

## 24 SCHEDULE 3 – PUBLIC URBAN SPACE

### 24.1 Introduction

The streets and other public spaces of the Cove are an essential part of the Cove's character. A very broad range of human activities are played out in these public spaces, from festivals and markets, walking and cycling, recreation in parks and on streets, to the movement of goods and cargo and the movement and parking of vehicles.

The purpose of this Schedule is to manage the construction of buildings and the carrying out of works in streets and other public spaces within an urban design framework.

The Schedule is concerned with managing fixed and ephemeral building or works in the public spaces of the Cove, including;

- Civic Works (road and pavement works, traffic calming installations, pier and wharf modifications, landscaping, public transport facilities, other works)
- Public Street Furniture (fixed street furniture including benches, bins, bollards)
- Commercial and Community Furniture (outdoor dining furniture and display of goods)

Controls over the construction of buildings or works are intended to create a built form which is consistent with the preferred function and character of the streets and other public spaces.

Streets and other public spaces are categorised in this schedule based on the character of the urban form. The Schedule also requires the relevant type of development to be assessed against the function of the space (pedestrian spaces, vehicle movement, parks, etc).

### 24.2 Objectives

- The construction of roads and footpaths, public street furniture, street trees and other buildings or works within designated roads and other public spaces must be undertaken in a manner which reinforces the primary urban character and function of such spaces.
- Buildings or works established in roads and other public spaces must be designed and located in a manner which facilitates the preferred use of the space including pedestrian access to the waterfront.
- Buildings or works within roads and other public spaces for the purposes of public transport, or pedestrian and cycle access is encouraged.
- The selection and positioning of fixed streetscape furniture and the detail of civic works must strengthen the different characters of individual parts of Sullivans Cove.
- The utilitarian character of details other than in urban gardens and enclosing ridges is to be retained.
- Positioning and selection of civic works and public street furniture must provide good sight lines for pedestrians and traffic and for informal surveillance of areas at night.
- The use of footpaths and other public spaces for commercial and community furniture is encouraged where:
  - Footpaths or other public spaces are wide and flat;
  - Areas are not adjacent to roads which carry high traffic volumes and

- The microclimate is comfortable.
- Pedestrian access by the public to the waterfront is not impeded.
- Where this is not the case, any proposed commercial and community furniture in the road reservation or other public spaces must demonstrate that a level of amenity for pedestrians and users, comparable to that in more suitable locations can be achieved.

## **24.3 Public Urban Space Types**

**24.3.1** The primary public urban space types are identified on the 'Public Urban Space Types' plan (Figure 9), and are described as follows:

### *The Cove Floor*

The flat fill areas of the wharves, docks and associated areas.

### *The Cove Slopes*

The surrounding slopes where radiating streets lead down to the Cove.

### *Enclosing Urban Ridges*

Including the prominent ridges of the Domain Parkland, Franklin Square area and Sandy Bay Road area.

### *The Rear of the Cove*

An urban area in transition, including the area surrounding Wapping, Collins Street and Market Place.

### *The Derwent Shore*

Including Regatta Point & HMAS Huon.

## **24.4 Part A – Civic Works and Public Street Furniture**

### **24.4.1 Scope**

This control applies to the construction, exterior alteration or exterior decoration of any building or the construction or carrying out of any works within the public urban spaces identified in the 'Public Urban Space Types' plan. In relation to new public urban space created the provisions of the schedule for the relevant public urban space type immediately adjacent the relevant street frontage(s) shall apply.

This includes, but is not limited to the following:

- Construction of buildings.
- Road works.
- Resurfacing of pavements and footpaths.
- Extensions and modifications to Wharf and pier edges.
- Landscaping works, including planting of street trees.
- Construction of fixed street furniture.

### **24.4.2 Requirements for Planning Approval**

The following requirements apply to the construction, exterior alteration or exterior decoration of any building or the construction or carrying out of any works within the area shown on the 'Public Urban Space Types' plan (Figure 9).

Type of Building or Works	Public Urban Space Type:						
	Cove Floor	Cove Slopes		Rear of Cove	Enclosing Ridges		Derwent Shore
		Streets	Parks		Streets	Parks	
Hydraulic Repairs and Underground Services	E <sup>2</sup>	E <sup>2</sup>	E <sup>2</sup>	E <sup>2</sup>	E <sup>2</sup>	E <sup>2</sup>	E <sup>2</sup>
Road Maintenance	E	E	N/A	E	E	N/A	E
Minor Road Works including Traffic Calming	A	A	D	P	A	D	D
Major Road Works	D	D	X	D <sup>1</sup>	D <sup>1</sup>	X	X
Resurfacing of Surfaces and Footpaths	A	A	A	E	A	A	P
Public Street Furniture including Tree Planting	D	D	D	D	D	D	D
Public Street Furniture Ancillary to Traffic and Parking Management	E	E	E	E	E	E	E
Building	D	D	D	N/A	D	D	D
Minor Maritime Building or Works	E	N/A	N/A	N/A	N/A	N/A	P
Other Building Construction or Works	D	D	D	D	D	D	D
Public Transport Facility	D	D	D	D	D	D	D

Key: E – Exempt A- As of Right D- Discretionary  
P – Permitted X – Prohibited N/A – Not Applicable

**Note 1:** Permitted within the area defined by Figure 9a.

**Note 2:** Except where the site is identified as a place of archaeological sensitivity in Figure 5a and it involves laying of new underground services, the works are discretionary.

### 24.4.3 'Exempt' Buildings or Works

All buildings or works shown as E-(Exempt) in the table to clause 24.4.2 and Minor Maritime Buildings and Works in Activity Area 4.1 are 'exempt' from the provisions of the Scheme, except where the site is identified as a place of archaeological sensitivity in Figure 5a and the building or works involve laying of new underground services, the building or works are discretionary. Such works are only 'permitted' where a statement is provided by a qualified archaeologist that either the site has been surveyed previously and found not to be of archaeological significance or that the nature of the building or works will not result in destruction of any aspects of items or archaeological significance.

### 24.4.4 'As of Right' Buildings or Works

A permit is not required for any buildings or works nominated in the table to Clause 24.4.2 as 'A' (As of Right), so long as the proposed works are in accordance with the Footpath and Road Median Material Types plan shown in Figure 9b, or any Civic Works & Public Street Furniture Concept Plan incorporated as part of this Scheme, or:

- no trees are required to be removed to facilitate the buildings or works;
- there is no material alteration to the road or footpath alignment, configuration or profile;
- There is no material change to the finished surface materials.

Otherwise such works are deemed to be 'discretionary'.

#### **24.4.5 'Permitted' Buildings or Works**

The Planning Authority is bound to grant a permit subject to conditions for all buildings or works nominated in the table to Clause 24.4.2 as 'P' (Permitted).

#### **24.4.6 'Discretionary' Buildings or Works**

All buildings or works nominated in the table to Clause 24.4.2 as 'D' (Discretionary) require a permit, except where the site is within the area identified by Figure 9a, the building or works are 'permitted'. The Planning Authority may exercise its discretion to approve, approve with conditions, or refuse any application.

In considering such applications, the Planning Authority must satisfy itself that the proposed buildings or works are compatible with the following:

- The 'Civic Works and Public Street Furniture' Guidelines outlined in Clause 24.4.8.
- The function of the Public Urban Space as described in Clause 24.4.10.
- The provisions of clause 24.4.9 apply where appropriate.

#### **24.4.7 'Prohibited' Buildings or Works**

All buildings or works nominated in the table to Clause 24.4.2 as 'X' (Prohibited) are 'prohibited'.

#### **24.4.8 'Civic Works and Public Street Furniture' Guidelines**

**24.4.8A** These guidelines apply to the assessment of all 'discretionary' buildings or works as outlined in Clause 24.4.6 and should be read in conjunction with the following:

- 'Public Urban Space Types' Plan (Figure 9).
- Section 2.4 of the Sullivans Cove Planning Review (1991), pp. 50-62.

**24.4.8B** The design of civic works and public street furniture is required to respond to the following guidelines:

##### ***Positioning of Civic Works and Public Street Furniture in Primary Spaces***

Public street furniture must strengthen spaces by standing apart from and not softening, the junction of walls and pavement and by running parallel to the dominant lines in a space. Civic works must run parallel to the dominant walls of a space, building walls or edges of docks or wharves.

Repeated elements, such as seats and trees must run parallel to the dominant lines of the buildings and streets.

Where different elements occur in proximity, their co-location must reflect a 'squared up' relationship and they must be grouped into small clusters to minimise their impact on the space.

Minor landscape works are discouraged within primary spaces.

##### ***Positioning of Civic Works and Public Street Furniture in Secondary Spaces***

The following guidelines are to be applied to Secondary Spaces in all Public Urban Space Type Areas.

Civic Works and Public Street Furniture are to create an irregular patterning while still being 'squared up' to the walls of spaces and are not required to run parallel to the dominant lines of the space.

Minor landscape works are encouraged.

### ***Amenity and Safety***

Positioning civic works must allow for convenient pedestrian movement (minimum 2.5 m wide clearance) in designated 'Mixed', 'Pedestrian Movement' or 'Open Space' under Clause 24.4.10.

Sight lines should be provided between pedestrians and drivers and levels of night lighting are to be to the satisfaction of the Planning Authority.

### ***Specific Precinct Guidelines***

<b>Context</b>		<b>Preferred Design Response</b>	
<b>Public Urban Space Types</b>	<b>Spatial &amp; Urban Character</b>	<b>Civic Works &amp; Public Street Furniture Character</b>	<b>Positioning Criteria</b>
Cove Floor	Hard, flat fill surface floor of the Cove.  Utilitarian character on wharves and docks, with characteristic robust maritime details including metal, concrete surfaces and large-section unfinished wood.	On the wharves and dock edges; hard, robust and utilitarian, maritime (retention of Salamanca Lawns an exemption).  Secondary spaces off the Cove Floor including Montague Lane, Despard Street, Brooke Street: modest, irregular utilitarian character is encouraged.	Civic works and public street furniture should be sited parallel or square to dominant edges of spaces.  Regular spacing of elements is encouraged to place emphasis on the spaces rather than individual buildings or building entrances.  The flat fill character must not be compromised by kerbs, mounds etc.
Cove Slopes	Narrow sloping streets.	Hard surfaces, modest utilitarian character.	Views down sloping streets to Sullivans Cove must be respected.  Works and furniture should be sited parallel to the direction of views.
Enclosing Ridges	A. Macquarie Street-Davey Street ridge- includes Franklin Square.	Civic works and public street furniture to respond to known history of the site and precinct.	Civic works and public street furniture to reflect the historic character, in accordance with any approved Civic Works and Public Street Furniture Concept Plans.
Enclosing Ridges	B. Sandy Bay Road ridge- includes Gladstone Street gateways.	Sandy Bay Road-street trees, soft edges.  Kirksway Place, irregular character, requires historic investigation.	Civic works and public street furniture to focus on the alignment of Sandy Bay Road.
Enclosing Ridges	C. Domain Parkland. The Cenotaph ridge is a strong formal 1920's civic landmark imposed in counterpoint to picturesque cedar walks with formal memorial avenue, through to an irregular eucalypt grassy woodland.	Civic works and public street furniture should be in compliance with the Queens Domain Management Plan (1996).	Civic works and public street furniture should be in compliance with the Queens Domain Management Plan (1996).  An Integrated Conservation Plan and Civic Design Concept is required for significant works in this area.
Rear of Cove	Urban area in transition. Historically these areas were irregular, urban and gritty with a failed 1920's grand vision laid over them.	Contemporary hard, sparse utilitarian character.  Secondary spaces more irregular, except Market Place.	Regular placing of street furniture, parallel to dominant lines of space. Minor irregularity in secondary spaces.

Context		Preferred Design Response	
Public Urban Space Types	Spatial & Urban Character	Civic Works & Public Street Furniture Character	Positioning Criteria
Derwent Shore	Regatta Point HMAS Huon and Shipyards.	(none specified)	Irregular alignment of civic works and public street furniture to the water's edge.

#### 24.4.9 Requirement for a Civic Works and Public Street Furniture Concept Plan

Approval of the following types of 'discretionary' building or works will require preparation and approval of a Civic Works and Public Street Furniture Concept Plan;

- Newly created public urban spaces resulting from redevelopment.
- Streets undergoing substantial infrastructure replacement.
- Public urban spaces resulting from the redevelopment of Dunn Street car park.
- Road closures.
- Before introduction of interpretation or public street furniture other than as replacement.

#### 24.4.10 Function of Public Urban Space Types

**24.4.10A** The function of the public urban space type must be taken into account in the assessment of all 'discretionary' buildings or works as outlined in Clause 24.4.2.

The following functional characteristics of Public Urban Space in the Cove have been identified:

Public Urban Space Function 1 – Vehicle Movement	Applicable Streets/ Other Public Spaces
<p>The primary function of this public urban space type is to facilitate major motor vehicle traffic movement. These spaces generally function as primary and secondary arterial roads and they serve a metropolitan transport movement function.</p> <p>The movement of motor vehicles is assigned priority over pedestrian and other movement in these areas. However, the design and layout of these roads must provide for a safe and comfortable environment for pedestrians and cyclists.</p>	<p>Macquarie Street, Davey Street, Campbell Street, Brooker Avenue, Liverpool</p>

Public Urban Space Function 2 - Mixed	Applicable Street/ Other Public Spaces
<p>The function of this urban space type is to facilitate a mix of vehicle, pedestrian and cycle movement. These spaces are often classed as 'collector roads'. In the Sullivans Cove context, movement of motor vehicles on these roads is regarded as being of equal importance to cycle and pedestrian activities and movements.</p> <p>The future use and development of these roads needs to recognise the spatial and design demands of each type of movement. Installation of pedestrian crossings, footpath widening, outdoor dining facilities and traffic calming facilities are all consistent with the designation of this road type.</p>	<p>Castray Esplanade, Princes Wharf, Morrison Street, Elizabeth Street, Market Place, Collins Street, Sackville Street, Mistral Place, Montpelier Street, Gladstone Street, Salamanca Place (west of Gladstone Street), Argyle Street, Runnymede Street, Murray Street, Regatta Point Road.</p>

Public Urban Space Function 3 – Pedestrian Movement	Applicable Streets/ Other Public Spaces
<p>The function of this public urban space type is to primarily facilitate pedestrian movement. Other movements, including public transport, private vehicles and cyclists will not be precluded from these spaces. Nor will vehicle parking. However, priority will be given to the use and development of these roads to improve the safe and efficient movement of pedestrians, and to the creation of a comfortable and aesthetically pleasing pedestrian environment.</p> <p>At certain times, the exclusion of motor vehicles for street festivals, markets, etc is considered appropriate. Vehicle speed in these areas must be restricted to a speed compatible with mixing motor vehicles, cyclists and pedestrians. The total number, siting and design of vehicle parking areas must only be developed after considering their impact on the pedestrian environment.</p>	<p>Salamanca Place, Salamanca Square, Battery Point (east edge), Franklin Wharf, Elizabeth Street Pier, Hunter Street, Brooke Street, Despard Street, Constitution Dock and Victoria Dock edges.</p>

Public Urban Space Function 4 – Open Space	Applicable Open Spaces
<p>The function of this public urban space type is to facilitate outdoor recreation activities. These spaces are set aside for pedestrian activities, and form an important component of the character and functionality of the Cove. The amenity of these spaces is of utmost importance. Such spaces must be protected from the impacts of overshadowing, traffic noise and other disturbances. Such spaces must also be well connected to other pedestrian oriented spaces in the Cove.</p>	<p>Princes Park, Parliament Square, Franklin Square, Salamanca Lawns, Domain Park, Regatta Point.</p>

## 24.5 Part B – Commercial and Community Furniture

Public urban spaces in the Cove are used for a range of commercial activities, including outdoor dining facilities, and external display of wares. Such uses add vitality and interest to the Cove.

However, without appropriate controls they can also create clutter, becoming an obstruction to the free movement of pedestrians. Poorly located seating and outdoor displays can create safety hazards if inappropriately sited or designed. Too many tables and chairs, and other commercial furniture can also create visual clutter, resulting in unattractive street spaces.

The Planning Scheme supports the continued use of public urban spaces for commercial activities. However, such activities must be appropriately regulated to protect pedestrian amenity, efficiency and safety.

The regulation of the number, location and design of such facilities is important to ensure that the Cove remains an attractive, comfortable and safe place for pedestrians.

### 24.5.1 Scope

This control applies to the use of roads and other public spaces within the 'Commercial and Community Use of Public Space' plan (Figure 10) for commercial and community furniture. This control regulates the siting and design of all ephemeral furniture.

**Note:**

1. Both the Tasmanian Ports Corporation and the Council have a 'landlord' function over public urban spaces in the Cove. A license is required from these authorities for the use or development or to undertake works in roads and other public spaces. This licensing arrangement is separate to the requirements of this Scheme.

The controls of this Schedule are designed to minimise the need for a permit, for the commercial uses of roads and other public spaces. These controls identify locations, siting and design requirements for outdoor dining furniture. Where these requirements can be satisfied, no permit is required for such facilities.

2. The landowner is required to be notified in accordance with the Land Use Planning and Approvals Act 1993.

#### **24.5.2 Requirements for Planning Approval**

The following requirements apply to the use of land for Commercial and Community Furniture.

##### **24.5.2A 'Exempt' Commercial and Community Furniture**

A permit is not required for Outdoor Dining Furniture, subject to satisfying the following 'deemed to comply' provisions:

- Must be within a location identified on Figure 10 as being 'exempt'; and
- Must provide for free unobstructed pedestrian carriage as determined by the Hobart City Council as Highway Authority.

##### **24.5.2B 'Discretionary' Commercial and Community Furniture**

A permit is required for commercial and community furniture in public urban spaces located anywhere other than the locations specified in Figure 10.

An application for a permit under this clause may be approved or refused. Any application must provide for free unobstructed pedestrian carriage as determined by the Council as Highway Authority.

## 24.6 Definitions

<b>Civic Works and Public Street Furniture Concept Plans</b>	A plan showing the full extent of intended Civic Works, including provision of essential services infrastructure, paving, planting, location of all fixed street furniture including trees and ground covers, artworks, free standing signs, lights and lighting concept.
<b>Civic Works</b>	Works undertaken in roads and other public spaces by public authorities, including the Council and the Tasmanian Ports Corporation Pty Ltd, or by individuals. It does not include buildings in the public space.
<b>Commercial and Community Furniture</b>	All ephemeral furniture (furniture which is regularly removed, being removed at least every three months or not otherwise fixed to the ground, building or structure) associated with a commercial or community activity. It includes Outdoor Dining Furniture.
<b>Hard Character</b>	Primarily hard constructed surfaces, no landscape works.
<b>Hydraulic Repairs and Underground Services</b>	The laying, replacement or repair of any water, sewerage or stormwater main or any other piping or ducting required for mains services, electrical supply, communications or other underground activities required to service a public utility installation.
<b>Major Road Works</b>	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.
<b>Minor Landscape Works</b>	Works involving installation of vegetation (planter boxes, etc.) excluding street trees.
<b>Minor Maritime Building or Works</b>	Means minor building or works essential to the safe operation of the Port of Hobart and includes those related to general wharf maintenance, statutory signs, essential services to vessels (power and water), lighting for navigational and ship servicing purposes and the replacement of fenders, dolphins, camel dolphins and bollards.

<b>Minor Road Works</b>	<p>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 <b>Major Road Works</b>.</p> <p>It includes the formation, widening, improvement or alteration of any existing vehicular access by, or on behalf of, the road authority.</p>
<b>Other Public Spaces</b>	<p>Land which is generally available for access by the general public, but not including a road.</p>
<b>Outdoor Dining Furniture</b>	<p>Means the placement or use of tables, chairs, benches, umbrellas and the like used for the purpose of extending the services of premises whose main function is the provision of food and beverages to the public.</p>
<b>Primary Spaces</b>	<p>Roads and spaces shown on Figure 7 as primary spaces.</p>
<b>Public Street Furniture</b>	<p>Street furniture permanently located in roads or other public spaces, or furniture which is possible to remove but is removed no more than once every 3 months. Includes but not limited to: street furniture and large landscape items including street trees.</p>
<b>Public Street Furniture Ancillary to Traffic and Parking Management</b>	<p>Street furniture that is permanently located in roads or other public spaces or furniture which is possible to remove but is not removed once every 3 months and that is necessary for the management by the Council of traffic and parking.</p>
<b>Public Transport Facility</b>	<p>Means any building, structure, activity or area used or intended to be used in association with the transport of people by bus, train, or light rail.</p>
<b>Road</b>	<p>Means a road or street, including a public space, over which the general public has permanent right of passage in a motor vehicle, including all land between the boundaries of the road and its reservation and all bridges over which such a road passes, being a road which is the responsibility of the Minister administering the Roads and Jetties Act 1935 or, if a Council road, being a road for which the Council has accepted responsibility under its seal or a road shown on the municipal map.</p>

<b>Road Layout Plan</b>	Means a plan(s) and any accompanying text of the road alignment, including the position and width of carriageway(s), the location and layout of junctions and intersections, the siting and height of major cuttings and embankments and any such further relevant information as may be required by the Planning Authority.
<b>Road Maintenance</b>	Means the repair and/or replacement of any part of an existing road and its associated infrastructure, and includes carriageway resealing, replacement and/or upgrading of line markings, road signs, other traffic control devices, street lighting together with all road works required to maintain the road in a safe and satisfactory operational condition. Also included are any emergency works required for public safety due to an immediate danger to the public and to preserve the integrity of the road and the surrounding area.
<b>Road Works</b>	Means all work undertaken in, on, under or over the carriageway(s), road shoulders, medians, bridges, culverts, footpaths and verges including all works necessary to install and maintain road signs, traffic control devices, infrastructure, landscaping, planting and tree removal required to ensure amenity and the safe, efficient and convenient use of a road by private and public transport.
<b>Secondary Spaces</b>	Smaller roads, lanes, alleys and ad hoc courts running off the primary spaces shown on Figure 7 as secondary spaces.
<b>Traffic Calming</b>	Means the institution of a variety of traffic management measures required to adapt the volume, speed and behaviour of traffic to the primary functions of the areas through which it passes.





