



City of **HOBART**

## APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee  
Committee: 4 July 2022  
Expiry Date: 11 July 2022  
Application No: PLN-21-881  
Address: 110 REGENT STREET , SANDY BAY  
ADJACENT ROAD RESERVE  
Applicant: Mark Neo  
C/- 60 Barrack Street  
60 Barrack Street  
Proposal: Partial Demolition, Carport, Front Fencing and Work in Road Reserve  
Representations: None  
Performance criteria: Inner Residential Zone Development Standards, Parking and Access Code and Historic Heritage Code

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### 1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Carport, Front Fencing and Work in Road Reserve at 110 Regent Street, Sandy Bay.
- 1.2 More specifically the proposal includes:
- The proposal is for demolition of the existing double garage on the southern corner of the Alexander Street frontage of the property to be replaced with a new partially enclosed 55 m<sup>2</sup> carport. The flat roof carport will utilise the existing boundary wall and house two vehicles. It will also include storage and entrance stairs to the property with a battened wall extending the length of the structure. The existing vehicle crossover was required to be widened and modified to facilitate the carport.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Parking and Access Code - Design of vehicle accesses
  - 1.3.2 Inner Residential Zone Development Standards - Front Fencing
  - 1.3.3 Historic Heritage Code - Heritage Precinct

- 1.4 No representations were received during the statutory advertising period between 31 May and 15 June 2022.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee, because proposal includes works within Council's Road Reservation.

## 2. Site Detail

2.1 The subject 805m<sup>2</sup> site (CT 55178/224) is located on the corner of Regent Street and Alexander Street. The land slopes upwards from the frontages of the site and contains an existing Inter-War Californian Bungalow fronting Regent Street. The lot forms part of the original Golf Links Estate subdivision and is in close proximity to the University of Tasmania.

2.2



Figure 1: GIS Map Image 1:2000

2.3



Figure 2: Alexander Street frontage

### 3. Proposal

3.1 Planning approval is sought for Partial Demolition, Carport, Front Fencing and Work in Road Reserve at 110 Regent Street, Sandy Bay.

3.2 More specifically the proposal is for:

- The proposal is for demolition of the existing double garage on the southern corner of the Alexander Street frontage of the property to be replaced with a new partially enclosed 55 m<sup>2</sup> carport. The flat roof carport will utilise the existing boundary wall and house two vehicles. It will also include storage and entrance stairs to the property with a battened wall extending the length of the structure. The existing vehicle crossover was required to be widened and modified to facilitate the carport.

3.3

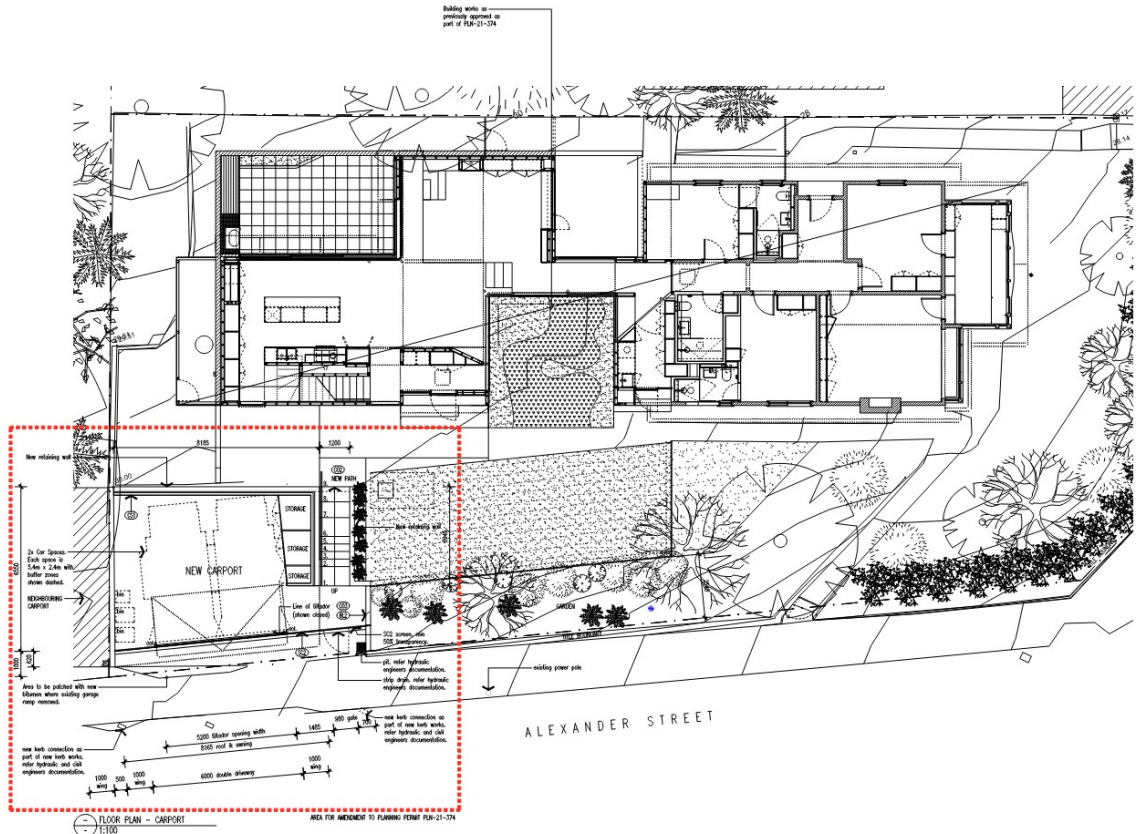


Figure 3: Proposed Site Plan

3.4

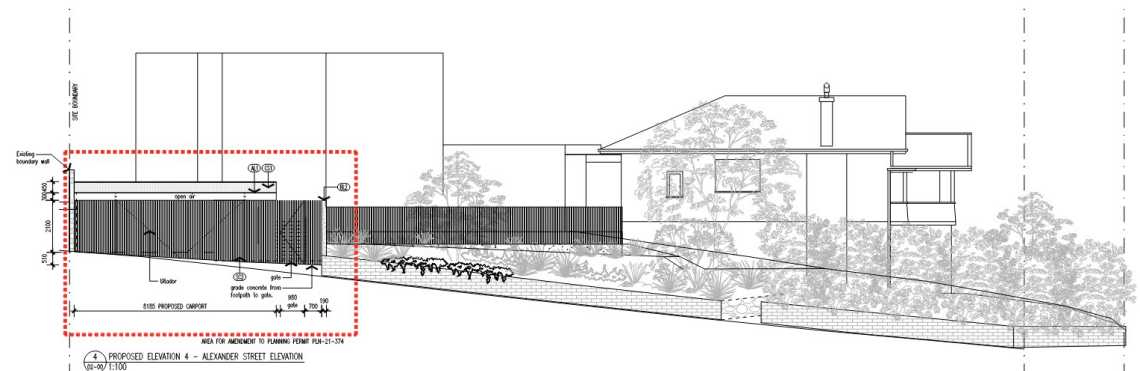


Figure 4: Proposed Elevation

## 4. Background

4.1 Planning approval (PLN-21-374) for Partial Demolition, Alterations and Extension to the rear of the existing dwelling on the site was recently approved, and works are currently underway on site.

4.2 General Manager Consent for the works in the road reserve was provided on 22 December 2021.

## 5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between 31 May and 15 June 2022.

## 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.
- 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 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 Inner Residential Zone:  
*Front Fencing - 11.4.7 P1*
  - 6.5.2 Parking and Access Code:  
*Design of vehicle accesses - E6.7.2 P1*
  - 6.5.3 Historic Heritage Code:

*Heritage Precincts - Demolition E13.8.1 P1*

*Heritage Precincts - Building and Works other than demolition E13.8.1 P1 & P4*

6.6 Each performance criterion is assessed below.

6.7 Parking and Access Code - Design of vehicle accesses - E6.7.2 P1

6.7.1 The proposal is discretionary in respect of the *Design of vehicle accesses - E6.7.2 A1*.

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

6.7.3 The performance criterion at clause *E6.7.2 P1* provides as follows:

*P1*

*Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:*

*(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;*

*(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;*

*(c) suitability for the type and volume of traffic likely to be generated by the use or development;*

*(d) ease of accessibility and recognition for users.*

6.7.4 The Council's Development Engineer is satisfied that the sight lines may be accepted under Performance Criteria P1:E6.7.2 of the Planning Scheme. Given the location of the access and driveway, and the low volume of traffic on the road from which the property gains access.

6.7.5 The proposal complies with the performance criterion.

6.8 Historic Heritage Code- Heritage Precincts - Demolition E13.8.1 P1 and Building and Works other than demolition E13.8.1 P1 & P4

6.8.1 The subject site is located within a Heritage Precinct therefore the Council's Cultural Heritage Officer has provided the following assessment:

110 Regent Street is located within the Sandy Bay 6 Heritage Precinct.

The proposed garage and fencing works must be assessed against E13.8 Development Standards for Heritage Precinct in HIPS 2015. The works are additional to the already approved PLN-21-374.

### **Proposal**

- Demolition of existing garage
- Double garage plus storage space
- New fencing to replace existing

### **Assessment:**

## **E13.8 Development Standards for Heritage Precincts**

### **E13.8.1 Demolition**

Objective:

To ensure that demolition in whole or in part of buildings or works within a heritage precinct does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.

#### **Performance Criteria 1**

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.*

The proposed garage demolition is considered acceptable in relation to the demolition provisions. The besser block two bay structure with a gabled roof is not considered to be significant heritage fabric and does not contribute to the character of the heritage precinct. Performance Criteria 1 of E13.8.1 is considered satisfied.

### **E13.8.2 Buildings and Works other than Demolition**

#### **Performance Criteria 1**

*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.*

The proposed development of a new garage with a flat roof in the same approximate location as the existing is considered acceptable and will not result in detriment to the historic cultural heritage significance of the precinct. The proposal complies with Performance Criteria 1 of E13.8.2.

**Performance Criteria 4**

*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.*

The proposed fencing is considered acceptable in terms of height and scale giving the surrounding context, and the existing fence of a similar height. The proposed fencing development is deemed to meet Performance 4 of E13.8.2.

In conclusion the proposed works are considered to satisfy the relevant provisions of E13.0 the Historic Heritage Code of HIPS 2015.

6.8.2 The proposal complies with the performance criterion.

6.9 Front Fencing - 11.4.7 P1

6.9.1 There is no acceptable solution for front fences. Front fences that are less than 1.8m in height with a 30% transparency are planning exempt.

6.9.2 The proposal includes a front fence that is between 2/1m and 3.1m height, on the site's Alexander Street frontage, on either side of the tiltadoor for the carport.

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

6.9.4 The performance criterion at clause 11.4.7 P1 provides as follows:

*A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:*

*(a) provide for security and privacy while allowing for passive surveillance of the road; and*

*(b) be compatible with the height and transparency of fences in the street, having regard to:*

*(i) the topography of the site; and*

*(ii) traffic volumes on the adjoining road.*

6.9.5 The front fencing proposed is only a small portion (less than 5m) of this frontage, on either side of the car port. The remainder of this frontage remains either open, or fenced with a lower, already approved (PLN-21-734), front fence set back in the order of 2.5m from the frontage. It is noted that the proposed fencing has a transparency that meets the exemption requirement (30%). It is also noted that the assessing Cultural Heritage Officer has indicated support for the front fencing. It is considered that the proposed fencing will allow for passive surveillance of the road, while still allowing for the privacy of residents using the car parking area. It is also considered that the fencing will be compatible with the height and transparency of front fences in the street, of which there is an eclectic variety.

6.9.6 The proposal complies with the performance criterion.

## **7. Discussion**

7.1 Planning approval is sought for Partial Demolition and Alterations and 103 Campbell Street, Hobart.

7.2 The application was advertised and no representations were received.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to satisfy the performance criteria in respect of its discretions under the Inner Residential Zone, Parking and Access Code and the Historic Heritage Code.

7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer, Environmental Engineering and Road Engineers. 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 Partial Demolition and Alterations and 103 Campbell Street, Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Partial Demolition and Alterations at 103 Campbell Street, Hobart 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-21-881 - 110 REGENT STREET SANDY BAY TAS 7005 - Final Planning Documents except where modified below.**

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, and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).**

Reason for condition

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

### **SW 7**

**Prior to occupancy or the commencement of the use (whichever occurs first), any new or altered stormwater connection required must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense. No decrease in service to third-party properties may occur.**

**Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted and approved as a Condition Endorsement. The detailed engineering drawings must include:**

1. the location of the proposed connections and all existing connections;
2. the size and design of the connection such that it is appropriate to safely service the development;
3. clearances from any nearby obstacles (eg services, crossovers, trees, poles, walls)
4. long-sections of the proposed connection clearly showing cover, size, grade, material and delineation of public and private infrastructure;
5. connections which are free-flowing gravity driven.
6. be in general accordance with Council's departures from the LGAT Tasmanian Standard Drawings, available from [here](#)

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

*Advice:*

- *Upgraded or new connections can be approved separate from the CEP process, via the Application for New Connection form available from [here](#). The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.*
- *The affected connection for the neighbouring property must be of adequate size and level to maintain the level of service currently provided. Any works within the third-party land, or to their private infrastructure, must be clearly identified, and their permission sought in writing.*
- *This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

## **SW 9**

**Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater detention for stormwater discharges from the development must be installed.**

**A stormwater management report and design must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:**

1. include detailed design and supporting calculations of the detention tank showing:
  1. detention tank sizing such that there is no increase in flows from

- the developed site up to 5% AEP event and no worsening of flooding;
2. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
  3. the discharge rates and emptying times; and
  4. all assumptions must be clearly stated;
2. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

**All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.**

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

### **ENG 3a**

**The parking area must be constructed in accordance with the following documentation which forms part of this permit: Preston Lane documentation received by the Council on 17 May 2022.**

**Any departure from that documentation and any works which are not detailed in the documentation must be either:**

- (a) approved by the Director City Life, via a condition endorsement application; or**
- (b) designed and constructed in accordance with Australian Standard AS/NZ 2890.1:2004.**

**The works required by this condition must be completed prior to first occupation.**

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 commencement of use.**

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 1**

**Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:**

- 1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or**
- 2. Be repaired and reinstated by the owner to the satisfaction of the Council.**

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

**A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.**

Reason for condition

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

## **ENG r3**

**Prior to the commencement of use, the proposed driveway crossover on the Alexander Street highway reservation must be designed and constructed in general accordance with:**

- **Urban - TSD-R09-v3 – Urban Roads Driveways and TSD R14-v3 Type KC vehicular crossing;**

**Design drawings must be submitted and approved as a Condition Endorsement prior to any approval under the Building Act 2016. The design drawings must:**

1. **Show the cross and long section of the driveway crossover within the highway reservation and onto the property;**
2. **Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover;**
3. **Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.**
4. **Be prepared and certified by a suitable qualified person, to satisfy the above requirements.**

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

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

*Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Program Leader Road Services and may require further planning approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.*

Reason for condition

To ensure that works will comply with the Council's standard requirements.

## **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.

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

## **CONDITION ENDORSEMENT**

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

## **BUILDING PERMIT**

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

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

## **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.

## **OCCUPATION OF THE PUBLIC HIGHWAY**

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

## **NEW SERVICE CONNECTION**

Please contact the Hobart City Council's City Life Division to initiate the application process for your [new stormwater connection](#).

## **STORMWATER**

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.

## **WORK WITHIN THE HIGHWAY RESERVATION**

Please note development must be in accordance with the Hobart City Council's Infrastructure by law. Click [here](#) for more information.

## **DRIVEWAY SURFACING OVER HIGHWAY RESERVATION**

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

## **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.



(Tristan Widdowson)

**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**

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Date of Report: 17 June 2022

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

Attachment D - Planning Referral Officer Development Engineering Report