



*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, 137 Rooke Street, Devonport, on Monday 9 September 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.

Matthew Atkins  
ACTING GENERAL MANAGER

**4 September 2019**

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF  
DEVONPORT CITY COUNCIL HELD ON MONDAY 9 SEPTEMBER 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 9, September 2019 commencing at 5:15pm.

**PRESENT**

		<b>Present</b>	<b>Apology</b>
Chairman	Cr A Rockliff (Mayor)		
	Cr J Alexiou		
	Cr P Hollister		
	Cr S Milbourne		
	Cr L Murphy		
	Cr L Perry		

**IN ATTENDANCE**

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

**1.0 APOLOGIES**

**2.0 DECLARATIONS OF INTEREST**

### **3.0 DELEGATED APPROVALS**

#### **3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 9 AUGUST 2019 - 31 AUGUST 2019**

##### **ATTACHMENTS**

- [1.](#) Planning applications approved under delegated authority - 9 August 2019-31 August 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
PA2019.0094	210 Pumping Station Road, Forth	Residential (dwelling)	26/08/2019
PA2019.0096	6 Wright Street, East Devonport	Visitor Accommodation (cover over caravan) - Site 61	15/08/2019
PA2019.0099	Ahernes Road, Paloona	Utilities (Telecommunications upgrade)	14/08/2019
PA2019.0100	83 Wrenswood Drive, Quoiba	Residential (outbuilding)	14/08/2019
PA2019.0101	84-120 Don Road, Devonport	Community meeting and entertainment (church additions)	14/08/2019
PA2019.0102	72a Hillcrest Road, Devonport	Subdivision (11 lots)	26/08/2019
PA2019.0103	29 Harris Road, Stony Rise	Residential (single dwelling and outbuilding)	20/08/2019
PA2019.0106	5 Donwood Court, Aberdeen	Residential (shed)	9/08/2019
PA2019.0107	18 Victoria Parade, Devonport	Permitted: Food Services Discretionary: Provision for parking (lesser number of spaces on site)	19/08/2019
PA2019.0117	3 Formby Road, Devonport	Storage (grain facility extension)	20/08/2019
PA2019.0123	75 Parker Street, Devonport	Residential (multiple dwelling) - porch extension	21/08/2019

## **4.0 DEVELOPMENT REPORTS**

### **4.1 PA2019.0113 RESIDENTIAL (DETACHED DWELLING EXTENSION) - 5 HENRY STREET DEVONPORT**

File: 4561 D614331

#### **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 PA2019.0113.

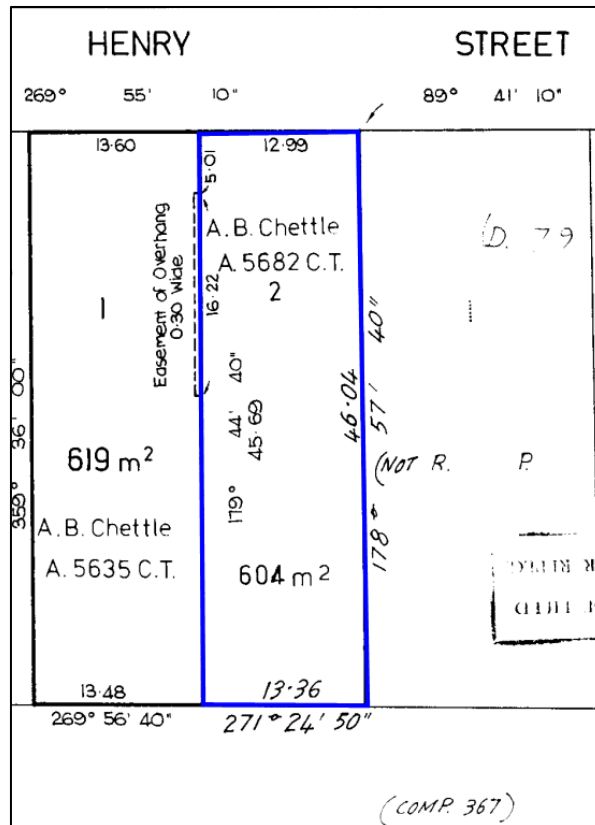
#### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Nicholas John Brandsema
Owner:	John W Farrell
Proposal:	Residential (detached dwelling extension)
Existing Use:	Residential
Zoning:	General Residential
Decision Due:	13/09/2019

#### **SITE DESCRIPTION**

The site is identified by Certificate of Title 6037/2 with the property address of 5 Henry Street, Devonport. Located on the property is an existing dwelling that was constructed in the late 1800's and a small garage. The dwelling is currently undergoing a major renovation project with the external brick board cladding removed and the inside mostly gutted. The site falls slightly to the west and is surrounded by a unit complex to the east and residential dwellings to the west and south. The property is located within the Wenvoe/Hiller Street Conservation Area prescribed under the Local Heritage Code of the *Devonport Interim Planning Scheme 2013* (DIPS).

A copy of the property title and an aerial image of the site is reproduced on the next page as Figures 1 and 2.



**Figure 1 – Title Plan of 5 Henry Street, Devonport (The List)**

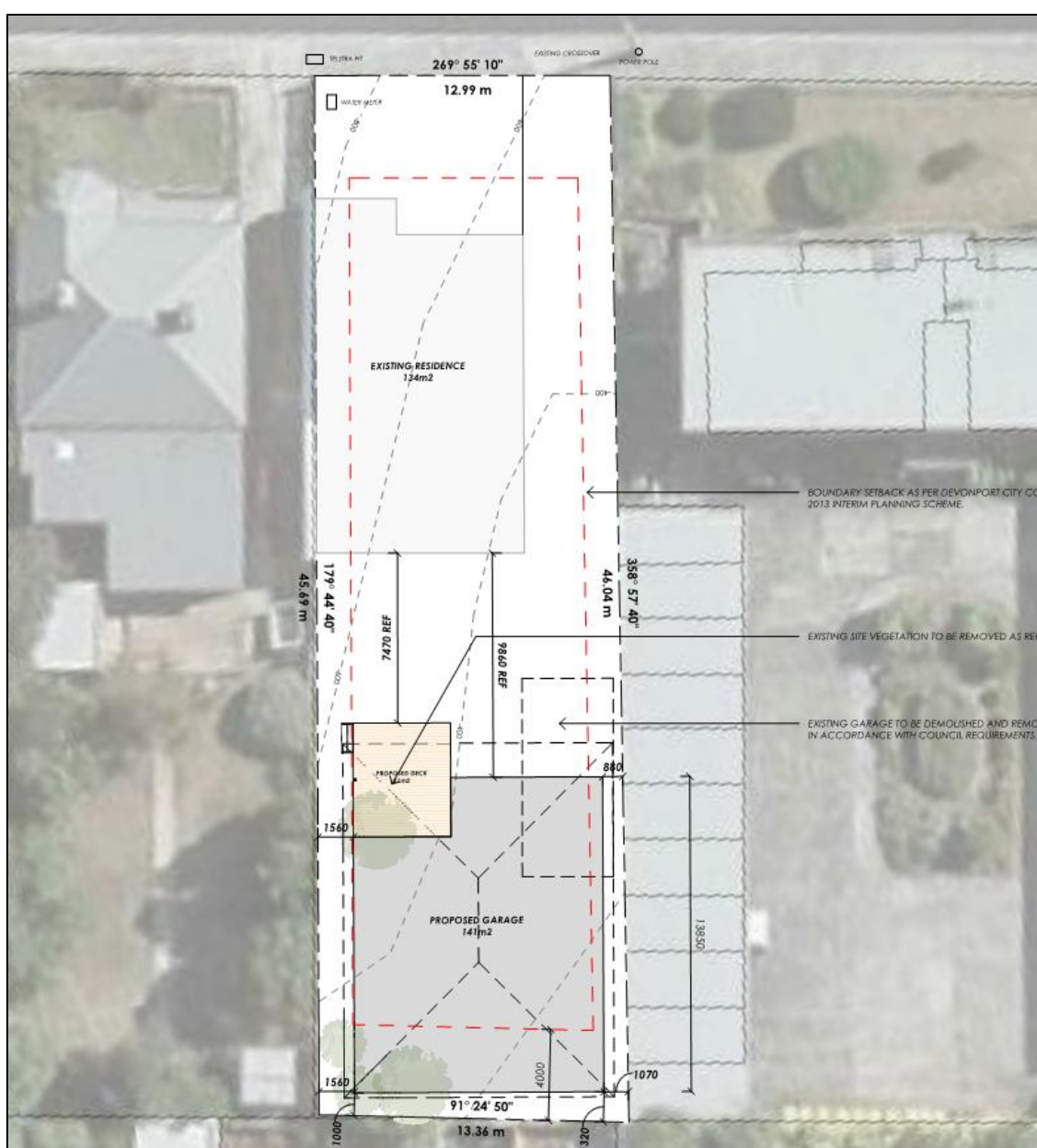


**Figure 2 - Aerial image of subject site and surrounding locality (DCC, 2019)**

**APPLICATION DETAILS**

The applicant is seeking approval to construct a detached dwelling extension at the rear of the property. The detached dwelling extension is proposed to have a total area of 162m<sup>2</sup> and will include a garage, rumpus, study, laundry, bath, store and a deck. The detached extension is proposed to have a hipped roof with a wall height of 2.42m and a maximum height of 4.9m. The detached extension is proposed to be positioned 1m from the rear boundary at its closest point, 0.88m to the eastern boundary at its closest point and 1.56m to the western side boundary. The detached extension will incorporate colorbond and fibre cement wall cladding along with a colorbond roof. The existing garage will be required to be demolished to facilitate the development.

A copy of the site plan, floor plan and north elevation of the project is reproduced respectively as Figures 3, 4 and 5. A photo of the proposal's location is shown as Figure 6. A full copy of the application documentation is appended as Attachment 1.



**Figure 3 – Site plan (n+b, 2019)**

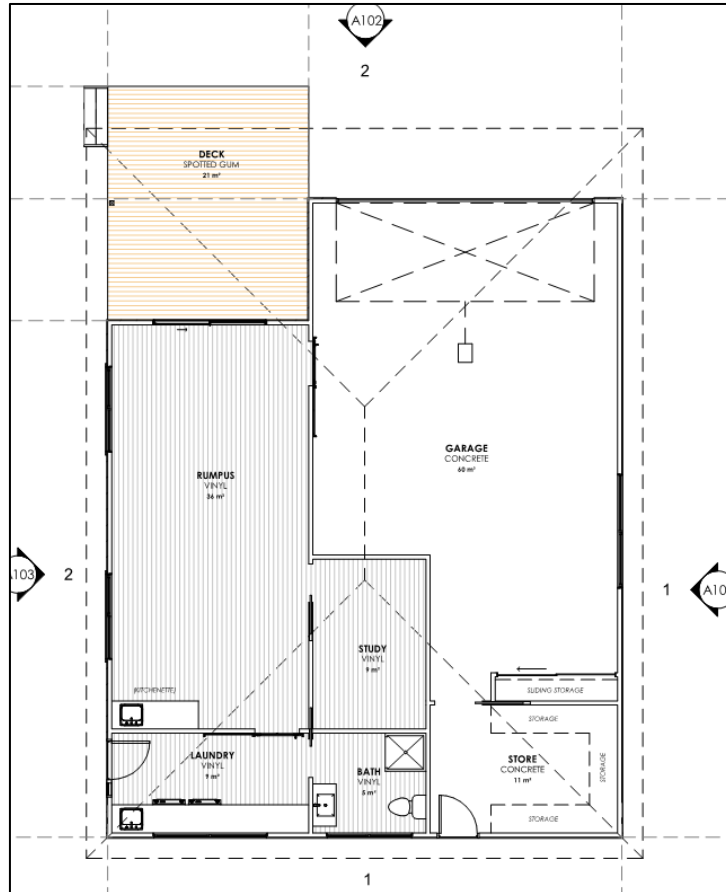


Figure 4 - Floor plan (n+b, 2019)

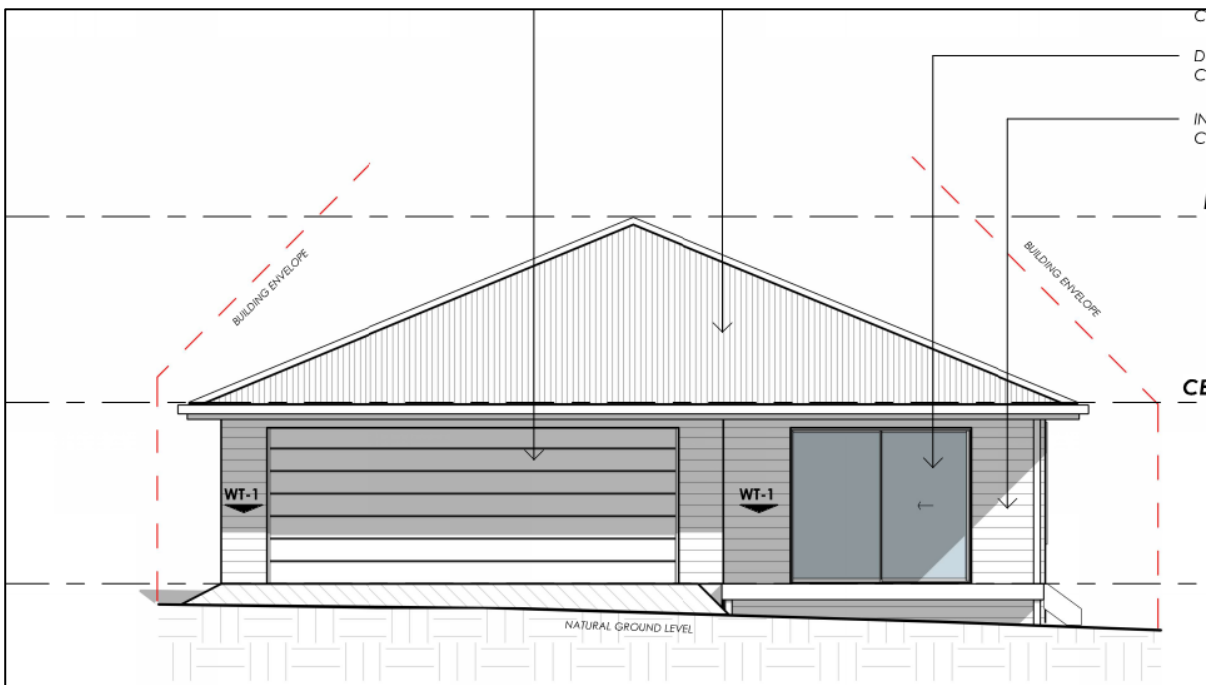


Figure 5 - North elevation (n+b, 2019)





**Figure 6 - Location of detached dwelling extension (DCC, 2019)**

## PLANNING ISSUES

The land is zoned General Residential under the DIPS. The intent of the General Residential zone is to provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided and to provide for compatible non-residential uses that primarily serve the local community.

The proposed detached dwelling extension falls under the use class Residential which is defined under the DIPS as:

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

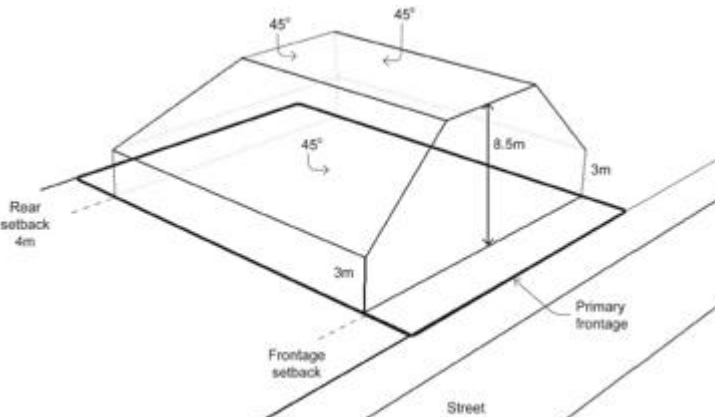
Within the General Residential zone, a Residential use is classified as no permit required if the proposal is for a single dwelling or a home-based business. All other residential development is permitted without qualification. In this case, the development is for a detached dwelling extension and therefore the use can be classed as no permit required.

To determine if the application can be assessed as no permit required, the development is required to satisfy the acceptable solutions within the General Residential zone and any applicable development Code (including exemptions).

If the development cannot satisfy the acceptable solutions of a development standard prescribed within the DIPS, the discretionary approval process is invoked. A discretionary

planning application is required to be publicly advertised and Council can approve or refuse a discretionary application. Reliance is placed on the performance criteria of the particular development standard where the acceptable solution is not satisfied to determine if a permit pathway is achievable.

The detached dwelling extension has been subject to a thorough assessment against the applicable development standards prescribed within the DIPS. Two discretionary components have been identified as part of this application. Table 1 below provides an overview of the discretions sought. Where the acceptable solutions have been satisfied no further commentary has been provided.

Development standard where the acceptable solutions cannot be satisfied	Reason why acceptable solutions cannot be satisfied
<ul style="list-style-type: none"> <li>10.4.2 A3 – <i>Setbacks and building envelope</i> (General Residential zone)</li> </ul>	<ul style="list-style-type: none"> <li>The proposal falls outside the prescribed 3-dimensional building envelope for the zone which is reproduced below. This is due to the detached dwelling addition being located within the acceptable 4m rear setback threshold. In addition, the wall length of the detached extension along the eastern side boundary is greater than 9m within 1.5m of the eastern side boundary. This also fails to satisfy the acceptable solution of this standard</li> </ul> 
<ul style="list-style-type: none"> <li>E5.6.4 A1 – <i>Design and location of development</i> (Local Heritage Code)</li> </ul>	<ul style="list-style-type: none"> <li>The site is located within the Wenvoe/Hiller Street Conservation Area (Area 2). As the development can be seen from the Henry Street frontage the code is applicable and the DIPS contains no conservation outcomes to satisfy the acceptable solutions of this development standard.</li> </ul>

**Table 1 - List of development standards that cannot meet the acceptable solutions**

A copy of the development standards where the acceptable solutions are not met is reproduced below, along with an evaluation of whether the proposal has merit against the corresponding performance criteria.

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

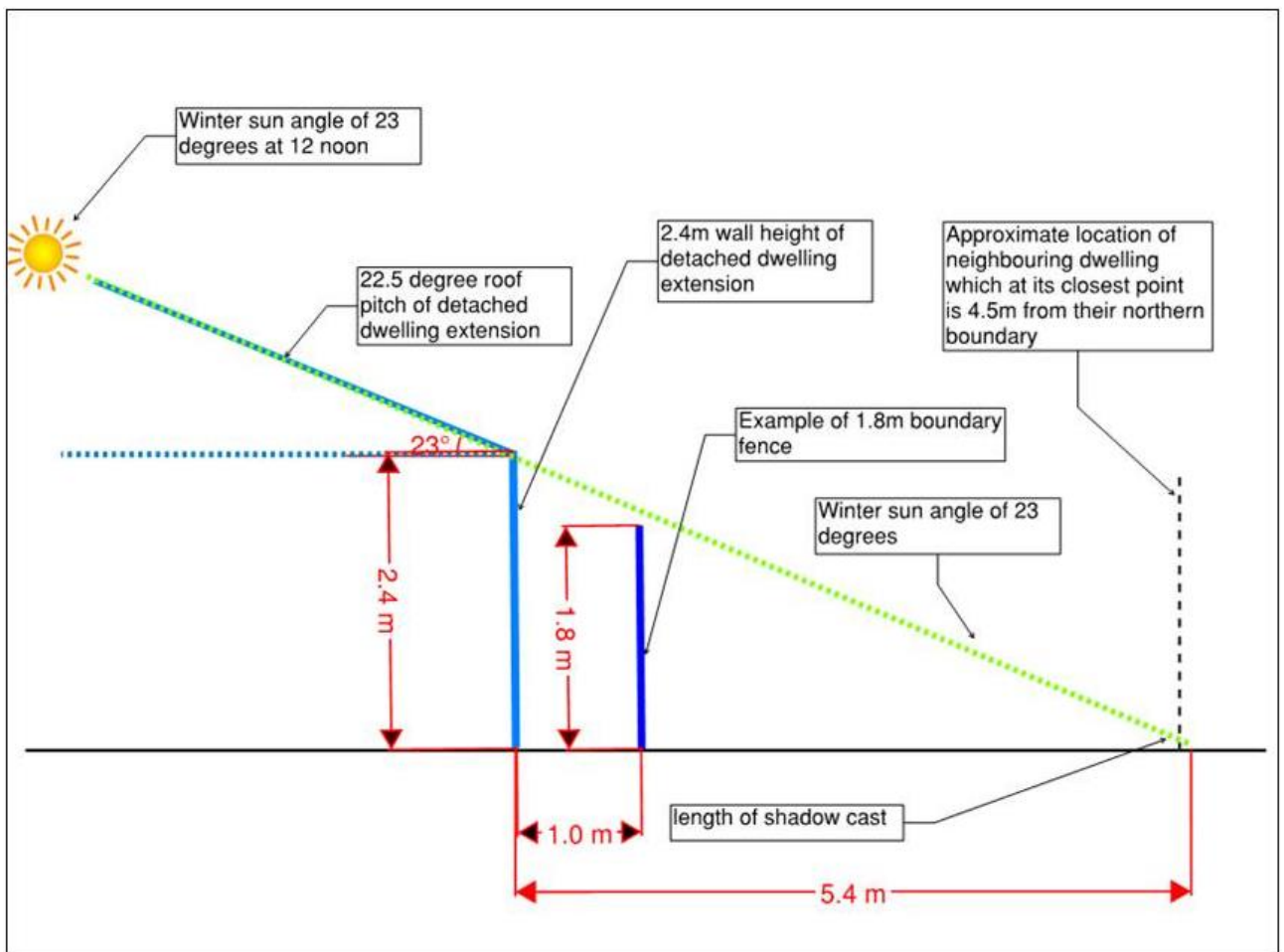
<b>Objective:</b> To control the siting and scale of dwellings to: <ul style="list-style-type: none"> <li>(a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and</li> <li>(b) assist in the attenuation of traffic noise or any other detrimental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

With respect to 10.4.2 P3 (a) (i)-(iv), the following comments are provided.

- The location of the detached dwelling extension will not cause a reduction in sunlight to habitable rooms (other than a bedroom) of adjacent neighbouring dwellings. Located to the immediate east of the proposal are carports for the occupiers of the unit complex. The carports are constructed to their respective western side boundary with a parapet wall situated along the common boundary of the two properties, as a result no amenity impacts from the detached addition will occur to the unit complex to the east. Located to the south of the proposal is a residential dwelling with the closest part of this dwelling being a bedroom some 4.5m away from the common boundary of 5 Henry Street. As prescribed in the P3 a(i), a bedroom can be impacted by a reduction in sunlight, however, this is not the case due to the physical separation of the two buildings. No reduction in sunlight will occur to habitable rooms of the adjacent property to the west due to the dwelling's position which is close to the Henry Street frontage. P3 (a)(i) is satisfied.
- The property most impacted by overshadowing from the proposal is the dwelling to the immediate south at 22 Hilltop Avenue. As part of the application documentation, the designer has provided shadowing diagrams on 21 June (this is when shadowing has its greatest impact due to the low angle of the sun). A copy of the shadowing



diagrams can be found in Attachment 1. To determine compliance with the performance criteria it must be determined if the overshadowing impact is unreasonable. The design of the low-profile hip roof for the detached extension will allow for some sunlight to enter the back yard of 22 Hilltop Avenue and the shadowing impact will be similar to that of a 1.8m high rear boundary fence, noting that a 2.1m high boundary fence can be erected without the requirement for a planning permit. An example of the proposal's impact to 22 Hilltop Avenue is reproduced as Figure 7. For information purposes, the angle of the sun in winter in Tasmania is approximately  $23^{\circ}$  at 12 noon based on a latitude of  $42^{\circ}$ . It is considered the back yard of 22 Hilltop will receive sunlight and the impact is not considered unreasonable. P3 (a)(ii) is considered met.



**Figure 7 - Example of shadowing impact from the proposed detached dwelling extension to 22 Hilltop Avenue, Devonport (Planning Officer, 2019)**

- The proposal is not located adjacent to a vacant lot and therefore P3 (a)(iii) is not applicable.
- Due to the proposal's location, the only property likely to be impacted from its bulk and scale is the property to the immediate south which is 22 Hilltop Avenue. The detached extension is setback 1m from the rear boundary and the proposal's south elevation will incorporate architectural relief by virtue of colorbond wall cladding, high ceiling windows and a door, refer to Figure 8 below. The visual bulk of the proposal is not assessed as being unreasonable and P3 (a)(iv) is satisfied.

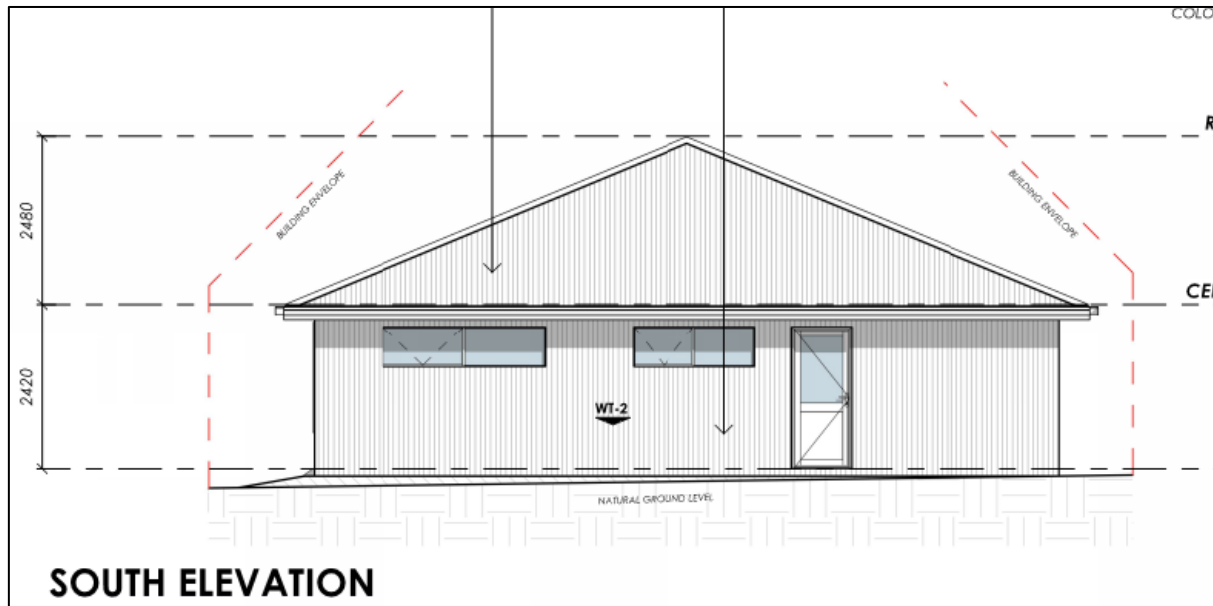


Figure 8 - South elevation of proposed detached dwelling (n+b, 2019)

- With respect to P3(b), the proposal will achieve appropriate separation which is comparable with existing development within the site's vicinity. For example, the proposal is generally setback 1m or greater from the side and rear boundaries where neighbouring development is constructed up to property boundaries. An example being the adjoining unit complex to the east.
- In summary, the performance criteria prescribed for 10.4.2 P3 has been examined and the proposal demonstrates appropriate compliance.

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

<b>Objective:</b>	
Design and location of new development is to be consistent with the attributes and features specified for conservation	
Acceptable Solutions	Performance Criteria
<b>A1</b>  Development must comply with the conservation outcomes specified in Column 4 of the Table to this Code for the building, area, or other place	<b>P1</b>  The design and location of buildings and development areas must maintain the architectural or historic interest or special cultural value specified in the Table to this Code for a building, area or other place having regard for – <ul style="list-style-type: none"> <li>(a) integrity of the fabric and structure of the building, area, or other place;</li> <li>(b) setback, scale, and height of building elements relative to existing development on the site;</li> <li>(c) vegetation and other improvement on the site or on adjacent land;</li> <li>(d) separation of buildings and activity areas from a frontage;</li> <li>(e) separation of buildings and activity areas across a boundary; and</li> </ul>

	(f) architectural style and features of the building, area, or other place including -
	(i) roof form and pitch;
	(ii) fenestration;
	(iii) methods and techniques of construction;
	(iv) external fabric, materials and finish;
	(v) colour scheme;
	(vi) alteration and addition;
	(vii) outbuildings;
	(viii) garden design, planting and structures;
	(ix) fencing; and
	(x) signage

As discussed, the site is situated within the Wenvoe/Heritage Conservation Area and there are no conservation outcomes to satisfy the acceptable solutions of the above development standard. A map and description of the Wenvoe/Hill Street Conservation Area is shown as Figure 9 & 10 respectively.

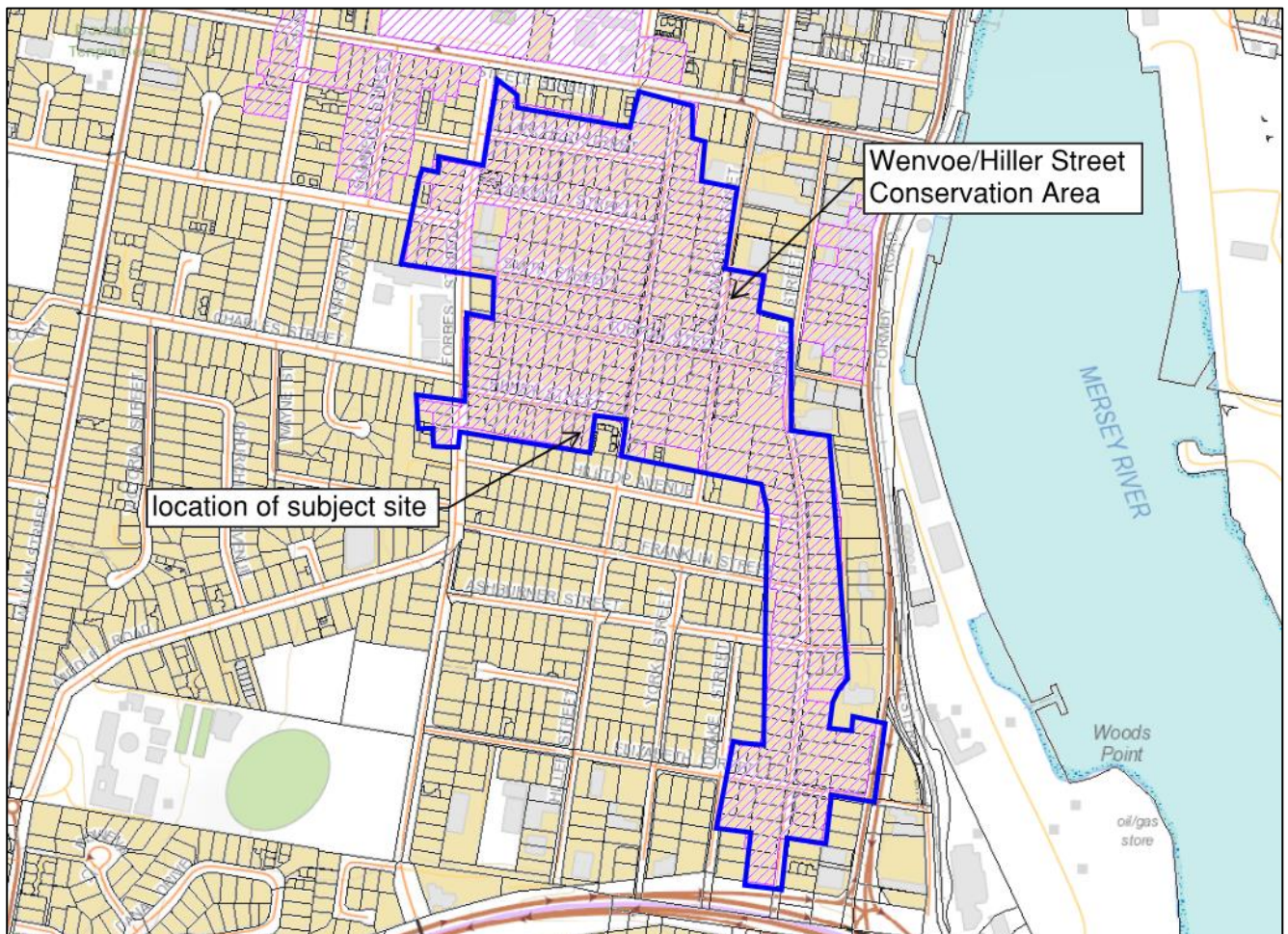


Figure 9- Map of Wenvoe/Hill Street Conversation Area with development site shown  
(The List 2013)



## Report to Planning Authority Committee meeting on 9 September 2019

<p>Wenvoe and Hiller Street Conservation Area (Area 2)</p>	<p>The area contains a mixture of residential homes, schools and a church</p>	<p>The area is the major surviving heritage housing area of Devonport and is of very high heritage significance. Wenvoe Street is the main street through the area. The street rises to the west from Steele Street through an industrial area with the first residential buildings near Turton Street. As the street steeply rises a group of very fine houses are located on the slopes with good views and aspect to the northeast. At the southern end of the street are a group of houses and cottages extending into Elizabeth Street, a number of which were relocated from Zeehan. The street contains a wide range of buildings of value and a number of major properties.</p> <p>Macfie Street has also been impacted by industrial development at its northern end. As the street rises steeply heading west to Turton Street a group of two storey timber buildings are located on the high side with an early house at No 27. The hill is topped by No 44, a substantial two storey brick house. It is distinctive, as it is the most imposing building in the area with extensive views to the river and Bass Strait. Another significant house is at No 47 again taking advantage of the extensive views.</p> <p>Hiller Street is located on the ridge and is comparatively level. However houses on the eastern side are set down with the western houses set slightly above street level. The block between Steele and Turton Streets contains the finest group of buildings in the Heritage Area with examples of various styles and fine decorative treatments. This area forms the core of the Wenvoe and Hiller Street Conservation Area.</p> <p>As noted the streets oriented east-west generally have smaller scale buildings. Harold Street was a late subdivision from the lands around Pebble Lodge and contains a high consistency of buildings, a number of which are now altered and have non-characteristic fencing styles. While the street is wider than the other cross streets, the buildings are modest and representative of the wider development of early Devonport.</p> <p>Archer Street contains several unusual and fine buildings from several periods and a good collection of contributory buildings. It is a narrower street that typifies the pattern of early sub-division and development of the ridge area.</p> <p>Turton Street has a very high consistency of contributory buildings that make up the basic housing stock of the area.</p> <p>Henry Street is an example of a more modest sub-division with small lot sizes and good consistent housing stock.</p> <p>Smith Street is the least coherent street containing a small number of contributory buildings. The other houses are however good examples of later development and provide a good setting for the more significant buildings.</p> <p>The key characteristics of the Conservation Area are -</p> <ul style="list-style-type: none"> <li>(a) Its consistent building form and scale;</li> <li>(b) The contrasts between larger properties in the north-south streets and the more regular rows of smaller houses in the east-west cross streets;</li> <li>(c) The regular relationship of most houses to the street frontage; and</li> <li>(d) The predominant late 19<sup>th</sup> C and early 20<sup>th</sup> C style of the buildings.</li> </ul>	
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**Figure 10 - Description of Wenvoe/Hiller Street Conservation Area from the DIPS (2013)**

The Local Heritage Code describes Henry Street as, *"an example of a more modest subdivision with small lot sizes and good consistent housing stock."* The proposal will be generally obscured behind the existing dwelling. A key characteristic of this Conservation Area is its consistent building form and scale. The detached dwelling extension is proposed to have a single storey profile with a hipped roof and is seen to be consistent with other residential development in the area. The performance criteria for E5.6.4 P1 is satisfied.

## REPRESENTATIONS

One representation was received within the prescribed 14-day public scrutiny process.

The representation received was from the owners of 22 Hilltop Avenue who immediately adjoin the development to the south. A copy of the representation is reproduced below as Figure 11.

Dear Mr Atkins,

We own property at 22 Hilltop Ave, Devonport which entirely backs onto the development and we would like to make a representation **objecting** to this proposed development as referenced below:

10.4.2 Setbacks and building envelopes for all dwellings objective, clause (a) states: **to provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage**

The proposed building which is stated as a "garage" on the plans but has a study, rumpus, laundry, bathroom and kitchenette will be built approximately 350 mm from our back-boundary fence. Firstly, this is not a garage as such but a self-contained dwelling and due to this, we don't consider 350mm to be a reasonable consistent separation between the dwelling and our back boundary, considering our master bedroom is situated at the rear of our property. Normal rear setback is supposed to be 4 metres and this is 350mm.

Clause (d): **provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and open spaces**

According to the photos submitted on the planning permit, our clothesline which is situated in the far right north-eastern side of our block, we will see minimal sunlight during the day due to the close proximity of the building to the boundary fence line and with the height of the proposed dwelling. As a family of 5, we use the clothesline on a regular basis throughout the entire year and there will not be enough adequate sun/light during the daylight drying hours for this to occur.

**The siting and scale of a dwelling must:**

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

**(i). Reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot**

Our kitchen and deck area are north facing which is filled with sun (when it's out) and daylight all day and therefore this aspect will be compromised as it will be blocked by a grey Boral Core Filled Concrete Block Wall which will have the following dimensions: 13mtrs x 2.420mtrs in height and along with a roof height of 2.48mtrs.

This will mean that we will be looking out from our kitchen window and deck area onto a concrete wall that spans 13 metres of our total boundary of this section of 13.4 metres and this will severely compromise and block our light into our kitchen window, study window and deck compared to what we currently enjoy, especially since the proposed completed height of the entire dwelling will be 4.9mtrs.

**(ii) overshadowing the private open space of a dwelling on an adjoining lot**

The pitch and height of the roof/dwelling will cause shadows over our back lawn for most of the day (especially in winter) which will make most of our lawn damp, wet and boggy which will inhibit the area of which we can use for playing space for our children.

Our backyard is very small, and I don't think it's practicable or convenient that we should have to "plan" our outside time to take advantage of the light and sun due to the shading that the dwelling will produce on our back lawn.

Please note that we do share another boundary fence of approx. 3 metres with another neighbour however due to the excessive height of the trees in this yard, we also have minimal sunlight from this space as well so our daylight/sunlight will be severely compromised for our entire back yard.

**(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot**

The size of this proposed garage/dwelling is bigger than the existing home on the section so the visual impact of this dwelling due its size and the space it takes up bordering our entire backyard will:

- block our current sunny north facing aspect
- block our light to the kitchen and deck area
- block our view from our kitchen, study and deck area with a 13m (w) x 2.42m (h) grey concrete brick wall

As previously stated, our master bedroom is situated at the far north/eastern end our house and contains 2 end windows. As this dwelling is obviously being used for other than a proposed "garage", the proximity between the windows and the boundary fence/dwelling will compromise our privacy and we have concerns over potential noise issues as well.

I am also concerned the shadowing will completely block any light/sunlight to these bedroom windows as well, and I fear this could cause dampness and mould in our bedroom.

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

No other house that shares boundary fences with Hilltop Ave/Henry St has a brick wall of that length and height situated just 35cms to a neighboring boundary fence.

We have taken photos to show the impact this dwelling will have on our backyard, the view we have now, the current impact the shadowing/shading the current fence produces (which is currently not a high fence) and the small size of our back yard. These can be supplied on request.

I invite members of the planning division and council members to our place to view the impact this dwelling will have to our backyard, our north facing aspect and our view before a decision is made on this planning application.

Thank you for considering our objections.

Kind regards

Andrew & Wendy Swaine

**Figure 11 – Representation received from Andrew and Wendy Swaine, owners and occupiers of 22 Hilltop Avenue, Devonport**

Before the representation is assessed, the initial plans for the proposal presented the detached dwelling extension being constructed to the rear boundary. These plans were subject to the public notification process and this is what the representors' based their submission upon. The applicant became aware of a representation being received and provided an updated set of plans which re-positioned the proposal 1m in from the rear boundary. For reference, a copy of the initial proposal plans can be found marked as 'superseded' in Attachment 1.

At the time of writing this report, the representors' had been given a copy of the amended plans, however, no feedback had been received. It was considered unnecessary for Council to re-advertise the application due to the fact no other representations were received and the amended position of the proposal would not cause additional impacts to neighbouring properties.

Each point of the objection from the representation has been reproduced below along with comment.

*"10.4.2 Setbacks and building envelopes for all dwellings objective, clause (a) states: **to provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage***

*The proposed building which is stated as a "garage" on the plans but has a study, rumpus, laundry, bathroom and kitchenette will be built approximately 350 mm from our back-boundary fence. Firstly, this is not a garage as such but a self-contained dwelling and due to this, we don't consider 350mm to be a reasonable consistent separation between the dwelling*

*and our back boundary, considering our master bedroom is situated at the rear of our property. Normal rear setback is supposed to be 4 metres and this is 350mm."*

Comment - The plans are somewhat misleading as the project has been labelled 'Proposed Garage' by the designer. The owner has verbally indicated the proposal is intended to accommodate vehicles and be an extension to the existing dwelling. A condition will be included on the permit stipulating that the detached dwelling extension cannot be utilised for alternate purposes such as a separate unit or short term stay accommodation unless further planning approval is sought and granted. As mentioned, the plans have now been updated and a 1m rear setback is now proposed.

*"Clause (d): provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and open spaces*

*According to the photos submitted on the planning permit, our clothesline which is situated in the far right north - eastern side of our block, we will see minimal sunlight during the day due to the close proximity of the building to the boundary fence line and with the height of the proposed dwelling. As a family of 5, we use the clothesline on a regular basis throughout the entire year and there will not be enough adequate sun/light during the daylight drying hours for this to occur."*

Comment – It is acknowledged the development of the detached dwelling extension will cause an overshadowing impact to the back yard of 22 Hilltop Avenue, this is reflected in the supporting shadow diagrams submitted by the designer. However, the proposal has been subject to an assessment against the merits of the performance criteria stipulated in 10.4.2 P3 and the overshadowing impact has been assessed as not being unreasonable.

*"The siting and scale of a dwelling must:*

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

*(i). Reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot*

*Our kitchen and deck area are north facing which is filled with sun (when it's out) and daylight all day and therefore this aspect will be compromised as it will be blocked by a grey Boral Core Filled Concrete Block Wall which will have the following dimensions: 13mtrs x 2.420mtrs in height and along with a roof height of 2.48mtrs.*

*This will mean that we will be looking out from our kitchen window and deck area onto a concrete wall that spans 13 metres of our total boundary of this section of 13.4 metres and this will severely compromise and block our light into our kitchen window, study window and deck compared to what we currently enjoy, especially since the proposed completed height of the entire dwelling will be 4.9mtrs."*

Comment – The detached extension is now proposed to be setback 1m to the rear boundary. In addition, the south elevation of the detached dwelling extension which is shown earlier in the report as Figure 8 incorporates architectural relief by virtue of colorbond wall cladding, high ceiling windows and a door.

*"(ii) overshadowing the private open space of a dwelling on an adjoining lot*

*The pitch and height of the roof/dwelling will cause shadows over our back lawn for most of the day (especially in winter) which will make most of our lawn damp, wet and boggy which will inhibit the area of which we can use for playing space for our children.*

*Our backyard is very small, and I don't think its practicable or convenient that we should have to "plan" our outside time to take advantage of the light and sun due to the shading that the dwelling will produce on our back lawn.*

*Please note that we do share another boundary fence of approx. 3 metres with another neighbour however due to the excessive height of the trees in this yard, we also have minimal sunlight from this space as well so our daylight/sunlight will be severely compromised for our entire back yard."*

Comment – The proposal has been subject to an assessment against the merits of the performance criteria stipulated in 10.4.2 P3 and the overshadowing and visual bulk impact has been assessed as not being unreasonable.



*“(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot*

*The size of this proposed garage/dwelling is bigger than the existing home on the section so the visual impact of this dwelling due its size and the space it takes up bordering our entire backyard will:*

- block our current sunny north facing aspect*
- block our light to the kitchen and deck area*
- block our view from our kitchen, study and deck area with a 13m (w) x 2.42m (h) grey concrete brick wall*

*As previously stated, our master bedroom is situated at the far north/eastern end our house and contains 2 end windows. As this dwelling is obviously being used for other than a proposed “garage”, the proximity between the windows and the boundary fence/dwelling will compromise our privacy and we have concerns over potential noise issues as well.*

*I am also concerned the shadowing will completely block any light/sunlight to these bedroom windows as well, and I fear this could cause dampness and mould in our bedroom.”*

Comment - Refer to above statement.

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

*No other house that shares boundary fences with Hilltop Ave/Henry St has a brick wall of that length and height situated just 35cms to a neighbouring boundary fence.”*

Comment - The amended plans show the detached dwelling extension to be located 1m from the rear boundary. Adequate separation between buildings can be satisfied.

In summary, the merits of the representation have been carefully considered. If the applicant did not amend the position of the detached dwelling extension its initial proposed location of being constructed to the rear boundary a positive recommendation would be unlikely as the performance criteria prescribed under 10.4.2 P3 could not be satisfied. The repositioning of the proposal has allowed for a more favourable assessment and compliance with 10.4.2 P3 has been demonstrated. The representation is recommended to be noted by the Planning Authority, but no additional design conditions are thought appropriate.

## **DISCUSSION**

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

## **FINANCIAL IMPLICATIONS**

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

## **RISK IMPLICATIONS**

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

## **CONCLUSION**

The proposed detached dwelling extension at 5 Henry Street, Devonport has been assessed as appropriately complying with the requirements of the DIPS and the discretions sought thereunder are deemed to have merit and can be supported. The application is recommended for conditional approval.



## ATTACHMENTS

- [1.](#) Application - PA2019.0113 - 5 Henry Street, Devonport

## RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2019.0113 and grant a Permit to use and develop land identified as 5 Henry Street, Devonport for the following purposes:

- Residential (detached dwelling addition)

Subject to the following conditions:

### Planning Conditions

1. The use and development is to proceed in accordance with the submitted and endorsed plans referenced as Proposed Garage - Project No P19025 (Revision No A, dated 30/09/19) by n+b, a copy of which is attached and endorsed as documents forming part of this Planning Permit.

### Infrastructure & Works Conditions

2. Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code and the *Urban Drainage Act 2013*. In this regard the developer is to engage a suitably qualified engineer to determine the best methodology for concentrated stormwater discharge to meet these requirements and for inclusion in any subsequent building and plumbing permit application(s).
3. As part of the developer's design stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately identify peak discharge flows. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development lot being impervious. There is to be no overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the City Engineer prior to acceptance of building and plumbing permit application(s).
4. The existing driveway access crossover is to be used for the purposes of the proposed development.
5. Any existing Council infrastructure impacted by the development works is to be reinstated in accordance with the relevant standards.
6. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

Note: The following is provided for information purposes.

If in the future the owner wishes to explore the opportunity of utilising the detached dwelling extension for a unit or visitor accommodation purposes, the owner will need to discuss with Council's Planning Department the applicable planning permit pathway.

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.

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

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*.

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

In regard to conditions 2-6 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

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

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

## Devonport City Council

*Land Use Planning and Approvals Act 1993*

*Devonport Interim Planning Scheme 2013*

## Application for Planning Permit

### Use or Development Site

Street Address: 5 Henry Street Devonport

Certificate of Title Reference No.: PID6334589, VOLUME 6037, FOLIO 2

### Applicant's Details

Full Name/Company Name: Nicholas John Brandsema

n+b design

Postal Address: 8 Brandsema Street, Turners Beach, 7315

Telephone: 0417 134 369

Email: nick@nplusb.com.au

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

Full Name/Company Name: John & Lyndall Farrell

Postal Address: 5 Henry Street Devonport

Telephone: 0407 013 137

Email: ayrmax@live.com.au



ABN: 47 611 446 016  
 PO Box 604  
 17 Fenton Way  
 Devonport TAS 7310  
 Telephone 03 6424 0511  
 Email  
[council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)  
 Web  
[www.devonport.tas.gov.au](http://www.devonport.tas.gov.au)

Please provide one copy of all plans with your application.

What is proposed?: Residential Garage

Use Class (Office use only):

Applications may be lodged by email to Council - [council@devonport.tas.gov.au](mailto: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>Demonstration of compliance with performance criteria and relevant codes</b>	
<b>A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing:</b>	
<ul style="list-style-type: none"> <li>• The existing and proposed use(s) on the site</li> </ul>	
<ul style="list-style-type: none"> <li>• The boundaries and dimensions of the site</li> </ul>	
<ul style="list-style-type: none"> <li>• Topography including contours showing AHD levels and major site features</li> </ul>	
<ul style="list-style-type: none"> <li>• Natural drainage lines, watercourses and wetlands on or adjacent to the site</li> </ul>	
<ul style="list-style-type: none"> <li>• Soil type</li> </ul>	
<ul style="list-style-type: none"> <li>• Vegetation types and distribution, and trees and vegetation to be removed</li> </ul>	
<ul style="list-style-type: none"> <li>• The location and capacity of any existing services or easements on the site or connected to the site</li> </ul>	
<ul style="list-style-type: none"> <li>• Existing pedestrian and vehicle access to the site</li> </ul>	
<ul style="list-style-type: none"> <li>• The location of existing adjoining properties, adjacent buildings and their uses</li> </ul>	
<ul style="list-style-type: none"> <li>• Any natural hazards that may affect use or development on the site</li> </ul>	
<ul style="list-style-type: none"> <li>• Proposed roads, driveways, car parking areas and footpaths within the site</li> </ul>	
<ul style="list-style-type: none"> <li>• Any proposed open space, communal space, or facilities on the site</li> </ul>	
<ul style="list-style-type: none"> <li>• Main utility service connection points and easements</li> </ul>	
<ul style="list-style-type: none"> <li>• Proposed subdivision lot boundaries, where applicable</li> </ul>	
<ul style="list-style-type: none"> <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 on A3 or A4 paper (1 copy) showing:</b>	
<ul style="list-style-type: none"> <li>• The internal layout of each building on the site</li> </ul>	
<ul style="list-style-type: none"> <li>• The private open space for each dwelling</li> </ul>	
<ul style="list-style-type: none"> <li>• External storage spaces</li> </ul>	
<ul style="list-style-type: none"> <li>• Car parking space location and layout</li> </ul>	
<ul style="list-style-type: none"> <li>• Major elevations of every building to be erected</li> </ul>	
<ul style="list-style-type: none"> <li>• The relationship of the elevations to natural ground level, showing any proposed cut or fill</li> </ul>	
<ul style="list-style-type: none"> <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> </ul>	
<ul style="list-style-type: none"> <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> </ul>	
<ul style="list-style-type: none"> <li>• Paving materials and drainage treatments and lighting for vehicle areas and footpaths</li> </ul>	
<ul style="list-style-type: none"> <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\$ 175,000

---

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

## If land is not in applicant's ownership

I, Nicholas John Brandsema 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: 25/07/2019

## 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: 25/07/2019

## 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 5.00pm, 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 6424 0511. <b>Customer Service hours are between 8.30am and 5.00pm, Monday to Friday.</b>

**RESULT OF SEARCH**

DEPUTY RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980***SEARCH OF TORRENS TITLE**

VOLUME 6037	FOLIO 2
EDITION 3	DATE OF ISSUE 03-Feb-2009

SEARCH DATE : 04-Jul-2019

SEARCH TIME : 02.27 PM

DESCRIPTION OF LAND

City of DEVONPORT

Lot 2 on Diagram 6037

Derivation : Part of Lot 282 Gtd. to C S Thomas

Prior CT 3465/68

SCHEDULE 1

C681739 TRANSFER to JOHN WAYNE FARRELL Registered  
28-Mar-2006 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
BENEFITING EASEMENT: The right of Ann Betty Chettle her heirs and assigns of eavesdrop over and to overhang the eastern boundary of the land adjoining the said land within described with the eaves of the dwelling house and other building then erected or that might thereafter be erected in their place on the boundary line between the land adjoining and the said land within described and marked "Easement of overhang 0.30 metres wide" on Diagram 6037 PROVIDED THAT the said Ann Betty Chettle her heirs or assigns should there after keep in good repair all down pipes or other means whereby water might be conveyed from the eaves of the said dwelling house and other building on the western side thereof and provide and keep in repair a pipe or pipes to carry such water from the said down pipe or other means of conveyance of water so that it should flow onto Henry Street and so that it should not be discharged onto and flow over any part of the said land adjoining on the western side of the said land within described

C897208 MORTGAGE to Commonwealth Bank of Australia  
Registered 03-Feb-2009 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS



## RESULT OF SEARCH

DEPUTY RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*



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No unregistered dealings or other notations





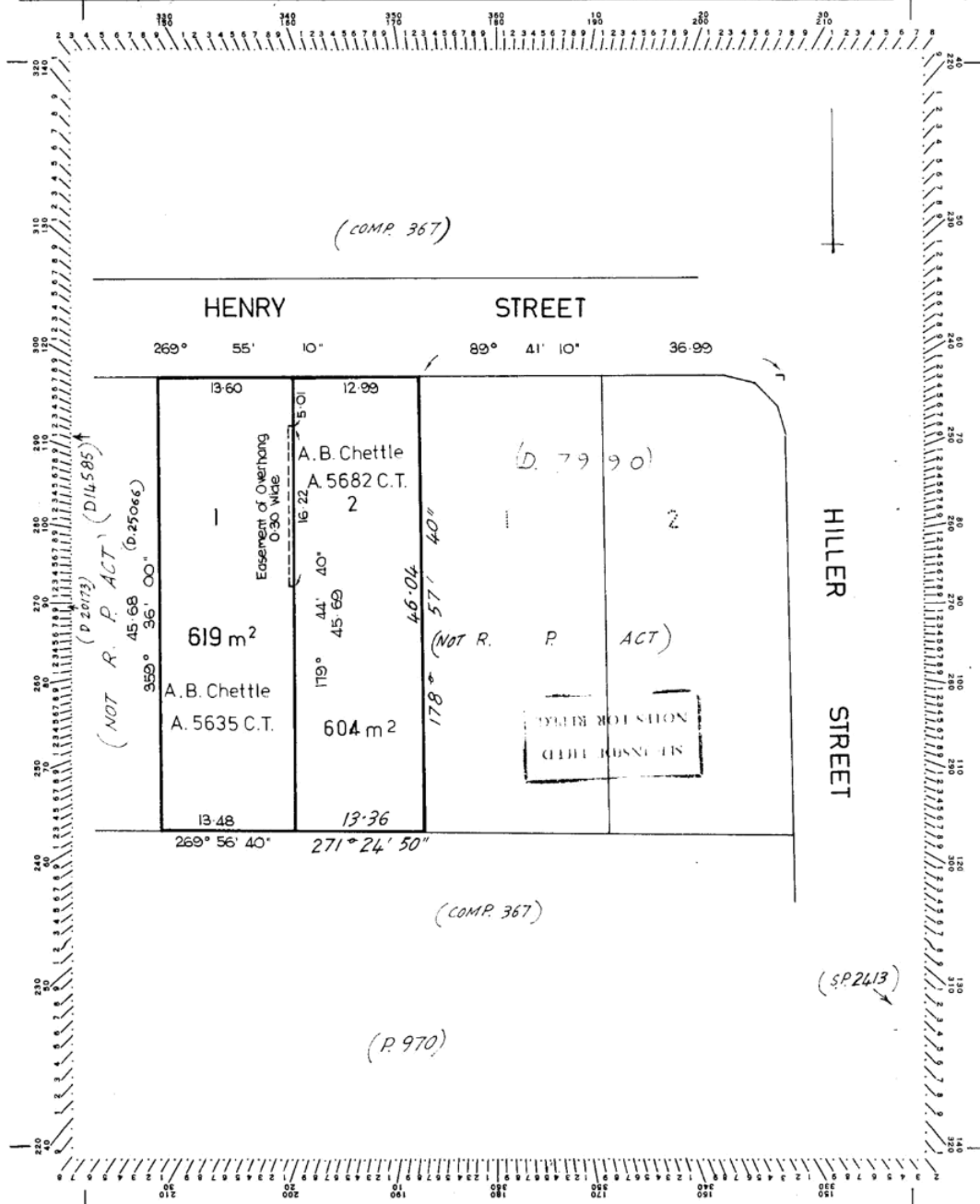
## FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner: A <sup>B</sup> Chettle	PLAN OF SURVEY by Surveyor MR. E.P. FRANKS of land situated in the	Registered Number: <b>D 6037</b>
Title Reference: ASSENT 46/7125	TOWN OF DEVONPORT	Effective from:
Grantee: Part of Lot 282, 500 Acres, Charles Stanhope Thomas Pur.	Scale: 1:400 Measurements in metres	Recorder of titles <b>P/I</b>



# JOHN & LYNDALL FARRELL

## PROPOSED GARAGE

### 5 HENRY STREET, DEVONPORT

#### DRAWING SCHEDULE

SHEET	DESCRIPTION	REV	ISSUE DATE
A100	COVER PAGE	A	30/09/19
A101	SITE PLAN	A	30/09/19
A102	ELEVATIONS 1 OF 2	A	30/09/19
A103	ELEVATIONS 2 OF 2	A	30/09/19
A104	FLOOR PLAN	A	30/09/19
A105	SLAB PLAN	A	30/09/19
A106	DRAINAGE PLAN	A	30/09/19
A107	FRAMING PLAN	A	30/09/19
A108	ELECTRICAL PLAN	A	30/09/19
A109	REFLECTED CEILING PLAN	A	30/09/19
A110	ROOF FRAMING PLAN	A	30/09/19
A111	TRUSS LAYOUT PLAN	A	30/09/19
A112	ROOF PLAN	A	30/09/19
A113	SECTION A-A	A	30/09/19
A114	SECTION B-B	A	30/09/19
A115	DETAILS	A	30/09/19
A116	STANDARD DETAILS	A	30/09/19
A117	WALL TYPES	A	30/09/19
A118	WATERPROOFING 1 OF 2	A	30/09/19
A119	WATERPROOFING 2 OF 2	A	30/09/19
A120	WINDOW & DOOR SCHEDULE	A	30/09/19
A121	LIGHTING CALCULATOR	A	30/09/19
A122	GENERAL NOTES	A	30/09/19
A123	SHADOW DIAGRAMS	A	30/09/19

#### GENERAL INFORMATION

ACCREDITED DESIGNER:  
ACCREDITATION NUMBER:  
LAND TITLE REFERENCE NUMBER:  
ENERGY ASSESSMENT:  
COUNCIL ZONE:

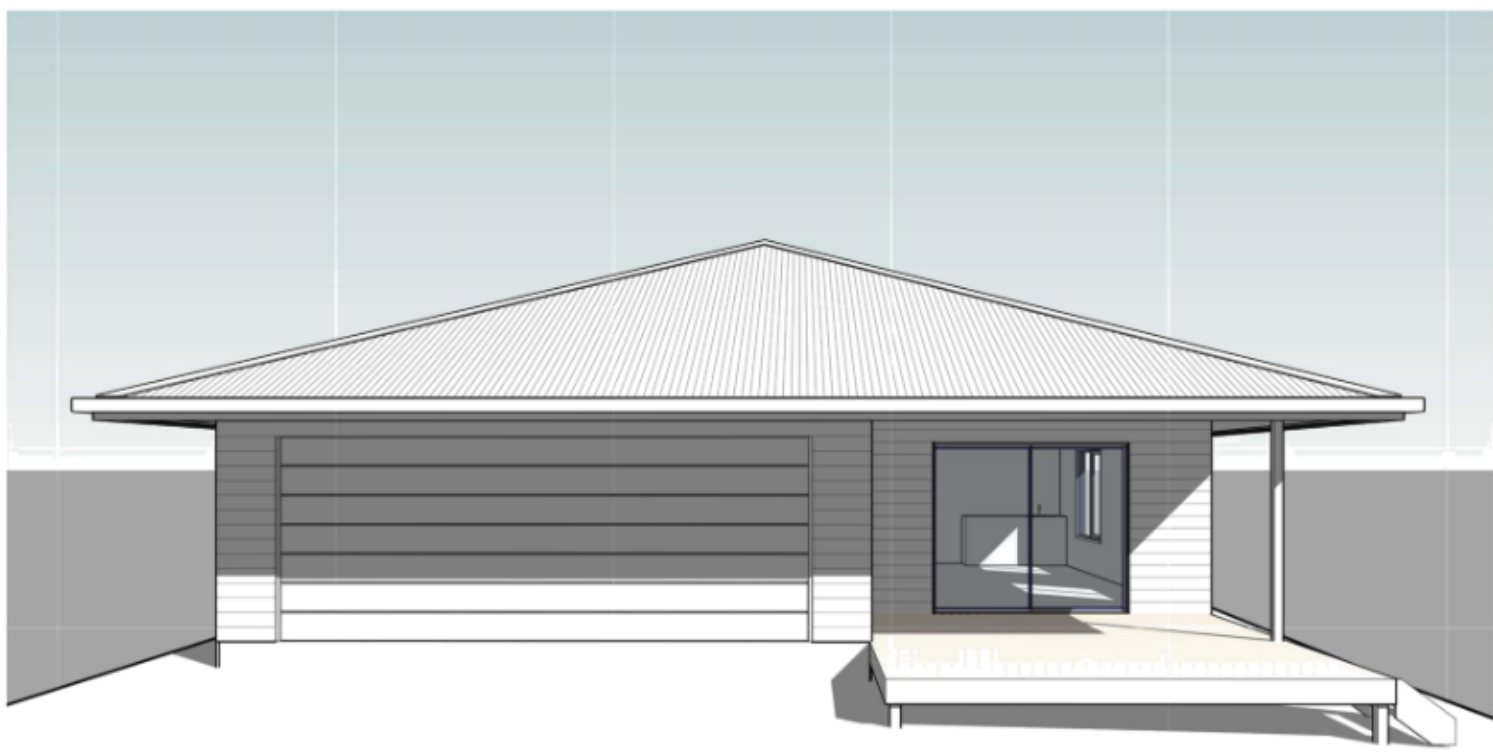
NICHOLAS BRANDSEMA  
047538582  
PID6334589, VOLUME 6037, FOLIO 2  
N/A  
GENERAL RESIDENTIAL

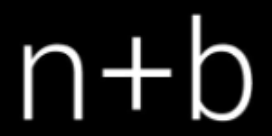
#### FLOOR AREAS

GARAGE FLOOR AREA: 141m2 (15 SQUARES)

#### SITE INFORMATION

SITE AREA: 604m2  
DESIGN WIND SPEED: N2 (ASSUMED)  
SOIL CLASSIFICATION: CLASS M (ASSUMED)  
ALPINE AREA: NO  
CORROSION ENVIRONMENT: N/A  
BUSHFIRE ATTACK LEVEL: N/A  
CLIMATE ZONE: 7





22 Fieldings Way  
Ulverstone, Tasmania  
Australia 7315

m 0417 134 369 e nick@nplusb.com.au  
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Scale A3

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Revision

No.	Date	Description
A	30/09/19	Issued as PLANNING

do not scale off plans  
all dimensions are in millimeters  
confirm all dimensions on site  
all work relevant NCC & AS

Project  
**PROPOSED GARAGE**

Location  
**5 HENRY STREET DEVONPORT**

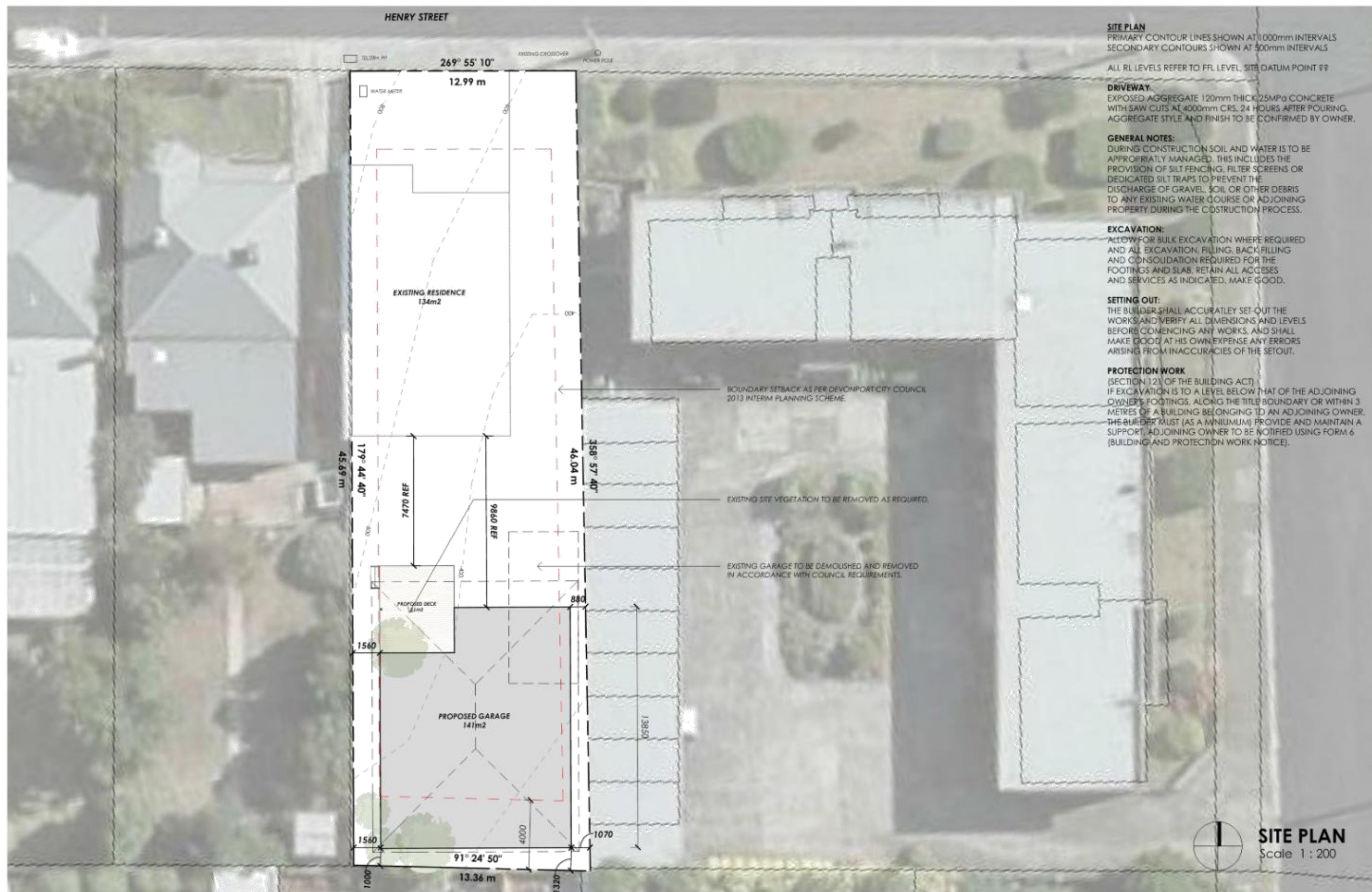
Client  
**JOHN & LYNDALL FARRELL**

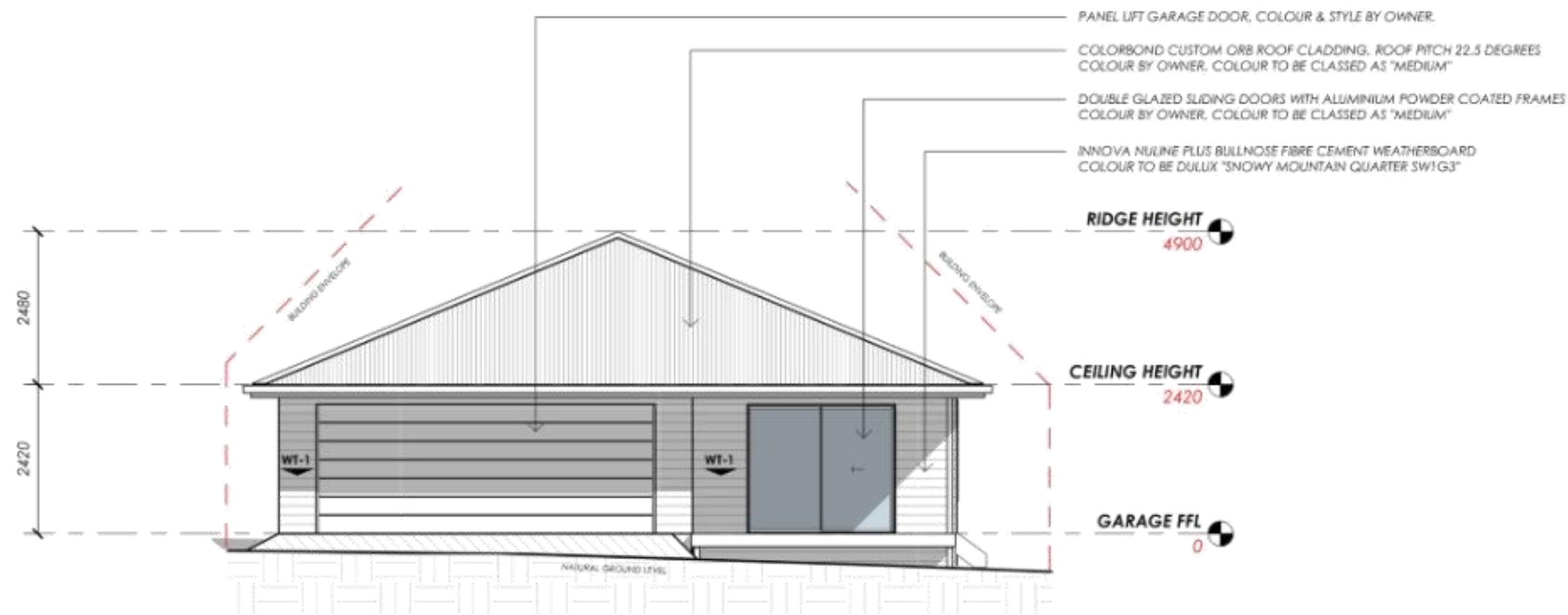
Sheet Title  
**COVER PAGE**

Drawn	Issue Date	Project No.	Revision
NJB	30/09/19	P19025	A

Sheet Number  
**A100**  
/A123







**NORTH ELEVATION**  
Scale 1 : 100

**WALL | FACADE MATERIALS & FINISHES**

- WT-1** INNOVALINE PLUS BULLNOSE FIBRE CEMENT WEATHERBOARD  
COLOUR TO BE DULUX "SNOWY MOUNTAIN QUARTER SW1G3"
- WT-2** COLORBOND CUSTOM ORB CLADDING, RUN VERTICALLY  
COLOUR TO BE "SURFMIST"



**EAVE CONSTRUCTION NCC VOLUME 2 PART 3.5.3.5**  
EAVE WIDTH OVERHANG - 600mm

EAVES LINED WITH 'HARDIFLEX' CEMENT SHEET  
TRIMMERS LOCATED WITHIN 1200mm OF  
EXTERNAL CORNERS TO BE SPACED @ 500mm  
CENTERS, REMAINDER OF SHEET - 700mm CENTERS

FASTENER / FIXINGS WITHIN 1200mm OF  
EXTERNAL CORNERS @ 200mm CENTERS,  
REMAINDER OF SHEET - 300mm CENTERS

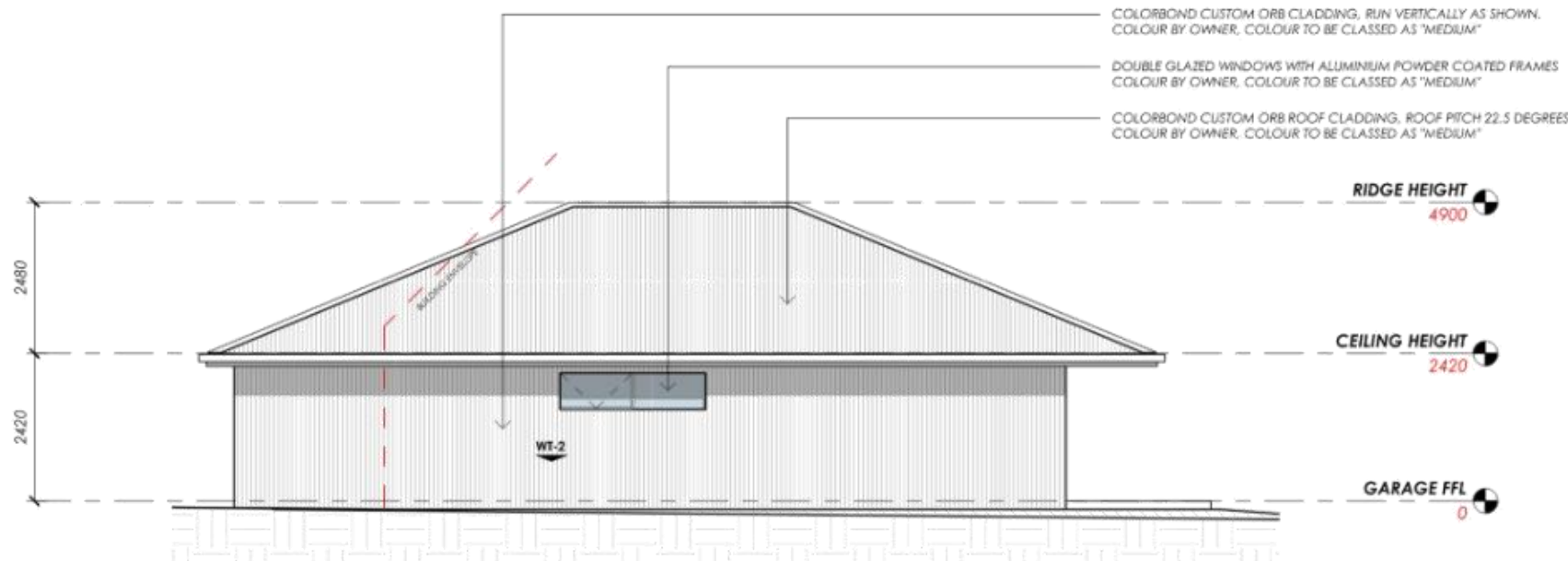
**COLORBOND CUSTOM ORB ROOF CLADDING**

SHEETING SELECTED BY CLIENT & INSTALLED IN  
ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS & AS1562

**SELECTED ALUMINIUM FRAMED WINDOWS & DOORS**

NCC VOLUME 2 PART 3.6 POWDER COATED ALUMINIUM WINDOW &  
DOOR FRAMES, UNLESS OTHERWISE NOTED, REVEALS AS SELECTED,  
ALL FLASHING & FIXINGS TO MANUFACTURERS SPECIFICATIONS

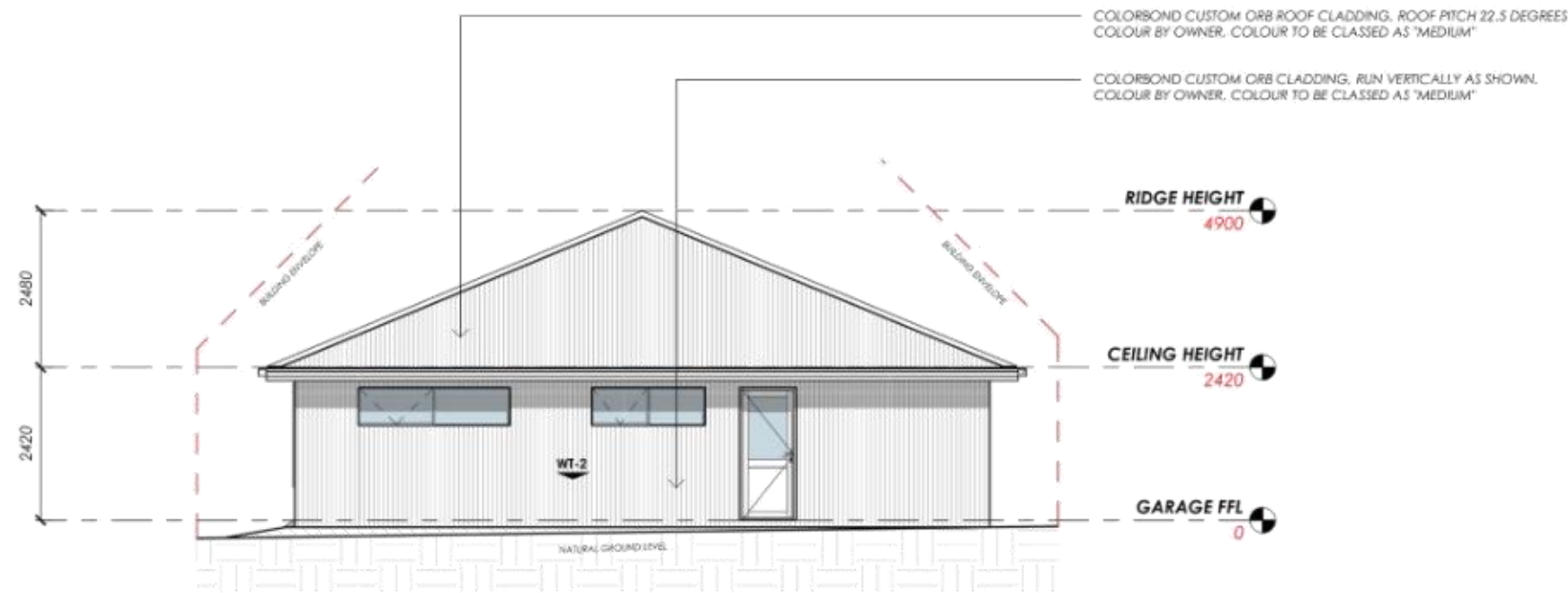
GLAZING & FRAME CONSTRUCTION TO AS2047 & AS1288  
ALL FIXINGS & FLASHINGS TO MANUFACTURERS REQUIREMENTS



**EAST ELEVATION**  
Scale 1 : 100

<b>n+b</b>	22 Fieldings Way Ulverstone, Tasmania Australia 7316 m 0417 134 369 e nick@nplush.com.au License No. 047538582 ABN 946 222 219 16	Issued As <b>PLANNING</b>  ©COPYRIGHT These drawings and designs and the copyright there of are the property of nplush and must not be used, retained or copied without the written permission of nplush. ABN 946 222 219 16	Scale A3 <b>1 : 100</b>	Revision No. Date Description A 30/09/19 Issued as PLANNING  do not scale off plans all dimensions are in millimeters confirm all dimensions on site of work relevant NCC & AS	Project <b>PROPOSED GARAGE</b> Location <b>5 HENRY STREET DEVONPORT</b> Client <b>JOHN &amp; LYNDALL FARRELL</b>	Sheet Title <b>ELEVATIONS 1 OF 2</b>				Sheet Number <b>A102</b> /A123
						Drawn <b>NJB</b>	Issue Date <b>30/09/19</b>	Project No. <b>P19025</b>	Revision <b>A</b>	





**SOUTH ELEVATION**  
Scale 1 : 100



**WEST ELEVATION**  
Scale 1 : 100

#### WALL | FACADE MATERIALS & FINISHES

- WT-1** INNOVA NULINE PLUS BULLNOSE FIBRE CEMENT WEATHERBOARD  
COLOUR TO BE DULUX "SNOWY MOUNTAIN QUARTER SW1G3"
- WT-2** COLORBOND CUSTOM ORB CLADDING, RUN VERTICALLY  
COLOUR TO BE "SURFMIST"



#### EAVE CONSTRUCTION NCC VOLUME 2 PART 3.5.3.5

EAVE WIDTH OVERHANG - 600mm

EAVES LINED WITH 'HARDIFLEX' CEMENT SHEET  
TRIMMERS LOCATED WITHIN 1200mm OF  
EXTERNAL CORNERS TO BE SPACED @ 500mm  
CENTERS, REMAINDER OF SHEET - 700mm CENTERS

FASTENER / FIXINGS WITHIN 1200mm OF  
EXTERNAL CORNERS @ 200mm CENTERS,  
REMAINDER OF SHEET - 300mm CENTERS

#### COLORBOND CUSTOM ORB ROOF CLADDING

SHEETING SELECTED BY CLIENT & INSTALLED IN  
ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS & AS1562

#### SELECTED ALUMINIUM FRAMED WINDOWS & DOORS

NCC VOLUME 2 PART 3.6 POWDER COATED ALUMINIUM WINDOW &  
DOOR FRAMES, UNLESS OTHERWISE NOTED, REVEALS AS SELECTED,  
ALL FLASHING & FIXINGS TO MANUFACTURERS SPECIFICATIONS

GLAZING & FRAME CONSTRUCTION TO AS2047 & AS1288  
ALL FIXINGS & FLASHINGS TO MANUFACTURERS REQUIREMENTS

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Scale A3  
**1 : 100**

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Revision  
No. Date Description

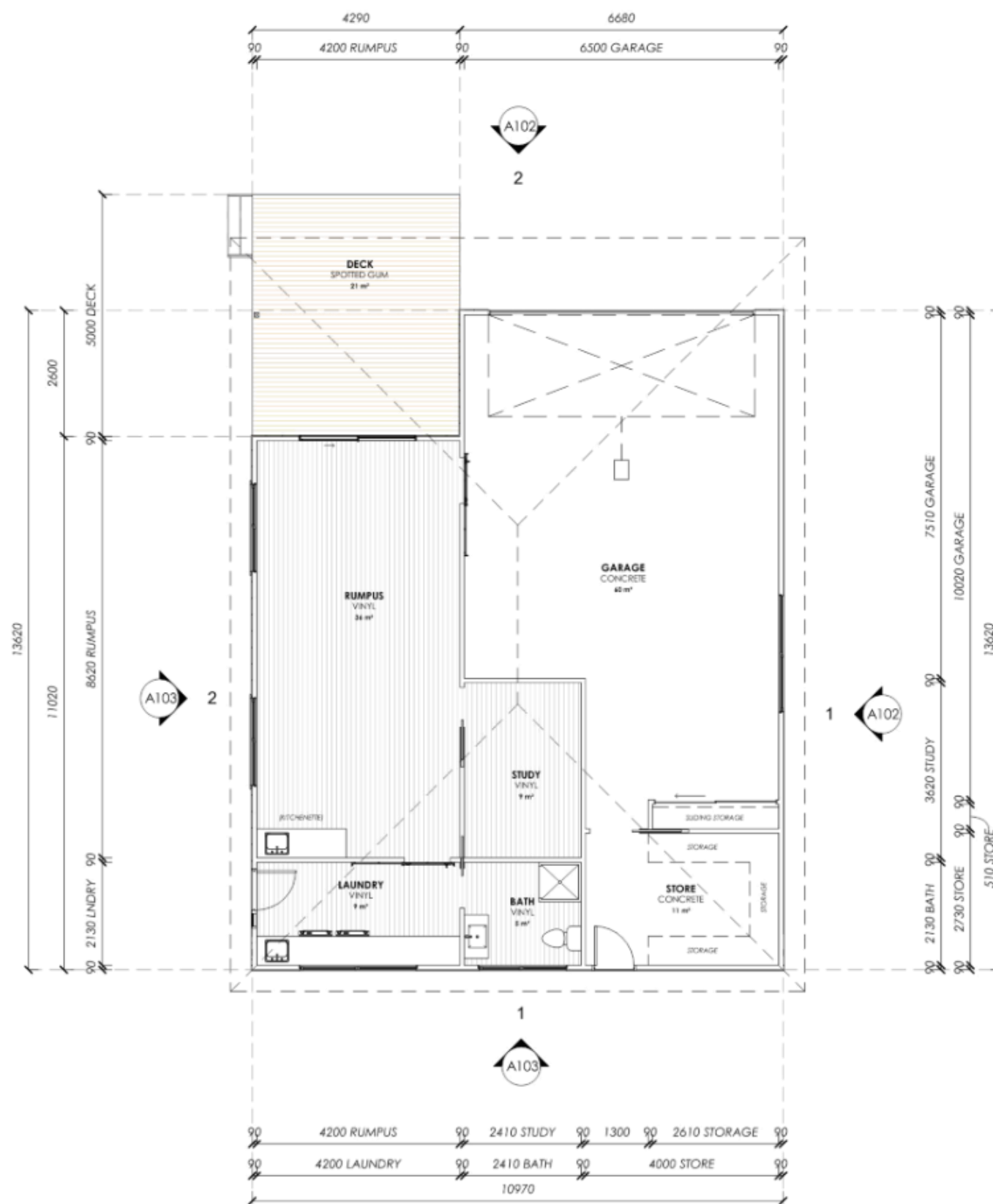
A 30/09/19 Issued as PLANNING  
do not scale off plans  
all dimensions are in millimeters  
confirm all dimensions on site  
of work relevant NCC & AS

Project  
**PROPOSED GARAGE**  
Location  
**5 HENRY STREET DEVONPORT**  
Client  
**JOHN & LYNDA FARRELL**

Sheet Title  
**ELEVATIONS 2 OF 2**

Drawn Issue Date Project No. Revision  
**NJB 30/09/19 P19025 A**

Sheet Number  
**A103**  
/A123



**FLOOR AREAS**  
GARAGE FLOOR AREA - 141m2 (15 SQUARES)

### FLOOR FINISHES

**VINYL**  
FLOOR AREA APPROX - 60m2  
5mm SELECTED VINYL PLANK FLOORING

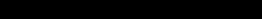
## CONCRETE

FLOOR AREA APPROX - 71m2  
NO SURFACE FINISH REQUIRED.

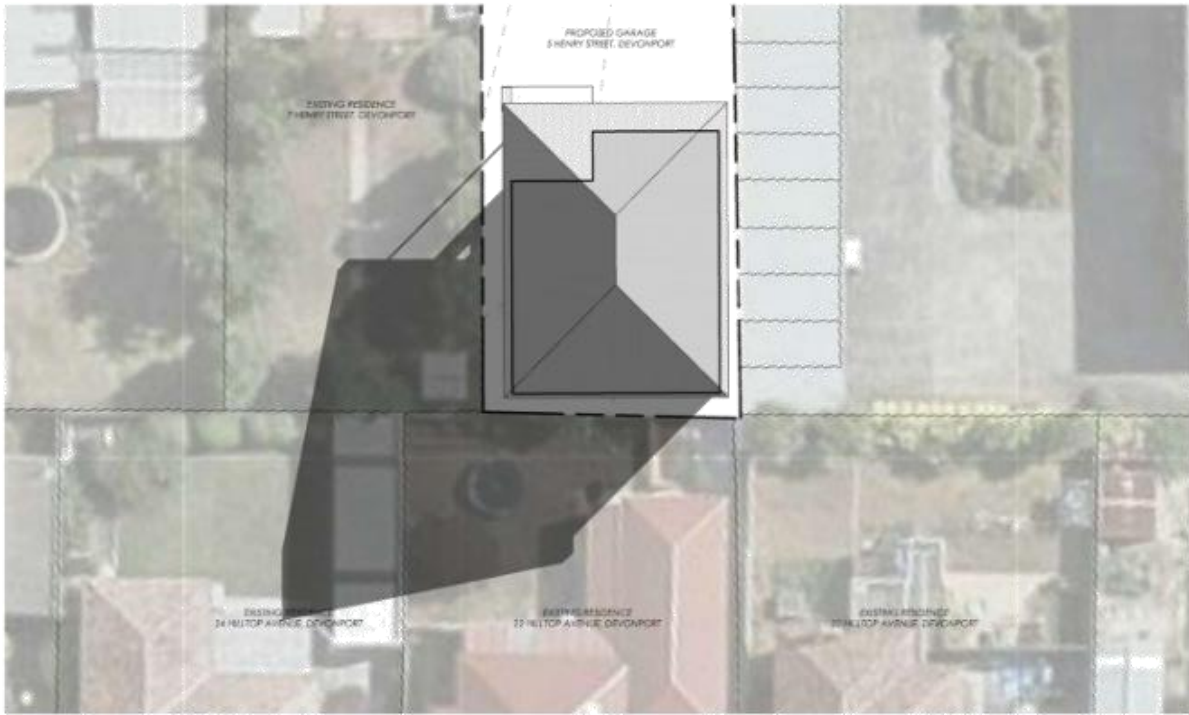
SKIRTING 66x18 PRE PRIMED BEVELLED  
SKIRTINGBOARD, PAINT TO FINISH.



**FLOOR PLAN**  
Scale 1 : 100

 <p>22 Fieldings Way Ulverstone, Tasmania Australia 7315</p> <p>m 0417 134 369 e <a href="mailto:nick@nplusb.com.au">nick@nplusb.com.au</a> License No. 047538582 ABN 946 222 219 16</p>	<p>Issued As</p> <p><b>PLANNING</b></p>	<p>Scale A3</p> <p><b>1 : 100</b></p>	<p>Revision</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>30/09/19</td> <td>issued as PLANNING</td> </tr> </tbody> </table>	No.	Date	Description	A	30/09/19	issued as PLANNING	<p>Project</p> <p><b>PROPOSED GARAGE</b></p> <p>Location</p> <p><b>5 HENRY STREET DEVONPORT</b></p> <p>Client</p> <p><b>JOHN &amp; LYNDALE FARRELL</b></p>	<p>Sheet Title</p> <p><b>FLOOR PLAN</b></p>	<p>Sheet Number</p> <p><b>A104</b></p>
	No.	Date	Description									
A	30/09/19	issued as PLANNING										
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Drawn	Issue Date	Project No.	Revision									
<b>NJB</b>	<b>30/09/19</b>	<b>P19025</b>	<b>A</b>									





 **JUNE 21st - 9am**  
Scale 1 : 350



 **JUNE 21st - 11am**  
Scale 1 : 350



 **JUNE 21st - 1pm**  
Scale 1 : 350



 **JUNE 21st - 3pm**  
Scale 1 : 350

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JOHN & LYNDALL FARRELL

PROPOSED GARAGE

5 HENRY STREET, DEVONPORT

SUPERSEDED

DRAWING SCHEDULE

SHEET	DESCRIPTION	REV	ISSUE DATE
A100	COVER PAGE	A	25/07/19
A101	SITE PLAN	A	25/07/19
A102	ELEVATIONS 1 OF 2	A	25/07/19
A103	ELEVATIONS 2 OF 2	A	25/07/19
A104	FLOOR PLAN	A	25/07/19
A105	SLAB PLAN	A	25/07/19
A106	DRAINAGE PLAN	A	25/07/19
A107	FRAMING PLAN	A	25/07/19
A108	ELECTRICAL PLAN	A	25/07/19
A109	REFLECTED CEILING PLAN	A	25/07/19
A110	ROOF FRAMING PLAN	A	25/07/19
A111	TRUSS LAYOUT PLAN	A	25/07/19
A112	ROOF PLAN	A	25/07/19
A113	SECTION A-A	A	25/07/19
A114	SECTION B-B	A	25/07/19
A115	DETAILS	A	25/07/19
A116	STANDARD DETAILS	A	25/07/19
A117	WALL TYPES	A	25/07/19
A118	WATERPROOFING 1 OF 2	A	25/07/19
A119	WATERPROOFING 2 OF 2	A	25/07/19
A120	WINDOW & DOOR SCHEDULE	A	25/07/19
A121	LIGHTING CALCULATOR	A	25/07/19
A122	GENERAL NOTES	A	25/07/19
A123	SHADOW DIAGRAMS	A	25/07/19

GENERAL INFORMATION

ACCREDITED DESIGNER:  
ACCREDITATION NUMBER:  
LAND TITLE REFERENCE NUMBER:  
ENERGY ASSESSMENT:  
COUNCIL ZONE:

NICHOLAS BRANDSEMA  
047538582  
PID6334589, VOLUME 6037, FOLIO 2  
N/A  
GENERAL RESIDENTIAL

FLOOR AREAS

GARAGE FLOOR AREA:


141m2 (15 SQUARES)

SITE INFORMATION

SITE AREA:  
DESIGN WIND SPEED:  
SOIL CLASSIFICATION:  
ALPINE AREA:  
CORROSION ENVIRONMENT:  
BUSHFIRE ATTACK LEVEL:  
CLIMATE ZONE:

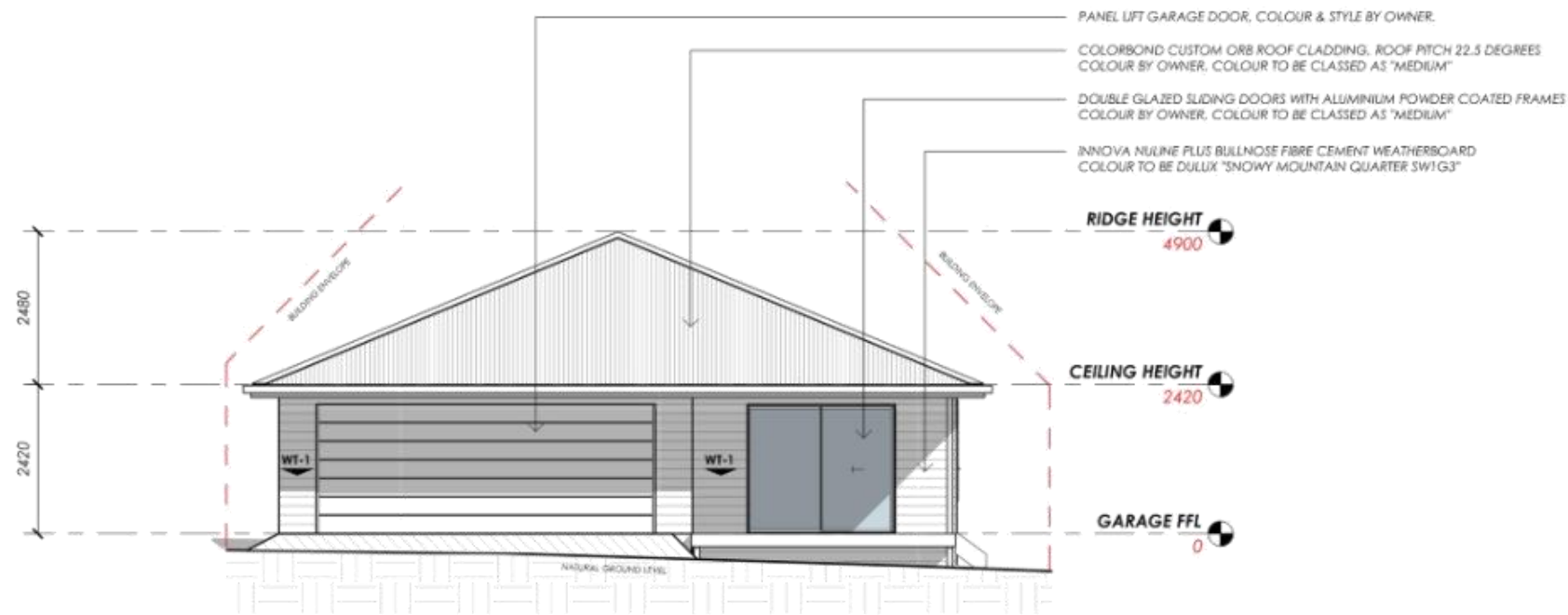
604m2  
N2 (ASSUMED)  
CLASS M (ASSUMED)  
NO  
N/A  
N/A  
7



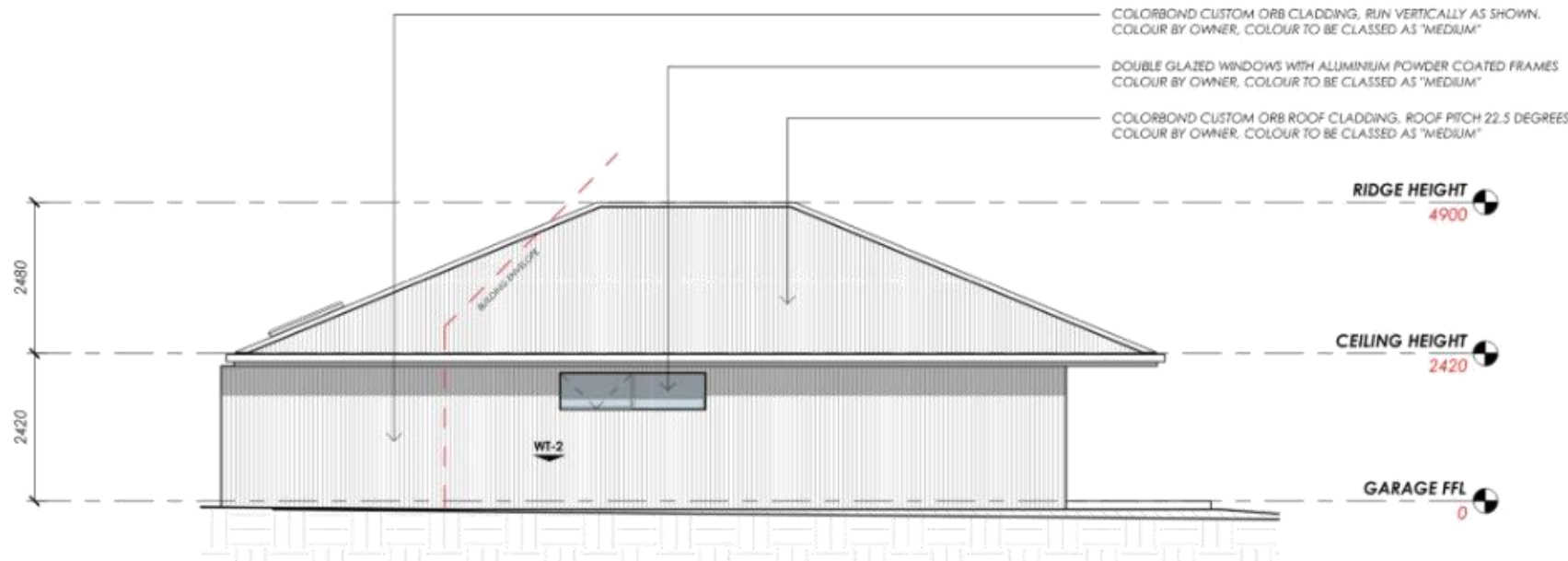
 <p>22 Fieldings Way Ulverstone, Tasmania Australia 7315</p> <p>m 0417 134 369 e nick@nplusb.com.au License No. 047538582 ABN 946 222 219 16</p>	Issued As <b>PLANNING</b>	Scale A3	Revision No. Date Description A 25/07/19 Issued as PLANNING  do not scale off plans all dimensions are in millimeters confirm all dimensions on site all work relevant NCC & AS	Project <b>PROPOSED GARAGE</b> Location <b>5 HENRY STREET DEVONPORT</b> Client <b>JOHN &amp; LYNDALL FARRELL</b>	Sheet Title <b>COVER PAGE</b>  Drawn Issue Date Project No. Revision NJB 25/07/19 P19025 A	Sheet Number <b>A100</b> /A123
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**NORTH ELEVATION**  
Scale 1:100



**EAST ELEVATION**  
Scale 1:100

#### WALL | FACADE MATERIALS & FINISHES

- WT-1** INNOVA NULINE PLUS BULLNOSE FIBRE CEMENT WEATHERBOARD  
COLOUR TO BE DULUX "SNOWY MOUNTAIN QUARTER SW1G3"
- WT-2** COLORBOND CUSTOM ORB CLADDING, RUN VERTICALLY  
COLOUR TO BE "SURFMIST"
- WT-3** 50.01 BORAL CORE FILLED CONCRETE BLOCK WALL  
60/60/60 FIRE RATING.



#### EAVE CONSTRUCTION NCC VOLUME 2 PART 3.5.3.5

EAVE WIDTH OVERHANG - 600mm

EAVES LINED WITH 'HARDIFLEX' CEMENT SHEET  
TRIMMERS LOCATED WITHIN 1200mm OF  
EXTERNAL CORNERS TO BE SPACED @ 500mm  
CENTERS. REMAINDER OF SHEET - 700mm CENTERS

FASTENER / FIXINGS WITHIN 1200mm OF  
EXTERNAL CORNERS @ 200mm CENTERS.  
REMAINDER OF SHEET - 300mm CENTERS

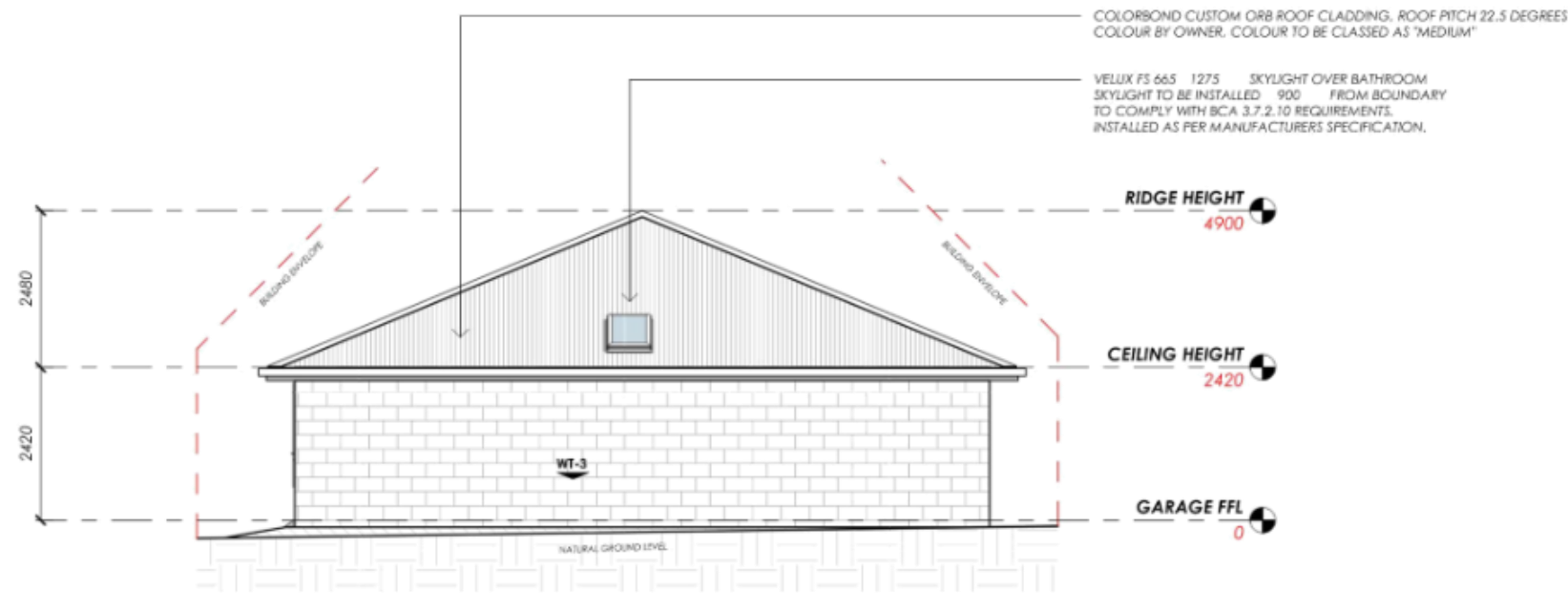
**COLORBOND CUSTOM ORB ROOF CLADDING**  
SHEETING SELECTED BY CLIENT & INSTALLED IN  
ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS & AS1562

**SELECTED ALUMINIUM FRAMED WINDOWS & DOORS**  
NCC VOLUME 2 PART 3.6 POWDER COATED ALUMINIUM WINDOW &  
DOOR FRAMES, UNLESS OTHERWISE NOTED. REVEALS AS SELECTED.  
ALL FLASHING & FIXINGS TO MANUFACTURERS SPECIFICATIONS

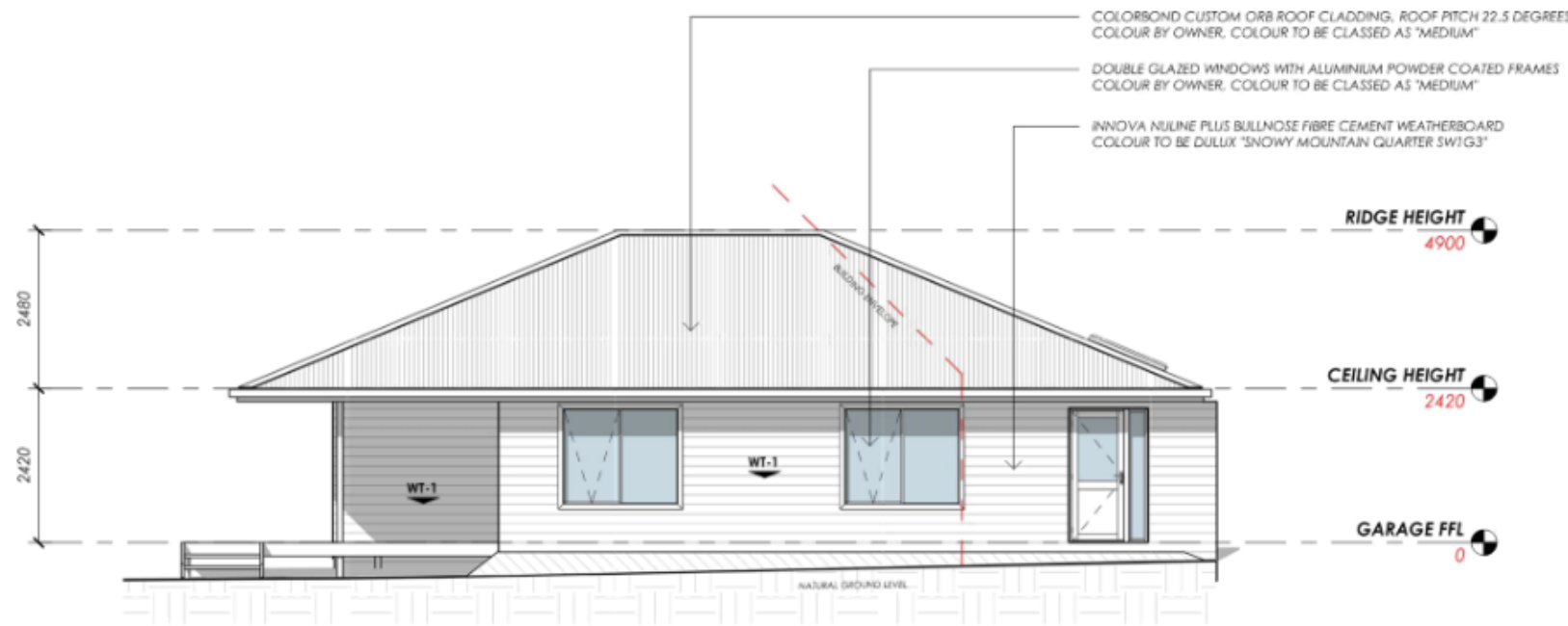
GLAZING & FRAME CONSTRUCTION TO AS2047 & AS1288  
ALL FIXINGS & FLASHINGS TO MANUFACTURERS REQUIREMENTS

**SUPERSEDED**





**SOUTH ELEVATION**  
Scale 1 : 100



**WEST ELEVATION**  
Scale 1 : 100

**WALL | FACADE MATERIALS & FINISHES**

- WT-1** INNOVA NULINE PLUS BULLNOSE FIBRE CEMENT WEATHERBOARD  
COLOUR TO BE DULUX "SNOWY MOUNTAIN QUARTER SW1G3"
- WT-2** COLORBOND CUSTOM ORB CLADDING, RUN VERTICALLY  
COLOUR TO BE "SURFMIST"
- WT-3** 50.01 BORAL CORE FILLED CONCRETE BLOCK WALL  
60/60/60 FIRE RATING.



**EAVE CONSTRUCTION NCC VOLUME 2 PART 3.5.3.5**  
EAVE WIDTH OVERHANG - 600mm

EAVES LINED WITH 'HARDIFLEX' CEMENT SHEET  
TRIMMERS LOCATED WITHIN 1200mm OF  
EXTERNAL CORNERS TO BE SPACED @ 500mm  
CENTERS. REMAINDER OF SHEET - 700mm CENTERS

FASTENER / FIXINGS WITHIN 1200mm OF  
EXTERNAL CORNERS @ 200mm CENTERS,  
REMAINDER OF SHEET - 300mm CENTERS

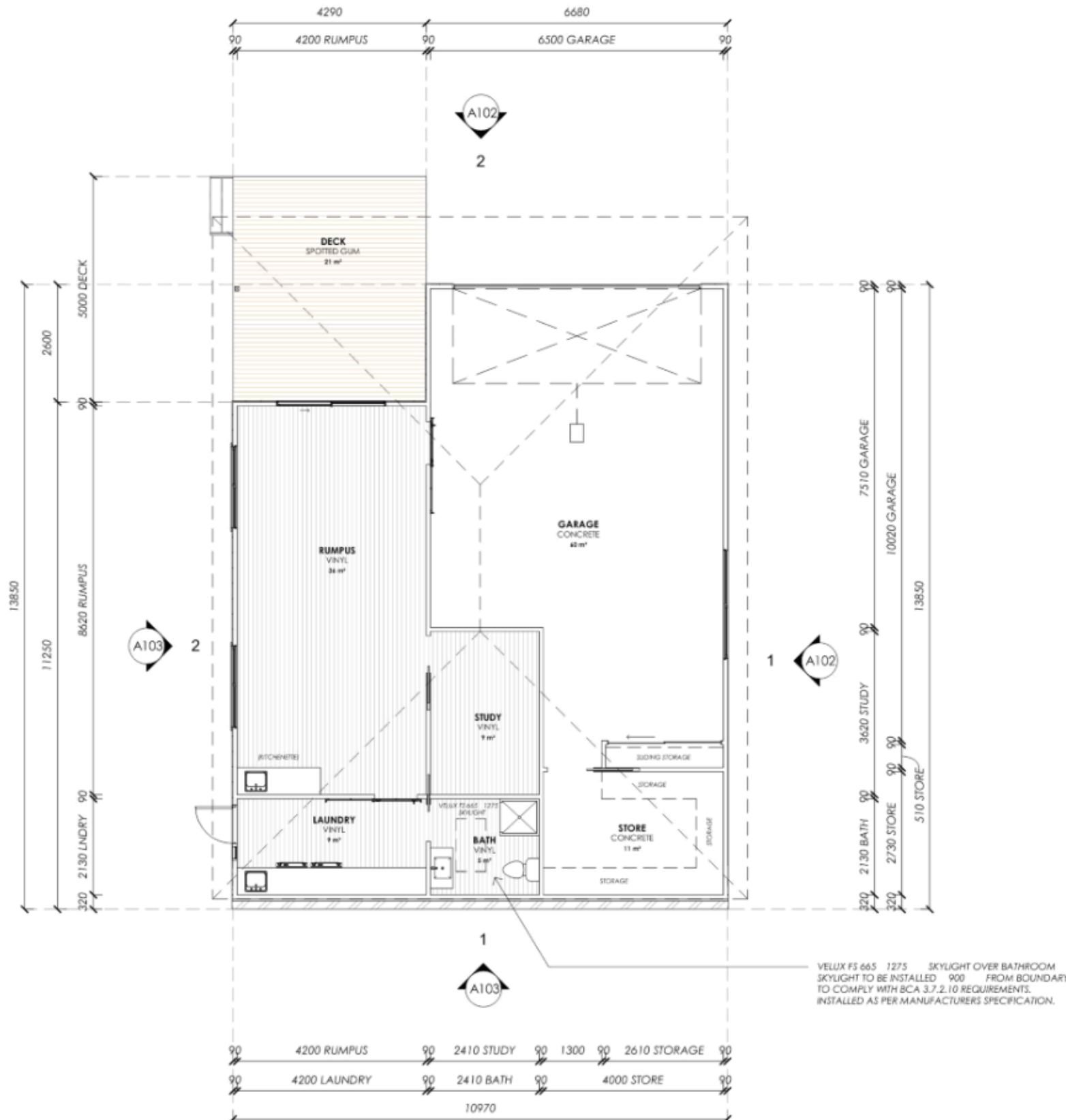
**COLORBOND CUSTOM ORB ROOF CLADDING**  
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ALL FLASHING & FIXINGS TO MANUFACTURERS SPECIFICATIONS

GLAZING & FRAME CONSTRUCTION TO AS2047 & AS1288  
ALL FIXINGS & FLASHINGS TO MANUFACTURERS REQUIREMENTS

**SUPERSEDED**

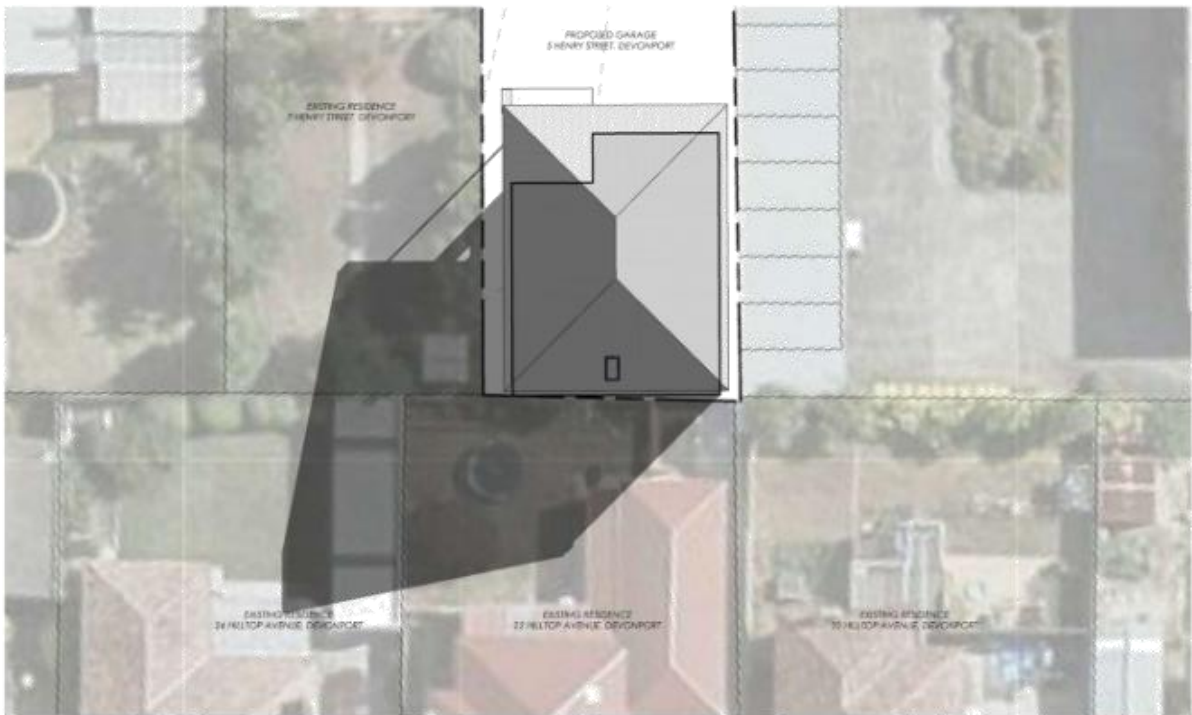
<b>n+b</b> 22 Fieldings Way Ulverstone, Tasmania Australia 7315 m 0417 134 369 e nick@nplusb.com.au License No. 047538582 ABN 946 222 219 16	Issued As <b>PLANNING</b>  ©COPYRIGHT These drawings and designs and the copyright there of are the property of nplusb and must not be used, retained or copied without the written permission of nplusb. ABN 946 222 219 16	Scale A3 <b>1 : 100</b>	Revision No. Date Description A 25/07/19 Issued as PLANNING  do not scale off plans all dimensions are in millimeters confirm all dimensions on site of work relevant NCC & AS	Project <b>PROPOSED GARAGE</b> Location <b>5 HENRY STREET DEVONPORT</b> Client <b>JOHN &amp; LYNDALL FARRELL</b>	Sheet Title <b>ELEVATIONS 2 OF 2</b>				Sheet Number <b>A103</b> /A123
					Drawn <b>NJB</b>	Issue Date <b>25/07/19</b>	Project No. <b>P19025</b>	Revision <b>A</b>	



**FLOOR PLAN**  
Scale 1 : 100

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 **JUNE 21st - 9am**  
Scale 1 : 350



 **JUNE 21st - 11am**  
Scale 1 : 350




 **JUNE 21st - 1pm**  
Scale 1 : 350

**SUPERSEDED**



 **JUNE 21st - 3pm**  
Scale 1 : 350

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					Drawn <b>NJB</b>	Issue Date <b>25/07/19</b>	Project No. <b>P19025</b>	Revision <b>A</b>	

## 4.2 PA2018.0182 RESIDENTIAL (MULTIPLE DWELLINGS) - 21 THE LEE DEVONPORT

File: 3045 D614332

### 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 PA2018.0182.

### BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Chantelle McNulty
Owner:	Decaz Property Pty Ltd
Proposal:	Residential (multiple dwellings)
Existing Use:	Residential
Zoning:	General Residential
Decision Due:	18/09/2019

### SITE DESCRIPTION

The site is located on the south-western corner of the T-junction of Eugene Street and The Lee and contains an existing double storey single dwelling. The relatively flat lot is triangular in shape with an area of 559m<sup>2</sup> and frontage of approximately 35m. Figure 1 below shows an aerial view of the subject site.



Figure 1 - Aerial view of subject site



**APPLICATION DETAILS**

The proposal is for conversion of an existing single dwelling to two, two bedroom multiple dwellings. It is proposed to have one unit per floor of the two storey building. Parking is proposed as per the site plan below (Figure 2). Figure 3 shows the proposed floor plan.

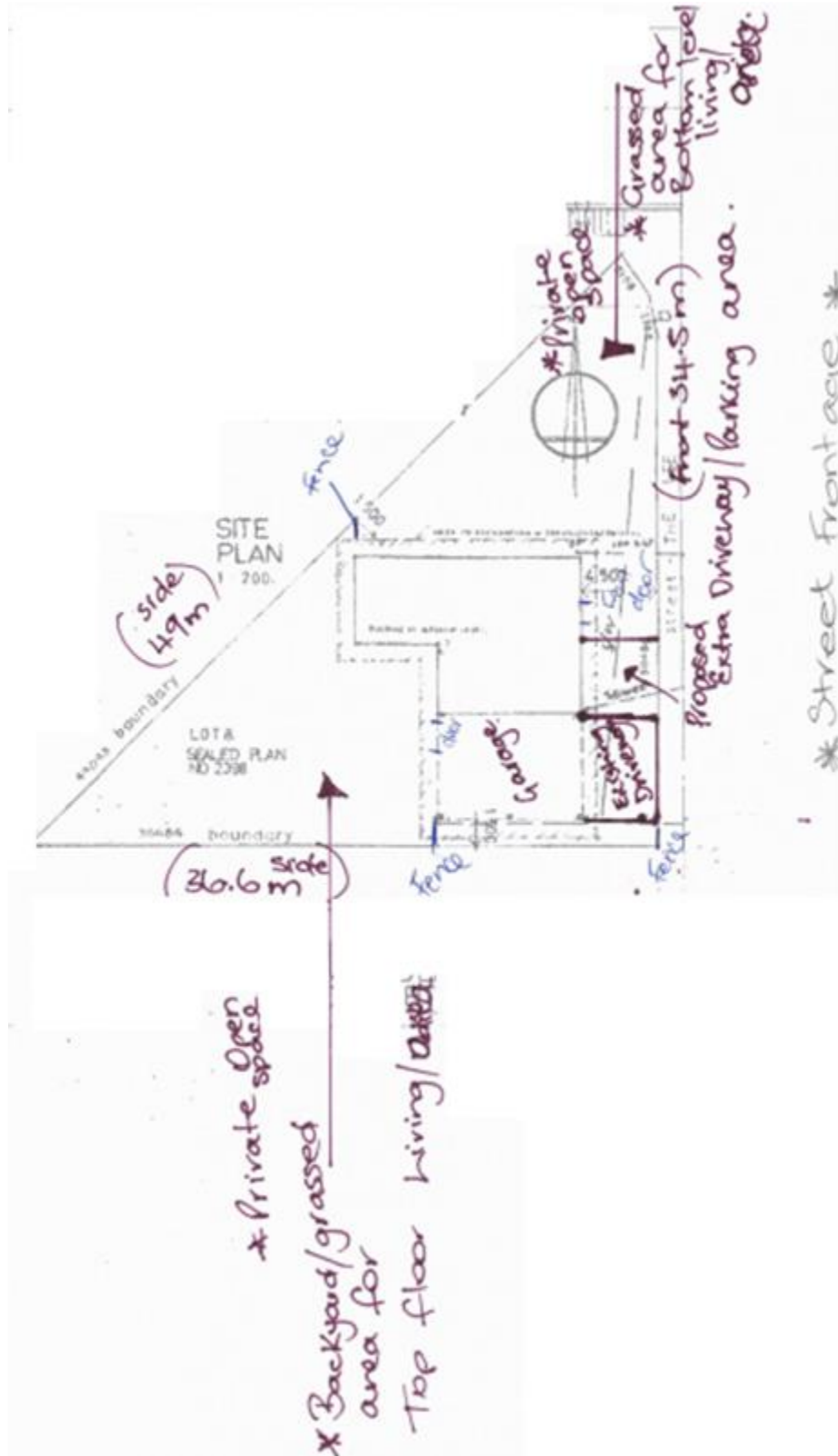


Figure 2 - Site plan showing parking



Figure 3 - Floor Plan

## PLANNING ISSUES

The land is zoned General Residential under the *Devonport Interim Planning Scheme 2013*. The intent of the zone is to provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided and to provide for compatible non-residential uses that primarily serve the local community.

A Residential use, which includes multiple dwellings, is permitted in the General Residential zone provided the proposal complies with all relevant development standards and codes contained within the planning scheme. In instances where the applicable standards cannot be met the proposal must be assessed against the corresponding performance criteria.

In this case the proposal complies with all necessary standards except for clauses E9.5 and E9.6 in regard to parking. As a result the proposal must be assessed against E9.5.1 P1 and E9.6.1 P1, reproduced below, followed by comments.

### E9.5 Use Standards

#### E9.5.1 Provision for parking

##### Objective:

Provision is to be made for convenient, accessible, and usable vehicle parking to satisfy requirements for use or development without impact for use or development of other land or for the safety and operation of any road

##### Acceptable Solutions

##### Performance Criteria

<b>A1</b>	<b>P1</b>
Provision for parking must be –	(a) It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or
(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;	(b) Adequate and appropriate provision must be made for vehicle parking to meet –
	(i) anticipated requirement for the type, scale, and intensity of the use;
	(ii) likely needs and requirements of site users; and
	(iii) likely type, number, frequency, and duration of vehicle parking demand

Although the proposal shows sufficient parking to satisfy the required five parking spaces, Council's Driveway Policy does not allow for the existing driveway to be widened. In light of this only four parking spaces are able to be provided. The requirement for five spaces is due to the need for two spaces per unit and an additional space for visitors, to be shared between the units. Given each unit consists of only two bedrooms and there is roadside parking available it is deemed reasonable that the visitor parking space is not required on site as parking in the street is likely to be available should the need arise. The parking spaces required for the inhabitants of each unit can be provided for on-site. The proposal complies with the performance criteria in regard to the likely needs of site users, duration of vehicle parking demand and the scale and intensity of the use. The performance criteria is satisfied.

## E9.6 Development Standards

### E9.6.1 Design of vehicle parking and loading areas

<b>Objective:</b>
Vehicle circulation, loading, and parking areas–
(a) protect the efficient operation and safety of the road from which access is provided;
(b) promote efficiency, convenience, safety, and security for vehicles and users; and
(c) provide an appropriate layout and adequate dimension to accommodate passenger or freight vehicle associated with use of the site

Acceptable Solutions	Performance Criteria
<b>A1.1</b>	<b>P1</b>
All development must provide for the collection, drainage and disposal of stormwater; and	The layout and construction of a vehicle parking area, loading area, circulation aisle, and manoeuvring area must be adequate and appropriate for –
<b>A1.2</b>	(a) the nature and intensity of the use;
Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –	(b) effect of size, slope and other physical characteristics and conditions of the site;
(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities - Off Street Car Parking;	(c) likely volume, type, and frequency of vehicles accessing the site;
(b) Be in accordance with AS/NZS2890.2 (2002) Parking Facilities - Off Street Commercial Vehicles;	(d) likely demand and turnover for parking;
(c) Be in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities;	(e) delivery and collection vehicles;
(d) Be in accordance with AS/NZS 2890.6 Parking Facilities - Off Street Parking for People with Disabilities;	(f) familiarity of users with the vehicle loading and vehicle parking area;
(e) Each parking space must be separately accessed from the internal circulation aisle within the site;	(g) convenience and safety of access to the site from a road;
	(h) safety and convenience of internal vehicle and pedestrian movement;

<p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	<p>(i) safety and security of site users; and</p> <p>(j) the collection, drainage, and disposal of stormwater</p>
--	---

As parking is planned for both inside and in front of the garage the proposal does not meet the requirements of the scheme in regard to providing for the forward movement and passing of vehicles within the site, nor can each parking space be separately accessed. Essentially, if the parking spaces are full and someone wishes to leave the garage the vehicles parked in front of the garage will have to move.

Given the nature of the proposal, the frequency of vehicles using the site and the likely demand and turnover of parking, along with the familiarity of users with the parking area, it is deemed that the proposed parking layout is suitable. The site is located within a relatively quiet area with limited traffic and the parking arrangement is not dissimilar to that for a large number of single dwellings. The proposal satisfies the performance criteria.

## COMMUNITY ENGAGEMENT

On 07/08/2019, 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 10/08/2019;
- (b) Making a copy of the proposal available in Council Offices from the 10/08/2019;
- (c) Notifying adjoining property owners by mail on 08/08/2019; and
- (d) Erecting a Site Notice for display from the 09/08/2019.

The period for representations to be received by Council closed on 26/08/2019.

## REPRESENTATIONS

One representation was received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. The representation, received from Mr Best who is a resident of The Lee, is appended as an attachment to this report.

In regard to the representation, the planning scheme only allows for consideration of each matter raised if relevant to the particular discretion being exercised, see clause 8.10 below.

### 8.10 Determining Applications

8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by ss51(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 ss57(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.

The application is only subject to discretion in regard to parking, as discussed above. As a result the other issues raised in the representation are not relevant in the determination of the application and must be investigated through a separate process. In light of this the representor will be writing to Council with a complaint in regard to the other issues raised. An extract from the representation is reproduced below:

21 The Lee: During November 2018 through to March 2019 in relation to count of up parked vehicles of commercial tenants, we counted up to 12 Customer vehicles, 3 vehicles on East side and 2 vehicles parked on the West side of The Lee Culdesac adjacent 21 The Lee, 4 vehicles parked end to end across the Driveway, 1 vehicle parked on the nature strip and 2 vehicles parked on the front lawn of the residence, there would have been room for another vehicle on the front lawn except this was taken up with a caravan that was provided for Customer visitor accommodation that openly drained effluent onto the front lawn soaking into The Lee Culdesac with the remainder of the space taken up with portable clothes drying racks. This would equate to a minimum of 12 adult Customers using the private residence last year for paid accommodation, however most Customer vehicles arriving had at least one passenger Customer as well as a driver Customer.

Additional to this we noticed that there were two sets of Customer's vehicles over a 24 hour period, maybe this is due to shift work accommodation? However, one set of Customer Vehicles would be parked with 21 The Lee overnight and a different set of Customers Vehicles would be parked with 21 The Lee during the day, this might run for a week or two or less and then there would be complete change of Customer Vehicles.

The representor's concerns stem from the number of vehicles parking on the subject site, and on the road adjacent to the site, as a result of what is believed to be a visitor accommodation use. The proposed residential use requires five parking spaces, in accordance with the planning scheme. The site is able to provide four parking spaces, omitting only the visitor parking space. In light of this it is felt the proposal is able to meet the requirements of the scheme and the issues raised in the representation should not impact the decision in regard to multiple dwellings at this location.

#### **FINANCIAL IMPLICATIONS**

No financial implications are predicted.

#### **CONCLUSION**

The proposal has been assessed by Council's Development Services and Infrastructure & Works staff and can be approved with conditions.

#### **ATTACHMENTS**

- [1.](#) Planning Application - PA2018.0182 - 21 The Lee
- [2.](#) Representation to Application PA2018.0182

## 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 PA2018.0182 and grant a Permit to use and develop land identified as 21 The Lee, Devonport for the following purposes:

- Residential (multiple dwellings)

Subject to the following conditions:

1. Unless requiring alteration as a result of subsequent conditions the Use and Development is to proceed generally in accordance with the submitted plans by C McNulty, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The proposed widened driveway/extra driveway parking shown on the plans is to be removed from the application.
3. The private open space areas shown on the plans is not to be used for vehicle parking.
4. Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
5. The existing driveway access crossover is to be used for the purposes of this development.

Note: The following is provided for information purposes.

If in the future the owner wishes to explore the opportunity of utilising the multiple dwellings for visitor accommodation purposes, the owner will need to discuss with Council's Planning Department the applicable planning permit pathway.

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.

Any existing Council infrastructure impacted by the development 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.

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*.

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

The developer is to manage any asbestos found during works in accordance with the *How to Safely Remove Asbestos Code of Practice* issued by Safe Work Australia (October 2018).

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:	Carolyn Milnes	Endorsed By:	Kylie Lunson
Position:	Senior Town Planner	Position:	Development Services Manager

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

## Devonport City Council

Land Use Planning and Approvals Act 1993 (LUPAA)

Devonport Interim Planning Scheme 2013

### Application for Planning Permit

#### Use or Development Site

Street Address: 21 The Lee, Devonport  
TAS 7310

Certificate of Title Reference No.: 60862/8

#### Applicant's Details

Full Name/Company Name: Chantelle McNulty

Postal Address: 8 Eugene Street  
Devonport TAS 7310

Telephone: 0419134948

Email: c.weeks83@bigpond.com

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

Full Name/Company Name: DECAZ Property Pty Ltd

Postal Address: 8 Eugene Street,  
Devonport TAS 7310

Telephone: 0419134948

Email: c.weeks83@bigpond.com



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?: Multiple Dwelling use to separate  
of existing house into 2 ~~separate~~ living.  
rentable spaces.

Description of how the use will operate:

Private rental agreement  
for each living rentable space.  
Proposed additional driveway at  
front of the property to increase  
off street parking to 5-6 parking  
spaces. Currently 4 parking spaces  
available with existing double garage +  
driveway. \* Please see drawings / plans  
provided with application.

Use Class (Office use only):

---

Value of use and/or development

\$ \$10,000

---

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:  Date: 28/11/18

### 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

**DD**

**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.

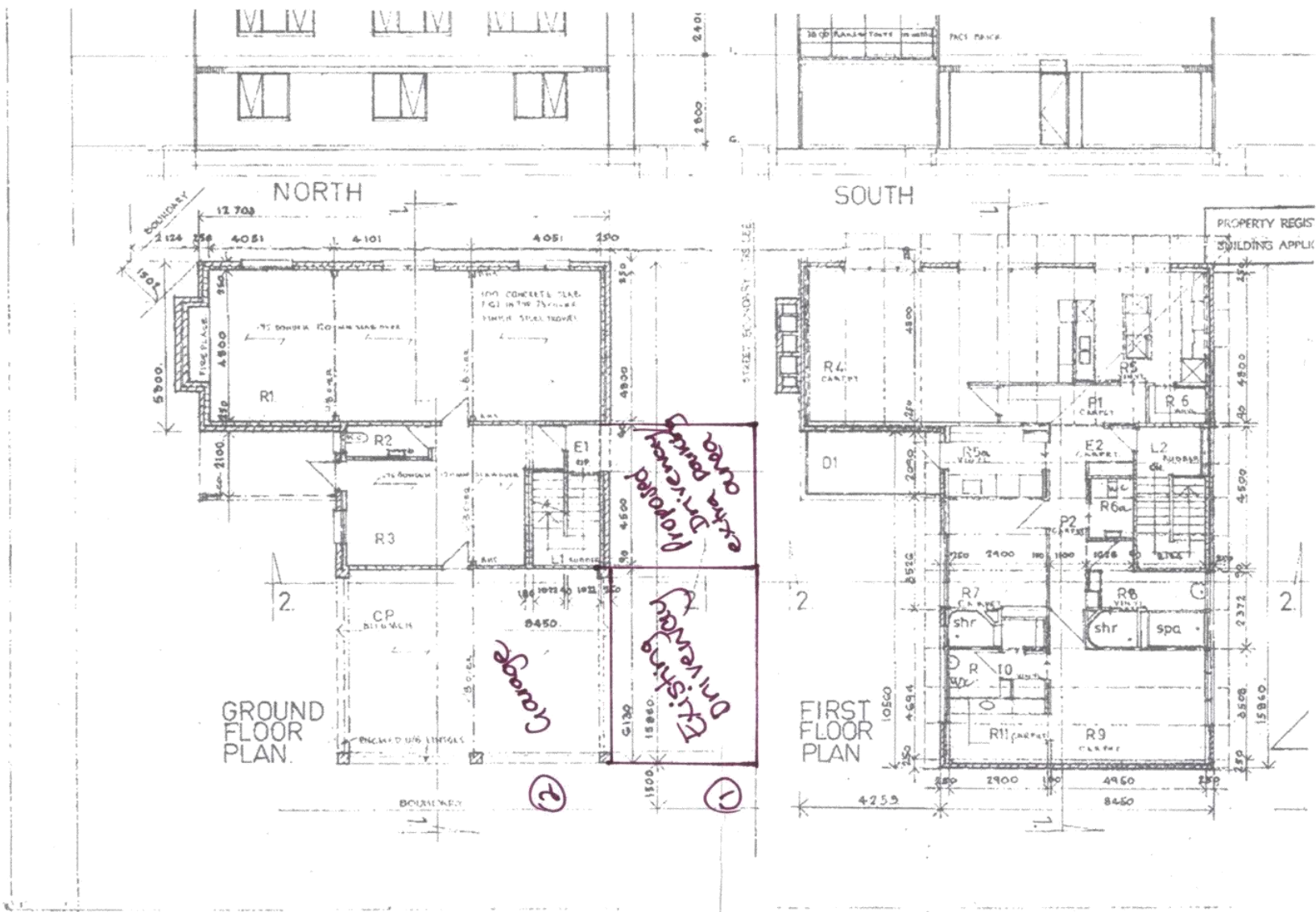
Applications may be lodged by email to Council - council@devonport.tas.gov.au  
The following information and plans must be provided as part of an application unless the planning authority is satisfied that the information or plan is not relevant to the assessment of the application:

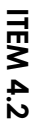
<b>Application fee</b>	
<b>Completed Council application form</b>	
<b>Copy of certificate of title, including title plan and schedule of easements</b>	
<b>A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing:</b>	
<ul style="list-style-type: none"> <li>The existing and proposed use(s) on the site</li> </ul>	
<ul style="list-style-type: none"> <li>The boundaries and dimensions of the site</li> </ul>	
<ul style="list-style-type: none"> <li>Typography including contours showing AHD levels and major site features</li> </ul>	
<ul style="list-style-type: none"> <li>Natural drainage lines, watercourses and wetlands on or adjacent to the site</li> </ul>	
<ul style="list-style-type: none"> <li>Soil type</li> </ul>	
<ul style="list-style-type: none"> <li>Vegetation types and distribution, and trees and vegetation to be removed</li> </ul>	
<ul style="list-style-type: none"> <li>The location and capacity of any existing services or easements on the site or connected to the site</li> </ul>	
<ul style="list-style-type: none"> <li>Existing pedestrian and vehicle access to the site</li> </ul>	
<ul style="list-style-type: none"> <li>The location of existing adjoining properties, adjacent buildings and their uses</li> </ul>	
<ul style="list-style-type: none"> <li>Any natural hazards that may affect use or development on the site</li> </ul>	
<ul style="list-style-type: none"> <li>Proposed roads, driveways, car parking areas and footpaths within the site</li> </ul>	
<ul style="list-style-type: none"> <li>Any proposed open space, communal space, or facilities on the site</li> </ul>	
<ul style="list-style-type: none"> <li>Main utility service connection points and easements</li> </ul>	
<ul style="list-style-type: none"> <li>Proposed subdivision lot boundaries, where applicable</li> </ul>	
<ul style="list-style-type: none"> <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 on A3 or A4 paper (1 copy) showing:</b>	
<ul style="list-style-type: none"> <li>Setbacks of buildings to property (title) boundaries</li> </ul>	
<ul style="list-style-type: none"> <li>The internal layout of each building on the site</li> </ul>	
<ul style="list-style-type: none"> <li>The private open space for each dwelling</li> </ul>	
<ul style="list-style-type: none"> <li>External storage spaces</li> </ul>	
<ul style="list-style-type: none"> <li>Car parking space location and layout</li> </ul>	
<ul style="list-style-type: none"> <li>Elevations of every building to be erected</li> </ul>	
<ul style="list-style-type: none"> <li>The relationship of the elevations to natural ground level, showing any proposed cut or fill</li> </ul>	
<ul style="list-style-type: none"> <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> </ul>	
<ul style="list-style-type: none"> <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> </ul>	
<ul style="list-style-type: none"> <li>Paving materials and drainage treatments and lighting for vehicle areas and footpaths</li> </ul>	
<ul style="list-style-type: none"> <li>Plantings proposed for screening from adjacent sites or public spaces</li> </ul>	
<b>Details of any signage proposed</b>	



- 
- possible shower area.
- shelves benchtop Kitchen/Living area
- Indoor BBQ
- Kitchen sink
- WC
- Entry
- Utilities
- Garage 6.0 x 8.0
- Office
- U/Stair Storage
- Stairs Up
- Entry
- 4.8 x 12.0
- B2
- WC
- Shw
- Bedroom 3.4 x 3.0
- Udry
- Deck
- Lounge 4.8 x 4.4
- Dining 3.8 x 3.6
- Kitchen 3.8 x 4.0
- Master Bedroom 4.4 x 4.8
- Bath
- WC
- Spa
- Stairs Down
- Entry
- Pantry
- Downstairs Approx 160 sq m
- Upstairs Approx 150 sq m
- Existing Driveway
- Proposed Driveway/extra parking
- Temporary wall (not to ceiling) to separate & make bedroom.
- Temporary wall (not to ceiling) to separate & make bedroom.







## TASMANIAN LAND TITLES OFFICE

## Transfer

Section 58 Land Titles Act 1980.



THE TRANSFEROR for the consideration specified below (receipt of which from the transferee is hereby acknowledged) HEREBY TRANSFERS to the TRANSFEREE the estate and interest specified in the land described hereunder subject to the mortgages and encumbrances registered thereon including any created by dealings lodged for registration before the lodging of this transfer.

DESCRIPTION OF LAND				
Folio of the Register				If subject to existing mortgages - list here If part of land - describe part If easement created- describe easement
Volume	Folio	Volume	Folio	
60862	8			

Estate and Interest: **in Fee Simple**Transferor: **BETTY ANN REDPATH**

Transferee: **DECAZ PROPERTY PTY LTD (A.C.N. 629 348 652) AS TRUSTEE FOR DECAZ  
SUPER FUND OF 8 EUGENE STREET DEVONPORT IN TASMANIA**

Consideration: **\$375,000.00**

Dated this ..... day of .....

Signed by the Transferor  
in the presence of:

Witness Signature .....

Full name: .....

Address: .....

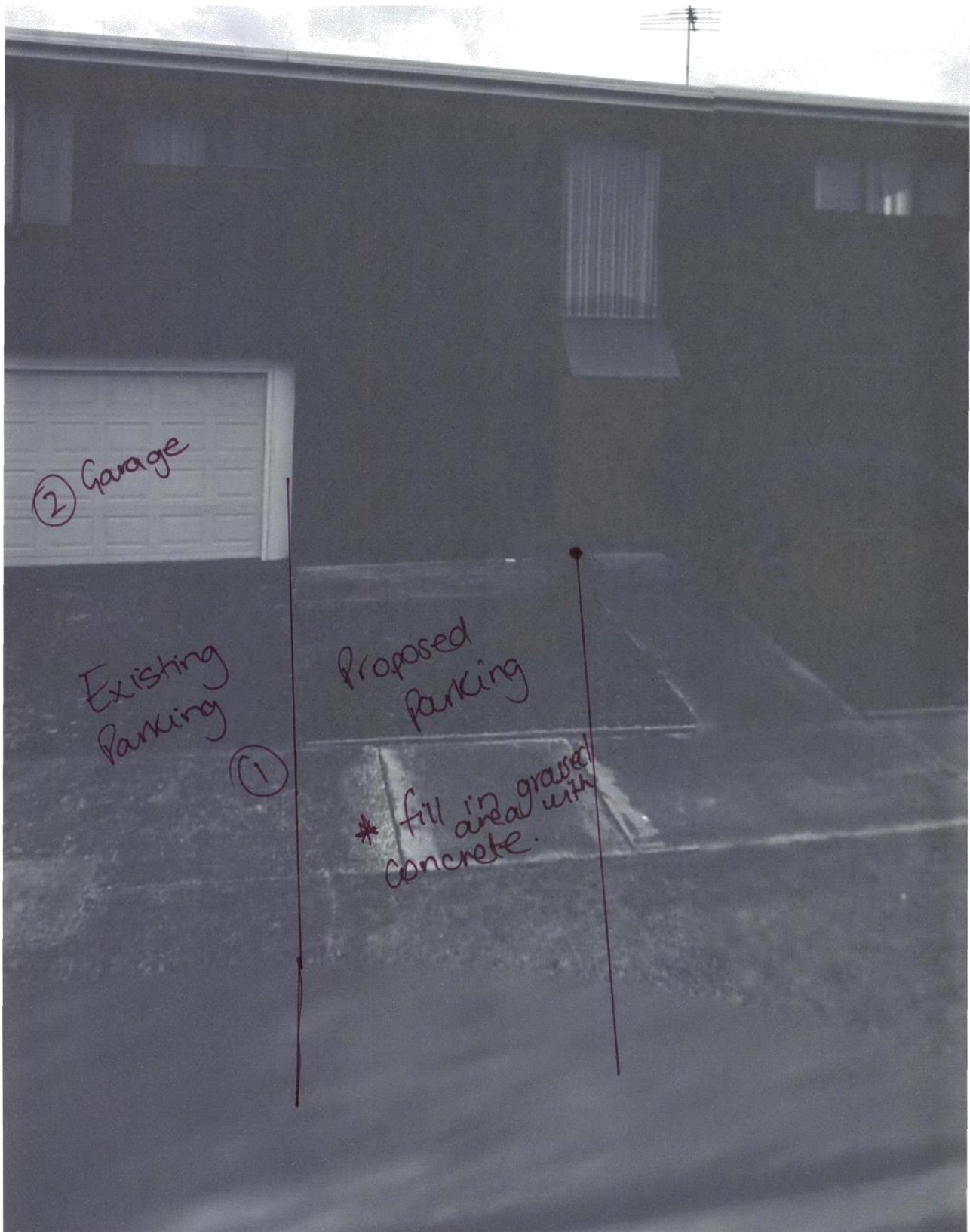
Occupation: .....

Land Titles Office Use Only

**T**  
Version 1

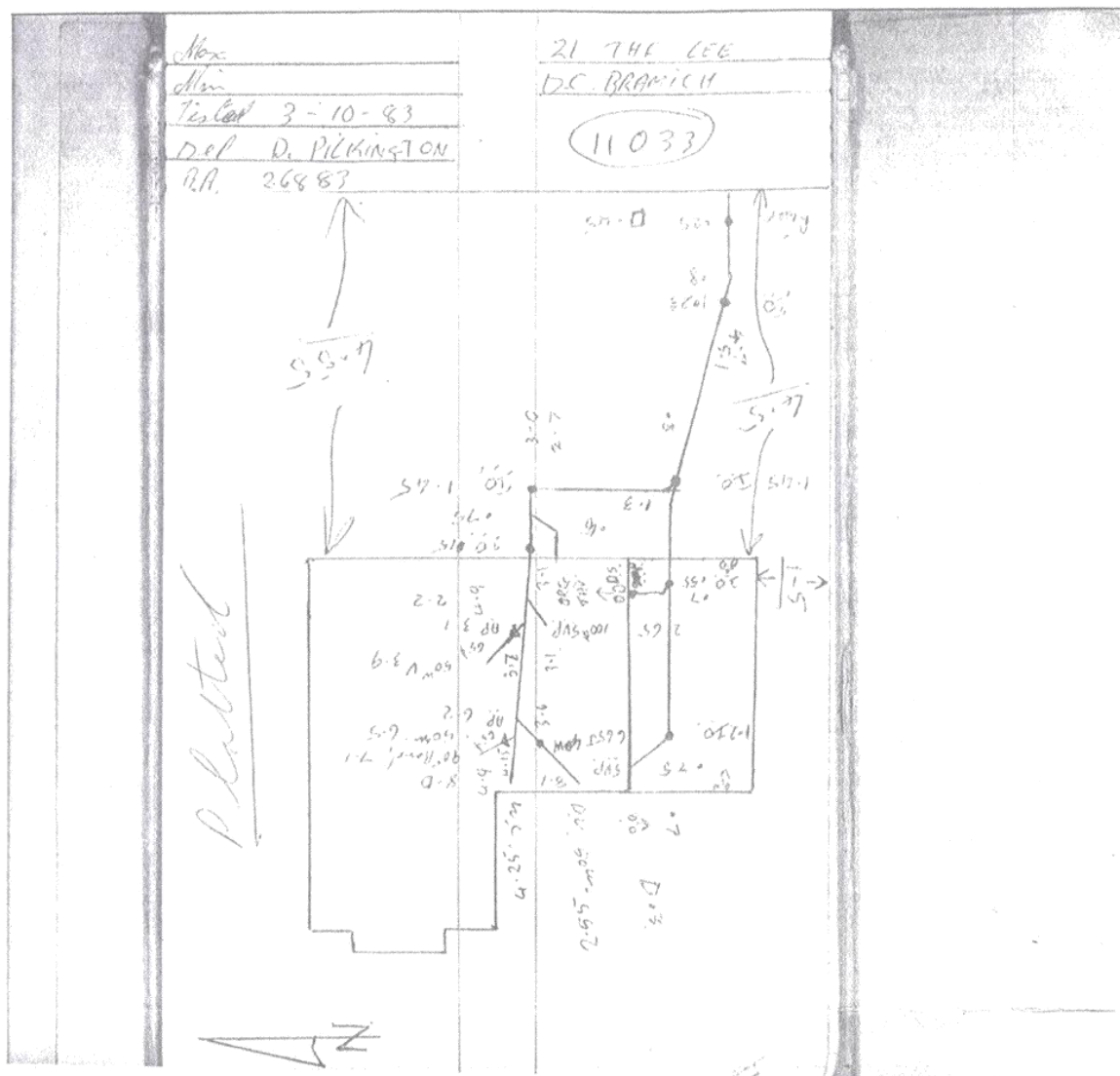
Stamp Duty

THE BACK OF THIS FORM MUST NOT BE USED





## ~~✖~~ Plumbing plan



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

Dear General Manager

Re: Objection To Application Number: **PA2018.0182**  
Proposed Use or Development: **Residential**  
**(multiple dwellings)**  
Address of the Land: **21 The Lee, Devonport**

**Objection to Commercial Operations in Residential  
Area Properties 21 The Lee, 17 The Lee and 8 Eugene  
Street**

**Background**

I write to you as a home owner and resident of 15 The Lee Devonport regarding objections and concerns for the installation of a proposed Commercial operation being the Multiple Dwelling application PA2018.0182 for 21 The Lee, based upon our existing experience with multiple dwelling operations already being operated by the proponent at 21 The Lee, 17 The Lee and 8 Eugene Street Devonport.

Last year from November 2018 through to March 2019 we were to experience a dramatic change from the



homely amenity and lifestyle that we have enjoyed living in our area over the past 20 years, which changed dramatically, literally overnight without warning when the properties of 21 The Lee, 17 The Lee and 8 Eugene Street Devonport randomly began commercial operations as multiple dwelling facilities to provide Commercial Customer Visitor Accommodation.

Our concerns stem from the impact of these operations, the disrespect the proponent has for permanent residents in the area, due to the fact that the Commercial customer visitor accommodation businesses began operation without permits and or any consultation with residents.

### **Imposed Change, Historic Experience:**

21 The Lee: During November 2018 through to March 2019 in relation to count of up parked vehicles of commercial tenants, we counted up to 12 Customer vehicles, 3 vehicles on East side and 2 vehicles parked on the West side of The Lee Culdesac adjacent 21 The Lee, 4 vehicles parked end to end across the Driveway, 1 vehicle parked on the nature strip and 2 vehicles parked on the front lawn of the residence, there would have been room for another vehicle on the front lawn except this was taken up with a caravan that was provided for Customer visitor accommodation that

openly drained effluent onto the front lawn soaking into The Lee Culdesac with the remainder of the space taken up with portable clothes drying racks. This would equate to a minimum of 12 adult Customers using the private residence last year for paid accommodation, however most Customer vehicles arriving had at least one passenger Customer as well as a driver Customer.

Additional to this we noticed that there were two sets of Customer's vehicles over a 24 hour period, maybe this is due to shift work accommodation? However, one set of Customer Vehicles would be parked with 21 The Lee overnight and a different set of Customers Vehicles would be parked with 21 The Lee during the day, this might run for a week or two or less and then there would be complete change of Customer Vehicles.

Driving to our home in The Lee, turning left from Eugene Street became an obstacle course in itself with numbers of adult Customers standing in the street talking on mobile phones, Customers exiting and entering vehicles with luggage often parked on the wrong side of the road and driver Customers that seem unfamiliar with Tasmanian traffic codes.

The width of the road and vehicle congestion, the way vehicles are parked, restricted The Lee to one-way traffic, it made it difficult and unsafe to drive on the road, for children and animals. It was a circumstance I

have never experienced in my home dwelling since living here over 20 years and that is a major statement when you consider, parking sometimes overflows with large functions at the Bluff and sporting activities, we have never had such poorly blocking and dangerous traffic, just foisted upon us.

In January this year I phoned the Devonport City Council to ask if there was any restrictions or planning that covered how many Customers can live in a 3 bedroom private residential home and was told that there were no limits, but that I was welcome to make a complaint and the Council would look into it, I decided if there was no restrictions then making a complaint would be a waste of time.

The above was exacerbated with the Commercial operations at 17 The Lee which is further down the Culdesac on the corner where I counted an incredible 14 Customer vehicles parked in various ways across, yes 14 vehicles; vehicles in the residence driveway, vehicles in front yard, vehicles on the nature strip and vehicles parked around the corners of The Lee Culdesac all adjacent, in or opposite 17 The Lee, similarly some Customers parked vehicles on the wrong side of the road, on occasions Customers to 17 The Lee parked vehicles across our driveway blocking our entry and exit.

Again attempting to turn into what was once our quiet driveway for over 20 years became an obstacle course in itself with numbers of adult Customers standing in the street or on the footpath, in our driveway, talking on mobile phones, walking to the end of the Culdesac and back again as they find out it isn't a through Street the same with travelling vehicles back and forth. Customers exiting and entering vehicles with luggage, often parked back to front and on the wrong side of the road.

At 8 Eugene Street the Customer vehicle count was similar around 13 vehicles, 1 vehicle on front lawn at 8 Eugene Street, 1 vehicle on nature strip, 3 vehicles adjacent 8 Eugene Street Southern side, 4 vehicles adjacent opposite 8 Eugene Street Northern side, 4 vehicles next to the Tea Trees in the park known as Eugene Street Playing Field. More Customers possibly may have been able to have parked their vehicles under the Tea Trees in Eugene Street Playing Field Park but were prevented from doing so due to Commercial Customers of the properties using this public park space to wash their vehicles and other items with buckets of soapy water in the park where children and other residents normally enjoy recreation but were prevented from doing so as result of this. Also, 8 Eugene Street residence provided extra accommodation for Commercial customers with the

provision of another caravan parked in 8 Eugene Street Driveway (there were no cars parked in the driveway because of the caravan providing more accommodation took up all the driveway space) the caravan also openly drained Customers effluent across the footpath, which street residence were forced to walk through.

### **Loss of Residential Amentity:**

There are many amenity conflicts created by what happened from last Summer through to current, in our Culdesac and Eugene street due to land used for residential home use being converted to Commercial visitor accommodation use, the two uses adjoining each other are very different uses and are in conflict with each other.

Lifestyle and amenity are affected due to prime general residential land and recreational land being converted to commercial land for unlimited unrestricted visitor Customer use in whichever way these Customers feel they want to use it.

I did not know that the Eugene park was a place where you can just drive your car onto the park and start washing it and other items with buckets of soapy water.

It makes me feel like a second-class citizen, just to see how rubbish and over flowing bins are now part of the fair in an area I have been proud to live in. I am sick of picking up Customer visitor's rubbish from the footpath, street and park, I am paying rates to enjoy the home I have invested in yet I am not allowed to continue the enjoyment. I am sick of looking at the eyesore of clapped out vehicles stacked up parked all over the place including the public park. I don't see why I have to accept that any number of Customer Visitors during any 24-hour cycle can use the area without consideration, behaving as they see fit in manner I have outlines irrespective of the rights of the permanent residents who are ratepayers.

Our quiet Culdesac is being forced to change, our neighbours are no longer our neighbours they are Commercial visitors, we as home owners have become visitor information advisors by default with Customer visitors asking details on where food venues, banking facilities and services are located, which as you would know are located near commercial accommodation businesses specifically designed for these visitors to be accommodated, which is where they should be.

During peak season when we go out for a walk we are asked questions by Customers in our street, we have to dodge and weave around Customers carrying luggage,



we have to step around effluent flowing across the footpath from Customers in caravans, we have to look at what was picturesque front yard gardens turned now into large clothes drying areas and unorganised car and caravan parks. We have to look at people washing their cars and items in the public park land. We as home owners have become parking valet attendants, having to explain sorry you're not supposed to park there. We have to get used to as many as 20 to 30 new random strangers just wandering around at night or day standing outside our homes on phones or sightseeing outside our homes in a residential area. Why have residential areas? Why not just turn the whole place into a commercial zone? I thought that's why we have zoning, so we can buy a home in a quiet residential area and enjoy where we live and choose to be, we are not a backpackers destination, yet our Culdesac through neglect is being turned into one and up to 60 plus Customers in 24 hour cycle wandering through our residential home area. I don't want to sound like a party pooper, but this goes on and on during holidays and our privacy and the quiet nature of our Culdesac has changed without consultation or our consent.

It is invasive and makes permanent residents feel unsafe, our neighbours are not the familiar people we have been living with, they are transient and

temporary visitors, yet we are placed in this situation, that seems farcical considering within about a kilometre radius from our Culdesac is an abundance of Customer visitor accommodation such as motels, hotels and caravan park, not to mention what's available in other properly council zoned planning areas that have vacant bed space, cabins and urgently need Customers.

This is a complete disservice to legitimate commercial businesses, many of whom must comply with the expense of compliancy, it is at odds with the intent of good Council planning and zoning and is an attempt by the proponent to enter the visitor market through duplicitous, deceitful means resulting in the creation of a sneaky stealthy ghetto style lower end destination market in a quality residential home area.

The council should refrain from entertaining in any way this type of proposal it is bellicose and encourages other property owners to do the same which will lead to poor neighbourhood planning and thus a downgrade of lifestyle, amenity and community dissatisfaction.

It is noted the proponent of this application, over last summer accommodated 20 plus Customers over a 24-hour cycle at 21 The Lee, I have examined the existing floor plan for this dwelling and note it is only a two

bedroom house yet the proponent of this application, has already proven that they will allow as many Customers stay in this residential home as they can, surely the Council can picture the social fallout that is brewing from the proponents existing ghetto style operations if allowed to continue let alone increase by being approved additional bedrooms at 21 The Lee. It would quite conceivable result in 40 plus Customers over a 24-hour period being accommodated.

Also noted in the application is the extension of the Driveway parking at 21 The Lee, however based on the proponent's current modus operandi this will result in more permanent onsite caravan accommodation being installed for Customers, more effluent across our footpaths and why 4 car spaces? Unless planning an additional 8 plus Customers a night.

How can it be allowed that a two-bedroom residential home can be used as a commercial property to 20 plus Customers with no limitations in a 24-hour cycle when legitimate registered accommodation facilities have legal guest accommodation restrictions.

Additionally, in regard to internet NBN facilities unfortunately, the NBN for our area residents have been advised by the NBN that the copper from the node to the Lee area is very corroded and one of the

oldest in the city, however NBN also advise that the likelihood of refurbishment of this infrastructure is at least 10 years away plus in time. So, we have learnt that is the situation we are stuck with, we regularly experience drop outs of service, low mbps any further mass drain on the service will result in basically no internet service at all, so the infrastructure is not readily available to accommodate any proposed increase usage nor this application for approval.

As I type this letter I look across the street from my window at the proponents property and note as a point of interest it does appear construction work has already started over the past week, interestingly when I view the application I can only see hand written biro alterations to the old existing building plan, so it appears that renovations are underway without any approved building plans.

### **Summary & Complaint**

Finally, I would say to the Council, that a commercial property investor who wants to be involved and generate financial gain for themselves from the visitor tourist market needs to buy the appropriate land that is zoned appropriately for the visitor tourist market, like for example a hotel, or develop a private park with large off-street parking, like the back packer cabin

accommodation in Brooke Street East Devonport. The situation presented here with this application PA2018.0182 for 21 The Lee and the other two residential properties at 17 The Lee and 8 Eugene Street is completely back to front, it is starting with converting the residential properties into multiple Commercial customer accommodation and then seeking after operations have begun to somehow legitimise the establishment of the operations as commercial multi accommodation ventures in residential areas, at 21 The Lee through a Multi Dwelling application when the proponent knows full well that planning issues have not been canvassed openly, discussed fully or addressed with Council nor for that matter consultation or any proper discussion with the community and residents.

I do not recall seeing a Council application notice being publicly displayed on 8 Eugene Street advising residents that a Multi Dwelling application was being proposed to provide unlimited Customer visitor accommodation nor do I recall seeing a Council application notice being publicly displayed on 17 The Lee either, in light of this application PA2018.0182 I would question what is the permitted use of all of these dwellings 21 The Lee, 17 The Lee and 8 Eugene Street, are the owners actually allowed to operate unlimited commercial backpacker accommodation and



accommodate as many Customers as they can fit in to the homes, by using public land parks, caravans draining effluent into the street, fully occupying the street, nature strip with Customers vehicles, invade other residences amenity, do residents have to put up with this?

I ask that Council not approve this application PA2018.0182.

I believe more investigations need to be undertaken, I am willing to co-operate further should you require any further information or making myself available to Council should you wish to ask any further questions regarding this matter, thank you.

Yours Faithfully



Brenton Best  
15 The Lee  
Devonport TAS 7307  
Mb 0488 323 424

## **5.0 CLOSURE**

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