



CITY OF HOBART

AGENDA

Planning Committee Meeting
Open Portion
Wednesday, 17 May 2023
at 5:00 pm
Council Chamber, Town Hall



City of **HOBART**

THE MISSION

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

THE VALUES

The Council is:

People

We care about people – our community, our customers and colleagues.

Teamwork

We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.

Focus and Direction

We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.

Creativity and Innovation

We embrace new approaches and continuously improve to achieve better outcomes for our community.

Accountability

We are transparent, work to high ethical and professional standards and are accountable for delivering outcomes for our community.

ORDER OF BUSINESS

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

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Planning Committee Meeting (Open Portion) held Wednesday, 17 May 2023 at 5:00 pm in the Council Chamber, Town Hall.

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

Alderman S Behrakis (Chairman)
Lord Mayor Councillor A M Reynolds
Deputy Lord Mayor Councillor H Burnet
Alderman M Zucco
Councillor W F Harvey
Councillor M Dutta
Councillor Dr Z Sherlock
Councillor J Kelly
Councillor L Elliot
Alderman L Bloomfield
Councillor R Posselt
Councillor B Lohberger

Apologies:

Leave of Absence: Nil

1. CONFIRMATION OF MINUTES

The minutes of the Open Portion of the Planning Committee meeting held on [Wednesday, 3 May 2023](#), are submitted for confirming as an accurate record.

2. CONSIDERATION OF SUPPLEMENTARY ITEMS

Ref: Part 2, Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

Recommendation

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer.

3. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

4. TRANSFER OF AGENDA ITEMS

Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A Committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the Committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

5. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

In accordance with the requirements of Part 2 Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer is to arrange the agenda so that the planning authority items are sequential.

In accordance with Part 2 Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee by simple majority may change the order of any of the items listed on the agenda, but in the case of planning items they must still be considered sequentially – in other words they still have to be dealt with as a single group on the agenda.

Where deputations are to be received in respect to planning items, past practice has been to move consideration of these items to the beginning of the meeting.

RECOMMENDATION

That in accordance with Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee resolve to deal with any items which have deputations by members of the public regarding any planning matter listed on the agenda, to be taken out of sequence in order to deal with deputations at the beginning of the meeting.

6. COMMITTEE ACTING AS PLANNING AUTHORITY

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

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

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

6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

6.1.1 8/12 WILMOT STREET, HOBART, COMMON LAND OF PARENT TITLE - CHANGE OF USE TO VISITOR ACCOMMODATION PLN-23-158 - FILE REF: F23/47892

Address:	8/12 Wilmot Street, Hobart and Common Land of Parent Title
Proposal:	Change of Use to Visitor Accommodation
Expiry Date:	26 June 2023
Extension of Time:	Not Applicable
Author:	Victoria Maxwell

RECOMMENDATION

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 a Change of Use to Visitor Accommodation at 8/12 WILMOT STREET HOBART TAS 7000 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-23-158 8/12 WILMOT STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the

satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

- 1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
- 2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.**
- 3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.**
- 4. To specify the maximum permitted occupancy of the visitor accommodation.**
- 5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (one (1) vehicle), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than one (1) vehicle and the parking of any additional vehicles in nearby streets should also be discouraged.**
- 6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.**

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

Advice:

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

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

PLN 14

The noise generated by the Visitor Accommodation must not cause environmental harm.

Reason for the condition

To ensure noise emissions do not cause environmental harm in accordance with EMPCA 1994 and the Environmental Management and Pollution Control (Noise) Regulations 2016 so as to avoid unreasonable impact on residential amenity.

ADVICE

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

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

CONDITION ENDORSEMENT

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

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

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

BUILDING PERMIT

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

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

NOISE REGULATIONS

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

FEES AND CHARGES

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

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information, or call our Environmental Health team on 6238 2711.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.

- Attachment A: PLN-23-158 - 8/12 WILMOT STREET HOBART TAS 7000 - Planning Committee or Delegated Report ↓
- Attachment B: DA-23-19472 PLN-23-158 8 12 WILMOT STREET HOBART TAS 7000 - Attachment B - PC Planning Documents ↓
- Attachment C: PLN-23-158 - 8_12 WILMOT STREET SANDY BAY - Attachment C - Supplementary Documents - Applicant Response to Representation Summary ↓

City of **HOBART****APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Committee: 17 May 2023
Expiry Date: 26 June 2023
Application No: PLN-23-158
Address: 8 / 12 WILMOT STREET , HOBART
COMMON LAND OF PARENT TITLE
Applicant: Larissa Chaplin
7/12 Wilmot Street
Proposal: Change of Use to Visitor Accommodation
Representations: Seven (7) representations.
Performance criteria: Urban Mixed Use zone - Use Table - Discretionary use

1. Executive Summary

- 1.1 Planning approval is sought for Change of Use to Visitor Accommodation at 8/12 WILMOT STREET HOBART TAS 7000.
- 1.2 More specifically the proposal includes:
 - change of use for a whole dwelling to Visitor Accommodation;
 - the dwelling is a two storey conjoined unit, containing two bedrooms upstairs and a combined living/ dining room downstairs with kitchen and laundry to the rear, providing access onto a small courtyard garden;
 - one (1) parking space is provided.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Urban Mixed Use zone - Use Table - Discretionary use
- 1.4 Seven (7) representations objecting to the proposal were received within the statutory advertising period between 6th and 24th April 2023.
- 1.5 The proposal is recommended for approval subject to conditions.

- 1.6 The final decision is delegated to the Planning Committee, because more than five (5) representations were received.

2. Site Detail

- 2.1 The site is located on the south western side of Sandy Bay Road opposite the southern end of St Davids Park. Surrounding uses are a mix of commercial, health and residential. The subject site is centrally located within a strata scheme containing 13 units. The strata lots contain six (6) single level flats within a large building fronting Sandy Bay Road with covered parking adjacent to the building assigned to each of the six of these flats. The remaining seven (7) dwellings within the complex are five (5) conjoined dwellings running along the south eastern boundary and two separate dwellings on the south western side of the access into the complex. These latter 7 units are all two storey, with the similar layout to the subject site.



Figure 1: Site Plan - the subject strata lot is identified within the wider strata complex (Geo Cortex, 2023)

The conjoined terrace dwellings all have car ports in front of the dwellings. They step down the hill from the west.



Figure 2: Location of the subject site and car port within the strata complex (www.realestate.com.au, 2021)

Opposite the subject site are a number of uncovered and unsealed parking spaces. Whilst these are numbered on the fence, the strata plan does not allocate these to any particular dwelling or flat. The original Permit of the 13 unit complex (PLN-930697) approved the development with 22 parking spaces, including one for each dwelling or flat, plus an additional "jockey" park in front of the covered garages for flats 1 to 6, to be solely for the use of the occupants or their guests and three (3) visitor parking paces in the area opposite the subject site.

It appears that the jockey parking was found to be unworkable and those spaces have now been deleted, possibly with the visitor parking being occupied by those units. Checking recent sales information, only one strata lot advertised as having two (2) parking spaces on site. It therefore appears that the unsurfaced parking spaces opposite the subject site are for visitor parking still.



Figure 3: Hobart Council 3D drone image (HCC, 2022)

3. Proposal

- 3.1 Planning approval is sought for a Change of Use to Visitor Accommodation at 8/12 WILMOT STREET HOBART TAS 7000.
- 3.2 More specifically the proposal includes:
 - change of use for a whole dwelling to Visitor Accommodation;
 - the dwelling is a two storey conjoined unit, containing two bedrooms upstairs and a combined living/ dining room downstairs with kitchen and laundry to the rear, providing access onto a small courtyard garden;
 - one (1) parking space is provided.

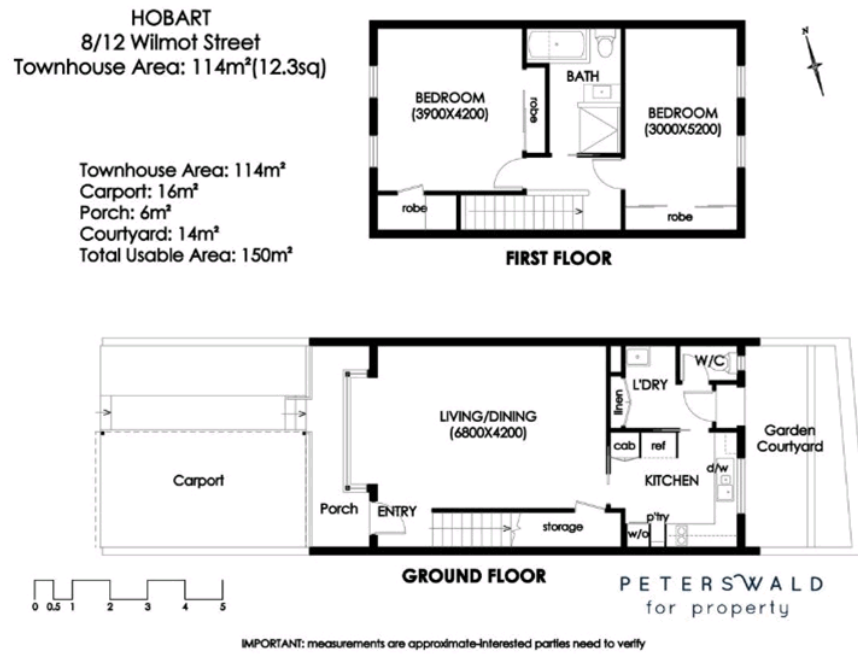


Figure 5: Floor Plan (L Chaplin, 2023)

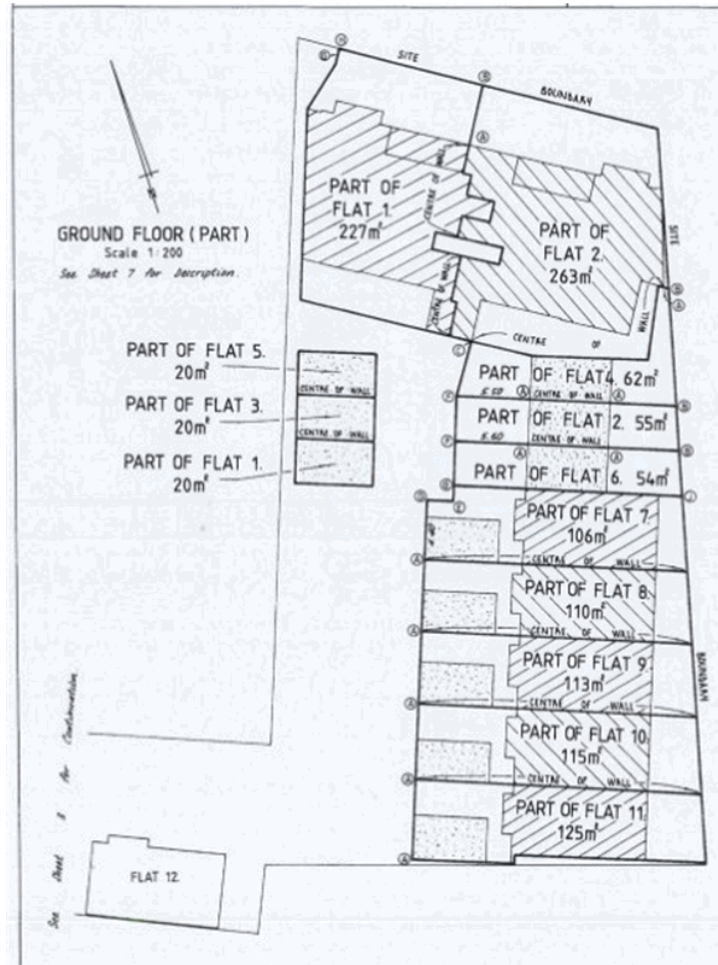


Figure 6: Applicant Site Plan (L Chaplin, 2023)

4. Background

4.1 Previous applications relevant to this proposal oor site are listed below;

The property was previously known as 11 Sandy Bay Rd

PLN-861122 - Proposed Offices and/or Residences - did not proceed

PLN-870317 - Offices - Did not proceed

PLN-930697 - Apartments (13 Flats and Houses)

PLN-06-01321-01 - Enclosing balconies for units 5 and 6 at 12 Wilmot St

5. Concerns raised by representors

- 5.1 Seven (7) representations objecting to the proposal were received within the statutory advertising period between 6th and 24th April 2023.
- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Will there be loud music and unruly parties late at night requiring calling the police?
Will visitor parking be filled so remaining residents go without?
Approval would set a precedent for similar application in the future. Seven of the 13 units in the strata scheme are rented or currently vacant. Approval of this application would set a precedent that may encourage other investor-owners to follow the same path;
The 2001 By-law for the strata scheme are silent on short term visitor accommodation, pre-dating the advent of the sharing economy. However a recent Body Corporate annual general meeting all owners present agreed that the by-laws needed to be amended to prevent such short term arrangements. This has not yet been implemented.
Infringement of residents' rights to quiet enjoyment of their homes. The complex is a quiet residential complex and residents place high value on the quality of life it offers. Transient visitors coming and going any time during the day and night will infringe on the rights to quiet enjoyment of the homes and therefore quality of life.
Most owner occupiers are retired and would find it highly stressful to be exposed to short term visitors who many not worry about the disturbance they cause by the noise, rubbish and use of visitor car spaces.
Potential damage to common areas of the complex by short term visitors would require repairs at the cost of all owners.
Whilst the applicant lives next door to the subject site currently, there is no guarantee that she can uphold her claim that the use would be strictly managed and hence there would be no loss of amenity as she may move, leaving the remaining residents to have to continue to live with any undesirable impacts affecting their enjoyment of their homes.
There is an acute shortage of long term rental accommodation in Hobart. It is unlikely that the applicant would struggle to find reliable long term tenants able to pay a rental commensurate to the quality of the property and its location.

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 urban Mixed Use zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Multiple Dwelling. The proposed use is Visitor Accommodation. The existing use is a Permitted use in the zone. The proposed use is a Discretionary use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 D15.0 Urban Mixed Use Zone
- 6.4.2 E6.0 Parking and Access Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Urban Mixed Use Zone:
- Visitor Accommodation use – D15.2.1 Use Table Qualification*
- 6.6 Each performance criterion is assessed below.
- 6.7 Urban Mixed Use zone - Use Table Qualification - 15.2.1
- 6.7.1 The Permitted use qualification in Table 15.2 limits Visitor Accommodation use to *"any self-contained accommodation must not be located on the same site as a dwelling providing long-term residential accommodation, except for a caretakers dwelling"*
- 6.7.2 The proposal is for Visitor Accommodation within a strata scheme that contains 12 out of the 13 units being used for long term residential accommodation.
- 6.7.3 The proposal therefore relies on the discretionary assessment. The discretionary use qualification states *"if for self-contained accommodation located on the same site as a dwelling providing long term residential accommodation, only if it has a separate ground level pedestrian access to a road or the site is mixed use"*.
- 6.7.4 In assessing a Discretionary use, the use standards must be considered - non residential use standards in the Urban Mixed Use zone relate to Hours of operation, Noise emissions, External Lighting and Commercial

vehicle movement times. None of these use standards directly apply to Visitor Accommodation, other than possibly noise emissions, however that assessment is more relevant for commercial uses (mechanical apparatus, generators, etc). This potentially sets up a land use conflict in this zone because it permits all residential uses as Permitted, but does little to protect residential amenity.

Noise concerns were raised in representations, due to the expectation that temporary guests have a higher likelihood of partying when on holiday than permanent residents. The issue with applying the non residential noise standards to a Visitor Accommodation use is that the noise generators (guests) will be constantly changing; unlike a loud mechanical interruption that could be anticipated to be repeatedly interfering with residential amenity. The applicant was asked to address this representation concern. The applicant stated;

- "There is no evidence that persons occupying short stay accommodation premises are any more likely to cause "unruly parties late at night" or "require calling the police" than a tenant or owner occupier. To assert otherwise is entirely speculation. If a visitor causes undue noise or disturbance, that disturbance will be responded to by me just as I would if the issue was caused by a tenant. If the issue requires police assistance, the police will be called. I note that short stay operators such as AirBnB provide assistance to owners when dealing with visitor behaviour issues. I intend to make it very clear in any advertising that the property is not suitable for parties and that visitors must ensure their noise and behaviour is appropriate. This will give potential visitors prior knowledge of behavioural expectations before they book the property. It will also ensure that my property is appropriately cared for by visitors. After all, it is not in my interests to have drunken, noisy or unruly visitors harming my property".

The risk of noise associated with Visitor Accommodation uses is usually controlled through imposition on the permit of a Visitor Accommodation Management Plan (VAMP), that requires concerns such as noise, waste disposal, security, etc to be controlled and managed by the applicant through an local Accommodation Manager. The requirement for a VAMP will be included in the permit also. The representation ground is supported and addressed through inclusion of the VAMP Permit condition.

- 6.7.5 Discretionary uses must be assessed in accordance with Clause 8.10 - Determining applications. Clause 8.10 requires the following;

In determining an application for any permit the planning authority must, in addition to the matters required by ss51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme;*
 - and*
 - (b) any representations received pursuant to and in conformity with ss57(5) of the Act,*
- but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.*

8.10.2 In determining an application for a permit for a discretionary use the planning authority must, in addition to the matters referred to in subclause 8.10.1, have regard to:

- (a) the purpose of the applicable zone;*
- (b) any relevant local area objective or desired future character statement for the applicable zone;*
- (c) the purpose of any applicable code; and*
- (d) the purpose of any applicable specific area plan,*

but only insofar as each such purpose, local area objective or desired future character statement is relevant to the particular discretion being exercised.

8.10.3 In determining an application for any permit the planning authority must not take into consideration matters referred to in clauses 2.0 and 3.0 of the planning scheme.

- 6.7.5 As mentioned above, there are no relevant use standards in the Urban Mixed Use zone.

The other relevant code is Parking and Access Code. Table 6.1 requires Visitor Accommodation to be provided with one (1) parking space. The application proposes one (1) parking space also. The application complies with the Acceptable Solution of 6.6.1 that sets out compliance requirements with Table 6.1.

A Representation raised concern over the potential loss of visitor parking spaces. The application noted provision of only one (1) parking space. The applicant responded to this ground, indicating ;

"Given previous advice regarding the maximum number of visitors occupying the property, it is unlikely that more than one vehicle related to visitors occupying the property will be present on site. This vehicle will park in the carport attached to the property. The visitor carpark has a capacity for at least 7-10 vehicles. It is rarely, if ever, completely occupied. If visitors have an additional vehicle, then, subject to the maximum length of stay defined in the Body Corporate By-Laws, the vehicle remains a visitor's vehicle within the meaning of those bylaws and is entitled to use the visitor carpark. I note that there is no maximum number of visitor vehicles allowed on site by the By-Laws, however I accept that proportionality is appropriate, and I would ask visitors with more than two vehicles to park additional vehicles on the street or in nearby carparks".

Council does not support the applicant's comments as this is contrary to the submitted detail in the application. The VAMP will limit parking to one (1) space as set out in the application and will require this parking restriction to be noted in any advertising and booking information. From this, it should be anticipated that the existing parking on site should not be unduly impacted by the proposal. The representation ground is addressed through the permit condition.

Other representation grounds are discussed below, as they do not relate to any scheme standard.

- 6.7.6 Clause 8.10.2(a) directly relates to Discretionary uses and requires consideration of the purpose of the applicable zone. There are ten (10) Zone Purpose Statements. The relevant statements are;

15.1.1.1 To provide for integration of residential, retail, community services and commercial activities in urban locations.

15.1.1.6 To provide for a diversity of uses at densities responsive to the character of streetscapes, historic areas and buildings and which do not compromise the amenity of surrounding residential areas.

15.1.1.9 To maintain an appropriate level of amenity for residential uses without unreasonable restriction or constraint on the nature and hours of commercial activities.

Provided adequate operational controls are imposed on the Visitor Accommodation use, the proposal is considered to comply with these objectives.

8.10.2(b): There are no local area objective or desired future character

statement for the Urban Mixed Use zone;

8.10.2(c): The relevant purposes of the applicable code (Parking and Access Code) are; (to)

(b) ensure enough parking is provided for a use or development to meet the reasonable requirements of users, including people with disabilities;
(c) ensure sufficient parking is provided on site to minimise on-street parking and maximise the efficiency of the road network;

The proposal is considered to comply with these aims.

8.10.2(d): There are no applicable specific area plans for this site.

6.7.6 The proposal complies with the relevant Clause 8.10 provisions.

7. Discussion

7.1 Planning approval is sought for a Change of Use to Visitor Accommodation at 8/12 WILMOT STREET HOBART TAS 7000.

7.2 The application was advertised and received seven (7) representations. The representations raised concerns including noise, impact on parking, interruption of residential amenity, setting a precedent for more visitor accommodation in the strata scheme, likely future non compliance with Strata Scheme By-Laws, management of the use, cost transfer to the Body Corporate from outsider damage to Common Land, the lack of onsite management and the shortage of rental accommodation in Hobart.

- 7.3 The potential loss of residential amenity and fear of strangers mingling with retirees on site are not planning issues in this zone. As mentioned previously, there are very few protective measures for residential amenity in the Urban Mixed Use zone. The Zone Purposes Statements aim to integrate residential, retail, community services and commercial activities in urban locations. It can easily be argued that with conditions for a VAMP this zone Purpose Statement is met. The applicant also mentioned that the site is located on a busy arterial road, with significant noise and disturbance from traffic, pedestrians and the city. Whilst much of this noise would be screened by the three storey apartment block fronting Sandy Bay Road, this does not change the zone intention of a mix of residential and commercial uses. The representation grounds relating to loss of residential amenity are not supported.

The issues of Body Corporate intentions to restrict such uses in the future, or this setting a precedent are not a planning issues covered by the Scheme and are therefore not supported.

The issue of potential damage costs to common areas is not a planning issues covered by the Scheme and is therefore not supported.

Concerns over a lack of on site management are addressed in the VAMP. It is not considered necessary for management to be 24/7 present on site. The VAMP requires all neighbours to be provided with the Manager's contact details including mobile number so that should guests become too rowdy, the Manager can come and address such behaviour in a timely manner. As the applicant also indicated, it is not in her interest to let the property for parties as there is a significant risk of damage to her investment. It is considered that the VAMP should adequately address this representation ground.

Regarding lack of rental properties in Hobart, there is nothing in the zone or scheme that suggests that the conversion of residential properties to Visitor Accommodation is inappropriate or to be discouraged in this area. Whilst this issue is frequently raised in opposition to the conversion to Visitor Accommodation, there is no head of power under the Planning Scheme to refuse such. It is interesting to note that the subject site is in a mixed use zone. However, if the proposal was within a residential zone, then Planning Directive No 6 would apply, which encourages such conversions with minimal opportunities to retain residential development from such change.

- 7.4 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.5 The proposal is recommended for approval

8. Conclusion

- 8.1 The proposed Change of Use to Visitor Accommodation at 8/12 WILMOT STREET HOBART TAS 7000 satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Committee, in accordance with the delegations contained in its terms of reference, approves the application for a Change of Use to Visitor Accommodation at 8/12 WILMOT STREET HOBART TAS 7000 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-23-158 8/12 WILMOT STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

1. **To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
2. **To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.**
3. **To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.**
4. **To specify the maximum permitted occupancy of the visitor accommodation.**
5. **To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (one (1) vehicle), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than one (1) vehicle and the parking of any additional vehicles in nearby streets should also be**

discouraged.

6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

Advice:

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

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

PLN 14

The noise generated by the Visitor Accommodation must not cause environmental harm.

Reason for the condition

To ensure noise emissions do not cause environmental harm in accordance with EMPCA 1994 and the Environmental Management and Pollution Control (Noise) Regulations 2016 so as to avoid unreasonable impact on residential amenity.

ADVICE

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

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

CONDITION ENDORSEMENT

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

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

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

BUILDING PERMIT

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

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

NOISE REGULATIONS

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

FEES AND CHARGES

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

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire

Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information, or call our Environmental Health team on 6238 2711.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable "bed and breakfast" parking permit.



(Victoria Maxwell)

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 5 May 2023

Attachment(s):

Attachment B - Planning Committee Agenda Documents

Attachment C - Planning Committee Supplementary Documents - Applicant Response to Representation Summary

Planning #277232

Property

8/12 WILMOT STREET HOBART TAS 7000



People

Applicant *

Larissa Chaplin
7/12 Wilmot Street
HOBART TAS 7000
0427385953
larissa.chaplin@gmail.com

Owner *

Larissa Chaplin
7/12 Wilmot Street
HOBART TAS 7000
0427385953
larissa.chaplin@gmail.com

Entered By

LARISSA CHAPLIN
7 / 12 WILMOT STREET
HOBART TAS 7000
0427 385 953
larissa.chaplin@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. *

Yes

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

No

Details

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

Residential

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

Short term visitor accommodation

Estimated cost of development *

0.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

Carparking on Site

Total parking spaces

1

Existing parking spaces

1

N/A

Other (no selection chosen)

Other Details

Does the application include signage? *

No

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

0

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

No

Documents

Required Documents

Title (Folio text and Plan and DOC300323-30032023132750.pdf Schedule of Easements) *	
Plans (proposed, existing) * DOC300323-30032023132802.pdf	
Covering Letter	Letter to Council.pdf
STRATA	FolioTextCommonLot-115917-8.pdf

Larissa Chaplin
8/12 Wilmot Street
Hobart TAS 7000

2 April 2023

City of Hobart
GPO Box 503
Hobart TAS 7001

By electronic lodgement

Dear Sir/Madam,

RE: PLANNING APPLICATION – 8/12 WILMOT STREET, HOBART PLN-23-158

I refer to your letter of 31 March 2023.

I note that you have foreshadowed pursuant to s 54 of the *Land Use Planning and Approvals Act 1993* that additional information may be required when the application becomes valid.

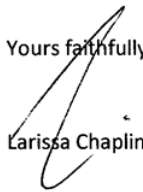
In particular you intend to seek additional information regarding *“the number of guest proposed to be accommodated within the unit at any one time”*.

In response to this apprehended request, I advise that no more than four adult equivalent persons will be accommodated at any one time.

Please also find included within the application by electronic lodgement a floor plan of the property.

I have also included by electronic lodgement a Statutory Declaration pursuant to s 52 of the Act. In this respect, subject to payment of the advertising fee, the application is now valid.

Yours faithfully

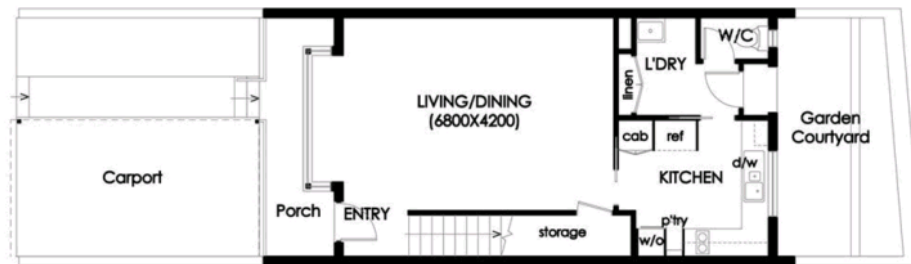

Larissa Chaplin

HOBART
8/12 Wilmot Street
Townhouse Area: 114m²(12.3sq)

Townhouse Area: 114m²
Carport: 16m²
Porch: 6m²
Courtyard: 14m²
Total Usable Area: 150m²



FIRST FLOOR



GROUND FLOOR

PETERSWALD
for property



IMPORTANT: measurements are approximate-interested parties need to verify

Larissa Chaplin
8/12 Wilmot Street
Hobart TAS 7000
Larissa.chaplin@gmail.com

28 March 2023

The Proper Officer
City of Hobart
GPO Box 503
Hobart TAS 7001

By electronic lodgment

Dear Sir/Madam,

RE: PLANNING APPLICATION – 8/12 WILMOT STREET

I refer to an application for a planning permit in respect of visitor accommodation at 8/12 Wilmot Street, Hobart (“the property”). The property is part of a strata scheme pursuant to the *Strata Titles Act 1998*.

The property is zoned Urban Mixed Use within the *Hobart Interim Planning Scheme 2015*.

While I accept that Planning Directive No.6 applies to the *Hobart Interim Planning Scheme 2015*, acceptable solution A2 does not apply to this application because the use standards under [3.1(3)] do not apply to this zone. Thus, if the application is not qualified by the permitted uses at Table 15.2, the use is permitted notwithstanding the property being part of a strata scheme.

I note that Special Provision 9.6.1 of the *Hobart Interim Planning Scheme* is such that a change of use between two use classes in the Urban Mixed Use Zone does not require a permit. It is likely that this change of use is not affected by para 9.6.1(c). However, out of an abundance of caution, I submit this application for consideration.

Visitor accommodation is a permitted use within the Urban Mixed Use Zone insofar as any self-contained accommodation must not be located on the same “site” as a dwelling providing long-term residential accommodation, except for a caretaker’s dwelling.

This application concerns self-contained accommodation. It does not concern a caretaker’s dwelling.

I accept that other dwellings within the strata scheme provide long-term residential accommodation.

Whether the permit ought to be granted turns on the interpretation of the words “site” in Table 15.2 and “lot” at [4.1] of the *Hobart Interim Planning Scheme 2015*. Ultimately,

it will be submitted that the word “site” means only the strata entitlement the subject of this application and not the entire strata scheme.

The word “site” in the *Hobart Interim Planning Scheme* means “*the lot or lots on which a use or development is located or proposed to be located*”. This application does not concern a “development” within the meaning of the Act and hence the definition is only relevant insofar as it relates to use.

The word “lot” is defined by the *Hobart Interim Planning Scheme* as “*a piece or parcel of land in respect of which there is only one title other than a lot within the meaning of the Strata Titles Act 1998*”.

In from *Flood v George Town Council* [2016] TASRMPAT 34 the Tribunal said:

"[21] A lot is identified for the purposes of understanding the provisions of the Scheme as a piece or parcel of land in respect of which there is only one title. The Council submits that there are two ways of reading the definition. The first is to say that a lot within the meaning of the *Strata Titles Act 1998* is not considered to be a lot for the purposes of the Scheme and determination of what constitutes the size for an application is to be determined by the common law test. Alternatively, it submits that where use and development is proposed to be located on a lot within in the meaning of the *Strata Titles Act 1998*, the relevant strata lot or lots must be identified by using the definition of lot in Section 3 of the *Strata Title Act*. 'Lot' in respect of a site under that Act means a part of the site –

(a) allocated for separate occupation by the owner of the lot or a person deriving rights of occupation from the owner

(b) ...

[22] The Tribunal holds that the definition of lot contained in the Scheme is intended to be of general application, save in respect of a lot created under the Strata Titles Act 1998 – in which case the meaning attributed to lot under that Act is applicable. The intention of the drafter of the Scheme was to ensure that there was a consistency of definition of 'lot' when dealing with Strata titles, and used words which placed the definition of lot in that situation, outside of the definition in the Scheme. ..." [emphasis added].

This passage was considered by the Supreme Court of Tasmania in *Clarence City Council v Drury* [2021] TASSC 5 where the Court, although allowing the appeal on issues of density, did not reject the Tribunal's analysis of the definition of “lot” in the context of the *Strata Titles Act 1998*.

In *Drury v Clarence City Council* [2020] TASRMPAT 26 the Tribunal accepted that word “site” in the *Strata Titles Act 1998* “*has a different meaning to the Scheme definition and is not relevant to the interpretation of P1*”.

Accordingly, the correct definition of "lot" in the *Hobart Interim Planning Scheme* 2015, insofar as it relates to strata schemes, means "a part of the [strata scheme] (a) allocated for separate occupation by the owner of the lot or a person deriving rights of occupation from the owner".

Thus the word "site", when used in Table 15.2 to qualify visitor accommodation in the Urban Mixed Use Zone, simply means the lot within the strata plan and not the entire strata plan giving rise to the strata scheme.

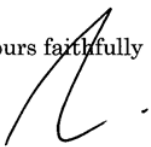
My property, 8/12 Wilmot Street, is described as "Flat 8" on stratum plan 115917. Therefore, for the purposes of the *Hobart Interim Planning Scheme*, this is lot 8 as this is the area allocated for separate occupation by me or a person to whom I grant a right of occupation.

It is patently obvious from the Stratum Plan that lot 8 contains only one dwelling. It is proposed that this entire dwelling will be used for visitor accommodation.

The interpretation advanced above is supported by other words in the definition of "site" in the *Hobart Interim Planning Scheme*. The words "site means the lot or lots on which the use...is proposed to be located" are consistent with this interpretation because it is not proposed to use other lots in the strata scheme or the common property for visitor accommodation.

In my submission, having regard to the definition of "lot" as outlined above, it would be incorrect to assess this application by reference to whether other lots on the Strata Plan are used for long-term residential accommodation. The sole focus ought to be on whether any other dwelling on Lot 8, the lot proposed to be used for visitor accommodation, is used for long term accommodation. The answer is clearly "no".

Yours faithfully


Larissa Chaplin

4/2/23, 2:06 PM

Department of Justice : Statutory Declaration

Department of Justice



Statutory Declaration

Oaths Act 2001

I (full name)

Larissa Maree Chaplin

Of (residential address)

7/12 Wilmot Street, Hobart in Tasmania

Occupation

Teacher

Do solemnly and sincerely declare that

On 2 April 2023 I did provide and declare that notice of my application to the owner of the land situate 12 Wilmot Street, Hobart in Tasmania in accordance with s 52 of the Land Use Planning and Approvals Act 1993.

Annexed hereto and marked "A" is a copy of the letter giving notice.

I make this solemn declaration under the Oaths Act 2001.

Declared at (place)

Hobart in Tasmania

On (date)

2 April 2023

Signature

Before Me (Justice, Commissioner for Declarations or Authorised Person)

Alexander Kendall
Legal Practitioner

" A "

Larissa Chaplin
8/12 Wilmot Street
Hobart TAS 7000

2 April 2023

The Body Corporate
12 Wilmot Street
Hobart, TAS 7000

By email: admin@stratacomplete.com.au
Cc: connor@stratacomplete.com.au

Dear Sir/Madam,

RE: PLANNING APPLICATION – 8/12 WILMOT STREET, HOBART

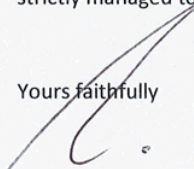
Pursuant to Section 52(1) of the *Land Use Planning and Approvals Act 1993* I give notice of my intention to apply for a planning permit in respect of the above property.

The nature of the application is to permit the use of the property for visitor accommodation within the meaning of the *Hobart Interim Planning Scheme 2015* insofar as it relates to the Urban Mixed Use Zone.

It does not automatically follow that the property will be used for visitor accommodation, but the application would permit it to be used for that purpose in the future should the need arise.

I appreciate that this application may cause concern to some unit holders of the strata, however, such concern need not eventuate because if the property is to be used for visitor accommodation it will be strictly managed to maintain the amenity of our complex.

Yours faithfully



Larissa Chaplin



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 115917	FOLIO 8
EDITION 10	DATE OF ISSUE 13-Jul-2021

SEARCH DATE : 28-Mar-2023

SEARCH TIME : 04.11 PM

DESCRIPTION OF LAND

City of HOBART

Lot 8 on Strata Plan 115917 and a general unit entitlement operating for all purposes of the Strata Scheme being a 20 undivided 1/260 interest

Derived from Strata Plan 115917

Derivation : Whole of Lot 35910 & Lot 36394 Gtd to The Hydro Electric Commission

SCHEDULE 1

M895565 TRANSFER to LARISSA MAREE CHAPLIN Registered
13-Jul-2021 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

The registered proprietor holds the lot and unit entitlement subject to any interest noted on common property

Folio of the Register volume 115917 folio 0

BENEFITING EASEMENT: Right of carriageway (appurtenant to the land marked ABCD on D.109598) over the land marked "Roadway" on D.109598.

BURDENING EASEMENT for drainage in favour of the registered proprietor of Lot 3 on D.95/2 over the drainage easement 0.91 wide shown on D.109598.

B700447 ADHESION ORDER under Section 477A of the Local Government Act 1962 Registered 31-Mar-1994 at noon

E266849 MORTGAGE to Commonwealth Bank of Australia
Registered 13-Jul-2021 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
115917	0
EDITION	DATE OF ISSUE
3	23-Oct-2001

SEARCH DATE : 28-Mar-2023

SEARCH TIME : 04.11 PM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 115917

Derivation : Whole of Lot 35910 & Lot 36394 Gtd to The Hydro

Electric Commission

Prior CT 109598/1

SCHEDULE 1

STRATA CORPORATION NO. 115917, HAMPDEN COURT, HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
Benefiting easement; right of carriageway (appurtenant to the
land marked ABCD on D.109598) over the land marked
"Roadway" on D.109598.

Burdening easement for drainage in favour of the registered
proprietor of Lot 3 on D.95/2 over the drainage
easement 0.91 wide shown on D.109598.

B700447 ADHESION ORDER under Section 477A of the Local
Government Act 1962 Registered 31-Mar-1994 at noon

C342051 APPLICATION for registration of change of by-laws
Registered 15-Jan-2002 at noon

D27733 APPLICATION for registration of change of by-laws
Registered 06-Oct-2011 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980




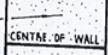
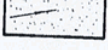
STRATUM PLAN

SHEET 2 OF 8 SHEETS

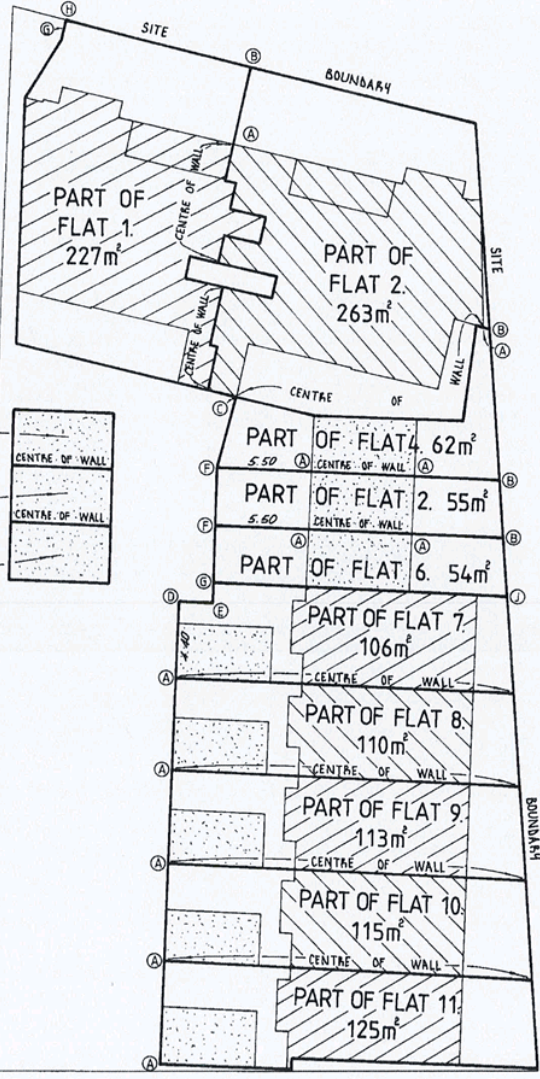
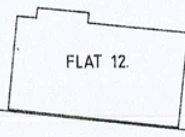
Registered Number

115917


GROUND FLOOR (PART)
Scale 1:200
See Sheet 7 for Description.

- PART OF FLAT 5. 20m² 
- PART OF FLAT 3. 20m² 
- PART OF FLAT 1. 20m² 

See Sheet 3 for Continuation.





FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



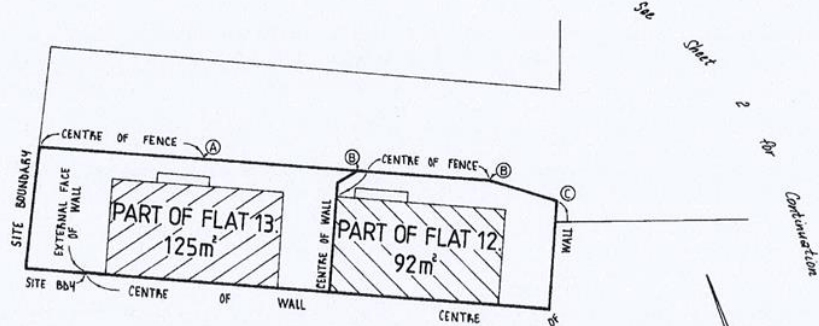
STRATUM PLAN

SHEET 3 OF 8 SHEETS

Registered Number

115917

IF FURTHER SHEETS ARE REQUIRED USE STRATUM PLAN ANNEXURE SHEETS COMMENCING AT SHEET 4

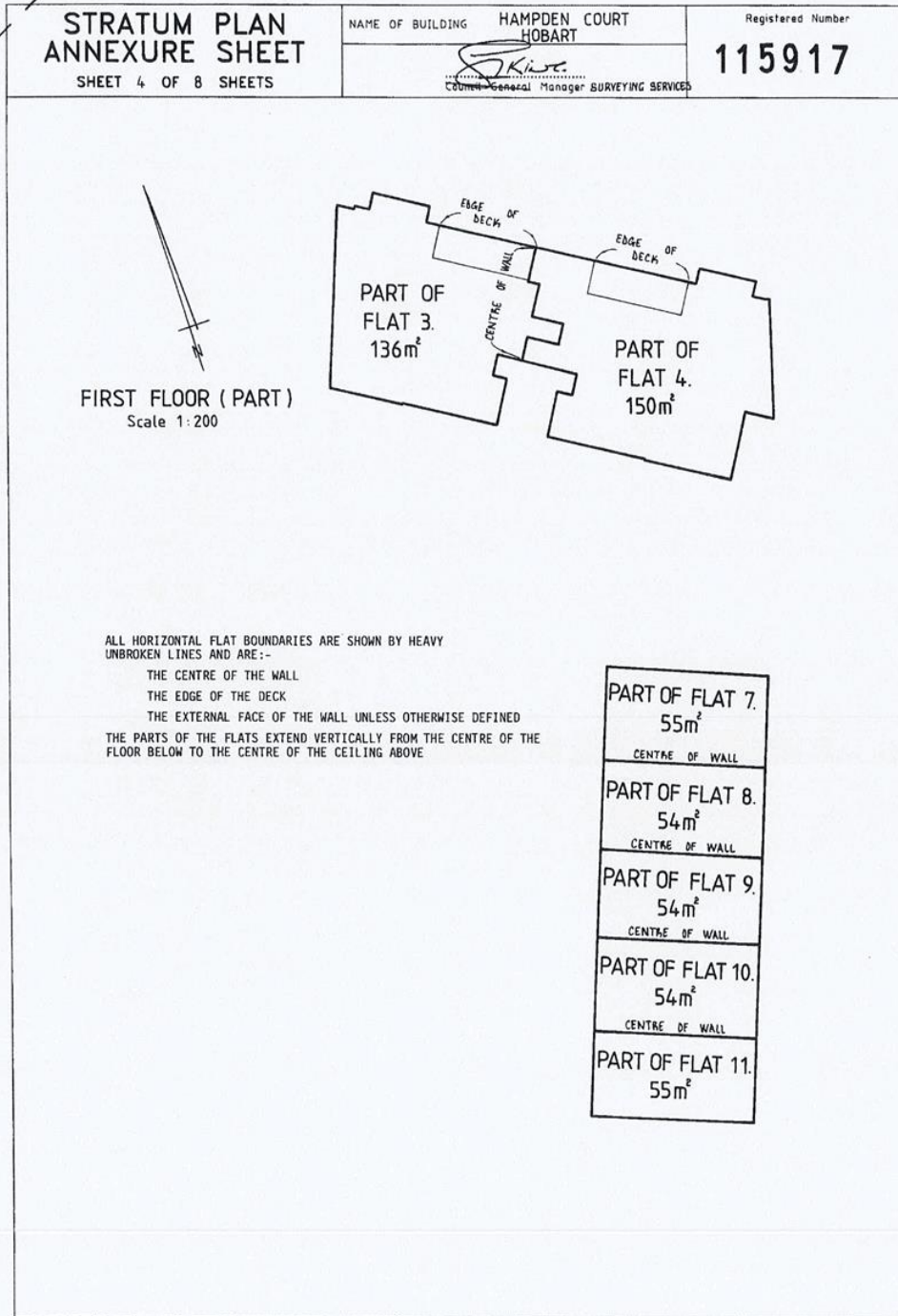


GROUND FLOOR (PART)
Scale 1:200

ALL HORIZONTAL FLAT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES AND ARE:-
 THE SITE BOUNDARY
 THE CENTRE OF THE FENCE
 THE CENTRE OF THE WALL
 THE EXTERNAL FACE OF THE WALL
 OPEN AND LABELLED AB AND BC
 A IS THE END OF THE CENTRE OF THE FENCE
 B IS A BEND IN THE CENTRE OF THE FENCE
 C IS THE END OF THE CENTRE OF THE WALL
 THE PARTS OF THE FLATS SHOWN HATCHED EXTEND VERTICALLY FROM THE CENTRE OF THE FLOOR BELOW TO THE CENTRE OF THE CEILING ABOVE.
 THE REMAINING PARTS OF THE FLATS EXTEND VERTICALLY FROM GROUND LEVEL BELOW TO THE HORIZONTAL PLANE PASSING THROUGH THE CENTRE OF THE CEILING ABOVE.



FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



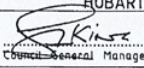


FOLIO PLAN

RECORDER OF TITLES


Issued Pursuant to the Land Titles Act 1980



STRATUM PLAN ANNEXURE SHEET SHEET 5 OF 8 SHEETS	NAME OF BUILDING HAMPDEN COURT HOBART	Registered Number 115917
	 Council General Manager SURVEYING SERVICES	

PART OF FLAT 13.
55m²

PART OF FLAT 12.
55m²


FIRST FLOOR (PART)
 Scale 1:200

ALL HORIZONTAL FLAT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES, AND ARE THE EXTERNAL FACES OF THE WALLS.
 THE PARTS OF THE FLATS EXTEND VERTICALLY FROM THE CENTRE OF THE FLOOR BELOW TO THE CENTRE OF THE CEILING ABOVE.



FOLIO PLAN

RECORDER OF TITLES

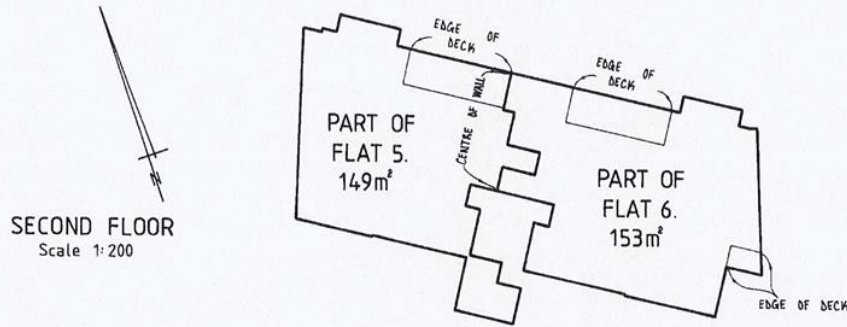
Issued Pursuant to the Land Titles Act 1980



STRATUM PLAN
ANNEXURE SHEET
SHEET 6 OF 8 SHEETS

NAME OF BUILDING HAMPDEN COURT
HOBART
[Signature]
Tasmanian General Manager SURVEYING SERVICES

REGISTERED NUMBER
115917



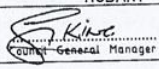
ALL HORIZONTAL FLAT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES AND ARE:-
 THE CENTRE OF THE WALL
 THE EDGE OF THE DECK
 THE EXTERNAL FACE OF THE WALL UNLESS OTHERWISE DEFINED
 THE PARTS OF THE FLATS EXTEND VERTICALLY FROM THE CENTRE OF THE FLOOR BELOW TO THE CENTRE OF THE CEILING ABOVE



FOLIO PLAN
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



STRATUM PLAN ANNEXURE SHEET SHEET 7 OF 8 SHEETS	NAME OF BUILDING HAMPDEN COURT HOBART	Registered Number 115917
	 General Manager SURVEYING SERVICES	

GROUND FLOOR (PART) DESCRIPTION
 REFERS TO SHEET 2

ALL HORIZONTAL FLAT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES AND ARE:-
 THE SITE BOUNDARY
 THE CENTRE OF THE WALL
 OPEN AND LABELLED AA, AAD, AB, ADEG, AFG, AFFA, AFC AND GH
 THE EXTERNAL FACE OF THE WALL UNLESS OTHERWISE DEFINED

A IS THE END OF THE CENTRE OF THE WALL
 AB AND AF ARE THE PROLONGATION OF THE CENTRE OF THE WALL THROUGH A TO B AND F RESPECTIVELY
 AD IS THE PROLONGATION OF AA THROUGH A TO D
 G IS THE END OF THE EXTERNAL FACE OF THE WALL
 EG IS PERPENDICULAR TO DE
 GE IS THE PROLONGATION OF FG THROUGH G TO E
 GH IS THE PROLONGATION OF THE EXTERNAL FACE OF THE WALL THROUGH G TO H
 GJ IS THE EXTERNAL FACE OF THE WALL RELATIVE TO FLAT 7

THE PARTS OF THE FLATS SHOWN HATCHED EXTEND VERTICALLY FROM THE CENTRE OF THE FLOOR BELOW TO THE CENTRE OF THE CEILING ABOVE.
 THE PARTS OF THE FLATS SHOWN STIPPLED EXTEND VERTICALLY FROM THE CENTRE OF THE FLOOR BELOW TO THE UNDERSIDE OF THE ROOF ABOVE.
 THE REMAINING PARTS OF THE FLATS EXTEND VERTICALLY FROM GROUND LEVEL BELOW TO 2.50 METRES ABOVE GROUND LEVEL.



FOLIO PLAN
 RECORDER OF TITLES
 Issued Pursuant to the Land Titles Act 1980



STRATUM PLAN				Registered Number 115917
SHEET 8 OF 8 SHEETS				
POSTAL ADDRESS FOR SERVICE OF NOTICES ON THE BODY CORPORATE: <p style="text-align: center;">Strata Complete Pty Ltd, 21/33 Salamanca Place, Battery Point</p>		SURVEYORS CERTIFICATE I, <u>David John McAvoy</u> of <u>Horatia</u> a surveyor registered under the Land Surveyors Act 1909 hereby certify that the building erected on the site and drawn on sheet 1 of this plan is within the external boundaries of the folio stated on sheet 1. <u>9/12/94</u> <u>2278</u> Registered Surveyor date ref no		
UNIT ENTITLEMENTS FOR THIS BODY CORPORATE		COUNCIL CERTIFICATE I certify that the <u>HOBART CITY</u> Council has: (a) approved the subdivision shown in this plan and (b) issued a building certificate in respect of each flat in this plan, in accordance with Section 119 of the Local Government (Building & Miscellaneous Provisions) Act 1993 <u>13.1.95</u> <u>5874698</u> General Manager date ref no SURVEYING SERVICES		
FLAT	UNIT ENTITLEMENT	FLAT	UNIT ENTITLEMENT	(FOR OFFICE USE ONLY) MEMORIALS AFFECTING THE STRATUM PLAN
1	20			
2	20			
3	20			
4	20			
5	20			
6	20			
7	20			
8	20			
9	20			
10	20			
11	20			
12	20			
13	20			
TOTAL ENTITLEMENTS FOR STRATUM PLAN = 260				

From: [Larissa Chaplin](#)
To: [Victoria Maxwell](#)
Subject: PLN-23-158-8/12 Wilmot Street Hobart
Date: Tuesday, 2 May 2023 10:11:37 PM

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Dear Victoria,

I refer to your email of 26 April 2023. I provide the following response to your summary of the representations received.

As a general observation I note that many of the matters raised by representors are irrelevant considerations with respect to the *Hobart Interim Planning Scheme*. Council, when acting as a planning authority under the Act is an administrative decision maker and must not take into account irrelevant considerations when exercising its discretion.

I respond to the summary of each representation accordingly:

- *Will there be loud music and unruly parties late at night requiring calling the police?*

There is no evidence that persons occupying short stay accommodation premises are any more likely to cause "unruly parties late at night" or "require calling the police" than a tenant or owner occupier. To assert otherwise is entirely speculation. If a visitor causes undue noise or disturbance, that disturbance will be responded to by me just as I would if the issue was caused by a tenant. If the issue requires police assistance, the police will be called. I note that short stay operators such as AirBnB provide assistance to owners when dealing with visitor behaviour issues. I intend to make it very clear in any advertising that the property is not suitable for parties and that visitors must ensure their noise and behaviour is appropriate. This will give potential visitors prior knowledge of behavioural expectations before they book the property. It will also ensure that my property is appropriately cared for by visitors. After all, it is not in my interests to have drunken, noisy or unruly visitors harming my property.

- *Will visitor parking be filled so remaining residents go without?*

Given previous advice regarding the maximum number of visitors occupying the property, it is unlikely that more than one vehicle related to visitors occupying the property will be present on site. This vehicle will park in the carport attached to the property. The visitor carpark has a capacity for at least 7-10 vehicles. It is rarely, if ever, completely occupied. If visitors have an additional vehicle, then, subject to the maximum length of stay defined in the Body Corporate By-Laws, the vehicle remains a visitor's vehicle within the meaning of those bylaws and is entitled to use the visitor carpark. I note that there is no maximum number of visitor vehicles allowed on site by the By-Laws, however I accept that proportionality is appropriate, and I would ask visitors with more than two vehicles to park additional vehicles on the street or in nearby carparks.

- *Approval would set a precedent for similar application in the future. Seven of the 13 units in the strata scheme are rented or currently vacant. Approval of this application would set a precedent that may encourage other investor-owners to follow the same path;*

This statement is an irrelevant consideration under the Scheme. That said, I do want to respond. If a person purchases a property, they are, subject to the law, entitled to use that property for

the purpose of generating an income. To deny a person this opportunity creates sovereign risk. The statistic of 7/13 units being rented is inaccurate. In fact, 8/13 units are owned by investors. Therefore, owner occupants are very much in the minority in this strata complex. Whether my application for a permit "would set a precedent" because it "*may encourage other investor-owners*" is a pejorative statement predicated on a personal view of whether short-stay accommodation is appropriate. Why shouldn't other investor-owners be encouraged to "follow the same path"? It is not for others, unelected, to impose their views on the world when, in fact, they represent a minority interest in the strata.

- *The 2001 By-law for the strata scheme are silent on short term visitor accommodation, pre-dating the advent of the sharing economy. However a recent Body Corporate annual general meeting all owners present agreed that the by-laws needed to be amended to prevent such short term arrangements. This has not yet been implemented.*

This statement is incorrect and misleading. It is correct that at a recent annual general meeting the unit holders present discussed the *possibility* of prohibiting short stay accommodation. However, no further work has been undertaken on this issue. The issue was raised by one or two owner occupiers and does not represent a majority view of all unit entitlement holders. Given that 8/13 shares in the unit entitlement are held by investors, it is highly unlikely that any motion to amend the By-Laws would pass in circumstances where investors would perceive the benefit in not limiting their future options and hence the overall value of their investment. Further, I have received legal advice that it may be unlawful under ss 90 & 91 of the *Strata Titles Act 1998* to make any By-Law prohibiting short stay accommodation as opposed to the letting of a property pursuant to a residential tenancy agreement.

- *Infringement of residents' rights to quiet enjoyment of their homes. The complex is a quiet residential complex and residents place high value on the quality of life it offers.*

The property is zoned Urban Mixed Use Zone and is not within a residential zone. There are other permitted uses in the Urban Mixed Use Zone that do not require a discretionary permit and which would cause significantly more impairment to the quiet enjoyment of the property than visitor accommodation. The property is located on a busy arterial road. There is significant noise and disturbance from traffic, pedestrians, and the city. In any event, there is not any evidence that visitors to visitor accommodation cause any increased infringement of the right to quiet enjoyment. How are visitors to visitor accommodation any different from visitors to tenants or owner occupiers?

- *Transient visitors coming and going any time during the day and night will infringe on the rights to quiet enjoyment of the homes and therefore quality of life.*

See above. Owner occupiers and tenants routinely have people visiting at all times of the day or night. Occupants often have food delivered by UberEats, Dominos, etc. The postman delivers letters and parcels. The rubbish is collected weekly. Tenants move in and out. Furniture and other chattels are delivered. Tradespersons attend the property to undertake work. Ambulances attend regularly. I could go on. These "comings and goings" are hardly objectionable and form part of life in a strata complex. It is to be remembered that the quiet enjoyment and quality of life so cherished by representors exists within the Urban Mixed Use Zone, where competing land use is permitted or discretionary. Owner occupiers are not entitled to place fetters on the legitimate uses of land when such a fetter is an irrelevant consideration.

- *Most owner occupiers are retired and would find it highly stressful to be exposed to short term*

visitors who many not worry about the disturbance they cause by the noise, rubbish and use of visitor car spaces.

As noted above, owner occupiers represent only 5/13lots. These owner occupiers are generally located in the apartment building adjacent to Sandy Bay Road and do not reside in the terrace section running perpendicular to Sandy Bay Road where Unit 8 is located. Thus, there is a physical separation, an "air gap", between my property and all present owner occupiers. To suggest that it would be "highly stressful" to be exposed to visitors ignores the current situation whereby visitors are already coming and going from the property daily. Incidentally, these representors are apparently not "stressed" by these "comings and goings" rather they extoll the "quality of life" the complex delivers. The use of the property for visitor accommodation will not change this situation and it is unlikely other occupiers will even know the property is being used for such a purpose. This representation is founded upon an unreasonable sensitivity to the circumstances of a property in the Urban Mixed Use Zone.

- Potential damage to common areas of the complex by short term visitors would require repairs at the cost of all owners.

This representation is erroneous and irrelevant. If property damage is caused by a visitor then the cost of repairs falls to the visitor in accordance with the usual principles of tortious liability. Operators such as AirBnB have excellent systems to ensure that owners can recover the cost of repairs from visitors. I note that the representation does not specify the type of damage to common areas that is the subject of concern. Assume that a visitor damages a boundary fence with their motor vehicle while reversing. This is damage that could equally be caused by any other visitor to the property, the only difference being, in the case of a short stay visitor it is much easier to recover damages than from, for example, an unknown contractor or delivery driver.

- Whilst the applicant lives next door to the subject site currently, there is no guarantee that she can uphold her claim that the use would be strictly managed and hence there would be no loss of amenity as she may move; leaving the remaining residents to have to continue to live with any undesirable impacts affecting their enjoyment of their homes.

This is an irrelevant consideration under the Scheme.

- There is an acute shortage of long term rental accommodation in Hobart. It is unlikely that the applicant would struggle to find reliable long term tenants able to pay a rental commensurate to the quality of the property and its location.

This is an irrelevant consideration under the Scheme.

I accept that if the Council is minded to permit the change of use, I am likely to be required to prepare a visitor management plan as a condition of the permit.

Yours faithfully

Larissa Chaplin

**6.1.2 127 WARWICK STREET, WEST HOBART - PARTIAL DEMOLITION,
EXTENSION TO DRIVEWAY, CARPORT, ANCILLARY DWELLING
AND STUDIO
PLN-21-796 - FILE REF: F23/47924**

Address: 127 Warwick Street, West Hobart

Proposal: Partial Demolition, Extension to Driveway,
Carport, Ancillary Dwelling and Studio

Expiry Date: 17 May 2023

Extension of Time: Not Applicable

Author: Michaela Nolan

RECOMMENDATION

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, Extension to Driveway, Carport, Ancillary Dwelling and Studio at 127 Warwick Street, West Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-796 - 127 WARWICK STREET WEST HOBART TAS 7000 - Planning Committee Agenda Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The permit grants approval for the Ancillary Dwelling and Studio.

The Partial Demolition, Extension to Driveway and Carport are not approved.

Reason for condition

To clarify the scope of the permit

ENG sw1

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

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

Advice:

Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property. A property can only have a single connection under the Urban Drainage Act 2013 unless demonstrated to be impractical. Existing connection needs to be located and the stormwater from the proposed works be connected to the existing connection.

Reason for condition

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

SW 9

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

The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. **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;**
- 2. 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.

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 1

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

Advice:

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

Reason for condition

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

HER 17b

The use of the colours Monument and Night Sky on the roof of the new dwelling is not approved. An alternative colour in mid to light grey must be selected that is more sympathetic to and reflects the exterior colours within the local streetscape and precinct.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved which shows an alternative roof cladding colours in accordance with the above requirements.

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

Advice:

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

Reason for condition

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

ADVICE

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

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

CONDITION ENDORSEMENT

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction (e.g. placement of skip bin, crane, scissor lift etc). Click [here](#) for more information.

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

STORMWATER

It is recommended that the existing internal fence beside the clothesline should be changed to a floodway-friendly fence to allow water flow.

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

- | | |
|---------------|---|
| Attachment A: | PLN-21-796 - 127 WARWICK STREET WEST
HOBART TAS 7000 - Planning Committee or
Delegated Report ↓ |
| Attachment B: | PLN-21-796 - 127 WARWICK STREET WEST
HOBART TAS 7000 - Planning Committee Agenda
Documents ↓ |
| Attachment C: | PLN-21-796 - 127 WARWICK STREET WEST
HOBART TAS 7000 - Planning Referral Officer
Cultural Heritage Report ↓ |



City of HOBART

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Committee:	17 May 2023
Expiry Date:	5 June 2023
Application No:	PLN-21-796
Address:	127 WARWICK STREET , WEST HOBART
Applicant:	Jay Weir (Smeeke Drafting) 2/17 Bayfield Street
Proposal:	Partial Demolition, Extension to Driveway, Carport, Ancillary Dwelling and Studio
Representations:	Twenty one (21)
Performance criteria:	Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Extension to Driveway, Carport, Ancillary Dwelling and Studio at 127 Warwick Street, West Hobart.
- 1.2 More specifically the proposal includes:
 - A new building in the rear north-west corner of the lot.
 - The building would have two storeys with a maximum height of 8.3m from natural ground level.
 - The building would be elevated above ground level by a minimum of 1m and a maximum of 2.5m.
 - The lower level of the building would have a floor area of 92.5m² and a deck area of 43.8m². This level would be used as a workshop/studio and storage room for the existing dwelling on the site.
 - The upper level would have a floor area of 59.8m², a void space of 13.4m² and a deck area of 26.2m². This level would be used for a new single bedroom ancillary dwelling.
 - The building would be clad in surfmest cement sheet and colourbond sheeting in monument on the roof and wallaby on the walls.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 Historic Heritage Code - Heritage Precinct and Heritage Place
- 1.4 Twenty one (21) representations objecting to the proposal were received within the statutory advertising period between 28 March 2023 and 11 April 2023.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Planning Committee, because more than five objections were received within the statutory advertising period.

2. Site Detail

- 2.1 The subject site is located in an established predominantly residential area on the northern side of Warwick Street, between Harrington Street and Browne Street. The site is an internal lot containing an existing single dwelling and associated outbuilding.

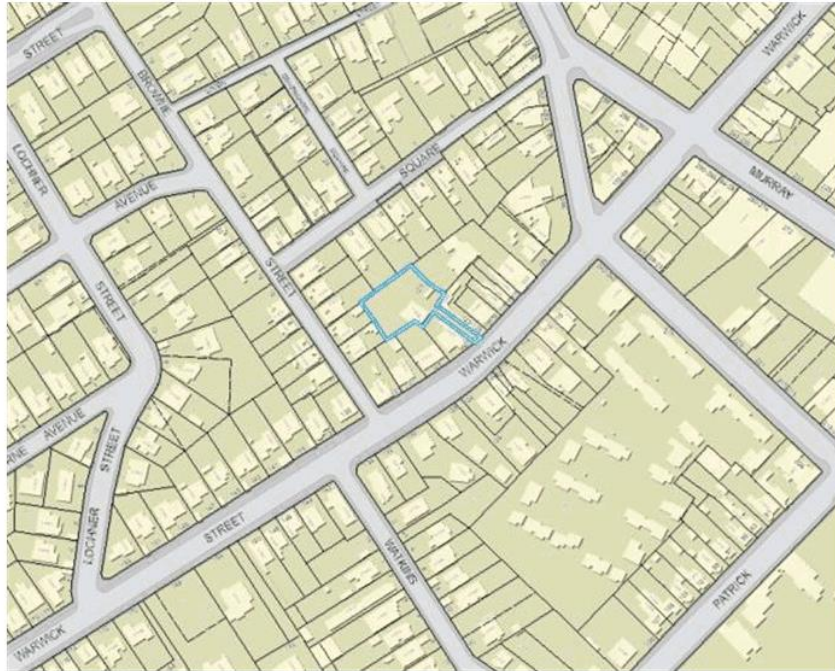


Figure 1: location of the subject site at 127 Warwick Street, West Hobart (outlined in blue).



Figure 2: Aerial photograph of the subject site at 127 Warwick Street, West Hobart (outlined in blue).



Figure 3: Aerial photograph of the subject site at 127 Warwick Street, West Hobart (outlined in yellow).



Figure 4: location of the proposed building in the rear of 127 Warwick Street, West Hobart.



Figure 5: view of 127 Warwick Street from the upper deck of the adjoining dwelling at 5 Browne Street. The top of the existing fencelines are indicated by the red lines.



Figure 6: the existing driveway access to 127 Warwick Street.



Figure 7: the proposed development superimposed over an aerial photograph of the lot at 127 Warwick Street.

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, Extension to Driveway, Carport, Ancillary Dwelling and Studio at 127 Warwick Street, West Hobart.

3.2 More specifically the proposal is for:

- A new building in the rear north-west corner of the lot.
- The building would have two storeys with a maximum height of 8.3m from natural ground level.
- The building would be elevated above ground level by a minimum of 1m and a maximum of 2.5m.
- The lower level of the building would have a floor area of 92.5m² and a deck area of 43.8m². This level would be used as a workshop/studio and storage room for the existing dwelling.
- The upper level would have a floor area of 59.8m², a void space of 13.4m² and a deck area of 26.2m². This level would be used for a new single bedroom ancillary dwelling.
- The building would be clad in surfmist cement sheet and colourbond sheeting in monument on the roof and wallaby on the walls.



Figure 8: 3D render of the proposed building at 127 Warwick Street, West Hobart.

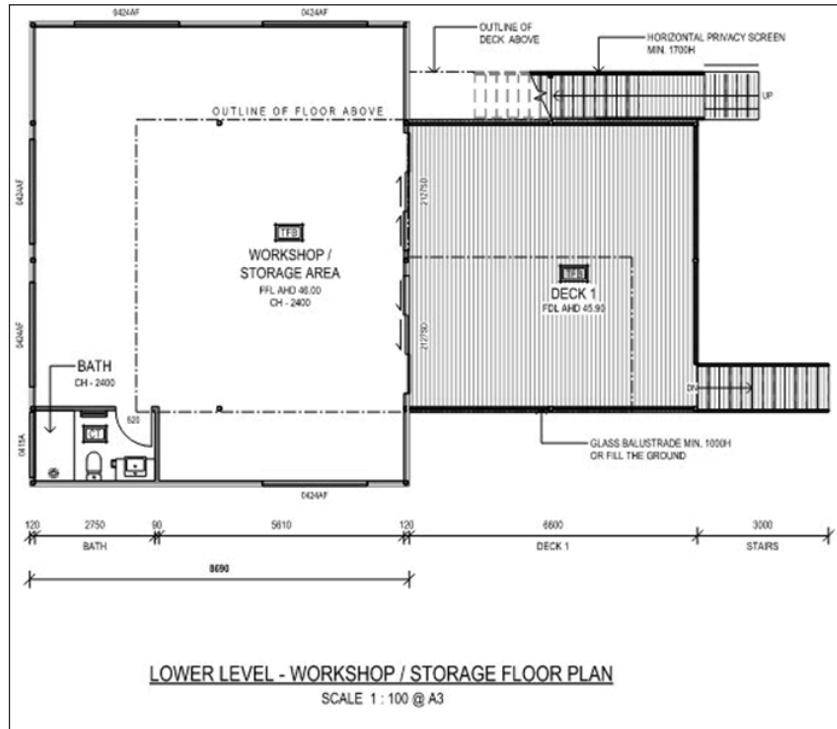


Figure 9: lower level floor plan of the proposed building at 127 warwick Street, West Hobart.

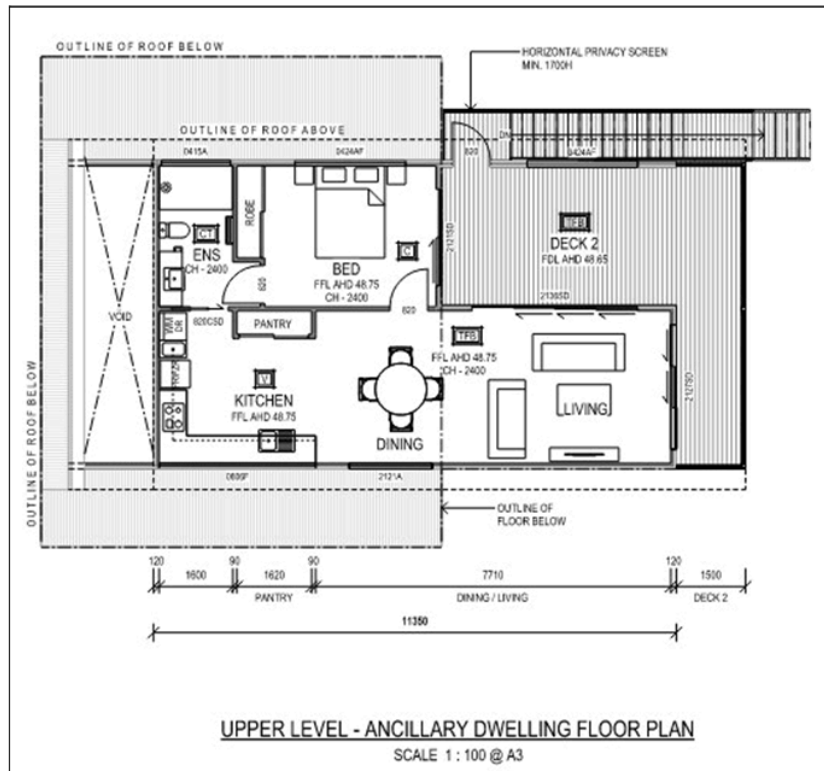


Figure 10: upper level floor plan of the proposed building at 127 Warwick Street, West Hobart.

4. Background

4.1 The initial application included:

- Partial demolition of the existing carport,
- Construction of a new four car carport at the site of the existing carport,
- An extension to the driveway to service the proposed carport
- A new building at the rear of the lot with a ground floor studio and first floor ancillary dwelling. This building was not elevated above ground level and did not comply with the building envelope for the Inner Residential Zone under the *Hobart Interim Planning Scheme 2015*.

4.2 Following discussions with the Council, the proposal was amended to remove the works associated with the carport and driveway. The design of the studio and ancillary dwelling building was also amended in response to the inundation code requirements, and to be entirely within the building envelope for the Inner Residential Zone.

4.3 The advertised description of the proposal was not updated to reflect the revised design. Given the amended proposal was reduced in scale from the original design, the incorrect advertised description was not considered to necessitate advertising the application again. A condition is proposed clarifying the scope of the use and development approved by the permit.

5. Concerns raised by representors

5.1 Twenty three (23) representations objecting to the proposal were received within the statutory advertising period between 28 March 2023 and 11 April 2023.

5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Heritage and Design	
•	The proposed building would be out of character with the heritage precinct and adjoining heritage listed buildings.
•	Surprise that 127 Warwick Street is not heritage listed as it was built in the 1870s. May be under consideration to be heritage listed.
•	The building design is too modern and does not take into account or try to fit into the heritage area.
•	Would prefer a heritage design or single storey.
•	127 Warwick Street is an old farmhouse and one of the original buildings.
•	Residents try to protect and enhance the heritage characteristics.
•	Should be in character with existing profiles as part of the urban plan as stated by the Lord Mayor.
•	Galvanised cladding more suited to rural property or new subdivision.
•	Would have a detrimental impact on surrounding heritage listed buildings.
•	The existing building is largely intact and should not be destroyed.
•	The flat roof, stilts and cladding do not resemble any existing buildings.
•	Should be referred to the Tasmanian Heritage Council.
Size and Building Envelope	

• A single storey building would be more appropriate and would be less detrimental to adjoining properties and the area
• A two storey building is too large.
• The height of the proposed building is not clear as the plans were not adequately dimensioned.
• Concern that the height is not clear and could be up to 9.5m.
• The building would be 3.3m higher than existing gum trees.
• The proposed building is very big.
• It is misleading to not show all height and setback dimensions.
• Impact on views from surrounding properties.
• The proposed building would not comply with setbacks or the building envelope.
• The visual impact would be unreasonable.
• The proposed building is twice as big as the existing building.
• It is not clear what the total area of the building will be.
• The proposed decks are very large. Are such large decks needed.
• Concern about height when viewed from adjoining properties.
• Would not comply with setbacks.
• The new building is adjacent to the boundaries of 4 properties.
• The building does not comply with the building envelope and the diagrams in the planning scheme. The building is stepped and not at a 45 degree angle and the gutter extends outside the building envelope.
• Should be setback 3m from the boundaries.
• Attempt to get the absolute maximum benefit with little thought of the effect on the neighbouring properties.
• The deck for the workshop is larger than the deck for the ancillary dwelling.
• Separation between buildings is not consistent with the area. Most have a rear garden.
• The proposed building will be double the height of existing 4m high trees.
Overshadowing:
• Unreasonable overshadowing of adjoining properties and the existing dwelling on the site.
• 1 and 3 Browne Street will receive no sunlight in the morning in winter. This will affect bedrooms, backyard and clothesline.
• Unclear what overshadowing will be like at other times of the year.

• Impact on overshadowing is not shown for all properties. 5 Browne street is not shown on plans
• Do the sunshadow diagrams include decks
• If the height is not known are the sunshadow diagrams accurate
• There are no dates on the sunshadow diagrams.
• Would not comply with the sunlight requirements of the Tasmanian Planning Scheme.
• Require sunshadow diagrams for prior to 9am and other times of the year.
• There should be an independent sunstudy undertaken.
• Loss of sunlight to established gardens and clotheslines.
• Access to sunlight is already marginal.
Privacy:
• Significant impact on privacy
• A large two storey building with glass sliding doors and a north-east facing deck is proposed. This will overlook the garden area and second storey dining area of the adjoining property.
• Highlight windows have been included on the north and west side, this has not been included on the north-east elevation.
• Request screening to maintain privacy
• A single storey building would reduce privacy concerns
• Loss of privacy from windows and unscreened sections of deck and stairs
Use of the building:
• The intended use of the proposed building is not clear.
• Concerned that the building will be used for short term visitor accommodation.
• It is not clear why a studio/workshop needs a full bathroom with a bath. Concerns that this implies that the space is intended to be used for short or long term accommodation, yoga studio or commercial workshop. The current use of the existing carport for storage adds to concerns that the workshop will not be used for storage, but for accommodation.
• Only a toilet should be approved for the workshop space.
• If the lower level is intended to be used for visitor accommodation council approval must be sought.
• Concerns about an increase in density.
• The proposed deck is very large for a workshop
• What is an ancillary dwelling and are the owners receiving the government grant.

•	The existing outbuilding could have been used for the workshop and the ancillary dwelling therefore could have been one storey.
•	Concern that the proposed building will be used for two separate dwellings.
•	The workshop would not be convenient to store garden tools due to the steps. There will also be little garden left after the building is constructed.
•	The proposed ancillary dwelling would be larger than 60m2
•	Not clear why the workshop is so large or why it needs a bathroom
•	Could have small bedsit attached to the side of the workshop
•	Will it be converted into two units
•	Will the workshop be a commercial workshop
Description	
•	The description the development includes 'Partial Demolition, Extension to Driveway, Carport, Ancillary Building and Studio.
•	The plans do not show the partial demolition, extension to driveway or carport and the applicant stated that there will be no change to the driveway and car parking.
•	This is misleading
•	Concerns about potential to extend driveway and build a carport without any plans following this approval. This may not require further council approval.
•	The application form states 2 existing car parking spaces and 4 total car parking spaces. However other documents state that car parking will be shared with the existing dwelling
•	It is not clear what is being demolished. Object to demolition of the existing shed on the site
Flood zone	
•	If there are changes to the driveway and car parking this will alter drainage of flood water onto adjoining property.
•	The building has been elevated due to being in a potential flood zone.
•	No details of the foundations has been provided. Will it be a concrete slab and will this or stilts change the flow of water even if the building is raised.
•	The plans do not address proposed drainage of flood water. Further mapping is required.
•	The design on stilts is based on a concept not data.
•	There have been no known floods in 30 years.

<ul style="list-style-type: none"> • Raised the building to address the flood concerns without reconsidering the style or type of building.
<p>Car parking, access and services:</p>
<ul style="list-style-type: none"> • The existing carport is not used for car parking. The proposed development will change where the occupiers currently park their cars.
<ul style="list-style-type: none"> • Any future changes to the driveway and/or carport must require council approval.
<ul style="list-style-type: none"> • Access is over a single lane right of way alongside 127a Warwick Street.
<ul style="list-style-type: none"> • This right of way is already overused and the proposal will increase traffic and cause further issues
<ul style="list-style-type: none"> • The right of way is not adequately maintained and often disputed.
<ul style="list-style-type: none"> • Sewer and stormwater drains beneath the right of way are old, fragile and frequently leak. This will be exacerbated by an increase in use of the right of way from the proposed development and increase in volume in the pipes.
<ul style="list-style-type: none"> • Leaking pipes in the right of way is impacting the adjoining dwelling and is an ongoing concern.
<ul style="list-style-type: none"> • The pipes need replacing and this has not been addressed.
<ul style="list-style-type: none"> • Water pipes in the right of way do not meet regulations and have burst in the past. Increased density will increase load on the pipes.
<ul style="list-style-type: none"> • Issues associated with sewer, stormwater and water infrastructure should be addressed.
<ul style="list-style-type: none"> • Carparking is an issue in the area. there is high demand and the proposed number of car parking spaces needs to be confirmed.
<ul style="list-style-type: none"> • Where will vehicles park during construction. There is limited car parking in the area which already causes problems.
<ul style="list-style-type: none"> • The proposed development will increase car parking demand.
<ul style="list-style-type: none"> • The existing sewer infrastructure cannot cope with current demand and will not cope with increased load.
<ul style="list-style-type: none"> • The sewer line to the on the properties to the north-west has not been shown.
<ul style="list-style-type: none"> • No extra car parking has been provided for the new dwelling.
<ul style="list-style-type: none"> • Warwick Street is a busy road with accidents on the corner with Harrington Street. An increase in traffic will dangerous. It is already hard to turn right with cars parked on the side of the road.
<ul style="list-style-type: none"> • Concerns about provision and sharing of electricity.
<ul style="list-style-type: none"> • Nearby stormwater drain has not been shown.

• Two car parking spaces is not sufficient for a house, ancillary dwelling and workshop.
• High demand for on-street car parking in the area.
• The remaining garden will likely be used for car parking.
Green space:
• Concern about the loss of green space for new buildings
• Lot sizes are small so existing green space is valued
• Loss of green space will impact health
• Will the existing trees on the boundaries be removed? No screening of the propose building if they are removed.
Other:
• The plans are missing significant details
• The plans do not address the impact on all adjoining properties.
• What are the Charlotte Peterswald floor plans. Are they existing or proposed.
• The boundary lines are not accurate on the plans and not all adjoining properties have been labelled.
• Wil set a precedent for other inappropriate development.
• Noise concerns, particularly if used for Airbnb.
• Not an appropriate place for infill housing unless minimal design
• Concern about the loss of amenity in relation to overshadowing, loss of sunlight, overlooking and visual bulk. Particularly for 1, 3 and 5 Browne Street and 10 and 12 Devonshire Square.
• Small lot sizes mean that there has been little development in this area.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is a single dwelling. The proposed use is single dwelling with and

ancillary dwelling. The existing use is a no permit required use in the zone. The proposed use is a no permit required use in the zone.

- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 11 Inner Residential Zone
 - 6.4.2 E6.0 Parking and Access Code
 - 6.4.3 E7.0 Stormwater Management Code
 - 6.4.4 E13.0 Historic Heritage Code
 - 6.4.5 E15.0 Inundation Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 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 Historic Heritage Code - Buildings and Works other than Demolition - Part E13.8.2.P1
- 6.7.1 There is no acceptable solution for new buildings in a heritage precinct.
 - 6.7.2 The proposal includes a new building on a lot in Heritage Precinct WH2.
 - 6.7.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.7.4 The performance criterion at clause E13.8.2.P1 provides as follows:
 - Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.*
 - 6.7.5 The proposal was referred to the Council's Cultural Heritage Officer who has provided the following assessment:

A in-depth site visit to assess the current visibility of 127 within the streetscape and the proposed impact of the development from Warwick St, Browne St, and Devonshire Sq was undertaken. Images below (figs 1-5) show the current visibility of the existing dwelling at 127 Warwick Street. It is considered the proposed ancillary dwelling development which will be located in the rear north-west corner of the lot. It is considered the new dwelling will have minimal if any visual impact from Warwick Street, the roof of the new dwelling will likely be visible through gaps in the streetscape e.g driveways and side yards on Browne Street and Devonshire Square. It is considered that the roof of the proposed dwelling may be visible from through gaps in the streetscape, it is noted colorbond in the colour Monument is proposed for the roof and Night Sky for guttering. These colour selections are considered very dark and contemporary and are not widely utilised in the surrounding streetscape or complimentary to the character of the precinct. A condition has been placed on the permit for an alternative colour in the mid-light grey spectrum to be selected.



Fig. 1 - 127 Warwick Street as visible from Warwick Street, red arrow indicating property (image taken by Heritage Officer April 2023)



Fig. 2 - 127 Warwick Street as viewed from driveway, arrow indicating property (image taken by Heritage Officer April 2023)



Fig 3. - 127 Warwick Street as viewed through neighbouring driveway (image taken by Heritage Officer April 2023)



Fig. 4 127 Warwick Street as seen from Brown Street through gap in built form, arrow showing roof of property (image taken by Heritage Officer April 2023)



Fig. 5 127 Warwick Street as seen from Browne Street through gaps in built form along the streetscape (image taken by Heritage Officer April 2023)

The statement of significance for the Heritage Precinct notes that there are intact houses dating from the Colonial, Victorian, Federation and Inter-War periods that exemplify the historical development phases of the precinct. However the recognition of these periods of housing within the Heritage Precinct does not prevent the insertion of contemporary infill development, particularly on internal or vacant allotments within the precinct where they are not visible from the street.

It is acknowledged that whilst the proposed works would to a degree interfere with the visual characteristics of neighbouring rear yards, private back garden settings, and impact views of surrounding properties from internal spaces, these factors will however not affect the heritage character or streetscape qualities of the precinct. It must be concluded that the development would not cause any significant or detrimental impact upon the historic cultural significance of the precinct streetscape or townscape of Warwick Street, Browne Street, and Devonshire Square.

In conclusion the proposal will not be intrusive or dominant within the precinct or alter the streetscape character, the design and siting of the proposed additional dwelling will not result in detriment to the West Hobart 2 Heritage Precinct. Performance Criteria 1 of E13.8.2 is considered satisfied.

6.7.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Partial Demolition, Extension to Driveway, Carport, Ancillary Dwelling and Studio at 127 Warwick Street, West Hobart.
- 7.2 The application was advertised and received twenty one (21) representations. The representations raised concerns including the impact on heritage, the size of the building and the impact on adjoining properties from overshadowing, overlooking and visual bulk, the future use of the building, the loss of the garden, the inundation requirements as well as car parking, access and services (water and sewer).
- 7.3 The Council's Cultural Heritage Officer has provided the following response to concerns relating to heritage:

It is noted a number of representations raise concerns as to how the development will look from rear gardens and spaces not visible from the street, a Heritage Precinct by definition in the planning scheme "is an area shown on the planning scheme maps as a heritage precinct and described in Table E13.2 as having particular historic cultural heritage significance because of the collective heritage value of individual places as a group for their streetscape or townscape values." It should also be noted that although the proposal will be located adjacent to heritage listed properties there are no heritage adjacency provisions within the Inner Residential Zone, and as such the proposal can be assessed against the Heritage Precinct provisions only.

- 7.4 In regards to the impact of the building on adjoining properties, it is acknowledged that the building is relatively large and due to the configuration of the lots, is close to the boundary with a number of adjoining lots. Furthermore, sunshadow diagrams submitted by the applicant show that in winter there would be overshadowing of adjoining lots on Browne Street. However the proposed building would comply with the height and setback requirements of the building envelope under clause 11.4.2.A3, and the privacy provisions under clause 11.4.6.A1 and A2 of the Inner Residential Zone. As such the impact of the proposed building in relation to overshadowing, visual bulk and overlooking are considered by the planning scheme to be acceptable. It is noted that the eaves and gutters have been shown outside of the building envelope on plans 010 and 011, however this is allowable under the acceptable solution for the building envelope as they meet the definition of a minor protrusion that extends less than 0.9m horizontally from the envelope.
- 7.5 In regards to use, there were concerns raised about the use of the lower level as a commercial workshop, dwelling or visitor accommodation, and use of the upper level for visitor accommodation. The owner has confirmed in the application documents that the lower level would be used for storage and as a workshop/studio for the occupants of the existing dwelling and that the upper level would meet the definition of an ancillary dwelling under clause 4.1 of the planning scheme. The submitted plans also show that the floor area of the ancillary dwelling would be 59.5m², this is less than than the 60m² permitted for an ancillary dwelling. If the building were to be used for uses other than that proposed, it would require assessment against the provisions of the planning scheme, or for visitor accommodation, under the provisions of Planning Directive 6.
- 7.6 It is acknowledged that the proposal was advertised as Partial Demolition, Extension to Driveway, Carport, Ancillary Dwelling and Studio. However, as per the plans and the supporting documentation, the proposal is for the ancillary dwelling and studio. There would be no changes to the existing carport and driveway. It is recommended that a condition be placed on the permit to clarify this. Concerns were also raised about the impact on existing services in the area. No changes are proposed to existing services as part of this application and proximity to the existing stormwater main has been assessed by the Council's Stormwater Services Engineer.
- 7.7 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.8 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer, and Engineer Design. The officers have raised no objection to the proposal, subject to conditions.

7.9 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed Partial Demolition, Extension to Driveway, Carport, Ancillary Dwelling and Studio at 127 Warwick Street, West Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Planning Committee, in accordance with the delegations contained in its terms of reference, approves the application for Partial Demolition, Extension to Driveway, Carport, Ancillary Dwelling and Studio at 127 Warwick Street, West Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-796 - 127 WARWICK STREET WEST HOBART TAS 7000 - Planning Committee Agenda Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The permit grants approval for the Ancillary Dwelling and Studio.

The Partial Demolition, Extension to Driveway and Carport are not approved.

Reason for condition

To clarify the scope of the permit

ENG sw1

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

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

Advice:

Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property. A property can only have a single connection under the Urban Drainage Act unless demonstrated to be impractical. Existing connection needs to be located and the stormwater from the proposed works be connected to the existing connection.

Reason for condition

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

SW 9

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

The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. **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;**
2. **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.

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 1

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

Advice:

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

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that

could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

HER 17b

The use of the colours Monument and Night Sky on the roof of the new dwelling is not approved. An alternative colour in mid to light grey must be selected that is more sympathetic to and reflects the exterior colours within the local streetscape and precinct.

Prior to the issue of any approval under the Building Act 2016, revised plans must be submitted and approved which shows an alternative roof cladding colours in accordance with the above requirements.

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

Advice:

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

Reason for condition

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

ADVICE

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

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

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed

instructions can be found [here](#).

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction (e.g. placement of skip bin, crane, scissor lift etc). Click [here](#) for more information.

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

STORMWATER

It is recommended that the existing internal fence beside the clothesline should be changed to a floodway-friendly fence to allow water flow.

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all

beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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



(Michaela Nolan)

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: 4 May 2023

Attachment(s):

Attachment B - Planning Committee Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

Planning: #246202

Property

127 WARWICK STREET WEST HOBART TAS 7000

People

Applicant
= Smeekes Drafting
Jay Weir
2/17 Bayfield Street
ROSSNY PARK TAS 7018
03 6234 6185
jay_weir@smeekesdrafting.com

Owner
= Amanda Quealy
127 Warwick Street
WEST HOBART TAS 7000
0408 990 438
amandaquealy@gmail.com

Entered By
JAY WEIR
12 WARWICK STREET
HOBART TAS 7000
03 6234 6185
jay_weir@smeekesdrafting.com

Use

Single dwelling

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

Details

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

Residential

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

Proposed Ancillary Dwelling

Estimated cost of development

300000.00

Existing floor area (m2)	Proposed floor area (m2)	Site area (m2)
185.50	530.00	1076

Carparking on Site

Total parking spaces Existing parking spaces Other (no selection chosen)

4 2

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?

No

Documents

Required Documents

Title (Folio text and Plan and Schedule of Easements)

FolioText_Plan-170983-1.pdf

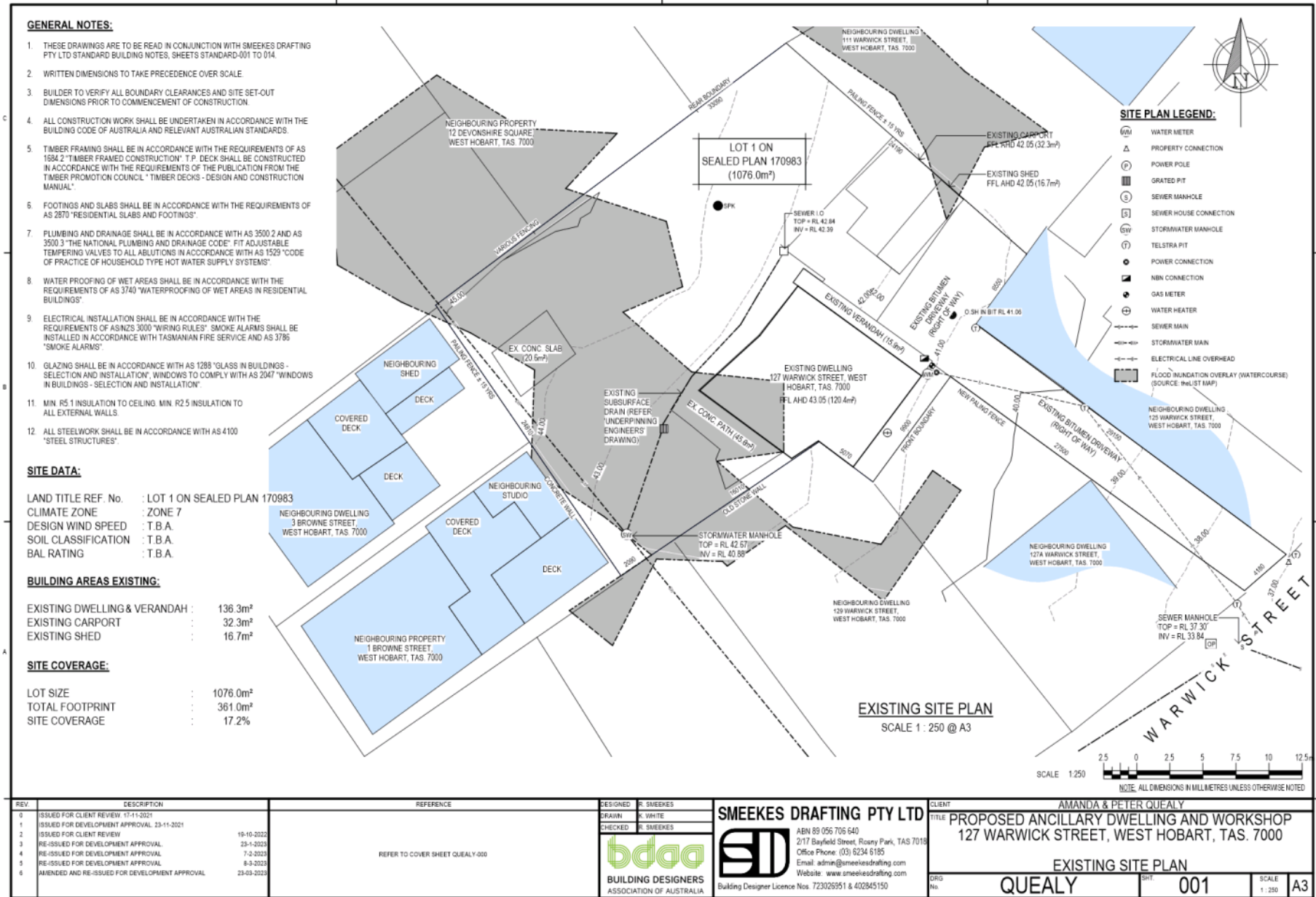
Plans (proposed, existing)

127 Warwick St DA.pdf

DRAWING INDEX	
COVER SHEET	QUEALY-000
EXISTING SITE PLAN	QUEALY-001
PROPOSED SITE PLAN	QUEALY-002
SITE DRAINAGE & WASTE WATER MANAGEMENT PLAN	QUEALY-003
PROPOSED WORKSHOP FLOOR PLAN	QUEALY-004
PROPOSED ANCILLARY DWELLING FLOOR PLAN	QUEALY-005
PROPOSED ELEVATIONS 1 OF 2	QUEALY-006
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SHADOW DIAGRAMS 1 OF 2	QUEALY-009A
SHADOW DIAGRAMS 2 OF 2	QUEALY-009B
PROPOSED SECTIONS 1 OF 2	QUEALY-010
PROPOSED SECTIONS 2 OF 2	QUEALY-011



REV	DESCRIPTION	REFERENCE	DESIGNED	DRAWN	CHECKED	CLIENT	TITLE	DRG No.	SHT	SCALE
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2	RE-ISSUED FOR DEVELOPMENT APPROVAL	7-2-2023								
3	RE-ISSUED FOR DEVELOPMENT APPROVAL	8-3-2023								
4	AMENDED AND RE-ISSUED FOR DEVELOPMENT APPROVAL	23-03-2023								
REFER TO COVER SHEET QUEALY-000						SREEKES DRAFTING PTY LTD ABN 89 056 705 640 2/17 Bayfield Street, Rosny Park, TAS 7018 Office Phone: (03) 6234 6185 Email: admin@smeekesdrafting.com Website: www.smeekesdrafting.com Building Designer Licence Nos. 723026951 & 402845150				



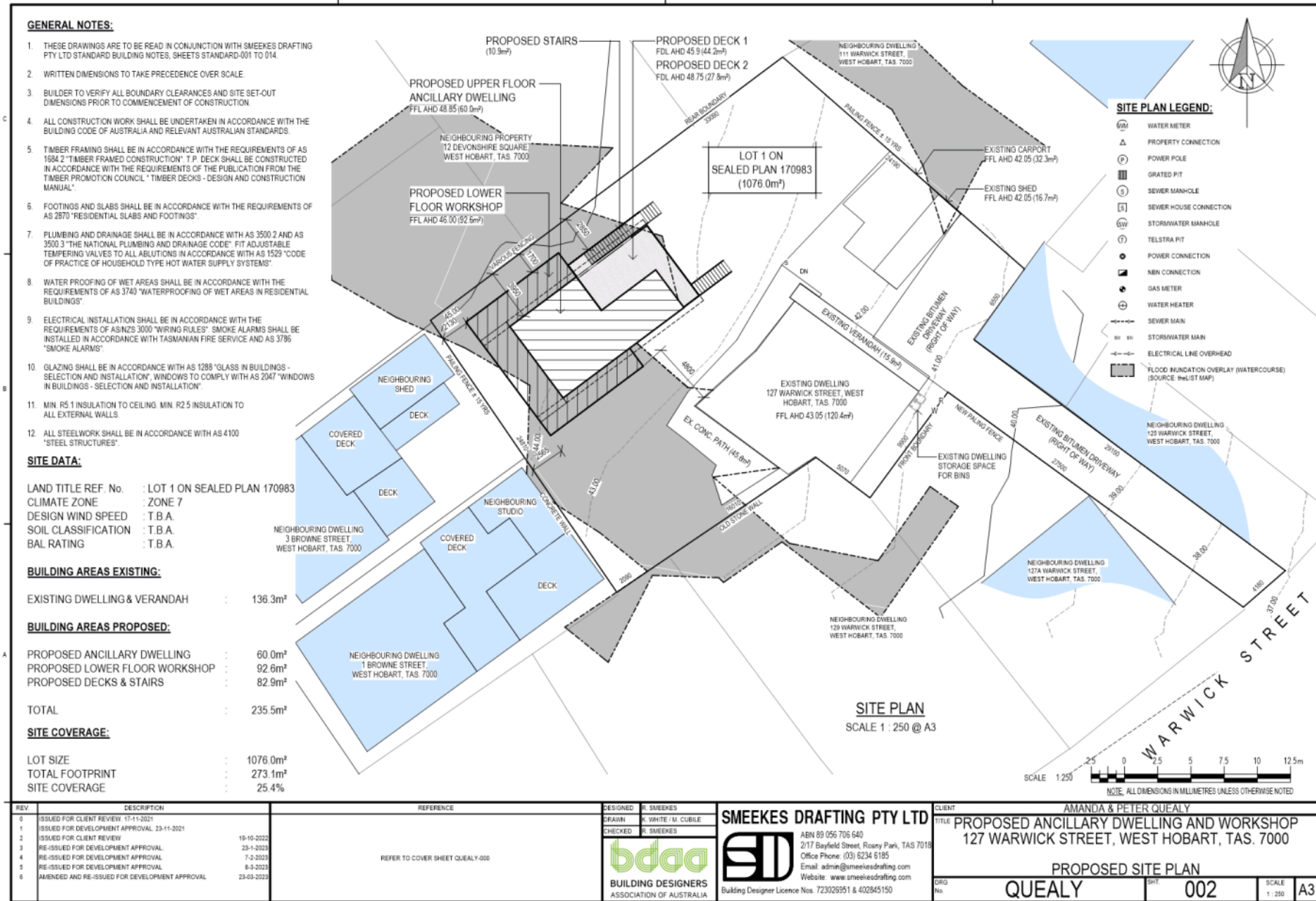
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4	RE-ISSUED FOR DEVELOPMENT APPROVAL 7-2-2023	
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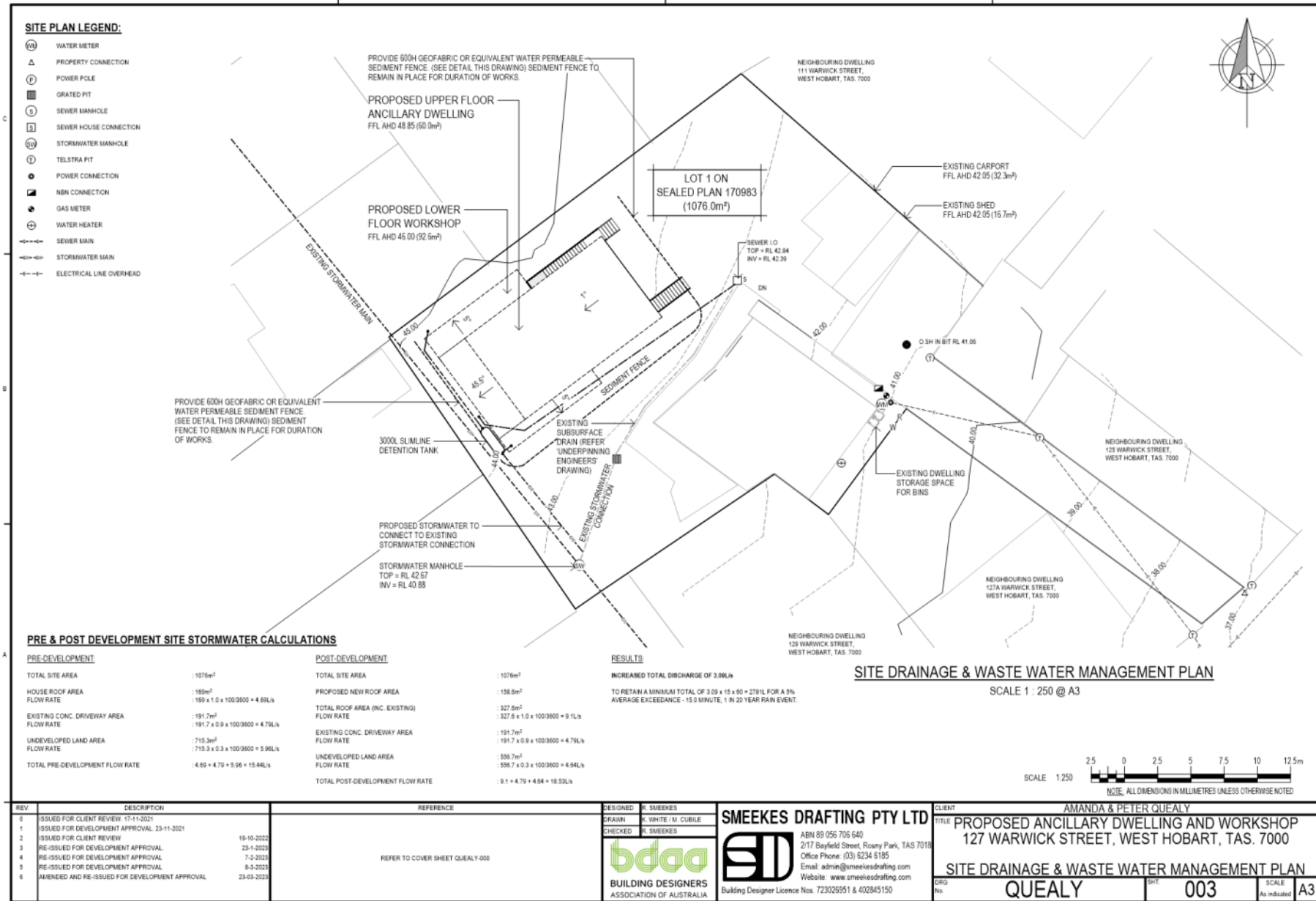
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DRAWN	K. WHITE
CHECKED	R. SMEEKES

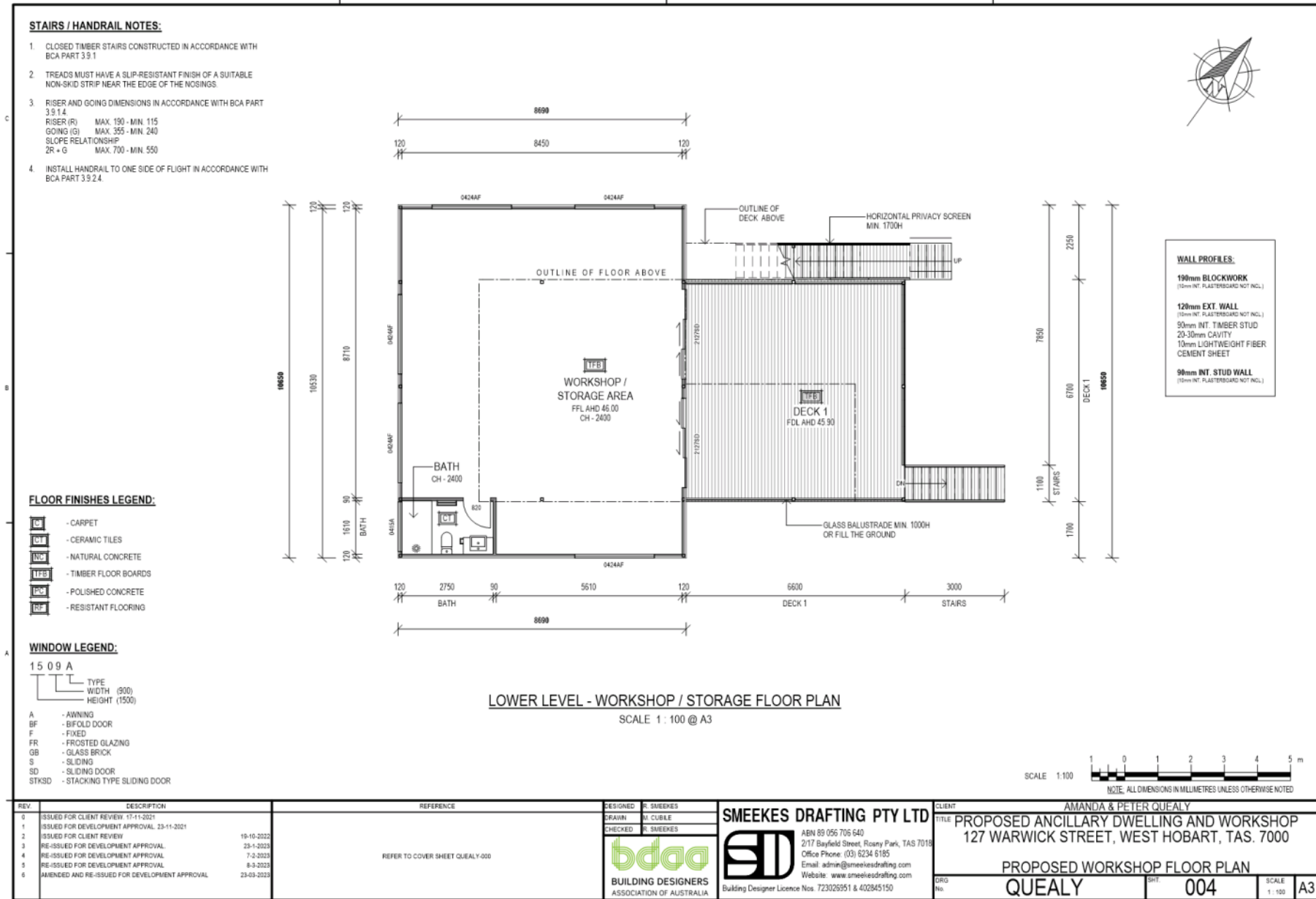
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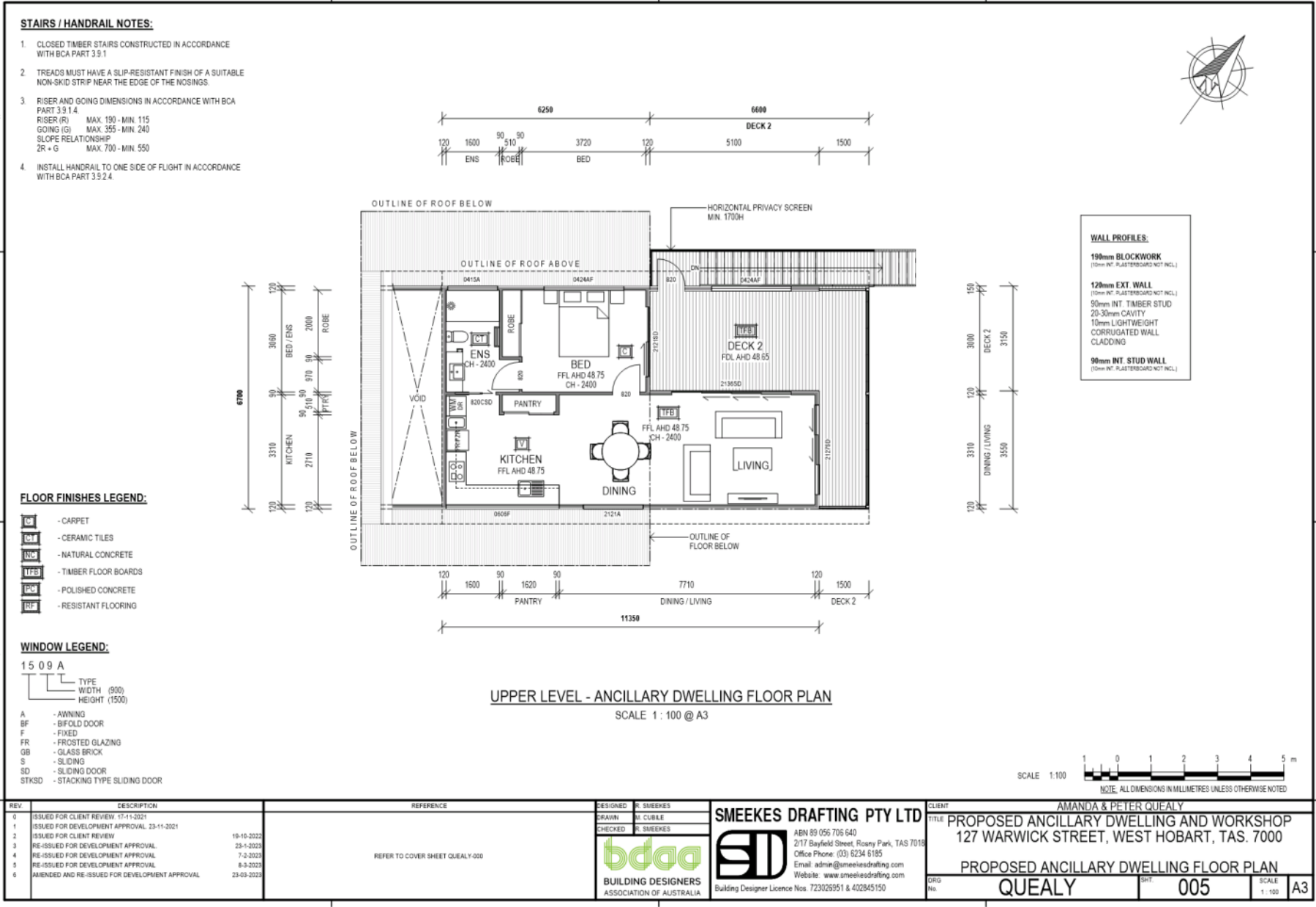
SMEEKES DRAFTING PTY LTD
 ABN 89 056 705 640
 2/17 Bayfield Street, Rosny Park, TAS 7018
 Office Phone: (03) 6234 6185
 Email: admin@smeekesdrafting.com
 Website: www.smeekesdrafting.com
 Building Designer Licence Nos. 723026951 & 402845150

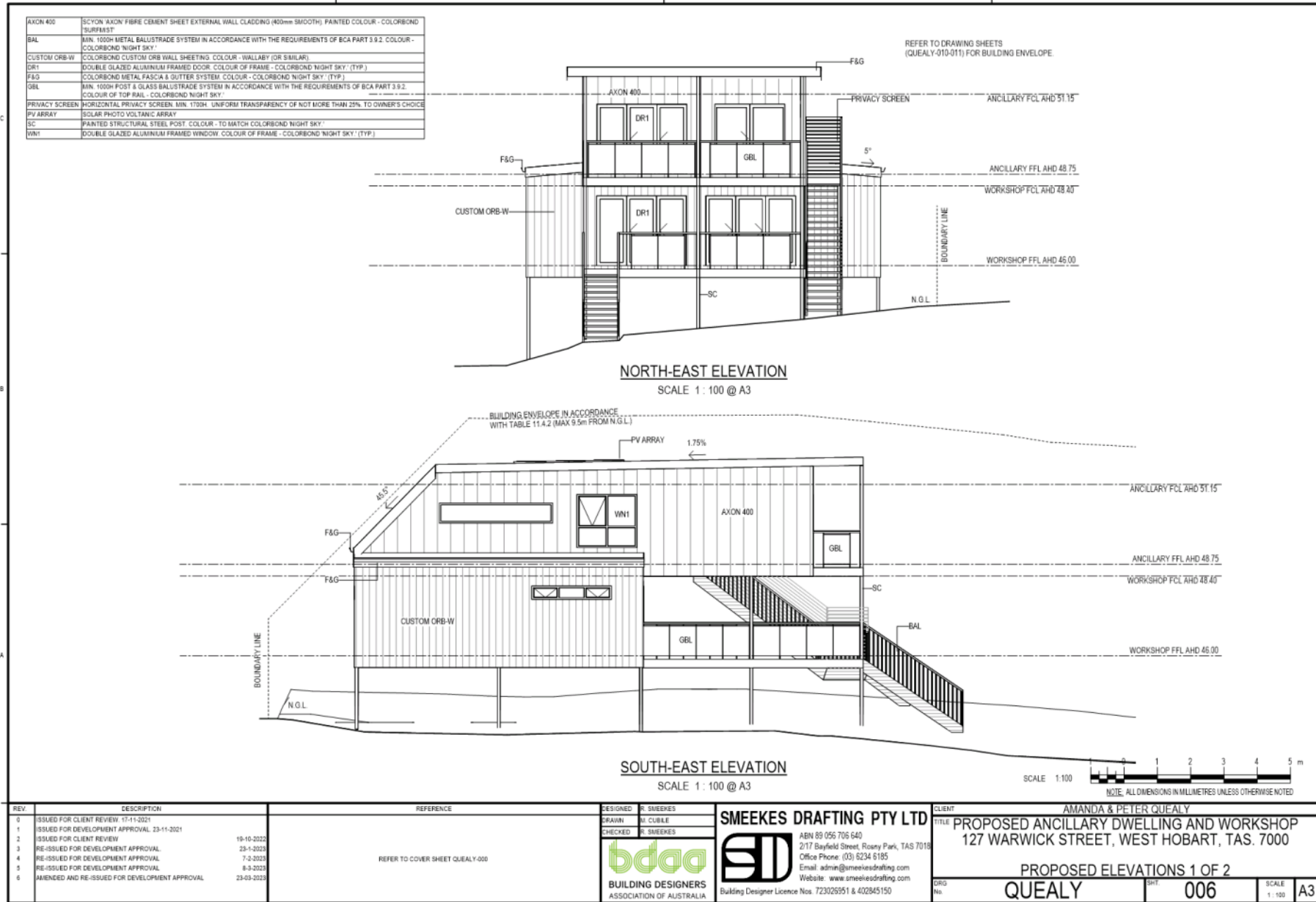
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EXISTING SITE PLAN		
DRG No.	QUEALY	SHT 001
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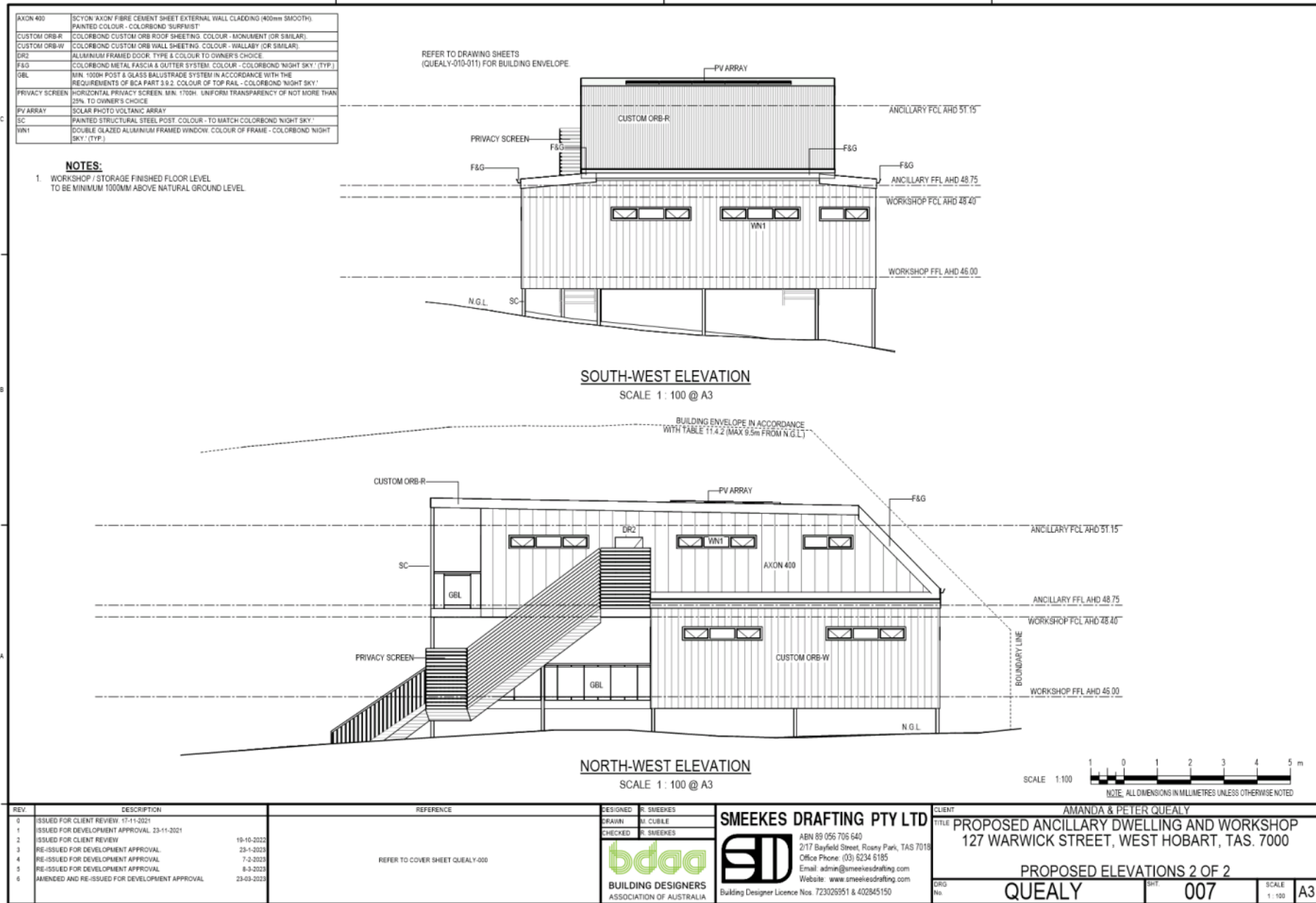






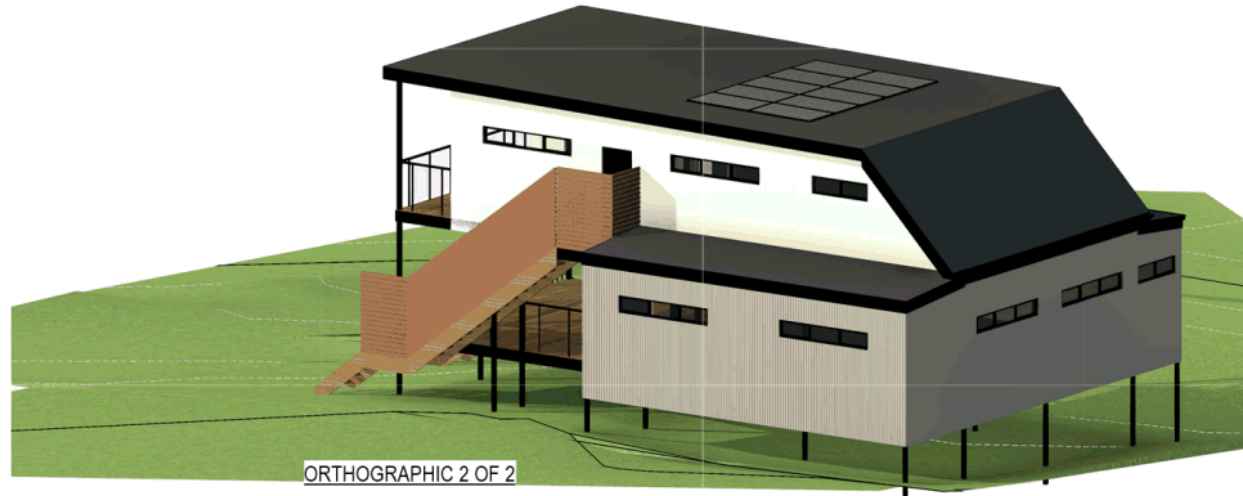






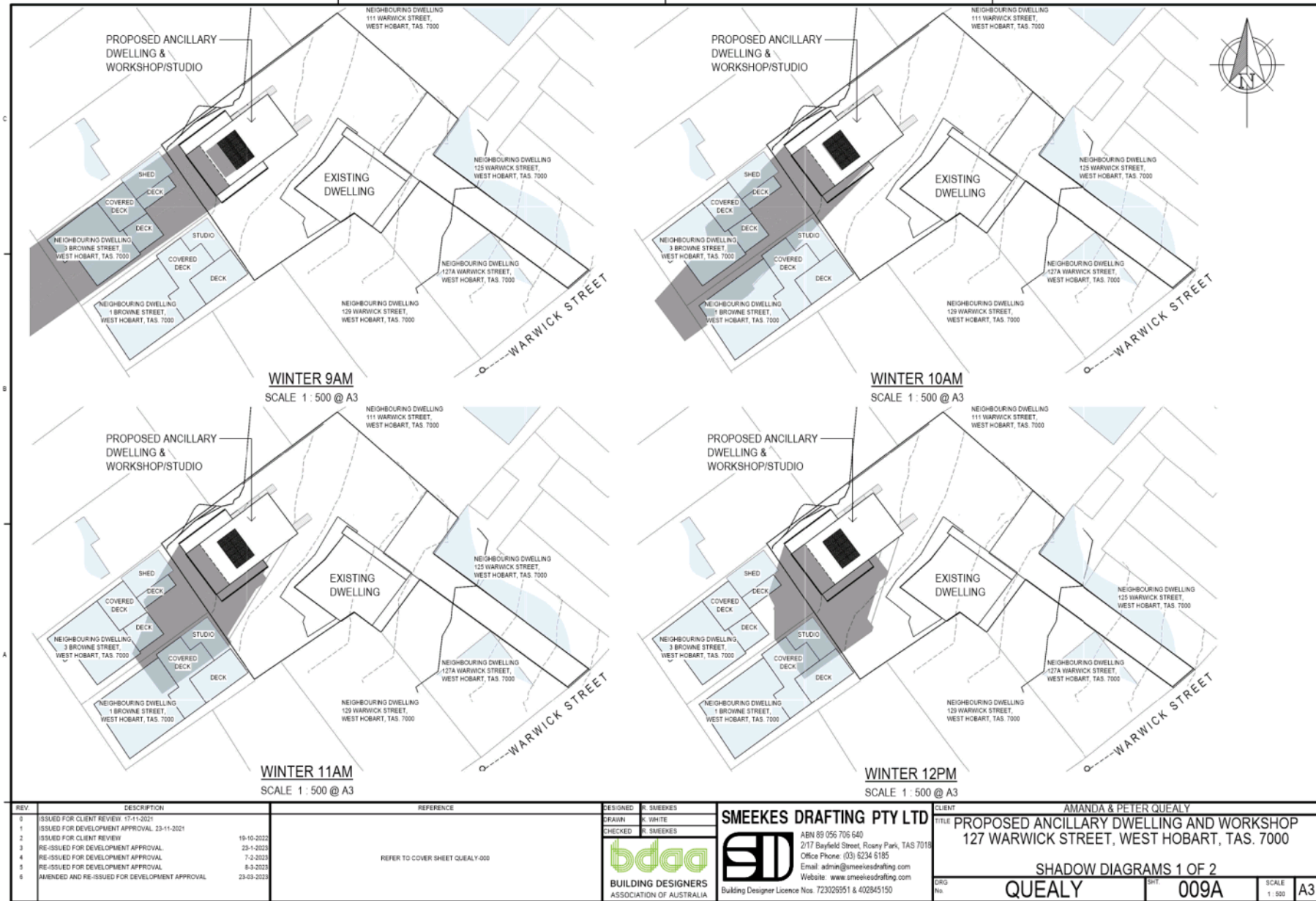


ORTHOGRAPHIC 1 OF 2
 NOT TO SCALE



ORTHOGRAPHIC 2 OF 2
 NOT TO SCALE

REV	DESCRIPTION	REFERENCE	DESIGNED R. SMEEKES	SMEEKES DRAFTING PTY LTD ABN 89 056 705 640 2/17 Bayfield Street, Rosny Park, TAS 7018 Office Phone: (03) 6234 6195 Email: admin@smeekesdrafting.com Website: www.smeekesdrafting.com Building Designer Licence Nos. 723026951 & 402845150	CLIENT AMANDA & PETER QUEALY
0	ISSUED FOR CLIENT REVIEW 17-11-2021		DRAWN M. CUBLE		TITLE PROPOSED ANCILLARY DWELLING AND WORKSHOP 127 WARWICK STREET, WEST HOBART, TAS. 7000
1	ISSUED FOR DEVELOPMENT APPROVAL 23-11-2021		CHECKED R. SMEEKES		DRG No. QUEALY
2	RE-ISSUED FOR CLIENT REVIEW 19-10-2022				SHT 008
3	RE-ISSUED FOR DEVELOPMENT APPROVAL 23-1-2023				SCALE A3
4	RE-ISSUED FOR DEVELOPMENT APPROVAL 7-2-2023	REFER TO COVER SHEET QUEALY-000	bdaa BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA		
5	RE-ISSUED FOR DEVELOPMENT APPROVAL 8-3-2023				
6	AMENDED AND RE-ISSUED FOR DEVELOPMENT APPROVAL 23-03-2023				



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3	RE-ISSUED FOR DEVELOPMENT APPROVAL	23-1-2023
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5	RE-ISSUED FOR DEVELOPMENT APPROVAL	8-3-2023
6	AMENDED AND RE-ISSUED FOR DEVELOPMENT APPROVAL	23-03-2023

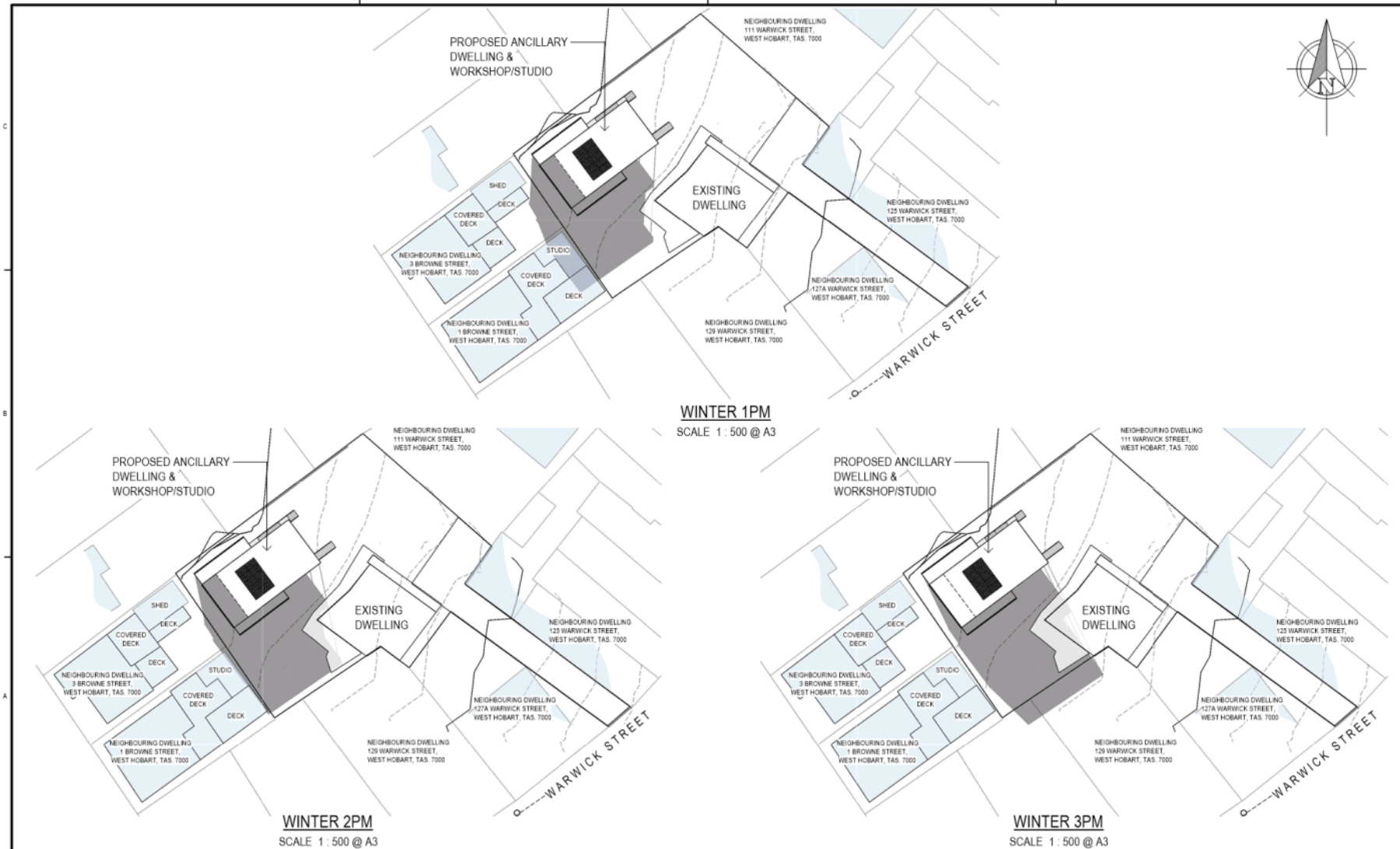
REFERENCE
REFER TO COVER SHEET QUEALY-000

DESIGNED	R. SMEEKES
DRAWN	K. WHITE
CHECKED	R. SMEEKES

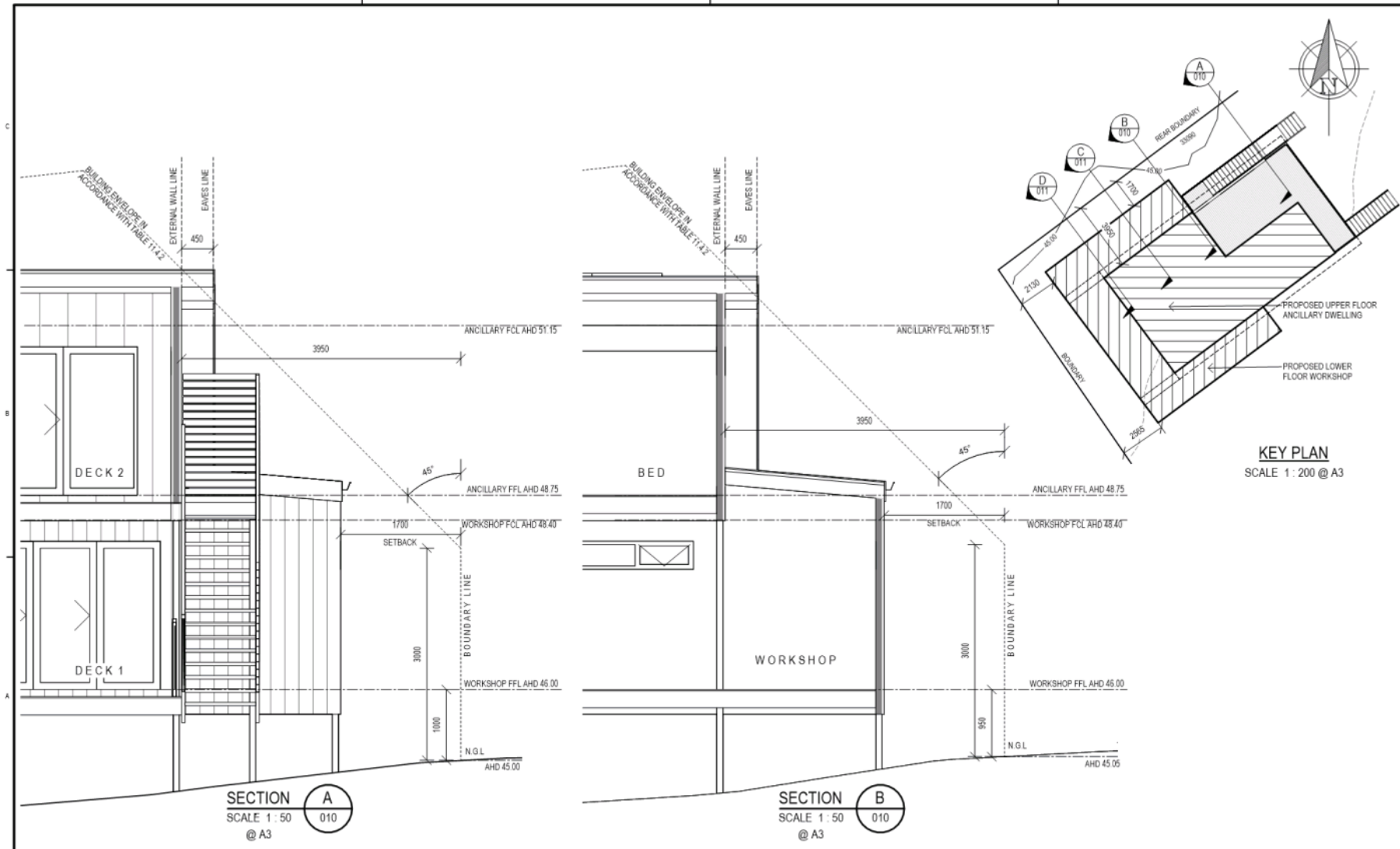
bdaa
 BUILDING DESIGNERS
 ASSOCIATION OF AUSTRALIA

SMEEKES DRAFTING PTY LTD
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 2/17 Bayfield Street, Rosny Park, TAS 7018
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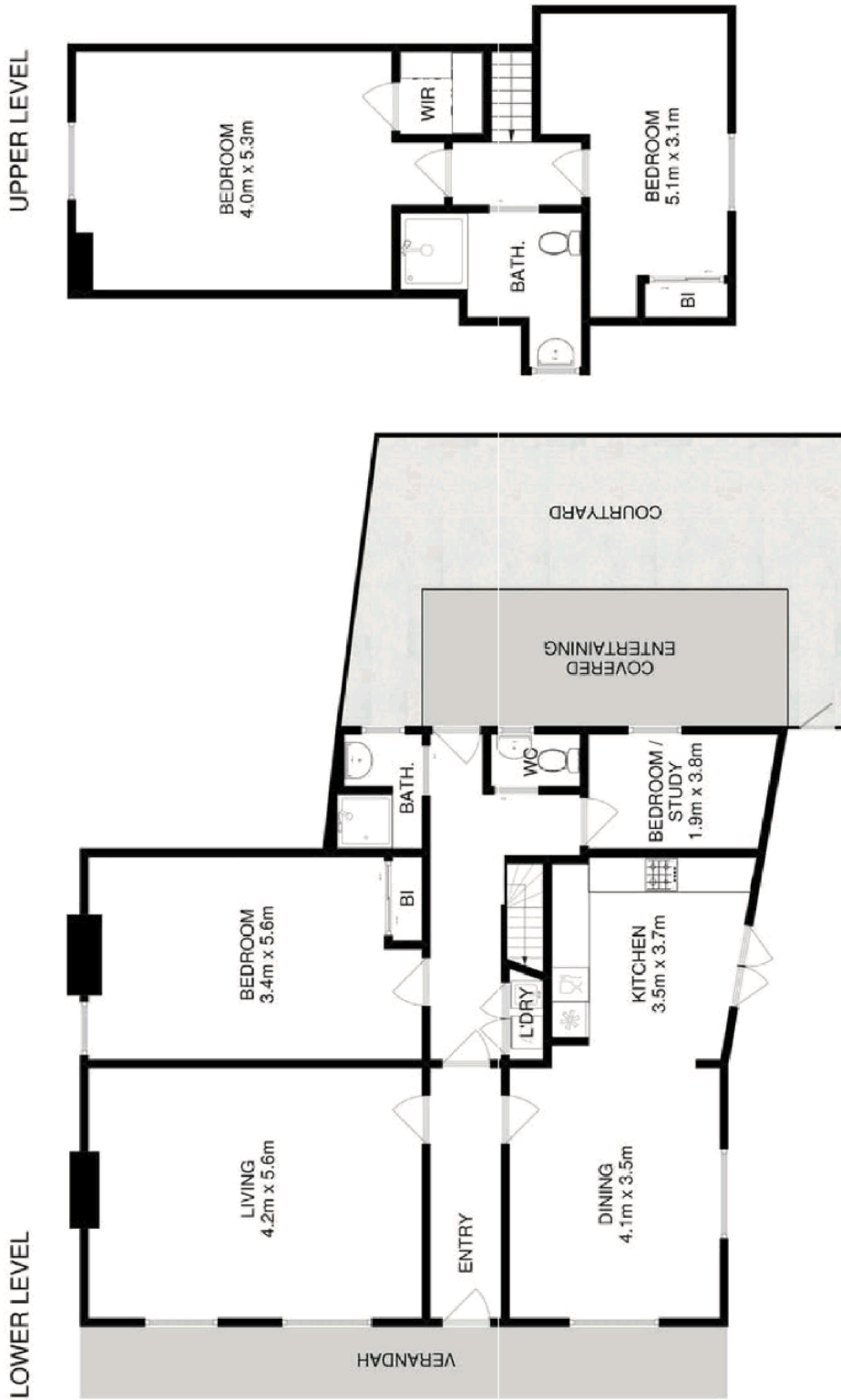
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TITLE	PROPOSED ANCILLARY DWELLING AND WORKSHOP 127 WARWICK STREET, WEST HOBART, TAS. 7000	
SHADOW DIAGRAMS 1 OF 2		
ORG	QUEALY	
SHT	009A	
SCALE	1:500	A3



REV	DESCRIPTION	REFERENCE	DESIGNED	DRAWN	CHECKED	CLIENT	TITLE	DRG No.	SHT	SCALE	A3
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1	ISSUED FOR DEVELOPMENT APPROVAL 23-11-2021						127 WARWICK STREET, WEST HOBART, TAS. 7000				
2	ISSUED FOR CLIENT REVIEW 19-10-2022										
3	RE-ISSUED FOR DEVELOPMENT APPROVAL 23-1-2023										
4	RE-ISSUED FOR DEVELOPMENT APPROVAL 7-2-2023										
5	RE-ISSUED FOR DEVELOPMENT APPROVAL 8-3-2023										
6	AMENDED AND RE-ISSUED FOR DEVELOPMENT APPROVAL 23-03-2023										
REFER TO COVER SHEET QUEALY-000			SREEKES DRAFTING PTY LTD AIN 89 056 705 640 2/17 Bayfield Street, Rosny Park, TAS 7018 Office Phone: (03) 6234 6195 Email: admin@smeekesdrafting.com Website: www.smeekesdrafting.com Building Designer Licence Nos. 723026951 & 402845150			SHADOW DIAGRAMS 2 OF 2		QUEALY	009B	1:500	A3



REV	DESCRIPTION	REFERENCE	DESIGNED R. SMEEKES	SMEEKES DRAFTING PTY LTD ABN 89 056 705 640 2/17 Bayfield Street, Rosny Park, TAS 7018 Office Phone: (03) 6234 6185 Email: admin@smeekesdrafting.com Website: www.smeekesdrafting.com	CLIENT AMANDA & PETER QUEALY
	0	AMENDED AND RE-ISSUED FOR DEVELOPMENT APPROVAL 23-03-2023			DRAWN M. CUBILE CHECKED A. WOEHLER
REFER TO COVER SHEET QUEALY-000			bdaa BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA	SD Building Designer Licence Nos. 723026951 & 402845150	PROPOSED SECTIONS 1 OF 2 QUEALY 010 SCALE As indicated A3



**Charlotte Peterswald
Property Management**

Total Approx. Floor Area : 150 sqm



All measurements are internal and approximate.
This plan is a sketch for illustration, not valuation.
Produced by Open2view.com

12 February 2023

Hobart City Council
Planning Department
16 Elizabeth Street
HOBART 7000

To Whom it May Concern,

Re- Planning permit application for ancillary dwelling (granny flat) and workshop at 127 Warwick Street, West Hobart 7000.

In response to the following questions:

- 1. Please explain how the workshop/storage area is intended to be used. The explanation should include who this area will be utilised by (i.e., existing dwelling or new ancillary dwelling), why it is over 90sqm in area, and why it needs a bathroom. Note: if the workshop is intended to be used for commercial purposes further additional information will be required*

The workshop is used for the following activities:

- Storage- We have a severe lack of storage for the existing house. This is because the existing house was built circa 1870 and as such the interior design does not provide for any storage, as was usual in this era.
 - As the occupants of the existing house, we have a number of hobbies and activities that we require additional space. These activities include: painting, pottery, photography and woodwork. We will also keep our garden tools in the workshop. The workshop will be a multi-use space for the existing house.
- 2. Please confirm in writing that: the ancillary dwelling will not exceed 60sqm in gross floor area (measured to the outside of the external walls), and that all access, parking, connections and meters will be shared with the existing dwelling (e.g., water, sewerage, gas, electricity and telecommunications).*
 - The ancillary dwelling will be no larger than 60m2 including the exterior walls.
 - Existing parking and carport will be shared with the ancillary dwelling.
 - There are no new car parks to be provided.
 - Electrical, water, gas and sewerage will be shared with the existing house.
 - It is unlikely that the Wifi in operation at the existing house will reach to the ancillary dwelling and so it is likely that we will need to install it's own Wifi connection. We will not be providing a dedicated phone line, and there is no existing phone connected in the existing house.

Yours sincerely,



Amanda Quealy

**SMEEKES DRAFTING PTY LTD**

ABN 89 056 706 640

Suite 2, First Floor
17 Bayfield Street
ROSNY PARK TAS 7018Phone: 03 62 346185
Email: admin@smeekesdrafting.com
www.smeekesdrafting.com

8 March 2023

Ben Ikin
Hobart City Council
GPO Box 503
Hobart, TAS 7001

Dear Ben,

Re: PLN-21-796- Planning Application – 127 Warwick Street, West Hobart

Below is a written response to your letter received 23 February 2023.

Planning

Response:

We have updated the shadow diagrams' drawings (QUEALY-009A-009B) dated 08-03-2023 to show the full extent of adjoining lots, their property boundaries and the location of buildings at **1 and 3 Browne Street**.**Parking and Access**

Response:

Existing carport, shed and existing bitumen driveway are to be retained; no changes are proposed.

Stormwater Code

Response:

Sw 1 Site Drainage & Wastewater Management Plan (QUEALY-003) has been amended to demonstrate that new stormwater connection from the proposed ancillary dwelling is to be connected to existing stormwater connection.

Sw 2 Existing bitumen driveway is to be retained; no changes are proposed.

Your sincerely,

Michelle Cubile
Smeeke Drafting

Ash Woehler

From: Jane Sargison <jane@jsa.com.au>
Sent: Friday, 16 September 2022 1:29 PM
To: Roland Smeekes
Subject: RE: Height and flood levels

Sorry, need to be able to allow the water to pass underneath, this one has to be lifted because it is in the flood zone.

Kind regards,

Dr Jane Sargison
BE(Hons) DPhil GAICD FIEAust EngExec CPEng
Director

JSA

O: 121 Sandy Bay Road, Sandy Bay
T: (03) 6240 9911
D: (03) 6240 9912
M: 0419 562 619
E: jane@jsa.com.au
W: www.jsa.com.au



Our office is open from 8am to 4pm Mon to Fri inclusive.

From: Roland Smeekes <roland.Smeekes@smeekeesdrafting.com>
Sent: Friday, 16 September 2022 12:50 PM
To: Jane Sargison <jane@jsa.com.au>
Subject: RE: Height and flood levels

Good afternoon Jane,

Just want to make absolutely sure that if we are to build a structure within the flood path area it is to be a min of 1000mm above natural ground level and we definitely cannot not cut into the site, retain cut and divert water with suitable Ag drains. Client wants a Workshop area with Ancillary Dwelling over and just wanting to make sure the workshop (non-habitable area) cannot be cut into the site.
Raising structure as you suggested will not be an issue but just making sure I have all options covered.

Kind Regards,

Roland Smeekes

Director

Phone: 03 6234 6185

Mobile: 0418 352 503

Office: Suite 2, First Floor, 17 Bayfield Street
Rosny Park, TAS 7018

Email: roland.Smeekes@smeekesdrafting.com

Web: www.smeekesdrafting.com



From: Jane Sargison <jane@jsa.com.au>

Sent: Thursday, 25 August 2022 9:29 AM

To: Roland Smeekes <roland.Smeekes@smeekesdrafting.com>; Amanda Quealy <amandaquealy@gmail.com>

Cc: Lisa Nelson <lisa@jsa.com.au>

Subject: RE: Height and flood levels

Hi Roland,

Good to see that you are back onto this concept.

I have attached the flood data that we received from Council. The floodwater is mainly to the west side of the property, and if building in this area it will be important to build the structure up with open undercroft to allow the inundation water to freely move underneath (aka 4 Warwick St). Although the data Council provided doesn't show it, there is a significant overland flow path coming from the rear of the property which we can't block.

I have attached the legend to this plot, you are looking at (min) 1m above ground level in that area to achieve clearance to the water level + 300mm freeboard.

Alternatively if you are out of that zone, then no constraints.

Happy to discuss further if you are working up some concepts, or need a more refined answer.

Kind regards,

Dr Jane Sargison

BE(Hons) DPhil GAICD FIEAust EngExec CPEng

Director

JSA

O: 121 Sandy Bay Road, Sandy Bay

T: (03) 6240 9911

D: (03) 6240 9912

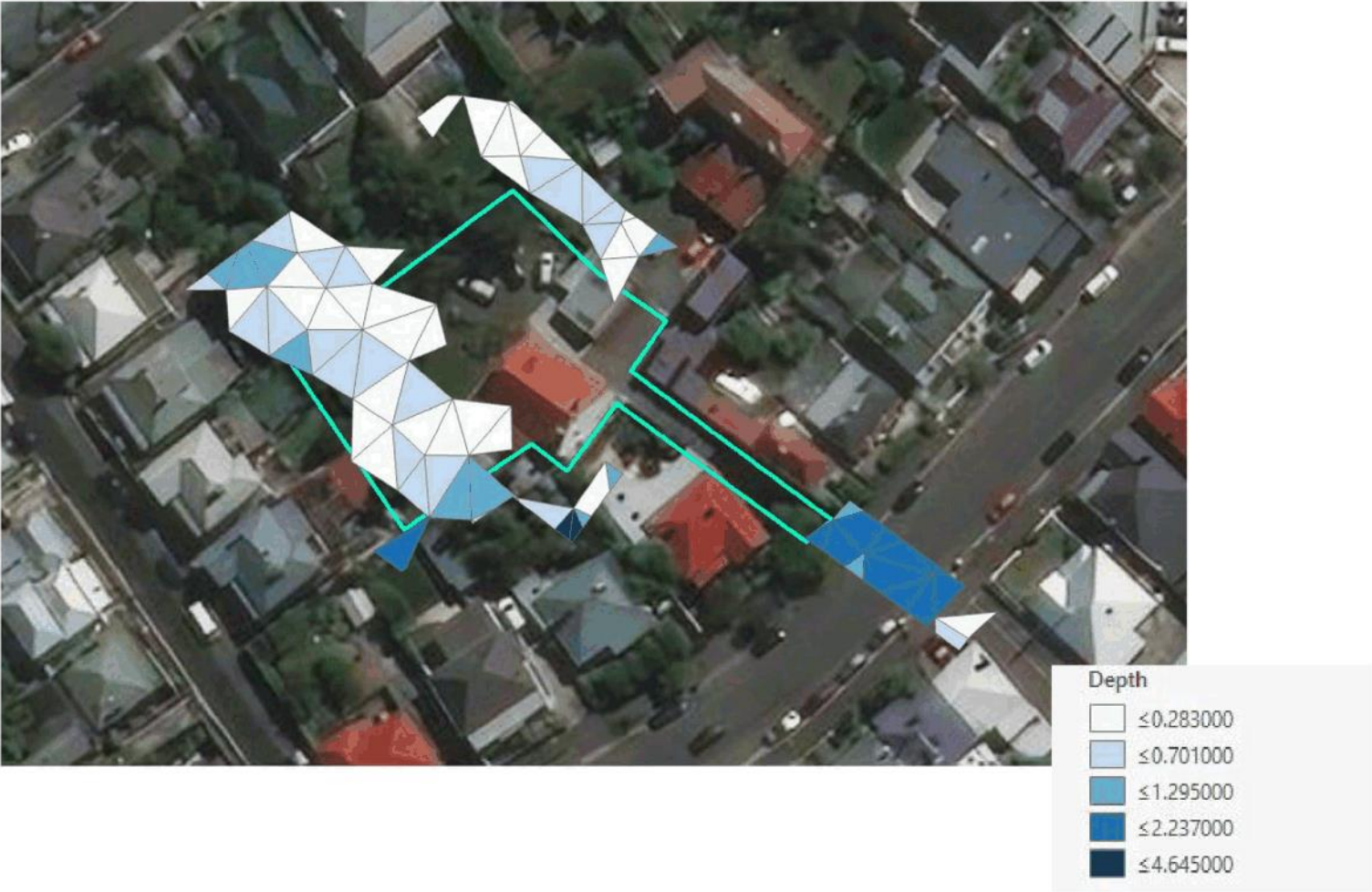
M: 0419 562 619

E: jane@jsa.com.au

W: www.jsa.com.au



Our office is open from 8am to 4pm Mon to Fri inclusive.





RESULT OF SEARCH

RECORDER OF TITLES
 Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 170983	FOLIO 1
EDITION 2	DATE OF ISSUE 11-May-2017

SEARCH DATE : 23-Nov-2021
 SEARCH TIME : 08.54 AM

DESCRIPTION OF LAND

City of HOBART
 Lot 1 on Plan 170983
 Derivation : 2A-OR-26.1/2Ps (Sec P2) Gtd to CH & EA Elliott
 Prior CT 197503/1

SCHEDULE 1

M626847 TRANSFER to AMANDA QUEALY Registered 11-May-2017 at
 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 BURDENING EASEMENT: a right of carriageway for Walter Leslie
 Nicholls over the strip of land marked Roadway
 'ABCDEFGF' on Plan 170983
 E36619 BURDENING EASEMENT: a right of carriageway
 (appurtenant to Lot 2 on Strata Plan 56880) over the
 land marked Right of Way 'CDEF' on Plan 170983
 Registered 18-Feb-2016 at noon
 E91141 MORTGAGE to Westpac Banking Corporation Registered
 11-May-2017 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

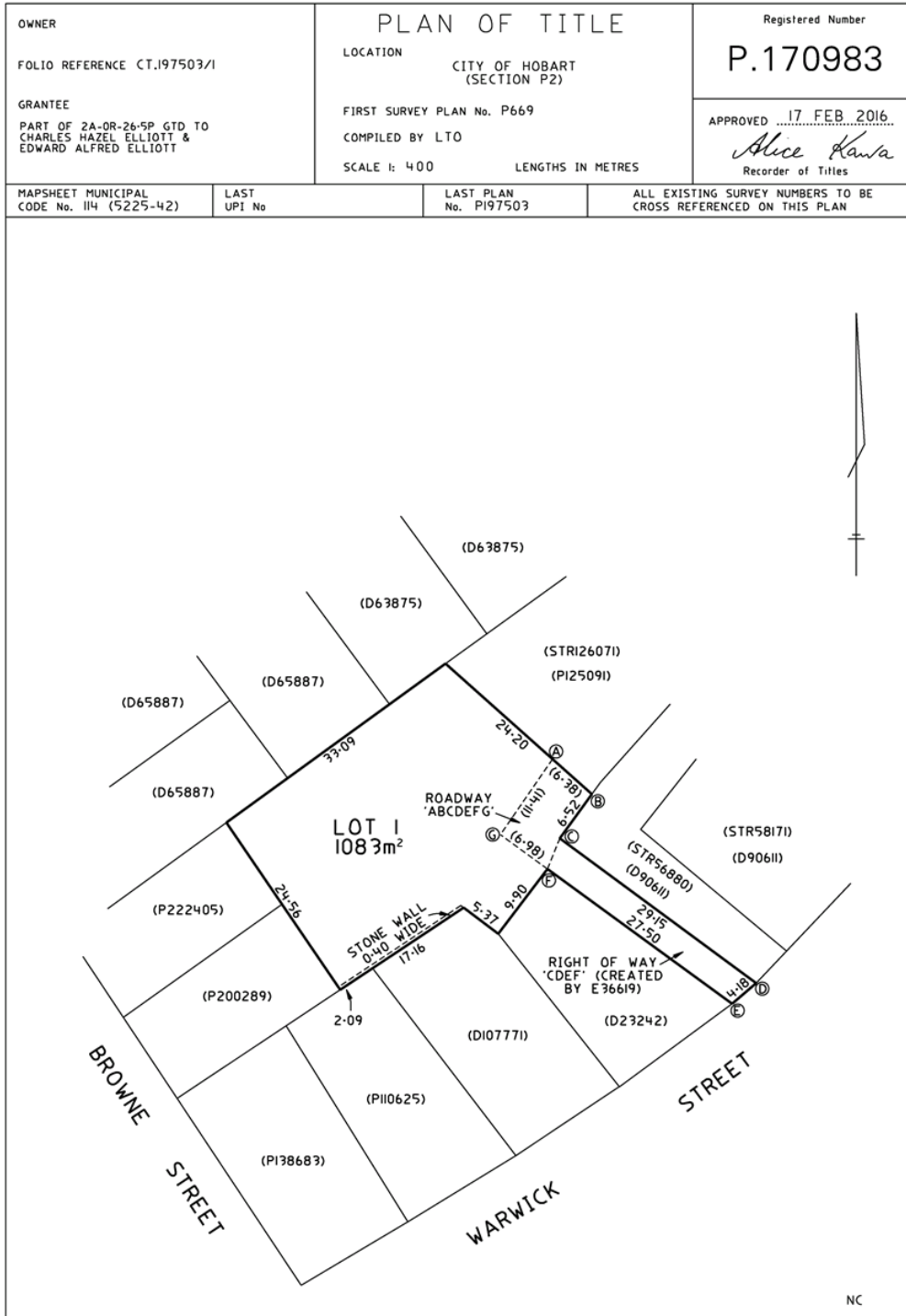
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Application Referral Cultural Heritage - Response

From:	Allie Costin
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	127 WARWICK STREET, WEST HOBART
Proposal:	Partial Demolition, Extension to Driveway, Carport, Ancillary Dwelling and Studio
Application No:	PLN-21-796
Assessment Officer:	Michaela Nolan,

Referral Officer comments:

Number 127 Warwick Street is located within the West Hobart 2 Heritage Precinct, the proposal under the current planning scheme *Hobart Interim Planning Scheme 2015* must be assessed under E13.8 Development Standards for Heritage Precincts of the Historic Heritage Code.

Background:

Number 127 Warwick Street is proposed for individual heritage listing under the incoming Hobart Local Provisions Schedule of the Tasmanian Planning Scheme. The property is recognised as having local historical and aesthetic significance. It is however it should be noted this assessment can only be based on the current status of the property, and as such the assessment is based on the property being located within the West Hobart 2 Heritage Precinct.

The West Hobart 2 Precinct is significant for reasons including:

1. *The fine quality and quantity of Victorian/Federation and Inter-War period houses exemplify the economic boom of the early and late nineteenth and early twentieth centuries.*
2. *A large number of intact individual early and late nineteenth century houses of high quality architectural design, many of which possess land mark qualities.*
3. *The number of significant groups of late Victorian, Federation and Inter-War houses previously identified as heritage items.*
4. *The sections of continuous one-storey painted weatherboard and brick late Victorian/Federation facades and the general uniformity of scale create a distinctive visual impression and dramatic streetscape qualities.*
5. *The front and rear gardens are highly significant aesthetic features, as they reinforce its residential character.*

Proposal:

- A new building in the rear north-west corner of the lot.
- The building would have two storeys with a maximum height of 8.3m from natural ground level.
- The building would be elevated above ground level by a minimum of 1m and a maximum of 2.5m.
- The lower level of the building would have a floor area of 92.5m² and a deck area of 43.8m². This level would be used as a workshop/studio and storage room.
- The upper level would have a floor area of 59.8m², a void space of 13.4m² and a deck area of 26.2m². This level would be used for a single bedroom ancillary dwelling.
- The building would be clad in Surfsmist cement sheet and Colorbond sheeting in Monument on the roof and Wallaby on the walls.

Summary of Reps:

- The proposed building would be out of character with the heritage precinct and adjoining heritage listed buildings.
- Surprise that 127 Warwick Street is not heritage listed as it was built in the 1870s. May be under consideration to be heritage listed.
- The building design is too modern and does not take into account or try to fit into the heritage area.
- Would prefer a heritage design or single storey.
- 127 Warwick Street is an old farmhouse and one of the original buildings.
- Residents try to protect and enhance the heritage characteristics.
- Should be in character with existing profiles as part of the urban plan as stated by the Lord Mayor.
- Galvanised cladding more suited to rural property or new subdivision.
- Would have a detrimental impact on surrounding heritage listed buildings.
- The existing building is largely intact and should not be destroyed.
- The flat roof, stilts and cladding do not resemble any existing buildings.
- Should be referred to the Tasmanian Heritage Council.

Response to representations:

It is noted a number of representations raise concerns as to how the development will look from rear gardens and spaces not visible from the street, a Heritage Precinct by definition in the planning scheme "is an area shown on the planning scheme maps as a heritage precinct and described in Table E13.2 as having particular historic cultural heritage significance because of the collective heritage value of individual places as a group for their streetscape or townscape values." It should also be noted that although the proposal will be located adjacent to heritage listed properties there are no heritage adjacency provisions within the Inner Residential Zone, and as such the proposal can be assessed against the Heritage Precinct provisions only.

Assessment:

Given no demolition is proposed, the proposal is only assessed against clause E13.8.2 P1.

E13.8.2 Buildings and Works other than Demolition**Objective:**

To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.

Performance Criteria 1

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

A in-depth site visit to assess the current visibility of 127 within the streetscape and the proposed impact of the development from Warwick St, Browne St, and Devonshire Sq was undertaken. Images below (figs 1-5) show the current visibility of the existing dwelling at 127 Warwick Street. It is considered the proposed ancillary dwelling development which will be located in the rear north-west corner of the lot. It is considered the new dwelling will have minimal if any visual impact from Warwick Street, the roof of the new dwelling will likely be visible through gaps in the streetscape e.g driveways and side yards on Browne Street and Devonshire Square. It is considered that the roof of the proposed dwelling may be visible from through gaps in the streetscape, it is noted colorbond in the colour Monument is proposed for the roof and Night Sky for guttering. These colour selections are considered very dark and contemporary and are not widely utilised in the surrounding streetscape or complimentary to the character of the precinct. A condition has been placed on the permit for an alternative colour in the mid-light grey spectrum to be selected.



Fig. 1 - 127 Warwick Street as visible from Warwick Street, red arrow indicating property (image taken by Heritage Officer April 2023)



Fig. 2 - 127 Warwick Street as viewed from driveway, arrow indicating property (image taken by Heritage Officer April 2023)



Fig 3. - 127 Warwick Street as viewed through neighbouring driveway (image taken by Heritage Officer April 2023)



Fig. 4 127 Warwick Street as seen from Brown Street through gap in built form, arrow showing roof of property (image taken by Heritage Officer April 2023)



Fig. 5 127 Warwick Street as seen from Browne Street through gaps in built form along the streetscape (image taken by Heritage Officer April 2023)

The statement of significance for the Heritage Precinct notes that there are intact houses dating from the Colonial, Victorian, Federation and Inter-War periods that exemplify the historical development phases of the precinct. However the recognition of these periods of housing within the Heritage Precinct does not prevent the insertion of contemporary infill development, particularly on internal or vacant allotments within the precinct where they are not visible from the street.

It is acknowledged that whilst the proposed works would to a degree interfere with the visual characteristics of neighbouring rear yards, private back garden settings, and impact views of surrounding properties from internal spaces, these factors will however not affect the heritage character or streetscape qualities of the precinct. It must be concluded that the development would not cause any significant or detrimental impact upon the historic cultural significance of the precinct streetscape or townscape of Warwick Street, Browne Street, and Devonshire Square.

In conclusion the proposal will not be intrusive or dominant within the precinct or alter the streetscape character, the design and siting of the proposed additional dwelling will not result in detriment to the West Hobart 2 Heritage Precinct. Performance Criteria 1 of E13.8.2 is considered satisfied.

Allie Costin
Cultural Heritage Officer
27th April 2023.

Reviewed
Sarah Waight
Senior Cultural Heritage Officer

28 April 2023

**6.1.3 44 NICHOLAS DRIVE, 38A NICHOLAS DRIVE, 40C NICHOLAS DRIVE, 42 NICHOLAS DRIVE, 46 NICHOLAS DRIVE, 40A NICHOLAS DRIVE, 40B NICHOLAS DRIVE, SANDY BAY - DWELLING AND FRONT FENCING
PLN-22-818 - FILE REF: F23/47942**

Address: 44 Nicholas Drive, 38A Nicholas Drive, 40C Nicholas Drive, 42 Nicholas Drive, 46 Nicholas Drive, 40A Nicholas Drive, 40B Nicholas Drive, Sandy Bay

Proposal: Dwelling and Front Fencing

Expiry Date: 31 May 2023

Extension of Time: Not Applicable

Author: Victoria Maxwell

RECOMMENDATION

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 a Dwelling and Front Fencing at 44 NICHOLAS DRIVE SANDY BAY TAS 7005 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-22-818 44 NICHOLAS DRIVE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/01997-HCC dated 21/02/2023 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

Approval is for one (1) single dwelling only. The guest bedroom, study and main bedroom are not approved for separate occupation from the dwelling.

Reason for condition

To ensure compliance with the definition for Single Dwelling under the *Hobart Interim Planning Scheme 20215*.

PLN s2

The study is not approved for any commercial or non residential use.

Reason for condition

The floor area of the study is too big to be used as a Home Based Business without application for and granting of an additional planning permit.

PLN s3

The owners of the subject site must provide the owners of 42 Nicholas Dr with opening devices for the proposed sliding gate on the access driveway and Right of Way to ensure that 42 Nicholas Dr has unimpeded access along the shared Right of Way at all times.

Reason for condition

To ensure that the Right of Way is not blocked at any time for all parties with Rights of Way over the shared access.

ENG sw1

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

Advice:

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

Reason for condition

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

SW 9

A stormwater management report and design must be submitted. The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. **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;**
2. **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.

ENG 2b

Further detailed designs are required for the proposed vehicle barriers shown on INARDI PTY LTD 44 Nicholas Drive, Sandy Bay, Job No. 2194, Drawing DA22 - Amendment 7 dated 08/02/23 (received by Council on the 15th of February 2023).

This documentation must be submitted and approved as a condition endorsement, prior to the issuing of any approval under the *Building Act 2016*.

The detailed designs must:

- 1. be prepared and certified by a suitably qualified engineer;**
- 2. be in accordance with the Australian Standard AS/NZS 1170.1:2002, if possible; and**
- 3. show [dimensions, levels, gradients and transitions], and other details as Council deem necessary to satisfy the above requirement.**

The vehicle barriers must be installed in accordance with the approved detailed designs prior to first occupation.

Advice:

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

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 2c

Prior to the first occupation, a suitably qualified engineer must certify that the vehicle barriers have been installed in accordance design drawings approved by Condition ENG 2b.

Advice:

An example certificate is available on our [website](#).

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the relevant standards.

ENG 3a

The access driveway and parking area must be constructed in accordance with the following documentation which forms part of this permit: INARDI PTY LTD, 44 Nicholas Drive, Sandy Bay, Job No. 2194, Drawing DA22 - Amendment 7 dated 08/02/23 (received by Council on the 15th of February 2023).

Any departure from that documentation and any works which are not detailed in the documentation must be either:

- a) **approved by the Director City Life, via a condition endorsement application; or**
- b) **designed and constructed in accordance with Australian Standard AS/NZ 2890.1:2004.**

The works required by this condition must be completed prior to first occupation.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

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.

OPS 1

Use of the City of Hobart's land at 38B Nicholas Drive, for access into 44 Nicholas Drive, is approved on the condition that vehicle access to the reserve is not restricted or impeded.

Reason for condition

To ensure access to Council's neighbouring reserve Bicentennial Park (PID 7713353).

ADVICE

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

Prior to any commencement of work on the site or commencement of

use the following additional permits/approval may be required from the Hobart City Council.

CONDITION ENDORSEMENT

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

- Attachment A: PLN-22-818 - 44 NICHOLAS DRIVE SANDY BAY
TAS 7005 - Planning Committee or Delegated
Report ↓
- Attachment B: PLN-22-818 44 NICHOLAS DRIVE SANDY BAY
TAS 7005 - Attachment B - Planning Committee
Agenda Documents ↓

City of **HOBART****APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Committee: 17 May 2023
Expiry Date: 31 May 2023
Application No: PLN-22-818
Address: 44 NICHOLAS DRIVE , SANDY BAY
38 A NICHOLAS DRIVE , SANDY BAY
40 C NICHOLAS DRIVE , SANDY BAY
42 NICHOLAS DRIVE , SANDY BAY
46 NICHOLAS DRIVE , SANDY BAY
40 A NICHOLAS DRIVE , SANDY BAY
40 B NICHOLAS DRIVE , SANDY BAY
Applicant: Ernest Lotter
30 Shepherd Street
Proposal: Dwelling and Front Fencing
Representations: No representations
Performance criteria: General Residential zone - Building Envelope, Privacy
Parking and Access Code - Number of Parking Spaces;

1. Executive Summary

- 1.1 Planning approval is sought for a Dwelling and Front Fencing at 44 NICHOLAS DRIVE SANDY BAY TAS 7005.

- 1.2 More specifically the proposal includes:
- construction of a three (3) storey 887m² single dwelling;
 - the dwelling will contain the upper floor as a study with bathroom, storage and waiting area on the landing;
 - the ground floor will contain a master bedroom
 - with kitchenette (sink and appliance), with seating area, walk in robe and ensuite;
 - this master suite will have external access to a substantial undercover entertaining area and open deck;
 - in the other wing of the dwelling on this level, a combined kitchen, living dining area of approximately 120m² with sweeping northerly views, with separate playroom behind, with a walled courtyard and laundry and storage connecting to the entry area;
 - the lower floor will contain a guest suite, again like the Master bedroom, separate to the rest of the dwelling with its own eating facilities, dining area, walk in robe and ensuite;
 - the guest suite also has sliding door access to another lower covered entertaining area with open deck and sunken jacuzzi;
 - in the other wing there are three (3) bedrooms, bathroom, another living space and additional storage areas and cellar, and a further bathroom;
 - the different floors are connected by internal staircase and a lift;
 - behind the dwelling a double garage is proposed along with two (2) additional parking spaces within a double car port;
 - the house is designed to maximise views to the north and east, with floor to ceiling windows in both of these directions;
 - access to the house is via three (3) Rights of Way, initially over Council's access to Council land to the south west and then over a separate Right of Way shared with the rear lot 38 Nicholas Drive and finally down a shared currently unconstructed Right of Way on the south eastern side of the property;
 - a private gate is proposed at the boundary of 38 Nicholas Drive to be shared with that neighbour.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 General Residential Zone - Building Envelope, Privacy
 - 1.3.2 Parking and Access Code - Number of Parking Spaces
- 1.4 No representations were received during the statutory advertising period between 20th April and 5th May 2023.
- 1.5 The proposal is recommended for approval subject to conditions.

- 1.6 The final decision is delegated to the Planning Committee, because it includes Council land (Right of Way).

2. Site Detail

2.1 The site is located on the southern side of Nicholas Drive. Surrounding uses are residential or vacant land. Further to the south is Council's Bicentennial Park.

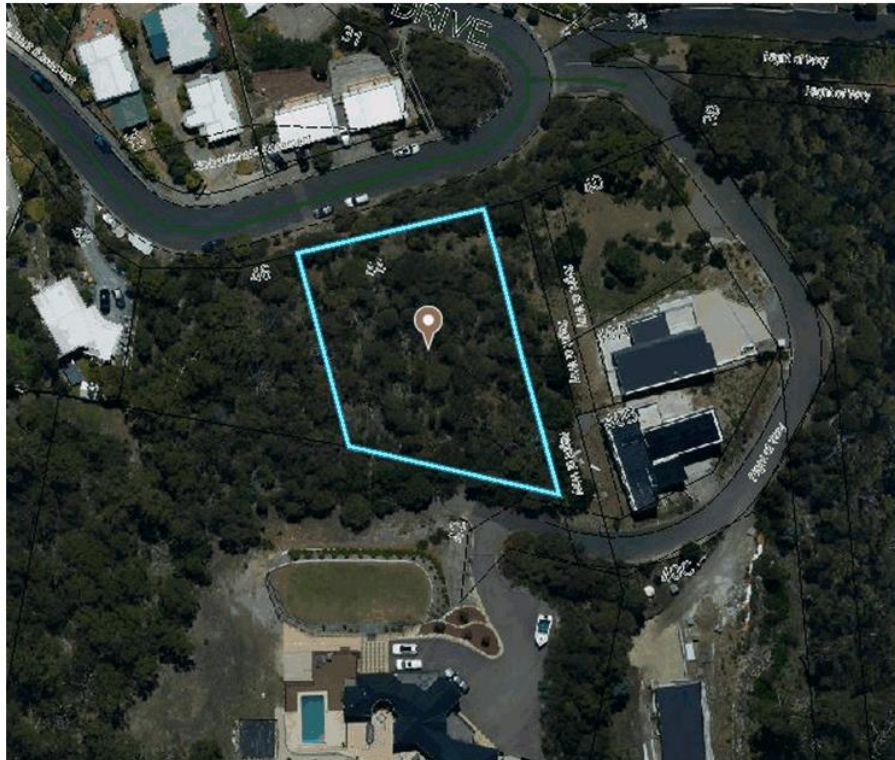


Figure 1: Site plan (Geo Cortex, 2023)

Direct access from Nicholas Dr is virtually impossible due to the presence of rock and steep embankments on the Council verge.



Figure 2: frontage to Nicholas Dr (Google Streetview, 2022)

Therefore, access to this property is via a series of Rights of Way. Firstly along a private Council owned road to Bicentennial Park, with Rights of Way in favour of the western lots (including the subject site) off Nicholas Dr. A further Right of Way through 40C Nicholas along that property's northern border and then through 42 Nicholas Dr, the neighbouring lot directly to the south, which also shares a further Right of Way along the subject site's eastern boundary.



Figure 3: Site plan with relevant Rights of Way (Geo Cortex, 2023)

The site is a 1639m², north facing bush block, with regrowth vegetation established on site. It is very steep, with a slope of between 1:2 and 1:3.5.



Figure 4: Aerial view of the site in relation to neighbours(www.realestate.com.au, 2022)

3. Proposal

3.1 Planning approval is sought for a Dwelling and Front Fencing at 44 NICHOLAS DRIVE SANDY BAY TAS 7005.

3.2 More specifically the proposal includes:

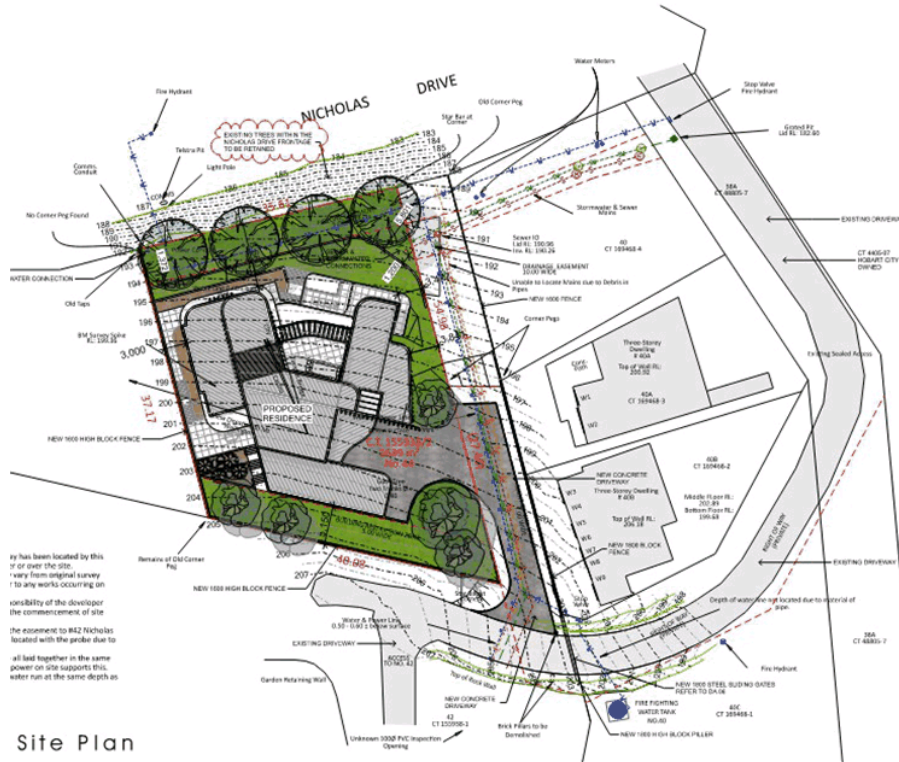
- construction of a three (3) storey 887m² single dwelling;
- the dwelling will contain the upper floor as a study with bathroom, storage and waiting area on the landing;
- the ground floor will contain a master bedroom
- with kitchenette (sink and appliance), with seating area, walk in robe and ensuite;
- this master suite will have external access to a substantial undercover entertaining area and open deck;
- in the other wing of the dwelling on this level, a combined kitchen, living dining area of approximately 120m² with sweeping northerly views, with separate playroom behind, with a walled courtyard and laundry and storage connecting to the entry area;
- the lower floor will contain a guest suite, again like the Master bedroom, separate to the rest of the dwelling with its own eating facilities, dining area, walk in robe and ensuite;
- the guest suite also has sliding door access to another lower covered entertaining area with open deck and sunken jacuzzi;
- in the other wing there are three (3) bedrooms, bathroom, another living space and additional storage areas and cellar, and a further bathroom;
- the different floors are connected by internal staircase and a lift;
- behind the dwelling a double garage is proposed along with two (2) additional parking spaces within a double car port;
- the house is designed to maximise views to the north and east, with floor to ceiling windows in both of these directions;
- access to the house is via three (3) Rights of Way, initially over Council's access to Council land to the south west and then over a separate Right of Way shared with the rear lot 38 Nicholas Drive and finally down a shared currently unconstructed Right of Way on the south eastern side of the property;
- a private gate is proposed at the boundary of 38 Nicholas Drive to be shared with that neighbour;
- bushfire buffers extend into neighbouring 42 and 46 Nicholas Dr.



Figure 5: Concept view from Nicholas Dr (Linardi Design, 2023)



Figure 6: Concept view to NW (Linardi Design, 2023)



Site Plan

Figure 7: Applicant Site Plan (Linardi Design, 2023)



Figure 8: Ground floor plan (Linardi Design, 2023)



Figure 9: Level 1 Floor Plan (main entrance) (Linardi Design, 2023)



Figure 10: Upper Level (Linardi Design, 2023)

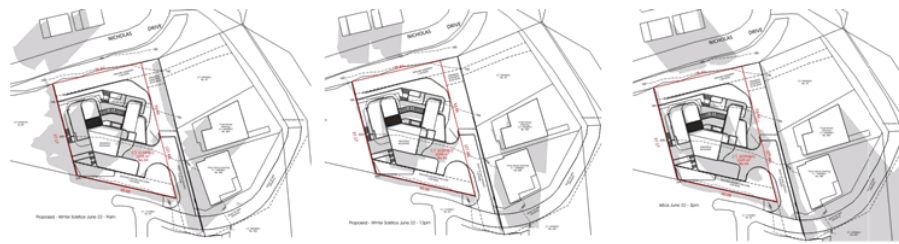


Figure 11: Shadow Diagram 21st June (Linardi Design, 2023)

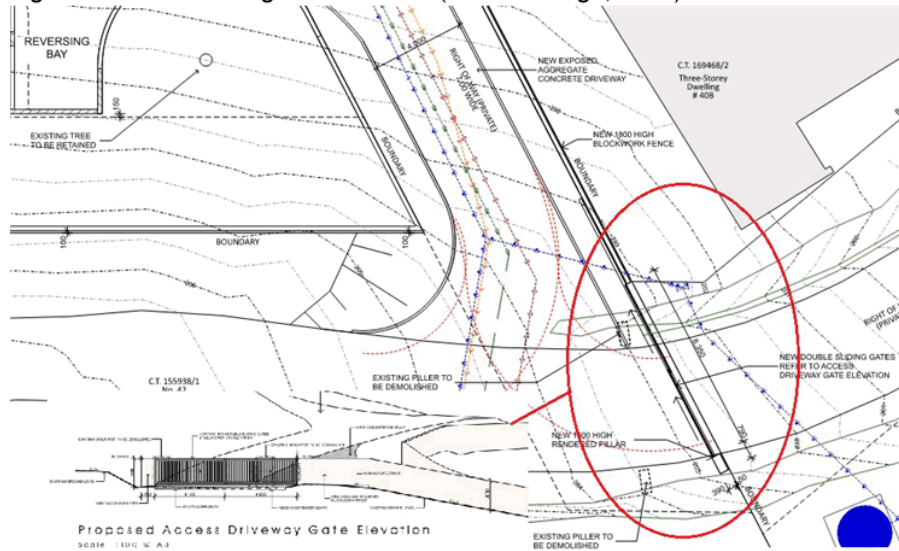


Figure 12: Proposed gate on 42 Nicholas Dr shared access (Linardi Design, 2023)

4. Background

4.1 There are no relevant applications that relate to this site or proposal.

5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between 20th April and 5th May 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 General Residential zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Vacant land. The proposed use is Residential - Single Dwelling. The existing use is a No Permit Required use in the zone. The proposed use is a No Permit Required use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 D10.0 General Residential Zone
 - 6.4.2 E6.0 Parking and Access Code
 - 6.4.3 E7.0 Stormwater Management Code
 - 6.4.4 E10.0 Biodiversity Protection Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 General Residential Zone:
 - Building Envelope - 10.4.2 P3*
 - Privacy – Part D 10.4.6 P1*
 - 6.5.2 Parking and Access Code:
 - Number of Parking Spaces - E6.6.1 P1*
- 6.6 Each performance criterion is assessed below.
- 6.7 General Residential zone - Building Envelope D10.4.2 P3
- 6.7.1 The acceptable solution at clause 10.4.2 A3 requires development to fit

within a 3 dimensional building envelope.

- 6.7.2 The proposal includes development extending beyond the building envelope in the northern and north western portions of the dwelling.
- 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 10.4.2 P3 provides as follows:

The siting and scale of a dwelling must:

(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:

(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;

(ii) overshadowing the private open space of a dwelling on an adjoining property;

(iii) overshadowing of an adjoining vacant property; or

(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;

(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and

(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:

(i) an adjoining property; or

(ii) another dwelling on the same site.

- 6.7.5 The proposal is surrounded on the northern, eastern and southern sides by residential development.

Neighbours to the north are located across Nicholas Drive and some 6 metres below the subject site and more than 10 metres below the proposed development. Being located to the north, there is no concern from overshadowing of the living and open spaces, or solar arrays for these properties across the road. As well, all of these properties are orientated to the north and east to take advantage of the spectacular views that this area provides. It is considered that none of these properties will be negatively impacted by the proposed dwelling. Given

that 40 and 46 Nicholas Dr respectively are still vacant lots, there is not obvious building line in the area. The proposal meets relevant setbacks, to arguably reflect the anticipated separation between dwellings in the area.

To the east, there are three (3) rights of ways, providing more than 14 metres separation between properties. Shadow diagrams indicate that none of these properties will lose any sunlight to their living or open spaces, or any solar arrays from the proposed development. 40 Nicholas Dr is currently vacant, whilst 40A, 40B and 40C have either completed or under construction dwellings. These dwellings are orientated to the north and east. The latter is a long narrow dwelling with windows to the east and north. There are only bathroom (etc) dwellings in the western elevation, limiting visual impact by the proposed development. Whilst the floor level for the middle floor is the same as the floor level of the dwelling at 40C Nicholas drive, there is a 62 metres separation from the subject development, providing sufficient separation to enable the proposed structure not be a significant imposition in the panoramic views for that neighbouring dwelling.

40B Nicholas Dr, to the east has decks and living space looking over the subject site and to the north east. It is considered that views are directed to the river. Whilst the dwelling will be within the views of this neighbouring dwelling, the structure will be to the side and not directly within the views of this neighbour. There is a separation of more than 20 metres between the proposed and this neighbour.

40A Nicholas Dr is located to the east also. This dwelling has two decks on the north eastern and south eastern sides of the living space. Views look towards the north and east. Whilst the subject structure will be visible to this neighbour, it is not directly within the view shed of the living space in 40A Nicholas Dr. As well, it has more than 21 metres separation from the north eastern deck. This is considered sufficient to not dominate the views for this neighbour.

To the rear, 42 Nicholas Dr is located some 10 metres above the proposed dwelling. The shadow diagrams indicate minor shading from the proposed fencing along the mutual boundary, but this does not extend to the existing dwelling at 42 Nicholas Dr, its private open space or any solar arrays. That neighbour has a floor level some 5 metres above the roof level of the proposed dwelling. The visual impact of the proposal on this southern neighbour is considered minor and acceptable.

Finally there is a vacant lot on the eastern side of the subject site (46 Nichoas Dr). Shadow diagrams indicate that approximately 1/5th of the neighbouring site will be shaded at 9am. But there is be no further impact throughout the day on 21st June. This would allow more than the minimum 3 hours of sunlight on 21st June, complying with the overshadowing and shading requirements.

6.7.6 The proposal complies with the performance criterion.

6.8 General Residential zone - Privacy (north eastern deck) - D 10.4.2 P1

6.8.1 The acceptable solution at clause 10.4.6 A1 requires decks more than 1 metre above existing ground level to be set 3 metres off the boundary or screened.

6.8.2 The proposal includes a deck on the north eastern side of the dwelling with a floor height of more than 2 metres above existing ground level and 2.1 metres off the side boundary.

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

6.8.4 The performance criterion at clause 10.4.6 P1 provides as follows:

A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining property or its private open space; or*
- (b) another dwelling on the same site or its private open space.*

6.8.5 The closest property is vacant 40 Nicholas Dr. Separation between the proposed deck and the western boundary of 40 Nicholas Dr is more than 9 metres. Planning approval has been granted for a dwelling on 40 Nicholas Dr, but not yet constructed. Floor plans for that neighbouring property indicate that the decks and windows predominantly face north and east, with a pool along the (unconstructed) rights of way between the subject site and this neighbour. The 9 metre separation is considered acceptable in this instance as the deck for the proposed dwelling on 40 Nicholas Dr is located forward of the proposed dwelling the subject of this application and should not lose any rear privacy as a result of the

proposed deck on the subject site. The separation is considered to be an acceptable design feature in this instance.

6.8.6 The proposal complies with the performance criterion.

6.9 Parking and Access Code - Number of Parking Spaces - E6.6.1 P1

6.9.1 The acceptable solution at clause 6.6.1 requires development to be no more or less than the standards in Table 6.1. That table requires two (2) parking spaces for a Single Dwelling.

6.9.2 The proposal includes four (4) parking spaces.

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

6.9.4 The performance criterion at clause E6.6.1 P1 provides as follows:

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

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking*

for the land;

(k) any relevant parking plan for the area adopted by Council;

(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;

(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.

- 6.9.5 The application was referred to Council's Development Engineer, who advised the following;

The parking number assessment must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).

Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.6.1 (a) and as such, shall be assessed under Performance Criteria.

Acceptable solution - A1: - NON COMPLIANT

The number of on-site car parking spaces must be:

(a) no less than and no greater than the number specified in Table E6.1;

- Submitted documentation does not satisfy this requirement, a surplus of four (4) car parking spaces proposed.

Performance Criteria - P1:

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

(a) car parking demand; - The empirical parking assessment indicates that the provision of 2 on-site car parking spaces will sufficiently meet the likely demands associated with the development, with the exception of onsite visitor parking.

(b) the availability of on-street and public car parking in the locality; -N/A surplus proposed

(c) the availability and frequency of public transport within a 400m walking

distance of the site; -N/A surplus proposed

(d) the availability and likely use of other modes of transport; - N/A surplus proposed

(e) the availability and suitability of alternative arrangements for car parking provision; - No alternative parking provision is available or considered necessary.

(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces; - Not applicable.

(g) any car parking deficiency or surplus associated with the existing use of the land; - Not applicable.

(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site; - Not applicable.

(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity; - Not applicable.

(j) any verified prior payment of a financial contribution in lieu of parking for the land; - Not applicable.

(k) any relevant parking plan for the area adopted by Council; - Not applicable.

(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code; - Not applicable;. and

(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code. - No impact.

Based on the above assessment and given the submitted documentation, the parking provision may be accepted under Performance Criteria P1:E6.6.1 of the Planning Scheme. This is due to a surplus being proposed.

6.9.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for a Dwelling and Front Fencing at 44 NICHOLAS DRIVE SANDY BAY TAS 7005.
- 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, Environmental Development Planner, Stormwater Officer, Open Space Planner and Manager of Surveying. The officers have raised no objection to the proposal, subject to conditions.

The layout of the dwelling shows the master bedroom, guest suite and upper floor all having the potential to be individually occupied. The applicant has indicated that this is not the intention for the proposal. The Applicant has confirmed that the building will be used as a single dwelling only. Conditions will be imposed on the permit accordingly to limit use to a single dwelling only.

As well, a condition is imposed to ensure that the proposed gate across the driveway of 42 Nicholas Dr is accessible by that neighbour at all times, given that the proposed gate is on that neighbouring property.

- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Dwelling and Front Fencing at 44 NICHOLAS DRIVE SANDY BAY TAS 7005 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 a Dwelling and Front Fencing at 44 NICHOLAS DRIVE SANDY BAY TAS 7005 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-22-818 44 NICHOLAS DRIVE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/01997-HCC dated 21/02/2023 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

Approval is for one (1) single dwelling only. The guest bedroom, study and main bedroom are not approved for separate occupation from the dwelling.

Reason for condition

To ensure compliance with the definition for Single Dwelling under the *Hobart Interim Planning Scheme 20215*.

PLN s2

The study is not approved for any commercial or non residential use.

Reason for condition

The floor area of the study is too big to be used as a Home Based Business without application for and granting of an additional planning permit.

PLN s3

The owners of the subject site must provide the owners of 42 Nicholas Dr with opening devices for the proposed sliding gate on the access driveway and Right of Way to ensure that 42 Nicholas Dr has unimpeded access along the shared Right of Way at all times.

Reason for condition

To ensure that the Right of Way is not blocked at any time for all parties with Rights of Way over the shared access.

ENG sw1

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

Advice:

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

Reason for condition

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

SW 9

A stormwater management report and design must be submitted .The stormwater management report and design must be prepared by a suitably qualified engineer and must:

- 1. 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;
2. 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.

ENG 2b

Further detailed designs are required for the proposed vehicle barriers shown on INARDI PTY LTD 44 Nicholas Drive, Sandy Bay, Job No. 2194, Drawing DA22 - Amendment 7 dated 08/02/23 (received by Council on the 15th of February 2023).

This documentation must be submitted and approved as a condition endorsement, prior to the issuing of any approval under the

The detailed designs must:

1. be prepared and certified by a suitably qualified engineer;
2. be in accordance with the Australian Standard AS/NZS 1170.1:2002, if possible; and
3. show [dimensions, levels, gradients & transitions], and other details as Council deem necessary to satisfy the above requirement.

The vehicle barriers must be installed in accordance with the approved detailed designs prior to first occupation.

Advice:

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

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 2c

Prior to the first occupation, a suitably qualified engineer must certify that the vehicle barriers have been installed in accordance design drawings approved by Condition ENG 2b.

Advice:

An example certificate is available on our [website](#).

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the relevant standards.

ENG 3a

The access driveway and parking area must be constructed in accordance with the following documentation which forms part of this permit: INARDI PTY LTD, 44 Nicholas Drive, Sandy Bay, Job No. 2194, Drawing DA22 - Amendment 7 dated 08/02/23 (received by Council on the 15th of February 2023).

Any departure from that documentation and any works which are not detailed in the documentation must be either:

- (a) approved by the Director City Life, via a condition endorsement application; or**
- (b) designed and constructed in accordance with Australian Standard AS/NZ 2890.1:2004.**

The works required by this condition must be completed prior to first occupation.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

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 _____ 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.

OPS 1

Use of the City of Hobart's land at 38B Nicholas Drive, for access into 44 Nicholas Drive, is approved on the condition that vehicle access to the reserve is not restricted or impeded.

Reason for condition

To ensure access to Council's neighbouring reserve Bicentennial Park (PID 7713353).

ADVICE

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

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

CONDITION ENDORSEMENT

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

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.



(Victoria Maxwell)

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 9 May 2023

Attachment(s):

Attachment B - Planning Committee Agenda Documents



Submission to Planning Authority Notice

Council Planning Permit No.	PLN-22-818	Council notice date	7/12/2022
TasWater details			
TasWater Reference No.	TWDA 2022/01997-HCC	Date of response	21/02/2023
TasWater Contact	Ethar Rababah	Phone No.	0499 860 609
Response issued to			
Council name	CITY OF HOBART		
Contact details	coh@hobartcity.com.au		
Development details			
Address	44 NICHOLAS DR, SANDY BAY	Property ID (PID)	2916020
Description of development	New Dwelling		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
LINARD DESIGN	Proposed Site Plan/DA 02	7	08/02/2023
Conditions			
SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
CONNECTIONS, METERING & BACKFLOW			
<ol style="list-style-type: none"> 1. A suitably sized water supply with metered connection and sewerage system and connection to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 3. Prior to commencing construction use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. 			
DEVELOPMENT ASSESSMENT FEES			
<ol style="list-style-type: none"> 4. The applicant or landowner as the case may be, must pay a development assessment fee of \$226.71 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater. 			
Advice			
General			
For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards			
For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form			



<p>Service Locations</p> <p>Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.</p> <p>(a) A permit is required to work within TasWater’s easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.</p> <p>(b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies.</p> <p>(c) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.</p>			
<p>56W Consent</p> <p>The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) will need to show footings of proposed buildings located over or within 2.0m from TasWater pipes and will need to be designed by a suitably qualified person to adequately protect the integrity of TasWater’s infrastructure, and to TasWater’s satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater’s pipes. These plans will need to also include a cross sectional view through the footings which clearly shows;</p> <p>(a) Existing pipe depth and proposed finished surface levels over the pipe;</p> <p>(b) The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;</p> <p>(c) A note on the plan indicating how the pipe location and depth were ascertained.</p> <p>(d) The location of the property service connection and sewer inspection opening (IO).</p>			
<p>Declaration</p>			
<p>The drawings/documents and conditions stated above constitute TasWater’s Submission to Planning Authority Notice.</p>			
<p>TasWater Contact Details</p>			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

Planning #270122

Property

44 NICHOLAS DRIVE SANDY BAY TAS 7005



People

Applicant *
Ernest Lotter
30 Shepherd Street
SANDY BAY TAS 7005
0459 192 093
elotter@gmail.com

Owner *
Ernest Lotter
30 Shepherd Street
SANDY BAY TAS 7005
0459 192 093
elotter@gmail.com

Owner *
Anelda Lotter
30 Shepherd Street
SANDY BAY TAS 7005
0459 192 093
elotter@gmail.com

Entered By
MARCO LINARDI
0417878723
linardi@bigpond.com

Use

Single dwelling

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. *
 No

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

number of signs under Other Details below. *

No

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

Details

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

Vacant

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

New Dwelling & Garage

Estimated cost of development *

2500000.00

Existing floor area (m2)

0.00

Proposed floor area (m2)

887.20

Site area (m2)

1639

Carparking on Site

Total parking spaces

4

Existing parking spaces

0

N/A

Other (no selection chosen)

Other Details

Does the application include signage? *

No

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

0

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

No

Documents

Required Documents

Title (Folio text and Plan and 44 Nicholas Drive Sandy Bay - CT 155938-2.pdf
 Schedule of Easements) *

Plans (proposed, existing) * Lotter DA 2022-12-02.pdf



23 December 2022

General Manager
City of Hobart
GPO Box 503
Hobart TAS 7001

Dear General Manager

Proposed Development at 44 Nicholas Drive, Sandy Bay - PLN 22-818

Further to the RFI letter received from HCC Planning department dated 16 November 2022 re DA - PLN 22-818, we hereby request permission to access HCC owned land at 38A Nicholas Drive, Sandy Bay required as access to the proposed development at 44 Nicholas Drive Sandy Bay being a change of use from vacant lot to proposed residence. Please refer to plans submitted in DA.

Regards

Marco Linardi
Director
Linardi Pty Ltd

A handwritten signature in black ink, appearing to read "Marco Linardi".

For and on behalf of land owners
Ernest and Anelda Lotter

1



23 December 2022

Mr Ben Ikin
Senior Statutory Planner
City of Hobart
GPO Box 503
Hobart TAS 7001

Dear Ben

Proposed Development at 44 Nicholas Drive, Sandy Bay - PLN 22-818

Further to the RFI letter received from HCC Planning department dated 16 November 2022 re DA - PLN 22-818, this is to confirm that neighbors at 40C and 42 Nicholas Drive, Sandy Bay have been notified in respect to the proposed development.

In regards to PLN Fi1 this is to confirm that the proposed development is not to be used as multiple dwelling, ancillary dwelling nor visitor accommodation but as the family home for the owners Ernest and Anelda Lotter.

The guest bedroom on Ground level is to be used by Ernest and Anelda's parents who will be visiting regularly from South Africa. The bar is intended as a cold drink, coffee and tea making facility and not for cooking.

The Bedroom 1 on Level 1 is the parents retreat with bar facility.

The only internal cooking facility will be the Kitchen on Level 1.

In regards to the proposed gate at the top of ROW and entrance to No 42 and 44, an agreement has been reached in principle between the two owners to share an electronically controlled gate system that would be used and controlled mutually for security to both properties.

Regards

Marco Linardi
Director
Linardi Pty Ltd

A handwritten signature in black ink, appearing to read "Marco Linardi".

For and on behalf of land owners
Ernest and Anelda Lotter

1

PROPOSED RESIDENCE 44 NICHOLAS DRIVE, SANDY BAY

SHEET	DRAWING
DA 01	CONTENTS
DA 02	SITE PLAN
DA 02 A	CT PLAN
DA 03	GROUND LEVEL FLOOR PLAN
DA 04	LEVEL 1 FLOOR PLAN
DA 05	LEVEL 2 FLOOR PLAN
DA 06	DRIVEWAY PLAN
DA 07	PROPOSED ELEVATIONS
DA 08	PROPOSED ELEVATIONS
DA 09	PROPOSED ELEVATIONS
DA 10	PROPOSED ELEVATIONS
DA 11	SHADOW DIAGRAMS WINTER SOLSTICE
DA 12	SHADOW DIAGRAMS WINTER SOLSTICE
DA 13	SHADOW DIAGRAMS WINTER SOLSTICE
DA 14	SHADOW DIAGRAMS EQUINOX
DA 15	SHADOW DIAGRAMS EQUINOX
DA 16	SHADOW DIAGRAMS EQUINOX
DA 17	SHADOW DIAGRAMS SUMMER SOLSTICE
DA 18	SHADOW DIAGRAMS SUMMER SOLSTICE
DA 19	SHADOW DIAGRAMS SUMMER SOLSTICE
DA 20	BUILDING ENVELOPE IMAGES
DA 21	BUILDING ENVELOPE IMAGES
DA 22	DRIVEWAY PLAN & SECTION
DA 23	DRIVEWAY PLAN & SECTION
DA 24	DRIVEWAY TURNING
DA 25	SW & SERVICES PLAN
DA 26	SW & SERVICES NOTES
DA 27 - 33	IMAGES

AMENDMENT	DATE	DETAILS
4	20/12/22	MOVED SIGNWALL AWAY FROM SERVICES
5	09/01/23	ADDED CT PLAN AND SITE PLAN NOTES
6	18/01/23	DRIVEWAY SECTION & SW & SERVICES PLAN AND NOTES
7	08/02/23	AMENDMENTS ADDRESSING HCC RFI LETTER 2023 02 02

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 01

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 w. linardidesign.com
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44 NICOLAS DRIVE, SANDY BAY TAS, 7005
SITE INFORMATION

CERTIFICATE OF TITLE C.T.155938 / 2

AREAS: M²
SITE 1630

SITE COVER 603.4
SITE COVERAGE 42.1%

PROPOSED FLOOR AREAS
LIVING GROUND LEVEL 276.0
LIVING LEVEL 1 330.7
LIVING LEVEL 2 116.2
GROUND LEVEL STORAGE 49.3
GARAGE / LEVEL 1 STORAGE 115.0
TOTAL 887.2

EXTERNAL AREAS
GROUND LEVEL 137.5
LEVEL 1 109.3
LEVEL 2 47.6
JACUZZI 11.3
CARPORT 37.2
TOTAL 341.0

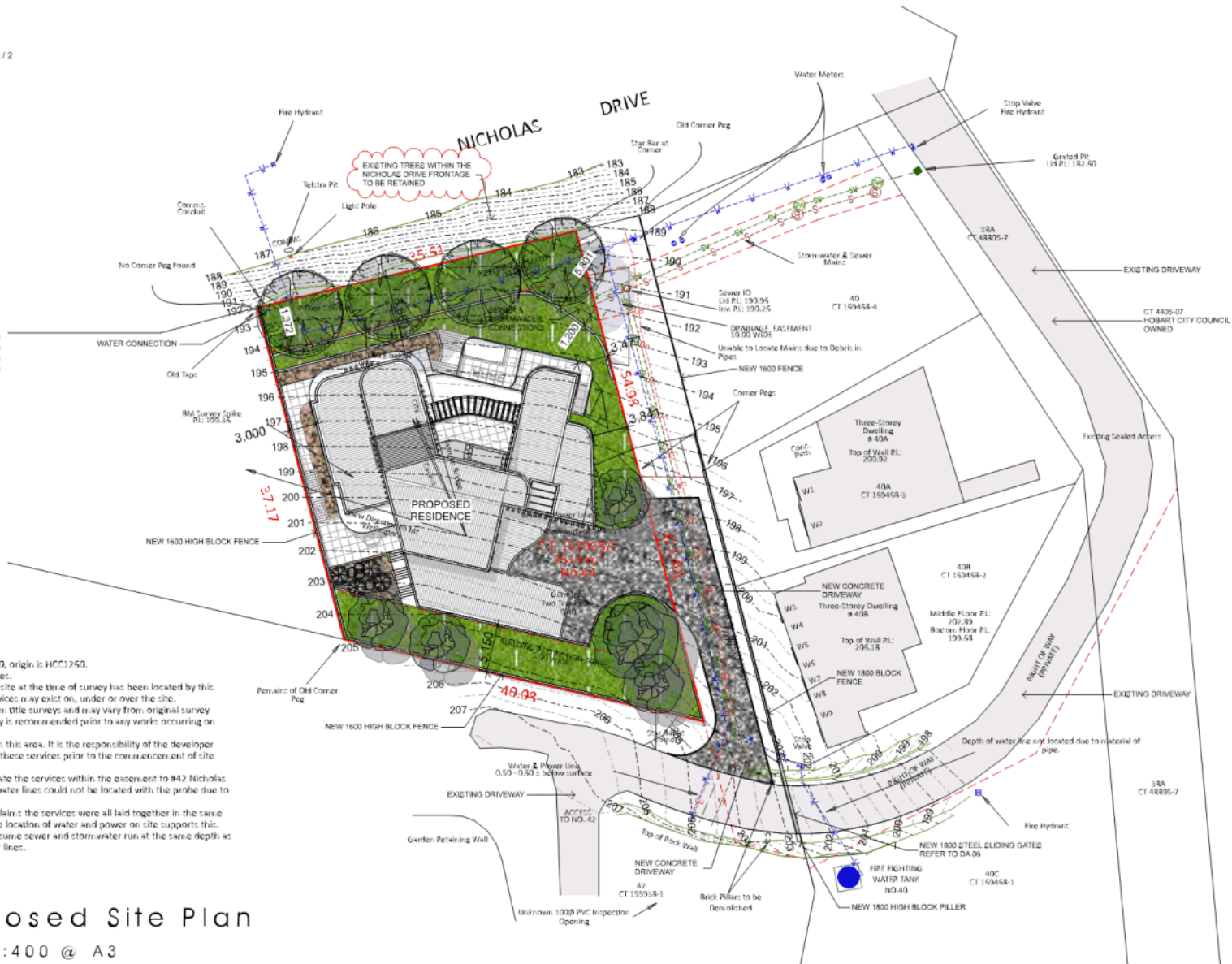
TOTAL AREA 1229.1

FINISHED FLOOR LEVELS
GROUND LEVEL RL 106.900
LEVEL 1 RL 200.400
LEVEL 2 RL 203.700
GARAGE RL 200.350

KEY

- S-S- SERVICES - EX DN150 UPVC SEWER
- SW-SW- SERVICES - EX DN 150 STORMWATER
- W-W- SERVICES - DICL WATER MAIN
- E-E- SERVICES - ELECTRICAL

- NOTE:**
- Level Datum is AHD.
 - Horizontal Datum is GDA2020, origin is HCC1250.
 - Contour Interval is 0.50 metres.
 - Only that detail apparent on site at the time of survey has been located by this plan. Other features and services may exist on, under or over the site.
 - Boundaries are compiled from title surveys and may vary from original survey dimensions. A Remark Survey is recommended prior to any works occurring on or near the boundaries.
 - Underground services exist in this area. It is the responsibility of the developer to determine the location of these services prior to the commencement of site works.
 - Archives were engaged to locate the services within the easement to #42 Nicholas Drive. The sewer and storm water lines could not be located with the probe due to debris in the pipes.
 - Tony McIntyre (owner #42) claims the services were all laid together in the same trench at a similar depth. The location of water and power on site supports this. Therefore it may be safe to assume sewer and storm water run at the same depth as the located water and power lines.



Proposed Site Plan
Scale 1:400 @ A3



2194

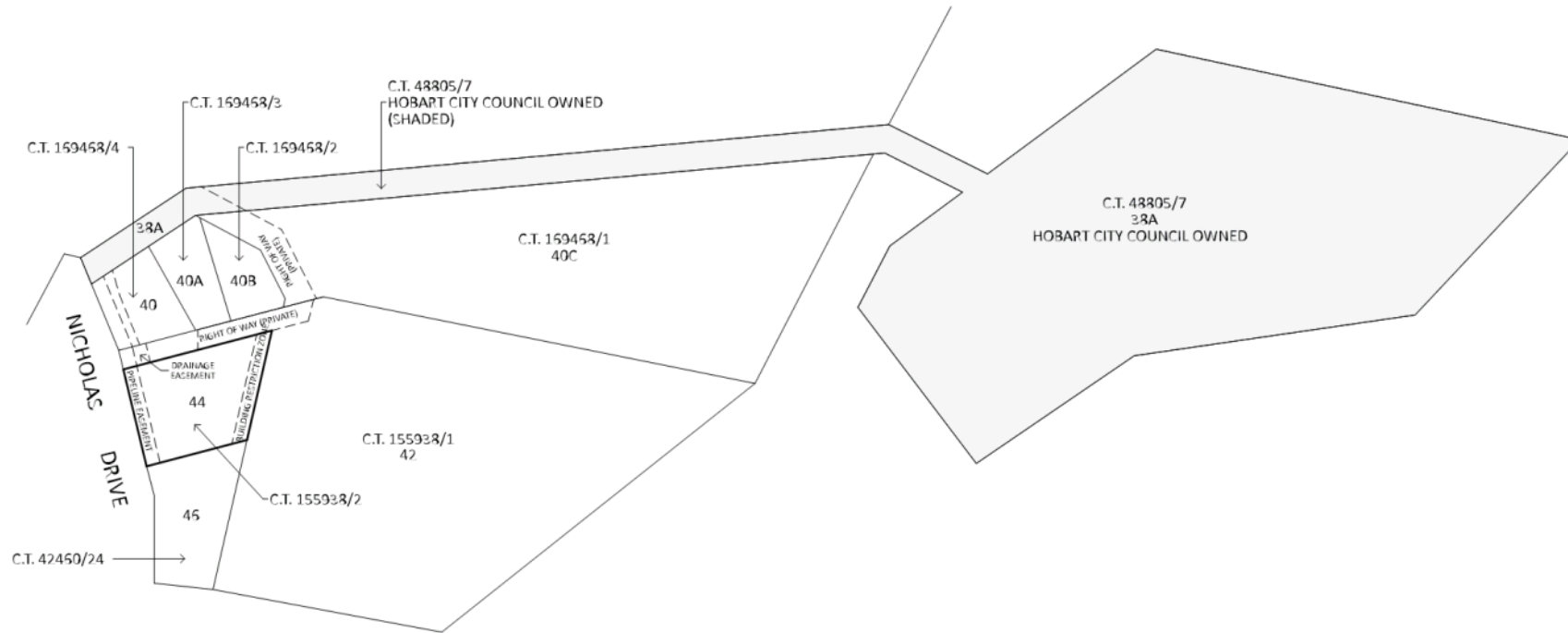
AMENDMENT	DATE	DETAILS
4	20/1/22	MOVED STONEWALL AWAY FROM SERVICES
5	09/01/23	ADDED CT PLAN AND SITE PLAN NOTES
6	18/01/23	DRIVEWAY SECTIONS & SW & SERVICES PLAN AND NOTES
7	08/02/23	AMENDMENTS ADDRESSING HCC RFI LETTER 2023-02-02

PROPOSED RESIDENCE
FOR ERNEST & ANELDA LOTTER
44 NICOLAS DRIVE, SANDY BAY
JOB NO. 2194

DA 02

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w. lhardydesign.com
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CT Plan

Scale 1:1500 @ A3



AMENDMENT	DATE	DETAILS
5	09/01/23	ADDED CT PLAN AND SITE PLAN NOTES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 02A

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Proposed Ground Level Floor Plan
 Scale 1:200 @ A3

2194



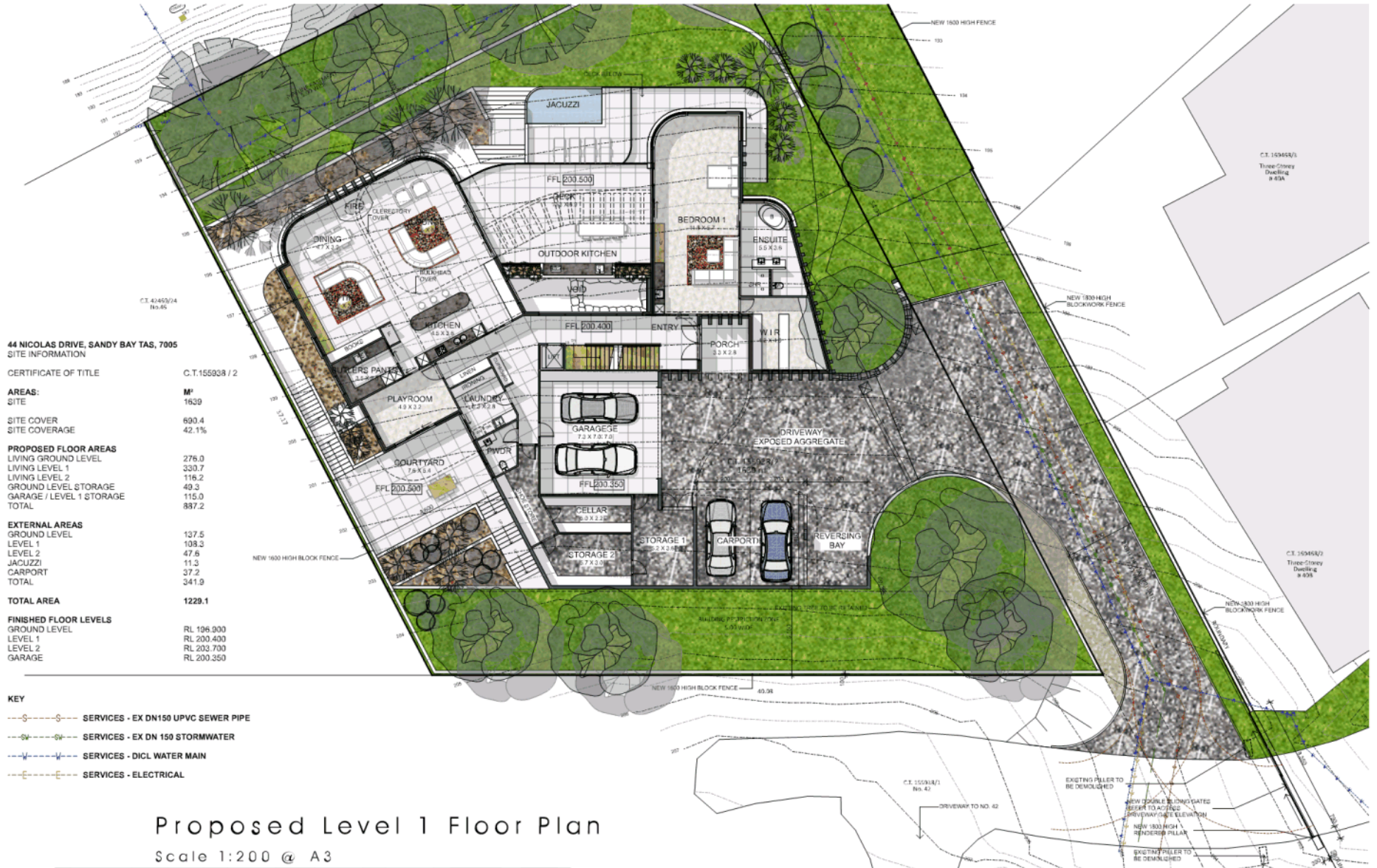
AMENDMENT	DATE	DETAILS
3	02/12/22	DA ISSUE
4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
6	18/01/23	DRIVEWAY SECTION & SW & SERVICES PLAN AND NOTES
7	08/02/23	AMENDMENTS ADDRESSING HCC RPI LETTER 2023-02-02

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 03

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2194

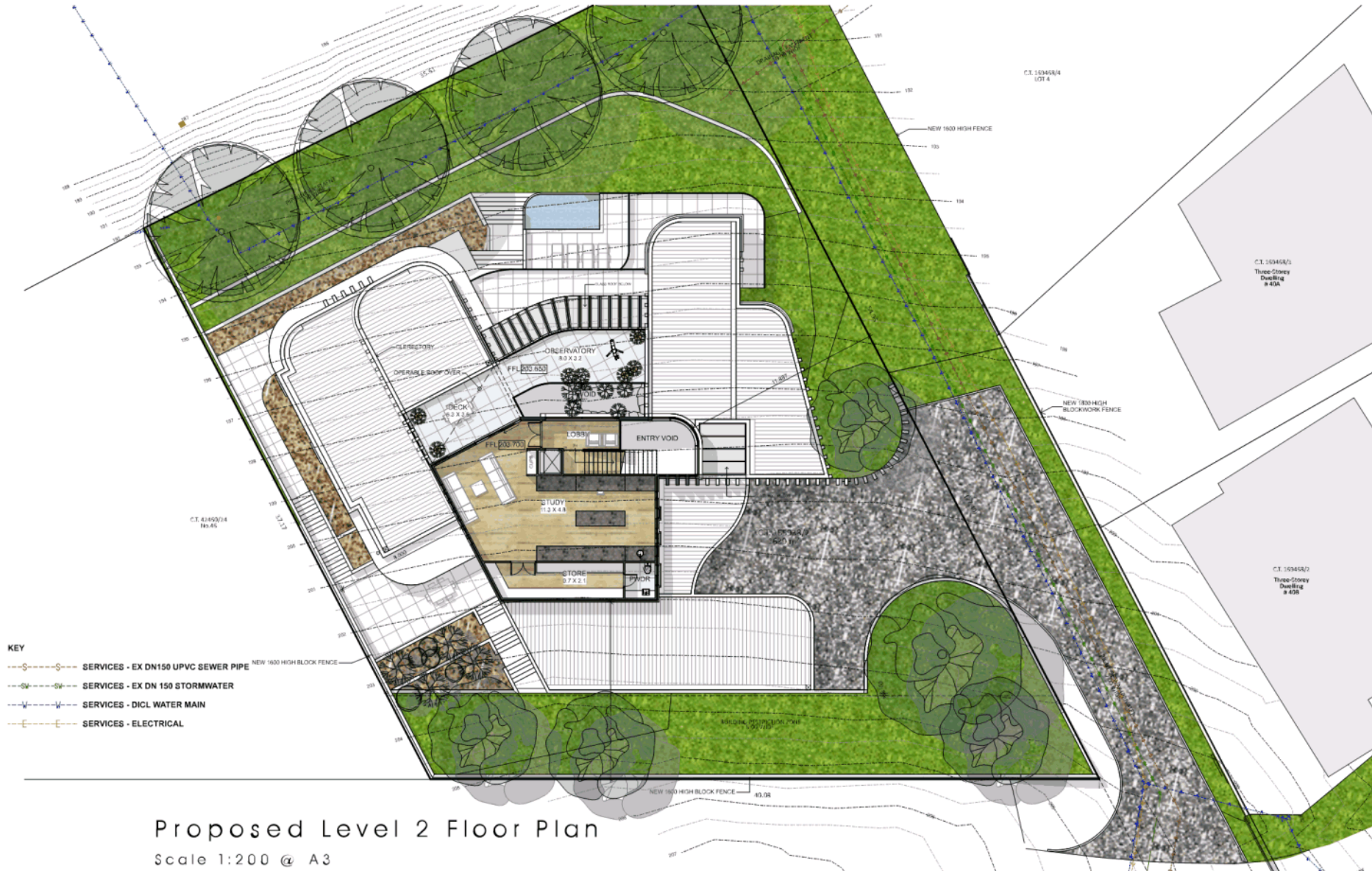
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3	02/12/22	DA EQU
4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
6	12/01/23	DRIVEWAY SECTIONS & DW & SERVICES PLAN AND NOTES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 04

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Proposed Level 2 Floor Plan
 Scale 1:200 @ A3

2194



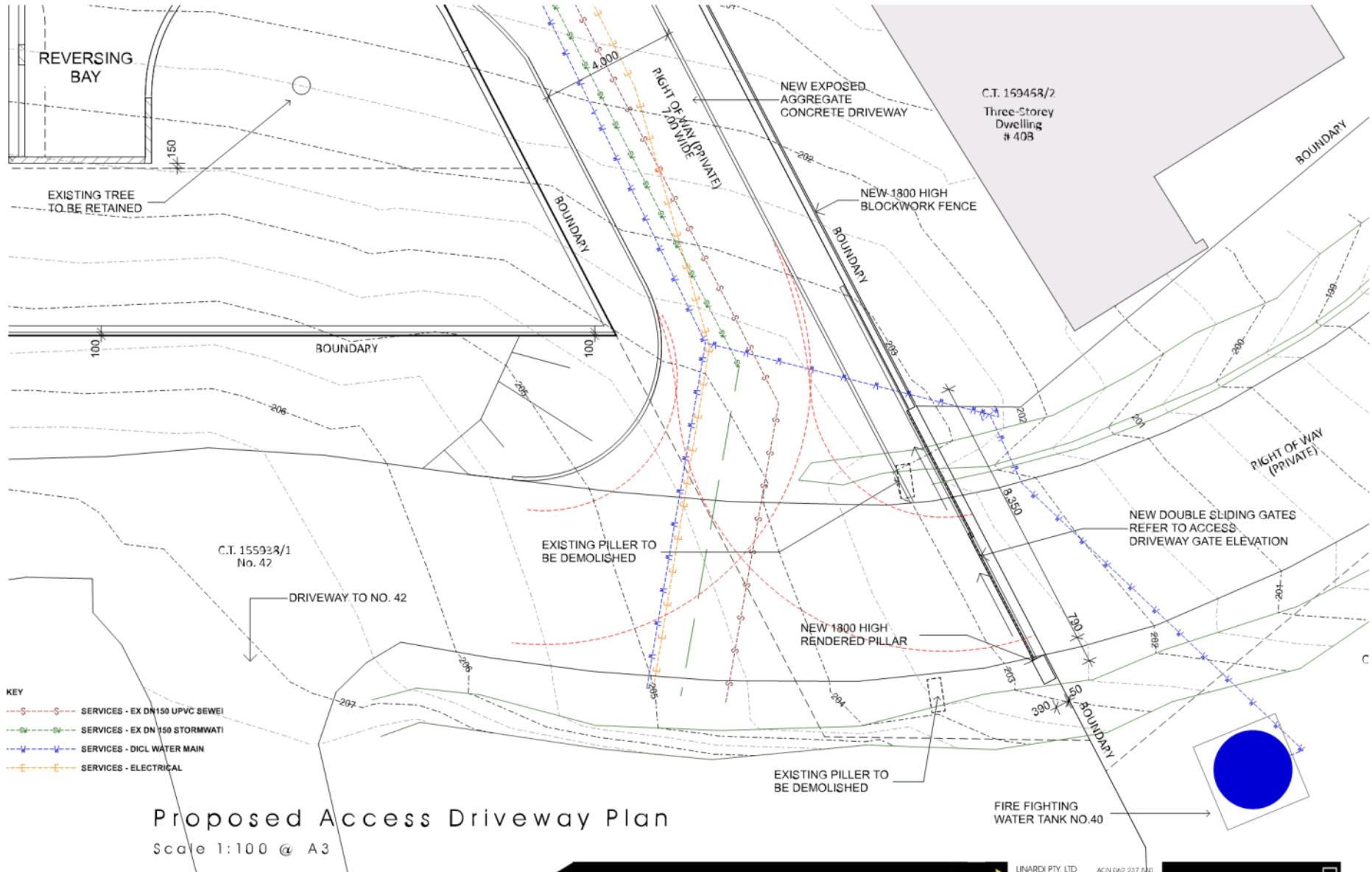
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3	02/12/22	DA EQU
4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
6	12/01/23	DRIVEWAY SECTIONS & DW & SERVICES PLAN AND NOTES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 05

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Proposed Access Driveway Plan
 Scale 1:100 @ A3

2194



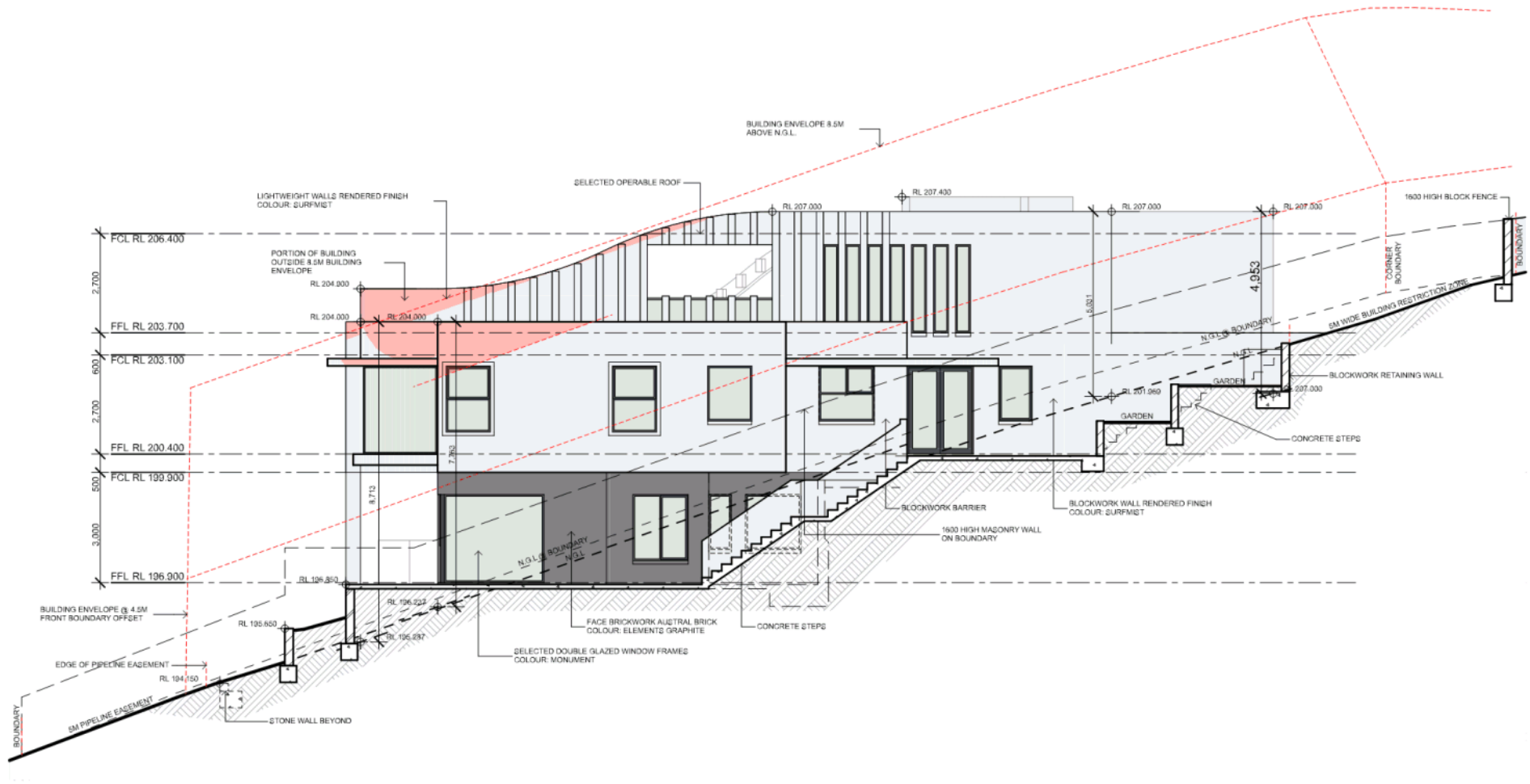
AMENDMENT	DATE	DETAILS
1	04/10/22	SCHEMATIC DESIGN
2	26/11/22	DA DESIGN DRAFT
3	02/12/22	DA ISSUE
4	20/12/22	MOVED SIGNWALL AWAY FROM SERVICES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 06

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Proposed West Elevation
 Scale 1:100 @ A3

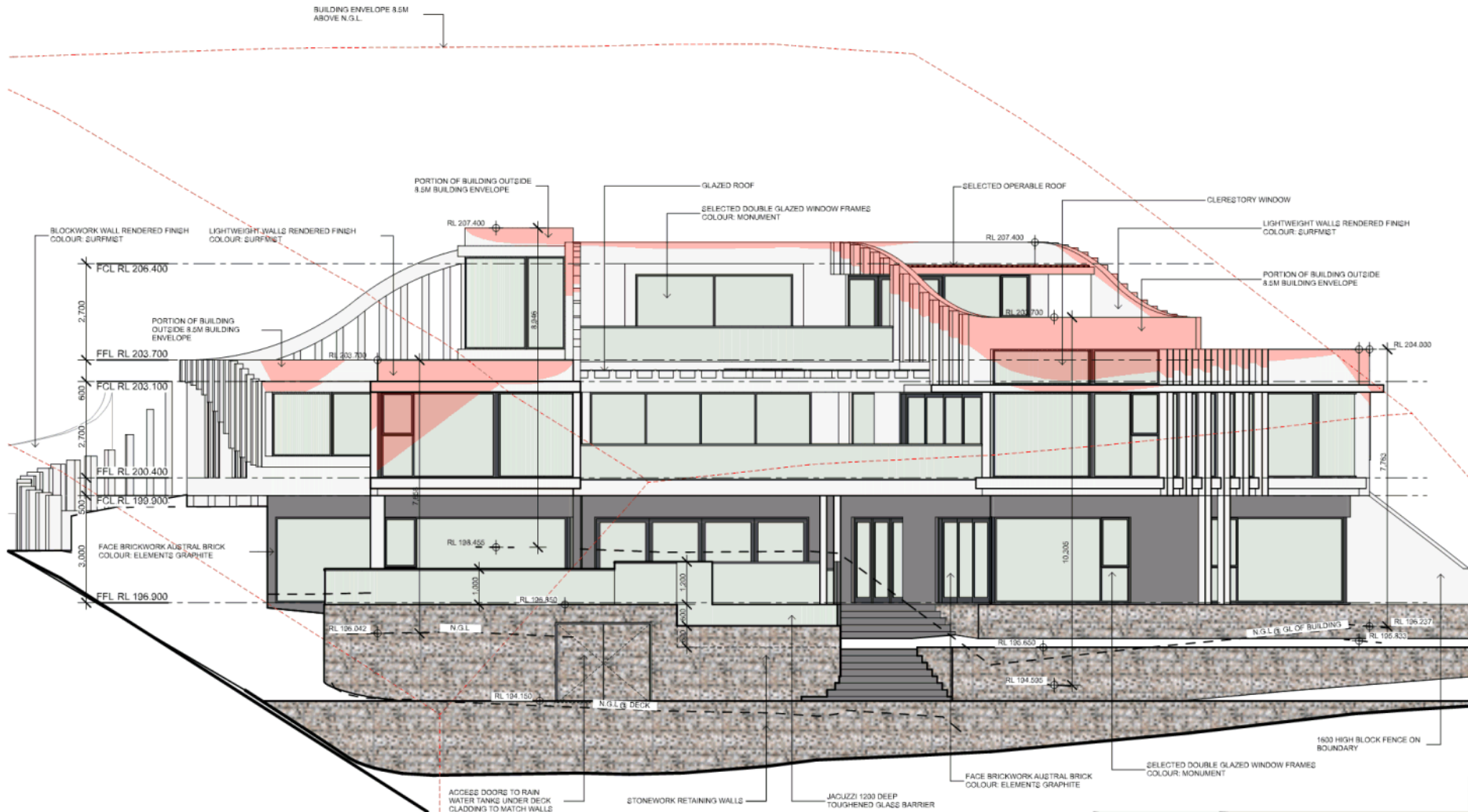
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3	02/12/22	DA EQU
4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 07

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Proposed North East Elevation

Scale 1:100 @ A3

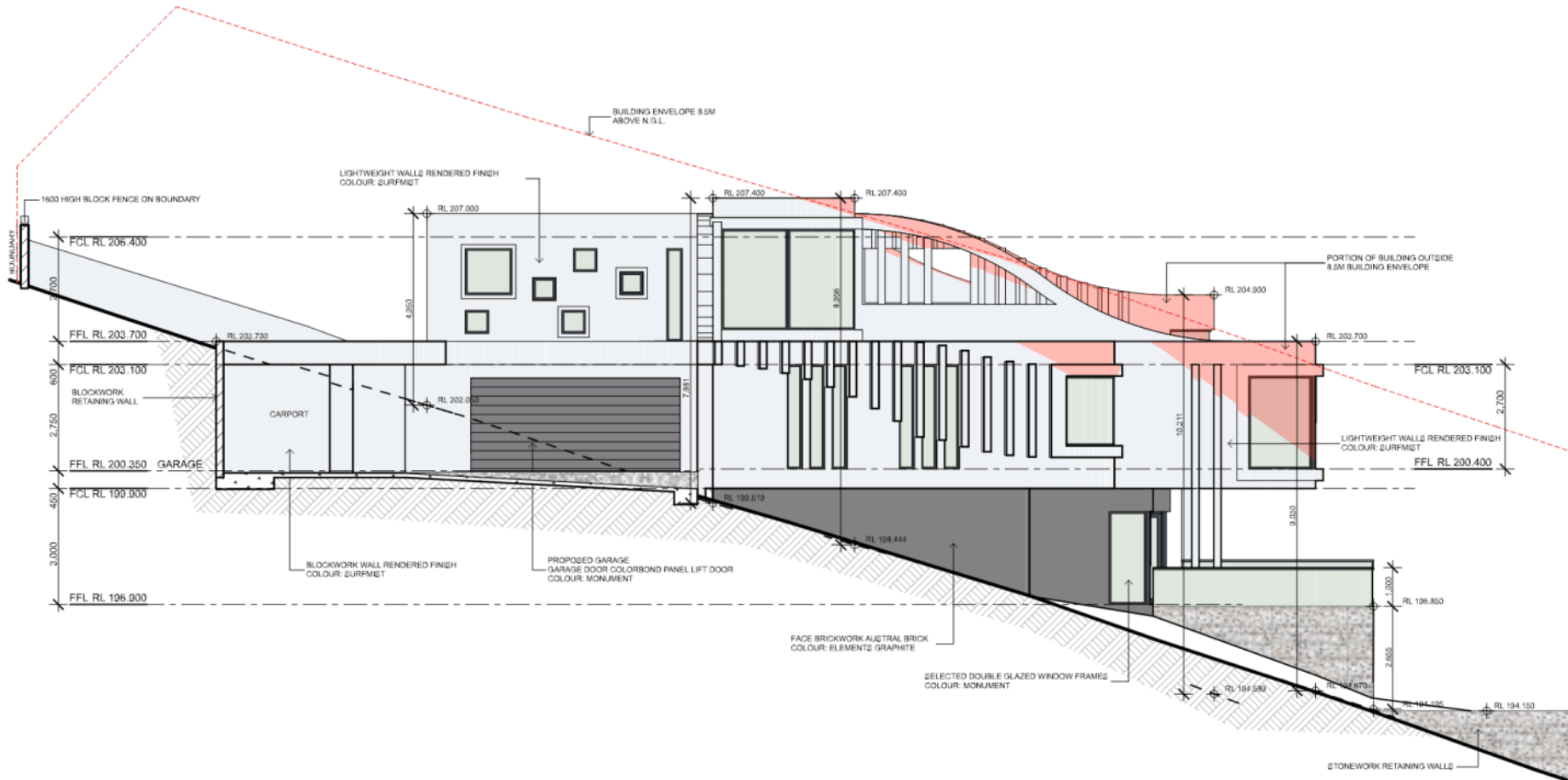
AMENDMENT	DATE	DETAILS
2	26/11/22	DA DESIGN DRAFT
3	02/12/22	DA ISSUE

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 08

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Proposed East Elevation
 Scale 1:100 @ A3

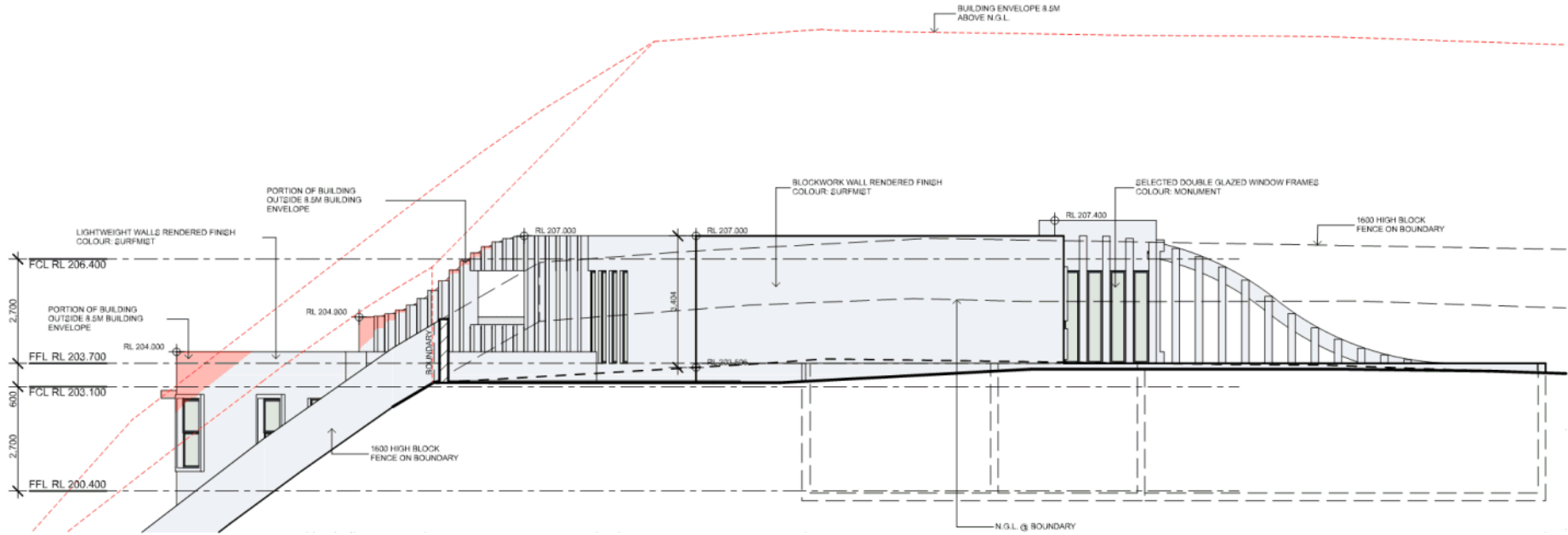
AMENDMENT	DATE	DETAILS
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3	02/12/22	DA ISSUE

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 09

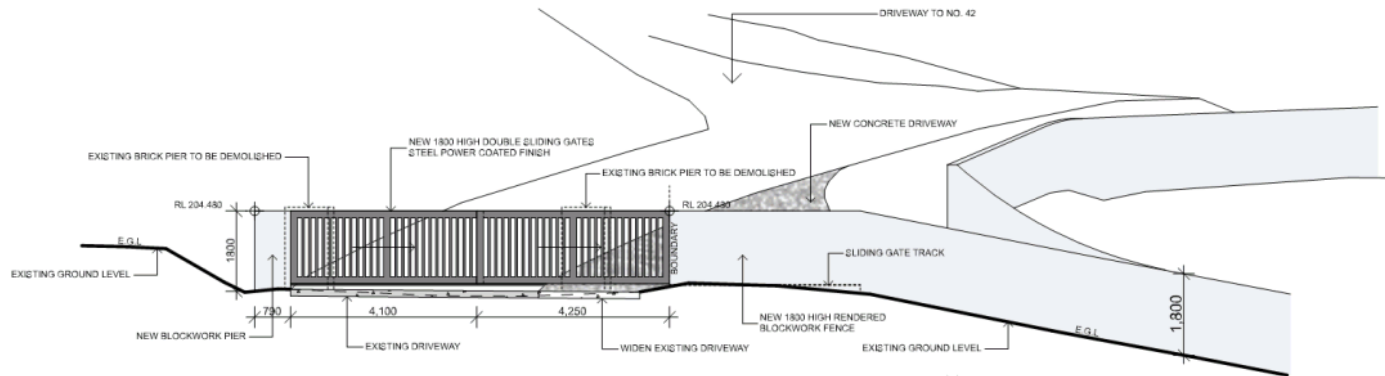
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Proposed South Elevation

Scale 1:100 @ A3



Proposed Access Driveway Gate Elevation

Scale 1:100 @ A3

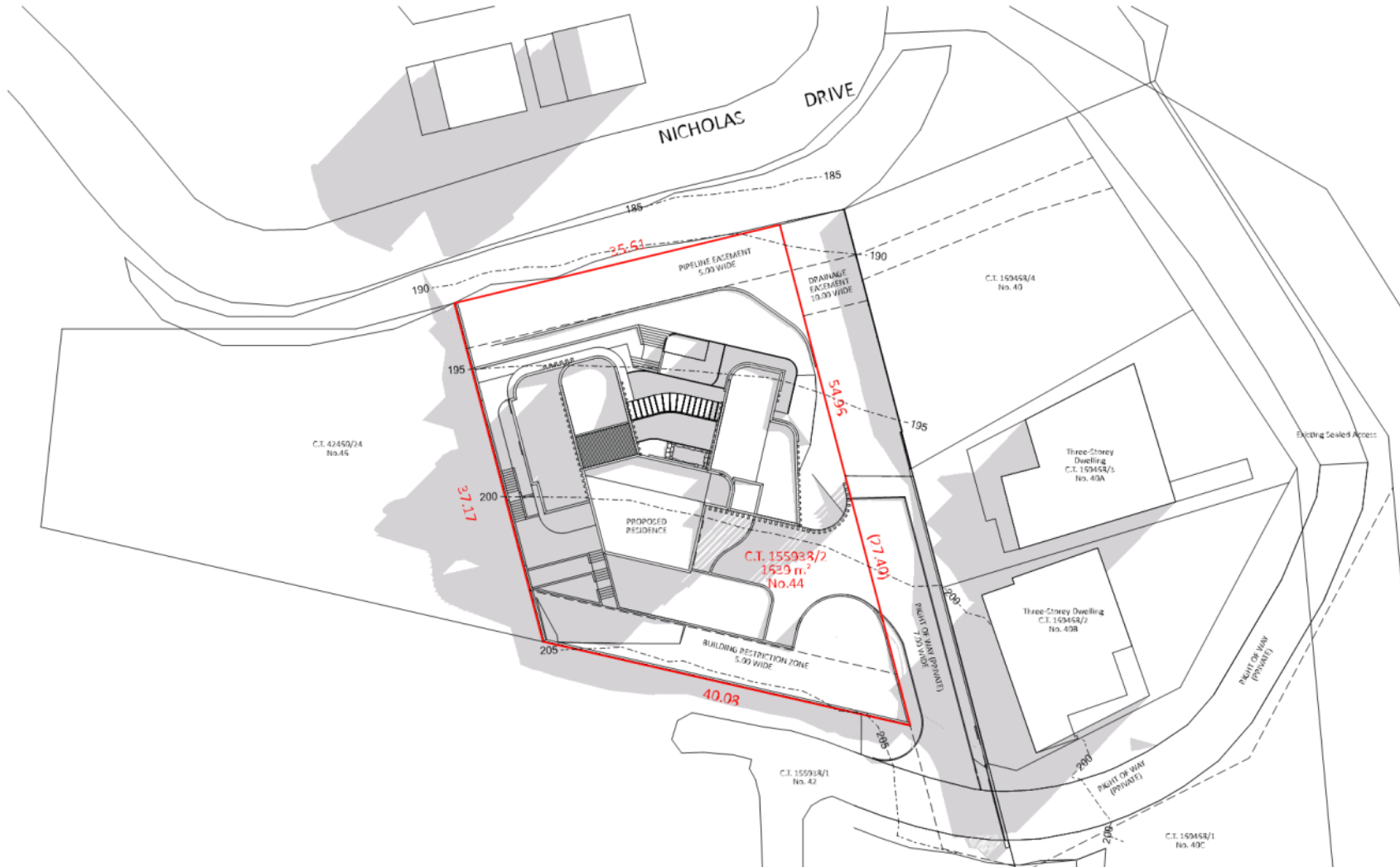
AMENDMENT	DATE	DETAILS
2	26/11/22	DA DESIGN DRAFT
3	02/12/22	DA ISSUE

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 10

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Proposed - Winter Solstice June 22 - 9am

Shadow Diagrams

Scale 1:400 @ A3



2194

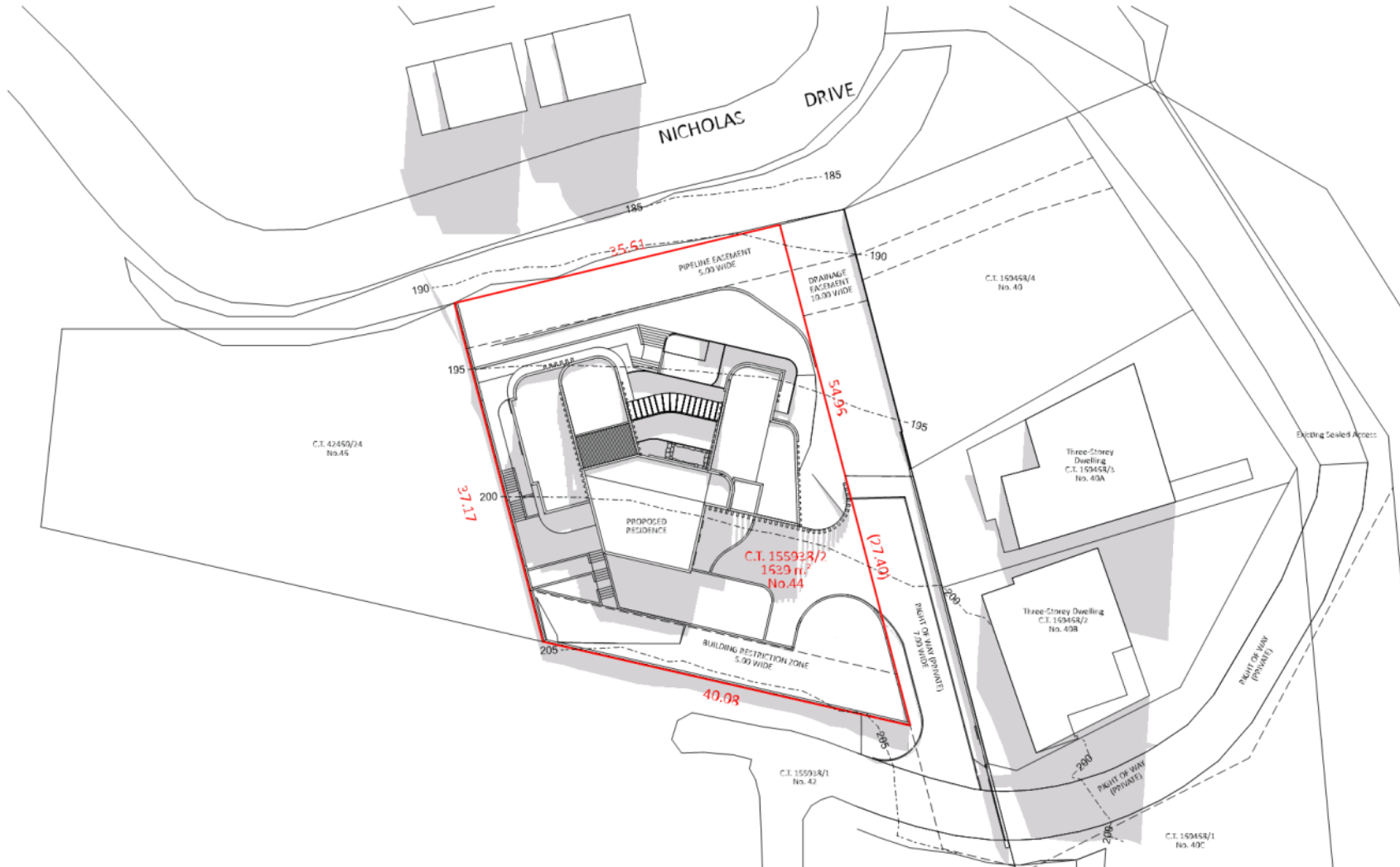
AMENDMENT	DATE	DETAILS
2	26/11/22	DA DESIGN DRAFT
3	02/12/22	DA EQU
4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
6	12/01/23	DRIVEWAY SECTIONS & DW & SERVICES PLAN AND NOTICES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 11

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Proposed - Winter Solstice June 22 - 12pm

Shadow Diagrams

Scale 1:400 @ A3



2194

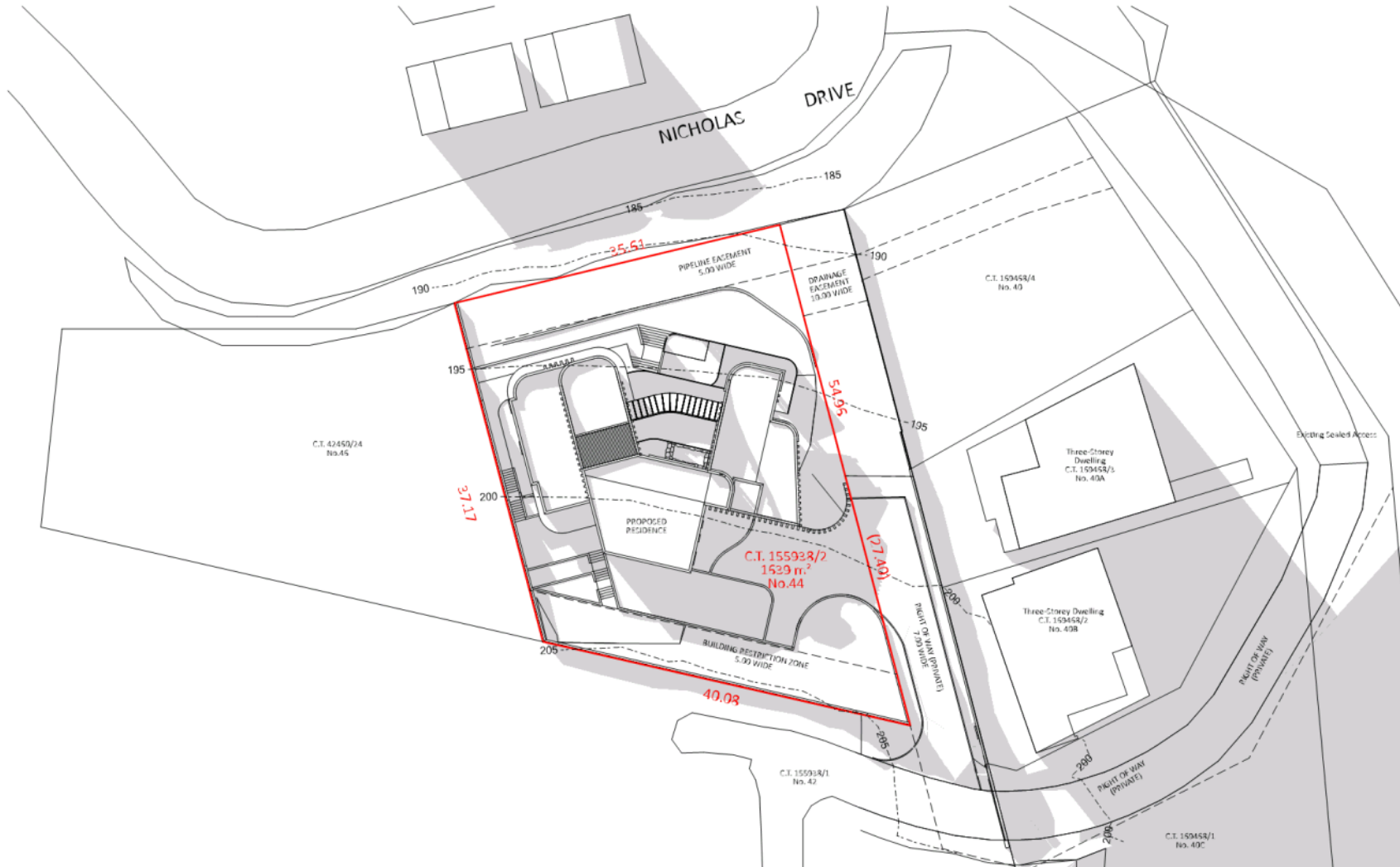
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3	02/12/22	DA EQU
4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
6	12/01/23	DRIVEWAY SECTIONS & DW & SERVICES PLAN AND NOTICES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 12

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Proposed - Winter Solstice June 22 - 3pm

Shadow Diagrams

Scale 1:400 @ A3



2194

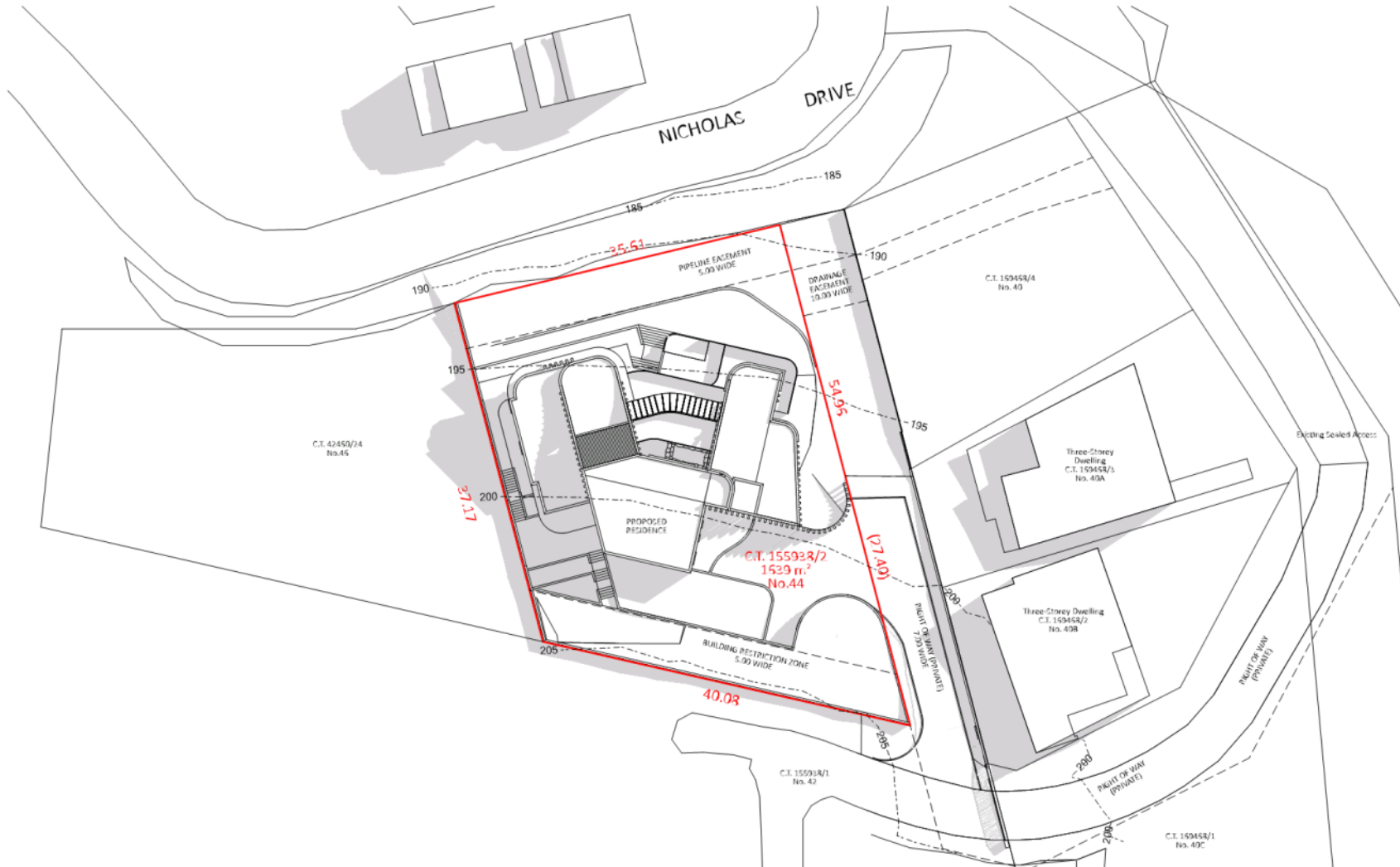
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4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
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PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 13

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Proposed - Equinox September 23 - 9am

Shadow Diagrams

Scale 1:400 @ A3



2194

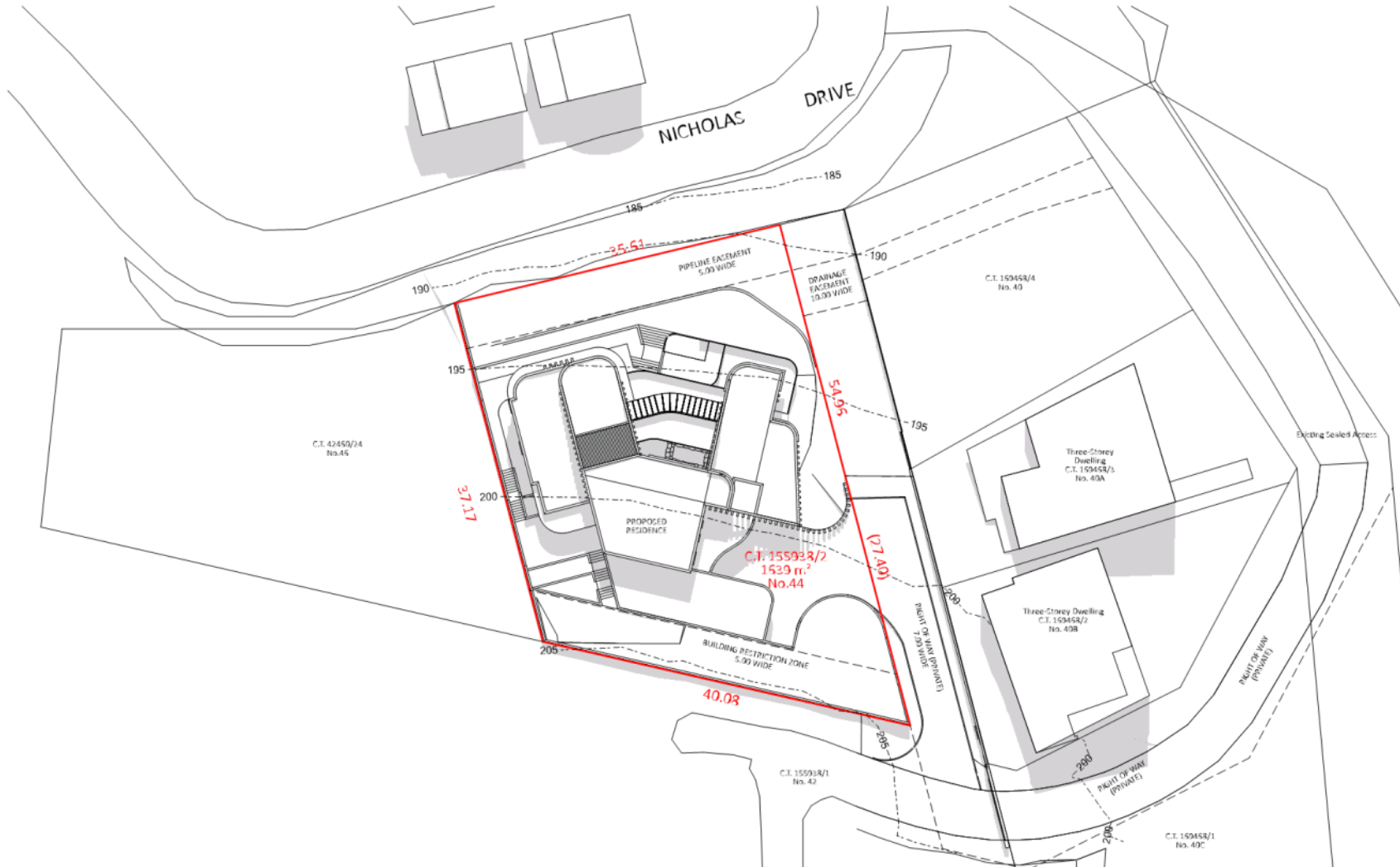
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4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
6	12/01/23	DRIVEWAY SECTIONS & DW & SERVICES PLAN AND NOTICES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 14

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Proposed - Equinox September 23 - 12pm

Shadow Diagrams

Scale 1:400 @ A3



2194

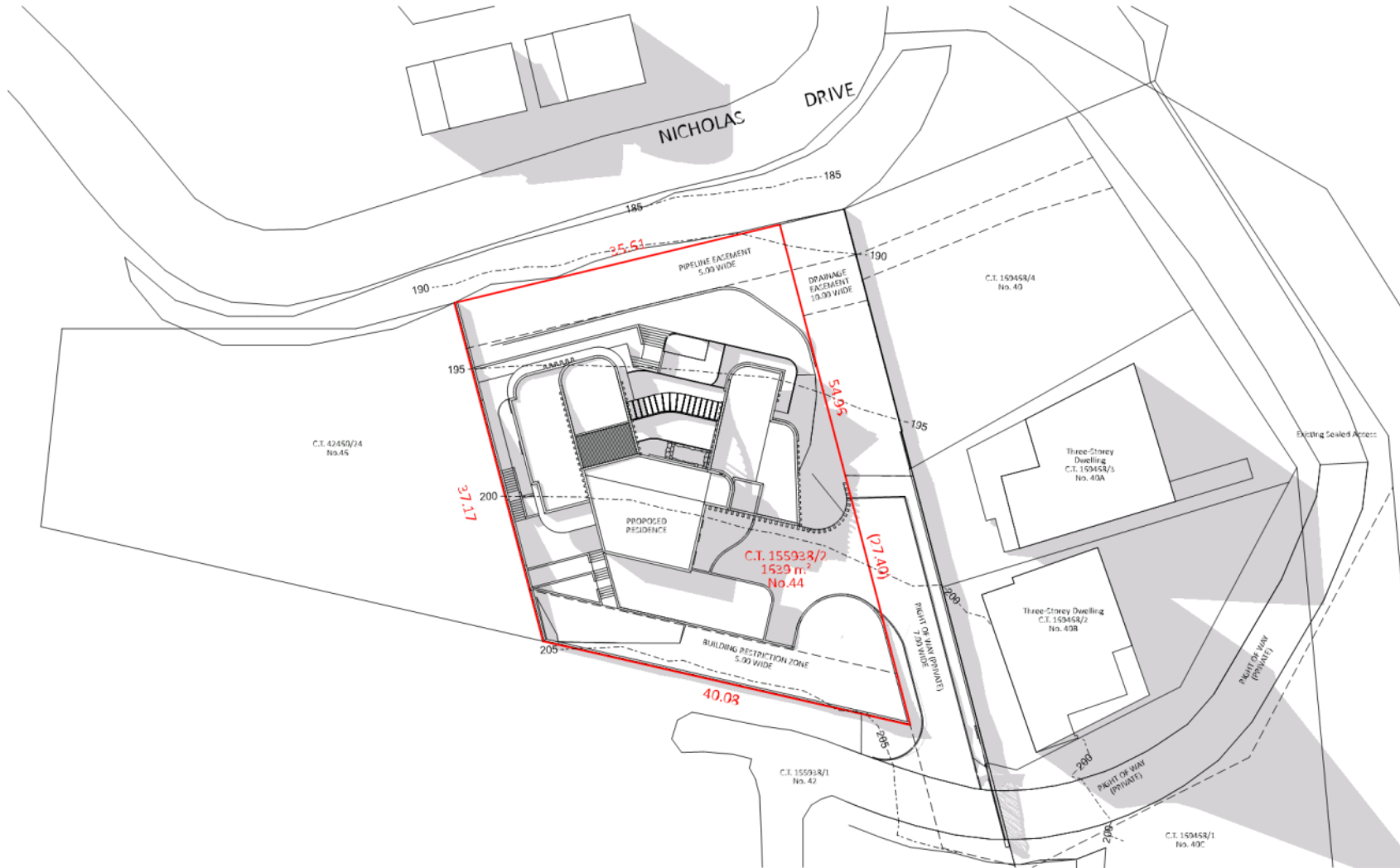
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3	02/12/22	DA EQU
4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
6	12/01/23	DRIVEWAY SECTIONS & DW & SERVICES PLAN AND NOTICES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 15

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Proposed - Equinox September 23 - 3pm

Shadow Diagrams

Scale 1:400 @ A3



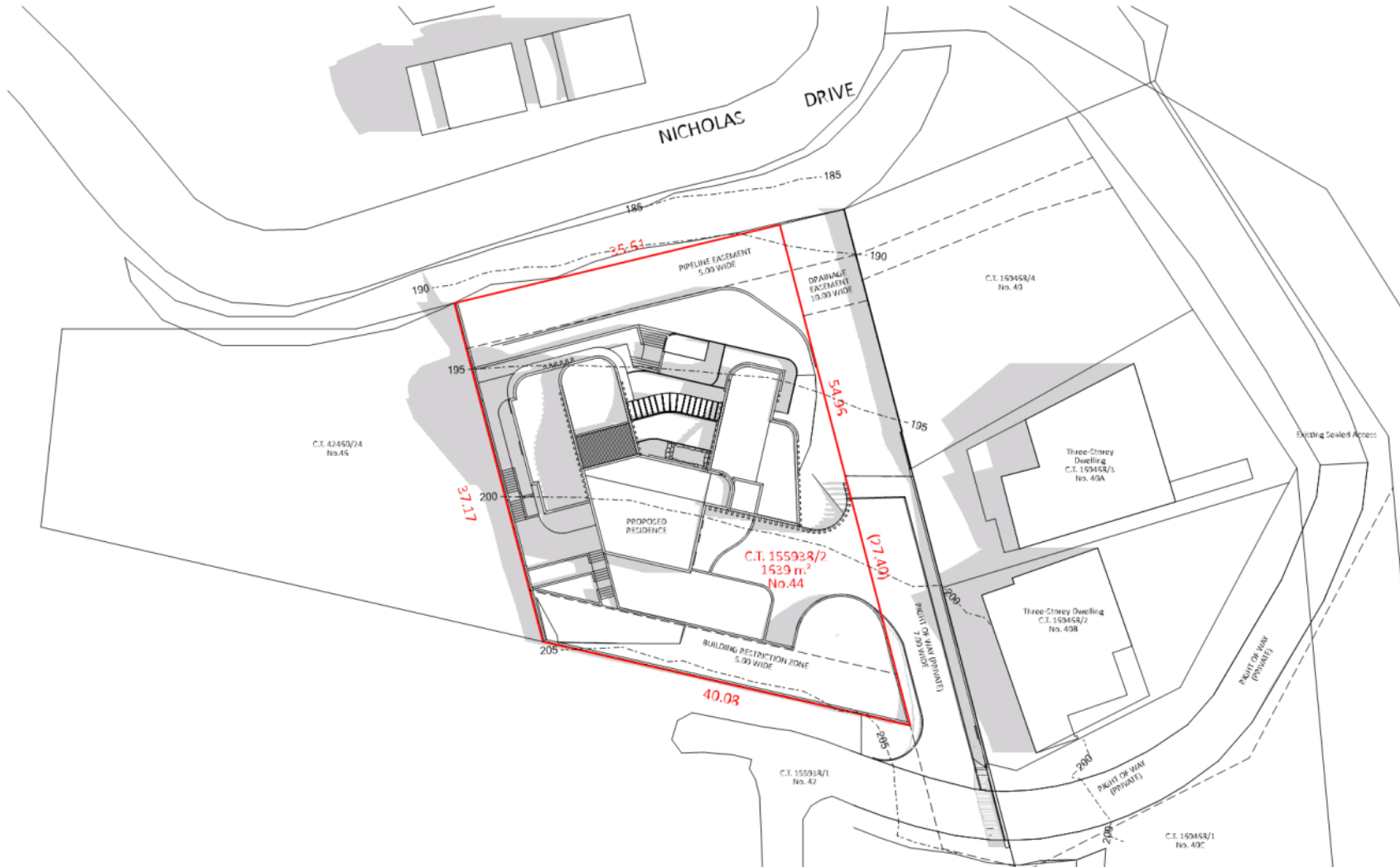
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3	02/12/22	DA EQU
4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
6	12/01/23	DRIVEWAY SECTIONS & DW & SERVICES PLAN AND NOTICES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 16

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Proposed - Summer Solstice December 22 - 9am

Shadow Diagrams

Scale 1:400 @ A3



2194

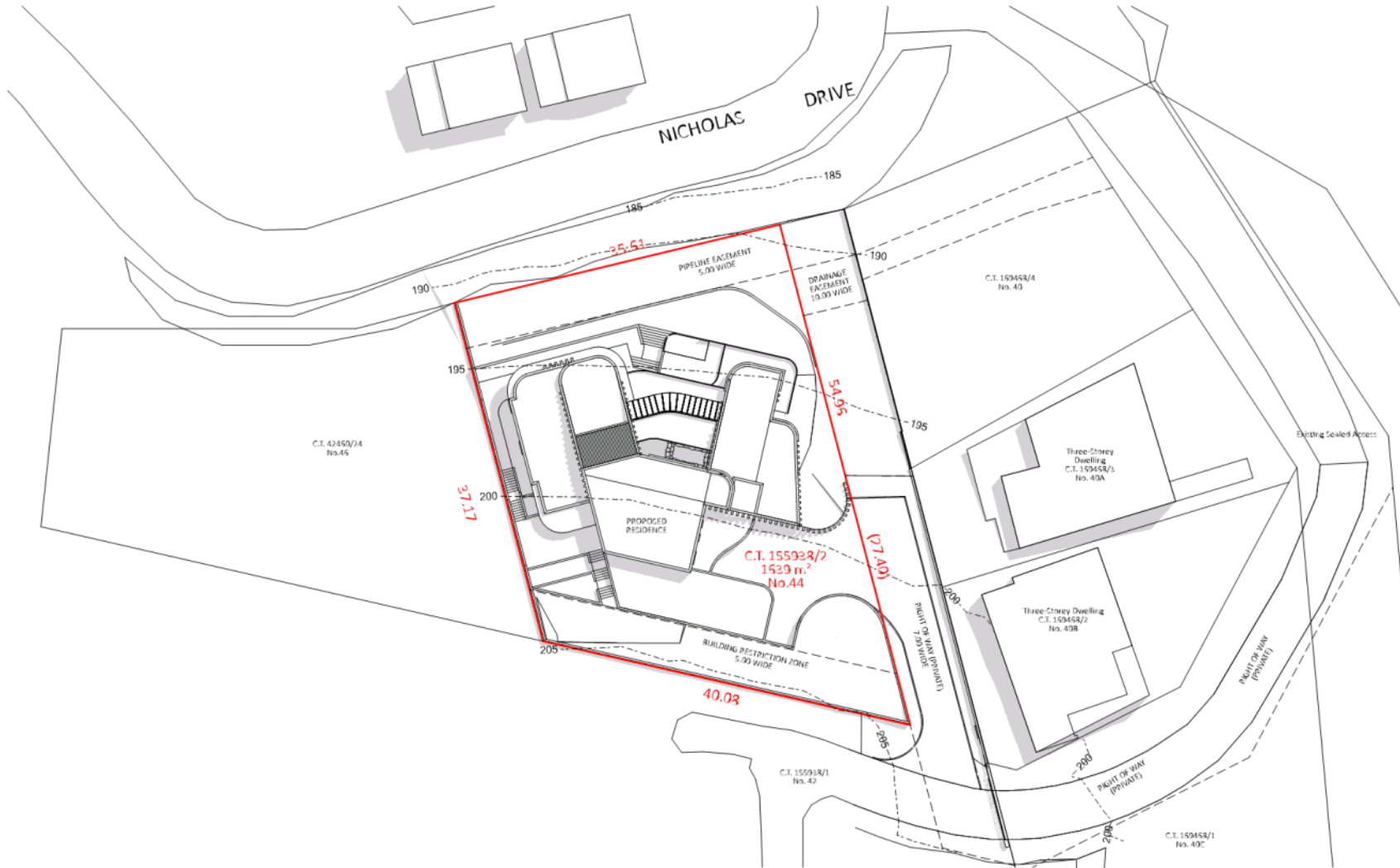
AMENDMENT	DATE	DETAILS
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4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
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PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 17

LINARDI PTY. LTD ACN 062 227 520
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Proposed - Summer Solstice December 22 - 12pm

Shadow Diagrams

Scale 1:400 @ A3



2194

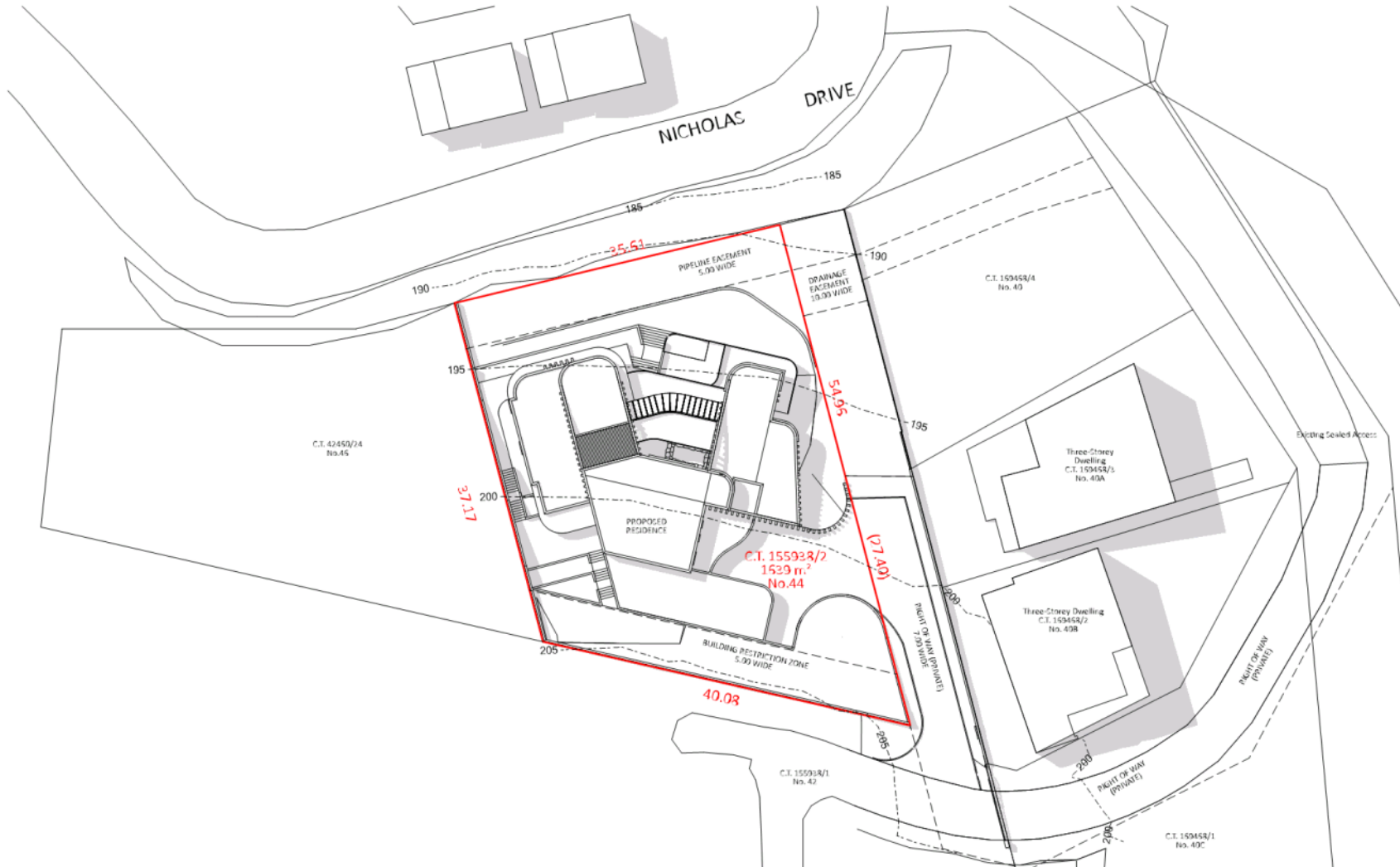
AMENDMENT	DATE	DETAILS
2	26/11/22	DA DESIGN DRAFT
3	02/12/22	DA EQU
4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
6	12/01/23	DRIVEWAY SECTIONS & DW & SERVICES PLAN AND NOTICES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 18

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Proposed - Summer Solstice December 22 - 3pm

Shadow Diagrams

Scale 1:400 @ A3



2194

AMENDMENT	DATE	DETAILS
2	26/11/22	DA DESIGN DRAFT
3	02/12/22	DA EQU
4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
6	12/01/23	DRIVEWAY SECTIONS & DW & SERVICES PLAN AND NOTICES

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 19

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BUILDING ENVELOPE IMAGE V03.18

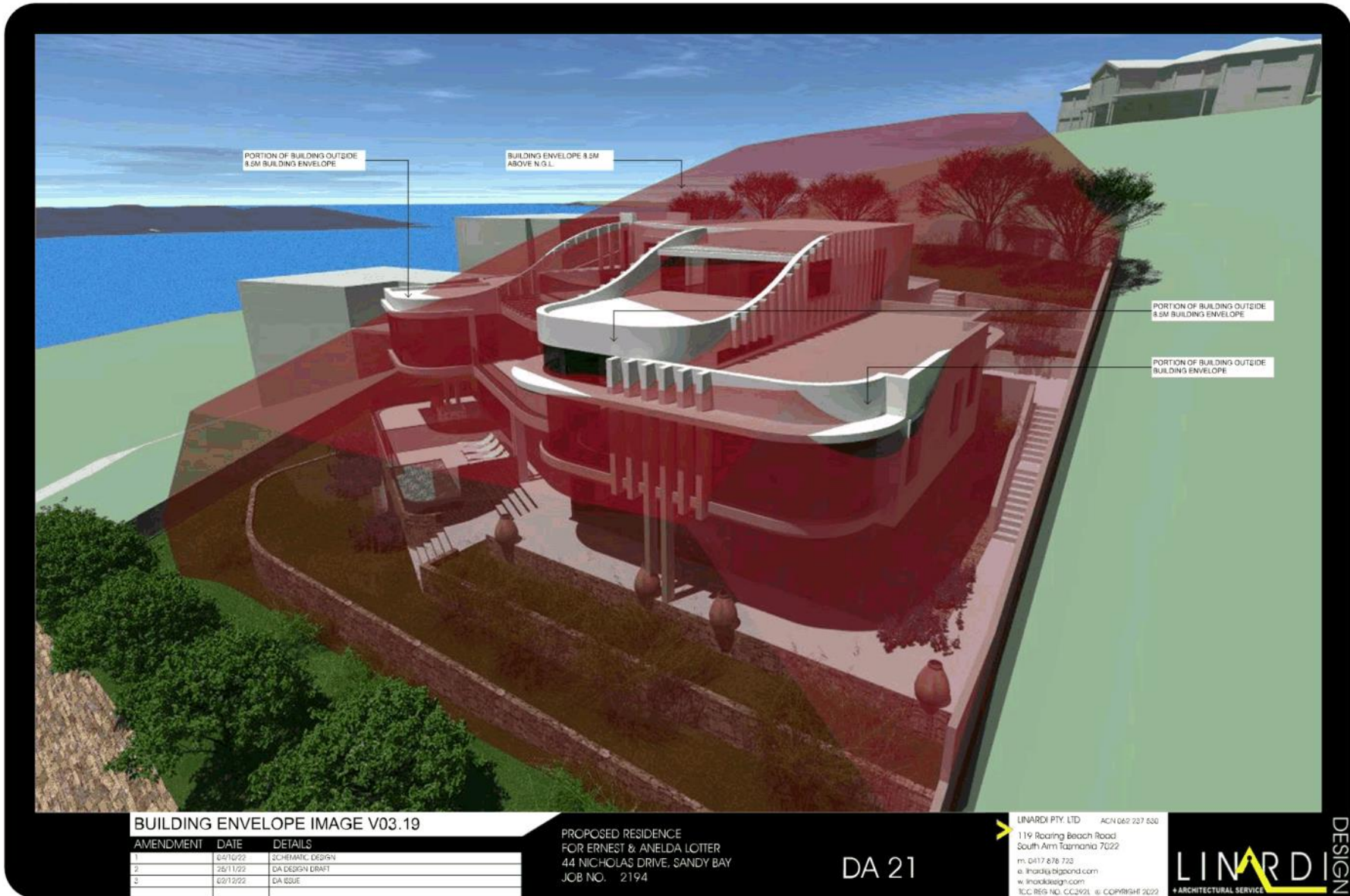
AMENDMENT	DATE	DETAILS
1	04/10/22	SCHEMATIC DESIGN
2	26/11/22	DA DESIGN DRAFT
3	02/12/22	DA ISSUE

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 20

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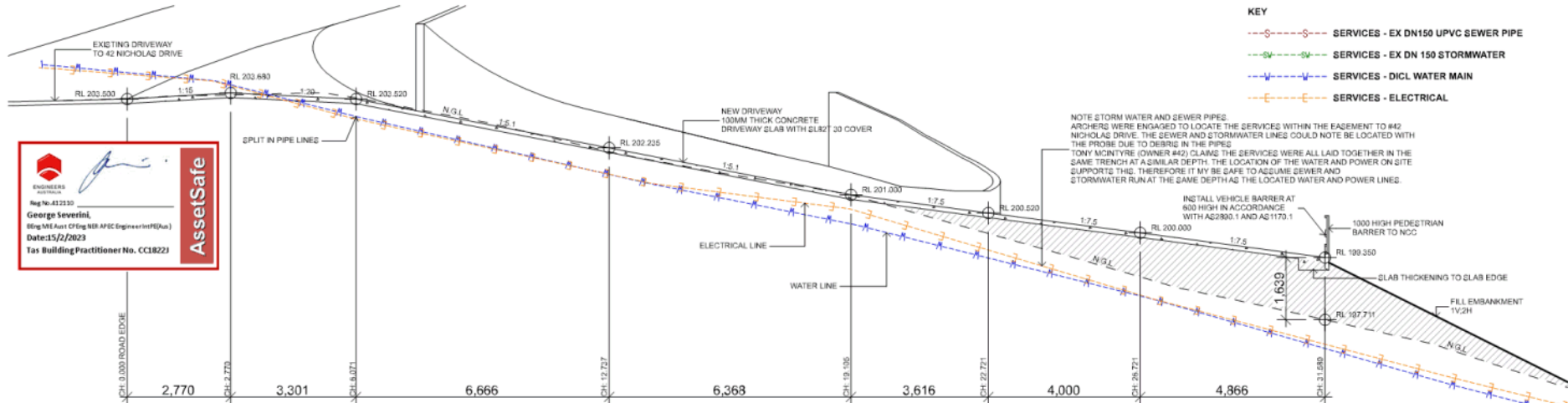
AMENDMENT	DATE	DETAILS
1	04/10/22	SCHEMATIC DESIGN
2	26/11/22	DA DESIGN DRAFT
3	02/12/22	DA ISSUE

PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
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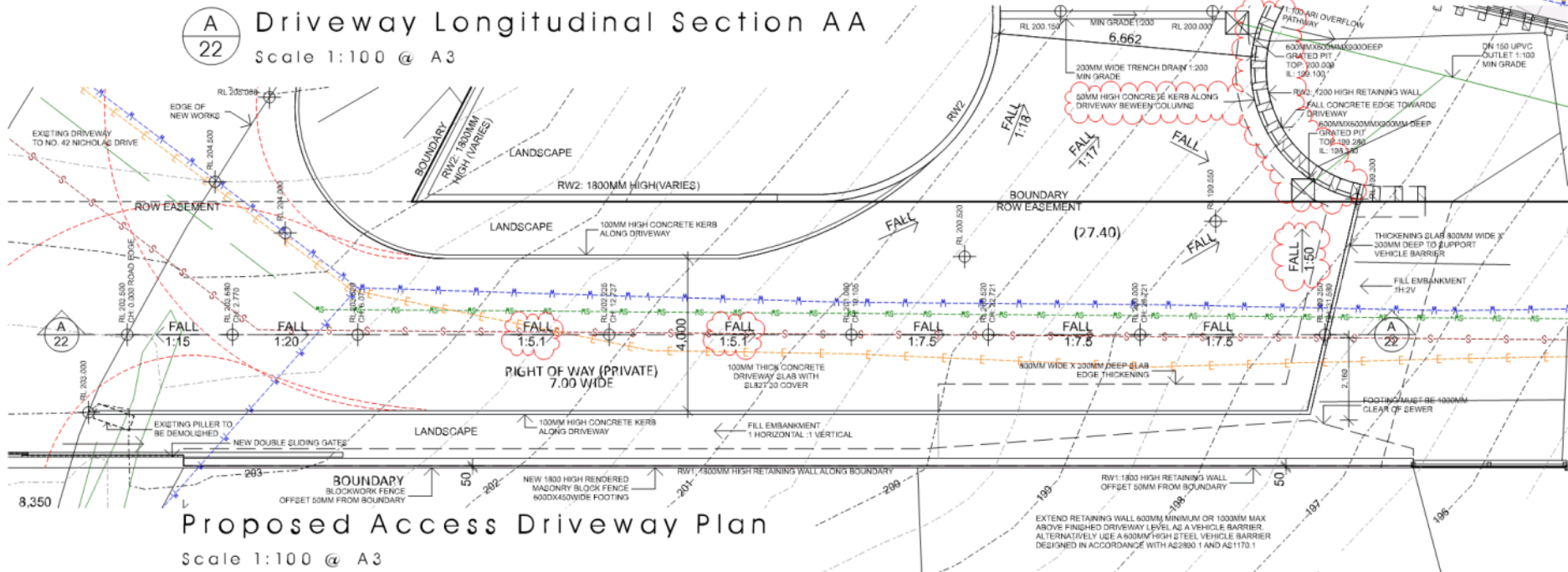
DA 21

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A
22 Driveway Longitudinal Section AA
Scale 1:100 @ A3



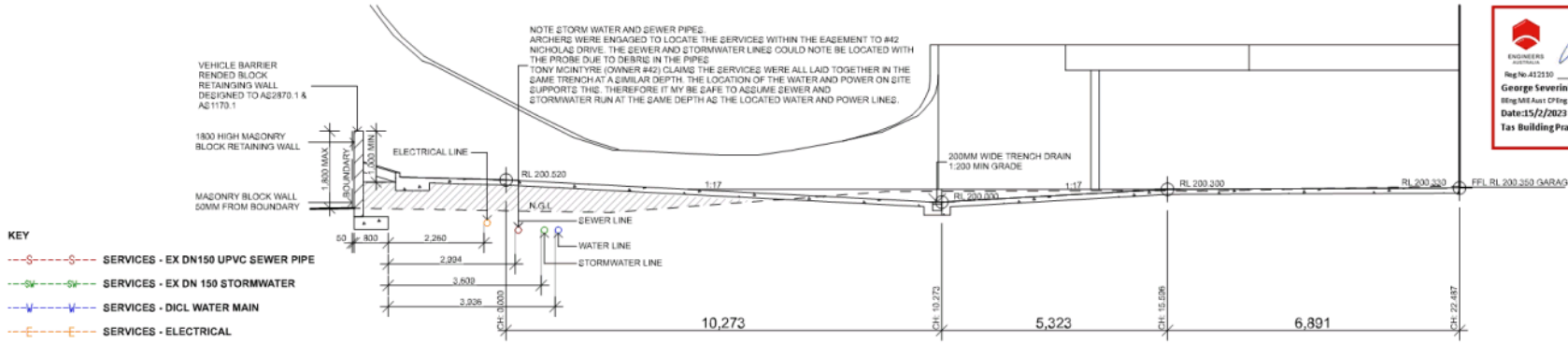
AMENDMENT	DATE	DETAILS
6	14/01/23	DRIVEWAY SECTION & SLAB & SERVICES PLAN AND NOTES
7	06/02/23	AMENDMENTS ADDRESSING HCC RFI LETTER 2023-02-02

PROPOSED RESIDENCE
FOR ERNEST & ANELDA LOTTER
44 NICHOLAS DRIVE, SANDY BAY
JOB NO. 2194

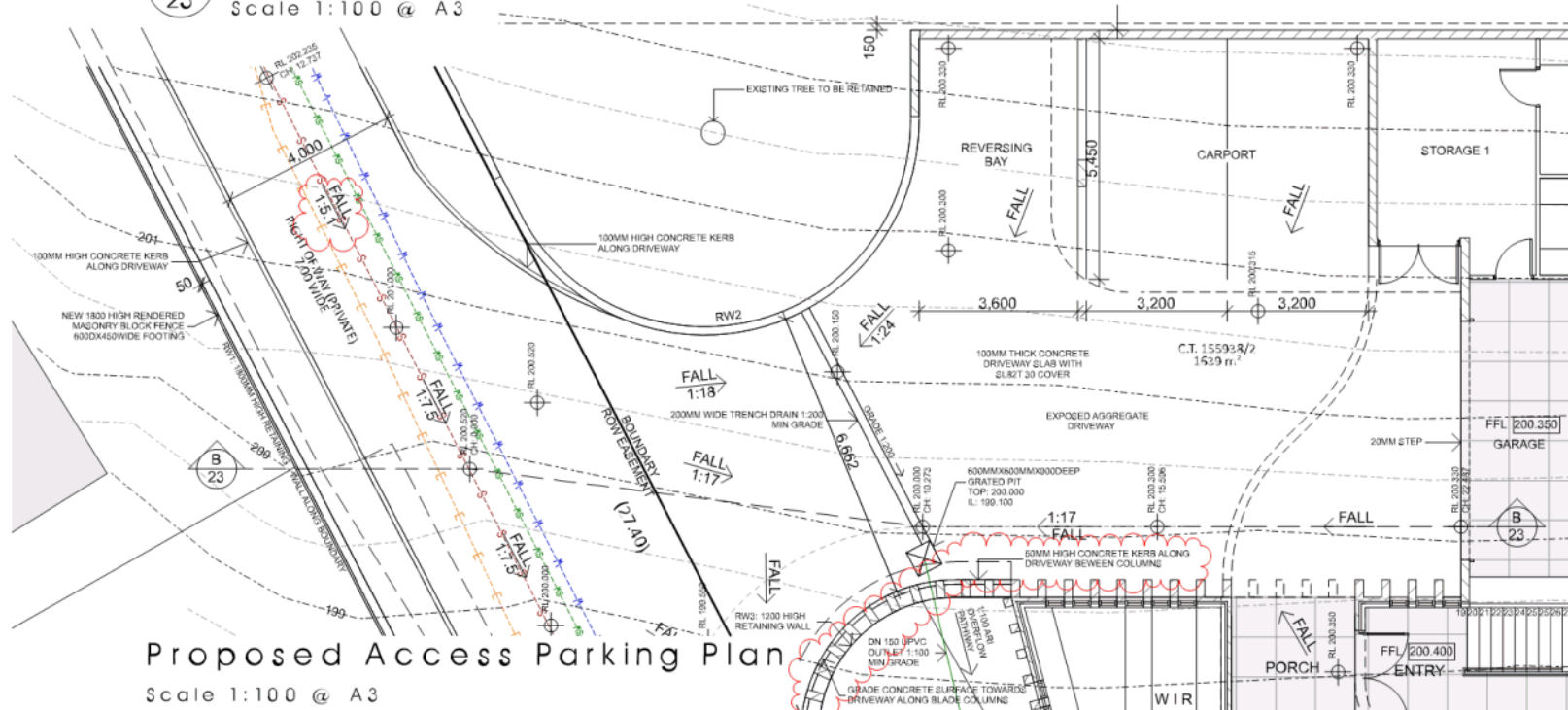
DA 22

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B
23
Driveway Longitudinal Section BB
Scale 1:100 @ A3



Proposed Access Parking Plan
Scale 1:100 @ A3

AMENDMENT	DATE	DETAILS
6	14/01/22	CONVEYANCE SECTION & S&L & SERVICES PLAN AND NOTES
7	08/02/23	AMENDMENTS ADDRESSING HCC RP1 LETTER 2022-02-02

PROPOSED RESIDENCE
FOR ERNEST & ANELDA LOTTER
44 NICHOLAS DRIVE, SANDY BAY
JOB NO. 2194

DA 23

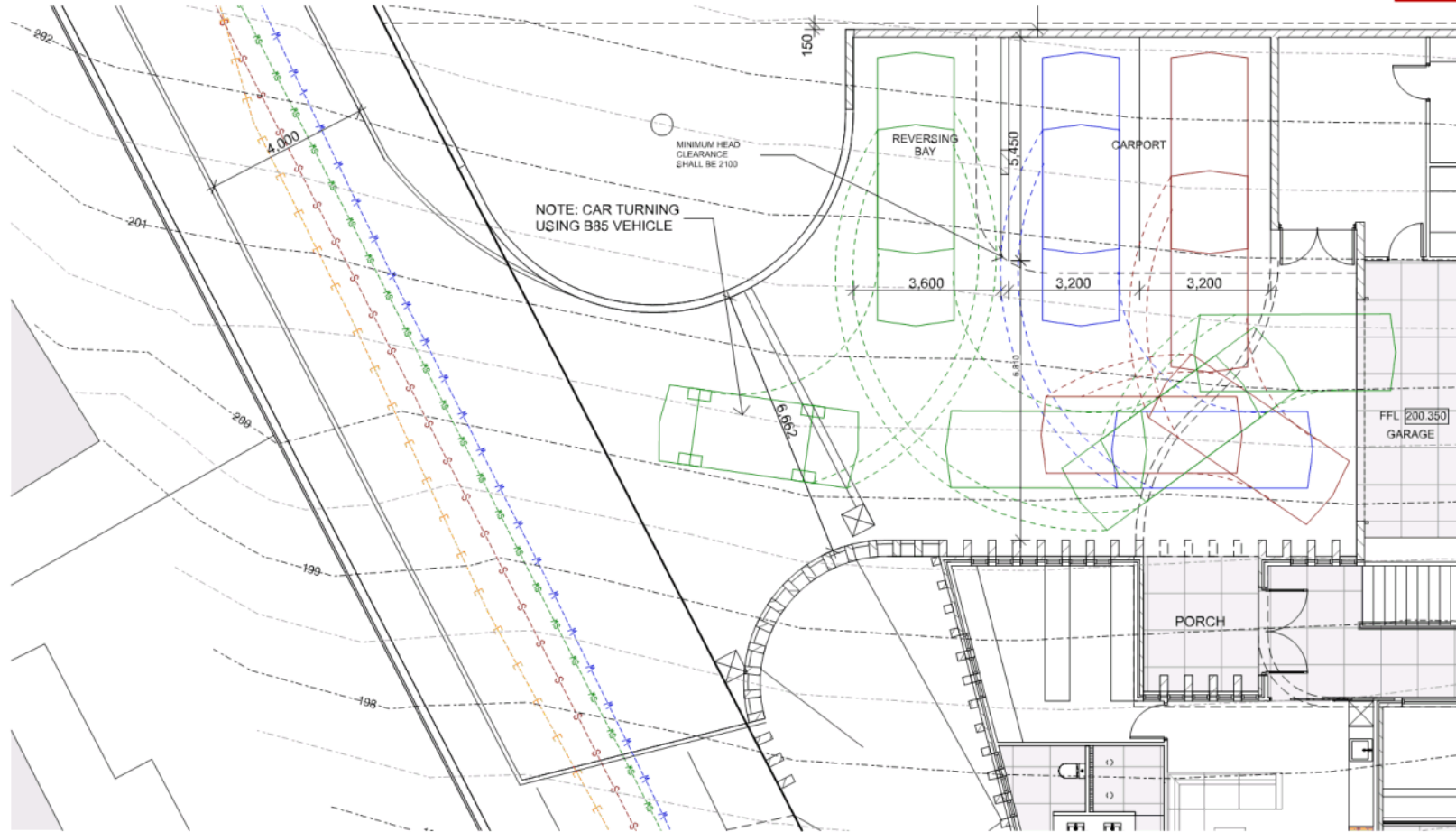
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NOTES:
 ALL VEHICLE TURNING PATHWAYS ARE BASED ON B85 VEHICLES
 IN ACCORDANCE WITH AS2890.1

ENGINEERS
 AUSTRALIA
 Reg No: A12330
 George Severini,
 BEng MBE Aust CP Eng MBR AFEC Engineering PE (Aus)
 Date: 15/2/2023
 Tax Building Practitioner No. CC38223

AssetSafe



Car Turning Plan
 Scale 1:100 @ A3



AMENDMENT	DATE	DETAILS
6	12/01/23	DRIVEWAY SECTIONS & DW & SERVICES PLAN AND NOTES

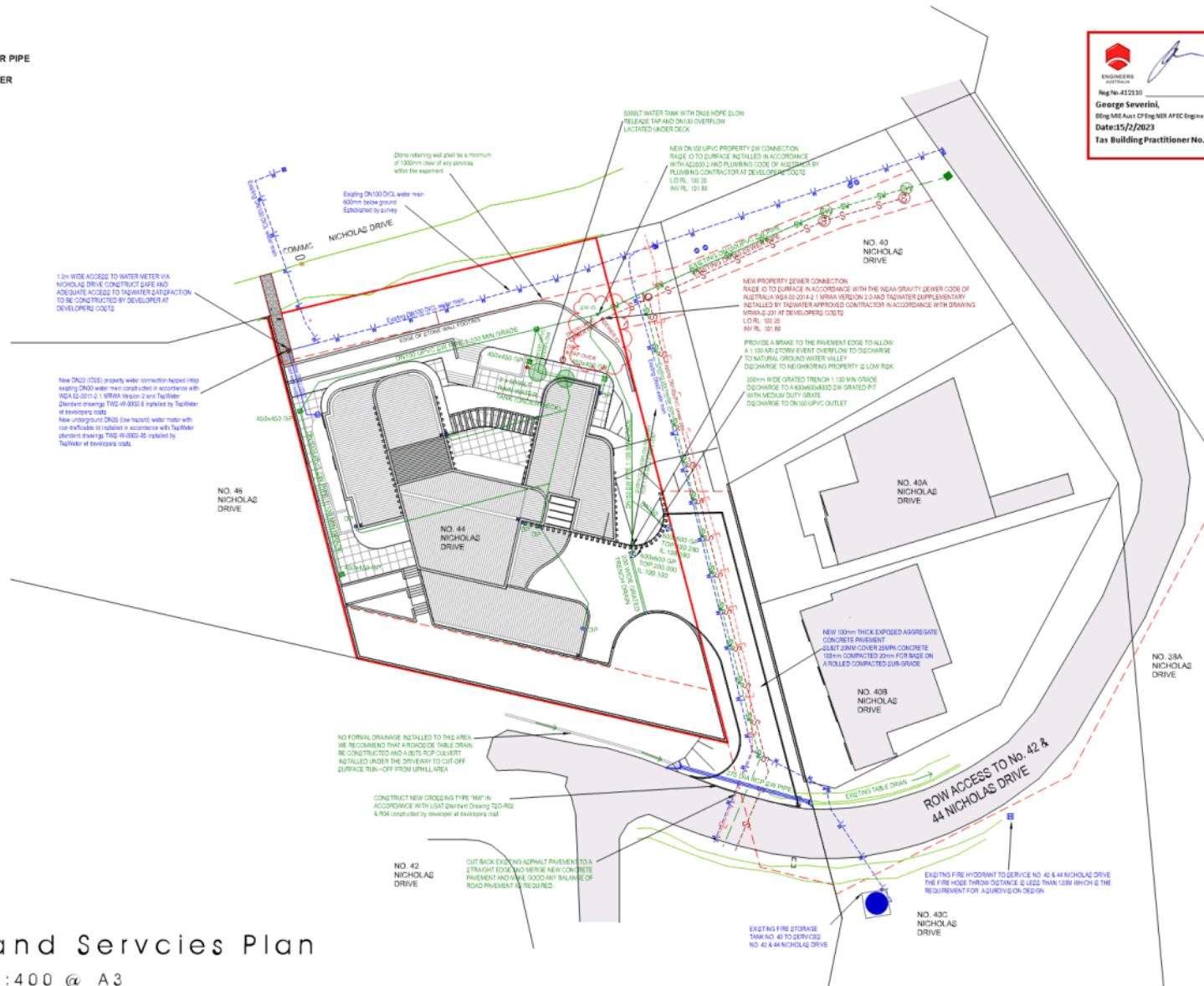
PROPOSED RESIDENCE
 FOR ERNEST & ANELDA LOTTER
 44 NICHOLAS DRIVE, SANDY BAY
 JOB NO. 2194

DA 24

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- KEY**
- S --- SERVICES - EX DN150 UPVC SEWER PIPE
 - S --- SERVICES - EX DN 150 STORMWATER
 - V --- SERVICES - DICL WATER MAIN
 - E --- SERVICES - ELECTRICAL



ENGINEERS
REGISTERED
Reg No. 412310
George Severin,
BEng MEng AEC PE Eng (AFC) (Engineer/REG/AS)
Date: 15/2/2023
Tas Building Practitioner No. CC18223

SW and Services Plan
Scale 1:400 @ A3

AMENDMENT	DATE	DETAILS
6	14/01/22	CONVEYANCE SECTION 50A & SERVICES PLAN AND NOTES
7	06/02/23	AMENDMENTS ADDRESSING HCC RFI LETTER 2023-02-02

PROPOSED RESIDENCE
FOR ERNEST & ANELDA LOTTER
44 NICHOLAS DRIVE, SANDY BAY
JOB NO. 2194

DA 25

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DESIGN

LINARDI

ARCHITECTURAL SERVICE

COLD WATER SUPPLY - SCOPE OF WORK NOTES

THERE IS NO CURRENT WATER SUPPLY TO THE PROPERTY.

A NEW DN32 (ID25) PROPERTY WATER CONNECTION TAPPED INTO EXISTING DN00 WATER MAIN CONSTRUCTED IN ACCORDANCE WITH WSA 03-2011-3.1 MRWA VERSION 2 AND TASWATER STANDARD DRAWINGS TWS-W-0002-5 INSTALLED BY TASWATER AT DEVELOPERS COSTS.

NEW UNDERGROUND DN25 (LOW HAZARD) WATER METER WITH NON-TRAFFICABLE LID INSTALLED IN ACCORDANCE WITH TASWATER STANDARD DRAWINGS TWS-W-0002-05 INSTALLED BY TASWATER AT DEVELOPERS COSTS.

STORMWATER MANAGEMENT:

THE PROPOSED STORMWATER DISCHARGED FROM THE SITE HAS BEEN ASSESSED AND WE CONFIRM THAT THE EXISTING DN150 OUTLET IS ADEQUATE TO TAKE THE ADDITIONAL SITE DISCHARGE WITHOUT ANY ON-SITE DETENTION REQUIRED.

HOWEVER WE HAVE PROPOSED AN ON-SITE DETENTION STORAGE OF 5000LT TO BE INSTALLED IN THE LOCATION SHOWN ON THE DRAWINGS WITH A DN25 SLOW RELEASE TAP OUTLET. AN OVERFLOW HAS BEEN ATTACHED TO DISCHARGE WATER IF THE TANK WERE TO OVERFLOW.

THE STORMWATER ASSESSMENT HAS BEEN DETERMINED USING RAINFALL INTENSITY FOR A 1:20 YEAR ARI STORM EVEN OVER A 5 MINUTE STORM EVENT.

FOR FLOWS GREATER THAN 1:20 SUCH AS A 1:100 YEAR ARI STORM EVENT THE FLOWS WILL DISCHARGE OVERLAND IN SAFE MANNER TOWARD NICHOLAS DRIVE AND WILL HAVE MINIMAL RISK TO ADJOINING PROPERTIES IF THE ROAD DRAINAGE NETWORK IS MAINTAINED TO AN ADEQUATE LEVEL BY COUNCIL.

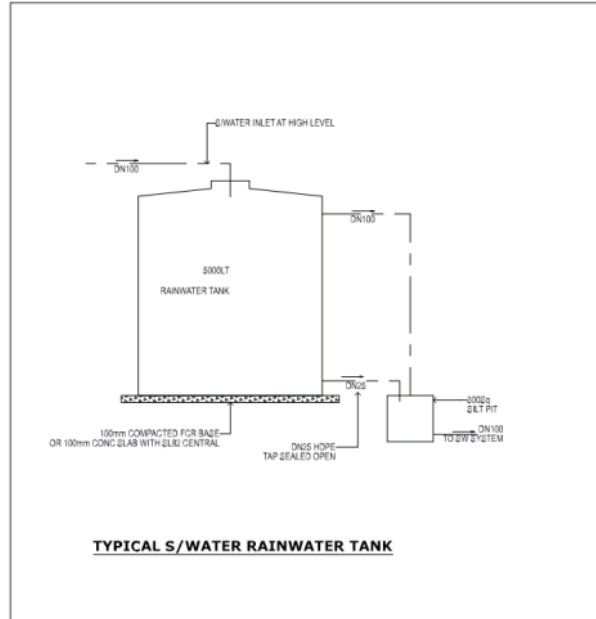
TO MINIMISE OVERLAND FLOW WE HAVE RECOMMENDED THAT A CUT-OFF TABLE DRAIN ALONG THE ROW ACCESS ROAD BE CONSTRUCTED UPHILL OF No. 44 NICHOLAS DRIVE.

FIREFIGHTING REQUIREMENT:

A FIRE FIGHTING WATER TANK AND HYDRANT HAVE BEEN INSTALLED ALONG THE ROW TO ACCESS No. 42 and 44 NICHOLAS DRIVE TO ALLOW A FIRE TRUCK APPLIANCE TO TAP INTO THE HYDRANT IN THE EVENT OF A FIRE AT No. 44 NICHOLAS DRIVE.

WE DO NOT RECOMMEND A FIRE TRUCK APPLIANCE TO ENTER No. 44 NICHOLAS DRIVE IN THE EVENT OF FIRE AS TURNING IS RESTRICTED.

FIRE TRUCK TURNING IS AVAILABLE AT THE END OF THE ROW NEAR No. 42 NICHOLAS DRIVE.



STORMWATER ASSESSMENT

Site Catchment Area = 1639 m² + 161m² ROW = 1800 m²

Rainfall Intensity (20year ARI, 5min) = 86.5 mm/hr

Pre-Development Stage

Vacant Land Av Slope 1:3 Steep
Suburban Co-Efficient of Run-off = 0.4 AR&R
Pre-Development Discharge = 0.4 x 86.5 x 1800 / 3600 = 17.3 l/s
Outlet Size Required DN150 @ 1:100 min grade (Max Discharge Capacity = 24.1 l/s)

EXISTING DN150 UPVC OUTLET ACCEPTABLE

Post Development Stage

Residence & Overhead Balcony Area = 574.0 m² (C=1.0)
Carport Area = 37.0 m² (C=1.0)
Side Footpath/Stairs Area = 85.0 m² (C=0.9)
Pool & Northern Deck Area = 66.0 m² (C=0.9)
Internal Driveway/Turning Area = 205.0 m² (C=0.9)
ROW Driveway Area = 205.0 m² (C=0.9)

Total Impervious Area = 1357.0 m²
Total Pervious = 443.0 m²

NOTE: External surface run-off from road above is assumed to be collected by cut-off table drain

Effective Run-Off Co-Efficient = (1.0 x 574 + 1.0 x 37.0 + 0.9 x 85 + 0.9 x 66 + 0.9 x 205 + 0.9 x 205) / 1800 = 0.56

Post-Development Peak Discharge = (0.56 x 86.5 x 1800) / 3600 = 24.2 l/s

Flow Velocity = 1.36 l/s

EXISTING DN150 UPVC OUTLET IS ADEQUATE FOR THE NEW DEVELOPMENT

OPTION 1: OSD INSTALLATION:

Surplus Volume = 24.2 - 17.3 = 6.8 l/s

Theoretical OSD Volume Required = 6.8 x 5 x 60 = 2040 lt
REQUIRE AN OSD STORAGE VOLUME OF 2400LT TO ALLOW FOR CLIMATE CHANGE.

OPTION 2: Using Rain Water Tanks

This option allows for the collection of rainwater discharged from roof and balconies. The roof/balcony discharge can be collected and stored for flushing toilets or watering gardens.

Total Roof & Overhead Balcony Area = 574 m²

Rainwater Discharge Dwelling (max) = 1.0 x 86.5 x 574 / 3600 = 13.8 l/s

Rain Water Tank Volume Required = 13.8 x 5 x 60 = 4136 lt

Recommended Minimum = 5000 LT

ADOPT A 5000 LT RAINWATER TANK WITH A DN100 UPVC OVERFLOW.

ALTERNATIVELY A DN25 HDPE SLOW DISCHARGE OUT CAN BE FITTED TO DISCHARGE TANK OVER TIME BEFORE THE NEXT STORM EVENT.

DN25 HDPE Orifice Discharge = 0.6 x 2.142 x 0.02² x 2 x SQRT(2x9.81x1.8) / 4 = 0.00143m³/s (1.4 l/s)

Time of discharge (Torricelli's Law) = SQRT(2 x 1.8/10) x (0.8/0.025) = 785 sec(13.07min)

TANK WILL EMPTY BEFORE NEXT MAJOR 1:20 ARI 5 MIN STORM EVENT



AMENDMENT	DATE	DETAILS
6	12/01/23	DRIVEWAY SECTIONS & SW & SERVICES PLAN AND NOTES

PROPOSED RESIDENCE
FOR ERNEST & ANELDA LOTTER
44 NICHOLAS DRIVE, SANDY BAY
JOB NO. 2194

DA 26

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IMAGE V03.02

AMENDMENT	DATE	DETAILS
1	04/10/22	SCHEMATIC DESIGN
2	26/11/22	DA DESIGN DRAFT
3	02/12/22	DA ISSUE

PROPOSED RESIDENCE
FOR ERNEST & ANELDA LOTTER
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DA 27

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IMAGE V03.10

AMENDMENT	DATE	DETAILS
1	04/10/22	SCHEMATIC DESIGN
2	26/11/22	DA DESIGN DRAFT
3	02/12/22	DA ISSUE

PROPOSED RESIDENCE
FOR ERNEST & ANELDA LOTTER
44 NICHOLAS DRIVE, SANDY BAY
JOB NO. 2194

DA 31

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Australian Government

Department of Climate Change, Energy,
the Environment and Water

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Report created: 27-Mar-2023

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)

Summary

Matters of National Environment Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	1
National Heritage Places:	1
Wetlands of International Importance (Ramsar)	1
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	4
Listed Threatened Species:	63
Listed Migratory Species:	35

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <https://www.dcceew.gov.au/parks-heritage/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Lands:	11
Commonwealth Heritage Places:	4
Listed Marine Species:	54
Whales and Other Cetaceans:	9
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None
Habitat Critical to the Survival of Marine Turtles:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	14
Regional Forest Agreements:	1
Nationally Important Wetlands:	None
EPBC Act Referrals:	12
Key Ecological Features (Marine):	None
Biologically Important Areas:	9
Bioregional Assessments:	None
Geological and Bioregional Assessments:	None

Details

Matters of National Environmental Significance

World Heritage Properties		[Resource Information]	
Name	State	Legal Status	Buffer Status
Australian Convict Sites (Cascades Female Factory)	TAS	Declared property	In buffer area only

National Heritage Places		[Resource Information]	
Name	State	Legal Status	Buffer Status
Historic			
Cascades Female Factory	TAS	Listed place	In buffer area only

Wetlands of International Importance (Ramsar Wetlands)		[Resource Information]	
Ramsar Site Name	Proximity	Buffer Status	
Pitt water-orielton lagoon	Within 10km of Ramsar site	In buffer area only	

Listed Threatened Ecological Communities [Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Community Name	Threatened Category	Presence Text	Buffer Status
Giant Kelp Marine Forests of South East Australia	Endangered	Community may occur within area	In buffer area only
Lowland Native Grasslands of Tasmania	Critically Endangered	Community likely to occur within area	In buffer area only
Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (Eucalyptus ovata / E. brookeriana)	Critically Endangered	Community likely to occur within area	In feature area
Tasmanian white gum (Eucalyptus viminalis) wet forest	Critically Endangered	Community likely to occur within area	In feature area

Listed Threatened Species [Resource Information]

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.

Number is the current name ID.

Scientific Name	Threatened Category	Presence Text	Buffer Status
BIRD			
Aquila audax fleayi			
Tasmanian Wedge-tailed Eagle, Wedge-tailed Eagle (Tasmanian) [64435]	Endangered	Breeding likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat likely to occur within area	In feature area
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat likely to occur within area	In feature area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
Ceyx azureus diemenensis Tasmanian Azure Kingfisher [25977]	Endangered	Species or species habitat likely to occur within area	In feature area
Diomedea antipodensis Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Diomedea antipodensis gibsoni Gibson's Albatross [82270]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Diomedea epomophora Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Diomedea exulans Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Diomedea sanfordi Northern Royal Albatross [64456]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
Fregatta grallaria grallaria White-bellied Storm-Petrel (Tasman Sea), White-bellied Storm-Petrel (Australasian) [64438]	Vulnerable	Species or species habitat likely to occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
Halobaena caerulea Blue Petrel [1059]	Vulnerable	Species or species habitat may occur within area	In buffer area only
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area	In feature area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Breeding known to occur within area	In feature area
Limosa lapponica baueri Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit [86380]	Vulnerable	Species or species habitat known to occur within area	In feature area
Macronectes giganteus Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
Macronectes halli Northern Giant Petrel [1061]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
Pachyptila turtur subantarctica Fairy Prion (southern) [64445]	Vulnerable	Species or species habitat known to occur within area	In feature area
Pardalotus quadragintus Forty-spotted Pardalote [418]	Endangered	Foraging, feeding or related behaviour known to occur within area	In feature area
Pterodroma leucoptera leucoptera Gould's Petrel, Australian Gould's Petrel [26033]	Endangered	Species or species habitat may occur within area	In feature area
Sternula nereis nereis Australian Fairy Tern [82950]	Vulnerable	Breeding likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Thalassarche bulleri Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Thalassarche bulleri platei Northern Buller's Albatross, Pacific Albatross [82273]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Thalassarche carteri Indian Yellow-nosed Albatross [64464]	Vulnerable	Species or species habitat likely to occur within area	In buffer area only
Thalassarche cauta Shy Albatross [89224]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche chrysostoma Grey-headed Albatross [66491]	Endangered	Species or species habitat may occur within area	In buffer area only
Thalassarche impavida Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche melanophris Black-browed Albatross [66472]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche salvini Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche steadi White-capped Albatross [64462]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area
Thinornis cucullatus cucullatus Eastern Hooded Plover, Eastern Hooded Plover [90381]	Vulnerable	Species or species habitat known to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Tyto novaehollandiae castanops (Tasmanian population) Masked Owl (Tasmanian) [67051]	Vulnerable	Breeding known to occur within area	In feature area
FISH			
Brachionichthys hirsutus Spotted Handfish [64418]	Critically Endangered	Species or species habitat known to occur within area	In buffer area only
Prototroctes maraena Australian Grayling [26179]	Vulnerable	Species or species habitat known to occur within area	In feature area
Seriolella brama Blue Warehou [69374]	Conservation Dependent	Species or species habitat known to occur within area	In buffer area only
Thunnus maccoyii Southern Bluefin Tuna [69402]	Conservation Dependent	Species or species habitat likely to occur within area	In buffer area only
Thymichthys politus Red Handfish [83756]	Critically Endangered	Species or species habitat likely to occur within area	In buffer area only
FROG			
Litoria raniformis Growling Grass Frog, Southern Bell Frog, Green and Golden Frog, Warty Swamp Frog, Golden Bell Frog [1828]	Vulnerable	Species or species habitat likely to occur within area	In feature area
INSECT			
Antipodia chaostola leucophaea Tasmanian Chaostola Skipper, Heath-sand Skipper [77672]	Endangered	Species or species habitat likely to occur within area	In feature area
MAMMAL			
Balaenoptera musculus Blue Whale [36]	Endangered	Species or species habitat likely to occur within area	In buffer area only
Dasyurus maculatus maculatus (Tasmanian population) Spotted-tail Quoll, Spot-tailed Quoll, Tiger Quoll (Tasmanian population) [75183]	Vulnerable	Species or species habitat known to occur within area	In feature area
Dasyurus viverrinus Eastern Quoll, Luaner [333]	Endangered	Species or species habitat known to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Eubalaena australis Southern Right Whale [40]	Endangered	Breeding known to occur within area	In buffer area only
Perameles gunnii gunnii Eastern Barred Bandicoot (Tasmania) [66651]	Vulnerable	Species or species habitat known to occur within area	In feature area
Sarcophilus harrisii Tasmanian Devil [299]	Endangered	Species or species habitat likely to occur within area	In feature area
PLANT			
Caladenia caudata Tailed Spider-orchid [17067]	Vulnerable	Species or species habitat known to occur within area	In feature area
Caladenia sylvicola Forest Fingers [64860]	Critically Endangered	Species or species habitat known to occur within area	In feature area
Dianella amoena Matted Flax-lily [64886]	Endangered	Species or species habitat known to occur within area	In feature area
Epacris virgata Pretty Heath, Dan Hill Heath [20375]	Endangered	Species or species habitat likely to occur within area	In feature area
Glycine latrobeana Clover Glycine, Purple Clover [13910]	Vulnerable	Species or species habitat likely to occur within area	In buffer area only
Lepidium hyssopifolium Basalt Pepper-cress, Peppercress, Rubble Pepper-cress, Pepperweed [16542]	Endangered	Species or species habitat known to occur within area	In feature area
Leucochrysum albicans subsp. tricolor Hoary Sunray, Grassland Paper-daisy [89104]	Endangered	Species or species habitat may occur within area	In buffer area only
Prasophyllum apoxychilum Tapered Leek-orchid [64947]	Endangered	Species or species habitat known to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Prasophyllum perangustum Knocklofty Leek-orchid [64952]	Critically Endangered	Species or species habitat likely to occur within area	In buffer area only
Pterostylis ziegelerei Grassland Greenhood, Cape Portland Greenhood [64971]	Vulnerable	Species or species habitat may occur within area	In buffer area only
Thelymitra jonesii Sky-blue Sun-orchid [76352]	Endangered	Species or species habitat may occur within area	In feature area
Xerochrysum palustre Swamp Everlasting, Swamp Paper Daisy [76215]	Vulnerable	Species or species habitat likely to occur within area	In feature area

SEASTAR

Marginaster littoralis Derwent River Seastar [66762]	Critically Endangered	Species or species habitat likely to occur within area	In buffer area only
Parvulastra vivipara Tasmanian Live-bearing Seastar [85451]	Vulnerable	Species or species habitat likely to occur within area	In buffer area only

SHARK

Carcharodon carcharias White Shark, Great White Shark [64470]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
Galeorhinus galeus School Shark, Eastern School Shark, Snapper Shark, Tope, Soupfin Shark [68453]	Conservation Dependent	Species or species habitat likely to occur within area	In buffer area only

SNAIL

Ammoniropa vigens Ammonite Pinwheel Snail [90200]	Critically Endangered	Species or species habitat known to occur within area	In feature area
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Listed Migratory Species**[Resource Information]**

Scientific Name	Threatened Category	Presence Text	Buffer Status
Migratory Marine Birds			
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Ardenna carneipes Flesh-footed Shearwater, Fleshy-footed Shearwater [82404]		Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Ardenna grisea Sooty Shearwater [82651]		Species or species habitat likely to occur within area	In buffer area only
Diomedea antipodensis Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Diomedea epomophora Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Diomedea exulans Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Diomedea sanfordi Northern Royal Albatross [64456]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
Macronectes giganteus Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
Macronectes halli Northern Giant Petrel [1061]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Thalassarche bulleri Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Thalassarche carteri Indian Yellow-nosed Albatross [64464]	Vulnerable	Species or species habitat likely to occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
Thalassarche cauta Shy Albatross [89224]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche chrysostoma Grey-headed Albatross [66491]	Endangered	Species or species habitat may occur within area	In buffer area only
Thalassarche impavida Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche melanophris Black-browed Albatross [66472]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche salvini Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche steadi White-capped Albatross [64462]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area
Migratory Marine Species			
Balaenoptera musculus Blue Whale [36]	Endangered	Species or species habitat likely to occur within area	In buffer area only
Caperea marginata Pygmy Right Whale [39]		Foraging, feeding or related behaviour may occur within area	In buffer area only
Carcharodon carcharias White Shark, Great White Shark [64470]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
Eubalaena australis as Balaena glacialis australis Southern Right Whale [40]	Endangered	Breeding known to occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
Lagenorhynchus obscurus Dusky Dolphin [43]		Species or species habitat may occur within area	In buffer area only
Lamna nasus Porbeagle, Mackerel Shark [83288]		Species or species habitat likely to occur within area	In buffer area only
Megaptera novaeangliae Humpback Whale [38]		Foraging, feeding or related behaviour known to occur within area	In buffer area only
Migratory Terrestrial Species			
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area	In feature area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area	In feature area
Migratory Wetlands Species			
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat known to occur within area	In feature area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area	In feature area
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat likely to occur within area	In feature area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area	In feature area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Limosa lapponica Bar-tailed Godwit [844]		Species or species habitat known to occur within area	In feature area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area	In feature area

Other Matters Protected by the EPBC Act

Commonwealth Lands [[Resource Information](#)]

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Commonwealth Land Name	State	Buffer Status
Defence		
Defence - 8 Fitzroy Place, Hobart [60001]	TAS	In buffer area only
Defence - ANGLESEA BARRACKS - HOBART [60012]	TAS	In buffer area only
Defence - ANGLESEA BARRACKS - HOBART [60013]	TAS	In buffer area only
Defence - ANGLESEA BARRACKS - HOBART [60014]	TAS	In buffer area only
Defence - Continental Building [60033]	TAS	In buffer area only
Defence - HMAS HUON [60003]	TAS	In buffer area only
Defence - HMAS HUON [60002]	TAS	In buffer area only
Unknown		
Commonwealth Land - [60280]	TAS	In buffer area only
Commonwealth Land - [60298]	TAS	In buffer area only
Commonwealth Land - [60068]	TAS	In buffer area only
Commonwealth Land - [60276]	TAS	In buffer area only

Commonwealth Heritage Places [[Resource Information](#)]

Name	State	Status	Buffer Status
Historic			
Anglesea Barracks	TAS	Listed place	In buffer area only

Name	State	Status	Buffer Status
Edward Braddon Commonwealth Law Courts	TAS	Listed place	In buffer area only
Hobart General Post Office	TAS	Listed place	In buffer area only
North Hobart Post Office	TAS	Listed place	In buffer area only

Listed Marine Species		[Resource Information]	
Scientific Name	Threatened Category	Presence Text	Buffer Status
Bird			
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat known to occur within area	In feature area
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area	In feature area
Ardenna carneipes as Puffinus carneipes Flesh-footed Shearwater, Fleshy-footed Shearwater [82404]		Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Ardenna grisea as Puffinus griseus Sooty Shearwater [82651]		Species or species habitat likely to occur within area	In buffer area only
Bubulcus ibis as Ardea ibis Cattle Egret [66521]		Species or species habitat may occur within area overfly marine area	In feature area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area	In feature area
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat likely to occur within area overfly marine area	In feature area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area overfly marine area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area overfly marine area	In feature area
Diomedea antipodensis Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Diomedea antipodensis gibsoni as Diomedea gibsoni Gibson's Albatross [82270]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Diomedea epomophora Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Diomedea exulans Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Diomedea sanfordi Northern Royal Albatross [64456]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat likely to occur within area overfly marine area	In feature area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area	In feature area
Halobaena caerulea Blue Petrel [1059]	Vulnerable	Species or species habitat may occur within area	In buffer area only
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area overfly marine area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Lathamus discolor Swift Parrot [744]	Critically Endangered	Breeding known to occur within area overfly marine area	In feature area
Limosa lapponica Bar-tailed Godwit [844]		Species or species habitat known to occur within area	In feature area
Macronectes giganteus Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
Macronectes halli Northern Giant Petrel [1061]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area overfly marine area	In feature area
Neophema chrysostoma Blue-winged Parrot [726]		Species or species habitat known to occur within area overfly marine area	In feature area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
Pachyptila turtur Fairy Prion [1066]		Species or species habitat known to occur within area	In feature area
Stercorarius skua as Catharacta skua Great Skua [823]		Species or species habitat may occur within area	In buffer area only
Thalassarche bulleri Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
Thalassarche bulleri platei as Thalassarche sp. nov. Northern Buller's Albatross, Pacific Albatross [82273]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Thalassarche carteri Indian Yellow-nosed Albatross [64464]	Vulnerable	Species or species habitat likely to occur within area	In buffer area only
Thalassarche cauta Shy Albatross [89224]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche chrysostoma Grey-headed Albatross [66491]	Endangered	Species or species habitat may occur within area	In buffer area only
Thalassarche impavida Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche melanophris Black-browed Albatross [66472]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche salvini Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche steadi White-capped Albatross [64462]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area
Thinornis cucullatus as Thinornis rubricollis Hooded Plover, Hooded Dotterel [87735]		Species or species habitat known to occur within area overfly marine area	In feature area
Thinornis cucullatus cucullatus as Thinornis rubricollis rubricollis Eastern Hooded Plover, Eastern Hooded Plover [90381]	Vulnerable	Species or species habitat known to occur within area overfly marine area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area overfly marine area	In feature area
Fish			
Hippocampus abdominalis Big-belly Seahorse, Eastern Potbelly Seahorse, New Zealand Potbelly Seahorse [66233]		Species or species habitat may occur within area	In buffer area only
Hippocampus breviceps Short-head Seahorse, Short-snouted Seahorse [66235]		Species or species habitat may occur within area	In buffer area only
Histiogamphelus briggsii Crested Pipefish, Briggs' Crested Pipefish, Briggs' Pipefish [66242]		Species or species habitat may occur within area	In buffer area only
Maroubra perserrata Sawtooth Pipefish [66252]		Species or species habitat may occur within area	In buffer area only
Mitotichthys mollisoni Mollison's Pipefish [66260]		Species or species habitat may occur within area	In buffer area only
Mitotichthys semistriatus Halfbanded Pipefish [66261]		Species or species habitat may occur within area	In buffer area only
Mitotichthys tuckeri Tucker's Pipefish [66262]		Species or species habitat may occur within area	In buffer area only
Phyllopteryx taeniolatus Common Seadragon, Weedy Seadragon [66268]		Species or species habitat may occur within area	In buffer area only
Solegnathus spinosissimus Spiny Pipehorse, Australian Spiny Pipehorse [66275]		Species or species habitat may occur within area	In buffer area only
Stigmatopora argus Spotted Pipefish, Gulf Pipefish, Peacock Pipefish [66276]		Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
Stigmatopora nigra Widebody Pipefish, Wide-bodied Pipefish, Black Pipefish [66277]		Species or species habitat may occur within area	In buffer area only
Urocampus carinirostris Hairy Pipefish [66282]		Species or species habitat may occur within area	In buffer area only
Vanacampus phillipi Port Phillip Pipefish [66284]		Species or species habitat may occur within area	In buffer area only

Mammal			
Arctocephalus forsteri Long-nosed Fur-seal, New Zealand Fur-seal [20]		Species or species habitat may occur within area	In buffer area only
Arctocephalus pusillus Australian Fur-seal, Australo-African Fur-seal [21]		Species or species habitat may occur within area	In buffer area only

Whales and Other Cetaceans		[Resource Information]	
Current Scientific Name	Status	Type of Presence	Buffer Status
Mammal			
Balaenoptera acutorostrata Minke Whale [33]		Species or species habitat may occur within area	In buffer area only
Balaenoptera musculus Blue Whale [36]	Endangered	Species or species habitat likely to occur within area	In buffer area only
Caperea marginata Pygmy Right Whale [39]		Foraging, feeding or related behaviour may occur within area	In buffer area only
Delphinus delphis Common Dolphin, Short-beaked Common Dolphin [60]		Species or species habitat may occur within area	In buffer area only
Eubalaena australis Southern Right Whale [40]	Endangered	Breeding known to occur within area	In buffer area only

Current Scientific Name	Status	Type of Presence	Buffer Status
Grampus griseus Risso's Dolphin, Grampus [64]		Species or species habitat may occur within area	In buffer area only
Lagenorhynchus obscurus Dusky Dolphin [43]		Species or species habitat may occur within area	In buffer area only
Megaptera novaeangliae Humpback Whale [38]		Foraging, feeding or related behaviour known to occur within area	In buffer area only
Tursiops truncatus s. str. Bottlenose Dolphin [68417]		Species or species habitat may occur within area	In buffer area only

Extra Information

State and Territory Reserves			[Resource Information]
Protected Area Name	Reserve Type	State	Buffer Status
Batchelors Grave	Historic Site	TAS	In buffer area only
Cascades Female Factory	Historic Site	TAS	In buffer area only
Fanfare Angora Stud Tarooma	Conservation Covenant	TAS	In buffer area only
Gordons Hill	Nature Recreation Area	TAS	In buffer area only
Kangaroo Bluff	Historic Site	TAS	In buffer area only
Porter Hill	Conservation Covenant	TAS	In feature area
Rosny Hill	Nature Recreation Area	TAS	In buffer area only
Shot Tower	Historic Site	TAS	In buffer area only
South Lea	Conservation Covenant	TAS	In buffer area only
Tarooma Hills	Conservation Covenant	TAS	In buffer area only
The Lea	Private Sanctuary	TAS	In buffer area only
Truganini	Conservation Area	TAS	In feature area
Unnamed (Browns River)	Conservation Area	TAS	In buffer area only
Unnamed (The Lea)	Conservation Area	TAS	In buffer area only

Regional Forest Agreements	[Resource Information]
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Note that all areas with completed RFAs have been included.

RFA Name	State	Buffer Status
Tasmania RFA	Tasmania	In feature area

EPBC Act Referrals	[Resource Information]			
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Title of referral	Reference	Referral Outcome	Assessment Status	Buffer Status
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Controlled action				
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Construction of a Bypass Section	2008/4445	Controlled Action	Post-Approval	In buffer area only
Development of 90 residential lots with associated public roads and underground	2004/1706	Controlled Action	Post-Approval	In feature area
Tasmania Natural Gas Project - Stage 3	2001/212	Controlled Action	Post-Approval	In buffer area only

Not controlled action				
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Cascade Female Factory Historic Site Conservation Project	2009/4710	Not Controlled Action	Completed	In buffer area only
Cascade Female Factory Historic Site Conservation Project	2009/4922	Not Controlled Action	Completed	In buffer area only
Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of Australia	2015/7522	Not Controlled Action	Completed	In feature area
Industry/commercial precinct between Kennedy Rd and Tasman Hwy	2006/2557	Not Controlled Action	Completed	In buffer area only
Residential Subdivision Brinsmead Road	2007/3847	Not Controlled Action	Completed	In buffer area only
Upgrade of Fit-Out to Postal Hall	2009/4854	Not Controlled Action	Completed	In buffer area only

Not controlled action (particular manner)				
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Coal River Valley water recycling scheme	2002/898	Not Controlled Action (Particular Manner)	Post-Approval	In buffer area only
Rosny Hill Lookout and Hotel	2021/9126	Not Controlled Action (Particular Manner)	Post-Approval	In buffer area only

Referral decision				
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North West Bay Sewer Scheme	2005/1989	Referral Decision	Completed	In buffer area only
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Biologically Important Areas			
Scientific Name	Behaviour	Presence	Buffer Status
Seabirds			
Ardenna grisea			
Sooty Shearwater [82651]	Foraging	Known to occur	In buffer area only
Ardenna tenuirostris			
Short-tailed Shearwater [82652]	Foraging	Known to occur	In buffer area only
Pelecanoides urinatrix			
Common Diving-petrel [1018]	Foraging	Known to occur	In buffer area only
Phalacrocorax fuscescens			
Black-faced Cormorant [59660]	Foraging	Known to occur	In buffer area only
Pterodroma mollis			
Soft-plumaged Petrel [1036]	Foraging	Known to occur	In buffer area only
Thalassarche cauta cauta			
Shy Albatross [82345]	Foraging likely	Likely to occur	In buffer area only
Whales			
Balaenoptera musculus brevicauda			
Pygmy Blue Whale [81317]	Foraging	Likely to be present	In buffer area only
Eubalaena australis			
Southern Right Whale [40]	Connecting habitat	Known to occur	In buffer area only
Eubalaena australis			
Southern Right Whale [40]	Known core range	Known to occur	In buffer area only

Caveat

1 PURPOSE

This report is designed to assist in identifying the location of matters of national environmental significance (MNES) and other matters protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) which may be relevant in determining obligations and requirements under the EPBC Act.

The report contains the mapped locations of:

- World and National Heritage properties;
- Wetlands of International and National Importance;
- Commonwealth and State/Territory reserves;
- distribution of listed threatened, migratory and marine species;
- listed threatened ecological communities; and
- other information that may be useful as an indicator of potential habitat value.

2 DISCLAIMER

This report is not intended to be exhaustive and should only be relied upon as a general guide as mapped data is not available for all species or ecological communities listed under the EPBC Act (see below). Persons seeking to use the information contained in this report to inform the referral of a proposed action under the EPBC Act should consider the limitations noted below and whether additional information is required to determine the existence and location of MNES and other protected matters.

Where data are available to inform the mapping of protected species, the presence type (e.g. known, likely or may occur) that can be determined from the data is indicated in general terms. It is the responsibility of any person using or relying on the information in this report to ensure that it is suitable for the circumstances of any proposed use. The Commonwealth cannot accept responsibility for the consequences of any use of the report or any part thereof. To the maximum extent allowed under governing law, the Commonwealth will not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance

3 DATA SOURCES

Threatened ecological communities

For threatened ecological communities where the distribution is well known, maps are generated based on information contained in recovery plans, State vegetation maps and remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species

Threatened, migratory and marine species distributions have been discerned through a variety of methods. Where distributions are well known and if time permits, distributions are inferred from either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc.) together with point locations and described habitat; or modelled (MAXENT or BIOCLIM habitat modelling) using

Where little information is available for a species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc.).

In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More detailed distribution mapping methods are used to update these distributions

4 LIMITATIONS

The following species and ecological communities have not been mapped and do not appear in this report:

- threatened species listed as extinct or considered vagrants;
- some recently listed species and ecological communities;
- some listed migratory and listed marine species, which are not listed as threatened species; and
- migratory species that are very widespread, vagrant, or only occur in Australia in small numbers.

The following groups have been mapped, but may not cover the complete distribution of the species:

- listed migratory and/or listed marine seabirds, which are not listed as threatened, have only been mapped for recorded
- seals which have only been mapped for breeding sites near the Australian continent

The breeding sites may be important for the protection of the Commonwealth Marine environment.

Refer to the metadata for the feature group (using the Resource Information link) for the currency of the information.

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact us](#) page.

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[Department of Climate Change, Energy, the Environment and Water](#)

GPO Box 3090

Canberra ACT 2601 Australia

+61 2 6274 1111

Natural Values Atlas Report

Authoritative, comprehensive information on Tasmania's natural values.

Reference: ECOtas_44NicholasDrive

Requested For: MWapstra

Report Type: Summary Report

Timestamp: 06:33:37 PM Sunday 26 March 2023

Threatened Flora: buffers Min: 500m Max: 5000m

Threatened Fauna: buffers Min: 500m Max: 5000m

Raptors: buffers Min: 500m Max: 5000m

Tasmanian Weed Management Act Weeds: buffers Min: 500m Max: 5000m

Priority Weeds: buffers Min: 500m Max: 5000m

Geoconservation: buffer 1000m

Acid Sulfate Soils: buffer 1000m

TASVEG: buffer 1000m

Threatened Communities: buffer 1000m

Fire History: buffer 1000m

Tasmanian Reserve Estate: buffer 1000m

Biosecurity Risks: buffer 1000m



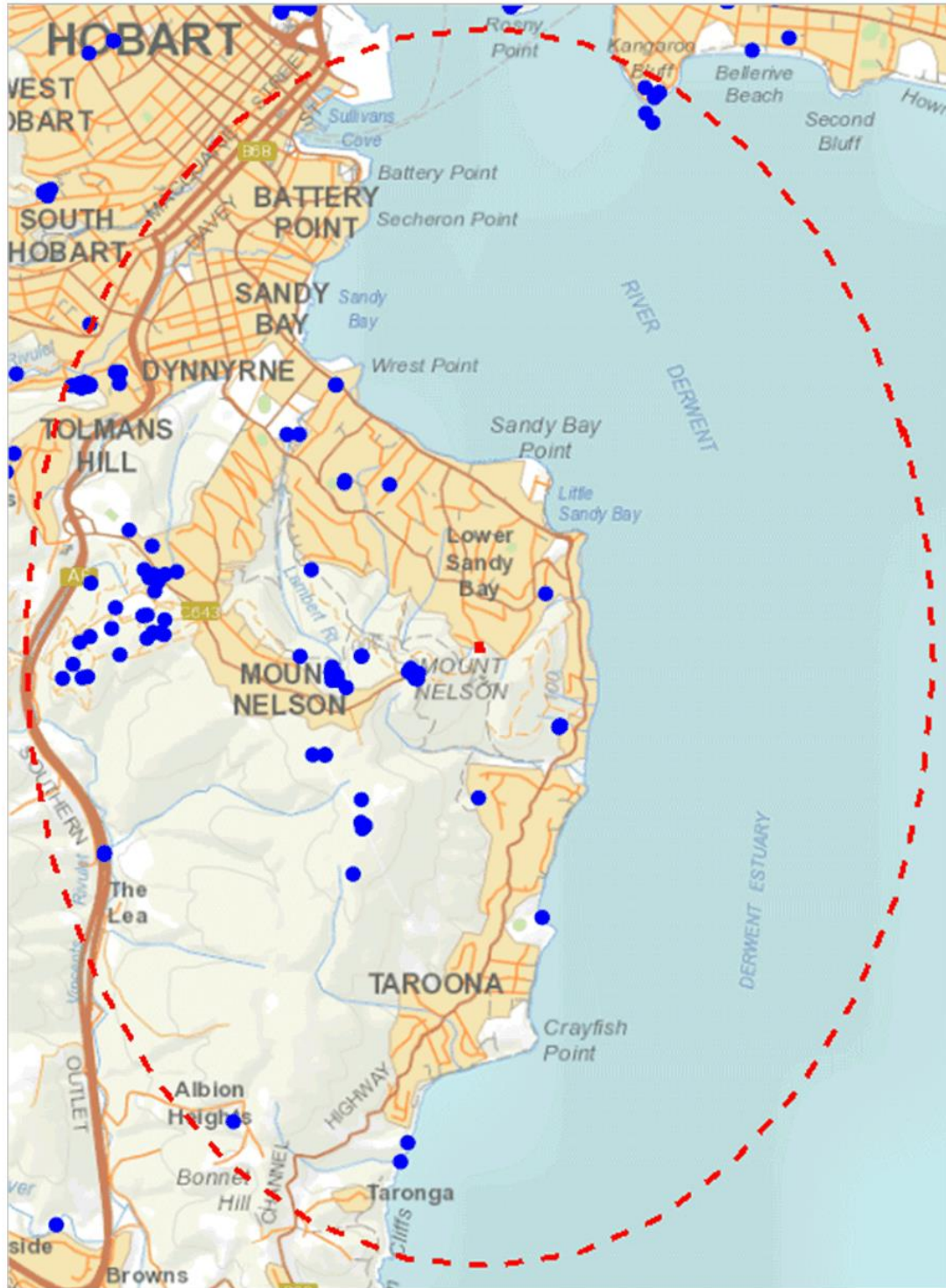
The centroid for this query GDA94: 528568.0, 5247753.0 falls within:

Property: 2916020

*** No threatened flora found within 500 metres ***

Threatened flora within 5000 metres

532436, 5252988



524707, 5242513

Please note that some layers may not display at all requested map scales

Threatened flora within 5000 metres

Legend: Verified and Unverified observations

● Point Verified
/ Line Unverified

● Point Unverified
□ Polygon Verified

/ Line Verified
□ Polygon Unverified

Legend: Cadastral Parcels



Threatened flora within 5000 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
<i>Allocasuarina duncanii</i>	conical sheoak	r		e	5	19-Dec-2020
<i>Asperula scoparia</i> subsp. <i>scoparia</i>	prickly woodruff	r		n	15	08-Nov-2022
<i>Atriplex suberecta</i>	spawling saltbush	v		n	1	01-Jan-1900
<i>Austrostipa blackii</i>	crested speargrass	r		n	2	29-Jan-2021
<i>Bolboschoenus caldwellii</i>	sea clubsedge	r		n	3	31-Jan-2006
<i>Caladenia caudata</i>	tailed spider-orchid	v	VU	e	6	30-Jun-2019
<i>Caladenia filamentosa</i>	daddy longlegs	r		n	3	30-Oct-2016
<i>Caladenia sylvicola</i>	forest fingers	e	CR	e	4	26-Oct-1997
<i>Carex gunniana</i>	mountain sedge	r		n	1	03-Dec-1990
<i>Carex longebrachiata</i>	drooping sedge	r		n	1	15-Nov-1978
<i>Corunastylis nuda</i>	tiny midge-orchid	r		n	1	01-Feb-1901
<i>Diuris palustris</i>	swamp doubletail	e		n	2	01-Nov-1895
<i>Euphrasia scabra</i>	yellow eyebright	e		n	13	17-Jan-2011
<i>Lepidium hyssopifolium</i>	soft peppercress	e	EN	n	5	12-Nov-2002
<i>Olearia hookeri</i>	crimsontip daisybush	r		e	1	01-Dec-1923
<i>Pimelea flava</i> subsp. <i>flava</i>	yellow riceflower	r		n	1	07-Oct-1840
<i>Pomaderris intermedia</i>	lemon dogwood	r		n	1	10-Jul-2012
<i>Pterostylis squamata</i>	ruddy greenhood	v		n	1	01-Mar-1907
<i>Pterostylis wapstrarum</i>	fleshy greenhood	e	CR	e	1	07-Nov-1955
<i>Ranunculus pumilio</i> var. <i>pumilio</i>	ferny buttercup	r		n	1	19-Dec-1946
<i>Rhodanthe anthemoides</i>	chamomile sunray	r		n	1	15-Jan-1898
<i>Scleranthus fasciculatus</i>	spreading knawel	v		n	4	24-Aug-2011
<i>Senecio squarrosus</i>	leafy fireweed	r		n	52	25-Feb-2022
<i>Sirophysis trinodis</i>	three-node seaweed	r		n	1	01-Jan-2010
<i>Vittadinia burbridgeae</i>	smooth new-holland-daisy	r		e	7	12-Mar-2011
<i>Vittadinia muelleri</i>	narrowleaf new-holland-daisy	r		n	57	12-May-2022
<i>Vittadinia muelleri</i> (broad sense)	narrow leaf new holland daisy	p		n	2	30-Sep-2004
<i>Xerochrysum bicolor</i>	eastcoast paperdaisy	r		n	3	28-Feb-2018

Unverified Records

No unverified records were found!

For more information about threatened species, please contact Threatened Species Enquiries.

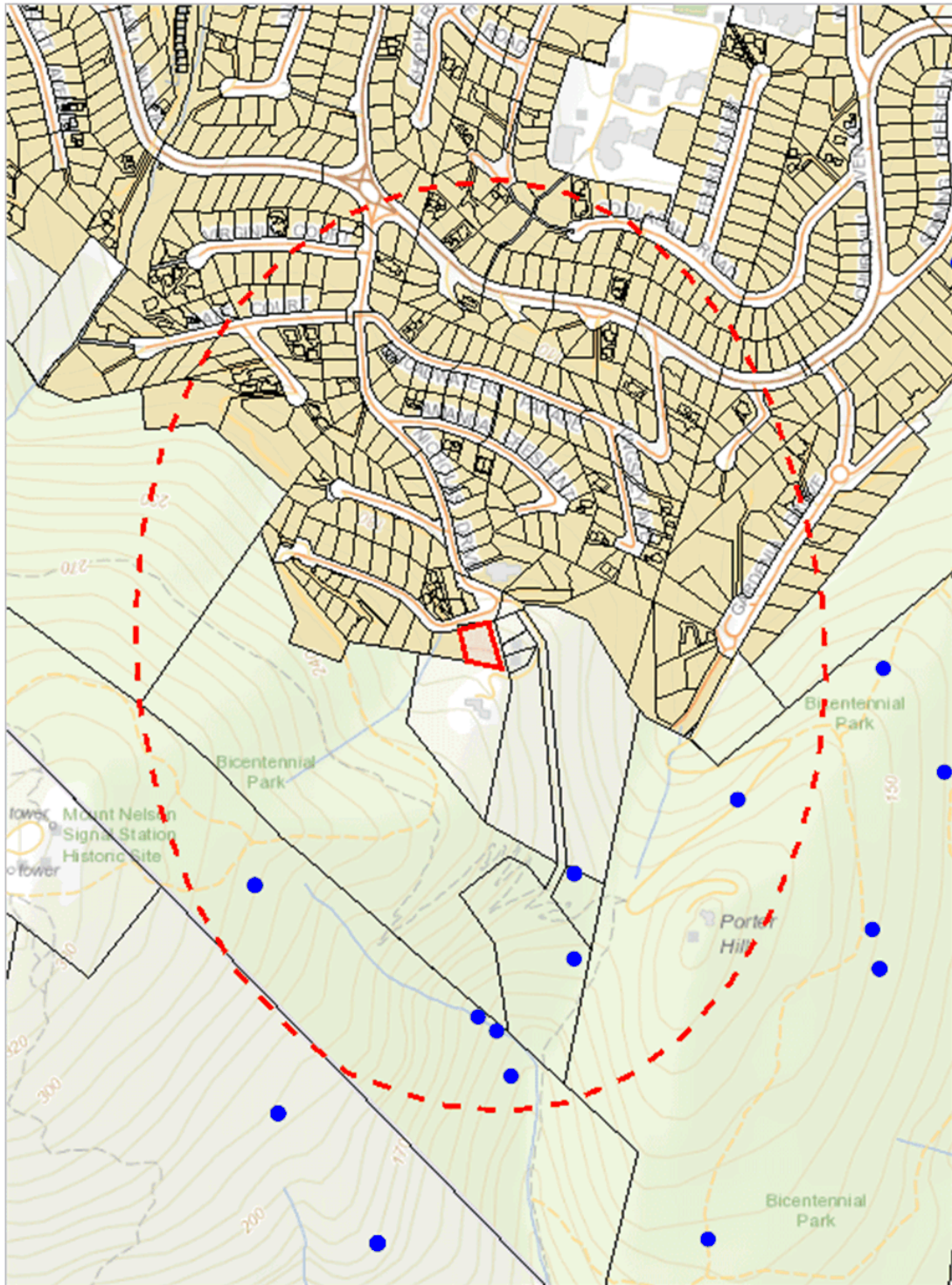
Telephone: 1300 368 550

Email: ThreatenedSpecies.Enquiries@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

Threatened fauna within 500 metres

529110, 5248480



528027, 5247025

Please note that some layers may not display at all requested map scales

Threatened fauna within 500 metres

Legend: Verified and Unverified observations

● Point Verified
/ Line Unverified

● Point Unverified
□ Polygon Verified

/ Line Verified
□ Polygon Unverified

Legend: Cadastral Parcels



Threatened fauna within 500 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
<i>Ammonitropa vigens</i>	Ammonite Pinwheel Snail	e		e	2	16-May-2021
<i>Dasyurus viverrinus</i>	eastern quoll		EN	n	1	19-Apr-2010
<i>Lathamus discolor</i>	swift parrot	e	CR	mbe	2	15-Oct-1987
<i>Perameles gunnii</i>	eastern barred bandicoot		VU	n	6	31-Jul-2021
<i>Sarcophilus harrisii</i>	tasmanian devil	e	EN	e	1	31-Jul-2021

Unverified Records

No unverified records were found!

Threatened fauna within 500 metres
(based on Range Boundaries)

Species	Common Name	SS	NS	BO	Potential	Known	Core
<i>Litoria raniformis</i>	green and gold frog	v	VU	n	1	0	0
<i>Lathamus discolor</i>	swift parrot	e	CR	mbe	1	0	1
<i>Dasyurus maculatus</i> subsp. <i>maculatus</i>	spotted-tail quoll	r	VU	n	1	0	0
<i>Discocharopa vigens</i>	Ammonite Pinwheel Snail	e	CR		1	0	0
<i>Prototroctes maraena</i>	australian grayling	v	VU	ae	1	0	0
<i>Antipodia chaostola</i>	chaostola skipper	e	EN	ae	1	0	0
<i>Pseudemoia pagenstecheri</i>	tussock skink	v		n	1	0	0
<i>Tyto novaehollandiae</i> subsp. <i>castanops</i>	masked owl (Tasmanian)	e	VU	e	1	0	1
<i>Haliaeetus leucogaster</i>	white-bellied sea-eagle	v		n	2	0	0
<i>Accipiter novaehollandiae</i>	grey goshawk	e		n	1	0	1
<i>Sarcophilus harrisii</i>	tasmanian devil	e	EN	e	1	0	0
<i>Pardalotus quadragintus</i>	forty-spotted pardalote	e	EN	e	1	0	0
<i>Perameles gunnii</i>	eastern barred bandicoot		VU	n	1	0	1
<i>Aquila audax</i> subsp. <i>fleayi</i>	tasmanian wedge-tailed eagle	e	EN	e	1	0	0
<i>Dasyurus viverrinus</i>	eastern quoll		EN	n	0	0	1

For more information about threatened species, please contact Threatened Species Enquiries.

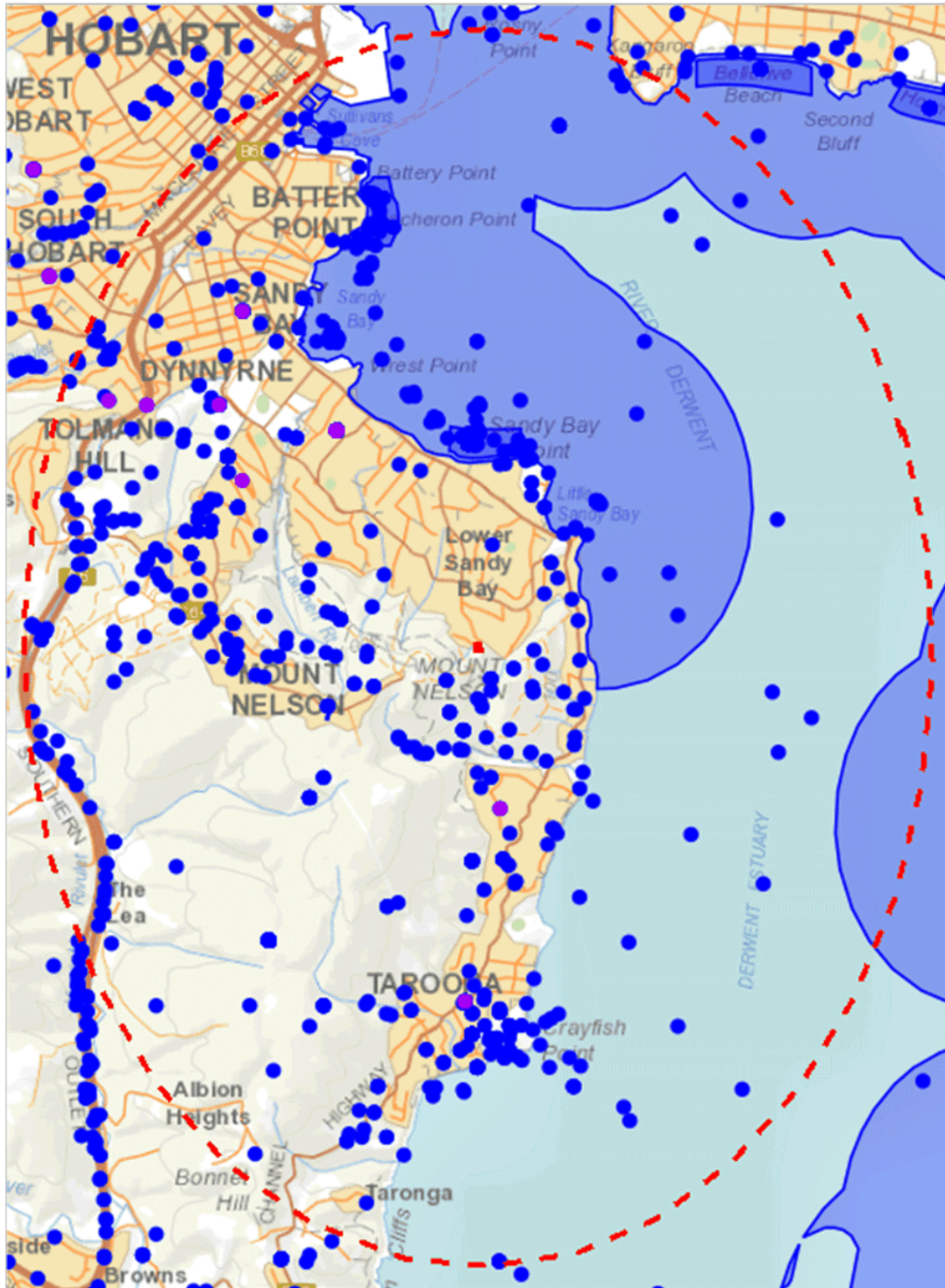
Telephone: 1300 368 550

Email: ThreatenedSpeciesEnquiries@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

Threatened fauna within 5000 metres

532436, 5252988



524707, 5242513

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Threatened fauna within 5000 metres

Legend: Verified and Unverified observations

● Point Verified
/ Line Unverified

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/ Line Verified
□ Polygon Unverified

Legend: Cadastral Parcels



Threatened fauna within 5000 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
Accipiter novaehollandiae	grey goshawk	e		n	97	06-May-2022
Ammonitropa vigens	Ammonite Pinwheel Snail	e		e	33	17-Jun-2021
Antipodia chaostola subsp. leucophaea	chaostola skipper	e	EN	e	1	01-Jan-1960
Aquila audax	wedge-tailed eagle	pe	PEN	n	24	11-Jun-2018
Aquila audax subsp. fleayi	tasmanian wedge-tailed eagle	e	EN	e	3	14-Apr-2013
Arctocephalus forsteri	new zealand fur seal	r		n	1	12-Mar-2017
Arctocephalus forsteri subsp. doriferus	new zealand fur seal	r		n	8	24-Sep-2007
Arctocephalus tropicalis	sub-antarctic fur seal	e	VU	n	1	13-Nov-2012
Botaurus poiciloptilus	australasian bittern		EN	n	1	28-Nov-1898
Brachionichthys hirsutus	spotted handfish	e	CR	e	216	27-Apr-2022
Dasyurus maculatus	spotted-tail quoll	r	VU	n	1	04-Jul-2019
Dasyurus maculatus subsp. maculatus	spotted-tail quoll	r	VU	n	1	01-Jan-1992
Dasyurus viverrinus	eastern quoll		EN	n	14	24-Jan-2021
Eubalaena australis	southern right whale	e	EN	m	38	04-Jun-2021
Gazameda gunnii	Gunn's screw shell	v		ae	15	27-Jul-2008
Haliaeetus leucogaster	white-bellied sea-eagle	v		n	45	11-Jun-2021
Hirundapus caudacutus	white-throated needletail		VU	n	34	22-Mar-2018
Lathamus discolor	swift parrot	e	CR	mbe	133	28-Sep-2021
Megaptera novaeangliae	humpback whale	e		m	16	22-Nov-2019
Pardalotus quadragintus	forty-spotted pardalote	e	EN	e	14	28-Feb-2021
Perameles gunnii	eastern barred bandicoot		VU	n	286	29-May-2022
Perameles gunnii subsp. gunnii	eastern barred bandicoot		VU		1	08-Sep-2020
Podiceps cristatus	great crested grebe	v		n	3	10-Sep-2013
Pteropus poliocephalus	grey-headed flying-fox		VU	n	1	09-May-2010
Sarcophilus harrisii	tasmanian devil	e	EN	e	175	18-Dec-2021
Serioloella brama	Blue Warehou		CD	n	3	01-Jul-1982
Theclinesthes serpentatus	chequered blue	pr		n	1	02-Mar-2016
Thinornis cucullatus	hooded plover		PVU	ae	1	28-Nov-2016
Thinornis rubricollis	hooded plover		VU	n	1	23-Nov-1928
Tyto novaehollandiae	masked owl	pe	PVU	n	23	14-Jan-2023

Unverified Records

Species	Common Name	SS	NS	Bio	Observation Count
Accipiter novaehollandiae	grey goshawk	e		n	7
Aquila audax	wedge-tailed eagle	pe	PEN	n	6

Threatened fauna within 5000 metres
(based on Range Boundaries)

Species	Common Name	SS	NS	BO	Potential	Known	Core
Litoria raniformis	green and gold frog	v	VU	n	1	0	1
Lathamus discolor	swift parrot	e	CR	mbe	1	0	1
Dasyurus maculatus subsp. maculatus	spotted-tail quoll	r	VU	n	1	0	0
Discocharopa vigens	Ammonite Pinwheel Snail	e	CR		1	0	1
Prototroctes maraena	australian grayling	v	VU	ae	3	0	0
Antipodia chaostola	chaostola skipper	e	EN	ae	1	0	1
Pseudemoia pagenstecheri	tussock skink	v		n	1	0	0
Tyto novaehollandiae subsp. castanops	masked owl (Tasmanian)	e	VU	e	1	0	1
Haliaeetus leucogaster	white-bellied sea-eagle	v		n	3	0	0
Accipiter novaehollandiae	grey goshawk	e		n	1	0	1
Pardalotus quadragintus	forty-spotted pardalote	e	EN	e	1	0	2
Sarcophilus harrisii	tasmanian devil	e	EN	e	1	0	0
Brachionichthys hirsutus	spotted handfish	e	CR	e	1	8	0
Perameles gunnii	eastern barred bandicoot		VU	n	1	0	1
Aquila audax subsp. fleayi	tasmanian wedge-tailed eagle	e	EN	e	1	0	0
Dasyurus viverrinus	eastern quoll		EN	n	0	0	1

For more information about threatened species, please contact Threatened Species Enquiries.

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Department of Natural Resources and Environment Tasmania

Page 10 of 50



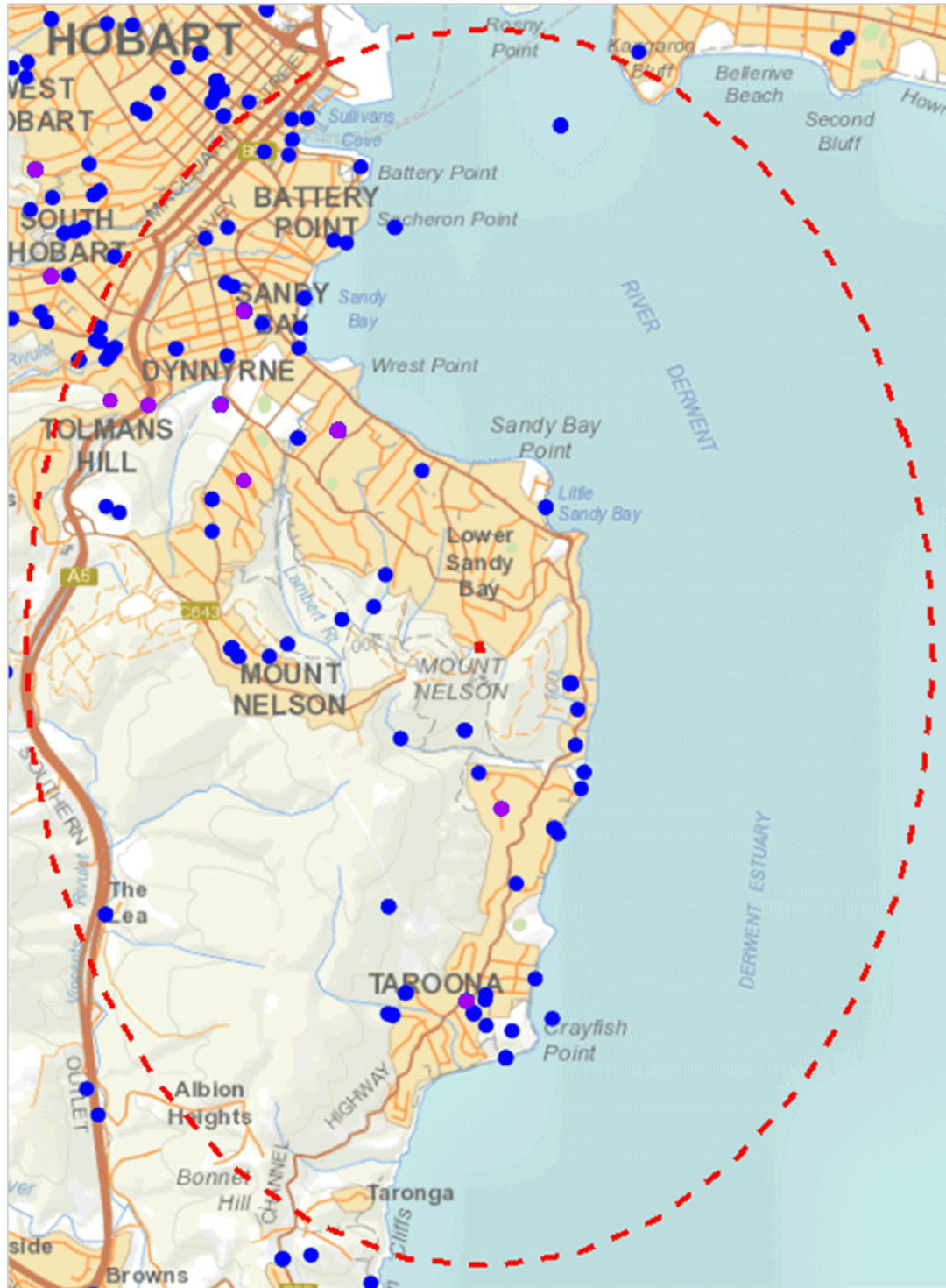
Threatened fauna within 5000 metres

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

*** No Raptor nests or sightings found within 500 metres. ***

Raptor nests and sightings within 5000 metres

532436, 5252988



524707, 5242513

Please note that some layers may not display at all requested map scales

Raptor nests and sightings within 5000 metres

Legend: Verified and Unverified observations

● Point Verified
/ Line Unverified

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□ Polygon Verified

/ Line Verified
□ Polygon Unverified

Legend: Cadastral Parcels



Raptor nests and sightings within 5000 metres

Verified Records

Nest Id/Location Foreign Id	Species	Common Name	Obs Type	Observation Count	Last Recorded
1764	Aquila audax subsp. fleayi	tasmanian wedge-tailed eagle	Nest	2	12-Nov-2008
	Accipiter novaehollandiae	grey goshawk	Audible	1	02-Feb-2014
	Accipiter novaehollandiae	grey goshawk	Carcass	2	08-Apr-2008
	Accipiter novaehollandiae	grey goshawk	Not Recorded	68	06-Aug-2018
	Accipiter novaehollandiae	grey goshawk	Sighting	28	06-May-2022
	Aquila audax	wedge-tailed eagle	Not Recorded	21	11-Jun-2018
	Aquila audax	wedge-tailed eagle	Sighting	3	03-Apr-2015
	Aquila audax subsp. fleayi	tasmanian wedge-tailed eagle	Sighting	1	14-Apr-2013
	Falco longipennis	australian hobby	Sighting	1	19-Mar-1997
	Falco peregrinus	peregrine falcon	Not Recorded	48	20-Aug-2018
	Falco peregrinus	peregrine falcon	Sighting	1	02-Apr-2015
	Haliaeetus leucogaster	white-bellied sea-eagle	Not Recorded	39	31-Jul-2018
	Haliaeetus leucogaster	white-bellied sea-eagle	Sighting	6	11-Jun-2021
	Tyto novaehollandiae	masked owl	Not Recorded	6	09-Jun-2018
	Tyto novaehollandiae	masked owl	Sighting	17	14-Jan-2023

Unverified Records

Nest Id/Location Foreign Id	Species	Common Name	Obs Type	Observation Count
	Accipiter novaehollandiae	grey goshawk	Sighting	7
	Aquila audax	wedge-tailed eagle	Sighting	6

Raptor nests and sightings within 5000 metres

(based on Range Boundaries)

Species	Common Name	SS	NS	Potential	Known	Core
Aquila audax subsp. fleayi	tasmanian wedge-tailed eagle	e	EN	1	0	0
Accipiter novaehollandiae	grey goshawk	e		1	0	1
Haliaeetus leucogaster	white-bellied sea-eagle	v		3	0	0

For more information about raptor nests, please contact Threatened Species Enquiries.

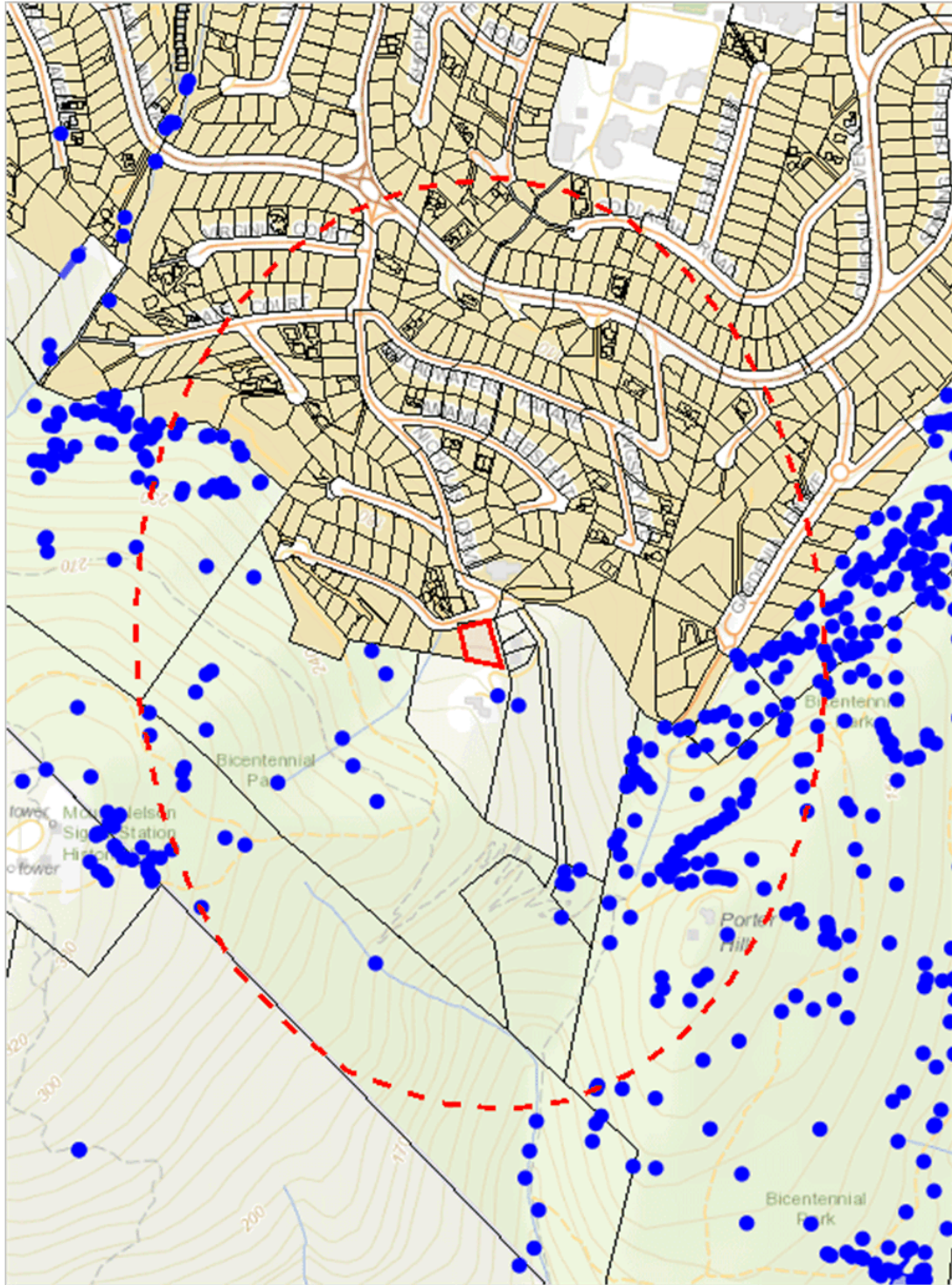
Telephone: 1300 368 550

Email: ThreatenedSpecies.Enquiries@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

Tas Management Act Weeds within 500 m

529110, 5248480



528027, 5247025

Please note that some layers may not display at all requested map scales

Tas Management Act Weeds within 500 m

Legend: Verified and Unverified observations

- Point Verified
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- Polygon Verified

- Line Verified
- Polygon Unverified

Legend: Cadastral Parcels



Tas Management Act Weeds within 500 m

Verified Records

Species	Common Name	Observation Count	Last Recorded
<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	boneseed	263	28-Apr-2021
<i>Cirsium arvense</i> var. <i>arvense</i>	creeping thistle	4	17-Mar-2021
<i>Cortaderia seloana</i>	silver pampasgrass	8	03-Oct-2013
<i>Erica arborea</i>	tree heath	1	23-Nov-2012
<i>Galium tricornutum</i>	rough corn bedstraw	1	16-Sep-2020
<i>Genista monspessulana</i>	montpellier broom or canary broom	4	25-Jul-2013
<i>Rubus fruticosus</i>	blackberry	39	28-Feb-2013
<i>Senecio jacobaea</i>	ragwort	1	16-Sep-2020
<i>Ulex europaeus</i>	gorse	1	18-Jul-2013

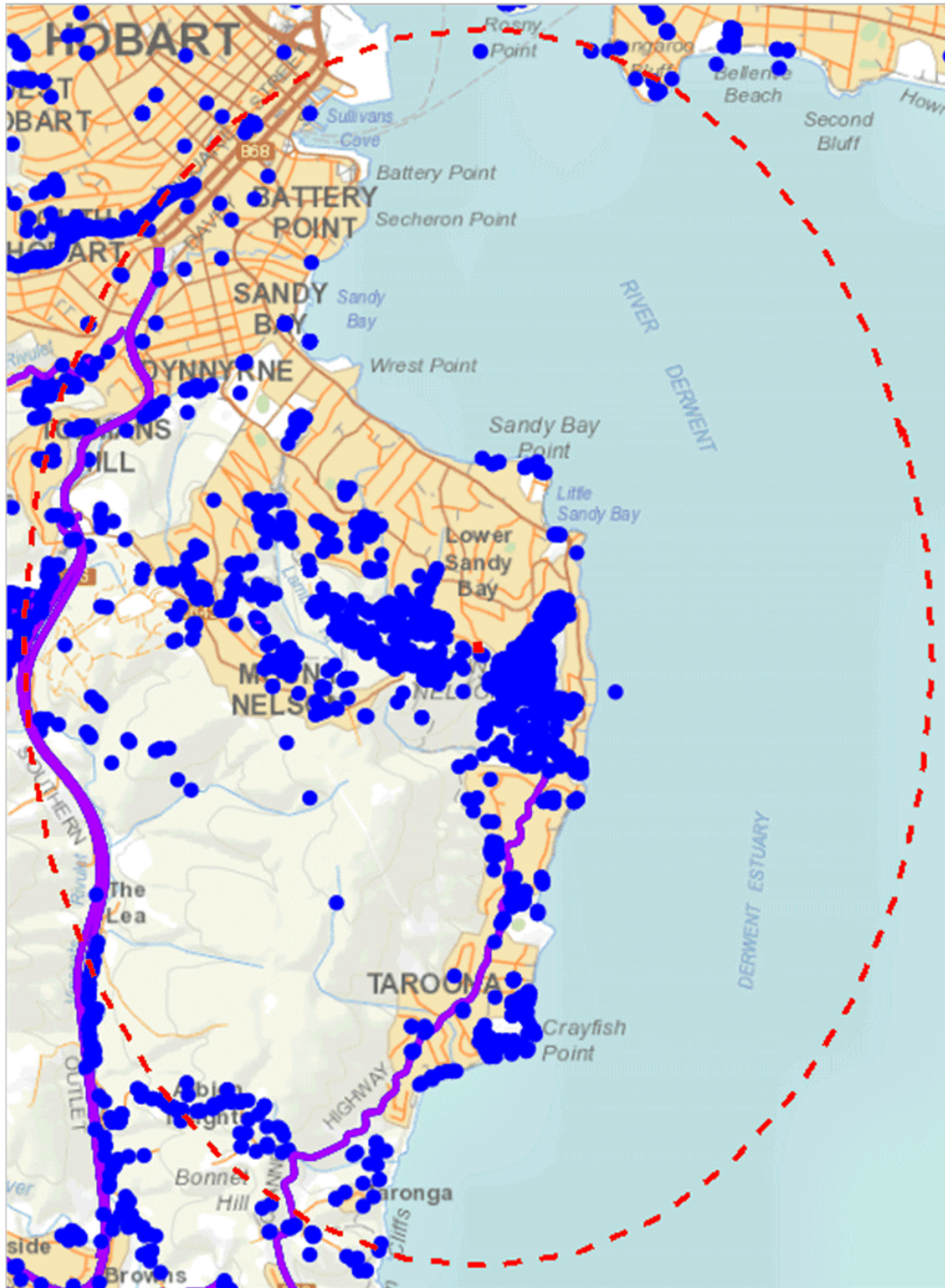
Unverified Records

For more information about introduced weed species, please visit the following URL for contact details in your area:

<https://www.nre.tas.gov.au/invasive-species/weeds>

Tas Management Act Weeds within 5000 m

532436, 5252988



524707, 5242513

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Tas Management Act Weeds within 5000 m

Legend: Verified and Unverified observations

● Point Verified
/ Line Unverified

● Point Unverified
□ Polygon Verified

/ Line Verified
□ Polygon Unverified

Legend: Cadastral Parcels



Tas Management Act Weeds within 5000 m

Verified Records

Species	Common Name	Observation Count	Last Recorded
<i>Amsinckia calycina</i>	hairy fiddleneck	24	12-Oct-2020
<i>Anthemis cotula</i>	stinking chamomile	1	01-Jun-2014
<i>Asparagus asparagoides</i>	bridal creeper	21	23-Jun-2015
<i>Asparagus scandens</i>	asparagus fern	1	27-Oct-2009
<i>Austroderia richardii</i>	toe-toe pampasgrass	3	03-Apr-2014
<i>Calluna vulgaris</i>	heather	6	24-Feb-2014
<i>Carduus nutans</i>	nodding thistle	1	01-Jan-1993
<i>Carduus pycnocephalus</i>	slender thistle	7	10-Dec-2020
<i>Carduus tenuiflorus</i>	winged thistle	4	05-Dec-2007
<i>Carex albula</i>	frosted curls	2	09-Jun-1989
<i>Carex testacea</i>	redbase sedge	2	05-Dec-2007
<i>Carthamus lanatus</i>	saffron thistle	3	30-Apr-1942
<i>Cenchrus longisetus</i>	feathertop	2	20-Apr-2006
<i>Cenchrus macrourus</i>	african feathergrass	8	01-Jan-2002
<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	boneseed	939	23-Jan-2023
<i>Cirsium arvense</i>	californian thistle	1	21-Mar-1966
<i>Cirsium arvense</i> var. <i>arvense</i>	creeping thistle	24	17-May-2021
<i>Coprosma robusta</i>	karamu	3	03-Aug-2006
<i>Cortaderia jubata</i>	pink pampasgrass	6	19-Mar-2020
<i>Cortaderia selloana</i>	silver pampasgrass	33	16-Apr-2020
<i>Cortaderia</i> sp.	pampas grass	105	26-Apr-2022
<i>Cytisus multiflorus</i>	white spanish broom	2	22-Sep-2016
<i>Cytisus scoparius</i>	english broom	58	28-Feb-2022
<i>Echium plantagineum</i>	patersons curse	5	07-Sep-2020
<i>Egeria densa</i>	dense waterweed	2	07-Mar-1985
<i>Erica arborea</i>	tree heath	15	25-Jun-2021
<i>Erica baccans</i>	berryflower heath	3	10-Sep-2014
<i>Erica lusitanica</i>	spanish heath	470	11-Oct-2021
<i>Foeniculum vulgare</i>	fennel	57	13-Sep-2022
<i>Galium tricorutum</i>	rough corn bedstraw	2	16-Sep-2020
<i>Genista monspessulana</i>	montpellier broom or canary broom	120	02-Mar-2022
<i>Hypericum perforatum</i>	perforated st johns-wort	13	04-Jan-2023
<i>Hypericum perforatum</i> subsp. <i>veronense</i>	perforated st johns-wort	7	15-Jan-2008
<i>Ilex aquifolium</i>	holly	15	30-Apr-2021
<i>Lantana camara</i>	lantana	1	01-Feb-2007
<i>Lepidium draba</i>	hoary cress	118	23-Jan-2023
<i>Leycesteria formosa</i>	himalayan honeysuckle	4	21-Feb-2014
<i>Lycium ferocissimum</i>	african boxthorn	21	05-Sep-2020
<i>Marrubium vulgare</i>	white horehound	11	03-Aug-2022
<i>Myriophyllum aquaticum</i>	parrotfeather	1	03-Feb-1948
<i>Nassella neesiana</i>	chilean needlegrass	13	19-Nov-2020
<i>Nassella trichotoma</i>	serrated tussock	16	03-Apr-2020
<i>Onopordum acanthium</i>	scotch thistle	1	11-Dec-2020
<i>Pilosella aurantiaca</i> subsp. <i>aurantiaca</i>	orange hawkweed	7	03-Feb-2015
<i>Rubus anglocandicans</i>	blackberry	29	11-May-2021
<i>Rubus fruticosus</i>	blackberry	379	15-Dec-2021
<i>Salix alba</i> var. <i>vitellina</i>	golden willow	1	09-Dec-2010
<i>Salix cinerea</i> subsp. <i>cinerea</i>	grey willow	3	11-Oct-2016
<i>Salix humboldtiana</i>	chilean pencil willow	1	15-Dec-2006
<i>Salix x fragilis</i> nothovar. <i>fragilis</i>	crack willow	104	17-May-2021
<i>Senecio jacobaea</i>	ragwort	1	16-Sep-2020
<i>Ulex europaeus</i>	gorse	328	04-Aug-2022
<i>Urospermum dalechampii</i>	false dandelion	7	26-Nov-2018

Unverified Records

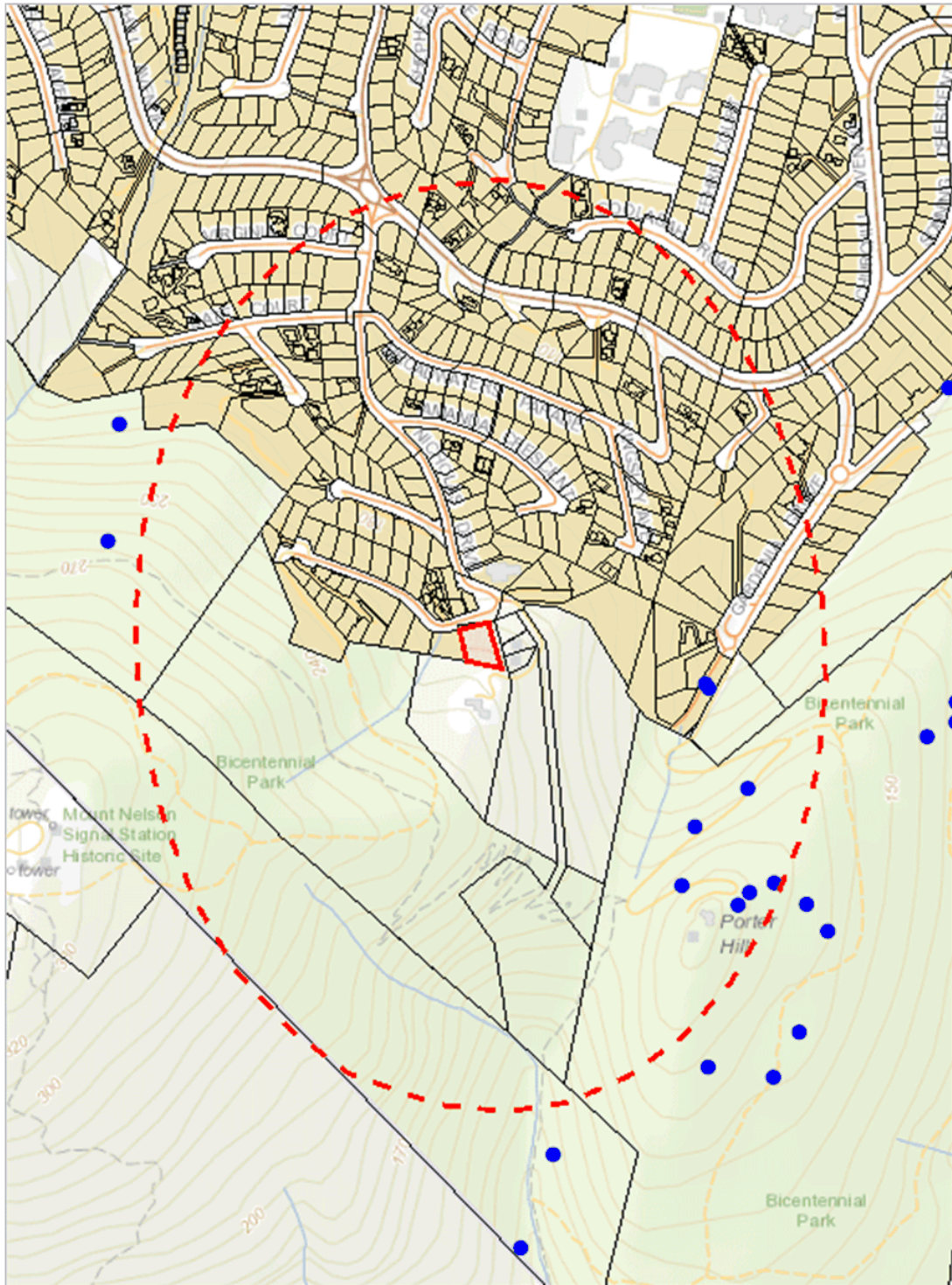
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Tas Management Act Weeds within 5000 m

Priority Weeds within 500 m

529110, 5248480



528027, 5247025

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Priority Weeds within 500 m

Legend: Verified and Unverified observations

● Point Verified
/ Line Unverified

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□ Polygon Verified

/ Line Verified
□ Polygon Unverified

Legend: Cadastral Parcels



Priority Weeds within 500 m

Verified Records

Species	Common Name	Observation Count	Last Recorded
Acacia howittii	sticky wattle	2	21-Oct-2013
Billardiera heterophylla	bluebell creeper	1	14-Dec-2012
Echium candicans	pride-of-madeira	5	25-Jul-2013
Pittosporum undulatum	sweet pittosporum	1	28-Feb-2013
Reseda luteola	weld	4	01-Nov-2021

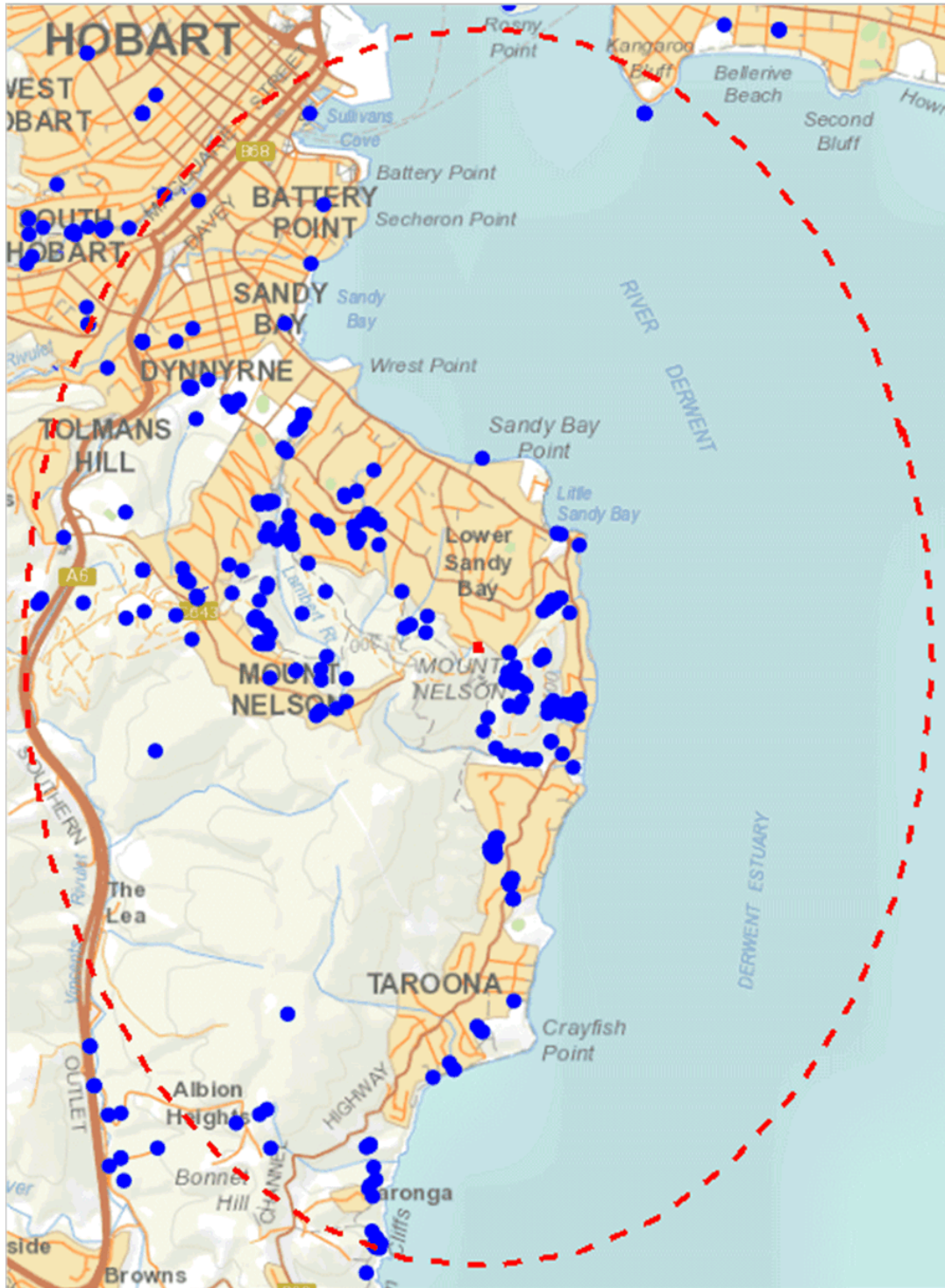
Unverified Records

For more information about introduced weed species, please visit the following URL for contact details in your area:

<https://www.nre.tas.gov.au/invasive-species/weeds>

Priority Weeds within 5000 m

532436, 5252988



524707, 5242513

Please note that some layers may not display at all requested map scales

Priority Weeds within 5000 m

Legend: Verified and Unverified observations

● Point Verified
/ Line Unverified

● Point Unverified
□ Polygon Verified

/ Line Verified
□ Polygon Unverified

Legend: Cadastral Parcels



Priority Weeds within 5000 m

Verified Records

Species	Common Name	Observation Count	Last Recorded
<i>Acacia baileyana</i>	cootamundra wattle	15	29-Nov-2021
<i>Acacia howittii</i>	sticky wattle	10	30-Apr-2022
<i>Achillea millefolium</i>	yarrow	1	13-Sep-2022
<i>Ammophila arenaria</i>	marram grass	3	17-May-1954
<i>Anredera cordifolia</i>	madeira vine	2	27-Jul-1998
<i>Billardiera heterophylla</i>	bluebell creeper	56	16-Jan-2022
<i>Cenchrus clandestinus</i>	kikuyu grass	1	23-Jan-1986
<i>Dipsacus fullonum</i>	wild teasel	8	17-May-2022
<i>Echium candicans</i>	pride-of-madeira	28	26-May-2022
<i>Gomphocarpus fruticosus</i> subsp. <i>fruticosus</i>	swanplant	2	10-Aug-2009
<i>Grevillea rosmarinifolia</i>	rosemary grevillea	9	21-Jun-2021
<i>Pittosporum undulatum</i>	sweet pittosporum	118	09-May-2022
<i>Polygala myrtifolia</i>	myrtleleaf milkwort	8	18-Mar-2022
<i>Prunus laurocerasus</i>	cherry laurel	2	01-Jun-2014
<i>Reseda luteola</i>	weld	23	09-Jan-2022
<i>Rumex obtusifolius</i>	broadleaf dock	4	01-Sep-2001
<i>Rumex obtusifolius</i> subsp. <i>obtusifolius</i>	western broadleaf dock	2	12-Dec-1910
<i>Salix x pendulina</i> var. <i>pendulina</i>	weeping willow	8	17-May-2021
<i>Tradescantia fluminensis</i>	wandering creeper	5	01-Nov-2019
<i>Verbascum thapsus</i>	great mullein	12	17-May-2022
<i>Watsonia meriana</i> var. <i>bulbillifera</i>	bulbil watsonia	1	03-May-2019

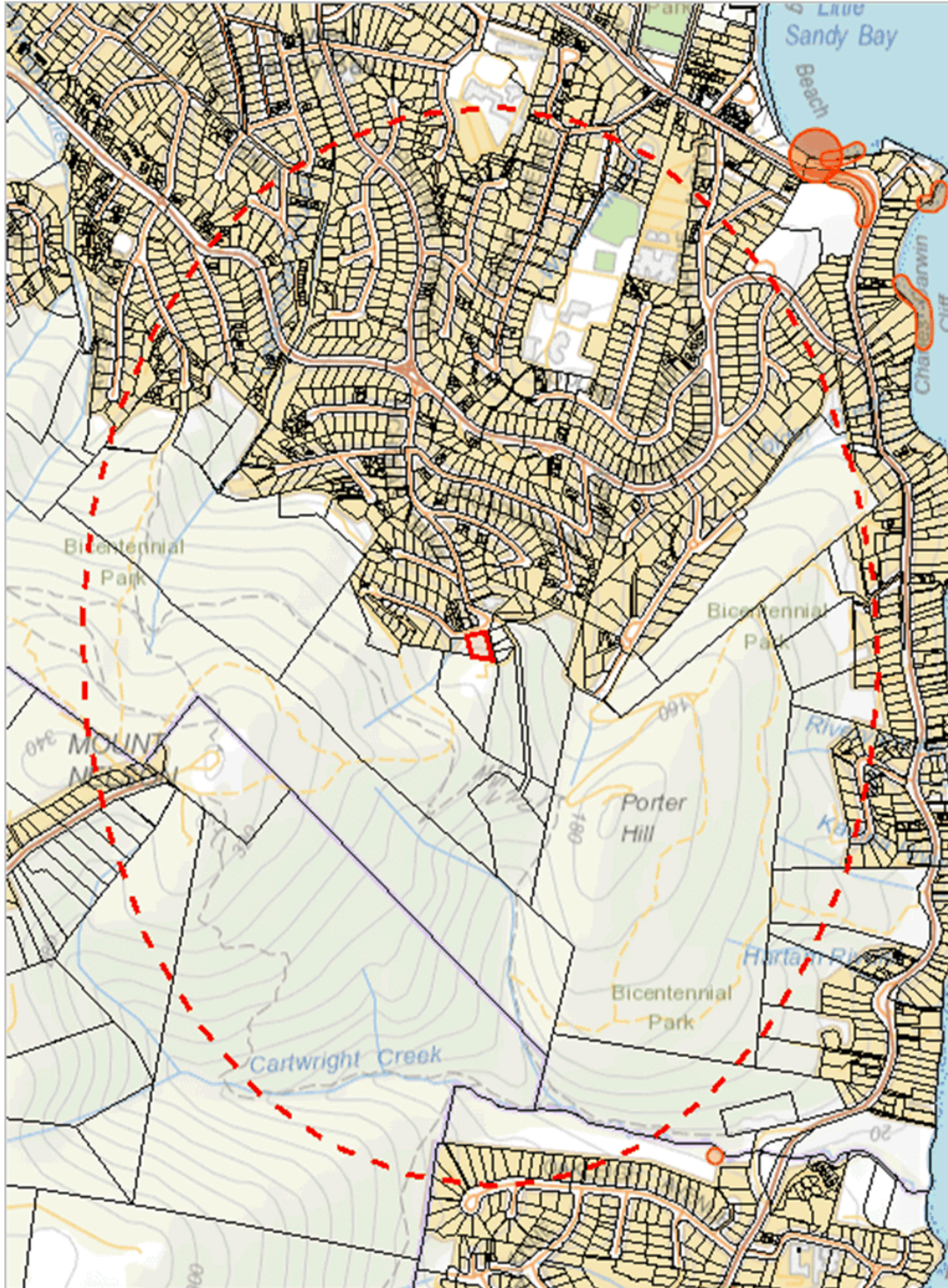
Unverified Records

For more information about introduced weed species, please visit the following URL for contact details in your area:

<https://www.nre.tas.gov.au/invasive-species/weeds>

Geoconservation sites within 1000 metres

529479, 5248981



527658, 5246523

Please note that some layers may not display at all requested map scales

Geoconservation sites within 1000 metres

Legend: Geoconservation (NVA)



Legend: Cadastral Parcels



Geoconservation sites within 1000 metres

Id	Name	Statement of Significance	Significance Level	Status
2211	Blinking Billy Point Basaltic Volcanics	Readily accessible exposure of a Tertiary basaltic volcanic centre, of geoscience history and educational significance.	State	Listed

*** There are restricted sites within 1000 metres, which are not shown on the map or included in the table. Please contact the section listed below for details. ***

For more information about the Geoconservation Database, please visit the website: <https://www.nre.tas.gov.au/conservation/geoconservation> or contact the Geoconservation Officer:

Telephone: (03) 6165 4401

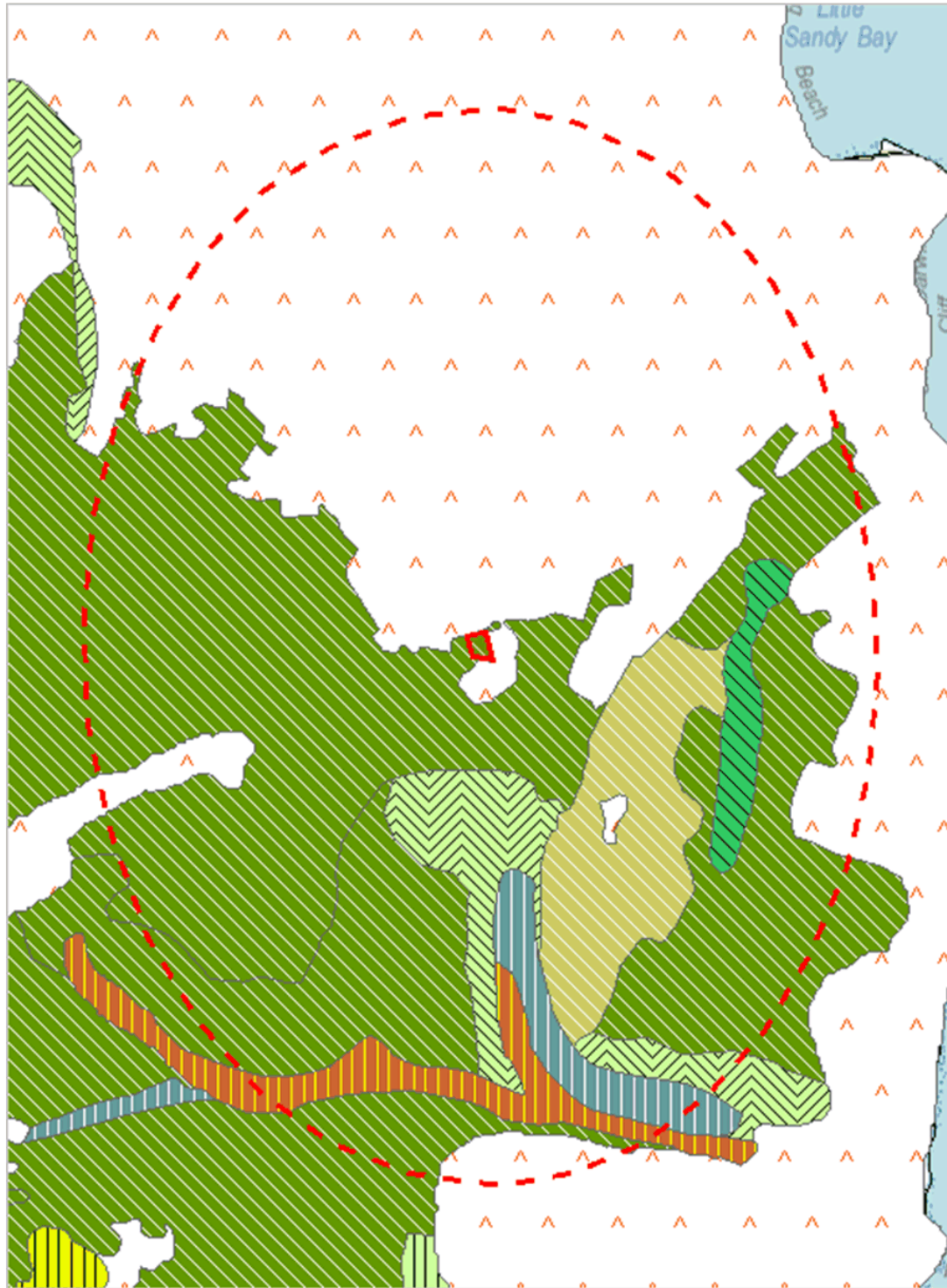
Email: Geoconservation.Enquiries@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

*** No Acid Sulfate Soils found within 1000 metres ***

TASVEG 4.0 Communities within 1000 metres

529479, 5248981



527658, 5246523

Please note that some layers may not display at all requested map scales

TASVEG 4.0 Communities within 1000 metres

Legend: TASVEG 4.0






























































-  (AAP) Alkaline pans
-  (AHF) Freshwater aquatic herbland
-  (AHL) Lacustrine herbland
-  (AHS) Saline aquatic herbland
-  (ARS) Saline sedgeland / rushland
-  (ASF) Fresh water aquatic sedgeland and rushland
-  (ASP) Sphagnum peatland
-  (ASS) Succulent saline herbland
-  (AUS) Saltmarsh (undifferentiated)
-  (AWU) Wetland (undifferentiated)
-  (DAC) Eucalyptus amygdalina coastal forest and woodland
-  (DAD) Eucalyptus amygdalina forest and woodland on dolerite
-  (DAM) Eucalyptus amygdalina forest on mudstone
-  (DAS) Eucalyptus amygdalina forest and woodland on sandstone
-  (DAZ) Eucalyptus amygdalina inland forest and woodland on Cainozoic deposits
-  (DBA) Eucalyptus barberi forest and woodland
-  (DCO) Eucalyptus coccifera forest and woodland
-  (DCR) Eucalyptus cordata forest
-  (DDE) Eucalyptus delegatensis dry forest and woodland
-  (DDP) Eucalyptus dalrympleana - Eucalyptus pauciflora forest and woodland
-  (DGL) Eucalyptus globulus dry forest and woodland
-  (DGW) Eucalyptus gunnii woodland
-  (DKW) King Island Eucalypt woodland
-  (DMO) Eucalyptus morrisbyi forest and woodland
-  (DMW) Midlands woodland complex
-  (DNF) Eucalyptus nitida Furneaux forest
-  (DNI) Eucalyptus nitida dry forest and woodland
-  (DOB) Eucalyptus obliqua dry forest
-  (DOV) Eucalyptus ovata forest and woodland
-  (DOW) Eucalyptus ovata heathy woodland
-  (DPD) Eucalyptus pauciflora forest and woodland on dolerite
-  (DPE) Eucalyptus perriniana forest and woodland
-  (DPO) Eucalyptus pauciflora forest and woodland not on dolerite
-  (DPU) Eucalyptus pulchella forest and woodland
-  (DRI) Eucalyptus risdonii forest and woodland
-  (DRO) Eucalyptus rodwayi forest and woodland
-  (DSC) Eucalyptus amygdalina - Eucalyptus obliqua damp sclerophyll forest
-  (DSG) Eucalyptus sieberi forest and woodland on granite
-  (DSO) Eucalyptus sieberi forest and woodland not on granite
-  (DTD) Eucalyptus tenuiramis forest and woodland on dolerite
-  (DTG) Eucalyptus tenuiramis forest and woodland on granite
-  (DTO) Eucalyptus tenuiramis forest and woodland on sediments
-  (DVC) Eucalyptus viminalis - Eucalyptus globulus coastal forest and woodland
-  (DVF) Eucalyptus viminalis Furneaux forest and woodland
-  (DVG) Eucalyptus viminalis grassy forest and woodland
-  (FAC) Improved pasture with native tree canopy
-  (FAG) Agricultural land
-  (FMG) Marram grassland
-  (FPE) Permanent easements
-  (FPF) Pteridium esculentum fernland
-  (FPH) Plantations for silviculture - hardwood
-  (FPS) Plantations for silviculture - softwood
-  (FPU) Unverified plantations for silviculture
-  (FRG) Regenerating cleared land
-  (FSM) Spartina marshland
-  (FUM) Extra-urban miscellaneous
-  (FUR) Urban areas
-  (FWU) Weed infestation
-  (GCL) Lowland grassland complex

Department of Natural Resources and Environment Tasmania

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TASVEG 4.0 Communities within 1000 metres






































	(GHC) Coastal grass and herbfield
	(GPH) Highland Poa grassland
	(GPL) Lowland Poa labillardierei grassland
	(GRP) Rockplate grassland
	(GSL) Lowland grassy sedgeland
	(GTL) Lowland Themeda triandra grassland
	(HCH) Alpine coniferous heathland
	(HCM) Cushion moorland
	(HHE) Eastern alpine heathland
	(HHW) Western alpine heathland
	(HSE) Eastern alpine sedgeland
	(HSW) Western alpine sedgeland/herbland
	(HUE) Eastern alpine vegetation (undifferentiated)
	(MBE) Eastern buttongrass moorland
	(MBP) Pure buttongrass moorland
	(MBR) Sparse buttongrass moorland on slopes
	(MBS) Buttongrass moorland with emergent shrubs
	(MBU) Buttongrass moorland (undifferentiated)
	(MBW) Western buttongrass moorland
	(MDS) Subalpine Diplarrena latifolia rushland
	(MGH) Highland grassy sedgeland
	(MRR) Restionaceae rushland
	(MSW) Western lowland sedgeland
	(NAD) Acacia dealbata forest
	(NAF) Acacia melanoxylon swamp forest
	(NAL) Allocasuarina littoralis forest
	(NAR) Acacia melanoxylon forest on rises
	(NAV) Allocasuarina verticillata forest
	(NBA) Bursaria - Acacia woodland
	(NBS) Banksia serrata woodland
	(NCR) Callitris rhomboidea forest
	(NLA) Leptospermum scoparium - Acacia mucronata forest
	(NLE) Leptospermum forest
	(NLM) Leptospermum lanigerum - Melaleuca squarrosa swamp forest
	(NLN) Subalpine Leptospermum nitidum woodland
	(NME) Melaleuca ericifolia swamp forest
	(OAQ) Water, sea
	(ORO) Lichen lithosere
	(OSM) Sand, mud
	(RCO) Coastal rainforest
	(RFE) Rainforest fernland
	(RFS) Nothofagus gunnii rainforest scrub
	(RHP) Lagarostrobos franklinii rainforest and scrub
	(RKF) Athrotaxis selaginoides - Nothofagus gunnii short rainforest
	(RKP) Athrotaxis selaginoides rainforest
	(RKS) Athrotaxis selaginoides subalpine scrub
	(RKX) Highland rainforest scrub with dead Athrotaxis selaginoides
	(RML) Nothofagus - Leptospermum short rainforest
	(RMS) Nothofagus - Phyllocladus short rainforest
	(RMT) Nothofagus - Atherosperma rainforest
	(RMU) Nothofagus rainforest (undifferentiated)
	(RPF) Athrotaxis cupressoides - Nothofagus gunnii short rainforest
	(RPP) Athrotaxis cupressoides rainforest
	(RPW) Athrotaxis cupressoides open woodland
	(RSH) Highland low rainforest and scrub
	(SAL) Acacia longifolia coastal scrub
	(SBM) Banksia marginata wet scrub
	(SBR) Broad-leaf scrub
	(SCA) Coastal scrub on alkaline sands
	(SCH) Coastal heathland
	(SCL) Heathland on calcareous substrates

Department of Natural Resources and Environment Tasmania

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TASVEG 4.0 Communities within 1000 metres

-  (SED) Eastern scrub on dolerite
-  (SHS) Subalpine heathland
-  (SHW) Wet heathland
-  (SKA) Kunzea ambigua regrowth scrub
-  (SLG) Leptospermum glaucescens heathland and scrub
-  (SLL) Leptospermum lanigerum scrub
-  (SLS) Leptospermum scoparium heathland and scrub
-  (SMM) Melaleuca squamea heathland
-  (SMP) Melaleuca pustulata scrub
-  (SMR) Melaleuca squarrosa scrub
-  (SRE) Eastern riparian scrub
-  (SRF) Leptospermum with rainforest scrub
-  (SRH) Rookery halophytic herbland
-  (SSC) Coastal scrub
-  (SSK) Scrub complex on King Island
-  (SSW) Western subalpine scrub
-  (SSZ) Spray zone coastal complex
-  (SWR) Western regrowth complex
-  (SWW) Western wet scrub
-  (WBR) Eucalyptus brookeriana wet forest
-  (WDA) Eucalyptus dalrympleana forest
-  (WDB) Eucalyptus delegatensis forest with broad-leaf shrubs
-  (WDL) Eucalyptus delegatensis forest over Leptospermum
-  (WDR) Eucalyptus delegatensis forest over rainforest
-  (WDU) Eucalyptus delegatensis wet forest (undifferentiated)
-  (WGK) Eucalyptus globulus King Island forest
-  (WGL) Eucalyptus globulus wet forest
-  (WNL) Eucalyptus nitida forest over Leptospermum
-  (WNR) Eucalyptus nitida forest over rainforest
-  (WNU) Eucalyptus nitida wet forest (undifferentiated)
-  (WOB) Eucalyptus obliqua forest with broad-leaf shrubs
-  (WOL) Eucalyptus obliqua forest over Leptospermum
-  (WOR) Eucalyptus obliqua forest over rainforest
-  (WOU) Eucalyptus obliqua wet forest (undifferentiated)
-  (WRE) Eucalyptus regnans forest
-  (WSU) Eucalyptus subcrenulata forest and woodland
-  (WVI) Eucalyptus viminalis wet forest

Legend: Cadastral Parcels



TASVEG 4.0 Communities within 1000 metres

Code	Community	Canopy Tree
DOB	(DOB) Eucalyptus obliqua dry forest	
DPU	(DPU) Eucalyptus pulchella forest and woodland	
DVG	(DVG) Eucalyptus viminalis grassy forest and woodland	
FUR	(FUR) Urban areas	
NAV	(NAV) Allocasuarina verticillata forest	
SBR	(SBR) Broad-leaf scrub	
WGL	(WGL) Eucalyptus globulus wet forest	

For more information contact: Coordinator, Tasmanian Vegetation Monitoring and Mapping Program.

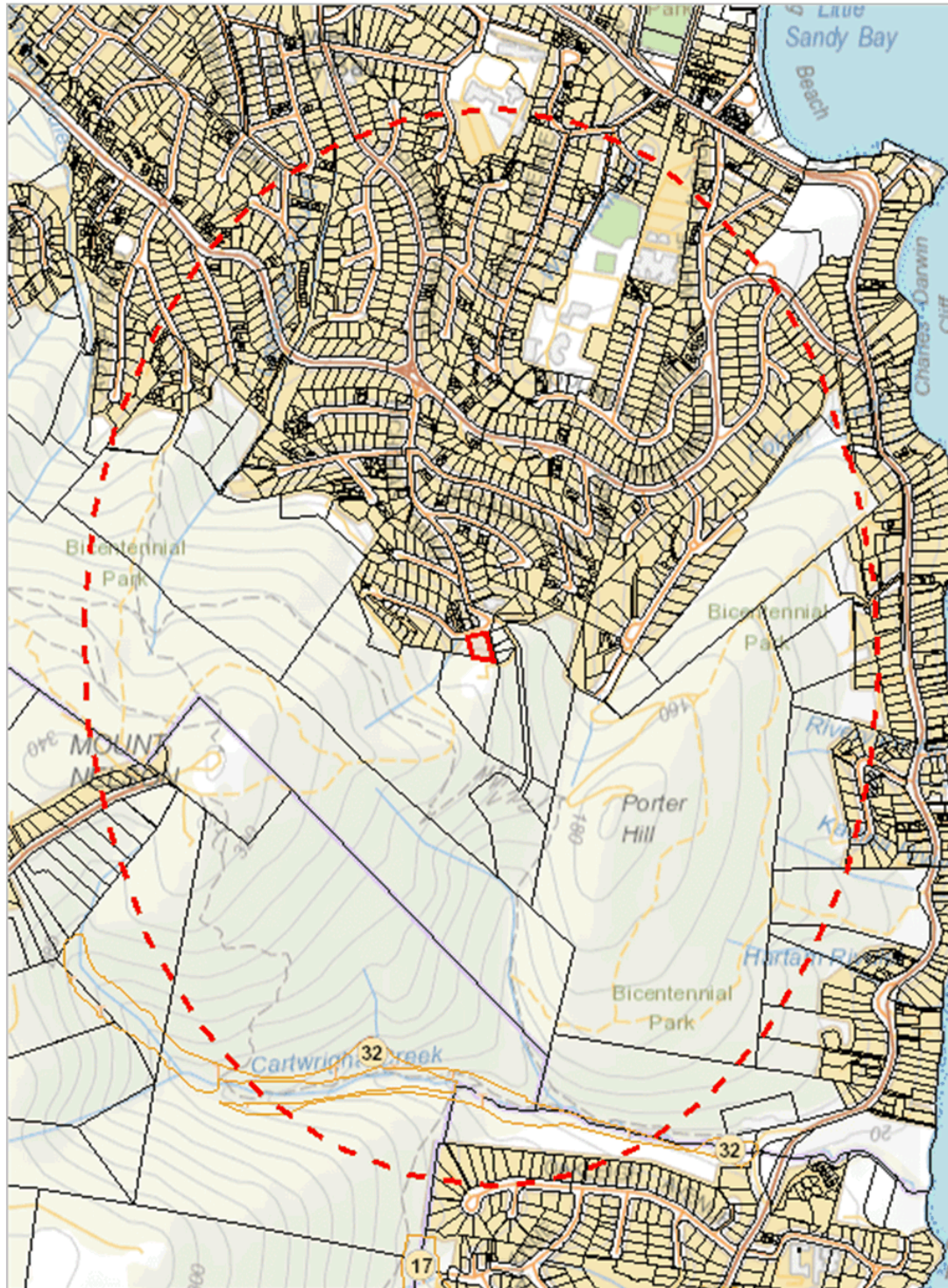
Telephone: (03) 6165 4320

Email: TVMMPsupport@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

Threatened Communities (TNVC 2020) within 1000 metres

529479, 5248981



527658, 5246523

Please note that some layers may not display at all requested map scales

Threatened Communities (TNVC 2020) within 1000 metres

Legend: Threatened Communities

- 1 - Alkaline pans
- 2 - Allocasuarina littoralis forest
- 3 - Athrotaxis cupressoides/Nothofagus gunnii short rainforest
- 4 - Athrotaxis cupressoides open woodland
- 5 - Athrotaxis cupressoides rainforest
- 6 - Athrotaxis selaginoides/Nothofagus gunnii short rainforest
- 7 - Athrotaxis selaginoides rainforest
- 8 - Athrotaxis selaginoides subalpine scrub
- 9 - Banksia marginata wet scrub
- 10 - Banksia serrata woodland
- 11 - Callitris rhomboidea forest
- 13 - Cushion moorland
- 14 - Eucalyptus amygdalina forest and woodland on sandstone
- 15 - Eucalyptus amygdalina inland forest and woodland on cainozoic deposits
- 16 - Eucalyptus brookeriana wet forest
- 17 - Eucalyptus globulus dry forest and woodland
- 18 - Eucalyptus globulus King Island forest
- 19 - Eucalyptus morrisbyi forest and woodland
- 20 - Eucalyptus ovata forest and woodland
- 21 - Eucalyptus risdonii forest and woodland
- 22 - Eucalyptus tenuiramis forest and woodland on sediments
- 23 - Eucalyptus viminalis - Eucalyptus globulus coastal forest and woodland
- 24 - Eucalyptus viminalis Furneaux forest and woodland
- 25 - Eucalyptus viminalis wet forest
- 26 - Heathland on calcareous substrates
- 27 - Heathland scrub complex at Wingaroo
- 28 - Highland grassy sedgeland
- 29 - Highland Poa grassland
- 30 - Melaleuca ericifolia swamp forest
- 31 - Melaleuca pustulata scrub
- 32 - Notelaea - Pomaderris - Beyeria forest
- 33 - Rainforest fernland
- 34 - Riparian scrub
- 35 - Seabird rookery complex
- 36 - Sphagnum peatland
- 36A - Spray zone coastal complex
- 37 - Subalpine Diplarrena latifolia rushland
- 38 - Subalpine Leptospernum nitidum woodland
- 39 - Wetlands

Legend: Cadastral Parcels



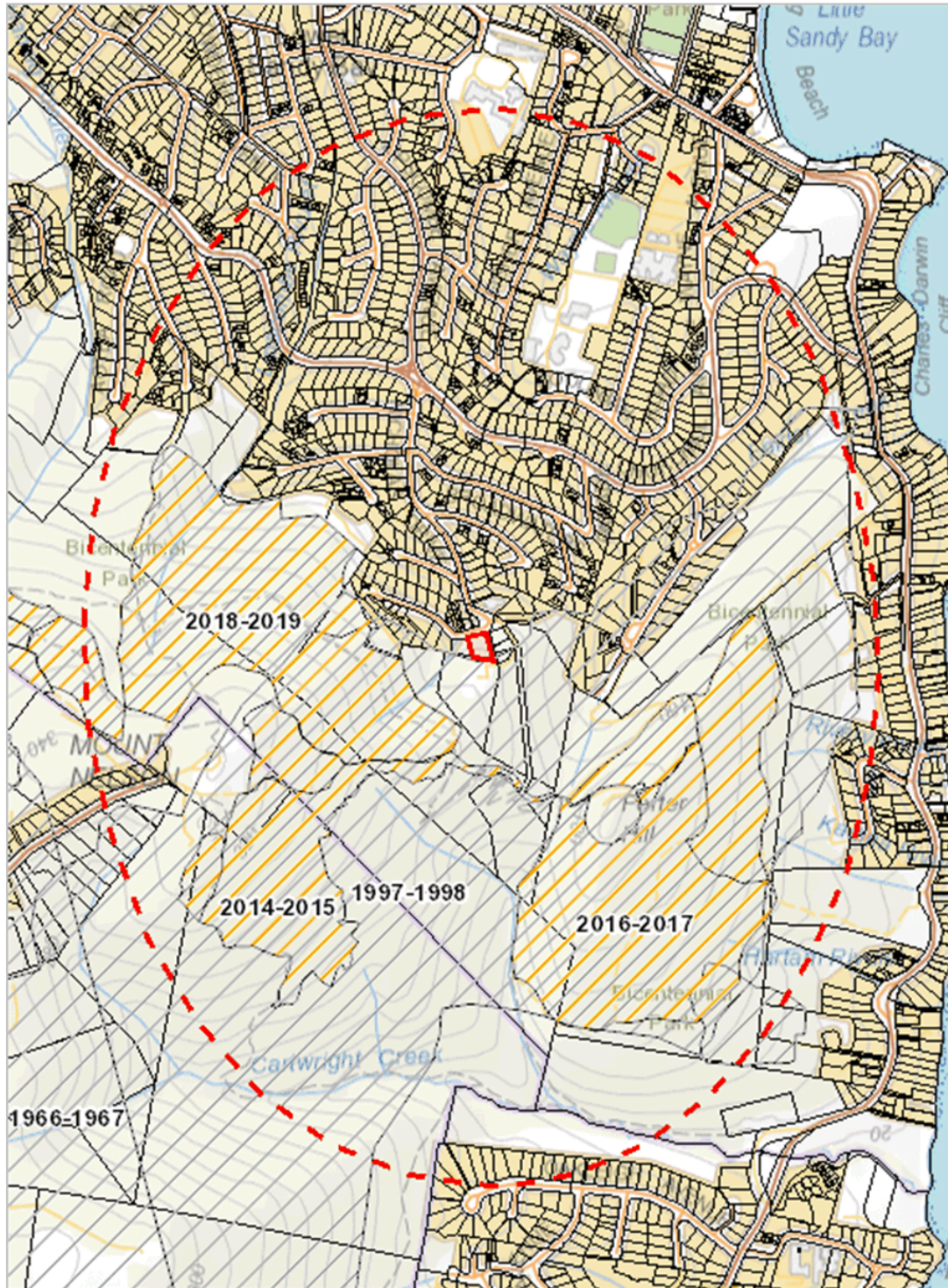
Threatened Communities (TNVC 2020) within 1000 metres

Scheduled Community Id	Scheduled Community Name
32	Notelaea - Pomaderris - Beyeria forest

For more information contact: Coordinator, Tasmanian Vegetation Monitoring and Mapping Program.
Telephone: (03) 6165 4320
Email: TVMMPsupport@nre.tas.gov.au
Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

Fire History (All) within 1000 metres

529479, 5248981



527658, 5246523

Please note that some layers may not display at all requested map scales

Fire History (All) within 1000 metres

Legend: Fire History All

- Bushfire-Unknown Category
- Completed Planned Burn

- Bushfire

Legend: Cadastral Parcels



Fire History (All) within 1000 metres

Incident Number	Fire Name	Ignition Date	Fire Type	Ignition Cause	Fire Area (HA)
150454	Sandy Bay Road	19-Sep-2008	Bushfire	Undetermined	3.04745018
HHZ022BU	Signal Station North	30-Oct-2018	Planned Burn	Planned Burn	20.3049967
HHZ040BU	Porter Hill 10	15-Oct-2017	Planned Burn	Planned Burn	2.04145815
HHZ043BU	Riverview Fire Trail	30-Nov-2020	Planned Burn	Planned Burn	5.72169176
HHZZ11BU	BP23	25-Mar-2015	Planned Burn	Planned Burn	1.90907304
HRB2015/16-09	PH11 PH14 PH15	20-Apr-2017	Planned Burn	Planned Burn	16.07985493
TCA1AP	Signal Station South TCA1AP	21-Apr-2015	Planned Burn	Planned Burn	8.71804378
TCA2AP	Truganini Track West TCA2AP	15-Dec-2014	Planned Burn	Planned Burn	0.847420220000 0001
THZ001BU	BP06 FRB	01-Nov-2015	Planned Burn	Planned Burn	2.10889296
	Ridgeway	17-Jan-1998	Bushfire	Accidental	3166.7162194

For more information about Fire History, please contact the Manager Community Protection Planning, Tasmania Fire Service.

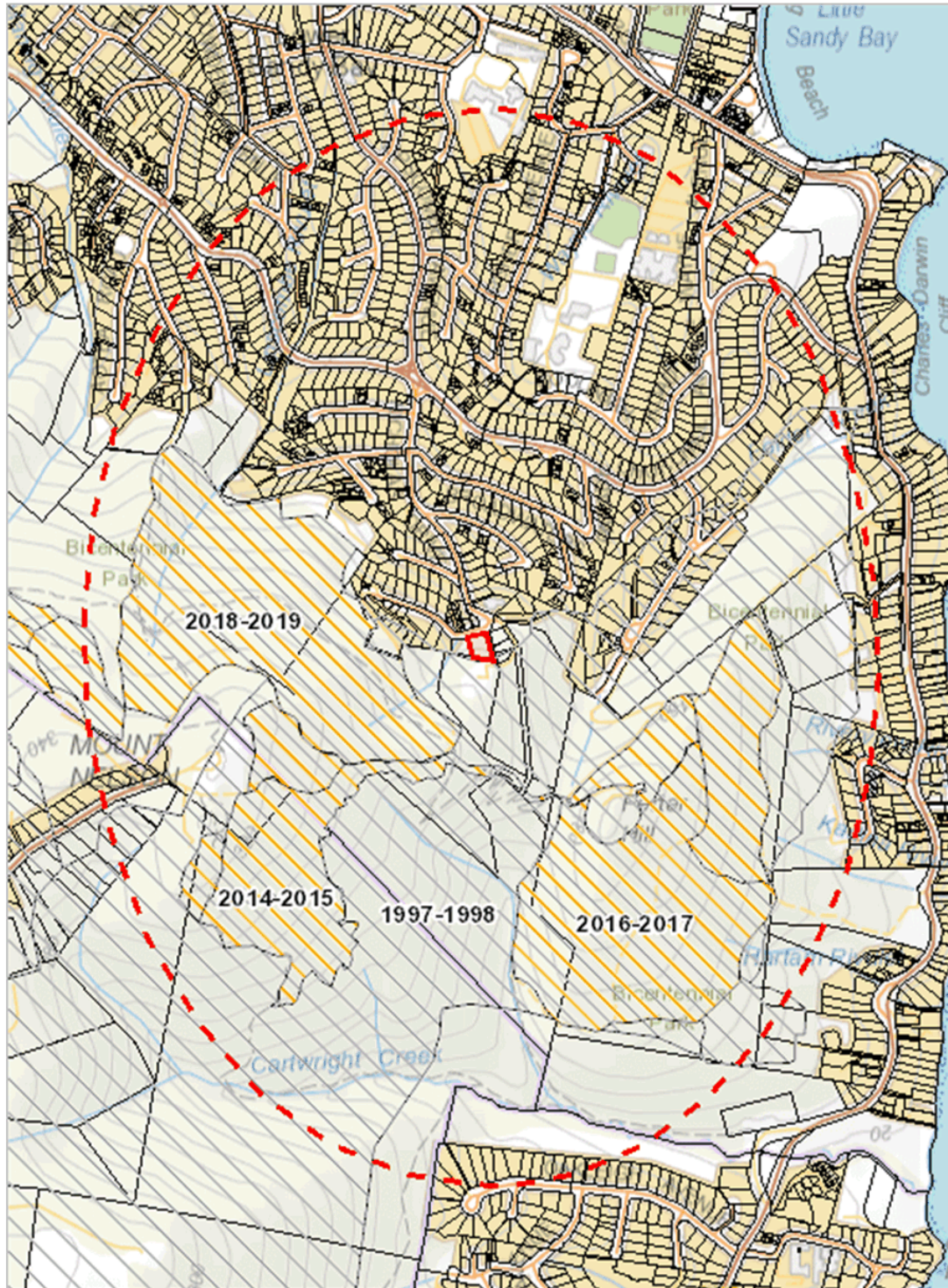
Telephone: 1800 000 699

Email: planning@fire.tas.gov.au

Address: cnr Argyle and Melville Streets, Hobart, Tasmania, Australia, 7000

Fire History (Last Burnt) within 1000 metres

529479, 5248981



527658, 5246523


Please note that some layers may not display at all requested map scales

Fire History (Last Burnt) within 1000 metres

Legend: Fire History Last

 Bushfire-Unknown category

 Completed Planned Burn

 Bushfire

Legend: Cadastral Parcels



Fire History (Last Burnt) within 1000 metres

Incident Number	Fire Name	Ignition Date	Fire Type	Ignition Cause	Fire Area (HA)
150454	Sandy Bay Road	19-Sep-2008	Bushfire	Undetermined	3.04745018
HHZ022BU	Signal Station North	30-Oct-2018	Planned Burn	Planned Burn	20.3049967
HHZ040BU	Porter Hill 10	15-Oct-2017	Planned Burn	Planned Burn	2.04145815
HHZ043BU	Riverview Fire Trail	30-Nov-2020	Planned Burn	Planned Burn	5.72169176
HHZZ11BU	BP23	25-Mar-2015	Planned Burn	Planned Burn	1.90907304
HRB2015/16-09	PH11 PH14 PH15	20-Apr-2017	Planned Burn	Planned Burn	16.07985493
TCA1AP	Signal Station South TCA1AP	21-Apr-2015	Planned Burn	Planned Burn	8.71804378
TCA2AP	Truganini Track West TCA2AP	15-Dec-2014	Planned Burn	Planned Burn	0.847420220000 0001
THZ001BU	BP06 FRB	01-Nov-2015	Planned Burn	Planned Burn	2.10889296
	Ridgeway	17-Jan-1998	Bushfire	Accidental	3166.7162194

For more information about Fire History, please contact the Manager Community Protection Planning, Tasmania Fire Service.

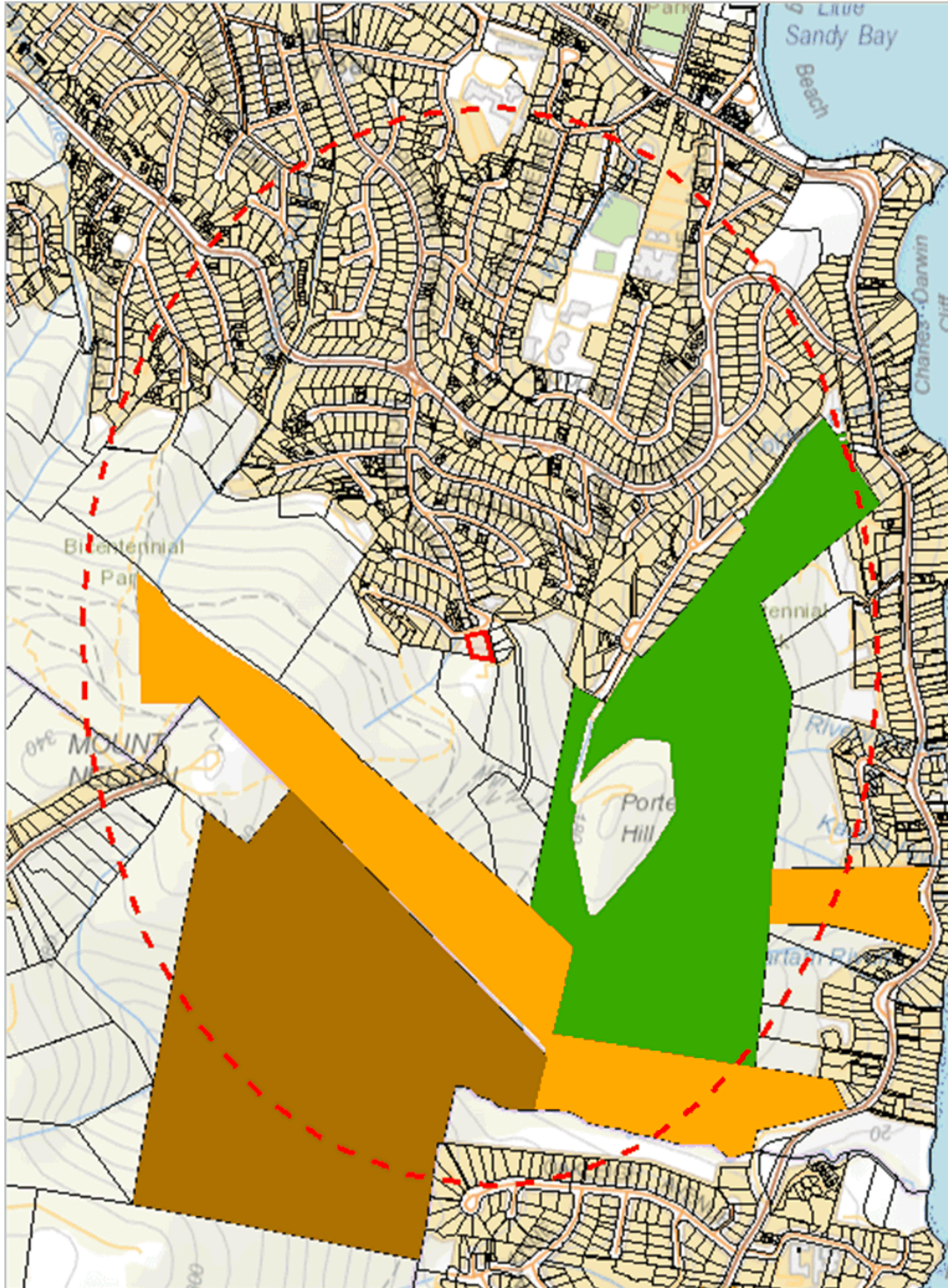
Telephone: 1800 000 699

Email: planning@fire.tas.gov.au

Address: cnr Argyle and Melville Streets, Hobart, Tasmania, Australia, 7000

Reserves within 1000 metres

529479, 5248981

















527658, 5246523

Please note that some layers may not display at all requested map scales

Reserves within 1000 metres

Legend: Tasmanian Reserve Estate

-  Conservation Area
-  Conservation Area and Conservation Covenant (NCA)
-  Game Reserve
-  Historic Site
-  Indigenous Protected Area
-  National Park
-  Nature Reserve
-  Nature Recreation Area
-  Regional Reserve
-  State Reserve
-  Wellington Park
-  Public authority land within WHA
-  Future Potential Production Forest
-  Informal Reserve on Permanent Timber Production Zone Land or STT managed land
-  Informal Reserve on other public land
-  Roadside Conservation Site
-  Conservation Covenant (NCA)
-  Private Nature Reserve and Conservation Covenant (NCA)
-  Private Sanctuary and Conservation Covenant (NCA)
-  Private Sanctuary
-  Private land within WHA
-  Management Agreement
-  Stewardship Agreement
-  Part 5 Agreement (Meander Dam Offset)
-  Other Private Reserve

Legend: Cadastral Parcels



Reserves within 1000 metres

Name	Classification	Status	Area (HA)
Truganini Conservation Area	Conservation Area	Other Formal Reserve	42.04298509
	Conservation Covenant (NCA)	Private Reserve (Perpetual)	33.44040849
	Informal Reserve on other public land	Informal Reserve	3.58049691
	Informal Reserve on other public land	Informal Reserve	23.80753748

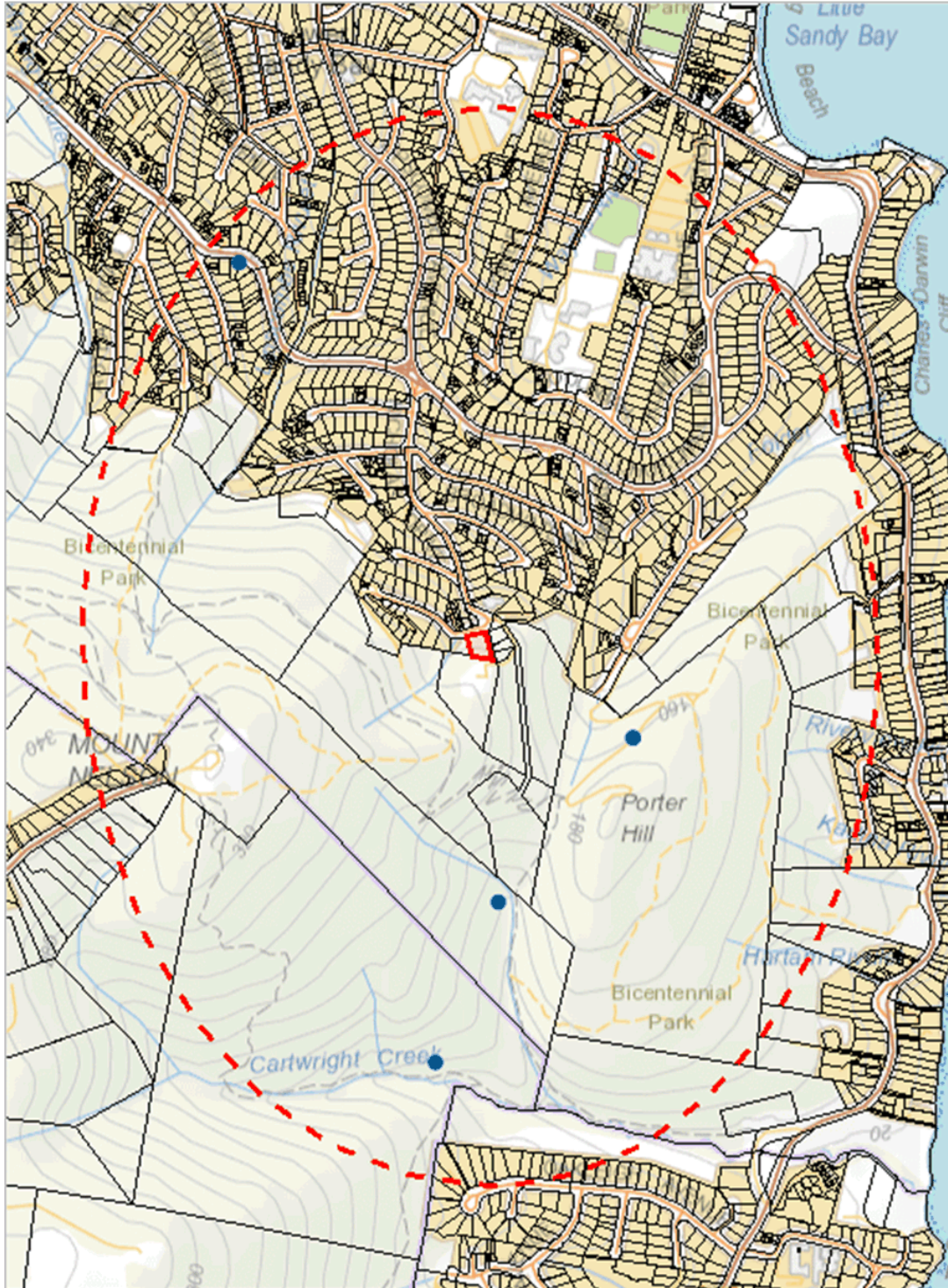
For more information about the Tasmanian Reserve Estate, please contact the Natural Values Science Services Branch.

Email: LandManagement.Enquiries@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

Known biosecurity risks within 1000 meters

529479, 5248981



527658, 5246523

Please note that some layers may not display at all requested map scales

Known biosecurity risks within 1000 meters

Legend: Biosecurity Risk Species

- Point Verified
- ▬ Line Unverified

- Point Unverified
- ▭ Polygon Verified

- ▬ Line Verified
- ▭ Polygon Unverified

Legend: Hygiene infrastructure

- Location Point Verified
- ▬ Location Line Verified
- ▭ Location Polygon Verified

- Location Point Unverified
- ▬ Location Line Unverified
- ▭ Location Polygon Unverified

Legend: Cadastral Parcels



Known biosecurity risks within 1000 meters

Verified Species of biosecurity risk

Species Name	Common Name	Prescription	Observation Count	Last Recorded
Mus musculus	house mouse		1	16-Apr-2010
Phytophthora cinnamomi	root rot or water mould		1	08-Mar-1979
Rattus rattus	black rat		3	31-Jul-2021

Unverified Species of biosecurity risk

No unverified species of biosecurity risk found within 1000 metres

Generic Biosecurity Guidelines

The level and type of hygiene protocols required will vary depending on the tenure, activity and land use of the area. In all cases adhere to the land manager's biosecurity (hygiene) protocols. As a minimum always Check / Clean / Dry (Disinfect) clothing and equipment before trips and between sites within a trip as needed <https://www.nre.tas.gov.au/invasive-species/weeds/weed-hygiene/keeping-it-clean-a-tasmanian-field-hygiene-manual>

On Reserved land, the more remote, infrequently visited and undisturbed areas require tighter biosecurity measures.

In addition, where susceptible species and communities are known to occur, tighter biosecurity measures are required.

Apply controls relevant to the area / activity:

- Don't access sites infested with pathogen or weed species unless absolutely necessary. If it is necessary to visit, adopt high level hygiene protocols.
- Consider not accessing non-infested sites containing known susceptible species / communities. If it is necessary to visit, adopt high level hygiene protocols.
- Don't undertake activities that might spread pest / pathogen / weed species such as deliberately moving soil or water between areas.
- Modify / restrict activities to reduce the chance of spreading pest / pathogen / weed species e.g. avoid periods when weeds are seeding, avoid clothing/equipment that excessively collects soil and plant material e.g. Velcro, excessive tread on boots.
- Plan routes to visit clean (uninfested) sites prior to dirty (infested) sites. Do not travel through infested areas when moving between sites.
- Minimise the movement of soil, water, plant material and hitchhiking wildlife between areas by using the Check / Clean / Dry (Disinfect when drying is not possible) procedure for all clothing, footwear, equipment, hand tools and vehicles <https://www.nre.tas.gov.au/invasive-species/weeds/weed-hygiene>
- Neoprene and netting can take 48 hours to dry, use non-porous gear wherever possible.
- Use walking track boot wash stations where available.
- Keep a hygiene kit in the vehicle that includes a scrubbing brush, boot pick, and disinfectant <https://www.nre.tas.gov.au/invasive-species/weeds/weed-hygiene/keeping-it-clean-a-tasmanian-field-hygiene-manual>
- Dispose of all freshwater away from natural water bodies e.g. do not empty water into streams or ponds.
- Dispose of used disinfectant ideally in town through a treatment or septic system. Always keep disinfectant well away from natural water systems.
- Securely contain any high risk pest / pathogen / weed species that must be collected and moved e.g. biological samples.

Hygiene Infrastructure

No known hygiene infrastructure found within 1000 metres



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BUSHFIRE HAZARD REPORT
CONSTRUCTION OF A NEW CLASS 1A BUILDING
44 NICHOLAS DRIVE, SANDY BAY
FOR
E.C. LOTTER & A. LOTTER



PREPARED BY L BRIGHTMAN (BFP-164)

CERTIFIED BY N M CREESE (BFP-118)

28th March 2023

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v3.0 23/2/2023



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ATTACHMENT 1 – Bushfire Hazard Management Plan

ATTACHMENT 2 – Form 55 Certificate

Disclaimer:

AS 3959:2018 cannot guarantee that a habitable building will survive a bushfire attack, however the implementation of the measures contained within AS 3959:2018, this report and accompanying plan will improve the likelihood of survival of the structure. This report and accompanying plan are based on the conditions prevailing at the time of assessment. No responsibility can be accepted to actions by the landowner, governmental or other agencies or other persons that compromise the effectiveness of this plan. The contents of this plan are based on the requirements of the legislation prevailing at the time of report.



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1. SUMMARY:

This Bushfire Hazard Report has been prepared to support the design, application for a building permit, and construction of a new Class 1a building at 44 Nicholas Drive, Sandy Bay. The site is subject to a Bushfire Prone Area Overlay under the under the relevant planning scheme and has been deemed to have the potential to be bushfire prone due to its proximity to the areas of bushfire prone vegetation surrounding the site.

This report identifies the protective features and controls that must be incorporated into the design and construction works to ensure compliance with the standards. Fire management solutions are defined in *AS 3959:2018 Construction of Buildings in Bushfire-Prone Areas, Building Amendments (Bushfire-Prone Areas) Regulations 2014 (18th June 2014)*, *National Construction Code 2019 Building Code Australia (Volume 2, Amendment 1) (NCC)*, *Director's Determination, Requirements for Building in Bushfire-Prone Areas (transitional) (Version 2.2 6th February 2020) (Determination)*, *Bushfire Prone Areas Advisory Note N^o 01-2014 (Version 3, 8th November 2017) (BHAN 01-2014)*, *Bushfire Prone Areas Advisory Note N^o 02-2014 (Version 2, 11th April 2014) (BHAN 02-2014)*.

The proposed Class 1a building has been assessed as **BAL-29** under *Section 7* of *AS 3959:2018*. Provided the appropriate construction standards are incorporated into the design, the new building works are capable of compliance with the provisions of *AS 3959:2018*.

Compliance with the following provisions of the *Directors Determination - Requirements for Building in Bushfire-Prone Areas* will be required:

- *Part 4.1 Construction Requirements*
- *Part 4.2 Property Access*
- *Part 4.3 Water Supply for Firefighting*
- *Part 4.4 Hazard Management Areas*

Compliance with this report is dependent on the removal of vegetation on the neighbouring allotments to the south and west. Owners advise these works are being completed and will be complete prior to the issue of a Certificate of Completion on the dwelling. Should this not occur, Council must issue an abatement notice to ensure the bushfire threat is reduced.

The effectiveness of the measures and recommendations detailed in this report and *AS 3959:2018* is dependent on their implementation and maintenance for the life of the development or until the site characteristics that this assessment has been measured from alter from those identified. No Liability can be accepted for actions by lot owner, Council or Government agencies which compromise the effectiveness of this report.



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This report has been prepared by Liam Brightman and certified by Nick Creese, principal of Lark & Creese Surveyors. Liam is accredited by the Tasmania Fire Service to prepare Bushfire Hazard Management Plans. Nick is a registered surveyor in Tasmania and is accredited by the Tasmanian Fire Service to prepare Bushfire Hazard Management Plans. Site survey carried out on the 19th January 2023.



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2. LOCATION:

Property address: 44 Nicholas Drive, Sandy Bay
Title owner: E.C. Lotter & A. Lotter
Title reference: C.T. 155938/2
PID N°: 2916020
Title area: 1639 m²
Municipal area: Hobart City
Zoning: General Residential

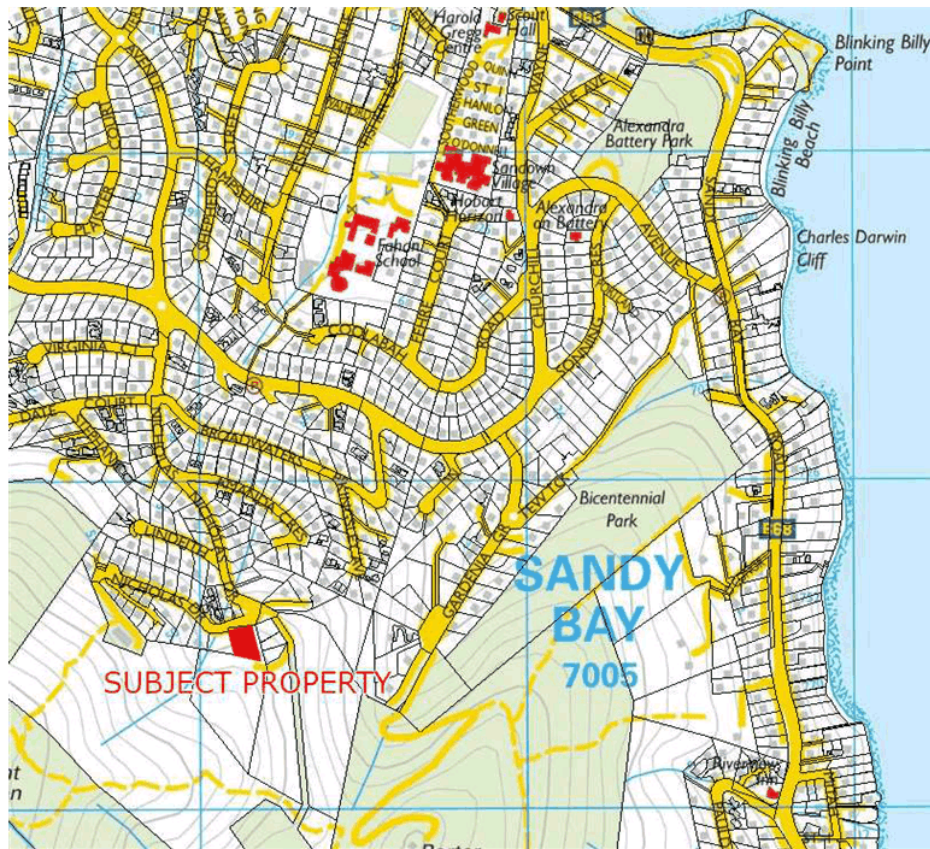


Image 1: Site location (Source *The LIST*)



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3. SITE DESCRIPTION:

The site is located within an existing residential area on Nicholas Drive, approximately 670 metres south of the intersection of Churchill Avenue and Nicholas Drive, Sandy Bay. The site is located at an elevation of approximately 200 metres with grades falling to the north in the order of 19°.

At the time of assessment, the property was vacant and vegetated by mostly by Sheoaks with scattered eucalypts, small trees, and shrubs.

Immediately to the north was Nicholas Drive which consisted of nature strips vegetated by native trees and shrubs, a concrete footpath and a bitumen carriageway. Beyond Nicholas Drive was an extensive area of well-established residential allotments. These allotments included dwellings, sheds, accesses, and gardens.

East of the site were a mix of developed and undeveloped residential allotments and a large undeveloped allotment. The developed allotments included dwellings, accesses, and gardens. The undeveloped residential allotment was vacant and vegetated mostly by Sheoaks and small shrubs. The large undeveloped allotment was vacant and vegetated by native trees and shrubs.

The allotment to the south had been developed for residential purposes and consisted of a dwelling, sheds, access, hardstand areas, gardens, and areas of native trees and shrubs.

To the west was a mix of developed and undeveloped residential allotments. The developed allotments included dwellings, accesses, and gardens. The undeveloped allotment was vacant and vegetated by native trees and shrubs.

Reticulated water supply is available to the site with domestic water supply requirements reliant TasWater mains supply.

Planning controls are administered by the Hobart Council under the *Hobart Interim Planning Scheme 2015*. The site is zoned General Residential.



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Image 2: Looking north towards development site.



Image 3: Looking south towards development site.



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4. PROPOSED DEVELOPMENT:

The construction of a new Class 1a building is proposed for the site as shown in Image 4 as provided by the designer. Construction materials are to include block faced walls, aluminium framed windows, doors, and a Colorbond panel lift door.



Image 4: Site plan.



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5. BUSHFIRE ATTACK LEVEL:

Fire Danger Index (FDI): The Fire Risk Rating for Tasmania is adopted as 50.
Vegetation Classification:

Vegetation Assessment:

Following assessment of the characteristics of the site, the vegetation types, separation distances from development site and slope under the vegetation have been identified as shown in Table 1 below:

Direction:	Description:	Distance:	Slope:
North:	Site:	0-8	19° down
	Nicholas Drive:	8-24	Level
	Neighbouring allotments:	24-100	19° down
East:	Site:	0-4	10° down
	Neighbouring allotments:		
	• developed	4-48	
	• dwellings, sheds, access, gardens		
South:	Site:	0-5	18° up
	Neighbouring allotment:	5-100	
	• dwelling, shed, access, hardstand area, garden, native trees & shrubs		
West:	Site:	0-3	Level
	Neighbouring allotments:		
	• undeveloped	3-39	
	• native trees & shrubs		
	• developed	39-100	
	• dwellings, accesses, gardens		

Table 1: Site assessment.



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NOTE: The vegetation identified in Table 1 has been assessed in consideration of *Table 2.3 and figures 2.4(A)-(H) AS 3959:2018* as follows.

At the time of assessment, the site was vacant and vegetated primarily by She oaks with scattered eucalypts and shrubs which has been classified as **B: Woodland**.

Adjacent to the northern boundary was Nicholas Drive beyond which was an extensive area of well-established residential allotments. The nature strip adjacent to the property boundary was vegetated predominantly by Sheoaks with scattered native shrubs which has been classified as **B: Woodland**. The bitumen carriageway, concrete footpath and grassed nature strip has been classified as **Low Threat Vegetation (LTV)** in accordance with *Part 2.2.3.2 (e) & (f), AS 3959:2018*. The residential allotments, beyond Nicholas Drive, included dwellings, sheds, accesses, and gardens which have been classified as **Low Threat Vegetation** in accordance with *Part 2.2.3.2 (e) & (f), AS 3959:2018*.

To the east was a mix of developed and undeveloped residential allotments and a large undeveloped allotment. The developed allotments included dwellings, accesses, gardens, and a bitumen carriageway which have been classified as **Low Threat Vegetation** in accordance with *Part 2.2.3.2 (e) & (f), AS 3959:2018*. The undeveloped residential allotment was vacant and vegetated predominately by Sheoaks with scattered eucalypts and shrubs. This allotment has been classified as **Low Threat Vegetation** in accordance with *BHAN 01-2014*. The large undeveloped allotment appeared to be vacant and vegetated by eucalypts with an understory of smaller trees and shrubs leading to an assessed foliage coverage of >30%. This area of vegetation has been assessed in accordance with *Figure 2.4(B)* as *Open Forest A-03* resulting in a vegetation classification of **A: Forest**.

The allotment to the south appeared to be developed for residential purposes, including a dwelling, sheds, access and hardstand areas, garden, and was vegetated predominantly by Sheoaks with scattered eucalypts and shrubs in the west and south. The developed portion of the allotment has been classified as **Low Threat Vegetation** in accordance with *Part 2.2.3.2 (e) & (f), AS 3959:2018*. The owner of the property is in the process of removing vegetation adjacent to the site which will be completed prior to construction of this dwelling. The vegetation within the remainder of the allotment has been classified as **B: Woodland**.

West of the site was a mix of developed and undeveloped allotments. The developed allotments included dwellings, sheds, and gardens which has been classified as **Low Threat Vegetation** in accordance with *Part 2.2.3.2 (e) & (f), AS 3959:2018*. The undeveloped allotment was vacant and vegetated predominantly by Sheoaks with scattered eucalypts and shrubs which has been classified as **B: Woodland**. The vegetation within the adjacent allotment, 46 Nicholas Drive, is in the process of being cleared and will be maintained in a minimal fuel condition by that owner in a manner consistent with residential land. In accordance with *BHAN 01-2014*, land zoned General Residential may be considered Low Threat. Although not yet cleared, it is



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understood these works will be completed prior to the construction of the dwelling on the site and is essential for the protection of the dwelling from bushfire threat to the west. Hobart City Council have confirmed that clearing may occur on the basis the land is residential and no specific approvals are required. Once cleared, that site has been classified as **Low Threat Vegetation**. Should clearing not occur prior to the issue of the Certificate of Completion, the Hobart City Council is to issue an abatement notice to ensure the bushfire threat is reduced.



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Vegetation Classification:

In consideration of vegetation classifications under *Table 2.3* and *Figure 2.4*, AS 3959:2018 and as detailed above, the predominant vegetation, separation distances from development site and slope under the classified vegetation is assessed as shown in Table 2 below:

Direction:	Vegetation Type:	Distance (m):	Effective slope:	Exclusions:
North:	B: Woodland LTV	0-13 13-100	19° down	No 2.2.3.2 (e) & (f)
East:	B: Woodland LTV A: Forest	0-4 4-54 54-100	10° down	No 2.2.3.2 (e) & (f) BHAN 01-2014 No
South:	B: Woodland LTV	0-100 5-90	18° up	No 2.2.3.2 (e) & (f)
West:	LTV	0-100	Level	2.2.3.2 (e) & (f) BHAN 01-2014

Table 2: Assessed vegetation.

NOTE: The distances that overlap are due to slight differences in angle from the site to the assessed vegetation.



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Image 5: Aerial image of assessed vegetation (Source *The LIST*).



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Image 6: Predominate vegetation to the north of the site – LTV



Image 7: Predominate vegetation to the east of the site – LTV



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Image 8: Predominate vegetation to the south of the site – B: Woodland



Image 9: Predominate vegetation to the west of the site – LTV



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Bushfire Attack Level Assessment:

Based on the predominate vegetation detailed above, and the separation distances provided between the predominate vegetation and the development site, the BAL for each direction from the proposed dwelling has been determined from *Table 2.6, AS 3959:2018* as follows:

Direction:	North	East	South	West
BAL	FZ	FZ	FZ	FZ

With the establishment of an appropriate Hazard Management Area, the increased risk associated with the exposure of the structure to the bushfire threat can be reduced. The resulting bushfire attack level for each elevation can then be assessed as:

BAL-29

Direction	*North	East	South	West
Bushfire Attack Level	BAL-29			
Vegetation	B: Woodland LTV	LTV A: Forest	B: Woodland LTV	LTV
Effective slope	19° down	10° down	18° up	Level
HMA specified <i>Table 2.6</i>	25-<36 m N/A	N/A 30-<41 m	10-<15 m N/A	N/A
HMA required	To boundary	To boundary	10 m	To boundary
HMA available	8 m to boundary plus >100 m of LTV beyond.	54 m low threat vegetation to classified vegetation.	5 m to boundary plus additional 5 m to be cleared by neighbour.	3 m to boundary plus >100 m of LTV beyond

Table 3: Details the hazard management areas (HMA) required to comply with that BAL, and the area available for compliance.

NOTE: * The vegetation classified as B: Woodland within the adjacent nature strip of Nicholas Drive has been deemed to not pose the predominate bushfire threat to the site due to its narrow nature that runs parallel to the site. It has been presumed that any fire activity within this area of vegetation will travel parallel to the site and will fail to reach its full potential towards the site thus resulting in a lower radiant heat level.



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6. COMPLIANCE:**Building Regulations 2014:**

Compliance with *Part 1A – Bushfire-prone Areas* the *Building Regulations 2014* is achieved through the implementation of *Director's Determination - Requirements for Building in Bushfire-Prone Areas* (transitional) as follows:

Part 2 Application:

The Determination applies to a building located in a bushfire-prone area of the following Class:

- (a) Class 1;*
- (b) Class 2;*
- (c) Class 3;*
- (d) Class 8;*
- (e) Class 9; and*
- (f) Class 10a that is closer than 6 metres to a habitable building.*

The proposed building is a Class 1a building and as such the requirements of the *Determination* apply.



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Part 3 Performance Requirements:

- (1) A building to which this Determination applies must, to the degree necessary, be:
 - (a) Designed and constructed to reduce the ignition from bushfire, appropriate to the:
 - (i) Potential for ignition caused by burning embers, radiant heat or flame generated by bushfire; and
 - (ii) Intensity of the bushfire attack on the building;
- (2) The Performance requirements specified in subclause (1)(a) is applicable to the following:
 - (a) a Class 1, 2 or 3 building; or
 - (b) a Class 10a building or deck associated with a Class 1, 2, or 3 building.

The requirements of Part 3 have been satisfied by assessment under Part 4 Deemed to Satisfy Requirements.



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Part 4 Deemed to Satisfy Requirements:**Part 4.1 Construction Requirements**

- (1) Building work (including additions or alterations to an existing building) in a bushfire-prone area must be designed and constructed in accordance with an Acceptable Construction Manual determined by the BCA, being either:
- (a) AS 3959:2018; or
 - (b) NASH Standard – Steel Framed Construction in Bushfire Areas as appropriate for BAL determined for that site.
- (2) Subclause (1)(a) is applicable to the following:
- (a) a Class 1, 2, or 3 building; or
 - (b) a Class 10a building or deck associated with a Class 1, 2, or 3 building.
- (3) Subclause (1)(b) is applicable to the following:
- (a) a Class 1 building; or
 - (b) a class 10a building or deck associated with a Class 1 building.
- (4) Despite subsection (1) above, variations from requirements specified in 1(a) and 1(b) are as specified in Table 4.1 below.
- (5) Despite subsection (1) and (4) above, performance requirements for buildings subject to BAL 40 or BAL FZ (BAL-FZ) are not satisfied by compliance with subsection (1) or (4) above.

Table 4.1 Construction Requirements and Construction Variations	
Element	Requirements
A. Straw Bale Construction	May be used in exposures up to and including BAL 19.
B. Shielding provisions under Section 3.5 of AS 3959:2018	To reduce construction requirements due to shielding, building plans must include suitable detailed elevations or plans that demonstrate that the requirements of Section 3.5 of the Standard can be met. Comment: Application of Section 3.5 of the Standard cannot result in an assessment of BAL-LOW.
C. Construction standard for vulnerable use	Building work for a building classified as a vulnerable use must be constructed to a BAL that is determined in a BHMP certified by an accredited person.



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APPLICATION:

- (1) The building has been assessed against the requirements of AS 3959:2018.
- (2) The proposal is for a new Class 1a building and is therefore subject to this subsection.
- (3) The proposed Class 1a building has not been assessed against the NASH Standards and as such this subsection is not applicable.
- (4) The proposed Class 1a building is not to be constructed with straw bales, does not the shielding provisions under *Part 3.5* or assessed as Vulnerable Use and as such this subsection is not applicable.
- (5) The proposed habitable building has not been assessed as BAL-40 or BAL-FZ and therefore this subsection is not applicable.

The proposed building is a Class 1a building and as such the requirements of Part 4.1 apply.

All building works shall comply with the specification for **BAL-29** of *Section 3* and *Section 7* of AS 3959:2018. This includes the general provisions contained within AS3959:2018 and the following sub-sections:

- 7.1 *General provisions*
- 7.2 *Sub-floor supports*
- 7.3 *Floors*
- 7.4 *Walls*
- 7.5 *External glazed elements and assemblies and external doors*
- 7.6 *Roofs (including penetrations, eaves, fascias and gables, and gutters and downpipes)*
- 7.7 *Verandas, decks, steps and landings*
- 7.8 *Water and gas supply pipes*



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Part 4.2 Property Access

- (1) *A new building constructed in a bushfire-prone area must be provided with property access to the building area and the firefighting water point, accessible by a carriageway, designed and constructed as specified in subsection (4) below.*
- (2) *For an addition or alteration to an existing building in a bushfire-prone area referred to in regulation 11E(2)(b)(ii)(C) of the Building Regulations 2014, property access must be provided to the building area and the firefighting water point accessible by a carriageway designed and constructed as specified in subsection (4) below.*
- (3) *For an addition or alteration to an existing building in a bushfire-prone area which is 20 metres squared gross floor area or less which does result in the building being closer to bushfire-prone vegetation and there is no property access available, property access must be provided to the building area and the firefighting water point accessible by a carriageway designed and constructed as specified in subsection (4) below.*
- (4) *Vehicular access from a public road to the building must:*
 - (a) *Meet the property access requirements described in Table 4.2;*
 - (b) *Include access from a public road to within 90 metres of the furthest part of the building measured as a hose lay; and*
 - (c) *Include access to the hardstand area for the firefighting water point.*

APPLICATION:

- (1) *An access is required to be constructed in compliance with (4).*
- (2) *This bushfire hazard report refers to the construction of a new Class 1a building and as such this subsection is not applicable.*
- (3) *This bushfire hazard report refers to the construction of a new Class 1a building and as such this subsection is not applicable.*
- (4) *An access compliant with the requirements of Table 4.2, Determination will be required.*



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The proposed access to the site has been assessed as being ± 150 metres in length and services three or more properties and as such the requirements of *Element B & Element D, Table 4.2, Director's Determination - Requirements for Building in Bushfire-Prone Areas (transitional)* below apply.

Table 4.2 Standards for Property Access	
Element	Requirement
B Property access length is 30 metres or greater; or access is for a fire appliance to a firefighting water point.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> (a) All-weather construction; (b) Load capacity of at least 20 tonnes, including for bridges and culverts; (c) Minimum carriageway width of 4 metres; (d) Minimum vertical clearance of 4 metres; (e) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway; (f) Cross falls of less than 3° (1:20 or 5%); (g) Dips less than 7° (1:8 or 12.5%) entry and exit angle; (h) Curves with a minimum inner radius of 10 metres; (i) Maximum gradient of 15° (1:3.5 or 28%), for sealed roads, and 10° (1:5.5 or 18%) for unsealed roads; and (j) Terminating with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> (i) A turning circle with a minimum inner radius of 10 metres; (ii) A property access encircling the building; or (iii) A hammerhead "T" or "Y" turning head 4 metres wide and 8 metres long.
D Property access length is greater than 30 metres, and access is provided to 3 or more properties.	<p>The following design and construction requirements apply to access:</p> <ul style="list-style-type: none"> (a) Complies with Requirements B above; and (b) Passing bays of 2 metres additional carriageway width and 20 metres length must be provided every 100 metres.

Site inspection confirms the existing property access complies with the requirements of Element B and Element D with pavement width being in excess of 4m, grades lower than 1:3.5 (28%), passing areas available along the access at less than 100m intervals, and on site turning at the building area.



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Part 4.3 Water Supply for firefighting

- (1) A new building constructed in a bushfire-prone area must be provided with a water supply dedicated for firefighting purposes as specified in subsections (4) and (5) below.
- (2) For an addition or alteration to an existing building in a bushfire-prone area referred to in regulation 11E(2)(b)(ii)(B) of the Building Regulations 2014, a water supply for firefighting must be provided as specified in subsections (4) and (5) below.
- (3) For an addition or alteration to an existing building in a bushfire-prone area which is 20 metres squared gross floor area or less which does result in the building being closer to bushfire-prone vegetation and there is no water supply for firefighting available, a water supply for firefighting must be provided as specified in subsection (4) and (5) below.
- (4) Water supplies for firefighting must meet the requirements described in Tables 4.3A or 4.3B.
- (5) The water supply must be:
 - (a) Provided from a fire hydrant or static water supply;
 - (b) Located within the specified distance from the building to be protected; and
 - (c) Provided with a hardstand and suitable connections.

APPLICATION:

- (1) The site is compliant with this subsection as a fire hydrant within 120 metre hoselay of the furthest point of the proposed Class 1a building was identified.
- (2) This bushfire hazard assessment refers to the construction of a new Class 1a building as such this subsection is not applicable.
- (3) This bushfire hazard assessment refers to the construction of a new Class 1a building as such this subsection is not applicable.
- (4) A fire hydrant identified within 120 metres of the furthest point of the proposed Class 1a building has been compliant with the requirements of Table 4.3A.
- (5) A fire hydrant identified within 120 metres of the furthest point of the proposed Class 1a building has been compliant with the requirements of Table 4.3A.



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A fire hydrant has been identified within 120 metres of the furthest point of the proposed Class 1a building is deemed to satisfy the requirements of *Table 4.3A, Director's Determination - Requirements for Building in Bushfire-Prone Areas (transitional)* below.

Table 4.3A Reticulated Water Supply for Fire fighting	
Element	Requirement
A Distance between building area to be protected and water supply	The following requirements apply: (a) The building area to be protected must be located within 120 metres of a fire hydrant; and (b) The distance must be measured as a hose lay, between the firefighting water point and the furthest part of the building area.
B Design Criteria for fire hydrants	The following requirements apply: (a) Fire hydrant systems must be designed and constructed in accordance with TasWater Supplement to Water Supply Code of Australia WSA 03-2011-3.1 MRWA Edition 2.0; and (b) Fire hydrants are to be installed outside of the minimum access road width, and clear of any passing bay or parking area, to ensure access at all times to reticulated water for fire suppression.
C Hardstand	A hardstand area for fire appliances must be provided: (a) No more than three metres from the hydrant, measured as a hose lay; (b) No closer than six metres from the building area to be protected; (c) With a minimum width of three metres constructed to the same standard as the carriageway; and (d) Connected to the property access by a carriageway equivalent to the standard of the property access.



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Part 4.4 Hazard Management Areas:

- (1) *A new building constructed in a bushfire-prone area must be provided with a HMA of sufficient dimensions and which provides an area around the building which separated the building from the bushfire hazard and complies with subsection (4), (5) and (6) below.*
- (2) *For an addition or alteration to an existing building in a bushfire-prone referred to in regulation 11E(2)(b)(ii)(A) of the Building Regulations 2014, the building must be provided with a HMA of sufficient dimensions and which provided an area around the building which separated the building from the bushfire hazard and complies with subsections (4), (5) and (6) below.*
- (3) *For an addition or alteration to an existing building in a bushfire-prone area which is 20 metres squared gross floor area or less which does result in the building being closer to bushfire-prone vegetation it must be provided with a HMA of sufficient dimensions and which provides an area around the building which separated the building from the bushfire hazard and complies with subsection (4), (5) and (6) below.*
- (4) *The HMA must comply with Table 4.4; and*
- (5) *The HMA for a particular BAL must have the minimum dimensions required for the separation distances specified for that BAL in Table 2.6 of AS 3959:2018; and*
- (6) *The HMA must be established such that fuels are reduced sufficiently, and other hazards are removed such that the fuels and other hazards do not significantly contribute to the bushfire attack.*

APPLICATION:

- (1) The HMA prescribed for the proposed Class 1a building has been assessed against the requirements of (4), (5) and (6).
- (2) This bushfire hazard assessment refers to the construction of a new Class 1a building as such this subsection is not applicable.
- (3) This bushfire hazard assessment refers to the construction of a new Class 1a building as such this subsection is not applicable.
- (4) The HMA for the proposed Class 1a building has been designed to satisfy the requirements of *Table 4.4*.
- (5) The distances for the HMA, for the proposed Class 1a building, have been calculated using the distances specified within *Table 2.6* of *AS 3959:2018*.
- (6) The HMA must be maintained in a minimal fuel condition by the owner(s) of the property into perpetuity to reduce the risk of bushfire attack.



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This assessment and accompanying Bushfire Hazard Management Plan details the extent of the Hazard Management Area (HMA) which is of sufficient dimensions to accord with *Element B, Table 4.4, Director's Determination - Requirements for Building in Bushfire-Prone Areas (transitional)* below. The dimensions of the HMA are to be in accordance with *Table 2.6, AS 3959:2018* and is to be maintained in a reduced fuel condition into perpetuity.

Table 4.4 Requirements for Hazard Management Areas		
Element		Requirement
B	<i>Hazard management areas for new buildings on lots not provided with a BAL at the time of subdivision</i>	<i>A new building must: Be located on the lot so as to be provided with a HMA no smaller than the separation distances required for BAL 29; and Have an HMA established in accordance with a certified bushfire hazard management plan.</i>



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The hazard management area assessed for this site is to comply with the separation distances as determined for **BAL-29** in *Table 2.6, AS3959:2018*, and must be established and maintained in a reduced fuel condition to the minimum distance as specified in Table 4 below:

Maintenance Requirements of the Hazard Management Area				
Direction	North	East	South	West
HMA required	To boundary	To boundary	To boundary	To boundary
HMA establishment recommendations	<ul style="list-style-type: none"> Establishing non-flammable areas around the dwelling such as paths, patios, driveway, lawns etc. Locating dams, orchards, vegetable garden, effluent disposal areas etc on the bushfire prone side of the building. Providing heat shields and ember trap on the bushfire prone side of the dwelling such as non-flammable fencing, hedges, separated garden shrubs and small trees, Store flammable materials such as wood piles, fuels and rubbish heaps are stored away from the dwelling. Replace highly flammable vegetation with low flammability species. See Tasmanian Fire Service web site (www.fire.tas.gov.au) publications - Fire resisting garden plants. Provided separation between significant trees such that groups are no greater than 20 metres in width, and more than 20 metres of the other groups of significant trees. Note that the retention of some trees can screen a dwelling from windborne embers. Trim lower branches of retained trees to a minimum of 2 metres above ground level. Trees are not to overhang the dwelling so that vegetation falls onto the roof. Strips of vegetation less than 20 metres in width and not within 20 metres of the site or other areas of bushfire-prone vegetation may be beneficial as an ember trap, wind breaks etc. Removal of ground fuels such as leaves, bark, fallen branches etc. 			
Ongoing Management practices	<ul style="list-style-type: none"> Slash or mow grasses to less than 100 mm. Remove dead and fallen vegetation including branches, bark and leaves regularly. Trim any regrowth branches of retained trees within HMA that overhang building or are less than 2m above ground level. 			

Hazard management areas are to extend to the property boundary only. Neighbouring properties to the south (No.42) and west (No.46) have undertaken to remove vegetation and maintain in a low fuel condition to ensure compliance with this report. These works are to be completed prior to the issue of the Certificate of Completion. Should works not occur, Council is to issue an abatement notice.



50529-01

7. CONCLUSIONS & RECOMMENDATIONS:

This Bushfire Hazard Report and Bushfire Hazard Management Plan have been prepared to support the design, application for a building permit, and construction of a new Class 1a building. The report has reviewed the bushfire risks associated with the site and determined the fire management strategies that must be carried out to ensure the development on the site is at a reduced risk from bushfire attack. Provided the elements detailed in this report are implemented, the development on the site is capable of compliance with *AS 3959:2018* and any potential bushfire risk to the site is reduced.

- Part 4.1 Construction Requirements
 - The new building works must comply with the requirements for **BAL-29** of *AS 3959:2018*.
- Part 4.2 Property Access
 - The access is not required for access to the fire fighting water point as such no specific construction standards are applicable.
- Part 4.3 Water supply for firefighting
 - The water supply for firefighting must comply with the requirements of *Table 4.3A Requirements for Reticulated Water Supply for Firefighting*.
 - A fire hydrant has identified in Nicholas Drive and has been assessed as being compliant with *BHAN 02-2014* as such no further works are required.
- Part 4.4 Hazard management areas
 - The hazard management area is to have the dimensions stated in Table 4 of this report and is to be maintained in a minimal fuel condition into perpetuity.
 - The vegetation within No.42 and No.46 Nicholas Drive is to be reduced to a minimal fuel condition prior to the issuing of the Certificate of Compliance by those owners.

Any approval issued for the building works must contain conditions requiring that the protective elements defined in this report and *AS 3959:2018* are implemented during the construction phase and maintained by the lot owner(s) for the life of the structure.

See section 6 of this report for further details.

Although not mandatory, any increase in the construction standards above the assessed Bushfire Attack Level will afford improved protection from bushfire and this should be considered by the owner, designer and/or the builder prior to construction commencing. Hazard Management Areas must be established and maintained in a minimal fuel condition in accordance with this plan and the TFS guidelines. It is the owner's responsibility to ensure the long-term maintenance of the Hazard Management Areas in accordance with the requirements of this report.

This Report does not recommend or endorse the removal of any vegetation within or adjoining the site for the purposes of bushfire protection without the explicit approval of the local authority.



50529-01

L Brightman
Bushfire Hazard Practitioner BFP-164
Scope 1, 2, 3a and 3b

A rectangular box containing a handwritten signature in black ink, which appears to read 'L Brightman'.

N M Creese
Bushfire Hazard Practitioner BFP-118
Scope 1, 2, 3a and 3b

A rectangular box containing a handwritten signature in black ink, which appears to read 'N M Creese'.



50529-01

8. REFERENCES:

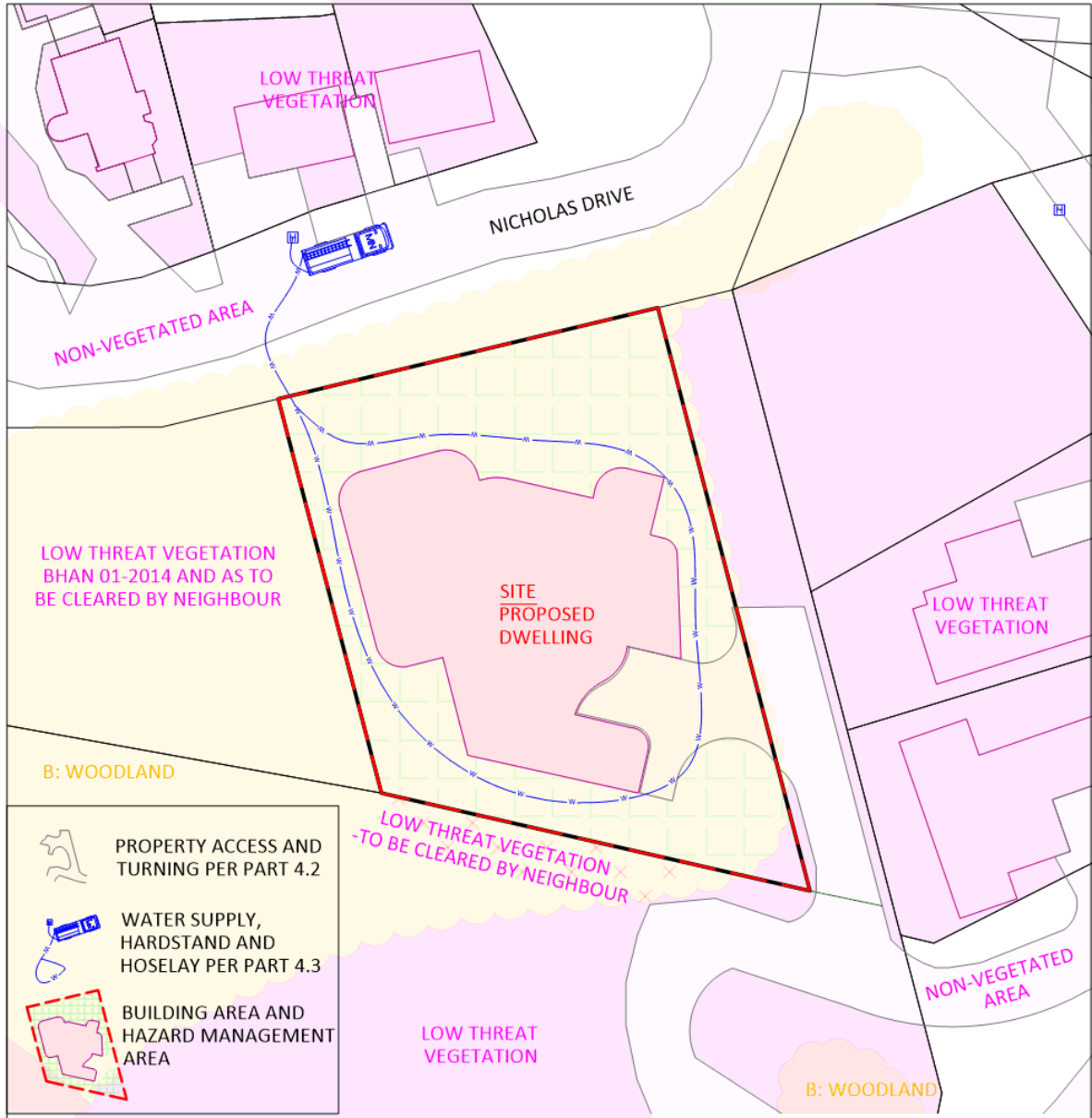
- AS 3959:2018 - *Construction of Building in Bushfire-Prone Areas.*
- *Building Amendments (Bushfire-Prone Areas) Regulations 2014 (18th June 2014).*
- *National Construction Code 2016 Building Code of Australia (Volume 2).*
- *Director's Determination - Requirements for Building in Bushfire-Prone Areas (transitional) (Version 2.2, 6th February 2020).*
- *The LIST - Department of Primary Industry Parks Water & Environment.*
- *Bushfire Prone Areas Advisory Note N°01-2014 (Version 3, 8th November 2017) - Tasmania Fire Service (BHAN 01-2014).*
- *Bushfire Prone Areas Advisory Note N°02-2014 (Version 2, 11th April 2014) - Tasmania Fire Service (BHAN 02-2014).*



50529-01

9. GLOSSARY

AS 3959:2018	Australian Standards AS 3959:2018 <i>Construction of buildings in bushfire-prone areas.</i>
BAL (Bushfire Attack Level)	A means of measuring the severity of a building's potential exposure to ember attack, radiant heat, and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire. The following BAL levels, based on heat flux exposure threshold are used within AS3959:2018; BAL-LOW, BAL-12.5, BAL-19, BAL-29, BAL-40, BAL-FZ.
Bushfire	An unplanned fire burning vegetation.
Bushfire Hazard Management Plan	A plan showing means of protection from bushfire in a form approved in writing by the Chief Officer.
Bushfire-Prone Area	An area that is subject to, or likely to be subject to, bushfire attack. Land that has been designated under legislation; or Has been identified under environmental planning instrument, development control plan or while processing and determining a development application.
Carriageway (also vehicular access)	The section of the road formation, which is used by traffic, and includes all the area of the traffic lane pavement together with the formed shoulder.
Class 1a, 1b, 2, 3, 4, 5, 6, 7, 8, 9a, 9b, 9c, 10a, 10b & 10c buildings	A system of classifying buildings of similar uses and functions to facilitate a referencing system within the National Construction Code.
Classified vegetation	Vegetation that has been classified in accordance with Clause 2.2.3 of AS3959:2018.
Distance to	The distance between the building or building area to the classified vegetation.
FDI (Fire Danger Index)	The chance of a fire starting, its rate of spread, its intensity, and the difficulty of its suppression, according to various combinations of air temperature, relative humidity, wind speed and both long- and short-term drought effects.
Firefighting water point	The point where a fire appliance can connect to a water supply for firefighting purposes. This includes a coupling in the case of a fire hydrant, offtake or outlet, or the minimum water level in the case of a static water body (including a dam, lake, or pool).
Hazard Management Area	The area between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for fire fighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.
Hose lay	The distance between two points established by a fire hose laid out on the ground, inclusive of obstructions.
Predominate vegetation	The vegetation that poses the greatest bushfire threat to the development site.
Slope Effective slope	The slope of the ground under the classified vegetation. The calculated slope under the classified vegetation considering variations in the topography.
Water supply - Reticulated (Fire hydrant)	An assembly installed on a branch from a water pipeline, which provides a valved outlet to permit a supply of water to be taken from the pipeline for fire fighting.
Water supply - Static	Water stored on a tank, swimming pool, dam, or lake, that is always available for firefighting purposes.



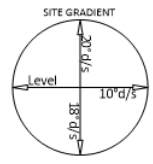
PROPERTY ACCESS AND TURNING PER PART 4.2

WATER SUPPLY, HARDSTAND AND HOSELAY PER PART 4.3

BUILDING AREA AND HAZARD MANAGEMENT AREA

Prepared by L Brightman
 Accredited Bushfire Hazard Practitioner BFP-164
 Scope 1, 2, 3a and 3b
 Certified by N M Creese
 Accredited Bushfire Hazard Practitioner BFP-118
 Scope 1, 2, 3a and 3b
 28th March 2023

Assessed bushfire attack level:
BAL-29



LARK & CREESE Pty Ltd <i>Land & Engineering Surveyors</i>		62 Channel Highway, Kingston +61 (03) 6229 6563 info@larkandcreese.com.au www.larkandcreese.com.au		BUSHFIRE HAZARD MANAGEMENT PLAN		
		44 NICHOLAS DRIVE SANDY BAY				
E.C. LOTTER & A. LOTTER		PID PI2916020D DRAWING 505296-01	SCALE 1:500@A4	DRAWN LB CHECKED NC		
		CONTOUR N/A				

CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE ITEM

Section 321

Form **55**

To: Owner /Agent
 Address
 Suburb/postcode:

Qualified person details:

Qualified person:
 Address: Phone No:
 Fax No:
 Licence No: Email address:
 Qualifications and Insurance details: (description from Column 3 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)
 Speciality area of expertise: (description from Column 4 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)

Details of work:

Address: Lot No:
 Certificate of title No:
 The assessable item related to this certificate: (description of the assessable item being certified)
 Assessable item includes –
 - a material;
 - a design
 - a form of construction
 - a document
 - testing of a component, building system or plumbing system
 - an inspection, or assessment, performed

Certificate details:

Certificate type: (description from Column 1 of Schedule 1 of the Director's Determination - Certificates by Qualified Persons for Assessable Items n)

This certificate is in relation to the above assessable item, at any stage, as part of - (tick one)
 building work, plumbing work or plumbing installation or demolition work:
 or
 a building, temporary structure or plumbing installation:

In issuing this certificate the following matters are relevant –

Documents:

- Bushfire Hazard Report 50529-01 dated 28th March 2023.
- Bushfire Hazard Management Plan 50529-01 dated 28th March 2023.

Relevant calculations:

See Bushfire Hazard Report 50529-01 dated 28th March 2023.

References:

- AS 3959:2018 Construction of Buildings in Bushfire Prone Areas
- Building Regulations 2014
- National Construction Code 2019 Building Code Australia (Volume 2)
- Director of Building Control Determination, Requirements for Building in Bushfire-Prone Areas (Version 2.2, 6th February 2020)

Substance of Certificate: (what it is that is being certified)

1. Assessment of bushfire attack level (BAL) of **BAL-29** for the proposed building works on the site in accordance with AS 3959:2018.

Scope and/or Limitations

Scope

This report was commissioned to identify the bushfire risk and subsequent Bushfire Attack Level (BAL) associated with the proposed buildings on the site. All advice, construction standards and measures are in compliance with AS 3959:2018, Construction of buildings in bushfire-prone areas, Building Regulations 2014 & National Construction Code 2019.

Limitations

The inspection has been undertaken and report provided on the understanding that:-

1. The report only deals with the potential bushfire risk. All other statutory assessments are outside the scope of this report.
2. This assessment is based on the site conditions present at the time of assessment only. No responsibility can be accepted for actions by the land owners, Council, governmental agencies, or any other persons that may compromise the effectiveness of this report.
3. Impacts of future development and vegetation growth have not been considered for the purpose of this assessment.
4. This report and AS 3959:2018 cannot guarantee that a dwelling will survive a bushfire, however the implementation of the measures contained within AS 3959:2018 and this report will improve the likelihood of survival of the structure in the event of bushfire attack.

I certify the matters described in this certificate.

	<i>Signed:</i>	<i>Certificate No:</i>	<i>Date:</i>
Qualified person:		50529-01	28/03/23

Subject: Re: 44 and 46 Nicholas Drive Sandy Bay
Date: Thursday, 6 April 2023 at 1:25:58 pm Australian Eastern Standard Time
From: Mark Linardi
To: Victoria Maxwell
CC: Ernest Lötter, Sullivan Michael M, Rowan Moore
Attachments: TAS_HA_2020 AWINNER_logo_Email small Center.png

Hi Victoria

Please be advised we have notified the owner of 46 Nicholas regarding the required clearing.

Michael, please lodge the full title & easements for 46 Nicholas (Nick might have a copy) and copy of this email to portal confirming notifications been made to owner of 46 Nicholas.

Kind Regards

Marco Linardi
Director
Linardi Pty Ltd

South Arm Studio
119 Roaring Beach Road
South Arm, Tasmania 7022

M: 0417 878 723
linardi@bigpond.com
www.linardidesign.com



WINNER 2020
HIA Tasmanian
Residential Building
Designer

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On 06.04.2023., at 12:55, Victoria Maxwell <maxwelly@hobartcity.com.au> wrote:

Hi Marco

Sadly, the application is again invalid as it includes works on 46 Nicholas Dr.

I sent the invalid letter to Earnest (as Applicant) before lunch, outlining this.

Rowan, the Environmental Development Planner, had a cursory look with me and we then picked up the extension into 46 Nicholas Dr. Rowan has not assessed the information in detail and may still require additional information once the application is made valid.

I recall I mentioned to you that inclusion of 46 Nicholas would make the application invalid again when you contacted me a couple of weeks ago about clearing that property.

Kind regards

Victoria Maxwell | Development Appraisal Planner | City Life
6238 2810

From: Marco Linardi <linardi@bigpond.com>
Sent: Thursday, 6 April 2023 11:41 AM
To: Victoria Maxwell <maxwelly@hobartcity.com.au>
Cc: Ernest Lötter <elotter@gmail.com>; Sullivan Michael M <msullivan@linardidesign.com>
Subject: Fwd: 44 and 46 Nicholas Drive Sandy Bay

Caution! This message was sent from outside your organization. [Allow sender](#) | [Block sender](#)

Hi Victoria

Further to our chat this is to confirm you now have all the RFI with the Bio report now with environmental planning for sign off which you will try to have expedited due to the delay following lodgement. Following this as I understand the project will be publicly advertised for 2 weeks.

Please keep us in the loop with confirmation when advertisement will ok if possible.

Kind Regards

Marco Linardi
Director
Linardi Pty Ltd

South Arm Studio
119 Roaring Beach Road
South Arm, Tasmania 7022

M: 0417 878 723
linardi@bigpond.com
www.linardidesign.com

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Begin forwarded message:

From: Ben Ikin <ikinb@hobartcity.com.au>
Subject: RE: 44 and 46 Nicholas Drive Sandy Bay
Date: 23 March 2023 at 16:04:41 GMT+11
To: Mark Linardi <linardi@bigpond.com>
Cc: Victoria Maxwell <maxwelly@hobartcity.com.au>

Hi Marco

Victoria has asked me to email you regarding her email below. I confirm that at following our discussions in the team meeting I concluded that vegetation removal on a residentially zoned lot is best categorised as being for a residential use. That means there is no prohibition on you incorporating it as part of your planning application for 44 and 46 Nicholas Dr.

We would strongly encourage the owner of 46 to only clear what is necessary to facilitate any future residential development and urge against wholesale clearing of the site.

We require you to provide written evidence that 46 will be/is intended to be developed for residential purposes, including whether that is likely to be a single or multiple dwellings.

Assuming a permit is issued, we're also likely to impose conditions to ensure soil and water management is dealt with properly.

Note also that where the site is subject to other overlays, like landslide or inundation/stormwater, further restrictions may be imposed by condition as necessary.

Please feel free to contact me if you have any questions.

Kind regards

Ben

Ben Ikin | Senior Statutory Planner | City Life
6238 2874

Please note I do not work on Mondays

From: Victoria Maxwell <maxwelly@hobartcity.com.au>
Sent: Monday, 20 March 2023 2:15 PM
To: Mark Linardi <linardi@bigpond.com>
Cc: Ben Ikin <kinb@hobartcity.com.au>
Subject: RE: 44 and 46 Nicholas Drive Sandy Bay

Hi Marco,

In regard to the enquiry to clear 46 Nicholas Dr to BAL29, the land is zoned General Residential, the western portion is subject to both the Landslip and the Inundation Prone Areas codes.

Our working through the clauses of the scheme are as follows;

The proposal to clear the land does meet any of the exemptions under clause 5.2 and so an application for a permit is required.

Clause 8.2 requires "Each proposed use or development must be categorised into one of the use classes in Table 8.2"

Clause 8.2.4 requires "If a use or development does not readily fit any use class, it must be categorised into the most similar use class".

We are struggling to fit land clearing into a suitable use class.

The easiest way forward would be to include the development (clearing of land) in an application for residential development. Given that Council is unlikely to approve a vague indication of a residential use, I think plans would be required to demonstrate compliance with the relevant development standards under the zone, as well as Parking and Access, Stormwater, Inundation Prone Areas code (and potentially compliance with the Biodiversity code, if Bushfire buffers extended again onto land to the south).

I note that you have approached Council on behalf of the owners of 46 Nicholas Dr as you sought their agreement to extend the bushfire buffers 7 metres into 46 Nicholas Dr. The easiest solution for you in relation to 44 Nicholas Dr bushfire buffers is to include 46 Nicholas Drive in PLN-22-818; identifying the bushfire buffers to be cleared on 46 Nicholas Dr.

Then separately another application could be lodged for the clearing of 46 Nicholas Dr. This way PLN-22-818 will not held up by the assessment of the wholesale clearing on 46 Nicholas Dr.

The assessment of clearing on residential land is going to be discussed at the weekly Planning Team meeting on Thurs, with (hopefully) a decision on how to deal with this under the planning scheme.

Hope this helps.

Kind regards

Victoria Maxwell | Development Appraisal Planner | City Life
6238 2810

From: Mark Linardi <linardi@bigpond.com>
Sent: Thursday, 16 March 2023 4:30 PM
To: Victoria Maxwell <maxwelly@hobartcity.com.au>
Cc: CoH Mail <coh@hobartcity.com.au>; Sullivan Michael M <msullivan@linardidesign.com>; Nick Creese <nick@larkandcreese.com.au>
Subject: 44 and 46 Nicholas Drive Sandy Bay

Caution! This message was sent from outside your organization.

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Hi Victoria

Further to our discussion, this is to confirm that the owner of 46 Nicholas Drive has indicated that he wishes to clear the entire site to a BAL 29 level. As we understand there is no biodiversity associated with number 46. Please advise if there are any requirements or relevant procedures that must be followed prior to clearing the site.

Your earliest reply would be appreciated.

Kind Regards

Marco Linardi
Director
Linardi Pty Ltd

South Arm Studio
119 Roaring Beach Road
South Arm, Tasmania 7022

M: 0417 878 723

linardi@bigpond.com
www.linardidesign.com

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.....



CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE ITEM

Section 321

To: Owner /Agent
 Address
 Suburb/postcode

Form 55

Qualified person details:

Qualified person:
 Address: Phone No:
 Fax No:
 Licence No: Email address:

Qualifications and Insurance details: (description from Column 3 of the Director of Building Control's Determination)

Speciality area of expertise: (description from Column 4 of the Director of Building Control's Determination)

Details of work:

Address: Lot No:
 Certificate of title No:
 The assessable item related to this certificate: (description of the assessable item being certified)
 Assessable item includes –
 - a material;
 - a design
 - a form of construction
 - a document
 - testing of a component, building system or plumbing system
 - an inspection, or assessment, performed

- Civil
- Stormwater
- Sewer
- Water Supply
- Vehicle Barrier
- Vehicle Turning

Certificate details:

Certificate type: (description from Column 1 of Schedule 1 of the Director's Determination – Certificates by Qualified Persons for Assessable Items n)

This certificate is in relation to the above assessable item, at any stage, as part of - (tick one)
 building work, plumbing work or plumbing installation or demolition work:
 or
 a building, temporary structure or plumbing installation:

In issuing this certificate the following matters are relevant –

AssetSafe

Documents:	Stormwater calculations shown on Sheet DA 26. Drawings prepared by Linardi Design Dwg No. 2194 Sheets DA 22 – DA 26.
Relevant calculations:	None.
References:	AS1170.0, AS1170.1, AS1170.2, AS1684, AS2870, AS2890.1, AS3500, AS3600, AS3700, AS4055, AS4100 and relevant sections of the BCA.

Substance of Certificate: (what it is that is being certified)

This certificate confirms that I George Severini on behalf of AssetSafe have undertaken a design review on the civil, stormwater, sewer, water supply, vehicle barrier and vehicle turning for the proposed residence in accordance with the relevant Australian Standards and BCA. This certificate includes all works including civil, stormwater, sewer, water, vehicle barrier and vehicle turning as detailed on the referenced drawings above and confirms that the design has been detailed to the relevant Australian Standards and Specifications and to our satisfaction.

We confirm that the stormwater system has been designed for a 1:20 Year ARI 5 minute storm even and post development discharge from site will not exceed the pre-development discharge for the site. All overland surface run-off from storm events up to 1:100 year ARI will be safely diverted and conveyed along the site surface and on to Nicholas Drive in a safe manner.

Scope and/or Limitations


Stormwater assessment has been based on a 1:20 year ARI 5 minute storm event in Hobart based on historic records provided by BOM.

Water supply property connection upgrade works have been assumed that sufficient water pressure is available on the site tap in point. An upgraded water connection of DN32 (ID25) has been allowed in the design.

Existing Fire Hydrants and water supply pressure for firefighting purposes are sufficient for urban subdivision developments.

The design has been based on the information provided by the relevant authorise.

I certify the matters described in this certificate.

Qualified person:	<i>Signed:</i>	<i>Certificate No:</i>	<i>Date:</i>
	 G Severini, BE Civil MIE Aust CPEng NPER	15/02/2023	SC-23002

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
42460	24
EDITION	DATE OF ISSUE
1	12-Aug-1992

SEARCH DATE : 06-Apr-2023

SEARCH TIME : 01.33 PM

DESCRIPTION OF LAND

City of HOBART
 Lot 24 on Sealed Plan 42460
 Derivation : Part of 110 Acres Gtd to Edward Fisher
 Prior CT 4629/61

SCHEDULE 1

B471905 TRANSFER to GRANT DANNY O'CONNOR

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP 42460 EASEMENTS in Schedule of Easements
 SP 42460 COVENANTS in Schedule of Easements
 SP 29641 COVENANTS in Schedule of Easements affecting that
 portion of the said land within described which
 formerly comprised part of Lot 6 on Sealed Plan No.
 29641
 SP 29641 COUNCIL NOTIFICATION under Section 468(12) of the
 Local Government Act 1962
 SP 29641, SP 37682 & SP 42460 FENCING PROVISION in Schedule of
 Easements

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations




FOLIO PLAN

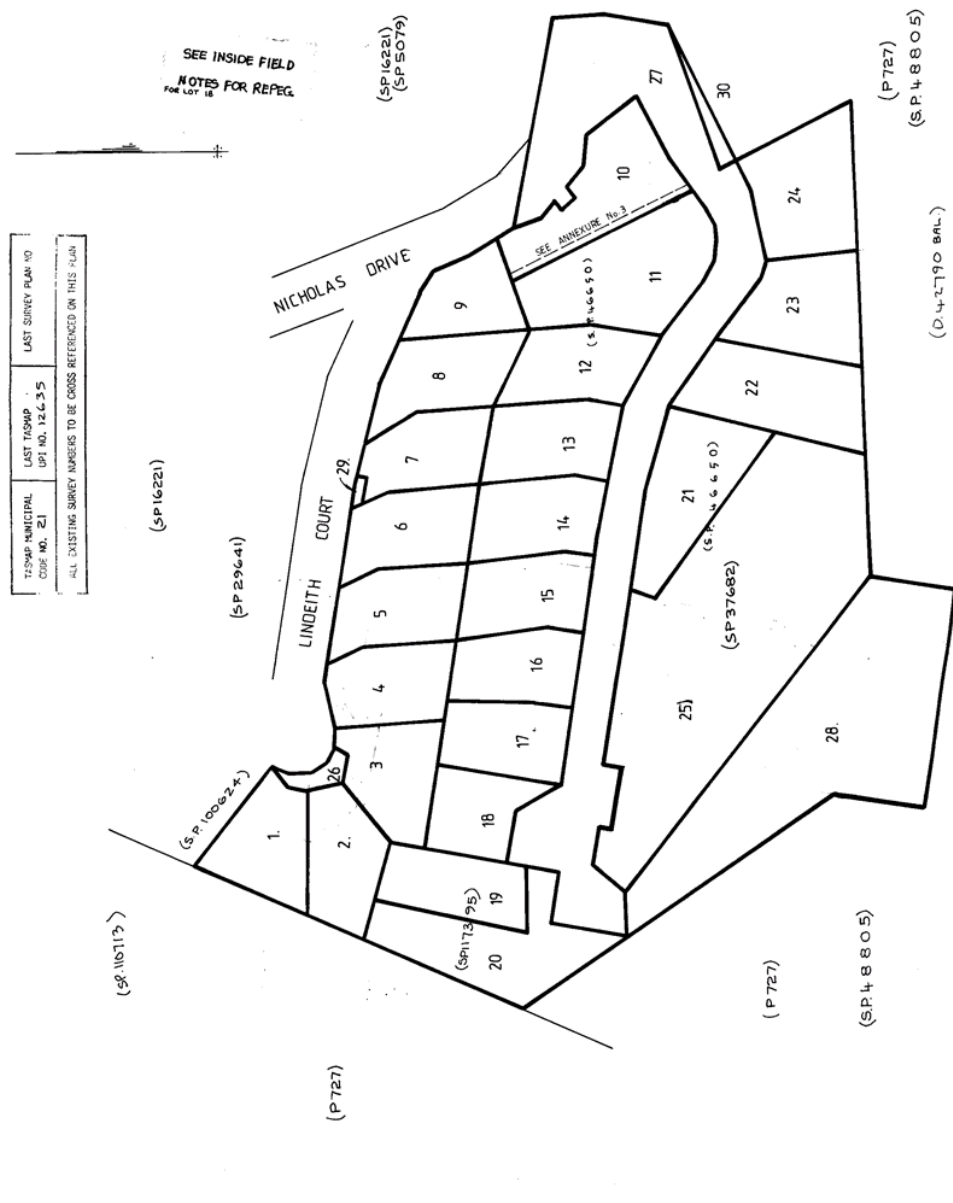
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner: Gathnor Nominees Pty Ltd (Lot 1-29) Thyss Pty Ltd & Others (Lot 30)	PLAN OF SURVEY by Surveyor: N. D. Leary of GRIGGS LEARY & CO. 295 Elizabeth Street Hobart of land situated in the	Registered Number: SP42460
Title Reference: CTs 4567-12 & 4567-13	CITY OF HOBART SCALE 1: 1000 MEASUREMENTS IN METRES	Approved Effective from: 11 JAN 1990  Recorder of Titles

SEE INSIDE FIELD NOTES FOR REPEG FOR LOT 18



TASMAP MUNICIPAL CODE NO. 21	LAST TASMAP UPI NO. 12.6.25	LAST SURVEY PLAN NO.
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		



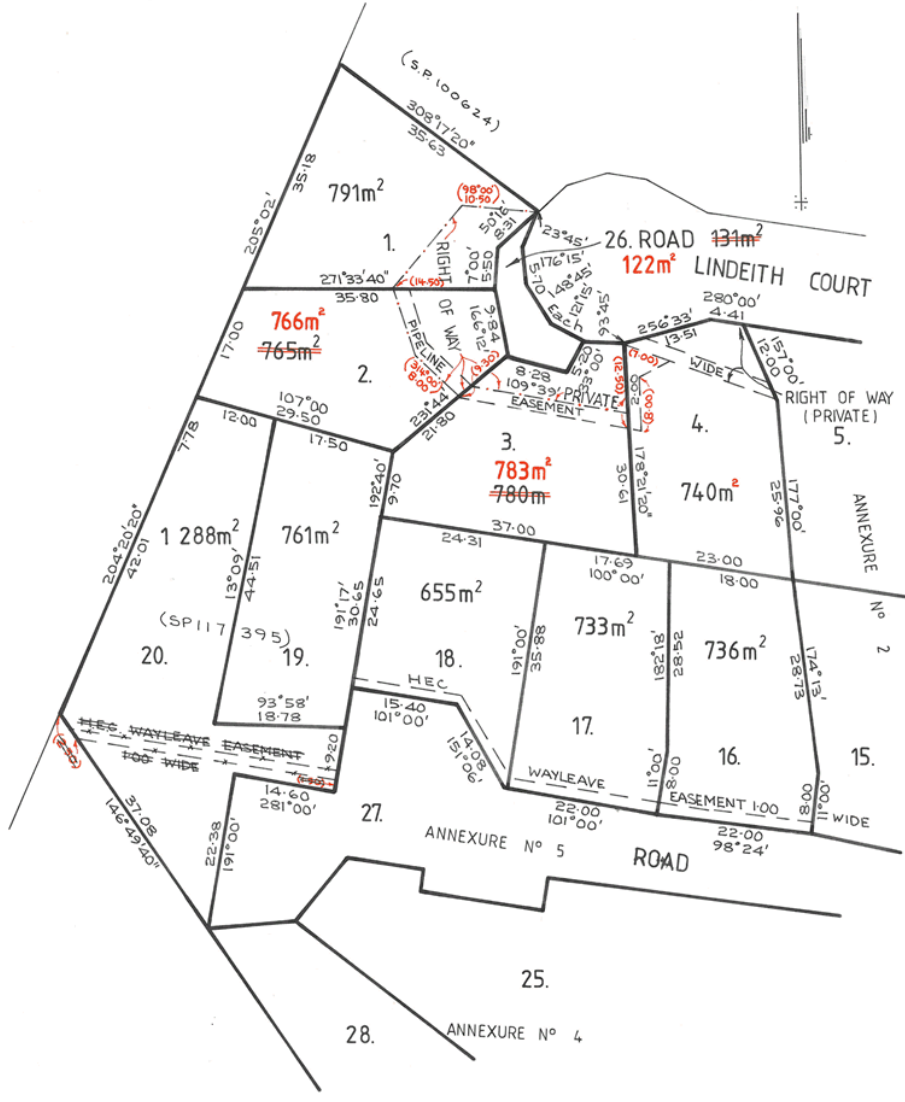
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 1 (of 5 annexures) to plan by Surveyor N.D. Leary	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 2.6.88 and that certificate extends to the detail shown on this sheet.	Registered Number: SP42460
Signed for the purposes of identification	Surveyor: <i>N.D. Leary</i>	Scale 1:500
Town Council Clerk: <i>[Signature]</i>	Owner: Gathnor Nominee	Measurements in Metres
Title Reference: C.T. 4567-12		



THE H.E.C. WAYLEAVE EASEMENT 1.00 WIDE WITHIN LOT 20 DELETED PURSUANT TO A REQUEST TO AMEND UNDER SECTION 4(3) OF THE LOCAL GOVERNMENT ACT 1962

[Signature]
 RECORDER OF TITLES
 25/2/1994




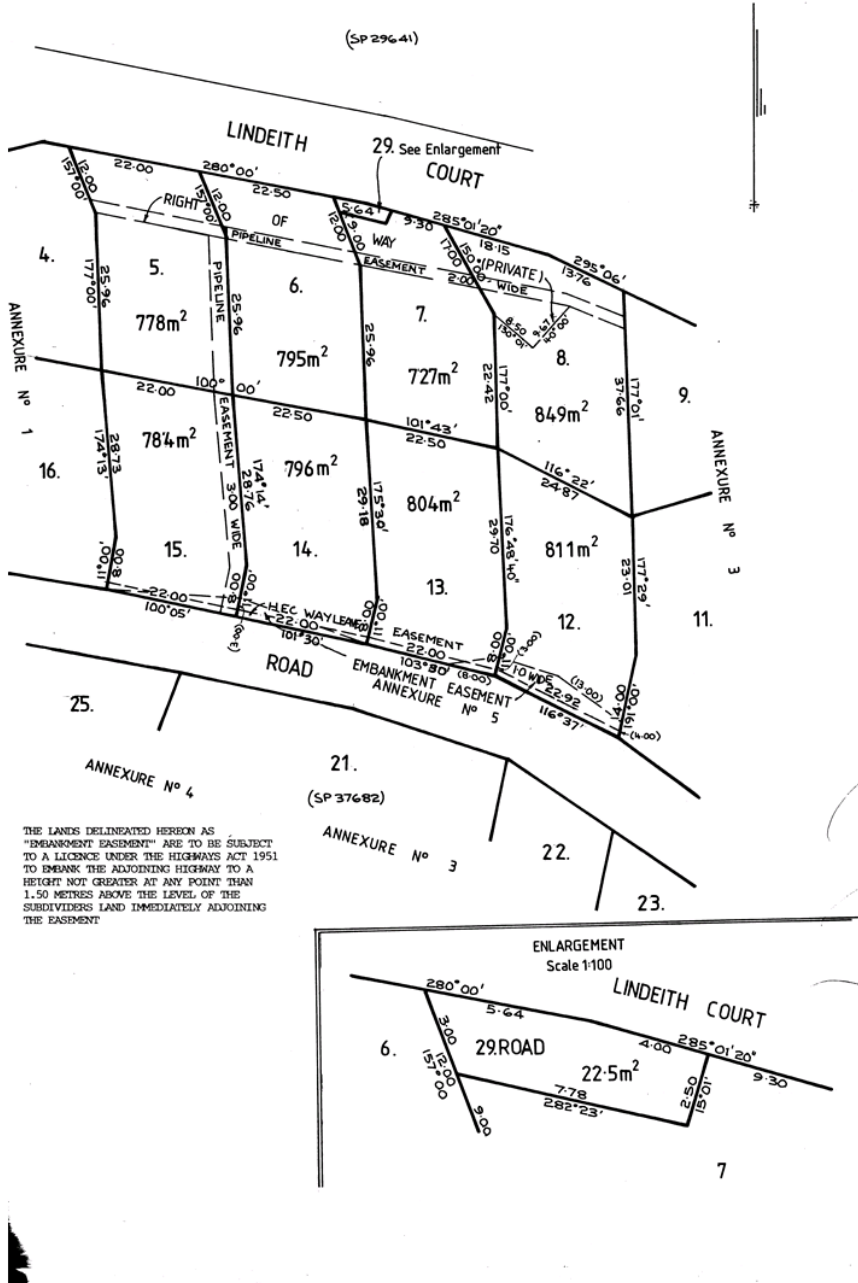
FOLIO PLAN

RECORDER OF TITLES

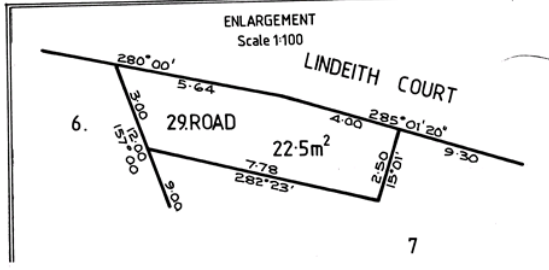
Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 2 (of 5 annexures) to plan by Surveyor N.D. Leary	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 2.6.88 and that certificate extends to the detail shown on this sheet.	Registered Number: SP42460
Signed for the purposes of identification  Town Clerk	Surveyor..... Owner: Gathnor Nominees Pty Ltd Title Reference: C.T. 4567-12	Scale 1: 500 Measurements in Metres



THE LANDS DELINEATED HERON AS "EMBANKMENT EASEMENT" ARE TO BE SUBJECT TO A LICENCE UNDER THE HIGHWAYS ACT 1951 TO BREAK THE ADJOINING HIGHWAY TO A HEIGHT NOT GREATER AT ANY POINT THAN 1.50 METRES ABOVE THE LEVEL OF THE SUBDIVIDERS LAND IMMEDIATELY ADJOINING THE EASEMENT





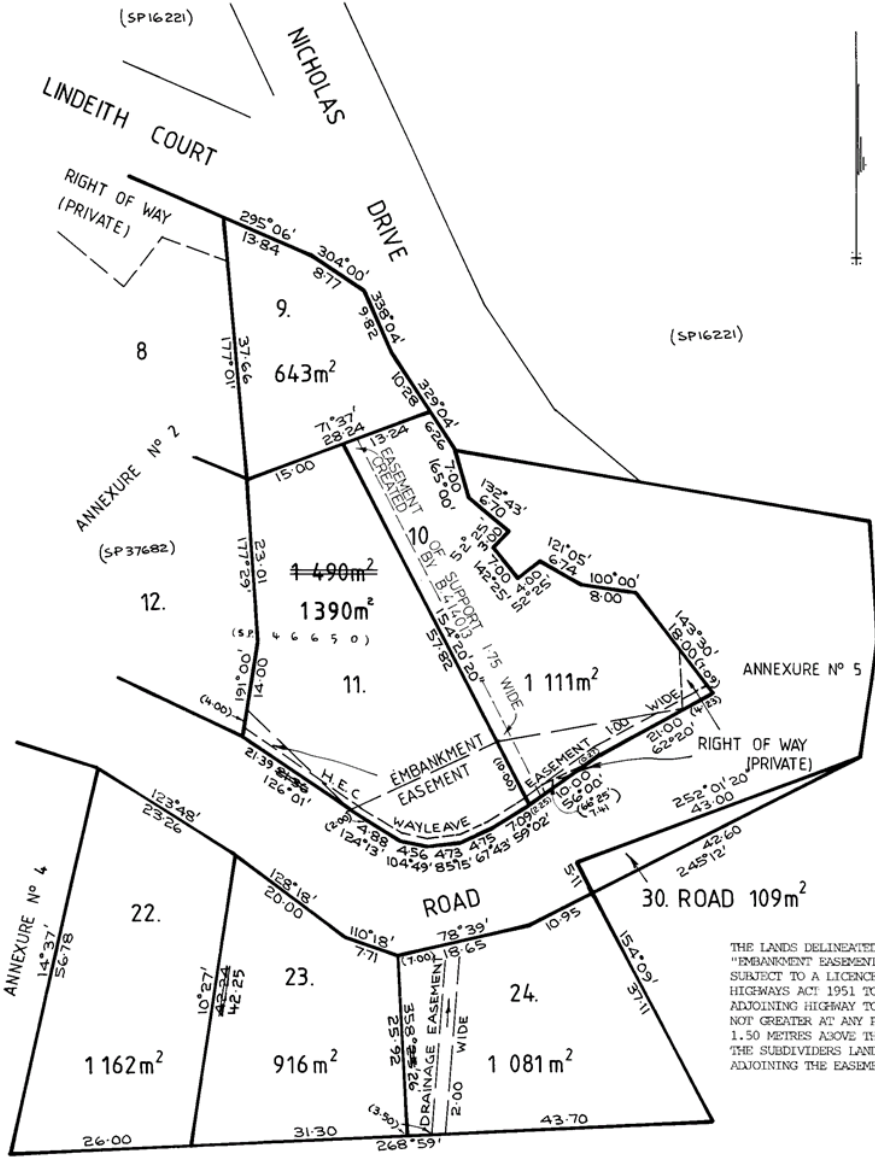
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 3 (of 5 annexures) to plan by Surveyor N. D. Leary	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 2.6.88 and that certificate extends to the detail shown on this sheet.	Registered Number: SP42460
Signed for the purposes of identification Town Council Clerk	Surveyor: <i>N. D. Leary</i>	Scale 1:500
Owner: Gathnor Nominees Pty Ltd Thyss Pty Ltd & Others Title Reference: C.T. 4567-12 & 4567-13		Measurements in Metres



THE LANDS DELINEATED HEREON AS "EMBANKMENT EASEMENT" ARE TO BE SUBJECT TO A LICENCE UNDER THE HIGHWAYS ACT 1951 TO EMBANK THE ADJOINING HIGHWAY TO A HEIGHT NOT GREATER AT ANY POINT THAN 1.50 METRES ABOVE THE LEVEL OF THE SUBDIVIDERS LAND IMMEDIATELY ADJOINING THE EASEMENT

(P727)



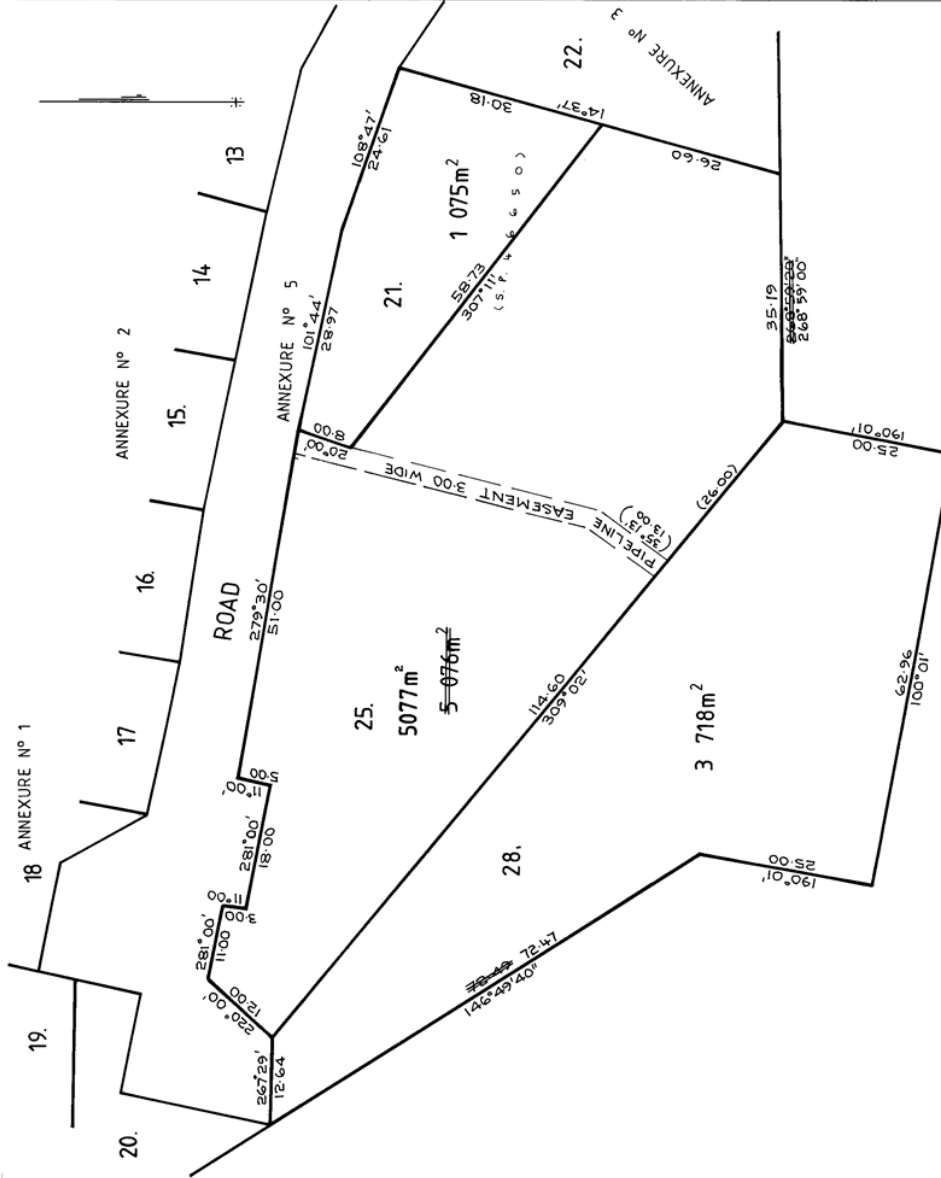
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 4 (of 5 annexures) to plan by Surveyor N. D. Leary	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 2.6.22 and that certificate extends to the detail shown on this sheet. Surveyor: <i>N. D. Leary</i>	Registered Number: SP42400
Signed for the purposes of identification Town Council Clerk: <i>[Signature]</i>		Owner: Gathnor Nominees Pty Ltd
	Title Reference: C.T. 4567-12	Measurements in Metres





FOLIO PLAN

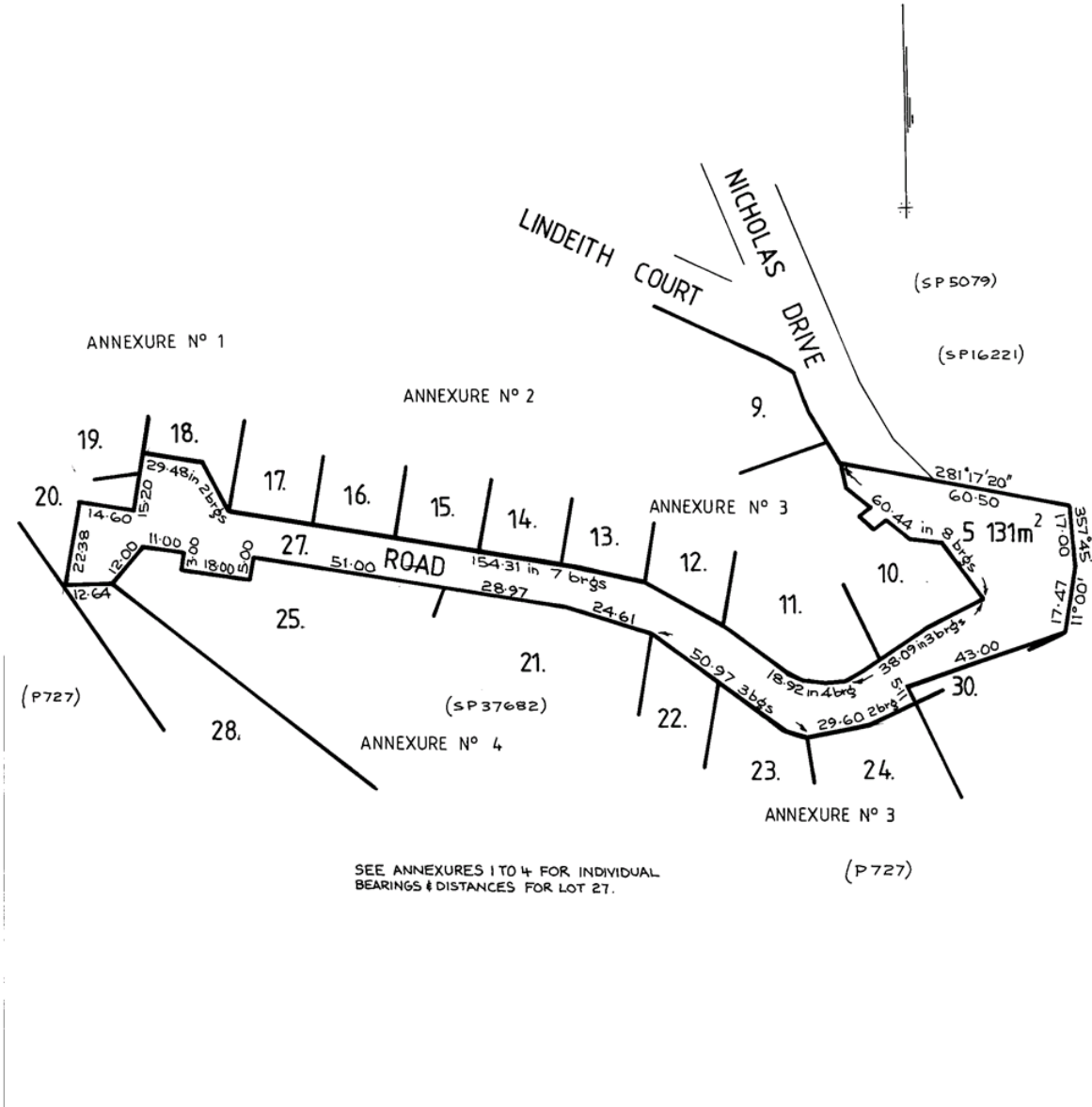
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



105-A-1109

ANNEXURE SHEET No. 5 (of 5 annexures) to plan by Surveyor N. D. Leary	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 2.6.88 and that certificate extends to the detail shown on this sheet. Surveyor..... <i>N. D. Leary</i>	Registered Number: SP42460
		Scale 1: 1000
Signed for the purposes of identification Town Council Clerk <i>[Signature]</i>	Owner: Gathnor Nominees Pty Ltd	Measurements in Metres
	Title Reference: C.T. 4567-12	





SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

PLAN NO.

SP42460

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.

Each Lot in Column A is

TOGETHER WITH a Pipeline Easement (as herein defined) over the Pipeline Easement shown hereon passing through the Lots specified opposite thereto in Column B and

SUBJECT TO a Pipeline Easement (as herein defined) over the Pipeline Easement passing through that Lot as appurtenant to the Lots shown hereon and specified opposite thereto in Column C

<u>COLUMN A</u>	<u>COLUMN B</u>	<u>COLUMN C</u>
1	2, 3, 4, 5, 15, 27, 25	Nil
2	3, 4, 5, 15, 27, 25	1
3	4, 5, 15, 27, 25	1, 2
4	5, 15, 27, 25	1, 2, 3
5	15, 27, 25	1 - 9
6	5, 15, 27, 25	7, 8, 9
7	6, 5, 15, 27, 25	8, 9
8	7, 6, 5, 15, 27, 25	9
9	8, 7, 6, 5, 15, 27, 25	Nil
10-14 & 16-24	27, 25	Nil
15	27, 25	1 - 9
25	Nil	1 - 24 & 27
27	25	1-24 & 27



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



42460

Each Lot in Column A is

TOGETHER WITH a Right of Carriageway over the Right of Way (Private) shown hereon passing through the Lots specified opposite thereto in Column B and

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 Do not stamp
 form to this
 document.

SUBJECT TO a Right of Carriageway over the Right of Way (Private) passing through that Lot as appurtenant to the Lots shown hereon specified opposite thereto in Column C

COLUMN A	COLUMN B	COLUMN C
1	2,3,4	2,3,4
2	1,3,4	1,3,4
3	1,2,4	1,2,4,5,6,7,8
4	1,2,3,	1,2,3, & 5 - 9
5	4	6,7,8,9
6	4,5	7,8,9
7	4,5,6	8,9
8	4,5,6,7	9
9	4,5,6,7,8	Nil

Lot 10 is

SUBJECT TO a Right of Carriageway over the Right of Way Private shown hereon appurtenant to the land comprised in the folio of the Register Volume 4567 Folio 13

The words "and 20" were deleted by me pursuant to a Request to Amend No B.734303 made under Section 10 of the Local Government (Building and Miscellaneous Provisions Act 1993)

SUBJECT TO a Wayleave easement (as defined by Section 2 of the Hydro Electric Commission Act 1944) over the H.E.C. Wayleave Easement 1.00 metre wide shown hereon passing through such Lot

Lot 24 is

SUBJECT TO a right of drainage over the Drainage easement 2.00 metres wide shown hereon as appurtenant to the land comprised in the folio of the Register Volume 4567 folio 13

COVENANTS

The Owners of each Lot on the said plan except Lots 26,27,29 and 30 covenant with the Vendor Gathnor Nominees Pty. Ltd. and the

NOTE:— Every annexed sheet shall be signed by the parties to the dealing, or where a party is a corporation, be signed by the persons who have attested the fixing of the seal of that body to the dealing.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



42460
D 1125 ANNEXURE REFERRED TO (Page 1)

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ment.

Annexure to Memorandum of _____ dated _____
from _____ to _____

owners for the time being of every other Lot shown in the said plan except Lots 26, 27, 29 and 30 to the intent that the burden of these covenants may run with and bind the Covenantors lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every other Lot shown in the said Plan except Lots 26,27,29 and 30 to observe the following stipulations:

- (a) Not to erect any building on the said Lot other than private dwelling houses constructed of brick or brick veneer and the outbuildings usually appurtenant thereto.
- (b) Not to set up or carry on in or upon the said Lot any trade manufacture or business of any kind whatsoever.
- (c) Not to erect or permit to be erected on the said Lot or any part thereof nor attach to or permit to be attached to the dwelling house or any outbuilding erected thereon any advertisement hoarding bill or poster or any other similar erection.
- (d) The Vendor shall have the right to modify vary waive or extinguish the covenants (or any of them) as above set forth in relation to any Lot shown in the said plan.

The Owners of each Lot on the said plan except Lots 1-9, 26,27,29 and 30 covenant with the Vendor Gathnor Nominees Pty. Ltd. and the owners for the time being of every other Lot shown in the said plan except Lots 1-9, 26, 27, 29 and 30 to the intent

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



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



42460
D 1125

ANNEXURE REFERRED TO (Page 1)

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form to the instru-
ment.

Annexure to Memorandum of _____ dated _____
from _____ to _____

that the burden of these covenants may run with and bind the
Covenantors lot and every part thereof and that the benefit
thereof shall be annexed to and devolve with each and every other
Lot shown in the said Plan except Lots 1-9, 26,27,29 and 30
to observe the following stipulations:

- (a) Not to erect any building on the said Lot other than private dwelling houses constructed of brick or brick veneer and the outbuildings usually appurtenant thereto.
- (b) Not to set up or carry on in or upon the said Lot any trade manufacture or business of any kind whatsoever.
- (c) Not to erect or permit to be erected on the said Lot or any part thereof nor attach to or permit to be attached to the dwelling house or any outbuilding erected thereon any advertisement hoarding bill or poster or any other similar erection.
- (d) The Vendor shall have the right to modify vary waive or extinguish the covenants (or any of them) as above set forth in relation to any Lot shown in the said plan.
- (e) Not to construct more than one messuage on each Lot PROVIDED HOWEVER that the Vendor shall have the right to vary, modify waive or extinguish this covenant if the Vendor obtains the approval of the Corporation under the provisions of the Local Government Act 1962 for the construction of 2 villa units on the said lot.

FENCING PROVISION In respect of each Lot shown on the plan except lots 26,27,29 and 30 the Vendor (Gathnor Nominees Pty. Ltd.) shall not be required to fence.

NOTE:— Every annexed sheet shall be signed by the parties to the deal- ing, 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 being.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE REFERRED TO (Page 1)

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form to the instru-
ment.

Annexure to Memorandum of _____ dated _____
from _____ to _____

INTERPRETATION

"Pipeline Easement" means the full and free right of every person who is entitled to an estate or interest in possession indicated as the dominant tenement or any part thereof with which said right shall be capable of enjoyment in common with the owner of the servient tenement to lay use and maintain forever water mains and pipes of such size and number as shall from time to time be required in the strips of land shown on the plan hereon and marked "Pipeline Easement 2.00 metres wide" and "Pipeline Easement 3.00 metres wide" and the right for their surveyors and workmen from time to time and at all times hereafter to enter into and upon the said strips of land or any part thereof bringing upon the Pipeline Easement such material machinery and other things as it shall think fit and proper to inspect the condition of the said mains and pipes and to repair alter amend and cleanse PROVIDED HOWEVER that any damage occasioned thereby shall be made good.

THE COMMON SEAL of GATHNOR)
NOMINEES PTY. LTD. was)
hereunto affixed in the)
presence of:



Director Secretary
[Signatures]

SIGNED by SANDRA KING, SUSAN SHIRLEY FLEMING, HEATHER MARGARET NOGA, JOHN ALFRED MAY, DONNA RUTH DWYER, PETER MICHAEL SHARP, VICKI LEE SHARP, THYSS PTY. LTD. and MAKATI INVESTMENTS PTY. LTD. as the proprietors of the land comprised in the folio of the Register volume 4567 folio 13 in the presence of:



LEANNE MONTGOMERY, SURVEY DRAFTSPERSON
[Signature]

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



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



42460

~~EXECUTED in Victoria by CUSTOM CREDIT CORPORATION LIMITED and being signed) sealed and delivered by its Attorney) LYNDON JOHN HARRIS "State Business Finance & Services Manager, Vic.") pursuant to a Power of Attorney dated) 21st December, 1984 a certified copy) of which is filed in Permanent Order) Book 276 at Page 277 in the presence) of :~~

[Signature]
26/1/2014

[Signature]

Signed by LYNDON JOHN HARRIS "State Business Finance and Services Manager, Vic." as Attorney of CUSTOM CREDIT CORPORATION LIMITED under Power of Attorney No. 60/6792 who states that he has not received any notice of revocation of the said Power of Attorney in the presence of :

[Signature]
26/1/2014

[Signature]
SENIOR SECURITIES OFFICER
QANTAS BANK
ALBERT PARK VIC

SIGNED for and on behalf of COMMONWEALTH BANK OF AUSTRALIA by its duly authorised officer	COMMONWEALTH BANK OF AUSTRALIA By its Attorney <i>[Signature]</i> Acting Chief State Manager Tasmania
under Power of Attorney No. 60/6792 which copy was received and no notice of revocation of the said Power of Attorney was received in the presence of: <i>[Signature]</i> "C.D." Bank Loans Officer	Acting



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



42460

This is the schedule of easements attached to the plan of GATHNOR NOMINEES PTY LTD
(Insert Subdivider's Full Name)
THYSS PTY LTD & OTHERS affecting land in
CT 4567-12 & CT 4567-13
(Insert Title Reference)

Sealed by HOBART CITY COUNCIL on 12th DECEMBER 1989

Solicitor's Reference _____

Council Clerk/Town Clerk

OSK 3134



Enquiries to: City Life
Phone: (03) 6238 2711
Email: coh@hobartcity.com.au

8 February 2023

Ernest Lotter
30 Shepherd Street
SANDY BAY TAS 7005

mailto: elotter@gmail.com

Dear Sir/Madam

**38 A NICHOLAS DRIVE & 44 NICHOLAS DRIVE & 42 NICHOLAS DRIVE & 40 C
NICHOLAS DRIVE, SANDY BAY
GMC - PLN-22-818 - PROPOSED DWELLING AND GARAGE NOTICE OF LAND
OWNER CONSENT TO LODGE A PLANNING APPLICATION - GMC-23-2**

Site Address:

38A, 40C, 42 & 44 Nicholas Drive

Description of Proposal:

Dwelling & Front Fencing

Applicant Name:

Ernest Lotter

PLN (if applicable):

PLN-22-218

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. I granted consent pursuant to delegation, a copy of which is enclosed.


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

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

as the statutory planning authority.

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

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

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

Yours faithfully



(Jacqui Allen)
DIRECTOR CONNECTED CITY

Relevant documents/plans:

Drawing DA 02 from Linardi Design dated 09/01/2023

City of Hobart

INSTRUMENT OF DELEGATION

General Delegation

Director Connected City

Section 64 of the Local Government Act 1993

I, Kelly Grigsby, Chief Executive Officer, being the General Manager as appointed by Council pursuant to Section 61 of the *Local Government Act 1993 (Tas)* ("the Act") hereby delegate pursuant to Section 64 of the Act, the following powers and functions to the Director Connected City:

1. to sign an application; and
2. to provide written permission to make an application;

pursuant to section 52(1B) of the *Land Use Planning and Approvals Act 1993*, except where an application pursuant to that section is recommended for refusal by Council officers.

Dated this 31 day of January 2023



SIGNED

Kelly Grigsby
(Chief Executive Officer)

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

Approved - General
Manager Consent Only
GMC-23-2 08/02/2023

44 NICOLAS DRIVE, SANDY BAY TAS, 7005
SITE INFORMATION

CERTIFICATE OF TITLE C.T.155938 / 2

AREAS: M²
SITE 1630

SITE COVER 600.4
SITE COVERAGE 42.1%

PROPOSED FLOOR AREAS
LIVING GROUND LEVEL 276.0
LIVING LEVEL 1 330.7
LIVING LEVEL 2 116.2
GROUND LEVEL STORAGE 49.3
GARAGE / LEVEL 1 STORAGE 115.0
TOTAL 887.2

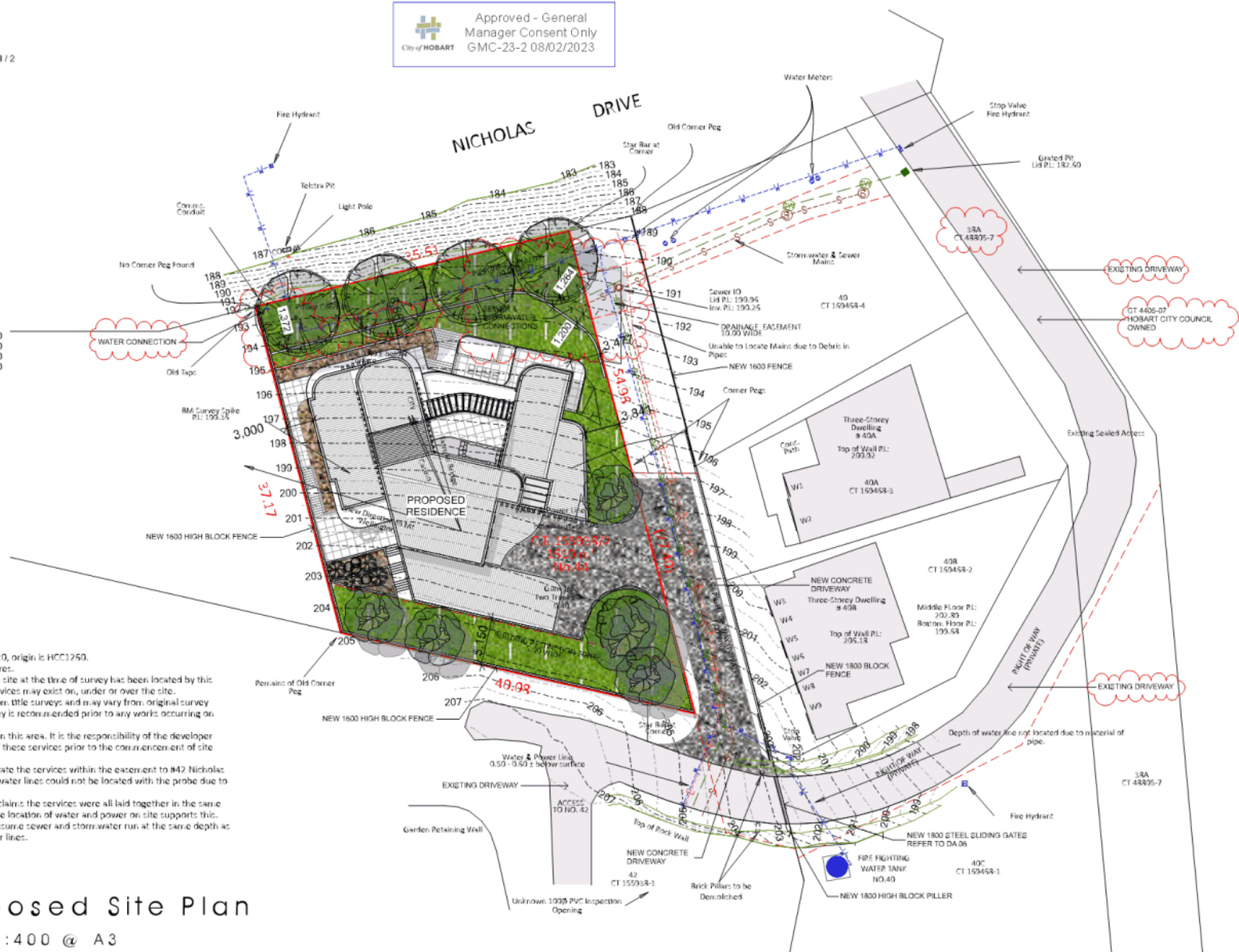
EXTERNAL AREAS
GROUND LEVEL 137.5
LEVEL 1 108.3
LEVEL 2 47.6
JACUZZI 11.3
CARPORT 37.2
TOTAL 341.0

TOTAL AREA 1229.1

FINISHED FLOOR LEVELS
GROUND LEVEL RL 106.900
LEVEL 1 RL 200.400
LEVEL 2 RL 203.700
GARAGE RL 200.350



- NOTE:**
- Level Datum is AHD.
 - Horizontal Datum is GDA2020, origin is HCC1250.
 - Contour Interval is 0.50 metres.
 - Only that detail apparent on site at the time of survey has been located by this plan. Other features and services may exist on, under or over the site.
 - Boundaries are compiled from title surveys and may vary from original survey dimensions. A Remark Survey is recommended prior to any works occurring on or near the boundaries.
 - Underground services exist in this area. It is the responsibility of the developer to determine the location of these services prior to the commencement of site works.
 - Archives were engaged to locate the services within the easement to #42 Nicholas Drive. The sewer and storm water lines could not be located with the probe due to debris in the pipes.
 - Tony McIntyre (owner #42) claims the services were all laid together in the same trench at a similar depth. The location of water and power on site supports this. Therefore it may be safe to assume sewer and storm water run at the same depth as the located water and power lines.



Proposed Site Plan
Scale 1:400 @ A3



2194

AMENDMENT	DATE	DETAILS
2	26/11/22	DA DESIGN DRAFT
3	02/12/22	RM SURVEY
4	20/12/22	MOVED STONEWALL AWAY FROM SERVICES
5	09/01/23	ADDED CT PLAN AND SITE PLAN NOTES

PROPOSED RESIDENCE
FOR ERNEST & ANELDA LOTTER
44 NICOLAS DRIVE, SANDY BAY
JOB NO. 2194

DA 02

LINARDI PTY. LTD ACN 062 237 530
119 Roaring Beach Road
South Arm Tasmania 7022
m. 0417 878 723
e. linardi@bigpond.com
w. linardidesign.com
T.C. REG. NO. CC2/2021 @ COPYRIGHT 2022





CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE ITEM

Section 321

To: Owner /Agent
 Address
 Suburb/postcode

Form **55**

Qualified person details:

Qualified person:
 Address: Phone No:
 Fax No:
 Licence No: Email address:

Qualifications and Insurance details: (description from Column 3 of the Director of Building Control's Determination)

Speciality area of expertise: (description from Column 4 of the Director of Building Control's Determination)

Details of work:

Address: Lot No:
 Certificate of title No:
 The assessable item related to this certificate: (description of the assessable item being certified)

- Civil
- Stormwater
- Sewer
- Water Supply
- Vehicle Barrier
- Vehicle Turning

Assessable item includes –

- a material;
- a design
- a form of construction
- a document
- testing of a component, building system or plumbing system
- an inspection, or assessment, performed

Certificate details:

Certificate type: (description from Column 1 of Schedule 1 of the Director's Determination – Certificates by Qualified Persons for Assessable Items n)

This certificate is in relation to the above assessable item, at any stage, as part of - (tick one)
 building work, plumbing work or plumbing installation or demolition work:
 or
 a building, temporary structure or plumbing installation:

In issuing this certificate the following matters are relevant –

AssetSafe

Documents:	Stormwater calculations shown on Sheet DA 26. Drawings prepared by Linardi Design Dwg No. 2194 Sheets DA 22 – DA 26.
Relevant calculations:	None.
References:	AS1170.0, AS1170.1, AS1170.2, AS1684, AS2870, AS2890.1, AS3500, AS3600, AS3700, AS4055, AS4100 and relevant sections of the BCA.

Substance of Certificate: (what it is that is being certified)

This certificate confirms that I George Severini on behalf of AssetSafe have undertaken a design review on the civil, stormwater, sewer, water supply, vehicle barrier and vehicle turning for the proposed residence in accordance with the relevant Australian Standards and BCA. This certificate includes all works including civil, stormwater, sewer, water, vehicle barrier and vehicle turning as detailed on the referenced drawings above and confirms that the design has been detailed to the relevant Australian Standards and Specifications and to our satisfaction.

We confirm that the stormwater system has been designed for a 1:20 Year ARI 5 minute storm even and post development discharge from site will not exceed the pre-development discharge for the site. All overland surface run-off from storm events up to 1:100 year ARI will be safely diverted and conveyed along the site surface and on to Nicholas Drive in a safe manner.

Scope and/or Limitations


Stormwater assessment has been based on a 1:20 year ARI 5 minute storm event in Hobart based on historic records provided by BOM.

Water supply property connection upgrade works have been assumed that sufficient water pressure is available on the site tap in point. An upgraded water connection of DN32 (ID25) has been allowed in the design.

Existing Fire Hydrants and water supply pressure for firefighting purposes are sufficient for urban subdivision developments.

The design has been based on the information provided by the relevant authorise.

I certify the matters described in this certificate.

	<i>Signed:</i>	<i>Certificate No:</i>	<i>Date:</i>
Qualified person:	 G Severini, BE Civil MIE Aust CPEng NPER	16/01/2023	SC-23002

44

CERTIFICATE OF TITLE

LAND TITLES ACT 1980



TASMANIA

TORRENS TITLE

VOLUME		FOLIO	
155938		2	
EDITION	DATE OF ISSUE		
4	29-Aug-2022		
Page 1		of 1	

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

Recorder of Titles

DESCRIPTION OF LAND

City of HOBART
Lot 2 on Sealed Plan 155938
Derivation : Part of 110 Acres Gtd to Edward Fisher
Prior CT 48805/6

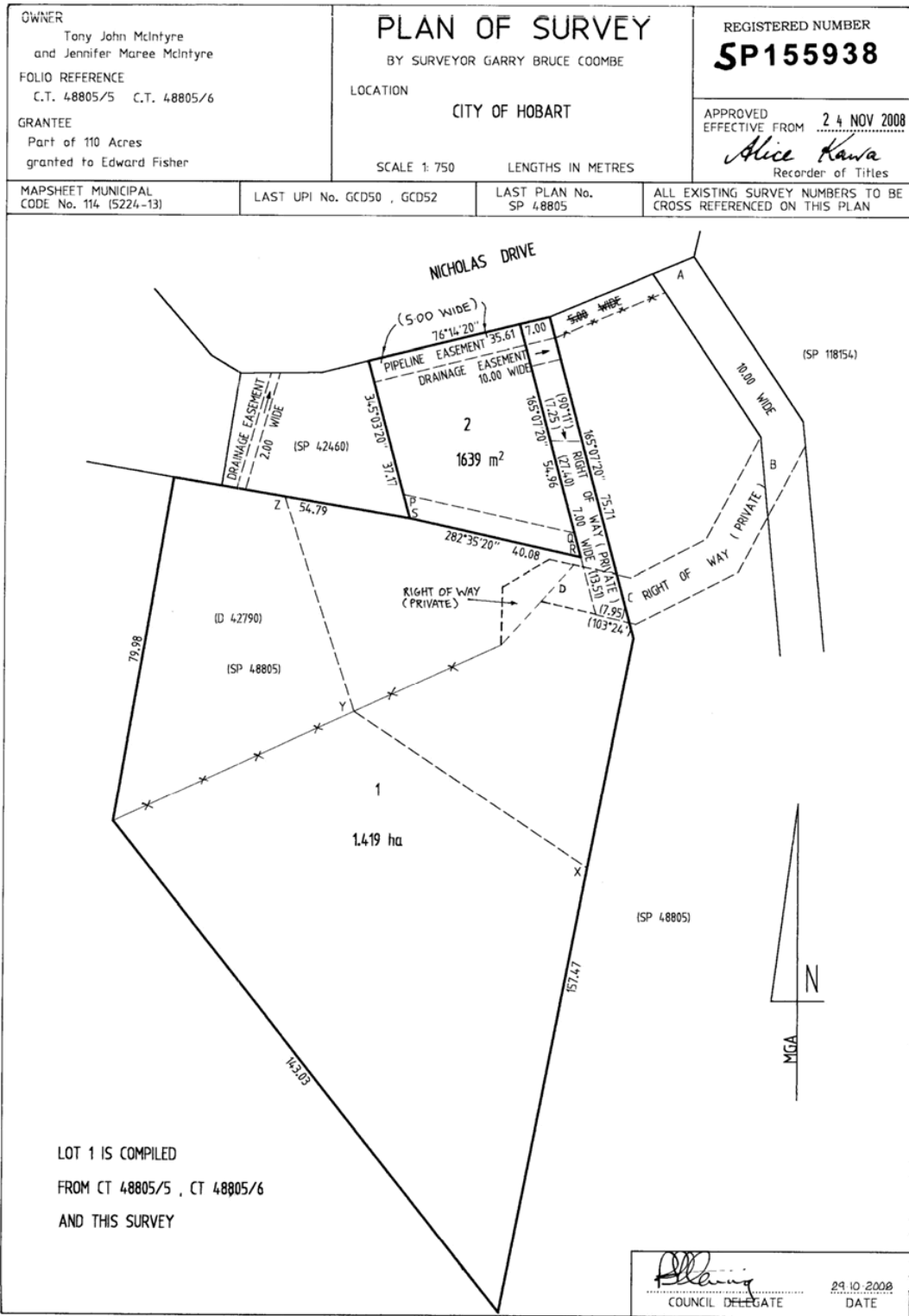
SCHEDULE 1

M979133 TRANSFER to ERNEST CHRISTIAAN LOTTER and ANELDA
LOTTER Registered 29-Aug-2022 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP155938 EASEMENTS in Schedule of Easements
SP155938 COVENANTS in Schedule of Easements
SP155938 FENCING PROVISION in Schedule of Easements
SP 48805 COVENANTS in Schedule of Easements
SP 48805 FENCING PROVISION in Schedule of Easements
SP 48805 COUNCIL NOTIFICATION under Section 468(12) of the
Local Government Act 1962

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER





SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS	Registered Number
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP 155938

PAGE 1 OF 4 PAGE/S
 4

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

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

Each lot on the plan is subject to:-

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

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

EASEMENTS

LOT 1 is TOGETHER WITH a right of carriageway over the right of way (private) 10.00 wide from A to B ~~within lot 7 on Sealed Plan SP48805.~~ on the plan.

LOT 1 is TOGETHER WITH a right of carriageway over the right of way (private) 10.00 wide from B to C ~~within lot 4 on Sealed Plan SP48805.~~ on the plan.

LOT 1 is SUBJECT TO a right of carriageway (appurtenant to lot 2) over the right of way (private) 7.00 wide shown on the plan.

LOT 1 is SUBJECT TO a right of drainage (appurtenant to lot 2) over the drainage easement 10.00 wide shown on the plan.

LOT 2 is TOGETHER WITH a right of carriageway over the right of way (private) 10.00 wide from A to B ~~within lot 7 on Sealed Plan SP48805.~~ on the plan.

Signed by TONY JOHN MCINTYRE

Signed by JENNIFER MAREE MCINTYRE

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: TJ & JM McIntyre	PLAN SEALED BY: Hobart City Council
FOLIO REF: 48805/5 & 48805/6	DATE: 29.10.2008
SOLICITOR & REFERENCE: Max McMullen (Mc353)	7713396 REF NO.
	 MANAGER SURVEYING SERVICES Council Delegate
NOTE: The Council Delegate must sign the Certificate for the purposes of identification.	



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 4 PAGES 4	Registered Number SP 155938
SUBDIVIDER: TJ & JM McIntyre FOLIO REFERENCE: 48805/5 & 48805/6	

LOT 2 is TOGETHER WITH a right of carriageway over the right of way (private) 10.00 wide from **B to C** within lot 4 on Sealed Plan SP48805. *On the plan.*

~~LOT 2 is TOGETHER WITH a right of carriageway over the right of way (private) 7.00 wide shown on the plan.~~

LOT 2 is SUBJECT TO a pipeline easement as defined in Sealed Plan SP 48805 over the Pipeline Easement 5.00 wide shown on the plan.

LOT 2 is TOGETHER WITH a right of drainage over the drainage easement 10.00 wide shown on the plan.

COVENANTS

Tony John McIntyre & Jennifer Maree McIntyre

The owners of Lot 2 on the Plan covenant with the Vendors and the owners of Lot 1 on the Plan to the intent that the burden of these covenants may run with and bind the covenantors lot and every part thereof and that the benefit thereof may be annexed thereto and devolve with each and every part of Lot 1 to observe the following stipulations:

1. Not to erect, place or maintain any building or structure on Lot 2 within the area **P-Q-R-S** shown on the Plan
2. ~~Not to carry out any excavations or construction work within the right of carriageway appurtenant to Lot 2 over Lot 1 on the plan in such a manner as is likely to cause damage to the underground services for Lot 1 running through that right of carriageway, and in the event that damage is caused in breach of this covenant to make good all damage occasioned thereby.~~

Lots 1 and 2 on the Plan are each burdened with the Covenants created by Sealed Plan SP 48805.

Signed by TONY JOHN MCINTYRE)

Signed by JENNIFER MAREE MCINTYRE)

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.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 4 PAGES 4	Registered Number SP 155938
SUBDIVIDER: TJ & JM McIntyre FOLIO REFERENCE: 48805/5 & 48805/6	

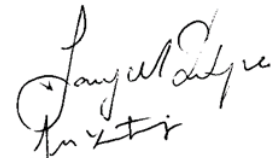
PROFITS A PRENDRE


No Profits a Prendre are hereby created to benefit or burden any Lot shown on the Plan.

FENCING PROVISION

In respect of any Lot on the Plan the Vendors Tony John McIntyre and Jennifer Maree McIntyre shall not be required to fence.

SIGNED by TONY JOHN MCINTYRE)
 and JENNIFER MAREE MCINTYRE)
 in the presence of:)



Witness Signature: 
 Witness Full Name: *Maree McIntyre*
 Address: *85 Macdonald St Hobart*
 Occupation: *Solicitor*

Registered proprietors of the land in Folios of the Register Volume 48805 Folio 5 & Volume 48805 Folio 6

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.

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 4 OF 4 PAGES	Registered Number SP155938
SUBDIVIDER: - TONY JOHN MCINTYRE AND JENNIFER MAREE MCINTYRE FOLIO REFERENCE: - 48805/5 & 48805/6	
<p>EASEMENTS CONTINUED</p> <p>Lot 1 on the plan is subject to a Right of Carriageway (appurtenant to Lot 6 on SP48805) over that portion of the Right of Way (private) 10.00 wide marked DC on the plan.</p> <p>Lot 1 on the plan is subject to a Right of Carriageway (appurtenant to Lot 5 on SP48805) over the Right of Way (private) on the plan.</p> <p>Lot 1 on the plan is subject to a Pipeline Easement in favour of the Hobart City Council over the Pipeline Easement 5.00 wide shown passing through such lot as more fully defined in Sealed Plan 48805.</p> <p>Lot 2 is together with a Right of Carriageway over the Right of Way (private) 7.00 wide shown on the plan. Subject to the condition that any excavations or construction work within the right of way (private) 7.00 wide is done in such a manner so as not to cause damage to the underground services for Lot 1 running through that right of way (private) 7.00 wide, and to make good any damage that is caused or occasioned thereby.</p>	
NOTE: - Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.	

**RESULT OF SEARCH** 36-38

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
118154	3
EDITION	DATE OF ISSUE
1	05-Sep-1995

SEARCH DATE : 27-Jan-2023

SEARCH TIME : 02.32 PM

DESCRIPTION OF LAND

City of HOBART
 Lot 3 on Sealed Plan 118154
 Derivation : Part of 110 Acres Gtd. to E. Fisher.
 Prior CTs 48805/2 and 48805/3

SCHEDULE 1

B638869 TRANSFER to PHILLIP ANTHONY TURNER Registered
 30-Mar-1993 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP118154 EASEMENTS in Schedule of Easements
 SP 48805 FENCING PROVISION in Schedule of Easements
 SP 48805 COUNCIL NOTIFICATION under Section 468(12) of the
 Local Government Act 1962
 SP48805, SP118154 COVENANTS in Schedule of Easements
 SP118154 SEWERAGE AND/OR DRAINAGE RESTRICTION

UNREGISTERED DEALINGS AND NOTATIONS

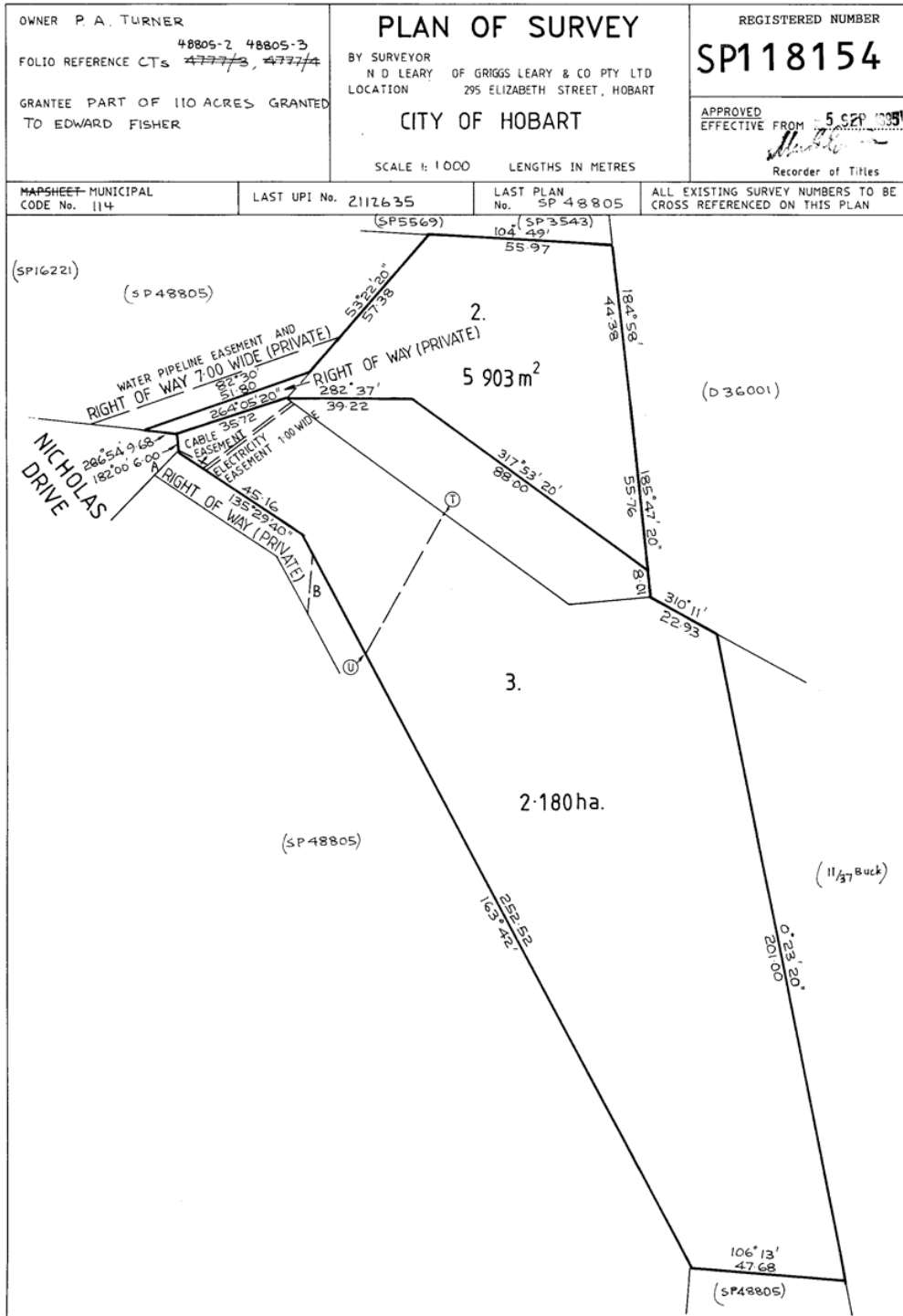
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



REGISTERED NUMBER

SP118154



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.

EASEMENTS

LOT 2 is SUBJECT TO a right of carriageway (appurtenant to LOT 1 on S.P. No. 48805) over the RIGHT OF WAY (PRIVATE) shown on the Plan.

LOT 2 is TOGETHER WITH a right of carriageway and water pipeline easement over the RIGHT OF WAY (PRIVATE) and WATER PIPELINE EASEMENT 7.00m wide shown on the Plan.

LOT 2 is TOGETHER WITH an ELECTRICITY EASEMENT 1.00m wide shown on the Plan.

LOT 3 is SUBJECT TO an ELECTRICITY EASEMENT 1.00m wide (appurtenant to LOT 2) shown on the Plan.

LOT 3 is SUBJECT TO the CABLE EASEMENT shown on the Plan. That portion of Lot 3 which formerly comprised Lot 3 on SP48805

~~LOT 2~~ is TOGETHER WITH a right of carriageway over that portion of the RIGHT OF WAY (PRIVATE) 10.00m wide marked AB and shown on the Plan.

COVENANTS

Lots 2 and 3 on the Plan, which formerly comprised Lots 2 and 3 on Sealed Plan No. 48805, are subject to the restrictive covenants contained in Sealed Plan No. 48805.

SIGNED by PHILLIP ANTHONY TURNER)
 registered proprietor of the land)
 contained in Certificate of Title)
 Volume 48805 Folios 2 & 3 in the)
 presence of:)

Phillip Turner

*J. O'Keefe
23 Dandy Street, Hobart.*

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980INTERPRETATION

"Electricity Easement" shall mean:

A right for the owner or owners for the time being of the dominant tenement to make and lay, underground, any wires and conduits for the purpose of conveying electricity in and through portion of the servient tenement marked "Electricity Easement 1 metre wide" on the plan, TOGETHER WITH the right for the said owner or owners or their workmen from time to time and at all times to enter upon the said easement to inspect, repair and maintain such wires and conduits without doing unnecessary damage to the land comprising the servient tenement, and making good any damage occasioned to the servient tenement.

"Pipeline Easement" shall mean:

The full and free right and liberty for the Lord Mayor Aldermen and Citizens of the City of Hobart (herein called "the Corporation") to lay and forever maintain water mains of such size and number as the Corporation may from time to time require through all that strip of land marked "Pipeline Easement" hereon and together with the right at all times to enter upon the said strip of land for the purposes of inspecting repairing and laying additional mains thereon and for all purposes whatsoever in connection with the repair and maintenance of such mains under The Hobart Water Acts 1925-1936 and The Hobart Corporation Acts 1963 for the purpose of the Hobart Water Supply.

"Cable Easement" shall mean:

The full and free right and liberty for the Hydro Electric Commission to lay and maintain cables and installations for the transmission of electrical energy under and along the strip of land marked "Cable Easement" on the plan passing through such Lot with the right for the Hydro Electric Commission its servants workmen and others authorised by it at all times to enter into and upon the said strip of land for the purposes of laying inspecting repairing and maintaining any such cables without doing unnecessary damage to the said strip of land and making good all damage occasioned thereby.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



This is the schedule of easements attached to the plan of
(Insert Subdivider's Full Name)

P. A. TURNER affecting land in

CT 4777/3 & CT 4777/4
(Insert Title Reference)

Sealed by HOBART CITY COUNCIL on 22ND JUNE 1995

Solicitor's Reference
054 3134

S. King
~~Council Clerk/Town Clerk~~
MANAGER - SURVEYING SERVICES

**RESULT OF SEARCH**

40C

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
169468	1
EDITION	DATE OF ISSUE
3	24-Jan-2023

SEARCH DATE : 27-Jan-2023

SEARCH TIME : 02.29 PM

DESCRIPTION OF LAND

City of HOBART
 Lot 1 on Sealed Plan 169468
 Derivation : Part of 110 Acres Gtd to E Fisher
 Prior CT 48805/4

SCHEDULE 1

N103533 TRANSFER to GRAEME JAMES THOMSON and RACHEL HELEN
 MARGARET THOMSON Registered 24-Jan-2023 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP169468 EASEMENTS in Schedule of Easements
 SP169468 COVENANTS in Schedule of Easements
 SP169468 FENCING COVENANT in Schedule of Easements
 SP169468 WATER SUPPLY RESTRICTION
 SP 48805 COVENANTS in Schedule of Easements
 SP 48805 FENCING PROVISION in Schedule of Easements
 SP 48805 COUNCIL NOTIFICATION under Section 468(12) of the
 Local Government Act 1962
 E21270 AGREEMENT pursuant to Section 71 of the Land Use
 Planning and Approvals Act 1993 Registered
 09-Sep-2015 at noon
 E330523 MORTGAGE to National Australia Bank Limited
 Registered 24-Jan-2023 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

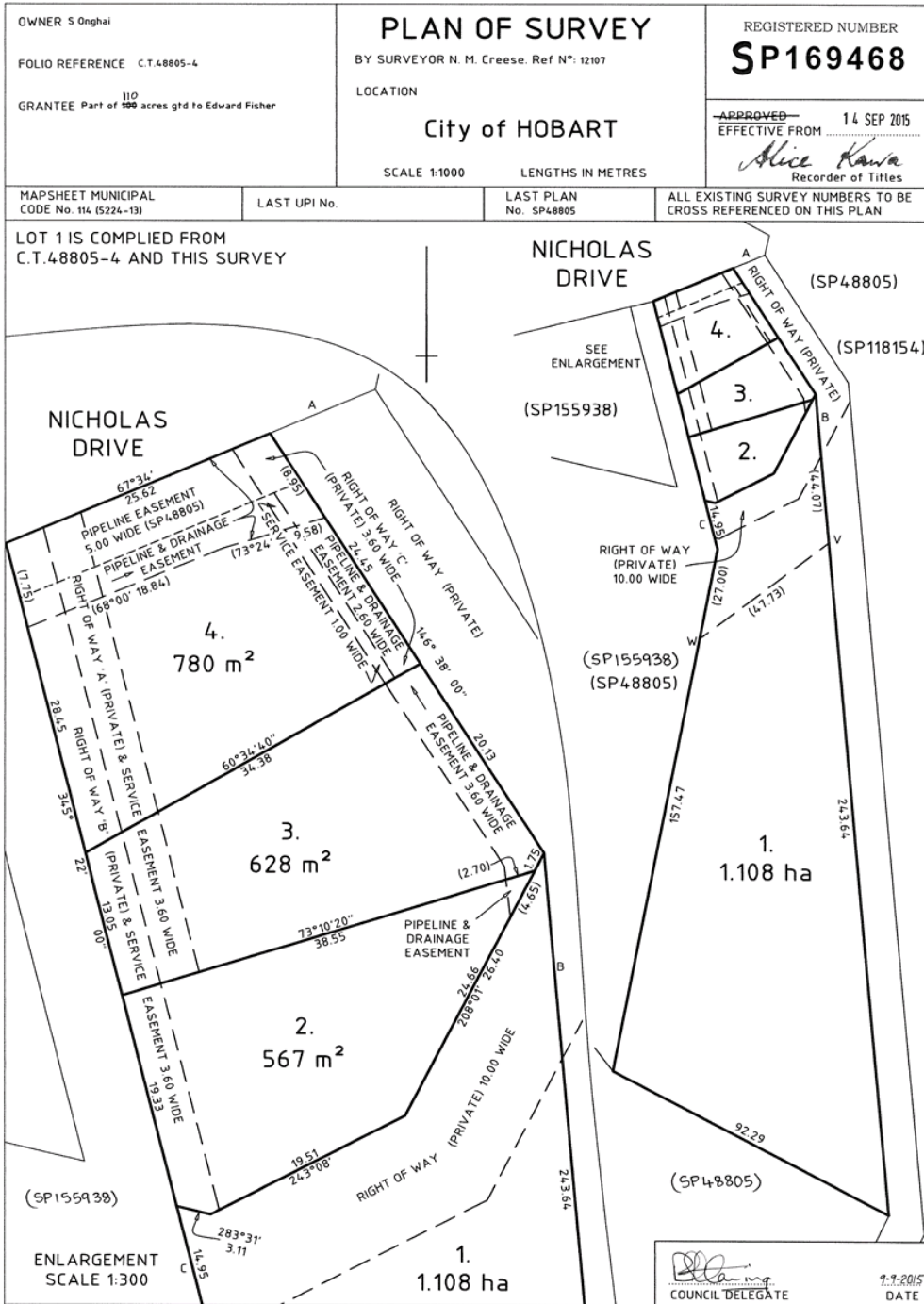
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



**RESULT OF SEARCH**

40B

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
169468	2
EDITION	DATE OF ISSUE
3	22-Nov-2021

SEARCH DATE : 27-Jan-2023

SEARCH TIME : 02.26 PM

DESCRIPTION OF LAND

City of HOBART
 Lot 2 on Sealed Plan 169468
 Derivation : Part of 110 Acres Gtd to E Fisher
 Prior CT 48805/4

SCHEDULE 1

M540566 TRANSFER to MICHAEL GRAHAM BOYES and JOANNA MAUREEN
 BOYES Registered 15-Oct-2015 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP169468 EASEMENTS in Schedule of Easements
 SP169468 COVENANTS in Schedule of Easements
 SP169468 FENCING COVENANT in Schedule of Easements
 SP 48805 COVENANTS in Schedule of Easements
 SP 48805 FENCING PROVISION in Schedule of Easements
 SP 48805 COUNCIL NOTIFICATION under Section 468(12) of the
 Local Government Act 1962
 E21270 AGREEMENT pursuant to Section 71 of the Land Use
 Planning and Approvals Act 1993 Registered
 09-Sep-2015 at noon
 E24380 MORTGAGE to Australia and New Zealand Banking Group
 Limited Registered 15-Oct-2015 at 12.02 PM
 M928549 MORTGAGE to Butler McIntyre Investments Ltd
 Registered 22-Nov-2021 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

40A

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
169468	3
EDITION	DATE OF ISSUE
3	25-Nov-2020

SEARCH DATE : 27-Jan-2023

SEARCH TIME : 02.27 PM

DESCRIPTION OF LAND

City of HOBART
 Lot 3 on Sealed Plan 169468
 Derivation : Part of 110 Acres Gtd to E Fisher
 Prior CT 48805/4

SCHEDULE 1

M540800 TRANSFER to KANDY CORALIE CORKE Registered
 14-Oct-2015 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP169468 EASEMENTS in Schedule of Easements
 SP169468 COVENANTS in Schedule of Easements
 SP169468 FENCING COVENANT in Schedule of Easements
 SP 48805 COVENANTS in Schedule of Easements
 SP 48805 FENCING PROVISION in Schedule of Easements
 SP 48805 COUNCIL NOTIFICATION under Section 468(12) of the
 Local Government Act 1962
 E21270 AGREEMENT pursuant to Section 71 of the Land Use
 Planning and Approvals Act 1993 Registered
 09-Sep-2015 at noon
 M853342 MORTGAGE to Bradfield Enterprises Pty Ltd Registered
 25-Nov-2020 at noon
 E254639 AGREEMENT pursuant to Section 78 of the Land Use
 Planning and Approvals Act 1993 Registered
 23-Mar-2021 at noon

UNREGISTERED DEALINGS AND NOTATIONS

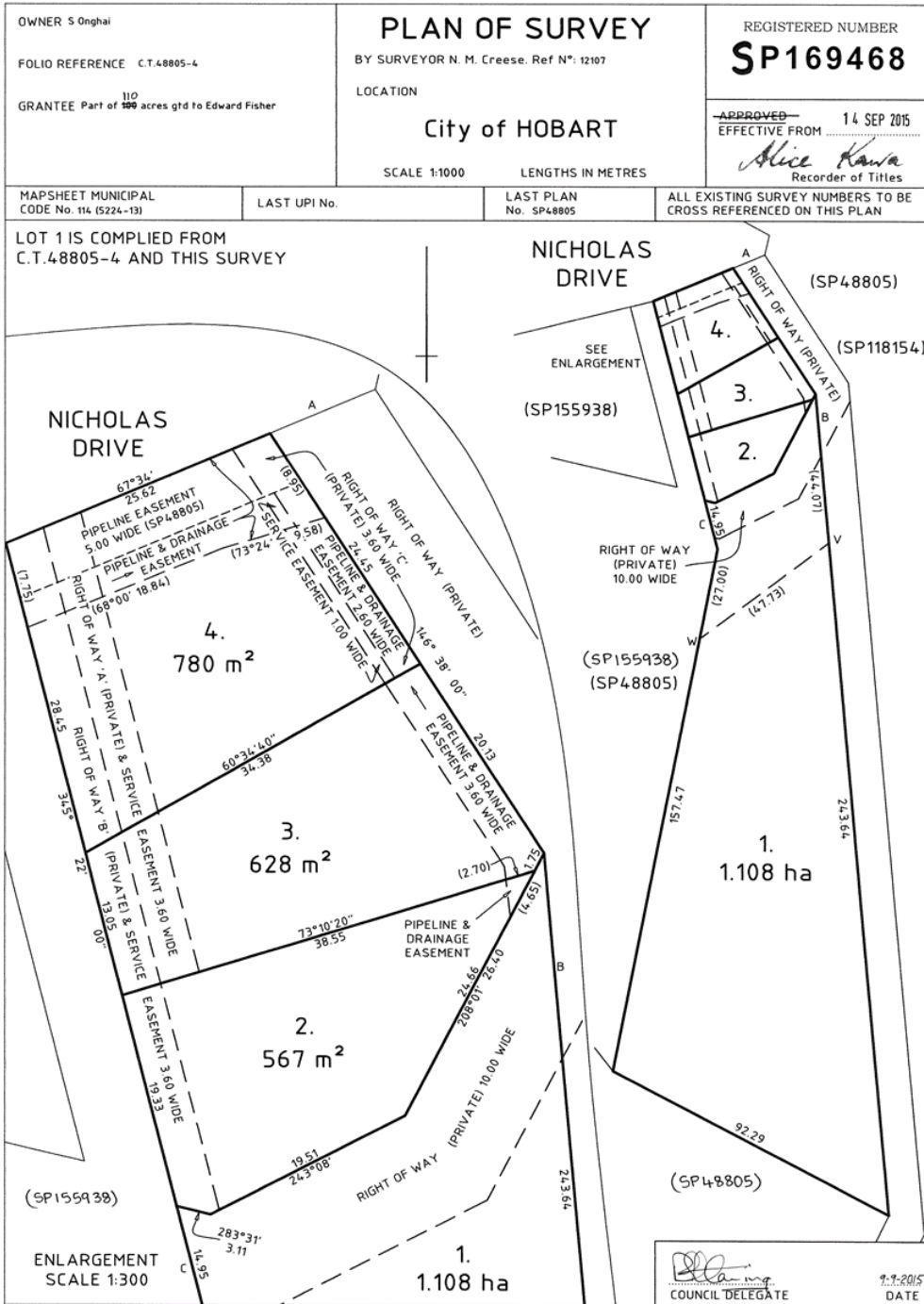
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS	Registered Number
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP 169468

PAGE 1 OF 6 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
 - (2) any easements or profits a prendre described hereunder.
- Each lot on the plan is subject to:-
- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
 - (2) any easements or profits a prendre described hereunder.
- The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Lots 1, 2, 3 & 4 on the Plan are each together with a Right of Carriage Way over the Right of Way (Private) marked "AB" shown on the Plan.

Lot 2 on the Plan is together with a Right of Carriage Way over the Right of Way (Private) 10.00 Wide marked "BC" shown on the Plan.

Lot 1 on the Plan is subject to a Right of Carriage Way (appurtenant to Lot 2 on the Plan) over the Right of Way (Private) 10.00 Wide marked "BC" the Plan.

Lot 1 on the Plan is subject to a Right of Carriage Way (appurtenant to Lots 5 and 6 on Sealed Plan 48805) over the Right of Way (Private) 10.00 Wide marked "BC" the Plan.

Lot 1 on the Plan is together with a Right of Carriage Way and Service Right over the Right of Way "B" (Private) & Service Easement 3.60 Wide shown on the Plan.

Lots 2, 3 and 4 on the Plan are each subject to a Right of Carriage Way and Service Right (appurtenant to Lot 1 on the Plan) over the Right of Way "B" (Private) & Service Easement 3.60 Wide on the Plan

Lot 2 on the Plan is together with a Right of Carriage Way and Service Right over the Right of Way "A" (Private) & Service Easement 3.60 Wide and Right of Way "B" (Private) & Service Easement 3.60 Wide shown on the Plan.

Lots 3 and 4 on the Plan are each subject to a Right of Carriage Way and Service Right (appurtenant to Lot 2 on the Plan) over the over the Right of Way "A" (Private) & Service Easement 3.60 Wide and Right of Way "B" (Private) & Service Easement 3.60 Wide on the Plan

Lot 3 on the Plan is together with a Right of Carriage Way and Service Right over the Right of Way "A" (Private) & Service Easement 3.60 Wide and Right of Way "B" (Private) & Service Easement 3.60 Wide shown on the Plan.

Lots 4 on the Plan is subject to a Right of Carriage Way and Service Right (appurtenant to Lot 3 on the Plan) over the over the Right of Way "A" (Private) & Service Easement 3.60 Wide and Right of Way "B" (Private) & Service Easement 3.60 Wide on the Plan

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: Samandar Onghai	PLAN SEALED BY: HOBART CITY COUNCIL
FOLIO REF: Volume 48805 Folio4	DATE: 9-9-2015
SOLICITOR & REFERENCE: Shields Heritage - M Sansom	721-10 REF NO. Council Delegate
NOTE: The Council Delegate must sign the Certificate for the purposes of identification.	



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 6 PAGES	Registered Number SP 169468
SUBDIVIDER: SAMANDAR ONGHAI FOLIO REFERENCE: 48805/4	

~~Lot 2 on the Plan is together with a Right of Carriage Way, Service Right and Right of Drainage over the Right of Way "C" (Private), Pipeline, Service & Drainage Easement 3.60 Wide shown on the Plan.~~ ^{NE}

~~Lots 3 and 4 on the Plan are each subject to a Right of Carriage Way, Service Right and Right of Drainage (appurtenant to Lot 2 on the Plan) over the over the Right of Way "C" (Private), Pipeline, Service & Drainage Easement 3.60 Wide on the Plan.~~ ^{NE}

Lot 3 on the Plan is together with a Right of Carriage Way, ~~Service Right and Right of Drainage~~ ^{NE} over the Right of Way "C" (Private), ~~Pipeline, Service & Drainage Easement 3.60 Wide~~ shown on the Plan.

Lot 4 on the Plan is subject to a Right of Carriage Way, ~~Service Right and Right of Drainage~~ (appurtenant to Lot 3 on the Plan) over the over the Right of Way "C" (Private), ~~Pipeline, Service & Drainage Easement 3.60 Wide~~ on the Plan ^{NE}

Lot 2 on the Plan is subject to a Right of Drainage (in favour of the Hobart City Council) over the Pipeline & Drainage Easement 3.60 wide shown the Plan.

Lot 2 on the Plan is subject to a ~~Pipeline Right~~ ^{Pipeline and Service Easement NE} (in favour of Tas Water) over the Pipeline & Drainage Easement ~~3.60 wide~~ shown the Plan.

Lot 3 on the Plan is subject to a Right of Drainage (in favour of the Hobart City Council) over the Pipeline & Drainage Easement 3.60 wide shown the Plan.

Lot 3 on the Plan is subject to a ~~Pipeline Right~~ ^{Pipeline and Service Easement NE} (in favour of Tas Water) over the Pipeline & Drainage Easement 3.60 wide shown the Plan.

in favour of Hobart City Council

Lot 4 on the Plan is subject to a Pipeline Easement ^{NE} over the Pipeline Easement 5.00 wide shown the Plan created by Sealed Plan 48805).

Lot 4 on the Plan is subject to a Right of Drainage (in favour of the Hobart City Council) over the Pipeline & Drainage Easement shown the Plan.

Lot 4 on the Plan is subject to a ~~Pipeline Right~~ ^{Pipeline and Service Easement NE} (in favour of Tas Water) over the Pipeline & Drainage Easement shown the Plan.

Lot 4 on the Plan is subject to a Right of Drainage (in favour of the Hobart City Council) over the ~~Right of Way "C" (Private), Pipeline, Service & Drainage Easement~~ ^{2.60 wide NE} wide shown the Plan

Lot 4 on the Plan is subject to a ~~Pipeline Right~~ ^{Pipeline and Service Easement NE} (in favour of Tas Water) over the ~~Right of Way "C" (Private), Pipeline, Service & Drainage Easement~~ wide shown the Plan

2.60 wide

Lot 3 is together with a service right over the Service Easement 1.00 Wide shown on the plan. ^{NE}

Lot 4 is subject to a service right (appurtenant to Lot 3) over the Service Easement 1.00 Wide shown on the plan. ^{NE}

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.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 6 PAGES	Registered Number SP 169468
SUBDIVIDER: SAMANDAR ONGHAI FOLIO REFERENCE: 48805/4	

Interpretation

"Service Right" means:

1. The person having the benefit of the easement may:
 - (a) install, renew and maintain Domestic Services over and upon the site of the easement ,
 - (b) do anything reasonably necessary for that purpose, including:
 - (i) entering the lot burdened; and
 - (ii) taking anything on the lot burdened; and
 - (iii) carrying out works, such as constructing, placing, repairing or maintaining pipes, poles, wires, cables conduits, structures and equipment.
2. In exercising those powers, the person having the benefit of this easement must:
 - (a) ensure all work is done properly; and
 - (b) cause as little inconvenience as is practicable to the owner and occupier of the lot burdened; and
 - (c) cause as little damage as is practicable to the lot burdened and any improvement on it; and
 - (d) restore the lot burdened as nearly as is practicable to its former condition, and
 - (e) make good any collateral damage.
3. For the purposes of this easement, "Domestic Purposes" includes supply of power, water, gas, electricity, telephone, data and other communication and the discharge of sewerage, sullage and other fluids.

Pipeline and Service Easement

~~"Pipeline Right"~~ means

The Trans Pipe
 for Tas Water
 Tas Water

THE FULL RIGHT AND LIBERTY for Tas Water at all times to:

- (1) enter and remain upon the Easement Land with or without employees, contractors, agents and all other persons duly authorised by it and with or without machinery, vehicles, plant and equipment;
- (2) investigate, take soil, rock and other samples, survey, open and break up and excavate the Easement Land for any purpose or activity that Tas Water is authorized to do or undertake;
- (3) install, retain, operate, modify, relocate, maintain, inspect, cleanse and repair the Infrastructure;
- (4) remove and replace the Infrastructure;
- (5) run and pass sewage, water and electricity through and along the Infrastructure;
- (6) do all works reasonably required in connection with such activities or as may be authorised or required by any law:
 - (1) without doing unnecessary damage to the Easement Land; and
 - (2) leaving the Easement Land in a clean and tidy condition; and
- (7) if the Easement Land is not directly accessible from a highway, then for the purpose of undertaking any of the preceding activities Tas Water may with or without employees, contractors, agents and all other persons

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**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 4 OF 6 PAGES	Registered Number SP 169468
SUBDIVIDER: SAMANDAR ONGHAI FOLIO REFERENCE: 48805/4	

authorised by it, and with or without machinery, vehicles, plant and equipment enter the Lot from the highway at any then existing vehicle entry and cross the Lot to the Easement Land; and

- (8) use the Easement Land as a right of carriageway for the purpose of undertaking any of the preceding purposes on other land, Tas Water reinstating any damage that it causes in doing so to any boundary fence of the Lot.

PROVIDED ALWAYS THAT:

- (1) The registered proprietors of the Lot in the folio of the Register ("the Owner") must not without the written consent of Tas Water first had and obtained and only in compliance with any conditions which form the consent:
- (a) alter, excavate, plough, drill or otherwise penetrate the ground level of the Easement Land;
 - (b) install, erect or plant any building, structure, fence, pit, well, footing, pipeline, paving, tree, shrub or other object on or in the Easement Land;
 - (c) remove any thing that supports, protects or covers any Infrastructure on or in the Easement Land;
 - (d) do any thing which will or might damage or contribute to damage to any of the Infrastructure on or in the Easement Land;
 - (e) in any way prevent or interfere with the proper exercise and benefit of the Easement Land by Tas Water or its employees, contractors, agents and all other persons duly authorised by it; or
 - (f) permit or allow any action which the Owner must not do or acquiesce in that action.
- (2) Tas Water is not required to fence any part of the Easement Land.
- (3) The Owner may erect a fence across the Easement Land at the boundaries of the Lot.
- (4) The Owner may erect a gate across any part of the Easement Land subject to these conditions:
- (a) the Owner must provide Tas Water with a key to any lock which would prevent the opening of the gate; and
 - (b) if the Owner does not provide Tas Water with that key or the key provided does not fit the lock, Tas Water may cut the lock from the gate.
- (5) If the Owner causes damage to any of the Infrastructure, the Owner is liable for the actual cost to Tas Water of the repair of the Infrastructure damaged.
- (6) If the Owner fails to comply with any of the preceding conditions, without forfeiting any right of action, damages or otherwise against the Owner, Tas Water may:

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.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 5 OF 6 PAGES	Registered Number SP 169468
SUBDIVIDER: SAMANDAR ONGHAI FOLIO REFERENCE: 48805/4	

- (a) reinstate the ground level of the Easement Land; or
- (b) remove from the Easement Land any building, structure, pit, well, footing, pipeline, paving, tree, shrub or other object; or
- (c) replace any thing that supported, protected or covered the Infrastructure.

Interpretation:

"the Easement Land" means that part of a Lot subject to the Pipeline Right.

"Infrastructure" means infrastructure owned or for which Tas Water is responsible and includes but is not limited to:

- (a) sewer pipes and water pipes and associated valves;
- (b) telemetry and monitoring devices;
- (c) inspection and access pits;
- (d) power poles and lines, electrical wires, electrical cables and other conducting media (excluding telemetry and monitoring devices);
- (e) markers or signs indicating the location of the Easement Land, the Infrastructure or any warnings or restrictions with respect to the Easement Land or the Infrastructure;
- (f) any thing reasonably required to support, protect or cover any of the Infrastructure;
- (g) any other infrastructure whether of a similar nature or not to the preceding which is reasonably required for the piping of sewage or water, or the running of electricity, through the Easement Land or monitoring or managing that activity; and
- (h) where the context permits, any part of the Infrastructure.

"Tas Water" means Tasmanian Water and Sewerage Corporation Pty Limited, its successors and assigns.

Covenants

Each Lot on the Plan is affected by the restrictive covenants set out in Sealed Plan 48805

Fencing Covenant

The Owner of each Lot on the Plan Covenants with the Vendor (Samandar Onghai) that the Vendor shall not be required to fence.

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.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 6 OF 6 PAGES	Registered Number SP 169468
SUBDIVIDER: SAMANDAR ONGHAI FOLIO REFERENCE: 48805/4	

*Covenant: The owner of Lot 1 on the Plan covenants with the City of Hobart to the intent that the burden of this covenant shall run with and bind the covenanted Lot and every part thereof and the benefit thereof shall be in favour of the City of Hobart to observe the following covenant: Not without the written consent of the City of Hobart to undertake any works (as defined in the Land Use Planning and Approvals Act 1997) south of the line marked 'WV' on the Plan except for the clearance of a bush fire protection zone for Lot 1 that is required to satisfy the bush fire **

SIGNED by SAMANDAR ONGHAI as registered Proprietor of the Land in Folio of the Register Volume 48805 Folio 4 in the presence of: -

Witness *[Signature]* signature
Athol Mark Samson print name
50 Victoria Street address
Hobart Tasmania 7000

→ hazard management plan approved by the City of Hobart from time to time.

Execution of Consent

BENDIGO BANK LIMITED
 Being the Proprietor of Mortgage No. C429752

Hereby consents to the within Schedule of Easement.

Tasmania
 EXECUTED by BENDIGO AND ADELAIDE BANK LIMITED ABN 11 058 049 178 by being signed by its Attorneys *Dianne Mary Wilmott*
 ELLEN MARGRETHE KOCH, *[Signature]* Attorney
 who certify that they are the
 MANAGER RETAIL LOAN SERVICES
 LOAN SERVICES OFFICER
 respectively *[Signature]* being of the Bank under the authority dated 29 April 2008 registered Number PA25373 and the said Attorneys declare that they have received no notice of revocation of the said power in the presence of
 Witness: *[Signature]*
 Witness Address/Qualification: *Linda Maree Gilbert*

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.

**RESULT OF SEARCH**

42

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
155938	1
EDITION	DATE OF ISSUE
2	01-Jul-2014

SEARCH DATE : 21-Dec-2022

SEARCH TIME : 07.10 AM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Sealed Plan 155938

Derivation : Part of 110 Acres Gtd. to Edward Fisher
Prior CTs 48805/5 and 48805/6SCHEDULE 1(C305261 M171656) M465089 TRANSFER to TONY JOHN MCINTYRE
Registered 01-Jul-2014 at 12.01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP155938 EASEMENTS in Schedule of Easements

SP155938 COVENANTS in Schedule of Easements

SP155938 FENCING PROVISION in Schedule of Easements

SP 48805 COVENANTS in Schedule of Easements

SP 48805 FENCING PROVISION in Schedule of Easements

SP 48805 COUNCIL NOTIFICATION under Section 468(12) of the
Local Government Act 1962C353279 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
12-Feb-2002 at noonC880520 MORTGAGE to National Australia Bank Limited
Registered 22-Oct-2008 at 12.01 PMD123479 PARTIAL DISCHARGE OF MORTGAGE C880520 as relates to
the personal responsibility of Jennifer Maree
McIntyre Registered 01-Jul-2014 at noonUNREGISTERED DEALINGS AND NOTATIONS

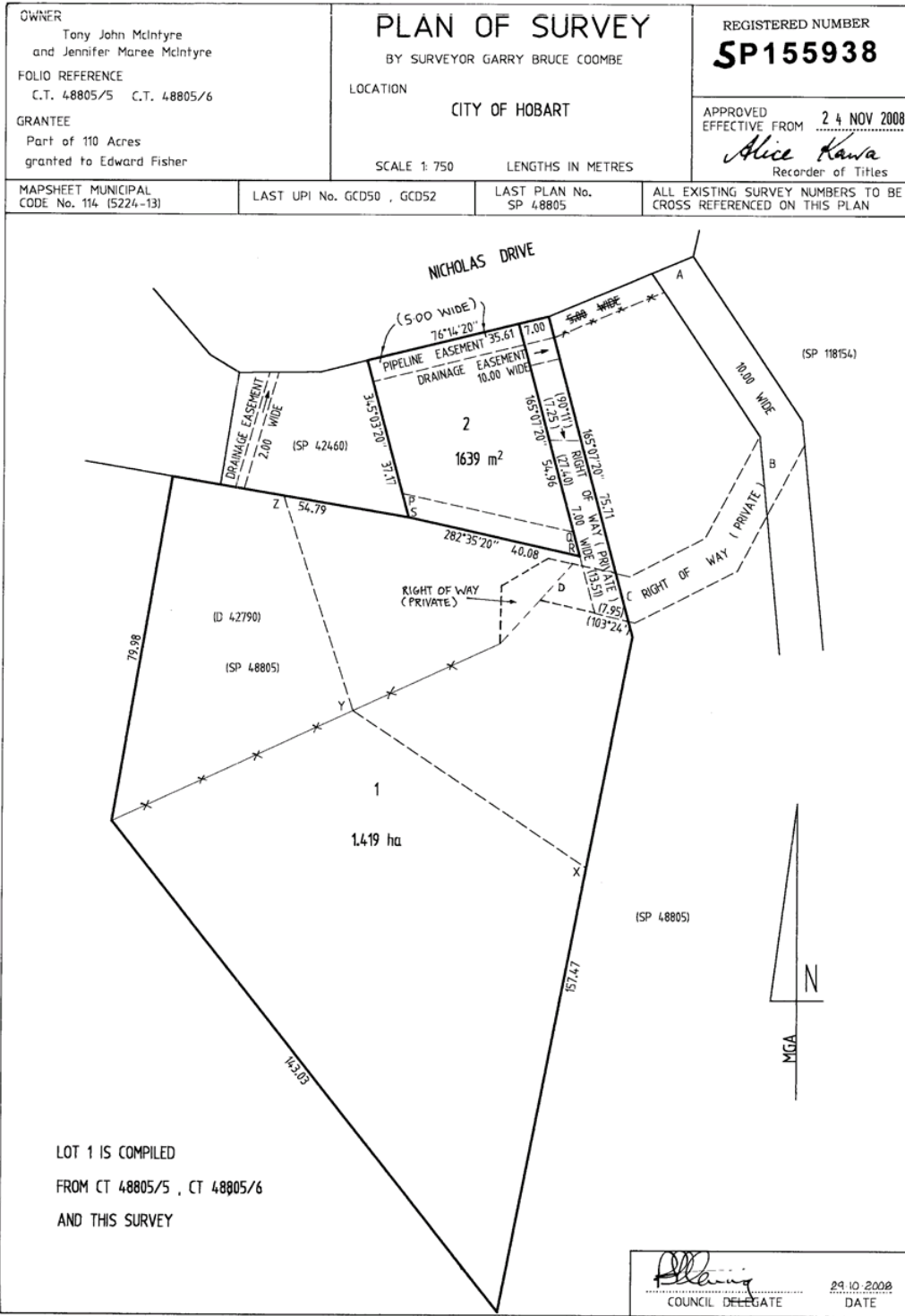
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS	Registered Number
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP 155938

PAGE 1 OF 4 PAGE/S
4

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

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

Each lot on the plan is subject to:-

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

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

EASEMENTS

LOT 1 is TOGETHER WITH a right of carriageway over the right of way (private) 10.00 wide from A to B ~~within lot 7 on Sealed Plan SP48805.~~ on the plan.

LOT 1 is TOGETHER WITH a right of carriageway over the right of way (private) 10.00 wide from B to C ~~within lot 4 on Sealed Plan SP48805.~~ on the plan.

LOT 1 is SUBJECT TO a right of carriageway (appurtenant to lot 2) over the right of way (private) 7.00 wide shown on the plan.

LOT 1 is SUBJECT TO a right of drainage (appurtenant to lot 2) over the drainage easement 10.00 wide shown on the plan.

LOT 2 is TOGETHER WITH a right of carriageway over the right of way (private) 10.00 wide from A to B ~~within lot 7 on Sealed Plan SP48805.~~ on the plan.

Signed by TONY JOHN MCINTYRE

Signed by JENNIFER MAREE MCINTYRE

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: TJ & JM McIntyre FOLIO REF: 48805/5 & 48805/6 SOLICITOR & REFERENCE: Max McMullen (Mc353)	PLAN SEALED BY: Hobart City Council DATE: 29.10.2008 7713396 REF NO.
 MANAGER SURVEYING SERVICES Council Delegate	
NOTE: The Council Delegate must sign the Certificate for the purposes of identification.	



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 4 PAGES 4	Registered Number SP 155938
SUBDIVIDER: TJ & JM McIntyre FOLIO REFERENCE: 48805/5 & 48805/6	

LOT 2 is TOGETHER WITH a right of carriageway over the right of way (private) 10.00 wide from B to C within lot 4 on Sealed Plan SP48805. On the plan.

~~LOT 2 is TOGETHER WITH a right of carriageway over the right of way (private) 7.00 wide shown on the plan.~~

LOT 2 is SUBJECT TO a pipeline easement as defined in Sealed Plan SP 48805 over the Pipeline Easement 5.00 wide shown on the plan.

LOT 2 is TOGETHER WITH a right of drainage over the drainage easement 10.00 wide shown on the plan.

COVENANTS

Tony John McIntyre & Jennifer Maree McIntyre

The owners of Lot 2 on the Plan covenant with the Vendors and the owners of Lot 1 on the Plan to the intent that the burden of these covenants may run with and bind the covenantors lot and every part thereof and that the benefit thereof may be annexed thereto and devolve with each and every part of Lot 1 to observe the following stipulations:

- Not to erect, place or maintain any building or structure on Lot 2 within the area P Q R S shown on the Plan
- ~~Not to carry out any excavations or construction work within the right of carriageway appurtenant to Lot 2 over Lot 1 on the plan in such a manner as is likely to cause damage to the underground services for Lot 1 running through that right of carriageway, and in the event that damage is caused in breach of this covenant to make good all damage occasioned thereby.~~

Lots 1 and 2 on the Plan are each burdened with the Covenants created by Sealed Plan SP 48805.

Signed by TONY JOHN MCINTYRE)

Signed by JENNIFER MAREE MCINTYRE)

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.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 4 PAGES 4	Registered Number SP 155938
SUBDIVIDER: TJ & JM McIntyre FOLIO REFERENCE: 48805/5 & 48805/6	

PROFITS A PRENDRE

No Profits a Prendre are hereby created to benefit or burden any Lot shown on the Plan.

FENCING PROVISION

In respect of any Lot on the Plan the Vendors Tony John McIntyre and Jennifer Maree McIntyre shall not be required to fence.

SIGNED by TONY JOHN MCINTYRE)
 and JENNIFER MAREE MCINTYRE) *Jennifer McIntyre*
 in the presence of:) *Tony John McIntyre*

Witness Signature: *[Signature]*
 Witness Full Name: *MA McINTYRE*
 Address: *85 MEDICAL ST Hobart*
 Occupation: *Solicitor*

Registered proprietors of the land in Folios of the Register Volume 48805 Folio 5 & Volume 48805 Folio 6

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.

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 4 OF 4 PAGES	Registered Number SP155938
SUBDIVIDER: - TONY JOHN MCINTYRE AND JENNIFER MAREE MCINTYRE FOLIO REFERENCE: - 48805/5 & 48805/6	
<p>EASEMENTS CONTINUED</p> <p>Lot 1 on the plan is subject to a Right of Carriageway (appurtenant to Lot 6 on SP48805) over that portion of the Right of Way (private) 10.00 wide marked DC on the plan.</p> <p>Lot 1 on the plan is subject to a Right of Carriageway (appurtenant to Lot 5 on SP48805) over the Right of Way (private) on the plan.</p> <p>Lot 1 on the plan is subject to a Pipeline Easement in favour of the Hobart City Council over the Pipeline Easement 5.00 wide shown passing through such lot as more fully defined in Sealed Plan 48805.</p> <p>Lot 2 is together with a Right of Carriageway over the Right of Way (private) 7.00 wide shown on the plan. Subject to the condition that any excavations or construction work within the right of way (private) 7.00 wide is done in such a manner so as not to cause damage to the underground services for Lot 1 running through that right of way (private) 7.00 wide, and to make good any damage that is caused or occasioned thereby.</p>	
<p>NOTE: - Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.</p>	

**RESULT OF SEARCH**

38A

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
48805	7
EDITION	DATE OF ISSUE
2	01-Jul-2015

SEARCH DATE : 21-Dec-2022

SEARCH TIME : 07.10 AM

DESCRIPTION OF LAND

City of HOBART
 Lot 7 on Sealed Plan 48805
 Derivation : Part of 110 Acres Gtd to E Fisher
 Prior CT 4777/8

SCHEDULE 1

B447983 TRANSFER to HOBART CITY COUNCIL

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP 48805 EASEMENTS in Schedule of Easements
 SP 48805 COVENANTS in Schedule of Easements
 SP 48805 FENCING PROVISION in Schedule of Easements
 SP 48805 COUNCIL NOTIFICATION under Section 468(12) of the
 Local Government Act 1962

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

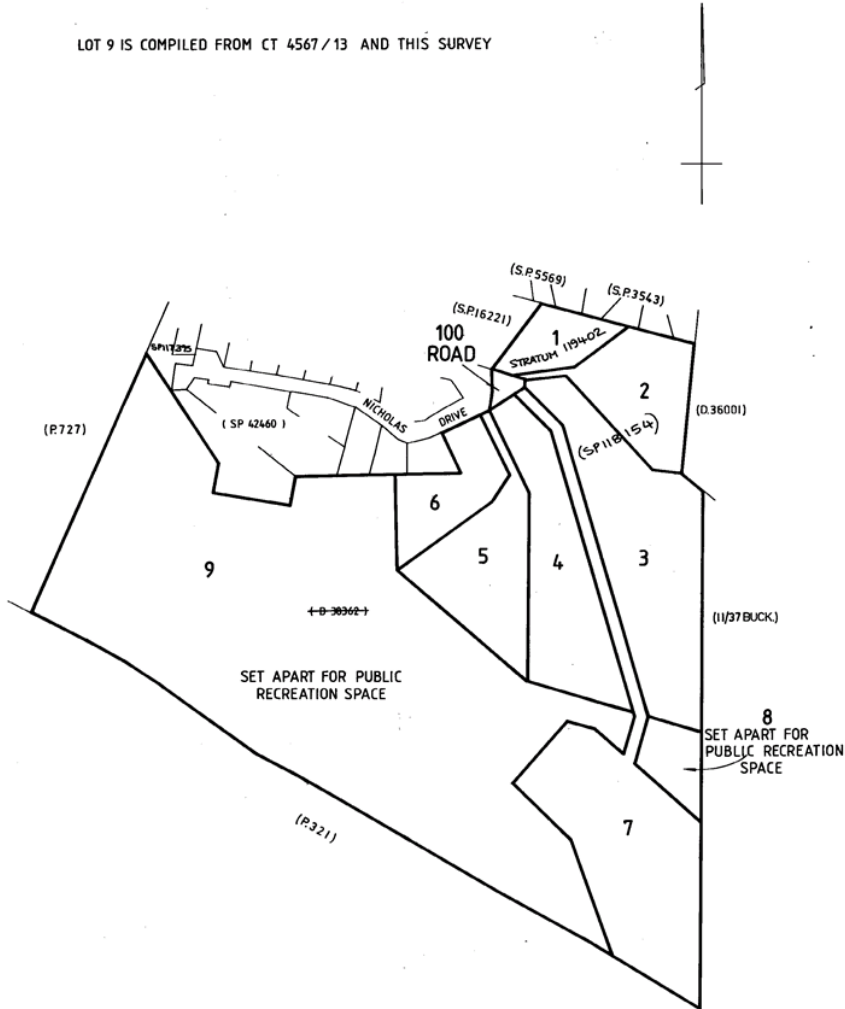
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner: MAKATI INVESTMENTS PTY LTD, THYSS PTY LTD SANDRA KING, SUSAN SHIRLEY FLEMING, JOHN ALFRED MAY GIOVANNI MARIANO, PETER MICHAEL SHARP, VICKI LEE SHARP	PLAN OF SURVEY by Surveyor.....P.S. FLEMING of land situated in the	Registered Number: SP48805
Title Reference: CT 4567 / 13	CITY OF HOBART	Approved Effective from 28 MAY 2023
Grantee: PART OF 110 ACRES GRANTED TO EDWARD FISHER		 Recorder of Titles

LOT 9 IS COMPILED FROM CT 4567 / 13 AND THIS SURVEY



TASHP MUNICIPAL CODE NO. 2.	LAST TASHP UPI NO. 12435	LAST SURVEY PLAN NO.
ALL EXISTING SURVEY MARKERS TO BE CROSS REFERENCED ON THIS PLAN		



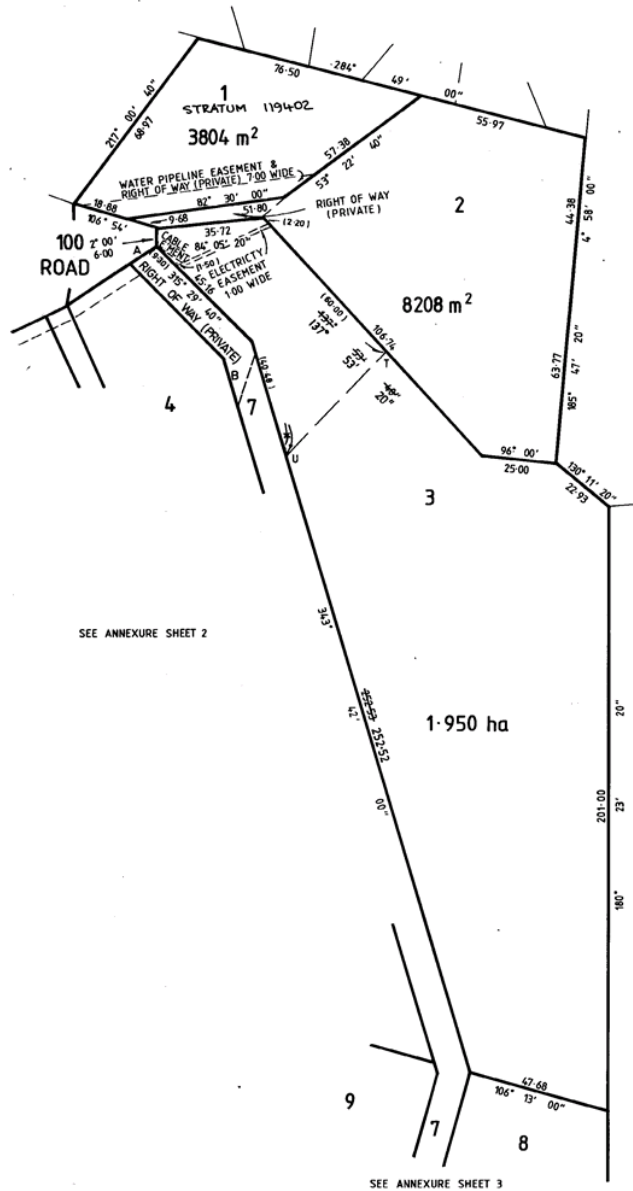
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p>ANNEXURE SHEET No.1 (of 4 annexures) to plan by Surveyor P S FLEMING</p>	<p>This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/91 and that certificate extends to the detail shown on this sheet.</p>	<p>Registered Number: SP48805</p>
<p>Signed for the purposes of identification RECORDER OF TITLES Council Clerk: <i>Monty Mustina</i></p>	<p>Surveyor: <i>P.S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S. KING, S.S.FLEMING, J.A.MAY, B.R.DWYER, P.M.SHARP Title Reference: CT 4567/13 V.L.SHARP</p>	<p>Scale 1:1000 Measurements in Metres</p>





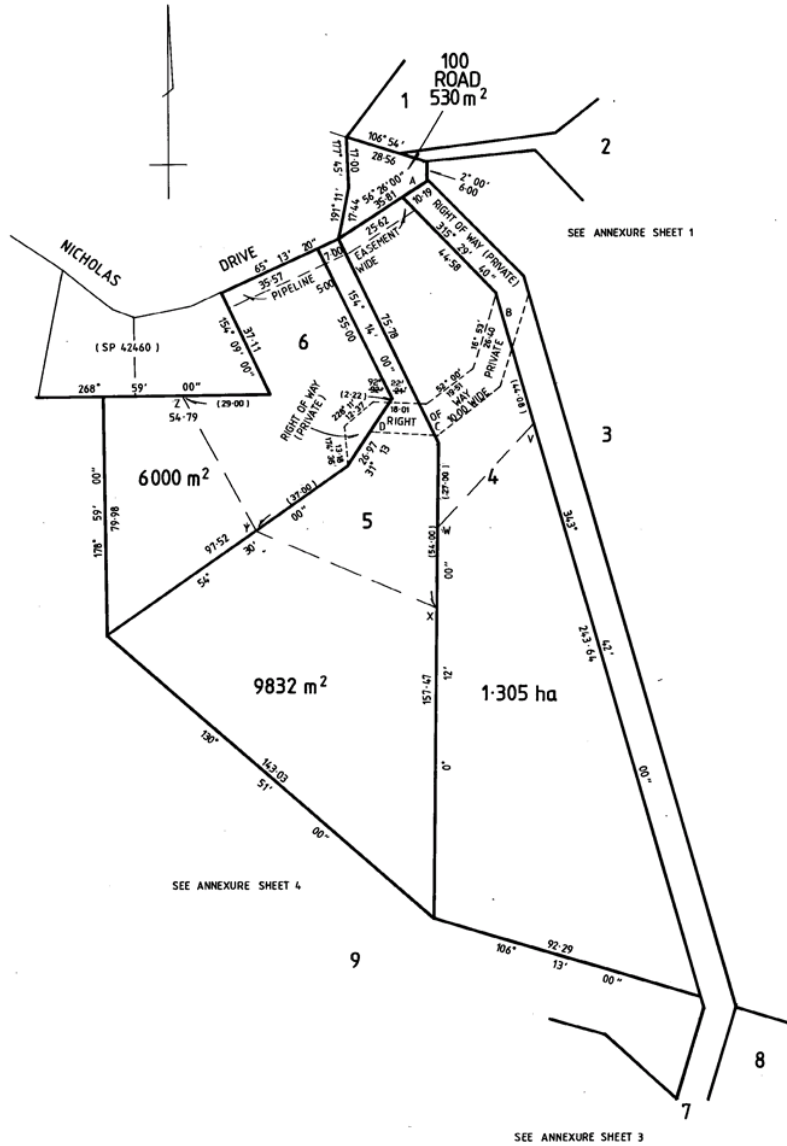
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 2 (of 4 annexures) to plan by Surveyor P.S. FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/97 and that certificate extends to the detail shown on this sheet.	Registered Number: SP48805
Signed for the purposes of identification <i>ACTING Town Clerk</i> <i>Neve Armstrong</i> Council Clerk	Surveyor: <i>P.S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S.KING, S.S. FLEMING, J.A. MAY, W.R. BOWER , P.M. SHARP V.L. SHARP Title Reference: CT 4567/13	Scale 1:1000 Measurements in Metres





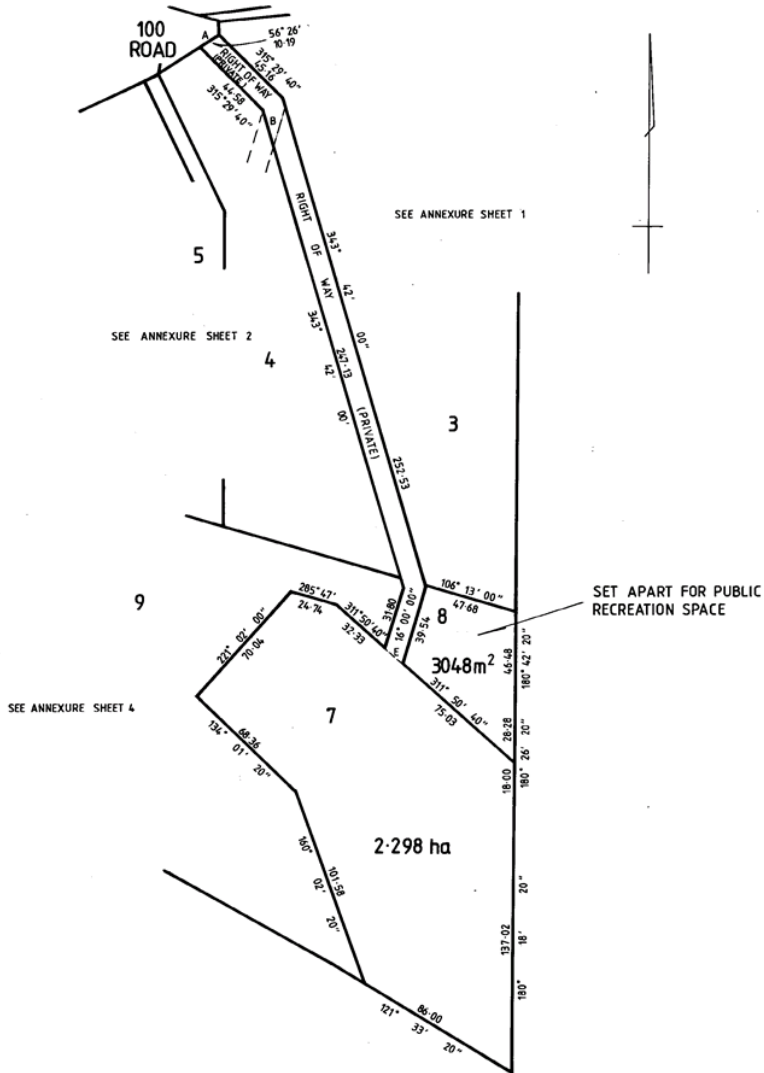
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 3 (of 4 annexures) to plan by Surveyor P S FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/97 and that certificate extends to the detail shown on this sheet.	Registered Number: SP48805
Signed for the purposes of identification <i>Pauling Egan</i> Geomatics Clerk	Surveyor: <i>P.S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S. KING, S.S.FLEMING, J.A.MAY, P.R. DAVY , P.M.SHARP Title Reference: CT 4567/13 V.L.SHARP	Scale 1:1500 Measurements in Metres





FOLIO PLAN

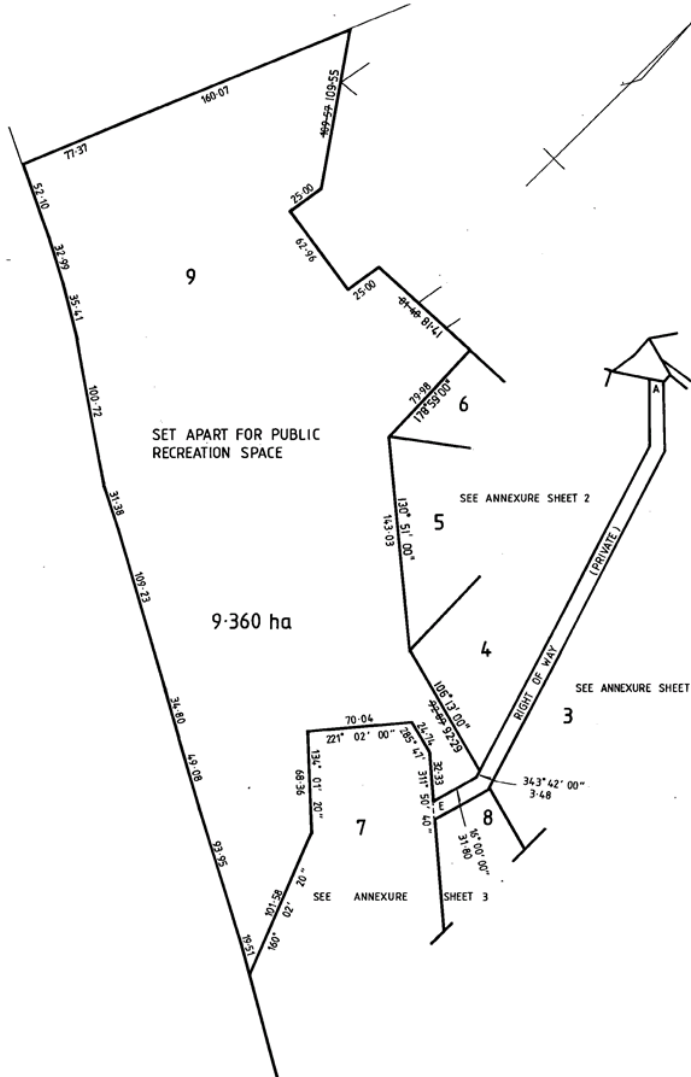
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p>ANNEXURE SHEET No. 4 (of 4 annexures) to plan by Surveyor P S FLEMING</p>	<p>This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/21 and that certificate extends to the detail shown on this sheet.</p>	<p>Registered Number: SP48805</p>
<p>Signed for the purposes of identification <i>Archie Tait</i> <i>Surveyor</i></p>	<p>Surveyor: <i>PS Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S.KING, S.S.FLEMING, J.A.MAY, OR-DWYER, P.M.SHARP Title Reference: V.L. SHARP CT. 4567 / 13</p>	<p>Scale 1: 2000 Measurements in Metres</p>

LOT 9 IS COMPILED FROM CT 4567/13 AND THIS SURVEY



**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

**SCHEDULE OF EASEMENTS****PLAN NO.****SP48805**

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.

EASEMENTS

LOT 1 is SUBJECT TO a right of carriageway and water pipeline easement (appurtenant to LOT 2) over the RIGHT OF WAY (PRIVATE) AND WATER PIPELINE EASEMENT 7.00m wide shown on the Plan.

LOT 1 is TOGETHER WITH a right of carriageway over the RIGHT OF WAY (PRIVATE) within LOT 2 and shown on the Plan.

LOT 2 is SUBJECT TO a right of carriageway (appurtenant to LOT 1) over the RIGHT OF WAY (PRIVATE) shown on the Plan.

LOT 2 is TOGETHER WITH a right of carriageway and water pipeline easement over the RIGHT OF WAY (PRIVATE) AND WATER PIPELINE EASEMENT 7.00m wide shown on the Plan.

LOT 2 is TOGETHER WITH an ELECTRICITY EASEMENT 1.00m wide shown on the Plan.

LOT 3 is SUBJECT TO an ELECTRICITY EASEMENT 1.00m wide (appurtenant to LOT 2) shown on the Plan.

LOT 3 is SUBJECT TO the CABLE EASEMENT shown on the Plan.

LOT 3 & LOT 4 are TOGETHER WITH a right of carriageway over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked AB and shown on the Plan.

LOT 4 is SUBJECT TO a right of carriageway (appurtenant to LOT 5 and LOT 6) over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked BC and shown on the Plan.

LOTS 4, 5 & 6 are SUBJECT TO the PIPELINE EASEMENT 5.00m wide shown on the Plan.

LOT 5 is SUBJECT TO a right of carriageway (appurtenant to LOT 6) over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked DC and shown on the Plan.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



48805

LOT 5 is TOGETHER WITH:

(a) a right of carriageway over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked ABC and shown on the Plan.

(b) a right of carriageway over that portion of land called RIGHT OF WAY (PRIVATE) and shown on the Plan.

LOT 6 is SUBJECT TO a right of carriageway (appurtenant to LOT 5) over that portion of land called RIGHT OF WAY (PRIVATE) and shown on the Plan.

LOT 6 is TOGETHER WITH a right of carriageway over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked ABCD and shown on the Plan.

LOT 7 is SUBJECT TO a right of carriageway (appurtenant to LOTS 3, 4, 5 and 6) over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide marked AB and shown on the Plan.

LOT 7 is SUBJECT TO a right of carriageway and right of footway (appurtenant to LOTS 8 and 9) over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide marked ABE and shown on the Plan.

LOT 8 and LOT 9 are TOGETHER WITH a right of carriageway and right of footway over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide marked ABE and shown on the Plan.

Covenant (a) hereon amended by me pursuant to Request to Amend No. E12519 made under Section 103 of the Local Government (Building & Miscellaneous Provisions) Act 1993

14 / 9 / 2015

Alice Kawa
Recorder of Titles

COVENANTS

The owners of Lots 1, 2, 3, 4, 5 and 6 on the Plan covenant with the Vendors and the owners of Lots 7, 8, 9 and 100 to the intent that the burden of these covenants may run with and bind the Covenantors' Lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of Lots 7, 8, 9 and 100 on the Plan to observe the following stipulations:

- (a) Not without the written consent of the Corporation of the City of Hobart to erect on each of Lots 3, 4, 5 and 6 more than one dwelling.
- (b) Not without the written consent of the Corporation of the City of Hobart to erect on Lot 1 more than three dwellings.
- (c) Not without the written consent of the Corporation of the City of Hobart to erect on Lot 2 more than six dwellings.
- (d) Not without the written consent of the Corporation of the City of Hobart to erect, place or maintain any building or structure upon such Lot or any part thereof unless and until the exterior design plans and finish of such building or structure (including materials intended to be used therein) and its location or placement on such Lot, have been approved by the City of Hobart or its duly authorised Officer or agent.
- (e) Not without the written consent of the Corporation of the City of Hobart to remove any trees from such Lot except in accordance with Council By-Laws and the City of Hobart Tree Preservation Interim Order.
- (f) Not without the written consent of the Corporation of the City of Hobart to erect, place or maintain any building or structure on Lots 3, 4, 5 and 6 south of the lines TU, VW, XY and YZ respectively shown on the Plan.

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



L 8805

FENCING PROVISION

The Vendors, in respect of each Lot shown on the Plan, shall not be required to fence.

INTERPRETATION

"Electricity Easement" shall mean:

A right for the owner or owners for the time being of the dominant tenement to make and lay, underground, any wires and conduits for the purpose of conveying electricity in and through portion of the servient tenement marked "Electricity Easement 1 metre wide" on the plan, TOGETHER WITH the right for the said owner or owners or their workmen from time to time and at all times to enter upon the said easement to inspect, repair and maintain such wires and conduits without doing unnecessary damage to the land comprising the servient tenement, and making good any damage occasioned to the servient tenement thereby.

"Pipeline Easement" shall mean:

The full and free right and liberty for the Lord Mayor Aldermen and Citizens of the City of Hobart (herein called "the Corporation") to lay and forever maintain water mains of such size and number as the Corporation may from time to time require through all that strip of land marked "Pipeline Easement" hereon and together with the right at all times to enter upon the said strip of land for the purposes of inspecting repairing and laying additional mains thereon and for all purposes whatsoever in connection with the repair and maintenance of such mains under The Hobart Water Acts 1925-1936 and The Hobart Corporation Acts 1953 for the purpose of the Hobart Water Supply.

"Cable Easement" shall mean:

The full and free right and liberty for the Hydro Electric Commission to lay and maintain cables and installations for the transmission of electrical energy under and along the strip of land marked "Cable Easement" on the plan passing through such Lot with the right for the Hydro Electric Commission its servants workmen and others authorised by it at all times to enter into and upon the said strip of land for the purpose of laying inspecting repairing and maintaining any such cables without doing unnecessary damage to the said strip of land and making good all damage occasioned thereby.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



48805

THE COMMON SEAL of THYSS PTY LTD)
was hereunto affixed in the
presence of:

Ed Thyrson
Ed Thyrson



AND THE COMMON SEAL of MAKATI PTY LTD)
was hereunto affixed in the
presence of:



[Signature]

AND SIGNED by SANDRA KING,
SUSAN SHIRLEY FLEMING,
JOHN ALFRED MAY,
PETER MICHAEL SHARP,
and VICKI LEE SHARP

[Signatures: Sandra King, Susan Shirley Fleming, John Alfred May, Peter Michael Sharp, Vicki Lee Sharp]

As ALL being the registered proprietors of the land comprised in
Certificate of Title, Volume 4567 Folio 13 in the presence of:

SIGNED BY THE HOBART
SAVING BANK PTY LTD
attorney: **STEPHEN PRYOR**
and **KAREN ELIZABETH POTTER**
under Power No. 65/2660
(and the said **STEPHEN PRYOR**
and **KAREN ELIZABETH POTTER**
declares that they have received No
Notice of revocation of the
said Power) in the presence of
[Signature] **BANK OFFICER**
Witness **HOBART**

[Signature]
PRINCIPAL OFFICER
[Signature]
MANAGER, LEGAL

SIGNED for and on behalf of
COMMONWEALTH BANK OF AUSTRALIA
by its duly constituted Attorney
GEOFFREY JOHN ROWLANDS
under Power of Attorney No. 65/2660
who hereby certifies that he has
received no notice of revocation
of the said Power and in the
presence of:
[Signature]
"C.D." Bank Loans Officer

COMMONWEALTH BANK OF AUSTRALIA
by its Attorney
[Signature]
Deputy Chief State Manager Tasmania
SENIOR MANAGER
81 ELIZABETH STREET, HOBART TAS.

This is the schedule of easements attached to the plan of **MAKATI INV. P/L, THYSS P/L, S. KING**
(Insert Subdivider's Full Name)
S.S.FLEMING, J.A.MAY, P.M.SHARP & V.L.SHARP affecting land in
4567/13
(Insert Title Reference)

Sealed by **HOBART CITY COUNCIL** on **13th MAY** 19**91**
Solicitor's Reference *[Signature]*
Retiring
Council Clerk/Town Clerk



01 February 2023

The Owner
40 Nicholas Drive
Sandy Bay TAS 7005

Dear Yiannis Tellyros

Proposed Development at 44 Nicholas Drive, Sandy Bay - PLN 22-818

It has been requested by Hobart City Council that the owners of 44 Nicholas Drive Sandy Bay, notify you as owner of 40 Nicholas Drive Sandy Bay and inform that a planning application for change of use from vacant lot to a proposed residence has been lodged to HCC.

Regards

Marco Linardi
Director
Linardi Pty Ltd

A handwritten signature in black ink, appearing to read "Marco Linardi".

For and on behalf of land owners at
44 Nicholas Drive Sandy Bay TAS
Ernest and Anelda Lotter



01 February 2023

The Owner
40A Nicholas Drive
Sandy Bay TAS 7005

Dear Kandy Corke

Proposed Development at 44 Nicholas Drive, Sandy Bay - PLN 22-818

It has been requested by Hobart City Council that the owners of 44 Nicholas Drive Sandy Bay, notify you as owner of 40A Nicholas Drive Sandy Bay and inform that a planning application for change of use from vacant lot to a proposed residence has been lodged to HCC.

Regards

Marco Linardi
Director
Linardi Pty Ltd

A handwritten signature in black ink, appearing to read "Marco Linardi".

For and on behalf of land owners at
44 Nicholas Drive Sandy Bay TAS
Ernest and Anelda Lotter



01 February 2023

The Owner
40B Nicholas Drive
Sandy Bay TAS 7005

Dear Michael Boyes and Joanna Boyes

Proposed Development at 44 Nicholas Drive, Sandy Bay - PLN 22-818

It has been requested by Hobart City Council that the owners of 44 Nicholas Drive Sandy Bay, notify you as owners of 40B Nicholas Drive Sandy Bay and inform that a planning application for change of use from vacant lot to a proposed residence has been lodged to HCC.

Regards

Marco Linardi
Director
Linardi Pty Ltd

A handwritten signature in black ink, appearing to read "Marco Linardi".

For and on behalf of land owners at
44 Nicholas Drive Sandy Bay TAS
Ernest and Anelda Lotter



23 December 2022

The Owner
40C Nicholas Drive
Sandy Bay TAS 7006

Dear Sir/ Madam

Proposed Development at 44 Nicholas Drive, Sandy Bay - PLN 22-818

It has been requested by Hobart City Council that the owners of 44 Nicholas Drive Sandy Bay, notify you as owners of 40C Nicholas Drive Sandy Bay and inform that a planning application for change of use from vacant lot to a proposed residence has been lodged to HCC.

Regards

Marco Linardi
Director
Linardi Pty Ltd

A handwritten signature in black ink, appearing to read "Marco Linardi".

For and on behalf of land owners at
44 Nicholas Drive Sandy Bay TAS
Ernest and Anelda Lotter



01 February 2023

The Owner
40C Nicholas Drive
Sandy Bay TAS 7005

Dear Graeme Thomson and Rachel Thomson

Proposed Development at 44 Nicholas Drive, Sandy Bay - PLN 22-818

It has been requested by Hobart City Council that the owners of 44 Nicholas Drive Sandy Bay, notify you as owners of 40C Nicholas Drive Sandy Bay and inform that a planning application for change of use from vacant lot to a proposed residence has been lodged to HCC.

Regards

Marco Linardi
Director
Linardi Pty Ltd

A handwritten signature in black ink, appearing to read "Marco Linardi".

For and on behalf of land owners at
44 Nicholas Drive Sandy Bay TAS
Ernest and Anelda Lotter



01 February 2023

The Owner
42 Nicholas Drive
Sandy Bay TAS 7005

Dear Tony McIntyre

Proposed Development at 44 Nicholas Drive, Sandy Bay - PLN 22-818

It has been requested by Hobart City Council that the owners of 44 Nicholas Drive Sandy Bay, notify you as owners of 40C Nicholas Drive Sandy Bay and inform that a planning application for change of use from vacant lot to a proposed residence has been lodged to HCC.

Regards

Marco Linardi
Director
Linardi Pty Ltd

A handwritten signature in black ink, appearing to read "Marco Linardi".

For and on behalf of land owners at
44 Nicholas Drive Sandy Bay TAS
Ernest and Anelda Lotter

**6.1.4 12/10 WATERWORKS ROAD, DYNNYRNE AND COMMON LAND OF PARENT TITLE - CHANGE OF USE TO VISITOR ACCOMMODATION
PLN-23-171 - FILE REF: F23/47967**

Address: 12/10 Waterworks Road, Dynnyrne and Common Land of Parent Title

Proposal: Change of Use to Visitor Accommodation

Expiry Date: 25 May 2023

Extension of Time: Not Applicable

Author: Deanne Lang

RECOMMENDATION

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 Change of Use to Visitor Accommodation at 12/10 Waterworks Road, Dynnyrne and Common Land of Parent Title 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-23-171 - 12/10 WATERWORKS ROAD DYNNYRNE TAS 7005 and Common Land of Parent Title- Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate

unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

- 1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
- 2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.**
- 3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.**
- 4. To specify the maximum permitted occupancy of the visitor accommodation.**
- 5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (2), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, it is discouraged from bringing more than 2 vehicles and the parking of any additional vehicles in nearby streets should also be discouraged.**
- 6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.**

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved, including all other dwellings in the strata complex. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

Advice:

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

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

PLN 1

Screening to a height of 1.7m above the deck floor level, with no more than 25% uniform transparency must be installed and maintained for the life of the use along the south western edge of the deck (facing 13/10 Waterworks Rd), prior to first use.

Reason for condition

To provide reasonable opportunity for privacy for 13/10 Waterworks Road.

ENG 5

The number of car parking spaces approved to be used on the site is two (2).

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

ENV 8

Prior to commencement of the use, an Emergency Plan must be submitted and approved.

The Emergency Plan must:

- 1. Indicate that the site is located within:**
 - a flood-prone area; and**
 - an area susceptible to landslide.**

- 2. Include measures to be followed in the event of an emergency, including housefire, landslide or flood.**

3. **Include evacuation measures and routes in plan form, including assembly points, for housefire or landslide emergencies. In the event of a landslide or housefire emergency, guests should evacuate and assemble on the shared access driveway, away from buildings. In the event of a flood emergency, guests should remain on the upper level, and not try to leave the premises by the shared access driveway if affected by floodwaters.**
4. **Provide emergency contact details, and details of emergency services and emergency broadcasters.**
5. **Specify that any directions given by emergency services must be followed.**
6. **Provide a plan showing the location of any fire extinguishers or medical kits located in the building.**
7. **Specify that vehicles should not be driven through floodwaters, fire or smoke.**
8. **Specify that following an emergency evacuation, if the building has been damaged, re-entry into the building is not permitted unless permitted by emergency services or the property manager.**

The approved Emergency Plan must be provided to guests with a copy kept on the premises.

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 reduce the risk to life and property, and the cost to the community, caused by landslides

ADVICE

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

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

CONDITION ENDORSEMENT

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

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

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

BUILDING PERMIT

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

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

NOISE REGULATIONS

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

FEES AND CHARGES

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

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information, or call our Environmental Health team on 6238 2711.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable "bed and breakfast" parking permit.

- Attachment A: PLN-23-171 - 12/10 WATERWORKS ROAD
DYNNYRNE TAS 7005 - Planning Committee or
Delegated Report ↓
- Attachment B: PLN-23-171 - 12 10 WATERWORKS ROAD
DYNNYRNE TAS 7005 -Attachment B - Planning
Committee Agenda Documents ↓

City of **HOBART****APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Committee:	17 May 2023
Expiry Date:	25 May 2023
Application No:	PLN-23-171
Address:	12 / 10 WATERWORKS ROAD , DYNMYRNE COMMON LAND OF PARENT TITLE
Applicant:	Shaun O'Rourke 22 De Witt Street
Proposal:	Change of Use to Visitor Accommodation
Representations:	Fifteen (15)
Performance criteria:	Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes, Code E3.0 Landslide Code; Code E6.0 Parking and Access Code

1. Executive Summary

- 1.1 Planning approval is sought for Change of Use to Visitor Accommodation at 12/10 Waterworks Road, Dynmyrne and Common Land of Parent Title
- 1.2 More specifically the proposal includes:
 - change of use of a double storey conjoined multiple dwelling to visitor accommodation;
 - the dwelling is 121sqm and no works are required to convert the dwelling to visitor accommodation;
 - no permanent resident will occupy part of the building when it is used as visitor accommodation;
 - no signage is proposed; and
 - there are two existing onsite car parking spaces and two onsite car parking spaces are proposed
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes - P1, P2

- 1.3.2 E.3.0 Landslide Code
- 1.3.3 E.6.0 Parking and Access Code - Number of Parking Spaces

- 1.4 Fifteen (15) representations objecting to the proposal were received within the statutory advertising period between 17 April - 2 May 2023.

- 1.5 The proposal is recommended for approval subject to conditions.

- 1.6 The final decision is delegated to the Planning Committee, because greater than 5 representations were received within the statutory advertising period.

2. Site Detail

2.1 The subject site consists of 38 multiple dwellings which were approved under PLN-02-00593 on the 14 April 2003, which were a mixture of conjoined double storey buildings or stand alone multiple dwellings. The surrounding area is consists of properties containing single and multiple dwellings.



Fig. 1 - the multiple dwelling which is the subject of this application is highlighted in yellow



Fig. 2 - entrance to the site

3. Proposal

- 3.1 Planning approval is sought for Change of Use to Visitor Accommodation at 12/10 Waterworks Road, Dynnyrne and Common Land of Parent Title
- 3.2 More specifically the proposal is for:
 - change of use of a double storey conjoined multiple dwelling to visitor accommodation;
 - the dwelling is 121sqm and no works are required to convert the dwelling to visitor accommodation;
 - no permanent resident will occupy part of the building when it is used as visitor accommodation;
 - no signage is proposed; and
 - there are two existing onsite car parking spaces and two onsite car parking spaces are proposed

DYNNYRNE
12/10 Waterworks Road
House area: 104.2sqm



House area: 104.2sqm
Basement 27.8sqm
Garage: 16.1sqm

GROUND FLOOR

Fig. 3- existing/proposed floor plan



Fig. 4 - proposed multiple dwelling to be converted into a visitor accommodation unit



Fig. 5 - existing double carport below the multiple dwelling. Both car parking spaces will be dedicated to the proposed use

4. Background

- 4.1 The multiple dwelling which is the subject of this application is 121sqm in area.

An application (PLN-23-146) for a change of use to the existing multiple dwelling to visitor accommodation at 33/10 Waterworks Road is also before the Planning Committee and recommended for approval. This multiple dwelling is 101sqm in area. Consequently, if the aforementioned application is approved, the subject application will be discretionary under P1 of the Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes which states:

Visitor Accommodation must:

- (a) accommodate guests in existing habitable buildings; and*
- (b) have a gross floor area of not more than 200m² per lot.*

On this basis that approval will be granted for the change of use to visitor accommodation at 33/10 Waterworks Road, the subject application has also been assessed against the provisions of PD 6:P1, which states:

Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:

- (a) the privacy of adjoining properties;*
- (b) any likely increase in noise to adjoining properties;*
- (c) the scale of the use and its compatibility with the surrounding character and uses within the area;*
- (d) retaining the primary residential function of an area;*
- (e) the impact on the safety and efficiency of the local road network; and*
- (f) any impact on the owners and users rights of way*



Fig. 6 - the location of the subject site and 33/10 Waterworks Road

5. Concerns raised by representors

- 5.1 Fifteen (15) representations objecting to the proposal were received within the statutory advertising period between 17 April - 2 May 2023.
- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Housing Crisis, including the impact on the existing tenants if the application is approved

Hobart is experiencing a housing crisis. Short stay accommodation ruins communities and puts families on the street.

This application should be rejected. There are not enough homes in Hobart, and there are tents across the city as the rental crisis worsens. We cannot afford to lose any more homes to the short stay industry, which only makes it worse.

Considering the current housing crisis in Hobart we believe that the last thing we need to be doing is reducing the number of long term rentals available. The Council needs to look after the tenants in this ongoing rental crisis and reject the proposal for AirBnB.

There is a rental crisis. Allowing this location to be changed to short term, tourist based rental to a government and nation that is suffering from a housing crisis will result in the further worsening of the housing crisis.

This application states that there are existing tenants in the property and I fear for what will happen to them if this is approved and they are kicked out by the owner. I am concerned that this application will result in the current tenants being forced out. If you approve this they will join the thousands of people without a home in Tasmania. For that reason alone, this application should be rejected. There are enough people living on the streets already.

Impact on the subject site at 10 Waterworks Road

I live at 10 Waterworks Road, which has a nice sense of community. Approving this application would have a negative impact on the residential function of the strata scheme as a residential complex and community and would contribute to the erosion of a sense of community. It is essential that the needs of long-term residents are prioritised over short-term economic gains for few people.

I believe this DA should be refused as this strata group of villas was intended to function as a residential community. The conversion of a home to a hotel - residential use to visitor accommodation - at 12/10 Waterworks Rd would unreasonably erode the residential character of the strata community as a whole, and negatively impact the directly

adjoining residential use at 11/10.

This approval would set a precedent for future applications, which could lead to an increase in owners in the strata deciding to also change to short term accommodation. Ultimately this would drastically, and negatively, change the experience of living here.

The unit is in a block of residential units. Allowing the application will open the doors for further applications turning the strata scheme into a hotel.

This application is happening in conjunction with another application with another unit at 10 Waterworks Road, and represents a change of residential amenity for existing residents.

This is an area close to schools and parks, these units are good houses for families to live in, and they should be available to people as long term rental.

We do not believe there is sufficient protection from the noise and disruption of an increase in visitors, as the units are quite close together and you can easily hear people coming and going. Living next to a long term neighbour is different from living next to a hotel with frequently changing occupants. People who are visitors for the purpose of short stay accommodation are not necessarily going to be considerate of this and will be on a holiday schedule.

The change of use has a high risk of increased noise and impact on access. Tourists are often on different schedules to long term residents. The coming and going of tourists is likely to disrupt residential uses.

The type of residents that may occupy dwellings is a real risk considering these units are attached in lots of two. Meaning a loss of privacy and also car parking will be more congested.

We are particularly concerned what an increase in traffic and drivers unfamiliar with the road will do for the safety of the children.

Changing to accommodation would result in third body corporate having to make changes to current insurance as this would not be covered under normal insurance. Meaning additional cost to owners. The type of resident's that may occupy dwellings is a real risk

considering these units are attached in lots of two.

The change from residential to visitor accommodation will have a negative impact to the area, which could result in a loss of property value within the complex and impact on the residential function of the strata scheme.

Assessment of Application under PD6:P2

Hobart is experiencing a housing crisis. I believe planning application PLN-23-171 should be rejected if not on moral grounds than because it does not meet the requirements of Planning Directive No. 6 A2 P2.

Likely Increase in Noise

The change of use to Visitor Accommodation will likely lead to an increase an unreasonable increase in noise. The likelihood will increase if additional units are converted into short stay accommodation. It's not unreasonable to imagine a situation where one party of people book out a number of short stays in the strata complex and socialise together in one of the short stays houses. There is already another application at 33/10 Waterworks Road. There is no onsite manager to deal with these issues as they arise. Both these applications be rejected on that basis.

The Residential Function of the Strata Scheme

The strata title was developed as a residential complex. Approving Visitor Accommodation in the complex will have an unreasonable impact on the residential function of the strata by contributing the erosion of the residential function. For example, there is already another application at 33/10 Waterworks Road. Allowing these applications will contribute to the erosion of the residential function by a thousand cuts.

The Location of the Lots

As described above, the Unit 12 shares a crossover with unit 11. The deck at unit 11 is visible from unit 12. Unit 12 shares a large internal wall with unit 11. The residents at unit 11 will frequently be able to hear and see the visitors staying in unit 12.

Other comments

I disagree with turning this long term rental property into a short term property. As I am living on this street, enjoy the neighbourhood and having close neighbours rather than an Airbnb or alike with a rotation of random tenants for short term leases. In this location it makes the perfect long term rental and should be maintained as this in my opinion. Hobart has more than enough Airbnb's.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is multiple dwelling. The proposed use is visitor accommodation. The existing use is a permitted use in the zone. The proposed use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes
 - 6.4.2 E3.0 Landslide Code
 - 6.4.3 E6.0 Parking and Access Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes
- P1 - proposed visitor accommodation will result in a gross floor area of more than 200sqm per lot*

P2 - visitor accommodation is within a strata scheme

6.5.2 Parking and Access Code:

Number of Parking Spaces - E6.6.1 P1

6.5.3 Landslide Code:

Use Standards - Vulnerable Use - E3.6.2P1

6.6 Each performance criterion is assessed below.

6.7 Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes

6.7.1 The acceptable solution at clause PD6A1 requires visitor accommodation must have a gross floor area of 200sqm.

6.7.2 The proposal includes a change of use from a 121sqm multiple dwelling to visitor accommodation. If approved, the lot will have two visitor accommodation units which will result in a gross floor area which exceeds 200sqm.

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 PD 6P1 provides as follows:

Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:

- (a) the privacy of adjoining properties;*
- (b) any likely increase in noise to adjoining properties;*
- (c) the scale of the use and its compatibility with the surrounding character and uses within the area;*
- (d) retaining the primary residential function of an area;*
- (e) the impact on the safety and efficiency of the local road network; and*
- (f) any impact on the owners and users rights of way.*

6.7.5 The objective of the standards for visitor accommodation in the Inner Residential Zone is to ensure that it is compatible with the character and use of the area, not cause an unreasonable loss or residential amenity;

and does not impact the safety and efficiency of local roads or rights of way.

Privacy of Adjoining Properties

The proposed visitor accommodation unit is a double storey, three (3) bedroom conjoined multiple dwelling. The subject dwelling is setback a minimum of 12m from the property boundary shared with 7 Lynton Avenue and has a separation distance of 21m from the closest dwelling, again within 7 Lynton Avenue. Due to the topography of the subject site, the proposed visitor accommodation unit sits well below the multiple dwellings on the adjoining properties at 5 and 7 Lynton Avenue and consequently, there will be no overlooking of these properties from the subject site. Due to the staggering of the multiple dwellings within the subject site, the proposed visitor accommodation will not be visible from the adjoining properties at 9, 9A and 11 Lynton Avenue, and as such the proposed visitor accommodation unit will have no impact on the privacy of these properties.

Noise

Council records confirm that there are 10 visitor accommodation units within Dynnyrne. Notwithstanding, the closest visitor accommodation units are located within the suburb of South Hobart, specifically 12a Lynton Avenue and 1/26 and 56/8 Davey Place. Council records confirm that there have been no complaints in relation to noise, nor any other issue, such as car parking since the visitor accommodation use at these properties commenced. Similarly to the consideration of privacy above, the proposed visitor accommodation unit is well setback from nearby residential dwellings external to the subject strata site.

The scale of use and its compatibility with the surrounding character and uses within the area

The scale of the proposal is to change the use of a three bedroom dwelling from residential to visitor accommodation. This is considered to be consistent with the scale and character of the area, which include a variety of residential dwelling types and sizes. In addition, there are no works proposed, so there is nothing to indicate that the property is being used for anything other than a residential use, and there would be no impediment for the visitor accommodation unit to revert back to permanent accommodation.

Retaining the primary residential function of the area

Approximately 1.7% of dwellings in Dynnyrne have been approved as visitor accommodation. If approved, the multiple dwelling will be the

eleventh visitor accommodation unit in Dynnyrne. Council records confirm that the visitor accommodation units are not concentrated in one area of Dynnyrne, but are scattered throughout the suburb. As such, it is considered that the change of use will not have any noticeable impact and the primary residential function of the area will remain unaffected. It is also pertinent to note that the website [insideairbnb.com](https://www.insideairbnb.com) shows that there are very few visitor accommodations within the area surrounding the proposed visitor accommodation unit. Refer to Fig. 10 below.

The impact on the safety and efficiency of the local road network

The proposal has been referred to Council's Development Engineer, who has assessed and supports the proposal. A copy of their report is included in 6.7.10 below.

Any impact on the owners and users rights of way

The proposal does not rely on a right of way to access the property and therefore assessment under this criteria is not required.

6.7.6 The proposal complies with the performance criterion.

6.8 Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes - P2

6.1 The acceptable solution at A2 requires Visitor Accommodation to not be for a lot that is part of a strata scheme where another lot within that strata scheme is used for a residential use.

6.8.2 The proposal includes Visitor Accommodation on a lot that is part of a strata scheme and other lots within that strata scheme are used for a residential use.

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 PD6: P2 provides as follows:

Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:

- (a) the privacy of residents;*
- (b) any likely increase in noise;*
- (c) the residential function of the strata scheme;*
- (d) the location and layout of the lots;*

*(e) the extent and nature of any other nonresidential uses; and
(f) any impact on shared access and common property.*

6.8.5 Privacy of residents

The strata consists of 38 multiple dwellings, which are a mixture of single detached houses and double storey conjoined multiple dwellings. Thirty four (34) of the thirty eight (38) houses are accessed off Waterworks Road via a private internal road. The multiple dwellings have been designed so that the each building, whether conjoined, double storey or single storey have been staggered and built at different heights above ground level.

The multiple dwelling which is the subject of this application is a double storey, three (3) bedroom conjoined multiple dwelling with access only from the garage. Consequently, there is no requirement to walk past the adjoining multiple dwelling at 11/10 Waterworks Road.

It is noted that the deck of the proposed visitor accommodation use is opposite the deck to the dwelling at 13/10 Waterworks Rd. See Fig 8 below. Although the deck is relatively small and set forward of a portion of the deck at 13/10, the subject deck is also within 4m of the deck at 13/10 and set above it. It is considered that this presents an opportunity for the privacy of 13/10 Waterworks Rd to be unreasonably impacted upon, and as such, a condition requiring a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, must be installed along the south western edge of the deck prior to the use commencing.

In terms of other dwellings which are opposite or next to the proposed visitor accommodation unit, it is considered that their privacy will not be impacted upon, again due to the design of the dwellings within the strata.

Increase in Noise

If guests behave in a reasonable manner, as would be expected, there is no reason that noise generated by the visitor accommodation be any greater than that of a long term residential use. That said, if approved, a condition will be imposed requiring a Visitor Accommodation Management Plan to be provided to all adjoining property owners and occupiers, in this case to all those multiple dwellings within the strata scheme. The plan, will include measures to be undertaken to limit, manage and mitigate any noise generated as a result of the visitor accommodation, as well as nominate a person to be available at all times to visit the site should a complaint be made by an adjoining owner

concerning the behaviour, including noise generated by the guests.

Residential function of the strata scheme

There are 38 strata titled dwellings within the strata complex. Currently, all of these are approved for long term, residential use. Coincidentally, application has been made independently to change the use of one other dwelling within the strata complex to visitor accommodation that is being assessed concurrently with this application. Notwithstanding this, if both applications are approved, 36 dwellings (95%) will remain for use as long term residential accommodation. As such, there is no compromise to the prevailing use and function of the strata complex as residential.

Location and Layout of Lots

As stated above, it is considered that the visitor accommodation will not cause an unreasonable loss of residential amenity to other lots in the strata scheme, not least due to the design of the existing dwellings being staggered and built at different heights above ground level. In addition, the proposed visitor accommodation unit is located close to the entrance of the site from Waterworks Road and therefore, has the advantage of guests not having to drive well into site and past a large number of multiple dwellings, which results in the amenity of the multiple dwellings beyond unit 12 not being affected by the proposal.

Extent and nature of any other non residential uses

There are no non residential uses within the strata scheme.

Impact on shared access and common property

The proposal has no impact on the shared access and common property arrangement. The guests would access the site, as would any occupant of the other 38 multiple dwellings within the strata scheme, and park in either one or both of the two dedicated parking spaces which are located directly below the proposed visitor accommodation unit. (see Fig. 7) Table E6.1 requires one onsite parking space, while a three bedroom dwelling requires two (2) onsite car parking spaces. In this instance, it is considered that the provision of two (2) onsite car parking spaces is beneficial and also an improvement for other owners and users of the shared access, as guests will not need to use visitor parking spaces nor park within the access, as is currently the case.

There are no communal facilities within the strata complex that would be impacted by guest use.

- 6.8.6 The proposal complies with the performance criterion.



Fig. 7 - the subject site (on LHS) and 11/10 Waterworks Road



Fig. 8 - the properties beyond the subject site. Note the vehicles belonging to other dwellings are parked along the driveway.



Fig 9 - the site is the 9th closest dwelling (out of 38) from the entrance to the site from Waterworks Road

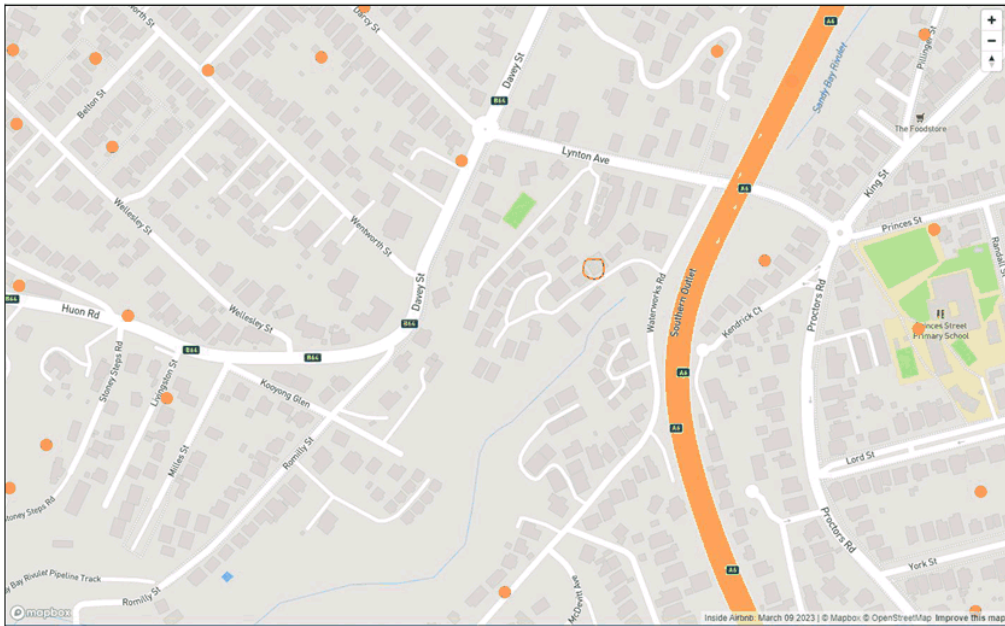


Fig 10 - Listings (red dots) in the area surrounding the proposed visitor accommodation use, which is circled red. Source: [insideairbnb.com](https://www.insideairbnb.com).

6.9 Landslide Code Part E 3.6.2P2

- 6.9.1 There is no acceptable solution for visitor accommodation within a Landslide Hazard Area.
- 6.9.2 The proposal includes a change of use to visitor accommodation within a landslide (Low) area.
- 6.9.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criterion at clause E3.6.2P2 provides as follows:

Vulnerable use must satisfy all of the following:

(a) No part of the vulnerable use is in a High Landslide Hazard Area;

(b) Landslide risk to occupants, staff, visitors and emergency personnel associated with the vulnerable use is either:

(i) acceptable risk; or

(ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.

(c) Landslide risk to occupants, staff and visitors takes into consideration their specific circumstances including their ability to:

(i) protect themselves and defend property from landslide;

(ii) evacuate in an emergency;

(iii) understand and respond to instructions in the event of a landslide;

whilst minimising risk to emergency personnel.

The objective of the use standards relating to visitor accommodation within a landslide hazard area, require landslide hazard management measures to reflect the risk arising from the landslide hazard and the characteristics, nature and scale of the use taking into consideration the specific circumstances of users of the site.

The application was referred to Council's Environmental Development Planner who provided the following assessment:

Assessment:

Approval is sought to change the use of a dwelling at 12/10 Waterworks Road, South Hobart, to visitor accommodation.

Landslide Code

The Code applies, because a 'vulnerable use' is proposed within a 'Landslide Hazard Area. Part of the land is with a Low Landslide Hazard Area (deep-seated landslide source area).



The relevant standards are under clause E3.6.2. The application complies with A1 as the proposed use is visitor accommodation.

There is no acceptable solution for A2. Performance criterion P2 states the following:

Vulnerable use must satisfy all of the following:

- (a) No part of the vulnerable use is in a High Landslide Hazard Area;*
- (b) Landslide risk to occupants, staff, visitors and emergency personnel associated with the vulnerable use is either:
 - (i) acceptable risk; or*
 - (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.**
- (c) Landslide risk to occupants, staff and visitors takes into consideration their specific circumstances including their ability to:
 - (i) protect themselves and defend property from landslide;*
 - (ii) evacuate in an emergency;**

*(iii) understand and respond to instructions in the event of a landslide;
whilst minimising risk to emergency personnel.*

The use would not be located within a High LHA in conformity with P1(a).

While no Landslide Risk Assessment was submitted with the application, there have been no recorded deep-seated landslides in the area. Some shallow landslides have been recorded from the parent property however. In the greater Hobart area, deep-seated landslides have been slow moving events that have not presented a risk to human life, as there has been ample time to evacuate properties at unacceptable risk.

It is considered unlikely that visitors using the property would be at significantly greater risk in a landslide emergency than long-term residents, meaning there would be no significant increase in risk by the proposed change of use.

A condition is recommended requiring an Emergency Plan for the use, to be provided to guests, to provide information to guests about potential hazards, emergency services and appropriate evacuation procedures. Subject to this condition, in my opinion the landslide risk associated with the proposed change of use is 'acceptable', and the application complies with E3.6.2 P2.

6.9.6 The proposal complies with the performance criterion.

6.10 Parking and Access Code Part E6.6.1P1

6.10.1 The acceptable solution at clause Table E6.1 requires one onsite car parking space per visitor accommodation unit.

6.10.2 The proposal includes a change of use from multiple dwelling to visitor accommodation. Two onsite car parking spaces are provided, which is a surplus of one car parking space.

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

6.10.4 The performance criterion at clause E6.6.1 provides as follows:

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

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

- 6.10.5 The objective of the number of onsite parking provisions is to ensure that there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available outside of the land and the access afforded by other modes of transport. use and to prevent regular parking overspill.

The applicant has identified that there are two existing on-site car parking spaces for the dwelling with both spaces to be used for the visitor accommodation use. The proposed use of the dwelling as visitor accommodation only requires one parking space therefore the existing two car parking spaces exceeds the required number of parking spaces for visitor accommodation. To meet the acceptable solution, there is to be no greater than the number of car parking spaces specified in Table E 6.1. Exceeding the required number of on-site car parking spaces

requires assessment against the performance criteria.

There is on-street parking in the surrounding road network, however as the on-site parking requirement is exceeded parking off site is not applicable. Metro Tasmania operate regular bus services within 400 metres of the subject site and the site is located a convenient walking distance from shops, services and schools. No alternative parking provision is available or considered necessary.

In conclusion, the applicant has identified that there are two existing on-site car parking spaces for the dwelling with both spaces to be used for the visitor accommodation use. The proposed use of the dwelling as visitor accommodation only requires one parking space therefore the existing two car parking spaces exceeds the required number of parking spaces for visitor accommodation. Changing the use to visitor accommodation reduces the need for on-site car parking spaces, and reduces traffic generation therefore lessening the impact on traffic in the area. Further it may be argued that the proposed use may generate less traffic and parking demand as not all patrons may utilize a motor vehicle.

Based on the above assessment and given the submitted documentation, the parking provision may be accepted under Performance Criteria P1:E6.6.1 of the Planning Scheme.

6.10.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Change of Use to Visitor Accommodation at 12/10 Waterworks Road, Dynnynrne and Common Land of Parent Title
- 7.2 The application was advertised and received fifteen (15) representations. The representations raised concerns including the impact change of use to visitor accommodation is having on the rental market and contributing to the housing crisis in Hobart. Other main issues raised were related to the perceived detrimental residential impact to the residents of 10 Waterworks Road, those noise, privacy, parking issues and the erosion of the residential community should the application be approved.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.

- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer and Environmental Development Planner. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Change of Use to Visitor Accommodation at 12/10 Waterworks Road, Dynnyrne and Common Land of Parent Title 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 Change of Use to Visitor Accommodation at 12/10 Waterworks Road, Dynnyrne and Common Land of Parent Title 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-23-171 - 12/10 WATERWORKS ROAD DYNNYRNE TAS 7005 and Common Land of Parent Title- Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

- 1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
- 2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.**
- 3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.**
- 4. To specify the maximum permitted occupancy of the visitor accommodation.**
- 5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (2), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be**

discouraged from bringing more than 2 vehicles and the parking of any additional vehicles in nearby streets should also be discouraged.

6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved, including all other dwellings in the strata complex. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

Advice:

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

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

PLN 1

Screening to a height of 1.7m above the deck floor level, with no more than 25% uniform transparency must be installed and maintained for the life of the use along the south western edge of the deck (facing 13/10 Waterworks Rd), prior to first use.

Reason for condition

To provide reasonable opportunity for privacy for 13/10 Waterworks Rd.

ENG 5

The number of car parking spaces approved to be used on the site is two (2).

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

ENV 8

Prior to commencement of the use, an Emergency Plan must be submitted and approved.

The Emergency Plan must:

1. Indicate that the site is located within:
 - a flood-prone area; and
 - an area susceptible to landslide.
2. Include measures to be followed in the event of an emergency, including housefire, landslide or flood.
3. Include evacuation measures and routes in plan form, including assembly points, for housefire or landslide emergencies. In the event of a landslide or housefire emergency, guests should evacuate and assemble on the shared access driveway, away from buildings. In the event of a flood emergency, guests should remain on the upper level, and not try to leave the premises by the shared access driveway if affected by floodwaters.
4. Provide emergency contact details, and details of emergency services and emergency broadcasters.
5. Specify that any directions given by emergency services must be followed.
6. Provide a plan showing the location of any fire extinguishers or medical kits located in the building.
7. Specify that vehicles should not be driven through floodwaters, fire or smoke.
8. Specify that following an emergency evacuation, if the building has been damaged, re-entry into the building is not permitted unless permitted by emergency services or the property manager.

The approved Emergency Plan must be provided to guests with a copy kept on the premises.

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 reduce the risk to life and property, and the cost to the community, caused by landslides

ADVICE

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

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

CONDITION ENDORSEMENT

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

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

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

BUILDING PERMIT

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

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

NOISE REGULATIONS

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

FEES AND CHARGES

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

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information, or call our Environmental Health team on 6238 2711.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable "bed and breakfast" parking permit.



(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

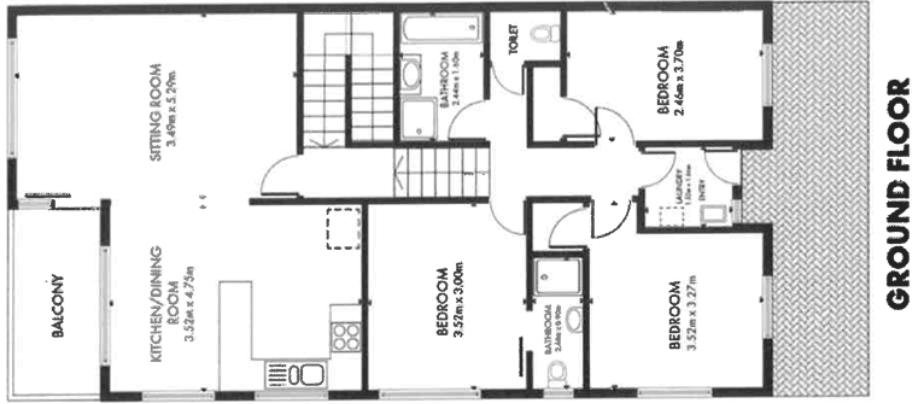
As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: **Date Missing**

Attachment(s):

Attachment B - Planning Committee Agenda Documents

DYNNYRNE
12/10 Waterworks Road
House area: 104.2sqm



House area: 104.2sqm
Basement 27.8sqm
Garage: 16.1sqm

Unit 12/10 Signage

Dear Deanne,

My original application did not indicate two areas of information that I now want to state:

There will be no signage for Unit 12 /10 Waterworks Road.

There will be no work to be undertaken to enable a change of use.

Yours Faithfully

Shaun O'Rourke
Owner of Unit 12/10 Waterworks Road



Dear Sir / Madam,

On behalf of my wife (Kathryn O'Rourke) and myself (Shaun O'Rourke) I would like to apply for my unit in Unit 12 / 10 Waterworks Road Dynnyrne 7005 to become a short term rental.

Please find enclosed the relevant forms including copy of title, folio plans and rough plan of the layout of the building.

If you have any questions please call me on 0400294303 or via email shaunorourke9@mac.com

Yours Faithfully,

Shaun O'Rourke



Guidance Information

**Visitor Accommodation Use in Existing Habitable Buildings
 Standard Application Package**

The Standard Application Package has been approved by the Minister for Planning to provide a simple pathway for seeking approval for the use of existing homes or habitable buildings for Visitor Accommodation as prescribed below. It comprises an Application for Planning Permit and a building self-assessment Form.

Completed forms must be lodged with the relevant planning/permit authority.

Application for Planning Permit

The Application for Planning Permit form relates to *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, issued by the Minister for Planning under former sections 13(1)(a) and (4) of the *Land Use Planning and Approvals Act 1993*, and effective from 1 July 2018 and as modified on 1 August 2018.

The Application for Planning Permit form applies to the change of use of an existing habitable building where it is 'Permitted' under Planning Directive No. 6, as set out below:

Planning Scheme	Requirements
Interim planning schemes	Change of use to Visitor Accommodation if: <ul style="list-style-type: none"> located within the General Residential Zone; Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone, or Village Zone; not located within the Battery Point Heritage Precinct (BP1); guests are accommodated within existing habitable buildings; the use occupies not more than 200m² gross floor area per lot; the use is not within a strata scheme¹ that includes another lot, as defined in section 3 of the <i>Strata Titles Act 1998</i>, that is used for Residential use; and all other requirements in the planning scheme are met that are necessary for a 'Permitted' use.
Sullivans Cove Planning Scheme 1997	Change of use to Bed and Breakfast Establishment or Visitor Accommodation if: <ul style="list-style-type: none"> located within Activity Area 1.0 Inner City Residential (Wapping); guests are accommodated within existing habitable buildings; the use occupies not more than 200m² floor area per lot; and all other requirements in the planning scheme are met that are necessary for a 'Permitted' use.

¹ Strata scheme is defined in section 3 of the *Strata Titles Act 1998*.

The Application for Planning Permit form does not apply if:

- the use is exempt from requiring a planning permit under Planning Directive No.6, as set out below:

Planning Scheme	Exempt Qualification	
Interim planning schemes	Visitor Accommodation use in a dwelling (including an ancillary dwelling) if...	(i) it is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or
<i>Flinders Planning Scheme 2000</i>	Visitor Accommodation use in a House, House and Ancillary Apartment or Grouped House if...	
<i>Sullivans Cove Planning Scheme 1996</i>	Bed and Breakfast Establishment or Visitor Accommodation uses in a dwelling if...	(ii) it is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.

- the use requires a 'Discretionary' planning permit under the planning scheme. For example, a change of use to Visitor Accommodation that does meet the requirements for a 'Permitted' use under Planning Directive No. 6, or other provisions in the planning scheme apply requiring discretionary assessment, such as off-street parking, bushfire planning, heritage, or non-residential use standards in zones (e.g. external lighting requirements).

Applicants should use the standard Council planning application form.

- other uses or if any development (not otherwise exempt) is proposed, in addition to the change of use to Visitor Accommodation.

Applicants should use the standard Council planning application form.

Building self-assessment form

The building self-assessment form is mandated under the *Director's Determination – Short or Medium Term Visitor Accommodation*, issued by the Director of Building Control under section 20(1)(e) of the *Building Act 2016*, and effective from 1 July 2018.

This Determination applies only to existing dwellings or residential premises where a fee is being charged for the use of short or medium term visitor accommodation.

The building self-assessment form must be completed in the following situations where the property is used or intended to be used as visitor accommodation:

- owner occupiers of residential premises of more than four bookable rooms, or
- investment properties or shacks (not occupied by the owner) that have a gross floor area of not more than 200m² used for visitor accommodation.

The building self-assessment form requires the owner or occupier to declare that the property meets the minimum building standards with respect to an occupancy permit, plumbing, and essential building services.

The Determination and the building self-assessment form apply, irrespective of the planning requirements. The planning and building requirements are mutually exclusive. If any premises intended to be let for short-term visitor accommodation is a lot in a strata title scheme, and any other premises in that scheme are occupied as a residence by long term residents, the proponent is not permitted to use the building self-assessment process, unless the premises is located within Activity Area 1.0 Inner City Residential (Wapping) under the Sullivans Cove Planning Scheme 1997.

**APPLICATION FOR PLANNING PERMIT
 CHANGE OF USE TO VISITOR ACCOMMODATION**

Section 58 of Land Use Planning and Approvals Act 1993

To: Planning Authority

The Proposal:

(Must tick one)

Interim Planning Schemes:

Change of use to Visitor Accommodation if:

- guests are accommodated in existing habitable buildings;
- the use has a gross floor area of not more than 200m² per lot;
- the use is not within a strata scheme² that includes another lot, as defined in section 3 of the *Strata Titles Act 1998*, that is used for Residential use; and
- the land is within one of the following zones:
 - General Residential;
 - Inner Residential, excluding land within the Battery Point Heritage Precinct 1 (BP1);
 - Low Density Residential;
 - Rural Living;
 - Environmental Living;
 - Village.

Sullivans Cove Planning Scheme 1997:

Change of use to Bed and Breakfast Establishment or Visitor Accommodation, where guests are accommodated in existing habitable buildings and the use has a floor area of not more than 200m² per lot, and the land is within the Activity Area 1.0 Inner City Residential (Wapping).

Description:

Brief description of the proposed change of use, including whether the whole or part of the building(s) are to be used:

The whole Town House of 3 bedrooms + 2 bathrooms to short term stays.

Applicant: Who is making the application?

Applicant Name:

Business / Company Name:

Postal Address:

Phone No:

Email address:

² Strata scheme means the complex of lots and common property (together with the system of administration and management) created on the registered strata plan.

The Land: Detail address and title particulars of the land for the proposed change of use

Street Address: UNIT 12, 10 WATERWORKS RD.,
DYNNYRNE 7005

Certificate of Title Reference No. Vol: 141766 Folio: 20

Describe the way the land is used now:
Long term rental - 3mths - 1 year leases

The Owner: Owner's name and address, if land is not in applicant's ownership
(If more than one owner, all names and addresses must be provided)

Owner Name:

Business / Company Name:

Postal Address:

Phone No:

Email address:

The Applicant: Is the applicant the owner of the land?
(Must tick one)

Yes - please complete Section A below.

No - please complete Section B below, and if relevant Sections C and D.

Section A: Owner's Verification

I/we am/are the owner(s) of the land.

Owner(s): SHAWN + KATHRYN O'ROURKE *Name: [print]* AORourke . Kathryn O'Rourke *Signed* 01/03/23 *Date*

Section B: Applicant's Verification

I/we, the applicant declare that the owner /each of the owners of the land have been notified of the intention to make this application.

Applicant: *Name: [print]* *Signed* *Date*

Section C: If the application involves land owned or administered by a council

The *Name: [print]* consents to the making of this permit application.

General Manager: *Signed* *Date*

Section D: If the application involves land owned or administered by the Crown

The application must be signed by the Minister or relevant delegate responsible for the land and accompanied with written permission.

Declaration (to be completed for all applications)

I declare that the information I have given in this permit application to be true and correct to the best of my knowledge.

Applicant: Name: [print]
SHAWN + KATHRYN O'ROURKE Signed
 Date
01/03/23

Personal Information Protection Statement

As required under the *Personal Information Protection Act 2004*

1. Personal information is managed in accordance with the *Personal Information Protection Act 2004* and may be accessed by the individual to whom it relates, on request to the relevant planning authority.
2. Information can be used for other purposes permitted by the *Local Government Act 1993* and regulations made by or under that Act, and, if necessary, may be disclosed to other public sector bodies, agents or contractors of the relevant planning authority.

Planning Application Checklist

The Planning Authority requires the following to assess this Planning Application, with all documentation provided as required by the planning authority:

- (a) Completed Planning Application Form - all relevant sections filled in and signed by land owner (if required) and applicant.
- (b) A copy of the current certificate of title for all land to which the permit sought is to relate (available from Service Tasmania or from www.theist.tas.gov.au).
- (c) Either:
 - (i) a basic floor plan of the existing habitable building(s) to scale, including identification of the gross floor area for the proposed change of use to visitor accommodation, or
 - (ii) a signed declaration by the applicant confirming the area of the existing habitable building(s) for the proposed change of use to visitor accommodation has a gross floor area³ of not more than 200m²
- (d) Payment of the prescribed fee (up to \$250.00).

Failure to provide the required information may result in your application not being able to be accepted or processed.

³ Or floor area in the case of the Sullivans Cove Planning Scheme 1997.

BUILDING SELF-ASSESSMENT FORM

**Director's Determination – Short or Medium Term Visitor Accommodation
 Section 20(1)(e) of Building Act 2016**

This building self-assessment form must be completed in the following situations where the property is used or intended to be used for visitor accommodation, and a fee is being charged for such use:

- owner occupiers of residential premises of more than four bookable rooms, or
- investment properties or shacks (not occupied by the owner) that have a gross floor area of not more than 200m² per lot used for visitor accommodation.

The completed form must be lodged with the relevant Permit Authority.

If any premises intended to be let for short-term visitor accommodation is a lot in a strata title scheme, and any other premises in that scheme are occupied as a residence by long term residents, the proponent is not permitted to use the building self-assessment process, unless the premises is located within Activity Area 1.0 Inner City Residential (Wapping) under the Sullivans Cove Planning Scheme 1997.

To: Permit Authority
 Address
 Suburb/postcode

Owner / Occupier details:

(Only an owner or occupier may complete this form)

Owner / ~~Occupier~~:
(Delete one not applicable)

Postal Address: Phone No:

Email address:

Address of Property used or intended to be used for Visitor Accommodation:

Street Address:

Certificate of Title Reference No.

Owner / Occupier Declaration:

I/we, as the owner / occupier of the property, declare that the property meets the following minimum building requirements, as set out below:

Owner/Occupier:
(Delete one not applicable)

Occupancy Permit:*(Must tick one)*

The owner or occupier is to declare that –

- (a) if an occupancy permit has been issued, the premises is fit for occupation consistent with that permit, and the maximum number of occupants stated on the permit will not be exceeded;

OR

- (b) an occupancy permit or occupancy certificate was not required (as the premises was constructed / altered before 1994).

Plumbing:*(Must tick (a) or (b) and (c) or (d))*

The owner or occupier is to declare that –

- (a) the premises is connected to a reticulated sewerage system;

OR

- (b) the premises is connected to an on-site wastewater management system that:
- is in good working order and will be maintained to perform to the same standard as it was designed; and
 - has a land application distribution area designed, installed and in good serviceable condition; and
 - the maximum number of occupants of the premises the system is designed for is not exceeded; and
 - there is a maintenance contract in place for the servicing of the system.

- (c) the premises is connected to a reticulated drinking water supply system;

OR

- (d) a private drinking water supply (including from a tank, well, dam, etc.) is provided for the premises that meets the requirements of the *Public Health Act 1997*.

Essential Building Services:*(Must tick one)*

The owner or occupier is to declare that –

- (a) regarding Essential Building Services, the premises has an approved schedule of maintenance, and fire safety features are maintained in accordance with Part 7 (regulations 72 to 78) of the *Building Regulations 2016* and the Director's Maintenance of Prescribed Essential Building Services Determination;

OR

- (b) the premises is not required to have an approved essential maintenance schedule, but the following fire safety features are installed and maintained in accordance with manufacturer's instructions:

- a smoke alarm with a 10-year non-removable lithium battery, or
- a hard wired smoke alarm (and are interconnected where there is more than one alarm fitted);

- (a) if any storey of the premises contains a bedroom –
- (i) installed in every corridor, or hallway, situated in the storey, that is associated with a bedroom; and

- (ii) if there is no corridor, or hallway, situated in the storey, that is associated with a bedroom, between that part of the premises containing the bedroom and the remainder of the premises; and
- (b) in any other storey of the premises that does not contain a bedroom.
- If multistorey premises are let for visitor accommodation:
 - i. emergency evacuation lighting is provided; and
 - ii. exits are provided that are clearly marked and mapped for the visitor.



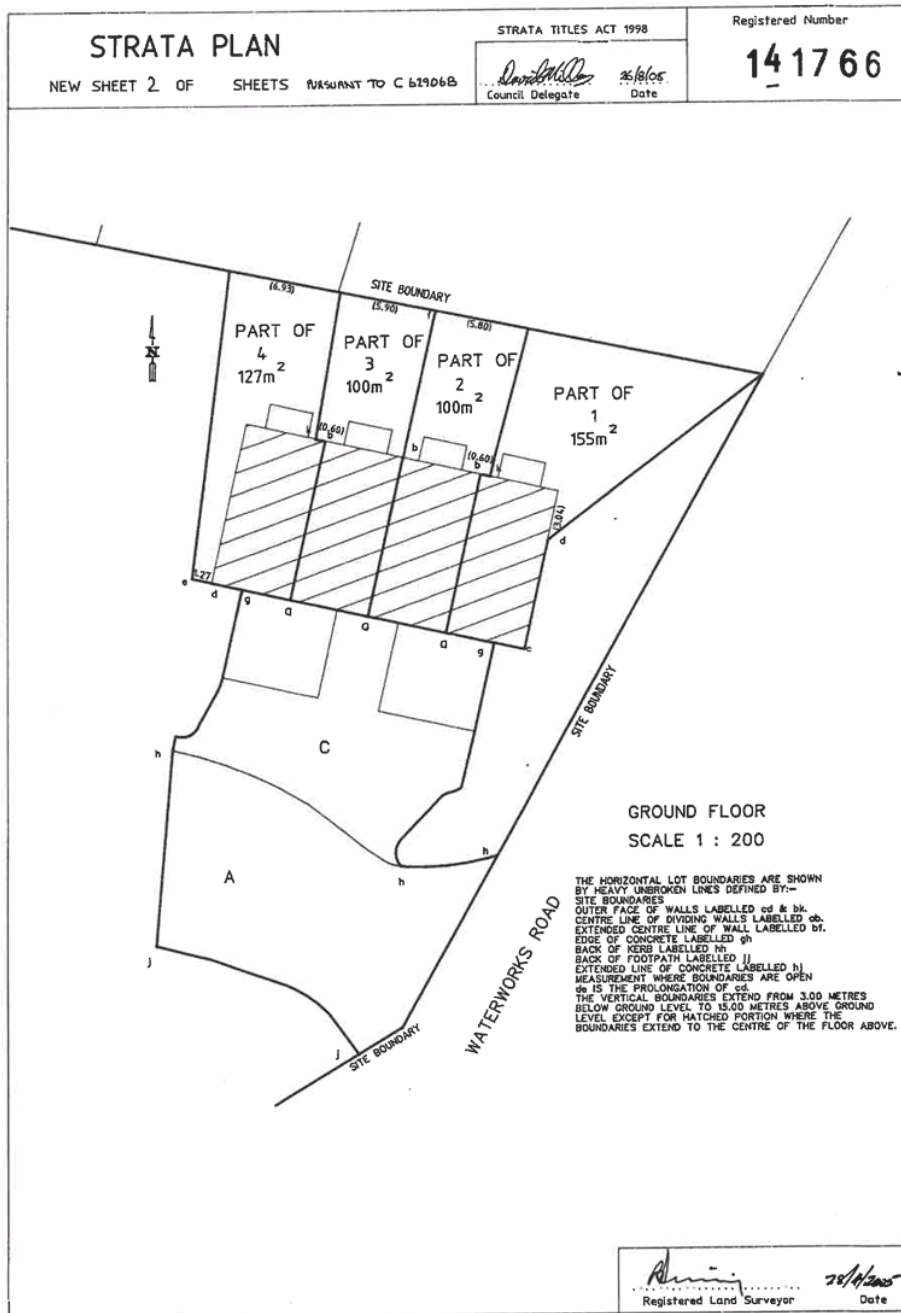
FOLIO PLAN
 RECORDER OF TITLES
 Issued Pursuant to the Land Titles Act 1980



CITY/TOWN HOBART SUBURB/LOCALITY DYNNYRNE FOLIO REFERENCE C/T 141659/1 SITE COMPRISES THE WHOLE OF LOT 1 ON PLAN No. P141659		STRATA PLAN		Registered Number 141766
		NEW SHEET 1 OF 18 SHEETS PURSUANT TO C 67906B		
		NAME OF STRATA SCHEME TASMAN HEIGHTS, DYNNYRNE		STRATA TITLES ACT 1998 REGISTERED <i>29th June 2001</i> <i>ALICE KAWA</i> Recorder of Titles.
MAPSHEET MUNICIPAL CODE No. 114	LAST UP1 No. 2119107	SCALE 1: 800	LENGTHS IN METRES	
SITE PLAN				
NOTES: (i) ALL BUILDINGS ON THE SITE TO BE SHOWN ON SHEET 1. (ii) BUILDING TO SITE BOUNDARY OFFSETS OF LESS THAN 2.00 METRES TO BE SHOWN ON SHEET 1. (iii) LOT FOLIOS ARE HELD SUBJECT TO COMMON PROPERTY FOLIO INTERESTS. (iv) THE SURVEYOR'S CERTIFICATE MUST CERTIFY THAT ANY BUILDING ENCROACHMENT BEYOND THE SITE BDRY IS AUTHORISED ACCORDING TO LAW.			STAGED/COMMUNITY DEVELOPMENT SCHEME No. C.538676 LODGED BY Andrew Gregson	



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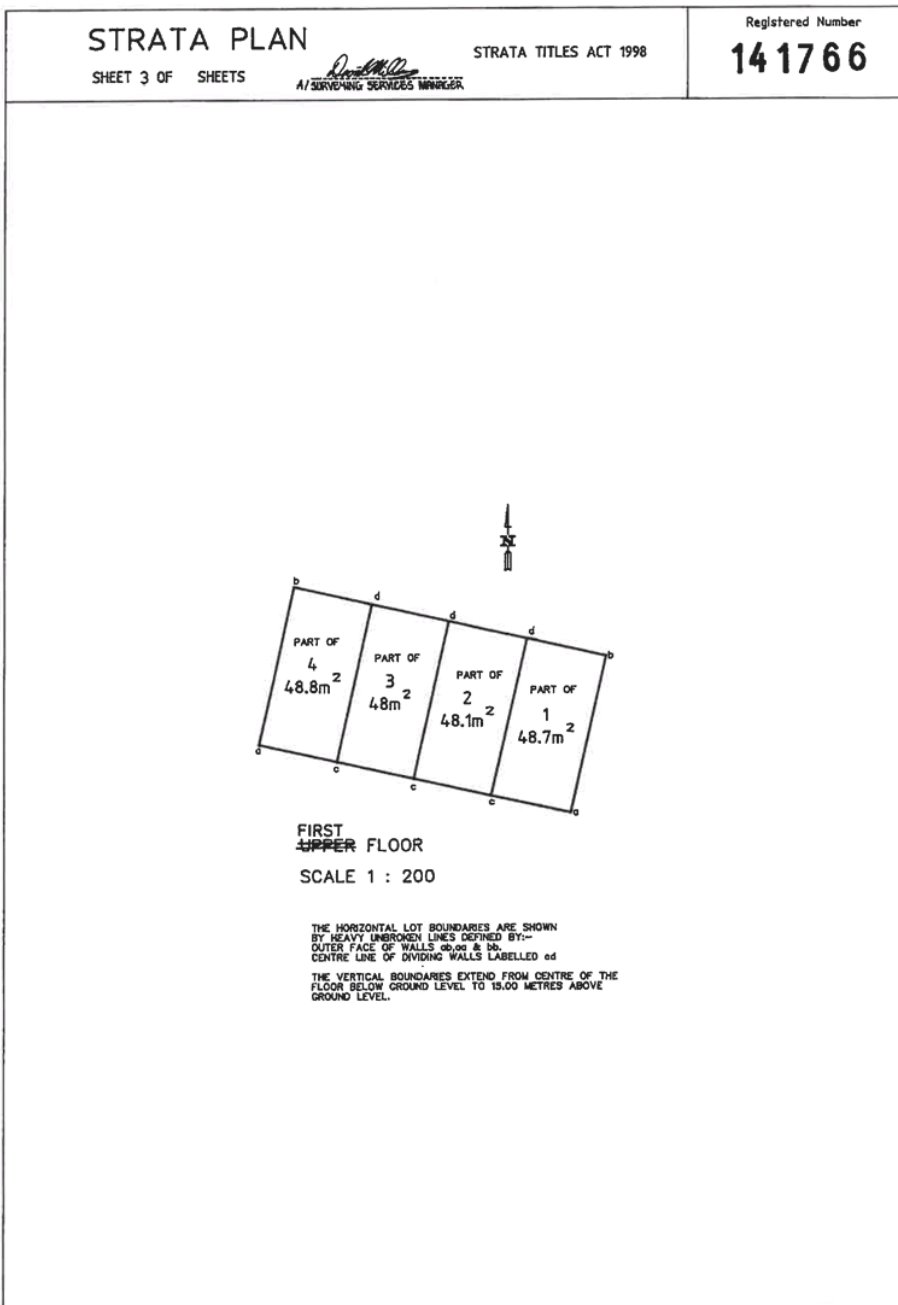




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<p>STRATA PLAN</p> <p>NEW SHEET 4 OF SHEETS PURSUANT TO C629068</p>	<p>STRATA TITLES ACT 1998</p>	<p>Registered Number 141766</p>
--	-------------------------------	--

NAME OF BODY CORPORATE: Strata Corporation No. 141766 TASMAN HEIGHTS, DYNMYRNE

ADDRESS FOR THE SERVICE OF NOTICES: 10 WATERWORKS ROAD, DYNMYRNE

<p>SURVEYORS CERTIFICATE</p> <p>I, Peter David Binny of Granton a surveyor registered under the Land Surveyors Act 1909 certify that the building erected on the site and drawn on sheet 1 of this plan is within the external boundaries of the folio stated on sheet 1.</p> <p style="text-align: right;"> Registered Surveyor 29/3/2005 246900 date ref no </p>	<p>COUNCIL CERTIFICATE</p> <p>I certify that the Hobart City Council has: (a) approved the lots shown on this plan and (b) issued this certificate of approval in accordance with Section 31 of the Strata Titles Act 1998.</p> <p style="text-align: right;"> Council Delegate 26/6/05 5649079 date ref no </p>
---	---

UNIT ENTITLEMENTS										
LOT	UNIT ENTITLEMENT									
	GENERAL	SPECIAL								
	(i)(a)	(i)(b)	(i)(j)	(i)(k)	(i)(b)					
21	4	3								
22	3	3	1							
23	3	3	1							
24	4	5								
25	4	5		1						
26	4	5		1						
27	4	6			1					
34	4	6			1					
35	5							3		
36	5							3		
37	5							2		
38	5							2		
28	4	6								
29	4	6								
30	4	6								
31	4	6								
32	4	6								
33	4	6								
CONTINUED NEXT PAGE										
TOTAL	120	124	2	2	2	10				

(i)(h) 'Common Property Entitlement "H"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "H" on the plan.

(i)(j) 'Common Property Entitlement "J"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "J" on the plan.

(i)(k) 'Common Property Entitlement "K"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "K" on the plan.

(i)(b) 'Common Property Entitlement "B"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "B" on the plan.



FOLIO PLAN
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STRATA PLAN		Registered Number 141766
NEW SHEET 5 OF SHEETS <i>26 lots</i> PURSUANT TO C61906B <i>DATE</i>		STRATA TITLES ACT 1998
Note: THIS SHEET SHOULD ONLY BE USED WHERE:- (i) THE LOTS HAVE A SPECIAL UNIT ENTITLEMENT, OR (ii) THE BODY CORPORATE HAS BEEN DIVIDED.		
THE PURPOSES UNDER SECTION 16 FOR WHICH A SPECIAL UNIT ENTITLEMENT MAY BE USED SEE BELOW		
NAME OF (THIS) BODY CORPORATE		TASMAN HEIGHTS, DYNMYRNE
ADDRESS FOR THE SERVICE OF NOTICES		(i)(a) 'Common Property Entitlement "A"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "A" on the plan. (i)(c) 'Common Property Entitlement "C"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "C" on the plan. (i)(d) 'Common Property Entitlement "D"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "D" on the plan. (i)(e) 'Common Property Entitlement "E"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "E" on the plan. (i)(f) 'Common Property Entitlement "F"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "F" on the plan. (i)(g) 'Common Property Entitlement "G"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "G" on the plan. (i)(i) 'Common Property Entitlement "I"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "I" on the plan.
LOT No.	GENERAL UNIT ENTITLEMENT SPECIAL	
	(i)(a) (i)(c) (i)(d) (i)(e) (i)(f) (i)(g) (i)(i)	
1	2 2 1	
2	2 2 1	
3	2 2 1	
4	2 2 1	
5	2 2 1	
6	2 2 1	
7	2 2 1	
8	2 3	
9	2 3 1	
10	2 3 1	
11	2 3	
12	2 4 1	
13	2 4 1	
14	2 4 1	
15	2 4 1	
16	3 2 1	
17	3 2 1	
18	4 2	
19	3 2 1	
20	3 2 1	
TOTAL	120 124 4 2 3 2 2 4	



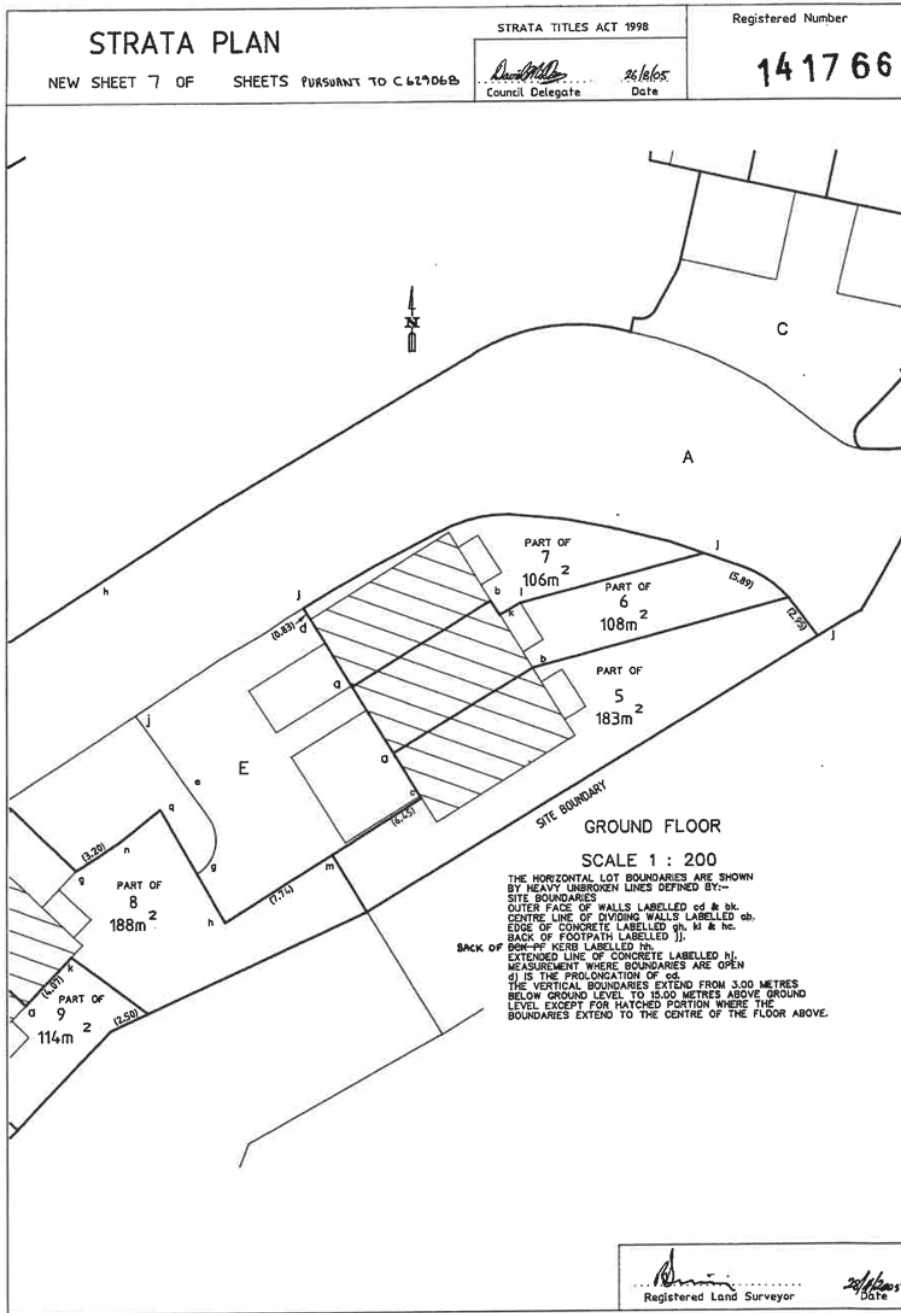
FOLIO PLAN
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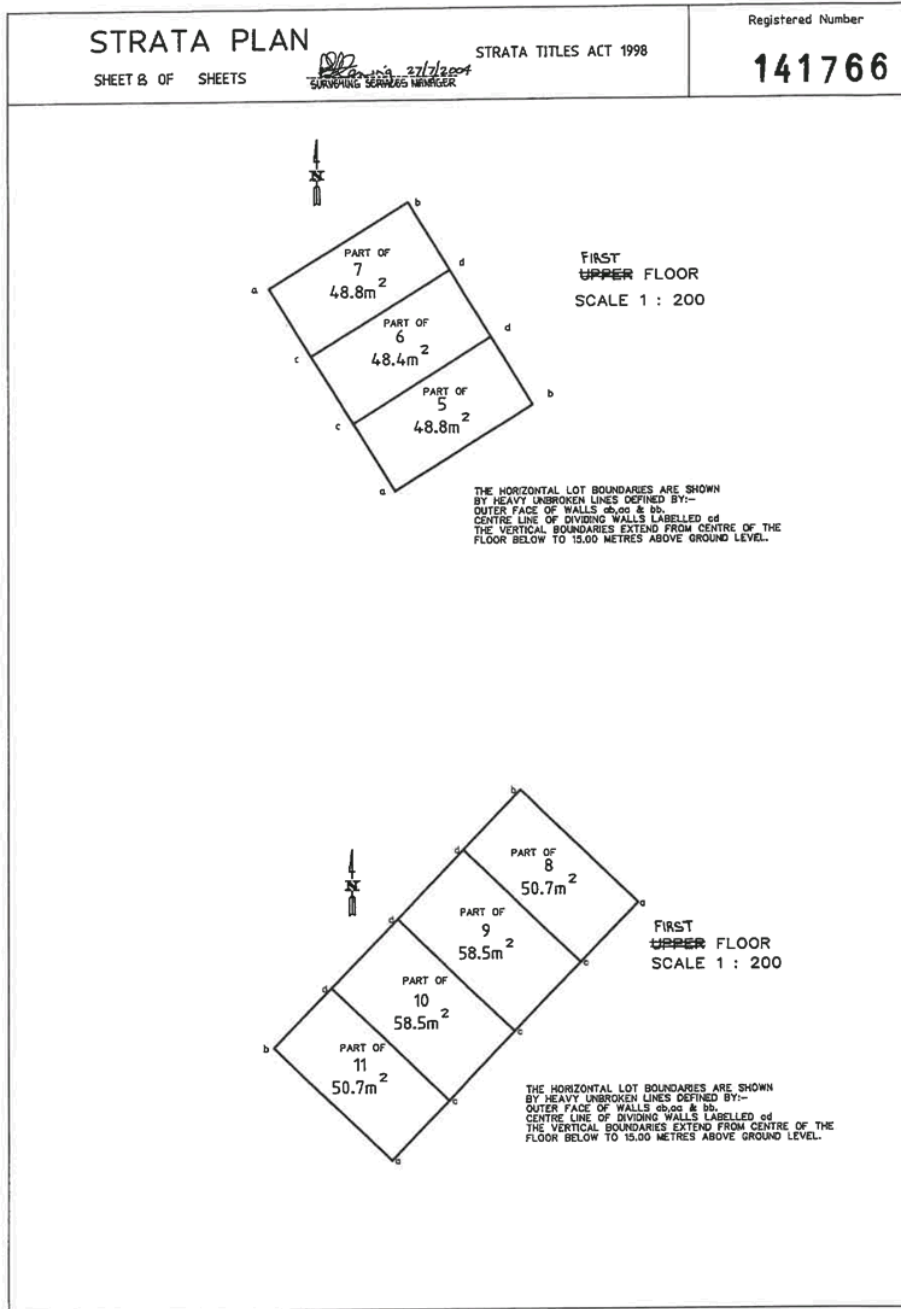
FOLIO PLAN
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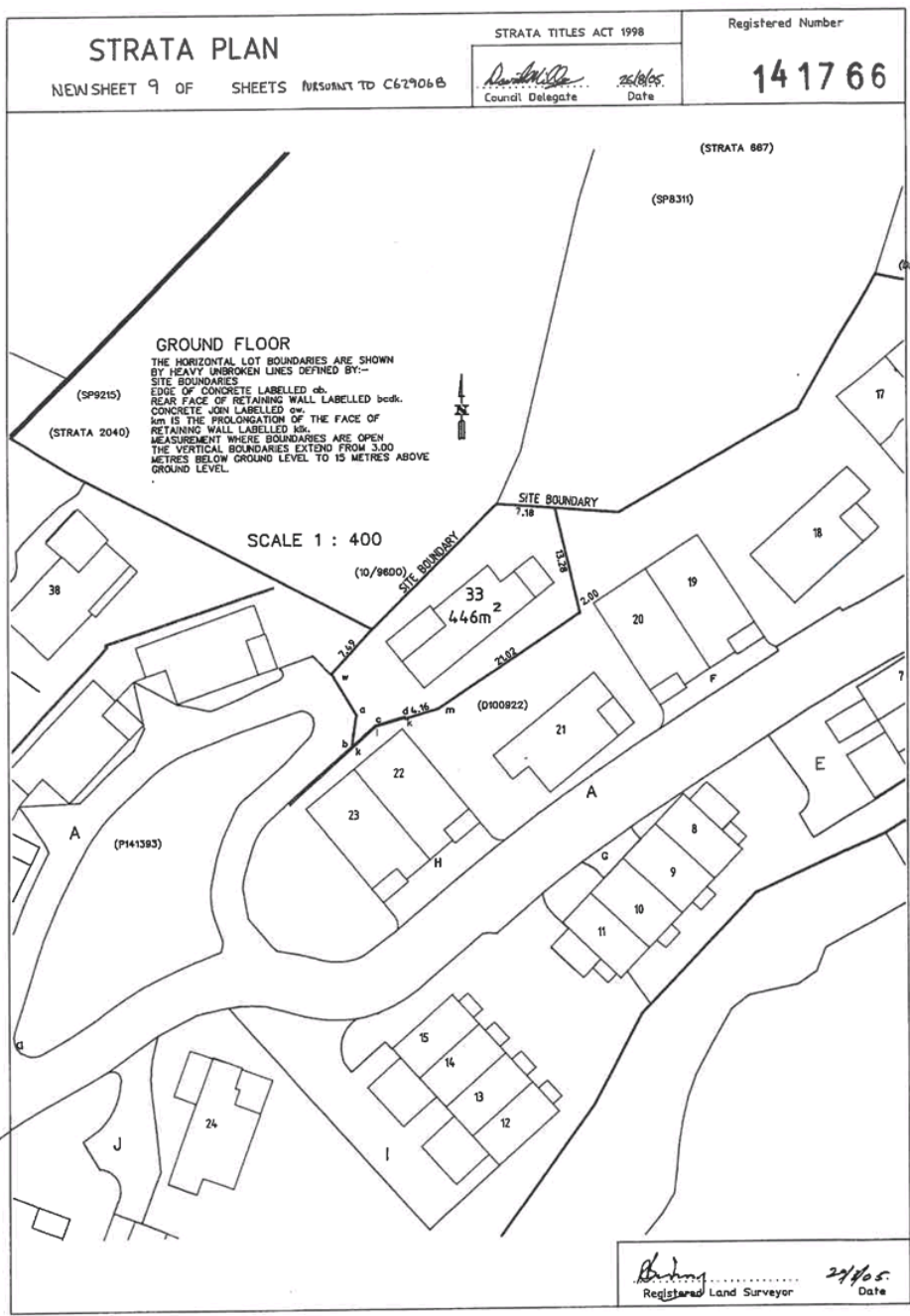
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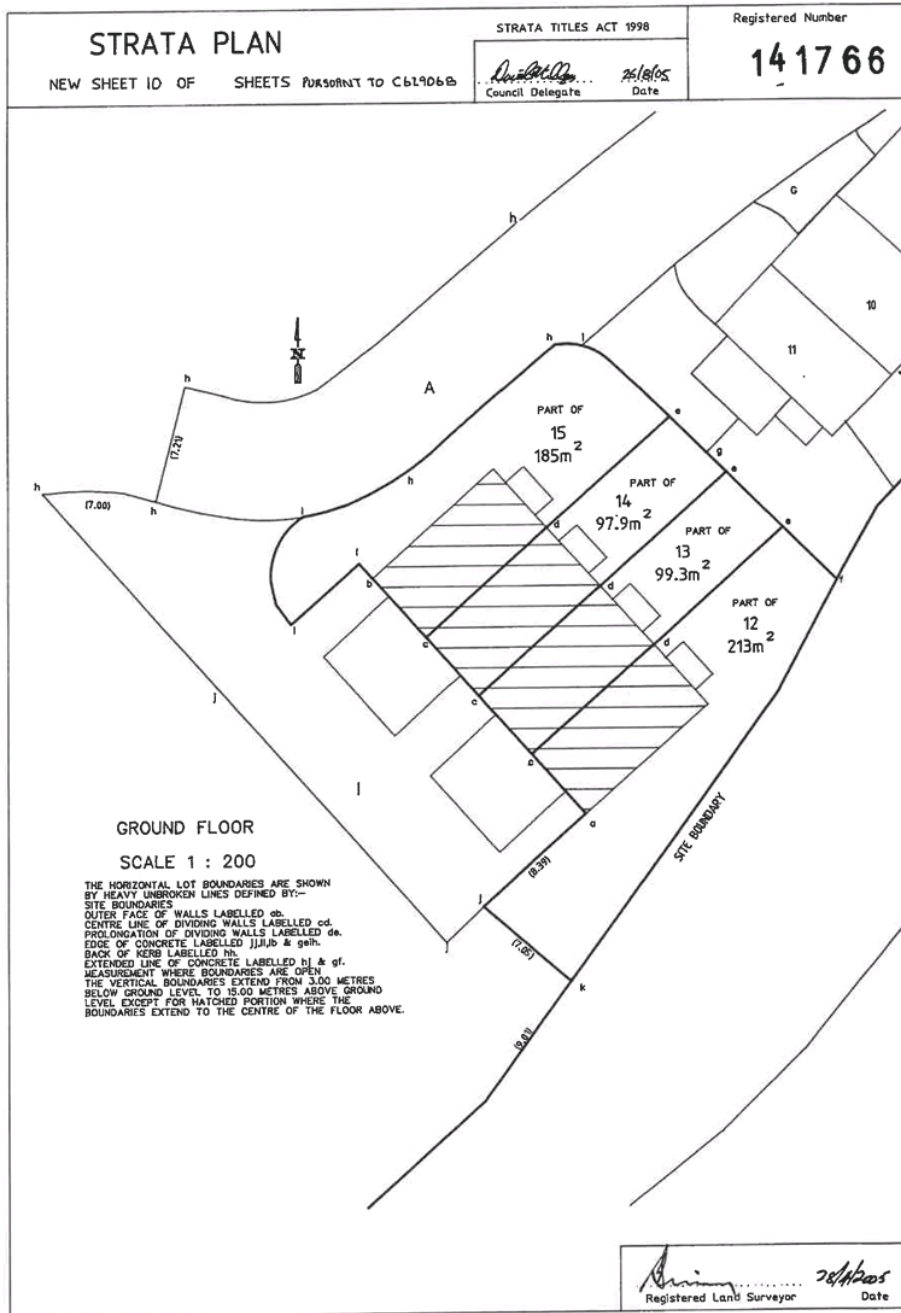


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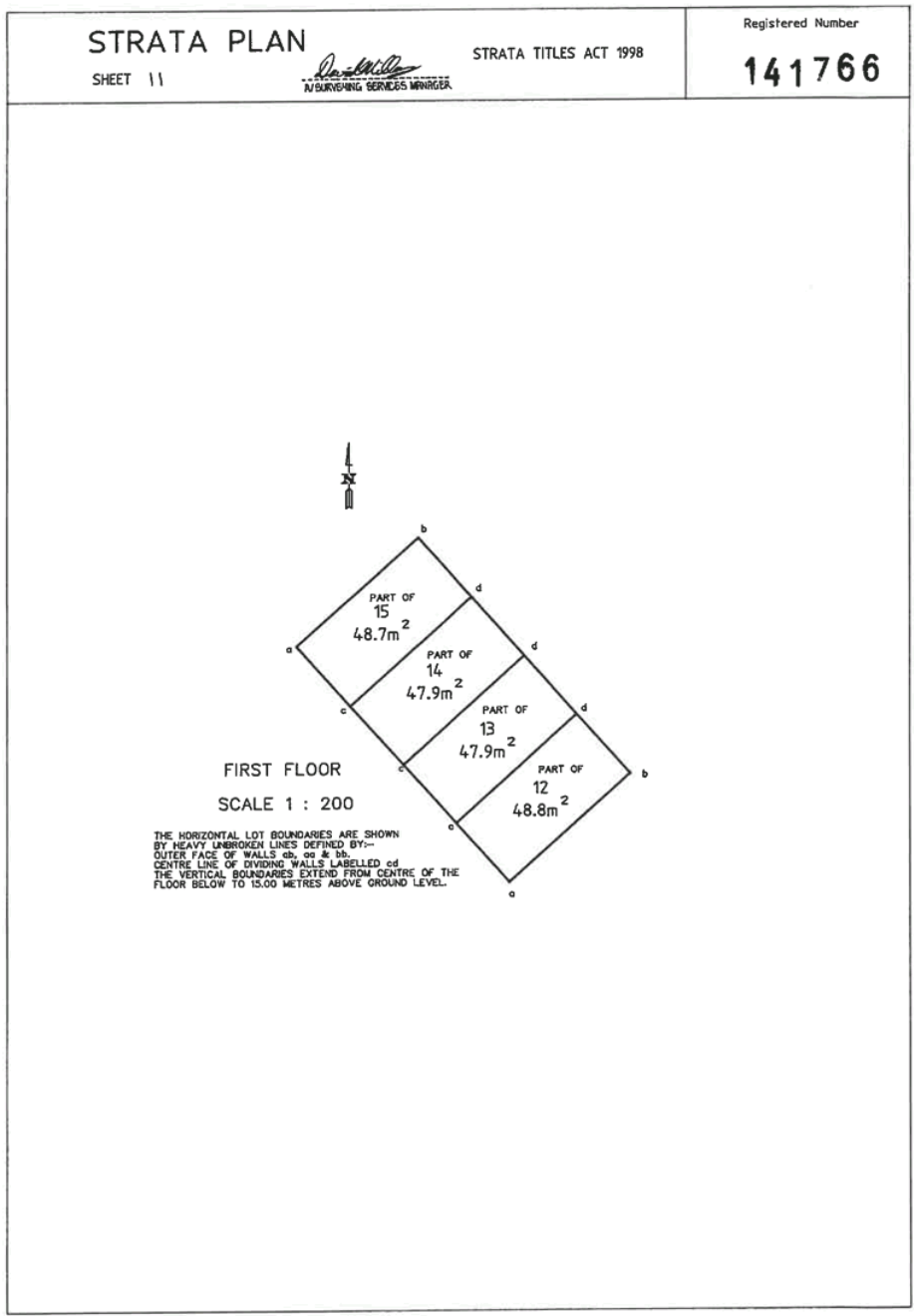


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<p style="text-align: center;">STRATA PLAN</p> <p style="text-align: center;">SHEET 13 OF SHEETS</p> <p style="text-align: center;"> STRATA TITLES ACT 1998 SURVEYING SERVICES MANAGER </p>	<p>Registered Number</p> <p style="font-size: 1.2em;">14 176 c</p>
--	---

LOWER GROUND FLOOR
SCALE 1 : 200

THE HORIZONTAL LOT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES DEFINED BY:-
 CENTRE LINE OF DIVIDING WALLS LABELLED ab & bc.
 OUTER FACE OF WALLS LABELLED oc.
 OUTER LINE OF PILLARS LABELLED od.
 JOIN IN CONCRETE LABELLED of.
 THE VERTICAL BOUNDARIES EXTEND FROM 3.00 METRES BELOW GROUND LEVEL TO THE CENTRE OF THE FLOOR ABOVE.

LOWER GROUND FLOOR
SCALE 1 : 200

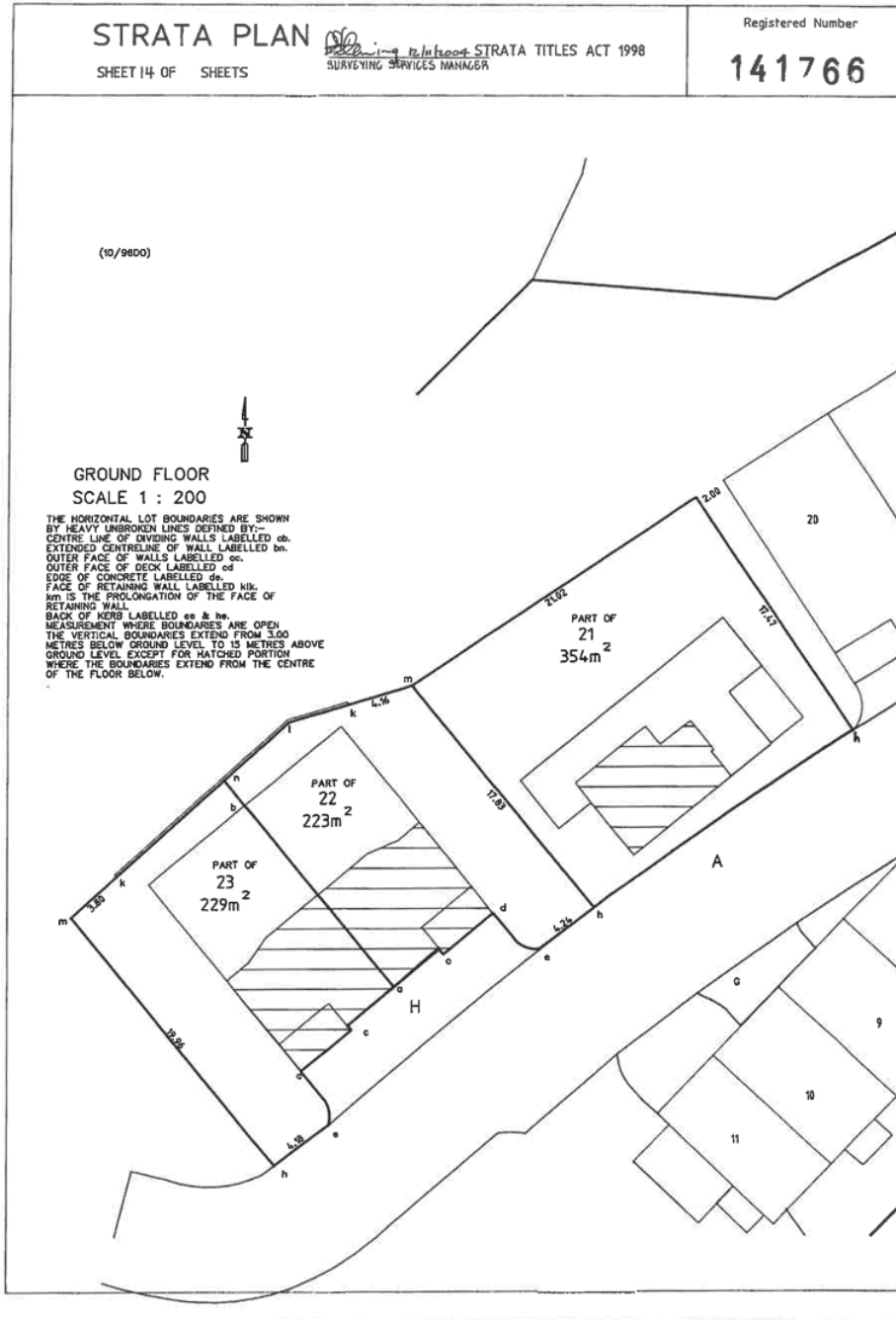
THE HORIZONTAL LOT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES DEFINED BY:-
 OUTER FACE OF WALLS LABELLED oc.
 EDGE OF CONCRETE LABELLED od.
 JOIN IN CONCRETE LABELLED ob.
 THE VERTICAL BOUNDARIES EXTEND FROM 3.00 METRES BELOW GROUND LEVEL TO THE CENTRE OF THE FLOOR ABOVE.

LOWER GROUND FLOOR
SCALE 1 : 200

THE HORIZONTAL LOT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES DEFINED BY:-
 CENTRE LINE OF DIVIDING WALLS LABELLED ab & bc.
 OUTER FACE OF WALLS LABELLED oc.
 OUTER LINE OF PILLARS LABELLED od, oe & of.
 JOIN IN CONCRETE LABELLED of.
 THE VERTICAL BOUNDARIES EXTEND FROM 3.00 METRES BELOW GROUND LEVEL TO THE CENTRE OF THE FLOOR ABOVE.

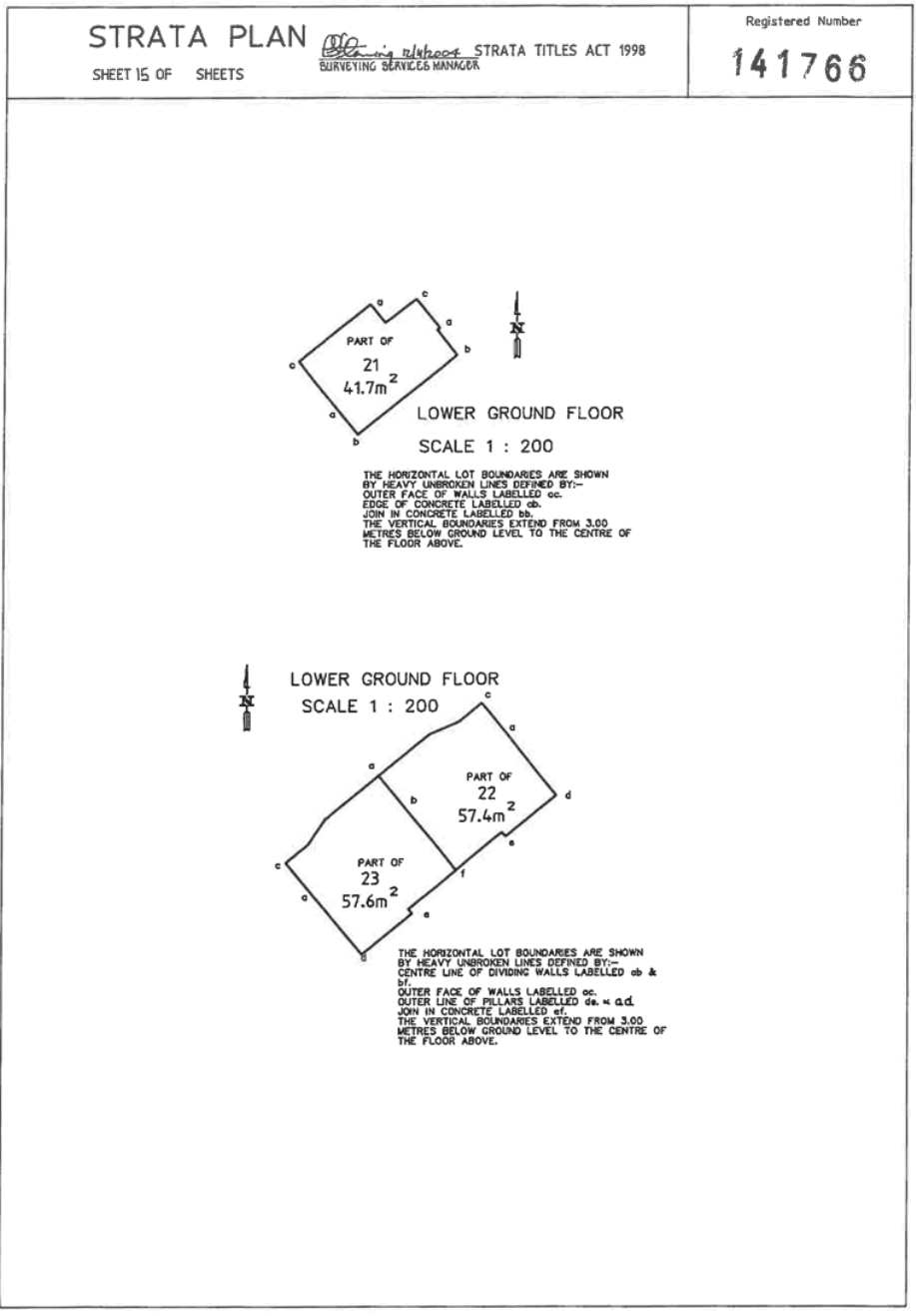


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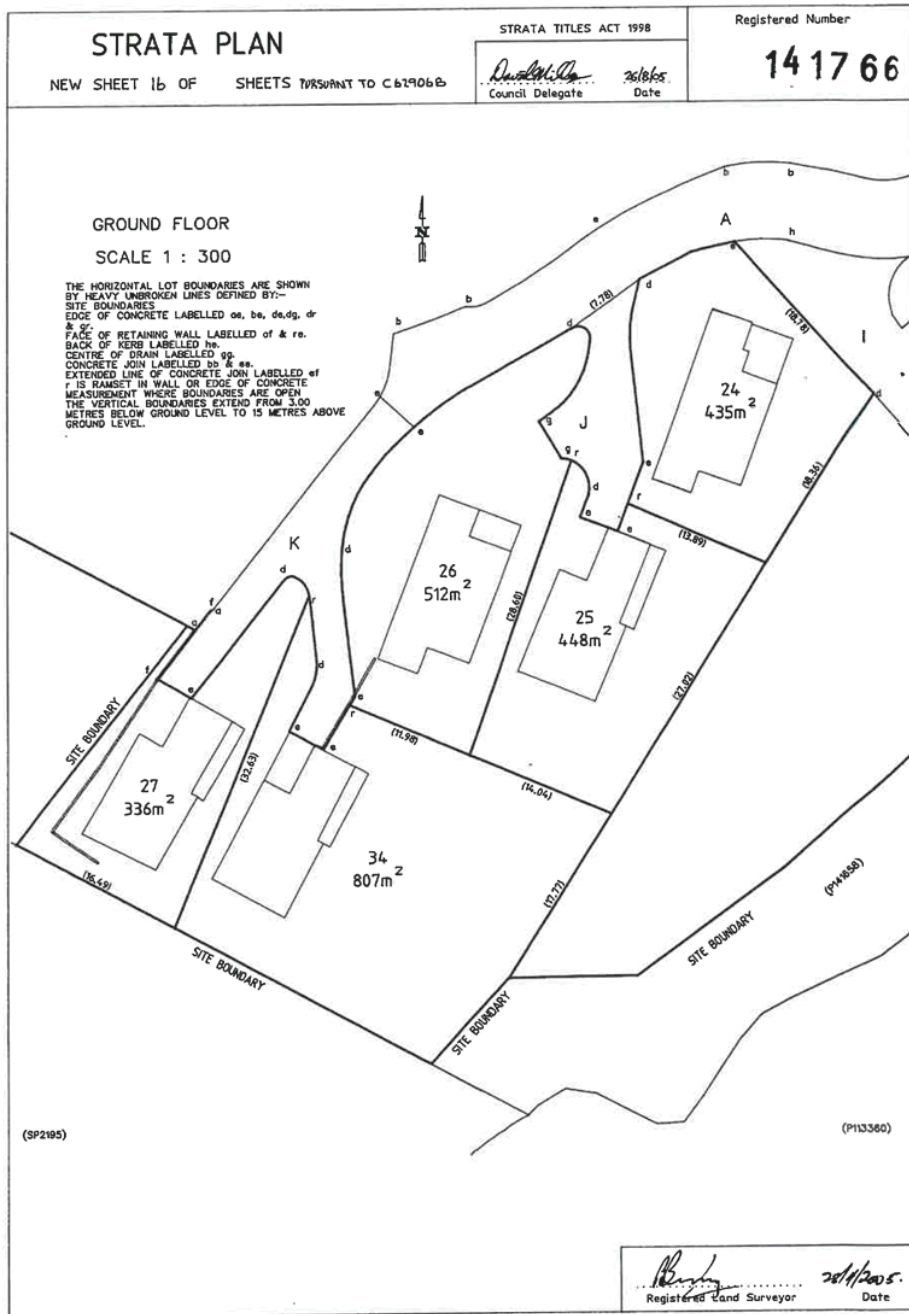




FOLIO PLAN

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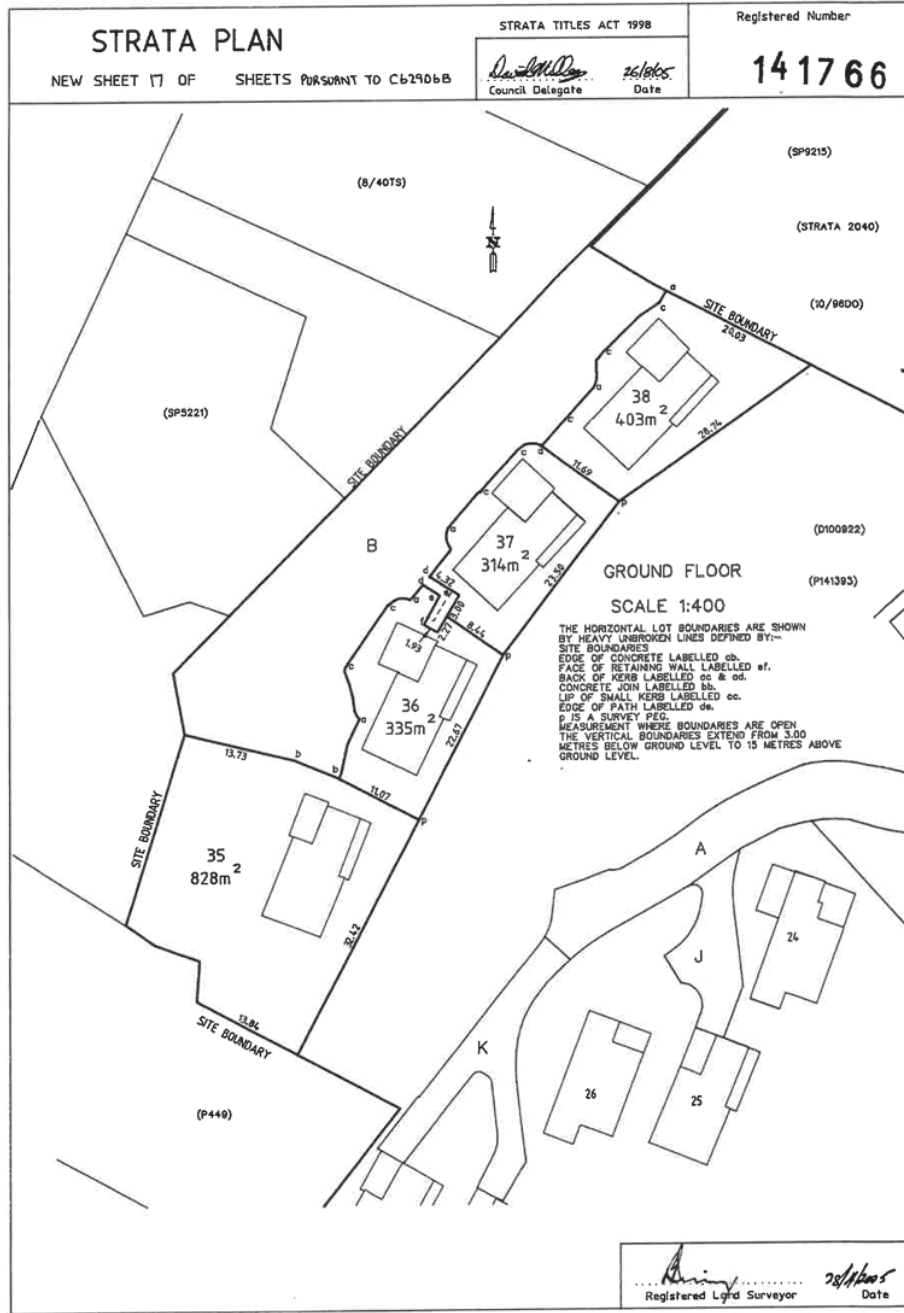
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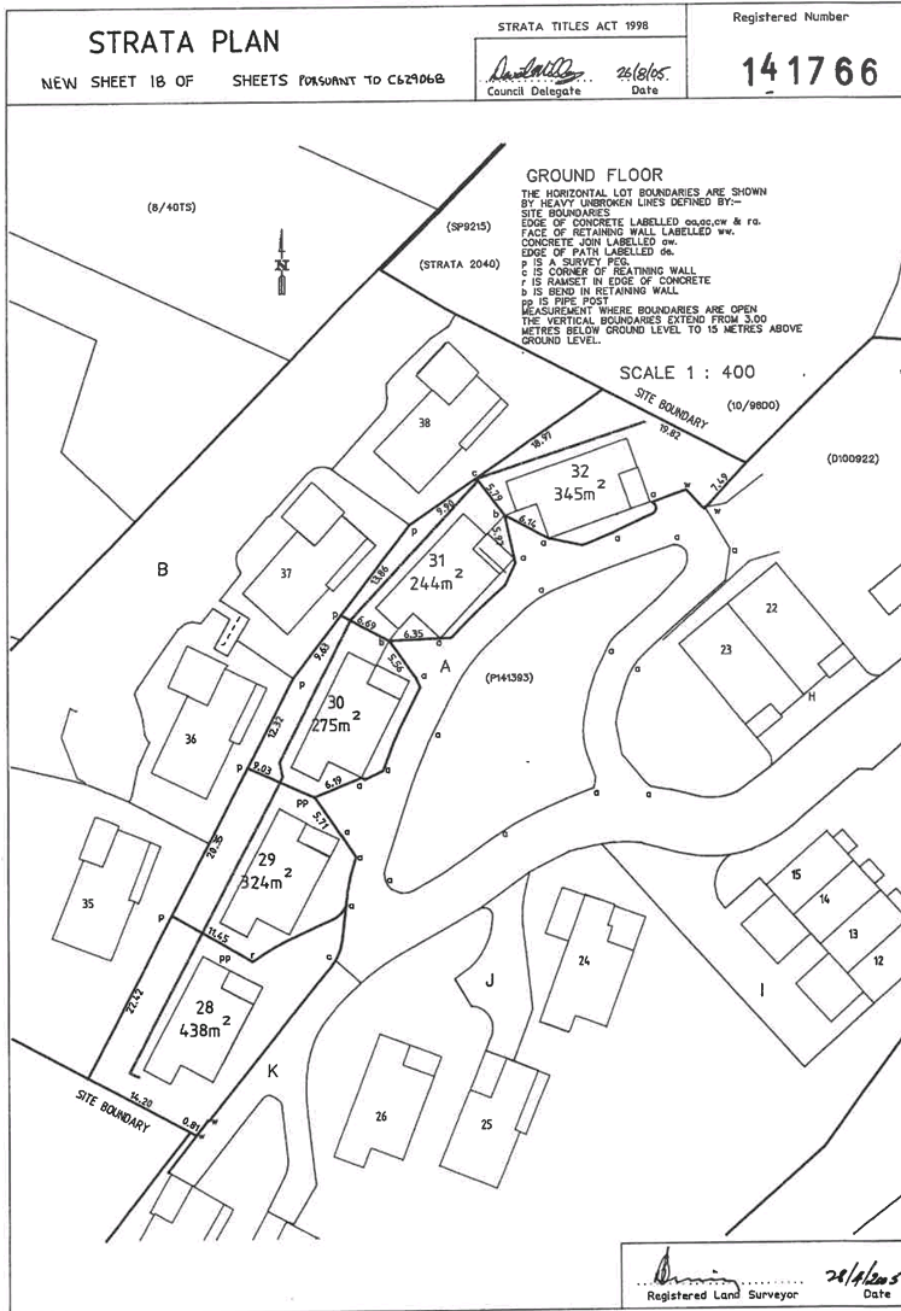
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FOLIO PLAN
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**RESULT OF SEARCH**

RECORDER OF TITLES

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SEARCH OF TORRENS TITLE

VOLUME 141766	FOLIO 20
EDITION 4	DATE OF ISSUE 20-Sep-2017

SEARCH DATE : 03-Mar-2023
SEARCH TIME : 02.23 PM

DESCRIPTION OF LAND

City of HOBART

Lot 20 on Strata Plan 141766 and the Unit Entitlement in the Strata Scheme being -

A general unit entitlement operating for all purposes of the said Strata Scheme being a 3 undivided 1/120 interest

A special unit entitlement operating for the purpose of fixing the proportionate contribution to be made to the body corporate for expenses relating to the operation & maintenance of the common property marked A on the plan being a 2/124 interest

A special unit entitlement operating for the purpose of fixing the proportionate contribution to be made to the body corporate for expenses relating to the operation & maintenance of the common property marked F on the plan being a 1/2 interest

Derived from Strata Plan 141766

Derivation : Part of 299 Acres Gtd.to R.L.Murray

SCHEDULE 1

C559129 TRANSFER to SHAUN ROBERT O'ROURKE Registered
21-Feb-2005 at 12.02 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

The registered proprietor holds the lot and unit entitlement subject to any interest noted on common property
Folio of the Register volume 141766 folio 0

55/6988 CONVEYANCE: Benefiting Easement: Right to pass and repossess over the roadway shown on S.P.No.9215

55/6988 CON. BURDENING EASEMENT: Right of Carriageway [appurtenant to Certificates of Title Vol.3584 Fol.3 & 4) over the land marked Right of Way on D.100922

S.P.8311 BURDENING EASEMENT: Right of Drainage [appurtenant to Lot 1 on S.P.no.8311) over the Drainage Easement shown on D.100922

C511199 AGREEMENT pursuant to Section 71 of the Land Use



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Planning and Approvals Act 1993 Registered
18-Dec-2003 at noon

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 141766	FOLIO 0
EDITION 3	DATE OF ISSUE 28-Jan-2020

SEARCH DATE : 03-Mar-2023
SEARCH TIME : 02.23 PM

DESCRIPTION OF LAND

City of HOBART
The Common Property for Strata Scheme 141766
Derivation : Part of 299 Acres Gtd.to R.L.Murray
Prior CT 100922/1

SCHEDULE 1

STRATA CORPORATION NUMBER 141766, TASMAN HEIGHTS, DYNNYRNE

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

55/6988 CONVEYANCE: Benefiting Easement: Right to pass and
repass over the roadway shown on S.P.No.9215

55/6988 CON. BURDENING EASEMENT: Right of Carriageway
[appurtenant to Certificates of Title Vol.3584 Fol.3
& 4) over the land marked Right of Way on D.100922

S.P.8311 BURDENING EASEMENT: Right of Drainage [appurtenant to
Lot 1 on S.P.no.8311) over the Drainage Easement
shown on D.100922

C628451 BURDENING EASEMENT: A right of carriageway for the
Hobart City Council over the Right of Way Variable
Width shown on P.141659 Registered 22-Jun-2006 at
noon

C511199 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
18-Dec-2003 at noon

B863831 APPLICATION for registration of variation to a staged
development scheme Registered 03-Sep-2004 at noon

E115211 CANCELLATION of a right of carriageway over the land
marked Right of Way as relates to Certificate of
Title Volume 8611 Folio 1 only. Registered
28-Jan-2020 at noon

C538676 APPLICATION for registration of a staged development
scheme Registered 29-Jun-2004 at 12.03 PM

C583448 APPLICATION for registration of stage of staged dev.
scheme Registered 03-Sep-2004 at noon

C453616 APPLICATION for registration of stage of staged dev.

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

scheme Registered 06-Oct-2004 at 12.02 PM
C558416 APPLICATION for registration of stage of staged dev.
scheme Registered 25-Nov-2004 at noon
C558413 APPLICATION for registration of stage of staged dev.
scheme Registered 25-Nov-2004 at 12.01 PM
C559489 APPLICATION for registration of stage of staged dev.
scheme Registered 23-Feb-2005 at noon
C617237 APPLICATION for registration of stage of staged dev.
scheme Registered 20-May-2005 at noon
C617238 APPLICATION for registration of stage of staged dev.
scheme Registered 23-May-2005 at noon
C629068 APPLICATION for registration of stage of staged dev.
scheme Registered 28-Sep-2005 at noon

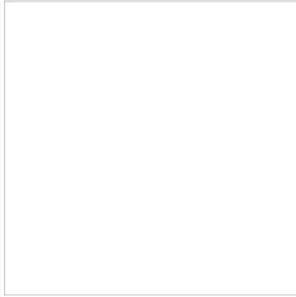
UNREGISTERED DEALINGS AND NOTATIONS

E200542 SUMMONS No. 3049 of 2019 issued in the Supreme Court
of Tasmania and recorded pursuant to section 144 of
the Land Titles Act 1980 Lodged by LTO on
02-Dec-2019 BP: E200542

Planning #277506

Property

12/10 WATERWORKS ROAD DYNMYRNE TAS 7005



People

Applicant *

Shaun O'Rourke
22 De Witt Street
BATTERY POINT TAS 7004
0400 294 303
shaunorourke9@mac.com

Owner *

Shaun O'Rourke
22 De Witt STREET
BATTERY POINT TAS 7004
0400 294 303
shaunorourke9@mac.com

Owner *

Kathryn O'Rourke
22 De Witt Street
BATTERY POINT TAS 7004
0490 042 581
korourke@friends.tas.edu.au

Entered By

SHAUN O'ROURKE
22 DE WITT STREET
BATTERY POINT TAS 7004
0400 294 303
shaunorourke9@mac.com

Use

Single dwelling

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. *

Yes

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. *

Yes

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

Details

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

Long term rental

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

Short term rental

Estimated cost of development *

0.00

Existing floor area (m2)

104.00

Proposed floor area (m2)

104.00

Site area (m2)

Carparking on Site

Total parking spaces

2

Existing parking spaces

2

N/A

Other (no selection chosen)

Other Details

Does the application include signage? *

No

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

0

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

No

Documents

Required Documents

Title (Folio text and Plan and 10WaterwordsRd.pdf
 Schedule of Easements) *

Plans (proposed, existing) * 10WaterwordsRd.pdf

GM or Crown consent ORourke No GM Consent required.pdf

Covering Letter 10 Waterworks Road.pdf

Building self assessment ORourke self assessment building form.pdf
 Form permitted visitor accommodation

From: Shaun O'Rourke <sorourke@friends.tas.edu.au>
Sent: Wednesday, April 5, 2023 2:37 PM
To: Olivia Wiggins <olivia@taspropertygroup.com.au>
Subject: Notice of application to Hobart Council for short term rental for 12/10 Waterworks Road Dynnyrne

Hi Olivia,

As a follow up to our conversations on phone - I would like to formally give you as the representative of the body corporate notice that I am currently undergoing an application for short term rental with my property at 12 / 10 Waterworks Road.

Thanks for letting me know there are no restrictions within our body corporate for this property to be rented in this manner.

All the best
Shaun O'Rourke

--



Shaun O'Rourke

Deputy Principal

PO Box 42, North Hobart TAS 7002

Telephone: +613 6210 2200

Email: sorourke@friends.tas.edu.au Web: www.friends.tas.edu.au

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Olivia Wiggins

14:51
pm

to me

Afternoon Shaun,

Thank you for your email below, we have noted your email below and will advise committee of your lodgement for short term rentals.

Kind Regards,

Olivia Wiggins

Strata Manager

Phone: 03 6223 1701

Fax: 03 6223 1959

Email: olivia@taspropertygroup.com.au

Level 2/29 Salamanca Place
Battery Point TAS, 7004

www.taspropertygroup.com.au

**6.1.5 33/10 WATERWORKS ROAD, DYNNYRNE AND COMMON LAND OF PARENT TITLE - CHANGE OF USE TO VISITOR ACCOMMODATION
PLN-23-146 - FILE REF: F23/47981**

Address: 33/10 Waterworks Road, Dynnyrne and Common Land of Parent Title

Proposal: Change of Use to Visitor Accommodation

Expiry Date: 21 May 2023

Extension of Time: Not Applicable

Author: Helen Ayers

RECOMMENDATION

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 Change of Use to Visitor Accommodation, at 33/10 Waterworks Road, Dynnyrne 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-23-146 - 33/10 WATERWORKS ROAD DYNNYRNE TAS 7005 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents.

These measures must include, but are not limited to, the following requirements:

- 1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
- 2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.**
- 3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.**
- 4. To specify the maximum permitted occupancy of the visitor accommodation.**
- 5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (1), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than 1 vehicle and the parking of any additional vehicles in nearby streets should also be discouraged.**
- 6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.**

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved, including all other dwellings in the strata complex. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

Advice:

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

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

ENV 8

Prior to commencement of the use, an Emergency Plan must be submitted and approved.

The Emergency Plan must:

1. **Indicate that the site is located within:**
 - **a flood-prone area; and**
 - **an area susceptible to landslide.**
2. **Include measures to be followed in the event of an emergency, including housefire, landslide or flood.**
3. **Include evacuation measures and routes in plan form, including assembly points, for each type of emergency. In the event of a landslide or housefire emergency, guests should evacuate and assemble on the large grass area to the east of the building. In the event of a flood emergency, guests should evacuate and assemble upslope of the building.**
4. **Provide emergency contact details, and details of emergency services and emergency broadcasters.**
5. **Specify that any directions given by emergency services must be followed.**
6. **Provide a plan showing the location of any fire extinguishers or medical kits located in the building.**
7. **Specify that vehicles should not be driven through floodwaters, fire or smoke.**
8. **Specify that following an emergency evacuation, if the building has been damaged, re-entry into the building is not permitted unless permitted by emergency services or the property manager.**

The approved Emergency Plan must be provided to guests with a copy kept on the premises.

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 reduce the risk to life and property, and the cost to the community, caused by landslides

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.

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

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

BUILDING PERMIT

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

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

NOISE REGULATIONS

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FEES AND CHARGES

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VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information, or call our Environmental Health team on 6238 2711.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of

use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.

Attachment A: PLN-23-146 - 33/10 WATERWORKS ROAD
DYNMYRNE TAS 7005 - Planning Committee or
Delegated Report ↓

Attachment B: PLN-23-146 - 33/10 WATERWORKS ROAD
DYNMYRNE TAS 7005 - PC Agenda Documents ↓



City of HOBART

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Committee:	17 May 2023
Expiry Date:	21 May 2023
Application No:	PLN-23-146
Address:	33 / 10 WATERWORKS ROAD , DYNMYRNE COMMON LAND OF PARENT TITLE
Applicant:	XIAOXIANG LUAN 6/ 10 WATERWORKS RD
Proposal:	Change of Use to Visitor Accommodation
Representations:	Three
Performance criteria:	Planning Directive 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes, Landslide Code

1. Executive Summary

- 1.1 Planning approval is sought for Change of Use to Visitor Accommodation, at 33/10 Waterworks Road, Dynmyrne.
- 1.2 More specifically the proposal includes the change of the use of the entire three bedroom multiple dwelling from residential to visitor accommodation use. One onsite car parking space is proposed.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Planning Directive 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes - Floor area exceeds 200sqm and Strata Site
 - 1.3.2 E3.0 Landslide Code - Vulnerable Use
- 1.4 Three (3) representations objecting to the proposal were received within the statutory advertising period between 20 April and 5 May 2023.
- 1.5 The proposal is recommended for approval subject to conditions.

- 1.6 The final decision is delegated to the Planning Committee, because the application was called in by the Deputy Lord Mayor.

2. Site Detail

- 2.1 The application site is a large, irregular shaped strata complex with 38 currently residential dwellings in it. More specifically, the application site is narrowed to just one of the strata titled dwellings within the strata complex, number 33 / 10 Waterworks Road. The site is surrounded by residential use, and is close to the Southern Outlet, and to Princes Street Primary School, as well as some local shops and cafes.



Figure 1: The location of the strata titled multiple dwelling development that is the subject of the application is highlighted in yellow.



Figure 2: The location of the specific dwelling that is the subject of this application is highlighted in yellow.

3. Proposal

- 3.1 Planning approval is sought for Change of Use to Visitor Accommodation, at 33/10 Waterworks Road, Dynnrne.
- 3.2 More specifically the proposal is for the change of the use of the entire three bedroom multiple dwelling from residential to visitor accommodation use. One onsite car parking space is provided.

4. Background

- 4.1 Application PLN-23-171 for a change of use to visitor accommodation of unit 12 is also before the Planning Committee and recommended for approval. If this is approved the combined floor area between the two dwellings will result in more than 200m² of visitor accommodation on the site. As such, this application will be assessed assuming that PLN-23-171 is approved to avoid any future questions of the validity of either permit.

5. Concerns raised by representors

- 5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 20 April and 5 May 2023.
- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Property Values:
One representor is concerned that the change of use will <i>"have a negative impact to the area, which could result in a loss of property value in the complex"</i> .
Insurance Costs:
One representor is concerned that the body corporate insurance costs will increase to cover the change of use of the unit.
Potential Occupants:
One representor is concerned that the <i>"type of residents that may occupy dwellings is a real risk considering these units are attached in lots of two"</i> .
Privacy:
Representors is concerned that the change of use will result in a loss of privacy for long term residents.
Car Parking:
One representor is concerned that the change of use will result in a loss of car parking for residents and their guests.
Residential Amenity:
Representors are concerned that the proposed change of use will result in a loss of residential amenity for other dwellings in the complex.
One representor is concerned that there will be unreasonable noise generated by short term guests, particularly if multiple residences are booked between friend, who then congregate on common property.
Housing Crisis:

One representor has suggested that the conversion of long term rental accommodation into visitor accommodation is immoral given the current housing crisis faced by Hobart and its surrounds.
Residential Function of the Strata Scheme:
One representor is concerned that approving any visitor accommodation within the complex will result in an erosion of the residential function 'by a thousand cuts', especially given that a second visitor accommodation application for another dwelling within the complex is being assessed concurrently with this one.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is residential (multiple dwelling). The proposed use is visitor accommodation. The existing use is a permitted use in the zone. The proposed use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Planning Directive 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes
 - 6.4.2 Part E - E3.0 Landslide Code
 - 6.4.3 Part E - E6.0 Parking and Access Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Planning Directive 6 - Exemption and Standards for Visitor

Accommodation in Planning Schemes:

P1 - proposed visitor accommodation will result in a gross floor area of more than 200sqm per lot

P2 - visitor accommodation is within a strata scheme

6.5.2 Landslide Code:

Vulnerable Use - Part E E3.6.2 P2

6.6 Each performance criterion is assessed below.

6.7 Effect of the planning directive (mandatory provisions) – Clause 3.1 (e) P1

6.7.1 The acceptable solution at clause 3.1 (e) A1 requires a maximum of 200m² of gross floor area to be available for visitor accommodation on any lot.

6.7.2 The proposal includes 126m² of visitor accommodation on a lot (parent title) with another application currently under assessment that would bring the gross floor area for visitor accommodation on the lot to 247m².

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

6.7.4 The performance criterion at clause 3.1 (e) P1 provides as follows:

Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:

(a) the privacy of adjoining properties;

(b) any likely increase in noise to adjoining properties;

(c) the scale of the use and its compatibility with the surrounding character and uses within the area;

(d) retaining the primary residential function of an area;

(e) the impact on the safety and efficiency of the local road network; and

(f) any impact on the owners and users rights of way.

- 6.7.5 In relation to (a), the strata unit is a freestanding dwelling within the larger complex. It shares its "exclusive use" portion of the driveway with only one other lot. The dwelling itself is single storey and not located near any external strata boundaries. As such, it will not be looking down into any other dwelling or its private open space either on or off the larger site.
- 6.7.6 In relation to (b), the strata unit is a freestanding dwelling within the larger complex. As such it has no shared walls with any other residential dwelling on site, and is located away from the external strata complex boundaries. Any noise generated by guests of the visitor accommodation use is not considered likely to be any greater than the potential noise generated by long term residents of the dwelling.
- 6.7.7 In relation to (c), the scale of the proposal is to change the use of a three bedroom dwelling from residential to visitor accommodation. This is considered to be consistent with the scale and character of the area, which include a variety of residential dwelling types and sizes. In addition, there are no works proposed, so there is nothing to indicate that the property is being used for anything other than a residential use, and there would be no impediment for the visitor accommodation unit to revert back to permanent accommodation.
- 6.7.8 In relation to (d), Waterworks Road is within the suburb of Dynnyrne. Council's records indicate that 10 of nearly 600 dwellings have been approved as visitor accommodation. This equates to is approximately 1.7% of dwellings within Dynnyrne being granted for a change of use to visitor accommodation. Consequently, the area remains predominately residential in nature, albeit in different forms. It is considered that the existing and proposed visitor accommodation units have not changed the character or residential use of the area. It is also pertinent to note that the website [insideairbnb.com](https://www.insideairbnb.com) shows that there are very few visitor accommodations within the area surrounding the proposed visitor accommodation unit.

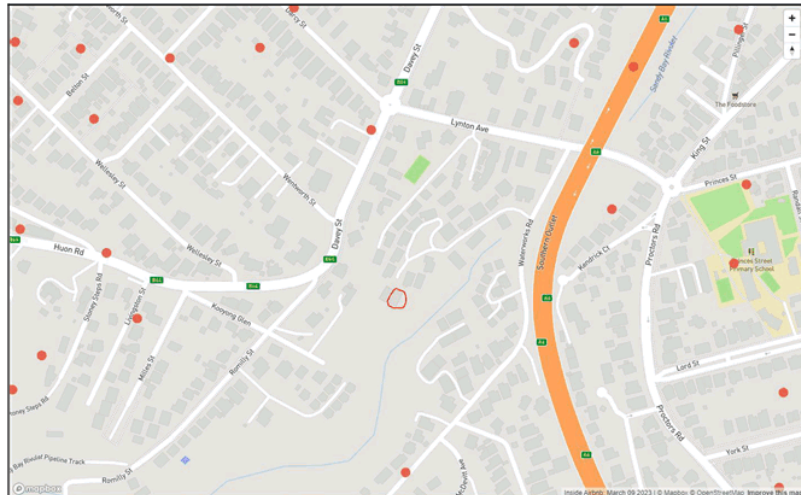


Figure 3: Listings (red dots) in the area surrounding the proposed visitor accommodation use, which is circled red. Source: [insideairbnb.com](https://www.insideairbnb.com).

- 6.7.9 In relation to (e), the Parking and Access Code requires one car parking space for visitor accommodation, but two for a dwelling with two or more bedrooms. As such, the Code considered this use to require less car parking than the current approved use. This can be extrapolated to mean that the planning scheme considers there will be less vehicles utilising the surrounding road network than for the existing residential use. As such, there is unlikely to be any greater impact on the surrounding road network than there is from the existing use. It is noted that the proposal complies with the Code requirement of providing one on site car parking space.
- 6.7.10 In relation to (f), there are no rights of way relied upon for access to the site.
- 6.7.11 The proposal complies with the performance criterion.
- 6.8 Effect of the planning directive (mandatory provisions) – Clause 3.1 (e) P2
 - 6.8.1 The acceptable solution at A2 requires Visitor Accommodation to not be for a lot that is part of a strata scheme where another lot within that strata scheme is used for a residential use.
 - 6.8.2 The proposal includes Visitor Accommodation on a lot that is part of a strata scheme and other lots within that strata scheme are used for a residential use.
 - 6.8.3 The proposal does not comply with the acceptable solution; therefore

assessment against the performance criterion is relied on.

6.8.4 The performance criterion at clause 3.1 (e) P2 provides as follows:

Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:

(a) the privacy of residents;

(b) any likely increase in noise;

(c) the residential function of the strata scheme;

(d) the location and layout of the lots;

(e) the extent and nature of any other nonresidential uses; and

(f) any impact on shared access and common property.

6.8.5 In relation to (a), the strata unit is a freestanding dwelling within the larger complex. It shares its "exclusive use" portion of the driveway with only one other lot. The dwelling itself is single storey, and as such, will not be looking down into any other dwelling or its private open space. The units are designed and constructed such that they protect their own privacy as much as was considered appropriate at the time of their construction, and as such, the privacy experienced by surrounding dwellings will not be impacted by the proposed change of the use of this dwelling.

6.8.6 In relation to (b), the strata unit is a freestanding dwelling within the larger complex. As such it has no shared walls with any other residential dwelling. Any noise generated by guests of the visitor accommodation use is not considered likely to be any greater than the potential noise generated by long term residents of the dwelling. That said, if approved, a condition will be imposed requiring a Visitor Accommodation Management Plan to be provided to all adjoining property owners and occupiers, in this case to all those multiple dwellings within the strata scheme. The plan, will include measures to be undertaken to limit, manage and mitigate any noise generated as a result of the visitor accommodation, as well as nominate a person to be available at all times to visit the site should a complaint be made by an adjoining owner concerning the behaviour, including noise generated by the guests.

- 6.8.7 In relation to (c), there are 38 strata titled dwellings within the strata complex. Currently, all of these are approved for long term, residential use. Coincidentally, application has been made independently to change the use of one other dwelling within the strata complex to visitor accommodation that is being assessed concurrently with this application. Notwithstanding this, if both applications are approved, 36 dwellings (95%) will remain for use as long term residential accommodation. As such, there is no compromise to the prevailing use and function of the strata complex as residential.
- 6.8.8 In relation to (d), the application site is a lot that is separated from the bulk of the other dwellings on site. It is a free standing dwelling, and shares its "exclusive use" portion of the driveway with only one other dwelling. As such, the lot layout is such that there is unlikely to be any negative impact on other lots from the proposed change of use.
- 6.8.9 In relation to (e), there are no other non-residential uses approved within the strata scheme.
- 6.8.10 In relation to (f), the Parking and Access Code requires one car parking space for visitor accommodation, but two for a dwelling with two or more bedrooms. As such, the Code considered this use to require less car parking than the current approved use. This can be extrapolated to mean that the planning scheme considers there will be less vehicles utilising the common driveway than for the existing residential use. As such, there is unlikely to be any greater impact on the common driveway than there is from the existing use. It is noted that the proposal complies with the Code requirement of providing one on site car parking space. There are no communal facilities within the strata complex that would be impacted by guest use.
- 6.8.11 The proposal complies with the performance criterion.
- 6.9 Vulnerable Use - Part E E3.6.2 P2
- 6.9.1 There is no acceptable solution for E3.6.2 A1.
- 6.9.2 The proposal includes the change of use of a dwelling to visitor accommodation, which is a sensitive use under the code.
- 6.9.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.

6.9.4 The performance criterion at clause E3.6.2 P2 provides as follows:

Vulnerable use must satisfy all of the following:

(a) No part of the vulnerable use is in a High Landslide Hazard Area;

(b) Landslide risk to occupants, staff, visitors and emergency personnel associated with the vulnerable use is either:

(i) acceptable risk; or

(ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.

(c) Landslide risk to occupants, staff and visitors takes into consideration their specific circumstances including their ability to:

(i) protect themselves and defend property from landslide;

(ii) evacuate in an emergency;

(iii) understand and respond to instructions in the event of a landslide;

whilst minimising risk to emergency personnel.

6.9.5 The application has been reviewed by Council's Environmental Development Planner, who has provided the following assessment:

The relevant standards are under clause E3.6.2. The application complies with A1 as the proposed use is visitor accommodation.

There is no acceptable solution for A2. Performance criterion P2 states the following:

Vulnerable use must satisfy all of the following:

(a) No part of the vulnerable use is in a High Landslide Hazard Area;

(b) Landslide risk to occupants, staff, visitors and emergency personnel associated with the vulnerable use is either:

(i) acceptable risk; or

(ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.

(c) Landslide risk to occupants, staff and visitors takes into

consideration their specific circumstances including their ability to:
(i) protect themselves and defend property from landslide;
(ii) evacuate in an emergency;
(iii) understand and respond to instructions in the event of a landslide;

whilst minimising risk to emergency personnel.

The use would not be located within a High LHA in conformity with P1(a).

While no Landslide Risk Assessment was submitted with the application, there have been no recorded deep-seated landslides in the area. Some shallow landslides have been recorded from the parent property however. In the greater Hobart area, deep-seated landslides have been slow moving events that have not presented a risk to human life, as there has been ample time to evacuate properties at unacceptable risk.

It is considered unlikely that visitors using the property would be at significantly greater risk in a landslide emergency than long-term residents, meaning there would be no significant increase in risk by the proposed change of use.

A condition is recommended requiring an Emergency Plan for the use, to be provided to guests, to provide information to guests about potential hazards, emergency services and appropriate evacuation procedures. Subject to this condition, in my opinion the landslide risk associated with the proposed change of use is 'acceptable', and the application complies with E3.6.2 P2.

6.9.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Change of Use to Visitor Accommodation, at 33/10 Waterworks Road, Dynnyrne.
- 7.2 The application was advertised and received three representations. The representations raised concerns including Property Values, Insurance Costs, Potential Occupants, Privacy, Car Parking, Residential Amenity, Housing Crisis, Residential Function of the Strata Scheme.

- 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 Environmental Development Planner. The officer has raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Change of Use to Visitor Accommodation, at 33/10 Waterworks Road, Dynnryne 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 Change of Use to Visitor Accommodation, at 33/10 Waterworks Road, Dynnyrne 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-23-146 - 33/10 WATERWORKS ROAD DYNNYRNE TAS 7005 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

- 1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
- 2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.**
- 3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.**
- 4. To specify the maximum permitted occupancy of the visitor accommodation.**
- 5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (1), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than 1 vehicle and the parking of any**

additional vehicles in nearby streets should also be discouraged.

6. To provide a name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved, including all other dwellings in the strata complex. If the property is sold, the updated VAMP (in accordance with 6. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

Advice:

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

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

ENV 8

Prior to commencement of the use, an Emergency Plan must be submitted and approved.

The Emergency Plan must:

1. Indicate that the site is located within:

- a flood-prone area; and
- an area susceptible to landslide.

2. Include measures to be followed in the event of an emergency, including housefire, landslide or flood.

3. Include evacuation measures and routes in plan form, including assembly points, for each type of emergency. In the event of a landslide or housefire emergency, guests should evacuate and assemble on the large grass area to the east of the building. In the event of a flood emergency, guests should evacuate and assemble upslope of the building.

4. Provide emergency contact details, and details of emergency services and emergency broadcasters.
5. Specify that any directions given by emergency services must be followed.
6. Provide a plan showing the location of any fire extinguishers or medical kits located in the building.
7. Specify that vehicles should not be driven through floodwaters, fire or smoke.
8. Specify that following an emergency evacuation, if the building has been damaged, re-entry into the building is not permitted unless permitted by emergency services or the property manager.

The approved Emergency Plan must be provided to guests with a copy kept on the premises.

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 reduce the risk to life and property, and the cost to the community, caused by landslides

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.

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instructions can be found [here](#).

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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*.

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More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click [here](#) for more

information, or call our Environmental Health team on 6238 2711.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable "bed and breakfast" parking permit.



(Helen Ayers)

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: 9 May 2023

Attachment(s):

Attachment B - Planning Committee Agenda Documents

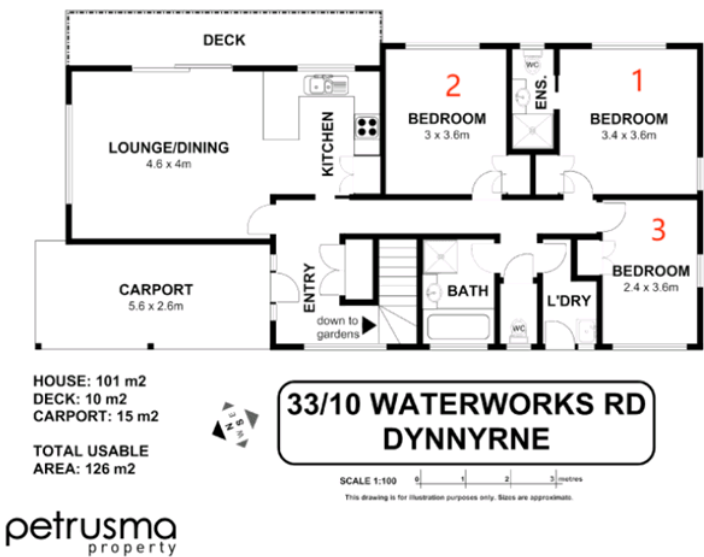
CHANGE OF USE TO VISITOR ACCOMMODATION PLAN

Property address: 33/10 Waterworks Road, Dynnyrne, TAS 7005
Application Number: PLN-23-146

Dear Helen Ayers:

I am writing with regard to the parking space under 33/10 Waterworks Road, Dynnyrne, TAS 7005.

There is only one carport parking space for this dwelling which is shown on the scaled site plan.



Yours faithfully
Silvia Luan

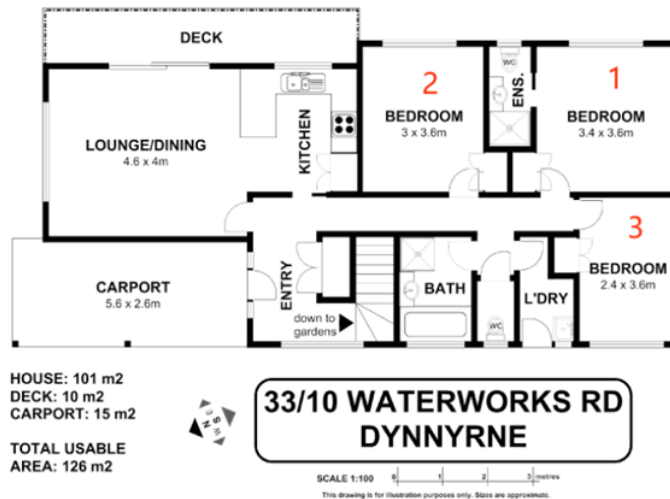
CHANGE OF USE TO VISITOR ACCOMMODATION PLAN

Property address: 33/10 Waterworks Road, Dynnyrne, TAS 7005
 Application Number: PLN-23-146

Dear Helen Ayers:

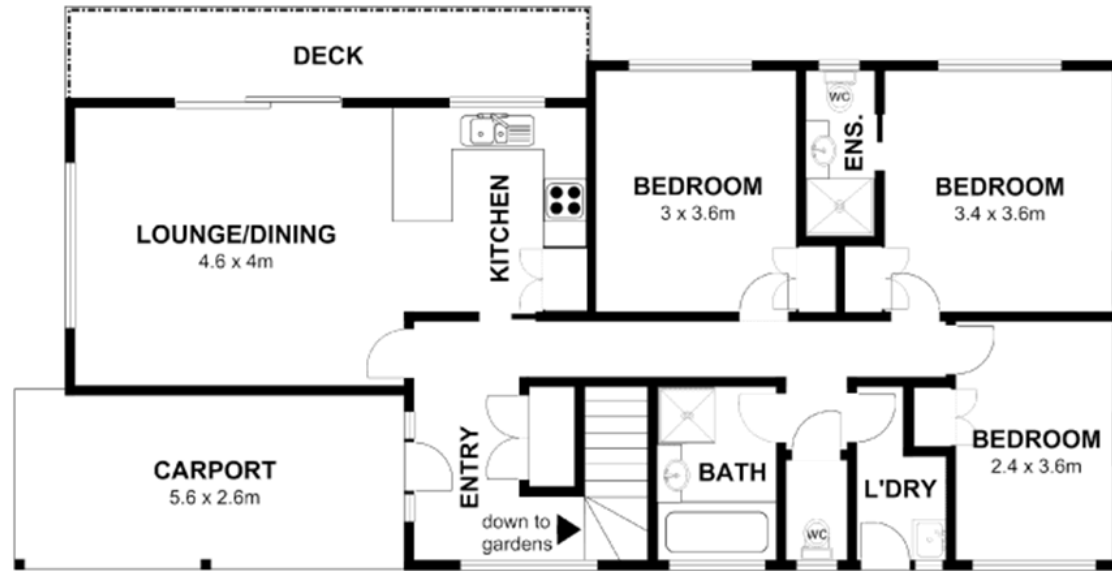
I am writing to apply for a change of use to visitor accommodation on 33/10 Waterworks Road, Dynnyrne, Tasmania 7005.

This is a three-bedroom, two bathrooms townhouse located in Dynnyrne. The proposed change to visitor accommodation would include three bedrooms. There is one queen-size bed in bedroom one, two single-size beds in bedroom two and one double-size bed in bedroom three. The maximum number of guests allowed to use this property is 6. The house owner or other permanent resident will not live in this property during use.



The site total usable is 126 square metres including a floor area is 111 square metres and a carport of 15 square metres. There is another car parking space in the front of the carport that can be used as guest parking which is allowed by strata management. The property used to be a long-term rental property, there is no work to be undertaken to enable the change of use. Also, we do not need the point sign or other signs to show the property indication to the guests.
 Thanks very much for your time.

Yours faithfully
 Silvia Luan



HOUSE: 101 m²
DECK: 10 m²
CARPORT: 15 m²

TOTAL USABLE
AREA: 126 m²



**33/10 WATERWORKS RD
DYNNYRNE**

SCALE 1:100 0 1 2 3 metres

This drawing is for illustration purposes only. Sizes are approximate.

petrusma
property



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 141766	FOLIO 25
EDITION 5	DATE OF ISSUE 01-Oct-2010

~~Folio~~ Folio TEXT

SEARCH DATE : 22-Apr-2016

SEARCH TIME : 01.04 PM

DESCRIPTION OF LAND

City of HOBART

Lot 25 on Strata Plan 141766 and the Unit Entitlement in the Strata Scheme being -

A general unit entitlement operating for all purposes of the said Strata Scheme being a 4 undivided 1/120 interest

A special unit entitlement operating for the purpose of fixing the proportionate contribution to be made to the body corporate for expenses relating to the operation & maintenance of the common property marked A on the plan being a 5/124 interest

A special unit entitlement operating for the purpose of fixing the proportionate contribution to be made to the body corporate for expenses relating to the operation & maintenance of the common property marked J on the plan being a 1/2 interest

Derived from Strata Plan 141766

Derivation : Part of 299 Acres Gtd.to R.L.Murray

SCHEDULE 1C711969 TRANSFER to DENISE ROSLYN ASTLE Registered
27-Sep-2006 at 12.01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

The registered proprietor holds the lot and unit entitlement subject to any interest noted on common property

Folio of the Register volume 141766 folio 0

55/6988 CONVEYANCE: Benefiting Easement: Right to pass and
repass over the roadway shown on S.P.No.921555/6988 CON. BURDENING EASEMENT: Right of Carriageway
[appurtenant to Certificates of Title Vol.3584 Fol.3
& 4) over the land marked Right of Way on D.100922S.P.8311 BURDENING EASEMENT: Right of Drainage [appurtenant to
Lot 1 on S.P.no.8311) over the Drainage Easement
shown on D.100922

C511199 AGREEMENT pursuant to Section 71 of the Land Use



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Planning and Approvals Act 1993 Registered
 18-Dec-2003 at noon

C747402 MORTGAGE to Perpetual Limited Registered
 27-Sep-2006 at 12.02 PM

C984973 TRANSFER of MORTGAGE C747402 to Members Equity Bank
 Pty Limited Registered 01-Oct-2010 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Folio common Lot

SEARCH OF TORRENS TITLE

VOLUME 141766	FOLIO 0
EDITION 2	DATE OF ISSUE 22-Jun-2006

SEARCH DATE : 22-Apr-2016
SEARCH TIME : 01.04 PM

DESCRIPTION OF LAND

City of HOBART
The Common Property for Strata Scheme 141766
Derivation : Part of 299 Acres Gtd.to R.L.Murray
Prior CT 100922/1

SCHEDULE 1

STRATA CORPORATION NUMBER 141766, TASMAN HEIGHTS, DYNMYRNE

SCHEDULE 2

- Reservations and conditions in the Crown Grant if any
- 55/6988 CONVEYANCE: Benefiting Easement: Right to pass and repossess over the roadway shown on S.P.No.9215
- 55/6988 CON. BURDENING EASEMENT: Right of Carriageway [appurtenant to Certificates of Title Vol.3584 Fol.3 & 4) over the land marked Right of Way on D.100922
- S.P.8311 BURDENING EASEMENT: Right of Drainage [appurtenant to Lot 1 on S.P.no.8311) over the Drainage Easement shown on D.100922
- C628451 BURDENING EASEMENT: A right of carriageway for the Hobart City Council over the Right of Way Variable Width shown on P.141659 Registered 22-Jun-2006 at noon
- C511199 AGREEMENT pursuant to Section 71 of the Land Use Planning and Approvals Act 1993 Registered 18-Dec-2003 at noon
- B863831 APPLICATION for registration of variation to a staged development scheme Registered 03-Sep-2004 at noon
- C538676 APPLICATION for registration of a staged development scheme Registered 29-Jun-2004 at 12.03 PM
- C583448 APPLICATION for registration of stage of staged dev. scheme Registered 03-Sep-2004 at noon
- C453616 APPLICATION for registration of stage of staged dev. scheme Registered 06-Oct-2004 at 12.02 PM
- C558416 APPLICATION for registration of stage of staged dev. scheme Registered 25-Nov-2004 at noon
- C558413 APPLICATION for registration of stage of staged dev.



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



- scheme Registered 25-Nov-2004 at 12.01 PM

C559489 APPLICATION for registration of stage of staged dev.

 scheme Registered 23-Feb-2005 at noon

C617237 APPLICATION for registration of stage of staged dev.

 scheme Registered 20-May-2005 at noon

C617238 APPLICATION for registration of stage of staged dev.

 scheme Registered 23-May-2005 at noon

C629068 APPLICATION for registration of stage of staged dev.

 scheme Registered 28-Sep-2005 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

list...

FOLIO PLAN
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



CITY/TOWN HOBART SUBURB/LOCALITY DYNMYRNE FOLIO REFERENCE C/T 141659/1 SITE COMPRISES THE WHOLE OF LOT 1 ON PLAN No. P141659		STRATA PLAN NEW SHEET 1 OF 18 SHEETS PURSUANT TO C 62906B		Registered Number 141766
MAPSHEET MUNICIPAL CODE No. 114		LAST UPI No. 2119107	SCALE 1: 800	LENGTHS IN METRES
		NAME OF STRATA SCHEME TASMAN HEIGHTS, DYNMYRNE		STRATA TITLES ACT 1998 REGISTERED 29 June 2004 ALICE KAWA Recorder of Titles.



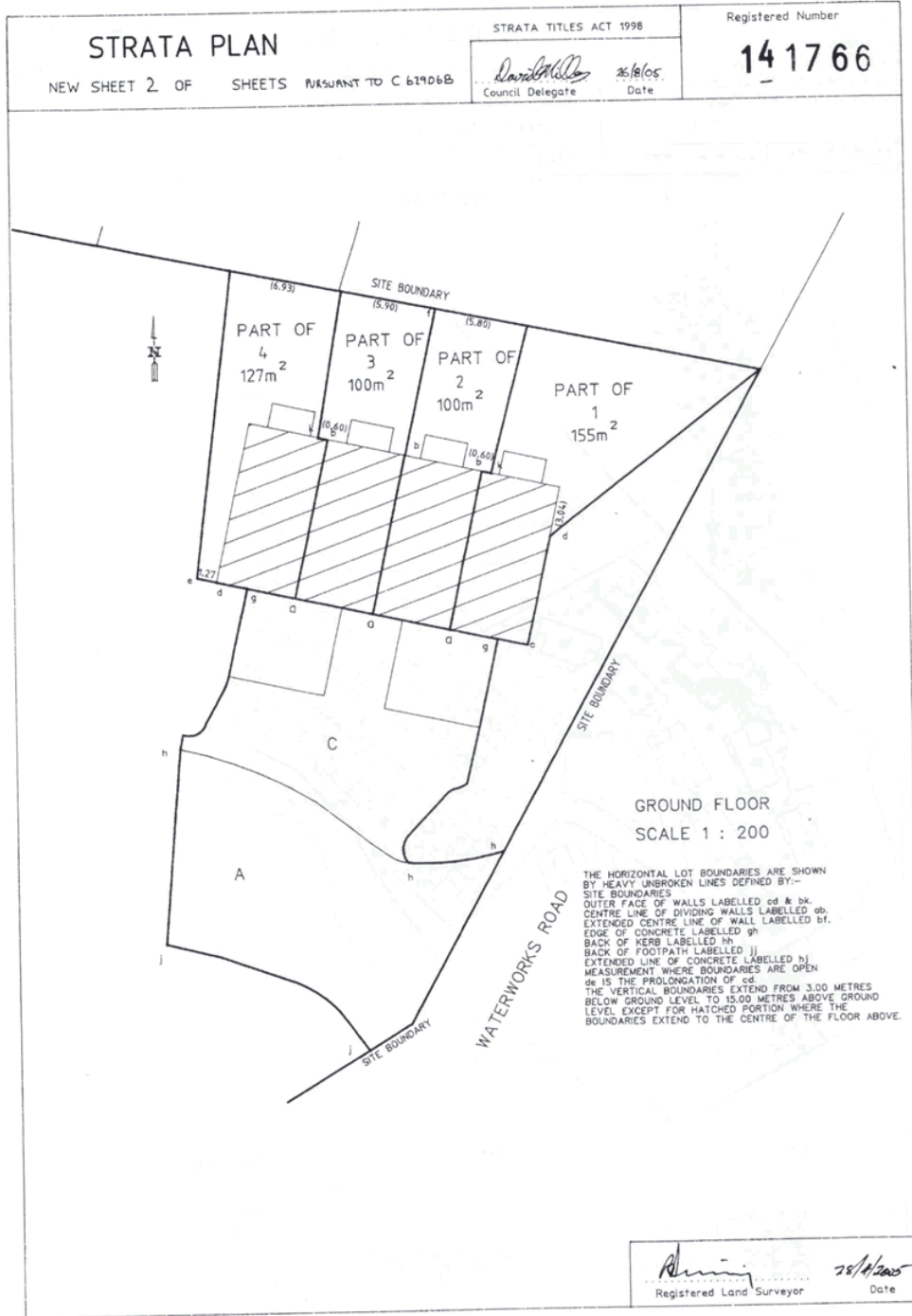
NOTES: (i) ALL BUILDINGS ON THE SITE TO BE SHOWN ON SHEET 1.
(ii) BUILDING TO SITE BOUNDARY OFFSETS OF LESS THAN 2.00 METRES TO BE SHOWN ON SHEET 1.
(iii) LOT FOLIOS ARE HELD SUBJECT TO COMMON PROPERTY FOLIO INTERESTS.
(iv) THE SURVEYOR'S CERTIFICATE MUST CERTIFY THAT ANY BUILDING ENCROACHMENT BEYOND THE SITE BDRY IS AUTHORISED ACCORDING TO LAW.

STAGED/COMMUNITY DEVELOPMENT SCHEME No. C.538676
LODGED BY Andrew Gregson

David Mills 16/5/05
COUNCIL DELEGATE DATE



FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



list...

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



STRATA PLAN

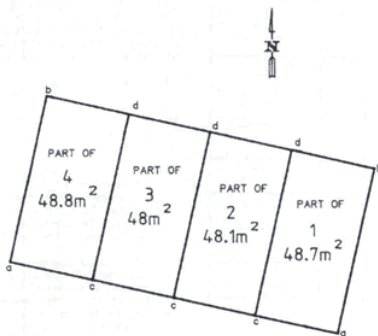
SHEET 3 OF SHEETS

[Signature]
A/ SURVEYING SERVICES MANAGER

STRATA TITLES ACT 1998

Registered Number

14 17 66



FIRST
~~UPPER~~ FLOOR

SCALE 1 : 200

THE HORIZONTAL LOT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES DEFINED BY:-
OUTER FACE OF WALLS *ab, aa* & *bb*
CENTRE LINE OF DIVIDING WALLS LABELLED *cd*
THE VERTICAL BOUNDARIES EXTEND FROM CENTRE OF THE FLOOR BELOW GROUND LEVEL TO 15.00 METRES ABOVE GROUND LEVEL.



FOLIO PLAN
 RECORDER OF TITLES
 Issued Pursuant to the Land Titles Act 1980



<p style="text-align: center;">STRATA PLAN</p> <p style="text-align: center;">NEW SHEET 4 OF SHEETS PURSUANT TO C619068</p>	STRATA TITLES ACT 1998	Registered Number 141766
NAME OF BODY CORPORATE: Strata Corporation No. 141766 TASMAN HEIGHTS, DYNNRYNE		
ADDRESS FOR THE SERVICE OF NOTICES: 10 WATERWORKS ROAD, DYNNRYNE		
<p style="text-align: center;">SURVEYORS CERTIFICATE</p> <p style="font-size: 0.8em;">I, Peter David Binny of Granton a surveyor registered under the Land Surveyors Act 1909 certify that the building erected on the site and drawn on sheet 1 of this plan is within the external boundaries of the folio stated on sheet 1.</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;"> Registered Surveyor </div> <div style="text-align: center;"> 29/3/2005 date </div> <div style="text-align: center;"> 246900 ref no </div> </div>	<p style="text-align: center;">COUNCIL CERTIFICATE</p> <p style="font-size: 0.8em;">I certify that the Hobart City Council has: (a) approved the lots shown on this plan and (b) issued this certificate of approval in accordance with Section 31 of the Strata Titles Act 1998.</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;"> Council Delegate </div> <div style="text-align: center;"> 26/6/05 date </div> <div style="text-align: center;"> 5649079 ref no </div> </div>	

UNIT ENTITLEMENTS

LOT	GENERAL	UNIT ENTITLEMENT					
		(i)(a)	(i)(b)	(i)(j)	(i)(k)	(i)(b)	
21	4	3					
22	3	3	1				
23	3	3	1				
24	4	5					
25	4	5		1			
26	4	5		1			
27	4	6			1		
34	4	6			1		
35	5					3	
36	5					3	
37	5					2	
38	5					2	
28	4	6					
29	4	6					
30	4	6					
31	4	6					
32	4	6					
33	4	6					
CONTINUED NEXT PAGE							
TOTAL	120	124	2	2	2	10	

(i)(h) 'Common Property Entitlement "H"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "H" on the plan.

(i)(j) 'Common Property Entitlement "J"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "J" on the plan.

(i)(k) 'Common Property Entitlement "K"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "K" on the plan.

(i)(b) 'Common Property Entitlement "B"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "B" on the plan.

list...

FOLIO PLAN
 RECORDER OF TITLES
 Issued Pursuant to the Land Titles Act 1980



STRATA PLAN		Registered Number 141766
NEW SHEET 5 OF SHEETS PURSUANT TO C61906B		STRATA TITLES ACT 1998
Note: THIS SHEET SHOULD ONLY BE USED WHERE:- (i) THE LOTS HAVE A SPECIAL UNIT ENTITLEMENT, OR (ii) THE BODY CORPORATE HAS BEEN DIVIDED.		
THE PURPOSES UNDER SECTION 16 FOR WHICH A SPECIAL UNIT ENTITLEMENT MAY BE USED SEE BELOW		
NAME OF (THIS) BODY CORPORATE		TASMAN HEIGHTS, DYNMYRNE
ADDRESS FOR THE SERVICE OF NOTICES		
LOT No.	GENERAL UNIT ENTITLEMENT SPECIAL	
	(b)(a) (b)(c) (b)(d) (b)(e) (b)(f) (b)(g) (b)(h)	
1	2 2 1	
2	2 2 1	
3	2 2 1	
4	2 2 1	
5	2 2	1
6	2 2	1
7	2 2	1
8	2 3	
9	2 3	1
10	2 3	1
11	2 3	
12	2 4	1
13	2 4	1
14	2 4	1
15	2 4	1
16	3 2	1
17	3 2	1
18	4 2	
19	3 2	1
20	3 2	1
TOTAL	120 124 4 2 3 2 2 4	

(i)(a) 'Common Property Entitlement "A"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "A" on the plan.

(i)(c) 'Common Property Entitlement "C"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "C" on the plan.

(i)(d) 'Common Property Entitlement "D"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "D" on the plan.

(i)(e) 'Common Property Entitlement "E"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "E" on the plan.

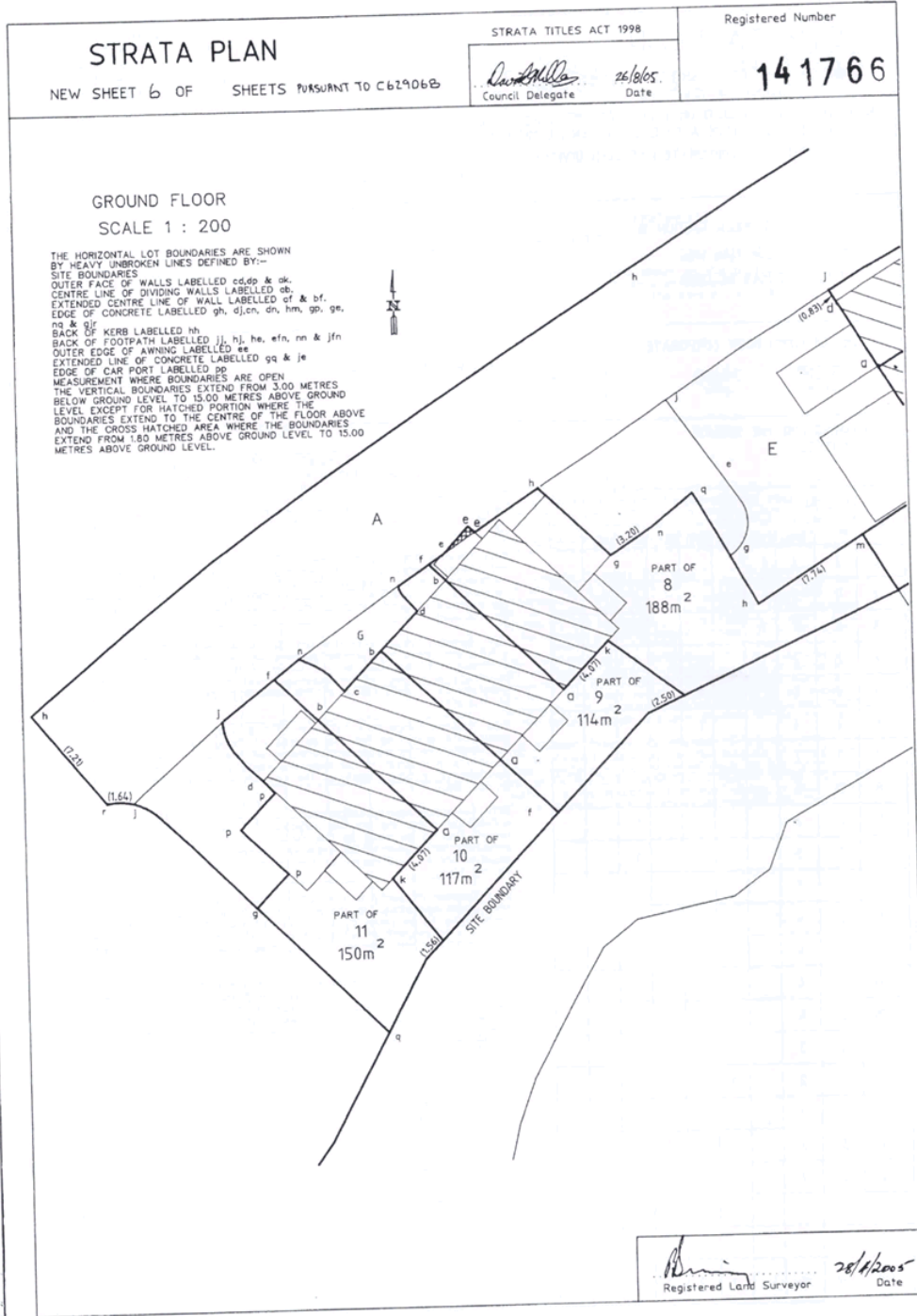
(i)(f) 'Common Property Entitlement "F"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "F" on the plan.

(i)(g) 'Common Property Entitlement "G"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "G" on the plan.

(i)(h) 'Common Property Entitlement "H"' is a special unit entitlement operating for the purpose of fixing the proportionate contribution to be made by the owner of the lot to the body corporate in respect of all expenses relating to the operation and maintenance in good repair of the common property shown marked "H" on the plan.

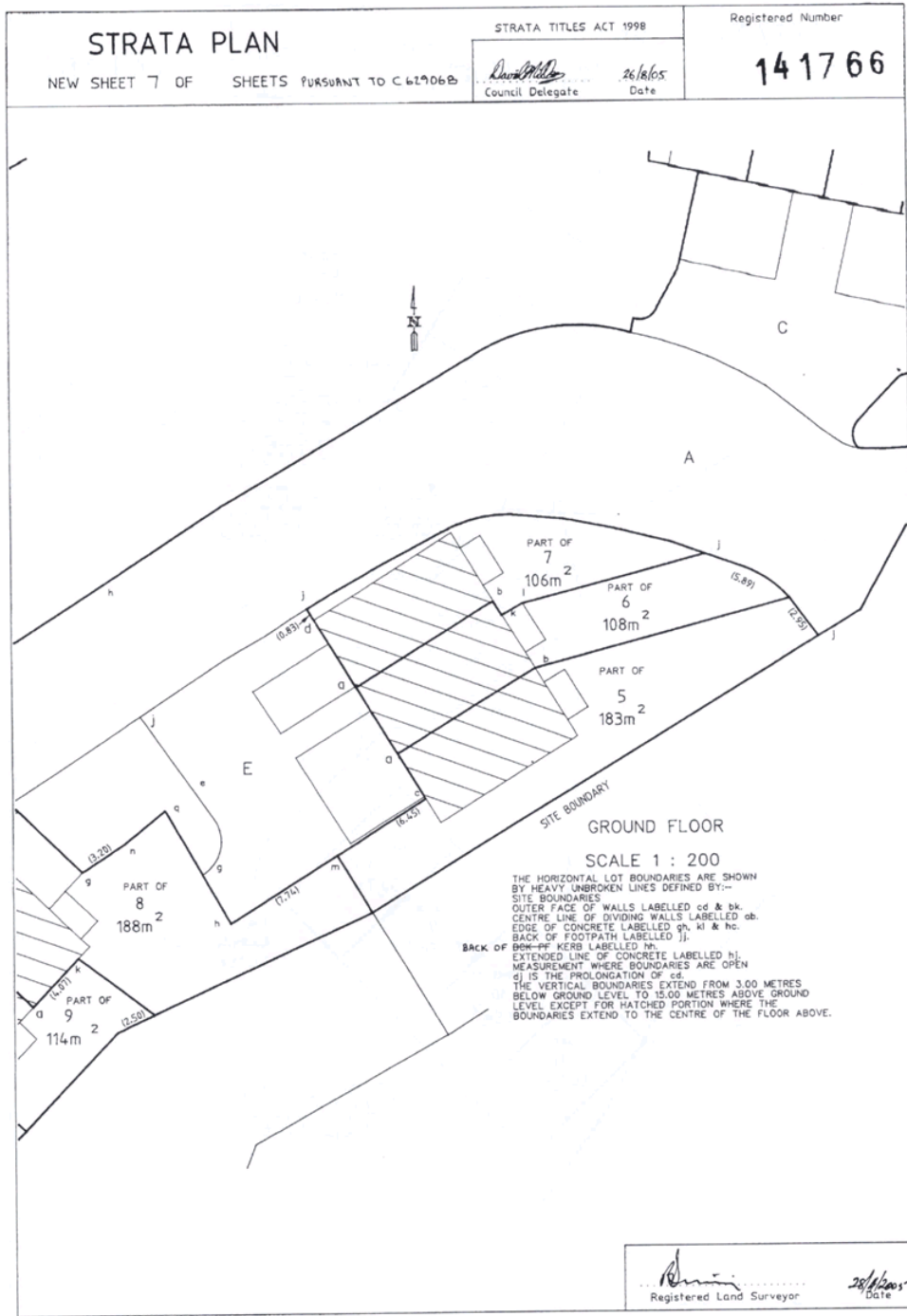
the **list**...

FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980





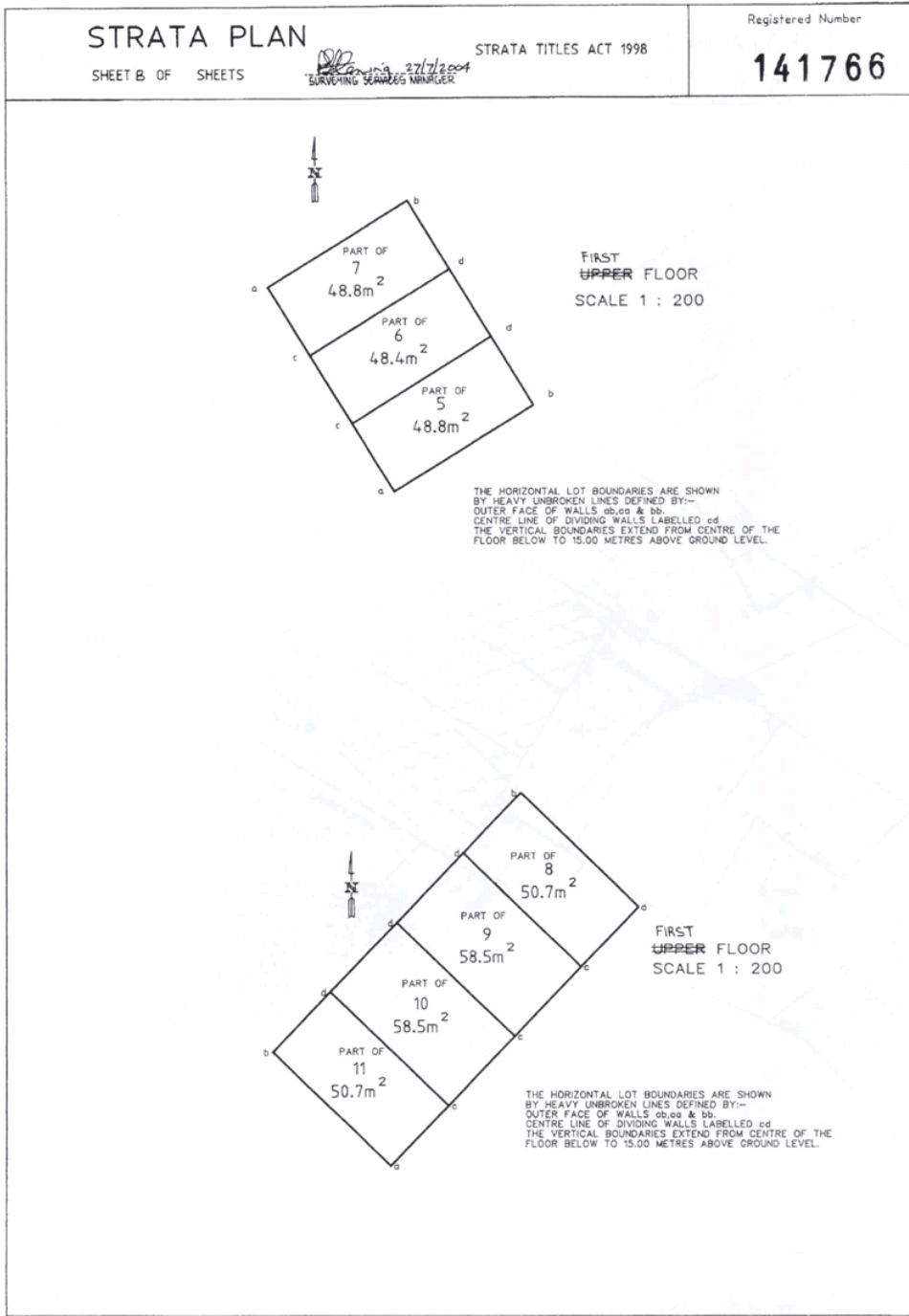
FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980





FOLIO PLAN
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



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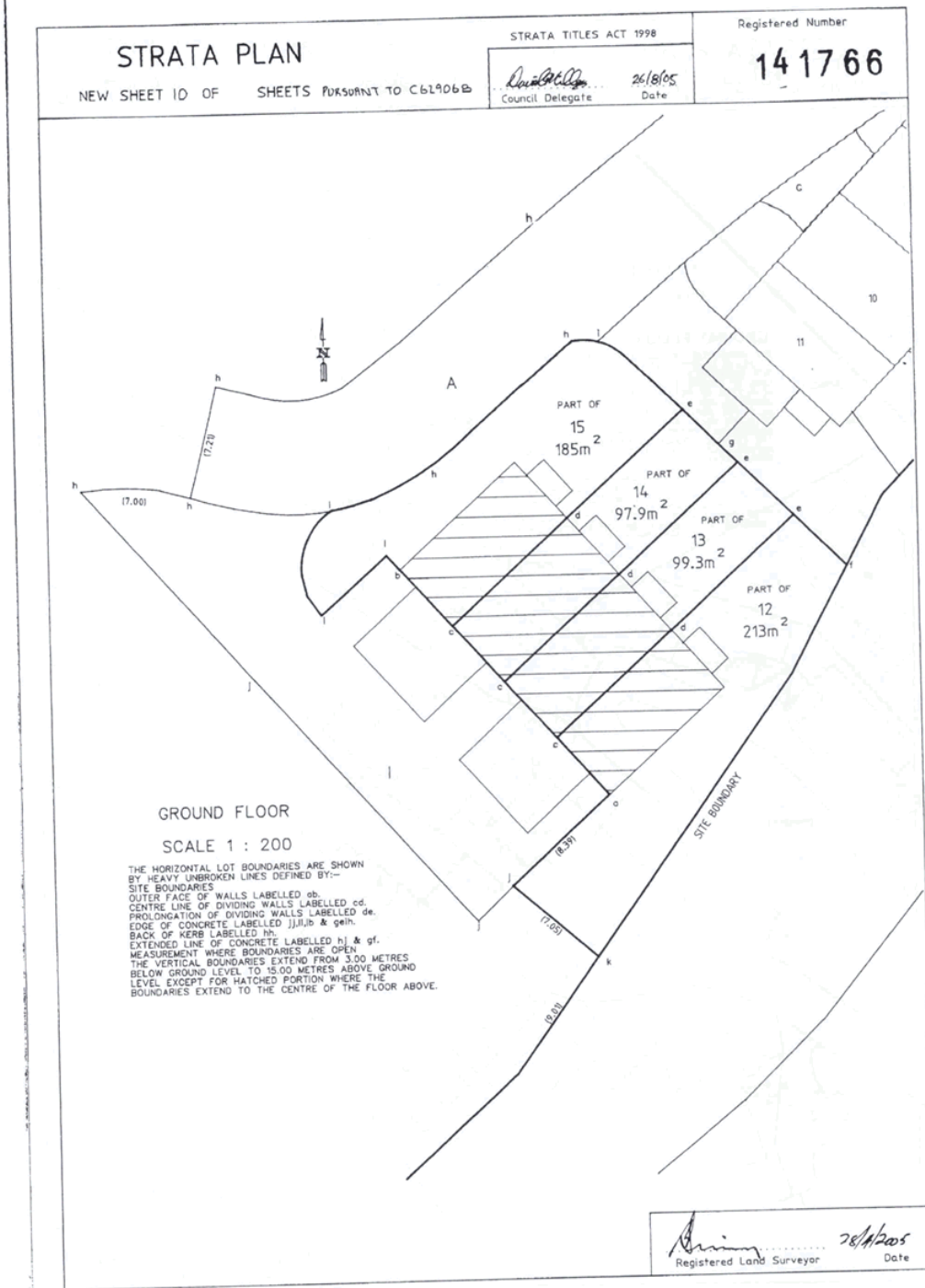
FOLIO PLAN
RECORDER OF TITLES

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the **List**...

FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



list...

FOLIO PLAN
RECORDER OF TITLES
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STRATA PLAN

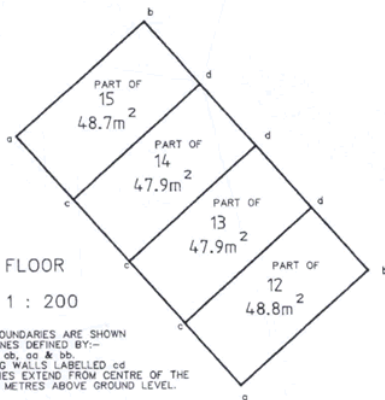
STRATA TITLES ACT 1998

Registered Number

141766

SHEET 11

[Signature]
SURVEYING SERVICES MANAGER



FIRST FLOOR
SCALE 1 : 200

THE HORIZONTAL LOT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES DEFINED BY:-
OUTER FACE OF WALLS *ab*, *aa* & *bb*.
CENTRE LINE OF DIVIDING WALLS LABELLED *cd*.
THE VERTICAL BOUNDARIES EXTEND FROM CENTRE OF THE FLOOR BELOW TO 15.00 METRES ABOVE GROUND LEVEL.



FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



list...

FOLIO PLAN
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



STRATA PLAN

SHEET 13 OF SHEETS

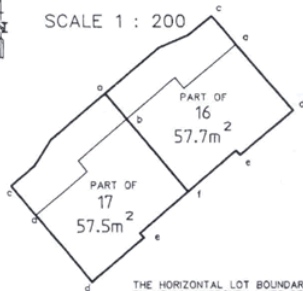
STRATA TITLES ACT 1998
SURVEYING SERVICES MANAGER

Registered Number

14 176 c

LOWER GROUND FLOOR

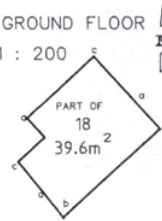
SCALE 1 : 200



THE HORIZONTAL LOT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES DEFINED BY:-
CENTRE LINE OF DIVIDING WALLS LABELLED ab & bf.
OUTER FACE OF WALLS LABELLED ac.
OUTER LINE OF PILLARS LABELLED de.
JOIN IN CONCRETE LABELLED ef.
THE VERTICAL BOUNDARIES EXTEND FROM 3.00 METRES BELOW GROUND LEVEL TO THE CENTRE OF THE FLOOR ABOVE.

LOWER GROUND FLOOR

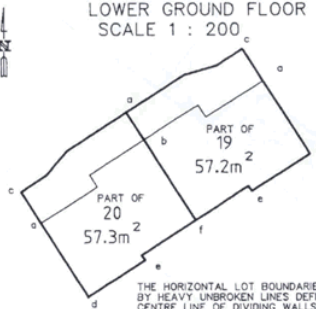
SCALE 1 : 200



THE HORIZONTAL LOT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES DEFINED BY:-
OUTER FACE OF WALLS LABELLED ac.
EDGE OF CONCRETE LABELLED ab.
JOIN IN CONCRETE LABELLED bd.
THE VERTICAL BOUNDARIES EXTEND FROM 3.00 METRES BELOW GROUND LEVEL TO THE CENTRE OF THE FLOOR ABOVE.

LOWER GROUND FLOOR

SCALE 1 : 200

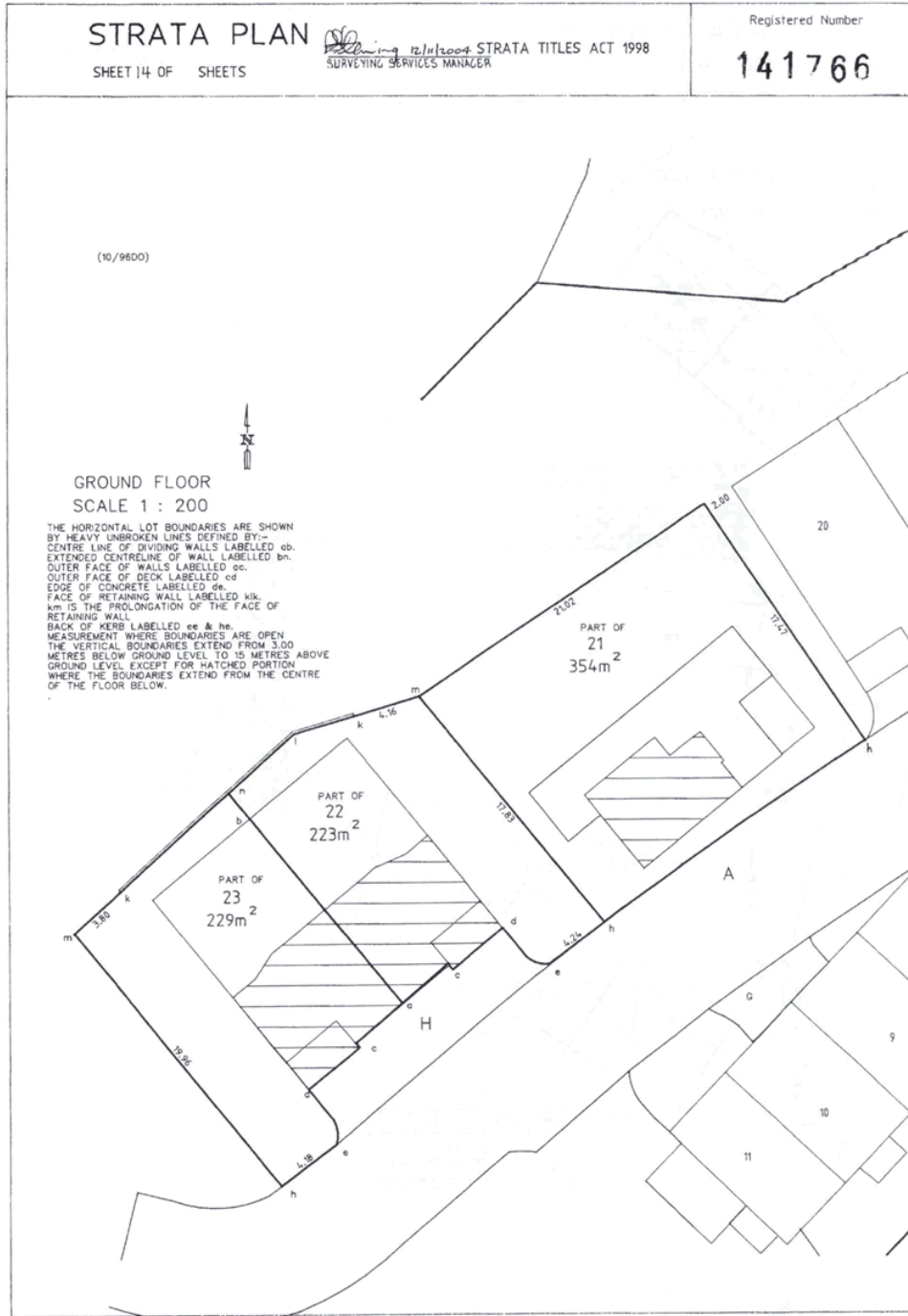


THE HORIZONTAL LOT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES DEFINED BY:-
CENTRE LINE OF DIVIDING WALLS LABELLED ab & bf.
OUTER FACE OF WALLS LABELLED ac.
OUTER LINE OF PILLARS LABELLED de. & ad.
JOIN IN CONCRETE LABELLED ef.
THE VERTICAL BOUNDARIES EXTEND FROM 3.00 METRES BELOW GROUND LEVEL TO THE CENTRE OF THE FLOOR ABOVE.



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

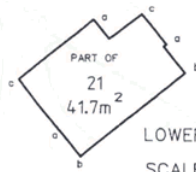


STRATA PLAN

SHEET 15 OF SHEETS

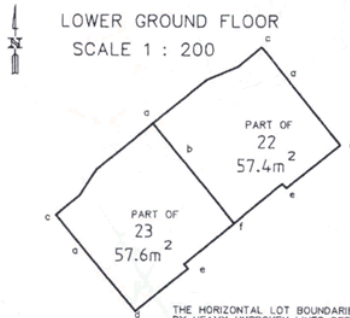
Debra Wilhoos STRATA TITLES ACT 1998
SURVEYING SERVICES MANAGER

Registered Number
141766



LOWER GROUND FLOOR
SCALE 1 : 200

THE HORIZONTAL LOT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES DEFINED BY:-
OUTER FACE OF WALLS LABELLED ac.
EDGE OF CONCRETE LABELLED ob.
JOIN IN CONCRETE LABELLED ab.
THE VERTICAL BOUNDARIES EXTEND FROM 3.00 METRES BELOW GROUND LEVEL TO THE CENTRE OF THE FLOOR ABOVE.



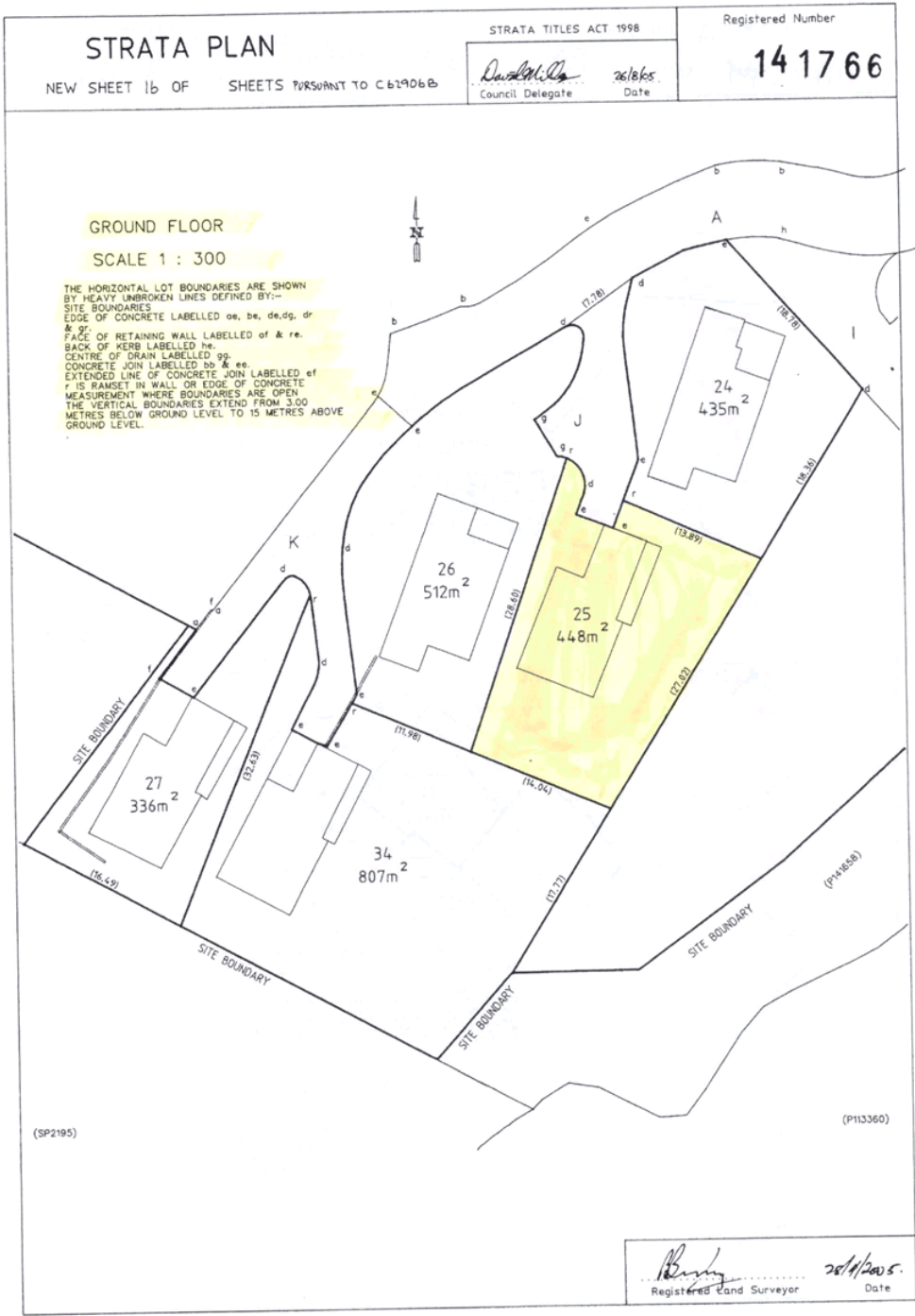
LOWER GROUND FLOOR
SCALE 1 : 200

THE HORIZONTAL LOT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES DEFINED BY:-
CENTRE LINE OF DIVIDING WALLS LABELLED ab & bc.
OUTER FACE OF WALLS LABELLED ac.
OUTER LINE OF PILLARS LABELLED de, & cd.
JOIN IN CONCRETE LABELLED ef.
THE VERTICAL BOUNDARIES EXTEND FROM 3.00 METRES BELOW GROUND LEVEL TO THE CENTRE OF THE FLOOR ABOVE.



FOLIO PLAN
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



list...

FOLIO PLAN
RECORDER OF TITLES

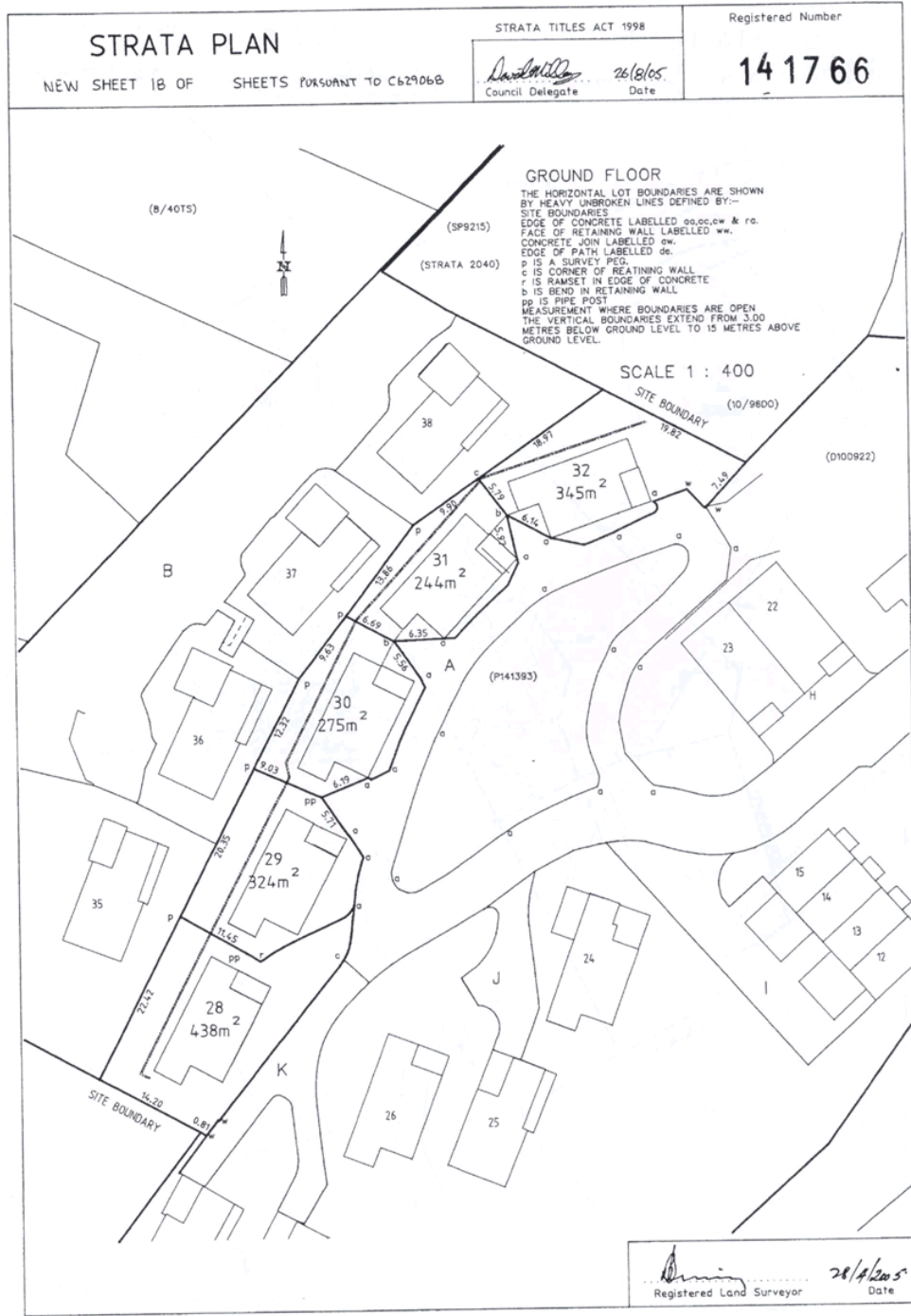
Issued Pursuant to the Land Titles Act 1980





FOLIO PLAN
RECORDER OF TITLES

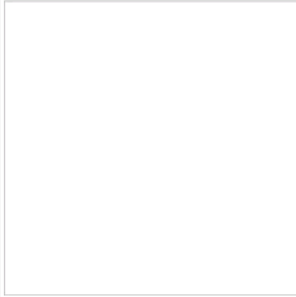
Issued Pursuant to the Land Titles Act 1980



Planning #276968

Property

33/10 WATERWORKS ROAD DYNMYRNE TAS 7005



People

Applicant *

XIAOXIANG LUAN
6/ 10 WATERWORKS RD
DYNMYRNE TAS 7005
0413961535
sion111@me.com

Owner *

XIAOXIANG LUAN
6/10 WATERWORKS ROAD
DYNMYRNE TAS 7005
0413961535
sion111@me.com

Owner *

CHENXIAO KOU
6/10 WATERWORKS RD
DYNMYRNE TAS 7005
0402571386
sion111@me.com

Entered By

XIAOXIANG LUAN
33 / 10 WATERWORKS ROAD
DYNMYRNE TAS 7005
0413 961 535
sion111@me.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. *

Yes

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

No

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

Details

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

RESIDENTIAL ZONE

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

This is three bedrooms and two bathrooms townhouse located in Dynnryne. The proposed change to visitor accommodation would include the three bedrooms, which would allow for increase capacity and more comfortable accommodation options for visitors.

Estimated cost of development *

10000.00

Existing floor area (m2)

111.00

Proposed floor area (m2)

111.00

Site area (m2)

126

Carparking on Site

Total parking spaces

2

Existing parking spaces

2

N/A

Other (no selection chosen)

Other Details

Does the application include signage? *

No

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

0

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

No

Documents

Required Documents

Title (Folio text and Plan and Folio text.pdf Schedule of Easements) *
Title (Folio text and Plan and Folio common.pdf Schedule of Easements) *
Title (Folio text and Plan and Folio common 2.pdf Schedule of Easements) *
Title (Folio text and Plan and strata plan.pdf Schedule of Easements) *
Plans (proposed, existing) * folio 25 plan.pdf

Supporting Documents

Photos or Montages	floorplan1.pdf
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7. REPORTS

7.1 Planning - Advertised Applications Report File Ref: F23/44848

Report of the Director City Life of 12 May 2023 and attachment.

Delegation: Committee



City of **HOBART**

MEMORANDUM: PLANNING COMMITTEE

Planning - Advertised Applications Report

Attached is the advertised applications list for the period 19 April 2023 to 2 May 2023.

RECOMMENDATION

That the 'Planning – Advertised Applications Report' be received and noted.

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

Neil Noye
DIRECTOR CITY LIFE

Date: 12 May 2023
File Reference: F23/44848

Attachment A: Planning - Advertised Applications Report ↓

No	Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
1	PLN-23-146	33 / 10 WATERWORKS ROAD	DYNNYRNE	Change of Use to Visitor Accommodation	\$10,000	05/05/2023	ayersh	Director	20/04/2023	05/05/2023
2	PLN-23-161	2 / 36 FITZROY PLACE	DYNNYRNE	Change of Use to Visitor Accommodation	\$0	11/05/2023	nolanm	Director	21/04/2023	06/05/2023
3	PLN-23-148	153 MELVILLE STREET	HOBART	Partial Demolition, Alterations, and Partial Change of Use to Ancillary Dwelling	\$60,000	08/05/2023	maxwellv	Director	01/05/2023	15/05/2023
4	PLN-23-196	62 PATRICK STREET	HOBART	Alterations and Partial Change of Use to Business and Professional Services (Office)	\$0	24/05/2023	ayersh	Director	26/04/2023	10/05/2023
5	PLN-23-192	59 - 61 ELIZABETH STREET	HOBART	Alterations (Security Shutter)	\$5,000	24/05/2023	mcclenahanm	Director	20/04/2023	05/05/2023
6	PLN-23-220	72 ELIZABETH STREET	HOBART	Signage	\$0	05/06/2023	mcclenahanm	Director	01/05/2023	15/05/2023

No	Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
7	PLN-23-187	14 HEARTWOOD ROAD	LENAH VALLEY	Dwelling	\$600,000	18/05/2023	sherriffc	Director	28/04/2023	12/05/2023
8	PLN-23-210	14 RUPERT AVENUE	MOUNT STUART	Alterations (Solar Panels)	\$3,000	01/06/2023	ayersh	Director	02/05/2023	16/05/2023
9	PLN-23-154	6 MIDWOOD STREET	NEW TOWN	Alterations	\$52,144	10/05/2023	baconr	Director	02/05/2023	16/05/2023
10	PLN-22-769	314 ELIZABETH STREET	NORTH HOBART	Partial Demolition, Alterations and Extension	\$250,000	30/12/2022	burkedan	Director	02/05/2023	16/05/2023
11	PLN-23-195	346 - 352 ELIZABETH STREET	NORTH HOBART	Alterations (Signage)	\$0	24/05/2023	mcclenahanm	Director	24/04/2023	09/05/2023
12	PLN-22-479	14 BROADWATERS PARADE	SANDY BAY	Partial Demolition, Alterations, and Extension	\$90,000	05/09/2022	mcclenahanm	Director	26/04/2023	10/05/2023
13	PLN-22-818	46 NICHOLAS DRIVE	SANDY BAY	Dwelling and Front Fencing	\$2,500,000	17/01/2023	maxwellv	Committee (Council Land)	20/04/2023	05/05/2023

No	Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
14	PLN-23-94	217 SANDY BAY ROAD	SANDY BAY	Alteration (Awning)	\$19,855	14/04/2023	burkedan	Director	21/04/2023	06/05/2023
15	PLN-23-152	21 RED CHAPEL AVENUE	SANDY BAY	Front Fencing	\$58,000	12/05/2023	smeea	Director	26/04/2023	10/05/2023
16	PLN-23-156	4 NIXON STREET	SANDY BAY	Partial Demolition and Alterations (Carport)	\$36,000	21/05/2023	smeea	Director	24/04/2023	09/05/2023
17	PLN-22-850	4 BEN STREET	WEST HOBART	Partial Demolition, Alterations, Extension, and Carport	\$680,000	27/01/2023	langd	Director	21/04/2023	06/05/2023
18	PLN-23-130	408 LIVERPOOL STREET	WEST HOBART	Partial Demolition, Alterations, and Extension	\$250,000	02/05/2023	maxwellv	Director	21/04/2023	06/05/2023

7.2 Delegated Decision Report (Planning)
File Ref: F23/47856

Report of the Director City Life of 12 May 2023 and attachment.

Delegation: Committee



City of **HOBART**

MEMORANDUM: PLANNING COMMITTEE

Delegated Decision Report (Planning)

Attached is the delegated planning decisions report for the period 27 April 2023 to 10 May 2023.

RECOMMENDATION

That the 'Delegated Decision Report (Planning)' report be received and noted.

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

Neil Noye
DIRECTOR CITY LIFE

Date: 12 May 2023
File Reference: F23/47856

Attachment A: Delegated Decision Report (Planning) ↓

11 May 2023

Delegated Decisions Report (Planning)

32 applications found.

Planning Description	Address	Works Value	Decision	Approved	All
				Authority	
PLN-22-177 Partial Demolition and Alterations	3A SCOTT STREET GLEBE TAS 7000	\$ 180,000	Approved		Delegated
PLN-22-365 Partial Demolition, Alterations, Extension, Change of Use to Bulky Goods Sales, Signage, and Subdivision (Boundary Adjustment)	116-138 CAMPBELL STREET HOBART TAS 7000	\$ 2,000,000	Approved		Delegated
PLN-22-372 Partial Demolition, Alterations, Extension, and Signage	15-19 WARWICK STREET HOBART TAS 7000	\$ 1,950,000	Approved		Delegated
PLN-22-390 Two Multiple Dwellings	12 ANCANTHE AVENUE LENA VALLEY TAS 7008	\$ 850,000	Approved		Delegated
PLN-22-726 Partial Demolition, Alterations, Extension, and Front Fencing	28 ARTHUR STREET WEST HOBART TAS 7000	\$ 190,000	Approved		Delegated
PLN-22-845 Flood Mitigation and Associated Works	231 CAMPBELL STREET NORTH HOBART TAS 7000	\$ 270,000	Approved		Delegated
PLN-23-100 Partial Demolition and Alterations	4 RYDE STREET NORTH HOBART TAS 7000	\$ 80,000	Approved		Delegated
PLN-23-103 Alterations to Driveway	16 ELLINGTON ROAD SANDY BAY TAS 7005	\$ 100,000	Approved		Delegated
PLN-23-120 Partial Demolition, Alterations, and Extension	10 PAVIOUR STREET NEW TOWN TAS 7008	\$ 200,000	Approved		Delegated
PLN-23-121 Partial Demolition, Alterations, Extension, and Garage	66 PIRIE STREET NEW TOWN TAS 7008	\$ 80,000	Approved		Delegated
PLN-23-130 Partial Demolition, Alterations, and Extension	408 LIVERPOOL STREET WEST HOBART TAS 7000	\$ 250,000	Approved		Delegated
PLN-23-131 Partial Demolition, Alterations, and Change of Use to General Retail and Hire and Single Dwelling	72 BRISBANE STREET HOBART TAS 7000	\$ 1,000,000	Approved		Delegated
PLN-23-135 Change of Use to Visitor Accommodation	1/455 CHURCHILL AVENUE SANDY BAY TAS 7005	\$ 0	Approved		Delegated
PLN-23-136 Alterations to Previously Approved Development (Deck Balustrades)	28 AOTEA ROAD SANDY BAY TAS 7005	-\$ 500	Approved		Delegated
PLN-23-140 Alterations	69 VIEW STREET SANDY BAY TAS 7005	\$ 38,361	Approved		Delegated
PLN-23-151 Partial Demolition and Alterations to Access and Parking	45 RED CHAPEL AVENUE SANDY BAY TAS 7005	\$ 50,000	Approved		Delegated
PLN-23-161 Change of Use to Visitor Accommodation	2/36 FITZROY PLACE DYNMYRNE TAS 7005	\$ 0	Approved		Delegated
PLN-23-165 Signage	59-63 LIVERPOOL STREET HOBART TAS 7000	\$ 0	Approved		Delegated
PLN-23-166 Partial Demolition and Alterations	74-76 ELIZABETH STREET HOBART TAS 7000	\$ 100,000	Approved		Delegated
PLN-23-168 Partial Demolition and Alterations	4 THELMA DRIVE WEST HOBART TAS 7000	\$ 20,000	Approved		Delegated
PLN-23-170 Extension	18 BROWNE STREET WEST HOBART TAS 7000	\$ 25,000	Approved		Delegated
PLN-23-184 Ancillary Dwelling	255 LENA VALLEY ROAD LENA VALLEY TAS 7008	\$ 180,000	Approved		Delegated
PLN-23-186 Alterations (relocation of car wash)	20 BARRACK STREET HOBART TAS 7000	\$ 160,000	Approved		Delegated
PLN-23-192 Alterations (Security Shutter)	59-61 ELIZABETH STREET HOBART TAS 7000	\$ 5,000	Approved		Delegated

CITY OF HOBART

Planning Description	Address	Works Value	Decision	Authority
PLN-23-200 Change of Use to Visitor Accommodation	19 ELPHINSTONE ROAD MOUNT STUART TAS 7000	\$ 0	Approved	Delegated
PLN-23-211 Change of Use to Visitor Accommodation	20 STEVENS FARM DRIVE WEST HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-23-218 Change of Use to Visitor Accommodation	887 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 0	Approved	Delegated
PLN-23-219 Change of Use to Visitor Accommodation	79 WENTWORTH STREET SOUTH HOBART TAS 7004	\$ 0	Approved	Delegated
PLN-23-242 Alterations	12 BALFOUR COURT SANDY BAY TAS 7005	\$ 50,000	Approved	Delegated
PLN-23-39 Partial Demolition and Alterations	45 SMITH STREET NORTH HOBART TAS 7000	\$ 5,000	Approved	Delegated
PLN-23-7 Partial Demolition, Alterations, Carport and Store	1 FERNDENE AVENUE SOUTH HOBART TAS 7004	\$ 200,000	Approved	Delegated
PLN-23-94 Alteration (Awning)	217 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 19,855	Approved	Delegated

8. RESPONSES TO QUESTIONS WITHOUT NOTICE

Regulation 29(3) *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

The Chief Executive Officer reports:-

"In accordance with the procedures approved in respect to Questions Without Notice, the following responses to questions taken on notice are provided to the Committee for information.

The Committee is reminded that in accordance with Regulation 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman is not to allow discussion or debate on either the question or the response."

8.1 Strata Dwellings - Short Stay Accommodation
File Ref: F23/34091; 13-1-10

Report of the Director City Life of 17 May 2023.

8.2 Right of Way
File Ref: F23/31245; 13-1-10

Report of the Director City Life of 17 May 2023.

That the information be received and noted.

Delegation: Committee



City of **HOBART**

MEMORANDUM: LORD MAYOR
DEPUTY LORD MAYOR
ELECTED MEMBERS

STRATA DWELLINGS - SHORT STAY ACCOMMODATION

Meeting: Planning Committee

Meeting date: 29 March 2023

Raised by: Councillor Posselt

Question:

Can the Director advise if there is anything in the planning scheme that prohibits or prevents entire strata dwellings from being converted to short stay accommodation?

Response:

No, there is nothing in the planning scheme that prohibits or prevents entire strata schemes from being converted from residential use to visitor accommodation use.

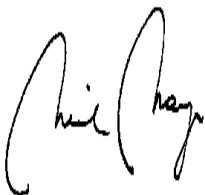
The requirements which would need to be satisfied from clause 3.1(e) of *Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes*, are extracted below.

It is worth noting:

- **A1 / P1:** There is a Supreme Court decision where the Court determined that a reference to "lot" as it appears in planning controls applying to strata titled land is not a reference to a strata title lot, but a parent title. This means that the floor area of each strata unit which has been approved for visitor accommodation is added to subsequent applications. So if each unit is 150m² then the first application will meet A1 but all subsequent applications would need to be assessed under P1.
- **A2 / P2:** If all strata units have been converted to visitor accommodation except for one, and an application is made for the final unit to be converted to visitor accommodation, it will meet the acceptable solution in A1.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Visitor Accommodation must:</p> <p>(a) accommodate guests in existing habitable buildings; and</p> <p>(b) have a gross floor area of not more than 200m² per lot.</p>	<p>P1</p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the primary residential function of an area;</p> <p>(e) the impact on the safety and efficiency of the local road network; and</p> <p>(f) any impact on the owners and users rights of way.</p>
<p>A2</p> <p>Visitor Accommodation is not for a lot, as defined in the <i>Strata Titles Act 1998</i>, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.</p>	<p>P2</p> <p>Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:</p> <p>(a) the privacy of residents;</p> <p>(b) any likely increase in noise;</p> <p>(c) the residential function of the strata scheme;</p> <p>(d) the location and layout of the lots;</p> <p>(e) the extent and nature of any other non-residential uses; and</p> <p>(f) any impact on shared access and common property.</p>

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



Neil Noye
DIRECTOR CITY LIFE

Date: 8 May 2023
File Reference: F23/34091; 13-1-10



City of **HOBART**

**MEMORANDUM: LORD MAYOR
DEPUTY LORD MAYOR
ELECTED MEMBERS**

RIGHT OF WAY

Meeting: Planning Committee

Meeting date: 1 March 2023

Raised by: Lord Mayor Reynolds

Question:

Can the Director advise what rules and laws are attached to “right of ways” in the City of Hobart? Is there a single law that governs them?

Response:

A right of way is usually established by an easement which is registered on the certificate of title for a property, which sets out what may be done by a third party on that land. The scope of easements will vary depending on what was considered necessary in each situation.

The law which governs easements is the *Land Titles Act 1980* but, depending on the circumstances, there may be common law rights which could establish an easement which has not been registered on a title.

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

Neil Noye
DIRECTOR CITY LIFE

Date: 8 May 2023
File Reference: F23/31245; 13-1-10

9. QUESTIONS WITHOUT NOTICE

Regulation 29 of the *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

- (1) *A councillor at a meeting may ask a question without notice –*
 - (a) *of the chairperson; or*
 - (b) *through the chairperson, of –*
 - (i) *another councillor; or*
 - (ii) *the general manager.*
- (2) *In putting a question without notice at a meeting, a councillor must not –*
 - (a) *offer an argument or opinion; or*
 - (b) *draw any inferences or make any imputations –*
except so far as may be necessary to explain the question.
- (3) *The chairperson of a meeting must not permit any debate of a question without notice or its answer.*
- (4) *The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.*
- (5) *The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.*
- (6) *Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.*
- (7) *The chairperson of a meeting may require a councillor to put a question without notice in writing.*

10. CLOSED PORTION OF THE MEETING

That the Committee resolve by majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Minutes of the closed meeting
- Legal matters involving the council

The following items were discussed: -

- | | |
|----------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Committee Meeting |
| Item No. 2 | Consideration of supplementary items to the agenda |
| Item No. 3 | Indications of pecuniary and conflicts of interest |
| Item No. 4 | Planning Authority Items – Consideration of Items with Deputations |
| Item No. 4.1 | Applications under the Sullivans Cove Planning Scheme 1997 |
| Item No. 4.1.1 | PLN-21-530 25 Salamanca Place Battery Point - Appeal - Mediation
LG(MP)R 15(4)(a) |