



The City with Spirit

NOTICE OF MEETING

Notice is hereby given that a **Planning Authority Committee** meeting of the Devonport City Council will be held in the Council Chambers, on Monday 30 October 2017, commencing at 5:00pm.

The meeting will be open to the public at 5:00pm.

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

25 October 2017

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF
DEVONPORT CITY COUNCIL HELD ON MONDAY 30 OCTOBER 2017
AT THE COUNCIL CHAMBERS AT 5:00PM**

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Agenda of a meeting of the Devonport City Council's **Planning Authority Committee** to be held at the Council Chambers, 17 Fenton Way, Devonport on Monday 30, October 2017 commencing at 5:00pm.

PRESENT

		Present	Apology
Chairman	Ald S L Martin (Mayor)		
	Ald C D Emmerton		
	Ald G F Goodwin		✓
	Ald J F Matthews		
	Ald T M Milne		
	Ald L M 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

The following apology was received for the meeting.

Ald G F Goodwin	Leave of Absence
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2.0 DECLARATIONS OF INTEREST

3.0 DELEGATED APPROVALS

3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 8 SEPTEMBER - 20 OCTOBER 2017

ATTACHMENTS

1. Planning Applications approved under Delegated Authority - 8 September- 20 October 2017

RECOMMENDATION

That the list of delegated approvals be received.

Author:	Jennifer Broomhall	Endorsed By:	Brian May
Position:	Planning Administration Officer	Position:	Development Manager

Planning Applications approved under Delegated Authority – 8 September-20 October 2017			
Application No.	Location	Description	Approval Date
PA2017.0102	2 Waniora Street, Devonport	Residential (multiple dwellings x 2) - assessment against performance criteria for Traffic Generating Use and Parking Code	12/09/2017
PA2017.0105	33 Harris Road, Stony Rise	Residential – assessment against performance criteria for a front and side setback variation	13/09/2017
PA2017.0108	36 Harris Road, Stony Rise	Residential (single dwelling) - assessment against performance criteria for a front setback variation	12/09/2017
PA2017.0109	7/29a Middle Road, Devonport	Residential (2 x additional multiple dwellings) - assessment against performance criteria for setbacks and building envelope	27/09/2017
PA2017.0111	93 Formby Road, Devonport	Permitted: Food services (café addition) Discretionary: Assessment against performance criteria for Open Space zone 19.4.2 - Location and configuration of development, Traffic generating use and parking code & Waterways code	20/09/2017
PA2017.0113	7-9 Steele Street, Devonport	Permitted: Change of Use to Sports & Recreation (Fitness Centre) Discretionary – Assessment against performance criteria for Traffic Generating Use and Parking Code (variation to carparking requirements)	8/09/2017
PA2017.0114	17 Leary Avenue, Stony Rise	Residential (outbuilding) - assessment against performance criteria for setbacks and building envelope	18/09/2017
PA2017.0115	5 Collins Way, Tugrah	Residential (single dwelling and outbuilding) – assessment against performance criteria for location and configuration of development	20/09/2017
PA2017.0116	4 Mcarthur Drive, Spreyton	Residential (outbuilding) - assessment against performance criteria for setbacks and building envelope	27/09/2017
PA2017.0117	41 Parker Street, Devonport	Three lot subdivision (one additional lot)	21/09/2017
PA2017.0118	4 Kimpton Street, Spreyton	Storage (3x storage units)	14/09/2017
PA2017.0120	1a Payton Place, Devonport	Residential (single dwelling) – assessment against performance criteria for setbacks and building envelope	4/10/2017
PA2017.0121	3 Madeline Road, Eugenana	Residential (outbuilding) - assessment against performance criteria for location and configuration of development (side setback variation)	28/09/2017
PA2017.0122	10-12 Edward Street, Devonport	Residential (change of use to communal residence) and (multiple dwellings - assessment against performance criteria for private open space)	28/09/2017

Application No.	Location	Description	Approval Date
PA2017.0123	349 Forth Road, Don	Resource Processing (pallet storage shed)	27/09/2017
PA2017.0124	57 William Street, Devonport	2 lot subdivision (1 additional lot)	28/09/2017
PA2017.0125	31 Murray Street, East Devonport	Four units (multiple dwellings)	25/09/2017
PA2017.0126	187 Tarleton Street, East Devonport	Service Industry (vehicle storage) - discretion to allow a development to an existing non-conforming use	4/10/2017
PA2017.0128	9 Kerrie Court, Spreyton	Residential (shed) - assessment against performance criteria for building envelope and rear setback	11/10/2017
PA2017.0129	33 Woodrising Avenue, Spreyton	Residential (outbuilding) – assessment against performance criteria for rear setback and building envelope	6/10/2017
PA2017.0131	37 Stony Rise Road, Stony Rise	Signage - assessment against performance criteria for Sign Code development standards	18/10/2017
PA2017.0136	72 Brooke Street, East Devonport	Residential (front fence) - assessment against performance criteria for frontage fences	16/10/2017

4.0 DEVELOPMENT REPORTS

4.1 PA2017.0134 RESIDENTIAL (SHED) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR SETBACKS AND BUILDING ENVELOPE - 1 TEDMON STREET SPREYTON

File: 34573 D497737

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Devonport Interim Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- Strategy 2.1.2 Provide high quality, consistent and responsive development assessment and compliance processes

SUMMARY

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2017.0134.

BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Allan R Bray Helen E Bray
Owner:	Mr AR Bray & Mrs HE Bray
Proposal:	Residential (shed) - assessment against performance criteria for setbacks and building envelope
Existing Use:	Residential (dwelling)
Zoning:	General Residential
Decision Due:	01/11/2017

SITE DESCRIPTION

Tedmon Street is located at Woodrising and is a stage of the original subdivision for 62 residential lots that were approved in June 2011 (SA2011.0011) at the property then known as 46A Woodrising Avenue.

The subject 745m² lot is rectangular in shape with a north east/south west axis and is situated on the southern side of the street. The existing house on the land was completed in the past 12 months.

APPLICATION DETAILS

This application is for a residential outbuilding associated with the existing dwelling. The proposal is for a proprietary built 8m x 6m Colorbond shed that is 3m in height to the ridgeline of the gable roof. The wall height is 2.4m. It is proposed to be located in the south-western corner of the lot with 500mm separation from the adjacent boundaries.

PLANNING ISSUES

The land is zoned General Residential under the *Devonport Interim Planning Scheme 2013* (the DIPS). In general terms any development for residential use can achieve a 'no permit required' status if the relevant zone and code standards satisfy the Acceptable Solutions

(AS) of the DIPS. If the AS of an identified development standard cannot be satisfied then reliance on the Performance Criteria (PC) is required to achieve a permit.

In this proposal there is reliance on the PC because the AS for the prescribed rear setback and building envelope cannot be met.

COMMUNITY ENGAGEMENT

On 20/09/2017, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 23/09/2017;
- (b) Making a copy of the proposal available in Council Offices from the 23/09/2017;
- (c) Notifying adjoining property owners by mail on 21/09/2017; and
- (d) Erecting a Site Notice for display from the 22/09/2017.

The period for representations to be received by Council closed on 09/10/2017.

REPRESENTATIONS

One representation was received within the prescribed 14 day public exhibition period required by the *Land Use Planning and Approvals Act 1993*. This is reproduced below.

"Dear Sir

We have recently received notification of a planning permit for 1 Tedmon Street Spreyton - PA2017.0134.

We have viewed the plan as set out on the council website and have discovered that it is to be placed on our rear north facing boundary and will only be 0.5 metres from this boundary. We also note that it is to be approximately 3.00 metres in height.

We feel that this will impact on our ability to enjoy the natural light from the sun and will create problems for our vegetable garden. As our backyard faces north we are concerned that our vegetable garden will receive very little sun if this shed is erected on the proposed site.

We are not against the shed as such but would like it to be placed further from our boundary so as not to disrupt our sunlight and cause shadows on our garden as this is a most important part of our daily life.

Best regards

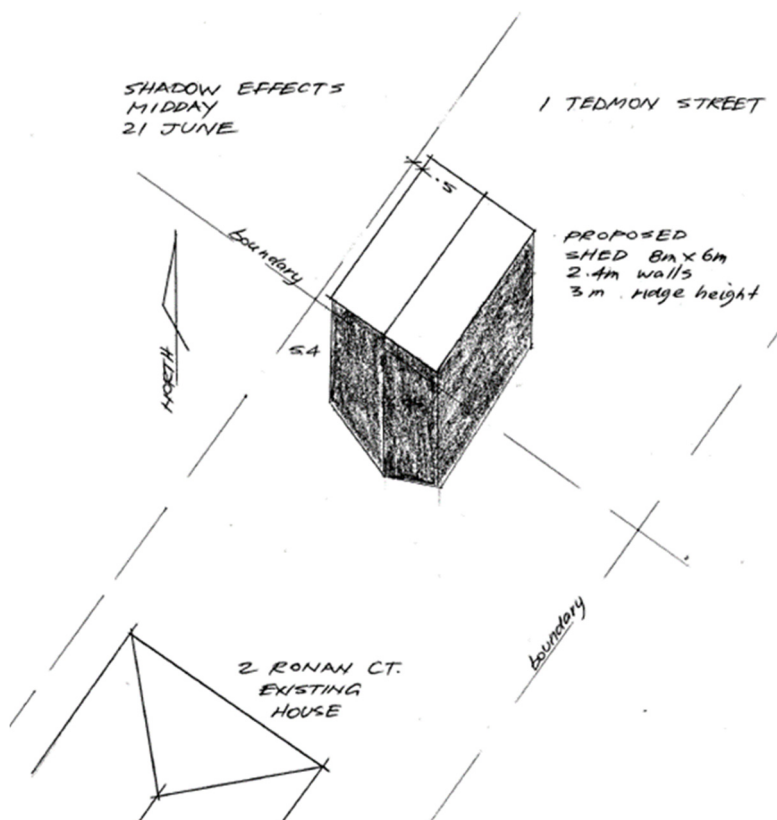
*Jennifer and John Cole
2 Ronan Court
Spreyton"*

DISCUSSION

The general concern is based on an anticipated loss of natural light into the back yard/private open space area of the adjoining lot. More specifically the PC rely upon the siting and scale of the proposed outbuilding not causing unreasonable loss of amenity to the private open space on adjoining land due to overshadowing caused by the bulk and scale of the development. This is the subjective matter for the Planning Authority to consider.

To assist the Planning Authority in deciding the matter the following diagram has been produced. This illustrates the overshadowing scenario of the shed at midday on June 21st. The shadow length is approximately 5.4m for the 2.4m high walls and 6.75m from the roofline ridge. By comparison the shadow length on the summer solstice at midday is just over a metre in length. This more or less is the same as projected by a 1.8m high fence.

It is based on a flat lot situation and references the angles and azimuth of the sun if the site was in Hobart. Lesser shade will occur in a Devonport situation due to the angle of the sun being two degrees more. This degree of tolerance is acceptable and errs on the side of caution.



Calculations provided by the DCC Planning Co-ordinator, referencing ShadowDraw (R.G. Harvey)

FINANCIAL IMPLICATIONS

No financial implications are predicted.

RISK IMPLICATIONS

No risk implications are predicted.

CONCLUSION

The discretionary element identified is due to the compliant 4m setback not being met. Consequently, the Performance Criteria of that development standard is to demonstrate that the distance between the shed and the boundary, 500mm, does not cause unreasonable loss of amenity to the private open space of any dwelling on the adjoining lot(s). This is the primary PC to consider. The bulk and scale PC is also relevant but deemed to be satisfied as an outbuilding 6m wide with 2.4m high walls and a gable ridge height of 3m is a reasonable and acceptable scale and proportion.

ATTACHMENTS

Nil

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0134 and grant a Permit to use and develop land identified as 1 Tedmon Street, Spreyton for the following purposes:

- Residential (shed) - assessment against performance criteria for setbacks and building envelope

Subject to the following conditions:

1. The use and development is to proceed generally in accordance with the submitted plans referenced as Job Number 14265 for K Bray at 1 Tedmon Street copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to use the existing stormwater service connection for this development.
3. The developer is to use the existing access driveway for this development.
4. The developer is to take all reasonable steps during construction to minimise off site environmental effects occurring that might result in a nuisance. This includes air, noise and water pollution.

Advisory notes:

The development is to comply with the requirements of the current NCC. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the Building Act 2016 prior to commencing building or plumbing work.

The developer is responsible to repair/re-instate any damage incurred to public infrastructure as a result of executing this permit.

Author:	Shane Warren	Endorsed By:	Brian May
Position:	Planning Coordinator	Position:	Development Manager

4.2 PA2017.0145 DEMOLITION (EXISTING BUILDING) - 169 STEELE STREET DEVONPORT

File: 34620 D498334

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.1.1 Apply and review the Devonport Interim Planning Scheme as required, to ensure it delivers local community character and appropriate land use

Strategy 2.1.2 Provide high quality, consistent and responsive development assessment and compliance processes

SUMMARY

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2017.0145.

BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Devonport City Council
Owner:	Devonport City Council
Proposal:	Demolition (existing building)
Existing Use:	Vacant Building
Zoning:	General Residential
Decision Due:	16/11/2017

SITE DESCRIPTION

The site is located on the southern side of Steele Street and was originally developed as a Maternity Hospital almost 60 years ago. The site has been subject to various development options and enquiries but none have proceeded to permit validation. The 8895m² property (CT 140368/1) is depicted in the centre of Figure 1 below.

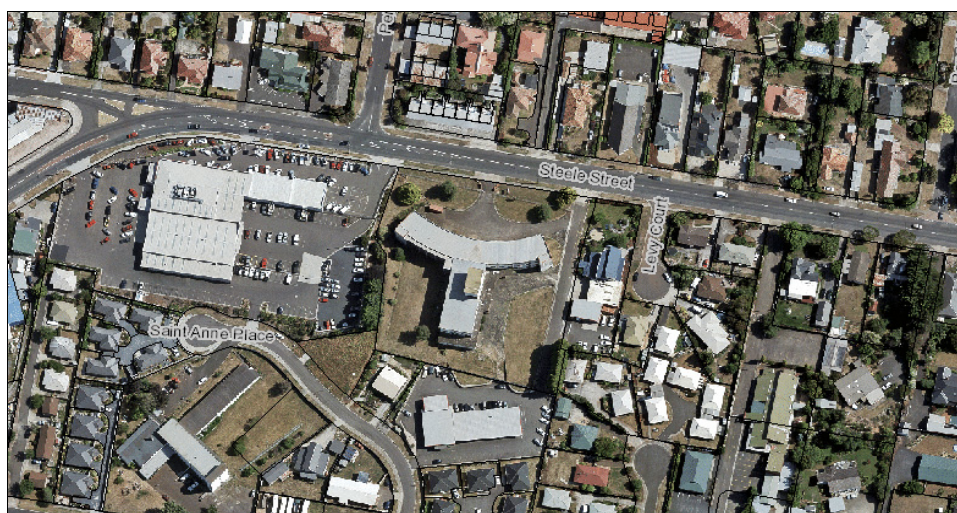


Figure 1 – Photo source, DCC Geocortex December 2015

APPLICATION DETAILS

This application is relatively simple from a planning scheme perspective. Council as the applicant and owner have determined that the building should be removed and the site remediated to informal open space until some appropriate development is proposed that fits with the zone purpose. The scale of the operation has necessitated the following methodology being included with the application to ensure proper industry standards and public safety are maintained.

Methodology proposal for the building demolition. (Old Maternity Hospital) 169 Steele Street, Devonport

The following matters have been considered and included with documentation in the tender documents for the successful contractor to address and comply with where required.

The general staging and sequencing of the works is outlined as follows:

- Site Establishment (setup work zone, mobilise plant, establish amenities)
- Disconnection of services
- Preparation of buildings for asbestos removal works (Basement floor slab void formers. This maybe sequenced from removal last after the entire building upper levees have been removed)
- Removal of hazardous materials in buildings
- Issue of asbestos clearance certificates
- Strip-out of building and separation of waste streams
- Demolish structures using general demolition techniques, including the development of general Work Method Statements and Job Hazard Analysis
- Process and dispose of scrap metals and concrete
- Stabilisation of site and make good
- Demobilisation and handover.

Other considerations

- A traffic management plan will be provided and approved by Councils traffic engineer prior to commencing work on site.
- The duration of the works program is from November 2017 to the end of February 2018.
- The frequency of truck movements will fluctuate over the entire timeframe however the site will operate between 7am to 6pm Mon to Fri and 8am to 1pm Sat.
- An Asbestos Removal Control Plan will be prepared which will outline removal methodologies and management practices to allow for the safe removal of asbestos
- Air monitoring will be conducted periodically during the asbestos removal process
- Stormwater drains will be protected and/or barricaded off during demolition work. Sediment controls will be put in place to reduce the amount of sediment or other materials from entering the drains.
- All ferrous and non-ferrous metals, other than any salvage items will be transported offsite for recycling. All concrete will be sent offsite to a licenced recycling facility where it will be crushed and resold. Materials not deemed suitable for beneficial re-use will be transported offsite by licensed contractors to a lawful disposal landfill and/or recycling facility (Dulverton Waste Management site.)
- Water will be used to suppress any dust generated during the demolition process.

PLANNING ISSUES

The land is zoned General Residential under the *Devonport Interim Planning Scheme 2013* (the DIPS). The demolition provisions are prescribed in section 9.4 of the DIPS. These indicate that:

Unless approved as part of another development or prohibited by another provision, an application for demolition may be approved at the discretion of the planning authority having regard to:

- (a) The purpose of the zone;
- (b) Any relevant local area objective or desired future character statement of the applicable zone;
- (c) The purpose of any applicable code; and
- (d) The purpose of any applicable specific area plan

To elaborate further the zone purpose 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. There is also provision for non-residential uses that primarily serve the local community.

The local area objectives and desired future character statements take the site potential to the next level and discuss the various forms that residential development can take. These convert to the various numerical development standards within the zone.

COMMUNITY ENGAGEMENT

On 05/10/2017, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 07/10/2017;
- (b) Making a copy of the proposal available in Council Offices from the 07/10/2017;
- (c) Notifying adjoining property owners by mail on 05/10/2017; and
- (d) Erecting a Site Notice for display from the 06/10/2017.

The period for representations to be received by Council closed on 23/10/2017.

REPRESENTATIONS

Two representations were received within the prescribed 14-day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. These are appended as **Attachment 1**.

DISCUSSION

The representations have been examined and the concerns raised can be generally categorised as site management and mitigation of the effects caused by the bulk and scale of removing the building materials associated with the demolition. These are not acknowledged as primary planning scheme issues but need to be considered with the next stage of the process which requires building consent. This will also include the workplace issues and pollution mitigation matters identified to supplement the work methodology statement provided with the application.

The planning concern submitted is whether the potential future use of the site may be an excessively high commercial development that may cause some loss of amenity. In

response the intent of the demolition is not for the purpose of commercial development. If any commercial use or development was envisaged a comprehensive application would be required and this would need to include a sound strategic reason to support a planning scheme amendment.

FINANCIAL AND RISK IMPLICATIONS

No implications are predicted.

CONCLUSION

This application represents the next stage of a process to remove a building and remediate this neglected site. The matters conveyed in the representations are principally building permit considerations and site management issues before during and after the works are completed. These matters need to be incorporated into any building documentation to ensure that the concerns are alleviated in a timely manner.

ATTACHMENTS

1. Representations - PA2017.0145 - 169 Steele Street Devonport

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0145 and grant a Permit to demolish the building and remediate the site on land identified as 169 Steele Street, Devonport

Subject to the following conditions:

1. The demolition and remediation is to be undertaken in accordance with the methodology statement provided with this application.
2. The demolition and remediation processes to be undertaken are to minimise any off site environmental effects occurring that might result in a nuisance. This includes air, noise and water pollution and doesn't allow for burning of any waste materials.
3. 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.

Advisory Notes

The development is to comply with the requirements of the current NCC. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the Building Act 2016 prior to commencing building or plumbing work.

Any contractual arrangements for the demolition should include the following matters:

Operating times for machinery and other works associated with the demolition are to be between the hours of 7am to 6pm - Monday to Friday, 9am to 6pm - Saturday, 10am to 6pm Sunday and statutory holidays.

The disposal of materials containing any asbestos found during demolition must be to a licensed disposal facility and in accordance with WorkSafe Tasmania guidelines.

The developer must ensure the stormwater system is kept free of any contaminant, material or substance that is not stormwater.

All dirt, dust, mud or foreign material tracked onto the road from vehicles entering/exiting the premises must be completely cleaned and/or removed as soon as possible.

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 responsible to repair/re-instate any damage incurred to Council assets as a result of executing this permit.

Author:	Shane Warren	Endorsed By:	Brian May
Position:	Planning Coordinator	Position:	Development Manager

From: Dixon <dixonl9@bigpond.com>
Sent: Friday, 13 October 2017 3:50 PM
To: council
Subject: PA 2017.0145
Attachments: hospital 2.odt; IMG_2337.PNG

The General Manager

Devonport City Council

I have only enclosed 1 photo of how far water came up to out building I have several others the council or contractor can view.

Please confirm receipt of his email

Thanking you

Anita Dixon

Zoose Pty Ltd

8 St Anne Place

Devonport Tas 7310

The General Manager,
Devonport City Council,
PO Box 604,
DEVONPORT Tas 7310

REPRESENTATIONS CONCERNING FILE NO 34620
PA 2017.0145 169 Steele St Devonport 7310

Please note following concerns:

Surrounding properties to be given full description in writing details of what "GENERAL DEMOLITION TECHNIQUES" are and what does "GENERAL WORK METHOD STATEMENTS" actually imply before permits are issued.

Traffic plans to be finalised and made available to interested parties in writing including the provisions and arrangements for the parking for Mersey Community Centre staff and volunteers. A guarantee that the right away to 8 St Anne Place from Steele Street remain clear and uninterrupted at all times no unauthorised vehicles to use 8 St Anne Place as a thoroughfare.

Fitwitz hold mediation and relaxation sessions during the day and at evenings they have made provisions to extrude external noise any increase in levels that disrupt those sessions or cause harm to the business compensation will be sort from council government or contractor.

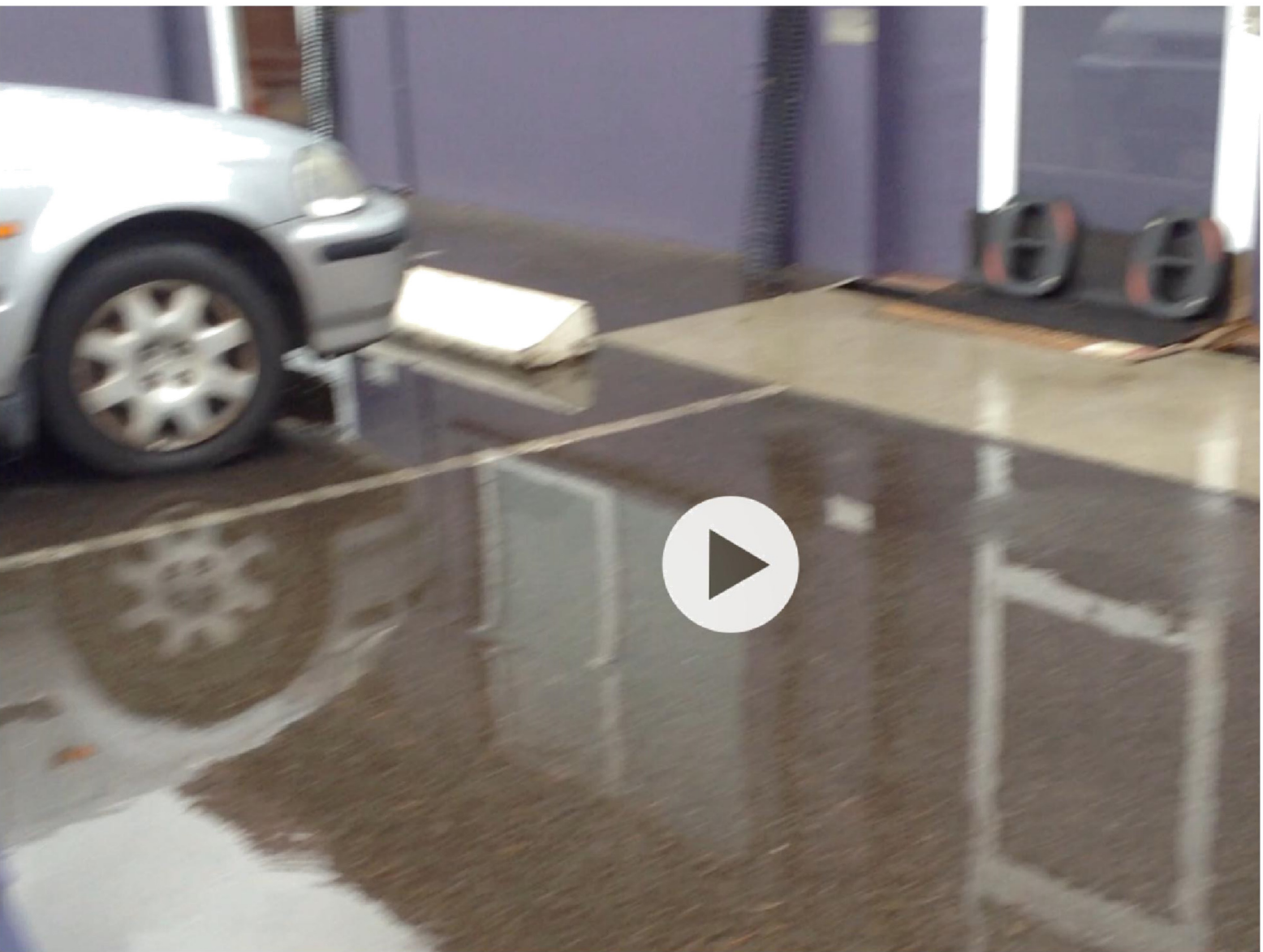
The property at 8 St Anne Place has been subjected to and continues to be flooded by run off from the said property videos and photos enclosed.
The intention of protecting the property from run off will have to be addressed to our satisfaction as the council have not been able to supply any storm water plan for this area. The use of water to suppress dust will add to current problem.

There will be an expectation that no materials, water or dust from the said property will affect our car park, buildings exterior and interior, windows, airconditioner, fencing or retaining walls.

We require in writing a guarantee there will be no disruption of services to our business.
The successful contractor to provide a name and phone number of a contact available 24/7 should any issues arise.

Thanking you
Anita Dixon
PO Box 1109
DEVONPORT Tas 7310

0419237848



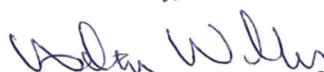
The General Manager
Devonport City Council
P O Box 604
DEVONPORT TAS 7310

REPRESENTATION CONCERNING FILE NO. 34620
PA 2017.0145. 169 Steele Street Devonport 7310

I have only the following to add to the submission from the owners
of 8 St Anne Place:-

1. I was under the impression that all the asbestos was removed before the last big clean-up to enable the Vic. Owners to sell the property???
2. The original clean-up crew discovered – immediately – that even to do that [let alone demolish the building] – they required a means to enter by Steele Street & exit by St. Anne Place. Why else do you think they bought 6 St. Anne Place & planned it as eventual through-way & visitors car park??
3. If eventual use is to be commercial, any building should NOT be higher than existing building due to loss of sunshine, especially during Winter & as I now have solar panels.
4. Regarding traffic, as I am disabled & ride a mobility scooter, I hope we will NOT have a problem with vehicles parking between my house & Motors, on the same side, as this makes it impossible for me to see if the road is clear when I cross to the footpath. This situation did occur a few years ago & was both nerve wracking & dangerous. I am not talking about people parking for an hour or so, but rather parking for most [or all] of the day. Speed humps would also go a long way to solving the problem of cars RACING down the street.

Yours sincerely,



Helen Willis
7 St. Anne Place
Devonport 7310

16-10-17

Ph: 6424 2934

Please note: I have no mobile or
email address & am not on internet.

5.0 CLOSURE

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