



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 15 February 2023
Expiry Date: 21 February 2024
Application No: PLN-21-809
Address: 4 - 10 ST JOHNS AVENUE , NEW TOWN
Applicant: Dean Jackson (STNA)
Cnr Creek Road and New Town Road
Proposal: Partial Demolition, Alterations, Fencing and Two New Netball Courts
Representations: Nil
Performance criteria: E7.0 Stormwater Management Code, E13.0 Historic Heritage Code

1. Executive Summary

1.1 Planning approval is sought for Partial Demolition, Alterations, Fencing and Two New Netball Courts, at 4 -10 St Johns Avenue New Town.

1.2 More specifically the proposal includes:

- Conversion of one of the bowling greens to two netball courts;
- Excavation and re-grading of the bowling green to be converted to 2 netball courts to approximately 150mm depth;
- Installation of new base, grated drain, asphalt and Plexipave surface to the proposed netball courts;
- Erection of a 3.0m high galvanised chain wire fence with a top rail and two gates on the property's frontage to New Town Road;
- Installation of four netball posts;
- Replacement of existing grass with artificial grass on existing bowling green 2; and
- Installation of 3 2.2m x 36m shading structures along three side of bowling green 2.

1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 E7.0 Stormwater Management Code
- 1.3.2 E13.0 Historic Heritage Code - Heritage Place

- 1.4 No representations were received during the statutory advertising period between 10-24 January 2023.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council, because the development is proposed on Council owned land.

2. Site Detail

2.1 The subject site is the bowling green at 4-10 St Johns Avenue, fronting onto New Town Road.



Fig. 1. Subject site, 4-10 New Town Road. Source: HCC GIS.



Fig. 2 - existing bowling green which is proposed to be converted to two (2) netball courts - note the existing netball courts in the back ground - photo taken by the Development Appraisal Planner

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, Alterations, Fencing and Two New Netball Courts, at 1-4 St Johns Avenue New Town.

3.2 More specifically the proposal includes:

- Conversion of one of the bowling greens to two netball courts;
- Excavation and re-grading of bowling green to be converted to 2 netball courts to approximately 150mm depth;
- Installation of new base, grated drain, asphalt and Plexipave surface to the proposed netball courts;
- Erection of a 3.0m high galvanised chain wire fence with a top rail and two gates on the property's frontage to New Town Road;
- Installation of four netball posts;
- Replacement of existing grass with artificial grass on existing bowling green 2; and
- Installation of 3 2.2m x 36m shading structures along three side of bowling green 2.

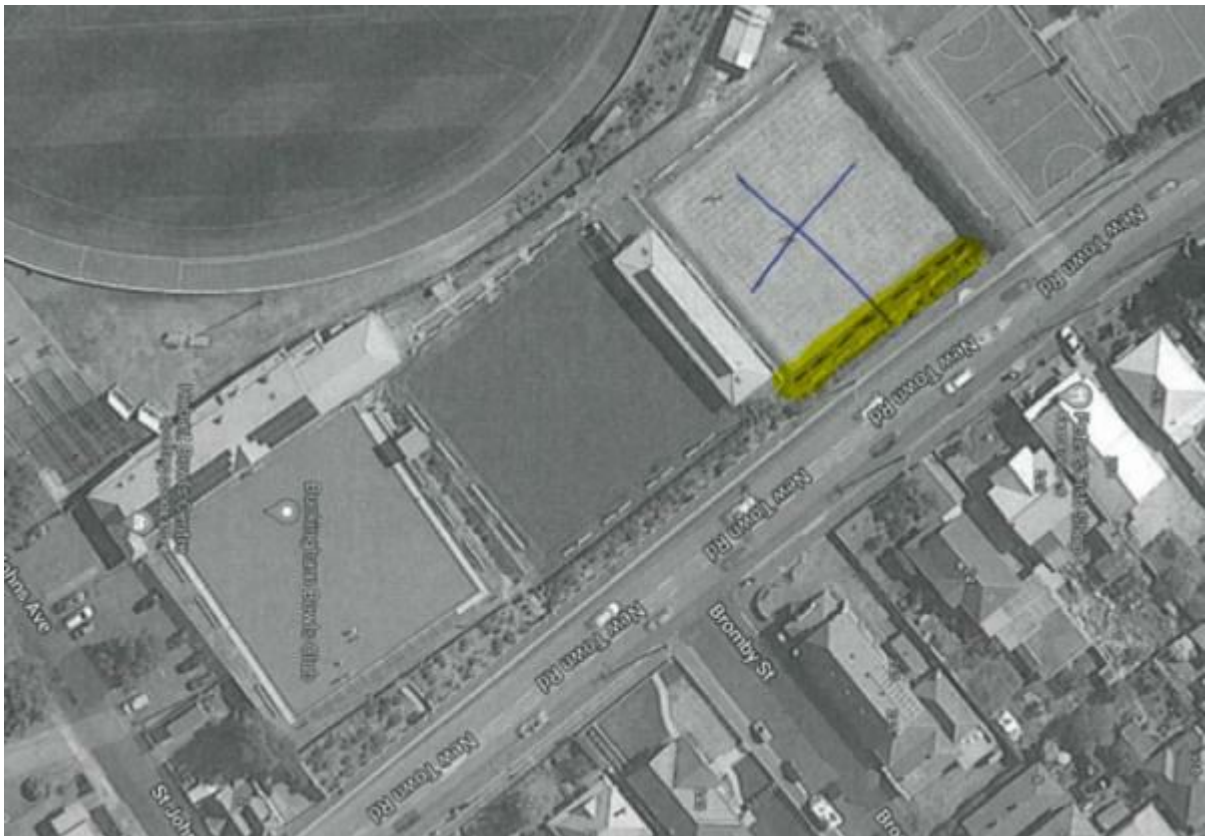


Fig. 3. Site plan showing the bowling green to be converted to two netball courts, and the location of the proposed galvanised chain wire fence. Source: Application documents.



Fig. 4- disused bowling green (no. 3) is proposed to be converted to two (2)) netball courts. Bowling green (2) is proposed to be resurfaced with artificial turf -Source: Application Documents



Fig. 5 disused bowling green which is proposed to be converted to two (2) netball courts - photo taken by the Development Appraisal Planner

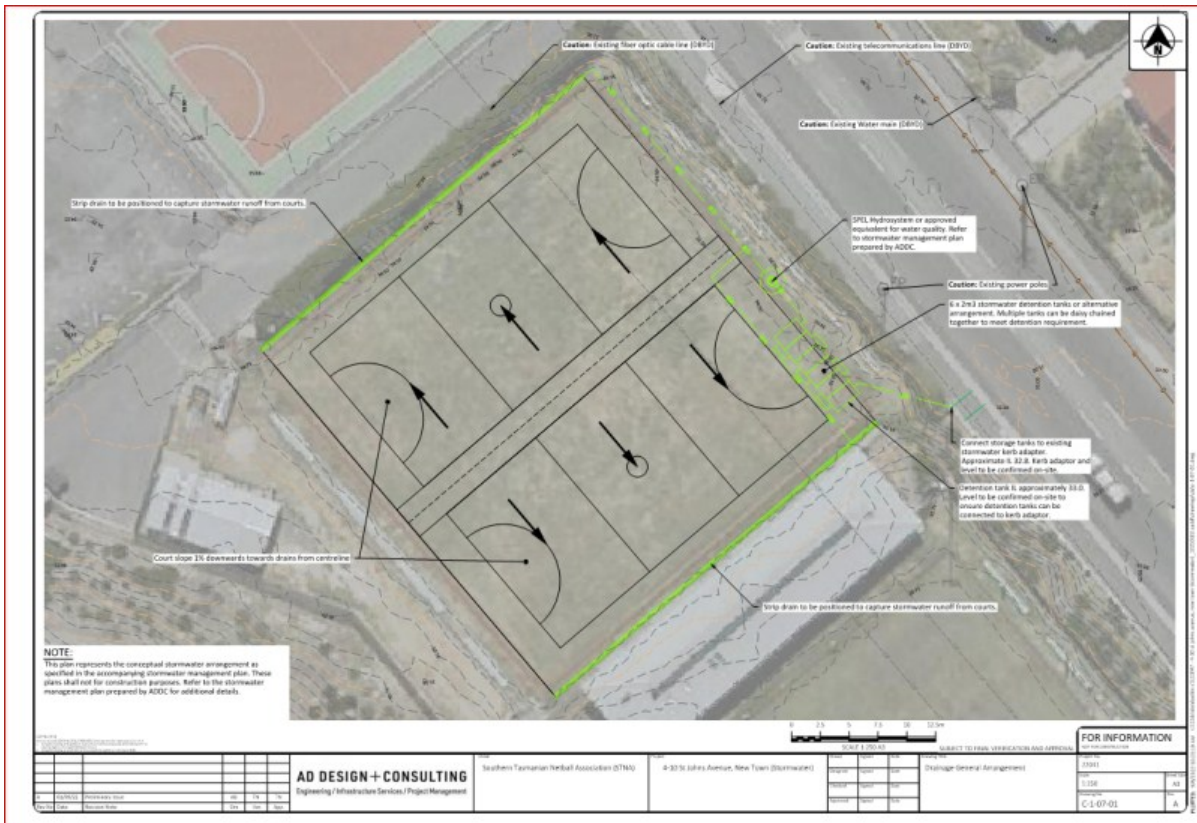


Fig. 6. Site plan showing the layout of the proposed netball courts Source: Application

documents.



Fig. 7 - Existing bowls green 2 which will be resurfaced with artificial turf - photo taken by the Development Appraisal Planner



Fig. 8- Existing/proposed vehicle access to the existing and proposed netball courts photo taken by the Development Appraisal Planner

4. Background

- 4.1 General Manager Consent to the making of the planning application has been granted (GMC-21-66).

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between 10-24 January 2023.

6. Assessment

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

approve or refuse the proposal relates only to the performance criteria relied on.

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

6.3 The existing and proposed use is Sports and Recreation, which is a no permit required use in the zone.

6.4 The proposal has been assessed against:

6.4.1 Part D - 18.0 Recreation Zone Standards

6.4.2 Part E - 6.0 Parking and Access Code

6.4.3 Part E - 7.0 Stormwater Management Code

6.4.4 Part E - 13.0 Historic Heritage Code

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

6.5.2 Stormwater Management Code Code:

Stormwater Drainage and Disposal- E7.7.1P2

6.5.3 Historic Heritage Code:

Building and Works on a Listed Place - E13.7.1 P1

6.6 Each performance criterion is assessed below.

6.7 E7.0 Stormwater Management Code Part E7.7.1P2

6.7.1 The acceptable solution at clause E7.7.1A1 requires that any new impervious area over 600sqm must incorporate a stormwater system which include water sensitive urban design principles for the treatment and disposal of stormwater.

6.7.2 The proposal includes a new impervious area of approximately 1500sqm in area which does not incorporate a stormwater system which includes water sensitive urban design principles for the treatment and disposal of stormwater.

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 E7.7.1P2 provides as follows:

A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.

6.7.5 The objective of the standards of stormwater drainage and disposal requirements within the scheme are to ensure that stormwater quality and quantity is managed appropriately.

The application was referred to Council's Environmental Engineering Unit who assessed the proposal and advised that the proposal meets and can be supported under the relevant performance criteria.

6.7.6 The proposal complies with the performance criterion.

6.8 Historic Heritage Code - Building and Works on a Listed Place - Clause E.13.7.1 P1, E.13.7.2 P1, P2, P3 and P5

6.8.1 There are no acceptable solutions for partial demolition or works to a listed place.

6.8.2 The proposal includes the conversion of the existing bowling green to two new netball courts, minor excavation and fencing.

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

6.8.4 The relevant performance criteria provide as follows:

E.13.7.1 P1:

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

(a) there are, environmental, social, economic or safety reasons of

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

(b) there are no prudent and feasible alternatives;

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

(d) significant fabric is documented before demolition.

E.13.7.2 P1

Development must not result in any of the following:

(a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;

(b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.

E.13.7.2 P2

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

(a) scale and bulk, materials, built form and fenestration;

(b) setback from frontage;

(c) siting with respect to buildings, structures and listed elements;

(d) using less dominant materials and colours.

E.13.7.3 P3

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

- 6.8.5 The objective of the heritage provisions under the scheme is to ensure that development to a heritage place is undertaken in a sympathetic manner, which does not cause a loss of historic cultural heritage significance and is subservient to the historic cultural values of the place.

The Council's Cultural Heritage Officer has provided the following report:

This application is for works to a place heritage listed in Table E13.1 of

the Historic Heritage Code of the Scheme. The listing in Table E13.1 (No. 3003) describes the site as the St John's Bowling Club, however this is not correct as that bowls club is located within and covered by the St John's Park site listing in Table E13.1 (No. 3002) in the Historic Heritage Code of the Scheme.

That aside, the subject site (No. 3003) was identified in the New Town and Lenah Valley Significant Garden Study and the datasheet (Ref G81) prepared as part of the study specifically describes the collective nature of the landscapes within the St John's Park site, avenues of trees, planting associated with the John Edis centre and the bowls club including its 'prominent fence and concrete retaining wall.' It can therefore be confirmed that the heritage listed site is that defined as having the title 149031/1, but also the elements described and those of within the larger St John's Park site on other titles.

The proposal is for the conversion of one of the three bowling greens associated with the Buckingham Bowls Club into netball courts. The site is shown in the image below. The bowling green to be developed is the one closest to the existing netball courts located on the corner of Creek Road and New Town Road.



Subject site for the proposed netball court shown by red line with masonry heritage fence to the left.

The adjacent (or middle) bowling green is to be resurfaced and have new shade structures.

The heritage listed land parcel identified by the Scheme listing captures the part of the site that is the subject of this current application. However, the masonry fence identified in the datasheet is further along New Town Road and off-centre from the bowling green to be modified as a netball court. The middle part of the subject site (bowling green 2) will remain as a bowling green and is to be resurfaced and have new shade structure. That part of the subject site is located behind the masonry heritage fence.

The proposal involves demolition and new work.

The demolition involves the removal of the following elements:

- removal of the playing surface of the bowling green from grass to Plexipave for the netball courts, minor excavation for drainage and for the construction of 3 metre high fencing and new gates around three side of the courts.
- removal of the surface of bowling green 2 and edges and removal of existing umbrella structures.

The new work involves:

- new playing surface for the netball courts
- fencing and two new gates to the netball court - 3 metres high
- misc path surfaces
- new playing surface to the bowling green
- three new cantilever shade structures around the edge of the bowling green.

The proposal must be assessed against E13.7.1 P1 - demolition at a heritage place and E13.7.2 P1, P2, P3 new work at a heritage place. It should be noted that while there is a new fence, it is not a new 'front fence and gate' as defined under the Scheme, therefore clause E13.7.2 P5 does not apply.

E13.7.1 P1 states:

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

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

(b) there are no prudent and feasible alternatives;

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

(d) significant fabric is documented before demolition.

Response:

None of the features or elements proposed to be removed as part of the demolition for the new work can be considered to have any heritage value

or make a contribution to the historical significance of the site. Therefore clause E13.7.1 P1 is satisfied.

Clause E13.7.2 P1 states:

Development must not result in any of the following:

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

Clause E13.7.2 P2 states:

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

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

Clause E13.7.2 P3 states:

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

The proposal satisfies the above provisions of the Scheme.

Response:

The proposed works are consistent with this site having been used as sporting facilities for a considerable period of time and although one of the parts of the site will change from a bowling green to two netball courts, it will remain as an open square of playing area. The new fence, a cyclone mesh fence on three sides, is likewise consistent with the character of sporting facilities. There are no changes to the existing vegetation and landscaping arrangement. The most significant change will be the construction of three (3) new shelters that have a cantilevered roof around bowling green 2, all having a height of 2.3 metres and finished in Colorbond Classic Cream and Grey. Again, these types of structures are consistent with current shade facilities provided at bowling greens around Australia and are designed to be simple, open and functional structures.

The colours selected are described above and from an overall point of view, the proposed development is consistent and sympathetic to the setting, uses appropriate materials and is of a scale that does not result in diminution or loss of heritage values associated with the heritage listed place, satisfying E13.7.2 P1, P2 and P3.

The proposal satisfies the above provisions of the Historic Heritage Code of the Scheme.

6.8.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Partial Demolition, Alterations, Fencing and Two New Netball Courts, at 4-10 St Johns Avenue New Town.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Technical Officer - Engineering, Parks Planner and Senior Cultural Heritage Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Partial Demolition, Alterations, Fencing and Two New Netball Courts, at 4-10 St Johns Avenue New Town satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Committee, in accordance with the delegations contained in its terms of reference, approves the application for Partial Demolition, Alterations, Fencing and Two New Netball Courts at 4-10 St Johns Avenue, New Town for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-809 - 4-10 ST JOHNS AVENUE NEW TOWN TAS 7008 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

Advice:

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

Reason for condition

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

SW 7

Prior to occupancy or the commencement of the use (whichever occurs first), any alterations to the existing connections required by the final design must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the Building Act 2016 or

commencement of works (whichever occurs first), detailed engineering drawings must be submitted and approved. The detailed engineering drawings must include:

1. the location of the proposed connections and all existing connections;
2. the size and design of the connection such that it is appropriate to safely service the development;
3. clearances from any nearby obstacles (eg services, crossovers, trees, poles, walls)
4. long-sections of the proposed connection clearly showing cover, size, grade, material and delineation of public and private infrastructure;
5. connections which are free-flowing gravity driven.
6. be in general accordance with Council's departures from the LGAT Tasmanian Standard Drawings, available from [our website](#)

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

Advice: Upgraded or new connections can be approved either via the CEP process or via the Application for New Connection form available from [here](#). The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater pre-treatment and detention for stormwater discharges from the development must be installed.

A final stormwater management report and design must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. include detailed design of the proposed treatment train, including final estimations of contaminant removal;
2. include detailed design and supporting calculations of the detention tank showing:
 1. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;

2. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 3. the discharge rates and emptying times; and
 4. all assumptions must be clearly stated;
3. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit. Council notes runoff from the site enters the New Town Rivulet, and all cleaning chemicals etc used on the courts must be chosen accordingly.

Council accepts the proposed detention and treatment designs in principle, however notes it may be more efficient if equivalent treatment / detention were installed elsewhere on the site.

ENG 1

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

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

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

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure,

then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

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

ENV 2

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

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

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for Condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

ADVICE

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

NOISE REGULATIONS

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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



(Deanne Lang)

Development Appraisal Planner

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 7 February 2023

Attachment(s):

Attachment B - Planning Committee Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report