

City of Hobart

Hobart Local Provisions Schedule

Supporting submission

22 March 2023



City of **HOBART**

Glossary

The Act	<i>Land Use Planning and Approvals Act 1993</i>
Coastal Zone	Land within 1km of the coastline.
Guideline No. 1	The guidelines issued by the Tasmanian Planning Commission under section 8A of the <i>Land Use Planning and Approvals Act 1993</i> with the approval of the Minister for Planning and Local Government, that directs the application of the zones and code overlays to spatial areas in a municipal area.
HIPS 2015	Hobart Interim Planning Scheme 2015
FR	Certificate of title folio reference
LPP	Local Planning Provision
LPS	Local Provisions Schedule
NEPM	National Environmental Protection Measures
PID	Property identifier
PPZ	Particular Purpose Zone
SAP	Specific Area Plan
SCPS 1997	Sullivans Cove Planning Scheme 1997
SPP	State Planning Provisions
SSQ	Site specific qualification
STRLUS	Southern Tasmania Regional Land Use Strategy 2010 – 2035
THR	Tasmanian Heritage Register
TPC	Tasmanian Planning Commission
TPS	Tasmanian Planning Scheme
The Act	Land Use Planning and Approvals Act 1993

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1 Introduction

1.1 Purpose of the report

This report provides the supporting documentation that is required to accompany the draft Hobart Local Provisions Schedule (Hobart LPS) and demonstrate that the Hobart LPS meets the criteria set out in section 34(2) of the *Land Use Planning and Approvals Act 1993* (the Act).

The Hobart LPS is formally presented to the Tasmanian Planning Commission (TPC) under section 35B(4) of the Act for assessment and approval by the Minister for Planning for public exhibition.

The report incorporates a range of changes required by the Tasmanian Planning Commission (TPC) through the s.35(5) notice. Where a change to the Hobart LPS has been requested by the TPC, this is noted in the report for clarity.

As this report will form part of the public exhibition documents, the report provides useful information to assist land owners and residents to understand changes in the planning controls applying to their land.

1.2 Background

In 2015, the Tasmanian Government introduced legislation to replace the interim planning schemes of each council with the Tasmanian Planning Scheme (TPS).

The TPS is divided into two components – the State Planning Provisions (SPPs) and the Local Provisions Schedules (LPS). The SPPs are the state-wide component of the planning scheme and the LPS are the local component of the TPS. Each municipal area is required to have its own LPS.

Section 32 of the Act limits what can be included in an LPS to:

- Zoning maps which spatially apply the zones to a municipal area
- Overlay maps or code lists which direct the application of codes to land in a municipal area; or
- Local Planning Provisions (LPPs) that would apply to an area of land in substitution for, or addition to the SPPs. Any LPP must under section 32(4) of the Act be in the form of a particular purpose zone (PPZ), specific area plan (SAP) or site specific qualifications (SSQ).

The TPS only comes into effect in each municipal area when the relevant LPS is approved by the TPC. The Hobart LPS will replace both the Hobart Interim Planning Scheme 2015 (HIPS 2015) and the Sullivans Cove Planning Scheme 1994 (SCPS 1997) when it is directed to come into effect by the TPC.

1.3 Structure of the report

This report is divided into four sections. Section 2 outlines how the SPP zones and codes are applied in the Hobart municipal area while Section 3 outlines the PPZs, SAPs, and SSQ that form part of the Hobart LPS. Section 4 provides an assessment of the Hobart LPS against the LPS criteria under section 34 of the Act.

The report is accompanied by 10 appendices which provide more detailed to explain and support the information contained in this report. Appendices are cross referenced at the relevant parts of the report.

2 Application of the State Planning Provisions

2.1 State Planning Provisions

The State Planning Provisions (SPPs) provide a consistent set of planning rules for 23 generic zones and 16 codes. These are to be applied through the LPS for each municipal area.

The TPC has prepared guidelines for the application of these in LPS. This document is known as *Guideline No.1 – Local Provision Schedule (LPS): Zone and Code Application* (Guideline No. 1). It is provided to ensure consistency in how the SPPs are applied.

2.2 Zone application

The allocation of zones under the Hobart LPS is a translation of existing zoning under the *HIPS 2015*. There are however instances where the zoning of land has been amended to reflect the change to available zones under the Tasmanian Planning Scheme (TPS) or direction under guideline No.1 as well as minor changes to remove split zonings where appropriate or new areas of public land used for open space.

The main changes from the *HIPS 2015* zoning maps to the Hobart LPS zoning maps are:

- Rezoning of land zoned Environmental Living under the HIPS2015 to either Rural Living or Landscape Conservation as the Environmental Living zoning has not been carried through into the TPS.
- Allocation of existing and proposed land zoned Rural Living into the sub-categories A, B, C and D.
- Rezoning of schools that are currently in residential zones to the Community Purpose Zone.
- The extension of the Central Business Zone to all street blocks bounded by Harrington, Melville and Brisbane Streets and Brooker Avenue.
- Minor adjustments to reflect current property boundaries and to remove redundant split zonings.

The Table 1 below outlines in greater detail how the individual zones have been applied in the Hobart LPS and how the zones have been translated from the existing planning scheme.

Table 1: Translation of zones from the HIPS to the SPP

SPP Zone	HIPS 2015 Zone	Rationale for Zone application
8.0 General Residential Zone	10.0 General Residential Zone	<p>Zone application is consistent with clause GRZ 2(a) of Guideline No.1 whereby the land was zoned General Residential under the HIPS 2015.</p> <p>This land is part of the main urban residential area that is not targeted for higher density and is connected to reticulated water and sewerage in accordance with clause GRZ 1.</p> <p>There have been some minor changes to the zone boundaries, as detailed in Appendix A</p>
9.0 Inner Residential Zone	11.0 Inner Residential Zone	<p>Zone application is consistent with clause IRZ 2(a) of Guideline No.1 whereby the land was zoned Inner Residential under the HIPS 2015.</p> <p>This land has been identified for higher density development and is in close proximity to an activity centre, in accordance with IRZ 1(b).</p> <p>There have been minor changes to the zone boundaries, as detailed in Appendix A</p>
10.0 Low Density Residential Zone	12.0 Low Density Residential Zone	<p>Land zoned Low Density Residential under the HIPS 2015 is to remain Low Density Residential.</p>

SPP Zone	HIPS 2015 Zone	Rationale for Zone application
		<p>This zoning is consistent with clause LDRZ1(c) whereby there is an existing pattern of subdivision and there is a strategic intention to not support development at a higher density.</p> <p>There have been minor changes to the zone boundaries, as detailed in Appendix A</p>
11.0 Rural Living Zone (A, B, C and D)	13.0 Rural Living Zone	<p>Land zoned Rural Living under the <i>HIPS 2015</i> is to remain Rural Living in accordance with clause RLZ 1(b) of Guideline No.1.</p> <p>Land zoned Environmental Living in the HIPS 2015 has been rezoned to Landscape Conservation or Rural Living A, B, C or D based on lot size and environmental values. See Appendix B for assessment of reallocation of the Environmental Living Zone. The rezoning of Environmental Living to Rural Living is in accordance with clause RLZ 2(b) of Guideline No.1.</p> <p>Land zoned Rural Living was allocated to A, B, C or D according to lot size to maintain the status quo in terms of development potential from the existing zoning under the <i>HIPS 2015</i>. This is to protect the existing pattern and density of development in accordance with clause RLZ 3 of Guideline No.1.</p>
12.0 Village Zone	16.0 Village Zone	N/A – The Village Zone is not used in the HIPS 2015 or the Hobart LPS.
13.0 Urban Mixed Use Zone	15.0 Urban Mixed Use Zone	<p>Land zoned Urban Mixed Use under the HIPS 2015 is to remain Urban Mixed Use.</p> <p>The areas in this zone contain an existing mix of uses where no particular use dominates and there is an intention to maintain this use. This is in accordance with clause UMUZ 1(a) of Guideline No.1.</p> <p>The area along New Town Road is along a high frequency public transport corridor in accordance with clause UMUZ 2(a).</p>
14.0 Local Business Zone	20.0 Local Business Zone	<p>Land Zoned Local Business under the HIPS 2015 is to remain Local Business.</p> <p>The local shopping strips in South Hobart and Lower Sandy Bay are intended to provide for the business, commercial and community functions which serve the surrounding residential areas and as such would be in accordance with clause LBZ 1(a).</p> <p>The local shops and associated land in Fern Tree, Mount Nelson and Lower Sandy Bay are located in existing residential areas and there is a strategic intention to maintain the uses. This is consistent with LBZ 3.</p>
15.0 General Business Zone	21.0 General Business Zone	<p>Land Zoned General Business under the HIPS 2015 is to remain General Business.</p> <p>The zone is applied to the shopping strips in Sandy Bay and North Hobart. These areas provide for the business, commercial and community functions for these suburbs. This is in accordance with GBZ 1.</p>
16.0 Central Business Zone	22.0 Central Business Zone	<p>Land Zoned Central Business under the HIPS 2015 is to remain Central Business. All street blocks currently in the Commercial Zone bounded by Harrington, Melville and Brisbane Streets and Brooker Avenue have been included in the Central Business Zone for the reasons outlined in Appendix C.</p> <p>As central Hobart is the primary activity centre it meets the requirements of clause CBZ 1 of the Guideline No.1.</p>

SPP Zone	HIPS 2015 Zone	Rationale for Zone application
		As envisaged by the note in the zone application guidelines for the Central Business Zone, and section 32(4) of the Act a SAP has been developed for the entire Central Business Zone.
17.0 Commercial Zone	23.0 Commercial Zone	<p>Land zoned Commercial in the HIPS 2015 is to remain Commercial except where included in the Central Business Zone as discussed above.</p> <p>The application of the zone is considered to meet the application guidelines CZ 1, 2 and 3. It is proposed that areas zoned Commercial will also be covered by a Specific Area Plan to accommodate and allow the continued operation of the existing variety of uses in this zone, as these are not adequately catered for by the provisions of the SPP Commercial Zone or any other alternative zone.</p>
18.0 Light Industrial Zone	24.0 Light Industrial Zone	<p>Land zoned Light Industrial in the HIPS 2015 is to remain Light Industrial.</p> <p>It is considered that the application of the zone generally meets LIZ 1 and 3. In order to further ensure the zone meets LIZ 1 (where it pertains to minimal off-site impacts), it is proposed that areas zoned Light Industrial will also be covered by a Specific Area Plan (SAP). This will accommodate and allow the continued operation of the existing variety of uses in this zone, given it is an unusual historically established LIZ area that is largely surrounded by residential zones.</p>
19.0 General Industrial Zone	25.0 General Industrial Zone	The General Industrial Zone is not used in HIPS 2015 or the Hobart LPS.
20.0 Rural Zone 21.0 Agricultural Zone	26.0 Rural Resource Zone 27.0 Significant Agricultural Zone	These zones are not used in the HIPS 2015 or the Hobart LPS.
22.0 Landscape Conservation Zone	14.0 Environmental Living Zone	Land zoned Environmental Living in the HIPS 2015 has been rezoned to Landscape Conservation and Rural Living based on lot size, landscape values and vegetation type and quality, thus complying with LCZ 1 and 2. See Appendix B for assessment of reallocation of the Environmental Living Zone.
23.0 Environmental Management Zone	29.0 Environmental Management Zone	<p>Land zoned Environmental Management in the HIPS 2015 is to remain Environmental Management.</p> <p>The Environmental Management zoned land around the foothills of kunanyi/ Mt Wellington, behind West Hobart and Tolmans Hill and on the undeveloped hill faces of Mount Nelson is public and private land which is intended for protection and conservation and to limit use and development in accordance with EMZ 1(e) and (f) of the Guideline No.1.</p> <p>The Environmental Management zoned land along the coast is seaward of the high-water mark and as such is in accordance with EMZ 1(e) and (f) of the Guideline No.1.</p>
24.0 Major Tourism Zone	30.0 Major Tourism Zone	The Major Tourism Zone is not used in HIPS 2015 or the Hobart LPS.
25.0 Port and Marine Zone	31.0 Port and Marine Zone	The Port and Marine Zone has been applied to Macquarie Wharf which was previously in the area controlled by the SCPS 1997. This area is used for large scale port and marine activity, including proclaimed wharf areas, in accordance with the requirements of PMZ 1.

SPP Zone	HIPS 2015 Zone	Rationale for Zone application
		The Port and Marine Zone at Self's Point in the HIPS 2015 has been incorporated into a Particular Purpose Zone (PPZ) in the Hobart LPS to be consistent with the <i>Self's Point Land Act 1951</i> .
26.0 Utilities Zone	28.0 Utilities Zone	<p>Land zoned Utilities in the HIPS 2015 is to remain Utilities. The allocation of the Utilities Zone is in accordance with the following clauses:</p> <ul style="list-style-type: none"> • Roads – UZ1(a) • McRobies Gully Waste Management Centre UZ3 • Water storage – UZ4 • Giblin Street Quarry – UZ3 • TasNetworks/Transend Substation– UZ1(d) • Self's Point Wastewater Treatment Plant – UZ1(e) • Railway corridor– UZ1(f) <p>Clery's Gates Council Depot not neatly fit into a category defined in the Guidelines No. 1, however it is considered that the Utilities Zone is the most appropriate option for this facility due to the nature and operation of the use and that is the current zoning of the site.</p>
27.0 Community Purpose Zone	17.0 Community Purpose Zone	<p>Land zoned Community Purpose in the HIPS 2015 is to remain Community Purpose.</p> <p>The Community Purpose Zone contains Hobart College in Mount Nelson and the cemetery at Cornelian Bay. The zoning of Hobart College is in accordance with clause CPZ 1(a) of the guidelines. It is considered that the cemetery is a key community or cultural facility and as such is in accordance with clause CPZ 1(d).</p> <p>Elizabeth College is now included in the Community Purpose Zone consistent with Guideline No. 1 zone application guideline CPZ1(a).</p> <p>In accordance with Guideline No. 1 and directions issued by the TPC in their section 35 notice, all schools and key places of worship have been zoned Community Purpose. The <i>HIPS 2015</i> has generally included places of worship in whichever zone is predominant in the area rather than in the Community Purpose Zone.</p> <p>The Royal Hobart Hospital and Calvary Hospital are located in a PPZ in accordance with the note for this zone in Guideline No.1.</p>
28.0 Recreation Zone	18.0 Recreation Zone	<p>Land zoned Recreation in the HIPS 2015 is to remain Recreation. It is proposed that the Recreation Zone contain public and private sports grounds, the Doone Kennedy Aquatic Centre and the skate park at the North Hobart Cultural Park. This is in accordance with clause RecZ 1(a) and 2 of Guideline No.1.</p>
29.0 Open Space Zone	19.0 Open Space Zone	<p>Land zoned Open Space in the HIPS 2015 is to remain Open Space unless otherwise noted in Appendix A.</p> <p>It is proposed that the Open Space Zone would contain parks, urban bushland and the Queens Domain (where not zoned Recreation or Utilities). This is in accordance with clause OSZ 1(a) and (b).</p> <p>The Cenotaph and Regatta Grounds were previously zoned Domain Open Space and Regatta Point respectively under the SCPS 1997. This land is not included in the Sullivans Cove PPZ and has been zoned Open Space. As these areas are intended to provide for the open space needs of the community, the zone allocation is in accordance with clause OSZ 1 of the Guideline No.1.</p>

SPP Zone	HIPS 2015 Zone	Rationale for Zone application
30.0 Future Urban Zone	N/A	N/A – The Future Urban Zone is not used in HIPS 2015 or the Hobart LPS.

2.3 Code application

The Table 2 below outlines how the SPP codes have been applied in the Hobart LPS.

Table 2 : Application of Codes in the Hobart LPS

SPP Code	Rationale
C1.0 Signs Code	The Signs Code is not applied via overlay but rather by development of signage types. Additional sign standards are contained in some PPZs as provided for in clause C1.2.1 of the SPPs.
C2.0 Parking and Sustainable Transport Code	<p>No parking precinct plans have been included in the Hobart LPS. The Code applies to use and development in certain circumstances.</p> <p>In some areas a reduction in the amount of on-site car parking required is desirable and this has been addressed in SAPs for the Central Business Zone and Battery Point and several PPZs. These provisions are a translation of car parking provisions existing under the HIPS 2015 and the SCPS 1997.</p> <p>An overlay of pedestrian priority streets has been included in the central streets of the CBD to encourage active street frontages. This is in accordance with clause PSTC 2 of the Guideline No.1.</p>
C3.0 Road and Railway Assets Code	<p>No overlays associated with this code have been included in the Hobart LPS. This code applies to certain types of use and development.</p> <p>In the absence of an overlay for the category 1 roads in the municipal area (the Southern Outlet, Tasman Highway and Brooker Avenue), the written description of 50m will be applied.</p>
C4.0 Electricity Transmission Infrastructure Protection Code	The Electricity Transmission and Infrastructure Protection Code has been applied in accordance with the overlay maps produced by Tas Networks. This complies with clause ETIPC 1 of the Guideline No.1.
C5.0 Telecommunications Code	There is no applicable LPS overlay for this code. This Code applies to the use or development of Telecommunications infrastructure.
C6.0 Local Historic Heritage Code	<p>The Hobart LPS includes a Code list of local historic heritage places. The places listed in the Tasmanian Heritage Register (THR) are retained in the list and identified by their THR number. Some places are only partially listed in the THR, meaning the Code will apply to the remaining area of the title. These places are identified as being only partially THR listed.</p> <p>Retaining the THR listed places in the Code list ensures that if any place is wholly or partially delisted from the THR, the Code will still apply. This ensures local characteristics of a place are still protected, even if a place is no longer considered to meet the criteria for state significance.</p> <p>In accordance with LHHC 2 – 4, an overlay is provided for Local Historic Landscape Precincts, Local Historic Heritage Precincts and Places and Precincts of Archaeological Potential.</p> <p>In accordance with the Minister’s Advisory Statement - Transitional Arrangements for Existing Provisions, 23 June 2017, a Statement of Local Historic Heritage Significance and Historic Heritage Values is not required for the local historic heritage places list in the Hobart LPS. As</p>

SPP Code	Rationale
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such the right-hand column of Table C6.1 will not be completed prior to submission of the LPS as required by LHHC 5. This section will be completed later by way of an amendment to the LPS to incorporate data sheets for each property.

The places and precincts to which the Local Historic Heritage Code applies are primarily a translation of the lists under the HIPS 2015 and SCPS 1997, aside from minor clarifications.

Over 40 additional places have been added to the list. Statements of significance for these places are provided in Appendix D.

Following a detailed review of each heritage precinct the Local Heritage Precinct statements have been revised from those in the *HIPS 2015* to reflect the significant characteristics of those areas more accurately and specifically.

The description, statement of local heritage significance and design criteria / conservation policy for each of these precincts is provided in a separate document. This is listed as an 'Applied, Adopted or Incorporated Document' in the LPS and referenced in HOB-Table C6.2 Local Heritage Precincts. This is provided as a separate document.

The heritage precinct review identified the need for some minor changes to heritage precincts and boundaries and the creation of a new precinct. These changes are shown in Appendix E. A further alteration to the extent of Sandy Bay 6 (SB6) has been identified, to include an extended area of the Golf Links Estate subdivision on the southern side of Alexander Street. Rationale for this alteration to the precinct boundary is included in Appendix F.

The Places and Precincts of Archaeological Potential in Table HOB- Table C6.5 are a direct translation of those in the HIPS 2015 and SCPS 1997. For those places previously identified in the SCPS 1997 the statement of archaeological potential is provided in *the Sullivans Cove Archaeological Zoning Plan (2003)* which is listed as an incorporated document.

A new Local Historic Landscape Precinct (Southern Queens Domain) has been added and the Foreshore Precinct extended south to Macquarie Point as recommended in the Queens Domain Cultural Heritage Management Plan 2002. This area was previously covered by the SCPS 1997. This area is considered to demonstrate a distinct part of the evolution of the landscape and history of land use in the whole Queens Domain landscape, including its role in military and ceremonial purposes.

The trees listed as significant trees in Table HOB-C6.5 are a translation of those trees listed as significant in the HIPS 2015 and the trees identified in the Heritage Schedule in the SCPS 1997. Additional trees approved in March 2020 as part of HIPS 2015 amendment PSA-19-3 have been included in the list.

There are 6 further listings added that were approved by Council to be included in the LPS at the same time as amendment PSA-19-3. These trees could not be included in the HIPS 2015 as they are in the area currently controlled by the *SCPS 1997*, which does not have a Significant Tree Code. These 6 listings have been incorporated into the LPS list.

In addition, in 2022 a further process of tree nominations was undertaken to determine whether additional trees should be included in the Significant Trees Code of the HIPS 2015 through a scheme amendment. The amendment (PSA-22-4) was to incorporate an additional 64 listings into the Scheme. This was endorsed by Council in December 2022 and is separately being considered through the Commission.

To ensure consistency between the HIPS 2015 and LPS, the Commission has directed the additional 64 listings be incorporated in the LPS to be exhibited. This is reflected in the listings in the Code with further information about each individual listing found in the incorporated document, *Hobart Significant Tree Register – LPS January 2023*.

SPP Code	Rationale
	Trees in the current lists that have been removed are not proposed to be included in the LPS list.
C7.0 Natural Assets Code	<p>This code contains overlays for the waterway and coastal protection area and the priority vegetation area. The future coastal refugia area overlay is not used given the zones and nature of the development along the edge of the River Derwent in Hobart.</p> <p>The waterway and coastal protection area has been applied in accordance with the Waterway and Coastal Protection Area Guidance Map as per NAC 1. There have been modifications to address anomalies, removal of piped watercourses and drainage lines and areas of existing development.</p> <p>The priority vegetation area overlay has been applied in accordance with NAC 7 to NAC 13. The vegetation of local importance has been identified by mapping undertaken by Rod Knight of Natural Resource Management Pty Ltd using the 'Regional Ecosystem Model'. The vegetation layer produced by the model has been modified to remove anomalies or zones where application of the Code is not required or relevant in the Hobart context.</p> <p>The model is a complex layering of biodiversity values that refines the focus on areas of importance. In summary, the model:</p> <ul style="list-style-type: none"> • Integrates spatial data on the distribution of the major components of biodiversity, and the factors affecting them. • Models the key biodiversity attributes that derive from multiple inputs. • Analyses the relationships among the components of biodiversity and the environment. • Spatially identifies areas which have immediate or potential conservation concerns, and provides indicators of their relative importance, to inform approaches and priorities for management. <p>The Southern Tasmania Council Authority engaged Natural Resource Management to run the model for the purposes of preparing the priority vegetation area for each of the councils in the southern region. This will provide a consistent approach across all municipal areas.</p>
C8.0 Scenic Protection Code	This code is not used in the Hobart LPS as most of the scenic landscapes are contained in Wellington Park, reserves or covered by the Landscape Conservation or Environmental Management Zone and landscape values are protected by the relevant zone provisions.
C9.0 Attenuation Code	This code relies on the attenuation distances under Table C9.1 of the State Planning Provisions, and does not include an attenuation overlay, as the table is considered sufficient for the Hobart context.
C10.0 Coastal Erosion Hazard Code	<p>The coastal erosion hazard area overlay has been applied in accordance with the 'Coastal Erosion Hazard Area Bands – Hazard Bands 2016 201'.</p> <p>This complies with clause CEHC 1 of Guideline No.1.</p>
C11.0 Coastal Inundation Hazard Code	<p>The coastal inundation hazard area overlay has been applied in accordance with the 'Coastal Inundation Hazards Area Bands – Hazard Bands 2016 201' and the AHD defined flood levels.</p> <p>This complies with clause CIHC 1 and CIHC 2 of Guideline No.1.</p>
C12.0 Flood-Prone Areas Hazard Code	The Hobart LPS includes a flood prone hazard area overlay applied in accordance with clause FPHAZ 1 and 2 of Guideline No.1.
C13.0 Bushfire-Prone Areas Code	The Hobart LPS includes a bushfire-prone areas overlay which is a direct translation of the existing <i>HIPS 2015</i> bushfire prone areas overlay. This overlay was developed in conjunction with the Tasmanian Fire Service in 2017 and as such is in accordance with clause BPAC 1 of Guideline No.1.

SPP Code	Rationale
C14.0 Potentially Contaminated Land Code	The Hobart LPS does not include a potentially contaminated land overlay at this stage given the resources required to verify the existing potentially contaminated sites dataset. The code will apply pursuant to clause C14.2.1 of the SPPs.
C15.0 Landslip Hazard Code	The landslip hazard area overlay has been applied in accordance with the 'Landslide Planning Map – Hazard Bands 20131022'. This complies with clause LHC 1 of Guideline No.1.
C16.0 Safeguarding of Airports Code	This code is not used in the Hobart LPS.

3 Local planning provisions

3.1 Overview

The Hobart LPS will include LPPs in the form of PPZs, SAPs and SSQ. The following sections provide an outline of each of these and identify where the LPP is subject to the provisions of Schedule 6 of the Act and have been approved by the Minister for Planning for direct translation into the Hobart LPS. Where approved for direct translation into the LPS, that LPP is not required to be further assessed by the TPC as part of its assessment of the Hobart LPS.

Where a PPZ, SAP or SSQ has not been approved for direct translation, details of the reasons why the provision is proposed and how it addresses the requirements of section 32(4) of the Act is provided and, in some instances, supported by more detailed information in an appendix. Section 32(4) of the Act requires that a PPZ, SAP or SSQ may only be in an LPS if:

(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

3.2 Particular Purpose Zones

3.2.1 HOB-P 1.0 University of Tasmania (Sandy Bay Campus) PPZ

The University of Tasmania (Sandy Bay Campus) PPZ is a translation from the HIPS 2015 and has been approved to directly transition into the LPS.

3.2.2 HOB-P 2.0 Calvary Healthcare Hospital Campus PPZ

The Calvary Healthcare Hospital Campus PPZ is a translation from the HIPS 2015 and has been approved to directly transition into the LPS.

3.2.3 HOB-P 3.0 St John's Hospital Campus PPZ

The St John's Hospital Campus PPZ is a translation from the *HIPS 2015* and has been approved to directly transition into the LPS.

3.2.4 HOB-P 4.0 Wrest Point PPZ

The Wrest Point PPZ is a translation from the *HIPS 2015* and has been approved to directly transition into the LPS.

3.2.5 HOB-P 5.0 Battery Point Slipways PPZ

The Battery Point Slipways PPZ is a translation from the HIPS 2015 and has been approved to directly transition into the LPS.

3.2.6 HOB-P 6.0 University of Tasmania (Domain House Campus) and Philip Smith Centre PPZ

The University of Tasmania (Domain House) PPZ is a translation from the HIPS 2015 and has been approved to directly transition into the LPS.

3.2.7 HOB-P 7.0 Cascade Brewery PPZ

The Cascade Brewery PPZ is a translation from the *HIPS 2015* and has been approved to directly transition into the LPS.

3.2.8 HOB-P 8.0 Royal Hobart Hospital Campus PPZ

The Royal Hobart Hospital Campus PPZ is a translation from the *HIPS 2015* and has been approved to directly transition into the LPS.

3.2.9 HOB-P 9.0 Self's Point PPZ

The purpose of the Self's Point PPZ is to provide for port and marine activities while preventing incompatible uses and ensuring that the site remains consistent with the *Self's Point Land Act 1951*.

The area was zoned Port and Marine under the HIPS 2015, however the use table was tailored through regional and local provisions to be suitable for the existing use of the land. The SPP Port and Marine Zone provides for a greater range of permitted and discretionary uses than the HIPS 2015 zone, and some of these uses would not be compatible with the oil and gas storage facilities – e.g. pleasure boat facility (permitted) and tourist operation (discretionary). As such, a PPZ with a use table translated from the HIPS 2015 Port and Marine Zone is required to ensure ongoing operation of existing uses and consistency with the *Self's Point Land Act 1951*.

Development standards for building height, setback and subdivision have been translated from the HIPS 2015. This is to provide for development that does not detract from the streetscape and the scenic values when viewed from the River Derwent. The purpose of the subdivision standards is to ensure that lots have an area and dimensions appropriate for use and development of the land.

There is no other SPP zone that would be a better fit for this area and as such a PPZ is required for the Self's Point port and marine area to support the unique character of the area for the region. The provisions in the PPZ are a translation of existing provisions in the Port and Marine Zone in the *HIPS 2015*.

As the site is subject to specific legislation that includes restrictions on the uses allowable on the site, it is considered that in accordance with section 32(4)(b) of the Act, the Self's Point PPZ has particular spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

The application of this PPZ to Self's Point also meets section 32(4)(a) of the Act, in that the use and development to which the provisions relate provides significant economic benefit to the State and region due to its role as the oil and gas storage and distribution point for the southern region.

3.2.10 HOB-P 10.0 Sullivans Cove PPZ

The Sullivans Cove PPZ covers the area occupied by the SCPS 1997 excluding Macquarie Wharf, Macquarie Point, the Cenotaph and Domain and Huon Quays. The entire block bounded by Macquarie Street, Argyle Street, Collins Street and Market Place, as well as the property at 20 Murray Street, have been excluded from the Sullivans Cove PPZ area and incorporated into the Central Business Zone. This is to provide for consistency in the standards that apply to a single city block.

The purpose of the zone is to continue to recognise Sullivans Cove as a unique place and for the area to continue to operate as a dynamic and evolving fishing and yachting harbour, cultural centre, recreation and entertainment district and a place for commercial and residential development. The PPZ contains a use table, use, development and subdivision standards that are translated from the provisions of the *SCPS 1997* and are designed to be consistent with the established built character and range of uses. As such, a PPZ is required for Sullivans Cove to support the unique character of the area for the state.

The Sullivans Cove PPZ overrides clause C2.2.1 of the Parking and Sustainable Transport Code in relation to car parking numbers. This is to minimise the amount of on-site car parking spaces and to not detract from heritage values and the character of the area by discouraging the provision of on-site car parking (excluding Wapping). The provisions are a translation of those existing in the SCPS 1997.

The Sullivans Cove PPZ also overrides clause C1.2.1 of the Signs Code. This is to ensure signage does not dominate the appearance of the area or overwhelm the heritage significance of many of the buildings.

There is no other SPP zone or combination of zones that would be a better fit for this area and as such a PPZ is required for the Sullivans Cove area to support the unique character of the area for the City. The provisions in the PPZ are a translation of existing provisions in the SCPS 1997, as detailed in Appendix G.

It is considered that in accordance with section 32(4)(b) of the Act, the Sullivans Cove PPZ has particular economic, social and spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs for the following reasons:

- Sullivans Cove is a major entertainment precinct and tourist attractor with economic significance to the southern region as well as Tasmania as a whole.
- Sullivans Cove contains a unique mix of uses and activities including a working port, entertainment and hospitality venues, a weekly market, galleries, shops, residential uses and government administration buildings, making it a strong economic driver.
- Sullivans Cove has a rich history as Australia's most intact historic waterfront, and therefore has notable social significance.
- Sullivans Cove sits in a unique landscape setting, between the city centre and the River Derwent with kunanyi/Mount Wellington as a backdrop.

3.2.11 HOB-P 11.0 Macquarie Point PPZ

The Macquarie Point PPZ is primarily a translation from the Macquarie Point Site Development Plan in Part F of the SCPS 1997. The use classes have been standardised to refer to the classes under the SPPs rather than the definitions for use provided in the SCPS 1997.

This PPZ meets clause PPZ1 of Guideline No. 1 in that it is a major redevelopment site which requires a unique or tailored approach to both use and development standards and where the intended outcomes could not be achieved through the application of one or more SPP Zone.

This PPZ furthers the Principal Objectives of the Corporation set out in section 6 of the *Macquarie Point Development Corporation Act 2012*.

It is considered that in accordance with section 32(4)(a) and (b) of the Act, the uses, development and physical area of the Macquarie Point PPZ has particular environmental, economic and social qualities and benefits that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs for the following reasons:

- Macquarie Point is a strategic site with the potential to significantly contribute to Hobart and Tasmania both from an economic and social perspective.
- The site has been identified by the existing and previous Governments for redevelopment as a mixed use precinct in accordance with the requirements of the *Macquarie Point Development Corporation Act 2012*.
- Macquarie Point has specific environmental qualities that require unique provisions, due to the significant site contamination issues and the requirement to move the sewerage treatment works to facilitate its development.
- Site specific provisions are required to address the unique circumstances of the site, including:

- o The need to implement the Macquarie Point Strategic Framework and Masterplan 2017-2030 as the approved site master plan under section 37 of the *Macquarie Point Development Corporation Act 2012*.
- o Its relatively undeveloped state and significant size of 8.6ha adjacent to the CBD and Sullivans Cove which has the potential to contribute significantly to the city's economy.
- o To ensure a well-connected, mixed-use area with a high quality urban form, which will bring significant social benefits.
- o To protect the operation of the Port of Hobart for the benefit of the local, regional, state and national economy.
- o To provide for the creation of the key public spaces of the site master plan that will form the centrepieces of Macquarie Point and provide significant social benefit.
- o To provide for an improved open space network between the city and the Queens Domain, which will provide significant social benefit.
- o To encourage the bulk, height and siting of buildings to be sympathetic to the natural topography of the headland, the escarpment surrounding the Cenotaph, reinforce the natural shoreline, acknowledge the layers of use of the site over time and maintain important views.
- o To provide flexibility for interim use and development of the site providing buildings are located and designed in a manner that does not prejudice the future development of the area.

3.2.12 HOB-P 12.0 Huon Quays PPZ

The purpose of the Huon Quays PPZ is to support the existing use of the site for port and marine related activities and to protect the heritage significance of buildings such as the Drill Hall and Commanders Residence and providing for development that reflects the landscape values of the site. The PPZ contains a use table, use, development and subdivision standards that are translated from the provisions of the SCPS 1997 and are designed to be consistent with the established built character and range of uses. A SAP is required for Huon Quays to support the unique character of the area.

It is considered that the SPP Port and Marine Zone is not suitable for the site as it permits uses that would be incompatible with the site such as bulky goods sales and equipment and machinery sales and hire, albeit with qualifications.

There is no other SPP zone that would be a better fit for this area and as such a PPZ is required for the Huon Quays to support the unique character of the area. The provisions in the PPZ are a translation of existing provisions in the SCPS 1997 as detailed in Appendix H.

It is considered that in accordance with s32(4)(b) of LUPA, the Huon Quays PPZ has particular economic, social and spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs, for the following reasons:

- The site has particular historic and landscape values that have unique spatial and social significance and are distinct from the remainder of the Sullivans Cove area.
- The site has a unique history of use, being used for shipbuilding and repair since at least the 1830s. It is of high cultural heritage and social significance as it demonstrates the development of shipbuilding on Hobart's waterfront and has links to the whaling industry. This history is unique and is socially significant.
- The site is economically significant as it is the only slipyard site in the Hobart municipal area that can accommodate large vessels.

For the reasons stated above, it is also considered that the application of the PPZ satisfies section 32(4)(a) of the Act as the use and development to which the provision relates are of economic and social significance to the municipal area.

3.3 Specific Area Plans

3.3.1 HOB-S1.0 Gregory Street SAP

The Gregory Street SAP is a translation from the HIPS2015 and has been approved to directly transition into the LPS.

3.3.2 HOB-S2.0 North Hobart SAP

The Gregory Street SAP is a translation from the HIPS2015 and has been approved to directly transition into the LPS.

3.3.3 HOB-S3.0 Lower Sandy Bay Escarpment SAP

The Lower Sandy Bay Escarpment SAP is a translation from similar provisions in the HIPS 2015. The terminology and format has been amended to be consistent with the SPPs.

The SAP standards provide for setbacks from the Lower Sandy Bay Escarpment Line and maintains the 25% site coverage provision. The principal change relates to the permitted lot size for subdivision in the Low Density Residential Zone which currently for the Lower Sandy Bay area (previously referred to as Precinct 33) is 520m² if less than 20% gradient or 750m² if more than 20% gradient. This is significantly less than the current permitted minimum lot size of 1000m² in the remainder of the Low Density Residential Zone.

The minimum lot size in the SPPs Low Density Residential Zone is 1500m² and it is considered appropriate to apply this standard in the area covered by the Lower Sandy Bay Escarpment SAP as it is consistent with the purpose of the Low Density Residential Zone and consistent with the permitted multiple dwelling density standard of 1500m² site area per dwelling in both the HIPS 2015 and the SPPs. The permitted minimum lot size of 1500m² will reduce the theoretical potential for new lots in the area covered by the SAP from 20 to 5.

It is considered that in accordance with section 32(4)(b) of the Act, the Lower Sandy Bay Escarpment SAP has particular environmental, and spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs, for the following reasons:

- The Lower Sandy Bay properties along the River Derwent foreshore have unique spatial properties. A steep embankment, that is generally unsuitable for development, comprises part of these property titles. This has concentrated built density into the flatter areas of the site, causing a development pattern that is generally out of character with the surrounds.
- Developments built on or close to the escarpment have a significant visual impact on the views from the River Derwent as a public domain.
- Environmental issues associated with development on the escarpment include loss of established trees and vegetation, land stability and impacts of climate change and sea level rise.

3.3.4 HOB-S4.0 Hobart Central Business Zone SAP

The Hobart Central Business Zone SAP is a new SAP. The Hobart central business district is the primary activity centre for Tasmania, the Southern Region and Greater Hobart. As such there is a comprehensive range of retail, commercial, administrative, community, cultural, employment areas and nodes and entertainment activities.

The Central Business Zone in the SPPs provides for development in primary centres throughout the state and its standards are not appropriate for the existing and future development that is desired for the state's capital city. A SAP is therefore required to support the unique character of the area for the state. The SAP is largely a translation of the current provisions in the HIPS 2015, Central Business Zone.

The use table in the SAP is in substitution for the use table in the SPPs and includes further use qualifications to encourage greater activation of ground floor frontages for pedestrian amenity and to support residential development above the ground floor. It is proposed that the Active Frontage Overlay be extended along Elizabeth Street as far as Warwick Street to provide increased activation and visual interest to pedestrians and cyclists along this important pedestrian route. The rationale for this overlay extension is explained further in Appendix I

The SAP includes additional use standards for Adult Entertainment Venues and Hotel Industries. The purpose of the additional use standards is to minimise the impact of such uses on the amenity of surrounding areas. For example, there are restrictions on the location of Adult Entertainment Venues and the opening hours of Hotel Industry uses.

The use standards in the SAP also provide a substitution for car parking numbers in the Parking and Sustainable Transport Code. The standards encourage the provision of fewer, or no, on-site car parking spaces. This is to encourage pedestrian activity that is not compromised by the provision of on-site car parking, nor traffic circulation. Under the use table, new multi-storey car parks are proposed to be prohibited, with alterations or extensions to existing multi-storey car parks discretionary.

The SAP includes substitutions for, modifications of and additions to the development standards in the SPP. The height standards are a substitution and include more comprehensive height controls, such as the amenity building envelope, which focuses higher buildings towards the centre and north of a city block. This is to allow for developments of a height that is commensurate with a capital city, which still contribute positively to the streetscape and townscape and maintain solar and wind amenity. The SAP includes design standards to provide additional protection of heritage values in the city and to further activate pedestrian priority areas.

It is considered that in accordance with section 32(4)(b) of the Act, the Hobart Central Business Zone SAP has particular economic and social qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs, for the following reasons:

- Hobart is the capital city and primary activity centre for Tasmania, and therefore requires a tailored approach to use and development.
- The central area of Hobart has a high level of economic significance to the entire state due to its range of retail, commercial, administrative, community, cultural, employment and entertainment uses.
- The central area of Hobart has strong cultural and heritage values, and is a significant tourism attractor, which is of both social and economic significance.
- The central area of Hobart has unique landscape qualities due to its position between kunanyi/Mount Wellington and the River Derwent.

3.3.5 HOB-S5.0 Hobart Light Industrial Zone SAP

The Hobart Light Industrial Zone SAP is a new SAP. The purpose of the SAP is to accommodate the existing operation of the light industrial areas in North Hobart. These areas are not representative of a usual industrial estate given the relatively small land size and location in close proximity to residential zones. As such, the range of permitted and discretionary uses provided for in the SPP zone is not appropriate for this area. The SAP substitutes the SPP use table and prohibits more intensive uses such as port and marine, transport depot and distribution, crematoria and cemeteries, domestic animal breeding boarding and

training, and recycling and waste disposal. No changes are proposed to the SPP use and development standards.

There is no other SPP zone that would be a better fit for this area and as such a SAP is required for Hobart's existing light industrial area to support the unique character of the area. The provisions in the SAP are a translation of existing provisions in the Light Industrial Zone in the HIPS 2015.

It is considered that in accordance with section 32(4)(b) of the Act, the Hobart Light Industrial Zone SAP has particular economic and spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs, for the following reasons:

- The Hobart light industrial area is spatially significantly different to other light industrial areas in the state in that it is surrounded by residential zones and has smaller land parcels.
- The Hobart light industrial area contributes to the economy of the city as it is the only area allowing for industrial type uses in the municipal area.

3.3.6 HOB-S6.0 Hobart Commercial Zone SAP

The Hobart Commercial Zone SAP is a new SAP. The purpose of the Hobart Commercial Zone SAP is to accommodate the existing commercial areas along Argyle and Campbell Street and along Harrington and Murray Street. These areas provide for some of the commercial needs of the city, but the unique mix of uses currently supported in these areas are not reflected by the use table of the SPP Commercial Zone or any other alternative zone. For example, residential uses are actively encouraged in the Hobart Commercial Zone areas but are prohibited in the SPP Commercial Zone use table, which is not appropriate for Hobart's commercial area.

The Hobart Commercial Zone SAP substitutes the SPP Commercial Zone use table to allow for residential uses to be permitted where located above ground floor level and discretionary in other instances. The SAP use table also provides a qualification for the permitted Bulky Goods Sales to limit it to motor vehicle, boat or caravan sales and only on sites fronting Argyle, Murray or Campbell Streets.

The SAP includes additional use standards for Adult Entertainment Venues and Hotel Industries. The purpose of the additional use standards is to minimise the impact of such uses on the amenity of surrounding areas. For example, there are restrictions on the location of Adult Entertainment Venues and the opening hours of Hotel Industry uses.

There is no other SPP zone that would be a better fit for this area and as such a SAP is required for Hobart's existing commercial area to support the unique character of the area for the city. The provisions in the SAP are a translation of existing provisions in the Commercial Zone in the HIPS 2015.

It is considered that in accordance with section 32(4)(b) of Act, the Hobart Commercial Zone SAP has particular economic, social and spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs, for the following reasons:

- The Hobart Commercial Zone area is spatially distinct from other commercial areas in the state in that it adjoins the Central Business Zone and residential zones.
- The area has a wider mix of uses and generally smaller lot sizes than a traditional commercial zone. Residential uses are encouraged due to the area's proximity to the city. This mix of uses presents unique economic and social benefits due to its central location.

3.3.7 HOB-S7.0 Battery Point SAP

The Battery Point SAP is intended to be a translation of existing provisions for the heritage precinct BP1 in the HIPS 2015. This precinct was in turn a translation of the policy intent of the previous *Battery Point*

Planning Scheme 1979. The purpose of the SAP is therefore to maintain the longstanding character and heritage values of the area which are not provided for in the SPP zones and codes.

The SAP use table is a substitution for the use tables in the SPP Inner Residential Zone and Urban Mixed Use Zone. The use table is intended to provide greater protection for residential uses, for example by restricting Business and Professional Services, Food Services and General Retail and Hire use groups to sites that do not displace a residential use or have previously been used for commercial purposes. The use table also restricts commercial uses to the urban mixed use area and prohibits larger scale or incompatible uses such as Bulky Goods Sales, Hotel Industry, Custodial Facility and Service Industry.

Additional use standards include a substitution of the Visitor Accommodation standards, and a modification of the car parking numbers to a permitted rate of one per dwelling. The Visitor Accommodation requirements in the SAP relates to self-contained Visitor Accommodation and is intended to maintain the residential nature of the area and to prevent use conflicts between short and long term residents in multiple dwellings. Given Battery Point is a highly significant heritage suburb in very close proximity to Salamanca and the CBD, the pressure for Visitor Accommodation in the area is high and it has been a longstanding policy of the City of Hobart to restrict proliferation of Visitor Accommodation at the expense of residents to ensure the neighbourhood quality remains.

The intent of the car parking provision is to minimise the impact of car parking in the streetscape and to protect the amenity, character and heritage values of the place.

The SAP substitutes development standards for residential density, building setbacks and building height. This is to maintain the existing pattern of development that is unique to Battery Point and is not compatible with the building envelope provisions of the Inner Residential Zone or the height and setback requirements of the Urban Mixed Use Zone. A further development standard is an addition to the Parking and Sustainable Transport Code whereby land directly between a dwelling and the street must not be used for vehicle parking or manoeuvring. The intent of this provision is to minimise the impact of car parking in the streetscape and to protect the amenity, character and heritage values of the place.

Subdivision standards have also been translated into the SAP to maintain the existing pattern of development and limit the potential for incompatible development in the future.

There is no other SPP zone that would be a better fit for this area and more specified protection than that provided in the Local Historic Heritage Code is required. As such a SAP is required for Battery Point to support the unique character and historic value of the area for the City, region and state. The provisions in the SAP are a translation of existing provisions in the HIPS 2015.

It is considered that in accordance with section 32(4)(b) of the Act, the Battery Point SAP has particular economic, social and spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs, for the following reasons:

- Battery Point is the oldest suburb of Hobart and has a unique pattern of historic development that has been protected by specified planning provisions since the implementation of the *Battery Point Planning Scheme 1979*. As such it has strong social significance for its history and unique spatial qualities.
- Battery Point is a strong tourism attractor and therefore the retention of its unique character has significant economic benefit.

3.3.8 HOB-S8.0 Calvary Hospital Surrounds SAP

The Calvary Hospital Surrounds SAP is a new SAP. The purpose of the SAP is to maintain the residential character and amenity of the area and to prevent a concentration of medical related uses in the residential area around Calvary Hospital.

The SPP use tables for the Inner and General Residential Zones allows a consulting room and medical centre as a discretionary use. Allowing this in the region immediately surrounding Calvary Hospital would likely result in a proliferation of such uses which would compromise the residential nature of the area. As such the SAP is required to substitute the use table and prohibit a consulting room and medical centre.

There is no other SPP zone that would be a better fit for this area. As such a SAP is required for the area surrounding Calvary Hospital to support residential character and amenity of the area. The provisions in the SAP are a translation of existing provisions in the General and Inner Residential Zones in the HIPS 2015.

It is considered that in accordance with section 32(4)(b) of the Act, the Calvary Hospital Surrounds SAP has particular spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

The location of Calvary Hospital has unique spatial qualities in that it is a substantial Hospital building (classified as Hospital Services) entirely surrounded by the Inner Residential Zone and residential uses. A logical extension of the hospital services uses would be consulting rooms nearby. However, preventing expansion of consulting room uses associated with the hospital is important to ensure that the continued amenity of the surrounding residential area is not undermined.

3.3.9 HOB-S9.0 New Town Road SAP

The New Town Road SAP is a new SAP. The purpose of the SAP is to maintain the existing mix of residential and commercial uses and ensure that the area does not develop into a retail shopping strip.

The use table in the SPPs for the Urban Mixed Use Zone allows for Food Services and General Retail and Hire use groups as permitted uses. The New Town mixed use area is specifically focussed so as not to become a purely retail shopping strip, and therefore it is necessary to provide alternate provisions to ensure this. The SAP translates the existing provisions from the HIPS 2015 and substitutes a use table whereby Food Services is permitted, unless a takeaway food premises with a drive through facility or take-away food services in a building not specifically designed and built for commercial purposes (which are discretionary). Take away food shops not in commercially designed buildings are prohibited. General Retail and Hire is permitted if in the New Town Plaza shopping complex, and discretionary otherwise unless displacing a Residential or Visitor Accommodation use in a building that was not previously used for commercial purposes (which is prohibited).

There is no other SPP zone that would be a better fit for this area. As such a SAP is required for this area on New Town Road to support the existing mixed use character and amenity of the area. The provisions in the SAP are a translation of existing provisions in the Urban Mixed Use Zone in the HIPS 2015.

It is considered that in accordance with section 32(4)(b) of the Act, the New Town Road SAP has particular social qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs, for the following reason:

- The area has unique spatial qualities in that it is a mixed use area along an integrated transit corridor that is in close proximity to a large retail centre (New Town Plaza). This increases the pressure on the area to develop purely as a commercial/retail strip, which is not intended. The SAP is necessary to maintain a genuine mix of uses in the area.

3.3.10 HOB-S10.0 Royal Hobart Hospital Helipad Airspace SAP

The Royal Hobart Hospital Helipad Airspace SAP is a translation from the HIPS 2015 and has been approved to directly transition into the LPS.

3.4 Site specific qualification

3.4.1 Niree Lane site specific qualification

The Niree Lane SSQ applies to lots adjoining the lane and restricts access from Niree Lane. As many lots with a frontage to Niree Lane also have a frontage to either Beddome Street or Birngana Avenue, there is a perceived increase in development potential for subdivision or strata developments. However, as Niree Lane is a public road with a width of 5m the carriage way cannot accommodate such an intensification in vehicle movements. As such, the site-specific qualification proposes to minimise intensification of the use of the lane which is not provided for in the SPPs. This SSQ is a translation of clause E6.7.15 in the HIPS 2015.

Accordingly, it is considered that in accordance with section 32(4)(b) of the Act, there are particular spatial qualities that are unique to the area of land that justify provisions in addition to the provisions of the SPPs.

3.4.2 Wellington Park site specific qualification

The Wellington Park SSQ ensures that the provisions of the Environmental Management SPPs do not override the *Wellington Park Management Plan 2013* and is consistent with the application of the *Wellington Park Act 1993*. This SSQ is a translation of clause F3.0 Wellington Park SAP in the HIPS 2015 and has been approved to directly transition into the LPS.

3.4.3 50 Olinda Grove site specific qualification

The 50 Olinda Grove (Hobart College) SSQ is a translation from the HIPS 2015 and has been approved to directly transition into the LPS. It allows for Business and Professional Services uses on the site if primarily catering for students, staff or the needs of visitors to the college.

3.4.4 10 Self's Point Road site specific qualification

The 10 Self's Point Road SSQ has been partially approved as a translation from the HIPS 2015.

The qualification for Domestic Animal Breeding, Boarding and Training is to accommodate the existing cat centre. This is required because the facility provides animal boarding not solely training as is currently provided for in the SPPs.

3.4.5 325 Elizabeth Street and 16a Lefroy Street site specific qualification.

The HOB-9.1 321-323a Elizabeth Street, 325 Elizabeth Street and 16a Lefroy Street – as shown on an overlay map HOB-9.1, is included to allow for an additional discretionary use class for vehicle parking. This is to reflect the existing Council managed vehicle parking at the site.

This modification has been directed to the City of Hobart by the TPC

4 LPS criteria assessment

4.1 State Policies

Section 34(2)(d) of the Act requires that the LPS be prepared in accordance with State Policies made under the *State Policies and Projects Act 1993*.

Current policies created under the *State Policies and Projects Act 1993* are:

- *State Coastal Policy 1996*;
- *State Policy on Water Quality Management 1997*;
- *State Policy on the Protection of Agricultural Land 2009*.

In addition, Natural Environment Protection Measures (NEPMs) are automatically adopted as state policies under section 12A of the *State Policies and Projects Act 1993*.

4.1.1 The State Coastal Policy

The *State Coastal Policy 1996* applies to land in 1km of the high-water mark (the 'Coastal Zone').

Three main principles guide Tasmania's State Coastal Policy:

- Natural and cultural values of the coast shall be protected.
- The coast shall be used and developed in a sustainable manner.
- Integrated management and protection of the coastal zone is a shared responsibility.

The policy provides a series of outcomes that embody the principles under the following four sections:

1. Protection of Natural and Cultural Values of the Coastal Zone.
2. Sustainable Development of Coastal Areas and Resources.
3. Shared Responsibility for Integrated Management of Coastal Areas and Resources.
4. Implementation, Evaluation and Review.

The LPS is considered to meet all four of these outcomes. This is achieved through application of the following zones and codes in accordance with Guideline no. 1):

- The Environmental Management Zone, which is intended to provide for the protection of areas of significant ecological value.
- The Natural Assets Code, which aims to protect the coastal strip, watercourses, wetlands, future coastal climate change refugia and important biodiversity values generally and including along the coast.
- The Coastal Erosion Hazard Code, which recognizes areas at risk of coastal erosion.
- The Coastal Inundation Hazard Code, which recognizes areas at risk of coastal erosion.

The application of environmental codes over coastal areas and waterways meets the requirements of the State Coastal Policy by addressing issues such as exotic weed spread, reclamation of wetlands, water quality, inappropriate coastal development and risks associated with sea level rise (as projected out to 2100).

The Policy also requires that tourism and recreational uses and development in the coastal zone be directed to suitable locations, based on the Policy principles. This is supported in the Hobart LPS by the appropriate application of the Open Space Zone and the Environmental Management Zone.

The Policy states that the main vehicles for implementation are to be land use planning controls, marine farming development plans and local council strategic and operational plans. The Tasmanian Planning

Scheme (TPS) provides consistent controls for coastal areas with zoning and overlays in the Hobart LPS applied in accordance with Guideline No 1.

4.1.2 The State Policy on Water Quality Management

The State Policy on Water Quality Management 1997 regulates water quality management of all surface waters, including coastal waters, and groundwaters (excluding privately owned waters that are not accessible to the public and are not connected to waters that are accessible to the public and water in any tank, pipe or cistern). The policy aims to achieve water quality objectives that further the objectives of Tasmania's Resource Management and Planning System, manage sources of water pollution, ensure efficient monitoring programs are conducted and facilitate integrated catchment management.

Part 4 of the Policy specifies outcomes to achieve water quality objectives under the following divisions:

- Division 1 – Measure to Achieve Policy Objectives.
- Division 2 – Management of Point Sources of pollution.
- Division 3 – Management of Diffuse Sources of pollution.

The Policy recognises that a range of measures are required to implement the desired outcomes. Land use planning regulation is one of these measures. The Hobart LPS has applied the State Planning Provisions (SPPs) zones and codes in accordance with the Guideline No. 1 and as such meets the objectives.

The Policy requires that emissions from diffuse sources of pollution are reduced and managed through the development and implementation of best practice environmental management.

Most zones incorporate provisions in the subdivision standards to require connection to reticulated service where they exist or require wastewater to be kept on-site, thus managing discharge of pollutants to surface waters or groundwater. Clause 6.11.2 of the SPPs also allows for conditions and restrictions to be imposed on a permit in relation to erosion and stormwater volume and quality. No additional management of diffuse sources of pollution are required in the Hobart LPS.

Streamside management is achieved through the retention of riparian vegetation upon the banks of watercourses through application of the Natural Assets Code.

4.1.3 The State Policy on the Protection of Agricultural Land

The State Policy on the Protection of Agricultural Land 2009 includes a number of principles under section 3 of that policy by which interim schemes may be assessed. The Hobart Municipal Area does not contain land suitable for predominantly agricultural uses and as such the LPS does not include land zoned Agriculture or Rural. This is consistent with the application of zones in the *HIPS 2015*.

4.1.4 National Environmental Protection Measures.

The Natural Environmental Protection Measures (NEPMs) relate to a range of environmental issues including:

- ambient air quality
- ambient marine, estuarine and freshwater quality
- the protection of amenity in relation to noise
- general guidelines for the assessment of site contamination
- environmental impacts associated with hazardous wastes
- the re-use and recycling of used materials.

NEPMs are not directly implemented through planning schemes, however some SPP standards address issues that are covered by NEPMs such as site contamination assessment, noise issues, and water quality.

It is not necessary for the LPS to include any further provisions supporting the NEPMs.

4.2 Regional Land Use Strategy

The Hobart LPS is required under s.34 (2)(e) of LUPAA to be “consistent with, and likely to further the objectives and outcomes of, the regional land use strategy”. The applicable regional land use strategy is the *Southern Tasmania Regional Land Use Strategy 2010 – 2035* (STRLUS). Appendix J sets out each of the Regional Policies in the STRLUS and summarises how the outcomes desired by those policies are to be achieved through the LPS.

The Hobart LPS is primarily a direct translation of the *Hobart Interim Planning Scheme 2015 (HIPS 2015)*. Prior to declaration of the HIPS 2015, the content was assessed against, and deemed to be consistent with, the STRLUS. An amended RLUS was declared by the Minister on 9 May 2018. This amendment consisted of updates that provide for the TPS format of planning scheme rather than interim planning schemes with no change to the intent and content of the strategy. Accordingly, the Hobart LPS is considered to be consistent with the STRLUS as is outlined in Appendix J.

The area currently covered by the *Sullivans Cove Planning Scheme 1997 (SCPS)* was not incorporated into the *HIPS 2015*. As the STRLUS was first declared in 2011, the SCPS was not assessed for consistency against the objectives and outcomes of the strategy. The inclusion of this area as 3 separate Particular Purpose Zones under the Tasmanian Planning Scheme is considered to be in accordance with the STRLUS, as referenced in Appendix J.

4.3 Consistency and coordination with adjacent municipal areas

The Hobart municipal area shares a common boundary with Glenorchy and Kingborough. There has been consultation with these councils, and it is considered that the zoning along the boundaries between Hobart and both the other municipalities is complementary.

The adjoining zoning in the Kingborough municipal area in their current draft LPS is primarily Landscape Conservation, which largely corresponds with the same zoning or Environmental Management zoning in the Hobart municipal area. Where the zoning does not correspond exactly (e.g. Landscape Conservation abutting Rural Living), the zone purposes are complementary and the zones act as a transition.

The adjoining zoning in the Glenorchy municipal area includes more variation in zones. This variation is a reflection of historic land use in this area, and is generally complementary (e.g. General Residential abutting Low Density Residential, Urban Mixed Use abutting General Residential, Open Space abutting Light Industrial).

There are isolated instances, however, where zoning across the boundary is not as complementary, for example where Glenorchy’s Light Industrial zone abuts Hobart’s Inner Residential Zone. This circumstance is a reflection of historical land use and existing zoning, neither of which would be logical to alter without significant strategic assessment. The potential for land use conflict is ameliorated to some degree by a strip of Open Space zoning that runs between the two zones. It is not unprecedented in the Hobart municipal area for light industrial uses to coexist alongside residential uses, as demonstrated in North Hobart.

The *Wellington Park Management Plan 2013* covers the entire Wellington Park area, which spans five municipal areas (Hobart, Glenorchy, Kingborough, Huon Valley and Derwent Valley). Therefore, the management of the mountain (covered by the Environmental Management Zone) is coordinated and consistent across municipal boundaries.

The application of codes is required to be consistent at a state level, and in some instances, mapping is provided by the state. Therefore, code application is considered to be complementary across municipal boundaries.

In accordance with section 34(2)(g) of the Act, the Hobart LPS is as far as practicable consistent with and co-ordinated with any LPS that apply to municipal areas that are adjacent to the Hobart municipal area. This determination is justified on the basis that each LPS in the surrounding area is consistent with the STRLUS and the various codes and zones have been applied in accordance with Guideline No.1.

4.4 City of Hobart Capital City Strategic Plan 2015-2025

Section 34(2)(f) of the Act requires that the LPS be consistent with the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates. The relevant strategic plan is the *City of Hobart Capital City Strategic Plan 2015-2025*.

The implementation of the Hobart LPS through the TPS will influence the achievement of the strategic objectives in the Capital City Strategic Plan 2015-2025 particularly in relation to:

- Goal 2 Urban Management - City planning promotes our city's uniqueness, is people-focused and provides connectedness and accessibility:
 - 2.1 A fully accessible and connected city environment;
 - 2.2 A people-focused city with well-designed and well managed urban and recreation spaces;
 - 2.3 City and regional planning ensures quality design, meets community needs and maintains residential amenity;
 - 2.4 Unique heritage assets are protected and celebrated.
- Goal 3 – Environment and Natural Resources - An ecologically sustainable city maintains its unique character and values our natural resources:
 - 3.1 Increased resilience to climate change;
 - 3.2 Strong environmental stewardship;
 - 3.3 A highly valued natural and cultural open space network;
 - 3.4 Leadership in environmental performance with the efficient use of natural resources.

The implementation of the Hobart LPS is also relevant to the community aspirations for the future of Hobart as articulated in: *Hobart: A community vision for our island capital*, particularly in relation to the following statements:

- Pillar 1. Sense of Place: We are a city of unique beauty, environment, heritage and people, built on a shared sense of ownership, pride and wonder.
- Pillar 4. City Economies: We are a city whose economies connect people, businesses, education and government to create a high-quality lifestyle in a thriving and diverse community. Our city is our workshop. We collaborate, embracing ideas, inventiveness and initiative.
- Pillar 5. Movement and Connectivity: We are a city where everyone has effective, safe, healthy and environmentally-friendly ways to move and connect, with people, information and goods, and to and through spaces and the natural environment. We are able to maintain a pace of life that allows us to fulfil our needs, such as work, study, business, socialising, recreation, accessing services, shopping, entertainment and spending time with loved ones.
- Pillar 6. Natural Environment: We are a city whose people see ourselves as part of a beautiful and unique natural environment, from the mountain to the river, which embrace us and shape our

identity. We are proud custodians and advocates, ensuring resources are appreciated rather than wasted, supporting biodiverse ecosystems in honour of past, current and future generations.

- Pillar 7. Built Environment: We are a city that maintains our unique built and ecological character, where we all have a safe, secure and healthy place to live. We are a city where people and communities can access world-class services and infrastructure and provide for their social, cultural and economic wellbeing. We embrace change but not at the expense of our Hobart identity and character.

If the local provisions incorporating the; PPZs, SAPs, SSQ, code lists and overlays and zone application proposed in the Hobart LPS are approved, it is considered that the Hobart LPS will assist in the achievement of the strategic objectives in the Capital City Strategic Plan 2015-2025 as outlined above and will result in outcomes generally consistent with the community vision.

It is considered however that aspects of the SPPs Local Historic Heritage Code will not assist in the achievement some of the strategic objectives of the Capital City Strategic Plan 2015-2025 particularly in relation to Goal 2 Urban Management - 2.4 Unique heritage assets are protected and celebrated and the community vision in relation to Pillar 1: Sense of Place and Pillar 7: Built Environment. The SPPs Local Historic Heritage Code as drafted does not apply to places listed on the Tasmanian Heritage Register and the standards applying to heritage precincts do not apply to individually listed places in precincts. This is considered to be a significant weakening of the ability to protect the heritage significant of places and precincts in Hobart.

4.5 Schedule 1 Objectives

The first priority of a planning scheme is to meet the overarching objectives of the Act, which places a particular emphasis on 'sustainable development'. Sustainable Development is defined in the Act as:

Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:

(a) Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) Safe guarding the life supporting capacity of air, water, soil and ecosystems; and

(c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.

The following table outlines how the Hobart LPS is consistent with the objectives of the Act through the allocation of zones and code overlays as well as the development of PPZs, SAPs and SSQs to provide specific provisions for sites that aren't catered for in the SPPs.

Table 3: Assessment against objectives of the Act

Objective	Response
<i>Part 1 Objectives</i>	
To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and	The Hobart LPS provides for the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity in accordance with the extent allowable under the SPPs. This is through application of the natural assets code for the protection of waterways and native bushland and application of the Environmental Management Zone to areas of significant vegetation.

Objective	Response
To provide for the fair, orderly and sustainable use and development of air, land and water; and	The allocation of zones and codes in the Hobart LPS has been undertaken in accordance with the requirements of the SPPs and with as little change to the existing provisions of the HIPS 2015 as possible.
To encourage public involvement in resource management and planning; and	Opportunity for public involvement in the process of drafting the LPS prior to submission to the Commission was provided. The Hobart LPS will be subject to a statutory notification period of 60 days in accordance with section 35(c) of the Act.
To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The Hobart LPS facilitates an appropriate level of economic development. The SAPs for Hobart's Central Business, Commercial and Light Industrial zones are to facilitate economic development in the capital city setting. The SAPs are based on the existing provisions of the HIPS 2015 and have demonstrated compliance with paragraphs (a), (b) and (c).
To promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the state.	The TPS has been structured in such a way that responsibility is shared between state and local government. The format, with SPPs and LPSs ensure that it is clear which parts are under the responsibility of the State Government and which parts are under the responsibility of the Council. The development of the Hobart LPS has included consultation between the southern councils, relevant state agencies and the community.
<i>Part 2 Objective</i>	
To require sound strategic planning and co-ordinated action by State and local government;	The Hobart LPS is predominantly a translation of the existing HIPS 2015 and the SCPS 1997, which were developed with in accordance with local strategic planning as well as the STRLUS. The development of the Hobart LPS has been undertaken in coordination with direction from the state and assistance from surrounding local government municipalities.
To establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and	The Hobart LPS has been prepared in accordance with the SPPs and as it is predominantly a translation of the existing planning schemes as such there would be no conflict with this objective.
To ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and	The Hobart LPS provides for consideration of effects on the environment through application of the Environmental Management and Landscape Conservation Zones as well as the Natural Asset and other environmental codes. There would be no conflict with this objective.
To require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at state regional and municipal levels; and	The Hobart LPS has been prepared in accordance with the SPPs and as it is predominantly a translation of the existing planning schemes as such there would be no conflict with this objective.

Objective	Response
To provide for the consolidation of approvals for land use and development and related matters, and to co-ordinate planning approvals with related approvals; and	The Hobart LPS has been prepared in accordance with the SPPs and as it is predominantly a translation of the existing planning schemes as such there would be no conflict with this objective.
To promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and	<p>Health and wellbeing will be promoted in the Hobart LPS through application of the Open Space and Recreation Zone to parks and reserves in the city.</p> <p>The Hobart LPS includes a SAP for the Central Business Zone and a PPZ for Sullivans Cove. The Central Business Zone SAP provides additional design standards for passive surveillance and through-site links and additional use standards for hotel industry and adult entertainment uses. This is to ensure the safety and wellbeing for people in the city. The PPZ for Sullivans Cove encourages the ongoing use of the area as a cultural centre and entertainment district. This is to provide a pleasant, efficient and safe environment for visitors, residents and businesses in the area.</p>
To conserve those buildings and areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and	<p>The Hobart LPS will conserve buildings and areas with aesthetic and historical value through application of the Local Historic Heritage Code. The Hobart LPS will include lists of Local Heritage Places, Precincts and Landscape Precincts.</p> <p>The Local Historic Heritage Code will not apply to places listed on the Tasmanian Heritage Register. As such, dual listed places will not be assessed against the heritage provisions of the scheme. Therefore, it is arguable whether the Hobart LPS will further the objective to the extent necessary given the inability to assess development on places that are on the Tasmanian Heritage Register. Nevertheless, the Hobart LPS must be prepared in accordance with the SPP.</p> <p>Places listed on the Tasmanian Heritage Register are still included in the Local Heritage Places list to ensure that if any state listed places are de-listed, they are automatically protected by the Hobart LPS.</p>
To protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and	<p>Public infrastructure including arterial roads, the TasNetworks site and the waste disposal site have been zoned Utilities and major electricity infrastructure has been contained in the Electricity Transmission and Infrastructure Protection Code.</p> <p>Schools and places of worship have been zoned Community Purpose.</p>
To provide a planning framework which fully considers land capability.	The application of the SPP zones and codes in the Hobart LPS has taken into account the capability of the land, particularly in respect to the allocation of zones.

Appendix A Proposed zone changes

Appendix B Environmental Living Zone translation

Appendix C Central Business Zone review

Appendix D New heritage places datasheets

Appendix E Heritage precincts review

Appendix F Golf Links Estate heritage precinct review

Appendix G Sullivan's Cove PPZ explanatory notes

Appendix H Huon Quays PPZ explanatory notes

Appendix I Active Frontage overlay review

Appendix J Assessment against STRLUS



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