



*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, 17 Fenton Way, Devonport on Monday 20 June 2016, commencing at 11:00am.

**The meeting will be open to the public at 11:00am.**

### **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

**15 June 2016**

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF  
DEVONPORT CITY COUNCIL HELD ON MONDAY 20 JUNE 2016  
AT THE COUNCIL CHAMBERS AT 11:00AM**

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Agenda of a meeting of the Devonport City Council's **Planning Authority Committee** to be held at the Council Chambers, Fenton Way, Devonport on Monday 20, June 2016 commencing at 11:00am.

**PRESENT**

		Present	Apology
Chairman	Ald A L Rockliff (Acting Mayor) (Proxy Member)		
	Ald Martin		✓
	Ald C D Emmerton		
	Ald G F Goodwin		
	Ald J F Matthews		✓
	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. Members of the public in attendance at the meeting who do not wish for their words to be recorded and/or published on the website, should contact a relevant Council Officer and advise of their wishes prior to the start of the meeting.

**1.0 APOLOGIES**

The following apology was received for the meeting.

Ald Martin	Leave of Absence
Ald Matthews	Leave of Absence

**2.0 DECLARATIONS OF INTEREST**

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### **3.0 DELEGATED APPROVALS**

#### **3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 1 APRIL - 31 MAY 2016**

##### **ATTACHMENTS**

1. Delegated Approvals - 1 April - 31 May 2016

##### **RECOMMENDATION**

That the list of delegated approvals be received.



Planning Applications Approved Under Delegated Authority – 1 April 2016 – 31 May 2016			
Application No.	Location	Description	Approval Date
PA2016.0015	1 Christensen St, Spreyton	Boundary adjustment	20/05/2016
PA2016.0020	99 Cutts Rd, Don	Residential (dwelling extensions - existing works) - assessment against performance criteria under clause 13.4.1, 13.4.2 and Local Heritage Code	27/04/2016
PA2016.0024	19 Dana Drive, Devonport	Residential (single dwelling) - assessment against performance criteria for setbacks and building envelope	1/04/2016
PA2016.0030	9 Mangana Drive, Tugrah	Residential (single dwelling) – assessment against performance criteria under clause 13.4.1 & 13.4.2	7/04/2016
PA2016.0034	2 Mangana Drive, Tugrah	Residential (single dwelling and shed) - assessment against performance criteria under clause 13.4.1 & 13.4.2	19/04/2016
PA2016.0036	246 Brooke St, East Devonport	2 lot subdivision (one additional lot)	11/04/2016
PA2016.0038	5 Tedmon St, Spreyton	Residential (multiple dwellings x 2) – assessment against performance criteria under clause 10.4.2, 10.4.3 & 10.4.6	12/05/2016
PA2016.0039	7 Tedmon St, Spreyton	Residential (multiple dwellings x 2) – assessment against performance criteria under clause 10.4.2, 10.4.3 & 10.4.6	12/05/2016
PA2016.0041	172 Clayton Drive, Spreyton	Residential (shed) – assessment against performance criteria under clause 13.4.1 and 13.4.2	22/04/2016
PA2016.0042	3 Woodland Grove, Tugrah	Residential (single dwelling and outbuilding) - assessment against performance criteria under clause 13.4.1 and 13.4.2	19/04/2016
PA2016.0043	214 Melrose Rd, Aberdeen	Two lot subdivision (one additional lot)	4/05/2016
PA2016.0044	19 Georgiana St, Devonport	Residential (dwelling extension – vergola and deck) - assessment against performance criteria for setbacks and building envelope	26/04/2016
PA2016.0046	172 Tugrah Rd, Tugrah	Residential (shed) – assessment against performance criteria under clause 13.4.1, 13.4.2 and 13.4.3	28/04/2016
PA2016.0047	86 Winspears Rd, East Devonport	Residential (garage/carport) - assessment against performance criteria under clause 26.4.1 and 26.4.2	28/04/2016
PA2016.0048	21 Gatenby Drive, Miandetta	Residential (multiple dwellings x 3)	6/04/2016
PA2016.0049	31 Dana Drive, Devonport	Residential (multiple dwellings x 5) - assessment against performance criteria under clause 10.4.1, 10.4.2, 10.4.3, 10.4.4 and Traffic Generating Use and Parking Code (fewer parking spaces than required)	26/04/2016
PA2016.0050	5 Coles Beach Rd, Devonport	Residential (single dwelling) – assessment against performance criteria for setbacks and building envelope	28/04/2016
PA2016.0051	32 Middle Rd, Devonport	Residential (multiple dwellings x 2) - assessment against performance criteria under clause 10.4.2	13/05/2016
PA2016.0053	5-8 Collins Way, Tugrah	8 lot subdivision	30/05/2016

## Delegated Approvals - 1 April - 31 May 2016

## ATTACHMENT [1]

PA2016.0054	30 Milton Lane, Don	Residential (single dwelling)	26/04/2016
PA2016.0055	10 Luck Street, Spreyton	Storage - assessment against performance criteria for change in Ground Level Code	17/05/2016
PA2016.0056	1 Mangana Drive, Tugrah	Residential (single dwelling and shed) – assessment against performance criteria under clause 13.4.1 & 13.4.2	17/05/2016
PA2016.0057	88 Wenvoe St, Devonport	Residential (shed and carport) – assessment against performance criteria for setbacks and building envelope and Local Heritage Code	13/05/2016
PA2016.0058	1/1-2 Orana Place, Devonport	Unit addition - sunroom	4/05/2016
PA2016.0059	68 Don Rd, Devonport	Workshop alterations	5/05/2016
PA2016.0060	10-14 John St, East Devonport	Service Industry (Laundry extension)	10/05/2016
PA2016.0061	9 Tedmon St, Spreyton	Residential (multiple dwellings x 2) - assessment against performance criteria under clause 10.4.2 (setbacks and building envelope) and Traffic Generating Use and Parking Code (fewer parking spaces than required)	27/05/2016
PA2016.0062	1/18 Leila Avenue, Spreyton	Residential (deck enclosure)	17/05/2016
PA2016.0067	Forthside Rd,	Utilities (additions to minor utilities)	25/05/2016
PA2016.0074	156 Melrose Rd, Aberdeen	Residential (single dwelling) including kit shed and water tank (3 Vons Way)	30/05/2016

## **4.0 DEVELOPMENT REPORTS**

### **4.1 PA2016.0069 - RESIDENTIAL (MULTIPLE DWELLINGS X 4) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR SETBACK AND BUILDING ENVELOPE AND LOCAL HERITAGE CODE DESIGN AND DEVELOPMENT - 8 RONALD STREET DEVONPORT**

**File: 32511 D423313**

#### **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

#### **PURPOSE**

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2016.0069.

#### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Jessica Francis Brown Daniel Hussein
Owner:	J & D Group Pty Ltd
Proposal:	Residential (multiple dwellings x 4) – assessment against performance criteria for setback and building envelope and Local Heritage Code design and development
Existing Use:	Residential
Zoning:	General Residential
Decision Due:	20/06/2016

#### **SITE DESCRIPTION**

The subject site is identified by Certificate of Title 228874/1 with the property address of 8 Ronald Street, Devonport. The site comprises a land area of 2057m<sup>2</sup> and forms part of a contiguous section of land designated a General Residential zoning under the *Devonport Interim Planning Scheme 2013* (DIPS).

The property is located within an established residential area and the existing use of the site is residential with an existing single dwelling and associated outbuildings located on the property. Property records indicate the dwelling on the site was constructed in 1922.

The site is further characterised by a relatively narrow frontage (approx 24m) with a side boundary length of approximately 82m. The existing dwelling is setback approximately 22m from the front boundary, with an established large front garden area including mature trees indicative of the site's general streetscape character.

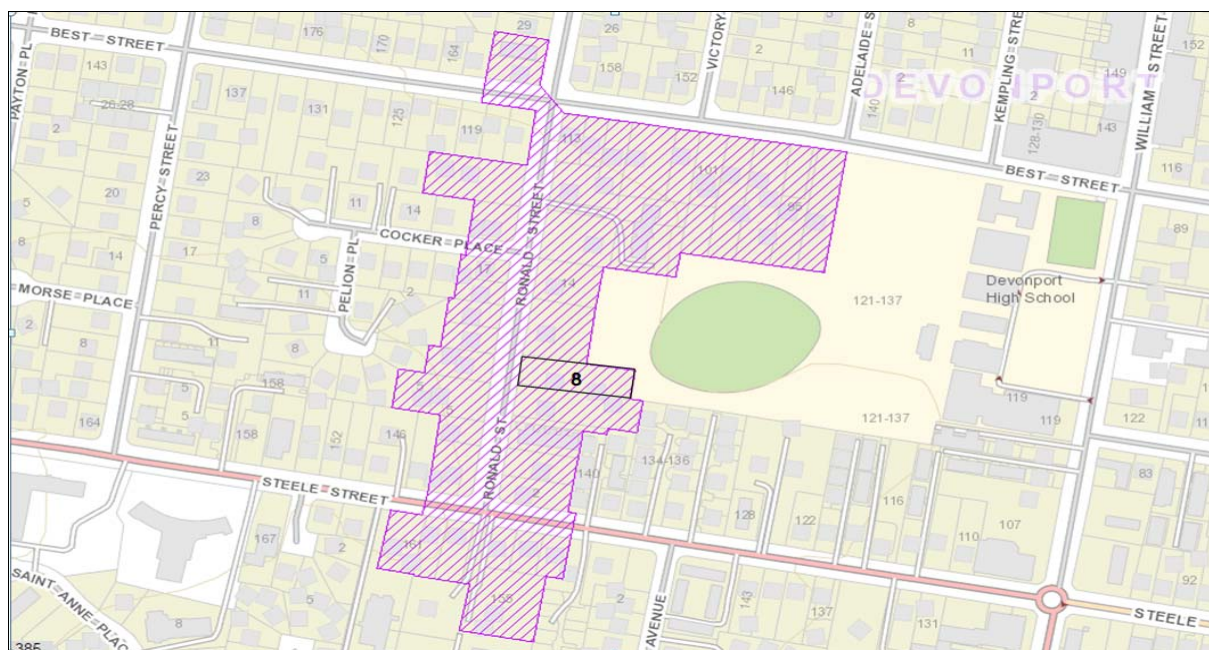


**Figure 1:** Location of site 8 Ronald Street, Devonport (Source: Devonport City Council GIS Imagery)

The site is further identified and mapped under the DIPS as subject to the requirements of the Local Heritage Code (E5). Figure 2 below details the identification of the site within the Ronald and Best Street Conservation Area (Area 8) as established under the Local Heritage Code.

It should be noted that this listing relates to an “area” and not this specific residence. The extract from the DIPS which clarifies what the listing relates to in respect of this particular area is reproduced later in the discussion section of the report.

It should also be noted that notwithstanding the listing of the property under the Local Heritage Code of the DIPS, the property is not listed upon the Tasmanian Heritage Register.



**Figure 2:** Location of 8 Ronald Street, Devonport within the Ronald and Best Street Conservation Area (Area 8) – Code E5 Local Heritage Code, *Devonport Interim Planning Scheme 2013* (Source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)).



## APPLICATION DETAILS

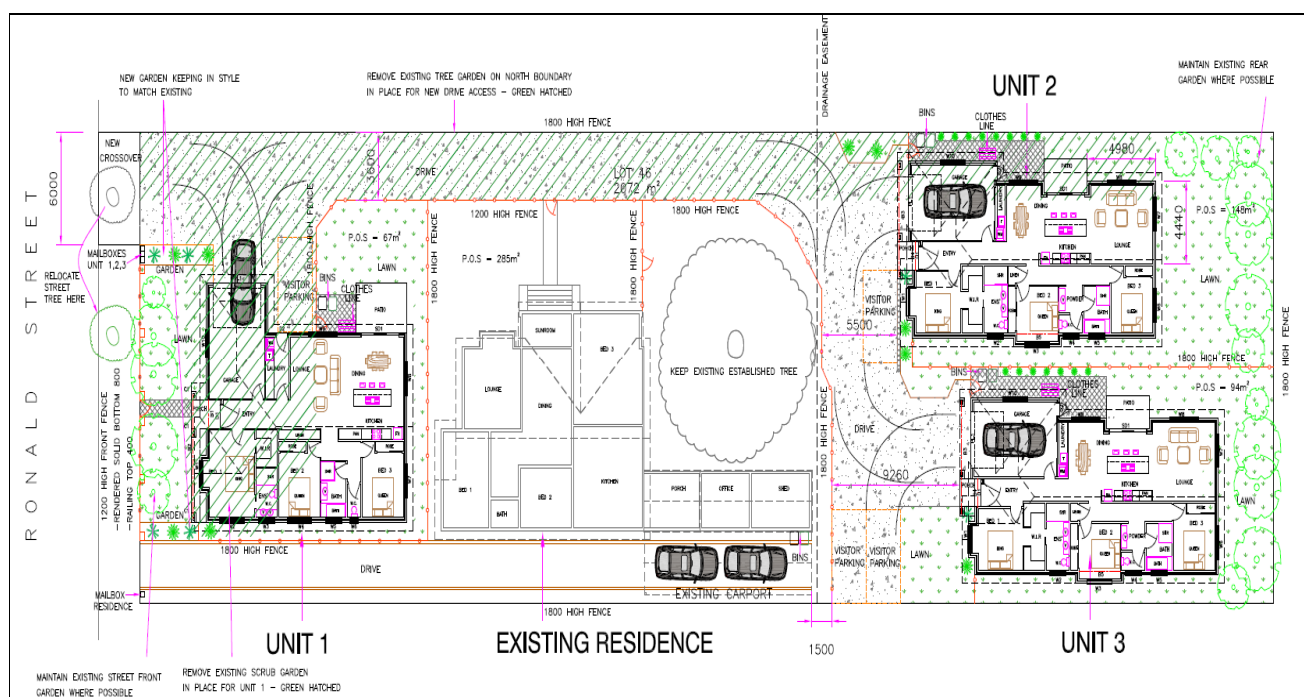
The proposed use and development comprises the development of an additional three dwelling units on the site. Two units are proposed to be located to the rear/east of the existing dwelling (proposed units 2 & 3) and proposed unit 1 to be located in front of the existing dwelling. This will establish four multiple dwellings (units) on the property.

Each of the new units comprise a three bedroom, single storey profile and a new access point and driveway is also proposed along the northern boundary of the site to service the proposed additional three units. The existing dwelling will retain the existing access and driveway.

A previous application was made for the development in November 2015 and the application subjected to the statutory notification period for a discretionary permit application. Following this notification period and in response to a number of representations received which all outlined concerns with the impact of the unit development on the Ronald and Best Street Conservation Area, the Council issued an additional information request for further detail as to how the development would comply with the requirements of the Local Heritage Code E5 under the DIPS.

Upon the receipt of this additional information and revised development plans it was agreed between the applicant and Council planning staff to withdraw the application and proceed with a new application featuring the new detail. This assessment is upon that new application.

A site plan of the proposed development is reproduced in Figure 3 below and a full copy of the development plans are included as **Attachment 1**.



**Figure 3:** Proposed multiple dwelling development plans – 8 Ronald Street, Devonport  
(Source: DCC – PA2016.0069)

## PLANNING ISSUES

The proposed development of an additional three dwelling units on the site requires the exercise of discretion on a number of development standards under the DIPS (ie reliance on the Performance Criteria). These include standards prescribed under the General Residential zone, Local Heritage Code and Traffic Generating Use and Parking Code.

The applicable performance criteria and the compliance of the proposed development against these standards is discussed in more detail below.

### General Residential Zone

In accordance with the requirements of the DIPS all use and development must be categorised in a prescribed use class as provided under provision 8.2. The proposed multiple dwelling development is appropriately categorised as *residential* use. The Use Table for the General Residential zone prescribes residential use (if a multiple dwelling development) a permitted use status.

Notwithstanding this permitted use status, the development relies upon performance criteria under the zone relating to building setback and building envelope. Thus a discretionary planning application is required.

The multiple dwelling development seeks a lesser than permitted front setback for proposed unit 1. The permitted front setback standard prescribed under 10.4.2 A1 (a) is 4.5m, and the development seeks a front setback of 3.75m, an encroachment of 0.75m to that which would be ordinarily permitted under the requirements of the General Residential zone.

As the proposal seeks a lesser than permitted front setback, it also requires discretion to allow for building outside of the permitted building envelope as detailed under 10.4.2 A3. Consequently reliance on the corresponding Performance Criteria for the above standards is established. These standards are reproduced below.

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

<ul style="list-style-type: none"> <li>• <b>Objective:</b></li> <li>• 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> </li> </ul>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> <li>(a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</li> <li>(b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</li> <li>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same</li> </ul>	<p><b>P1</b></p> <p>A dwelling must:</p> <ul style="list-style-type: none"> <li>(a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and</li> <li>(b) if abutting a road identified in A1(d), include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</li> </ul>

street; or (d) if the development is on land that abuts a road specified in the following table, at least that specified for the road:			
<table><tr><th>Road &amp; Setback (m)</th></tr><tr><td>Bass Highway - 50m</td></tr></table>		Road & Setback (m)	Bass Highway - 50m
Road & Setback (m)			
Bass Highway - 50m			
Table 10.4.2			
Acceptable Solutions	Performance Criteria		
<b>A2</b> A garage or carport must have a setback from a primary frontage of at least:  (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	<b>P2</b> A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints.		
Acceptable Solutions	Performance Criteria		
<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:  (a) be contained within a building envelope (refer to diagrams <b>2A, 2B, 2C and 2D</b> ) determined by: 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 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 (b) only have a setback within 1.5 m of a side boundary if the dwelling: i. does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or ii. does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).	<b>P3</b> 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.		

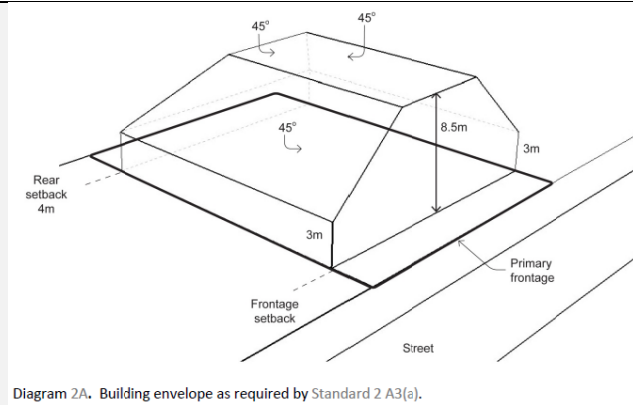


Diagram 2A. Building envelope as required by Standard 2 A3(e).

Diagram 2A. Building envelope

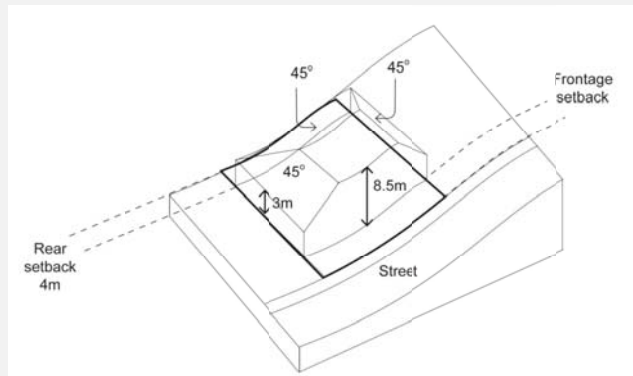
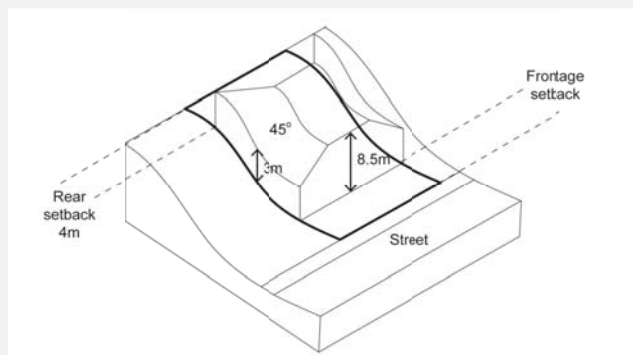


Diagram 2B. Building envelope for sloping sites.

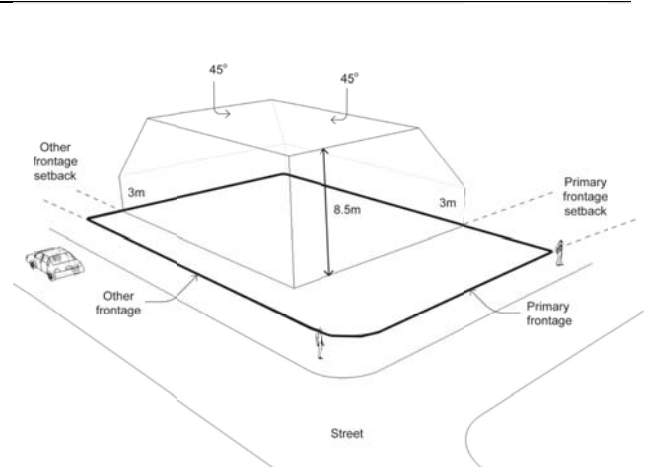


Diagram 2C. Building envelope for corner lots

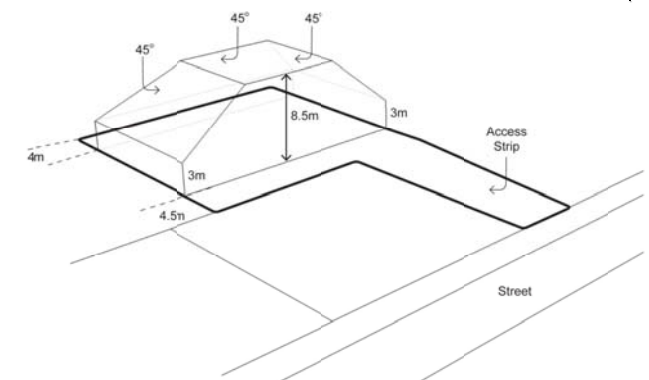


Diagram 2D. Building envelope for internal lots

The abovementioned Performance Criteria at P1 and P3 both include consideration of a lesser than permitted setback that is compatible with the existing dwellings in the street and the visual impacts upon the streetscape. The determination as to whether to allow a lesser than permitted setback is considered to have a direct relevance to the inclusion of the site within the Ronald and Best Street Conservation Area which specifically deals with such matters as the preservation of streetscape.

Accordingly the assessment of the impact of the proposed development upon the streetscape is considered best dealt with in response to the requirements of the Local Heritage Code as discussed in the following section including commentary regarding the operation of code provisions with respect to zone provisions.

Discretion is further sought under provision 10.4.9 P2 to allow for a lesser than permitted new access/driveway width for the proposed new driveway along the northern boundary



of the site, with the permitted standard being a width of 6.0m for a multiple dwelling development. The proposal includes an access/cross over width of 6.0m onto Ronald Street, with the proposed internal driveway then reducing to 3.6m to provide access to proposed units 2 and 3 at the rear of the site.

The width of the proposed new access point/crossover onto Ronald Street with a width of 6.0m is consistent with the permitted standards detailed under 10.4.9 A2, and as required under provision E9.6.1 A1 of the DIPS the Council's Engineering Department has provided in-principle agreement that this new access can be permitted in accordance with the *Local Government (Highways) Act 1982*. The discretion to allow a lesser than permitted driveway width of 3.6m to service proposed units 2 and 3 is also considered to be reasonable, consistent with the intended use, and not result in an unreasonable impediment to traffic ingress and egress from the site.

### **Local Heritage Code**

As detailed previously the site is identified under the Local Heritage Code of the DIPS, within the area demarcated as the Ronald and Best Street Conservation Area (Area 8).

In accordance with provision E5.1.1 of the DIPS, the purpose of the Local Heritage Code is to:

- (a) Conserve buildings, areas, and other places identified by this Code to have scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; and
- (b) Support the adaptive re-use of conserved buildings, areas or other places.

With respect to the Ronald and Best Street Conservation Area, Table E.5.1 of the DIPS details as follows:

Locality	Description of Area	Statement of architectural or historic interest of special cultural value.	Conservation Outcomes
Ronald and Best Street Conservation Area (Area 8)	Ronald Street is located on a small rise above the flatter land towards the city centre providing views over the city and lower suburbs towards the river and sea,	<p>This conservation area contains a number of fine residences that epitomise the development of Devonport around 1900 through to the 1920's with a number of 1960 period homes. The area was obviously developed because of its elevated status. The unifying feature is the quality of development along the spine of the ridge as seen in the location of the listed buildings.</p> <p>The area also demonstrates later patterns of sub-division to form Cocker Place in the 1950s and 1960s breaking the pattern of development and introducing two well-designed post war houses into the group.</p> <p>The street features mature and well-designed gardens, buildings oriented to the view and away from the street on the east side of the street and a well planted streetscape.</p> <p>The houses in Best Street, while not of individual heritage value, are included in the heritage area as they are a very consistent group of later houses demonstrating a post-world war two sub-division with well laid out gardens and grounds.</p>	None specified.

In order to establish the requirements of the Local Heritage Code, it is relevant to provide some commentary as to the operation of codes under the DIPS. Codes establish use and

development standards that may apply to more than one zone and matters that cannot be described by zone boundaries. The operation of a Code is to require compliance with additional provisions that apply over and above the provisions prescribed for a zone. Pursuant to provision 7.3.4 of the DIPS, where there is conflict between a provision in a code and a provision in a zone, the code provision prevails.

The applicable standard under the Local Heritage Code of the DIPS for which this multiple dwelling development application must be assessed is established under E5.6.4. This provision is reproduced as below.

**E5.6.4 Design and location of development**

<b>Objective:</b>	
Design and location of new development is to be consistent with the attributes and features specified for conservation.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Development must comply with the conservation outcomes specified in Column 4 of the Table to this Code for the building, area or other place</p>	<p><b>P1</b></p> <p>The design and location of buildings and development areas must maintain the architectural or historic interest or special cultural values specified in the Table to this Code for a building, area or other place having regard for –</p> <ul style="list-style-type: none"> <li>(a) integrity of the fabric and structure of the building, area, or other place;</li> <li>(b) setback, scale, and height of building elements relative to existing development on the site and on adjacent land;</li> <li>(c) vegetation and other improvement on the site or on adjacent land;</li> <li>(d) separation of buildings and activity areas from a frontage;</li> <li>(e) separation of buildings and activity areas across a boundary; and</li> <li>(f) architectural style and features of the building, area, or other place including - <ul style="list-style-type: none"> <li>(i) roof form and pitch;</li> <li>(ii) fenestration;</li> <li>(iii) methods and techniques of construction;</li> <li>(iv) external fabric, materials and finish;</li> <li>(v) colour scheme;</li> <li>(vi) alteration and addition;</li> <li>(vii) outbuildings;</li> <li>(viii) garden design, planting and structures;</li> <li>(ix) fencing; and</li> <li>(x) signage</li> </ul> </li> </ul>

It is noted that the above Acceptable Solution (A1) details compliance against “the conservation outcomes specified in Column 4 of the Table to this Code...” for which there are no such outcomes prescribed under Table E5.1, and the absence of which essentially renders the Acceptable Solution unachievable. As to whether the absence of a specified outcome has the effect of “compliance by default” (i.e. it is deemed to comply with the

conservation outcome because there is no specified conservation outcome) is a matter that does not appear to have ever been tested in a Tribunal hearing.

However in this instance it is deemed appropriate for the development to be assessed against the requirements of the Code, to ensure that local heritage values are given adequate consideration. Accordingly the proposal has been assessed against the corresponding Performance Criteria prescribed under E5.6.4 P1.

Essentially the above performance criteria requires that the design and location of buildings and development must maintain the identifying architectural or historic interest or special cultural value as specified in the Table E5.6.4 (see above), and also having regard to the elements detailed in E5.6.4 P1 (a) – (f).

It is noted that the above standard also refers to the *location* of buildings and development areas in addition to *design*. Accordingly regard must be given to where the proposed development is to be located on the site, and whether such location would comprise the identifying values of the site within the Conservation Area.

As detailed in Table E5.6.4 above, the statement of architectural or historic interest of special cultural value for the Ronald and Best Street Conservation Area details identifying features such as “...*mature and well-designed gardens, buildings orientated to the view and away from the street on the east side of the street and a well planted streetscape*”.

Notably, this statement references building setback and a well planted streetscape. A definition for *streetscape* is provided under provision 4.1.3 of the DIPS as meaning:

*The visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.*

Accordingly, both the existing building setback of the single dwelling on the site and the size of the front garden are considered to have a direct relationship to the local heritage values of the Ronald and Best Street Conservation Area.

The determination must be made as to whether the location of proposed unit 1 in front of the existing single dwelling will compromise the inherent conservation values of the site discussed previously. This is also a central theme of the representations received against the application which are discussed in the Community Engagement section of this report.

The front boundary setback for the existing dwelling on the site is approximately 22m, and the proposed new front building setback for unit 1 is 3.75m. Some of the existing vegetation comprising the front garden will need to be removed to accommodate proposed unit 1 and also the construction of a new access point and driveway along the northern boundary of the site.

In support of the application the proponent has provided additional design detail for the development including building design considered complimentary to the existing dwelling on the site and surrounding dwellings, and also landscape plans for the provision of a mature and well maintained garden. Further information has also been provided in response to the requirements detailed under E5.6.4 P1.

Notwithstanding the applicant's attempts to reconcile proposed building design and landscaping with the requirements of the Code, it remains that the existing streetscape character (including front building setback and large front garden area) would be significantly compromised by the current application.

More specifically the proposed new front building setback of 3.75m for unit 1 represents an encroachment of approximately 18m on the current front building setback for the site.

Figures 4 and 5 below have been included to provide a “before and after” comparison as a means to establish the impact of the development on the existing streetscape character from a visual perspective.



**Figure 4:** Current streetscape view - 8 Ronald Street, Devonport (Source: DCC – PA2016.0069)



**Figure 5:** Proposed streetscape view - 8 Ronald Street, Devonport (Source: DCC – PA2016.0069)

The above pictures would seem to confirm that the existing streetscape of 8 Ronald Street will be significantly different under the proposed development. Additionally the view of the original 1922 dwelling on the site will be virtually obscured from the street, as it will be located behind proposed unit 1 depicted in the foreground of Figure 5 above.

Notably the performance criteria detailed under E5.6.4 P1 uses the specific wording “*must maintain the architectural or historic interest or special cultural value*”. The effect of such wording is taken to mean preserving the current situation. In this context it is difficult to make the case that the current streetscape and the previously detailed identifying local heritage values for the Ronald and Best Street Conservation Area are in fact maintained under the proposed development.

### **Traffic Generating Use and Parking Code**

In accordance with provision E9.5.1 A1 (a) the permitted number of car parking spaces to be provided on-site for a multiple dwelling development in the General Residential zone is two spaces per dwelling and one dedicated space per four dwellings for visitor parking. The submitted plans detail a total of nine car-parking spaces for the multiple dwelling (x4) development which are deemed to comply with the permitted standards relating to car parking space requirements.

One of the representations received against the application raises the matter that the design of the car parking spaces and vehicle turning paths is non-compliant with the relevant Australian Standards required as permitted standards under E9.6.2 A1.2. These assertions are deemed to have some merit and therefore compliance against the corresponding performance criteria of E9.6.2 P1 must be established.

Provision E9.6.2 P1 provides a set of qualitative criteria where a development, which cannot meet the corresponding permitted standard of E.9.6.2 A1, is provided a discretionary pathway for compliance. These ten criteria require the layout and construction of a vehicle parking area, loading area, circulation aisle, and manoeuvring area must be adequate and appropriate for –

- (a) The nature and intensity of the use;
- (b) Effect of size, slope and other physical characteristics and conditions of the site;
- (c) Likely volume, type and frequency of vehicles accessing the site;
- (d) Likely demand and turnover for parking;
- (e) Delivery and collection of vehicles;
- (f) Familiarity of users with the vehicle loading and vehicle parking area;
- (g) Convenience and safety of access to the site from a road;
- (h) Safety and convenience of internal vehicle and pedestrian movement;
- (i) Safety and security of site users; and
- (j) The collection, drainage and disposal of stormwater

It is considered that in accordance with the above criteria (particularly in the context of the intended use and expected traffic volumes) that it is not unreasonable to allow discretion for the design and construction of parking spaces and vehicle turning paths that are not necessarily compliant with the relevant Australian Standards, but which still provide for adequate and appropriate vehicle movement and parking.

### **COMMUNITY ENGAGEMENT**

On 09/05/2016, 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 11/05/2016;
- (b) Making a copy of the proposal available in Council Offices from the 11/05/2016;
- (c) Notifying adjoining property owners by mail on 10/05/2016; and
- (d) Erecting a Site Notice for display from the 10/05/2016.

The period for representations to be received by Council closed on 24/05/2016.

### REPRESENTATIONS

Five representations were received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. A sixth representation was received outside of this public notification period.

The representations all share a common theme that relates to the impact of the unit development on the Ronald and Best Street Conservation Area (Area 8) under the Local Heritage Code, and non-compliance with the requirements of the Local Heritage Code – specifically provision E5.6.4.

The issues raised in the representations can be summarised into the following key points. The representations are reproduced in full as **Attachment 2**.

### Summary of Issues

- Perceived detriment to the value and character of the area and development/residential density inconsistent with intrinsic values of the site and streetscape (ie large front gardens, 1920-1930 homes) which relate directly to the identification of the site within the Conservation Area in the first instance.
- Unnecessary and undesirable loss of established trees and garden for the site, which form part of the streetscape and identifying quality of the area.
- Approval will establish an undesirable precedent within the Ronald and Best Street Conservation Area.
- Increased traffic congestion and vehicle manoeuvrability, access and parking issues with the proposed development (relevant to the Traffic Generating Use and Parking Code (Code E9) of the DIPS).

### DISCUSSION

The matters raised in the representations essentially reflect previous commentary made in regard to the assessment of the proposal against the requirement of the DIPS, and in particular the discussion provided against the Local Heritage Code.

Furthermore the issues put forward in relation to traffic impacts, vehicle manoeuvrability and parking have been considered in the assessment against the requirements of the Traffic Generating Use and Parking Code previously detailed.

The key issue of deemed non-compliance centres upon the location of proposed unit 1 between the existing residence and the front boundary and the impact this has upon the streetscape character and the identifying values of the Ronald and Best Street Conservation Area.

An alternative development option for the site would be deletion of unit 1 and the retention of proposed units two and three to the rear of the existing dwelling. This option is considered to have some merit and would better maintain the conservation values of the site, specifically the retention of the existing front building setback and large front garden area, and would conform to the requirements of the Local Heritage Code of the DIPS.

There are two ways in which the requirements of the Heritage Code could be met. The first would be to refuse the application as not compliant with the Code. This would allow the applicant to submit a new application in the knowledge that the existing front setback is to be maintained. This in turn could result in a re-design of the two proposed units at the rear of the site.

The second option is to approve the development but modify the detail of the application so that only the two units at the rear of the site (in their existing design) are allowed.

### **FINANCIAL IMPLICATIONS**

No financial implications are predicted unless an appeal is made against the Council's decision with the Resource Management and Planning Appeals Tribunal (RMPAT). In this instance legal counsel is required to represent the Council. The opportunity for an appeal exists as a result of the Council determining to either approve or refuse the application.

### **RISK IMPLICATIONS**

No risk implications are associated with determining this application.

### **CONCLUSION**

In accordance with the requirements of the DIPS if the Performance Criteria of a particular zone or code cannot be met, then the application for use or developed cannot be granted a permit.

In this instance it is difficult to reconcile how the proposed location of unit 1 in front of the existing dwelling of the site, which significantly alters the existing building setback and front garden size of the site (which are considered inherent and identifying conservation values of the Ronald and Best Street Conservation Area), will maintain the conservation values for the site as required under E5.6.4 P1.

It follows that the Council acting as a Planning Authority has three options to consider in respect of the development application.

1. Refuse the application outright on the basis that it does not comply with requirements of the Local Heritage Code (Code E5) under the *Devonport Interim Planning Scheme 2013*, specifically provision E5.6.4 P1;
2. Approve the application with a condition to modify the application by the deletion of proposed unit 1 and retain proposed units two and three as submitted in addition to the existing dwelling; or
3. Approve the application as submitted.

### **ATTACHMENTS**

1. Development plans - PA2016.0069 - 8 Ronald Street Devonport
2. All representations - PA2016.0069 - 8 Ronald Street Devonport

### **RECOMMENDATION**

That the following options are presented to the Council for consideration.

#### **Option 1 – Refusal of Application:**

That Council pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, refuse application PA2016.0069 for use and development on land identified as 8 Ronald Street, Devonport for the following purposes:

- Residential (multiple dwellings x 4) – assessment against performance criteria for setback and building envelope and Local Heritage Code design and development.

**Option 2** – Approval with modification:

That Council pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2016.0069 and grant a Permit to use and develop land identified as 8 Ronald Street, Devonport for the following purposes:

- Residential (multiple dwellings x 4) – assessment against performance criteria for setback and building envelope and Local Heritage Code design and development.

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 referenced as Drawing Numbers 215149-01 – 215149-022 and dated December 2015 by Yaxley Design and Drafting copies of which are attached and endorsed as documents forming part of this Planning Permit;
2. The application is to be modified so as to delete proposed unit 1 from the submitted plans and retain proposed units 2 & 3 as submitted in addition to the existing dwelling;
3. The developer is to comply with the conditions specified in the *Roads and Stormwater – In Principle Agreement* with the Devonport City Council. A copy of this agreement is attached.
4. The developer is to comply with the conditions contained in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit, pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*.

Note: The following is provided for information purposes.

**THIS IS NOT A BUILDING PERMIT.**

You need to provide a copy of this planning permit to a registered Tasmanian Building Surveyor. WORK CANNOT COMMENCE UNTIL BUILDING AND PLUMBING PERMITS ARE ISSUED.

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 *Building Regulations 2014* and/or the *Environmental Management and Pollution Control Act 1994*.

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

The developer is to dispose of any asbestos found during demolition in accordance with the *Workplace Tasmania Guidelines for the Safe Disposal of Asbestos*.

With respect to street numbering of the new units and in accordance with *AS/NZS 4819.2011 Rural and Urban Addressing* the Council makes the following suggestions:

- As the existing access for the existing residence will remain it is appropriate for it to retain the existing street address of 8 Ronald Street; and
- Unit 2 on the site plan becomes 1/8A Ronald Street and Unit 3 becomes 2/8A Ronald Street



In regard to the conditions prescribed in the *Roads and Stormwater – In Principle Agreement*, the applicant/developer should contact the 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:	Mark McIver	Endorsed By:	Matthew Atkins
Position:	Planning Officer	Position:	Deputy General Manager

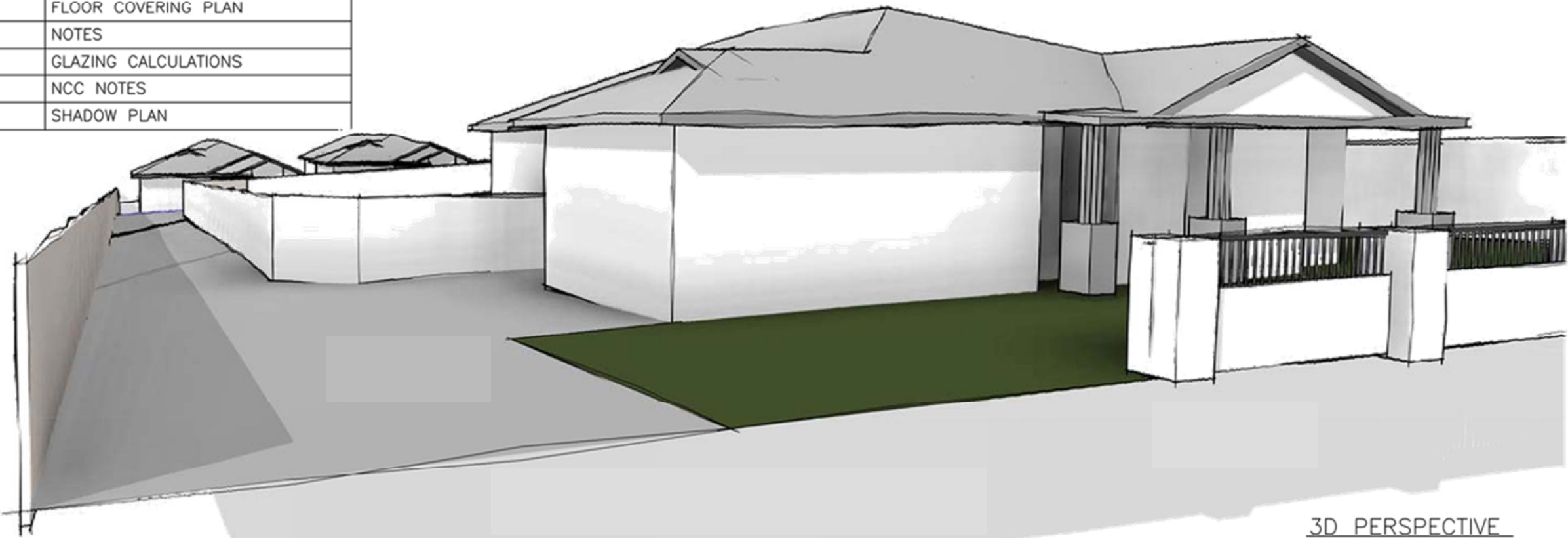
DRAWING INDEX

DRAWING No.	DESCRIPTION
1	COVER SHEET
2	SITE PLAN
3	LANDSCAPING PLAN
4	DRAINAGE PLAN
5	FLOOR PLAN- UNIT 1
6	FLOOR PLAN- UNIT 2/3
7	ELEVATIONS- UNIT 1
8	ELEVATIONS- UNIT 2/3
9	SECTION- UNIT 1
10	SECTION- UNIT 2/3
11	FOOTING PLAN
12	FOOTING DETAIL
13	FOOTING DETAIL
14	BRACING PLAN
15	TYPE D BRACE
16	TYPE G BRACE
17	LIGHTING PLAN
18	FLOOR COVERING PLAN
19	NOTES
20	GLAZING CALCULATIONS
21	NCC NOTES
22	SHADOW PLAN

COVER SHEET  
PROPOSED UNIT DEVELOPMENT  
8 RONALD ST. DEVONPORT  
DANIEL HUSSEIN

SITE INFORMATION

TITLE REFERENCE	228874/1
WIND CLASSIFICATION	ASSUMED N2
SOIL CLASSIFICATION	ASSUMED M
CLIMATE ZONE	7
BAL LEVEL	LOW - RESIDENTIAL



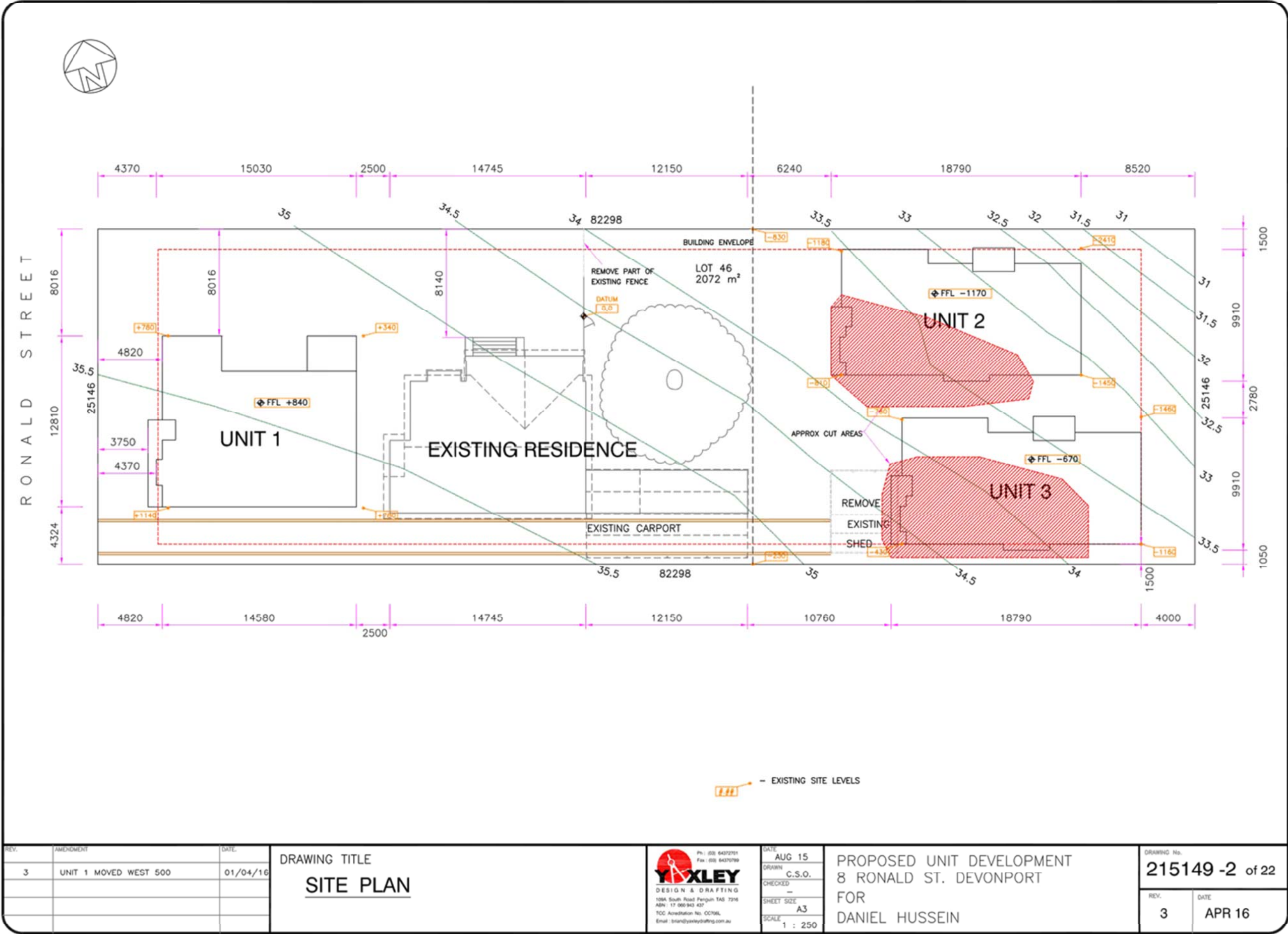
REV.	AMENDMENT	DATE

DRAWING TITLE
COVER SHEET

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	DRAWN	C.S.O.
	CHECKED	—
	SHEET SIZE	A3
	SCALE	1 : 100

PROPOSED UNIT DEVELOPMENT 8 RONALD ST. DEVONPORT FOR DANIEL HUSSEIN
--

DRAWING No.	215149 -1 of 22
REV.	2
DATE	DEC 15



REV.	AMENDMENT	DATE
3	UNIT 1 MOVED WEST 500	01/04/16

DRAWING TITLE
<b>SITE PLAN</b>

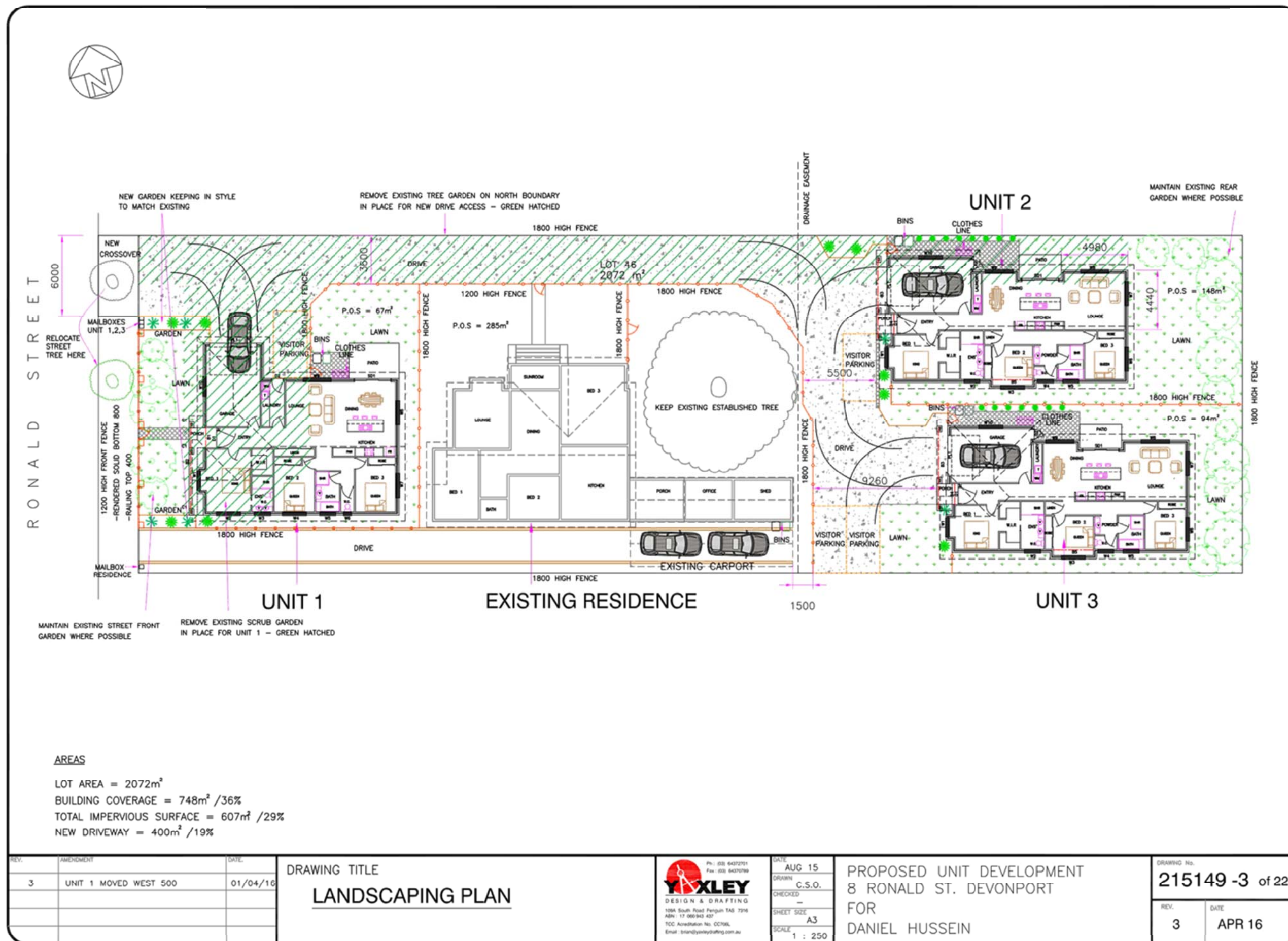
**YAXLEY**  
DESIGN & DRAFTING  
109A South Road Penguin TAS 7316  
ABN: 17 065 943 437  
TQC Accreditation No. CC796  
Email: brand@yaxleydrafting.com.au

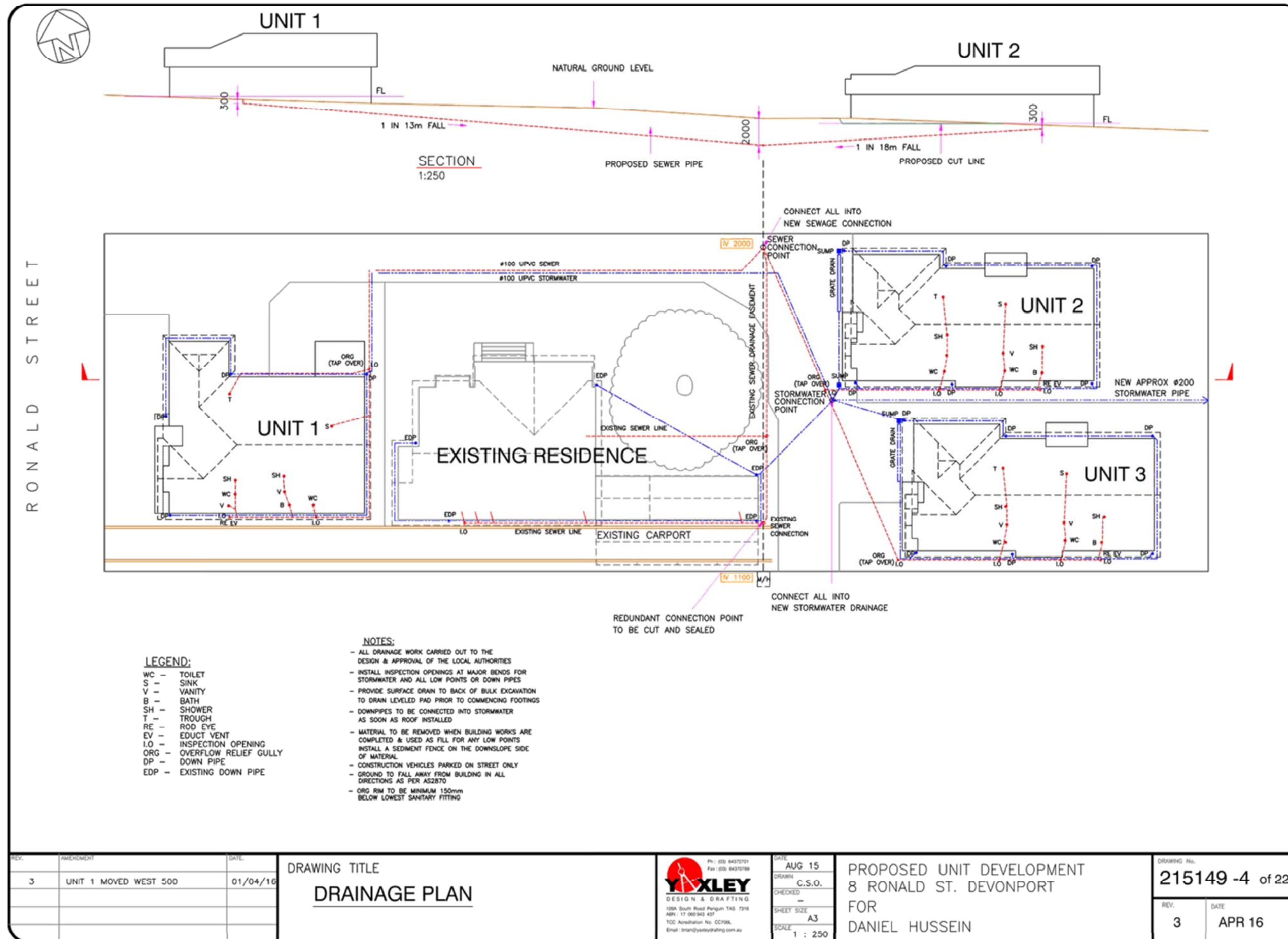
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PROPOSED UNIT DEVELOPMENT  
8 RONALD ST. DEVONPORT  
FOR  
DANIEL HUSSEIN

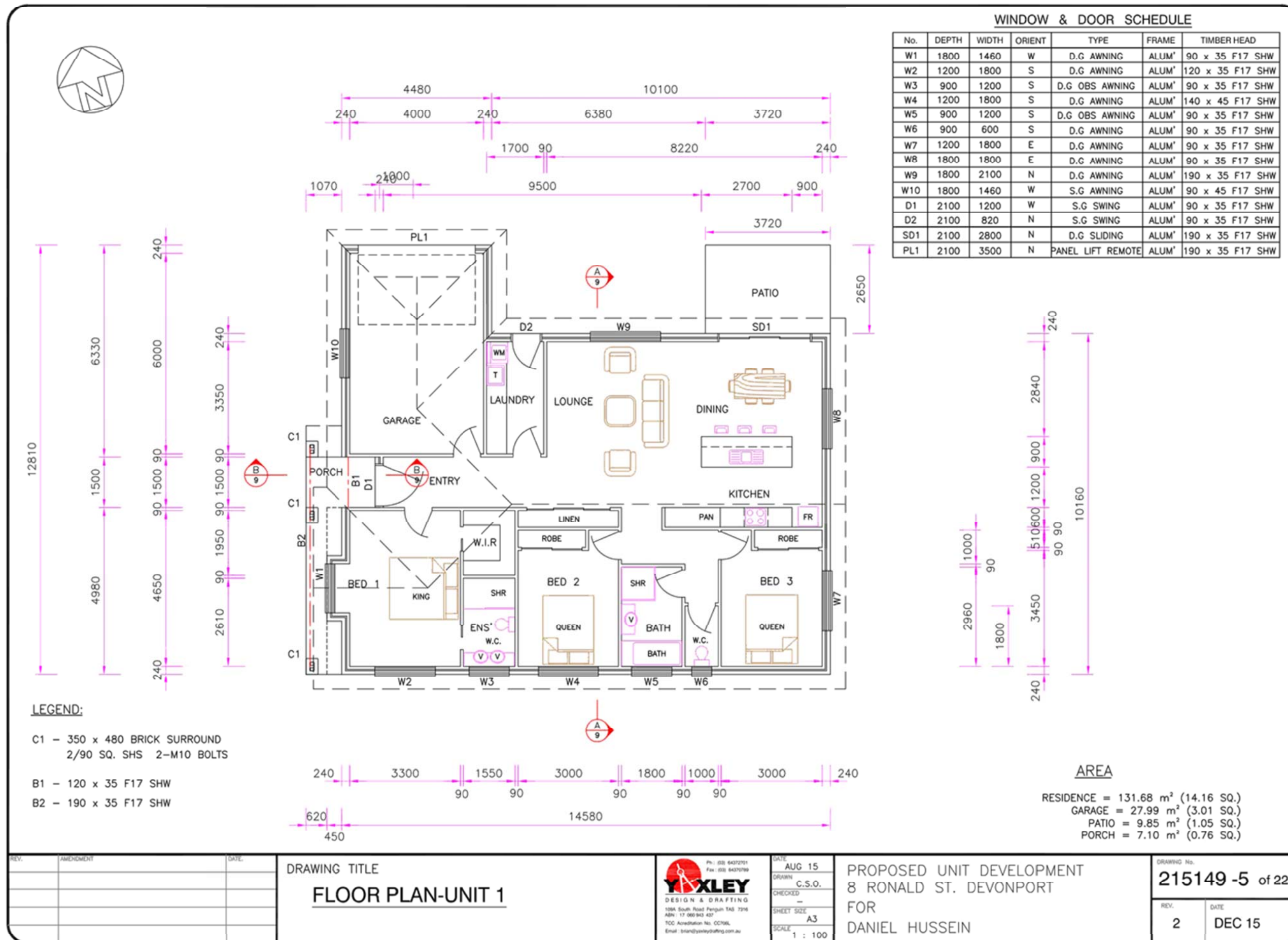
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REV.	3
DATE	APR 16

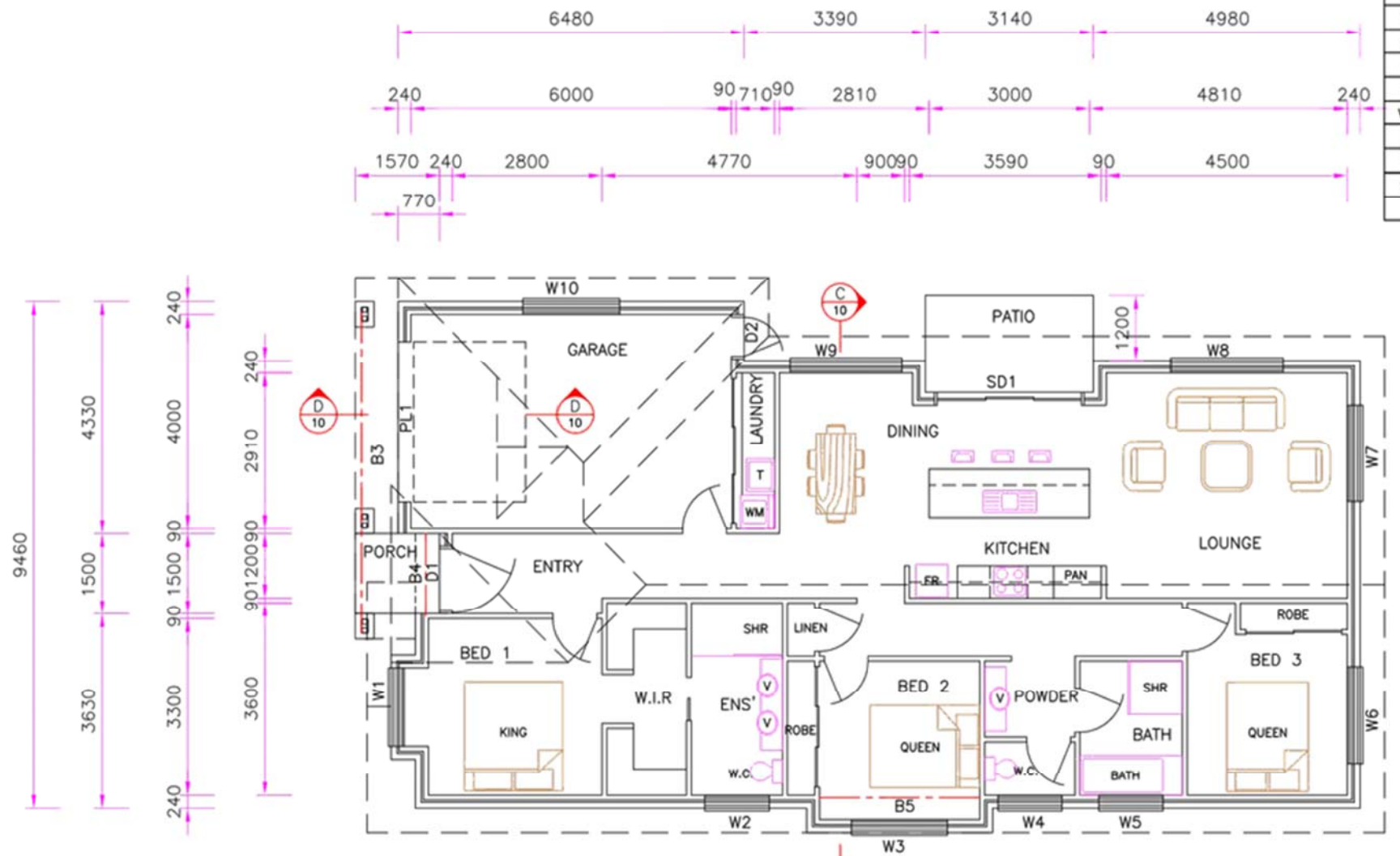












WINDOW &amp; DOOR SCHEDULE

No.	DEPTH	WIDTH	ORIENT	TYPE	FRAME	TIMBER HEAD
W1	1800	1460	W	D.G AWNING	ALUM'	90 x 35 F17 SHW
W2	900	1200	S	D.G OBS AWNING	ALUM'	90 x 35 F17 SHW
W3	1200	1800	S	D.G AWNING	ALUM'	90 x 35 F17 SHW
W4	900	1200	S	D.G OBS AWNING	ALUM'	90 x 35 F17 SHW
W5	900	1200	S	D.G OBS AWNING	ALUM'	90 x 35 F17 SHW
W6	1800	1800	E	D.G AWNING	ALUM'	90 x 35 F17 SHW
W7	1800	1800	E	D.G AWNING	ALUM'	90 x 35 F17 SHW
W8	1800	2100	N	D.G AWNING	ALUM'	190 x 35 F17 SHW
W9	1800	2100	N	D.G AWNING	ALUM'	190 x 35 F17 SHW
W10	1200	1800	N	S.G AWNING	ALUM'	120 x 45 F17 SHW
D1	2100	1200	W	S.G SWING	ALUM'	90 x 35 F17 SHW
D2	2100	720	E	ALUM SWING	ALUM'	90 x 35 F17 SHW
SD1	2100	2800	N	D.G SLIDING	ALUM'	190 x 35 F17 SHW
PL1	2100	3000	N	PANEL LIFT REMOTE	ALUM'	190 x 45 F17 SHW

## LEGEND:

C1 - 350 x 480 BRICK SURROUND  
2/90 SQ. SHS 2-M10 BOLTS

B3 - 140 x 45 F17 SHW

B4 - 120 x 35 F17 SHW

B5 - 190 x 45 F17 SHW

## AREA

RESIDENCE = 125.76 m<sup>2</sup> (13.53 SQ.)  
GARAGE = 30.29 m<sup>2</sup> (3.25 SQ.)  
PATIO = 5.65 m<sup>2</sup> (0.60 SQ.)  
PORCH = 5.24 m<sup>2</sup> (0.56 SQ.)

REV.	AMENDMENT	DATE

DRAWING TITLE

FLOOR PLAN-UNIT 2/3

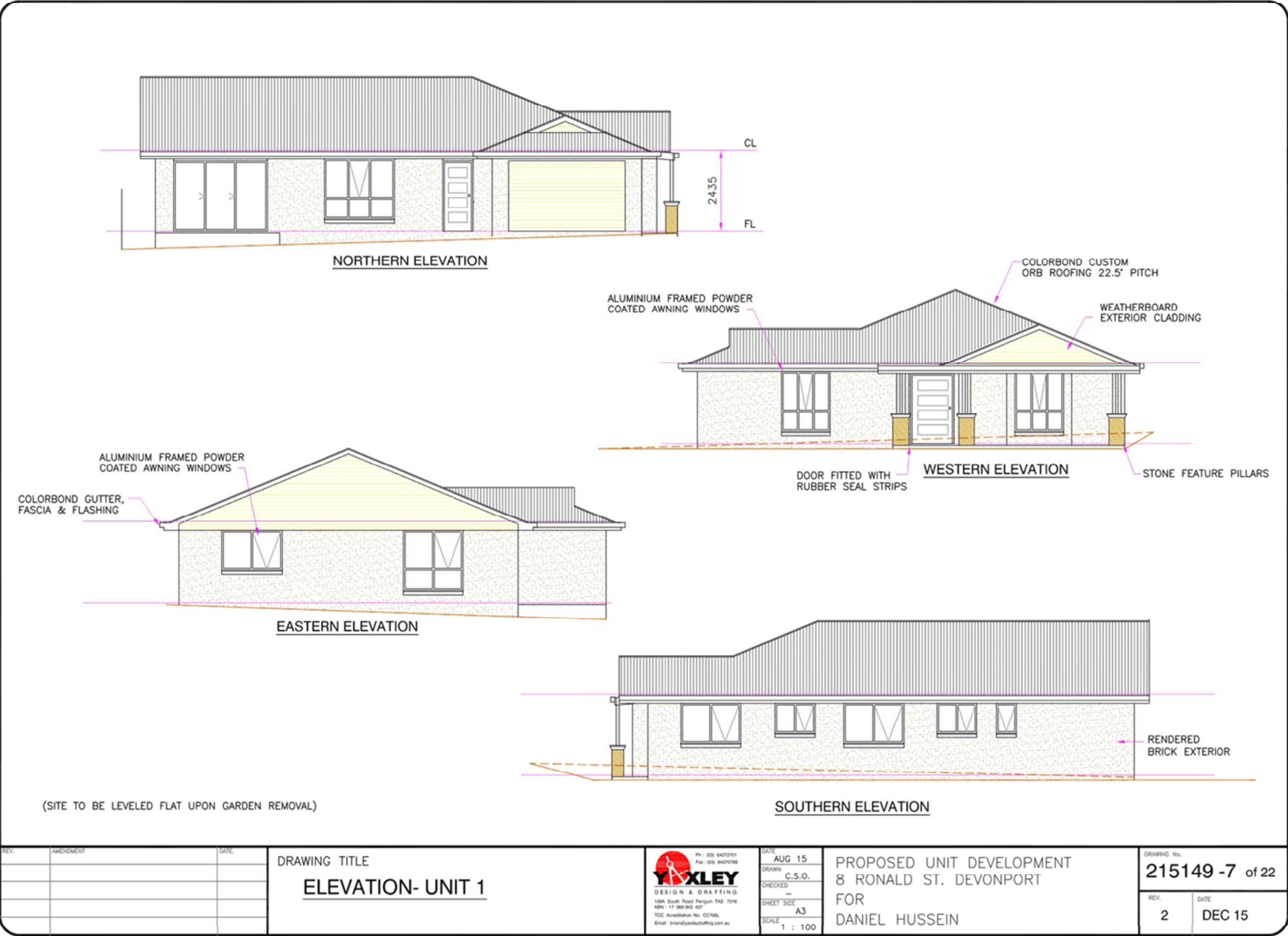


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AUG 15  
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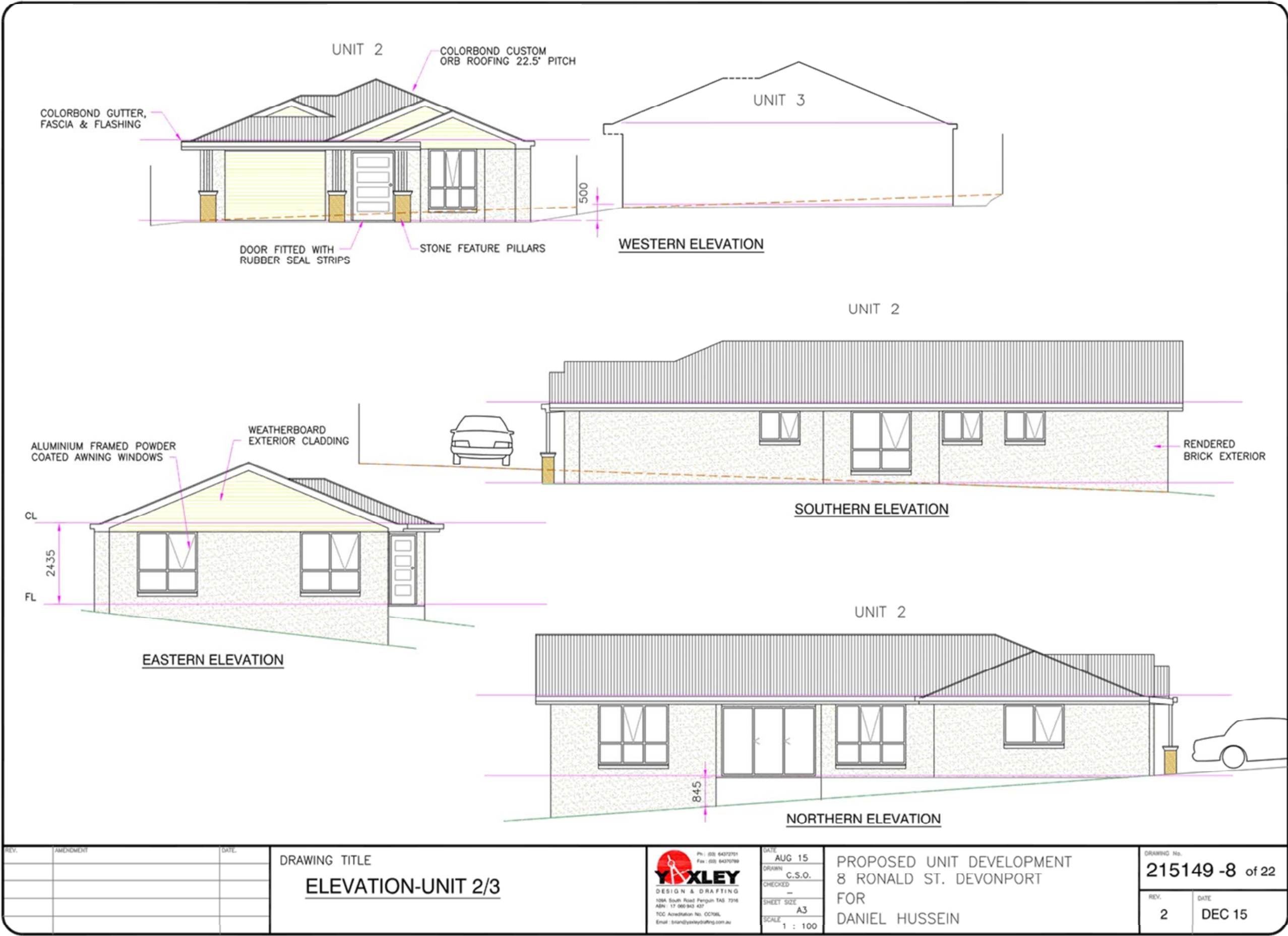
PROPOSED UNIT DEVELOPMENT  
8 RONALD ST. DEVONPORT  
FOR  
DANIEL HUSSEIN

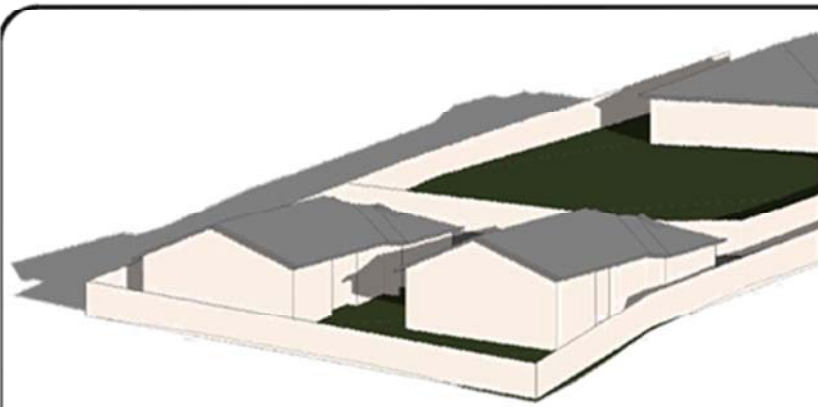
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**215149 -6** of 22

REV.  
2  
DATE  
DEC 15





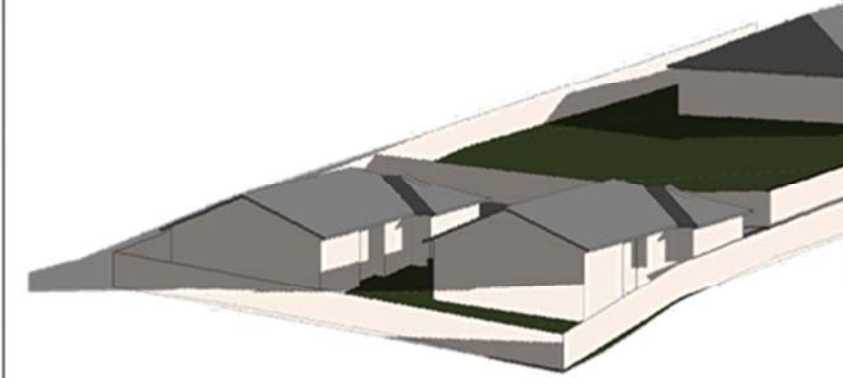




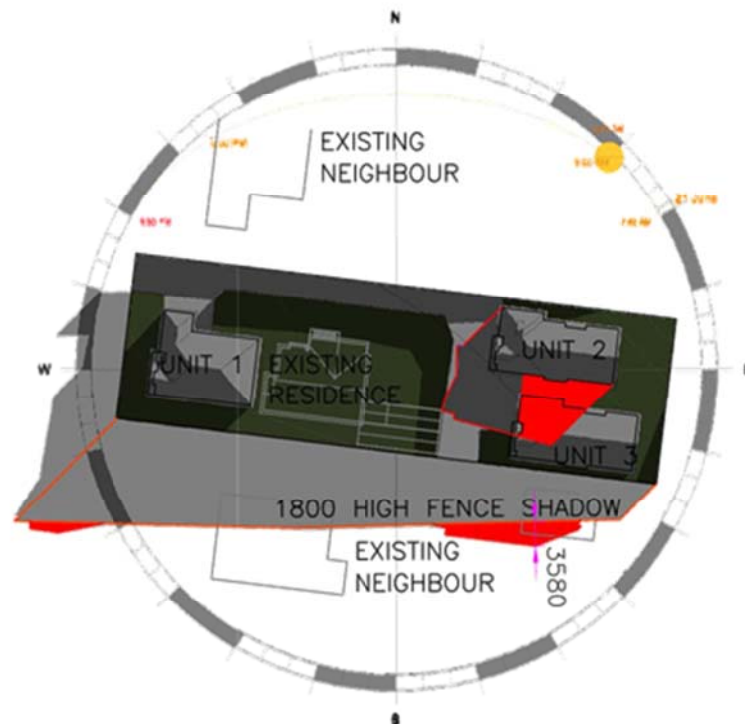
WEST 3D PERSPECTIVE- 9AM



WEST 3D PERSPECTIVE- 12PM

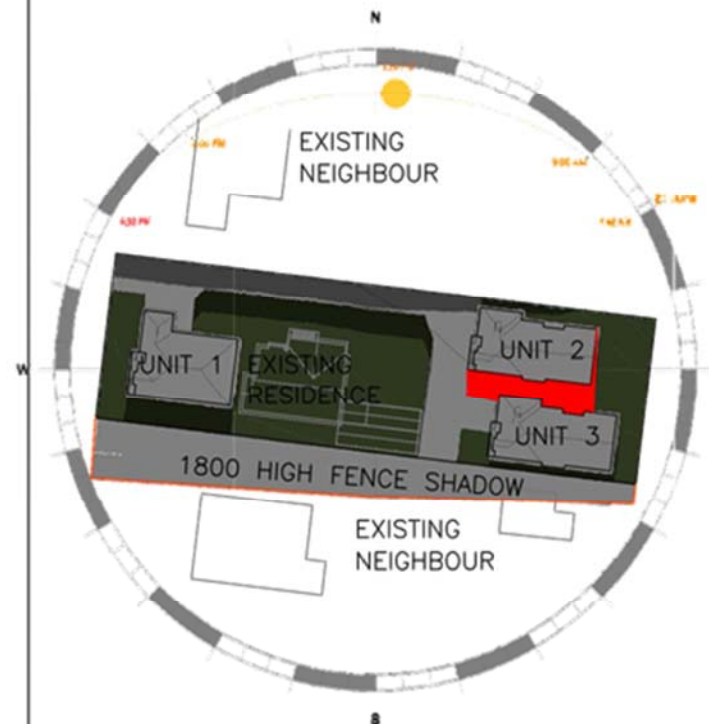


WEST 3D PERSPECTIVE- 3PM

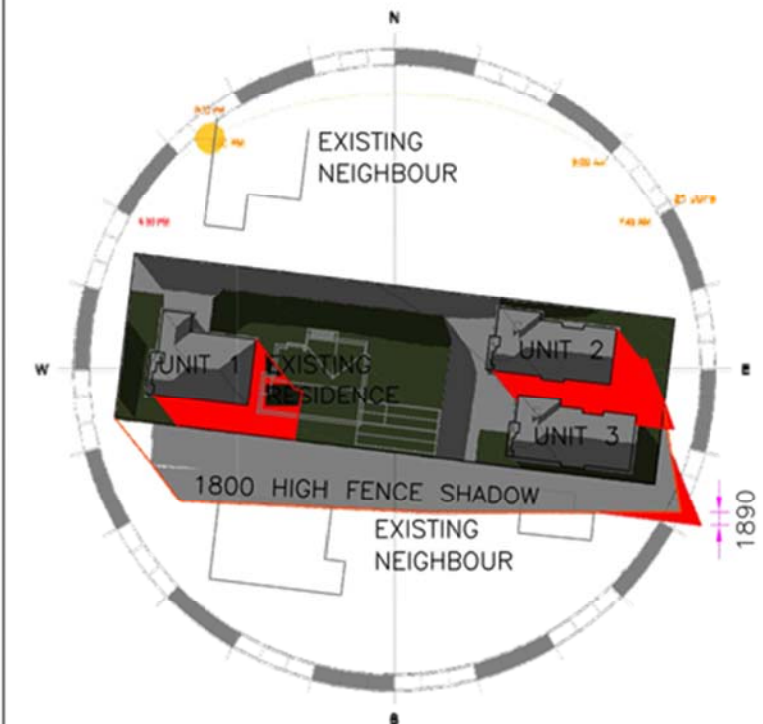


9.00am - 3580 OVERSHADOWING OVER EXISTING FENCE  
OVERSHADOWING ON UNIT 3 ONLY ON GARAGE AND DRIVE AREA

(OVERSHADOWING IN RED)



12.00pm - NO OVERSHADOWING  
MINIMUM OVERSHADOWING ON UNIT 3 PRIVATE OPEN SPACE



3.00pm - 1890 OVERSHADOWING OVER EXISTING FENCE  
OVERSHADOWING HALF WAY UP WALL OF UNIT 3

REV.	AMENDMENT	DATE

DRAWING TITLE  
**SHADOW PLAN**

21/JUNE/2015  
LAT- -41.18  
LONG - 141.31



DATE	AUG 15
DRAWN	C.S.O.
CHECKED	—
SHEET SIZE	A3
SCALE	1 : 1000

PROPOSED UNIT DEVELOPMENT  
8 RONALD ST. DEVONPORT  
FOR  
DANIEL HUSSEIN

DRAWING No.	
215149-22 of 22	
REV.	DATE
2	DEC 15

1

19/05/2016

To The GENERAL MANAGER  
DEVONPORT CITY COUNCIL

Re FILE: 32511

PA2016.0069 – APPLICATION FOR PLANNING PERMIT

8 RONALD STREET, DEVONPORT

Dear Sir,

As an adjoining owner to the above property at 8 Ronald Street, I have viewed the above application and all related documentation submitted by Mr Daniel Hussein, and wish to object to the proposed development in accordance with provisions allowed in Section 57 (5) of the Land Use Planning Approvals Act 1993.

My submission herein is further to my earlier response to the applicant's initial Planning Application, (File: 31712, pertaining to PA2015.0144). Whilst this current application does represent a genuine attempt to address the first submission's considerable shortcomings in meeting specific Performance Criteria under the local Heritage Code E5, it still remains, on my main point of objection, a failure.

My adjoining property at No.6 Ronald Street is of the same vintage and architectural style as that of No.8, both having been constructed during the early 1930's, with both properties and the adjoining property at No.10 (including those opposite also) being characterised by fine, well maintained dwellings of distinctive architectural style set in spacious established gardens with mature trees planted during the same era.

The foresight of the Devonport City Council in distinguishing this cluster of properties in upper Ronald Street known as **Heritage Conservation Area 8** under the protection of **Heritage Code E5** is to be commended and upheld, as the purpose of this code is just as much about protecting the unique qualities of the whole property enclave, as it is about preserving the value and character of the property itself.

It is my view that the proposed multi-dwelling development at No.8, despite the suggested changes to the Applicant's first submission, remains detrimental to the value and character of the immediate area, and contrary to the values espoused by our Council that led them to identify this area for preservation in the first place.

It is no longer a Conservation Area when extraneous elements are introduced that are contrary to the characteristics of the area being preserved.

In line with this viewpoint, my objections are that:

1. The addition of 4 multiple dwellings to the site remains incompatible with the density of the surrounding area as per Performance Criteria stated for the applicable General Residential Zone Development Standard 10.4.1 (a), in consideration of both the dwellings adjacent to the property and those opposite, nor is it compatible with the cultural use of the adjacent surrounds.

The applicant cannot deny that the jarring conversion from a 1930's Era single-dwelling set in a spacious traditional country-English life-style enclave, to a contemporary "multiple-dwelling" concept, is striking at heart of what the Conservation Area 8 was established to preserve.

Number 8 Ronald Street is part of a visibly dwindling legacy established against all odds by a generation of local craftsmen during the Depression years between the Wars. Even though the integrity of the house itself might seem to be preserved in the proposed development, its unique character and that of the surrounding Heritage Area itself is eroded by cramming it amongst three more new dwellings, without regard to the once-spacious leafy green environs that gave character to the whole property and its surrounds.

Which leads to my next point...

2. Despite efforts to convince otherwise, the development does not meet the Performance Criteria applicable to Heritage Code E5.6.4, (Design and location of development) in that it does not maintain the architectural and historic interest and value of the Conservation Area with due regard for:
  - i. E5.6.4(c) – vegetation and other improvement on the site or adjacent land, and
  - ii. E5.6.4 (f) (viii) – garden design, planting and structures, relative to the architectural style and features of the building and area, is being removed or altered out of context with characteristic elements of Heritage Conservation Area 8.

With respect to the Performance Criteria mentioned in Point (2), whilst some definite improvements have been made as regards preservation of existing garden elements, the development will still require significant removal of vegetation including mature established trees of at least 80 years old, as well as the loss of the spacious grounds in which they were set.

Whilst Mr Hussein is quite correct to point out a number of significant inconsistencies by the Devonport City Council in allowing several property developments which clearly are in breach of their own Heritage Conservation codes, these do not constitute any justifiable reason for further breaches of the same. At some point, if Heritage Conservation means anything, past compromises must not be exacerbated by further erosion of Council values.

He attempts to make significant mileage of the fact that a series of multi-dwelling developments have been allowed within close proximity to Heritage Conservation Area 8, not the least being **Number 6A**, a very incongruous group of units set right in the heart of this zone. However this disregards the fact that this development was built well before the Council established any Heritage Conservation code.

3

Such architectural eyesores are surely good enough reason to insist that enough is enough, and that future residential developments must comply absolutely with the specific guidelines and codes the Council has set up to preserve a fast disappearing remnant of distinctive residential developments from a past era.

And finally, as stated in my earlier submission, I remain concerned as an adjacent property owner and long-time Devonport resident and rate payer, that the disruption of the elements and features that are characteristic of this particular Conservation Area will negatively affect the financial values of the adjacent and nearby heritage properties, including both No.6 and No.10 if this development is allowed to proceed.

I call upon the Devonport City Council to stand by their foresight and committal to preserve the distinctive areas of this city enshrined within local Heritage Code Conservation Areas. Past breaches and mistakes provide no mandate to replicate them – to do so merely erodes at the core principles that motivate conservation, and caves in to the financial aspirations of a small minority who have no interest in the preservation of the local heritage of this City.

Yours sincerely,



W.H. (Bill) Harris

6 Ronald Street, Devonport

(03) 6424 6279

[whh@telcomail.com.au](mailto:whh@telcomail.com.au)



23/05/2016 D420792

**Dr. Max Jacobs**

M.A. (Clin.Psych.), Ph.D., Dip.Rem.Ed., M.A.P.S.  
Clinical Psychologist (Registered)  
Provider No 2680741T

10 RONALD STREET  
P.O. BOX 1046  
DEVONPORT  
TASMANIA 7310

Tel: (03) 6424 4510  
Fax: (03) 6424 4510

23/05/16

Re: Application For Planning Permit (File 32511,  
#: PA2016.0069 (8 Ronald St))

I am the owner of the adjoining property (no. 10) to the above property and wish to object to the above proposed development, on the following grounds:-

1. The upper part of Ronald St (between Steele and Best streets) has been listed as a Heritage Conservation Area 8 under Heritage code E5. The proposed development of high density multiple dwellings (4) will adversely impact on and detract from the (heritage) character of this part of Ronald St; which consists, in the main, of large blocks, large gardens with old trees and fine, distinctive, larger older houses of architectural value; hence the street's designation as a heritage area.

23/05/2016 D420792

2.

2. The proposed development is out of character with the "stately" character of the area and may adversely affect the value of the adjoining properties; in addition to increasing noise and traffic in the area.

3. Number 8 Ronald has a number of large old trees that may be impacted by the proposed and an attractive garden, fitting in with the other gardens in the street, that will be spoilt by the development.

4. To allow the proposed development to proceed would be to negate and go against the intention of the listing, by the Council, of this area as a Heritage Area, in the first place and set an undesirable precedent.

 (Dr M. Jacobs.)

JN & ME Shearer  
7 Ronald St  
Devonport  
Tasmania 7310

The General Manager  
Devonport City Council  
PO Box 604  
Devonport

[mshearer@sbsc.tas.edu.au](mailto:mshearer@sbsc.tas.edu.au)

[council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)

22/05/2016

Dear Sir,

**Re Application For Planning Permit PA2016.0069, 8 Ronald St**

I wish to state that the comments and observations laid down by my wife and I in our previous protest against this development still stand, and it is with a great sense of disappointment that we find ourselves having to make a further representation to this proposal in accordance with Section 57 (5) of the Land Use Approval Act 1993.

Whilst the Applicant has no doubt suggested corrections to the first submission made, the point has been totally ignored that no matter how many changes are made to the original Application, the resultant outcome would change forever the character, and accordingly the value, of this **Heritage Conservation Area 8** that **Heritage Code E5** set out to protect in the first place.

Although the plans claim to have addressed the criteria, the fact is that there is still a lack of understanding that the proposed plans will ruin the integrity and history of this area. They can only result in terrible scars to the street scape for the following reasons.

1. With regard to the performance criterion 1 "maintain the architectural or historic interest or special cultural value" there has been no adherence. The house and garden have significant value on all three counts and yet the development smothers the house and garden. The plans do not in any way

preserve the special architectural and historic interest but rather totally ignore them and in fact hide and destroy them by other buildings.

2. The Street scape is ruined in a number of ways. First the mature vegetation and some trees over eighty years old would be bull dozed and the tulip tree that has been left on the plan would not survive the disturbance through building work as stated previously in protest to the first Application. I would like to challenge the photo that the applicant has submitted of 8 Ronald St street scape. This was a shot before the applicant started cutting down the trees in readiness for his development, the front of 8 Ronald St was tree lined. Now half of the front trees have gone. One of the characteristics of this area is that there are many established and beautiful trees planted and appreciated by all who live here. The beauty of the trees is one of the benefits of living in this area. It is inconceivable to put another house in front of this house of significance to Devonport's history.



This is the street scape today of 8 Ronald St and even more plants have been removed. This was taken soon after trees were cut down on 6 December 2015. To have the garden further destroyed and the house boxed in by inferior buildings will negatively change this area and in no way preserve its architectural, historical and cultural values.



3. There are at least six other homes in this area (5, 6, 10, 14, 16 and 21 ) with large historical homes and large areas of significant gardens surrounding them. 8 Ronald Street is also of this calibre. If this is allowed to be developed, there is nothing to prevent other properties losing their land and character to developers. This adds nothing to the lifestyle and character of Devonport and we implore Council not to let this sort of development get a foothold in the established heritage areas of Devonport's beautiful city. Not only would this Conservation Area be compromised with respect to regulating future development within it, but every other Conservation Area in Devonport would be removed from under the protection Heritage Code E 5 and be open to any inappropriate development that anyone would care to propose.

4. The street scape between Steele St and Best St has aesthetic integrity and it is one of few established streets in Devonport that has not had inappropriate development since the seventies. Only one eyesore exists in this section of Ronald Street and that is the development at 6A. I note that the applicant has used this as a reason for his building application to be approved. We are thankful that Council has more planning rules in place to keep this kind of inappropriate development from ever happening again. This beautiful area of heritage value tells an important part of Devonport's history and needs to be maintained and protected from any further inappropriate development.

5. With regard to the other house the applicant has cited on Best Street, we are dismayed that this inappropriate development was allowed to go ahead and that after many years the extension has not been completed. This extension is totally out of character, has once again been out of keeping with surrounding architecture and has totally ruined an example of a fifties house true to its era. It is no reason to allow such inappropriateness to be replicated.

5. The applicant makes reference to buildings at 14 and 16 Ronald St that have been long established and are from the era of the buildings. The integrity is maintained and has no bearing on present planning rules.

6. Other references are made to the development in other areas of Devonport as reasons for allowing development. There are significant differences between Ronald St, William St and Steele St. First William Street and Steele St were not shown to be of historical significance to be preserved. Both William



Street and Steele Street are significantly wider main through roads than Ronald Street. Ronald Street is a narrow road and to have four houses where there is now one is going to significantly increase traffic in and out of driveways. There are already too many cars parked along this area and more traffic is using Ronald Street to avoid William Street. Where Steele St and Williams St can take the extra traffic, Ronald Street cannot.

This plan to develop 8 Ronald St can only lead to the erosion of the architectural and historical integrity of the City of Devonport. Moreover, properties like the ones in this section of Ronald St need to be left in Devonport for the discerning buyer of the future when "Living City" is underway. We commend Council for their "Living City" plan to beautify Devonport and knowing that considerable planning, money and time have been put into the future beautification of Devonport through "Living City", we hope the protection of the existing beauty in Devonport that could only compliment that development will be preserved so that families are able to come and live in richly historical and established areas of Devonport.

Yours sincerely

Margaret Shearer

7 Ronald St

Nick Shearer

7 Ronald St

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**From:** Margaret Fay <margaret-fay@hotmail.com>  
**Sent:** Tuesday, 24 May 2016 2:56 PM  
**To:** council  
**Subject:** File 32511. PA 2016.0069 Application for planning permit - 8 Ronald Street, Devonport.

Dear sir,

Following the initial Planning Application (File 31712 – PA2015.0144) by Daniel Hussein, I see only that this has been 'tweaked' in an attempt to have it approved by Council.

I strongly OBJECT to this proposed development. It still does not fully comply with the Heritage Conservation Area 8 and Heritage code E5. I would like to add these comments –

WITHOUT PREJUDICE - I believe the developer is mooting the fact that 6A Ronald Street has a number of units (google image of 6A Ronald Street, which looks considerably tidier now) – but this development took place long before the Council initiated the Heritage Conservation code, much to their credit. While Daniel Hussein is viewing this as a commercial and financial operation on his part, may I respectfully ask why didn't he research the area pertaining to its limitations before he purchased the property.

Vehicle traffic – as a resident of 5 Ronald Street (diagonally opposite 8 Ronald Street) I have noticed the southern end of Ronald Street has become increasingly busier over the last few years, as traffic diverts from Steele Street to come down Ronald Street instead of continuing to the roundabout at William/Steele Streets. If there is a vehicle parked in the street, other traffic often has to pull over to let others pass. At times I wait patiently for 10 minutes to move out of my driveway as I encounter traffic coming from both north and south. If additional units are built at 8 Ronald Street it will only add to the congestion.

Conservation elements – the density of buildings goes against the purpose of retaining this as a spacious residential area – it will become just another cluster of built-up 'how many dwellings can we fit on one block' sites. Obviously removal of some existing trees and vegetation would be necessary to fit in the proposed units. One tree remaining does not constitute observance of the rules.

I implore you to think long and conscientiously while considering this proposal, because this will affect future decisions of other property owners. Devonport Council should not appear 'a walkover' by other developers.

Sincerely,  
Margaret Fay.  
5 Ronald Street, Devonport.  
Phone – 64246496 (home), 64244263 (business)

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General Manager  
Devonport City Council:  
P.O. Box 604, Devonport, Tasmania, 7310  
council@devonport.tas.gov.au

Attn: Shane Warren, Planning and Environmental Health Coordinator

#### Representation to Application for Planning Permit

Application Number: **PA2016.0069**  
Proposed Use or Development: **Residential (multiple dwellings x 4) – assessment against performance criteria for setback and building envelope and Local Heritage Code design and development**  
Address of the Land: **8 Ronald Street, Devonport**

Dear Shane,

As discussed, I have concerns about some elements of the above application, particularly with respect to meeting various requirements of the Local Heritage Code and the Traffic Generating Use and Parking Code. Based upon the information submitted with the application, could you please note and consider my objection to issue of a planning permit as follows.

#### Consideration Against Performance Criteria for Design and Location in (Heritage) Conservation Area

For clarity, the site, 8 Ronald Street Devonport (CT 228874/1):

- is not a place included upon the Tasmanian Heritage Register;
- and
- is not a building or place included upon E5.1 Table to the Local Heritage Code of the *Devonport Interim Planning Scheme 2013*;

However it is located within the Ronald and Best Street Conservation Area (Area 8) included upon E5.1 Table of the Local Heritage Code of the *Scheme*.

There are no conservation outcomes specified in Column 4 of the Table against this particular Area.

The proposed development therefore needs to meet the Performance Criteria listed for Development Standard E5.6.4 Design and Location of Development within the Code.

As the supporting information provided with the application identifies, performance criterion P1 of Development Standard E5.6.4 requires that:

*"the design and location of buildings must maintain the architectural or historic interest or special cultural value specified in the Table to this Code for a building, area or other place having regard for:*

- (a) integrity of the fabric and structure of the building, area, or other place;*
- (b) setback, scale and height of building elements relative to existing development on the site and on adjacent land;*
- (c) vegetation and other improvement on the site or on adjacent land;*
- (d) separation of buildings and activity areas from a frontage;*
- ...*

The proposed development does not meet requirements for Development Standard E5.6.4 elements (b) (c) and (d).

The *Statement of architectural or historic interest or special cultural value* for the Ronald and Best Street Conservation Area is given in the Table as follows:

*This conservation area contains a number of fine residences that epitomise the development of Devonport around 1900 through to the 1920's with a number of 1960 period homes. The area was obviously developed because of its elevated status. The unifying feature is the quality of development along the spine of the ridge as seen in the location of the listed buildings.*

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*The area also demonstrates later patterns of sub-division to form Cocker Place in the 1950s and 1960s breaking the pattern of development and introducing two well-designed post war houses into the group.*

*The street features mature and well-designed gardens, buildings oriented to the view and away from the street on the east side of the street and a well planted streetscape.*

*The houses in Best Street, while not of individual heritage value, are included in the heritage area as they are a very consistent group of later houses demonstrating a post-world war two sub-division with well laid out gardens and grounds.*

Importantly, the *Statement* specifically includes the location of the buildings being set back from the street, and the associated landscaped streetscape.

The subject property is part of a consistent alignment of houses located at 2, 4, 6, and 8 Ronald Street.

These sites, which line the southern end of the block, share:

- an almost identical frontage setback of approximately 20m, and
- similar landscaping upon their deep frontage setbacks, comprising large trees to the streetscape boundary, and more open lawn and garden adjacent the dwelling.

The proposed Units 2 and 3 at the east/rear of the subject site do not impact upon that setback and landscaped streetscape.

However the proposed Unit 1 at the west/front of the site has a severe negative impact upon these elements. It will reduce the site setback from approximately 21.9m to only 3.75m, and have an accompanying loss of garden.

This is a drastic change to the established alignment typical of houses at the southern end of Ronald Street. It is also significantly closer the frontage than the established in houses at the northern end of Ronald Street.

The property immediately to the north, 10 Ronald Street, has a setback (approximately 7.5m) which is twice that of the proposed development.

The Landscaping Plan, drawing 215149-3 calls to "*maintain existing streetfront garden where possible*" but does not nominate any species for proposed new plantings.

More importantly for landscaping, the existing boundary plantings (as shown in the application supporting document) are over 4m high and immediately adjacent the existing fence.

As indicated in the photos accompanying the application, these trees have a drip line which extends over the boundary and across most of the proposed reduced setback, with trunk DBH of 0.25m and greater.

Therefore the structural root zones and tree protection zones of the existing mature plants (per AS 4970-2009 *Protection of Trees on Development Sites*) are highly likely to be impacted by the combination of new fence and building works for Unit 1.

It therefore must be anticipated that the proposed works will negatively impact upon the existing streetfront plantings, including their likely loss.

The development also proposes a second vehicle crossover to the street, requiring the removal of 'existing tree garden' (per the drawing) along the northern boundary, and including the largest of the existing, mature streetscape trees.

This further negatively impacts upon the stated values (specifically "well designed gardens") of the local heritage area.

Finally, it is noted that the "Façade of Proposed Design" provided at Appendix A is significantly different to the "Image of Proposed Streetscape for 8 Ronald Street" provided at Attachment 1, both in fence height and proposed landscaping.

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Furthermore the Appendix A façade also does not match the floor plans and elevations provided in the application drawing set, nor does the fence construction detail match construction type indicated upon the Landscaping Plan.

The position and construction of Unit 1 in the proposed development will result in permanent loss of two elements – building location to Ronald Street, and the occupying garden space – which are specifically identified as fundamental components of the architectural or historic interest or special cultural value of the Ronald and Best Street Conservation Area.

That loss is not limited to a portion of the subject site, but rather extends for the full width along the Ronald Street frontage.

The proposed development must therefore be considered to have significant impact upon the cultural heritage values of the Conservation Area, under the *Scheme*.

The location of Unit 1 does not maintain the architectural or historic interest or special cultural value specified for the area, and does not meet the performance criteria P1 of E5.6.4 Design and location of development under E5 Local Heritage Code.

#### **Comment on Other Development Noted by Applicant**

As previously noted, the application identifies various other properties which are suggested as being subject to the Local Heritage Code but which feature development which does not comply with the Code.

It is further suggested by the applicant that these *"non-compliances ... directly influence and contribute to the composition of the architectural, historic interest and special cultural value of the area"*.

And that they *"establish criterion (sic) to which this proposal must maintain."*

Notwithstanding that all these properties pre-date the current *Scheme* and the various Codes contained within, this represents a fundamental misunderstanding of both the application and operation of the Local Heritage Code.

Although all development and use within an area certainly contributes to its current character, the standards of the Local Heritage Code do not measure against the totality of a place's current character.

Rather they are to ensure that development is sympathetic and appropriate to conserve the elements of *"architectural or historic interest or special cultural value"* which continue to exist.

The Code provides for this protection by defining not only those places which are important or valuable, but also defining the elements and values which are significant and contribute to that importance and value.

While the application makes some effort to compare proposed development outcome with other nearby properties, this is not a sufficiently robust approach, as the Code specifically requiring consideration against the *"architectural or historic interest or special cultural value specified in the Table"*. (emphasis added)

The distinction is both significant and important.

Comparison with select other properties alone, would allow or enable the loss of historic cultural significance through development on the basis of, and general replication of, previous inappropriate or non-sympathetic development.

The purpose of the Local Heritage Code is expressly to prevent such a possibility, to conserve those places identified in the Code and ensure sympathetic development which avoids a fretting or piecemeal loss of historic interest and cultural value.

For instance, the application notes that the past development of units at 6A Ronald Street *'obviously does not meet the performance criteria'*.

If those units were being proposed under the current *Scheme* they would not satisfy the *Local Heritage Code*.



They are notable as a particularly unsympathetic development intervention which has not maintained the consistent setback alignment with adjacent properties, nor enabled the well planned gardens located upon adjacent properties and along Ronald Street.

The past development of units at 6A Ronald Street clearly resulted in some loss of elements which contributed to area's stated interest or special cultural values.

That is no justification for the current proposal for 8 Ronald Street, which by the construction of proposed Unit 1 would result in a similar permanent loss of some the special cultural values of the conservation area.

### **Consideration Against Performance Criteria for Design of Vehicle Parking and Loading Areas**

Development plans indicate the following dwelling occupancy densities:

Unit 1:	3 bedrooms
Unit 2:	3 bedrooms
Unit 3:	3 bedrooms
Existing Dwelling:	3 bedrooms

*Table E9.1 Provision of Parking Spaces and Loading Areas* of Code E9 *Traffic Generating Use and Parking* Code therefore requires the development provide:

- 2 car parking spaces per dwelling; and
- 1 car parking space dedicated for visitor use.

Drawing 215149-3 Landscaping Plan indicates a total of 9-off car parking spaces, which would generally comply.

However these spaces are not all in accordance with AS/NZS 2890.1 (2004) – Parking Facilities Off Street Car Parking; therefore acceptable solution A1.2 of E9.6.2 is not met, and performance criteria P1 must be achieved.

There is no discussion or statement to this performance criteria with the development application.

Notwithstanding this, the car parking spaces and vehicle turning paths which are indicated upon drawing 215149-3 *Landscaping Plan*, indicate that the proposed development has a variety of vehicle access issues and car parking problems.

- a. The parking spaces to the existing residence are one behind the other, on a single width driveway.  
There is no provision for vehicle turning or maneuvering to access the existing residence.  
Therefore:
  - there is no ability for a resident vehicle to exit site in a forward direction; and
  - there is no ability for the first vehicle to exit without first reversing (onto the street) the second vehicle.
- b. There is insufficient room for a vehicle to maneuver from resident parking at Unit 3 without using a visitor parking space.  
If the visitor parking space is occupied, there is no apparent ability for a resident vehicle to exit site in a forward direction.
- c. The visitor parking at Unit 2 needs to do a 3-point turn maneuver in order to exit in a forward direction, with the first movement to adjacent the Unit 3 garage.  
Following that initial movement, the vehicle has the same issue as resident parking at Unit 3 (above) and needs to maneuver using a visitor parking space in order to exit site in a forward direction.
- d. The proposed new driveway is the only access to the two rear dwellings, Units 2 and 3, but has a single lane width (only 3.6m) for a distance of more than 30m.  
This provides no ability for entering and exiting vehicles to pass by one another.  
The arrangement of visitor parking to Unit 2 and adjacent fence to the existing dwelling make it extremely

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difficult (at best) for an exiting vehicle to see any entering vehicles upon the driveway and pause in a position which allows passing.

- e. The development proposes a second vehicle crossover to the street, requiring the removal of 'existing tree garden' along the northern boundary, which negatively impacts upon some of the stated values ("well designed gardens") of the local heritage area.

**Comment on General Intent of Development Proposal**

Please note that it is not my intention to be unreasonably obstructionist.  
I do not believe that this site should never be developed.  
I do not believe that there should never be change within a conservation area.

Rather, as an accredited building designer and a current member of the Tasmanian Heritage Council Works Committee, I understand the need for continued use and evolution of our cultural heritage.  
I would strongly support and encourage the development of the site if done in a sympathetic and appropriate manner.

The concerns raised in this representation arise only from specific aspects of the proposed development, in particular the siting of Unit 1 between existing residence and the front boundary.

Upon a summary review it would seem that if the current proposal was amended slightly, to delete Unit 1 but retain Units 2 and 3 (along with the existing residence) per the current layout, then the failures of the current proposal to satisfy the performance criteria of both the Local Heritage Code and the Traffic Generating Use and Parking Code would be removed or otherwise easily overcome.

If you have any queries regarding any of the above, please do not hesitate to contact me at any time.

Thankyou, and best regards,

Simon Angilley  
Wednesday, May 25, 2016  
Email: [simon.angilley@gmail.com](mailto:simon.angilley@gmail.com)  
Mobile: 0409-931-982

## **5.0 CLOSURE**

There being no further business the Chairman declared the meeting closed at <insert time> pm.