



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Committee: 1 February 2023
Expiry Date: 1 February 2023
Application No: PLN-22-660
Address: 93 PRINCES STREET , SANDY BAY
Applicant: Clint Wills (Draftone Tasmania)
12A Henry Street
Proposal: Partial Demolition, Alterations, and Extension
Representations: Nine
Performance criteria: Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Alterations, and Extension, at 93 Princes Street, Sandy Bay.
- 1.2 More specifically the proposal includes:
- Partial demolition of rear elements of the existing dwelling.
 - Alterations and a skillion-roofed extension to the rear of the existing dwelling, to the side of an existing deck, adding two additional downstairs bedrooms and circulation space, a revised and slightly enlarged bathroom and laundry arrangement, upper/lower stairs and a new upper level kitchen and living area.
 - External materials include weatherboard and colorbond with aluminium windows. Horizontal batten privacy screens are proposed for three new upper level windows in the western side of the extension.
 - An existing kitchen in the rear of the dwelling will become a kitchenette.
 - The dwelling will increase capacity from four bedrooms to six bedrooms, and will be occupied by an extended family across three generations (grandparent/children/grandchildren).
 - There is only one laundry in the extended dwelling.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

1.3.1 Historic Heritage Code - Heritage Precinct - Demolition and Buildings and Works

- 1.4 Nine representations objecting to the proposal were received within the statutory advertising period between 09/12/2022 and 03/01/2023.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Planning Committee, because more than five objections have been received.

2. Site Detail

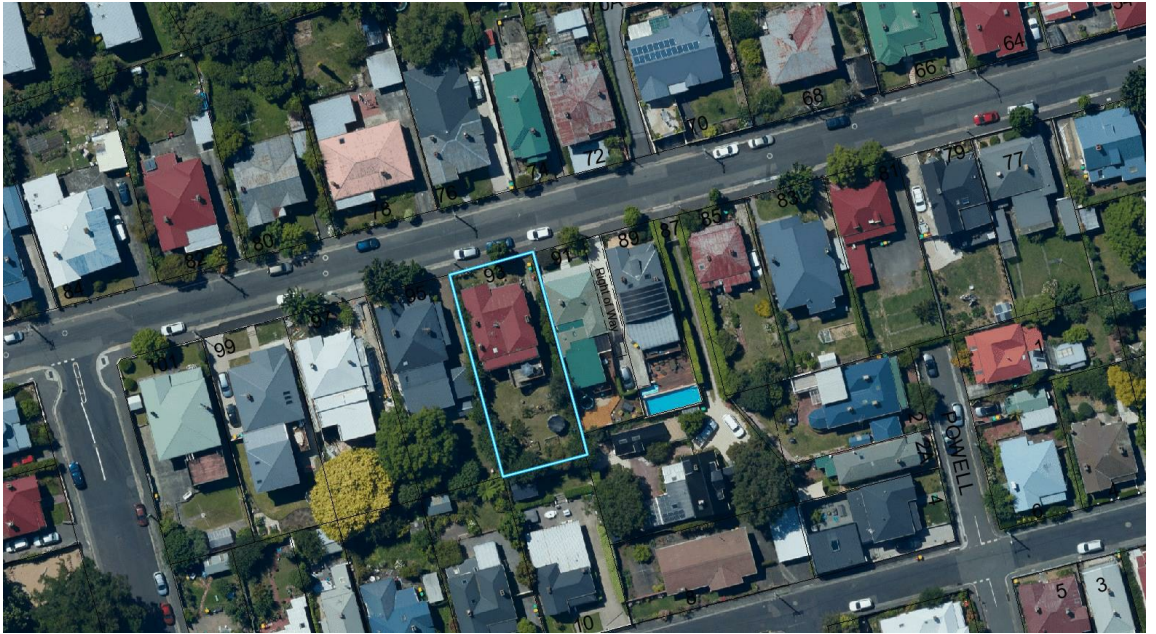


Figure 1: Aerial view of the subject property and surrounding locality (Source: Council ArcGIS).

- 2.1 93 Princes Street, Sandy Bay is a 580m² residential property occupied by a single dwelling in its front half. The site is set within an established residential area.



Figure 2: The front elevation of the property. Source: Officer photo.



Figure 3: The existing rear elevation of the dwelling. Source: Officer photo.



Figure 4: The existing rear boundary with 10 Randall St. Source: Officer photo.



Figure 5: The existing western side boundary, shared with 95 Princes St. Source: Officer photo.

3. Proposal

3.1 Planning approval is sought for Partial Demolition, Alterations, and Extension, at 93 Princes Street, Sandy Bay.

3.2 More specifically the proposal is for:

- Partial demolition of rear elements of the existing dwelling.
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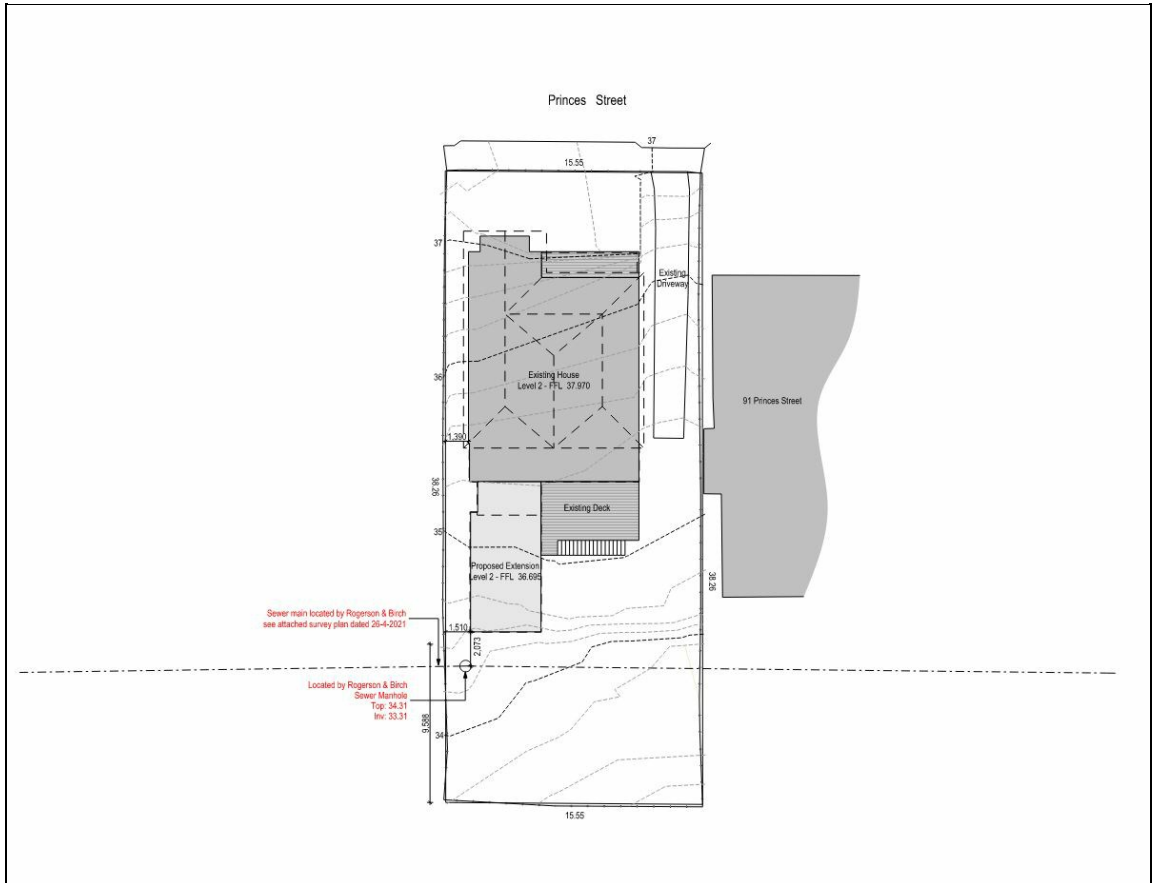


Figure 6: Proposed site plan.

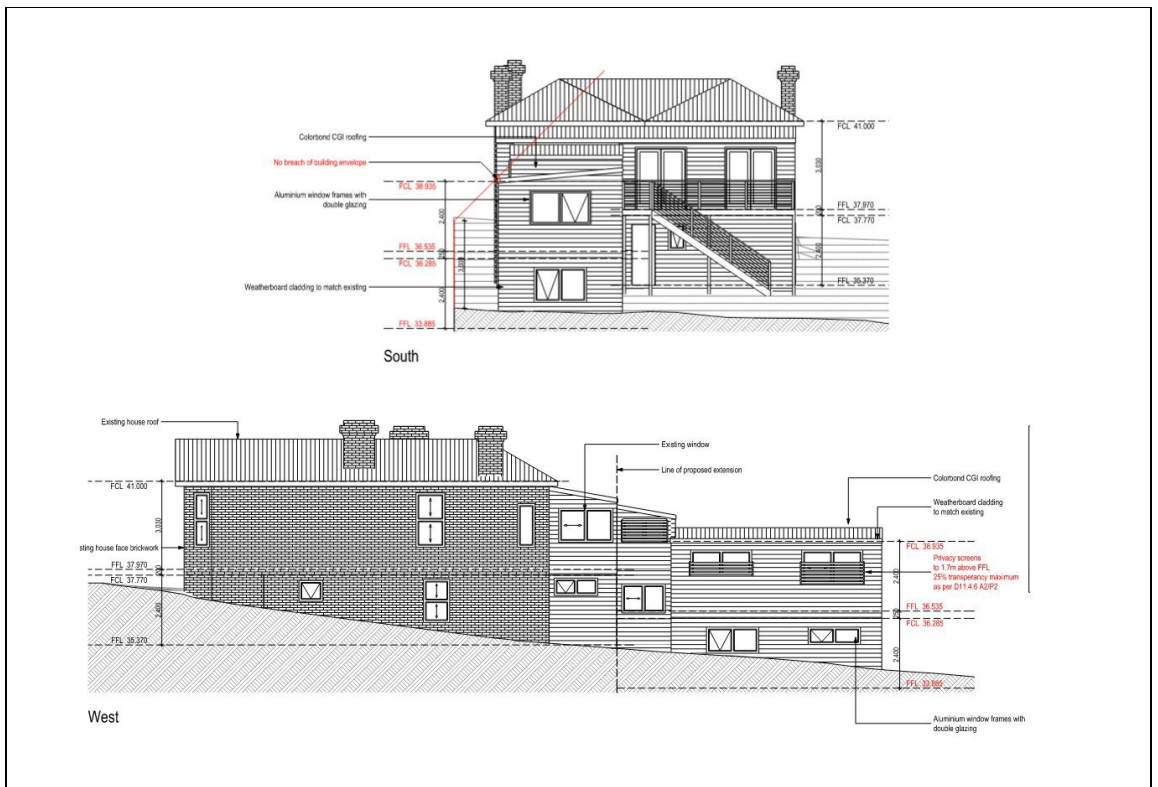


Figure 7: The rear (south) and side (west) elevations.

4. Background

- 4.1 An application (PLN-21-540) for a second dwelling at the rear of the subject site was withdrawn in January 2022. The application was problematic in terms of impacts upon the existing stormwater system and there was also significant opposition (16 objections) raised by local residents. Concessions with regard to design were attempted by the applicant however ultimately the project was abandoned.

5. Concerns raised by representors

- 5.1 Nine objections were received received within the statutory advertising period between 09/12/2022 and 03/01/2023.
- 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

- The intended use is for multiple dwellings, not a single dwelling, because: there are two kitchens; there is a dining room off the second kitchenette; there is no direct access to the new deck from the new kitchen; a second laundry could be provided; other rooms in the extension could be used as part of a second dwelling; and of the family arrangements of the current owners.
- The plans allow for the entry floor level and new deck to be one dwelling, and the extension and lower level to be a second dwelling.
- Given the proposal is actually for two dwellings, it should be advertised and assessed as such.
- Conditioning an approval to be for single dwelling only is not acceptable, given it creates an unreasonable compliance burden on neighbours and Council.

TRAFFIC/ACCESS/PARKING

- More off street parking should be provided, especially given the proposal is actually for a second dwelling.
- The existing driveway is too narrow to accommodate cars for two dwellings.
- Princes Street is already at capacity in terms of on street parking availability.
- Access onto Princes St from dwellings is already

hard/dangerous/unsafe.

HERITAGE

- The proposal is out of keeping with the heritage precinct.
- The proposal is out of keeping with other homes in the area.
- If all dwellings extended their dwellings like this it would undermine the character of the area.

AMENITY

- The proposal will have a detrimental impact on neighbouring amenity due to visual bulk, loss of light/overshadowing, and loss of privacy.
- The proposal for shutters on the windows for privacy is not adequate, and opaque glazing should be required instead by condition.
- The use of timber for the shutters is not appropriate given the maintenance it would require.
- The proposal is outside the building envelope. Planners note: the proposal is located within the prescribed building envelope.
- Although within the building envelope and meeting side boundary setbacks (just) the proposal will still have an unreasonable impact on neighbours' amenity.
- The 1.51m setback from the western side boundary is 'convenient', complying with the permitted standard by 1cm.
- A similar design to other dwellings in the area would be preferable to ensure impacts on neighbours are more reasonable/acceptable.
- If approved, landscaping on the boundary should be required by condition.

STORMWATER

- The stormwater solution does not appear feasible.
- The existing stormwater system is not large enough to cater for the additional volume of water created by the extension.

MISCELLANEOUS

- Owner details on title show Janet and Alice Thorp. Owner details on the plans show Alice Thorp only as owner. Why aren't both owners listed?
- A set of stairs in the existing dwelling are not shown.
- Neighbouring properties are not all shown.
- No shadow diagrams provided. Planners note: the extension is within the prescribed building envelope, so shadow diagrams are

- not required.
- No survey plan is provided in the advertised documents.
- The laundry opens directly onto the driveway – is this a safety issue?
- Any new fencing should be 2.1m high.
- The owner hasn't consulted with neighbours.
- Concern about proximity of development to neighbours' existing in ground private services.
- This is the second attempt at a second dwelling. A previous application for a physically separated dwelling was withdrawn after receiving 16 objections.
- If approved as proposed, any future changes to the side boundary setback should not be approved as either substantially in accordance with the approval, or as a minor amendment, given it changes the proposal from being complaint to being non-compliant with the permitted building envelope.

5.3 The applicant has provided a response in relation to the above representor issues and concerns. That response is provided at Attachment C to this report.

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 Residential (single dwelling). The proposal maintains this use. A single dwelling Residential use 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 Historic Heritage Code:

Demolition - Heritage Precinct - E13.8.1 P1

Buildings and Works - Heritage Precinct - E13.8.2 P1; P3

6.6 Each performance criterion is assessed below.

6.7 Demolition - Heritage Precinct - E13.8.1 P1

6.7.1 There is no acceptable solution for demolition in a Heritage Precinct.

6.7.2 The proposal includes partial demolition of the existing dwelling within Heritage Precinct SB2.

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

6.7.4 The performance criterion P1 at clause E13.8.1 provides as follows:

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

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

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

unless all of the following apply;

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

(ii) there are no prudent or feasible alternatives;

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

6.7.5 The Council's Cultural Heritage Officer advises:

The proposed demolition is minimal in scale and includes walls to the rear of the existing addition, on level 1 only. This fabric does not significantly contribute to the precinct and is not visible from the wider streetscape. Demolition of this fabric is acceptable and in accordance with E13.8.1 P1.

6.7.6 The officer's full report is provided as an attachment to this report.

6.7.7 The proposal complies with the performance criterion.

6.8 Buildings and Works - Heritage Precinct - E13.8.2 P1; P3

6.8.1 There is no acceptable solution for buildings and works in a Heritage Precinct.

6.8.2 The proposal includes an extension to the rear of the existing dwelling which is located in Heritage Precinct SB2.

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

6.8.4 The performance criteria P1 and P3 at clause E13.8.2 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.

P3

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

6.8.5 The Council's Cultural Heritage Officer advises:

The existing addition is a double storey weatherboard lean-to at the rear of the original red brick dwelling. The proposed addition extends south along the western side of the dwelling. It is of a height that is less than both the original dwelling and the existing addition, despite being two storeys. It is proposed to clad the addition in James Hardie weatherboard cladding

in white, which matches portions of the existing lean-to. The proposed roof is corrugated Colorbond sheeting in colour to match the existing roof. These materials are sympathetic to the setting. The existing deck and balustrade is maintained.

The current vegetation on the site limits views of the western elevation (shown in Figure 1 above) and there will therefore be a minimal view corridor. If the vegetation is removed, there will be a view corridor towards the rear of the site although as the height is lesser than the existing and the materiality matches the lean-to, this is not considered to have a detrimental impact on the precinct. It is not likely that the addition will be visible above the original dwelling.

There is a view corridor towards the rear of the site along the driveway and eastern boundary (shown in Figure 2 above), although the proposed structure does not extend along the existing eastern building line and there will therefore be minimal views from this perspective.

Due to the existing building stock and vegetation, there are minor glimpses of the rear of the subject property from Randall Street, in particular between numbers 8 and 10 Randall Street and 10 and 12 Randall Street.

The proposed addition therefore does not detract from the historic cultural heritage significance of the precinct and complies with E13.8.2 P1 and P3.

6.8.6 The officer's full report is provided as an attachment to this report.

6.8.7 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Partial Demolition, Alterations, and Extension, at 93 Princes Street, Sandy Bay.

7.2 The application was advertised and received nine objections. The objections raised concerns including the proposed use of the extension, the impact on traffic/access/parking in the street, the impacts on the heritage values of the area, the impact on neighbours' amenity, the adequacy of the stormwater solution, as well as a number of other miscellaneous matters.

7.3 In response to the neighbour concerns it is noted:

Use

- Representors were concerned that the extended dwelling would in fact be used as two dwellings. These concerns are understood and acknowledged. It is understood that the extension is providing space for the two owners, and their family, to live together but independently if they so desire. It should be noted that the documentation confirms the proposal is for a single dwelling, and the building will be categorised as a single dwelling under the building code (a class 1A building). In addition, considerable additional works would be required to convert the dwelling into two dwellings to achieve compliance with the building code – for instance fire rating walls. These works are not proposed and would be difficult and costly to do retrospectively. As such, the extended building cannot be legally used as two dwellings, from both a planning and building perspective. A condition to this effect is recommended.

Traffic/access/parking

- The proposal does not trigger any discretions under the Parking and Access Code. The proposal has been assessed by the Council's Development Engineer, who supports the proposal subject to conditions.

Heritage

- The proposal has been assessed and supported by the Council's Cultural Heritage Officer. The officer provided the following comments in response to the concerns raised by the representors: As the works are being assessed as an addition, the form, height and location of the structure are considered as acceptable as it is lower than height than the original, set to the rear and will have minimal visibility from the public domain. There are other examples of rear additions throughout the precinct, and instances of linear structures that extend towards the rear boundary rather than along the length of the building, such as 69 Princes Street, 70 Regent Street and 14 Powell Street. The 1923 Drainage Plan for 93 Princes Street also indicates that other structures previously existed that extended towards the rear boundary whilst not built to match the width of the original dwelling. Regarding the proposed materiality, the Material & Colour Schedule notes "JH Weatherboards - White to match existing" and as such, a condition is included for colours and finishes to be substantially in accordance with the documentation.

Amenity

- The proposal does not trigger any discretions with respect to residential amenity. In particular, the proposal is compliant with the prescribed building envelope and privacy acceptable solutions. In terms of the building envelope, given the marginal nature of the compliant setback, a condition is

recommended to ensure the building is built no closer to the western side boundary than proposed. In terms of privacy, while neighbours may not like the screen solution proposed, technically it complies with the requirements of the planning scheme, and Council has no ability to require an alternative solution.

Stormwater

- The proposal does not trigger any discretions under the Stormwater Code. The proposal has been assessed by the Council's Development Engineer, who supports the proposal subject to conditions.

Miscellaneous

- A number of representors identified that existing stairs were not shown on the plans. The applicant advises that this was 'accidentally missed on the plans (Existing stairs to be removed). The existing stairs causes issues for energy efficiency between levels in the existing house.'
- Representors were also concerned about the information shown on the plans, and the lack of some information being provided. The level of detail shown on the plans is sufficient to enable assessment against the planning scheme. The lack of shadow diagrams is because the proposal is contained within the prescribed building envelope. Council cannot require shadow diagrams to be provided for a development that is compliant with the prescribed building envelope.
- The applicant advises that they are happy to discuss having 2.1m high boundary fences with their neighbors.

Note that the applicant's response to the above representor concerns is provided as an attachment to this report.

- 7.4 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to satisfy the relevant discretions.
- 7.5 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.
- 7.6 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Partial Demolition, Alterations, and Extension, at 93 Princes Street, Sandy Bay 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 approves the application for Partial Demolition, Alterations, and Extension, at 93 Princes Street, Sandy Bay 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-22-660 - 93 PRINCES STREET SANDY BAY TAS 7005 - Advertised Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The approved use of the extended dwelling is as a single dwelling and class 1A building only.

Reason for condition

To clarify the scope of the permit and in accordance with the stated intent of the applicant

PLN s2

The extension approved by this permit must be contained within the building envelope as prescribed by the Hobart Interim Planning Scheme 2015 (version 40) at clause 11.4.2 A3(a).

Reason for condition

To ensure the building is constructed in accordance with the Final Planning Documents, to clarify the scope of the permit, and to protect neighbours' residential amenity

PLN s3

The western side setback of the extension must be in accordance with the

below:

- for the inset section containing the stairs: 1.94m.
- for the remainder of the extension: 1.51m.

Any reduction below these setbacks will require further separate planning approval.

Reason for condition

To ensure the building is constructed in accordance with the Final Planning Documents, to clarify the scope of the permit, and to protect neighbours' residential amenity

PLN s4

The proposed screening to the new upper level windows in the western elevation of the extension must be installed prior to the first occupation of the extension, and must be maintained for the life of the use.

Advice: This condition does not proscribe alternative privacy solutions being installed which are also in accordance with the acceptable solution at clause 11.4.6 A2 of the Hobart Interim Planning Scheme 2015 (Version 40).

Reason for condition

To ensure that the works is done to the satisfaction of the Council.

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 or commencement of use (whichever occurs first).

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 sw4

Any new stormwater connection must be constructed and any existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation.

If a new connection is required, detailed engineering drawings must be submitted and approved as part of an application for the new stormwater connection, before any application for a plumbing permit is made. The detailed engineering drawings must include:

- 1. the location of the proposed connection; and**
- 2. the size of the connection appropriate to satisfy the needs of the development.**

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

Advice:

The applicant is advised to submit detailed design drawings via a Council City Life Division [application for a new stormwater connection](#).

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

Reason for condition

To ensure the site is drained adequately.

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.

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.

HER 17c

The external colours, materials and finishes of the approved development must be substantially in accordance with the approved plans, including but not limited to the use of white James Hardie weatherboards and corrugated

Colorbond roof sheeting in red. Any substantial change in the colours, materials and finishes requires further approval.

Reason for condition

To ensure that development in a heritage precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

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](#).

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.

NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's City Resilience 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.



(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.



(Karen Abey)

Manager Development Appraisal

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: 23 January 2023

Attachment(s):

Attachment B - Planning Committee Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

Attachment D - Applicant's Response to Representor Concerns