

**Minutes of the Planning Authority Committee of the Devonport City Council
held in the Aberdeen Room, Level 2, paranple centre,137 Rooke Street, Devonport
on Monday 8 May 2023 commencing at 5:15 PM**

Present Cr A Jarman(Mayor) in the Chair
Cr S Sheehan
Cr G Enniss
Cr P Hollister
Cr L Murphy

Councillors in Attendance Cr A Moore
Cr J Wilczynski

Council Officers: General Manager, M Atkins
Deputy General Manager, J Griffith
Executive Manager, K Lunson
Land Use Planning Coordinator, A Mountney
Planning Officer, E Pieniak (remote)

Audio Recording: All persons in attendance were advised that it is Council policy to record Council meetings, in accordance with Council's Digital Recording Policy. The meeting was live streamed via YouTube.

1 APOLOGIES

The following apology was received for the meeting.

Cr D Viney

2 DECLARATIONS OF INTEREST

The following Declarations of Interest were advised:

Councillor	Item No	Reason	Remaining in Meeting? Yes/No	If remaining, reason/s for decision
Cr L Murphy	3.1	Engaged in real estate industry	Yes	Known to the proponents however not been engaged by them previously
Cr L Murphy	3.2	Engaged in real estate industry	Yes	Known to the proponents however not been engaged by them previously
Cr L Murphy	3.3	Engaged in real estate industry	No	Engaged by the proponents

3 DEVELOPMENT REPORTS

3.1 PA2023.0052 - 6 MERSEYVIEW COURT EAST DEVONPORT - RESIDENTIAL (SINGLE DWELLING AND RETAINING WALLS)

PAC23/4 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Murphy

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 PA2023.0052 and grant a Permit to develop land identified as 6 Merseyview Court, East Devonport for the following purposes:

- Residential (single dwelling and retaining wall)

Subject to the following conditions:

1. The Development is to proceed generally in accordance with the submitted plans referenced as Proposed Residence (Sheet Nos. A01-A06, REV:A), dated 17.03.2023 by RFS Projects, a copy of which is attached and endorsed as documents forming part of this Planning Permit.
2. All stormwater collected from the development is to be directed into the existing property stormwater pipe in accordance with the National Construction Code.
3. Certification and details from a suitably qualified civil or structural engineer must be submitted to Council regarding all retaining walls over the height of 1m.

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.

The developer is to seek written consent from Council's Infrastructure & Works Department if any access is proposed i.e., contractors or machinery within the adjoining Council reserve at 54 Caroline Street, East Devonport.

The development is to comply with the *Directors Determination - Landslip Hazard Areas*.

The development is to comply with the *Director's Guideline – Protection 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*.

Regarding conditions 2-3, the developer should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

FOR: Cr Jarman, Cr Sheehan, Cr Ennis, Cr Hollister and Cr Murphy
AGAINST: Nil

CARRIED 5 / 0

3.2 PA2022.0199 - 108 RIVER ROAD AMBLESIDE - RESIDENTIAL (MULTIPLE DWELLINGS X 13)

PAC23/5 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Murphy

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 PA2022.0199 and grant a Permit to use and develop land identified as 108 River Road, Ambleside for the following purpose:

- Residential (multiple dwellings x13)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as project: Smith & Brown, revision A by RFS Projects, copies of which are attached and endorsed as documents forming part of this Planning Permit.
 2. Prior to occupancy of the development a Part 5 Agreement in accordance with Section 71 of the *Land Use Planning and Approvals Act 1993* must be registered on the certificate of title. The Part 5 Agreement is to be between Council and the owners, and all costs associated with making the agreement are to be borne by the Owner/Developer. The scope of the agreement is to include:
 - a. Acknowledgement that Council takes no responsibility for any damage or maintenance as a result of the waste collection vehicle access within the property; and
 - b. In the instance Council ceases waste collection services, a private contract for waste collection will be required.
 - c. No development or structure, including fencing and plinths, are to be located over, or create obstruction to, the overland flow path drainage easement running along the southern site boundary. This point is required, unless an alternative solution to overland flow path is designed and approved by Council's Infrastructure Manager.
 3. The developer is to install stormwater works in accordance with plans and specifications approved by the Council after their preparation by a suitably qualified engineer. The works are to be supervised by a suitably qualified engineer who is to certify after installation that the works have been substantially completed in accordance with the approved plans and specifications.
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4. The developer is to ensure that the driveway, and car parking areas are set at suitable levels to ensure that the stormwater runoff is collected via grated drains or pits and discharged through the property's connection to the Council system.
5. The overland flow path that follows the drainage easement inside the property boundary is not to be obstructed in any way from entering and exiting the property, including fences.
6. 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 250m² of ground disturbance) Building & Construction Sites" recommendations.
7. The stormwater is to be discharged in accordance with the National Construction Code. Regarding stormwater, long sections and design calculations prepared by a suitably qualified engineer are to be provided to Council for approval.
8. The car parking spaces and turning areas must be clearly delineated by line marking or other means to clearly identify the visitor parking spaces and no parking within turning bays.
9. The habitable room windows setback less than 2.5m from the shared driveway; being units 1, 2, 4, 5, 6, 8, 10, 12 and 13, are to be provided with some sort of screening or alternative window solution to prevent vehicle light intrusion impacts.
10. 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.

In relation to street addressing for the units, the following is to apply:

Unit No.	Street Address
1	Unit 1/108 River Road
2	Unit 2/108 River Road
3	Unit 3/108 River Road
4	Unit 4/108 River Road
5	Unit 5/108 River Road
6	Unit 6/108 River Road
7	Unit 13/108 River Road
8	Unit 12/108 River Road
9	Unit 11/108 River Road
10	Unit 10/108 River Road
11	Unit 9/108 River Road

12	Unit 8/108 River Road
13	Unit 7/108 River Road

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.

Regarding condition 10 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

Regarding conditions 3 – 7 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.

FOR: Cr Jarman, Cr Sheehan, Cr Enniss, Cr Hollister and Cr Murphy

AGAINST: Nil

CARRIED 5 / 0

3.3 AM2022.04 & PA2022.0121 - 246 BROOKE STREET EAST DEVONPORT - REZONE FROM AGRICULTURE ZONE TO GENERAL RESIDENTIAL ZONE AND 39 LOT SUBDIVISION

Cr Murphy left the meeting at 5:19 pm.

PAC23/6 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Enniss

That the Planning Authority resolve that:

- The Tasmanian Planning Commission be advised that the Planning Authority remains satisfied that the draft amendment meets the Local Provisions Schedule criteria in accordance with section 34(2) of the *Land Use Planning and Approvals Act 1993*;
- A copy of this report and representations be forwarded to the Tasmanian Planning Commission;
- The TasWater SPAN is to be included as part of condition 14 of draft permit PA2022.0121. A revised draft copy of the permit is to be provided to the Tasmanian Planning Commission; and
- Certification of the draft amendment, as per resolution 23/11, remains supported.

FOR: Cr Jarman, Cr Sheehan, Cr Enniss, Cr Hollister and Cr Murphy

AGAINST: Nil

CARRIED 5 / 0

4 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 5.20 pm.

Confirmed

Chairperson