

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

**Present** Cr A Jarman(Mayor) in the Chair  
Cr S Sheehan  
Cr G Enniss  
Cr L Murphy  
Cr D Viney

**Councillors in Attendance** Cr Wilczynski  
Cr S Martin

**Council Officers:** General Manager, M Atkins  
Executive Manager, K Lunson  
Land Use Planning Coordinator, A Mountney  
Senior Town Planner, C Milnes (remote)  
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 Hollister

## 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 D Viney	3.1	I am an associate of one of the representations for a planning development project	Yes	They are not a close associate
Cr L Murphy	3.1; 3.2; 3.3; 3.4	I am employed in the Real estate industry in my professional capacity	Yes	I am not known to any of the proponents and have not previously been engaged by any of them in capacity as a Property Consultant

### 3 DEVELOPMENT REPORTS

#### 3.1 PA2023.0039 - 2 SMITH STREET DEVONPORT - RESIDENTIAL (SINGLE DWELLING AND OUTBUILDING)

##### PAC23/7 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Viney

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 PA2023.0039 and grant a Permit to use and develop land identified as 2 Smith Street, Devonport for the following purposes:

- Residential (single dwelling and outbuilding)

Subject to the following conditions:

##### Planning Conditions

1. Unless requiring alteration by subsequent conditions, the use and development is to proceed generally in accordance with the submitted plans referenced as Project: 2 Smith Street, Devonport. TAS (project no. 221021 - drawing nos. 01.01, 01.02, 01.06, 01.09, 01.12 & 01.19, revision DA-02, dated 19/05/2023, a copy of which is attached and endorsed as documents for forming part of this Planning Permit.
2. Prior to the submission of the building and plumbing permit documentation, the developer must provide amended plans, showing a permanently fixed screen on the first floor deck where it is situated within 3m of the side boundaries and 4m of the rear boundary. The screening is to be 1.7m above the finished surface of the floor level with a uniform transparency of not more than 25%. The amended plans must be endorsed by Council's Executive Manager prior to submission of the building and plumbing permit documentation (refer to note).

##### Infrastructure & Works Conditions

3. 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 20 -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. All design calculations are to be submitted for approval by the City Engineer prior to lodgement of any subsequent building permit applications.
4. Subject to condition 3, and as part of any subsequent plumbing permit application, the proposed development is to have a suitably sized stormwater connection generally in accordance with the *Tasmanian Standard Drawings*.

The size and location of the proposed stormwater connection is to be designed by a suitably qualified hydraulic engineer.

5. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.
6. There is to be no uncontrolled overland flow of stormwater from the proposed development to any of the adjoining properties.
7. The surface water from the driveway and or any paved areas is to be collected and drained to the private stormwater drainage system.

#### TasWater Condition

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.

Condition 2 is required to satisfy the acceptable solution of General Residential Zone development standard 8.4.6 A1 – *Privacy for all dwellings*. Council cannot support the corresponding performance criteria prescribed within P1 for the first floor deck as proposed.

The developer is to ensure all required action is undertaken to protect neighbouring buildings, infrastructure and vegetation. Building Protection Work may be applicable, and the developer is to liaise with a registered building surveyor regarding this matter.

Regarding pruning of neighbouring vegetation or trees the owner/developer must adhere to the requirements of the *Neighbourhood Disputes About Plants Regulations 2017*.

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

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

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*.

In regard to condition 8 the developer should contact TasWater – Ph 136 992 with any enquiries.

In regard to conditions 3-7 the developer 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 Murphy and Cr Viney

AGAINST: Nil

CARRIED 5 / 0

## 3.2 PA2023.0047 - 101 PARKER STREET DEVONPORT - RESIDENTIAL ADDITIONS

### PAC23/8 RESOLUTION

MOVED: Cr Murphy  
SECONDED: Cr Sheehan

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 PA2023.0047 and grant a Permit to develop land identified as 101 Parker Street, Devonport for the following purposes:

- Residential additions

Subject to the following conditions:

1. The Development is to proceed generally in accordance with the submitted plans referenced as Drawing No. 1523 (1-7) dated 24/02/2023 by Weeda Drafting, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The surface water from the driveway and or any paved areas is to be collected and drained to the private stormwater drainage system.
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. Use of the studio is to be solely by residents of the dwelling and must not be for any commercial activity.
5. During the construction or use of the development as approved, 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.

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 demolition/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.

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) and disposal of all hazardous wastes is to be undertaken in strict compliance with the *Environmental Management and Pollution Control (Waste Management) Regulations 2020*.

In regard to conditions 2-3 the applicant 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 Murphy and Cr Viney  
AGAINST: Nil

CARRIED 5 / 0

### **3.3 PA2023.0003 - 16 LAWRENCE DRIVE DEVONPORT - RESIDENTIAL (MULTIPLE DWELLINGS) ONE ADDITIONAL UNIT**

#### **PAC23/9 RESOLUTION**

MOVED: Cr Viney  
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 PA2023.0003 and grant a Permit to use and develop land identified as 16 Lawrence Drive, Devonport for the following purposes:

- Residential (multiple dwellings) one 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 Change of Use of Pool Room to a Dwelling Unit, Project no. 11222, Dwg No. 1-10 dated 04/11/22 by Weeda Drafting and Building Consultants Pty Ltd, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. 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.
3. 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.

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*.

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.

Street Addressing:

- Existing dwelling will be addressed as 1/16 Lawrence Drive
- Proposed dwelling (rear unit) will be addressed as 2/16 Lawrence Drive

In regard to condition 3 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to condition 2 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 Murphy and Cr Viney  
AGAINST: Nil

CARRIED 5 / 0

### **3.4 PA2023.0062 - 39 VICTORIA PARADE DEVONPORT - RESIDENTIAL (2 X MULTIPLE DWELLINGS)**

#### **PAC23/10 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Viney

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 PA2023.0062 and grant a Permit to use and develop land identified as 39 Victoria Parade, Devonport for the following purposes:

- Residential (2 x multiple dwellings)

Subject to the following condition:

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### Planning Conditions

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Sullivan Apartments – DA Issue 00825 - Drawings DA.01-DA.28, dated 04.04.23 by andrew smith architects. A copy of which is attached and endorsed as documents forming part of this Planning Permit.

### Infrastructure & Works Conditions

2. 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 20 -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. All design calculations are to be submitted for approval by the City Engineer prior to lodgement of any subsequent building permit applications.
3. Subject to condition 2, and as part of any subsequent plumbing permit application, the proposed development is to have a suitably sized stormwater connection generally in accordance with the Tasmanian Standard Drawings. The size and location of the proposed stormwater connection is to be designed by a suitably qualified hydraulic engineer.
4. The new driveway is to be constructed generally in accordance with the Tasmanian Standard Drawing TSD-R09-v3.
5. The developer is to remove the redundant driveway crossovers and reinstate with kerb and channel and nature strip to Council's specification.
6. Stormwater services are to be disconnected and temporarily capped for re-use. Any capped service is to be inspected by a Council officer.
7. The developer is to be responsible for making good and/or cleaning any footpaths, road surfaces or other element damaged or soiled because of the project.
8. The contractor is to ensure the proposed access shall not cause any undue disturbance to neighbouring properties nor the regular vehicular movement of traffic within the road reserve during the demolition process.
9. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.
10. 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 to the required service connection point.
11. There is to be no uncontrolled overland flow of stormwater from the proposed development to any of the adjoining properties.
12. If the existing street tree adjacent to the site's vehicular accesses is to be removed, the developer must seek written consent from Council's Infrastructure & Works Manager for approval.



## TasWater Condition

13. 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.

Regarding future street addressing, the following is to apply:

- Apartment A - Unit 1, 2A James Street; and
- Apartment B – Unit 2, 2A James Street.

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

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) and disposal of all hazardous wastes is to be undertaken in strict compliance with the *Environmental Management and Pollution Control (Waste Management) Regulations 2020*.

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*.

In regard to condition 12 the developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 2-11 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 Enniss, Cr Murphy and Cr Viney  
AGAINST: Nil

CARRIED 5 / 0

## **4 CLOSURE**

**There being no further business on the agenda the Mayor declared the meeting closed at 5.27 pm.**

Confirmed

Chairperson