



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 22 January 2018
Expiry Date: 22 January 2018
Application No: PLN-17-844
Address: 3 LASSWADE AVENUE , SANDY BAY
Applicant: Christopher Sayers
2012/1 Freshwater Place
Lorraine Sayers
2012/1 Freshwater Place
Proposal: Partial Demolition, Alterations, Extension and Front Fencing
Representations: Three (3)
Performance criteria: D11.0 Inner Residential Zone (Setbacks and Building Envelope, Frontage Fences); E5.0 Road and Railway Assets Code (Sight Distance at Accesses, Junctions and Level Crossings); E6.0 Parking and Access Code (Siting of Car Parking); and E13.0 Historic Heritage Code (Demolition and Buildings and Works other than Demolition).

1. Executive Summary

1.1 Planning approval is sought for partial demolition, alterations, extension, and front fencing.

1.2 More specifically the proposal includes:

- Demolition of an addition and shed/garage on the western side of the dwelling and removal of a glazed wall on the eastern side that partly encloses a verandah, removal of an existing vehicular crossover and driveway, and removal of various minor features such as doors, windows, and sections of internal walls.
- Internal alterations including the relocation of the laundry, installation of a lift, and conversion of a bedroom to a dressing room and two walk-in-robos to an ensuite.
- Construction of a family room and store on the western side of the dwelling and construction of a garage and swimming pool on the eastern side. Construction of a new crossover from Lasswade Avenue is also proposed to provide access to the garage.
- Construction of a replacement retaining wall and masonry/slatted fence on the property's eastern boundary.

1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 Part D - 11.0 Inner Residential Zone
- 1.3.2 Part E - E5.0 Road and Railway Assets Code
- 1.3.3 Part E - E6.0 Parking and Access Code
- 1.3.4 Part E - E13.0 Historic Heritage Code

1.4 Three (3) representations objecting to the proposal were received within the statutory advertising period between 18 December 2017 and 5 January 2018.

1.5 The proposal is recommended for refusal.

1.6 The final decision is delegated to the Council.

2. Site Detail

- 2.1 The proposed development site is an irregular shaped residential lot within the suburb of Sandy Bay. A stratum plan has been created over the property. The proposed development would be contained within the northernmost of the strata title lots. This lot is dominated by a two storey, heritage listed dwelling and surrounding gardens and vehicle parking areas. Vehicular access to the subject property is via two crossovers from Lasswade Avenue which are joined by a crescent shaped driveway to the north-east of the dwelling. The site slopes gradually with an easterly aspect.
- 2.2 The other lots that form part of the stratum plan are to the south of the above dwelling. A two-storey building that contains two conjoined multiple dwellings occupies the majority of these lots. There is also a dwelling on the adjoining property to the north of the site, at the corner of Lasswade Avenue and King Street. The site is generally surrounded by residential development.



Figure 1: aerial view of proposed development site (external boundary of stratum plan outlined in blue) and surrounding land (source: HCC GIS, accessed 8/1/2018).

3. Proposal

- 3.1 Planning approval is sought for partial demolition, alterations, extension, and front fencing.

3.2 More specifically the proposal is for:

- Demolition of an addition and shed/garage on the western side of the dwelling and removal of a glazed wall on the eastern side that partly encloses a verandah, removal of an existing vehicular crossover and driveway, and removal of various minor features such as doors, windows, and sections of internal walls.
- Internal alterations including the relocation of the laundry, installation of a lift, and conversion of a bedroom to a dressing room and two walk-in-robos to an ensuite.
- Construction of a family room and store on the western side of the dwelling and construction of a garage and swimming pool on the eastern side. Construction of a new crossover from Lasswade Avenue is also proposed to provide access to the garage.
- Construction of a replacement retaining wall and masonry/slatted fence on the property's eastern boundary.

4. Background

4.1 There is no background considered relevant to this application.

5. Concerns raised by representors

5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 18 December 2017 and 5 January 2018.

5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

See 11.4.2 The pool house extends beyond the building envelope. The height of the pool house is about same level as the existing verandah gutter. The building extends to 500mm from the street boundary and will be at least 5 metres above the footpath. This structure will have a deleterious effect on the streetscape.

The 6 metre wide entry to the garage is not fully mitigated by taking out one of the existing single crossings. Why not use the existing garage fronting King Street? That would take some pressure off traffic in Lasswade Avenue.

The claim that the proposed pool structure is 'compact and as low as possible' does not mean it complies or is acceptable. A structure in excess of 5m high on the boundary has a major impact on the streetscape and should be reconsidered. As mentioned in the application, it does not comply with Diagram 11.4.2C for building envelope. Strongly suggest that the pool be moved further away from the boundary - a distance equal to the width of the existing verandah.

Maximum height of front fence should not exceed 1.5m. Refer 11.4.7

Two single crossovers are to be replaced by one double and one single. This is not an improvement to a street which was significantly devalued with the development at 5 Lasswade Avenue where the crossover is 8m long. More consideration should be given to access off King Street.

The proposed plan includes a new crossover for a double garage. The property currently has two crossovers and communal access via a double crossover shared by the stratum properties at 5 Lasswade Avenue. The proposal is to return one crossover. With one existing crossover remaining and the new double crossover, No. 3 is achieving one extra crossover, as well as the double crossover access via 5 Lasswade Avenue. The loss of more on-street car parking spaces is of concern, particularly at the end of Lasswade Avenue where this is proposed. Where the proposed double access is to be situated is one of only two possible on street parking spaces at that end of Lasswade Avenue. A double crossover for 5 Lasswade Avenue and a double crossover for 3 Lasswade Avenue, right next to each other at the turning circle end of the Avenue! I do not believe this proposed plan considers other users of the street well.

6. Assessment

- 6.1 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.
- 6.2 The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use of the site is for a single dwelling within the planning scheme's Residential Use Class. A change of use is not proposed. The existing use is a permitted use in the above zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 11.0 Inner Residential Zone
 - 6.4.2 Part E - E5.0 Road and Railway Assets Code
 - 6.4.3 Part E - E6.0 Parking and Access Code
 - 6.4.4 Part E - E7.0 Stormwater Management Code
 - 6.4.5 Part E - E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 11.0 Inner Residential Zone:
 - 11.4.2 Setbacks and building envelope P1 and P2,*
 - 11.4.7 Frontage fences.*
 - 6.5.2 E5.0 Road and Railway Assets Code - *E5.6.4 Sight distance at accesses, junctions and level crossings*
 - 6.5.3 E6.0 Parking and Access Code - *E6.7.12 Siting of Car Parking*
 - 6.5.4 E13.0 Historic Heritage Code:

E13.7.1 Listed Place - Demolition,
E13.7.2 Listed Place - Buildings and Works other than Demolition,
E13.8.1 Precinct - Demolition,
E13.8.2 Precinct - Buildings and Works other than Demolition.

6.6 Each relevant performance criterion is assessed below.

6.7 11.0 Inner Residential Zone - *11.4.2 Setbacks and building envelope P1*

6.7.1 The acceptable solution A1 at clause *11.4.2* requires a dwelling, including an associated outbuilding, to have a setback from a frontage that is at least 3m.

6.7.2 The proposal includes the proposed garage and swimming pool which would be less than 3m from the property's frontage with Lasswade Avenue. The garage would achieve a setback of approximately 1200mm while the minimum setback proposed for the enclosed pool would be less than 400mm.

6.7.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.7.4 The performance criterion P1 at clause *11.4.2* provides as follows:

The setback of a dwelling from a frontage must:

(a) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; and

(b) have regard to streetscape qualities or assist the integration of new development into the streetscape.

6.7.5 The proposed garage and enclosed pool would not be incompatible with the relationship of existing buildings to Lasswade Avenue. For example, the dwelling on the adjoining property at 1 Lasswade Avenue is relatively close to this street as is the dwelling at 121 King Street. Notwithstanding the concerns raised by Council's Cultural Heritage Officer regarding the proposal's impact upon a streetscape that is within a heritage precinct, the proposal is considered to have regard to streetscape qualities. The floor level of the garage would be lower than the level of the street, which would reduce its visual impact. The proposed pool would be partly enclosed with glazing which would reduce its visual bulk when viewed

from the adjacent street.

6.7.6 The proposal complies with the above performance criterion.

6.8 11.0 Inner Residential Zone - *11.4.2 Setbacks and building envelope P2*

6.8.1 The acceptable solution A2 at clause *11.4.2* requires a garage to have a setback from frontage of at least 4m, or to be located 1m behind the facade of the dwelling.

6.8.2 The proposal includes the proposed garage which would be less than 4m from the property's frontage with Lasswade Avenue and would be located between the facade of the dwelling and this street.

6.8.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.8.4 The performance criterion P2 at clause *11.4.2* provides as follows:

The setback of a garage or carport from a frontage must:

(a) provide separation from the frontage that complements or enhances the existing streetscape, taking into account the specific constraints and topography of the site; and

(b) allow for passive surveillance between the dwelling and the street.

6.8.5 As noted above, an attempt has been made in the design of the proposed garage to reduce its visual impact upon the Lasswade Avenue streetscape. While the proposed garage is not considered likely to enhance this streetscape, it is recognised that it is a response to the specific constraints of the site. Given that the roof of the proposed garage would be at a similar level to the ground floor of the dwelling, it is unlikely to reduce passive surveillance between the dwelling and Lasswade Avenue.

6.8.6 The proposal complies with the above performance criterion.

6.9 11.0 Inner Residential Zone - *11.4.7 Frontage fences*

6.9.1 The acceptable solution at clause *11.4.7* requires a fence within 3m of a frontage to have a height above natural ground level of not more than 1.2m if the fence is solid, or 1.5m if the part of the fence above 1.2m has openings which provide a uniform transparency of not less than 30%.

- 6.9.2 The proposal includes a fence within 3m of the frontage that would have solid sections with a height above natural ground level of more than 1.2m.
- 6.9.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.
- 6.9.4 The performance criterion at clause 11.4.7 provides as follows:
- A fence (including free-standing walls) within 3m of a frontage must allow for mutual passive surveillance between the road and the dwelling (particularly on primary frontages), and maintain or enhance the streetscape.*
- 6.9.5 As shown on the elevation plans provided with the application, the top of the proposed fence would be at a similar level as the sills of the windows on the eastern side of the dwelling. Therefore, the proposed fence would allow for mutual passive surveillance between the dwelling and the adjoining section of Lasswade Avenue. The proposal is generally not considered to enhance the streetscape of this street. However, when considered in isolation, the proposed fence is considered likely to have only a limited impact and would therefore maintain streetscape values.
- 6.9.6 The proposal complies with the above performance criterion.
- 6.10 E5.0 Road and Railway Assets Code - *E5.6.4 Sight distance at accesses, junctions and level crossings*
- 6.10.1 The acceptable solution at clause E5.6.4 requires sight distances at an access to comply with Safe Intersection Sight Distance shown in Table E5.1.
- 6.10.2 The proposal includes an access that would not comply with the sight distances prescribed by Table E5.1. The access to the proposed garage would not provide the required sight distances.
- 6.10.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.
- 6.10.4 The performance criterion at clause E5.6.4 provides as follows:

The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

- (a) the nature and frequency of the traffic generated by the use;*
- (b) the frequency of use of the road or rail network;*
- (c) any alternative access;*
- (d) the need for the access, junction or level crossing;*
- (e) any traffic impact assessment;*
- (f) any measures to improve or maintain sight distance; and*
- (g) any written advice received from the road or rail authority.*

6.10.5 Council's Development Engineer has considered the proposal against the above performance criterion and provided the following assessment:

"A new crossover is proposed for access to the new garage. The access to the new garage does not provide a 2.5m by 2.0m clear triangle for safe pedestrian sight distance or safe vehicle sight distance in accordance with AS2890 ... A report prepared by a civil engineering consultant has been provided that has determined that based on the provision of a clear 1.0m by 1.0m for pedestrian visibility on both sides of the driveway, reduction in the wall height to maximum 1.2m, and nature of the traffic volume and speed in Lasswade Avenue, it is considered that this driveway provides safe and efficient access and should be accepted under the performance criteria. Vehicle sight distance and pedestrian sight distance is acceptable ... as the vehicle speeds and volumes are low and pedestrian volumes are low and the civil engineering consultant has stated the driveway provides safe and efficient access".

6.10.6 The proposal complies with the above performance criterion.

6.11 E6.0 Parking and Access Code - *E6.7.12 Siting of Car Parking*

6.11.1 The acceptable solution at clause *E6.7.12* requires parking spaces and vehicle turning areas, including garages, in the Inner Residential Zone to be located behind the building line.

6.11.2 The proposal includes the proposed garage which would not be located behind the building line on the site.

6.11.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance

criterion.

6.11.4 The performance criterion at clause E6.7.12 provides as follows:

Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone may be located in front of the building line where topographical or other site constraints dictate that this is the only practical solution because of one or more of the following:

(a) there is a lack of space behind the building line to enable compliance with A1;

(b) it is not reasonably possible to provide vehicular access to the side or rear of the property;

(c) the gradient between the front and the rear of existing or proposed buildings is more than 1 in 5;

(d) the length of access or shared access required to service the car parking would constitute more than 75% of the depth of the relevant lot;

(e) the access driveway cannot be located at least 2.5 m from a habitable room window of a building defined as a residential building in the Building Code of Australia;

(f) the provision of the parking behind the building line would result in the loss of landscaped open space and gardens essential to the values or character of a Heritage Place or Precinct listed in the Heritage Code in this planning scheme;

(g) the provision of the parking behind the building line would result in the loss directly or indirectly of one or more significant trees listed in the Significant Trees Code in this planning scheme,

and only if designed and located to satisfy all of the following:

(i) does not visually dominate the site;

(ii) maintains streetscape character and amenity;

(iii) does not result in a poor quality of visual or audio amenity for the occupants of immediately adjoining properties, having regard to the nature of the zone in which the site is located and its preferred uses;

(iv) allows passive surveillance of the street.

6.11.5 The constraints present on the site are considered to dictate that providing a parking space in front of the building line is the only practical solution as there is a lack of space behind the building line. It is also not

reasonably possible to provide vehicular access to the rear of the property given the proximity of the dwelling to its boundaries.

6.11.6 The proposal complies with the above performance criterion.

6.12 E13.0 Historic Heritage Code - *E13.7.1 Demolition Heritage Place*

6.12.1 There is no acceptable solution for clause *E13.7.1* where demolition is proposed on a heritage place.

6.12.2 The proposal includes demolition and the site is listed as a heritage place in Table E13.1.

6.12.3 As there is no acceptable solution for the above clause, the proposal relies upon assessment against the below performance criterion.

6.12.4 The performance criterion at clause *E13.7.1* provides as follows:

Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;

(a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;

(b) there are no prudent and feasible alternatives;

(c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;

(d) significant fabric is documented before demolition.

6.12.5 The Council's Cultural Heritage Officer has assessed the proposal against the relevant provisions of the Historic Heritage Code, including the above performance criterion. The officer's assessment of the proposal is provided as an attachment to this report. The Cultural Heritage Officer states that:

"with regard to the proposed demolition, it is considered that the proposed works would represent relatively small degrees of demolition and that whilst the converting of the front upper floor bedrooms into a single Master Bedroom is considered unfortunate, it is not considered so

detrimental or causing loss of cultural values to a degree to run contrary to the requirements of *E13.7.1 Demolition*".

The officer's full assessment is provided at Attachment C.

6.12.6 The proposal complies with the above performance criterion.

6.13 E13.0 Historic Heritage Code - *E13.7.2 Buildings and Works other than Demolition Listed Place*

6.13.1 The acceptable solution A5 for clause *E13.7.2* requires new front fences and gates to accord with original design. The acceptable solution A6 for clause *E13.7.2* requires that areas of landscaping between a dwelling and the street must be retained. There are no acceptable solutions for the remaining subclauses of the above clause, where buildings and works other than demolition are proposed on a heritage place.

6.13.2 The proposal includes a new front fence and gate that would not accord with original design. The proposal also includes a reduction in an area of landscaping between the dwelling and Lasswade Avenue, as a result of the proposed construction of the garage and enclosed pool. Buildings and works other than demolition are also proposed and the site is listed as a heritage place in Table E13.1.

6.13.3 As the proposal either does not comply with the relevant acceptable solutions, or there are no acceptable solutions prescribed for the above clause, it relies upon assessment against the below performance criteria.

6.13.4 The performance criteria at clause *E13.7.2* provide as follows:

P1

Development must not result in any of the following:

(a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;

(b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.

P2

Development must be designed to be subservient and complementary to the place through characteristics including:

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

P3

Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.

P4

Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.

P5

New front fences and gates must be sympathetic in design, (including height, form, scale and materials), to the style, period and characteristics of the building to which they belong.

P6

The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance of the place.

6.13.5 The Council's Cultural Heritage Officer has assessed the proposal against the above performance criteria and concluded that it does not comply. In the officer's view:

"By proposing to site new additions directly onto and indeed in front of the front elevations within the front garden, the proposal fails to respond to the hierarchy of the built form and introduces elements which by virtue of their prominent position, would fail to be suitably subservient to the original building. Similarly, it is also considered that the use of modern architectural forms and use of materials to the extensions which fail to respond, re-interpret or be sympathetic to the inherently residential style and pallet of the original property. The proposed front fences and gates

would fail to be sympathetic in design, height, form and materials with the style, period and characteristics of the building. When coupled with the associated loss of garden, it is considered that the proposal would result in development that would fail to comply with the requirements of E13.7.2 P1 through to P6".

The officer's full assessment is provided at Attachment C.

6.13.6 The proposal does not comply with the above performance criteria.

6.14 E13.0 Historic Heritage Code - *E13.8.1 Demolition Heritage Precinct*

6.14.1 There is no acceptable solution for clause *E13.8.1* where demolition is proposed on a site that is within a heritage precinct.

6.14.2 The proposal includes demolition and the site is within the Upper Sandy Bay Road Heritage Precinct.

6.14.3 As there is no acceptable solution for the above clause, the proposal relies upon assessment against the below performance criterion.

6.14.4 The performance criterion at clause *E13.8.1* provides as follows:

Demolition must not result in the loss of any of the following:

(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;

(b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;
unless all of the following apply;

(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;

(ii) there are no prudent or feasible alternatives;

(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.

6.14.5 The Council's Cultural Heritage Officer has assessed the proposal against the above performance criterion. In the officer's view:

"With regard to the proposed works of demolition, it is noted that those

elements shown for demolition are largely situated within the private rear garden of the site with only small works proposed to the front. Given also that the principal external demolition relates to a non-original later addition, it is considered that these works would have no impact whatsoever upon the character of the wider Precinct".

The officer's full assessment is provided at Attachment C.

6.14.6 The proposal complies with the above performance criterion.

6.15 E13.0 Historic Heritage Code - *E13.8.2 Buildings and Works other than Demolition Heritage Precinct*

6.15.1 The acceptable solution A5 for clause *E13.8.2* requires new front fences and gates to accord with original design. The acceptable solution A6 for clause *E13.8.2* requires that areas of landscaping between a dwelling and the street must be retained. There are no acceptable solutions for the remaining subclauses of the above clause, where buildings and works other than demolition are proposed on a site within a heritage precinct.

6.15.2 The proposal includes a new front fence and gate that would not accord with an original design. The proposal also includes a reduction in an area of landscaping between the dwelling and Lasswade Avenue, as a result of the proposed construction of the garage and enclosed pool. Buildings and works other than demolition are also proposed and the site is within the Upper Sandy Bay Road Heritage Precinct.

6.15.3 As the proposal either does not comply with the relevant acceptable solutions, or there are no acceptable solutions prescribed for the above clause, it relies upon assessment against the below performance criteria.

6.15.4 The performance criteria at clause *E13.8.2* provide as follows:

P1

Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.

P2

Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a

heritage place of an architectural style different from that characterising the precinct.

P3

Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.

P4

New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.

P5

The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance or the streetscape values and character of the precinct.

6.15.5 The Council's Cultural Heritage Officer has assessed the proposal against the above performance criteria and concluded that it does not comply. In the officer's view:

"the proposed additions would have a detrimental impact upon the character of the Precinct and would therefore fail to comply with the requirements of *E13.8.2 Buildings and Works other than Demolition*".

The officer's full assessment is provided at Attachment C.

6.15.6 The proposal does not comply with the above performance criteria.

7. Discussion

7.1 Planning approval is sought for partial demolition, alterations, extension and front fencing at 3 Lasswade Avenue.

- 7.2 The application was advertised and received three (3) representations. The representations raised concerns regarding the height of the proposed garage and pool house, its proximity to Lasswade Avenue, and potential negative effect upon the streetscape. The representations also suggested that consideration be given to using the access to the property from King Street to provide additional parking rather than an access from Lasswade Avenue which will reduce onstreet parking, as is proposed.
- 7.3 The representations appear to have interpreted the vertical extent of the proposed garage as being the same as its likely height above natural ground level. Given that the floor of the garage would be below natural ground level, its maximum height above this level would not be as high as suggested in the representations. However, the view that the proposal would not enhance the Lasswade Avenue streetscape is supported, particularly given that the site is within a heritage precinct and that the proposal is considered to have a deleterious effect upon the heritage values of the heritage listed site and area. Providing additional or replacement car parking that is accessed via King Street may be problematic given that the land adjacent to this frontage is common land on the property's stratum plan.
- 7.4 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to not comply with the Historic Heritage Code.
- 7.5 The proposal has been assessed by other Council officers, including the Council's Development Engineer and Cultural Heritage Officer. The Cultural Heritage Officer has raised objections to the proposal.
- 7.6 The proposal is recommended for refusal on heritage grounds.

8. Conclusion

- 8.1 The proposed partial demolition, alterations, extension and front fencing at 3 Lasswade Avenue, Sandy Bay, does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015* and is recommended for refusal.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations, extension and front fencing at 3 Lasswade Avenue, Sandy Bay for the following reasons:

- 1 The proposal does not meet the acceptable solution A1 or the performance criterion P2 with respect to clause *E13.7.2 Buildings and Works other than Demolition* of the *Hobart Interim Planning Scheme 2015* because the proposed development would result in:
 - a) loss of historic cultural heritage significance to the place through incompatible design, and,
 - b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements.
- 2 The proposal does not meet the acceptable solution A2 or the performance criterion P2 with respect to clause *E13.7.2 Buildings and Works other than Demolition* of the *Hobart Interim Planning Scheme 2015* because the proposed development would not be subservient and complementary to the place.
- 3 The proposal does not meet the acceptable solution A3 or the performance criterion P3 with respect to clause *E13.7.2 Buildings and Works other than Demolition* of the *Hobart Interim Planning Scheme 2015* because the proposed materials, built form, and fenestration would not respond to the dominant heritage characteristics of the place.
- 4 The proposal does not meet the acceptable solution A4 or the performance criterion P4 with respect to clause *E13.7.2 Buildings and Works other than Demolition* of the *Hobart Interim Planning Scheme 2015* because the proposed extension to the existing building would detract from the historic cultural heritage significance of the place.
- 5 The proposal does not meet the acceptable solution A5 or the performance criterion P5 with respect to clause *E13.7.2 Buildings and Works other than Demolition* of the *Hobart Interim Planning Scheme 2015* because the proposed front fence and gate would not be sympathetic in design to the style, period, and characteristics of the building to which they would belong.

- 6 The proposal does not meet the acceptable solution A6 or the performance criterion P6 with respect to clause *E13.7.2 Buildings and Works other than Demolition* of the *Hobart Interim Planning Scheme 2015* because the proposed removal of areas of landscaping between the dwelling and the street would result in the loss of elements of landscaping that contribute to the historic cultural significance of the place.
- 7 The proposal does not meet the acceptable solution A1 or the performance criterion P1 with respect to clause *E13.8.2 Buildings and Works other than Demolition* of the *Hobart Interim Planning Scheme 2015* because the proposed design and siting of buildings and works would result in detriment to the historic cultural heritage significance of the Upper Sandy Bay Heritage Precinct (SB2).
- 8 The proposal does not meet the acceptable solution A3 or the performance criterion P3 with respect to clause *E13.8.2 Buildings and Works other than Demolition* of the *Hobart Interim Planning Scheme 2015* because the proposed extension to the existing building would detract from the historic cultural heritage significance of the Upper Sandy Bay Heritage Precinct (SB2).
- 9 The proposal does not meet the acceptable solution A4 or the performance criterion P4 with respect to clause *E13.8.2 Buildings and Works other than Demolition* of the *Hobart Interim Planning Scheme 2015* because the proposed front fence and gate would not be sympathetic in design to the style, period, and characteristics of the Upper Sandy Bay Heritage Precinct (SB2).
- 10 The proposal does not meet the acceptable solution A5 or the performance criterion P5 with respect to clause *E13.8.2 Buildings and Works other than Demolition* of the *Hobart Interim Planning Scheme 2015* because the proposed removal of areas of landscaping between the dwelling and the street would result in the loss of elements of landscaping that contribute to the historic cultural significance of the Upper Sandy Bay Heritage Precinct (SB2).



(Adam Smee)

Development Appraisal 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.



(Ben Ikin)

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.

Date of Report: 8 January 2018

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report - Cultural Heritage Officer