



The City with Spirit

NOTICE OF MEETING

Notice is hereby given that a **Planning Authority Committee** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, parnaple centre, 137 Rooke Street, Devonport on Monday 13 February 2023, commencing at 5:15 PM.

The meeting will be open to the public and live streamed from 5:15 PM.

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

08 02 2023

**Agenda for a Planning Authority Committee meeting of the Devonport City Council
held on Monday 13 February 2023, in the Aberdeen Room, Level 2, paranaple centre,
137 Rooke Street, Devonport at 5:15 PM**

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ACKNOWLEDGEMENT OF COUNTRY

Devonport City Council acknowledges and pays respect to the palawa-pakana people as the traditional and original owners of lutrawita and continuing custodians of this land on which we gather.

We also acknowledge and pay our respects to the Tasmanian Aboriginal elders past and present.

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. The meeting will also be live streamed on Council's YouTube channel.

ATTENDEES

		Apology
Chair	Cr A Jarman (Mayor)	
	Cr S Sheehan (Deputy Mayor)	
	Cr G Enniss	
	Cr P Hollister	
	Cr L Murphy	
	Cr D Viney	

1 APOLOGIES**2 DECLARATIONS OF INTEREST**

3 DELEGATED APPROVALS

3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY

Author: **Jennifer Broomhall, Planning Administration Officer**

Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That the list of delegated approvals be received.

Planning applications approved under delegated authority 1 August 2022 - 31 January 2023.

ATTACHMENTS

1. Delegated approvals 1.8.22 -31.1.23 [**3.1.1** - 4 pages]

4 DEVELOPMENT REPORTS

4.1 PA2022.0209 - 1 BEACHROCK VIEW, EAST DEVONPORT - RESIDENTIAL (ADDITIONAL UNIT)

Author: **Emma Pieniak, Planning Officer**
Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2022.0209 and grant a Permit to use and develop land identified as 1 Beachrock View, East Devonport for the following purposes:

- Residential (additional unit)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as proposed unit development, Revision A dated 5/15/22 by n+b copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The stormwater is to be discharged in accordance with the National Construction Code.
3. All stormwater collected from this work is to be directed into the existing property stormwater pipe in accordance with the National Construction Code.
4. The developer is to ensure that building, driveway, and car parking areas are set at suitable levels to ensure that stormwater site drainage can be piped at suitable gradients as per the design for the detention storage plan connection to the kerb.
5. There is to be no uncontrolled overland flow of stormwater from the proposed development to any of the adjoining properties.
6. The setbacks for the proposed dwelling in relation to the side and rear boundaries are to be confirmed by a registered land surveyor prior to building approvals.
7. The developer is to ensure parking spaces are delineated and signed for identification within the site.
8. 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.

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.

Permitted hours of construction work are Monday to Friday from 7am - 6pm, Saturday from 9am - 6pm and Sunday and statutory holidays from 10am - 6pm.

The amenity of the area must not be detrimentally affected by the use or development through the:

- a. Transport of materials, goods or commodities to or from the land; or the
- b. Emission of noise, dust, odour, artificial light, vibration, fumes, smoke, vapour, steam, soot, ash, wastewater or any waste products.

No burning of any waste materials (including cleared vegetation) is to be undertaken on site. Any waste material is to be removed and disposed of at a licensed refuse waste disposal facility.

In regard to condition 8 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 2-5 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.

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 consistent and responsive development assessment and compliance processes |

SUMMARY

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2022.0209.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	1 Beachrock View, East Devonport
Applicant:	n+b Design Pty Ltd Nicholas Brandsema
Owner:	Mr Y Ting
Proposal:	Residential (additional unit)
Existing Use:	Residential (single dwelling)
Zoning:	General Residential
Decision Due:	20/01/2023, extension of time granted to 14 February 2023

SITE DESCRIPTION

The 720m² subject site is situated to the west at the start of Beachrock View comprising an existing single storey dwelling towards the front of the lot. The adjoining and surrounding properties comprise residential lots of similar scale to the subject site in various stages of development. The subject site and surrounding area are illustrated in Figure 1. The existing dwelling location and size is illustrated in Figure 2.



Figure 1 – Aerial view (LISTmap)

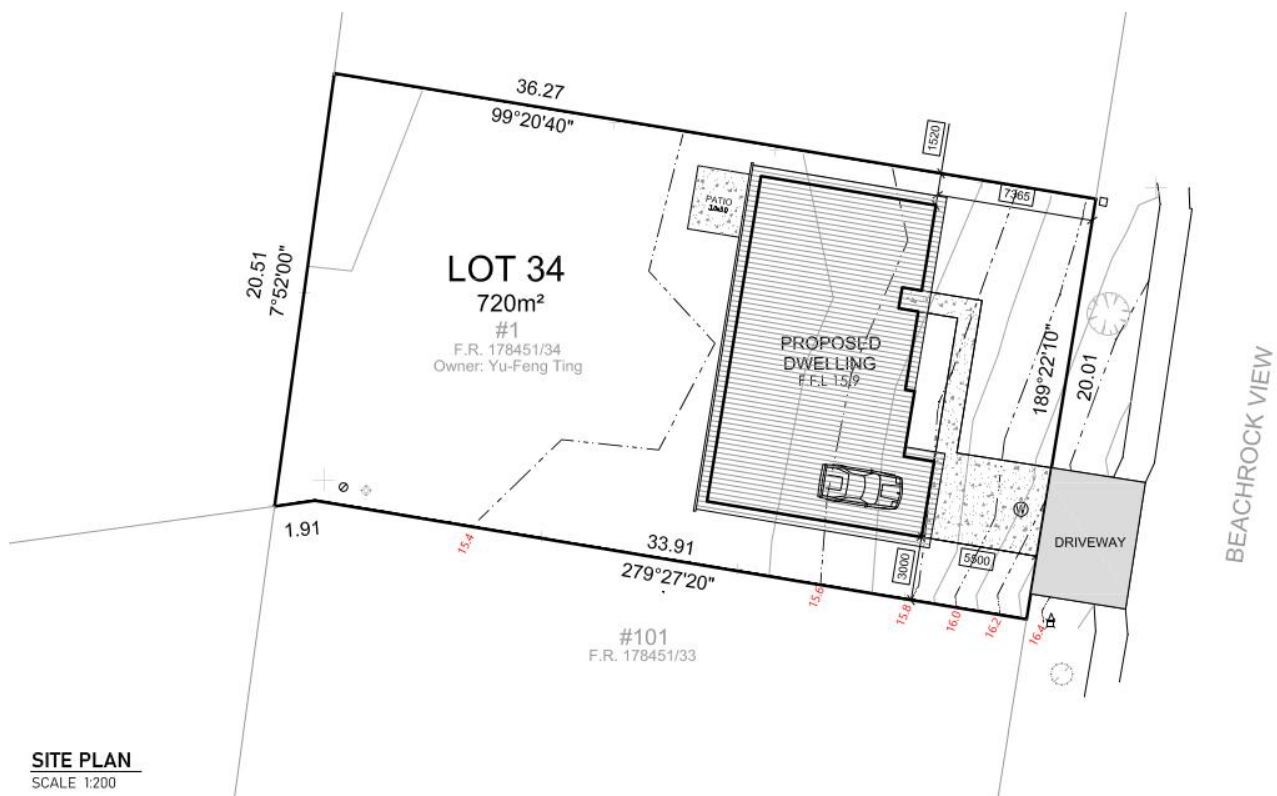


Figure 2 – Site plan of existing dwelling

APPLICATION DETAILS

The applicant is seeking approval to construct an additional dwelling to the rear of the existing dwelling. The proposed 3 bedroom dwelling has an attached single garage with additional parking spaces and a visitor parking space provided on site. The proposed development is illustrated in Figures 3 – 6. Refer to **Attachment 1** for a full copy of the application.

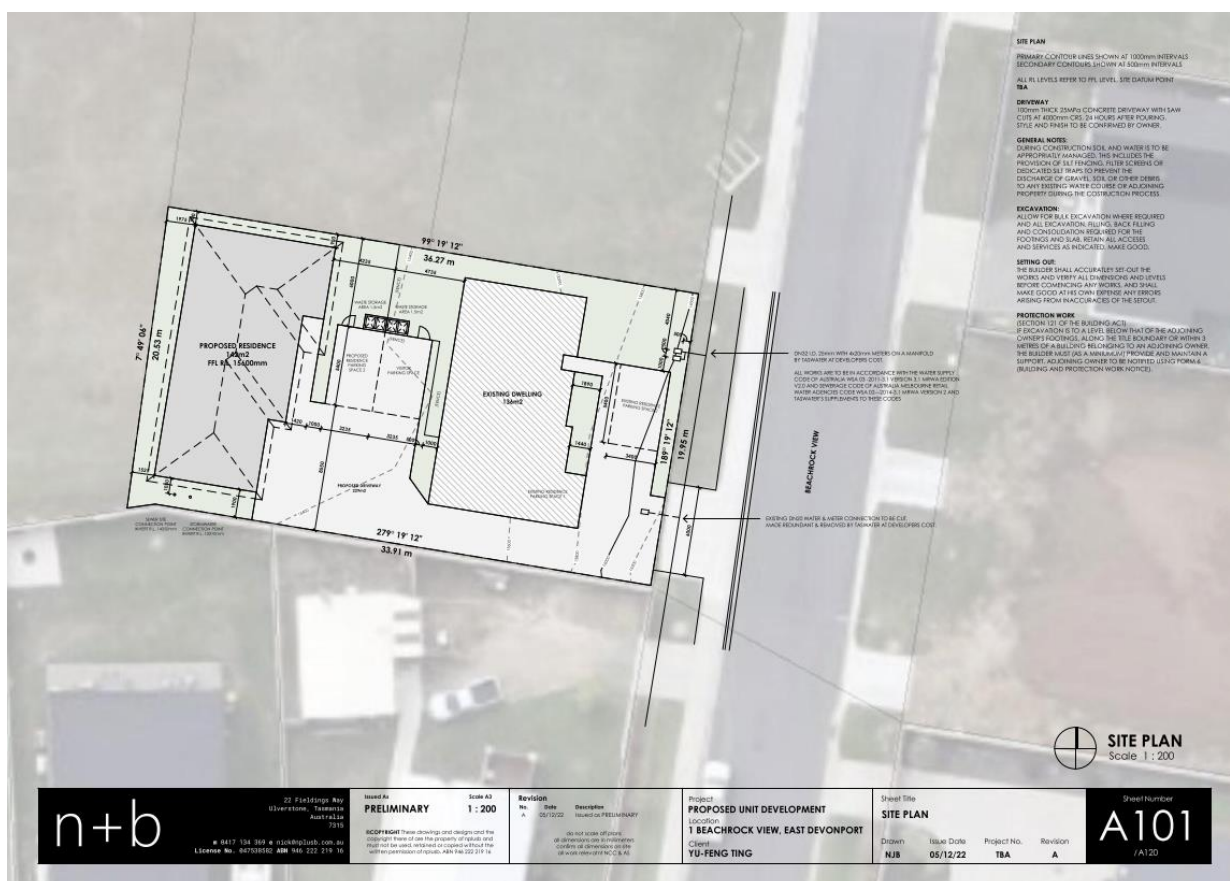


Figure 3 – Proposed site plan

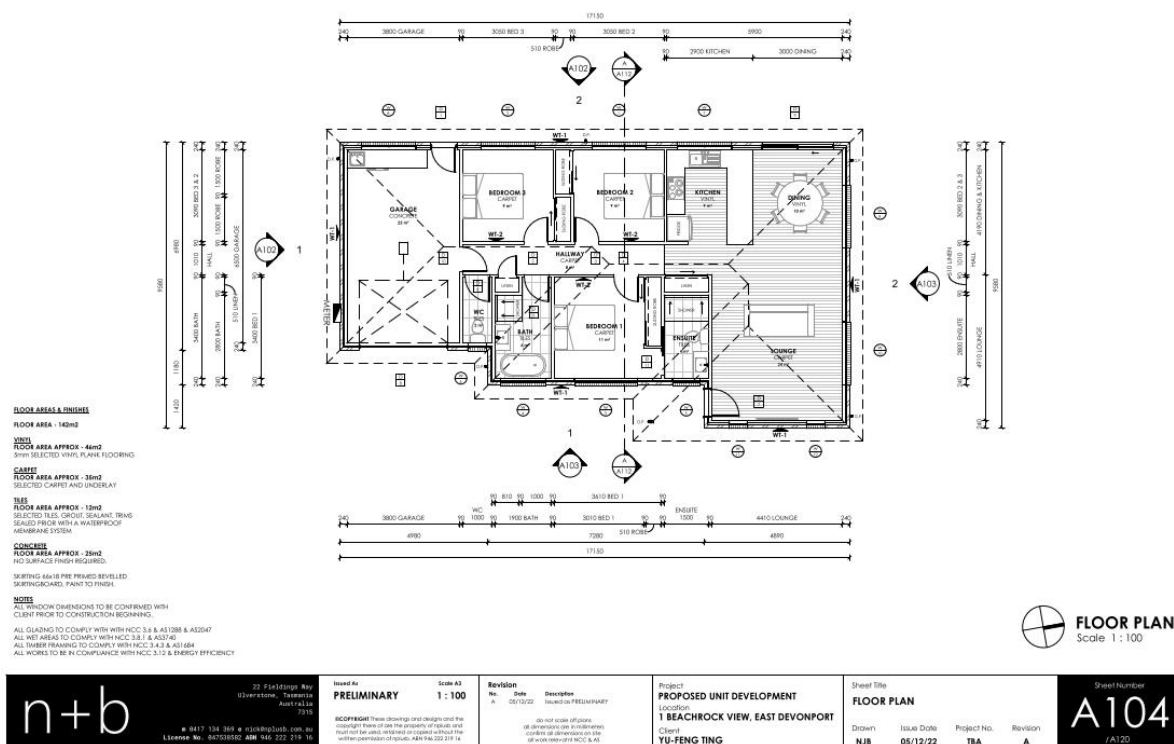


Figure 4 – Proposed dwelling

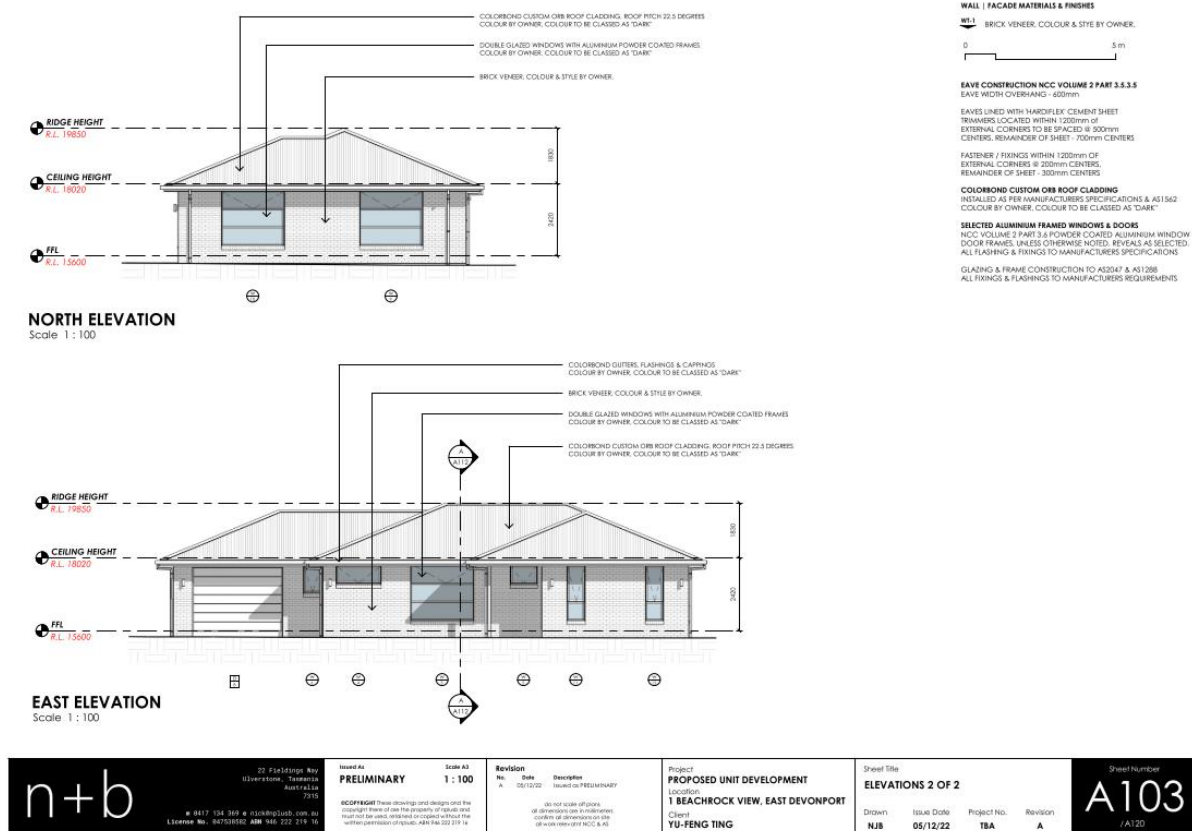


Figure 5 – Proposed elevations: 1 of 2

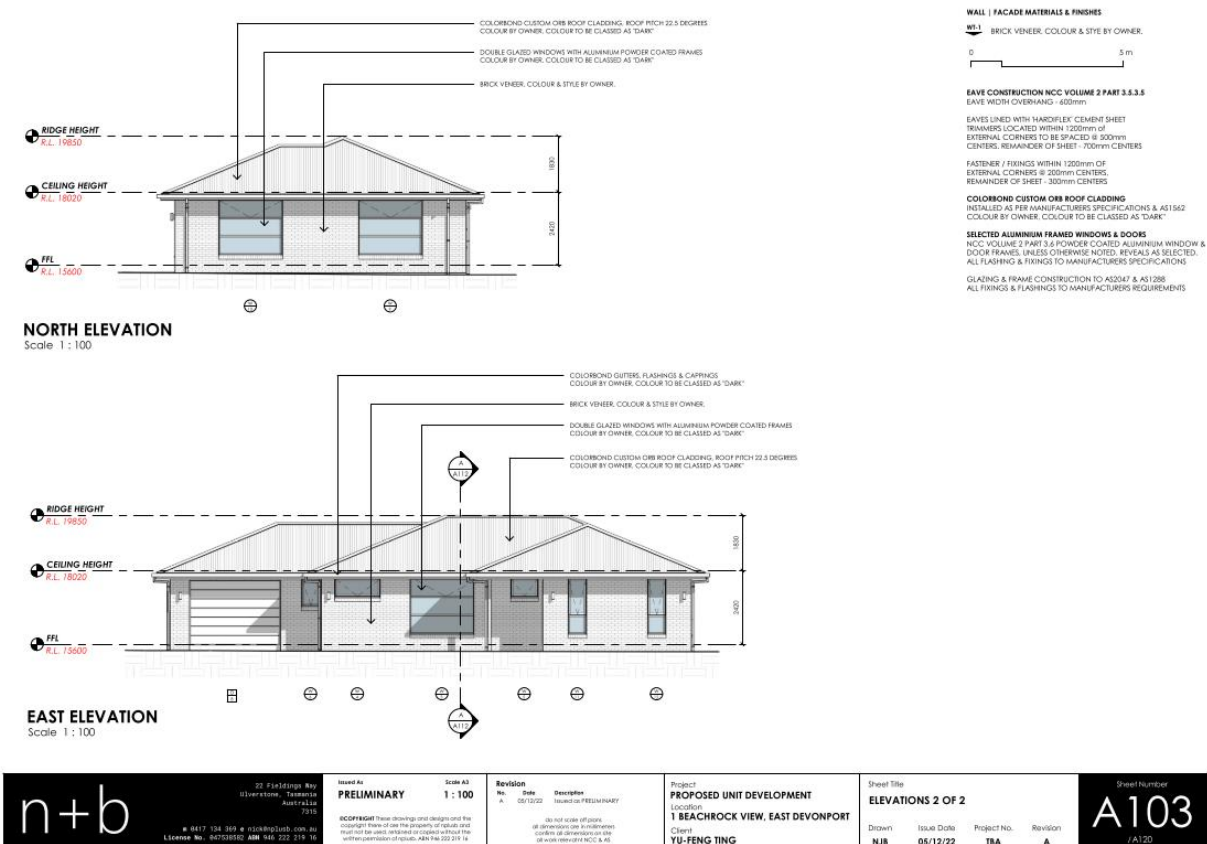


Figure 6 – Proposed elevations: 2 of 2

PLANNING ISSUES

The land is zoned General Residential under the *Tasmanian Planning Scheme - Devonport 2020*. The purpose of the General Residential Zone is:

8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.

8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.

8.1.3 To provide for non-residential use that:

- a) primarily serves the local community; and
- b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Residential use for multiple dwellings is permitted in the General Residential zone. Where development cannot meet the relevant acceptable solutions for the design standards a planning permit can be sought under Section 57 of the Act.

The proposed development meets the relevant acceptable solutions, except for clause 8.4.2 A3.

Objective: The siting and scale of dwellings: <ul style="list-style-type: none"> (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations. 	
Acceptable Solutions	Performance Criteria
A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: <ul style="list-style-type: none"> i. a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and 	P3 The siting and scale of a dwelling must: <ul style="list-style-type: none"> (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> i. reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; ii. overshadowing the private open space of a dwelling on an adjoining property; iii. overshadowing of an adjoining vacant property; or

<p>ii. projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>i. does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>ii. does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>iv. visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>i. an adjoining property; or</p> <p>ii. another dwelling on the same site.</p>
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P3 – The proposed dwelling has a 9.58m long wall with a 900mm setback from the northern side boundary. The extent of variation to the acceptable solution is minimal.

The orientation of the lot ensures overshadowing impacts will not be detrimental to neighbouring properties. The maximum height and bulk of the proposed single storey dwelling are typical of residential development. The separation between the buildings is consistent with existing patterns in the area. There are no existing solar installations that will be impacted by the proposed development.

The proposal meets the relevant acceptable solutions of applicable codes. There are no specific area plans which apply to the subject site.

COMMUNITY ENGAGEMENT

On 09/12/2022, 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 07/01/2023;
- (b) Making a copy of the proposal available in Council Offices from the 07/01/2023;
- (c) Notifying adjoining property owners by mail on 05/01/2023; and
- (d) Erecting a Site Notice for display from the 06/01/2023.

The period for representations to be received by Council closed on 23/01/2023.

REPRESENTATIONS

One representation was received within the prescribed 14 day public advertising period required by the *Land Use Planning and Approvals Act 1993*. The representation was received by an adjoining property owner concerned with the setback of the proposed dwelling from the rear boundary (see **Attachment 3**).

- The distance between proposed development and representor property is too little and will affect privacy.

Comment:

The proposed dwelling has a setback of between 1.525m and 1.975m from the rear boundary, which meets the acceptable solution of 8.4.2 of the planning scheme. Privacy considerations applicable to 8.4.6 of the planning scheme are relevant to a dwelling with a finished floor level more than 1m above ground level. Therefore, privacy design standards for the proposed single storey dwelling do not require consideration.

DISCUSSION

When determining an application for a planning permit the permit authority must consider the matters outlined in clause 6.10.1 of the Tasmanian Planning Scheme, including any representations, but only insofar as each matter is relevant to the particular discretion being sought. The discretion sought in this instance relates to the length of a wall within 1.5m of a side boundary. A condition has been included to ensure the setbacks of the development are located by a licenced land surveyor. An assessment of the performance criteria against the discretionary matter discusses how the minor variation to the acceptable solution will have minimal to no impact upon adjoining properties. The proposal has been reviewed by internal departments and TasWater, and any provided standard conditions have been included in the planning permit.

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

In its capacity as a planning authority under the *Land Use Planning and Approvals Act 1993* (LUPAA), Council is required to make a determination on this application for a discretionary planning permit. Due diligence has been exercised in the preparation of this report and there are no predicted risks associated with a determination of this application.

CONCLUSION

The proposed development for an additional dwelling to the rear of an existing dwelling seeks a minor variation to the acceptable solutions for a wall longer than 9m within 1.5m of a side boundary. The representation concerns have been addressed and do not justify variation to the proposal. A planning permit can be issued subject to standard conditions.

ATTACHMENTS

1. Application PA2022.0209 - 1 Beachrock View [**4.1.1** - 18 pages]
2. Tas Water Submission to Planning Authority Notice - PA2022.0209 - 1 Beachrock View [**4.1.2** - 2 pages]
3. Representation - PA2022.0209 - 1 Beachrock View [**4.1.3** - 2 pages]

4.2 PA2022.0213 - 12 DONVISTA DRIVE, DON - RESIDENTIAL (SCREEN)

Author: **Carolyn Milnes, Senior Town Planner**

Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2022.0213 and grant a Permit to develop land identified as 12 Donvista Drive, Don for the following purposes:

- Residential (screen)

Subject to the following conditions:

1. The Development is to proceed generally in accordance with the submitted plans referenced as Site Plan and Layout Drawing for Proposed Screen for Privacy, submitted by HJ Harrison, copies of which are attached and endorsed as documents forming part of this Planning Permit.

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*.

The amenity of the area must not be detrimentally affected by the use or development through the:

- a) Transport of materials, goods or commodities to or from the land; or the
- b) Emission of noise, dust, odour, artificial light, vibration, fumes, smoke, vapour, steam, soot, ash, wastewater or any waste products.

No burning of any waste materials (including cleared vegetation) is to be undertaken on site. Any waste material is to be removed and disposed of at a licensed refuse waste disposal facility.

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

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 consistent and responsive development assessment and compliance processes |

SUMMARY

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2022.0213.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	12 Donvista Drive, Don
Applicant/Owner:	Mr HJ Harrison
Proposal:	Residential (screen)
Existing Use:	Residential
Zoning:	Rural Living
Decision Due:	Initial decision due 31/01/2023. Extension of time granted to 13/02/2023.

SITE DESCRIPTION

The site is located on the western side of Donvista Drive and has an area of 7679m². The lot contains an existing house and garage and is surrounded by established and developing residential lots. The lot falls approximately 26m from the south-western corner to the north-eastern corner. Figure 1 shows an aerial view of the subject site and surrounding area.



Figure 1 - Aerial view of subject site and surrounding area (Source: DCC)

APPLICATION DETAILS/

The applicant is seeking approval for a 3.66m high, 36m long screen to be erected 450mm from the southern boundary. Shade cloth will be placed within the top section of the frame. Figures 2 and 3 show the proposed location of the screen and the proposed design. The application can be viewed in full as **Attachment 1**.



Figure 2 - Proposed location of screen shown in orange (Source: Applicant)

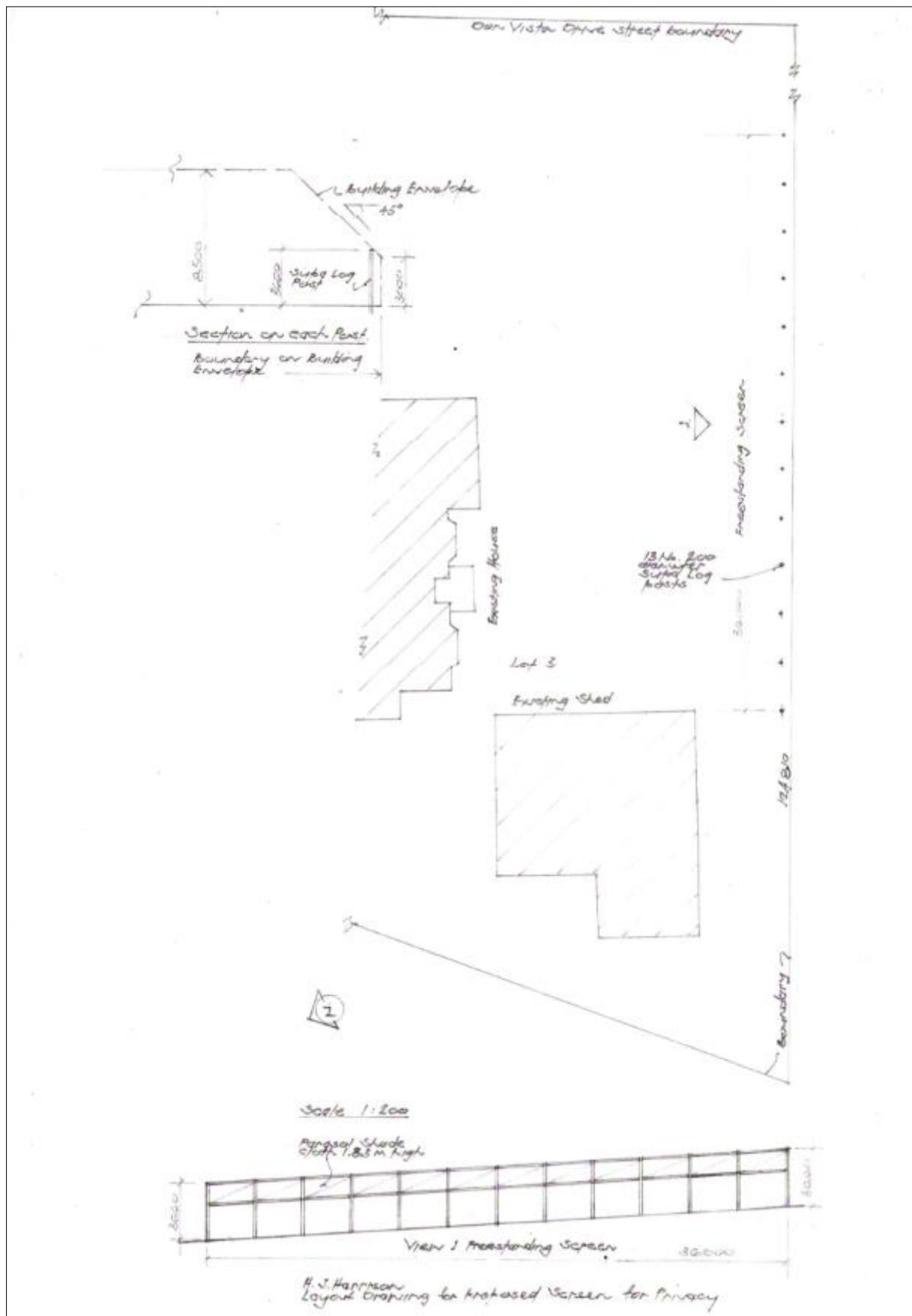


Figure 3 - Proposal plans (Source: Applicant)

PLANNING ISSUES

The land is zoned Rural Living under the *Tasmanian Planning Scheme – Devonport, 2020*.
Then intent of the zone is:

11.1.1 To provide for residential use or development in a rural setting where:

- (a) services are limited; or
- (b) existing natural and landscape values are to be retained.

11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.

11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.

11.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Residential development for a single dwelling or ancillary development does not require a planning permit in the zone provided all relevant acceptable solutions contained within the zone standards and any applicable codes are met.

In this case the proposal does not fit within the requirements of a fence, which allows for a 2.1m high structure, exempt from planning. The proposal must therefore be assessed against the Development Standards for Buildings and Works. The screen does not meet the requirements of clause 11.4.2 A3 as a setback of 10m is required however 450mm is proposed. The relevant sections of the planning scheme are reproduced below, followed by assessment.

11.4.2 Building height, setback and siting

Objective: That height, setback and siting of buildings: (a) is compatible with the character of the area; (b) does not cause an unreasonable loss of amenity; (c) minimises the impact on the natural values of the area; and (d) minimises the impact on adjacent uses.	
Acceptable Solutions	Performance Criteria
A1 Building height must be not more than 8.5m.	P1 Building height must be compatible with the character of the area and not cause an unreasonable loss of amenity to adjoining properties having regard to: (a) the topography of the site; (b) the height, bulk and form of existing buildings on the site and adjoining properties; (c) the bulk and form of proposed buildings;

	<p>(d) sunlight to habitable rooms and private open space in adjoining properties; and</p> <p>(e) any overshadowing of adjoining properties or public places.</p>
<p>A2</p> <p>Buildings must have a setback from a frontage of not less than 20m.</p>	<p>P2</p> <p>Buildings must be sited to be compatible with the character of the area, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the setbacks of adjacent buildings;</p> <p>(c) the height, bulk and form of existing and proposed buildings;</p> <p>(d) the appearance when viewed from roads and public places; and</p> <p>(e) the retention of vegetation.</p>
<p>A3</p> <p>Buildings must have a setback from side and rear boundaries of not less than 10m.</p>	<p>P3</p> <p>Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the size, shape and orientation of the site;</p> <p>(c) the setbacks of surrounding buildings;</p> <p>(d) the height bulk and form of existing and proposed buildings;</p> <p>(e) the character of the development existing on established properties in the area; and</p> <p>(f) any overshadowing of adjoining properties or public places.</p>

Assessment –

A1 – The proposed height of the screen is 3.66m. The acceptable solution is met.

A2 – The screen will be setback approximately 70m from the frontage. The acceptable solution is met.

A3 – The setback from the southern side boundary is 450mm rather than 10m. The performance criteria must be addressed.

The proposed screen will have a height of 3.66m and a length of 36m. The amenity of the southern neighbour will not be unreasonably affected as the subject site sits below the neighbour, thus reducing visual impact. In addition, the lots are large, containing large buildings and the proposed screen is in keeping with the scale of structures in the area.

The neighbouring dwelling is approximately 20m from the shared boundary at its closest point and a driveway runs alongside the boundary, providing separation. Any

overshadowing created by the screen will not impact habitable rooms or private open space areas.

The performance criteria are satisfied.

The site is subject to a Bushfire-Prone Area Overlay and an Airport Obstacle Limitation Area Overlay however neither associated code is applicable. In regard to the Bushfire-Prone Areas Code, the proposal does not involve subdivision nor vulnerable/hazardous use and is therefore exempt. In regard to the Safeguarding of Airports Code the structure is less than 155m high, and also exempt.

No other Codes or Specific Area Plans apply to the proposal.

COMMUNITY ENGAGEMENT

On 20/12/2022, 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 07/01/2023;
- (b) Making a copy of the proposal available in Council Offices from the 07/01/2023;
- (c) Notifying adjoining property owners by mail on 05/01/2023; and
- (d) Erecting a Site Notice for display from the 06/01/2023.

The period for representations to be received by Council closed on 23/01/2023.

REPRESENTATIONS

One representation was received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*.

The representation is from the southern neighbour and can be found in full as **Attachment 2**. A number of issues have been raised. Each is addressed below followed by a response.

1 council has excepted pa application without ensuring Mr Harrison has engaged registered designer.

Response – There is no requirement for building plans to be completed by a registered designer in regard to planning applications. This only applies to building applications.

2 building act 2016 43 /1 a and b b (ii) the documentation relating to the design includes sufficient information for the assessment of the work in accordance with this act

Response – It is assumed the representor means that there is insufficient information. In any case, the requirements of the *Building Act 2016* are not relevant to the planning application. Detailed design for construction is not required at this stage.

3 the drawing is barely legible, let alone lack of detail, no foundation, no fixing of parasol, no colour no assessment on wind loading and type of parasol, no assessment on large bulk lpg cylinder say 120kg capacity next to fence.

Response – As above, such issues need not be addressed at the planning application stage. The drawings need only demonstrate what is proposed. The submitted plans are of sufficient quality to show this.

4 I would assume you can not build potential fire hazard over bulk lpg cylinder but again designer would do site visit and assess

Response – Assessment in regard to fire hazard will be completed as part of the building application.

5 I asked question off Carolyn Milnes on engineer, her answer up to surveyor, 38 yrs of heavy construction and engineer, registered builder ,I never had a surveyor make call on engineering , clause 31 power of building surveyor no where does it say he in charge of engineering ,his job is to ensure compliance with design (something we missing)

Response – Should engineering design not be submitted with the building application, the building surveyor will request it as it is their role to ensure all necessary documentation is provided as part of the building application. Engineering design is not required as part of the planning application.

6 as mr Harrison has already brought treated posts, say 4.6 long, look about 250mm in dia say 200kgs each ,13 off = 2600kgs of timber , parasol 1.8x36m = 64.80 sq/m THAT is a hell of a structure and wind load in a extreme weather event. (this in not a shade screen)

Response – The applicant will need to ensure that the structure meets all necessary engineering requirements.

7 my existing structure on my side of boundary line about 2.1 high, has been engineered some 13 yrs ago as I fully understand from soil test done back then this ground is reactive, in summer ground shrinks .in winter unstable. A QUICK PHONE CALL to my engineer in Hobart and send him drawing, as he explained you put a wind shield next to my structure you put extra force on my structure, worse case my structure foundation will give way IS COUNCIL EXCEPTING liability for future damage on my land as result of constructing giant wall

Response - The applicant will need to ensure that the structure meets all necessary engineering requirements.

8 parasol just a fancy word, again no design, looking at standard of mr Harrison home handy work, It will be bunnings shade cloth, no professional (parasol) design with wind rated load ,question how long before ripped to shreds and on my land .

Response – Parasol Shade Cloth is a brand of commercial grade shade cloth suited to larger residential structures and commercial environments.

9 has council done environmental assessment this wall 64 sq/m banging in wind 3am in morning. will council take liability when it ends up on my land causing damage or worse injuries some one like my 6 yr old daughter

Response – The applicant will need to ensure that the structure meets all necessary engineering requirements.

10 ONE HAS TO ASK WHAT IS PURPOSE OF GAIN WALL, my property visual aspects have not change in 13 yrs so when mr Harrison flew here from Queensland to inspect 12 don vista drive he knew what was next door including (DOG) ,it my position the purpose of wall is for mr Harrison to further grow his accommodation business he appears running from home ,he appears to currently have 4 tenants of Asian descent live in top floor of house ,some appear to be season workers ,lots of Asian people coming and going . I assume does not comply with residential use ,and more interesting when he brought house it had trees all way up fence (screen) first thing he did was cut down but now Asian living he needs screen (why)

Response – The reason behind why someone wishes to build a structure is not a question asked by the planning scheme.

In regard to visitors, Visitor Accommodation does not require a planning permit where the dwelling is used by the owner as their main place of residence and visitors are accommodated in not more than 4 bedrooms.

I ask this application be reject on above grounds and resubmitted by registered designer including structural design, including loading on my existing structure mr Harrison is trying to use my structure to form bottom half of his wall

1 screen be in line with garage set back no closer to boundary line

2 screens to be max 30 meters long from garage, end (already have large trees bottom end of drive from mr Harrison, my view of don heads is dismissing and visual aspect

3 colour to blend with existing

4 wind loading and noise environmental assessment on parasol so not to impede on my life style, (ie flapping in wind) no sleep .

5 high quality engineered parasol to be use as not to end up on my property (designer) and rated fixings

6 no commercial renting out of premises ie backpackers, house share, season workers , etc

7 building act say must comply with building code of aust, needs registered builder, no way handy man can comply with this

Response – The applicant will need to comply with the requirements of the National Construction Code and obtain all necessary permits prior to construction. This includes ensuring the structure is appropriately engineered and constructed by an appropriate person. Compliance will ensure the structure remains intact and does not create a noise nuisance.

View and colour are not considerations of the planning scheme.

The proposed setback is deemed appropriate.

Visitor accommodation is exempt from planning if carried out in the manner described by the representor.

The representation does not raise any concerns that warrant refusal of the application nor additional conditions to be placed on the permit. Compliance with the requirements of the National Construction Code will ensure the issues raised are dealt with.

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

In its capacity as a planning authority under the *Land Use Planning and Approvals Act 1993* (LUPAA), Council is required to make a determination on this application for a discretionary planning permit. Due diligence has been exercised in the preparation of this report and there are no predicted risks associated with a determination of this application.

CONCLUSION

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

ATTACHMENTS

1. Application Detail - PA2022.0213 - 12 Donvista Drive, Don - Residential (screen) [**4.2.1** - 15 pages]
2. Representation - PA2022.0213 - 12 Donvista Drive, Don [**4.2.2** - 6 pages]

5 CLOSURE