



*The City with Spirit*

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## **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 17 July 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

**12 July 2017**

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF  
DEVONPORT CITY COUNCIL HELD ON MONDAY 17 JULY 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 17, July 2017 commencing at 5:00pm.

**PRESENT**

		<b>Present</b>	<b>Apology</b>
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**

**2.0 DECLARATIONS OF INTEREST**

### **3.0 DELEGATED APPROVALS**

#### **3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 12 JUNE 2017-7 JULY 2017**

##### **ATTACHMENTS**

- [1.](#) Planning Applications Approved under Delegated Authority 12 June 2017-7 July 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 – 12 June 2017-7 July 2017			
Application No.	Location	Description	Approval Date
PA2017.0017	36 Cutts Road Don	Two lot subdivision	19/06/2017
PA2017.0047	145 Rooke Street Devonport	Community Meeting and Entertainment (Art Gallery) and Tourist Operation (Visitor Centre).	13/06/2017
PA2017.0058	2 Luck Street Spreyton	Storage Units	28/06/2017
PA2017.0059	16 Tedmon Street Spreyton	Residential (multiple dwellings x 2) assessment against performance criteria for setbacks and building envelope and Traffic Generating Use and Parking Code	20/06/2017
PA2017.0060	23 Ferguson Drive Quoiba	Change of Use to Resource Processing - assessment against performance criteria for Traffic Generating Use and Parking Code (fewer parking spaces than required)	15/06/2017
PA2017.0061	34 Parker Street Devonport	Two lot subdivision – assessment against performance criteria for suitability of a lot for use or development	14/06/2017
PA2017.0062	26 North Caroline Street East Devonport	AM2017.01 Rezoning from General Residential to Commercial and PA2017.0062 Transport Depot and Distribution & Storage	3/07/2017
PA2017.0065	Greenway Avenue Devonport	Residential (communal house)	15/06/2017
PA2017.0068	4 Nyora Court Miandetta	Residential (as constructed dwelling additions and carport) – assessment against performance criteria for setbacks and building envelope	5/07/2017
PA2017.0070	4 Redruth Court Spreyton	Residential (single dwelling and shed)	27/06/2017
PA2017.0078	34-44 Lovett Street Devonport	Recreation - weather shelter	5/07/2017

## **4.0 DEVELOPMENT REPORTS**

### **4.1 PA2017.0055 RESIDENTIAL (MULTIPLE DWELLINGS X 5 TO BE USED FOR THE PURPOSES OF SUPPORTED ACCOMMODATION FOR DISABLED PERSONS) - ASSESSMENT AGAINST THE PERFORMANCE CRITERIA FOR PROVISIONS INCLUDING 10.4.1, 10.4.2, 10.4.3 AND TRAFFIC GENERATING USE AND PARKING CODE (LESSER THAN PERMITTED NUMBER OF PARKING SPACES) - 35 DANA DRIVE DEVONPORT**

File: 33814 D480397

#### **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 PA2017.0055.

#### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Simon Leigh Baldock
Owner:	Lucas Estate (Tas) Pty Ltd
Proposal:	Residential (multiple dwellings x 5 to be used for the purposes of supported accommodation for disabled persons) – assessment against the performance criteria for provisions including 10.4.1, 10.4.2, 10.4.3 and Traffic Generating Use and Parking Code (lesser than permitted number of parking spaces)
Existing Use:	Vacant, undeveloped land
Zoning:	General Residential
Decision Due:	24/07/2017

#### **SITE DESCRIPTION**

The site is identified by Certificate of Title 172559/39 and with the property address of 35 Dana Drive, Devonport. The site is zoned General Residential under the *Devonport Interim Planning Scheme 2013* (DIPS) and comprises a land area of approximately 1007m<sup>2</sup>. The land is currently vacant and forms part of the Dana Drive subdivision development adjacent to the Bass Highway.



## APPLICATION DETAILS

A site plan of the proposed development is reproduced in Figure 2 below and a full copy of the proposal plans is included as **Attachment 1**.

A similar use and development was approved at 31 Dana Drive with these dwellings now completed and subsequently strata titled. Property information obtained via the State Government's Land Information System Tasmania (the LIST) database indicates these units are now under the ownership of Housing Tasmania.

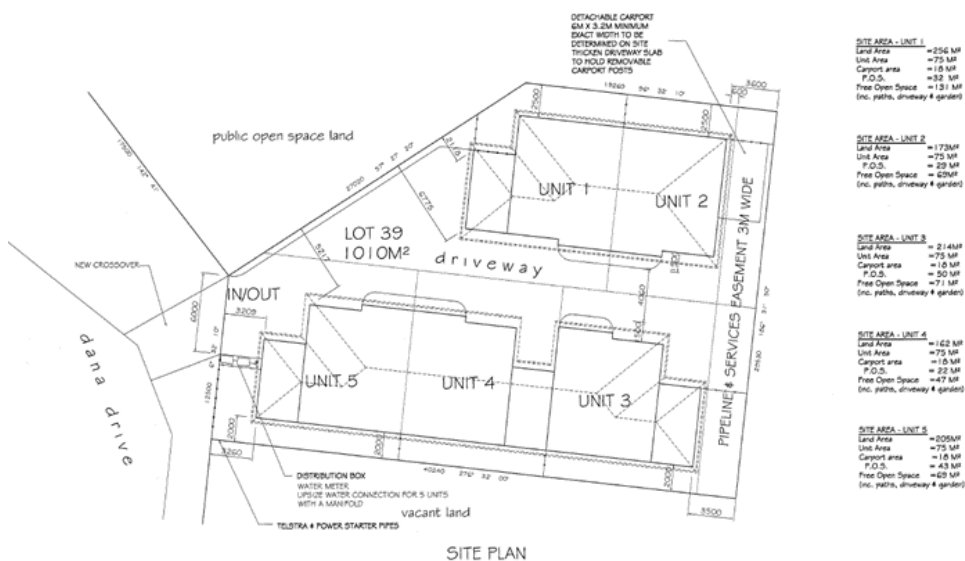


Figure 2 – Proposed multiple dwelling development plans – 35 Dana Drive, Devonport  
(Source: DCC – PA2017.0055)

**PLANNING ISSUES****Classification of use and development**

A central theme in discussions with the applicant has been the classification of the use and development under the DIPS – more specifically the applicable planning scheme provisions for multiple dwellings which are built for the particular purpose of providing residential accommodation for disabled persons.

In this context, it is noted that there are a number of terms currently in general circulation including “assisted living”, “assisted housing”, “adaptable housing”, etc. For the previous planning permit application for a similar development at 31 Dana Drive, the Resource Management and Planning Appeal Tribunal (RMPAT)<sup>1</sup> also utilised a description featuring the term “supported accommodation”.

The DIPS does not provide a definition for the above terms.

In the absence of a common description and in order to try and establish some consistent terminology as to the intended purpose of the dwellings some dialogue was afforded to the description of “assisted housing” in the draft State Planning Provisions.

Whilst not yet in effect, the State Planning Provisions which will form part of the future Tasmanian Planning Scheme (TPS), makes reference to “assisted housing” in the prescription of the residential use category. That term is subsequently defined as:

*assisted housing means housing provided by an organisation for higher needs tenants or residents, including those with physical or intellectual disabilities, and may include associated support services.*

Some further commentary is warranted to establish the context in which the term “assisted housing” is made under the State Planning Provisions. The term is used on eight occasions:

- Once in the defined terms.
- Once in the description/definition of the Residential use category;
- Once in the qualification for Residential use in the Community Purposes zone; and
- Five times in the definition of “vulnerable use” under various Codes.

In general terms, the definition of “assisted housing” is provided to qualify under what circumstances residential use can be considered in the Community Purpose zone. This is consistent with its use as a “descriptor” associated with the residential use category. It is not a separate use category in its own right, nor does it supplant an alternative and specific set of use and development standards under the SPPs.

Additionally, and perhaps most importantly, the SPPs are not yet in effect. Until such time as the Tasmanian Planning Scheme comes into operation, the DIPS remains the statutory instrument against which land use and development is regulated for the Devonport municipal area.

In accordance with the requirements of the DIPS (provision 8.2.1), all use and development must be categorized into a prescribed use class as set out under Table 8.2. In this case the proposal is appropriately described by the *residential* use category:

*Use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-*

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<sup>1</sup> The Resource Management and Planning Appeal Tribunal (RMPAT) was involved as a result of a person having made a representation against the discretionary planning permit application, appealing Council's decision to approve that application. An agreement was reached between the parties with regard to the resolution of that appeal and RMPAT subsequently directed Council to issue a permit with conditions.

*based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.*

The proposed development also appropriately conforms to the definition of a dwelling as detailed at provision 4.1.3 of the DIPS:

*means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.*

Furthermore, there are two or more dwellings proposed for the site and so it also conforms to the definition of multiple dwellings (also established under provision 4.1.3).

Whilst the submitted application nominates dwellings for a specific purpose ("supported accommodation"), the DIPS does not differentiate between these "purpose built" dwellings and dwellings in the more traditional context. The same set of standards prescribed by the planning scheme are applicable in either instance. The DIPS does not provide any additional or alternative provisions (use and development standards) that specifically deal with "supported housing" in the General Residential zone.

These may be dwellings for a specific purpose (ie supported accommodation), but for the purposes of this assessment against the requirements of the planning scheme they are multiple dwellings for residential use. Accordingly, the DIPS standards dealing with such are both appropriate and applicable.

The description given to the application as "*residential (multiple dwellings x 5 to be used for the purposes of supported accommodation for disabled persons)*" is considered appropriate and reflects the permit description issued for the similar development at 31 Dana Drive under the direction of RMPAT. Furthermore, this RMPAT proceeding considered and applied the residential development standards of the General Residential zone set out for multiple dwellings under the residential use classification.

The above commentary establishes a logical line of reasoning as to the appropriate classification of the proposed use and development and the applicable standards for assessment under the DIPS. This advice has been made clear to the applicant on a number of occasions, who seemingly maintains the opinion that owing to the nature and intended purpose of the dwellings the proposal may be assessed under a different classification. The applicant's continued assertion in this regard is not supported.

#### **Compliance with planning scheme standards**

The proposed development relies on the Council exercising discretion on a range of provisions under the DIPS because compliance with the permitted standards is not achieved. These relate to standards prescribed for the General Residential zone and the Traffic Generating Use and Parking Code.

These discretionary matters are the same as those that were brought to the applicant's attention by Council planning staff when very similar development plans were submitted (on a preliminary basis) for this site in October 2016.

In general terms, the Acceptable Solutions of the planning scheme set out the permitted standards, whilst the corresponding Performance Criteria provide the discretion to consider an alternative way of meeting an objective for a standard (where the Acceptable Solution is not satisfied).

The nature of a Performance Criteria is that they do allow flexibility to consider particular circumstances – however such discretion is still framed by the requirements (and the ability to satisfy such) prescribed by that relevant Performance Criteria.

Noting the extent of discretion sought and the need for that discretion to satisfy a number of Performance Criteria prescribed by the DIPS, the applicant was advised that additional information would be required to enable a proper assessment of the application and further inform the exercise of discretion, more specifically to assist with determining compliance against the relevant Performance Criteria. This additional information request was issued to the applicant in accordance with section 54 of the *Land Use Planning and Approvals Act 1993*.

The response presented by the applicant is generally premised around the intended purpose of the dwellings to provide housing for disabled persons which lends justification for the use of discretion and departure from the permitted standards.

The following table summarises some of the key considerations relating to the discretions sought where the applicable permitted standards of the DIPS have not been met. Discussion is provided against these standards and the supporting justifications provided by the applicant.

Discretionary matter (planning scheme provision)	Discussion
10.4.1 – Residential density for multiple dwellings	<p>The permitted standard (Acceptable Solution A1) requires a site area per dwelling of not less than 325m<sup>2</sup>. The discretion sought is for a site area of approx. 202m<sup>2</sup> per dwelling. The corresponding Performance Criteria (PC) does allow for the consideration of a lesser than permitted site area per dwelling and sets the relevant "tests" whereby such discretion can be exercised.</p> <p>It is noted that the recently approved development at 31 Dana Drive has established a lesser than permitted site area per dwelling which is comparable with the discretion sought in this instance. Compatibility with dwelling density of the surrounding area represents one of the tests to be satisfied.</p> <p>Notwithstanding the above, the required discretion is still a considerable departure from the permitted standard. In support of the discretion sought the applicant has provided the following commentary:</p> <p><i>"The site area per dwelling is deliberately designed to take into account the anticipated needs for outside space by a resident who is choosing to live in supported housing. There is a physical inference in the design of a cluster with minimal open space for reasons of the efficient use of land as surplus land can be not wanted by residents, typically unable to be adequately cared for by residents and may in certain circumstances be causative of anxiety. Another reason is that close supervision between neighbors who are in open space areas is relevant where the residents may be poor of health, reduced mobility or lacking any desire to use private open space".</i></p> <p>Whilst not addressing the requirements of the PC specifically, the applicant has provided some rationale as to why a departure from the permitted can be considered.</p>
10.4.2 – Building envelope and setbacks for all dwellings	The proposed development requires the discretion to allow a lesser than permitted front and rear setback - as building is proposed to occur outside of the permitted building envelope <sup>2</sup> required by the

<sup>2</sup> Provision 4.1.3 provides a definition for *building envelope* as meaning: *the three-dimensional space within which buildings are to occur.*

	<p>permitted standards of the DIPS. The corresponding Performance Criteria (PC) examine matters including overshadowing, impact of building form on streetscape/adjacent lots, etc.</p> <p>The number of proposed units on the site (and the lesser than permitted site area per dwelling discussed previously in regard to provision 10.4.1) perhaps impedes the ability of the development to comply with the permitted building setback standards. Notwithstanding, the proposed setback of the dwellings is not considered to result in or contribute to an unreasonable loss of amenity through reduction in sunlight or privacy, or establish a building form that is of detriment to the streetscape or adjoining properties. No representations were received against the application that would otherwise influence a conclusion to the contrary.</p>
10.4.3 – Site coverage and private open space for all dwellings	<p>Discretion to allow a lesser than permitted dedicated private open space (POS) per dwelling (60m<sup>2</sup> per dwelling being the permitted standard), and further discretions including:</p> <ul style="list-style-type: none"> <li>- the dimensions of POS;</li> <li>- access to POS from the dwelling (the permitted standard requires direct access from a habitable room other than a bedroom);</li> <li>- orientation of POS with respect to solar access;</li> <li>- lesser than permitted impervious surface for the site (25% being the permitted standard).</li> </ul> <p>The corresponding performance criteria (PC) to the abovementioned standards do allow for some flexibility where the permitted standards are not met. To support the exercise of discretion in this regard, the applicant (as part of the additional information request) was directed to provide supporting justification against the requirements of the PC (including shadow diagrams for the POS of each dwelling to establish each has reasonable solar access). The response provided by the applicant is as follows:</p> <p><i>"Shadow diagrams 4C through to 4F accompany this Response.</i></p> <p><i>It is a logical progression that where there is less private open space at the site and this lesser quantity is justified due to the lack of need or utility for POS that there will be lesser amounts of solar access for the POS.</i></p> <p><i>The dwellings to be constructed are not the kind of dwelling that will see POS used by the occupants in a "typical" fashion, if there is such a thing as typical in the use of POS.</i></p> <p><i>The property adjoins an area of Public Open Space which is highly relevant, it being available and offering maximum supervised area for recreation.</i></p> <p><i>The nature and extent of the POS on the site and its solar access is effectively akin to that existing at the adjoining property previously developed and approved by the Applicant where the use of POS sets an effective benchmark or guide to the potential use of POS at this site. The Applicant relies on this level of use and submits that it is negligible."</i></p> <p>The submitted shadow diagrams<sup>3</sup> demonstrate that the dedicated POS areas for proposed units 3, 4 &amp; 5 will receive</p>

<sup>3</sup> These shadow diagrams submitted by the applicant reference four time periods (9am, 11am, 1pm and 3pm) specified for "9/06/2015" it is not clear as to what this date refers to. The usual practice is



Report to Planning Authority Committee meeting on 17 July 2017

	<p>minimal solar access. The applicant's submission is generally that the "traditional dwelling standards" relating to POS can be set aside owing to the specific purpose of the dwellings to provide residential housing for disabled persons. In other words, the suggestion is made that the demand for residential amenities such as POS (included solar access associated with that POS) is lessened because of the intended occupiers/users of the dwellings.</p> <p>Following the proponent's above rationale, it remains a difficult proposition for the Council to determine what is sufficient in terms of POS for such users/occupiers. It is not clear as to whether organisations such as Housing Tasmania, have had any input into the design of these units – but noting the purchase of similar purpose-built dwellings at 31 Dana Drive, it can perhaps be assumed some sort of acceptability was arrived at before such acquisition was made.</p> <p>Furthermore, discretions relating to private open space can perhaps be characterised as "inward discretions" – in that they are likely to impact future owners/occupants of the dwellings, rather than pose external impact upon adjacent land.</p>
10.4.6 – Privacy for dwellings	<p>The permitted standard of the planning scheme requires a shared driveway for multiple dwellings to have a minimum separation of at least 2.5m from a window or door to a habitable room, unless an alternative means of screening is provided.</p> <p>The corresponding Performance Criteria (PC) is generally framed on the basis that an appropriate level of screening is provided for the shared driveway or the driveway is otherwise located or designed so as to minimise unreasonable detrimental impact (noise, light intrusion).</p> <p>The detail submitted with the application showed a separation of less than 2.5m from the shared driveway to the doors/windows of habitable rooms of the dwellings and there was no provision of screening nominated. Accordingly, the applicant was required to provide additional information with justification as to how the PC could be satisfied.</p> <p>The subsequent response from the applicant was as follows:</p> <p><i>"Accompanying Drawing 4A shows the driveway proximities and likely vehicle movements. The parking areas are to the side of each dwelling, the central driveway running east/west in the centre of the property.</i></p> <p><i>Plantings of pittosporum to screen windows are indicated on Drawing 3."</i></p> <p>In this regard discretion can be both reasonably considered and exercised, the inclusion of planted screenings (included on Drawing 3) will form part the plans endorsed by Council in the event of a planning permit being granted.</p>
Code E9 – Traffic Generating Use and Parking Code	<p>The permitted minimum parking space requirements required for multiple dwelling development in the General Residential zone is 2 parking spaces per unit and 1 dedicated visitor parking space for</p>

for shadow diagrams to depict shadows for 21 June (the Winter Solstice) where shadows are at their longest and provide a "worse-case scenario" for the estimation of overshadowing. Indeed, the DIPS provides reference to this 21 June date at provision 10.4.3 A2 (d).



every four units. In this case the permitted number of parking spaces required for the development is deemed to be 11.

7 spaces are shown on the submitted plans so discretion is sought to allow a lesser than permitted number of required parking spaces. The relevant corresponding PC provision under the DIPS (E9.5.1 P1) does allow for discretion to vary the permitted standard, and for such discretion to have regard to the likely needs and requirements of site users.

The Code also has regard to vehicle parking layout and vehicle maneuverability (turning paths, etc.) with the permitted standards referencing the relevant Australian Standards. The application of these standards allows for a quantifiable demonstration of adequate onsite parking and vehicle maneuverability.

From the detail provided with the application it was not sufficiently apparent that the submitted vehicle parking and maneuverability detail is prepared in accordance with Australian Standard *AS/NZS 2890.1 (2004) – Parking Facilities – Off Street Car Parking*.

To enable a proper assessment against the above requirements of the DIPS, and as part of the additional information request, the applicant was instructed to provide supporting rationale/justifications against the requirements of:

- Performance Criteria E9.5.1 P1 as to why a lesser than permitted number of parking spaces should be considered; and
- Demonstration that the requirements regarding parking layout and vehicle maneuverability, (turning paths, etc.) and as required under provision E9.6.1 A1.2, are sufficient and have appropriate regard to the relevant Australian Standards (namely *AS/NZS 2890.1 (2004) – Parking Facilities – Off Street Car Parking*); or
- Alternatively, where the permitted standards of E9.6.1 A1.2 are not achieved, then appropriate rationale/justification should be provided against the corresponding Performance Criteria of E9.6.1 P1 demonstrating why the discretion to allow a departure from the permitted standards should be considered.

The applicant proffers that a lesser than permitted number of parking spaces is acceptable in the context of the previous rationale put forward with respect to the intended use of the dwellings for disabled persons. Noting this intended purpose, it does not appear unreasonable to consider how that may influence a lesser than permitted demand for parking spaces and enable the exercise of discretion.

Notwithstanding the above comment, the issue of parking design and vehicle manoeuvrability (turning paths, etc.) remain an important consideration.

Included within the Australian Standard *AS/NZS 2890.1 (2004) – Parking Facilities – Off Street Car Parking* is a standard turning template which allows for verification as to whether sufficient area is allowed for vehicle manoeuvrability. As part of the normal assessment procedure, the development application has been assessed by the Council's Engineering Group. That assessment has identified that compliance with the abovementioned Australian Standard is not sufficiently apparent to conclude that adequate

	<p>vehicle manoeuvrability is provided. Whilst the proponent contends that the submitted plans show such detail, these plans essentially depict curved lines which are inconsistent with the turning template under the abovementioned Australian Standard. Following the proponent's line of reasoning as to the specific purpose of these dwellings to provide for disabled persons, it would seem appropriate to ensure that adequate provision for manoeuvrability is made for vehicle users within the site, including supported mobility vehicles (ie vehicles with wheelchair pick up and set down capabilities).</p> <p>Accordingly, compliance with AS/NZS 2890.1 (2004) – <i>Parking Facilities – Off Street Car Parking</i> is deemed appropriate and a permit condition to this effect is recommended should Council determine to issue a planning permit.</p>
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### COMMUNITY ENGAGEMENT

On 01/05/2017, 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 21/06/2017;
- (b) Making a copy of the proposal available in Council Offices from the 21/06/2017;
- (c) Notifying adjoining property owners by mail on 20/06/2017; and
- (d) Erecting a Site Notice for display from the 20/06/2017.

The period for representations to be received by Council closed on 05/07/2017.

### REPRESENTATIONS

No representations were received within the statutory 14-day public notification period required by the *Land Use Planning and Approvals Act 1993*.

### DISCUSSION

It is readily apparent that the applicant relies upon the purpose of the dwellings, that is to provide residential accommodation for disabled persons, as the primary justification for the use of discretion, and more specifically the departure from the permitted standards of the DIPS.

The discretion to allow a lesser than permitted site area per dwelling (325m<sup>2</sup> being the permitted standard and 202m<sup>2</sup> representing that sought) would appear to have a flow on effect to the other applicable development standards of the planning scheme. In other words, the number of dwellings proposed for the site impacts on the ability to comply with the permitted standards relating to building setback, the allocation of private open space, and available area for parking and vehicle turning/manoeuvrability within the site.

The number of discretionary components (where compliance with the permitted standard is not achieved) perhaps lends some weight to an observation that the proposal represents an over development of the site. Notwithstanding, it is appropriate for each discretion to be considered on its merits and with regard to the requirements set by the relevant Performance Criteria of the DIPS.

Discretions relating to private open space, on-site vehicle manoeuvrability etc, can perhaps be characterised as "inward discretions" – in that they are likely to impact future

owners/occupants of the dwellings, rather than pose external impact upon adjacent land.

This report has provided an assessment and further commentary as to the requirements and applicable development standards established under the planning scheme. It now remains for the Council to determine as to whether the intended purpose of the dwellings to support and provide residential accommodation for disabled persons is of sufficient benefit to justify the use of discretion in the departure from the permitted standards of the DIPS.

As part of the normal assessment procedure, the application was internally referred to the various Council departments with an interest in development applications. The requirements/comments of these referrals have been incorporated into this assessment as appropriate.

In accordance with the requirements of the *Water and Sewerage Industry Act 2008*, the application was referred to TasWater which subsequently issued a Submission to Planning Authority Notice which requires certain conditions to be included with a planning permit in the event that the application is approved.

#### **FINANCIAL IMPLICATIONS**

No financial implications are predicted, unless an appeal is made against the Council's decision to the Resource Management and Planning Appeal Tribunal. In such instance, legal counsel may be required to represent Council. No representations were received against the application, so the opportunity to appeal Council's decision will reside with the applicant only. Such appeal action may follow should the Council determine to refuse the application, or against any conditions attached to the permit in the event of Council approving the permit application.

#### **RISK IMPLICATIONS**

No risk implications are associated with a determination of this planning permit.

#### **CONCLUSION**

The application is for the use and development of five multiple dwellings (units) on the site, and for these dwellings to be used for providing residential accommodation for disabled persons.

This report has provided an assessment of the proposal against the requirements of the DIPS and in particular those matters where the exercise of discretion has been sought. It follows that the Council acting as a Planning Authority has two options to consider in respect of the discretionary planning permit application:

##### **Option 1:**

Refuse the application on the basis that it exceeds the discretion that could reasonably be considered under the following Performance Criteria:

- 10.4.1 P1 – Residential density for multiple dwellings; and
- 10.4.3 P2 – Private open space for all dwellings;

**OR**

##### **Option 2:**

Approve the application subject to conditions.

## ATTACHMENTS

- [1.](#) Plans and documentation - PA2017.0055 - 35 Dana Drive Devonport

## RECOMMENDATION

That Council determine either:

### Option 1

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*, refuse application PA2017.0055 for a Permit to use and develop land identified as 35 Dana Drive, Devonport for the following purposes:

- Residential (multiple dwellings x 5 to be used for the purposes of supported accommodation for disabled persons) – assessment against the performance criteria for provisions including 10.4.1, 10.4.2, 10.4.3 and Traffic Generating Use and Parking Code (lesser than permitted number of parking spaces)

On the basis that it exceeds the discretion that could reasonably be considered under the following Performance Criteria:

- 10.4.1 P1 – Residential density for multiple dwellings; and
- 10.4.3 P2 – Private open space for all dwellings;

### Option 2

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 PA2017.0055 and grant a Permit to use and develop land identified as 35 Dana Drive, Devonport for the following purposes:

- Residential (multiple dwellings x 5 to be used for the purposes of supported accommodation for disabled persons) – assessment against the performance criteria for provisions including 10.4.1, 10.4.2, 10.4.3 and Traffic Generating Use and Parking Code (lesser than permitted number of parking spaces)

Subject to the following conditions:

1. Unless otherwise specified by a condition of this permit, the use and development is to proceed generally in accordance with the submitted plans prepared by RFS Projects and referenced as Supported Accommodation New Unit Development – Lot 39 Dana Drive, Devonport (Drawing Nos. 1 – 4). Copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to submit a design drawing of the proposed driveways, accesses and car parking for approval prior to any works commencing. The car park layout is to comply with Australian Standard *AS/NZS 2890.1 (2004) – Parking Facilities – Off Street Car Parking*. All design drawings are to be submitted as part of any subsequent building permit application and include turning paths for access and egress for all proposed parking sites including 300mm clearance as per AS2890.1 Appendix B.
3. The developer is to comply with the conditions (and have regard to any further information) specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the *Water and Sewerage Industry Act 2008*. A copy of this Notice is attached.

Note: The following is provided for information purposes.

**THIS IS NOT A BUILDING OR PLUMBING PERMIT.**

Prior to commencing any building or plumbing work you are required to:

1. Contact a Tasmanian registered Building Surveyor to determine the category of building approval required, and
2. Contact the Council Permit Authority to determine the category of plumbing approval required.

In regard to condition 2 the applicant should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries. For information, please find attached a copy of the standard vehicle turning template provided under Australian Standard AS/NZS 2890.1 (2004) – *Parking Facilities – Off Street Car Parking*.

In regard to condition 3 and information specified in the TasWater Submission to Planning Authority Notice, the applicant/developer should contact TasWater – Ph 136 992 with any enquiries.

Hours of construction (including demolition) must be: Monday to Friday 7am – 6pm; Saturday between 9am - 6pm; and Sunday/statutory public holidays 10am - 6pm.

During the construction and subsequent use of the building, all reasonable measures are to be taken to minimise off-site environmental effects that may result in a nuisance. This includes air, noise and water pollution with such matters subject to the provisions and requirements of the *Environmental Management and Pollution Control Act 1994* including Regulations made thereunder.

Enquiries regarding the following notes can be directed to Council's City Infrastructure Department – Ph 6424 0511.

The proposed new access driveway shall be constructed generally in accordance with Tasmanian Standard Drawing TSD R09v1.

Any existing redundant driveway and associated infrastructure is to be demolished and reinstated to concrete footpaths, barrier kerb and/or nature strip to match the adjoining infrastructure and otherwise in accordance with the relevant Tasmanian Standard Drawings.

Stormwater discharge from the proposed development 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 flows. As part of their design the hydraulic engineer is to limit discharge from the proposed development to that equivalent to only 50% of the existing lot being impervious. Peak discharge is to be limited by utilising suitably designed on-site stormwater detention systems. All design calculations are to be submitted as part of subsequent building and plumbing permit applications.

The existing stormwater service connection is to be utilised for the development.

Any existing Council infrastructure impacted by the works are to be reinstated in accordance with the relevant standards.

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

Author:	Mark McIver	Endorsed By:	Brian May
Position:	Planning Officer	Position:	Development Manager

**Glynn Williams** B.A., LL.B  
**Barrister and Solicitor**

70 Alexandra Road  
 Ulverstone TAS 7315  
 Postal - PO Box 223  
 Ph 03 6425 6712  
 Fax 03 6425 3599  
 Mob 0419 895 332

The General Manager  
 Devonport City Council  
 44-48 Best Street  
 DEVONPORT TAS 7310

08 June 2017

Attention – Planning Services

Dear Sir/Madam

**Re: Multiple Dwellings - Support Housing – Response to Request for additional information – PA2017.0055 Residential (assisted living) – multiple dwellings x 5 – 35 Dana Drive, Devonport – Insight (Tas) Pty Ltd**

My client's application has been placed on hold pursuant to section 54 (2) of the Act until the requested information has been provided to the satisfaction of the Council. This letter is to serve as a response to the request for additional information is made in accordance with section 54 of the *Land Use Planning and Approvals Act 1993* (the Act) of the 5<sup>th</sup> May.

Please see the below Table setting out relevant matters in blue text to be considered by you together with accompanying plans and diagrams on the pdf file dated 25<sup>th</sup> May 2017.

Please note that my client reserves its rights to argue at any appropriate time that the development proposal may be assessed under a different classification.

Discretionary matter (planning scheme provision)	Comment	Required Information
10.4.1 – Residential density for multiple dwellings	The permitted standard (Acceptable Solution) requires a site area per dwelling of not less than 325m <sup>2</sup> . The discretion sought is for a site area of 202m <sup>2</sup> per dwelling which is a considerable departure from the permitted standard.	The site area per dwelling is deliberately designed to take into account the anticipated needs for outside space by a resident who is choosing to live in supported housing. There is a physical inference in the design of close a cluster with minimal open space for reasons of the efficient use of land as surplus land can be not wanted by residents, typically unable

		to be adequately cared for by residents and may in certain circumstances be causative of anxiety. Another reason is that close supervision between neighbours who are in open space areas is relevant where the residents may be of poor health, reduced mobility or lacking any desire to use POS.
10.4.3 – Site coverage private and open space	<p>Discretion is sought to allow a lesser than permitted dedicated private open space (POS) per dwelling (60m<sup>2</sup> per dwelling being the permitted standard), and further discretions including:</p> <ul style="list-style-type: none"> <li>- the dimensions of POS;</li> <li>- access to POS from the dwelling (the permitted standard requires direct access from a habitable room other than a bedroom);</li> <li>- orientation of POS with respect to solar access;</li> <li>- lesser than permitted impervious surface for the site (25% being the minimum permitted standard).</li> </ul>	<p>Supporting rationale/justification against the requirements of the Performance Criteria established under 10.4.3 P1 – P2.</p> <p>Including the provision of shadow diagrams which demonstrate that the POS of each dwelling has reasonable solar access.</p> <p>Shadow diagrams 4C through to 4F accompany this Response.</p> <p>It is a logical progression that where there is less private open space at the site and this lesser quantity is justified due to the lack of need or utility for POS that there will be lesser amounts of solar access for the POS.</p> <p>The dwellings to be constructed are not the kind of dwelling that will see POS used by the occupants in a “typical” fashion, if there is such a thing as typical in the use of POS.</p> <p>The property adjoins an area of Public Open Space which is highly relevant, it being available and offering maximum supervised area for recreation.</p> <p>The nature and extent of the POS on the site and its solar access is effectively akin to that existing at the adjoining property previously developed and approved by the Applicant where the use of POS sets an effective benchmark or guide to the potential use of POS at this site. The Applicant relies on this level of use and submits that it is negligible.</p>
10.4.6 – Privacy for dwellings (A3/P3)	The permitted standard of the planning scheme requires a shared driveway for multiple dwellings to have a minimum separation of at least 2.5m from a window or door to a habitable room, unless an alternative means of screening is provided.	<p>Supporting rationale/justification against the requirements of the Performance Criteria established under 10.4.6 P3.</p> <p>Accompanying Drawing 4A shows the driveway proximities and likely vehicle</p>



	<p>The corresponding Performance Criteria is generally framed on the basis that an appropriate level of screening is provided for the shared driveway or the driveway is otherwise located or designed so as to minimize unreasonable detrimental impact (noise, light intrusion).</p> <p>The detail submitted with the application shows a separation of less than 2.5m from the shared driveway to the doors/windows of habitable rooms of the dwellings and there is no provision of screening nominated. Accordingly there is not sufficient detail provided to determine that the requirements of the PC are satisfied.</p>	<p>movements. The parking areas are to the side of each dwelling, the central driveway running east/west in the centre of the property.</p> <p>Plantings of pittosperum to screen windows are indicated on Drawing 3.</p>
10.4.7 – Front fences for dwellings	<p>Submitted plans show a 1.5m high colourbond fence along a portion of the front boundary. The permitted standard of the scheme requires that front boundary fencing must not exceed a height of 1.8m, and for that part of the fence above a height of 1.2m must provide a transparency of not less than 30%.</p> <p>It is unclear as to whether proposed fencing may have been nominated without knowledge of front fencing requirements prescribed by the planning scheme.</p>	<p>Please nominate whether you would like discretion to be exercised on this matter also.</p> <p>Not Required – metal rail fence to be installed with maximum transparency</p>
Code E9 – Traffic Generating Use and Parking Code	<p>The permitted minimum parking space requirements required for multiple dwelling development in the General Residential zone is 2 parking spaces per unit and 1 dedicated visitor parking space for every four units.</p> <p>Discretion is sought to allow a lesser than permitted number of required parking spaces. The relevant corresponding PC provision under the planning scheme (E9.5.1 P1) does allow for discretion to vary the permitted standard, and for such discretion to have regard to the likely needs and requirements of site users -however appropriate rationale should be provided to qualify such considerations and inform the use of any discretion conferred.</p> <p>The Code also has regard to vehicle parking layout and vehicle maneuverability (turning paths, etc.) with the permitted standards referencing the relevant Australian Standards. The application of these standards allows for a quantifiable demonstration of adequate onsite parking and vehicle maneuverability.</p> <p>It is not sufficiently apparent that the submitted vehicle parking and maneuverability detail is prepared in accordance with Australian Standard AS/NZS 2890.1 (2004)</p>	<p>Supporting rationale/justification against the requirements of:</p> <ul style="list-style-type: none"> <li>- Performance Criteria E9.5.1 P1 as to why a lesser than permitted number of parking spaces should be considered;</li> </ul> <p>Drawing 4A indicates 10 parking spaces</p> <ul style="list-style-type: none"> <li>- Demonstration that the requirements regarding parking layout and vehicle maneuverability, (turning paths, etc.) and as required under provision E9.6.1 A1.2, are sufficient and have appropriate regard to the relevant Australian Standards (namely AS/NZS 2890.1 (2004) – Parking Facilities – Off Street Car Parking).</li> </ul> <p>Drawing 4A indicates both parking spaces and vehicle maneuverability and turning paths</p> <p>It is submitted that the vehicle parking and maneuverability detail is prepared in accordance with the Australian Standard.</p>



Yours faithfully,

A handwritten signature in black ink, appearing to read 'Glynn Williams', with a stylized, cursive script.

Glynn Williams

[glynn@glynnwilliams.com.au](mailto:glynn@glynnwilliams.com.au)

# RFS PROJECTS PTY. LTD.

## PROJECT: SUPPORTED ACCOMMODATION NEW UNIT DEVELOPMENT INSIGHT (TAS) PTY LTD LOT 39 DANA DRIVE DEVONPORT

DRAWING SCHEDULE	
PAGE	TITLE
1	SITE PLAN
2	DRAINAGE PLAN
3	LANDSCAPING PLAN
4	PRIVATE OPEN SPACE
4A	CAR PARKING & TURNING ASSESSMENT
4B-4F	SHADING
5-12	UNITS 1-2
13-20	UNITS 3-5
21	WINDOW & DOOR SCHEDULE & GENERAL NOTES
22	WINDOW & DOOR SCHEDULE & GENERAL NOTES
23	BAL
24	BATHROOM LAYOUT
25&25A	WET AREA WATERPROOFING NOTES
26	NCC COMPLIANCE NOTES
27	WORK HEALTH & SAFETY NOTES

VOLUME -

FOLIO -

DESIGN WIND SPEED -

SOIL CLASSIFICATION -

CLIMATE ZONE - 7

BAL - LOW

FLOOR AREA	
UNIT 1	75M <sup>2</sup>
UNIT 2	75M <sup>2</sup>
UNIT 3	75M <sup>2</sup>
UNIT 4	75M <sup>2</sup>
UNIT 5	75M <sup>2</sup>

RFS PROJECTS PTY LTD  
ABBIE BROWN - CC6487  
ACCREDITED BUILDING DESIGNER  
70 TUGRAH RD, DEVONPORT  
P 64 246325  
E [abbie@rfsprojects.com.au](mailto:abbie@rfsprojects.com.au)



NOTE:  
ONSITE WATER RETENTION  
IN # PITS # DRIVE AREAS

ALL DIMENSIONS, LEVELS & COUNCIL BOUNDARY REQUIREMENTS SHALL BE  
CHECKED ON SITE BY BUILDER PRIOR TO COMMENCING CONSTRUCTION

DETACHABLE CARPORT  
6M X 3.2M MINIMUM  
EXACT WIDTH TO BE  
DETERMINED ON SITE  
THICKEN DRIVEWAY SLAB  
TO HOLD REMOVABLE  
CARPORT POSTS

#### SITE AREA - UNIT 1

Land Area = 256 M<sup>2</sup>  
Unit Area = 75 M<sup>2</sup>  
Carport area = 18 M<sup>2</sup>  
P.O.S. = 32 M<sup>2</sup>  
Free Open Space = 131 M<sup>2</sup>  
(inc. paths, driveway & garden)

#### SITE AREA - UNIT 2

Land Area = 173 M<sup>2</sup>  
Unit Area = 75 M<sup>2</sup>  
P.O.S. = 29 M<sup>2</sup>  
Free Open Space = 69 M<sup>2</sup>  
(inc. paths, driveway & garden)

#### SITE AREA - UNIT 3

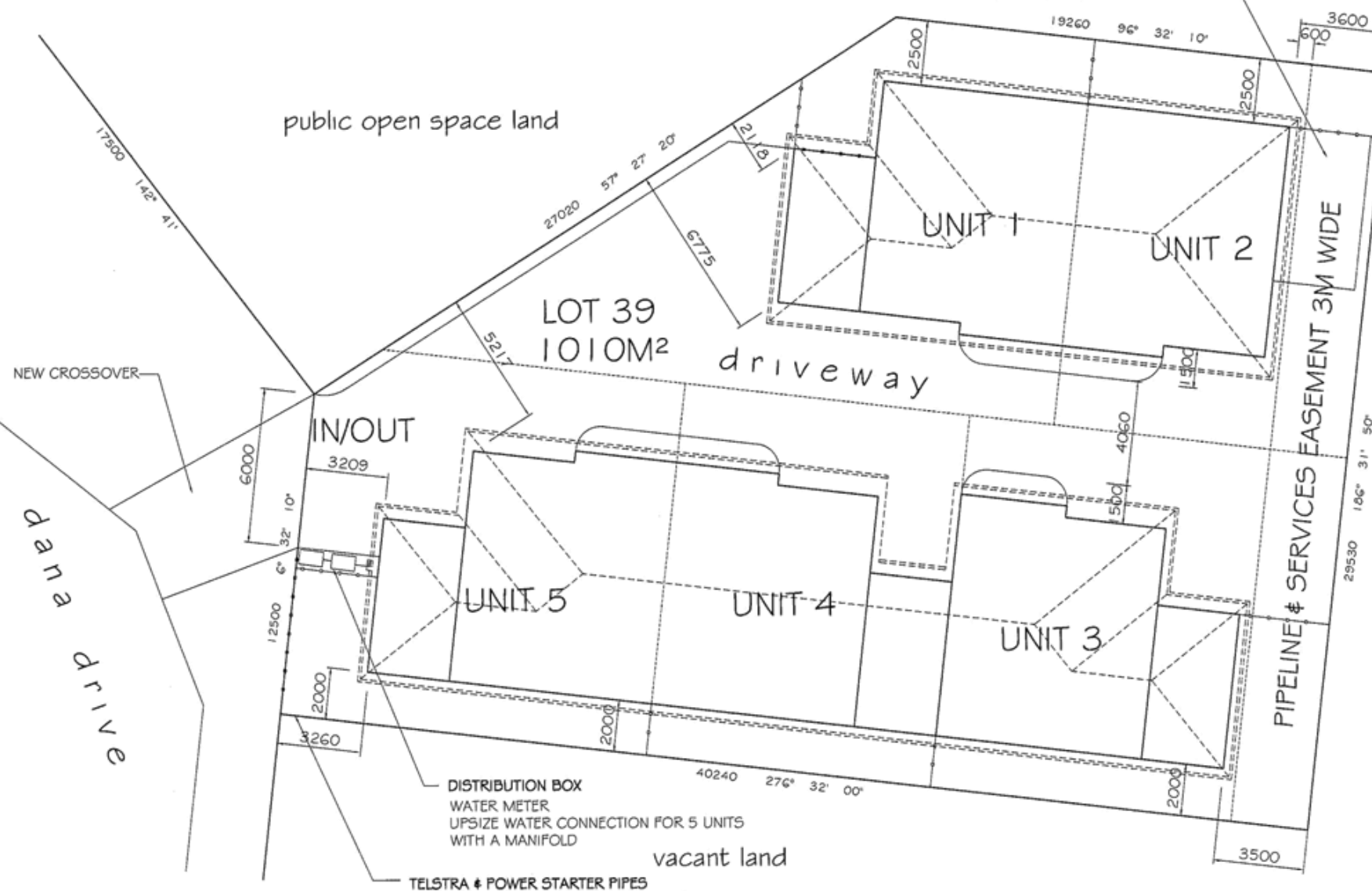
Land Area = 214 M<sup>2</sup>  
Unit Area = 75 M<sup>2</sup>  
Carport area = 18 M<sup>2</sup>  
P.O.S. = 50 M<sup>2</sup>  
Free Open Space = 71 M<sup>2</sup>  
(inc. paths, driveway & garden)

#### SITE AREA - UNIT 4

Land Area = 162 M<sup>2</sup>  
Unit Area = 75 M<sup>2</sup>  
Carport area = 18 M<sup>2</sup>  
P.O.S. = 22 M<sup>2</sup>  
Free Open Space = 47 M<sup>2</sup>  
(inc. paths, driveway & garden)

#### SITE AREA - UNIT 5

Land Area = 205 M<sup>2</sup>  
Unit Area = 75 M<sup>2</sup>  
Carport area = 18 M<sup>2</sup>  
P.O.S. = 43 M<sup>2</sup>  
Free Open Space = 69 M<sup>2</sup>  
(inc. paths, driveway & garden)



SITE PLAN

REV	DESCRIPTION	DATE
A	PRELIMINARY	26.04.17

ALL DIMENSIONS IN MILLIMETERS



IF IN DOUBT DO NOT SCALE

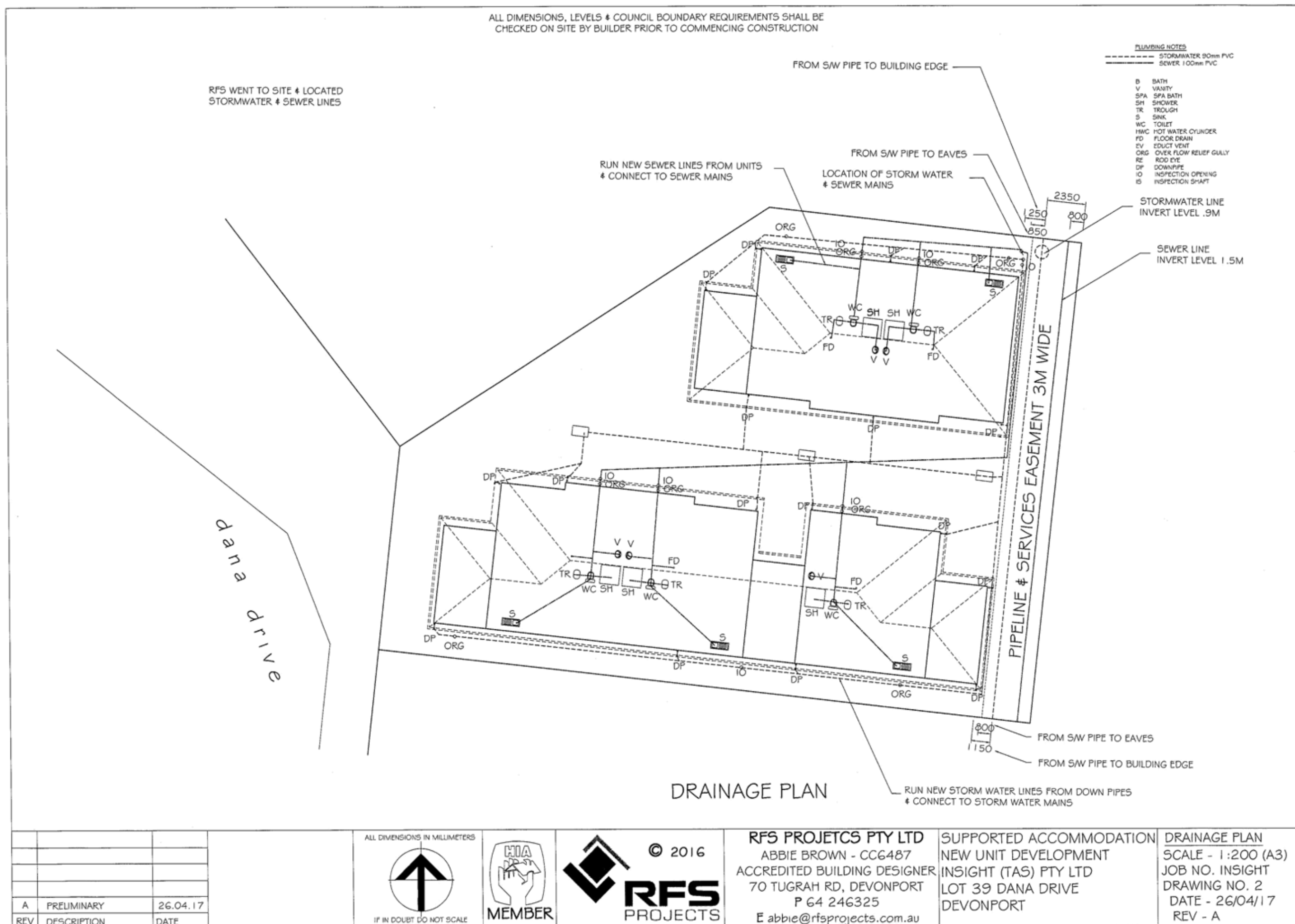


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SUPPORTED ACCOMMODATION  
NEW UNIT DEVELOPMENT  
INSIGHT (TAS) PTY LTD  
LOT 39 DANA DRIVE  
DEVONPORT

SITE PLAN  
SCALE - 1:200 (A3)  
JOB NO. INSIGHT  
DRAWING NO. 1  
DATE - 26/04/17  
REV - A

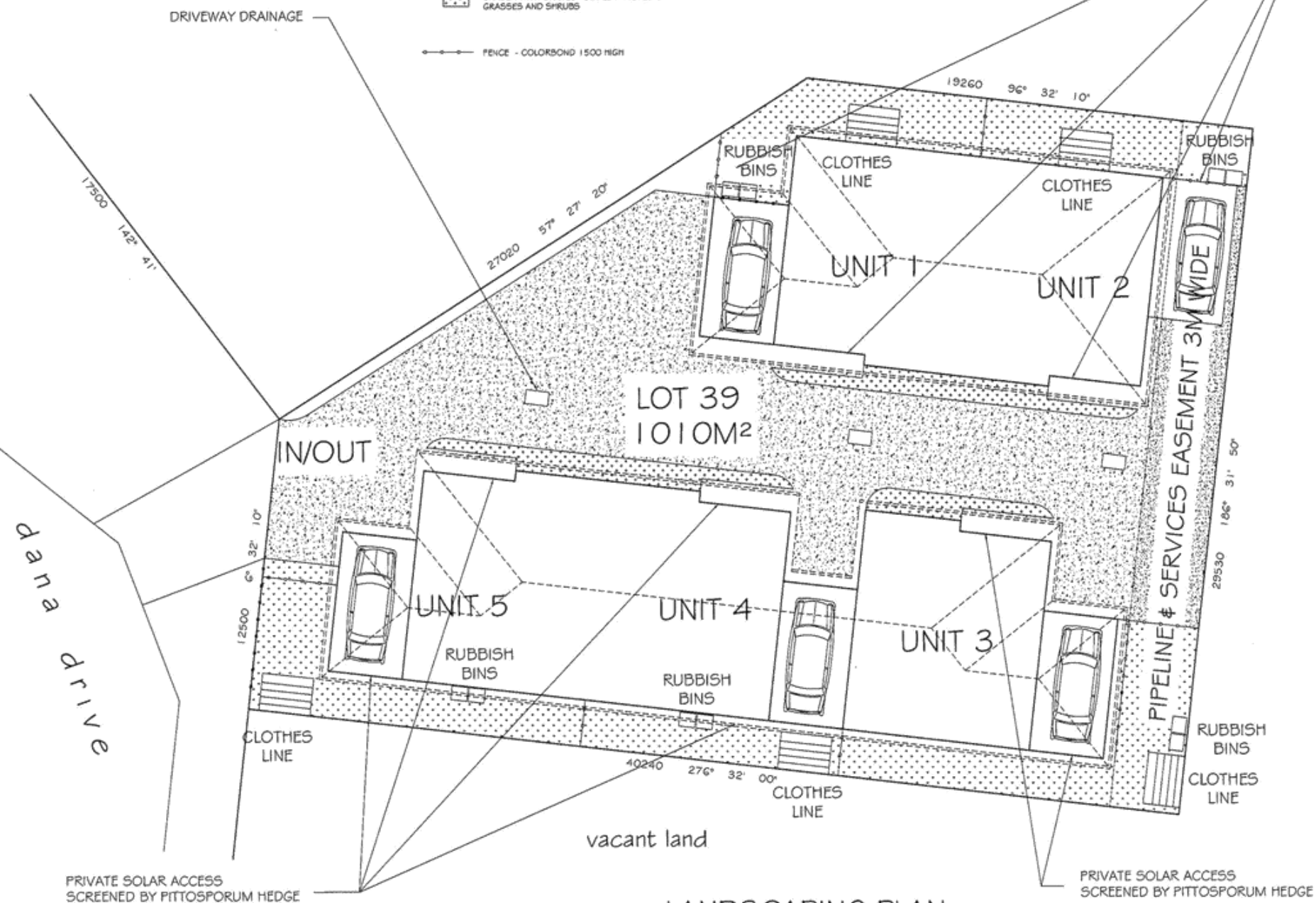
### ITEM 4.1



NOTE:  
ONSITE WATER RETENTION  
IN PITS & DRIVE AREAS

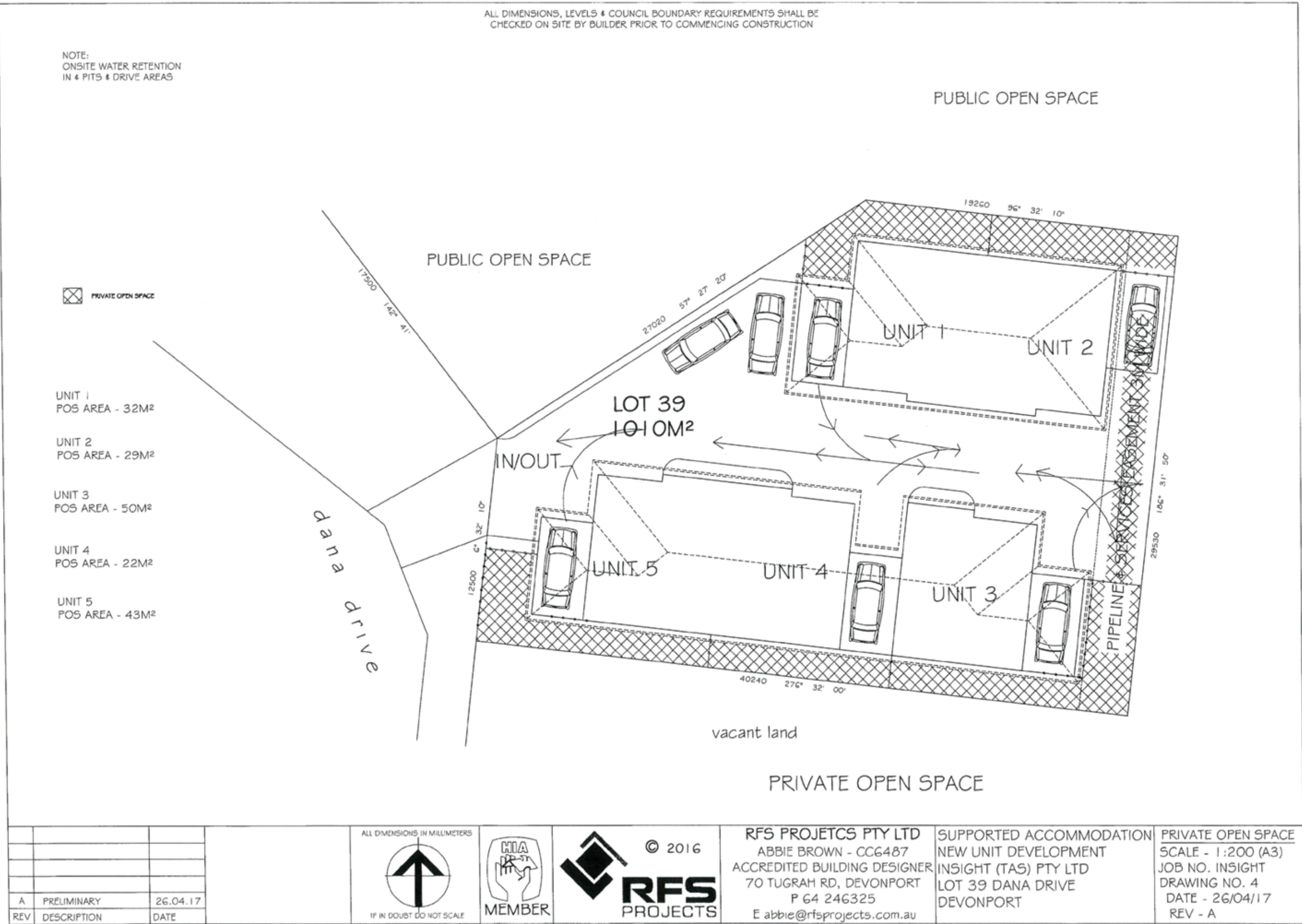
- LANDSCAPING LEGEND**
- ARTIFICIAL TURF FOR LOW MAINTENANCE
  - DRIVEWAY / CARPORTS - CONCRETE
  - GARDEN WITH GRAVEL - SMALL VARIETIES OF GRASSES AND SHRUBS
  - FENCE - COLORBOND 1500 HIGH

PRIVATE SOLAR ACCESS  
SCREENED BY PITTOSPORUM HEDGE



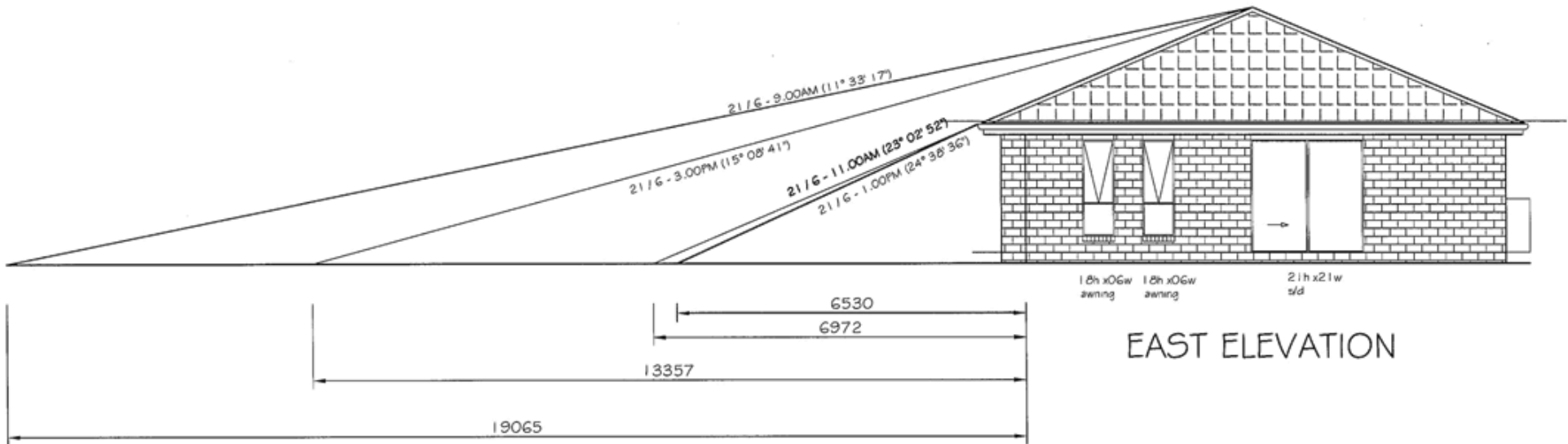
LANDSCAPING PLAN

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ALL DIMENSIONS, LEVELS & COUNCIL BOUNDARY REQUIREMENTS SHALL BE CHECKED ON SITE BY BUILDER PRIOR TO COMMENCING CONSTRUCTION



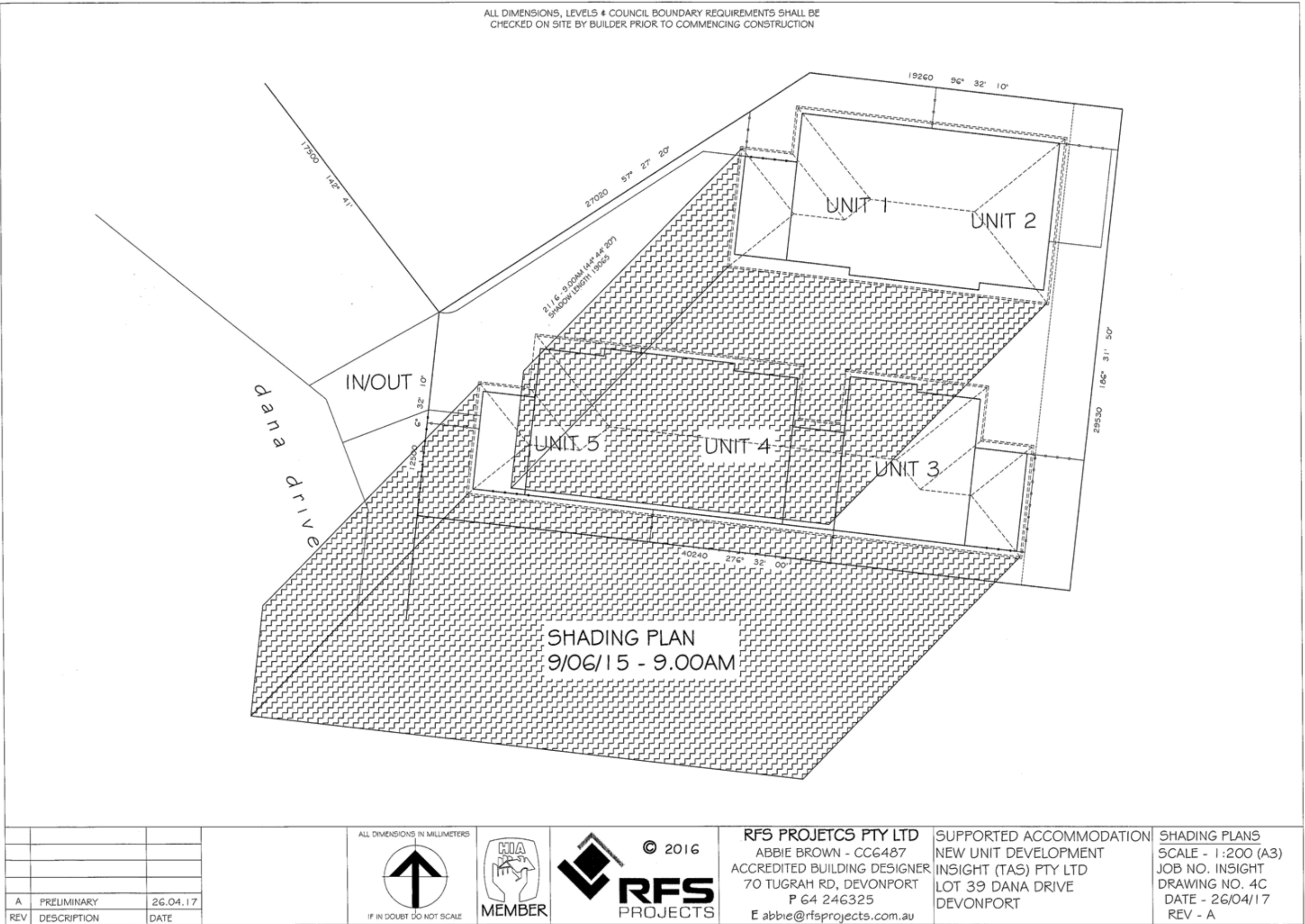
				ALL DIMENSIONS IN MILLIMETERS					
A	PRELIMINARY	26.04.17							
REV	DESCRIPTION	DATE		IF IN DOUBT DO NOT SCALE					



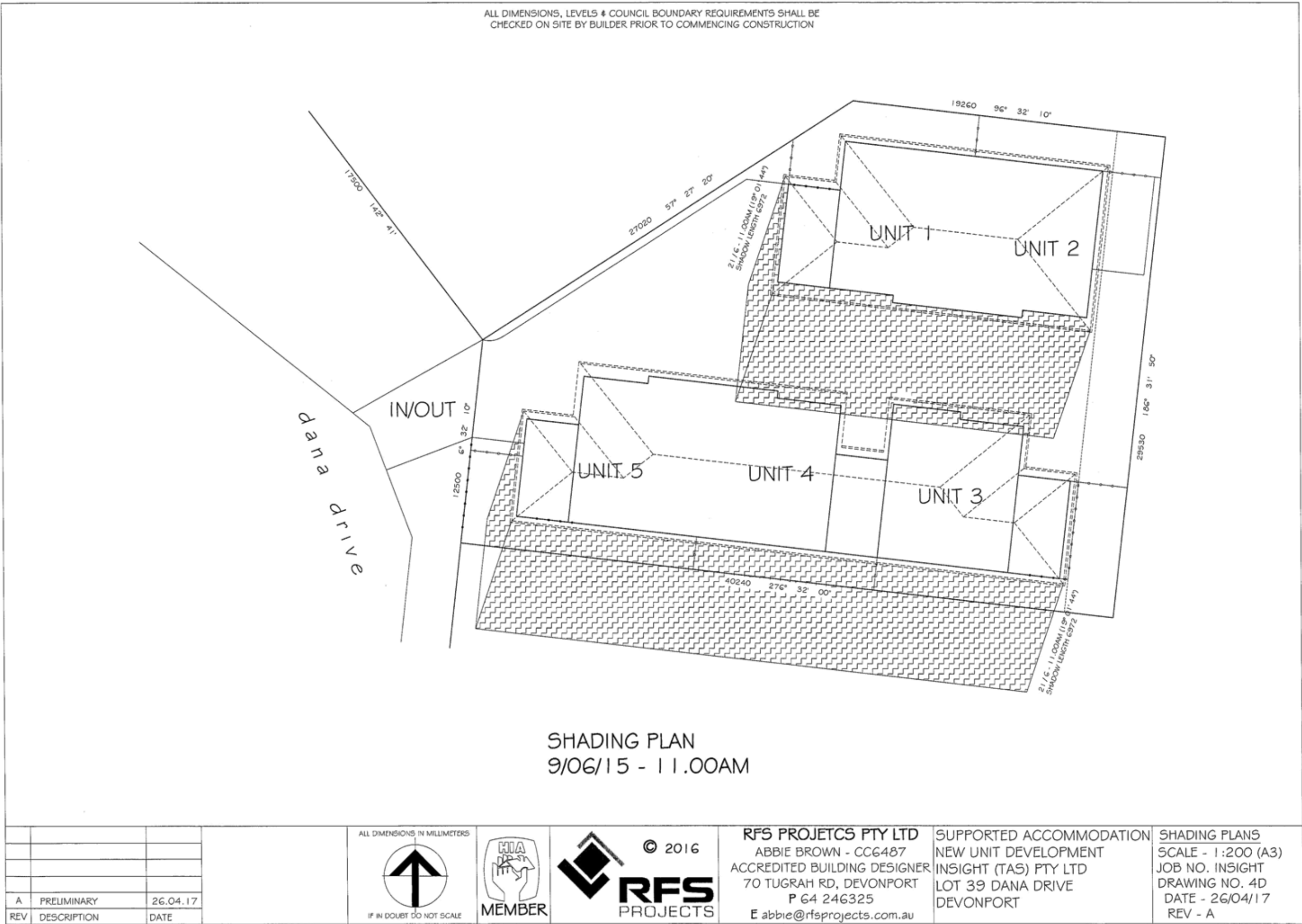
**RFS PROJECTS PTY LTD**  
ABBIE BROWN - CC6487  
ACCREDITED BUILDING DESIGNER  
70 TUGRAH RD, DEVONPORT  
P 64 246325  
E [abbie@rfsprojects.com.au](mailto:abbie@rfsprojects.com.au)

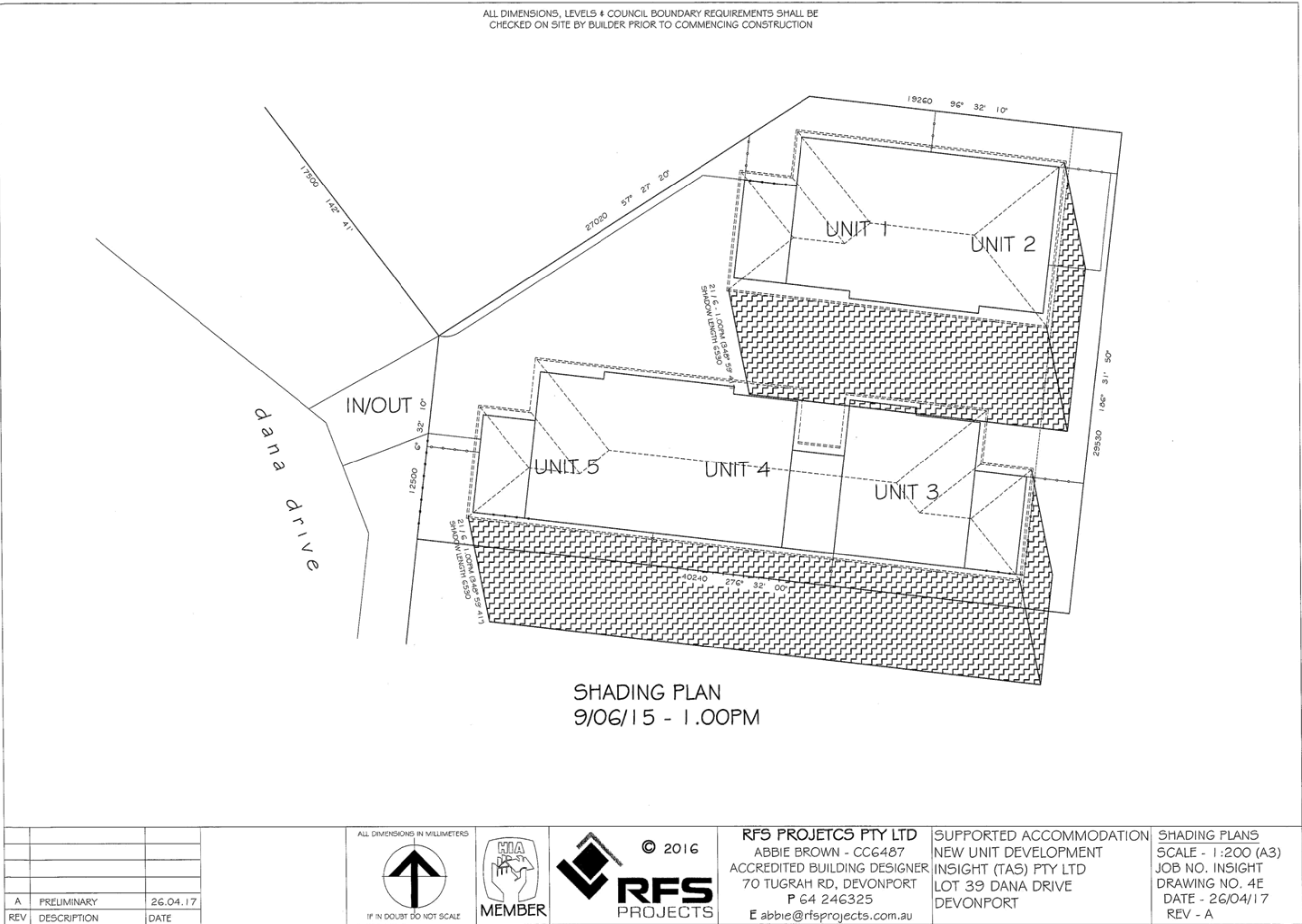
SUPPORTED ACCOMMODATION  
NEW UNIT DEVELOPMENT  
INSIGHT (TAS) PTY LTD  
LOT 39 DANA DRIVE  
DEVONPORT

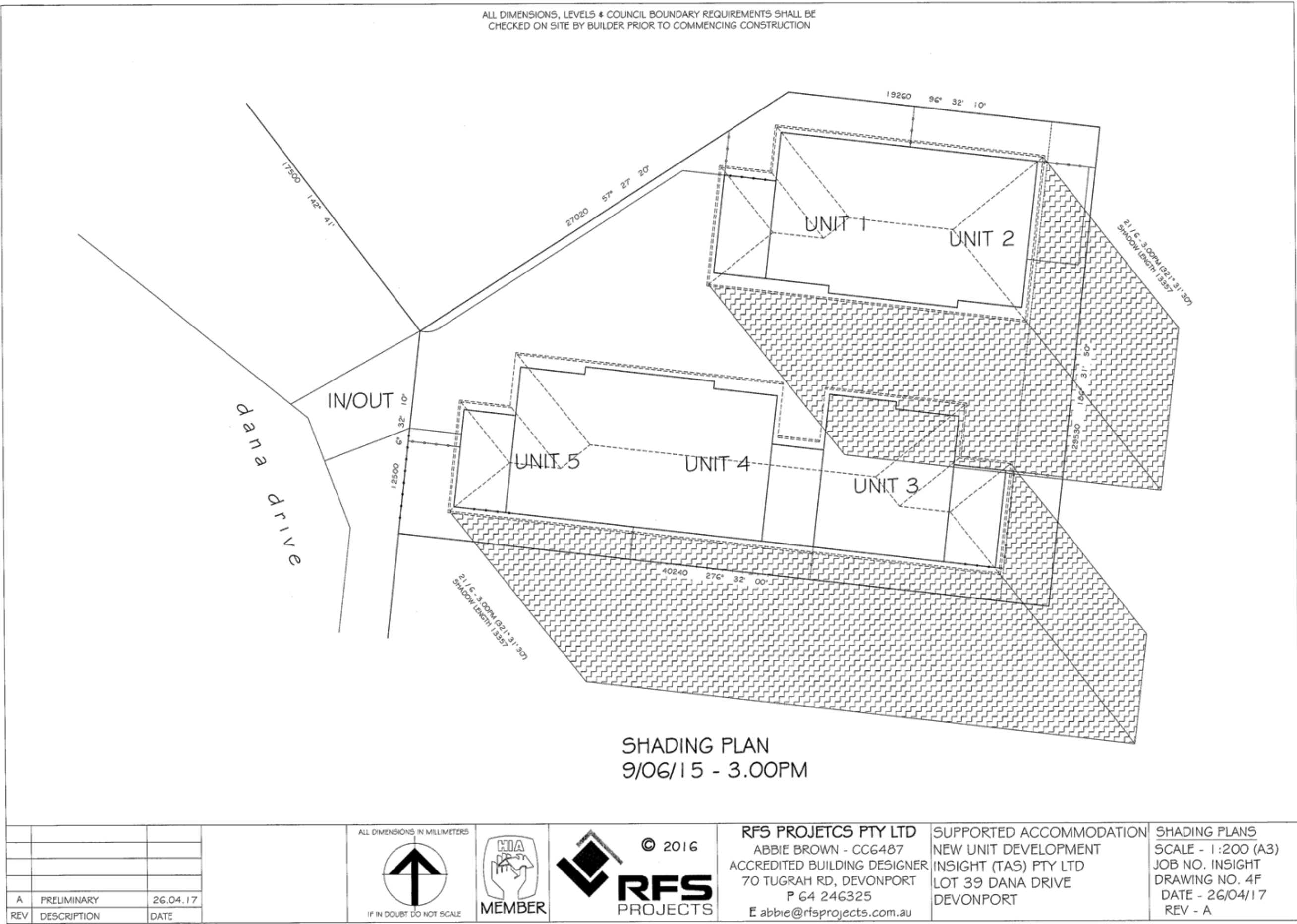
SHADING PLAN  
SCALE - 1:100 (A3)  
JOB NO. INSIGHT  
DRAWING NO. 4B  
DATE - 26/04/17  
REV - A











## **4.2 PA2017.0084 RESIDENTIAL (SINGLE DWELLING) - ASSESSMENT AGAINST THE PERFORMANCE CRITERIA FOR BUILDING OUTSIDE OF THE PERMITTED BUILDING ENVELOPE - 116-118 NORTH STREET DEVONPORT**

File: 34271 D480915

### **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 PA2017.0084.

### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Metier Planning and Development
Owner:	Mrs HJ Halley & Mr KW Halley
Proposal:	Residential (single dwelling) – assessment against the performance criteria for building outside of the permitted building envelope
Existing Use:	Undeveloped land (CT73838/34)
Zoning:	General Residential
Decision Due:	01/08/2017

### **SITE DESCRIPTION**

The site is identified by Certificate of Title 73838/34, with the property address of 116-118 North Street, Devonport and forms part of a contiguous section of land designated a General Residential zoning under the *Devonport Interim Planning Scheme 2013* (DIPS). The site comprises a land area of approximately 769m<sup>2</sup> and is located within an established residential area predominantly consisting of single dwellings often with a double storey profile.

Whilst a separate lot, the site has been used in conjunction with the adjoining lot comprising Certificate of Title 73838/33 serving as the yard/garden area associated with that lot which is under residential use and development in the form of a single dwelling (which features a three storey profile). The site is further characterised by a topographic profile that slopes downward from the North Street frontage towards the northern (rear) boundary.

The nominal applicants are the existing owners of both lots, but Council understands the actual development is to be carried out by a third party who apparently has an option to purchase the currently vacant block subject to planning approval being granted.





Figure 2 - Existing street view of site looking north towards Coles Beach (Source: DCC – July 2017)





Figure 3 - Existing view of site from adjoining reserve land looking south towards North Street  
(Source: DCC – July 2017)

## APPLICATION DETAILS

The application seeks approval for the development of a single dwelling on the site which features a three-storey profile. The proposed development further includes a detached “alfresco pod” to be located in the north-east corner of the site. In the supporting documentation provided by the applicant the proposed dwelling is described as follows:

*“...a single residential dwelling which contains four bedrooms. The dwelling is to contain three floors, with the ground floor containing a garage and bedroom and service and living areas (for private family use only), the second floor containing three bedrooms, bathrooms as well as garage, and the third floor containing service and living areas.”*

A site plan, streetscape view (from North Street) and northern elevation of the proposed development is reproduced in Figure 2 below and a full copy of the development plans is included as **Attachment 1**.

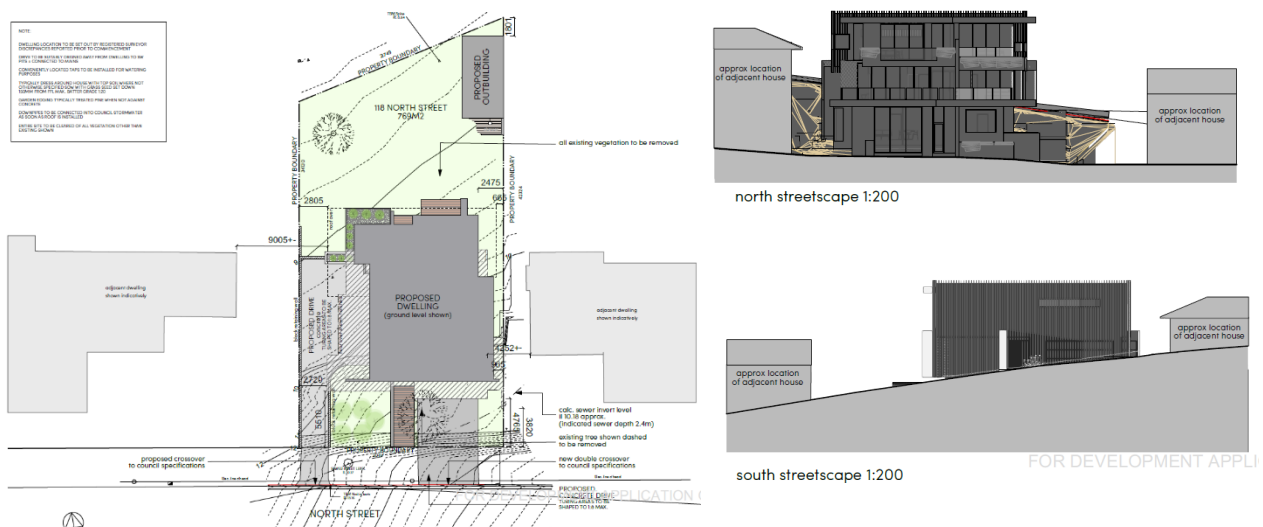


Figure 4 – Proposed single dwelling development plans – 116-118 North Street, Devonport – CT73838/34  
(Source: DCC – PA2017.0084).

**PLANNING ISSUES**

The proposed dwelling development seeks and relies upon the Council exercising discretion in relation to building height and building setback because compliance with the permitted standards is not achieved.

In general terms, the Acceptable Solutions of the planning scheme set out the permitted standards, whilst the corresponding Performance Criteria provide the discretion to consider an alternative way of meeting an objective for a standard (where the Acceptable Solution is not satisfied). The nature of Performance Criteria is that they do allow flexibility to consider particular circumstances – however such discretion is still framed by the requirements (and the ability to satisfy such) prescribed by that relevant Performance Criterion.

Table 1 below provides a general summary of the proposal against the applicable standards of the DIPS.

Zone/Code	Planning scheme standard	Acceptable Solution/ Performance Criteria	Status
<b>General Residential Zone</b>	10.4.2 – Setbacks and building envelope for all dwellings	A1/P1 – Setback from frontage	Complies with permitted standard A1.
		A2/P2 – Setback from frontage for garage or carport	Complies with permitted standard A2.
		A3/P3 – Building envelope	Non-compliant with permitted standard A3. Requires discretion to be considered against the requirements of P3.
	10.4.3 – Site coverage and private open space for all dwellings	A1/P1 – Site coverage	Complies with permitted standard A1.
		A2/P2 – Private open space for dwellings	Complies with permitted standard A2.
	10.4.4 – Sunlight and overshadowing for all dwellings	A1/P1 – Solar access for dwellings	Complies with permitted standard A1.
	10.4.5 – Width of openings for garages and carports for all dwellings	A1/P1 – Width of garage and carport openings	Complies with permitted standard A1.
	10.4.6 – Privacy for all dwellings	A1/P1 – Separation of balconies, decks, roof terraces, etc., from adjoining dwellings	Complies with permitted standard A1.
		A2/P2 – Separation of windows and glazed doors of habitable rooms between dwellings on adjoining lots	Complies with permitted standard A2.
	10.4.9 – Suitability of a site for use or development	A1/P1 – Site suitability	Complies with permitted standard A1.
		A2/P2 – Frontage and road access	Complies with permitted standard A2.
		A3/P3 – Capability for connection to reticulated water supply	Complies with permitted standard A3.
		A4/P4 – Capability for connection to reticulated sewerage network	Complies with permitted standard A4.
		A5/P5 – Capability for connection to reticulated stormwater network	Complies with permitted standard A5.

Report to Planning Authority Committee meeting on 17 July 2017

	10.4.10 – Dwelling density for single dwelling development	A1/P1 – Site area per dwelling <sup>4</sup>	Complies with permitted standard A1.
	10.4.12- Setback of development for sensitive use <sup>5</sup>	A1/P1 – Setback of sensitive use from zone boundary	Complies with permitted standard A1.
		A2/P2 - Setback of sensitive use from major road, railway, proclaimed wharf area, etc.	Non-compliant with permitted standard A2 as the proposed dwelling within 50m of the railway corridor to the north of the site. Requires discretion to be considered against the requirements of P2.
<b>E4 – Change In Ground Level Code<sup>6</sup></b>	E4.6.1 – Change in existing ground level or natural ground level	A1/P1 – Change in ground level as a result of cut or fill	Ability to comply with permitted standard A1 via inclusion of appropriate permit conditions.
<b>E9 – Traffic Generating Use and Parking Code</b>	E9.5.1 – Provision for Parking	A1/P1	Complies with permitted Standard A1.
	E9.6.1 – Design of vehicle and loading areas	A1.1/P1	Complies with permitted standard A.1.1

Table 1 – Summary assessment of proposal against applicable planning scheme standards.

The site is zoned General Residential under the DIPS and the development standards for this Zone include the provision of a permitted building envelope<sup>7</sup> within which dwellings are to be contained. The building envelope as required by provision 10.4.2 A3(a) is reproduced in Figure 5 below and can be described as follows:

- (a) a front building setback of:
  - (i) 4.5m from a primary frontage;
  - (ii) 3.0m from a secondary frontage; and
- (b) Projecting a line at an angle of 45° from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m; and
- (c) Only having a building setback within 1.5m of a side boundary if the dwelling:
  - (i) Does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or
  - (ii) Does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).

<sup>4</sup> Provision 4.1.3 of the DIPS defines the *site area per dwelling* as meaning: *the area of the site (excluding any access strip) divided by the number of dwellings.*

<sup>5</sup> Provision 4.1.3 of the DIPS defines a *sensitive use* as meaning: *a residential use or a use involving the presence of people for extended periods except in the course of their employment, such as in a caravan park, childcare center, dwelling, hospital or school.*

<sup>6</sup> In accordance with provision E4.2.1, the Change in Ground Level Code is applicable to development which necessitates a change in existing ground level or natural ground level by means of cut or fill.

<sup>7</sup> Provision 4.3.1 of the DIPS defines a *building envelope* as: *the three-dimensional space within which buildings are to occur.*



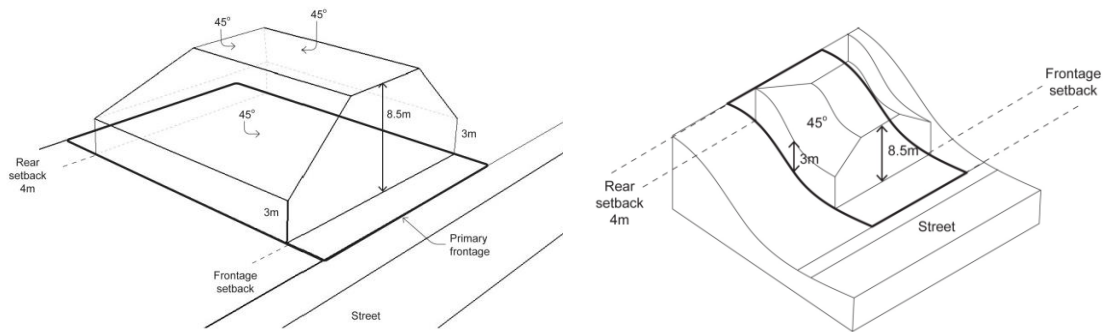


Figure 5 – Permitted building envelope as required by provision 10.4.2 A3 (a) of the DIPS (flat site and sloping site<sup>8</sup> version shown)

(Source: Devonport Interim Planning Scheme 2013).

In this case the proposed dwelling extends beyond the permitted building envelope and relies on the discretion to allow otherwise. This discretion must be considered against the corresponding Performance Criteria of 10.4.2 P3, the requirements of which are:

### P3

*The siting and scale of a dwelling must:*

(a) *not cause unreasonable loss of amenity by:*

- (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
- (ii) *overshadowing the private open space of a dwelling on an adjoining lot; or*
- (iii) *overshadowing of an adjoining vacant lot; or*
- (iv) *visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*

(b) *provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*

In providing an assessment against the abovementioned Performance Criteria, it is important to establish the context in which the discretion can be exercised – more specifically the prescription of the term ‘adjoining’ in the above provision. The DIPS does not provide a specific or intended definition for this term and as such it assumes its ordinary dictionary meaning.

The Oxford Dictionary provides a definition for ‘adjoin’ as meaning “to be next to and joined with”.

With regard to this definition, the reference to the term ‘adjoining’ in P3 can reasonably be interpreted to meaning the adjoining lots of 120 North Street, 116-118 North Street (CT 73838/33), and the adjoining land parcel to the north which forms part of a reserve extending along the southern side of Coles Beach Road (and which is designated an Open Space zoning under the DIPS).

Accordingly, the requirements of the Performance Criteria are to be considered in the context and perspective of the adjoining residential lots of 120 North Street and 116-118 North Street (CT 73838/33) for which the subject site shares a common boundary.

<sup>8</sup> In the case of this application the site has the reverse of the slope orientation to that shown in Figure 5.

Having established the context, the assessment now turns to the consideration of the matters identified under P3 – these being whether the proposed development will result in an unreasonable loss of residential amenity by:

- (a) reduction of sunlight to habitable rooms and overshadowing private open space of the dwellings on adjoining lots; and
- (b) visual impacts associated with the bulk and scale of the proposed building form when viewed from an adjoining lot, and the separation between dwellings on adjoining lots.

*Reduction of sunlight and overshadowing*

Shadow diagrams for the proposed development have been included with the application and are reproduced in Figure 6 below. The submitted shadow diagrams depict the maximum expected shadow for three separate time periods (9am, 12pm and 3pm) at 21 June. It is established practice for shadow diagrams to depict shadows at 21 June (the Winter Solstice) where shadows are at their longest and provide a “worse-case scenario” for the estimation of overshadowing. As indicated from the solar movements in the below diagram the proposed development is not considered to result in or contribute to an unreasonable or permanent reduction in sunlight or overshadowing upon the dwellings (and private open space areas of those dwellings) on the lots adjoining the subject site.



Figure 6 – Shadow diagrams for proposed development (Source: DCC – PA2017.0084).

**Visual impacts and separation between dwellings on adjoining lots**

It is important to again reiterate, and be consistent with the instruction provided at 10.4.2 P3, that the consideration of visual impacts is to be determined in the context of being viewed from an adjoining lot. The assessment of visual impact is also influenced by the separation between the proposed dwelling and those existing dwellings on the adjoining lots to the east and west.

Figures 7 and 8 below show the eastern and western elevations of the proposed dwelling, whilst Figure 2 listed previously identifies the separation between the existing dwellings on the adjoining lots sharing a common boundary with the subject site.

The elevation profile in Figure 8 illustrates the slope of the site falling away from the North Street frontage to the rear (northern) boundary. Figure 8 also illustrates that the maximum height of the proposed development is approximately 11.3m which occurs at the lowest section of the site (taken from existing ground level), whilst the higher section of the site (being towards the frontage onto North Street) is observed to be approximately 9.3m. In

this regard, the apparent height of the proposed dwelling is perhaps somewhat offset by the prevailing topography of the site.

To assist with the qualification of visual impact it is also relevant to consider the size of the site together with proposed building setbacks from property boundaries. The site comprises a land area 769m<sup>2</sup> and the proposed dwelling complies with the permitted frontage setbacks standards required at provisions 10.4.2 A1 and 10.4.2 A2 of the DIPS. As shown in Figure 2 previously the proposed main dwelling façade (excluding the “alfresco pod”) is setback approximately 10m (at the closest point) from the rear boundary. Accordingly, the setback of the development from property boundaries is deemed to provide some relief from the impacts associated with the bulk and scale of the proposed building form.

With respect to the separation of built form between dwellings on adjoining lots, Figure 2 shown previously indicates a separation distance of approximately 4m to the dwelling on the adjoining lot to the east (CT 73838/33), and a separation of approximately 9m to the dwelling on the adjoining lot to the west (120 North Street). In this regard, the proposed dwelling will not result in a “wall to wall” building form, but rather still retain some visual separation between dwellings on adjoining lots.



Figure 7 – Eastern elevation of proposed dwelling (Source: DCC – PA2017.0084)



Figure 8 – western elevation of proposed dwelling (Source: DCC – PA2017.0084)

Another element of discretion which must be considered as part of this application is the proximity of the proposed dwelling adjacent to the rail corridor located to the north of the site. As identified in Table 1 previously, the permitted standard established at 10.4.12 A2 requires that a dwelling is to be setback not less than 50m from a railway. In this instance the site represents a vacant residential lot within an established residential area. Appropriate permit conditions can be provided to ensure the dwelling incorporates building materials (eg windows of double glazed construction, wall and ceiling insulation,

etc) so as to assist with the noise and vibration attenuation of the adjacent rail corridor. The requirements established under the corresponding Performance Criteria of 10.4.12 P2 are therefore deemed to be appropriately met.

#### COMMUNITY ENGAGEMENT

On 19/06/2017, 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 21/06/2017;
- (b) Making a copy of the proposal available in Council Offices from the 21/06/2017;
- (c) Notifying adjoining property owners by mail on 19/06/2017; and
- (d) Erecting a Site Notice for display from the 20/06/2017.

The period for representations to be received by Council closed on 05/07/2017.

#### REPRESENTATIONS

Three representations were received during the prescribed statutory 14-day public notification period required by the *Land Use Planning and Approvals Act 1993*.

The issues raised in these representations are generally summarised in Table 2 overleaf, whilst the representations are reproduced in full as **Attachment 2**.

In providing an assessment of the abovementioned representations it is relevant to establish the legislative context in which representations are considered in the determination of a discretionary planning permit application. Section 51(2)(b) of the *Land Use Planning and Approvals Act 1993* (the Act) requires that a planning authority (local council) must take into consideration the matters set out in representations relating to a discretionary permit application which were received during the statutory public notification period referred to in s. 57(5) of the Act. The DIPS, at provision 8.10.3 (b), further prescribes that such representations must be taken into consideration, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

To assist with assessment purposes, Figure 9 below identifies the subject site (outlined in yellow) and the location of those landowners having made representation against the permit application (identified as A, B & C).





Figure 9 – Proximity of representors with respect to subject site  
Source: Imagery courtesy [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)).

Representation	Issues raised	Response
A. 103 North Street.	<ul style="list-style-type: none"> <li>• Objects to the development being allowed outside of the permitted envelope (especially the height of the proposed dwelling).</li> <li>• Perceived loss of view and subsequent loss of property value.</li> <li>• Includes photographic representation of proposed development from representor's property.</li> <li>• Suggestion that objection should be viewed favourably owing to the representors various contributions to the community.</li> </ul>	<ul style="list-style-type: none"> <li>• The application seeks the discretion to allow the building to occur outside of the permitted building envelope. The planning scheme does allow for the consideration of such discretion which is framed by the requirements of the Performance Criteria set out at provision 10.4.2 P3. This report has previously provided commentary in the assessment of the application against these requirements.</li> <li>• Further commentary as to the issue of view is provided in the 'Discussion' section of this report.  Property value is not relevant to the determination of this planning permit application, nor within the scope of consideration established by the planning scheme. No further comment on this matter is warranted or appropriate.</li> <li>• It is difficult to determine as to whether the photographic submission provides a true indication of the visual impact associated with proposed development. Given the uncertainty as to its accuracy and whether or not it provides a real perspective, no further comment is deemed appropriate.</li> <li>• Whilst recognised and noted and appreciated, the representor's community contributions are irrelevant to the assessment and determination of this planning application. Any discretion conferred by the Council is to be weighed against the requirements of the planning scheme.</li> </ul>

<p><b>B.120 North Street</b></p>	<ul style="list-style-type: none"> <li>• Objects to the height of the proposed dwelling.</li> <li>• Concerns with a perceived loss of privacy, resulting from 'overlooking'.</li> <li>• Raises issue with respect to overshadowing (and the methodology upon which the submitted shadow diagrams are based).</li> <li>• Nominates that the change in ground level to facilitate the development will result in the concentration and discharge of groundwater and surface run-off onto the representors property.</li> </ul>	<ul style="list-style-type: none"> <li>• The application seeks the discretion to allow the building to occur outside of the permitted building envelope. The planning scheme does allow for the consideration of such discretion which is framed by the requirements of the Performance Criteria set out at provision 10.4.2 P3. This report has previously provided commentary in the assessment of the application against these requirements.</li> </ul> <p>Issues relating to building form (including height and setback), and residential amenity considerations such as solar access have been examined as part of the assessment against provision 10.4.2 P3 identified above.</p> <ul style="list-style-type: none"> <li>• Matters relating to privacy have been assessed to comply with the permitted standards as set out under provision 10.4.6 A1 and A2 of the DIPS. It is also noted that the proposed dwelling will be separated by approximately 9m from the dwelling of Representor B. This separation distance is deemed to further ameliorate any perceived privacy issues.</li> <li>• The submitted shadow diagrams depict the maximum expected shadow for three separate time periods (9am, 12pm and 3pm) at 21 June. It is established practice for shadow diagrams to depict shadows at 21 June (the Winter Solstice) where shadows are at their longest and provide a "worst-case scenario" for the estimation of overshadowing. As indicated from the solar movements in figure 6 the proposed development is not considered to result in or contribute to an unreasonable or permanent reduction in sunlight or overshadowing upon the dwellings (and private open space areas of those dwellings) on the lots adjoining the subject site.</li> <li>• As identified in Table 1 previously, the Change in Ground Level Code (E9) of the DIPS is applicable to this development. This Code provides for the consideration of matters including the appropriate management of ground water and surface water run-off. Appropriate permit conditions can be included to ensure compliance with this Code.</li> </ul> <p>It is also important to emphasize that the attainment of a planning permit only represents the first stage of the approval process. In the event of a planning permit being issued, the necessary building and plumbing approvals will also be required.</p>
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<p>C. 107 North Street</p>	<ul style="list-style-type: none"> <li>• Objects to the height of the proposed dwelling, and the bulk and scale which is suggested to be inconsistent with existing building form in the area.</li> <li>• Perceived impact on residential amenity including loss of privacy and sunlight.</li> <li>• Makes reference to the objective statement at provision 3.1.1 (d) (iii) of the DIPS as means to support the objection. The abovementioned statement prescribes:  <i>'include regulatory provisions to deliver outcomes that provide efficient, safe, and pleasant places to live, work or visit.'</i></li> </ul>	<ul style="list-style-type: none"> <li>• The application seeks the discretion to allow the building to occur outside of the permitted building envelope. The planning scheme does allow for the consideration of such discretion which is framed by the requirements of the Performance Criteria set out at provision 10.4.2 P3. This report has previously provided commentary in the assessment of the application against these requirements.</li> <li>• Issues relating to building form (including height and setback), and residential amenity considerations such as solar access have been examined as part of the assessment against provision 10.4.2 P3 identified above.  Matters relating to privacy have been assessed to comply with the permitted standards as set out under provision 10.4.6 A1 and A2 of the DIPS.</li> <li>• In accordance with the instruction prescribed at provision 8.10.3 of the DIPS, in the determination of an application for a permit the planning authority (Council) must not take into consideration matters referred to in clauses 2.0 and 3.0. The objective statement (under clause 3.0) is therefore not applicable to the assessment or determination of this application.  Further commentary as to the operation of the planning scheme provisions is provided in the 'Discussion' section of this report.</li> </ul>
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Table 2 – Summary of issues raised in the representations

## DISCUSSION

The matters raised in the representations relating to visual impacts associated with bulk, scale and height of the proposed development have generally been discussed in the previous commentary provided in response to the requirements of provision 10.4.2 P3. Notwithstanding, some matters raised in the representations including those relating to views and the applicable planning scheme standards warrant some further commentary and clarification.

### View

The matter of loss of view (or perhaps more appropriately phrased as “right to a view”) is somewhat of a vexed land use planning issue. Whilst the loss of view may perhaps have some bearing upon residential amenity, in the absence of the DIPS providing for the consideration of view as a specific component of residential amenity it is difficult to apportion any significant weight to the issue. Notwithstanding the definition of *amenity*<sup>9</sup> established at provision 4.1.3 of the DIPS, the components of amenity relevant to this assessment are those specifically set out at provision 10.4.1 P3(a) which examine matters

<sup>9</sup> *Amenity* is defined under this provision as meaning, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.

associated with reduction of sunlight, overshadowing and visual impacts associated with the bulk and scale of built form. These issues have been assessed in this report, and within the previously established context of lots adjoining the subject site.

Whilst the concerns of the Representor A in relation to a perceived loss of view are acknowledged, it would seem reasonable to suggest that even a complying development (ie one which satisfied all of the permitted standards) would contribute to a reduction in the views currently enjoyed. The undeveloped nature of the site for a significant period of time (which has been used as the yard/garden area associated with the existing dwelling on CT73838/33), has also perhaps contributed to the expected entitlement of view. A further observation would be that the view overlooking the subject site, does not represent the totality of views available to and enjoyed by Representor A whose dwelling is further noted to be situated upslope from the subject site. The above rationale leads to the conclusion that the reduction in view associated with the proposed development does not amount to an unreasonable loss of amenity.

#### **Operation of planning scheme provisions**

In accordance with provision 7.5.1 of the DIPS, a use or development must comply with each applicable standard prescribed in a zone, code or specific area plan. Provision 7.5.3 further provides that this compliance consists of complying with the acceptable solution or performance criterion for the applicable standard.

In general terms the acceptable solutions and the performance criteria (and the objectives for these standards) are derived from the "higher level" statements of the DIPS such as the planning scheme objectives, zone purpose statements, local area objectives, desired future character statements, etc. Unless specific instruction is provided by the DIPS to enable otherwise, these statements do not supplant or necessitate a further level of assessment in addition to complying with the relevant acceptable solutions and performance criteria.

As mentioned previously in this report, the operation of the planning scheme is such that the performance criteria (of the relevant use or development standard) does allow for and provide the discretion to consider an alternative way of meeting an objective for that standard where the Acceptable Solution (permitted standard) is not satisfied. There is no contention that the proposed development requires the exercise of discretion to allow the proposed dwelling to extend beyond the permitted building envelope required for dwellings in the General Residential zone. However it is important to emphasise that such discretion does not exist without limitation but is framed by the requirements (and the ability to satisfy such) prescribed by the planning scheme – in this case the Performance Criteria established under provision 10.4.2 P3 against which this report has provided an assessment.

Whilst the concerns raised in the representations are recognised, they are not considered to establish grounds upon which to justify a refusal of the application.

As part of the normal assessment procedure, the application was internally referred to the various Council departments with an interest in development applications. The requirements/comments of these referrals have been incorporated into this assessment as appropriate.

In accordance with the requirements of the *Water and Sewerage Industry Act 2008*, the application was referred to TasWater which subsequently issued a Submission to Planning Authority Notice which requires certain conditions to be included with any planning permit issued by the Council in respect of this application.



### FINANCIAL IMPLICATIONS

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

### RISK IMPLICATIONS

No risk implications are associated with a determination of this planning permit application.

### CONCLUSION

The application is for the development of a single dwelling which relies upon the discretion to allow the built form of the dwelling to extend beyond the permitted building envelope required by the planning scheme.

This report has provided an assessment of the proposal against the requirements of the planning scheme and the matters raised in the representations received against the application. The key consideration to this assessment is whether the discretion sought extends beyond a level than can or should be reasonably considered, and whether such discretion would result in an unreasonable loss of amenity to adjoining residential use and development. This report concludes that it does not. It follows that the application is recommended for approval.

### ATTACHMENTS

- [1.](#) Plans - PA2017.0084 - 116-18 North Street Devonport
- [2.](#) Representations - PA2017.0084 - 116-118 North 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 PA2017.0084 and grant a Permit to use and develop land identified as 116-118 North Street, Devonport (CT73838/34) for the following purposes:

- Residential (single dwelling) – assessment against the performance criteria for building outside of the permitted building envelope.

Subject to the following conditions:

1. Unless otherwise specified by a condition of this permit, the use and development is to proceed generally in accordance with the submitted plans prepared by S Group Architecture and referenced as Proposed Dwelling – 118 North Street, Devonport Project No J002521 (Drawing Nos A0-000 – A5-000). Copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to comply with the conditions (and have regard to any further information) specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the *Water and Sewerage Industry Act 2008*. A copy of this Notice is attached.
3. The dwelling is to incorporate appropriate building materials so as to assist with the noise and vibration attenuation of the adjacent rail corridor. This should include:

- (a) all exterior windows for the dwelling are to be of double glazed construction; and
  - (b) appropriate acoustic insulation is to be installed in the walls and ceilings of the dwelling.
4. Any cut or fill associated with construction of the development (including site preparation works) must be appropriately managed so as to:
- (a) not result in a modification of surface stormwater water flow to increase –
    - (i) surface water drainage onto adjacent land;
    - (ii) pooling of water on the site or on adjacent land; or
    - (iii) the nature or capacity of discharge from land upstream in a natural or artificial drainage channel;
  - (b) not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;
  - (c) manage disposal of intersected ground water;
  - (d) safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;
  - (e) not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land; and
  - (f) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised –
    - (i) it is satisfied the cut or fill will not result in harm to the utility; and
    - (ii) any condition or requirement it determines are appropriate to protect the utility.

Note: The following is provided for information purposes.

**THIS IS NOT A BUILDING OR PLUMBING PERMIT.**

Prior to commencing any building or plumbing work you are required to:

1. Contact a Tasmanian registered Building Surveyor to determine the category of building approval required, and
2. Contact the Council Permit Authority to determine the category of plumbing approval required.

In regard to condition 2 and information specified in the TasWater Submission to Planning Authority Notice, the applicant/developer should contact TasWater – Ph 136 992 with any enquiries.

The requirements specified in condition 4 are those set out in the permitted standard E4.6.1 A1 of the Change in Ground Level Code (E4) of the *Devonport Interim Planning Scheme 2013*.

Hours of construction (including demolition) must be: Monday to Friday 7am – 6pm; Saturday between 9am - 6pm; and Sunday/statutory public holidays 10am - 6pm.

During the construction and subsequent use of the building, all reasonable measures are to be taken to minimise off-site environmental effects that may result in a nuisance. This

includes air, noise and water pollution with such matters subject to the provisions and requirements of the *Environmental Management and Pollution Control Act 1994* including Regulations made thereunder.

Enquiries regarding the following notes can be directed to the Council's City Infrastructure department:

- (i) Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current NCC.
- (ii) The proposed access driveway shall be constructed generally constructed in accordance with Tasmanian Standard Drawing TSD R09v1.
- (iii) Should any works occur within the road reserve than a permit to work within the road reserve must be sought and granted prior to any works being undertaken.
- (iv) The developer is responsible to repair/re-instate any damage incurred to Council assets as a result of executing this permit.

Author:	Mark McIver	Endorsed By:	Brian May
Position:	Planning Officer	Position:	Development Manager

NOTES

architect - Sam Haberle  
accreditation no - CC5618 U  
land title ref number - VOL 73838 FOLIO 34  
climate zone - 7  
BAL - N/A

ground floor - 191m2  
first floor - 217m2  
second floor - 169m2  
alfresco pod - 32m2  
**floor area total - 609M2**  
deck area - 100M2

DWG	DWG no
Cover	A0-000
Site	A1-001
Floor Plan Ground	A2-001
Floor Plan First	A2-002
Floor Plan Second	A2-003
Elevations	A3-001
Elevations	A3-002
Streetscape	A4-001
Shadows	A5-000

proposed dwelling  
118 NORTH STREET, DEVONPORT



 <div>architecture development strategic design</div>	REVISION	DATE	DESCRIPTION	<small>do not scale off page all dimensions in millimetres confirm all dimensions on site if not 100% correct NOT TO SCALE</small>	ISSUE
	ADDRESS		North Street, Devonport		BA
	CLIENT		Paul Krawczyk		DWG #
	DWG		Cover		A0-000
S. Group © Copyright 2017 PO Box 1271 Launceston TAS 7250 Australia				SCALE @ A3	PROJECT # J002521
1/10-14 Paterson Street Launceston, Tasmania T: 03 63 111 403 E: info@sgroup.com.au W: www.sgroup.com.au				DRAWN SG	
				CHKD SH	





**NOTES:**

- all window dimensions to aluminium to be confirmed on site
- all glazing to comply with BCA 3.6 and AS1288 & AS2047
- all wet areas to be comply with BCA 3.8.1 and AS3740
- all timber framing to comply with BCA 3.4.3 and AS1684
- all works to be in compliance with BCA 3.12 energy efficiency
- all works to comply with BAL ASSESSMENT
- window location dimension taken from external stud frame

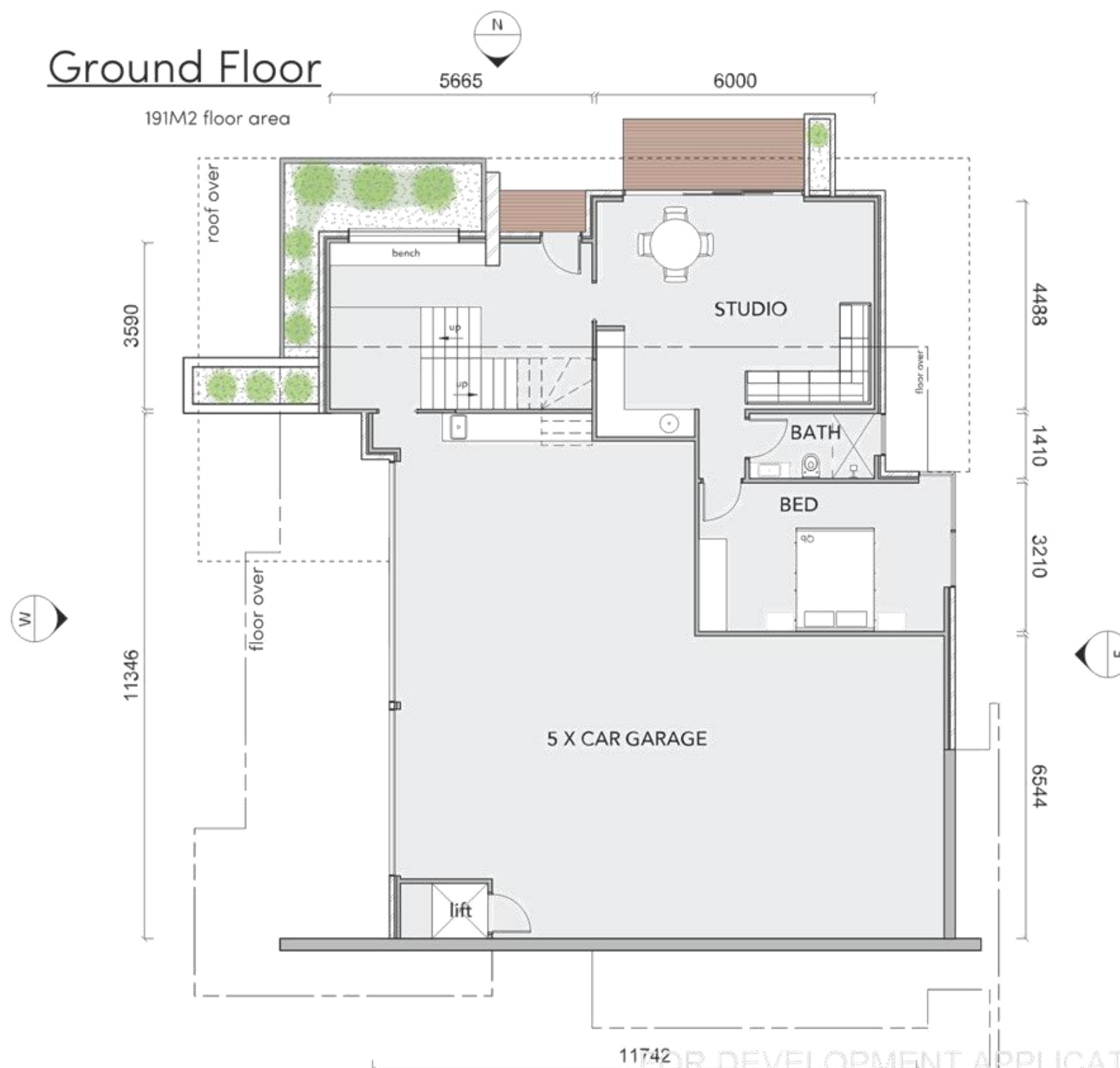
Alfresco pod

32M2 floor area

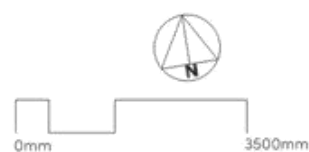


### Ground Floor

191M2 floor area



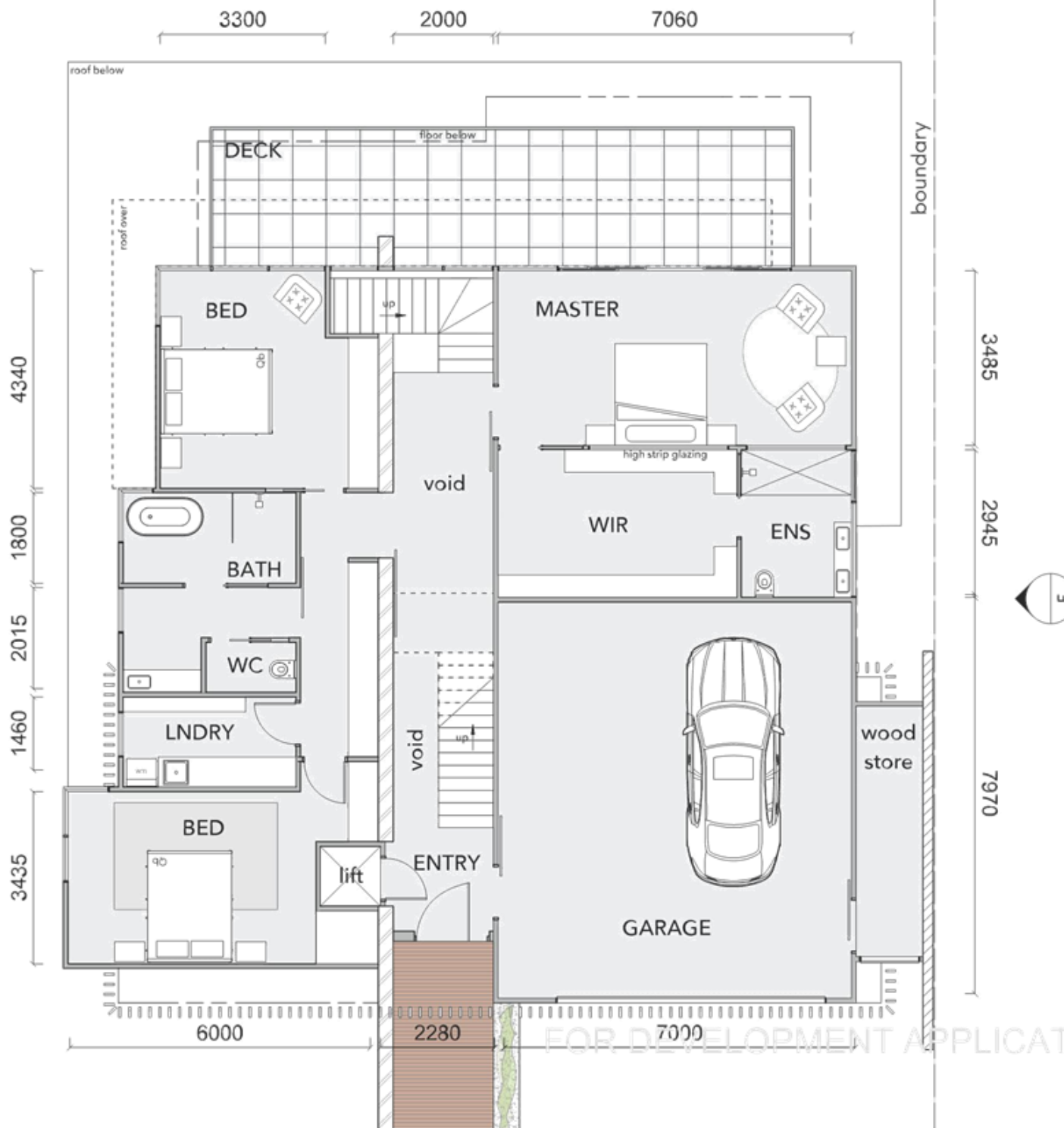
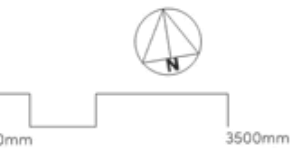
11742 FOR DEVELOPMENT APPLICATION ONLY - 12/6/17



REVISION	DATE	DESCRIPTION	ISSUE
ADDRESS	North Street, Devonport		BA
CLIENT	Paul Krawczyk		DWG #
DWG	Floor Plan Ground		A2-001
	SCALE @ A3	1:100	PROJECT# J002521
	DRAWN	SG	
	CHECK	SH	

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**NOTES:**  
all window dimensions to aluminium to be confirmed on site  
all glazing to comply with BCA 3.6 and AS1288 & AS2047  
all wet areas to be comply with BCA 3.8.1 and AS3740  
all timber framing to comply with BCA 3.4.3 and AS1684  
all works to be in compliance with BCA 3.12 energy efficiency  
all works to comply with BAL ASSESSMENT  
window location dimension taken from external stud frame



# First Floor

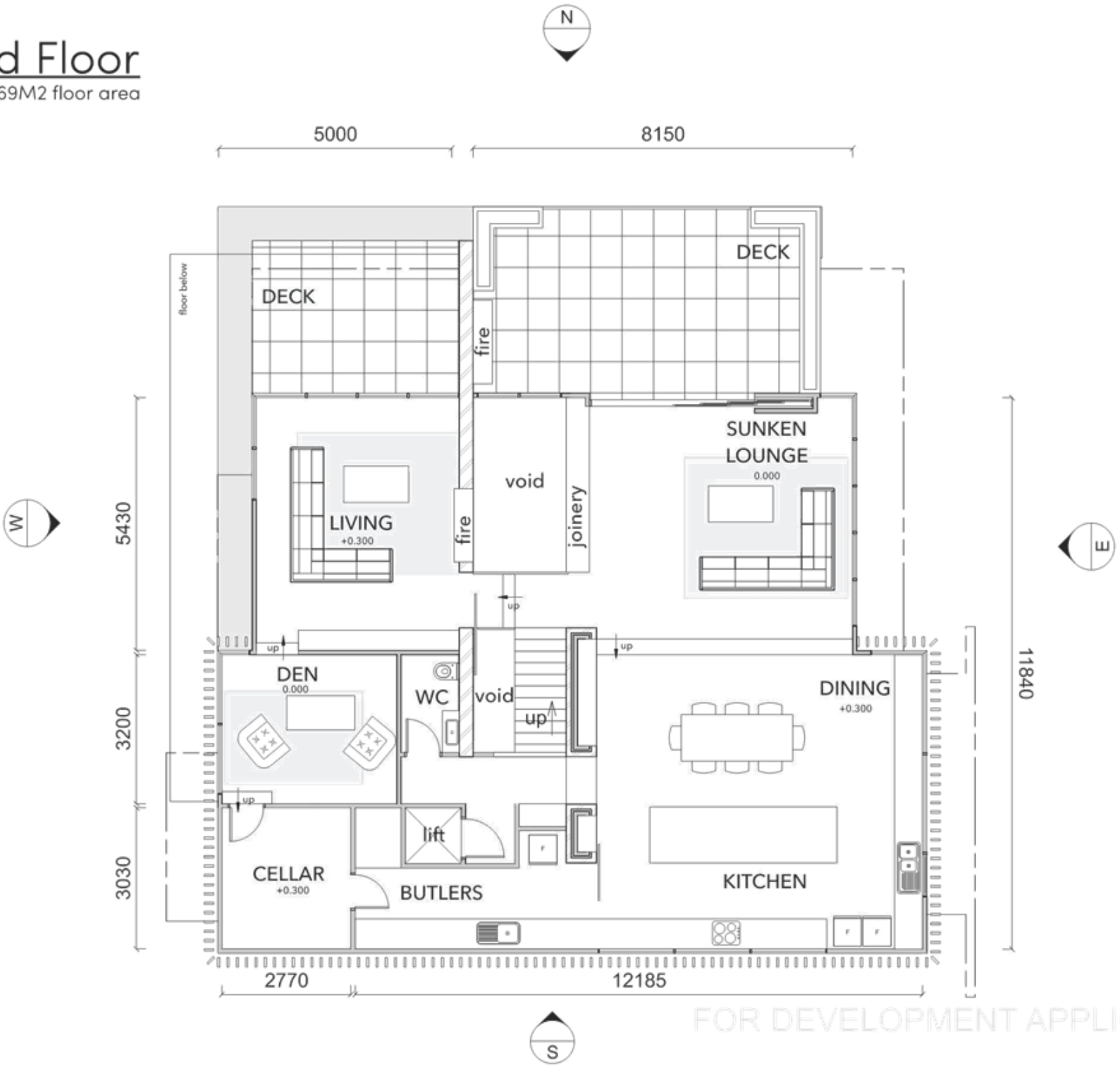
217M2 floor area

**S.** architecture  
development  
strategic design

REVISION	DATE	DESCRIPTION	ISSUE
ADDRESS	North Street, Devonport		BA
CLIENT	Paul Krawczyk		DWG #
DWG	Floor Plan First		A2-002
SCALE @ A3	1:100		PROJECT # J002521
DRAWN	SG		
CHKD	SH		

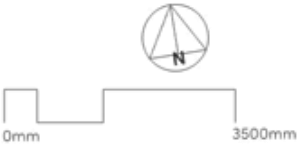
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T: 03 63 111 403 E: info@sgroup.com.au W: www.sgroup.com.au

Second Floor  
169M2 floor area



- NOTES:
- all window dimensions to aluminium to be confirmed on site
  - all glazing to comply with BCA 3.6 and AS1288 & AS2047
  - all wet areas to comply with BCA 3.8.1 and AS3740
  - all timber framing to comply with BCA 3.4.3 & AS1684
  - all works to be in compliance with BCA 2.12 energy efficiency
  - all works to comply with BAL ASSESSMENT (if applicable)
  - window location dimensions taken from external stud frame

FOR DEVELOPMENT APPLICATION ONLY - 12/6/17



REVISION	DATE	DESCRIPTION	ISSUE
ADDRESS	North Street, Devonport	do not scale off plans all dimensions in millimetres confirm all dimensions on site at scale to relevant NCC and AS	BA
CLIENT	Paul Krawczyk	SCALE @ A3 1:100	DWG # A2-003
DWG	Floor Plan Second	DRAWN SG	PROJECT# J002521
CHKD		SH	
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CLADDING TYPES	
ST:	SELECTED STONEWORK
B:	SELECTED STAINED TIMBER BATTENS OVER JAMES HARDIE EASYLAP
TB:	SELECTED STAINED TIMBER
AL:	ALUCABOND CLADDING
EL:	JAMES HARDIE EASYLAP TEXTURE PAINT FINISH ACRATEX OR SIMILAR JOINTS PAINTED TO MATCH
ALL CLADDINGS INSTALLED TO MANUFACTURERS SPECIFICATIONS	
ALL COLOURS TO FUTURE SELECTION, COMPLEMENTARY AND RESPONSIVE TO SURROUNDINGS	
BATTER TO COMPLY WITH NOC	
GROUND LEVELS SHOWN INDICATIVELY, ENSURE FINISH SURFACE FALLS AWAY FROM STRUCTURE	

FOR DEVELOPMENT APPLICATION ONLY - 12/6/17



REVISION	DATE	DESCRIPTION	ISSUE
ADDRESS	North Street, Devonport		BA
CLIENT	Paul Krawczyk		DWG #
DWG	Elevations		A3-001
SCALE @ A3	1:100		PROJECT #
DRAWN	SG		002521
CHKD	SH		

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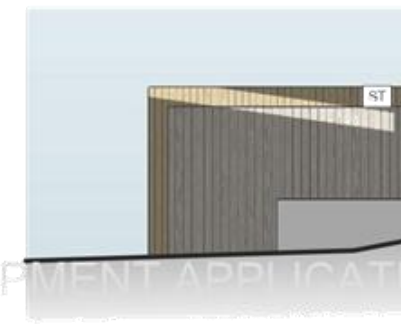


EAST ELEVATION



ALFRESCO POD

EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

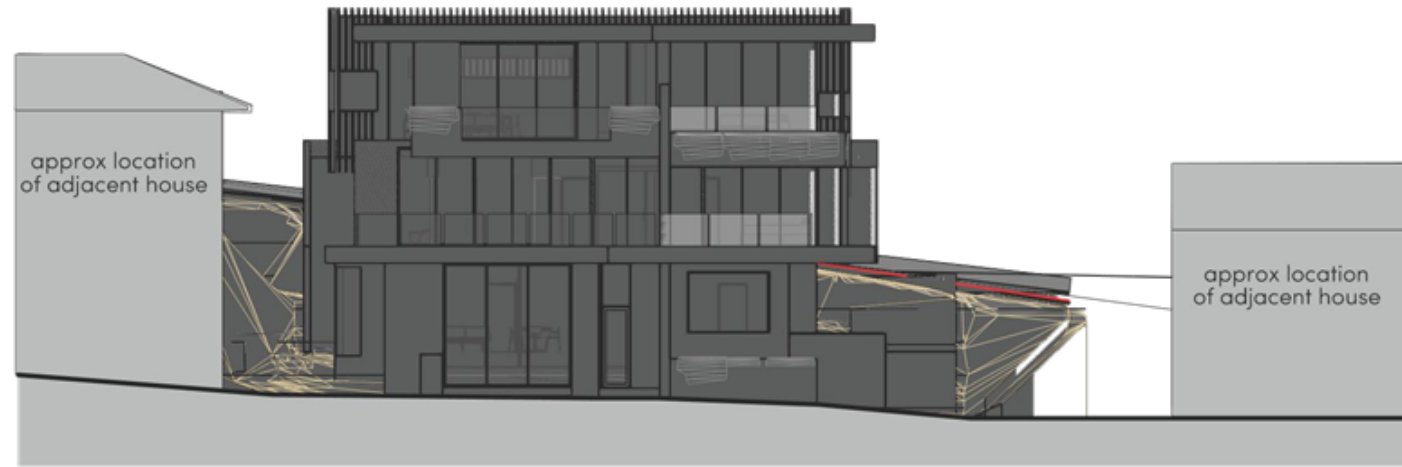


NORTH ELEVATION

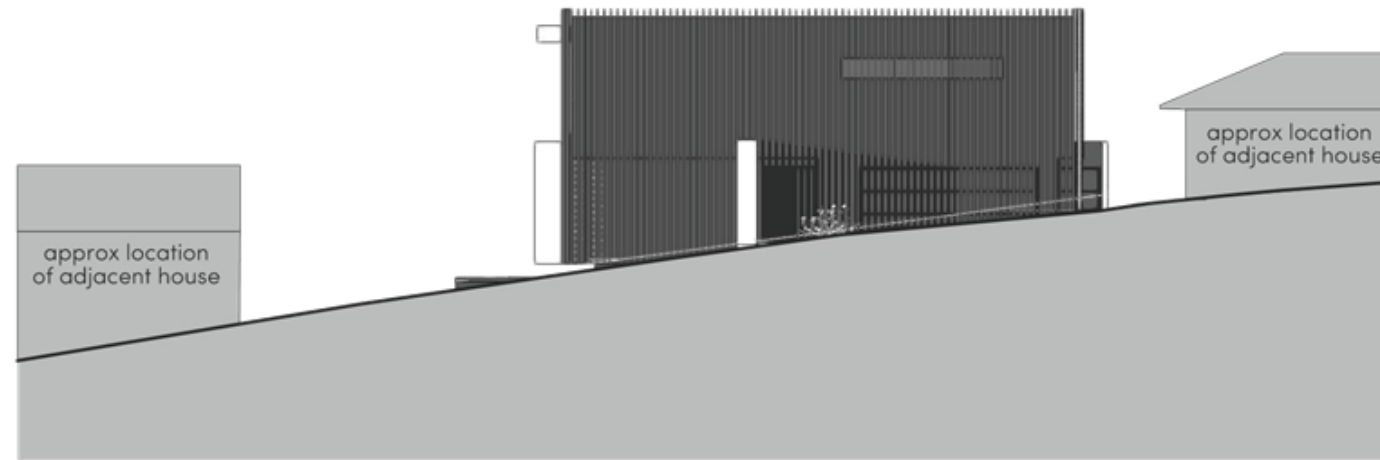


REVISION	DATE	DESCRIPTION	ISSUE
ADDRESS	North Street, Devonport	1/10-14 Paterson Street Launceston, Tasmania	BA
CLIENT	Paul Krawczyk	1/10-14 Paterson Street Launceston, Tasmania	DWG #
DWG	Elevations	1/10-14 Paterson Street Launceston, Tasmania	A3-002
SCALE @ A3	1:100	1/10-14 Paterson Street Launceston, Tasmania	PROJECT #
DRAWN	SG	1/10-14 Paterson Street Launceston, Tasmania	J002521
CHKD	SH	1/10-14 Paterson Street Launceston, Tasmania	

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north streetscape 1:200

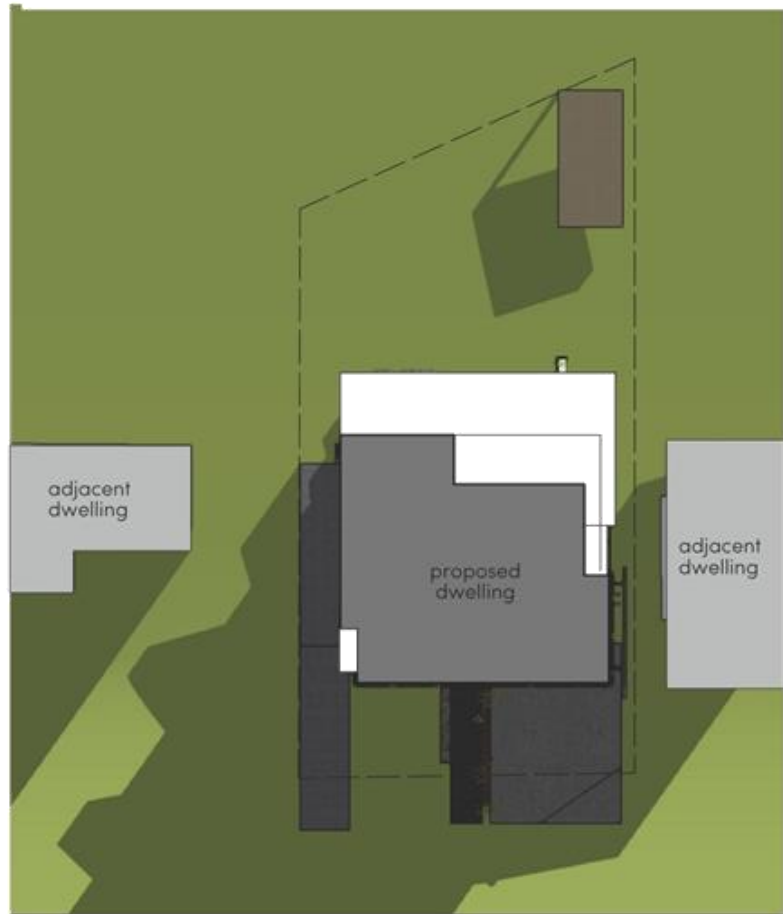


south streetscape 1:200

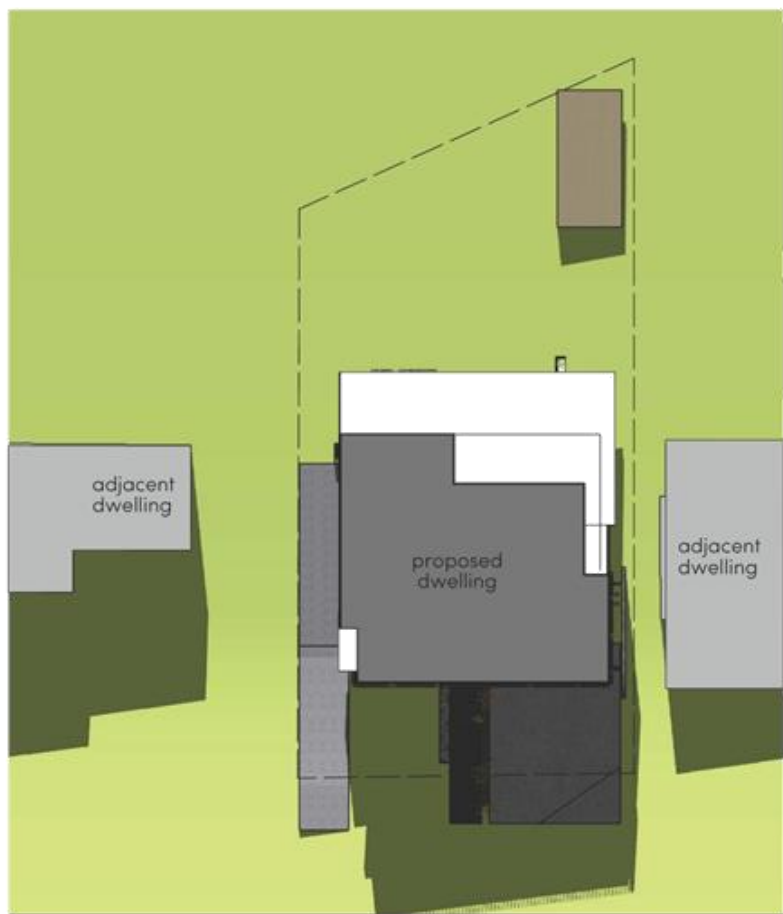
FOR DEVELOPMENT APPLICATION ONLY - 12/6/17



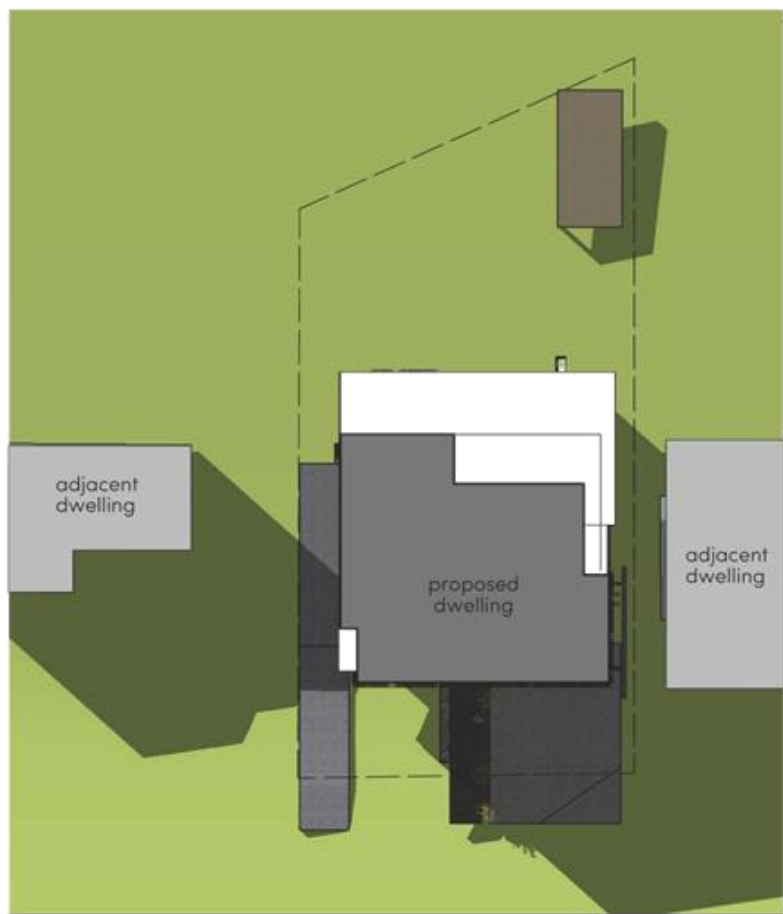
REVISION	DATE	DESCRIPTION	ISSUE
ADDRESS	North Street, Devonport		BA
CLIENT	Paul Krawczyk		DWG #
DWG	Streetscape		A4-001
SCALE @ A3	1:100	DRAWN	SG
CHKD	SH	PROJECT #	J002521
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June 21st 9am



June 21st 12pm



June 21st 3pm

FOR DEVELOPMENT APPLICATION ONLY - 12/6/17



REVISION	DATE	DESCRIPTION	Do not scale or print all dimensions in millimetres unless otherwise stated on site plans to be used for construction		ISSUE
ADDRESS	North Street, Devonport		SCALE @ A3	1:100	BA
CLIENT	Paul Krawczyk		DRAWN	SG	DWG #
DWG	Shadows		CHECK	SH	A5-000
S. Group © Copyright 2017		1/10-14 Paterson Street Launceston, Tasmania		PROJECT # J002521	
PO Box 1271 Launceston TAS 7250 Australia		T: 03 63 111 403 E: info@sgroup.com.au W: www.sgroup.com.au			



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

Dear Sir,

**OBJECTION – re Planning Permit Application**

Re: - Application Number PA2017.0084

Proposed Development: **Residential (single dwelling) – assessment against the performance criteria for building outside of the permitted building envelope**

Address of the Land: **116-118 North Street, Devonport**

We, Roger Watts and Roberta Watts of 103 North Street Devonport, object to this Planning Application currently before Devonport Council on the grounds that the proposed building lies well outside the permitted building envelope as specified in the current regulations, the Devonport Interim Planning Scheme 2013.

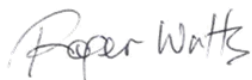
The height of the proposed building is said to be 11.3 metres in the plans and in the accompanying planning submission from Metier, whereas the regulations specify no higher than 8.5m for a suburban residential house. In fact the visual obstruction to our home directly opposite will be even more than 11.3m, because the proposed house has a front façade which is over 12 metres in height above ground. This can easily be confirmed from the plans submitted.

Further, the regulations require that side walls be to a maximum of 3 metres, with the building envelope sloping upwards at 45 degrees from the top of the walls. This application exceeds this angle particularly when the visual impact of the front façade is considered.

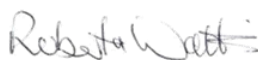
We have owned and reside in our property directly opposite 116 North Street for the past 34 years. We chose our property especially for the wonderful views of the ocean and visitors always comment favourably about this. The enormous façade of the proposed building will obscure at least half of this sea view from our front rooms and balcony. Loss of this view would affect our property value and our enjoyment.

We consider that Devonport's regulations are in place for very good reasons and should not be lightly flouted. We hope that Council will favourably consider our objection, particularly as we feel we have both made major contributions to our city over the past 34 years in various ways including specialist medicine, employment of staff, the arts and crafts, and the development of Kelcey Tier.

Yours Sincerely,



Roger Watts

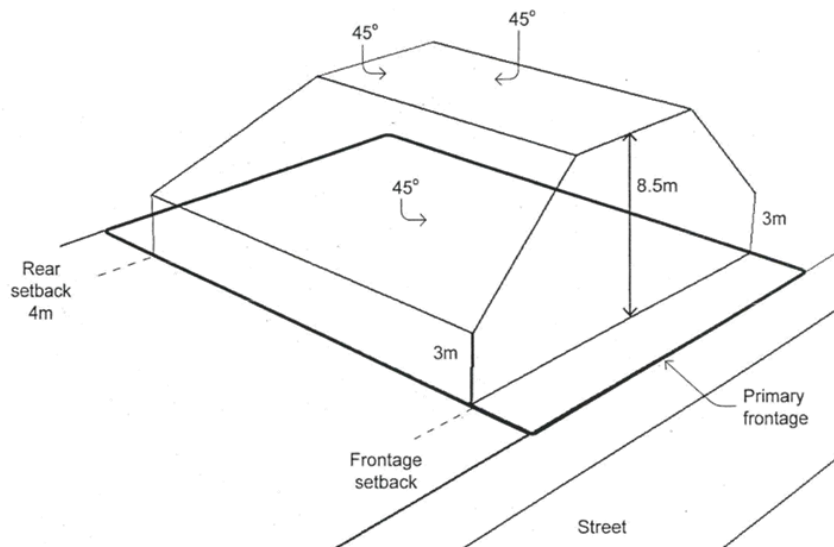


Roberta Watts

26/06/2017

Attached :    1. Diagram 10.4.2A Required Building Envelope in Planning Scheme  
                  2. Photo from our balcony with dotted outline of building façade

**Diagram 10.4.2A. Building envelope as required by subclause 10.4.2 A3 (a).**



**Diagram 10.4.2B. Building envelope for sloping sites as required by subclause 10.4.2 A3(a).**



View from our balcony of proposed house 116 North St



***120 North Street Devonport Tasmania 7310***

PH 0408741770 0364247721 FAX 0364247721  
EMAIL hallbrian120@gmail.com

The General Manager  
Devonport City Council  
P. O. Box 604  
Devonport, Tasmania, 7310

29/6/17

**Re Planning application PA2017.0084 dated 21/06.2017 covering a residential dwelling  
proposed for 116 – 118 North Street.**

We wish to lodge an objection to the above planning application.  
The objection is based on the following: -

1. The building height is greater than 11.055 metres which exceeds the permitted regulations of 8.5 metres.
2. The western boundary retaining wall and associated fencing to support the concrete driveway to the five car garage will be 2.6 metres high
3. The shadow from the three storey building will be considerable in the mornings.
4. The loss of privacy will restrict our natural lifestyle.
5. The problem of underground and run-off water has not been addressed in the application.
6. The building design does not fit the streetscape having the appearance of an apartment block rather than a home.

Reference 1.

The flat roof and vertical walls of this four-bedroom home with garages for seven cars make the building an excessive height (estimated to be 12 metres from ground level, as the full height is not shown on the application which does not include footing height details). This makes the home look more like an apartment block, its flat roof compounding the failure to comply with the standard of 8.5 metres normally applied to a residence with a sloping roof.

Reference 2

The proposed 1.6 metre high western concrete block retaining wall for the driveway and the associated safety fencing will make the actual fence height 2.6 metres minimum above the ground level of our adjoining property, which will create sun shadow and dominate the recreational area of our home as the base of any cars will be at head height.

The level difference between the road and the ground at the southern end of the garage entrance is 3 metres which over a distance of 26 metres would appear to be reasonable without the need to build up the northern end.

Reference 3.

The shadow map supplied for June 21<sup>st</sup> at 9.00 am enclosed with the application does not show a true representation of the loss of sun to our family living area, and outdoor area, as the sunlight

30/06/2017 D479215

comes more from the north east early in the day at this time of year. The more correct illustration would be from about October through to May, when the sunlight comes onto our property more from the east and when the most shadow on 120 North Street would be created by the proposed high flat roofed building. It should be noted that the early morning sun is the most critical in Tasmania for warmth and light.

The trees and vegetation in the front garden will not be viable with reduced sun light.

Reference 4.

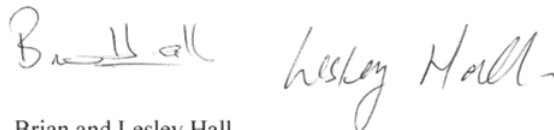
The first floor of the proposed development will be level with the top of our living room windows and the top floor will totally overlook our home making privacy impossible and this will create issues for those living in the shadow of this development. The grassed recreation area to the east of our home, with the main fenced yard area for children and pets, will be completely overshadowed by this building.

Reference 5.

The area for the proposed development has excessive underground water which flows from the southern higher ground. We are concerned that raising the ground level and associated concrete work will push this water, and run-off water, onto our land which will be at a lower level. This has not been addressed in the application and supports the view that the ground level should not be built up further.

We hope that the planning approval body will take our concerns into consideration.

Yours faithfully,

The block contains two handwritten signatures in cursive. The first signature is 'Brian Hall' and the second is 'Lesley Hall'. They are written in dark ink.

Brian and Lesley Hall

---

**From:** Chris Hogarth <cjhogarth@iprimus.com.au>  
**Sent:** Monday, 3 July 2017 10:02 AM  
**To:** council  
**Cc:** 'Hogarth, Julie (DHHS)'; 'Hogarth, Chris (TasTAFE)'  
**Subject:** Attention Mr Ian Mccullum, Objection re: Planning Permit Application # PA2017.0084 116-118 North Street, Devonport  
**Attachments:** PA2017.0084.Objection.30.6.17.docx  
**Importance:** High

Mr Ian McCullum  
General Manager Devonport City Council

Please see attached our letter of **Objection re: Planning Permit application # PA2017.0084, 116-118 North Street Devonport, for your attention.**

We look forward to your reply regarding this matter.

PLEASE CONFIRM RECEIPT OF THIS EMAIL.

Kind regards

Chris and Julie Hogarth  
107 North Street  
Devonport TAS 7310  
Ph: 036424 2777  
Email: [cjhogarth@iprimus.com.au](mailto:cjhogarth@iprimus.com.au)

30/06/17

Chris and Julie Hogarth  
107 North Street  
Devonport TAS 7310  
Ph: 6424 2777  
Email: [cjhogarth@iprimus.com.au](mailto:cjhogarth@iprimus.com.au)

Mr Ian McCullum  
General Manager Devonport City Council  
PO Box 604  
Devonport TAS 7310  
Email: [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)

Dear Sir

**Objection re: Planning Permit Application # PA2017.0084**

Proposed development: **Residential (single dwelling) – assessment against the performance criteria for building outside of the permitted building envelope**  
Address of the land: **116-118 North Street, Devonport**

We object to this planning permit application on the grounds that the proposed dwelling exceeds the permitted building envelope, as detailed in the Devonport Interim Planning Scheme 2013, as the excessive height of the dwelling is of considerable concern.

We do not agree with the Assessment on page 5 of the Metier prepared Planning Submission, where it states that “the proposed dwelling maintains amenity & the street’s residential character”. The height of the proposed dwelling exceeds the maximum height detailed on Diagram 10.4.2 of the Devonport Interim Planning Scheme 2013 by an extreme 2.8 metres. The height & rectangular shape of the proposed design is of a grand scale that is not consistent with the surrounding area. The bulk of the proposed building will dominate our streetscape and impact negatively on neighbours with loss of privacy & natural sunshine.

The Assessment on page 5 of the Metier prepared Planning Submission, justifies a three-storey building in lieu of 10.1.3. Desired future character statement 9 (c) *buildings that are typically one or two storeys*; on the fall of the land. We maintain that it is the role of the designer to design a home that accommodates the characteristics of the land, the needs of the owner & also within the permitted building envelope, as detailed in the Devonport Interim Planning Scheme 2013.

As detailed on page 8 & in the conclusion of the Metier prepared Planning Submission, it bases justification of the proposed dwelling for exceeding the permitted building envelope on the many large dwellings in the Coles Beach area. We strongly reject this as a legitimate argument. This is very subjective as the existing homes have not been assessed against the Interim Planning Scheme 2013. Note this is one of the objectives of the Devonport Interim Planning Scheme 2013 to minimise the construction of dwellings that exceed the permitted building envelope by such a grand scale so as to not negatively impact on neighbouring properties and others in the Coles Beach area. The scheme is to also protect the rights of those in the neighbourhood of their outlook, privacy, sunshine & the pleasantness of the

surrounding area. Note the following quote from the Devonport Interim Planning Scheme 2013, item 3.0 Planning Scheme Objectives (d) (iii) *provide efficient, safe, and pleasant places to live, work, or visit.*

The proposed dwelling which excessively exceeds the permitted building envelope by 2.8 metres in height will negatively impact on the pleasantness of this section of North Street. Based on our location to the southwest of the proposed dwelling we are concerned regarding the amount of early morning sun we will lose from our family room due to the proposed dwelling exceeding the building envelope. We highly value the importance of the sun in respect to the warmth, light & ambiance it provides our family home resulting in good health & wellbeing of our family.

We sincerely hope the Devonport City Council Planning Body will view this objection as valid and reasonable. We look forward to a positive outcome for us, our neighbours and our community of an application for planning permit that fits within the Devonport Interim Planning Scheme 2013 especially referring to the building envelope.

Kind regards

Chris & Julie Hogarth  
North Street Residents



### **4.3 PA2017.0081 RESIDENTIAL (SHED) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR SETBACKS AND BUILDING ENVELOPE - 31 SWILKIN DRIVE SPREYTON**

File: 34263 D480948

#### **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 PA2017.0081.

#### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Steve Jordan Drafting
Owner:	Mr P Turner & Mrs J Turner
Proposal:	Residential (shed) – assessment against performance criteria for setbacks and building envelope
Existing Use:	Vacant Residential
Zoning:	General Residential
Decision Due:	26/07/2017

#### **SITE DESCRIPTION**

The site is identified by Certificate of Title (CT) 273116/27 with the property address of 31 Swilkin Drive, Spreyton. The lot which was recently developed as part of a 40-lot subdivision approved in 2015 (refer to PA2015.0063) has an area of 826m<sup>2</sup> and is flat. The site is immediately surrounded by recently created residential lots to the north and south (currently vacant) and pastureland to the east.

A copy of the Title Plan of the site is reproduced on the next page as Figure 1.

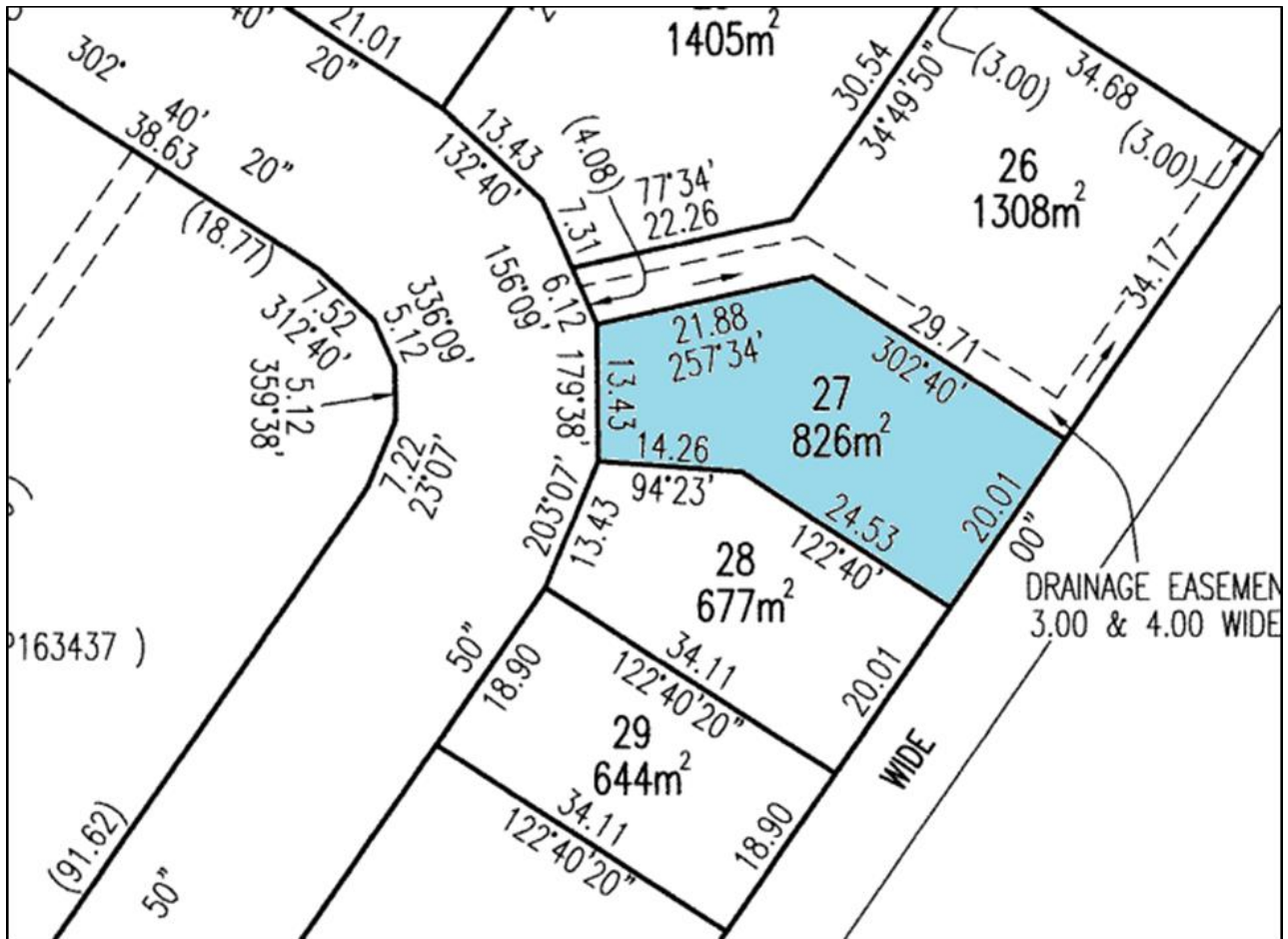


Figure 1 - Title Plan of subject site highlighted in blue - CT 273116/27

#### APPLICATION DETAILS

The applicant is seeking approval to construct a 60m<sup>2</sup> steel shed on the south-eastern quadrant of the property. The shed is proposed have a southern side setback of 0.75m and a rear setback of 0.755m. The shed will have an apex height of 3.65m and will be utilised for vehicle storage and other residential storage purposes. A copy of the Site Plan submitted by the applicant is shown as Figure 2 on the next page. A full copy of the applicant's plans and supporting document is appended as **Attachment 1**.

Note - The submitted application plans highlight the future location of the dwelling on the site (shown as stage 2). For clarification, this planning application is solely assessing the merit of the shed.

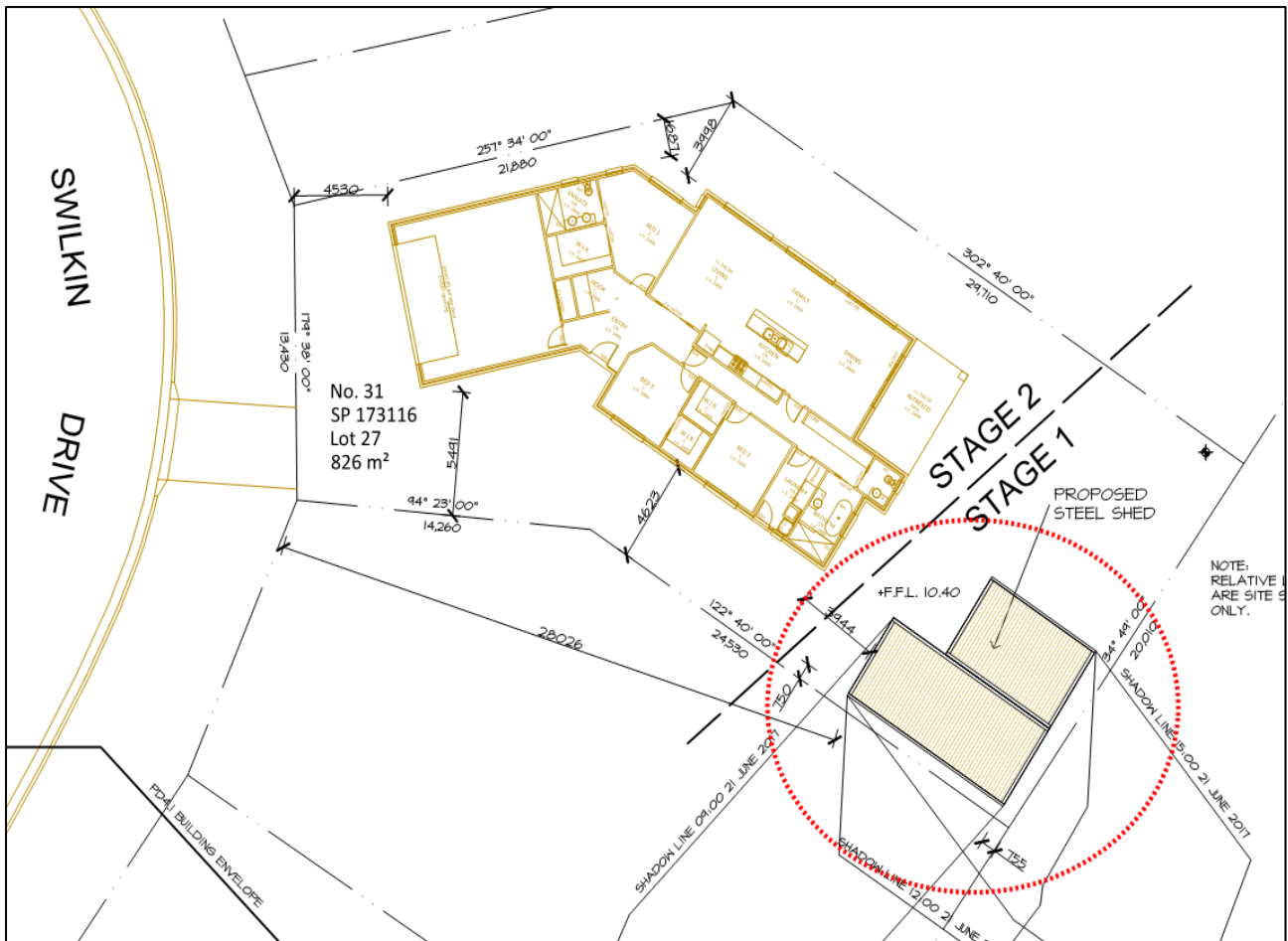


Figure 2 - Copy of Site Plan submitted by applicant with location of outbuilding circled in red

## PLANNING ISSUES

The land is zoned General Residential under the Devonport Interim Planning Scheme 2013 (DIPS). The purpose statements for the zone are as follows:

*"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."*

The shed falls under the use classification Residential. Under the DIPS, this particular use classification is defined as:

*"use of land for self contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings."*

Within the General Residential zone, the use Residential is prescribed as No Planning Permit Required subject to the qualification that the development is for a single dwelling or home based business. Regarding this qualifier, the development falls under the consideration of a single dwelling as the shed is to be subservient to a future dwelling on the site.

To comply to the No Planning Permit Required status the shed must satisfy the Acceptable Solutions for the zone and the exemptions or Acceptable Solutions of any Development Code. If the Acceptable Solutions or exemptions cannot be satisfied the application becomes Discretionary. This requires the development to be tested against the corresponding Performance Criteria for the particular development standard that cannot be met. Council, acting as a *Planning Authority* can approve or refuse a Discretionary planning application.

In this case the shed fails to satisfy the Acceptable Solutions for development standard 10.4.2 (A3) - *Setbacks and building envelope for all dwellings*. This is due to the shed being located within the minimum rear setback threshold of 4m (0.75m rear setback proposed). Furthermore, because the shed fails to meet the rear setback requirement it also falls outside the prescribed 3-dimensional building envelope which is applicable to all types of development within the General Residential zone. For information purposes, the 3-dimensional building envelope is reproduced as Figure 3.

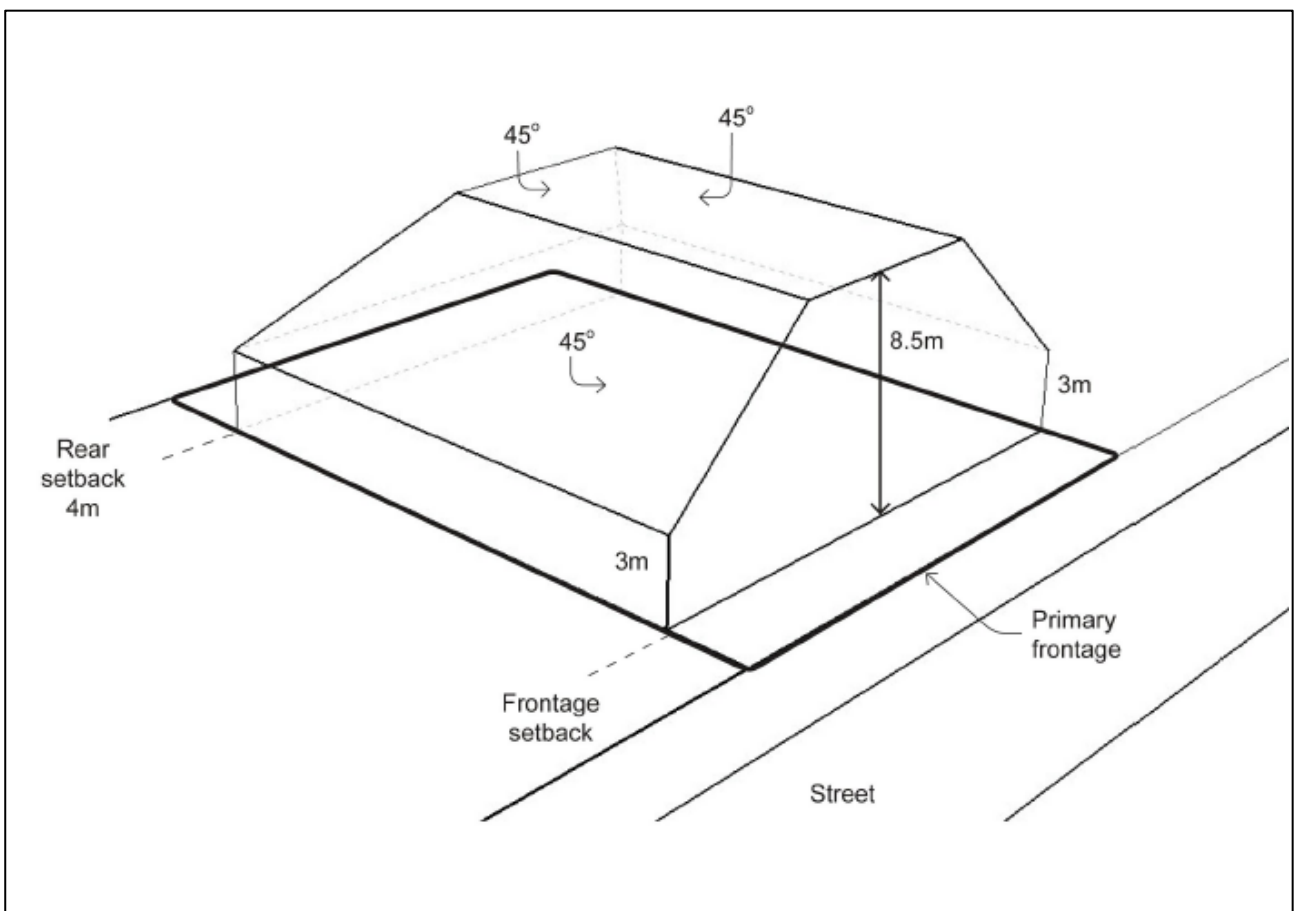


Figure 3 - Acceptable 3-dimensional building envelope to comply with the Acceptable Solution for 10.4.2 (A3) – *Setbacks and building envelope*

To determine if the shed has merit the proposal is required to be tested against the Performance Criteria stipulated in 10.4.2 P3 - *Setbacks and building envelope for all dwellings*. A copy of this development standard is shown on the next page as Figure 4 along with comment. All other applicable development standards within the DIPS satisfy the Acceptable Solutions or Code exemptions.

10.4.2 Setbacks and building envelope for all dwellings	
<b>Objective:</b> To control the siting and scale of dwellings to: <ul style="list-style-type: none"> <li>(a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and</li> <li>(b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and</li> <li>(c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and</li> <li>(d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.</li> </ul>	
<b>A3</b> A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: <ul style="list-style-type: none"> <li>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:             <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and</li> </ul> </li> <li>(b) only have a setback within 1.5 m of a side boundary if the dwelling:             <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</li> <li>(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</li> </ul> </li> </ul>	<b>P3</b> The siting and scale of a dwelling must: <ul style="list-style-type: none"> <li>(a) not cause unreasonable loss of amenity by:             <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</li> <li>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</li> <li>(iii) overshadowing of an adjoining vacant lot; or</li> <li>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</li> </ul> </li> <li>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.</li> </ul>

Figure 4 - Development Standard 10.4.2 A3 & P3  
 - Setbacks and building envelope for all dwellings

As part of the application package, the applicant provided a shadow diagram of the shed on 21 June at 9am, 12noon and 3pm (shadowing impact from a development is at its worst on the winter solstice). The shadow diagram is reproduced on the next page as Figure 5. Rationale was also provided by the applicant on how the shed satisfies the Performance Criteria. As previously mentioned, a full copy of the applicant's submission is appended as **Attachment 1**.



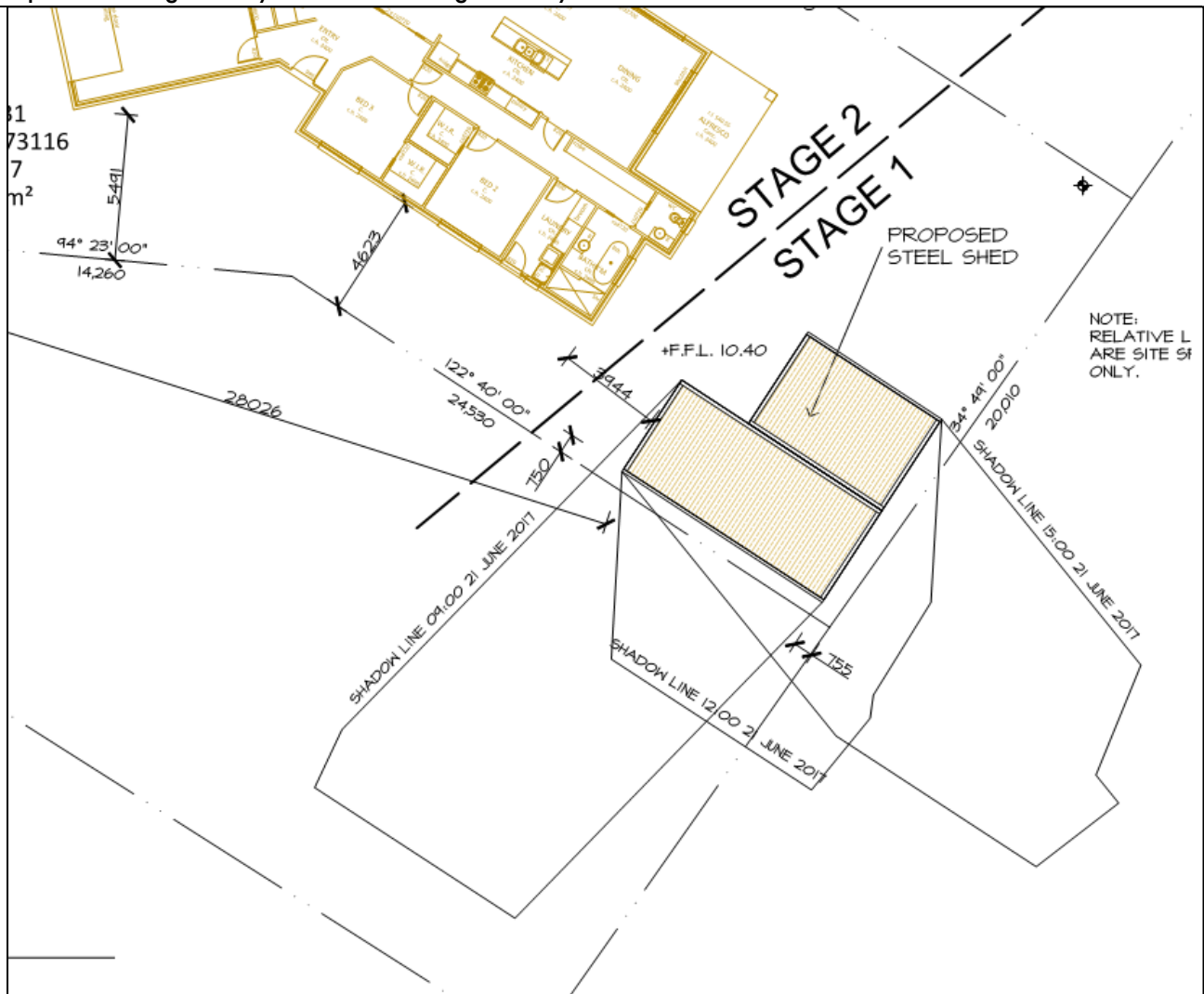


Figure 5 – Shadow diagram of the shed provided by the applicant

The shadow diagram has been examined and it is found to be a true reflection of the shadow cast from the proposed shed. It is evident that the neighbouring residential lot to the south (33 Swilkin Drive) will be burdened by overshadowing from the shed during morning hours. However, it needs to be considered if the overshadowing impact is 'unreasonable'. After being on-site it is considered the overshadowing impact from the shed is not unreasonable. From approximately 12 noon the overshadowing effect from the proposal will be negligible and afternoon sunlight will be available in the areas subject to overshadowing in the morning. In addition, any overshadowing impact to habitable rooms for a future dwelling at 33 Swilkin Drive is considered minimal due to the location of the proposed shed and the likelihood of a dwelling to be positioned within the central region of the lot.

It is also interesting to note that if the shed was setback 4m from the rear boundary (not taking into consideration the future house design) the shed would have complied with the Acceptable Solutions and therefore could be assessed as 'No Planning Permit Required'. This is because the Acceptable Solutions allow a development such as an outbuilding to be constructed to a side boundary if the wall length is less than 9m and the proposal can fit within the prescribed 3-dimensional building envelope (refer to Figure 3). It is acknowledged that if the shed was setback at a minimum of 4m to the rear boundary it would have a greater impact to the southern adjoining lot in regard to overshadowing



and visual bulk but a discretionary planning permit would not be required as the proposal would have the status 'No Planning Permit Required'.

In relation to visual impacts, the shed will be located at the rear of the property and it is thought any future dwelling on the southern adjoining lot will be constructed within the central area of the lot. Therefore, no visual impacts in relation to scale and bulk are envisaged.

Lastly, little development has been undertaken in Swilkin Drive to date. However, the General Residential zone allows development to be constructed quite close to property boundaries and therefore it is considered that the shed will be generally compatible with future outbuildings within the area.

Overall it has been found the shed satisfies the Performance Criteria.

### COMMUNITY ENGAGEMENT

On 14/06/2017, 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 17/06/2017;
- (b) Making a copy of the proposal available in Council Offices from the 17/06/2017;
- (c) Notifying adjoining property owners by mail on 15/06/2017; and
- (d) Erecting a Site Notice for display from the 16/06/2017.

The period for representations to be received by Council closed on 03/07/2017.

### REPRESENTATIONS

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

The representation was received from the owners of the adjoining southern residential lot (33 Swilkin Drive) and is appended as **Attachment 2**.

The major points of the representation are the following:

- The proposed shed will overshadow the dwelling's living room at 33 Swilkin Drive.
- The likely probability that the shed will have a greater height than 3.65m due to the consideration of the height of the slab; and
- Impact on resale of 33 Swilkin Drive.

Recently Council has issued a 'No Planning Permit Required' for a future dwelling at 33 Swilkin Drive. However, no building permit/notification has been received by Council and no construction has commenced at the property. For information purposes, the approximate location of the house at 33 Swilkin Drive is shown as part of Figure 6 along with the shadowing diagram of the shed provided by the applicant. The red annotation highlights the shadow cast at 9am and the green annotation demonstrates the shadow cast at 12 noon. The shadowing impact at 3pm is negligible and therefore has not been annotated.

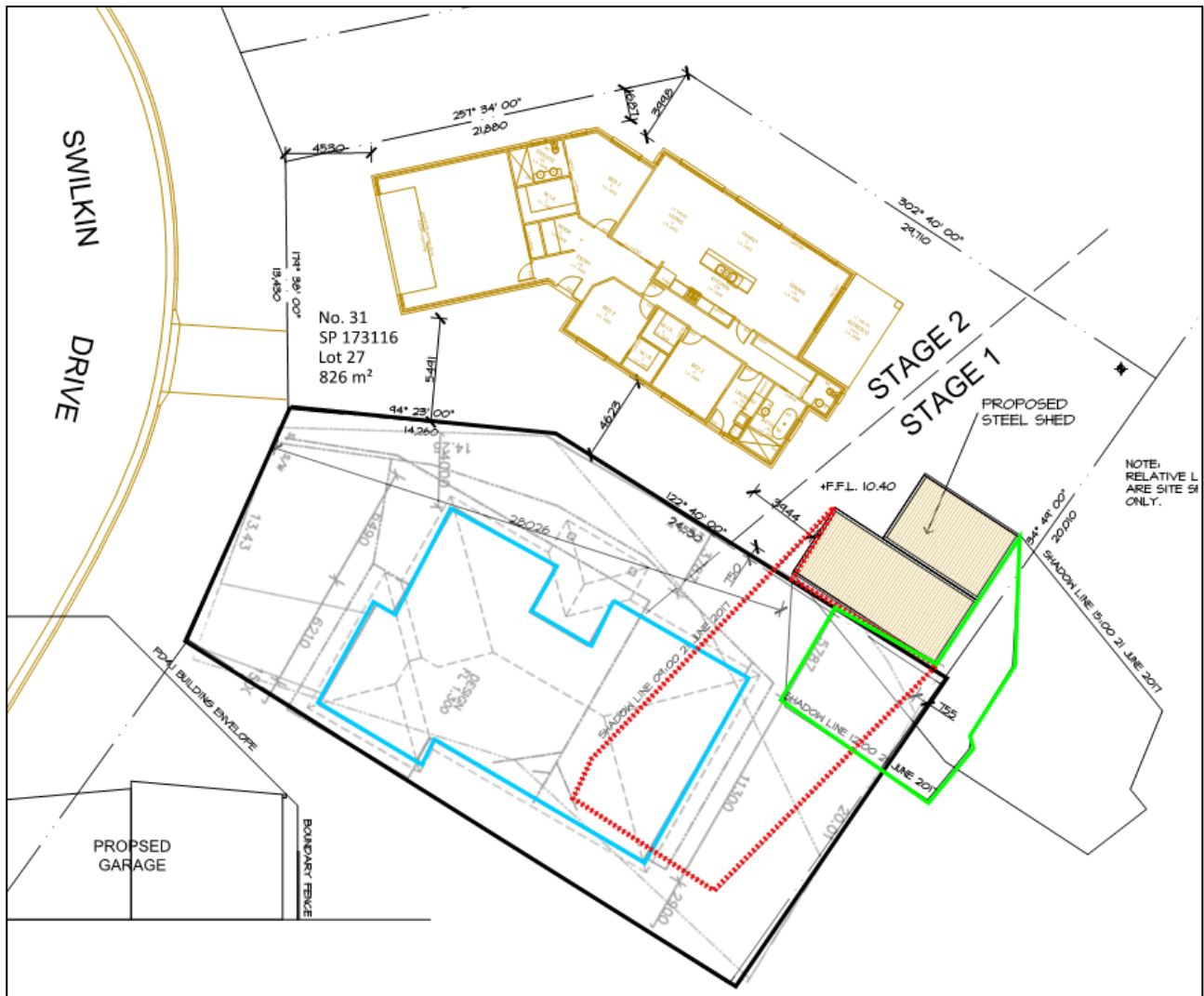


Figure 6 - Approximate location of future house at 33 Swilkin Drive with the inclusion of the overshadowing diagram from the proposed shed

Figure 6 demonstrates that the shed will overshadow the rear section of the dwelling at 33 Swilkin Drive particularly during the early morning. Ironically, however, as discussed within the *Planning Issues* section of the report, the overshadowing impact would be a lot more detrimental if the shed was located 4m in from the rear boundary and yet a planning permit would not be required. The overshadowing impact has been tested against the applicable Performance Criteria and it has been found the shed has merit to be approved. No further commentary is warranted regarding this matter.

In relation to the concern regarding the increased height of the shed due to the consideration of the slab height a condition will be placed on the permit to ensure the shed is no higher than 3.65m above natural ground level.

The potential impact on the resale of a property is not an applicable matter under the DIPS.

## DISCUSSION

As part of the normal assessment procedure, the application was internally referred to the various Council departments with an interest in development applications. The requirements/comments of these referrals have been incorporated as permit conditions and notes as appropriate.

### **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 forensically examined and is recommended for conditional approval.

### **ATTACHMENTS**

- [1.](#) Application - PA2017.0081 - 31 Swilkin Drive Spreyton
- [2.](#) Representation - PA2017.0081 - 31 Swilkin Drive Spreyton

### **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 PA2017.0081 and grant a Permit to use and develop land identified as 31 Swilkin Drive, Spreyton (CT) 273116/27 for the following purposes:

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

Subject to the following conditions:

#### **Planning Conditions**

1. The Use and Development is to proceed in accordance with the submitted plans referenced as:
  - Proposed Residence & Steel Framed Shed - DRG. No. SJD/17/16 (01-03), dated May 2017 by Steve Jordan Drafting; and
  - Steel Shed Plans by Fairdinkum Sheds dated 23/5/2017.
2. The shed is hereby approved to have a maximum height of 3.65m above natural ground level.

#### **Infrastructure Conditions**

3. The existing stormwater service connection is to be used for the purposes of this development.
4. The existing driveway is to be used for the purposes of this development.
5. Should any works occur within the road reserve a permit to work within the road reserve must be sought and granted prior to any works being undertaken.
6. The developer is responsible to repair/re-instate any damage incurred to Council assets as a result of executing this permit.

Note: The following is provided for information purposes.

This planning permit does not provide planning approval for Stage 2 (future dwelling).

Hours of construction must be: Monday to Friday 7am – 6pm; Saturday between 9am - 6pm; and Sunday/statutory public holidays 10am - 6pm.

During the construction and subsequent use of the building, all reasonable measures are to be taken to minimise off-site environmental effects that may result in a nuisance. This includes air, noise and water pollution with such matters subject to the provisions and requirements of the *Environmental Management and Pollution Control Act 1994* including Regulations made thereunder.

**THIS IS NOT A BUILDING OR PLUMBING PERMIT.**

Prior to commencing any building or plumbing work you are required to:

1. Contact a Tasmanian registered Building Surveyor to determine the category of building approval required, and
2. Contact the Council Permit Authority to determine the category of plumbing approval required.

In regard to conditions 3-6 the applicant should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries.

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

Author:	Alex Mountney	Endorsed By:	Brian May
Position:	Cadet Planner	Position:	Development Manager

5<sup>th</sup> June 2017

The Planning Officer  
Devonport City Council  
PO Box 604  
DEVONPORT TAS 7310

**RE: PLANNING APPLICATION 31 SWILKIN DRIVE, SPREYTON**

Please find attached details addressing the Devonport Interim Planning Scheme 2013 requirements for the proposed shed in the stage 1 development at the above mentioned property. Discretionary approval is sought due to the reduced rear and side setbacks. The relevant clauses as discussed with Mark have been addressed – being clause 10.4.2, 10.4.4 & 10.4.5 have been addressed.

Should you have any further queries, please contact me on the number listed below.

Regards

Steve Jordan

*steve jordan drafting*

Acc No. CC1570S

(03) 6343 2183 | 0418 137 246 | [steve@stevejordandrafting.com.au](mailto:steve@stevejordandrafting.com.au)

 20 Richings Drive, Youngtown 7249

## Devonport City Council Planning Scheme Submission

**Project:** Proposed Shed – Stage 1 of development

**Location:** 31 Swilkin Drive, Spreyton

**Client:** Judeen & Phil Turner

**Zone:** General Residential

Devonport City Council Interim Planning Scheme 2013 Conditions  
Schedule for proposed shed at 31 Swilkin Drive, Spreyton.

### 10.4. Development Standards

#### 10.4.2 Setbacks and building envelope for all dwellings

Acceptable Solutions:	Performance Criteria:
<b>A1 (a)</b> n/a in this stage of development.	
<b>A2</b> The shed will be setback 27+m from the primary frontage.	
	<p><b>P3</b> The shed is setback in the far rear SW corner of the lot, less than 1m from the rear boundary and 0.75m from the side boundary, it does not cause any unreasonable loss of amenity:</p> <ul style="list-style-type: none"> <li>a) i) n/a – currently no habitable rooms of dwellings on adjoining lots – as they are both vacant lots, and lot to the rear has a 10m right of way, therefore no dwelling will be impacted;</li> <li>ii) n/a – currently only vacant land surrounding the lot thus no identified POS;</li> <li>iii) Shadow diagrams on Sheet SJD 17/16-01 show that the shadowing of the shed is predominantly to the lot on the SW boundary. The shadowing from</li> </ul>



	<p>the shed is only an additional 1.9m than that caused by the 1.8m high fence at midday on June 21. The lot to the rear has a 10m right of way for bushfire protection, thus shadowing will have no real impact to the lot to the rear. Currently the lots are vacant so no reduction of sunlight to a habitable room of a dwelling on an adjoining lot, or overshadowing of private open space of a dwelling on an adjoining lot.</p> <p>iv) The shed is tucked into the SW rear corner of the lot, and is only 3.65m in height. Currently all surrounding lots are vacant. The lot to the rear is large and this shed provides minimal impact visually to this lot. Due to the height of this shed and the length of this block, the visual impact is not significant;</p> <p>b) The setback of the shed is compatible with general suburban living, and given the size of the lots will have minimal impact on surrounding lots.</p>
--	--

#### 10.4.4 Sunlight and overshadowing for all dwellings

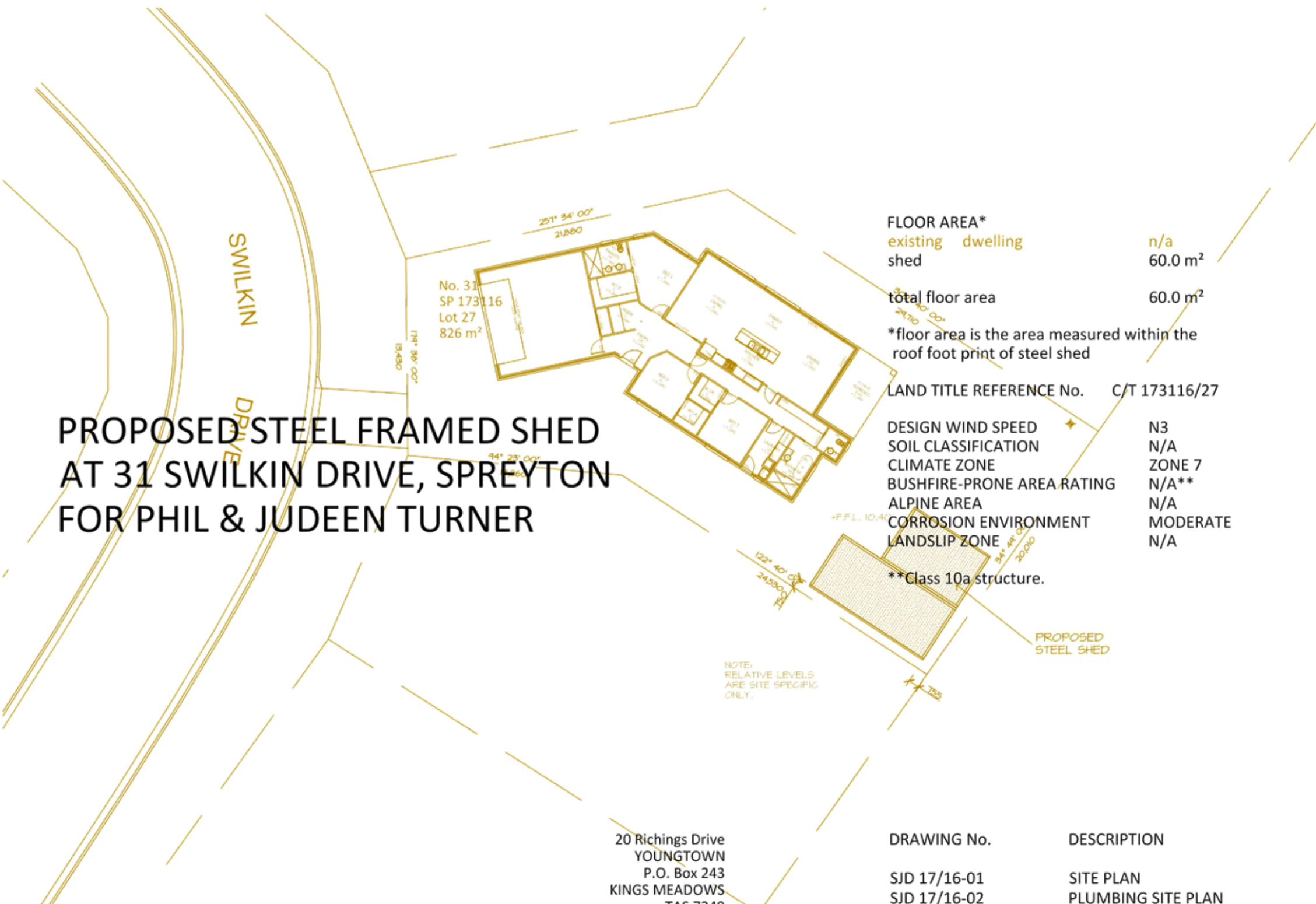
Acceptable Solutions:	Performance Criteria:
A1 – n/a no dwelling in stage 1, and no habitable rooms within the proposed shed.	
A2 – n/a – not a multiple dwelling.	
A3 – n/a – not a multiple dwelling	

#### 10.4.5 Width of openings for garages and carports for all dwellings

Acceptable Solutions:	Performance Criteria:
A1 – n/a the shed is setback greater than 12m from the primary frontage – being some 27+m.	

steve jordan drafting

PROPOSED STEEL FRAMED SHED  
AT 31 SWILKIN DRIVE, SPREYTON  
FOR PHIL & JUDEEN TURNER



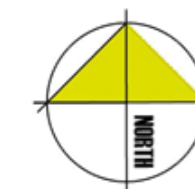
FLOOR AREA*	
existing dwelling	n/a
shed	60.0 m²
total floor area	60.0 m²
*floor area is the area measured within the roof foot print of steel shed	
LAND TITLE REFERENCE No.	C/T 173116/27
DESIGN WIND SPEED	N3
SOIL CLASSIFICATION	N/A
CLIMATE ZONE	ZONE 7
BUSHFIRE-PRONE AREA RATING	N/A**
ALPINE AREA	N/A
CORROSION ENVIRONMENT	MODERATE
LANDSLIP ZONE	N/A
**Class 10a structure.	

20 Richings Drive  
YOUNGTOWN  
P.O. Box 243  
KINGS MEADOWS  
TAS 7249  
Ph. 6343 2183  
Mobile. 0418 137 246  
E-mail. steve@stevejordandrafting.com.au  
ABN 48 567 070 667  
Accreditation CC1570 S

DRAWING No.	DESCRIPTION
SJD 17/16-01	SITE PLAN
SJD 17/16-02	PLUMBING SITE PLAN

steve jordan  
drafting

20 Richings Drive  
YOUNGTOWN  
P.O. Box 243  
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6343 2183  
0418 137 246  
steve@stevejordandrafting.com.au  
ABN 48 567 070 667  
Accreditation CC1570 S



NOTE:  
RELATIVE L  
ARE SITE SF  
ONLY.

**CONCEPT** OWNER  
**DESIGN** S. JORDAN  
**CHECKED** OWNER  
**DATE** MAY 2017  
**SCALE** 1:200  
**SHEET** 1 of 2

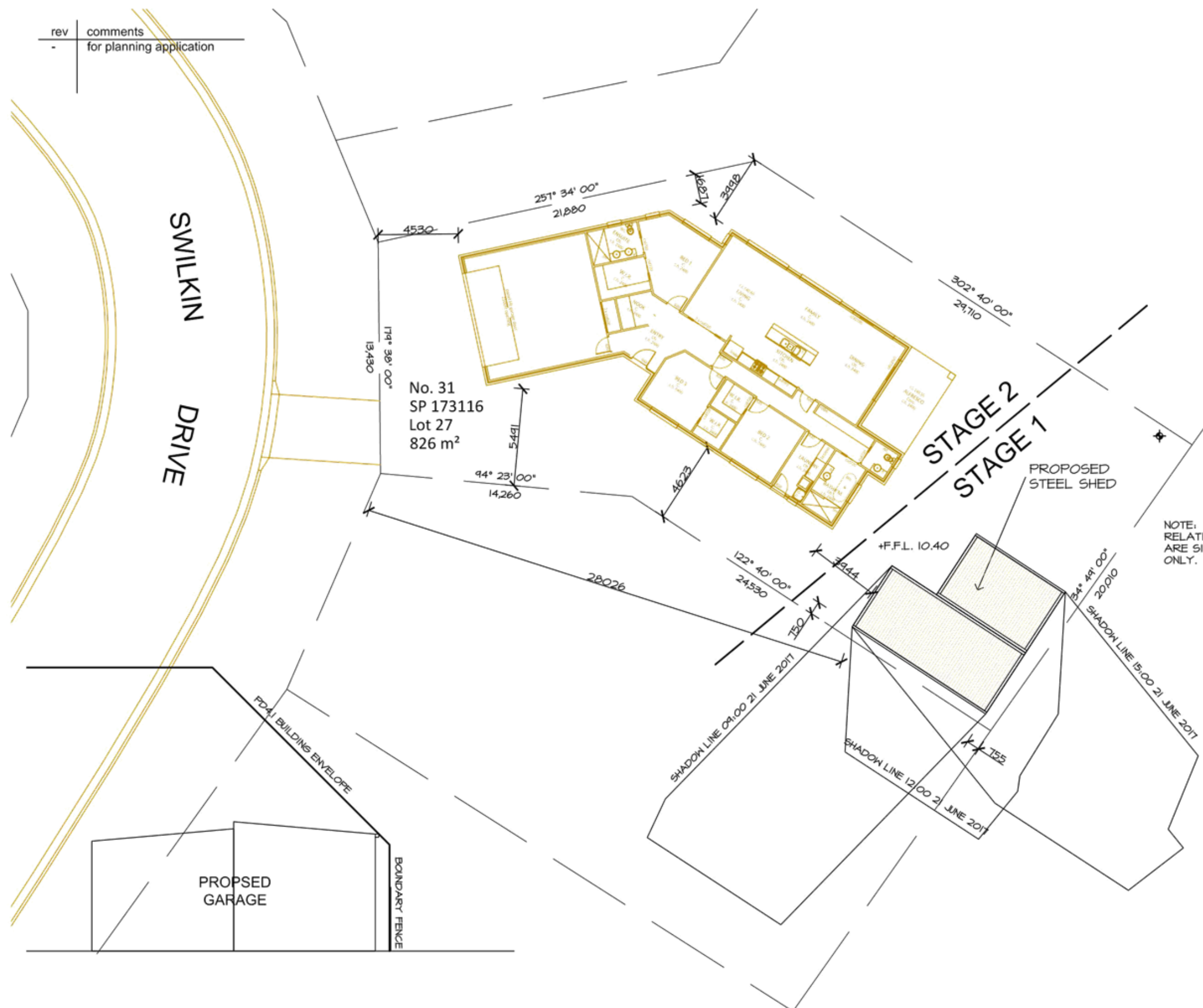
**CLIENT**  
P. & J. TURNER  
WRENSWOOD ROAD,  
QUOIBA

**PROJECT**  
PROPOSED RESIDENCE  
& STEEL FRAMED SHED  
AT 31 SWILKIN DRIVE,  
SPREYTON

**DRAWING**

SITE PLAN

DRG. No.  
**SJD 17/16-01**

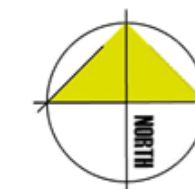


rev	comments
-	for planning application



steve jordan  
drafting

20 Richings Drive  
YOUNGTOWN  
P.O. Box 243  
KINGS MEADOWS  
TAS 7249  
6343 2183  
0418 137 246  
steve@stevejordandrafting.com.au  
ABN 48 567 070 667  
Accreditation CC1570 S



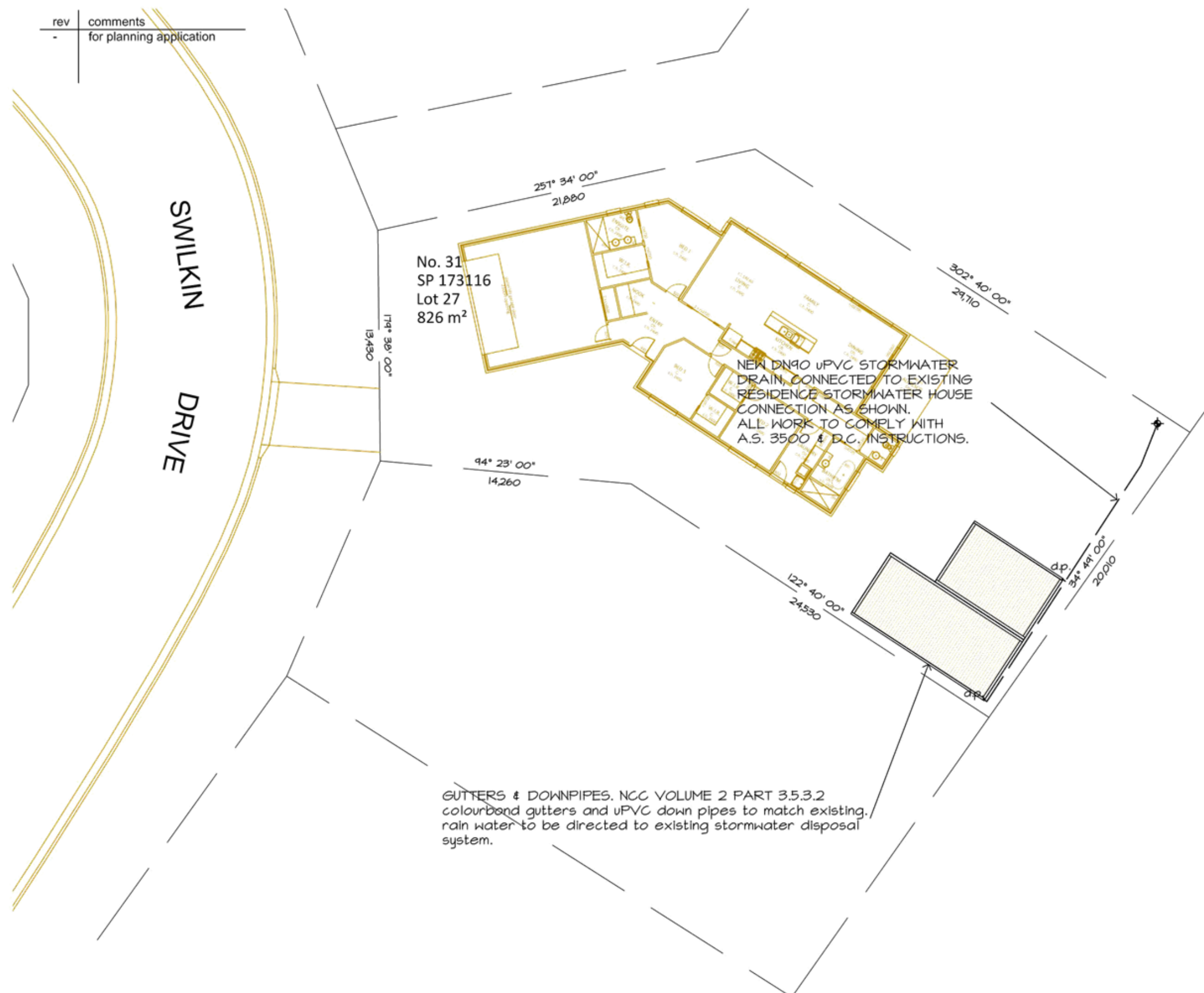
**CONCEPT** OWNER  
**DESIGN** S. JORDAN  
**CHECKED** OWNER  
**DATE** MAY 2017  
**SCALE** 1:200  
**SHEET** 2 of 2

**CLIENT**  
P. & J. TURNER  
WRENSWOOD ROAD,  
QUOIBA

**PROJECT**  
PROPOSED PREFAB'  
STEEL SHED AT  
31 SWILKIN DRIVE,  
SPREYTON

**DRAWING**  
PLUMBING SITE PLAN

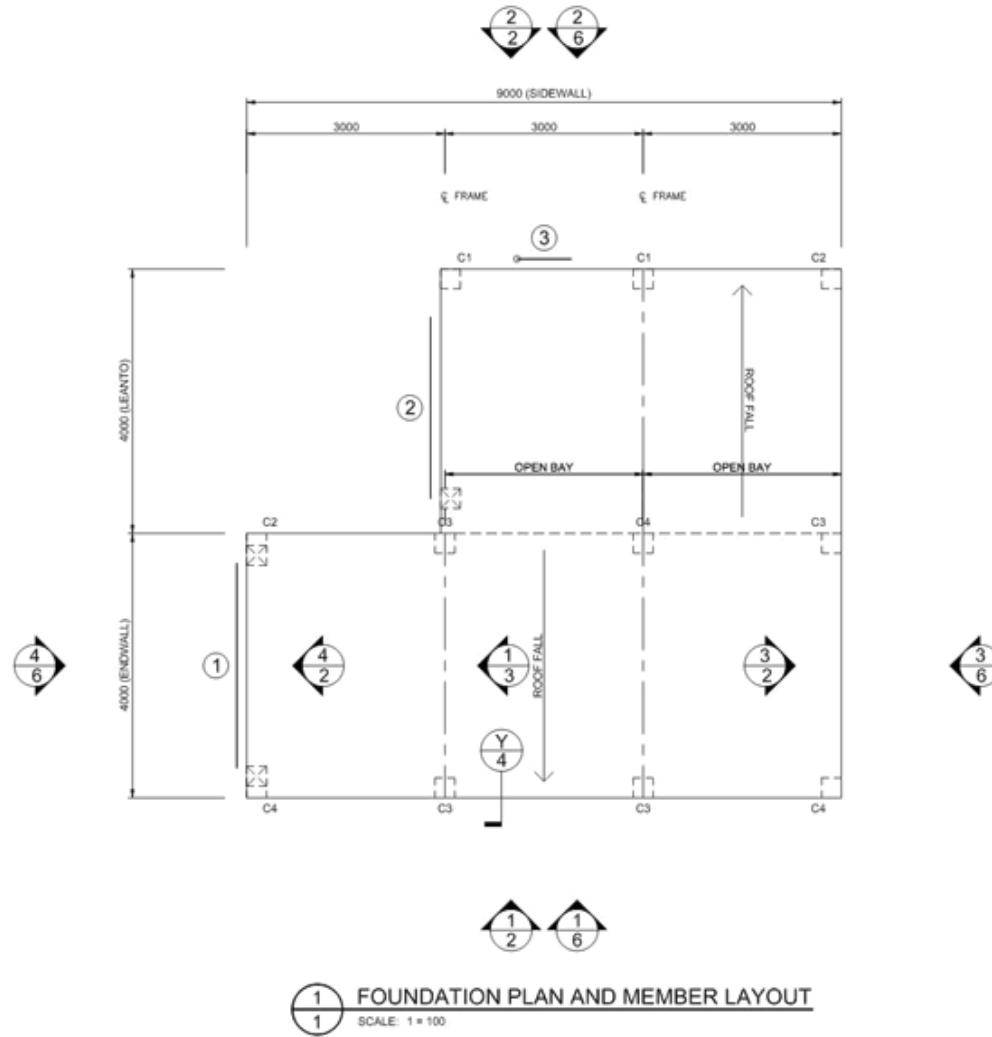
**DRG. No.**  
**SJD 17/16-02**



rev	comments
-	for planning application

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1 FOUNDATION PLAN AND MEMBER LAYOUT  
SCALE: 1 = 100

MEMBER LEGEND

C1	2C15012
C2	C15012
C3	C15019
C4	C15015

FS - INDICATES ROLLER DOOR COLUMNS

- SOME ROLLER DOOR COLUMNS MAY NOT APPEAR IN THE MEMBER LAYOUT DUE TO BEING ADJACENT TO THE MAIN BUILDING

1 OF 6  
SHEET

JOB NO.  
DEVN13831

DATE  
23/5/2017

CHECKED  
TM

DRAWN  
FDS

STEEL BUILDING BY (CONTACT)  
**DEVONPORT BUILDING SUPPLIES PTY LTD**  
FOR  
03 64246664  
**PHIL TURNER**  
AT  
31 SWILKIN DRIVE  
SPREYTON



**NORTHERN CONSULTING**  
engineers  
Civil & Structural Engineers  
50 Punari Street  
Currajong, Qld 4812  
Fax: 07 4725 5850  
Email: design@nceng.com.au  
ABN 341 008 173 56  
Registered Chartered Professional Engineer  
Registered Professional Engineer (Civil & Structural) QLD  
Registered Certifying Engineer (Structural) N.T.  
Registered Engineer - (Civil) VIC  
Registered Engineer - (Civil) TAS  
Regn. No. 2558980  
Regn. No. 9985  
Regn. No. 116373ES  
Regn. No. EC36692  
Regn. No. CC5648M

Mr Timothy Roy Messer BE MIEAust RPEQ  
Registered Professional Engineer 2558980  
Signature *T. Messer*  
Date 23/5/2017  
Registered on the NPER in the areas of practice  
of Civil & Structural National Professional  
Engineers Register

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1  
2  
SIDEWALL EXTERIOR ELEVATION  
SCALE: 1 = 100

2  
2  
SIDEWALL EXTERIOR ELEVATION  
SCALE: 1 = 100

3  
2  
ENDWALL INTERIOR ELEVATION  
SCALE: 1 = 100

4  
2  
ENDWALL INTERIOR ELEVATION  
SCALE: 1 = 100

DIAGONAL X BRACING NOT REQUIRED IN THIS BUILDING.  
CLADDING DIAPHRAGM SUFFICIENT.

2  
OF  
6

SHEET

JOB NO.  
DEVN13831

DATE  
23/5/2017

CHECKED  
TM

DRAWN  
FDS

STEEL BUILDING BY  
**DEVONPORT BUILDING SUPPLIES PTY LTD**

FOR  
**PHIL TURNER**

AT  
**31 SWILKIN DRIVE  
SPREYTON**

**SHED SAFE**

**fairdinkum**  
SHEDS

**NORTHERN CONSULTING**  
engineers

Civil & Structural Engineers  
50 Punari Street  
Currajong, Qld 4812  
Fax: 07 4725 5850  
Email: design@nceng.com.au  
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Registered Chartered Professional Engineer  
Registered Professional Engineer (Civil & Structural) QLD  
Registered Certifying Engineer (Structural) N.T.  
Registered Engineer - (Civil) VIC  
Registered Engineer - (Civil) TAS

Regn. No. 2558980  
Regn. No. 9985  
Regn. No. 116373ES  
Regn. No. EC36692  
Regn. No. CC5648M

Mr Timothy Roy Messer BE MIEAust RPEQ  
Registered Professional Engineer 2558980

Signature *T. Messer*

Date 23/5/2017

Registered on the NPER in the areas of practice  
of Civil & Structural National Professional  
Engineers Register

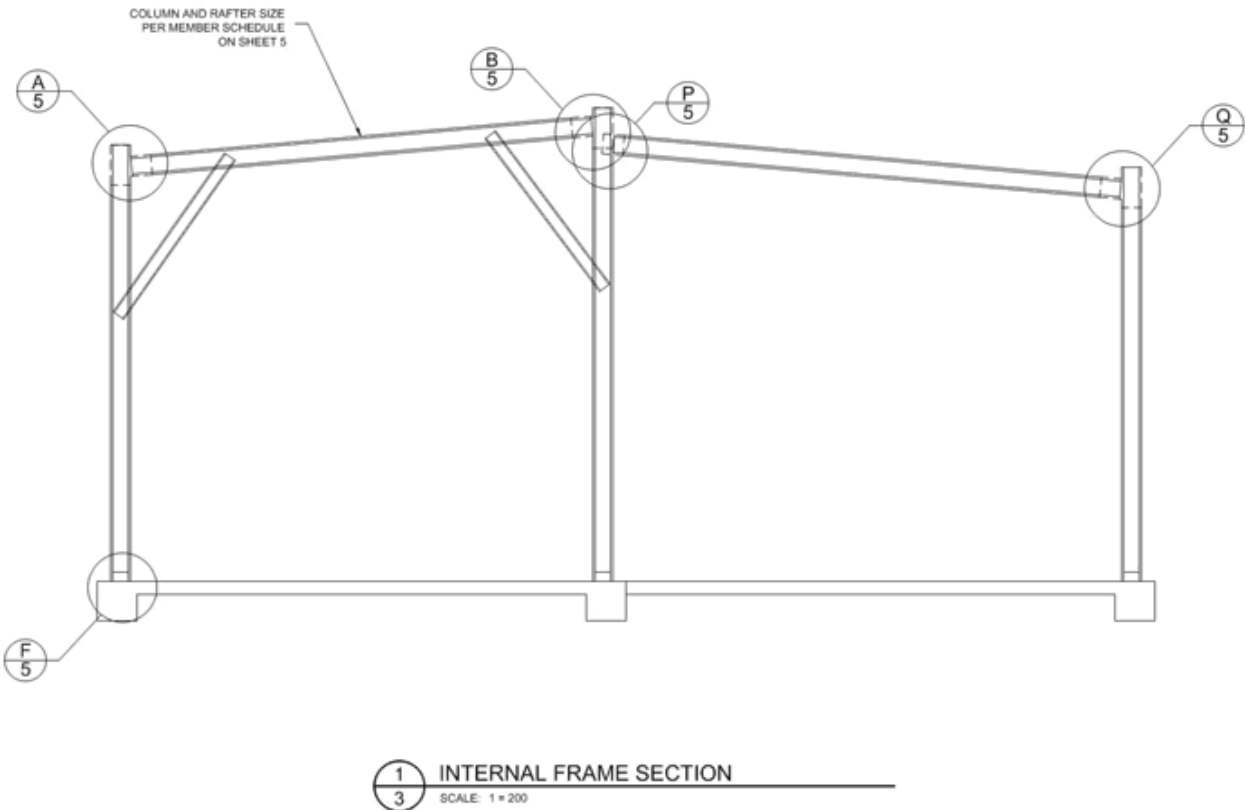
Application - PA2017.0081 - 31 Swilkin Drive Spreyton

PAGE 80

ATTACHMENT [1]



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Refer to Sheet #4 for concrete specification.

3 OF 6	SHEET	JOB NO. DEVN13831	DATE 23/5/2017	CHECKED TM	DRAWN FDS	STEEL BUILDING BY (CONTACT)	DEVONPORT BUILDING SUPPLIES PTY LTD	03 64246664 PHIL TURNER 31 SWILKIN DRIVE SPREYTON			 Civil & Structural Engineers 50 Punari Street Currajong, Qld 4812 Fax: 07 4725 5850 Email: design@nceng.com.au ABN 341 008 173 56	Mr Timothy Roy Messer BE MIEAust RPEQ Registered Professional Engineer 2558980
						FOR AT	Registered Chartered Professional Engineer Registered Professional Engineer (Civil & Structural) QLD Registered Certifying Engineer (Structural) N.T. Registered Engineer - (Civil) VIC Registered Engineer - (Civil) TAS					Regn. No. 2558980 Regn. No. 9985 Regn. No. 116373ES Regn. No. EC36692 Regn. No. CC5648M

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### STRUCTURAL GENERAL NOTES

- GOVERNING CODE** : NATIONAL CONSTRUCTION CODE (NCC), LOADING TO AS1170 - ALL SECTIONS. BUILDING SUITABLE AS EITHER A PRIVATE GARAGE CLASS 10A, OR A FARM SHED (CLASS 7 OR 8), UNLESS OTHERWISE SPECIFICALLY NOTED. FOR USE AS A FARM SHED, IT MUST MEET THE FOLLOWING REQUIREMENTS:
  - BE LESS THAN 2000 SQM IN AREA (INCLUSIVE OF ANY MEZZANINE FLOOR AREA).
  - MUST BE LOCATED ON A FARM AND USED IN CONNECTION WITH FARMING PURPOSES (AS DEFINED IN NCC 2016).
  - BUILDING IS NOT TO BE OCCUPIED FREQUENTLY NOR FOR EXTENDED PERIODS BY PEOPLE, WITH A MAXIMUM OF 1 PERSON PER 200 SQM OR 2 PERSONS MAXIMUM IN TOTAL WHICHEVER IS THE LESSER.
- DRAWING CONCEPT** : THESE DRAWINGS REMAIN THE PROPERTY OF FBHS (AUST) PTY LIMITED. ENGINEERING SIGNATURE AND CERTIFICATION IS ONLY VALID WHEN BUILDING IS SUPPLIED BY A DISTRIBUTOR OF FBHS. DRAWINGS ARE PROVIDED FOR THE DUAL PURPOSE OF OBTAINING BUILDING PERMITS AND AIDING CONSTRUCTION. ANY OTHER USE OR REPRODUCTION IS PROHIBITED WITHOUT WRITTEN APPROVAL FROM FBHS.
- DRAWING SIGNATURE REQUIREMENTS** : THESE DRAWINGS ARE NOT VALID UNLESS SIGNED BY THE ENGINEER. THE ENGINEER ACCEPTS NO LIABILITY OR RESPONSIBILITY FOR DRAWINGS WITHOUT A SIGNATURE. EACH TITLE BLOCK CONTAINS A WATER MARK UNDER THE CUSTOMER'S NAME CONTAINING THE DATE OF PRODUCTION OF THE DRAWINGS; THE DRAWINGS ARE TO BE SUBMITTED TO COUNCIL WITHIN 21 DAYS OF THIS DATE. THIS IS TO ENSURE THAT ONLY CURRENT DRAWINGS ARE IN CIRCULATION.
- CONTRACTOR RESPONSIBILITIES** : CERTIFY AND CONTRACTOR TO CONFIRM (ON SITE) THAT THE WIND LOADINGS APPLIED TO THIS DESIGN ARE TRUE AND CORRECT FOR THE ADDRESS STATED IN THE TITLE BLOCK. CONTRACTOR SHALL VERIFY AND CONFIRM ALL EXISTING CONDITIONS AND DIMENSIONS. ENGINEER SHALL BE NOTIFIED OF ANY DISCREPANCIES BETWEEN DRAWINGS AND EXISTING CONDITIONS PRIOR TO START OF WORK. CONTRACTOR MUST NOT MAKE ANY DEVIATION FROM THE PROVIDED PLANS WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM ONE OF THE UNDERSIGNING ENGINEERS. THE ENGINEER / FBHS TAKE NO RESPONSIBILITY FOR CHANGES MADE WITHOUT WRITTEN APPROVAL. CONTRACTOR IS RESPONSIBLE FOR ENSURING NO PART OF THE STRUCTURE BECOMES OVERSTRESSED DURING CONSTRUCTION. BUILDING IS NOT STRUCTURALLY ADEQUATE UNTIL THE INSTALLATION OF ALL COMPONENTS AND DETAILS SHOWN IS COMPLETED IN ACCORDANCE WITH THESE DRAWINGS. THE INDICATED DRAWING SCALES ARE APPROXIMATE. DO NOT SCALE DRAWINGS FOR CONSTRUCTION PURPOSES. FOR FURTHER DIRECTIONS ON CONSTRUCTION THE CONTRACTOR SHOULD CONSULT THE APPROPRIATE INSTRUCTION MANUAL.
- ENGINEERING** : THE ENGINEER / FBHS ARE NOT ACTING AS PROJECT MANAGERS FOR THIS DEVELOPMENT, AND WILL NOT BE PRESENT DURING CONSTRUCTION. THE UNDERSIGNING ENGINEERS HAVE REVIEWED THIS BUILDING FOR CONFORMITY ONLY TO THE STRUCTURAL DESIGN PORTIONS OF THE GOVERNING CODE. THE PROJECT MANAGER IS RESPONSIBLE FOR ADDRESSING ANY OTHER CODE REQUIREMENTS APPLICABLE TO THIS DEVELOPMENT. THESE DOCUMENTS ARE SUPPLIED ONLY AS TO THE COMPONENTS SUPPLIED BY FBHS. IT IS THE RESPONSIBILITY OF THE PURCHASER TO COORDINATE DRAWINGS PROVIDED BY FBHS WITH OTHER PLANS AND/OR OTHER COMPONENTS THAT ARE PART OF THE OVERALL PROJECT. IN CASES OF DISCREPANCIES, THE LATEST DRAWINGS PROVIDED BY FBHS SHALL GOVERN. NO ALTERATIONS TO THIS STRUCTURE (INCLUDING REMOVAL OF CLADDING) ARE TO BE UNDERTAKEN WITHOUT THE CONSENT OF THE CERTIFYING ENGINEER.
- INSPECTIONS** : NO SPECIAL INSPECTIONS ARE REQUIRED BY THE GOVERNING CODE ON THIS JOB. ANY OTHER INSPECTIONS REQUESTED BY THE LOCAL BUILDING DEPARTMENT SHALL BE CONDUCTED AT THE OWNER'S EXPENSE.
- SOIL REQUIREMENTS** : SITE CLASSIFICATION TO BE A, S OR N ONLY. SOIL SAFE BEARING CAPACITY VALUE INDICATED ON DRAWING SHEET 4 OCCURS AT 100mm BELOW FINISH GRADE, EXISTING NATURAL GRADE, OR AT FROST DEPTH SPECIFIED BY LOCAL BUILDING DEPARTMENT, WHICHEVER IS THE LOWEST ELEVATION. REGARDLESS OF DETAIL Y ON SHEET 4 THE MINIMUM FOUNDATION DEPTH SHOULD BE 100mm INTO NATURAL GROUND OR BELOW FROST DEPTH SPECIFIED BY LOCAL COUNCIL. ROLLED OR COMPACTED FILL MAY BE USED UNDER SLAB, COMPACTED IN 150mm LAYERS TO A MAXIMUM DEPTH OF 900mm. CONCRETE FOUNDATION EMBEDMENT DEPTHS DO NOT APPLY TO LOCATIONS WHERE ANY UNCOMPACTED FILL OR DISTURBED GROUND EXISTS OR WHERE WALLS OF THE EXCAVATION WILL NOT STAND WITHOUT SUPPLEMENTAL SUPPORT, IN THIS CASE SEEK FURTHER ENGINEERING ADVICE.
- CLASS 10a or CLASS 7 FOOTING DESIGNS** : THE FOUNDATION DOCUMENTED IS ALSO APPROPRIATE FOR CLASS 10a or CLASS 7 BUILDING DESIGNS ON 'M-D', 'H', 'N-D' or 'E' CLASS SOILS, IF TOTAL SLAB AREA IS UNDER 100m SQUARE AND THE MAXIMUM SLAB DIMENSION (LENGTH AND WIDTH) IS LESS THAN 12m. PLEASE BE AWARE THAT THE SLAB DESIGN FOR H & E CLASS SOILS IN THESE INSTANCES ARE DESIGNED TO EXPERIENCE SOME CRACKING, THIS CRACKING IS NOT CONSIDERED A STRUCTURAL FLAW OR DESIGN ISSUE, AND IS SIMPLY COSMETIC IN NATURE. IF THIS IS A CONCERN TO THE CLIENT IT IS ADVISED THEY DISCUSS OTHER OPTIONS WITH THE RELEVANT DISTRIBUTOR PRIOR TO THE POURING OF THE SLAB.
- CONCRETE REQUIREMENTS** : ALL CONCRETE DETAILS AND PLACEMENT SHALL BE PERFORMED IN ACCORDANCE WITH AS2870 AND AS3600. CONCRETE SHALL HAVE A MIN. 28-DAY STRENGTH OF 20MPa FOR EXPOSURE A1 & B1, 25MPa FOR EXPOSURE A2 & B2 AND 32MPa FOR EXPOSURE C, IN ACCORDANCE WITH SECTION 4, AS3600. CEMENT TO BE TYPE A. MAX AGGREGATE SIZE OF 20mm. SLUMP TO BE 80mm +/- 15mm. SLABS TO BE CURED FOR 7 DAYS BY WATERING OR COVERING WITH A PLASTIC MEMBRANE, AFTER WHICH CONSTRUCTION CAN BEGIN, DUE CARE GIVEN NOT TO OVER-TIGHTEN HOLD DOWN BOLTS. GIVEN ALLOWABLE SOIL TYPES 1 LAYER OF S1/2 REINFORCING MESH IS TO BE INSTALLED ON STANDARD SLABS WITH A MINIMUM 30mm COVER FROM CONCRETE SURFACE. CONCRETE REINFORCING TO CONFORM TO AS 1302, AS1303 & AS 1304. ALL REINFORCING COVER TO BE A MINIMUM OF 30mm.
- STRUCTURAL STEEL REQUIREMENTS** : ALL STRUCTURAL STEEL, INCLUDING SHEETING THOUGH EXCLUDING CONCRETE REINFORCING, SHALL CONFORM TO AS 1397 (GAUGE <= 1mm fy = 550MPa, GAUGE > 1mm < 1.5mm fy = 500MPa, GAUGE >= 1.5mm fy = 450MPa). NO WELDING IS TO BE PERFORMED ON THIS BUILDING. ALL STRUCTURAL MEMBERS AND CONNECTIONS DESIGNED TO AS4600. ALL BOLT HOLE DIAMETERS TO STRAIT GENERAL FINISHES.
- DESIGN WIND REQUIREMENT** : THE FRAME AS A BASIC STRUCTURE IS DESIGNED AS AN "AIR LEAKY BUILDING" IN COMPLIANCE WITH AS 1170.5.3, AS SUCH, SHOULD A WINDOW OR DOOR FAIL, INTEGRITY OF THE BUILDING WILL BE MAINTAINED.
- FOOT TRAFFIC** : FOR ERECTION AND MAINTENANCE PLEASE NOTE THE FOLLOWING DEFINED FOOT TRAFFIC ZONES:
  - CORRUGATED: WALK ONLY WITHIN 200mm OF SCREW LINES. FEET SPREAD OVER AT LEAST TWO RIBS.
  - MONOCLAD: WALK ONLY IN PANS, OR ON RIBS AT SCREW LINES.

WALL CLADDING

BASE CLEAT

2 MASONRY ANCHORS PER COLUMN

REINFORCING MESH

N.G.L.

DEPTH

100

NATURAL GROUND

LENGTH x WIDTH

300 x 300 x 300  
Length x Width x Depth (mm)

N.G.L. - NATURAL GROUND LINE

Y	BLOCK LOCAL THICKENING DETAIL	DWG NO. SBLMA
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### PROJECT DESIGN CRITERIA

ROOF LIVE LOAD: 0.27 kPa  
BASIC WIND SPEED: VR 45 m/s  
SITE WIND SPEED: V<sub>sit</sub>, B 39 m/s  
WIND REGION: Reg A  
TOPOGRAPH FACTOR, k<sub>t</sub>: 1  
SHIELDING FACTOR, k<sub>s</sub>: 1  
MAX GROUND SNOW LOAD: NA  
MAX ROOF SNOW LOAD: NA  
SITE ALTITUDE: NA  
TERRAIN CATEGORY: TCat 2.5  
SOIL SAFE BEARING CAPACITY: 100 kPa  
RETURN PERIOD: 1:500  
LIMITING CPI 1: -0.3  
LIMITING CPI 2: 0  
IMPORTANCE LEVEL: 2

### DETAIL KEYS

DK1	ENDWALL VERTICAL MULLION (SEE DETAIL C/5 FOR TOP CONN. AND F/5 FOR BASE CONN.)
DK2	FLYBRACING PER DETAIL L/5
DK3	X-BRACING IN ROOF ABOVE (SEE DETAIL M/5)
DK4	DOUBLE X-BRACING IN ROOF ABOVE (SEE DETAIL M/5)

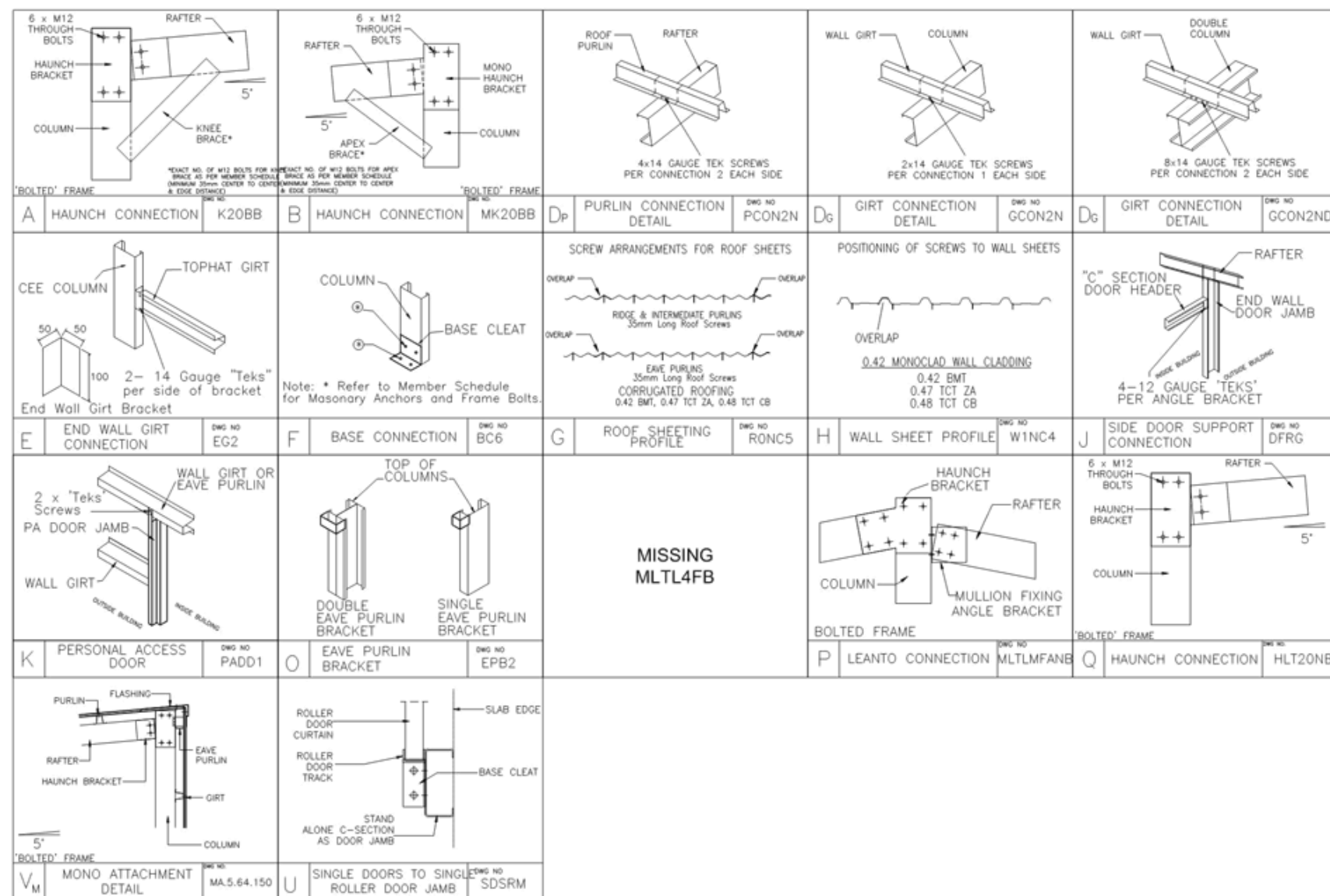
### DOOR SCHEDULE

DOOR	WIDTH	HEIGHT	OPENING TYPE	HEADER GIRT	OPENING JAMBS
①	3090	3100	3.10H X 3.15 CB "SERIES A"	SINGLE	
②	2740	2500	2.50H X 2.80 CB "SERIES A"	SINGLE	
③	820	2040	PA DOOR 2 CB SPECIAL	SINGLE	

NOTES: 1) SEE SHEET 5 FOR DOOR OPENING FRAMING INFORMATION.  
2) ALL DOOR SCHEDULE MEASUREMENTS ARE ACTUAL DOOR/WINDOW SIZE NOT OPENING SIZE.

4 OF 6	SHEET	JOB NO. DEVN13831	DATE 23/5/2017	CHECKED TM	DRAWN FDS	STEEL BUILDING BY <b>DEVONPORT BUILDING SUPPLIES PTY LTD</b> (CONTACT) FOR 03 64246664 <b>PHIL TURNER</b> AT 31 SWILKIN DRIVE SPREYTON	 <b>fairdinkum SHEDS</b>	 <b>NORTHERN CONSULTING engineers</b> Civil & Structural Engineers 50 Punari Street Curralong, Qld 4812 Fax: 07 4725 5850 Email: design@nceng.com.au ABN 341 008 173 56	Mr Timothy Roy Messer BE MIEAust RPEQ Registered Professional Engineer 2558980 Signature Date 23/5/2017 Registered on the NPQR in the areas of practice of Civil & Structural National Professional Engineers Register
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## MEMBER AND MATERIAL SCHEDULE

1	END WALL RAFTER	Single C15012
2	C.S. FRAME RAFTER	Single C15015
3	END FRAME COLUMN (C4)	Single C15015
4	END FRAME MONO COLUMN (C2)	Single C15012
5	END FRAME MONO OPEN BAY COLUMN (C3)	Single C15019
6	C.S. FRAME COLUMN (C3)	Single C15019
7	C.S. FRAME MONO COLUMN (C3)	Single C15019
8	C.S. FRAME MONO OPEN BAY COLUMN (C4)	Single C15015
9	LL END FRAME COLUMN (C2)	Single C15012
10	LL COLUMN (C1)	Double C15012
11	C.S. FRAME KNEE BRACE	Single C10010 @ 1.70 LONG 2 bolts each end
12	KNEE BRACE HEIGHT UP COLUMN	1.96m
13	KNEE BRACE LENGTH UP RAFTER	0.80m
14	C.S. FRAME APEX BRACE	Single C10010 @ 1.70 LONG 2 bolts each end
15	APEX POSITION FROM RAFTER END	0.66m
16	END WALL LL RAFTER	Single C15012
17	C.S. LL RAFTER	Single C15012
18	ANCHOR BOLTS (# PER DETS.)	Sleeve Anchor 12.0x75 Z/Y
19	LOWER EAVE PURLIN	C10015 (Eave Purlin Bracket 17mm down from top of column)
20	UPPER EAVE PURLIN	C15012 (Eave Purlin Bracket -48mm below top of column)^
21	LEFT LEANTO EAVE PURLIN	C10015 (Eave Purlin Bracket 17mm down from top of column)
22	TYP. ROOF PURLIN SIZE	Tophat 64 x 1.0
23	MAIN BLDG. PURLIN SPACING	0.72 m. (5 rows) (Max Allow. 0.90m)
24	MAIN BLDG. PURLIN LENGTH	3.1 m. (0.1m Overlap)
25	LEFT LEANTO PURLIN SPACING	0.78 m. (5 rows) (Max Allow. 0.90m)
26	TYP. SIDEWALL GIRT SIZE	Tophat 64 x 1.0
27	MAIN BLDG. SIDEWALL GIRT SPACING	1.00 m. (3 rows) (Max Allow. 1.10m)
28	MAIN BLDG. HIGH SIDEWALL GIRT SPACING	.84 m. (4 rows)
29	MAIN BLDG. SIDEWALL GIRT LENGTH	3.1 m. (0.1m Overlap)
30	LEFT LEANTO SIDEWALL GIRT SPACING	0.93 m. (3 rows) (Max Allow. 1.10m)
31	TYP. ENDWALL GIRT SIZE	Tophat 64 x 1.0
32	MAIN BLDG. ENDWALL GIRT SPACING	1.01 m. (3 rows) (Max Allow. 1.10m)
33	MAIN BLDG. ENDWALL GIRT LENGTH	3.57 m. (0m Overlap)
34	LEFT LEANTO ENDWALL GIRT SPACING	0.99 m. (3 rows) (Max Allow. 1.10m)
35	FRAME SCREW FASTENERS	14-13x22 Hex C/S (SP HD 5/16" Hex Drive)
36	FRAME BOLT FASTENERS	Purlin Assy M12x30 Z/P
37	X-BRACING STRAP AND FASTENERS	None required for this building. Cladding Diaphragm Sufficient.
38	WALL COLOUR	COTTAGE_GREEN
39	ROOF COLOUR	NIGHT_SKY
40	ROLLER DOOR COLOUR	EVENING_HAZE
41	P.A. DOOR COLOUR	NIGHT_SKY
42	DOWNPIPE COLOUR	DUNE
43	GUTTER COLOUR	DUNE
44	CORNER FLASHING COLOUR	DUNE
45	BARGE FLASHING COLOUR	DUNE
46	OPENING FLASHING COLOUR	DUNE
47	OPEN BAY HEADER HEIGHT	0.5

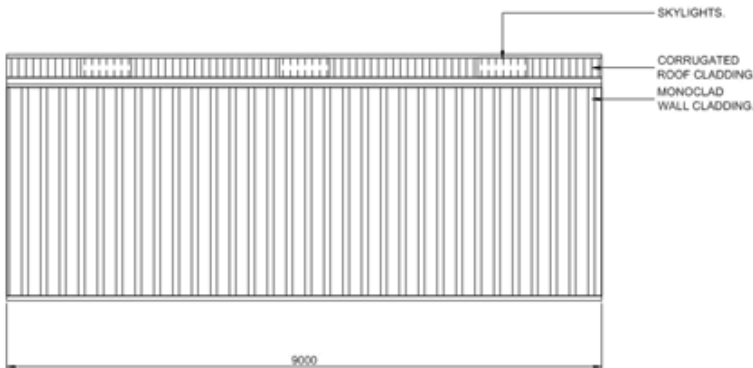
^ NOTE: Upper Eave Purlin Positioned with bottom lip against Eave Purlin Bracket.

^ NOTE: Upper Eave Purlin Positioned with bottom lip against Eave Purlin Bracket.

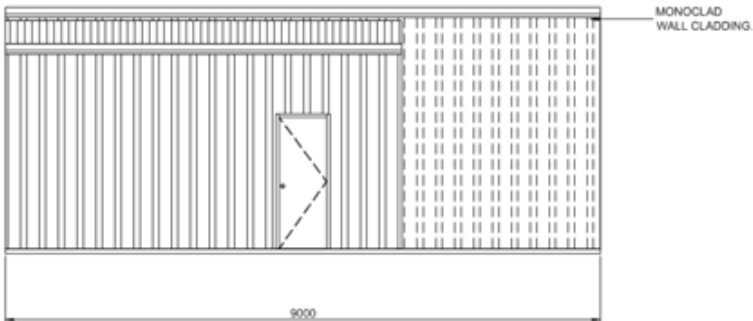
5 OF 6	SHEET	JOB NO. DEVN13831	DATE 23/5/2017	CHECKED TM	DRAWN FDS	STEEL BUILDING BY <b>DEVONPORT BUILDING SUPPLIES PTY LTD</b>	(CONTACT) <b>PHIL TURNER</b>	31 SWILKIN DRIVE SPREYTON			Civil & Structural Engineers 50 Punari Street Currajong, Qld 4812 Fax: 07 4725 5850 Email: design@nceng.com.au ABN 341 008 173 56	Mr Timothy Roy Messer BE MIEAust RPEQ Registered Professional Engineer 2558980 Signature
						FOR AT	03 64246664 31 SWILKIN DRIVE SPREYTON					Registered Chartered Professional Engineer Registered Professional Engineer (Civil & Structural) QLD Registered Certifying Engineer (Structural) N.T. Registered Engineer - (Civil) VIC Registered Engineer - (Civil) TAS



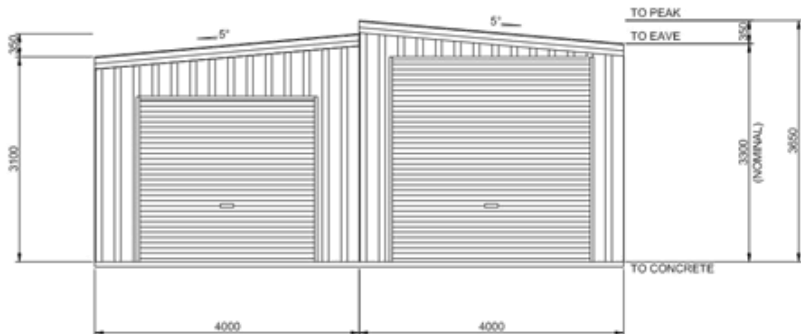
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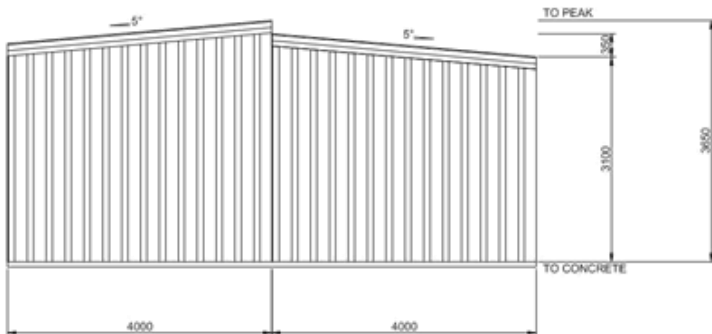
1 SIDEWALL EXTERIOR ELEVATION  
6 SCALE: 1 = 100



2 SIDEWALL EXTERIOR ELEVATION  
6 SCALE: 1 = 100



4 ENDWALL EXTERIOR ELEVATION  
6 SCALE: 1 = 100



3 ENDWALL EXTERIOR ELEVATION  
6 SCALE: 1 = 100

BUILDING COLOURS	
WALL	COTTAGE GREEN
ROOF	NIGHT SKY
ROLLER DOOR	EVENING HAZE
P.A. DOOR	NIGHT SKY
DOWNPIPE	DUNE
GUTTER	DUNE
CORNER FLASHING	DUNE
BARGE FLASHING	DUNE
OPENING FLASHING	DUNE

6 OF 6 SHEET	JOB NO. DEVN13831	DATE 23/5/2017	CHECKED TM	DRAWN FDS	STEEL BUILDING BY <b>DEVONPORT BUILDING SUPPLIES PTY LTD</b>	(CONTACT) 03 64246664 <b>PHIL TURNER</b> 31 SWILKIN DRIVE SPREYTON			Civil & Structural Engineers 50 Punari Street Currajong, Qld 4812 Fax: 07 4725 5850 Email: design@nceng.com.au ABN 341 008 173 56	Mr Timothy Roy Messer BE MIEAust RPEQ Registered Professional Engineer 2558980 Signature <i>T. Messer</i> Date 23/5/2017 Registered on the NPER in the areas of practice of Civil & Structural National Professional Engineers Register
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## GUIDE TO THE INSTALLATION OF TEMPORARY BRACING

(REFER TO FDHS INSTALLATION GUIDE MANUAL FOR THE TWO METHODS OF CONSTRUCTION)

**BRACING MATERIALS** - THE SHED ERECTOR TO SUPPLY SPECIFIC BRACING. SUITABLE RIGID MEMBERS CAPABLE OF TENSION AND COMPRESSION OR OPPOSING CHAINS OR OPPOSING LOAD RATED RATCHET STRAPS TO BE USED. (RIGID BRACING AS SHOWN ON DIAGRAM) ROPE BRACING SUITABLE ONLY FOR SMALLER STRUCTURES IN IDEAL CONDITIONS.

**BRACING LOCATION** - TEMPORARY BRACING TO BE ERECTED AS CLOSE TO 45 DEGREE ANGLE AND FIXED TO THE TOP OF THE COLUMN OR MULLION TO ACHIEVE THE OPTIMUM EFFECTIVENESS. IF THERE IS NOT ENOUGH SPACE FOR A 45 DEGREE ANGLE, THEN 20 DEGREE ANGLE IS TO BE THE MINIMUM ANGLE ALLOWED (REFER TO DIAGRAM). RIGID TEMPORARY BRACING MEMBER TO BE BOLTED TO HEAVY ANGLE PEGS HAMMERED INTO THE GROUND OR TO A BRACKET, MASONRY ANCHORED TO THE SLAB.

**BRACING REMOVAL** - TEMPORARY BRACING TO REMAIN IN PLACE UNTIL CLADDING IS FULLY INSTALLED WHERE POSSIBLE. IN NO CASE SHOULD TEMPORARY BRACING BE REMOVED UNTIL ALL PURLINS, GIRTS (AND PERMANENT CROSS BRACING WHERE USED) ARE FIXED.

**SITE SAFETY** - DUE CONSIDERATION TO BE GIVEN TO SITE SAFETY IN REGARD TO LOCATIONS OF BRACING AND PEGS.

**GUIDE APPLICATION** - TEMPORARY BRACING AS DESCRIBED IS A MINIMUM REQUIREMENT FOR AN AVERAGE, STANDARD SITE CONDITION. PROVIDE ADDITIONAL BRACING FOR MORE SEVERE AND/OR HIGH EXPOSURE SITE CONDITIONS. ADDITIONAL BRACING TO BE USED AS AND WHERE NECESSARY TO ENSURE THAT ENTIRE FRAME IS RIGID THROUGHOUT CONSTRUCTION. RESPONSIBILITY FOR ENSURING STABILITY OF STRUCTURE REMAINS WITH THE BUILDER.

**TILT UP METHOD**

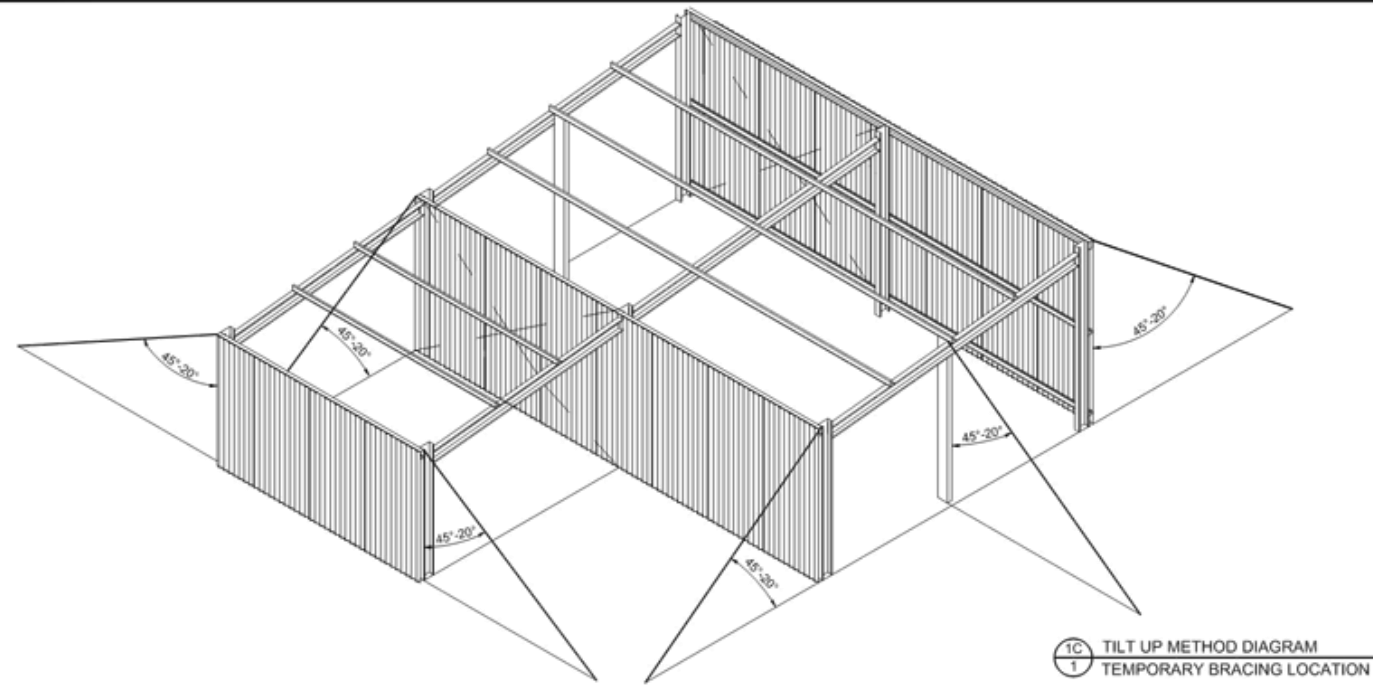
FOR STRUCTURES UNDER 9M SPAN, LESS THAN 3M HIGH AND LESS THAN 12M LONG

- ASSEMBLE THE FIRST SIDEWALL FRAME (COMPLETE WITH WALL SHEETING, BRACING AND GUTTER) ON THE GROUND AND LIFT ASSEMBLED SIDEWALL FRAME INTO POSITION. FIX OFF TEMPORARY SIDE BRACING TO EACH END (REFER TO DIAGRAM). FIX BASE CLEATS.
- ASSEMBLE THE SECOND SIDEWALL FRAME AS PER FIRST SIDEWALL FRAME. LIFT INTO POSITION. FIX OFF TEMPORARY WALL BRACING TO EACH END (REFER TO DIAGRAM) FIX BASE CLEATS.
- FIX GABLE END RAFTERS TO COLUMNS TO TIE WALLS. PROP APEX UNTIL ENDWALL MULLION AND APEX TEMPORARY BRACE ARE FIXED OFF. IF NO MULLION IS REQUIRED THEN PROP AND BRACE APEX UNTIL CLADDING IS COMPLETE.
- INSTALL REMAINING RAFTERS. AS EACH RAFTER PAIR IS INSTALLED, AT LEAST ONE PURLIN PER 3M OF RAFTER LENGTH IS TO BE INSTALLED TO SECURE RAFTERS.
- INSTALL REMAINING PURLINS
- INSTALL KNEE AND APEX BRACES IF AND WHERE APPLICABLE.
- REPEAT FOR LEANTO'S.

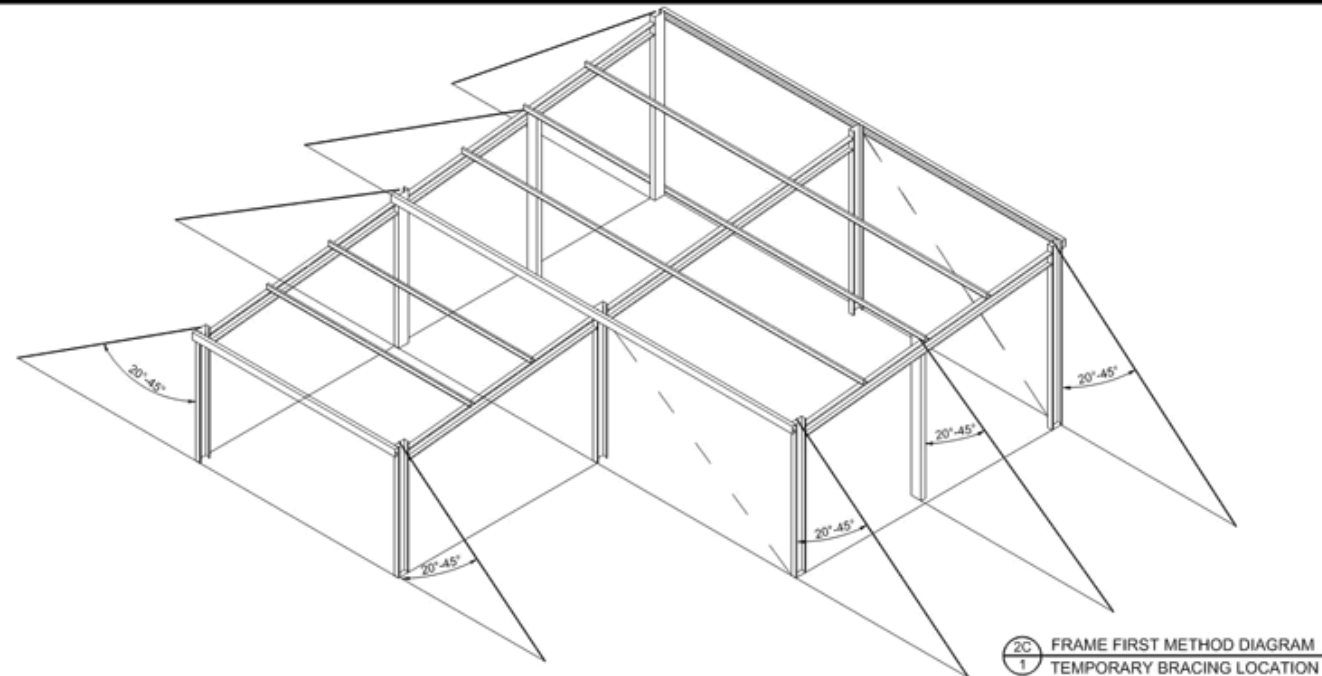
**FRAME FIRST METHOD**

FOR STRUCTURES OVER 9M SPAN, GREATER THAN 3M HIGH AND GREATER THAN 12M LONG

- ASSEMBLE PORTAL FRAMES ON THE GROUND (WITH KNEE AND APEX BRACES IF AND WHERE APPLICABLE). LIFT THE FIRST PORTAL FRAME ASSEMBLY INTO POSITION. FIX OFF TEMPORARY END BRACING (REFER TO DIAGRAM). FIX BASE CLEATS.
- PROP APEX UNTIL ENDWALL MULLION AND APEX TEMPORARY BRACE ARE FIXED OFF. IF NO MULLION IS REQUIRED THEN PROP AND BRACE APEX UNTIL CLADDING IS COMPLETE.
- THE SECOND PORTAL FRAME ASSEMBLY TO BE LIFTED INTO POSITION. FIX EAVE PURLINS AND AT LEAST ONE PURLIN PER 3M OF RAFTER TO SECURE FRAME ASSEMBLY. FIX BASE CLEATS. FIX TEMPORARY SIDEWALL BRACING.
- STAND REMAINING PORTAL FRAME ASSEMBLY AS PER STEP C, FIXING TEMPORARY SIDE WALL BRACING TO EVERY SECOND BAY. BRACE OTHER END PORTAL FRAME AS PER FIRST PORTAL FRAME.
- INSTALL REMAINING PURLINS AND GIRTS.
- REPEAT FOR LEANTO'S.

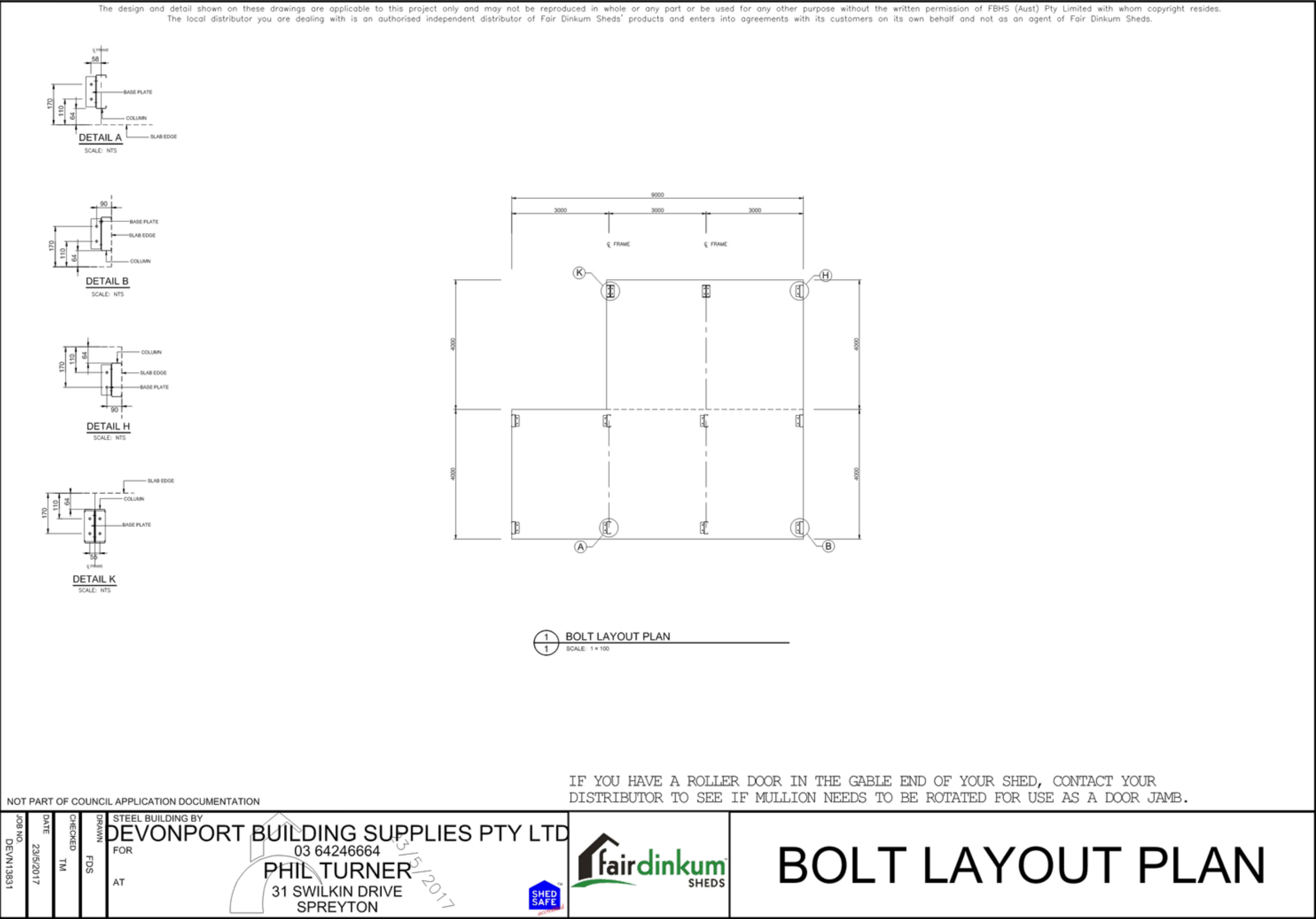


1 TILT UP METHOD DIAGRAM  
SCALE: NTS



2 FRAME FIRST METHOD DIAGRAM  
SCALE: NTS

JOB NO. DEVN13831	DATE 23/5/2017	CHECKED TM	DRAWN FDS	STEEL BUILDING BY	(CONTACT)	<b>DEVONPORT BUILDING SUPPLIES PTY LTD</b> 03 64246664 <b>PHIL TURNER</b> 31 SWILKIN DRIVE SPREYTON	 <b>fairdinkum SHEDS</b>	 <b>NORTHERN CONSULTING engineers</b> Civil & Structural Engineers 50 Punari Street Currajong, Qld 4812 Fax: 07 4725 5850 Email: design@nceng.com.au ABN 341 008 173 56	Mr Timothy Roy Messer BE MIEAust RPEQ Registered Professional Engineer 2558980 Signature <i>T. Messer</i> Date 23/5/2017 Registered on the NPER in the areas of practice of Civil & Structural National Professional Engineers Register
				FOR	AT				





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**From:** Michelle Crawford <sgmacrawford@gmail.com>  
**Sent:** Sunday, 18 June 2017 7:57 PM  
**To:** council  
**Subject:** Re: Planning appl no: PA2017.0081  
**Importance:** High

Attn: Paul West  
General Manager  
Devonport City Council

Dear Sir,

**Re: Application No: PA2017.0081 31 Swilkin Drive, Spreyton**

We refer to the above planning application for a shed at the rear of the property. We are the owners of 33 Swilkin Drive directly next door on the southern side of 31 Swilkin Drive, Spreyton, and will be commencing construction of a new residential residence in the near future. Our concerns regarding the above application are as follows:

\* The impact on sunlight into our living areas is immense. According to the shadow lines drawn on the site plan, we will lose all our morning sun and our entire indoor and outdoor living area at the rear of the property would be shadowed for a large part of the day. There would also be a negative visual impact as we would be looking straight into the shed which is 9 metres long up against our boundary. We will have less than 4 metres between his house and his shed for sunlight to come into our property. The proposed shed will be nearly 10 metres from the rear boundary, which will be well past the rear of our proposed dwelling.

\* It is also very unlikely the owner will make the slab for the shed level with the ground, therefore you could easily add 100-150mm above the ground level on top of the 3650mm, which will give an overall height of approx 3800mm –**MINIMUM**.

\* This will affect resale on our property.

\* He constantly refers to the land at the rear of the property – which is affected by the shadow line. This area is a buffer zone owned by Fonterra which will never be built on – there are horses in the paddocks. This is only a distraction as he knows the shed will never affect the rear property. However, the impact is on our property of which there is **NO** consideration mentioned in the application.

**Possible solution:**

\* Perhaps he could place the shed on the northern side of his property if he considers there to be no impact on us! He has deliberately pushed his house to the northern boundary, to enable him to bring his large caravan into the shed, thus not having any impact on his northern living areas. So he has a couple of options – to place the shed on his northeastern corner and to re-position his house towards the southern boundary of his property, or access his shed from the 10m easement at the rear, which looking at the plans it is not out of the question. If he wants this size shed on a small suburban block then any adverse affects from this construction should impact him, not anyone else. Perhaps he should have bought a bigger block.

My husband is a local builder and we have been constructing homes in the Devonport area and surrounds for the past 25 years, and have not as yet objected to any building work. Our son is also an accredited builder and has commenced construction of his home at 35 Swilkin Drive. We would never place a complaint unless we genuinely feel it is warranted. In this case the impact on our property is too great to accept this application.

Yours sincerely,  
Stewart & Michelle Crawford  
Builders  
0447 107771 (Stewart)  
0437 242910 (Michelle)

1

## **5.0 CLOSURE**

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