



*The City with Spirit*

## **NOTICE OF MEETING**

Notice is hereby given that a **Planning Authority Committee** meeting of the Devonport City Council will be held in Aberdeen Room, Level 2, paranaple centre, 137 Rooke Street, Devonport, on Monday 3 June 2019, commencing at 5:15pm.

**The meeting will be open to the public at 5:15pm.**

## **QUALIFIED PERSONS**

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports in this agenda contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

Paul West  
GENERAL MANAGER

**29 May 2019**

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF  
DEVONPORT CITY COUNCIL HELD ON MONDAY 3 JUNE 2019  
IN THE ABERDEEN ROOM, paranaple centre, 137 ROOKE STREET, DEVONPORT AT 5:15PM**

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Agenda of a meeting of the Devonport City Council's **Planning Authority Committee** to be held in the Aberdeen Room, paranaple centre, 137 Rooke Street, Devonport on Monday 3, June 2019 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 Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

**1.0 APOLOGIES**

**2.0 DECLARATIONS OF INTEREST**

### **3.0 DELEGATED APPROVALS**

#### **3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 1 MAY 2019 - 21 MAY 2019**

##### **ATTACHMENTS**

- [1.](#) Planning applications approved under delegated authority 1 May 2019 - 21 May 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
PA2019.0037	211 Tugrah Road Tugrah	2 lot subdivision	13/05/2019
PA2019.0044	37 Dana Drive Devonport	Residential (multiple dwellings x 3)	10/05/2019
PA2019.0045	10-12 Edward Street Devonport	Residential (14 multiple dwellings)	07/05/2019
PA2019.0049	12 Forbes Street Devonport	Change of use (church)	06/05/2019
PA2019.0051	6 Mungala Crescent Miandetta	Residential (shed and carport)	09/05/2019
PA2019.0054	13 Regent Court Devonport	Residential (existing carport)	01/05/2019
PA2019.0055	294 Forthside Road Forthside	Residential (single dwelling additions)	03/05/2019
PA2019.0056	90 James Street Devonport	Residential (multiple dwelling)	21/05/2019
PA2019.0057	143 Gunn Street Devonport	Residential (shed)	16/05/2019

## **4.0 DEVELOPMENT REPORTS**

### **4.1 PA2019.0061 SUBDIVISION (4 LOTS) - 12 CLARE COURT DEVONPORT**

**File: 36106 D580732**

#### **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

#### **PURPOSE**

The purpose of this report is to enable the Planning Authority to make a decision regarding planning application PA2019.0061.

#### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Payal Patel of Veris Australia Pty Ltd
Owner:	Christopher James Graham
Proposal:	Subdivision (4 lots)
Zoning:	General Residential
Existing Use:	Residential (multiple dwellings)
Decision Due:	5/06/2019

#### **SITE DESCRIPTION**

The site is a 1,973m<sup>2</sup> allotment identified by certificate of title (CT) 22426/10 with the property address of 12 Clare Court, Devonport. Located on the property are seven flats of weatherboard construction that were built in the early 1960s and an ancillary garage. The site has road frontage to both Clare Court and Coles Beach Close and is flat. The property is immediately surrounded by Crown reserve to the north and established residential development to the east and south.

Figure 1 is an aerial image of the site and surrounding locality, Figure 2 a copy of the property's title and Figure 3 is a recent image of the site.



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

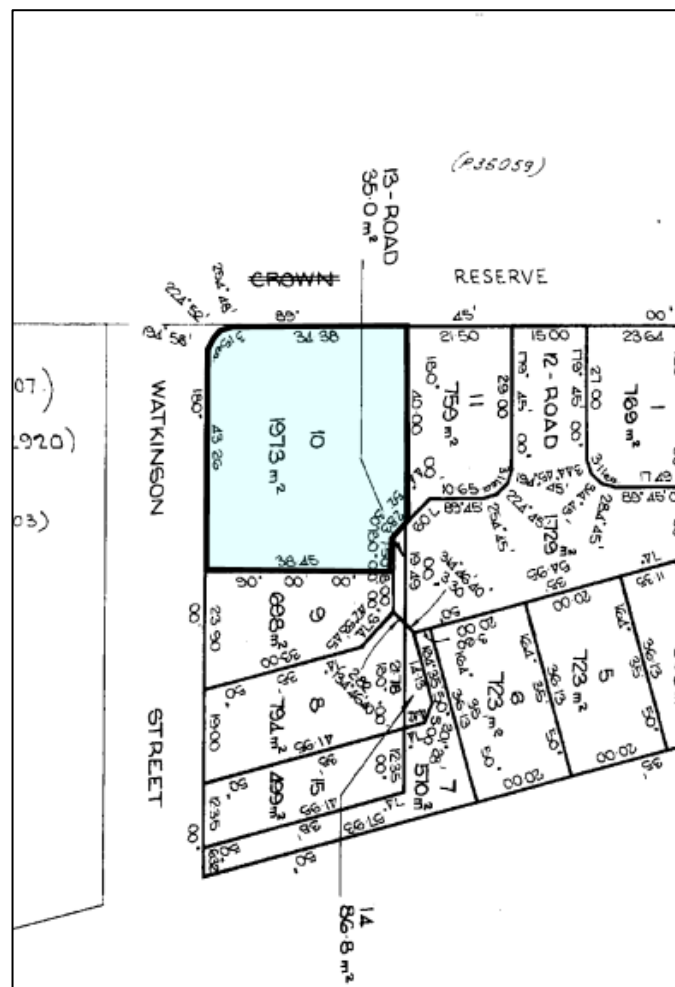


Figure 2 - Title Plan of subject site - CT 22426/10 (The List, Tasmanian Government, 1984)



**Figure 3 – Image of site looking east from Coles Beach Close (DCC, 2019)**

#### **APPLICATION DETAILS**

The applicant is seeking approval to demolish the existing buildings on the property and subdivide the property into four residential lots. The lots are proposed to vary in size from 385m<sup>2</sup> to 651m<sup>2</sup>. A copy of the proposed subdivision layout is shown below as Figure 4. A full copy of the development application is appended as **Attachment 1**.

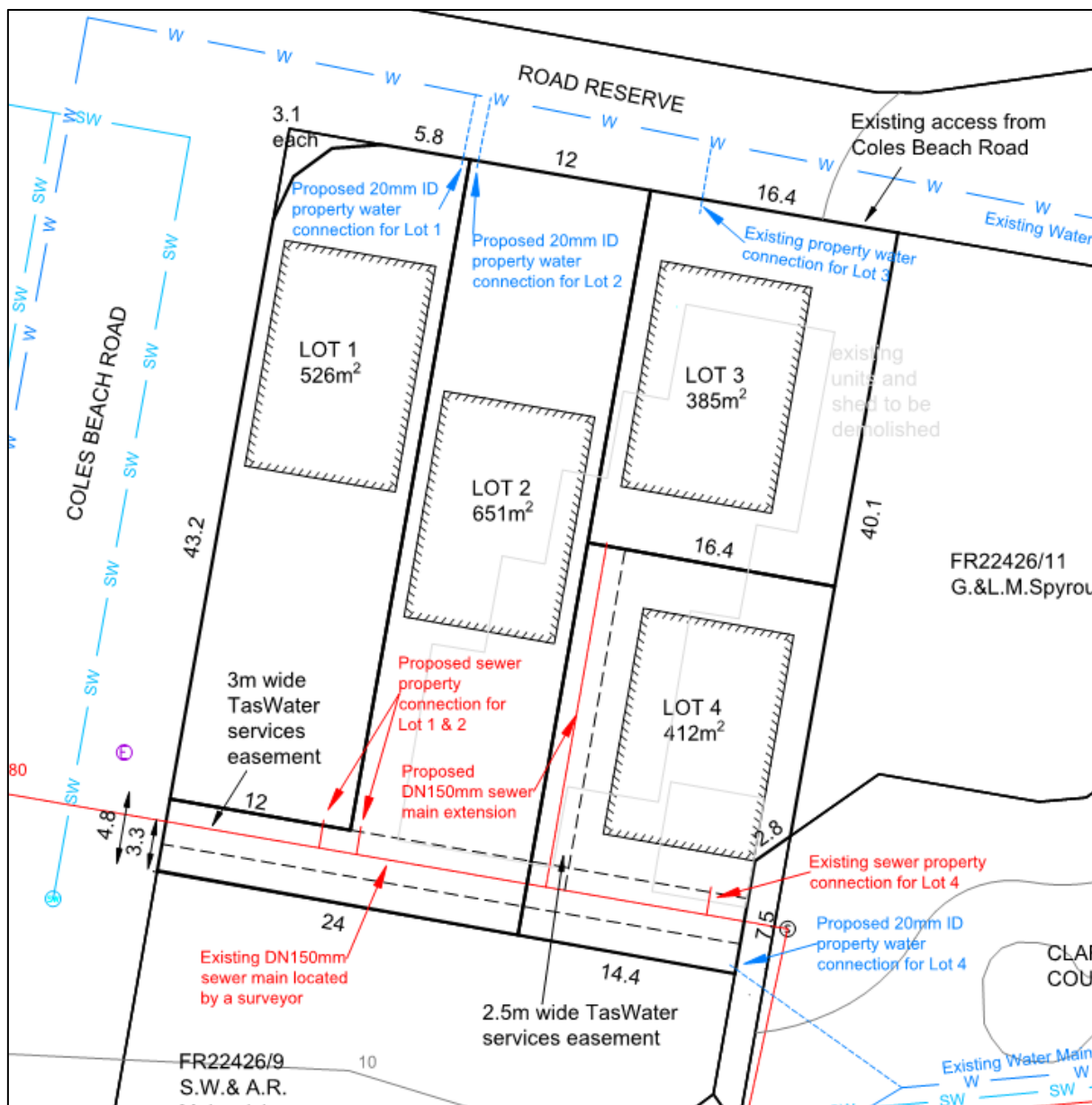


Figure 4 - Proposed subdivision layout (Veris, 2019)

### PLANNING ISSUES

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

Subdivision within the General Residential zone is Permitted.

To determine if the subdivision can be assessed as Permitted, the lot configuration is required to satisfy the acceptable solutions within the General Residential zone and any applicable development Code (including exemptions). Council must approve a permitted development, however conditions on the permit can be applied as necessary. If a development is permitted but cannot satisfy the acceptable solutions of a development standard the discretionary approval process is invoked. A discretionary planning application is required to be publicly advertised and Council can approve or refuse a



discretionary application. Reliance is placed on the performance criteria of the particular development standard where the acceptable solutions are not satisfied to determine if a permit pathway is achievable.

The applicable sections of the DIPS are reproduced below, along with comments.

#### 10.4.9 Suitability of a site or lot for use or development

<b>Objective:</b> The minimum properties of a site and of each lot on a plan of subdivision are to –	
(a) provide a suitable development area for the intended use; (b) provide access from a road; and (c) make adequate provision for connection to a water supply and for the drainage of sewage and stormwater	
Acceptable Solutions	Performance Criteria
<b>A1</b> A site or each lot on a plan of subdivision must –	<b>P1</b> A site or each lot on a plan of subdivision must –
(a) have an area of not less than 330m <sup>2</sup> excluding any access strip; and (b) if intended for a building, contain a building area of not less than 10.0m x 15.0m	(a) be of sufficient area for the intended use or development without likely constraint or interference for –
(i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right of way benefiting other land; (v) clear of any restriction imposed by a utility; (vi) not including an access strip; (vii) accessible from a frontage or access strip; and (viii) if a new residential lot, with a long axis within the range 30° east of north and 20° west of north	(i) erection of a building if required by the intended use; (ii) access to the site; (iii) use or development of adjacent land; (iv) a utility; and (v) any easement or lawful entitlement for access to other land; and (b) if a new residential lot, be orientated to maximise opportunity for solar access to a building area

In relation to 10.4.9 A1 (a), each lot is in accordance with the acceptable solutions as the proposed lots have an area in excess of 330m<sup>2</sup>.

Compliance with the acceptable solutions for 10.4.9 A1 (b) is not met as the lots fail to achieve a 10m x 15m building envelope clear of the applicable building setbacks and do not have a long axis within the range 30° east of north and 20° west of north.

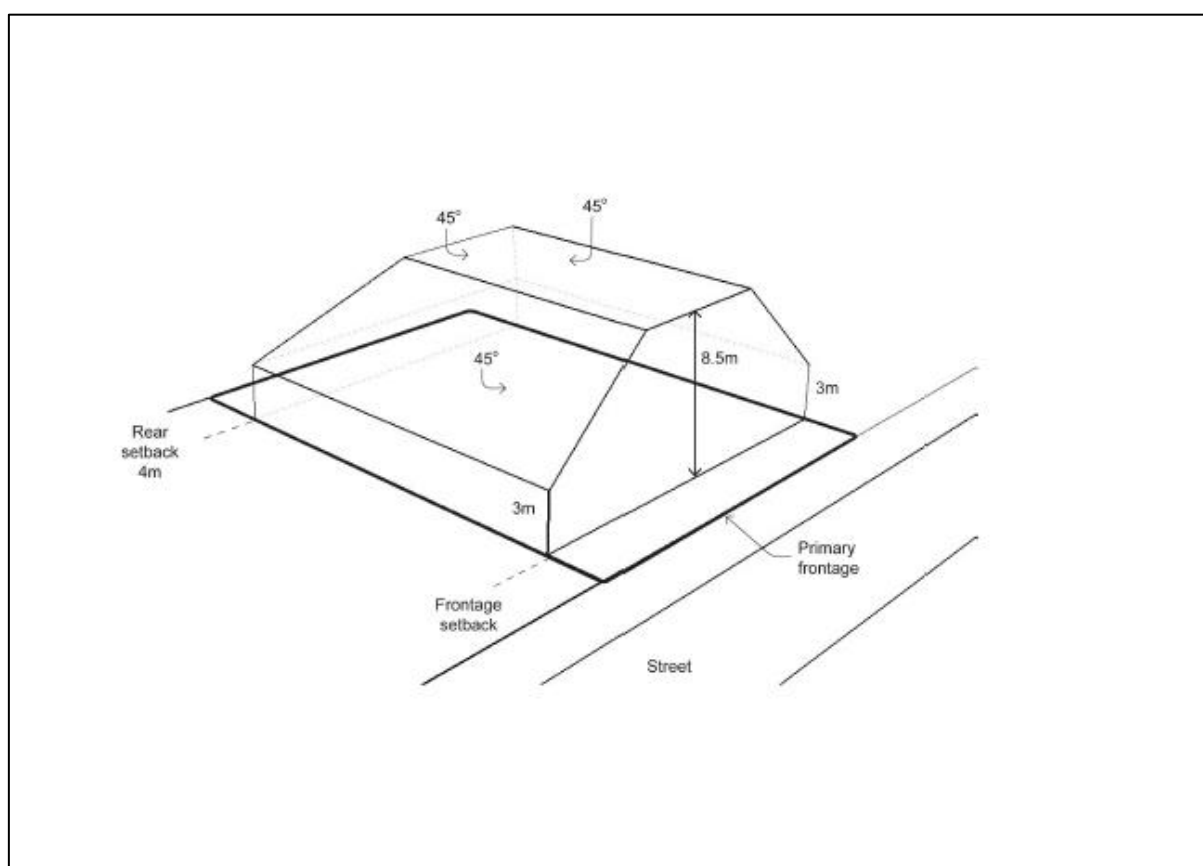
The applicant (Veris) has provided the following justification to support the corresponding performance criteria:

*The proposed subdivision does not comply with the acceptable solution of 10.4.9 (b). The proposed lot designs are optimised to allow for attractive building sites orientated towards the north-east (Coles Beach). The proposed subdivision is of sufficient size to allow for attractive two storey residential buildings. The owner intends to implement a covenant to restrict building sites to allow for the controlled development of all lots without interfering with each other by off-setting the building sites to each other.*

*The proposed development is considered to be compliant with the Performance Criteria 10.4.9 P1 as all lots are of sufficient size to accommodate residential dwellings without interfering with existing infrastructure, easements or required accesses. The*

*proposed lots are orientated towards the north-east towards Coles Beach. Private open spaces will be orientated towards the north-east due to the view. The proposed subdivision design is optimised for the most efficient use of the land by creating lots with desirable building sites to allow for private open spaces to have access to solar and view.*

The proposed lots are intended for residential use and the applicant has provided indicative building envelopes which are generally in accordance with the prescribed setbacks for the General Residential zone. Any future development on the lots will need to satisfy the planning scheme requirements which take into account matters such as building height and privacy matters. The applicant has nominated that two storey dwellings are likely to be constructed on the lots so coastal views can be achieved. Due to the prescribed 3-dimensional building envelope for the General Residential zone (refer to Figure 5 below), discretion may be triggered for future development on the lots and it will be crucial that impacts such as visual bulk and overshadowing are taken into account.



**Figure 5 - Prescribed 3-dimensional building envelope for the General Residential zone (DIPS, 2013)**

Through smart design future development on the lots can maximise solar gain and the lots can be appropriately serviced by reticulated water, sewer and stormwater while satisfactory access locations can be achieved.

It is also worth noting that under the current planning scheme provisions, development of multiple dwellings (eg townhouses) on the proposed lots will not be possible as the acceptable solutions of the General Residential zone stipulate an acceptable multiple dwelling density of 1 unit per 325m<sup>2</sup> (lot 2 has the greatest overall area of 637m<sup>2</sup>). Council has discretion to consider a lesser density but the requirements in the corresponding performance criteria make it difficult for a permit pathway in this location.

Report to Planning Authority Committee meeting on 3 June 2019

In relation to the applicant's intention to include a restrictive building covenant this can be included on the title documentation but is something that Council cannot police. Any development will be subject to compliance with the planning scheme. However, if a covenant is breached, the affected lot owners can take their own legal enforcement action.

Overall, the submitted subdivision layout can satisfy the performance criteria for 10.4.9 P1.

<p><b>A2</b></p> <p>A site or each lot on a subdivision plan must have a separate access from a road –</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p> <p>(i) 3.6 m for a single dwelling development; or</p> <p>(ii) 6.0 m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan</p>	<p><b>P2</b></p> <p>(a) A site must have a reasonable and secure access from a road provided –</p> <p>(i) across a frontage; or</p> <p>(ii) by an access strip connecting to a frontage, if for an internal lot; or</p> <p>(iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(iv) the dimensions of the frontage and any access strip or right of way must be adequate for the type and volume of traffic likely to be generated by –</p> <p>a. the intended use; and</p> <p>b. the existing or potential use of any other land which requires use of the access as the means of access for that land; and</p> <p>(v) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or</p> <p>(b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan</p>
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Each lot has an access from a road frontage (either Clare Court or Coles Beach Close) and Council's Infrastructure and Works Department is satisfied with the access arrangements. The acceptable solutions are met.

<p><b>A3</b></p> <p>A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i></p>	<p><b>P3</b></p> <p>It must be unnecessary to require a water supply</p>
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Each lot is capable of connecting to a reticulated water supply and the acceptable solution is satisfied. TasWater has provided conditions in relation to the water reticulation for each lot to be incorporated as a permit condition.



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<b>A4</b>  A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and waste water to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>	<b>P4</b>  It must be unnecessary to require the drainage and disposal of sewage or waste water
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Each lot is capable of connecting to a reticulated sewer supply and the acceptable solution is satisfied. TasWater has provided conditions in relation to the sewer reticulation for each lot to be incorporated as a permit condition.

<b>A5</b>  A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>	<b>P5</b>  It must be unnecessary to require the drainage of stormwater
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A condition will be included on the permit to ensure stormwater disposal for the lots is in accordance with the *Urban Drainage Act 2013*. The acceptable solution can be met.

**10.4.13 Subdivision**

**Objective:**

The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the General Residential zone

Acceptable Solutions	Performance Criteria
<b>A1</b>  Each new lot on a plan of subdivision must be –  (a) intended for residential use;  (b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority	<b>P1</b>  Each new lot on a plan of subdivision must be –  (a) for a purpose permissible in the zone
<b>A2</b>  A lot, other than a lot to which A1(b) applies, must not be an internal lot	<b>P2</b>  (a) An internal lot on a plan of subdivision must be –  (i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots imposed by –  a. slope, shape, orientation and topography of land;  b. an established pattern of lots and development;  c. connection to the road network;  d. connection to available or planned utilities;  e. a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a water course; or  f. exposure to an unacceptable level of risk from a natural hazard; and  (ii) without likely impact on the amenity of adjacent land

The applicant has stated that each lot is for residential use and the acceptable solutions are satisfied for 10.4.13 A1.

In relation to 10.4.13 A2, the acceptable solutions cannot be satisfied for lot 2 as it is an internal lot. The overall subdivision layout is considered an efficient layout of land, can be suitably serviced and any future development will need to satisfy the planning scheme requirements which will likely reduce impacts to the adjacent future lots. The internal configuration of lot 2 can conform to the performance criteria.

#### 10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision

<b>Objective:</b>	
Distribution and connection of reticulated electricity supply to new lots on a plan of subdivision is to be without visual intrusion on the streetscape or landscape qualities of the residential area	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
Electricity reticulation and site connections must be installed underground	It must be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground

It is unclear whether the proposed lots will be serviced by overhead or underground electricity reticulation. The existing flats are serviced by overhead reticulation from Coles Beach Close, in contrast most properties in Clare Court are connected to underground reticulation. To ensure the views over Coles Beach and Don are not interrupted it is thought most likely that the lots will be serviced by underground reticulation. However, it is not considered detrimental to the application if overhead reticulation is preferred by the developer. This matter will be noted on the permit.

The demolition component of the application is considered to meet the exemptions under the DIPS as the proposed lots are for residential purposes which is a permissible use in the General Residential zone. In addition, the buildings to be demolished are not subject to any local or state heritage listing.

In relation to the application of the Bushfire Prone Areas Code (E1), the applicant has provided a bushfire assessment from a suitably qualified bushfire assessor. The assessment demonstrates that the subdivision layout is in accordance with the acceptable solutions of this Code and no further commentary is warranted.

#### REPRESENTATIONS

One representation was received within the prescribed 14 day public scrutiny process. The representation was received from owners of 13 Clare Court who adjoin the development site to the immediate east. A copy of the representation is reproduced below as Figure 6 along with evaluation.

**From:** George Spyrou <georgespyrou@outlook.com>  
**Sent:** Friday, 17 May 2019 9:00 AM  
**To:** Devonport City Council <council@devonport.tas.gov.au>; lynettespyrou@outlook.com  
**Cc:** Fred@McGuinClarkeHillman.com  
**Subject:** PA2019.0061

We have a number of considerations regarding the Planning Permit Application Number PA2019.0061.

Firstly, four lots appears excessive based on the existing properties and infrastructure in the area, two or three lots at most would be more suitable. Any proposed dwelling overlooking 13 Clare Court should be single storey and lessen impact of over crowding, overlooking, overshadowing and excessive noise which may impact on the present quality of living at 13 Clare Court.

Secondly, a "one-liner" is slipped into the application for Demolition of the existing building. No demolition plan has been provided to take into account any heritage features (the present building on 12 Clare Court is one of the original buildings of the area) that are required to be preserved, no asbestos removal protocols and safety initiatives for surrounding residences have been mentioned.

Thirdly, no proposed plan for building has been provided, only very brief statements regarding "two storey dwellings to take in the views". No roof plans, no elevation designs no shadow diagrams to support two storey designs are provided. The major concern is for diminished quality of living for 13 Clare Court with two new two storey buildings overlooking Bedrooms, Living rooms and established gardens creating overcrowding by the proposed new buildings and possible overshadowing and possible excessive noise levels emanating from elevated balconies and second storey living areas. The present building on 12 Clare Court is single storey at the front and two storey at the rear which caters for views without overlooking and overcrowding 13 Clare Court.

Regarding to the proposed application, the proposed lot 4 is excessively close to the border of 13 Clare court. It's proposed building footprint is substantially closer to the property at 13 Clare Court than the present building at 12 Clare Court. This would severely impact quality of living by having a two story structure so close to the property boundary, overlooking and over shading 13 Clare Court. No Building heights have been provided and no over shadowing open space objective has been provided.

The proposed extension sewer has glibly been placed on the western side of lot 4, whereas it would make much more sense for it to be on the Eastern side of lot 4, this would provide a reasonable offset for the proposed building allotment from the property boundary.

Finally, Lot 4 should only be a single storey dwelling to lessen the impact on 13 Clare Court, this would allow lot 4 to have excellent views and still allow the other three proposed lots to also have views and would be consistent with the present structure on 12 Clare Court. Presently, the surrounding properties on Clare Court (Numbers 13, 11, 1 and 2 all have single storey frontages and this should extend to the proposed application.

Please provide acknowledgement and receipt of this submission and the timings and next steps in the application process for Planning Permit Application Number PA2019.0061.

Regards,  
George Spyrou and Lynette Spyrou  
13 Clare Court, Devonport TAS 7310.  
e: [georgespyrou@outlook.com](mailto:georgespyrou@outlook.com)

**Figure 6 - Representation from George & Lynette Spyrou**

Excerpts of the representation are reproduced below along with comment.

*Firstly, four lots appears excessive based on the existing properties and infrastructure in the area, two or three lots at most would be more suitable. Any proposed dwelling overlooking 13 Clare Court should be single storey and lessen impact of over*

*crowding, overlooking, overshadowing and excessive noise which may impact on the present quality of living at 13 Clare Court.*

Comment - The acceptable solutions of the General Residential zone permit a minimum lot size of 330m<sup>2</sup>. Each lot is greater than the acceptable minimum lot size. Furthermore, each lot includes suitable access arrangements and can be serviced by reticulated water, sewer and stormwater, noting that conditions will be included on the permit regarding infrastructure provisions. Lastly, any future development on the lots will require assessment against the planning scheme development standards. Under the DIPS, a single dwelling can be assessed as No Permit Required if the acceptable solutions can be satisfied, however if an acceptable solution cannot be met (ie a building setback or privacy variation) a discretionary planning application is triggered. This process requires an application to be publicly exhibited, adjoining owners notified and assessment is required against the performance criteria to determine if a permit pathway can be achieved.

*Secondly, a "one-liner" is slipped into the application for Demolition of the existing building. No demolition plan has been provided to take into account any heritage features (the present building on 12 Clare Court is one of the original buildings of the area) that are required to be preserved, no asbestos removal protocols and safety initiatives for surrounding residences have been mentioned.*

Comment - The subdivision plan provides an outline of the buildings which are proposed to be demolished, albeit quite faintly. The buildings on site are not subject to any heritage overlay prescribed within the Local Heritage Code (E5) of the DIPS and the property is not listed by the Tasmanian Heritage Council. Demolition concerns such as asbestos control is not a planning scheme consideration but works will need to be in accordance with relevant regulations.

*Thirdly, no proposed plan for building has been provided, only very brief statements regarding "two storey dwellings to take in the views". No roof plans, no elevation designs no shadow diagrams to support two storey designs are provided. The major concern is for diminished quality of living for 13 Clare Court with two new two storey buildings overlooking Bedrooms, Living rooms and established gardens creating overcrowding by the proposed new buildings and possible overshadowing and possible excessive noise levels emanating from elevated balconies and second storey living areas. The present building on 12 Clare Court is single storey at the front and two storey at the rear which caters for views without overlooking and overcrowding 13 Clare Court.*

Comment - As previously discussed, any future development on the lots will need to be assessed against the applicable planning scheme development standards. There is no requirement for a subdivision application to provide future development plans on the proposed lots.

*Regarding to the proposed application, the proposed lot 4 is excessively close to the border of 13 Clare Court. It's proposed building footprint is substantially closer to the property at 13 Clare Court than the present building at 12 Clare Court. This would severely impact quality of living by having a two storey structure so close to the property boundary, overlooking and over shading 13 Clare Court. No Building heights have been provided and no over shadowing open space objective has been provided.*

Comment - It cannot be pre-empted what type of residential development is proposed to be constructed on lot 4. Any development on this lot will be subject to compliance with the planning scheme.

*The proposed extension sewer has glibly been placed on the western side of lot 4, whereas it would make much more sense for it to be on the Eastern side of lot 4, this would provide a reasonable offset for the proposed building allotment from the property boundary.*

Comment – The proposed sewer infrastructure layout for lot 4 has been assessed by TasWater and determined appropriate.

*Finally, Lot 4 should only be a single storey dwelling to lessen the impact on 13 Clare Court, this would allow lot 4 to have excellent views and still allow the other three proposed lots to also have views and would be consistent with the present structure on 12 Clare Court. Presently, the surrounding properties on Clare Court (Numbers 13, 11, 1 and 2 all have single storey frontages and this should extend to the proposed application.*

Comment - The above design recommendation by the representor cannot be enforced by a legally binding planning condition. As discussed, development on this lot will be subject to compliance with the planning scheme. Also, at this stage it is unknown if any future development on this lot will actually be for a two storey dwelling.

In summary, it is recommended the representation be noted by the Planning Authority but the subdivision configuration is not proposed to be altered nor any further conditions included as a result of the representation.

## **DISCUSSION**

The application was referred to TasWater for comment as required by the *Water and Sewerage Industry Act 2008* and conditions from this authority will be included in the final recommendation. Refer to **Attachment 2**.

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

## **FINANCIAL IMPLICATIONS**

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

## **RISK IMPLICATIONS**

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

## **CONCLUSION**

The application has been considered against the applicable provisions prescribed within the DIPS and is recommended for conditional approval.

## **ATTACHMENTS**

- [1.](#) Application - PA2019.0061 - 12 Clare Court
- [2.](#) TasWater Submission to Planning Authority Notice - PA2019.0061 - 12 Clare Court

## RECOMMENDATION

That Council, 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 PA2019.0061 and grant a Permit to subdivide land identified as 12 Clare Court, Devonport for the following purposes:

- 4 lot subdivision (including demolition of flats and shed)

### Planning Condition

1. The subdivision is to proceed generally in accordance with the subdivision plan and other documents referenced as:
  - (a) Subdivision Plan - Drawing No: 301129\_D02, dated 29/04/19 by Veris; and
  - (b) Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan - Job No RGA-B1118, dated 14 April 2019 by Rebecca Green & Associates.

Copies are attached and endorsed as documents forming part of this planning permit.

### Infrastructure & Works Conditions

2. Stormwater discharge from the subdivision is to be adequately 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 adequately identify peak discharge piped and overland flows. All design calculations and drawings are to be submitted for approval by the City Engineer prior to commencing construction on site (refer to note).
3. Concentrated stormwater is to be discharged in accordance with the National Construction Code.
4. Lot 3 is to be serviced for vehicular access by utilising the existing driveway off Clare Court.
5. The driveways for lots 1, 2 and 4 are to be generally designed and constructed in accordance with the IPWEA Tasmanian Standard Drawings and to concrete standard. The size and location of each driveway is to be suitable for the proposed future use of the lots.
6. Any existing redundant driveways and associated infrastructure are to be demolished and reinstated to match adjoining infrastructure and generally in accordance with the relevant IPWEA Tasmanian Standard Drawings.
7. Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards.

### TasWater Condition

8. The developer is to comply with the conditions contained in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit, pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*.

Notes: The following is provided for information purposes.

In regard to condition 2, the developer is to submit detailed design drawings prepared by a suitably qualified engineer detailing stormwater design compliance with current

Tasmanian Standard Drawings and Tasmanian Subdivisional Guidelines, in this regard compliance must be demonstrated with:

- Methods of stormwater control and discharge to an approved stormwater reticulation system from the proposed lots;
- Each proposed lot is to be serviced by a 150mm dia stormwater service connection;
- Each proposed lot is to be adequately serviced to permit future development in accordance with the relevant authorities; and
- Where necessary building envelopes indicating limits of serviceability are to be indicated on the sealed plans.

The developer is encouraged to make available the bushfire hazard management plan to any prospective purchasers of the lot(s). This is to ensure they are aware of the bushfire development requirements.

The developer is to obtain advice from a registered building surveyor and Council's Plumbing Department to determine the applicable approval process required to demolish the existing flats and shed.

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

The developer is to manage any asbestos found during demolition in accordance with the Safe Work Australia "How to Safety Remove Asbestos" Code of Practice and the *Environmental Management and Pollution Control (Waste Management) Regulations 2010*.

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.

Hours of demolition work shall be: Monday to Friday between 7:00am – 6:00pm, Saturday between 9:00am – 6:00pm and Sunday and statutory holidays 10:00am – 6:00pm.

With respect to future street addressing for the lots, the following is to apply:

Lot Number	Street Address
1	11 Coles Beach Road
2	10 Coles Beach Road
3	9 Coles Beach Road
4	12 Clare Court

The subdivider should contact Telstra and Tas Networks to assist them with their forward planning of infrastructure. It is encouraged that electricity reticulation is provided underground if plausible.

In regard to conditions 2-7 the applicant should contact Council's Infrastructure and Works Department – Ph 6424 0511 with any enquiries.

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

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

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



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

## Devonport City Council

*Land Use Planning and Approvals Act 1993 (LUPAA)*

*Devonport Interim Planning Scheme 2013*

## Application for Planning Permit

### Use or Development Site

Street Address: 12 Clare Court, Devonport TAS 7310

Certificate of Title Reference No.: FR22426/10

### Applicant's Details

Full Name/Company Name: Payal Patel of Veris Australia Pty Ltd

Postal Address: 100 Best Street, Devonport

Telephone: 03 6421 3500

Email: p.patel@veris.com.au

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

Full Name/Company Name: Christopher James Graham

Postal Address: 42 Victoria Parade Devonport TAS 7310

Telephone: 04195953514

Email: cgr38403@bigpond.net.au



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?: \_\_\_\_\_

The proposed development is to subdivide the subject site into 4 residential lots as illustrated in the attached plan 301129-D01-Rev1 and supporting report.

Description of how the use will operate: \_\_\_\_\_ Residential dwellings

Use Class (Office use only): \_\_\_\_\_

Applications may be lodged by email to Council - council@devonport.tas.gov.au  
The following information and plans must be provided as part of an application unless the planning authority is satisfied that the information or plan is not relevant to the assessment of the application:

<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>	

## Value of use and/or development

\$ \_\_\_\_\_

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

## If land is not in applicant's ownership

I, Payal Patel of Veris Australia Pty Ltd declare that the owner/s of the land has/have been notified of my intention to make this application.

Applicant's signature:  Date: 21/03/2019

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

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

General Manager's signature: \_\_\_\_\_ Date: \_\_\_\_\_

## If the application involves land owned or administered by the Crown

Crown consent must be included with the application.

## Signature

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

- if incomplete, the application may be delayed or rejected; and
- more information may be requested in accordance with s.54 (1) of LUPAA.

## PUBLIC ACCESS TO PLANNING DOCUMENTS - DISCRETIONARY PLANNING APPLICATIONS (s.57 of LUPAA)

I understand that all documentation included with a discretionary application will be made available for inspection by the public.

Applicant's signature:  Date: 21/03/2019

## PRIVACY ACT

The personal information requested on this form is being collected by Council for processing applications under the *Land Use and Planning Approvals Act 1993* and will only be used in connection with the requirements of this legislation. Council is to be regarded as the agency that holds the information.

## Fee &amp; payment options



**Pay by Direct Deposit** – BSB: 067-402 Account No. 000 000 13 – Please quote your application number.



**Pay in Person at Service Tasmania** – Present this notice to any Service Tasmania Centre, together with your payment. See [www.service.tas.gov.au](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**

DEPUTY RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 22426	FOLIO 10
EDITION 4	DATE OF ISSUE 14-Jun-2017

SEARCH DATE : 18-Feb-2019

SEARCH TIME : 03.07 PM

DESCRIPTION OF LAND

City of DEVONPORT

Lot 10 on Sealed Plan 22426

Derivation : Part of Lot 11 Section O. Gtd. to H. Cole.

Prior CT 4081/3

SCHEDULE 1

C72369    TRANSFER to CHRISTOPHER JAMES GRAHAM    Registered  
22-Dec-1997 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
SP 22426 FENCING COVENANT in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



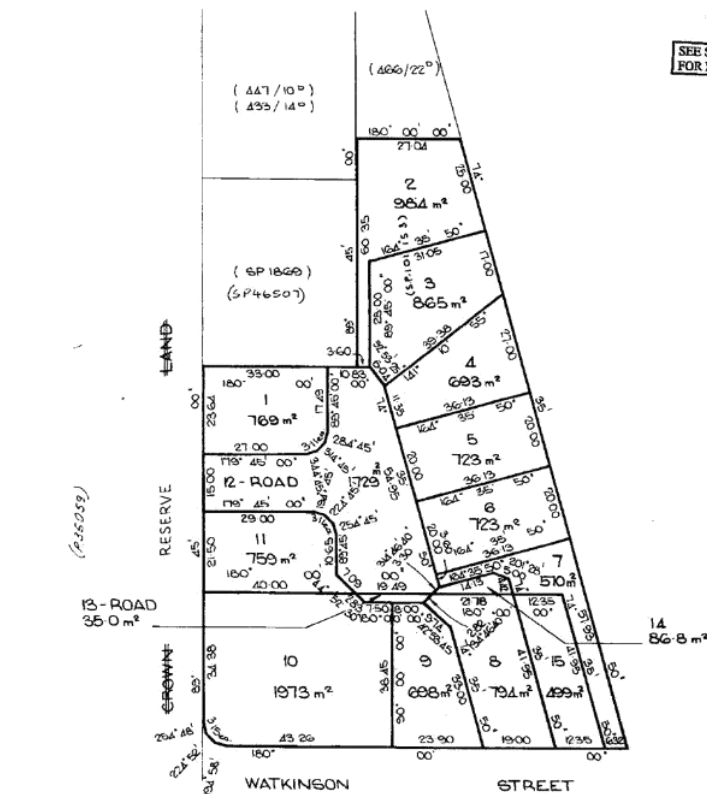
## FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner: Tasfactore Pty. Ltd. Rawlings Hill Pty. Ltd.	PLAN OF SURVEY by Surveyor MR. E.R. FRANKS of land situated in the CITY OF DEVONPORT SECTION 0	Registered Number: <b>S.P22426</b> Approved: 12 APR 1984 Effective from: <i>Brooker</i> ACTING DEPUTY Recorder of Titles
Title Reference: CT 2170-25 CT 2013-46	SCALE 1: 800 MEASUREMENTS IN METRES	
Grantee: Part of Lot 11, 3° 0' 25" Sec. 0 Granted to Henry Cole.		



Lot 7 to be added to Lot 15  
Lot 8 to be added to Lot 14

(D. 22307)  
(S.P. 32970)  
(SP 48903)  
(25° 26')

LOT 7 AND LOT 15  
TOGETHER FORM LOT 17  
LOT 8 AND LOT 14  
TOGETHER FORM LOT 16  
- 5 APR 1995

*Michael Smith*



## SCHEDULE OF EASEMENTS

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



U er: hpublic / Status: OK / Printed: 05-Nov-1998 06:34



## SCHEDULE OF EASEMENTS

PLAN NO.

S. P22426

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

## EASEMENTS AND PROFITS

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows.

## COVENANTS:

- 1 The owner of each lot shown on the plan covenants <sup>with</sup> ~~as~~ the vendors TAS FACTORS PTY. LTD. and RAWLINGS HILL PTY. LTD. that the vendors shall not be required to fence.
- 2 The owner of lot 1 and lot 11 shown on the plan covenant with the vendors and the owners for the time being of every other lot shown on the plan to the intent <sup>that</sup> ~~of~~ the burden of this covenant may run with and bind the <sup>covenantors</sup> ~~covenantors~~ lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot shown on the plan to observe the following stipulations:—  
Not to erect or permit to be erected on either of the said lots any dwelling house or out buildings of the highest part

THIS COPY SCHEDULE CONSISTS OF 2 PAGE/C



## SCHEDULE OF EASEMENTS

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



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2.1.136

of the roof of which shall exceed five metres above the highest  
part of the actual site of such dwelling house or out building  
upon such lot.

THE COMMON SEAL of TASFACTORS )  
 )  
PTY. LTD. (as Registered Proprietor )  
 )  
of the land comprised in certificate )  
of title registered volumn 2170 folio 39) )  
In the presence of )



*at Gibson*  
.....  
DIRECTOR

*Robert W. Hansen*  
.....  
SECRETARY

THE COMMON SEAL of RAWLINGS HILL )  
 )  
PTY. LTD. (as Registered Proprietor )  
 )  
of the land comprised in certificate )  
of title registered volumn 2013 folio 46) )  
In the presence of )



*C.P.R.*  
.....  
DIRECTOR

*[Signature]*  
.....  
SECRETARY



## SCHEDULE OF EASEMENTS

DEPUTY RECORDER OF TITLES

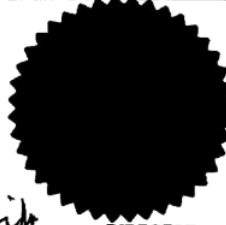
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THE COMMON SEAL of TASMANIAN )  
 PERMANENT EXECUTORS AND EQUITY )  
 TRUSTEES LIMITED the registered )  
 proprietor of Mortgage No A877845 was )  
 hereunto affixed in the presence of: )

20126



DIRECTOR

DIRECTOR

SECRETARY

Executed on behalf of the NATIONAL COMMERCIAL  
 BANKING CORPORATION OF AUSTRALIA LIMITED  
 by its duly appointed Attorneys under Power of  
 Attorney No. 581874. These state that they hold  
 the office in the NATIONAL COMMERCIAL BANKING  
 CORPORATION OF AUSTRALIA LIMITED indicated  
 under their signatures and were declared that they have  
 received no notice of revocation of the said Power of  
 Attorney? in the presence of:

*[Signature]*  
*[Signature]*  
 MANAGER  
 ASSISTANT MANAGER

*[Signature]*





## SCHEDULE OF EASEMENTS

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



User: hpublic / Status: OK / Printed: 05-Nov-1998 06:34

22426

Certified correct for the purposes of the Real Property Act 1862, as amended.

.....  
Subdivider/Solicitor for the SubdividerThis is the schedule of easements attached to the plan of .....  
(Insert Subdivider's Full Name)  
..... affecting land in.....  
(Insert Title Reference)Sealed by Derwent City Council on 23<sup>rd</sup> January 1984.....  
Council Clerk/Town Clerk

10398



Friday, 15 February 2019

Ref: 301129\_L01\_Rev0

To whom it may concern

**RE: Owner authorisation for invoices**

I, Christopher James Graham, herewith authorise Veris to submit a Development Application on my behalf. All charges and fees occurring by the assessment of the Development Application shall be invoiced to me.

Please refer to the owner details on the Development Application form for details.

Kind regards

Christopher James Graham

Devonport  
100 Best Street  
Devonport TAS 7310

T 03 6421 3500  
devonport@veris.com.au  
veris.com.au

Office Locations  
Over 20 offices  
across Australia  
veris.com.au/contactus

Veris Australia  
ABN 53 615 735 727

**DEVELOP  
WITH \_\_\_\_\_  
CONFIDENCE™**



301129 Planning Submission Report

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# Subdivision 12 Clare Court, Devonport

March 2019

DEVELOP  
WITH \_\_\_\_\_  
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Revision	Status	Date	Prepared By	Reviewed By
000	Draft	15/03/2019	Payal Patel	
Rev0	Final	21/03/2019	Payal Patel	Jana Rockliff

## 1. SUMMARY

This report is in support of a Development Application in accordance with Section 57 of the Land Use Planning and Approvals Act 1993 for a subdivision at 12 Clare Court, Devonport.

The subject site is a very unique site due to its location, topography and size. The owner is aiming to maximise the potential of the land while ensuring that the building sites are in harmony with each other to allow all future owners to take advantage of its views.

The proposal is to demolish the existing units and shed and subdivide the lot into 4 new lots for residential use (single dwelling). All 4 lots are orientated towards Coles Beach.

Devonport City Council is the assessment authority for the application.

An assessment of the proposed development against the provisions of the *Devonport Interim Planning Scheme 2013* has been undertaken. Those provisions relevant to the development are discussed in this report.

The proposal is consistent with the above-mentioned requirements and is considered appropriate for approval.

## 2. PROPOSAL DESCRIPTION

The proposed development is to subdivide the subject site into 4 residential lots as illustrated in the attached plan 301129-D01-Rev1.

Lot 1 and 2 will have road access from Coles Beach Road. Lot 3 will utilise the existing access from Coles Beach Road at the north-eastern corner of the property. Lot 4 is proposed to have frontage to Clare Court.

The site is located within a fully serviced residential area of Devonport and hence it is well connected to water, sewer, stormwater and electricity.

Lot 1, 2 and 4 can be connected to the existing sewer main. In order to connect Lot 3 into the sewer infrastructure it is proposed to extend the sewer main along the western boundary of lot 4 by about 22m. There will be a proposed 2.5m wide TasWater service easement over the sewer extension.

Lot 1, 2 and 3 will be connected to existing water main along the northern property boundary and Lot 4 can be connected to the water main at Clare Court.

### 3. SITE DESCRIPTION

The subject site is described in the two following tables:

Location	FR22426/10 – 12 Clare Court, Devonport 7310
Ownership	Christopher James Graham
Site Area (ha) and Road Frontages	Total Site Area – 1973m <sup>2</sup> with approx. 34m frontage to Road Reserve (north), 9m frontage to Clare Court (south-east) and 43m Coles Beach Road (west).
Encumbrances	-
Existing Use	Residential
Local Government Authority	Devonport City Council
Surrounding Land	The subject land is located within the urban area of Devonport and is surrounded by other residential lots containing single dwellings.
Flora and Fauna	The site comprises multiple dwellings and associated outbuilding. The remainder of the site is maintained grass and private gardens.
Topography	The site is flat.
Planning Scheme Designations	Zone: General Residential
Referral requirements	TasWater

## 4. DEVELOPMENT ASSESSMENT

### 4.1. Devonport Interim Planning Scheme 2013

The site is subject to assessment under the *Devonport Interim Planning Scheme 2013*.

The proposal has been assessed against the provisions of the following Sections:

- 9.4 Demolition
- 10.0 General Residential Zone

#### 4.1.1. 9.4 Demolition

The demolition of the existing dwellings and associated shed forms part of this development application and do not need to be addressed separately.

#### 4.1.2. 10.0 General Residential Zone

Those Clauses relevant to the proposal are addressed below:

##### 10.1 Zone Purpose

#### PROPOSAL RESPONSE

The proposal is consistent with the Zone Purpose Statements and the Local Area Objectives as it allows for the efficient use of land through infill development without adversely impacting on residential amenity. The proposed subdivision is of sufficient size for future single residential dwellings with all infrastructure available in the vicinity.

The proposal is consistent with the Desired Future Character Statements as it provides residential lots with choice and diversity in the design, construction and affordability of buildings. It will be sufficient size to retain external ground area for recreation, service, activity and vehicle parking.

##### 10.4.9 Suitability of a site or lot for use or development

#### PROPOSAL RESPONSE

The proposed subdivision is to create four (4) new lots which meets the acceptable solution for the minimum lot size of 330m<sup>2</sup> excluding any access strip.

All lots have access to a road and they are capable of connecting to existing water and stormwater infrastructure available in the vicinity. Lot 1, 2 and 4 are proposed to connect into the existing sewer main running along the southern boundary of the titles. It is proposed to extend the sewer main along the western boundary of Lot 4 to service Lot 3. This will require the creation of a 2.5m wide service easement in favour of TasWater.

*Please note: The sewer main extension is proposed on the western boundary of lot 4 to enable the building areas to be set off to each other.*

The proposed subdivision does not comply with the acceptable solution of 10.4.9 (b). The proposed lot designs is optimised to allow for attractive building sites orientated towards the north-east (Coles Beach). The proposed subdivision is of sufficient size to allow for attractive two storey residential buildings. The owner intends to implement a covenant to restrict building sites to allow for the controlled development of all lots without interfering with each other by off-setting the building sites to each other.

The proposed development is considered to be compliant with the Performance Criteria 10.4.9 P1 as all lots are of sufficient size to accommodate residential dwellings without interfering with existing infrastructure, easements or required accesses. The proposed lots are orientated towards the north-east towards Coles Beach. Private open spaces will be orientated towards the north-east due to the view. The proposed subdivision design is optimised for the most efficient use of the land by creating lots with desirable building sites to allow for private open spaces to have access to solar and view.



**10.4.2 Setbacks and building envelope for all dwellings****PROPOSAL RESPONSE**

The subject site is surrounded by street frontages. Coles Beach Road and the Road Reserve to the north of the subject site was used as primary frontage for Lot 1,2 and 3 to assess required setbacks as the subdivision design is orientated towards this direction (Coles Beach). Clare Court is the only available frontage for Lot 4.

Lot 1, 2 and 3 comply with the applicable primary frontage setback of 4.5m. Lot 1 does not comply with the applicable frontage setback of 3m; however the subject site is the last property along the street and it is highly unlikely that there will any further developments occur. The reduced setback is considered compatible with the streetscape and will not have adverse impact on the amenity.

Lot 1 and 2 rely on a reduced side setback of 1m. The reduced setback is considered acceptable with other dwellings in the vicinity having reduced setbacks as well. Furthermore the intended covenant will limit the building sites on each title to ensure the building sites are off-set to each other to optimise the development potential of each lot.

Lot 3 complies with all applicable setbacks. Lot 4 does not comply with the applicable frontage setback however the reduced setback is according to the setback of the currently existing shed and therefore considered acceptable.

It is also noted that this application is for subdivision only which requires a standard building envelope of 10mx15m to be placed on the site. It is not uncommon for buildings to be less than these dimensions in particular if the site requires it to elevate natural resources (view). The actual boundary setbacks will have to be assessed at the building stage.

**10.4.13 Subdivision****PROPOSAL RESPONSE**

The proposal meets the acceptable solution A1 of this clause as it is intended for residential use. All four (4) lots have frontage to an existing road or a road reserve. Although Lot 2 will have physical access via an access strip from Coles Beach Road it has frontage to the Road Reserve to the north of the property and it is therefore not considered to be an internal lot.

**10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision****PROPOSAL RESPONSE**

All four lots can connect to existing electricity infrastructure from Coles Beach Road and Clare Court.

## 5. CONCLUSION

The application is made pursuant to Section 57 of the Land Use Planning and Approvals Act 1993.

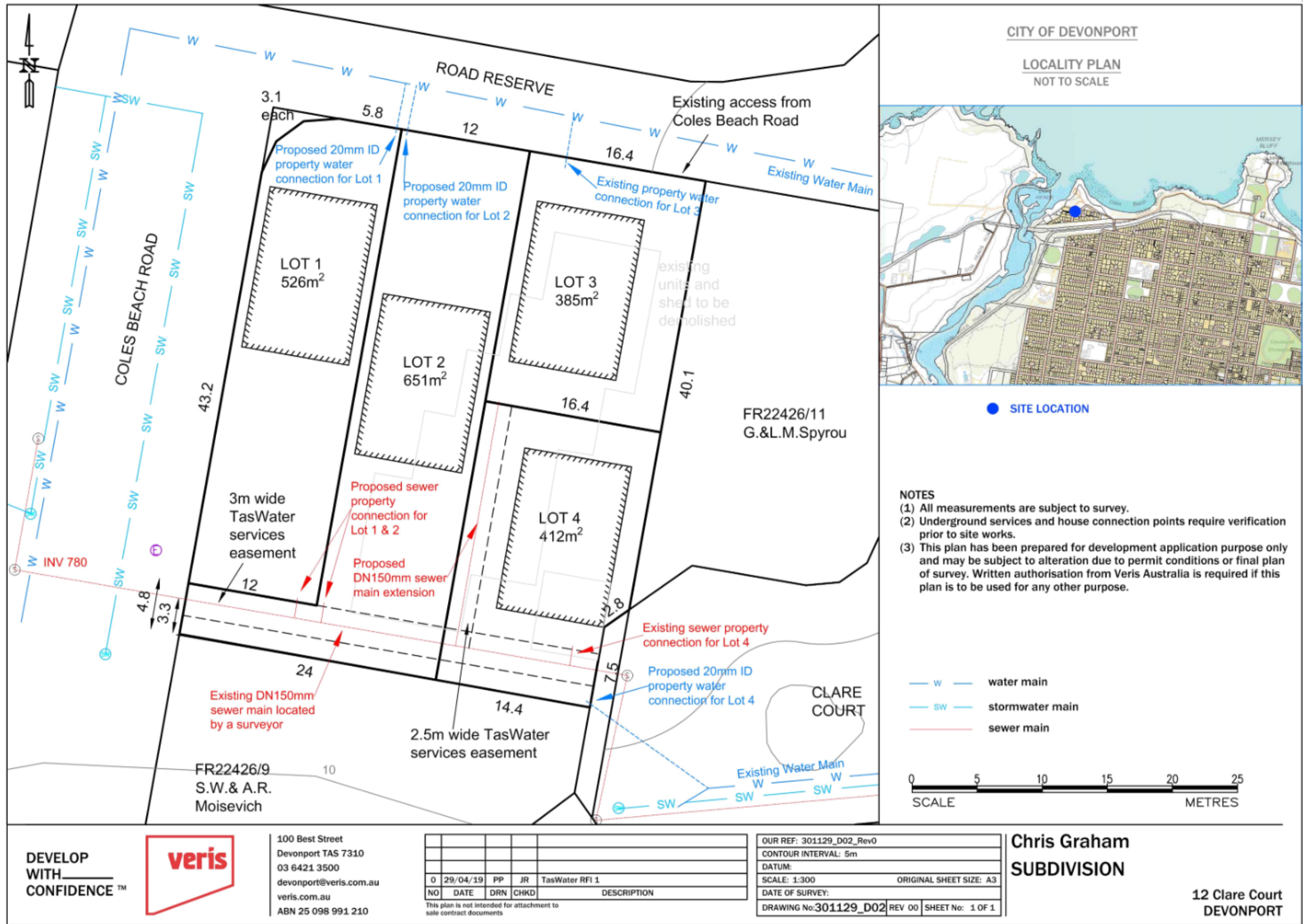
The proposal is considered to be consistent with the requirements of the *Devonport Interim Planning Scheme 2013*, in particular the provisions relating to residential subdivision.

The proposal will allow for a four lot subdivision of FR22426/10 in accordance with the current General Residential Zone.

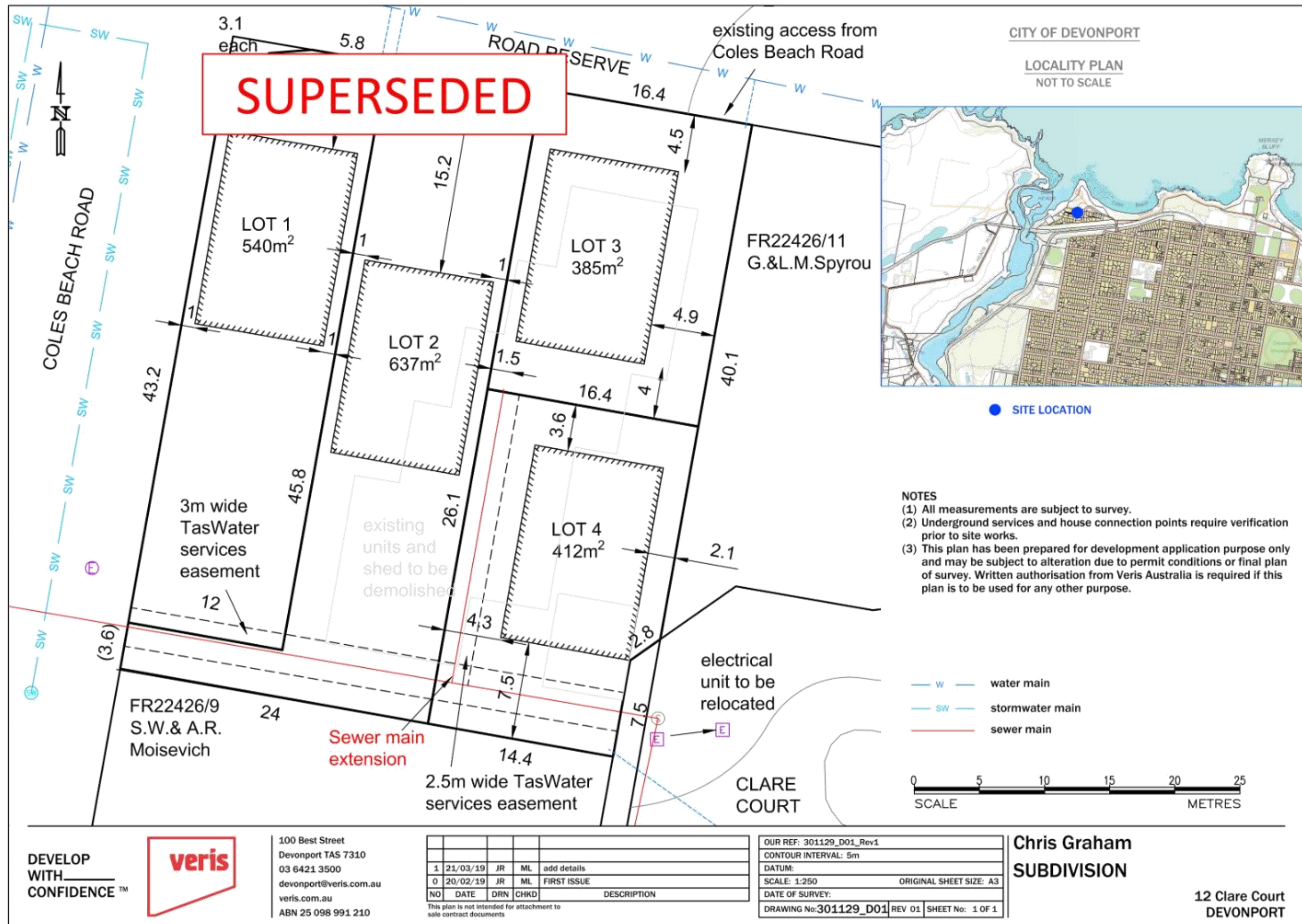
It is therefore requested that the application be recommended for approval.

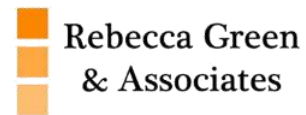
—  
**Devonport**  
100 Best Street  
Devonport TAS 7310  
  
T 03 6421 3500  
devonport@veris.com.au  
veris.com.au

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## Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan

12 Clare Court, Devonport





**Prepared for (Client)**

Chris Graham

42 Victoria Parade

DEVONPORT TAS 7310

**Assessed & Prepared by**

Rebecca Green

Senior Planning Consultant & Accredited Bushfire Hazard Assessor

Rebecca Green & Associates

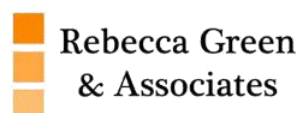
PO Box 2108 LAUNCESTON TAS 7250

Mobile: 0409 284 422

Version 1

14 April 2019

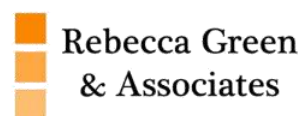
Job No: RGA-B1118

**Executive Summary**

The proposed development at 12 Clare Court, Devonport, is subject to bushfire threat. A bushfire attack under extreme fire weather conditions is likely to subject buildings at this site to considerable radiant heat, ember attack along with wind and smoke.

The site requires bushfire protection measures to protect the buildings and people that may be on site during a bushfire.

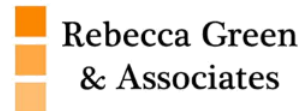
These measures include provision of hazard management areas in close proximity to the buildings, implementation of safe egress routes, establishment of a water supply and construction of buildings as described in AS 3959-2009 Construction of Buildings in Bushfire Prone Areas.



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## Schedule 1 – Bushfire Report

### 1.0 Introduction

The Bushfire Attack Level (BAL) Report and Bushfire Hazard Management Plan (BHMP) has been prepared for submission with a Planning Permit Application under the *Land Use Planning and Approvals Act 1993*; *Bushfire-Prone Areas Code* and/or a Building Permit Application under the *Building Act 2016 & Regulations 2016*.

The Bushfire Attack Level (BAL) is established taking into account the type and density of vegetation within 100 metres of the proposed building site and the slope of the land; using the simplified method in AS 3959-2009 Construction of Buildings in Bushfire Prone Areas; and includes:

- The type and density of vegetation on the site,
- Relationship of that vegetation to the slope and topography of the land,
- Orientation and predominant fire risk,
- Other features attributing to bushfire risk.

On completion of assessment, a Bushfire Attack Level (BAL) is established which has a direct reference to the construction methods and techniques to be undertaken on the buildings and for the preparation of a Bushfire Hazard Management Plan (BHMP).

### 1.1 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 *Bushfire-Prone Areas Code* of the Devonport Interim Planning Scheme 2013, the Building Code of Australia and Australian Standards, AS 3959-2009, *Construction of buildings in bushfire-prone areas*.

### 1.2 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.

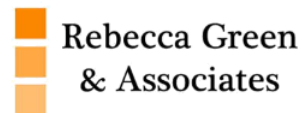
**No action or reliance is to be placed on this report; other than for which it was commissioned.**

### 1.3 Proposal

The proposal is for the development of a 4 Lot Subdivision.

Lot 1 will have an area of 540m<sup>2</sup> and will be vacant. Lot 1 will have frontage to Coles Beach Road.

Lot 2 will have an area of 637m<sup>2</sup> and will be vacant. Lot 2 will have frontage to Coles Beach Road.



Lot 3 will have an area of 385m<sup>2</sup> and will be vacant. Lot 3 will have frontage to existing access from Coles Beach Road.

Lot 4 will have an area of 412m<sup>2</sup> and will be vacant. Lot 4 will have frontage to Clare Court.

## 2.0 Site Description for Proposal (Bushfire Context)

### 2.1 Locality Plan

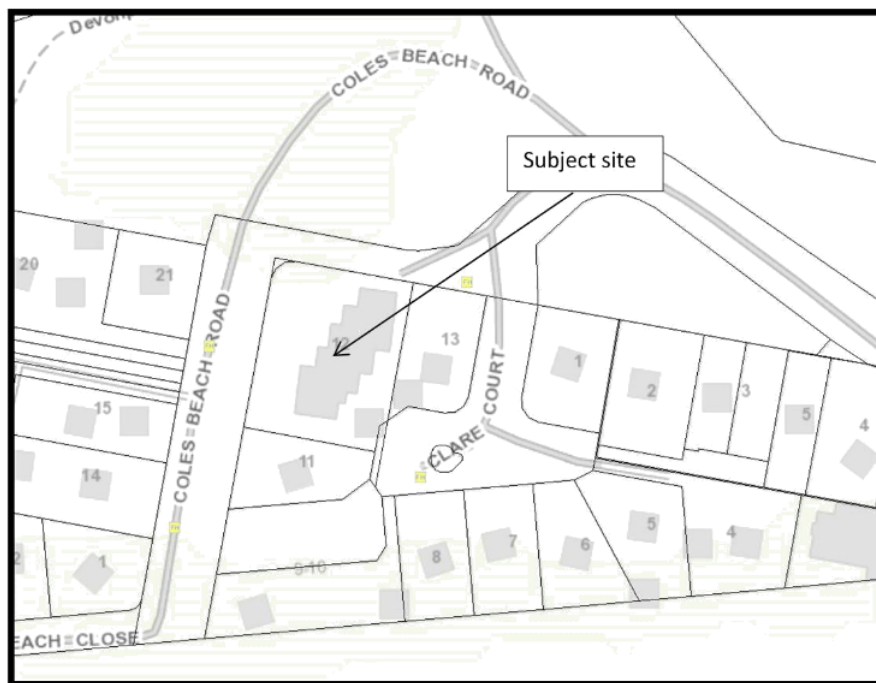
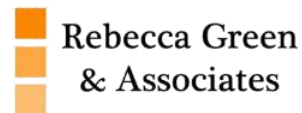


Figure 1: Location Plan of 12 Clare Court, Devonport

### 2.2 Site Details

Property Address	12 Clare Court, Devonport
Certificate of Title	Volume 22426 Folio 10
Owners	Devonport City Council
Existing Use	Residential
Type of Proposed Work	4 Lot Subdivision
Water Supply	Reticulated TasWater Supply
Road Access	Coles Beach Road and Clare Court

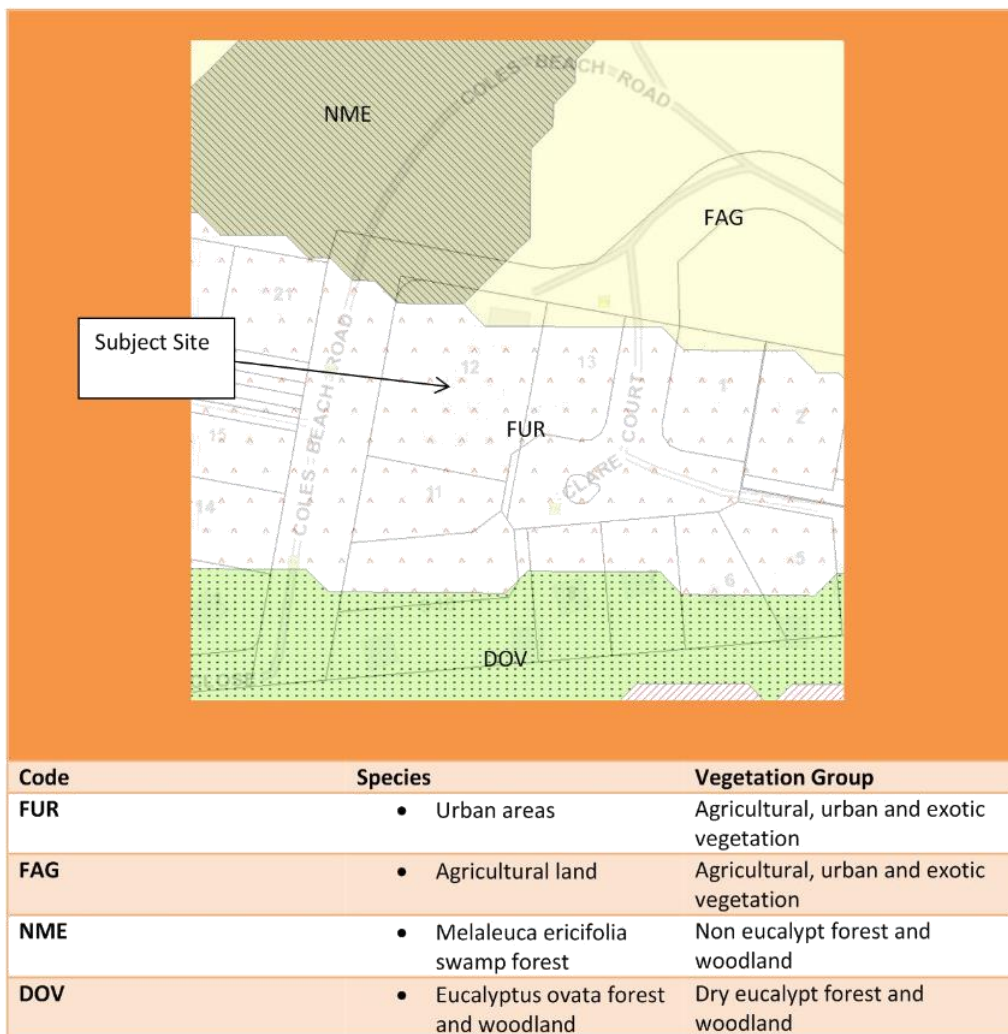


### 3.0 Bushfire Site Assessment

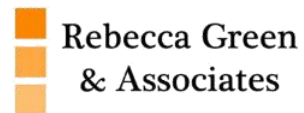
#### 3.1 Vegetation Analysis

##### 3.1.1 TasVeg Classification

Reference to Tasmanian Vegetation Monitoring & Mapping Program (TASVEG) indicates the land in and around the property is generally comprising of varying vegetation types including:

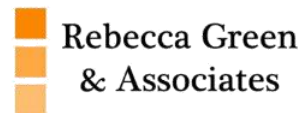




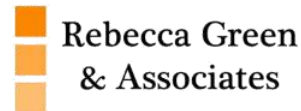


3.1.2 Site & Vegetation Photos





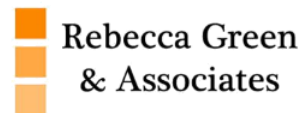




### 3.2 BAL Assessment – Subdivision

The Acceptable Solution in Clause 1.6.1 of Planning Directive No. 5.1 Bushfire-Prone Areas Code requires all lots within the proposed subdivision to demonstrate that each lot can achieve a Hazard Management Area between the bushfire vegetation and each building on the lot with distances equal to or greater than those specified in Table 2.4.4 of AS3959-2009 Construction of Buildings in Bushfire Prone Areas for **BAL 19**.

Vegetation classification AS3959	North <input checked="" type="checkbox"/> North-East <input type="checkbox"/>	South <input checked="" type="checkbox"/> South-West <input type="checkbox"/>	East <input checked="" type="checkbox"/> South-East <input type="checkbox"/>	West <input checked="" type="checkbox"/> North-West <input checked="" type="checkbox"/>
Group A	<input type="checkbox"/> Forest	<input checked="" type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest
Group B	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland
Group C	<input type="checkbox"/> Shrub-land	<input type="checkbox"/> Shrub-land	<input type="checkbox"/> Shrub-land	<input type="checkbox"/> Shrub-land
Group D	<input checked="" type="checkbox"/> Scrub	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub	<input checked="" type="checkbox"/> Scrub
Group E	<input type="checkbox"/> Mallee-Mulga	<input type="checkbox"/> Mallee-Mulga	<input type="checkbox"/> Mallee-Mulga	<input type="checkbox"/> Mallee-Mulga
Group F	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest
Group G	<input type="checkbox"/> Grassland	<input type="checkbox"/> Grassland	<input type="checkbox"/> Grassland	<input type="checkbox"/> Grassland
	<input checked="" type="checkbox"/> Managed Land	<input checked="" type="checkbox"/> Managed Land	<input checked="" type="checkbox"/> Managed Land	<input checked="" type="checkbox"/> Managed Land
Effective slope (degrees)	<input checked="" type="checkbox"/> Up/0°	<input checked="" type="checkbox"/> Up/0°	<input checked="" type="checkbox"/> Up/0°	<input checked="" type="checkbox"/> Up/0°
	<input type="checkbox"/> >0-5°	<input type="checkbox"/> >0-5°	<input type="checkbox"/> >0-5°	<input type="checkbox"/> >0-5°
	<input type="checkbox"/> >5-10°	<input type="checkbox"/> >5-10°	<input type="checkbox"/> >5-10°	<input type="checkbox"/> >5-10°
	<input type="checkbox"/> >10-15°	<input type="checkbox"/> >10-15°	<input type="checkbox"/> >10-15°	<input type="checkbox"/> >10-15°
	<input type="checkbox"/> >15-20°	<input type="checkbox"/> >15-20°	<input type="checkbox"/> >15-20°	<input type="checkbox"/> >15-20°
Likely direction of bushfire attack	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Prevailing winds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
REQUIRED Distance to classified vegetation for <b>BAL 19</b>	19-<27	N/A (adequate separation existing)	N/A	NW - 19-<27
REQUIRED Distance to classified vegetation for <b>BAL 12.5</b>	27-<100	N/A (adequate separation existing)	N/A	NW - 27-<100



<b>BAL – 12.5</b>	<b>The risk is considered to be LOW.</b> There is a risk of ember attack. The construction elements are expected to be exposed to a heat flux not greater than 12.5 kW/m <sup>2</sup> .
<b>BAL – 19</b>	<b>The risk is considered to be MODERATE.</b> There is a risk of ember attack and burning debris ignited by windborne embers and a likelihood of exposure to radiant heat. The construction elements are expected to be exposed to a heat flux not greater than 19 kW/m <sup>2</sup> .

### 3.3 Outbuildings

Not applicable.

### 3.4 Road Access

Roads are to be constructed to provide vehicle access to the site to assist firefighting and emergency personnel to defend the building or evacuate occupants; and provide access at all times to the water supply for firefighting purposes on the building site.

Private access roads are to be maintained from the entrance to the property cross over with the public road through to the buildings on the site.

<b>All Lots</b>	Access is likely to be less than 30m – no specified access requirements.
-----------------	--

### 3.5 Water Supply

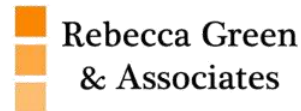
A building that is constructed in a designated bushfire prone area must provide access at all times to a sufficient supply of water for firefighting purposes on the building site.

The exterior elements of a Habitable building in a designated Bushfire prone area must be within reach of a 120m long hose (lay) connected to –

- (i) A fire hydrant with a minimum flow rate of 600L per minute and pressure of 200kpa; or
- (ii) A stored water supply in a water tank, swimming pool, dam or lake available for firefighting at all times which has the capacity of at least 10,000L for each separate building.

<b>All Lots</b>	Lots are all within 120m of existing fire hydrants in Coles Beach Road and Clare Court.
-----------------	---

It should be recognised that although water supply as specified above may be in compliance with the requirements of the Building Code of Australia, the supply may not be adequate for all firefighting situations.



#### 4.0 Bushfire-Prone Areas Code Assessment Criteria

Assessment has been completed below to demonstrate the BAL and BHMP have been developed in compliance with the Acceptable Solutions and/or the Performance Criteria as specified in the Bushfire-Prone Areas Code.

**E1.4 – Exemptions** – Not applicable.

##### E1.6.1 Subdivision

E1.6.1.1 Hazard Management Areas		
		Comments
<input checked="" type="checkbox"/> A1	(a) & (b)	Specified distances for Hazard Management Areas for BAL 12.5 and BAL 19 as specified on the plan are in accordance with AS3959. The proposal complies.
<input type="checkbox"/> P1		
E1.6.2 Public Access		
		Comments
<input type="checkbox"/> A1	(a)	Not applicable.
<input checked="" type="checkbox"/> A1	(b)	The private driveway to all lots will be constructed/maintained in accordance with Table E2A.
<input type="checkbox"/> P1		
<input type="checkbox"/> A2		Not applicable.
<input type="checkbox"/> P2	No PC	
E1.6.3 Water supply for fire fighting purposes		
		Comments
<input type="checkbox"/> A1	(a)	Not applicable.
<input type="checkbox"/> P1	No PC	
<input type="checkbox"/> A2	(b)	Not applicable.
<input checked="" type="checkbox"/> A2	(c)	Fire Hydrants are located within Coles Beach Road and Clare Court and within 120 metres of the building areas – complies with Table E4.
<input type="checkbox"/> P2	No PC	

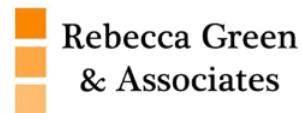
#### 5.0 Layout Options

Not relevant to this proposal.

#### 6.0 Other Planning Provisions

Not relevant to this proposal.





## 7.0 Conclusions and Recommendations

Mitigation from bushfire is dependent on the careful management of the site by maintaining reduced fuel loads within the hazard management areas and within the site generally and to provide sources of water supply dedicated for firefighting purposes and the construction and maintenance of a safe egress route.

**The site has been assessed as demonstrating a building area that have the dimensions equal to or greater than the separation distance required for BAL 19 and BAL 12.5 in Table 2.4.4 of AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas.**

### Access

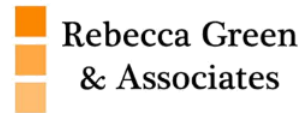
All Lots – Access is likely to be less than 30m – no access requirements.

### Water Supplies

All Lots – Reticulated water supply is provided in Coles Beach Road and Clare Court.

### Fuel Managed Areas

Hazard Management Areas as detailed within the plan shall be constructed and maintained as detailed in Schedule 2.



**Schedule 2 – Bushfire Hazard Management Plan**



## NOTES

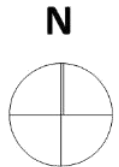
\* PROPERTY ACCESS & ROAD REQUIREMENTS - REFER TO SECTION 3.4 OF BUSHFIRE HAZARD ASSESSMENT REPORT

\* FIREFIGHTING WATER SUPPLY - REFER TO SECTION 3.5 OF BUSHFIRE HAZARD ASSESSMENT REPORT

\* HAZARD MANAGEMENT AREA TO BE MAINTAINED IN A MINIMUM FUEL CONDITION - REFER TO SECTION 3.2 OF BUSHFIRE HAZARD ASSESSMENT REPORT

\* THIS BHMP MUST BE READ IN CONJUNCTION WITH BUSHFIRE HAZARD ASSESSMENT REPORT REF: RGA-B1118, R. GREEN, 14 APRIL 2019


\* THIS BHMP HAS BEEN PREPARED TO SATISFY THE REQUIREMENTS OF THE DIRECTORS DETERMINATION - REQUIREMENTS FOR BUILDING IN BUSHFIRE PRONE AREAS (V2.1)

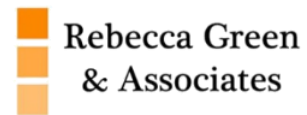


**BUSHFIRE HAZARD MANAGEMENT PLAN**  
BUSHFIRE ATTACK LEVEL (BAL) - 19 & 12.5  
4 LOT SUBDIVISION

12 CLARE COURT, DEVONPORT  
VOLUME 22426 FOLIO 10  
PROPERTY ID 7187269

DATE: 14 APRIL 2019  
VERSION: 1  
DRAWN: REBECCA GREEN  
PHONE: 0409 284 422  
EMAIL: ADMIN@RGASSOCIATES.COM.AU  
BFP - 116, SCOPE - 1, 2, 3A, 3B, 3C

 **Rebecca Green  
& Associates**



Form 55

**CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE  
ITEM****Section 321****Form 55**

To: Chris Graham Owner /Agent  
 42 Victoria Parade Address  
 DEVONPORT TAS 7310 Suburb/postcode

**Qualified person details:**

Qualified person: Rebecca Green  
 Address: PO Box 2108 Phone No: 0409 284 422  
 Launceston 7250 Fax No:  
 Licence No: BFP-116 Email address: admin@rgassociates.com.au

Qualifications and Insurance details: Accredited to report on bushfire hazards under Part IVA of the *Fire Services Act 1979* (description from Column 3 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)

Speciality area of expertise: Analysis of hazards in bushfire prone areas (description from Column 4 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)

**Details of work:**

Address: 12 Clare Court Lot No: 10  
 DEVONPORT 7310 Certificate of title No: 22426  
 The assessable item related to this certificate: 4 Lot Subdivision (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: Bushfire Hazard (description from Column 1 of Schedule 1 of the Director's Determination - Certificates by Qualified Persons for Assessable Items n)

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 Hazard Assessment Report & Bushfire Hazard Management Plan (Rebecca Green & Associates, 14 April 2019, Job No. RGA-B1118)
Relevant	N/A
References:	<i>Planning Directive No 5.1, Bushfire-Prone Areas Code</i> <i>Australian Standard 3959-2009</i>

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

1. Assessment of the site Bushfire Attack Level (to Australian Standard 3959)
2. Bushfire Hazard Management Plan showing BAL-19 and BAL-12.5 solutions.

*Scope and/or Limitations*

**Scope**

This report and certification 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 Act 2016 & Regulations 2016, Building Code of Australia* and *Australian Standard 3959-2009, Construction of buildings in bushfire-prone areas*.


**Limitations**

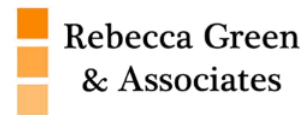
The assessment has been undertaken and report provided on the understanding that:-

1. The report only deals with the potential bushfire risk all other statutory assessments are outside the scope of this certificate.
2. The report only identifies the size, volume and status of vegetation at the time the inspection was undertaken and cannot be relied upon for any future development.
3. Impacts of future development and vegetation growth have not been considered.
4. No assurance is given or inferred for the health, safety or amenity of the general public, individuals or occupants in the event of a Bushfire.
5. No warranty is offered or inferred for any buildings constructed on the property in the event of a Bushfire.

**No action or reliance is to be placed on this certificate or report; other than for which it was commissioned.**

I certify the matters described in this certificate.

	<i>Signed:</i>	<i>Certificate No:</i>	<i>Date:</i>
Qualified person:		RG-105/2019	14 April 2019



**Attachment 1 – Certificate of Compliance to the Bushfire-prone Area Code**

**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: Devonport Interim Planning Scheme 2013

Street address: 12 Clare Court, Devonport

/Certificate of Title / PID: CT22426/10

*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:**

4 Lot Subdivision

**Code Clauses:**

☐ E1.4 Exempt Development

☐ E1.5.1 Vulnerable Use

☐ E1.5.2 Hazardous Use

☒ E1.6.1 Subdivision

<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.



**3. Documents relied upon****Documents, Plans and/or Specifications**

**Title:** Plan of Subdivision, Drawing No. 301129\_D01

**Author:** Veris

**Date:** 21/03/19 **Version:** 01

**Bushfire Hazard Report**

**Title:** Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan

**Author:** Rebecca Green

**Date:** 14 April 2019 **Version:** 1

**Bushfire Hazard Management Plan**

**Title:** Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan

**Author:** Rebecca Green

**Date:** 14 April 2019 **Version:** 1

**Other Documents**

**Title:**

**Author:**

**Date:** **Version:**

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 type="checkbox"/>	E1.5.1 A2	Emergency management strategy	
<input type="checkbox"/>	E1.5.1 A3	Bushfire hazard management plan	
<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 checked="" type="checkbox"/>	E1.6.1 A1 (b)	Provides BAL 19 for all lots	Refer to Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan, prepared by Rebecca Green, 14 April 2019.

<input type="checkbox"/>	E1.6.1 A1 (c)	Consent for Part 5 Agreement	
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<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 checked="" type="checkbox"/>	E1.6.2 A1 (b)	Access complies with Tables E1, E2 & E3	Refer to Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan, prepared by Rebecca Green, 14 April 2019.

<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 checked="" type="checkbox"/>	E1.6.3 A1 (b)	Reticulated water supply complies with Table E4	Refer to Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan, prepared by Rebecca Green, 14 April 2019.
<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>	<input type="text" value="Rebecca Green"/>	<b>Phone No:</b>	<input type="text" value="0409 284 422"/>
<b>Address:</b>	<input type="text" value="PO Box 2108"/>	<b>Fax No:</b>	<input type="text"/>
	<input type="text"/>	<b>Email Address:</b>	<input type="text" value="admin@rgassociates.com.au"/>
	<input type="text" value="Launceston, Tas"/>	<input type="text" value="7250"/>	
<b>Accreditation No:</b>	<input type="text" value="BFP – 116"/>	<b>Scope:</b>	<input type="text" value="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 –

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

or

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

and/or

<i>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.</i>	<input checked="" type="checkbox"/>
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**Signed:**  
certifier

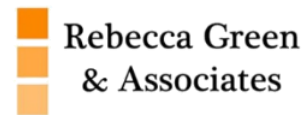


**Date:**

**Certificate No:**

<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).

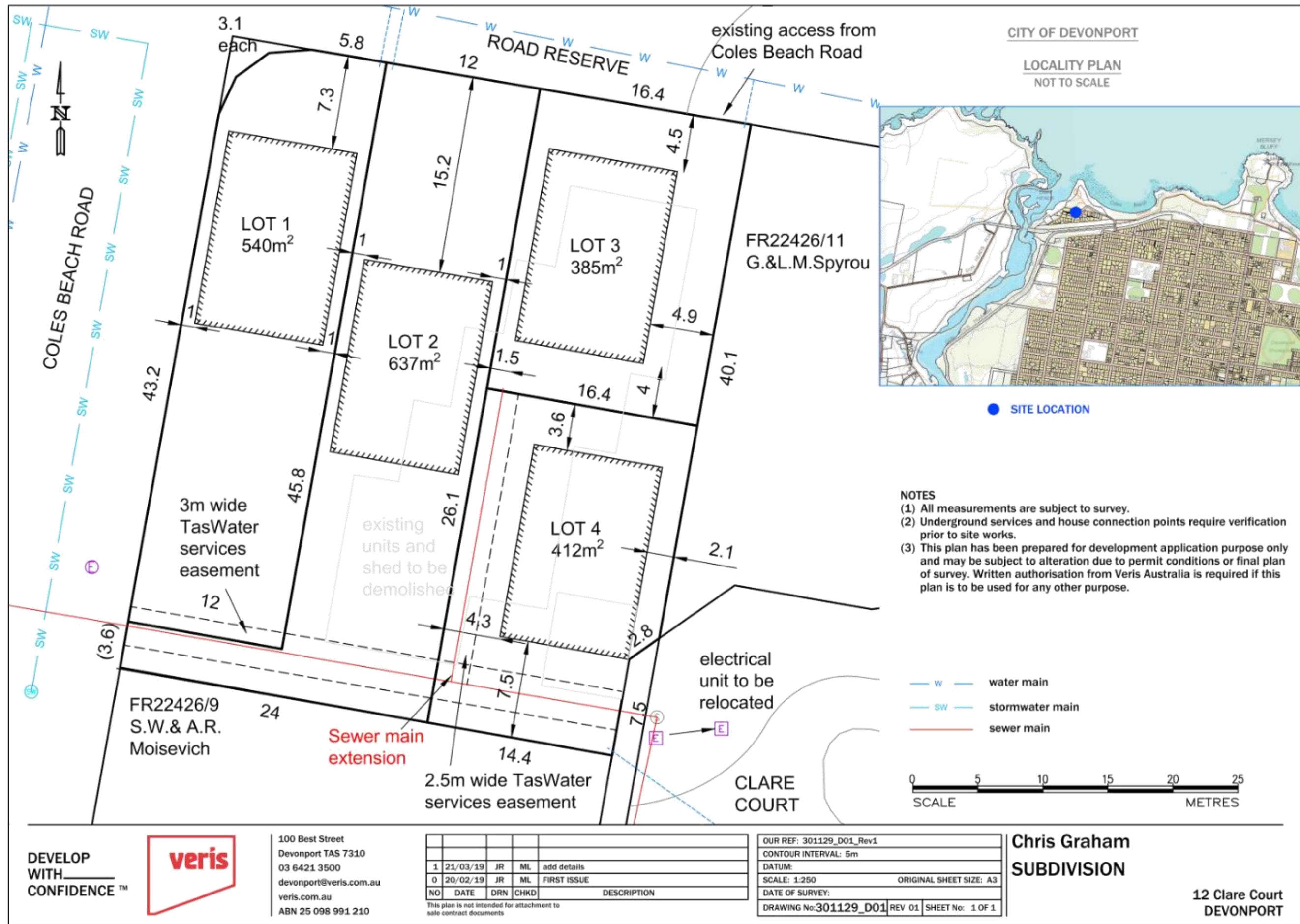




**Attachment 3 – Plan of Subdivision**

**Veris**







### References

- (a) Tasmanian Planning Commission 2017, *Tasmanian Planning Directive No. 5.1, Bushfire-Prone Areas Code*, Tasmania.
- (b) Australian Standards, AS 3959-2009, *Construction of buildings in bushfire-prone areas*, Standards Australia, Sydney NSW.
- (c) Resource Management & Conservation Division of the Department Primary Industry & Water September 2006, TASVEG, *Tasmanian Vegetation Map*, Tasmania.
- (d) Tasmanian Government, Land Information System Tasmania, [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)





## Submission to Planning Authority Notice

Council Planning Permit No.	PA2019.0061	Council notice date	17/04/2019
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2019/00543-DCC	Date of response	02/05/2019
TasWater Contact	Anthony Cengia	Phone No.	(03) 6237 8243
<b>Response issued to</b>			
Council name	DEVONPORT COUNCIL		
Contact details	council@devonport.tas.gov.au		
<b>Development details</b>			
Address	12 CLARE CT, DEVONPORT	Property ID (PID)	7187269
Description of development	Subdivision - 4 lots		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Veris	301129_D02	00	29/04/2019
<b>Conditions</b>			
<p><b>SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL</b></p> <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 water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</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 subdivision/use of the development, any water connection utilised for construction/the development 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 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.</li> <li>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.</li> <li>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.</li> </ol>			



8. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
9. After testing 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 TasWater issuing a Consent to a Register Legal Document 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.

#### **FINAL PLANS, EASEMENTS & ENDORSEMENTS**

14. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.  
*Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.*
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.

#### **DEVELOPMENT ASSESSMENT FEES**

16. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee 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. \$351.28 for development assessment; and
- b. \$149.20 for Consent to Register a Legal Document

The payment is required within 30 days of the issue of an invoice by TasWater.

17. In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

#### Advice

##### General

For information on TasWater development standards, please visit

<http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

#### 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

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

## **CLOSURE**

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