



*The City with Spirit*

## NOTICE OF MEETING

Notice is hereby given that a **Planning Authority Committee** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, parnaple centre, 137 Rooke Street, Devonport, on Monday 1 July 2019, commencing at 5:15pm.

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

## QUALIFIED PERSONS

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

Paul West  
GENERAL MANAGER

**26 June 2019**

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF  
DEVONPORT CITY COUNCIL HELD ON MONDAY 1 JULY 2019  
IN THE ABERDEEN ROOM, paranapple centre, 137 ROOKE STREET, DEVONPORT AT 5:15PM**

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Agenda of a meeting of the Devonport City Council's **Planning Authority Committee** to be held in the Aberdeen Room, paranaple centre, 137 Rooke Street, Devonport on Monday 1, July 2019 commencing at 5:15pm.

**PRESENT**

		Present	Apology
Chairman	Cr A Rockliff (Mayor)		
	Cr J Alexiou		
	Cr P Hollister		
	Cr S Milbourne		
	Cr L Murphy		
	Cr L Perry		✓

**IN ATTENDANCE**

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

**1.0 APOLOGIES**

The following apology was received for the meeting.

Cr L Perry	Leave of Absence
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**2.0 DECLARATIONS OF INTEREST**

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### **3.0 DELEGATED APPROVALS**

#### **3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 22 MAY 2019 - 23 JUNE 2019**

##### **ATTACHMENTS**

- [1.](#) Planning applications approved under delegated authority 22 May 2019 - 23 June 2019

##### **RECOMMENDATION**

That the list of delegated approvals be received.

Author:	Jennifer Broomhall	Endorsed By:	Kylie Lunson
Position:	Planning Administration Officer	Position:	Development Services Manager



Application No.	Location	Description	Approval Date
PA2019.0058	14 Bishops Rd, Spreyton	Transport depot (extension)	12/06/2019
PA2019.0059	36 Sorell St, Devonport	Visitor Accommodation	27/05/2019
PA2019.0061	12 Clare Court, Devonport	Subdivision (4 lots)	03/06/2019
PA2019.0062	69 Durkins Rd, Quoiba	Residential (single dwelling)	04/06/2019
PA2019.0063	5 Lawrence Drive, Devonport	Educational and Occasional care (storage shed)	30/05/2019
PA2019.0064	3 Nicholls St, Devonport	Residential (Garage/Workshop)	18/06/2019
PA2019.0065	38 Skyline Drive, East Devonport	Residential (dwelling)	19/06/2019
PA2019.0066	128 Best St, Devonport	Change of Use	20/06/2019
PA2019.0069	43 Dana Drive, Devonport	Residential (dwelling)	20/06/2019
PA2019.0070	13 Racecourse Rd, Spreyton	Stripping Shed	14/06/2019
PA2019.0078	110 Sorell St, Devonport	Residential (single dwelling) – Change in Ground Level Code	30/05/2019
PA2019.0079	2/74 Valley Rd, Devonport	Multiple dwellings (addition)	20/06/2019

## **4.0 DEVELOPMENT REPORTS**

### **4.1 PA2019.0072 RESIDENTIAL (SINGLE DWELLING), VISITOR ACCOMMODATION (2 CABINS) - 80 NIELSENS ROAD TUGRAH**

File: 36154 D584411

#### **RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

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

#### **PURPOSE**

The purpose of this report is to enable Council's Planning Authority Committee acting as a Planning Authority to make a decision regarding planning application PA2019.0072.

#### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Steve & Sarah Cairns
Owner:	Mr S & Mrs S Cairns
Proposal:	Residential (single dwelling), Visitor Accommodation (2 cabins)
Existing Use:	Residential
Zoning:	Rural Resource
Decision Due:	04/07/2019

#### **SITE DESCRIPTION**

The subject site is a 20.57ha lot site sitting atop Kelcey Tier with access via a 15m wide right of way from the end of Nielsens Road.

Figure 1 depicts the area, dimensions and some detail of the access arrangements that apply to this lot and the adjoining Lot 2 of a similar size and access arrangement.

Both lots were divided from a parent title owned by Associated Forest Holdings Pty Ltd in 1998. The land is subject to a Part 5 Agreement under section 71 of the *Land Use Planning and Approvals Act 1993* which defined building envelopes, reciprocal rights of way and access track construction for firefighting purposes while recognising and conserving the aesthetic and ecological values of the bush and environment.

Figure 2 provides the geographical detail and the location relative to adjoining development. The building estate to the east is a section of Wrenswood Drive while just out of view to the north is the end of Forest Heights Drive.

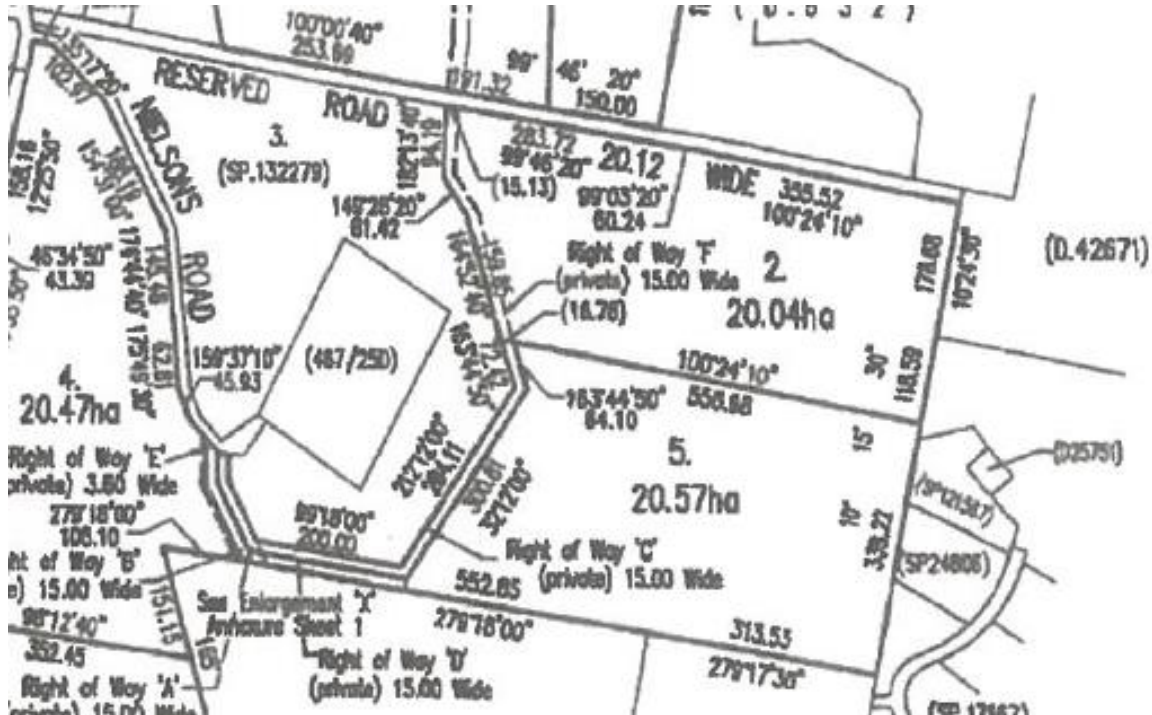


Figure 1 - Plan source: CT Folio 132882 Volume 5



Figure 2 – Plan Source: DCC Geocortex January 2019

Many facets of the Part 5 Agreement in regard to vehicular access and water storage capacities for firefighting have been replaced by more contemporary requirements based upon the determination of a Bushfire Assessment Level (BAL) that is now required at the building permit application stage. These are not planning permit considerations under the current planning scheme but are mentioned nevertheless due to the history.

In general terms any inconsistency between the guidelines in place at the date of the Part 5 Agreement and the current requirements should err in favour of the latter where such an inconsistency is identified.

The existing habitable building on the site was subject to various building enforcement notices due to construction commencing prior to any permit consideration. A retrospective application for a planning permit was granted in 2015 (PA2015.0082) which advanced to building and plumbing permits being subsequently granted (BP2016.0095).

This building is proposed to be one of the visitor accommodation cabins that is subject to this application.

### APPLICATION DETAILS

This application is to develop a new dwelling on the property and to repurpose the existing dwelling as visitor accommodation. A new visitor accommodation cabin is also proposed on site as well as ancillary storage sheds and a BBQ shelter. The development components are located within the building envelope identified on the Part 5 Agreement.

Figure 3 below provides an enlarged view of the proposed development site with the buildings highlighted for clarity. For identification purposes the diagram has the same orientation as Figures 1 & 2.

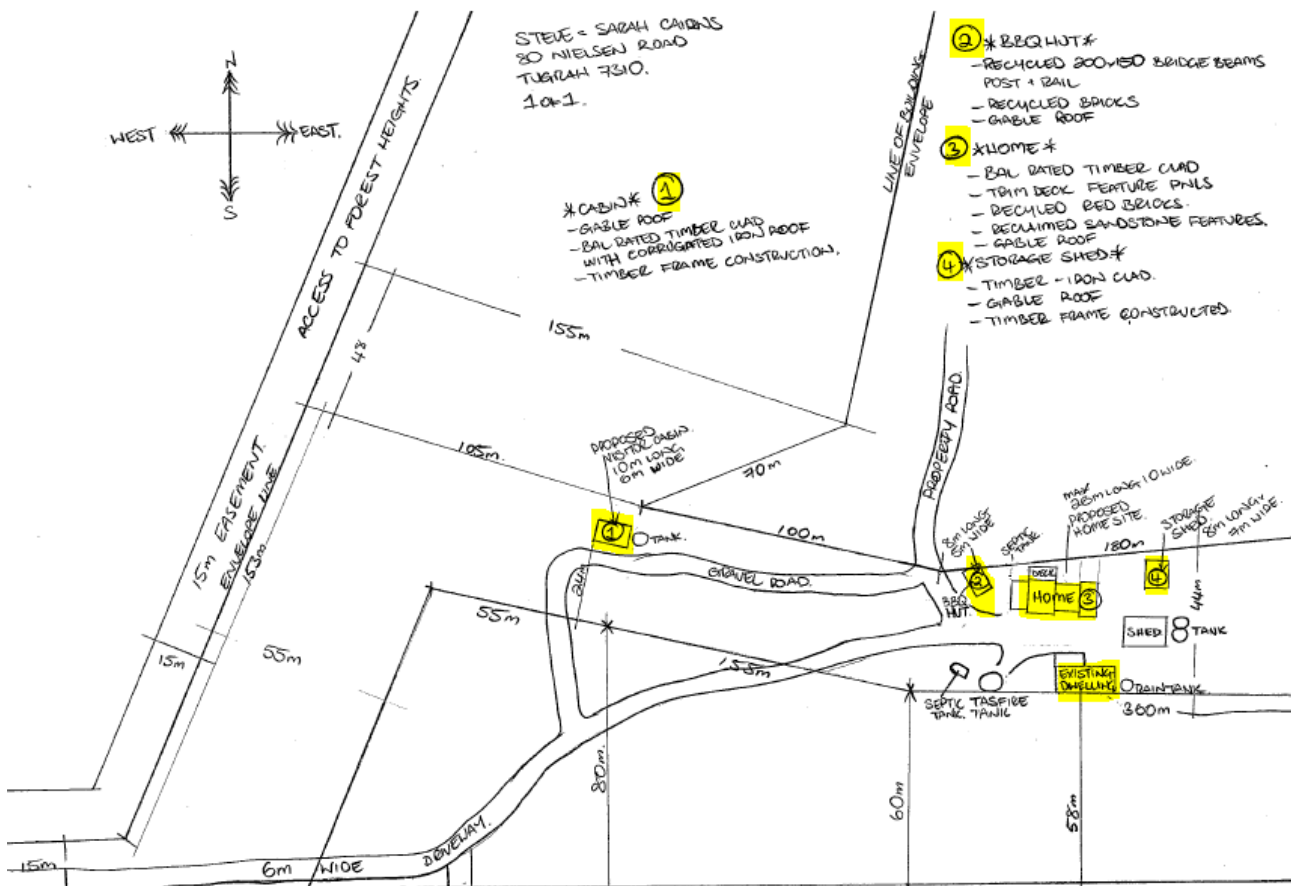


Figure 3 – Site plan enlargement

The visitor accommodation cabins are both single storey timber clad construction with a gable corrugated roof. Figure 4 is a photograph of the existing building taken in 2015 which is to be repurposed for visitor accommodation. The additional cabin is similar in specification and building form.





Figure 4 – Existing cabin September 2015 (PA2015.0082)

The proposed new dwelling, while also sharing a similar materials specification to the cabins, is a larger floor plan of a design intended to accommodate the specific needs of the occupants.

The external building specifications while not a specific planning development standard are submitted to demonstrate that the design is to be in keeping with the surrounding bush setting.

The applicant's submission is appended to this report as **Attachment 1**.

### **PLANNING ISSUES**

The land is zoned Rural Resource under the *Devonport Interim Planning Scheme 2013*. Residential use and Visitor accommodation use both require assessment against the Performance Criteria (PC) of the relevant Use and Development Standards of the zone and any applicable code.

### **ZONE STANDARDS**

#### **Residential Use**

This includes being consistent with the local area objectives and desired future character statements of the zone as well as being on a site which either is not capable of being used for farming or will not constrain farming that may be possible on the site.

The Local Area Objectives consider permanent loss of land for primary industry and any fettering of agricultural land due to the location. These criteria are more likely to be a concern if the residential use was proposed on or near to significant agricultural land in primary production.

The Desired Future Character Statements allow for small scale residential settlement nodes to being interspersed in the zone. The proximity of Wrenswood Drive and Forest Heights Drive support this location.

After consideration of the Use Standards it is considered that the residential use satisfies the Use Standards.

#### **1. Residential development**

These standards include the usual site suitability factors that apply to development in all zones such as lot size, building areas, proximity to boundaries, building height and

site access. These have all been examined and due to the placement of all buildings within the building area prescribed in the Part 5 Agreement are deemed to be satisfied.

The more technical requirements of providing alternative infrastructure due to the distance from the urban area in lieu of reticulated services will be considered with the building and plumbing permit applications which in general terms satisfies the Acceptable Solutions of the particular development standards.

**2. Visitor accommodation use**

The standards for non-residential use to locate on rural resource zoned land differs only slightly from that which applies to a residential use.

Non-residential use, in this case, visitor accommodation has to be required for operational efficiency by demonstrating compliance with either of the options specified in the Performance Criteria (PC) while also minimising the likelihood for permanent loss of land for primary industry due to constraint or interference.

The PC of relevance considers opportunity for diversification and value adding while minimising disturbance to the physical terrain and natural biodiversity and ecological systems. It seems reasonable to accept this view for this site and similar to residential use the possibility for non-agricultural use on smaller lots with low farm value is preferred to establishing comparable uses on land or near land with significant agricultural activities occurring.

**3. Visitor accommodation development**

The standards that apply to this use are identical to those for a residential use in the zone. No additional comments are submitted because the accommodation facilities also comply with the standards.

**CODE STANDARDS**

The planning scheme contains 11 Codes that are similar in structure to the zones in that a development can be compliant and satisfy the Acceptable Solutions or, if not, be able to achieve compliance by satisfying the Performance Criteria.

Codes that are deemed to apply for this use and development in this location are the following:

E3 Clearing and Conversion of Vegetation Code

E7 Sign Code

E9 Traffic Generating Use and Parking Code

Code E3 is in place to protect and conserve threatened native vegetation and threatened species under the Nature Conservation Act 2002 and the Threatened Species Protection Act 1995. The site has been identified as containing Eucalyptus obliqua wet forest but is not mapped as a site of threatened native vegetation. This satisfies the Acceptable Solution of E3.6.1. Similarly no vegetation communities have been recorded as providing habitat for threatened fauna species.

Code E7 applies due to the anticipated production of directional and place naming advertising for the visitor accommodation activity. Generally directional signage or an advertising sign identifying the placename is exempt if within a road reservation and if satisfying the Tasmanian Visitor Information Signage system. Signage identifying the site at the front gate is reasonably generous for this zone and a condition can be applied on a permit to ensure compliance with the Acceptable Solution occurs.

The purpose of Code E9 is to ensure that adequate on site arrangements are provided for parking. The construction of access strips and vehicle circulation areas in the Rural resource zone only requires compliance with the *Unsealed Roads Manual – Guideline for Good Practice* ARRB. This is the accepted standard and also allows for accessibility within the site to satisfy bushfire protection and management measures. The actual numbers of spaces for the residential use is two and for the visitor accommodation component one space per cabin. This can easily be achieved on site and as a consequence satisfies the standard.

### COMMUNITY ENGAGEMENT

On 23/05/2019, 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 25/05/2019;
- (b) Making a copy of the proposal available in Council Offices from the 25/05/2019;
- (c) Notifying adjoining property owners by mail on 23/05/2019; and
- (d) Erecting a Site Notice for display from the 24/05/2019.

The period for representations to be received by Council closed on 11/06/2019.

### REPRESENTATIONS

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

### DISCUSSION

The representor is objecting to the application and has listed six matters to consider. The representation is appended to this report as **Attachment 2**.

A response to each matter in the representation is detailed below.

#### 1. Traffic impact upon existing residents

The application was referred to Council's engineering department for comment upon receipt. This procedure is to allow for an assessment to determine firstly if additional information is required from the applicant and if not to respond with appropriate notes and conditions that can be applied to any permit.

Nielsens Road is a bitumen sealed road and is classified under Council's road network hierarchy as a minor access road. It is approximately 650m in length and the road terminates at the end of the road reservation where the private accesses are located.

Six properties are recognised in the property database as having an address assigned as Nielsens Road. Due to the nature of the local terrain and the level of development possible under the current planning scheme it is submitted that the existing road infrastructure won't warrant any improvements.

#### 2. Access Road between top of Nielsens Road to Kevin Lynd's property

This refers to an extraordinary arrangement of reciprocal access rights for the owners of Lot 1 on P132712 (Lynd), Lot 2 (Nielsen), Lot 4 (Michell) and Lot 5 (Cairns) over each other's access. Figure 5 below is an enlarged copy from the Certificate of Title.

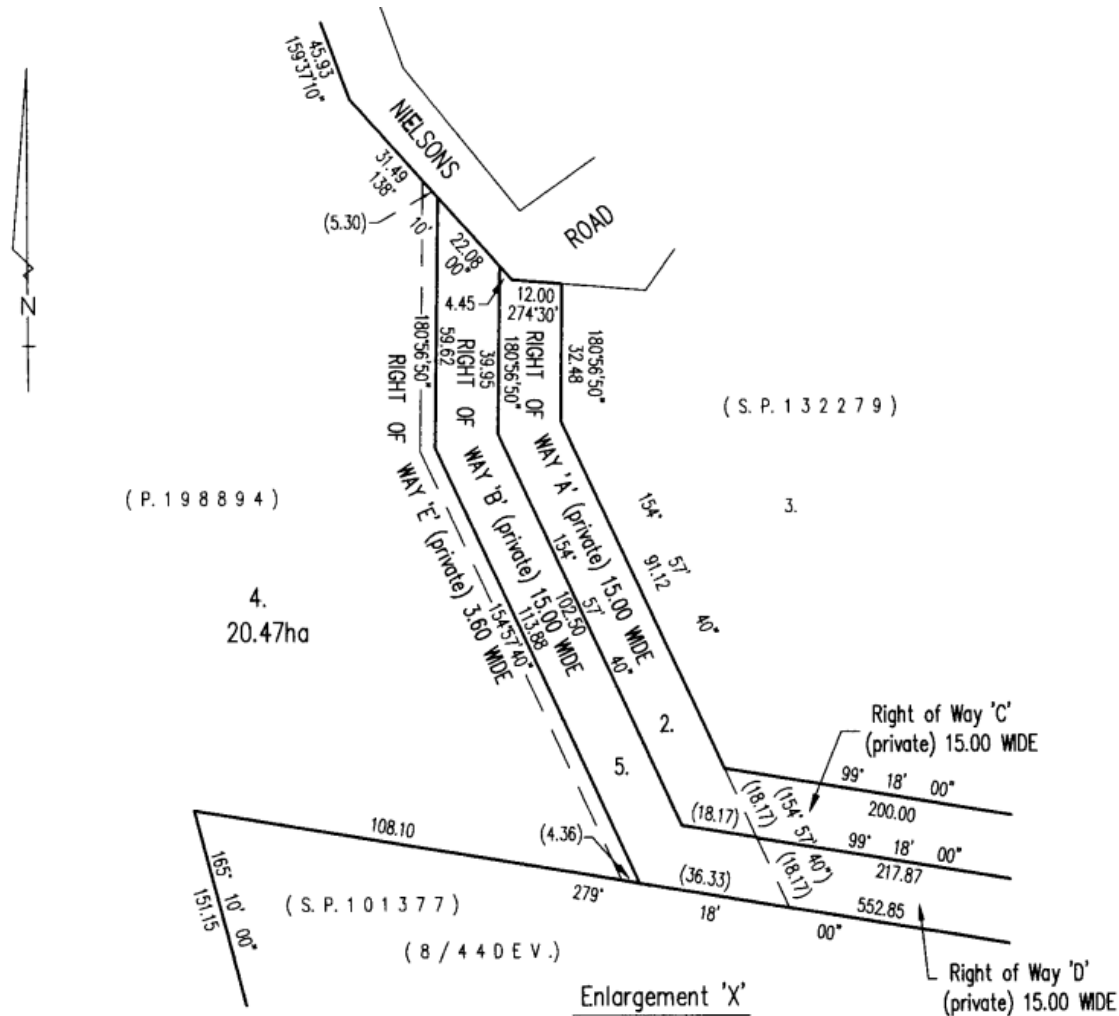


Figure 5 - Plan source: Sealed Plan 132882

In general terms while the three rights of way at the end of Nielsens Road provide the required frontages for each parcel of land it was considered more practical at the time of survey in 1999 to have only one roadway constructed instead of three individual access strips.

Any ongoing discussion is not being dismissed but no immediate benefit to Council has been identified in its role as the local road authority for the maintenance of these three strips of land. This would increase the length of Nielsens Road but would require as part of the process land transfer negotiation and subdivision to reassign the land as 'Road'.

This detail is reported for information only and no modification to the current access arrangement is required because of this application.

### 3. Property boundaries

This is not a planning consideration. The occurrence of trespassers on the land now or in the future is not a matter for the Council to deal with in determining planning permit applications.

### 4. Existing dwelling

Figure 4 depicts the building in question. As discussed previously the building on the site was being used for habitation prior to any approvals but now the necessary permits are in place. This building is proposed as one of the visitor accommodation cabins that is subject to this application proceeding to permit. There are no



accreditation requirements for drafting plans for planning permit applications. The more technical structural and amenity requirements that are required for a building surveying assessment do require plans to be undertaken by persons with appropriate accreditation.

**5. Building envelope**

The applicant has submitted that the proposed use and development is within the building envelope indicated on the Title plan. In the event that the building footprint is outside the envelope then the Part 5 Agreement registered on the Title as C229768 does allow for buildings outside of the envelope to be developed with the written consent of the Planning Authority. This permit, if granted, will satisfy this requirement.

**6. Services ie power & phone lines**

The provision of these services and how the development is connected is not within the ambit of Council.

**FINANCIAL IMPLICATIONS**

No financial implications are predicted.

**RISK IMPLICATIONS**

No risks are predicted.

**CONCLUSION**

The application is for two uses and associated development that are subject to the discretion of the planning authority under s.57 of the *Land Use Planning and Approvals Act 1993*. The land was originally divided from the parent property owned at the time by Associated Forest Holdings P/L for the purpose of residential development. The introduction of a Part 5 Agreement to provide for suitable siting of dwellings while maintaining a balance between environmental values and bushfire protection validates the residential intent for the lot.

In regard to this application the inclusion of visitor accommodation is also submitted as a suitable land use in this locality. The technical details of separation from bushfire designated land and the proper construction techniques, design and materials are a matter for the bushfire assessment officer and building surveyor engaged by the developer before building permission is granted.

In summary the application has satisfied the relevant use and development standards of the zone and code standards of the *Devonport Interim Planning Scheme 2013* and can be supported.

**ATTACHMENTS**

- [1.](#) Application - PA2019.0072 - 80 Nielsens Road
- [2.](#) Representation - PA2019.0072 - 80 Nielsens Road

**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 PA2019.0072 and grant a Permit to use and develop land identified as 80 Nielsens Road, Tugrah for the following purposes:

- Residential (Single dwelling), Visitor accommodation (2 cabins)

Subject to the following conditions:

1. The Use and Development is to be undertaken and proceed generally in accordance with the submitted plans, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to submit a Plumbing Permit Application, along with supporting documentation as required under Schedule 2 of the Director's Determination - Director's Specified List v1.2 (Building Act 2016), for the on-site wastewater disposal system as part of the Building and Plumbing application process.
3. Advertising signage for the visitor accommodation activity is to conform to the requirements of the Tasmanian Visitor Information Signage and the Acceptable Solutions of the Sign Code of the *Devonport Interim Planning Scheme 2013*.

Note: The following is provided for information purposes.

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

The developer is to take all reasonable steps during construction to minimise off site environmental effects occurring that might result in a nuisance. This includes air, noise and water pollution and does not allow for burning of any waste materials.

If any food products are supplied, prepared and/or cooked for guests, the business operator must contact the Council prior to the opening of the business to confirm their requirements under the *Food Act 2003*.

If water from a private source is to be provided for human consumption by guests, the business operator must contact the Council prior to the opening of the business to confirm their requirements under the *Public Health Act 1997*.

Author:	Shane Warren	Endorsed By:	Kylie Lunson
Position:	Planning Coordinator	Position:	Development Services Manager

Office use	
Application no.	_____
Date received:	_____
Fee:	<u>\$1060</u>
Permitted/Discretionary	_____

## Devonport City Council

Land Use Planning and Approvals Act 1993 (LUPAA)

Devonport Interim Planning Scheme 2013

## Application for Planning Permit

### Use or Development Site

Street Address: 80 NIELSEN ROAD  
TUG RAH 7310

Certificate of Title Reference No.: Lot 5 SP 132882

### Applicant's Details

Full Name/Company Name: Steve & Sarah Cairns

Postal Address: PO Box 96  
DON TAS 7310

Telephone: 0439482263 or 0409696464

Email: sarahtrinet@gmail.com

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

Full Name/Company Name: \_\_\_\_\_

AS ABOVE

Postal Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_



ABN: 47 611 446 016  
PO Box 604  
137 Rooke Street  
Devonport TAS 7310  
Telephone 03 6424 0511  
www.devonport.tas.gov.au  
council@devonport.tas.gov.au

Sufficient information must be provided to enable assessment against the requirements of the planning scheme.

Please provide one copy of all plans with your application.



#### Assessment of an application for a Use or Development

What is proposed?:

# Residential (single dwelling) inc. outbuilding & bbq  
# Visitor accommodation (change of use of existing dwelling and additional cabin)

Description of how the use will operate:

Build a new home which we will live in. New home to include bbq area & outbuilding.

Move out of our existing shack to live in the new home.

The existing shack to become visitor accommodation and build a new visitor accommodation. Both visitor accommodations to be used by tourists (air binib) and non paying customers (family & friends) for short term stays.

Use Class (Office use only): Single dwelling, Visitor Accommodation (cabins)<sup>2</sup>

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

<b>Application fee</b>	
<b>Completed Council application form</b>	✓
<b>Copy of certificate of title, including title plan and schedule of easements</b>	✓
<b>A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing:</b>	
• The existing and proposed use(s) on the site	✓
• The boundaries and dimensions of the site	✓
• Typography including contours showing AHD levels and major site features	already on Council record
• Natural drainage lines, watercourses and wetlands on or adjacent to the site	n/a
• Soil type	already on Council record
• Vegetation types and distribution, and trees and vegetation to be removed	n/a at this time
• The location and capacity of any existing services or easements on the site or connected to the site	n/a
• Existing pedestrian and vehicle access to the site	✓
• The location of existing adjoining properties, adjacent buildings and their uses	✓
• Any natural hazards that may affect use or development on the site	n/a
• Proposed roads, driveways, car parking areas and footpaths within the site	n/a
• Any proposed open space, communal space, or facilities on the site	n/a
• Main utility service connection points and easements	n/a
• Proposed subdivision lot boundaries, where applicable	n/a
• Details of any proposed fencing	n/a
<b>Where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 on A3 or A4 paper (1 copy) showing:</b>	
• Setbacks of buildings to property (title) boundaries	✓
• The internal layout of each building on the site (provided where applicable)	✓
• The private open space for each dwelling	✓
• External storage spaces	✓
• Car parking space location and layout	✓
• Elevations of every building to be erected	
• The relationship of the elevations to natural ground level, showing any proposed cut or fill	n/a
• Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites	n/a
• Materials and colours to be used on roofs and external walls	✓
<b>A plan of the proposed landscaping including:</b>	
• Planting concept	n/a
• Paving materials and drainage treatments and lighting for vehicle areas and footpaths	n/a
• Plantings proposed for screening from adjacent sites or public spaces	n/a
<b>Details of any signage proposed</b>	n/a



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Value of use and/or development

\$ 200,000

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

If land is not in applicant's ownership

I, \_\_\_\_\_ declare that the owner/s  
of the land has/have been notified of my intention to make this application.

Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

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

If the application involves land owned or administered by the Crown

Crown consent must be included with the application.

---

### Signature

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

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

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

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

Applicant's signature: *David C.* Date: 17/5/19

### PRIVACY ACT

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

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### Fee & payment options



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



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



**Pay by Phone** – Please contact the Devonport City Council offices on 64240511 during office hours, Monday to Friday.



**Pay by Post** – Cheques should be made payable to Devonport City Council and posted to PO Box 604, Devonport, Tasmania, 7310.

**RESULT OF SEARCH**

DEPUTY RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
132882	5
EDITION	DATE OF ISSUE
7	19-Dec-2013

SEARCH DATE : 29-Apr-2019

SEARCH TIME : 04.10 PM

DESCRIPTION OF LAND

Parish of NORTHAM, Land District of DEVON  
Lot 5 on Sealed Plan 132882  
Derivation : Part of Lot 22940 Granted to F. Dempster, Lot  
9555 Granted to C. Wehrs & Anor, Lots 8091 & 3316 Granted to A.  
Lyell & Anor and Lot 476 Granted to A. Douglas & Anor  
Prior CT 132371/1

SCHEDULE 1

M442423 TRANSFER to STEVE RAYMOND STEELE CAIRNS and SARAH  
TRINETTE CAIRNS Registered 19-Dec-2013 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
SP 132882 EASEMENTS in Schedule of Easements  
SP 132882 FENCING COVENANT in Schedule of Easements  
SP 132882 WATER SUPPLY RESTRICTION  
SP 132882 SEWERAGE AND/OR DRAINAGE RESTRICTION  
SP 132882 COUNCIL NOTIFICATION under Section 83(5) of the  
Local Government (Building and Miscellaneous  
Provisions) Act 1993.  
C229768 AGREEMENT pursuant to Section 71 of the Land Use  
Planning and Approvals Act 1993 Registered  
25-May-2000 at noon  
D107568 MORTGAGE to Commonwealth Bank of Australia  
Registered 19-Dec-2013 at 12.02 PM

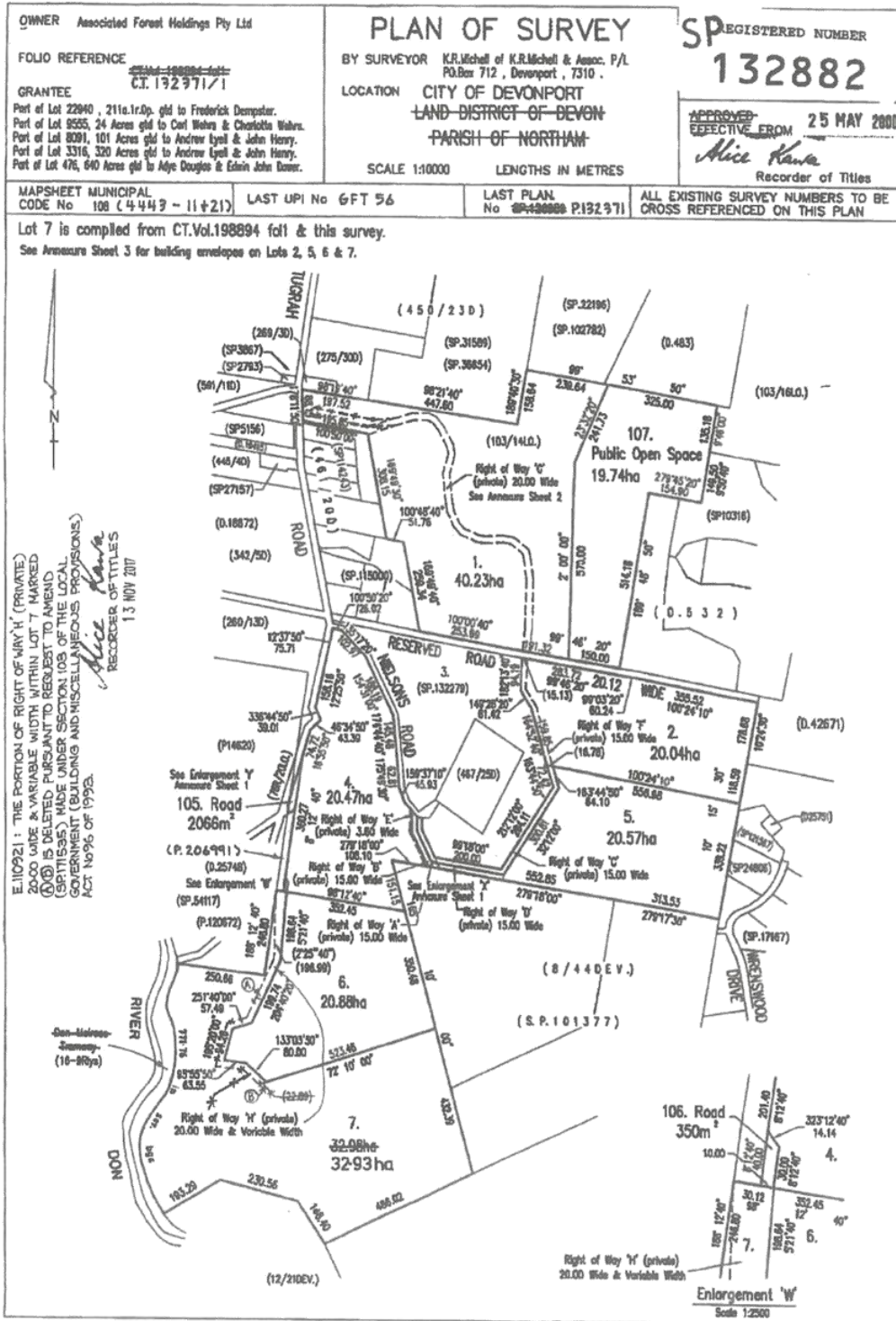
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

the **List**...**FOLIO PLAN**

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



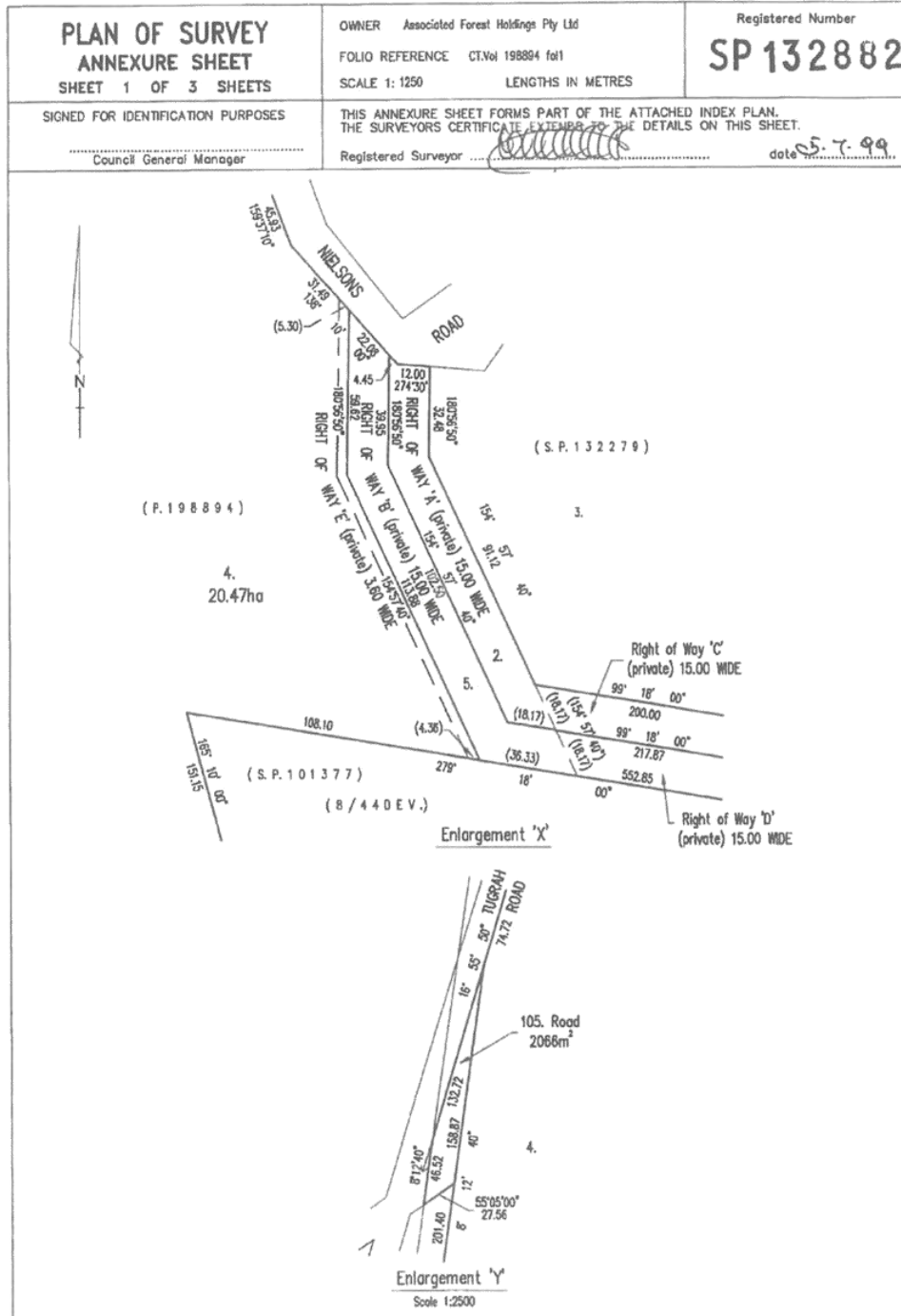


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## FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

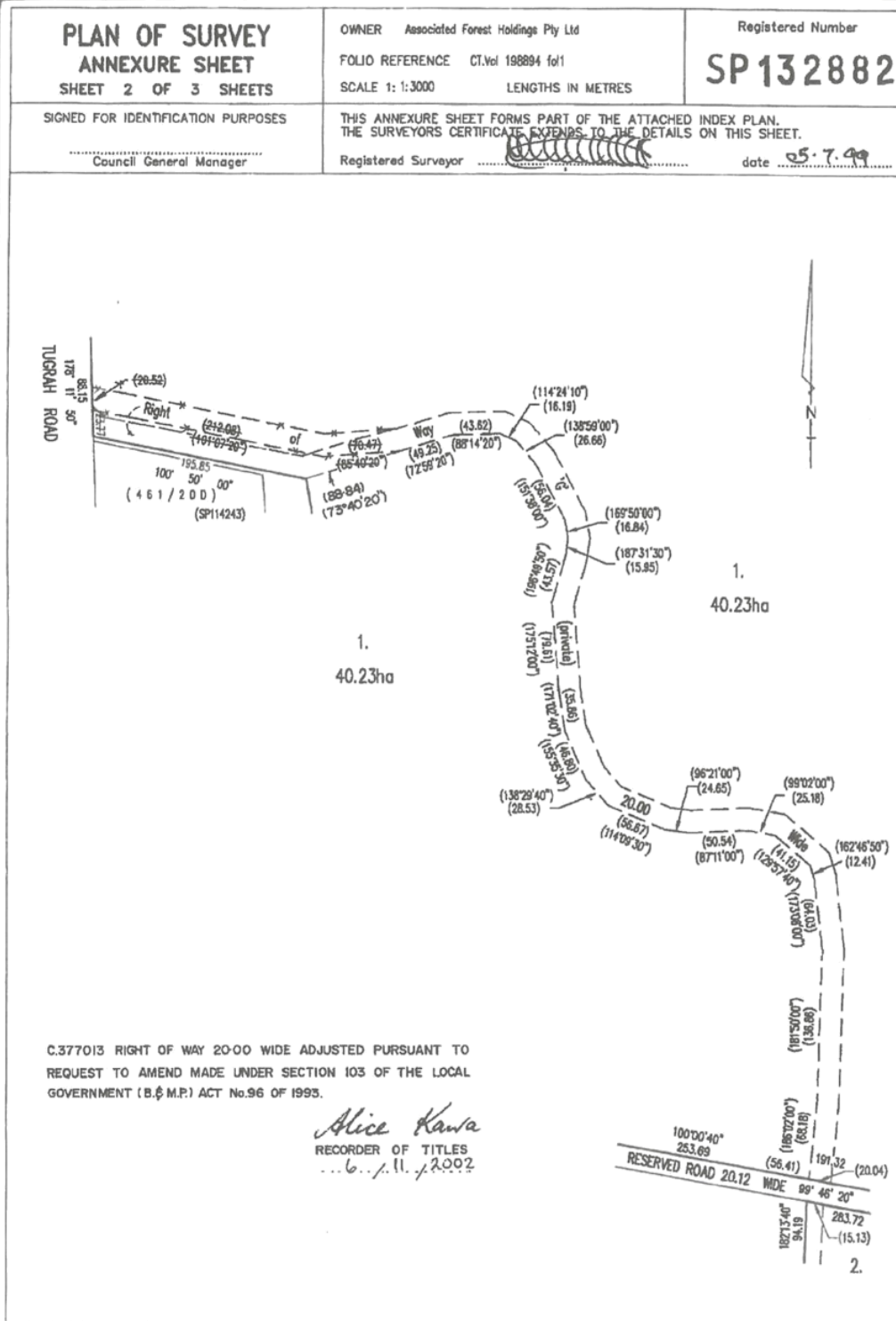


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## FOLIO PLAN

DEPUTY RECORDER OF TITLES

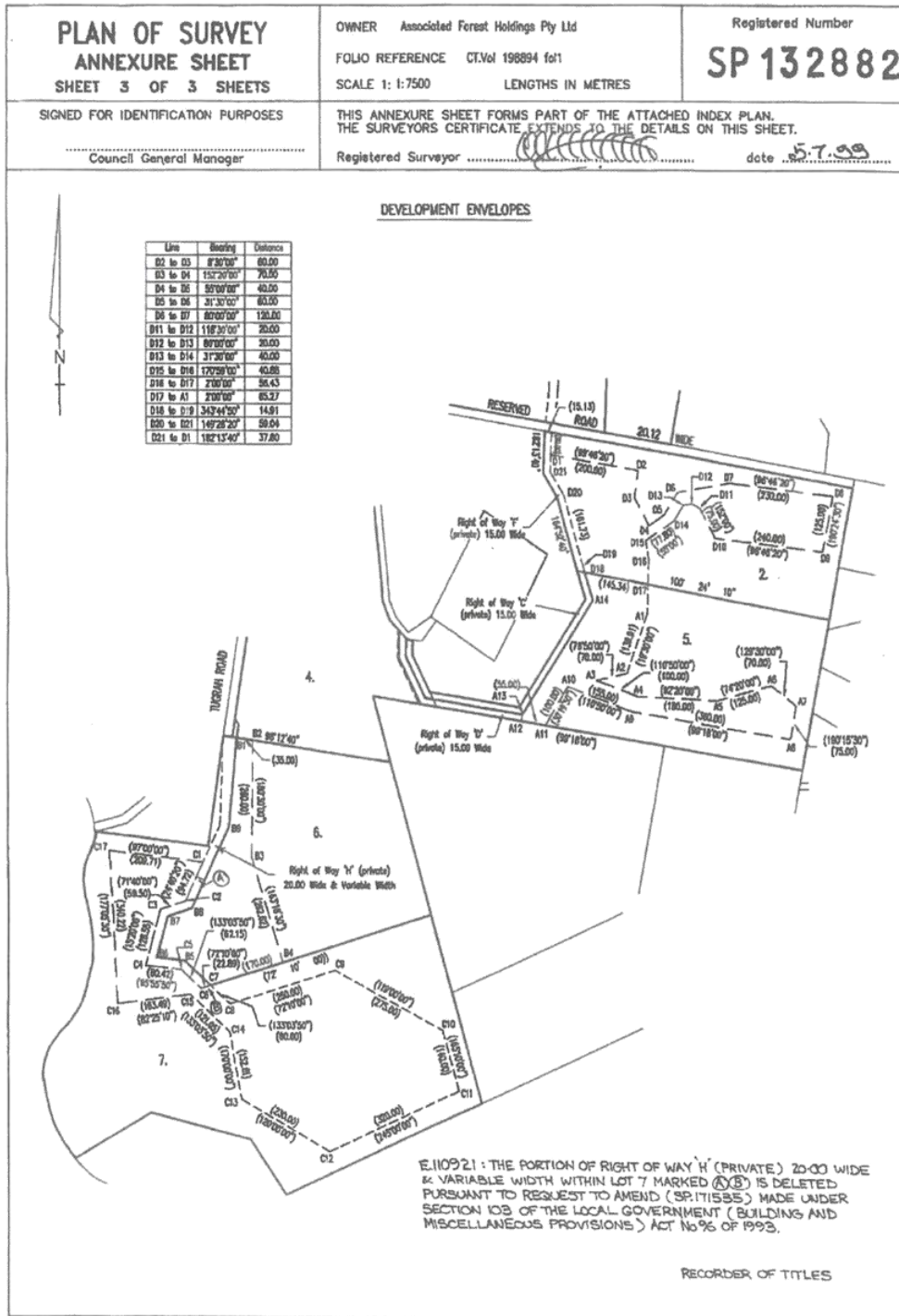
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the **List**...**FOLIO PLAN**

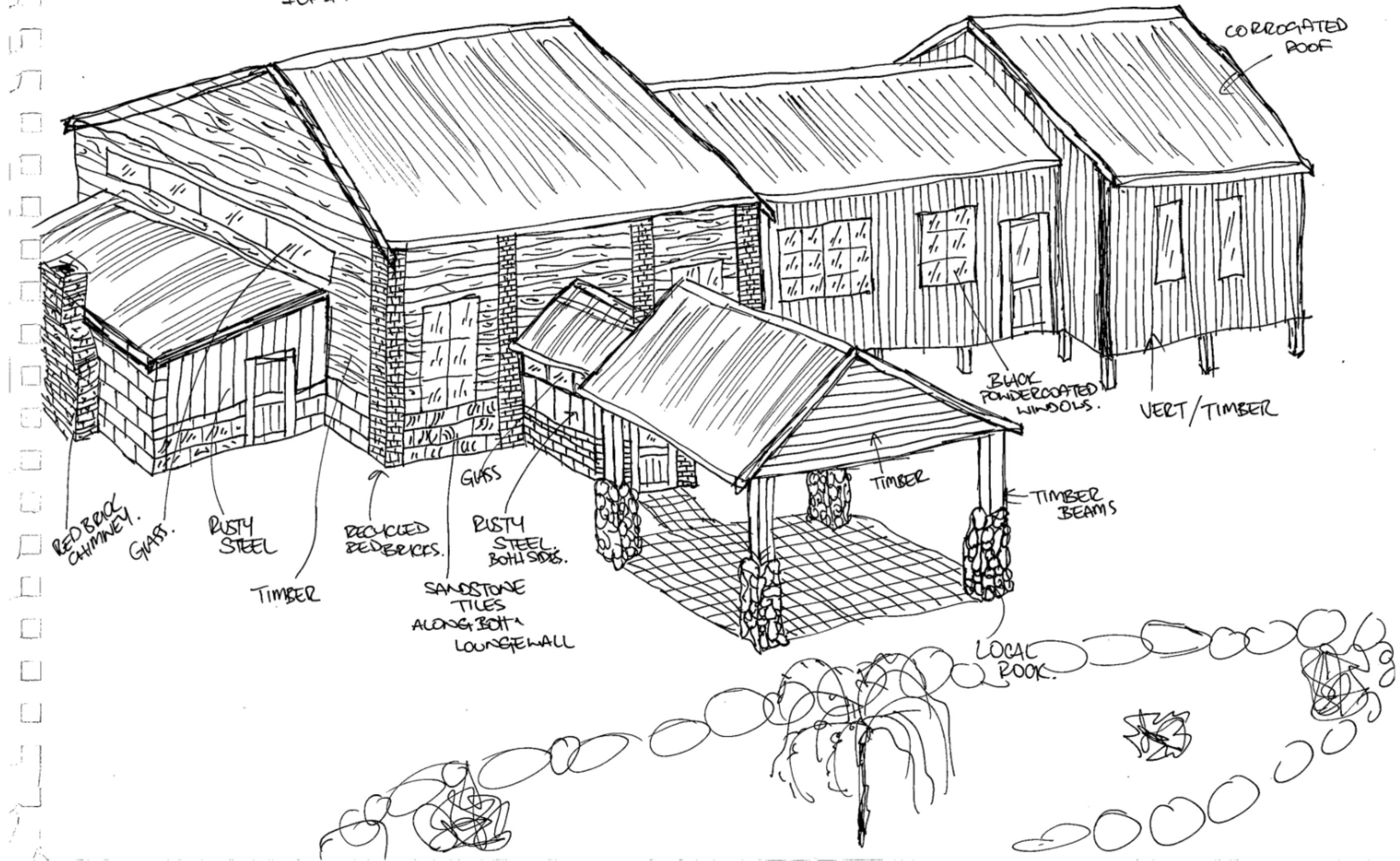
DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





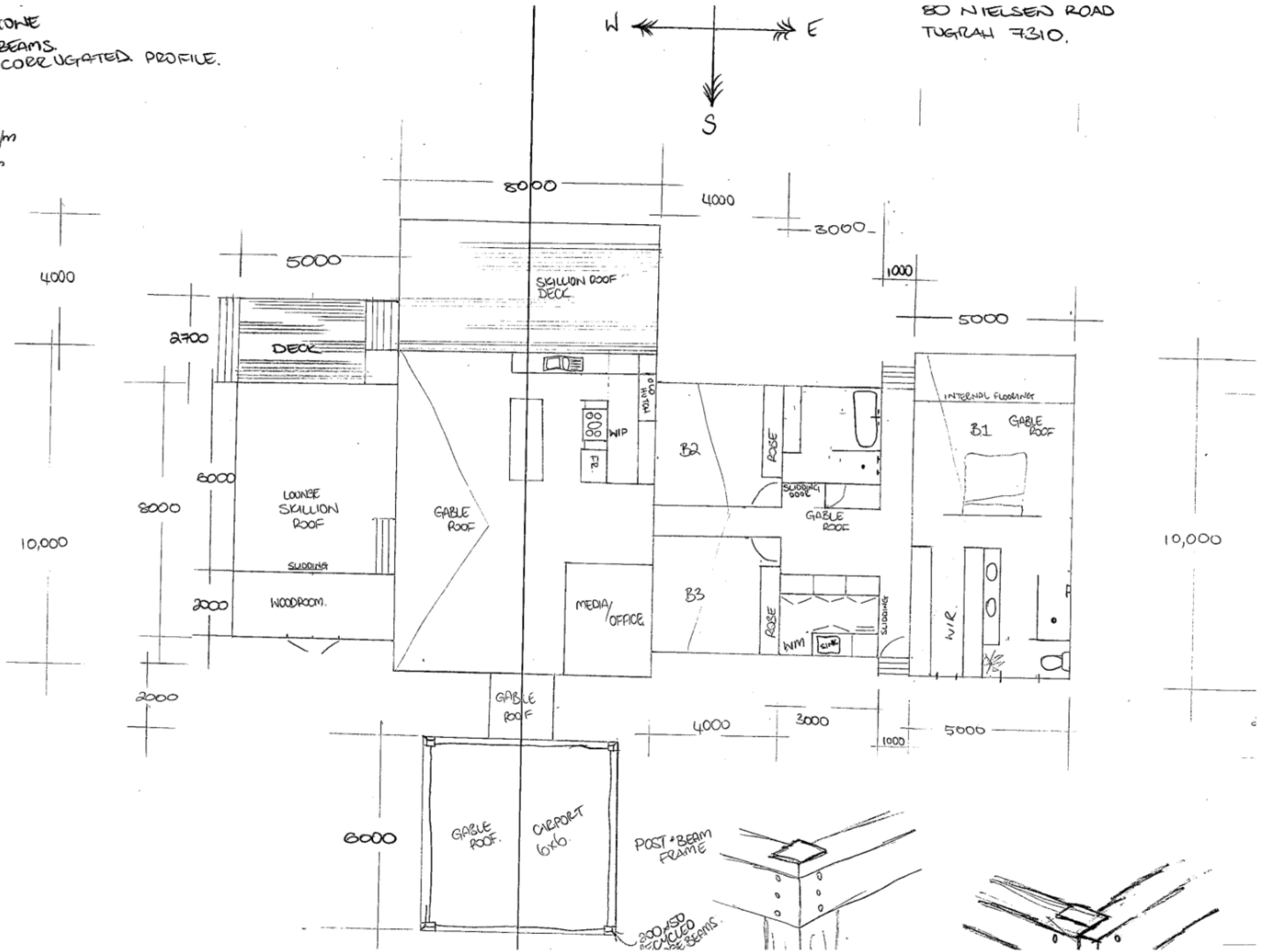
STEVE + SARAH CAIRNS  
80 NIELSEN ROAD  
TUGRAH 7310.  
1 of 1.





0 SANDSTONE  
BRIDGE BEAMS.  
2 ROOF CORRUGATED PROFILE.

241 s/m  
45.5 s/m  
36 s/m

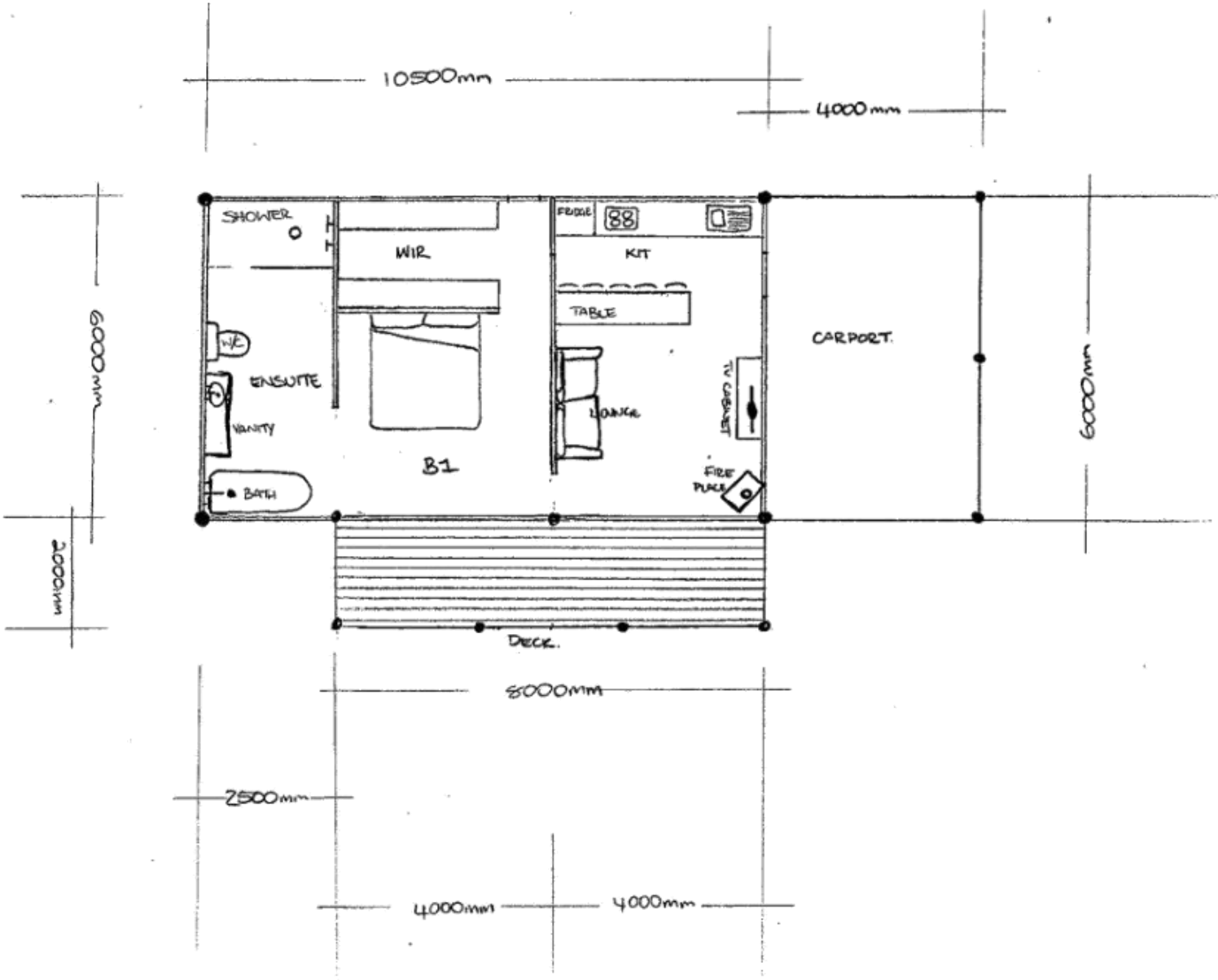


BED + BREAKFAST CABINS  
SCALE 1:100

STEVE-SARAH CAIRNS  
80 NIELSEN ROAD  
TUGRAH 7310

1 OF 2

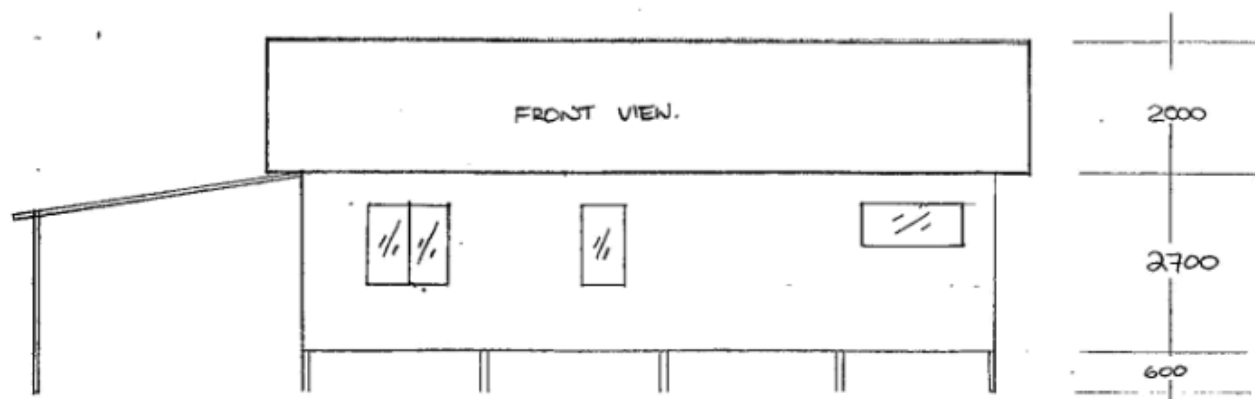
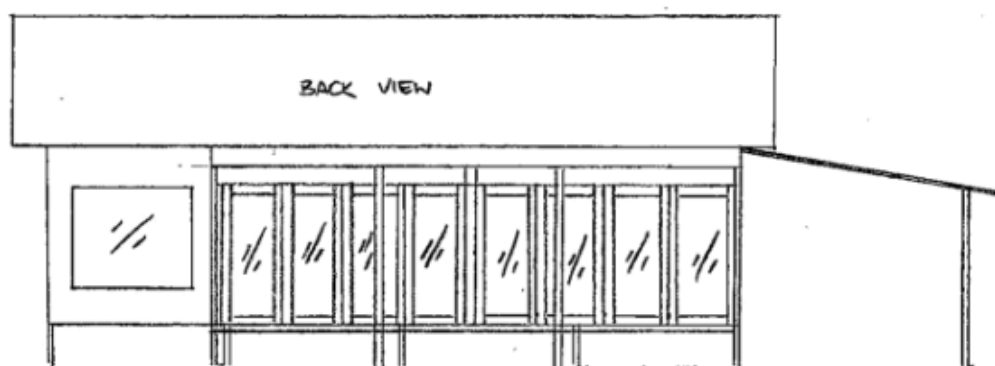
-TIMBER CLAD BALRATED  
-CORRUGATED ROOF (ZINC)



STEVE-SARAH CAIRNS  
80 NIELSEN ROAD  
TUGRAH 7310

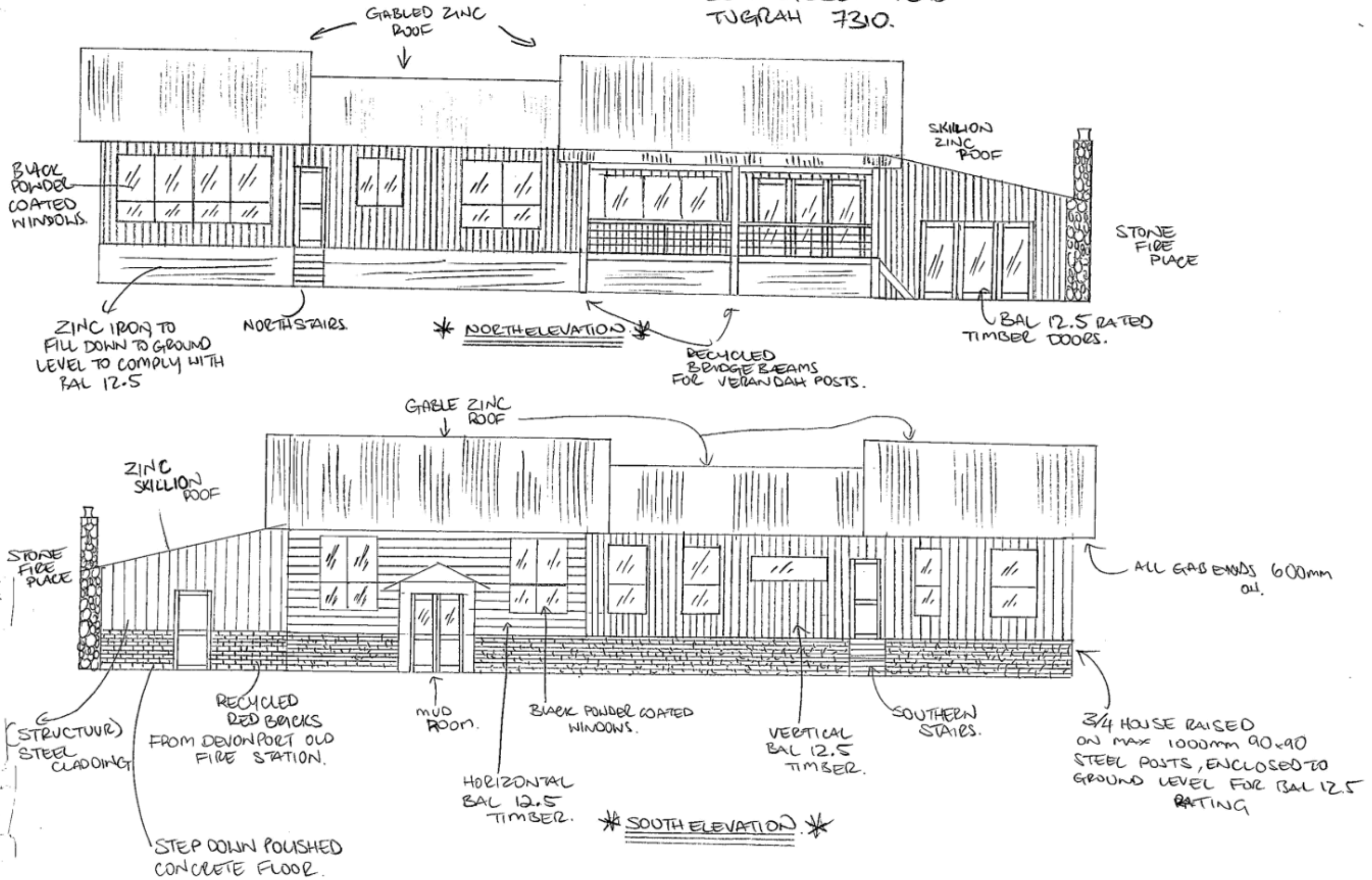
BED + BREAKFAST CABINS.  
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2 of 2.

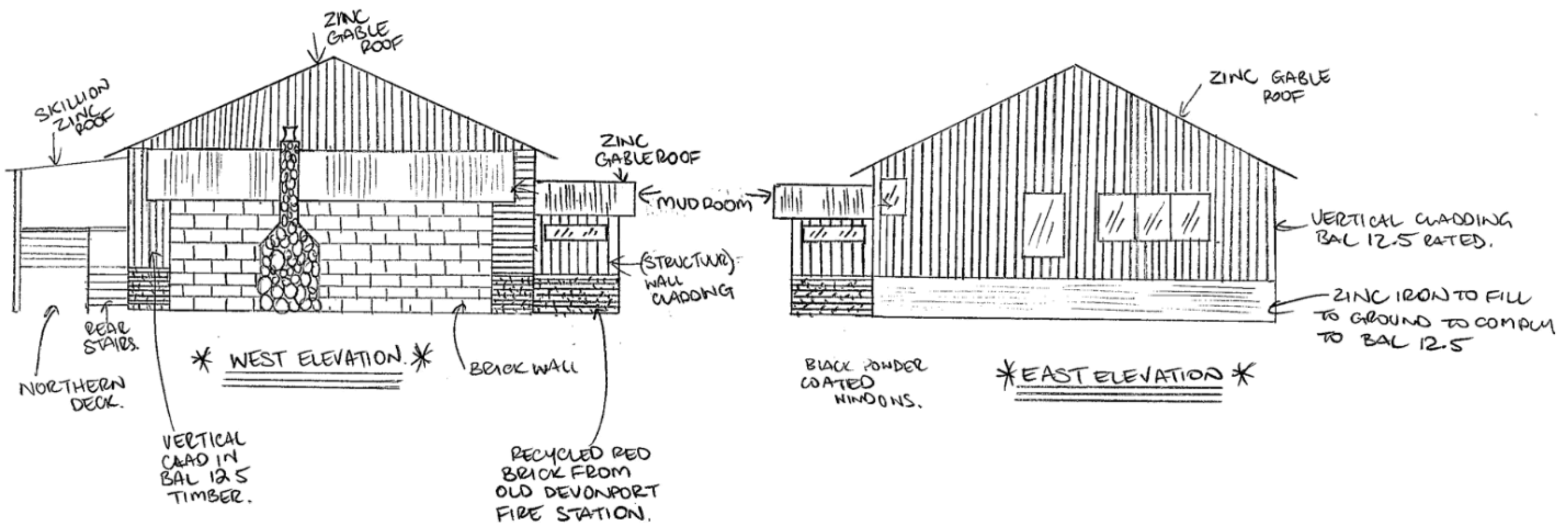




STEVE + SARAH CAIRNS  
80 NEILSEN ROAD  
TUGRAH 7310.



STEVE + SARAH CAIRNS  
80 NEILSEN ROAD  
TUGRAH 7310.  
2 OF 2.





## **SITE AND SOIL EVALUATION SUMMARY**

### **Client**

**Name** Steve & Sarah Cairns  
**Site Address** 80 (Lot 5) Nielson Road, Tugrah 7310  
**Postal Address** PO Box 96, Don 7310

### **Site and Soil Assessment**

**Soil Category** Category 4 (Loamy Clays)  
**Soil Permeability** 0.25 m/day  
**LTAR** 17 L/m<sup>2</sup>/day  
**Slope/Aspect** The disposal area has moderate slopes of 8 degrees with a sunny open & northerly aspect  
**Site Factors** The site is large with plenty of available room for wastewater disposal.

### **Wastewater System Design**

This report is for a proposed new 4 bedroom dwelling. The wastewater report has been based on 2 persons for the first bedroom and one person for every other room capable of being used as a bedroom, with each person generating up to 120L per day.

**This creates a total wastewater loading of: 5 x 120L = 600L per day.**

### **Disposal Method: Septic tank with absorption bed**

Install a new 3000L dual purpose septic tank and gravity feed the wastewater into a distribution box and two absorption trenches.

Each of the absorption trenches is to be 21m x 1m x 0.6m deep and is to be separated (downslope) by a minimum of 2m. (Note: if a better fit, three trenches 14m x 1m x 0.6m can be used)

See page 7 for specifications, page 8 for cross section diagram & page 10 for detailed site plan (wastewater disposal layout)

A second option (if preferred) is to treat the wastewater in an accredited Aerated Wastewater Treatment System (AWTS) and dispose of the wastewater via subsurface irrigation. The area required for disposal via irrigation is 175m<sup>2</sup>. Please contact SEAM for detailed layout and specifications if this second option is preferred.

**SEE FULL REPORT FOR FURTHER DETAILS**



## **SITE AND SOIL EVALUATION**

### **BACKGROUND**

Site and Soil Evaluation Reports must be submitted with all applications for on-site wastewater management systems. Suitably qualified persons such as – soil scientists, engineering geologists, engineers, environmental health officers or other persons must complete evaluation reports. Designers of the on-site wastewater systems are to use their professional judgement to determine if issues outlined in the Report are relevant or if additional information is required. Also designers are to consider applicable legislation, Codes and Standards in relation to the design of the system.

For further information on site evaluation please consult AS/NZS 1547 – 2012 on-site domestic wastewater management.

This report includes the necessary information for a SSE report.

### **REPORT**

Municipality	Devonport City Council
Location	80 (Lot 5) Nielsens Road, Tugrah 7310
Lot Area	20,000m <sup>2</sup>
Applicant	Steve & Sarah Cairns
Site Plan	see attached
Date of inspection	23 <sup>th</sup> June 2015
Date of this Report	3 <sup>rd</sup> July 2015
Water Supply	Tank Water – Design flow 600L/day

### **SITE INFORMATION**

#### **Topography and Drainage**

The property has moderate 8 degree slopes towards the north. Drainage appears good.

#### **Vegetation**

The area surrounding the proposed dwelling is now clear of vegetation. The remainder of the block is forest vegetation. See bushfire assessment report for further details.

#### **Land Use**

Residential

#### **Geology**

Tertiary Basalt – Geological Atlas 1:50,000 Devonport

**Climate**

Climate data for the site has been taken from the Australian Bureau of Meteorology web site. Mean monthly rainfall, and mean daily maximum temperature for each month has been taken directly from the Devonport weather station data. To allow for wetter than average weather, the adopted rainfall for each month has an additional 10% added to the mean. A summary of this climate information, as well as monthly retained rain, evapo-transpiration, and evapotranspiration less the retained rain is in the Trench 3™ assessment report. Trench 3™ uses this data when calculating the monthly water balance for the site, which helps determine the system sizing.

**Soils****Test Hole 1 (cutting)**

0 – 200mm	Orange Clay Loam (Cat 4)
200 – 1200mm	Brown Loamy Clay (Cat 4)

- AS 1547 Soil Category \_4\_ to be used for disposal
- Emerson Test No. \_8\_
- Soil permeability – Estimated permeability is 0.25m/day.
- LTAR = 17L / m<sup>2</sup> /day

**Groundwater**

Groundwater not encountered.

**Site Stability**

Not assessed.

**Existing Wastewater Management System**

No existing wastewater infrastructure



## Site Capability Issues for On-site Wastewater Management

### Sustainable Environmental Assessment and Management (SEAM)

Land suitability and system sizing for on-site wastewater management  
Trench 3.0 (Australian Institute of Environmental Health)

#### Site Capability Report

##### On-site wastewater assessment and design

Assessment for	Steve & Sarah Cairns	Assess. Date	03-Jul-15
	PO Box 36, Don 7310	Ref. No.	13068
Assessed site(s)	80 (Lot 5) Nielsens Road, Tugrah 7310	Site(s) inspected	23-Jun-15
Local authority	Devonport City Council	Assessed by	Jamie Wood

This report summarises data relating to the physical capability of the assessed site(s) to accept wastewater. Environmental sensitivity and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) site limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confid level	Limitation		Remarks
					Trench	Amended	
	Expected design area	sq m	20,000	V. high	Very low		
	Density of disposal systems	/sq km	3	Mod.	Very low		
	Slope angle	degrees	8	V. high	Low		
	Slope form	Straight simple		V. high	Low		
	Surface drainage	Good		High	Very low		
	Flood potential	Site floods < 1:100 yrs		Mod.	Very low		
	Heavy rain events	Infrequent		Mod.	Moderate		
	Aspect (Southern hemi.)	Faces N		V. high	Very low		
	Frequency of strong winds	Infrequent		High	Moderate		
	Wastewater volume	L/day	600	Mod.	Moderate	No change	
	SAR of septic tank effluent		2.8	Mod.	Moderate		
	SAR of sullage		2.5	Mod.	Moderate		
	Soil thickness	m	1.5	High	Very low		
	Depth to bedrock	m	2.0	Mod.	Low		
	Surface rock outcrop	%	0	V. high	Very low		
	Cobbles in soil	%	0	V. high	Very low		
	Soil pH		6.5	Guess	Very low		Other factors lessen impact
	Soil bulk density	gm/cub. cm	1.5	Guess	Low		
	Soil dispersion	Emerson No.	8	High	Very low		
	Adopted permeability	m/day	0.25	High	Very low		
	Long Term Accept. Rate	L/day/sq m	17	Mod.	Very low	Moderate	Other factors increase impact



## Environmental Sensitivity Issues for On-site Wastewater Management

### Sustainable Environmental Assessment and Management (SEAM)

Land suitability and system sizing for on-site wastewater management  
Trench 3.0 (Australian Institute of Environmental Health)

### Environmental Sensitivity Report On-site wastewater assessment and design

Assessment for Steve & Sarah Cairns  
PO Box 96, Don 7310  
Assessed site(s) 80 (Lot 5) Nielsens Road, Tugrah 7310  
Local authority Devonport City Council

Assess. Date 03-Jul-15  
Ref. No. 13068  
Site(s) inspected 23-Jun-15  
Assessed by Jamie Wood

This report summarises data relating to the environmental sensitivity of the assessed site(s) in relation to applied wastewater. Physical capability and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confid level	Limitation		Remarks
					Trench	Amended	
A	Cation exchange capacity	mmol/100g	45	Mod.	High		
	Phos. adsorp. capacity	kg/cub m	0.7	Mod.	Moderate		Other factors lessen impact
	Annual rainfall excess	mm	212	High	Low		
	Min. depth to water table	m	2	High	Low		
	Annual nutrient load	kg	6.2	Guess	Low		
	G/water environ. value	Agric sensit/dom irrig		High	Moderate		
	Min. separation dist. required	m	5	High	Very low		
	Risk to adjacent bores						Factor not assessed
	Surf. water env. value	Agric sensit/dom drink		High	Moderate		
	Dist. to nearest surface water	m	200	High	Moderate		Other factors lessen impact
	Dist. to nearest other feature	m	100	High	Low		
	Risk of slope instability	Very low		High	Very low		
	Distance to landslip	m	500	High	Very low		

Cation exchange capacity has been noted.



## Assessment Report from Trench 3™ modelling program

### Sustainable Environmental Assessment and Management (SEAM)

Land suitability and system sizing for on-site wastewater management

Trench 3.0 (Australian Institute of Environmental Health)

### Assessment Report

#### On-site wastewater assessment and design

Assessment for	Steve & Sarah Cairns	Assess. Date	03-Jul-15
	PO Box 96, Don 7310	Ref. No.	13068
Assessed site(s)	80 (Lot 5) Nielsens Road, Tugrah 7310	Site(s) inspected	23-Jun-15
Local authority	Devonport City Council	Assessed by	Jamie Wood

This report summarises wastewater volumes, climatic inputs for the site, soil characteristics and system sizing and design issues. Site Capability and Environmental sensitivity issues are reported separately, where 'Alert' columns flag factors with high (A) or very high (AA) limitations which probably require special consideration for system design(s). Blank spaces on this page indicate data have not been entered into TRENCH.

#### Wastewater Characteristics

Wastewater volume (L/day) used for this assessment = 600 (using the 'No. of bedrooms in a dwelling' method)  
 Septic tank wastewater volume (L/day) = 200  
 Sullage volume (L/day) = 400  
 Total nitrogen (kg/year) generated by wastewater = 4.3  
 Total phosphorus (kg/year) generated by wastewater = 1.9

#### Climatic assumptions for site

(Evapotranspiration estimated using mean max. daily temperatures)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean rainfall (mm)	38	57	51	83	108	91	126	109	81	86	57	69
Adopted rainfall (R, mm)	42	63	56	91	119	100	139	120	89	95	63	76
Retained rain (Rr, mm)	36	54	48	77	101	85	118	102	76	81	54	65
Max. daily temp. (deg. C)	21	22	20	18	15	13	12	12	14	16	17	19
Evapotrans (ET, mm)	78	69	62	53	43	47	45	45	50	60	61	71
Evapotrans less rain (mm)	42	15	14	-25	-58	-38	-74	-51	-25	-21	8	6
Annual evapotranspiration less retained rain (mm) = -212												

#### Soil characteristics

Texture = Loamy Clay Category = 4 Thick. (m) = 1.5  
 Adopted permeability (m/day) = 0.25 Adopted LTAR (L/sq m/day) = 17 Min depth (m) to water = 2

#### Proposed disposal and treatment methods

Proportion of wastewater to be retained on site: All wastewater will be disposed of on the site  
 The preferred method of on-site primary treatment: In dual purpose septic tank(s)  
 The preferred method of on-site secondary treatment: In-ground  
 The preferred type of in-ground secondary treatment: Trench(es)  
 The preferred type of above-ground secondary treatment: None  
 Site modifications or specific designs: Not needed

#### Suggested dimensions for on-site secondary treatment system

Total length (m) = 41  
 Width (m) = 1  
 Depth (m) = 0.6  
 Total disposal area (sq m) required = 280  
 comprising a Primary Area (sq m) of: 140  
 and a Secondary (backup) Area (sq m) of: 140

Sufficient area is available on site

See report for full details



**Wastewater System Design**

This report is for a proposed new 4 bedroom dwelling. The wastewater report has been based on 2 persons for the first bedroom and one person for every other room capable of being used as a bedroom, with each person generating up to 120L per day.

**This creates a total wastewater loading of: 5 x 120L = 600L per day.**

**Disposal Method: Septic tank with absorption bed**

Install a new 3000L dual purpose septic tank and gravity feed the wastewater into a distribution box and two absorption trenches.

Each of the absorption trenches is to be 21m x 1m x 0.6m deep and is to be separated (downslope) by a minimum of 2m. (Note: if a better fit, three trenches 14m x 1m x 0.6m can be used)

See page below for specifications, page 8 for cross section diagram & page 10 for detailed site plan (wastewater disposal layout)

**Specifications**

- New 3000L dual purpose septic tank to be installed
- A distribution box will be required to distribute the wastewater into the two trenches
- 350mm trench arch to be used in the absorption trenches
- The base of the trenches are to be level
- The trenches are to be excavated parallel to the contours of the land
- Avoid compaction and smearing of the base and walls of the trenches
- A surface water cut off drain is to be installed above the trenches
- Disposal area to be kept free of vehicular access

**Notes:**

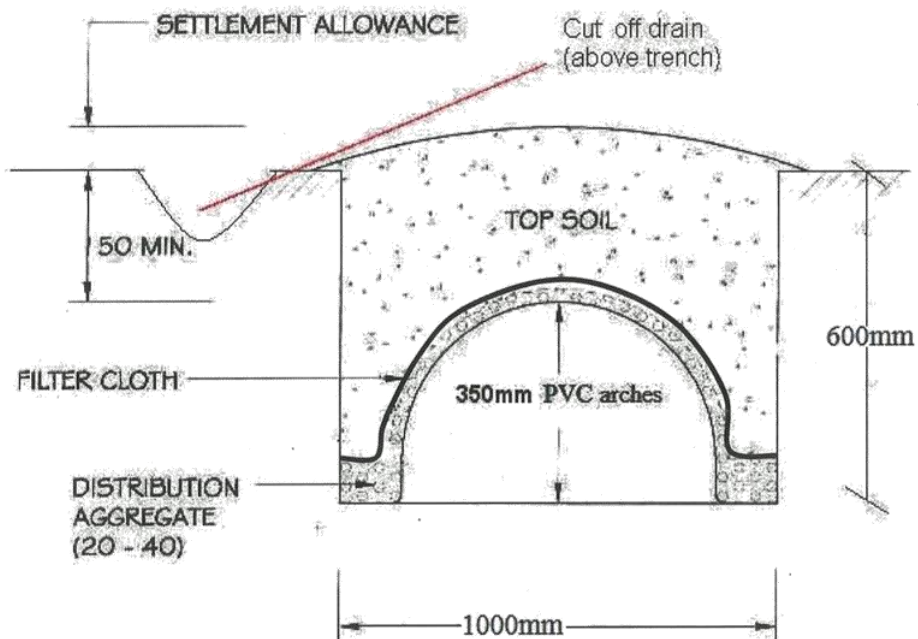
- If the soil varies significantly than that illustrated in this report please contact the designer immediately
- If bedrock is encountered during the excavation of the beds the designer is to be contacted immediately
- If ground water is encountered during the excavation of the beds the designer is to be contacted immediately



Cross Section Diagram



AS/NZS 1547:2000



Self-Supporting Arch Trench



Location Plan



House Location



**Attachments: Form 35B**

I/We authorise the Devonport City Council to make copies of the report for internal office use. Attached with the report or included with the application are original copies of all required certifications from suitably qualified persons.

The design of this on-site wastewater system is suitable for the property referred to in this report and the application.

**DESIGNER**

**DESIGNED & REVIEWED BY:** James Wood

**NAME OF ORGANISATION:**

Sustainable Environmental Assessment and Management  
(SEAM)

**ADDRESSES**

**Postal:** PO Box 2064, Lower Sandy Bay, TAS 7005  
**Main Office:** 160 New Town Road, New Town, TAS 7008.  
**Devonport Office:** 55 Best St, Devonport, TAS 7310

**CONTACT DETAILS:**

**Ph:** (03) 6228 1600  
**Fax:** (03) 6228 1700  
**Mob:** 0419 330 686

**SIGNED:**  **DATE:** 3<sup>rd</sup> July 2015

**CERTIFICATE OF THE RESPONSIBLE DESIGNER  
(PLUMBING WORK)****Section  
80(1)(b)****Form  
35B**

To:  Owner name  
 Address  
  Suburb/postcode

**Designer details:**

Name:  Category:   
 Business name:  Phone No:   
 Business address:    
  Fax No:   
 Accreditation or Licence No:  Email address:

**Details of the proposed work:**

Owner/Applicant:  Designer's project reference No:   
 Address:  Lot No:   
   
 Type of work:

**Description of the Design Work (Scope, limitations or exclusions):**

Deemed-to-Satisfy: <input checked="" type="checkbox"/>	Alternative Solution: <input type="checkbox"/> (tick <input checked="" type="checkbox"/> the appropriate box)
<b>On site wastewater assessment and design</b>	
<p>The responsibility for the installation rests with the owner and their agent. An as constructed drawing of system to be provided on completion. There are many factors affecting the successful operation of an on-site wastewater system and it is likely that at some time in the future additional work may be required to maintain the system operational and nuisance free.</p>	

**Design documents provided:**

The following documents are provided with this Certificate –

Document description:

Drawing numbers:	Prepared by: Steve Cairns	Date: 2015 undated
Schedules: SSE	Prepared by: SEAM	Date: 3/7/15
Specifications: SSE	Prepared by: SEAM	Date: 3/7/15
Computations: SSE	Prepared by: SEAM	Date: 3/7/15



Alternative solution proposals:	Prepared by:	Date:
Test reports:	Prepared by:	Date:

<b>Standards, codes or guidelines relied on in design process:</b>	
National Construction Code (NCC)	
Building Code of Australia 2014 – 2.6, 3.12	
AS 1547: 2012	
Trench 3 software	

<b>Any other relevant documentation:</b>	

<b>Attribution as designer:</b>	
<p>I <u>Jamie Wood</u>..... being a licenced plumber-practitioner-certifier or an accredited building practitioner am responsible for the design of that part of the plumbing work or plumbing installation as described in this certificate;</p> <p>The documentation relating to the design includes sufficient information for the assessment of the work in accordance with the <i>Building Act 2000</i> and sufficient detail for the plumber or builder to carry out the work in accordance with the documents and the Act;</p> <p>This certificate confirms compliance of this design with the requirements of the Plumbing Code of Australia (PCA) and is evidence of suitability under Clause A2.2 of the PCA.</p>	

Designer:	Signed: 	Date: 15/7/15
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4 June 2019

General Manager  
Devonport City Council  
PO Box 604  
DEVONPORT TAS 7310

Dear Sir

**PA2019.0072 – APPLICATION FOR PLANNING PERMIT: 80 NIELSENS ROAD, TUGRAH**

We write to object to the above planning permit application for the following reasons:

***Traffic impact upon existing residents***

Nielsens Road is a steep, narrow, winding road which is already a safety concern for residents using it. It is not uncommon to have to pull over on to the verge of the road in order to let oncoming traffic through. There are sections of the road where this is not possible to do, and drivers need to reverse out of the way in order to let someone pass. This is dangerous enough for residents who are aware of their neighbours, but tourists and visitors do not have the knowledge that the locals do and would pose an even greater risk. Also, they are not aware of existing driveways etc. to know where to slow down in case of a car entering onto Nielsens Road.

The road would require widening to accommodate extra traffic of this nature, which would be the responsibility of the Council.

***Access road between top of Nielsens Road to Kevin Lynd's property***

This is a shared access road between ourselves, Kevin Lynd and Steve & Sarah Cairns. Currently the upkeep of this road is also shared between these parties. Would the Council be taking on the upkeep of this road, as we would not be paying for maintenance due to extra wear and tear by visitors.

***Property boundaries***

The boundaries between 80 Nielsens Road and our properties (56 Nielsens Road and 82 Nielsens Road) would need to be surveyed and clearly defined and marked to ensure visitors did not enter and wander around on our properties.

Our home has already been broken into in the past year and we would not be at all comfortable with knowing there are strangers wandering around between the properties. We have enough encounters with strangers/tourists driving into, and around on our property at random times day and night. This would only be made more likely with tourists trying to locate this accommodation in our remote area.

-2-

***Existing Dwelling***

To the best of our knowledge, and the details of this planning application, the existing dwelling and its services have not even been approved by either the Planning department or the Building department of the Council. The house was not built by an accredited builder, nor inspected for compliance during its construction. Also, the plans submitted in this application have not been prepared by an accredited building designer/architect, so would these buildings be as ad hoc as the current one, or would they be built to the same standards as everyone else has to adhere to? Also, what would become of the existing, non-accredited building? Would this also become part of the proposed accommodation set up?

***Building Envelope***

How do the applicants even know where their building envelope is, if they have not been through the proper planning approval process to build their existing dwelling? Would their proposed development even be inside of these boundaries?

***Services, i.e. Power & Phone Lines***

We would not give permission for any of these services to be run over or through either of our properties.

Yours faithfully,

Craig & Tracie Nielsen  
56 Nielsens Road  
TUGRAH TAS 7310

PO Box 962  
DEVONPORT TAS 7310

Mobile No's: 0409 335 589 (Craig)  
0418 700 517 (Tracie)

## 4.2 PA2019.0067 BULKY GOODS SALES (TRADE STORE) - 19-23 DON ROAD DEVONPORT

File: 36144 D589966

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### PURPOSE

The purpose of this report is to enable the Planning Authority to make a decision regarding planning application PA2019.0067.

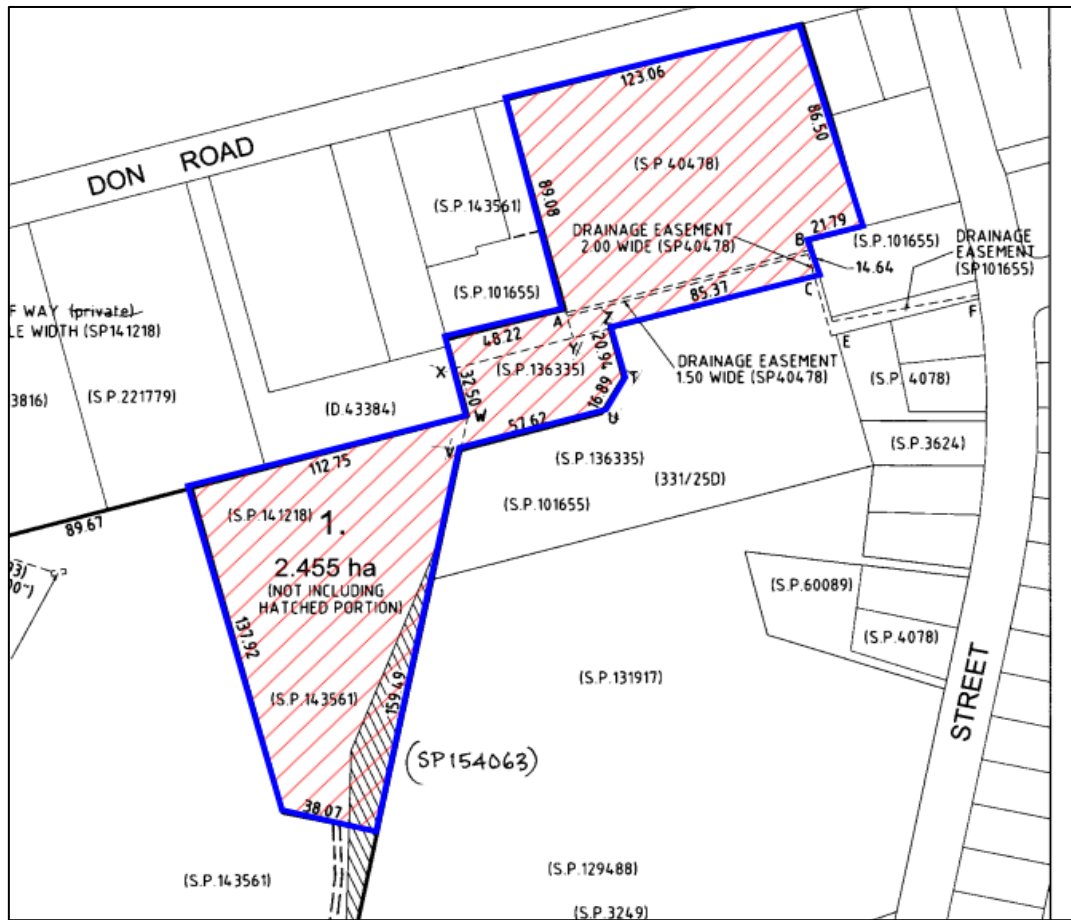
### BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Starbox Architecture
Owner:	HTH Stores Pty Ltd
Proposal:	Bulky Goods Sales (Trade Store)
Existing Use:	Bulky Goods Sales
Zoning:	Commercial
Decision Due:	02/07/2019

### SITE DESCRIPTION

The site is a 2.455ha lot situated on the southern side of Don Road, Devonport. Located on the site is a hardware and trade outlet trading as Becks Mitre 10. The property encompasses various buildings which include the hardware store and numerous trade and storage buildings. On-site parking is primarily provided adjacent to the Don Road frontage with further parking available next to the existing trade store located on the south-west section of the site. The site is surrounded by light industry uses to the east and west with residential development to the south.

Figure 1 as shown is the property's title plan and Figure 2 is an aerial image of the site and surrounding locality.



**Figure 1 - Title Plan of subject site (The List, 2008)**



**Figure 2 – Aerial image of subject site and surrounding locality (DCC, 2019)**

The applicant is seeking approval to construct a new trade store east of the main hardware building along with supporting advertising signage. Also proposed is minor works to the existing hardware building by virtue of a roof addition to the south of the existing nursery. The trade store is proposed to comprise a floor area of 1,509m<sup>2</sup> and will enable vehicles to drive through and pick up goods. The applicant has stated that the existing main trade building on the south-west section of the property will not be operational after the construction of the new store.

[illegible]

## ITEM 4.2





Figure 4 - Don Road Elevation (Starbox Architecture, 2019)

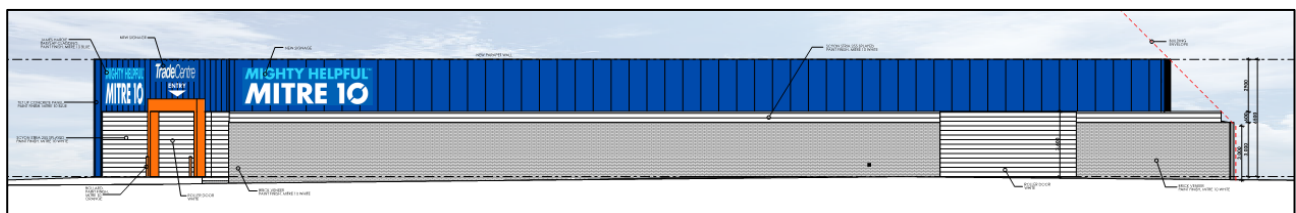


Figure 5 - West Elevation (Starbox Architecture, 2019)

## PLANNING ISSUES

The land is zoned Commercial under the *Devonport Interim Planning Scheme 2013 (DIPS)*. The purpose of the zone is to "to provide for large floor area retailing and service industries."

The most appropriate use classification for the trade storage is Bulky Goods Sales. This use is defined under the DIPS as:

*"use of land for the sale of heavy or bulky goods which require a large area for handling, storage and display. Examples include garden and landscape suppliers, rural suppliers, timber yards, trade suppliers, showrooms for furniture, electrical goods and floor coverings, and motor vehicle, boat or caravan sales."*

Within the Commercial zone, Bulky Goods Sales is classified as permitted subject to the use and development not being for the retail sale of foodstuffs or clothing. This is met as the development is for a trade store.

To determine if the application can be assessed as permitted, the use and development is required to satisfy the acceptable solutions within the Commercial zone and any applicable development Code (including exemptions). The Planning Authority must approve a permitted development, however conditions on the permit can be applied as necessary.

If a development is permitted but cannot satisfy the acceptable solutions of a use or development standard prescribed within the DIPS, the discretionary approval process is invoked. A discretionary planning application is required to be publicly advertised and the Planning Authority can approve or refuse a discretionary application. Reliance is placed



on the performance criteria of the particular development standard where the acceptable solution is not satisfied to determine if a permit pathway is achievable.

The relevant zone and applicable code standards are reproduced along with comments.

The only discretionary component of the application is the proposed advertising signage associated with the trade store. This matter is further discussed under the Sign Code section of this report.

## Commercial zone

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

#### Objective:

The minimum properties of a site and of each lot on a plan of subdivision are to –

- (a) provide a suitable development area for the intended use;
- (b) provide access from a road; and
- (c) make adequate provision for connection to a water supply and for the drainage of sewage and stormwater

#### Acceptable Solutions

##### A1

A site or each lot on a plan of subdivision must –

- (a) have a site area of not less than 1,000m<sup>2</sup> excluding any access strip; and
- (b) if intended for a building, contain a building area of not less than 500m<sup>2</sup> –
  - (i) clear of any applicable setback from a frontage, side or rear boundary;
  - (ii) clear of any applicable setback from a zone boundary;
  - (iii) clear of any registered easement;
  - (iv) clear of any registered right of way benefiting other land;
  - (v) not including land required as part of access to the site;
  - (vi) accessible from a frontage or access strip; and
  - (vii) clear of any area required for the on-site disposal of sewage or stormwater

#### Performance Criteria

##### P1

A site or each lot on a plan of subdivision must be of sufficient area for the intended use or development without likely constraint or interference for –

- (a) erection of a building if required by the intended use;
- (b) access to the site;
- (c) use or development of adjacent land;
- (d) a utility; and
- (e) any easement or lawful entitlement for access to other land;

The site has an area greater than 1,000m<sup>2</sup> and the building area is in excess of the requirements prescribed in 23.4.1 A1 (b). The acceptable solution is satisfied.

Report to Planning Authority Committee meeting on 1 July 2019

<p><b>A2</b></p> <p>A site or each lot on a subdivision plan must have a separate access from a road –</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 10.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p><b>P2</b></p> <p>(a) A site must have a reasonable and secure access from a road provided –</p> <p>(i) across a frontage; or</p> <p>(ii) by an access strip connecting to a frontage, if for an internal lot; or</p> <p>(iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(iv) the dimensions of the frontage and any access strip or the right-of-way must be adequate for the type and volume of traffic likely to be generated by –</p> <p>a. the intended use; and</p> <p>b. the existing or potential use of any other land which requires use of the access as the means of access for that land; and</p> <p>(v) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or</p> <p>(b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan.</p>
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The site will utilise the existing access arrangements. Council's City Infrastructure and Works Department is satisfied with the existing access arrangements and the acceptable solution is satisfied.

<p><b>A3</b></p> <p>A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i></p>	<p><b>P3</b></p> <p>It must be unnecessary to require a water supply</p>
---	--

The site is connected to an existing reticulated water supply. The acceptable solution is satisfied.

<p><b>A4</b></p> <p>A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and waste water to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i></p>	<p><b>P4</b></p> <p>It must be unnecessary to require the drainage and disposal of sewage or waste water</p>
--	--

The acceptable solution is satisfied as the site is connected to an existing reticulated sewer system.

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

#### 23.4.2 Location and configuration of development

<b>Objective:</b>  The location and configuration of development is to – <ul style="list-style-type: none"> <li>(a) provide for the efficient use of land;</li> <li>(b) provide for buildings, service activity and vehicle parking to accommodate bulky goods, large format retailing and service industry use;</li> <li>(c) assist to attenuate likely impact on amenity of use on adjacent land</li> </ul>	
Acceptable Solutions	Performance Criteria
<b>A1.1</b>  A building is not required to setback from a frontage or boundary unless – <ul style="list-style-type: none"> <li>(a) the development is on land that abuts a road specified in the table to this clause, in which case the setback must be as specified from that road; or</li> <li>(b) there is a building area shown on a sealed plan, in which case the building must be setback from the frontage and from each side or rear boundary so as to be contained within the building area.</li> </ul> <b>A1.2</b>  Where a building is setback from a road the area between a building and the frontage must be landscaped and treated to assist screening of development from the road by – <ul style="list-style-type: none"> <li>(a) retention, replacement, or provision of trees or plantings of a type consistent with the established vegetation character of adjacent land;</li> <li>(b) provision of screening devices such as earth mounds and fencing; or</li> <li>(c) combination of (a) and (b).</li> </ul>	<b>P1</b>  The setback of a building must – <ul style="list-style-type: none"> <li>(a) be consistent with prevailing frontage setbacks for any existing and approved building on the site or on adjacent land from the frontage to a road identified in the table to this clause;</li> <li>(b) provide a transitional space between the road and any industrial use on the site sufficient to buffer or screen the site to view from a road; and</li> <li>(c) provide measures to attenuate visual impact of the site.</li> </ul>

The acceptable solution of this standard is met as there is existing landscaping and car parking between the proposed trade store and the Don Road frontage.

<b>A2</b>  Building height must not be more than 10.0m	<b>P2</b>  Building height must – <ul style="list-style-type: none"> <li>(a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling;</li> <li>(b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;</li> <li>(c) be consistent with the streetscape;</li> <li>(d) respond to the effect of the slope and orientation of the site</li> </ul>
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The maximum building height of the trade store is approximately 7m which is under the acceptable 10m height threshold. The acceptable solution is met.

**23.4.3 Setback from zone boundaries**

<b>Objective:</b>	
Use or development of land adjoining land in another zone is to minimise –	
(a) likelihood for conflict, interference, and constraint between the use or development of land in the zone and sensitive use of land in an adjoining zone; and	
(b) unreasonable impact on the amenity of use on land beyond the boundaries of the zone	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
Development must –	The location of development must –
(a) be setback from the boundary of land in an adjoining zone by not less than the distance for that zone as shown in the Table to this Clause	(a) minimise likelihood for conflict, constraint or interference from sensitive use on land in an adjoining zone; and
(b) not include within the setback area required from a boundary to land in a zone shown in the Table to this Clause –	(b) minimise likely impact on the amenity of the sensitive use on land in an adjoining zone
(i) a building or work;	
(ii) vehicular or pedestrian access from a road if the boundary is not a frontage;	
(iii) vehicle loading or parking area;	
(iv) an area for the display, handling, operation, manufacturing, processing, servicing, repair, or storage of any animal, equipment, goods, plant, materials, vehicle, or waste;	
(v) an area for the gathering of people, including for entertainment, community event, performance, sport or for a spectator facility;	
(vi) a sign orientated to view from land in another zone; or	
(vii) external lighting for operational or security purposes; and	
(c) a building with an elevation to a zone boundary to which this clause applies must be contained within a building envelope determined by –	
(i) the setback distance from the zone boundary as shown in the Table to this Clause; and	
(ii) projecting upward and away from the zone boundary at an angle of 45° above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary; and	
(d) the elevation of a building to a zone boundary must not contain an external opening other than an emergency exit, including a door, window to a habitable room, loading bay, or vehicle entry	

**Table to Clause 23.4.3 A1**

<b>Adjoining Zone</b>	<b>Setback (m)</b>
General Residential	4.0
Rural Living	10.0
Environmental Living	10.0
Urban Mixed Use	4.0
Community Purpose	5.0



The map displays the following lot numbers and street names:

- Streets:** Nixon Street, Don Road, Lovett Street.
- Commercial Zone (Blue):** 3, 16, 46-48, 44, 42, 40, 38, 30-32, 27-29, 31-33, 25, 19-23, 33A, 35, 39.
- General Residential Zone (Red):** 15-17, 13, 11, 9, 1, 122, 120, 3/8, 2/8, 1/8, 6/8, 4/8, 5/8, 12, 16, 14, 18, 20, 22, 30, 26, 2/28, 1/28, 32, 21, 23, 25, 27, 8, 7, 9, 13, 15, 17, 19, 21, 23, 25, 27.

The trade store is setback 4m to the southern side boundary and no storage area or vehicle parking is situated within the prescribed 4m setback requirement. In addition, the building has been purposely designed to fit within the acceptable 3-dimensional building envelope. The rear section of the western elevation of the trade store is reproduced as Figure 7 highlighting compliance. The acceptable solutions of this development standard are satisfied.

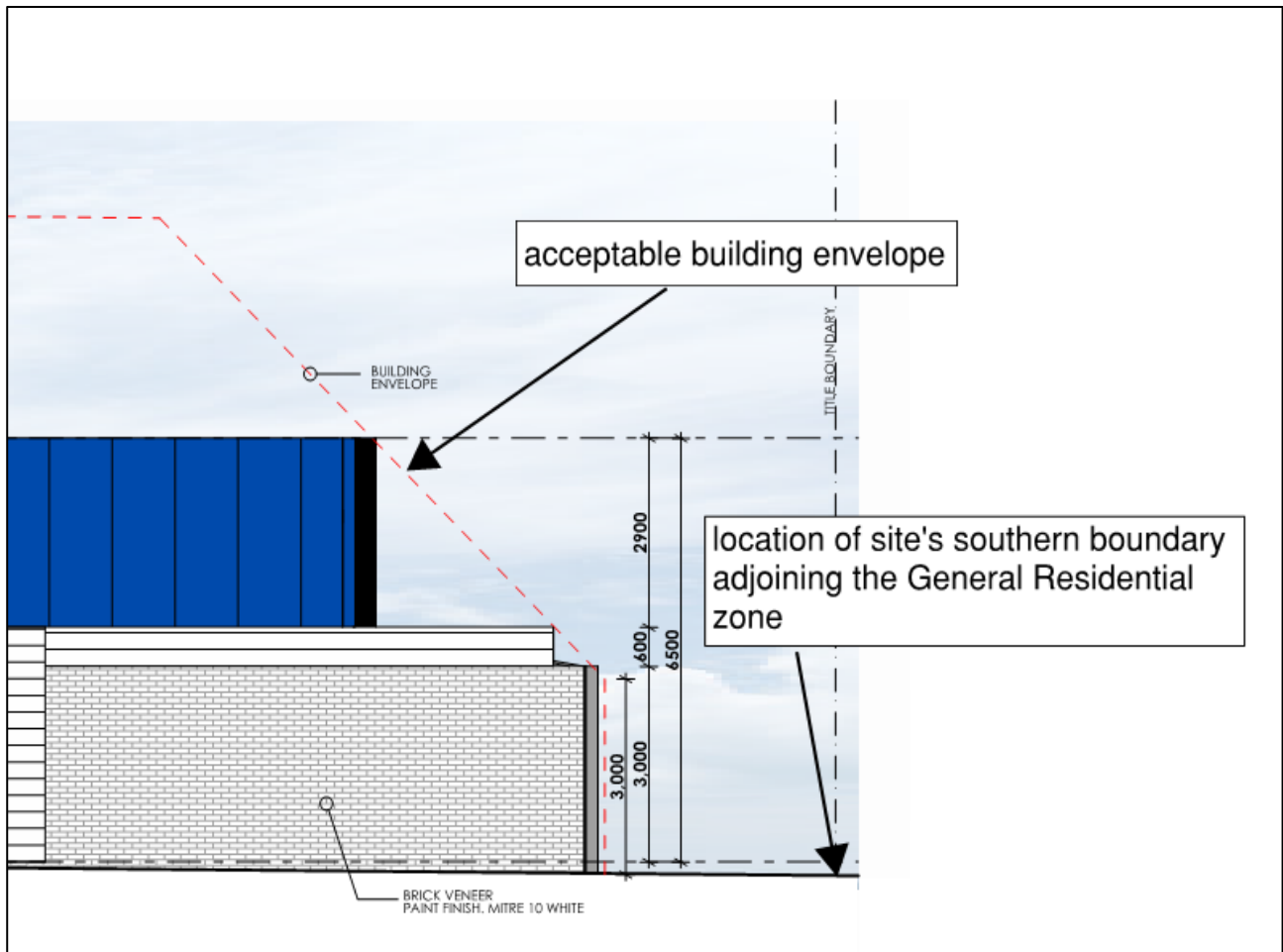


Figure 7 - Section of the west elevation of the trade store building showing compliance with the 23.4.3 A1 (c) (Starbox Architecture, 2019)

## Sign Code (E7)

### E7.6 Development Standards

<b>Objective:</b> Signs – (a) may be an integrated element of development on a site; and (b) must not have adverse effect for – (i) the convenience and safety of people and property, including of any road, rail, air or marine transport system; (ii) amenity and character of any rural, urban or conservation setting; or (iii) the conservation and protection of any special value identified in a provision forming part of this planning scheme	
Acceptable Solutions	Performance Criteria
<b>A1</b> Signs must – (a) identify an activity, product, or service provided on the site; (b) if on a site in a General Residential, Low Density Residential, Rural Living; or Environmental Living zone, must – (i) comprise not more than 2 display panels; (ii) be fixed flat to the surface of a building below the eave line; and (iii) have a total combined area of not more than 5.0m <sup>2</sup> ; (c) if on a site in any other zone, must – (i) comprise not more than 5 display panels; (ii) have a total combined area of not more than 50.0m <sup>2</sup> ; (iii) be separated from any other freestanding or projecting sign by not less than 10.0m (iv) be fully contained within the applicable building envelope and – a. not extend above the parapet or the ridge of a roof; or b. if a free-standing sign, have a height above natural ground level of not more than 5.0m; (v) not involve a corporate livery, colour scheme, insignia or logo applied to more than 25% of the external wall surface of each elevation of a building; (vi) not be located in an access strip, loading area, or car park; (vii) not be animated, scrolling or otherwise continuously or intermittently changing, flashing or rotating as a part of the operation of the sign unless providing advisory or safety information; (viii) not resemble any air or marine navigation device, or a railway or road traffic control or directional device or sign; (ix) not visually obscure any sign or device required for the convenience and safety of air or marine navigation or for use of a railway or a road; and (x) not cause illumination that overspills the boundaries of the site; and (d) not be on land for which a Local Heritage Code forming part of this planning scheme applies	<b>P1</b> A sign must be reasonable taking into account – (a) whether the sign relates to an activity, product or service provided on the site; (b) nature of development on the site; (c) purpose, location, number, size, style, and configuration of any existing and approved sign on the site and on adjacent land; (d) whether likely to be visually dominant or intrude on the appearance of the site or the streetscape; (e) whether likely to obscure the visibility of other signs in the locality; (f) whether visible beyond the immediate locality; (g) whether likely to impact on operational efficiency and safety of a railway, road, navigable water, or controlled air space in accordance with the advice and any requirement of the relevant regulatory entity; (h) whether likely to impact on the amenity of a habitable room or private open space in a residential development; and (i) the necessity for the sign to be located on the site having regard for: (i) proximity of the service or business being promoted to the sign location; (ii) proximity of other signage for the same business or service; (iii) ability to identify the business or service through other means; and (iv) flow of traffic past the sign and its likely destination



The proposed advertising signage associated with the trade store does not satisfy the acceptable solutions as the existing and proposed signage on the site exceeds 50m<sup>2</sup> and comprises more than five display panels. For reference, the proposed signage has an approximate area of 40m<sup>2</sup> and the existing signage on the site would have a conservative area in excess of 50m<sup>2</sup>. Assessment is required against the performance criteria of the above standard to determine if the signage component of the application has a permit pathway.

The advertising signage relates to a service being provided on the site and P1 (a) and (b) is satisfied.

In relation to P1 (c), the site encompasses a large area and the signage proposed is consistent with signage observed on commercial buildings along Don Road. If the development was on its own land parcel the signage would satisfy the acceptable solutions.

The proposed signage will not dominate the Don Road frontage as the signage is fixed to the trade store building which is located approximately 20m to the Don Road frontage. P1 (d), (e) and (f) are satisfied.

It is not envisaged that the advertising signage will impact the operational safety of Don Road or the controlled airspace. P1 (g) is met.

The signage faces no residential development and conformance with P1 (h) is met.

With regard to P1 (i), the signage is considered appropriate for the operational needs for the site and no further commentary is warranted.

In summary, the proposed signage associated with the proposed trade store satisfies the performance criteria stipulated under E7.6 P1.

### **Traffic Generating Use and Parking Code (E9)**

The following amount of on-site parking is applicable for bulky goods sales:

Use Class	Minimum Parking Space Requirement	Minimum Loading Area Requirement
Bulky goods sales	Bulky goods sales  1 x space/ 50m <sup>2</sup> gross floor area	1 x large rigid truck space / 500 m <sup>2</sup> gross floor area

The applicant has nominated the hardware outlet has a gross floor area of approximately 4,700m<sup>2</sup> and therefore 94 car parking spaces are required plus the provision of 10 truck parking spaces to satisfy the acceptable solution stipulated under standard E9.5.1. A total of 95 car parking spaces along with 10 truck parking bays are provided. The parking arrangements satisfy the applicable Australian Standards and the acceptable solution is satisfied for the provision of parking.

### **COMMUNITY ENGAGEMENT**

On 21/05/2019, 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 25/05/2019;
- (b) Making a copy of the proposal available in Council Offices from the 25/05/2019;
- (c) Notifying adjoining property owners by mail on 23/05/2019; and

(d) Erecting a Site Notice for display from the 24/05/2019.

The period for representations to be received by Council closed on 11/06/2019.

## REPRESENTATIONS

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

A copy of each representation is reproduced respectively as Figures 8 and 9 along with evaluation.

Peter and Vanessa Harris  
Unit 2 8 Lovett Street, Devonport TAS 7310  
Phone: 0487 528 568  
Email: prvnh@hotmail.com

5 June 2019

General Manager, Devonport City Council  
P.O. Box 604, Devonport, Tasmania, 7310  
Phone: 6424 0511  
Email: [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)

RE: File: 36144

Representation regarding - Application Number: PA2019.0067  
Proposed Use or Development: Bulky Goods Sales (Trade Store)  
Address of the Land: 19-23 Don Road, Devonport  
Date of Notice: 25/05/2019

Dear General Manager of the Devonport City Council

Our names are Peter and Vanessa Harris. We are writing to make a representation relating to **Application Number: PA2019.0067**.

Our property is located right behind the proposed building works, so these renovations will have a major impact on us and the value of our home.

One of our main areas of concern is the noise pollution that will come from the business via trucks, forklifts, and people. For example - a forklift reverse warning alarm is around 90 – 95 decibels. As studies have shown, human brains are not adapted for dealing with the repetitive and persistent sound of back-up beepers, but more towards natural sounds that dissipate. The sound is perceived as irritating or painful, which breaks concentration. Having this kind of continuous noise pollution so close to our home, will have a negative impact on our quality of life and the value of our property. This business operates 7 days a week. So that is a concern too; that there will be no days where things are a bit quieter.

There will be four meters of vacant ground behind the building. We are concerned that if it is used for stocking items it will result in excess dust, rubbish, and noise.

Another concern is that the height of the building will block out the existing amount of sunlight we enjoy throughout the year. One of the greatest values to our property is the amount of direct sunlight our home currently receives from its north aspect. These proposed building works - as they are set out at the moment - will block a substantial amount of that sunlight from our home. Knowing we would have that regular source of light and heat was one of the main reasons we bought this property. So potential buyers would feel the same. Once again, our quality of life and property values are going to be affected if this plan goes forth as proposed at the moment.

Since this new business design butts up to an existing residential area, it is very important that these factors are assessed so that planning can take place in a way that will not only benefit the business, but also look after the quality of life and rights of the pre-existing residents of the area.

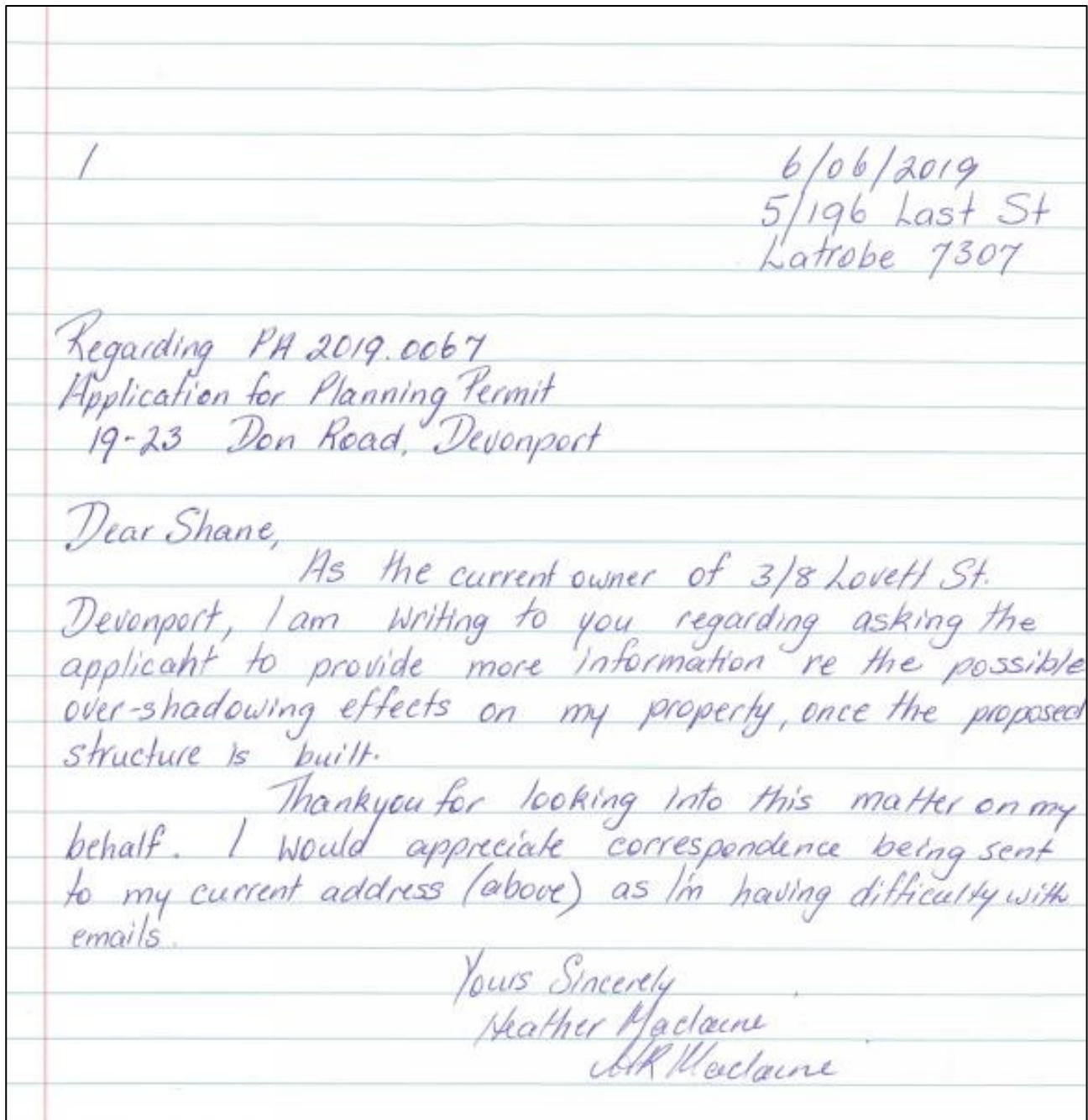
Thank you for taking the time to consider our representation.

Kind regards



Peter and Vanessa Harris

Figures 8 – Representation from Peter and Vanessa Harris



**Figure 9 – Representation from Heather MacLaine**

When considering a representation, the DIPS provides guidance in the form of provision 8.10 - Determining Applications which states the following:

"In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and
- (b) any representations received pursuant to and in conformity with s57(5) of the Act, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised."

Both representations do not address the discretionary component of the planning application which pertains to advertising signage. The representations are recommended

to be noted by the Planning Authority, but the development is not recommended to be altered or any further conditions included.

### **DISCUSSION**

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

### **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 assessed as appropriately complying with the requirements of the DIPS and the discretion sought in relation to the provision of advertising signage. The application is therefore recommended for conditional approval.

### **ATTACHMENTS**

- [1.](#) Application - PA2019.0067 - 19-23 Don Road

### **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 PA2019.0067 and grant a Permit to use and develop land identified as 19-23 Don Road, Devonport for the following purposes:

- Bulky Goods Sales (Trade Store)

Subject to the following conditions:

#### **Planning Conditions**

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as New Trade Shed & Additions - Project No 190426 (Drawings A00-A03), dated 9/5/19 by Starbox Architecture. Copies are attached and endorsed as documents forming part of this planning permit.
2. No operational activities are permitted to occur between the trade store and the southern rear boundary. This includes the storage of goods, external lighting and the provision of vehicle parking and unloading.
3. During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

#### **City Infrastructure & Works Conditions**

4. Concentrated stormwater is to be discharged in accordance with the National Construction Code.

5. Subject to the above and the Developer's design, concentrated stormwater from the proposed development is to either connect to the existing kerb in Don Road or to any existing internal stormwater reticulation. New stormwater infrastructure located within the road reservation is to be constructed generally in accordance with the relevant Tasmanian Standard Drawings. The developer is to engage a suitably qualified civil works contractor to undertake any proposed stormwater works. All costs associated with establishing a stormwater connection, associated reticulation and reinstatement work, is to be at the expense of the Developer.

Note: The following is provided for information purposes.

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

The existing access arrangements are to be used for the purposes of this development.

Any existing Council infrastructure impacted by the works is 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.

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

In regard to condition 3 this includes ensuring that noise emitted from portable apparatus and hours of operation are within the scope indicated by the *Environmental Management and Pollution Control (Noise) Regulations 2016*.

In regard to conditions 4-5 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

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



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

## Devonport City Council

Land Use Planning and Approvals Act 1993

Devonport Interim Planning Scheme 2013

## Application for Planning Permit

### Use or Development Site

Street Address: 19-23 DON RD, DEVONPORT

Certificate of Title Reference No.: \_\_\_\_\_

### Applicant's Details

Full Name/Company Name: STARBOX ARCHITECTURE

Postal Address: 16 ROOKE STREET  
DEVONPORT TAS 7310

Telephone: 6424 7736

Email: info@starbox.net.au

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

Full Name/Company Name: HOME TIMBER + HARDWARE GROUP

Postal Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_



*The City with Spirit*

PO Box 604 Devonport TAS 7310  
44-48 Best Street Devonport  
Telephone 03 6424 0511 Facsimile 03 6424 9649  
Email council@devonport.tas.gov.au Web www.devonport.tas.gov.au

Sufficient information must be provided with an application to demonstrate compliance with all applicable standards, purpose statements in applicable zones, codes and specific area plans, any relevant local area objectives or desired future character statements.

Please provide three copies of all plans with your application.

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#### Assessment of an application for a Use or Development

What is proposed?: NEW TRADE SHED + AWNING STRUCTURE  
DEMOUNTING OF SHED.

Description of how the use will operate: TRADE SHED IN CONJUNCTION WITH  
EXISTING RETAIL BUILDING.

Use Class (Office use only):



The following information and plans must be provided as part of an application unless the planning authority is satisfied that the information or plan is not relevant to the assessment of the application:

<b>Application fee</b>	
<b>Completed Council application form</b>	
<b>Copy of certificate of title, including title plan and schedule of easements</b>	
<b>Demonstration of compliance with performance criteria and relevant codes</b>	
<b>A site analysis and site plan at an acceptable scale showing:</b>	
<ul style="list-style-type: none"> <li>• The existing and proposed use(s) on the site</li> <li>• The boundaries and dimensions of the site</li> <li>• Topography including contours showing AHD levels and major site features</li> <li>• Natural drainage lines, watercourses and wetlands on or adjacent to the site</li> <li>• Soil type</li> <li>• Vegetation types and distribution, and trees and vegetation to be removed</li> <li>• The location and capacity of any existing services or easements on the site or connected to the site</li> <li>• Existing pedestrian and vehicle access to the site</li> <li>• The location of existing adjoining properties, adjacent buildings and their uses</li> <li>• Any natural hazards that may affect use or development on the site</li> <li>• Proposed roads, driveways, car parking areas and footpaths within the site</li> <li>• Any proposed open space, communal space, or facilities on the site</li> <li>• Main utility service connection points and easements</li> <li>• Proposed subdivision lot boundaries, where applicable</li> <li>• Details of any proposed fencing</li> </ul>	
<b>Where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 showing:</b>	
<ul style="list-style-type: none"> <li>• The internal layout of each building on the site</li> <li>• The private open space for each dwelling</li> <li>• External storage spaces</li> <li>• Car parking space location and layout</li> <li>• Major elevations of every building to be erected</li> <li>• The relationship of the elevations to natural ground level, showing any proposed cut or fill</li> <li>• Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites</li> <li>• Materials and colours to be used on roofs and external walls</li> </ul>	
<b>A plan of the proposed landscaping including:</b>	
<ul style="list-style-type: none"> <li>• Planting concept</li> <li>• Paving materials and drainage treatments and lighting for vehicle areas and footpaths</li> <li>• Plantings proposed for screening from adjacent sites or public spaces</li> </ul>	
<b>Details of any signage proposed</b>	

If all of the above information is not provided to Council at the time of lodgement the application will not be accepted.

Value of use and/or development

\$ 1.1 million

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

If land is not in applicant's ownership

I, \_\_\_\_\_ declare that the owner  
/each of the owners of the land has been notified/will be notified within 7 days from date of making  
this permit application.

Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

Devonport City Council consents to the making this permit application.

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

If the application involves land owned or administered by the Crown

Consent must be included with the application.

### Signature

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

- if incomplete, the application may be delayed or rejected;
- more information may be requested within 21 days of lodgement; and
- The application may take 42 days to determine.

### PUBLIC ACCESS TO PLANNING DOCUMENTS

I, the undersigned understand that all documentation included with this application will be made available for inspection by the public. Copies of submitted documentation, with the exception of plans which will be made available for display only, may be provided to members of the public, if requested.




Applicant's signature: \_\_\_\_\_

Date: 8.05.2019

### PRIVACY ACT

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

### Fee & payment options – Please pay fee when lodging your completed application form

	<b>Payment in Person</b> Customer Service hours are between 8.30am and 4.30pm, Mon-Fri. Payment may be made by cash, credit card, cheque or EFTPOS.
	<b>Payment by Mail</b> Cheques should be made payable to Devonport City Council and posted to The General Manager, Devonport City Council, PO Box 604, Devonport, TAS, 7310.
	<b>Credit Card Payment by Phone</b> Please contact the Devonport City Council offices on 64240 511. <b>Customer Service hours are between 8.30am and 4.30pm, Monday to Friday.</b>

**CERTIFICATE OF TITLE**

LAND TITLES ACT 1980



TASMANIA

**TORRENS TITLE**

VOLUME		FOLIO
154483		1
EDITION	DATE OF ISSUE	
3	04-Apr-2017	
Page 1		of 1

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

*Alice Kawa*

Recorder of Titles.

**DESCRIPTION OF LAND**

City of DEVONPORT  
 Lot 1 on Plan 154483  
 Excepting thereout Part of Lot 1 on SP154063  
 Derivation : Part of Lot 5275 168A-2R-0Ps.Gtd. to J.M. Dooley.  
 Prior CT 143561/1

**SCHEDULE 1**

E13465 TRANSFER to HTH STORES PTY LTD Registered  
 04-Apr-2017 at noon

**SCHEDULE 2**

Reservations and conditions in the Crown Grant if any  
 SP143561 BENEFITING EASEMENT: Right of Drainage over the  
 Drainage Easement 3.00 wide (P.154180) on P.154483  
 SP143561 BURDENING EASEMENT: Right of Drainage (appurtenant to  
 Lot 2 on SP136335) over the Drainage Easement 2.00  
 wide marked ABC on P.154483  
 SP143561 BENEFITING EASEMENT: Right of Drainage over the  
 Drainage Easement CEF on P.154483  
 SP143561 BENEFITING EASEMENT: Right of Drainage (appurtenant  
 to that portion formerly comprised in Lot 1 on  
 SP143561) over the Drainage Easement ABCEF on P.154483  
 SP136335 & SP143561 COUNCIL NOTIFICATION under Section 83(5)  
 of the Local Government (Building and Miscellaneous  
 Provisions) Act 1993.  
 SP101655 COUNCIL NOTIFICATION under Section 468(12) of the  
 Local Government Act 1962  
 SP136335 & SP141218 SEWERAGE AND/OR DRAINAGE RESTRICTION  
 A105321 BOUNDARY FENCES CONDITION in Transfer  
 SP3624 FENCING COVENANT in Schedule of Easements  
 119630 BOUNDARY FENCES CONDITION in Transfer  
 A62590 BOUNDARY FENCES CONDITION in Transfer

**WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER**

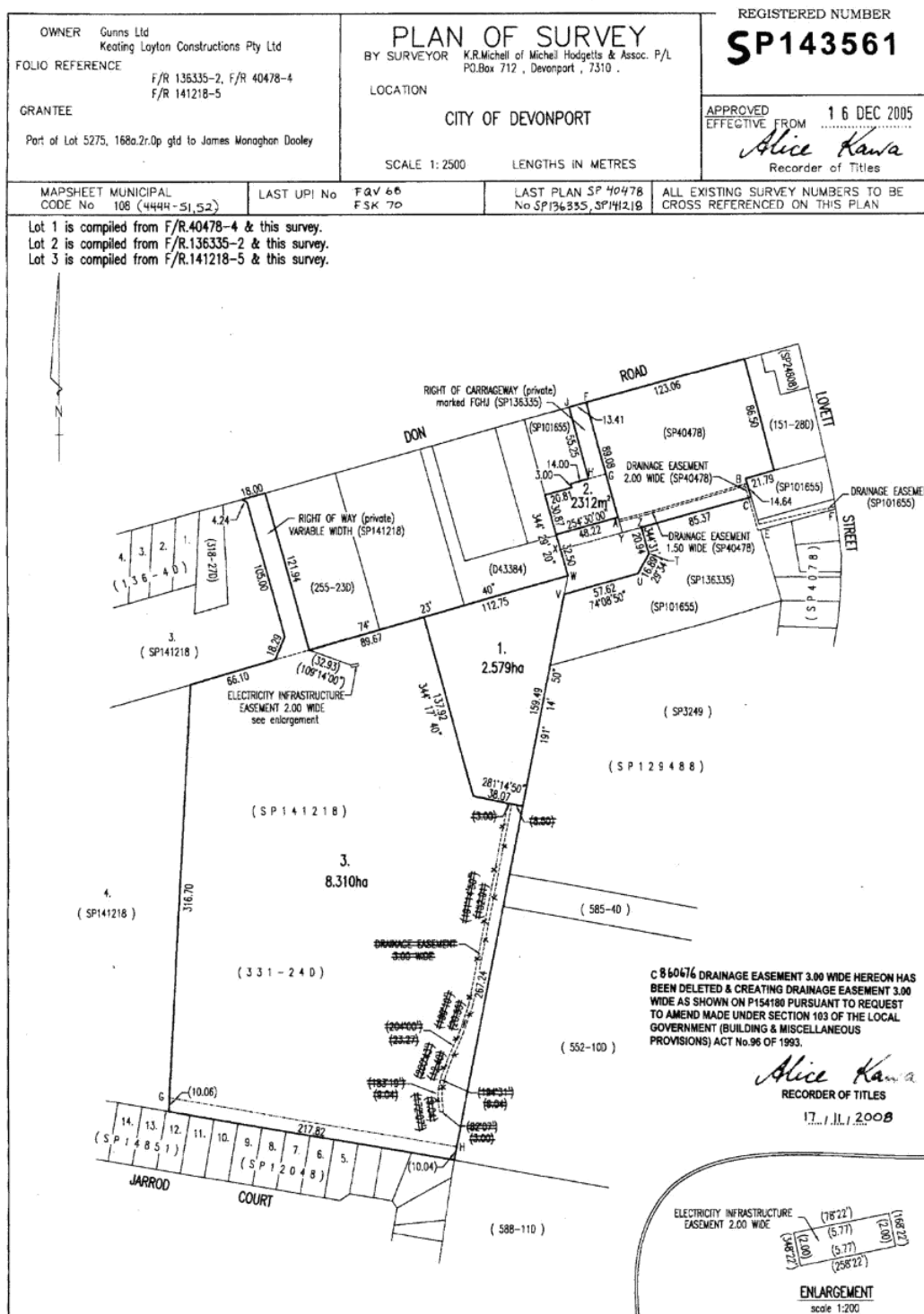




## FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





## SCHEDULE OF EASEMENTS

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>SCHEDULE OF EASEMENTS</b>	Registered Number
<b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	<b>SP 143561</b>

PAGE 1 OF 3 PAGE/S  
3EASEMENTS AND PROFITS

Each lot on the plan is together with:-

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

Each lot on the plan is subject to:-

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

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

~~Lots 1, 2 and 3 on the Plan are together with and subject to (as the case may be) all easements and covenants created by sealed plan numbers 136335, 101655, 40478 and 141218 and as shown on the Plan.~~

~~Lot 1 on the Plan is together with a drainage easement over the strip of land shown on the Plan as Drainage Easement 3.00 wide.~~

~~Lot 3 on the Plan is subject to a drainage easement over the strip of land shown on the Plan as Drainage Easement 3.00 wide.~~

~~Lot 3 on the Plan is subject to an electricity infrastructure easement over the strip of land shown on the Plan as Electricity Infrastructure Easement 2.00 wide.~~

Electricity Infrastructure Easement means:

Firstly all the full and free right and liberty for Aurora Energy Pty Ltd and its successors and its servants agents and contractors ("Aurora") at all times hereafter:

1. to maintain, lay, erect and install anything used for or in connection with the generation, transmission or distribution of electricity including powerlines (overhead or underground), substations for converting electricity, substations for transforming or controlling electricity and equipment for metering, monitoring or controlling electricity ("electricity infrastructure") of such materials and such type as Aurora may determine above, on or under the land shown on the Plan as Electricity Infrastructure Easement 2.00 wide.
2. to enter into and upon the servient land for the purpose of examining, operating, maintaining, repairing, modifying, adding to or replacing the electricity infrastructure without doing unnecessary damage to the said servient land and making good all damage occasioned thereby;
3. to erect fencing, signs, barriers or other protective structures upon the servient land if in the opinion of Aurora they are necessary for reasons of safety;
4. to cause or permit electrical energy to flow or be transmitted or distributed through the electricity infrastructure;

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: Gunns Ltd and Keating Layton Constructions Pty Ltd FOLIO REF: 136335/2, 40478/4 & 141218/5 SOLICITOR & REFERENCE: Shields Heritage - Mrs J French-34666	PLAN SEALED BY: Devonport City Council DATE: <u>26th April 2005</u> SA2004.0035 REF NO. <u>19635</u> <div style="text-align: center;">           Council Delegate       </div>
<b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.	



## SCHEDULE OF EASEMENTS

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 2 OF 3 PAGE/S	Registered Number <b>SP 143561</b>
SUBDIVIDER: Gunns Ltd and Keating Layton Constructions Pty Ltd FOLIO REFERENCE: 136335/2, 40478/4 & 141218/5	

5. to enter into and upon the servient land for all or any of the above purposes with or without all necessary plant equipment and machinery and the means of transporting the same and if necessary to cross the remainder of the land of the registered proprietor for the purpose of access and egress to and from the said servient land;
6. nothing contained herein shall prevent the registered proprietor for themselves and their successors in title from using the servient land provided that such use does not derogate from this grant or, in the opinion of Aurora, compromise the safe operations of Aurora's electricity infrastructure on, above or under the servient land.

Secondly the benefit of a covenant for Aurora Energy Pty Ltd and its successors with the registered proprietor for themselves and their successors in title of the servient land not to erect any buildings or place any structures or objects within the said easement without the prior written consent of Aurora Energy Pty Ltd to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement hereinbefore described.

The Common Seal of Gunns Limited was )  
hereunto affixed in the presence of: )

Director ✓

Director/Secretary ✓



The Common Seal of Keating Layton )  
Constructions Pty Ltd was hereunto affixed )  
in the presence of: )

Director

Director/Secretary



**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

**SCHEDULE OF EASEMENTS**

DEPUTY RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center"><b>PAGE 3 OF 3 PAGES</b></p>	<p align="center">Registered Number</p> <p align="center"><b>SP143561</b></p>
<p>SUBDIVIDER: - <b>GUNNS LTD &amp; KEATING LAYTON CONSTRUCTIONS PTY LTD</b></p> <p>FOLIO REFERENCE: - <b>136335/2, 40478/4 &amp; 141218/5</b></p>	
<p><b>EASEMENTS CONTINUED</b></p> <p>Lot 1 on the Plan is together with a right of drainage over the Drainage Easement 3.00 wide shown on the plan.</p> <p>Lot 1 on the Plan is together with a right of drainage over the Drainage Easement marked CEF shown on the plan.</p> <p>That portion of Lot 1 on the Plan which was formerly comprised in Lot 2 on Sealed Plan No. 136335 is together with a right of drainage over the Drainage Easement marked ABCEF shown on the plan.</p> <p>Lot 1 on the Plan is subject to a right of drainage (appurtenant to Lot 2 on Sealed Plan No. 136335) over the Drainage Easement marked ABC shown on the plan.</p> <p>Lot 2 on the Plan is subject to a right of carriageway (appurtenant to Lot 1 on Sealed Plan No. 101655) over the Right of Carriageway (Private) marked FGHI shown on the plan.</p> <p>Lot 3 on the Plan is subject to a right of drainage (appurtenant to Lot 1 on the plan) over the Drainage Easement 3.00 wide shown on the plan.</p> <p>Lot 3 on the Plan is subject to a right of carriageway (appurtenant to Lot 3 on Sealed Plan No. 141218) over the Right of Way (Private) Variable Width shown on the plan.</p> <p>Lot 3 on the Plan is subject to an Electricity Infrastructure Easement (as herein defined) for Aurora Energy Pty Ltd over the Electricity Infrastructure Easement 2.00 wide shown on the plan.</p>	
<p><b>NOTE:</b> - Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.</p>	





## SURVEY NOTES

DEPUTY RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*



SURVEY NOTES

Registered Number

SP143561

SHEET 1 OF 1 SHEETS

CROSS REFERENCE PLAN NUMBERS  
USED AS PART OF THIS SURVEY

DESCRIBE BY REPORT THE EVIDENCE  
USED TO DETERMINE BOUNDARIES

Note: Unless otherwise stated, the apparent age of all old marks found  
is consistent with their attributed origin  
All boundaries are open unless shown otherwise

Survey Commenced 11-12-04

Survey Completed 11-12-04

PLEASE NOTE COMPILED AREA OF LOT 2 OF 4508m<sup>2</sup> ON SP136335 IS IN ERROR - SHOULD READ 4949m<sup>2</sup>  
THIS LOT WAS COMPILED FROM CT101655-5 WHICH ONLY INCLUDED THE AREA OF LOT 2 (1.59ha) BUT FAILED TO INCLUDE LOT 4 (4.39m<sup>2</sup>) ON SP101655

I, Kenneth Raymond Michell of Devonport  
in Tasmania a registered surveyor HEREBY CERTIFY that:  
(a) this survey is based upon the best evidence that the  
nature of the case admits  
(b) the survey notes have been truly compiled from surveys  
made by me or made under my supervision; and  
(c) this survey and accompanying survey notes comply with the  
relevant legislation affecting surveys and are correct for  
the purposes required.

Signature \_\_\_\_\_ Date 23/12/04  
Surveyors Reference: 203164



# NEW TRADE SHED & ADDITIONS

19-23 DON RD, DEVONPORT

FOR

HOME TIMBER & HARDWARE GROUP (BECKS MITRE 10)

## DRAWING SET

ARCHITECTURAL  
1 SITE PLAN  
2 FLOOR PLAN  
3 SECTION  
4 ELEVATION

NO.	DESCRIPTION	DATE
1	19-23 DON RD, DEVONPORT	19/04/2019
2	19-23 DON RD, DEVONPORT	19/04/2019
3	19-23 DON RD, DEVONPORT	19/04/2019
4	19-23 DON RD, DEVONPORT	19/04/2019

NOTES:  
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING ACT 2004.  
2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2004.  
3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF PRACTICE 2004.  
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF PRACTICE 2004.



STARBOX  
ARCHITECTURE

STARBOX ARCHITECTURE  
19-23 DON RD, DEVONPORT  
T: 09 524 1234  
E: info@starbox.co.nz  
WWW.STARBOX.CO.NZ

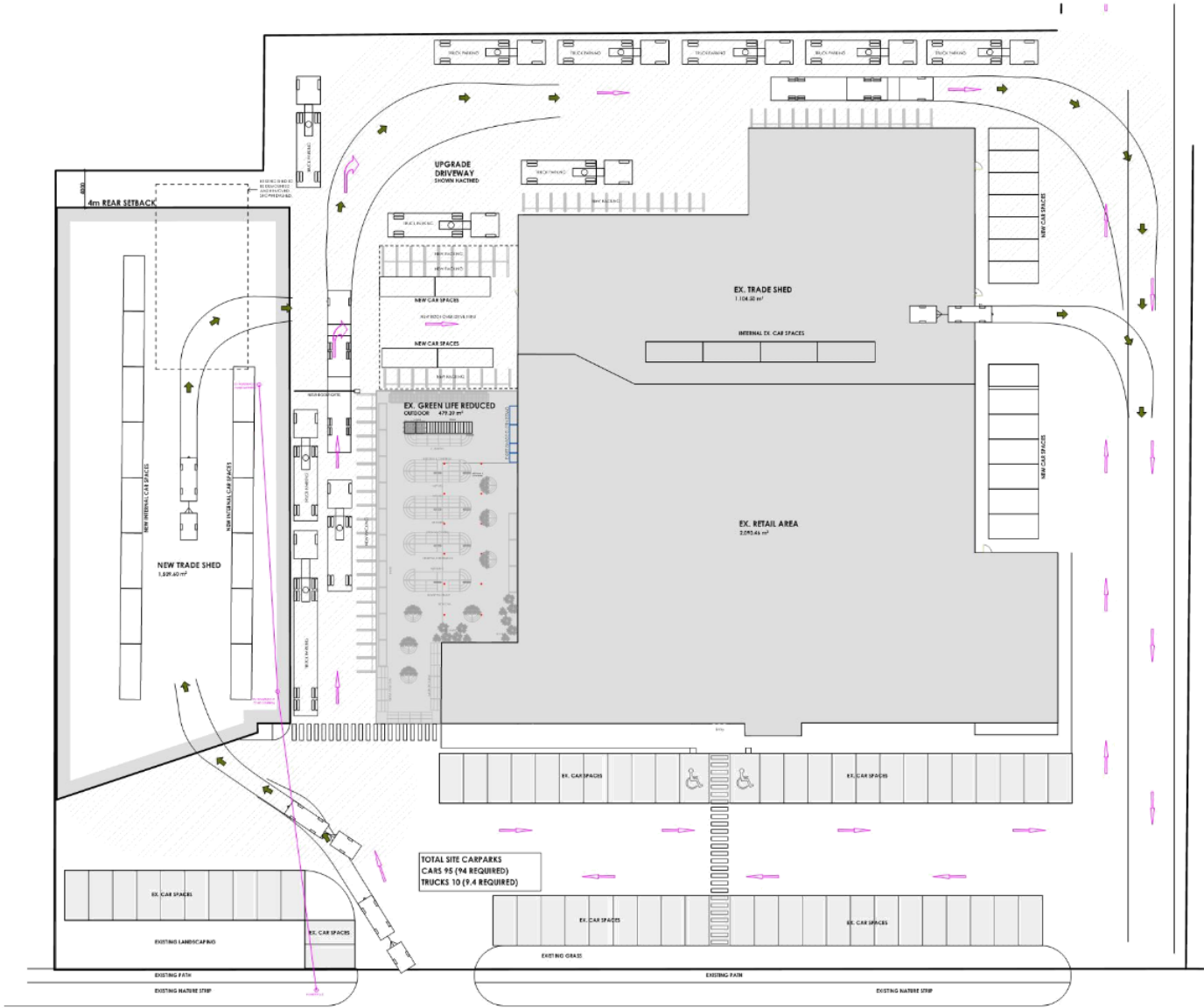
Project No:  
NEW TRADE SHED &  
ADDITIONS @ 19-23 DON RD  
DEVONPORT for  
HOME TIMBER & HARDWARE GROUP



Working Title  
COVER PAGE

## DEVELOPMENT APPROVAL

Project Number: 190426  
Working Number: A00/DA1



SITE PLAN LEGEND & NOTES	
	EXISTING DEVELOPMENT
	NEW DEVELOPMENT
	EXISTING DRIVEWAY
	NEW DRIVEWAY
	EXISTING PARKING
	NEW PARKING
	EXISTING FENCE
	NEW FENCE
	EXISTING PATH
	NEW PATH
	EXISTING NATURE STRIP
	NEW NATURE STRIP
	EXISTING SETBACK
	NEW SETBACK
	EXISTING DRIVEWAY
	NEW DRIVEWAY
	EXISTING PARKING
	NEW PARKING
	EXISTING FENCE
	NEW FENCE
	EXISTING PATH
	NEW PATH
	EXISTING NATURE STRIP
	NEW NATURE STRIP
	EXISTING SETBACK
	NEW SETBACK

ATTENTION	
1	EXISTING DEVELOPMENT
2	NEW DEVELOPMENT
3	EXISTING DRIVEWAY
4	NEW DRIVEWAY
5	EXISTING PARKING
6	NEW PARKING
7	EXISTING FENCE
8	NEW FENCE
9	EXISTING PATH
10	NEW PATH
11	EXISTING NATURE STRIP
12	NEW NATURE STRIP
13	EXISTING SETBACK
14	NEW SETBACK

**STARBOX**  
ARCHITECTURE

Starbox Architecture is a registered architectural firm in the Province of Ontario, Canada. The firm is located at 19-23 Don Road, Unit 10, Scarborough, Ontario M1S 1A1. The firm is responsible for the design and construction of the proposed development.

**BECK'S**  
**MITRE 10**

Beck's Mitre 10 is a registered hardware store in the Province of Ontario, Canada. The store is located at 19-23 Don Road, Unit 10, Scarborough, Ontario M1S 1A1. The store is responsible for the sale and installation of the proposed development.

DEVELOPMENT APPROVAL	
Project Number	190426
Project Name	A01/DA1
Project Location	19-23 Don Road, Scarborough, Ontario M1S 1A1
Project Status	Approved
Project Date	2019-06-10
Project Author	Starbox Architecture
Project Reviewer	Beck's Mitre 10
Project Signatory	Starbox Architecture
Project Seal	Beck's Mitre 10



REVISION			
NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	10/1/2019	STARBOX
2	REVISIONS TO THE DEVELOPMENT APPROVAL	10/1/2019	STARBOX
3	REVISIONS TO THE DEVELOPMENT APPROVAL	10/1/2019	STARBOX
4	REVISIONS TO THE DEVELOPMENT APPROVAL	10/1/2019	STARBOX
5	REVISIONS TO THE DEVELOPMENT APPROVAL	10/1/2019	STARBOX

**STARBOX**  
ARCHITECTURE

STARBOX ARCHITECTURE  
1000 10th Avenue, Suite 100  
Vancouver, BC V6Z 1Y1  
604.681.1111  
www.starboxarchitecture.com

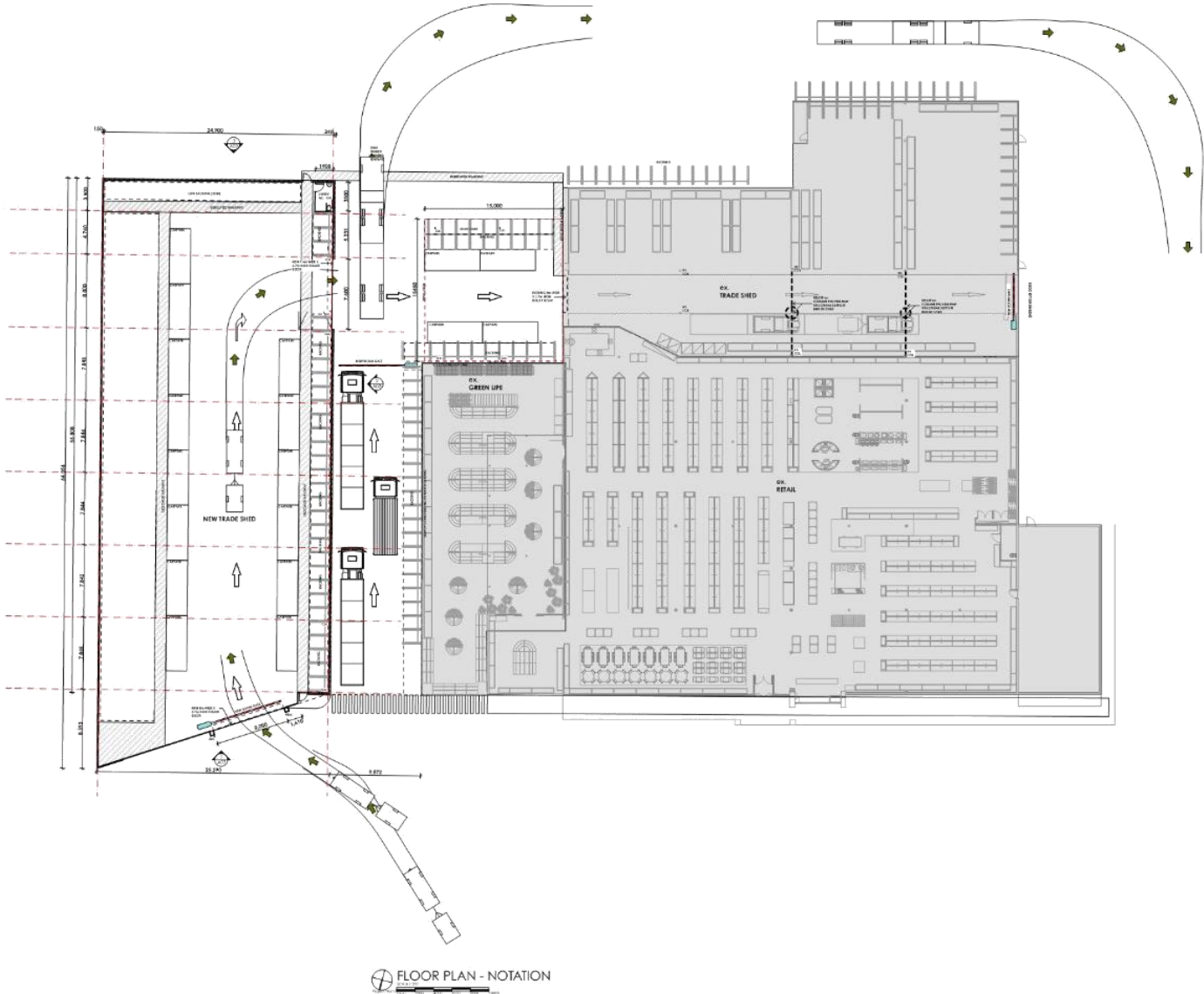
Project Name  
**NEW TRADE SHED & ADDITIONS @ 19-23 DON RD**  
DEVONPORT for  
HOME TIMBER & HARDWARE GROUP



Working Title  
**FLOOR PLAN - NOTATION**

**DEVELOPMENT APPROVAL**

Project Number	Working Title	Working Number
190426	A02/DA1	





**STARBOX**  
A THOMSON COMPANY



BECK'S  
MITRE  
10

Building With  
ELEVATIONS

DEVELOPMENT  
APPROVAL

PROJECT NAME: 190426 A03/DA1  
PROJECT LOCATION: 190426 A03/DA1  
PROJECT TYPE: 190426 A03/DA1  
PROJECT STATUS: 190426 A03/DA1

DATE	APPROVED BY	APPROVED FOR
190426 A03/DA1	190426 A03/DA1	190426 A03/DA1

Project Number: 190426 A03/DA1

## CLOSURE

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