



*The City with Spirit*

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## **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, parnaple centre, 137 Rooke Street, Devonport, on Monday 20 January 2020, 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  
GENERAL MANAGER

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF  
DEVONPORT CITY COUNCIL HELD ON MONDAY 20 JANUARY 2020 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 20, January 2020 commencing at 5:15pm.

**PRESENT**

		<b>Present</b>	<b>Apology</b>
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 21 NOVEMBER 2019 - 31 DECEMBER 2019**

##### **ATTACHMENTS**

1. Planning applications approved under delegated authority 21 November 2019 - 31 December 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
PA2019.0153	30 George Street, Devonport	Residential (outbuilding)	22/11/2019
PA2019.0157	8 Richardson Drive, Don	Sports and recreation (Facilities upgrade for Devonport Rugby Club)	23/12/2019
PA2019.0167	26 Nicholls Street, Devonport	Residential (as constructed shed addition)	27/11/2019
PA2019.0168	28 Forest Heights Drive, Tugrah	Residential (dwelling)	28/11/2019
PA2019.0169	13a James Street, Devonport	Visitor Accommodation	2/12/2019
PA2019.0170	111a Gunn Street, Devonport	Residential (multiple dwellings x 2)	2/12/2019
PA2019.0173	79 Clayton Drive, Spreyton	Residential (single dwelling and outbuilding)	27/11/2019
PA2019.0174	2/79 Nixon Street, Devonport	Visitor Accommodation	17/12/2019
PA2019.0175	Crown Reservation, East Devonport	Utilities (shared pathway)	4/12/2019
PA2019.0176	2 Jiloa Way, Don	Residential (outbuilding)	6/12/2019
PA2019.0177	7 Tatiana Close, Devonport	Subdivision (2 lots) and Residential (2 single dwellings)	5/12/2019
PA2019.0178	70 Stewart Street, Devonport	Visitor Accommodation	21/11/2019
PA2019.0179	16 Eveline Court, Devonport	Residential (multiple dwellings x 2)	10/12/2019
PA2019.0180	18-19 Coles Beach Road, Devonport	Residential (single dwelling and garage)	26/11/2019
PA2019.0181	2/28 Mersey Main Road, Spreyton	Residential (outbuilding)	28/11/2019
PA2019.0182	119 Parker Street, Devonport	Residential (garage extension)	18/12/2019
PA2019.0183	10300 Bass Highway, Lillico	Permitted: Visitor Accommodation Discretionary: Location of development for sensitive uses	24/12/2019
PA2019.0184	17 The Lee, Devonport T	Visitor Accommodation	6/12/2019
PA2019.0185	17 Ronan Court, Spreyton	Residential (shed)	19/12/2019
PA2019.0186	289 Braddons Lookout Road, Forth	Permitted use - Resource development (grain silo) Discretionary – front setback variation	10/12/2019
PA2019.0189	13 Turton Street, Devonport	Visitor Accommodation	9/12/2019
PA2019.0190	23 Stephen Street, East Devonport	Storage	19/12/2019
PA2019.0191	44 Skyline Drive, East Devonport	Residential (single dwelling)	18/12/2019
PA2019.0193	34 Wenvoe Street, Devonport	Sports and recreation (dance class facility)	23/12/2019
PA2019.0194	150 River Road, Ambleside	Visitor Accommodation	13/12/2019
PA2019.0195	2 Wattle Pod Court, Spreyton	Residential (single dwelling, ancillary dwelling and garage)	13/12/2019
PA2019.0196	6b Collins Way, Tugrah	Residential (dwelling and shed)	19/12/2019

Application No.	Location	Description	Approval Date
PA2019.0197	25 Valley Road, Devonport	Residential (shed)	24/12/2019
PA2019.0198	45a Steele Street, Devonport	Subdivision (boundary adjustment - no additional lots)	20/12/2019
PA2019.0199	62 Tarleton Street, East Devonport	Community meeting and entertainment - Storage shed (ancillary to non-conforming use)	18/12/2019
PA2019.0200	44 Lawrence Drive, Devonport	Transport depot and distribution (storage shed)	31/12/2019
PA2019.0205	11 Marconi Court, Stony Rise	Storage	23/12/2019
PA2019.0207	4-5 Pandanus Place, Devonport	Visitor Accommodation	20/12/2019

## 4.0 DEVELOPMENT REPORTS

### 4.1 PA2018.0196 RESIDENTIAL (RESIDENTIAL AGED CARE FACILITY & RETIREMENT VILLAGE) - 131-135 STONY RISE ROAD, STONY RISE

#### 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 PA2018.0196 in regard to a proposed residential aged care facility and retirement village at 131-135 Stony Rise Road.

#### BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Philp Lighton Architects
Owner:	AA & R Khamu
Proposal:	Residential (Residential Aged Care Facility & Retirement Village)
Existing Use:	Residential
Zoning:	General Residential
Decision Due:	21/01/2020

#### SITE DESCRIPTION

The site is located on the southern side of Stony Rise Road, approximately 55m east of Leary Avenue and 190m west of Friend Street. The lot has an area of 4.403ha and contains a disused house and outbuilding. The land rises approximately 15m from Stony Rise Road then falls approximately 20m to the rear of the property. The site contains bush on the southern side of the hill and is surrounded by residential development to the east and west and the Kelcey Tier Greenbelt reserve to the south. Figure 1 shows an aerial view of the site and Figure 2 a view of the site from the north western corner of the lot.

#### APPLICATION DETAILS

The applicant is seeking approval for a residential aged care facility and retirement village. The aged care facility will consist of 51 beds, including 13 dedicated dementia beds. The retirement village will be comprised of 45 two bedroom units. The site will also contain a community centre to cater for residents of both the aged care facility and retirement village and their invited guests. The proposal also requires the demolition of the existing dwelling and associated outbuilding. Figure 3 shows the proposed site plan and Figures 4-7 show the elevations.

A copy of the application is appended to the report as **Attachment 1**.





Figure 1 – Aerial view of subject site



Figure 2 – View of site from north western corner





Figure 3 – Site plan



Figure 4 – Aged care home (northern elevation)



Figure 5 – Community centre (northern elevation)

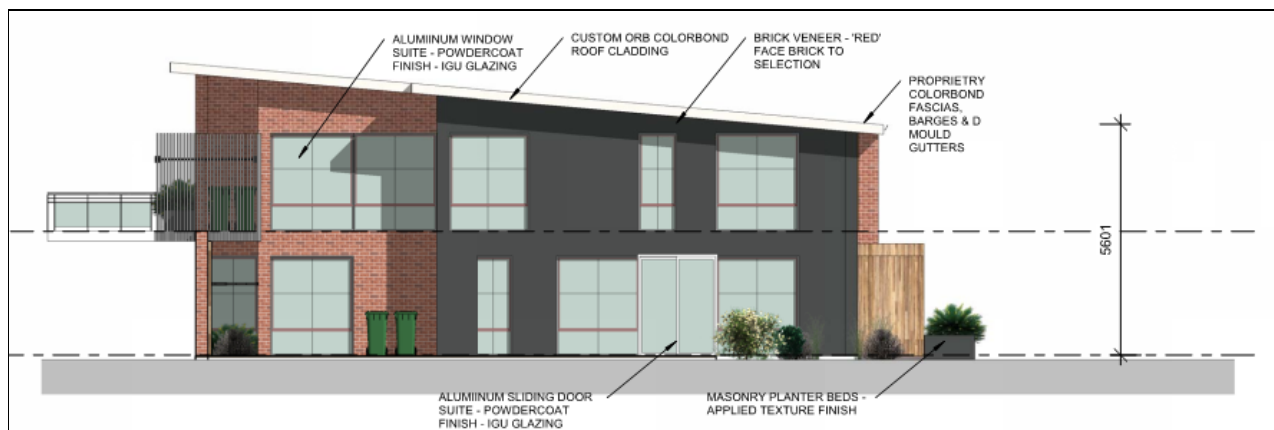


Figure 6 – Two storey unit (eastern elevation)

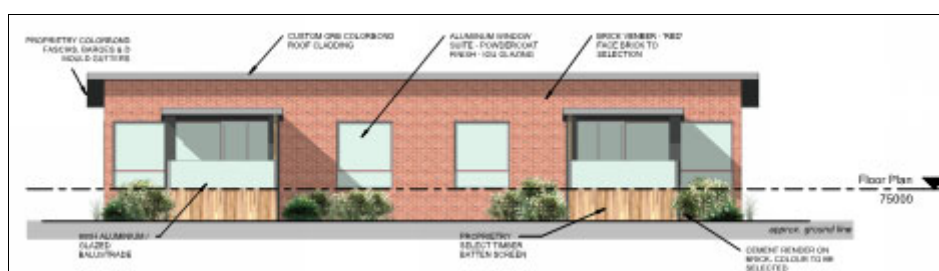


Figure 7 –Single storey unit (northern elevation)

## PLANNING ISSUES

The land is zoned General Residential under the *Devonport Interim Planning Scheme 2013*. The intent of the zone is to provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided and to provide for compatible non-residential uses that primarily serve the local community.

Residential use, which includes residential aged care homes and retirement villages, is permitted in the General residential zone provided the proposal complies with 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.

In this case the proposal complies with all necessary zone standards except for clause 10.4.11.1 A2 in regard to building height. A number of codes are also triggered by the proposal, the Bushfire-Prone Areas Code, Airport Impact Management Code, Local Heritage Code, Traffic Generating Use and Parking Code and the Devonport Reserved Residential Land Code. The Stony Rise Road Network Plan is also applicable.

The relevant sections of the planning scheme are reproduced on the following pages, followed by comments.



**10.4 Development Standards****10.4.11 Development other than a single or multiple dwelling**

10.4.11 does not apply to development for a single or multiple dwelling

**10.4.11.1 Location and configuration of development**

<b>Objective:</b>	
The location and configuration of a development is to –	
(a) provide consistent separation between the development area on adjacent sites and between development and a road; (b) provide consistency in the apparent scale, bulk, massing, and proportion of adjacent buildings; (c) provide sufficient site area for open space, service activity and vehicle parking; (d) provide for the facade of a residential building to remain the dominant architectural element in the streetscape; and (e) separate adjacent buildings to provide reasonable opportunity for daylight and sunlight to habitable rooms and to private open space areas	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>  The wall of a building must be setback from a frontage – (a) not less than 4.5m from a primary frontage; and (b) not less than 3.0m from any secondary frontage; or (c) not less than and not more than the setbacks for any existing building on adjoining sites; (d) not less than for any building retained on the site; (e) in accordance with any building area shown on a sealed plan; or (f) if the site abuts a road shown in Table A1 to this clause, not less than the setback specified for that road	<b>P1</b>  The setback of a wall of a building from a frontage or boundary must be – (a) consistent with the streetscape; and (b) required by a constraint imposed by – (i) size and shape of the lot; (ii) orientation and topography of land; (iii) arrangements for connection to a utility; (iv) arrangements for vehicular and 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 regulation

The proposal complies with the required setbacks.

<p><b>A2</b></p> <p>All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> <li>(a) the applicable frontage setback;</li> <li>(b) a distance of not less than 4.0m from the rear boundary or if an internal lot, a distance of 4.5m from the boundary abutting the rear boundary of the adjoining frontage site;</li> <li>(c) projecting a line at an angle of 45° from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback – <ul style="list-style-type: none"> <li>(i) not less than 1.5m from each side boundary; or</li> <li>(ii) less than 1.5m from a side boundary if – <ul style="list-style-type: none"> <li>a. built against an existing wall of an adjoining building; or</li> <li>b. the wall or walls – <ul style="list-style-type: none"> <li>i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</li> <li>ii. there is no door or window in the wall of the building; and</li> <li>iii. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9:00am and 3:00pm on 21st June.</li> </ul> </li> </ul> </li> </ul> </li> <li>(d) in accordance with any building envelope shown on a sealed plan of subdivision</li> </ul>	<p><b>P2</b></p> <p>Building height and location of a building in relation to a frontage and site boundaries must –</p> <ul style="list-style-type: none"> <li>(a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling;</li> <li>(b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;</li> <li>(c) be consistent with the streetscape;</li> <li>(d) respond to the effect of the slope and orientation of the site; and</li> <li>(e) provide separation between buildings to attenuate impact</li> </ul>
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The residential aged care facility has a proposed height of 11m which exceeds the prescribed 8.5m maximum. As a result the performance criteria must be satisfied.

The proposed building is setback 12.3m to the western boundary, however, the portion exceeding 11m in height is approximately 15m to the boundary. Given this distance and its location to the south-east of the existing dwelling to the west (see Figure 3) the building will not overshadow any habitable rooms or private open space in the adjacent dwelling. The bulk and scale of the building is minimised through the stepped design and location to the south-west (behind the views to the north). The proposed landscaping and driveway will also minimise any impact and attenuate impact.

The residential aged care building is approximately 140m from the frontage and therefore is not relevant in regard to streetscape which only considers objects within 100m.

The proposal satisfies the performance criteria.

<p><b>A3</b></p> <p>Site coverage must –</p> <ul style="list-style-type: none"> <li>(a) not be more than 50%; or</li> <li>(b) not be more than any building area shown on a sealed plan of subdivision</li> </ul>	<p><b>P3</b></p> <p>Site coverage must –</p> <ul style="list-style-type: none"> <li>(a) provide a usable area for private open space, landscaping, vehicle parking, and service activity; and</li> <li>(b) be consistent with the streetscape</li> </ul>
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The proposal complies.

<p><b>A4</b></p> <p>A garage, car port or external parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building</p>	<p><b>P4</b></p> <p>A, garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must –</p> <p>(a) be consistent with the streetscape;</p> <p>(b) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and</p> <p>(c) provide durable physical screening to attenuate appearance of the parking or loading area from a frontage and adjacent land</p>
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The proposal complies.

<p><b>A5</b></p> <p>Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of –</p> <p>(a) 6.0m; or</p> <p>(b) half the width of the frontage</p>	<p><b>P5</b></p> <p>Other than for a dwelling the frontage elevation of a garage or carport (whether freestanding or part of any other building) must minimise potential to dominate the streetscape</p>
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The proposal complies.

#### 10.4.11.2 Visual and acoustic 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

##### A1

A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must –

- (a) if the finished floor level is more than 1.0m above natural ground level –
  - (i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;
  - (ii) be not less than 3.0m from a side boundary;
  - (iii) be not less than 4.0m from a rear boundary; and
  - (iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or

##### P1

Likelihood for overlooking from a door or window in a habitable room or from any part of a balcony, deck, roof garden, parking space, or carport of a building must be minimised by –

- (a) physical separation from the door, window balcony, deck, roof garden, parking space, or carport in an adjacent dwelling;
- (b) off-set from a door or window to a habitable room in an adjacent dwelling;
- (c) effective use of screening other than vegetation; or
- (d) effect of topography and natural features

## Report to Planning Authority Committee meeting on 20 January 2020

<p>(b) if less than the setbacks in clause A1(a) -</p> <ul style="list-style-type: none"> <li>(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;</li> <li>(ii) have a window sill height of not less than 1.8m above floor level;</li> <li>(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or</li> <li>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport</li> </ul>	
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The proposal complies.

<p><b>A2</b></p> <p>An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p><b>P2</b></p> <p>An access strip or communal 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.</p>
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The proposal complies.

#### 10.4.11.3 Frontage fences

<p><b>Objective:</b></p> <p>Other than for a dwelling, a frontage fence is to -</p> <ul style="list-style-type: none"> <li>(a) assist privacy and security for occupants of a site;</li> <li>(b) contribute to consistency of height and transparency of structures on or within a frontage</li> </ul>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>The height of a fence, including any supporting retaining wall, on or within a frontage setback must be -</p> <ul style="list-style-type: none"> <li>(a) not more than 1.2m if the fence is solid; or</li> <li>(b) not more than 1.8m provided that part of the fence above 1.2m has openings that provide a uniform transparency of not less than 30%.</li> </ul>	<p><b>P1</b></p> <p>The height of a fence on or within a frontage setback must be reasonably required for the security and privacy of the site.</p>

Not applicable. No fencing has been proposed.

#### 10.4.12 Setback of development for sensitive use

<p><b>Objective:</b></p> <p>Development for a sensitive use is to -</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> </ul>
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Acceptable Solutions	Performance Criteria
<b>A1</b> A building containing a sensitive use must be contained within a building envelope determined by – <ul style="list-style-type: none"> <li>(a) the setback distance from the zone boundary as shown in the Table to this clause; and</li> <li>(b) projecting upward and away from the zone boundary at an angle of 45° above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary</li> </ul>	<b>P1</b> The location of a building containing a sensitive use must – <ul style="list-style-type: none"> <li>(a) minimise likelihood for conflict, constraint or interference by the sensitive use on existing and potential use of land in the adjoining zone; and</li> <li>(b) minimise likely impact from existing and potential use of land in the adjoining zone on the amenity of the sensitive use</li> </ul>
<b>A2</b> Development for a sensitive use must be not less than 50m from – <ul style="list-style-type: none"> <li>(a) a major road identified in the Table to this clause;</li> <li>(b) a railway;</li> <li>(c) land designated in the planning scheme for future road or rail purposes; or</li> <li>(d) a proclaimed wharf area</li> </ul>	<b>P2</b> Development for a sensitive use must – <ul style="list-style-type: none"> <li>(a) have minimal impact for safety and efficient operation of the transport infrastructure; and</li> <li>(b) incorporate appropriate measures to mitigate likely impact of light, noise, odour, particulate, radiation or vibration emissions; or</li> <li>(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</li> </ul>

Not applicable.

## E1 Bushfire-Prone Areas Code

### E1.5 Use Standards

#### E1.5.1 Vulnerable Uses

<b>Objective:</b> Vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard.	
Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to: <ul style="list-style-type: none"> <li>(a) the location, characteristics, nature and scale of the use;</li> <li>(b) whether there is an overriding benefit to the community;</li> <li>(c) whether there is no suitable alternative lower-risk site;</li> <li>(d) the emergency management strategy and bushfire hazard management plan; and</li> <li>(e) other advice, if any, from the TFS.</li> </ul>

The applicant has submitted a bushfire report and associated bushfire hazard management plan from a qualified bushfire assessor. This confirms that both the site and design are suitable for the use proposed.

<p><b>A2</b></p> <p>An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use considering:</p> <ul style="list-style-type: none"> <li>(a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</li> <li>(b) the ability of occupants of the vulnerable use to: <ul style="list-style-type: none"> <li>(i) protect themselves and defend property from bushfire attack;</li> <li>(ii) evacuate in an emergency; and</li> <li>(iii) understand and respond to instructions in the event of a bushfire; and</li> </ul> </li> <li>(c) any bushfire protection measures available to reduce risk to emergency service personnel.</li> </ul>	<p><b>P2</b></p> <p>No Performance Criterion.</p>
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The bushfire assessor has confirmed the site is suitable. The proposal complies.

<p><b>A3</b></p> <p>A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.</p>	<p><b>P3</b></p> <p>No Performance Criterion.</p>
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The bushfire assessor has provided a hazard management plan. The proposal complies.

## E2 Airport Impact Management Code

### E2.6 Development Standards

#### E2.6.1 Information Requirements

In addition to the requirements of clause 8.1, the following information is required to show:

- (a) whether the use or development is likely to penetrate operational airspace;
- (b) whether the use or development is likely to impact operation of aviation facilities;
- (c) location of the site relative to ANEF contours;
- (d) whether the site is within a public safety area;
- (e) any strategy to manage or mitigate likely adverse effect of the use or development on:
  - (i) operational airspace or the function of aviation facilities; and
  - (ii) human health, public safety, and amenity from aircraft operation and aviation facilities at the airport

#### E2.6.2 Protection of operational airspace

##### Objective:

Development is to maintain:

- (a) efficient operation and safety of aircraft in operational airspace; and
- (b) function of aviation facilities

Acceptable Solutions	Performance Criteria
<b>A1</b>	<b>P1</b>
Use or development must not:	The relevant airport operator or aviation agency must advise:
(a) penetrate the Obstacle Limitation Surface (OLS); or	(a) it is satisfied the use or development does not have adverse effect on efficient operation and safety of operational airspace or the function of an aviation facility; and
(b) interfere with operation of aviation facilities	(b) any condition or requirement for the location, design, and control of the use or development if it:
	(i) penetrates the Obstacle Limitation Surfaces (OLS); or
	(ii) is likely to interfere with operation of an aviation facility.

The obstacle limitation surface for the subject site is 15m. Given the maximum building height is 11m the proposal complies with the acceptable solution.

#### E2.6.3 Public Safety Areas

<b>Objective:</b>	
The likelihood for risk to use from the effect of aircraft accidents near the end of a runway in association with take-off or landing is to be minimised	
Acceptable Solutions	Performance Criteria
<b>A1</b>	<b>P1</b>
There is no Acceptable Solution	The airport operator or agency must advise it is satisfied the use or development does not unduly increase:
	(a) direct risk to people in an aircraft and on the ground;
	(b) secondary incidents arising from damage to ground facilities in the event of an aircraft incident; and
	(c) any requirement for the location, design and control of the use or development

Not applicable.

#### E5 Local Heritage Code

##### E5.6.2 Demolition

<b>Objective:</b>	
Demolition of a building, area or other place is to occur only if there is no feasible and prudent alternative	
Acceptable Solutions	Performance Criteria
<b>A1</b>	<b>P1</b>
Demolition achieves the conservation outcomes for a building, place or conservation area shown in Column 4 of the table to this Code	Demolition in whole or in part of a building or place may be permitted, having regard to -
	(a) the heritage significance of the affected parts of the building or place;
	(b) the likely benefits of renovating, rehabilitating, reconstructing or modifying the building for an approved use; and
	(c) the impracticability and cost of retaining and conserving the building or place; or
	(d) overriding environmental, public health or economic considerations.

The existing house and associated outbuilding are to be demolished to make way for the proposal. There is no data in column 4 as referred to in the acceptable solution therefore the performance criteria must be satisfied.

The buildings are in a state of disrepair (see Figure 8) and there are both overriding economic and public health considerations given what is proposed for the site. The proposal satisfies the performance criteria.



Figure 8 – Existing dwelling

## E9 Traffic Generating Use and Parking Code

### E9.5 Use Standards

#### E9.5.1 Provision for parking

##### Objective:

Provision is to be made for convenient, accessible, and usable vehicle parking to satisfy requirements for use or development without impact for use or development of other land or for the safety and operation of any road

##### Acceptable Solutions

##### A1

Provision for parking must be –

- (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;

##### Performance Criteria

##### P1

- (a) It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or
- (b) Adequate and appropriate provision must be made for vehicle parking to meet –
  - (i) anticipated requirement for the type, scale, and intensity of the use;
  - (ii) likely needs and requirements of site users; and
  - (iii) likely type, number, frequency, and duration of vehicle parking demand



## Report to Planning Authority Committee meeting on 20 January 2020

Aged and people with a disability (other than dwellings in the General Residential Zone)	No requirement
Self-contained units	
2 x spaces / 5 units	
Hostel, convalescent and nursing homes	No requirement
(a) 3 x spaces / 10 beds; and	
(b) 1 x space / ambulance	

A total of 34 parking spaces are required, 16 for the nursing home and 18 for the units, along with an ambulance space. A total of 146 parking spaces are proposed. The proposal complies.

**E9.6 Development Standards****E9.6.1 Design of vehicle parking and loading areas****Objective:**

Vehicle circulation, loading, and parking areas–

- (a) protect the efficient operation and safety of the road from which access is provided;
- (b) promote efficiency, convenience, safety, and security for vehicles and users; and
- (c) provide an appropriate layout and adequate dimension to accommodate passenger or freight vehicle associated with use of the site

Acceptable Solutions	Performance Criteria
<b>A1.1</b> All development must provide for the collection, drainage and disposal of stormwater; and  <b>A1.2</b> Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –  (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities - Off Street Car Parking;  (b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities - Off Street Commercial Vehicles;  (c) Be in accordance with AS/NZS 2890.3 1993) Parking Facilities - Bicycle Parking Facilities;  (d) Be in accordance with AS/NZS 2890.6 Parking Facilities - Off Street Parking for People with Disabilities;  (e) Each parking space must be separately accessed from the internal circulation aisle within the site;  (f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and  (g) Be formed and constructed with compacted sub-base and an all-weather surface.	<b>P1</b> The layout and construction of a vehicle parking area, loading area, circulation aisle, and manoeuvring area must be adequate and appropriate for –  (a) the nature and intensity of the use;  (b) effect of size, slope and other physical characteristics and conditions of the site;  (c) likely volume, type, and frequency of vehicles accessing the site;  (d) likely demand and turnover for parking;  (e) delivery and collection vehicles;  (f) familiarity of users with the vehicle loading and vehicle parking area;  (g) convenience and safety of access to the site from a road;  (h) safety and convenience of internal vehicle and pedestrian movement;  (i) safety and security of site users; and  (j) the collection, drainage, and disposal of stormwater

The proposal complies.

**E11 Devonport Reserved Residential Land Code****E11.6 Development Standards****Objective:**

A plan of subdivision is to -

- (a) make efficient use of land;
- (b) optimise provision of utilities;
- (c) provide an integrated network of internal roads;
- (d) not be on land contaminated by a previous use;
- (e) minimise impact on threatened fauna and flora; and
- (f) provide for a logical and sequence progression of release in accordance with the most efficient arrangements for provision of road access and utilities

Acceptable Solutions	Performance Criteria
There are no acceptable solutions	<p>The subdivision of land must -</p> <ul style="list-style-type: none"> <li>(a) be suitable for residential use and development in accordance with the requirements in clause E6.5.1 and clause E6.6.1 of Code E6 - Hazard Management;</li> <li>(b) make appropriate provision for the protection of any threatened fauna and flora identified to exist on the land; and</li> <li>(c) be staged or sequenced in accordance with - <ul style="list-style-type: none"> <li>(i) a utilities provision plan for the locality;</li> <li>(ii) a road network plan for the locality;</li> <li>(iii) a staging plan for the efficient and orderly release of land</li> </ul> </li> </ul>

The Devonport Reserved Residential Land Code states that no land subject to the code is exempt, however, the performance criteria only refer to subdivision. As no subdivision is proposed the standards are not applicable.

**F3.0 Stony Rise Road Network Plan****F3.5 Development Standards****F3.5.1 Access****Objective:**

Provide certainty for the location of access points across the frontage to Stony Rise Road

**Acceptable Solutions****A1**

Vehicular access to Stony Rise Road must be provided only at a specified access point in accordance with the Stony Rise Strategic Network Overlay as indicated on the diagram in F3.5.3

**Performance Criteria****P1**

Access must be in accordance with the requirements of the planning authority and the Department of Infrastructure Energy and Resources.

There is an existing access to the site, however, due to the increase in traffic that will result from the proposal the access will require upgrading. The Department of State Growth has stated that this will also require a channelised right hand turning lane on Stony Rise Road. The applicant is aware of this and it will be conditioned on the permit. The design of the right hand turning lane will require completion and approval from State Growth prior to any

construction commencing on the site. This is to ensure that the design can be achieved. In addition the lane must be constructed prior to occupancy of the site.

<b>A2</b>	<b>P2</b>
There must be no temporary access across the frontage to Stony Rise Road	A temporary access must -
	(a) be for a nominated period pending construction of an approved permanent access at a specified access point;
	(b) not interfere with or constrain the layout of lots on a plan of subdivision based on the specified access point; and
	(c) not prevent the future development of the land

Not applicable. No temporary access is proposed.


### F3.5.2 Road Linkages

<b>Objective:</b>	
The layout and connection of internal road networks on a plan of subdivision of land within this Specific Area Plan provide for a junction to Stony Rise Road only at the specified access points.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
There is no acceptable solution	The layout and connection of internal road on a plan of subdivision must be coordinated to provide for vehicular access across the frontage to Stony Rise Road at a specified access point

Not applicable. No new roads are proposed.

## REPRESENTATIONS

One representation was received from the owners of the land on the opposite side of Stony Rise Road. The representation is reproduced below and raises concerns in relation to stormwater runoff and the proposed pedestrian connection to the Homemaker Centre.


To Devonport City Council
11/11/2019

You forwarded this message on 10/01/2020 10:01 AM.

Dear Sir or Madam,

This representation is made on behalf of Best Street Investments Pty Ltd, the owner of 124-128 Stony Rise Road (Ct 20325/1) and 130-136 Stony Rise Road (177252/2). Best Street Investments Pty Ltd is also under contract to purchase 1 Friend St (CT 167737/18) from Launceston Gasworks Pty Ltd.

Our clients have significant concerns about the development proposed for 131-135 Stony Rise Road.


The first is that the application does not adequately address the discharge of stormwater runoff from the site. At present the drainage from this land crosses under Stony Rise Road onto our client's land via a culvert. The culvert does not discharge into a natural watercourse and will eventually have to be piped when our client's land is developed. Our client is concerned that there be no increase in the potential flow of stormwater onto its land as a result of this development. If there is to be an increase, then the applicant should negotiate with our client for an easement to construct a suitable pipeline to the watercourse.

Secondly, the application shows a 'Potential Pedestrian Connection to the Homemaker Centre'. This falls in part on land which our client is under contract to purchase. Whilst our client would be open to a discussion about facilitating this arrangement, Council should be aware that no such discussions have yet taken place, so it should not be assumed that this part of the development can occur.

If you have any queries please do not hesitate to contact me.

Kind regards

**Jana Rockliff**  
Project Manager



The applicant has shown potential pathways both north and south of the subject site. The tracks proposed to the north of the site, which cross the representor's land, are not required given there is an existing footpath leading to the Homemaker's Centre. The footpath can be seen on Stony Rise Road and Friend Street in Figure 9.



**Figure 9 – portion of site plan showing existing footpaths on Stony Rise Road and Friend Street**

The path to the south extends into the Kelcey Tier Greenbelt and crosses existing bike tracks. Figure 10 shows the bike tracks immediately behind the subject site. Any proposed walking tracks for the elderly occupants of the site would conflict with the existing bike tracks therefore it will not be possible to construct the proposed paths.

A condition will be placed on the permit to ensure the proposed paths are not constructed.



**Figure 10 – Bike tracks behind subject site (approximate location shown outlined in red)**  
Courtesy of [www.trailforks.com](http://www.trailforks.com)

In regard to the issue of stormwater onsite any runoff will need to comply with the requirements of the National Construction Code. This will include on-site stormwater detention. The conditions to be placed on the permit by Council's Engineering Development Officer will deal with these matters.

#### **COMMENTARY**

The proposal was referred to TasWater and the relevant conditions supplied will be placed on the permit.

#### **FINANCIAL IMPLICATIONS**

No financial implications are predicted.

#### **CONCLUSION**

The proposal has been assessed by Council's Development and Works & Infrastructure staff, along with TasWater and State Growth. Any conditions and notes will be placed on the permit.

#### **ATTACHMENTS**

1. Application - PA2018.0196 - 131-135 Stony Rise Road
2. Submission to Planning Authority Notice - TasWater - PA2018.0196 - 131-135 Stony Rise Road

#### **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 PA2018.0196 and grant a Permit to use and develop land identified as 131-135 Stony Rise Road, Stony Rise for the following purposes:

- Residential (Residential Aged Care Facility & Retirement Village)

Subject to the following conditions:

1. Unless altered by subsequent conditions the Use and Development is to proceed generally in accordance with the submitted plans referenced as:
  - A. Stony Rise Aged Care, 18.309, DA01-DA18 & DA20-DA21, Rev 1, dated 5/3/19, DA19, Rev 3, dated 2/10/19 and SK01, dated 24/10/19;
  - B. Traffic Impact Assessment by Midson Traffic Pty Ltd, dated November 2018; and
  - C. Bushfire Hazard Management Report by Livingston Natural Resource Services, dated 21 March 2019;copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The proposed pathways shown to the north and south of the subject site are to be removed from the plans as their construction is not permitted.
3. The plans are to be amended to show a channelised right hand turning lane (short) (CHR(S)) on Stony Rise Road, and approved by the Department of State Growth, prior to any work commencing on-site.

4. The channelised right hand turning lane (short) (CHR(S) on Stony Rise Road is to be constructed prior to occupation of the site.
5. Any concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
6. Stormwater discharge from the proposed development is to be 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 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 site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events.
7. Subject to the above and prior to commencing works on site the developer is to submit for approval detailed design calculations and drawings prepared by a suitably qualified engineer, detailing that the proposed downstream stormwater reticulation design compliance with current Tasmanian Standard Drawings, Tasmanian Subdivisional Guidelines and *Urban Drainage Act 2013*. In this regard details must be provided for:
  - The proposed impervious areas and extent on the development site;
  - Development catchment and internal reticulation systems;
  - On site detention systems and discharge controls;
  - Methods of downstream stormwater control and discharge to existing stormwater reticulation system or natural watercourse, from the proposed development;
  - Plans and long sections of all proposed stormwater mains downstream of the development site;
8. The developer is to ensure that there are adequate measures in place to ensure that the quality of stormwater discharged into the downstream drainage systems is free from deleterious materials and hydrocarbons throughout the construction and maintenance periods.
9. All approved stormwater reticulation works must be undertaken by a suitably qualified civil works contractor engaged by the developer.
10. The developer is to provide Works As Executed drawings in an electronic format at the completion off the works, detailing stormwater assets, invert levels and finished surface levels.
11. The developer is to provide CCTV camera footage and condition report to WSA05- 2013 v 3.1 standard, for all stormwater mains to be handed over to Council, for approval by the City Engineer.
12. The developer is to submit a design drawing of the proposed car parking and associated hardstand area as part of subsequent building permit applications or commencing works on site. The proposed car parking and turning layout is to comply with AS/NZS 2890.1 – 2004 Parking Facilities Part 1 – Off Street Carparking. In particular, vehicular turning movements that enable all parking facilities to be utilized.
13. 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.

14. Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards.
15. The developer is to comply with the conditions 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. A copy of the Submission is appended to the report as **Attachment 2**.
16. No burning of any waste materials is to be undertaken on site. Any such waste material is to be removed and disposed of at a licensed refuse waste disposal facility.
17. During construction the developer is to ensure that all stormwater run-off is managed in accordance with the Environment Protection Authority's "Soil & Water Management on Large (greater than 250m<sup>2</sup> of ground disturbance) Building & Construction Sites" recommendations.
18. The developer is to manage any asbestos found during demolition in accordance with the How to Safely Remove Asbestos Code of Practice issued by Safe Work Australian (October 2018).
19. The applicant must seek approval from the Councils' Environmental Health Department before any works commence. As part of this the Building Surveyor is to submit a Form 42 and its associated paperwork (including proposed menu type) as part of the Building and Plumbing application process.
20. The developer is to ensure that food preparation and food storage areas comply with the National Construction Code of Australia Tas H102 and AS4676:2004 Design, Construction and Fit-out of a food Premises.

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.

Hours of Construction shall be: Monday to Friday Between 7am - 6pm, Saturday between 9am -6pm and Sunday and statutory holidays 10am - 6pm.

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

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 15 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 5-14 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 use
Application no. _____
Date received: _____
Fee: _____
Permitted/Discretionary

**Devonport City Council***Land Use Planning and Approvals Act 1993**Devonport Interim Planning Scheme 2013***Application for Planning Permit****Use or Development Site**Street Address: 131 - 135 STONY RISE ROADSTONY RISE, DEVONPORT, TASMANIA, 7310Certificate of Title Reference No.: CT 206613/2PID 6388501**Applicant's Details**Full Name/Company Name: MR ANDREW FLOYDC/O PHILPLIGHTON ARCHITECTSPostal Address: 65 TAMAR STREETLAUNCESTON TASMANIA, 7250Telephone: (03) 63 312 133Email: LAUNCESTON@PHILPLIGHTON.COM.AU**Owner's Details (if more than one owner, all names must be provided)**Full Name/Company Name: MR ANANIA ALBERT KHAMU& MRS ROZA KHAMUPostal Address: 8-12 MONTE KHOURY DRIVELOGANHOLME, QLD, 4129Telephone: (07) 32 097 999Email: ALB@CHROMOPLAS.COM


ABN: 47 611 446 016  
 PO Box 604  
 17 Fenton Way  
 Devonport TAS 7310  
 Telephone 03 6424 0511  
 Email  
[council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)  
 Web  
[www.devonport.tas.gov.au](http://www.devonport.tas.gov.au)





Applications may be lodged by email to Council - [council@devonport.tas.gov.au](mailto: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:

<b>Application fee</b>	
<b>Completed Council application form</b>	✓
<b>Copy of certificate of title, including title plan and schedule of easements</b>	✓
<b>Demonstration of compliance with performance criteria and relevant codes</b>	✓
<b>A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing:</b>	
• 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	✓
<b>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:</b>	
• 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	✓
• Major 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	✓
<b>A plan of the proposed landscaping including:</b>	
• Planting concept	✓
• Paving materials and drainage treatments and lighting for vehicle areas and footpaths	✓
• Plantings proposed for screening from adjacent sites or public spaces	✓
<b>Details of any signage proposed</b>	✓

If all of the above information is not provided to Council at the time of lodgement the application will not be accepted.

Value of use and/or development

\$ 30,500,000 + GST

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

If land is not in applicant's ownership

I, ANDREW FLOYD declare that the owner  
/each of the owners of the land has been notified/will be notified within 7 days from date of making  
this permit application.

Applicant's signature: 

Date: 26-03-19

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

Devonport City Council consents to the making this permit application.

General Manager's signature: N.A

Date: \_\_\_\_\_

If the application involves land owned or administered by the 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;
- more information may be requested within 21 days of lodgement; and
- The application may take 42 days to determine.

### PUBLIC ACCESS TO PLANNING DOCUMENTS

I, the undersigned understand that all documentation included with this application will be made available for inspection by the public. Copies of submitted documentation, with the exception of plans which will be made available for display only, may be provided to members of the public, if requested.

Applicant's signature: 

Date: 26-03-19

### 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 – Please pay fee when lodging your completed application form

	<b>Payment in Person</b> Customer Service hours are between 8.30am and 5.00pm, Mon-Fri. Payment may be made by cash, credit card, cheque or EFTPOS.
	<b>Payment by Mail</b> Cheques should be made payable to Devonport City Council and posted to The General Manager, Devonport City Council, PO Box 604, Devonport, TAS, 7310.
	<b>Credit Card Payment by Phone</b> Please contact the Devonport City Council offices on 6424 0511. <b>Customer Service hours are between 8.30am and 5.00pm, Monday to Friday.</b>


 PhilpLighton Architects


The General manager  
Devonport City Council  
17 Fenton Way  
Devonport  
[council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)

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[launceston@philplighton.com.au](mailto:launceston@philplighton.com.au)

[philplighton.com.au](http://philplighton.com.au)  
Hobart/Launceston/Burnie

Dear Sir

### 131- 135 Stony Rise Road Devonport Development Application

Philp Lighton Architects is pleased to submit the planning application for the 131 -135 Stony Rise Road project on behalf of MR Albert Khamu.

The project has been prepared in collaboration with PDA Planners and Surveyors, JMG Engineers, Midson Traffic, Livingston Natural Resources Services, Mr. Albert Khamu and Philp Lighton Architects.

Prior to lodging this application Andrew Floyd from PLA and Tom Rielly from PDA met with Devonport City Council officers Carolyn Milnes (Planning) and Philip Bowden (Engineering) to detail the project and obtain feed back prior to formally lodging.

#### What is Proposed

The 135 Stony Rise Road development is a premium quality aged care development.

The project has been considered as an independent gated community providing a secure safe environment for residents with options for varying levels of support ranging from fully independent to fully assisted care.

The project is generally oriented to the north with views overlooking the coast, buildings are set out along the contours with a simple connecting road network.

Landscaping will feature to promote a tranquil relaxing and private environment. Interconnecting walkways, water features and landscape elements will provide sanctuary and support nature fauna and provide residents with walking options to get through and around the site.

Supporting the principle of community, a hub building with social facilities, bar, theatre, library and gym will provide residents and visitors a place to congregate and socialize.

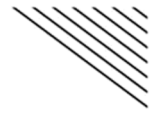
#### How The Development Will Operate

This project is targeting the premium end of the retirement market. We are expecting to attract national and interstate participation to our development.

Philp Lighton Architects Pty Ltd  
ACN 009 515 182  
ABN 82 009 515 182

**Directors**  
Peter Giblin FAIA  
Andrew Floyd AIA  
Peter Gaggin AIA

**Associate Directors**  
Pip Bilson DIA  
Anthony Dalglish AIA



The development will be built as one discreet project.  
 The nursing home and community center will be managed as a single entity.  
 The two- bedroom apartments will be available to rent or lease.

Management and maintenance, upkeep, landscape and gardening will be undertaken by management.

The long- term intention is that residents will age in place till such time as they relocate to the nursing home.

The nursing home will cater for older residents and also provide extra care for residents with higher needs and also those that develop Alzheimer's.

Management of the facility will be conducted from the offices in the community building.  
 Visitors will be able to meet residents in their home and the community center that supports socializing.

Again, a strong design theme will be the quality gardens and outside spaces that will unify the development.

### Project Details

The development will include a 51 single bed and ensuite nursing home rooms including a dedicated 13 bed dementia suite located at ground level with direct access to a secure landscaped garden compound. Each room of the nursing home is orientated to the north to capture the panoramic views to Bass Strait and get good sun exposure

Both the Nursing Home and the associated Community center are located on the top of the rise on the flattest portion of the site to maximise ease of mobility

The community building will be available to all residents of the development and invited guests.

The community facility will provide a range of on- site dining options, theatre, bar, library, wellness and gym facilities and meeting rooms set in attractive landscape.

Free standing residential accommodation comprising 8 double, 2-bed villas and 1 single, 2-bed villa (17 total) are located closest to Stony rise Road, and 6 quadrupoles, 2-bed units and 2 double, 2-bed units (28 total) are located to the south of the Nursing home overlooking the bush and back toward Latrobe.

The 24 rear unit's sewer will be served with a private rising main discharging at the high point of the site, the remainder of the site's sewer will be gravity & connect to Tas Water infrastructure on Stony Rise Road.

Stormwater will generally run to Stony Rise Road via a stormwater detention pond landscaped as a lake and recreation space adjacent Stony Rise Road.

Stormwater from the 6 quadruple units will discharge to a natural water course in the reserve to the rear.

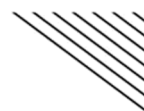
Water supply will be connected to Tas Water Infrastructure

Should the supply not have sufficient head or flow, the necessary tanks and pumps will be installed in the landscape to meet nominated requirements that can be conditioned in the Development application.

Please refer to the attached bushfire assessment, in conjunction with the architectural, for information regarding proposed building setbacks and BAL rating

Attached to this this proposal is the

1. Application form
2. Architecturals
3. Title
4. Bushfire Report
5. Traffic Impact statement
6. Drawing register



Please don't hesitate to Call Andrew Floyd Ph 0363 312133 with any enquiries  
Pleas contact this office with how and the amount of the application fee

Yours Faithfully

Andrew D. Floyd  
Director

—

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 206613	FOLIO 2
EDITION 3	DATE OF ISSUE 30-Apr-2007

SEARCH DATE : 02-Nov-2018

SEARCH TIME : 11.28 AM

DESCRIPTION OF LAND

Parish of NORTHAM, Land District of DEVON  
Lot 2 on Plan 206613  
Derivation : Portion of Lot 9716 Gtd to G F Bradley  
Prior CT 2356/89

SCHEDULE 1

C776529 TRANSFER to ANANIA ALBERT KHAMU and ROZA KHAMU  
Registered 30-Apr-2007 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
C776530 MORTGAGE to National Australia Bank Limited  
Registered 30-Apr-2007 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations





## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ORIGINAL - NOT TO BE REMOVED FROM TITLES OFFICE

12294 03

TASMANIA

REAL PROPERTY ACT, 1862, as amended



CERTIFICATE OF TITLE

Register Book

Vol. Fol.

2356 89

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.

~~Witness~~

*M. Hutchinson*  
Recorder of Titles.

DESCRIPTION OF LAND

PARISH OF NORTHAM LAND DISTRICT OF DEVON  
TEN ACRES THREE ROODS TWENTY ONE PERCHES on the Plan hereon

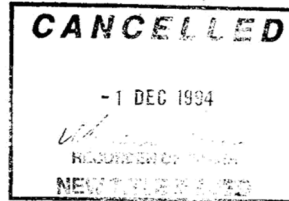
FIRST SCHEDULE (continued overleaf)

FRANCES VICTORIA POXON of Launceston, Married Woman

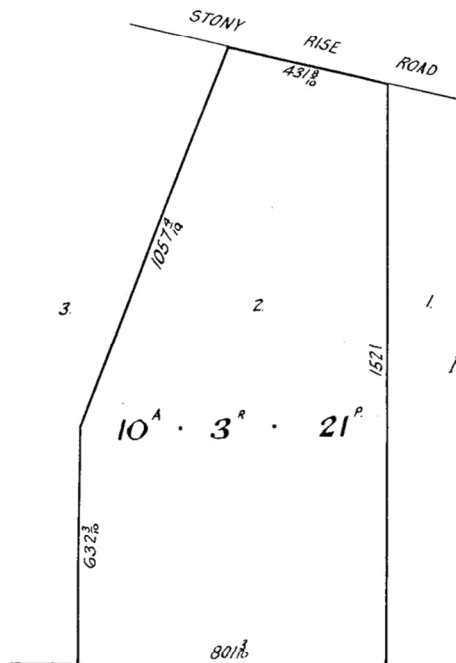
ENTRY CANCELLED  
*M. Hutchinson*  
Recorder of Titles

SECOND SCHEDULE (continued overleaf)

NIL



NOTE.—ENTRIES CANCELLED UNDER SIGNATURE OF THE RECORDER OF TITLES ARE NO LONGER SUBSISTING.



Por. of Lot 976 Ctd to G.F. Bradley  
Meas in links



Lot 2 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register.

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**Philp Lighton Architects**  
**135 Stony Rise Road, Devonport**  
**Traffic Impact Assessment**  
**November 2018**





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## 1. Introduction

### 1.1 Background

Midson Traffic were engaged by Philp Lighton Architects to prepare a traffic impact assessment for a proposed aged care facility at 135 Stony Rise Road, Devonport.

### 1.2 Traffic Impact Assessment (TIA)

A traffic impact assessment (TIA) is a process of compiling and analysing information on the impacts that a specific development proposal is likely to have on the operation of roads and transport networks. A TIA should not only include general impacts relating to traffic management, but should also consider specific impacts on all road users, including on-road public transport, pedestrians, cyclists and heavy vehicles.

This TIA has been prepared in accordance with the Department of State Growth (DSG) publication, *A Framework for Undertaking Traffic Impact Assessments*, September 2007. This TIA has also been prepared with reference to the Austroads publication, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2009.

Land use developments generate traffic movements as people move to, from and within a development. Without a clear understanding of the type of traffic movements (including cars, pedestrians, trucks, etc), the scale of their movements, timing, duration and location, there is a risk that this traffic movement may contribute to safety issues, unforeseen congestion or other problems where the development connects to the road system or elsewhere on the road network. A TIA attempts to forecast these movements and their impact on the surrounding transport network.

A TIA is not a promotional exercise undertaken on behalf of a developer; a TIA must provide an impartial and objective description of the impacts and traffic effects of a proposed development. A full and detailed assessment of how vehicle and person movements to and from a development site might affect existing road and pedestrian networks is required. An objective consideration of the traffic impact of a proposal is vital to enable planning decisions to be based upon the principles of sustainable development.

This TIA also addresses the relevant clauses of E9, *Traffic Generating Use and Parking Code*, of the Devonport Interim Planning Scheme, 2013.



### 1.3 Statement of Qualification and Experience

This TIA has been prepared by an experienced and qualified traffic engineer in accordance with the requirements of Council's Planning Scheme and The Department of State Growth's, *A Framework for Undertaking Traffic Impact Assessments*, September 2007, as well as Council's requirements.

The TIA was prepared by Keith Midson. Keith's experience and qualifications are briefly outlined as follows:

- 22 years professional experience in traffic engineering and transport planning.
- Master of Transport, Monash University, 2006
- Master of Traffic, Monash University, 2004
- Bachelor of Civil Engineering, University of Tasmania, 1995
- Engineers Australia: Fellow (FIEAust); Chartered Professional Engineer (CPEng); Engineering Executive (EngExec); National Engineers Register (NER)

### 1.4 Project Scope

The project scope of this TIA is outlined as follows:

- Review of the existing road environment in the vicinity of the site and the traffic conditions on the road network.
- Provision of information on the proposed development with regards to traffic movements and activity.
- Identification of the traffic generation potential of the proposal with respect to the surrounding road network in terms of road network capacity.
- Review of the parking requirements of the proposed development. Assessment of this parking supply with Planning Scheme requirements.
- Traffic implications of the proposal with respect to the external road network in terms of traffic efficiency and road safety.

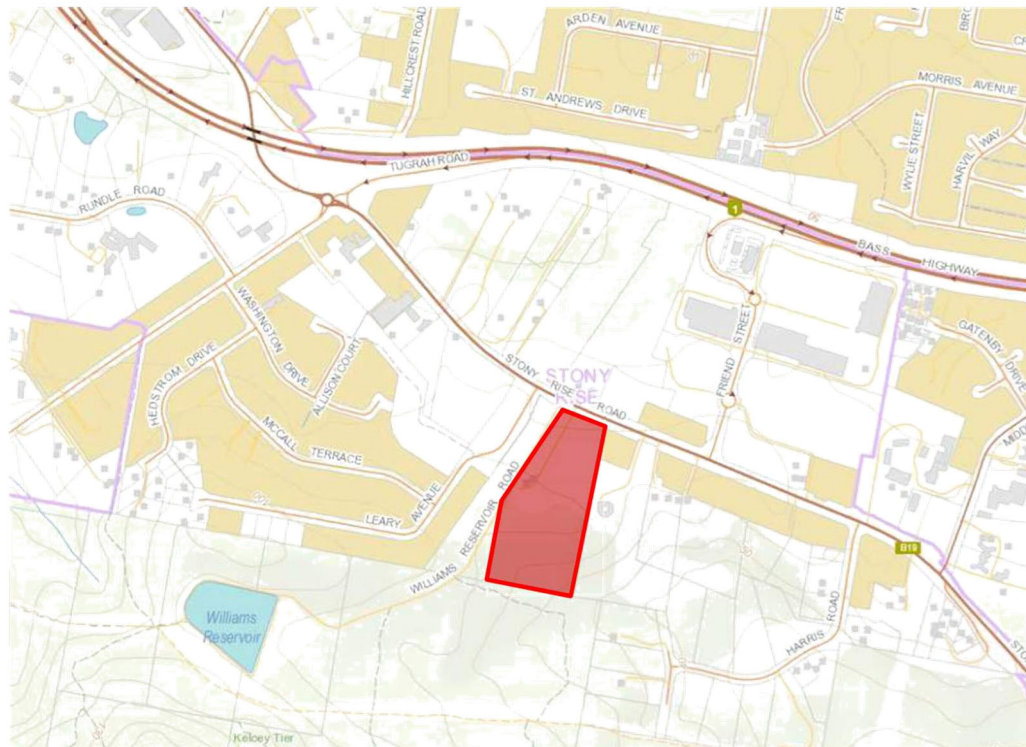
### 1.5 Subject Site

The subject site is located at 135 Stony Rise Road, Devonport.

The subject site and surrounding road network is shown in Figure 1.



**Figure 1 Subject Site & Surrounding Road Network**



*Image Source: LIST Map, DPIPW*

## 1.6 Reference Resources

The following references were used in the preparation of this TIA:

- Devonport Interim Planning Scheme, 2013 (Planning Scheme)
- Austroads, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2009
- Austroads, *Guide to Road Design*, Part 4A: Unsignalised and Signalised Intersections, 2009
- Department of State Growth, *A Framework for Undertaking Traffic Impact Assessments*, 2007
- Roads and Maritime Services NSW, *Guide to Traffic Generating Developments*, 2002 (RMS Guide)
- Roads and Maritime Services NSW, *Updated Traffic Surveys*, 2013 (Updated RMS Guide)
- Australian Standards, AS2890.1, *Off-Street Parking*, 2004 (AS2890.1:2004)





## 2. Existing Conditions

### 2.1 Transport Network

For the purposes of this report, the transport network consists of Stony Rise Road, Leary Avenue, Williams Reservoir Road and Friend Street.

Stony Rise Road in the vicinity of the subject site is classified as a Category 3, 'Regional Access Road', under the DIER publication, *Tasmanian Road Hierarchy*, 2007. Regional Access Roads are defined as follows:

*Category 3 roads are of strategic importance to regional and local economies. While heavy freight vehicles use them, the level of use is less than that of Regional Freight Roads. Together with Regional Freight Roads, they provide safe and efficient access to Tasmania's regions. The traffic profile for 'Regional Access Roads' is described as roads that carry up to 300 trucks per day and annually carry between \$30m and \$70m of goods. Also, while the total traffic volume may vary, most have sections carrying a daily average of between 1,500 and 5,000 vehicles.*

Traffic data obtained from the Department of State Growth, indicates that Stony Road carries approximately 7,800 vehicles per day (State Growth Traffic Data 2015). The traffic data indicated that heavy vehicles make up approximately 8.4% of the traffic volume.

Stony Rise Road has a posted speed limit of 70-km/h near the subject site and has a sealed pavement width of approximately 6.5 metres in width, with narrow shoulders. Stony Rise Road adjacent to the subject site is shown in Figure 2.

**Figure 2 Stony Rise Road**





## 2.2 Road Safety Performance

Crash data can provide valuable information on the road safety performance of a road network. Existing road safety deficiencies can be highlighted through the examination of crash data, which can assist in determining whether traffic generation from the proposed development may exacerbate any identified issues.

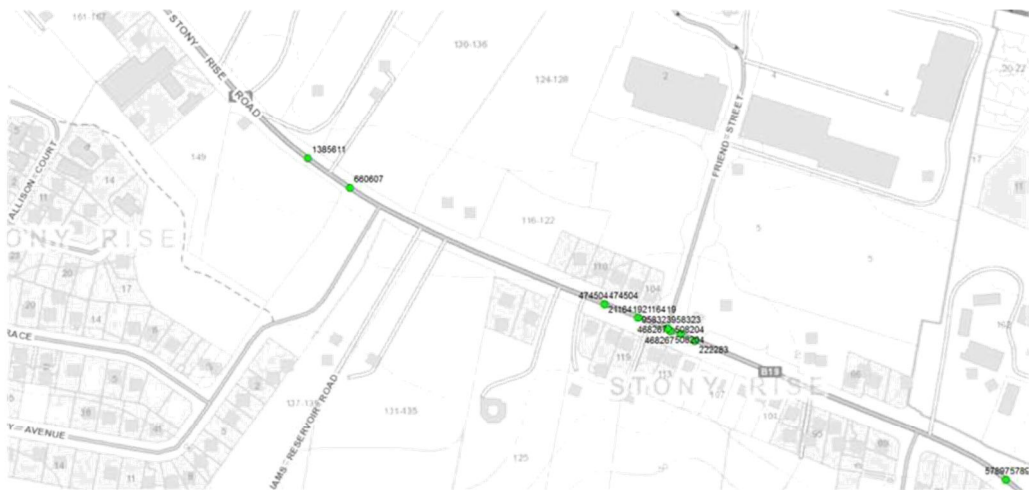
Crash data was obtained from the Department of State Growth for a 5+ year period between 1<sup>st</sup> January 2013 and 30 September 2018 for Stony Rise Road near the subject site.

The findings of the crash data is summarised as follows:

- A total of 14 crashes were reported during this time. The majority of these crashes were clustered near the Friend Street intersection. The crash locations are shown in Figure 3.
- Of these crashes, 3 involved minor injury and 11 involved property damage.
- The majority of crashes were reported on weekdays. Thursday had the highest crash frequency (5 reported crashes), followed by Mondays and Fridays (3 crashes each).
- The majority of crashes occurred between 7:00am and 7:00pm (12 crashes)
- The most common crash type was 'rear-end' (5 crashes), followed by 'left-rear' (3 crashes). Other crash types included 1 x 'head-on', 1 x 'cross-traffic', 1 x 'other-manoeuving', 1 x 'right-off-carriageway', 1 x 'permanent-obstruction-on-carriageway', 1 x 'out-of-control-on-carriageway', and 1 x 'other-manoeuving'.

The crash history does not indicate that there are any existing road safety deficiencies in the surrounding road network.

**Figure 3 Crash Locations**



*Source: Department of State Growth*





### 3. Proposed Development

#### 3.1 Development Proposal

The proposed development involves the construction of an aged care facility with the following components:

- 51 Bed nursing home
- Community building
- 51 x 2-bedroom villa units
- Car parking:
  - 44 on-site car parking spaces, including 1 minibus parking bay
  - 102 parking spaces for villa units (2 spaces per unit)
  - 146 spaces total

The proposed development plan is shown in Figure 4.

**Figure 4 Proposed Development Plan**





## 4. Traffic Impacts

### 4.1 Traffic Generation

Traffic generation rates associated with the development proposal were sourced from the RMS Guide. Traffic generation rates for 'aged and disabled persons' is 1-2 trips per day per dwelling with a peak of 0.1 to 0.2 trips per hour per dwelling.

This equates to a traffic generation of up to 204 vehicles per day, with a peak of 21 vehicles per hour. This assumes that all residential aged care units and beds within the nursing home component generate traffic at the upper rate of 2 vehicles per day and 0.2 vehicles per hour.

### 4.2 Trip Distribution

It is likely that the majority of trips will be right-in/ left-out based on the site's proximity in relation to Devonport City.

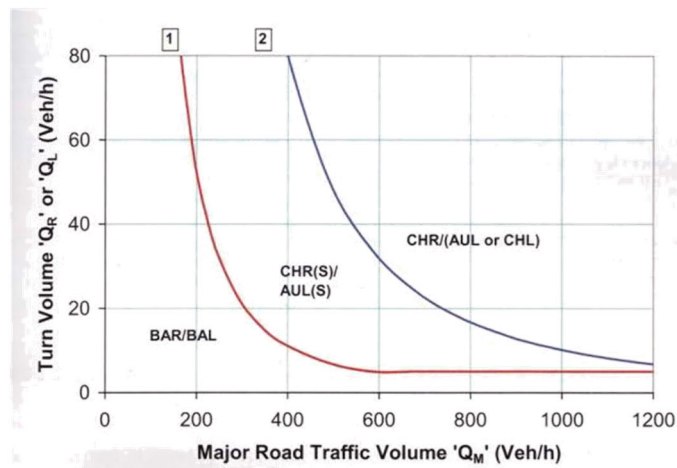
### 4.3 Access Impacts

The development proposes a single access to the site on Stony Rise Road. The junction is located approximately 110 metres east of the Leary Avenue intersection.

The Austroads publication, Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections, 2009, provides the guiding technical requirements for junction treatments.

In an urban context, the requirements for junction treatments are reproduced in Figure 5.

**Figure 5 Austroads Turning Lane Warrants**





The major road volume of Stony Rise Road is estimated to be 750 vehicles per hour during peak periods, with a right turn entry volume estimated to be in the order of 9 vehicles per hour<sup>1</sup>.

These turning movements therefore fall in the lower section of the 'CHR(S)' turn lane warrants. The CBR(S) warrant is triggered by the high flow on Stony Rise Road rather than traffic generation of the proposal (noting specifically that the trigger for turn movements is 5 vehicles per hour, and the development generates 9 turning movements per hour).

The peak flow associated with the aged care facility is unlikely to coincide with peak flow on Stony Rise Road. The requirement for a CHR(S) facility is therefore unlikely to be met during normal commuter peak periods (ie. when Stony Rise Road has maximum flow).

The installation of a short channelised right turn facility would also be difficult to physically install at this location due to the location of the turn lane facilities associated with Leary Avenue immediately adjacent to the site. The installation of a short channelised right turn at this location would result in a lateral shift of Stony Rise Road within a limited corridor width and geometric requirements associated with the turn lanes associated with Leary Avenue.

No turn lane treatments are therefore recommended for access to the site.

#### 4.4 Pedestrian Impacts

The proposed development will generate a moderate amount of pedestrian activity in the surrounding network.

The existing pedestrian infrastructure in the surrounding road network is constructed to a high standard and is considered adequate to cater for the likely pedestrian demands associated with the proposed development.

#### 4.5 Road Safety Impacts

The proposal will not have any significant adverse impacts on the road safety of the surrounding road network. This is based on the following:

- There is sufficient spare capacity in Stony Rise Road and surrounding road network to absorb the relatively low peak hour traffic generated by the proposed development. The estimated peak hour increase is likely to be in the order of 14 vehicle trips per hour (two-way). This is a relatively low increase that will not cause any adverse impacts on the traffic efficiency of the network.
- The existing road safety performance of Stony Rise Road near the subject site does not indicate that there are any specific road safety deficiencies that might be exaggerated by traffic generated by the proposed development. Noting that the crash history does not indicate that there have been crashes at the interface between the site and the road.

<sup>1</sup> Based on peak total volume of 21 vehicles per hour, inward PM split of 60%, directional split 70% from Devonport right turn.



## 5. Parking Assessment

### 5.1 Parking Provision

The proposed development provides a total of 146 parking spaces. These parking spaces comprise of the following:

- 43 on-site car parking spaces (including 2 x disabled parking spaces)
- 1 minibus parking bay
- 1 loading bay and ambulance space
- 102 parking spaces for villa units (2 spaces per unit)

### 5.2 Planning Scheme Requirements

Acceptable Solution A1 of Clause E9.5.1 of the Planning Scheme states "*provision for parking must be the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table for this Code*".

Table E9.1 requires the following car parking provision:

- Self-contained units: 2 on-site car parking spaces per 5 self-contained units for 'Aged and people with a disability'. This is a requirement for 21 spaces.
- Nursing home: 3 x on-site car parking spaces per 10 beds and 1 x on-site space for an ambulance for a 'nursing home'. This is a requirement for 5 spaces + 1 ambulance space.
- Community building: 15 x on-site car parking spaces per 100m<sup>2</sup> of gross floor area for 'community meeting and entertainment'. This is a requirement for 105 spaces (based on an estimated gross floor area of 700m<sup>2</sup>).

The total parking requirement is therefore 132 spaces (which includes a dedicated space for an ambulance). The total provision of 146 spaces exceeds this requirement and therefore the development meets the requirements of Acceptable Solution A1 of Clause E9.5.1 of the Planning Scheme.

It is also noted that the Community Building component of the development is considered to be ancillary to the nursing home and self-contained units. Whilst it may generate additional parking demands external to the aged care facility at certain times, it will largely be used by residents of the aged care facility who's parking needs are already catered for within the site.

### 5.3 Car Parking Layout

Acceptable Solution A1.2 of Clause E9.6.1 of the Planning Scheme states:





*Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –*

- (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities - Off Street Car Parking;*
- (b) Be in accordance with AS/NZS2890.2 (2002) Parking Facilities - Off Street Commercial Vehicles;*
- (c) Be in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities;*
- (d) Be in accordance with AS/NZS 2890.6 Parking Facilities - Off Street Parking for People with Disabilities;*
- (e) Each parking space must be separately accessed from the internal circulation aisle within the site;*
- (f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and*
- (g) Be formed and constructed with compacted sub-base and an all-weather surface.*

Whilst the design of the car parking areas are conceptual, the following points are noted:

- a. The car parking spaces are classified as Class 1A, 'Residential, domestic and employee parking' under AS2890.1. This requires space dimensions of 5.4m x 2.4m with an aisle width of 5.8m.
- b. Only one service bay is provided. This is located adjacent to the nursing home. The dimensions of this loading bay are compliant with requirements of AS2890.2 for a small rigid truck.
- c. Bicycle parking is not proposed as part of the development.
- d. The Building Code of Australia requires 1 space for every 100 car parking spaces or part thereof to be provided for persons with a disability. This equates to a requirement for 1 disabled parking space within the car parking are adjacent to the nursing home (noting that disabled parking is not required for the independent living units component of the development). A total of 2 disabled parking spaces are proposed adjacent to the nursing home, thereby meeting this requirement.
- e. The car parking areas are separately accessed via a series of internal roads within the site.
- f. All vehicles can enter and leave the site in a forward direction.
- g. All parking areas will be constructed with compacted sub-base and an all-weather surface.

Based on the above, the development will meet the requirements of Acceptable Solution A1.2 of Clause E9.6.1 of the Planning Scheme.



## 6. Conclusions

This traffic impact assessment (TIA) investigated the traffic and parking impacts of a proposed aged care facility at 135 Stony Rise Road, Devonport.

The key findings of the TIA are summarised as follows:

- The development is estimated to generate 204 vehicles per day with a peak of 21 vehicles per hour.
- The traffic generation will not have any significant adverse impact on the traffic efficiency or road safety of the network.
- The peak hour turning movements associated with the development trigger the requirement of a Short Channelised Right Turn Lane facility 'CHR(S)'. The CBR(S) warrant is triggered by the high flow on Stony Rise Road rather than traffic generation of the proposal (noting specifically that the trigger for turn movements is 5 vehicles per hour, and the development generates 9 turning movements per hour).
- The peak flow associated with the aged care facility is unlikely to coincide with peak flow on Stony Rise Road. The requirement for a CHR(S) facility is therefore unlikely to be met during normal commuter peak periods (ie. when Stony Rise Road has maximum flow). The installation of a short channelised right turn facility would also be difficult to physically install at this location due to the location of the turn lane facilities associated with Leary Avenue immediately adjacent to the site.
- No turn lane treatments are therefore recommended for access to the site.
- The development will provide a total of 146 on-site car parking spaces. This parking exceeds the requirements of Acceptable Solution A1 of Clause E9.5.1 of the Planning Scheme.

Based on the findings of this report and subject to the recommendations above, the proposed development is supported on traffic grounds.





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**Document Status**

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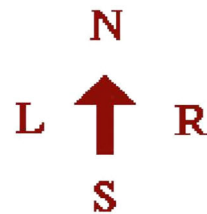
# Bushfire Hazard Management Report: Subdivision

**Report for:** PhilpLighton Architects

**Property Location:** 135 Stony Rise Road, Devonport

**Prepared by:** Scott Livingston  
Livingston Natural Resource Services  
12 Powers Road  
Underwood, 7268

**Date:** 21<sup>st</sup> March 2019



**Summary**

**Client:** PhilLighton Architects

**Property identification:** Current zoning: General Residential, Devonport Interim Planning Scheme 2013  
135 Stony Rise Road, Devonport  
CT 206613/2, PID 6388501

**Proposal:** An Aged Care Facility is proposed for development at 135 Stony Rise Road, Devonport.

**Assessment comments:** A field inspection of the site was conducted to determine the Bushfire Risk and Attack Level.

**Conclusion:** An Aged Care facility containing a community building, nursing home and 17 villa units is proposed for 135 Stony rise Road, Devonport. The area is bushfire prone, being less than 100m from vegetation greater than 1ha in size.

The proposed development is considered a vulnerable use and will require an Emergency Plan endorsed by Tasmania Fire Service (TFS). An Emergency Plan strategy for the site has been endorsed by TFS but will require completion.

Construction of buildings requires meeting of BAL ratings from BAL 29 to BAL Low dependant on the location in relation to bushfire threats. Hazard management areas apply to the entire site.

Access to all buildings and water supply points must comply with the relevant elements of Table E2 Access from *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.

The development will be serviced by a new reticulated supply. New hydrants must meet the requirements of Table E4 of *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.

**Assessment by:**



\_\_\_\_\_  
Scott Livingston,  
Master Environmental Management,  
Natural Resource Management Consultant.  
Accredited Person under part 4A of the Fire Service Act 1979:  
Accreditation # BFP-105.

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## DESCRIPTION

An Aged Care Facility is proposed for development at 135 Stony Rise Road, Devonport. The development includes a 51 bed nursing home, community building, 6- 4x2 bed villas, 10- 2 x 2 bed villas, 1-1 x 2 bed villas and associated infrastructure. The property fronts Stony Rise Road and is serviced by a reticulated water supply.

Land to the west, north and east is partially developed residential zoned land, with undeveloped areas containing grassland and forest. Land to the south the Kelsey Tier Green Belt and is forested. The land generally slopes to the north, east and south from a ridgeline around the centre of the title. south at 0-5°.

See Appendix 1 for maps and site plan, and appendix 2 for photographs.

## VULNERABLE USE

Aged care facilities are considered a vulnerable Use under *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.

## EMERGENCY PLAN

Tasmania Fire Service endorsed a Emergency Plan strategy for the facility on 27/2/2019. This strategy will require additions further development and re endorsement to comply with – Table 4.5 of the Director's Determination – Requirements for Building in Bushfire-Prone Areas for building approval.

**Table 4.5 Requirements for Emergency Planning**

Column 1		Column 2
Element		Requirement
<b>A.</b>	Emergency plans	An emergency plan must be developed for the site which is: (a) Compliant with the TFS Bushfire Emergency Planning Guidelines; and (b) Approved by TFS or a person accredited by the TFS.

## BAL AND RISK ASSESSMENT

The land is considered to be within a Bushfire Prone Area due to proximity of bushfire prone vegetation to the south and east greater than 1 ha in area.

## VEGETATION AND SLOPE

**Vegetation, within 100m lot boundaries**

	Vegetation, within 100m of Lot boundaries	Slope (degrees, over 100m)
North	0-50m road and managed land, 50-100m grassland,	Down slope 0-5°
East (northern section)	0-60m managed land, 60-100m grassland,	Down slope 0-5°
East (southern section)	0-100m forest	Down slope 0-5°
South	0-100m forest	Down slope 0-5°
West (northern section)	0-100m managed land	Flat /upslope
West (southern section)	0-50m forest, 50-100m managed land	Flat /upslope

**BUILDING AREA BAL RATING**

Setback distances for BAL Ratings have been calculated based on the vegetation that will exist after development and management of land within the subdivision and have also considered slope gradients.

Where no setback is required for fire protection other Planning Scheme setbacks may need to be applied, other building constraints such as topography have not been considered.

The BAL ratings applied are in accordance with the Australian Standard AS3959-2009, *Construction of Buildings in Bushfire Prone Areas*, and it is a requirement that any habitable building, or building within 6m of a habitable building be constructed to the BAL ratings specified in this document as a minimum.

Bushfire Attack Level (BAL)	Predicted Bushfire Attack & Exposure Level
BAL-Low	Insufficient risk to warrant specific construction requirements
BAL-12.5	Ember attack, radiant heat below 12.5kW/m <sup>2</sup>
BAL-19	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 12.5-19kW/m <sup>2</sup>
BAL-29	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19-29kW/m <sup>2</sup>
BAL-40	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 29-40kW/m <sup>2</sup>
BAL-FZ	Direct exposure to flames radiant heat and embers from the fire front

**BUILDING SETBACKS**

BAL	Slope	Grassland	Woodland	Forest
BAL low	All	50m	100m	100m
BAL 12.5	Flat/ Upslope	14m	22m	32m
	Down slope 0-5°	16m	26m	38m
BAL 19	Flat/ Upslope	10m	15m	23m



	Down slope 0-5°	11m	18m	27m
BAL 29	Flat/ Upslope	6m	10m	16m
	Down slope 0-5°	7m	12m	19m

**PROPOSED BUILDING BAL RATING**

The BAL rating shown below rely on hazard management areas within the development. All land within the development is assumed to be low threat vegetation from commencement of construction off any vulnerable use building within the development.

Building	Façade BAL Ratings (minimum)	
Unit 1	BAL Low	
Unit 2	BAL Low	
Unit 3	BAL Low	
Unit 4	BAL Low	
Unit 5	northern façade BAL Low	All other facades BAL 12.5
Unit 6	northern façade BAL Low	All other facades BAL 12.5
Unit 7	northern façade BAL Low	All other facades BAL 12.5
Unit 8	BAL 12.5	
Unit 9	BAL 12.5	
Unit 10	eastern façade BAL 12.5	All other facades BAL 19
Unit 11	BAL 12.5	
Unit 12	eastern façade BAL 12.5	All other facades BAL 19
Unit 13	BAL 12.5	
Unit 14	eastern façade BAL 29	All other facades BAL 19
Unit 15	south east and south western facades BAL 29	All other facades BAL 19
Unit 16	western southern and eastern facades BAL 29	All other facades BAL 19
Unit 17	western southern and eastern facades BAL 29	All other facades BAL 19
Community Building	south east façade BAL 19	All other facades BAL 12.5
Nursing Home	south west façade BAL 19	All other facades BAL 12.5

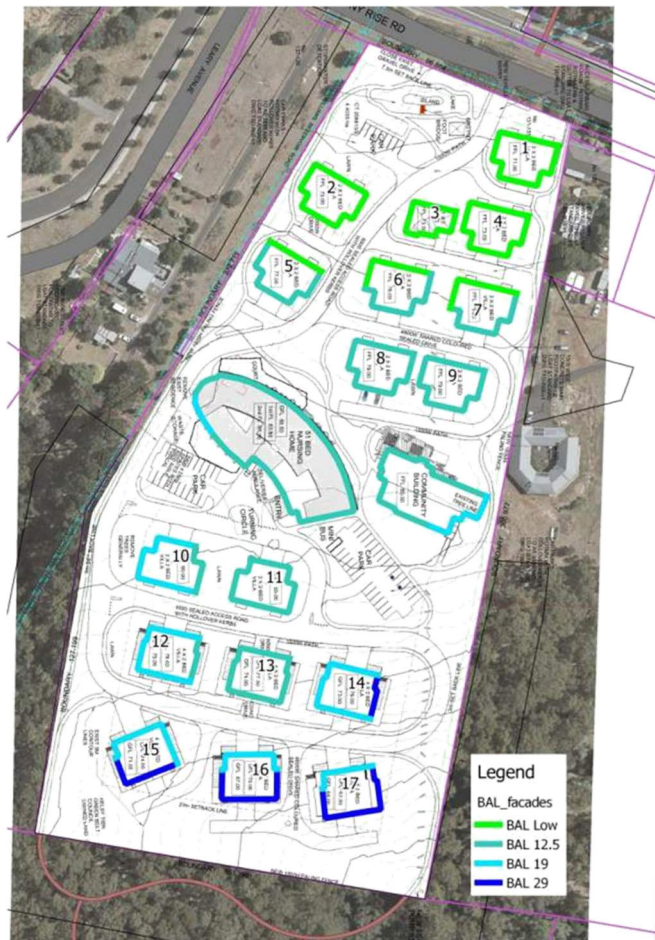


Figure 1: Proposed buildings, Facades Bal Rating

#### **HAZARD MANAGEMENT AREAS**

All land within the development must be managed as no higher fuel load than grassland from commencement of construction of any building.

All land within the development and within the following distances of a building must be managed as low threat vegetation from commencement of construction of that building:

- Within 50m of a BAL low rated building/façade
- Within 16m of a BAL 12.5 rated building/façade
- Within 11m of a BAL 19 rated building/façade
- Within 7m of a BAL 29 rated building/façade

Low Threat/ Managed Land: managed gardens orchards or lawns maintained to < 100mm in height.

Grassland: may be unmown grass, tree canopy cover must be < 5%

## PROPERTY ACCESS

Access to all habitable buildings must comply with the relevant elements of Table E2 Access from *Planning Directive No. 5.1 Bushfire-Prone Areas Code*. Access during any staged development must meet turning circle requirements at any temporary terminus

**Table E2: Standards for Property Access**

Column I Element		Column Requirement
<b>A.</b>	Property access length is less than 30 metres; or access is not required for a fire appliance to access a water connection point.	There are no specified design and construction requirements.
<b>B.</b>	Property access length is 30 metres or greater; or access for a fire appliance to a water connection point.	<p>The following design and construction requirements apply to property access:</p> <ol style="list-style-type: none"> <li>(1) All-weather construction;</li> <li>(2) Load capacity of at least 20 tonnes, including for bridges and culverts;</li> <li>(3) Minimum carriageway width of 4 metres;</li> <li>(4) Minimum vertical clearance of 4 metres;</li> <li>(5) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;</li> <li>(6) Cross falls of less than 3 degrees (1:20 or 5%);</li> <li>(7) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;</li> <li>(8) Curves with a minimum inner radius of 10 metres;</li> <li>(9) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and</li> <li>(10) Terminate with a turning area for fire appliances provided by one of the following: <ol style="list-style-type: none"> <li>(a) A turning circle with a minimum inner radius of 10 metres; or</li> <li>(b) A property access encircling the building; or</li> <li>(c) A hammerhead "T" or "Y" turning head 4 metres wide and 8 metres long.</li> </ol> </li> </ol>
<b>C.</b>	Property access length is 200 metres or greater.	<p>The following design and construction requirements apply to property access:</p> <ol style="list-style-type: none"> <li>(1) The Requirements for B above; and</li> <li>(2) Passing bays of 2 metres additional carriageway width and 20 metres length provided every 200 metres</li> </ol>

<b>D.</b>	Property access length is greater than 30 metres, and access is provided to 3 or more properties.	The following design and construction requirements apply to property access: (1) Complies with Requirements for B above; and (2) Passing bays of 2 metres additional carriageway width and 20 metres length must be provided every 100 metres.
-----------	---	--

## **FIRE FIGHTING WATER SUPPLY**

The development will be serviced by a new reticulated supply. An existing hydrant is located at the NW corner of the property on Stoney Rise Road, this will not service all areas of the development. Additional hydrants will be required and must meet the requirements of Table 4 of *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.

**Table E4 Reticulated water supply for fire fighting**

Element		Requirement
A.	Distance between building area to be protected and water supply.	The following requirements apply: (a) the building area to be protected must be located within 120m of a fire hydrant; and (b) the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.
B.	Design criteria for fire hydrants	The following requirements apply: (a) fire hydrant system must be designed and constructed in accordance with <i>TasWater Supplement to Water Supply Code of Australia WSA 03 – 2011-3.1 MRWA 2<sup>nd</sup> Edition</i> ; and (b) fire hydrants are not installed in parking areas.
C.	Hardstand	A hardstand area for fire appliances must be: (a) no more than 3m from the hydrant, measured as a hose lay; (b) no closer than 6m from the building area to be protected; (c) a minimum width of 3m constructed to the same standard as the carriageway; and (d) connected to the property access by a carriageway equivalent to the standard of the property access.

## CONCLUSIONS

---

An Aged Care facility containing a community building, nursing home and 17 villa units is proposed for 135 Stony rise Road, Devonport. The area is bushfire prone, being less than 100m from vegetation greater than 1ha in size.

The proposed development is considered a vulnerable use and will require an Emergency Plan endorsed by Tasmania Fire Service (TFS). An Emergency Plan strategy for the site has been endorsed by TFS but will require completion.

Construction of buildings requires meeting of BAL ratings from BAL 29 to BAL Low dependant on the location in relation to bushfire threats. Hazard management areas apply to the entire site.

Access to all buildings and water supply points must comply with the relevant elements of Table E2 Access from *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.

The development will be serviced by a new reticulated supply. New hydrants must meet the requirements of Table E4 of *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.

## REFERENCES

---

Devonport Council (2013), *Devonport Interim Planning Scheme 2013*

Planning Commission (2017) *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.



## APPENDIX 1 – MAPS

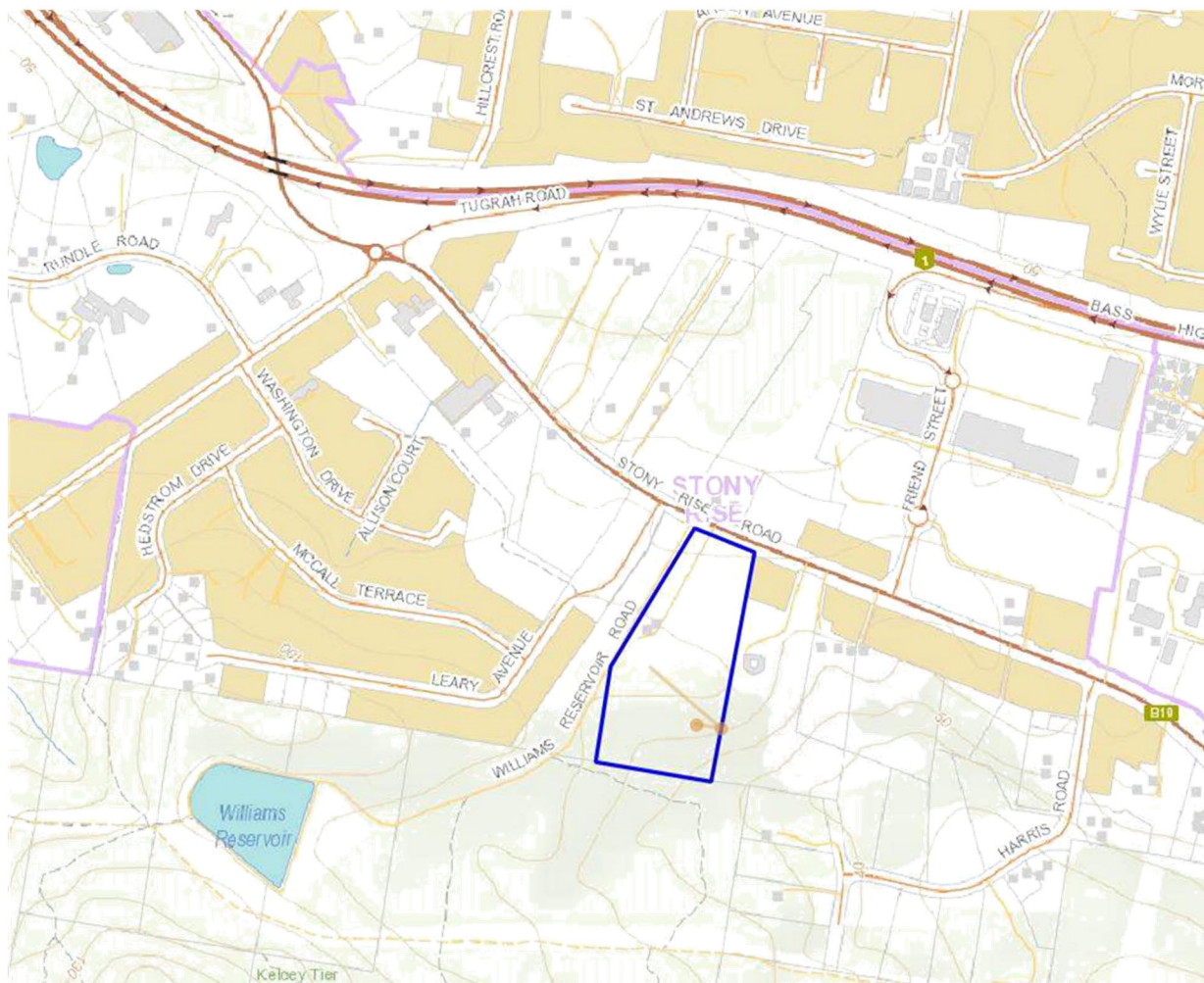


Figure 2: Location





Figure 3: Aerial Image





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STONY RISE AGED CARE  
SITE PLAN

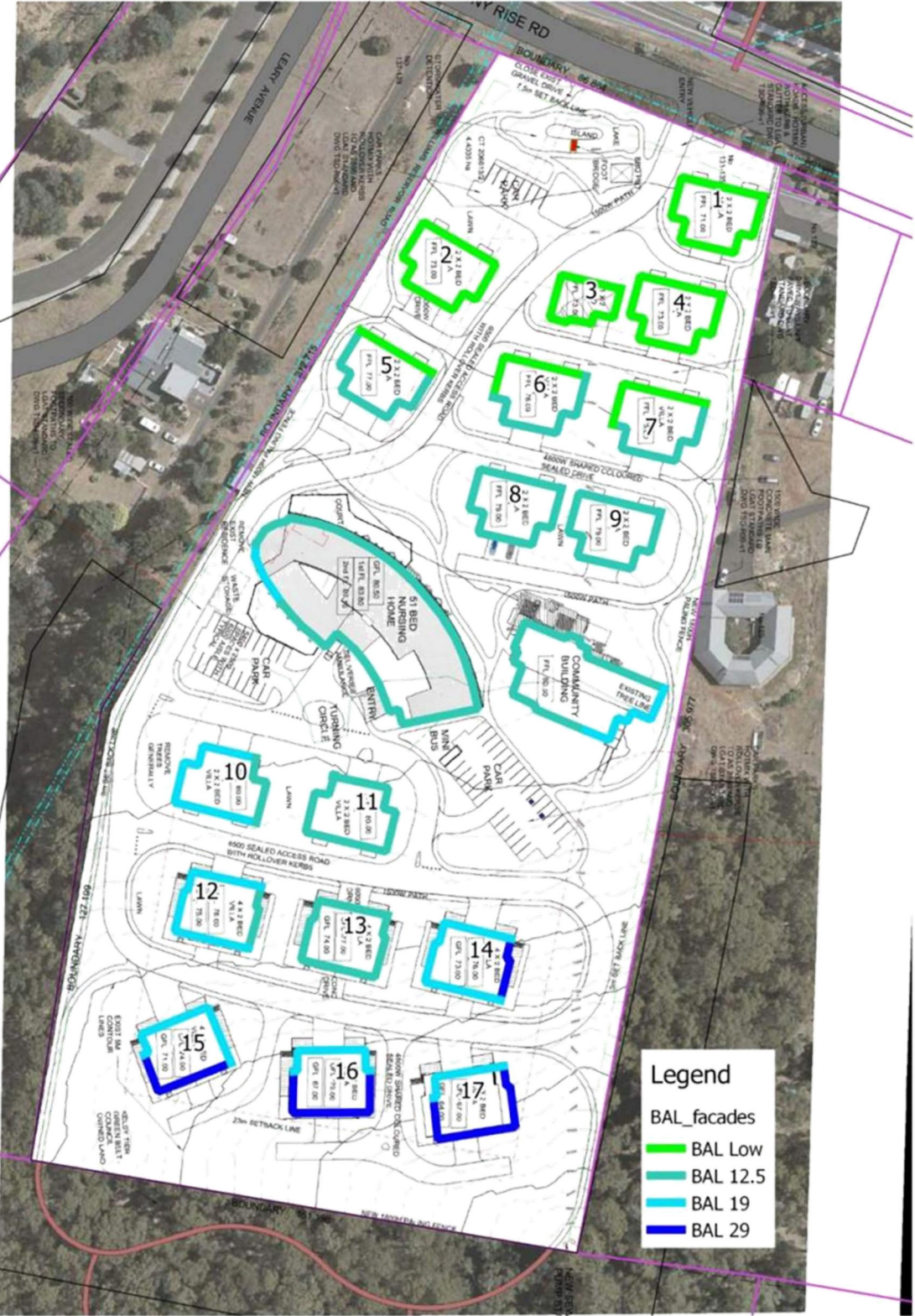


DATE: 10/11/2018  
DRAWN: ALBERT KHANU  
CHECKED: 131-135 STONY RISE RD DEVONPORT  
SCALE: 1:500  
DA03

Figure 4: Proposed Site Plan



Bushfire Hazard Management Plan: Aged Care Facility 135 Stoney Rise Road, Devonport



Construction: BAL Low-BAL 29

Buildings in Bushfire Prone Area to be built in accordance with the Building Code of Australia and Australian Standard AS3959

Building Facades

Building	Façade BAL Ratings (minimum)	
Unit 1	BAL Low	
Unit 2	BAL Low	
Unit 3	BAL Low	
Unit 4	BAL Low	
Unit 5	northern façade BAL Low	All other facades BAL 12.5
Unit 6	northern façade BAL Low	All other facades BAL 12.5
Unit 7	northern façade BAL Low	All other facades BAL 12.5
Unit 8	BAL 12.5	
Unit 9	BAL 12.5	
Unit 10	eastern façade BAL 12.5	All other facades BAL 19
Unit 11	BAL 12.5	
Unit 12	eastern façade BAL 12.5	All other facades BAL 19
Unit 13	BAL 12.5	
Unit 14	eastern façade BAL 29	All other facades BAL 19
Unit 15	south east and south western facades BAL 29	All other facades BAL 19
Unit 16	western southern and eastern facades BAL 29	All other facades BAL 19
Unit 17	western southern and eastern facades BAL 29	All other facades BAL 19
Community Building	south east façade BAL 19	All other facades BAL 12.5
Nursing Home	south west façade BAL 19	All other facades BAL 12.5

It is **important** to prepare your Bushfire Survival Plan, read your Community Protection Plan and know your Nearby Safer Place. These can be obtained from your Council or the Tasmanian Fire Service. For more information, visit [www.fire.tas.gov.au](http://www.fire.tas.gov.au)

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Date 21/3/19  
SRL19/16B



## Property Access

If access exceeds 30m to a habitable building or water supply point it must be constructed to the following standards:

The following design and construction requirements apply to property access:

- a. All-weather construction;
- b. Load capacity of at least 20 tonnes, including for bridges and culverts;
- c. Minimum carriageway width of 4 metres;
- d. Minimum vertical clearance of 4 metres;
- e. Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;
- f. Cross falls of less than 3 degrees (1:20 or 5%);
- g. Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;
- h. Curves with a minimum inner radius of 10 metres;
- i. Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and
- j. Terminate with a turning area for fire appliances provided by one of the following:
  - i) A turning circle with a minimum inner radius of 10 metres; or
  - ii) A property access encircling the building; or a hammerhead "T" or "Y" turning head 4 metres wide and 8

## Water Supply

Additional hydrants, must comply with :

- a. Fire hydrant system must be designed and constructed in accordance with TasWater Supplement to Water Supply Code of Australia WSA 03 – 2011-3.1 MRWA Edition 2.0; and
- b. Fire hydrants are not installed in parking areas

A hardstand area for fire appliances must be provided:

- a. no more than 3m from the hydrant, measured as a hose lay;
- b. No closer than six metres from the building area to be protected;
- c. With a minimum width of three metres constructed to the same standard as the carriageway; and
- d. Connected to the property access by a carriageway equivalent to the standard of the property access

## Emergency Plan

An emergency plan must be developed for the site which is:

Compliant with the TFS Bushfire Emergency Planning Guidelines; and Approved by TFS or a person accredited by the TFS.

## Hazard Management Areas

All land within the development must be managed as no higher fuel load than grassland from commencement of construction of any building.

All land within the development and within the following distances of a building must be managed as low threat vegetation from commencement of construction of that building:

Within 50m of a BAL low rated building/façade  
Within 16m of a BAL 12.5 rated building/façade  
Within 11m of a BAL 19 rated building/façade  
Within 7m of a BAL 29 rated building/façade

Low Threat/ Managed Land: managed gardens orchards or lawns maintained to < 100mm in height.

Grassland: may be unmown grass, tree canopy cover must be < 5%

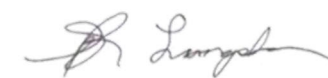
Maintenance Schedule: low threat vegetation areas

- Removal of fallen limbs, leaf & bark litter
- Cut lawns to less than 100mm and maintained
- Remove pine bark and other flammable garden mulch
- Prune larger trees to establish and maintain horizontal and vertical canopy separation
- Minimise storage of petroleum fuels
- Maintain road access to the dwelling and water connection point.
- Remove fallen limbs, leaf & bark from roofs, gutters and around buildings.

Note:

It should be borne in mind that the measures contained in this Bushfire Management Plan cannot guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the degree of vegetation management, the unpredictable nature and behaviour of fire and extreme weather conditions

Scott Livingston  
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Date 21/3/19  
SRL19/16B



Page 2 of 2

**BUSHFIRE-PRONE AREAS CODE****CERTIFICATE<sup>1</sup> UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993****1. Land to which certificate applies<sup>2</sup>**

*Land that is the Use or Development Site that is relied upon for bushfire hazard management or protection.*

Name of planning scheme or instrument:

Street address:

Certificate of Title / PID:

*Land that is not the Use or Development Site that is relied upon for bushfire hazard management or protection.*

Street address:

Certificate of Title / PID:

**2. Proposed Use or Development**

**Description of Use or Development:**

**Code Clauses:**

☐ E1.4 Exempt Development

☒ E1.5.1 Vulnerable Use

☐ E1.5.2 Hazardous Use

☐ E1.6.1 Subdivision

☐

**3. Documents relied upon**

**Documents, Plans and/or Specifications**

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

<sup>2</sup> 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.

<b>Title:</b>	Stoney Rise Aged Care- Site Plan		
<b>Author:</b>	Philip Lighton Architects		
<b>nd</b>	5/3/19	<b>Version:</b>	1

**Bushfire Hazard Report**

<b>Title:</b>	Bushfire Hazard Management Report, 135 Stony Rise Road Aged Care		
<b>Author:</b>	Scott Livingston		
<b>Date:</b>	21/3/2019	<b>Version:</b>	1

**Bushfire Hazard Management Plan**

<b>Title:</b>	Bushfire Hazard Management Plan, 135 Stony Rise Road Aged Care		
<b>Author:</b>	Scott Livingston		
<b>Date:</b>	21/3/2019	<b>Version:</b>	1

**Other Documents**

<b>Title:</b>			
<b>Author:</b>			
<b>Date:</b>		<b>Version:</b>	

**4. Nature of Certificate**

<input type="checkbox"/>	<b>E1.4 – Use or development exempt from this code</b>		
	<b>Assessment Criteria</b>	<b>Compliance Requirement</b>	<b>Reference to Applicable Document(s)</b>
<input type="checkbox"/>	E1.4 (a)	Insufficient increase in risk	



<input type="checkbox"/>	<b>E1.5.1 – Vulnerable Uses</b>		
	<b>Assessment Criteria</b>	<b>Compliance Requirement</b>	<b>Reference to Applicable Document(s)</b>
<input type="checkbox"/>	E1.5.1 P1	Residual risk is tolerable	
<input checked="" type="checkbox"/>	E1.5.1 A2	Emergency management strategy	Bushfire Emergency Plan_SHELTER Stony Rise
<input checked="" type="checkbox"/>	E1.5.1 A3	Bushfire hazard management plan	Bushfire Hazard Management Plan, 135 Stony Rise Road Aged Care

<input type="checkbox"/>	<b>E1.5.2 – Hazardous Uses</b>		
	<b>Assessment Criteria</b>	<b>Compliance Requirement</b>	<b>Reference to Applicable Document(s)</b>
<input type="checkbox"/>	E1.5.2 P1	Residual risk is tolerable	
<input type="checkbox"/>	E1.5.2 A2	Emergency management strategy	
<input type="checkbox"/>	E1.5.2 A3	Bushfire hazard management plan	

<input checked="" type="checkbox"/>	<b>E1.6 – Development standards for subdivision</b>		
	<b>E1.6.1 Subdivision: Provision of hazard management areas</b>		
	<b>Assessment Criteria</b>	<b>Compliance Requirement</b>	<b>Reference to Applicable Document(s)</b>
<input type="checkbox"/>	E1.6.1 P1	Hazard Management Areas are sufficient to achieve tolerable risk	
<input type="checkbox"/>	E1.6.1 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.1 A1 (b)	Provides BAL 19 for all lots	
<input type="checkbox"/>	E1.6.1 A1 (c)	Consent for Part 5 Agreement	

	<b>E1.6.2 Subdivision: Public and fire fighting access</b>		
	<b>Assessment Criteria</b>	<b>Compliance Requirement</b>	<b>Reference to Applicable Document(s)</b>

<input type="checkbox"/>	E1.6.2 P1	Access is sufficient to mitigate risk	
<input type="checkbox"/>	E1.6.2 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.2 A1 (b)	Access complies with Tables E1, E2 & E3	

<b>E1.6.3 Subdivision: Provision of water supply for fire fighting purposes</b>			
	<b>Assessment Criteria</b>	<b>Compliance Requirement</b>	<b>Reference to Applicable Document(s)</b>
<input type="checkbox"/>	E1.6.3 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.3 A1 (b)	Reticulated water supply complies with Table E4	
<input type="checkbox"/>	E1.6.3 A1 (c)	Water supply consistent with the objective	
<input type="checkbox"/>	E1.6.3 A2 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.3 A2 (b)	Static water supply complies with Table E5	
<input type="checkbox"/>	E1.6.3 A2 (c)	Static water supply is consistent with the objective	

**5. Bushfire Hazard Practitioner<sup>3</sup>**

<b>Name:</b>	Scott Livingston	<b>Phone No:</b>	0438 951 021
<b>Address:</b>	12 Powers Rd	<b>Fax No:</b>	
	Underwood	<b>Email Address:</b>	Scottlivingston.lnrs@gmail.com
	Tasmania		7268
<b>Accreditation No:</b>	BFP – 105	<b>Scope:</b>	1, 2, 3A, 3B, 3C

**6. Certification**

I, certify that in accordance with the authority given under Part 4A of the Fire Service Act 1979 –

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.	<input type="checkbox"/>
--	--------------------------

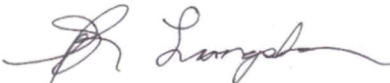
or

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.	<input type="checkbox"/>
---	--------------------------

and/or

The Bushfire Hazard Management Plan/s identified in Section 3 of this certificate is/are 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.	<input checked="" type="checkbox"/>
---	-------------------------------------

**Signed:**  
certifier



**Date:**

213/2019

**Certificate No:**

SRL19/16B

<sup>3</sup> 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](http://www.fire.tas.gov.au).

**CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE  
ITEM****Section 321**

To:  Owner /Agent  
 Address  
  Suburb/postcode

**Form 55****Qualified person details:**

Qualified person:   
 Address:  Phone No:   
  Fax No:   
 Licence No:  Email address:

Qualifications and Insurance details:  (description from Column 3 of the Director of Building Control's Determination)

Speciality area of expertise:  (description from Column 4 of the Director of Building Control's Determination)

**Details of work:**

Address:  Lot No:   
  Certificate of title No:   
 The assessable item related to this certificate:  (description of the assessable item being certified)  
 Assessable item includes –  
 - a material;  
 - a design  
 - a form of construction  
 - a document  
 - testing of a component, building system or plumbing system  
 - an inspection, or assessment, performed

**Certificate details:**

Certificate type:  (description from Column 1 of Schedule 1 of the Director of Building Control's Determination)

This certificate is in relation to the above assessable item, at any stage, as part of - (tick one)

building work, plumbing work or plumbing installation or demolition work: ☒

or

a building, temporary structure or plumbing installation: ☐

In issuing this certificate the following matters are relevant –

Documents:

- Bushfire Attack Level Assessment & Report

Relevant  
calculations:

BAL 19

References:

- Australian Standard 3959
- Planning Directive No.5.1
- Building Amendment Regulations 2016
- Director of Building Control, Determinations
- Guidelines for development in bushfire prone areas of Tasmania

*Substance of Certificate: (what it is that is being certified)*

1. Assessment of the site Bushfire Attack Level (BAL) to Australian Standards 3959

*Scope and/or Limitations***Scope:**

This report was commissioned to identify the Bushfire Attack Level for the existing property. All comment, advice and fire suppression measures are in relation to compliance with Planning Directive No 5.1, Bushfire-Prone Areas Code issued by the Tasmanian Planning Commission, the Building Code of Australia and Australian Standards, AS 3959-2009, Construction of buildings in bushfire-prone areas.

**Limitations:**

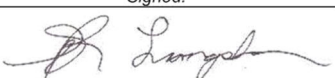
The inspection has been undertaken and report provided on the understanding that:-

1. The report only deals with the potential bushfire risk all other statutory assessments are outside the scope of this report.
2. The report only identifies the size, volume and status of vegetation at the time the site inspection was undertaken and cannot be relied upon for any future development.
3. Impacts of future development and vegetation growth have not been considered.

**I certify the matters described in this certificate.**

Qualified person:

*Signed:*



*Certificate No:*

SRL19/16B

*Date:*

21/3/2019





65 Tamar Street,  
Launceston TAS 7250  
Telephone: (03) 6331 2133  
Facsimile: (03) 6331 1995  
launceston@philplighton.com.au

## TRANSMITTAL 9

PROJECT: 135 Stony Rise Road- Aged Care PROJECT NO: 18.309	DATE: 28 03 19
---	----------------

DWG NO.	REV	TITLE	COPIES
		DEVELOPMENT APPLICATION DRAWINGS (DATED 05/03/19)	
DA00	1	Cover Page	1
DA01	1	Location Plan	1
DA02	1	Existing Site Plan	1
DA03	1	Site Plan	1
DA04	1	Site Set Out	1
DA05	1	Community Building Floor Plan	1
DA06	1	Community Building Elevations & Section	1
DA07	1	Semi-Detached Villa Floor Plan, Elevations & Sections	1
DA08	1	2 Storey Villa Floor Plans & Sections	1
DA09	1	2 Storey Villa Elevations	1
DA10	1	Nursing Home Ground Floor Plan	1
DA11	1	Nursing Home Second Floor Plan	1
DA12	1	Nursing Home Third Floor Plan	1
DA13	1	Nursing Home Elevations & Section	1
DA14	1	Nursing Home Perspectives 01	1
DA15	1	Nursing Home Perspectives 02	1
DA16	1	Nursing Home Perspectives 03	1
DA17	1	Overall Site Perspective	1
DA18	1	Landscape Diagrams	1
DA19	1	Hydraulic Layout	1
DA20	1	Shadow Diagrams	1
DA21	1	Bushfire Layout	1
		Planning Permit Application Form	1
		Certificate of Title	1
		Traffic Impact Assessment Report	1
		Bushfire Emergency Plan Report	1

DISTRIBUTION :	COMPANY:	✓	DISTRIBUTION :	COMPANY:	✓
CLIENT	ALBERT KHAMU	✓	AUTHORITY	DEVONPORT CITY COUNCIL	✓
QUANTITY SURVEYOR					
SERVICES CONSULTANT					
CIVIL CONSULTANT					
BUILDING SURVEYOR					
BUILDER					

ISSUE FOR:	FORMAT:	METHOD:
Coordination	Disk/Digital	Courier
Preliminary	Negative	Post
Approval	Print	Hand
	Digital - PDF	Email
		✓

DEVELOPMENT: NURSING HOME, COMMUNITY CENTRE & AGED CARE DWELLINGS

# 131-135 STONY RISE ROAD, STONY RISE, 7310

DEVELOPMENT APPLICATION

TITLE REFERENCE: 206613/2  
PID: 6388501



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**STONY RISE AGED CARE**  
COVER PAGE

AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
131-135 STONY RISE RD DEVONPORT

Issue Date 05/03/19  
@ A1  
18.309  
REV 1  
DA00





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STONY RISE AGED CARE  
LOCAL AREA INTEGRATION PLAN



AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
131-135 STONY RISE RD DEVONPORT

Issue Date: 05/03/19  
1:1000 @ A1  
18.309  
REV 1  
DA01





1 EXIST SITE PLAN  
1 : 500

# STONY RISE AGED CARE

## EXISTING SITE/ DEMOLITION PLAN



AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
131-135 STONY RISE RD DEVONPORT

Issue Date 05/03/19  
1: 500 @ A1  
18.309  
REV 1  
DA02









1 SITE SET OUT  
1 : 500

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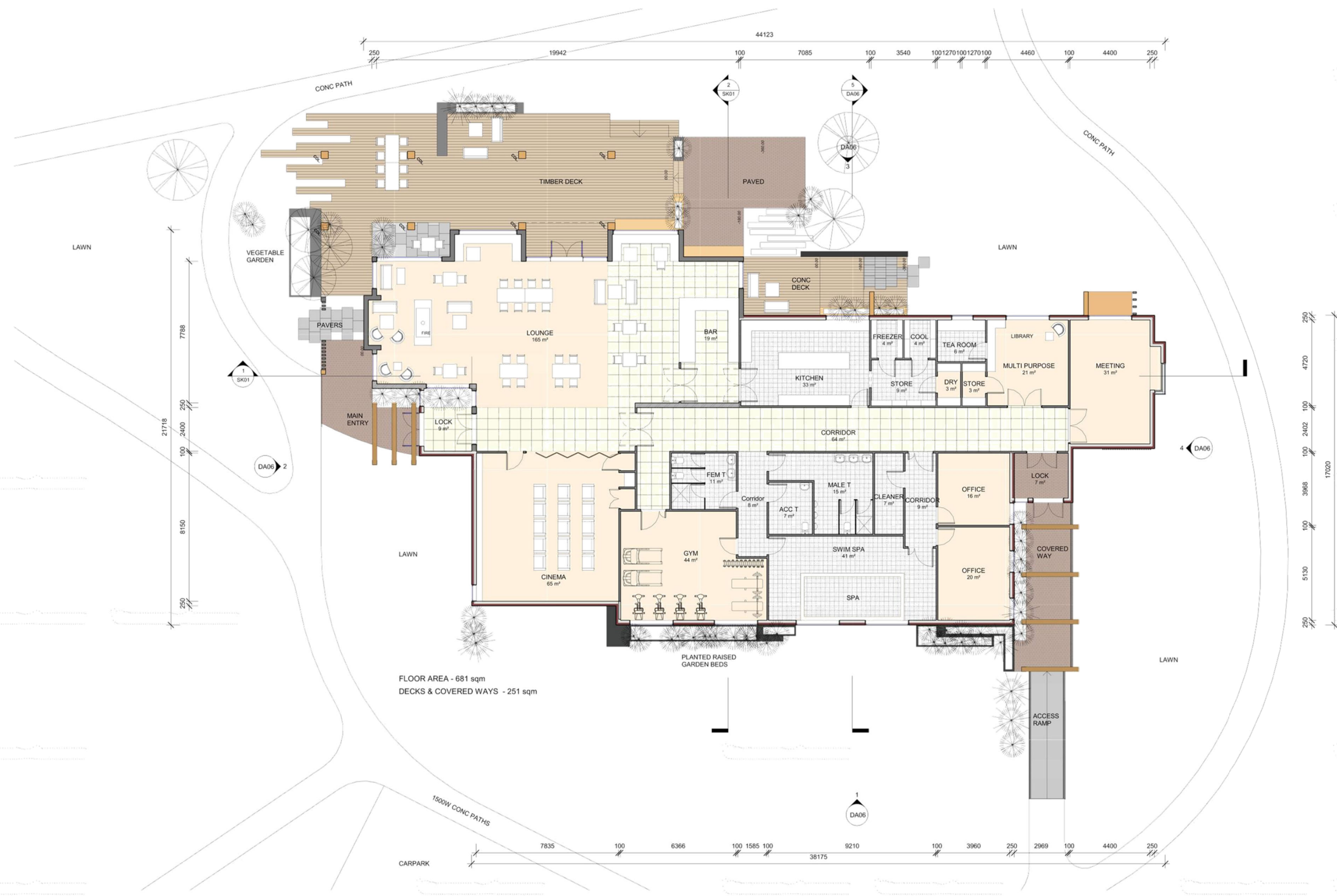
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SITE SET OUT

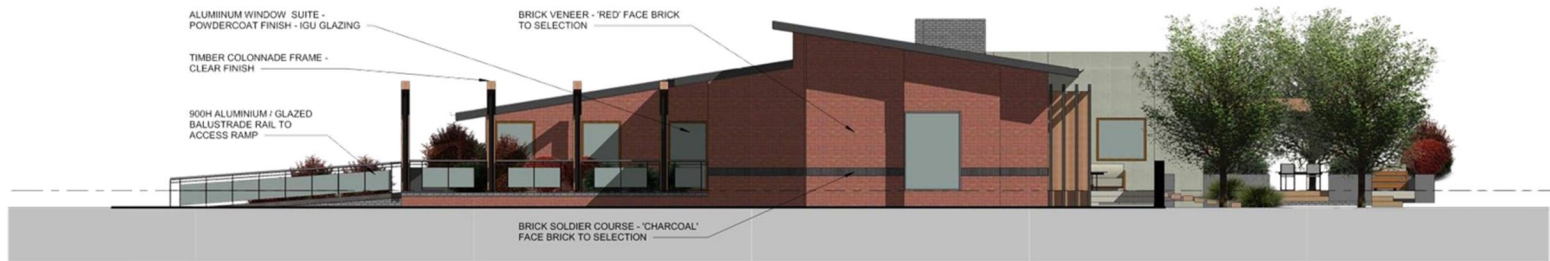


AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
131-135 STONY RISE RD DEVONPORT

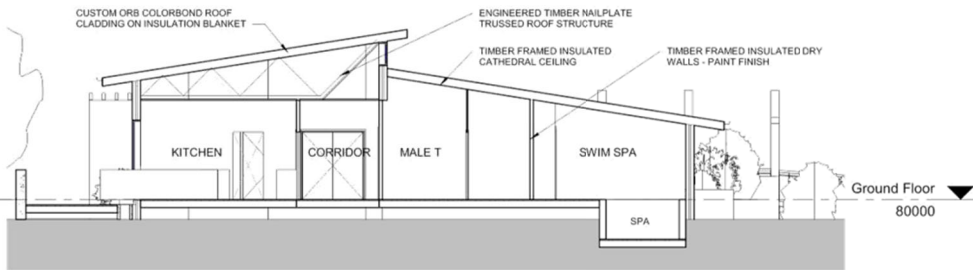
Issue Date 05/03/19  
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18.309  
REV 1  
DA04







4 East  
1 : 100



5 Section A  
1 : 100



2 West  
1 : 100



1 South  
1 : 100



3 North  
1 : 100

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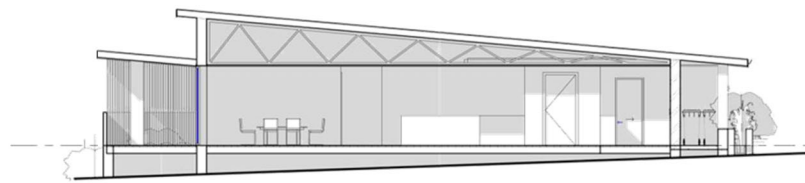
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STONY RISE AGED CARE  
COMMUNITY BUILDING- ELEVATIONS & SECTIONS

AMENDED PLANNING PERMIT APPLICATION  
Albert Khamu  
131-135 Stony Rise Rd Devonport

Issue Date 05/03/19  
1 : 100 @ A1  
18.309  
REV 1  
DA06





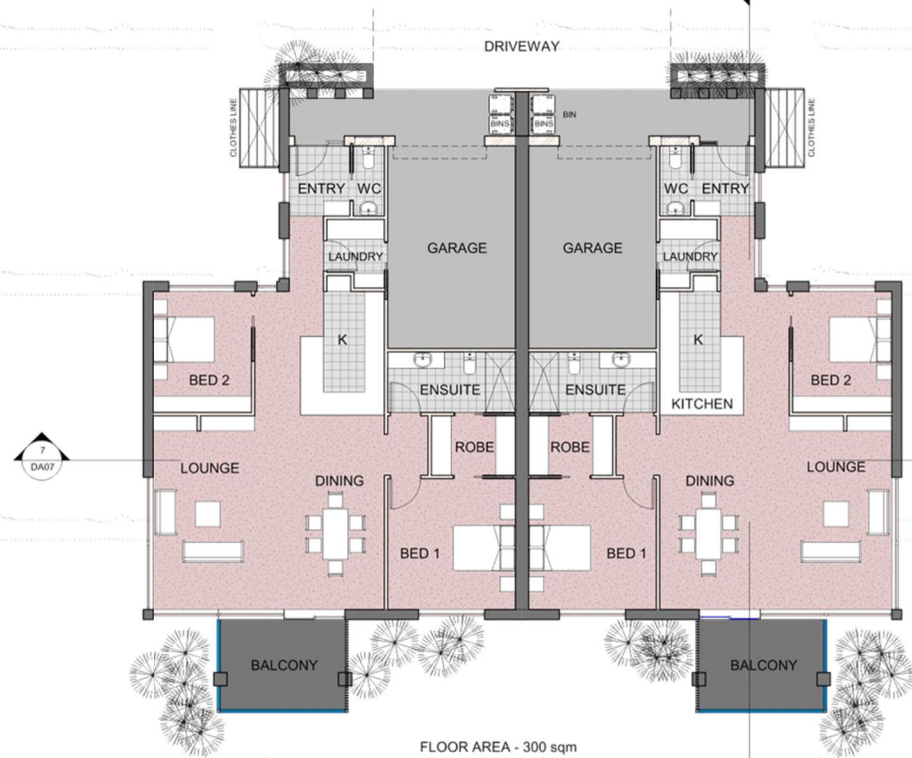
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Floor Plan  
75000



Ceiling  
77400  
Floor Plan  
75000

7 Section 1  
1 : 100

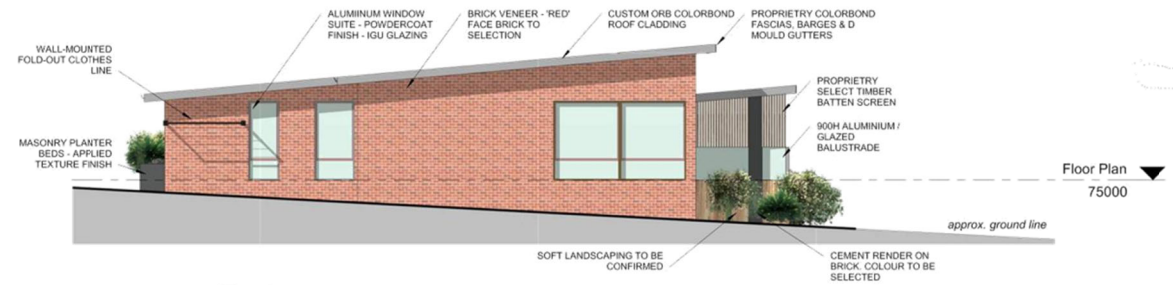


1 Floor Plan  
1 : 100

FLOOR AREA - 300 sqm

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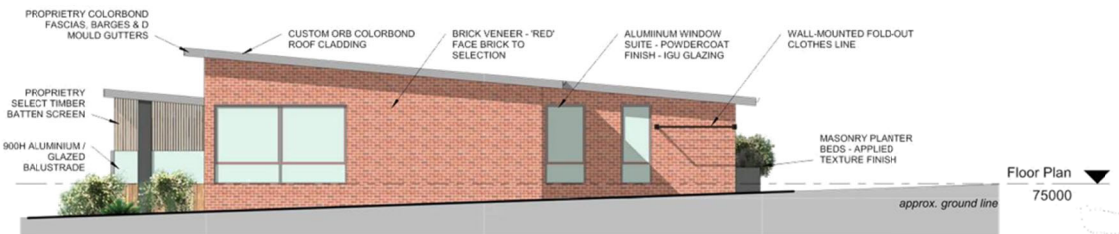
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Floor Plan  
75000



3 South  
1 : 100

Floor Plan  
75000



2 West  
1 : 100

Floor Plan  
75000



4 North  
1 : 100

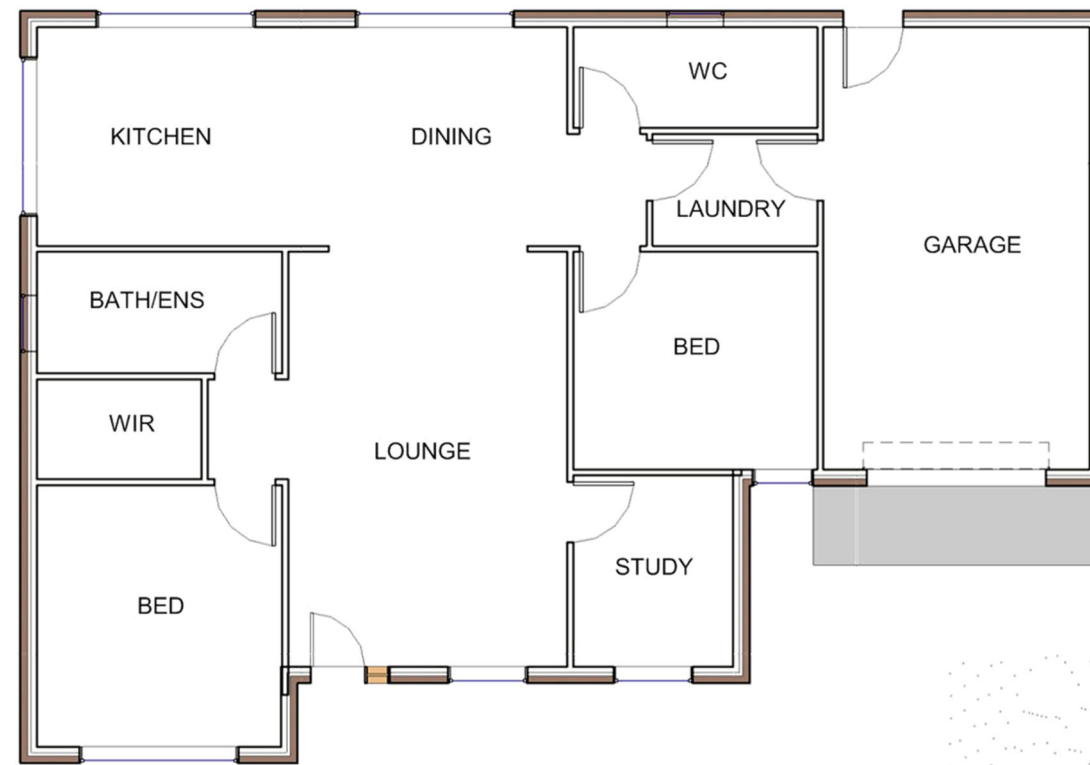
Floor Plan  
75000

## STONY RISE AGED CARE

Semi Detached Villa Floor Plan

AMENDED PLANNING PERMIT APPLICATION  
Albert Khamu  
135 STONY RISE RD DEVONPORT

Issue Date 05/03/19  
1 : 100 @ A1  
18.309  
REV 1  
DA07



1 Villa Floor Plan  
1 : 100

**PhilpLighton Architects**

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launceston@philplighton.com.au  
Hobart / Launceston / Burnie

**STONY RISE AGED CARE**

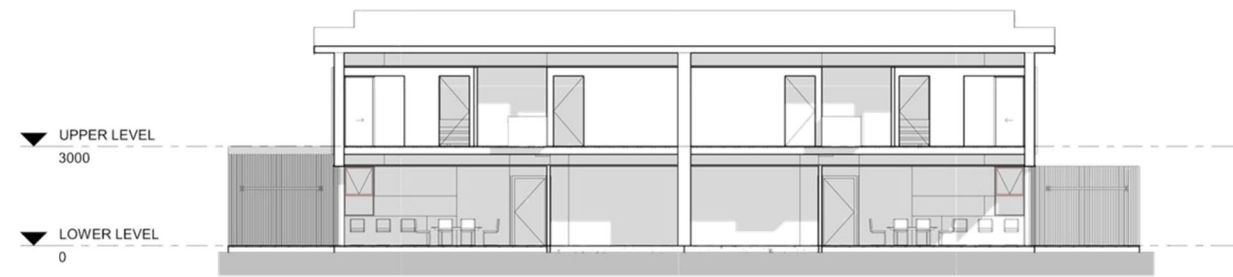
Villa Floor Plan

**Villa Floor Plan**

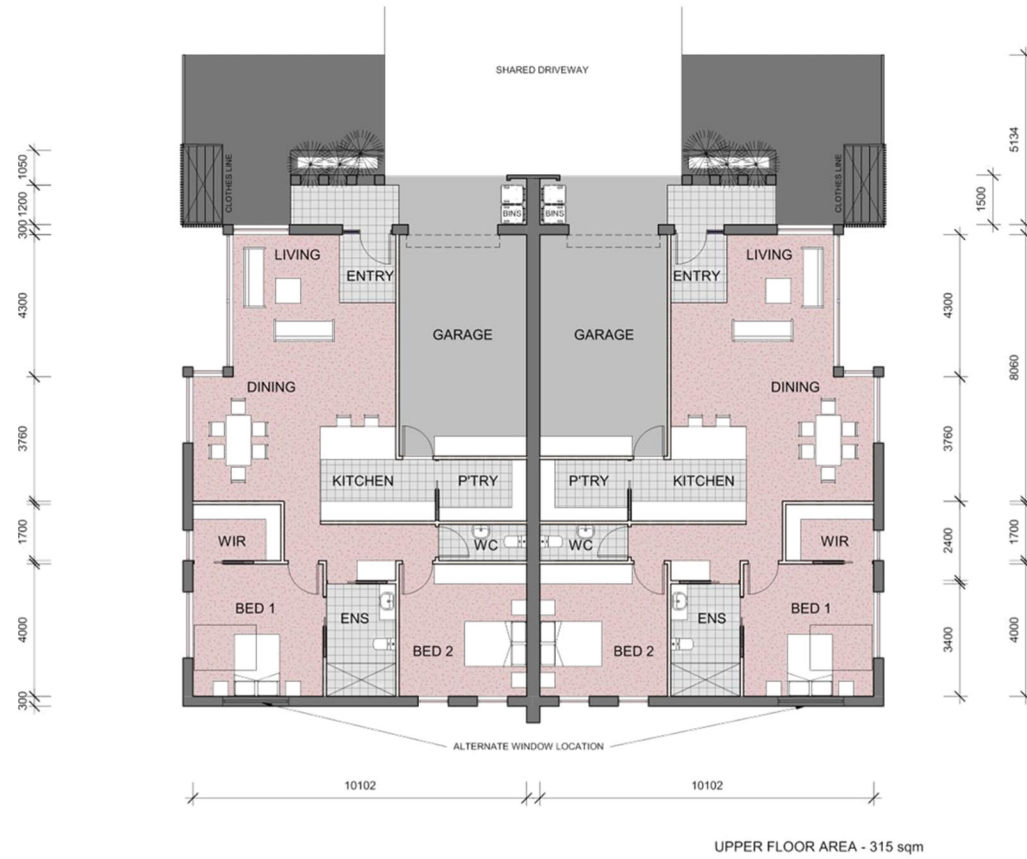
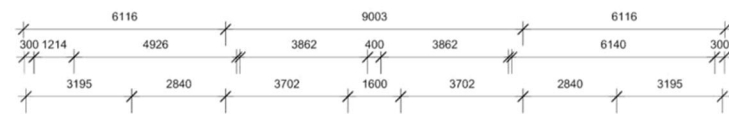
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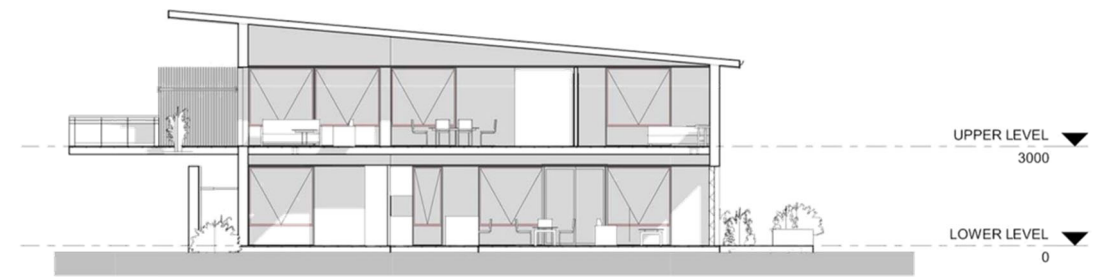
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7 Section 1  
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1 UPPER LEVEL  
1 : 100



8 Section 2  
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2 LOWER LEVEL  
1 : 100





1 North  
1 : 100



2 East  
1 : 100



3 South  
1 : 100



4 West  
1 : 100



ITEM 4.1



1 Ground Floor  
1 : 100

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STONY RISE AGED CARE  
NURSING HOME - GROUND FLOOR

AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
135 STONY RISE RD - DEVONPORT

Issue Date: 05/03/19  
1:100 @ A1  
18.309  
REV: 1  
DA10





1 Second Floor  
1 : 100

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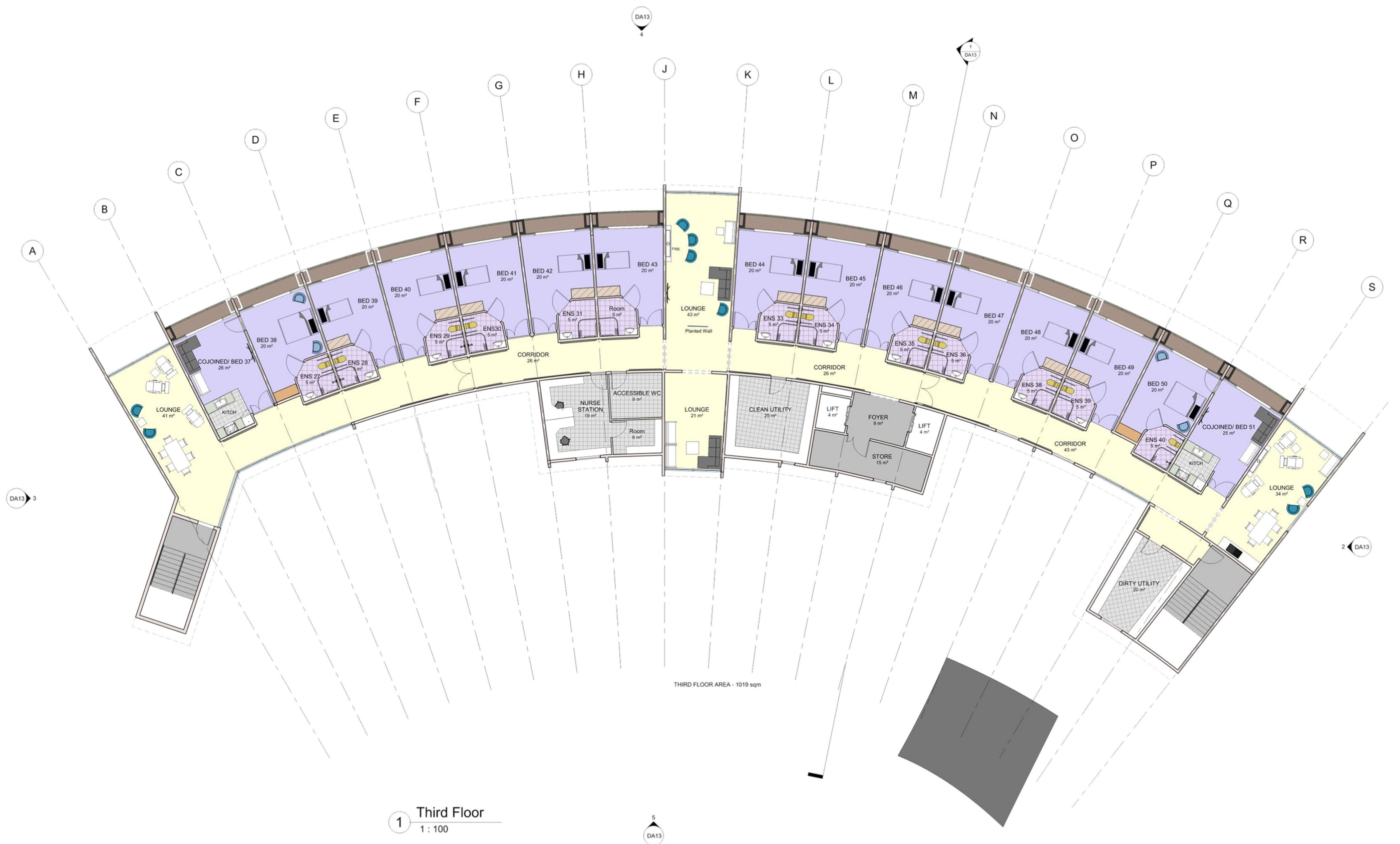
STONY RISE AGED CARE  
NURSING HOME - SECOND FLOOR

AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
135 STONY RISE RD - DEVONPORT

Issue Date: 05/03/19  
1:100 @ A1  
18.309  
REV: 1  
DA11



ITEM 4.1



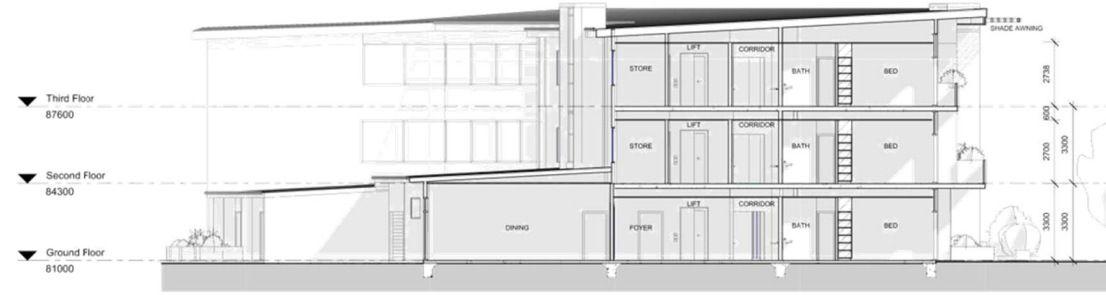
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STONY RISE AGED CARE  
NURSING HOME - THIRD FLOOR

AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
135 STONY RISE RD - DEVONPORT

Issue Date: 05/03/19  
1:100 @ A1  
18.309  
REV: 1  
DA12



1 Section A  
1 : 100



2 East  
1 : 100



3 West  
1 : 100



4 North  
1 : 100



5 South  
1 : 100





1 3D View 1



2 3D View 2



3 3D View 3



4 3D View 4



ITEM 4.1



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STONY RISE AGED CARE  
NURSING HOME - PERSPECTIVES 02

AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
135 STONY RISE RD - DEVONPORT

Issue Date: 05/03/19  
@ A1  
18.309  
REV: 1  
DA15





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STONY RISE AGED CARE  
NURSING HOME - PERSPECTIVES 03

AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
135 STONY RISE RD - DEVONPORT

Issue Date: 05/03/19  
@ A1  
18.309  
REV: 1  
DA16





5 Northern View

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STONY RISE AGED CARE  
OVERALL SITE VIEW

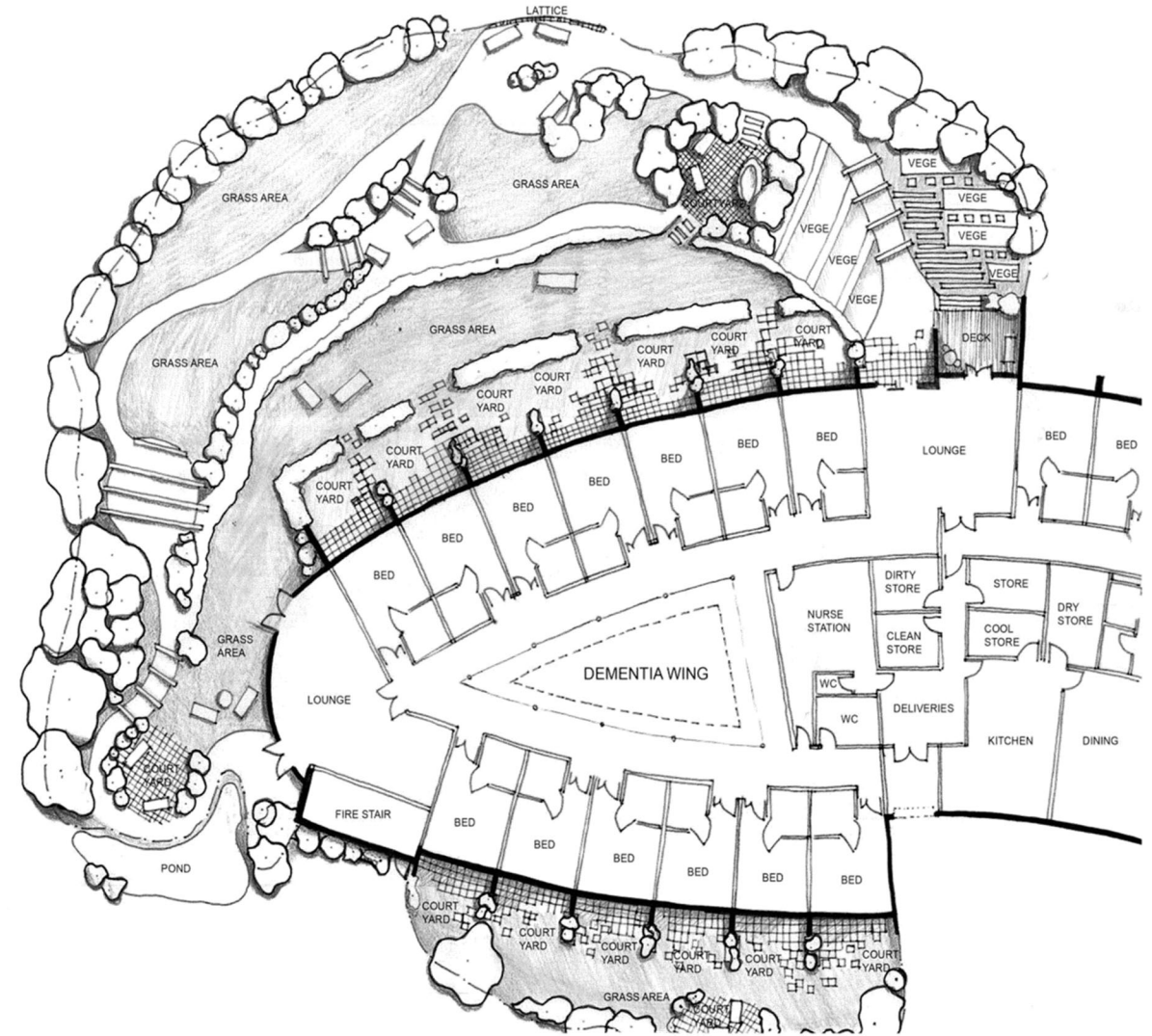
AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
131-135 STONY RISE RD DEVONPORT

Issue Date 05/03/19  
@ A1  
18.309  
REV 1  
DA17





SITE LANDSCAPE DIAGRAM  
NOT TO SCALE



NURSING HOME: DEMENTIA WING LANDSCAPE DIAGRAM  
NOT TO SCALE



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STONY RISE AGED CARE  
LANDSCAPE DIAGRAMS

AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
135 STONY RISE RD - DEVONPORT

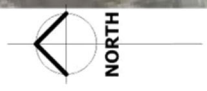
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REV 1  
DA18





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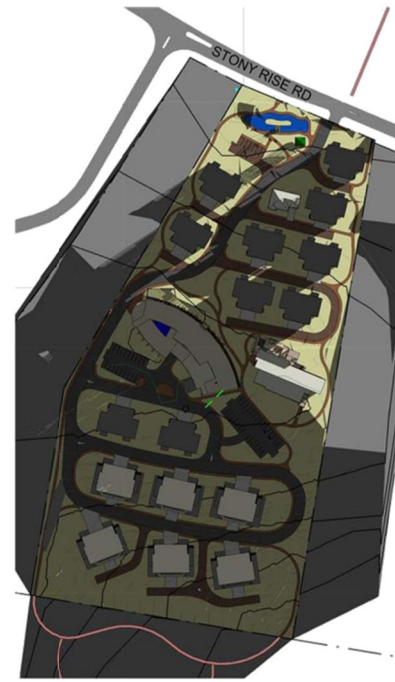
**STONY RISE AGED CARE**  
HYDRAULIC LAYOUT



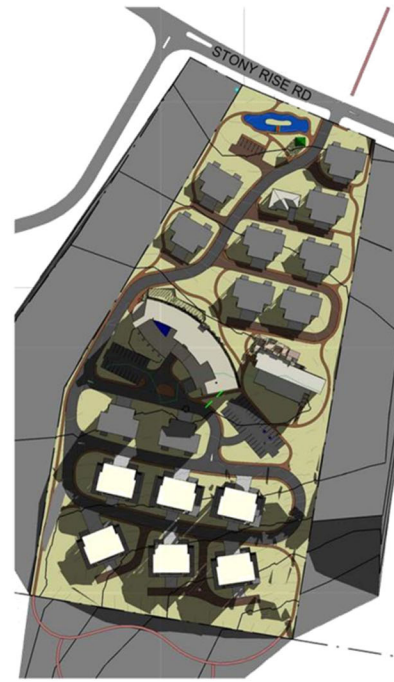
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**ALBERT KHAMU**  
131-135 STONY RISE RD DEVONPORT  
Issue Date: 02/10/19  
1:500 @ A1  
REV: 3  
DA19

ITEM 4.1

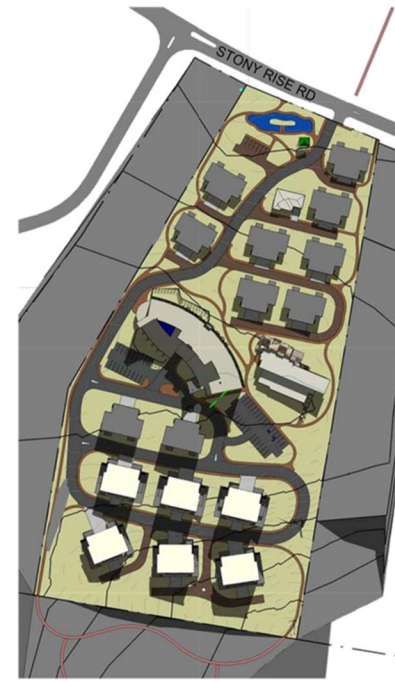




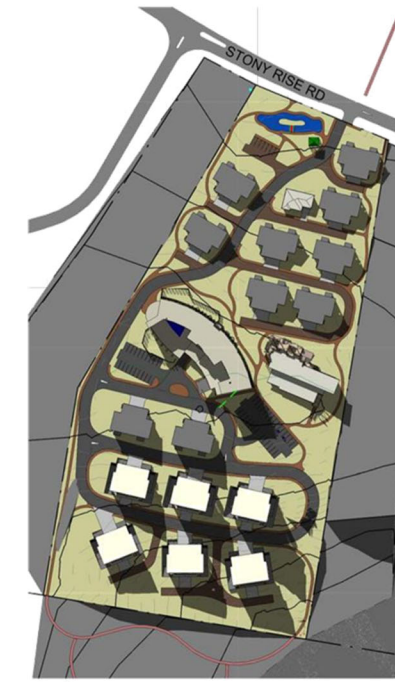
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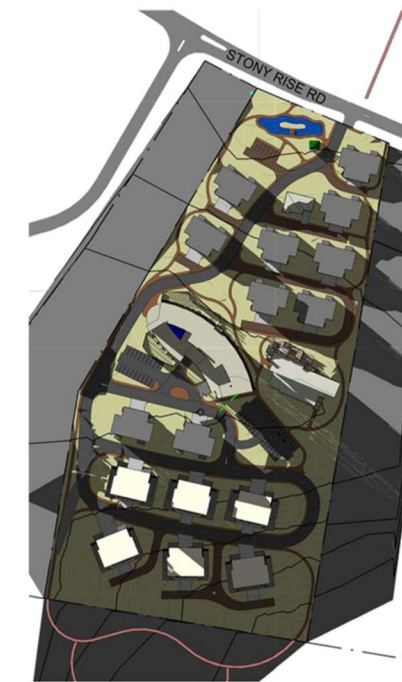
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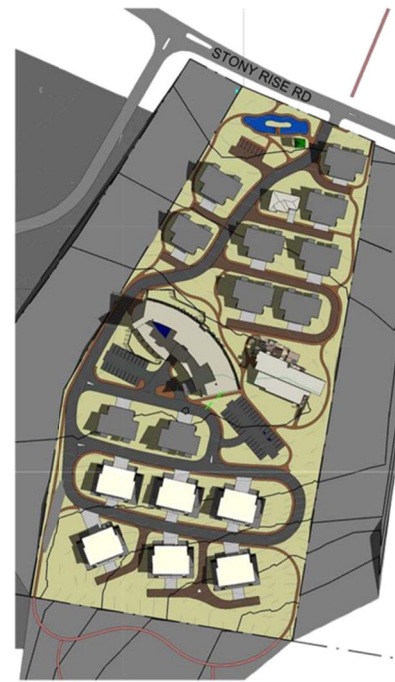
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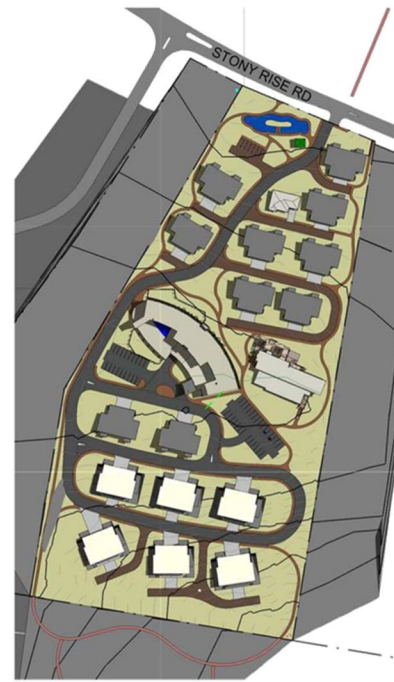
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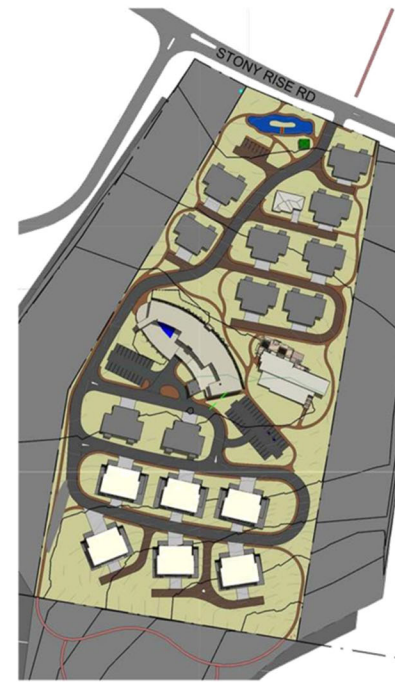
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② Shading Summer Solstice - 12.00noon  
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⑧ Shading Summer Solstice - 3.00pm  
1 : 2000



③ Shading Summer Solstice - 5.00pm  
1 : 2000

21 / 06 / 2019

22 / 12 / 2018

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# STONY RISE AGED CARE SHADOW DIAGRAMS



AMENDED PLANNING PERMIT APPLICATION  
ALBERT KHAMU  
131-135 STONY RISE RD DEVONPORT

Issue Date: 05/03/19  
1 : 2000 @ A1  
18.309  
REV: 1  
DA20









## Submission to Planning Authority Notice

Council Planning Permit No.	PA2018.0196	Council notice date	3/04/2019
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2019/00452-DCC	Date of response	16/10/2019
TasWater Contact	Sam Bryant Scott James (Trade Waste)	Phone No.	(03) 6237 8642 (03) 6345 6425
<b>Response issued to</b>			
Council name	DEVONPORT COUNCIL		
Contact details	council@devonport.tas.gov.au		
<b>Development details</b>			
Address	131-135 STONY RISE RD, STONY RISE	Property ID (PID)	6388501
Description of development	Residential Aged Care Home & Retirement Village		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Philp Lighton Architects	Hydraulic Layout DA19	3	02/10/2019
Philp Lighton Architects	Site Plan DA03	3	05/03/2019
<b>Conditions</b>			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized domestic and fire water supply with metered connections / sewerage system and connections to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. <ol style="list-style-type: none"> <li>a. TasWater requires the private domestic and fire water services to be separated at the boundary and metered in accordance with TasWater standard plans, the drawings submitted for the Certificates for Certifiable Works (Building &amp; Plumbing) must detail this. The site has been deemed high hazard due to the installation of the private sewerage pump station, suitable boundary backflow for both the fire and domestic water supply will be required as per TasWater's boundary backflow guideline.</li> </ol> </li> <li>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.</li> <li>3. Prior to commencing construction of the development, any water connection utilised for construction must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol> <p><b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b></p> <ol style="list-style-type: none"> <li>4. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.</li> <li>5. Prior to applying for a Permit to construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for</li> </ol>			



Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction.

**Advice:** *Water main extensions within State Growth Roads must be constructed as per TasWater Supplement to WSA03-2011-3.1 MRWA Edition V2.0*

6. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.
7. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.
8. Prior to the issue of a Certificate of Water and sewerage Compliance (Building and/or Plumbing) all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development, generally as shown on the concept servicing plan listed in the schedule of drawings above, are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
9. After testing/disinfection, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
10. At practical completion of the water and sewerage works and prior to applying to TasWater for a Certificate of Water and Sewerage Compliance (Building and/or Plumbing), the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
  - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
  - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
  - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
  - d. As constructed drawings must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
11. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
12. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
13. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
14. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater



infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

#### EASEMENTS & ENDORSEMENTS

15. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.
16. Prior to the issue of a Engineering Design Approval from TasWater, the applicant must submit a copy of the completed Transfer for the provision of a Pipeline and Services Easement over lot 116-122 Stony Rise Rd, STONY RISE (C:T 20325/7) to cover proposed TasWater infrastructure.

#### TRADE WASTE

17. Prior to the commencement of operation the developer/property owner must obtain Consent to discharge Trade Waste from TasWater.
18. The developer must install appropriately sized and suitable pre-treatment devices prior to gaining Consent to discharge.
19. The Developer/property owner must comply with all TasWater conditions prescribed in the Trade Waste Consent

#### DEVELOPMENT ASSESSMENT FEES

20. The applicant or landowner as the case may be, must pay a development assessment fee \$1,139.79 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. \$1,139.79 for development assessment; and

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](http://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.



**Trade Waste**

Prior to any Building and/or Plumbing work being undertaken, the applicant will need to make an application to TasWater for a Certificate for Certifiable Work (Building and/or Plumbing). The Certificate for Certifiable Work (Building and/or Plumbing) must accompany all documentation submitted to Council.

Documentation must include a floor and site plan with:

Location of all pre-treatment devices i.e. Oil Water Separator;

Schematic drawings and specification (including the size and type) of any proposed pre-treatment device and drainage design; and

Location of an accessible sampling point in accordance with the TasWater Trade Waste Flow Meter and Sampling Specifications for sampling discharge.

At the time of submitting the Certificate for Certifiable Work (Building and/or Plumbing) a Trade Waste Application form is also required.

If the nature of the business changes or the business is sold, TasWater is required to be informed in order to review the pre-treatment assessment.

The application forms are available at <http://www.taswater.com.au/Customers/Liquid-Trade-Waste/Commercial>.

**Declaration**

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

**Authorised by**
**Jason Taylor**

Development Assessment Manager

**TasWater Contact Details**

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

## 4.2 PA2019.0187 VISITOR ACCOMMODATION - 3/1-3 WALPOLE PLACE 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 Council's Planning Authority Committee acting as a Planning Authority to make a decision regarding planning application PA2019.0187.

### BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Kellie Maree Sims
Owner:	Mr GA Sims & Mrs KM Sims
Proposal:	Visitor Accommodation
Existing Use:	Visitor Accommodation
Zoning:	General Residential
Decision Due:	22/01/2020

### SITE DESCRIPTION

Walpole Place is an urban street that extends northward from Nicholls Street between Victoria Parade and North Fenton Street. The subject site contains six multiple dwellings that were constructed during 1973/74.

The division of the land by Strata Title occurred after completion in April 1974. Figure 1 defines the site and outlines the dwelling subject to this application in relation to the other dwellings on the parent title and immediate surroundings.



Figure 1 – Location Plan, Photo Source DCC Geocortex February 2019

**APPLICATION DETAILS**

The proposal under consideration is for a change of use to acknowledge that unit 3 at the above complex is being used for visitor accommodation. The floor plan is a typical two-bedroom, one bathroom and open plan living duplex which was standard for the building era. No change to the built form is proposed with this application.

A copy of the application is appended to the report as **Attachment 1**.

**PLANNING ISSUES**

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

In July 2018 the Minister for Planning issued *Planning Directive No 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes* (PD6).

This Directive modified the Use Standards that applied in some zones in the various versions of the interim planning schemes where visitor accommodation does not meet the 'home sharing' exemption. 'Home sharing' applies to a dwelling if used by the owner or occupier as their main place of residence and can also be let out to visitors while the owner or occupier is absent subject to not more than four bedrooms being let to visitors.

Visitor Accommodation in a residential strata scheme that does meet the 'home sharing' model defaults to a discretionary use under PD6 and reliance on the Performance Criteria (PC) is required to be demonstrated. These PC are reproduced below as Figure 2. All six have to be satisfied to allow the application to proceed to a permit.

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:

- (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 2 - Performance Criteria P2, Planning Directive No. 6**

The objectives of this Use Standard are to ensure that Visitor accommodation:

- (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 on the safety and efficiency of local roads or rights of way.

(These can be used to assist the planning authority in determining an application).

In June, 2019 the *Short Stay Accommodation Act 2019* (SSA Act) came into effect. This serves two important roles.



Firstly, by ensuring that everyone is playing by the rules in relation to current planning requirements for short stay accommodation and secondly to give a clear indication of the extent of conversions and use of housing for short stay accommodation in Tasmania.

The SSA Act places certain obligations on both the owner or occupiers of premises and the booking platform providers (eg Air BnB, Stayz, HomeAway et al) that advertise and take bookings for the accommodation facility.

In general terms under the SSA Act until the premises provider (owner or occupier) provides the platform provider with certain information their premises will not be advertised or bookings taken on their behalf. This information required includes a relevant planning permit or a statement that a planning permit is not required from the relevant planning authority.

This in some ways explains the retrospective applications for planning permits that have been submitted recently because the SSA Act allowed a six-month transition until 4 December 2019 for that information to be supplied.

However, to further confuddle the matter the SSA Act does not include owners or occupiers persons that advertise their visitor accommodation facility through newspaper and electronic media.

The above is for information purposes only as the SSA Act is not within the suite of legislation for the Planning Authority to consider.

### COMMUNITY ENGAGEMENT

On 11/12/2019, 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 14/12/2019;
- (b) Making a copy of the proposal available in Council Offices from the 16/12/2019;
- (c) Notifying adjoining property owners by mail on 11/12/2019; and
- (d) Erecting a Site Notice for display from 13/12/2019

The period for representations to be received by Council closed on 06/01/2020.

### REPRESENTATIONS

One representation was received within the prescribed 14-day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. This is from the owner of the adjoining dwelling at 4/1-3 Walpole Place.

A copy of the representation is appended to the report as **Attachment 2**.

### DISCUSSION

The representation objects to the application and has listed five items of concern. The following commentary is provided to assist the Planning Authority in their determination of this application.

- The first ground of concern relates to the effects of the proposal on the amenity of the site and provides some reasons to support the claim.

Comments – Some basic research undertaken indicates that the dwelling has been used for visitor accommodation since early 2015 (source: stayz.com.au).

No details of any disturbances have been recorded in Council's property records in the ensuing time.

- The second point of concern relates to the matter that the limited strata title facilities are not suitable for commercial access or parking due to the additional traffic.

Comments – This one is a little interesting in that while the buildings are individually owned the driveways and garden areas for the entire site are vested in the body corporate. The land remains common to all six landowners in effect until the body corporate introduces their own By-laws that allocate what land can be assigned to each unit.

However insofar as E9 Traffic Generating Use and Parking Code of the DIPS is concerned the use of land for visitor accommodation in holiday units and serviced apartments is less than that required for multiple dwellings. That is, multiple dwellings require two spaces per dwelling while visitor accommodation requires one space per unit. This algorithm tends to suggest that visitor parking for visitor accommodation has a lesser impact on a site.

- The third point of concern relates to the change of use changing the nature of the area to commercial.

Comments – Visitor accommodation in its broader form in a business zone can be considered to be a 'commercial' operation due to the bulk and scale. However, the use of land for visitor accommodation under Planning Directive No 6 only applies to the General Residential, Rural Living and Environmental Living zones of the DIPS. Anything substantial would certainly be troubled in passing the reasonableness tests of the PC in regard to amenity.

- The fourth point of concern relates to the actual need for additional visitor accommodation due to the proximity of other accommodation facilities nearby.

Comments – This is considered to be more a business matter than a land use planning matter in its simplest form. The research undertaken suggests that this purported increase of short stay accommodation in existing dwellings appears to have increased due to the unavailability or unsuitability of the traditional 'commercial' accommodation premises for the travelling public.

- The fifth point considers the potential impacts on the strata title ownership.

Comments – This seems to be partly the reason why an unoccupied strata site containing other dwellings is discretionary, but an unoccupied single dwelling allows visitor accommodation as a permitted use if the gross floor area is limited to 200m<sup>2</sup>.

Without appearing presumptive, visitor accommodation may be more of a concern to the body corporate of a large multiple dwelling complex containing various communal facilities for the occupant's enjoyment, such as a swimming pool which may have some public liability issues with non-occupants or owners using the facilities. The occupants of the remaining five dwellings on this site or the body corporate have not presented any concerns or collectively objected through the body corporate.

#### **FINANCIAL IMPLICATIONS**

No financial implications are predicted.

#### **RISK IMPLICATIONS**

No risk implications are predicted.

**CONCLUSION**

If the Planning Authority considers that the use will cause an unreasonable loss of residential amenity, they must refuse the application because the Performance Criteria (PC) cannot be satisfied. The reasons for refusal must reflect how the proposal cannot be satisfied against the PC and why it cannot. In the determination of this application however it is prudent to note that prior to Planning Directive No 6, this proposal would not have been subject to a discretionary planning permit application.

In summary this proposal has not triggered any reasons why a permit could not be recommended.

**ATTACHMENTS**

1. Application - PA2019.0187 - 3 1-3 Walpole Place
2. Representation - PA2019.0187 - 3 1-3 Walpole Place

**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 PA2019.0187 and grant a Permit to use land identified as 3/1-3 Walpole Place, Devonport for the following purposes:

- Visitor Accommodation

Subject to the following condition:

1. The Use is not to cause any unreasonable loss of residential amenity having regard to:
  - (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 lots;
  - (e) the extent and nature of any other non-residential uses; and
  - (f) any impact on shared access and common property.

Note: The following is provided for information purposes.

If the accommodation service will provide food to/prepare food for guests, the operator must contact the Council to confirm their requirements under the *Food Act 2003*.

It is suggested the applicant/service provider discusses with a building surveyor any building code matters that need to be satisfied under the relevant building regulations.

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



Office use
Application no. _____
Date received: _____
Fee: \$ 655
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: 3/1-3 WALPOLE PLACE  
DEVONPORT

Certificate of Title Reference No.: \_\_\_\_\_

#### Applicant's Details

Full Name/Company Name: Kellie Nance Sims

Postal Address: 134 James St  
DEVONPORT TAS 7310

Telephone: \_\_\_\_\_

Email: Kellie.1973@live.com.au  
inspirebathhouse134@gmail.com

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

Full Name/Company Name: \_\_\_\_\_

Postal Address: AS ABOVE

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_



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

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?: VISITOR ACCOMMODATION

Description of how the use will operate:

WITHIN EXISTING STRATA UNIT

Use Class (Office use only): VISITOR ACCOMMODATION

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:

<b>Application fee</b>	
<b>Completed Council application form</b>	
<b>Copy of certificate of title, including title plan and schedule of easements</b>	
<b>A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing:</b>	
• 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	
<b>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:</b>	
• 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	
<b>A plan of the proposed landscaping including:</b>	
• Planting concept	
• Paving materials and drainage treatments and lighting for vehicle areas and footpaths	
• Plantings proposed for screening from adjacent sites or public spaces	
<b>Details of any signage proposed</b>	



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Value of use and/or development

\$ \$25k

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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.

x Applicant's signature: 1 Date: 8/11/19

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.

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### 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.

x Applicant's signature: [Signature] Date: 8/11/19

### 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.

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### 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](http://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 59872	FOLIO 0
EDITION 3	DATE OF ISSUE 30-Nov-1998

SEARCH DATE : 08-Nov-2019

SEARCH TIME : 03.33 PM

DESCRIPTION OF LAND

City of DEVONPORT

The Common Property for Strata Scheme 59872 (formerly being STR235)

Derivation : Parts of Lots 3,4,5 and 6 Gtd to J J Moore  
Prior CT 3387/28SCHEDULE 1

STRATA CORPORATION NO. 59872, WINDSOR COURT, DEVONPORT

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



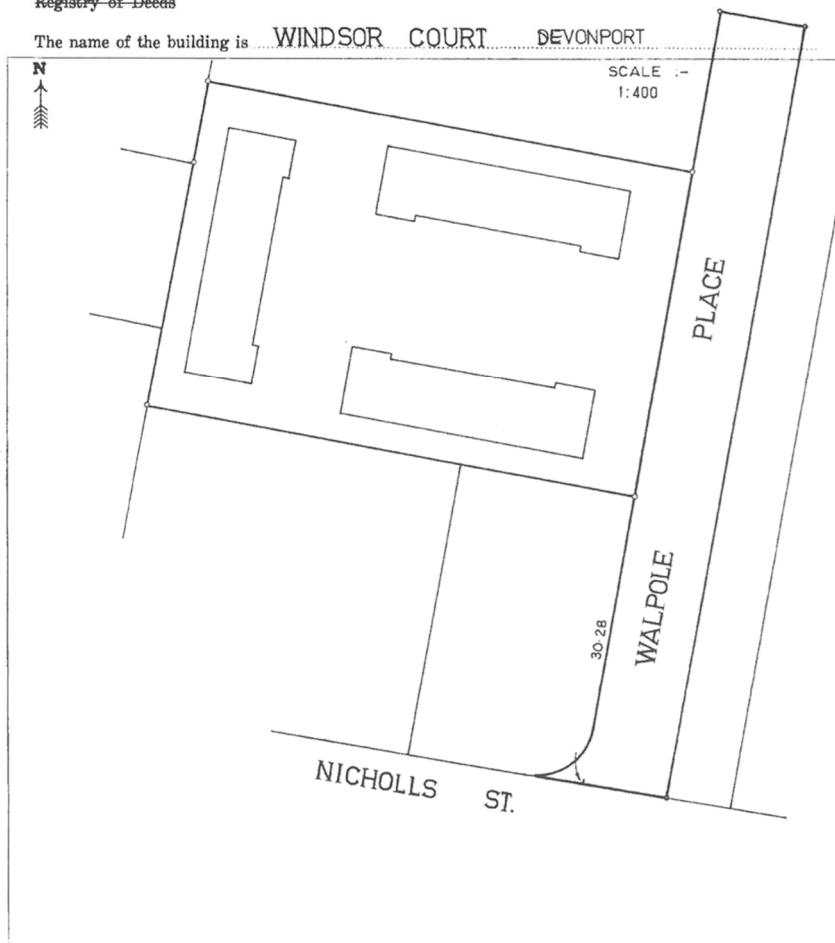
Conveyancing and Law of Property Act, 1884

## STRATUM PLAN

REGISTERED NUMBER

No. **235**  
Sheet 1 of **3** Sheets

59872

City or Town **DEVONPORT**Locality **WALPOLE PLACE**Reference to Title **CT 2777-35**Site comprises the whole of Lot 1 (1750 m<sup>2</sup>) on Plan No. S.P. 5324 in the  
portion DiagramLands Titles Office  
Registry of DeedsThe name of the building is **WINDSOR COURT** **DEVONPORT**External  
surface  
boundaries of  
the site and  
the location of  
the building  
in relation  
thereto to  
be delineated  
in this spaceREGISTERED this 1st day of April 1974, No. **235**
  
Recorder of Titles  
Registrar of Deeds
This plan is lodged for registration by Messrs. S. W. S. & Walsh



the List...

## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

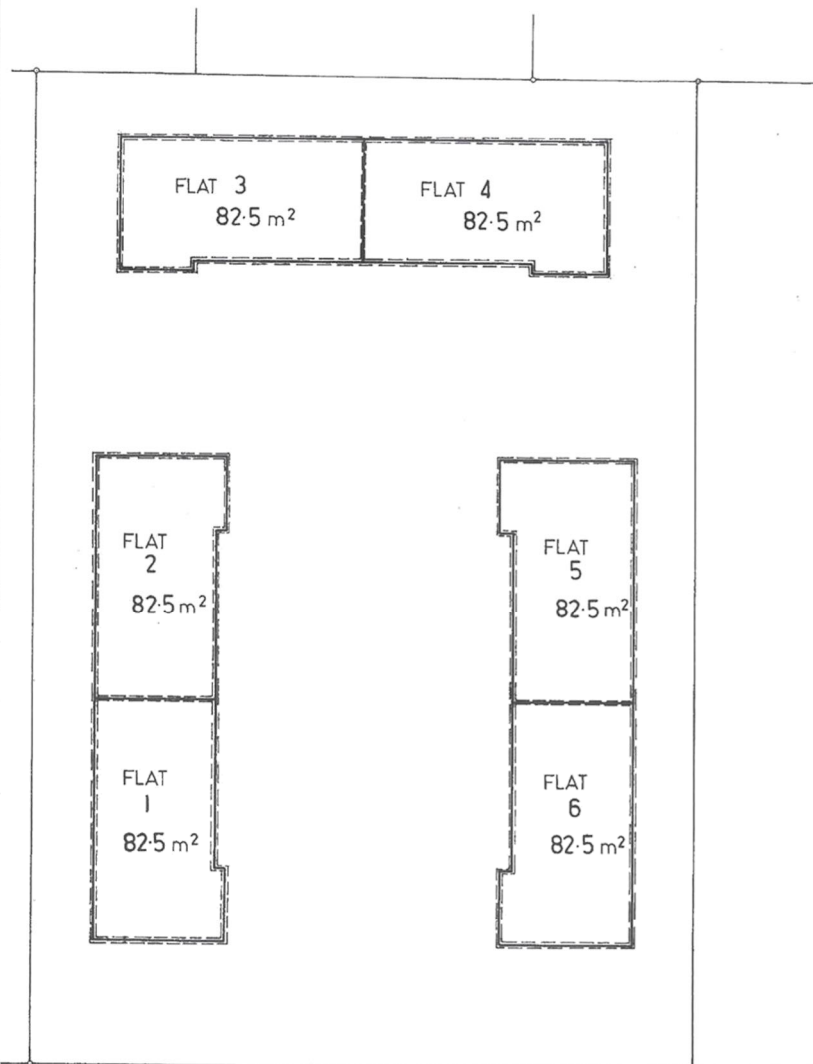


Sheet 2 of 3 Sheets

A handwritten signature in cursive script, likely of the Town Clerk or Council Clerk.

Town Clerk/Council Clerk

SCALE :- 1:200



WALPOLE

PLACE

BOUNDARIES OF FLATS ARE SHOWN BY  
HEAVY UNBROKEN LINES



~~Town Clerk/Council Clerk~~

WINDSOR COURT  
1 WALPOLE PLACE  
DEVONPORT

[illegible]

.....  
Registered Surveyor

Town Clerk/Council Clerk

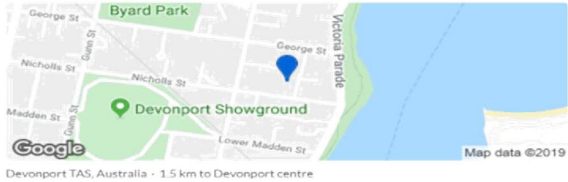
FOR OFFICE USE ONLY





Inspire Boutique II - located at Devonport

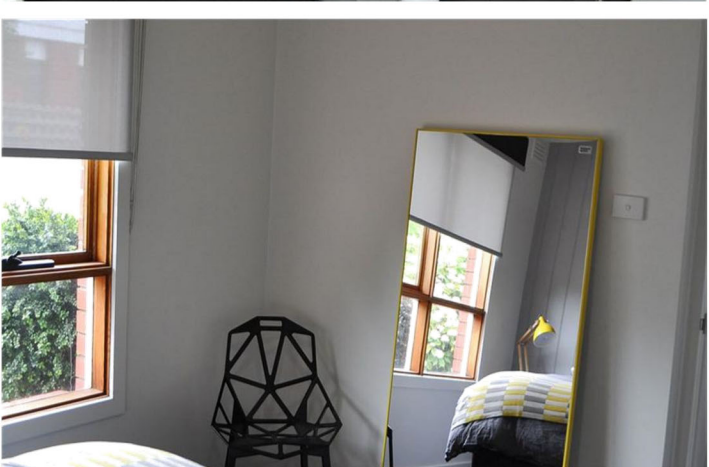
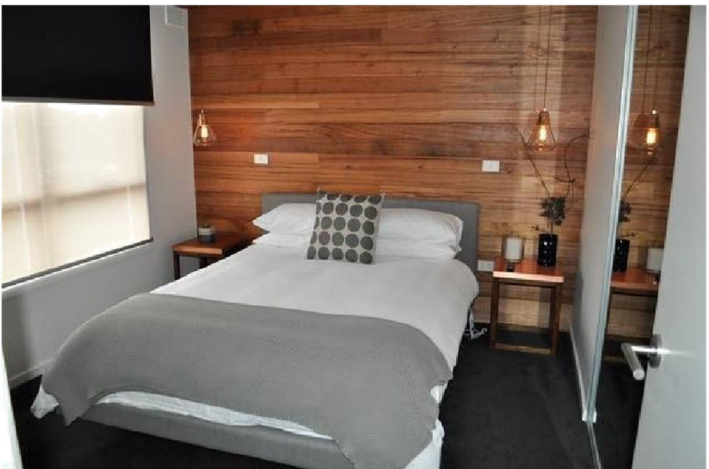
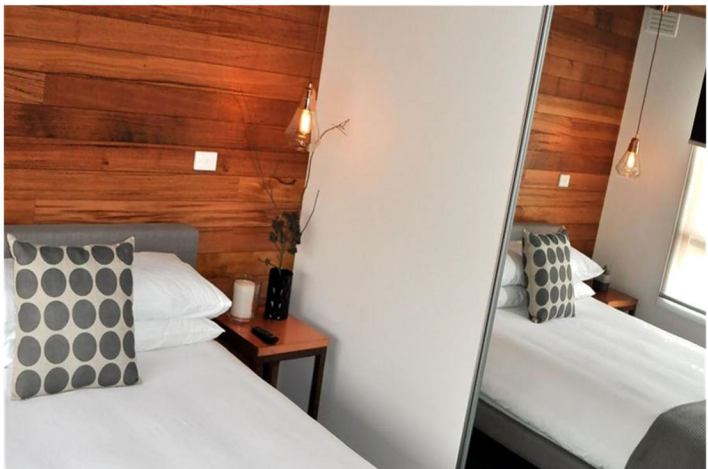
- Apartment
- Sleeps: 4
- Bedrooms: 2
- Bathrooms: 1
- Min. Stay: 1 night



Good for families   Air Conditioning   No Smoking   Washer & Dryer   Heater   Kids Welcome

A newly refurbished two bedroom unit situated within a few hundred meters of the Devonport CBD and just stones throw to the beautiful Mersey River Foreshore and Walking Tracks. This unit has everything to offer and more with a home away from home environment. A beautiful open plan lounge and kitchen area with internal access through to the garage. Everything you will need and more provided for your stay including a Washing Machine, Dryer, Dishwasher, Oven, Cooktop, Large Fridge, Two Flat Screen TV's and a DVD player. No need to worry about accessing keys, as this unit is keyless for the convenience of our guests. On the morning of your arrival you will receive a code to access the unit.





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**From:** Angharrad Wilson <angharradwilson@gmail.com>  
**Sent:** Monday, 23 December 2019 5:22 PM  
**To:** Devonport City Council <council@devonport.tas.gov.au>  
**Subject:** PA2019.0187 - Application for planning permit 3/1-3 Walpole Place

Attention: General Manager, Devonport City Council

Dear Sir/Madam,

In accordance with the Land Use Planning and Approvals Act 1993 I wish to make a representation relating to the above proposed development.

I am the owner of one of the adjacent units at the address held under strata title and object to the proposed change of use for the following reasons.

1. The proposed use of the unit diminishes the existing quality of life of other residents and tenants.

There will be increased noise and activity in what is currently a very quiet, secluded and stable development currently occupied by tenants and residents that are either retired or lead very private lifestyles. At least one of the immediate residents is a shift worker also.

In particular, nuisance visitors will be uncontrollable in that by the time action can be taken that "guest" will have left to be replaced by another.

For example, existing rental tenants have to be of good character, have references and are vetted. This protects a single young female resident in the units. The proposal removes that protection as the transient guests are an unknown.

The extreme potential for this was shown on the December 23rd Herald Sun Newspaper article "Air BNB Horror" where a 19 year old woman was raped.

2. The limited existing strata title facilities are not suitable for commercial access and parking. The additional traffic will impinge on that use by other residents.

3. The proposed change in use of the unit substantially changes the existing nature of the area from residential to commercial.

4. There is no need for additional short term rental accommodation in the area as there is an existing motel in the street directly to the rear of the property. Living city developments also render the proposal unnecessary.

5. Ownership of the properties under strata title is substantially changed by the proposed variation in use of the unit.

I ask that the proposal as described is rejected for these reasons.

Best regards,  
Angharrad Wilson



## **5.0 CLOSURE**

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