



City of **HOBART**

## APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee  
Council: 10 March 2020  
Expiry Date: 9 April 2020  
Application No: PLN-20-22  
Address: 10 A HEATHORN AVENUE , SANDY BAY  
COMMON LAND OF PARENT TITLE  
Applicant: Sarah Dobson  
12 Beechworth Road  
Proposal: Demolition, New Dwelling, Garage and Pool  
Representations: Four  
Performance criteria: General Residential Zone Development Standards; Parking and Access Code; Historic Heritage Code

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### 1. Executive Summary

- 1.1 Planning approval is sought for Demolition, Dwelling, Garage and Pool, at 10A Heathorn Avenue Sandy Bay.
- 1.2 More specifically the proposal includes:
  - Demolition of an existing dwelling; and
  - Development of a new studio-bedroom dwelling, garage and pool.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 General Residential Zone Development Standards - Side Setback, Site Coverage, Sunlight
  - 1.3.2 Parking and Access Code
  - 1.3.3 Historic Heritage Code
- 1.4 Four (4) representations objecting the proposal were received within the statutory advertising period between 30 January 2020 and 14 February 2020.
- 1.5 The proposal is recommended for approval.

1.6 The final decision is delegated to the Council.

## 2. Site Detail

- 2.1 The site is an internal lot with an area of 608m<sup>2</sup>. The site contains an existing two storey dwelling and is within Heritage Precinct SB14.



Figure 1: Location Plan (site shown in blue outline)

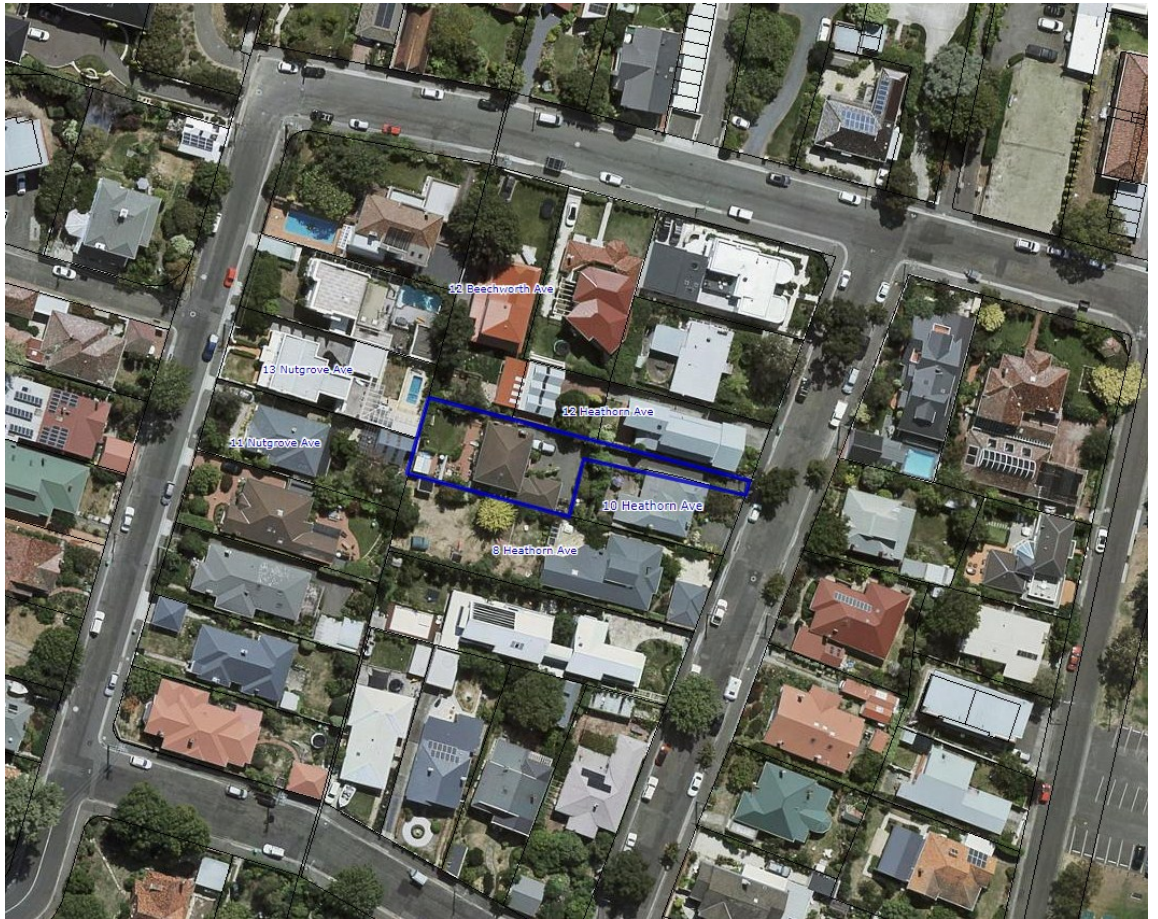


Figure 2: Adjoining Lots (site shown in blue outline)

### 3. Proposal

3.1 Planning approval is sought for Demolition, Dwelling, Garage and Pool, at 10A Heathorn Ave Sandy Bay.

3.2 More specifically the proposal includes:

- Demolition of an existing dwelling; and
- Development of a new studio-bedroom dwelling, garage and pool.

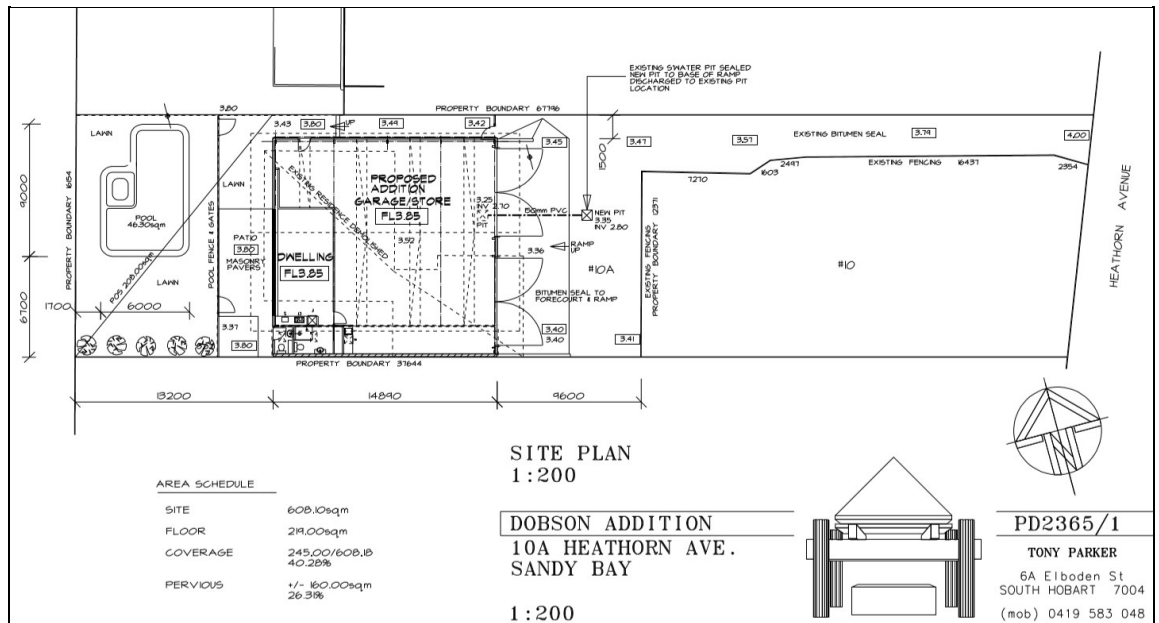


Figure 2: Proposed Site Plan

#### 4. Background

- 4.1 Discussions have identified that the owners of the site also own an adjoining property at 12 Beechworth Avenue. The owners have a legal right to use both properties for residential purposes, and there is no intention or proposal for vehicles to traverse directly between these properties. Based on discussion, pedestrian access between the properties has and will continue to occur, both by and with the consent of the legal owners. This is not a relevant planning consideration.
- 4.2 There has been no change of lot boundaries. The owners of a property are entitled to erect fences on their property, up to 2.1m in height, without the need for planning approval. Moving a fence does not amount to a subdivision or a formal change to the boundaries of a lot.

#### 5. Concerns raised by representors

- 5.1 Four (4) representations objecting to the proposal were received within the statutory advertising period between 30 January 2020 and 14 February 2020.
- 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.

#### Use Classification Concerns



"Plans submitted for consideration are advertised incorrectly as a new dwelling and garage. The main purpose of the proposed building is a garage as the owners of the property (Sarah and Warwick Dobson) reside at 12 Beechworth Road Sandy Bay with their family, which backs onto 10A Heathorn Avenue. The main purpose of the garage will be to house a very large caravan as well as a large trailer which will need to access the proposed new garage via a slim existing driveway that runs up the side of 10 Heathorn Avenue Sandy Bay. We have issues regarding the safe manoeuvring of the trailer (currently parked in the rear of 12 Beechworth - see attached photo) and caravan into and out of the property as there will not be enough room to turn the vehicles around safely. The proposed property is therefore not a dwelling as the Dobsons will not be living in it."

Representor raised questions about the use classification of the proposal and whether existing approved uses will transfer to the new proposal.

Representor raised questions about property boundaries and the use of both 10A Heathorn and 12 Beechworth given that there will be no fencing.

Representor raised concerns with the use of outbuildings on 12 Beechworth Ave being outside of regular daylight working hours and questioned whether similar a issue would be introduced a 10A Heathorn.

Representor raised questions about combined use of 12 Beechworth and 10A Heathorn by the same owner; specifically questioning whether vehicle access between properties will be permitted.

Representor raised questions about who would reside at 10A Heathorn.

### **Overshadowing Concerns**

"Submitted shadow drawings indicate loss of natural sunlight onto the existing properties at 8 Heathorn Avenue (mainly their kitchen and dining area) and 10 Heathorn Avenue (rear of the property). This is unacceptable to these residents particularly the elderly couple who reside in 8 Heathorn Avenue. More concise shadow drawings should be produced for these residents."

**Privacy Concerns**

"We recently renovated our house with the new design taking into account the current Nutgrove landscape. We invested a lot of extra money to design our second level on an axis to ensure; we gave our neighbours and ourselves the most amount of privacy we could and to ensure our outlook was as pleasing to the eye as possible.

The removal of a complete double storey house in the direct line of our house will completely alter the carefully designed features of our home, reducing our privacy and devaluing the property. Our main outlook would be at a giant wooden warehouse and all side windows of number 6 Heathorn Avenue (as the house would no longer be shielding us from their view) instead of a pretty family home with beautiful gardens. Our privacy would also be removed as 10a Heathorn Avenue shields much of our house from all the houses on the hill around Churchill Avenue."

"Submitted plans indicate a self contained living area which clearly is to be used as a pool cabana room not a dwelling. Plans also fail to indicate if there will be any windows which may cause privacy/overlooking issues to ourselves (at 6 Heathorn Avenue) and to 8 Heathorn Avenue."

**Safety Concerns**

"We believe the primary use of this new warehouse is for the storage of a 25ft caravan using the access from 10a Heathorn Avenue. This driveway is very narrow and would only just allow the caravan to fit with very little space either side. It would take an expert driver to achieve this, particularly as there is a very tricky little curve in the driveway  $\frac{2}{3}$  way down. The driveway boundary on one side is the actual wall of the 10 Heathorn Avenue house. If a caravan, car, concreting truck/building machines were to hit this wall even gently, the house would be significantly damaged and the occupants put at extreme risk of injury or worse. (This actually happened during the construction of the original 10a Heathorn Avenue property.) The bedrooms are located on this side of the house. The family use their caravan very regularly and so the caravan would be moving up and down this driveway very frequently leaving the residents of 10 Heathorn Avenue at risk on an ongoing basis.

In addition, the plans show that there is very little area between where the warehouse ends and the boundary fence to 10 Heathorn Avenue starts. It would not appear to be possible for a caravan of that size could be turned around and therefore it would even riskier backing it out.

Another safety concern regarding the application is the lack of a pool fence on the Beechworth Road side of the pool. Currently there is no fence between the 12 Beechworth and 10a Heathorn Avenue properties. If a pool were to be built, it would not comply with Australian law as there would be no pool fence in place on that side putting the children, neighbours (including our young children who can easily access their property) and visitors of 12 Beechworth Road at risk of drowning."

### **Heritage Concerns**

"In 1991, 10A Heathorn Ave was constructed under special permission for a family residence within the original subdivided block. It was a part of the Hobart City Council planning scheme to create safe, suburban style neighbourhood environments and communities. It has since been an integral part of the now heritage listed area."



"The proposed garage does not comply with the current heritage planning scheme for Nutgrove which states that new buildings, extensions or structures must be compatible with and sympathetic to the height, bulk, setback, materials and finishes and general character of contributory and heritage listed places (design criteria/conservation policy pt. 4)."

"The proposed demolition and replacement by an enormous storage garage contravenes many of the policy criteria of the Hobart Interim Planning Scheme. This proposed new garage will be noncompatible with the general character of contributory and heritage listed places in the area. This is particularly relevant as 10 Heathorn Avenue, being on the same original lot is of significant heritage value and with a giant wooden garage visible behind it, it would contravene the councils own policy."

"The application for 10a Heathorn Avenue contravenes many of the Hobart Interim planning scheme conservation policy guidelines/design criteria.

Although the house being demolished is not of significant heritage value, the planned replacement of this property with a wooden warehouse is even more non compatible with the general character of contributory and heritage listed places in the area. This is particularly important as 10a Heathorn Avenue is a subdivision of 10 Heathorn Avenue which is of great heritage value. The new warehouse would clearly dominate and detract from this lot's original house. The new warehouse at 10a Heathorn Avenue will be clearly seen by the public from the footpath and Heathorn Avenue at the top of their driveway which is not visually subservient or compatible with the planning scheme policy.

The established garden of 10a Heathorn Avenue has already been removed, along with the boundary fence, which appears to contravene the scheme's policy.

The already merged lots of 10a Heathorn Avenue and 12 Beechworth Road (represented correctly in the attached plan) do not reflect the original subdivision pattern contravening the scheme's policy.

Now that the entire backyard of 10a Heathorn Avenue has been transferred over to become part of the 12 Beechworth Road lot, there is very little open space available to residents of the 10a Heathorn Avenue house and is inappropriate to the scale of the house. This already contravenes the scheme's policy."

"Plans submitted for consideration indicate an existing fence. This is inaccurate as the existing fence was removed by the Dobsons and a new timber paling fence erected at the rear of the existing property at 10A Heathorn Avenue. Please see pictures attached. The Dobsons have extended their property at 12 Beechworth into the rear of 10A Heathorn without changing the property titles or the boundary lots via the correct channels. The City of Hobart Heritage precinct description, statement of local historic heritage significance and design criteria/conservation policy January 2019 for Nutgrove - Sandy bay. point 12, states that 'lot boundary changes should not occur in areas where the original subdivision pattern is significant and remains in tact'. The proposed garage will not comply with the subdivision and allotment of the area nor in keeping with the current heritage of Nutgrove."

**Demolition concerns**

"The proposed demolition of the home does not meet any of the Hobart City Council valid criteria for demolition or have any valid reasoning for such destruction in a suburban heritage listed area; it does not increase property value, does not have faulty foundations, it is not an old building, is not built with hazardous waste and is not hazardous to occupants of the community."

"Currently Hobart is experiencing a major housing crisis. Demolishment of a relatively new, completely renovated 6 bedroom family home in an area of such high demand would be illogical and would lead to a dangerous precedent within both the area and the city, leading to a further loss of housing for families."

"Hobart is in a major housing crisis and there is a critical shortage of housing. An existing 6 bedroom house should not be demolished in order to build a garage. A dangerous precedence could be set by the council."

"Nutgrove is a residential sanctioned zone. It appears that the applicant wishes to demolish a much needed residence during an unprecedented housing crisis unique to Hobart, just to replace it with a warehouse/shed. As with all others in the area, they should consider purchasing land outside residential zoning, and keep the warehousing and boat storage to rural or commercial spaces, areas and zoning. We believe this is more than enough reasoning to reject the current application for demolition of 10A Heathorn Ave, Sandy Bay. We would also like to be notified if there are any changes or resubmission of this application upon rejection."

## 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 General Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Visitor Accommodation. The proposed use is Residential. The existing use is a permitted use in the zone. The proposed use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 10 General Residential Zone
  - 6.4.2 E6.0 Parking and Access Code
  - 6.4.3 E7.0 Stormwater Management 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 General Residential Zone:-

*Side Setback – Part D 10.4.2 P3*

*Site Coverage - Part D 10.4.3 P1*

*Site Coverage - Part D 10.4.3 P1*

6.5.2 Parking and Access Code:-

*Number of Car Parking Spaces - Part E 6.6.1 P1*

*Layout of Parking Areas - Part E 6.7.5 P1*

6.5.3 Historic Heritage Code:-

*Demolition in a Heritage Precinct - Part E 13.8.1 P1*

*Buildings and Works in a Heritage Precinct - Part E 13.8.2 P1; P2*

6.6 Each performance criterion is assessed below.

6.7 Setback and Building Envelope - Part D 10.4.2 P3

6.7.1 The acceptable solution at clause 10.4.2 A3 requires buildings to be setback 1.5m from the side boundary.

6.7.2 The proposal includes a 0m side boundary setback on the southern boundary.

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 10.4.2 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.*

- 6.7.5 Recent Tribunal decisions, including *The House Family Office Pty Ltd v Hobart City Council*, have determined that when assessing an application against the performance criterion, reference must not be had to the building envelope authorised by the acceptable solution. That is, the permitted building envelope does not provide the test of 'reasonableness' against which a discretionary application is assessed. Instead, the development must be assessed on its merits against the provisions of the performance criterion; that is, (a) does the development cause an unreasonable loss of amenity to neighbours by reduction in sunlight to a habitable room (other than a bedroom), overshadowing of private open space, or visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot, and (b) does the development provide separation between dwellings on adjoining lots that is compatible with that prevailing in the vicinity?

Shadow diagrams submitted with the proposal indicate that overshadowing caused by the proposed development will have a minor impact on adjoining dwellings at 8 Heathorn Avenue and 10 Heathorn Avenue.

The proposed dwelling and garage is located to the north of 8 Heathorn Avenue, with overshadowing in midwinter shown to impact predominantly on the private open space in the early morning and on the dwelling in the late afternoon. The extent of overshadowing in any one place is limited to a short period of time and significant portions of the dwelling and private open space remain unaffected throughout most of the day.

The proposed dwelling and garage is located to the west of 10 Heathorn Avenue, with overshadowing in midwinter shown to impact on a small corner of the private open space and dwelling in late afternoon only. That is, there will be no impact from overshadowing throughout most of the day.

The proposed dwelling and garage is less than 5.5m in maximum height as measured from the peak of a pitched roof in the centre of the site. Where adjoining the boundary of 8 Heathorn Avenue, this height transitions down to 3m. The building will be clad with recycled timber, includes large swinging barn doors on the eastern facade facing 10

Heathorn Avenue and significant glazing on the western facade facing adjoining dwellings on Nutgrove Avenue. When viewed from adjoining dwellings, these subtle design elements will ensure that the proposal presents as a moderately sized single storey structure without creating the appearance of a bulky building.

The apparent bulk and scale of the proposed building will be further reduced when viewing the development within context of surrounding buildings. For example, at approximately 213m<sup>2</sup> gross floor area, when viewed from adjoining dwellings the proportions of the proposed building are akin to a typical dwelling in the surrounding area. For another example, adjoining dwellings at 12 Heathorn Avenue, 8 Heathorn Avenue, 13 Nutgrove Avenue and 12 Beechworth Avenue contain two storey dwellings with a greater maximum height than the proposal.

Separation distances between adjoining dwellings in the immediately surrounding area are highly variable, from no separation (13 & 15 Nutgrove Avenue) to 11m separation (10 & 10A Heathorn). The siting of the proposed building provides for more than 11m separation from 10 Heathorn Avenue, more than 12m separation from outbuildings on Nutgrove Avenue, more than 10m separation from 8 Heathorn Avenue and 4m separation from outbuildings at 12 Heathorn Avenue and 12 Beechworth Road. Based on these figures, the proposal provides for separation distances that are compatible with that prevailing in the vicinity.

In summary, the dwelling and garage as proposed results in a reasonable level of overshadowing, minimal visual impact when viewed from adjoining dwellings, and separation distances compatible with those in the surrounding area.

6.7.6 The proposal complies with the performance criterion.

## 6.8 Site Coverage - Part D 10.4.3 P1

6.8.1 The acceptable solution at clause 10.4.3 A1 requires a site area of which at least 25% is free from impervious surfaces.

6.8.2 The proposal includes a pervious surface area equivalent to less than 25% of the site.

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 10.4.3 P1 provides as follows:

*Dwellings must have:*

*(a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:*

*(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and*

*(ii) operational needs, such as clothes drying and storage; and*

*(b) reasonable space for the planting of gardens and landscaping.*

6.8.5 The proposal includes a dwelling with a large area of private open space that includes both pervious (lawn) and impervious (pool and patio) surfaces. Given the size of the dwelling (213m<sup>2</sup> comprised of studio/one bedroom with two car garage and storage), the proposed area of private open space (234m<sup>2</sup>) is appropriate. The proposal also accommodates a large area of private open space in a single location (211m<sup>2</sup>) immediately west of the dwelling for outdoor recreation, operational needs such as clothes drying and landscaping.

6.8.6 The proposal complies with the performance criterion.

## 6.9 Sunlight - Part D 10.4.4 P1

6.9.1 The acceptable solution at clause 10.4.4 A1 requires the dwelling to have a habitable room window faces between 30 degrees east and west of north.

6.9.2 The proposal does not include any north facing windows to habitable rooms.

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 10.4.4 P1 provides as follows:

*A dwelling must be sited and designed so as to allow sunlight to enter at*

*least one habitable room (other than a bedroom).*

6.9.5 The dwelling includes a substantial expanse of glazing on the western facade, including fully glazed, stacked sliding doors which extend across 49% of the width of the facade. In addition, highlight windows have been included above the stacked sliding doors. The proposed glazing will allow sunlight to enter directly into the open plan living space of the dwelling.

6.9.6 The proposal complies with the performance criterion.

6.10 Number of Car Parking Spaces - Part E 6.6.1 P1

6.10.1 The acceptable solution at clause E6.6.1 A1 requires 1 onsite car parking space for a one bedroom dwelling.

6.10.2 The proposal includes 2 onsite car parking spaces.

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

6.10.4 The performance criterion at clause E6.6.1 P1 provides as follows:

*The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:*

*(a) car parking demand;*

*(b) the availability of on-street and public car parking in the locality;*

*(c) the availability and frequency of public transport within a 400m walking distance of the site;*

*(d) the availability and likely use of other modes of transport;*

*(e) the availability and suitability of alternative arrangements for car parking provision;*

*(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*

*(g) any car parking deficiency or surplus associated with the existing use of the land;*

*(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*

*(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*

*(j) any verified prior payment of a financial contribution in lieu of parking for the land;*

*(k) any relevant parking plan for the area adopted by Council;*

*(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*

*(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.*

- 6.10.5 The proposal provides for a surplus of 1 onsite car parking space to that which is required under the planning scheme. The provision of 2 onsite car parking spaces is sufficient to meet the needs of the site, given that the proposal is for a studio bedroom single dwelling and additional parking and accessibility to the site is available via nearby on-street parking and public transport.

The application has been referred to Council's Development Engineering Officer, who provided the following assessment, summarised below:

Based on the fact that the proposed parking spaces are both within a garage and that the size of the garage/store is not a consideration under this clause, the surplus of 1 car parking space is supported. It is noted that representations raised concerns that the actual intent of the garage/store is to store a caravan. Storage of items within a store is not a concern of this clause and is controlled by the use classification (residential use) to restrict storage to that of a residential nature. A condition is recommended to be placed on the permit to clarify that the number of car parking spaces approved is 2. Condition related advice is also recommended to clarify that no other vehicle types have been approved or prohibited for parking on the property.

- 6.10.6 The proposal complies with the performance criterion.

#### 6.11 Layout of Parking Areas - Part E 6.7.5 P1

- 6.11.1 The acceptable solution at clause E6.7.5 A1 requires onsite parking areas to be designed in accordance with Australian Standard AS2890.1:2004 Parking Facilities.
- 6.11.2 The proposal includes jockey parking, which is not in accordance with Australian Standards AS2890.1:2004 Parking Facilities.
- 6.11.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.11.4 The performance criterion at clause E6.7.5 P1 provides as follows:

*The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.*

6.11.5 The application has been referred to Council's Development Engineering Officer, who provided the following assessment, summarised below:

The layout of residential car parking may utilise 'jockey parking' configuration, in which the one car parking space is behind another car parking space, provided it serves the same dwelling and is not designated for visitors. Submitted documentation appears to meet these parameters and therefore may be accepted under the performance criteria. That is, the driveway and car parking configuration ensures ease of access, egress and manoeuvring on the site. It is noted that representations raised concerns with the ability for a caravan to access the property, however, this is not a relevant consideration under the performance criterion.

6.11.6 The proposal complies with the performance criterion.

6.12 Demolition in a Heritage Precinct - Part E 13.8.1 P1

6.12.1 There is no acceptable solution for clause E13.8.1 A1.

6.12.2 There is no acceptable solution; therefore assessment against the performance criterion is relied on.

6.12.3 The performance criterion at clause 13.8.1 P1 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.*

6.12.4 The application has been referred to Council's Cultural Heritage Officer, who provided the following assessment, summarised below:

The two storey house proposed for demolition is from the 1980s and is not considered significant. This house was infill development and sits to the rear of an original house which fronts onto the Heathorn Avenue. Council records indicate that service connections were made in the 1940s. There are no changes proposed to the original house or front garden. Demolition of the rear c1980s house at 10A Heathorn Ave satisfies the performance criterion as there will be no loss of significant historic heritage fabric.

6.12.5 The officer's report is provided at Attachment C to this report.

6.12.6 The proposal complies with the performance criterion.

### 6.13 Buildings and Works in a Heritage Precinct - Part E 13.8.2 P1; P2

6.13.1 There is no acceptable solution for clause E13.8.2 A1 and clause E13.8.2 A2.

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

6.13.3 The performance criterion at clause E13.8.2 P1 and clause E13.8.2 P2 provides 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.*

6.13.4 The application has been referred to Council's Cultural Heritage Officer, who provided the following assessment, summarised below:

The proposed works are located in heritage precinct Sandy Bay 14 (SB14), which is noted as significant for the following reasons outlined in Table E13.2 of the Historic Heritage Code.

*This precinct is significant for reasons including:*

- 1. Its highly intact Federation and Inter-War building stock and subdivision patterns reflecting the original land grants and the last major subdivisions along the lower section of Sandy Bay.*
- 2. The examples of very fine Federation and Inter-War housing located in key positions.*

The proposed building is a single storey volume to be clad in timber. It has a large footprint (approximately 213m<sup>2</sup>). The proposed building is considered to have an acceptable impact on the precinct because it is single storey and will be less visible than the existing two storey house proposed for demolition. The proposed design is considered to satisfy the performance criterion.

Cultural heritage was raised as a matter of concern in three representations made to Council. Three key concerns were raised. Firstly, the representations cite draft provisions which are currently with the Tasmanian Planning Commission for assessment. Until these provisions come into effect, they cannot be taken into consideration. Secondly, there was a general sentiment that a garage structure with a large footprint is inconsistent with the character of the precinct. In terms of impact from the public domain of the street, the proposed single storey structure is considered to have an acceptable impact as it will not be seen over the roof tops of the houses which line the street. Thirdly, the representations cite impacts on the historical subdivision pattern. It is important to note that the proposal does not involve subdivision and will not result in any changes to the subdivision pattern.

6.13.5 The officer's report is provided at Attachment C to this report.

6.13.6 The proposal complies with the performance criterion.

## **7. Discussion**

- 7.1 Planning approval is sought for Demolition, Dwelling, Garage and Pool, at 10A Heathorn Avenue Sandy Bay.



- 7.2 The application was advertised and received four representations. The representations raised concerns including use, overshadowing, privacy, safety, heritage and demolition.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer and Cultural Heritage Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

## **8. Conclusion**

- 8.1 The proposed Demolition, Dwelling, Garage and Pool at 10A Heathorn Avenue 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 Demolition, Dwelling, Garage and Pool at 10A Heathorn Avenue 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-20-22 - 10A HEATHORN AVENUE SANDY BAY TAS 7005 - Final Planning Documents, except where modified below.**

Reason for condition

To clarify the scope of the permit.

### **PLN 15a**

**A demolition waste management plan must be implemented throughout demolition. The demolition waste management plan must include provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.**

*Advice:*

*It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill. Further information can also be found on the Council's [website](#).*

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards

### **PLN s1**

**Use of the site is approved for residential purposes only.**

*Advice: No other use is permitted on the site without the prior written consent of Council. Storage of items must be related to residential use of the site.*

Reason for condition

To clarify the scope of the permit.

### **ENG sw1**

**All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation.**

*Advice: Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.*

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

### **ENG 3a**

**Prior to first occupation, the access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required) with the exception that jockey parking is approved.**

*Advice: It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

### **ENG 4**

**The access driveway and parking module (car parking spaces, aisles and**

**manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the first occupation.**

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

## **ENG 5**

**The number of car parking spaces approved on the site is two (2).**

*Advice: No other type of vehicle parking spaces are approved on the site.*

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

## **ENV 1**

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

*Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).*

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 the Council's [website](#) for further information.

## CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

### **Value of Building Works Approved by Planning Permit Fee:**

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

## BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

## PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

## STORM WATER

Please note that in addition to a building and/or plumbing permit, development must be

in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

## **STRATA AMENDMENT**

You will be required to amend the strata plan pursuant to the provisions of the *Strata Titles Act 1998* in order to reflect the completed development works. Click [here](#) for more information.

Section 19A of the *Strata Titles Act 1998* requires that where a building on a lot or common property is altered or a new building is added to a lot or common property and the alteration or addition requires the approval of the Council, an amendment to the strata plan is to be lodged with the Recorder of Titles.

Furthermore pursuant to clause 1(3) of the model by-laws in Schedule 1 of the *Strata Titles Act 1998*, *"the owner of a lot must not, without the written permission of the body corporate, make or permit a change to the exterior character, design or finish of buildings or structural improvements to the lot"* and pursuant to section 131(2) of the *Strata Titles Act 1998* if the *"alteration or addition to a lot is being, or has been, made contrary to the bylaws, the Recorder of Titles may order the owner of the lot to restore the lot to its former condition"*.

## **WEED CONTROL**

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment [website](#).

## **WASTE DISPOSAL**

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

## **FEES AND CHARGES**

Click [here](#) for information on the Council's fees and charges.

## **DIAL BEFORE YOU DIG**

Click [here](#) for dial before you dig information.





(Mark O'Brien)

*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: **Date Missing**

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report