



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 Aberdeen Room, Level 2, parnaple centre, 137 Rooke Street, Devonport, on Monday 2 December 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.

Matthew Atkins
ACTING GENERAL MANAGER

27 November 2019

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF
DEVONPORT CITY COUNCIL HELD ON MONDAY 2 DECEMBER 2019
IN THE ABERDEEN ROOM, paranaple centre, 137 ROOKE STREET, DEVONPORT AT 5:15PM**

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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 2, December 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 OCTOBER 2019 - 20 NOVEMBER 2019

ATTACHMENTS

1. Planning Applications approved under delegated authority 1 October 2019 - 20 November 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

Application No.	Location	Description	Approval Date
PA2019.0110	2/51a Best Street, Devonport	Residential (multiple dwelling) - extension	11/10/19
PA2019.0122	1 Clare Court, Devonport	Residential (single dwelling extension)	3/10/19
PA2019.0130	17 Harold Street, Devonport	Residential (as constructed outbuildings)	3/10/19
PA2019.0132	25 Hiller Street, Devonport	Residential (dwelling addition - Heritage Conservation area)	9/10/19
PA2019.0134	44 Madden Street, Devonport	Residential (ancillary dwelling)	30/09/19
PA2019.0136	79 Oldaker Street, Devonport	Residential (House demolition)	11/10/19
PA2019.0137	16 Collins Way, Tugrah	Subdivision (2 lots)	21/10/19
PA2019.0138	85 Devonport Road, Quoiba	Demolition of administration building	23/10/19
PA2019.0139	11 Monash Court, Devonport	Residential (decks) - change in ground level	9/10/19
PA2019.0140	12 Mangana Drive, Tugrah	Residential (single dwelling) extension	9/10/19
PA2019.0141	17 Forest Heights Drive, Tugrah	Residential (single dwelling)	15/10/19
PA2019.0142	138 River Road, Ambleside	Residential (as constructed deck)	18/10/19
PA2019.0143	43 Mungala Crescent, Miandetta	Residential (single dwelling - as constructed additions and alterations)	24/10/19
PA2019.0144	8 Luck Street, Spreyton	Storage	9/10/19
PA2019.0145	28 Forbes Street, Devonport	Permitted: Business and professional services Discretionary: Variation to car parking requirements	10/10/19
PA2019.0146	4 Mulligan Drive, Spreyton	Residential (dwelling and shed)	1/11/19
PA2019.0148	215-221 Tarleton Street, East Devonport	Visitor Accommodation	31/10/19
PA2019.0149	19 Leary Avenue, Stony Rise	Residential (multiple dwellings x 2)	21/10/19
PA2019.0150	54 Nicholls Street, Devonport	Residential (single dwelling)	8/11/19
PA2019.0151	189 Clayton Drive, Spreyton	Residential (outbuilding) - as constructed	13/11/19
PA2019.0152	122 William Street, Devonport	Illuminated advertising sign	8/11/19
PA2019.0154	6 Haines Place, Devonport	Visitor Accommodation	31/10/19
PA2019.0155	77 Watkinson Street, Devonport	Visitor Accommodation	25/10/19
PA2019.0156	14 Henry Street, Devonport	Visitor Accommodation	31/10/19
PA2019.0158	38 Lodder Road, Don	Subdivision (2 lots) and Residential (single dwelling)	15/11/19
PA2019.0159	151 Upper George Street, Devonport	Residential (shed)	1/11/19
PA2019.0160	110 Clayton Drive, Spreyton	Residential (shed)	14/11/19
PA2019.0161	145 Oldaker Street, Devonport	Residential (multiple dwellings x 2)	7/11/19
PA2019.0162	2/4 Cameray Street, East Devonport	Visitor Accommodation	7/11/19

Application No.	Location	Description	Approval Date
PA2019.0163	146a William Street, Devonport	Sports and recreation	13/11/19
PA2019.0164	58 Wright Street, East Devonport	Residential (house above existing shop)	13/11/19
PA2019.0165	106 North Street, Devonport	Visitor Accommodation	13/11/19
PA2019.0166	69 Lawrence Drive, Devonport	Residential (shed)	14/11/19
PA2019.0172	113 Middle Road, Miandetta	Education and occasional care (alterations and additions)	18/11/19

4.0 DEVELOPMENT REPORTS

4.1 PA2019.0169 VISITOR ACCOMMODATION - 13A JAMES STREET DEVONPORT

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 the Planning Authority to make a decision regarding planning application PA2019.0169.

BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant/Owner:	Debbie Boyer
Proposal:	Visitor Accommodation
Existing Use:	Residential
Decision Due:	3/12/19

SITE DESCRIPTION

The site is an internal lot accessed off the southern side of James Street. Located on the property is a contemporary unit constructed in 2011 which forms part of a strata title with 13 James Street, the lot to the immediate north. An aerial image of the site is reproduced below as Figure 1 and Figure 2 is the strata plan.



Figure 1 - Aerial image of subject site and surrounding locality (DCC, 2019)



The application seeks approval for the existing unit to be used for visitor accommodation purposes (ie a short-term letting type arrangement). The entire unit is proposed to be utilised for this purpose with on-site parking for a minimum of two vehicles provided. Figure 3 is a site plan provided by the applicant. The application is appended to this report as **Attachment 1**.



PLANNING ISSUES

The land is zoned General Residential under the *Devonport Interim Planning Scheme 2013* (DIPS).

The State Government has recently introduced changes to the planning and building approval process for visitor accommodation within a number of land-use zones, including the General Residential zone. The changes have been given effect through Planning Directive No 6 - *Exemption and Standards for Visitor Accommodation in Planning Schemes* (PD 6).

The applicable development standard under PD 6 is reproduced below as Figure 4 along with commentary. For information purposes, the prescribed exemptions have not been included as the proposal does not meet these requirements.

Visitor Accommodation

Objective: That Visitor Accommodation: <ul style="list-style-type: none"> (a) is compatible with the character and use of the area; (b) does not cause an unreasonable loss of residential amenity; and (c) does not impact the safety and efficiency of local roads or rights of way. 	
Acceptable Solutions	Performance Criteria
A1 Visitor Accommodation must accommodate guests in existing habitable buildings and those buildings have a gross floor area of not more than 200m ² per lot.	P1 Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to: <ul style="list-style-type: none"> (a) the privacy of adjoining properties; (b) any likely increase in noise to adjoining properties; (c) the scale of the use and its compatibility with the surrounding character and uses within the area; (d) retaining the primary residential function of an area; (e) the impact on the safety and efficiency of the local road network; and (f) any impact on the owners and users rights of way.
A2 Visitor Accommodation is not for a lot, as defined in the <i>Strata Titles Act 1998</i> , that is part of a strata scheme where another lot within that strata scheme is used for a residential use.	P2 Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to: <ul style="list-style-type: none"> (a) the privacy of residents; (b) any likely increase in noise; (c) the residential function of the strata scheme; (d) the location and layout of the lots; (e) the extent and nature of any other non-residential uses; and (f) any impact on shared access and common property.

Figure 4 – Visitor Accommodation Development Standard - PD 6 (DIPS, 2013)

If the acceptable solutions can be met the application is Permitted and must be approved. In contrast, if the acceptable solutions cannot be satisfied the application is Discretionary and the corresponding performance criteria must be assessed to determine if a planning permit pathway is appropriate.

With regard to this application, the gross floor area of the unit is less than 200m² (approximately 180m²) and therefore A1 is satisfied. However, A2, of the standard cannot be satisfied as the site is a strata lot as defined in the *Strata Titles Act 1998* and it shares the strata arrangement with another residential property. As a result, the application for visitor accommodation is discretionary and the performance criteria stipulated under P2 are required to be assessed.

The applicant has provided the following rationale regarding the performance criteria listed in P2:

"The following property controls prevents any unreasonable loss of residential amenity to long term residents:

- 1. Parking, several off street parking spaces/area available to guests.*
- 2. Double glazed windows and property insulation provide additional levels of noise protection.*
- 3. Visual, the property is surrounded by high colorbond fencing.*
- 4. The property has clear rules and expectations which are conveyed during booking and on arrival. Reference checks are reviewed prior to acceptance of bookings."*

(Boyer, 2019)

The above rationale has been considered and can be supported. In addition, it is noted the site has its own independent access, and no common area is shared between the two properties subject to the strata arrangement. The performance criteria prescribed under P2 are satisfied.

The proposal has also been assessed as satisfying all other applicable development standards prescribed within the DIPS (eg requirement for on-site parking).

REPRESENTATIONS

One representation was received within the prescribed 14-day public exhibition period required by the *Land Use Planning and Approvals Act 1993*. A copy of the representation is reproduced below as Figure 5 along with evaluation.

Mr J. C. Rich,
2 / 124 A North Fenton Street,
Devonport,
Tasmania.
7310

9 / 11 / 2019

With reference to Application for Planning Permit - PA2019.0169

Proposed use or development. Visitor Accommodation.

I assume the area highlighted in yellow on the plan and stated as " visitor car park " is the only development to take place ?

The term "Visitor Accommodation." seems a rather ambiguous description, for most people a single parking lot would be sufficient for visitors.

Visitors could be one or two people, could be a bus load if requiring special parking. This indicates to me that the intension could be "Air B and B "

If "Air B and B " is the purpose I object to this use.

My reasons for objecting are that this is directly overlooking my premises and directly into my windows. Who knows who will be there?

Question, does "Air B and B " fit into the residential area specifications ?
Does "Air B and B " come under the terms of business ?

Please consider the above.

Regards John C Rich.



Email all.options@hotmail.com
Mob 041 557 354 8

Figure 5 - Representation from Mr Rich, dated 9/11/19

The application is for the property to receive a formal planning permit so it can be utilised for visitor accommodations purposes. The applicant has stated that the property has previously been listed on the Air BNB platform without incident, however they were not aware of the requirement to seek a planning permit. The use is permissible within the zone and the proposal has been assessed as complying with the requirements stipulated within PD 6 and the other applicable development standards in the DIPS. The representation is recommended to be noted by the Planning Authority, but no additional conditions are thought necessary.

DISCUSSION

The application has been referred internally to other Council departments with an interest in development applications. Comments received have been included in the final recommendation.

FINANCIAL IMPLICATIONS

No financial implications are predicted unless legal costs are incurred due to an Appeal to the Resource Management and Planning Appeal Tribunal.

RISK IMPLICATIONS

Due diligence has been exercised in the preparation of this report and no associated risks are predicted.

CONCLUSION

The application has been examined and compliance with the performance criteria invoked under PD 6 has been satisfactorily demonstrated. Conditional approval is recommended.

ATTACHMENTS

1. Application - PA2019.0169 - 13A James Street

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 PA2019.0169 and grant a Permit to use land identified as 13a James Street, Devonport for the following purposes:

- Visitor Accommodation

Subject to the following condition:

1. The use is to be conducted in a manner that does not unreasonably result in a loss of amenity to adjoining neighbours.

Note: The following is provided for information purposes.

Should the business intend on providing food for guests, Council's Environmental Health Department must be contacted to allow consideration to be given to any requirements under the *Food Standards Code* and the *Food Act 2003*.

All measures are to be taken to prevent nuisance to neighbouring properties. Noise and matters are subject to provisions of the *Environmental Management and Pollution Control Act 1994*.

Author:	Alex Mountney	Endorsed By:	Kylie Lunson
Position:	Planning Officer	Position:	Development Services Manager

Office use
Application no. _____
Date received: _____
Fee: _____
Permitted/Discretionary

Devonport City Council

Land Use Planning and Approvals Act 1993 (LUPAA)

Devonport Interim Planning Scheme 2013

Application for Planning Permit

Use or Development Site

Street Address: 13a James Street Devonport Tasmania 7310

Certificate of Title Reference No.: 162716

Applicant's Details

Full Name/Company Name: Debbie Maree Boyer

Postal Address: 9 Gwen Street
Tannum Sands. Qld. 4680

Telephone: 0437 098 489

Email: dsboyer@internode.on.net

Owner's Details (if more than one owner, all names must be provided)

Full Name/Company Name: Debbie Maree Boyer

Postal Address: 9 Gwen Street
Tannum Sands Qld. 4680

Telephone: 0437 098 489

Email: dsboyer@internode.on.net



ASN 47 011 446 010
PO Box 604
137 Rennie Street
Devonport TAS 7310
Telephone 03 6424 0511
www.devonport.tas.gov.au
council@devonport.tas.gov.au

Sufficient information must be provided to enable assessment against the requirements of the planning scheme.

Please provide one copy of all plans with your application.

Assessment of an application for a Use or Development

What is proposed?: _____

The above mentioned property be used for short stay accommodation.

Description of how the use will operate: _____

13A James street will operate through the AirBnB or similar platforms. This property has been successfully used as an AirBnB in the past without incident. Past guests regularly comment on the quality of the property and outstanding location.

The property is supported by clear rules and guidelines to ensure guests have a pleasant stay and respect the surrounding residents. All guests will be screened and reference checked prior to accepting their bookings.

I was born and bred in Devonport before recently relocating to Queensland for my partners work. I am passionate about the beautiful city of Devonport and will be promoting the offerings of Devonport and surroundings to encourage visitors to our accommodation and supporting the region.

13A James Street offers a private internal block location with suitable off street parking. The property is stand alone with no shared access. The property is modern and well maintained, attracting quality guests.

The following Property controls prevents any unreasonable loss of residential amenity to long term residents:

1. Parking, several off street parking spaces /area available to guests
 2. Double glazed windows and property insulation provide additional level of noise protection
 3. Visual, The property is surrounded by high colourbond fencing
 4. The property has clear rules and expectations which are conveyed during booking and on arrival.
- Reference checks are reviewed prior to acceptance of bookings.

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

\$ 340 K

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

If land is not in applicant's ownership

I, _____ declare that the owner/s of the land has/have been notified of my intention to make this application.

Applicant's signature: _____ Date: _____

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

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

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 (s.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: 17/10/2019

PRIVACY ACT

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.

BUILDING SELF-ASSESSMENT FORM**Director's Determination – Short or Medium Term Visitor Accommodation****Section 20(1)(e) of Building Act 2016**

This building self-assessment form must be completed in the following situations where the property is used or intended to be used for visitor accommodation, and a fee is being charged for such use:

- owner occupiers of residential premises of more than four bookable rooms, or
- investment properties or shacks (not occupied by the owner) that have a gross floor area of not more than 200m² per lot used for visitor accommodation.

The completed form must be lodged with the relevant Permit Authority.

If any premises intended to be let for short-term visitor accommodation is a lot in a strata title scheme, and any other premises in that scheme are occupied as a residence by long term residents, the proponent is not permitted to use the building self-assessment process, unless the premises is located within Activity Area 1.0 Inner City Residential (Wapping) under the Sullivans Cove Planning Scheme 1997.

To:	Devonport City Council	Permit Authority
	PO Box 604	Address
	DEVONPORT TAS	7310 Suburb/postcode
	council@devonport.tas.gov.au	

Owner / Occupier details:

(Only an owner or occupier may complete this form)

Owner /
Occupier:
(Delete one not
applicable)

Debbie Maree Boyer

Postal Address:

9 Gwen Street Tannum Sands Qld 4680

Phone
No: 0437 098 489

Email address:

dsnboyer@internode.on.net

Address of Property used or intended to be used for Visitor Accommodation:

Street Address:

13a James Street Devonport Tas 7310

Certificate of Title
Reference No.

162716

Owner / Occupier Declaration:

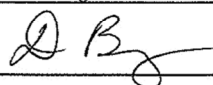
I/we, as the owner / occupier of the property, declare that the property meets the following minimum building requirements, as set out below:

Owner/Occupier:
(Delete one not applicable)

Name: (print)

Debbie Maree Boyer

Signed



Date

17/10/19

Occupancy Permit:

(Must tick one)

The owner or occupier is to declare that –

☒

- (a) if an occupancy permit has been issued, the premises is fit for occupation consistent with that permit, and the maximum number of occupants stated on the permit will not be exceeded;

OR

☐

- (b) an occupancy permit or occupancy certificate was not required (as the premises was constructed / altered before 1994).

Plumbing:

(Must tick (a) or (b) and (c) or (d))

The owner or occupier is to declare that –

☒

- (a) the premises is connected to a reticulated sewerage system;

OR

☐

- (b) the premises is connected to an on-site wastewater management system that:
- is in good working order and will be maintained to perform to the same standard as it was designed; and
 - has a land application distribution area designed, installed and in good serviceable condition; and
 - the maximum number of occupants of the premises the system is designed for is not exceeded; and
 - there is a maintenance contract in place for the servicing of the system.

☒

- (c) the premises is connected to a reticulated drinking water supply system;

OR

☐

- (d) a private drinking water supply (including from a tank, well, dam, etc.) is provided for the premises that meets the requirements of the *Public Health Act 1997*.

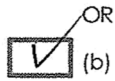
Essential Building Services:

(Must tick one)

The owner or occupier is to declare that –

☐

- (a) regarding Essential Building Services, the premises has an approved schedule of maintenance, and fire safety features are maintained in accordance with Part 7 (regulations 72 to 78) of the *Building Regulations 2016* and the Director's Maintenance of Prescribed Essential Building Services Determination;



(b) the premises is not required to have an approved essential maintenance schedule, but the following fire safety features are installed and maintained in accordance with manufacturer's instructions:

- a smoke alarm with a 10-year non-removable lithium battery, or
- a hard wired smoke alarm (and are interconnected where there is more than one alarm fitted);

(a) if any storey of the premises contains a bedroom –

- (i) installed in every corridor, or hallway, situated in the storey, that is associated with a bedroom; and
- (ii) if there is no corridor, or hallway, situated in the storey, that is associated with a bedroom, between that part of the premises containing the bedroom and the remainder of the premises; and

(b) in any other storey of the premises that does not contain a bedroom.

- If multistorey premises are let for visitor accommodation:

- i. emergency evacuation lighting is provided; and
- ii. exits are provided that are clearly marked and mapped for the visitor.



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



CITY/TOWN OF DEVONPORT		STRATA PLAN		Registered Number	
SUBURB/LOCALITY		AMENDED SHEET 1 OF 3 SHEETS		162716	
FOLIO REFERENCE F/R 60472-3		M619631			
SITE COMPRISES THE WHOLE OF		NAME OF STRATA SCHEME		STRATA TITLES ACT 1998	
LOT 3 ON PLAN No. 6-16 NS		13 JAMES STREET, DEVONPORT		REGISTERED 19 SEP 2011	
MAPSHEET MUNICIPAL CODE No 108 (4444-42)	LAST UPI No.	SCALE 1: 250	LENGTHS IN METRES		
<p>AMENDED SITE PLAN</p>					
<p>NOTES: (i) ALL BUILDINGS ON THE SITE TO BE SHOWN ON SHEET 1. (ii) BUILDING TO SITE BOUNDARY OFFSETS OF LESS THAN 2.00 METRES TO BE SHOWN ON SHEET 1.</p>					
STAGED/COMMUNITY DEVELOPMENT- SCHEME No. (IF APPLICABLE)		D5955		<p>Council Delegate Date</p> <p>28.2.17</p>	
				<p>Registered Land Surveyor Date</p> <p>24.2.17</p>	
				<p>LODGED BY GRAHAM WOODHOUSE CONVEYANCING</p>	



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



STRATA PLAN NEW SHEET 2 OF 3 SHEETS M619631	STRATA TITLES ACT 1998 <i>John Leeson</i> Council Delegate	Registered Number <h1>162716</h1>
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AMENDED SHEET 2

GROUND FLOOR
Scale 1:200

All horizontal Lot boundaries are shown by heavy unbroken lines defined by :

- Site boundaries
- AB is open and parallel & offset 4.00 metres to the site boundary DE
- BC is open and parallel & offset 1.50 metres to the face of wall FG
- Measurement where boundaries are open
- Measurements in brackets are for boundary fixation only

The vertical Lot boundaries extend from 2.00 metres below ground level to 8.00 metres above ground level .

Registered Land Surveyor

24-07-17
 Date



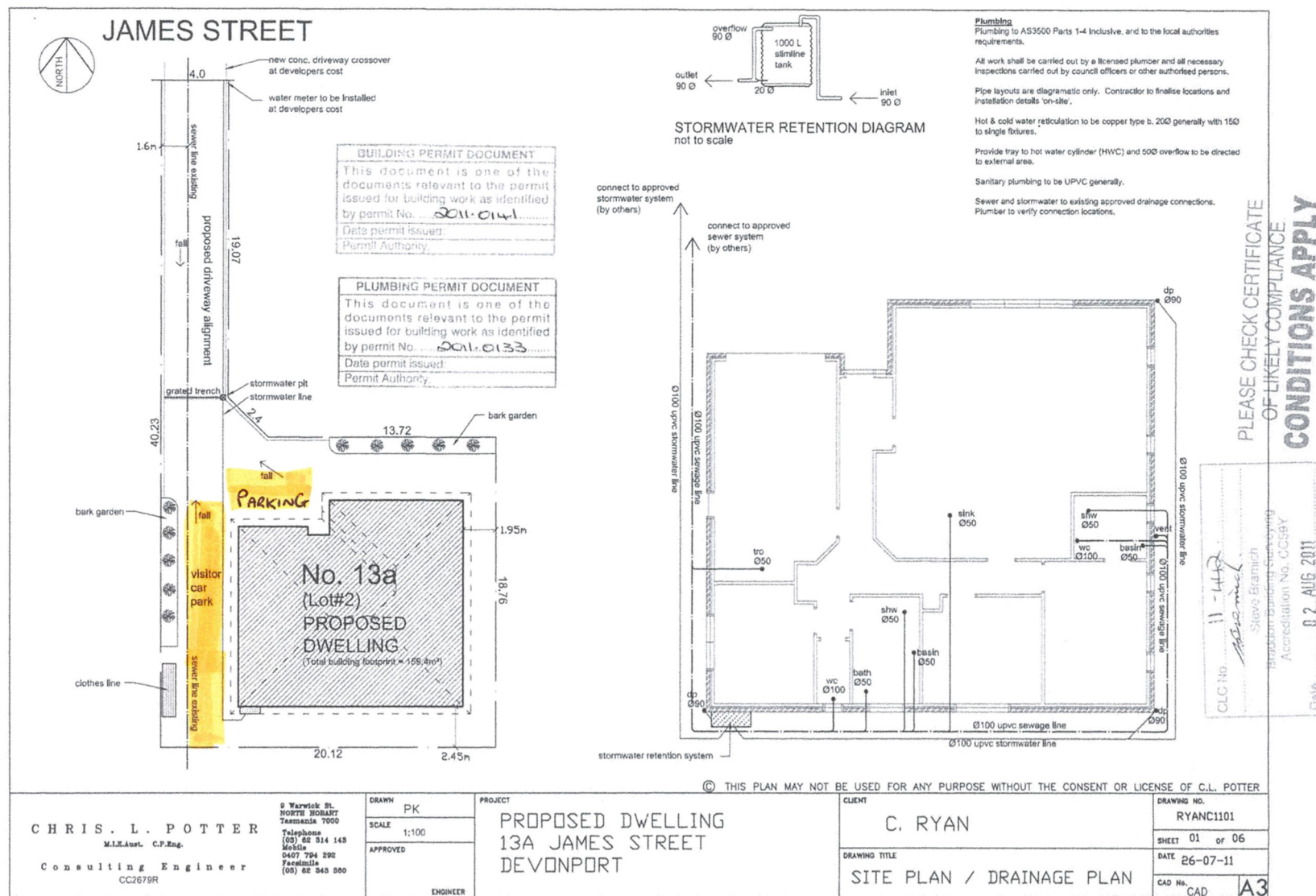
FOLIO PLAN

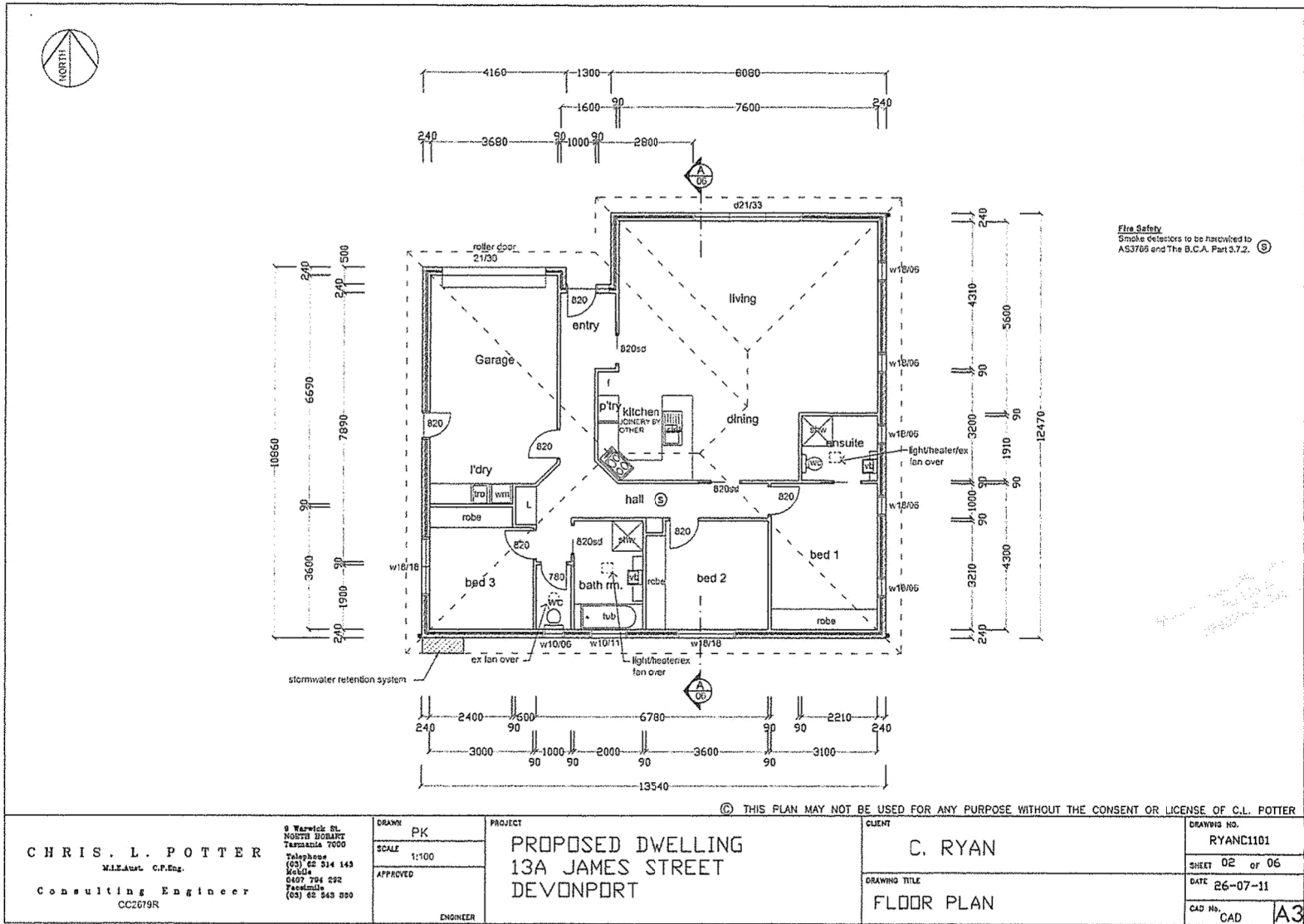
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



STRATA PLAN		STRATA TITLES ACT 1998	Registered Number 162716
NEW SHEET 3 OF 3 SHEETS M619631			
NAME OF BODY CORPORATE: STRATA CORPORATION No.162716, 13 JAMES STREET, DEVONPORT ADDRESS FOR THE SERVICE OF NOTICES: 13 JAMES STREET, DEVONPORT, 7310			
SURVEYORS CERTIFICATE I, <u>KENNETH R. MICHELL</u> of <u>DEVONPORT</u> a surveyor registered under the Surveyors Act 2002 certify that the building or buildings erected on the site and drawn on sheet 1 of this plan are within the site boundaries of the folio stated on sheet 1 and any encroachment beyond those boundaries is properly authorised according to law. <div style="display: flex; justify-content: space-between; width: 100%;"> Registered Land Surveyor Date <u>24-02-17</u> Ref No <u>217044</u> </div>		COUNCIL CERTIFICATE I certify that the <u>Devonport City Council</u> Council has: (a) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998 <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 10px;"> Council Delegate Date <u>23-2-2017</u> Ref No <u>PA2019.0169</u> </div>	
GENERAL UNIT ENTITLEMENTS AMENDED SHEET 3			
LOT	UNIT ENTITLEMENT		
1	1		
2	1		
TOTAL	2		





4.2 PA2019.0170 RESIDENTIAL (MULTIPLE DWELLINGS X 2) - 111A GUNN STREET DEVONPORT

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 to make a decision regarding planning application PA2019.0170.

BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Sanders Muleya
Owner:	Seychelles Pty Ltd
Proposal:	Residential (multiple dwellings x 2)
Existing Use:	Residential (single dwelling)
Zoning:	General Residential
Decision Due:	06/12/2019

SITE DESCRIPTION

The subject 1,012m² lot is situated on the western side of Gunn Street between Madden and Nicholls Streets opposite the Devonport Show Ground. Figure 1 depicts the site and a broader view of the locality.



Figure 1 – Site Plan, DCC Geocortex, February 2019

The immediate neighbourhood includes other sites that have been developed with multiple dwellings. These can be observed in Figure 1. The density of the existing developments to

the south at 111 Gunn Street, to the north at 113 Gunn Street and to the northwest at 12 Margaret Street is similar to that proposed with this application.

APPLICATION DETAILS

The applicant is proposing to modify the rear of the existing house by reducing its footprint to allow room to develop a further two dwellings behind it. Figure 2 below depicts the proposed site and landscaping plan.

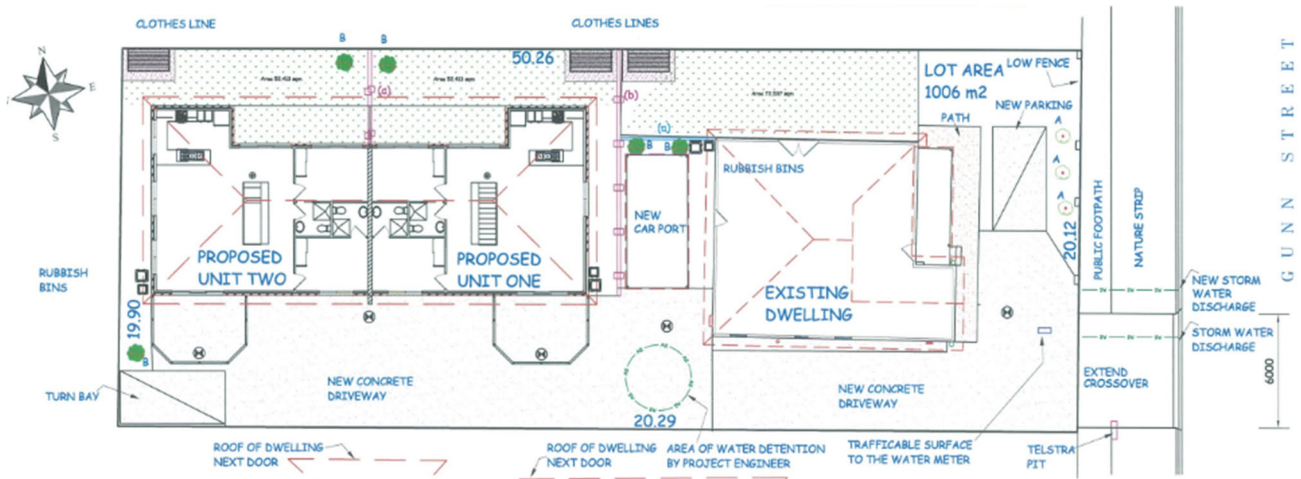


Figure 2 – Site and landscaping plan, Weeda Drafting & Building Consultants, Project 12019

The proposed dwellings are housed in a two-storey conjoined structure with a brick veneer exterior and a colorbond hip roof. The ground floor level of each dwelling includes a 2-car space garage, bedroom, bathroom, laundry and family room. The second level includes an additional two bedrooms, bathroom, dining, lounge and kitchen areas with a south facing balcony accessed from the lounge area.

The application and comprehensive drawings of the proposal are appended to this report as **Attachment 1**.

The land is generally flat which enables the projected building height to the ridgeline of 7.518m to be evaluated and the effects of the height, if any, determined. The designer has superimposed the three dimensioned building envelope over the northern and southern elevations but unfortunately has misdrawn the envelope in regard to the compliant 4m rear setback to the western boundary shared with 10 Margaret Street.

PLANNING ISSUES

The land is zoned General Residential under the *Devonport Interim Planning Scheme 2013* (DIPS). The Use Table for this zone indicates that multiple dwelling development has a permitted use status which can continue along a permitted pathway if the applicable development standards within the zone and codes satisfy the Acceptable Solutions (AS).

The assessment of this application has identified a zone standard that does not comply with the AS and therefore the effects of the proposal needs to be demonstrated against the relevant Performance Criteria (PC) to consider whether consent can be granted. If the PC cannot be satisfactorily demonstrated, then the application must be refused.

Comments in regard to the assessment of this application against the compliant AS or the discretionary PC of all the zone development standards follows below:

ZONE STANDARDS

10.4.1 Residential density for multiple dwellings

Comments – The compliant density is one dwelling per 325m². The site has an area of 1,012m² which satisfies the AS for three dwellings. (1:337m²)

10.4.2 Setbacks and building envelopes for all dwellings

Comments – Due to the placement of the proposal behind the existing house the only applicable setbacks are the northern and southern side boundary setbacks and the western rear boundary setback.

The compliant side boundary setback is determined by wall length and wall height. The general side setback is 1.5m unless the wall length exceeds 9m or is greater in height than 3m. Consequently, anything closer, longer or higher also has to be within the building envelope to comply with the AS.

This envelope has been depicted on the eastern and western elevations of the proposed building by the designer. The western elevation that will be viewed from the closest neighbour to the west at 10 Margaret Street is reproduced below in Figure 3. The eastern elevation has the same profile and window and balcony screen treatments.

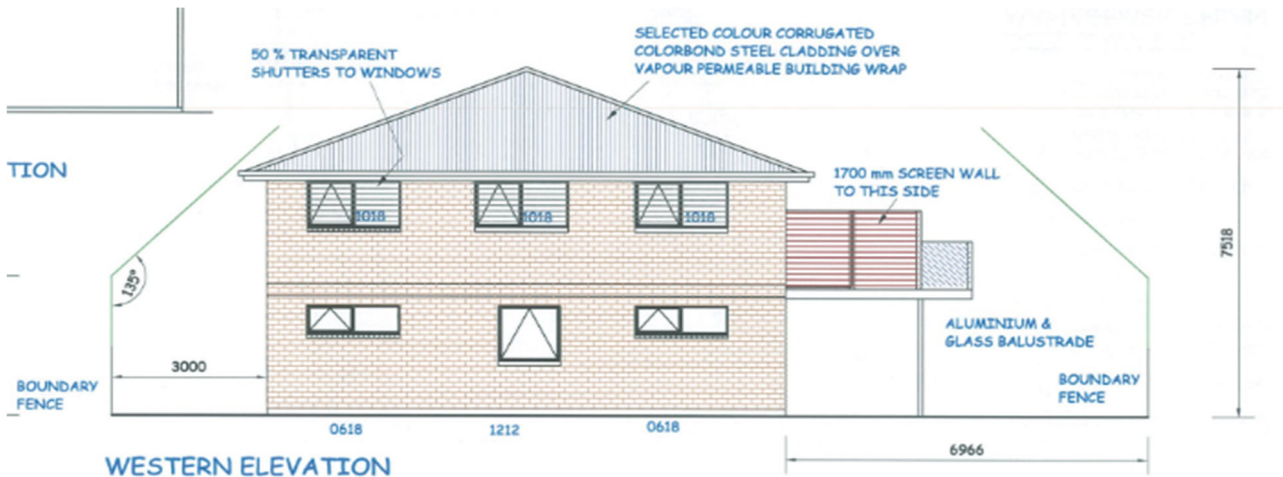


Figure 3 – building envelope northern and southern boundaries (looking east)

The measurements and calculations confirm that the development satisfies the AS in respect of the side boundaries.

The AS for rear setback is 4m. Due to the designer's miscalculation the building envelope that applies in the DIPS has been recalculated and superimposed with a red line on the following diagram – Figure 4.



Figure 4 – building envelope western boundary (looking north)

This clearly indicates that, with the exception of height, a substantial portion of the building is outside the compliant dimensions. Coincidentally, the building envelope calculation by the designer reflects the building envelope in the Tasmanian Planning Scheme which cannot be utilised until the Local Provisions Schedule process is completed and approved.

Until then however anything less, in this instance a 1.698m offset, must be assessed to determine whether the siting of the building closer to the rear boundary will cause an unreasonable loss of amenity to the habitable rooms or private open space on adjoining lots by shading. This is principally based on the worst-case scenario that occurs between the hours of 11am and 2pm on 21 June each year.

The only block with potential to be affected by the nearness is 10 Margaret Street. This is a very subjective matter because while overshadowing of the private open space/backyard of 10 Margaret Street will most certainly occur in the early hours of the morning it is no different to any other site with a similar east west orientation that may be affected by development to the east or west. The important consideration in exercising discretion is whether the nearness of the building causes the private open space or any habitable rooms to be in shade in the middle of the day.

Interestingly the shadow that is thrown southward by this proposal during those midday hours is approximately 11m long. If the southern boundary fence is lower than 2.1m the building will cast a shadow into the adjoining property to the south at 111 Gunn Street. This projection is illustrated below on Figure 5.

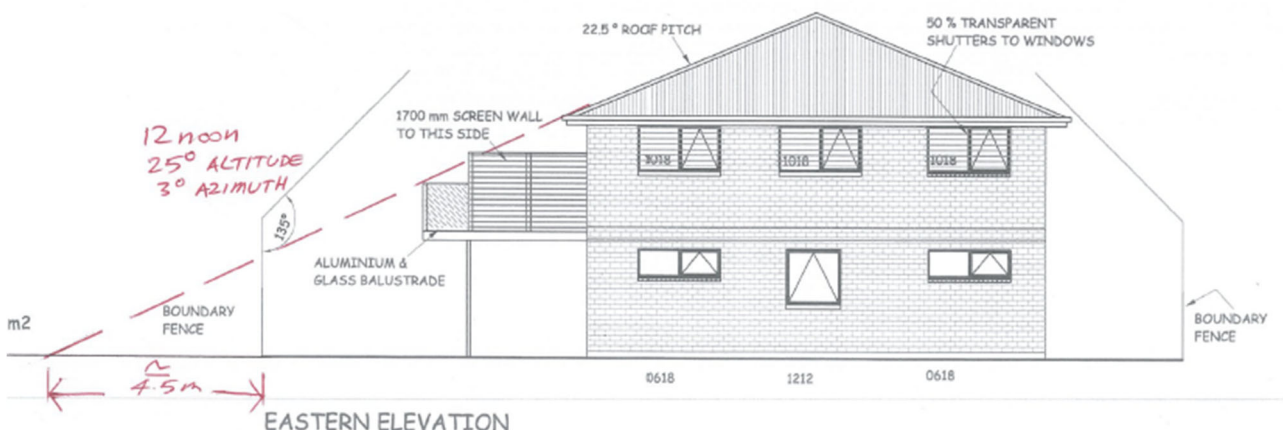


Figure 5 – overshadowing projection (looking west)

However, there is no discretion to consider the effects of this because the proposed building on this elevation is well within the threshold of the building envelope. (refer to Figure 3)

Notwithstanding the shading, the PC also consider the apparent bulk and scale of the building but only when viewed from the property that relates to the discretion (10 Margaret Street).

In normal circumstances the proposed building form would be visible from the above backyard, however any adverse effects cannot be evaluated properly while the existing vegetation on 10 Margaret Street obscures and alleviates any such effects. The designer has also incorporated a hip roof which further reduces the 'bulk' instead of a gabled profile which would not do so as much. When also factoring in the compliant building height there appears to be reasonable merit in accepting that the PC can be demonstrated.

In summary the design is deemed to satisfy the Performance Criteria.

10.4.3 Site coverage and private open space for all dwellings

Comments – The numerical provisions for this standard is achieved for both parameters. This includes having a dedicated 24m² of open space for each dwelling at least 4m wide with direct access from a habitable room with solar access available. The car parking and manoeuvring areas cannot be used in the calculation of this provision.

The site coverage has been calculated at 43% which is below the 50% threshold.

The percentage of site area that is impervious is calculated at 69% which is less than the 75% threshold.

The design achieves compliance with the Acceptable Solutions.

10.4.4 Sunlight and overshadowing for all dwellings

Comments – This standard requires sunlight to enter habitable rooms other than bedrooms while also providing adequate separation between dwellings on the same site depending on the layout. This is achieved by the design.

The design achieves compliance with the Acceptable Solutions.

10.4.5 Width of openings for garages and carports for all dwellings

Comments – The objective with this standard is to limit the impact of wide garage openings on the active street frontage.

The design achieves compliance with the Acceptable Solutions.

10.4.6 Privacy for all dwellings

Comments – This standard applies to this proposal because the development includes a finished floor level more than 1m above natural ground level (2nd storey). Compliance with the Acceptable Solutions will need to demonstrate that balconies and decks, windows, glazed doors and driveways are situated and/or designed to provide a compliant offset to alleviate unreasonable impacts. The minimum offset to satisfy the AS is 3m.

If less than 3m the AS also allows for an alternative solution of appropriate screening, installation of obscure glass or providing window sill heights at 1.7m above floor level. In addition, the offset to a shared driveway is to be 2.5m or less if the higher sill height or screen achieve the privacy objective.

In this application these design measures apply to:

- (a) the upper level balcony that faces north;
- (b) the western wall windows on the upper level of Unit 2 facing the backyard of 10 Margaret Street;
- (c) the separation between the driveway to the rear dwellings and the windows of the habitable rooms of the existing dwelling; and
- (d) the separation between the new carport behind the existing house and the eastern wall of unit 1.

The designer has specified some measures to satisfy (a) and (b) that satisfy the Acceptable Solutions above that are specified on Figure 3. The planning scheme allows for alternative measures to satisfy the AS to be conditioned on a permit if appropriate. An assessment of the proposal provides scope to deliver a satisfactory outcome for (c) and (d).

10.4.7 Frontage fences for all dwellings

Comments – This standard is to ensure that the design of a frontage fence achieves a balance between obtaining privacy while maintaining some neighbourhood surveillance.

The designer has submitted fencing detail that satisfies the AS for this standard.

10.4.8 Waste storage for all dwellings

Comments – This standard requires suitable areas to be assigned for wheelie bin storage on the site prior to kerb placement on collection days. It is an often neglected consideration with multiple dwelling developments which can provide some logistical dilemmas on collection day.

This site has ample room for storage and the standard is deemed to satisfy the Acceptable Solution.

10.4.9 Suitability of a site or lot for use or development

Comments – This standard is a generic provision to ensure that a satisfactory building envelope, site access, and infrastructure services exists.

The design achieves compliance with the Acceptable Solutions.

CODE STANDARDS

The only code identified as having relevance to this proposal is Code E9 – Traffic Generating Use and Parking Code. This code refers to the Australian Standard as a reference document to ensure that satisfactory parking spaces and circulation room can be achieved.

This application needs to provide two spaces per dwelling plus one visitor parking space within the site to satisfy the Acceptable Solutions.

Each new dwelling incorporates a double garage. These four spaces plus the two indicated in Figure 2 for the existing house satisfies the code provisions for the dwelling component.

Drawing No 6 (Figure 6) of the submission indicates an additional car parking space purportedly allocated for visitors in the south western corner of the lot.

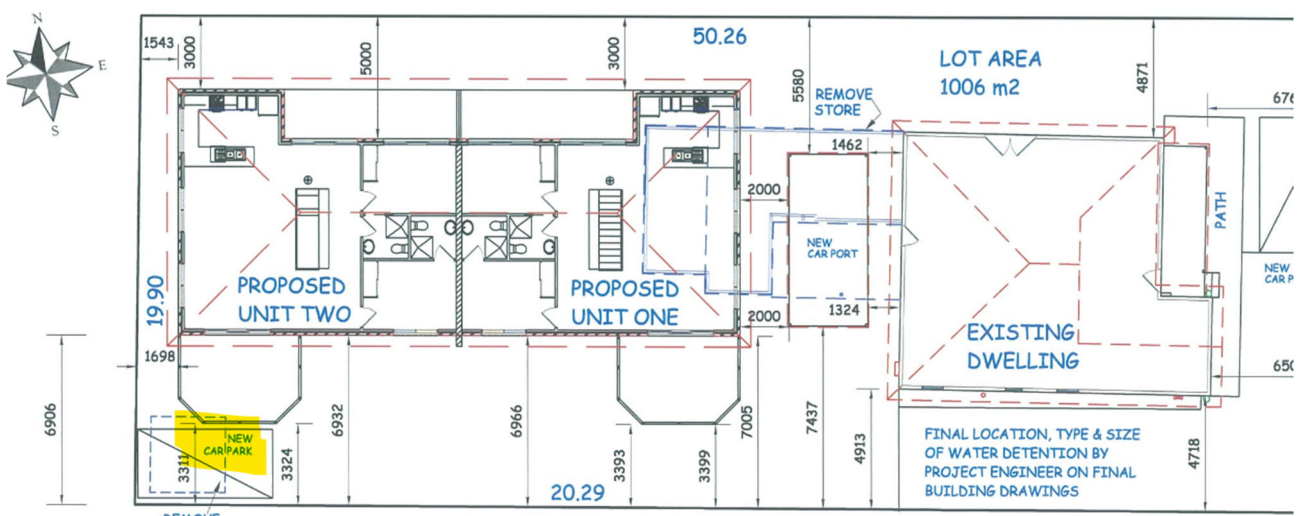


Figure 6 – additional car parking space

Figure 2 is not consistent however because the same space is assigned as a turn bay.

An objective look at the situation allows the space to be used for either a turn bay or for visitor parking. If used primarily for parking the reversing manoeuvre from the garage of unit 2 would be awkward and not achievable by one turning point but not impossible or impractical. On the premise that the site may be used occasionally as a turning bay it is prudent to provide some commentary on the merits of the development not delivering a dedicated visitor parking space.

This is based on tests of reasonableness such as the anticipated use, need and duration. There is satisfactory on street parking available for the users of and visitors to the site. In

many ways because the position of the required visitor space is not regulated it can be positioned in a non-central location with minimal benefit to some occupants of the site.

The design could also reassign the new carport space between the existing house and the proposed new building as a visitor space. This is more centralised and allows for the existing house to utilise a tandem parking configuration that currently exists for the house which the Code allows opportunity for under Table E9.1(d).

In summary there is a degree of reasonableness to consider alternative parking arrangements for visitors when the demand arises and upon completion it could be anticipated that the space will serve a dual purpose. Nevertheless, it provides a minimal level of discretion that has to be considered.

COMMUNITY ENGAGEMENT

On 25/10/2019, 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 02/11/2019;
- (b) Making a copy of the proposal available in Council Offices from the 02/11/2019;
- (c) Notifying adjoining property owners by mail on 31/10/2019; and
- (d) Erecting a Site Notice for display from the 01/11/2019.

The period for representations to be received by Council closed on 18/11/2019.

REPRESENTATIONS

Four representations of objection were received within the prescribed 14-day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*.

The representations are appended as **Attachment 2**.

DISCUSSION

A summary of the concerns submitted that require planning commentary are:

- (a) The height and number of storeys in regard to shading; and
- (b) The height and number of storeys in relation to privacy.

Further elaboration on the shading are the health impacts from less sun in winter and the invasion of privacy from the upper level balconies on 113 Gunn Street.

The subject lot is within the town block of Gunn, Nicholls, Madden and Margaret Streets. The building form for the majority of buildings in this block are single storey with the only exception being 10 Margaret Street which has a second storey addition and is located immediately west of the subject site.

Although two storey developments may be the exception in this town block the development standards of the DIPS does allow a maximum permitted height of 8.5m. This is the same height limit that was permissible in the previous 1984 planning scheme. Figure 4 illustrates the relativity between the proposed building form and the permitted height threshold.

The matter of shading was discussed in the commentary to 10.4.2. Figure 5 projects the overshadowing and the following photograph, Figure 7, depicts the south western corner

of the subject lot and part of unit 3 and unit 2 at 111 Gunn Street that were built in 1994. The existing fence is 1.8m in height.



Figure 7 – south western corner

Summary - There is no discretion in regard to this matter. The existing fence already casts a shadow estimated to be at least 1m up the northern wall of the depicted units. The projected shadow from the proposed development is estimated to be approximately 300-400 mm higher.

In effect it is quite likely that a compliant development can still cause some shading effects as will some boundary fences during the winter months. The planning scheme cannot provide controls that totally excludes this scenario without severely limiting fence heights and maximum building heights on identified lots of a specific orientation.

In the absence of any specific planning controls the objection regarding height cannot be supported to effect modification to the proposal.

The privacy aspects of providing compliant separation between the proposed development has been discussed in the commentary to 10.4.6. The compliant offset between a balcony and a side boundary is 3m. A 3m offset has been nominated on the drawings and therefore complies with AS and does not trigger any discretion.

The requirement from a rear boundary is 4m from a numerical standard however the AS allow for screening and glazing treatments as an alternative.

Summary - There is also no discretion in regard to this privacy matter. In relation to the rear boundary measures have been specified that consequently satisfy the development standard.

FINANCIAL IMPLICATIONS

No financial implications are predicted.

RISK IMPLICATIONS

No risk implications are predicted.

CONCLUSION

Under clause 8.10 of the DIPS 2013 the Planning Authority can only in the exercise of discretion consider the matter that is relevant to the particular discretion being exercised.

In this application the development standard identified that triggered this discretionary planning permit application relates to the proximity of the building to the western boundary and how this may affect the amenity on the adjoining lot by overshadowing or visual impacts due to bulk and scale.

The commentary provided previously in regard to clause 10.4.2 explored the subjectivity and merits of the proposal in how the Performance Criteria are phrased and how they could be satisfied.

It seems reasonable to conclude that in the absence of any planning controls restricting height any concerns with 2 storey proposals are ameliorated to some extent by the existing urban lot sizes, their orientation and the locations of any existing dwellings within the lots.

ATTACHMENTS

1. Application - PA2019.0170 - 111A Gunn Street
2. Representations - PA2019.0170 - 111A Gunn Street

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 PA2019.0170 and grant a Permit to use and develop land identified as 111A Gunn Street, Devonport for the following purposes:

- Residential (multiple dwellings x 2)

Subject to the following conditions:

1. Unless requiring modifications by consequent conditions of this planning permit the use and development is to proceed and be undertaken in accordance with the submitted plans referenced as - Two Proposed Brick Veneer Units and new Carport with existing dwelling at 111A Gunn Street by Weeda Drafting & Building Consultants, Project 12019 dated October 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 contained 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*.
3. The developer is to take all reasonable steps during construction to minimise off site environmental effects occurring that might result in a nuisance. This includes air, noise and water pollution and does not allow for burning of any waste materials.
4. The developer is to install a new stormwater connection to the site.
5. The developer is to incorporate on site stormwater detention for the development on site. This is to be detailed and designed by a suitably qualified hydraulic engineer to ensure stormwater discharge allows for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and range of storm durations to adequately identify peak discharge flows. The design is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention to the equivalent of at least 50% of the site 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 to the City Engineer prior to commencing construction on site.

6. The developer is to replace the existing concrete driveway with a new concrete driveway, including kerb and footpath crossover, generally in accordance with the IPWEA Tasmanian Standard Drawings and at a location suitable for the proposed development.
7. Internal driveway and parking is to be designed in accordance with the relevant off-street parking standard AS2890. Vehicular turning movements are to be demonstrated to meet the requirements of this standard, and clearly shown on the drawings submitted in subsequent building permit applications.
8. Prior to, or at the time of the building application the developer is to provide details of what privacy measures (screening or window treatments) will be specified to comply in the area between the driveway to the rear dwellings and the windows of the habitable rooms of the existing dwelling.
9. The proposed fence between the new carport and Unit 1 is to have non-transparent panels up to a minimum 1.7m in height.

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.

In regard to condition 3 this includes ensuring that noise emitted from portable apparatus and hours of operation are within the scope indicated by the *Environmental Management and Pollution Control (Noise) Regulations 2016*.

In regard to condition 4 works are to be at the developer's cost and installed generally in accordance with the relevant Tasmanian Standard Drawings and subject to inspection by Council's officers. Council must be contacted prior to backfilling the works.

In regard to condition 5 concentrated stormwater is to be controlled and discharged in accordance with the current NCC.

In regard to condition 6 any existing redundant driveway and associated infrastructure is to be demolished and reinstated to match adjoining infrastructure and generally in accordance with the relevant IPWEA Tasmanian Standard Drawings.

Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards.

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

In regard to condition 7 this is to include the possibility that the turning area in the southwest corner is used occasionally for visitor parking.

In regard to condition 9 additional privacy screening will be required if this parking space is reassigned for visitor parking.

The following street numbers are suggested to comply with AS/NZS 4819.2011 Rural and urban addressing:

- Proposed Unit 2 on the site plan should be Unit 1, 111A Gunn Street
- Proposed Unit 1 on the site plan should be Unit 2, 111A Gunn Street
- Existing Dwelling on the site plan should be Unit 3, 111A Gunn Street

Author:	Shane Warren	Endorsed By:	Kylie Lunson
Position:	Planning Coordinator	Position:	Development Services Manager

Office use	
Application no.	_____
Date received:	_____
Fee:	_____
Permitted/Discretionary	_____

Devonport City Council

Land Use Planning and Approvals Act 1993 (LUPAA)

Devonport Interim Planning Scheme 2013

Application for Planning Permit

Use or Development Site

Street Address: 111A GUNN ST, DEVONPORT 7310
TASMANIA

Certificate of Title Reference No.: 220112/9

Applicant's Details

Full Name/Company Name: SANDERS MULEYA

MSISA PROPERTY AND CONSULTING

Postal Address: 3 GARDEN CT, GLENHOBBS,
NSW, 2768

Telephone: 04315 77620

Email: SANDERSMULEYA68@GMAIL.COM

Owner's Details (if more than one owner, all names must be provided)

Full Name/Company Name: SEYCHELLES PTY LTD ATF
THE H & L LIVING TRUST

Postal Address: 48 LANCASTER DRIVE
MARSFIELD, NSW 2122

Telephone: 0430815100

Email: HMARLY@GMAIL.COM



ABN: 47 611 446 016
PO Box 604
137 Rooke Street
Devonport TAS 7310
Telephone 03 6424 0511
www.devonport.tas.gov.au
council@devonport.tas.gov.au

Please provide one copy of all plans with your application.

Description of how the use will operate: THE NEW BUILDING WILL HOUSE TWO DWELLING UNITS & THE RETAINED DWELLING WILL HAVE THE REDUNDANT WASH HOUSE REMOVED TO MAKE WAY FOR A CARPORT

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	
• Topography 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

\$ 460,000 ESTIMATED

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

If land is not in applicant's ownership

I, SABERZ MULEJA declare that the owner/s of the land has/have been notified of my intention to make this application.

Applicant's signature: [Signature]

Date: 27/9/19

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

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

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 (s.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: [Signature]

Date: 27/9/19

PRIVACY ACT

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

DD

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 220112	FOLIO 9
EDITION 7	DATE OF ISSUE 04-Sep-2019

SEARCH DATE : 21-Oct-2019

SEARCH TIME : 02.22 PM

DESCRIPTION OF LAND

City of DEVONPORT

Lot 9 on Plan 220112

Derivation : Part of 8 Acres Sec C 2 Gtd to H O T Friend

Prior CT 2713/29

SCHEDULE 1

M775918 TRANSFER to SEYCHELLES PTY LTD Registered
04-Sep-2019 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
E191653 MORTGAGE to National Australia Bank Limited
Registered 04-Sep-2019 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

the List...

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ORIGINAL - NOT TO BE REMOVED FROM TITLES OFFICE

R.P. 1469

TASMANIA

REAL PROPERTY ACT, 1862, as amended

NOTE--REGISTERED FOR OFFICE
CONVENIENCE TO REPLACE

CERTIFICATE OF TITLE

Register Book

Vol. Fol.

2713 29

Cert. of Title. Vol.450.Fol.51.

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.

Recorder of Titles.



DESCRIPTION OF LAND

TOWN OF DEVONPORT

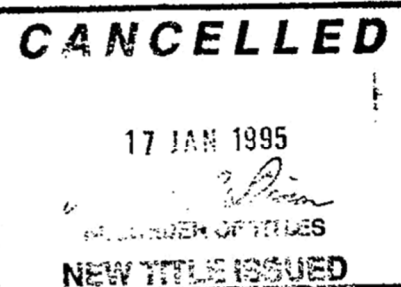
ONE ROOD on the Plan hereon.

FIRST SCHEDULE (continued overleaf)

HENRY CLIFFORD ESTERBROOK of Devonport, Railway Employee.

SECOND SCHEDULE (continued overleaf)

NIL.



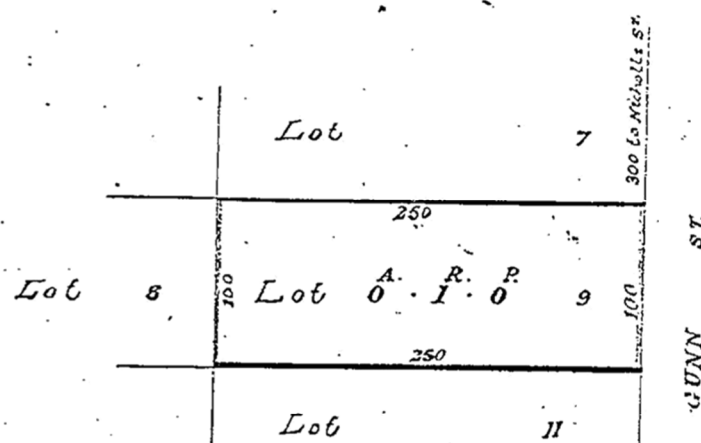
OF THE RECORDER OF TITLES ARE NO LONGER SUBSISTING.

REGISTERED NUMBER

220112

NOTE--ENTRI

Lot 9 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register.



Part of 8 Acres. Sec. C.2. - Gtd. to H.O.T. Friend - Meas. in
FIRST Edition. Registered 8 JUL 1970 Links. 4/9 T.N.

Derived from C.T. Vol.450.Fol.51. Transfer 97603 C.K.R. Stockhouse.

TWO PROPOSED BRICK VENEER UNITS & NEW CAR PORT WITH EXISTING DWELLING AT 111(a) GUNN STREET DEVONPORT FOR

SANDERS MULEYA

PLANNING ONLY

OCTOBER 2019

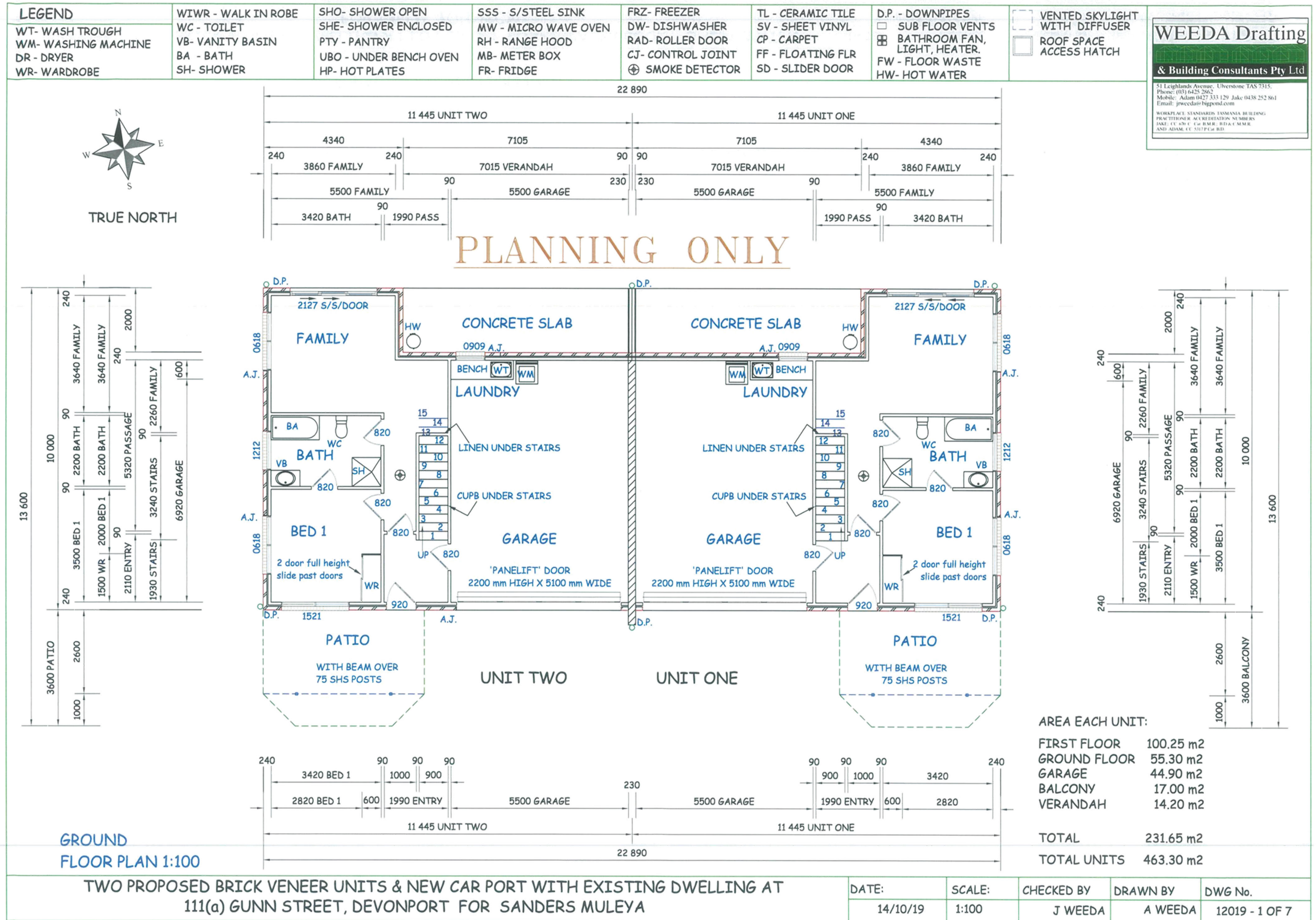
PROJECT No. 12019

BUSHFIRE ATTACK LEVEL B.A.L. - LOW		DESIGN WIND SPEED 'N2'	SOIL CLASS. 'M'	BUILDING CLASS. 1(a)	CLIMATE ZONE SEVEN	ALPINE AREA NO	KNOWN SITE HAZARDS OVERHEAD POWER
AREAS	FIRST FLOOR	100.25 m ²	VERANDAH	14.20 m ²	RETAINED DWELLING	119.35 m ²	EXISTING LOT AREA 1006.00 m ²
	GROUND FLOOR	55.30 m ²	TOTAL	231.65 m ²	NEW CAR PORT	22.40 m ²	TOTAL COVERAGE AREA 404.55 m ²
	GARAGE	44.90 m ²	TOTAL UNITS	463.30 m ²	PROPOSED UNIT FOOTPRINT	262.80 m ²	SITE COVERAGE 40.21 %
	BALCONY	17.00 m ²	AREA CAR PORT	22.40 m ²			
TITLE PAGE				DISTRIBUTION			
PROPOSED GROUND FLOOR PLAN		12019 - 1 OF 7		DRAFT			
PROPOSED FIRST FLOOR PLAN		12019 - 2 OF 7		PLANNING APPROVAL			
CAR PORT FLOOR PLAN & ELEVATIONS		12019 - 3 OF 7		BUILDING SURVEYOR			
ELEVATIONS		12019 - 4 OF 7		BUILDING APPROVAL			
SECTIONAL & FENCE DETAILS		12019 - 5 OF 7		OWNER(S)			
SITE LOCATION & SETTING OUT PLAN		12019 - 6 OF 7		BUILDER			
SITE LOCATION & LANDSCAPING PLAN		12019 - 7 OF 7					

WEEDA Drafting
& Building Consultants Pty Ltd

51 Leighlands Avenue, Ulverstone TAS 7315.
Phone: (03) 6425 2862
Mobile: Adam 0427 333 129 Jake 0438 252 861
Email: jrweeda@bigpond.com

WORKPLACE STANDARDS TASMANIA BUILDING
PRACTITIONER ACCREDITATION NUMBERS
JAKE: CC 670 C Cat B.M.R.; B.D.A C.M.M.R.
AND ADAM: CC 5317 P Cat B.D.

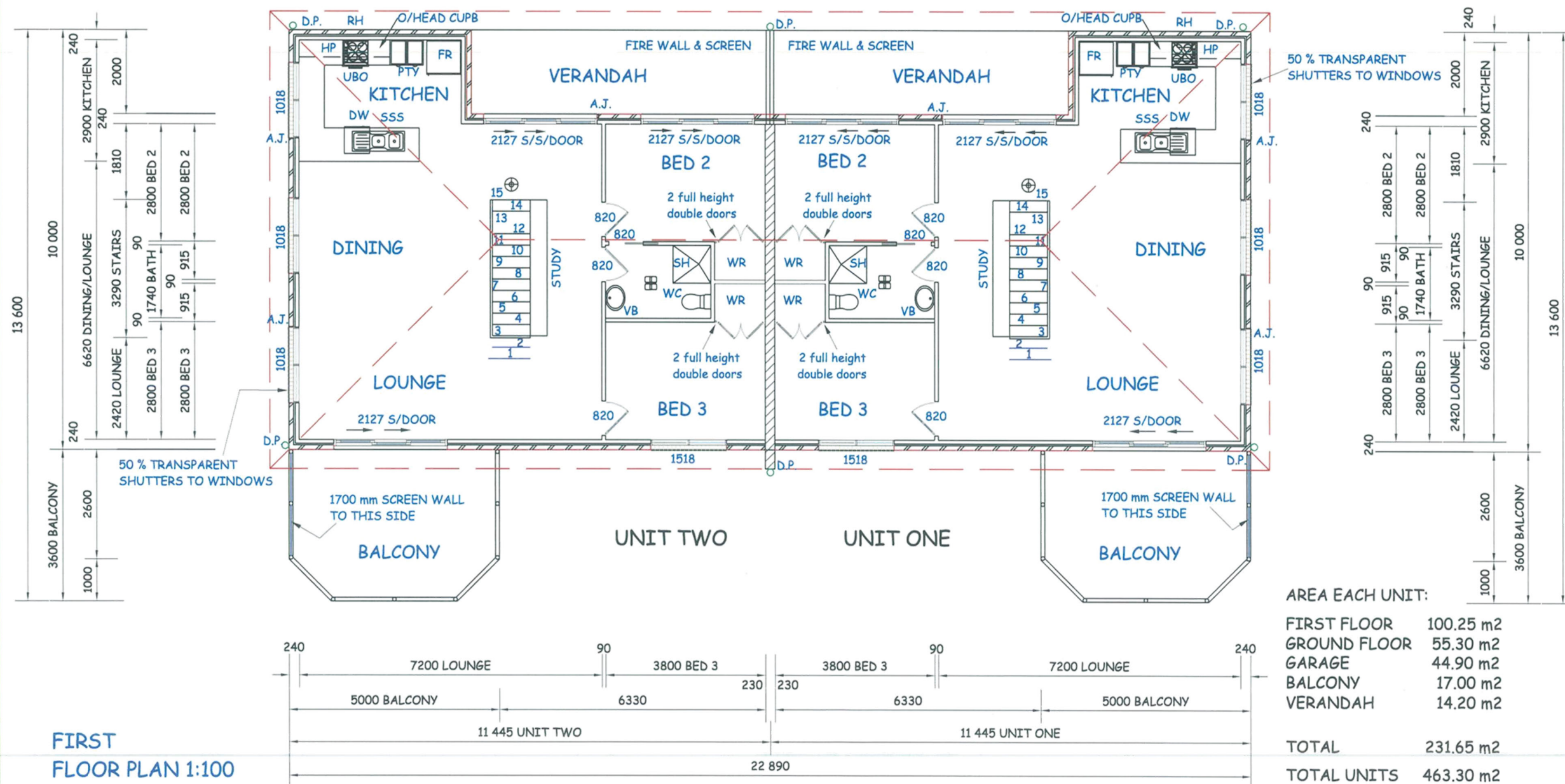




TRUE NORTH

WEEDA Drafting
& Building Consultants Pty Ltd
 51 Leighlands Avenue, Ulverstone TAS 7315.
 Phone: (03) 6425 2862
 Mobile: Adam 0427 333 129 Jake 0438 252 861
 Email: jweeda@bigpond.com
 WORKPLACE STANDARD: TASMANIA BUILDING
 PRACTITIONER ACCREDITATION NUMBERS
 JAKE, CC 670 C, CC BMR, BDA C MMER
 AND ADAM, CC 511 P CC B.D.

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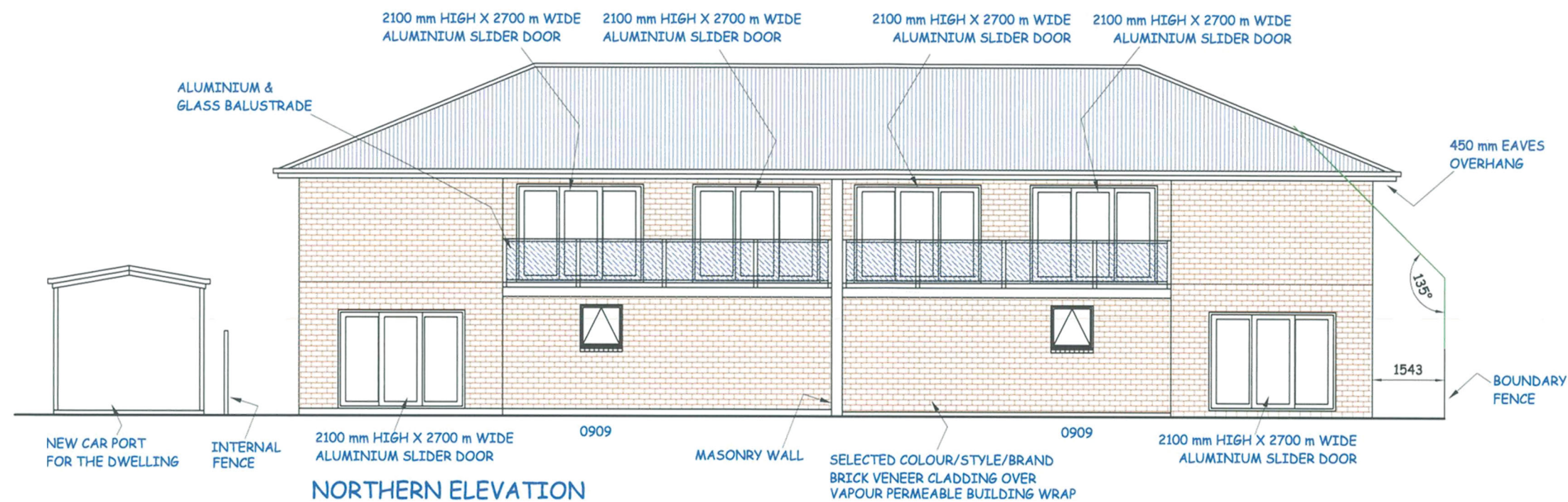
TWO PROPOSED BRICK VENEER UNITS & NEW CAR PORT WITH EXISTING DWELLING AT
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14/10/19	1:100	J WEEDA	A WEEDA	12019 - 2 OF 7

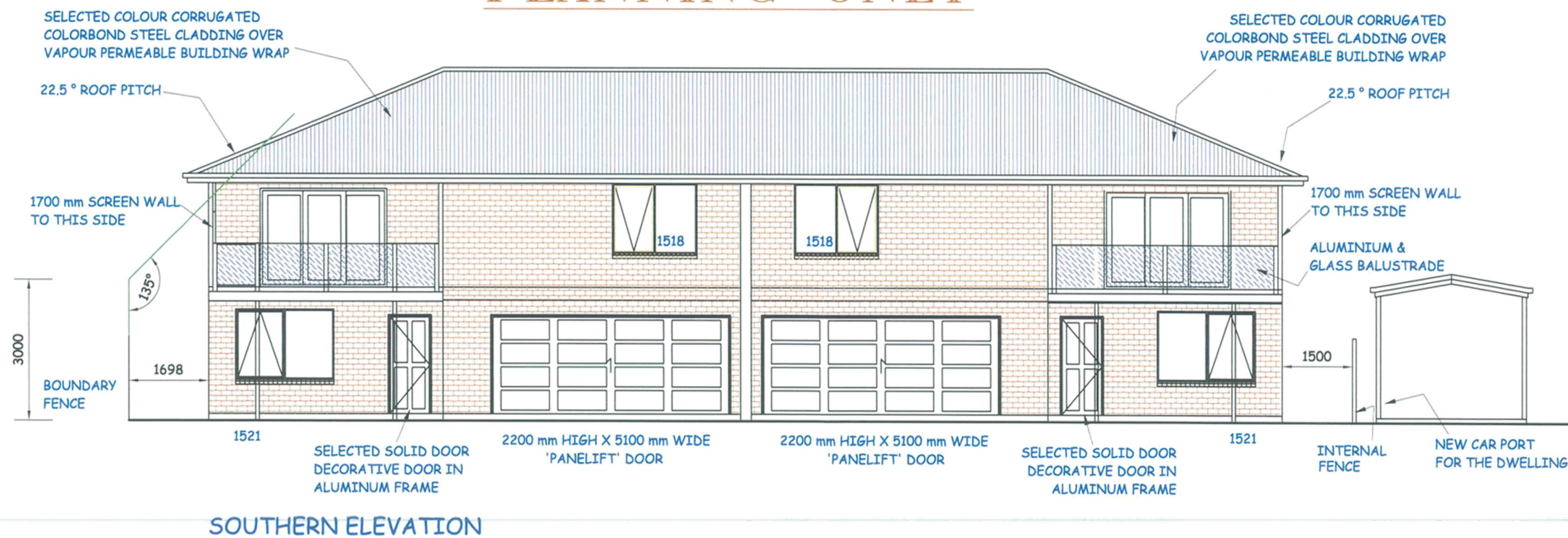
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51 Leighlands Avenue, Ulverstone TAS 7315.
 Phone: (03) 6425 2862
 Mobile: Adam 0427 333 129 Jake 0438 252 861
 Email: jwceda@bigpond.com

WORKPLACE STANDARDS TASMANIA BUILDING
 PRACTITIONER ACCREDITATION NUMBERS
 JAKE: CC 178 C CC 180R, JED & CMMR
 AND ADAM: CC 337 PCC & RLD



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 111(a) GUNN STREET, DEVONPORT FOR SANDERS MULEYA

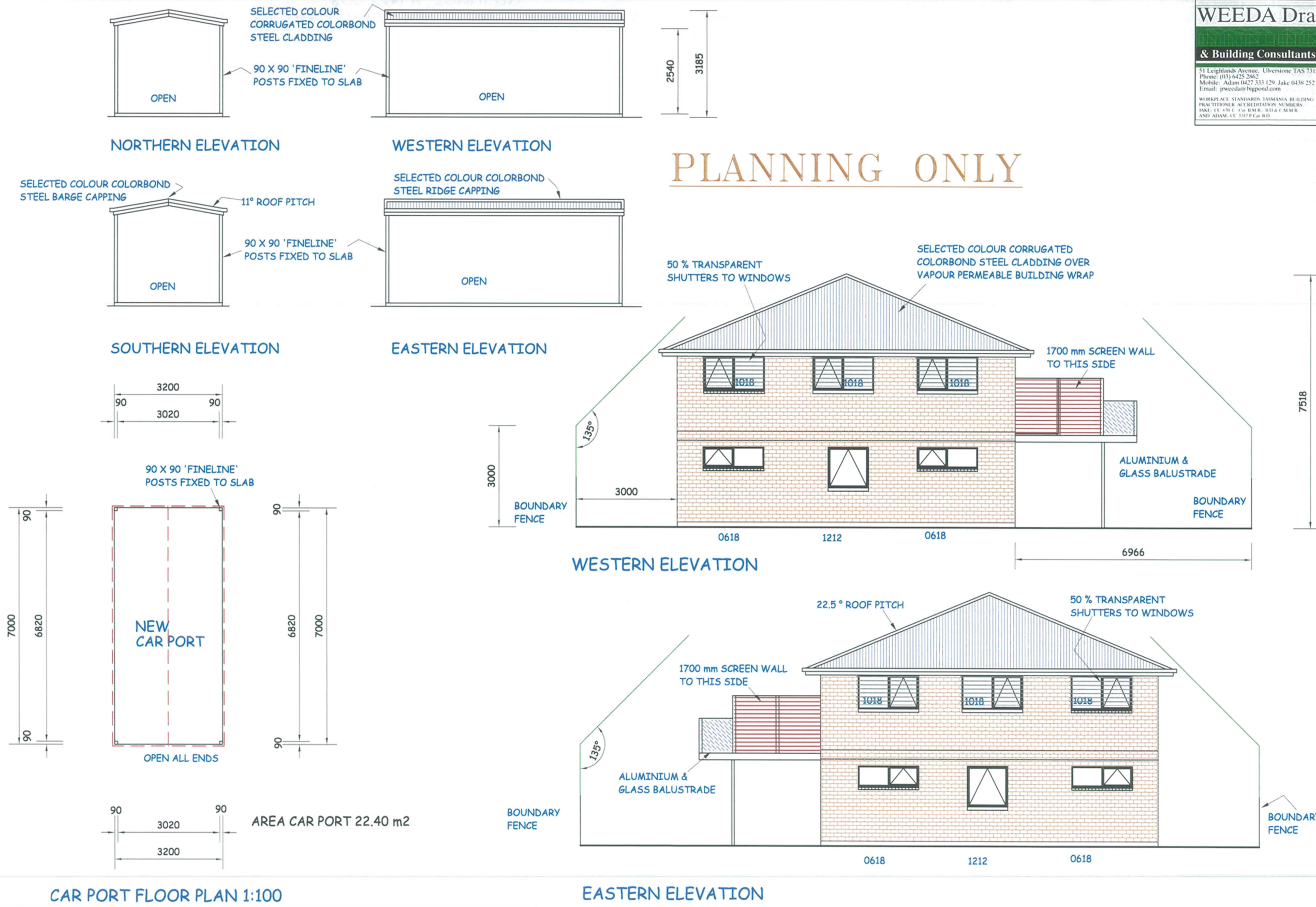
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14/10/19	1:100	J WEEDA	A WEEDA	12019 - 4 OF 7

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51 Leighlands Avenue, Ulverstone TAS 7315.
Phone: (03) 6425 2862
Mobile: Adam 0427 333 129 Jake 0438 252 861
Email: jweeda@bigpond.com

WORKPLACE STANDARD TASMANIA BUILDING
PRACTITIONER REGISTRATION NUMBERS
JAKE, CC 630 C 40 RMR, BDA C MEM
AND ADAM, CC 537 P C4 R.D.

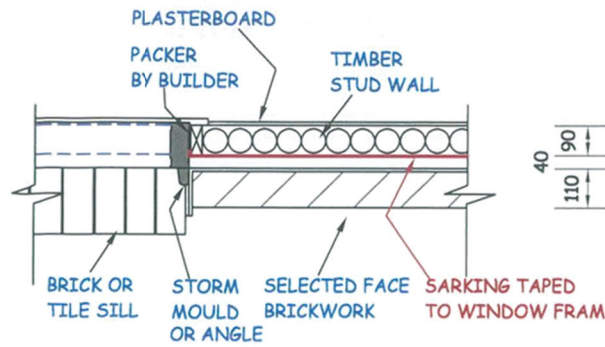


CAR PORT FLOOR PLAN 1:100

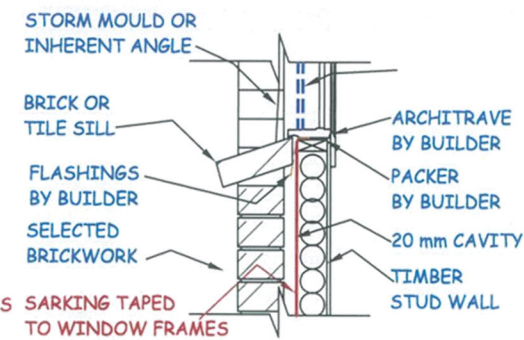
EASTERN ELEVATION

TWO PROPOSED BRICK VENEER UNITS & NEW CAR PORT WITH EXISTING DWELLING AT
111(a) GUNN STREET, DEVONPORT FOR SANDERS MULEYA

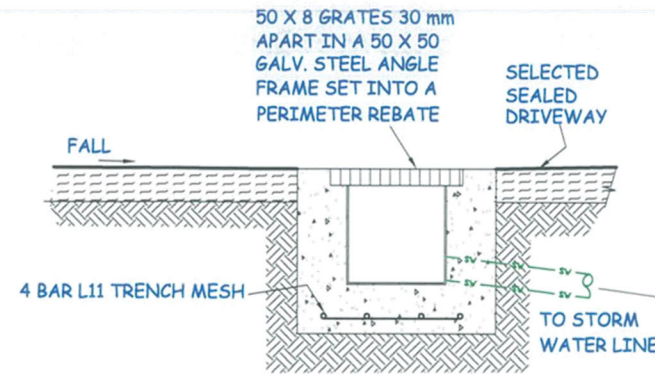
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14/10/19	1:100	J WEEDA	A WEEDA	12019 - 3 OF 7



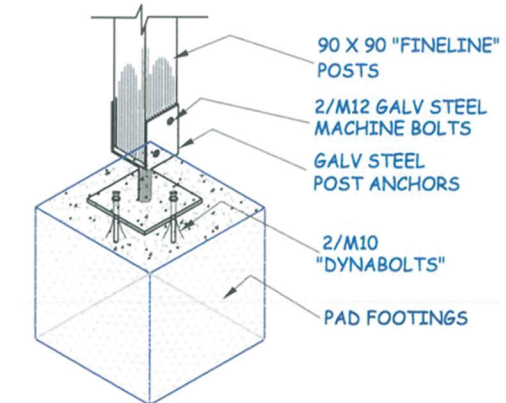
HORIZONTAL SECTION
WINDOW 1:20



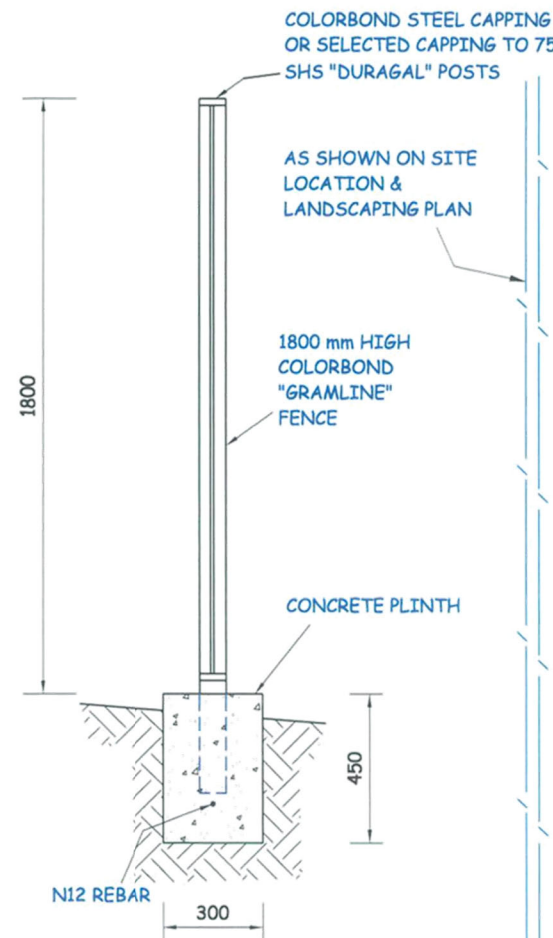
VERTICAL SECTION
WINDOW 1:20



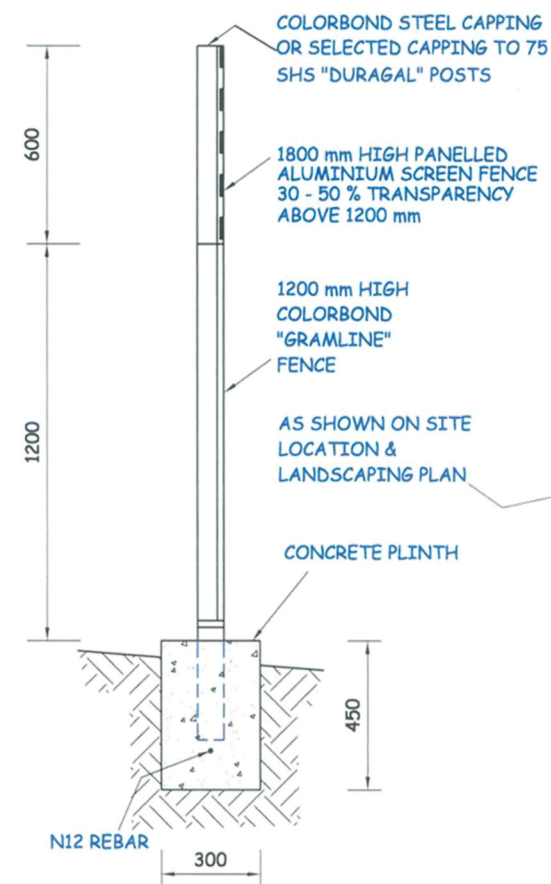
OPTIONAL
GRATED PIT DETAIL 1:20



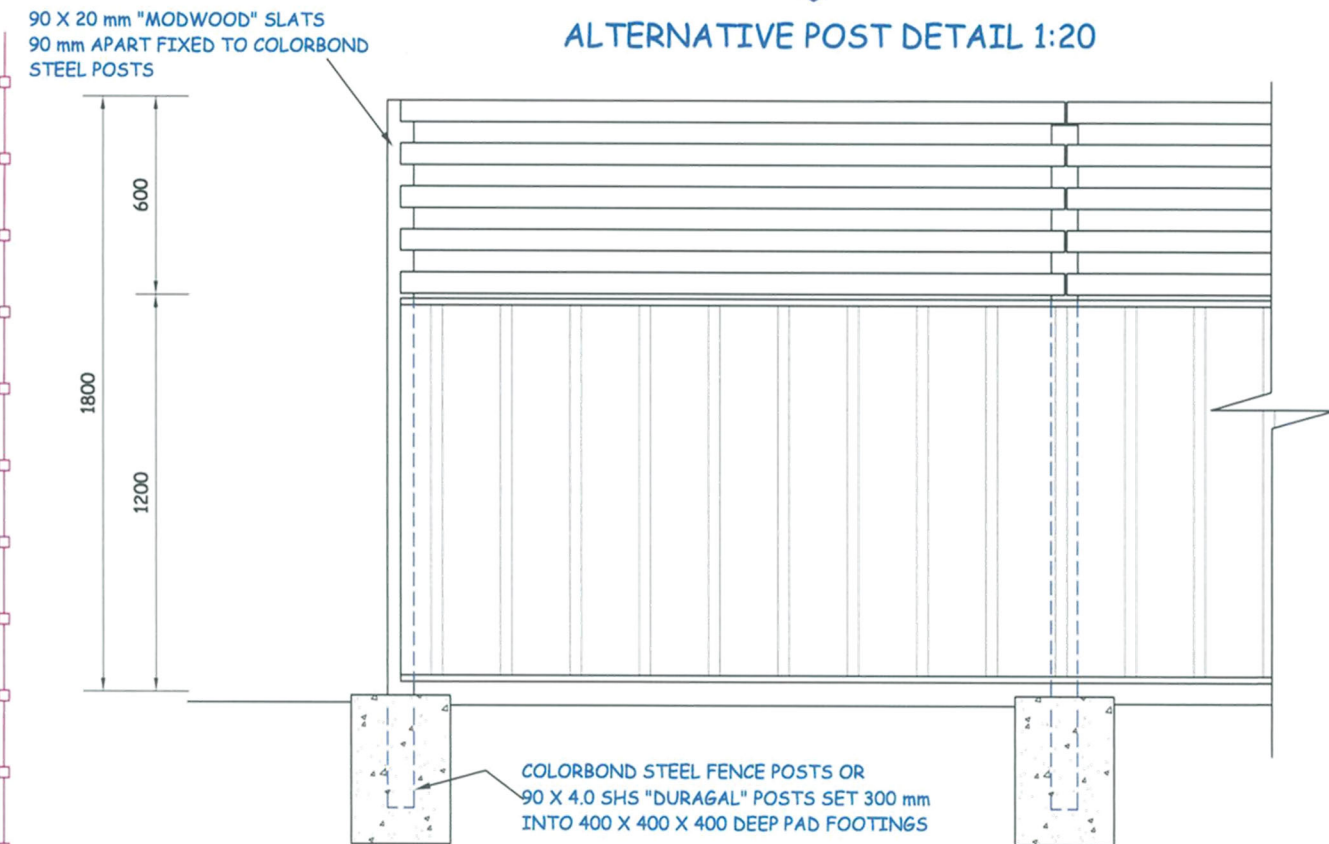
ALTERNATIVE POST DETAIL 1:20



COLORBOND BOUNDARY
FENCE DETAIL 1:20



FRONT BOUNDARY & INTERNAL
SCREEN FENCE DETAIL 1:20



FRONT BOUNDARY & INTERNAL
SCREEN FENCE ELEVATION 1:20

TWO PROPOSED BRICK VENEER UNITS & NEW CAR PORT WITH EXISTING DWELLING AT
111(a) GUNN STREET, DEVONPORT FOR SANDERS MULEYA

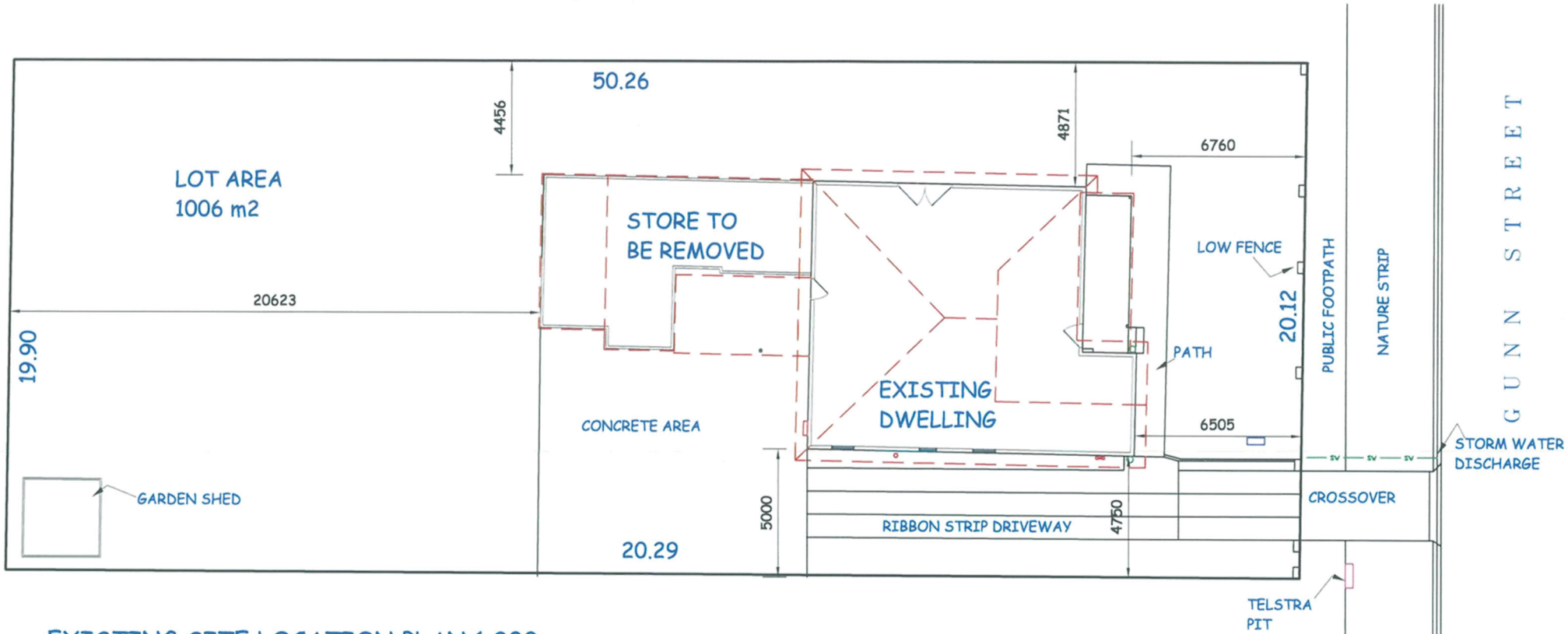
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14/10/19	1:20	J WEEDA	A WEEDA	12019 - 5 OF 7

WEEDA Drafting

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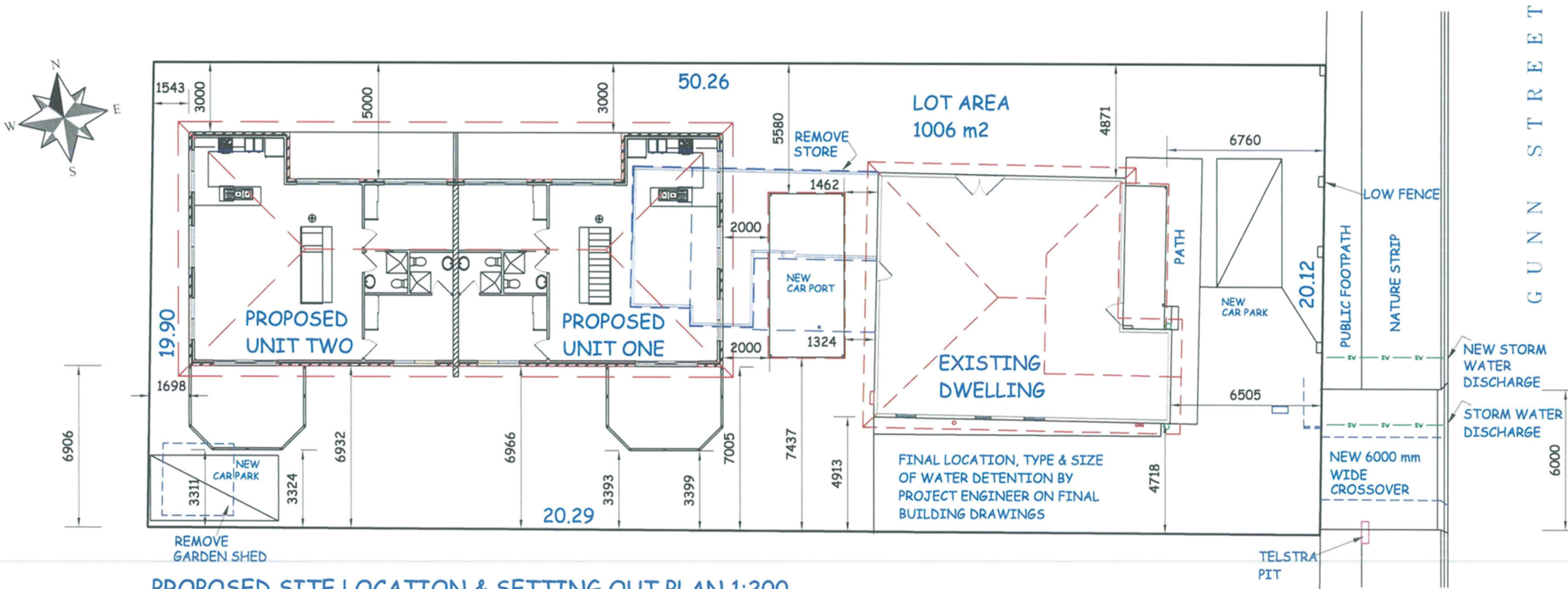
51 Leighlands Avenue, Ulverstone TAS 7315.
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WORKPLACE STANDARD TASMANIA BUILDING
PRACTITIONER ACCREDITATION NUMBERS
JAKE, CC 679 C, CC BMR, BDA C MMR
AND ADAM, CC 517 P C B.D.



EXISTING SITE LOCATION PLAN 1:200

PLANNING ONLY



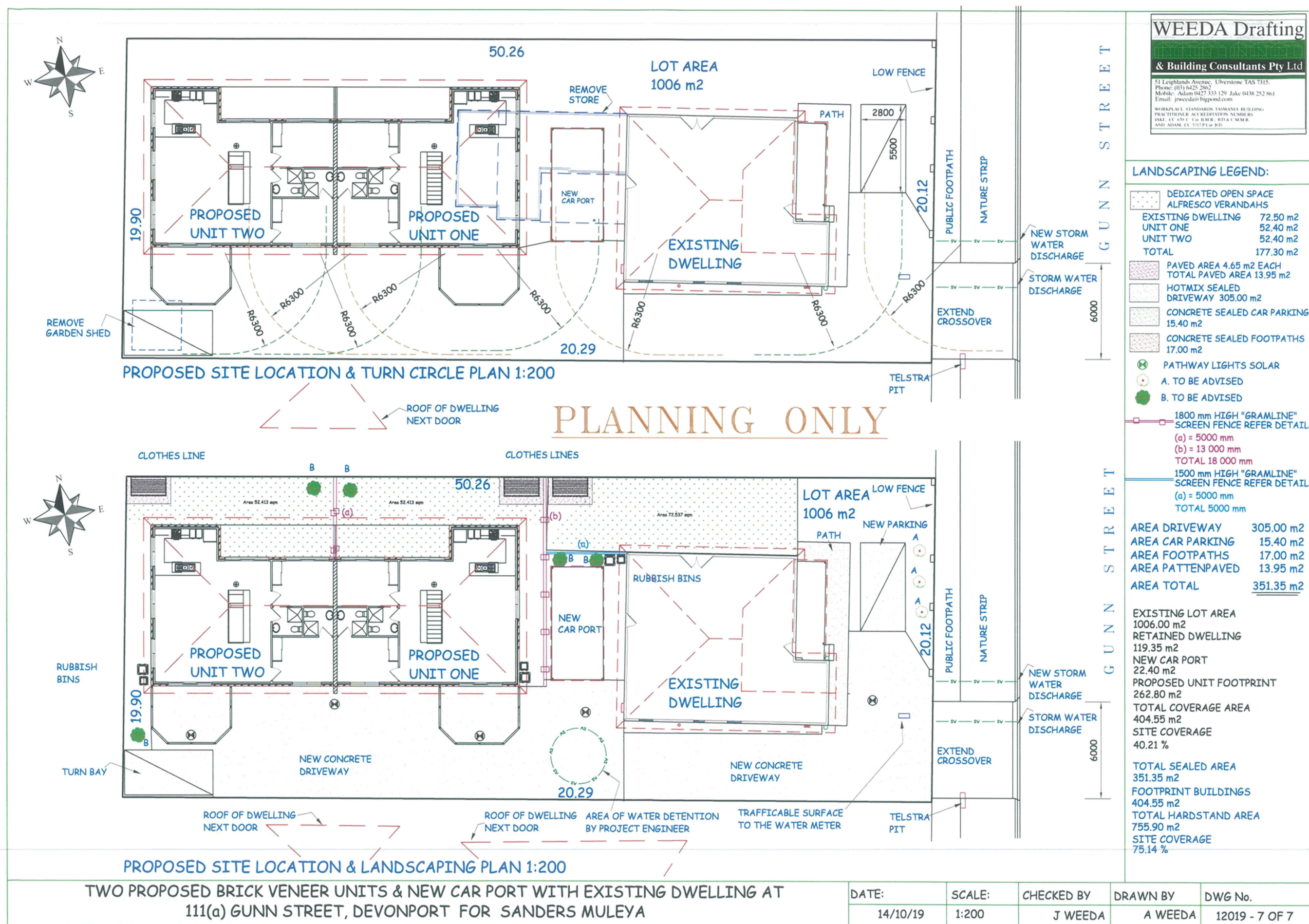
PROPOSED SITE LOCATION & SETTING OUT PLAN 1:200

AREAS:	
FIRST FLOOR	100.25 m2
GROUND FLOOR	55.30 m2
GARAGE	44.90 m2
BALCONY	17.00 m2
VERANDAH	14.20 m2
TOTAL	231.65 m2
TOTAL UNITS	463.30 m2
AREA EXISTING	119.35 m2
AREA CAR PORT	22.40 m2

EXISTING LOT AREA	1006.00 m2
RETAINED DWELLING	119.35 m2
NEW CAR PORT	22.40 m2
PROPOSED UNIT FOOTPRINT	262.80 m2
TOTAL COVERAGE AREA	404.55 m2
SITE COVERAGE	40.21 %

TWO PROPOSED BRICK VENEER UNITS & NEW CAR PORT WITH EXISTING DWELLING AT
111(a) GUNN STREET, DEVONPORT FOR SANDERS MULEYA

DATE:	SCALE:	CHECKED BY	DRAWN BY	DWG No.
14/10/19	1:200	J WEEDA	A WEEDA	12019 - 6 OF 7



From: John Spivey <johnjudyspivey@gmail.com>
Sent: Monday, 4 November 2019 4:44 PM
To: Devonport City Council
Subject: Representation - PA2019.0170 11A Gunn Street - JH & J Spivey

app for planning permit 111a gunn st file PA 2019.0170 OBJECTION HEIGHT
JH and J Spivey

From: Betty Keep <bekeep@iinet.net.au>
Sent: Wednesday, 13 November 2019 8:49 PM
To: Devonport City Council
Subject: Re: DCC PA2019.0170
Attachments: DCC PA2019.0170 page 1.jpg; DCC page 2.jpg

Hello

Please find attached a 2 page letter regarding an objection to Planning Permit PA2019.0170.

Regards

Betty Keep

Mrs Betty Keep
2/113 Gunn Street,
Devonport. 7310
12th November, 2019
bekeep@iinet.net.au

General Manager
Devonport City Council
PO Box 604,
Devonport. 7310

Dear Sir

Re: File: PA2019.0170

**Application for Planning Permit
111A Gunn Street, Devonport.**

This letter is being written on behalf of the undersigned –

We wish to voice our concerns regarding the Proposed Application for 111a Gunn Street.

We all admit that we have thought that units would probably be built in the back of 111a Gunn Street at some point, but it came as quite a shock to learn that the above proposal is for a 2 story building. There are no other units in this area similar to the ones being proposed, and they would tower over all the neighbours.

While we would support single story units, this current proposal would have significant effect on us all to varying degrees – from cutting out the sun to privacy issues, and we can think of only one reason to support the current proposal. According to the proposed plans all the trees on this property would be removed, so therefore it would also mean the tree which is about half way down the northern boundary would go too. The roots of this tree are now causing significant damage to the driveway of 113 Gunn Street. (This matter is now being pursued through the Dispute over Plants Act, and could eventually be an insurance issue).

Our objection is to the height of the proposed structure and resultant privacy issues.

While Unit 2/111 Gunn Street enjoys a considerable amount of sun all year round, this proposal would reduce that - considerably less sun in winter, and have a major effect on the health of the resident of this unit. It would also impact significantly on his privacy. .

In the case of 2/113 Gunn Street, the verandas on the northern side of the units would look directly into the two bedroom windows and front door. This would present a gross invasion of privacy.

It is unknown if these units are to be sold to private individuals or to be leased. If leased, there is the possibility of having to cope with the vagaries of various residents over the years.

most of the neighbours on either side of 111A Gunn Street are retired older people and are home much of the day. Lack of sun and having to live with protecting one's privacy all day every day is neither fair nor reasonable.

We trust Council will give these concerns serious consideration.

Yours faithfully

DH & MJ Grave, 1/111 Gunn Street



M. J. Grave

B Hands, 2/111 Gunn Street



Bryan Hands

B Keep, 2/113 Gunn Street



5.0 CLOSURE

There being no further business the Chairperson declared the meeting closed at pm.