The City with Spirit

NOTICE OF MEETING

Notice is hereby given that a **Planning Authority Committee** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, paranaple centre, 137 Rooke Street, Devonport, on Monday 21 October 2019, commencing at 5:15pm.

The meeting will be open to the public at 5:15pm.

QUALIFIED PERSONS

In accordance with Section 65 of the Local Government Act 1993, I confirm that the reports in this agenda contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

Paul West

GENERAL MANAGER

Paulves

16 October 2019

AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF DEVONPORT CITY COUNCIL HELD ON MONDAY 21 OCTOBER 2019 IN THE ABERDEEN ROOM, paranaple centre, 137 ROOKE STREET, DEVONPORT AT 5:15PM

Item		Page No.
1.0	Apologies	1
2.0	DECLARATIONS OF INTEREST	1
3.0	DELEGATED APPROVALS	2
3.1	Planning Applications approved under Delegated Authority 1 September 2019 30 September 2019	
4.0	DEVELOPMENT REPORTS	4
4.1	PA2019.0137 Subdivision (2 lots) - 16 Collins Way Tugrah	4
4.2	PA2019.0149 Residential (multiple dwellings x 2) - 19 Leary Avenue Stony Rise	66
5.0	CLOSURE	178

Agenda of a meeting of the Devonport City Council's **Planning Authority Committee** to be held in the Aberdeen Room, Level 2, paranaple centre, 137 Rooke Street, Devonport on Monday 21, October 2019 commencing at 5:15pm.

PRESENT

		Present	Apology
Chairman	Cr A Rockliff (Mayor)		
	Cr J Alexiou		
	Cr P Hollister		
	Cr S Milbourne		
	Cr L Murphy		
	Cr L Perry		

IN ATTENDANCE

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Digital Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

1.0 APOLOGIES

2.0 DECLARATIONS OF INTEREST

3.0 DELEGATED APPROVALS

3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 1 SEPTEMBER 2019 - 30 SEPTEMBER 2019

ATTACHMENTS

1. Planning Applications Approved Under Delegated Authority - 1 September 2019 - 30 September 2019

RECOMMENDATION

That the list of delegated approvals be received.

Author: Jennifer Broomhall Endorsed By: Kylie Lunson

Position: Planning Administration Officer Position: Development Services Manager

ATTACHMENT [1]

Application No.	Location	Description	Approval Date
PA2019.0104	10 Pengali Place, Devonport	Residential (dwelling)	26/09/2019
PA2019.0108	7/4 Formby Road, Miandetta	Storage	5/09/2019
PA2019.0109	22 Wright Street, East Devonport	Residential (single dwelling extension and shed)	6/09/2019
PA2019.0111	12-14 Oldaker Street, Devonport	Sports and recreation (fitness facility)	10/09/2019
PA2019.0112	200 Perrys Road, Forthside	Residential (dwelling and garage)	10/09/2019
PA2019.0113	5 Henry Street, Devonport	Residential (detached dwelling extension)	9/09/2019
PA2019.0114	164 Nicholls Street, Devonport	Residential (shed)	13/09/2019
PA2019.0115	9 Ronan Court, Spreyton	Residential (outbuilding)	10/09/2019
PA2019.0116	36 Greenway Avenue, Devonport	Residential (outbuilding)	10/09/2019
PA2019.0118	107 James Street, Devonport	Residential (shed)	19/09/2019
PA2019.0119	152 Best Street, Devonport	Residential (multiple dwelling) - as constructed carport	12/09/2019
PA2019.0120	9 Hilltop Avenue, Devonport	Residential (outbuilding)	12/09/2019
PA2019.0121	500 Melrose Road, Eugenana	Residential (detached dwelling extension)	25/09/2019
PA2019.0124	5 Matthews Way, Devonport	Storage	10/09/2019
PA2019.0125	145 Tugrah Road, Tugrah	Residential (dwelling and shed)	13/09/2019
PA2019.0126	109 Waverley Road, Don	Residential (outbuilding)	10/09/2019
PA2019.0127	11 Nicholls Street, Devonport	Residential (garage)	18/09/2019
PA2019.0128	1 Marconi Court, Stony Rise	Storage	18/09/2019
PA2019.0129	35 Loane Avenue, East Devonport	Residential (multiple dwellings x 2)	25/09/2019
PA2019.0131	158 William Street, Devonport	Change of Use - Residential to General Retail & Hire (Beauty Salon)	12/09/2019
PA2019.0133	17 Oldaker Street, Devonport	General Retail and Hire (Change of Use - Temporary Shop Front) - Tenancy 4	2/09/2019
PA2019.0134	44 Madden Street, Devonport	Residential (ancillary dwelling)	30/09/2019
PA2019.0135	116a Steele Street, Devonport	Residential (multiple dwellings x 4)	19/09/2019

4.0 DEVELOPMENT REPORTS

4.1 PA2019.0137 SUBDIVISION (2 LOTS) - 16 COLLINS WAY TUGRAH

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.1.1 Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use

Strategy 2.1.2 Provide high quality, consistent and responsive development assessment and compliance processes.

PURPOSE

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2019.0137.

BACKGROUND

Planning Instrument: Devonport Interim Planning Scheme 2013

Applicant/Owner: Mrs TK Smith
Proposal: Subdivision (2 lots)

Existing Use: Residential Zoning: Rural Living

Decision Due: The applicant has agreed to an extension of time until 23

October 2019

SITE DESCRIPTION

The site is located to the northeast of the Collins Way T-junction and is part of a residential subdivision approved in 2012. The site has an area of 8,277m² and frontage of 72.28m onto Collins Way on the southern boundary and 132.22m onto Collins Way on the western boundary. The lot contains an existing dwelling.

Figure 1 shows the title for the subject site and Figure 2 an aerial view of the subject site and surrounding area. The aerial photo was taken in early 2019 and shows the majority of lots in the area have been developed. A creek runs through the centre of the property where the darker grass can be seen. The lot falls approximately 4m from the southern side towards the creek and approximately 3m from the north-eastern corner towards the creek.

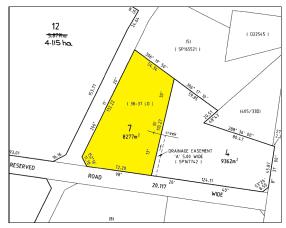


Figure 1 - Title plan for subject site



Figure 2 - Aerial view of subject site

SITE HISTORY

The applicant previously applied for a two lot subdivision in 2015 with the same proposal. One representation was received at this time from the developer of the Collins Way subdivision. The Planning Authority Committee approved the proposal unanimously however the representor appealed the decision.

The permit was deemed to be invalid by the Resource Management and Planning Appeal Tribunal (RMPAT) as the Bushfire Hazard Management Plan submitted as part of the proposal, was, as stated by RMPAT, '...prepared by a person who, though an accredited person for the purposes of Section 3 of the Land Use Planning and Approvals Act 1993.... was not accredited for the purposes of subdivision under the Fire Services Act 1979.'

APPLICATION DETAILS

The applicant is seeking approval for a 2 lot subdivision. Lot 1, which contains an existing house has an area of approximately 4,040m² and Lot 2 an area of approximately 4,060m². Figure 3 shows the proposed plan for the site.

PLANNING ISSUES

The land is zoned Rural Living under the Devonport Interim Planning Scheme 2013. The intent of the zone is to provide for residential use or development on large lots in a rural setting where services are limited and to provide for compatible use and development that does not adversely impact on residential amenity.

Subdivision is permitted in the zone provided there are no internal lots and the proposal satisfies all relevant development standards and codes contained within the planning scheme. In instances where the applicable standards cannot be met the proposal must be assessed against the corresponding performance criteria.

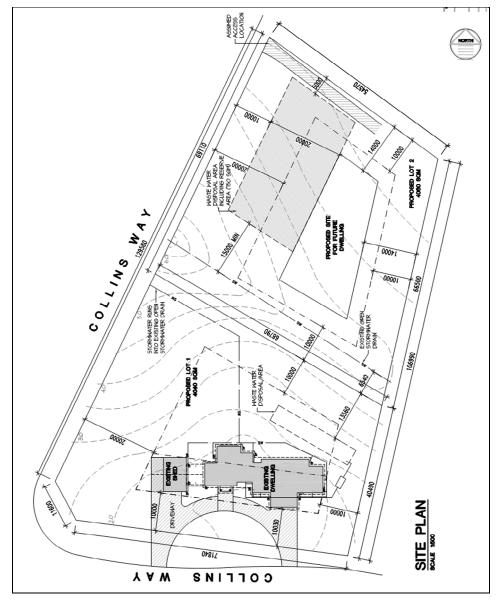


Figure 3 – Proposed subdivision plan

In this case the proposal does not meet the requirements in regard to clause 13.4.1 A1 in regard to suitability of a lot for use or development and clause E10.6.1 in regard to

development in proximity to a water body, watercourse or wetland. The relevant development standards are reproduced below, followed by comments.

13.0 Rural Living zone

13.4.1 Suitability of a site or lot for use or development

Obiective:

The minimum properties of a site and of each lot on a plan of subdivision are to -

- (a) provide a suitable development area for the intended use;
- (b) provide access from a road; and
- (c) make adequate provision for a water supply and for the drainage and disposal of sewage and stormwater

Acceptable Solutions

Performance Criteria

A1

Each site or each lot on a plan of subdivision must -

- (a) have an area of not less than -
 - (i) 1.0 ha excluding any access strip; or
 - (ii) if in a locality shown in the Table to this Clause, not less that the site area shown for that locality; and
- (b) if intended for a building, contain a building area -
 - (i) of not more than 1,000m2;
 - (ii) clear of any applicable setback from a frontage, side or rear boundary
 - (iii) clear of any applicable setback from a zone boundary;
 - (iv) clear of any registered easement;
 - (v) clear of any registered right of way benefiting other land;
 - (vi) clear of any restriction imposed by a utility;
 - (vii)not including any access strip;
 - (viii)clear of any area required for the on-site disposal of sewage or stormwater; and
 - (ix) accessible from a frontage or access strip

P1

A site or each lot on a plan of subdivision must -

- (a) if intended for residential use be of sufficient size to be consistent with clauses 13.1.1, 13.1.2 and 13.1.3 having regard to –
 - the number, size and distribution of existing and approved lots on land in the vicinity;
 - (ii) the pattern, intensity and character of established use and development on other lots in the vicinity;
 - (iii) the capacity of any available or planned utilities; and
 - (iv) capability of the land to accommodate residential use;
- (b) be of sufficient size for the intended use having regard to the effect of one or more of the following as are relevant to the size of a site or lot -
 - (i) topography of the land and land in the vicinity;
 - (ii) natural drainage of the land and land in the vicinity;
 - (iii) the desirability of protecting native vegetation, landscape features, natural and cultural values;
 - (iv) provision for management of exposure to natural hazards;
 - (v) provision of an accessible building area;
 - (vi) compliance to the acceptable solution criteria in any applicable standard for location and separation of a building;
 - (vii) arrangements for the convenient provision of roads and access to the land:
 - (viii)arrangements for the provision of a water supply and for the drainage and disposal of sewage and stormwater;
 - (ix) any restriction or requirement of a lawful easement or statutory interest in the land; and
 - (x) opportunity for solar access to a building area.

Two lots of approximately 4000m² per lot are proposed. This does not satisfy the required area of 1ha, therefore clause 13.4.1 A1 (a) is not met.

The proposed lots meet most aspects of clause 13.4.1 A1 (b) as there is a building area less than 1,000m² identified which is clear of all applicable setbacks, easements, rights of way, utilities and the area required for the disposal of on-site wastewater and is accessible from

the frontage. There are no access strips proposed. The proposal does not satisfy the setback requirements from a zone boundary however this will be discussed in relation to clause 13.4.6.

As two aspects of the above clause are not satisfied the proposal must be assessed against the corresponding performance criteria.

The proposal is consistent with clauses 13.1.1, 13.1.2 and 13.1.3 being the zone purpose statements, local area objectives and desired future character statements. The lots proposed are large and in a rural setting with limited services. They make efficient use of land by allowing for infill development and consistency of the streetscape. The lots are larger than suburban lots and land capability has been taken into consideration.

The size of lots in the area are varied, with all properties to the east of the north-south section of Collins Way being less than 1 ha. There are also two lots within 60m of the subject site with areas of 4000m² or less.

The proposal will provide for consistency with the established pattern, intensity and character of development in the area. The aerial photo below shows the location of houses in the area with the house site for the proposed Lot 2 shown in yellow.

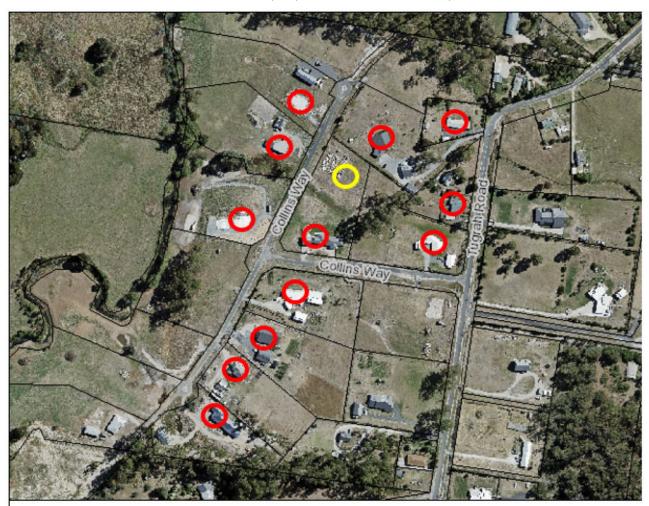


Figure 4 – Location of existing houses shown in red and the proposed house site shown in yellow

The proposal will not negatively impact any existing services and no new utilities are planned for the area.

The land is capable of dealing with additional development as shown in the reports provided with the application in regard to on-site wastewater disposal and bushfire.

In addition, the proposed lots are of sufficient size for the intended use and will be assisted by the natural drainage on the site which will allow for stormwater disposal, the provision of an accessible building area, arrangements for the provision of water and disposal of sewerage and the opportunity for solar access to the building area.

Α2

A site or each lot on a subdivision plan must have a separate access from a road –

- (a) across a frontage over which no other land has a right of access; and
- (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land: or
- (c) by a right of way connecting to a road -
 - (i) over land not required as the means of access to any other land; and
 - (ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and
- (d) with a width of frontage and any access strip or right of way of not less than 6.0m; and
- (e) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.

P2

- (a) A site must have a reasonable and secure access from a road provided –
 - (i) across a frontage; or
 - (ii) by an access strip connecting to a frontage, if for an internal lot; or
 - (iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and
 - (iv) the dimensions of the frontage and any access strip or right of way must be adequate for the type and volume of traffic likely to be generated by –
 - a. the intended use; and
 - the existing or potential use of any other land which requires use of the access as the means of access for that land; and
 - (v) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or
- (b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan.

The proposed lots have separate access from a road across a frontage over which no other land has a right of access. The proposal meets the acceptable solution.

АЗ

A site or each lot on a plan of subdivision must be capable of connecting to a water supply –

- (a) from a connection to a water supply provided in accordance with the Water and Sewerage Industry Act 2008; or
- (b) from a rechargeable drinking water system R6 with a storage capacity of not less than 10,000 litres if—
 - (i) there is not a reticulated water supply; and
 - (ii) development is for
 - a. a single dwelling; or
 - b. a use with an equivalent population of not more than $10\ \mbox{people}$ per day

P3

- (a) There must be a water supply available for the site or for each lot on a plan of subdivision with an adequate level of reliability, quality, and quantity to service the anticipated use of the site or the intended use of each lot on a plan of subdivision; or
- (b) It must be unnecessary to require a water supply

The proposed lots are capable of connecting to a water supply. The proposal meets the acceptable solution.

Α4

A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and trade waste –

- (a) to a reticulated sewer system provided in accordance with the Water and Sewerage Industry Act 2008; or
- (b) by on-site disposal if -
 - sewage or trade waste cannot be drained to a reticulated sewer system; and
 - (ii) the development
 - a. is for a single dwelling; or
 - provides for an equivalent population of not more than 10 people per day; or
 - c. creates a total sewage and waste water flow of not more than 1,000l per day; and
 - (iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2012 Onsite domestic-wastewater management clear of any defined building area or access strip

Р4

- (a) A site or each lot on a plan of subdivision must drain and dispose of sewage and trade waste –
 - in accordance with any prescribed emission limits for discharge of waste water;
 - (ii) in accordance with any limit advised by the Tasmanian Environmental Protection Agency;
 - (iii) without likely adverse impact for the health or amenity of the land and adjacent land;
 - (iv) without compromise to water quality objectives for surface or ground water established under the State Policy on Water Quality Management 1997; and
 - (v) with appropriate safeguards to minimise contamination if the use or development has potential to –
 - indirectly cause the contamination of surface or ground water; or
 - involve an activity or process which requires the use, production, conveyance or storage of significant quantities of sewage or trade waste that may cause harm to surface or ground water if released through accident, malfunction, or spillage; or
- (b) It must be unnecessary to require arrangements for the drainage and disposal of sewage or trade waste

Each lot on the plan of subdivision is capable of draining and disposing of sewerage as per the submitted wastewater disposal report. The proposal meets the acceptable solution.

Α5

A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater –

- (a) for discharge to a stormwater system provided in accordance with the Urban Drainage Act 2013; or
- (b) if stormwater cannot be drained to a stormwater system -
 - for discharge to a natural drainage line, water body, or watercourse; or
 - (ii) for disposal within the site if
 - a. the site has an area of not less than 5000m2;
 - the disposal area is not within any defined building area;
 - the disposal area is not within any area required for the disposal of sewage;
 - d. the disposal area is not within any access strip; and
 - e. not more than 50% of the site is impervious surface;
 and
 - (iii) the development is for a single dwelling

P5

- (a) A site or each lot on a plan of subdivision must drain and dispose of stormwater –
 - (i) to accommodate the anticipated stormwater -
 - (ii) without likelihood for concentration on adjacent land;
 - (iii) without creating an unacceptable level of risk for the safety of life or for use or development on the land and on adjacent land;
 - (iv) to manage the quantity and rate of discharge of stormwater to receiving waters;
 - (v) to manage the quality of stormwater discharged to receiving waters; and
 - (vi) to provide positive drainage away from any sewer pipe, on-site sewage disposal system, or building area; or
- (b) It must be unnecessary to require arrangements for the drainage and disposal of stormwater

The proposed lots are able to drain to the existing creek. The proposal meets the acceptable solution.

13.4.2 Dwelling density Objective: Residential dwelling density [R7] is to -(a) make efficient use of land for housing; (b) optimise utilities and community services; and (c) be consistent with any constraint on suitability of the land for residential use Acceptable Solutions Performance Criteria A1 P1 The site area per dwelling must -The number of dwellings on a lot or site must be consistent with: (a) be not less than 1.0 ha; or (a) clauses 13.1.1, 13.1.2 and 13.1.3 having regard to -(b) if the site is in a locality shown in the Table to this (i) the size of any existing or approved lot or site on land in Clause, the site area for that locality the vicinity; and (ii) the pattern, intensity and character of established use and development on other lots in the vicinity; and (b) the capability of the land for residential use having regard to the effect of one or more of the following as are relevant to the size of a site or lot -(i) topography; (ii) natural drainage; (iii) the desirability of protecting native vegetation, landscape features, natural and cultural values; (iv) provision for management of exposure to natural hazards; (v) provision for access to the building area; (vi) compliance to the acceptable solution criteria in any applicable standard for location and separation of a building in relation to a frontage, side or rear boundary or zone boundary and from adjacent buildings; (vii)arrangements for the convenient provision of roads and access to the land; (viii)arrangements for the provision of a water supply and for the drainage and disposal of sewage and stormwater; (ix) any restriction or requirement of a lawful easement or statutory interest in the land; and (x) opportunity for solar access to each building.

Not applicable as no dwelling is proposed. However, the performance criteria are very similar to those in clause 13.4.1 P1 and are able to be satisfied.

13.4.3 Location and configuration of development

Objective:

The location and configuration of development is to -

- (a) provide for retention of the rural setting;
- (b) be consistent with land capability;
- (c) provide a consistent separation between the development area on adjacent sites and between development and a road;
- (d) provide consistency in the apparent scale, bulk, massing, and proportion of adjacent buildings;
- (e) provide sufficient site area for open space, utilities, and vehicle parking; and
- (f) assist to attenuate likely impact on amenity of residential use on adjacent land

Acceptable Solutions Performance Criteria P1 A building, utility structure, garage or carport must be setback The setback of a building, utility structure or carport from a from a frontage frontage must be -(a) consistent with the rural setting and streetscape; and (a) not less than 20.0m; (b) not less than or not more than the setbacks for any existing (b) required by a constraint imposed by building on each of the immediate adjoining sites; (i) size and shape of the site; (c) not less than for any building retained on the site; (ii) orientation and topography of land; (d) in accordance with any building area shown on a sealed plan of subdivision; or (iii) arrangements for a water supply and for the drainage and disposal of sewage and stormwater; (e) if the site abuts a road shown in the Table to this clause, the setback specified for that road (iv) arrangements for vehicular or pedestrian access; (v) any requirement of a conservation or urban design outcome detailed in a provision in this planning scheme; (vi) a utility; or (vii)any lawful and binding requirement a. by the State or a council or by an entity owned or regulated by the State or a council to acquire or occupy part of the site; or b. an interest protected at law by an easement or other

Not applicable, however the acceptable solutions will be able to be satisfied when a

dwelling is proposed. Α2 P2 All buildings must be contained within a building envelope Building height and location of a building in relation to site determined by boundaries must -

(a) the applicable frontage setback;

- (b) a setback of not less than 10.0m from each side boundary;
- (c) a setback of not less than 10.0m from the rear boundary;
- (d) a setback of not less than 20.0m from any designated building area on each adjacent site; or
- (e) any building area shown on a sealed plan; and
- (f) building height of not more than 8.5m

- (a) minimise likelihood for overshadowing of a habitable room in an adjacent dwelling on the site;
- (b) take account of the relationship between appearance and design characteristics of the buildings and any buildings on adiacent land:
- (c) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;
- (d) be consistent with the rural setting and the streetscape;
- (e) respond to the effect of the slope and orientation of the site to attenuate impact on adjacent land

Not applicable, however the acceptable solutions will be able to be satisfied when a dwelling is proposed.

Site coverage must (a) be not more than 500m²; and (b) not include any part of a site required for the disposal and drainage of sewage or stormwater; or (c) be not more than any building area shown on a sealed plan

Not applicable, however the acceptable solutions will be able to be satisfied when a dwelling is proposed. It is interesting to note that the required lot size is 1ha when the permissible site coverage is 5% of that at 500m².

A4	P4
 a) A utility structure must be a power pole, antenna or a single domestic-scale turbine to a maximum of 10m in height which is – (i) not part of a wind farm; (ii) not sited on a skyline; and (iii) if a wind turbine, not located within 60m of a dwelling in other ownership nor within 30m of a public road. b) A building, except a utility structure must be – (i) located not less than 15m below the level of any adjoining ridgeline; and (ii) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; and (iii) clad and roofed with materials with a light reflectance value of less than 40%. 	 (i) not sited on a skyline; and (ii) not located within 30m of a public road. (b) The location, height and visual appearance of a building or structure (except a single domestic-scale turbine or wind powered pump) must have regard to – (i) minimising the visual impact on the skyline;

Not applicable.

A5	P5	
Area for the display, handling of good, storage or waste must not be located in front of the building line.	Area for the display, handling or storage of good must have regard to the nature of the material, distance from the frontage and any screening that is available	

Not applicable.

13.4.4 Acoustic and visual privacy for residential development

Objective:

The location and configuration of development is to minimise likelihood for -

- (a) overlooking of a habitable room, balcony, deck, or roof garden in an adjacent dwelling;
- (b) intrusion of vehicle noise from an access strip or communal driveway

Acceptable Solutions Performance Criteria P1 A door or window to a habitable room or any part of a balcony, Likelihood for overlooking from a door or window in a habitable deck, roof garden, parking space or carport of a building must room or from any part of a balcony, deck, roof garden, parking space, or carport of a building must be minimised by -(a) be not less than 10.0m from a side boundary and 10.0 m from (a) physical separation from the door, window balcony, deck, or a rear boundary to adjoining land in any zone for residential purposes; or roof garden in an adjacent dwelling; (b) be not less than 10.0m from a door or window to a habitable (b) off-set from a door or window to a habitable room in an room or any part of a balcony, deck, or roof garden in an adjacent dwelling; adjacent dwelling (c) effective use of screening other than vegetation; or

Not applicable, however the acceptable solutions will be able to be satisfied when a dwelling is proposed.

(d) effect of topography and natural features

A2	P2
An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 5.0m horizontally from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.	An access strip or shared driveway, including any pedestrian pathway and parking area, must minimise likelihood for impact from over-viewing and noise disturbance on the amenity of any dwelling

Not applicable.

13.4.6 Setback of development for sensitive use

Objective:

Development for a sensitive use is to -

- (a) minimise likelihood for conflict, interference, and constraint between the sensitive use and the use or development of land in a zone that is not for a residential purpose; and
- (b) minimise unreasonable impact on amenity of the sensitive use through exposure to emission of noise, fumes, light and vibration from road, rail, or marine transport

Acceptable Solutions	Performance Criteria
A1	P1
A building containing a sensitive use must be contained within a building envelope determined by –	The location of a building containing a sensitive use must –
(a) the setback distance from the zone boundary as shown on the Table to this clause; and	(a) minimise likelihood for conflict, constraint or interference by the sensitive use on existing and potential use of land in the adjoining zone; and
(b) projecting upward and away from the zone boundary at an angle of 45o above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary	(b) minimise likely impact from existing and potential use of land in the adjoining zone on the amenity of the sensitive use

Table to Clause 13.4.6 A1

Adjoining Zone	Setback (m)
Local Business	10.0
Central Business	10.0
Commercial	10.0
Light Industrial	10.0
General Industrial	10.0
Rural Resource	(a) 50.0; or(b) 10.0 if the site is a single lot approved for residential use on a plan of subdivision sealed before this planning scheme came into effect
Utilities	10.0
Port and Marine	50.0

Not applicable as no buildings are proposed, however, the land to the west is zoned Rural Resource (see Figure 5), therefore the required setback to the Rural Resource zone is 50m. Although the title for the subject site was not sealed before the current planning scheme came into effect the planning permit for the subdivision had been approved.

Under the Statewide Planning Scheme project currently underway it is proposed to rezone the adjacent land to Rural Living as it is residential in nature with the lots immediately west of the subject site already containing dwellings (see Figure 4). In light of the existing uses there will be no conflict between rural and residential uses on any existing or proposed lots.

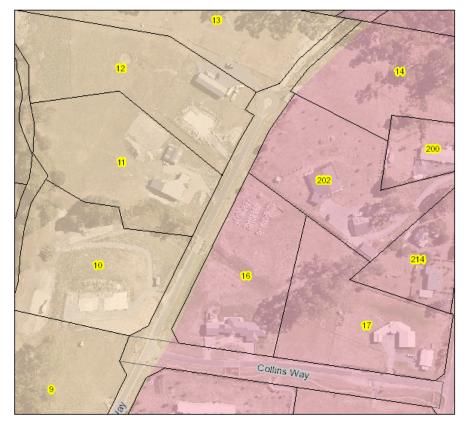


Figure 5 – Zoning map showing Rural Living zone in pink and Rural Resource zone in buff

A2	P2
Development for a sensitive use must be not less than 50m from –	Development for a sensitive use must –
(a) a major road identified in the Table to this clause;(b) a railway;(c) land designated in the planning scheme for future road or rail purposes; or(d) a proclaimed wharf area	 (a) have minimal impact for safety and efficient operation of the transport infrastructure; and (b) incorporate appropriate measures to mitigate likely impact of light, noise, odour, particulate, radiation or vibration emissions; or (c) be temporary use or development for which arrangements
	have been made with the relevant transport infrastructure entity for removal without compensation within 3 years

Not applicable.

13.4.7 Subdivision Objective:

zone		
Acceptable Solutions	Performance Criteria	
A1	P1	
Each new lot on a plan of subdivision must be –	Each new lot on a plan of subdivision must be –	
(a) intended for residential use;	(a) for a purpose permissible in the zone	
(b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority		

The new lots are intended for residential use. The acceptable solutuion is met.

A2	P2
A lot, other than a lot to which A1(b) applies, must not be an internal lot	 (a) An internal lot on a plan of subdivision must be – (i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots imposed by – a. slope, shape, orientation and topography of land; b. an established pattern of lots and development; c. connection to the road network; d. connection to available or planned utilities; e. a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a water course; or f. exposure to an unacceptable level of risk from a natural hazard; and (ii) without likely impact on the amenity of adjacent land

Not applicable, no internal lots are proposed.

13.4.8 Reticulation of an electricity supply to new lots on a plan of subdivision

Objective:	
Distribution and connection of reticulated electricity supply to new lots on a plan of subdivision is to be without visual intrusion on the streetscape or landscape qualities of the residential area	
Acceptable Solutions	Performance Criteria
A1	P1
Electricity reticulation and site connections must be installed underground	It must be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground

The area is serviced with underground power which will continue to the new lots. The acceptable solution is satisfied.

E1 Bushfire-Prone Areas Code

E10 Water and Waterways Code

E10.6 Development Standards

E10.6.1 Development in proximity to a water body, watercourse or wetland

Objective:	
Development within 30m of or located in, over, on or under a water body, water course or wetland is to have minimum impact on –	
(a) the ecological, economic, recreational, cultural significance, water quality, and physical characteristic of a water body, watercourse or wetland;	
(b) the hydraulic capacity and quality of a water body, watercourse or wetland for ecological viability, water supply, flood mitigation, and filtration of pollutants, nutrients and sediments;	
(c) function and capacity of a water body, watercourse or wetland for recreation activity; and	
(d) aesthetic features of a water body, watercourse or wetland in the landscape	
Acceptable Solutions	Performance Criteria

A1	P1
There is no acceptable solution	Development must –
	(a) minimise risk to the function and values of a water body watercourse or wetland [R37] , including for -
	(i) hydraulic performance;
	(ii) economic value;
	(iii) water based activity;
	(iv) disturbance and change in natural ground level;
	(v) control of sediment and contaminants;
	(vi) public access and use;
	(vii)aesthetic or scenic quality;
	(viii)water quality management arrangements for stormwater and sewage disposal;
	(ix) modification of a natural drainage channel;
	(x) biodiversity and ecological function;
	(xi) level of likely risk from exposure to natural hazards of flooding and inundation; and
	(xii) community risk and public safety; and
	(b) be consistent with any advice or decision of a relevant entity administering or enforcing compliance with an applicable protection and conservation regulation for -
	 impact of the development on the objectives and outcomes for protection of the water body, watercourse or wetland; and
	(ii) any condition or requirement for protection of the water body, water course or wetland

The creek that runs through the site is regarded as a waterbody which is described under the planning scheme as, 'a defined channel with a natural or modified bed and banks that carries surface water.' As the subject site is intersected by the creek the proposal is within 30m of a watercouse and therefore the Water and Waterways Code is applicable.

As there are no acceptable solutions the proposal must automatically be assessed against the performance criteria.

The creek currently provides a natural drainage channel leading to the Don River into which residents are able to dispose of their stormwater. This will continue and no change to the impacts on the creek are envisaged as a result of the proposed subdivision.

The proposal was referred to TasWater and conditions have been provided to be placed on the permit.

REPRESENTATIONS

Two representations were received as a result of the proposal. Both are reproduced below, followed by comments. The first was submitted by Adam and Raani Flannery of 17 Collins Way which is located to the immediate east of the site.

General Manager Devonport City council

I'm writing in response to the proposal development to 16 Collins Way Tugrah File PA2019.0137.

When we first purchased our block at number 17 Collins Way one of the main reasons was we had minimal neighours and a nice size block to enjoy. With this proposed development this would mean an extra neighbour hence ruining this little country feel we have created. I believe this development was tried not long ago but was thrown out due to the developer of the subdivision voicing their opinion on this occasion. We weren't even notified by mail or any sort of communication so if it had gone through we would have had no say. This time we can and we believe that it shouldn't go ahead based on what the subdivision was developed for. Bigger blocks for people to enjoy their land/ homes, to not feel so crammed in city life. The reason most people brought out this way is the land so if this proposal gets passed to subdivide then maybe others will follow, losing this great country life. The developer of the subdivision was told to create bigger blocks, so when the subdivision was first done he did just that not created small city size.

Like I said earlier this development was pursued a little while ago and not passed then so I can't see why this time should be any different.

Kind regards

Adam and Raani Flannery

The Flannery's raise concerns over the size of the lots impacting on the amenity of the area. They also raise the fact that the subdivision was proposed previously and thrown out due to the developer of the subdivision voicing their opinion.

As mentioned previously, the purpose of the Rural Living zone is to provide for residential use or development on large lots in a rural setting where services are limited and to provide for compatible use and development that does not adversely impact on residential amenity. It is submitted that the proposal is in keeping with the purpose of the zone in that the lots are large (approximately eleven times larger than the average General Residential lot of 370m² allowed by the scheme), services are limited and the rural setting is retained. In addition, the capability of the land has been taken into account and the lot sizes will allow for buildings to be set well apart and have a low site coverage.

As discussed earlier the Planning Authority Committee approved the previous application however the permit was deemed invalid due to a technical issue relating the the bushfire assessment.

The developer of the Collins Way subdivision submitted a proposal that complied with the requirements of the planning scheme of the time, the Devonport and Environs Planning

Scheme 1984. This has resulted in lots that are smaller than the currently permitted 1ha lots but are in keeping with the Tugrah area.

The second representation was submitted by Greg Cooney of 3 Collins Way which is located one lot to the south of the site.

Details of representation

I believe that subdividing this property raises a few concerns for the area firstly the road leading into and around Collins Way is way too narrow for further increased traffic flow, how this was ever signed by o f by the councils engineer to has got me baffled

Secondly I am led to believe this existing house has had problems with its waste water system and in the past and by subdividing this property the existing house does not have enough reserved area for effluent problems in the future also the planned area for the new block effluent disposal falls to the existing open drain and we all know where this ends up thank you Greg Cooney

Mr Cooney raises concerns in relation to the road (Collins Way) and on-site waste water.

In regard to the road, it has been built to a sufficient standard to cope with a marginal increase in traffic.

In regard to on-site wastewater disposal, Mr Cooney is correct in saying that the existing house has had issues with its on-site wastewater disposal system, however this was due to incorrect installation of the system. This issue has been recified and the system is now operating as it should, fully contained within the proposed Lot 1.

FINANCIAL IMPLICATIONS

No financial implications are predicted unless a Planning Appeal is lodged and legal representation is required.

CONCLUSION

The proposal has been assessed by Council's Development and Infrastructure and Works staff and TasWater and can be approved with conditions.

ATTACHMENTS

- 1. Application Detail PA2019.0137 16 Collins Way, Tugrah
- 2. TasWater Conditions PA2019.0137 16 Collins Way, Tugrah

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the Devonport Interim Planning Scheme 2013 and Section 57 of the Land Use Planning and Approvals Act 1993, approve application PA2019.0137 and grant a Permit to develop land identified as 16 Collins Way, Tugrah for the following purposes:

• Subdivision (2 lots)

Subject to the following conditions:

- 1. The Development is to proceed generally in accordance with the submitted plans and documentation, copies of which are attached and endorsed as documents forming part of this Planning Permit:
 - a. Proposed subdivision, Project No. 00066, Drawing no. A01, Rev B, dated 28.08.19 by Arplan Home Designs;

- Bushfire Hazard Management Report & Bushfire Hazard Management Plan by Bruce Harpley of Environmental Service and Design Pty Ltd, dated 31 May 2019; and
- S2542-01 infolet (Onsite wastewater investigation) by Donal S. Anderson Consulting Engineer, dated 27 May 2015
- 2. Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
- 3. The proposed new lot is to be serviced by a new sealed vehicular access, generally in accordance with IPWEA Tasmanian Standard Drawing TSD-R03-v1 and TSD-R04-v1. Any road side drainage is to be taken into consideration as part of the developers design as outlined in the standards.
- 4. Any existing Council infrastructure impacted by the development works is to be reinstated in accordance with the relevant standards.
- 5. The subdivider must comply with the conditions contained in the 'Submission to Planning Authority Notice' which the regulated Entity (trading as TasWater) has required the Planning Authority to include in the planning permit, pursuant to section 56P(1) of the Water and Sewerage Industry Act 2008.

Note: The following is provided for information purposes.

The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

The proposal is for a 2 lot subdivision. Lot 1 contains the existing dwelling. In order to comply with AS/NZS 4819.2011 Rural and urban addressing which states 5.4.4 Address numbers sequential - Address numbering shall be sequential, ranging from lowest to highest, it will be necessary to renumber the existing dwelling from 16 Collins Way to 16A Collins Way and apply the existing number of 16 Collins Way to Lot 2 on the proposal plan.

In regard to condition 5 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to condition 2-4 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

Enquiries regarding other conditions can be directed to Council's Development Services Department – Ph 6424 0511.

Author:	Carolyn Milnes	Endorsed By:	Kylie Lunson
Position:	Senior Town Planner	Position:	Development Services Manager

Office Application no. Date received: Fee: Permitted/Discretion Devonport City	ary		DEVONPORT
	Approvals Act 1993 (LUPAA)		
	for Planning Pei	rmit	
Use or Developmen Street Address: 16	t Site Collins Way,	Tugrah	
Certificate of Title Refere	ence No.: 168902	- 01	
Applicant's Details Full Name/Company No	me: Tina Smit	h .	
Postal Address:	16 Collins Tugrah 7	Way. 310	
Telephone:	04 19543 87 arplan-desig	3 ns@gmail.con.	
	ore than one owner, all name me: Tina Smit		
Postal Address:	16 Collins W Tugrah 73	lαy,	
			ASN 47 611 446 016
elephone:	arplan desig	ns@gmail·com	PO Box 604 137 Rooke Street Devanport TAS 7310
TECHNOLOGICAL PROPERTY AND	THE MANUFACTURE OF THE PROPERTY OF THE PROPERT	A STATE OF CONTRACTOR OF STATE	Telephone 03 6424 0511 www.devonport.tas.gov.au council@devonport.tas.gov.au

Please provide one copy of all plans with your application. Assessment of an application for a Use or Development What is proposed?:		
Description of how the use will operate:		
Residential development - see attached documents.		
Iro Clare (Office use only)		
Use Class (Office use only):		

Applications may be lodged by email to Council - council@devonport.tas.gov.au The following information and plans must be provided as part of an application unless the planning authority is satisfied that the information or plan is not relevant to the assessment of the application:

Application fee		
Com	pleted Council application form	
Cop	y of certificate of title, including title plan and schedule of easements	
A site	e analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy)showing:	
•	The existing and proposed use(s) on the site	
•	The boundaries and dimensions of the site	
•	Typography including contours showing AHD levels and major site features	
•	Natural drainage lines, watercourses and wetlands on or adjacent to the site	
•	Soil type	
•	Vegetation types and distribution, and trees and vegetation to be removed	
•	The location and capacity of any existing services or easements on the site or connected to the site	
•	Existing pedestrian and vehicle access to the site	
•	The location of existing adjoining properties, adjacent buildings and their uses	
•	Any natural hazards that may affect use or development on the site	
•	Proposed roads, driveways, car parking areas and footpaths within the site	
•:	Any proposed open space, communal space, or facilities on the site	
٠	Main utility service connection points and easements	
•	Proposed subdivision lot boundaries, where applicable	
•	Details of any proposed fencing	
vher lime	e it is proposed to erect buildings, a detailed layout plan of the proposed buildings with nsions at a scale of 1:100 or 1:200 on A3 or A4 paper (1 copy) showing:	
•	Setbacks of buildings to property (title) boundaries	
•	The internal layout of each building on the site	
•	The private open space for each dwelling	
•	External storage spaces	
•	Car parking space location and layout	
•	Elevations of every building to be erected	
•	The relationship of the elevations to natural ground level, showing any proposed cut or fill	
·	Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites	
•	Materials and colours to be used on roofs and external walls	
plai	n of the proposed landscaping including:	
•	Planting concept	
•	Paving materials and drainage treatments and lighting for vehicle areas and footpaths	
•	Plantings proposed for screening from adjacent sites or public spaces	
etail:	s of any signage proposed	

NAMES OF THE OWNER O			
	Value of use and/or development		
	on of Landowner/s (s.52 Land Use Planning and Approvals Act, 1993) ot in applicant's ownership		
l,of the land	declare that the owner/s d has/have been notified of my intention to make this application.		
Applicant's	s signature:Date:		
	cation involves land owned or administered by the Devonport City Council City Council consents to the making of this permit application.		
General M	anager's signature:Date:		
	cation involves land owned or administered by the Crown sent must be included with the application.		
Signature			
apply for	consent to carry out the development described in this application. I declare that all the given is true and correct. I also understand that:		
	 if incomplete, the application may be delayed or rejected; and more information may be requested in accordance with s.54 (1) of LUPAA. 		
understar available f	CESS TO PLANNING DOCUMENTS - DISCRETIONARY PLANNING APPLICATIONS (s.57 of LUPAA) and that all documentation included with a discretionary application will be made or inspection by the public. $_{i,j}$		
	signature: 1511140 Date: 29/08/2019.		
he Land Use	IT If the formation requested on this form is being collected by Council for processing applications under an analysis and Planning Approvals Act 1993 and will only be used in connection with the requirements of this Council is to be regarded as the agency that holds the information.		
ee & pay	yment options		
DD	Pay by Direct Deposit – BSB: 067-402 Account No. 000 000 13 – Please quote your application number.		
Tasmanian Government	Pay in Person at Service Tasmania - Present this notice to any Service Tasmania Centre, together with your payment. See www.service.tas.gov.au for opening hours.		
C	Pay by Phone - Please contact the Devonport City Council offices on 64240511 during office hours, Monday to Friday.		
\bowtie	Pay by Post - Cheques should be made payable to Devonport City Council and		

BURNIE & DEVONPORT
A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Director)
A.W. Eberhardt, B. GEOM. (Tas.), M.SSSI (Director)

C.M. Terry, B. SURV. (Tas.), M.SSSI. (Director)
H. Clement, B. SURV. (Tas.), M.SSSI (Director)
M.S.G. Denholm, B. GEOM. (Tas.), M.SSSI (Director)
KINGSTON

A.P. (Lex) McIndoe, B. SURV. (Tas.), M.SSSI. (Director) LAUNCESTON

J.W. Dent, OAM, B. SURV. (Tas.), M.SSSI. (Director)



PDA Surveyors

Surveying, Engineering & Planning

86a Gunn Street Devonport Tasmania, 7320 Phone (03) 6423 6875 ABN 71 217 806 325 Fax (03) 6431 6663 Email: pda.dpt@pda.com.au www.pda.com.au

28 August 2019

Planning Authority
Devonport City Council

Dear Sir or Madam,

SUBDIVISION AT 16 COLLINS WAY, TUGRAH

PDA Surveyors act for Tina Smith in providing this opinion regarding a proposed two lot subdivision and its compliance with certain Performance Criteria of the Devonport Interim Planning Scheme 2013. Lot 1 would comprise an area of 4040m² and would accommodate the existing dwelling and garage. Lot 2 would comprise an area of 4060m² and comprise a vacant lot intended for future residential purposes. After visiting the site and considering the proposed configuration of the lots as shown below, I consider as follows:

13.4.1 Suitability of a site or lot for use or development

P1(a) -

Read as a whole, the Zone Purpose Statements, Local Area Objectives and Desired Future Character Statements seek to encourage development that makes efficient use of land and available infrastructure and development that is consistent with the capacity of the land for on-site services. This is balanced against encouraging lot sizes that would maintain the amenity and character commensurate with the location. In this sense, the location is relatively close to the urban centre and serviced by reticulated water and electricity and therefore, it is considered that appropriately distributed smaller lot sizes are a reasonable planning outcome, consistent with the intent of the Zone.

(i) The size of the proposed lots would be both greater and less than other lots in the area. It is noted that lots on the western side of Collins Way have similar frontage widths and similar developable areas due to the large flood prone areas at their rear. It is considered that the lot size would be in keeping with the levels of service available and the capacity of the lot for on-site services.

Therefore, in the context of existing and approved lots in the vicinity, it is considered that the lot size would be reasonably consistent with clauses 13.1.1, 13.1.2 and 13.1.3.

(ii) The proposed lots would both have road frontages of no less than 70m, which is in keeping with those in the area. Dwellings on the western side of Collins Way are and must be built well forwards on the lots to avoid flood risk. Development on the proposed lot 2 would be set back from both side and rear frontages in a manner consistent with these properties. Accordingly, the appearance of dwellings on both sides of the Collins Way would continue to be characterised by relatively uniform pattern and character. It is considered that this is the contiguous and ordered clusters of dwellings desired in 13.1.3.1(a).

OFFICES ALSO AT:

127 Bathurst Street, Hobart, 7000 6 Freeman Street, Kingston, 7050 (03) 6229 2131 (03) 6431 4400 8/16 Main Road, Huonville, 7109

3/23 Brisbane Street, Launceston, 7250 16 Emu Bay Road, Deloraine, 7304 (03) 6264 1277 (03) 6331 4099 (03) 6362 2993

- (iii) No known issues with the availability or capacity of utilities in the area. It is considered that in these circumstances, the efficient use of land and optimisation of available infrastructure are primary objectives in accordance with 13.1.2.1(b).
- (iv) The lots would accommodate a dwelling, access and waste water system with adequate setbacks from boundaries. Therefore, it is considered that each lot is capable of accommodating the existing and proposed residential use in accordance with 13.1.2.1(b).

P1(b) -

- (i), (ii) A drainage channel forms a small but distinct valley running east to west through the site. It provides a naturally occurring physical and visual division along the proposed boundary between the northern and southern halves of the site.
- (iii) Both Lot 1 and Lot 2 are clear of native vegetation, being maintained grassed lawn. No native vegetation, landscape features or natural and cultural values would be impacted.
- (iv) No natural hazards would be present on either lot.
- (v),(vii) There is an existing gateway at the proposed entrance of Lot 2. Each lot would have a building area accessed from the road frontage in a typical manner.
- (vi) Lot 2 would provide a building area of sufficient size for future dwellings to meet the required setbacks of the Rural Living Zone (20m from the frontage, and 10m from each of the side and rear boundary).
- (viii) The existing on-site waste water system is well clear of the proposed boundary. A preliminary onsite wastewater disposal site evaluation and bushfire hazard assessment report indicate that Lot 2 can appropriately accommodate future onsite services.
 - An existing open storm water drain is situated at the southern boundary of Lot 2 providing a suitable means for natural drainage. Water, fire hydrants and electrical connections are accessible at the boundary of the proposed lot.
- (ix) No easements would be present that would adversely impact on future residential use.
- (x) The available building area on lot 2 includes sufficient space to accommodate a suitably designed dwelling, with adequate solar access.

The proposal is considered to be compliant with the Performance Criteria of 13.4.1 P1.

13.4.2 Dwelling density

P1 (a) -

Read as a whole, the Zone Purpose Statements, Local Area Objectives and Desired Future Character Statements seek to encourage a dwelling density that makes efficient use of land and available infrastructure and development that is consistent with the capacity of the land for on-site services. This is balanced against the maintenance of amenity and character of residential use commensurate with the location. In this sense, the location is relatively close to the urban centre and serviced by reticulated water and electricity and therefore, it is considered that appropriately distributed dwellings at higher densities would be reasonably in keeping.

- (i) The size of the proposed lots would be both greater and less than other lots in the area. It is noted that lots on the western side of Collins Way have similar frontage widths and similar developable areas due to the large flood prone areas at their rear. Therefore, in the context of existing and approved lots in the vicinity, it is considered that the lot size would be reasonably consistent with clauses 13.1.1, 13.1.2 and 13.1.3.
- (ii) The proposed lots would both have road frontages of no less than 70m, which is in keeping with those in the area. Dwellings on the western side of Collins Way are and must be built well forwards on the lots to avoid flood risk. Development on the proposed lot 2 would be set back from both side and rear frontages in a manner consistent with these properties. Accordingly, the appearance of dwellings on both sides of the Collins Way would continue to be characterised by relatively uniform pattern and character. It is considered that this is the contiguous and ordered clusters of dwellings sought in 13.1.3.1(a).

P1(b) -

- (i) (ii) A drainage channel forms a small valley running east to west through the site. It provides a naturally occurring physical and visual division along the proposed boundary between the northern and southern halves of the site.
- (iii) Both Lot 1 and Lot 2 are clear of native vegetation, being maintained grassed lawn. No native vegetation, landscape features or natural and cultural values would be impacted.
- (iv) No natural hazards would be present on either lot.
- (v),(vii) There is an existing gateway at the proposed entrance of Lot 2 and water, fire hydrants and electrical connections are easily accessible at the boundary of the new allotment. Each lot would have a building area accessed from the road frontage in a typical manner.
- (vi) Lot 2 would provide a building area of sufficient size for future dwellings to meet the required setbacks of the Rural Living Zoning of 20m from the frontage, and 10m from each of the side and rear boundary. Gavin, Tina – is this shown on the plan?
- (viii) The existing on-site waste water system is well clear of the proposed boundary. A preliminary onsite wastewater disposal site evaluation and bushfire hazard assessment report accompany this application, detailing that Lot 2 can accommodate future onsite services. An existing open storm water drain is situated at the southern boundary of Lot 2 providing a suitable means for natural drainage. As detailed above, water, fire hydrants and electrical connections are accessible at the boundary of the proposed lot.
- (ix) No easements would be present that would adversely impact on future residential use.
- (x) The building area includes sufficient space to accommodate a suitably designed dwelling, with adequate solar access.

The proposal is considered to be compliant with the Performance Criteria of 13.4.2 P1.

E10 Water and Waterways Code

A future dwelling may be located closer than 30m from the drainage channel, which forms a small valley running east to west through the site. The hydraulic function of the drainage channel is as a controlled path for overland flows. The natural environmental values are not considered to be significant in environmental or conservation terms.

E10.6.1 P1(a) -

- The future dwelling and access could be sufficiently separated so as not to impact on the hydraulic performance as a drainage channel;
- (ii) No significant economic value is attributable to the drainage channel;
- (iii) The drainage channel does not support water based activity;
- (iv) There would be no disturbance to natural ground levels on the site that would impact on the drainage channel. Future development on Lot 2 can manage exposed soils in accordance with Soil and Water Management on Building and Construction Sites 2009;
- (v) No contaminants are known to affect the site. Future development on Lot 2 can manage sediment in accordance with Soil and Water Management on Building and Construction Sites 2009;
- (vi) There would be no change or impact on public access and use of the drainage channel;
- (vii) The aesthetic and scenic quality of the drainage channel is already minimal;
- (viii) Future stormwater and sewage disposal on the site would be managed in accordance with the recommendations of an appropriately qualified environmental consultant;
- (ix) There would be no modifications of the drainage channel impacting on its function;
- (x) The values of the drainage channel as a habitat are likely to be minimal. In any event, the proposed activity is unlikely to significantly impact on its qualities as a habitat;
- (xi) The proposed activity does not involve development or activity that would impact or change the level of risk of flooding and inundation. Nevertheless, the risk of flooding is likely to be minimal.
- (xii) There would be no impact on the community risk and public safety profile;

In accordance with E10.6.1 P1(b), the site is not subject to any known advice or decision of a relevant entity administering or enforcing compliance with an applicable protection and conservation regulation. Based on the above, it is considered that the risk to the function and values of the drainage channel can be appropriately minimised in accordance with E10.6.1.

In conclusion, it is considered that the Performance Criteria considered above are adequately met. Thank you for your consideration of this opinion. Please contact me on 6423 6875 if you have any questions.

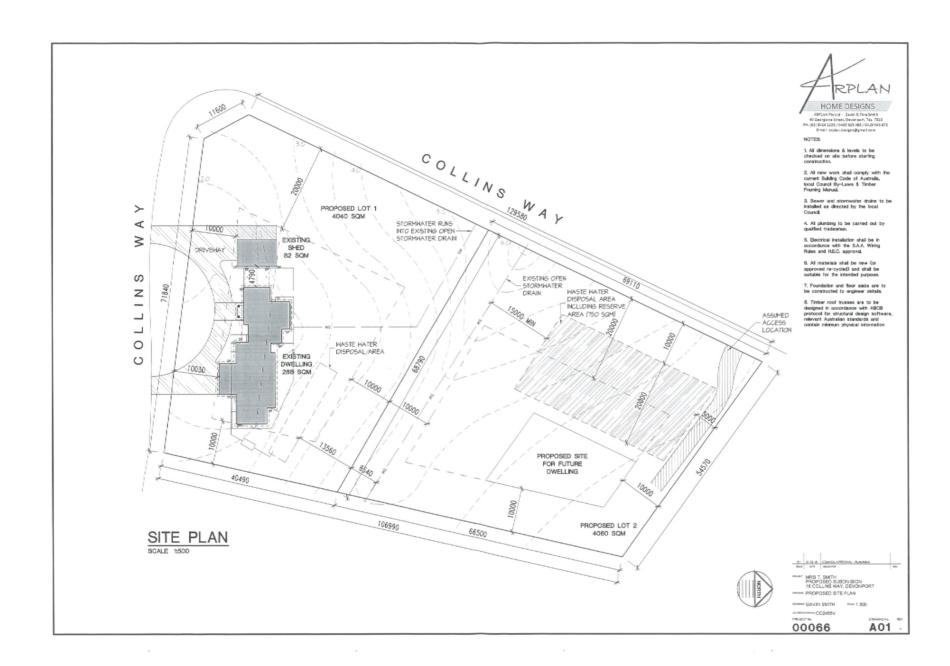
Yours sincerely

PDA Surveyors

per:

Tom Reilly SENIOR PLANNER

Application Detail - PA2019.0137 - 16 Collins Way, Tugrah



ITEM 4.1



RESULT OF SEARCH

DEPUTY RECORDER OF TITLES





SEARCH OF TORRENS TITLE

VOLUME	FOLIO
168902	7
EDITION	DATE OF ISSUE
2	25-May-2015

SEARCH DATE : 29-Aug-2019 SEARCH TIME : 08.18 PM

DESCRIPTION OF LAND

City of DEVONPORT

Lot 7 on Sealed Plan 168902

Derivation: Part of Lot 13752, 21 Acres Granted to Samuel

McCall

Prior CT 168449/12

SCHEDULE 1

M514554 TRANSFER to TINA KATE SMITH Registered 25-May-2015 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any SP168902 COVENANTS in Schedule of Easements SP168902 FENCING COVENANT in Schedule of Easements SP165521, SP167742 & SP168449 COVENANTS in Schedule of Easements SP165521, SP167742 & SP168449 FENCING COVENANT in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

Page 1 of 1

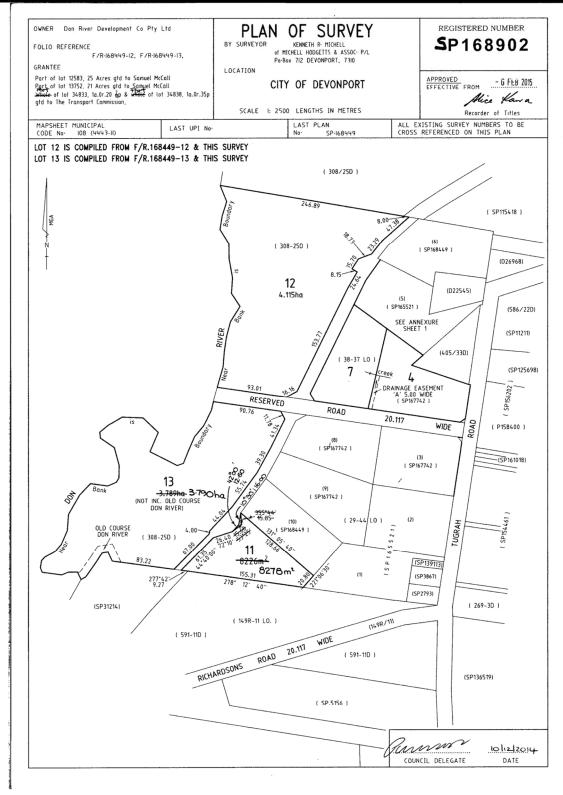


FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





Search Date: 29 Aug 2019

Search Time: 08:18 PM

Volume Number: 168902

Revision Number: 01

Page 1 of 2

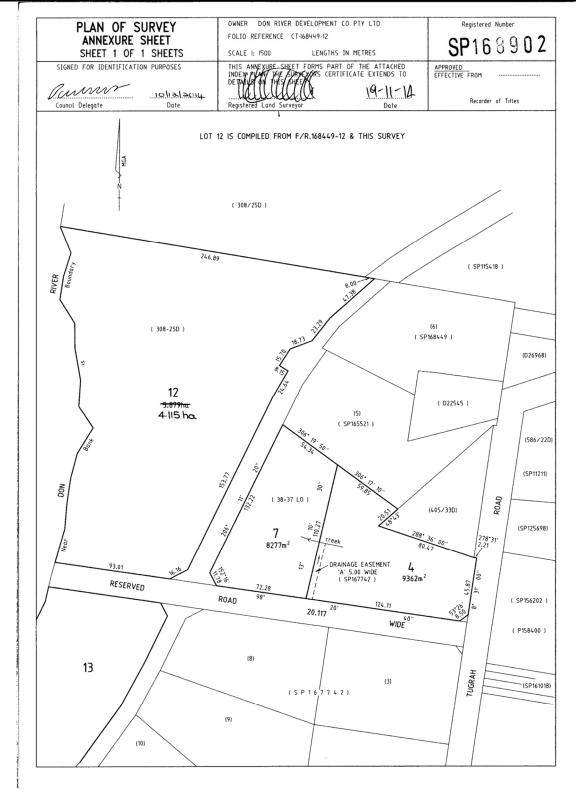


FOLIO PLAN

DEPUTY RECORDER OF TITLES







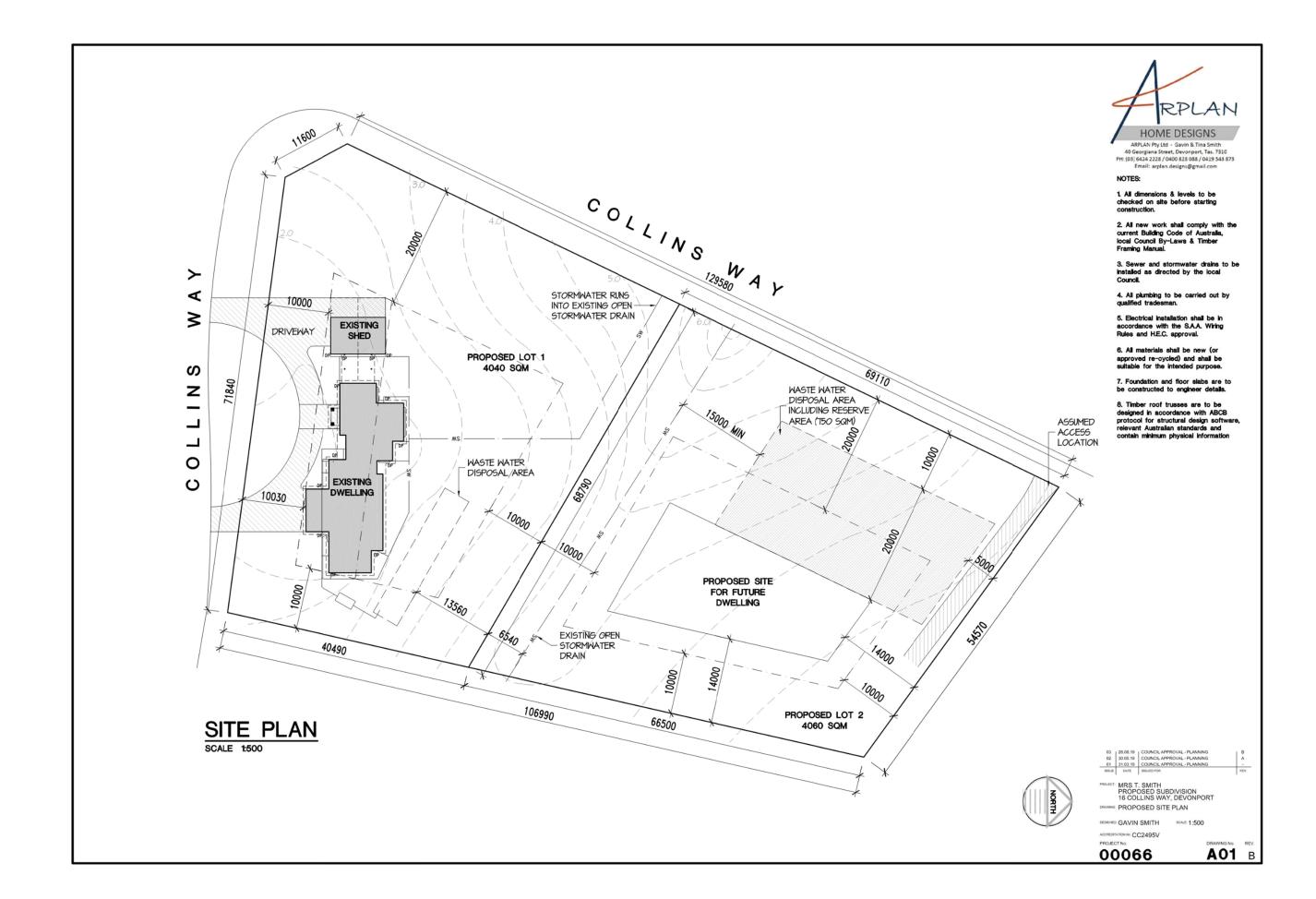
Search Date: 29 Aug 2019

Search Time: 08:18 PM

Volume Number: 168902

Revision Number: 01

Page 2 of 2





Environmental Service and Design Pty Ltd

ABN 97 107 517 144 ACN 107 517 144

Office

74-80 Minna Road Heybridge TAS 7316 Phone: (03) 6431 2999

Fax: (03) 6431 2933 www.esandd.com.au **Postal**

PO Box 651 Burnie TAS 7320

Bushfire Hazard Management Report

16 Collins Way TUGRAH



Applicant: Gavin and Tina Smith

16 Collins Way
TUGRAH TAS 7310

Prepared by: Bruce Harpley

Environmental Service and Design Pty Ltd

Version 1: 31 May 2019

Contact Phone Number: 0429 355 259

E- Mail: <u>bharpley@esandd.com.au</u>

Table of Contents

Certificate under s51(2)(d) Land Use Planning and Approvals Act 1993	3-7
Scope of Assessors Accreditation	8
Disclaimer	8
Re-Certification – Ability to Re-Evaluate	8
Section 1	
Introduction	9
Section 2	
2.1 Property Details 2.2 Surrounding land use 2.3 Vegetation 2.4 Topography 2.5 Access 2.6 Water Supply Section 3 3.0 Site Assessment 3.1 Fire Danger Index 3.2 BAL Assessment	9 9-10 10 10-11 11-12 12-14 14 15-16
3.3 Risk Assessment 3.4 Conclusion	17 17
Section 4	
Bushfire Hazard Management Plan	18-20
Attachment A – Bushfire Hazard Area Plan Attachment B – Hazard Management Plan – Specification Attachment C – Proposed Subdivision Plan	19 20 21

BAL Assessment: 16 Collins Way Tugrah Page 2 of 21

CODE E1 – BUSHFIRE-PRONE AREAS CODE

CERTIFICATE¹ UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993

1. Land to which certificate applies						
Land that <u>is</u> the Use or Development Site that is relied upon for bushfire hazard management or protection.						
Name of planning scheme or instrument:	Devonport Interim Planning Scheme 2013					
Street address:	16 Collins Way TUGRAH TAS 7310					
Certificate of Title / PID:	168902/7					
Land that is not the Use or Development Site that is relied upon for bushfire hazard management or protection.						
Street address:	N/A					
Certificate of Title / PID:						
2. Proposed Use or Development						
Description of Use or Development:						
(Provide a brief description of the proposed use or development;	including details of scale, siting and context.)					
2 lot subdivision						
Code Clauses ³ :						
☐ E1.4 Exempt Development	☐ E1.5.1 Vulnerable Use					
☐ E1.5.2 Hazardous Use	X E1.6.1 Subdivision					
2 Decuments valied upon4						

BAL Assessment: 16 Collins Way Tugrah Page 3 of 21

Documents relied upon

¹ This document is the approved form of certification for this purpose and must not be altered from its original form.

 $^{^2}$ If the certificate relates to bushfire management or protection measures that rely on land that is not in the same lot as the site for the use or development described, the details of all of the applicable land must be provided.

 ³ Indicate by placing X in the corresponding □ for the relevant clauses of E1.0 Bushfire-prone Areas Code.
 ⁴ List each document that is provided or relied upon to describe the use or development, or to assess and manage risk from bushfire. Each document must be identified by reference to title, author, date and version.

Documents, Plans and/or Specifications						
Title:	Proposed Subdivision					
Author:	Arplan Homes Designs					
Date:	30.05.2019	v	ersion:	1		
Bushfire Hazard Re	port					
Title:	Bushfire Hazard Manage	ment Report				
Author:	Bruce Harpley					
Date:	31 May 2019	v	ersion:	1		
Bushfire Hazard Ma	anagement Plan					
Title:	Bushfire Hazard Manage	ment Plan				
Author:	Bruce Harpley					
Date:	31 May 2019	v	ersion:	1		
Other Documents						
Title:	N/A					
Author:						
Data		V	arcian:			

BAL Assessment: 16 Collins Way Tugrah Page **4** of **21**

	4. Nature of Certificate ⁵						
	E1.4 – Use or developn	nent exempt from this code					
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)				
	E1.4 (a)	Insufficient increase in risk					
	E1.5.1 – Vulnerable Us	ses					
	E1.5.1.1 Standards for	vulnerable use					
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)				
	E1.5.1.1 P1.	Risk is mitigated					
	E1.5.1.1 A2	ВНМР					
	E1.5.1.1 A3	Emergency Plan					
	E1.5.2 – Hazardous Us	es					
	E1.5.2.1 Standards for	hazardous use					
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)				
۵	E1.5.2.1 P1.	Risk is mitigated					
	E1.5.2.1 A2	ВНМР					
	E1.5.2.1 A3	Emergency Plan					
37	E1 (1 D						
X		standards for subdivision Provision of hazard management areas					
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)				
	E1.6.1.1 P1.	Hazard Management Areas are sufficient to mitigate risk					
	E1.6.1.1 A1. (a)	Insufficient increase in risk					
X	E1.6.1.1 A1. (b)	Provides BAL 19 for all lots	Refer sections 3.2, 3.3 & 3.4 and 4				
	E1.6.1.1 A1. (c)	Consent for Part 5 Agreement					

⁵ The certificate must indicate by placing X in the corresponding □ for each applicable standard and the corresponding compliance test within each standard that is relied upon to demonstrate compliance to Code E1 BAL Assessment: 16 Collins Way Tugrah Page 5 of 21

	E1.6.1.2 Subdivision: Public and fire fighting access							
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)					
X	E1.6.1.2 P1.	Access is sufficient to mitigate risk	Refer sections 2.5, 3.3 & 3.4					
	E1.6.1.2 A1. (a)	Insufficient increase in risk						
	E1.6.1.2 A1. (b)	Access complies with Tables E1, E2 & E3						

	E1.6.1.3 Subdivision: Provision of water supply for fire fighting purposes							
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)					
	E1.6.1.3 A1. (a)	Insufficient increase in risk						
X	E1.6.1.3 A1. (b)	Reticulated water supply complies with Table E4	Refer sections 2.6, 3.3 & 3.4					
	E1.6.1.3 A1. (c)	Water supply consistent with the objective						
	E1.6.1.3 A2. (a)	Insufficient increase in risk						
	E1.6.1.3 A2. (b)	Static water supply complies with Table E5						
	E1.6.1.3 A2. (c)	Static water supply is consistent with the objective						

BAL Assessment: 16 Collins Way Tugrah

Page **6** of **21**

5. Bu	shfire Ha	azard Practitioner ⁶					
Name:	Bruce H	arpley		Phone No:	0429 355 259		
Address:	Enviro	nmental Service & Desig	n Pty Ltd	Fax No:	6431 2933		
	PO Box	x 651		Email Address:	bharpley@esandd.com.	au	
	BURN	IE	7320	riddi essi			
Accreditation	on No:	BFP – 140		Scope:	1, 2, 3A and 3B		
6. Ce	rtificatio	n ⁷					
			m undan Bant AA	of the Fine Som	vian Ant 1070		
I, certify the	ii in accor	dance with the authority give	n unaer Part 4A	of the Fire Ser	vice Aci 19/9 –		
Prone Ar use or de	The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4 (a) because there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measure in order to be consistent with the objectives for all the applicable standards identified in Section 4 of this Certificate.						
or							
bushfire described	There is an insufficient increase in risk from bushfire to warrant the provision of specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.						
and/or							
The Bushfire Hazard Management Plan identified in Section 4 of this certificate is in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate.							
Signed: B. Hanflef certifier							
Date: 31 May 2019							

Page **7** of **21**

⁶ A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of *Fire Service Act 1979*. The list of practitioners and scope of work is found at www.fire.tas.gov.au.

 $^{^7}$ The relevant certification must be indicated by placing X in the corresponding $\square.$ BAL Assessment: 16 Collins Way Tugrah

Scope of Assessors Accreditation

Bruce Harpley (BFP-140) is accredited by the Chief Officer of the Tasmania Fire Service under Section 60B of the *Fire Service Act 1979 for scope of works:*

- 1. Certify a Bushfire Hazard Management Plan for the purposes of the Building Act 2016
- 2. Certify an Exemption from a Bushfire Hazard Management Plan for the purposes of the Building Act 2016 or the Land Use Planning and Approvals Act 1993
- **3A.** Certify a Bushfire Hazard Management Plan meets the Acceptable Solutions for Vulnerable Uses and Hazardous Uses for the purposes of the Land Use Planning and Approvals Act 1993.
- **3B.** Certify a Bushfire Hazard Management Plan meets the Acceptable Solutions for small subdivisions for the purposes of the Land Use Planning and Approvals Act 1993.

Works performed by Bruce Harpley (BFP-140) that require Tasmania Fire Service endorsement:

- **3C.** Certify a Bushfire Hazard Management Plan meets the Acceptable Solutions for large subdivisions for the purposes of the Land Use Planning and Approvals Act 1993.
- 4. Certify an Emergency Management Strategy or Bushfire Emergency Plan

Disclaimer

This document has been prepared for the sole use of the client and for a specific purpose, as expressly stated in the document. Environmental Services and Design Pty Ltd undertakes no duty nor accepts any responsibility to any third party not being the intended recipient of this document. The information contained in this document has been carefully compiled based on the clients' requirements and Environmental Services and Design Pty Ltd's experience, having regard to the assumptions that Environmental Services and Design Pty Ltd can reasonably be expected to make in accordance with sound professional principles. Environmental Services and Design Pty Ltd may also have relied on information provided by the client and/or other external parties to prepare this document, some of which may not have been verified. Subject to the above conditions, Environmental Services and Design Pty Ltd recommends this document should only be transmitted, reproduced or disseminated in its entirety.

Bushfires in Tasmania are an unpredictable natural phenomenon and preparing a Bushfire Hazard Management Plan increases your chances of defending your property and assists in the protection the people whom frequent it. This Fire Hazard Management Plan in no way guarantees immunity from a bushfire in or around your property or the effects thereof.

Any measures implemented based on the advice from *Environmental Services and Design Pty Ltd*, is offered as potential methods of reducing your properties risk of fire damage only and is not to be relied upon as a total solution. It in no way guarantees that any or all buildings on site will survive the effects of a bushfire nor does it guarantee the safety and security of any individuals whom frequent the property.

In the event that any advice or other services rendered by *Environmental Services and Design Pty Ltd* constitutes a supply of services to a consumer under the Trade Practices Act 1974 (as amended), then *Environmental Services and Design Pty Ltd's* liability for any breach of any conditions or warranties implied under the Act shall not be excluded but will be limited to the cost of having the advice or services supplied again.

Nothing in this Disclaimer affects any rights or remedies to which you may be entitled under the Trade Practices Act 1974 (as amended).

Each paragraph of this disclaimer shall be deemed to be separate and severable from each other. If any paragraph is found to be illegal, prohibited or unenforceable, then this shall not invalidate any other paragraphs.

Re-Certification - Ability to Re-Evaluate

If in the event that the land owner requests a re-assessment of this plan due to a reduced or eliminated bushfire risk in the future; an Accredited Bushfire Assessor can over-ride any or all of the requirements or provisions of this plan. This provision serves to formally expunge any Part 5 Agreement with a Council Planning Authority (if placed on a Title as a condition of Permit) or to reduce the construction standards required under AS3959 Construction of Buildings in Bushfire Prone Areas (as amended) if the bushfire risk is reduced to BAL – LOW or a threat no longer exists.

BAL Assessment: 16 Collins Way Tugrah Page 8 of 21

Section 1

1. Introduction

Environmental Services and Design Pty Ltd has been engaged by the owners to complete a bushfire hazard management assessment for a 2 lot subdivision. Lot 1 to contain the existing dwelling and lot 2 as a vacant lot.

The purpose of this report is to document the assessment under Planning Directive 5.1 - Bushfire-Prone Areas Code and identify the bushfire attack level and any bushfire hazard management areas in accordance with AS3959-2018.

Section 2

2.1 Property Details

Property Address	16 Collins Way Tugrah		
Certificate of Title	168902/7		
Type of Application	Subdivision		
Area	Lot 1 – 4040m ² and Lot 2 – 4060m ²		
Zoning	Rural living		
Surrounding Zoning	Rural living – North, east and south		
	Rural resource – West		
Planning Scheme	Devonport Interim Planning Scheme 2013		
Existing land Use	Existing developed residential lot in previously approved and		
	developing subdivision		

2.2 Surrounding land use

Surrounding land uses are as follows:

- North Developed and vacant rural living lots larger than 5000m²;
- South Developed and vacant rural living lots larger than 5000m²;
- East Developed rural living lots larger than 5000m²;
- West Developed rural resource lots larger than 1ha.

2.3 Vegetation Assessment

Lot 1

Site assessment determined vegetation in relation to lot 1 as:

- North Grassland;
- South Roadway and grassland;
- East Grassland; and
- West Roadway and grassland.

BAL Assessment: 16 Collins Way Tugrah

Lot 2

Site assessment determined vegetation in relation to the proposed house on lot 2 as:

- North Grassland;
- South Grassland;
- East Grassland; and
- West Roadway then grassland.

Both lots are wholly within the rural living zone with a boundary to the west to rural resource zoned lots.

All surrounding lots are cleared lots larger than 5000m² and cannot be considered low threat vegetation based on the assessed grassland vegetation within each lot.

2.4 Topography

Site slopes assessed as follows:

- North − 4⁰ up slope;
- South 1⁰ up slope;
- East across slope; and
- West − 2⁰ down slope.

2.5 Access

Lot 1 – Existing Dwelling

Access, shown on the plan of subdivision, for lot 1 is from Collins Way. Collins Way is a Council maintained sealed road 4.5m wide.

Existing property access, shown on the site plan, is 10m in length. Access will not be required for firefighting appliances as noted in section 2.6.

Property access is less than 30m and access is not required for fire appliances to access a static firefighting water point.

Lot 1 access meets the requirements of Table E2 element A of Planning Directive 5.1 -Bushfire-Prone Areas Code.

BAL Assessment: 16 Collins Way Tugrah Page 10 of 21

Lot 2

Access to Lot 2 is from Collins Way. Collins Way is a Council maintained sealed road 4.5m wide.

Access shown on the proposed site plan shows a 5.0m wide access to the proposed future building area. Based on the location of the future building site the access will exceed 30m in length.

Access for firefighting vehicles will not be required to a static water supply as noted in section 2.6.

Lot 2 access meets the requirements of Table E2 element A of Planning Directive 5.1 - Bushfire-Prone Areas Code.

2.6 Water Supply

There is a reticulated water supply to the area and fire hydrants were identified during the site assessment.

Lot 1

The hydrant located at the south western corner of lot 1 is within a 120m hose lay of the furthest portion of the existing dwelling.



 $\label{eq:Hydrant} \mbox{Hydrant south west corner-lot 1}$

Reticulated water supply for firefighting purposes meets the requirements of Table E4 of Planning Directive 5.1 - Bushfire-Prone Areas Code.

BAL Assessment: 16 Collins Way Tugrah Page 11 of 21

Lot 2

There are two hydrants in close proximity to lot 2. One hydrant is located adjacent to the western boundary and the second is located north of the north west corner of the lot.

The hydrant on the western boundary would be within a 120m hose lay of the furthest portion building to be protected depending upon the final location.

The hydrant north of the north west boundary of the lot is within a 120m hose lay of the furthest point of the proposed building site shown on the site plan.



Hydrant - Adjacent to lot 2 boundary

Reticulated water supply for firefighting purposes meets the requirements of Table E4 of Planning Directive 5.1 - Bushfire-Prone Areas Code.

3.0 Site Assessment

A site assessment was carried out on 9 May 2019 and a desk top study was carried out on 31 May 2019. The proposed subdivision and site plan, prepared by Arplan Home Designs, is at attachment C. Relevant site photographs are below.

BAL Assessment: 16 Collins Way Tugrah Page 12 of 21



North from proposed lot 1 - lot 2 boundary



South from existing dwelling lot 1



East across lot 1 to existing dwellings



West – existing dwellings from lots 1 and 2

3.1 Fire Danger Index

The fire danger index as per Table 2.1 AS3959-2009 for Tasmania is 50.

BAL Assessment: 16 Collins Way Tugrah Page 14 of 21

3.2 BAL Assessment – Lot 1 (existing residence)

Vegetation	North v	South v	East v	West
classification	North	South	East	west
(refer Table 2.3)	North East	South West	South East	North West
Group A				
Forest				
Group B				
Woodland				
Group C				
Scrub land				
Group D				
Scrub				
Group E				
Mallee/Mulga				
Group F				
Rainforest				
Group G	Х	Х	Х	Х
Grassland				
Low threat		Х		Х
vegetation		(Garden within		(Garden within
.15.		boundary and road)		boundary and
				road)
Exclusions	Insert relevant e	exclusion		
	paragraph descr	iptor from		
	clause 2.2.3.2			
Prevailing winds				X
Distance to	Show distance in			
classified	metres	1		
vegetation	metres			
vegetation	21m	30m	10m	37m
Effective Slope	21111	Upslope	10111	37111
Lifective Slope	Upslope/0 ⁰ x	1. 1 /00	Upslope/0 ⁰ X	Upslope/0 ⁰
	Upslope/0° X	Upslope/0° X	Upslope/0° X	Орзюре/О
Slope under the	North 🔻	South	East	West
classified	North X	X	X	X X
vegetation	North East	South West	South East	North West
		Downslope		
	>0 to 5	>0 to 5	>0 to 5	>0 to 5
	>5 to 10	>5 to 10	>5 to 10	>5 to 10
	>10 to 15	>10 to 15	>10 to 15	>10 to 15
	>15 to 20	>15 to 20	>15 to 20	>15 to 20
BAL Value for	12.5	12.5	19	12.5
each side of site				
	I		I	

BAL Assessment: 16 Collins Way Tugrah Page 15 of 21

3.2 BAL Assessment – Lot 2 (vacant lot)

Vegetation	North	X	South	X	East	X	West	X
classification	ſ	Λ		A		Α		
(refer Table 2.3)	North East		South West		South East		North West	
Group A								
Forest								
Group B Woodland								
Group C								
Scrub land								
Group D								
Scrub								
Group E								
Mallee/Mulga								
Group F Rainforest								
Group G	x		X		X		X	
Grassland			_ ^		^			
Low threat								
vegetation								
Exclusions	Insert rele							
			iptor from					
	clause 2.2	3.2	I					
Prevailing winds								
							X	
Distance to	Show dist	ance in	1					
classified vegetation	metres							
vegetation	14m		15m		14m		45m	
Effective Slope	21111		Upslope		2		15111	
	Upslope/00	X	Upslope/0 ⁰	X	Upslope/0 ⁰	X	Upslope/0 ⁰	X
Slope under the classified	North	X	South	X	East	X	West	X
vegetation	North East		South West	\vdash	South East		North West	
10801011			00000				1101111111001	
			Downslo	pe				
	>0 to 5		>0 to 5		>0 to 5		>0 to 5	
	>5 to 10		>5 to 10		>5 to 10		>5 to 10	
	>10 to 15		>10 to 15		>10 to 15		>10 to 15	
	>15 to 20		>15 to 20		>15 to 20		>15 to 20	
BAL Value for each side of site	12.5		12.5		12.5		12.5	

BAL Assessment: 16 Collins Way Tugrah Page **16** of **21**

3.3 Risk Assessment

In relation to lot 1 the following factors have been considered:

- · Proposed lot contains the existing dwelling; and
- Proposal does not result in the existing dwelling being closer to bushfire prone vegetation; and
- · Assessed vegetation surrounding lot 1 is grassland; and
- Surrounding lots are larger than 1500m²; and
- Access is less than 30m in length; and
- · Reticulated water supply for firefighting complies with requirements; and
- · Hazard management areas are required; and
- Hazard management are to the eastern boundary is based on the location of the existing dwelling and does not increase the risk of bushfire.

In relation to lot 2 the following factors have been considered:

- Assessment allows for a dwelling to be constructed within the proposed building site shown on the plan; and
- Access is greater than 30m however access if not required for firefighting vehicles to a static water supply; and
- Reticulated water supply meets the requirements provided a dwelling is constructed within the proposed building site shown on the plan; and
- Lot 2 has an overall BAL rating of 12.5 within the proposed building site.

3.4 Conclusion

Adequate hazard management areas can be created within each lot to meet the requirements of Planning Directive 5.1 – Bushfire-Prone Areas Code.

A hazard management plan is attached at section 4 to demonstrate the capacity to meet the hazard management requirements based on the risk assessment at section 3.2.

Hazard management area shown demonstrate the proposal is capable of achieving hazard management areas equal to or greater than BAL 19 in accordance with Planning Directive 5.1 – Bushfire-Prone Areas Code.

BAL Assessment: 16 Collins Way Tugrah Page **17** of **21**

Section 4 Attachment A

Bushfire Hazard Management Plan

Plan and Specifications

(including hazard management areas)

BAL Assessment: 16 Collins Way Tugrah

Attachment A

Environmental Services and Design Pty Ltd PO Box 651 BURNIE TAS 7320

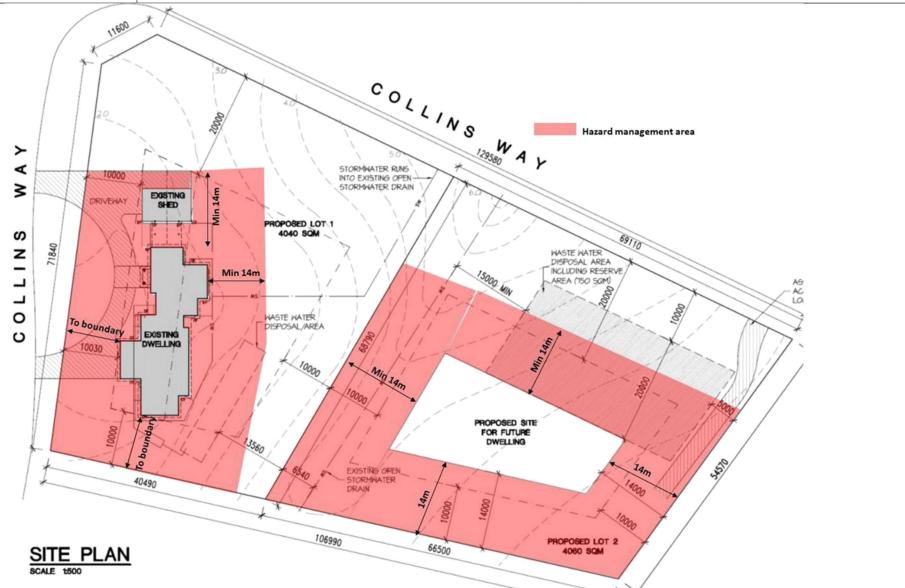
www.esandd.com.au (03) 6431 2999 es&d

Bushfire Hazard Management Plan

Hazard Management Areas

16 Collins Way TUGRAH

Title Reference: 168902/7



This plan has been prepared only for the purpose of complying with E1 Bushfire-Prone Areas Code and the information shown hereon must not be used for any other purpose. All dimensions and areas are in meters.	Scale: NTS	Drawing No: 6717-1
Drawn: Bruce Harpley BFP-140	Date: 31 May 2019	Revision No: 0

This Bushfire Hazard Management Plan must be read in conjunction with the requirements detailed in Attachment B of this plan

Attachment B

Environmental Services and Design Pty Ltd PO Box 651 **BURNIE TAS 7320** www.esandd.com.au (03) 6431 2999



Bushfire Hazard Management Plan

Specification

16 Collins Way TUGRAH Title Reference: 168902/7

1.1 Introduction

The Bushfire Attack Level (BAL) assessment is for the proposed 2 lot subdivision at 16 Collins Way

The development will have a Hazard Management Area (HMA) surrounding the features identified on Drawing No: 6717-1.

Vegetation greater than 1Ha within 100m (50m grassland) of the proposal site was assessed against the Acceptable Solutions Criteria of the municipal planning scheme. AS3959-2009 was used to assign a BAL level to the development utilising a range of data specific to the subject site.

1.2 Water Supply

The subject land is connected to municipal water supply. Fire hydrants are located within Collins Way. Lot 1 and 2 will not require a static water supply for firefighting.

1.3 Access

Road access is via crossovers and access from Collins Way which is a Council maintained roadway that complies with municipal standards. Access to the site for fire appliances not required to access a static water supply.

Egress from the site is via a CLASS 4A road which is constructed to Standards enabling safe passage for a variety of vehicle sizes through to a State road.

1.4 Landscaping

It is the responsibility of the land owner to maintain the landscaping in accordance with the Bushfire Hazard Management Plan.

All paths and pedestrian areas within 1m of any habitable structure on the subject site must be constructed of non-combustible materials (i.e. stone, paving, concrete, pebbles etc.).

Vegetation along pathways should be of a low flammability type and in accordance with the Tasmania Fire Services' brochure - Fire Retardant garden plants. Plants that produce a lot of debris or fine fuels should be avoided. Trees and shrubs that retain dead material in branches, or which shed long strips of bark, or rough fibrous bark, or large quantities of leaves should be avoided.

Vines on walls or tree canopies over roofed areas should be avoided. Timber, woodchip and flammable mulches cannot be used and brush and timber fencing should be avoided.

1.5 Hazard Management Area (HMA)

A bushfire Hazard Management Area (HMA) equal to or greater than BAL 19 will be developed within and/or up to the property boundaries. Refer to the Drawing No 6717-1.

The specified width of the HMA is to enable the existing habitable building and proposed lot 1 to comply, in the position shown on the site plan, as required by Planning Directive 5.1.

This area is to be regularly maintained and managed and in particular between the months of September and March in each calendar year. Landscaping in the HMA is to be minimised, grass maintained to a maximum height of 50mm with fuel loads not exceeding 2 tonnes per hectare. Pathways and landscaping material surrounding any habitable structures must be of non-combustible elements for a minimum of 1m from any external walls or decks.

This BHMP is achieved by:

- Pathways located on the subject land to be of non-combustible materials
- Fuel loads to be kept to less than 2 tonnes per hectare
- Total shrub cover is to be kept to a maximum of 20% of the available area.
- Clear space from any habitable structures of at least 4 times the mature height of any shrubs
- Shrubs must not be planted in cluster forms or clumps
- Remove ground level fuels and trim the bottom of tree canopies to at least a height of 2m off
- Minimise ground level fuels wherever possible.

1.6 Maintenance prior to the onset of each fire season

- Guttering on all habitable structures must be inspected and cleared of debris annually
- Ensure all hoses and brass connections are in good working order
- All valley and wall/roof junctions are inspected and debris removed
- Roof sheeting inspected for damages or dislodged roofing materials (replace if necessary) · Painted surfaces are in good condition and decaying timbers given particular attention to repair
- · Screens/shutters on windows and doors are in good working condition and fit well without breaks,
- holes or tears
- Door mats to be of non-combustible materials
- Woodpiles, garden sheds and other combustible materials to be kept well away from habitable structures.

BAL Assessment: 16 Collins Way Tugrah Page 20 of 21

DONAL S. ANDERSON - CONSULTING ENGINEER

ABN 50 078 335 231

23 Nicholls Street, Devonport, 7310 Phone (03) 6423 3583 Fax (03) 6423 1422 E-mail: don-anderson@netspace.net.au

Our Ref: - S2542 -01forlet 27th May, 2015

Mrs. T. Smith 29 Nicholls Street, DEVONPORT 7310

Dear Madam,

Re: Proposed Subdivision at Don River Estate, off Tugrah Road, Tugrah

Forwarded herewith are two endorsed copies of the report on the possible waste-water disposal options for the subdivision of a single allotment at No 16 Collins Way, Tugrah.

If further information or clarification is required, please contact this office.

Yours faithfully

Donal S. Anderson Principal Engineer

DONAL S. ANDERSON - CONSULTING ENGINEER

ABN 50 078 335 231

23 Nicholls Street, Devonport, 7310 Phone (03) 6423 3583 Fax (03) 6423 1422 E-mail: don-anderson@netspace.net.au

> Our Ref: - S2542 -01infolet 27th May, 2015

Mrs. T. Smith
29 Nicholls Street,
DEVONPORT 7310

Dear Madam,

Re: Proposed Subdivision at Don River Estate, off Tugrah Road, Tugrah

Further to our previous discussions and the subsequent site inspection on 25/05/15 in respect of the proposal for a one lot and balance subdivision on the property located at No. 16 (Lot 7) Collins Way, Tugrah, (Title Ref: C/T 168902/7) to permit the construction of a single dwelling on each of the allotments, I comment as follows:-

The existing property, designated "Rural Living" zoning, is located on the north-eastern side of the "T" intersection in Collins Way in the Don River Estate recently constructed between Tugrah Road and the Don River at Tugrah. The property is reasonably low-lying with variable surface slopes and contains a mixture of established trees and exposed grasslands. An existing gully, utilised to collect stormwater from the adjacent properties and the roadway, traverses the central portion of the allotment.

A summary of the information obtained during the inspection is noted in the tables below together with a location map and selection of photographs of the site.



Proposed Southern Lot - Residence size and site nominated

ITEM	SITE FACTOR		Comments		
1)	Slope	Measured over 20m nom	Variable but approx 1° (1 in 50) to 4° (1 in 14)		
2)	Shape	Concave, convex, planar etc	Planar to convex		
3)	Aspect	Direction slope faces	North to north-east		
4)	Exposure	Sun/ wind	Good exposure to sun. Some trees on new northern allotment may provide shading in winter		
5)	Erosion/Mass movement /landslip	Note on site plan	None evident		
6)	Boulders /Bed Rock out crops	Note on site plan	Bed rock not visible.		
7)	Vegetation	Note type and cover	Generally unmown mixture of pasture grasses and native grasses with trees on northern edge.		
8)	Watercourses	Note on site plan standing and/or flowing water	Open drain along eastern boundary, gully to north of proposed northern boundary		
9)	Soil water Regime	Depth to water table, seasonal water- logging	Water ponding in gully on proposed adjacent property. Water table variable, appears > 2 m		
10)	Fill	Note on site plan	No fill identified		
11)	Run-on/flooding potential	Note areas on site plan	Unlikely.		
12)	Channelled (concentrated) runoff	Note on site plan including possible concentration to adjacent properties	Run off from property will enter gully and associated ephemeral creek to north		
13)	Soil Surface Condition	Cracks, hardness, previous compaction, dampness and seepage areas	Generally uniform		
14)	Salinity	Salt tolerant vegetation, bare ground or salt crystals	None evident		
15)	Soil type/ Category	Table 4.1.4 AS/NZS 1547::2012	Silty clays, massive Category 5 to 6. Further investigation required when actual dwelling proposal submitted.		
16)	Other relevant site specific factors		Community operated water supply available to allotment. Standard absorption trenches probably not suitable. Use secondary treatment options for waste-water disposal (Advanced Enviroseptic or proprietary AWTS)		

All information contained in this document is copyright to Donal S. Anderson - Consulting Engineer, Unauthorised copying or distribution to other parties is prohibited.



 $Photograph\,L1/1-Looking\,North-west\ across\ proposed\ house\ site\ from\ SE\ corner$



Photograph L1/2 - Looking north over proposed disposal area

All information contained in this document is copyright to Donal S. Anderson - Consulting Engineer. Unauthorised copying or distribution to other parties is prohibited.

S2542 -01infolet



Photograph L1/3 - Looking South west towards house site



Photograph L1/4 Looking South along eastern boundary showing open drain

All information contained in this document is copyright to Donal S. Anderson - Consulting Engineer. Unauthorised copying or distribution to other parties is prohibited.

S2542 -01 infolet

Proposed Northern Lot - Residence size and site no yet nominated; Locations assumed

ITEM	SITE FACTOR		Comments	
1)	Slope	Measured over 20m nom	Variable but approx 3° (1 in 19) to 6° (1 in 10) Steeper in gully	
2)	Shape	Concave, convex, planar etc	Planar	
3)	Aspect	Direction slope faces	South-west to west	
4)	Exposure	Sun/ wind	Good exposure to sun and frequent winds. Some trees on southern section but generally exposure to sun very good	
5)	Erosion/Mass movement /landslip	Note on site plan	None evident	
6)	Boulders /Bed Rock out crops	Note on site plan	Bed rock not visible.	
7)	Vegetation	Note type and cover	Generally mixture of pasture grasses and native grasses with large established trees near gully and south-eastern portion of proposed allotment	
8)	Watercourses	Note on site plan standing and/or flowing water	Gully located just in from proposed southern boundary, collects stormwater from adjacent allotments and roadways. Pond formed near outlet under road.	
9)	Soil water Regime	Depth to water table, seasonal water- logging	Water table variable, water logging in vicinity of the proposed disposal area unlikely	
10)	Fill	Note on site plan	No fill identified	
11)	Run-on/flooding potential	Note areas on site plan	Run-on from property to the north possible. Install cut-off drains.	
12)	Channelled (concentrated) runoff	Note on site plan including possible concentration to adjacent properties	Run off from property will enter creek in gully for discharge under roadway and subsequently Don River	
13)	Soil Surface Condition	Cracks, hardness, previous compaction, dampness and seepage areas	Generally uniform	
14)	Salinity	Salt tolerant vegetation, bare ground or salt crystals	None evident	
15)	Soil type/ Category	Table 4.1.4 AS/NZS 1547::2012	Silty clays, massive Category 5 to 6. Further investigation required when actual dwelling proposal submitted.	
16)	Other relevant site specific factors		Community operated water supply to adjacent allotments, should become available on this allotment. Standard absorption trenches not considered suitable. Use secondary treatment options for waste-water disposal (Proprietary Aerobic or combination systems)	

All information contained in this document is copyright to Donal S. Anderson - Consulting Engineer, Unauthorised copying or distribution to other parties is prohibited.



Photograph L2/5 – Looking South from proposed disposal area



Photograph L2/6 - Looking west along northern boundary

All information contained in this document is copyright to Donal S. Anderson - Consulting Engineer. Unauthorised copying or distribution to other parties is prohibited.

S2542 -01 infolet



 $Photograph \ L2/7-Looking \ East \ across \ allotment \ from \ top \ of \ disposal \ area \ towards \ assumed \ house \ site$



Photograph 2/8 Looking South-east from roadway showing shallow gully and pond

All information contained in this document is copyright to Donal S. Anderson - Consulting Engineer. Unauthorised copying or distribution to other parties is prohibited.

S2542 -01infolet

Summary

The sub-division of the existing allotment at No. 16 Collins Way, Tugrah in the Don River Estate as proposed by Mrs. T. Smith could be accomplished and still provide suitable sites for the disposal of waste-water from future residential developments on the allotments.

A proposal plan for a residential development on the southern allotment was provided and, although the wastewater disposal sites are limited, there would be sufficient area to provide both primary and reserve areas for wastewater disposal.

No proposal plan for a residential development was provided for the northern allotment and a site for the residence was assumed to maximise the potential for wastewater disposal. It is considered that there would be sufficient area to provide both primary and reserve areas for wastewater disposal on this site.

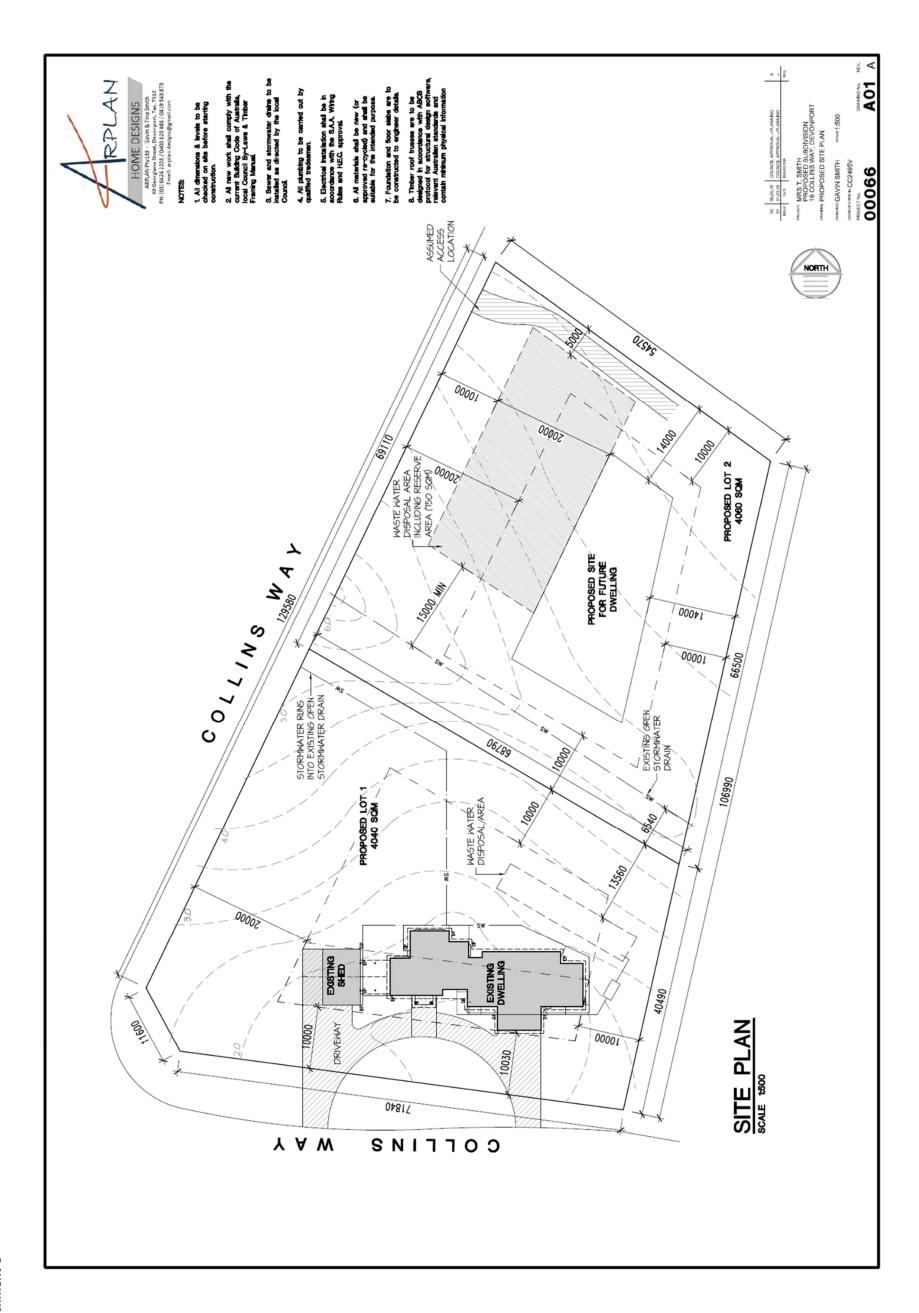
The proposed layout of wastewater disposal areas for the existing property subdivided into two allotments is shown on the Drawing No. S/2542 – Sk1 and shows the areas possible to be developed to accommodate the surface and sub-surface drainage to allow treated domestic waste-water to be disposed on site without detrimental environmental effect on adjacent properties or downstream water-courses.

The site constraints mean that site specific designs will need to be undertaken, but with careful construction and simple on-going maintenance, the waste-water disposal systems should operate satisfactorily.

If further information or clarification is required please contact this office.

Yours faithfully

Donal S. Anderson Principal Engineer





Submission to Planning Authority Notice

Council Planning Permit No.	PA2019.0137	2019.0137		Council notice date	06/09/2019
Tas Water details	Tas Water details				
TasWater Reference No.	TWDA 2019/01307	7-DCC		Date of response	12/09/2019
TasWater Contact	Sam Bryant	Phone No.		(03) 6237 8642	
Response issued to					
Council name	DEVONPORT COUNCIL				
Contact details	council@devonport.tas.gov.au				
Development details					
Address	16 COLINS WAY, T	DLINS WAY, TUGRAH		Property ID (PID)	3351228
Description of development	Two Lot Subdivision				
Schedule of drawings/documents					
Prepared by		Drawing/document No.		Revision No.	Date of Issue
AR Plan		Site Plan A01		В	28/08/2019

Constitution

Pursuant to the *Water and Sewerage Industry Act* 2008 (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

CONNECTIONS, METERING & BACKFLOW

- A suitably sized water supply with metered connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.
- 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.
- Prior to commencing construction of the subdivision, any water connection utilised for construction must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.

FINAL PLANS, EASEMENTS & ENDORSEMENTS

4. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.

<u>Advice:</u> Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.

DEVELOPMENT ASSESSMENT FEES

- 5. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee of \$211.63 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:
 - a. \$211.63 for development assessment; and
 - b. \$149.20 for Consent to Register a Legal Document

Issue Date: August 2015 Page 1 of 2
Uncontrolled when printed Version No: 0.1



The payment is required by the due date as noted on the statement when issued by TasWater.

Advice

General

For information on TasWater development standards, please visit

https://www.taswater.com.au/Development/Technical-Standards

For application forms please visit http://www.taswater.com.au/Development/Forms

Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

The location of infrastructure as shown on the GIS is indicative only.

- A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater
- TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies
- TasWater will locate residential water stop taps free of charge
- Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

Authorised by

Jason Taylor

Development Assessment Manager

Tas Water Contact Details					
Email	development@taswater.com.au	Web	www.taswater.com.au		
Mail	GPO Box 1393 Hobart TAS 7001				

4.2 PA2019.0149 RESIDENTIAL (MULTIPLE DWELLINGS X 2) - 19 LEARY AVENUE STONY RISE

File:

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.1.1 Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use

Strategy 2.1.2 Provide high quality, consistent and responsive development assessment and compliance processes

SUMMARY

The purpose of this report is to enable Council's Planning Authority Committee, acting as a Planning Authority to make a decision regarding planning application PA2019.0149.

BACKGROUND

Planning Instrument: Devonport Interim Planning Scheme 2013

Applicant: Lachlan Walsh Design

Owner: Mr DJ Collins & Mrs JE Collins

Proposal: Residential (multiple dwellings x 2)

Existing Use: Site not under current use

Zoning: General Residential

Decision Due: 30/10/2019

SITE DESCRIPTION

The site is identified by Certificate of Title 145993/20, with the property address of 19 Leary Avenue, Stony Rise and comprises a land area of approximately 1,053m².

The site is zoned General Residential under the Devonport Interim Planning Scheme 2013 (the Interim Planning Scheme) and is located within an established residential area colloquially known as "The Tiers".

The existing dwelling stock of this general area comprises a range of dwelling types which often feature a double storey profile.

Land immediately to the south of the subject site is occupied by well established bushland and also "Williams Reservoir" which is a TasWater water storage facility.

The site is further characterised by a topographical profile that slopes upward from the Leary Avenue road frontage towards the southern (rear) boundary of the property.



Figure 1 – Local of site 19 Leary Avenue, Stony Rise (Source: DCC Geocortex – aerial imagery 2019)

Figures 2, 3 and 4 below depict the existing streetscape views of the site from three different vantage points on Leary Avenue.



Figure 2 – Existing street view looking west along Leary Avenue (Source: DCC – October 2019).



Figure 3 – Existing street view of 19 Leary Avenue looking south (Source: DCC – October 2019).



Figure 4 – Existing street view looking east along Leary Avenue (Source: DCC – October 2019).

APPLICATION DETAILS

The application seeks approval for the development of two multiple dwellings (units) on the site. Each of the units feature a three-bedroom profile with both units sharing a similar floor layout and orientation on the site.

A site plan of the unit development and visual representation of the built form is reproduced in Figure 5 below. A full copy of the development plans is included with **Attachment 1**.

As further explained in the following section, construction of these units has commenced.

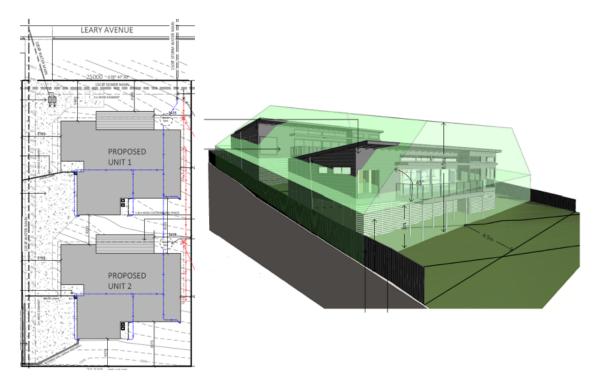


Figure 5 - Multiple dwelling development plans - 19 Leary Avenue, Stony Rise (Source: Supplied - PA2019.0149).

Previous planning permit issued by Council

A planning permit application for this unit development was previously made to Council in February 2019. This application was assessed by Council planning staff to have a permitted status (ie no matters were identified that would require a discretionary planning permit to be issued). Following this assessment, a planning permit was issued by Council in March 2019 in accordance with section 58 of the Land Use Planning and Approvals Act 1993 (LUPAA).

After obtaining the further necessary building and plumbing approvals the construction of the units was commenced.

In late August 2019, Council was contacted by a concerned adjoining landowner regarding the planning requirements applicable to the unit development for which construction was now well advanced. Following normal process Council investigated that complaint and a review of the original planning assessment in March 2019 revealed that a discretionary permit application is required for this development. Council subsequently sought legal advice on the appropriate course of action.

The legal advice issued to Council was to the effect that an application for a discretionary planning permit must be made.

Although a previous planning permit had been issued by Council, a discretionary planning permit is required by the Interim Planning Scheme to allow the development to proceed. In accordance with section 57 of LUPAA, a discretionary permit application is subject to mandatory public notification requirements. The failure to comply with these requirements impacts the validity of that permit.

In this instance the original permit application (which was determined as a "permitted" application rather than a discretionary one) was not subject to the public notification requirements required by section 57 of LUPAA. On these terms, the legal advice received by Council is that the original permit is not valid.

A discretionary permit application has now been made for the development and which is the subject of this report.

PLANNING ISSUES

Table 1 below provides a general summary of how the application has been assessed against the applicable standards of the Interim Planning Scheme. Those matters identified in Table 1 which require discretion to be exercised are further examined in the "Discretionary Matters" section of this report.

In general terms, the Acceptable Solutions of the Interim Planning Scheme set out the permitted standards, whilst the corresponding Performance Criteria provide the discretion to consider an alternative way of meeting an objective for a standard (where the Acceptable Solution is not satisfied). The nature of a Performance Criteria is that they do allow flexibility to consider particular circumstances – however such discretion is framed by the requirements prescribed by that relevant Performance Criteria.

Table 1 – Summary assessment against the applicable standards of the Interim Planning Scheme

Zone/Code	Planning scheme standard	Acceptable Solution/ Performance Criteria	Status/Comments
General Residential	10.4.1 – Residential density for multiple dwellings	A1/P1 – Site area per dwelling	Complies with permitted standard A1(a).
Zone			The permitted standard at A1(a) requires a site area

Report to Planning Authority Committee meeting on 21 October 2019

Zone/Code	Planning scheme standard	Acceptable Solution/ Performance Criteria	Status/Comments
			per dwelling ¹ of not less than 325m ² .
			In this case the development has a site area per dwelling of 526m ² .
	10.4.2 – Setbacks and building envelope for all dwellings	A1/P1 – Setback from frontage	Complies with permitted standard A1(a).
			The requirements of 10.4.2 A1 are structured in such a way that one of the "tests" contained at parts (a), (b), (c) or (d) must be satisfied.
			Part (a) considers a minimum permitted setback of at least 4.5m from the frontage. As shown on the submitted plans (specifically the site plan) – the front unit is setback a distance of 4.5m from the Leary Street frontage.
			The test at part (c) is not considered relevant as it contemplates a scenario involving a vacant site between adjoining sites containing existing dwellings. That is not the case here. Of the two sites adjoining the subject site (being No 18 Leary Avenue and No 20 Leary Avenue only 18 Leary Avenue contains an existing dwelling. 20 Leary Avenue is a vacant site.
		A2/P2 - Setback from frontage for garage or carport	Complies with permitted standard A2.
			The permitted standard at A2(a) requires a garage or carport to be setback from a primary frontage of at least 5.5m or alternatively 1m behind the façade of a dwelling.
			Both units feature an attached garage located to the rear of each dwelling which appropriately complies with the permitted standard.

¹ Provision 4.1.3 of the Interim Planning Scheme defines the site area per dwelling as meaning: the area of the site (excluding any access strip) divided by the number of dwellings.

Zone/Code	Planning scheme standard	Acceptable Solution/ Performance Criteria	Status/Comments
		A3/P3 – Building envelope	Non-compliant with permitted standard A3.
			The unit development extends beyond the permitted building envelope described at A3.
			Requires discretion to be considered against the requirements of Performance Criteria P3.
	10.4.3 – Site coverage and private open space for all	A1/P1 – Site coverage	Complies with permitted standard A1.
	dwellings		The unit development appropriately complies with the site coverage and private open space requirements specified by the permitted standard.
		A2/P2 – Private open space for dwellings	Complies with permitted standard A2.
			Each unit is provided with private open space that appropriately complies with the permitted standard.
	10.4.4 – Sunlight and overshadowing for all dwellings	A1/P1 – Solar access for all dwellings	Complies with permitted standard A1.
			This standard requires for each of the units to have appropriate solar access for a habitable room. The permitted standard is satisfied.
		A2/P2 – Sunlight and overshadowing for multiple	Deemed to comply with permitted standard A2 (b).
		dwellings on the same site (sunlight to habitable rooms)	This standard considers the separation and potential for overshadowing on a habitable room (other than a bedroom) for a multiple dwelling (unit) that is located to the north of another dwelling located on the same site.
			This provision is relevant to Unit 2 shown on the submitted plan which is located to the rear of the site.
			Given -
			(i) the elevated position of Unit 2 on the site relative to Unit 1 (owing to the sloping topography of the site); and

Zone/Code	Planning scheme standard	Acceptable Solution/ Performance Criteria	Status/Comments
			(ii) the finished floor level of Unit 2 – Unit 2 is not assessed to receive less than 3 hours of sunlight between 9am and 3pm on the 21 June. The permitted standard at A2(b) is therefore satisfied.
		A3/P3 - Sunlight and overshadowing for multiple	Deemed to comply with permitted standard A3 (b).
		dwellings on the same site (sunlight to private open space)	This standard considers the separation and potential for overshadowing on the private open space for a multiple dwelling (unit) that is located to the north of another dwelling located on the same site.
			This provision is relevant to Unit 2 shown on the submitted plan which is located to the rear of the site.
			Given -
			(iii) the elevated position of Unit 2 on the site relative to Unit 1 (owing to the sloping topography of the site); and (iv) the finished floor level of Unit 2
			- 50% of the private open space of Unit 2 (being the deck attached to the northern elevation) is not assessed to receive less than 3 hours of sunlight between 9am and 3pm on 21 June. The permitted standard at A3(b) is therefore satisfied.
	10.4.5 – Width of openings for	A1/P1 - Width of garage and	Not applicable.
	garages and carports for all dwellings	carport openings	This standard applies to a garage or carport within 12m of a primary frontage.
			The development does not feature a garage or carport within 12m of the primary frontage.
	10.4.6 – Privacy for all dwellings	A1/P1 – Separation of balconies, decks, roof terraces, etc, from adjoining dwellings (including	Deemed non-compliant with permitted standard A3 (c).
		multiple dwellings on the same site)	The matter of non- compliance here relates to the separation of the deck attached to the northern elevation of Unit 2 and the

Zone/Code	Planning scheme standard	Acceptable Solution/ Performance Criteria	Status/Comments
			windows on the southern elevation of Unit 1. The minimum permitted separation distance is 6m.
			Requires discretion to be considered against the requirements of Performance Criteria P1.
		A2/P2 – Separation of windows and glazed doors of habitable	Complies with permitted standard A2(b)(ii).
		rooms between dwellings on adjoining lots	The windows on the eastern elevation of each of the units features a sill height that is 1700mm above finished floor level (as shown on the submitted plans). This appropriately satisfies the permitted standard at A2(b)(ii).
		A3/P3 – Separation of shared driveway or parking space from a window/glazed door to a	Deemed non-compliant with permitted standard A3.
		habitable room in a multiple dwelling.	The matter of non-compliance here relates to the separation of the shared driveway and the window identified as "W1" on the western elevation of Unit 1.
			Requires discretion to be considered against the requirements of Performance Criteria P3.
	10.4.8 – Waste storage for multiple dwellings	A1/P1 - Waste storage for multiple dwellings	Complies with permitted standard A1.
			Each of the units provide a dedicated storage space for waste and recycling bins that is appropriately consistent with the permitted standard at A1(a).
	10.4.9 – Suitability of a site for use or development	A1/P1 – Site suitability	Complies with permitted standard A1.
			The site appropriately complies with the permitted site suitability requirements.
		A2/P2 – Frontage and road access	Complies with permitted standard A2.
			The site and proposed development appropriately meet the permitted standards relevant to road access.

Zone/Code	Planning scheme standard	Acceptable Solution/ Performance Criteria	Status/Comments
		A3/P3 – Capability for connection to reticulated water supply	Complies with permitted standard A3. Site is capable of connection to reticulated water supply.
		A4/P4 – Capability for connection to reticulated sewerage network	Complies with permitted standard A4. Site is capable of connection to reticulated
		A5/P5 – Capability for	sewerage disposal network. Complies with permitted
		connection to reticulated stormwater network	standard A5. Site is capable of connection to reticulated stormwater disposal network.
E9 – Traffic Generating Use and Parking Code	E9.5.1 – Provision for Parking	A1/P1 – Provision for parking	Complies with permitted Standard A1. Each unit features two garaged carparking spaces, and one additional visitor parking space is also provided. This appropriately satisfies the permitted standard.
	E9.6.1 – Design of vehicle and loading areas	A1.1/P1 – Design of parking and driveway areas	Complies with permitted standard A.1.1 and A1.2. The development appropriately complies with the permitted standards relating to stormwater management of the driveway/parking areas and also the vehicle manoeuvrability within these areas.
E2 – Airport Impact Management Code	E2.6.2 – Protection of operational airspace	A1/P1 - Operational airspace considerations	Complies with permitted standard A1. The site and surrounds are identified as being within the Operational Airspace overlay - specifically the 15m Obstacle Limitation Surface (OLS) area. The maximum building height associated with the unit development is approximately 8m so the 15m OLS is not penetrated and there is no interference with the operation of the airport. The permitted standard is appropriately satisfied.

Discretionary matters

The assessment made in Table 1 above identifies three matters on which discretion is required:

- (1) Discretion for building to occur outside of the permitted building envelope;
- (2) Privacy considerations (relating to the separation of the deck attached to the northern elevation of Unit 2 and the windows on the southern elevation of Unit 1); and
- (3) Privacy considerations (relating to separation of the shared driveway servicing the units and a window on the western elevation of Unit 1).

It is these three matters for which Council has the ability to consider and exercise discretion in the determination of the application.

(1) Discretion for building to occur outside of the permitted building envelope - provision 10.4.2 P3

This presents as the key matter for Council's consideration in the determination of this permit application.

The development standards for the General Residential Zone include the provision of a permitted building envelope² within which dwellings are to be contained.

The building envelope as required by provision 10.4.2 A3 (a) is reproduced in Figure 6 below and can be described as follows:

- (a) a front building setback of:
 - 4.5m from a primary frontage;
 - (ii) 3.0m from a secondary frontage; and
- (b) Projecting a line at an angle of 45° from the horizontal at a height of 3.0m above natural ground level³ at the side boundaries and a distance of 4m from the rear boundary to a building height⁴ of not more than 8.5m; and
- (c) Only having a building setback within 1.5m of a side boundary if the dwelling:
 - (i) Does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or
 - (i) Does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).

² Provision 4.1.3 of the Interim Planning Scheme defines a building envelope as: "the three-dimensional space within which buildings are to occur".

³ Provision 4.1.3 of the Interim Planning Scheme defines natural ground level as meaning: "the natural level of a site at any point".

⁴ Provision 4.1.3 of the Interim Planning Scheme establishes a definition for building height as meaning: the vertical distance from natural ground level at any point at any point to the uppermost part of a building directly above that point, excluding minor protrusions such as aerials, antennae, solar panels, chimneys and vents.

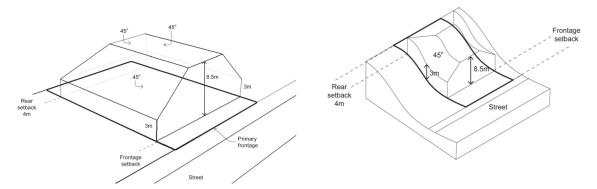


Figure 6 – Permitted building envelope as required by provision 10.4.2 A3 (a) of the Interim Planning Scheme (flat site and sloping site⁵ version shown) (Source: Devonport Interim Planning Scheme 2013).

As shown in Figure 6 above, the permitted building envelope exists relative to natural ground level. The natural ground level of the site subject to this application slopes upward from the Leary Avenue frontage towards the rear of the property. The permitted building envelope follows this natural ground level.

The unit development proposed by this application does extend beyond the permitted envelope and relies on the discretion to allow that built form to proceed. The extent to which each of the units protrudes beyond the permitted building envelope can be observed in Figure 7 below.

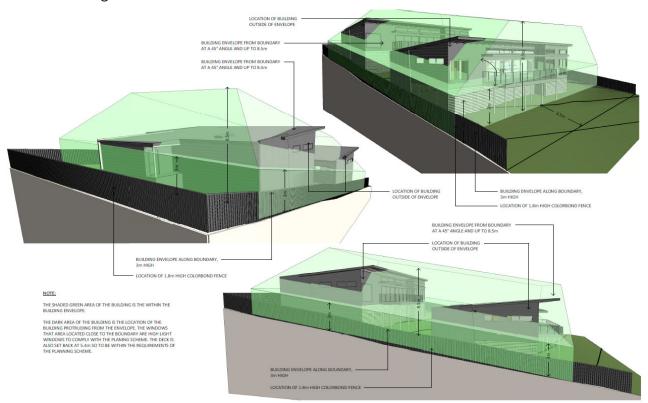


Figure 7 – Multiple dwelling development plans showing permitted building envelope – 19 Leary Avenue, Stony Rise (<u>Source</u>: Supplied - PA2019.0149).

The detail shown in the diagrams at Figure 7 were submitted as part of the discretionary permit application and can be further examined in **Attachment 1**. The permitted building

⁵ In the case of this application the site has the same slope orientation to that shown in Figure 6.

envelope (as described by Acceptable Solution 10.4.2 A3) is shown by the shaded green area. These diagrams show which parts of each unit extend beyond the permitted building envelope.

The detail shown in Figure 7 is an important reference point for the commentary made in this report as it provides a useful visual representation of how the development varies from the permitted standard (in other words the extent of the non-compliance with the permitted standard).

As the built form of the units exceeds the permitted standard at Acceptable Solution 10.4.2 A3, the discretion to allow the development to proceed must be considered against the requirements of the corresponding Performance Criteria at 10.4.2 P3. This provision is reproduced as follows:

Р3

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 anadjoining 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.

In providing an assessment against the abovementioned Performance Criteria, it is important to establish the context in which the discretion can be exercised – more specifically the prescription of the term 'adjoining' in the above provision. The Interim Planning Scheme does not provide a specific or intended definition for this term and as such it assumes its ordinary dictionary meaning.

The Oxford Dictionary provides a definition for 'adjoin' as meaning "to be next to and joined with". With regard to this definition, and in the circumstances of this application, it seems reasonable that the reference to the term 'adjoining' in P3 can be interpreted to meaning the adjoining lots of 20 Leary Avenue, 18 Leary Avenue and the adjoining land parcels to the south identified with the property address of 135B Stony Rise Road, Stony Rise (which is TasWater owned land containing the water reservoir infrastructure and also established bushland). These are the lots which "adjoin" and share a common boundary with the subject site at 19 Leary Avenue.

Having established the context, the assessment now turns to the consideration of the matters prescribed under 10.4.2 P3 – these being whether the unit development will result an unreasonable loss of residential amenity by:

- (a) reduction of sunlight to habitable rooms and overshadowing private open space of the dwellings on adjoining lots; and
- (b) visual impacts associated with the bulk and scale of the proposed building form.

(1)(a) Reduction of sunlight and overshadowing

Shadow diagrams for the proposed development have prepared by the proponent and included with the application. These shadow diagrams can be further examined with the application documents supplied at **Attachment 1**.

It is established practice for shadow diagrams to depict shadows at 21 June⁶ (the Winter Solstice) where shadows are at their longest and provide a "worse-case scenario" for the estimation of overshadowing impacts. Figure 8 below reproduces these shadow diagrams as produced for the unit development at 19 Leary Avenue on 21 June at 9am, 12noon and 3pm.



Figure 8 – Shadow diagrams for unit development on 21 June (Source: Supplied – PA2019.0149).

The shadow diagrams shown for 21 June in Figure 8 also include the detail showing the overshadowing caused by those parts of the units which extend beyond the permitted building envelope. These can be observed in the shadow diagram shown for 3pm and are depicted by the green shading.

This presents an important consideration because it shows that even if the two units were fully contained with the permitted building envelope there would be some overshadowing effects to the adjoining property at 18 Leary Avenue. Figure 8 further shows that shadowing impacts on 21 June upon 18 Leary Avenue are at their greatest from 3pm onwards.

Shadow diagrams for December 21 (ie the Summer Solstice) and reproduced below in Figure 9. Whereas the Winter Solstice shadow diagrams help to understand a "worst case scenario" (when shadows are at their longest) – the Summer Solstice diagrams assist to demonstrate the "best case scenario".



Figure 9 – Shadow diagrams for unit development on 21 December (Source: Supplied – PA2019.0149).

During the public notification period, the applicant made a representation in support of the application. This representation included a written statement about the impacts of overshadowing and an additional two shadowing diagrams for the Autumn Equinox (20 March) and the Spring Equinox (22 September). The Oxford Dictionary provides a definition for 'equinox' as "the time or date (twice each year) at which the sun crosses the celestial equator, when day and night are of equal length (about 20 March and 22 September)".

These additional shadow diagrams are shown below as Figures 10 and 11 respectively. When combined with the Summer and Winter Solstice shadow diagrams the collective

⁶ In the determination of overshadowing impacts, the Interim Planning Scheme includes reference to the 21 June date at provision 10.4.3 A2(d) and 10.4.4 A2(b) & A3(b). These provisions also make consideration of access to sunlight between the hours of 9:00am and 3:00pm. Whilst these provisions are not specifically relevant to 10.4.2 P3, they are deemed to establish a useful context for the consideration of overshadowing impacts.

provides an appropriate estimation to help assess overshadowing impacts over the course of a year.



Figure 10 – Shadow diagrams for unit development on 20 March (Autumn Equinox) (Source: Supplied – PA2019.0149).



Figure 11 – Shadow diagrams for unit development on 22 September (Spring Equinox) (Source: Supplied – PA2019.0149).

The extent to which the unit development extends beyond the permitted building envelope is previously shown in Figure 7. It is the extent of this protrusion that Council must consider in the exercise of discretion and whether that results in a level of overshadowing that causes an unreasonable loss of amenity to the adjoining dwelling at 18 Leary Avenue.

The test required by Performance Criteria 10.4.2 P3 (a) is that overshadowing does not cause a loss of amenity that is unreasonable. In examination of this test it is also appropriate to have regard to what level of overshadowing would be expected were the development to be fully contained within the permitted building envelope.

The shadow diagram for the 21 June in Figure 8 does demonstrate that overshadowing will be present on 18 Leary Avenue at 3pm and further lengthen with the sun moving towards setting in the west. However as mentioned previously, the 21 June shadow diagram represents a "worst case scenario" when shadows are at their longest. Furthermore, this midlate afternoon period does not represent the totality of solar access that will be available to 18 Leary Avenue during the day and before the mid-afternoon shadows begin to lengthen. The shadow diagrams for the Summer Solstice, Autumn Equinox and Spring Equinox (shown at Figures 9, 10 and 11 respectively) for the same time of 3pm are more favourable.

The test contemplated at the Performance Criteria of 10.4.3 P3 (a) is not that there will be no overshadowing – but rather whether that level of overshadowing is unreasonable. On the evidence considered as part of this assessment there is some apparent logic that even a permitted building form (ie one that is contained within the permitted building envelope) results in a level of overshadowing to 18 Leary Avenue. The discretion to allow the built form of the units beyond the permitted building envelope is not deemed to exacerbate that overshadowing situation to the point that it becomes unreasonable. The shadowing diagram at Figure 8 supports this position.

Following the logic presented above, the details indicated from the solar movements in the abovementioned shadow diagrams, and the extent to which the built form of each unit exceeds that which is ordinarily permitted – it is difficult to reconcile that the development causes an unreasonable or permanent reduction in sunlight or overshadowing upon the adjoining dwelling at 18 Leary Avenue (including the private open space associated with that dwelling).

(1)(b) Visual impacts associated with the bulk and scale of the proposed building form

It is important to again reiterate, and to be consistent with the instruction provided at 10.4.2 P3, that the consideration of visual impacts is to be determined in the context of being viewed from an adjoining lot. The assessment of visual impact is also influenced by the separation between the unit development and the built form of dwellings located on adjoining lots.

As shown previously in Figure 7, the protrusions of the development relative to the permitted building envelope occur predominantly on the eastern elevation of each unit. A lesser protrusion is also observed for the southern (rear) elevation of Unit 2. The detail in Figure 7 assists to understand the extent to which the building form varies from that which is ordinarily permitted without the need for discretion.

Figures 12 and 13 below depict the eastern building elevations for each unit.

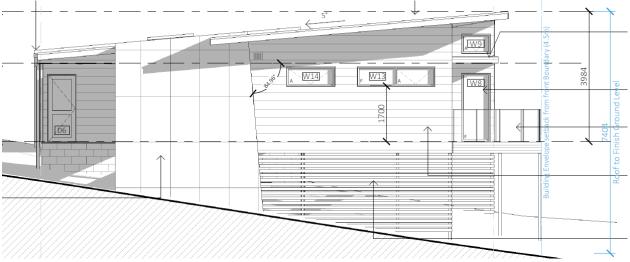


Figure 12 - Eastern elevation of Unit 1 (Source: Supplied - PA2019.0149)

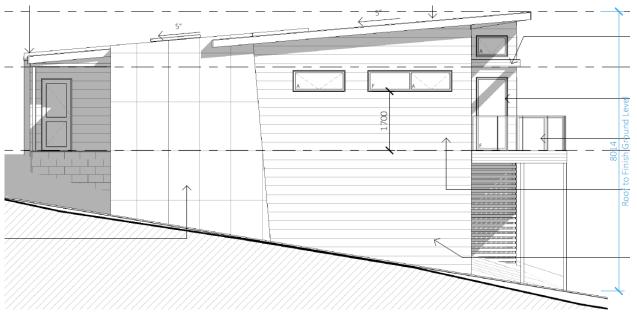


Figure 13 – Eastern elevation of Unit 2 (Source: Supplied – PA2019.0149).

As detailed in Figures 12 and 13, the maximum building heights associated with each unit are 7.404m for Unit 1 and 8.014m for Unit 2. These building heights are measured relative to natural ground level and to the highest point of the roof line in the north-eastern corner of each unit.

To assist with the qualification of visual impact and building separation between dwellings on adjoining lots it is also relevant to consider the setback of buildings. The following setbacks are detailed on the submitted plans relative to each boundary of the site -

- (a) Front setback: 4.5m to the deck attached to the northern elevation of Unit 1, and 5.96m to the main building façade of Unit 1;
- (b) Side setback (western boundary): 5.765m for each of the units from the western side boundary which adjoins a currently vacant site;
- (c) Rear setback: 4.076m for Unit 2; and
- (d) Side setback (eastern boundary): 1.545m.

The setbacks described above indicate that the unit development does have some offset from the boundaries of the site. The proposed development is not considered to result in a "wall to wall" building form and some level of visual separation between dwellings on adjoining lots will be retained.

Whilst the visual impacts of the development when viewed from the adjoining lot at 18 Leary Avenue are duly noted – that consideration must be balanced against the logic that even a development fully contained within the permitted building envelope would result in some visual impact.

In seeking to determine whether the visual impacts caused by the bulk and scale of the unit development reach a level that is unreasonable (and cause an unreasonable loss of amenity) – it is relevant to again consider to what extent the built form of the units extend beyond the permitted building envelope (as detailed in Figure 7) as that is where the discretion resides. In other words, do those parts of the buildings which protrude beyond the permitted standard result in a visual impact that is unreasonable to the point that discretion cannot be considered under the requirements of 10.4.2 P3 and a refusal is justified? This assessment cannot reasonably conclude that it does.

(2) Privacy considerations (relating to the separation of the deck attached to the northern elevation of Unit 2 and the windows on the southern elevation of Unit 2) – provision 10.4.6 P1

As detailed previously in Table 1, the discretion to be considered here relates to the separation of the deck attached to the northern elevation of Unit 2 and the windows on the southern elevation of Unit 1. The minimum permitted separation distance required by the permitted standard Acceptable Solution 10.4.6 A1 is 6m. The detail shown with the submitted plans falls short of that permitted standard and has a separation distance of 5m. Discretion is therefore required to be considered against the requirements of Performance Criteria 10.4.6 P1 – the requirements of which are reproduced below.

Р1

A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on another adjoining or its private open space;
- (b) another dwelling on the same site or its private open space; or
- (c) an adjoining vacant residential lot.

Part (b) described above is the relevant test as the discretion relates to the separation between the two units on the subject site. In this case the separation distance is only marginally short of the 6m permitted standard (a shortfall of 1m). Ameliorating factors here are that the sill height for the affected windows on the rear elevation of Unit 1 are shown to have a sill height of 1.5m above finished floor level, and furthermore a 1.8m Colourbond fence is detailed on the submitted site plan demarcating the rear yard associated with Unit 1. Taking these factors into account the requirements of Performance Criteria P1 are appropriately satisfied.

(3) Privacy considerations (relating to separation of the shared driveway servicing the units and a window on the western elevation of Unit 1) – provision 10.4.6 P3

As detailed previously in Table 1, the discretion to be considered here relates to the separation of the shared driveway and the window identified as "W1" on the western elevation of Unit 1. Discretion is required to be considered against the requirements of Performance Criteria 10.4.6 P3 – the requirements of which are reproduced below.

P3

A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or light intrusion to a habitable room of a multiple dwelling.

The affected window (W1) on the western elevation of Unit 1 is observed to have a sill height of approximately 1m above the shared driveway located outside of the window. This is a shortfall of only 0.7m from the permitted standard at A3(b)(ii). Mitigating circumstances here are that the window is understood to be of double glazed construction with window furnishings also likely to be applied following occupation. It is also observed that landscaping treatments are proposed for the garden bed parallel to the driveway and directly outside of this window. The discretion is relatively minor and following the above rationale, detrimental impacts associated with vehicle movements in the shared driveway are considered to be very minimal. The requirements of Performance Criteria P3 are appropriately satisfied.

COMMUNITY ENGAGEMENT

On 18/09/2019, Council received an application for the above development. Under Section 57(3) of the Land Use Planning and Approvals Act 1993, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the Land Use Planning and Approvals Regulations 2014, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in The Advocate newspaper on 25/09/2019;
- (b) Making a copy of the proposal available in Council Offices from the 25/09/2019;
- (c) Notifying adjoining property owners by mail on 24/09/2019; and
- (d) Erecting a Site Notice for display from the 24/09/2019.

The period for representations to be received by Council closed on 08/10/2019.

REPRESENTATIONS

In accordance with section 57(5) of the Land Use Planning and Approvals Act 1993 (LUPAA) any person may make representations relating to a discretionary permit application during the public notification period. A representation can be made either in objection to what is proposed by the application or, alternatively, in support of that application.

Six written representations were received during the prescribed statutory 14-day public notification period required by LUPAA.

Five of the representations received are made in objection to the granting of the permit – one of which included a petition of twenty-nine signatories of people residing in the area. The petition provides the commentary that the signatories "oppose" the planning permit being granted by Council. The list of signatories includes the five people who made representations under separate cover.

A representation in support of the permit application was also made by the applicant. This included a written opinion about the impacts of overshadowing not being unreasonable and provided an additional two shadowing diagrams for the Autumn Equinox (20 March) and the Spring Equinox (22 September) to support that position. This information has been previously examined in this report in the discussion around overshadowing impacts.

All of the representations in respect of this application (including the additional shadow diagrams supplied by the applicant) are reproduced in full as **Attachment 2** to this report.

In providing an assessment of the abovementioned representations it is relevant to establish the legislative context in which representations are considered in the determination of a discretionary planning permit application. Section 51(2)(c) of the Land Use Planning and Approvals Act 1993 (the Act) requires that a planning authority (local council) must take into consideration the matters set out in representations relating to a discretionary permit application which were received during the statutory public notification period referred to in s. 57(5) of LUPAA. The Interim Planning Scheme, at provision 8.10.1 (b), further prescribes that such representations must be taken into consideration, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

To assist with assessment purposes, Figure 14 below identifies the subject site (outlined in yellow) and the location of those landowners who made representation which object to the granting of the permit (identified as A, B, C, D & E)⁷. Table 2 provides a general summary of the matters raised in these representations as well as some commentary made in response to those matters.



Figure 14 – Proximity of representors with respect to subject site (<u>Source</u>: Imagery courtesy <u>www.thelist.tas.gov.au</u>).

⁷ Figure 14 does not show the location (address) of all those persons who signed the petition attached to the representation made by Representor E.

T. I. I. A. A						. *1
Table 2 – Sum	mary of issue	s raisea in the	representations	obiectina t	o tne perr	nit application

Representations	Summary of relevant issues raised	Response
A. 34 Leary Avenue B. 16 Leary Avenue	Objects with reference to provision 10.3.1 of the Interim Planning Scheme owing to the perceived bulk, scale and setback associated with the unit development.	The provision at 10.3.1 of the Devonport Interim Planning Scheme 2013 (the Interim Planning Scheme) is a use standard and relates to discretionary uses in the General Residential Zone.
C. 21-22 Leary Avenue D. 35 Leary Avenue		Discretionary uses are those listed as discretionary in the Use Table at provision 10.2 of the Interim Planning Scheme. Residential use is not a discretionary use within the General Residential Zone.
E. 18 Leary Avenue		The discretion in this case relates to the development itself (i.e. the built form) - not the way that the land is to be used. As the use proposed by this application is not discretionary, the provision at 10.4.3 is therefore not applicable and has no work to do in the assessment of this permit application.
	Objects with reference to provision 10.4.2 A1 (c) which relates to building setback from a front boundary. Submits the opinion that the front setback of the units is not consistent	As previously discussed in this report (specifically Table 1 in response to provision 10.4.2 A1) – the front setback is deemed to comply with the permitted standard detailed at A1 (a).
	with existing dwellings on the same side of the street and contributes to a negative impact on the streetscape.	The requirements of A1 are structured in such a way that <u>one</u> of the "tests" contained at parts (a), (b), (c) or (d) must be satisfied.
		A1 (a) requires a minimum permitted setback of at least 4.5m from the frontage. As shown on the submitted plans – the front unit is setback a distance of 4.5m from the Leary Street frontage. The permitted standard is therefore satisfied and there is no discretion to be exercised on this matter.
	Objects with reference to the development being allowed outside of the permitted envelope (10.4.2 A3). Submits that the development results in an unreasonable level of overshadowing, and that the height of the development results in a negative visual impact to adjoining land and the streetscape more generally.	The application seeks the discretion to allow the building to occur outside of the permitted building envelope. The Interim Planning Scheme does allow for the consideration of such discretion which is framed by the requirements of the Performance Criteria set out at provision 10.4.2 P3. This report has previously provided commentary in the assessment of the application against these requirements.
	Objects with reference to provision 10.4.6 A2 which relates to privacy for dwellings and the separation windows/glazed doors of adjoining dwellings (specifically the separation of the windows on the eastern elevation of each unit and the adjoining dwelling at 18 Leary Avenue).	As previously discussed in this report (specifically Table 1 in response to provision 10.4.6 A2) – the application is assessed to comply with the permitted standard. The requirements of A2 are structured in such a way that one of the "tests" contained at parts (a) or (b) must be satisfied.

Representations	Summary of relevant issues raised	Response
		The windows on the eastern elevation of each of the units features a sill height that is 1700mm above finished floor level (as shown on the submitted plans). This appropriately satisfies the permitted standard at A2(b)(ii).
		As the permitted standard is met there is no discretion to be exercised in relation to this standard or the privacy separation between the proposed units and the adjoining dwelling on 18 Leary Avenue.
	Concerns raised that the drawings (including shadow diagrams) submitted with the application are inaccurate and do not provide a	The plans (including shadowing diagrams) submitted with the application have been prepared by a suitably qualified and experienced building designer.
	true representation of the actual unit construction.	As discussed previously in this report in the assessment of the Performance Criteria requirements of provision 10.4.2 P3 – the building envelope exists relative to natural ground level. In this case the natural ground level of the site slopes upward from the Leary Avenue frontage towards the rear of the property. The permitted building envelope contemplated at provision 10.4.2 A3 follows this natural ground level. The way the permitted building envelope responds to the natural ground level for a sloping site is previously shown at Figure 6.
		The submitted plans have been carefully considered by Council's planning staff and there is nothing to suggest that they are not accurate. No specific evidence has been provided by the representors to persuade a position to the contrary.
	Concerns raised with the process around this matter and how the developer was allowed to commence the development without the necessary planning	The construction of the unit development was commenced on the basis of a planning previously permit issued by Council in March 2019. This matter is discussed previously in this report.
	permit.	A discretionary planning permit is required for this unit development. This is the process that is now in motion and the determination of that discretionary permit application is the subject of this report.
	Makes reference to provision 8.10.2 of the Interim Planning Scheme and the application of the Local Area Objectives and Desired Future	The instruction at provision 8.10.2 of the Interim Planning Scheme relates to the determination of an application for permit for a discretionary use.
	Character Statements of the General Residential Zone to support the objection to the application.	There is no discretionary use associated with this permit application. Residential use is not a discretionary use within the General Residential Zone. The discretion in this case relates to the development itself (i.e. the built form) - not the way that the land is to be used.

Representations	Summary of relevant issues raised	Response
		As the use proposed by this application is not discretionary, the requirements at 8.10.2 are not applicable.
		Some further commentary on the operation of the Interim Planning Scheme provisions is provided in the "Discussion" section of this report.
	Concern with respect to the number of unit developments occurring in Leary Avenue and requests that no more unit developments be allowed.	The site and surrounding residential lots are zoned General Residential under the Interim Planning Scheme. Unit (or multiple dwelling) development, as a form of Residential use, is appropriately consistent with the intent and function of the General Residential Zone. Indeed provision 10.1.1.1 of the Interim Planning Scheme instructs that the purpose of the General Residential Zone is to "provide for residential use or development that accommodates a range of dwelling types at suburban densities, where infrastructure services are available."
		The Interim Planning Scheme contemplates and allows for unit development as a legitimate housing option in the General Residential Zone.
	The submission from Representor E includes an attached petition of 29 signatories who oppose the planning	Council has sought legal advice as to whether this is a petition for the purposes of the LGA.
	permit being granted by Council. The petition purports to be made in accordance with section 57(2) of the Local Government Act 1993 (LGA).	The legal opinion received is that this is not a petition as it does not comply with the requirements of section 57(2) of the LGA-specifically because it does not include a clear statement on <u>each</u> page of the petition detailing the action requested which is a requirement at 57(2)(c). Whilst a general statement of the requested action is provided at page 1 – that detail is not reproduced on pages 2 and 3.
		Because the submission does not meet the requirements of a petition of section 57(2), there is no obligation for Council's General Manager to table the petition at the next ordinary meeting of Council (as is usually required by section 58(2) of the LGA). To satisfy section 58(4) of the LGA, the General Manager will provide written advice to the person who lodged the petition of the reasons for not tabling that petition.
		Notwithstanding the above, the action that is necessitated by the "petition" from Representor E is for Council to determine the permit application in its capacity as a planning authority under LUPAA. This is the process that will be undertaken when the Planning Authority Committee convenes on Monday 21 October to determine the application.

Representations	Summary of relevant issues raised	Response
		The matters raised in the "petition" have been taken into consideration in the preparation of this report and each of the 29 signatories will be treated as individual representations for the purposes of section 57 of LUPAA.
	Raises concerns with the Bushfire Attack Level (BAL) ratings determined for the units as part of the building approval process.	Matters relating to the Bushfire Attack Level (BAL) ratings for the units are not relevant to the determination of this planning permit application.
		Such matters are considered as part of the building approval process. In this case the BAL assessments (and subsequent BAL ratings) for the units were undertaken by an independent bushfire hazard practitioner and then endorsed by the Building Surveyor.
		In accordance with provision E1.2.1 of the Interim Planning Scheme, in the determination of an application for a planning permit the Bushfire Prone-Areas Code of the Interim Planning Scheme is only applicable to subdivision development in bushfire-prone areas, and also for use that is a vulnerable ⁸ use or a hazardous use ⁹ in bushfire-prone areas.

DISCUSSION

Is the discretion sought unreasonable?

The operation of the Interim Planning Scheme is such that the Performance Criteria (of the relevant use or development standard) does allow for and provide the discretion to consider an alternative way of meeting an objective for that standard where the Acceptable Solution (or permitted standard) is not satisfied. There is no contention that the proposed development requires the exercise of discretion to allow the multiple dwellings to extend beyond the permitted building envelope required for dwellings in the General Residential Zone. The extent of that non-compliance with the permitted standard is well represented by the image shown previously at Figure 7.

The consideration of the discretion is framed by the requirements of the Performance Criteria set out at provision 10.4.2 P3 which have previously been examined in the "Discretionary Matters" section of this report.

(b) Educational and Occasional Care;

(d) Residential if for respite centre, residential aged care home, retirement home, and group home.

⁸ In accordance with provision E1.3.1 of the Interim Planning Scheme, a *vulnerable* use means a use that is within one of the following use classes described at clause 8.2:

⁽a) Custodial Facility;

⁽c) Hospital Services;

⁹ In accordance with provision E1.3.1 of the Interim Planning Scheme, a hazardous use means a use where:

⁽a) the amount of hazardous chemicals used, handled, generated or stored on a site exceeds the manifest quantity as specified in the Work Health and Safety Regulations 2012; or

⁽b) explosives are stored on a site and where classified as an explosives location or large explosives location as specified in the Explosives Act 2012.

To arrive at the conclusion that the requirements of the Performance Criteria 10.4.2 P3 are not met (and therefore justify a refusal of the application) this assessment must be satisfied that the extent to which each of the units extend beyond the permitted building envelope is unreasonable and causes an unreasonable loss of amenity to the adjoining residential use and development. That is not the finding of this assessment.

On the evidence available to the assessment undertaken, which has examined the applicable standards and requirements of the Interim Planning Scheme – the extent to which each of the units extends beyond the permitted beyond envelope is not deemed unreasonable. Discretion can therefore be considered in accordance with provision 10.4.2 P3.

Consideration of representations

The matters raised in the representations in objection to the application are relevant to the determination insofar as they relate to the particular element of discretion being considered – in this case the discretion for the unit development to occur outside of the permitted building envelope.

This report has examined the requirements of the Interim Planning Scheme in relation to how such discretion can be considered. Whilst the concerns raised in the representations (particularly those relating to visual impact and overshadowing) on the adjoining property at 18 Leary Avenue are duly recognised, they are not considered grounds upon which to justify a refusal of the application.

Operation of planning scheme provisions

In accordance with provision 7.5.1 of the Interim Planning Scheme, a use or development must comply with each applicable standard prescribed in a zone, code or specific area plan. Provision 7.5.3 further provides that this compliance consists of applying with the acceptable solution or performance criterion for that applicable standard.

In general terms the acceptable solutions and the performance criteria are derived from the "higher level" statements of the Interim Planning Scheme such as the planning scheme objectives, zone purpose statements, local area objectives, desired future character statements, etc. Unless specific instruction is provided by the Interim Planning Scheme to enable otherwise, these statements do supplant or necessitate a further level of assessment in addition to complying with the relevant Acceptable Solutions and Performance Criteria.

Internal and external referrals of application

As part of the normal assessment procedure, the application was internally referred to the various Council departments with an interest in development applications. The requirements/comments of these referrals have been incorporated into this assessment as appropriate.

In accordance with the requirements of the *Water and Sewerage Industry Act 2008*, the application was referred to TasWater who subsequently issued a Submission to Planning Authority Notice which requires certain conditions to be included with any planning permit issued by the Council in respect of this application.

FINANCIAL IMPLICATIONS

No financial implications are predicted, unless an appeal is made against the Council's decision to the Resource Management and Planning Appeal Tribunal. In such instance, legal counsel will likely be required to represent Council. The opportunity for such an appeal exists as a result of the Council determining to either approve or refuse the permit application.

RISK IMPLICATIONS

In its capacity as a planning authority under the Land Use Planning and Approvals Act 1993 (LUPAA), Council is required to make a determination on this application for a discretionary

planning permit. Due diligence has been exercised in the preparation of this report and there are no predicted risks associated with a determination of this application.

CONCLUSION

The application seeks approval for the development of two multiple dwellings (units) and which relies upon the discretion to allow the built form of the units to extend beyond the permitted building envelope required by the Interim Planning Scheme.

This report has provided an assessment of the application against the requirements of the Interim Planning Scheme and also the matters raised in the representations received against the application. The key consideration to this assessment is whether the discretion sought extends beyond a level that can or should be reasonably considered, and whether the exercise of such discretion would result in an unreasonable loss of amenity to adjoining residential land use and development. This report concludes that it does not. It follows that the application is recommended for approval.

ATTACHMENTS

- 1. Application PA2019.0149 19 Leary Avenue
- 2. Representations PA2019.0149 19 Leary Avenue

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the Devonport Interim Planning Scheme 2013 and Section 57 of the Land Use Planning and Approvals Act 1993, approve application PA2019.0149 and grant a Permit to use and develop land identified as 19 Leary Avenue, Stony Rise for the following purposes:

Residential (multiple dwellings x 2)

Subject to the following conditions:

- Unless otherwise specified by a condition of this permit, the use and development is
 to proceed generally in accordance with the submitted plans prepared by Lachlan
 Walsh Design and referenced as Proposed Unit Development 19 Leary Avenue,
 Stony Rise Project No. 18-444 (Drawings Set: DA Set) and dated 30 August 2019.
 Copies of which are attached and endorsed as documents forming part of this
 Planning Permit.
- 2. The developer is to comply with the conditions (and have regard to any further information) specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P(1) of the Water and Sewerage Industry Act 2008. A copy of this notice is attached.

NOTES FOR INFORMATION:

- A. The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the *Building Act* 2016 prior to commencing (or recommencing) building or plumbing work.
- B. In regard to Condition 3 and the requirements/information specified in the TasWater Submission to Planning Authority Notice, the applicant/developer should contact TasWater (Ph 136 992) with any enquiries.
- C. With respect to street numbering of the units, Council makes the following suggestions in accordance with AS/NZS Rural and Urban Addressing 4819.2011:

- i. Unit 1 shown on the approved plan be numbered as 1, 19 Leary Avenue; and
- ii. Unit 2 shown on the approved plan be numbered as 2, 19 Leary Avenue.
- D. Enquiries regarding the following notes can be directed to Council's City Infrastructure Department. Given the already commenced nature of this development some of these matters may have already been addressed, however it is the developer's responsibility make sure of these requirements.
 - i. Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
 - ii. Subject to the above, a new 150mm diameter stormwater service connection may be required to be installed by the developers contractor and at the developers expense, generally in accordance with the IPWEA Tasmanian Standard Drawings.
 - iii. Stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately identify peak discharge flows. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development lot being impervious. There is to be no overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the City Engineer prior to commencing construction on site.
 - iv. The existing driveway crossover is to be used for the purposes of this development.
 - v. Any existing Council infrastructure impacted by the development works is to be reinstated in accordance with the relevant standards.
 - vi. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.
- E. Hours of construction must be: Monday to Friday between 7am 6pm, Saturday between 9am 6pm and Sunday/statutory public holidays 10am 6pm.
- F. During the construction and subsequent use of the development all reasonable measures are to be taken to minimise or prevent environment effects that may result in a nuisance. Air, noise and water pollution matters are subject to provisions of the Building Regulations 2016 and the Environmental Management and Pollution Control Act 1994. This includes ensuring noise emitted from portable apparatus and hours of operation are within the scope indicated by the Environmental Management and Pollution Control (Noise) Regulations 2016.

Author:	Mark McIver	Endorsed By:	Kylie Lunson
Position:	Project Officer	Position:	Development Services Manager



Devonport City Council

Land Use Planning and Approvals Act 1993 (LUPAA)
Devonport Interim Planning Scheme 2013

Application for Planning Permit

	elopment Site :: 19 LEARY AV, STONY RESE
Certificate of	Title Reference No.: 145993 / 20
Applicant's Full Name/Co	Details mpany Name: LACHLAN WALSH DESIGN
Postal Address	: PO BOX 231, DEVONPORT 7310
	6424 8053 CAN@LACHCANWALSHDESEGN.COM
Full Name/Co	tails (if more than one owner, all names must be provided) mpany Name: JESSICA & DATREN COLLINS BUILDING CONTRACTORS
Postal Address	
	0408 273 559 MIN@ CBCBUILDING. COM. AU

ABN: 47.811 446.016
PO Box 604
137 Rooke Street
Devonport TAS 7310
Telephone 03 6424 0511
www.devonport.tas.gov.au

Sufficient information must be provided to enable assessment against the requirements of a planning scheme.		
Please provide one copy of all plans with your application.		
Assessment of an application for a Use or Development What is proposed?: 2 UNIT DEVELOPMENT		
Description of how the use will operate: PESCDENCE		
Use Class (Office use only):		

Applications may be lodged by email to Council - council@devonport.tas.gov.au The following information and plans must be provided as part of an application unless the planning authority is satisfied that the information or plan is not relevant to the assessment of the application:

Application fee

Completed Council application form

Copy of certificate of title, including title plan and schedule of easements

A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing:

- The existing and proposed use(s) on the site
- The boundaries and dimensions of the site
- Typography including contours showing AHD levels and major site features
- Natural drainage lines, watercourses and wetlands on or adjacent to the site
- Soil type
- Vegetation types and distribution, and trees and vegetation to be removed
- The location and capacity of any existing services or easements on the site or connected to the site
- · Existing pedestrian and vehicle access to the site
- The location of existing adjoining properties, adjacent buildings and their uses
- Any natural hazards that may affect use or development on the site
- Proposed roads, driveways, car parking areas and footpaths within the site
- Any proposed open space, communal space, or facilities on the site
- Main utility service connection points and easements
- Proposed subdivision lot boundaries, where applicable
- Details of any proposed fencing

Where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 on A3 or A4 paper (1 copy) showing:

- · Setbacks of buildings to property (title) boundaries
- The internal layout of each building on the site
- The private open space for each dwelling
- External storage spaces
- Car parking space location and layout
- · Elevations of every building to be erected
- The relationship of the elevations to natural ground level, showing any proposed cut or fill
- Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites
- · Materials and colours to be used on roofs and external walls

A plan of the proposed landscaping including:

- Planting concept
- · Paving materials and drainage treatments and lighting for vehicle areas and footpaths
- Plantings proposed for screening from adjacent sites or public spaces

Details of any signage proposed

Value of use and/or development

\$ ~ 500,000

Notification of Landowner/s (s.52 Land Use Planning and Approvals Act, 1993)

If land is not in applicant's ownership

LACHLAN WALSH

declare that the owner/s

of the land has/have been notified of my intention to make this application. Market

Applicant's signature:

If the application involves land owned or administered by the Devonport City Council

Devonport City Council consents to the making of this permit application.

Walgh

General Manager's signature:

Date:

If the application involves land owned or administered by the Crown

Crown consent must be included with the application.

Signature

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

- if incomplete, the application may be delayed or rejected; and
- more information may be requested in accordance with s.54 (1) of LUPAA.

PUBLIC ACCESS TO PLANNING DOCUMENTS - DISCRETIONARY PLANNING APPLICATIONS (5.57 of LUPAA) I understand that all documentation included with a discretionary application will be made available for inspection by the public

Applicant's signature:

Date:

The personal information requested on this form is being collected by Council for processing applications under the Land Use and Planning Approvals Act 1993 and will only be used in connection with the requirements of this legislation. Council is to be regarded as the agency that holds the information.

Fee & payment options

Pay by Direct Deposit - BSB: 067-402 Account No. 000 000 13 - Please quote your application number.



Pay in Person at Service Tasmania - Present this notice to any Service Tasmania Centre, together with your payment. See www.service.tas.gov.au for opening hours.



Pay by Phone - Please contact the Devonport City Council offices on 64240511 during office hours, Monday to Friday.



Pay by Post - Cheques should be made payable to Devonport City Council and posted to PO Box 604, Devonport, Tasmania, 7310.



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
145993	20
EDITION	DATE OF ISSUE
5	13-Jul-2017

SEARCH DATE : 26-Apr-2018 SEARCH TIME : 02.12 PM

DESCRIPTION OF LAND

City of DEVONPORT Lot 20 on Sealed Plan 145993

Derivation : Part of Lot 5128, 142 Acres Gtd. to B.W. Campion

Prior CT 109276/1

SCHEDULE 1

M587682 TRANSFER to DARREN JOHN COLLINS and JESSICA ELIZABETH COLLINS Registered 14-Sep-2016 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any SP145993 EASEMENTS in Schedule of Easements
SP145993 COVENANTS in Schedule of Easements
SP145993 FENCING PROVISION in Schedule of Easements
C687589 AGREEMENT pursuant to Section 71 of the Land Use Planning and Approvals Act 1993 Registered 15-Dec-2005 at noon
E97598 MORTGAGE to Commonwealth Bank of Australia Registered 13-Jul-2017 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

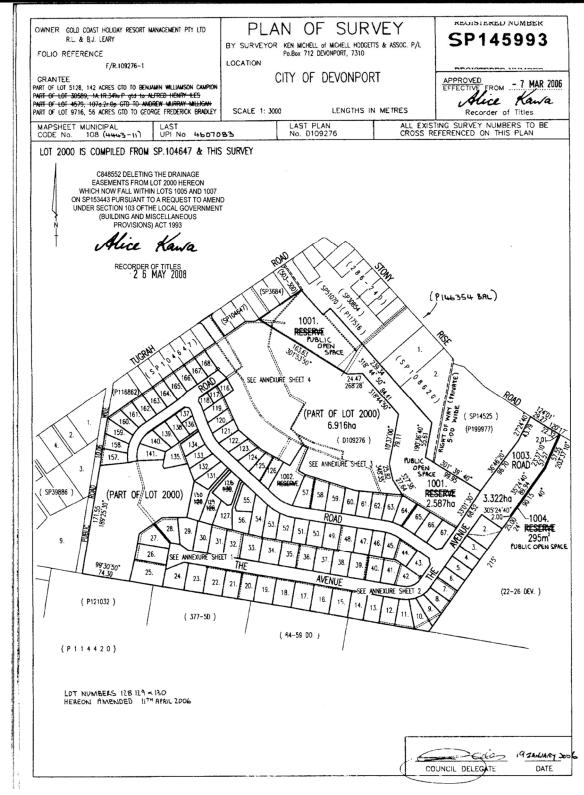
Page 1 of 1



RECORDER OF TITLES







Search Date: 26 Apr 2018

Search Time: 02:13 PM

Volume Number: 145993

Revision Number: 08

Page 1 of 5

 $\label{eq:partment} \mbox{ Department of Primary Industries, Parks, Water and Environment}$

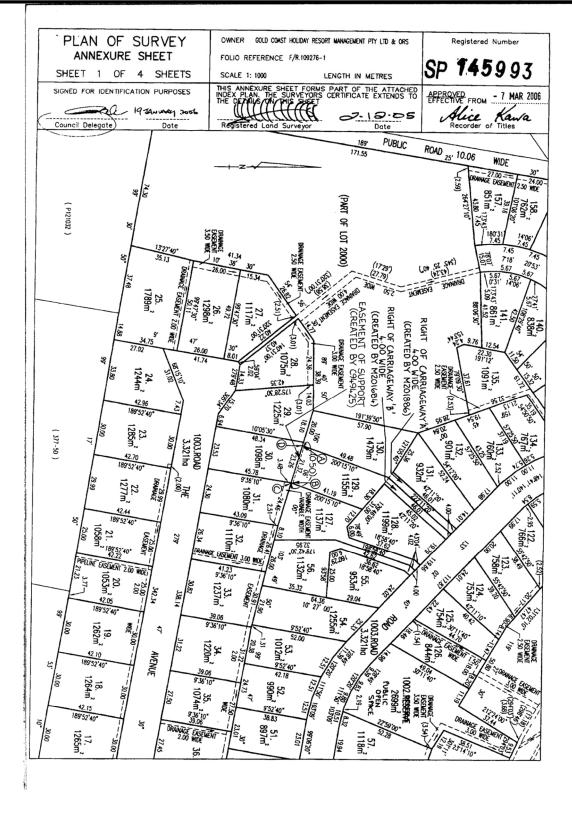
www.thelist.tas.gov.au



RECORDER OF TITLES







Search Date: 26 Apr 2018

Search Time: 02:13 PM

Volume Number: 145993

Revision Number: 08

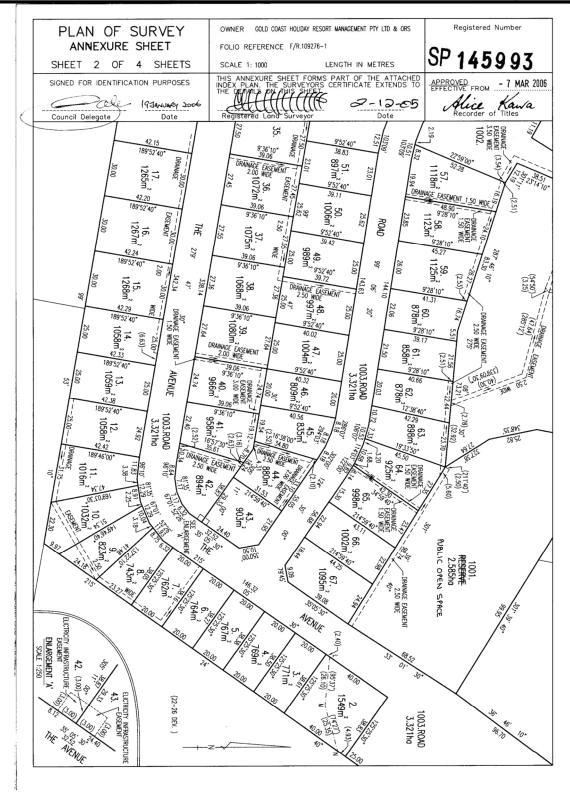
Page 2 of 5



RECORDER OF TITLES







Search Date: 26 Apr 2018

Search Time: 02:13 PM

Volume Number: 145993

Revision Number: 08

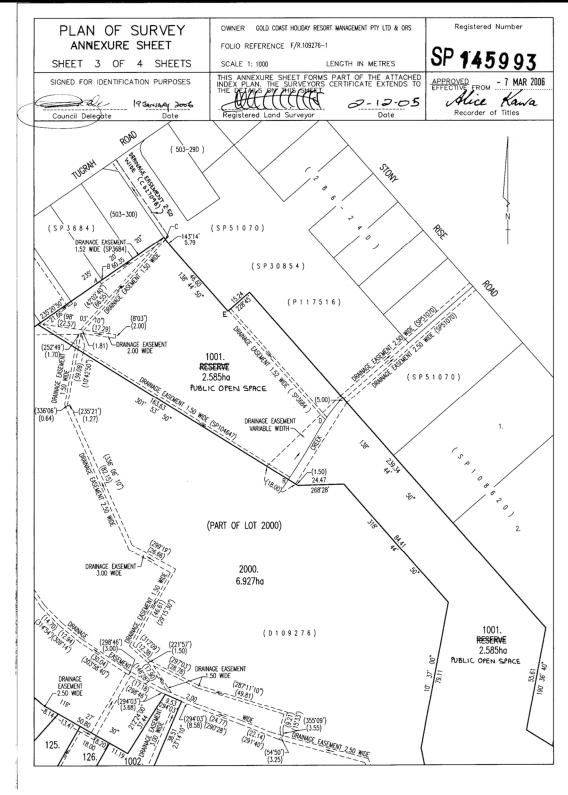
Page 3 of 5



RECORDER OF TITLES







Search Date: 26 Apr 2018

Search Time: 02:13 PM

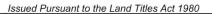
Volume Number: 145993

Revision Number: 08

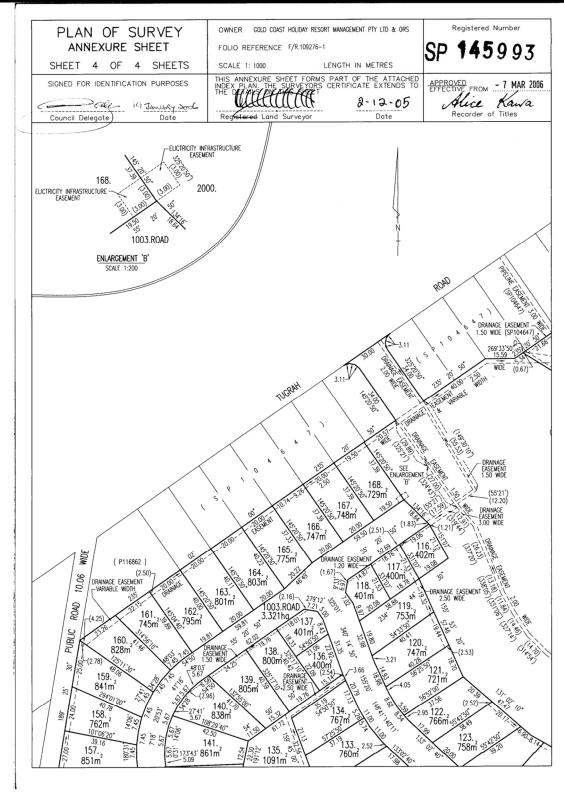
Page 4 of 5



RECORDER OF TITLES







Search Date: 26 Apr 2018

Search Time: 02:13 PM

Volume Number: 145993

Revision Number: 08

Page 5 of 5



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.

Registered Number

SP

745993

PAGE 1 OF ♣PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

(1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and

(2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

(1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and

(2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

EASEMENTS

Lot 1001 is subject to an existing right of drainage (appurtenant to Lot 1 on SP3684) over the
Drainage Easement marked BCD on D109276, that easement having been created by Sealed
Plan 3684.

Lot 1001 is subject to an existing right of drainage (appurtenant to Lot 2 or SP3684) over the
Drainage Easement marked ACD on D109276 that easement having been created by Sealed
Plan 3684.

3. Lot 1001 is subject to an existing right of drainage (appurtenant to lots 4 and 5 on SP104647) over the drainage easement marked "DRAINAGE FASEMENT 1.50 WIDE" on SP104647 that easement being created by SP104647.

4. The lots on the plan are together with existing rights of drainage created by and more fully set forth in SP51070 and B477458 over the Drainage Easements 2.50m wide on D109276 and shown on the plan.

5. The lots on the plan are together with an existing pipeline right over the pipeline easement 3.00 wide created by and more fully set forth in SP104647 shown passing through Lot 4 on SP104647.

6. The lots on the plan are together with an existing right of carriageway created by SP108620 over the Right of Way 5.00 wide shown on Diagram No. 109276.

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: Gold Coast Holiday Resort Management Russell Leon Leary & Belinda Jayne Leary as trustees of the RL & BJ Leary Pension Fund

FOLIO REF: 109276/1

SOLICITOR

& REFERENCE: GJ Nevin

PLAN SEALED BY: Devonport City Council

DATE 19 JANUARY 2006

20566

REF NO.

Council Delegate

NOTE: The Council Delegate must sign the Certificate for the purposes of identification.

Search Date: 23 Sep 2019

Search Time: 04:15 PM

Volume Number: 145993

Revision Number: 08

Page 1 of 6

Department of Primary Industries, Parks, Water and Environment

www.thelist.tas.gov.au



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS. PAGE 2 OF PAGES

Registered Number

45993

SUBDIVIDER: Gold Coast Holiday Resort Management Russell Leon Leary & Belinda Jayne Leary as trustees of the RL & BJ Leary Pension Fund FOLIO REFERENCE: 109276/1

- Lots 42, 43, 168 and 2000 on the plan are subject to an Electricity Infrastructure easement (as hereinafter defined) over that portion of the land marked "ELECTRICITY INFRASTRUCTURE EASEMENT" as passes through such lots shown on the plan.
- Lot 20 on the plan is subject to a right of pipeline easement (appurtenant to the Devonport City 8 Council) defined below as "right of pipeline easement" over the strip of land 2.00m wide marked "PIPELINE EASEMENT 2.00 WIDE" shown on the plan.

COVENANTS

EASEMENTS CONTINUED ON PAGE S

The owner of lot 2 on the plan covenants with the Devonport City Council to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof, and that the benefit thereof may be created in favour of the said Devonport City Council to observe the following stipulations:-

Not to erect or maintain or permit to be erected or maintained any dwelling upon that part of lot 2 north of the line LMN on the plan.

The owners of lots 2, 3, 62, 63, 64, 65, 66 and 67 on the plan covenant with the Devonport City Council to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof, and that the benefit thereof may be created in favour of the said Devonport City Council to observe the following stipulations: -

Not to erect maintain or permit to be erected or maintained on the lot a dwelling with windows in noise sensitive rooms facing the Reserve 1001 other than with at least 10mm laminated glazing.

The owner of each lot on the plan covenants with GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD and RL & BJ LEARY PENSION FUND ("the Vendor") and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of every other lot shown on the plan to observe the following stipulations, namely:-

- That in respect of each lot still on the plan GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD and RL & BJ LEARY PENSION FUND shall not be required to fence.
- 🖎 1. Not to erect maintain or permit to be erected or maintained on the lot any portable or easily removable, or transportable, residential or other buildings.

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing

Search Date: 23 Sep 2019

Search Time: 04:15 PM

Volume Number: 145993

Revision Number: 08

Page 2 of 6

Department of Primary Industries, Parks, Water and Environment

www.thelist.tas.gov.au



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 3 OF A PAGES

CD 4

145993

Registered Number

SUBDIVIDER: Gold Coast Holiday Resort Management
Russell Leon Leary & Belinda Jayne Leary as tryples of the RL & BJ Leary Pension Fund
FOLIO REFERENCE: 109276/1

- §. 2. Other than lots 116, 117, 118, 136, 137 and 2000, not to erect maintain or permit to be erected or maintained on the lot any single dwelling house or residential house unit (other than a Strata Unit if permitted by Devonport City Council) of less than 100 square metres in living area.
- 4. 3. Not to erect maintain or permit to be erected or maintained upon the said lot or any part thereof any shop building or erection whatsoever for the purpose of selling or offering for sale therein or thereon any articles ware or merchandise whatsoever
- 5, 4. Not to carry on or permit to be carried on any trade or business upon the lot.
- 6. 5. Other than lot 2000, not to affix or display on any wall or fence upon such Lot or any part thereof posters, bills, hoardings or advertisements (except any notice of advertisement in the usual form for the sale or letting of such Lot or any building erected thereon).

The owners of lots 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42 on the plan covenant with GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD and RL & BJ LEARY PENSION FUND ("the Vendor") and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof and that the benefit shall be annexed to and devolve with each and every part of every other lot shown on the plan to observe the following stipulations, namely: -

 Not to erect maintain or permit to be erected or maintained on the lot any building (or part thereof) exceeding a height of five (5) metres measured vertically from the middle of the southern boundary line (natural ground level) of the lot.

DEFINITIONS

"ELECTRICITY INFRASTRUCTURE EASEMENT" means the full and free right and liberty for Aurora Energy (or its successors) its employees, agents, and those authorised by it or them to enter upon the strips of land marked "ELECTRICITY INFRASTRUCTURE EASEMENT" on the plan to inspect, maintain, repair, amend and replace the electricity infrastructure (including electrical substation) in on or under the said strips of land provided that the rights granted are exercised in a manner so as to cause, as little inconvenience and damage, as practical to the said strips of land.

nl

135 Leans

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Search Date: 23 Sep 2019

Search Time: 04:15 PM

Volume Number: 145993

Revision Number: 08

Page 3 of 6



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 4 OF PAGES

Registered Number

145993

SUBDIVIDER: Gold Coast Holiday Resort Management Russell Leon Leary & Belinda Jayne Leary as trustees of the RL & BJ Leary Pension Fund FOLIO REFERENCE: 109276/1

"right of pipeline easement" means a full free unrestricted right and liberty for the Devonport City Council (herein called "the Council") and its servants, agents and workmen from time to time and at all times hereafter to break the surface of dig open and use the strip of land marked "PIPELINE EASEMENT 2.00 WIDE" for the purpose diaping down fixing taking up repairing cleansing amending relaying or examining pipes to carry water stormwater sewage and other surplus water and of using and maintaining such pipes and for such purposes a full and free and unrestricted right and liberty of entry egress and regress from time to time and at all times hereafter for the Council its agents servants and workmen with or without machinery in through over across and along the said strip of land and to remove or cut back all trees stumps and tree roots growing on or projecting into the said strip of land and temporarily to removes any fences on the same provided however that all fences so affected shall be replaced and restored to their former state so soon as it is reasonably possible so to do and without doing unnecessary damage.

EXECUTED by GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD ACN 075 054 367 by authority of its Directors in accordance with Section 127 of the Corporations Act 2000

Director

SIGNED SEALED and DELIVERED by RUSSELL LEON LEARY and BELINDA

JAYNE LEARY as trustees of the RL & BJ

Leary Pension Fund ABN 27 730 720 911
Witness Sign: CAFEY and
Name: Andrea Evans
Address: 33 Albatross Avenue
Occupation: Waturopath

Russell, Leon

Belinda Jayne Leary

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Search Date: 23 Sep 2019

Search Time: 04:15 PM

Volume Number: 145993

Revision Number: 08

Page 4 of 6

Department of Primary Industries, Parks, Water and Environment

www.thelist.tas.gov.au



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 5 OF \$ PAGES

Registered Number

SP 145993

SUBDIVIDER: -

GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD and R L

BJLEARY

FOLIO REFERENCE: -

109276/1

EASEMENTS (continued)

All lots on the plan are together with a right of drainage over the Drainage Easements 2.50 wide (SP51070) shown on the plan as created by and more fully set forth in Sealed Plan 51070 and B477458.

All lots on the plan are together with a right of drainage over the Drainage Easement 2.50 wide (C627098) shown on the plan as created by and more fully set forth in C627098.

All lots on the plan are together with a pipeline right over the Pipeline Easement 3.00 wide (SP104647) shown on the plan as created by and more fully set forth in Sealed Plan 104647.

All lots on the plan are together with a right of carriageway over the Right of Way (private) 5.00 wide shown on the plan.

Lot 1001 on the plan is subject to a right of drainage (appurtenant to Lot 1 on Sealed Plan 3684) over the Drainage Easement 1.52 wide (SP3684) marked BC shown passing through such lot.

Lot 1001 on the plan is subject to a right of drainage (appurtenant to Lot 1 on Sealed Plan 3684) over the Drainage Easement 1.52 wide (SP3684) marked ED shown passing through such lot.

Lot 1001 on the plan is subject to a right of drainage (appurtenant to Lot 2 on Sealed Plan 3684) over the Drainage Easement 1.52 wide (SP3684) marked AC shown passing through such lot.

Lot 1001 on the plan is subject to a right of drainage (appurtenant to Lot 2 on Sealed Plan 3684) over the Drainage Easement 1.52 wide (SP3684) marked ED shown passing through such lot.

Lot 1001 on the plan is subject to a right of drainage (appurtenant to Lots 4 and 5 on Sealed Plan 104647) over the Drainage Easement 1.50 wide (SP104647) marked PQR shown passing through such lot.

FENCING PROVISION

In respect of each lot shown on the plan, the vendor, Gold Coast Holiday Resort Management Pty Ltd, Russell Leon Leary and Belinda Jayne Leary shall not be required to fence.

Drainage Easements from within Lot 2000 hereon which now fall within Lots 1005 and 1007 on SP153443 are deleted pursuant to Request to Amend C848552 made under Section 103 of the Local Government (Building & Miscellaneous Provisions)

Act 1993

Act 1993

**Drainage Easements from within Lot 2000 hereon which now fall within Lot 2000 hereon which here 2000 here 2000 hereon here 2000 hereon here 2000 here 2000 her

26/5/2008

NOTE: - Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Search Date: 23 Sep 2019

Search Time: 04:15 PM

Volume Number: 145993

Revision Number: 08

Page 5 of 6



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS

Registered Number

SP145993

PAGE 6 OF 6 PAGES

SUBDIVIDER: -

GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD

and R L & B J LEARY

FOLIO REFERENCE: -

109276/1

COVENANTS CONTINUED

The owners of Lots 26 & 27 on the plan covenant with GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD and RL & BJ LEARY (the Vendor) and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof and that the benefit shall be annexed to and devolve with each and every part of every other lot shown on the plan to observe the following stipulation, namely:

Not to erect maintain or permit to be erected or maintained on the lot any building (or part thereof) exceeding a height of five (5) metres measured vertically from the middle of the eastern boundary line (natural ground level) of the lot.

Covenants hereon amended by me pursuant to Request to Amend No. C793280 made under Section 103 of the Local Government (Building & Miscellaneous Provisions) Act 1993

flice

10 /8/ 2007

Recorder of Titles

NOTE: - Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Search Date: 23 Sep 2019

Search Time: 04:15 PM

Volume Number: 145993

Revision Number: 08

Page 6 of 6



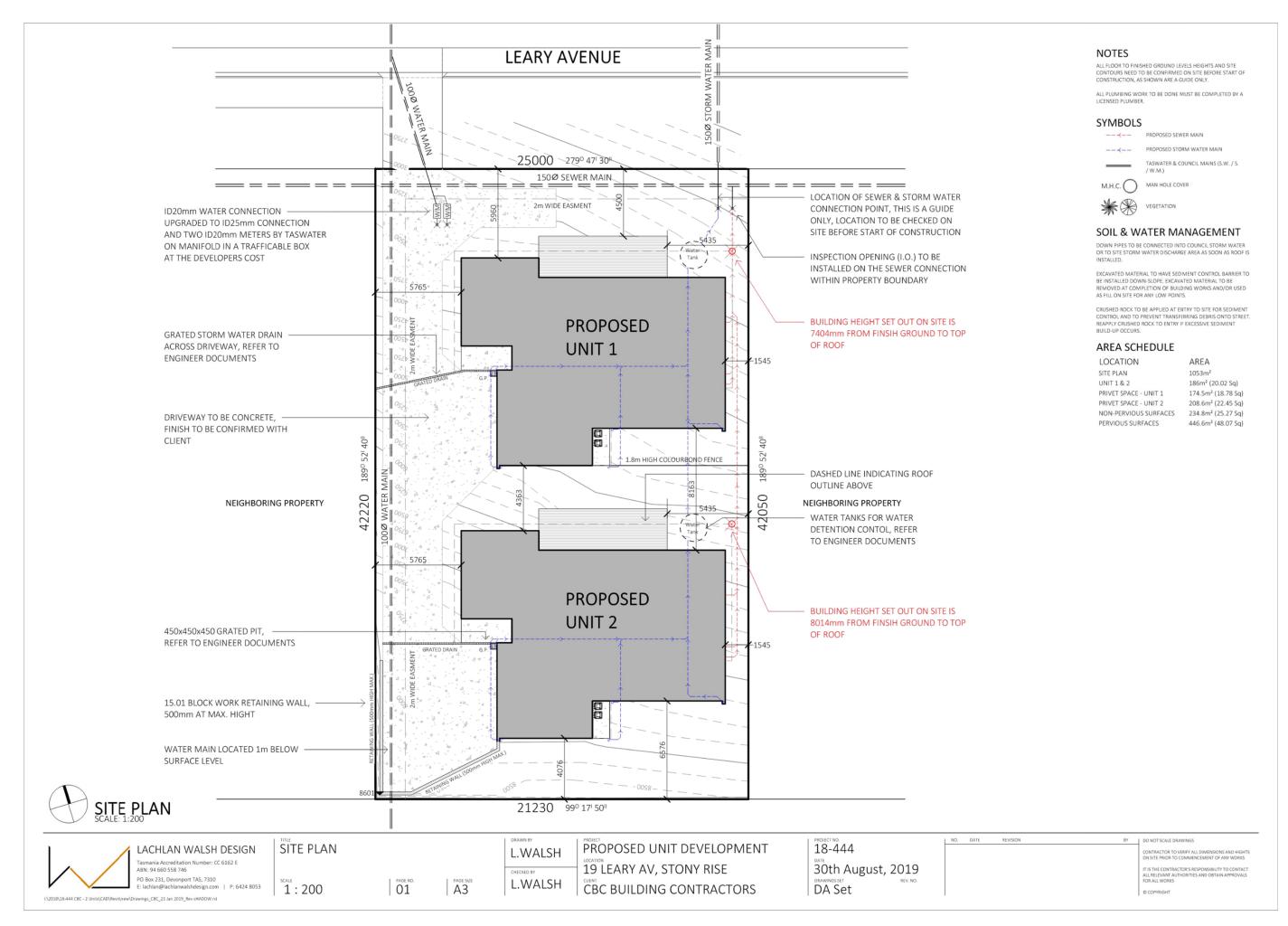




LACHLAN WALSH DESIGN

Tasmania Accreditation Number: CC 6162 E

ABN: 94 660 558 746

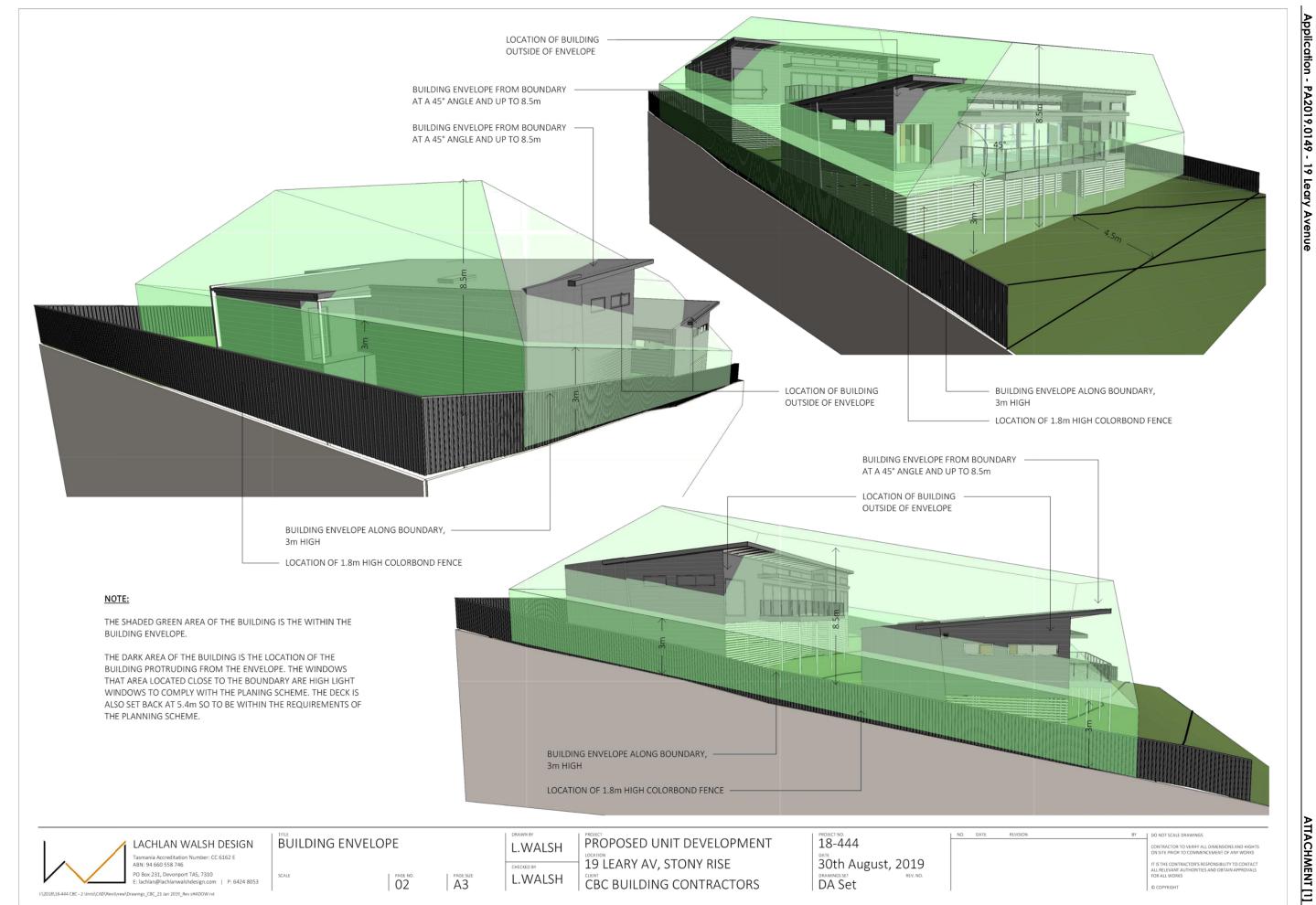


ITEM

ATTACHMENT [1]

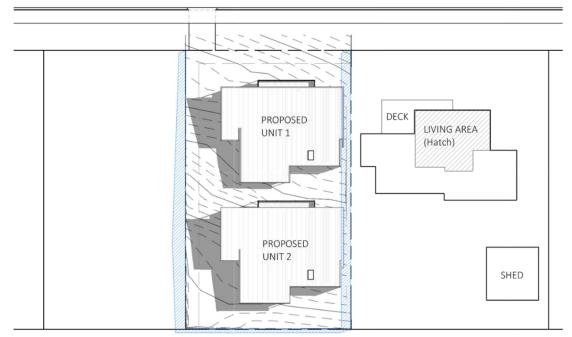


ITEM 4.2



ITEM 4.2

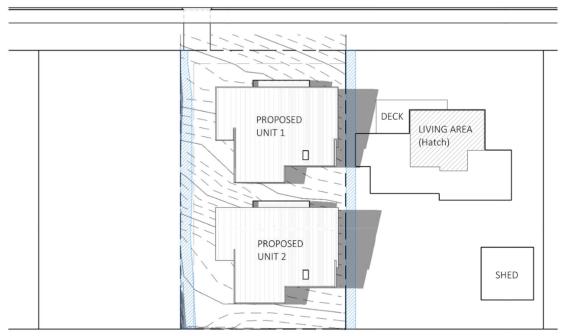
LEARY AVENUE





SHADOW DIAGRAM - 9:00 am (December 21st)

LEARY AVENUE



LEARY AVENUE





SHADOW DIAGRAM - 12 Noon (December 21st)



SHADOW DIAGRAM - 3:00 pm (December 21st)





L.WALSH	PROPOSED UNIT DEVELOPMEN
L.WALSH	19 LEARY AV, STONY RISE CBC BUILDING CONTRACTORS
	CDC DOILDING CONTINACTORS

PROJECT NO.	NO.	DATE	REVISION	
18-444				
DATE				
30th August, 2019				
DRAWINGS SET REV. NO.				
DA Set				

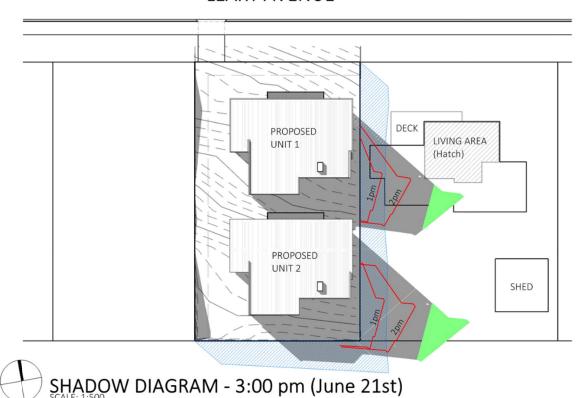
LEARY AVENUE



ITEM 4.2

SHADOW DIAGRAM - 9:00 am (June 21st)

LEARY AVENUE



AS IT IS SHOWN ON THE SHADOW DIAGRAMS, THE HEIGHTS OF THE BUILDINGS DO NOT RESTRICT THE ACCESS OF SUN OR LIGHT IN TO THE HABITABLE ROOMS

THE RED LINES INDICATE THE LOCATION OF SHADOW DURING 1pm AND 2pm.

COLORBOND FENCE.



LACHLAN WALSH DESIGN Tasmania Accreditation Number: CC 6162 E ABN: 94 660 558 746

PO Box 231, Devonport TAS, 7310 E: lachlan@lachlanwalshdesign.com | P: 6424 8053

SHADOW DIAGRAMS - Winter Solstice

1:500

04

L.WALSH L.WALSH

A3

PROPOSED UNIT DEVELOPMENT 19 LEARY AV, STONY RISE CBC BUILDING CONTRACTORS

18-444 30th August, 2019 DA Set

PROPOSED LIVING AREA UNIT 1 (Hatch) PROPOSED UNIT 2 SHED

SHADOW DIAGRAM - 12 Noon (June 21st)

LEARY AVENUE

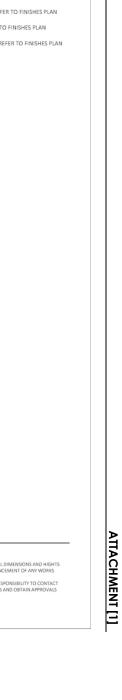
NOTE:

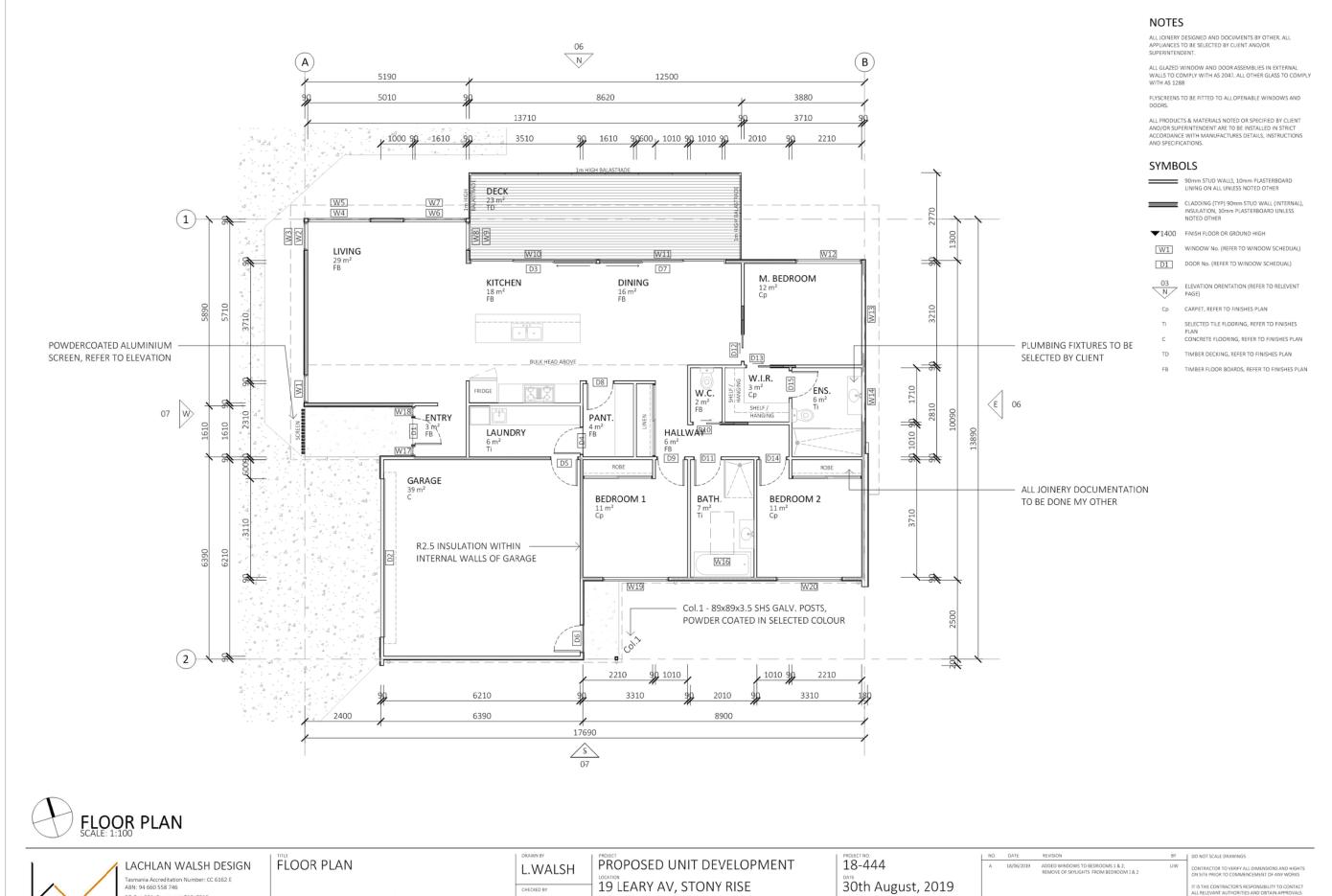
OF THE BUILDING OR THE PRIVET OPEN SPACE.

THE GREEN HATCH SHOWN ON THE DIAGRAM AT 3PM IS THE PORTION OF THE BUILDING THAT IS LOCATED OUTSIDE OF THE BUILDING ENVELOPE.

THE BLUE HATCHED AREA IS THE SHDOWING OF THE PROPOSED 1.8m HIGH







CBC BUILDING CONTRACTORS

REV. NO.

DA Set

ITEM

PO Box 231, Devonport TAS, 7310 E: lachlan@lachlanwalshdesign.com | P: 6424 8053

I:\2018\18-444 CBC - 2 Units\CAD\Revit\new\Drawings_CBC_21 Jan 2019_Rev sHADOW.rvt

A3

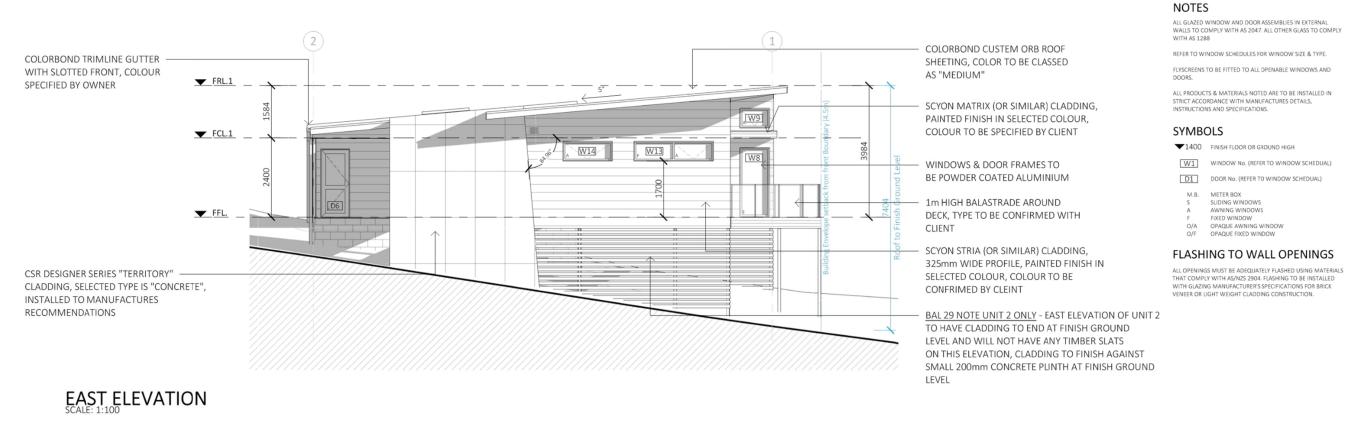
05

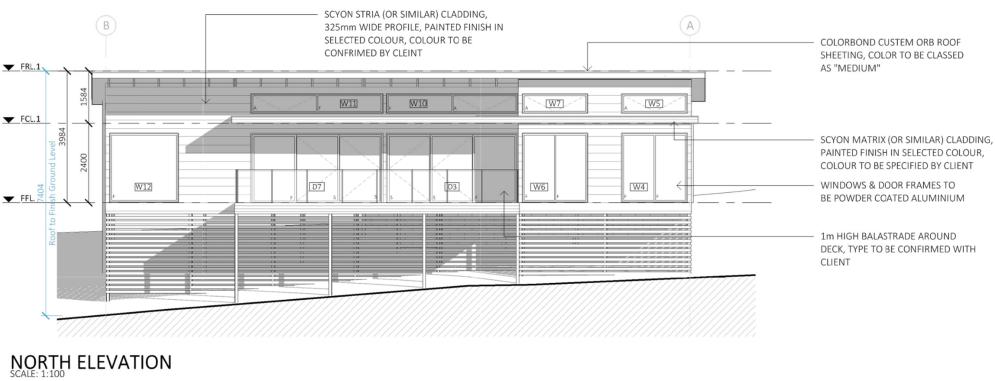
1:100

L.WALSH

METER BOX

AWNING WINDOWS FIXED WINDOW







ITEM

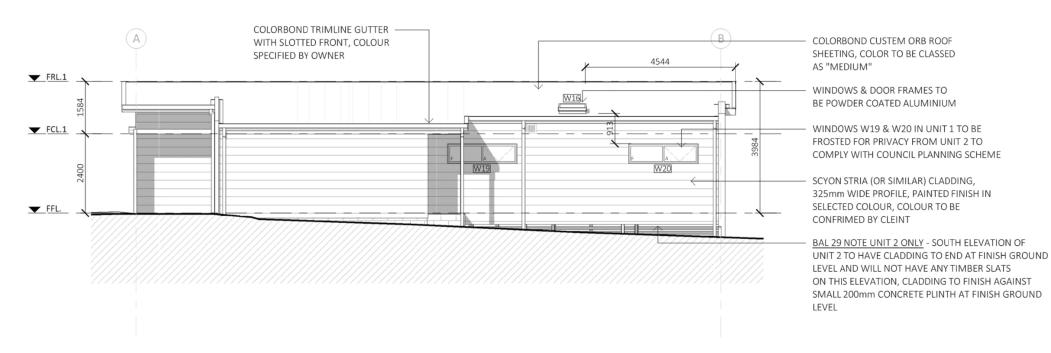
ELEVATIONS 1 of 2 (Unit 1) A3 1:100 06

L.WALSH L.WALSH

PROPOSED UNIT DEVELOPMENT 19 LEARY AV, STONY RISE CBC BUILDING CONTRACTORS

18-444 30th August, 2019 DA Set

DO NOT SCALE DRAWINGS



NOTES

ALL GLAZED WINDOW AND DOOR ASSEMBLIES IN EXTE VALLS TO COMPLY WITH AS 2047. ALL OTHER GLASS TO COMPLY

REFER TO WINDOW SCHEDULES FOR WINDOW SIZE & TYPE.

FLYSCREENS TO BE FITTED TO ALL OPENABLE WINDOWS AND

ALL PRODUCTS & MATERIALS NOTED ARE TO BE INSTALLED IN INSTRUCTIONS AND SPECIFICATIONS

SYMBOLS

▼1400 FINISH FLOOR OR GROUND HIGH

W1 WINDOW No. (REFER TO WINDOW SCHEDUAL)

D1 DOOR No. (REFER TO WINDOW SCHEDUAL

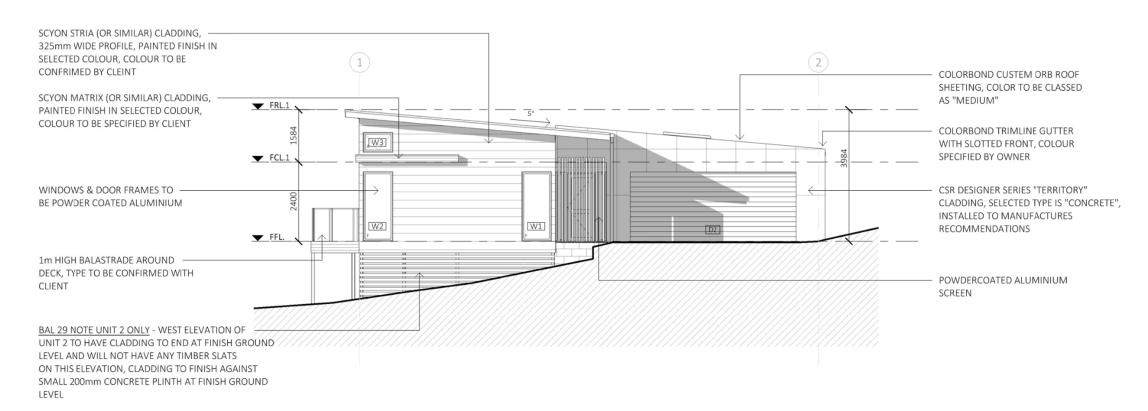
M.B.

METER BOX SLIDING WINDOWS AWNING WINDOWS FIXED WINDOW OPAQUE AWNING WINDOW OPAQUE FIXED WINDOW

FLASHING TO WALL OPENINGS

ALL OPENINGS MUST BE ADEQUATELY FLASHED USING MATERIALS THAT COMPLY WITH AS/NZS 2904, FLASHING TO BE INSTALLED WITH GLAZING MANUFACTURER'S SPECIFICATIONS FOR BRICK VENEER OR LIGHT WEIGHT CLADDING CONSTRUCTION.

SOUTH ELEVATION



WEST ELEVATION



ITEM

LACHLAN WALSH DESIGN

PO Box 231, Devonport TAS, 7310 E: lachlan@lachlanwalshdesign.com | P: 6424 8053

ELEVATIONS 2 of 2 (Unit 1)

1:100

A3 07

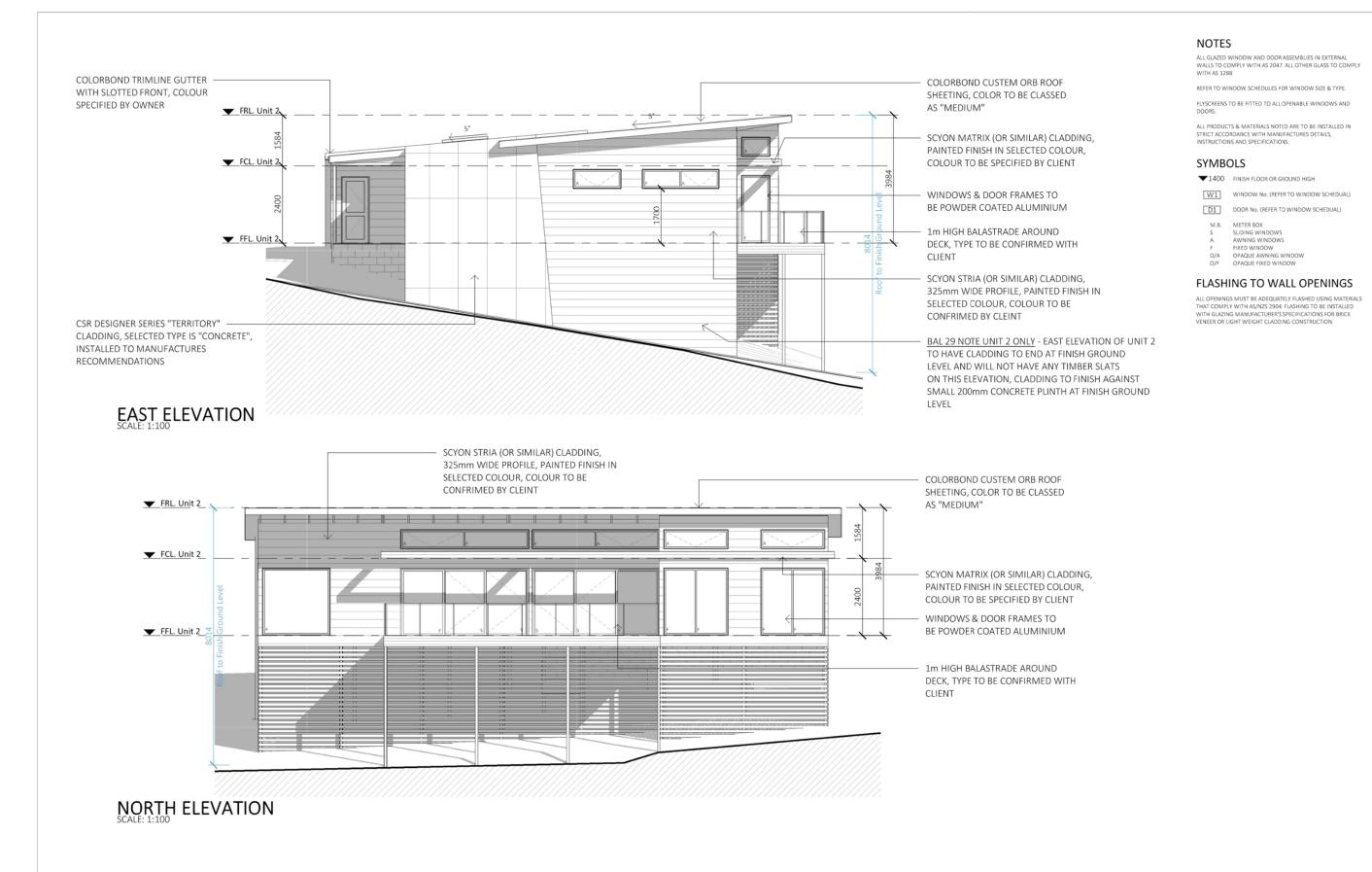
L.WALSH L.WALSH

PROPOSED UNIT DEVELOPMENT 19 LEARY AV, STONY RISE CBC BUILDING CONTRACTORS

18-444 30th August, 2019 DA Set Α

BY | DO NOT SCALE DRAWINGS

I:\2018\18-444 CBC - 2 Units\CAD\Revit\new\Drawings_CBC_21 Jan 2019_Rev sHADOW.rvt





ITEM





PROPOSED UNIT DEVELOPMENT

19 LEARY AV, STONY RISE

CBC BUILDING CONTRACTORS

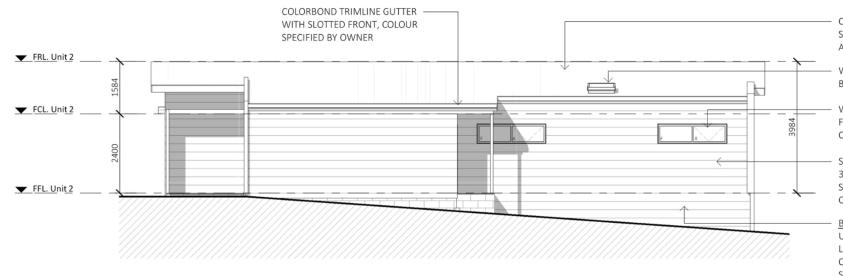
DATE 30th August, 2019
DRAWINGS SET DA Set

CONTRACTOR TO VERIFY ALL DIMENSIONS AND HIGHTS ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL RELEVANT AUTHORITIES AND OBTAIN APPROVALS FOR ALL WORKS.

DO NOT SCALE DRAWINGS

© COPYRIGHT



COLORBOND CUSTEM ORB ROOF SHEETING, COLOR TO BE CLASSED AS "MEDIUM"

WINDOWS & DOOR FRAMES TO BE POWDER COATED ALUMINIUM

WINDOWS W19 & W20 IN UNIT 1 TO BE FROSTED FOR PRIVACY FROM UNIT 2 TO COMPLY WITH COUNCIL PLANNING SCHEME

SCYON STRIA (OR SIMILAR) CLADDING, 325mm WIDE PROFILE, PAINTED FINISH IN SELECTED COLOUR, COLOUR TO BE CONFRIMED BY CLEINT

BAL 29 NOTE UNIT 2 ONLY - SOUTH ELEVATION OF UNIT 2 TO HAVE CLADDING TO END AT FINISH GROUND LEVEL AND WILL NOT HAVE ANY TIMBER SLATS ON THIS ELEVATION, CLADDING TO FINISH AGAINST SMALL 200mm CONCRETE PLINTH AT FINISH GROUND LEVEL

NOTES

WALLS TO COMPLY WITH AS 2047. ALL OTHER GLASS TO COMPLY

REFER TO WINDOW SCHEDULES FOR WINDOW SIZE & TYPE.

FLYSCREENS TO BE FITTED TO ALL OPENABLE WINDOWS AND

ALL PRODUCTS & MATERIALS NOTED ARE TO BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURES DETAILS, INSTRUCTIONS AND SPECIFICATIONS.

SYMBOLS

▼1400 FINISH FLOOR OR GROUND HIGH

W1 WINDOW No. (REFER TO WINDOW SCHEDUAL)

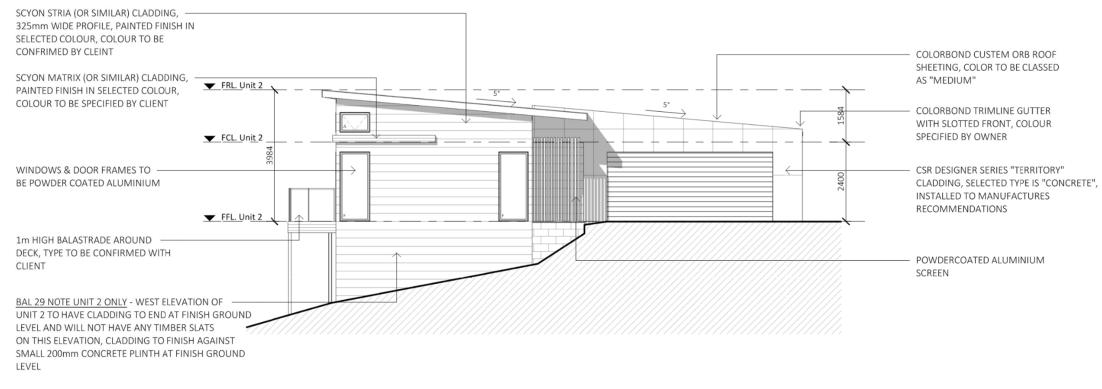
D1 DOOR No. (REFER TO WINDOW SCHEDUAL)

FLASHING TO WALL OPENINGS

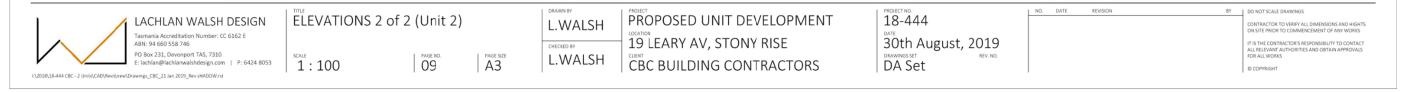
ALL OPENINGS MUST BE ADEQUATELY FLASHED USING MATERIALS THAT COMPLY WITH AS/NZS 2904 FLASHING TO BE INSTALLED WITH GLAZING MANUFACTURER'S SPECIFICATIONS FOR BRICK VENEER OR LIGHT WEIGHT CLADDING CONSTRUCTION.

SOUTH ELEVATION

ITEM



$\underset{\text{SCALE: }1:100}{\text{WEST}} \textbf{ELEVATION}$



ATTACHMENT [1]

SCHEDULES

WINDOW SCHEDULES

Mark	Width	Height	Head Height	Opening Type	Frame Type	Glazing Type
W1	900	2100	2110	FIXED	Type 1	Type 1
W2	900	2100	2110	FIXED	Type 1	Type 1
W3	900	600	3300	AWNING	Type 1	Type 1
W4	2000	2100	2110	FIXED	Type 1	Type 1
W5	2000	600	3300	AWNING	Type 1	Type 1
W6	2000	2100	2110	FIXED	Type 1	Type 1
W7	2000	600	3300	AWNING	Type 1	Type 1
W8	900	2100	2110	FIXED	Type 1	Type 1
W9	900	600	3300	AWNING	Type 1	Type 1
W10	4000	600	3300	AWNING	Type 1	Type 1
W11	4000	600	3300	AWNING	Type 1	Type 1
W12	2100	2100	2110	FIXED	Type 1	Type 1
W13	2400	600	2300	AWNING	Type 1	Type 1
W14	1500	600	2300	AWNING	Type 1	Type 1
W16	800	1400		SKYLIGHT AWNING	Type 1	Type 1
W17	320	2100	2100	FIXED	Type 1	Type 1
W18	320	2100	2100	FIXED	Type 1	Type 1
W19	2100	600	2100	AWNING	Type 1	Type 1
W20	2100	600	2100	AWNING	Type 1	Type 1

DOOR SCHEDULES

ITEM

Mark	Height	Width	Door Type	Frame Type	Opening Type
D1	2040	820	Type 1	Type 2	EX. HINGED
D2	2100	5000	Type 4		ROLL-A-DOOR
D3	2060	3920	Type 3	Type 2	EX. SLIDER
D4	2040	820	Type 2	Type 1	HINGED
D5	2040	820	Type 2	Type 1	HINGED
D6	2040	820	Type 1	Type 2	EX. HINGED
D7	2060	3920	Type 3	Type 2	EX. SLIDER
D8	2040	820	Type 2	Type 1	HINGED
D9	2040	820	Type 2	Type 1	HINGED
D10	2040	820	Type 2	Type 1	CAVITY SLIDING
D11	2040	820	Type 2	Type 1	HINGED
D12	2040	820	Type 2	Type 1	HINGED
D13	2040	720	Type 2	Type 1	CAVITY SLIDING
D14	2040	820	Type 2	Type 1	HINGED
D15	2040	820	Type 2	Type 1	HINGED

WINDOW NOTES

TYPE 1 - ALUMINIUM WINDOW FRAME, POWDER COATED IN SELECTED COLOR, PRE PRIMED TIMBER

GLAZING TYPE

GLAZING REQUIREMENTS AS OUTLINED IN THE ATTACHED GLAZING CALCULATOR OR ENERGY ASSESSMENT. BELOW ARE A GUIDE ONLY, GLAZING CALCULATOR OR ENERGY ASSESSMENT TAKE

TYPE 1	GLAZING	U-Value	SHGC
Double Glazed	4Clr/10Ar/4Clr	4.32	0.55

DOOR NOTES

DOOR TYPE

TYPE 1 - HUME TIMBER SOLID CORE EXTERIOR DOOR, PRE PRIMED, 35mm, PAINTED FINISH TO SELECTED COLOR WITH GLASS INFILL TO SELECTED

TYPE 2 - HUME TIMBER HONYCOMB INTERNAL DOOR, PRE PRIMED, 35mm, PAINTED FINISH TO SELECTED COLOR

TYPE 3 - ALUMINIUM GLASS SLIDING DOOR, POWDER COATED TO SELECTED FINISH, VISUAL INDICATORS TO SELECTED DESIGN

TYPE 4 - AUTOMATIC ROLL-A-DOOR, POWDER COATED IN SELECTED COLOR

TYPE 1 - HUME (MDF) TIMBER FRAME, PRE PRIMED, PAINTED FINISH TO SELECTED COLOR

TYPE 2 - ALUMINIUM DOOR FRAME, POWDER COATED IN SELECTED COLOR

NOTES

ALL GLAZED WINDOW AND DOOR ASSEMBLIES IN EXTERNAL WALLS TO COMPLY WITH AS 2047. ALL OTHER GLASS TO COMPLY WITH AS 1288

FLYSCREENS TO BE FITTED TO ALL OPENABLE WINDOWS

ALL EXTERNAL OPENINGS TO BE ADEQUATELY FLASHED USING MATERIALS THAT COMPLY WITH AS 2904

WINDOWS TO BEDROOMS WHERE THE FALL HEIGHT IS 2 METERS OR GREATER MUST BE PERMANENTLY RESTRICTED TO OPEN A MAXIMUM OF 125mm OR HAVE A NON-REMOVEABLE ROBUST SCREEN INSTALLED

BAL ASSESSMENT CHECKLIST AS 3959

UNIT 1	NORTH	SOUTH	EAST	WEST	UNIT 2	NORTH	SOUTH	EAST	WEST	
FIRE INDEX	50	50	50	50	FIRE INDEX	50	50	50	50	
DISTANCE OF VEGETATION	<100m	30.2m	<100m	<100m	DISTANCE OF VEGETATION	<100m	12.0m	<100m	<100m	
VEGETATION TYPE	· -	Group B	,-	-	VEGETATION TYPE	, -	Group B	-	-	
UP OR DOWN SLOPE	-	UP	-	-	UP OR DOWN SLOPE	-	UP	-	-	
BUSHFIRE ATTACK LEVEL	LOW	12.5	LOW	LOW	BUSHFIRE ATTACK LEVEL	LOW	29	LOW	LOW	

NORTH ELEVATION OF UNIT 2 WILL BE CLASSED AS A BAL 19 AS INDICATED UNDER BUSHFIRE REPORT PROVIDED BY TAMMY SMITH (REPORT No. B1718-051)

NCC COMPLIANCE NOTES

Excavation and filling of site to be in accordance with BCA Part 3.1 and AS 2870.

Drainage works to be in accordance with BCA Part 3.1. & AS/NZS 3500.3.2.

Surface drainage - finished ground to fall away from building 50mm in 1000mm

Finished slab level to be

- 150 above finished ground.
- 50 above paved surfaces.

Prevent ponding of water under suspended floors.

FOOTINGS AND SLABS

Generally to be accordance with AS 2870

Preparation for placement of concrete and reinforcement to be to AS 2870

Concrete & steel reinforcement to be in accordance with AS 2870 & AS 3500.

The site classification to be in accordance with AS 2870. Alternatively footings & slabs to be in accordance with Structural Engineers design & specification.

MASONRY

Generally masonry walls to be constructed in accordance with BCA 3.3 & AS 3700.

Un-reinforced masonry to BCA 3.3.1. reinforced masonry to BCA 3.3.2. masonry accessories to BCA 3.3.3.

weatherproofing of masonry to BCA 3.3.4.

FRAMING

Timber framing to be in accordance with AS 1684. Manufactured timber members to be in accordance with prescribed framing manual

Sub floor ventilation in accordance with BCA 3.4.1. Sub floor area to be clear of organic materials & rubbish. Provide vent openings in substructure walls at a rate of 7300mm2 / m of wall length, with vents not more than 600 mm from corners. 150 mm clearance required to underside of floor framing members unless specified otherwise by flooring material specification.

Tie down and bracing of frame to be in accordance with AS 1684 & AS 4055

Structural steel framing to be in accordance with BCA 3.4.4, AS 1250, AS 4100 & structural engineers design & specification.

ROOF AND WALL CLADDING

Generally to be in accordance with BCA 3.5.

Roof cladding to be in accordance with BCA 3.5.1, and: Roof tiles AS2049 & AS 2050

Metal sheet roofing AS 1562.1

Plastic sheet roofing AS/NZS 4256.1,.2,.3 &. 5 & AS 1562.3. Gutters and downpipes, generally to be in accordance with BCA Generally to be in accordance with 3.9.1. 3.5.2 & AS/NZS 3500.3.2. &

The Tasmanian Plumbing Code.

Eaves, internal and valley guttering to have cross sectional area Riser opening to be less than 125. of 6500mm2.

Downpipes to be 90 dia. or 100*50 rectangular section at max. 12 000 crs and to be within 1000 of internal/valley gutter. Wall cladding to be installed in accordance with BCA 3.5.3. & Manufacturer's specification.

Flashings to BCA 3.5.3.6.

Generally glazing to be in accordance with AS 1288. Refer to window legend for sizes and type.

FIRE SAFETY

Generally to be in accordance with BCA 3.7.

Fire separation to be in accordance with BCA 3.7.1. External walls and gable ends constructed within 900 of boundary are to so as not to allow 125 sphere to pass between members. extend to underside of non combustible roofing/ eaves & are to be constructed of a masonry skin 90

thick with an FRL of 60/60/60.

Sarking to have a flammability index less than 5.

Roof lights not to be placed closer than 900 from boundary. Smoke alarm installation to be in accordance with BCA 3.7.2. Locations indicated on floor plan.

Installation locations

ceilings - 300 away from wall junction.

cathedral ceiling - 500 down from apex.

walls - 300 down from ceiling junction.

Heating appliances generally to be in compliance with BCA 3.7.3 & AS 2918

Fireplace - extend hearth 150 to side of opening. 400 in front of opening

Freestanding - extend hearth 400 beyond unit.

Freestanding appliance to be 1200 from combustible wall surface. 50 from masonry wall. Heat shield - 90 masonry with 25 air gap to combustible wall, extend 600 above unit. Flue installation to BCA 3.7.3.4.

Top of chimney/flue to terminate 600 above ridge line Construction in Bush Fire Area to be in accordance with BCA 3.7.4 & AS 3959.

HEALTH AND AMENITY

Generally wet area waterproofing to be in accordance with AS 3740 and BCA 3.8.1.

Waterproofing of surfaces adjacent to open shower, including shower over bath, to extend 1.5 from a vertical line projected from shower rose, to a height 1.8 above finished floor. Wall surfaces adjacent to plumbing fixtures, bath etc. to be protected to a height of 150 above fixture. Ceiling heights to be in accordance with BCA 3.8.2.

Generally to be in accordance with BCA 3.8.3.

Required facilities in accordance with 3.8.3.2. Refer to plan for

Sanitary compartment to be in accordance with BCA 3.8.3.3. Refer to plan for detail.

Provision of natural light to be in accordance with BCA 3.8.4.2. Windows / rooflights to provide light transmission area equal to 10% of floor area of room.

Ventilation to be in accordance with BCA 3.8.5. or AS 1668.2 for mechanical ventilation. Exhaust fan from bathroom / wc to be vented to outside for steel roof and to roof space for tile roof. Natural ventilation to be provided at a rate of 5% of room floor area, in accordance with BCA 3.8.5.2.

STAIR CONSTRUCTION

Maximum of 18 risers to each flight.

Treads to have non slip surface or nosing.

Riser - min. 115, max. 190. Tread - min 240, max. 355.

Balustrade

Generally in accordance with BCA 3.9.2..

Balustrade required where area is not bounded by a wall or where level exceeds 1000 above floor level to final ground

865 high on stairs, measured from line of stair nosing. 1000 high above floor or landing.

Openings between balusters / infill members to be constructed Where floor level exceeds 4000 above lower level, infill members between 150 and 760 above floor level, to be constructed so as to restrict climbing.

ENERGY EFFICIENCY

Generally in accordance with BCA 3.12

Climate Zone 7 applicable to Tasmania (Zone 8 applicable to Alpine areas)

BUILDING FABRIC

Generally in accordance with BCA 3.12.1

BUILDING FABRIC INSULATION

Insulation to be fitted to form continuous barrier to

roof/ceiling, walls and floors.

REFLECTIVE BUILDING MEMBRANE

Installed to form 20mm airspace between reflective face and external lining / cladding, fitted closely up to penetrations / openings, adequately supported and joints to be lapped min.

BULK INSULATION

To maintain thickness and position after installation Continuous cover without voids except around services / fittings

ROOF INSULATION

Roof construction to achieve miniumum Total R Value of R4.0 Roof lights to comply with BCA 3.12.1.3

EXTERNAL WALLS

External wall construction to achieve minimum Total R Value of R2.0

Wall surface density minimum - 220kg/m2

Generally in accordance with BCA 3.12.1.5

Suspended floor with an unenclosed perimeter required to achieve a minimum Total R Value of R1.0.

Concrete slab on ground with an in slab heating system to be isulated to R1.0 around vertical edge of slab perimeter.

ATTACHED CLASS 10a BUILDING External wall or separating wall between class 1 building required to achieve minimum Total R Value of 2.0

EXTERNAL GLAZING

Generally in accordance with BCA 3.12.2

BUILDING SEALING

Generally in accordance with BCA 3.12.3

Chimneys or flues to be fitted with sealing damper or flap. Roof lights to habitable rooms to be fitted with operable or permanent seal to minimize air leakage.

External windows & doors to habitable rooms / conditioned spaces to be fitted with air seal to restrict air infiltration. Exhaust fans to habitable rooms / conditioned spaces to be fitted with self closing damper or filter

Building envelope to be constructed to minimize air leakage. Construction joints and junctions of adjoining surfaces to be tight fitting and sealed by caulking, skirting, architraves and cornices.

AIR MOVEMENT

Generally in accordance with BCA 3.12.4

SERVICES

Generally in accordance with BCA 3.12.5

Hot water supply system designed and installed in accordance with AS/NZS 3500



LACHLAN WALSH DESIGN Tasmania Accreditation Number: CC 6162 E ABN: 94 660 558 746 PO Box 231, Devonport TAS, 7310 E: lachlan@lachlanwalshdesign.com | P: 6424 8053

SCHEDUALS & NCC NOTES

10

L.WALSH L.WALSH PROPOSED UNIT DEVELOPMENT 19 LEARY AV, STONY RISE **CBC BUILDING CONTRACTORS**

18-444 30th August, 2019 DA Set Α

DO NOT SCALE DRAWINGS

I:\2018\18-444 CBC - 2 Units\CAD\Revit\new\Drawings_CBC_21 Jan 2019_Rev sHADOW.rvt

1:100

A3

From: Narelle <e4kerrison@gmail.com>
Sent: Monday, 30 September 2019 8:25 AM

To: Devonport City Council

Subject: RE: 19 Leary Avenue Proposed Dwelling

Dear Devonport City Council,

We, Narelle and Maurice Kerrison of 34 Leary Avenue, are writing to formally object with the current proposed units at 19 Leary Avenue, Stony Rise.

I object under regulation 10.3.1 subclause (d) and (e) of the planning directive. This is due to the unit's bulk, scale and setback.

I object under regulation 10.4.2 A1 subclause (c) of the planning directive. I do not believe the setback of the units is in line with the homes on the same side of the street where it is located, and as such does not comply, having a negative impact to the street view and frontage for all.

I object under regulation 10.4.2, A3 of the planning directive as the size, mass and bulk of the units is causing a visual impact that is intrusive and overbearing, and are not in fitting with the prevailing homes on the street.

We trust you will give this your urgent attention and we eagerly await with anticipation, your reply.

Sincerely,

Narelle and Maurice Kerrison 34 Leary Avenue Stony Rise, 7310 64235616 From: colleenjeffrey3@bigpond.com
Sent: Tuesday, 1 October 2019 5:29 PM

To: Devonport City Council

Subject: Re Objection to Proposed Dwelling at 19 Leary Avenue, Stony Rise

Attachments: 19 Leary Ave - Dev Council.docx

Devonport City Council

We attach our written objection to the above proposed dwelling at 19 Leary Ave, Stony Rise.

Regards,

7erry Jeffrey Colleen Jeffrey

Terry and Colleen Jeffrey

T & C Jeffrey 16 Leary Ave Devonport 7310

Email: colleenjeffrey3@bigpond.com

Mob: Terry 0417 344 369

1st October 2019

Re: 19 Leary Avenue Proposed Dwelling

Dear Devonport City Council

We Terry and Colleen Jeffrey, owners of 16 Leary Avenue, Stony Rise are writing to formally object with the current proposed units at 19 Leary Avenue, Stony Rise.

We object under regulation 10.3.1 subclause (d) and (e) of the Planning Directive. This is due to the unit's bulk, scale and setback.

We object under regulation 10.4.2 A1 subclause (c) of the Planning Directive. We do not believe the setback of units is in line with the homes on the same side of the street where they are located and as such does not comply, having a negative impact to the street view and frontage for all.

We object under regulation 10.4.2, A3 of Planning Directive as the size, mass and bulk of units are causing a visual impact that is intrusive and overbearing and are not in fitting with the prevailing homes in the street.

Yours faithfully,

7erry Jeffrey Colleen Jeffrey From: MATT KING <kingmatt@deakin.edu.au>
Sent: Thursday, 3 October 2019 12:49 PM

To: Devonport City Council

Subject: PA2019.0149 - 19 Leary Avenue Stony Rise

To the General Manager, Devonport City Council

RE: PA2019.0149 - 19 Leary Avenue Stony Rise - Residential (multiple dwelling x 2)

We wish to lodge a representation against planning application PA2019.0149 for the construction of two new dwellings at 19 Leary Avenue, Stony Rise with respect to Clause 10.4.2 - A3 Setbacks and building envelope for all dwellings from the Devonport Interim Planning Scheme.

Clause 10.4.2 - A3 (a) requires the buildings to be contained within building envelope 10.4.2B unless the appropriate performance criteria are met in which the proposed dwelling/s does not cause unreasonable loss of amenity by way of over shadowing or cause visual impacts due to scale or height of the buildings. As you are well aware these units have been constructed up to a certain stage, so there is physical evidence of the units causing overshadowing of a large proportion of the adjoining lot, as well as the height of the back unit in particular causing visual impacts not only to the adjoining lots, but to the street as it is quite a few meters taller than any other existing dwelling which is not compatible with the streetscape.

What has currently been constructed is not accurately represented in the drawings provided for planning as both the drawn building envelope and shadowing diagrams don't accurate reflect the building that is physically there, as the back unit stands at nominally 8.5m above natural ground level at its highest point. With a 1.5m boundary setback on the east, this places upwards of 4m of parts of the building outside the allowable building envelope which seems excessive and unfair to neighboring properties.

If the partly constructed units are allowed to continue at their current heights, we believe that it is setting a precedent for builders and developers to make their own rules due to:

- the buildings not reflecting the proposed drawings with inaccurate measurements
- the builder continuing to work after a stop work permit was issued (at which time the amount of contractors on site seemed to double)
- the builder believing they can construct a discretionary building without the applicable permits and gain permission for it at a later date without consequence

Regards

Matt and Dayna King 35 Leary Avenue From: Neville Smith <neville.w.smith@bigpond.com>

Sent: Thursday, 3 October 2019 12:33 PM

To: Devonport City Council

Subject: Representation - PA2019.0149 - Neville and Lorraine Smith

Attention; The General Manager,

Dear Sir,

We Neville Smith and Lorraine Smith of 21 and 22 Leary Avenue Stony Rise write to formally object with the current proposed units at 19 Leary Avenue Stony Rise, application PA2019.0149.

We object under regulation 10.3.1 subclause (d) and (e) of the planning directive. This is due to the units bulk and scale and setback.

We object under regulation 10.4.2 A1 subclause (c) of the planning directive. We do not believe the setback of the units is in line with the homes on the same side of the street where it is located and as such does not comply, having a negative impact to the street view and frontage for all.

We object under regulation 10.4.2 A3 of the planning directive as the size, mass and bulk of the units is causing a visual impact that is intrusive and over-bearing and are not in fitting with the prevailing homes on this street. We also object to the construction of the units as the original subdivision contracts of this area stated that only lots 85,86,101,110 and 155 would be permitted to construct units/townhouses or similar and there are already 3 lots in Leary Avenue alone with units being street numbers 5,10 and 36. There are also many other blocks in this subdivision area with units and we believe the unit construction in this area far exceeds the original contracts that we received. Therefore we do not want any more units permitted to be constructed in Leary Avenue. When we built on 21 and 22 we complied with all council requirements, under much difficulty and expense I might add and believe that all other constructions in the area should comply with council regulations as well - not just do

Yours Sincerely

what they like.

Neville and Lorraine Smith.



Virus-free. www.avast.com

From: Sutcliffe, Robyn L (DoE) <robyn.sutcliffe@education.tas.gov.au>

Sent: Monday, 7 October 2019 9:43 AM

Devonport City Council To:

Josh Sutcliffe; Mayor Rockliff; Cr Alexiou; Cr Hollister; Cr Laycock; Cr Milbourne; Cr Murphy; Cr Cc:

Subject: Representation Letter re: PA2019.0149 19 Leary Avenue Stony Rise

Attachments: PA2019.0149 REPRESENTATION LETTER.pdf

Good Morning DCC, Mayor Rockliff and Alderman,

Please find attached our objection letter and relevant annexures in relation to PA2019.0149 19 Leary Avenue Stony Rise.

Regards

Robyn Sutcliffe Senior Social Worker Attendance and Retention **Student Support Consultant** Learning Services Northern Region robyn.sutcliffe@education.tas.gov.au

Ph: 0405 273 672

CONFIDENTIALITY NOTICE AND DISCLAIMER

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

Mr and Mrs Sutcliffe 18 Leary Avenue, Stony Rise, 7310 7th October 2019

Devonport City Council Planning Authority ATT: Planning Authority Committee

RE: PA2019.0149- Application for Planning Permit - 19 Leary Avenue, Stony Rise

We wish to make you aware of the number of strong objections that we have with regards to the proposed development of two units currently under construction at 19 Leary Avenue, Stony Rise. As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living and does not comply with DIPS or Tasmanian Planning Scheme.

We would like highlight to the planning authority as per 8.10 Determing Applications

8.10.2 In determining an application for a permit for descretionary use the planning authority must, in addition to the matters referred to in subclause 8.10.1, have regards to

(b) any relevant local area objective or desired future character statement for the applicable zone;

10.1.2 Local Area Objectives

- (e) The amenity and character of suburban residential use is commensurate with the location of housing and support activity within a shared urban setting, and is to take into account –
- (ii) the effect of location and configuration of buildings within a site on -
- a. apparent bulk and scale of buildings and structures;
- c. opportunity for access to daylight and sunlight;
- d. visual and acoustic privacy of dwellings; and
- consistency of the streetscape;

10.1.3 Desired Future Character Statements

Objective: The use or development in a suburan residenial area is to provide

- d) buildings that are set apart from adjacent buildings to
 - i) reduce apparent bulk and scale
 - ii) enable each an opportunity for access to sunlight; and
 - iii) assist visual and acoustic privacy between adjoining dwellings

e) a streetscape in which buildings are setback consistently from the frontage

There are no Acceptable Solutions for this clause, given it is specific to discretionary permits. The Performance Criteria outlines that discretionary permits must "be consistent with local area objectives, be applicable with any desired future character statement, and minise liklihood for adverse impact of amenity for use of adjacent land in the zone".

We do not believe that granting a discretionary planning permit for the development of these units in there current format and design meets the PC for this clause, as the dwellings scale and bulk create a visual impact, negatively impact adjoining properties access to sunlight and compromise privacy. Additionally the units are not consistent with frontage and setbacks of the street and negatively impact the amenity of adjoining and adjacent properties

10.4.2 Setbacks and building envelope for all dwellings;

Objective: The siting and scale of dwellings;

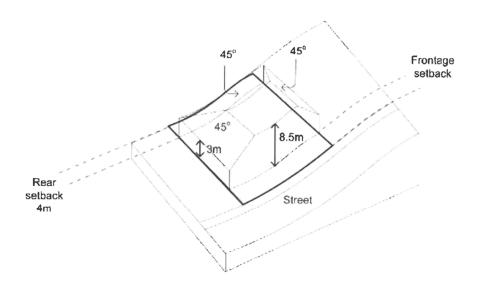
- (a) Provides reasonably consistent separation between dwellings and their frontage within the street
- (b) Provides consistency in the apparent scale, bulk, massing and proportion of dwellings;
- (c) Provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open spaces; and
- (d) Provides reasonable sunlight for existing solar energy installations

The siting and scale of a dwelling must:

- (a) Not cause an unreasonable loss of amenity to adjoining properties, having regard to:
- (i) Reduction in sunlight to a habitable room, of a dwelling on an adjoining property; 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 impact 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 lot that is compatible with that prevailing in the surrounding area

10.4.2 As per Acceptable Solution (A1) subsection (c) "a dwelling must have a setback from the frontage that is; if for a vacant site and there are existing dwellings on adjoining property on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwelling on the adjoining site on the same street" Following conversations with Planning and Policy Unit they were able to confirm that 'the equivalent' refers to house frontage not inclusive of decking or protrusions. As such the equivalent frontage will fall outside regulations by 3.1m, this does not include the deck which is substantial, and adds further protrusion. As such the current proposed units do not comply.

As per the regulations under section 10.4.2A, A3 (a) of Tasmanian Planning Scheme, a dwelling must be contained within the building envelope.



The current dwelling at rear of property (rear unit) at a distance of 1.5m from the eastern boundary is 8.6m high above natural ground level as measured on site. This means the current structure **exceeds the building envelope by over double** given its proximity to the boundary. The front dwelling is 7.9m above natural ground level as measured on site, on the eastern boundary, this is outside the envelope by approximately 76%. The DPIS regulations state clearly that "a dwelling with a building height not more than 2.4m and protrusions that extend more the 0.6m horizontally beyond the building envelope MUST be contained within the building envelope determined by projecting a line at an angle of 45 degrees from horizontal height of 3m above natural ground level at the side boundaries and a distance of 4m from rear boundary to a building height of NOT more than 8.5m above natural ground level". The DPIS have defined ground level as the natural level of a site at any point. As such this regulation, along with additional items contained within performance criteria, will not be met.

The measurements provided within the plan submitted to council to illustrate the buildings height and subsequent volume sitting outside the building envelope on the eastern boundary are incorrect. The as built measurement as measured on site on the 22/9/19 is 8.6m not 8.014m as indicated on plans provided by Mr Collins. The plans also cite 'finished ground level' not 'natural ground level'. This variation results in substantial implications to our home and the compliance of planned units with DIPS. We are unsure if this is simply error on the part of the draftsman and builder or a deliberate and purposeful act to misrepresent what has been erected. Thankfully due to the error which allowed the building works to commence we are able to state with full certainty the measurements submitted to council are incorrect, therefore the computer-generated shadowing diagrams that are based off the measurements provided within the plans are also incorrect and do not reflect the real shadowing that is occurring as can be seen in the photographs provided in Annexure A.

The proposed plan does not meet the Acceptable Solutions (AS) as set out in the Tasmanian Planning Scheme, nor does the plan meet the Performance Criteria (PC) Specifically 10.4.2 subsection A1 and A3 which this building is subject to.

10.4.2 Performance Criteria 3 subsection (a) (ii) 'the dwelling must not cause loss of amenity by overshadowing the private open space of a dwelling on an adjoining lot' The current structure being developed will result in significant loss of light to habitable areas and private open space of our property 18 Leary Avenue. This is clearly identifiable from photos included in Annexure A. The shadows within the photos provided indicate loss of light to our rear yard and private balcony and have increased as the structure has developed. We are aware the owner and designer have provided shadowing diagrams; however, we dispute the accuracy of these given we can provide real life images of the impacts to date. Previously Mr Collins indicated to us that the rear unit would not have any impact on access to sunlight, which is hard to believe given its immense size, scale and proximity to our home. On Tuesday the 17th of September 2019 I contacted the Department of Justice Planning and Policy Unit to seek clarification with respect to this particular section of the Act as there was conflicting information with regards to the application of this regulation to proposed plans. I was advised that unlike other planning directives within the scheme (i.e. 10.4.3. or 10.4.4), section 10.4.2 subclause A3 and P3 have NO stipulations with regards to number of hours per day or the date for sunlight to be measured. This regulation and section of the directive are to be measured based on what is considered reasonable. The planning unit provided an example, stating that should an adjoining lot to a proposed dwelling currently enjoy significant sunlight, a proposed dwelling that would impact on this in a notable manner would be unlikely to meet this criteria. An email from the Senior Planner of Planning and Policy Unit has been included within annexure A to confirm the interpretation of the clause.

As it currently stands the units have impacted access to sunlight drastically in our rear yard and private balcony, this is a significant and measureable increase to shadowing of our private open space, one that has had a considerable impact already to our recreation and use of our private spaces. Mr Collins has stated this would have occurred if 'anything' had been built on the adjoining lot, however we do not believe this to be a reasonable or evidence-based assertion. This is based on the fact we can observe other properties on the same side of the street and surrounding lots whom have dwellings adjoining their property but have not experienced this loss of amenity. The loss of sunlight will significantly impact our ability to utilise our private open spaces for our own recreation and amounts to a notable loss, and is not in keeping with amenity enjoyed by other homes, whom have adjoining properties that are built within the envelope.

Again, we question the accuracy of the shadowing diagrams provided in adequately demonstrating loss of light given diagrams provided by the owner show no impact to our private balcony and little impact to our rear yard, which is clearly not the case as evidenced in the comparison photos provided within Annexure A.

10.4.2 As per Performance Criteria (P3) subsection a (iv) 'the dwelling must not cause loss of amenity by visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot' The units scale, bulk and proportions are intrusive and have a significantly overbearing and invasive effect constituting a visual impact when viewed from our adjoining property at 18 Leary Avenue. This is evidenced within images provided within Annexure A and is particularly notable should you attend the site in person. While this criteria is 'subjective', based on the feedback from the community, and their support provided within the street wide petition included in this letter of objection and sentiments and comments of many passers-by whom have commented on its size and been both shocked and saddened on our behalf; we feel confident that when subjectively viewed this building does not comply with this performance criteria subclause. It could also be reasonably argued given the structure sits substantially outside the building envelope, as per advice of the Department of Justice Planning unit, this would provide a reasonable assessment of visual impact based on size/scale, given the envelope itself is a tool identified and cited within the directive, with major objectives being to 'minimise the visual impact of buildings on the landscape', 'provide orderly development' 'provide adequate separation between buildings' and 'achieve a high degree of amenity'.

Mr Collins advised that he provided us copies of the plans for these units in February 2019, the plans emailed to us in February provided an elevation diagram indicating the finished floor levels of 5.2m above footpath. There were no shadowing diagrams provided and no information regarding dwellings being outside of the building envelope. Mr Collins also intimated during conversation prior to construction that he intended to excavate, stating he would be using the same company used to excavate our property which has not been the case. Furthermore, the computer generated drawing provided of the units, appears to be out of scale based on floor height in images, and proximity of side door of the unit to the ground, which on plans has the door at ground level of driveway and the floor level at a similar height as boundary fence (1.7m), which is clearly not the case based on the current floor heights.

10.4.2 Acceptable Solution 3 subsection b (ii) states that a dwelling and protrusions must only have a setback within 1.5m of a side boundary if the dwelling does not exceed a total length of 9m. As the eaves protrude 4.1 m beyond the envelope and are only 0.9m from the boundary, and the units are 10.09m each in length, a total length of 20.18m across the boundary, this does not comply with the Planning Directive. In fact, a single unit on its own as is currently designed, based on its length and distance outside the envelope; would be non-compliant. The PC for this standard 'the dwelling must not cause loss of amenity by providing separation between dwellings on adjoining lot that is compatible with that prevailing in the surrounding area'. Separation between number 18 and 19 Leary Avenue does not provide separation consistent with properties prevailing. Again, when attending the site itself, it blatant that the unit's proximity to our home is not consistent with those prevailing in the surrounds, which is directly linked to its size and scale.

(Find attached images of the units with respect to our home to support the information provided above with respect to scale, bulk and proportion; overshadowing and separation between dwellings and setback. Annexure A) Overshadowing images included exhibit the level of overshadowing on blocks 17-22 on same date and time. Notably no other blocks are overshadowed except ours, even though all blocks featured have dwellings constructed on adjoining lots.

10.4.6 Privacy for all dwellings

Objective: to provide reasonable opportunity for privacy for dwellings

A2

A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):

- (a) The window or glazed door:
- (i) is to have a setback of at least 3 m from a side boundary; and
- (ii) is to have a setback of at least 4 m from a rear boundary; and
- (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
- (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site.

The Regulations outline that the bedroom window in master bedroom is required to be 3m from boundary. It currently sits approximately 1.6m from boundary as such would need to be moved 1.4m west. The non-compliance of this specification results in both large windows being invasive.

Furthermore, on inspection of the AS, the units appear to only meet issues pertaining to placement of windows due to the excessive nature that the structure sits outside the building envelope.

Given scale, mass and size of the two units, and design features, privacy in both our front and rear yard and living area will be significantly impacted, due to the scale of both units the intrusive nature is inescapable within our block. We believe this is in direct contravention of the planning directive and Tasmanian planning scheme. The design of the proposed development does not afford adequate privacy for occupants of adjoining or adjacent residential properties, particularly with regard to quiet enjoyment of amenities.

Additionally, there is no purposeful uses for the space above and below the unit living areas. The excessive height below the rear unit serves no purpose other than to raise the floor level to a height that enables tenants see over the roof of the front unit. The front unit height is also excessive and unnecessarily high with no purposeful use of the space underneath. Furthermore, room above the master bedrooms on the eastern boundary is only a continuation of the roof line and has no highlight windows that make use of the additional roof height in that area.

The Tasmanian Planning Scheme allows in general terms for the capacity for large lots to accommodate larger buildings through the use of the building envelop. The surrounding developed lots are over 20% larger (1052sqm vs 1265sqm) and 20% wider (25m vs 30m) Mr Collins lot also has a 2m easement on the western boundary, hence it was valued significantly less (almost 50%) than the larger lots. 19 Leary Avenue sold for \$100k as part of estate settlement in 2016, whereas other blocks sold in same time period were value \$55,000-\$80,000 dollars more. This would make for a reasonable argument that given its significant smaller nature, easement restrictions and therefore reduced value, this restricts the type and size of build that can fit on the block while still meeting DIPS requirements. That perhaps to attempt and fit two units of this scale on a block of this size was ambitious and un-neighbourly given it has required the applicant to extend to the far edges of each boundary in an intrusive manner and still not fit within the envelope or set back outlined in planning scheme.

Further considerations:

As a result of inaccurate measurements of both units provided within the submitted plans, subsequent documents featured to support proposed dwellings are also incorrect, including the shadowing diagrams (as evidenced by images) the overlay of the building envelope and therefore the extent to which the units sit outside of the envelope.

Other considerations for this development include the BAL rating for the units, while we are aware that this is not an issue that is dealt with at a planning level and is signed off on by surveyor prior to the building permit being issued we wished to include this information as we believe it goes toward the credibility of the process that has occurred in its entirety. We believe there are discrepancies in the BAL rating of the units. This is noteworthy as it may directly impact the safety of our home should there be a fire. If in fact the BAL rating is incorrect on the units, this may place our residence at greater risk as appropriate precautions and legislated requirements may not have been satisfied. Our home at 18 Leary Avenue, is rated at a BAL of 29, the rear unit located at 19 Leary Avenue is also has a BAL rating of 29 which given it is much closer to the bushland than our dwelling, seems unlikely, as does the BAL rating of 12.5 for the front unit, given the rating of 29 for adjoining

properties. Based on our own measurements the rear unit is less than 8 meters from nearest bushland, which as per table 2.4.4 (determination of bushfire attack level) the rating would be a BAL 40. The measurement of 7.5m from nearest bush was measured after the removal of large trees outside of the property margins, work carried out by Mr Collins. (See images below- photo of measurements and cited information)

While we are aware that BAL ratings are part of the role of the surveyor and fall under the building permit phase, Section 15 of the Act requires surveyors to ensure that work is carried out in accordance with the Act, which we do not believe has occurred in this instance. In doing so, placing ourselves and home at risk in the instance of fire. Further to this, Section 13 of the Act requires a designer to ensure that he or she designs buildings in accordance with the standards and requirements of the Tasmanian Planning Scheme, which we do not believe has occurred in this instance as evidenced above.





Failure of Process:

The Act outlines that in determining application for permits the planning authority must in addition to the matters required by section 5(12) of the Act, take into consideration

- (a) All applicable standards and requirements in the planning scheme, and;
- (b) Any representations received pursuant to and in conformity with section 57(5) of the Act.

Should this have occurred as required, the proposed dwelling for 19 Leary Avenue would have become subject to the discretionary process given the multiple issues with respect to the Acceptable Solutions and requirements under the planning scheme as outlined above. Understandably it is incredibly confusing as to how this application was granted and progressed in the first instance?

Given the proposed plans for the development do not meet the criteria for permits to be granted, Under Section 57(3) of the Land Use and Planning Approvals Act 1993, The Planning Authority should have fulfilled its obligation as prescribed in Section 9(1) of the Land Use Planning and Approvals Regulations 2014 by,

- a) Advertising the application in The Advocate newspaper
- b) Making a copy of the proposal available in Council Offices
- c) Notifying adjoining property owners by mail, and
- d) Erecting a Site Notice for display

The complete disregard of the land owner for appropriate process once it was determined that no further work should continue highlights lack of respect for the Regulations, Planning Authority and Municipality in addition to neighbouring homes in the street, whom have followed appropriate process and procedure. That stated given the number of misrepresentations and inaccuracy of information included in the submitted plans, the erecting of the units has allowed for accurate and evidenced based representations to be made.

Recent Objections for Leary Avenue in relation to Visual Impacts:

17 Leary Avenue has been the centre of continued tensions. Concerns were raised in relation to this proposed dwelling and outbuilding construction and a petition created outlining a range of concerns and objections including size, height and visual impacts for the street and adjoining properties. Mr and Mrs Collins both signed this petition, objecting to the size, height and visual impact of the development, which is a far smaller scale then their current development. I have annexed the petition signed by Mr and Mrs Collins regarding 17 Leary Avenue, as it appears questionable that one would oppose the development at 17 Leary Avenue on these grounds yet proceed to do the same. (Annexure B)

Please find below examples of reasons given by council for refusing planning applications, that we believe are applicable in this instance.

- a) The Proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.
- b) The proposed dwelling, by reason of size and siting, represents an un-neighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of overbearing effect.
- c) The proposed dwelling, by reasons of siting would result in unacceptable loss of privacy, adversely affecting the amenities enjoyed by the occupier of the adjacent dwelling
- d) The proposed dwelling, by reason of scale and bulk, would be out of keeping with the design and character of the existing dwelling and have an adverse effect on the visual amenity of the area as a whole.
- e) The mass, bulk, proximity and elevation would present an overbearing and intrusive element to neighbours.

We would also like to bring your attention to other municipality decisions that have been applied recently in relation to planning issues with identified concerns in respect to the building envelope, setbacks, visual impact/ size and bulk, overshadowing, private open spaces and privacy.

a) The matter of J.Dunn V Central Coast Council and PLA Design (2018) The tribunal found the granting of the permit by council did not comply and was overturned and refused. b) R.Kasem v Hobart City Council and Ors (2018) Tribunal supported the Hobart City Councils original refusal for planning permit for multiple dwellings proposal, which council rejected on grounds of visual impact to adjoining property, and non-compliance with setbacks of proposed dwellings.

In determining applications for residential development, we hope that the council in addition to above cited regulations are also taking into account the form, size and character of adjoining properties. While this structure in a high-density area may be of acceptable, in a low-density area, such as Leary Avenue typically characterised by larger single dwellings it is not in fitting with the surrounding properties. The development of new dwellings should not adversely affect any existing residential property or amenities as per the Act. As such where there are multiple dwellings located on Leary Avenue, these appear to meet planning requirements, with respect to the envelope and are in no way overbearing or intrusive.

Our Actions

As we were unaware of the scale and size of the proposed building, we first became aware after returning home to sight numerous large steel poles located on 19 Leary Avenue. On my arrival home several builders on site at 19 Leary avenue stated, "don't hate us" and "sorry" acknowledging and apologising for the size of the structure being erected. The builders made comments regarding our backyard no longer being 'private', and further stating "it's a shame that grass of yours is going to die". They spoke about the impact of the dwellings on our sunlight stating perhaps we could buy a unit if we still wished to get sun. I questioned if the poles would be cut in size and I was provided an answer that approx. 400mm would be cut off the highest point (at this time poles were 9m in height) Following this my husband made direct contact with Darren who advised him the appropriate process including public notice had occurred. My husband and I established this had not taken place and my husband again contacted Darren directly to attempt resolve issue and make suggestion about how it may be rectified in a mutually agreeable manner, suggesting alteration to the roof line and dropping floor heights to comply with building envelope. When my husband discussed this with Mr Collins the building was only just progressing and there were no walls, roofing, or significant framing in place. We felt this would be mutually agreeable solution and the most cost-effective approach to ensure the units would comply with the regulations, whilst also not impacting the work that had already occurred and not negatively impact our home. This would have required alterations to plans and the inclusion of stairs from the garage to the unit, a 'split level design' which is a consistent design feature on most dwellings located on sloping blocks, and prominent within the homes on this street. This conversation was not successful, and he was met with hostility, Darren stating he believed my husband was "a good bloke" shutting down any productive line of communication. My husband contacted Lachlan Walsh the designer who also stated permits had been obtained and advised my husband there was nothing that could be done about 'it'. It was at this point we made contact with the DCC in writing on August 27th, 2019 in regard to our concerns as we did not believe units were to standards. We were advised several days after sending an initial email we would be provided an outcome response within 14 days. During this period, it was observed and commented on by the entire street Mr Collins tripled his workforce on site, hiring numerous subcontractors to ensure rapid progress was made on the units. On the 4th of September after several calls we sent a further email seeking a stop work notice be issued to protect all parties. We were advised a stop work permit that was issued on the 6th of September 2019. Mr Collins continued to work on site throughout the following week with a significantly increased workforce and we were advised on Friday 13th of September 2019, the stop work notice would be lifted until September 20th 2019 to allow works to be continued to make the site safe by progressing the build

and allowing the roofing to be completed. Darren advised us personally on Thursday 12th September and Sunday 15th of September the notice was lifted not due to safety issues, stating there were no safety issues on site, advising the notice was lifted because materials were ordered and "can't just sit around" and that DCC lifted the notice as 'they just want to avoid legal action and paying me damages'.

Over the past weeks, my husband and I have sought advice from Department of Justice Planning and Policy unit in regard to the Tasmanian Planning Scheme and tribunal process, it was through this contact we were encouraged to pursue matter and file formal representation. We have availed ourselves with as much information in relation to DIPS and Tasmanian Planning Scheme and Planning Directive in addition to other state-wide precedents for similar cases. This has been time consuming and incredibly stressful. We have also put together a petition in accordance with S57(2) of the *Local Government Act 1993* from residence located on Leary Avenue who oppose the development of units at 19 Leary Avenue that are not within the building envelope and intrusive in size and scale (*Annexure C*) There are 29 signatures included on this document. Worth noting all residence who have been available have eagerly signed and shared their disappointment and anger about the lack of fair process that has occurred and its impacts of these units on us individually and the street as a whole.

In conclusion we request that the above representation be given serious consideration including the builder/owners disregard of our attempts to resolve this ourselves and of the stop work notice provided on the 6/9/19. The unnecessary stress and upset caused by the lack of consideration by the owner has been extensive. While initially perhaps not the fault of the owner but an error by council, the decision and choice to continue works during the period of 6th-13th of September in contravention of the stop work notice, and to increase his workforce on site threefold, after becoming aware of our enquiry, in a bid to critically progress the development were that of the applicant alone, and a deliberate act to attempt to manipulate the process. It is this disregard for rules and regulations that was disheartening to watch unfold, as rules are only effective for those who comply, and this behaviour sets precedent for future actions of this construction company and others to flaunt the system and regulations within. While we are aware the builder believed it was an illegal stop work notice as there was no notice of intent, The Act clearly identifies as per section 65C the stop work notice is binding without letter of intent if the authorised officer considers it urgently required to prevent an offence that could cause damage to the property of another person, or if remedial actions are likely to be difficult or expensive to undertake. We hope that DCC are not influenced or discouraged from maintaining and upholding the rules and regulations and equity to all rate payers, due to possible costs enforcing regulations may have. In ensuring all members of the community adhere to rules and planning codes this sends a clear message that disregard and negligence does not prevail over equity and process in decision making. My husband and I in good faith purchased a home in this street as a low-density area, with very few multiple dwelling properties, while the adjoining lot was vacant, we took solace in the fact there are clear planning regulations and processes in place, which we believed protected all owners from this type of outcome. Had we known a building would be permitted outside of the building envelope, and did not comply with the planning scheme, we would not have purchased the land and built our home on this lot; given major contributing factors for our purchase were access to natural sunlight, and a larger block offering privacy given the Kelsey Tier placement behind the property; factors that Mr Collins was very much aware of as the builder of our home in 2018.

We would like to extend to you an invitation to our home, to see in person the intrusive and overbearing nature of the units, it would also provide opportunity to view surrounding and adjoining properties with respect to size, scale and proximity.

We also wish to declare transparently our intent given the failure of process to date, the impacts this has had on our home, our emotional and mental well-being, the value and privacy of our home and private spaces and the significant noncompliance with multiple sections of planning process, should permits be granted in its current form without significant changes to the building, we will pursue this matter fully and utilise the provisions available through the Planning Tribunal.

Annexure A

- Email from Senior Planner from Planning Policy Unit
- Images 1-10 demonstrating the overshadowing caused by the dwellings and comparative images of other adjoining homes where neighbouring properties are within envelope
- 3. Images 11-17 demonstrating visual impact of building due to size, scale and bulk

Sutcliffe, Robyn L (DoE)

From: McPhail, Sean <Sean.McPhail@justice.tas.gov.au>

Sent: Monday, 23 September 2019 2:44 PM

To: Sutcliffe, Robyn L (DoE)

Subject: RE: enquiries re Planning Directive

Hi Robyn,

Firstly, I just need to clarify that there is a difference between the requirements in clause 8.4.2 P3 in the General Residential Zone of the State Planning Provisions as compared to clause 10.4.2 P3 that appears in the General Residential Zone of Interim Planning Schemes. The provisions are similar but not entirely the same.

The advice I provided was in relation to clause 8.4.2 P3 and I noted in our phone conversation this morning that the requirements in clause 10.4.2 P3 may be slightly different. I hadn't reviewed clause 10.4.2 at the time of our phone conversation.

Clause 8.4.2 P3 in the State Planning Provisions requires the siting and scale of a dwelling must "not cause an unreasonable loss of amenity to adjoining properties", and one of the matters to have regard to in making this judgement is "overshadowing the private open space of a dwelling on an adjoining property". Clause 10.4.2 P3 is more directive in that it requires the siting and scale of a dwelling must "not cause unreasonable loss of amenity by.... overshadowing the private open space of a dwelling on an adjoining lot".

However, to answer your question, neither clause 10.4.2 P3(a)(ii) nor 8.4.2 P3(a)(ii) specify the number of hours. period of time, or date of year that the overshadowing must be measured. In terms of clause 10.4.2 P3, the relevant local council, in making its decision, would need to determine whether any overshadowing of the private open space is likely to cause unreasonable loss of amenity to the adjoining property.

I hope this assists.

Kind regards



Sean McPhail | Senior Planning Adviser

Planning Policy Unit Department of Justice

p (03) 6166 1436

e sean.mcphail@justice.tas.gov.au

w www.planningreform.tas.gov.au

Government Level 4b, 144 Macquarie Street, Hobart, TAS 7000 | GPO Box 825, Hobart, TAS 7001

CONFIDENTIALITY NOTICE AND DISCLAIMER: This email and any attachments are confidential and may be legally privileged (in which case neither is waived or lost by mistaken delivery). The email and any attachments are intended only for the intended addressee(s). Please notify us by return email if you have received this email and any attachments by mistake, and delete them. If this email and any attachments include advice, that advice is based on, and limited to, the instructions received by the sender. Any unauthorised use of this email and any attachments is expressly prohibited. Any liability in connection with any viruses or other defects in this email and any attachments, is limited to re-supplying this email and any attachments.

From: Sutcliffe, Robyn L (DoE) <robyn.sutcliffe@education.tas.gov.au>

Sent: Monday, 23 September 2019 10:38 AM

To: McPhail, Sean <Sean.McPhail@justice.tas.gov.au>

Subject: enquiries re Planning Directive

Good Morning Sean,

Thanks for speaking with me again today. Just to confirm our discussion regarding Planning Directive 10.4.2 (8.4.2 Tasmanian Planning Directive) Performance Criteria 3 subsection (a) (ii) 'the dwelling must not cause loss of amenity by overshadowing the private open space of a dwelling on an adjoining lot' this clause relates to unreasonable loss of amenity. There are no specified number of hours, period of time or date of year that this is measured.

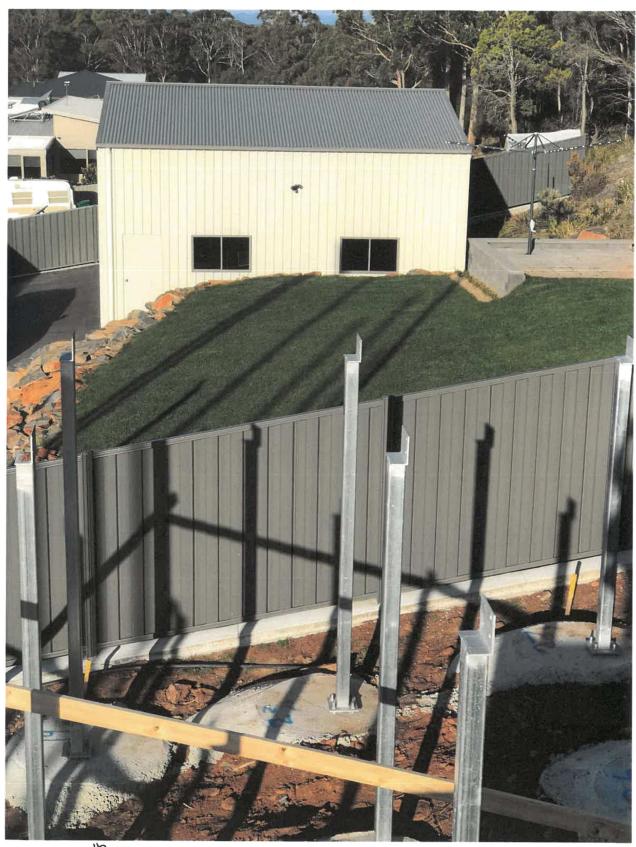
Thank you Robyn

Robyn Sutcliffe Senior Social Worker Attendance and Retention Student Support Consultant Learning Services Northern Region robyn.sutcliffe@education.tas.gov.au

Ph: 0405 273 672

CONFIDENTIALITY NOTICE AND DISCLAIMER

CONFIDENTIALITY NOTICE AND DISCLAIMER
The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission



27 Avavst @ 4:16pm



5th September 2019 @ 3:59pm

■ Telstra 4G 🛠

3:53 pm

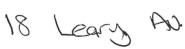
√ 57% ■

<

Stony Rise Today 3:45 pm

Edit





■ Telstra 4G 🛠

3:53 pm

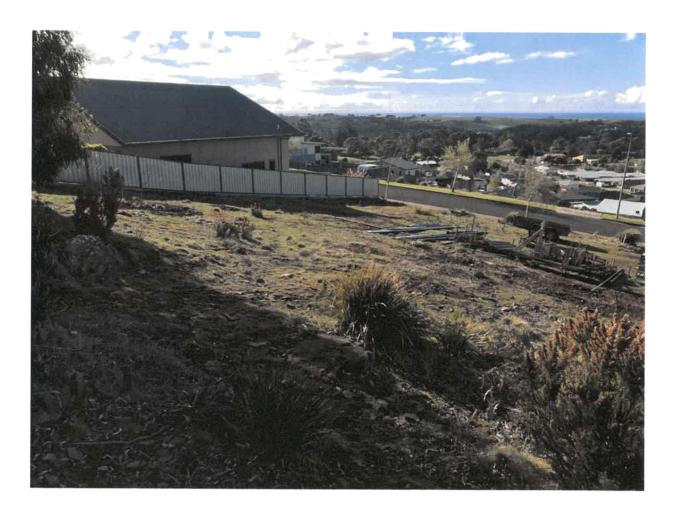
4 57%

<

Stony Rise Today 3:45 pm

Edit

□ HDR



20 Leary Ave.



Stony Rise Yesterday 3:27 pm

Edit

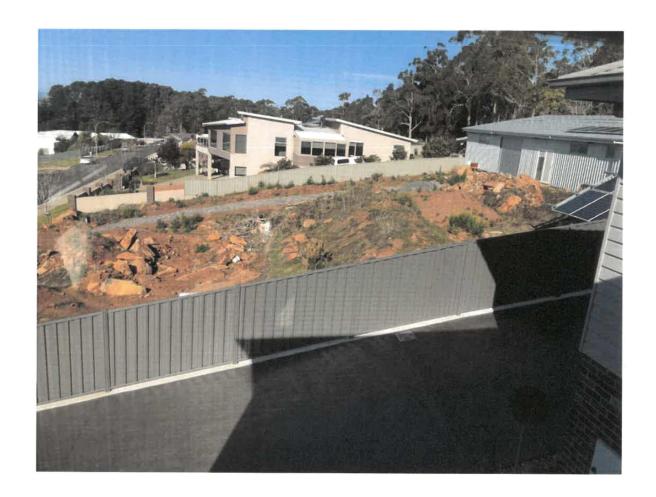


18 Leary AU.



Stony Rise Yesterday 3:21 pm

Edit



17. Leary Au.



Stony Rise Yesterday 4:12 pm

Edit







Stony Rise Yesterday 4:18 pm

Edit









September 25th

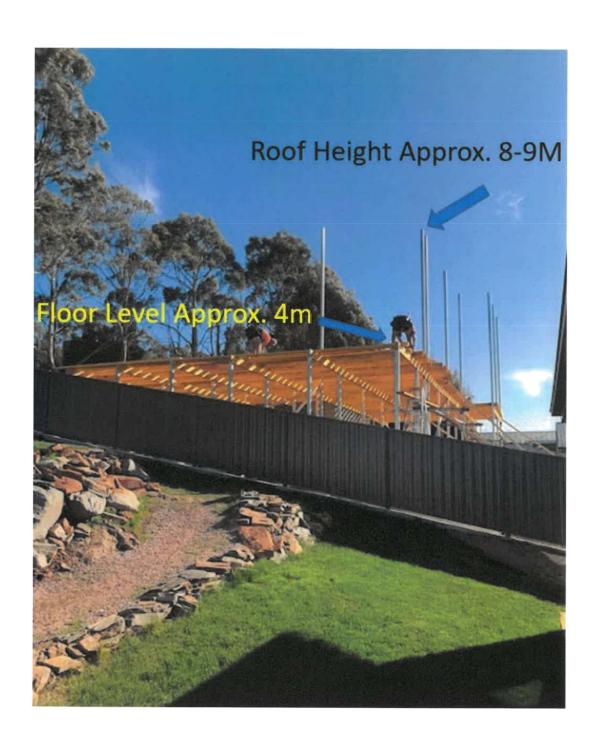
Ric 2 9am

Pic 2 12pm

Pic 3 3pm



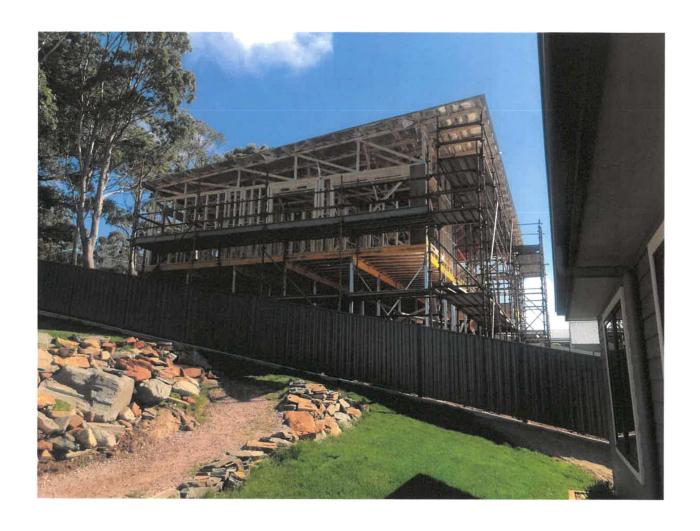
















Annexure B

Previous petition signed by Mr and Mrs
Collins opposing construction works at 17
Leary Avenue based on grounds including
height, size and length of building

PAGE 13

Representations - PA2017.0040 - 17 Leary Avenue

ATTACHMENT [1]

06/04/2017 D468148

4th April 2017

16 Leary Avenue DEVONPORT 7310

To Mayor and Aldermen Devonport City Council

Re: Construction of Shed Dwelling at 17 Leary Ave, Stony Rise, Devonport 7310.

Attached is a petition signed by nineteen (19) persons, who either live or own land near or in the vicinity of No 17 Leary Avenue, objecting to the construction of a shed, cladded in corrugated iron, being built at 17 Leary Avenue, Stony Rise.

We ask that Mayor and Aldermen act on the petition as stated therein.

Yours faithfully,

Terry and Colleen Jeffrey

On behalf of the Signed Residence and Land Owners

Of Leary Avenue and Adjoining Streets

PAGE 16

Representations - PA2017.0040 - 17 Leary Avenue

ATTACHMENT [1]

TJ & CM Jeffrey 16 Leary Ave DEVONPORT 7310 Mob: 0417 344369 Teny Mob: 0408 580507 Collect collectiffey3 @ bigpond con

7TH April 2017

General Manager Devonport City Council PO Box 604 DEVONPORT 7310

Ref: Memo dated 30/3/17, File 33740
PA2017.0040 – Application for Planning Permit – 17 Leary Avenue, Stony Rise – Residential Out Building

We wish to make representation in relation to the above planning permit application.

We reside at 16 Leary Avenue, Stony Rise. We object to:

- The height of the out building against our boundary shed/fence wall. The height at the rear of the building is 5½ metres. We understand that height is classified as a commercial building (see image attached);
- The design of the out building;
- The length of the out building being constructed;
- The choice of cladding used on the out building (corrugated zinc aluminium), see image attached.
- We are also concerned, it seems, precautions have not be made at the rear of the building at 17 Leary Avenue for water seepage from above at 17 Leary Avenue, which will come into our block at 16 Leary Avenue when heavy rains occur. In past years after heavy downfalls of rain, considerable water seeps through the blocks from the land above;
- The design and cladding being used on the building being erected is not appropriate for Leary Avenue;
- The building has a very negative impact on the aesthetics of Leary Avenue and the subdivision overall;
- This erection is not in keeping with quality standards of other buildings in Leary Avenue and the Tiers subdivision and will negatively impact on land values in the area;
- \succ The state of the block is unsightly and has been in this untidy state for approx. two (2) years;
- The solar panel construction on the block also have a negative impact on Leary Avenue's aesthetics;

We strongly request that Devonport City Council take necessary steps to have the building dismantled and the block returned to a state of respectable standard for the area.

Yours faithfully Civilen

Terry and Colleen Jeffrey

PAGE 15

Representations - PA2017.0040 - 17	Leary Avenue	ATTACHMENT [1]
Re: 17 Lean	y Ave, Stony Rise	06/04/2017 D468148
Davidson /		
Residents/L	and Owners Names a	
Signature	COLLECT JELFALL	ADDRESS LE LEGRA HAR
hallow the fahrly	TERRY JESTIZEY	
	O - Lend	
V 1	huddy the land	32 LEART AUE
The state of the s	DONG E COUTH	18 21 + 20 1 - 22 1 21
Will Survey	LOPANIUS COURT	18, 21, 7, 22 DESPRIJANE.
VII Ou on all	JOHN RUSSELL	23 Leany avenue
Milkenson	MAURICE KERKISO	N 34 LEARY AVE
Milheurer	- 1) 2	
	Stephen College	Ily meal berran
P. S. S. S.	Choras Jon Snot	- 38 LEARY AUTILIE
	Omno ozver	Alleren Aure
Florine	PHIL GASHION	14 WARI AVELOE
- Fall	Jessica Collins	20 Legry Avenue
TO 1	Dorren Collins	ac Least Avenue
NH6	Kim Bennet	15 Leary Henre
Mistrick	Deldsie Aulett	29 Leavy Avenus.
Emily Je	frey owner of	property at 7 Leavy Ave
	1	

444417114171111111111111111111111111111		
440000000000000000000000000000000000000		

Annexure C

Petition opposing proposed units at 19 Leary Avenue.

Joshua and Robyn Sutcliffe 18 Leary Avenue, Stony Rise 7310

To Mayor and Alderman

Devonport City Council

Re: Proposed Unit Development at 19 Leary Avenue, Stony Rise 7310 File: PA2019.0149

In accordance with S57(2) of the *Local Government Act 1993*, Please find attached a paper petition signed by 29 residence of Leary Avenue, Stony Rise.

This petition is in relation to the proposed development of two units at 19 Leary Avenue.

Specifically the petition provides a list of 29 signatories who **oppose** the proposed plans, and as such **oppose** planning permits being granted by the planning authority for this development. This opposition is based on the size, bulk and scale of the units which causes a visual impact to the whole street, and is not consistent with the area.

Signatories request permits are not granted based on non-compliance of Planning Directives 10.4.2 and subclauses within.

Person Lodging Petition:

Robyn Lee Sutcliffe

On behalf of signed residence and land owners of Leary Avenue

18 Leary Avenue, Stony Rise

Re 19 LEARY Avenue, Stony Rise

Petition in Objection to the proposed building of townshores in their current size and scale at 19 Leary Avenue, Stony Rise. Furthermore opposition to ANY dwelling being constructed on the lot that is extensively outside building envelope.

Name	Signature	Address
		22 LEMY AV DPORT
NEVILLE		
Andrea. Ra.	fel forkales	33 Leary Avenue.
Esmal Ra	hel of	" ", "
Ismail Takes	25	25 11 11
MIKE MALLERS		26 LEARY AVE
	HIRTH +	29 Lean Avenue
MAURICE KERRISO	s Willerson	34 LEORY AVE
MATKING	464	35 LEARY AVE
IANNA KING	Okinga	35 Leary AV.
MATKING IANA KING Colleer Teffrey	Clipping	16 Leasy Ave DiPort
TERRY JEFFREY	7.141-7	16 Laury Ave D/pace
Andrew Best	(CA)	17 LOHLAGE ".
PHIL GASHION	27 / !!	14 LETARY AVE X
Debra Cashion	Hoshi	14 Learn Ave.
Manky Jennest	majana	15 Leary Avene Dps 1-
Tow of Glaria Smat	Ja Comb	38 LEARLY AVE DOA-
Dove Kent.	10	32 Leary Aue D. Pork
Roby Steleffe	hy sixcliflo	18 Leary Ave.
JOSL Sirce		18 Leary Ave
Narelle Kemion	Jukingen	34 Leary Avenue.
Alice Kerrison	auleerryth	34 Leary Avenue
GEOFF HARMAN	SH	36 Leary Avenue

Re: 19 Leary Avenue, Stony Rise

This is a Petition opposing the construction of units at 19 Leary Avenue that are not built within the building envelope as per DPIS.

Name	Signature	Address
h&BITSK!	7. hls "	8 CEART
B+P Curtis	P. Cirtis	8 CEART 3 Leary -
M. Astell	11/2011	7 Leary
5 Stubb 5	Styli	4 Leary Ax
1 Austin		39 Leavy HV.
John Russell	Julurell	23 Feary avenue Stoney Rope
		0

From: Lachlan Walsh < lachlan@lachlanwalshdesign.com>

Sent: Tuesday, 8 October 2019 9:25 AM

To: Devonport City Council

Subject: Planning Application - Updated Drawings - 19 Leary Avenue Stony Rise

Attachments: Drawings_2 Units_CBC_8 October 2019_Rev DA Set.pdf

Hi All,

Attached are some extra diagrams for the planning permit at 19 Leary Av.

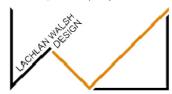
The two extra diagrams is the autumn and spring equinox shadow diagrams. It clearly shows that there is no overshadowing onto the neighbouring property that would cause unreasonable loss of amenity until the hour from 2pm to 3pm and this will be very small. Under the planning scheme it does not require a diagram to show the hours past 3pm. Also, the extra shadow diagrams are only to help understand the shadowing all year round. Under the planning scheme it is only required to show shadowing on the 21st June.

I hope this helps with the assessment.

Regards

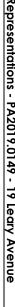
Lachlan J. Walsh | Director/Building Designer – *Architectural*

BAEnvDes, MArch (Hon)



PO Box 231, Devonport TAS, 7310 E: lachlan@lachlanwalshdesign.com P: 6424 8053 | M: 0439 309 480 www.lachlanwalshdesign.com

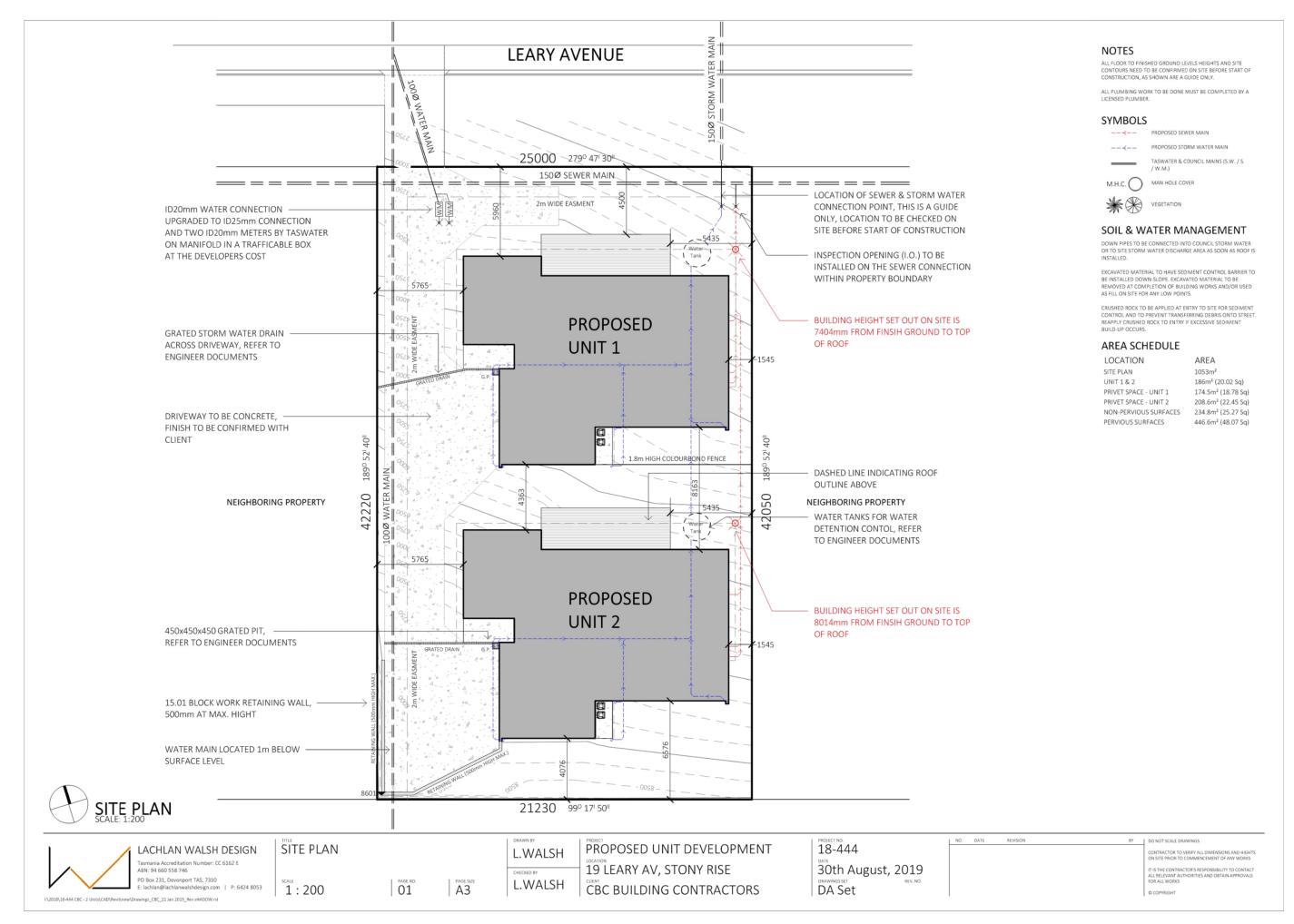
The information contained herein may be confidential or privileged and is intended only for the use of the addressee named above. If you are not the intended recipient of this message you are hereby notified that any use, dissemination, distribution or reproduction of this message is prohibited. If you have received this message in error please notify Lachlan Walsh Design immediately by email: lachlan@lachlanwalshdesign.com. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of Lachlan Walsh Design.



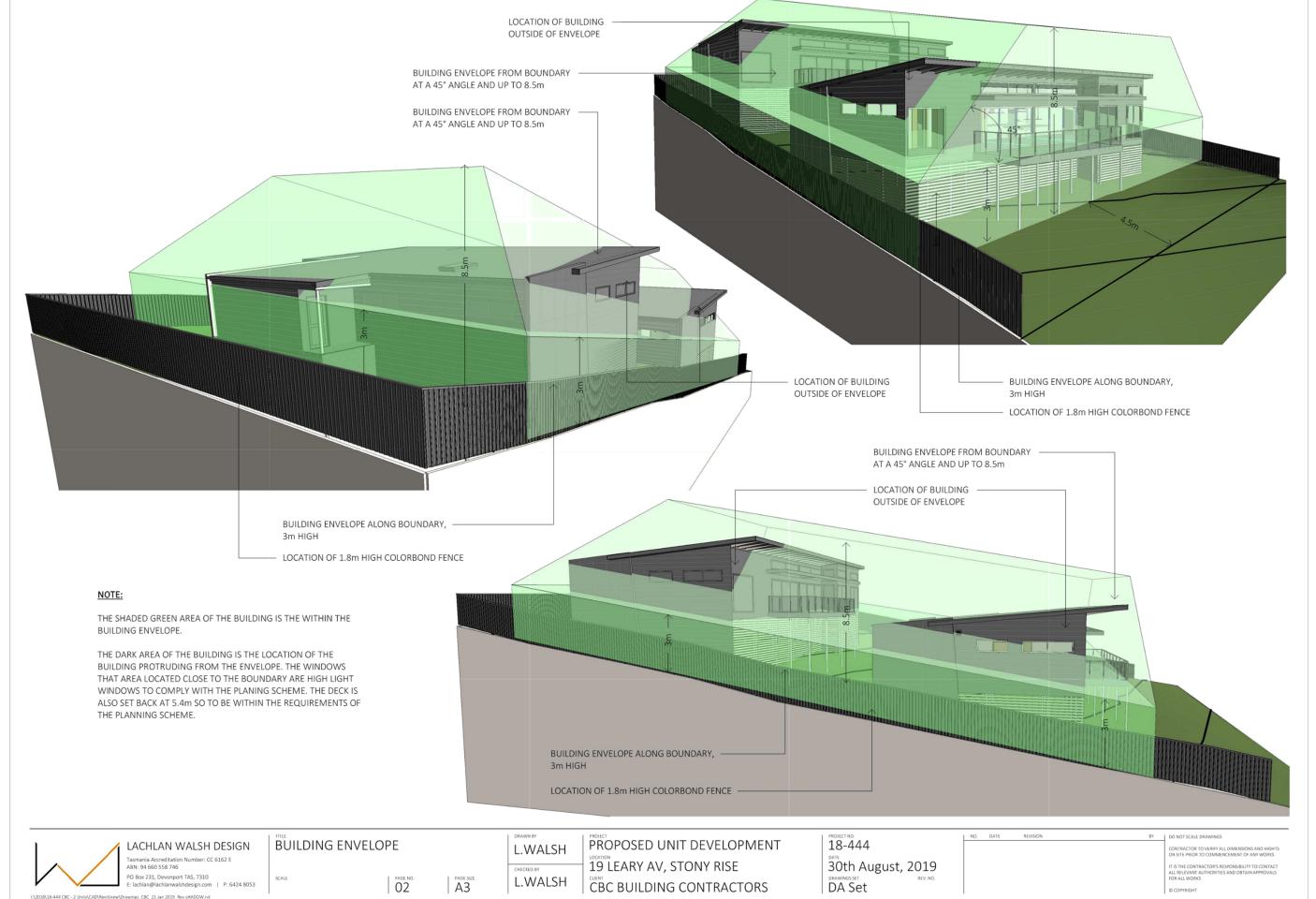




ITEM 4.2



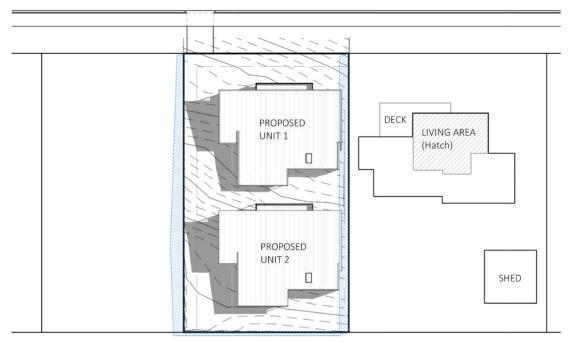
ITEM



ITEM 4.2

ATTACHMENT [2]

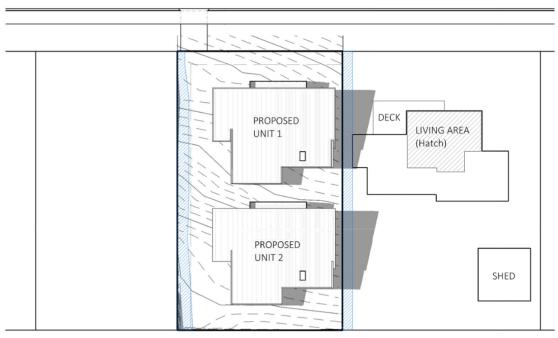
LEARY AVENUE



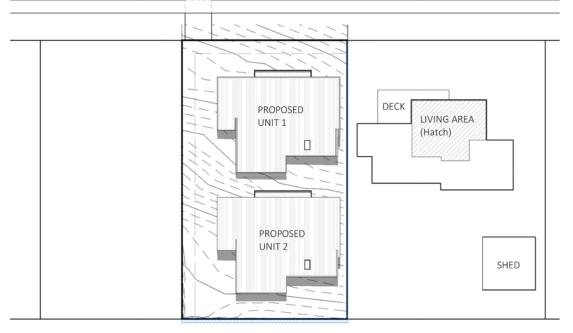
ITEM 4.2

SHADOW DIAGRAM - 9:00 am (December 22nd)

LEARY AVENUE



LEARY AVENUE



SHADOW DIAGRAM - 12 Noon (December 22nd)



SHADOW DIAGRAM - 3:00 pm (December 22nd)



SHADOW DIAGRAMS - Summer Solstice

SCALE: 1:500 | PAGE NO. | PAGE SZE

L.WALSH

CHECKED BY
L.WALSH

CHECKED BY
L.WALSH

CHECKED BY
CUENT
CBC BUILDING CONTRACTORS

PROJECT NO.

18-444

30th August, 2019

DRAWINGS SET REV. NO.

DA Set

DATE REVISION BY DO NOT SCALE DRAWINGS

CONTRACTOR TO VERIFY ALL DIMENSIONS AND HIGHTS
ONS HE PRIDOR TO COMMENCEMENT OF ANY WORKS

IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT
ALL RELEVANT AUTHORITIES AND OBTAIN APPROVALS
FOR ALL WORKS

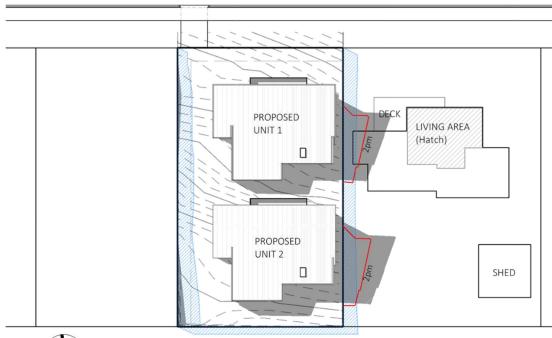
© COPPRIGHT

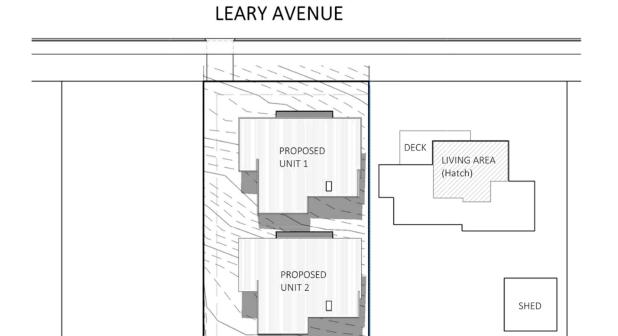


ITEM 4.2

SHADOW DIAGRAM - 9:00 am (March 20th)

LEARY AVENUE





SHADOW DIAGRAM - 12 Noon (March 20th)



SHADOW DIAGRAM - 3:00 pm (March 20th)





L.WALSH	PROPOSED UNIT DEVELOPMENT
L.WALSH	19 LEARY AV, STONY RISE
L. VV/ALSITI	CBC BUILDING CONTRACTORS

PROJECT NO. 18-444	
30th August,	2019
DA Set	REV. NO.

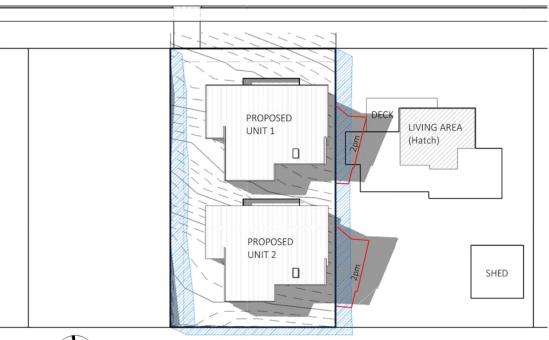


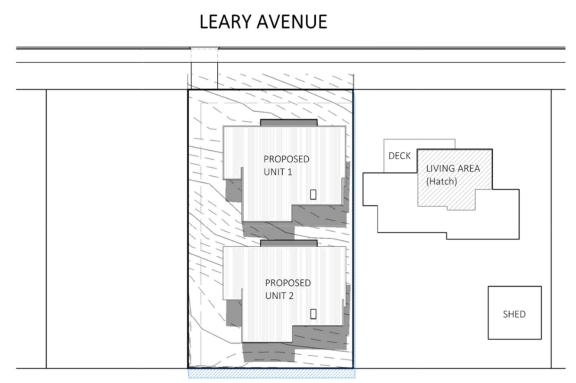


ITEM 4.2

SHADOW DIAGRAM - 9:00 am (September 22nd)

LEARY AVENUE





SHADOW DIAGRAM - 12 Noon (September 22nd)



SHADOW DIAGRAM - 3:00 pm (September 22nd)

1:500



SHADOW DIAGRAMS - Spring Equinox

05

A3

L.WALSH L.WALSH

PROPOSED UNIT DEVELOPMENT 19 LEARY AV, STONY RISE CBC BUILDING CONTRACTORS

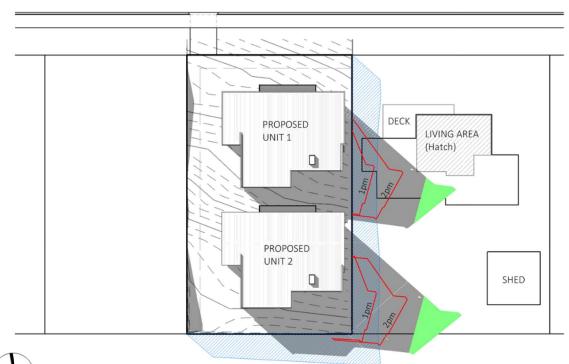
18-444 30th August, 2019 DA Set

LEARY AVENUE



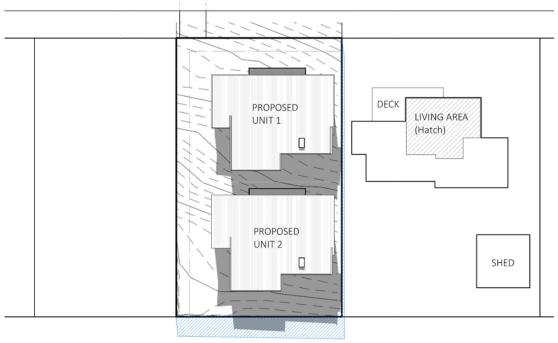
SHADOW DIAGRAM - 9:00 am (June 21st)

LEARY AVENUE



SHADOW DIAGRAM - 3:00 pm (June 21st)

LEARY AVENUE





SHADOW DIAGRAM - 12 Noon (June 21st)

NOTE:

AS IT IS SHOWN ON THE SHADOW DIAGRAMS, THE HEIGHTS OF THE BUILDINGS DO NOT RESTRICT THE ACCESS OF SUN OR LIGHT IN TO THE HABITABLE ROOMS OF THE BUILDING OR THE PRIVET OPEN SPACE.

THE RED LINES INDICATE THE LOCATION OF SHADOW DURING 1pm AND 2pm.

THE GREEN HATCH SHOWN ON THE DIAGRAM AT 3PM IS THE PORTION OF THE BUILDING THAT IS LOCATED OUTSIDE OF THE BUILDING ENVELOPE.

THE BLUE HATCHED AREA IS THE SHDOWING OF THE PROPOSED 1.8m HIGH COLORBOND FENCE.



LACHLAN WALSH DESIGN Tasmania Accreditation Number: CC 6162 E ABN: 94 660 558 746 PO Box 231, Devonport TAS, 7310 E: lachlan@lachlanwalshdesign.com | P: 6424 8053

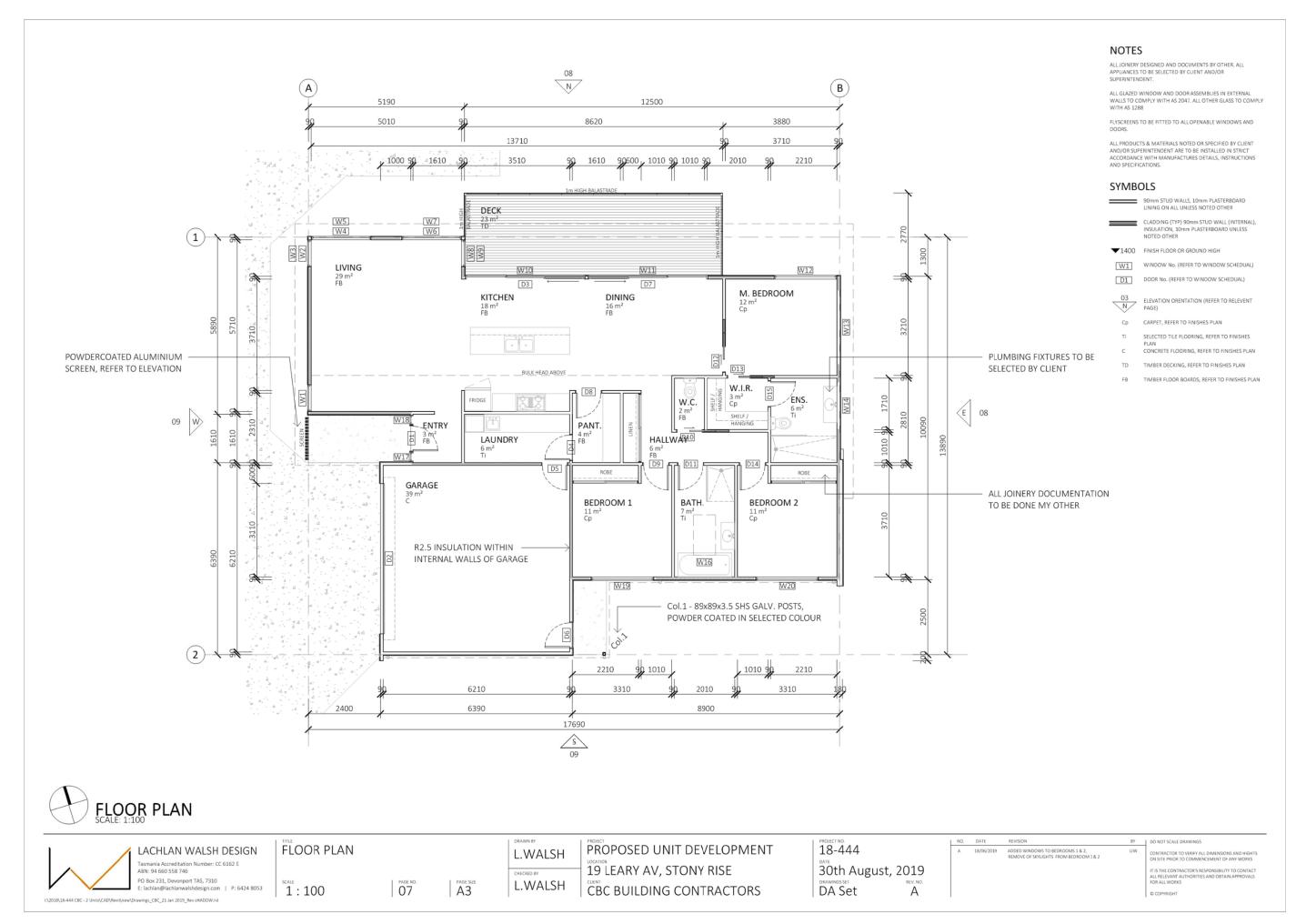
1:500

A3 06

SHADOW DIAGRAMS - Winter Solstice L.WALSH L.WALSH

PROPOSED UNIT DEVELOPMENT 19 LEARY AV, STONY RISE CBC BUILDING CONTRACTORS

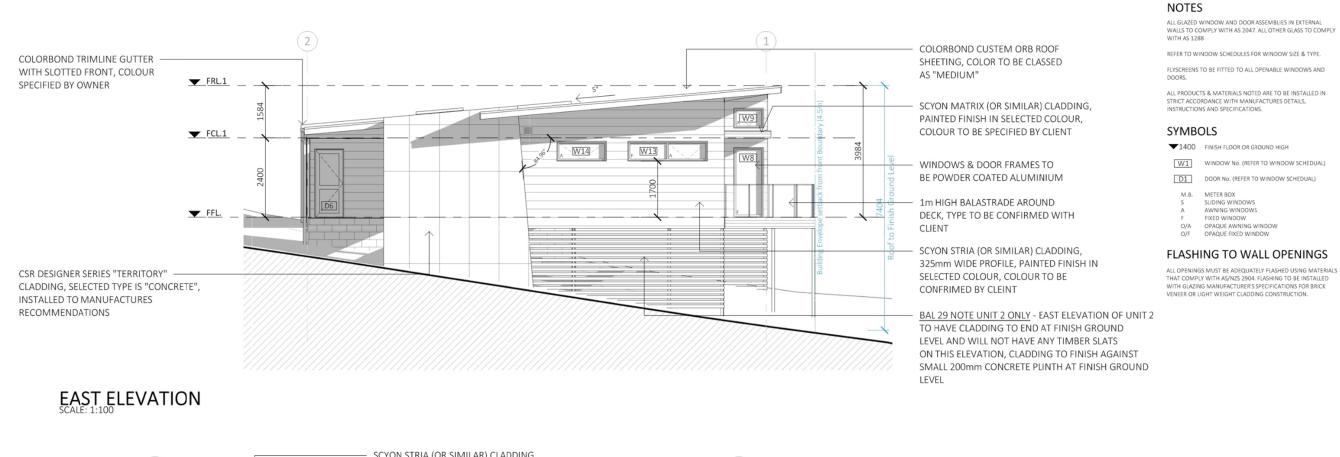
18-444 30th August, 2019 DA Set



ITEM

METER BOX

AWNING WINDOWS FIXED WINDOW





NORTH ELEVATION

ITEM

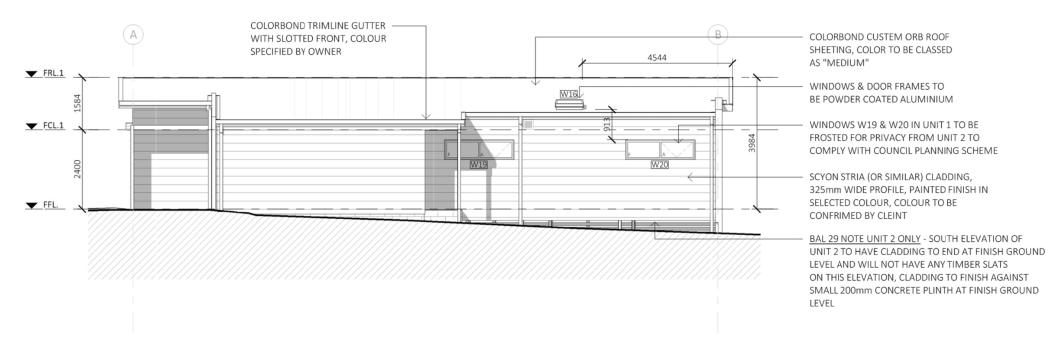


ELEVATIONS 1 of 2 (Unit 1) A3 08

PROPOSED UNIT DEVELOPMENT L.WALSH 19 LEARY AV, STONY RISE L.WALSH CBC BUILDING CONTRACTORS

18-444 30th August, 2019 DA Set

DO NOT SCALE DRAWINGS



NOTES

ALL GLAZED WINDOW AND DOOR ASSEMBLIES IN EXTE VALLS TO COMPLY WITH AS 2047. ALL OTHER GLASS TO COMPLY

REFER TO WINDOW SCHEDULES FOR WINDOW SIZE & TYPE.

FLYSCREENS TO BE FITTED TO ALL OPENABLE WINDOWS AND

ALL PRODUCTS & MATERIALS NOTED ARE TO BE INSTALLED IN INSTRUCTIONS AND SPECIFICATIONS

SYMBOLS

▼1400 FINISH FLOOR OR GROUND HIGH

W1 WINDOW No. (REFER TO WINDOW SCHEDUAL)

D1 DOOR No. (REFER TO WINDOW SCHEDUAL

M.B.

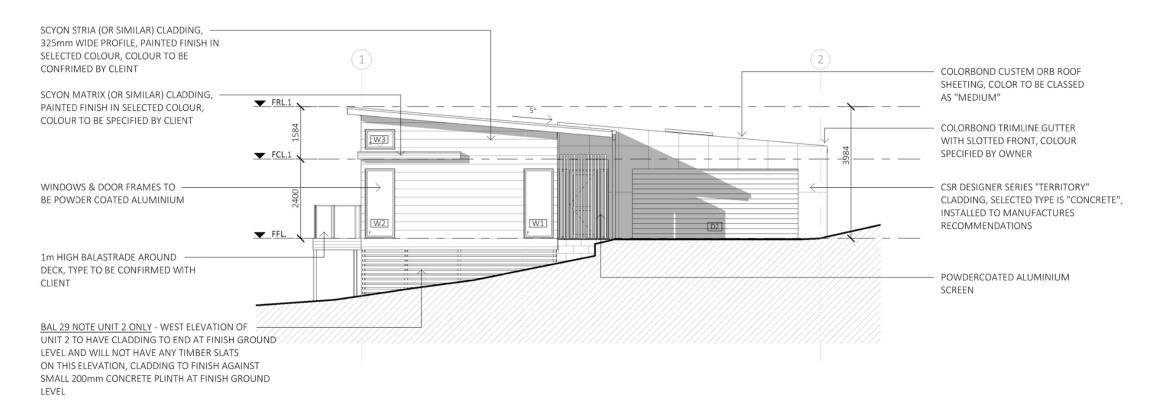
METER BOX SLIDING WINDOWS AWNING WINDOWS FIXED WINDOW OPAQUE AWNING WINDOW OPAQUE FIXED WINDOW

FLASHING TO WALL OPENINGS

ALL OPENINGS MUST BE ADEQUATELY FLASHED USING MATERIALS THAT COMPLY WITH AS/NZS 2904, FLASHING TO BE INSTALLED WITH GLAZING MANUFACTURER'S SPECIFICATIONS FOR BRICK VENEER OR LIGHT WEIGHT CLADDING CONSTRUCTION.

SOUTH ELEVATION

ITEM



WEST ELEVATION



LACHLAN WALSH DESIGN PO Box 231, Devonport TAS, 7310 E: lachlan@lachlanwalshdesign.com | P: 6424 8053

1:100

ELEVATIONS 2 of 2 (Unit 1)

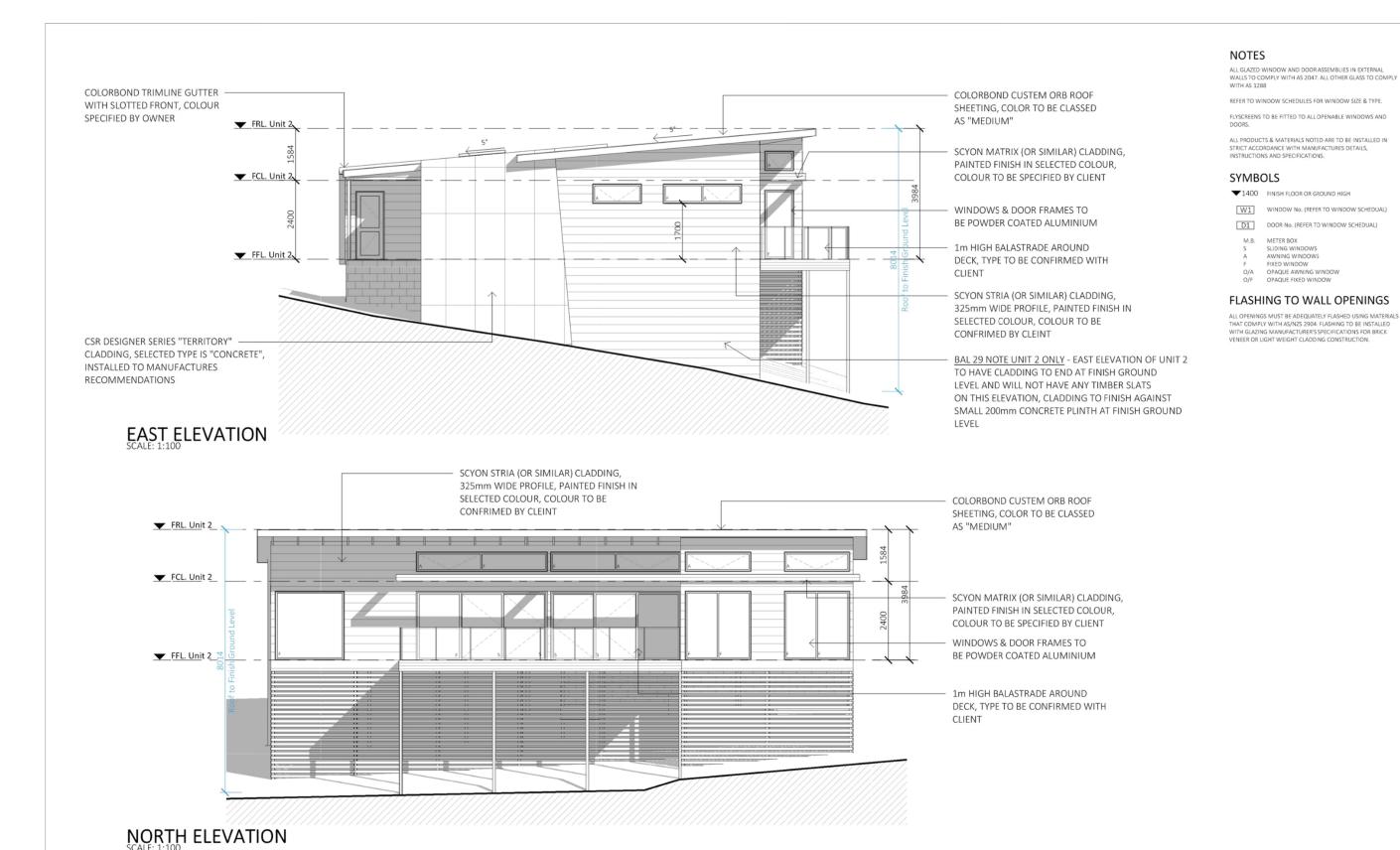
A3 09

L.WALSH L.WALSH

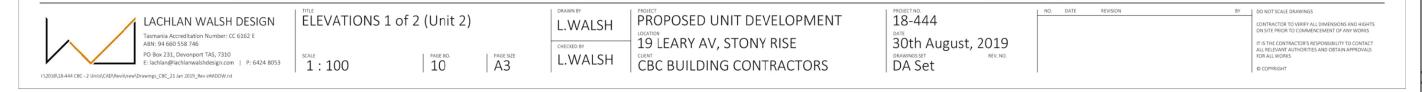
PROPOSED UNIT DEVELOPMENT 19 LEARY AV, STONY RISE CBC BUILDING CONTRACTORS

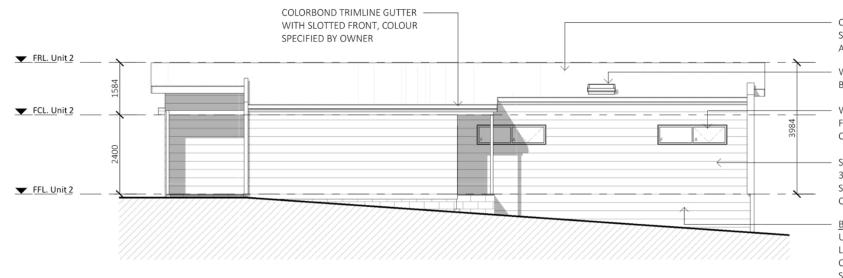
18-444 30th August, 2019 DA Set Α

BY | DO NOT SCALE DRAWINGS



ITEM





COLORBOND CUSTEM ORB ROOF SHEETING, COLOR TO BE CLASSED AS "MEDIUM"

WINDOWS & DOOR FRAMES TO BE POWDER COATED ALUMINIUM

WINDOWS W19 & W20 IN UNIT 1 TO BE FROSTED FOR PRIVACY FROM UNIT 2 TO COMPLY WITH COUNCIL PLANNING SCHEME

SCYON STRIA (OR SIMILAR) CLADDING, 325mm WIDE PROFILE, PAINTED FINISH IN SELECTED COLOUR, COLOUR TO BE CONFRIMED BY CLEINT

BAL 29 NOTE UNIT 2 ONLY - SOUTH ELEVATION OF UNIT 2 TO HAVE CLADDING TO END AT FINISH GROUND LEVEL AND WILL NOT HAVE ANY TIMBER SLATS ON THIS ELEVATION, CLADDING TO FINISH AGAINST SMALL 200mm CONCRETE PLINTH AT FINISH GROUND LEVEL

NOTES

ALL GLAZED WINDOW AND DOOR ASSEMBLIES IN EXTERNAL WALLS TO COMPLY WITH AS 2047. ALL OTHER GLASS TO COMPLY WITH AS 1288

REFER TO WINDOW SCHEDULES FOR WINDOW SIZE & TYPE.

FLYSCREENS TO BE FITTED TO ALL OPENABLE WINDOWS AND

ALL PRODUCTS & MATERIALS NOTED ARE TO BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURES DETAILS, INSTRUCTIONS AND SPECIFICATIONS.

SYMBOLS

▼1400 FINISH FLOOR OR GROUND HIGH

W1 WINDOW No. (REFER TO WINDOW SCHEDUAL)

D1 DOOR No. (REFER TO WINDOW SCHEDUAL)

M.B. METER BOX S SLIDING WINDOWS

F FIXED WINDOWS

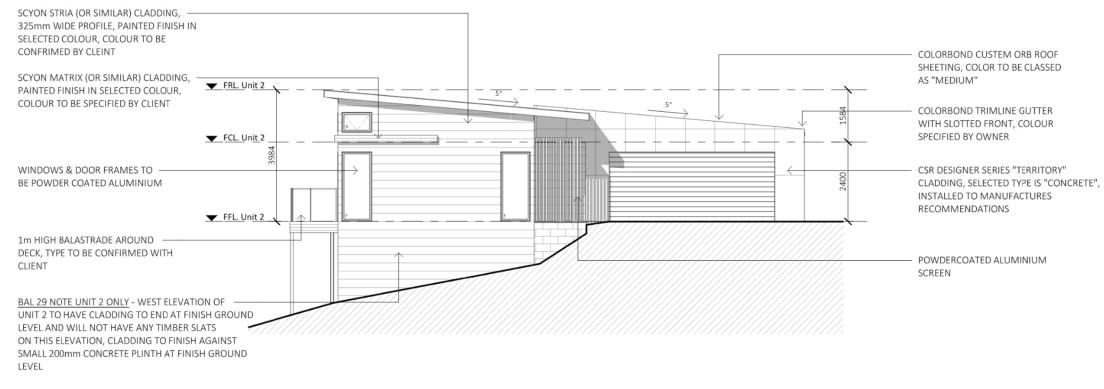
O/A OPAQUE AWNING WINDOW
O/F OPAQUE FIXED WINDOW

FLASHING TO WALL OPENINGS

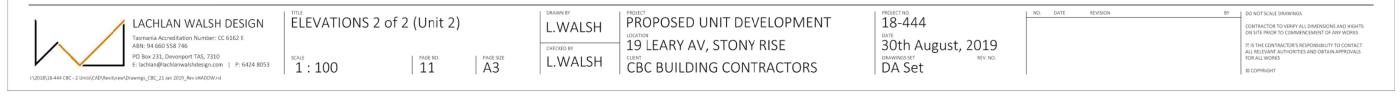
ALL OPENINGS MUST BE ADEQUATELY FLASHED USING MATERIALS THAT COMPLY WITH AS/NZS 2904 FLASHING TO BE INSTALLED WITH GLAZING MANUFACTURER'S SPECIFICATIONS FOR BRICK VENEER OR LIGHT WEIGHT CLADDING CONSTRUCTION.

SOUTH ELEVATION

ITEM



$\underset{\text{SCALE: }1:100}{\text{WEST}} \textbf{ELEVATION}$



SCHEDULES

WINDOW SCHEDULES

Mark	Width	Height	Head Height	Opening Type	Frame Type	Glazing Type
W1	900	2100	2110	FIXED	Type 1	Type 1
W2	900	2100	2110	FIXED	Type 1	Type 1
W3	900	600	3300	AWNING	Type 1	Type 1
W4	2000	2100	2110	FIXED	Type 1	Type 1
W5	2000	600	3300	AWNING	Type 1	Type 1
W6	2000	2100	2110	FIXED	Type 1	Type 1
W7	2000	600	3300	AWNING	Type 1	Type 1
W8	900	2100	2110	FIXED	Type 1	Type 1
W9	900	600	3300	AWNING	Type 1	Type 1
W10	4000	600	3300	AWNING	Type 1	Type 1
W11	4000	600	3300	AWNING	Type 1	Type 1
W12	2100	2100	2110	FIXED	Type 1	Type 1
W13	2400	600	2300	AWNING	Type 1	Type 1
W14	1500	600	2300	AWNING	Type 1	Type 1
W16	800	1400		SKYLIGHT AWNING	Type 1	Type 1
W17	320	2100	2100	FIXED	Type 1	Type 1
W18	320	2100	2100	FIXED	Type 1	Type 1
W19	2100	600	2100	AWNING	Type 1	Type 1
W20	2100	600	2100	AWNING	Type 1	Type 1

DOOR SCHEDULES

ITEM

Mark	Height	Width	Door Type	Frame Type	Opening Type
D1	2040	820	Type 1	Type 2	EX. HINGED
D2	2100	5000	Type 4		ROLL-A-DOOR
D3	2060	3920	Type 3	Type 2	EX. SLIDER
D4	2040	820	Type 2	Type 1	HINGED
D5	2040	820	Type 2	Type 1	HINGED
D6	2040	820	Type 1	Type 2	EX. HINGED
D7	2060	3920	Type 3	Type 2	EX. SLIDER
D8	2040	820	Type 2	Type 1	HINGED
D9	2040	820	Type 2	Type 1	HINGED
D10	2040	820	Type 2	Type 1	CAVITY SLIDING
D11	2040	820	Type 2	Type 1	HINGED
D12	2040	820	Type 2	Type 1	HINGED
D13	2040	720	Type 2	Type 1	CAVITY SLIDING
D14	2040	820	Type 2	Type 1	HINGED
D15	2040	820	Type 2	Type 1	HINGED

WINDOW NOTES

TYPE 1 - ALUMINIUM WINDOW FRAME, POWDER COATED IN SELECTED COLOR, PRE PRIMED TIMBER

GLAZING TYPE

GLAZING TIPE GLAZING REQUIREMENTS AS OUTLINED IN THE ATTACHED GLAZING CALCULATOR OR ENERGY ASSESSMENT. BELOW ARE A GUIDE ONLY, GLAZING CALCULATOR OR ENERGY ASSESSMENT TAKE PRECEDENCE.

TYPE 1	GLAZING	U-Value	SHGC
Double Glazed	4Clr/10Δr/4Clr	4 32	0.55

DOOR NOTES

DOOR TYPE

TYPE 1 - HUME TIMBER SOLID CORE EXTERIOR DOOR, PRE PRIMED, 35mm, PAINTED FINISH TO SELECTED COLOR WITH GLASS INFILL TO SELECTED

TYPE 2 - HUME TIMBER HONYCOMB INTERNAL DOOR, PRE PRIMED, 35mm, PAINTED FINISH TO SELECTED COLOR

TYPE 3 - ALUMINIUM GLASS SLIDING DOOR, POWDER COATED TO SELECTED FINISH, VISUAL INDICATORS TO SELECTED DESIGN

TYPE 4 - AUTOMATIC ROLL-A-DOOR, POWDER COATED IN SELECTED COLOR

TYPE 1 - HUME (MDF) TIMBER FRAME, PRE PRIMED, PAINTED FINISH TO SELECTED COLOR

TYPE 2 - ALUMINIUM DOOR FRAME, POWDER COATED IN SELECTED COLOR

NOTES

ALL GLAZED WINDOW AND DOOR ASSEMBLIES IN EXTERNAL WALLS TO COMPLY WITH AS 2047. ALL OTHER GLASS TO COMPLY WITH AS 1288

FLYSCREENS TO BE FITTED TO ALL OPENABLE WINDOWS

ALL EXTERNAL OPENINGS TO BE ADEQUATELY FLASHED USING MATERIALS THAT COMPLY WITH AS 2904

WINDOWS TO BEDROOMS WHERE THE FALL HEIGHT IS 2 METERS OR GREATER MUST BE PERMANENTLY RESTRICTED TO OPEN A MAXIMUM OF 125mm OR HAVE A NON-REMOVEABLE ROBUST SCREEN INSTALLED

BAL ASSESSMENT CHECKLIST AS 3959

UNIT 1	NORTH	SOUTH	EAST	WEST	UNIT 2	NORTH	SOUTH	EAST	WEST
FIRE INDEX	50	50	50	50	FIRE INDEX	50	50	50	50
DISTANCE OF VEGETATION	<100m	30.2m	<100m	<100m	DISTANCE OF VEGETATION	<100m	12.0m	<100m	<100m
VEGETATION TYPE	· -	Group B	-	-	VEGETATION TYPE	, -	Group B	-	-
UP OR DOWN SLOPE	-	UP	-	-	UP OR DOWN SLOPE	-	UP	-	-
BUSHFIRE ATTACK LEVEL	LOW	12.5	LOW	LOW	BUSHFIRE ATTACK LEVEL	LOW	29	LOW	LOW

NORTH ELEVATION OF UNIT 2 WILL BE CLASSED AS A BAL 19 AS INDICATED UNDER BUSHFIRE REPORT PROVIDED BY TAMMY SMITH (REPORT No. B1718-051)

NCC COMPLIANCE NOTES

Excavation and filling of site to be in accordance with BCA Part 3.1 and AS 2870.

Drainage works to be in accordance with BCA Part 3.1. & AS/NZS 3500.3.2.

Surface drainage - finished ground to fall away from building 50mm in 1000mm

Finished slab level to be

- 150 above finished ground.
- 50 above paved surfaces.

Prevent ponding of water under suspended floors.

FOOTINGS AND SLABS

Generally to be accordance with AS 2870

Preparation for placement of concrete and reinforcement to be to AS 2870

Concrete & steel reinforcement to be in accordance with AS 2870 & AS 3500.

The site classification to be in accordance with AS 2870. Alternatively footings & slabs to be in accordance with Structural Engineers design & specification.

MASONRY

Generally masonry walls to be constructed in accordance with BCA 3.3 & AS 3700.

Un-reinforced masonry to BCA 3.3.1. reinforced masonry to BCA 3.3.2.

masonry accessories to BCA 3.3.3. weatherproofing of masonry to BCA 3.3.4.

FRAMING

Timber framing to be in accordance with AS 1684. Manufactured timber members to be in accordance with prescribed framing manual.

Sub floor ventilation in accordance with BCA 3.4.1. Sub floor area to be clear of organic materials & rubbish. Provide vent openings in substructure walls at a rate of 7300mm2 / m of wall length, with vents not more than 600 mm from corners. 150 mm clearance required to underside of floor framing members unless specified otherwise by flooring material specification.

Tie down and bracing of frame to be in accordance with AS 1684 & AS 4055

Structural steel framing to be in accordance with BCA 3.4.4, AS 1250, AS 4100 & structural engineers design & specification.

ROOF AND WALL CLADDING

Generally to be in accordance with BCA 3.5.

Roof cladding to be in accordance with BCA 3.5.1, and: Roof tiles AS2049 & AS 2050

Metal sheet roofing AS 1562.1

Plastic sheet roofing AS/NZS 4256.1,.2,.3 &. 5 & AS 1562.3. Gutters and downpipes, generally to be in accordance with BCA Generally to be in accordance with 3.9.1. 3.5.2 & AS/NZS 3500.3.2. &

The Tasmanian Plumbing Code.

Eaves, internal and valley guttering to have cross sectional area Riser opening to be less than 125.

Downpipes to be 90 dia. or 100*50 rectangular section at max. 12 000 crs and to be within 1000 of internal/valley gutter. Wall cladding to be installed in accordance with BCA 3.5.3. & Manufacturer's specification.

Flashings to BCA 3.5.3.6.

Generally glazing to be in accordance with AS 1288. Refer to window legend for sizes and type.

FIRE SAFETY

Generally to be in accordance with BCA 3.7.

Fire separation to be in accordance with BCA 3.7.1. External walls and gable ends constructed within 900 of boundary are to so as not to allow 125 sphere to pass between members. extend to underside of non combustible roofing/ eaves & are to be constructed of a masonry skin 90

thick with an FRL of 60/60/60.

Sarking to have a flammability index less than 5.

Roof lights not to be placed closer than 900 from boundary. Smoke alarm installation to be in accordance with BCA 3.7.2. Locations indicated on floor plan.

Installation locations

ceilings - 300 away from wall junction.

cathedral ceiling - 500 down from apex.

walls - 300 down from ceiling junction.

Heating appliances generally to be in compliance with BCA 3.7.3 & AS 2918

Fireplace - extend hearth 150 to side of opening. 400 in front of opening

Freestanding - extend hearth 400 beyond unit.

Freestanding appliance to be 1200 from combustible wall surface. 50 from masonry wall. Heat shield - 90 masonry with 25 air gap to combustible wall, extend 600 above unit. Flue installation to BCA 3.7.3.4.

Top of chimney/flue to terminate 600 above ridge line Construction in Bush Fire Area to be in accordance with BCA 3.7.4 & AS 3959.

HEALTH AND AMENITY

Generally wet area waterproofing to be in accordance with AS 3740 and BCA 3.8.1.

Waterproofing of surfaces adjacent to open shower, including shower over bath, to extend 1.5 from a vertical line projected from shower rose, to a height 1.8 above finished floor. Wall surfaces adjacent to plumbing fixtures, bath etc. to be protected to a height of 150 above fixture. Ceiling heights to be in accordance with BCA 3.8.2.

Generally to be in accordance with BCA 3.8.3.

Required facilities in accordance with 3.8.3.2. Refer to plan for

Sanitary compartment to be in accordance with BCA 3.8.3.3. Refer to plan for detail.

Provision of natural light to be in accordance with BCA 3.8.4.2. Windows / rooflights to provide light transmission area equal to 10% of floor area of room.

Ventilation to be in accordance with BCA 3.8.5. or AS 1668.2 for mechanical ventilation. Exhaust fan from bathroom / wc to be vented to outside for steel roof and to roof space for tile roof. Natural ventilation to be provided at a rate of 5% of room floor area, in accordance with BCA 3.8.5.2.

STAIR CONSTRUCTION

Maximum of 18 risers to each flight.

Treads to have non slip surface or nosing.

Riser - min. 115, max. 190.

Tread - min 240, max. 355. Balustrade.

Generally in accordance with BCA 3.9.2..

Balustrade required where area is not bounded by a wall or where level exceeds 1000 above floor level to final ground

865 high on stairs, measured from line of stair nosing. 1000 high above floor or landing.

Openings between balusters / infill members to be constructed Where floor level exceeds 4000 above lower level, infill members between 150 and 760 above floor level, to be constructed so as to restrict climbing.

ENERGY EFFICIENCY

Generally in accordance with BCA 3.12

Climate Zone 7 applicable to Tasmania (Zone 8 applicable to Alpine areas)

BUILDING FABRIC

Generally in accordance with BCA 3.12.1

BUILDING FABRIC INSULATION

Insulation to be fitted to form continuous barrier to

roof/ceiling, walls and floors.

REFLECTIVE BUILDING MEMBRANE

Installed to form 20mm airspace between reflective face and external lining / cladding, fitted closely up to penetrations / openings, adequately supported and joints to be lapped min.

BULK INSULATION

To maintain thickness and position after installation Continuous cover without voids except around services / fittings

ROOF INSULATION

Roof construction to achieve miniumum Total R Value of R4.0 Roof lights to comply with BCA 3.12.1.3

EXTERNAL WALLS

External wall construction to achieve minimum Total R Value of R2.0

Wall surface density minimum - 220kg/m2

Generally in accordance with BCA 3.12.1.5

Suspended floor with an unenclosed perimeter required to achieve a minimum Total R Value of R1.0.

Concrete slab on ground with an in slab heating system to be isulated to R1.0 around vertical edge of slab perimeter.

ATTACHED CLASS 10a BUILDING External wall or separating wall between class 1 building required to achieve minimum Total R Value of 2.0

EXTERNAL GLAZING

Generally in accordance with BCA 3.12.2

BUILDING SEALING

Generally in accordance with BCA 3.12.3

Chimneys or flues to be fitted with sealing damper or flap. Roof lights to habitable rooms to be fitted with operable or permanent seal to minimize air leakage.

External windows & doors to habitable rooms / conditioned spaces to be fitted with air seal to restrict air infiltration. Exhaust fans to habitable rooms / conditioned spaces to be fitted with self closing damper or filter

Building envelope to be constructed to minimize air leakage. Construction joints and junctions of adjoining surfaces to be tight fitting and sealed by caulking, skirting, architraves and cornices.

AIR MOVEMENT

Generally in accordance with BCA 3.12.4

SERVICES

Generally in accordance with BCA 3.12.5

Hot water supply system designed and installed in accordance with AS/NZS 3500



LACHLAN WALSH DESIGN Tasmania Accreditation Number: CC 6162 E ABN: 94 660 558 746 PO Box 231, Devonport TAS, 7310 E: lachlan@lachlanwalshdesign.com | P: 6424 8053

SCHEDUALS & NCC NOTES

1:100

12

A3

L.WALSH L.WALSH

PROPOSED UNIT DEVELOPMENT 19 LEARY AV, STONY RISE **CBC BUILDING CONTRACTORS**

18-444 30th August, 2019 DA Set Α

DO NOT SCALE DRAWINGS

ATTACHMENT [2]

There being no further business the Chairperson declared the meeting closed at pm.