



MANAGEMENT
ENGINEERING
ENVIRONMENT

Hobart City Council

Hobart Central Area Zoning Review

Stage 4

Report

October 2005



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1. Introduction

This report provides a zone structure and relevant land use controls for the study area in accordance with the format of the Planning Scheme Template. The land use controls are covered by the Table of Use included in the Template for Planning Schemes. The statements of purpose, status of use (i.e., whether 'permitted', 'discretionary' or 'prohibited' in the zone) and any qualifications on use have been based on reports such as the Central Area Strategy Plan, the Central Service Area Review and the Central Area and City Frame Heritage Studies. In addition, current policy directions have been obtained from the Table of Use in the City of Hobart Planning Scheme 1982. Referral has been made to the Sullivan's Cove Planning Scheme 1997 and draft Battery Point Planning Scheme to ensure consistency in approach.

During an examination of the appropriate zones, purpose for each zone and the uses that are allowable subject to any conditions, it was noted that there are some matters that require broader consideration and are beyond the scope of this project such as Recreational zones and coverage of domestic businesses (home occupation in the Template). Suggestions have been made for how these could be covered in a general sense.

This report addresses the outcomes of Stage 4 of the Central Area Zoning Review, as required by the brief.

Note that it is not proposed to include precincts as in the current City of Hobart Planning Scheme therefore purposes and uses specific to particular precincts have not been drafted. It is anticipated that there may be some area specific use and development controls that could be covered by a Central Area Schedule to the Planning Scheme. Where appropriate these will be covered in stage 5 of the study.

2. Zone Boundaries

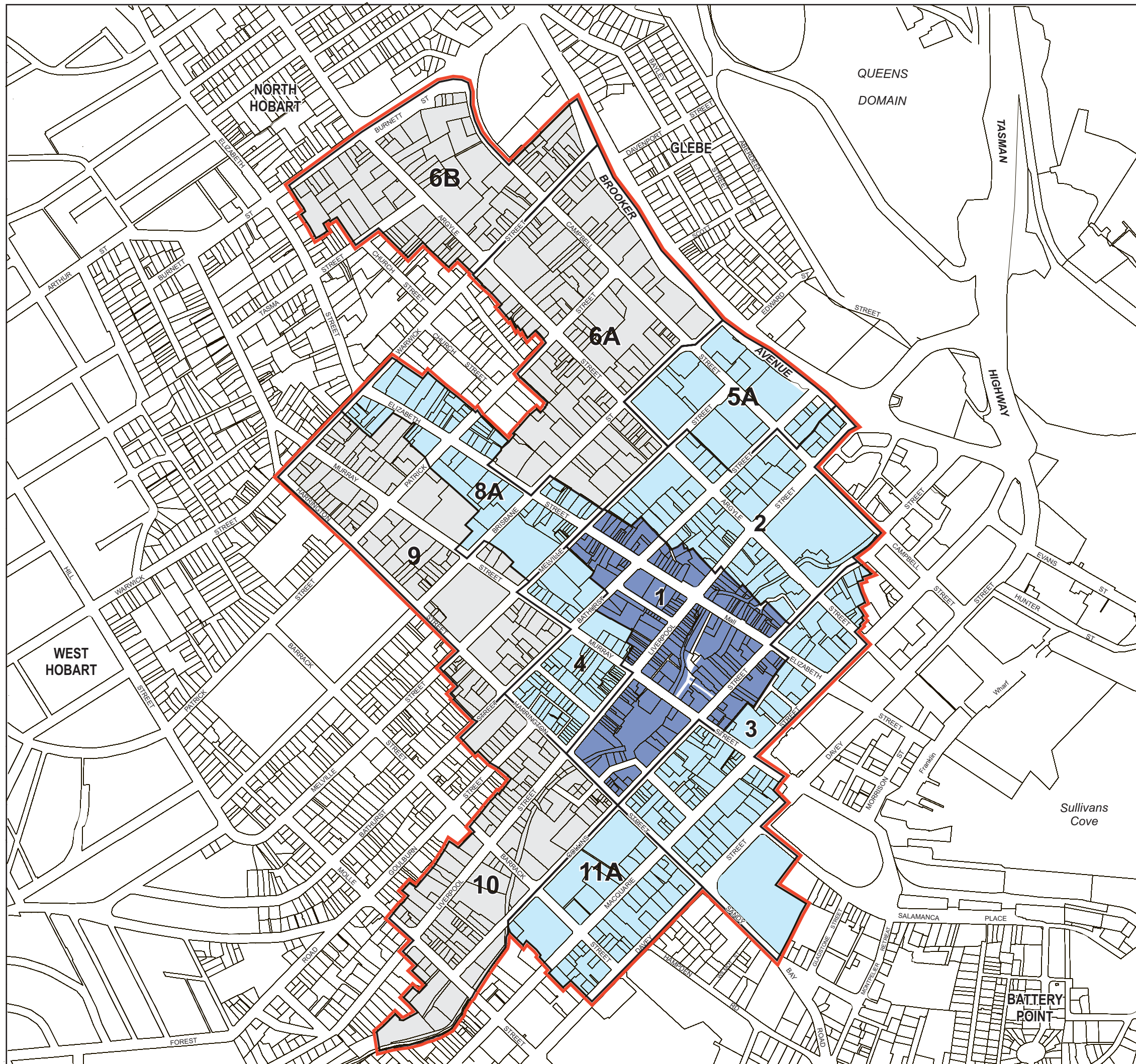
The template provides a framework of fifteen zones and the structure for setting out zone provisions. Of these zones, the Central Business, Business, Commercial and Mixed Use zones best fit the circumstances of the study area.

There are two small portions of the study area, the southern extremity adjacent to the Hobart Rivulet and St David's Park to the southeast on the edge of Sullivans Cove, that would be more appropriately zoned Recreation. These areas share few characteristics to the central area. It is considered that these areas are better dealt with in the context of standards for Hobart's other opens space and recreation areas rather than as part of this study.

The work completed in Stages 1, 2 and 3 of the study, including the land use survey work and site observation inform the delineation of zone boundaries and alteration to the existing zones under the City of Hobart Planning Scheme 1982 (See Figure 1).

Generally the proposed zones available from the Template appropriately cover the areas and activities of the current Planning Scheme with some minor variations to ensure that areas of similar character and activity are continuous. For example, the bus mall area was considered to be more appropriate in the Central Business zone than the Business zone as it provides central commercial activity that should be strengthened to assist with the link between the Cove and the CBD. Another example is the eastern end of Melville Street where the existing land use reflects central service type uses more suited to Commercial zoning than Business. The zones from the Template are adequate in most cases with some limited refinement provided through the zone purposes and qualifications on uses. This is particularly relevant to retain and enhance the hospital and educational activities in the Argyle/Campbell Street area.

The suggested changes to the existing zone boundaries under the CHPS are provided in Figure 2 and the proposed zones in Figure 3.



**HOBART CENTRAL AREA
ZONING REVIEW
2005**

- Central Retail Zone
- Central Commercial & Administrative Zone
- Central Service Zone
- Precinct boundary & number **8A**
- Boundary of Study Area

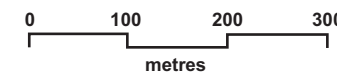


Figure 1
CURRENT ZONING
City of Hobart Planning Scheme 1982

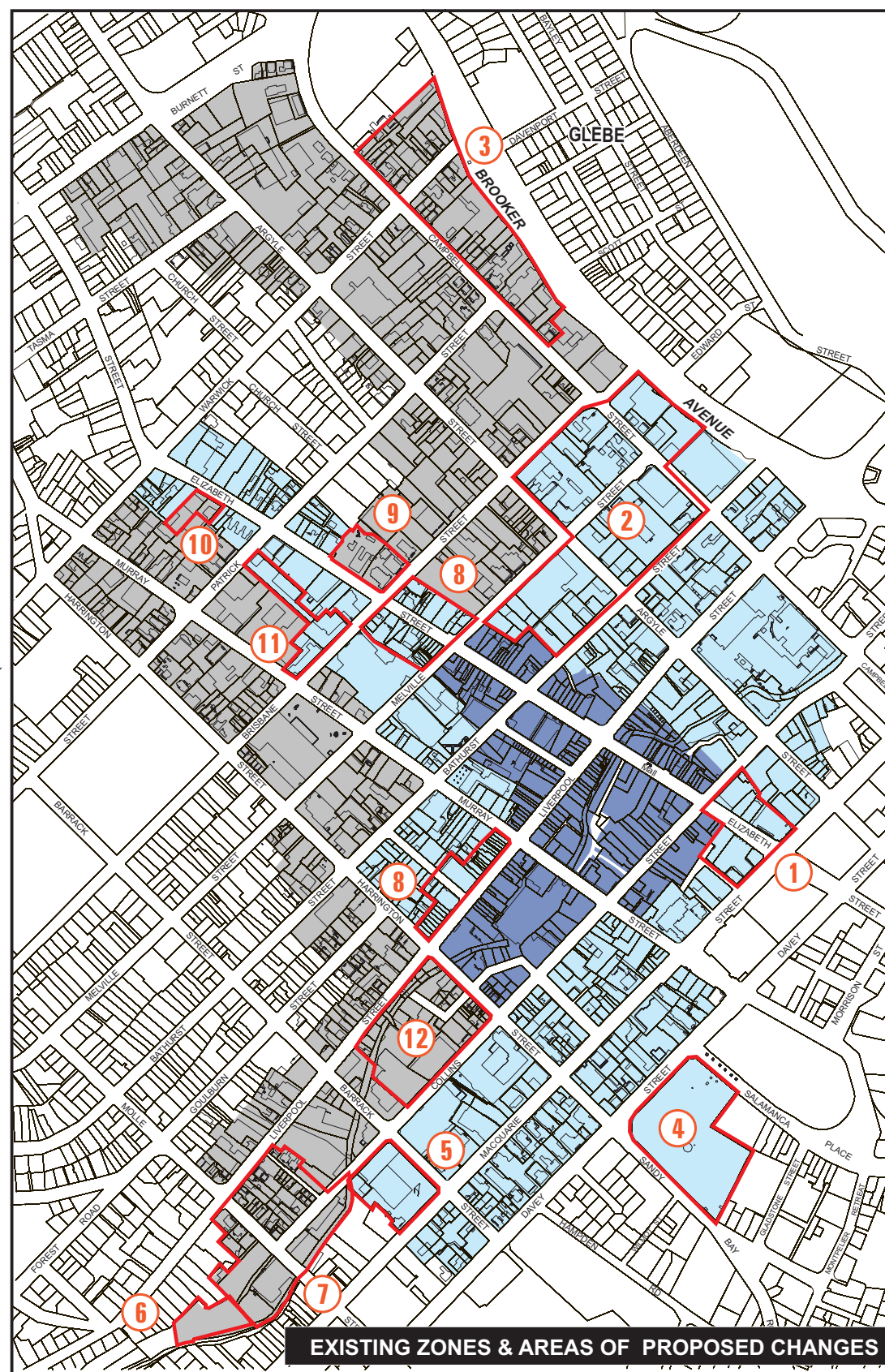
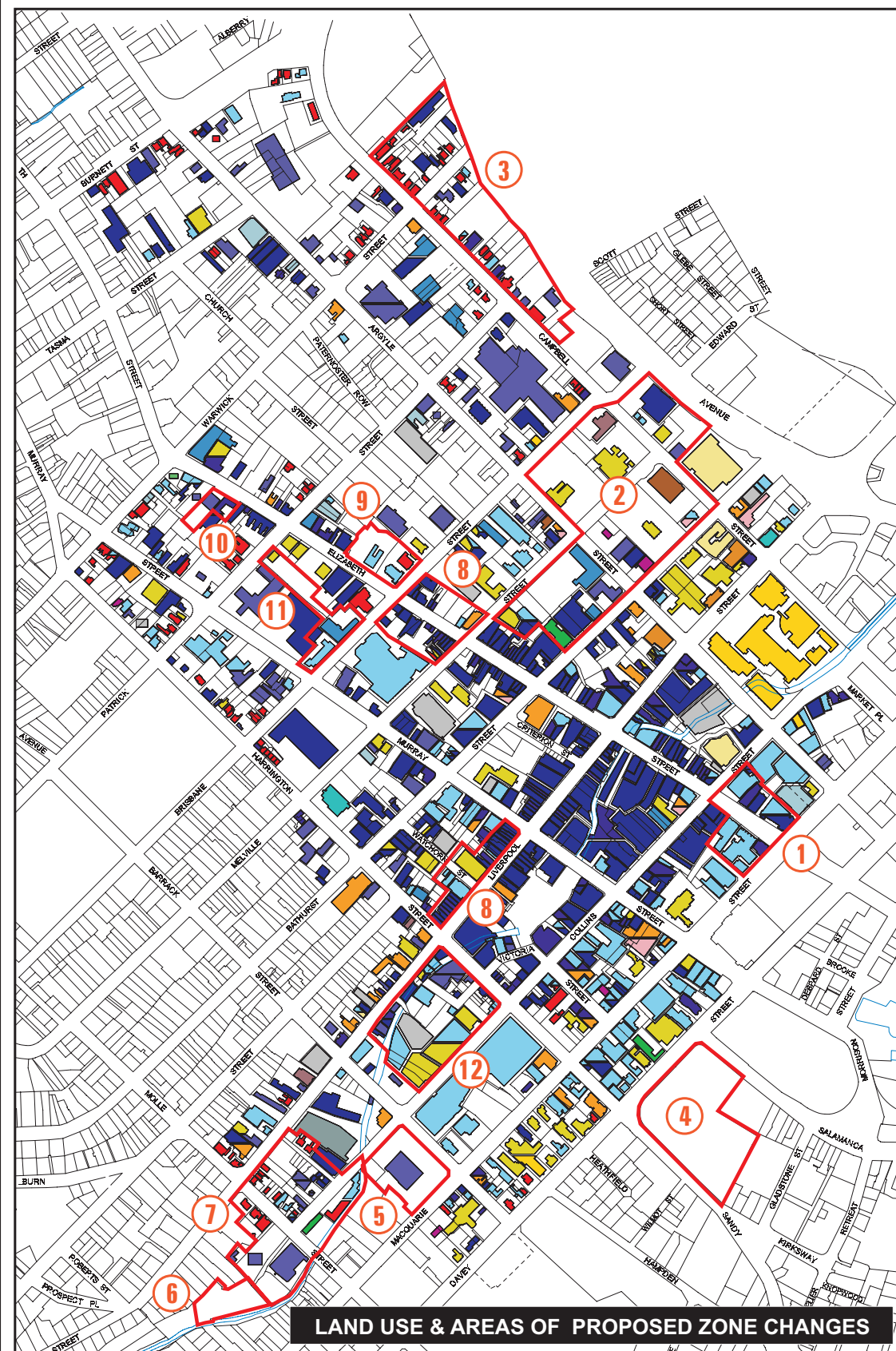


HOBART CENTRAL AREA ZONING REVIEW 2005

Area of proposed zone change

DETAILS OF SUGGESTED ZONE CHANGES

Ref. No.	Reason for suggested change of zone	Suggested zone change
1	Recognise area centred around Bus Mall is part of central business area	Change from Central Commercial & Administrative Zone to Central Business Zone
2	Existing land use reflects central service type uses more suited to Commercial zoning	Change from Central Commercial & Administrative Zone to Commercial Zone
3	Mixed use zoning acknowledging existing residential uses & good quality building stock	Change from Central Service Zone to Mixed Use Zone
4	St David's Park - Recreation	Change from Central Commercial & Administrative Zone to Recreation Zone
5	Acknowledgement of Motors caryard & showrooms as better suited to Commercial zoning	Change from Central Commercial & Administrative Zone to Commercial Zone
6	Recreational area at the start of the Rivulet Linear Park	Change from Central Service Zone to Recreation Zone
7	Mixed Use zoning acknowledging existing residential uses & good quality building stock	Change from Central Service Zone to Mixed Use Zone
8	Inclusion of good quality building stock suited to retail accommodation within the Central Business zone	Change from Central Commercial & Administrative Zone to Central Business Zone
9	Continuation of the Business zone along Elizabeth Street frontage	Change from Central Service Zone to Commercial Zone
10	Continuation of the Business zone along Elizabeth Street frontage	Change from Central Service Zone to Commercial Zone
11	Realignment of zone boundary to follow the rear title boundary of properties fronting Elizabeth Street. Existing uses of Harvey Norman, Carpet Choice & Barbeques Galore better suited to Commercial zoning.	Change from Central Commercial & Administrative Zone to Commercial Zone
12	Acknowledgement of manufacturing & service industry uses in this block	Change from Central Commercial & Administrative Zone to Commercial Zone



- | | | | |
|-------------------------------------|--|---|--|
| Aa. Vehicle fuel sales & service | | L. Hotel industry | |
| B. Bulky goods sales | | M. Manufacturing & processing | |
| Bb. Vehicle parking | | N. Natural & cultural values management | |
| C. Business & professional services | | P. Research & development | |
| Cc. Vehicle sales & hire | | Q. Residential | |
| D. Community services | | T. Service Industry | |
| E. Corrective institution | | U. Sports & Recreation | |
| F. Education & occasional care | | V. Storage | |
| I. Food services | | W. Tourist accommodation | |
| J. General retail & hire | | X. Tourist operation | |
| K. Hospital services | | Y. Transport depot & distribution | |

Central Retail Zone
(Planning Scheme Template zone - 'Central Business')



Central Commercial & Administrative Zone
(Planning Scheme Template zone - 'Business')



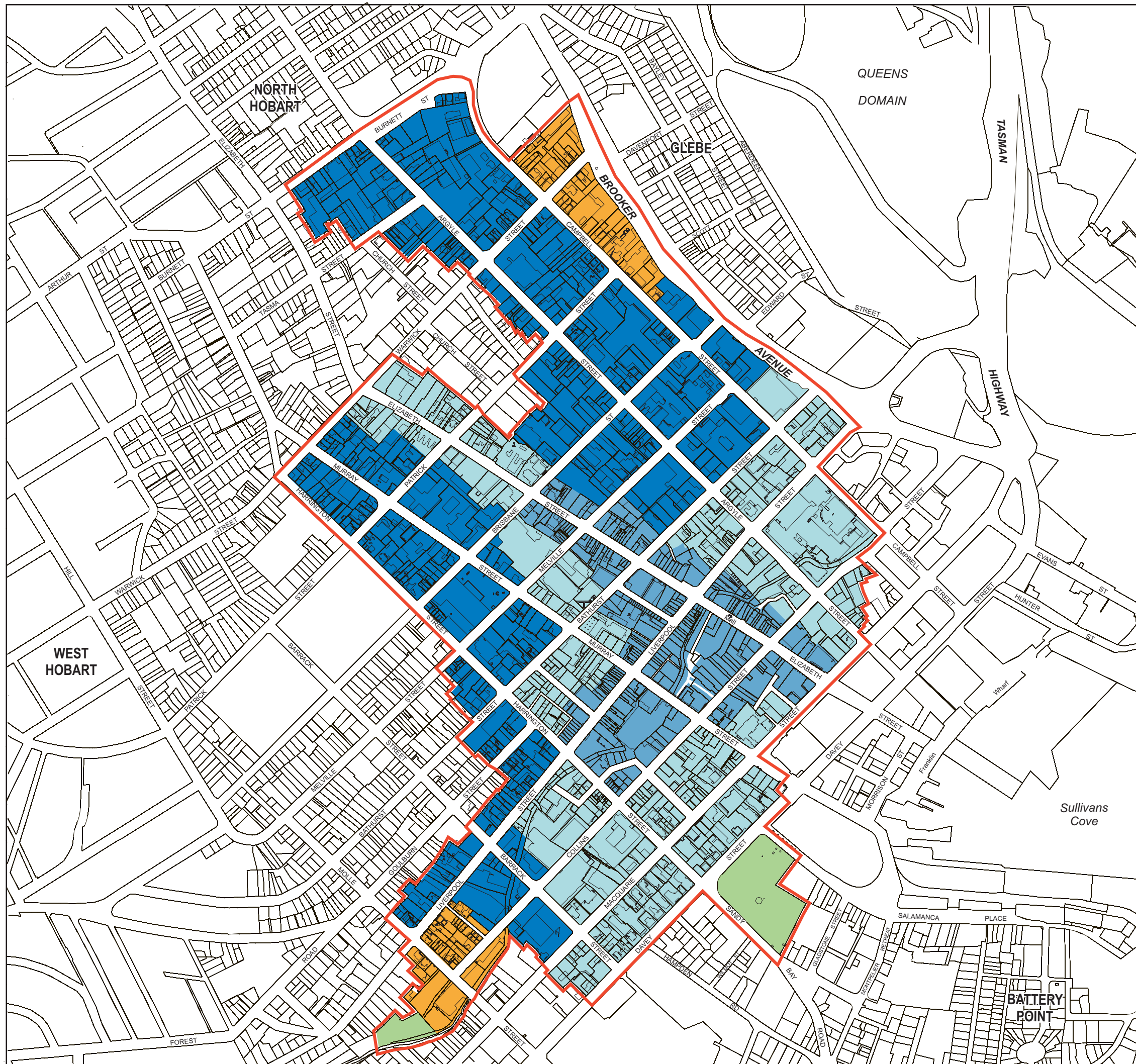
Central Service Zone
(Planning Scheme Template zone - 'Commercial')



0 100 200 300
metres

Figure 2

PROPOSED ZONE CHANGES



**HOBART CENTRAL AREA
ZONING REVIEW
2005**

- Central Business Zone
- Business Zone
- Commercial Zone
- Recreation Zone
- Mixed Use Zone
- Boundary of Study Area



0 100 200 300
metres

Figure 3
DRAFT ZONES

3. Zone Provisions

The format of this section of the report is taken directly from the Template. A generic numbering system is used and the actual numbering of clauses cannot be determined until the rest of the draft scheme has been produced. The third column of the tables explains the use status and qualifications.

A number of qualifications have been included in the use tables as a way of delivering more fine grain land use policy where necessary. Further refinement will occur from development standards and specific schedules. For example, it is anticipated that there will be access and parking, central area development and tourist accommodation schedules. However, there may be a need to review the provisions drafted in this stage of the project once more specific development standards are drafted and recommendations for the parking and access schedule are further investigated.

The Template does not list prohibited uses but instead uses a general clause to prohibit all other uses not specifically listed elsewhere in the table. In this report, the prohibited uses are listed at the end of each section merely for clarification purposes. It is not proposed to list the prohibited uses in the Planning Scheme.

Note also that the Mixed-Use zone is likely to have wider application than this study area and that this will require review when the rest of the Planning Scheme is being drafted. Likewise the Business zone may be used in other parts of the City such as the local shopping areas of Sandy Bay, North Hobart that are both currently zoned Local Service or New Town with its Commercial & Residential zoning.

The use standards will be used minimally in the Central Area. Advice from the Resource Planning and Development Commission is that these are not mandatory for all zones. The qualifications to the use table will be sufficient for most requirements. However, there is a need to control the hours of operation in Mixed-Use areas and the criteria for manufacturing and processing in the Business zone.

A comparison of the existing use groups under the CHPS and the Template are provided as Appendix A.

X.0 Central Business Zone

X.1 Purpose of Central Business Zone

X.1.2 To maintain and strengthen the primary shopping centre of Hobart, in which major retailers and specialty shops and services are supported by convenience shops, restaurants, take away food shops and hotels to serve the work force and visitors, all with convenient and safe access to public transport.

X.1.3 To encourage residential and tourist accommodation uses to establish above street level in the zone as a means of increasing activity outside normal business hours.

X1.4 The area should be primarily determined by intense activity at pedestrian levels with shop windows offering interest and activity to pedestrians

X.2 Table of Use

X.2.1 The following table shows permitted, discretionary and prohibited use in the Central Business zone.

Permitted		
Defined Use	Qualification	Explanation
Business and professional services	Subject to a maximum ground floor frontage of 4m	The 4m frontage follows CASP otherwise the status is consistent with the existing use status under CHPS for an office. It is envisaged that market forces and suitability of existing building stock will guide a mix of residential, office and tourist accommodation uses above ground floor storey.
Food services	Except drive through take-away premises which are discretionary	The food services uses are consistent with the zone purpose. Their permitted status is consistent with Council's existing policy status under the CHPS. A drive through take away premises is a different type of use with associated physical traffic demands and streetscape implications and is therefore more appropriately treated as discretionary.
General retail and hire	A supermarket and adult product shop are discretionary	This defined use includes the preferred general retail uses for this central area. The qualified uses are not

		necessarily appropriate to the central area due to their size or characteristics. Therefore, the use status allows a proposal to be considered on its merits. This use status is consistent with the existing CHPS.
Natural and Cultural Values Management		This use is unlikely to impact on the amenity of the surrounding area or be obtrusive or intrusive.
Residential	Only if above ground floor storey otherwise discretionary	Consistent with the purpose of the zone in that residential occupation in the central area increases passive surveillance out of hours. Discretionary status at ground level recognises the preference for retail uses
Tourist operation	A visitor centre subject to a maximum ground floor frontage of 4m. All other uses discretionary	A visitor centre is consistent with the zone purpose of providing supporting activities. The other uses in the group have greater physical requirements and their discretionary status allows consideration on their merits.
Tourist accommodation.	When: <ul style="list-style-type: none"> located above ground floor level; or, not located on a street frontage otherwise discretionary. In addition the following uses are	Tourist accommodation uses along with restaurants and hotels are contained in Use group X under the CHPS and are Permitted in the current Central Retail zone. It is considered that

	discretionary: <ul style="list-style-type: none"> • camping, campervan and caravan park, • holiday cabins, • a residential camp. 	the tourist accommodation uses should have less priority for the ground floor frontage than retail uses. Some of the uses such as camping, campervan, caravan park, holiday cabins and a residential camp are unlikely to be practical in the central area due to their more land intensive requirements
Utilities	If provided underground, otherwise discretionary.	The discretionary status reflects the need for these uses to be considered on their merits. Maintenance and emergency works are exempt.
Discretionary		
Defined Use	Qualification ¹	Explanation
Community services		Consistent with existing policy status under the CHPS. These uses do not directly further the zone purpose and should be considered on their merits.
Educational and occasional care		Consistent with the existing status under CHPS except that a hospital and welfare institution is discretionary rather than prohibited under the current CHPS for the Central Retail zone. These uses do not directly further the zone purpose. The discretionary status

¹ In addition to these standards, no use may cause; a nuisance as defined in s.199 of the Local Government Act 1993, environmental harm or environmental nuisance as defined in s.5 of the Environmental Management and Pollution Control Act 1994.

		allows an application for such a use to be considered on its merits.
Research and Development		The discretionary status of these uses acknowledges a preference for other retail, hospitality and food services in the Central Business zone.
Sports and recreation		The spatial requirements of these outdoor uses mean that they are unlikely to be applicable to the Central Business zone. The discretionary status however provides maximum flexibility and allows these uses to be considered on their merits.
Vehicle parking		Streetscape considerations for parking are to be addressed through provisions for development in the Traffic and Parking or Central Area Schedule
Prohibited		
All other defined uses		

The following uses would be prohibited in the zone:

- ▶ Animal breeding, boarding or training
- ▶ Bulky goods sales
- ▶ Corrective institution

Explanation for 'X' uses

Practical use requirements mean that the use is unsuited

These land extensive uses with access, loading and manoeuvring requirements are unsuited to this area.

In recognition of the zone hierarchy. Such a use would be better sited in the

	<p>other zones. Note a police station would be most likely included in the Community services group. It is accepted that a component of the corrective institution use group such as a remand centre or detention centre may be associated with a police station. However these elements could be considered as ancillary and therefore discretionary.</p>
<ul style="list-style-type: none"> ▶ Equipment and machinery sales and hire 	<p>These land extensive uses with access, loading and manoeuvring requirements are unsuited to this area.</p>
<ul style="list-style-type: none"> ▶ Extractive industry 	<p>Obviously undesirable.</p>
<ul style="list-style-type: none"> ▶ Manufacturing and processing 	<p>Consistent with existing use Group XV under CHPS. The spatial requirements of these uses and incompatibility with amenity and streetscape of the Central Business zone mean that these uses are obviously undesirable.</p>
<ul style="list-style-type: none"> ▶ Recycling and waste disposal 	<p>In recognition of the zone hierarchy. Such a use would be better sited in the other zones.</p>
<ul style="list-style-type: none"> ▶ Resource development 	<p>Agricultural uses unsuitable to the central area.</p>
<ul style="list-style-type: none"> ▶ Resource processing 	<p>Consistent with existing use Group XV under CHPS and obviously inconsistent with the zone purpose.</p>
<ul style="list-style-type: none"> ▶ Transport depot and distribution 	<p>Consistent with existing use Group XV under CHPS. More appropriate as a 'd' use outside the Central Business zone.</p>

Note: The listed prohibited uses in the Central Retail zone of the current CHPS include a hospital, welfare institution, transport depot, a timber yard and an industry.



X.0 Business Zone

X.1 Purpose of Business Zone

- X.1.1 To provide for retailing, offices and community services in a concentrated area.
- X.1.2 To ensure that new development reflects the scale and form of the existing fabric.
- X.1.3 To encourage the area around Campbell and Argyle Streets to consolidate its education, administrative and public utility functions.
- X.1.4 To maintain the function of the upper end of Elizabeth Street between Brisbane and Warwick Street as a retail, wholesale and office area, with residential use being an important subsidiary activity – generally above street level.
- X.1.5 To maintain the function of the Macquarie-Davey Street area as an area for offices and institutions. Existing residential uses should be protected and new residential uses encouraged.

X.2 Table of Use

- X.2.1 The following table shows permitted, discretionary and prohibited use in the Business zone.

Permitted		
Defined Use	Qualification	Explanation
Business and professional	For sites with frontage to Macquarie and Davey Street and call centres and offices with a maximum ground floor frontage of 4 metres. In other areas and where the frontage is greater than 4 metres these uses are discretionary.	To meet the spatial characteristics of the zone intent. Offices, consulting rooms and banks are permitted in the Central Commercial and Administrative zone under the CHPS. Offices are qualified with a ground floor frontage of 6 metres. The 4m frontage is a recommendation from CASP which found that 6 m didn't achieve the intended outcome of retaining activity at street level.
Community services		Consistent with the zone intent and with the existing status under the CHPS 1982 The permitted status of these uses that support the Central Business zone is consistent with the

		zone purpose.
Educational and occasional care	Where the site has frontage to Campbell, Collins, Liverpool and Argyle Streets. In other areas discretionary.	Encourages development and redevelopment of existing uses in areas consistent with the zone intent.
Food services	Except drive through take-away premises which are discretionary	Consistent with existing use status under the CHPS 1982. These uses provide a support role to the zone purpose.
General retail and hire	Except an amusement centre, supermarket and adult product shop which are discretionary.	This defined use includes the preferred general retail uses for the area. The qualified uses are not necessarily appropriate due to their size or use characteristics. Therefore, a proposal needs to be considered on its merits. The status and qualifications are consistent with the existing CHPS 1982.
Hospital services	Where the site has frontage to Campbell, Collins, Liverpool and Argyle Streets. In other areas discretionary.	Encourages development and redevelopment of important existing uses in areas consistent with the zone intent.
Hotel Industry		Consistent with existing use status under CHPS 1982. These uses assist to provided vitality and a support role to the Central Business zone.
Natural and Cultural Values Management		This use is unlikely to impact on the amenity of the surrounding area or be obtrusive or intrusive.

Residential		Consistent with status of residential uses in the CHPS 1982 and the purpose of the zone. See also the Home Occupation Schedule.
Residential	A home occupation must conform to the acceptable solutions under Clause XX otherwise discretionary.	Consistent with the approach to domestic business in the CHPS 1982 where a domestic business (larger home occupation) is discretionary. Note a home occupation would be permitted if it met the acceptable solutions for home occupation provided in the Scheme.
Storage	Where storing goods within buildings and material that are not hazardous, otherwise discretionary.	Consistent with existing use status under CHPS 1982. Allows a support role for the central area.
Tourist accommodation		Consistent with the purpose of the zone and the existing use status under the CHPS 1982. Note the current use definitions contain criteria that should become standards for the Residential (and other) zones. These criteria are not as critical in the Business zone. There is a need to cover these use standards elsewhere in the Scheme.
Utilities	Only if located below the ground.	To acknowledge that these works are appropriate if they are not likely to cause a visual intrusion. Note: maintenance and emergency works will be exempt – clause 5.6 of the Template.

Discretionary		
Defined Use	Qualification ¹	
Bulky Goods Sales	In the area between Macquarie and Liverpool Streets.	Showroom is permitted in the CHPS 1982 but has a slightly different meaning. The land extensive needs along with access, loading and manoeuvring requirements mean these uses are unsuited to other areas.
Manufacturing and processing	Where the requirements of Use Standard X.X are met, otherwise prohibited.	Consistent with existing use status under CHPS. Use standard applies the criteria for the definition of light industry. The discretionary status allows these uses to be considered on their merits.
Natural and cultural values management		Consistent with the zone intent and the use status for the nearest defined use 'passive recreation' under the CHPS 1982. These uses are not obviously applicable to the Business zone but the discretionary status allows consideration of merit.
Research and Development		New use. Appropriate to consider it on its merits, as it is not likely to cause impacts and can be consistent with the zone intent.
Service industry	If an extension to an existing use.	This represents a change from the existing permitted

¹ In addition to these standards, no use may cause; a nuisance as defined in s.199 of the Local Government Act 1993, environmental harm or environmental nuisance as defined in s.5 of the Environmental Management and Pollution Control Act 1994.

		status in the Central Commercial and Administrative zone for use Group XIII under CHPS. These uses are not necessarily acceptable in this Business zone due to possible conflicts with streetscape and amenity. Better suited to the Commercial zone. Indicates that existing uses can expand and allows the impact on adjoining preferred uses to be considered.
Sports and recreation		Practical use and area requirements mean that most uses are unsuited. Any proposal needs to be considered on its merits.
Tourist operation		Unlisted use in the CHPS 1982. With the exception of a visitor centre, the tourist operation use group suggests a more land extensive activity than would be expected in the Commercial zone. Discretionary status enables the use to be considered on its merits.
Vehicle fuel sales and service		Unlisted use in the CHPS 1982. Enables this to be considered on its merits.
Vehicle parking		Unlisted use in the CHPS 1982. Consistent with the zone. Streetscape considerations for parking are to be addressed through provisions for development in the Traffic and Parking or

		Central Area Schedule.
Vehicle sales and hire		Consistent with existing use status for use Group XIV in the Central Commercial and Administrative zone under the current CHPS. The land extensive nature of these uses suggests that they are less suitable in the Business zone. More appropriately located in the Commercial zone however the discretionary status allows consideration.
Prohibited		
All other defined uses		

Explanation

- ▶ Animal breeding, boarding or training

Practical use and area requirements mean that the use is unsuited.
- ▶ Bulky goods sales

These land extensive uses with access, loading and manoeuvring requirements are unsuited to this area.
- ▶ Corrective institution

Such a use would be better sited in areas where more land is available. Where a remand centre may be required it would be ancillary to a community use such as the Police Station or a Court.
- ▶ Equipment and machinery sales and hire

These land extensive uses with access, loading and manoeuvring requirements are unsuited to this area.
- ▶ Extractive industry

Undesirable due to environmental impacts and area requirements.
- ▶ Recycling and waste disposal

Practical use and area requirements mean that the use is unsuited.
- ▶ Resource development

Agricultural uses unsuitable to the central area.
- ▶ Resource processing

Consistent with existing use Group XV under CHPS, which is prohibited due to

environmental impacts.

- ▶ Transport depot and distribution Consistent with existing use Group XV under CHPS. Practical use, area and access and loading requirements mean that the use is unsuited.

Note: The listed prohibited uses in the Commercial and Administrative zone of the CHPS include a transport depot, a timber yard and an industry.

X.1 Standards for Use in the Business Zone

X.1 Standards for Use in the Business Zone¹

3.2.1 Minimising Environmental Impact of Industries Objective: To contain impacts on nearby properties to reasonable levels commensurate with the nature of the industries.	
Performance Criteria	Acceptable Solution
a) Manufacturing and processing uses must demonstrate that its operation will not cause significant direct and indirect environmental risk or effects.	Manufacturing or processing uses must not: <ul style="list-style-type: none"> a) require the storage of goods, materials or waste, other than for retail sale, that is visible from any dwelling, public street or public place; b) entail the delivery or removal from the development of goods or materials aggregating fifty tonnes weight in any twenty four hour period; c) entail the manufacture or storage in bulk of explosive, flammable or other dangerous materials.

1. In addition to these standards, no use may cause; a nuisance as defined in s.199 of the Local Government Act 1993, environmental harm or environmental nuisance as defined in s.5 of the Environmental Management and Pollution Control Act 1994.

X.0 Commercial Zone

X.1 Purpose of Commercial Zone

- X.1.1 To provide for large floor area retailing and service industries.
- X.1.2 To provide for a changing diversity of general non-residential uses reflecting the transition between other Business zones and inner residential areas.
- X.1.3 To allow for land extensive uses such as car yards, warehouse and showrooms in the areas of high traffic volume and high passing visibility.
- X.1.5 To allow good quality building stock to be used for less land extensive central service uses such as offices and specialist wholesaling uses.

X.2 Table of Use

- X.2.1 The following table shows permitted, discretionary and prohibited use in the Commercial zone.

Permitted		
Defined Use	Qualification	Explanation
Business and professional	Within existing buildings and subject to a maximum floor area of 300m ²	An office is discretionary in the Central Service zone in the Central Service Zone under the CHPS 1982. The proposed status is consistent with the zone purpose in that these uses are permitted where they utilise an existing building with a smaller floor area.
Bulky Goods Sales		Consistent with zone purpose.
Natural and Cultural Values Management		This use is unlikely to impact on the amenity of the surrounding area or be obtrusive or intrusive.
Service industry		Consistent with use Group XIII under CHPS 1982 and the zone purpose.
Storage		Consistent with existing use status under CHPS 1982. Consistent with zone purpose and provides for supporting uses for the central area.

Utilities	Only if located below the ground.	To acknowledge that these works are appropriate if they are not likely to cause a visual intrusion. Note: maintenance and emergency works will be exempt – clause 5.6 of the Template.
Vehicle sales and hire	Only where fronting Argyle, Murray or Campbell Streets otherwise discretionary	Consistent with the zone purpose. Acknowledges that car yards and similar uses are best located on the streets with higher traffic volumes.
Vehicle fuel sales and service	If for vehicle sales only where fronting Argyle, Murray or Campbell Streets otherwise discretionary If for the servicing of motor vehicles	Consistent with the zone purpose. Acknowledges that a petrol station is best located on the streets with higher traffic volumes.
Discretionary		
Defined Use	Qualification ¹	
Corrective institution		Discretionary status indicates that although not directly related to the zone purpose this use may be acceptable as a necessary support use. Allows consideration on merit.

¹

Equipment and machinery sales		Although vehicle sales and hire are preferred uses in some locations in the area, it is considered that this definition relates to larger equipment. These uses would generally not demand a central location.
Educational and occasional care		Consistent with the existing status under CHPS for use Group VII. Although both a Welfare Institution and Hospital are currently prohibited under the current CHPS, it is considered that there may be some instances where one of these uses could be acceptable. The discretionary use status allows these uses to be considered on their merits.
Food services		Consistent with existing use status under the CHPS. These uses may be acceptable however the discretionary status supports the zone purpose for the preferred permitted uses.
General retail and hire		Consistent with existing use status under the CHPS. These uses may be acceptable however the discretionary status supports the zone purpose for the preferred permitted uses.

Hospital Service		Although a Hospital is currently prohibited under the CHPS, it is considered that there may be some instances where this may be acceptable. The discretionary use status allows these uses to be considered on their merits.
Hotel Industry		Consistent with existing use status under the CHPS. These uses may be acceptable however the discretionary status supports the zone purpose for the preferred permitted uses.
Manufacturing and processing		Consistent with existing use status under CHPS. These uses represent substantial industry that may only be acceptable in some circumstances.
Recycling and waste disposal		Recognises that the use make have an impact on the amenity of the surrounding area.
Research and Development		New use. Appropriate to consider it on its merits as it is not likely to cause impacts and can be consistent with the zone intent.
Residential		Consistent with the purpose of the zone and the existing use status under the CHPS 1982. Recognises that land use conflicts may need to be considered.

Resource processing		Recognises that the use make have an impact on the amenity of the surrounding area. Practical use and area requirements mean that most uses are unsuited.
Sports and recreation		Practical use and area requirements mean that most uses are unsuited. Any proposal needs to be considered on its merits.
Tourist accommodation		Consistent with the purpose of the zone and the existing use status under the CHPS 1982. Note the current use definitions contain criteria that should become standards for the Residential (and other) zones. These criteria are not as critical in the Business zone. There is a need to cover these use standards elsewhere in the Scheme.
Tourist operation		Recognises that these uses may be better suited to other zones.
Transport depot and distribution		Consistent with zone purpose and existing use status under CHPS 1982.

Vehicle parking		Unlisted use in the CHPS 1982. Consistent with the zone. Streetscape considerations for parking are to be addressed through provisions for development in the Traffic and Parking.
Prohibited		
All other defined uses		

The following uses would be prohibited in the zone:

	Explanation
<ul style="list-style-type: none"> ▶ Animal breeding, boarding or training 	Practical use requirements mean that the use is unsuited
<ul style="list-style-type: none"> ▶ Extractive industry 	Unsuitable to this central area location.

The proposed use status is similar to the existing use status except that as indicated above a hospital and welfare institution are given discretionary status to allow such uses to be considered on their merits.



X.0 Mixed Use Zone

The following use standards relate to a relatively small portion of the study area and represent only a small segment of the likely extent of Mixed Use zoning within the City of Hobart Planning Area. Subsequent to the draft Stage 4 and 5 reports for this study, Council has drafted standards for the entirety of Mixed Use Zoning. The following standards have therefore been largely superseded, however they are retained within this report for sake of completeness.

X.1 Purpose of Mixed Use Zone

- X.1.1 To provide for a range of residential, commercial, and other uses that complement the function of a locality where a mix of uses has established and it is desirable for a mix to be maintained.
- X.1.2 To provide for a diversity of commercial, professional and residential uses at densities responsive to the character of streetscapes, historic areas and buildings.
- X.1.3 To encourage use and surveillance of the area 24 hours a day while being mindful of potential conflict between uses in terms of loss of residential amenity or restrictions that may impact on commercial activities due to resident complaints.
- X.1.4 To retain existing residential uses and encourage the use of underutilised sites.

X.2 Table of Use

X.2.1 The following table shows permitted, discretionary and prohibited uses in the Mixed-Use zone.

Permitted		
Defined Use	Qualification	Explanation
Animal breeding, boarding or training	Must be no more than 2 animals.	Practical use requirements mean that the use is unsuited unless restricted.
Business and professional	Where it doesn't displace an existing residential use.	An office is permitted in the Commercial and Residential zone of the current CHPS. The proposed status is consistent with the zone purpose in that these uses are permitted where they do not result in loss of existing residential uses.
Community Services	Provided the use can comply with the acceptable solutions in use standard X.X,	To ensure that this use does not conflict with the amenity of surrounding

	otherwise discretionary.	properties.
Educational and occasional care	Provided it is an extension of an existing use and the use can comply with the acceptable solutions in use standard X.X, otherwise discretionary.	Acknowledges that this type of use is appropriate at a scale and operated in a manner, which does not conflict with the amenity of the surrounding area.
Food services	Except drive through take-away premises which are discretionary	Consistent with existing use status under the CHPS 1982 and established standards which have been proven to minimise the impacts of this type of use on adjoining sites.
General retail and hire	Provided it is not a supermarket and the use can comply with the acceptable solutions of use standard X.X, otherwise discretionary.	The use is appropriate provided the hours of operation do not cause an impact. Car parking impacts can be covered by the parking and access schedule. Supermarkets generally of larger in scale and require further consideration.
Natural and Cultural Values Management		This use is unlikely to impact on the amenity of the surrounding area or be obtrusive or intrusive.
Residential		Consistent with status of residential uses in the CHPS 1982 and the purpose of the zone. See also the Home Occupation Schedule.



Utilities	Only if located below the ground.	To acknowledge that these works are appropriate if they are not likely to cause a visual intrusion. Note: maintenance and emergency works will be exempt – clause 5.6 of the Template.
Discretionary		
Defined Use	Qualification ¹	
Educational and occasional care		Entertains a new uses and where longer hours of operation may be required.
Hospital Service		Recognises that the use make have an impact on the surrounding area due to hours of operation and vehicle and parking generation.
Hotel Industry		Recognises that the use make have an impact on the amenity of the surrounding area.
Research and Development		New use. Appropriate to consider it on its merits, as it is not likely to cause impacts and can be consistent with the zone intent.
Sports and recreation		Practical use and area requirements mean that most uses are unsuited. Any proposal needs to be considered on its merits.

Tourist operation		Unlisted use in the CHPS 1982. Enables this to be considered on its merits. Could be permitted if a Tourist Schedule is drafted (see comments in 4.4).
Vehicle fuel sales and service		Unlisted use in the CHPS 1982. Enables this to be considered on its merits.
Vehicle parking		Unlisted use in the CHPS 1982. Consistent with the zone. Streetscape considerations for parking are to be addressed through provisions for development in the Traffic and Parking or Central Area Schedule.
Prohibited		
All other defined uses		

The following uses would be prohibited in the zone:

	Explanation
<ul style="list-style-type: none"> ▶ Animal breeding, boarding or training 	Practical use requirements mean that the use is unsuited.
<ul style="list-style-type: none"> ▶ Bulky goods sales 	These land extensive uses with access, loading and manoeuvring requirements are unsuited to this area.
<ul style="list-style-type: none"> ▶ Corrective institution 	In recognition of the zone hierarchy. Such a use would be better sited in the other zones.
<ul style="list-style-type: none"> ▶ Equipment and machinery sales and hire 	These land extensive uses with access, loading and manoeuvring requirements are unsuited to this area.
<ul style="list-style-type: none"> ▶ Extractive industry 	Obviously undesirable.
<ul style="list-style-type: none"> ▶ Manufacturing and processing 	Not suited to this type of area due to potential conflict with residential and

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| | commercial uses. Consistent with existing use Group XV under CHPS 1982. |
| ▶ Recycling and waste disposal | Such a use would be better sited in the other zones where there is less potential for conflict with residential use. |
| ▶ Resource development | Agricultural uses unsuitable to the central area. |
| ▶ Resource processing | Such a use would be better sited in the other zones where there is less potential for conflict with residential use |
| ▶ Storage | These land extensive uses with access, loading and manoeuvring requirements are unsuited to this area. |
| ▶ Transport depot and distribution | Such a use would be better sited in the other zones where there is less potential for conflict with residential use. |
| ▶ Vehicle sales and hire | Such a use would be better sited in the other zones where there is less potential for conflict with residential use. |

Note: The listed prohibited uses in the Commercial and Residential zone of the CHPS include a light industry, a warehouse, a saleyard, a transport depot, a timber yard and an industry

1.1 Standards for Use in the Mixed Use Zone⁹

3.2.1 Minimising impact on Residential Amenity Objective: To contain impacts on nearby residents to reasonable levels commensurate with the nature of the uses.	
Performance Criteria	Acceptable Solution
a) Any use other than residential must demonstrate that its operation will not cause direct and indirect impact on the enjoyment of the area for residential use.	a) Hours of operation and delivery of goods must be between 7.00 a.m. and 6.00 p.m. Monday to Friday and between 8.00 a.m. and 5.00 p.m. Saturday and 10.00 a.m. and 5.00 p.m. Sunday.

4. Other Issues

4.1 Recreation zone

The provisions should be consistent with those necessary for other parts of the Scheme as this zone covers only two sites.

4.2 Home businesses

The template does not specifically provide for home businesses. Given that such uses are likely to be acceptable subject to a number of criteria it is considered that home occupations should be addressed across the planning area by way of a schedule. Under the schedule it *may* be appropriate for a home business to be permitted in any area where residential uses are permitted provided the acceptable solutions are met. Otherwise this use would be discretionary where relying on performance criteria and prohibited where the standards can't be met.

4.3 Drive-through take-aways

There are already provisions in the City of Hobart Planning Scheme covering drive-throughs.

These are:

A.9 Drive-Through Take-Aways

A.9.1 Applications for 'drive thru take away facilities', will be determined on the basis of a range of impacts including those on:

- (a) vehicular and pedestrian movement and safety, especially through vehicles turning into and out of the proposed development site;
- (b) traffic and parking generation in streets that are otherwise solely or mainly residential;
- (c) pedestrian amenity and convenience;
- (d) residential amenity, by reason of traffic and other noise or disturbance to the quiet enjoyment of residential property in Residential zones;
- (e) the continuity of streetscape and traditional retail frontages; and
- (f) the amount of signage and other advertising proposed.
- (g) the clean state of the area by reason of litter, waste and odour emissions (*this clause is suggested to be inserted as a result of GHD's recent experience with a drive through take away at 158 Davey Street*).

- A.9.2 As well as using its general powers under the Act and Clause 2.3 of the Planning Scheme to impose conditions on any planning approval, Council may require applicants to enter into agreements under Part 5 of the Act to ensure the considerations listed in Clause A.9.1 are satisfactorily addressed in the operation of the facility.

These provisions need to be carried over to the draft scheme and the use should be discretionary in all areas (where allowed) given the impacts on surrounding amenity from lighting, traffic, streetscape and emissions. It is beyond the scope of this stage of the project to address this in detail. It will be addressed in stage 5.

4.4 Tourist accommodation uses

The current City of Hobart Planning Scheme includes specific definitions for a number of forms of tourist accommodation. These are 'bed and breakfast', 'backpacker accommodation', 'hotel', 'motel' and 'self contained visitor accommodation'. These definitions include criteria that could be used as use qualifications. The relevant definitions are:

'backpacker accommodation'

means a building (or part of a building not shared with any permanent resident other than on-site management and staff), providing low-cost accommodation for travellers which is not used as their principal place of residence, and which has communal self catering food preparation areas and may include dormitory-style sleeping rooms.

'bed and breakfast accommodation'

means any accommodation and meals provided in a house or flat and ancillary outbuildings to not more than five visitors or tourists of the locality by a permanent resident of the house for fee or reward and which:

- (a) Occupies not more than 40 sq.m or 25 percent of the dwelling and ancillary outbuilding whichever is lesser;
- (b) Does not display more than one means of identification indicating only the name and nature of the business and not greater in area than 0.2 square metres.
- (c) One car parking space for the owner and one space per two beds of visitor accommodation shall be provided on site.
- (d) Generally providing standards in accordance with Accommodation Standards (No.4) under Part 3, Section 109 of the Liquor and Accommodation Act, 1990.

'motel'

means a building complex intended, adapted or designed to provide accommodation in accordance with Accommodation Standards (No.4) Part 3 Section 109, Liquor and Accommodation Act, 1990 but excludes self contained visitor accommodation or multiple dwelling.

'self contained visitor accommodation'

means a dwelling unit intended, adapted or designed as tourist accommodation in accordance with Accommodation Standards (No. 4) under Part 3, Section 109 of the Liquor and Accommodation Act, 1990, and which in the Residential 1, 2, 3 and 4 and the Rural A, B and C zones:

- (a) does not occupy a floor area greater than 160m²;
- (b) must occupy floor area primarily or wholly at ground floor level unless in a building containing a commercial use other than self contained visitor accommodation;
- (c) does not display more than one means of identification indicating only the name and nature of the business and not greater in area than 0.2m².

These definitions are currently being reviewed subsequent to the Liquor and Accommodation Act being repealed. They were however added to the current Planning Scheme after significant research and consultation in September 2000. With some updating in relation to the legislative changes they are still appropriate for the new scheme and have been found to be suitable during assessment of planning permit applications since being introduced.

This review notes that Tourist Accommodation is a use that can be considered in the Mixed Use zone. However, there is a need to ensure that this type of use does not affect the amenity of residents in the area. Amenity is less critical in the commercial zones.

There are two options under the Template for considering whether qualifications are required for Tourist Accommodation. One is to include a Tourist Accommodation schedule in the new Planning Scheme. The criteria in the current definitions could be redrafted as acceptable solutions and performance criteria. It is beyond the scope of this project to pursue the drafting of the schedule as the Tourist Accommodation standards have limited application to the commercial centre and will generally be used more broadly across the city and in particular to the Residential, Rural Living and Rural Resource zones if used. As a result, it is difficult to draft the qualifications necessary for the Tourist Accommodation use in the Mixed Use zone although it is anticipated that it may be appropriate to make the use 'permitted' if it meets the acceptable solutions of the Tourist Accommodation schedule and 'discretionary' if it relies on one or more performance criteria. It would therefore be appropriate for tourist accommodation to be 'permitted' and then the status of the application will be determined once the development standards are examined.

The second option is to include qualifications under the zone. This is not preferred as the qualifications have wider application. Therefore, the qualifications would be repeated extensively in these zones. A Tourist Accommodation schedule also provides an opportunity for the issue to be examined more widely and for the objectives or purpose of this type of use and development to be made clear.

5. Conclusion

This stage provides a zone structure and land use controls for the study area in accordance with the format of the Planning Scheme Template. It is considered that the template zones of Central Business, Business, Commercial, Mixed Use and Recreation are applicable to the study area. The land use controls will be supported by further use and development standards to be prepared in the following stage of the project.

A number of qualifications have been included in the use tables as a way of delivering more fine grain land use policy where necessary. Further refinement will occur from development standards and specific schedules. For example, it is anticipated that there are to be access and parking, central area development and tourist accommodation schedules which will be relevant. However, there may be a need to review the provisions drafted in this stage of the project once more specific development standards are drafted and recommendations for the parking and access schedule is further investigated.

Finally, a number of issues have arisen covering standards for home businesses, drive-through takeaways and tourist accommodation as well as the need for more general application of the recreation zone. These issues are generally beyond the scope of this project and need to be considered during the broader drafting of the Planning Scheme being undertaken in house by Council staff.

Appendix A

Use Definitions - Template for Planning Schemes

Use	Definition	CHP Use Group
Animal breeding, boarding or training	means use of land for breeding, boarding or training animals. Examples are a cattery, dog pound, horse stable and kennel.	Ungrouped
Bulky goods sales	means use of land for selling goods of a bulky nature. Examples are garden and landscape suppliers, primary produce sales, timber yards and trade suppliers.	Part of group XIII – showroom Part group XV –, timberyard Part group XIV - saleyard
Business and professional services	means use of land for administration, clerical, technical, professional or other similar activities. Examples are a bank, call centre, child health clinic, consulting room, funeral parlour, office, real estate agency, veterinary surgery and travel agency.	Part group V – consulting rooms Group VII – office Part group IX - bank
Community services	means use of land for community, cultural, religious, social, entertainment or recreational purposes. Examples are an ambulance station, art gallery, cemetery, cinema, conference centre, crematorium, dancing school, exhibition centre, fire station, function centre, gymnasium, hall, indoor recreation facility, library and place of worship.	Part Group V – community centre, place of public worship Part group X – club, cinema, theatre, discotheque Part group XI – active recreation (where mainly indoors)
Corrective institution	means use of land for holding or reforming persons committed to it by the courts. Examples are a prison, remand centre, and any other type of detention facility.	Ungrouped
Educational and occasional care	means use of land for educational or short-term care purposes. Examples are a respite centre for the	Group VII – educational establishment Group VI – welfare

	elderly or people with disabilities, childcare centre, employment training centre, kindergarten, primary school, secondary school and tertiary institution.	institution (if short term accommodation)
Equipment and machinery sales and hire	means use of land for displaying, selling, hiring or leasing plant, equipment or machinery, associated with, but not limited to, cargo-handling, construction, earth-moving, farming, industry and mining.	Not separately grouped – part of Group XIII – service industry Part group XIV - saleyard
Extractive industry	means use of land for extracting or removing material from the ground for commercial use, construction, roadwork or manufacturing works. Included is the treatment or processing of these resources by crushing, grinding, milling or screening on, or adjoining the land from which it is extracted. Examples are, mining, quarrying, sand mining, and turf extraction.	Ungrouped
Food services	means use of land for preparing or selling food or drink for consumption on or off the premises. Examples are a restaurant, cafe and take-away food shop.	Part Group IX – takeaway food shop Part Group X – restaurant, drive-through take-away
General retail and hire	means use of land for selling goods or services, or hiring goods. Examples are an adult product shop, amusement centre, beauty salon, betting agency, department store, hairdresser, market, shop, shop front dry cleaner, supermarket and video shop.	Part Group IX – shop, supermarket, Part group XII – amusement machine centre, health studio Group XVI - local shop
Hospital services	means use of land to provide health services (including preventative care, diagnosis,	Part Group VI - hospital

	medical and surgical treatment, and counselling) to persons admitted as in-patients. It may include the care or treatment of outpatients.	
Hotel industry	means use of land to sell liquor for consumption on or off the premises. Examples are a hotel, bottle shop and tavern.	Part group X – hotel, club
Manufacturing and processing	means use of land for manufacturing, assembling or processing products. It does not include resource processing. Examples are boat building, brick making, cement works, furniture making, glass manufacturing, metal and wood fabrication and textile manufacturing.	Part Group XIII light industry Part group XV - industry
Natural and cultural values management	means use of land to protect, conserve or manage ecological systems, cultural sites or landscapes.	Group XVIII – passive recreation
Recycling and waste disposal	means use of land to collect, dismantle, store, dispose of, recycle or sell used or scrap material. Examples are a refuse disposal site, recycling depot, scrap yard, vehicle wrecking yard and waste transfer station.	Ungrouped
Research and development	means use of land for electronic technology, biotechnology, or any other research and development purposes, other than as part of an educational use.	Ungrouped

Residential	means use of land for one or more dwellings providing long-term accommodation. Examples are an apartment, conjoined dwelling, dependent persons unit, flat, home occupation, house, shack and multiple dwellings.	Group I - House, ancillary flat, home occupation Group II flat, elderly persons unit Group III multiple dwelling Group IV domestic business Group VI – welfare institution (if long term accommodation)
Resource development	means use of land for propagating, cultivating or harvesting plants or for keeping and breeding animals for their products. It includes the handling, packing or storing of produce for dispatch to processors. Examples are aquaculture, bee keeping, crop production, marine farming, forestry and grazing.	Ungrouped
Resource processing	means use of land for treating, processing or packing plant or animal resources. Examples are an abattoir, animal saleyard, cheese factory, fish processing, milk processing and sawmilling.	Part group XV - industry
Service industry	means use of land for cleaning, washing, servicing or repairing articles, machinery, household appliances or vehicles. Examples are a car wash, commercial laundry, motor repair garage and panel beater.	Part group XIII – service industry

Sports and recreation	means use of land for leisure, recreation or sporting purposes conducted wholly or mainly in outdoor settings. Examples are a golf course or driving range, firing range, motor racing track, outdoor recreation facility, public swimming pool, race course, sports ground and showground.	Part group XI – active recreation
Storage	means use of land primarily for storage or wholesale of goods, and may incorporate distribution. Examples are boat and caravan storage, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, warehouse and wood yard.	Part group XIV – storage Part group XV – timber yard
Tourist accommodation	means use of land for providing overnight accommodation facilities for tourists or travellers. Examples are a bed and breakfast establishment, camping, campervan and caravan park, holiday cabin, holiday flat, holiday unit, hostel, motel, serviced apartment and residential camp.	Part group X – self contained visitor accommodation, a motel, bed and breakfast accommodation, backpacker accommodation
Tourist operation	means use of land specifically to attract tourists, other than for the provision of accommodation. Examples are a winery, theme park, visitor’s centre, wildlife park and zoo.	Ungrouped



Transport depot and distribution	means use of land for distributing goods or passengers, or facilities to park and service vehicles. Examples are an airport, bus terminal, heliport, mail centre, railway station, road or rail freight terminal, taxi depot and a wharf.	Part group XV – transport depot
Utilities	means use of land for: (a) telecommunications; or (b) transmitting or distributing gas, oil, or power; or (c) transport networks; or (d) collecting, treating, transmitting, storing or distributing water; or (e) collecting, treating, or disposing of storm or floodwater, sewage, or sillage. Examples are a gas, water or sewerage main; electrical sub-station; power line; pumping station; retarding basin; road; railway line; sewage treatment plant; water storage dam; storm or flood water drain and weir.	Ungrouped
Vehicle parking	means use of land primarily for the parking of motor vehicles.	Ungrouped
Vehicle sales and hire	means use of land for displaying, selling or hiring or leasing boats, caravans, motor cycles, trailers, car or similar vehicles.	Part group XIII – car hire premises, saleyard

GHD Pty Ltd ABN 39 008 488 373

162 Macquarie Street Hobart 7000

GPO Box 667 Hobart 7001

T: 03 6210 0600 F: 03 6223 8246 E: hbamail@ghd.com.au

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