



CITY OF HOBART

# **AGENDA**

## **Special City Planning Committee Meeting**

### **Open Portion**

**Monday, 1 August 2022**

**at 4.00 pm**

**Council Chamber, Town Hall**

## THE MISSION

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

## THE VALUES

**The Council is:**

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

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## **ORDER OF BUSINESS**

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

### **APOLOGIES AND LEAVE OF ABSENCE**

- 1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY ..... 4**
- 2. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST ..... 4**
- 3. COMMITTEE ACTING AS PLANNING AUTHORITY ..... 5**
  - 3.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997 .....6**
    - 3.1.1 25 Salamanca Place, 39 Salamanca Place, 41 Salamanca Place and Adjacent Road Reserve - Alterations (External Lighting) .....6
- 4. REPORTS ..... 90**
  - 4.1 State Planning Provisions Review - Feedback on Scoping Paper ..... 90

**Special City Planning Committee Meeting (Open Portion) held Monday, 1 August 2022 at 4.00 pm in the Council Chamber, Town Hall.**

**This meeting of the Special City Planning Committee is held in accordance with a Notice issued by the Premier on 31 March 2022 under section 18 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020.**

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

**COMMITTEE MEMBERS**

Deputy Lord Mayor Councillor H Burnet  
(Chairman)  
Alderman J R Briscoe  
Councillor W F Harvey  
Alderman S Behrakis  
Councillor M Dutta  
Councillor W Coats

**Apologies:**

**Leave of Absence:** Nil.

**NON-MEMBERS**

Lord Mayor Councillor A M Reynolds  
Alderman M Zucco  
Alderman Dr P T Sexton  
Alderman D C Thomas  
Councillor J Fox  
Councillor Dr Z Sherlock

**1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY**

**2. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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

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



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

### 3.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

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#### 3.1.1 25 SALAMANCA PLACE, 39 SALAMANCA PLACE, 41 SALAMANCA PLACE AND ADJACENT ROAD RESERVE - ALTERATIONS (EXTERNAL LIGHTING) PLN-21-530 - FILE REF: F22/74279

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Address: 25 Salamanca Place, 39 Salamanca Place, 41 Salamanca Place and Adjacent Road Reserve

Proposal: Alterations

Expiry Date: 2 September 2022


Extension of Time: Not applicable

Author: Richard Bacon

#### **RECOMMENDATION**

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

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

Attachment A: PLN-21-530 - 25 SALAMANCA PLACE BATTERY POINT TAS 7004 - Planning Committee or Delegated Report ↓ 

- Attachment B: PLN-21-530 - 25 SALAMANCA PLACE BATTERY  
POINT TAS 7004 - CPC Agenda Documents ↓ 
- Attachment C: PLN-21-530 - 25 SALAMANCA PLACE BATTERY  
POINT TAS 7004 - Planning Referral Officer  
Cultural Heritage Report ↓ 

**APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997**

Type of Report: Committee  
Council: 1 August 2022  
Expiry Date: 2 September 2022  
Application No: PLN-21-530  
Address: 25 SALAMANCA PLACE , BATTERY POINT  
ADJACENT ROAD RESERVE  
39 SALAMANCA PLACE , BATTERY POINT  
41 SALAMANCA PLACE , BATTERY POINT  
Applicant: Alex Nielsen (Circa Architecture)  
27 Hunter Street  
Proposal: Alterations (External Lighting)  
Representations: NIL  
Performance criteria: Heritage, Demolition

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**1. Executive Summary**

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

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

**2. Site Detail**

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



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

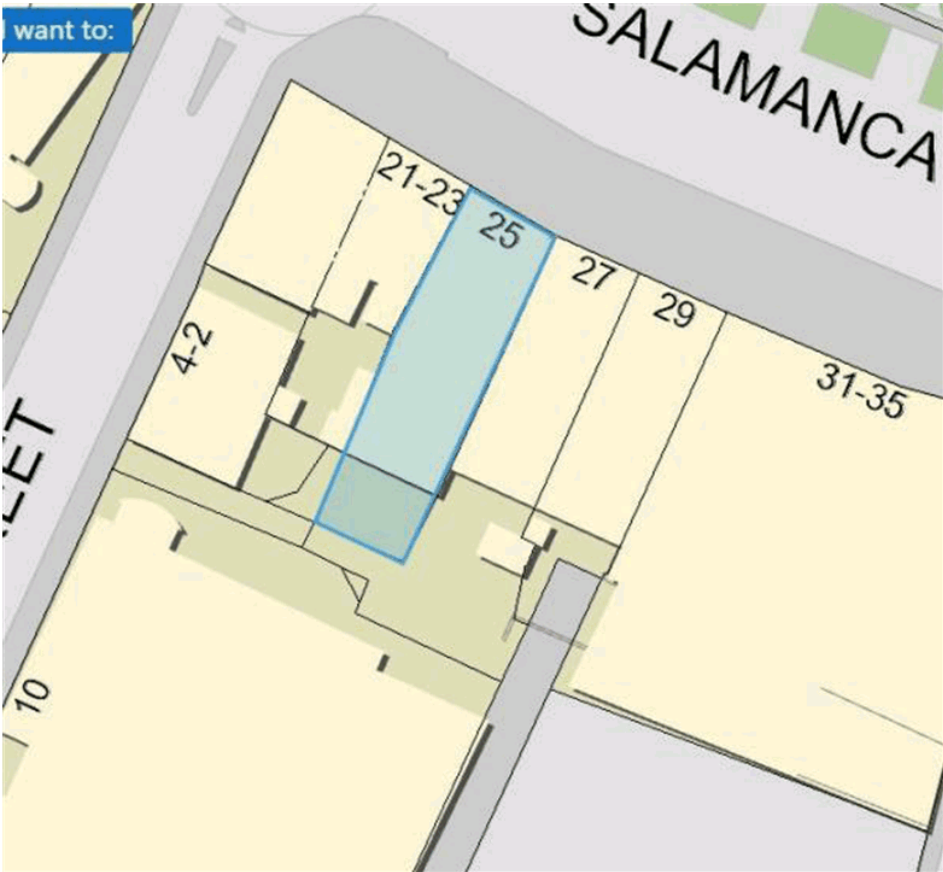


Figure 2 above: site plan No.25 Salamanca Place.

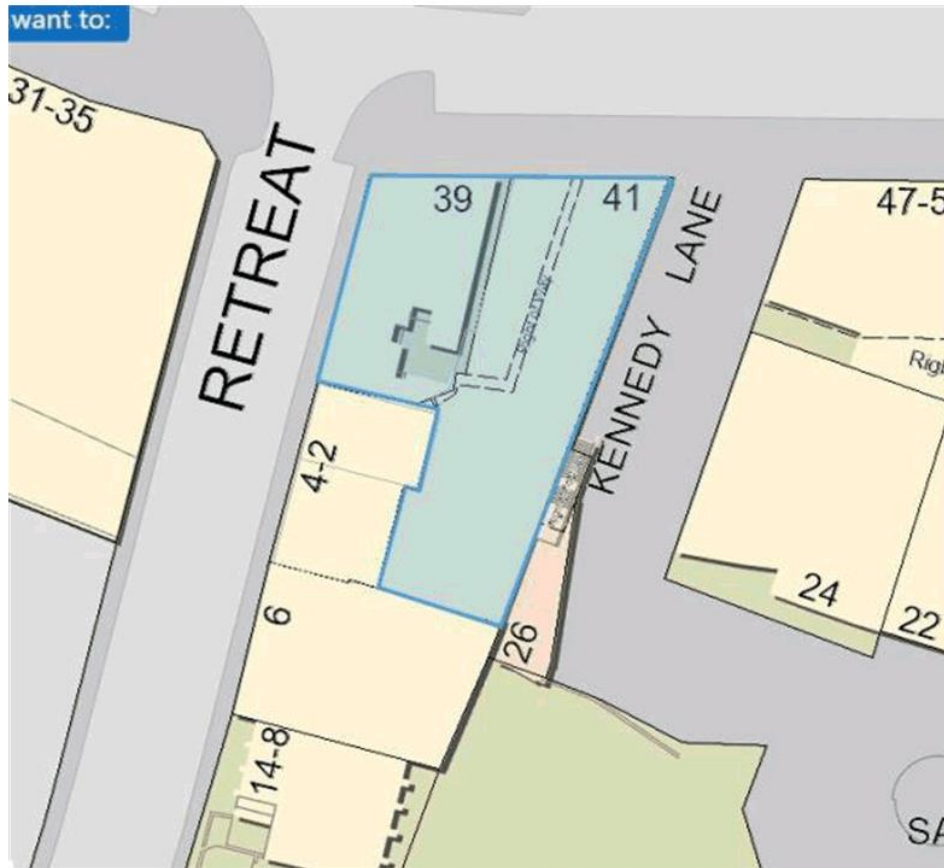


Figure 3 above: site plan Nos. 39-41 Salamanca Place.



Figure 4: street view No.25 Salamanca Place.





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

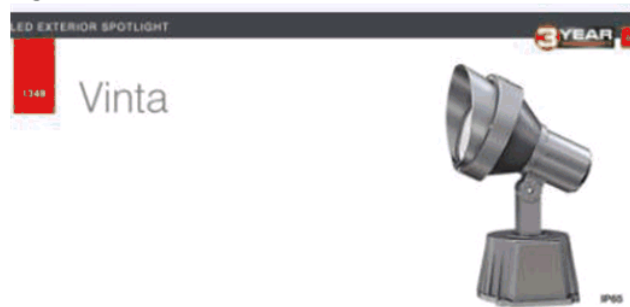


Figure 6 above: submitted exterior spotlight design.

### 3. Proposal

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

### 4. Background

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

**5. Concerns raised by representors**

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

**6. Assessment**

- 6.1 The *Sullivans Cove Planning Scheme 1997* is a performance based planning scheme. This approach recognises that there are in many cases a number of ways in which a proposal can satisfy desired environmental, social and economic standards. In some cases a proposal will be 'permitted' subject to specific 'deemed to comply' provisions being satisfied. Performance criteria are established to provide a means by which the objectives of the planning scheme may be satisfactorily met by a proposal. Where a proposal relies on performance criteria, the Council's ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located in the Sullivans Cove Mixed Use 2.0 Activity Area of the *Sullivans Cove Planning Scheme 1997*.
- 6.3 The existing and proposed use is visitor accommodation. The existing use is a permitted use in the Activity Area. The proposed use is a permitted use in the Activity Area.
- 6.4 The proposal has been assessed against:
- 6.4.1 Parts A and B – Strategic Framework
  - 6.4.2 Part D – Clause 16.3 – Activity Area Controls
  - 6.4.3 Part E – Schedule 1 – Conservation of Cultural Heritage Values
  - 6.4.4 Part E – Schedule 2 – Urban Form
  - 6.4.5 Part E – Schedule 7 – Demolition
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Heritage – clause 22.4.5

6.5.2 Demolition – clause 28.3.1.

6.6 Each performance criterion is assessed below.

6.7 Heritage Part E 22.4.5 P1

6.7.1 The acceptable solution at clause 22.4.4 states as follows.

*'Building or works' on places of cultural significance is 'permitted' in respect to this Schedule where it can be demonstrated that the following 'deemed to comply' provisions have been satisfied:*

☐ *The 'building or works' are related to the conservation of a place of cultural significance and are to be undertaken in accordance with a Conservation Plan accepted by the Planning Authority as satisfying the submission requirements for an application.*

6.7.2 The proposal includes works at heritage listed sites.

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

6.7.4 The performance criterion at clause 22.4.5 provides as follows:

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

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

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

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

- ☐ *The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any place of cultural significance;*
- ☐ *'Building or works' must not reduce the apparent authenticity of places of cultural significance by mimicking historic forms;*
- ☐ *'Building or works' may be recognisable as new but must not be individually prominent;*
- ☐ *The painting of previously unpainted surfaces is discouraged.*

- 6.7.5 Assessment of the performance criterion by Council's Senior Cultural Heritage Officer follows.  
(Please see Senior Cultural Heritage Officer report).

Assessment:

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

Clause 22.4.5 'Discretionary' 'Building or Works':

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

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

*'Building or works' must complement and contribute to the cultural significance, character and appearance of the place and its setting;*  
*'Building or works' must be in compliance with the conservation strategy of an approved Conservation Plan, where required and/or provided;*  
*The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any place of cultural significance;*  
*'Building or works' must not reduce the apparent authenticity of places of cultural significance by mimicking historic forms;*  
*'Building or works' may be recognisable as new but must not be individually prominent;*  
*The painting of previously unpainted surfaces is discouraged.*

Response:

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

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

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

(For image see Senior Cultural Heritage Officer report).

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

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

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

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

contribute to, the heritage qualities of the place."

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

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

(For image see Senior Cultural Heritage Officer report).

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

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

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

Conclusion:

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

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

The proposal is recommended for refusal.

6.7.6 The proposal does not comply with the performance criterion.

6.8 Demolition Part E 28.3.1

6.8.1 There is no acceptable solution for demolition.  
Clause 28.3.1 states as follows.

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

6.8.2 The proposal includes works including some demolition.

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

6.8.4 The performance criterion at clause 28.8.1 'Demolition on a Place of Cultural Significance' provides as follows:

*Where the application involves the demolition of a building on a Place included in Table 1 of Schedule 1 – Conservation of Cultural Heritage Values then the application must satisfy the following:*

- *The requirement of Clause 22.4.3 for the submission of a Conservation Plan, and*
- *The provision of street elevations or 'true perspectives' to show the scale and impact of the demolition on places of cultural significance and the streetscape.*

- 6.8.5 Assessment of the performance criterion by Council's Senior Cultural Heritage Officer follows.  
(Please see Senior Cultural Heritage Officer report).

Schedule 7 Demolition clause 28.5:

Guidelines for Development Control

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

*Any application for demolition:*

*(a) Shall be refused if the building is included as a cultural heritage place in Table 1 of the Conservation of Cultural Heritage Values Schedule of this Scheme, unless;*

*(i) The demolition is approved as part of a Conservation Plan approved by the Planning Authority or otherwise in its discretion under the Conservation of Cultural Heritage Values Schedule of this Scheme;*

*(ii) The building clearly detracts from the cultural values or significance of the place; or*

*(iii) There are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part.*

*(b) May be refused if in the opinion of the Planning Authority the building contributes to the cultural heritage or urban character of the Activity Area and the building is capable of continued beneficial use.*

Response:

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

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



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

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

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

Conclusion:

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

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

The proposal is recommended for refusal.

6.8.6 The proposal does not comply with the performance criterion.

## 7. Discussion

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

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

1. The proposal does not meet clause 22.4.5 of the Sullivans Cove Planning Scheme 1997 because the 'buildings or works' do not complement or contribute to the cultural heritage significance, character and appearance of the heritage listed place and Salamanca Place, are individually prominent and the location, bulk and appearance will adversely affect the heritage values of a place of cultural significance.

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

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

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

*'Night-Lighting'*

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

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

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

- 7.7 The applicant has consented to two extensions of time to allow Council consideration of the proposal.
- 7.8 The proposal is recommended for refusal.
- 8. Conclusion**
- 8.1 The proposed alterations (external lighting) at Nos. 25 and 39-41 Salamanca Place and the adjacent road reserve does not satisfy the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for refusal.

**9. Recommendations**

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

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



(Richard Bacon)

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



(Ben Ikin)

**Senior Statutory Planner**

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

Date of Report: 12 July 2022

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report



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

21 September 2021

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

mailto: alex@circamorrisnunn.com.au

Dear Sir/Madam

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

**Site Address:**

25 Salamanca Place, Battery Point

**Description of Proposal:**

Alterations (External Lighting)

**Applicant Name:**

Alex Nielsen  
Morris Nunn Architects

**PLN (if applicable):**

PLN-21-530

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

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

Hobart Town Hall  
50 Macquarie Street  
Hobart TAS 7000

Hobart Council Centre  
16 Elizabeth Street  
Hobart TAS 7000

City of Hobart  
GPO Box 503  
Hobart TAS 7001

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

CityofHobartOfficial  
ABN 39 055 343 428  
Hobart City Council

This consent does not constitute an approval to undertake any works and does not authorise the owner, developer or their agents any right to enter or conduct works on any Council managed land whether subject to this consent or not.

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

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

Yours faithfully



(Kelly Grigsby)

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

Relevant documents/plans:

Plans - Circa Morris-Nunn Architects



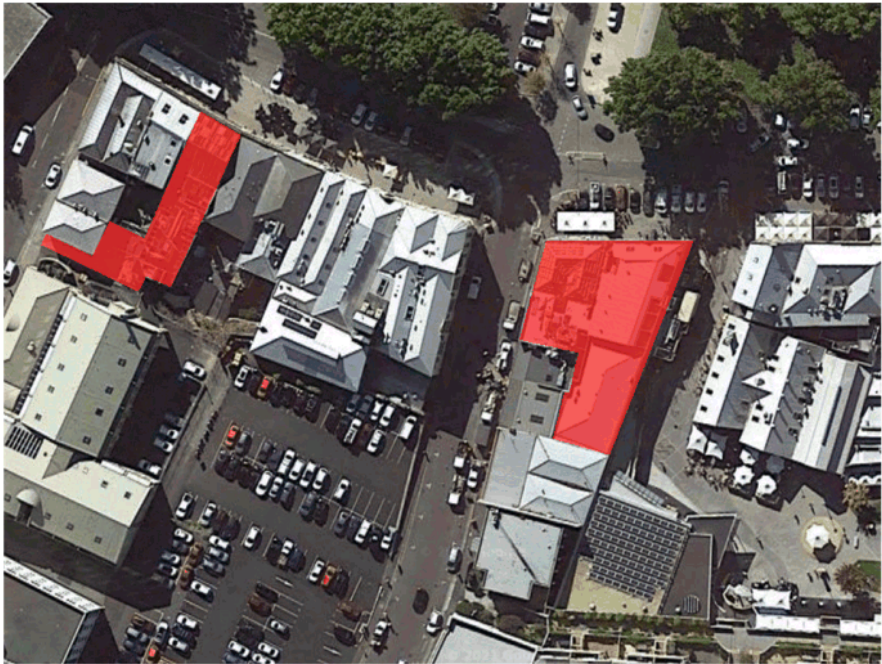
Approved - General  
Manager Consent  
GMC-21-56 21/09/2021

25 39/41 SALAMANCA PLACE

EXTERNAL LIGHTING  
DEVELOPMENT APPLICATION

DRAWING LIST

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



LOCATION PLAN

revisions

FOR PLANNING ONLY

original drawing size

A3

25 + 39/41 SALAMANCA  
PV + DM Behrakis

GPO Box 87  
Hobart, TAS  
Australia, 7001

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

circa morris-munn architects

Contact

Walter | 27 Hunter St | Hobart | Tas | 7000  
03 9238 9644  
info@circamorris-munn.com.au

These drawings show design intent and are suitable as a guide only. The builder shall check and verify all dimensions and verify all owner's contribution to the Architect. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the Architect for construction.

COVER

DEVELOPMENT APPLICATION

Issue Date

drawing n° issue

1526-DA01

A





01 NORTH ELEVATION  
- scale 1:100

revisions

FOR PLANNING ONLY

original drawing size **A3**

**25 + 39/41 SALAMANCA**  
**PV + DM Behrakis**  
GPO Box 87  
Hobart, TAS  
Australia, 7001

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**circa morris-munn architects**  
**Contact**  
Melburn | 27 Hunter St | Hobart | Tas | 7000  
03 9238 9644  
info@circamorris-munn.com.au

These drawings show design intent and are suitable as a guide only. The builder shall check and verify all dimensions and verify all errors/omissions to the Architect. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the Architect for construction.

**NORTH ELEVATION**

status **DEVELOPMENT APPLICATION**  
issue Date

drawing nr **1526-DA02** issue **A**



01 WEST ELEVATION  
- scale 1:100

revisions

original drawing size

A3

25 + 39/41 SALAMANCA  
PV + DM Behrakis

GPO Box 87  
Hobart, TAS  
Australia, 7001

circa morris-nunn architects  
Contact

Watum | 27 Hunter St | Hobart | Tas | 7000  
03 8238 9644  
info@circamorrisnunn.com.au

NORTH ELEVATION

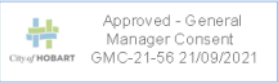
status DEVELOPMENT APPLICATION  
Issue Date

drawing 1526-DA03  
issue A

FOR PLANNING ONLY

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01 WEST ELEVATION  
- scale 1:100

revisions

FOR PLANNING ONLY

original drawing size

A3

25 + 39/41 SALAMANCA  
PV + DM Behrakis

GPO Box 87  
Hobart, TAS  
Australia, 7001

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circa morris-nunn architects  
Contact

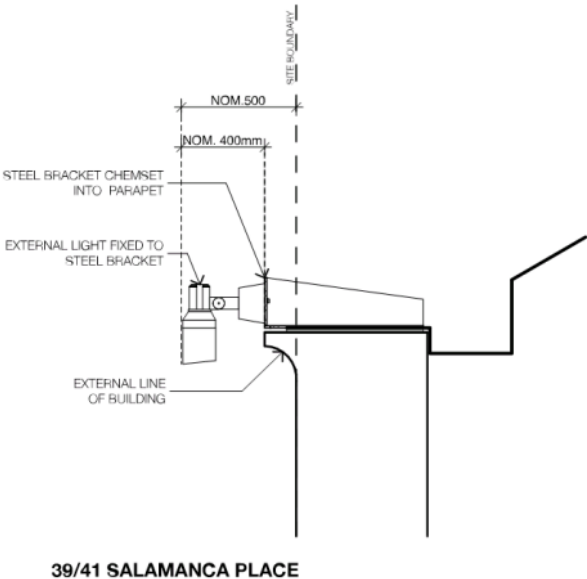
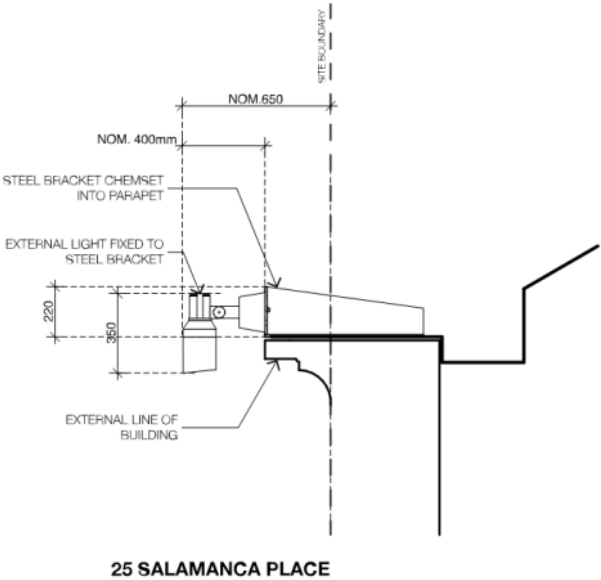
161atum | 27 hunter st | hobart | tas | 7000  
03 8238 9644  
info@circamorrisnunn.com.au

These drawings show design intent and are suitable as a guide only. The builder shall check and verify all dimensions and verify all ensure conformance to the Architect. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the Architect for construction.

WEST ELEVATION

status DEVELOPMENT APPLICATION  
issue Date

drawing 1526-DA04  
issue A



01 EXTERNAL LIGHT DETAIL  
- scale 1:20

revisions

FOR PLANNING ONLY

original drawing size

A3

25 + 39/41 SALAMANCA  
PV + DM Behrakis

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Hobart, TAS  
Australia, 7001

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circa morris-nunn architects  
Contact

William | 27 Hunter St | Hobart | Tas | 7000  
03 8238 9644  
info@circamorrisnunn.com.au

These drawings show design intent and are suitable as a guide only. The builder shall check and verify all dimensions and verify all ensure conformance to the Architect. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the Architect for construction.

DETAIL

status DEVELOPMENT APPLICATION  
Issue Date

drawing 1526-DA05  
issue A

**circa** morris-nunn architectsIXL Atrium  
27 Hunter Street  
Hobart TAS 7000 AU**e.** info@circamorrisnunn.com.au  
**w.** circamorrisnunn.com.au  
**p.** +61 3 6236 9544October 4, 2021  
Hobart City Council

Ref: PLN-21-530

**Re: External Lights Application**

Dear Richard Bacon,

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

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



Figure 1: 41-39 Salamanca Place



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



Figure 2: 39 Salamanca Place from Montpellier Street

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



Figure 3: 25 Salamanca Place

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

Kind Regards,

Alex Nielsen  
Associate Architect.



## LED EXTERIOR SPOTLIGHT

3 YEAR  
WARRANTY  
MADE IN AUSTRALIA

1348

Vinta



IP65

## CONSTRUCTION &amp; DESIGN

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

## TECHNICAL PERFORMANCE

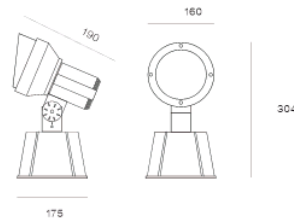
- 22W total system power consumption with overload and short circuit protection
- >65,000 hours lifespan (L70)
- Premium quality Japanese LED Module with high lumen output per watt
- Chromaticity tolerance (macAdam step) - 2
- Available in 3K, 4K, and 5K colour temperature with low colour shift over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

## OPTICAL &amp; THERMAL PERFORMANCE

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

## ELECTRICAL SYSTEM

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



CODE: 1348-VNSP-2.4K-07


15Deg 2400K

Weight (kg)	3K and 4K	5K	± 90°	△	⊥	CE	IP65
2.4	CRI >85	CRI >75					

TOTAL SYSTEM POWER CONSUMPTION = 22W

CODE ORDERING GUIDE: PRODUCT CODE - COLOUR SUFFIX

Example: 1348-3K-07

WATTAGE	COLOUR TEMPERATURE	 >55° WIDE	HOT LED LUMENS
		PRODUCT CODES	
22W	3K	1348-3K	2414
	4K	1348-4K	2584
	5K	1348-5K	2618

DIMMING OPTIONS: ADD SUFFIX AFTER THE CODE

/DALI	Dali Dimming	22W
/DSI	DSI Dimming	✓
	Switch Dim	✓
/AD	Analogue Dimming 1-10V	✓
	Leading & Trailing edge mains dimming	STANDARD

COLOUR OPTIONS: add suffix after the code

- 07  Textured Black
- 11  Textured Silver

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

GAMMA ILLUMINATION

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

www.gammallumination.com

NSW (02) 9822 7333 / VIC (03) 9801 7777 / QLD (07) 3806 4466 / SA (08) 8260 1444 / WA (08) 9377 1322

WE RESERVE THE RIGHT TO MAKE TECHNICAL CHANGES WITHOUT PRIOR NOTICE

VINTA\_1348\_V1.0

199 Macquarie Street  
Hobart 7000  
Tasmania100 Cameron Street  
Launceston 7250  
Tasmania

## PROJECT COMMUNICATION

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

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

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

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

Kind Regards

Andrew Blackberry  
Electrical Building Practitioner. - CC49Q



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28 April 2022

General Manager  
Hobart City Council  
GPO Box 503  
HOBART TAS 7001

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

**APPLICATION NO. PLN-21-530**

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

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

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

**Planning Response**

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

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

Page 1

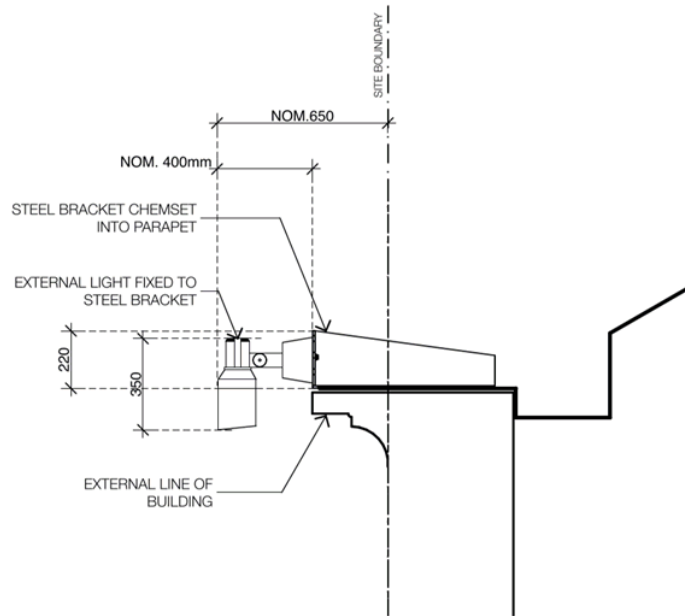


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0438376840 [evan@e3planning.com.au](mailto:evan@e3planning.com.au)

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**25 SALAMANCA PLACE**

<b>01</b>	<b>EXTERNAL LIGHT DETAIL</b>	scale 1:20
-		

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

### Planning Response

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

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

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



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

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





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Figure 3: Flood lighting above 41 Salamanca Place.



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

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

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

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



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

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

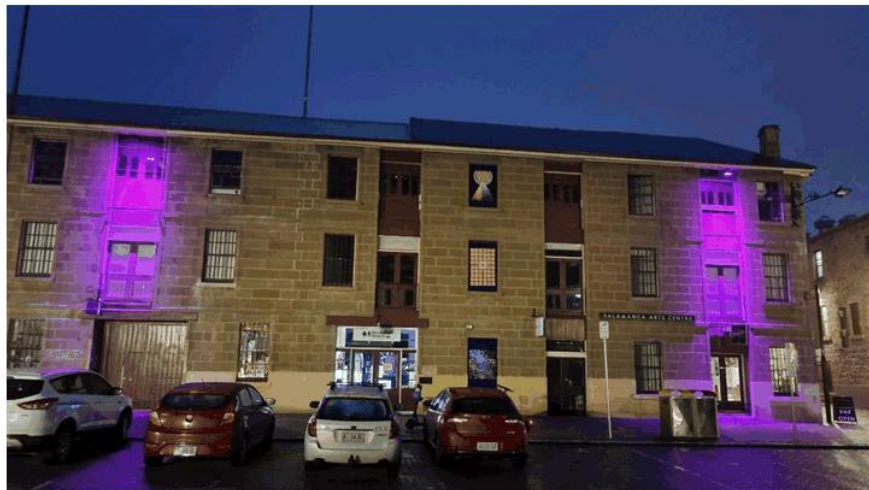


Figure 7: Image taken in front of 65-79 Salamanca Place looking south  
Samsung SM-G996B F1.8 1/25s 5.40mm ISO800

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



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

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Figure10: Image taken in front of 27 Salamanca Place looking south Samsung SM-G996B F1.8 1/25s 5.40mm ISO800 28 Feb 2022 8.39pm

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

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

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

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

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

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



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

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



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0438376840 [evan@e3planning.com.au](mailto:evan@e3planning.com.au)

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

**Conclusion**

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

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

Regards

Evan Boardman  
Grad Dip URP, B ScEnv, B Econ MEIANZ

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**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

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

SEARCH DATE : 26-Feb-2016

SEARCH TIME : 09.36 AM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Diagram 41654

Being the land secondly described in Conveyance No. 64/7974

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

Prior CT 4611/15

SCHEDULE 1

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

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

35/834 CONVEYANCE: Benefiting Easement: Right to pass and  
repass over the Right of Way shown on Diagram No.  
41654

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

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 90515	FOLIO 2
EDITION 7	DATE OF ISSUE 11-Jul-2011

SEARCH DATE : 26-Feb-2016

SEARCH TIME : 09.37 AM

DESCRIPTION OF LAND

City of HOBART

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

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

Parramore.

Prior CT 2787/43

SCHEDULE 1C881784 TRANSFER to OLYMPUS SUPERANNUATION FUND (TAS) PTY LTD  
Registered 11-Jul-2011 at noonSCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

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

SEARCH DATE : 26-Feb-2016

SEARCH TIME : 09.38 AM

DESCRIPTION OF LAND

City of HOBART

Lot 3 on Diagram 90515 (formerly being 18-20HOB)

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

Prior CT 4611/16

SCHEDULE 1

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

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

35/834 CONVEYANCE - BENEFITING EASEMENT: Right to enter and erect a wall

35/834 CONVEYANCE - BURDENING EASEMENT: Right to enter upon a party wall (For W.J. Adams and others)

35/834 CONVEYANCE - BURDENING EASEMENT: Right for support (For W.J. Adams and others)

UNREGISTERED DEALINGS AND NOTATIONS

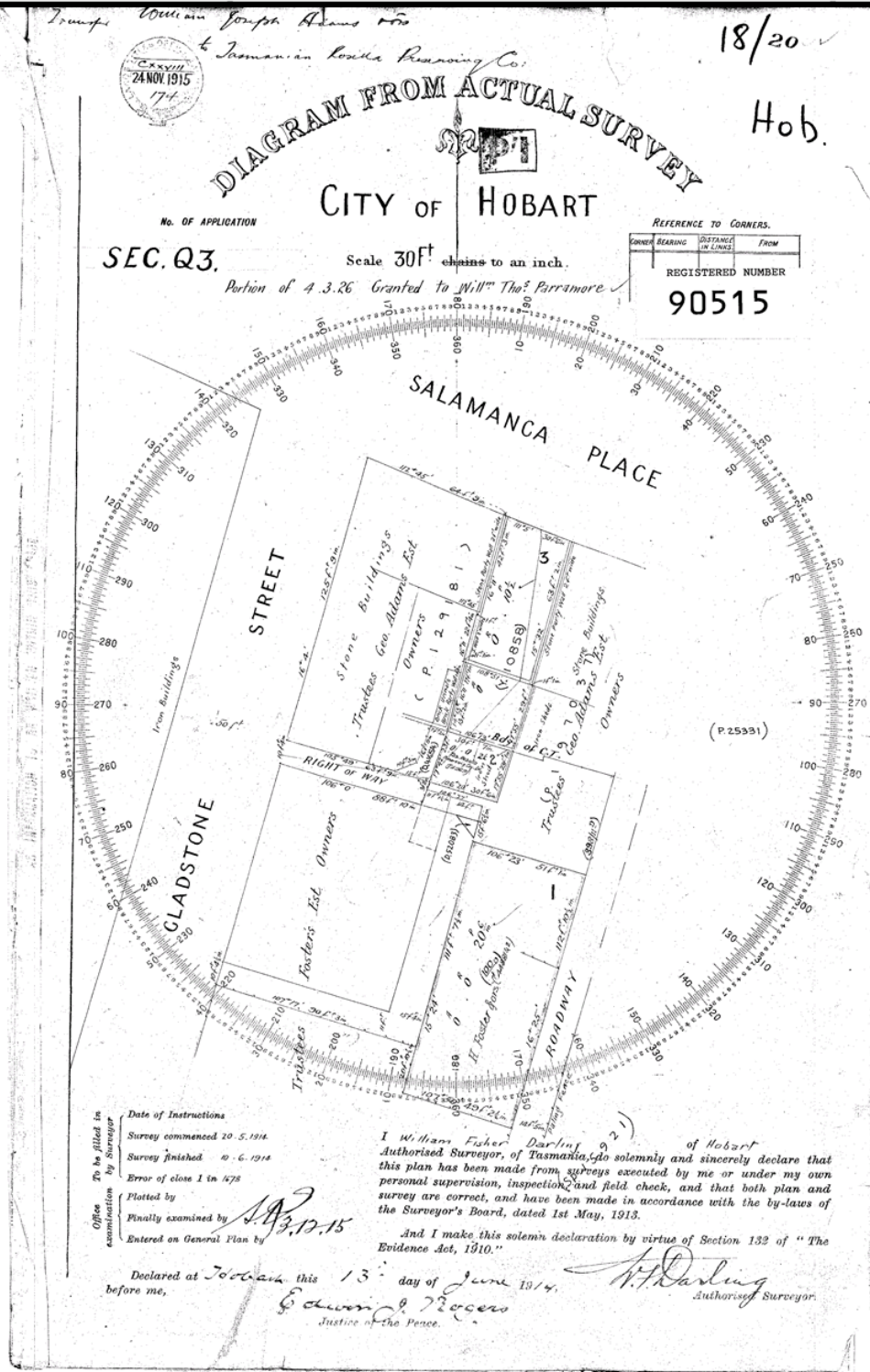
No unregistered dealings or other notations



## FOLIO PLAN

RECORDER OF TITLES

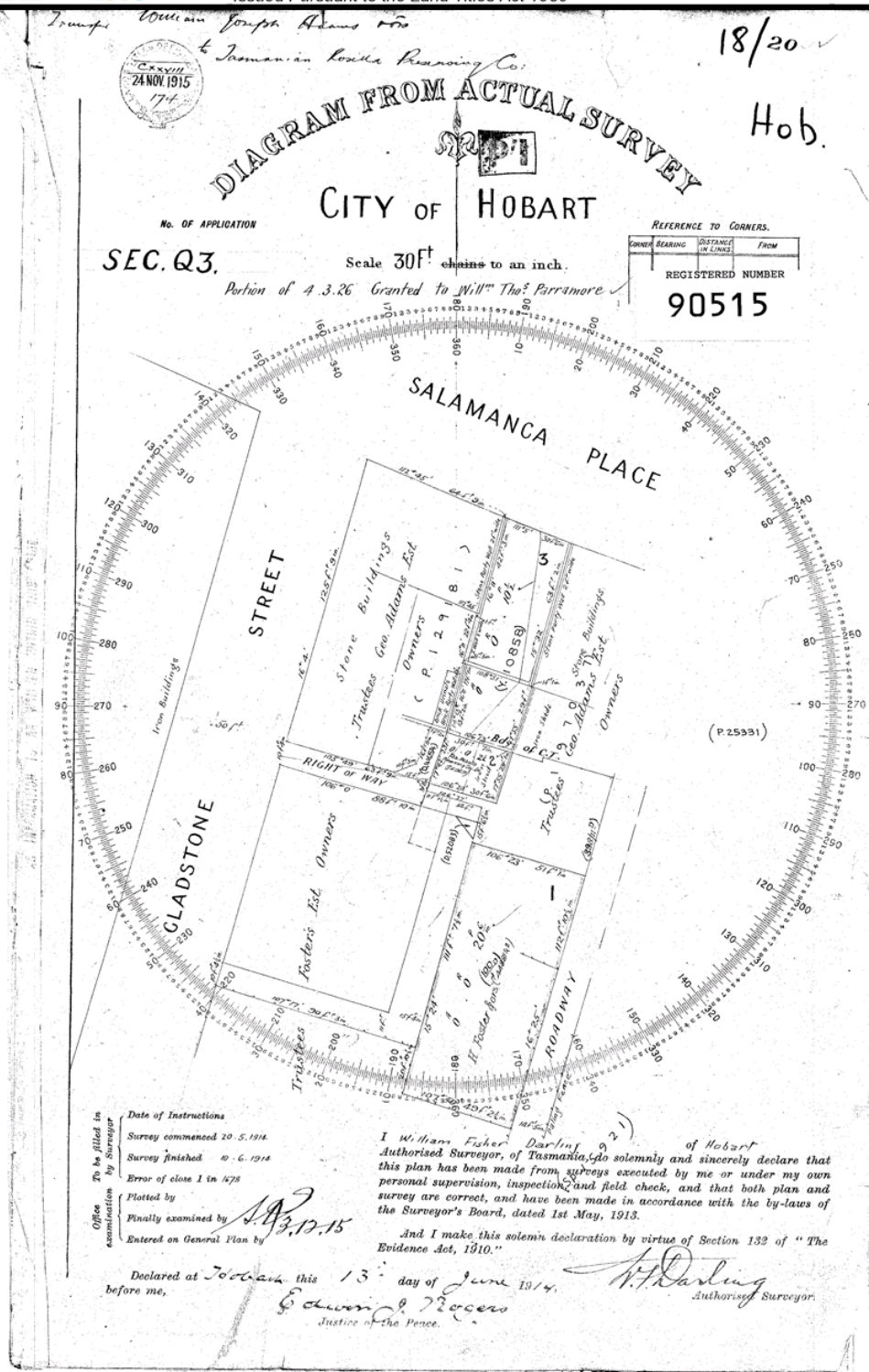
Issued Pursuant to the Land Titles Act 1980



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

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

SEARCH DATE : 26-Feb-2016

SEARCH TIME : 09.41 AM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Sealed Plan 114251

Derivation : Part of 0-3-27 Granted to T. Hewitt

Derived from Stratum Plan No.37

Prior CT 64025/1

SCHEDULE 1

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

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP114251 EASEMENTS in Schedule of Easements

C80268 TRANSFER of EASEMENT Benefiting Easement: Right to  
Pass & Repass over the land marked "A.B.C.D" on SP No.  
114251 Registered 09-Jan-1998 at 12.03 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

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

SEARCH DATE : 26-Feb-2016

SEARCH TIME : 09.40 AM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Diagram 101911

Being the land described in Conveyance 60/3903

Derivation : Part of 0A-3R-27Ps. Gtd. to Thomas Hewitt

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

SCHEDULE 1

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

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

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

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



OWNER THE OWNERS OF MONTEPELIER HOLDINGS MONTEPELIER RETREAT HOBART 7000 P & V. A. BERAKIS D. & M. BEHRAKIS FOLIO REFERENCE CT 54025/1, STRATUM PLAN 59938 GRANTEE PART OF 0-3-27 (SEC W3) GTD. TO THOMAS HEWITT		<b>PLAN OF SURVEY</b> BY SURVEYOR C. B. ROGERSON E. BARRIE VALENTINE 183 MACQUARIE ST HOBART LOCATION <b>CITY OF HOBART</b> SCALE 1: 250 LENGTHS IN METRES		REGISTERED NUMBER <b>SP114251</b> APPROVED EFFECTIVE FROM 29 JAN 1996  Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 21	LAST UPI No.	LAST PLAN No. 47/5 N.S.	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	

LOT 1 IS COMPILED FROM C.T. 64025/1 AND THIS SURVEY

94017



**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

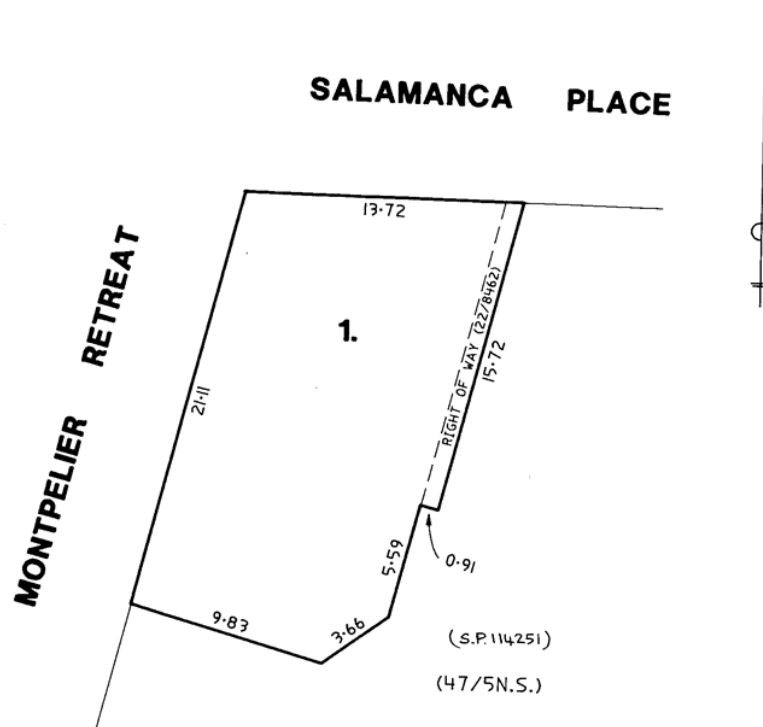


APPROVED <b>14 SEP 1992</b> <i>Michael Stan</i> RECORDER OF TITLES	<b>CONVERSION PLAN</b> CONVERTED FROM 60/3903	REGISTERED NUMBER <b>D.101911</b>
FILE NUMBER <b>A.10993</b>	GRANTEE: PART OF 0-3-27 GTD. TO THOMAS HEWITT	DRAWN S.J.G. 10-9-92

SKETCH BY WAY OF ILLUSTRATION ONLY

CITY/TOWN OF **HOBART (SEC.W.3)**  
~~LAND DISTRICT OF~~  
~~PARISH OF~~  
 LENGTHS ARE IN METRES. NOT TO SCALE.  
 LENGTHS IN BRACKETS IN LINKS/FEET & INCHES.

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





## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



REGISTERED NUMBER

SP114251



## SCHEDULE OF EASEMENTS

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

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

## EASEMENTS AND PROFITS

Each lot on the plan is together with:—

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

Each lot on the plan is subject to:—

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

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

Lot 1 is together with the full right and liberty to maintain use cleanse repair renew and replace the spouting now projecting over the strip of land marked O.13 Spouting on the plan.

~~No easements, no covenants and no profits à prendre are created to benefit or burden the lot shown on the plan.~~

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

THE COMMON SEAL of L T LITTLE

PTY LTD (ACN 009 469 485) the

registered proprietor of the land comprised

in Certificate of Title Volume 59938 Folio 2

was hereunto affixed in the presence of.



*Little*

DIRECTOR

*L T Little*

DIRECTOR  
SECRETARY

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SP. 114251

THE COMMON SEAL of PERPETUAL  
TRUSTEES TASMANIAN LTD as  
mortgagee under mortgage number B472970  
was hereunto affixed in accordance with its  
Articles of Association by authority of a resolution  
of its Board of Directors in the presence of:



MANAGER

SECRETARY

SIGNED by PETER BERAKIS, VICTORIA ANNE  
BERAKIS, DENNIS BEHRAKIS and MARIA  
BEHRAKIS the registered proprietors of the  
land comprised in Certificate of Title  
Volume 64025 Folio 1 in the presence  
of:

*Alan E. Firth*  
ALAN FIRTH  
COMPANY ACCOUNTANT  
10 TRIMMA ST HOBART

SIGNED by the RETIREMENT  
BENEFITS FUND INVESTMENT TRUST

by its duly constituted attorney Terence Leigh Hancock  
pursuant to power of attorney registered  
number 65/3433 (who declares he has no  
notice of the revocation of such power of  
attorney) in the presence of:

*Sandy Ray*  
15 PRINCES ST  
SANDY RAY  
INVESTMENT OFFICER

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





## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SP 114251

This is the schedule of easements attached to the plan of P. V. BERAKIS and D. M. BEHRAKIS  
(Insert Subdivider's Full Name)

..... affecting land in

C.T. 64025/1 STRATUM PLAN 59938  
(Insert Title Reference)

Sealed by HOBART CITY COUNCIL on 4<sup>TH</sup> JANUARY 1995...

Solicitor's Reference .....

08 x 3134

  
MANAGER SURVEYING SERVICES

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b>  PAGE 2 OF ..... PAGE/S	<b>Registered Number</b>  SP 114251
SUBDIVIDER: BEHRAKIS & ORS FOLIO REFERENCE: 64025/1	

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

This annexure page added this 8th day of  
October 1997

MICHAEL DIXON  
RECORDER OF TITLES

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

**CERTIFICATE OF TITLE DECLARATION**

Application address: 25, 39 - 41 Salamanca Place, Battery Point, 7004 .....

Application number: .....

I hereby declare that the Certificate of Title submitted with the above application  
on 05 / 10 / 2021 ..... is a current copy of the Title. I declare no changes  
have occurred to the Title since the search date.

Signed:  .....

Name: Ganche Chua (Circa Morris-Nunn Architects) .....

Date: 05 / 10 / 2021 .....

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



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

21 September 2021

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

mailto: alex@circamorrisnunn.com.au

Dear Sir/Madam

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

**Site Address:**

25 Salamanca Place, Battery Point

**Description of Proposal:**

Alterations (External Lighting)

**Applicant Name:**

Alex Nielsen  
Morris Nunn Architects

**PLN (if applicable):**

PLN-21-530

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

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

Hobart Town Hall  
50 Macquarie Street  
Hobart TAS 7000

Hobart Council Centre  
16 Elizabeth Street  
Hobart TAS 7000

City of Hobart  
GPO Box 503  
Hobart TAS 7001

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

CityofHobartOfficial  
ABN 39 055 343 428  
Hobart City Council

This consent does not constitute an approval to undertake any works and does not authorise the owner, developer or their agents any right to enter or conduct works on any Council managed land whether subject to this consent or not.

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

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

Yours faithfully



(Kelly Grigsby)

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

Relevant documents/plans:

Plans - Circa Morris-Nunn Architects



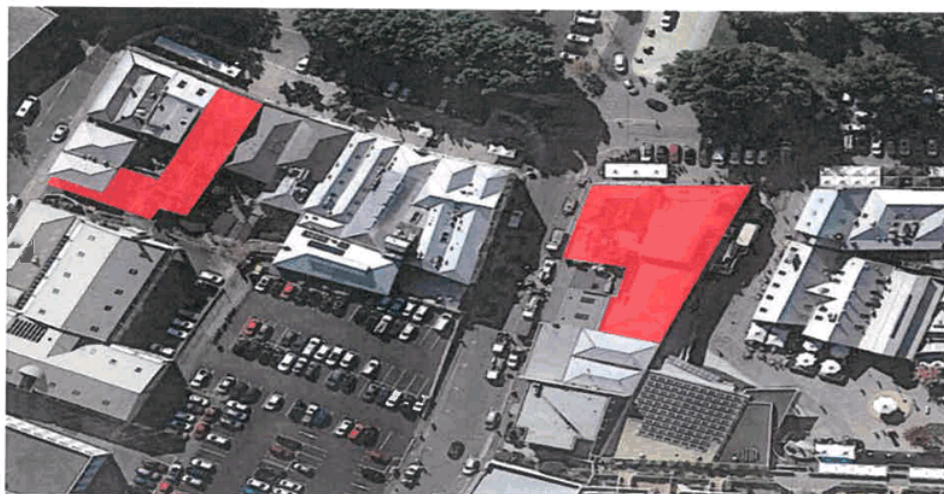
GMC-21-56

20 September 2021

**MEMORANDUM: DIRECTOR CITY AMENITY****REQUEST TO GRANT LAND OWNER CONSENT TO  
LODGE A PLANNING APPLICATION****Site Address: 25 Salamanca Place, Battery Point****Description of Proposal: Alterations (External Lighting)****Applicant Name: Alex Nielsen  
Morris Nunn Architects****Planning Ref: PLN-21-530**

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

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



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

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

Page 2 of 2

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

**RECOMMENDATION**

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

*Approved*

(Glenn Doyle)

**DIRECTOR CITY AMENITY****Approved / ~~Not Approved~~**Date: 20 Sept 2021

Attachments/Plans: Proposal



25 39/41 SALAMANCA PLACE

EXTERNAL LIGHTING  
DEVELOPMENT APPLICATION

DRAWING LIST

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



LOCATION PLAN

revisions

FOR PLANNING ONLY

original drawing size

A3

25 + 39/41 SALAMANCA  
PV + DM Behrakis

GPO Box 67  
Hobart, TAS  
Australia, 7001

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circa morris-munn architects

Contact

44 stream | 27 hunter st | hobart | tas | 7000  
05 6236 6544  
info@circamorris-munn.com.au

These drawings show design intent and are suitable as a guide only. The builder shall check and verify all dimensions and verify all errors/omissions to the Architect. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the Architect for construction.

COVER

DEVELOPMENT APPLICATION

Issue Date

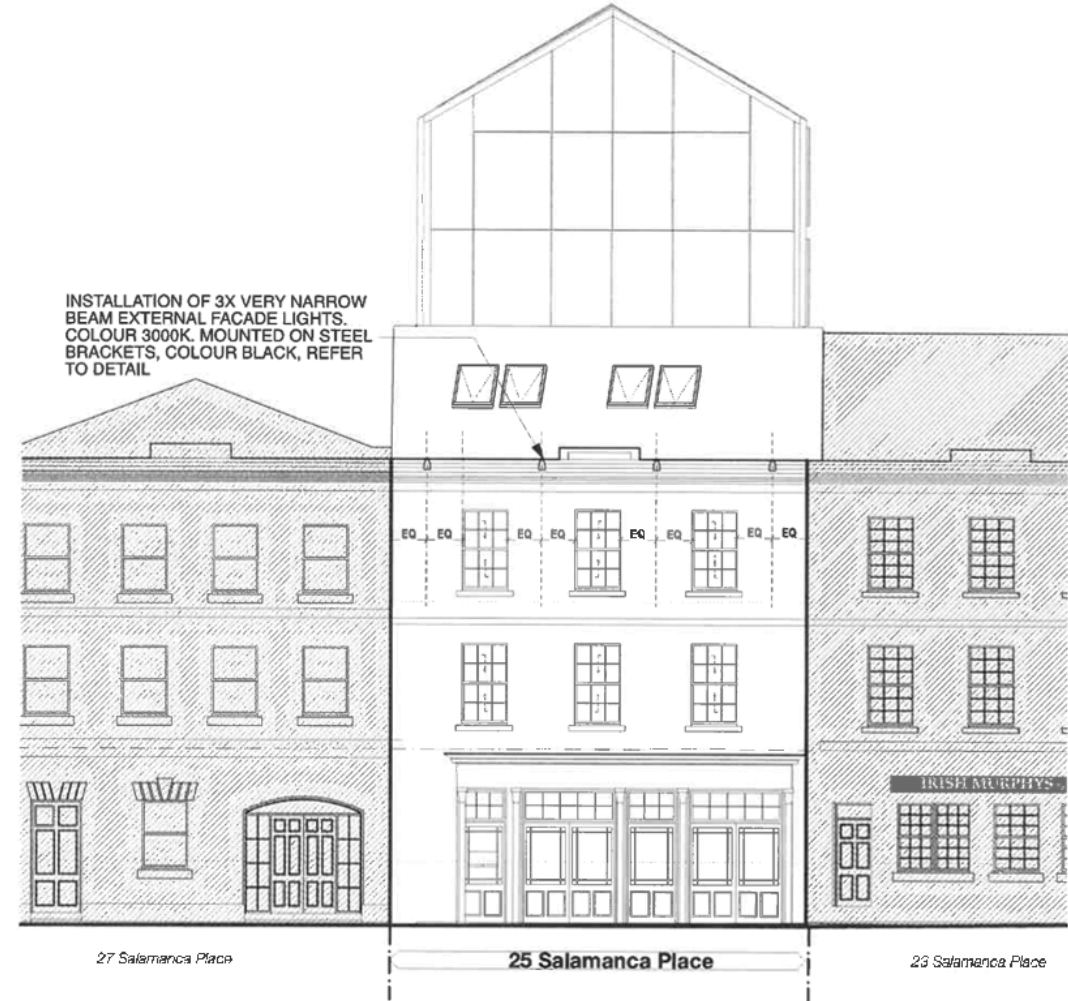
drawing n°

Issue

1526-DA01

A





01 NORTH ELEVATION  
scale 1:100

revisions

FOR PLANNING ONLY

original drawing 348 A3

25 + 39/41 SALAMANCA  
PV + DM Behrakis

GPO Box 67  
Hobart, TAS  
Australia, 7001

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**circa morris-munn architects**  
Contact

161 William | 27 Hunter St | Hobart | Tas | 7000  
03 6235 9544  
info@circamorris-munn.com.au

These drawings show design intent and are suitable as a guide only. The builder shall check and verify all dimensions and verify all errors/omissions to the Architect. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the Architect for construction.

NORTH ELEVATION

01/2020 DEVELOPMENT APPLICATION

Issue Date

drawing n° issue

1526-DA02 A



01 WEST ELEVATION  
scale 1:100

revisions

FOR PLANNING ONLY

original drawing size

A3

25 + 39/41 SALAMANCA  
FV + DM Behreid

QFO E's 07  
- SCRT - AS  
- W/20210 7004

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circa morris-nunn architects  
Contact

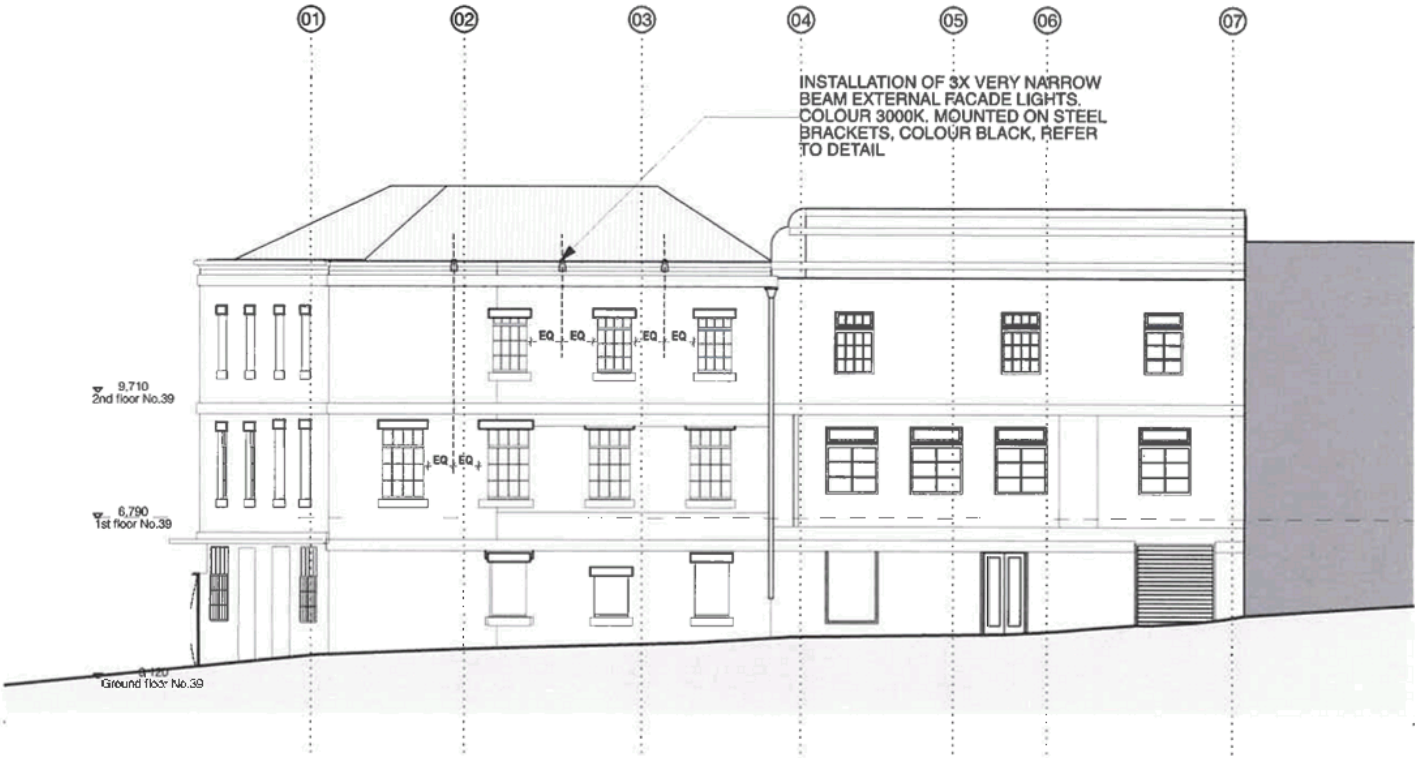
el salado | 27 number 11 | phone: 08 7000  
33 6230 6544  
info@circa-morris-nunn.com.au

These drawings show design intent and are suitable as a guide only. The builder must check and verify all dimensions and verify all work of construction to the Architect. Do not scale off the drawings. Drawings are not to be used for construction purposes and issued by the Architect for construction.

NORTH ELEVATION

1526-DA03  
1526-DA03

1526-DA03  
1526-DA03



01 WEST ELEVATION  
scale 1:100

revisions

FOR PLANNING ONLY

original drawing size

A3

25 + 39/41 SALAMANCA  
PV + DM Behrakis

QHO 552157  
Hovan, D.C.  
Austin 7/2021

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circa morris-nunn architects  
Contact

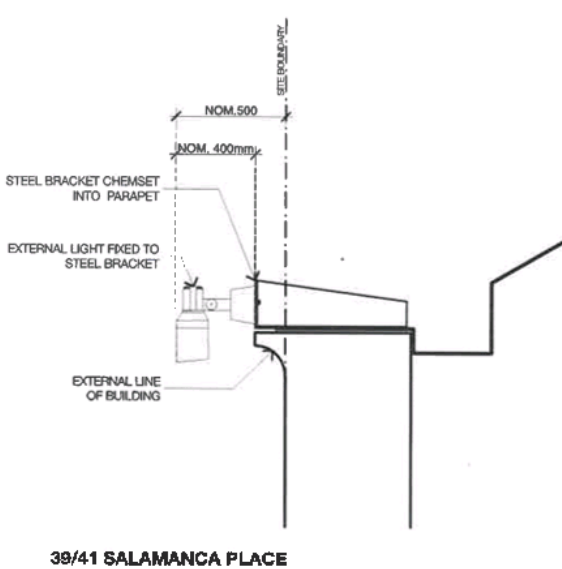
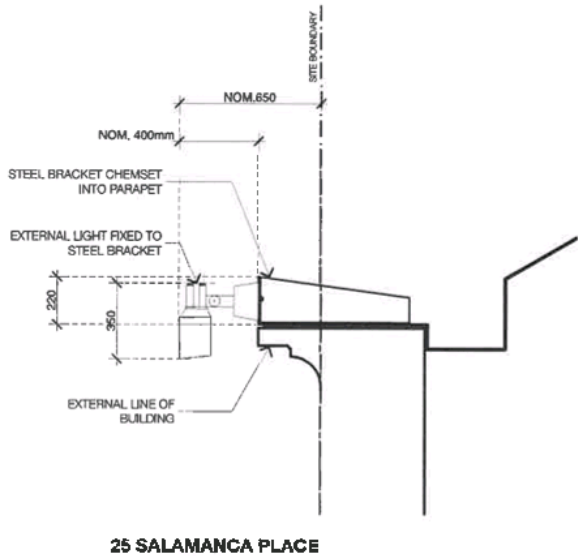
x.stuart | p.hughes | i.barnett | t.w | 7000  
03 8238 9544  
info@circamorrisnunn.com.au

These drawings show design intent and are suitable as a guide only. The builder shall check and verify all dimensions and verify all errors/omissions to the Architect. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the Architect for construction.

WEST ELEVATION

status DEVELOPMENT APPLICATION  
Issue Date

Drawing n° 1526-DA04  
Issue A



01 EXTERNAL LIGHT DETAIL  
- scale 1:20

revisions

FOR PLANNING ONLY

original drawing size

A3

25 + 39/41 SALAMANCA  
PV + DM Bahrakis

19/01/2021  
Hobart TAS  
Australia, 7000

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circa morris-munn architects  
Contact

el@circa | 27 munn | t | h | b | h | b | t | t | e | c | t | s | . | c | o | m | . | a | u |  
08 0266 5944  
info@circa-munn.com.au

These drawings show design intent and are for guidance only. The builder shall check and verify all dimensions and verify all materials and details to the Architect. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the Architect for construction.

DETAIL

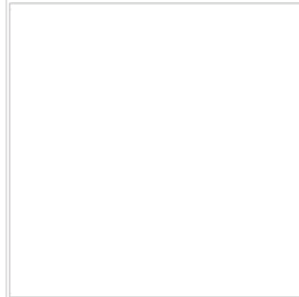
1526-DA05  
1526-DA05

1526-DA05  
A

Planning: #238834

**Property**

25 SALAMANCA PLACE BATTERY POINT TAS 7004

**People****Applicant**

\*

Circa Architecture  
Alex Nielsen  
27 Hunter Street  
HOBART TAS 7000  
0488 752 225  
alex@circamorphism.com.au

**Owner**

\*

Olympus Superannuation Fund Tas Pty Ltd  
  
GPO Box 67  
HOBART TAS 7001  
0412 66 66 17  
peter.shires@behakigroup.com

**Entered By**

ALEX NIELSEN  
6 / 19 QUAYLE STREET  
SANDY BAY TAS 7005  
0488 752 225  
alexanknielsen@gmail.com

**Use**

Visitor accomodation

**Details**

Have you obtained pre application advice?

☐ No

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

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

\*

☐ No

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the

number of signs under Other Details below.

\*

☐ No

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

ENF-21-134

**Details**

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

\*

 Visitor Accommodation

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

\*

 The Installation External Facade Lights

Estimated cost of development

\*

 10000.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

 4000.00

 4000.00

 1700
**Carparking on Site**

N/A

Total parking spaces

Existing parking spaces

 0

 0

 Other (no selection chosen)
**Other Details**

Does the application include signage?

\*

☐ No

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

\*

 0
**Tasmania Heritage Register**

Is this property on the Tasmanian Heritage Register?

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

Title (Folio text and Plan and Schedule of Easements)

\*

 TITLES.pdf

Plans (proposed, existing)

\*

 41 Salamanca Place (Guest Accommodation).pdf

**Hobart City Council**  
16 Elizabeth Street, Hobart 7000

**Tax Invoice  
Official Receipt**

ABN: 39 055 343 428

10/08/2021

Receipt No: 344166

To: Alex Nielsen  
27 Hunter Street  
HOBART TAS 7000

Description	Reference	Amount
Planning Permit Fee		\$ 300.00
Planning Permit Advertising Fee*		\$ 400.00
Tasmanian Heritage Property Fee		\$ 150.00
Transaction Total <sup>†</sup> :		\$ 850.00
Includes GST of:		\$ 36.36

Cheque payments subject to bank clearance



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

## PAYMENT SUMMARY

ABN: 39 055 343 428

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

11/08/2021

YOUR REFERENCE ONLY: 25 Salamanca Place

To: Alex Nielsen  
27 Hunter Street  
HOBART TAS 7000

Description	Amount
Planning Permit Fee	\$ 300.00
Planning Permit Advertising Fee*	\$ 400.00
Tasmanian Heritage Property Fee	\$ 150.00
<b>Total*:</b>	<b>\$ 850.00</b>
<b>Includes GST of:</b>	<b>\$ 36.36</b>

Tax Receipt will be issued on payment.

---



Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
Tel: 1300 850 332  
[enquiries@heritage.tas.gov.au](mailto:enquiries@heritage.tas.gov.au)  
[www.heritage.tas.gov.au](http://www.heritage.tas.gov.au)

PLANNING REF: PLN-21-530  
THC WORKS REF: 6728  
REGISTERED PLACE NO: 1930, 1963 & 1964  
FILE NO: 15-03-82THC, 10-53-48THC & 07-02-23THC  
APPLICANT: Alex Nielsen, Circa Morris Nunn Architects  
DATE THC RECEIVED: 13 October 2021  
DATE OF THIS NOTICE: 18 October 2021

## NOTICE OF INTEREST

*(Historic Cultural Heritage Act 1995)*

The Places: 25, 39 & 41 Salamanca Place, Battery Point  
Proposed Works: External lighting

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

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

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

A handwritten signature in blue ink, appearing to read 'RD'.

Russell Dobie  
**Regional Heritage Advisor – Heritage Tasmania**  
*Under delegation of the Tasmanian Heritage Council*

## Application Referral Cultural Heritage - Response

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

### Referral Officer comments:

#### Background:

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

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

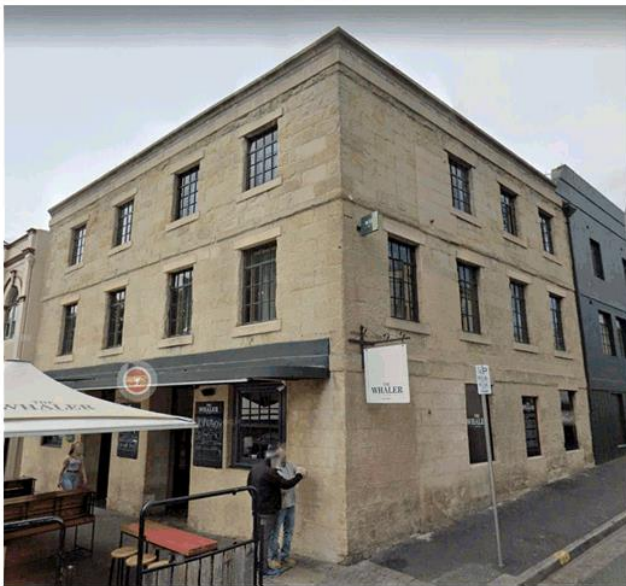
The proposal is for 14 downlights/spotlights attached to the top or parapet of the following buildings that are identified as heritage listed in Table 1 Places of Cultural Significance in Schedule 1 Conservation of Cultural Heritage Values of the *Sullivans Cove Planning Scheme 1997*.

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

The heritage listed places are as follows:



25 Salamanca Place (reference 86)



39 Salamanca Place (reference 92)



41 Salamanca Place (reference 93)

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







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





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







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

**Assessment:**

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

**Clause 22.4.5 'Discretionary' 'Building or Works':**

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

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

- *'Building or works' must complement and contribute to the cultural significance, character and appearance of the place and its setting;*
- *'Building or works' must be in compliance with the conservation strategy of an approved Conservation Plan, where required and/or provided;*
- *The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any place of cultural significance;*
- *'Building or works' must not reduce the apparent authenticity of places of cultural significance by mimicking historic forms;*
- *'Building or works' may be recognisable as new but must not be individually prominent;*
- *The painting of previously unpainted surfaces is discouraged.*

**Response:**

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

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

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



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

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

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

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

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



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



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



Parliament House during daytime. Source: Council image

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

#### **Schedule 7 Demolition clause 28.5:**

##### *Guidelines for Development Control*

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

##### *Any application for demolition:*

*(a) Shall be refused if the building is included as a cultural heritage place in Table 1 of the Conservation of Cultural Heritage Values Schedule of this Scheme, unless;*

- (i) The demolition is approved as part of a Conservation Plan approved by the Planning Authority or otherwise in its discretion under the Conservation of Cultural Heritage Values Schedule of this Scheme;*
- (ii) The building clearly detracts from the cultural values or significance of the place; or*
- (iii) There are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part.*

*(b) May be refused if in the opinion of the Planning Authority the building contributes to the cultural heritage or urban character of the Activity Area and the building is capable of*

*continued beneficial use.*

**Response:**

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

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

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

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

**Conclusion:**

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

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

The proposal is recommended for refusal.

Sarah Waight  
Senior Cultural Heritage Officer  
11 July 2022

**Reasons for Refusal:**

1. The proposal does not meet clause 22.4.5 of the *Sullivans Cove Planning Scheme 1997* because the 'buildings or works' do not complement or contribute to the cultural heritage significance, character and appearance of the heritage listed place and Salamanca Place, are individually prominent and the location, bulk and appearance will adversely affect the heritage values of a place of cultural significance.

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



## **4. REPORTS**

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### **4.1 State Planning Provisions Review - Feedback on Scoping Paper File Ref: F22/74281**

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Report of the Manager City Futures and the Director City Life of 29 July 2022 and attachments.

Delegation: Council

**REPORT TITLE: STATE PLANNING PROVISIONS REVIEW -  
FEEDBACK ON SCOPING PAPER****REPORT PROVIDED BY:** Manager City Futures  
Director City Life**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to provide feedback on the Tasmanian Government's scope of the State Planning Provisions (SPPs) review.
  - 1.1.1. The report benefits the community by encouraging the SPPs to be clear and comprehensive and to deliver good planning outcomes.

**2. Report Summary**

- 2.1. The proposal is to endorse a submission (**Attachment A**) in response to the Tasmanian Government's invitation to provide feedback on the scope of the SPPs review.
- 2.2. The SPPs are the consistent set of planning rules that, along with the Local Provisions Schedules (LPSs), make up the Tasmanian Planning Scheme.
- 2.3. The provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA) require the SPPs to be reviewed every 5 years. The SPPs came into effect in 2017 and are therefore due for this regular review.
- 2.4. The proposed submission includes the following main points:
  - 2.4.1. All elements of the SPPs should be within the scope of the review, and no part should be omitted from the review.
  - 2.4.2. The scope of the review should not exclude legislative change where required to adequately support the delivery of outcomes.
  - 2.4.3. Exemptions require a comprehensive review to ensure matters that should be considered by the scheme are not exempt, and that matters that don't require assessment are exempt.
  - 2.4.4. A thorough review of the residential standards is supported. The provisions do not currently encourage good outcomes.
  - 2.4.5. The Local Historic Heritage Code is considered deficient in many areas. The code is lengthy, not consistent and poorly drafted. It requires considerable redrafting to ensure it is consistent with current and good heritage practice and include references to the Burra Charter.

- 2.4.6. Consider potential mechanisms and issues for ensuring that development applications that propose improved access facilities to meet the equal access requirements of the National Building Code are taken into account in assessments under the Local Historic Heritage Code or the *Historic Cultural Heritage Act 1995*.
- 2.4.7. Significant Trees should be covered by a separate code, not the Historic Heritage Code, as there are many trees that are listed for reasons other than historic heritage significance.
- 2.4.8. The Natural Assets Code does not provide adequate protection of natural values through exemption of the code in a range of zones.
- 2.4.9. The Natural Hazards codes require significant review.
- 2.4.10. The parking rates under the Parking and Sustainable Transport Code should be reviewed and updated.
- 2.4.11. A Stormwater Management Code should be reintroduced.
- 2.4.12. There are a number of terms that would benefit from having definitions.
- 2.5. It is recommended that Council endorse the proposed submission in **Attachment A**.

### **3. Recommendation**

#### ***That:***

- 1. ***Council endorse the feedback on the scope of the State Planning Provisions review in Attachment A for submission to the Tasmanian Government.***

#### 4. Background

- 4.1. The Tasmanian Government has released a scoping paper on the draft SPPs for public comment (**Attachment B**).
- 4.2. The SPPs are the consistent set of planning rules (including the exemptions, administrative provisions, 23 zones and 16 codes) that make up the statewide part of the new Tasmanian Planning Scheme. The Tasmanian Planning Scheme is completed by the Local Provisions Schedules (LPSs), which set specific local rules for each municipal area.
- 4.3. The SPPs have no practical effect until a LPS is in effect in a municipal area. As the Hobart LPS is not yet in effect, the SPPs are not yet in operation in Hobart.
- 4.4. The SPPs are required to be reviewed every 5 years under section 30T of LUPAA.
- 4.5. The SPPs came into effect on 2 March 2017 and are therefore due for review.
- 4.6. The SPP review will occur in two stages, beginning with the current consultation phase on the scoping of the review which will assist in identifying key issues that require review. Following this stage, separate projects will be initiated to investigate these issues, and the SPPs will then be amended.
- 4.7. The second phase of the review is to ensure the SPPs are consistent with the Tasmanian Planning Policies (TPPs) once they are implemented (see diagram below).

### State Planning Provisions Review timeline

#### Stage 1 Review



##### Scope

Invite public input to scope of the SPPs Review

##### Review

Review and prepare report on submissions and identify projects to progress Stage 1 amendments to the SPPs.

##### Stage 1 SPPs Amendments

Detailed consideration of issues and progression of Stage 1 amendments to the SPPs through the normal processes with assistance from stakeholder reference/consultative groups.

#### Stage 2 Review



##### Review for consistency with TPPs

Review SPPs for consistency with the TPPs (once made) and invite public input.

##### Stage 2 SPPs Amendments

Progress Stage 2 amendments to the SPPs to implement the TPPs through the normal processes with assistance from stakeholder reference/consultative groups.

- 4.8. Some of the issues raised during consultation may need to be addressed after the TPPs are finalised, and others will be able to be amended in the short-term.
- 4.9. Further information can be found at the Tasmanian Government planning reform website: <https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions>.
- 4.10. While the general deadline for this round of feedback is 29 July 2022, an extension has been granted until 5 August 2022 in order for this report to be considered by full Council.

## 5. Proposal and Implementation

- 5.1. The proposal is that Council endorse feedback on the scope of a review of the SPPs (**Attachment A**) for submission to the Tasmanian Government.
- 5.2. The scoping paper (**Attachment B**) suggests the following questions for consideration at this stage of the review:
  - Which parts of the SPPs do you think work well?

- Which parts of the SPPs do you think could be improved?
  - What improvements do you think should be prioritised?
  - Are there any requirements that you don't think should be in the SPPs?
  - Are there additional requirements that you think should be included in the SPPs?
  - Are there any issues that have previously been raised on the SPPs that you agree with or disagree with?
  - Are there any of the issues summarised in the *Review of Tasmania's Residential Development Standards – Issues Paper* that you agree or disagree with?
- 5.3. The Scoping Paper further identifies what will not be within the scope of the review, specifically:
- Local Provisions Schedules;
  - Regional Land Use Strategies;
  - State Policies; or
  - The broader planning framework within LUPAA and associated legislation.
- 5.4. The proposed feedback submission (**Attachment A**) includes comments from various functional areas of the City of Hobart.
- 5.5. The main issues raised include:
- 5.5.1. All elements of the SPPs should be within the scope of the review, and no part should be omitted from the review.
  - 5.5.2. The scope of the review should not exclude legislative change where required to adequately support the delivery of outcomes.
  - 5.5.3. Exemptions require a comprehensive review to ensure matters that should be considered by the scheme are not exempt, and that matters that don't require assessment are exempt.
  - 5.5.4. A thorough review of the residential standards is supported. The provisions do not currently encourage good outcomes.
  - 5.5.5. The Local Historic Heritage Code is considered deficient in many areas. The code is lengthy, not consistent and poorly drafted. It requires considerable redrafting to ensure it is consistent with current and good heritage practice and include references to the Burra Charter.

- 5.5.6. Consider potential mechanisms and issues for ensuring that development applications that propose improved access facilities to meet the equal access requirements of the National Building Code are taken into account in assessments under the Local Historic Heritage Code or the *Historic Cultural Heritage Act 1995*.
- 5.5.7. Significant Trees should be covered by a separate code, not the Historic Heritage Code, as there are many trees that are listed for reasons other than historic heritage significance.
- 5.5.8. The Natural Assets Code does not provide adequate protection of natural values through exemption of the code in a range of zones.
- 5.5.9. The Natural Hazards codes require significant review.
- 5.5.10. The parking rates under the Parking and Sustainable Transport Code should be reviewed and updated.
- 5.5.11. A Stormwater Management Code should be reintroduced.
- 5.5.12. There are a number of terms that would benefit from having definitions.
- 5.6. Many of the issues raised were also raised in previous submissions in response to the initial 2016 consultation on the SPPs and in response to the introduction of Planning Directive 8, which inserted exemptions and residential provisions from the SPPs into interim schemes.
- 5.7. It is proposed that the Tasmanian Government be advised that these previous submissions are generally still relevant, and should be considered again as part of the SPP review, in addition to the submission in **Attachment A**.
- 5.8. It is recommended that the submission to the Tasmanian Government provided in **Attachment A** be endorsed.

## 6. Strategic Planning and Policy Considerations

- 6.1. The proposed submission is consistent with the objectives of the Capital City Strategic Plan 2019-2029, in particular with the following outcomes:
  - 6.1.1. Hobart keeps a strong sense of identity, even as the city changes.
  - 6.1.2. Hobart's cityscape reflects the heritage, cultural and natural environment that make it special.
  - 6.1.3. In City decision-making, we consider how different aspects of Hobart life connect and contribute to sense of place.



- 6.1.4. Hobart communities are active, healthy and engaged in lifelong learning.
- 6.1.5. Hobart communities are safe and resilient, ensuring people can support one another and flourish in times of hardship.
- 6.1.6. Hobart is a creative and cultural capital where creativity is a way of life.
- 6.1.7. Hobart's economy reflects its unique environment, culture and identity.
- 6.1.8. Hobart's economy is strong, diverse and resilient.
- 6.1.9. An accessible and connected city helps maintain Hobart's pace of life.
- 6.1.10. Hobart has effective and environmentally sustainable transport systems.
- 6.1.11. The natural environment is part of the city and biodiversity is preserved, secure and flourishing.
- 6.1.12. Hobart is a city with renewable and ecologically sustainable energy, waste and water systems.
- 6.1.13. Hobart is responsive and resilient to climate change and natural disasters.
- 6.1.14. Hobart has a diverse supply of housing and affordable homes.
- 6.1.15. Development enhances Hobart's unique identity, human scale and built heritage.
- 6.1.16. Infrastructure and services are planned, managed and maintained to provide for community wellbeing.
- 6.1.17. Community involvement and an understanding of future needs help guide changes to Hobart's built environment.
- 6.1.18. Strong partnerships and regional collaboration make Hobart a thriving capital city.

## **7. Financial Implications**

- 7.1. Funding Source and Impact on Current Year Operating Result
  - 7.1.1. None.
- 7.2. Impact on Future Years' Financial Result
  - 7.2.1. None.

7.3. Asset Related Implications

7.3.1. None.

**8. Legal, Risk and Legislative Considerations**

8.1. Any amendments to the SPPs will be undertaken in accordance with the requirements of LUPAA.

**9. Environmental Considerations**

9.1. Environmental considerations are taken into account in the proposed submission, including protection of vegetation, climate change, and management of environmental hazards.

**10. Social and Customer Considerations**

10.1. The wellbeing of the community is considered in the feedback on the SPPs.

**11. Marketing and Media**

11.1. There are no marketing or branding implications of this proposal.

**12. Community and Stakeholder Engagement**

12.1. No engagement by the City is necessary as this report responds to a proposal by the Tasmanian Government.

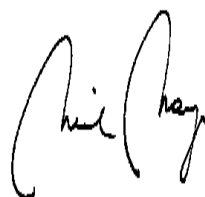
**13. Delegation**

13.1. Delegation rests with Council.

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



Sandra Hogue  
**MANAGER CITY FUTURES**



Neil Noye  
**DIRECTOR CITY LIFE**

Date: 29 July 2022  
File Reference: F22/74281

Attachment A: Proposed Submission ↓ 

Attachment B: State Planning Provisions Review Scoping Paper ↓ 



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Our Ref: S32-013-07

5 August 2022

Hon Michael Ferguson MP  
C/- State Planning Office  
Department of Premier and Cabinet  
GPO Box 123  
Hobart TAS 7001

**Via Email:** yoursay.planning.tas.gov.au; stateplanning@dpac.tas.gov.au

Dear Hon Michael Ferguson MP

**STATE PLANNING PROVISIONS REVIEW – CITY OF HOBART FEEDBACK**

Thank you for the opportunity to provide feedback on the State Planning Policies.

Please refer to the City of Hobart submission provided as an attachment to this letter. This submission was endorsed at the Council meeting on 1 August 2022.

Some of the key issues and suggestions can be summarised as follows:

- All elements of the SPPs should be within the scope of the review, and no part should be omitted from the review.
- The scope of the review should not exclude legislative change where required to adequately support the delivery of outcomes.
- The exemptions require a comprehensive review to ensure matters that should be considered by the scheme are not exempt, and that matters that don't require assessment are exempt.
- A thorough review of the residential standards is supported. The provisions do not currently encourage good outcomes.
- The City of Hobart has a long and successful history of the protection of heritage places and heritage precincts of both local and state value. The Local Historic Heritage Code is considered deficient in many areas. The City's unique built heritage will be eroded because of inappropriate development on and adjacent to listed places and in heritage precincts. The Code is lengthy, not consistent, logically structured and poorly drafted. It requires considerable redrafting to ensure it is consistent with current and good heritage practice and include references to the Burra Charter and to operate in the Hobart context.

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- Consider potential mechanisms and issues for ensuring that development applications that propose improved access facilities to meet the equal access requirements of the National Building Code are taken into account in assessments under the Local Historic Heritage Code or the *Historic Cultural Heritage Act 1995*.
- Significant Trees should be covered by a separate code, not the Historic Heritage Code, as there are many trees that are listed for reasons other than historic heritage significance.
- It is considered that the Natural Assets Code does not provide adequate protection of natural values. This code should be reviewed and updated.
- The Natural Hazards codes require significant review.
- It is suggested that the parking rates within the Parking and Sustainable Transport Code are reviewed and updated.
- Suggest including the Stormwater Management Code from the Southern Region's interim planning scheme into the SPPs. Stormwater will be insufficiently managed via the current SPPs and the Urban Drainage Act as currently proposed.
- There are a number of terms that would benefit from having definitions included within the SPPs, either within Section 3.0 Interpretation, or specifically within Codes. Refer to the attached document for details.

Please also refer to the previous City of Hobart submissions during the initial 2016 consultation phase of the SPPs and the implementation of Planning Directive 8, which provide further detailed issues that are generally still relevant.

If you have any questions relating to this matter, please contact me on 6238 2891 or [hogues@hobartcity.com.au](mailto:hogues@hobartcity.com.au).

Yours faithfully



(Neil Noye)  
**DIRECTOR CITY LIFE**

Section	Relevant Clause / Provision	CoH Comment
Administration		
<b>3.0 INTERPRETATION</b>	Actively mobile landform	Require further clarity on definition. This term is referred to in the exemptions, and it is very difficult to administer when there is no agreed definition. Refer to report on ambiguous terminology by Chris Sharples: <a href="http://www.williamccromer.com/content/uploads/2015/03/SharplesOpinion_CoastalDuneTerminology_PolicyImplications_v3_May2012.pdf">http://www.williamccromer.com/content/uploads/2015/03/SharplesOpinion_CoastalDuneTerminology_PolicyImplications_v3_May2012.pdf</a>
	Climate Change Climate Mitigation (greenhouse reduction) Climate Adaptation Climate Resilience Climate Change hazard Climate vulnerability Mal-adaptation	Climate change related definitions should be added into the scheme.

Section	Relevant Clause / Provision	CoH Comment
	Coincident, cascading, concatenating climate hazard	
	Primary frontage	The definition refers to the shortest frontage, which can cause issues, particularly in cases where multiple dwellings are proposed on corner lots or where a house addresses the longer frontage. Suggest acknowledging the frontage of an existing house addresses/the main entry point faces and in the case of vacant lots, whichever street is referred to in the address of the lot.
	Road	<p>The definition should include 'user roads' which are highway reservations used by the public but are in the title of the property.</p> <p>This definition should also include areas the general public does not have permanent right of passage such as nature strips which are required for location of services, future works and embankments etc.</p>
	Road reserve	This is not defined and should be. Does it include the whole of the highway reservation?
	Secondary residence	The definition of secondary residence should perhaps also include detached strata dwellings, not just single dwellings, as buildings the use can be appurtenant to.
	Site coverage	The definition of site coverage should be changed to incorporate all hard surfaces to achieve better stormwater management outcomes. Solutions may be sod rooves, pervious pavers, on site detention, roof top gardens, etc. Designs that reduce the runoff or temporarily detain runoff.
	Short term vs. Long term accommodation	It is unclear what the difference between 'short term' and 'medium term' (and, indeed, 'long term') accommodation is, under 'serviced apartment' and 'visitor accommodation'. These terms should be defined to avoid ambiguity.



Section	Relevant Clause / Provision	CoH Comment
		There should also be certainty provided as to when a dwelling is considered a 'main place of residence'. The reference to the owner or occupier being on 'vacation' is vague in terms of time limit, and also suggests those away temporarily for reasons other than a 'vacation' and are not subject to the same consideration.
<b>4.0 EXEMPTIONS</b>	General	The exemptions require a comprehensive review to ensure matters that should be considered by the scheme are not exempt, and that matters that don't require assessment are exempt.
	Clause 4.2.4 – Road works	Refers to road reserve, which is not defined in Clause 3.0.  The exemption needs to provide for maintenance and repair works to be undertaken within the whole highway reservation.
	Clause 4.2.5 – Vehicle crossings, junctions and level crossings	Vehicle crossings should be required to comply with C2.6.3 A1 and A2 – Number of Accesses for Vehicles.
	Clause 4.3.2 - Internal building and works	<p>All internal building and works are exempt under this clause. Therefore, removal of fireplaces, original staircases, etc. could be exempt from heritage places. The footnote states that approval may be required for THR listed properties, but given that list is dwindling, this could have a significant impact, and could result in heritage 'shells'. Under the Heritage Code, more specific exemptions could be provided ensuring significant elements such as staircases, ceiling roses, fireplaces etc. are retained. Internal works fall within the definition of 'development' under the Act. Note the decision of MA and JM Purton v A and M Jackson <a href="#">[2013] TASRMPAT 99</a></p> <p><i>31 In the Tribunal's view, the definition of development should not be constrained in the manner contended by solicitors for the Council. Section 3A of LUPAA can be read and indeed ought to be read as the "construction of a building", "the exterior alteration of a building" or the "exterior decoration of a building". The use of the word "or" indicates that the eusdem generis rule ought not to apply and the word "construction" should therefore be given its ordinary meaning. That ordinary meaning includes the erection of internal and external walls and there is no logical basis for a distinction. To suggest that the particular</i></p>

Section	Relevant Clause / Provision	CoH Comment
		<i>mention of “exterior alteration” or “exterior decoration” favours the definition of a construction or indicates an intention to exclude internal changes to a building is, with respect, incorrect.</i>
	Clause 4.3.6 - Unroofed decks	What is the purpose of decks not being exempt if they are attached to or abutting a habitable building? It is considered that it shouldn't matter if it is attached or not attached to a habitable building. It is opined that subclause (a) should be deleted and only subclause (b) be retained.
	Clause 4.3.7 - Outbuildings	Some clarity is required where it says “there are not more than 2 on a lot” and “not more than 1 on a lot”. For example, if you have an existing dwelling with a carport out the front, and you want to build a shed up to 18m <sup>2</sup> at the back of the property, are you excluded from doing this under 4.3.7 (b) because there is already an outbuilding on the lot (the carport) which is up to 18m <sup>2</sup> ? If the carport is bigger than 18m <sup>2</sup> , would the new shed be exempt under clause 4.3.7 (b) because there isn't an existing outbuilding with “a gross floor area not more than 18m <sup>2</sup> ” because the existing outbuilding (the carport) is bigger than 18m <sup>2</sup> ?
	Clause 4.3.10 – Demolition of exempt buildings	Only demolition of ‘exempt’ buildings is exempt, which only covers those circumstances to which an exemption under 4.0 applies. There are no exemptions under 4.0 relating to extensions etc., so demolition of a porch or a small lean-to laundry, etc. would not be exempt. It would perhaps be better to refer to exempt OR no permit required development (aside from whole dwellings/buildings other than outbuildings).
	Clause 4.4.2 – Landscaping and vegetation management	Landscaping and vegetation management – does this include tree removal? If so, (b) should not just apply to those specified in the heritage list. The City of Hobart's list is extensive and it is unrealistic to undertake an exercise to identify all trees of interest. It would be preferable to exclude places and precincts subject to the Local Historic Heritage Code from the exemption, and then provide more detailed exemptions in the code itself, particularly with regard to large trees.
	Clause 4.5.3 – Wind turbines	Wind turbines should not be exempt in the more developed residential zones. Even if it complies with distances at a particular point in time, subdivision and further development could encroach on these setbacks, and it would be inappropriate to use an existing wind turbine as a reason to restrict further development in zones where further development and subdivision is appropriate for densification purposes.

Section	Relevant Clause / Provision	CoH Comment
	Clauses 4.6.3 and 4.6.4 – Fencings within 4.5m of a frontage, and not within 4.5m of a frontage	Requires review. The exemption is considered too generous and generally more than required
	Clause 4.6.8 - Retaining walls	<p>It is not clear why a retaining wall would need to be setback at least 1.5m from a boundary. Retaining walls terracing a garden for example would often run from side boundary to side boundary or a retaining wall could be on a front boundary.</p> <p>Retaining walls below natural ground level should also be exempt under this clause, even if they retain a difference in ground level of &gt;1.0m and even if they are within 1.5m of a boundary. Otherwise a retaining wall under the ground could trigger a front setback discretion, or a building envelope discretion, when the rest of the development is compliant. Ideally, retaining walls shouldn't trigger a building envelope or front setback discretion. On Hobart's sloping sites, it's difficult to avoid a retaining wall in the front setback.</p>
	Outbuildings and garden structures in residential zones	There is no specification of the location of exempt outbuildings in residential zones. They should be required to be behind the main building line, or no less than the relevant Acceptable Solution requirement, whichever is the lesser.
	Minor structures	Minor structures such as paths, stairs, etc., should be exempt under 5.0, otherwise, again, these structures can trigger front setback or building envelope discretions.
	Create a pathway for	We need a pathway for multiple dwellings to be 'no permit required' exempt, so that development which otherwise meets every acceptable solution, can be NPR exempt, rather than needing a DA. We regularly have to take DAs for minor work at

Section	Relevant Clause / Provision	CoH Comment
	multiple dwellings to be 'no permit required'	units - low decks, new windows, putting in bi-fold doors, etc., that meet every acceptable solution, but can't be exempted. If the same development was proposed on a single dwelling, it would be NPR exempt. This doesn't seem equitable, as multiple dwellings should be assessed in the same way as single dwellings.
	Operative clause	An operative clause is required that states that where an exemption excludes use or development to which a code applies, but then that use or development is specifically exempt from that code, it should be considered to be exempt from requiring a permit under the scheme. Alternatively, the approach taken for the limited exemptions in the interim schemes could be adopted (i.e. only referencing use/development that 'require a permit' under a particular code, thus excluding any use/development that is subsequently exempt from the code). The term 'subject to' a code, used in the TPS exemptions, is not adequately clear whether this only covers scenarios where a permit is required under the code.
<b>General Provisions</b>		
<b>7.0 GENERAL PROVISIONS</b>	Clause 7.1.1	Lack of clarity around whether this clause allows for a change of use from one (prohibited) use to another (prohibited) use, or whether it simply allows for changes to the existing prohibited use. It is preferable to allow going from one prohibited use to another, if that new prohibited use is a better fit for the site/zone.
	Clause 7.3	Subclause (b) relating to only 'minor changes' to lot shapes is currently causing problems in terms of definition and application. There are issues where boundary adjustments made to improve the usability of sites must be categorised as 'subdivision' because of this clause, and in some circumstances this makes them prohibited, which does not result in a positive planning outcome. For example, the amount of land being transferred between a large lot and a small lot may be considered 'minor' in scale to the larger lot involved, but not to the smaller lot and therefore it cannot be considered a boundary adjustment even though the usability is improved or at least not reduced for both lots. Perhaps reference should be made instead to achieving the Zone Purpose Statements/Desired Future Character Statements.
<b>Zones</b>		

Section	Relevant Clause / Provision	CoH Comment
<b>GENERAL COMMENTS</b>	Residential zones	Support residential standards being thoroughly reviewed.
	New Specific Area Plans and application of Particular Purpose Zone	It is considered that the framework for justifying SAPs and PPZs does not provide clear guidance on when these can and should be applied. Some more directive provisions around the application of these would be beneficial.
	General and Inner residential zones	Many Acceptable Solutions don't adequately protect residential amenity/maintaining residential character. An analysis of acceptable solutions is required, such that acceptable solutions shouldn't allow for development that would not meet the performance criteria.
	Subdivision	Reference should be made to the LGAT/IPWEA Tasmanian Standard Drawings and Tasmanian Subdivision Guidelines at a minimum
		Reference should be made to the series of street lighting standards AS1158, earth retaining structures AS4678, vehicle crash barriers AS 1170.1 and safe design of structures code of practice (as adopted under section 274 of the Work Health and Safety Act 2012), Austroad guidelines and Department of State Growth Specifications, at the minimum for subdivisions
		Reference should be made to excavation and structures within the property and supporting the highway reservation (i.e.. building wall of a basement), to not undermine the structure integrity of the highway reservation and be designed in accordance with AS4678 with a design life for major public infrastructure
<b>8.0 GENERAL RESIDENTIAL ZONE</b>	Clause 8.2 – Use Table	General retail and hire - the limitation on local shop prevents other uses which provide a local service such as hairdressers, this limitation applies in the General and Low Density Residential Zone but not in the Inner Residential Zone. This is unreasonably restrictive

Section	Relevant Clause / Provision	CoH Comment
		The qualifications for business and professional services, food services and general retail and hire are seriously inadequate - there should be qualifications to prevent displacement of residential uses in residential zones. It is not sufficient to rely on the zone purpose statements to prevent a proliferation of commercial uses in residential zones, particularly as it would be difficult to assess each individual application in relation to how many other applications for non-residential use have been approved, and if the application met all zone standards it would be difficult to refuse on the basis of proliferation of non-residential use.
	Clause 8.4.2 – P2 -Setbacks and building envelope for all dwellings	The primary issue for this PC should not be whether the new garage or carport is compatible with existing garages/carports in the street (which may include some highly undesirable garages/carports), but whether the development maintains or improves the quality of the streetscape. [this should also be changed for other residential zones and also for provisions relating to non-residential garages and carports]
	Clause 8.4.3 – P1 and P2 - Site coverage and private open space for all dwellings	P1 and P2 should have the option for no private open space to be provided where <i>‘the projected requirements of the occupants are considered to be satisfied by public open space in close proximity’</i> to allow for adaptive reuse of existing buildings for multiple dwellings that may not have sufficient private open space on site, but are in very close proximity to a public park.
	Clause 8.6 - Development Standards for Subdivision	<p>The Southern Interim Schemes contain a standard related to the appropriate provision of ways and public open space in the residential zones. The omission of this standard for residential subdivision with no alternative consideration of pedestrian links and open space is inconsistent with Southern Tasmanian Regional Land Use Strategy (STRLUS) objectives:</p> <p><i>ROS 1.6 - Ensure subdivision and development is consistent with principles outlined in ‘Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania.’</i></p>



Section	Relevant Clause / Provision	CoH Comment
		<i>ROS 1 - Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well-being, amenity, environmental sustainability and the economy.</i>
	Clause 8.6.2 - Roads	What is the definition and scope of the “road network plan”, it would be useful to have some guidance to provide greater consistency. . There needs to be a default alternative should a road network plan not be in existence (i.e. Austroads, IPWEA Standard drawings or similar guidance documents). P1 (g) refers to facilitating walking, cycling and public transport but is silent on the provision of suitable and appropriate bus stops , or bus routes. P1 (h) refers to bicycle on new arterial and collector roads –should also include link roads. These issues are also relevant in other zones where similar standards are used.
<b>9.0 INNER RESIDENTIAL ZONE</b>	Clause 9.2 – Use Table	Food services (except for drive through take aways) and general retail and hire are discretionary without qualification. For example, new shops and shops in existing houses would have the same status as a change of use to a shop from an existing office. It is unreasonable to allow unconditional spread of commercial businesses on vacant sites or in existing houses in residential zones. If a mixed use environment is desired for a particular area, the mixed use zone should be applied. Inner residential zones are by definition only located close to existing services anyway, so they wouldn’t necessarily need an unqualified increase in additional services within the zone itself, and it is likely that non-residential uses will start to proliferate in these inner-city zones and compromise the intent of the inner residential zone to primarily provide for high density residential accommodation.
	Clause 9.4.1 - Residential density for multiple dwellings	There is no maximum site area per dwelling or maximum permitted lot size (under 9.6.1) in the zone, which will not assist in increasing dwelling densities as required under the STRLUS. There is nothing in the zone actively encouraging higher density, although this is the target zone for increased dwelling density. The zone is very unlikely to achieve the density required through the land use strategies if inefficient utilisation of land is allowed as permitted development.
	Clause 9.4.3 - Site coverage	P1 and P2 should have the option for no private open space to be provided where ‘the projected requirements of the occupants are considered to be satisfied by public open space in close proximity’ to allow for adaptive reuse of existing



Section	Relevant Clause / Provision	CoH Comment
	and private open space for all dwellings	buildings for multiple dwellings that may not have sufficient private open space on site, but are in very close proximity to a public park.
<b>10.0 LOW DENSITY RESIDENTIAL ZONE</b>	Clause 10.2 - Use Table	In a similar issue to the other residential zones, Business and Professional Services uses should not displace residential uses, and neither should local shops. It is particularly inappropriate that food services (other than drive through take aways) are discretionary without qualification. It is preferred that this use be prohibited in this zone, but at the very least it should include the qualification as proposed under the General Residential Zone.
	Clause 10.4.3 - Setback	Frontage setback of 8m is excessive, many of the existing setbacks in the current Low Density Zone under the HIPS are less than this, it is suggested that the current 5.5m setback remain or there are likely to be numerous unnecessary discretionary applications required.
<b>11.0 RURAL LIVING ZONE</b>	Clause 11.2 - Use Table	Food Services being discretionary up to 200m <sup>2</sup> , regardless of whether in an existing commercial building or displacing a residential use, is considered to be inappropriate in this zone and should be prohibited. At the very least, the qualification as described under the General Residential Zone should be added. General Retail and Hire should include the qualification as suggested under the General Residential Zone.
	Clause 11.4.2 - Building height, setback and siting	A2 the frontage setback of 20m is excessive and will result in unnecessary discretionary applications, it is suggested that the current 10m setback in the HIPS be retained.
<b>13.0 URBAN MIXED USE ZONE</b>	Clause 13.4.6 - Dwellings	The only issues dealt with in relation to dwellings are private open space and storage areas. It is considered that there is merit in having slightly higher protection for residential amenity for dwellings in this zone, as it is a mixed use zone and not purely a business related zone. For example, the side setback provisions could also apply to adjoining lots with a residential

Section	Relevant Clause / Provision	CoH Comment
		use, and there could be consideration of overshadowing and privacy to adjacent residential dwellings in the performance criteria relating to height.
		There is a lack of residential and visitor accommodation amenity standards. CoH would like to see amenity standards introduced, and could be done so either via the Urban Mixed Use zone or through an amenity standards Code.
	Clause 13.5 - Development Standards for Subdivision	There are no standards for new roads in subdivisions in this zone, the reason for this is not apparent. This also applies many other zones where new roads as part of subdivision are a possibility.
<b>14.0 LOCAL BUSINESS ZONE</b>	Clause 14.2 - Use Table	Business and professional services are NPR with no qualifications. Under the HIPS, only consulting room, medical centre and post office are permitted, other uses in this class are discretionary. It is not appropriate to have general offices as NPR in a local business zone as offices don't tend to serve the local community directly. The local business zones in Hobart (and presumably other areas of the State) are not extensive and should prioritise higher order local services. Business and professional services uses other than those mentioned should be discretionary, and perhaps only if above ground floor level.
		Food services with drive through facilities should not be NPR in the zone.
		Hotel industry should be discretionary rather than permitted, as these zones are generally small and surrounded by residential zones, and such uses can have a significant impact.
		Equipment and machinery sales and hire, manufacturing and processing, service industry, storage are all discretionary under the TPS but are currently prohibited under the HIPS. These uses are generally not appropriate for local service zones and can be land intensive and of limited local benefit but with more significant amenity impacts.
	Clause 14.5.1 - Lot design	A2 provides for a 3.6m frontage which would allow internal lots which are generally not appropriate in Local Business Zones, wider frontages are required for businesses to front the street and create an attractive shopping environment.
	Clause 15.4.6 - Dwellings	Dwellings in business zones should perhaps include sound insulation requirements to lessen potential future use conflicts.

Section	Relevant Clause / Provision	CoH Comment
<b>15.0 GENERAL BUSINESS ZONE</b>	Clause 15.5.1 - Lot design	A2 provides for a 3.6m frontage which would allow internal lots which are generally not appropriate in General Business Zones, wider frontages are required for businesses to front the street and create an attractive shopping environment.
<b>16.0 CENTRAL BUSINESS ZONE</b>	General	Support a thorough review of the use and development standards. Many are not considered appropriate for this zoning. The City of Hobart proposes to override many of the standards in this zone with a Specific Area Plan as they not appropriate for the Hobart CBD. The SAP will address matters such as the current active frontage overlay, pedestrian priority streets, and pedestrian links and height standards.
	Clause 16.2 - Use table	Allowing bulky goods sales at ground floor level as a permitted use in any central business area is inconsistent with the zone purpose to provide for a concentration of higher-order business and encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers. Bulky Goods Sales includes uses such as garden and landscape suppliers, rural suppliers, timber yards, trade suppliers and motor vehicle, boat or caravan sales.
	Clause 16.4.6 - Dwellings	Dwellings in the Central Business Zone should perhaps include sound insulation requirements to lessen potential future use conflicts.
	Clause 16.5.1 - Lot design	Provides for a 3.6m frontage which would allow internal lots which are generally not appropriate in Central Business Zones, wider frontages are required for businesses to front the street and create an attractive shopping environment. The HIPS2015 currently has a minimum frontage of 4m in this zone.
<b>22.0 LANDSCAPE CONSERVATION ZONE</b>	General	Given the permitted lot size in the Rural Living Zone is 1ha/2ha, there is a significant gap between that zone and the Landscape Conservation Zone with a permitted lot size of 50ha. There is no zone to apply to larger lot bushland residential areas somewhere in between. Suggest reintroducing the Environmental Living Zone.
	Clause 22.2 - Use Table	Food Services less than 200m <sup>2</sup> are discretionary, as is General Retail and Hire associated with tourism. It is questioned whether these are appropriate uses in a zone mainly focussed on visual and conservation issues.
	Clause 22.3.1 - Community Meeting and	Domestic Animals, Resource Development, Sports and Recreation and Tourist Operations should be included in this use standard. It is not clear why you apply standards for something relatively benign like home-based childcare but not for the above uses which could have far greater impact?

Section	Relevant Clause / Provision	CoH Comment
	Entertainment, Food Services, and General Retail and Hire uses	
<b>26.0 UTILITIES ZONE</b>	Clause 26.2 - Use Table	Provide for sale of compost / mulch (Bulky Goods Sales) and General Retail and Hire uses such as the Tip Shop as these are often associated with recycling and waste disposal uses.
<b>CODES</b>		
<b>C1.0 SIGNS CODE</b>	Exemptions	Exemptions should be standalone, not require assessment against the whole code to determine if the exemption applies or not.
	Table C1.4	<p>There are less exempt sign types – notably Above Awning Sign, Below Awning Sign, horizontal projecting wall sign, internal sign, transom sign, wall mural and wall sign have no exemptions. This may be overly restrictive and increase the number of unnecessary applications the planning authority must process. There should be controlled circumstances that allow for unobtrusive signs, limited in number, to be exempt.</p> <p>Fuel Price Signs, newspaper day bill signs, open/closed signs, reserve signs, screen signs, street number and umbrella sign are not defined signs in the TPS, but are in the HIPS, and are exempt. It is worth retaining a specific exemption for these as otherwise they would have to be classed as another sign type which may cause them to require a permit.</p>
	Clause C1.6 - Development Standards for Buildings and Works	'Discretionary' status has been removed for signs in particular zones and now sign types are either permitted in 'applicable zones' if they meet the standards, or discretionary if in applicable zones and don't meet the standards. This is simpler than the matrix of the HIPS, but removes the concept that a sign type can be generally discretionary based on the zone it is in. The table could be amended to include two applicable zone columns – one for zones where the sign type is permitted and one for zones where the sign type is discretionary.

Section	Relevant Clause / Provision	CoH Comment
	Clause C1.6.3 - Third party sign	Third party signs in the form of poster panels (billboards) are generally unnecessary, create visual clutter and adversely affect the visual qualities of the built and natural environment in Tasmania and should be prohibited. The billboards adjacent to the Tasman Highway in the vicinity of the Hobart Airport are a prime example of this.
	Table C1.6	Generally review sign types in zones, seems unnecessarily restrictive for some sign types compared to the current Southern Interim Planning Schemes. If it is possible to have a use in a zone that requires signage then an appropriate range of sign types should be possible. For example food services and local shop are discretionary in the General Residential Zone but it is not possible to have an above awning sign or a building fascia sign. Also there is a need to review the consistency of sign types possible in zones, e.g. awning fascia is possible in all zones, above awning only possible in 8 zones not including the Local Business Zone.
<b>C2.0 PARKING AND SUSTAINABLE TRANSPORT CODE</b>	General	The City of Hobart's Development Engineering department has concerns regarding the suitability of the Code being applied to Hobart, and its future effects on development planning within the municipality.
		Call for a detailed review of the Code, as its Use and Development standards appear to be significantly deficient compared to what is the currently available within the Hobart Interim Planning Scheme 2015. A review will allow the City of Hobart's Development Engineering department to propose a Local Provision Schedule specific to Code 2.0 to address the gaps identified.
		There is an inability to consider on-site turning under the Code.
	Clause C2.5.1 - Car parking numbers / Table C2.1 - Parking space requirements	Parking rates need a comprehensive review. They are over stated, onerous, and unsustainable.
		A maximum parking rate should also be specified for commercial uses in order to prevent over provision of parking consistent with the STRLUS objectives.
	Clause C2.5.5 - Number of	A1 (a) should relate to whichever is the 'lesser' rather than whichever is the greater.

Section	Relevant Clause / Provision	CoH Comment
	car parking spaces within the General Residential Zone and Inner Residential Zone	
	Clause C2.6.3 - Number of accesses for vehicles	The provision relating to number of access points should also have a qualification relating to Parking Precinct Plans. Hobart has areas where no new vehicle access points are appropriate, or where they are appropriate only in certain circumstances.
	Clause C2.6.7 - Bicycle parking and storage facilities within the General Business Zone and Central Business Zone	There should be requirements for end of trip facilities such as showers and lockers with the bicycle parking standards consistent with the following STRLUS objective:  <i>LUT1 1.12 Include requirements in planning schemes for end-of-trip facilities in employment generating developments that support active transport modes.</i>

Section	Relevant Clause / Provision	CoH Comment
	Table C2.1 – Parking Space Requirements	Bicycle parking requirements for multiple dwellings (where in an apartment building) need to be included in Table C2.1.
	Clause C2.6.8 - Siting of parking and turning areas	The General Residential Zone should be included in the list of zones where parking should be behind the building line where possible.
<b>C3.0 ROAD AND RAILWAY ASSETS CODE</b>	General	Increased traffic at an existing access or junction cannot be considered under the Road and Railway Assets Code E5.0.
		Refer to South Hobart Progress Association v Hobart City Council and S Giameos [2017] TASRMPAT 5 and B Paterson, C Larkman, B & S Drake, D & S Reid and K Kam v Hobart City Council and Tasmania Wild Experience Pty Ltd [2020] TASRMPAT 24)
		Addition of a provision that considers the intensification that multiple developments have on the surrounding junctions and accesses would be beneficial.
<b>C6.0 LOCAL HISTORIC HERITAGE CODE</b>	General	Concerns with several areas including its application, definitions, omissions and structure.
		The Local Historic Heritage Code includes some significant changes compared to E13.0 Historic Heritage Code in HIPS 2015. This includes removing the application of the Code to places that are listed on the Tasmanian Heritage Register. This removes the opportunity for the City of Hobart who have actively managed heritage places over many decades to make important decisions and assessments in order to retain heritage values and consider streetscape, historic patterns of development, the height and bulk of buildings and to make thorough and holistic planning assessments under LUPAA. It is inappropriate to filter 'local' values from 'state' values or vice versa for the City of Hobart. Hobart's Community Vision (July 2018) recognises our shared sense of ownership of its unique heritage and unwillingness to compromise on our Hobart identity and character.



Section	Relevant Clause / Provision	CoH Comment
		There can be no reliance on the Tasmanian Heritage Council to assess applications to take into consideration of local heritage values, wider streetscape issues, historic and significant areas such as Battery Point and Sullivans Cove.
		Places are heritage listed for a range of reasons, including local and historic but also within a wider context of other heritage values. For example the Hobart Town Hall or Government House in Hobart are significance for heritage values such as aesthetics, creativity and archaeological, not just historic. They are also significant for their place within a wider landscape, townscape and/or streetscape setting.
		The Burra Charter 2013 has been adopted by the peak body of heritage professionals working in heritage conservation in Australia. It continues to reflect best heritage practice in heritage and conservation management by setting out a standard of practice for those who provide advice and make decisions about places of heritage value. It is a relevant and appropriate document to be reflected in the SPP. While it is positive to see the principle of adaptive reuse referenced in the Commentary on the General Provisions (see table 7.0.1, p.28), the Burra Charter is not a document from which only selected passages are taken and must be used as whole. The SPP should be consistent in the use of Burra Charter definitions, principles and practices.
		Consider potential mechanisms and issues for ensuring that development applications that propose improved access facilities to meet the equal access requirements of the National Building Code are taken into account in assessments under the Local Historic Heritage Code or the <i>Historic Cultural Heritage Act 1995</i> .
	Clause C6.2.2	<p>Local Heritage Listed Places located within Heritage Precincts or Cultural Landscape Precincts only require assessment against standards for Heritage Places. Wider townscape / streetscape values may not be applicable in an individual heritage place assessment. Heritage place assessments will also fail to cover groupings of houses with matching features, the collective character of heritage precinct settings, the historic pattern of development, and other significant elements that are recognised within a wider heritage precinct environ.</p> <p>Allow for assessment against ALL relevant heritage provisions in C6 to provide a more holistic heritage assessment.</p>

Section	Relevant Clause / Provision	CoH Comment
	Clause C6.2.2 & Clause C6.2.3	<p>Some parts of Hobart feature areas with condensed place listing for example Battery Point - a large percentage of the Battery Point 1 Precinct is covered with THR and CoH listed places, leaving little protection for the wider streetscape, townscape, settlement patterns, and unique Battery Point features to have no assessment requirements under the heritage precinct provisions. For example Arthurs Circus is highly significant for its consistent single storey streetscape, unique street layout, it is one of Australia's first subdivisions made up of 16 cottages, and the only circus street layout in Australia. Many of these unique streetscape qualities will fail to be assessed or taken into consideration under individual place provisions.</p> <p>Allow for assessment against ALL relevant heritage provisions in C6 to provide a more holistic heritage assessment, not just listed places.</p>
	Clause C6.2.3	<p>The assessment of planning applications for THR properties cannot be relied upon to achieve heritage outcomes that consider streetscape, heritage precinct or wider townscape settings. The following RMPAT decisions are a corroboration that the City of Hobart have appropriately considered heritage precinct values in assessments involving bulk, height and streetscape values, in contrast to the narrow place approach under the HCHA:</p> <ul style="list-style-type: none"> <li>• S Solvyns v Hobart City Council &amp; Ors [2017] TASRMPAT 8 53 Runnymede Street, Battery Point</li> <li>• S Visagie v Hobart City Council and Ors [2017] TASRMPAT 2 - 141 Hampden Rd, Hobart</li> <li>• Hexa Pacific Pty Ltd v Hobart City Council and Ors [2020] TASRMPAT 1 - 58 Harrington Street, 59 Davey Street, 61 Davey Street and adjacent Road Reserve</li> </ul> <p>Clause C6.2.3 should be removed. Places with shared heritage values, e.g. state and local significance should be managed to conserve all values, and involve all associated levels of government to ensure that matters of concern to the local community, are not overlooked.</p> <p>THR properties that are currently also listed as local heritage places in HIPS 2015 will not be subject to Local Historic Heritage Code Standards despite having Local Historic Significance. This dismissal of the Heritage Code is inconsistent with LUPAA. In particular, Schedule 1 - Objectives Part 1 (e) and Objectives Part 2 (a) and (g). The Code must be informed by the objectives of the Act.</p>

Section	Relevant Clause / Provision	CoH Comment
		C6.2.3 removes the opportunity for the City of Hobart to assess development applications for heritage impacts in order to retain 'local' heritage values. It also restricts the consideration of wider streetscape character, historical patterns of development, the height and bulk of nearby buildings, and removes the requirement under LUPAA to assess planning and development through co-ordinated action by state and local government. Clause C6.2.3 should be removed.
		The Code at present is unclear if the City of Hobart is able to assess archaeology on THR listed sites? The current Place of Archaeological Potential (defined in HIPS 2015) covers many early sites within the city. The THR only has a small number of sites listed specifically for archaeological potential. Council's overlay has led to many archaeological discoveries that have enhanced public knowledge and contributed to an understanding history of early Hobart settlements and sites. These important archaeological sites with the potential to yield new historical information will go unprotected, unrecorded or interpreted.
		An amendment of C6.2.3 is required to allow for assessment of THR listed properties under C6.8 Development Standards for Places or Precincts of Archaeological Potential.
	C6.4.1 - Exempt Development	Lack of heritage precinct provisions for THR properties. Hobart's local streetscape significance cannot be assessed at a state level appropriately as state provisions relate to individual buildings. Heritage precincts have local significance that will be lost if only assessed within a state significance provisions for individual places within a historic streetscape. Refer to TASRMPAT decision on Heritage Precinct ground for refusal - Hexa Pacific Pty Ltd v Hobart City Council and Ors [2020] TASRMPAT 1 - 58 Harrington Street, 59 Davey Street, 61 Davey Street and adjacent Road Reserve.
		Allow for Heritage Precinct Provisions C6.7 to be assessed in conjunction with THR properties
		Exemption (e) remains ambiguous as to whether internal demolition and works are exempt. It also does not allow for "like for like" repairs and maintenance, (e) maintenance and repairs that do not involve removal, replacement or concealment of any external building fabric.
		C6.4.1 (e) needs to be re-drafted. The wording is poor and does not allow for basic 'like for like' replacement and maintenance. There is confusion in the wording as to whether internal works are exempt under this provision.

Section	Relevant Clause / Provision	CoH Comment
		<p>The current like for like exemption E13.4.1 (b) maintenance and minor repair of buildings, including repainting, re-cladding, re-roofing and re-stumping where like-for-like materials and external colours are used - allows for a greater scope for exempting works such as roof replacements, or maintenance of cladding such a replacing damaged timber weatherboards or rotting window frames in a 'like for like manner'</p> <p>The exemption of internal works has no foundation in LUPAA, the premise having been tested in the Resource Planning and Appeals Tribunal – refer to MA and JM Purton v A and M Jackson [2013] TASRMPAT - 99. Further, the inclusion of an exemption for internal work in the SPPs demonstrates that LUPAA has been read to apply to internal development.</p> <p>The exemption is also inconsistent with the HCHA which does include scope for consideration of internal building and works for places entered on the Tasmanian Heritage Register. The exemption does not reflect industry best practice as set out in published and widely-used heritage standards such as the Australia ICOMOS Burra Charter and places as a whole, not a façade.</p> <p>Allow for assessment of internal works within local heritage places standards C6.6.1 Demolition, and a new provision with performance criteria that makes reference to internal works.</p> <p>The Burra Charter Article 5.1 "Conservation of a place should identify and take into consideration all aspects of cultural heritage, without unwarranted emphasis on anyone value at the expense of others." The protection of exterior elements of buildings only encourages facadism, and creates a thin veneer of heritage. As a result of the exemption of internal works the loss of highly significant interior features such as fireplaces and mantel pieces, original staircases, flooring such as wide pitt sawn floorboards, timber joinery and fitted cabinetry.</p>
	Clause C6.8.1 - Building and works	C6.8 Development Standards for Places or precincts of Archaeological Potential P1 does not include any provisions for meaningful public benefit / interpretation.

Section	Relevant Clause / Provision	CoH Comment
		<p>C6.8 P1 should include a provision (f) measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;</p> <p>HIPS E13.10.1 (d) measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;</p>
	Clause C6.6.1 - Demolition	<p>The provisions are poorly drafted. (f) and (g) essentially refer to the same thing. Whilst (h) is highly ambiguous 'any' economic considerations, an individual's economic considerations is should not be a planning scheme consideration.</p> <p>The wording from HIPS 2015 E13.7.1 Demolition P1 (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place - should be utilized in the SPPs and (h) of C6.6.1 should be removed.</p> <p>HIPS 2015 E13.7.1 Demolition states (a) there are environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place. The wording of this provision in HIPS 2015 is effective and much better drafted than the one in the SPP.</p>
	Clause C6.6.5 Fences for Listed Places provision	<p>C6.6.5 (c) is problematic in that the dominant fencing style in the setting may be a detracting element of the surrounding streetscape, and be full of high solid fences that were not approved under recent planning schemes. The fencing provisions for places make no mention of fencing materials. Yet the heritage precinct provisions for fencing (b) refer to height, form, style, and materials.</p> <p>Remove provision (c) from C6.6.5. Include the use of the word material in (e) the proposed height, (material), and location of the fence</p> <p>This provision causes issues in that the dominant fencing style in the setting may be a detracting element of the surrounding streetscape, and be full of high solid fences that were not approved under recent planning schemes. The fencing provisions</p>

Section	Relevant Clause / Provision	CoH Comment
		for places make no mention of fencing materials. Yet the heritage precinct provisions for fencing (b) refer to height, form, style, and materials.
	Clause C6.9 - Significant Tree Provisions	<p>Concerns with including Significant Trees within the Heritage Code as it is not a logical or an ideal place.</p> <p>There are many trees in the Hobart Significant Tree list that are not listed for their heritage values but for other values such as aesthetic reasons, for their value to a local community or because they are rare examples, unusual in their form, provide genetic diversity and so on. Refer to this recently written article on COH trees: <a href="https://www.fortysouth.com.au/environment/the-whos-who-of-trees">https://www.fortysouth.com.au/environment/the-whos-who-of-trees</a></p> <p>The assessment used by the City of Hobart of significant trees falls across 10 categories. A copy of these categories can be provided separately.</p> <p>A wider appreciation of the rationale for significance listings is required within a separate code with appropriate definitions including 'tree protection zone' which is a welcome addition. It is noted that the explanatory document provided states that it is not considered appropriate to include a separate code that is only applicable to 3 or so planning authorities. However, this document also acknowledges that many significant trees are listed for reasons other than heritage related reasons. It is also possible other municipal areas will take up the code over time.</p>
<b>C7.0 NATURAL ASSETS CODE</b>	General	<p>General review and rework of the Code required.</p> <p>The code addresses threatened flora species. Dealing with individual threatened species is a duplication of the Threatened Species Protection Act 1995 (TSPA), and has the capacity to cause issues. For example, it would only be possible to identify the species with a survey which may need to be completed for each proposal, and given the code is overlay-based this causes issues with identifying individual species.</p> <p>The Natural Assets Code does not provide adequate protection of natural values through exemption of the code in a range of zones. Priority vegetation is often found in these zones. Apply the Natural Assets Code to all zones</p>

Section	Relevant Clause / Provision	CoH Comment
	Clause C7.4 - Development Exempt from this Code	The exemptions under this Code are very broad , and not consistent with biodiversity conservation, scenic protection, or best practice vegetation management across all land tenures (e.g. clearance and conversion or disturbance of priority and non-priority vegetation, works to protect water or coastal assets that may adversely impact locally rare species such as Little Penguin, or have unintended consequences).
		Include so that soil disturbance and removal of vegetation in a private garden within the bed and banks of a watercourse is not exempt, as this could contravene the code purpose. Riparian and coastal vegetation (native or exotic) has important functions even in private gardens (e.g. managing erosion, providing habitat). If it is going to be retained, at least include a definition.
	Clause C7.6.1 - Buildings and works within a waterway and coastal protection area or a future coastal refugia area	The standards for Class 4 streams are inadequate given they can be allocated to Class 4 purely on the basis of zoning.
	Clause C7.6.2 - Clearance within a priority vegetation area	The standards in this section are unlikely to achieve the stated objectives. Further loss of priority vegetation will in many cases be unreasonable. It should be noted that these values are already in jeopardy and therefore require the highest level of protection practicable.
	General	It is uncertain why the code does not apply to certain zones (e.g. Recreation, Major Tourism, Community Purpose, etc.)



Section	Relevant Clause / Provision	CoH Comment
<b>C8.0 SCENIC PROTECTION CODE</b>	Clause C8.4 - Use or Development Exempt from this Code	8.4.1 (a) – Should replace ‘exotic’ with ‘introduced’ – this provision effectively makes redundant the inclusion of the Agricultural Zone as a zone to which the code may be applicable.
		C8.4.1 (e) exempting ‘subdivision not involving works’ could have significant effects on scenic areas. This exemption for subdivision would override the subdivision provisions in the zones. Codes in general should not allow for a subdivision that was not possible under the relevant zone provisions. (Refer E10.8.1 in the HIPS for an example).
		C8.4.1 (f) – this exempts not just maintenance of existing roads, but construction of new roads, which could have a very significant impact on scenic values.
<b>C9.0 ATTENUATION CODE</b>	Table C9.1 - Attenuation Distances	A 200m attenuation distance seems excessive for small bakeries. Suggest 100m like milk processing works.
		Suggest including music and other performance venues, particularly those that operate late at night. An attenuation distance of 100-150m is probably appropriate.
<b>C10.0 COASTAL EROSION HAZARD CODE</b>	General	Use Standards are confusingly detailed, but development standards are minimal. There are no Acceptable Solutions other than for subdivision, and the Performance Criteria all rely on a coastal erosion hazard report, which puts a lot of cost onto the applicant. There is no environment and coastal processes protection, no foreshore access protection and no references to ecological processes, coastal dynamics and climate change – the code is generally lacking in its application.
	Clause C10.3 Definition of Terms	‘Tolerable Risk’ - Poor definition. What are the risk criteria to evaluate whether the risk is tolerable? While the wording is unclear, it suggests that ‘as low as reasonably practicable’ is ok regardless of the actual level of risk.
		Manifest quantity’ needs to be defined.
		‘Coastal protection works are defined in 3.1.3 just as <i>‘means structures or works aimed at protecting land adjacent to tidal waters from erosion or inundation’</i> . No scale or public authority etc. The HIPS15 definition includes <i>‘considered necessary by an agency or council that have been designed by a suitably qualified person’</i> and distinguishes <i>‘initiated by the private sector’</i> , and this should be retained.

Section	Relevant Clause / Provision	CoH Comment
	Clause C10.5.3 Critical use, hazardous use or vulnerable use	What is a coastal erosion event? And under P2 (b), what does <i>locations external to the immediate impact</i> mean? These need to be better clarified/defined.
	Clause C10.6.2 Coastal protection works within a coastal erosion hazard area	P1 - 'Kept to a minimum' is vague. Perhaps replace with 'the minimum required to adequately mitigate the risks to 2100'.
<b>C11.0 COASTAL INUNDATION HAZARD CODE</b>	General	The inundation code has been largely adapted from the landslip code (i.e. reliance on "tolerable risk") however lacks the supporting framework to make it able to be applied in an objective fashion.
		Tolerable risk is poorly defined. What are the risk criteria to evaluate whether the risk is tolerable? While the wording is unclear, it suggests that 'as low as reasonably practicable' is ok regardless of the actual level of risk. What is an 'unacceptable' level of risk?
		'Hazardous use' and 'Manifest quantity' need to be defined.
		Coastal and Riverine Inundation areas are often concurrent and the risk must be assessed as such. Why does the Inundation Code not apply in Coastal flooding areas (C12.2.5)?

Section	Relevant Clause / Provision	CoH Comment
	Clause C11.6.2 Coastal protection works within a coastal inundation hazard area	This is considered unreasonable for existing uses in non-urban zones. Why shouldn't they have the possibility of coastal protection as well?
<b>C12.0 FLOOD-PRONE AREAS HAZARD CODE</b>	Clause C12.4 Use or Development Exempt from this Code	There are concerns with these exemptions. Development associated with these uses (particularly outbuildings, landfilling and other obstructions) could have a significant impact upon inundation of other land. Suggest a conservative limit on the size of structures within the flood zone as qualifications if these exemptions are to be retained.
	Clause 12.7.1 - Subdivision within a flood-prone hazard area	C12.7.1.b provides an Acceptable Solution pathway for creation of lots for existing buildings- regardless of whether the existing building footprint is flooded. Many buildings were not assessed under the current flood legislation, and the risk associated with their use not quantified. It does not specify these buildings are dwellings and assessed for risk for residential use. There is a risk that a Lot will be created which is unsuitable for residential use or development of a replacement building. Due to changes in LG(BMP), it appears s109 h (a minimum Lot size free from inundation) would not apply in this case as a secondary protection. All subdivisions should be discretionary. C12.7.1 A1b to be either removed or at least limited to dwellings approved under this Scheme.
<b>C13.0 BUSHFIRE-</b>	General	This code should go back to applying to use and development in bushfire prone areas, not just subdivision. It's problematic for it to apply to development at the building stage, but not the planning stage.

Section	Relevant Clause / Provision	CoH Comment
PRONE AREAS CODE		The exclusion of habitable buildings from this Code may have negative implications for developers who require hazard management areas in order to meet the required BAL under the building system (max. BAL-29) or the BAL standards that they can realistically afford. Many will (particularly during the early stage of introduction) need to go back for further planning approval to have vegetation clearing approved sufficient to achieve their required/desired BAL level. This will likely end up being more inefficient than the previous process for some applicants.
C14.0 POTENTIALLY CONTAMINATED LAND CODE	General	Concerns with the application of the Contaminated Land Code (e.g. land upslope from a potentially contaminated area, needing to take applications for very small areas of land disturbance).
	Clause C14.3 Definition of Terms	‘Site history’ - The words ‘if a site is likely to have been impacted by a potentially contaminating activity’ are unclear. Is this just a site history that confirms that potentially-contaminating activities did not occur on the site or adjoining land or a site history and technical assessment that there was no contamination impact to a site as a result of potentially-contaminating activities?
C15.0 LANDSLIP HAZARD CODE	General	The peak body for such matters in Australia (AGS) use the term ‘landslide’ not ‘landslip’. The Code should use the accepted terminology.
	Clause C15.3 Definition of Terms	‘Hazardous use’ - Include definition of ‘manifest quantity’.
		‘Landslip hazard report’ - The correct term is a ‘landslide risk management report’ – refer to AGS guidelines.
		‘Tolerable risk’ - Poor definition.
Other		
	General	All elements of the SPPs should be within the scope of the review, and no part should be omitted from the review.
	General	The scope of the review should not exclude legislative change where required to adequately support the delivery of outcomes.

Section	Relevant Clause / Provision	CoH Comment
	Stormwater	<p>There is no Stormwater Code within the SPPs thus stormwater is to be managed through the Urban Drainage Act (UDA) as an alternate pathway. It is considered that this will result in poor management outcomes and will not provide as strong a pathway for Council to manage stormwater and enforce stormwater related conditions on permits.</p> <p>A particular concern is the ability to request further information via this pathway and the ability to place conditions on permits.</p> <p>Stormwater management code provisions must be accommodated for within the scheme.</p>
	Protection for linear bicycle and walking infrastructure on public land	<p>The scheme has provided for road and railway asset protection, along with other major linear infrastructure protection i.e. Road and Railway Assets Code, Electricity Transmission Infrastructure Protection Code, however there is no code or provisions for protection for linear bicycle and walking infrastructure on public land. Such assets are deserving of the same level of protection as other linear community assets.</p>
	PD 6	<p>Lack of clarity around the terms 'short and medium term visitor accommodation' and 'temporarily absent'. Provide definitions of those terms, or provide guidelines around how those terms are to be applied.</p>
	Climate change	<p>Assessments need to be able to be undertaken at the whole of risk level, rather than at an individual development. For example a sea wall may be approved by an engineer who consider its function / performance at an individual development level rather than a whole of hazard level which may lead to maladaptive outcomes or transfer impacts elsewhere</p> <p>Capacity of Planning Schemes to consider future and/or unknown climate risk and hazard, and to avoid 'green-washing' (through technical responses)</p> <p>Overall deficiencies within the natural assets code</p> <p>Codes should be developed for heat and extreme storm events</p>

Section	Relevant Clause / Provision	CoH Comment
		Planning zones should include – ‘adaptation pathway zones’
	Protection of infrastructure	The ability to request further information, condition and/or refuse an application on the basis of impact to existing public infrastructure should be included.
	Local Government (Building and Miscellaneous Provisions) Act 1993	<p>TPS has removed the fact that all subdivisions are discretionary.</p> <p>Suggest reintroducing Clause 9.10.2 under HIPS into the TPS. It states that a permit for development involving a plan of subdivision is discretionary unless:</p> <p>(a) for adjustment of a boundary in accordance with clause 9.3.1;</p> <p>(b) the subdivision is prohibited in accordance with clause 8.9; or</p> <p>(c) the plan of subdivision must not be approved under section 84 Local Government (Building and Miscellaneous Provisions) Act 1993.</p>
	Local Government (Building and Miscellaneous Provisions) Act 1993	The Tasmanian Local Government Act and Local Government Building and Miscellaneous Provisions Act currently only require Public Open Space (POS) contributions to be made for subdivisions. Stratum developments are not required to contribute, which is leading to considerable deficiency and contribution towards future funding for public open space providing public amenity with new unit developments. This is particularly evident in the inner city of Hobart, and inner suburbs (Inner Residential Zones, Mixed use). It also needs to be increased from 5% to 10% to be consistent with interstate developer contributions
	Infrastructure Contributions	Implement the findings of the LGAT Infrastructure Contributions Discussions Paper - April 2022.

# State Planning Provisions Review

Scoping Paper



State Planning Office  
Department of Premier and Cabinet





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## Minister's Foreword

The Government is committed to improving Tasmania's planning system and it will not be long before the Tasmanian Planning Scheme is fully in effect across our State, establishing a fairer, more consistent approach to planning and development approval. A single set of planning rules will apply across every local government area, generating efficiencies and increasing certainty and transparency for developers, planners, councils and our communities.

Having a well-drafted and contemporary planning scheme will ensure that our strategic land use planning policies and strategies are appropriately implemented, and that what is delivered on the ground through development applications are in accordance with community expectations.

As the new Minister for Planning, I believe that it is important that we regularly review our planning instruments to ensure they remain fit-for-purpose and current. Reviews provide the Government, councils, the community and other stakeholders with opportunities to identify areas for improvement and enable us to apply appropriate changes in policy and update specifications.

The State Planning Provisions (SPPs) came into effect as part of the Tasmanian Planning Scheme on 2 March 2017 following a comprehensive assessment process undertaken by the independent Tasmanian Planning Commission (the Commission), which included extensive public exhibition and 25 days of public hearings.

The SPPs establish the single set of planning rules for the 23 zones and 16 codes, which manage the use, development and conservation of land in Tasmania. Put simply the SPPs set out planning requirements such as the height of buildings, the uses allowed in particular locations, and what additional controls might be required for developing a heritage building. The SPPs are currently in effect across 12 municipalities in the State and will come into effect in the remaining areas following the approval of each council's Local Provisions Schedules.

Under the *Land Use Planning and Approvals Act 1993* (LUPAA), the SPPs are required to be reviewed every five years. This review is now due.

It is also a requirement that the SPPs be reviewed in the context of the Tasmanian Planning Policies (TPPs) once they are made. The TPPs are currently being prepared and a suite of draft TPPs are expected to be publicly exhibited towards the end of this year.

The State Planning Office has already started preparing for the SPPs review, which will formally commence with the public release of this Scoping Paper. While the review will cover all the SPPs, we want to identify any issues of specific concern so that we can focus our efforts to where they are most needed, and develop a suite of short, medium and longer-term amendments.

The SPPs are a vital part of our planning system and I encourage everyone to consider how they could potentially be improved.

I look forward to hearing your views.



Hon Michael Ferguson MP  
**Minister for Planning**

## Introduction

This paper introduces the first comprehensive review of the SPPs, the Statewide planning rules that apply as part of the Tasmanian Planning Scheme, and invites you to inform the scope of that review.

The aim is to identify the provisions of the SPPs that may require review, as well as if there is a need for any new provisions in the SPPs.

This paper has been prepared to help you provide feedback to assist us in identifying the scope of the SPPs review. The paper includes some key questions for you to consider and is organised with the following sections:

Section 1 explains what the SPPs are, how they work within the planning system, and why the government is reviewing them.

Section 2 details what the review will cover and how it will happen.

Section 3 lets you know how you can get involved.

Links and references to additional information that may assist you with providing feedback are included throughout this paper.

## Why are we reviewing the State Planning Provisions?

The State Planning Provisions (SPPs) play an important role in the management of the use, development, and conservation of land in Tasmania, and it is important that they are regularly reviewed to ensure they remain contemporary and fit-for-purpose.

For these reasons, section 30T of LUPAA requires that the SPPs are reviewed every 5 years. Section 30T of LUPAA also requires a review of the SPPs to take place after the making of the TPPs, which is expected to occur during 2023. This ensures consistency with the policies contained in the TPPs.

Having been approved in 2017, the SPPs are due for review during 2022. Regular review of planning instruments is considered best practice to:

- improve how they achieve their purpose,
- apply improvements in knowledge and policy, and
- give people and groups a chance to provide their views on how those planning instruments are working, and to suggest improvements.

While the SPPs are not yet fully in effect across all our State, a suitable period has now passed since the SPPs were drafted to initiate a review. The full suite of SPPs have been in effect in some local government areas for nearly 2 years, and some parts of the SPPs are also already in effect in the remaining interim planning schemes. This provides enough information and experience for conducting the review.



## I. Understanding the SPPs

### I.1 Overview of land use planning in Tasmania

Land use planning is about putting in place a guiding framework of policies, strategies, and rules for use and development that will shape the future of how our society looks and functions. These tools then influence decision making about how our settlements, our infrastructure, and our landscapes look and how we want them to function.

Figure 1 illustrates an overview of Tasmania's land use planning system.

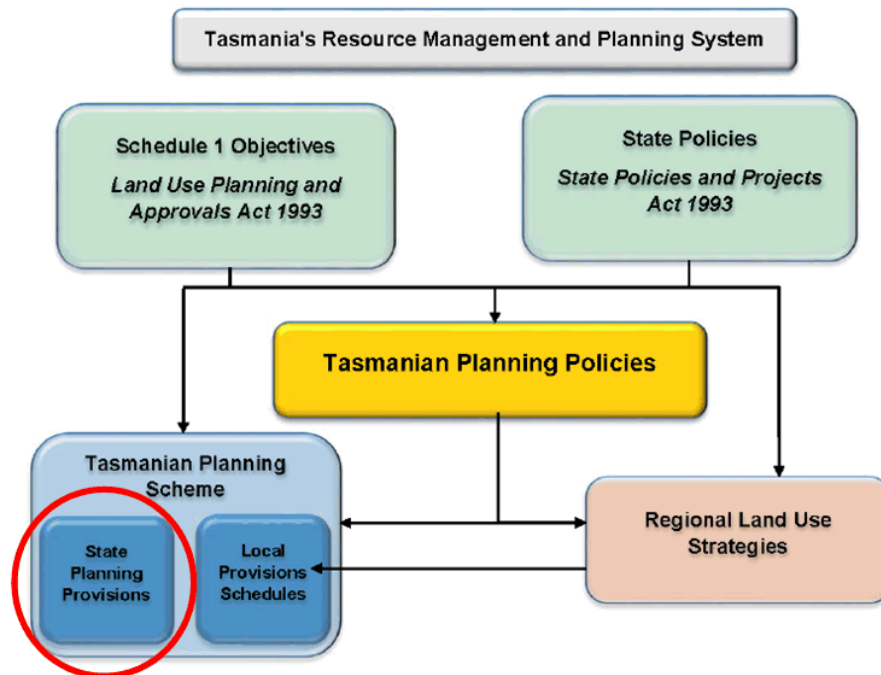


Figure 1 - Tasmania's land use planning system

The range of land use planning documents that make up Tasmania's planning system can be described as either 'strategic' or 'statutory' planning documents. The framework that provides for these documents is set out in LUPAA.

Strategic planning documents guide longer term land use and development through statements such as objectives, principles, policies, or strategies which are informed by social, economic, and environmental data. Strategic planning documents in Tasmania include the State Policies, the TPPs that are currently under preparation, and the three regional land use strategies. Councils also prepare a range of other local strategic planning documents.

The main statutory planning documents in Tasmania are the current planning schemes: the Tasmanian Planning Scheme and the remaining interim and older planning schemes. These set the rules for making decisions about use or development on particular sites in the immediate future.



It is the role of local councils acting as 'planning authorities' to assess applications for planning permits (often referred to as development applications) in accordance with the rules contained in planning schemes. The processes for making decisions on development applications are outlined in LUPAA.

## 1.2 The Tasmanian Planning Scheme

The Tasmanian Planning Scheme is made up of the SPPs and Local Provisions Schedules (LPS), as shown in Figure 2.

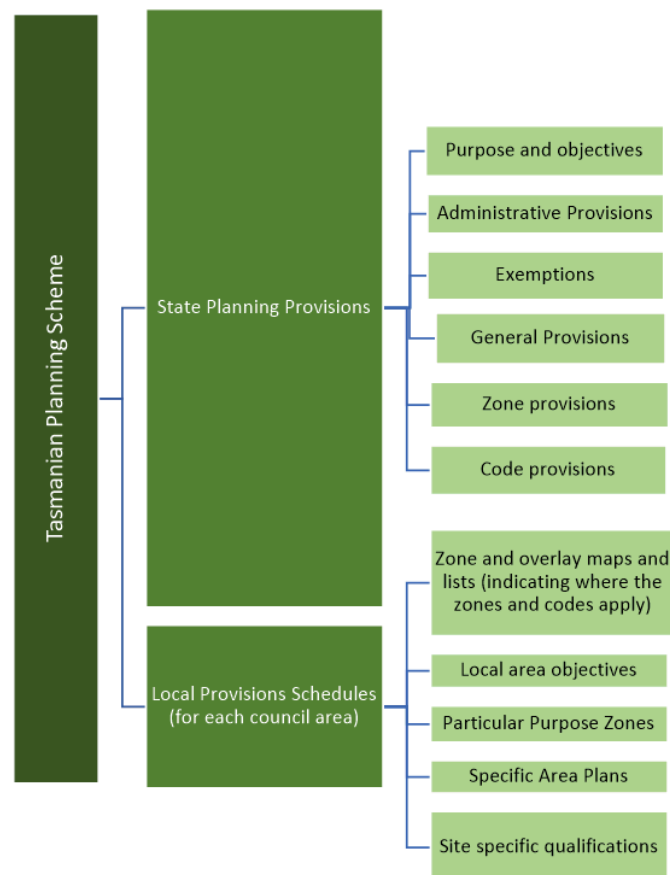


Figure 2 - Structure of the Tasmanian Planning Scheme

The rules in the Tasmanian Planning Scheme control the use, development, and conservation of land across the State in support of the LUPAA Schedule 1 Objectives, State Policies, and the TPPs (once made).

The SPPs are the Statewide set of rules (or provisions) expressed mainly through 23 zones and 16 codes. The SPPs also include administrative, general, and exemption provisions, and the requirements and a template for the LPS. More information on the SPPs is available on the [Planning in Tasmania website](#).

The SPPs are prepared, approved and amended by the Minister for Planning, with expert planning advice provided by both the Commission and the State Planning Office.





The LPS apply the SPPs in each local government area through zone maps, overlay maps, and lists of places where the codes apply. LPS may also contain local area objectives, particular purpose zones (PPZs), specific area plans (SAPs), and site-specific qualifications (SSQs). Each of these is a form of planning control for unique places specific to the local area.

The Tasmanian Planning Scheme, including the SPPs, only applies once a council has its LPS approved. For this reason, some councils still operate under the older Interim Planning Schemes. All councils will eventually use the Tasmanian Planning Scheme to make decisions about land use and development.

The Tasmanian Planning Scheme also operates alongside other legislative requirements, including integrated assessment processes for:

- certain activities with the potential for environmental emissions or impacts (Level 2 activities) administered by the [Environment Protection Authority \(EPA\) Tasmania](#);
- works on heritage places of State significance listed on the [Tasmanian Heritage Register](#) administered by [Tasmanian Heritage Council](#); and
- considering impacts on [TasWater's water and sewerage infrastructure](#).

Certain forestry operations and works, mineral exploration, and marine farming are managed under separate legislation. There are also exemptions from the Tasmanian Planning Scheme for certain electricity, water and sewerage, gas and railway infrastructure works as outlined in their relevant legislation.

### 1.3 Background of the SPPs

The first SPPs were drafted during 2015 as part of the Government's planning reform agenda to introduce a single Statewide planning scheme.

The drafting of the SPPs involved input from technical reference groups and consultative groups including State and regional organisations across business, industry, the community sector, environmental and heritage interests, and local government.

The SPPs largely adopted the structure established by [Planning Directive No. 1 – The Format and Structure of Planning Schemes](#) (Planning Directive No. 1) on which all interim planning schemes were based. Departures from Planning Directive No. 1 occurred to align the administrative provisions with the Tasmanian Planning Scheme structure required by LUPAA, in addition to:

- detailed reconsideration of the planning scheme exemptions;
- additional Special Provisions (renamed as General Provisions) from interim planning schemes; and
- reconsideration of some zones, such as replacing the Rural Resource Zone and Significant Agriculture Zone with the Rural Zone and Agriculture Zone, removal of the Environmental Living Zone, and inclusion of the Landscape Conservation Zone and the Future Urban Zone.

The content of the zones and codes in the SPPs was drafted with detailed regard to all interim planning schemes that were in operation at the time. It also captured the latest versions of codes as recommended by the Commission in accordance with:

- other approved or draft planning directives (the Bushfire-Prone Areas Code, Road and Railway Assets Code and Potentially Contaminated Land Code), and





- latest State Government policies on natural hazards (the Coastal Erosion Hazard Code, Coastal Inundation Hazard Code and Landslip Hazard Code).

During 2016, the Commission undertook a comprehensive independent assessment of the SPPs, including 60 days of public consultation and 25 days of public hearings.

The Commission's assessment of the SPPs concluded in December 2016 with a recommendations report being provided to the then Minister for Planning. In making the SPPs, the then Minister accepted the majority of the Commission's recommendations. A statement of reasons was released in response to those recommendations that were not accepted.

The SPPs were made on 2 March 2017.

## 2. Understanding the review

### 2.1 Scope of the review

The review will consider the SPPs component of the Tasmanian Planning Scheme. All of the SPPs are open to review.

It is important to note that this review does not include the:

- Local Provisions Schedules;
- Regional Land Use Strategies;
- State Policies; or
- the broader planning framework within LUPAA and associated legislation.

The review will not consider where zones and codes are applied in the Local Provisions Schedules. This is the role of individual councils with independent oversight from the Commission. Instead, the review will consider the rules and administrative requirements in the SPPs.

There are limitations on matters that may be covered by the Tasmanian Planning Scheme and the SPPs as listed in sections 11(3) and 12 of LUPAA. Certain building design and engineering and safety requirements are also covered by the *Building Act 2016*, associated regulations, and the National Construction Code. These also do not form part of the review.

### 2.2 Review process

The SPPs review begins with the release of this scoping paper and related information documents (Step 1 in Figure 3 below).

Feedback received from the scoping process will assist with identifying those provisions in the SPPs that require review, potential gaps in the SPPs, and inform options for improvement and potential amendments to the SPPs. A report will be prepared in response to the feedback from the scoping process (Step 2 in Figure 3 below).

The scoping process will help inform key themes or parts of the SPPs that require more detailed consideration for progression through separate projects and conclude in amendments to the SPPs. The State Planning Office will establish reference groups and consultative groups to assist with these detailed projects and amendments.



Some matters may be addressed in the short-term through amendments to the SPPs (Step 3 in Figure 3 below), while others may require the finalisation of the TPPs before progressing (Step 4 in Figure 4 below). It is a requirement of LUPAA for the SPPs to be consistent with the TPPs.

The making of the TPPs, which is expected to occur during 2023, will result in a review of the SPPs for consistency. A discussion paper will be released for consultation to consider options for amendments to the SPPs to make them consistent with the TPPs (Step 4 in Figure 3 below).

The SPPs amendment processes are detailed in [Part 3, Division 2](#) of LUPAA. All non-minor amendments are subject to public consultation, and independent assessment, including public hearings, by the Commission. The Commission then provides recommendations on the draft SPPs amendments which must be considered by the Minister for Planning before determining whether or not to make the amendment.

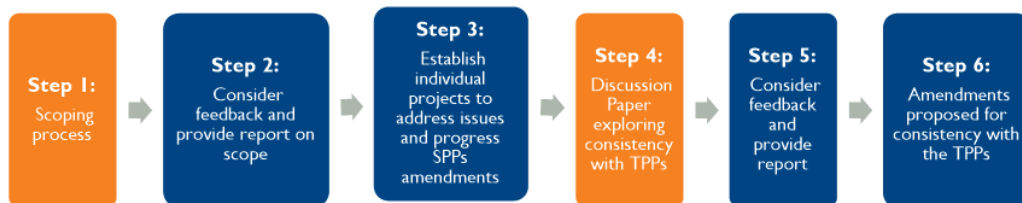


Figure 1 - The SPP review process

### 2.3 What has happened so far

The State Planning Office has put together a list of issues that have already been raised through conversations with stakeholders, along with submissions received through other processes. These processes include exhibition of [Planning Directive No. 8 – Exemptions, Application Requirements, Special Provisions and Zone Provisions](#) and reports provided to the Commission on the SPPs in accordance with [section 35G](#) of LUPAA.

A summary of these issues is available on the [Planning in Tasmania website](#).

Section 35G of LUPAA provides a process for a local council, after considering submissions on their draft LPS, to advise the Commission on potential amendments to the SPPs. The Commission must consider the advice of the council and provide a recommendation to the Minister for Planning. More information on the process under s.35G of LUPAA is available of the [Commission's website](#).

Several current projects will also inform the SPPs review. These projects are detailed below.



### **Residential and Housing Reviews**

#### **Review of the residential development standards derived from Planning Directive 4.1**

The rules in the SPPs General Residential Zone and Inner Residential Zone are based on those in *Planning Directive 4.1 – Standards for Residential Development in the General Residential Zone* (Planning Directive No. 4.1).

In 2014, Planning Directive No. 4.1 introduced a Statewide set of rules for residential development in the General Residential Zone across all interim planning schemes.

In 2020 the State Planning Office commissioned a consultant to engage with stakeholders about their key concerns with the requirements in Planning Directive No. 4.1 and to seek examples of their practical application. This process has resulted in the *Review of Tasmania's Residential Development Standards – Issues Paper* which has been made available through the [Planning in Tasmania website](#) to further assist with scoping the SPPs Review.

#### **Medium Density Residential Development Standards Project**

In 2019, the then Premier of Tasmania announced a project to prepare planning rules to deliver consistent requirements for apartment developments in Tasmania. The new requirements will be implemented through an Apartment Code in the SPPs to provide a clear pathway for the assessment of apartments and encourage good quality design and liveable spaces.

The project is being managed by the State Planning Office in partnership with Hobart City Council through the Hobart City Deal and will be delivered through a future amendment to the SPPs.

This project will be informed by the SPPs Review, and the review of the residential development standards derived from Planning Directive No. 4.1.

More information on the medium density residential development standards project and the Apartment Code is available through the [Planning in Tasmania website](#).

#### **Tasmanian Planning Policies (TPPs)**

The TPPs are high-level strategic policy ambitions and directions on land use planning matters of State and community interest. They will provide a way for the Tasmanian Government and community to consider and set directions on a broad range of complex and emerging planning issues. These high-level policies will inform strategic planning and the statutory planning provisions within the SPPs and LPS.

Some matters raised during the SPPs review scoping process may need to be considered in conjunction with the broader policies in the TPPs. The SPPs must be reviewed for consistency with these policies once the TPPs are made.

Once the TPPs are made, a discussion paper will be circulated to explore how consistent the SPPs are with the TPPs and what changes may need to be made to the SPPs.

More information on the TPPs is available through the [Planning in Tasmania website](#).



### 3. How to get involved

The Government wants to hear from you about issues with the SPPs.

We want to hear about the provisions in the SPPs that you think require review, or any provisions that you think are missing.

Your feedback will help scope the 5-yearly review of the SPPs and to identify issues to be addressed through amendments to the SPPs.

We encourage you to read this scoping paper in full before providing your comments as a submission. Please note, the scope of the review is outlined in section 2.1 of this scoping paper. We also encourage you to peruse all other documents made available as part of the scoping process as these may help inform your submission.

To help you respond, we invite you to consider the following questions. We also encourage you to provide reasons and examples (where possible).

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#### QUESTIONS TO CONSIDER

**Which parts of the SPPs do you think work well?**

**Which parts of the SPPs do you think could be improved?**

**What improvements do you think should be prioritised?**

**Are there any requirements that you don't think should be in the SPPs?**

**Are there additional requirements that you think should be included in the SPPs?**

**Are there any issues that have previously been raised on the SPPs that you agree with or disagree with?**

**Are there any of the issues summarised in the *Review of Tasmania's Residential Development Standards – Issues Paper* that you agree or disagree with?**

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Submissions on the State Planning Provisions Scoping Paper can be made until the close of business on **29 July 2022** in one of the following ways:

- Via email to [yoursay.planning@dpac.tas.gov.au](mailto:yoursay.planning@dpac.tas.gov.au)
- Via post to:

Department of Premier and Cabinet  
State Planning Office  
GPO Box 123  
HOBART TAS 7001

Submissions will be treated as public information and will be published on the [Planning in Tasmania website](#), unless confidentiality is specifically requested.



No personal information other than an individual's name or the organisation making a submission will be published.

For further information, please contact the State Planning Office via email: [stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au), or read the [Tasmanian Government Public Submissions Policy](#).

The State Planning Office website contains more information on the Tasmanian Planning Scheme and the SPPs:

If you would like to discuss the SPPs review further, or would like a briefing, please contact the State Planning Office at: [stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au) or by telephoning 1300 703 977.

#### **4. What will happen next?**

Once the consultation period has ended, the State Planning Office will carefully consider all comments received.

Feedback received from this scoping process will assist with deciding the extent of the SPPs review. A report will be prepared in response to the feedback from the scoping process.

The scoping process will help inform key themes or parts of the SPPs that require more detailed consideration for progression through separate projects and conclude in amendments to the SPPs.





Tasmanian  
Government

**Department of Premier and Cabinet**  
State Planning Office

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