

# PLANNING APPLICATION

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## Status:

### Reference

PLN-HOB-2026-0050

### Address

UNIT 2 11 ELPHINSTONE RD NORTH HOBART TAS 7000

### Titles

59898/2

## Before you start

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Before you start your application, you will need to know if you require planning approval or not.

If you are unsure if you require a permit, use the [PlanBuild Tasmania Enquiry Service](#) to lodge a request for advice from the relevant Council.

Once your application has been submitted the Council will review your application. If payment has not been made, you will be sent a request for the payment of application fees via PlanBuild Tasmania.

Once the fees have been paid and the Council is satisfied with the information provided, the application will be assessed and you will be notified of the outcome.

If further action is required to assess your application you will receive an email notification containing a task to complete.

## Pre-Application Advice

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Have you spoken with anyone at Council about this application?

Yes - enter details below

No - continue to the next section

If yes, provide the name of the person you contacted

Mary - Planner

## Applicant

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Name	Email	Phone	Address	Involvement
Personal Information Redacted				

## Owners

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Name	Email Address	Address
Personal Information Redacted		

## Certificate(s) of Title

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Selected Titles

Total Area: 270m<sup>2</sup>

59898/2

## Owner Notification

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Are you the sole owner of the land?

Yes - continue to the next section

No - answer question below

If no, have you notified all owners, joint or part owners of your intention to submit this application?

Yes - enter owner details below

No - you must notify all owners before proceeding with this application

**List all owners, joint or part owners as recorded on the Title documents notified:**

Anthony Francesco Gerardo Giacon & Sally Ann Giacon

**Enter the date that the last owner, joint or part owner was notified**

12/02/2026

**Declaration**

I declare that all land owners, joint or part owners have been notified of this planning application.

## Crown Land Consent

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**Is Crown Land involved in the proposed use or development?**

Yes - complete question below

No - continue to the next section - see further information below

Unsure

**If yes, has written Crown Land consent been obtained?**

Yes - upload written consent

No - application will not be progressed until consent has been provided

## General Manager Consent

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**Is Council-owned or administered land involved in the proposed use or development?**

Yes - complete question below

No - continue to the next section

Unsure

**If yes, has written consent been obtained from the Council General Manager?**

Yes - upload written consent

No - application will not be progressed until consent has been provided

## Proposed Use or Development

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**What is the reason for your planning application?**

I want to change how the property is used

I want to use the property for visitor accommodation

I want to subdivide

I want to undertake a new development or alteration

I want to do a minor boundary adjustment

I want to put up a sign(s)

I want to demolish

I want to do works only

Other

**If your application is to subdivide, please enter the number of proposed lots.**

0

**If your application is for signage, please enter the number of signs.**

**Is the property a Tasmanian Heritage Listed Property?**

Yes

No

**Is the application for an EPA Activity under the Environmental Management and Pollution Control Act 1994?**

Yes

No

Unsure

**Is the proposed use or development permitted or discretionary?**

Permitted

Discretionary

Unsure if permitted or discretionary

**Provide a full description of the proposed use or development**

The proposed development includes relocating the front door, new access ramp and a gate to Audley St. There will be minor façade modification/extension to the brick wall on the Audley street side of the property to accommodate the new front door location.

**Will the proposed use or development involve a road reserve?**

- Yes - complete the section below
- No - continue to the next section
- Unsure

If yes, enter the address(es) or locations below:

If yes, how will the road reserve be affected?

## Value of Works

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What is the estimated value of the works?

15000

## Supporting Documents

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Version	Document Date	Document Type	Description	Prepared By
1	12 Feb 2026	Architectural Plans	DA Set	Tom Byard
1	12 Feb 2026	Property Title Document	Elphinstone Road TITLE.pdf	Tom Byard
1	12 Feb 2026	Planning Assessment Report	Planning Report	Tom Byard
1	12 Feb 2026	Property Title Document	FolioPlan-59898-2 .pdf	Tom Byard
1	12 Feb 2026	Property Title Document	FolioTextCommonLot-59898-2.pdf	Tom Byard
1	12 Feb 2026	Property Title Document	FolioText-59898-2.pdf	Tom Byard

## Next steps

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When you have completed all the necessary fields and attached all required documents to support your application, click on the green 'Save & Submit' button at the top right of this form.

Once submitted, the Council will review your application. A request for the payment of application fees will be sent to you via PlanBuild Tasmania.

Once the fees have been paid and the Council is satisfied with the information provided, the application will be assessed and you will be notified of the outcome.

If further action is required to assess your application you will receive an email notification from PlanBuild which will tell you what you need to provide to continue the application.

Form published: 14/05/2025 15:58

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**Re: A26182\_Elphinstone - Council RFI**

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**Anthony Giacon** <tonygiacon@gmail.com>  
To: Tom Byard <tom@lxn.com.au>

Fri, Feb 13, 2026 at 9:20 AM

Hi Tom,  
Please purchase a current title.

The corporation is not active.  
The owner of Lot 1 lives across the street from the unit. I know him well.  
He is aware that we are carrying out works on the house and as during the last works we carried out 8 years ago has no problems with what we are doing.  
I will show him the plans this afternoon.  
Having said this where the building works are do not effect him or anyone else as they face onto the street.

I will email you as soon as I have spoken with him.  
Regards

Tony  
mob: 0419 318 872

On Fri, 13 Feb 2026 at 8:46 am, Tom Byard <tom@lxn.com.au> wrote:  
Hi Tony,

The Hobart city council has sent me an RFI with the following request:

- Please provide a declaration that Strata Corporationno 59898, 11 Elphinstone Rd, has been notified of the application. If the cooperation is not active, please confirm this and confirm that the owner of Lot 1 has been notified.
- The council has also requested a current title for CT 59898/2. The title we provided is outdated (2016) and the more current copy is from December 2025. Would you like to purchase this or would you like me?

Kind regards,



Tasmania tom@lxn.com.au  
p. (03) 6228 0113

Tom Byard

lxn.com.au LXN Architecture & Consulting

**My work hours are 8am - 4pm, Monday to Friday.**

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save a tree, please consider the environment before printing this email.



Tom Byard <tom@lxn.com.au>

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## Owner lot 1/11 Elphinstone Rd

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**Anthony Giacon** <tonygiacon@gmail.com>  
To: Tom Byard <tom@lxn.com.au>

Fri, Feb 13, 2026 at 3:38 PM

I, Anthony F. g. Giacon of [24 Alwyn Rd](#), Lenah Valley TAS 7008 have spoken with the owner of 1/11 Elphinstone rd, regarding the proposed works to 2/11 Elphinstone Rd as outlined in the attached document.

I showed him a printed copy of the plans and explained them in situ on site. I explained that as this was to be our retirement home we were seeking to prepare it for any eventualities that may arise in our dotage. Hence the shallower ramp and larger entrance hall.

His comments were that he could not see how anyone could possibly have any objection as the changes would have no recognisable impact. He certainly has no objections and was impressed with our forward thinking and planning.

I trust this report meets the requirements of the Hobart City Council Planning Department.

Regards  
Tony  
mob: 0419 318 872

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 **plans for unit.pdf**  
1153K

SEARCH OF TORRENS TITLE

VOLUME 59898	FOLIO 2
EDITION 5	DATE OF ISSUE 16-Dec-2025

SEARCH DATE : 13-Feb-2026

SEARCH TIME : 01.32 pm

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Strata Plan 59898 (formerly being STR509) and a general unit entitlement operating for all purposes of the Strata Scheme being a 1 undivided 1/2 interest

Derived from Strata Plan 59898

Derivation : Part of 0A-1R-35Ps Gtd to J J A Watkins

Prior CT 3578/73

SCHEDULE 1

M552926 TRANSFER to ANTHONY FRANCESCO GERARDO GIACON and SALLY ANN GIACON Registered 15-Jan-2016 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
The registered proprietor holds the lot and unit entitlement

subject to any interest noted on common property

Folio of the Register volume 59898 folio 0

E33747 MORTGAGE to Westpac Banking Corporation Registered 15-Jan-2016 at 12.01 pm

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

SEARCH OF TORRENS TITLE

VOLUME 59898	FOLIO 0
EDITION 3	DATE OF ISSUE 01-Dec-1998

SEARCH DATE : 13-Feb-2026

SEARCH TIME : 01.32 pm

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme [59898](#) (formerly being STR509)

Derivation : Part of 0A-1R-35Ps Gtd to J J A Watkins

Prior CT [3576/62](#)

SCHEDULE 1

STRATA CORPORATION NO. [59898](#), 11 ELPHINSTONE ROAD, HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



Conveyancing and Law of Property Act 1884

**STRATUM PLAN**

REGISTERED NUMBER

No. 509

Sheet 1 of ~~3~~ 3 Sheets

City or Town HOBART

**59898**

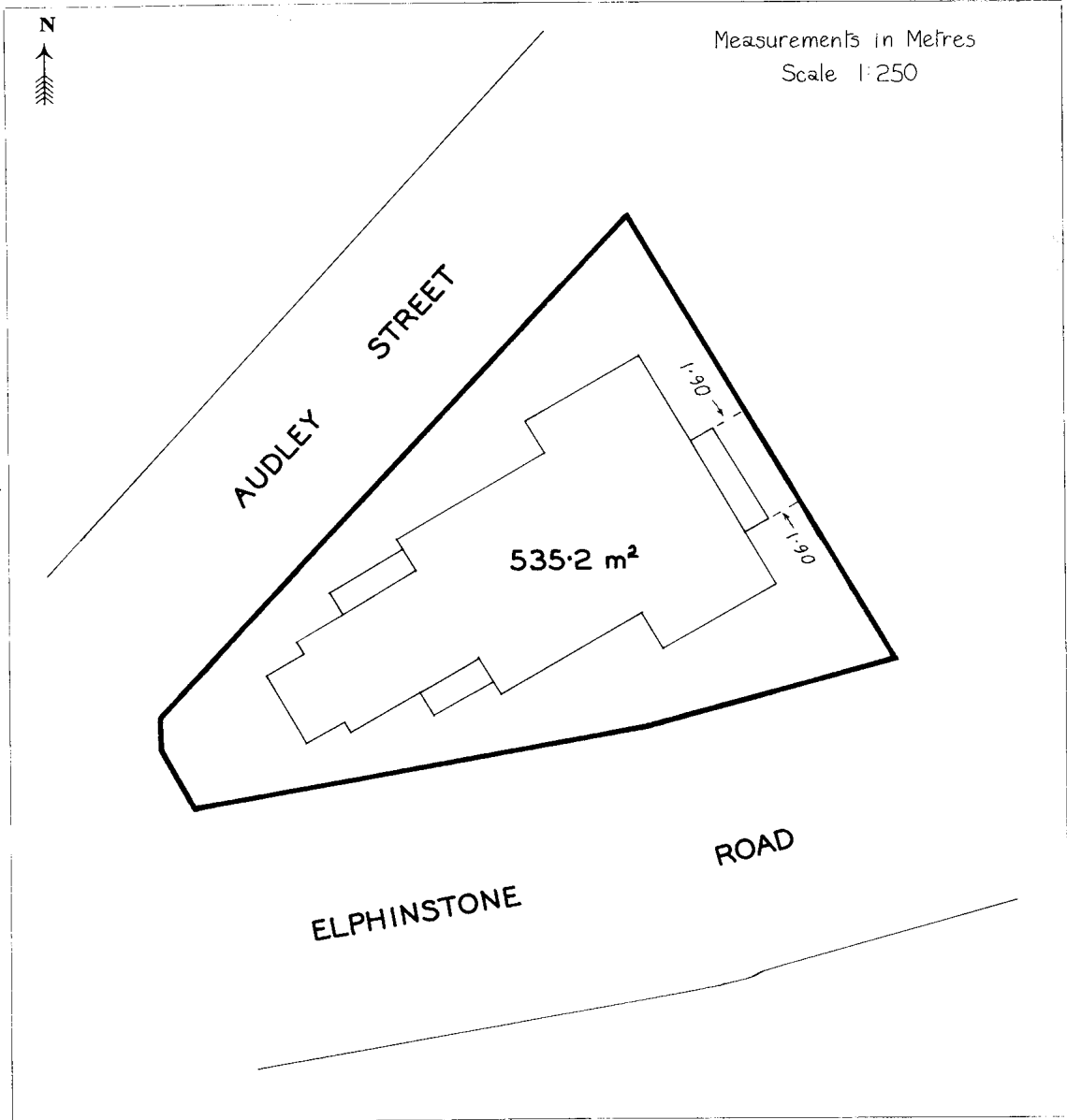
Locality NORTH HOBART

Reference to Title ~~Con 46/1853~~ CT 3576-62

Site comprises ~~the whole~~ portion of Lot 1 on ~~Plan~~ Diagram No. D.8637 in the

Lands Titles Office

The name of the building is No. 11 ELPHINSTONE ROAD HOBART



External surface boundaries of the site and the location of the building in relation thereto to be delineated in this space



REGISTERED this 21<sup>ST</sup> day of DECEMBER 1976, No. 509

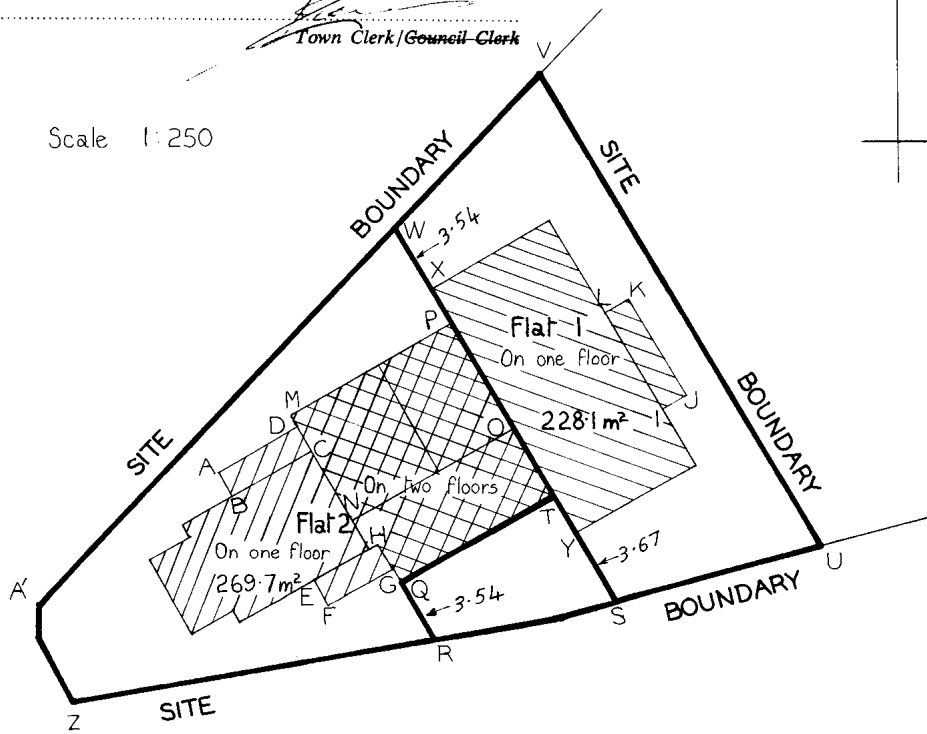
*M. W. Thomson*  
Recorder of Titles

This plan is lodged for registration by *Simmons, Wolfhagen, Simmons & Walsh*

73423

Sheet 2 of 3 Sheets

Scale 1:250



GROUND FLOOR.

Areas marked IJKL, ABDC and EFGH are steps.

Area marked MNOP is a garage.

Flat 1 is the building which occupies the whole of the hachured area contained within the portion marked WXPTYSUV and no part of the said building is common property.

Flat 2 is the building which occupies the whole of the hachured area contained within the portion marked WXPTQRZA' and no part of the said building is common property.

The whole of the site which is surrounded by a heavy unbroken line is common property.

The boundaries are as follows :

The lines XPTQY and TQ are the centre of walls.

The lines WM, YS and QR are open and defined by measurement.

While both buildings exist :

- (i) The occupier of Flat 1 has the right to the exclusive enjoyment of that part of the site marked WXPTYSUV.
- (ii) The occupier of Flat 2 has the right to the exclusive enjoyment of that part of the site marked WXPTQRZA'.



# Elphinstone

Architectural Drawings  
Development Application

## DRAWING LIST

NO.	DRAWING NAME
DA-00	COVER PAGE
DA-01	SITE PLAN
DA-02	EXISTING/ DEMOLITION PLAN
DA-03	EXISTING/ DEMOLITION ROOF PLAN
DA-04	PROPOSED GROUND FLOOR PLAN
DA-05	PROPOSED ROOF PLAN
DA-06	EXISTING ELEVATIONS
DA-07	EXISTING ELEVATIONS
DA-08	PROPOSED ELEVATIONS
DA-09	PROPOSED GATE ELEVATION

## PROJECT INFORMATION

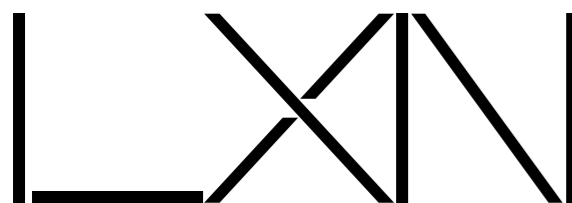
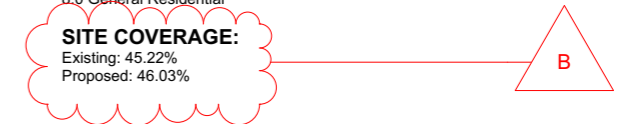
**ADDRESS:**  
2/11 Elphinstone Rd, North Hobart

**PROPERTY ID:**  
5498020

**LAND TITLE REFERENCE:**  
59898/2

**PLANNING SCHEME ZONE:**  
8.0 General Residential

**SITE COVERAGE:**  
Existing: 45.22%  
Proposed: 46.03%



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Architecture

21a Cross Street, New Town, 7008  
PO Box 136 North Hobart, 7002  
P. 03 6228 0113  
E. hello@lxn.com.au

PROJECT NAME

**Elphinstone**

SITE  
2/11 Elphinstone Rd, North Hobart  
CLIENT  
T&S Giacon

PROJECT NUMBER

**A26182**

STATUS  
Development Application

REVISIONS

REV	DESCRIPTION	DATE
A	PLANNING APPLICATION	12/2/20 26
B	PLANNING APPLICATION RFI	25/2/20 26

DRAWING TITLE

**COVER PAGE**

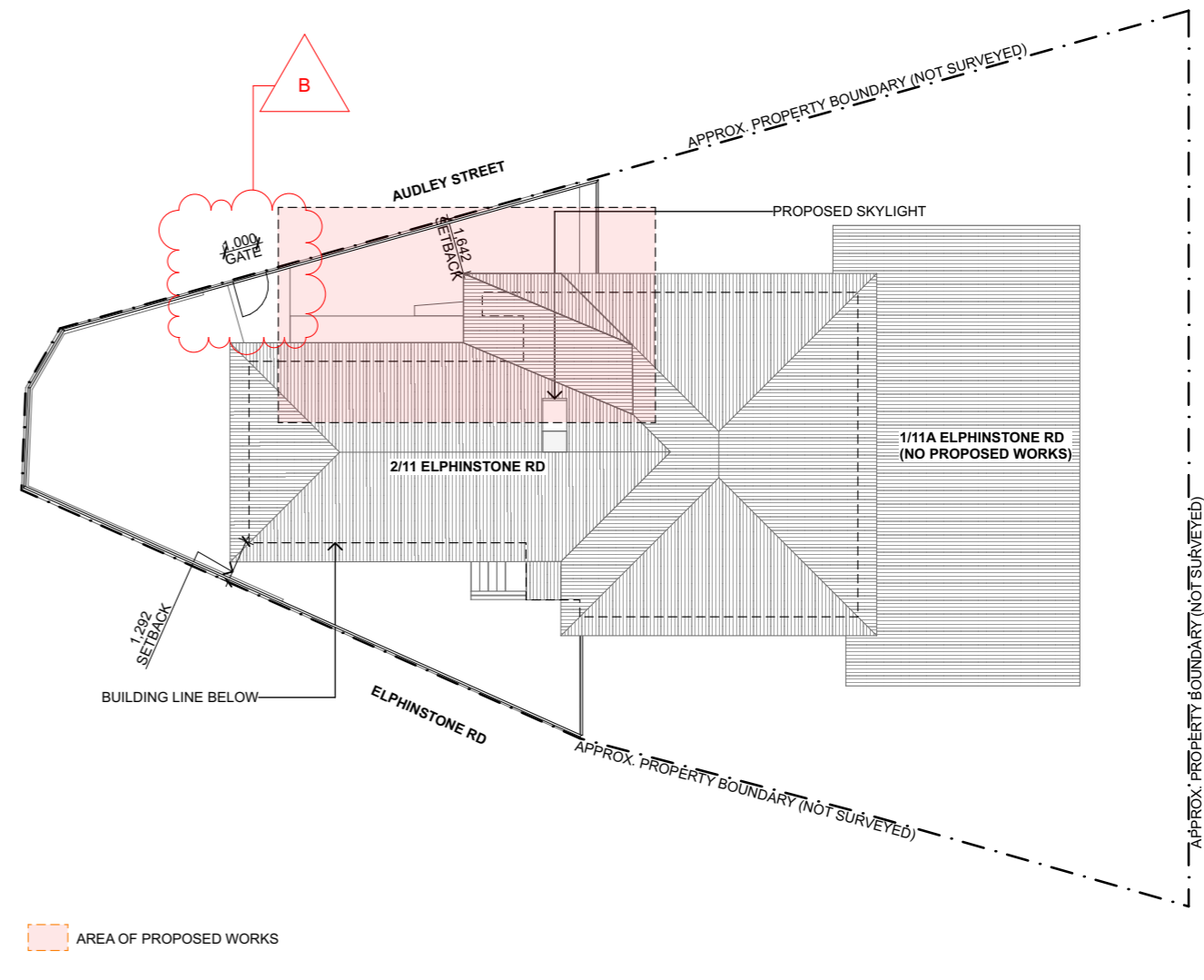
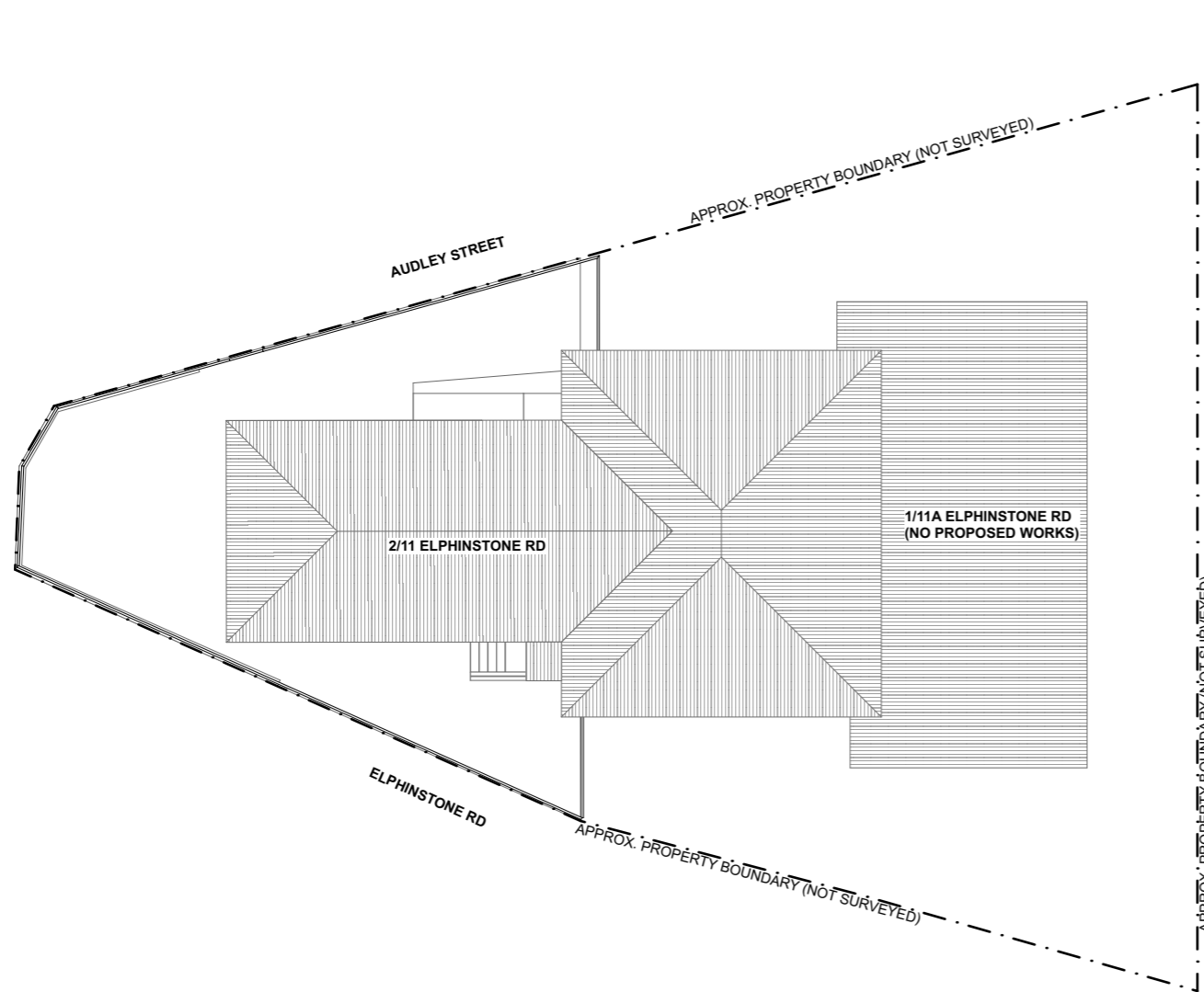
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**DA-00**

FILE: A26182\_Elphinstone.pln

REVISION NO.

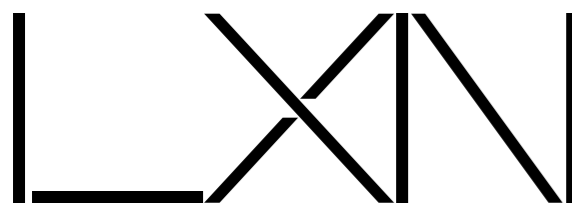
**B**

DATE: 25/2/2026



01 Existing Site Plan  
1:200

02 Proposed Site Plan  
1:200



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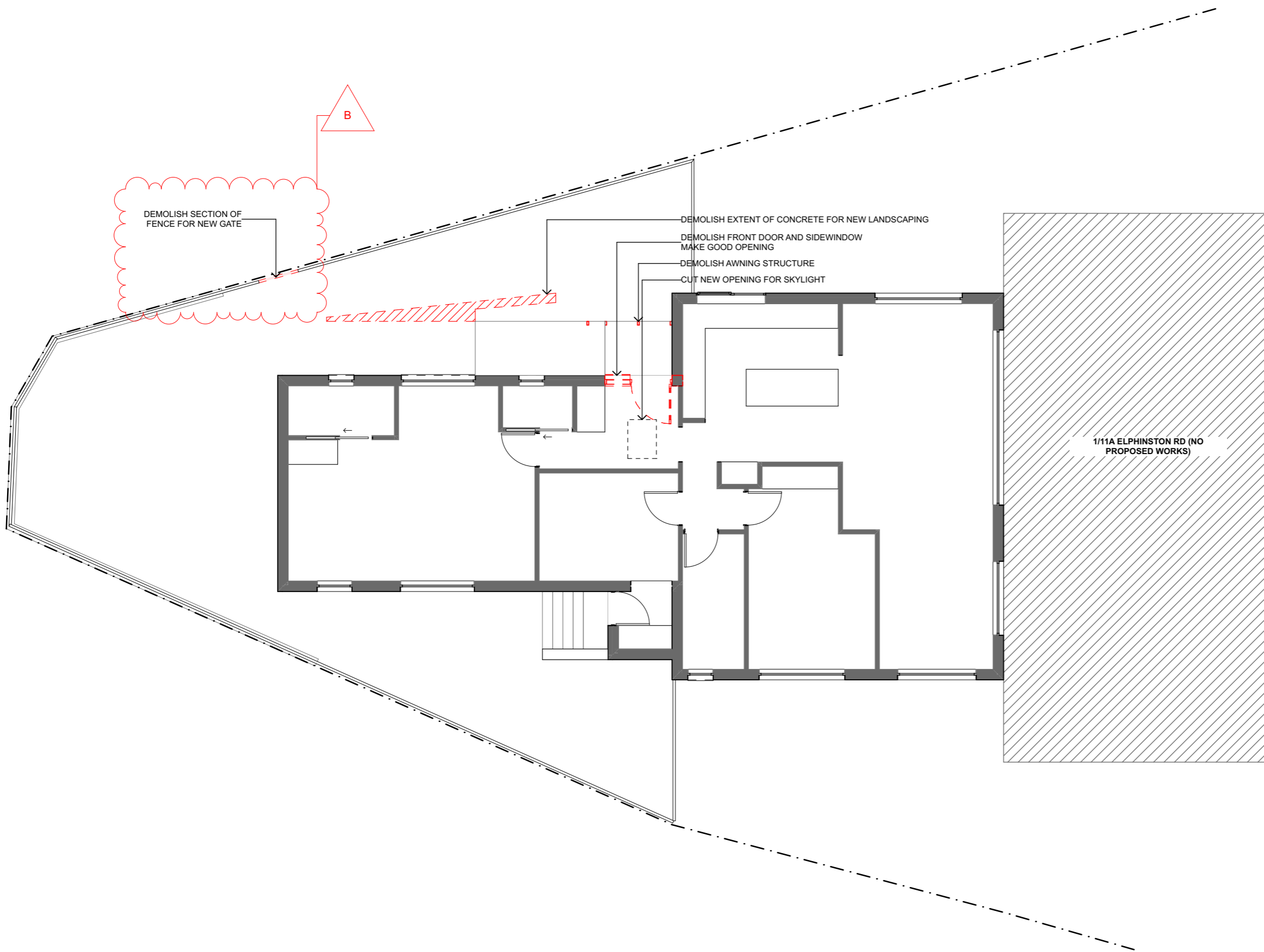
PROJECT NAME  
**Elphinstone**  
SITE  
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PROJECT NUMBER  
**A26182**  
SCALE  
1:200 @ A3  
STATUS  
Development Application

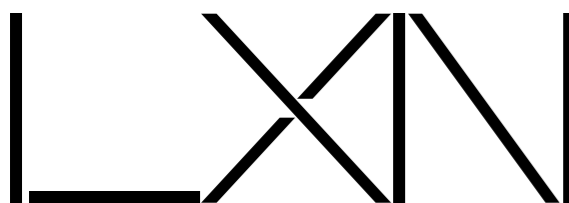
REVISIONS		
REV	DESCRIPTION	DATE
A	PLANNING APPLICATION	12/2/2026
B	PLANNING APPLICATION RFI	25/2/2026

DRAWING TITLE  
**SITE PLAN**  
DRAWING NO.  
**DA-01**  
FILE: A26182\_Elphinstone.pln

REVISION NO.  
**B**  
DATE: 25/2/2026



0. Ground  
1:100



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PROJECT NUMBER  
**A26182**  
SCALE  
1:100 @ A3  
STATUS  
Development Application

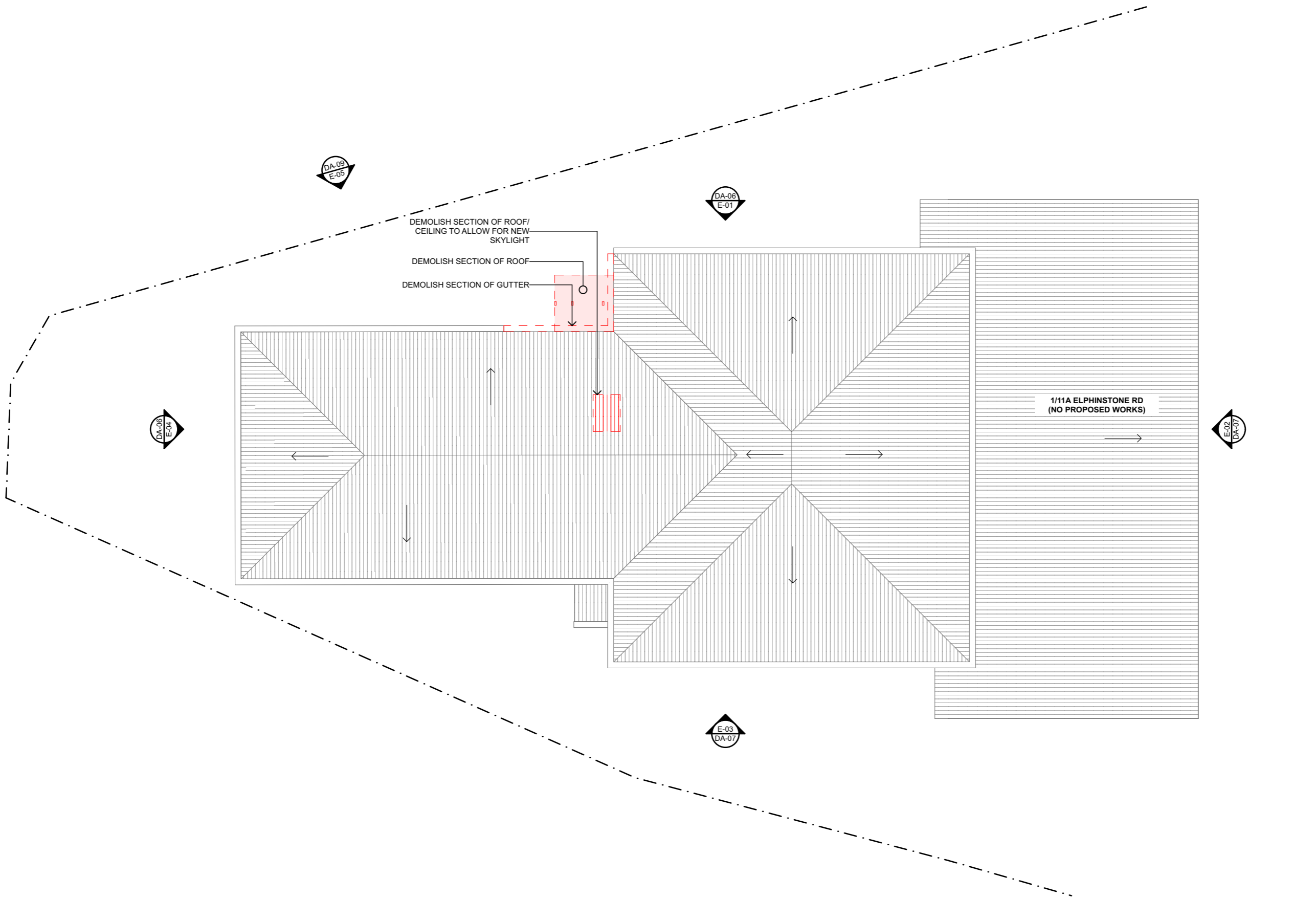
REVISIONS

REV	DESCRIPTION	DATE
A	PLANNING APPLICATION	12/2/2026
B	PLANNING APPLICATION RFI	25/2/2026

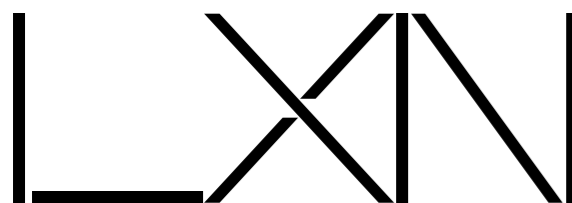
DRAWING TITLE  
**EXISTING/ DEMOLITION PLAN**

DRAWING NO.  
**DA-02**

REVISION NO.  
**B**



0 Roof  
1:100



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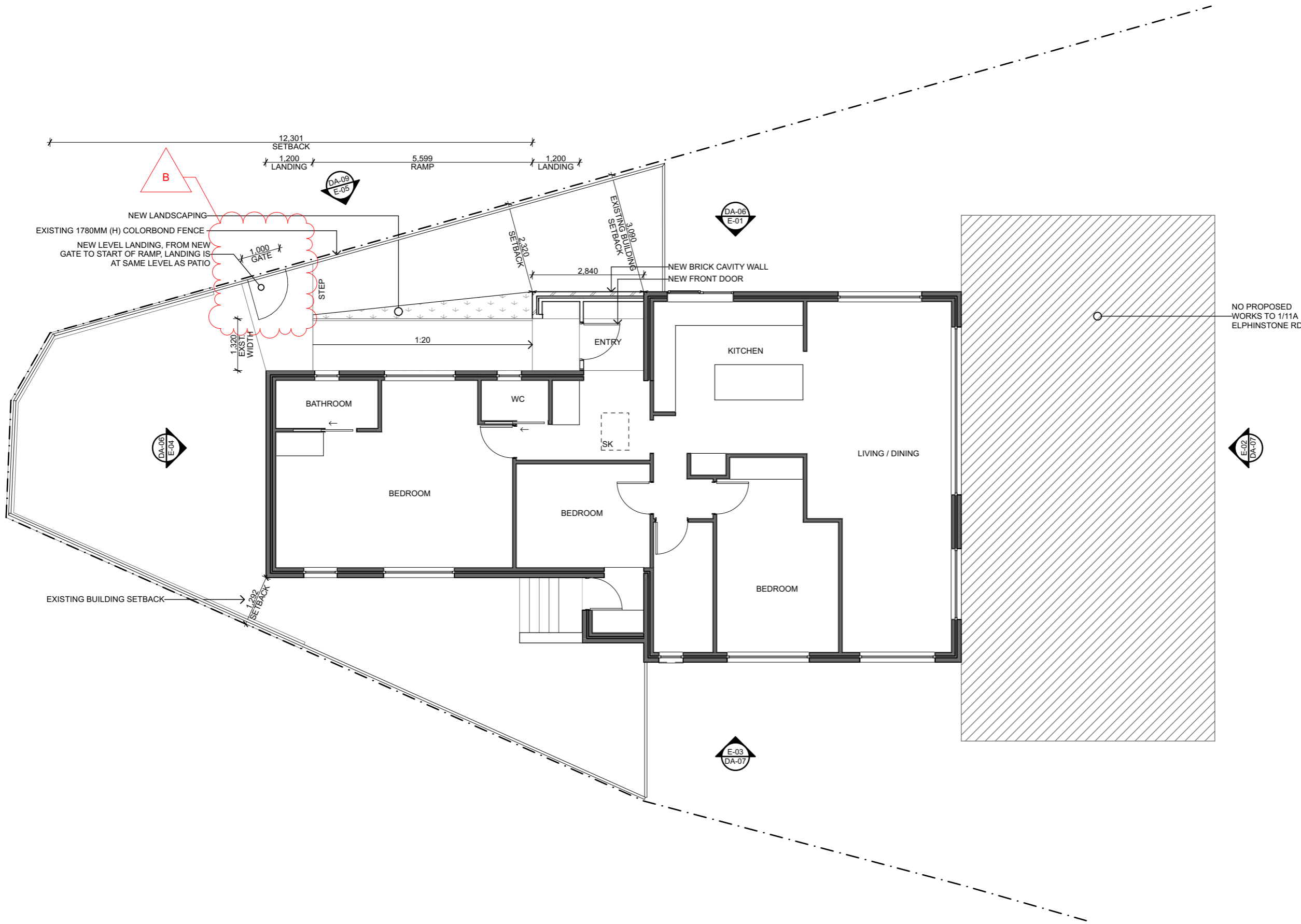
PROJECT NAME  
**Elphinstone**  
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PROJECT NUMBER  
**A26182**  
SCALE  
1:100 @ A3  
STATUS  
Development Application

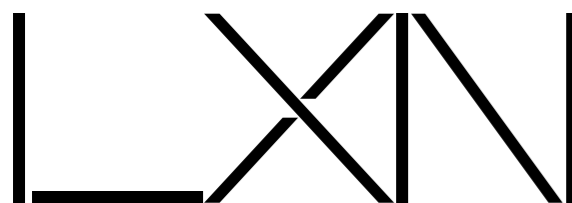
REVISIONS

REV	DESCRIPTION	DATE
A	PLANNING APPLICATION	12/2/2026

DRAWING TITLE  
**EXISTING/ DEMOLITION ROOF PLAN**  
DRAWING NO.  
**DA-03**  
FILE: A26182\_Elphinstone.pln  
REVISION NO.  
**A**  
DATE: 25/2/2026



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1:100



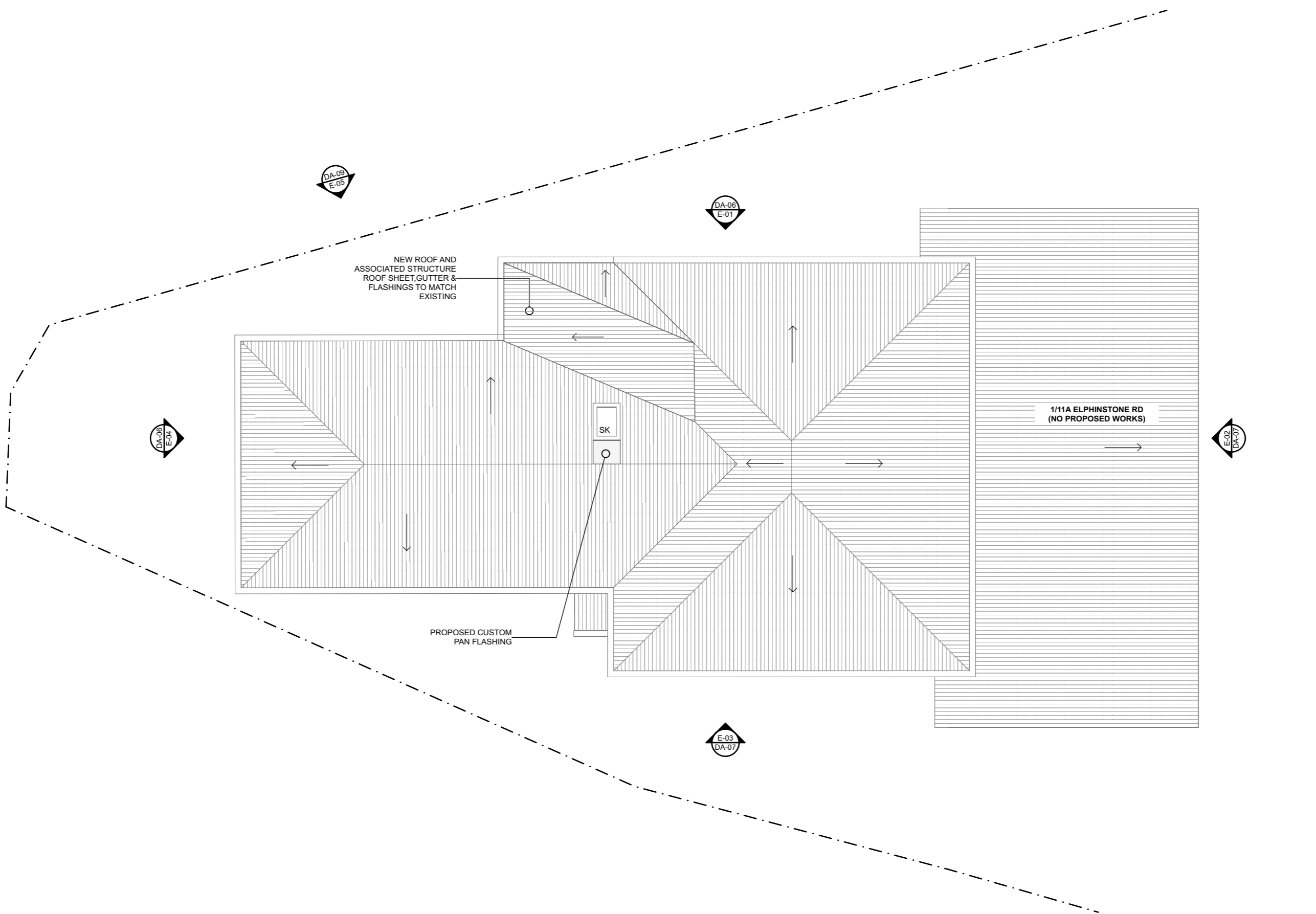
**Architecture**  
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PROJECT NAME  
**Elphinstone**  
SITE  
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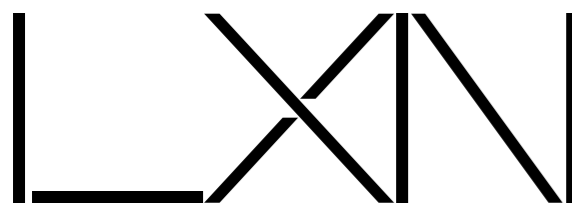
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SCALE  
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STATUS  
Development Application

REVISIONS		
REV	DESCRIPTION	DATE
A	PLANNING APPLICATION	12/2/2026
B	PLANNING APPLICATION RFI	25/2/2026

DRAWING TITLE  
**PROPOSED GROUND FLOOR PLAN**  
DRAWING NO.  
**DA-04**  
FILE: A26182\_Elphinstone.pln  
REVISION NO.  
**B**  
DATE: 25/2/2026



2. Roof  
1:100



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1:100 @ A3  
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REV	DESCRIPTION	DATE
A	PLANNING APPLICATION	12/2/2026

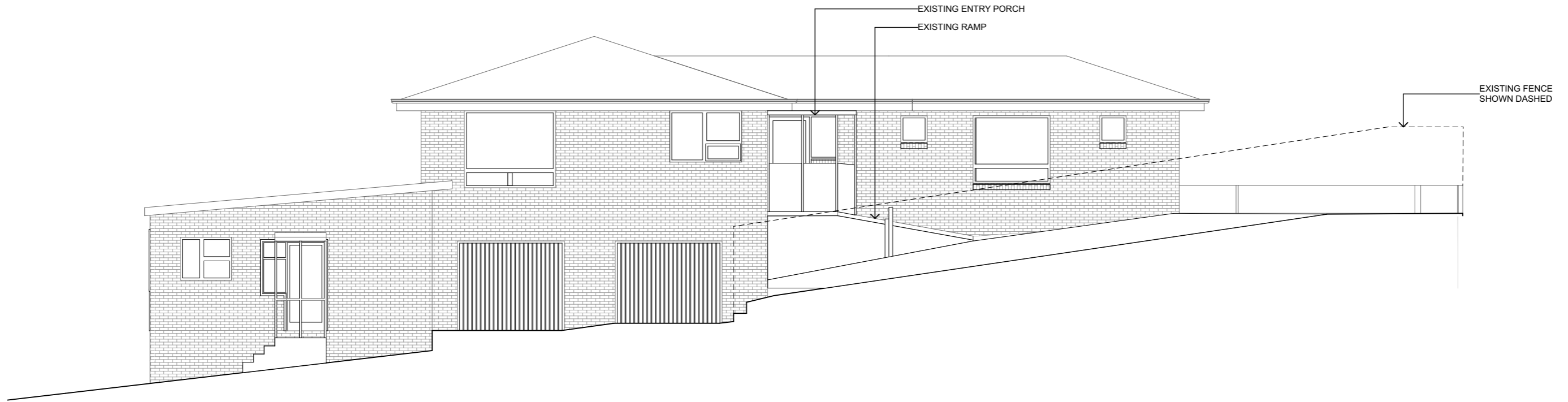
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**PROPOSED ROOF PLAN**

DRAWING NO.  
**DA-05**

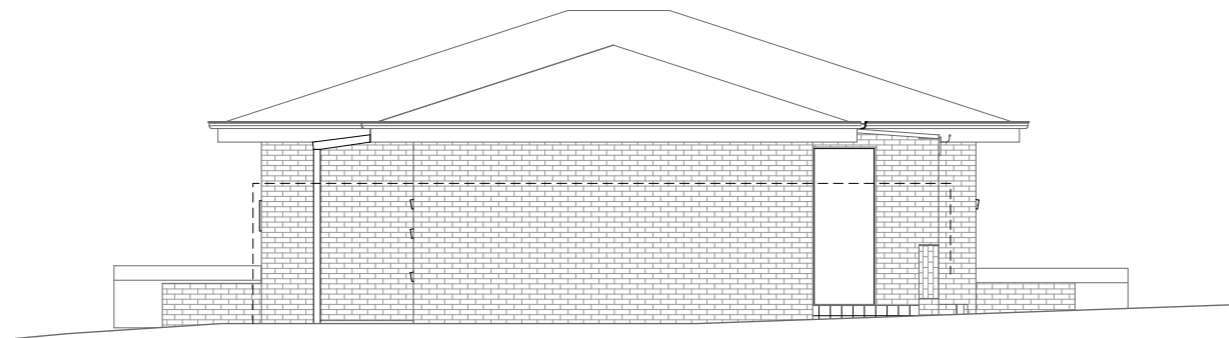
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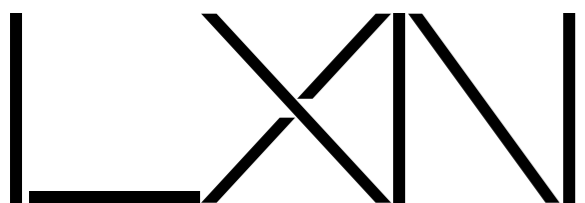
DATE: 25/2/2026



E-01 Existing North Elevation  
1:100



E-04 Existing West Elevation  
1:100



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REV	DESCRIPTION	DATE
A	PLANNING APPLICATION	12/2/2026

DRAWING TITLE

**EXISTING ELEVATIONS**

DRAWING NO.

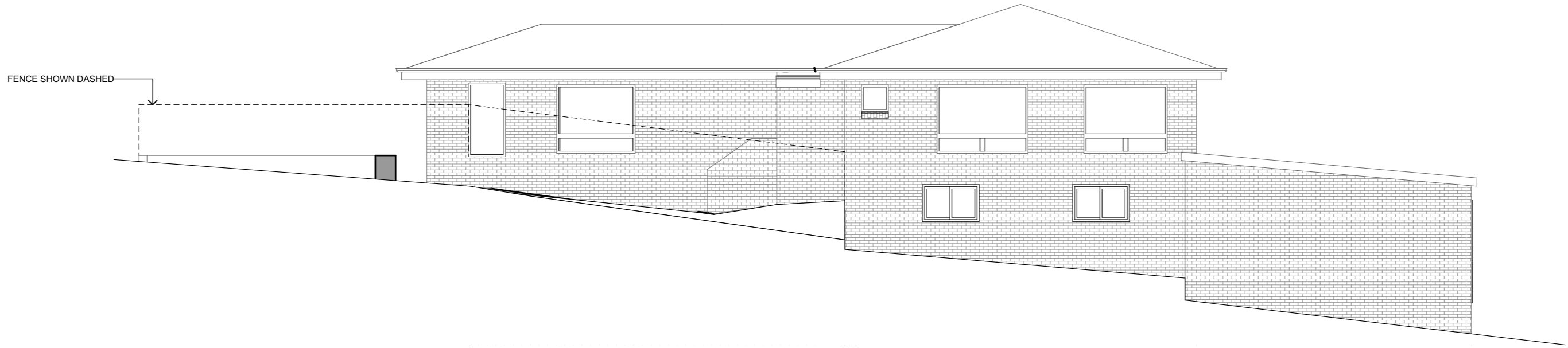
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FILE: A26182\_Elphinstone.pln

REVISION NO.

**A**

DATE: 25/2/2026



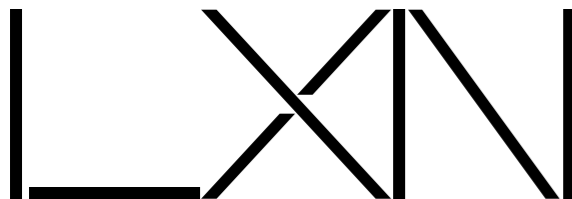
E-03

Existing South Elevation  
1:100



E-02

Existing East Elevation  
1:100



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DRAWING TITLE

**EXISTING ELEVATIONS**

DRAWING NO.

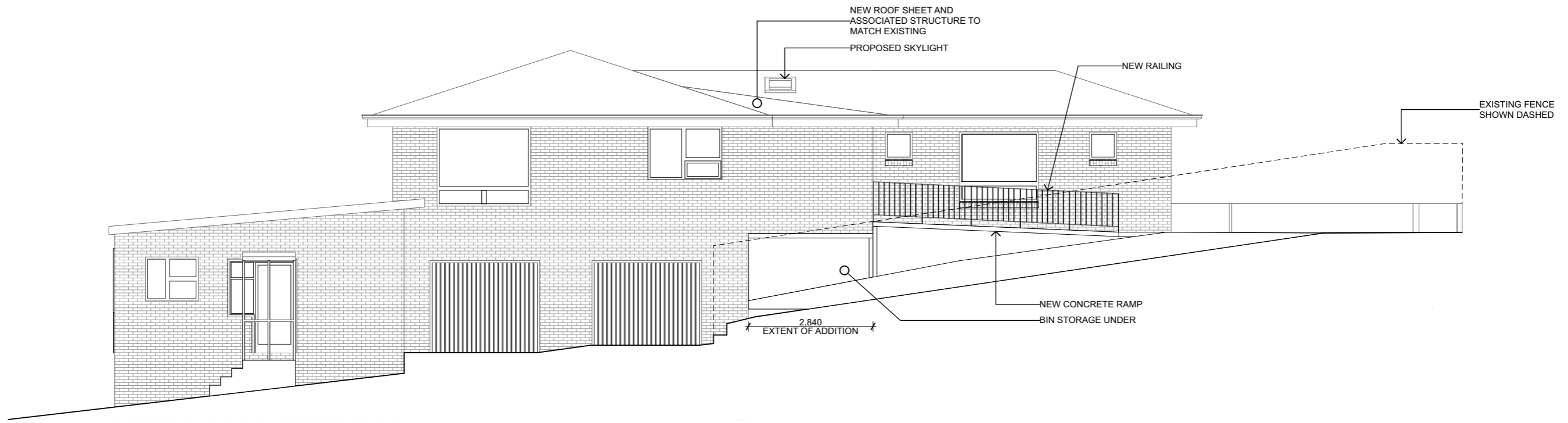
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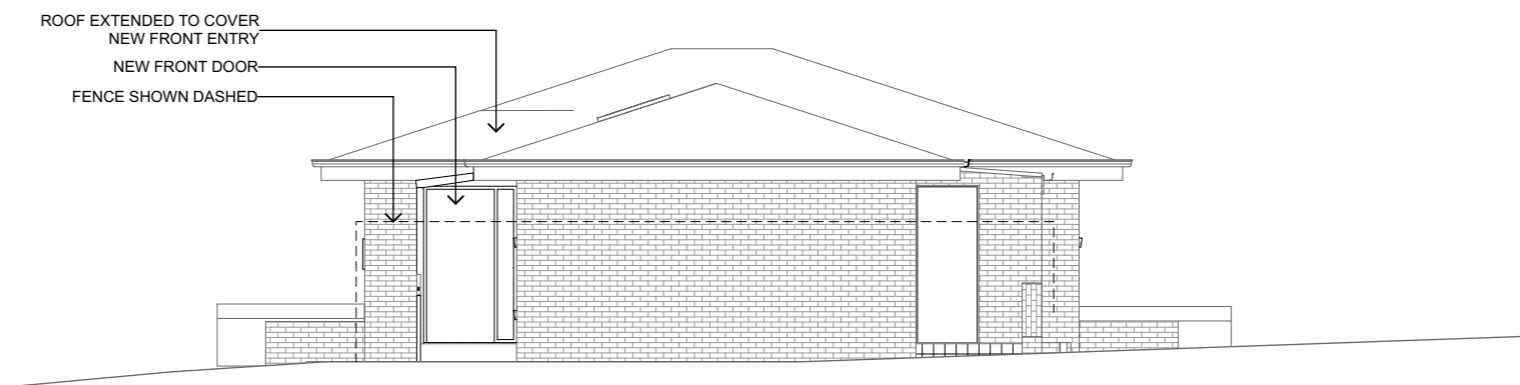
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**A**

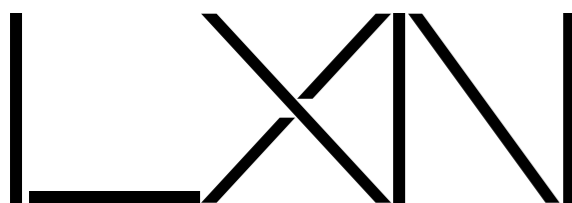
DATE: 25/2/2026



E-01 Proposed North Elevation  
1:100



E-04 Existing West Elevation  
1:100



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1:100 @ A3  
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DRAWING TITLE

**PROPOSED ELEVATIONS**

DRAWING NO.

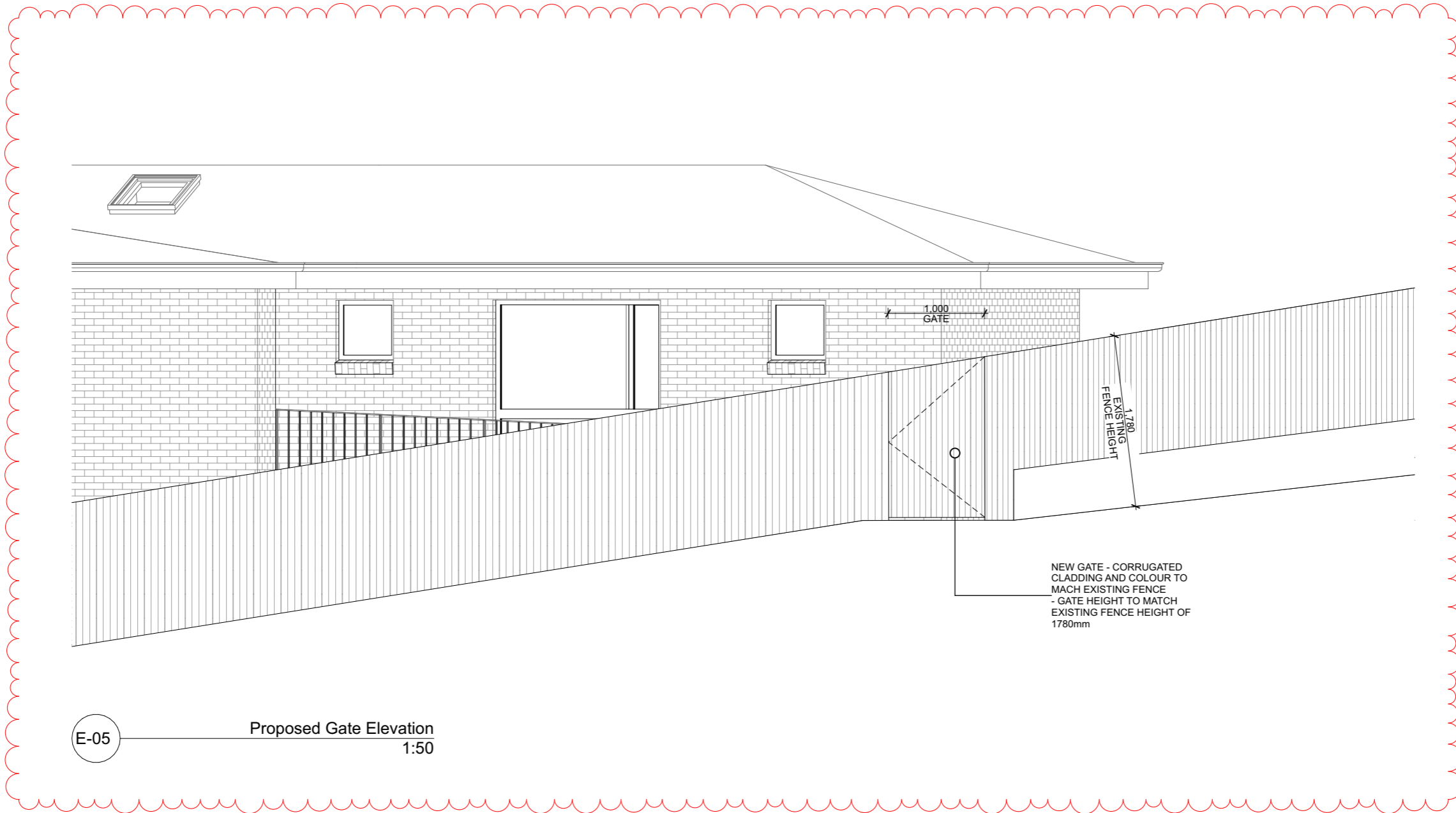
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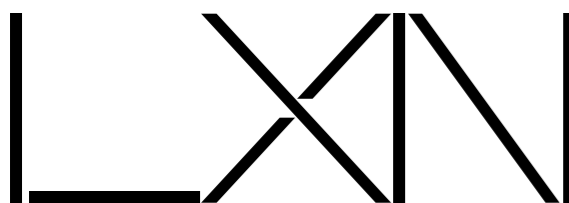
REVISION NO.

**A**

DATE: 25/2/2026



E-05 Proposed Gate Elevation  
 1:50



Architecture

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**Elphinstone**

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 T&S Giacon

PROJECT NUMBER

**A26182**

SCALE  
 @ A3  
 STATUS  
 Development Application

REVISIONS

REV	DESCRIPTION	DATE
A	PLANNING APPLICATION RFI	25/2/2026

DRAWING TITLE

**PROPOSED GATE ELEVATION**

DRAWING NO.

**DA-09**

REVISION NO.

**A**



—  
21a Cross Street  
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25/02/2026

Planning Department  
Hobart City Council  
TAS, 7000  
[coh@hobartcity.com.au](mailto:coh@hobartcity.com.au)

RE: 2/11 Elphinstone Rd, North Hobart

To Whom It May Concern:

LXN have been engaged by the owners of 2/11 Elphinstone Rd to prepare architectural documents for alterations to the entry of Unit 2. This cover letter & report assesses the proposed works against the relevant provisions of the Tasmanian Planning Scheme.

The application consists of the following documents:

- Certificate of Title
- Architectural Drawings, LXN Architecture

#### **1.1 Name of planning authority**

The planning authority is Hobart City Council

#### **1.2 Subject site**

The subject site is 2/11 Elphinstone Rd. The proposed development will be located on land title 59898/2 and within the common property of the parent title.

#### **1.3 Statutory Controls**

This site is subject to the Tasmanian Planning Scheme and Hobart Local Planning Provisions.

### **2. The Proposed Development**

The proposed development includes relocating the front door and a new access ramp as well as a gate to Audley St. There will be minor façade modification/extension to the brick wall on the Audley street side of the property to accommodate the new front door location. No change to the building height is proposed.

### **3. Subject site and surrounds**

#### **3.1 Title Information**

The certificate of title is appended to this report. The lot details are as follows:

Address: 2/11 Elphinstone Rd, North Hobart

Property Identification Number: 5498020

Title Reference: 59898/2

Land Area: Approx 270m<sup>2</sup>

Parent title Identification Number: 0

Parent Title Reference: 59898/0



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Parent Title land area: 535.2m2

### 3.2 Servicing

This proposal will not affect any servicing requirements.

### 3.3 Surrounding Area

The subject site is a corner block consisting of 2 units and direct neighbours to the east at 9 Elphinstone Rd.

An aerial image of the subject site and surrounding context is provided below in figure 1.



Figure 1: Aerial image of the site context with the site boundary shown (approximately) in Red. (Source: TheList)



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#### **4 - Planning Scheme Assessment:**

##### **4.1 Statutory Controls:**

The site is subject to the provisions of the Tasmanian Planning scheme. The site is located within the General Residential Zone.

##### **4.2 Use Status**

The proposed development involves a change of use from *Visitor Accommodation* to *Residential*. Pursuant to Clause 4.2 of the Tasmanian Planning Scheme, "Visitor Accommodation" and "Residential" are separate defined use classes. The proposal does not involve substantive building works beyond those required for ordinary residential occupation. The change represents a shift from short-term commercial accommodation to permanent residential living.

##### **4.3 - Zone Purpose Statements**

The Zone Purpose Statements for the General Residential Zone are as follows:

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3 To provide for non-residential use that:
  - (a) primarily serves the local community; and
  - (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off-site impacts.
- 8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

##### **4.4 Local area objectives:**

There are no local area objectives for this zone.

##### **4.5 Desired future character statements**

There are no desired future character statements for the zone.

##### **4.6 Use Standards**

The current use is visitor accommodation. The proposed use is Residential use (multiple dwelling) is a permitted use as per 8.2 Use Table.

##### **4.7 Development Standards for Dwellings**

The current use is visitor accommodation. The proposed Residential use (multiple dwelling) is a permitted use as per 8.2 Use Table.



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<b>8.4.1 Residential Density for Multiple Dwellings</b>	
<p><b>Objective:</b> That the density of multiple dwellings:</p> <ul style="list-style-type: none"> <li>(a) Makes efficient use of land for housing; and</li> <li>(b) Optimises the use of infrastructure and community services.</li> </ul>	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<p><b>A1</b>            Multiple dwellings must have a site area per dwelling of not less than 325m<sup>2</sup>.</p>	<p><b>P1</b>            Multiple dwellings must only have a site area per dwelling that is less than 325m<sup>2</sup>, if the development will not exceed the capacity of infrastructure services and:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the density of existing development on established properties in the area; or</li> <li>(b) provides for a significant social or community benefit and is:               <ul style="list-style-type: none"> <li>(i) wholly or partly within 400m walking distance of a public transport stop; or</li> <li>(ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed-Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.</li> </ul> </li> </ul>
<p><b>Response:</b> There is no change to residential density under the proposal.</p>	
<b>8.4.2 Setbacks and building envelopes for all dwellings</b>	
<p><b>Objective:</b> The siting and scale of dwellings:</p> <ul style="list-style-type: none"> <li>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</li> <li>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</li> <li>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</li> <li>(d) provides reasonable access to sunlight for existing solar energy installations.</li> </ul>	



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Acceptable Solution	Performance Criteria
<p><b>A1</b>            Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</p> <p>or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>	<p><b>P1</b>            A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.</p>
<p><b>Response:</b>            A1 (a) – Is not achieved. P1 will need to be assessed. The existing setback on Audley St is approximately 3090mm and the proposed setback at the closest point of the new brick wall will be 2320mm. It is important to note that this proposed setback is not less than the existing 1292mm setback on the Elphinstone Road primary frontage.            A1 (b) – Refer to A1 (a)            A1 (c) – Not applicable to this development            A1 (d) - Not applicable to this development</p>	
<p><b>A2</b>            A garage or carport for a dwelling must have a setback from a primary frontage of not less than:            (a) 5.5m, or alternatively 1m behind the building line;</p>	<p><b>P2</b>            A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>



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<p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	
<p><b>Response:</b> A2 is not applicable to this development.</p>	
<p><b>A3</b> A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:     (i) a distance equal to the frontage setback or, or an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and     (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:     (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or     (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p><b>P3</b> The siting and scale of a dwelling must: (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:     (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;     (ii) overshadowing the private open space of a dwelling on an adjoining property;     (iii) overshadowing of an adjoining vacant property; and     (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:     (i) an adjoining property; or     (ii) another dwelling on the same site.</p>
<p><b>Response:</b> A3 (a) (i) – Is not achieved. P3 will need to be addressed. There will be no impact on any other dwelling or is private open space. A3 (a) (ii) – This is not applicable to this proposal. A3 (b) (i) – This is not applicable as the frontage the alteration is being constructed on is primary frontage.</p>	
<p><b>8.4.3 Site coverage and private outdoor space for all dwellings</b></p>	



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<p><b>Objective:</b> That dwellings are compatible with the amenity and character of the area and provide:</p> <ul style="list-style-type: none"> <li>(a) for outdoor recreation and the operational needs of the residents.</li> <li>(b) opportunities for the planting of gardens and landscaping; and</li> <li>(c) private open space that is conveniently located and has access to sunlight.</li> </ul>	
<p><b>Acceptable Solution</b></p>	<p><b>Performance Criteria</b></p>
<p><b>A1</b> Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</li> </ul>	<p><b>P1</b> Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) site coverage consistent with that existing on established properties in the area;</li> <li>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:               <ul style="list-style-type: none"> <li>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</li> <li>(ii) operational needs, such as clothes drying and storage; and</li> </ul> </li> <li>(c) reasonable space for the planting of gardens and landscaping.</li> </ul>
<p><b>Response:</b> A1 (a) the existing site coverage is 45.22% - 535.2m2 (land of parent title) &amp; 242.03m2 building (unit 1 &amp; 2). With the additional 4.36m2 of the proposed alteration the total site coverage is 46.03%. A1(a) is achieved. A1 (b) This is not applicable to this proposal.</p>	
<p><b>A2</b> A dwelling must have private open space that:</p> <ul style="list-style-type: none"> <li>(a) is in one location and is not less than:               <ul style="list-style-type: none"> <li>(i) 24m<sup>2</sup>; or</li> <li>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</li> </ul> </li> <li>(b) has a minimum horizontal dimension of not less than:               <ul style="list-style-type: none"> <li>(i) 4m; or</li> <li>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely</li> </ul> </li> </ul>	<p><b>P2</b> A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <ul style="list-style-type: none"> <li>(a) conveniently located in relation to a living area of the dwelling; and</li> <li>(b) orientated to take advantage of sunlight.</li> </ul>




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<p>more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10.</p>	
<p><b>Response:</b> A2 (a) (i) is not applicable to this proposal. The proposal doesn't affect the current private open space for Lot 2. The current private open space is at the area of the junction of the 2 roads. This existing private outdoor space is approximately 36.28m<sup>2</sup>. Please see image below depicting this area with a red boundary line.</p>  <p>A2 (b) (i) is not applicable to this proposal. The proposal doesn't affect the current private open space for Lot 2.</p>	



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<p>A2 (c) is not applicable to this proposal. The proposal doesn't affect the current private open space for Lot 2.</p> <p>A2 (d) is not applicable to this proposal. The proposal doesn't affect the current private open space for Lot 2.</p>	
<p><b>8.4.4 Sunlight to private open space for multiple dwellings</b></p>	
<p><b>Objective:</b> That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.</p>	
<p><b>Acceptable Solution</b></p>	<p><b>Performance Criteria</b></p>
<p><b>A1</b> A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c): (a) the multiple dwelling is contained within a line projecting (see Figure 8.4):     (i) at a distance of 3m from the northern edge of the private open space; and     (ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal; (b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:     (i) an outbuilding with a building height not more than 2.4m; or     (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>	<p><b>P1</b> A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 8.4.3 of this planning scheme.</p>
<p><b>Response:</b> A1 (a) Is satisfied as the multiple dwelling is not to the north of the private open space of the other dwelling on the same site. A1 (b) Is not applicable to this proposal A1 (c) Is not applicable to this proposal</p>	



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<b>8.4.5 Width of openings for garages and carports for all dwellings</b>	
<b>Objective:</b> To reduce the potential for garage or carport openings to dominate the primary frontage.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<b>A1</b> A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	<b>P1</b> A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.
<b>Response:</b> This is not applicable to this proposal.	
<b>8.4.6 Privacy for all dwellings</b>	
<b>Objective:</b> To provide a reasonable opportunity for privacy for all dwellings.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<b>A1</b> A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:	<b>P1</b> A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of: (a) a dwelling on an adjoining property or its private open space; or (b) another dwelling on the same site or its private open space.



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<p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>	
<p><b>Response:</b> A1 (a) Not applicable A1 (b) Not applicable A1 (c) Is achieved. The proposal is not less than 6m from a window or glazed door to a habitable room of the other dwelling. It is approximately 8.1 from a window of the other dwelling.</p>	
<p><b>A2</b> A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b): (a) the window or glazed door: (i) is to have a setback of not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. (b) the window or glazed door: (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	<p><b>P2</b> A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to: (a) a window or glazed door, to a habitable room of another dwelling; and (b) the private open space of another dwelling.</p>



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<p><b>Response:</b> A2 (a) Not applicable A2 (b) Not applicable</p>	
<p><b>A3</b> A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than: (a) 2.5m; or (b) 1m if: (i) it is separated by a screen of not less than 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<p><b>P3</b> A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
<p><b>Response:</b> A3 (a) Not Applicable A3 (b) Not Applicable</p>	
<p><b>8.4.7 Frontage Fences for all dwellings</b></p>	
<p><b>Objective:</b> The height and transparency of frontage fences: (a) provides adequate privacy and security for residents; (b) allows the potential for mutual passive surveillance between the road and the dwelling; and (c) is reasonably consistent with that on adjoining properties.</p>	
<p><b>Acceptable Solution</b></p>	<p><b>Performance Criteria</b></p>
<p><b>A1</b> No Acceptable Solution.* * An exemption applies for fences in this zone – see Table 4.6.</p>	<p><b>P1</b> A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must: (a) provide for security and privacy while allowing for passive surveillance of the road; and (b) be compatible with the height and transparency of fences in the street, having regard to: (i) the topography of the site; and</p>



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	(ii) traffic volumes on the adjoining road.
<p><b>Response:</b> A frontage fence is not proposed in this development. A gate is proposed which will match the height and material of the existing fence. Due to the proposed gate matching the existing heights of the fence it will provide security and privacy while allowing for passive surveillance of the road and is seen to be compatible with the height and transparency of the existing streetscape condition.</p>	
<p><b>8.4.8 Waste Storage for multiple dwellings</b></p>	
<p><b>Objective:</b> To provide for the storage of waste and recycling bins for multiple dwellings.</p>	
<p><b>Acceptable Solution</b></p>	<p><b>Performance Criteria</b></p>
<p><b>A1</b> A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations: (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished</p>	<p><b>P1</b> A multiple dwelling must have storage for waste and recycling bins that is: (a) capable of storing the number of bins required for the site; (b) screened from the frontage and any dwellings; and (c) if the storage area is a common storage area, separated from any dwellings to minimise impacts caused by odours and noise.</p>
<p><b>Response:</b> A1 is achieved. A storage space for waste and recycling is located under the proposed works. The area is 4.56m<sup>2</sup>.</p>	

**4.8 Development Standards for Non-dwellings**

This clause is not applicable to the proposed development.

**4.9 Development Standards for Subdivision**

This clause is not applicable to the proposed development.

**5. Codes:**

The following codes are applicable to the application:

**C2.0 Parking and sustainable transport code:**

There is no change to parking as part of this proposal.



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**Conclusion:**

In summary, the proposed alteration to 2/11 Elphinstone of an increased entry and new access ramp is generally in line with the TPS requirements.

Overall, the proposal aligns with the Zone Purpose Statements and represents a considered and socially responsive proposal. At completion of the proposed work the owner of lot 2 will seek to amend the strata plan to reflect the completed works.

Sincerely,

Tom Byard