RTI 21-22-12 The following has been released in relation to a request for information relating to Hobart City Deal Projects



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# 1. Background

The Hobart Transport Vision – Southern Projects aims to achieve a modal shift to public transport for commuters using the Southern Outlet to access the Hobart central business district (CBD). In particular, the following are proposed:

- Design a 5<sup>th</sup> lane inbound to the CBD on the Southern Outlet catering for T3 traffic (incident response, buses, taxis, and cars with three or more occupants).
- Provision of two new park and ride facilities in the Kingborough municipality.
- Establishment of bus priority measures in Macquarie Street and Davey Street.

pitt&sherry has been commissioned by WSP who has been engaged by the Department of State Growth (State Growth) to undertake the necessary modelling, design and investigations for these components.

The purpose of this report is to present a preliminary assessment of the potential environmental and planning constraints to the proposed components. Specifically, this report focuses on the establishment of bus priority measures in Macquarie Street and Davey Street. Bus lanes and T3 lanes (meaning vehicles with three or more occupants), also known as High Occupancy Vehicle Lanes, operate effectively to reduce traffic congestion in a number of other Australian cities.

The study area extends along Macquarie Street and Davey Street from the Southern Outlet to Elizabeth Street as shown in red in Figure 1 below. Both streets are busy 3-4 lane, one-way roads, which service central Hobart. The north-east end of the study area is close to Hobart's Central Business District and is characterised by a mix of commercial and office uses, high density development with a range of old and newer buildings. The area currently experiences high levels of traffic congestion. As the study area moves south-west towards the Southern Outlet, the development is medium density with a mix of residential and commercial/office uses.

A Heritage Management Strategy has been prepared by Praxis (Appendix A).



Figure 1 The study area

# 2. Land ownership

Sub-project 2: Macquarie Davey bus priority measures is entirely contained within the road reserve of the relevant urban streets and in addition the project has aimed for any upgrades to be contained within the existing kerb lines.

# 3. Relevant legislation

The Land Use Planning and Approvals Act 1993 (LUPAA) identifies the objectives of the Resource Management and Planning System of Tasmania (RMPS). These are to be implemented, through the operation of the Act, through sustainable development, resource management and orderly development. Community involvement and a sharing of responsibility across all levels of government is to be promoted. These objectives are mirrored in the Environmental Management and Pollution Control Act 1994 (EMPCA), the key environmental legislation in Tasmania.

The LUPAA establishes the process for approval of state and local planning scheme provisions and for the assessment of applications for development. EMPCA identifies those uses or developments likely to have a significant impact on the environment and outlines the process for assessment of those proposals. This Act also establishes procedures for pollution prevention and control and enforcement provisions.

The legislation in force which is relevant to development in Tasmania is outlined in Table 1.

Table 1 Legislation relevant to development in Tasmania

Statute	Relevance			
Commonwealth				
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	This Act aims to protect and manage those matters considered to be of National Environmental Significance (MNES). These include threatened plant and animal species, ecological communities, heritage sites and reserves. It also applies to particular actions which have the potential for impacts of national significance. This Act is addressed further in this report.			
State				
Aboriginal Heritage Act 1975	This Act relates to the protection of Aboriginal cultural heritage. The Aboriginal Heritage Register (AHR) is maintained by Aboriginal Heritage Tasmania (AHT) and a search can be requested to identify any known sites of significance which may impact the proposed alignment. Given that this is an extension of an existing road in an established urban area, the potential for impacts is considered to be low. This Act is addressed further in this report.			
Environmental Management and Pollution Control Act 1994	The proposed transit lane is classed as 'road works' and is not a use or development that warrants consideration under this Act.			
Historic Cultural Heritage Act 1995	This act relates to the protection of European and other cultural heritage. This Act is addressed in the report prepared by Praxis.			
Nature Conservation Act 2002	This Act identifies and regulates threatened native vegetation communities. This Act is addressed further in this report.			
Threatened Species Protection Act 1995 (TSPA)	This Act lists threatened species and regulates activities that may result in their disturbance. This Act is addressed further in this report.			

Statute	Relevance
Statute	Relevance
Weed Management Act 1999	This Act declares certain plants as weeds and outlines measures for their control, including land owner obligations. This Act is addressed further in this report.
State Policies	The State Policies and Projects Act 1993 establishes the process to put in place State policies under the RMPS of Tasmania. The State Policy on Water Quality Management 1997 is relevant. Water quality (impacted by stormwater) is considered during the design and approvals processes. Design parameters established under this policy are addressed further in this report.
Tasmanian State Road Traffic Noise Management Guidelines (developed under the State Road Noise Strategy 2011)	These guidelines are used by State Growth to manage traffic noise on State roads. They are intended to assist with management of traffic noise and seek to reduce traffic noise to below accepted limits to the extent reasonable, practical and cost effective. These guidelines outline procedures to assess the need for noise mitigation and are separate to any requirements to assess noise impacts under local planning scheme provisions. These are addressed further in this report.
Tasmanian Planning Scheme	The Tasmanian Planning Scheme will replace both the Hobart Interim Planning Scheme 2015 and the Sullivans Cove Planning Scheme 1997 when it is finally approved. Council endorsed the draft Hobart Local Provisions Schedule for submission to the Tasmanian Planning Commission at its meeting on 18 February 2019. The Commission is currently in the process of assessing the draft Local Provisions Schedule.
Local	S
Hobart Interim Planning Scheme 2015	The Hobart Interim Planning Scheme 2015 applies to a significant portion of the land on which the road works will occur. All zone use and development standards and applicable codes will need to be addressed to demonstrate compliance of the development proposal with the Scheme. A review of the most significant planning matters is provided below.
Sullivans Cove Planning Scheme 1997	The Sullivans Cove Planning Scheme 1997 applies to the north- east portion of the land on which the works will occur. All relevant planning matters must be addressed. A review of the most significant matters is provided below.

# 4. Natural Values

### 4.1 Flora and fauna

As the proposed road works will occur in cleared, urban areas adjacent to Hobart's established road network the potential for impacts on natural values is low.

A desktop review using theList indicates that there are no records of threatened flora, fauna or communities that may be impacted by the project.

## 4.2 Hydrology

The development area is within the Derwent Estuarine Catchment and the and the Hobart Stormwater catchment.

### 4.3 Geology

There are no known geological constraints associated with the development area

### 4.4 Landscape/scenic

The development area is not located in areas protected for landscape or scenic values.

### 4.5 Weeds

There are no identified weeds in the development area

## 4.6 Socio-economic considerations

#### 4.6.1 Built environment

As shown in Figure 1 above, the development area is the existing road network. Adjacent to the road network in the south-west portion of the study area, the built environment is primarily comprised of one and two storey residential buildings. The north-east portion of the study area is closer to the city centre and largely comprised of larger commercial, hotel and civic buildings.

#### 4.6.2 Utilities Within the Road Corridor

There are a number of utilities within the road reservation that will require consideration and/or relocation to allow construction. This will be subject to further assessment when design is more advanced.

#### 4.6.3 Aboriginal Heritage



A Heritage Management Strategy (Appendix A) has been prepared by Praxis. The strategy indicates that the proposed roadworks will traverse significant archaeological places of Aboriginal Heritage value under the Hobart Interim Planning Scheme 2015 and the Sullivans Cove Planning Scheme 2017. These matters are discussed below under sub-sections 6.4.2, 7.4, and 8.6.2 of this report.

#### 4.6.4 Historic Heritage

Appendix A identifies potential Historic Heritage issues arising from the proposed Hobart Transport Vision projects. While the strategy indicates that there are no listed heritage places in the development area (i.e. in the road network), it notes that there are numerous heritage places adjacent the road network which are listed under the Tasmanian Heritage Register and the Hobart Interim Planning Scheme 2015. The strategy also notes that the road network traverses several Heritage Precincts. These matters are further discussed below in this report, under subsections 6.4.2, 7.4 and 8.6.2.

### 4.6.5 Land productivity

The road network supports the productivity of the adjacent, residential, commercial and civic areas. The residential and commercial areas are privately owned. The adjacent civic areas are generally owned by the local and state governments.

# 5. Applicable Planning Schemes

The development area is within the Hobart City Council local government area, and traverses land over which two planning schemes apply, including the:

- Hobart Interim Planning Scheme 2015, and
- Sullivans Cove Planning Scheme 1997

Sometime over the next year, the Tasmanian Planning Scheme and Hobart Local Provisions Schedule may replace both the above planning schemes. Council endorsed the draft Hobart Local Provisions Schedule for submission to the Tasmanian Planning Commission at its meeting on 18 February 2019. The Commission is currently in the process of assessing the draft Local Provisions Schedule

# 6. Hobart Interim Planning Scheme 2015

### 6.1 Zoning

Under this scheme, the development area (red lines) is the road network in the Utilities Zone (yellow) in Figure 2 Figure 2 below. Adjacent zones include the:

- Inner Residential Zone (dark red);
- the Urban Mixed Use Zone (white);
- the Central Business Zone (blue);
- Open Space Zone (green).

The portion of the development area not covered by the Hobart scheme (denoted by the aerial imagery) is covered by the Sullivans Cove Planning Scheme 1997, which is discussed in Section 8 of this report.



Figure 2 Zoning map

# 6.2 Land Use

Given the extent of the works, which will take place on Category 1 roads, the land use will likely be considered Utilities (not minor).

# 6.3 Utilities Zone

The Utilities use is a Permitted land use in the Utilities zone. The works should be generally compliant with most of the zone's standards. As the proposed road works are within 50 m of the Inner Residential and Urban Mixed Use zones, a Noise Assessment will be required to address the performance requirement of the use standard under clause 28.3.2 (noise) of the Utilities Zone.

# 6.4 Overlays and Codes

The development area is partially within the Central Business Core Area Overlay and the Heritage Precinct Overlay. Some of the proposed works are adjacent Active Frontage Overlay but not within it, so this overlay does not apply.

### 6.4.1 Central Business Core Area Overlay

This overlay is shown in Figure 3 below and relates to building heights within a portion of the Central Business Zone. Development standard 22.4.1 Building Height of the Central Business Zone applies to proposed buildings. However, as the proposed road works would not result in buildings, the overlay and development standard are not applicable.



Figure 3 Central Business Core Area Overlay

### 6.4.2 Heritage Precinct Overlay, Heritage Places and Historic Heritage Code

The Heritage Assessment at Appendix A identifies a high density of places included on the Heritage Places schedule of the scheme along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer

zone. These include prominent buildings such as the former St Marys Hospital, St Davids Cathedral and a number of (former) residential buildings and St Davids Park. Should works be carried within the boundary of any of the heritage places, Part E.13.7 (Development Standards for Heritage Places) will apply and a Heritage Impact Assessment to support the planning permit application. Some of the Heritage Places are shown in Figure 4 below – all currently listed places can be viewed in Appendix A.

Within the Heritage Precinct Overlay, the road works traverse Heritage Precincts H1 and H4, which are identified in the Heritage Assessment and are shown below in Figure 5. The code indicates that the Development Standards for Heritage Precincts under clause E13.8 to major works. A permit is required to address the performance requirements of the development standards. This will require a Heritage Impact Assessment to support the planning permit application.



Figure 4 Some of the Heritage Places listed in the planning scheme



The proposed roadworks also traverse land shown in the Historic Heritage Code's Figure E13.4.1 Place of

Archaeological Potential, as shown in blue in Figure 6below. As the proposed works do not constitute maintenance and repair, exemption E13.4.1 under the Historic Heritage Code does not apply.

There are certain other exemptions for excavation in a Place of Archaeological Potential that would need to be considered in the event that any excavation beyond that listed above were proposed or an application may be required to address Part E.13.10 (Development Standards for Places of Archaeological Potential). This may require an archaeological impact assessment provided by a suitably qualified person demonstrating that the nature of the development will not result in disturbance of ground considered to be of archaeological sensitivity.

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Figure 6 Place of Archaeological Potential

#### 6.4.3 Road and Railway Assets Code

This Code applies to use or development of land:

- (a) that will require a new vehicle crossing, junction or level crossing; or
- (b) that intensifies the use of an existing access; or
- (c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
  - a. a rail network;
  - b. a category 1 Trunk Road or a category 2 Regional Freight Road, that is subject to a speed limit of

#### more than 60km/h kilometres per hour.

This code applies because there will be works within 50m of a Category 1 road. If the development results in an increase in traffic or if any new vehicle crossing or junction is proposed, Council will require a Traffic Impact Assessment in order to demonstrate compliance with the performance requirement under clause E5.6.2 (A2 Road accesses and junctions) of the Road and Railway Assets.

#### 6.4.4 Stormwater Management Code

This code applies to development requiring management of stormwater. If Council require a planning permit and the proposed stormwater arrangements do not comply with any of the acceptable standards under the Stormwater Management Code, a Stormwater Management Plan will be required to demonstrate compliance with the corresponding performance requirements. Any works will likely be connected to public stormwater infrastructure and code requirements will only be triggered if new impervious systems are proposed.

# 6.5 Applicable Exemptions

Clause 6 (Limited Exemptions) of the Planning Scheme provides exemptions form the requirement for a planning permit for certain uses. The table below outlines exemptions that could apply to the roadworks.

Limited	Exemption	Comment
a ( sh by rai	nor upgrades by or on behalf of the State government, Council, or a statutory authority or a corporation all the ares of which are held by or on behalf of the State or a statutory authority, of infrastructure such as roads, I lines, footpaths, cycle paths, drains, sewers, power es and pipelines including:	0
(a) (b)	minor widening or narrowing of existing carriageways; or making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic control devices and markings, street lighting and landscaping.	While the proposal is unlikely to result in the removal of threatened vegetation, it does pass through Heritage Precincts H1 and H4, which means that this exemption is not applicable.
where:	a code in this planning scheme lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken; or	
(b)	the removal of any threatened vegetation is required.	

### 6.6 Permit Requirements

The land use will be deemed Utilities (not minor). While generally requiring a Permitted level of assessment, any reliance on Performance Criteria will trigger a Discretionary permit. The following matters are relevant:

- A Heritage Impact Statement will be required to address the applicable standards under the Historic Heritage Code.
- As the proposed road works are within 50m of the Inner Residential and Urban Mixed Use zones, a Noise Assessment will be required to address the performance requirement of the use standard under clause 28.3.2 (noise) of the Utilities Zone
- If the development results in an increase in traffic or if any new vehicle crossing or junction is proposed, Council

will require a Traffic Impact Assessment in order to demonstrate compliance with the performance requirement under clause E5.6.2 (A2 Road accesses and junctions) of the Road and Railway Assets Code

• If the proposed stormwater arrangements do not comply with any of the acceptable in the standards under the Stormwater Management Code, Council will require a permit and Stormwater Management Plan to demonstrate compliance with the corresponding performance requirements.

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# 7. Sullivans Cove Planning Scheme 1997

The development area shown in below in Figure 7 is located within an area covered by the Sullivans Cove Planning Scheme 1997.



Figure 7 Development area under Sullivans Cove Planning Scheme 19

# 7.1 Activity Area

Under this planning scheme, the proposed works are located in the Mixed Use Activity Area, as shown in Figure 8 below.



Figure 8 Roadworks are in the Mixed Use Activity Area

Figure 9 below shows that the road works are located within two Public Urban Space Types, including;

- Enclosing Ridge (most of the road works); and
- Cove Slopes (a small portion of the road works).



# 7.2 Definitions

**Minor Roads Works**: Means within the existing road or other public space, all road works involved in the sealing or resealing, upgrading or minor widening of an existing carriageway, including the introduction of kerbs, gutters, footpaths, road signs, traffic-control devices, street lighting, traffic calming measures, alterations to the layout and means of traffic control at existing junctions and intersections, and the like, together with pedestrian under and overpasses, but does not involve the construction of any new or additional carriageway or traffic lane and includes all other works not included under Major Road Works. It includes the formation, widening, improvement or alteration of any existing vehicular access by, or on behalf of, the road authority.

**Major Road Works**: Means within the existing road reservation or other public space, all road works required for the construction of additional traffic lanes and vehicle under and overpasses.

As construction of a new traffic (bus) lane is proposed the development will be deemed Major Road Works.

### 7.3 Places of Cultural Significance

The Heritage Management Strategy at Appendix A of this report indicates that the proposed road works are not located within a Place of Cultural Significance. However, there are several Places of Cultural Significance adjacent to the road reserve, including Franklin Square, the Treasury Buildings, Treasury Chambers and former St Marys Hospital, as shown in Figure 10 below. The scheme's Schedule 1 – Conservation of Cultural Heritage Values would not be applicable

provided all works are outside the boundaries of the particular Places of Cultural Significance.

Since the Heritage Management Strategy was prepared in Feb 2020, Heritage Tasmania has amended the listing of the Treasury buildings complex. The listed area now includes the Macquarie Street and Murray Street footpaths, and the trees planted in the footpaths of Murray and Macquarie Streets. The footpath and concrete section of Davey Street adjacent to the Treasury Buildings are not on the register. However, an agreed unanticipated discovery plan applies for any works in this area. Given this, a permit would be required for works on the Macquarie Street title, which contains the footpath outside the Treasury Building.

The Scheme's Schedule 1 – Conservation of Cultural Heritage Values is applicable to the land title, which includes the footpath outside Treasury House. Otherwise, this schedule is not applicable to the rest of the development area, provided all works are outside the boundaries of the particular Places of Cultural Significance



Figure 10 Places of Cultural Significance

An archaeological management plan has been developed by State Growth and endorsed by Heritage Tasmania for the concrete upper section of Davey Street adjacent to the Treasury complex. The Sullivan's Cove Archaeological Zoning Plan states that all of the Sullivan's Cove area with the exception of Macquarie Point has archaeological potential, so any referral to Heritage Tasmania could result in conditions being applied.

### 7.4 Places of Archaeological Sensitivity

The Heritage Management Strategy at Appendix A of this report identifies that the proposed road works would occur in one Place of Archaeological Sensitivity i.e. the Davey Street steps/cove escarpment, as shown in Figure 11 below. Note that Franklin Square and the Treasury buildings as well as a portion of Elizabeth Street (the site of First Government House and likely to have a high level of archaeological significance) are immediately adjacent to the survey corridor.

Should any excavation be required within the portion of Davey Street or Elizabeth Street as a defined as a Place of Archaeological Sensitivity (i.e. the central retaining wall between Elizabeth and Murray Streets), or which may affect the nearby steps (down to Brooke Street), then the provisions of Part 22.6 of the scheme will need to be addressed with submission of an Archaeological Sensitivity Report. With the exception of the above, if no excavation is proposed outside the road reserve then assessment against Part 22.6 would not be required.



Figure 11 Places of Archaeological Sensitivity

# 7.5 Permit Requirements

Under clause 24.4.2 Requirements for Planning Approval, a Discretionary planning permit will be required for Major Road Works in Cove Slopes and Enclosing Ridge

A number of matters must be considered, including those listed under clause 32.4 Matters to be Considered, such as:

- Colours and materials (must be robust, self-pigmented external materials and finishes)
- Amenity impacts
- Stormwater management (Stormwater Management Plan required)
- Traffic impacts (Traffic Impact Assessment required).

# 8. Tasmanian Planning Scheme

The Tasmanian Planning Scheme will replace both the Hobart Interim Planning Scheme 2015 and the Sullivans Cove Planning Scheme 1997 when it is finally approved. Council endorsed the draft Hobart Local Provisions Schedule for submission to the Tasmanian Planning Commission at its meeting on 18 February 2019. The Commission is currently in the process of assessing the draft Local Provisions Schedule.

# 8.1 Zoning under the Hobart Local Provisions Schedule (as of 17/08/2020)

Under this scheme, as shown Figure 12 below, the development area is mostly in the:

- Utilities Zone (yellow);
- Central Business Zone (blue); and
- Particular Purpose Zone 10 Sullivans Cove (pink).

Other adjacent zones include:

- Urban Mixed Use (white);
- Inner Residential (brown); and
- Open Space (green).



Figure 12 Applicable Zones

### 8.2 Land Use

Given the extent of the works, which will take place on Category 1 roads, the land use will likely be considered Utilities (not minor).

### 8.3 Utilities Zone

The Utilities use is a Permitted land use in the Utilities zone. The development should be able to connect to an existing stormwater system. The works should be generally compliant with most of the zone's standards. There are no noise requirements under this zone.

# 8.4 Central Business Zone

The Utilities use is a Discretionary land use in the Central Business Zone. The development should be able to connect to existing an existing stormwater system. The works should be generally compliant with most of the zone's standards. There are no noise requirements under this zone.

# 8.5 Particular Purpose Zone 10 – Sullivans Cove

This is the area currently covered by the Sullivans Cove Planning Scheme 1997. The Utilities use is a Discretionary land use in Particular Purpose Zone 10 – Sullivans Cove. Most of the use and development standards do not apply to the proposed road works. As shown in Figure 12 below, part of the proposed works in Davey Street are in Activity Area 2. Given this, standard HOB-P10.5.4 Discretionary Uses within Activity Area 2.0 will apply. Performance criteria 1 of this standard requires Discretionary uses to support the purpose of the zone and not compromise or distort the activity centre hierarchy or function of the City of Hobart CBD. Given the nature of the proposal, it will be possible to demonstrate compliance.



Figure 13 Proposed works in Activity Area 2

### 8.6 Overlays and Codes

### 8.6.1 Hobart Central Business Zone Specific Area Plan

This overlay applies to the blue area shown in Figure 14 below (on Hobart City Council's mapping system the area is denoted by a yellow boundary around the Central Business Zone). The Utilities land use is Discretionary. However, as the use standards are aimed at commercial uses and the development standards are aimed at design outcomes for buildings, they do not apply to the proposed road works.



Figure 14 Hobart Central Business Zone Specific Area Plan

### 8.6.2 Local Historic Heritage Code

There are numerous places listed under HOB-Table C6.1 Local Heritage Places. The works will also occur within the Davey and Macquarie Street and City Centre Heritage Precincts, as shown in Figure 15. Further, the place or precinct of archaeological potential overlay, as shown in Figure 16, shows that the development will occur within two identified places (Franklin Square and Public Offices) and one precinct (Central Hobart Precinct).

Under this code a planning permit will required to address the performance requirements of the development standards, in relation to the heritage precincts and any affected heritage places. This will require a Heritage Impact Assessment to support the planning permit application.



Figure 15 Heritage Precincts



Figure 16 Place or precinct of archaeological potential

8.6.3 Road and Railway Assets Code

This code applies to a use or development that:

- (a) will increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing;
- (b) will require a new vehicle crossing, junction or level crossing; or
- (c) involves a subdivision or habitable building within a road or railway attenuation area if for a sensitive use.

While the proposal is aimed at reducing traffic levels, it will result in an increase in the use of buses (i.e. vehicles longer than 5.5m long. As such, this code applies and Council will likely require a Traffic Impact Assessment. If new vehicle crossings or junctions are included, they will also have to be assessed under the code.

## 8.7 Applicable Exemptions

Table 4.2 Exempt infrastructure use or development	Comment
Maintenance and repair of roads and upgrading by or on behalf of the road authority which may extend up to 3m outside the road reserve including:	
(a) widening or narrowing of existing carriageways;	As the Local Historic Heritage Code applies, this exemption is not applicable.
(b) making, placing or upgrading kerbs, gutters, footpaths, shoulders, roadsides, traffic control devices, line markings, street lighting, safety barriers, signs, fencing and landscaping, unless the Local Historic Heritage Code	

applies and requires a permit for the use or development; or

(c) repair of bridges, or replacement of bridges of similar size in the same or adjacent location.

#### 8.8 Permit Requirements

Under the Tasmanian Planning Scheme, the land use will be deemed Utilities (not minor), and will generally require a Discretionary level of assessment due to reliance on performance criteria under certain codes. The following matters are relevant:

- A Heritage Impact Statement will be required to address the applicable standards under the Historic Heritage ٠ Code.
- A Traffic Impact Assessment will be required. •

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# 9. Historic Cultural Heritage Act 1995

Appendix A indicates that there is a high density of places included on the Tasmanian Heritage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the Treasury buildings, former St Marys Hospital, St Davids Cathedral and other sites such as St Davids Park. Some of the heritage places are shown in Figure 17 below – all currently listed places can be viewed in Appendix A.

Work proposed within any title included on the Tasmanian Heritage Register must comply with the provisions of the *Historic Cultural Heritage Act 1995.* In this respect the footpath beside the Treasury Building on Macquarie Street, works on this title must comply with the Act and a Heritage Impact Assessment must be submitted with the planning permit application. Depending on the final scope of works, other heritage places may be affected.



Figure 17 Some of the Heritage Places listed in the Tasmanian Heritage Register

# 10. Summary of preliminary review of constraints

The review of available information has identified the following:

- No Commonwealth or State listed threatened native vegetation communities and species have been recorded within the project area no natural values assessment is considered necessary
- The proposed development area will traverse various utilities, which will have to be considered at design stage.
- Currently, the applicable schemes are the:
  - o Hobart Interim Planning Scheme 2015; and
  - o Sullivans Cove Planning Scheme 1997
- Sometime over the next year, the Tasmanian Planning Scheme and Hobart Local Provisions Schedule may replace both the above planning schemes.
- Under the Hobart Interim Planning Scheme 2015:
  - The limited exemption for minor upgrades by or on behalf of the State government will not apply because the Local Historic Heritage Code applies.
  - The land use will be deemed Utilities (not minor). While generally requiring a Permitted level of assessment, any reliance on Performance Criteria will trigger a Discretionary permit.
  - o The following overlay and code matters are relevant:
    - A Heritage Impact Statement will be required to address the applicable standards under the Historic Heritage Code.
    - As the proposed road works are within 50 m of the Inner Residential and Urban Mixed Use zones, a Noise Assessment will be required to address the performance requirement of the use standard under clause 28.3.2 (noise) of the Utilities Zone
    - If the development results in an increase in traffic or any new vehicle crossing or junction is proposed. Council will require a Traffic Impact Assessment in order to demonstrate compliance with the performance requirement under clause E5.6.2 (A2 Road accesses and junctions) of the Road and Railway Assets Code
    - If the proposed stormwater arrangements do not comply with any of the acceptable in the standards under the Stormwater Management Code, Council will require a permit and Stormwater Management Plan to demonstrate compliance with the corresponding performance requirements.
- Under the Sullivans Cove Planning Scheme 1997:
  - A Discretionary planning permit will be required for Major Road Works in Cove Slopes and Enclosing Ridge, and a number of matters will have to be addressed, including:
    - Colours and materials (must be robust, self-pigmented external materials and finishes)
    - Amenity impacts
    - Stormwater management (Stormwater Management Plan required)
    - Traffic impacts (Traffic Impact Assessment required).
  - The Scheme's Schedule 1 Conservation of Cultural Heritage Values is applicable to the title, which includes the footpath outside Treasury House. Otherwise, this schedule is not applicable to the rest of the development area, provided all works are outside the boundaries of the particular

Places of Cultural Significance

- If a permit is required and excavation is to occur in the portion of Davey Street or Elizabeth Street as a defined as a Place of Archaeological Sensitivity (i.e. the central retaining wall between Elizabeth and Murray Streets), the provisions of Part 22.6 of the scheme will need to be addressed with submission of an Archaeological Sensitivity Report
- Under the Tasmanian Planning Scheme, the land use will be deemed Utilities (not minor), and will generally require a Discretionary level of assessment due to reliance on performance criteria under certain codes. The following matters are relevant:
  - A Heritage Impact Statement will be required to address the applicable standards under the Historic Heritage Code.
  - A Traffic Impact Assessment will be required. A Traffic Impact Assessment will be required. With regard to the *Historic Cultural Heritage Act 1995*, a Heritage Impact Assessment must be submitted with the permit application for works on the title containing the footpath outside the Treasury Building and for any other works on titles which include an identified Heritage Place.
  - If new vehicle crossings or junctions are included, they will also have to be assessed under the code.

ref: HB19415 Hobart Transport Vision - Macquarie Street and Davey Street Bus Priority Rep 31P RevA/DF/dl

# **Appendix Title**

Heritage Management Strategy

Released under Rth

# pitt&sherry



This document was written by 36 (BA.Hons Archaeology, MA Cultural Heritage Management, G.Dip. Environmental Management) Director – Praxis Synergy Pty. Ltd. Incorporating Praxis Environment.

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# **1. INTRODUCTION**

This document has been commissioned by WSP Australia as part of the Hobart Transport Vision Southern Projects – Macquarie/Davey Upgrades and Fifth Lane Southern Outlet to consider the possible heritage impacts arising from a range of proposed upgrades including widening/reconfiguration of the Southern Outlet, possible reconfigurations of Davey and Macquarie Street and two 'park and ride' parking areas at Kingston/Huntingfield.

The background and brief for this project is drawn from the *Request for Tender, by Department of State Growth, for Supply of Consultant Service for Hobart Transport Vision Southern Projects* (RFT Number 3112), issued 31/8/2019. The response to the brief included the following project proposal and understanding of task:

#### Ahead of the design phase:

- 1. Review of the Tasmanian Government provided historic heritage assessment and any consequent statutory heritage requirements arising from such [included here as Attachment A].
- 2. Familiarisation survey of any identified heritage sites.
- 3. Provision of conservation policy to address any statutory heritage requirements as identified in (1).

#### During the design phase:

- 4. Liaison with the project design team and any other relevant stakeholders during the design place.
- 5. Preliminary review of design concept(s) to assess likely compliance with any statutory heritage requirements and conservation policy.

#### Post design

6. Undertake a historic heritage impact assessment of the preferred design against any statutory heritage requirements and the conservation policies. If required, formulate mitigation strategies/recommendations to manage any identified heritage impacts.

The 'survey corridor' as defined here is the road reserve of Davey Street and Macquarie Streets Hobart, from Elizabeth Street to the Southern Outlet, as well as the Southern Outlet and near environs from the intersection of Davey/Macquarie Streets to the Olinda Grove intersection at the top of the outlet, as per Figure 1.1. A 'buffer' each side of the road to a distance of 10 metres has been proposed here in order to identify heritage features in the 'near environs' in order to consider the possibility of proximal impact of any part of the proposal.



Figure 1.1 – The 'survey corridor' as defined above. Adapted from <u>www.thelist.tas.gov.au</u>

Further, the brief seeks input into two 'park and ride' areas near Kingston, as defined in Figures 1.2-1.3:



Figure 1.2 – the Northern Park and Ride area (north of Kingston). Adapted from <u>www.thelist.tas.gov.au</u>



Figure 1.3 – the Southern Park and Ride area (near Huntingfield). Adapted from <u>www.thelist.tas.gov.au</u>

This document has been formulated in-line with the heritage management processes espoused by the ICOMOS Australia Burra Charter, which is illustrated in the following process chart and which provides the basis for the general structure of the approach to understanding the significance of the place and obligations arising from such. The statutory provisions and consequent responsibilities as outlined in Section 2 have also been considered in formulating this document.
## **The Burra Charter Process**

#### Steps in planning for and managing a place of cultural significance

The Burra Charter should be read as a whole.

Key articles relevant to each step are shown in the boxes. Article 6 summarises the Burra Charter Process.



Figure 1.4 – The Burra Charter Process<sup>1</sup>.

Whilst this document does not intend to be a conservation management plan, it takes the basic principles of conservation planning, as outlined in J.S. Kerr's *The Conservation Plan*<sup>2</sup>, in order to develop the policies upon which the conservation of the place (and assessment of development impact) is based (but explored in more detail where necessary). Further, this document has been formulated with regard to Heritage Tasmania's *Pre-Development Assessment Guidelines – Proactively Managing Historic Heritage.*<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> ICOMOS AUSTRALIA (2013): The Burra Charter. Australia ICOMOS Inc. p10.

<sup>&</sup>lt;sup>2</sup> KERR, J. (2000): *The Conservation Plan.* National Trust of NSW, Sydney.

<sup>&</sup>lt;sup>3</sup> https://heritage.tas.gov.au/Documents/Pre-Development%20Assessment%20Guidelines.pdf

# 2. STATUTORY HERITAGE LISTINGS

The statutory heritage requirements which may be applicable to any particular portion of the survey corridor and buffer zone as considered here are:

### Hobart Interim Planning Scheme 2015 (HIPS) and Kingborough Interim Planning Scheme 2015 (KIPS)

- Heritage Place, as included in Table E.13.1.
- Heritage Precinct, as included in Table E.13.2
- Cultural Landscape Precinct, as included in Table E.13.3 (note that no part of the survey corridor is within, or in close proximity to any Cultural Landscape Precinct under the HIPS and no precincts are included in the KIPS).
- Place of Archaeological Potential, as included in Table E.13.4
- Significant Trees List, as included in Table E24.1.

#### Sullivans Cove Planning Scheme 1997 (SCPS)

- Schedule 1 – Conservation of Cultural Heritage Values.

#### Historic Cultural Heritage Act 1995

- Tasmanian Heritage Register

### Environment Protection and Biodiversity Conservation Act 1999

- Commonwealth Heritage List
- National Heritage List
- World Heritage List (and buffer zones).

For the sake of clarity, the survey area has been broken into several segments here, with each applicable listing depicted graphically (or noted where no listings exist on that particular segment). Note that these have been depicted here as a 'point' on each particular place – which does not necessarily reflect the *extent* of that listing. For example:

- The Hobart/Kingborough Interim Planning Schemes generally relates to an address, however can also include/exclude specific titles that comprise that address and can also (via Figures E.13.1.1-13) define any particular area within those titles/addresses.
- The Tasmanian Heritage Register includes a title reference as the 'registered place' but can also include/exclude any part of that title via a plan registered in the Central Plan Registry.
  - In both cases, neither Table E.13.1 nor the Tasmanian Heritage Register automatically update title references (e.g. when a property transaction has occurred), therefore 'legacy titles' may still apply.

Whilst precisely defining *all* affected places within the survey corridor/buffer zone would be onerous (and unwarranted) in the current case, should part of any proposal be within a place affected by these listings, further definition of the precise affected area may need to be undertaken.

The following tables depict sections of the survey corridor and buffer zone and discuss each applicable statutory heritage requirement which may be applicable:

Davey/Macquarie Streets, eastern section, Elizabeth to Harrington Streets.		
	Hobart Interim Planning Scheme Table E.13.1 (Heritage Places).	Likely planning requirements.
	There is a high density of places included on the Heritage Places schedule of the scheme along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the former St Marys Hospital, St Davids Cathedral and a number of (former) residential buildings and St Davids Park.	<ul> <li>Although the survey corridor does not include any listed place, should any works be required in those nearby places, as per Part E.13.4, within a Heftage Place, Heritage Precinct or Cultural Landscape Precinct, no permit is required for</li> <li>minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines including:</li> <li>minor widening or narrowing of existing carriageways; or making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic control devices; and</li> <li>markings, street lighting and landscaping, except where any of those elements are specifically part of the General Description column in Table E13.1;</li> <li>If any major works (i.e. not included above) were required within the boundary of any of the heritage places, Part E.13.7 (Development Standards for Heritage Places) may be applicable.</li> </ul>

## PRAXISENVIRONMENT 2020



t Interim Planning Scheme Table E.13.2	Likely planning requirements.
age Precincts).	
f the survey corridor is included in Heritage	As per Part E.13.4, within a Heritage Place, Heritage Precinct or Cultural
ct H1, as defined by Map E.13.3. Refer to	Landscape Precinct, no permit is required for
ct H1, as defined by Map E.13.3. Refer to E.13.3 for statements of significance.	(I) minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority of infrastructure such as roads rail lines footpaths, cycle



Hobart Interim Planning Scheme Table E.13.4 Likely planning requirements. (Places of Archaeological Potential).

The section of the survey corridor within the road reserve of Macquarie Street from Elizabeth to Harrington Streets and within Davey Street from Murray to Harrington Streets is within the area defined by Table E.13.4 as a Place of Archaeological Potential.

Under the General exemptions for E.13.0 (Historic Heritage Code) excavation in a Place of Archaeological Potential is exempt if:

(y) maintenance and repair by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines, where like for like materials and finishes are used for reinstatement;

There are certain other exemptions for excavation in a Place of Archaeological Potential that would need to be considered in the event that any excavation beyond that listed above were proposed or an application may be required to address Part E.13.10 (Development Standards for Places of Archaeological Potential). This may require an archaeological impact assessment provided by a suitably qualified person demonstrating that the nature of the development will not result in disturbance of ground considered to be of archaeological sensitivity.

	Hobart Interim Planning Scheme Table E.24.1	Likely planning requirements.
	(Significant Trees List).	
-	No listings	Although note the inclusion of St Davids Park (including trees) on the
		HIPS Table E.13.1 and Franklin Square (including trees) on the SCPS Part
		22 Table 1) therefore these trees are a heritage consideration if works
		were in close proximity to the edges of these parks.
	•	
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	201	
	Sullivans Cove Planning Scheme Part 22, Table 1	Likely planning requirements.
	(Places of Cultural Significance).	
	No part of the survey corridor is within a Place of	Part 22 of the scheme would not be applicable provided all works are
	Cultural Significance, however there are several	outside the boundaries of the particular Places of Cultural Significance.
	Places of Cultural Significance adjacent to the	'Building or Works' (i.e. carrying out of building construction, alteration
	road reserve, including Franklin Square, the	or decoration or works) on a place not included as a Place of Cultural
	Treasury Buildings, Treasury Chambers and	Significance that is 'adjacent' to such a place may require consideration
	former St Marys Hospital.	
		by the planning authority (for possible impact upon that adjacent place).
		Part 16.2 of Activity Area 2.0 (the survey corridor is within that area)
Particular State		requires that Use and development on road reserves, public parks and
		other public spaces within the activity area shall only be 'permitted'
		where they do not detract from the space's amenity or heritage value.

Sullivans Cove Planning Scheme Part 22, Table 2	Likely planning requirements.
(Places of Archaeological Sensitivity).	
One Place of Archaeological Sensitivity is included	Should any excavation be required within the portion of Davey Street
in the survey corridor - Davey Street steps/cove	defined as a Place of Archaeological Sensitivity (i.e. the central retaining
escarpment. Note that Franklin Square and the	wall between Elizabeth and Murray Streets), or which may affect the
Treasury buildings as well as a portion of Elizabeth	nearby steps (down to Brooke Street) then the provisions of Part 22.6 of
Street (the site of First Government House and	the scheme will need to be addressed.
likely to have a high level of archaeological	There are no provisions for adjacency in that Part, therefore if no
significance) are immediately adjacent to the	excavation is proposed outside the road reserve (with the exception of
survey corridor.	the above) then assessment against Part 22.6 would not be required.
INC	
Tasmanian Heritage Register	Likely planning requirements.
$\mathbf{O}$	
There is a high density of places included on the	Provided that no works are proposed within any title included on the
There is a high density of places included on the Tasmanian Heritage Register along both	Provided that no works are proposed within any title included on the Tasmanian Heritage Register (i.e. outside the road reserve) then the
Tasmanian Heritage Register along both	Tasmanian Heritage Register (i.e. outside the road reserve) then the
Tasmanian Heritage Register along both Macquarie and Davey Streets immediately	Tasmanian Heritage Register (i.e. outside the road reserve) then the
TasmanianHeritageRegisteralongbothMacquarieandDaveyStreetsimmediatelyadjacenttothe survey corridor and within the	Tasmanian Heritage Register (i.e. outside the road reserve) then the
Tasmanian Heritage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings	Tasmanian Heritage Register (i.e. outside the road reserve) then the
Tasmanian Heritage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the Treasury buildings, former St Marys	Tasmanian Heritage Register (i.e. outside the road reserve) then the
Tasmanian Heritage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the Treasury buildings, former St Marys Hospital, St Davids Cathedral and other sites such	Tasmanian Heritage Register (i.e. outside the road reserve) then the
Tasmanian Heritage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the Treasury buildings, former St Marys Hospital, St Davids Cathedral and other sites such	Tasmanian Heritage Register (i.e. outside the road reserve) then the

Commonwealth, National or World Heritage List	Likely planning requirements.
No listings.	Not applicable.
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Hobart Interim Planning Scheme Table E.13.2Likely planning requirements.(Heritage Precincts).

Part of the survey corridor is included in Heritage Precinct H1 (Macquarie Street from Harrington to Molle Streets) and part is within Heritage Precinct H4 (west of 205 Macquarie Street) as defined by Map E.13.3. Refer to Table E.13.2 for statements of significance.

Note also that Heritage Precincts H2 (Heathfield Avenue) and H3 (Anglesea Barracks) are immediately adjacent to the road reserve to the south of Davey Street. As per Part E.13.4, within a Heritage Place, Heritage Precinct or Cultural Landscape Precinct, no permit is required for

(I) minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines including:

minor widening or narrowing of existing carriageways; or making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic control devices; and

markings, street lighting and landscaping, except where any of those elements are specifically part of the General Description column in Table E13.1;

If any major works (i.e. not included above) were required within the boundary of the heritage precinct (e.g. Macquarie Street between Harrington and Barrack Streets and west of 205 Macquarie Street), Part E.13.8 (Development Standards for Heritage Precincts) may be applicable.



hin Under the General exemptions for E.13.0 (Historic Heritage Code) of excavation in a Place of Archaeological Potential is exempt if:

Likely planning requirements.

(y) maintenance and repair by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines, where like for like materials and finishes are used for reinstatement;

There are certain other exemptions for excavation in a Place of Archaeological Potential that would need to be considered in the event that any excavation beyond that listed above were proposed or an application may be required to address Part E.13.10 (Development Standards for Places of Archaeological Potential). This may require an archaeological impact assessment provided by a suitably qualified person demonstrating that the nature of the development will not result in disturbance of ground considered to be of archaeological sensitivity.

	Hobart Interim Planning Scheme Table E.24.1	Likely planning requirements.
	(Significant Trees List).	
	There are five listings for trees on properties	These trees are all distant to the road reserve, however if any works
HOBART ALL AND A	adjacent to the survey corridor (including an	are proposed which may impact these, then the provisions of E.24.6
	avenue of trees within the Anglesea Barracks	will need to be addressed.
	complex). Only one tree is within the nominated	
	10-metre buffer (Chinese Elm at Collegiate, 212-	
	218 Macquarie Street).	
Managara -		
	Townships Havitage Deviation	
	l lasmanian Heritage Register 🔛	Likely planning requirements
	Tasmanian Heritage Register	Likely planning requirements.
	There is a high density of places included on the	Provided that no works are proposed within any title included on the
	There is a high density of places included on the	Provided that no works are proposed within any title included on the
	There is a high density of places included on the Tasmanian Hentage Register along both	Provided that no works are proposed within any title included on the Tasmanian Heritage Register (i.e. outside the road reserve) then the
	There is a high density of places included on the Tasmanian Heritage Register along both Macquarie and Davey Streets immediately	Provided that no works are proposed within any title included on the Tasmanian Heritage Register (i.e. outside the road reserve) then the provisions of the Historic Cultural Heritage Act would not be
	There is a high density of places included on the Tasmanian Heritage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings	Provided that no works are proposed within any title included on the Tasmanian Heritage Register (i.e. outside the road reserve) then the provisions of the Historic Cultural Heritage Act would not be
	There is a high density of places included on the Tasmanian Heritage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the Anglesea Barracks complex, former	Provided that no works are proposed within any title included on the Tasmanian Heritage Register (i.e. outside the road reserve) then the provisions of the Historic Cultural Heritage Act would not be
	There is a high density of places included on the Tasmanian Hentage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the Anglesea Barracks complex, former Collegiate School and a number of residential	Provided that no works are proposed within any title included on the Tasmanian Heritage Register (i.e. outside the road reserve) then the provisions of the Historic Cultural Heritage Act would not be
	There is a high density of places included on the Tasmanian Heritage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the Anglesea Barracks complex, former	Provided that no works are proposed within any title included on the Tasmanian Heritage Register (i.e. outside the road reserve) then the provisions of the Historic Cultural Heritage Act would not be
	There is a high density of places included on the Tasmanian Hentage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the Anglesea Barracks complex, former Collegiate School and a number of residential	Provided that no works are proposed within any title included on the Tasmanian Heritage Register (i.e. outside the road reserve) then the provisions of the Historic Cultural Heritage Act would not be
	There is a high density of places included on the Tasmanian Hentage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the Anglesea Barracks complex, former Collegiate School and a number of residential	Provided that no works are proposed within any title included on the Tasmanian Heritage Register (i.e. outside the road reserve) then the provisions of the Historic Cultural Heritage Act would not be
	There is a high density of places included on the Tasmanian Hentage Register along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the Anglesea Barracks complex, former Collegiate School and a number of residential	Provided that no works are proposed within any title included on the Tasmanian Heritage Register (i.e. outside the road reserve) then the provisions of the Historic Cultural Heritage Act would not be

	Commonwealth, National or World Heritage	Likely planning requirements.
	List	
	Anglesea Barracks is adjacent to the survey	In the event that any proposed works affect the site of Anglesea
	corridor and is included on the Commonwealth	Barracks would either need to be consistent with an endorsed
	Heritage List.	management plan for the site under the provisions of the EPBC Act or
		be referred to the Commonwealth Minister for the Environment for
		determination.
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A Manakasi <sup>tradi</sup>		
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Davey/Macquarie Streets, central section, Molle Street to the Southern Outlet.		
Little and	Hobart Interim Planning Scheme Table E.13.1 (Heritage Places).	Likely planning requirements.
	There is a high density of places included on the Heritage Places schedule of the scheme along both Macquarie and Davey Streets immediately adjacent to the survey corridor and within the buffer zone. These include prominent buildings such as the Anglesea Barracks complex, former Collegiate School and a number of residential buildings.	<ul> <li>Although the survey corridor does not include any listed place, should any works be required in those nearby places, as per Part E.13.4, within a Heittage Place, Heritage Precinct or Cultural Landscape Precinct, no permit is required for</li> <li>minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines including:</li> <li>minor widening or narrowing of existing carriageways; or making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic control devices; and</li> <li>markings, street lighting and landscaping, except where any of those elements are specifically part of the General Description column in Table E13.1;</li> <li>If any major works (i.e. not included above) were required within the boundary of any of the heritage places, Part E.13.7 (Development Standards for Heritage Places) may be applicable.</li> </ul>



Hobart Interim Planning Scheme Table E.13.2 Likely planning requirements. (Heritage Precincts).

Practically the entire course of the survey corridor is bounded by heritage precincts in this section, with part of the survey corridor contained within those precincts (i.e. Macquarie Street from Molle Street to Antill Street and Davey Street from Molle Street to 173 Davey Street and from Antill Street to the Southern Leleasedunc Outlet).

As per Part E.13.4, within a Heritage Place, Heritage Precinct or Cultural Landscape Precinct, no permit is required for

(I) minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines including:

minor widening or narrowing of existing carriageways; or making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic control devices; and

markings, street lighting and landscaping, except where any of those elements are specifically part of the General Description column in Table E13.1;

If any major works (i.e. not included above) were required within the boundary of the heritage precinct (e.g. Macquarie Street between Harrington and Barrack Streets and west of 205 Macquarie Street), Part E.13.8 (Development Standards for Heritage Precincts) may be applicable.



Hobart Interim Planning Scheme Table E.13.4 Likely planning requirements. (Places of Archaeological Potential).

Part of this section of the survey corridor is within the area defined by Table E.13.4 as a Place of Archaeological Potential, namely Macquarie Street from Antill Street to the eastern edge of 319 Macquarie Street, the southern lane of Macquarie Street further on to Wheatsheaf Lane and all of the Davey Street section.

Under the General exemptions for E.13.0 (Historic Heritage Code) excavation in a Place of Archaeological Potential is exempt if:

(y) maintenance and repair by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines, where like for like materials and finishes are used for reinstatement;

There are certain other exemptions for excavation in a Place of Archaeological Potential that would need to be considered in the event that any excavation beyond that listed above were proposed or an application may be required to address Part E.13.10 (Development Standards for Places of Archaeological Potential). This may require an archaeological impact assessment provided by a suitably qualified person demonstrating that the nature of the development will not result in disturbance of ground considered to be of archaeological sensitivity.

	Hobart Interim Planning Scheme Table E.24.1	Likely planning requirements.
The second	(Significant Trees List).	
	There are two listings for trees on properties	If any works are proposed which may impact these trees (noting
	adjacent to the survey corridor, most notably a	proximity to the road reserve of those in front of 142 Davey Street),
	row of seven English Oak trees in front of 142	then the provisions of E.24.6 will need to be addressed.
	Davey Street (St Ann's aged care) which are close	
	to the streetfront.	
	• • • • • • • • • • • • • • • • • • •	
	NO.	
	Tasmanian Heritage Register	Likely planning requirements.
	There is a high density of places included on the	Provided that no works are proposed within any title included on the
	Tasmanian Heritage Register along both	Tasmanian Heritage Register (i.e. outside the road reserve) then the
	Macquarie and Davey Streets immediately	provisions of the Historic Cultural Heritage Act would not be applicable.
	adjacent to the survey corridor and within the	
	buffer zone. These include a large number of	
	residential properties.	

Commonwealth, National or World Heritage List	Likely planning requirements.
No listings.	Not applicable.
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$\lambda^{\vee}$	
S	
No	
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Hobart Interim Planning Scheme Table E.13.2 Likely planning requirements. (Heritage Precincts).

Part of the survey corridor is included in Heritage Precinct H4 (Davey Street from Antill Street to the Southern Outlet) and a portion of the acquired road reserve on the entrance from Davey Street to the Southern Outlet is also in that precinct. The survey corridor is also adjacent to Heritage Precinct SH2 (from 353 -357 Macquarie Street) as defined by Map E.13.3. Refer to Table E.13.2 for statements of significance.

As per Part E.13.4, within a Heritage Place, Heritage Precinct or Cultural Landscape Precinct, no permit is required for

(I) minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines including:

minor widening or narrowing of existing carriageways; or making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic control devices; and

markings, street lighting and landscaping, except where any of those elements are specifically part of the General Description column in Table E13.1;

If any major works (i.e. not included above) were required within the boundary of the heritage precinct (e.g. Davey Street between Antill Street and the Southern Outlet), Part E.13.8 (Development Standards for Heritage Precincts) may be applicable.



Hobart Interim Planning Scheme Table E.13.4 Likely planning requirements. (Places of Archaeological Potential).

Part of this section of the survey corridor is within the area defined by Table E.13.4 as a Place of Archaeological Potential, namely the southern lane of Davey Street from Wheatsheaf Lane to the outlet interchange and a portion of the acquired road reserves between Fitzroy Gardens

Under the General exemptions for E.13.0 (Historic Heritage Code) excavation in a Place of Archaeological Potential is exempt if:

(y) maintenance and repair by or on behalf of the State Government, *a* Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines, where like for like materials and finishes are used for reinstatement;

There are certain other exemptions for excavation in a Place of Archaeological Potential that would need to be considered in the event that any excavation beyond that listed above were proposed or an application may be required to address Part E.13.10 (Development Standards for Places of Archaeological Potential). This may require an archaeological impact assessment provided by a suitably qualified person demonstrating that the nature of the development will not result in disturbance of ground considered to be of archaeological sensitivity.



<sup>&</sup>lt;sup>4</sup> Available at <u>https://www.hobartcity.com.au/Development/Planning/Planning-schemes/Reports-and-studies</u> PRAXISENVIRONMENT 2020





## Southern Outlet, Fitzroy Crescent to the bend.

Hobart Interim Planning Scheme Table E.13.1 Likely planning requirements.

There are few listed places within close proximity to the survey corridor in this section, notable Fitzroy Gardens (as discussed above). There is a wide separation to places in Pillinger Street (further separated by the natural topography). The closest place being 5 Kendrick Court which is separated from the survey corridor by one title.

Although the survey corridor does not include any listed place, should any works be required in those nearby places, as per Part E.13.4, within a Heritage Place, Heritage Precinct or Cultural Landscape Precinct, no permit is required for

minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines including:

minor widening or narrowing of existing carriageways; or making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic control devices; and

markings, street lighting and landscaping, except where any of those elements are specifically part of the General Description column in Table E13.1;

If any major works (i.e. not included above) were required within the boundary of any of the heritage places, Part E.13.7 (Development Standards for Heritage Places) may be applicable.

A LA	Hobart Interim Planning Scheme Table E.13.2	Likely planning requirements.
	(Heritage Precincts).	
	No part of the survey corridor is within any	None likely.
	Heritage Precinct as defined by Table E.13.2. The	
TEST BEER STA	SH7 and SB3 Precincts are nearby but in all cases	
3873387	have at least one full title between the survey	
	corridor and the nearest portion of the precincts	
	by the topography.	
	<u>\</u> 0`	
	- that separation is further physically separated by the topography.	
Princes Setting		
	0	
CORD STILL		
Your S		
	20	
	Hobart Interim Planning Scheme Table E.13.4	Likely planning requirements.
	(Places of Archaeological Potential).	
	No listings.	Not applicable.

	Hobart Interim Planning Scheme Table E.24.1	Likely planning requirements.
	(Significant Trees List).	
	No listings.	Not applicable.
	Tasmanian Heritage Register	Likely planning requirements.
	There are no places listed on the Tasmanian Heritage Register in particularly close proximity	Not applicable.
1 83 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	to the survey corridor	~`
	elease and the survey contact.	
Princes of the	0	
	S	
	10°0	
	0	
	Commonwealth, National or World Heritage List	Likely planning requirements.
	No listings.	Not applicable.

Southern Outlet, area of the bend.		
	Hobart Interim Planning Scheme Table E.13.1	Likely planning requirements.
	(Heritage Places).	
	No listings.	Not applicable.
	Hobart Interim Planning Scheme Table E.13.2	Likely planning requirements.
	(Heritage Precincts).	
	No listings.	Not applicable.
	Hobart Interim Planning Scheme Table E13.4	Likely planning requirements.
	(Places of Archaeological Potential)	
	No listings.	Not applicable.
	Hobart Interim Planning Scheme Table E.24.1 (Significant Trees List).	Likely planning requirements.
	No listings.	Not applicable.
	Tasmanian Heritage Register	Likely planning requirements.
	No listings.	Not applicable.
	Commonwealth, National or World Heritage List	Likely planning requirements.
	No listings.	Not applicable.

Southern Outlet, the	
	Hobart Interim Planning Scheme
	(Heritage Places).
	No listings.
	Hobart Interim Planning Scheme
	(Heritage Precincts).
	No listings.
	Hobart Interim Planning Scheme
	(Places of Archaeological Potentia
62	No listings.
	Hobart Interim Planning Scheme
	(Significant Trees List)
	No listings.
ROCTORS B	Tasmanian Heritage Register
A A A	No listings.
	Commonwealth, National or World
	No listings.

Southern Outlet, the bend to Olinda Grove		
Hobart Interim Planning Scheme Table E.13.1	Likely planning requirements.	
(Heritage Places).		
No listings.	Not applicable.	
Hobart Interim Planning Scheme Table E.13.2	Likely planning requirements.	
(Heritage Precincts).	2	
No listings.	Not applicable.	
Hobart Interim Planning Scheme Table 5,13,4	Likely planning requirements.	
(Places of Archaeological Potential).		
No listings.	Not applicable.	
Hobart Interim Planning Scheme Table E.24.1	Likely planning requirements.	
(Significant Trees List).		
No listings.	Not applicable.	
Tasmanian Heritage Register	Likely planning requirements.	
No listings.	Not applicable.	
Commonwealth, National or World Heritage List	Likely planning requirements.	
No listings.	Not applicable.	

Park and ride (north)			
98-100	Kingborough Interim Planning Scheme Table E.13.1 (Heritage Places).	Likely planning requirements.	
	No listings. Note that Table E.13.1 includes a listing for a 'Row of poplars on eastern side of the road' with location 'Southern Outlet north of overpass, Kingston)	Not applicable.	
	These are approx. 130m north of the site.		
	Kingborough Interim Planning Scheme Table E.13.2 (Heritage Precincts).	Likely planning requirements.	
	No listings.	Not applicable.	
	Kingborough Interim Planning Scheme Table E.13.4 (Places of Archaeological Potential).	Likely planning requirements.	
	No listings.	Not applicable.	
	Kingborough Interim Planning Scheme Table E.24.1 (Significant Trees List).	Likely planning requirements.	
	No listings.	Not applicable.	
	Tasmanian Heritage Register	Likely planning requirements.	
	No listings.	Not applicable.	
	Commonwealth, National or World Heritage List	Likely planning requirements.	
	No listings.	Not applicable.	

Park and ride (south)			
	Kingborough Interim Planning Scheme Table E.13.1	Likely planning requirements.	
	(Heritage Places).		
and the second s	The southern park and ride area is immediately	If any works are proposed within the boundary of Huntingfield,	
	adjacent to 'Huntingfield', which is included as a	then consideration of heritage impacts will need to be given. As	
	heritage place on Table E.13.1 of the Kingborough	the park and ride facility comprises of a carpark, rather than a	
	Interim Planning Scheme.	road per-se, the exemptions under Part E.13.4 are probably not	
10		applicable. If any works were required within the boundary of	
		the heritage place, Part E.13.7 (Development Standards for	
1177 Hintingited	XO	Heritage Places) may be applicable.	
HUNTINGFIELD	Inder		
	Kingborough Interim Planning Scheme Table E.13.2	Likely planning requirements.	
	(Heritage Precincts).		
	No listings.	Not applicable.	
	Kingborough Interim Planning Scheme Table E.13.4	Likely planning requirements.	
	(Places of Archaeological Potential).		
	No listings.	Not applicable.	
	Kingborough Interim Planning Scheme Table E.24.1	Likely planning requirements.	
	(Significant Trees List).		
	No listings.	Not applicable.	

Tasmanian Heritage Register	Likely planning requirements.
No listings. The southern park and ride area is	If any works are proposed within the boundary of Huntingfield,
immediately adjacent to 'Huntingfield', which is	then consideration of heritage impacts will need to be given.
included on the Tasmanian Heritage Register.	Given that Huntingfield homestead is distant to the area of the
	proposed park and ride, it is likely that minor works would accord
	with Heritage Tasmania's definition of exempt works, however
8	any major works may require a works application.
Commonwealth, National or World Heritage List	Likely planning requirements.
No listings.	Not applicable.
Released	

# 3. ANALYSIS OF LIKELY HISTORIC HERITAGE PROCESS

Section 2 has provided detail as to the statutory heritage provisions that are likely to apply to the survey corridor and buffer zone to assist in understanding the likely scope of further heritage input that may be required for any proposed works in those areas. The following points summarise the likely consequences of those requirements in the preliminary conceptualisation of the task.

This discussion assumes:

- That there is no work proposed outside of the road reserve, i.e. no work is proposed in any private property which may be a listed place including work within the 'sensitive' zones as per Figure 3.1. The possibility of widening Macquarie or Davey Street beyond the road reserve is not a tenable consideration.
- That the proposal does not involve any 'structures' beyond ordinary road construction (e.g. includes road surfacing, kerbing, footpaths, road markings/signage). Structure however is considered on the park and ride sites in the event that shelters (etc.) are required.
- That the proposal does not involve the removal or prospective damage to any significant tree/planting.
- That excavation and works in the road reserve in Heritage Precincts and the Place of Archaeological Potential are likely.

Figures 3.1 and 3.2 depict the likely 'sensitive' zones that could arise from the type of works foreshadowed in the brief and may be used in the design process in the assessment of 'constraints' that are to be considered in that process. This includes specific areas of known archaeological potential, significant trees/plantings that are in close proximity to the survey corridor and heritage structures that are in close proximity to areas that are likely to be critical in the consideration of road reconfiguration at key points (e.g. the confluence of Davey and Macquarie Streets and the Southern Outlet).

Note that wider archaeological issues (as per Table E.13.4 of the HIPS) are not included here as they apply to practically all Davey and Macquarie Streets and are not seen as an insurmountable obstacle that would require any critical influence in the design process (i.e. archaeological management will be responsive to works requirements). Issues surrounding portions of road within Heritage Precincts are not depicted here, as if these do not involve major works/structures then these are likely to be exempt under Part E.13.4 of the HIPS.

Note that there are not considered to be any critical heritage issues on the portion of the survey corridor from Fitzroy Gardens to Olinda Grove, nor at either or the two park and ride locations (noting the general recommendations in Section 4).



Figure 3.1 – Davey and Macquarie Streets from Elizabeth Street to Antill Street. The yellow area representing a known area of archaeological sensitivity and the green areas representing significant trees adjacent to the survey corridor.



Figure 3.2 – Davey and Macquarie Streets, from Antill Street to the Southern Outlet and the Southern Outlet, as well as the city-end of the outlet. Green areas depict significant trees/plantings in close proximity to the survey corridor and red areas depict listed structures at likely critical points of road convergence.

The following commentary summarises how the relevant statutory heritage provisions may be approached in the planning process:

#### Hobart and Kingborough Interim Planning Schemes 2015 – Heritage Place.

- Provided that no works are proposed within any addresses/titles included on Table E.13.1 (Historic Heritage Places) of either the Hobart Interim Planning Scheme 2015 or the Kingborough Interim Planning Scheme 2015, then the provisions of parts E.13.7 of each scheme will not be applicable. No areas of road reserves in the survey corridor are included on the schedule, however there are numerous places immediately adjacent (particularly on either side of Macquarie and Davey Streets).
  - Works wholly in the road reserve will not require consideration against Part E.13.7.
  - If any works are proposed within any of those titles/addresses, then these will need to be considered against the Exemptions (i.e. Part E.13.4) of each scheme, and if not exempt then a discretionary development application will be required for assessment against Part E.13.7.

#### Hobart Interim Planning Scheme 2015 – Heritage Precinct.



- There are portions of the survey corridor that are within Heritage Precincts as defined by Table E.13.2 of the Hobart Interim Planning Scheme 2015. These areas are namely (road reserves):
  - Davey Street from:
    - Salamanca Place to Harrington Street.
    - Barrack Street to 173 Davey Street.
    - Antill Street to 239 Davey Street.
  - Macquarie Street from:
    - Harrington Street to Barrack Street.
    - 207 Macquarie Street to Antill Street.
  - City end of the Southern Outlet
    - A portion of C/Ts 147545/4, 151157/1 (reserved/unknown roads).
      - It is likely that works in these areas relating to 'minor upgrades' by or on behalf of a 'State government' of infrastructure such as roads, footpaths (including widening, making or placing or kerbs, gutters, footpaths, traffic control devices etc.) would be exempt from requiring planning approval by virtue of Part E.13.4 of the scheme. Any major works (e.g. structures) are likely to require an application for assessment against Part E.13.8 to consider impact against the Performance Criteria of that Part and in relation to the statements of significance for the precinct.
      - The above provisions would also be applicable in the event that works were proposed in any property considered here in the buffer zone of the survey corridor.

#### Hobart Interim Planning Scheme 2015 – Place of Archaeological Potential

- There are portions of the survey corridor that are within a Place of Archaeological Potential as defined on Table E.13.4 of the Hobart Interim Planning Scheme. Namely:
  - Davey Street from:
    - Salamanca Place to the Southern Outlet.
  - Macquarie Street from
    - Elizabeth Street to Gore Street (note that only the northern side of the road between Elizabeth and Murray Streets, and the southern side of the road from 274 Macquarie Street to Gore Street is included in those sections).
      - Excavations for works in these areas may be exempt from planning approval if an archaeological impact assessment is provided by a suitably qualified person demonstrating that the nature of the development will not result in disturbance of ground considered to be of archaeological sensitivity. For shallow excavations associated with roadworks, kerbing (etc.) it is likely that a case may be made for exemption based on previous disturbance from such works.

#### Hobart Interim Planning Scheme 2015 – Significant Trees

- There are no significant trees within the survey corridor, however there are several in close proximity, where consideration may need to be given to indirect impacts of works or in the event that works are proposed outside the road reserve. Namely:
  - Oak tree at The Hermitage' (251 Davey Street Macquarie Street frontage)
  - Oak trees in front of St Ann's aged care facility (142-146 Davey Street)
  - Lime Tree in front of the LGAT offices (326 Macquarie Street)
  - Trees and the wider landscape values of Fitzroy Gardens
  - In addition to the above, there is a row of trees (6 no.) on Upper Fitzroy Crescent that are within the road reserve and once formed part of the avenue of Plane trees along the northern edge of Fitzroy Gardens cut through by the construction of the Southern Outlet. Whilst these have no statutory heritage protection, they have landscape values that should be considered if any works are proposed to affect these trees. Note that the topography places these distinctly higher than the level of the Southern Outlet.
    - If any part of the proposal is likely to impact any of these trees, then an assessment against the Performance Criteria of Part 24.5 of the scheme would be required (if not exempt by definitions in Part 24.4).

#### **Historic Cultural Heritage Act**

- Provided that no works are proposed within any titles that are included on the Tasmanian Heritage Register, the provisions of the *Historic Cultural Heritage Act 1995* will not be applicable to the project. No area of road reserves in the survey corridor are included on the register.
  - If any works are proposed within an title included on the Tasmanian Heritage Register (or CPR defined area) then either a Certificate of Exempt Works from Heritage Tasmania, or an application to the Tasmanian Heritage Council under Part 6 of the Historic Cultural Heritage Act will be required.

#### Sullivans Cove Planning Scheme 1997

- The section of Davey Street from Elizabeth Street to Salamanca Place, and the section of Macquarie Street from Elizabeth Street to Murray Street is adjacent to several Places of Cultural Significance listed on Part 22 Table 1 of the scheme.
  - Any major works adjacent to those places would require an assessment of possible impact upon those adjacent places. This may be particularly pertinent if any proposal affects the existing bus stop infrastructure adjacent to Franklin Square.
- The retaining walls dividing the centre of Davey Street between Elizabeth and Murray Streets, and the adjacent stairs to Brooke Street are defined of Areas of Archaeological Sensitivity by Part 22 Table 2 of the scheme.

• Any works that affect those structures will require a detailed archaeological assessment.

#### **Environment Protection and Biodiversity Conservation Act**

- Anglesea Barracks is on the Commonwealth Heritage List and is adjacent to the survey corridor. Assuming that no works will be within the boundary of that place, then the historic heritage Provisions of the EPBC Act will not apply.
  - Any works within that place would require a complex planning and approvals process under the Act that would need to align with the management plan for that place.

# 4. RECOMMENDATIONS

Given the statutory heritage provisions applicable to the survey corridor and adjacent buffer zone, the following recommendations are made, which are to be considered in the design phase of the project:

# 1. Places included on Table E.13.1 (Heritage Places) of the Hobart/Kingborough Interim Planning Scheme and the Tasmanian Heritage Register adjacent to the survey corridor.

It is recommended that no works be undertaken within any place listed on the above heritage lists unless there is no prudent or feasible alternative. In the event that any works are required in those places, a rigorous heritage impact assessment must be undertaken which assesses prudent/feasible alternatives.

# 2. Places in the survey corridor within Heritage Precincts (as defined by Table E.13.2 of the HIPS) or adjacent to Places of Cultural Significance (as defined in the SCPS97).

Works within the survey corridor within heritage precincts are likely to be acceptable provided that these maintain the general tenor of the existing road/footpath infrastructure.

Any new 'structures' (e.g. shelters) within heritage precincts or adjacent to Places of Cultural Significance are likely to be acceptable subject to heritage input into the design process.

## 3. Places of Archaeological Sensitivity (as defined by Part 22 Table 2 of the SCPS97).

Works to places of archaeological sensitivity are to be avoided unless there are no prudent or feasible alternatives. If works are proposed, a detailed statement of archaeological potential, archaeological impact assessment and if necessary, an archaeological method statement is to precede the works.

# 4. Portions of the survey corridor within the Place of Archaeological Potential (as defined by Table E.14.4 of the HIPS)

Works beyond resurfacing or lane reconfiguration (e.g. like-for-like works) within this area are to be preceded by a statement of archaeological potential, and if necessary, an archaeological impact assessment and archaeological method statement. Any archaeological impact will need to be mitigated in the works process commensurate with the identified significance. Note that it is expected that any shallow excavations will be unlikely to have any major impact.

#### 5. Works in proximity to significant trees (as defined by Table E.24.1 of the HIPS).

Works should seek to avoid impact upon significant trees/plantings. If any impact is proposed, then a rigorous assessment of prudent and feasible alternatives must demonstrate that there are no such alternatives to that impact.

### 6. Park and ride areas

Provided that no works are proposed on the 'Huntingfield' property, then there is no conceivable heritage impact arising from any works to those proposed areas.

In the event that any works are proposed on the 'Huntingfield' property, then a heritage impact assessment will be required to accompany statutory applications for such (noting that the heritage feature itself, i.e. Huntingfield homestead is distant to that area.

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Planning and Environment Report

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