

APPLICATION FOR PLANNING APPROVAL

Application Number: DA-2024-170
Proposal: Change to exterior and signage
Subject Site: Shop 1/34 Mertonvale Circuit, Kingston
Responsible Planning Officer: Camilo Miranda

Advertised Documents:

- Application Report

Available upon request:

- Application Form
- Copy of Title

NOTE: The documents included for advertising (public notice) have been provided by the applicant. The advertising of the documentation does not confirm that Council agrees with, or endorses, the content or assessments.

Representations:

Representations must be provided in writing to Council stating the reasons why you support or object to the application. Representations for this application must be submitted by 11.59pm on **9 August 2024**; and can be delivered in person to the Civic Centre, posted to Locked Bag 1, Kingston 7050 or emailed to kc@kingborough.tas.gov.au.





17 July 2024

Kingborough Council
Civic Centre,
15 Channel Highway
Kingston, Tasmania, 7050

**RE: PROPOSED DEVELOPMENT/USE – SIGNAGE AT SHOP 1/34 MERTONVALE
CIRCUIT, KINGSTON DA-2024-170**

Please accept this correspondence as a response to Council's request for further information dated 15 July 2024.

Council's request is reproduced below, and comments follow.

B. As your proposal includes several coloured films (red, yellow, mirrored) which obscures the windows and doors of the building, Council is of the opinion that the proposal constitutes a substantial change in the façade of the building and must be included as part of your development application. Accordingly, please provide an amended Planning Permit Application for Development/Use including “proposed changes to façade”.

Please, also include the complete name of the current owners in the respective space on the form.

Response

An amended application form is attached to this correspondence.

The proposed non transparent red film applied to all clear glass on the building will reduce the window and door opening visibility substantially and visually alter the design of the building. Under the scheme building design must contribute positively to the streetscape.

While it is acknowledged that the front façade prior to the red film treatment had windows and door openings of less than 40 percent, it is considered that the proposal will further reduce the extent of passive surveillance provided through the reduction of visibility to only the front double doors and upper



windows on the north façade. It is also considered that the proposed façade alterations do not enhance or contribute positively to the streetscape and adjacent public space.

As the response submitted does not adequately address how the further reduction of visible windows on the front façade will enhance the streetscape and provide for passive surveillance of public spaces, please provide information to demonstrate how the proposal will meet the standards of the relevant performance criteria Clause 23.4.3 P1.

Response

The previous response to clause 23.4.3 is reproduced in entirety below and further detail is provided.

1/34 Mertonvale Circuit (the Property) is located within the commercial area of Mertonvale Circuit as shown in Figures 1 and 2.

Most of the lots within Mertonvale Circuit are generally 2,000m² to 3,000m² in size or larger. The principal use in this area is for Bulky Goods Sales.



Figure 1: Property Location source: www.thelist.tas.gov.au



Figure 2: Property location source: www.thelist.tas.gov.au

Zoning of the Property is Commercial under the *Kingborough Interim Planning Scheme 2017* (the Scheme) as shown in Figure 3.

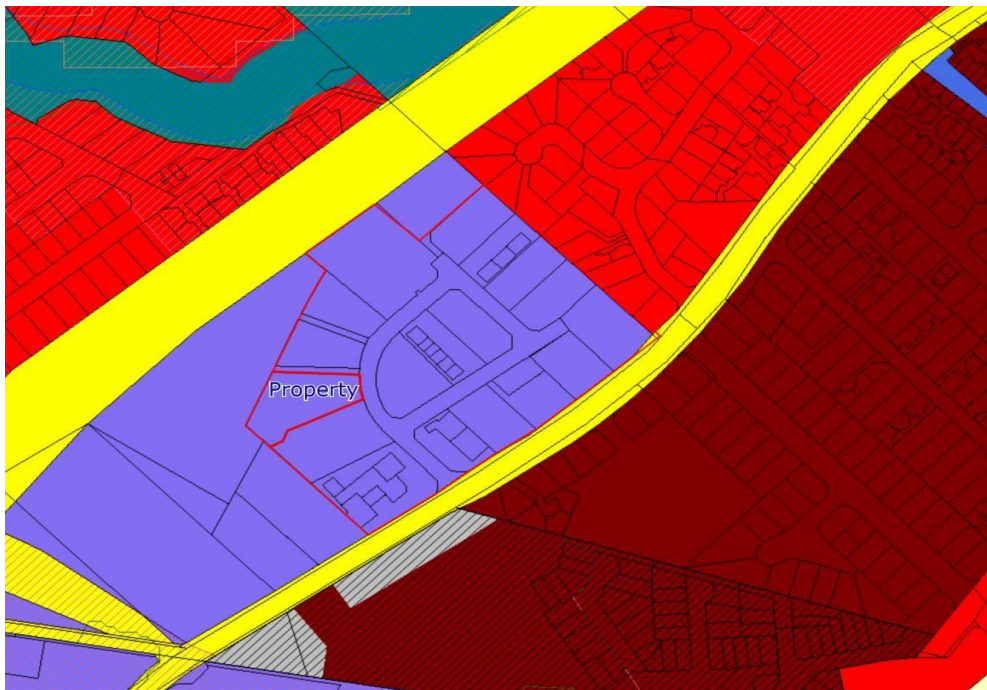


Figure 3: Property Zoning Commercial under the Scheme.

Clause 23.4.3 of the Scheme provides as follows:

23.4.3 Design

Acceptable Solution

(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front facade no less than 40% of the surface area of the ground floor level facade.

Response

The building on the Property has a floor area of approximately 1,000m² and the elevation which addresses Mertonvale Circuit is 18 metres in width and approximately 4 metres high. This facade has a surface area of roughly 63metres. The existing windows on this face have an area of roughly 11 metres. This is shown in Figure 4, that shows the appearance of the building prior to the alterations, this is less than the required 40% under the acceptable solution. The building was used for the Importer (a furniture import business), the building is now used by Total Tools a bulk tool sales company.



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Figure 4: External appearance of the building on the property prior to alterations to the facade source; google Streetview.

The alterations to the external appearance of the building include:

- Signage
- Paint scheme/changed to red and
- A non-transparent red vinyl skin applied to the inside of all external ground floor windows.

Figures 5, 6 and 7 show the exterior appearance of the façade when viewed from the street and from the carparking area immediately in front of the entrance to the building.



Figure 5: Exterior appearance of the building when viewed from the driveway off Mertonvale Circuit looking northwest



Figure 6: Exterior appearance of the building when viewed from the carpark looking north.



Figure 7: Front door of the entrance to the shop

The red vinyl covering of the windows can be seen in images 5, 6 and 7 with the only transparent glazing remaining being the double doors and the upper windows on the northern façade.

It was necessary to cover the windows as all internal walls are required for product display shelving, this can be seen in Figures 8 and 9.



Figure 8: Image showing display shelving against the windows.

The need for internal walls against which to place shelving is typical of bulky goods stores and a similar treatment has been given to the glazing on the building to the south which houses the Petstock Company as shown in Figure 9.



Figure 9: Image showing the window treatment on the adjoining building to the south.

The day prior to my visit the building was broken into via the upper windows on the northern side of the building. These windows were smashed, and a significant number of tools were stolen, with the thieves entering and exiting via the window shown in Figure 10.



Figure 10: Upper windows through which thieves broke in.

The internal layout of the store showing the height of the shelving is shown in Figure 11.

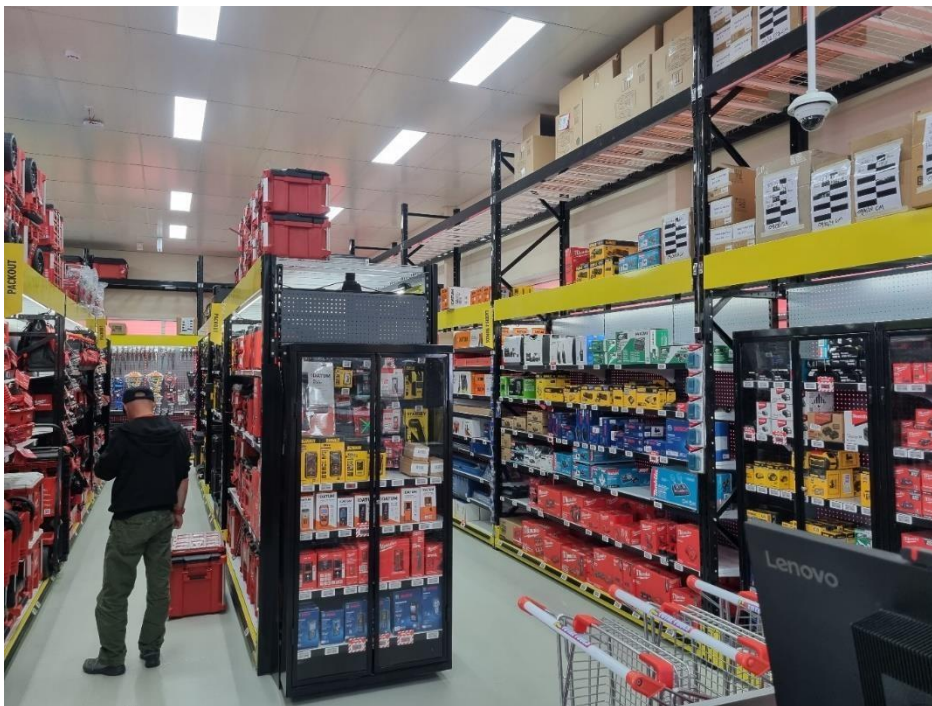


Figure 11: Internal appearance of the store

The relevant performance criteria is reproduced below.

Clause 23.4.3 Design

P1 Building design must enhance the streetscape by satisfying all of the following:

(a) provide the main access to the building in a way that addresses the street or other public space boundary;

Response

The main access to the building has not altered.

(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;

Response

There are windows in the front façade as originally approved, these have been temporarily covered, however they are still windows. The important point from a town planning perspective is whether windows in the front façade would enhance the streetscape and provide for passive surveillance.

The major change to the appearance of the building from the street is that it is now red, however the overall appearance of the building has not altered.

The building is located within an area that is used principally for bulky goods sales and these buildings do not usually serve to provide for passive surveillance. The existing windows even if they were not covered would serve little in terms of passive surveillance as it is unlikely that customers would ever stop and look out the window towards the street.

The building and the carpark address Mertonvale Circuit and it is the car park and the glazed main entrance to the building that provides the required passive surveillance.

The extent of passive surveillance provided by the building has not altered.

(c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;

Response

The front wall façade and the architectural detail on it has not altered.

(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;

Response

No mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units are proposed.

(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;

Response

No roof-top service infrastructure, including service plants and lift structures are proposed.

(f) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;

Response

No shutters are proposed.

(g) be consistent with any Desired Future Character Statements provided for the area.

Response

There are no Desired Future Character Statements for the Commercial Zone.

Clause 23.4.4 P1 – Passive Surveillance

Building design must provide for passive surveillance of public spaces by satisfying all of the following:

(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;

Response

The main access to the building has not altered.

(b) locate windows to adequately overlook the street and adjoining public spaces;

Response

The location of the windows has not altered, the existing entrance and the carpark overlook the street, there are no adjoining public spaces.

(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa.

Response

Pedestrians can see into the building from the carpark through the sliding glass doors. The height of the building above the street makes it very difficult for pedestrians to see into the building and vice versa.

(d) locate external lighting to illuminate any entrapment spaces around the building site;

Response

The external lighting of the building has not altered.

(e) provide external lighting to illuminate car parking areas and pathways;

(f) Response

The external lighting of the building has not altered.

(g) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;

Response

No changes to the public access to the building has occurred.

(g) provide for sight lines to other buildings and public spaces.

Response

No changes to the building location has occurred.

Further Response

It would appear that the request focuses upon clause 23.4.3P1 (b) as reproduced below.

(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;

The two operative provisions focus upon

- a. Enhancing the streetscape and
- b. passive surveillance of public spaces

These points are considered below.

Enhancing the Streetscape.

Enhance is defined as:

to increase or improve in value, quality, desirability, or attractiveness.¹

In my opinion changing the appearance of the window from being transparent to being red, does nothing to alter the appearance of the streetscape. The streetscape is defined by large warehouse type buildings as shown in Figures 12 to 17. Most of these buildings have no windows or very few windows and do not necessarily address the street. Making the windows transparent would make the building's appearance consistent with other buildings in the streetscape of Mertonvale Circuit. A consistency of building forms and appearance would in my opinion improve the streetscape.

¹ [Enhance Definition & Meaning - Merriam-Webster](#)



Figure 12: Typical streetscape of Mertonvale Circuit



Figure 13: Typical streetscape of Mertonvale Circuit



Figure 14: Typical streetscape of Mertonvale Circuit



Figure 15: Typical streetscape of Mertonvale Circuit



Figure 16: Typical streetscape of Mertonvale Circuit



Figure 17: Typical streetscape of Mertonvale Circuit

a. passive surveillance of public spaces

Figure 18 shows the adjacent buildings and public spaces.



Figure 18: Aerial image showing adjacent buildings and public spaces.

The only public space visible from the window is Mertonvale Circuit. The window prior to the red non transparent vinyl being applied did not provide for passive surveillance of public spaces,

- the view of the street is obscured by a blade advertising sign as can be seen in Figure 5;
- There were signs hanging in the window prior as shown in Figure 4;
- Customers of the building would not survey the streetscape as they would be focused on shopping.

- No employees would be located near the windows to survey the street.

Interpreting the provision restrictively as it would appear Council intends would mean that no building without windows surveying the street could be approved by Council. If this was the case, then virtually all buildings within Mertonvale Circuit could not be approved.

Mertonvale Circuit is unlike other Commercial areas as it comprises big box bulky goods stores within warehouses as opposed to small shopfronts such as those in the Kingston CBD and it is these areas to which the clause most relevantly applies.

Clause E17.7.1 of the Scheme provide the standards for signs. The proposed wall signs have an area more than 2m² as shown on plans, and, therefore, they do not comply with the acceptable solutions of Table E17.2 as required. In relation to the proposed wall signs the plans do not provide the projection from the wall. Please provide all the following:

- (a) amended plans or notes showing the projection from wall of all wall signs.*
- (b) a statement demonstrating that the proposed signs will meet the standards established by the relevant performance criterion (E17.7.1 P1).*

Response

The wall signs were in existence prior to the painting of the building as shown in Figure 19. These form part of the original approval for the building, and they do not require further approval. The only change has been the design and colours of the sign.

A copy of the planning permit approving these existing signage is attached to this correspondence.



Figure 19: Image of the building showing the sign prior to its change to Total Tools.



Figure 20: Image of the building showing the sign in its current form.



It is hoped that the information contained in this correspondence addresses Council's request for further information.

If you have any further queries, please do not hesitate to contact me on 0438 376 840 or email evan@e3planning.com.au.

Regards

Evan Boardman

Grad Dip URP, B ScEnv, B Econ EIANZ

