

Type of Report: Committee  
Committee: 1 February 2023  
Expiry Date: 2 February 2023  
Application No: PLN-22-282  
Address: 73 A NEW TOWN ROAD , NEW TOWN  
ADJACENT ROAD RESERVE  
Applicant: Monica Cameron (ERA Planning and Environment)  
Level 1, 125A Elizabeth Street  
Proposal: Demolition, 22 Multiple Dwellings, Front Fencing, and Associated Works  
Representations: 31  
Performance criteria: Inner Residential Zone Development Standards, Road and Railways Assets Code, Parking and Access Code, Stormwater Management Code, Historic Heritage Code

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## **1. Executive Summary**

- 1.1 Planning approval is sought for Demolition, 22 Multiple Dwellings, Front Fencing, and Associated Works, at 73A New Town Road and Adjacent Road Reserve.

1.2 More specifically the proposal includes:

- Demolition of two existing tennis courts, chain wire mesh fencing, weatherboard clubhouse and shed, paved walkways, and crossover to New Town Road
- Construction of a three storey apartment building which will contain 11 one bedroom units on the ground floor and 11 two bedroom units across the second and third floors. An external car parking area for 12 cars and two motorcycle spaces. Bicycle parking is also incorporated.
- Construction of a new crossover along the Sunnyside Road frontage and construction of vehicle ramp and driveway to provide access to parking on site
- A covered communal bbq area will be provided on site
- Construction of a new elevated concrete walkway and stairs along the Sunnyside Road and Paviour Street frontages, part of which will be located within Paviour Street Road Reserve
- Construction of new timber fencing to and concrete block wall along Sunnyside Road and Paviour Street frontages, part of which will be located within Paviour Street Road Reserve
- New concrete path along access path to New Town Road which will include a 1.8m high gate at the New Town Road site boundary, low level garden planting, and low level lighting bollards
- Landscaping throughout site including along within the Paviour Street Road Reserve and access path to the New Town Road frontage

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

- 1.3.1 Inner Residential Zone - Residential Density for Multiple Dwellings, Setbacks and Building Envelope, Site Coverage and Private Open Space for all Dwellings, Sunlight to Private Open Space of Multiple Dwellings, Frontage Fences for all Dwellings, Waste Storage for Multiple Dwellings
- 1.3.2 Road and Railway Assets Code - Sight Distance and Accesses, Junctions and Level Crossings
- 1.3.3 Parking and Access Code - Number of Parking Spaces, Design of Vehicular Accesses, Vehicle Passing Areas along an Access, Layout of Parking Areas
- 1.3.4 Stormwater Management Code - Stormwater Drainage and Disposal
- 1.3.5 Historic Heritage Code - Demolition in a Heritage Precinct, Building and Works other than Demolition in a Heritage Precinct

1.4 Thirty One (31) representations objecting to the proposal were received within the statutory advertising period between 17/12/22 - 04/01/23.

- 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 six representations objecting to the proposal were received during the statutory advertising period.

## 2. Site Detail

- 2.1 The subject site is located at 73A New Town Road, New Town and comprises an irregular shaped lot approximately 1872m<sup>2</sup> in size containing two separate titles. The site has a frontage to New Town Road and accessible via an access laneway, with the majority of the site positioned to the east, on the corner of Sunnyside Road and Paviour Street. The site historically operated as a quarry, and features a rock wall and steep incline along the frontages with Paviour Street and Sunnyside Road. The land is partially cleared of vegetation and contains two single storey outbuildings along the western boundary, which served as supporting structures for the most recent operating use, a tennis club. The immediate surrounding area is characterised by residential uses.

A site visit was undertaken following the conclusion of the statutory advertising period.



**Figure 1:** Aerial image of the subject site (bordered in blue) and surrounding area.





**Figure 2:** Zoning of the subject site (bordered in blue) under the *Hobart Interim Planning Scheme 2015* and surrounding area. Maroon denotes the Inner Residential Zone and yellow denotes the Utilities Zone.



**Figure 3:** Heritage listings for the surrounding area. Red denotes listing only under the *Hobart Interim Planning Scheme 2015*. Light blue denotes a Heritage Precinct under the *Hobart Interim Planning Scheme 2015*. Magenta denotes listing under the Tasmanian Heritage Council.





**Figure 4:** View of subject site from corner of Sunnyside Road and Paviour Street



**Figure 5:** View of subject site from Paviour Street boundary looking south.





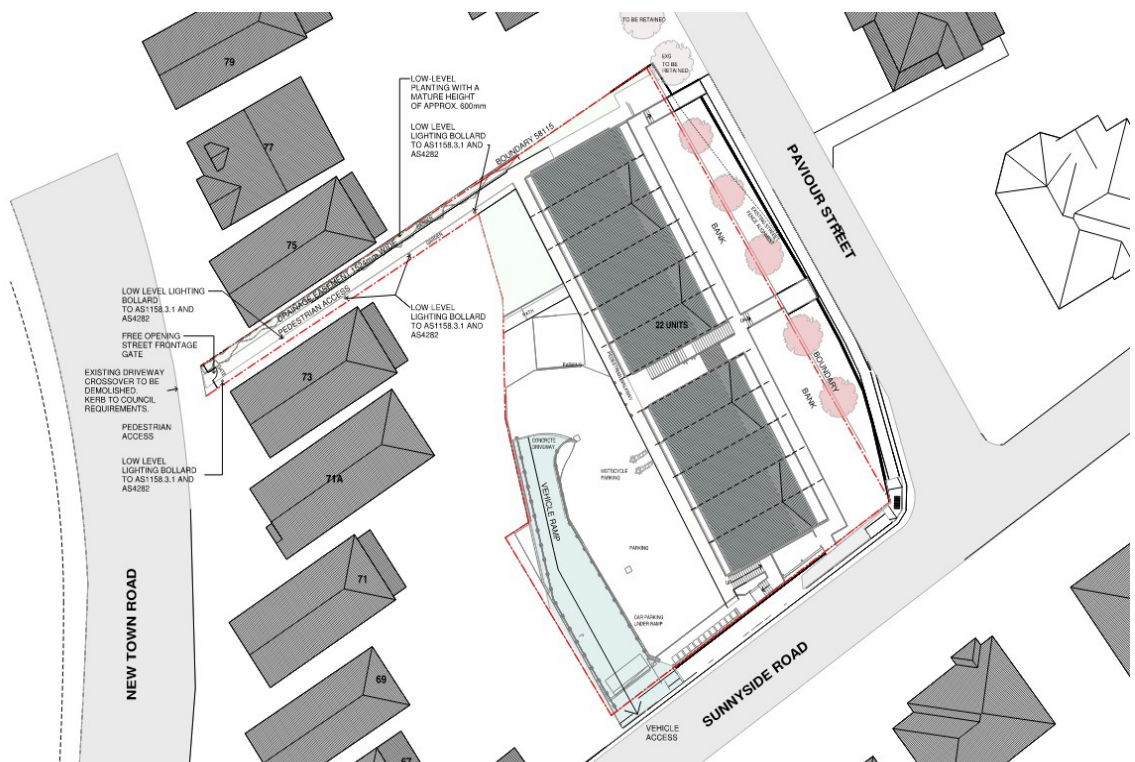
**Figure 6:** View of subject site from Sunnyside Road boundary looking north.

### **3. Proposal**

- 3.1 Planning approval is sought for Demolition, 22 Multiple Dwellings, Front Fencing, and Associated Works, at 73A New Town Road and Adjacent Road Reserve.

### 3.2 More specifically the proposal is for:

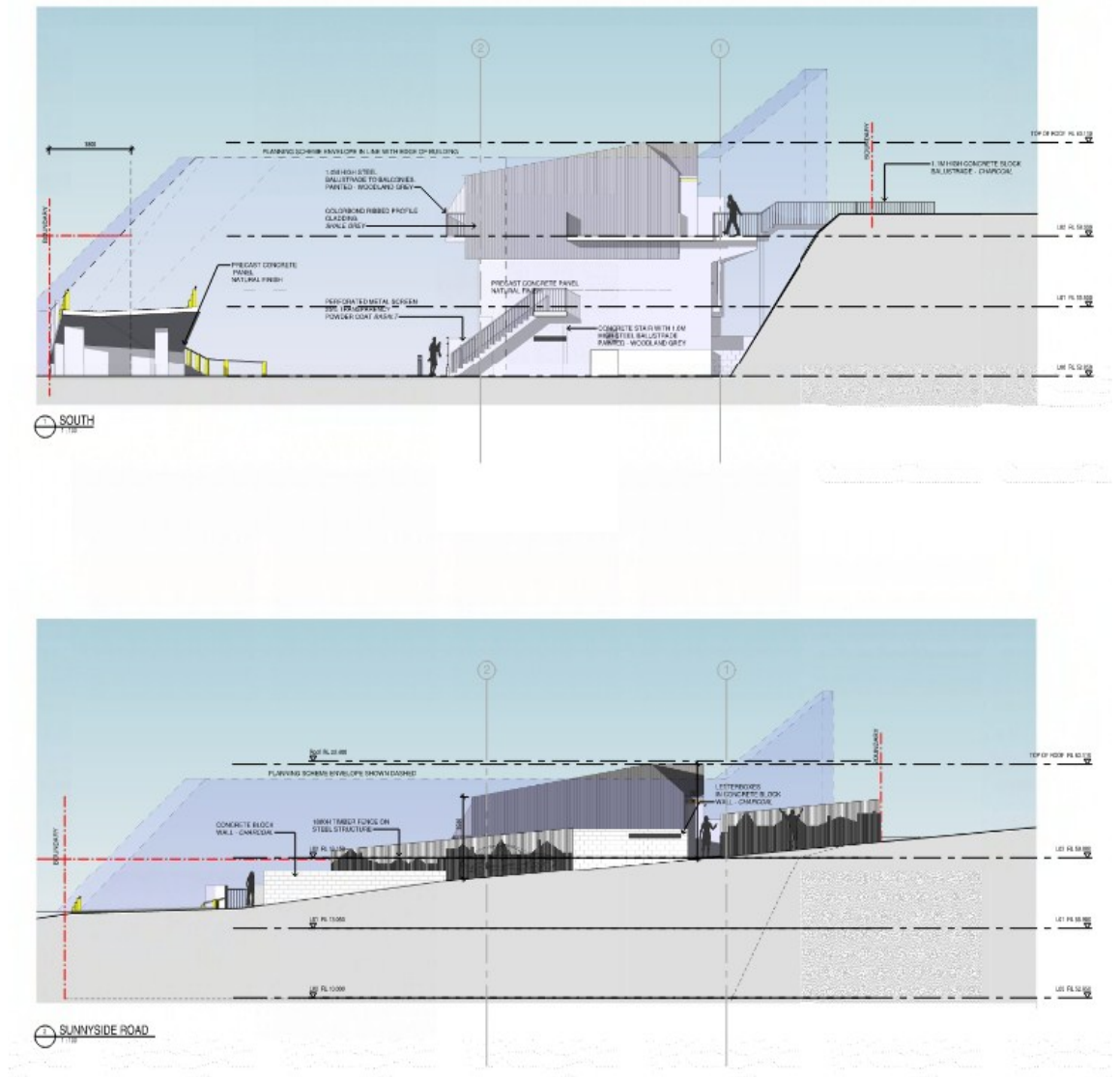
- Demolition of two existing tennis courts, chain wire mesh fencing, weatherboard clubhouse and shed, paved walkways, and crossover to New Town Road
- Construction of a three storey apartment building which will contain 11 one bedroom units on the ground floor and 11 two bedroom units across the second and third floors. An external car parking area for 12 cars and two motorcycle spaces. Bicycle parking is also incorporated.
- Construction of a new crossover along the Sunnyside Road frontage and construction of vehicle ramp and driveway to provide access to parking on site
- A covered communal bbq area will be provided on site
- Construction of a new elevated concrete walkway and stairs along the Sunnyside Road and Paviour Street frontages, part of which will be located within Paviour Street Road Reserve
- Construction of new timber fencing to and concrete block wall along Sunnyside Road and Paviour Street frontages, part of which will be located within Paviour Street Road Reserve
- New concrete path along access path to New Town Road which will include a 1.8m high gate at the New Town Road site boundary, low level garden planting, and low level lighting bollards
- Landscaping throughout site including along within the Paviour Street Road Reserve and access path to the New Town Road frontage



**Figure 7:** Site plan of proposed development







**Figure 9:** Southern elevation of the proposal



**Figure 10:** Photo-render of proposed development when viewed from Sunnyside Road.

## 4. Background

- 4.1 The site has historically operated as a tennis courts for the New Town Catholic Tennis Club under a Sports and Recreation use. The property was sold in 2020 to the State Government. Clearing of vegetation and removal of existing court fencing and lighting was undertaken in January 2022 to allow for a geo-technical assessment of the site prior to lodgement of a development application.
- 4.2 General Manager Consent was granted by Council in September 2022 for works in the adjacent road reserve.

## 5. Concerns raised by representors

- 5.1 Thirty One (31) representations objecting to the proposal were received within the statutory advertising period between 17/12/22 - 04/01/23.
- 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.

### **Building Envelope and Overshadowing**

- Adjoining properties will have sunlight restricted with overshadowing from the proposed development
- Unreasonable increase to overshadowing of adjacent backyards during winter months
- Shadows from frontage fencing needs to be considered
- Proposed Japanese Maple trees in landscape plan will result in further overshadowing to several New Town Road homes and block mountain views for properties along Paviour Street

### **Density**

- 22 units would potentially house at least 50 people on the site which is too high considering the existing surrounding area
- Dwelling size and density does not take into account the nature of the existing community or the families on social housing waitlist
- Not in character with the low-density residential street
- Recommended that unit numbers reduced and living space and open space increased

### **Privacy**

- Overlooking from proposed dwellings into backyards of New Town Road properties
- Loss of privacy from access strip into adjoining properties
- Permanent screening of ramp along boundary with 67 and 69 New Town Road should be provided, cannot rely on vegetation
- Suggestion to increase boundary fence heights with New Town Road properties to 2.1 metres or higher to ensure ground level privacy and security

### **Open Space**

- The design should be amended to reduce the building footprint to increase the open space available to residents
- The communal open space is grossly inadequate
- Concern at the level of sunlight to private open space and living space of ground floor units

### **Waste Storage**

- Having 44 bins for collection on the footpath will lead to impacts on pedestrians and traffic
- There is insufficient space along the frontage to have all required bins available to collection, when following Council guidelines

### **Acoustics and Noise Impacts**

- The Development includes both rear (on all units) and forward-facing balconies (on 11 of the units). This will result in a substantial increase in the amount of noise experienced by all adjacent properties
- Concern over noise impacts of vehicles using ramp ,and whether an acoustic study has been undertaken to determine impacts to nearby dwellings

### **Traffic Generation**

- Will increase congestion on an already busy area, particularly the intersections of Sunnyside Road with Argyle Street and New Town Road
- Disagreement with Traffic Impact Assessment regarding on-street parking use and crash statistics
- Further increase in traffic generation for Paviour Street which does not have an adequate turning circle at cul-de-sac and already has limited on-street parking
- Increase in traffic will conflict with existing residents use of Paviour Street for recreation

### **Parking and Road Infrastructure**

- Insufficient parking provided on-site for proposed multiple dwellings
- Justification for lower parking numbers relies on existing inner-city developments which is not comparable to the subject site. There is no reason to believe that residents will also have one or two cars.
- Existing on-street parking along Sunnyside Road and Paviour Street already at capacity and not sufficient to accommodate any further vehicles of residents and/or guests of proposed development
- Proximity to the planned development of the New Town Hospital and Practice will exacerbate these parking impacts - this development not taken into account in supplied Traffic Assessment
- Management of on-street parking around vehicle ramp needs to be managed for safety, existing parking arrangement would create unsafe visibility
- Safeguards to protect on-street parking for New Town Road residents should be implemented such as parking pass restrictions or footpath signage
- The entire ground floor should change from liveable space to car parks

### **Stormwater**

- The proposed vehicle crossover is not adequate to cope with the level of waterflow coming down the hill of Sunnyside Road
- Historical ground water issues originating from subject site - hopeful that proposed drainage plan and flooding plan will address situation and not compound it.

### **Heritage**

- The proposal does not present as a building that is compatible with and sympathetic to the height, bulk, setback, materials, and finished and general character of contributory and heritage listed place.
- The proposed social development on this site changes the fabric of the area- it is difficult to see how modern, high density housing fits within the Heritage Precinct plan
- The proposal does not maintain a curtilage of usable open space



<p><b>Public Notification Period</b></p> <ul style="list-style-type: none"> <li>- Having the public notification period stretch across the Christmas and New Year holiday period makes it difficult to reach all interested residents and parties</li> <li>- Claims that the decision to have notification during this period was a deliberate delay on behalf of the applicant</li> </ul>
<p><b>General Comments</b></p> <ul style="list-style-type: none"> <li>- the proposal is attempting to do too much with too little. The space available is inadequate for what is proposed, and has led to penny-pinching, design mistakes, and, if it is approved, poor outcomes for its residents and neighbours.</li> <li>- The lack of social housing in Hobart should not be the excuse for short term solutions that are likely to create significant problems in the mid-to long term. The overriding principle for this development should be long-term, strategic thinking considering the needs of the community as it currently stands and as it will be once the development is completed</li> <li>- this design should be scaled back in size and ambition. It should not impose unreasonable costs on those nearby.</li> <li>- Insufficient provision of sustainable energy features to lessen environmental impact of the development</li> <li>- Plans do not appear to outline disability access and these standards are not referenced</li> <li>- Concern over impacts during construction phase - regarding noise, vehicle parking, contact details, dust mitigation, safeguards from construction damage</li> <li>- Loss of a community sporting venue</li> <li>- Development will lead to loss of value of surrounding properties</li> <li>- The primary frontage should be considered to be Paviour Street</li> </ul>

## 6. Assessment

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

- 6.2 The site is located within the Inner of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Sports and Recreation. The proposed use is Residential (multiple dwelling). The existing use is a discretionary 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 D11.0 Inner Residential Zone
  - 6.4.2 E5.0 Road and Railway Assets Code
  - 6.4.3 E6.0 Parking and Access Code
  - 6.4.4 E7.0 Stormwater Management Code
  - 6.4.5 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Inner Residential Zone:
    - Residential Density for Multiple Dwellings - D11.4.1 P1*
    - Setbacks and Building Envelope - D11.4.2 P1; P3*
    - Site Coverage and Private Open Space for all Dwellings - D11.4.3 P1; P2*
    - Sunlight to Private Open Space of Multiple Dwellings - D11.4.4 P1*
    - Frontage Fences for all Dwellings - D11.4.7 P1*
    - Waste Storage for Multiple Dwellings - D11.4.8 P1*
  - 6.5.2 Road and Railway Assets Code
    - Sight Distance and Accesses, Junctions and Level Crossings - E5.6.4 P1*
  - 6.5.3 Parking and Access Code:
    - Number of Parking Spaces - E6.6.1 P1*
    - Design of Vehicular Accesses - E6.7.2 P1*
    - Vehicle Passing Areas along and Access - E6.7.3 P1*
    - Layout of Parking Areas - E6.7.5 P1*

6.5.4 Stormwater Management Code

*Stormwater Drainage and Disposal - E7.7.1 P2*

6.5.5 Historic Heritage Code:

*Demolition in a Heritage Precinct - E13.8.1 P1*

*Building and Works other than Demolition in a Heritage Precinct - E13.8.2 P1; P4; P5*

6.6 Each performance criterion is assessed below.

6.7 Residential Density for Multiple Dwellings - D11.4.1 P1

6.7.1 The acceptable solution at clause 11.4.1 A1 requires that multiple dwellings must have a site area per dwelling of not less than 200m<sup>2</sup>.

6.7.2 The proposal includes twenty two (22) dwellings on a total assessable site area of 1849m<sup>2</sup>, creating a site area per dwelling of 84m<sup>2</sup>.

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 11.4.1 P2 provides as follows:

*Multiple dwellings must only have a site area per dwelling less than 200m<sup>2</sup> if:*

*(a) the development contributes to a range of dwelling types and sizes appropriate to the surrounding area; or*

*(b) the development provides for a specific accommodation need with significant social or community benefit.*

6.7.5 The proposal includes 11 one bedroom units and 11 two bedroom units, all 22 units will be for social housing provided by Housing Tasmania and managed by Centacare Evolve Housing. The units will provide long term and secure affordable housing for singles, couples and small families (such as a parent with 1 child). A provision of housing for this specific accommodation is considered to be a of a significant social or community benefit and therefore the discretion to provide housing at the proposed density is assessed as acceptable in accordance with (b).

6.7.6 The proposal complies with the performance criterion.

6.8 Setbacks and Building Envelope - D11.4.2 P1

6.8.1 The acceptable solution at clause 11.4.2 A1 requires that a dwelling must have a setback from a frontage that is not less than 3m from the primary frontage and not less than 2m, if the frontage is not a primary frontage.

6.8.2 The proposal includes construction of staircases and walkways which will be setback approximately 0m from the frontage with Sunnyside Road and Paviour Street (both secondary frontages).

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

6.8.4 The performance criterion at clause 11.4.2 P1 provides as follows:

*A dwelling must have a setback from a frontage that is compatible with the streetscape having regard to any topographical constraints.*

6.8.5 The proposed structures within the frontage setbacks include walkways and stairs that provide access from the lower levels to the street frontage. These staircases and walkways will be largely obscured by the proposed boundary fencing along both Paviour Street and Sunnyside Road frontages and will have limited visual prominence when viewed from the street or nearby properties. The height of these structures is assessed as remaining compatible with the streetscape. The topography of the site along both of these secondary frontages is a steep incline and wall and the location of these structures is considered to be a direct response to the topographic constraints of the site.

6.8.6 The proposal complies with the performance criterion.

6.9 Setbacks and Building Envelope - D11.4.2 P3

6.9.1 The acceptable solution at clause 11.4.2 A3 requires that a dwelling must be contained within a building envelope determined by a distance equal to the frontage setback; and projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 9.5m above existing ground level.

- 6.9.2 The proposal includes a minor encroachment of the top corner of Unit 12 and part of the roofline beyond the three dimensional building envelope.
- 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 11.4.2 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; and*

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

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

**6.9.5 Reduction in sunlight to a habitable room**

With respect assessment under clause 11.4.2 P3 (a) (i), the proposed development will only see additional overshadowing that will restrict sunlight to a habitable room of the property at 71A New Town Road at 11am on 21 June. Specifically this will be to two windows along the rear elevation of the dwelling which open into an undefined room and to a kitchen. The sunlight reduction will only be for an additional hour on 21 June with the rooms to have otherwise unrestricted sunlight for the rest of the day. The impact is assessed as not being to an extent that would cause an unreasonable loss of amenity.

**Overshadowing private open space**

Due to the alignment of the subject site and proposed development

location, overshadowing and sunlight reduction impacts to the adjoining properties along the New Town Road frontage are being considered, that is 67, 69, 71, 71A, and 73 New Town Road. Extensive shadow diagrams have been provided as part of the application to demonstrate the existing shadow and anticipated shadow impacts on surrounding properties on 21 June and 21 March / September (refer to plans DA 18 to DA 53).

Shadow diagrams provided as part of the assessed documents illustrate that in existing circumstances the subject site and all adjoining dwellings on the New Town Road frontage will be in shadow at 9am and 10am on 21 June, there will be no change with the inclusion of the proposed development. From 11am on 21 June the shadow impact to 67 and 69 New Town Road are comparable to the existing circumstances with additional overshadowing to the backyards of 71, 71A, and 73 New Town Road and sunlight restricted to windows on the rear elevation of number 71A. The diagrams illustrate that from midday to 3pm on 21 June, overshadowing and sunlight access to the dwellings and private open space of 67, 69, 71, 71A and 73 New Town Road is comparable to the existing shadowing circumstances on the site, with only some minor increases in shadows along the shared boundary.

A review of shadow diagrams for 21 March and September illustrate that access to sunlight for dwellings and private open space for the adjoining properties along New Town Road remains largely comparable to existing circumstances. Additional overshadowing is noted along the shared boundaries of the properties at 71A and 73 New Town Road at 10am and 11am.

The proposed development will see an increase, of varying extent, in overshadowing of the private open space of the properties at 67, 69, 71, 71A, and 73 New Town Road, as noted above this will be between 11am to 3pm on 21 June. The overshadowing to the rear yards of 67, 69, 71, and 73 New Town Road remain largely unchanged, with some minor increase in shadows due to the inclusion of the new vehicle ramp. Over 50% of these rear yards will be unimpacted by the proposed development from at least 11:30am until 3pm on 21 June. Likewise, 71A New Town Road will have a substantial increase to overshadowing of the rear yard at 11am on 21 of June which will reduce to less than half of the yard at 12pm and no impacts from shortly after 1pm until 3pm. As with the other adjoining New Road properties, over 50% of the rear yard will remain unimpacted by overshadowing from the development for at least 3 hours from midday until late afternoon.



In summary:

- 67 New Town Road - no change to overshadowing of private open space.
- 69 New Town Road - on 21 June, there will be further overshadowing of the backyard at 10am, but this will no longer be present by 11am and the overshadowing for the balance of the day is no greater than existing. On 21 March / September, the overshadowing will be no greater than existing.
- 71 New Town Road - on 21 June, there will be further overshadowing of the backyard at 10am, largely reduced to the existing situation by 11am and completely by 12 noon, with the overshadowing for the balance of the day being a slight improvement on the existing from 1pm. On 21 March / September, the overshadowing will be no greater than existing, except for a slight increase in overshadowing at 9am.
- 71A New Town Road - on 21 June, there will be greater overshadowing for a period of about 1.5 hours around 11am, reverting to the existing by about 12 noon and for the balance of the day. On 21 March / September, there will be a slight increase in overshadowing but this will revert to the existing by 11am.
- 73 New Town Road - on 21 June, there will be overshadowing which is similar to existing, with some minor increases during the morning at 11am for about an hour in the rear corner of the property. On 21 March / September, there will be further overshadowing to the private open space for this property. This is the largest overshadowing impact of the development. This will reduce by 11am so that only a small part of the rear corner is overshadowed.

The overshadowing of all private open spaces of dwellings on an adjoining property is assessed as remaining appropriate, and would not result in an unreasonable loss of amenity.

### **Overshadowing adjoining vacant property**

There is no adjoining vacant properties and therefore clause 11.4.2 P3 (a) (iii) was not assessed.

### **Visual impacts**

With respect to the visual impacts of the proposed development, it is assessed that there will be no unreasonable loss of amenity due to the visual appearance and scale of the building. The building has been set into the unique topography of the site, positioned to maximise the setback from the shared boundaries with the adjacent properties along New Town

Road with a minimum distance from the boundary of 7.7m and a maximum distance of 19.5m. The proposed building and boundaries will be separated by parking areas, landscaping, and communal outdoor open space which will contribute towards minimising the bulk and scale of the building when viewed from adjoining lots to the west. Being built into the topography of the site, the views from both Paviour Street and Sunnyside Road will see a reduced visual impact the majority of the proposed building sited lower than the existing street levels. The visual appearance will remain similar to that of existing dwellings on these streets, with the entire development having a low level of visual impact when viewed from properties adjacent or opposite to the subject site. Further screening from fencing and boundary walls will screen the proposed dwelling, leaving a visible roofline that has incorporated pitches intended to echo, and contribute to, the existing visual character of the area.

Views of the proposed development from the adjoining property at 10 Paviour Street will not lead to any unreasonable visual impacts. There will be a setback of 2.4m from the side boundary and an approximate distance of 15m between dwellings whilst also siting at a higher elevation. This setback alongside the proposed side on view of the building will minimise perceived bulk and scale and will not present a visually intrusive to this adjoining dwelling.

### **Separation between dwellings on adjoining properties**

The setback of the proposed development to the boundaries of adjoining properties on Paviour Street and New Town Road is considered to remain consistent and compatible with established properties in the surrounding area.

### **Representation issues**

Several objections raised during the statutory advertising period have raised concerns about the potential amenity impacts caused by the proposed development due to overshadowing and visual impact. Concerns were specifically raised about overshadowing to backyards of the adjoining New Town Road properties during the winter months as well as the visual impact of the proposed vehicle ramp on the directly adjoining properties of 67 and 69 New Town Road. As assessed above, whilst there will be an increase in overshadowing of the private open space of adjoining properties during the June the planning assessment remains that the extent of this overshadowing will be limited and not contribute

towards an unreasonable loss of amenity.

Another specific concern was that the reliance by the applicant on existing vegetation directly against the proposed vehicle ramp to reduce visual impacts was inappropriate and that a permanent screening should be included in the final plans. Further discussions with the applicant have lead to a condition requiring that further screening along this shared boundary be included as part of the final endorsed plans, this will reduce the visual intrusion of the ramp, minimise noise, and further reduce overlooking from vehicles using the access. It has also been recommended that the applicant engage with the boundary neighbours along New Town Road about increasing the boundary fence to a height of 2.1m which will further reduce visual intrusion from the proposed development and increase privacy on adjoining properties.

6.9.6 The proposal complies with the performance criterion.

6.10 Site Coverage and Private Open Space for all Dwellings - D11.4.3 P1

6.10.1 The acceptable solution at clause 11.4.3 A1 requires that multiple dwellings must have a total area of private open space of not less than 40m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).

6.10.2 The proposal includes ground floor multiple dwellings with a total area of private open space less than 40m<sup>2</sup>.

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 11.4.3 P1 provides as follows:

*Dwellings must have:*

*(a) site coverage consistent with that existing on established properties in the area;*

*(b) private open space that is of a size and with dimensions appropriate for the size of the dwelling and is able to accommodate:*

*(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take*

*into account any common open space provided for this purpose within the development; and*

*(ii) operational needs, such as clothes drying and storage; and*

*(c) reasonable space for the planting of gardens and landscaping.*

- 6.10.5 With respect to site coverage, the proposal will have a total footprint of 636m<sup>2</sup> which equates to a coverage of 34.4%. This coverage remains consistent with the acceptable solution under clause 11.4.3 A1. This extent of coverage remains consistent with that existing on established properties in the area.

The proposed one bedroom dwellings will have a total area of private open space of 13.1m<sup>2</sup> which includes two terraces that are 7.6m<sup>2</sup> and 5.5m<sup>2</sup> in area. The proposed open space for the dwellings is considered to be of a size and dimension which will be appropriate for the size of the dwelling and are capable of accommodating the projected requirements of the occupants and provide space for their operational needs. The proposed development also includes elements of common open space which will supplement the provided private balconies and terraces on the site, further contributing towards the available outdoor recreational areas.

A number of representations received during the statutory advertising period raised objection to the size of the private open space for each dwelling and commented the provided communal space was inadequate for the number of dwellings (and residents on the site). For a one bedroom and two bedroom unit, within a medium density complex in an inner city residential location, the provision of between 12.8 and 13.1m<sup>2</sup> of total private open space is considered to be an appropriate size and would reflect the requirements of occupants that would wish to live in dwellings of this size. The proposed development has provided some elements of communal space on the site, that is assessed as being on benefit towards to operational needs of residents. Representors raised concern that residents will spill out into the adjoining streets to due to the lack of open space on the site. Whilst the performance assessment does not account for other public space nearby, the subject site is within 150m of two public parks, at Stoke Street and Seymour Street. It is also noted that other representors expressed concern for the approval of the development as it will compromise the local residents use of the Paviour Street cul-de-sac for recreational activity.

- 6.10.6 The proposal complies with the performance criterion.

## 6.11 Site Coverage and Private Open Space for all Dwellings - D11.4.3 P2

6.11.1 The acceptable solution at clause 11.4.3 A2 requires that a dwelling must have private open space that is in one location and is not less than 24m<sup>2</sup>; or 12 m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and has a minimum horizontal dimension of 4m; or 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).

6.11.2 The proposal includes 22 multiple dwellings that provide between 5.5m<sup>2</sup> - 7.6m<sup>2</sup> of private open space in one location.

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

6.11.4 The performance criterion at clause 11.4.3 P2 provides as follows:

*A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:*

*(a) conveniently located in relation to a living area of the dwelling; and*

*(b) orientated to take advantage of sunlight.*

6.11.5 Each proposed unit will have private open space in the form of a terrace or balcony which will be located on both eastern and western elevations of the building. Whilst the open space provided will be no greater 7.6m<sup>2</sup> of area in one location, the space is considered adequate in size to have the capability to serve as an extension of the dwelling for outdoor relaxation, dining, entertaining, or children's play. Each of the terraces will have a minimum horizontal dimension of 3.8m. Both the one and two bedroom units will have private open space which will be directly accessible from a living area of the dwelling. The applicant has advised that in addition to this open space further communal area is provided on the site.

With respect to access to sunlight, the orientation of the building and location of the balconies and terraces on both eastern and western elevations is considered an appropriate design response to take advantage of sunlight. The ground floor units will include terraces which

will receive morning and afternoon sunlight across both east and west facing sides. Similarly, the upper floor units will include terraces on the eastern side which will take advantage of sunlight from morning to early afternoon, whilst the west facing balconies will obtain afternoon sunlight.

Objections received during the statutory notification period raised concern for the size of each unit's private open space as well as the adequacy of sunlight into these spaces, particularly those units on the ground floor. As addressed above in the assessment response to clause 11.4.3 P1, the proposed open space is assessed as remaining capable of serving as an extension of the dwelling and that there is additional communal space as well as nearby public open space that would benefit residents. The access to sunlight for the one bedroom units on the northern end of the building are identified as being the most in shadow during 21 June, with the topography of the site creating the most issues with this access. In direct response to the performance criterion though, the design has included open space that is appropriately oriented to take advantage of afternoon sunlight, which does improve outside of the winter months.

6.11.6 The proposal complies with the performance criterion.

#### 6.12 Sunlight to Private Open Space of Multiple Dwellings - D11.4.4 P1

6.12.1 The acceptable solution at clause 11.4.4 A1 requires that a multiple dwelling that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 11.4.3, must be contained within a line projecting at a distance of 3m from the northern edge of the the private open space; and vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal. The multiple dwelling must not also cause 50% of the private open space to receive less than 3 hours of sunlight within the hours of 9.00am to 3.00pm on 21st June.

6.12.2 The proposal includes the location of dwellings and private open space which will lie to the north of the private open space of other proposed multiple dwellings and which causes the ground floor unit private open space to receive less than 3 hours of sunlight on June 21st.

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

6.12.4 The performance criterion at clause 11.4.4 P1 provides as follows:



*A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 11.4.3 of this planning scheme.*

- 6.12.5 The proposal has created units with two separate areas of private open space which have been appropriately oriented to take advantage of the available sunlight, in spite of topographical constraints of the site. The private open space to each of dwellings has been assessed as remaining compliant with clause 11.3.4 P2 of this planning scheme. The proposed building will be located in a previously operating quarry with a steep face that runs along the eastern and southern boundaries and as a vacant block, does not present as a site with a high standard of access to sunlight during winter months. The proposal will see the the ground floor units sited 6.5m below the footpath along the Paviour Street boundary which will significantly contribute to the access of sunlight to some elements of the site during the winter months. The provided documentation illustrates there will be a large amount of overshadowing of the ground floor units open space caused, in part, by the upper floor dwellings and structures, but also as a cause of the existing topography of the site along the Paviour Street boundary.

Despite being part of the same building, the proposal does not meet acceptable solution at clause 11.4.4 A1 in that the some of the proposed upper floor dwellings will be to the north of the private open space of the ground floor dwellings due to the north-south orientation of the structure. Whilst elements of this overshadowing will be due to the upper floor dwellings, as there are no overhanging elements of the upper floor dwellings beyond the footprint of the lower floors, the strict interpretation of circumstances is that overshadowing would also be caused by the structure of the lower floor dwellings themselves.

Examining circumstances on the 21st of June, is clear in the provided documentation that there will be overshadowing of the private open space to all ground floor dwellings on both western and eastern elevations. On the western elevation, from the morning until 2pm the terraces on the ground floor will be in shadow due to the building structure . On the eastern elevation, the building structure will overshadow the private open space to all ground floor dwellings from 3pm until sunset. In addition to this, from 9:00am until 3:00pm, the terraces on the eastern elevation will largely be overshadowed by the existing topography, the quarry face wall along the Paviour Street boundary.

The design response to the site orientation and topography has lead to an unfortunate outcome whereby there will be minimal direct sunlight to the private open space of ground floor units, particularly those on the northern end of the site, during the winter months. These ground floor terraces will see partial sunlight for up to 1 hour, shared between the east and west facing sides. Any restrictions to the specific terraces can be potentially supplemented by the provided directly adjacent communal open space which will have much greater direct sunlight opportunities. The opportunity for direct sunlight greatly improves during the March, September, and December months, where each terrace will have several hours of sunlight across both east and west elevations of the building. Solely based on the illustrated circumstances on 21 of June, the proposal does not present as being problematic against the performance criterion. Making a cumulative assessment of opportunity for sunlight to all private open space on the site across the entire year though, it is evident that the level of overshadowing will be to an appropriate level consistent with existing dwellings in the area. The proposal is making concerted effort to provide housing in a difficult location, in spite of poor sunlight outcomes during the winter period, the overall degree of overshadowing and sunlight access is assessed as not being to an extent that results in an unreasonable loss of amenity.

6.12.6 The proposal complies with the performance criterion.

6.13 Frontage Fences for all Dwellings - D11.4.7 P1

6.13.1 There is no acceptable solution at clause 11.4.7 A1.

6.13.2 The proposal includes timber fencing along the Paviour Street and part of the Sunnyside Road frontage to a height of 1.8m and a concrete block wall between 1.3 and 1.8m along the Sunnyside Road frontage. These do not meet the exemptions under clause 5.6.2.

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

6.13.4 The performance criterion at clause 11.4.7 P1 provides as follows:

*A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:*

*(a) provide for security and privacy while allowing for passive surveillance of the road; and*

*(b) be compatible with the height and transparency of fences in the street, having regard to:*

*(i) the topography of the site; and*

*(ii) traffic volumes on the adjoining road.*

- 6.13.5 The proposed timber fencing and concrete block walls along Paviour Street and Sunnyside Road will provide security and privacy for the residents of the site, the waste storage area, and exterior walkways as well as allowing for passive surveillance of the road frontages.

The height will reach a maximum of 1.8m, which will remain compatible with the height and transparency of other fences and walls along Sunnyside Road and established hedges and fencing along Paviour Street. Due to the topography of the site along the boundary, the fencing height will appear to be of a smaller scale due to the height of the roadway as well as footpaths and properties in an elevated position on opposite sides of the road.

- 6.13.6 The proposal complies with the performance criterion.

#### 6.14 Waste Storage for Multiple Dwellings - D11.4.8 P1

- 6.14.1 The acceptable solution at clause 11.4.8 A1 requires that a multiple dwelling must have a storage area for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within a common storage area with an impervious surface that has a setback of not less than 4.5m from a frontage and not less than 5.5m from any dwelling.

- 6.14.2 The proposal includes a common storage area for waste and recycling which is setback 0m from the Sunnyside Road frontage and 0m from proposed dwellings.

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

- 6.14.4 The performance criterion at clause 11.4.8 P1 provides as follows:

*A multiple dwelling must have storage for waste and recycling bins that is:*

*(a) capable of storing the number of bins required for the site;*

*(b) screened from the frontage and any dwellings; and*

*(c) if the storage area is a common storage area, separated from any dwellings to minimise impacts caused by odours and noise.*

- 6.14.5 The proposal includes two screened waste storage areas located on a raised platform between the Sunnyside Road frontage and the southern end of the proposed multiple dwelling block which will have space for twelve (12) rubbish bins each, to contain a total for 24 bins on the site for the 22 proposed multiple dwellings. Council's Waste Unit requires at least 120 litres of waste and recycling for each dwelling, which is 2640 litres for waste and recycling for the 22 proposed multiple dwellings on the site. The provision of at least eleven (11) 240 litre waste and eleven (11) 240 recycling bins which will operate in a shared arrangement and will provide adequate waste storage for the site. Council's 240 litre bins have a width of 582mm and depth of 740mm, the proposal has demonstrated adequate space across both waste storage areas for these bins.

Objections to the advertised proposal raised concern that bin collection would not be feasible on the frontage footpath, with the assumption of 44 bins proposed (two for each dwelling). The proposed plans and accompanying planning report states that there will be 24 units for the entire site. Council's Waste Unit have not raised any concerns with the collection of waste from this site.

- 6.14.6 The proposal complies with the performance criterion.

## 6.15 Sight Distance and Accesses, Junctions and Level Crossings - E5.6.4 P1

- 6.15.1 The acceptable solution at clause 5.6.4 A1 requires that sight distances at an access must comply with the Safe Intersection Sight Distance shown in Table E5.1, which is a requirement of 80 metres.
- 6.15.2 The proposed access visibility exceeds the required 80 metres except during times when cars are parked adjacent to the site.
- 6.15.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.15.4 The performance criterion at clause 5.6.4 P1 provides as follows:

*The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe*

*movement of vehicles, having regard to:*

*(a) the nature and frequency of the traffic generated by the use;*

*(b) the frequency of use of the road or rail network;*

*(c) any alternative access;*

*(d) the need for the access, junction or level crossing;*

*(e) any traffic impact assessment;*

*(f) any measures to improve or maintain sight distance; and*

*(g) any written advice received from the road or rail authority.*

6.15.5 Referral was made to Council's Development Engineer who has provided the following assessment:

The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

(a) the nature and frequency of the traffic generated by the use;

**- All traffic generated by the proposed development will be residential in nature.**

(b) the frequency of use of the road or rail network;

**- Sunnyside Road is a minor collector road that has a relatively low traffic volume near the site. It provides access to a residential catchment that is relatively stable and closed in nature. The general urban speed limit of 50-km/h applies to Sunnyside Road. This speed limit is appropriate for the residential nature of the development.**

(c) any alternative access;

**- No alternative access is possible for the proposed development.**

(d) the need for the access, junction or level crossing;

**- The applicant's traffic engineer stated the following;**

*"The current development site has no vehicular access.*

*The development will create a new vehicular access onto Sunnyside*

*Road, that will be a standard concrete kerb crossover and comply with LGAT standard drawing TSD-R09-V1 for an urban road driveway. The entry of this vehicular access ramp will be six metres wide and provide for two-way traffic movements through a passing bay layout; the ramp will be designed to accommodate the swept path of B99 vehicles entering and leaving Sunnyside Road, servicing the 12 on-site parking spaces for the tenants."*

(e) any traffic impact assessment;

**- A Traffic Impact Assessment was submitted.**

**- The applicant's traffic engineer stated the following;**

*"The new access off Sunnyside Road will provide for two-way traffic movements and motorists leaving the development site will have available sight distance of 80 metres in both directions, which satisfies the planning scheme requirement for Safe Intersection Sight Distance for a 50 km/h speed limit.*

*This development will comply with the acceptable solution for Safe Intersection Sight Distance, and motorists will be able to enter Sunnyside Road in a safe manner, without disrupting the current road users."*

(f) any measures to improve or maintain sight distance; and

**- The available sight distance generally exceeds the required 80 metres except during times when cars are parked adjacent to the site.**

*"The speed limit along Sunnyside Road is the urban 50 km/h speed limit.*

*The available sight distance from the proposed development access has been measured on site, and a driver leaving the site has at least 100 metres of sight distance to the left, and 80 metres to the right."*

(g) any written advice received from the road or rail authority.

**- No written advice was requested by the road authority (Council) relating to the access.**

**Council's traffic engineer and Development Engineering has concluded based on the documentation submitted to date and given the above assessment, the sight distance is accepted as meeting the *Performance Criteria P1:E5.6.4* of the Planning Scheme.**

6.15.6 The proposal complies with the performance criterion.

6.16 Number of Parking Spaces - E6.6.1 P1

6.16.1 The acceptable solution at clause 6.6.1 A1 requires that the number of on-site car parking spaces no less than and no greater than the number specified in Table E6.1, which is a requirement of 39 car parking spaces for the eleven 1 bedroom units and eleven 2 bedroom units as well as necessary visitor spaces.

6.16.2 The proposal includes twelve on-site car parking spaces.

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

6.16.4 The performance criterion at clause 6.6.1 P1 provides as follows:

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

*(a) car parking demand;*

*(b) the availability of on-street and public car parking in the locality;*

*(c) the availability and frequency of public transport within a 400m walking distance of the site;*

*(d) the availability and likely use of other modes of transport;*

*(e) the availability and suitability of alternative arrangements for car parking provision;*

*(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*

*(g) any car parking deficiency or surplus associated with the existing use of the land;*

*(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed*

*before the change of parking requirement, except in the case of substantial redevelopment of a site;*

*(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*

*(j) any verified prior payment of a financial contribution in lieu of parking for the land;*

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

*(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.*

6.16.5 Referral was made to Council's Development Engineer who has provided the following assessment:

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 applicant's traffic engineer stated the following;**

*"The planning scheme specifies that 38 parking spaces are required for the 22 units. The development is providing 12 on-site parking spaces. As demonstrated in this assessment the parking demand for one and two bedroom social housing units is significantly reduced, the 12 spaces being provided by this development is expected to meet the reasonable demand generated by the tenants."*

*"Based on the Queensland social housing standard, the proposed New Town site could be considered as site category A, due to the proximity to a high frequency bus route, and local community facilities. Based on this standard, the 22 units could generate a parking demand of 14 spaces."*

*"In addition to the Queensland standard for social housing, the RTA also has parking standards for high density residential units located in close proximity to a high frequency public transport route, the RTA*



*Guide indicates the following parking requirements.*

- *0.6 parking spaces per one bedroom unit*
- *0.9 spaces per two bedroom unit*
- *1.4 spaces per three bedroom unit*
- *1 space per five units (visitor parking)*

*Based on the RTA guide, this development could generate a parking demand of 17 parking spaces for the tenants, not including visitor parking."*

**A substantial number of consultant traffic engineers engaged by developers seek the use of the Roads and Traffic Authority (RTA) guide as a refuge to justify car parking deficiency against the Planning Scheme. One must remember this is a guide and is not meant to be a standard that is rigidly applied, also the RTA guide should be viewed as a minimum desirable position.**

**- Council's traffic engineer stated the following;**

*"I support the TIA's estimated peak parking demand rates calculated from the Queensland social housing standard of 14 spaces. I also support the conclusion that the parking demand does not require the need to satisfy the Planning Scheme requirements as the development is located close to a frequent bus service on New Town Road and the intercity cycleway which accommodates all levels of riders and therefore there are alternate transport options available.*

*The TIA outlined that 12 of the 14 spaces expected to be generated from the development can be accommodated on-site and the remaining 2 parking spaces can be absorbed within the on-street parking. Usually the preference is that parking demand is contained within the site, however, given a parking survey indicated that there are spaces available on-street and the previous tennis court development was operating without spaces and relied on on-street parking, the shortfall parking could be accommodated on the street without having a negative impact on amenity."*

Evidence has been provided to Hobart City Council by the Department of Communities Tasmania on the actual car parking demand of new social housing developments. The examples provided show that the developments experience a significant reduction in car ownership for residents, with a formal car parking survey undertaken by a qualified traffic engineer for the Department of Communities Tasmania indicating a maximum rate of 0.55 parked cars / unit. Tenancy allocations to these unit

developments are based on a suitability assessment to ensure that the location and type of housing suits the individual needs of the resident. Effective allocations and tenancy management is a further mechanism used to manage the parking demand. Given the evidence provided, Hobart City Council is generally willing to accept the reduced car parking ownership rate, and hence demand for car parking, for Social Housing Developments. On this basis the proposal is considered to have met E6.6.1 P1 a) car parking demand.

(b) the availability of on-street and public car parking in the locality;

**- The applicant's traffic engineer stated the following;**

*"A recent parking supply and demand survey of Paviour Street and Sunnyside Road found there is 96 spaces available, within 200 metres of the development site. The patrolled parking survey found these spaces have a low occupancy rate of less than 20 percent, mainly because the surrounding residential properties have suitable off-street facilities, and along the western side of Paviour Street there is only a few property accesses, as these properties have their access off New Town Road. The survey found there is sufficient supply of on-street parking spaces to meet any overflow or visitor demand likely to be generated by this development. The development site has 70 metres of road frontage, this length of road frontage can accommodate 8 to 10 vehicles, and these vehicles would not adversely impact surrounding properties."*

*"To evaluate the impact of visitor parking on surrounding properties, it is important to understand the supply and demand for on-street parking spaces along the surrounding streets, that could be used to assist with any visitor parking demand. A parking supply and demand survey was conducted on the two adjacent streets to the development site, Sunnyside Road, and Paviour Street, with the results of the surveys shown in table 5.1.*

*The survey found along the two adjacent streets to the development site, there is sufficient kerb space to accommodate up to 96 parallel parked vehicles. The survey found the demand for these parking spaces to be low, less than 20 percent, based on three patrolled survey times, at 9:00am, 12 noon and 5:00pm (weekday)."*

**- Council's traffic engineer stated the following;**

*"Usually the preference is that parking demand is contained within the site, however, given a parking survey indicated that there are spaces available on-street and the previous tennis court development was*

*operating without spaces and relied on on-street parking, the shortfall parking could be accommodated on the street without having a negative impact on amenity."*

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

**- The applicant's traffic engineer stated the following;**

*"METRO Tasmania runs a high frequency bus service between Glenorchy and Hobart via New Town Road, with a bus operating every ten minutes between 7:00am and 7:00pm, Monday to Friday. With bus stops located within 250 metres of the development site, this provides the unit tenants with a convenient and viable alternative transport mode."*

*"The development site is located adjacent to a high frequency public transport route, which is very important, as public transport is usually a significant transport mode for social housing tenants, reduces the reliance on private motor vehicles and parking demand.*

*METRO Tasmania runs a high frequency bus service from Hobart to Glenorchy along New Town Road, with a bus operating every ten minutes between 7:00am to 7:00pm, Monday to Friday, every twenty minutes on Saturday, and every thirty minutes on Sunday.*

*A southbound bus stop is located on New Town Road within 50 metres of Sunnyside Road, and a northbound bus stop located within 250 metres. This development site is well positioned to take advantage of the high frequency public bus service, and provides tenants with an accessible, convenient, and viable alternative transport mode."*

**- Council's traffic engineer stated the following;**

*"I also support the conclusion that the parking demand does not require the need to satisfy the Planning Scheme requirements as the development is located close to a frequent bus service on New Town Road and the intercity cycleway which accommodates all levels of riders and therefore there are alternate transport options available."*

(d) the availability and likely use of other modes of transport;

**- The applicant's traffic engineer stated the following;**

*"The development site is located within three kilometres of the Hobart CBD, and this makes bicycle riding a viable option, particularly with on-road cycle lanes operating along Argyle Street, extending into New*

*Town Road. The intercity cycleway is also located within 1.2 kilometres from the development site, providing a flat and easy cycling path between Hobart and the northern suburbs."*

*"The development site is located in the vicinity of the intercity shared cycleway, which is an off-road facility that operates between Hobart and the northern suburbs, using the old railway corridor, the route is flat and accommodates riders of all skill levels.*

*In addition, there are on-road cycle lanes operating along Argyle Street that can be easily accessed from the development site, with these lanes connecting to Hobart.*

*Overall, the development site is well located to formal cycling facilities, which provides excellent connectivity to both Hobart and Glenorchy, providing a real alternative transport mode, reducing the reliance on private motor vehicles."*

**- Council's traffic engineer stated the following;**

*"I also support the conclusion that the parking demand does not require the need to satisfy the Planning Scheme requirements as the development is located close to a frequent bus service on New Town Road and the intercity cycleway which accommodates all levels of riders and therefore there are alternate transport options available."*

(e) the availability and suitability of alternative arrangements for car parking provision;

**- The applicant's traffic engineer stated the following;**

*"The development is located within an inner residential suburb, there are a range of commercial and retail businesses within walking distance, including a range of medical services, supermarkets, and other community facilities, reducing the need for car ownership."*

(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;

**- The applicant's traffic engineer stated the following;**

*"There is evidence provided in section 4 of this assessment that social housing units located in close proximity to a high frequency bus route and community facilities, reduces the car ownership. Based on Queensland Government design standard of new social housing units,*

*the tenants of these one and two bedroom units are expected to generate a parking demand of 14 vehicles."*

(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;

**- The applicant's traffic engineer stated the following;**

*"No financial contribution is considered necessary, as the level of on-site parking spaces will more than meet the needs of the development, without any adverse impact to the surrounding road network."*

(j) any verified prior payment of a financial contribution in lieu of parking for the land;

**- The City's current position is not to support a financial contribution in lieu of parking for developments.**

(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; and

**- Not applicable.**

(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.**

**Council's traffic engineer and Development Engineering has concluded based on the documentation submitted to date and given the above assessment, the parking provision is accepted as meeting the *Performance Criteria P1:E6.6.1* of the Planning**

**Scheme. This is particularly due to the actual parking demands that will be generated by the development.**

6.16.6 The proposal complies with the performance criterion.

6.17 Design of Vehicular Accesses - E6.7.2 P1

6.17.1 The acceptable solution at clause 6.7.2 A1 requires that in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.

6.17.2 The proposal includes plans indicating a 2m x 2.5m sight triangle abutting the driveway (western side) which is not kept clear of obstructions to visibility due to proposed ramp wall and therefore not in compliance with the Australian Standards.

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

6.17.4 The performance criterion at clause 6.7.2 P1 provides as follows:

*Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:*

*(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;*

*(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;*

*(c) suitability for the type and volume of traffic likely to be generated by the use or development;*

*(d) ease of accessibility and recognition for users.*

6.17.5 Referral was made to Council's Development Engineer who has provided the following assessment:

(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;

**- Acceptable, Development Engineering has concluded the documentation submitted to date is able to meet this requirement**

**by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment. Council's traffic engineer is also supportive.**

(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;

**- Acceptable, Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment. Council's traffic engineer is also supportive.**

(c) suitability for the type and volume of traffic likely to be generated by the use or development; and

**- Acceptable, Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment. Council's traffic engineer is also supportive.**

(d) ease of accessibility and recognition for users.

**- Acceptable, Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment. Council's traffic engineer is also supportive.**

- The applicant's traffic engineer stated the following;

*"Along the northern side of Sunnyside Road, the existing concrete footpath terminates prior to reaching the development site due to the steep embankment, with no existing footpath along the development site.*

*The development will provide a new footpath along the northern side of Sunnyside Road, and the new vehicle ramp will cross the new footpath. The design will incorporate a pedestrian sight triangle of 2.5 x 2 metres on the left hand side of the ramp, ensuring suitable sight distance between drivers leaving the ramp and pedestrians approaching on the footpath."*

*"The development is providing new footpaths where practicable, having consideration to the cutting of the quarry face. A central stairwell is being provided within the development to provide connection between all floors and Pavior Street. There are also stairs connecting the development with Sunnyside Road."*

*"The current development site has no vehicular access.*

*The development will create a new vehicular access onto Sunnyside Road, that will be a standard concrete kerb crossover and comply with LGAT standard drawing TSD-R09-V1 for an urban road driveway.*

*The entry of this vehicular access ramp will be six metres wide and provide for two-way traffic movements through a passing bay layout; the ramp will be designed to accommodate the swept path of B99 vehicles entering and leaving Sunnyside Road, servicing the 12 on-site parking spaces for the tenants."*

*"The speed limit along Sunnyside Road is the urban 50 km/h speed limit.*

*The available sight distance from the proposed development access has been measured on site, and a driver leaving the site has at least 100 metres of sight distance to the left, and 80 metres to the right."*

*"In both directions, the available sight distance is expected to exceed the Safe Intersection Sight Distance prescribed in the planning scheme for a 50 km/h speed limit, and is sufficient for vehicles to enter the road in a safe manner, without causing traffic disruption to current users."*

*"A new development in urban areas can be concerning to local residents, and it can be difficult to argue that a traffic increase is reasonable. The RTA Guide to Traffic Generating Developments has considered this matter and provided an environmental performance standard, that can be used to evaluate the likely impact on residential amenity. Table 8.4 is an extract from the RTA Guide and relates to urban environment, providing maximum peak hour goals.*

*For Sunnyside Road being a local residential street, the maximum peak hour goal is 300 vehicles per peak hour (two-way traffic flow). Combining the current maximum two-way peak hour traffic flow of 80 vehicles, with the expected increase of six vehicles generated by the development, the new two-way peak hour traffic flow is expected to be substantially less than the environmental goal. This indicates that the traffic generated from this development, is not expected to create any adverse amenity impact to the surrounding residential properties."*



**- No objections were notated by the former Senior Development Engineer who was allocated the development for assessment originally and attended pre application discussions.**

**Council's traffic engineer and Development Engineering has concluded based on the documentation submitted to date and given the above assessment, the sight lines are accepted as meeting the Performance Criteria P1:E6.7.2 of the Planning Scheme. Given the location of the access and driveway, and the volume of traffic on the road from which the property gains access.**

6.17.6 The proposal complies with the performance criterion.

6.18 Vehicle Passing Areas Along an Access - E6.7.3 P1

6.18.1 The acceptable solution at clause 6.7.3 A1 requires that vehicle passing areas must be at intervals of no more than 30m along the access.

6.18.2 It is not feasible to provide passing areas due to the proposed design and site layout.

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

6.18.4 The performance criterion at clause 6.7.3 P1 provides as follows:

*Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:*

*(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;*

*(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;*

*(c) suitability for the type and volume of traffic likely to be generated by the use or development;*

*(d) ease of accessibility and recognition for users.*

6.18.5 Referral was made to Council's Development Engineer who has provided the following assessment:

(a) avoidance of conflicts between users including vehicles, cyclists and

pedestrians;

**- Acceptable, Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment. Council's traffic engineer is also supportive.**

(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;

**- Acceptable, Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment. Council's traffic engineer is also supportive**

(c) suitability for the type and volume of traffic likely to be generated by the use or development;

**- Acceptable, Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment. Council's traffic engineer is also supportive**

(d) ease of accessibility and recognition for users;

**- Acceptable, Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment. Council's traffic engineer is also supportive**

- The applicant's traffic engineer stated the following;

*"The access ramp will reduce to a single lane as it reaches the ground floor, passing bays will be provided at both ends of the ramp to ensure vehicles can pass efficiently. The passing bays will be a minimum of 5.5 metres wide and six metres long, and are shown in diagram 9.14.*

*A traffic mirror adjacent to parking space numbered 1 will be provided, this mirror will enable motorists leaving the parking spaces to ensure the*

*ramp is clear before proceeding up the ramp. Otherwise, the driver should wait within the ground floor passing bay area for the entering vehicle to clear the ramp. Vehicles entering the ramp from Sunnyside Road should have priority over vehicles leaving, and a traffic sign could be installed on the ground floor to reinforce this priority.*

*The parking spaces are expected to generate a low turnover, and users will become familiar with the arrangement, with no adverse impact expected."*

**- No objections were notated by the former Senior Development Engineer who was allocated the development for assessment originally and attended pre application discussions.**

**Council's traffic engineer and Development Engineering has concluded based on the documentation submitted to date and given the above assessment, the vehicle passing areas are accepted as meeting the Performance Criteria P1:E6.7.3 of the Planning Scheme. Given the driveway configuration, and the low volume of traffic.**

6.18.6 The proposal complies with the performance criterion.

6.19 Layout of Parking Areas - E6.7.5 P1

6.19.1 The acceptable solution at clause 6.7.5 A1 requires that the layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.

6.19.2 The proposal includes a new parking area which includes an aisle width of the manoeuvring area which is not compliant with the Australian Standards.

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

6.19.4 The performance criterion at clause 6.7.5 P1 provides as follows:

*The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and*

*manoeuvring on-site.*

- 6.19.5 Referral was made to Council's Development Engineer who has provided the following assessment:

**- Acceptable, Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment**

- Car Parking Space Dimensions (AS2890.1 Fig 2.2 = 2.4x5.4m Class 1A):

**- Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment**

- Car Parking Space Design Envelope (AS2890.1 Fig 5.2 300mm clearance on side):

**- Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment**

**- The applicant's traffic engineer stated the following;**

*"As specified in table 1.1 of AS/NZS 2890.1:2004 the user class of the parking spaces will be designed as user class 1A, for residential use. Section B4.8 of the above standard allows for user class 1A, that the aisle width can be reduced to 5.8 metres, and vehicles may need to use a 3-point turn when entering or leaving the spaces. This concession assists where space is limited and recognises that such developments will have a low turnover and users are generally prepared to accept some inconvenience when entering and leaving the spaces. Vehicles larger than a B85 vehicle may need to make a 5-point turn.*

*The on-site parking spaces will have the following attributes:*

- • Parking bays will be user class 1A for residential parking, allowing for 3-point turn entry and exit into ninety degree parking spaces.
- • Parking bays will be a minimum of 2.6 metres wide and 5.4 metres long.
- • All parking spaces to be ninety degrees to the parking aisle with wheel stops.

- At the end of the blind aisle, there will be an extension to the aisle to aid with vehicle manoeuvrability.
- The length of the parking aisle will be short in length, limiting operating speeds to an acceptable level of less than 30 km/h."

• Headroom: (AS2890.1 Fig 5.3 = 2.2m clearance):

**- Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment**

**- The applicant's traffic engineer stated the following;**

*"The Australian Standards 2890 section 5.3 specifies for both cars and light vans, the height between the floor and an overhead obstruction shall be a minimum of 2.2 metres.*

*The underside of the vehicle access ramp will house four parking spaces, and a minimum 2.2 metre headroom height will be provided to meet this standard. Part of the footpath along Sunnyside Road will be cantilevered over the parking area and this structure will have a minimum headroom clearance of 2.2 metres. The other eight parking spaces within the ground floor parking area will not be covered by an overhead structure."*

• Parking Space Gradient (5%):

**- Development Engineering has concluded the documentation submitted to date is able to meet this requirement**

• Aisle Width (AS2890.1 Fig 2.2 = 5.8m Class 1A):

**- Development Engineering has concluded the documentation submitted to date is able to meet this requirement however, assessed under Performance Criteria**

**- The applicant's traffic engineer stated the following;**

*"The on-site parking spaces have been designed for tenant use only, swept path diagrams for a B85 vehicle entering and leaving each space is shown in appendix A of this assessment, demonstrating that vehicles can enter and leave each of the spaces, some vehicles may require to undertake a 3-point turn.*

*Overall, the swept path diagrams demonstrate there is adequate area within the ground floor layout to accommodate vehicle manoeuvring, and also allows for a B85 vehicle to turnaround"*

- Garage Door Width & Apron (AS2890.1 Fig 5.4 = 2.4m wide => 7m wide apron):

- **N/A**

- Parking Module Gradient (manoeuvring area 5% Acceptable Soln, 10% Performance):

- **Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment**

- Ramp Gradient & Width (AS2890.1 Section 2.6 = 25% and 3m):

- **Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment**

- **The applicant's traffic engineer stated the following;**

*"The ramp has been designed to comply with section 3.3 of AZ/NZS 2890.1:2004.*

*The ramp will have a downgrade from Sunnyside Road; across the footpath the grade will be 5 percent, then increase to 7 percent for the first 2 metres (transitional ramp), then increasing to a maximum gradient of 15.4 percent, and transitioning back to 7 percent by a 2-metre-long transitional ramp. This means the maximum change in gradient for both crest and sag curves will be 8.4 percent, and this is not expected to create any adverse scraping or bottoming of vehicles using the ramp."*

**and**

*"The access ramp will reduce to a single lane as it reaches the ground floor, passing bays will be provided at both ends of the ramp to ensure vehicles can pass efficiently. The passing bays will be a minimum of 5.5 metres wide and six metres long, and are shown in diagram 9.14.*

*A traffic mirror adjacent to parking space numbered 1 will be provided, this mirror will enable motorists leaving the parking spaces to ensure the ramp is clear before proceeding up the ramp. Otherwise, the driver should wait within the ground floor passing bay area for the entering vehicle to clear the ramp. Vehicles entering the ramp from Sunnyside Road should have priority over vehicles leaving, and a traffic sign could*

*be installed on the ground floor to reinforce this priority.*

*The parking spaces are expected to generate a low turnover, and users will become familiar with the arrangement, with no adverse impact expected."*

- Transitions (AS2890.1 Section 2.5.3 = 12.5% summit, 15% sag => 2m transition):

- **Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment**

- **The applicant's traffic engineer stated the following;**

*"The entrance to the ground floor parking area will not be gated. There is sufficient length and width of the ramp to accommodate two vehicles entering at a time. Given the parking area supports 12 spaces, the risk of vehicles queuing on Sunnyside Road waiting to enter the ramp would be very low."*

- Vehicular Barriers (AS2890.1 Section 2.4.5.3 = 600mm drop, 1:4 slope):

- **Development Engineering has concluded the documentation submitted to date is able to meet this requirement by accepting the analysis / statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment**

- **The applicant's traffic engineer stated the following;**

*"Vehicle barriers are being provided to both sides of the access ramp. Within the ground floor parking area, parking spaces are located adjacent to a pedestrian walkway, with wheel stops and bollards to provide adequate separation between the vehicles and pedestrian movement."*

- Blind Aisle End Widening (AS2890.1 Fig 2.3 = 1m extra):

- **N/A**

- "Jockey Parking" (Performance Assessment):

- **N/A**

- **No objections were notated by the former Senior Development Engineer who was allocated the development for assessment**

originally and attended pre application discussions.

**Development Engineering has concluded based on the documentation submitted to date and given the above assessment, the layout of parking areas is accepted as meeting the *Performance Criteria P1:E6.7.5* given the driveway configuration.**

6.19.6 The proposal complies with the performance criterion.

6.20 Stormwater Drainage and Disposal - E7.7.1 P2

6.20.1 The acceptable solution at clause 7.7.1 A1 requires that a stormwater system for a new development must incorporate water sensitive urban design principles for the treatment and disposal of stormwater where the size of new impervious area is more than 600m<sup>2</sup> and new car parking is provided for more than 6 cars.

6.20.2 The proposal includes a new development which increase the impervious area on the site to more than 600m<sup>2</sup> and car parking for more than 6 cars is provided.

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

6.20.4 The performance criterion at clause 7.7.1 P2 provides as follows:

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

6.20.5 Referral was made to Council's Development Engineer and Waterways Unit who have provided the following assessment:

Referred to the Waterways Unit for determination and conditioning.

Waterways Unit has concluded based on the documentation submitted to date and given the above assessment, the stormwater disposal is accepted by Development Engineering as meeting the Performance Criteria E7.7.1 (P2) of the Planning Scheme.



6.20.6 The proposal complies with the performance criterion.

6.21 Historic Heritage Code E13.0

6.21.1 The subject site is located within a Historic Heritage Precinct and as such was referred to Council's Cultural Heritage Officer who has provided the following assessment:

This application relates to 73a New Town Road, better known as the previous site of the 'New Town Catholic Tennis Club'. At present the site contains the remnants of two tennis courts including floodlights, along with ancillary buildings associated with its former operation, in this instance a club house and a storage shed. The proposal seeks the demolition of these buildings and the last remnants of the courts to facilitate the erection of a 3 storey residential development providing 22 dwellings with associated car parking, car maneuvering space, vehicular access ramp to Sunnyside Street and pedestrian access to New Town Road and Paviour Street, privacy boundary treatments, landscaping and shared community space within the site.

The site is not individually heritage listed but does form part of the Paviour Street Heritage Precinct (NT10) as set out in the *Hobart Interim Planning Scheme 2015*.

This precinct is made up of properties on a section of the north side of New Town Road and those within Paviour Street. It is identified in Table E13.2 as being significant for reasons including:

1. *The collections of largely intact Federation Bungalow and Federation Queen Anne residences contribute to the understanding of the pattern of development within New Town.*
2. *A general uniformity of form, scale and orientation, together with a distinctive late nineteenth century/early twentieth century subdivision pattern, has created a consistent and strong streetscape.*

Representations

In total, some 31 representations have been received in the course of the consultation stage of the proposal, all of whom object to the development on various grounds. In relation to issues dealing specifically with heritage, these can be summarised and commented upon as follows-

- a) The proposal does not comply with various aspects of the 'Design criteria/Conservation policy' HOB-C6.2.8.11 which deals with the

## Paviour Street Heritage Precinct (NT10).

Response – It should be noted that the ‘Design criteria/Conservation policy’ HOB-C6.2.8.11, whilst displayed on the Councils website, is described as being intended to form part of C6.0 Heritage Code of the Tasmanian Planning Scheme State Planning Provision when the Statewide plan is formally adopted. As such, prior to the introduction of the Statewide Scheme, HOB-C6.2.8.11 carries no weight in the consideration of applications under the *Hobart Interim Planning Scheme 2015*.

- b) The proposal, as a high density development, is not in character with the low density of the heritage precinct.

Response – The density of development is not described as a characteristic of the Precinct and is not considered to be a heritage consideration in this instance.

- c) The proposed development, due to its height, bulk and modernist design is not sympathetic to the single storey scale or architectural style of the heritage precinct.

Response - The appropriateness of the style, scale, height and design with regard to the Heritage Precinct are discussed in the main body of this report.

- d) The proposed materials, such as Colorbond cladding and precast concrete are appropriate more to warehouses and factories than to dwellings and would not reflect the use of brick and weatherboard within the heritage precinct.

Response - The appropriateness of the proposed cladding materials with regard to the character of the Heritage Precinct are discussed within the main body of the report.

### Paviour Heritage Precinct

It is noted that the site has an interesting physical and social history. The land formed part of a later addition to the early ‘Belle Vue’ Estate of prominent early European settler and influential merchant and sea captain, John Bell (1790-1841). Its distinctive form was created due to it being quarried for sandstone in association with works of improvement to the nearby New Town Road in the 1840’s, which at the time had a reputation for flooding and required stone and rubble to create a solid base over the then marshy land. The land then remained largely unaltered

and unused given its poor viability to provide an arable or residential use whilst the surrounding land was increasingly sub-divided and developed into the present street and townscape of today. In the late 1920's however, it was purchased and a small tennis club established, becoming the 'New Town Catholic Tennis Club' in the 1930's which operated continually on the site until relatively recently.

Notwithstanding the above however, it is notable that the site has not been considered for individual heritage listing either at the City or State level and is not specifically mentioned or remarked upon within the above identified characteristics of significance that contribute to the historic cultural heritage values of the Paviour Street Heritage Precinct. As these stated characteristics relate to the residential development of New Town, specifically the architectural style and conformity of the built form and the clear pattern of sub-divisions in terms of the associated streetscape qualities, it is considered that the site exhibits none of the above. It can therefore be argued that its principal contribution is merely to play a natural role within the wider Heritage Precinct, which it successfully does by virtue of the fact that it sits behind the surrounding built form, is set at a lower level to the surrounding streetscapes and contains only minor buildings of the small club house and storage shed. Indeed, it is noted that from the public realm, whilst some limited views of the site are afforded from Sunnyside Road which overlooks the site, from New Town Road and Paviour Street, the only visual evidence of the site is the very tops of the floodlighting polls and the vegetation that has grown up around the site.

Nonetheless, the site falls within the Paviour Street Heritage Precinct, and as such is subject to the relevant heritage policies. In this instance, these are considered to be –

#### E13.8.1 Demolition

*Objective:*

*To ensure that demolition in whole or in part of buildings or works within a heritage precinct does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.*

#### Performance Criteria 1

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

- (a) buildings or works that contribute to the historic cultural heritage significance of the precinct;*
- (b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic*

*cultural heritage significance of the precinct;*

*unless all of the following apply;*

- (i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*
- (ii) there are no prudent or feasible alternatives;*
- (iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.*

#### 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.*

##### Performance Criteria 4

*New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.*

#### Demolition

Based on the above, it is considered that the site and the buildings associated with its former use of the site as a Tennis Club do not to play an active positive role within the Heritage Precinct. Whilst the proposal would remove what could be viewed as buildings that have played a notable social role within the community of New Town, along with small elements of established trees and shrubs to the boundaries of Sunnyside and Paviour Streets, it is considered that these elements play a neutral role and do not make an active positive contribute to the historic cultural heritage significance of the precinct as described above. As such it is considered that the proposed demolition would not result in the loss of historic cultural heritage values of the wider Precinct and would therefore comply with Performance Criteria 1 of E13.8.1 'Demolition'.

#### Proposed Development

The proposal, by virtue of its size, associated vehicular access, parking

and elements of landscaping would represent a significant increase in the built form of the site. In all considerations of impact to the visual impact of proposals upon the cultural characteristics of Heritage Precincts however, the degree to which works and the final built form would be visible from the public realm is paramount. In this instance, the site and the proposed development would be visible within the public realm from three distinct areas; from the roadside of New Town Road; from the roadside of Paviour Street and from the roadside of Sunnyside Street.



View of subject site from Sunnyside Road. Source: Council image



View of subject site from Sunnyside Road. Source: Council image

Taking each in turn, with regard to New Town Road, due to the existing built form of single storey residential properties set reasonable close to each other, views through to the site are markedly reduced. However, despite the proposal sitting within a former quarry and thus low within the immediate landscape, due to its three storey height, the upper elements of proposed buildings would be partially visible from the public realm, especially through the gaps between the existing houses on New Town Road. However, it is acknowledged that the development would be viewed against the context of residential properties that occupy the higher

ground of Paviour Street and Swanston Street, primarily in the form of roof slopes and typical residential features such as chimneys and mature trees within garden settings. In response, the proposed development has adopted a contemporary interpretation of a traditional roof form interspersed by flat roofed alternatively coloured finished parts, breaking up the visual appearance of the built form, or at least in a superficial way, into a regular pattern of distinct elements. This has the result from New Town Road of making the proposed development appear more reflective of the surrounding townscape than its scale would suggest. Given also that it would sit at some distance back from the existing built form of New Town Road, and would read as a separate element of townscape to these existing residential properties, it is considered that it would appear as a relatively sympathetic addition to the townscape and would not detract from the character of the Heritage Precinct.

With regard to views from the public realm of Paviour Street, again, despite the three storey scale of the proposed development, due to its setting within a former quarry, only the upper parts of the development would be visible. From Paviour Street, although not exclusively, the development would primarily be viewed in the context of views out of the Heritage Precinct, across to Mount Stuart, Lenah Valley and beyond to kunanyi/Mount Wellington. Again, from this location, only the upper parts of the built form would be visible in the public realm, although in this instance it would stand relatively close to the boundary of the site. As stated above, the proposed development has adopted a contemporary interpretation of a traditional roof form, in this instance a series of gabled elements interspersed by flat roofed, recessed and or alternatively coloured finished parts, which again breaks up the visual appearance of the built form into a regular pattern of distinct roof forms. Whilst not wholly successful in appearing as clearly separate buildings and being far smaller than the actual sub-division pattern of the precinct, nonetheless it does have the impact of breaking up the built form and providing a pleasing articulation. This part of the site would also be enclosed by appropriately scaled paling fencing and provided with new planting that would soften and eventually partially obscure the proposed built form. As such, it is considered that from Paviour Street, it would appear as a relatively sympathetic addition to the townscape given its scale and would not detract from the character of the Heritage Precinct. However, it is acknowledged that much would depend on the appropriateness of the proposed materials and their colouration to the roof and upper levels of the development for the proposal to be fully successful.

With regard to the visual impact from Sunnyside Street, it should firstly be

noted that the boundary of the Heritage Precinct runs along the boundary of the site and as such, Sunnyside Street does not form part of the Heritage Precinct. Nonetheless, views into Heritage Precincts have been judged to be relevant in the determination of such proposals.

Unlike the other two locations, the proposal would be far more visible from the public realm of Sunnyside Street, due in part to the lack of enclosing built form and that the vehicular access ramp would be from Sunnyside Street. The proposed boundary treatment would be a mixture of 1.8m wooden paling fencing and lower unfinished concrete block containing the individual post boxes for each property. Whilst this fencing would reduce visibility into the interior of the site to a degree, views directly in front of the proposed ramp would provide largely unhindered views across the site, allowing the scale, form and associated land treatment of the development to be fully readable. Indeed, from this location, the general uniformity of the development would be notable. Whilst the use of different colouration of materials successfully breaks up the form from New Town Road, from this perspective it would not have the same impact and any sense of implied articulation of the inward facing elevation of the development would be largely lost. Given that one of the characteristics identified as being significant within the Heritage Precinct is 'A general uniformity of form, scale and orientation together with a distinctive late nineteenth century/early twentieth century subdivision pattern', it is considered that the proposal would clearly not conform to this definition.

With regard to the above, as noted within the representations received, it is the opinion of representors that the proposed development, due to its height, bulk and modernist design is not sympathetic to the single storey scale or architectural style of the heritage precinct. It should be noted that the term 'sympathetic' is not specifically defined within the terms and definitions of the *Hobart Interim Planning Scheme 2015*. However, it is generally taken that it means to be designed in a sensitive or appropriate way. Whilst each proposal and sites have individual attributes, it generally does not require that development simply replicate all aspects of the existing townscape. It is considered that it could be argued that given the clear discrepancy between the characteristics of the site in its present form, in particular the significant difference in the general ground level between the site and the surrounding Paviour and Sunnyside Street, it would be largely impossible to create a built form that would strictly comply with the characteristics as set out above unless the quarry was effectively infilled. This is coupled with the difficulties in creating a streetscape presence in the form of separate driveways and traditional gardens. It is noted that the proposed design does attempt to respond to the built form and sub-division pattern notwithstanding the physical

attributes of the site in a manner that at least shows a sympathetic understanding of the surrounding townscape. It is also noted that from certain positions, it successfully achieves the breaking up of its visual form and provides a sense of articulation. This articulation into a regular pattern responds, if not strictly replicates the residential sub-division of the precinct, and is most notable from New Town Road and Paviour Street, As discussed above, this could also be reduced in impact from Sunnyside Street by an increase in the boundary height facing onto the street. As stated above, it is considered that the existing buildings and physical attributes of the site does not represent a positive contribution to the character of the Precinct, but rather acts as a neutral component. To state that the proposal does not meet Performance Criteria 1 of E13.8.2, it must be demonstrated that the resulting development would be to the detriment of its historic cultural heritage significance. Given that 'sympathetic' means to be designed in a sensitive or appropriate way and not solely as a direct copy, and that the visual impact of the proposal from the public realm is limited and can be further reduced by way of increasing the boundary treatment in Sunnyside Street, it is considered that whilst finely balanced, the development in principle would broadly comply with the intent of E13.8.2 'Buildings and Works other than Demolition' and would not result in development that could clearly be argued to result in detriment to the historic cultural significance of the precinct. However, it is considered that the colouration of appropriate facing materials would play an important role in allowing the development to sit comfortably within the immediate streetscape.

With regard to the above, it is noted that the development makes significant use of Colorbond sheeting in a variety of colours as its cladding to both roof and walls. Whilst the use of Colorbond to roofs is well established within the precinct, its use as a wall cladding is not. Indeed it is noted that no building within the precinct appears to utilise what is more commonly viewed as a roofing material in such a way, and that front facades all are either constructed in red brick or weatherboard with the occasional use of rendered sheeting to small elements. This has been raised as a matter of concern within the representations received. Similarly, unfinished concrete blocks are generally not used as boundary treatments.

As such, it is considered that the final pallet of external materials, finishes and colours to both the building and boundary treatments should be appropriate and in keeping with those of the surrounding Heritage Precinct. As such, it is considered reasonable to require this finalisation of materials by way of condition to the satisfaction of the Council should



planning permission be granted.

#### Additional Considerations

With regard to the history of the site and its important role in the social history of New Town and the wider Hobart area, it is considered that an opportunity exists to acknowledge and explain its historical background and widen understanding of its role in the development and life of the City. It is considered that this could be undertaken in a number of ways, including interpretation panels, landscaping treatments such as the inclusion of quarried boulders or the choice of the name given to the site. As such, it is therefore considered reasonable to seek by way of condition the inclusion of features that highlight the history of the site at suitable locations within the site to the satisfaction of the Council.

#### Conclusion

It is considered that given the particular limitations and physicality's of the site, achieving development that strictly accords with the described characteristics of the Paviour Street Heritage Precinct would be difficult to achieve. Nonetheless, the proposal attempts to provide some degree of articulation, rhythm and utilises a contemporary take on the traditional roof forms found within the streetscape. It also proposes the use of landscaping to the Paviour Street boundary to soften its appearance and it is acknowledged that the proposal would be partially obscured from views from the public realm.

Notwithstanding the above, it is acknowledged that the form, scale, cladding materials and the relatively functional treatment to the shared spaces within the site would not wholly reflect the characteristics of the precinct as described. As such, it is considered that the acceptability of the proposal is finely balanced. However, given the individual circumstances of the site, it is considered that subject to a suitable conditions relating to the increase in height of the Sunnyside Street boundary treatment from 1.8 to 2.0m, use of materials more akin to those used within the Precinct, and the inclusion of features that help to explain and widen understanding of the development and social history of the site, it would be difficult to categorically argue that the proposal would cause detriment to the characteristics of the Precinct to warrant the refusal of the proposal in this instance.

Given the above, it is therefore considered that subject to condition the proposal would comply with Clauses E.13.8.1 P1 and E.13.8.2 P1 and P4 of the HIPS.

6.21.2 The proposal complies with the performance criterion.

## **7. Discussion**

7.1 Planning approval is sought for Demolition, 22 Multiple Dwellings, Front Fencing, and Associated Works, at 73A New Town Road and Adjacent Road Reserve.

7.2 The application was advertised and received thirty one (31 representations. The representations raised concerns including building envelope and overshadowing, density, privacy, open space, waste storage, noise impacts, traffic generation, parking, heritage, construction risks as well as general comments on the notification period and design intent.

With respect to waste storage concerns, Council's Waste Unit was engaged to review the proposal and confirmed that the collection of the proposed number of bins is feasible along the Paviour Street and Sunnyside Road frontages. It is noted that the proposal includes 22 waste bins, 11 for general rubbish and 11 for recycling, these would be shared between the residents. The proposal does not intend to provide up to 44 bins, which several representations alluded to.

Several representations raised concern about overlooking and privacy from the proposed development. The proposal remains compliant with the acceptable solutions of the Inner Residential Zone privacy clauses. Balconies and windows of the proposed dwellings will be over 6m from the nearest rear boundary. Whilst there may be some overlooking potential, the setbacks remain acceptable under planning assessment. The applicant has agreed to install higher boundary fences, to the satisfaction of adjoining landowners of the New Town Road properties. The applicant has also agreed to install further screening along the boundary with 67 and 69 New Town Road to minimise visual intrusion and improve privacy from vehicles using the proposed access ramp.

With respect to concerns from noise, disturbance and access during the construction process, these are not matters for assessment under the planning scheme. However, conditions with respect to a soil and water management plan, a construction traffic management plan, and a construction management plan are all included.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.

- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer, Roads Engineer, Traffic Engineer, and Stormwater Engineer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

## **8. Conclusion**

- 8.1 The proposed Demolition, 22 Multiple Dwellings, Front Fencing, and Associated Works, at 73A New Town Road and Adjacent Road Reserve satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Demolition, 22 Multiple Dwellings, Front Fencing, and Associated Works, at 73A New Town Road and Adjacent Road Reserve 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-22-282 - 73A NEW TOWN ROAD NEW TOWN TAS 7008 - Final Planning Documents except where modified below.**

*Advice: The approved use is multiple dwellings for social housing, which will be managed as a collective by one entity. Social housing is housing that is provided for individuals that would otherwise face financial hardship if required to secure housing on the open market, or would be unable to secure such housing. The use of this site is not suitable for a strata scheme to create individual lots for each multiple dwelling. Further planning permission would be required to support the creation of a strata scheme of this nature.*

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 2022/00684-HCC dated 27/10/2022 as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

### PLN 19

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

*Advice:*

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

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

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

Reason for condition

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

## **PLN 2**

**Screening with no more than 30% uniform transparency and a minimum height of 1.5m above floor level of the vehicle ramp, must be installed and maintained along the western elevation of the vehicle ramp adjacent to 67 and 69 New Town Road prior to the first occupation.**

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

**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 provide reasonable opportunity for privacy for dwellings.

## **PLN 9**

**The fencing and front gate on New Town Road front boundary must be no more than 1.8m high above natural ground level and with a minimum uniform transparency of 33%.**

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

*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 provide reasonable opportunity for privacy for dwellings and to maintain the streetscape.

## **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 7**

**Prior to occupancy or the commencement of the use (whichever occurs first),**

any new stormwater connection must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted via the City of Hobart's online request form which is available on its [website](#) and approved. The detailed engineering drawings must include:

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

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

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

*A single connection for the property is required under the Urban Drainage Act 2013.*

## **SW 9**

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

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

1. include detailed design of the proposed treatment train, including final estimations of contaminant removal;

2. **include detailed design and supporting calculations of the detention tank showing:**
  1. **detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;**
  2. **the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;**
  3. **the discharge rates and emptying times; and**
  4. **all assumptions must be clearly stated;**
3. **include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.**

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

*Advice:*

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

### **SW 13**

**The major stormwater drainage system including ponding area, kerb freeboard and pathway swale must be constructed and maintained to cater for 1%AEP as at 2100 in accordance with the engineering reports and plans submitted.**

**Certification from a suitably qualified and accredited engineer that the works has been constructed in accordance with the accepted design must be provided to the City of Hobart prior to occupancy or commencement of use (whichever occurs first).**

### **ENG tr2**

**A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).**

**The construction traffic (including cars, public transport vehicles, service**



vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved as a Condition Endorsement, prior to commencement work (including demolition). The construction traffic and parking management plan must:

1. Be prepared by a suitably qualified person.
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
3. Include a start date and finish dates of various stages of works.
4. Include times that trucks and other traffic associated with the works will be allowed to operate.
5. Nominate a superintendent, or the like, to be responsible for the implementation of the approved traffic management plan and available as a direct contact to Council and/or members of the community regarding day to day construction traffic operations at the site, including any immediate traffic issues or hazards that may arise.

**All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.**

*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 vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

## **ENG 2a**

**Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS 1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.**

*Advice:*

*The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.*

*Designers are advised to consult the [National Construction Code 2016](#) to determine if pedestrian handrails or safety barriers compliant with the Code are also required in the parking module this area may be considered as a path of access to a building.*

Reason for condition

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

## **ENG 2b**

**Further detailed designs are required for vehicle barriers in the following locations:**

### **1. Both sides of the access ramp**

**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 & 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 areas must be constructed in accordance with the following documentation which forms part of this permit:  
RARE documentation received by the Council on the 5<sup>th</sup> December 2022.**

**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 3c**

**Prior to the first occupation, a suitably qualified engineer must certify that the access driveway and parking area has been constructed in accordance with design drawings approved by Condition ENG 3a.**

*Advice:*

*We strongly encourage you to speak to your engineer before works begin so that you can discuss the number and nature of the inspections they will need to do during the works in order to provide this certification. It may be necessary for a surveyor to also be engaged to ensure that the driveway will be constructed as approved.*

*The reason this condition has been imposed as part of your planning permit is that the driveway is outside the Australian Standard gradients or design parameters. If the driveway is not constructed as it has been approved then this may mean that the driveway will either be unsafe or will not function properly.*

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

Reason for condition

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

**ENG 4**

**The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the first occupation.**

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

**ENG 5**

**The number of car parking spaces approved to be used on the site is twelve (12).**

**All parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004, prior to first occupation.**

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

#### **ENG 5b**

**The number of motorcycle parking spaces approved to be used on the site is two (2).**

**All parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004, prior to first occupation.**

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

#### **ENG 6**

**The bicycle parking area (to accommodate six bicycles within the common area) generally compliant with the Australian Standards AS/NZS 2890.3:2015 and must be constructed on the site in accordance with the Hubble Traffic documentation received by the Council on the 9th May 2022 prior to the first occupation.**

Reason for condition

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

#### **ENG 8**

**The use of the car parking spaces is restricted to User Class 1A (residential) in accordance with Australian Standards AS/NZS 2890.1 2004 Table 1.1.**

**A sign, approved by council, and in accordance with Australian Standards AS/NZS 1742.11:2016, must be erected at the entry of the parking access to indicate the parking area is for residents only prior to first occupation.**

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

#### **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.**

**ENG r1**

**The excavation and staircase structures within or supporting the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.**

**Detailed design drawings, structural certificates and associated geotechnical assessments) of the staircase structures near the Paviour Street highway reservation must be submitted and approved as a Condition Endorsement, prior to the commencement of work and must:**

- 1. Be prepared and certified by a suitable qualified person and experienced engineer;**
- 2. Not undermine the stability of the highway reservation;**
- 3. Be designed in accordance with AS 4678, with a design life in accordance with table 3.1 typical application major public infrastructure works;**
- 4. Take into account any additional surcharge loadings as required by**

**relevant Australian Standards;**

- 5. Take into account and reference accordingly any Geotechnical findings;**
- 6. Detail any mitigation measures required; and**
- 7. Detail the design and location of the footing adjacent to the Paviour Street highway reservation.**

**The structure certificated and/or drawings should note accordingly the above**

**All work required by this condition must be undertaken in accordance with the approved select design drawing and structural certificates.**

*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 the stability and integrity of the Council's highway reservation is not compromised by the development.

### **ENG r3**

**Prior to the commencement of use, the proposed driveway crossover on the Sunnyside Road highway reservation must be designed and constructed in accordance with:**

- Urban - TSD-R09-v3 – Urban Roads Driveways and TSD R14-v3 Type KC vehicular crossing;**
- Footpath - Urban Roads Footpaths TSD-R11-v3.**

**Design drawings must be submitted and approved as a Condition Endorsement prior to any approval under the Building Act 2016. The design drawings must:**

- 1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property;**
- 2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover;**
- 3. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings;**
- 4. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template);**

5. **If the design deviates from the requirements of the TSD, then demonstrate that a B85 vehicle or a B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2), can access the driveway from the road pavement into the property without scraping the vehicle's underside;**
6. **Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.**
7. **Demonstrate that the proposed driveway crossover is designed and constructed in such a way as to convey flows safely and adequately within the road reserve with no decrease in capacity.**
8. **Show access provided by a concrete plinth to Council's standard. A grated wedge may be permitted on highly used bike routes, and details of the grate (i.e. mass) must be provided. Otherwise, grated wedge, asphalt wedge and the standard open wedge driveway crossovers are not permitted. Note: A drawing of a standard concrete plinth can be obtained from Council's Program Leader Road Services. Note also that the agreement of the Council's is required to adjust footpath levels; and**
9. **Be prepared and certified by a suitable qualified person, to satisfy the above requirements.**

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

*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.*

*Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Program Leader Road Services and may require further planning approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.*

*Council notes the kerb on Sunnyside Rd conveys discharge from the upstream piped network, and a non-standard crossover design to return these flows to the kerb will be required. Should this not be feasible, alterations to the public stormwater system will be required.*

Reason for condition

To ensure that works will comply with the Council's standard requirements.



## HER 16

**The boundary treatment along the Sunnyside Street boundary must be 2.0m in height above natural ground level.**

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

*Advice:*

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

Reason for condition

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

## HER 17a

**The palette of exterior colours, materials, finishes and boundary treatments must reflect the palette of colours, utilisation of materials, finishes and boundary treatments 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 as a Condition Endorsement showing the omission of colorbond as a elevation treatment and the exterior colours, utilisation of materials, finishes and boundary treatments in accordance with the above requirement.**

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

*Advice:*

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

Reason for condition

To ensure that development at a heritage precinct is undertaken in a sympathetic

manner which does not cause loss of historic cultural heritage significance.

## **HER s2**

**Details of how the history and social cultural heritage of the site will be reflected and interpreted within the site must be submitted and approved.**

**Plans and written documentation showing the intended methods of heritage interpretation provided where possible in a publicly accessible location and which includes information regarding the site's history, historical and contemporary images and other relevant information must be submitted and approved as a Condition Endorsement, prior to the commencement of works.**

**All work required by this condition must be undertaken in accordance with the approved plans and written documentation, prior to completion.**

*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 enhance the understanding and enjoyment of the site to the satisfaction of the Council.

## **ENVHE 4**

**A Construction Environmental Management Plan, prepared by suitably qualified persons, must be implemented.**

**A Construction Environmental Management Plan must be submitted and approved prior to the commencement of works and prior to the issue of any approval under the *Building Act 2016*, whichever occurs first.**

**The plan must include, but is not limited to, the following:**

- 1. Details of the proposed construction methodologies and expected likely timeframes.**
- 2. The proposed days and hours of work and proposed hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site, rock breaking and concrete pours)**

3. Details of potential environmental impacts associated with the construction works including noise, vibration, erosion and pollution (air, land and water).
4. Details of proposed measures to avoid or mitigate all identified potential environmental impacts during construction works including, but not limited to:
  - a. A noise management plan certified by a suitably qualified person as being generally consistent with AS 2436-2010 - *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites* and the *Interim Construction Noise Guidelines* (New South Wales Department of Environment and Climate Change, July 2009), and with any relevant guidelines or standards referenced by those documents.
  - b. A soil and water management plan including:
    - i. measures to minimise erosion and the discharge of contaminated stormwater off-site;
    - ii. measures to minimise dust emissions from the site;
    - iii. measures to manage the disposal of surface and groundwater from excavations (if relevant); and
    - iv. measures to prevent soil and debris being carried onto the street.
  - c. Measures detailing and demonstrating compliance with the recommendations of any environmental site assessment or contamination management plan relevant to the site or the development, or required as a condition of approval.
5. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

Once approved the Construction Environmental Management Plan forms part of this permit and must be implemented and complied with.

A copy of the approved Construction Environmental Management Plan must be kept on site for the duration of the works and be available for inspection.

*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 minimise the impact of construction works.

## **Part 5 r1**

**Part 5 agreement and/or legal agreement during construction and after for private structures supporting or within the highway reservation.**

**Part 5 1 The owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to the protection of embankment adjacent to the Paviour Street highway reservation prior to the commencement of work.**

**The owner must not undertake any works at any time (including excavation and building) that will have any effect on the integrity of the Paviour Street highway reservation or the road formation themselves or undermine the structural integrity of the highway reservation.**

**All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.**

**The owner must comply with the Part 5 Agreement which will be placed on the property title.**

*Advice:*

*For further information with respect to the preparation of a Part 5 Agreement please contact Council Development Engineering Unit.*

Reason for condition

To ensure the protection of Council are retained.

## **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 will require an occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council. Click [here](#) for more information.

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

## **PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE**

You will require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Life Division to initiate the permit process).

### **PLANNING**

It is recommended that boundary fences with adjacent New Town Road properties be installed to a height of 2.1m above existing ground level.

### **STORMWATER**

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

### **WORK WITHIN THE HIGHWAY RESERVATION**

Please note development must be in accordance with the Hobart City Council's Infrastructure by law. Click [here](#) for more information.

### **DRIVEWAY SURFACING OVER HIGHWAY RESERVATION**

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

### **REDUNDANT CROSSOVERS**

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

### **WEED CONTROL**

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment [website](#).

### **WORK PLACE HEALTH AND SAFETY**

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

## **PROTECTING THE ENVIRONMENT**

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

## **NOISE REGULATIONS**

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

## **WASTE DISPOSAL**

It is recommended that the developer liaise with the Council's City Resilience Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

## **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.



(Michael McClenahan)

**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: 23 January 2023

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Reports (Heritage, Development Engineering, and Stormwater)