



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 3 October 2016
Expiry Date: 13 October 2016
Application No: PLN-16-00045-01
Address: 10 Birngana Avenue , SANDY BAY
Applicant: STUART TANNER ARCHITECTS
PO BOX 170
BATTERY POINT 7004
Proposal: Partial demolition, Extension and Alterations
Representations: Four (4)
Performance criteria: Development Standards

1. Executive Summary

- 1.1. Planning approval is sought for Partial demolition, Extension and Alterations to the existing dwelling.
- 1.2. The proposal relies on performance criteria to satisfy the following standards and codes.
 - 1.2.1. Development Standards - Building Envelope; Privacy.
- 1.3 Four (4) representations citing concerns relating to the proposal were received within the statutory advertising period (04/08/2016 to 18/08/2016).
- 1.4 The proposal is recommended for approval subject to conditions.
- 1.5 The final decision is delegated to the Council.

2. Site Detail



Image 1: Aerial view of the subject property and surrounds.

- 2.1. 10 Birngana Avenue, Sandy Bay is a north-easterly oriented, sloping 782sq.m residential lot with frontage to both Birngana Avenue and Niree Lane to the rear. Vehicular access is from Birngana Avenue and the rear boundary is enclosed with a retaining wall and fence. A split-level, brick, shallow gable-roofed dwelling is located more-or-less centrally on the lot and is partially cut into the sloping site. To the rear of the dwelling is a built-up, fenced terrace providing level outdoor living space. The surrounding locality is residential in character.

3. Proposal

- 3.1. Planning approval is sought for Partial demolition, Extension and Alterations to the existing dwelling.

The proposal includes several elements, being:

- A new upper level (second floor) housing a bedroom, ensuite and deck is to be added to the dwelling.
- A new ground floor pool and deck is proposed on the north-eastern (rear) side of the dwelling.
- An extension to a first floor deck is proposed along the north-eastern side of the dwelling.
- An extension to the existing front (south-western side) carport roof is proposed.
- Pedestrian access to Niree Lane is proposed with a set of stairs leading out of the property onto Niree Lane.

3.2. The second floor addition springs from the north-eastern plane of the dwelling's gable roof. It is contained entirely within this roof plane and extends the overall height of the building to 8.4m at its highest point which is towards the Niree Lane end of the site. This extension is of contemporary design and appears to be rendered or painted to contrast the face brick of the existing dwelling. It has a highlight window in its south-western (front) side and large windows in its north-eastern (rear) side. There are no windows directly facing the properties on either side, although there is a highlight window in the angled wall facing Birngana Avenue (Images 2 through 5).



Image 2: The South-Western (Birngana Avenue) elevation of the proposal.

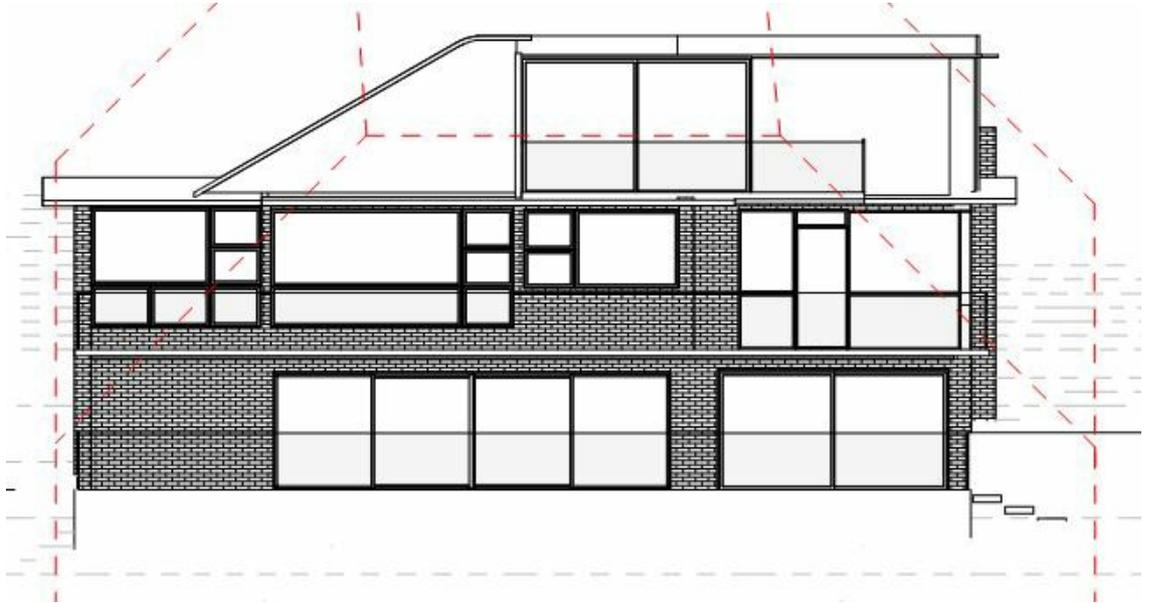


Image 3: The North-Eastern (rear) elevation of the proposal.

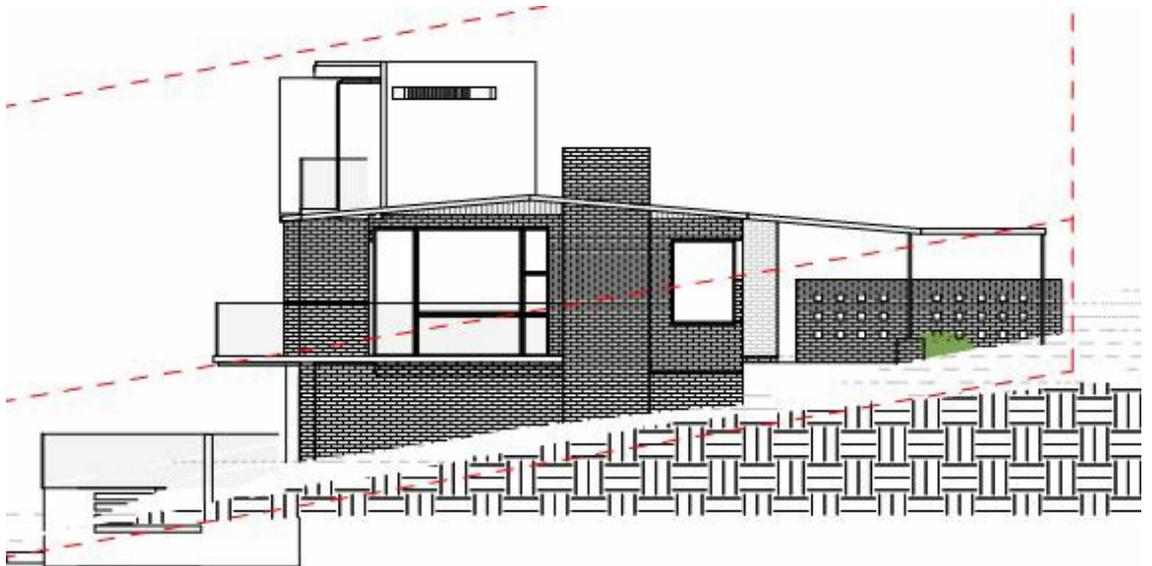


Image 4: The North-Western side elevation of the proposal.

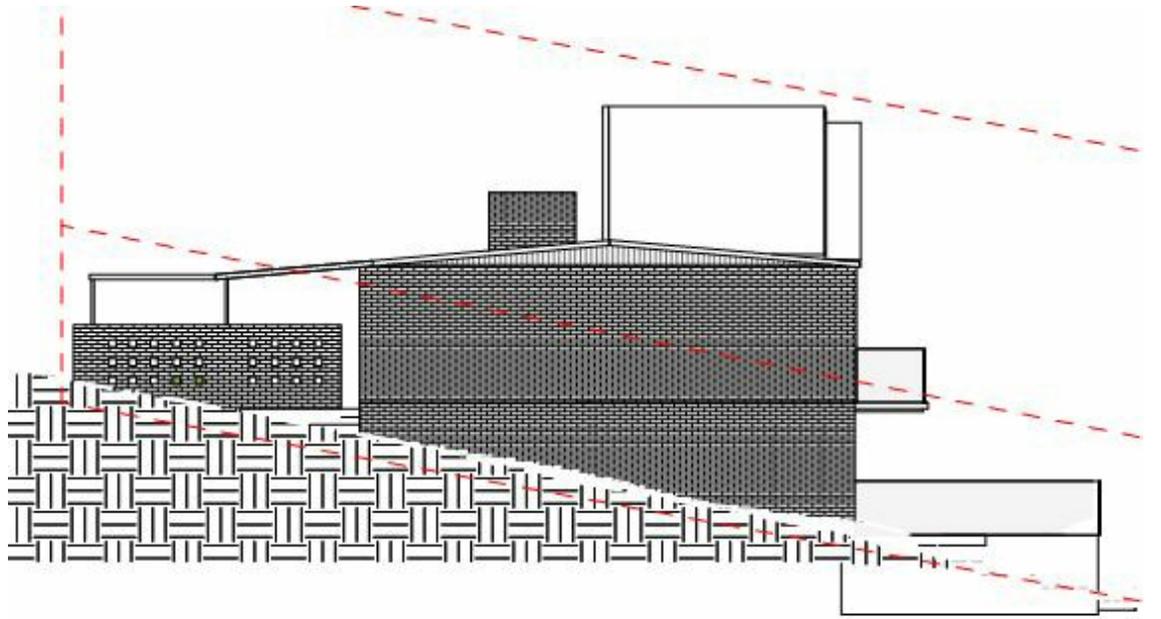


Image 5: The South-Eastern side elevation of the proposal.

- 3.3. The proposed pool and associated deck extend outwards towards the Niree Lane end of the site from the ground floor level of the dwelling, in an area that is currently terraced and fenced within the rear yard of the property (Plate 1). Due to the slope of the site the pool is partially in ground closer to the dwelling and partially elevated at its rear side. At its rearmost edge the deck surrounding the pool extends to 1.1m in height above ground level at 1.8m from the south-eastern side boundary and to 1.2m in height at 3.7m from the north-western side boundary.



Plate 1: The existing elevated terrace extending into the rear yard from the ground level of the dwelling. This is to be replaced by the proposed pool and surrounding deck.

- 3.4. The existing first floor deck extending across half the north-eastern (rear) side of the dwelling is proposed to be extended across the full width of the dwelling to a point 1.9m from the south-eastern side boundary of the property, at the rear corner of the dwelling (Plate 2)



Plate 2: The first floor level deck is proposed to extend to across to the rear corner of the dwelling at its South-Eastern end.

- 3.5. The proposed extension to the existing carport roof covers part of a grassed area at the front of the site, bounded on one side with a brick wall (Plate 3). This additional covered area is to be used for outdoor storage, separate to the existing carport area.



Plate 3: The existing carport roof would be extended with a new skillion section for much of the length of the existing free-standing brick wall.

- 3.6. The proposed rear property access stairs are located in the northern (rear) corner of the site leading to Niree Lane (Plate 4). The stairs are located just inside the side boundary and would be cut into the sloping yard of the property. An existing concrete retaining wall and low colorbond fence on the Niree Lane boundary of the property would be opened up to allow for the stair case and access.



Plate 4: The proposed rear access steps are to be cut into the existing concrete retaining wall on Niree Lane at the northern (rear) corner of the site and would for the most part be below ground level, cut into the sloping site.

4. Background

- 4.1. None Relevant.

5. Concerns raised by representors

- 5.1. The following table outlines the issues raised by the representors. All concerns raised with respect to the discretions invoked by the proposal will be addressed in Section 6 of this report.

- Funding for this work is not secured, meaning that this project can finish up half built in perpetuity which will degrade the appearance of the neighbourhood and there degrade property values.
- The height of the extension is not specified and therefore there is potential for invasion of privacy even into our property. All properties around could be affected.
- Shape of the roof will funnel winds which will affect our garden through our neighbour's house.
- The proposed building extension is outside building envelope from Birngana Avenue, whereas there is space for alternative horizontal extensions.
- We wish to object strongly to the development of this house in this location. The proposal does not respect or reflect the neighbourhood character through overall design. Common neighbourhood characteristics have not been taken into consideration. For example the height of the new extension (loss of amenity). The overall outlook visually is bulky and large.
- Concerns surrounding the blocking of Niree Lane during any future construction works by vehicles associated with the development, as has previously been experienced with other developments on Beddome Street properties which back onto Niree Lane.

6. Assessment

The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

- 6.1. The site is located within the General Residential Zone of the Hobart Interim Planning Scheme 2015.
- 6.2. The existing single dwelling residential use of the site is not proposed to change.
- 6.3. The proposal has been assessed against;

- 6.3.1. Part D-10 General residential zone
- 6.3.2. E6.0 Parking and access code
- 6.3.3. E7.0 Stormwater management code

- 6.4. The proposal relies on the following performance criteria to comply with the applicable standards;
 - 6.4.1. Setbacks and Building Envelope - Part D 10.4.2 P3
 - 6.4.2. Privacy - Part D 10.4.6 P1

- 6.5. Each performance criterion is dealt with separately below.

6.6 Setback and building envelope Part D 10.4.2 P3

- 6.6.1 The proposal includes an extension providing a second storey.
- 6.6.2 The acceptable solution at Part D 10.4.2 A3 requires development to be contained within a defined building envelope.
- 6.6.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.6.4 The corresponding performance criteria of Part D 10.4.2 P3 require:

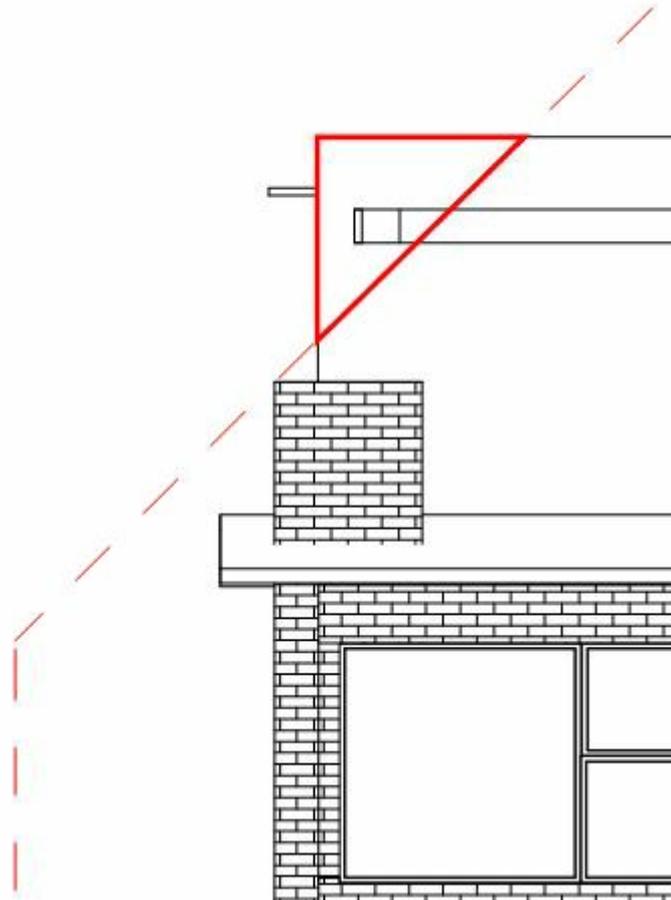
The siting and scale of a dwelling must:

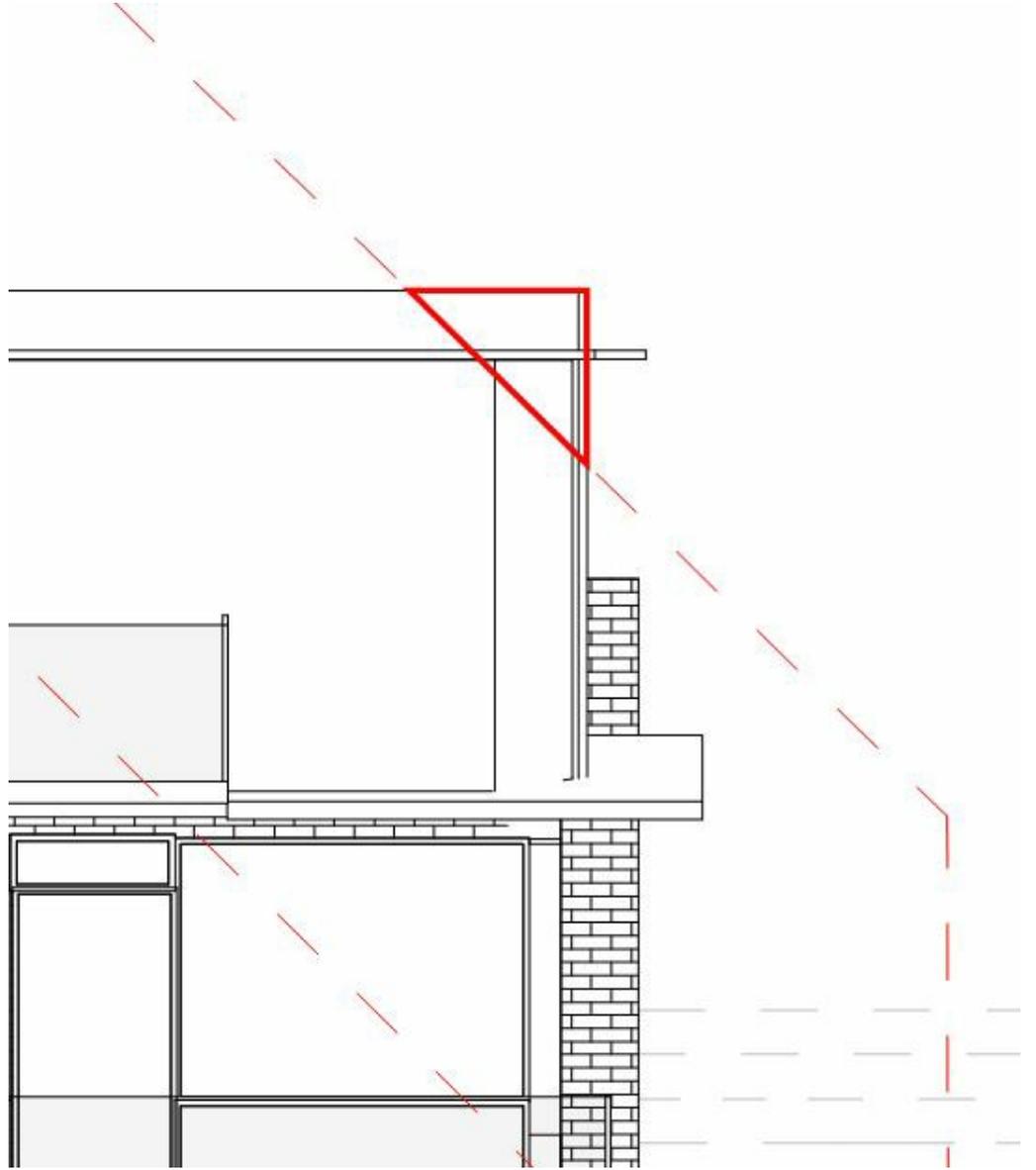
(a) not cause unreasonable loss of amenity by:

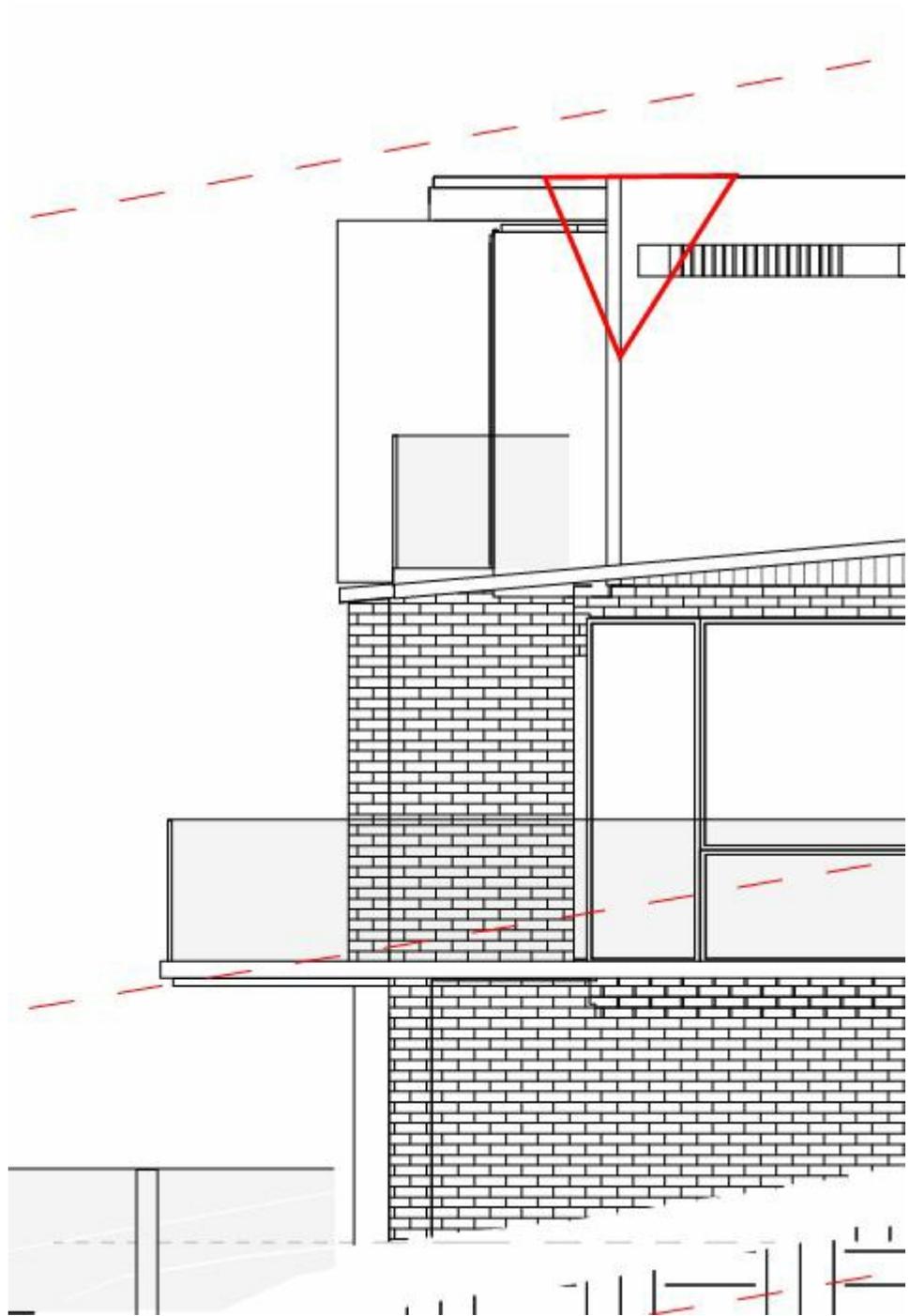
- (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
- (ii) overshadowing the private open space of a dwelling on an adjoining lot; or*
- (iii) overshadowing of an adjoining vacant lot; or*
- (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*

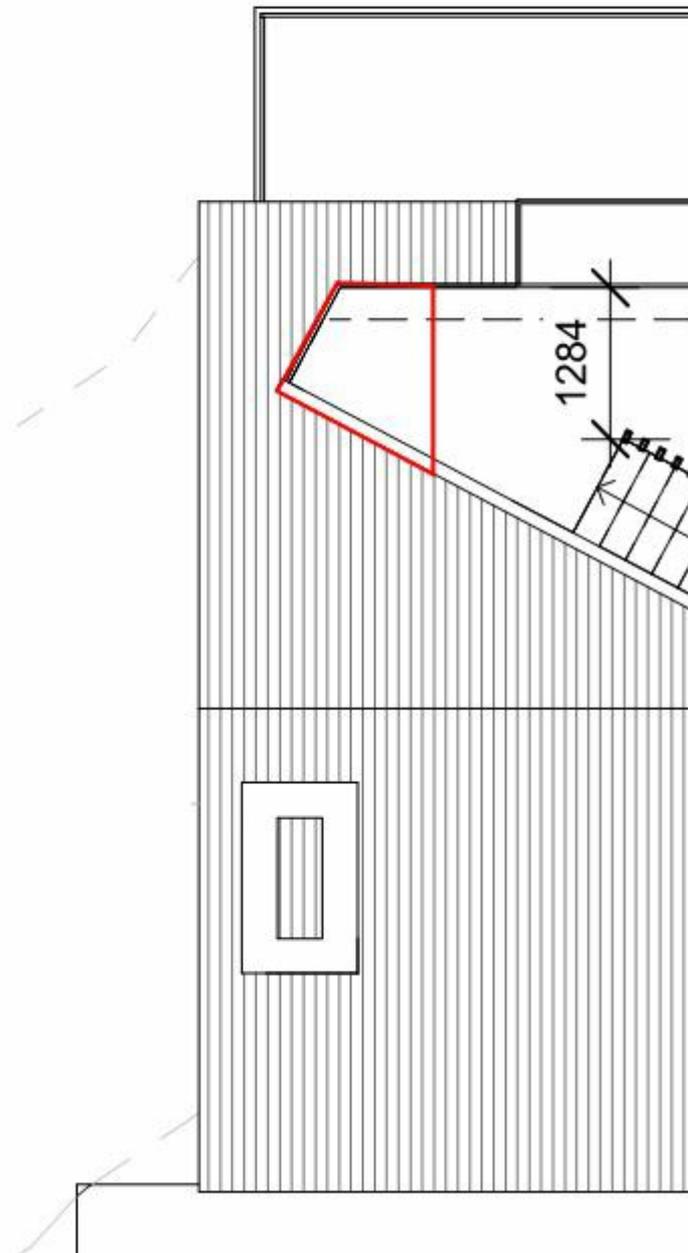
(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

6.6.5 The acceptable solution under Part D 10.4.2 A3 requires all development to be confined inside a defined building envelope. A small section at the North-Western end of the proposed second storey extends outside of the 45 degree tangent of the defined building envelope. The degree of extension outside of the envelope can be seen in the following marked-up images (the dashed red line represents the shape of the building envelope as it applies from natural ground level):









Due to the irregular shape of the North-Western end of the second storey as it addresses the adjacent side boundary, the encroachment consists of a triangular corner wedge with a minimal cross-section. As the subject property is to the South-East of the corresponding adjoining property, the non-compliant element of the second storey would have minimal impact in terms of overshadowing, the shadow from which has been detailed in shadow diagrams to be missing the adjacent dwelling and extending onto part of its front yard at 9am on June 21. Later on this day, no shadow is cast by the proposed second storey onto the adjacent property to the

North-West.

The minimal cross-section of the non-compliant corner of the second storey is such that it contributes little to the overall bulk and appearance of the extension. The side wall of the adjoining dwelling contains a small, heavily-tinted window towards the front of the property and towards the rear of this dwelling tall screens have been erected (Plate 6). There would be little ability to view this end of the proposed second storey from immediately opposite on the adjoining site. The second storey's setback from the side boundary of some 3.2m from the side boundary of the property is greater than that currently exhibited by the existing dwelling and as such it does not compromise the prevailing separation distances between the two adjoining dwellings.



Plate 6: The adjacent dwelling to the North-West has little to no direct outlook towards the end of the subject site where the second storey is non-compliant with the building envelope.

6.6.6 The proposal complies with the performance criterion.

6.7 Privacy Part D 10.4.6 P1

6.7.1 An extended first floor deck and an elevated pool deck extending to 1.1m high extend to 1.8m from the south-eastern side boundary of the property.

6.7.2 The acceptable solution of Part D 10.4.6 A1 requires decks with floor levels more than 1m within 3m of a side boundary to have screening to

1.7m high with a maximum transparency of 25%.

6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The corresponding performance criteria of Part D 10.4.6 P1 require:

A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining lot or its private open space; or*
- (b) another dwelling on the same site or its private open space; or*
- (c) an adjoining vacant residential lot.*

6.7.5 It is considered that there would be minimal overlooking possible from the partially elevated pool deck. The existing elevated terrace in a similar location on the site demonstrates, along with the existing side boundary paling fence, that overlooking of the adjacent property to the South-East would not be significant. Although not impossible, it is unlikely that people on the deck would naturally focus their attention across and down into the adjoining property to the South-East. The main outlook from this pool deck would correspond with the outlook from both the subject and adjoining houses - to the North-East and North. Looking towards the Derwent in a South-Easterly direction would mean looking past the immediately adjacent property. On the adjacent property to the South-East there is an established landscaped garden and driveway access/parking area corresponding with the most elevated end of the proposed pool deck - no specific outdoor living space at ground level. With a maximum elevation of 1.1m, most of the pool deck demonstrates compliance with the acceptable solution for decks and privacy.

There would be greater potential for overlooking of the adjacent property to the South-East from the proposed extended first-floor deck. The adjacent dwelling to the South-East has an upper floor deck which would be more elevated than the proposed extended deck. The two decks would be reasonably close in their separation and would be somewhat adjacent. With this in mind, it is considered that screening of the South-Eastern end of the extended deck would be beneficial, mostly to protect the deck users on the subject property being overlooked by those on the deck of the adjacent property, but also to assist in reducing the potential for overlooking from the proposed extended deck into the yard adjacent.

As a result of this conclusion, a condition requiring screening to a height of 1.7m with a maximum transparency of 25%, as per the acceptable solution, should be included in any permit granted for the proposed development.

- 6.7.6 With the inclusion of the condition recommended above, the proposal complies with the performance criterion.

7. Discussion

- 7.1. The proposal performs well against the relevant standards for residential development in the General Residential Zone of the Hobart Interim Planning Scheme 2015. Minimal discretion is required to be exercised where the proposal relies on performance criteria. Where non-compliant with acceptable solutions, there would be minimal tangible increases in impact upon residential amenity over and above that which may be generated by an alternative proposal that made full use of the acceptable solutions.
- 7.2. There are few relevant issues raised in the four representations received against the proposal. Many of the concerns do not relate to the planning process or standards of the planning scheme. Others, while touching on matters for consideration, do not appreciate that the proposal complies with parameters such as overall height and, in terms of the proposed second storey, privacy. Aside from the normal development standards, there is nothing in the planning scheme, no special overlay or similar, that necessitates the consideration of common neighbourhood characteristics in this case.
- 7.3. The proposal has been reviewed against relevant codes by the Council's Development Engineer and the development is endorsed with conditions recommended.

8. Conclusion

The proposed Partial demolition, Extension and Alterations at 10 Birngana Avenue, SANDY BAY satisfies the relevant provisions of the Hobart Interim Planning Scheme 2015, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the Hobart Interim Planning Scheme 2015, the Council approve the application for Partial demolition, Extension and Alterations at 10 Birngana Avenue , SANDY BAY for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-16-00045-01 - 10 Birngana Avenue - SANDY BAY - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 1

Screening to a height of 1.7m above the first floor deck floor level, with no more than 25% transparency must be installed and maintained along the South-Eastern edge of the extended first floor deck prior to its first use.

Reason for condition

To provide reasonable opportunity for privacy for dwellings.

ENGsw2

Digital copies of pre and post work CCTV videos and associated reports of the Council stormwater main within the site must be undertaken and submitted to Council prior to the commencement of work and on completion of all work.

The post construction CCTV will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council pre construction CCTV video of the Council's infrastructure, then any damage to the Council infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

Advice: Due to the diameter of the main, a tractor camera will be required to obtain adequately clear footage.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENGsw3

The proposed works must be designed and installed to ensure the protection and access to the Council's storm water main.

A detailed design must be submitted and approved prior to construction. The detailed design must:

a) Demonstrate how the design will ensure the protection of and provide access to the Council's stormwater main.

The Council stormwater main must be carefully and accurately located onsite. Prior to construction of any footings within two metres of the main, the stormwater pipe and clearances must be inspected and confirmed by the Council's Project and Development Inspector to ensure the minimum separation is achieved.

All work required by this condition must be undertaken in accordance with the approved design.

Advice: Once the detailed design drawings has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

The Council's Project and Development Inspector, must be contacted on phone (03) 6238 2967 at least 24 hours prior to the commencement of any works.

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENGsw4

The development must be drained to Council's stormwater infrastructure. Any

new storm water connection required must be constructed, and existing redundant connections sealed, by Council at the owner's expense prior to the first occupation.

Detailed engineering drawings must be submitted and approved, prior to commencement of work. The detailed engineering drawings must include:

- a) the location of the proposed connection and all existing connections; and**
- b) the size of the connection appropriate to satisfy the needs of the development; and**
- c) long-sections of the proposed connection clearly showing any nearby services, cover, size, material and delineation of public and private infrastructure.**

All work required by this condition must be undertaken in accordance with the approved drawings.

Advice: Once the engineering drawing has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to initiate an application for service connection. The Plumbing Regulations require a single connection per Lot.

Reason for condition

To ensure the site is drained adequately.

ENG 1

The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council. Any damage must be reported immediately to Council.

A photographic record of the Council infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre existing damage) will be

relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council infrastructure found on completion of works will be deemed to be the responsibility of the owner.

ADVICE: Note that both the Birngana Avenue and Niree Lane frontages should be photographed.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG s1

The cost of any alterations to the Council's or third-party infrastructure, including the site's service connection points, incurred as a result of the proposed development works must be met by the owner.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENV1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site. Sediment controls must be maintained until all areas of disturbance have been stabilized or re vegetated.

Advice: For further guidance in preparing a Soil and Water Management Plan (SWMP) – in accordance with Fact sheet 3 Derwent Estuary Program go to www.hobartcity.com.au/development-engineering-standards-and-guidelines.

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit www.hobartcity.com.au for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

CONDITION ENDORSEMENT

If a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition, via the Condition Endorsement Submission on Council's online e-service portal.

Once approved, the Council will respond to you via email that the condition(s) has been endorsed (satisfied). Detailed instructions can be found at http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement

BUILDING PERMIT

Building permit in accordance with the *Building Act 2000*;

<http://www.hobartcity.com.au/Development/Building>

PLUMBING PERMIT

Plumbing permit under the *Tasmanian Plumbing Regulations 2014*;

<http://www.hobartcity.com.au/Development/Plumbing>

NIREE LANE

Niree Lane must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times during the construction period.

WASTE DISPOSAL - TOP TEN TIPS

http://www.hobartcity.com.au/Environment/Recycling_and_Waste

FEES AND CHARGES

http://www.hobartcity.com.au/Council/Fees_and_Charges

DIAL BEFORE YOU DIG

www.dialbeforeyoudig.com.au

If you do not have access to the Council's electronic web page, please phone the Council (City Planning) on 62382715 for assistance.



(Cameron Sherriff)

Acting Senior Statutory Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Rohan Probert)

Manager Development Appraisal

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 23 September 2016

Attachment(s)

Attachment A – CPC Agenda Documents