



CITY OF HOBART

# MINUTES ATTACHMENTS

## CITY PLANNING COMMITTEE MEETING

### OPEN PORTION OF THE MEETING

MONDAY, 14 OCTOBER 2019

AT 5:00 PM

VENUE: LADY OSBORNE ROOM, TOWN HALL

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9<sup>th</sup> October 2019

**Planning Committee Meeting 14<sup>th</sup> October 2019.**

Subject site: 2/12 Ascot Avenue, Sandy Bay.

**Dear Members of the Planning Committee,**

**PLN-19-513 is a proposal to turn bedroom three of Flat 2 into a separate flat. This new bedsit flat (Flat 3) would then have its own strata title. Page 1.**

**The proposal does not increase the height, scale, footprint, or floor area of the building. The proposal does not increase the density of the existing building and only requires installation of a kitchenette and laundry to comply with requirements to strata title existing bedroom 3 of Flat 2. (Page 2)**

The existing strata plan 58837, created in 1977 currently has two titles on the plan **Flat 1** (2 bedrooms) and **Flat 2** (3 bedrooms). PLN-19-513 is seeking approval to create a third strata title namely bedsit **Flat 3**. See pages 1 and 2.

The Council assessor Ms Liz Wilson has been professional and helpful throughout the process. On Friday morning the 27<sup>th</sup> September 2019 Ms Wilson contacted me and said she must recommend refusal in her report because my proposed density per dwelling "was not compatible with the density of the surrounding area". She said she was bound by a density guideline formula set by Council to calculate the density in relation to the surrounding area and therefore "I must recommend refusal of your proposal".

However, she recommended I make an appointment to speak to the Planning Committee on the 14<sup>th</sup> October 2019. Ms Wilson recommended I put my case for approval to the Planning Committee regarding the discretionary clauses in the planning scheme.

Most of the time the guidelines set by Council for this density calculation probably produce a fair and reasonable outcome. However, I believe in regard to this particular application they may not. Sometimes there are exceptions to the rule and this is the reason there are discretionary provisions in the Hobart Interim Planning Scheme 2015.

My reasons for seeking discretionary approval are as follows:

- 1 The proposal to strata title bedroom 3 of Flat 2 does not increase the height, scale, footprint, floor area or density of the building. Pages 1 and 2.**
  - 2 The proposal does not increase the number of existing bedrooms in the building, the number of bedrooms would remain the same 5 in total. Page 1.**
  - 3 There is already an existing extra car space on the site. Page 3.**
-

- 4 **There are 5 dwellings within a 100m radius that have densities higher than the density proposed for the subject site. Two of these dwellings are adjoining, at Multi Dwelling site 14 Ascot Avenue. Flats 1 & 2 (report 6.7.10.)**
- 5 **Individual flats and units make up 44% of the dwellings within a 100m radius of the subject site. Page 4 32 strata title flats, 41 houses.(report 6.7.9)**
- 6 **Other requirements relied upon for strata title approval of Flat 3 are met**
  - Private Open Space ..... complies without conditions
  - Sunlight and Overshadowing ..... complies without conditions
  - Parking and Access ..... complies without conditions
- 7 **10.4.1 P1 The Performance Criteria section of the Planning Scheme should have discretion applied just as equally as a numerical formula.**
- 8 **Representations (one) it reads as follows:**

"The body corporate has not passed a unanimous resolution agreeing to the amendment of the Strata Plan as set out in the Application"

During the process of submitting this application PLN-19-513 I asked the Council if any Body Corporate resolution was required to submit and they said no, not at this stage. However, *I didn't communicate this information effectively to the owner of Flat 1.* I informed the owner of Flat 1 on the 15<sup>th</sup> August 2019 at 1.04pm that I was submitting an application to strata title bedroom 3 of Flat 2.

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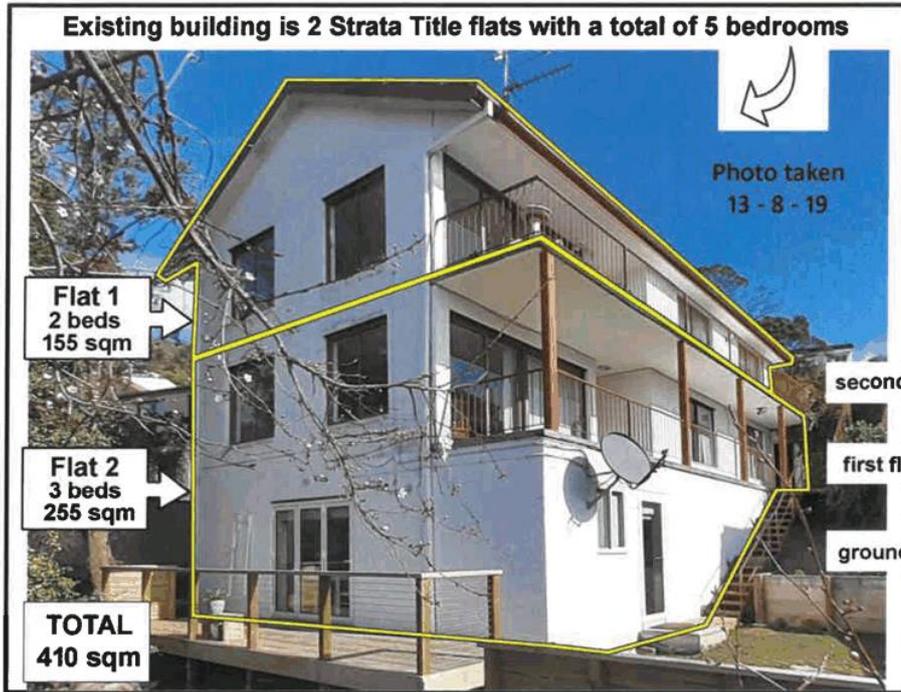
**The floor area of the building has remained unchanged for the last 42 years. Recent approval of bedroom 3 for Flat 2 (6<sup>th</sup> May 2019) did not change the floor area of the building. If this application were approved, the floor area of the building would remain exactly the same as the day it was first strata titled in 1977.**

The population of Hobart is expanding and the demographic of people living by themselves is increasing. The creation of a new bedsit flat, that has little or no impact on the environment or surrounding area, fills a need in the community and should be embraced not rejected.

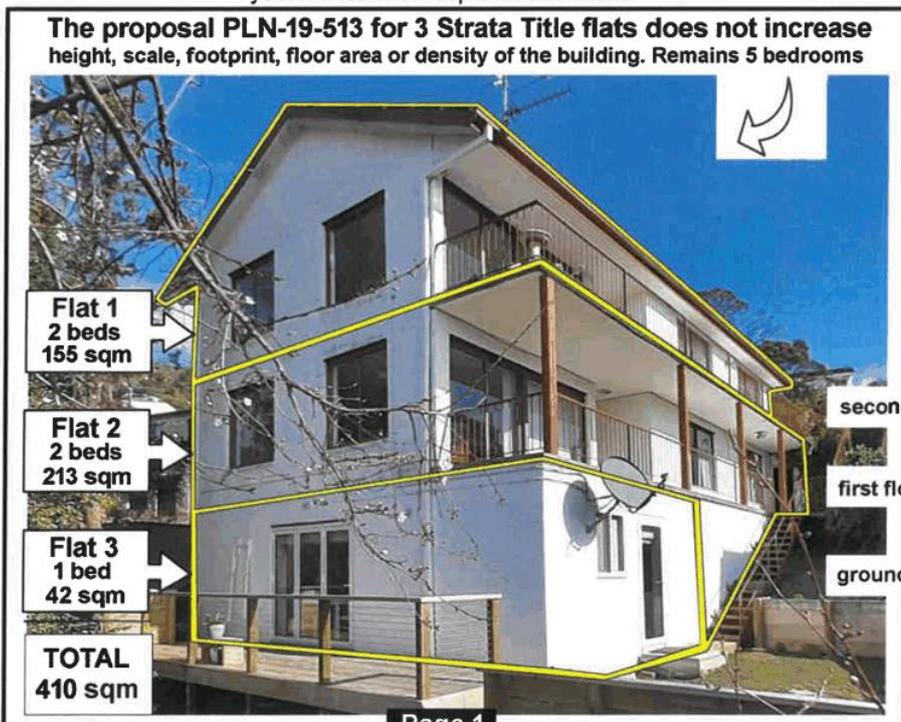
There are **discretionary** guidelines provided by the authors of the Hobart Interim Planning Scheme 2015 that **encourage** approval of such a low impact development such as PLN-19-513 (see page 5)

Therefore, I ask the Planning Committee to apply these discretionary guidelines provided in the Hobart Interim Planning Scheme 2015 and grant approval of this application.

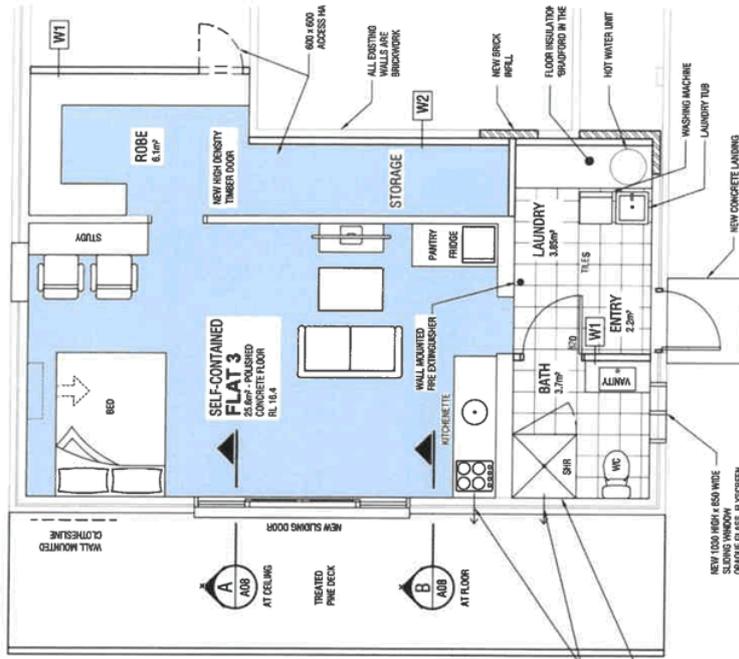
Yours sincerely,  
Trevor Glover



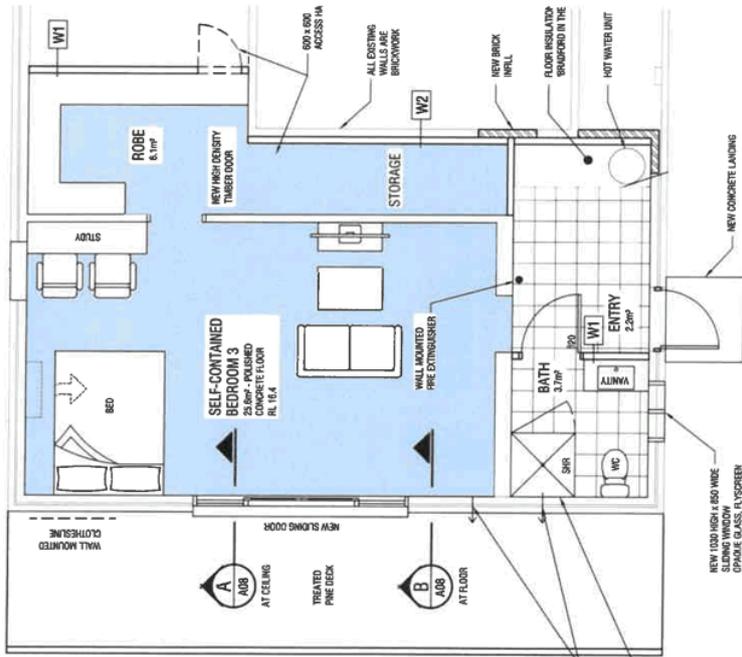
yellow lines show separate title areas



**PROPOSED FLAT 3**  
self contained 42 sqm  
no increase in floor area  
Kitchenette and laundry added



**EXISTING BEDROOM 3**  
self contained 42 sqm  
approved 6.5.19  
(PLN-18-94)



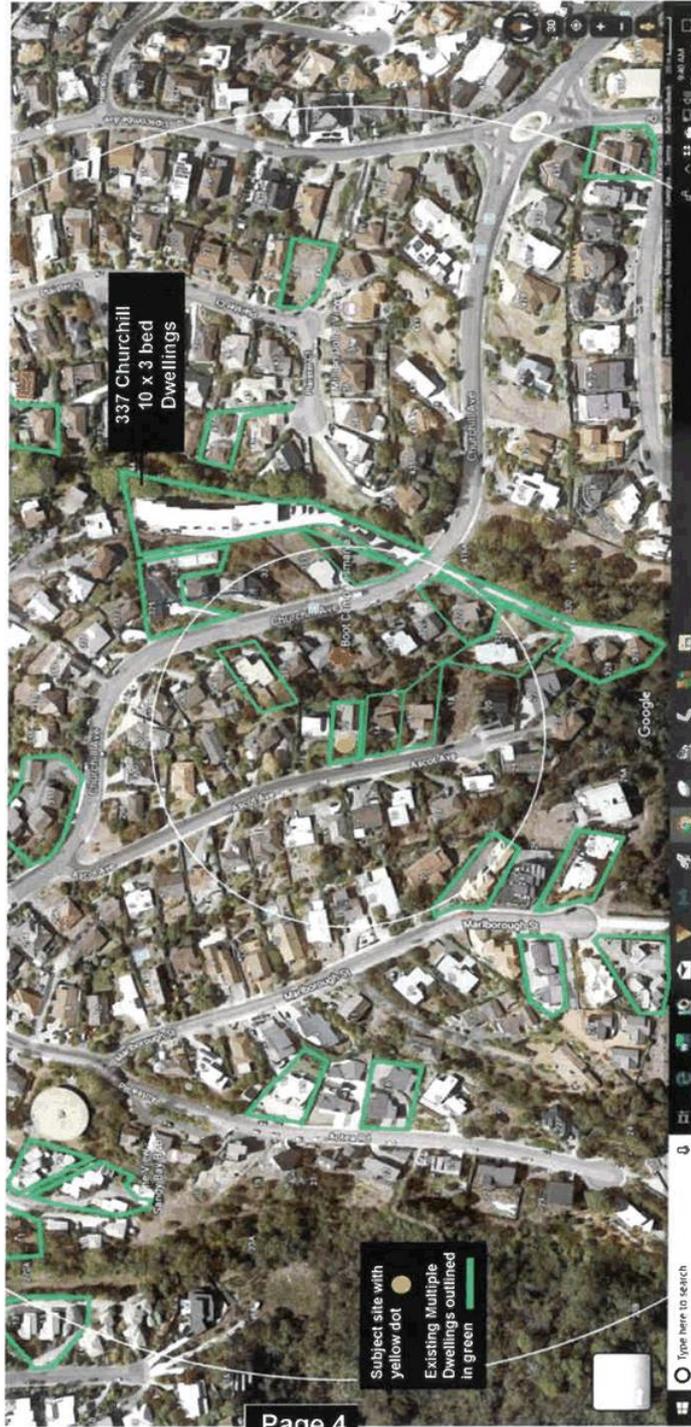
**FLOORPLANS**

**A third carspace is existing**



The subject site is 12 Ascot Ave. Adjoining blocks of land 14 and 16 Ascot Ave are Multi Dwellings. The flats right next door at 14 Ascot Avenue are higher densities than the subject sites proposed density (Report 6.7.10)

Multi Dwelling sites are outlined in green. There are more Multi Dwellings sites than shown on this map as the Multi Dwelling sites outlined below were identified from viewing this satellite image only. Individual flats or units make up 44% of the dwellings within a 100m radius of the subject site. 32 flats, 41 houses, 73 Total. (Planning Report 6.7.9)



Page 4

**Inner circle is a 100m radius**

The Planning Assessor's Report (6.7.10) notes there are 5 dwellings with higher densities than the subject sites proposed density within a 100m radius of 12 Ascot Ave.

Hobart Interim Planning Scheme 2015 » Part D Zones » 10.0 General Residential Zone » 10.1 Zone Purpose

## 10.1 Zone Purpose

### 10.1.1 Zone Purpose Statements

- 10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.
- 10.1.1.3 To provide for the efficient utilisation of services.
- 10.1.1.4 To encourage residential development that respects the neighbourhood character.
- 10.1.1.5 To provide a high standard of residential amenity.

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## 9.1 Changes to an Existing Non-conforming Use

9.1.1 Notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:

- (a) to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or
- (b) to extend or transfer a non-conforming use and any associated development, from one part of a site to another part of that site; or
- (c) for a minor development to a non-conforming use,

where there is -

- (a) no detrimental impact on adjoining uses; or
  - (b) the amenity of the locality; and
  - (c) no substantial intensification of the use of any land, building or work.
- 

## Compliance with Hobart planning schemes

Hobart is governed by two planning schemes: the [Hobart Interim Planning Scheme 2015](#) and the [Sullivans Cove Planning Scheme 1997](#) (PDF, 9MB).

The assessment process for development applications under these schemes is governed by the [Land Use Planning and Approvals Act 1993](#).

Planning applications are assessed under the following criteria:

- **Density:** density is determined by assessing floor area in relation to land area.

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gross floor area means the total floor area of the building measured from the outside of the external walls or the centre of a common wall.

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## Oxford Dictionary description of discretionary

*/diˈskrɛʃəˌnəri/* [usually before noun] (formal) decided according to the judgment of a person in authority about what is necessary in each particular situation; not decided by rules You may be eligible for a **discretionary** grant for your college tuition. See **discretionary** in the **Oxford Advanced Learner's Dictionary**.

**APPENDIX** written 13th October 2019**10.4.1 P1 Performance Criteria rule (a) reason for refusal**

"not compatible with the density of the surrounding area"

**The intention of the rule:**

**Protect property owners in the surrounding area, from the effect unreasonable increases in density from developments would have on their properties.**

There were **no objections** to the proposal that were relevant under the Planning Scheme.  
Does the density of the proposal have an unreasonable effect on the properties in the surrounding area?

Requirements from the Planning Scheme to help consider the question.

**Density** As there is no increase to the floor area of the building, there is no increase to the density of the building. Therefore, there is no increase to the density of the surrounding area. (effect on the surrounding area is 0%)

<b>Setbacks</b>	no change	(effect on the surrounding area is 0 %)
<b>Envelope</b>	no change	(effect on the surrounding area is 0 %)
<b>Site coverage</b>	no change	(effect on the surrounding area is 0 %)
<b>Private open space</b>	complies	(effect on the surrounding area is 0 %)
<b>Sunlight and overshadowing</b>	complies	(effect on the surrounding area is 0 %)
<b>Parking spaces</b>	complies	(effect on the surrounding area is 0 %)

**Conclusion**

**The proposal to create Flat 3 is in accordance with the intention of the rule.**

**The proposal's impact on the surrounding area is ZERO.**

**The proposal complies with the spirit of the Planning Scheme and the thinking that underpinned the writing of the document.**

From: Hendrik (Henk) Prins  
Date: Mon, 14 Oct 2019 at 11:50  
Subject: 604 Sandy bay Road,  
To: Tim Breen

Tim and Amy,

Further to our chat of this morning some additional clarification you are free to use as required tonight or subsequently re 604 Sandy bay Rd planning application. In summary the situation is the following –

1. Neither Jim or Ian Headly (applicant builder) contacted us prior to lodging the original application.
  2. It is only after I contacted Jim Bacon at the Council (after the response deadline) that I was able to get the application details and I then rang Ian for clarification and subsequently to voice our strong objections.
  3. You will see from our deposition that we expressed our disappointment that the applicant never reached out to us a next door neighbour prior to lodging the application. At no stage has Jim reached out to us directly to discuss this plans – he only responded to my calls once. Ian was more responsive but again only after I pressed him..
  4. Because we missed the original deadline we made a deposition directly to the Council's Planning Committee.
  5. In our deposition we objected strongly to the proposal and urging the Councillors to accept the recommendations from their internal planners.
  6. It was only after the Planning Committees decision to recommend approval of the development for the full Council's final decision that we decided to try and mitigate one of the worst aspects of the plans as a means to deduce the impact on us in the event that the full Council approved the development.
  7. If you look at the agreement wording (attached) you will see that I deliberately crafted the words to hopefully ensure it could not be misconstrued by Jim that we supported the development per se. (The original text crafted by Jim and Ian was worded to the effect that we would support the development without reservations as part of the agreement for some changes to the 4<sup>th</sup> level)
  8. Specifically we have not retracted our statements in the deposition urging the Council's to accept the internal Planers recommendations.
  9. The changes we were able to extract from Jim do not address our fundamental objections to the plans – all we have done is agree to stay on the side-lines for now.
-

Please feel free to express our basic concerns re the development as outlined in our deposition on our behalf and if more clarification is sought explain that our agreement with Jim was made as a last ditch effort to extract some concessions noting that we were basically alone at that stage and not confident that the Council would reject the application!

Best regards

Henk and Xiao Qin



PROPOSED HOUSE  
604 SANDY BAY RD.

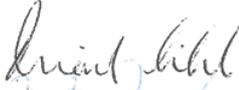
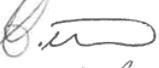
EXISTING HOUSE  
608 SANDY BAY RD.

SOUTH ELEVATION

ARTIST'S IMPRESSION 604 SANDY BAY ROAD.  
(SCALE APPROXIMATE ONLY)

COMPILED COMPOSITION FROM PLANS, GOOGLE STREET VIEW.  
JULY 2019. DRAWN: IAN HEADLEY.

We the undersigned have seen the plans and 3D rendered images of the proposed development at 604 Sandy Bay Road and have no objection for the development

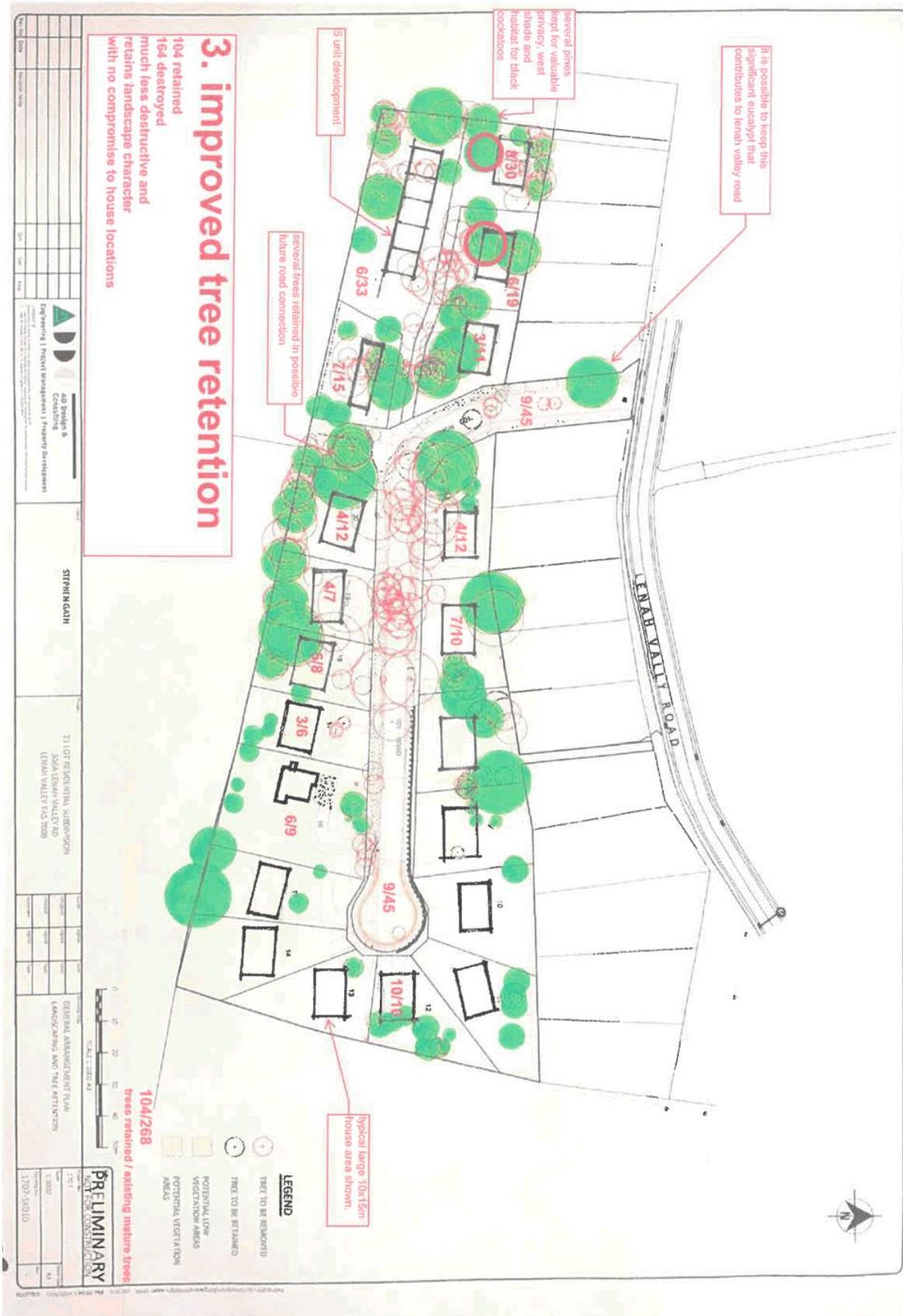
<u>Name</u>	<u>Address</u>	<u>Contact #</u>	<u>Signature</u>
WILLIAM SHARP	2 Chessington Ct SANDY BAY	62253875	
ANDREA SHARP	"	"	
RICHARD LEA	7 NORTHERN AVE SANDY BAY	62250841	
DAVID F MARLENE FLEET	13A BEECHWORTH RD SANDY BAY.		
DES HALLET	8 HEATHORN AV		
David Sikk	12 Heathorn Avenue		
JOHN INGHAM	HEATHORN AVENUE		
Juan Gomez	10 Beechworth Rd 62250154		
Libby Mowbray	10 Beechworth Rd		
Allan Hoaks	Formerly 10 A Heathorn Ave		
Andrew Sutherland	1 Beechworth Rd Sandy Bay		
Wendy Sutherland	1 Beechworth Rd Sandy Bay		





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no need to destroy all trees  
and character







**planning conditions for community**subdivision at 306A lenah valley road  
14.10.2019**top 3 items :****A1. A few less dwellings**

Refer to attached "few less dwellings" plan

Reduce number of dwellings to 43 by adjusting size of lots 12-16 and dividing lot 1 in two.

**A2. improve tree retention plan**

Keep 80-90 trees as shown in "improved tree retention plan"

- improve tree retention at west end of site
- keep a few pines for the black cockatoos
- keep a few macrocarpas
- keep the significant eucalypt in proposed access way

**A3. stormwater catchment to consider 70% internal catchment**

Planning condition to ensure that stormwater design includes 70% internal catchment for reasons stated in item B4 below

**missing items discussed in conciliation meeting :****B1. Structural condition reports for adjacent houses**

These are omitted from the developers response. We think it is essential that the developer meets this promise to ensure structural impacts on the neighbouring properties are minimised.

**B2. Use of small excavation devices**

The developers engineers mentioned that small excavation machinery could be used to minimise the structural impacts of rock breaking on neighbouring properties. This is not yet clear in the construction management plan.

**B3. Roadside protection between proposed site access road and 316 lenah valley road**

There is no mention of roadside protection to fence and property at 316 lenah valley road.

**B4. Stormwater . review of low internal catchment of 38% proposed**

(HCC planning clause 10.4.3 A1 allows 75% of each lot to be roof/driveway/paving = stormwater catchment)

As mentioned in several council meetings and emails since we are still waiting for the developers and council to explain why a low internal stormwater catchment of 38% is considered adequate.

**B5. Stormwater . review of overflow design to protect 317 lenah valley road**

As mentioned in the conciliation meeting and emails since we are still waiting for the developers and council to explain the overflow design to protect 317 lenah valley road.

**B6. Assurance that "good quality" contractor will be used**

In the conciliation meeting the community described many of the problems of damage, trespass, and structural failures, that have occurred on the Ancanthe subdivision by REDLANDS and JENNINGS HIRE.

The developers representative mentioned that "a quality construction company" would be used for this development. We would like an assurance in writing that it will not be REDLANDS and JENNINGS HIRE.

**B7. Retain significant eucalypt in proposed access way from lenah valley road.**

We implore council and the developer to retain this magnificent tree.

The developers engineer admitted that they could work around this tree in the conciliation meeting.

Good arborist advice, sensitive engineering, and tunneling rather than trenching for the small adjacent pipe could save this tree.

**2 new items :****C1. Tree removal by professional company**

Trees to be removed safely by tree company, not owner with large bonfires on site

**C2. New landscaping plan to consider wildlife corridor through site**