Attachment C - Referral Officer Report (Traffic Management)



**BYA Architects**

**Sandy Mart – Shop & Restaurant  
Traffic Impact Assessment**

**December 2016**



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## 1. Introduction

### 1.1 Background

Midson Traffic were engaged by BYA Architects to prepare a traffic impact assessment for a proposed Sandy Mart shop development at 54 King Street, Sandy Bay.

### 1.2 Traffic Impact Assessment (TIA)

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

This TIA has been prepared in accordance with the Department of State Growth (DSG) publication, *A Framework for Undertaking Traffic Impact Assessments*, September 2007. This TIA has also been prepared with reference to the Austroads publication, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2009.

Land use developments generate traffic movements as people move to, from and within a development. Without a clear understanding of the type of traffic movements (including cars, pedestrians, trucks, etc), the scale of their movements, timing, duration and location, there is a risk that this traffic movement may contribute to safety issues, unforeseen congestion or other problems where the development connects to the road system or elsewhere on the road network. A TIA attempts to forecast these movements and their impact on the surrounding transport network.

A TIA is not a promotional exercise undertaken on behalf of a developer; a TIA must provide an impartial and objective description of the impacts and traffic effects of a proposed development. A full and detailed assessment of how vehicle and person movements to and from a development site might affect existing road and pedestrian networks is required. An objective consideration of the traffic impact of a proposal is vital to enable planning decisions to be based upon the principles of sustainable development.

The City of Hobart have requested a TIA be prepared to investigate the likely parking implications of the proposed development.

### 1.3 Statement of Qualification and Experience

This TIA has been prepared by an experienced and qualified traffic engineer in accordance with the requirements of Council's Planning Scheme and The Department of State Growth's, *A Framework for Undertaking Traffic Impact Assessments*, September 2007, as well as Council's requirements.

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



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

Keith is a Director of the traffic engineering, transport planning and road safety company, Midson Traffic Pty Ltd. He is also a Teaching Fellow at Monash University, where he teaches and coordinates the subject 'Road Safety Engineering' as part of Monash's postgraduate program in traffic and transport. Keith is also an Honorary Research Associate with the University of Tasmania, where he lectures the subject 'Transportation Engineering' in the undergraduate civil engineering program as well as supervising several honours projects each year.

#### 1.4 Project Scope

The project scope of this TIA is outlined as follows:

- Review of the existing road environment in the vicinity of the site and the traffic conditions on the road network.
- Provision of information on the proposed development with regards to traffic movements and activity.
- Identification of the traffic generation potential of the proposal with respect to the surrounding road network in terms of road network capacity.
- Review of the parking requirements of the proposed development. Assessment of this parking supply with Planning Scheme requirements.
- Traffic implications of the proposal with respect to the external road network in terms of traffic efficiency and road safety.

#### 1.5 Subject Site

The subject site is located at 54 King Street, Sandy Bay. The site is currently a restaurant and residential dwelling, located opposite the Woolworths supermarket access. The existing site currently has on-site parking provision for 2 cars accessed via a driveway located along the eastern property boundary.

The restaurant was (until June 2016) leased by "The Bund in Shanghai". The former restaurant catered for intimate dining and personal celebrations, as well as larger events and professional functions, catering for up to 80 seated guests and a maximum of 100 people at a stand up function<sup>1</sup>.

<sup>1</sup> <http://www.bundinshanghai.com.au/functions.html>





The subject site is shown in Figure 1, and the site in the context of the surrounding road network is shown in Figure 2.

**Figure 1 Subject Site**



**Figure 2 Subject Site & Surrounding Road Network**

Source: LIST Map, DPIPWE

## 1.6 Reference Resources

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

- Hobart Interim Planning Scheme, 2015 (Planning Scheme)
- Austroads, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2009
- Austroads, *Guide to Road Design*, Part 4A: *Unsignalised and Signalised Intersections*, 2009
- Department of State Growth, *A Framework for Undertaking Traffic Impact Assessments*, 2007
- Roads and Maritime Services NSW, *Guide to Traffic Generating Developments*, 2002 (RMS Guide)
- Roads and Maritime Services NSW, *Updated Traffic Surveys*, 2013 (Updated RMS Guide)
- Australian Standards, AS2890.1, *Off-Street Parking*, 2004 (AS2890.1:2004)



## 2. Existing Conditions

### 2.1 Transport Network

The transport network relevant to this TIA consists of King Street, Sandy Bay Road, Grosvenor Street and Regent Street.

King Street connects between Marieville Esplanade and becomes Proctors Road south of Princes Street. The section of King Street between Sandy Bay Road and Regent Street carries a volume of approximately 9,500 vehicles per day. Traffic signals control the junctions of Sandy Bay Road and Regent Street.

Sandy Bay Road is a four lane arterial road that traverses through the heart of Sandy Bay, connecting between Tarooma at its southern end and Hobart, Battery Point and Sullivans Cove at its northern end. The traffic volume on Sandy Bay Road is approximately 25,000 vehicles per day near King Street.

Regent Street is a major collector road that runs parallel to Sandy Bay Road. It plays an important role in providing access to the University and access to the City, as well as a parallel arterial route to Sandy Bay Road. Regent Street carries approximately 12,000 vehicles per day near King Street.

Grosvenor Street runs between and parallel to Regent Street and Sandy Bay Road. It provides local access and a minor collector function for its immediate catchment area. Grosvenor Street carries approximately 1,600 vehicles per day.

### 2.2 Sandy Bay Retail Precinct

The Sandy Bay Retail Precinct on Sandy Bay Road, between Byron Street and Russell Crescent is a centre for major retail activity. Council are currently undertaking works to revitalise the area to make improvements to the retail strip's public space, streetscape, road and footpath infrastructure and generally improve the amenity of the precinct. These works are currently underway at the time of preparation of this TIA.

The revitalisation works involve:

- Paving the footpaths on Sandy Bay Road between Byron Street and Russell Crescent;
- The installation of street furniture, including more seats, bike racks, drinking fountain and plantings;
- Installing a new entry statement to signify the start of the retail precinct;
- Changes to the entry to the Woolworths lower car park to improve access to the public toilets;
- Improved pedestrian crossings near Magnet Court and in King Street, near Solo Pasta & Pizza;
- The marking of parking bays on Sandy Bay Road to provide a clear indication of the parking spaces;
- The installation of lit banner poles in the central median island;



- The removal of the palm trees from the centre of Sandy Bay Road; and
- The planting of three mature trees in the footpath near the ANZ bank, to replace the trees which were recently removed.

These works are relevant to the proposed development as they will improve pedestrian amenity and accessibility near the subject site.

### 2.3 Planning Scheme Zoning

The subject site is zoned '21.0 – General Business' under the Planning Scheme. The purpose of the zone is to provide for business, community, food, professional and retail facilities serving a town or group of suburbs. The proposed development is consistent with the uses specified within this zoning.

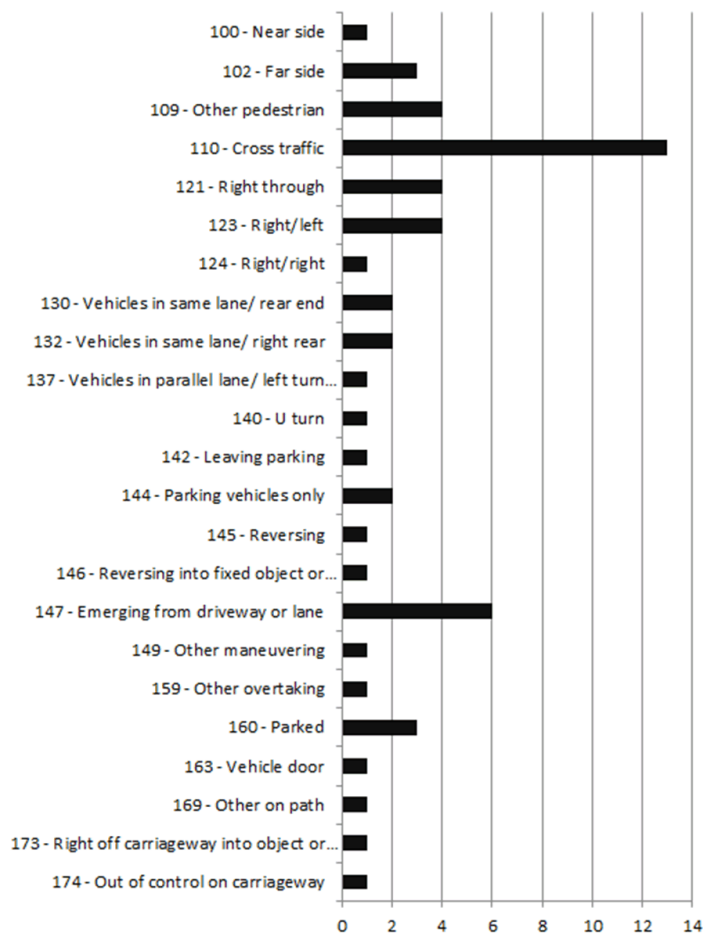
### 2.4 Road Safety Performance

Crash data can provide valuable information on the road safety performance of a road network. Existing road safety deficiencies can be highlighted through the examination of crash data, which can assist in determining whether traffic generation from the proposed development may exacerbate any identified issues.

Crash data was obtained from the Department of State Growth for a 5½ year period between 1<sup>st</sup> January 2011 and 31<sup>st</sup> July 2016 for King Street between Sandy Bay Road and Regent Street.

The findings of the crash data is summarised as follows:

- A total of 56 crashes were reported during this time.
- Severity: 4 resulted in injury (3 minor and 1 serious injury); 5 first aid at scene; balance property damage only.
- Crash locations: 13 Sandy Bay Rd intersection; 18 between Sandy Bay Road & Grosvenor St; 5 Grosvenor St intersection; 6 Grosvenor St to Regent St; 14 Regent St.
- Crash types: The dominant crash type was 'cross traffic', with 13 crashes. The majority of cross-traffic crashes occurred at the Regent Street junction (8 crashes), followed by Grosvenor Street (4 crashes) and Sandy Bay Road (1 crash). 'Emerging from Driveway or Lane' was the next most frequent crash type with 6 crashes. The frequency of all crash types are shown in Figure 3.

**Figure 3 Crash Type Frequencies**

In general terms, the relatively high crash rate along King Street is related to the high traffic volume and the adjacent land use activity.

The crash history indicates that the intersections of Sandy Bay Road/ King Street and Regent Street/ King Street are of concern. The crash history at these locations is due to the very high traffic volumes on all approaches to the junction rather than any specific road safety deficiency.

Mid-block crash rates on King Street are also considered to be relatively high. This is largely due to the queueing influence of the Sandy Bay Road intersection, parking activity, and driveway activity. The crash types in this section of King Street are consistent with 'strip shopping centre' activity rather than any specific road safety deficiency.



### 3. Proposed Development

#### 3.1 Development Proposal

The proposed development involves the conversion of the existing residential accommodation into a Sandy Mark convenience store. The existing restaurant is proposed to have minor alterations.

Sandy Mart is an Asian grocery store that is currently located at 3/48 King Street, Sandy Bay and has a floor area of approximately 100m<sup>2</sup>.

The development includes:

- Removal of existing residential use and 2 off-street parking spaces
- New Sandy Mart Shop 309 m<sup>2</sup>
- Office 36 m<sup>2</sup>
- Store 58 m<sup>2</sup>

The proposed development is shown in Figure 4, Figure 5 and Figure 6.

**Figure 4 Proposed Development Plans – Ground Floor**

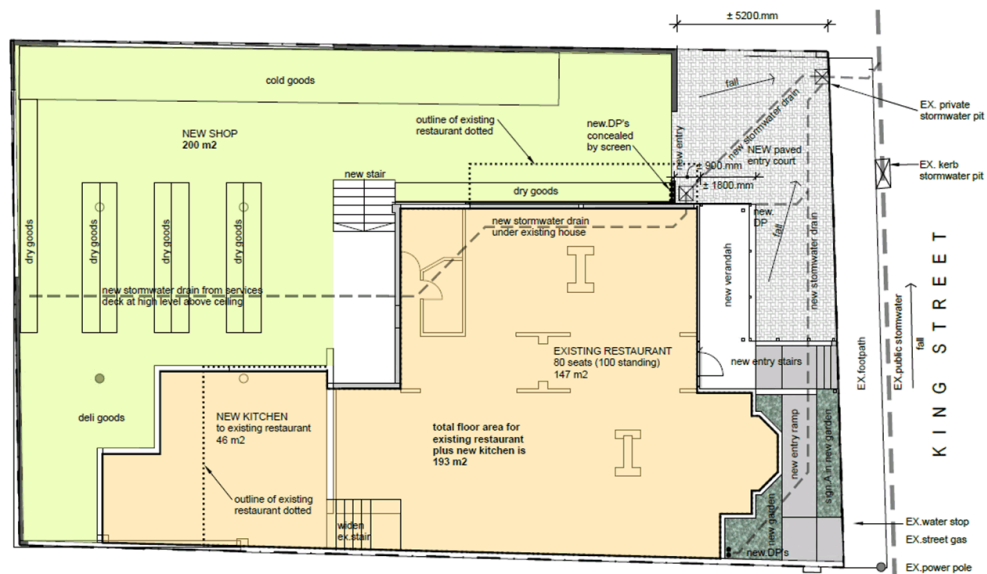






Figure 5 Proposed Development Plans – First Floor

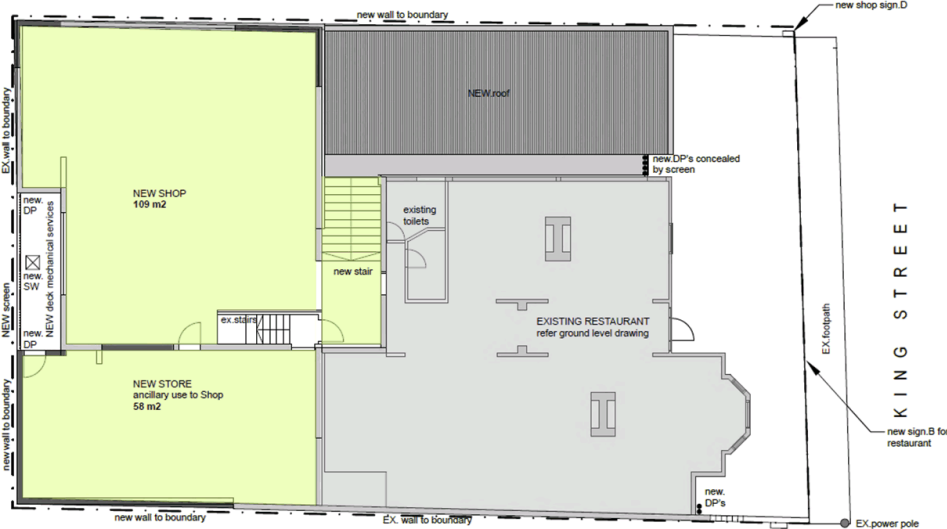
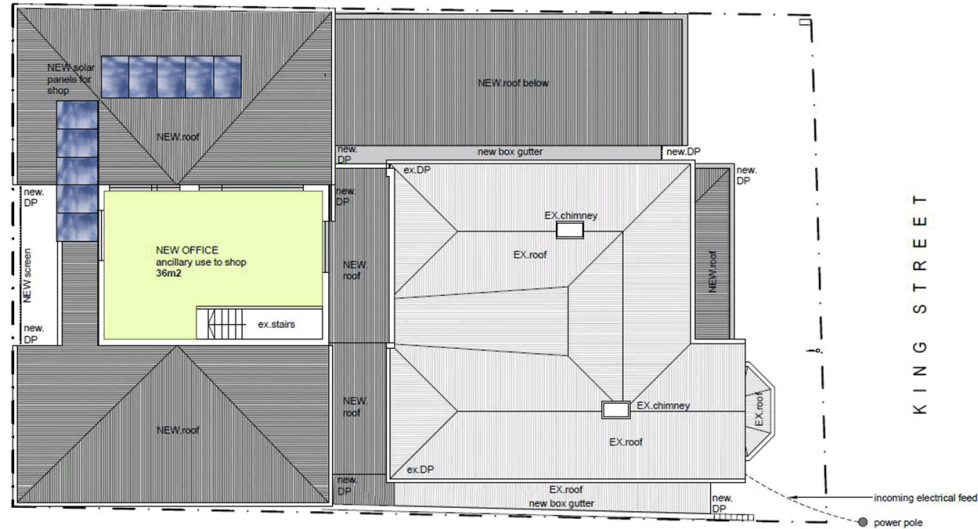


Figure 6 Proposed Development Plans – Second Floor





## 4. Traffic Impacts

### 4.1 Traffic Generation

Trip generation rates were sourced from the RMS Guide, which suggests a daily traffic generation rate of 121 trips per 100m<sup>2</sup> GFA per day for the shop. A peak hour trip generation of 12.5 trips per 100m<sup>2</sup> of GFA has been adopted from the RMS Guide.

On this basis, the trip generation of the development is as follows:

- |                                            |                          |
|--------------------------------------------|--------------------------|
| ▪ Shop 309 m <sup>2</sup> total floor area | +373 trips per day       |
| ▪ Residential (trip generation removed)    | -8 trips per day         |
| ▪ Total daily trip generation              | <u>365 trips per day</u> |

The peak hour trip generation is as follows:

- |                                            |                           |
|--------------------------------------------|---------------------------|
| ▪ Shop 309 m <sup>2</sup> total floor area | +39 trips per hour        |
| ▪ Residential (trip generation removed)    | (1 trip per hour removed) |
| ▪ Total daily trip generation              | <u>38 trips per hour</u>  |

The trip generation associated with the existing restaurant has not been assessed as this use effectively remains unchanged. The office use of the site is considered to be ancillary and therefore does not generate additional traffic.

Note that the peak hour trips should be considered a 'worst case' scenario as peak associated with both uses may not coincide simultaneously. The peak traffic generation is also likely to be distributed in the surrounding road network (Sandy Bay Road, King Street and Grosvenor Street), associated with vehicles parking nearby (ie. rather than all increased traffic occurring adjacent to the site).

### 4.2 Trip Distribution

The trip generation is not associated with a specific access to the subject site (as there is no vehicular access), but is disbursed in the nearby surrounding transport network. Traffic generation associated with the proposed development will be associated with parking activity on-street in the surrounding road network.

### 4.3 Pedestrian Impacts

The proposed development is likely to generate a relatively large amount of localised pedestrian movements, particularly between the site and various parking areas on Sandy Bay Road, King Street and Grosvenor Street.





The existing footpath provision in the surrounding road network has the capacity to service a high level of pedestrian activity (being near a commercial shopping centre environment). The existing footpath infrastructure is considered more than adequate to cater for any pedestrian traffic that might be generated by the proposed development.

The streetscape works currently underway by Council will further improve pedestrian amenity and accessibility in the Sandy Bay Retail Precinct.

#### **4.4 Road Safety Impacts**

No significant adverse road safety impacts are foreseen for the proposed development, as the predicted future peak traffic generation is not significant enough to generate any road safety deficiencies based on the following:

- The development involves the removal of a vehicular access on King Street. There is a moderately high crash rate involving 'emerging from driveway' crashes in the section of King Street between Sandy Bay Road and Grosvenor Street. The removal of the driveway effectively removes a conflict point on King Street, potentially improving road safety.
- There is sufficient spare capacity in the surrounding road network to absorb the small predicted increase in peak hour traffic generated from the proposed development.



## 5. Parking Assessment

### 5.1 Parking Provision

The proposed development removes existing on-site parking. This results in a net loss of two existing on-site parking spaces.

### 5.2 On-Street Parking Observations

General parking operations were made of the following:

- Parking activity in King Street near the existing Sandy Mart site at 3/48 King Street.
- Parking activity in King Street between Sandy Bay Road and Grosvenor Street.
- Parking activity in Sandy Bay Road between King Street and Queen Street.

These observations are summarised as follows:

#### ***Existing Sandy Mart Site – 3/48 King Street***

- There is very limited available on-street parking in King Street between Sandy Bay Road and Princes Street, with parking only available on the northern side of the road. A total of 6 short term '15-minute' parking is available from Sandy Bay Road to the boundary of 48/50 King Street. To the east of this parking is 1-hour residential parking.
- Observations of the 15-minute parking is that the majority of demand is associated with the post office. The available parking has very high turnover and high occupancy for the majority of the day.
- Observations of the 1 hour residential parking indicate that turnover is minimal and occupancy is high at all times.
- Arrivals at the Sandy Mart site were almost all as pedestrians from nearby areas. It was not clear whether customers parked nearby or walked from surrounding residential and commercial areas. Discussions with Sandy Mart management indicate that anecdotally a moderate portion of customers live nearby (Sandy Bay) and walk to/from the site.

#### ***Sandy Bay Road***

- Sandy Bay Road has short term parking along its frontage through the Sandy Bay commercial area. Observations indicate that these spaces are in high demand for the majority of the day and most evenings.
- The available short-term parking has very high turnover and high occupancy for the majority of the day. Daytime activity is dominated by shopping activity and evening activity is dominated by restaurant and take-away activity.



### ***King Street between Sandy Bay Rd & Grosvenor St***

- Short-term parking is available on both sides of King Street. Parking for approximately 12 spaces is available on the northern side of the road and 4 spaces on the southern side. Observations indicate that these spaces are in high demand for the majority of the day and most evenings.
- The available parking has very high turnover and high occupancy for the majority at all times. Daytime activity is dominated by shopping activity and evening activity is dominated by restaurant activity (note that the restaurant associated with the proposed development was not operational during the preparation of this TIA).

### **5.3 Planning Scheme Requirements**

Acceptable Solution A1 of Schedule E6.6.6 of the Planning Scheme states that the "*additional on-site parking is only required: (a) for the development of a vacant site; or (b) for alterations and extensions related to an increase in floor area of more than 50m<sup>2</sup> or 20% of the floor area existing at the date of commencement of this Planning Scheme, whichever is greater; or (c) as part of any proposal for the redevelopment of a site. If on-site parking is provided the number must be no greater than specified in Table E6.1*".

In this case, the proposed development represents alterations and extensions relating to an increased in floor area greater than 50m<sup>2</sup>.

The parking requirements for the existing development are:

#### Restaurant:

- Existing restaurant -  
floor area = 186m<sup>2</sup>  
Parking required = 15 space per 100m<sup>2</sup> or 1 space per 3 seats = 28 spaces (area)
- Proposed restaurant -  
floor area = 192m<sup>2</sup>  
Parking required = 15 space per 100m<sup>2</sup> or 1 space per 3 seats = 29 spaces (area)
- Net change in parking = +1 space

#### Shop:

- New shop  
floor area = 309m<sup>2</sup>  
Parking required = 1 space per 20m<sup>2</sup> = +16 spaces



NET PARKING REQUIREMENTS:

- 17 spaces

Note that the development removes the residential use and its associated parking spaces (2 spaces), resulting in no net change to parking requirements associated with this land use.

With no provision for on-site parking, the Performance Criteria, P1 of E6.6.6 of the Planning Scheme must be assessed. The requirements of P1 are reproduced as follows:

*"The number of onsite 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 400 m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Historic Heritage Code.*

The following points are relevant for the proposed development:

- a. The car parking demands will not drastically alter. The previous use of the site as a restaurant will continue effectively unchanged (with the existing associated shortfall of 28 parking spaces), and the Sandy Mart site will not generally have peak parking demands coinciding with the restaurant use.



- b. There is a relatively large pool of available on-street and off-street public parking within a convenient walking distance. Areas include King Street, Grosvenor Street, and Sandy Bay Road. This is detailed in Section 5.2.
- c. Metro Tasmania operates regular bus services along Sandy Bay Road and Regent Street. Bus stops are available on Sandy Bay Road in close proximity to the King Street intersection.
- d. Observations of customer arrivals at the existing Sandy Mart site indicate that the vast majority arrive as pedestrians. High pedestrian trip arrivals are likely to continue at the subject site for this use. Anecdotal evidence suggests that a moderate proportion of customers live near and walk to/from the existing Sandy Mart site. On street parking information is detailed in Section 5.2.
- e. n/a
- f. The location of the Sandy Mart shop is likely to result in shared parking with nearby land uses. The Sandy Mart component of the site will primarily generate parking demand during the day and the restaurant will peak during evenings. The timing of peak parking demands of both sites will not generally coincide.
- g. The existing site (restaurant and residential use) has a shortfall of 28 spaces in accordance with current Planning Scheme requirements.
- h. The existing site has a shortfall of 28 spaces in accordance with Planning Scheme requirements. The proposed development does not represent substantial redevelopment of the site, rather minor alterations of the restaurant space and addition of the Sandy Mart use. Similarly the existing Sandy Mart shop does not have any on-site parking – this use will be transferred to the subject site.
- i. n/a
- j. n/a
- k. n/k
- l. n/a

Both proposed uses of the proposed development are consistent with nearby commercial land use activity. Based on the availability of on and off-street parking in the surrounding area, and the commercial nature of the Sandy Bay shopping precinct, the parking demands can be absorbed in the surrounding area.

Based on the above assessment, the proposed development meets the requirements of Performance Criteria, P1, of E6.6.6 of the Planning Scheme.



#### **5.4 Bicycle Parking**

The Acceptable Solution, A1, or Schedule E6.6.4 of the Planning Scheme requires the following bicycle parking provision:

- Shop - 1 space for each 500m<sup>2</sup> floor area after the first 500m<sup>2</sup> floor area employees (zero employee spaces as floor area is less than 500m<sup>2</sup>), 1 for each 500m<sup>2</sup> customers (1 space).

The required bicycle space could be provided at the front of the shop, adjacent to the doorway as a bicycle rack (Class 3 spaces, 'low security' level). The provision of these bicycle spaces complies with Acceptable Solution A1 of E6.6.4.

#### **5.5 Parking for People with Disabilities**

Acceptable Solution A1, of Schedule E6.6.2 of the Planning Scheme requires that the relevant provisions of the Building Code of Australia are satisfied. This equates to the provision of 1 space for every 20 car parking spaces.

On this basis, as no car parking is proposed, no on-site parking for people with disabilities is required.



## 6. Conclusions

This traffic impact assessment (TIA) investigated the traffic and parking impacts of a proposed shop development at 54 King Street, Sandy Bay.

The key findings of the TIA are summarised as follows:

- The proposed development retains the existing restaurant use, removes the existing accommodation, removes the existing driveway and car parking area and adds a shop.
- The additional traffic generated by the proposed development can be absorbed into the surrounding transport network safely and efficiently.
- No on-site car parking is proposed – no physical space is available to accommodate on-site car parking. The proposed development relies exclusively on the provision of nearby on-street car parking.
- The parking shortfall of the development was assessed as 17 spaces.
- The proposed development is an expansion of existing land uses, notably the restaurant use will remain effectively unchanged and relocation of the Sandy Mart shop currently at 3/48 King Street. Both uses currently do not currently provide off-street car parking. The demand profiles of these uses will remain consistent when operational.
- Bicycle parking should be provided in the form of a bicycle rack near the front entrance of the shop frontage for a minimum of 1 bicycle space.

Based on the findings of this report and subject to the recommendations above, the proposed development is supported on traffic grounds.



Midson Traffic Pty Ltd ABN: 26 133 583 025

18 Earl Street

Sandy Bay TAS 7005

T: 0437 366 040 E: [admin@midsontraffic.com.au](mailto:admin@midsontraffic.com.au) W: [www.midsontraffic.com.au](http://www.midsontraffic.com.au)

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**Document Status**

Revision	Author	Review	Date
0	Keith Midson	Zara Kacic-Midson	1 December 2016





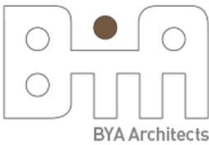
aerial view NEW

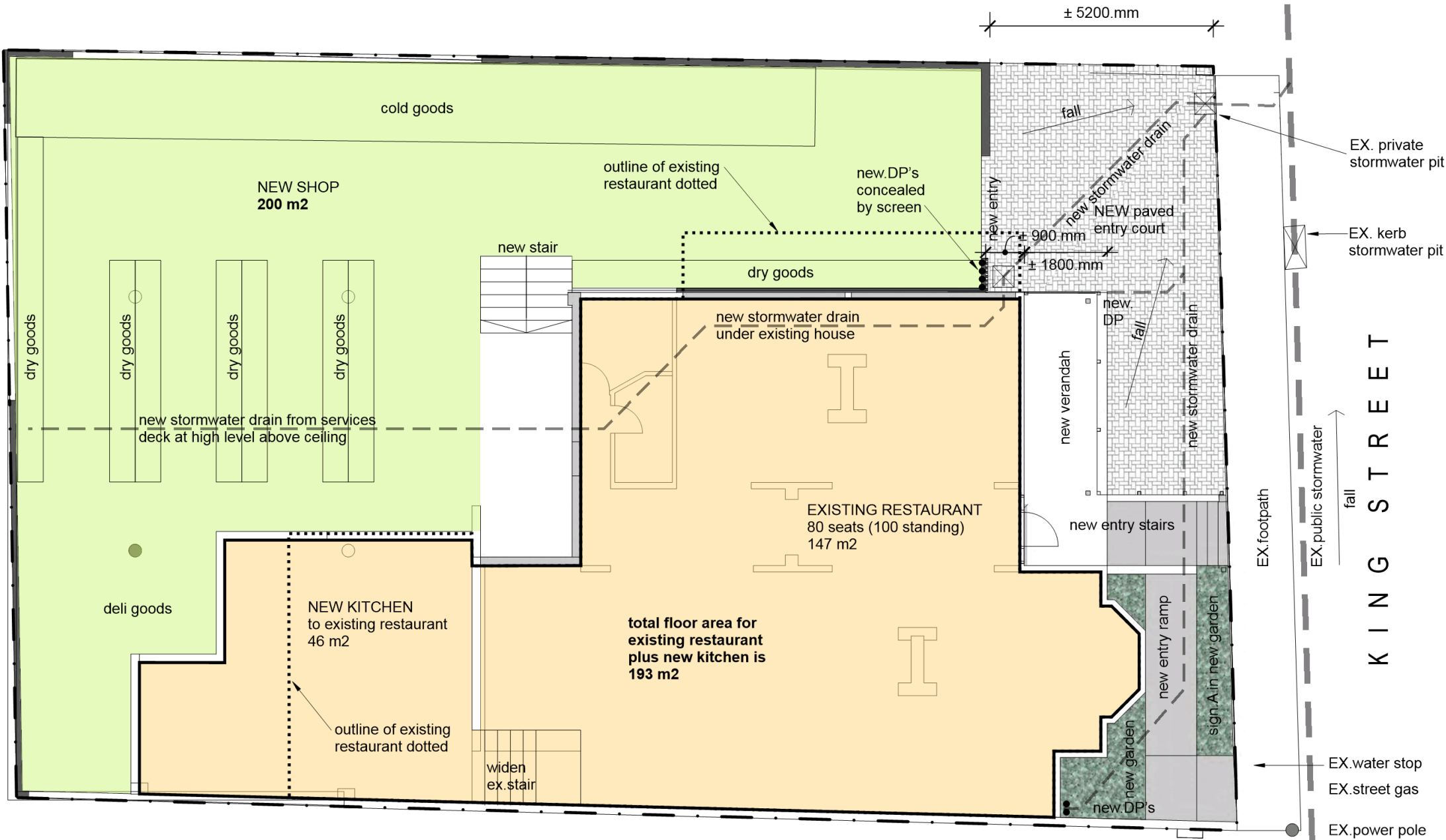
NOTE drawings have been compiled from council archive records & site measurements. Property boundary is indicative only, requires confirmation by a licensed surveyor.

C	2016.11.28	issued for planning approval
B	2016.11.25	planning review, client approval
A	2016.11.17	issued for client review

3D aerial view NEW DA.00 (C)  
proposed redevelopment for Mr.Kim  
54 King Street, Sandy Bay TAS 7005 160301

BYA architects, PO.box 198 Sandy Bay TAS 7006 (03 6286 7319) Drew Edwards CC 5054 E





NOTE.1 new stormwater to be designed in accordance with Hobart City Council requirements and relevant Australian Standards.

NOTE.2 all signs will be located in their entirety (including footings), within the property boundary

NOTE.3 that all structures including footings and eaves overhangs will be located within the title boundary.

NOTE.4 external lighting shall be provided for the safe access of patrons to both restaurant and shop.  
All proposed lighting shall be discreetly located on building, under eaves, or in landscaping - no separate pole mount lighting.  
Non-security lighting shall be turned off between 11pm and 6am,  
security lighting shall be baffled to ensure that it does not cause emission of light outside the zone

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floor plan GROUND LEVEL new  
scale: 1 : 100 @ A3 size

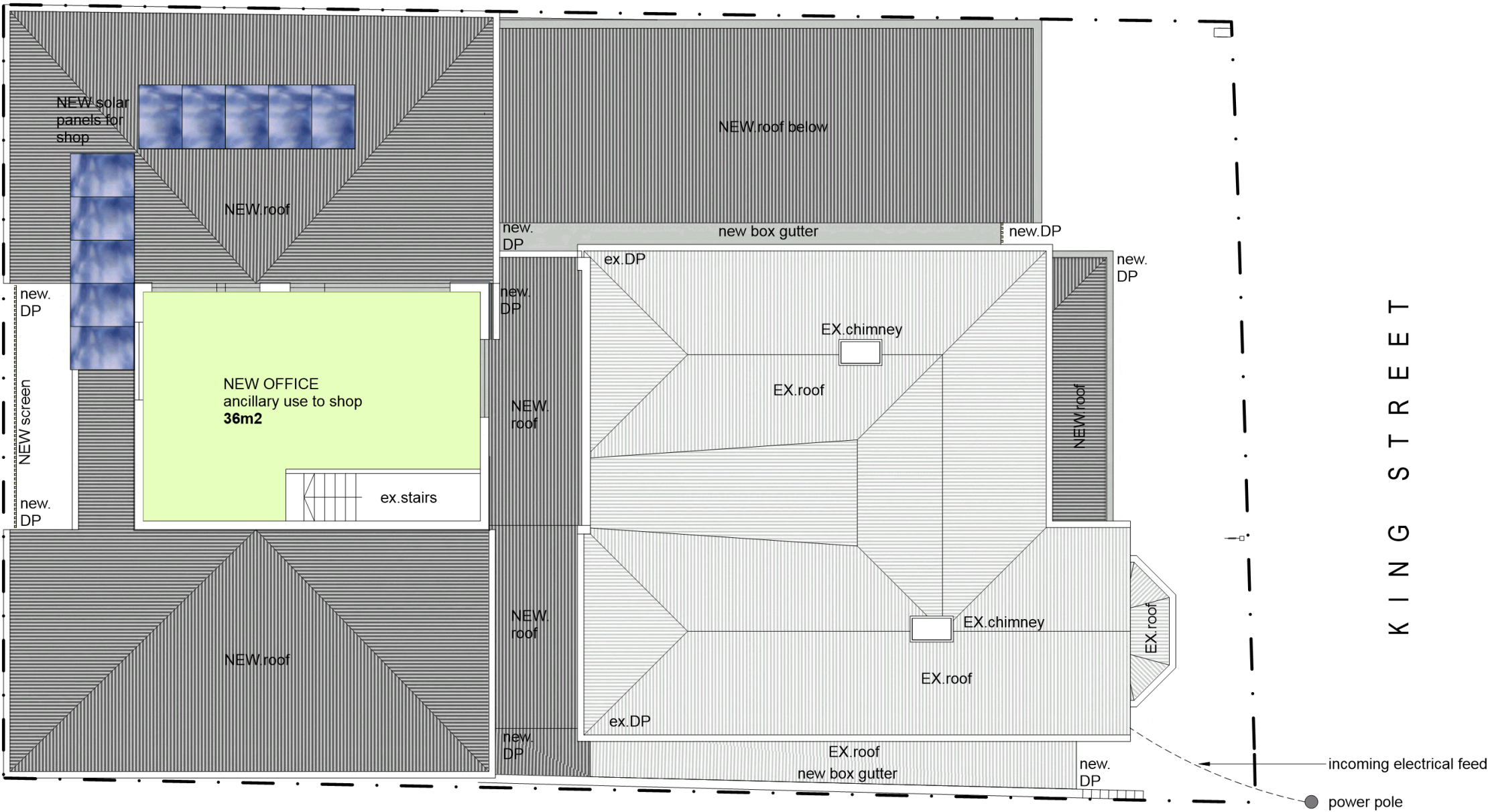
ground level floor plan NEW DA.01 (C)  
proposed redevelopment for Mr.Kim  
54 King Street, Sandy Bay TAS 7005 160301

BYA architects, PO.box 198 Sandy Bay TAS 7006 (03 6286 7319) Drew Edwards CC 5054 E









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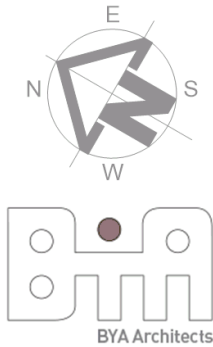
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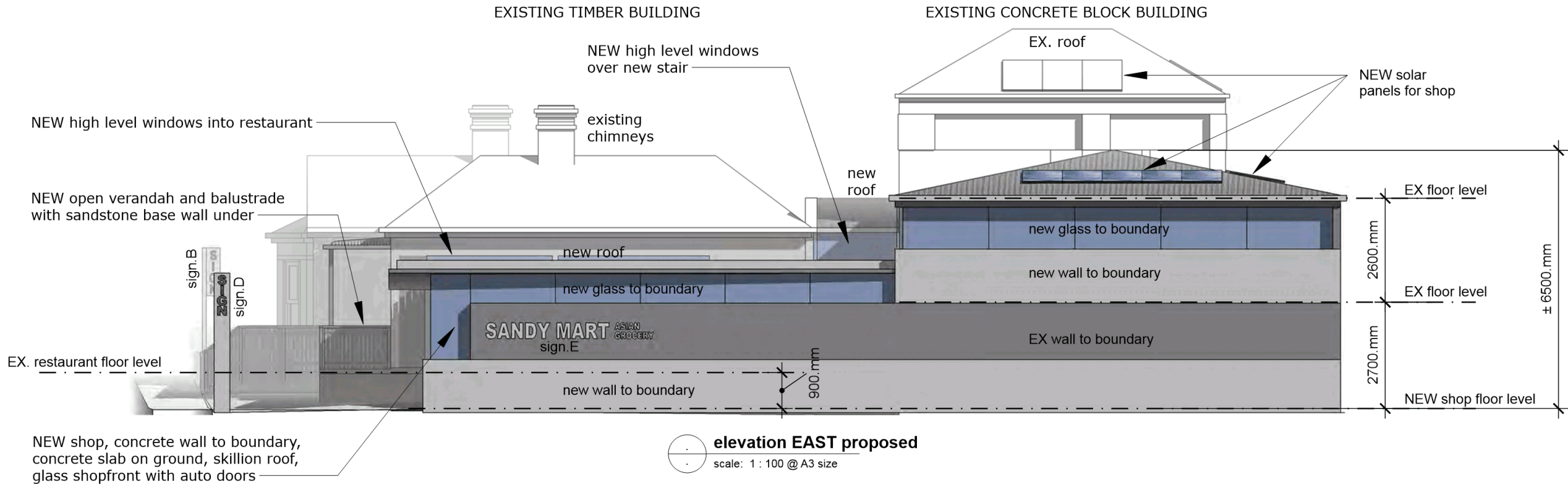
C	2016.11.28	issued for planning approval
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floor plan **SECOND LEVEL new**  
scale: 1 : 100 @ A3 size

**second level floor plan NEW DA.03 (C)**  
proposed redevelopment for Mr.Kim  
54 King Street, Sandy Bay TAS 7005 **160301**

BYA architects, PO.box 198 Sandy Bay TAS 7006 (03 6286 7319) Drew Edwards CC 5054 E





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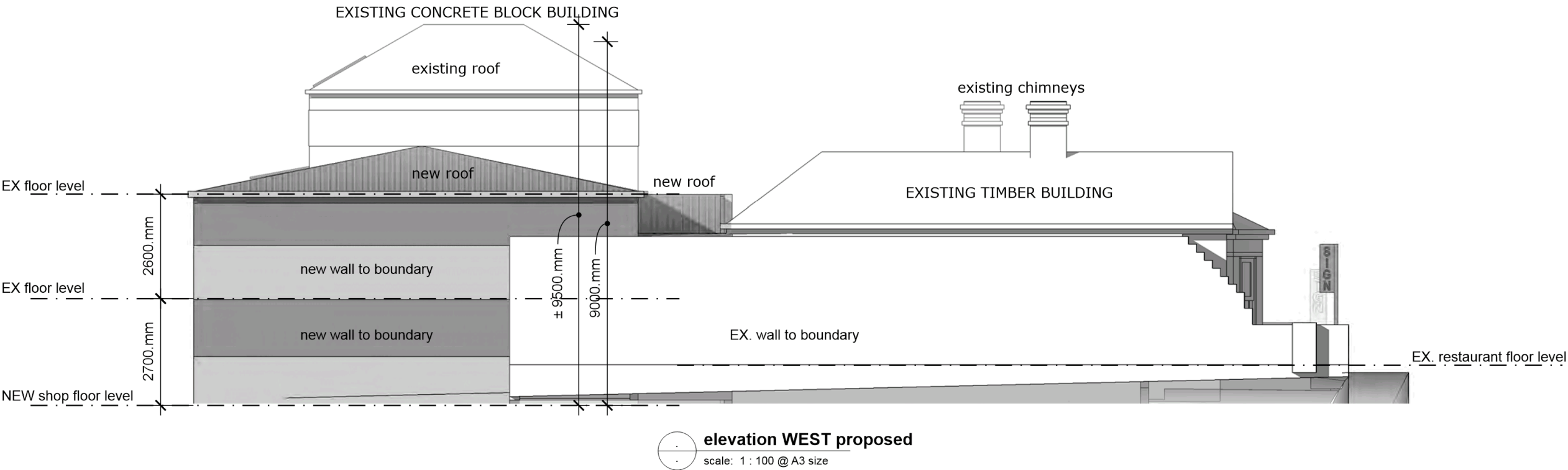
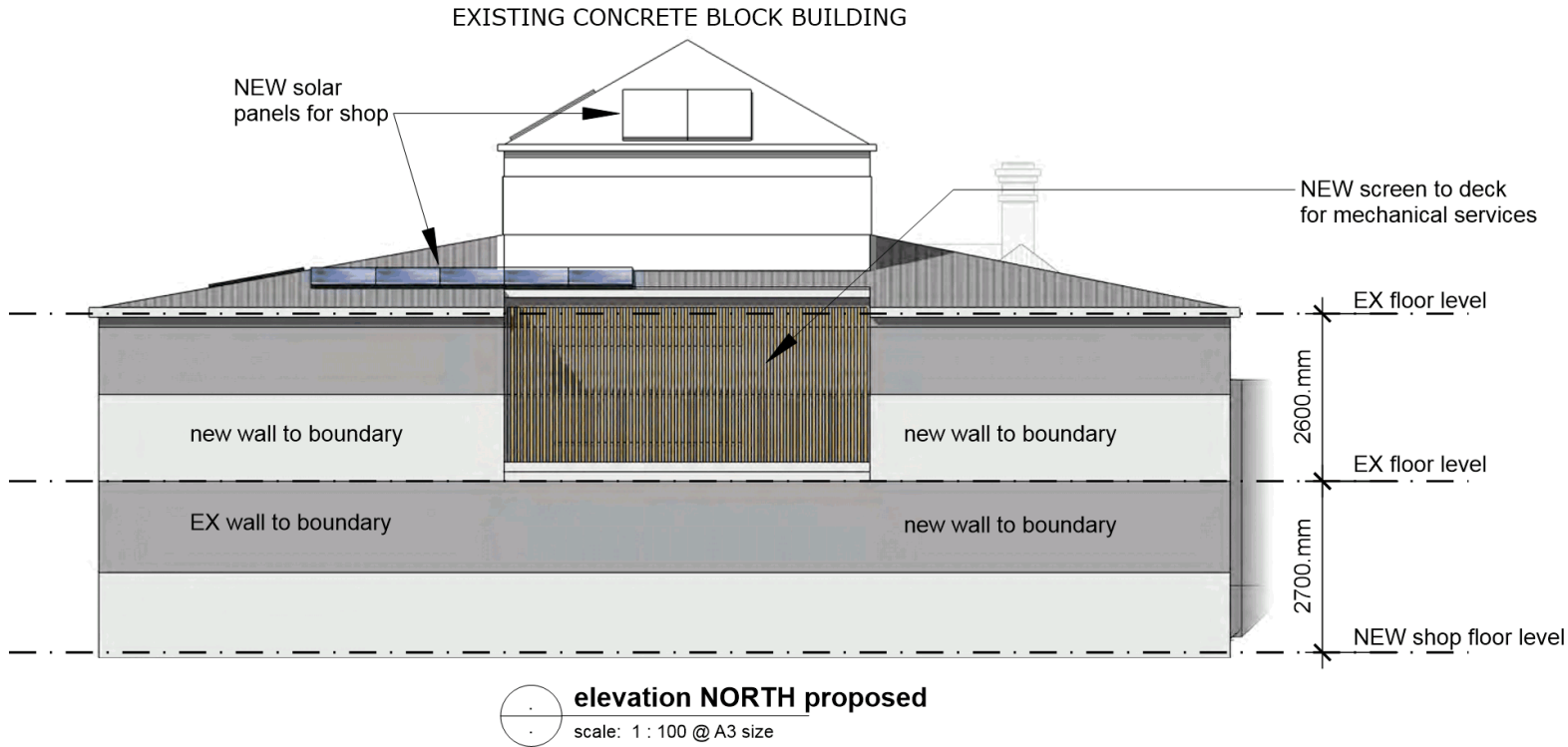
C 2016.11.28 issued for planning approval  
B 2016.11.25 planning review, client approval  
A 2016.11.17 issued for client review

elevation NEW south & east DA.04 (C)  
proposed redevelopment for Mr.Kim  
54 King Street, Sandy Bay TAS 7005 160301

BYA architects, PO.box 198 Sandy Bay TAS 7006 (03 6286 7319) Drew Edwards CC 5054 E





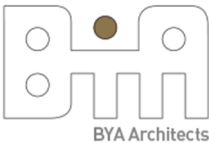


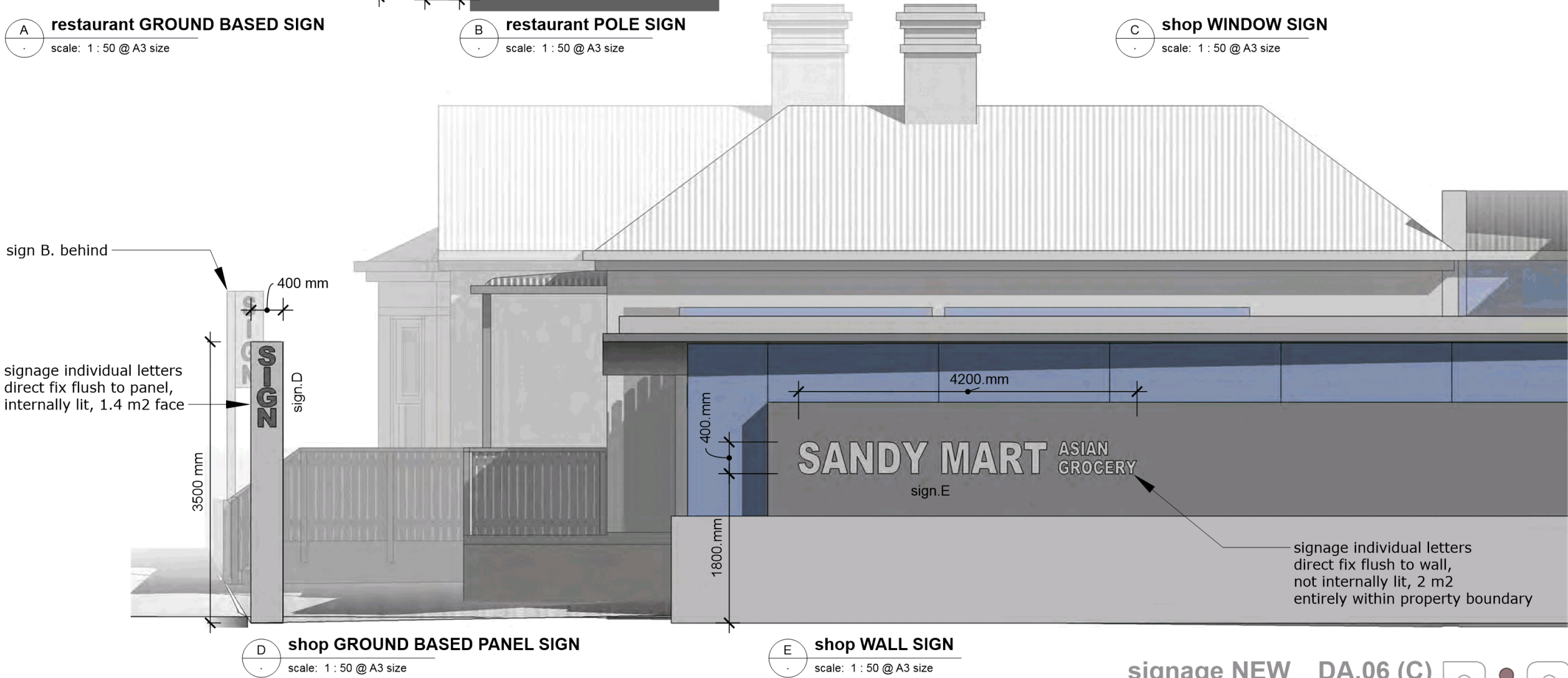
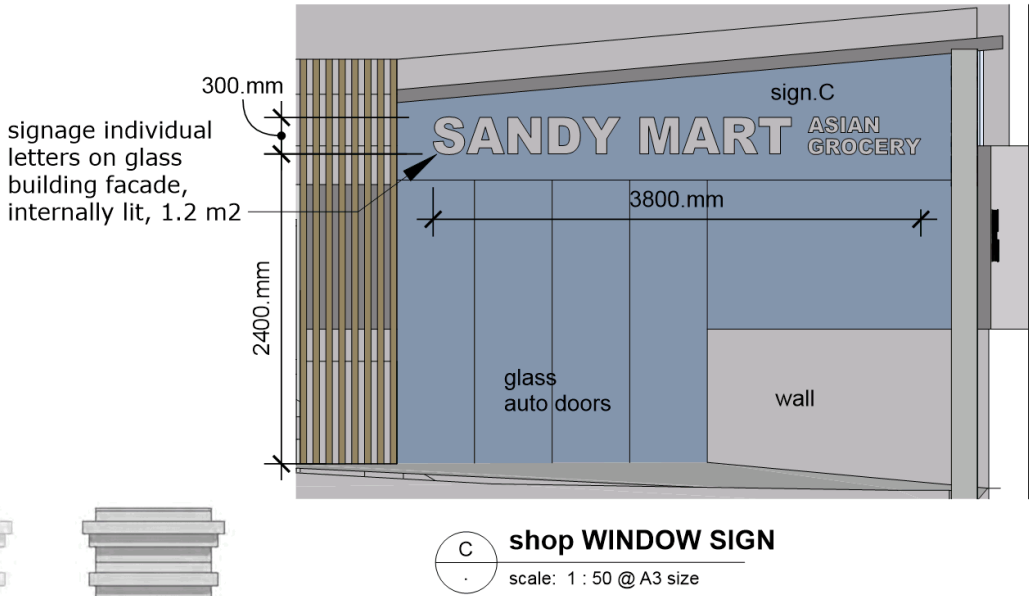
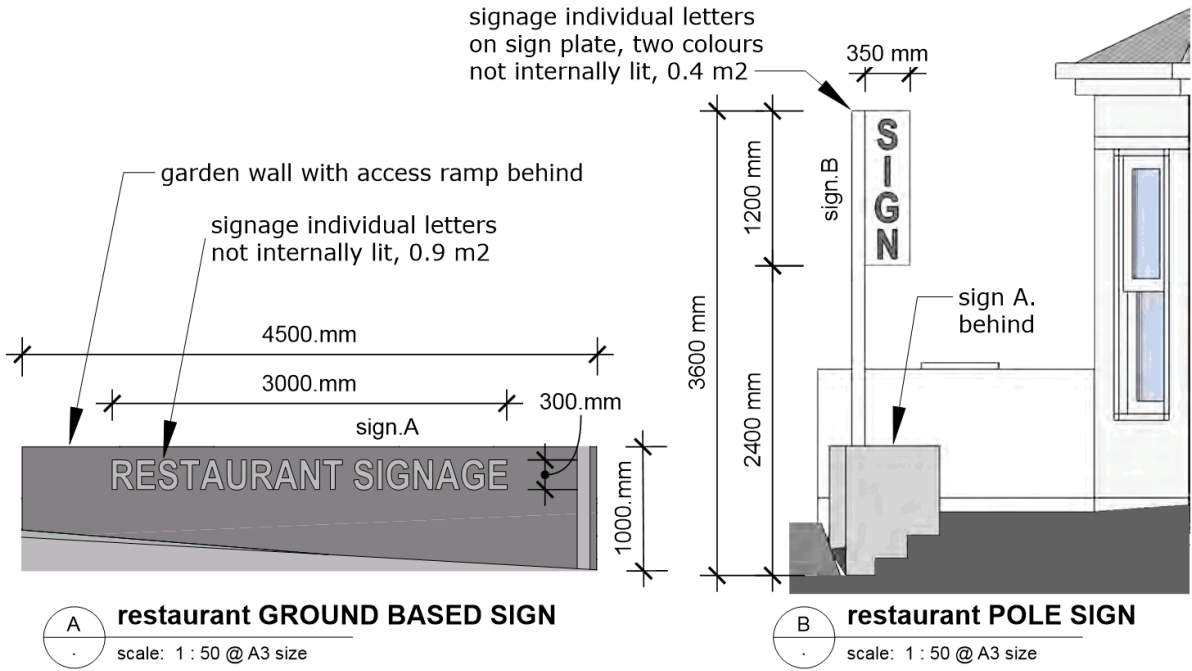
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A	2016.11.17	issued for client review

elevation NEW north & west DA.05 (C)  
proposed redevelopment for Mr.Kim  
54 King Street, Sandy Bay TAS 7005 160301

BYA architects, PO.box 198 Sandy Bay TAS 7006 (03 6286 7319) Drew Edwards CC 5054 E



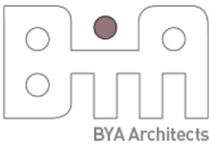


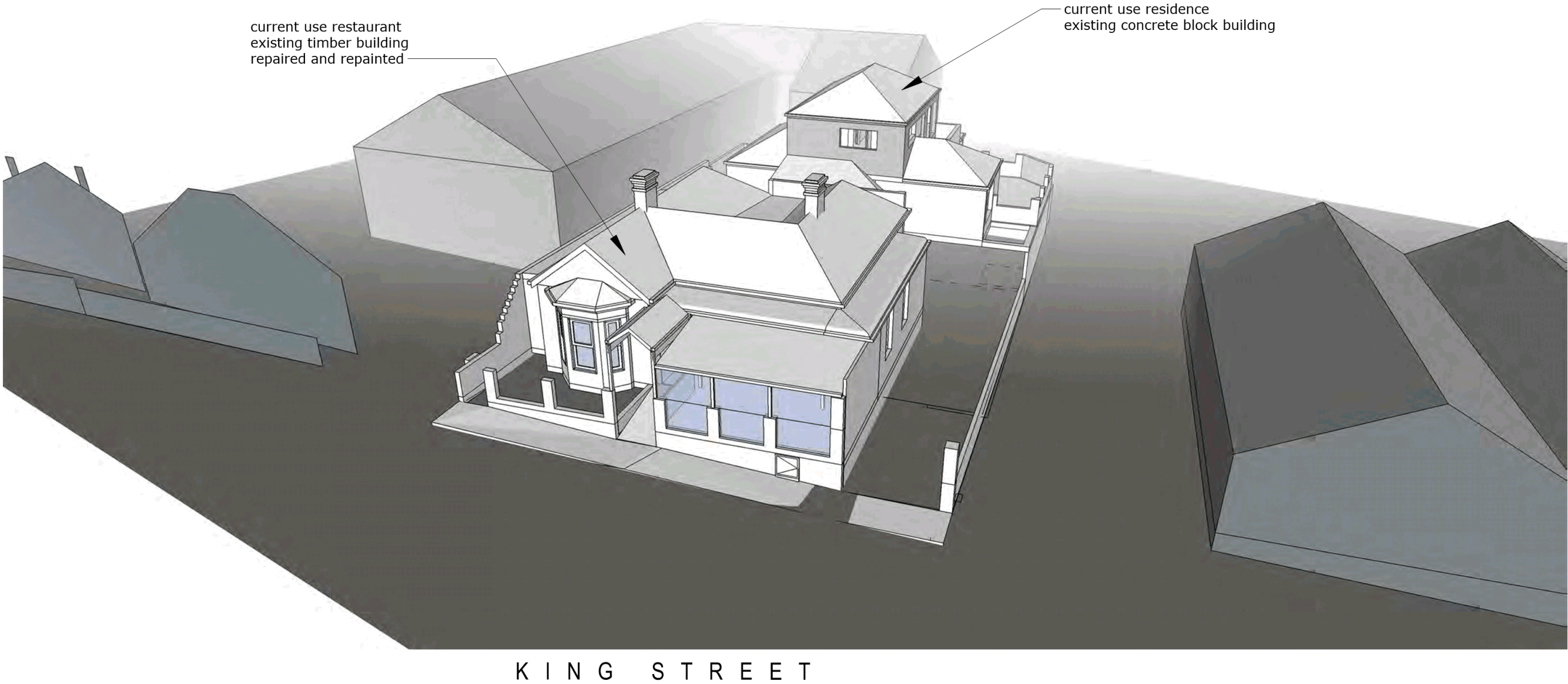
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**signage NEW DA.06 (C)**  
proposed redevelopment for Mr.Kim  
54 King Street, Sandy Bay TAS 7005 **160301**

BYA architects, PO.box 198 Sandy Bay TAS 7006 (03 6286 7319) Drew Edwards CC 5054 E





aerial view EXISTING

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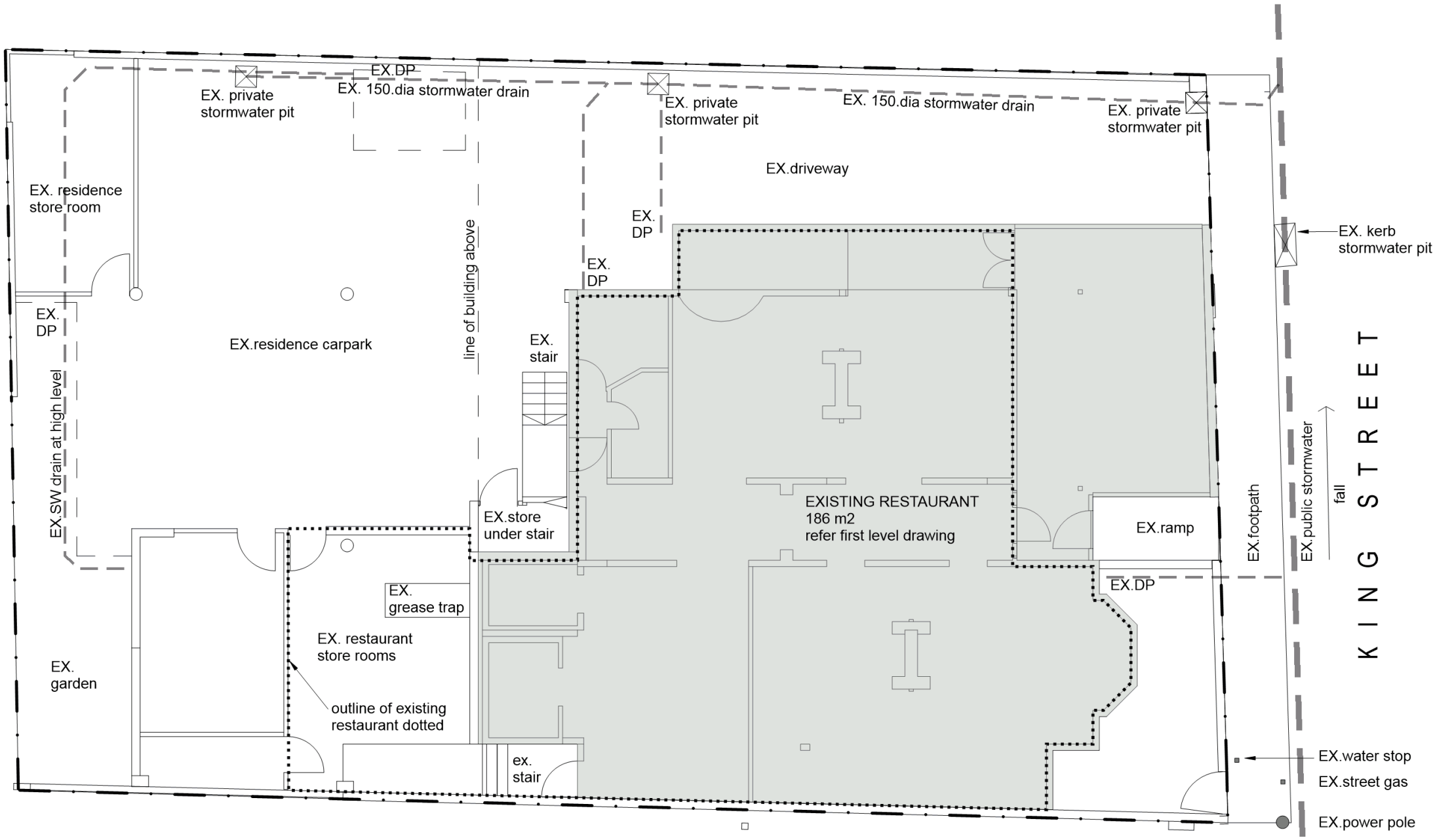
- C 2016.11.28 issued for planning approval
- B 2016.11.25 planning review, client approval
- A 2016.11.17 issued for client review

3D aerial view EXISTING EX.00 (C)  
proposed redevelopment for Mr.Kim  
54 King Street, Sandy Bay TAS 7005 160301

BYA architects, PO.box 198 Sandy Bay TAS 7006 (03 6286 7319) Drew Edwards CC 5054 E







floor plan GROUND LEVEL existing  
scale: 1 : 100 @ A3 size

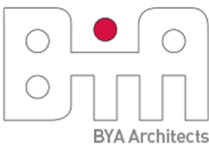


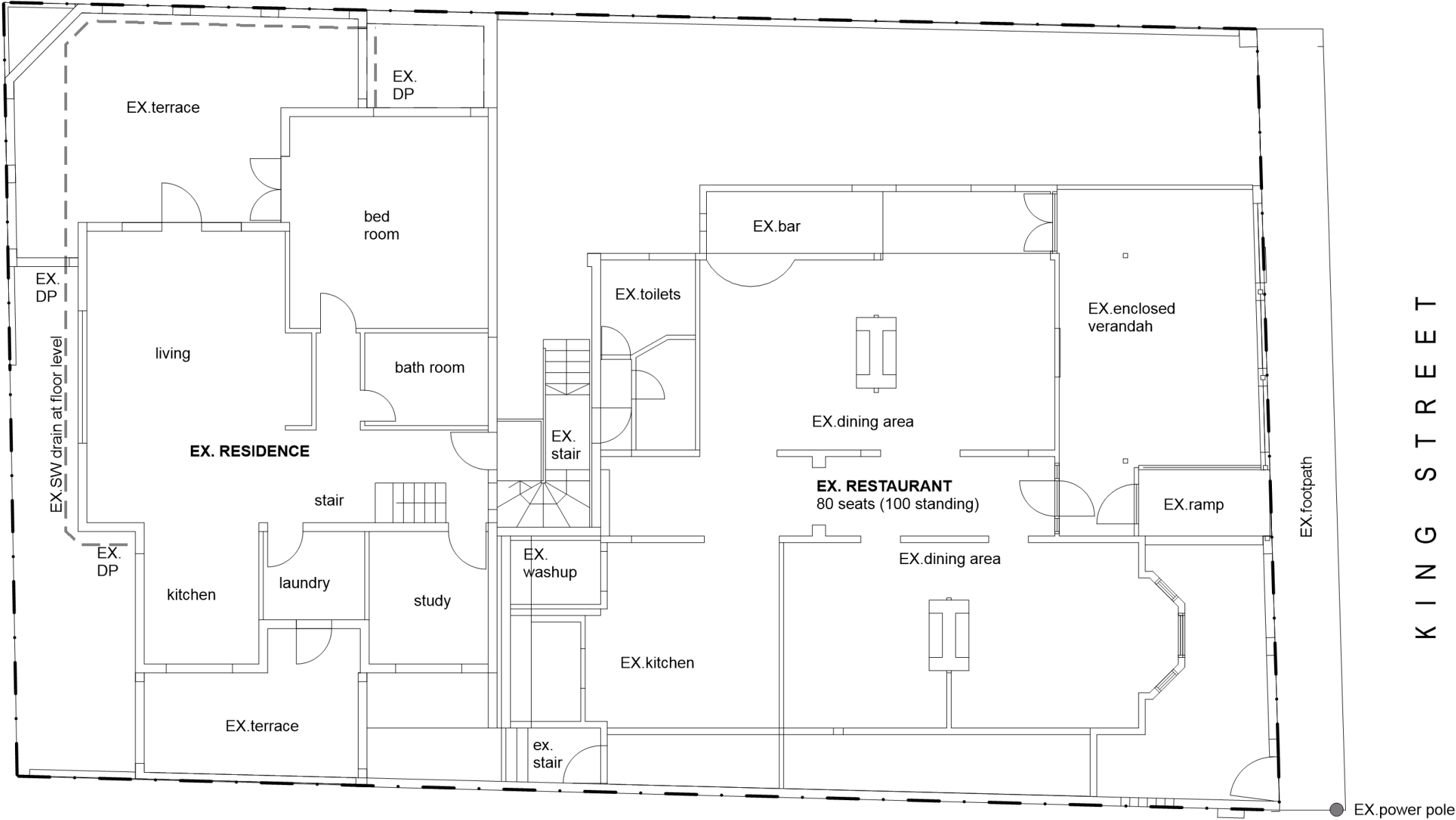
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- |   |            |                                  |
|---|------------|----------------------------------|
| C | 2016.11.28 | issued for planning approval     |
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| A | 2016.11.17 | issued for client review         |

**ground level floor plan EXISTING EX.01 (C)**  
proposed redevelopment for Mr.Kim  
54 King Street, Sandy Bay TAS 7005 **160301**

BYA architects, PO.box 198 Sandy Bay TAS 7006 (03 6286 7319) Drew Edwards CC 5054 E





floor plan **FIRST LEVEL existing**  
scale: 1 : 100 @ A3 size



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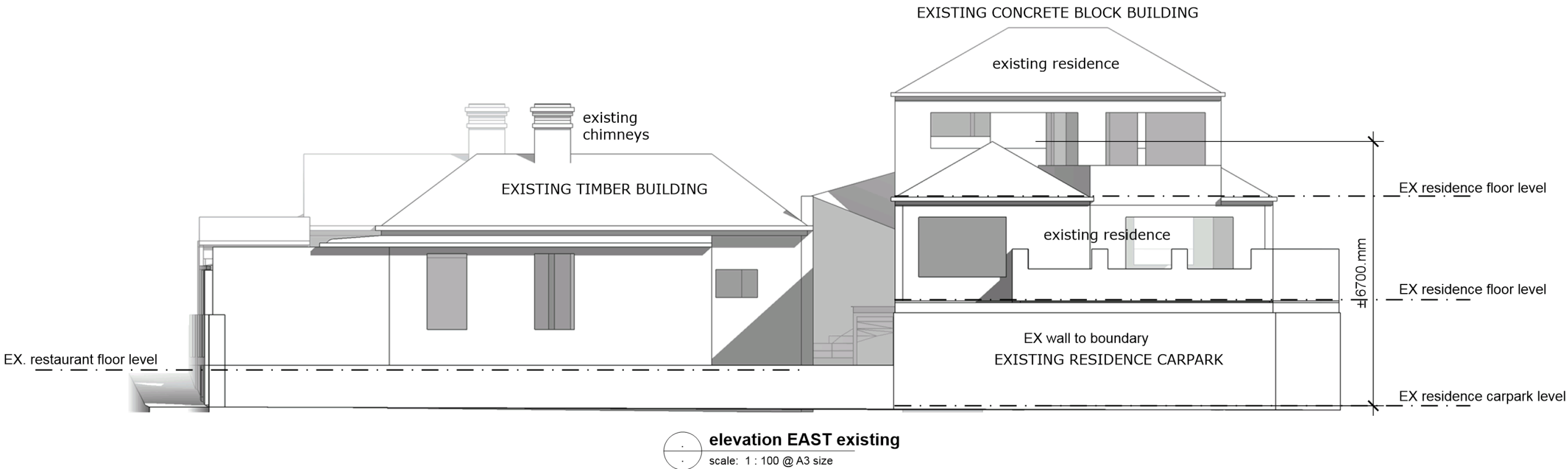
- C 2016.11.28 issued for planning approval
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- A 2016.11.17 issued for client review

**first level floor plan EXISTING EX.02 (C)**  
proposed redevelopment for Mr.Kim  
54 King Street, Sandy Bay TAS 7005 **160301**

BYA architects, PO.box 198 Sandy Bay TAS 7006 (03 6286 7319) Drew Edwards CC 5054 E







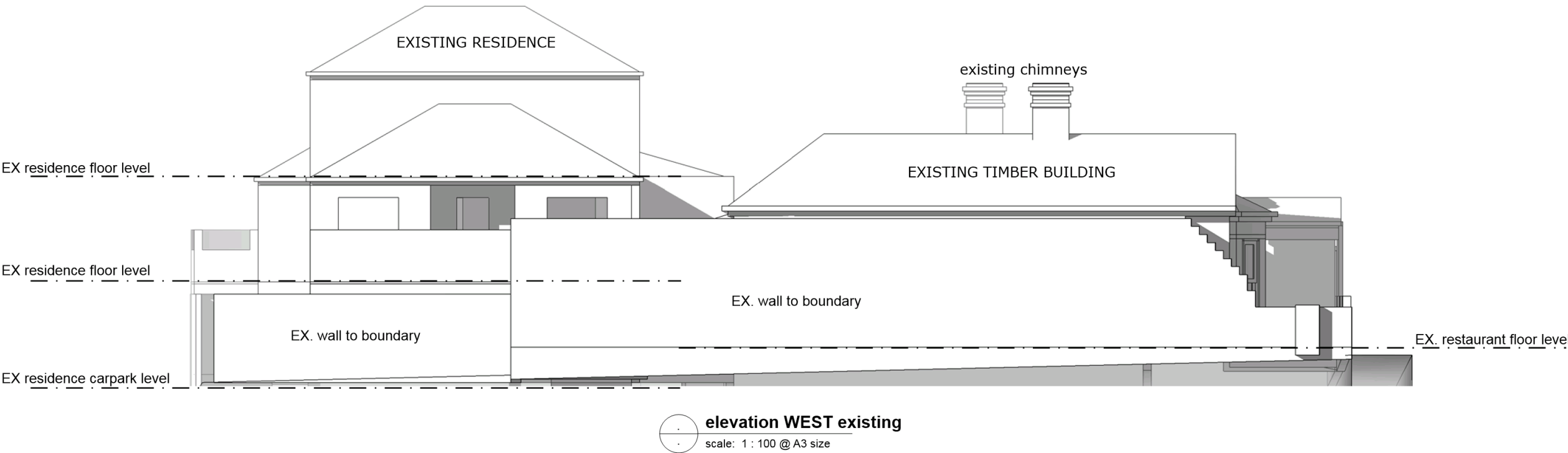
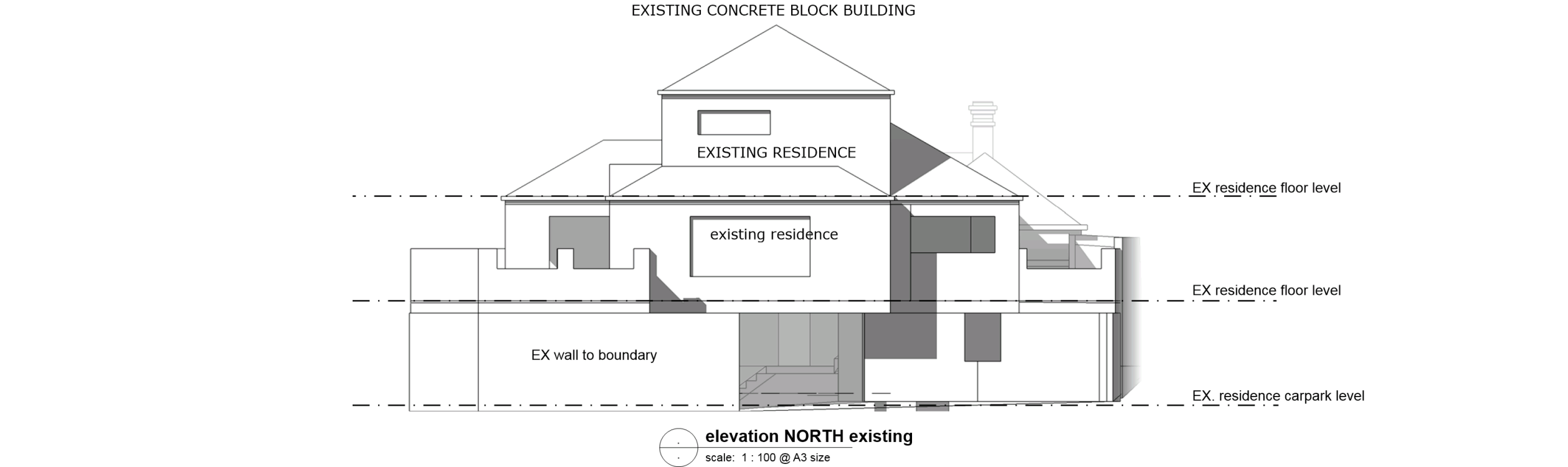
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elevation EXISTING south & east EX.04 (C)  
proposed redevelopment for Mr.Kim  
54 King Street, Sandy Bay TAS 7005 160301

BYA architects, PO.box 198 Sandy Bay TAS 7006 (03 6286 7319) Drew Edwards CC 5054 E





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elevation EXISTING north & west EX.05 (C)  
proposed redevelopment for Mr.Kim  
54 King Street, Sandy Bay TAS 7005 160301

BYA architects, PO.box 198 Sandy Bay TAS 7006 (03 6286 7319) Drew Edwards CC 5054 E



**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 93883	FOLIO 2
EDITION 4	DATE OF ISSUE 30-Jun-2008

SEARCH DATE : 20-Jul-2016

SEARCH TIME : 03.28 PM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Diagram 93883 (formerly being 4-34TS)

Derivation : Part of 10 Acres Gtd to E Dumaresq

Prior CT 3191/86

SCHEDULE 1M163130 TRANSFER to HEE JA KIM Registered 30-Jun-2008 at 12.  
01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

C864005 MORTGAGE to Australia and New Zealand Banking Group  
Limited Registered 30-Jun-2008 at 12.02 PMUNREGISTERED DEALINGS AND NOTATIONS

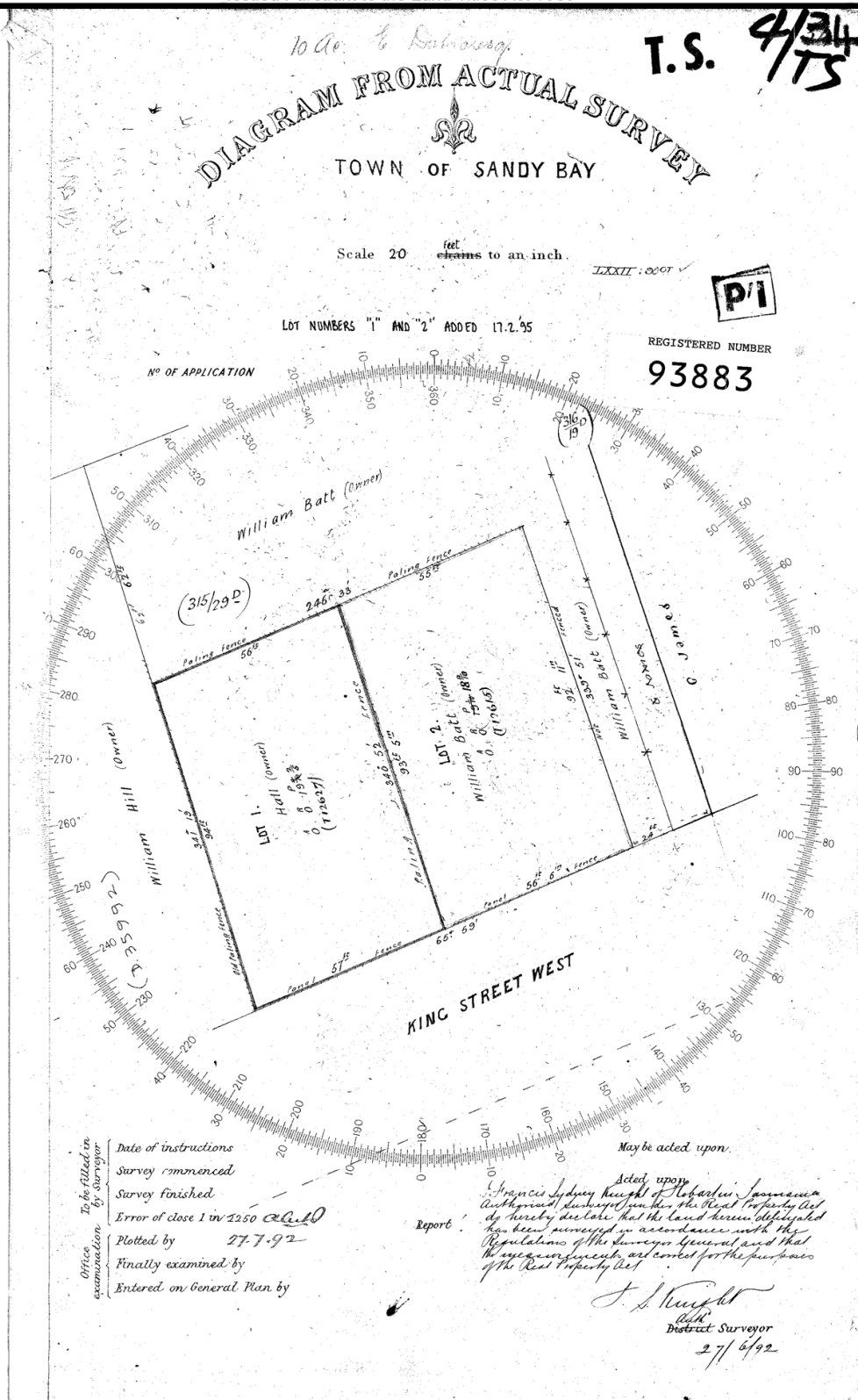
No unregistered dealings or other notations



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980







## Submission to Planning Authority Notice

Council Planning Permit No.	PLN-16-1235	Council notice date	16/12/2016
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2016/01917-HCC	Date of response	22/12/2016
TasWater Contact	David Boyle	Phone No.	6345 6323
<b>Response issued to</b>			
Council name	HOBART CITY COUNCIL		
Contact details	coh@hobartcity.com.au		
<b>Development details</b>			
Address	54 KING ST, SANDY BAY	Property ID (PID)	5617042
Description of development	Partial Demolition, Alterations & Additions, Partial Change of Use to Shop & Signage		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
BYA Architects	160301 DA.01, 02, 03	C	28/11/2016
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connection/ sewerage system and connection for this development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to use of the development, a boundary backflow prevention device and water meter must be installed, to the satisfaction of TasWater.</li> </ol>			
<b>TRADE WASTE</b>			
<ol style="list-style-type: none"> <li>4. Prior to the commencement of operation the developer/property owner must obtain Consent to discharge Trade Waste from TasWater.</li> <li>5. The developer must install appropriately sized and suitable pre-treatment devices prior to gaining Consent to discharge.</li> <li>6. The Developer/property owner must comply with all TasWater conditions prescribed in the Trade Waste Consent.</li> </ol>			
<b>DEVELOPMENT ASSESSMENT FEES</b>			
<ol style="list-style-type: none"> <li>7. The applicant or landowner as the case may be, must pay a development assessment fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows: <ol style="list-style-type: none"> <li>a. \$201.93 for development assessment; and</li> </ol> </li> </ol>			





The payment is required within 30 days of the issue of an invoice by TasWater.

#### Advice

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

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

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.

#### TRADE WASTE

Prior to any Building and/or Plumbing work being undertaken, the applicant will need to make an application to TasWater for a Certificate for Certifiable Work (Building and/or Plumbing). The Certificate for Certifiable Work (Building and/or Plumbing) must accompany all documentation submitted to Council. Documentation must include a floor and site plan with:

- a. Location of all pre-treatment devices i.e. grease arrestor;
- b. Schematic drawings and specification (including the size and type) of any proposed pre-treatment device and drainage design; and
- c. Location of an accessible sampling point in accordance with the TasWater Trade Waste Flow Meter and Sampling Specifications for sampling discharge.
- d. Details of the proposed use of the premises, including the types of food that will be prepared and served; and
- e. The estimated number of patrons and/or meals on a daily basis.
- f. At the time of submitting the Certificate for Certifiable Work (Building and/or Plumbing) a Trade Waste Application form is also required.
- g. If the nature of the business changes or the business is sold, TasWater is required to be informed in order to review the pre-treatment assessment.
- h. The application forms are available at <http://www.taswater.com.au/Customers/Liquid-Trade-waste/Commercial.uer>

#### Declaration

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

#### Authorised by

**Jason Taylor**

Development Assessment Manager

#### TasWater Contact Details

Phone	13 6992	Email	<a href="mailto:development@taswater.com.au">development@taswater.com.au</a>
Mail	GPO Box 1393 Hobart TAS 7001	Web	<a href="http://www.taswater.com.au">www.taswater.com.au</a>

## Application Referral Traffic - City Infrastructure - Response

<b>From:</b>	Angela Moore, Manager Traffic Engineering
<b>Recommendation:</b>	Proposal is acceptable subject to conditions.
<b>Date Completed:</b>	
<b>Address:</b>	54 KING STREET, SANDY BAY
<b>Proposal:</b>	Partial Demolition, Alterations, Extension, Partial Change of Use to Shop, and Signage
<b>Application No:</b>	PLN-16-1235
<b>Assessment Officer:</b>	Michelle Foale,

---

### Referral Officer comments:

I have reviewed the application for a new shop and minor expansion of the existing restaurant. The application documentation included a Traffic Impact Assessment (TIA) report by Midson Traffic (dated 1 December 2016) and I generally concur with the conclusion and recommendations of that report.

The proposed development has no on-site car parking and the new shop (and minor expansion to the restaurant) will result in a parking shortfall of 17 spaces when assessed against the *Hobart Interim Planning Scheme 2015*. The TIA suggests that the public transport provision, the high on-street parking turnover in nearby streets and the likely shared trips within the Sandy Bay retail precinct mean that the development would not have a significant impact on traffic and parking in the area. It is understood that the shop and restaurant uses will not operate concurrently so that parking demands for the two uses will not coincide.

The site currently has a driveway crossover which should be removed and revert to a barrier kerb allowing for one additional on-street car parking space in King Street.

One (1) bicycle parking space (in the form of a bicycle rack or similar) should be provided near the front entrance to the shop.

Subject to conditions, there are not considered to be any road safety or traffic engineering concerns regarding the approval of this proposed development.