



City of **HOBART**

## APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee  
Council: 20 May 2019  
Expiry Date: 18 June 2019  
Application No: PLN-19-167  
Address: 8 FLINT AVENUE , NEW TOWN  
Applicant: Rex Dwyer  
8 FLINT AVENUE  
Proposal: Carport  
Representations: One (1)  
Performance criteria: Inner Residential Zone Development Standards, Historic Heritage Code

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### 1. Executive Summary

- 1.1 Planning approval is sought for a carport at 8 Flint Avenue, New Town.
- 1.2 More specifically, the application proposes:
  - A steel and colourbond carport - 4.9m x 2.7m in area , 2.1m in height to the eaves and 2.612m in height to the ridgeline.
  - The carport will be steel columns and colourbond roof.
  - The carport will be located on the south eastern corner of the site in front of the dwelling, but on the existing hard stand area of the driveway.
  - The proposed front setback is 1500mm and side setback 150mm.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 Inner Residential Zone Development Standards - Front and Side Setbacks
  - 1.3.2 Historic Heritage Code - Building and Works within a Heritage Precinct
- 1.4 One (1) representation objecting to the proposal was received within the statutory advertising period between 5th and 24th April 2019.
- 1.5 The proposal is recommended for refusal.

1.6 The final decision is delegated to the Council.

## 2. Site Detail

- 2.1 The site is an established residential lot on the northwestern side of Flint Avenue, New Town. Surrounding uses are single detached dwellings.



*Figure 1: Location plan (Geo Cortex, 2019)*

- 2.2 The house is a brick and tile 1940s style detached dwelling. The dwelling is located towards the front of the lot, with driveway and access on the southwestern side.



*Figure 2: Site Plan (Geo Cortex, 2019)*

- 2.3 There is a two storey garage in the north west corner of the lot with roller door fronting the driveway. In front of the roller door is an existing single colourbond carport. In addition, there is sufficient space for another vehicle in front of the existing car port and still behind the dwelling building line.



*Figure 3: Existing garage and carport (officer photo, 2019)*

- 2.4 The frontage contains a low brick fence with short iron railings on top. Wrought iron gates front the red paver driveway with additional iron gates located midway along the driveway within a 1970's style brick archway in line with the dwelling.
- 2.5 The carport is proposed on the existing driveway in front of the dwelling building line, but behind the front wrought iron gates. The area proposed for the carport is currently used to park a vehicle, and is shaded by a patio umbrella.



*Figure 3: View from Flint Avenue (Officer photo, 2019)*

- 2.6 There is a uniform setback to the street, with surrounding dwellings generally of a similar era and style. Flint Avenue is a short no-through road, that branches off Pirie Street. Whilst the street contains only 11 dwellings, there are strong similarities between houses, displaying a consistency in design and materials (draft Heritage precinct report, City of Hobart, 2019).



*Figure 4: View of properties on northwestern side of Flint Avenue with patio umbrella shown (Officer Photo, 2019)*



*Figure 5: Flint Avenue view looking northeast (Officer photo, 2019)*

### 3. Proposal

3.1 Planning approval is sought for a carport at 8 Flint Avenue, New Town.

3.2 More specifically, the application proposes:

- A steel and colourbond carport - 4.9m x 2.7m in area , 2.1m in height to the eaves and 2.612m in height to the ridgeline.
- The carport will be steel columns and colourbond roof.
- The carport will be located on the south eastern corner of the site in front of the dwelling, but on the existing hard stand area of the driveway.
- The proposed front setback is 1500mm and side setback 150mm.

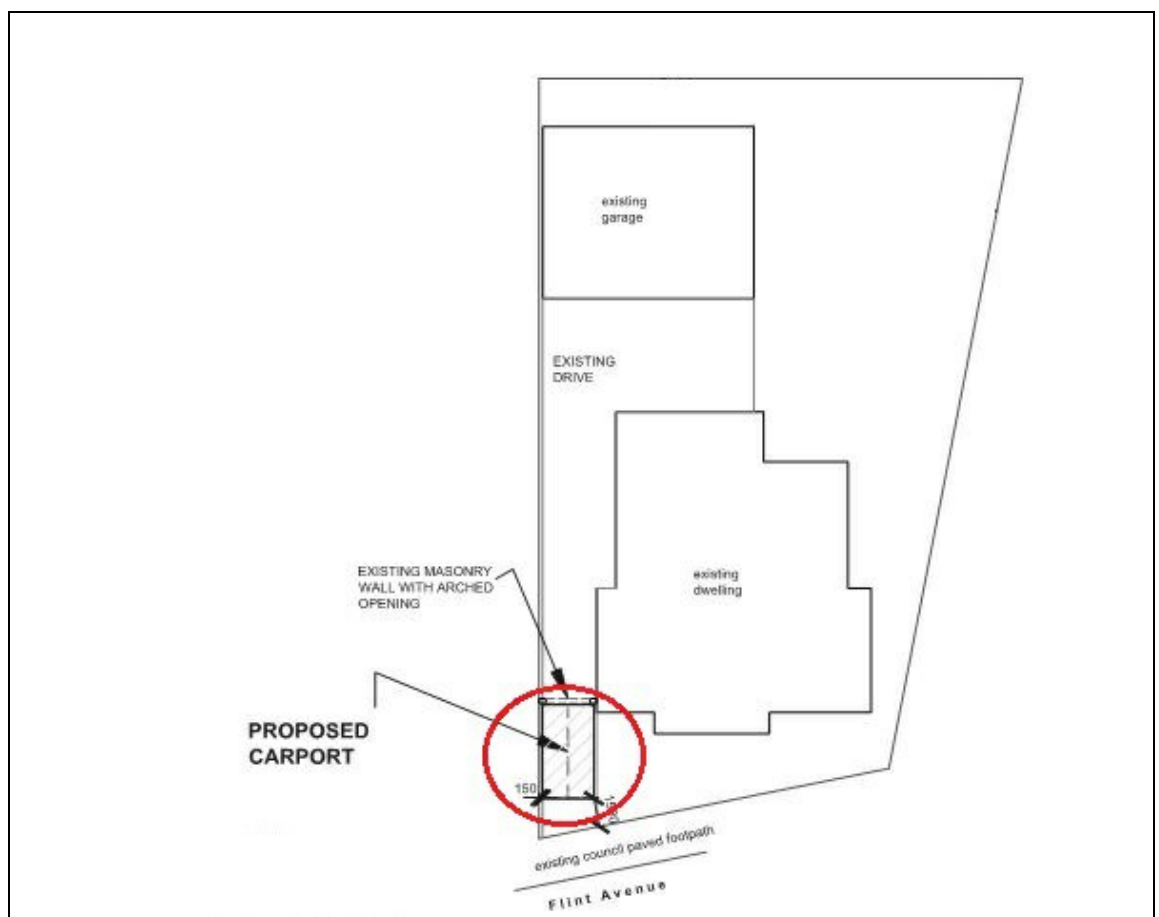


Figure 6: Site plan (Skizze Building design, 2019)

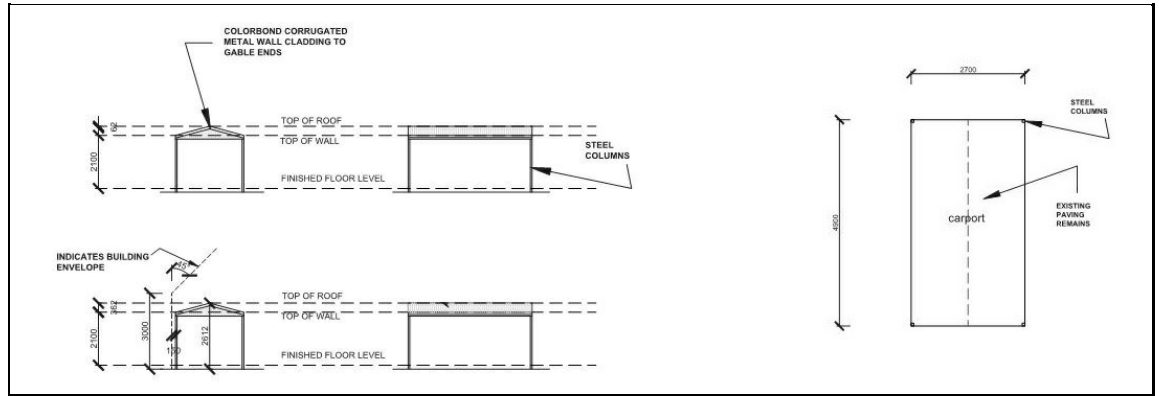


Figure 7: Elevations and Floor plans for carport (Skizze Building design, 2019)

#### 4. Background

- 4.1 The applicant was advised via pre-application enquiry PAE-19-39 that the carport would require planning approval.

#### 5. Concerns raised by representors

- 5.1 One (1) representation objecting to the proposal was received within the statutory advertising period between 5th and 24th April 2019.
- 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.

An ongoing neighbour dispute arising over the siting of a new boundary fence constructed in 2014/15, which has the potential to be affected by the location and construction of the proposed garage on the side boundary.

#### 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 is a single dwelling, which is a no permit required use in the zone. No change of use is proposed by this application.

6.4 The proposal has been assessed against:

6.4.1 Part D - 11 Inner Residential Zone

6.4.2 E6.0 Parking and Access Code

6.4.3 E7.0 Stormwater Code

6.4.4 E13.0 Historic Heritage Code

6.5 The proposal relies on the following performance criteria to comply with the applicable standards:

6.5.1 Inner Residential Zone Development Standards:-

*Front and Side Setbacks - Part D 11.4.2 P1; P2; P3*

6.5.2 Historic Heritage Code:-

*Building and Works within a Heritage Precinct - E13.8.2 P1*

6.6 Each performance criterion is assessed below.

6.7 Setback and Building Envelope Part D 11.4.2 P1

6.7.1 The acceptable solution at clause 11.4.2 A1 requires a setback of 3m from the front boundary.

6.7.2 The proposal includes a setback from the front boundary of 1.5m.

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 performance criterion at clause 11.4.2 P1 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 There are no site constraints that prevent the car port being located behind the building line. The site is flat and an existing driveway extends to the rear of the dwelling.

In this instance the relationship of existing buildings to the road is such that existing development predominantly pursues an historic uniform front setback. The location of the carport in front of the dwelling does not easily integrate this new element into the streetscape and is not compatible with this streetscape.

- 6.7.6 The proposal does not comply with the performance criterion.

## 6.8 Setback and Building Envelope Part D 11.4.2 P2

- 6.8.1 The acceptable solution at clause 11.4.2 A2 requires a carport to be setback at least 4m from the front boundary or 1m behind the dwelling facade, unless the land has a gradient steeper than 1 in 5 within 10m of the frontage.

- 6.8.2 The proposal includes a setback of 1.5m from the front boundary.

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

- 6.8.4 The performance criterion at clause 11.4.2 P2 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 There are no topographic or site constraints preventing parking behind the dwelling facade. Given the existing uniform setback in the streetscape, the location of the car port 1.5m off the front boundary does not provided a clear separation from the frontage which complements or enhances the streetscape.

The carport does not impact on the passive surveillance between the dwelling and the street and this is therefore not considered relevant in this instance.

6.8.6 The proposal does not comply with the performance criterion.

6.9 Setback and Building Envelope Part D 11.4.2 P3

6.9.1 The acceptable solution at clause 11.4.2 A3 requires development to be located 1.5m from the side boundary if the total length of development exceeds 9m, and to have a front setback of 4m.

6.9.2 The proposal includes a proposed setback of 15cm from the side boundary. There is an existing garage with a side wall of approximately 9m in the rear corner of the site. The addition of a 5m carport on the same boundary totals 14m of development located within 1.5m of the side boundary. The proposal has a 1.5m front setback.

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

6.9.4 The performance criterion at clause 11.4.2 P3 provides as follows:

*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.*

6.9.5 Being located to east of adjoining neighbours, there is a limited potential for a reduction in sunlight to a habitable room of that dwelling. However, because the carport is sufficiently low in profile and without walls, the impact of overshadowing to that dwelling should be short lived on 21st June.

Consequently, as the carport will still enable more than 3 hours of sunlight to the front habitable room of the adjacent dwelling and is therefore considered acceptable in this instance.

6.9.6 The proposal complies with the performance criterion.

6.10 Historic Heritage Code - Heritage Precinct E 13.8.2 Buildings and Works other than Demolition

6.10.1 There is no acceptable solution for E 13.8 2.

6.10.2 The proposal includes a carport located within the frontage of the dwelling in a Heritage Precinct New Town 12.

6.10.3 There is no acceptable solution; therefore assessment against the performance criteria is relied on.

6.10.4 The performance criteria at clause E 13.8 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.*

6.10.5 The proposal has been assessed by Council's Cultural Heritage Officer, who makes the following comments:

The application relates to a single storey brick built inter-war detached residential property. The front garden is enclosed by a low brick wall topped with later ornate railings and an ornate archway with railing gates has been added to a side driveway which in turn provides access to a rear garage.

The proposal seeks the erection of an open sided single width carport over the existing driveway to the front garden, forward of the front building line. The carport would be of a steel pole and colourbond construction with enclosed gable ends.

The building is not heritage listed, but does form part of the Flint Avenue Heritage Precinct (NT12) as set out in the Hobart Interim Planning Scheme 2015.

This precinct, as set out in Table E13.2, is significant for reasons including:

1. It reflects the links between development and the extension of public transport lines, land sales, house building and the historical patterns of suburban growth in the late 1930s, early 1940s.
2. It is a cohesive collection of residential buildings in the Interwar architectural style.
3. These places have a high degree of integrity and consistency, many in original condition with strong consistent character in terms of size, height, materials, setback, bulk, garden setting and fencing.

With regard to development within a Heritage Precinct, the stated objective of E 13.8.2 'Buildings and Works other than Demolition', is 'To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.' Performance Criteria No 1 stipulates that '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 E 13.2.'. Performance Criteria No 3 stipulates that 'Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.' whilst Performance Criteria No.5 stipulates that '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.'

It is noted that the Flint Avenue Heritage Precinct is one of the Planning Schemes smallest individual precincts, consisting solely of this small non-through road and constituting just 11 properties. All of the properties were built as one development and have retained their overall appearance and scale save for No.1a, a later early 2000's development, and a two-storey addition added to No.2, both of which were approved and constructed just prior to the adoption of the Heritage Precinct with the incoming Hobart Interim Planning Scheme 2015. As such, unlike some other Precincts that are formed by a laying of various periods of development creating properties of various ages and styles, Flint Avenue has a largely coherent and [consistent] built form, scale, materials, commonality of style and plot arrangement. This coherency is specifically identified in the Precinct description set out in the Scheme above and forms a central component of what is considered in making the precinct significant.

As with all heritage precincts, the primary consideration is what is perceived solely from the public realm, hence the importance placed upon streetscape. In this instance, the buildings form a coherent whole, reinforced by the general lack of visible detrimental elements, especially within the front parts of the site where such elements would be most visible. With regard to the provision of structures forward of the front building line, it is noted that only one property has a garage built forward of the front building line, a single brick built garage at No.2a which appears to have been built if not contemporary too, within a very short time frame of the construction of the house, and therefore well in advance of the 2015 Planning Scheme. Given the above, it is therefore considered that the retention of front gardens free from structures and the lack of obscuring features to the front elevations of properties is a clear and identified characteristic of the Avenue.

Whilst the proposed car port would be open sided, it would nonetheless be a highly visible structure. Clearly departing from the pattern of development and utilising a design and use of materials, it would also erode the garden setting of the property and its clear sense of setback in line with the wider street. It is considered that the resulting development would stand contrary to the otherwise consistency of streetscape appearance and would diminish not only the sense of integrity of the individual property, but to that of the wider precinct.

Given the above, it is therefore considered that the proposed car port would fail to be sympathetic to the character of the precinct to the detriment of its clearly identified consistency and integrity of style, setback, garden setting and cohesive architectural style. As such, it is

therefore considered that the proposal would run contrary to the provisions of the Scheme, most notably E 13.8.2, P1, P3 and P5 and the recommendation is that the proposal be refused for the following reasons:

1. The proposal carport, by reason of its location forward of the front building line would have a detrimental impact upon those features which contribute to the historic cultural significance of the Flint Avenue Heritage Precinct (NT12) as set out in table E.13.2 of the Hobart Interim Planning Scheme 2015, contrary to E 13.8 Development Standards for Heritage Precincts, in particular E 13.8.2 – ‘Buildings and Works other than Demolition’ P1, P3 and P5.

6.10.6 The proposal does not comply with the performance criterion.

## **7. Discussion**

- 7.1 Planning approval is sought for a carport at 8 Flint Avenue, New Town.
- 7.2 The application was advertised and received one (1) representation. The representation raised concerns including potential impact on an ongoing fencing dispute. Generally a fencing dispute is not within the ambit of the planning scheme, however clause 8.10.2 requires Council, in determining an application, to consider any representations received pursuant to and in conformity with section 57(5) of the *Land Use Planning and Approvals Act 1993*. Because the boundary location is in dispute and the proposed siting of the carport is 15cm off the affected boundary, there is the possibility that the carport may intrude into the neighbouring site. Consequently, if Council is of a mind to approve the proposal, a condition should be imposed requiring the carport to be located entirely within the subject property.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to not perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer. The Cultural Heritage Officer has raised objection to the proposal and recommended it be refused.
- 7.5 The proposal is recommended for refusal.

## **8. Conclusion**


- 8.1 The proposed Carport at 8 FLINT AVENUE NEW TOWN TAS 7008 does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.



## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Carport at 8 FLINT AVENUE NEW TOWN TAS 7008 for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause 11.4.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the setback of the carport does not have regard to streetscape qualities or assist the integration of the carport into the streetscape.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause 11.4.2 A2 and P2 of the *Hobart Interim Planning Scheme 2015* because the setback of the carport does not provide separation from the frontage that complements or enhances the existing streetscape.
- 3 The proposal does not meet the acceptable solution or the performance criteria with respect to clause 13.8.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the proposed carport, by reason of its location forward of the front building line, would have a detrimental impact upon those features which contribute to the historic cultural significance of the Flint Avenue Heritage Precinct (NT12) as set out in table E.13.2.



(Victoria Maxwell)

*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: 1 May 2019

**Attachment(s):**

Attachment A - CPC Agenda Documents

Attachment B - Planning Referral Officer Cultural Heritage Report