



*The City with Spirit*

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## **NOTICE OF MEETING**

Notice is hereby given that a **Planning Authority Committee** meeting of the Devonport City Council will be held in the Council Chambers, on Monday 14 August 2017, commencing at 5:15pm.

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

## **QUALIFIED PERSONS**

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

Paul West  
GENERAL MANAGER

**9 August 2017**

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF  
DEVONPORT CITY COUNCIL HELD ON MONDAY 14 AUGUST 2017  
AT THE COUNCIL CHAMBERS AT 5:15PM**

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Agenda of a meeting of the Devonport City Council's **Planning Authority Committee** to be held at the Council Chambers, 17 Fenton Way, Devonport on Monday 14, August 2017 commencing at 5:15pm.

**PRESENT**

		<b>Present</b>	<b>Apology</b>
Chairman	Ald S L Martin (Mayor)		
	Ald C D Emmerton		
	Ald G F Goodwin		
	Ald J F Matthews		
	Ald T M Milne		
	Ald L M Perry		

**IN ATTENDANCE**

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

**1.0 APOLOGIES**

**2.0 DECLARATIONS OF INTEREST**

### **3.0 DELEGATED APPROVALS**

#### **3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY - 21 JULY 2017-4 AUGUST 2017**

##### **ATTACHMENTS**

- [1.](#) Delegated Planning Approvals - 21 July 2017-4 August 2017

##### **RECOMMENDATION**

That the list of delegated approvals be received.

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

Planning Applications approved under Delegated Authority – 21 July 2017-4 August 2017			
Application No.	Location	Description	Approval Date
PA2017.0073	94 Cutts Road Don	Two lot subdivision (house excision)	PAC - 31/7/2017
PA2017.0083	117 Parker Street Devonport	Residential (single dwelling additions including outbuildings and carport) – assessment against performance criteria for setbacks and building envelope	31/7/2017
PA2017.0085	351 Tugrah Road Tugrah	Boundary Adjustment	24/7/2017

## **4.0 DEVELOPMENT REPORTS**

### **4.1 PA2017.0056 RESIDENTIAL (MULTIPLE DWELLINGS X 2) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR SETBACKS AND BUILDING ENVELOPE AND TRAFFIC GENERATING USE AND PARKING CODE - 3 JABEZ DRIVE, DEVONPORT**

File: 33821 D484854

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

Council's Strategic Plan 2009-2030:

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

#### **PURPOSE**

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2017.0056. It is proposed that two multiple dwellings be constructed.

#### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Dock 4 Architects
Owner:	Concordia Capital Pty Ltd
Proposal:	Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope and Traffic Generating Use and Parking Code
Existing Use:	Vacant land
Zoning:	General Residential
Decision Due:	15/08/2017

#### **SITE DESCRIPTION**

The site is a vacant lot, located on the southern side of the Jabez Drive cul-de-sac head. It is surrounded by established residential lots, save for number 4 to the west which is also vacant (and subject to a similar application). The property has an area of 780m<sup>2</sup> and a total frontage of 9.96m. The site has a gradual fall of approximately 2m from west to east. Figure 1 shows the title plan for the property and Figure 2 an aerial view of the site.

#### **APPLICATION DETAILS**

Two single storey multiple dwellings are proposed for the site with variations to the side and rear setbacks and required vehicle movements. Each unit has an attached single garage. The rear unit has three bedrooms and the front unit has two. Figure 3 shows the proposal plan for the lot and Figures 3 – 9 show the elevations. The units are architecturally designed and are modern in appearance. It is proposed they be constructed of contemporary materials. The application detail for the proposal is appended to this report.

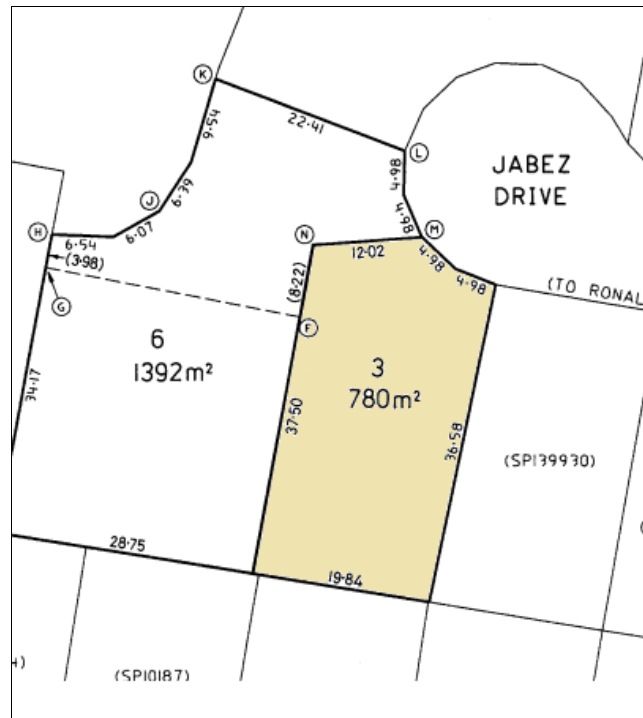


Figure 1 - Title plan for 3 Jabez Drive - CT155774/3

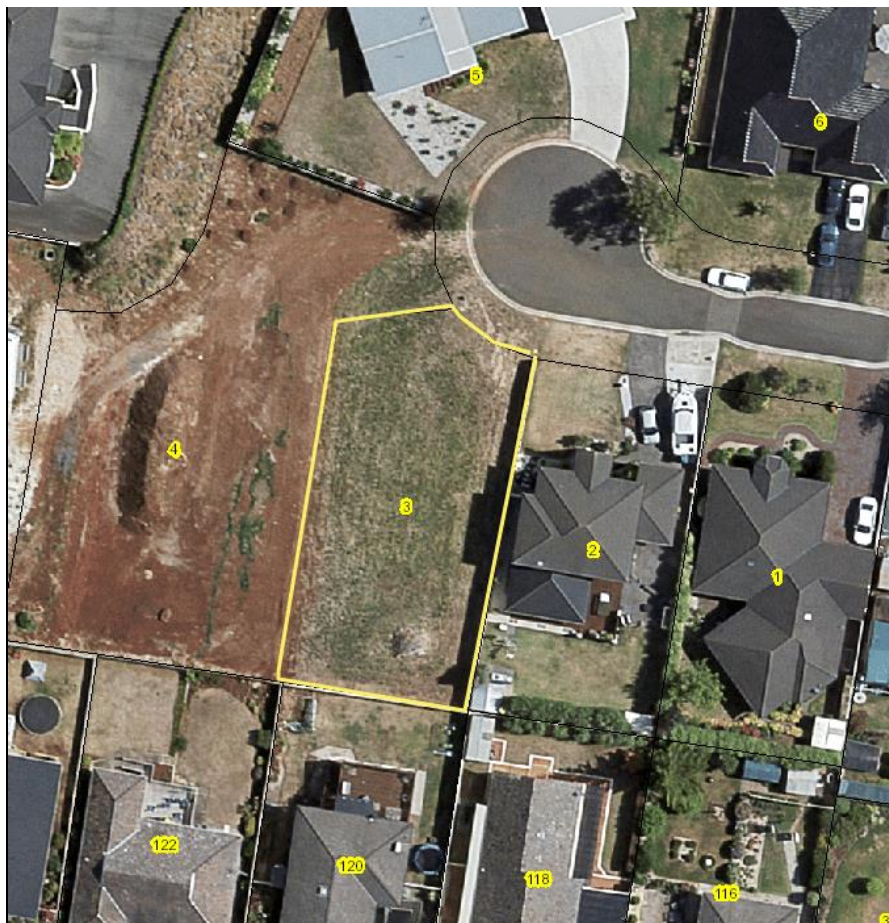


Figure 2 - Aerial view of subject site (Geocortex)

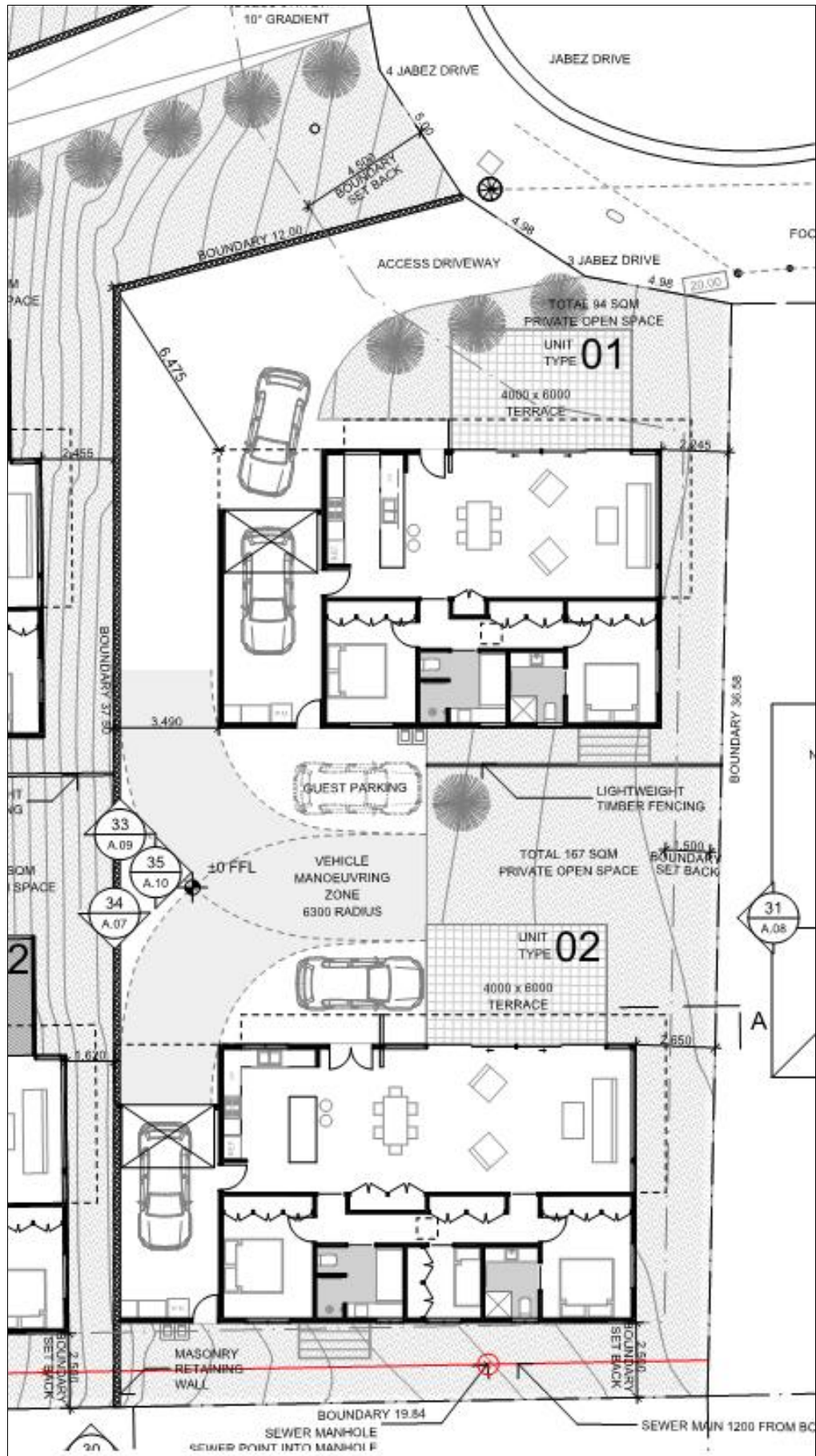


Figure 3 – Proposal plan

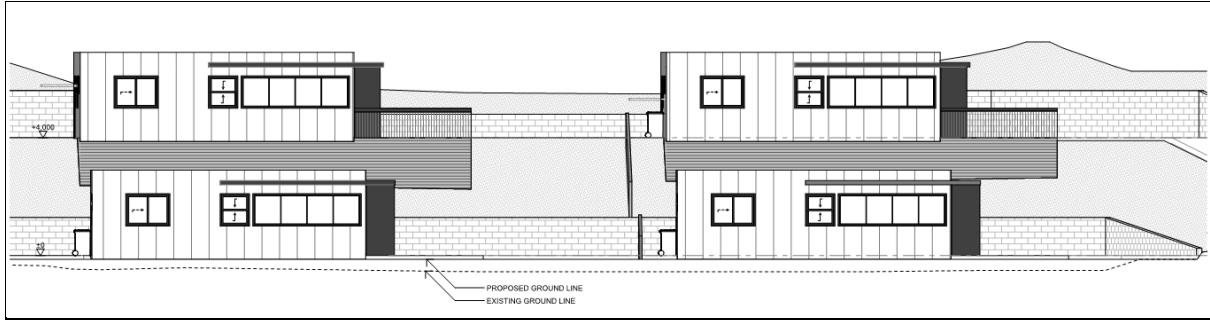


Figure 4 – Eastern elevation (the units in the foreground are those relevant to this proposal)

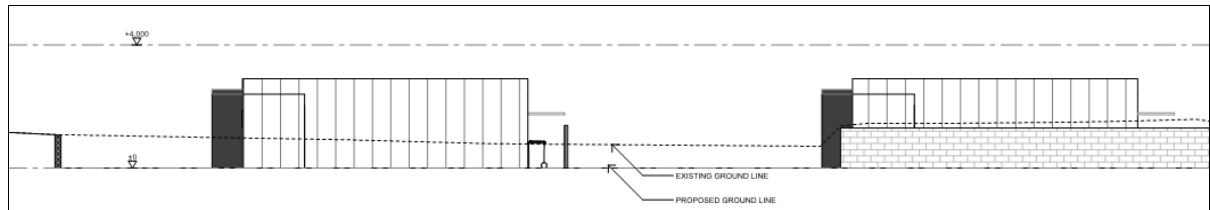


Figure 5 – Western elevation

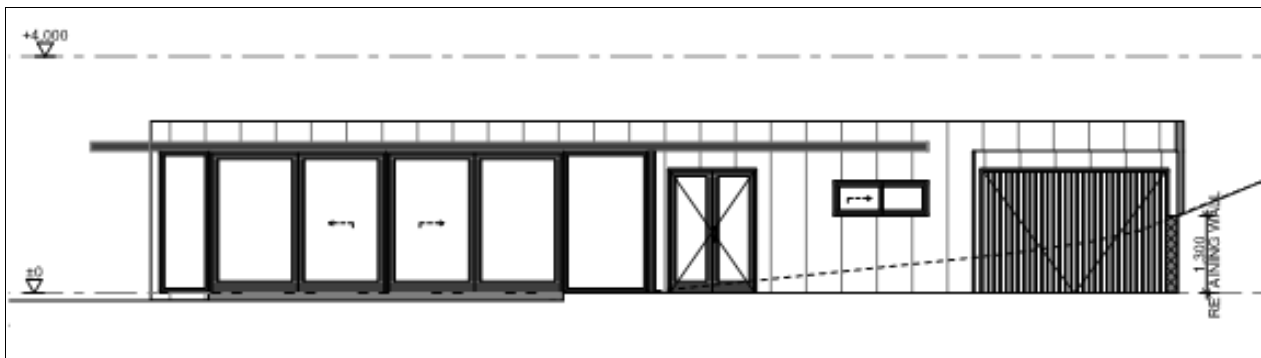


Figure 6 – Northern elevation of rear unit

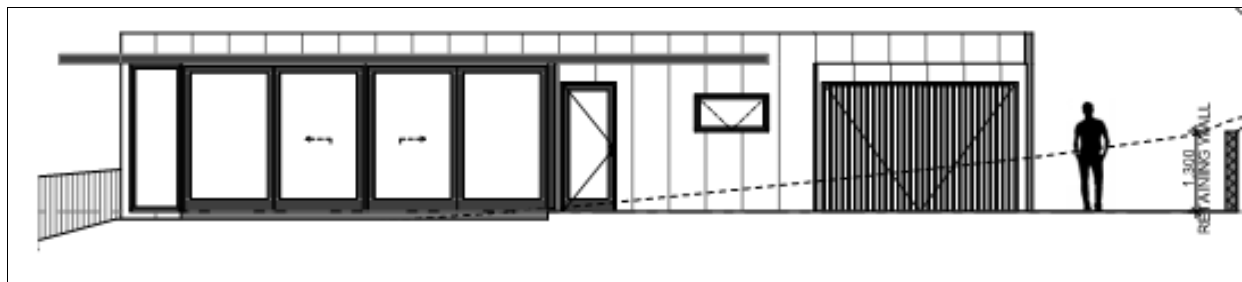


Figure 7 – Northern elevation of front unit

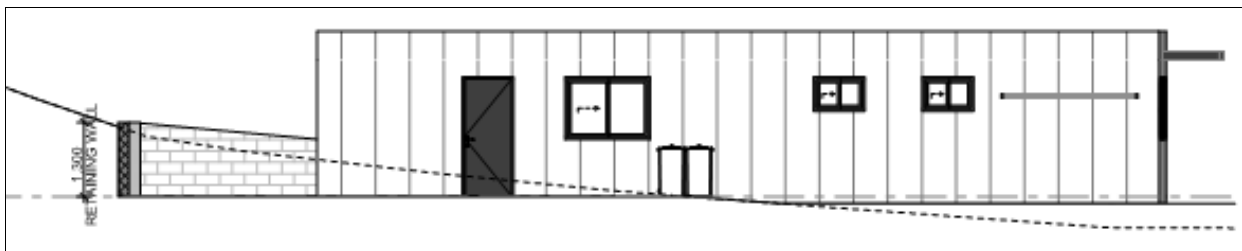


Figure 8 – Southern elevation of front unit



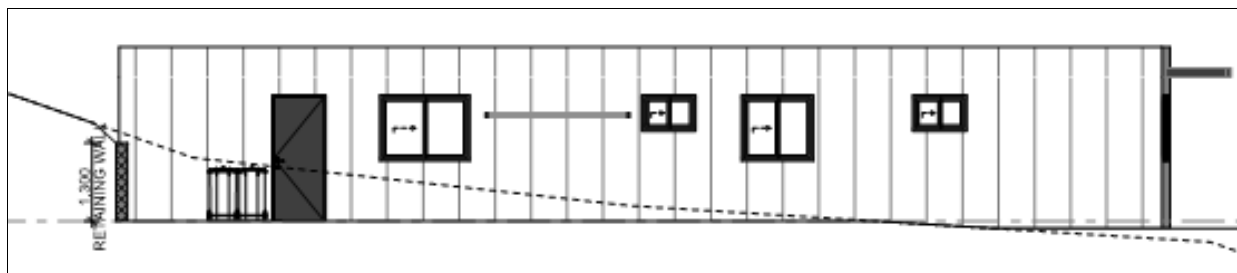


Figure 9 – Southern elevation of rear unit

## 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.

Multiple dwellings are a permitted use in the General Residential zone provided they comply with all relevant acceptable solutions contained within the development standards and Codes within the planning scheme. In instances where the acceptable solutions cannot be met the relevant performance criteria must be satisfied.

In this case the proposal complies with the acceptable solutions in regard to front setback, garage setback, site coverage and open space, sunlight and overshadowing, width of garage openings, privacy, fencing, waste storage, suitability of a site, dwelling density and sensitive use. The proposal also complies with the acceptable solutions of the Change in Ground Level Code which is applicable due to the excavation proposed for the site.

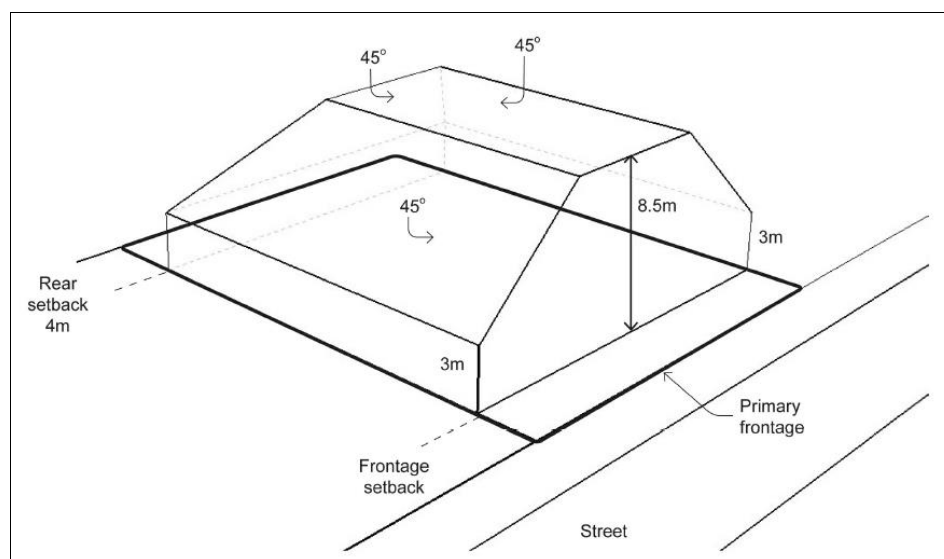
The development does not meet the acceptable solutions in regard to side and rear setbacks nor the Traffic Generating Use and Parking Code and must therefore satisfy the relevant performance criteria which are reproduced below with comments.

### 10.4.2 Setbacks and building envelope for all dwellings

<b>Objective:</b>	
To control the siting and scale of dwellings to:	
(a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and	
(b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and	
(c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and	
(d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>



<p><b>A3</b></p> <p>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:</p> <p>(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:</p> <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> <p>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <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>	<p><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <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>
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**Diagram 10.4.2A. Building envelope as required by subclause 10.4.2 A3 (a).**

Comments - The garage roof for the rear unit (see Figure 3) has a length of 9.1m which exceeds the stipulated 9m maximum required by clause 10.4.2 A3(a) of the planning scheme. In addition the proposed rear setback is 2.5m rather than the required 4m. In light of this the proposal must satisfy the performance criteria set out in clause 10.4.2 P3.

The lots to the west and south are those with the potential to be impacted by these variations. In regard to the lot to the west, which is currently vacant but also subject to a planning application for two units, the proposed garage length will have no impact on reducing sunlight to the proposed units or private open space, nor will there be any visual impacts as the lot to the west is substantially higher than the subject site. Figure 4 above shows how much lower the subject site is and that no overshadowing will occur. Visual

bulk will not be an issue as the lot to the west looks down on the proposed unit rather than straight at it.

The lot to the south of the proposal will not be impacted as the unit will be approximately 14m from the existing dwelling and 9m from the deck which can be seen in Figure 2. The dwelling to the south is of two storey construction with the living areas on the second storey, and will also overlook the proposed unit which will have no overshadowing impacts on the dwelling. The proposed unit has a height of approximately 2.9m which will result in minimal overshadowing to the back yard of the dwelling to the south on the shortest day of the year, when shadows are at their longest. A boundary fence can have a maximum height of 2.1m therefore the difference between possible fence height and the proposed unit is only 800mm which will cause little difference to any overshadowing.

The separation between dwellings that is proposed is compatible with others in the surrounding area as there are a number of lots with setbacks between 3m and 3.5m. This allows for private open space to the north of dwellings, as is proposed in this instance.

#### 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> All development must provide for the collection, drainage and disposal of stormwater; and  <b>A1.2</b> 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 –  (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities - Off Street Car Parking;  (b) Be in accordance with AS/NZS2890.2 (2002) Parking Facilities - Off Street Commercial Vehicles;  (c) Be in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities;  (d) Be in accordance with AS/NZS 2890.6 Parking Facilities - Off Street Parking for People with Disabilities;  (e) Each parking space must be separately accessed from the internal circulation aisle within the site;  (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  (g) Be formed and constructed with compacted sub-base and an all-weather surface.	<b>P1</b> The layout and construction of a vehicle parking area, loading area, circulation aisle, and manoeuvring area must be adequate and appropriate for –  (a) the nature and intensity of the use;  (b) effect of size, slope and other physical characteristics and conditions of the site;  (c) likely volume, type, and frequency of vehicles accessing the site;  (d) likely demand and turnover for parking;  (e) delivery and collection vehicles;  (f) familiarity of users with the vehicle loading and vehicle parking area;  (g) convenience and safety of access to the site from a road;  (h) safety and convenience of internal vehicle and pedestrian movement;  (i) safety and security of site users; and  (j) the collection, drainage, and disposal of stormwater

The planning scheme requires 5 parking spaces for the development and these are shown in Figure 3. However, the scheme also requires the proposal satisfy the requirements of clause E9.6.1. The proposal does not allow for the forward movement of all vehicles as required by E9.6.1 A1.2(f) and must therefore satisfy E9.6.1 P1. Turning is possible for 3 of the 5 parking spaces, the visitor space and the two rear parking spaces, however, vehicles parked in the spaces allocated to the front unit cannot turn to enable egress from the site to be in a forward motion. Given the location of the site at the head of a quiet cul-de-sac it is deemed that allowing reversing from the site is appropriate, and in keeping with what occurs on numerous residential lots. It will also be possible to back onto the nature strip to enable forward access to the road pavement.

### COMMUNITY ENGAGEMENT

On 14/06/2017, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993* (LUPAA), the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

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

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

### REPRESENTATIONS

Four representations were received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. The representations are from residents of Jabez Drive and refer to the proposal subject to this application and the proposal for 4 Jabez Drive to the west. The representations are attached as an appendix to the report.

The first representation is from Mr Woolley of 6 Jabez Drive. One issue raised is that he did not receive notification from Council in regard to the applications. This is because LUPAA specifies only that adjoining owners be notified of an application. Mr Woolley's property does not adjoin the subject site.

Mr Woolley refers to the covenants contained within the schedule of easements for the properties located within Jabez Drive. Council is not party to these covenants and is unable to take such covenants into consideration when assessing a planning application. A planning application must be assessed against the requirements of the planning scheme only.

Mr Woolley also raises the issue of parking and vehicle movements. As discussed previously the proposal provides sufficient parking spaces for the proposal. Vehicle movements in the street will not be affected by the variation allowing cars from the front unit to reverse from the site and the fact that cars currently park on the nature strip is not an issue provided the vehicle is that of an owner or occupier of the lot the vehicle is parked in front of and does not unreasonably obstruct other road users. If the cars are fully off the road, and not parked over driveways, there should be no obstruction created.

The representation also refers to the hardworking ratepayers that make Jabez Drive home. Whilst the residents' contributions are appreciated by Council they are not relevant to the assessment of planning applications.

The second representation is from Brett and Melanie Muir of 2 Jabez Drive. The issues raised by the Muirs are an increase in traffic, limited parking, encroachment on the front setback and breach of covenants. The increase in traffic which will result from the unit development could easily be of the same or greater number if a large single dwelling were constructed. There is no reason why the road is unable to deal with the increase in traffic.

As discussed previously the development provides sufficient parking to comply with the planning scheme and Council is unable to consider covenants when assessing an application for a planning permit.

In regard to the front setback, the proposal complies with the requirements of the planning scheme. When many of the houses in the cul-de-sac were built the setback was 7.5m. The front setback stipulated by the current planning scheme is 4.5m in accordance with Planning Directive 4 introduced by the State Government. The setback also allows for the intrusion of eaves by up to 600mm. Figure 3 shows the proposal complies with the front setback requirements with the north-eastern corner of the eaves encroaching on the setback by approximately 400mm.

Fred Sheean, of 1 Jabez Drive, has also submitted a representation and raises the following issues: the proposal is not in keeping with the existing single dwellings in the street, assurances were given that only single dwellings were permitted, front setback, increases to traffic and lack of parking, covenants, and that the proposal will have an adverse effect on property values.

The issues of parking, traffic, covenants and setbacks have been dealt with previously. In regard to single dwellings, the planning scheme allows for multiple dwellings on lots with an area of 650m<sup>2</sup> or greater. The subject site has an area of 780m<sup>2</sup> and therefore allows for such development. Changes in property value are not a consideration of the planning scheme.

The final representation was submitted by Rohit and Kiran Sood of 5 Jabez Drive. The issues raised by the Soods include parking and traffic congestion, front setback, covenants and depreciation of property values. These issues have all been raised by the other representations and dealt with previously.

### **COMMENTARY**

The proposal was referred to TasWater for assessment and conditions have been provided to be placed on the permit. TasWater's Submission to Planning Authority Notice is appended to this report.

The proposal was also assessed by Council's Engineering, Health, Plumbing and Building staff and conditions or notes provided as necessary.

### **STATUTORY REQUIREMENTS**

The *Land Use Planning and Approvals Act 1993* requires a decision to be made in regard to the application by 15 August 2017.

### **FINANCIAL IMPLICATIONS**

No financial implications are predicted.

### **CONCLUSION**

The proposal has been assessed by all relevant parties and satisfies the requirements of the planning scheme.

## ATTACHMENTS

- [1.](#) Application detail - PA2017.0056 - 3 Jabez Drive Devonport
- [2.](#) Representations - PA2017.0056 - 3 Jabez Drive Devonport
- [3.](#) TasWater Submission to Planning Authority Notice Conditions - PA2017.0056 - 3 Jabez Drive Devonport

## RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0056 and grant a Permit to use and develop land identified as 3 Jabez Drive, Devonport for the following purposes:

- Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope and Traffic Generating Use and Parking Code

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as:
  - Project No. 161121 A.01 Rev C, A.02 Rev E, A.03 Rev A, A.04 Rev A, A.05 Rev C, A.06 Rev B, A.07 Rev D, A.08 Rev D, A.09 Rev D, A.10 Rev D and A.11 Rev F by Dock 4 Architects,
  - Engineering Assessment S2811-01 infolet, dated 5 June, 2017 by Donal S. Anderson,copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the Water and Sewerage Industry Act 2008. A copy of this notice is attached.
3. The existing stormwater service connection is to be used for the purposes of this development.
4. Stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately identify peak discharge flows. As part of their design the hydraulic engineer is to limit discharge from the proposed development to that equivalent to only 50% of the existing lot being impervious. Peak discharge is to be limited by utilising suitably designed on-site stormwater detention systems. All design calculations are to be submitted as part of the building and plumbing permit application.
5. The proposed driveway crossover is to be generally constructed to Tasmanian Standard Drawing TSD-R09v.
6. The developer is to submit a design drawing of the proposed driveways, accesses and car parking for approval prior to any works commencing. The proposed car parking and turning layout is to comply with AS/NZS 2890.1 – 2004 Parking Facilities Part 1 – Off Street Carparking. In particular, vehicular turning movements that enable all parking facilities to be utilized as designed, is to be demonstrated.

Note: The following is provided for information purposes.

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

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

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

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

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

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

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

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 or the *Environmental Management and Pollution Control Act 1994*.

In regard to condition 2 the applicant/developer should contact TasWater – Ph 136 992 with any enquiries.

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

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

Author:	Carolyn Milnes	Endorsed By:	Brian May
Position:	Senior Town Planner	Position:	Development Manager

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 155774	FOLIO 3
EDITION 4	DATE OF ISSUE 26-Jul-2016

SEARCH DATE : 03-May-2017

SEARCH TIME : 10.30 AM

DESCRIPTION OF LAND

City of DEVONPORT  
Lot 3 on Plan 155774  
Derivation : Part of 10A-0R-5Ps. Sec. R.r. Gtd. to J. Coulter  
Prior CT 148166/1

SCHEDULE 1

M582118 TRANSFER to CONCORDIA CAPITAL PTY. LTD. Registered  
26-Jul-2016 at 12.02 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
SP 139930 COVENANTS in Schedule of Easements effecting the  
said land within described which was formerly Lot 3  
on Sealed Plan No.139930  
SP 139930 FENCING COVENANT in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

NOTICE: This folio is affected as to amended covenants  
pursuant to Request to Amend No. C924584 made under  
Section 103 of the Local Government (Building and  
Miscellaneous Provisions) Act 1993. Search Sealed  
Plan No. 139930 Lodged by TEMPLE-SMITH PARTNER on  
24-Jul-2009 BP: C924584

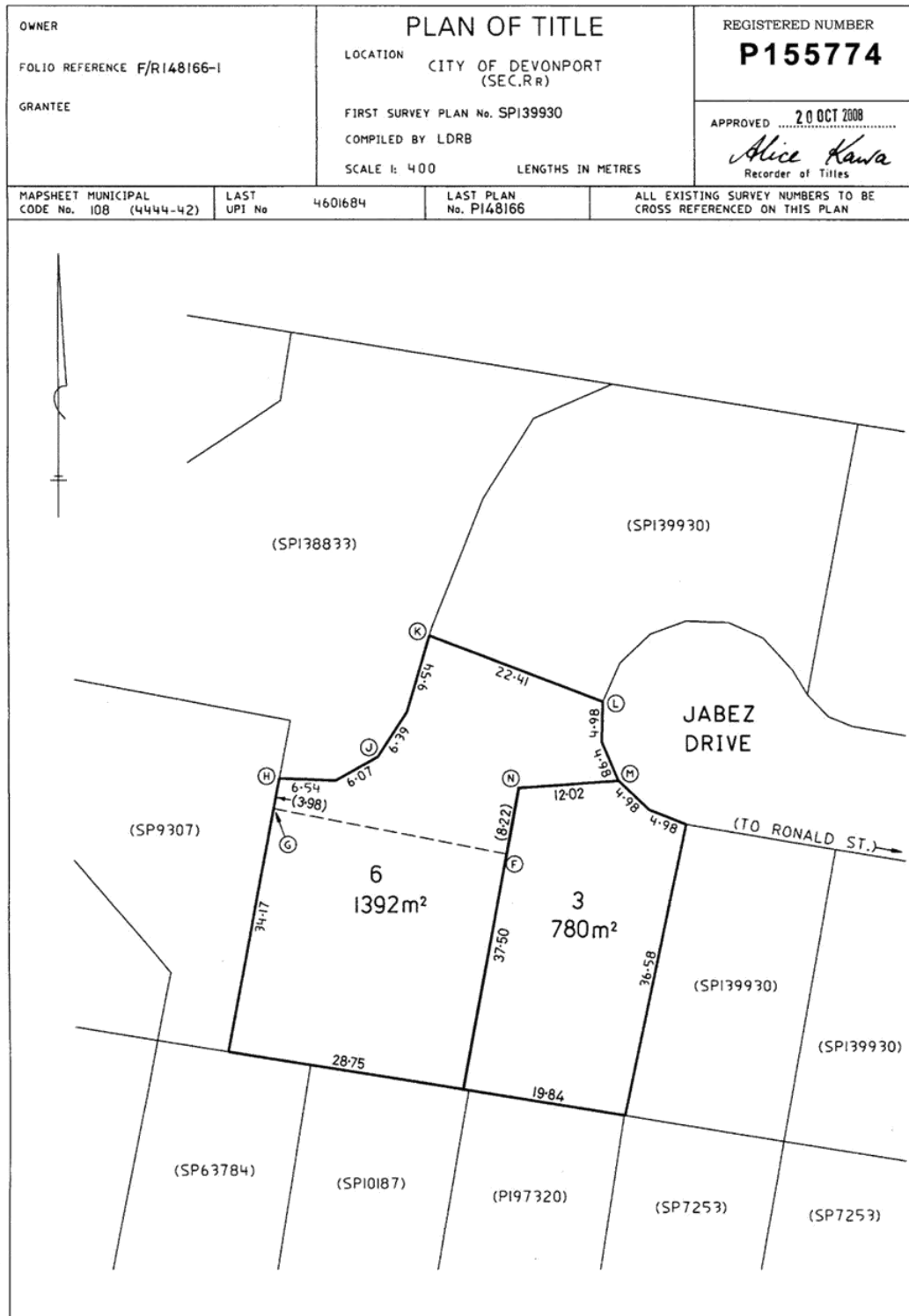




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980







# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>SCHEDULE OF EASEMENTS</b>  <b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	Registered Number  <b>SP 139930</b>
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PAGE 1 OF 3 PAGE/S

## EASEMENTS AND PROFITS

Each lot on the plan is together with:-

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

Each lot on the plan is subject to:-

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

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

The Owners of Lots 1 to 6 on the Plan covenants with the Vendor Jabez Developments Pty Ltd ACN 087 676 926 and the owners for the time being of every other Lot shown on the plan to the intent that the burden of this covenant may run and bind the Convenator's Lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of the Lots shown on the plan to observe the following stipulations.

1. Not to erect on such Lot any private dwelling house which excluding any buildings appertenant thereto, shall have a floor less than 200 square metres.
2. Not to subdivide such Lot so as to reduce the area of that Lot.
3. Not to erect on any such Lot other than Lot 5, any dwelling house the outer wall of which are constructed of material other than brick or rendered brick or a similar material as determined in consultation with the Vendor (Jabez developments Pty Ltd) or the roof of which is constructed of any material other than tile bricks or some other material approved of in writing by the Vendor (Jabez Developments Pty Ltd).
4. Not to carry out or permit to allow to be carried out on such Lot or any part thereof any trade or business of a commercial or industrial purpose.
5. Not to erect or place upon such Lot or any part thereof any boarding or structure for use as a bill posting or advertising station or any similar structure of any unsightly nature.
6. Not to erect any boundary fence or wall of any kind or description upon the street frontage boundary of any Lot, nor to erect any fence or any sideline boundary closer to the street frontage of the Lot than the building line permitted by the Devonport City Council.
7. Not to erect or re-erect on the Lot any building whatsoever which shall have been pulled down or demolished on other land and not to use any second-hand materials, other than clean washed bricks, whatsoever in the erection of any building on the lot.

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: Jabez Developments Pty Ltd FOLIO REF: C.T. V 138833 - 3 SOLICITOR & REFERENCE: BJ LILLAS	PLAN SEALED BY: <i>Devonport City Council</i> DATE: <i>4th November 2003</i> <i>15377</i> REF NO. <i>[Signature]</i> Council Delegate
<b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.	



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 2 OF 3 PAGE/S	Registered Number <b>SP139930</b>
SUBDIVIDER: Jabez Developments Pty Ltd FOLIO REFERENCE: 138833/3	

8. ~~Not to erect or permit to be constructed or installed any building, structure or fence of any nature (save that a boundary fence may be erected along the line "AB") within the area marked "DEFGHDC" on the Plan.~~

The Owner of Lot 5 on the Plan covenants with the Vendor Jabez Developments Pty Ltd ACN 087 676 926 and the owners for the time being of every other Lot shown on the plan to the intent that the burden of this covenant may run and find the Convenator's Lot and every part thereof and that the benefit thereof shall be annexed to an devolve with each and every part of the Lots shown on the plan to observe the following stipulations.

9. Not to erect any dwelling, garage or structure above a height of ~~7 metres~~ from the highest point of the natural surface of the ground ~~within the area marked "ABCD" on the Plan~~ of Lot 5 or colourbond
10. Not to erect any dwelling or structure other than of tiled roofing construction and such construction of the roof to be not less than 20 degrees and not more than 22.2 degrees pitch within the areas marked "ABCD" on the plan.
11. Not to use in the course of construction of any dwelling, garage or structure any external cladding other than rendered brick within the area marked "ABCD" on the plan

AND the Vendor (Jabez Developments Pty Ltd) at all times reserves the right to vary or release any of the covenants contained in Covenants 1 to 11 in respect of the said land or any part thereof or from selling such Lot freed and exempt from any one or more of the restrictions, covenants or stipulations contained herein or modifying, waiving, releasing or allowing any departure from the said restrictive covenants in relation to such Lot or portion of such Lot.

Restrictive covenant 8, hereon deleted & 9, hereon amended by me pursuant to Request to Amend No. C924584 made under Section 103 of Local Government (Building & Miscellaneous Provisions) Act 1993

EASEMENTS

22 / 9 / 2009

Alice Kawa  
Recorder of Titles

Lot 5 on the plan is subject to a right of drainage (appurtenant to Lot 1 on Sealed Plan No. 63784) over that portion of the Drainage Easement 1.52 wide shown on the plan passing through such lot and which formerly passed through Lot 2 on Sealed Plan No. 63784.

Lot 5 on the plan is subject to a right of drainage (appurtenant to Lots 7,8 and 9 on Sealed Plan No. 63010) over the Drainage Easement 1.52 wide shown on the plan passing through such lot.

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



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 2 OF 3 PAGE/S	Registered Number <b>SP 139930</b>
SUBDIVIDER: Jabez Developments Pty Ltd FOLIO REFERENCE: 138833/3	

COVENANTS


Each lot on the plan which formerly comprised part of Lot 2 on sealed Plan No. 138833 is affected by the restrictive covenants created by and more fully set forth in Sealed Plan No. 138833.

FENCING COVENANT

The owner of each of the Lots on the plan covenants with the Vendor (Jabez Developments Pty Ltd ACN 087 676 926) shall not be required to fence.

Executed by )  
 Jabez Developments Pty Ltd )  
 pursuant to section 127(1) of the )  
 Corporations Law. )

  
 Bettina Luise Townsend  
 Director

  
 Kent Allister Townsend  
 Director

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

**DONAL S. ANDERSON - CONSULTING ENGINEER**

ABN 50 078 335 231

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 Phone (03) 6423 3583 Fax (03) 6423 1422  
 E-mail: don-anderson@netspace.net.au

Our Ref: - S2811 -01infolet  
 5<sup>th</sup> June, 2017

Ms. C. Milnes  
 Senior Planner  
 Devonport City Council  
 17 Fenton Way  
 DEVONPORT 7310

Dear Madam,

**Re: New Unit Development – 3 – 4 Jabez Drive, Devonport**

Reference is made to your e-mail of 2<sup>nd</sup> May, 2017 to Ms. Kirsten Fox at Dock4 Architects with regard to compliance with the “Change in Ground Level Code” for the **New Unit Development for Mr. & Mrs. A. McCrae at 3 - 4 Jabez Drive, Devonport.**

Due to the nature of the development and the natural surface at the site, the Acceptable Solutions in the Code cannot generally be satisfied. Consequently, a combination of Acceptable Solutions and Performance Solutions will be necessary as indicated below.

A1 a)	Satisfied
A1 b)	Satisfied
A1 c) d) e) f)	Refer performance solutions noted in table below
P1 a) P1 c)	<p>The existing overland flow of storm-water will be interrupted by the installation of the new buildings and the retaining walls installed to support the cuts and fills. Cut-off drains will be installed immediately above the retaining walls as well as the unsupported cut and fill surfaces to intercept surface flows and direct the captured water through the new piped storm-water network to the required discharge point into the Council maintained stormwater system.</p> <p>In addition, the retaining walls will be designed to incorporate sub-soil drains immediately behind the walls to intercept and control intersected sub-surface water and direct it to the piped storm-water system.</p>
P1 b)	No existing buildings will be affected by the proposed cut and fill
P1 d)	<p>During the construction, the Contractor in charge of the site will be required to undertake sufficient water and erosion control measures to prevent excess water and soil entering the Council maintained storm-water system.</p> <p>The actual methods to be incorporated will be provided on the construction documentation once the design details are finalised.</p>



P1 e)	<p>Part of the proposal for the development is a boundary adjustment on the western portion of the site.</p> <p>Although the new retaining wall will be constructed well away from the existing boundary in this area, the new boundary, after the boundary adjustment occurs, will be located at the rear of the new wall resulting in a line of influence extending into the neighbouring property. A "Part 5 Agreement" under the Land Use Planning and Approvals Act 1993 will need to be registered on the title of the adjacent land. As the adjacent lands are presently in the same Ownership, this can be easily accomplished prior to the completion of the project.</p> <p>A minor retaining wall will be required along part of the southern boundary of No. 3 Jabez Drive but the wall will be constructed to ensure that development of the adjoining property at 120 George Street is not compromised.</p>
P1 f)	<p>Excavation will occur in the vicinity of the existing TasWater sewer main which is located along the rear (southern boundary) of the property. A service location request was forwarded to TasWater and the information obtained is attached.</p> <p>Advice is yet to be received from TasWater as to the requirements to be imposed to protect the sewer assets but it is considered that these requirements can be met at the building and plumbing approval stages.</p>

I trust that the additional information provided above is sufficient to allow the Planning Application to progress.

If further information or clarification on the above is required please contact this office.

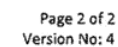
As this office is acting as a Consultant on this project, please ensure all requests for additional information from this office are Cc'd to Dock4 Architects to ensure continuity of the project information.

Yours faithfully



Donal S. Anderson  
Principal Engineer

CC – Giles Newstead – Dock4 Architects





## SERVICE LOCATION REPORT

<b>LOCATION INFORMATION</b> (Incl. pole numbers)	3 & 4 Jabez Dr, Devonport - Service location for water and sewer - Requesting this be done ASAP if possible		<b>ON SITE CONTACT</b>	Kirsten Fox – Dock 4 Architects– 0362310469 <a href="mailto:kirsten@dock4architects.com.au">kirsten@dock4architects.com.au</a> No on site contact <input type="checkbox"/>	
<b>SERVICE ORDER</b>	SO520447	<b>JOB NUMBER</b>	Job no. 161121	<b>HPRM REFERENCE</b>	B17/6922
<b>CONDITIONS APPLIED</b>					
Distance from main pipe				<b>WATER</b>	<b>SEWER</b>
Vac truck	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Clear		
Hand dig required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Restriction		
Mechanical excavation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Located	✓	✓
<b>OTHER CONDITIONS</b>	Raised sewer manhole on 4 Jabez drive to ground level. water meters exposed on Both Blocks - sewer point on 3 Jabez goes into manhole & sewer point on 4 is on the east side of manhole towards boundary.				
<b>COMPLETED BY</b>			<b>ON SITE CONTACT</b>		
Name	D. Vincent		Name		
Date	30.1.17		Date		
Signature			Signature		
			No on site contact <input type="checkbox"/>		
External paperwork returned to customer Yes <input checked="" type="checkbox"/> N/A <input type="checkbox"/>					



Issue Name	Date	Change Name	CHD	Rev ID
DEVELOPMENT APPLICATION	26/03/2017			A
DEVELOPMENT APPLICATION	13/04/2017	AMENDED VEHICLE MANOEUVRING ZONE	CH-03	C

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ALISTER + WENDY MCCRAE

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REPLACE EARLIER ISSUE

UNIT DEVELOPMENT

3 + 4 JABEZ DRIVE  
DEVONPORT TAS  
7310

Status DEVELOPMENT APPLICATION161121

Date generated 26/04/2017 Drawn KF Approved GN

Accredited Designer: Richard Loney CC 6198Y

Drawing title  
**ARCHITECTURAL  
SITE PLAN**

Drawing number Revision  
**A.01 C**



ITEM 4.1



Issue Name	Date	Change Name	CHD	Rev ID
DEVELOPMENT APPLICATION	28/03/2017	VEHICLE MANOEUVRE PATHS	CH-0 1	B
DEVELOPMENT APPLICATION	13/04/2017	AMENDED VEHICLE MANOEUVRE ZONE	CH-0 3	C
DEVELOPMENT APPLICATION	28/05/2017	TASWATER RETAINING WALL CLEARANCE	CH-0 5	E

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UNIT DEVELOPMENT

3 + 4 JABEZ DRIVE  
DEVONPORT TAS  
7310

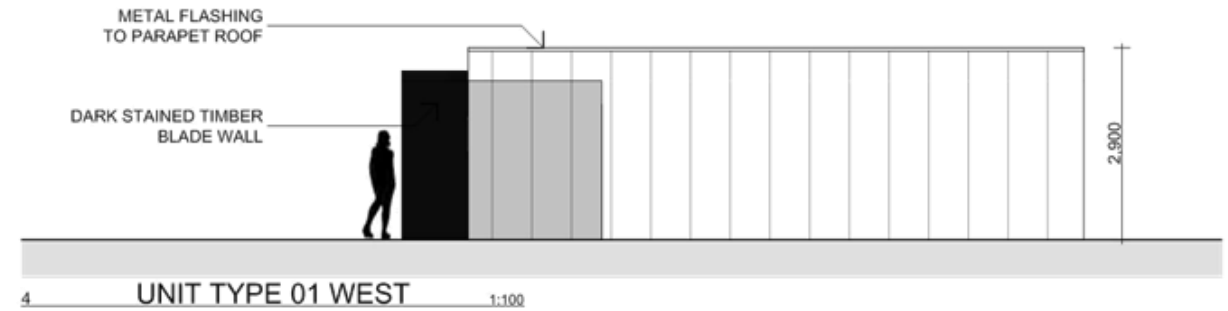
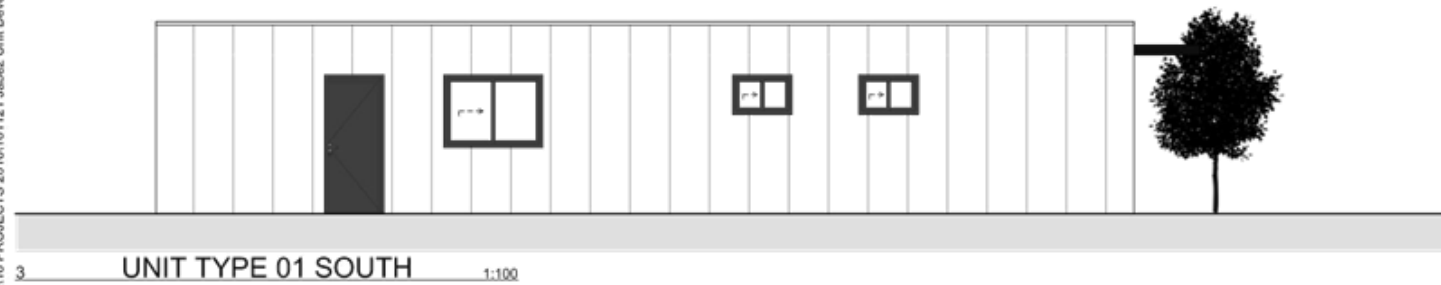
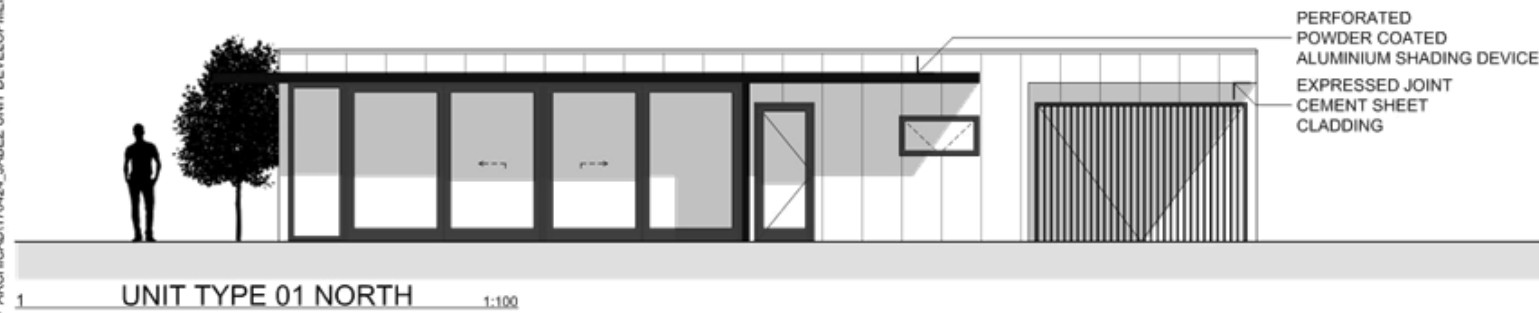
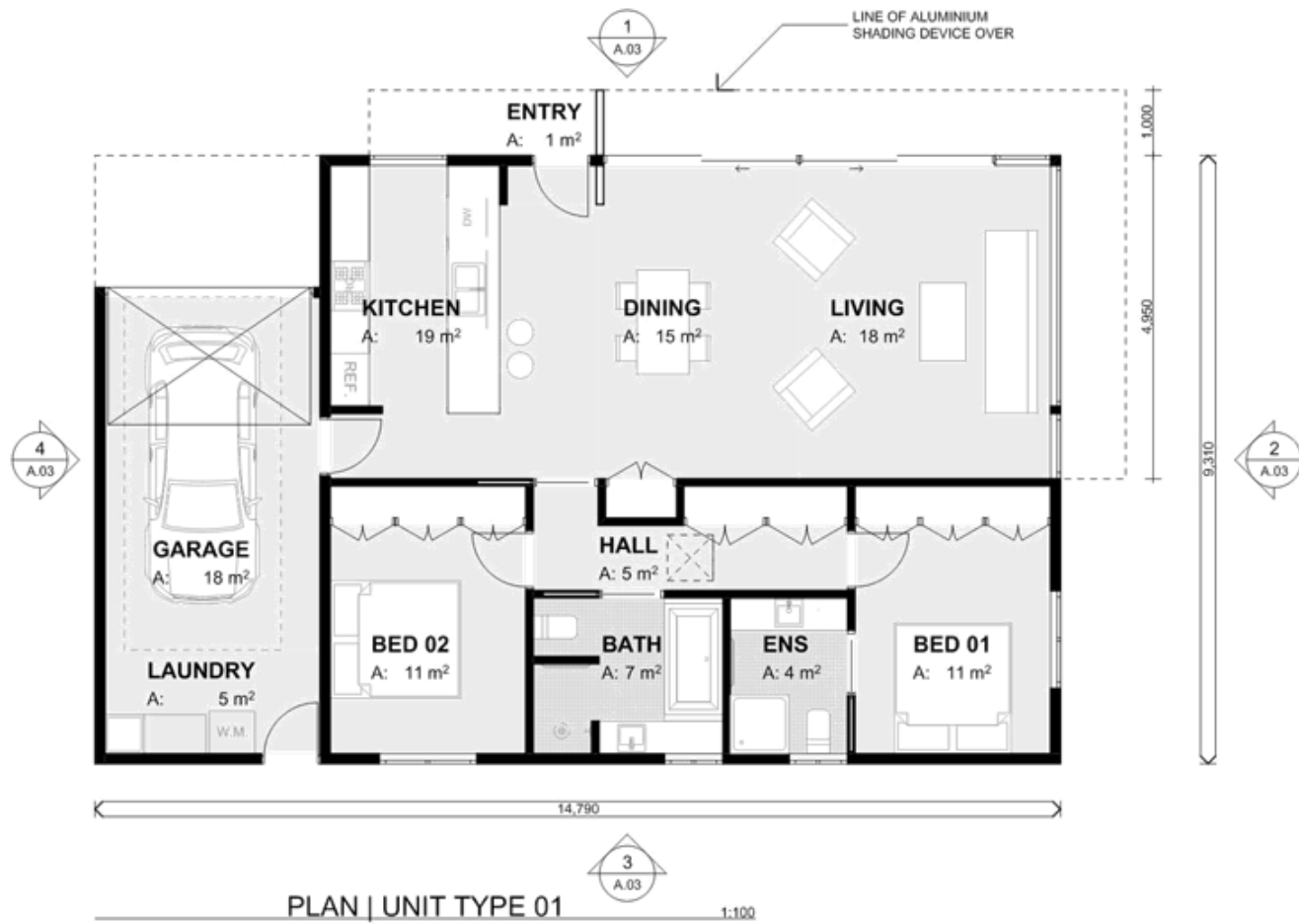
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Date generated: 14/07/2017  
Project number:  
Drawn: KF  
Approved: GN

Accredited Designer: Richard Loney CC 6198Y

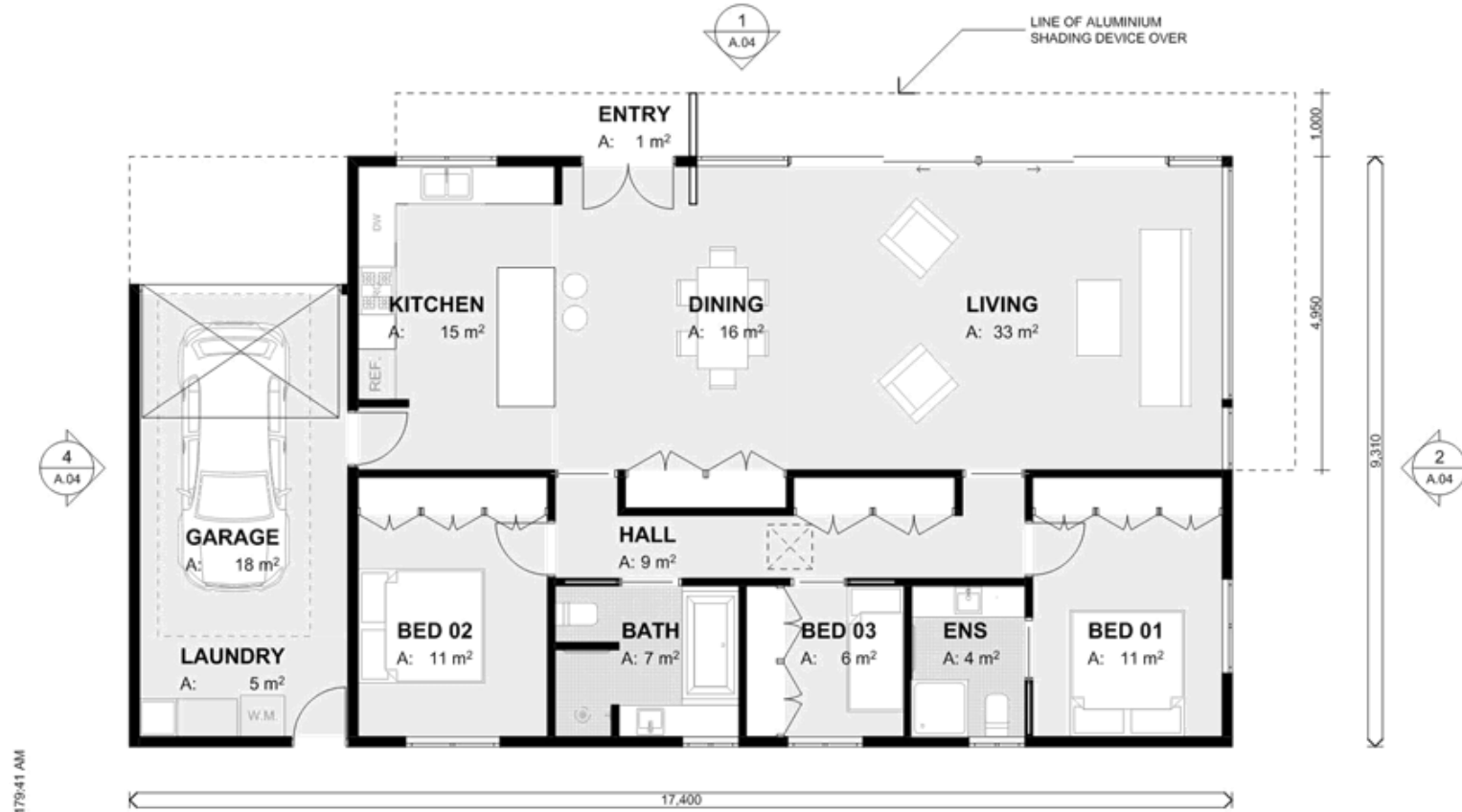
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**ARCHITECTURAL  
FLOOR PLAN**

Drawing number: **A.02**  
Revision: **E**

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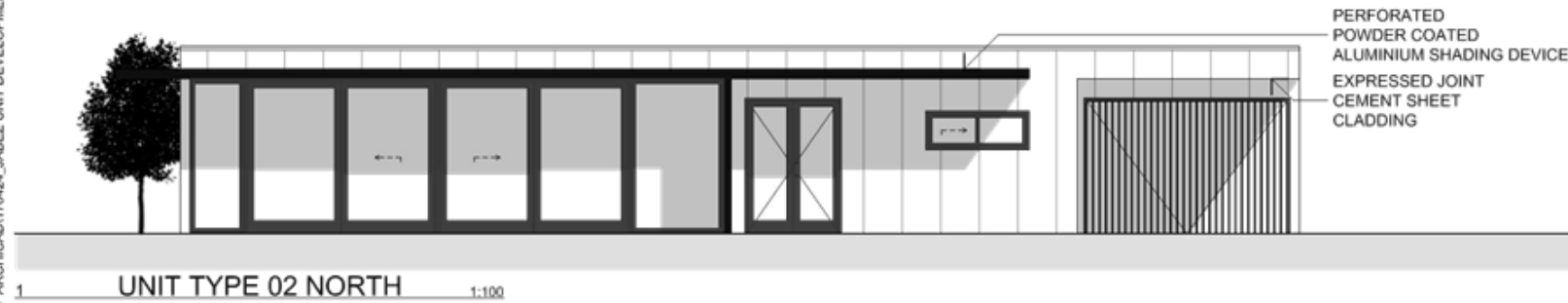


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			DEVELOPMENT APPLICATION	28/03/2017			A
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			<div>Drawing title</div> <div>ARCHITECTURAL</div> <div>UNIT TYPE 01</div> <div>Drawing number</div> <div>A.03</div> <div>Revision</div> <div>A</div>				



PLAN | UNIT TYPE 02

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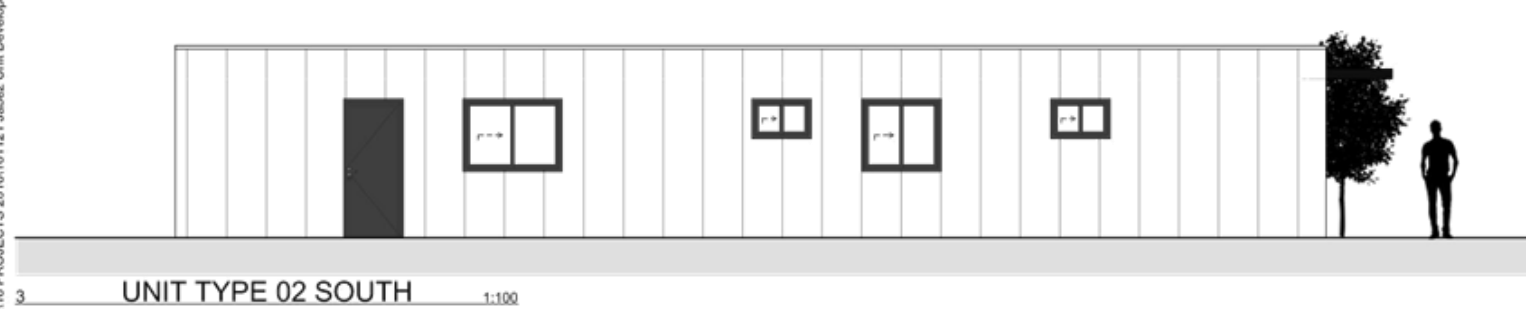
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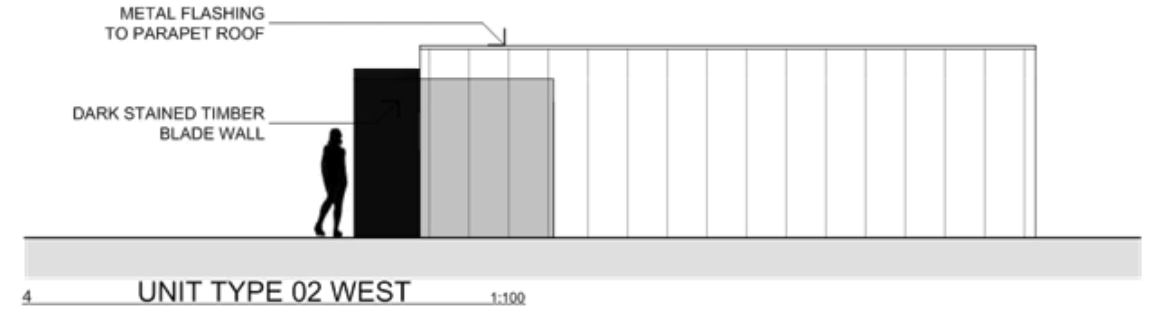
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UNIT TYPE 02 SOUTH

1:100



UNIT TYPE 02 WEST

1:100

4

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Issue Name	Date	Change Name	ChD	RevD
DEVELOPMENT APPLICATION	28/03/2017			A

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UNIT DEVELOPMENT

3 + 4 JABEZ DRIVE DEVONPORT

TAS 7310

Status

DEVELOPMENT APPLICATION161121

Date generated 26/04/2017

Drawn KF

Approved GN

Accredited Designer: Richard Loney CC 6198Y

Drawing title

ARCHITECTURAL

UNIT TYPE 02

Drawing number

A.04

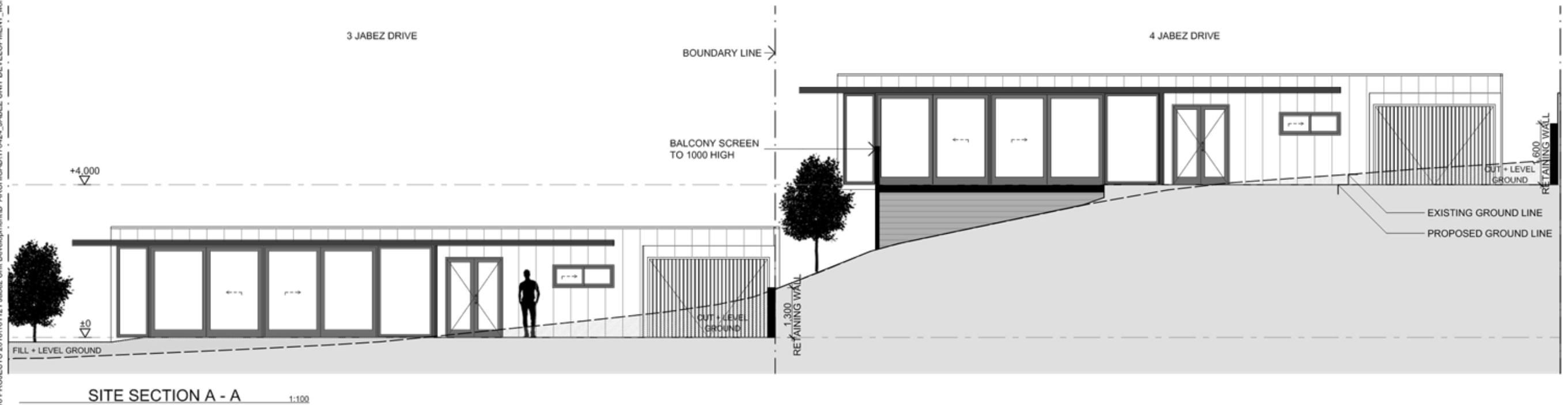
Revision


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MATERIAL PALETTE

- MATRIX CLADDING  
EXPRESSED JOINT  
FIBRE CEMENT SHEET  
WHITE
- PERFORATED ALUMINIUM SHADING DEVICE  
POWDER COATED  
DARK COLOUR
- TIMBER DECKING
- PAVERS  
DARK COLOUR
- BLOCKWORK RETAINING WALL
- ALUMINIUM WINDOW FRAMES  
POWDER COATED  
DARK COLOUR





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Issue Name	Date	Change Name	CHD	RevID
DEVELOPMENT APPLICATION	28/03/2017			A
DEVELOPMENT APPLICATION	13/04/2017	RETAINING WALL HEIGHTS + GROUND LEVELS	Ch 04	C

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UNIT DEVELOPMENT  
3 + 4 JABEZ DRIVE DEVONPORT  
TAS 7310

Status: Project number: 161121

DEVELOPMENT APPLICATION 161121

Date generated: 26/04/2017

Drawn: KF

Approved: GN

Accredited Designer: Richard Loney CC 6198Y

Drawing title  
**ARCHITECTURAL SITE SECTION**

Drawing number: **A.05**

Revision: **C**




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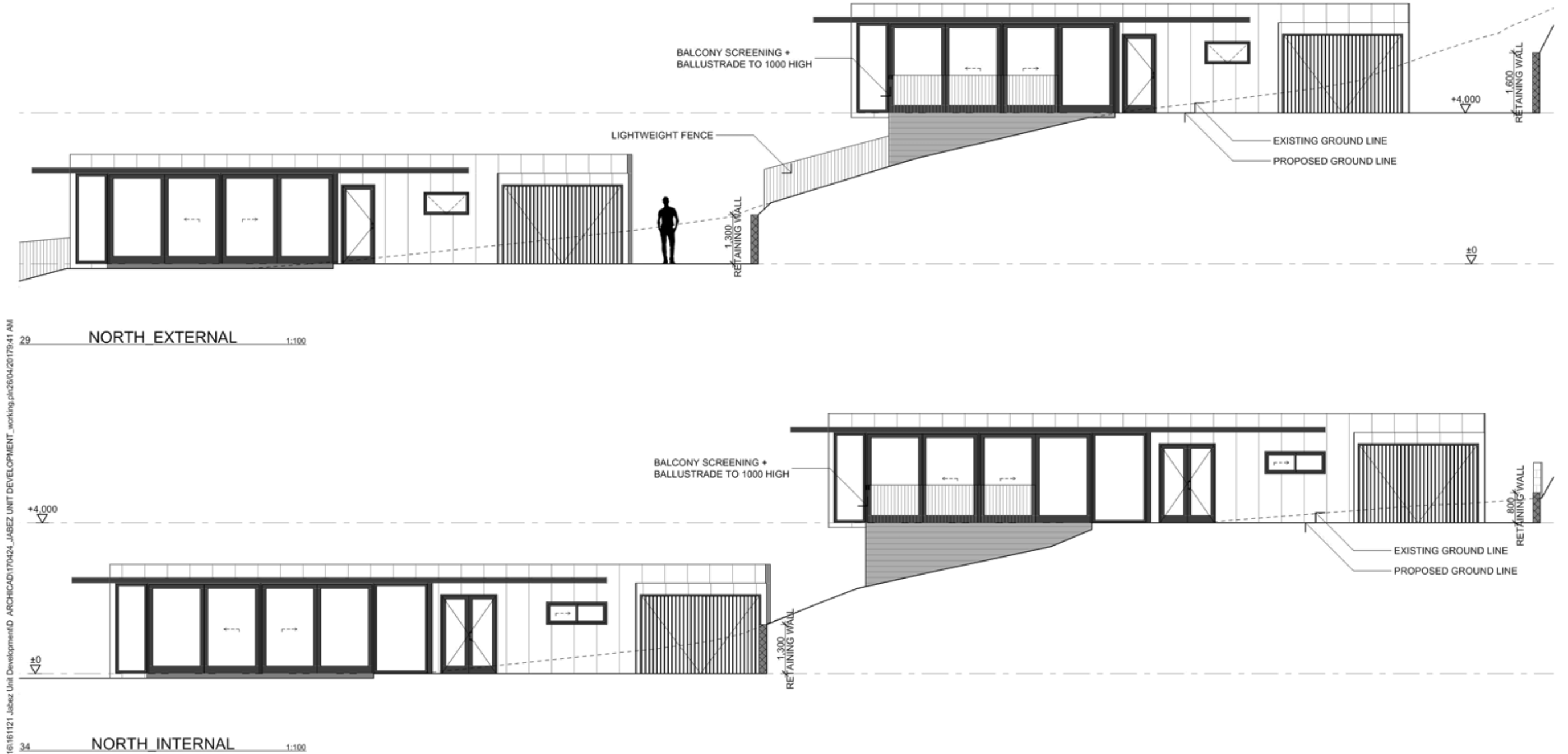


AERIAL PERSPECTIVE



VIEW FROM STREET

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		Issue Name	Date	Change Name	CHD	RevID																																														
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Issue Name	Date	Change Name	ChID	RevID
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UNIT DEVELOPMENT

3 + 4 JABEZ DRIVE DEVONPORT

TAS 7310

Status

Project number

DEVELOPMENT APPLICATION161121

Date generated

26/04/2017

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Drawing title

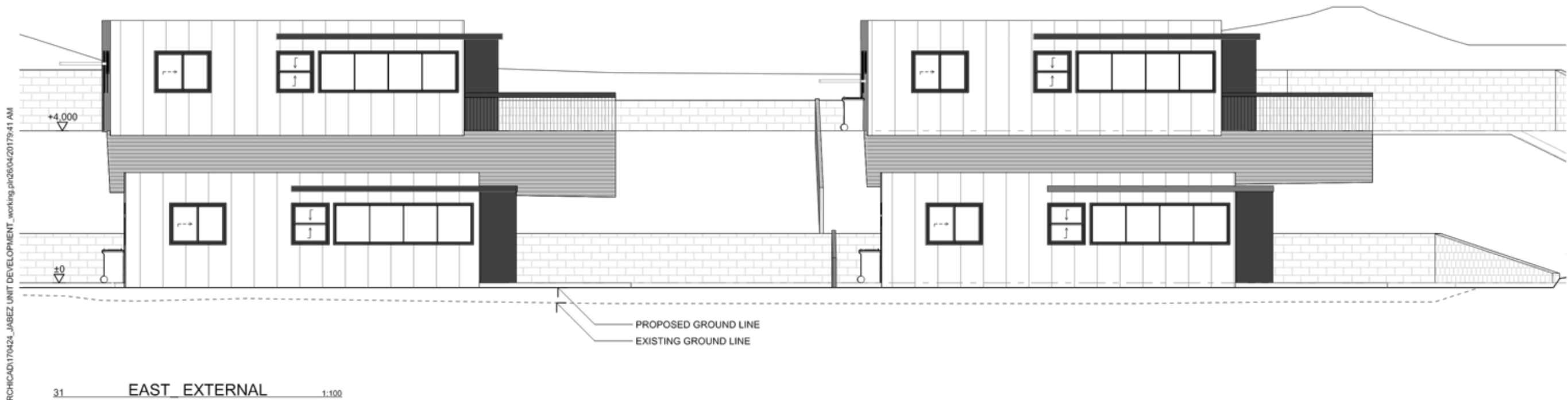
ARCHITECTURAL ELEVATIONS


Drawing number

A.07

Revision

D





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ALISTER + WENDY MCCRAE

Issue Name	Date	Change Name	ChID	RevID
DEVELOPMENT APPLICATION	26/04/2017			D

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UNIT DEVELOPMENT  
3 + 4 JABEZ DRIVE DEVONPORT  
TAS 7310

Status  
DEVELOPMENT APPLICATION161121

Date generated  
26/04/2017

Drawn  
KF

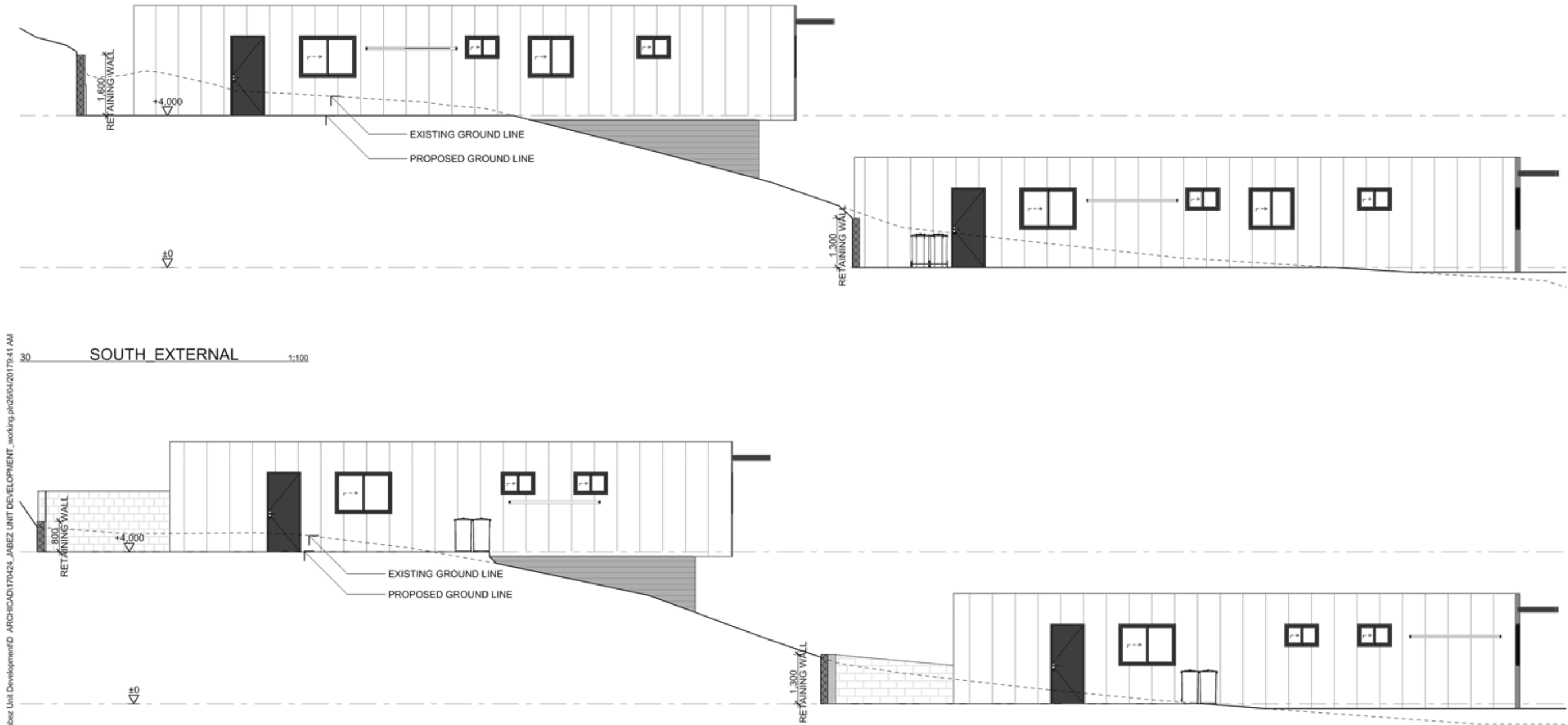
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GN


Accredited Designer: Richard Loney CC 6198Y

Drawing title  
ARCHITECTURAL ELEVATIONS

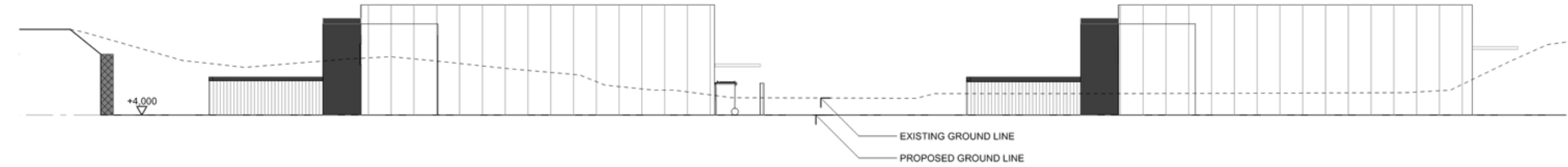
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Revision  
D

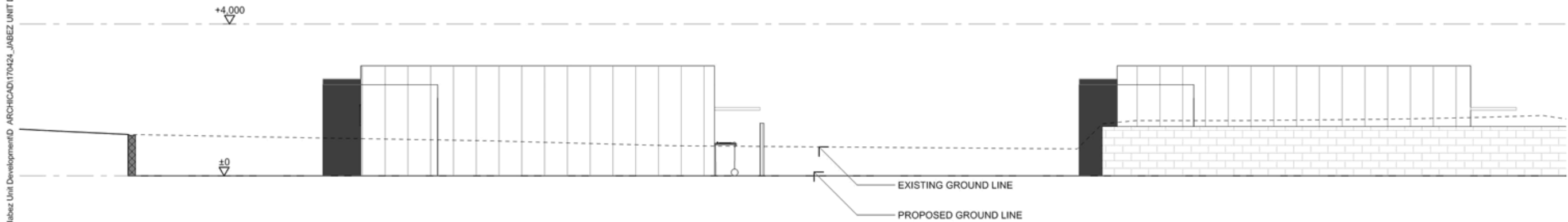


 <p>WELBOURNE 1001 SILVER STREET COLLINGWOOD, VIC 3088 PH (03) 8201 8100 FAX (03) 8201 8007 info@4dock.com.au</p> <p>HOBART 1/11 2, 101 COLLINS STREET HOBART, TAS 7000 GPO BOX 130 HOBART TAS 7001 PH (03) 8201 0400 FAX (03) 8201 0407 info@4dock.com.au</p>	ALISTER + WENDY MCCRAE	<table><tr><th>Issue Name</th><th>Date</th><th>Change Name</th><th>ChD</th><th>RevD</th></tr><tr><td>DEVELOPMENT APPLICATION</td><td>26/04/2017</td><td></td><td></td><td>D</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table>	Issue Name	Date	Change Name	ChD	RevD	DEVELOPMENT APPLICATION	26/04/2017			D																																									<div>FOR INFORMATION ONLY</div> <div>NOT FOR CONSTRUCTION</div> <div>REVISOR DOCUMENT</div> <div>REPLACE EARLIER ISSUE</div>	<p>UNIT DEVELOPMENT</p> <p>3 + 4 JABEZ DRIVE DEVONPORT TAS 7310</p> <p>Status</p> <p>DEVELOPMENT APPLICATION161121</p> <p>Date generated 26/04/2017</p> <p>Drawn KF</p> <p>Approved GN</p> <p>Accredited Designer: Richard Loney CC 6198Y</p>	<p>Drawing title</p> <p>ARCHITECTURAL ELEVATIONS</p> <p>Drawing number</p> <p>A.09</p> <p>Revision</p> <p>D</p>
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DEVELOPMENT APPLICATION	26/04/2017			D																																																			






32 WEST\_EXTERNAL 1:100



35 WEST\_INTERNAL 1:100



WELLSBURN  
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ALISTER + WENDY MCCRAE

Issue Name	Date	Change Name	ChID	RevID
DEVELOPMENT APPLICATION	26/04/2017			D

FOR INFORMATION ONLY

NOT FOR CONSTRUCTION

REVISOR'S DOCUMENT

REPLACE EARLIER ISSUE

UNIT DEVELOPMENT

3 + 4 JABEZ DRIVE DEVONPORT

TAS 7310

Status

Project number

DEVELOPMENT APPLICATION161121

Date generated

26/04/2017

Drawn

KF

Approved

GN

Accredited Designer: Richard Loney CC 6198Y

Drawing title

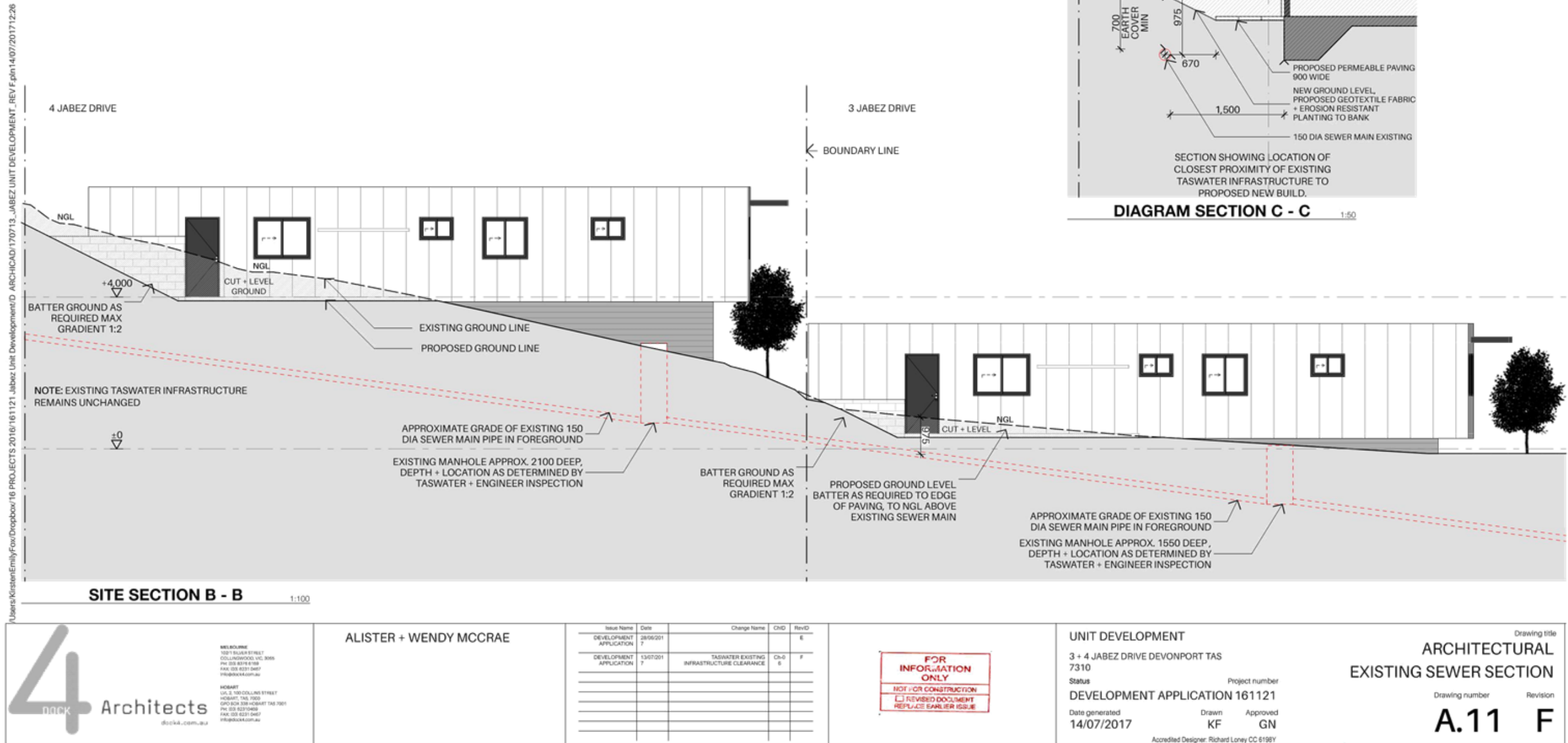
ARCHITECTURAL ELEVATIONS

Drawing number

A.10

Revision

D



Application for Planning permit representation

**Application numbers:** PA2017.0056/PA2017.0057

**Address:** 3 Jabez Drive, Devonport

4 Jabez Drive, Devonport

**Date of Notice:** 17 June 2017

Opposition to permit

In 2003 my family moved from Strathfield, NSW, to Devonport, Tasmania, due to work opportunities (We had lived here in the past). Prior to our relocation I approached the Devonport City Council and a number of real estate firms in the area. I informed the real estate agents that I was looking for a block of land to build in a new residential area where no units could be built.

I was informed by Michael BURR real estate that a new subdivision in Jabez Drive, Devonport, was available and that each parcel of land came with a schedule of easements that placed construction restrictions on purchasers to subdivide the blocks and develop units or townhouses. I contacted the developer Kent Townsend of Jabez Developments and he informed me of the restrictions and that they were put in place specifically to ensure unit and townhouse developments did not go ahead in Jabez Drive to promote the street as a premium residential dwelling area. Kent also informed me that if there were any changes to these restrictions then all land owners in Jabez Drive would have to agree (this happened in the development and construction of the property at No.5 Jabez Drive). I contacted the Devonport City Council who confirmed this information and I moved forward and purchased the block at 6 Jabez Drive, Devonport.

The proposed developments in applications PA2017.0056 and PA2017.0057 appear to breach a number of these restrictions in the schedule of easements (SP139930). I have not received any formal documentation for my consent from the proposed developer or any notification from the Devonport City Council to the changes whilst two other property owners in the street have. They have the same opinion as I that our properties were purchased with a knowledge of the restrictions and **oppose the new developments.**

Other issues that are obvious to all property owners in the area is that there are no footpaths in the street and no comfortable on street parking. Whilst vehicles are parked on the grass nature strips of No.2 and 6 Jabez Drive regularly this clearly restricts road space and only allows single vehicle movement. An additional 4 new rented dwellings will bring between 8 to 10 permanent vehicles plus further visiting vehicles into the area which will cause restricted traffic usage and clear parking issues.

The development of the street was not intended for this level of traffic and the original intentions described to me by the Kent Townsend was that the restrictions were put in place to ensure this did not happen. Clearly why myself and other property owners in the area purchased within the development a decade ago.

I would hope that the Devonport City Council will consider the opposition to this development and support the members of Jabez Drive and standby previous comments made by council representatives (although no longer working for council). Jabez Drive consists of hard working ratepayers that carry out essential roles within the community (Police officer, Nurse, Doctor, Office manager) and we hope that the original intentions of the developer are supported when consideration is given to our opposition to the Development.

In conclusion, I clearly oppose the development in its current form but would support any development of the two blocks that fit within the current restrictions that the rest of us have had to build our properties within.

**Darren Woolley**

**6 Jabez Drive, Devonport**

**0438 245 145**

**03 6424 2256**

[two71673@bigpond.net.au](mailto:two71673@bigpond.net.au)

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**From:** Wade Melanie <melbrett4@bigpond.com>  
**Sent:** Tuesday, 27 June 2017 5:40 PM  
**To:** council  
**Subject:** General Manager, objections for planning permit

Brett J Muir & Melanie J Muir

2 Jabez Drive, Devonport

Phone 0438314736, e-mail [melbrett4@bigpond.com](mailto:melbrett4@bigpond.com)

Att: General Manager, Devonport  
Council;

Replying to File Number: 33821

We are sending this email to  
object to the construction of the two units that have been entered in for  
approval for construction on both lots 3, and lot 6 Jabez Drive. Application  
numbers (3-PA 2017.0056) and the application for planning stats number 4 (but  
is lot 6), (4-PA2017.0057)

Our objections come from the  
increase of traffic in such a small Cal de sac, and little road frontage with  
these two lots. These units could have the potential of having two cars each up  
to eight extra for the Cal de sac. From the plans it shows only room for one  
car at the two northern units.

Another objection is the variance  
on the set back to the northern boundary of lot 3 for construction of the

northern facade of one of the units. All other residential buildings have constructed their homes to the regulated front boundary set back, to incorporate the nature strip into the front yard as per a covenant 6 (Registered number SP139930).

Also the vendor of the lot 3 and 6 Jabez Drive would have to of purchased the properties with the clear knowledge that all the lots in Jabez drive were under restrictive covenants, stopping them from constructing any dwelling under 200 square metres, with a flat roof that is not tiles. There are 11 restrictive covenants over all.

We have no objecting to a single dwelling on each lot which was the developers intention and the understanding of the people who have spent large sums of money to live in a Cal de sac that was promoted as having been specifically designed as a private and exclusive development incorporating superior quality residential dwellings.

Yours sincerely Brett &  
Melanie Muir

27/06/2017

---

**From:** Fred Sheean <fred.sheean@bigpond.com>  
**Sent:** Wednesday, 28 June 2017 5:16 PM  
**To:** council  
**Subject:** Property Development Objection

General Manager,

My name is Frederick Sheean and I am owner of 1 Jabez Drive Devonport. I object to the proposed development of lots 3&6 Jabez Drive Devonport ( Application no's 3-PA 2017.0056 and 4-PA 2017.0057 for the following reasons:

1. The proposed development is not in keeping with other properties in the cul-de-sac which are all single dwellings.
2. When I purchased my property I was given assurances that the vacant blocks could only be developed as single dwellings.
3. Restrictions were in place to limit the proximity of dwellings to the street when other houses were built but are not for this development. Accordingly it would destroy the streetscape.
4. Jabez Drive is a narrow cul-de-sac and the increased traffic and lack of parking will have an adverse effect on the amenity for the present residents.
5. There are restrictive covenants as to the size of dwellings in the cul-de-sac and the proposed development is not in accordance with those restrictions.
6. The development will have an adverse effect on property values in the cul-de-sac.

I have no objection to a suitable development of the lots and would be obliged that the council give due consideration to my objection. I request that you provide a written response to this objection in the event that I need to seek legal advice.

Regards,

Fred Sheean



02 July 2017

From,  
Dr Rohit Sood & Mrs Kiran Sood,  
5 Jabez Drive,  
Devonport Tas 7310

To,  
The General Manager,  
Devonport City Council,  
17 Fenton Way,  
Devonport Tas 7310

Dear Sir/Madam,

**FILE REF: 33822 -RE: APPLICATION FOR PLANNING PERMIT 4 JABEZ DRIVE DEVONPORT**  
**PA 2017.0057**

Reference is made to your letter dated 15 June 2017 with regards to an application received by your office for a planning permit by the owners of vacant lot 4 Jabez Drive (6 Jabez Drive as per plan of survey available with me -attached) to build 2 residential dwelling units in the property. We also refer to another application PA 2017.0056 available on your website with regards to building 2 similar residential dwelling units on vacant lot 3 Jabez Drive which is owned by the same owners.

As owners of an adjoining property, we have several objections to the proposed construction of the multiple dwelling units as outlined.

Jabez Drive is a small cul-de- sac with only six lots/properties. The 2 vacant lots mentioned above have very little road frontage. Construction of 4 dwelling units in these lots could have the potential to add an average of 8 cars and, possibly more, regularly using this small cul-de-sac and could cause traffic congestion. From the plans available, there seems to be limited off street parking available for the proposed dwelling units, raising the likely possibility of parking at the kerb side.

Secondly, all residential houses constructed in Jabez Drive so far have adhered to the regulated front boundary setback criteria incorporating the nature strip into the front yard as per covenant 6 (attached). However, as per the plans available, the setback to the northern unit 1 on lot 3 is in variance to this and the unit terrace appears to overlap the nature strip.



-2-

Thirdly, there are quite a few restrictive covenants with respect to properties/buildings in Jabez Drive which the owners of vacant lot 3 and 4 (or 6 as per plan available with me) would have been well aware of at the time of purchasing the lots. This includes restrictions on constructing any residential unit under 200 square metres with a flat roof which is not tiles.

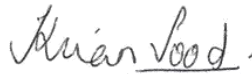
We would like to submit that we have no objections to a single residential house being built on each of the vacant lot which was the Jabez Drive developers intention. When we purchased our house at 5 Jabez Drive, it was with the understanding and belief that the cul-de-sac was designed and promoted as having being specifically designed as a private and exclusive development incorporating superior quality residential houses. We have spent a considerable amount of money in purchasing our home and are apprehensive that construction of these 4 smaller dwelling units could potentially depreciate the value of our home.

Submitted for your kind consideration.

With kind regards



Dr Rohit Sood



Mrs Kiran Sood



## Submission to Planning Authority Notice

Council Planning Permit No.	PA2017.0056	Council notice date	14/06/2017
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2017/00911-DCC	Date of response	20 July 2017
TasWater Contact	Greg Clausen	Phone No.	(03) 6237 8242
<b>Response issued to</b>			
Council name	DEVONPORT COUNCIL		
Contact details	council@devonport.tas.gov.au		
<b>Development details</b>			
Address	3 JABEZ DR, DEVONPORT	Property ID (PID)	2949404
Description of development	Multiple dwellings x 2		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Dock4 Architects	Architectural Floor Plan (A.02)	E	28/06/2017
Dock4 Architects	Existing Sewer Section (A.02)	F	13/07/2017
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections / sewerage system and connections to each dwelling unit of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> </ol>			
<b>56W CONSENT</b>			
<ol style="list-style-type: none"> <li>3. Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the <i>Water and Sewerage Industry Act 2008</i> for its consent in respect of that part of the development which is built within a TasWater easement or over or within two metres of TasWater infrastructure.  The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) must show footings of proposed buildings located over or within 2.0m from TasWater pipes and must be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans must also include a cross sectional view through the footings which clearly shows; <ol style="list-style-type: none"> <li>a. Existing pipe depth and proposed finished surface levels over the pipe;</li> <li>b. The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;</li> </ol> </li> </ol>			



- c. A note on the plan indicating how the pipe location and depth were ascertained.

#### DEVELOPMENT ASSESSMENT FEES

4. The applicant or landowner as the case may be, must pay a development assessment fee of \$206.97 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date it is paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater.

#### Advice

##### General

For information on TasWater development standards, please visit  
<http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.

##### Metering Vacant Lot

TasWater records indicate this property does not have a water meter installed on the connection to the TasWater water supply.

Prior to obtaining Building/Plumbing Approvals from council, the owner should make application to TasWater for the supply & installation of a water meter. TasWater will proceed to install a water meter on the water connection and forward an invoice for \$266.72.

**NOTE:** In accordance with the WATER AND SEWERAGE INDUSTRY ACT 2008 - SECT 56ZB A regulated entity may charge a person for the reasonable cost of –

- (a) a meter; and
- (b) installing a meter.

##### Advice to Planning Authority (Council) and developer on fire coverage

TasWater cannot provide a supply of water for the purposes of firefighting to the lots on the plan, unless a fire hydrant has been installed on the TasWater water main in front of 2 Jabez Court. The hydrant, if it exists, is not shown on TasWater records. The water main in Jabez Court is DN100 and could support a hydrant which could be installed by TasWater at the developer's cost if required. This needs to be confirmed by the developer at the time of submitting an application for Certificate for Certifiable Work (Building and/or Plumbing)

#### Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

#### Authorised by

**Jason Taylor**

Development Assessment Manager

#### TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

## 4.2 PA2017.0057 RESIDENTIAL (MULTIPLE DWELLINGS X 2) WITH ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR SETBACKS AND BUILDING ENVELOPE, PRIVACY AND TRAFFIC GENERATING USE AND PARKING CODE - 4 JABEZ DRIVE, DEVONPORT

File: 33822 D486107

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### PURPOSE

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2017.0057. It is proposed that two multiple dwellings be constructed.

### BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Dock 4 Architects
Owner:	Mrs WI McCrae
Proposal:	Residential (multiple dwellings x 2) with assessment against performance criteria for setbacks and building envelope, privacy and Traffic Generating Use and Parking Code
Existing Use:	Vacant land
Zoning:	General Residential
Decision Due:	21/08/2017

### SITE DESCRIPTION

The site is a vacant lot, located to the southwest of the Jabez Drive cul-de-sac head. It is surrounded by established residential lots, save for number 3 to the east which is also vacant (and subject to a similar application). The property has an area of 1,392m<sup>2</sup> and a total frontage of 9.96m. The site falls approximately 7m from west to east and a number of gabion walls have been constructed on the western side of the lot. The site is located in a Landslide Hazard area. Figure 1 shows the title plan for the property and Figure 2 an aerial view of the site.

In 2016 a boundary adjustment was approved which moves the boundary to the dotted yellow line shown in Figure 2 and reduces the lot size to 1,109m<sup>2</sup>, adding the narrow strip of land to 5 Saunders Court to the west. The final plan for this proposal has not yet been received.

### APPLICATION DETAILS

Two single storey multiple dwellings are proposed for the site with variations to the side and rear setbacks, privacy and required vehicle movements. Each unit has an attached single garage. The rear unit has three bedrooms and the front unit has two. Figure 3 shows the proposal plan for the lot and Figures 3 – 9 show the elevations. The units are architecturally designed and are modern in appearance. It is proposed they be



constructed of contemporary materials. The application detail for the proposal is appended to this report.

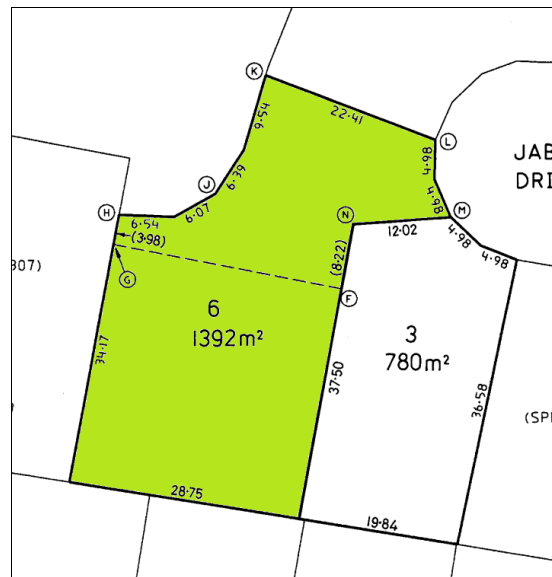


Figure 1 - Title plan for 3 Jabez Drive - CT155774/6

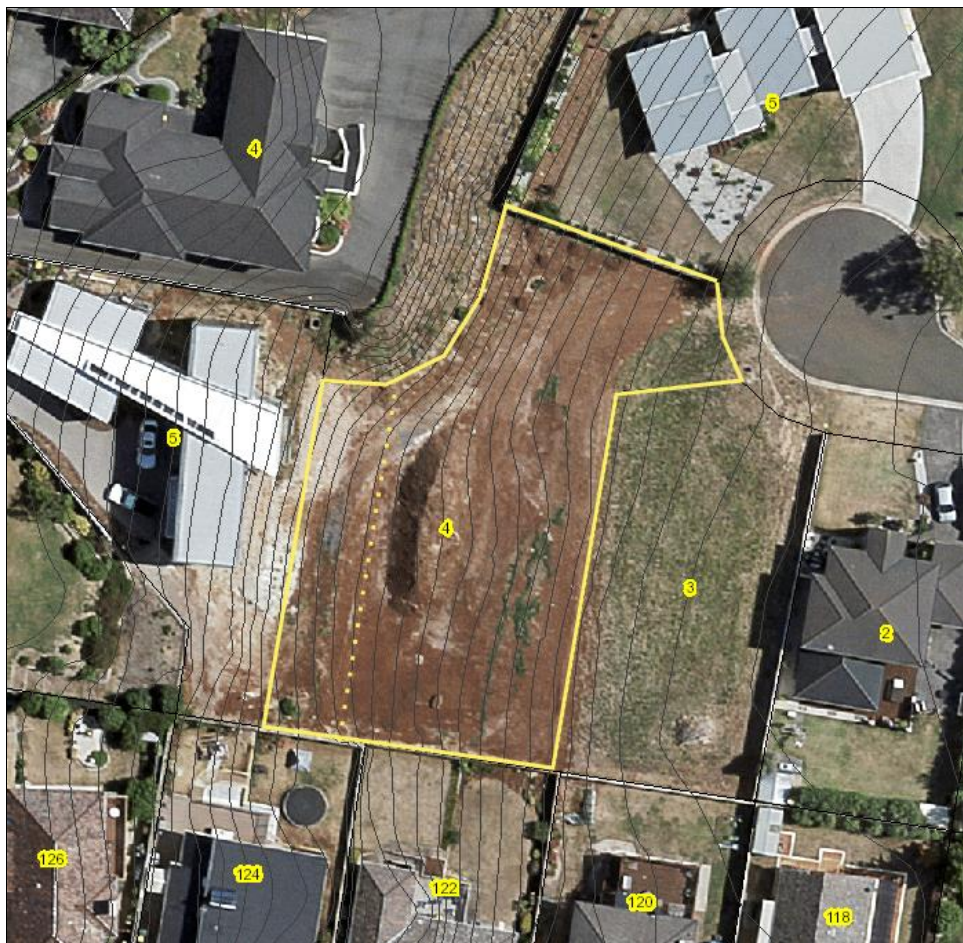


Figure 2 – Aerial view of subject site (dotted yellow line shows approximate location of new boundary) - Geocortex

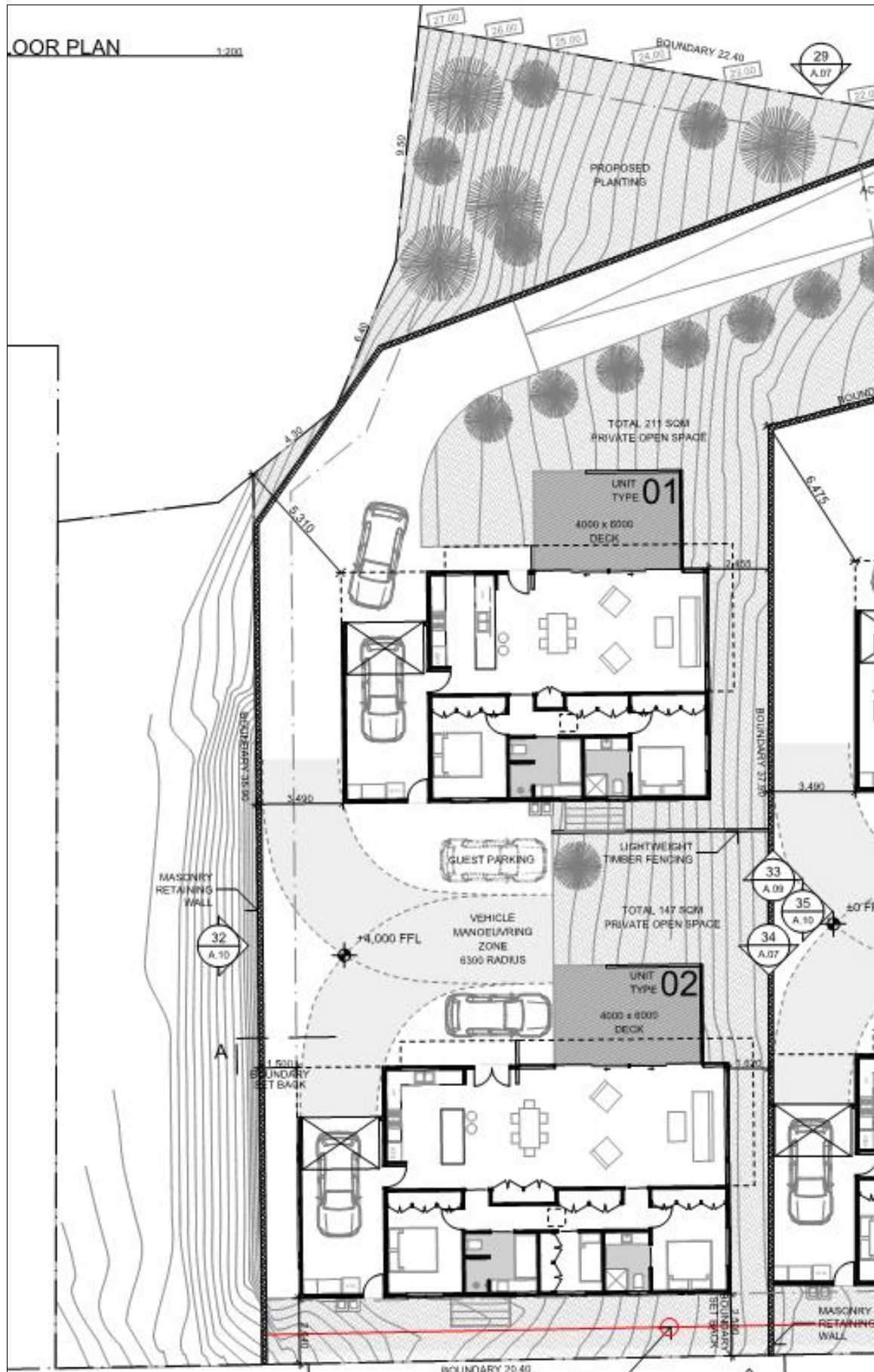


Figure 3 – Proposal plan

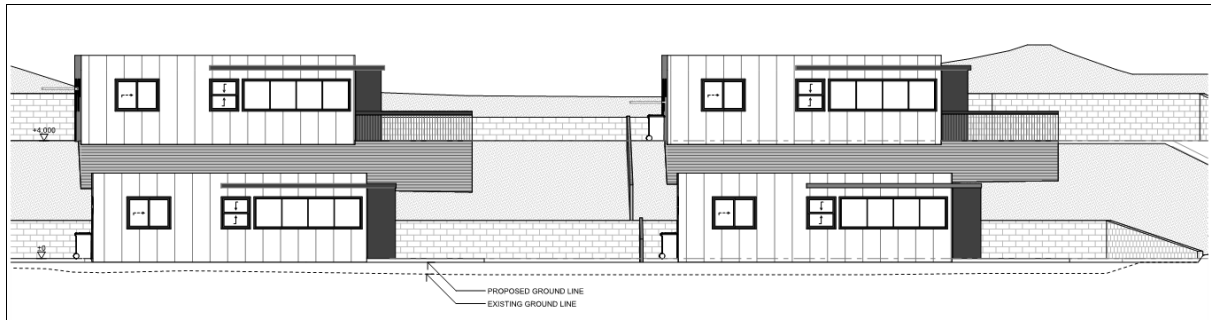


Figure 4 – Eastern elevation (the units in the background are those relevant to this proposal)

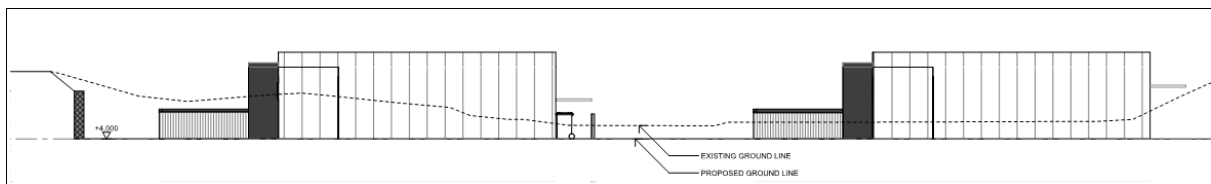


Figure 5 – Western elevation

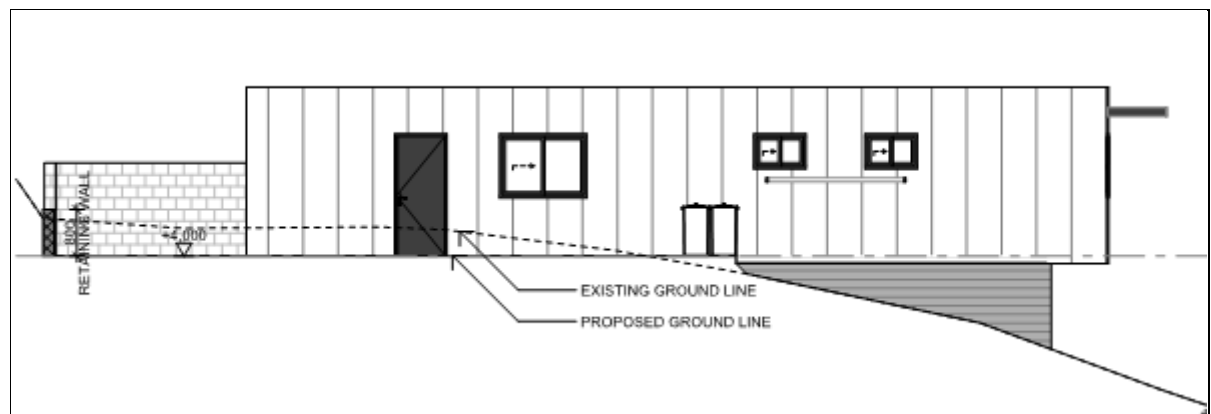


Figure 6 – Southern elevation of front unit

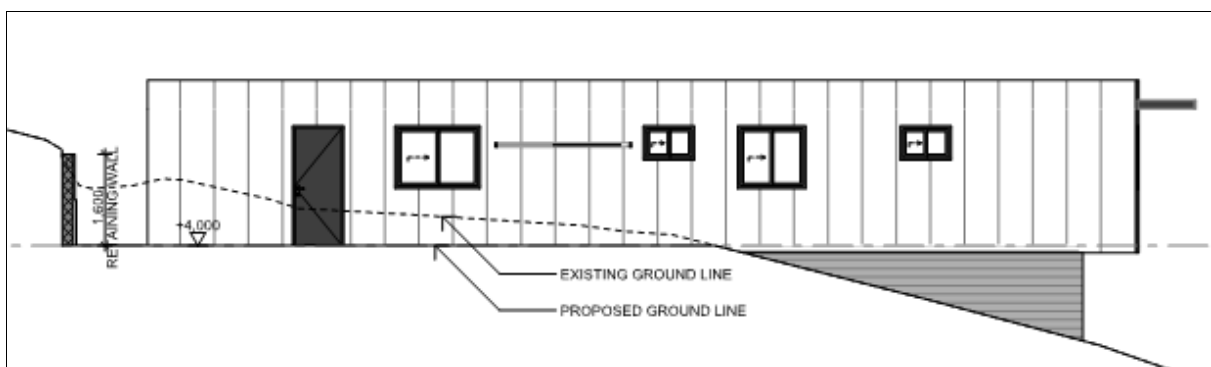


Figure 7 – Southern elevation of rear unit

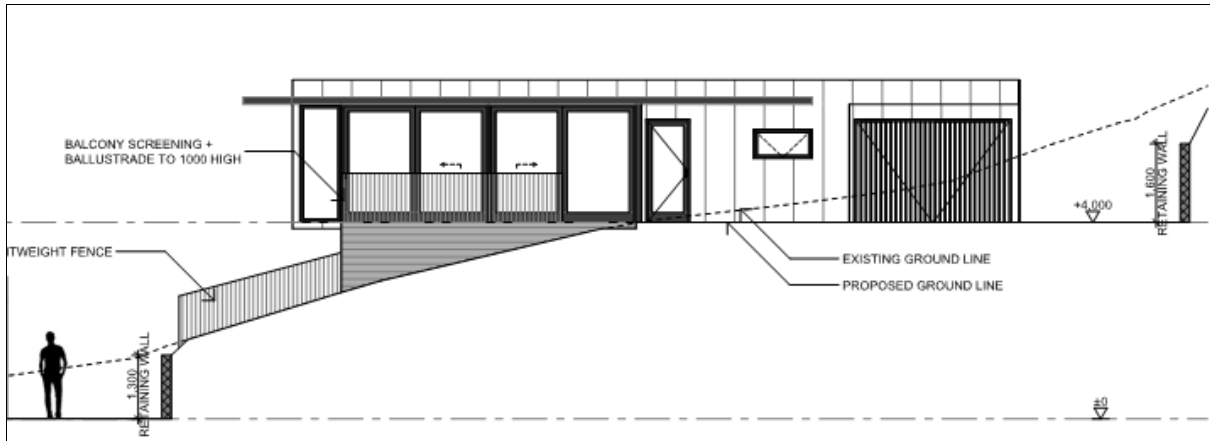


Figure 8 – Northern elevation of front unit

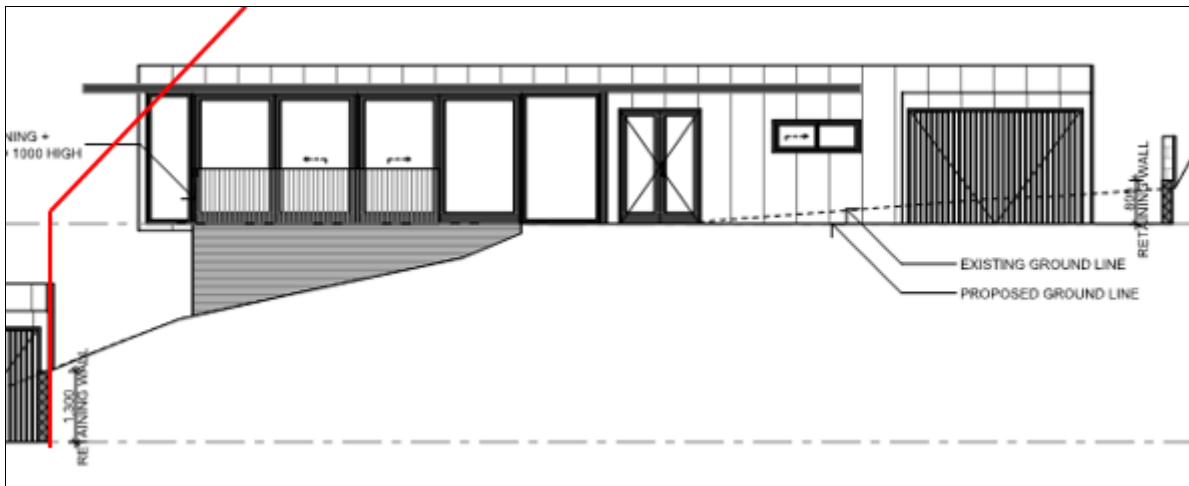


Figure 9 – Northern elevation of rear unit (approximate location of building envelope shown in red)

## 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.

Multiple dwellings are a permitted use in the General Residential zone provided they comply with all relevant acceptable solutions contained within the development standards and Codes within the planning scheme. In instances where the acceptable solutions cannot be met the relevant performance criteria must be satisfied.

In this case the proposal complies with the acceptable solutions in regard to front setback, garage setback, site coverage and open space, sunlight and overshadowing, width of garage openings, fencing, waste storage, suitability of a site, dwelling density and sensitive use. The proposal also complies with the acceptable solutions of the Change in Ground Level Code which is applicable due to the excavation proposed for the site and the Hazard Management Code which is applicable due to the site being shown on Council's Landslide Hazard Map.



The development does not meet the acceptable solutions in regard to side and rear setbacks, privacy nor the Traffic Generating Use and Parking Code and must therefore satisfy the relevant performance criteria which are reproduced below with comments.

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

Objective:	
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>	
Acceptable Solutions	Performance Criteria
<p><b>A3</b></p> <p>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:</p> <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>	<p><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <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>

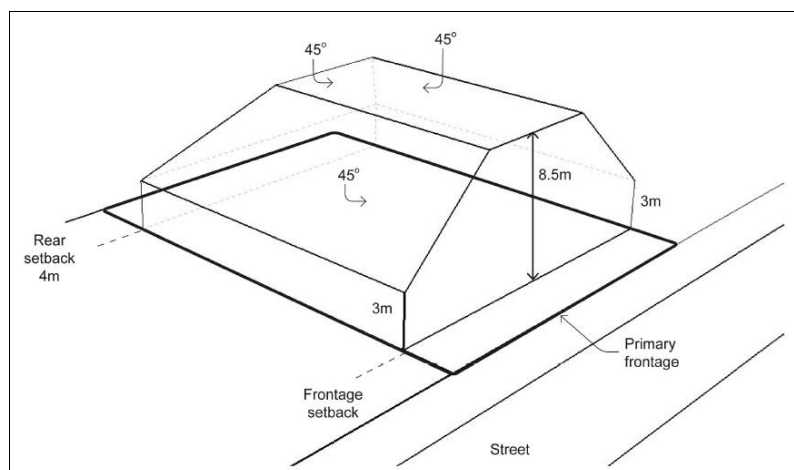


Diagram 10.4.2A. Building envelope as required by subclause 10.4.2 A3 (a).

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**Report to Planning Authority Committee meeting on 14 August 2017**


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Comments – The eastern side of the rear unit is outside the building envelope, as shown in Figure 9, and the rear unit is to be constructed 2.5m from the rear boundary. These design elements mean the proposal does not comply with the acceptable solutions of clause 10.4.2 A3 of the planning scheme and assessment must be made against clause 10.4.2 P3.

The lots to the south and east have the potential to be affected by these variations. The lot to the east is currently vacant but also subject to an application for two units. The garage of the proposed unit to the east will be adjacent to the area which encroaches on the building envelope and therefore any overshadowing that occurs will not have a detrimental impact on any habitable rooms or private open space.

The dwelling on the lot to the south, 122 George Street, is constructed approximately 11.5m from the boundary which means no shading will occur to any habitable rooms. Although there is the potential for overshadowing of the private open space this will be lessened by the fact that the unit is to be constructed approximately 1m below natural ground level, at its highest point. In addition, 122 George Street has sufficient private open space to ensure that any overshadowing will not affect the whole area.

The separation between dwellings that is proposed is compatible with others in the surrounding area as there are a number of lots with setbacks between 3m and 3.5m. This allows for private open space to the north of dwellings, as is proposed in this instance.

**10.4.6 Privacy for all dwellings**

<b>Objective:</b>	
To provide reasonable opportunity for privacy for dwellings.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
<p>A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>	<p>A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <p>(a) a dwelling on an adjoining lot or its private open space; or</p> <p>(b) another dwelling on the same site or its private open space; or</p> <p>(c) an adjoining vacant residential lot.</p>

The deck proposed for the rear unit is 2.6m from the eastern boundary and does not satisfy the 3m setback required for a deck more than 1m above ground level by clause 10.4.6A1. In light of this assessment against clause 10.4.6 P1 is required. The deck has been designed to minimise overlooking on the proposed dwelling to the east, and its private open space as the deck is adjacent to the garage. The deck will be approximately 13m from the private open space on the lot to the east, far in excess of the 3m separation required by the acceptable solution.

## Report to Planning Authority Committee meeting on 14 August 2017

**E9.6.1 Design of vehicle parking and loading areas****Objective:**

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>  All development must provide for the collection, drainage and disposal of stormwater; and  <b>A1.2</b>  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 –  (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities - Off Street Car Parking;  (b) Be in accordance with AS/NZS2890.2 (2002) Parking Facilities - Off Street Commercial Vehicles;  (c) Be in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities;  (d) Be in accordance with AS/NZS 2890.6 Parking Facilities - Off Street Parking for People with Disabilities;  (e) Each parking space must be separately accessed from the internal circulation aisle within the site;  (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  (g) Be formed and constructed with compacted sub-base and an all-weather surface.	<b>P1</b>  The layout and construction of a vehicle parking area, loading area, circulation aisle, and manoeuvring area must be adequate and appropriate for –  (a) the nature and intensity of the use;  (b) effect of size, slope and other physical characteristics and conditions of the site;  (c) likely volume, type, and frequency of vehicles accessing the site;  (d) likely demand and turnover for parking;  (e) delivery and collection vehicles;  (f) familiarity of users with the vehicle loading and vehicle parking area;  (g) convenience and safety of access to the site from a road;  (h) safety and convenience of internal vehicle and pedestrian movement;  (i) safety and security of site users; and  (j) the collection, drainage, and disposal of stormwater

The planning scheme requires 5 parking spaces for the development and these are shown in Figure 3. However, the scheme also requires the proposal satisfy the requirements of clause E9.6.1. The proposal does not allow for the forward movement of all vehicles as required by E9.6.1 A1.2 (f) and must therefore satisfy E9.6.1 P1. Turning is possible for 3 of the 5 parking spaces, the visitor space and the two rear parking spaces, however vehicles parked in the spaces allocated to the front unit cannot turn to enable egress from the site to be in a forward motion. Given the location of the site at the head of a quiet cul-de-sac it is deemed that allowing reversing from the site is appropriate, and in keeping with what occurs on numerous residential lots. It will also be possible to back onto the nature strip to enable forward access to the road pavement.

**COMMUNITY ENGAGEMENT**

On 14/06/2017, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993* (LUPAA), the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

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

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

## REPRESENTATIONS

Four representations were received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. The representations are from residents of Jabez Drive and refer to the proposal subject to this application and the proposal for 3 Jabez Drive to the east. The representations are attached as an appendix to the report.

The first representation is from Mr Woolley of 6 Jabez Drive. One issue raised is that he did not receive notification from Council in regard to the applications. This is because LUPAA specifies only that adjoining owners be notified of an application. Mr Woolley's property does not adjoin the subject site.

Mr Woolley refers to the covenants contained within the schedule of easements for the properties located within Jabez Drive. Council is not party to these covenants and is unable to take such covenants into consideration when assessing a planning application. A planning application must be assessed against the requirements of the planning scheme.

Mr Woolley also raises the issue of parking and vehicle movements. As discussed previously the proposal provides sufficient parking spaces for the proposal. Vehicle movements in the street will not be affected by the variation allowing cars from the front unit to reverse from the site and the fact that cars currently park on the nature strip is not an issue provided the vehicle is that of an owner or occupier of the lot the vehicle is parked in front of and does not unreasonably obstruct other road users. If the cars are fully off the road, and not parked over driveways, there should be no obstruction created.

The representation also refers to the hardworking ratepayers that make Jabez Drive home. Whilst the residents' contributions are appreciated by Council they are not relevant to the assessment of planning applications.

The second representation is from Brett and Melanie Muir of 2 Jabez Drive. The issues raised by the Muirs are an increase in traffic, limited parking, encroachment on the front setback and breach of covenants. The increase in traffic which will result from the unit development could easily be of the same or greater number if a large single dwelling were constructed. There is no reason why the road is unable to deal with the increase in traffic.

As discussed previously the development provides sufficient parking to comply with the planning scheme and Council is unable to consider covenants when assessing an application for a planning permit.

In regard to the front setback, the proposal complies with the requirements of the planning scheme. When many of the houses in the cul-de-sac were built the setback was 7.5m. The front setback stipulated by the current planning scheme is 4.5m in accordance with Planning Directive 4 introduced by the State Government. The setback also allows for the intrusion of eaves by up to 600mm. Figure 3 shows the proposal complies with the front setback requirements with the north-eastern corner of the eaves encroaching on the setback by approximately 400mm.

Fred Sheean, of 1 Jabez Drive, has also submitted a representation and raises the following issues: the proposal is not in keeping with the existing single dwellings in the street, assurances were given that only single dwellings were permitted, front setback, increases to traffic and lack of parking, covenants, and that the proposal will have an adverse effect on property values.

The issues of parking, traffic, covenants and setbacks have been dealt with previously. In regard to single dwellings, the planning scheme allows for multiple dwellings on lots with an area of 650m<sup>2</sup> or greater. The subject site has an area of 780m<sup>2</sup> and therefore allows for such development. Changes in property value are not a consideration of the planning scheme.

The final representation was submitted by Rohit and Kiran Sood of 5 Jabez Drive. The issues raised by the Soods include parking and traffic congestion, front setback, covenants and depreciation of property values. These issues have all been raised by the other representations and dealt with previously.

### **COMMENTARY**

The proposal was referred to TasWater for assessment and conditions have been provided to be placed on the permit. TasWater's Submission to Planning Authority Notice is appended to this report.

The proposal was also assessed by Council's Engineering, Health, Plumbing and Building staff and conditions or notes provided as necessary.

### **STATUTORY REQUIREMENTS**

The *Land Use Planning and Approvals Act 1993* requires a decision to be made in regard to the application by 21 August, 2017.

### **FINANCIAL IMPLICATIONS**

No financial implications are predicted.

### **CONCLUSION**

The proposal has been assessed by all relevant parties and satisfies the requirements of the planning scheme.

### **ATTACHMENTS**

- [1.](#) Application detail - PA2017.0057 - 4 Jabez Drive Devonport
- [2.](#) Representations - PA2017.0057 - 4 Jabez Drive Devonport
- [3.](#) TasWater Submission to Planning Authority Notice Conditions - PA2017.0057 - 4 Jabez Drive, Devonport

### **RECOMMENDATION**

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0057 and grant a Permit to use and develop land identified as 4 Jabez Drive, Devonport for the following purposes:

- Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope, privacy and Traffic Generating Use and Parking Code

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as:
  - Project No. 161121 A.01 Rev C, A.02 Rev E, A.03 Rev A, A.04 Rev A, A.05 Rev C, A.06 Rev B, A.07 Rev D, A.08 Rev D, A.09 Rev D, A.10 Rev D and A.11 Rev F by Dock 4 Architects,
  - Landslide Risk Appraisal and Site Classification, Reference GL17123Aa, dated 13 April 2017 by Geoton Pty Ltd, and
  - Engineering Assessment S2811-01 infolet, dated 5 June, 2017 by Donal S. Anderson,copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the Water and Sewerage Industry Act 2008. A copy of this notice is attached.
3. The existing stormwater service connection is to be used for the purposes of this development.
4. Stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately identify peak discharge flows. As part of their design the hydraulic engineer is to limit discharge from the proposed development to that equivalent to only 50% of the existing lot being impervious. Peak discharge is to be limited by utilising suitably designed on-site stormwater detention systems. All design calculations are to be submitted as part of the building and plumbing permit application.
5. The proposed driveway crossover is to be generally constructed to Tasmanian Standard Drawing TSD-R09v.
6. The developer is to submit a design drawing of the proposed driveways, accesses and car parking for approval prior to any works commencing. The proposed car parking and turning layout is to comply with AS/NZS 2890.1 – 2004 Parking Facilities Part 1 – Off Street Carparking. In particular, vehicular turning movements that enable all parking facilities to be utilized as designed, is to be demonstrated.

Note: The following is provided for information purposes.

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

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

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

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

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

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

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

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 or the *Environmental Management and Pollution Control Act 1994*.

In regard to condition 2 the applicant/developer should contact TasWater – Ph 136 992 with any enquiries.

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

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

Author:	Carolyn Milnes	Endorsed By:	Brian May
Position:	Senior Town Planner	Position:	Development Manager



**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 155774	FOLIO 3
EDITION 4	DATE OF ISSUE 26-Jul-2016

SEARCH DATE : 03-May-2017

SEARCH TIME : 10.30 AM

DESCRIPTION OF LAND

City of DEVONPORT  
 Lot 3 on Plan 155774  
 Derivation : Part of 10A-0R-5Ps. Sec. R.r. Gtd. to J. Coulter  
 Prior CT 148166/1

SCHEDULE 1

M582118 TRANSFER to CONCORDIA CAPITAL PTY. LTD. Registered  
 26-Jul-2016 at 12.02 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP 139930 COVENANTS in Schedule of Easements effecting the  
     said land within described which was formerly Lot 3  
     on Sealed Plan No.139930  
 SP 139930 FENCING COVENANT in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

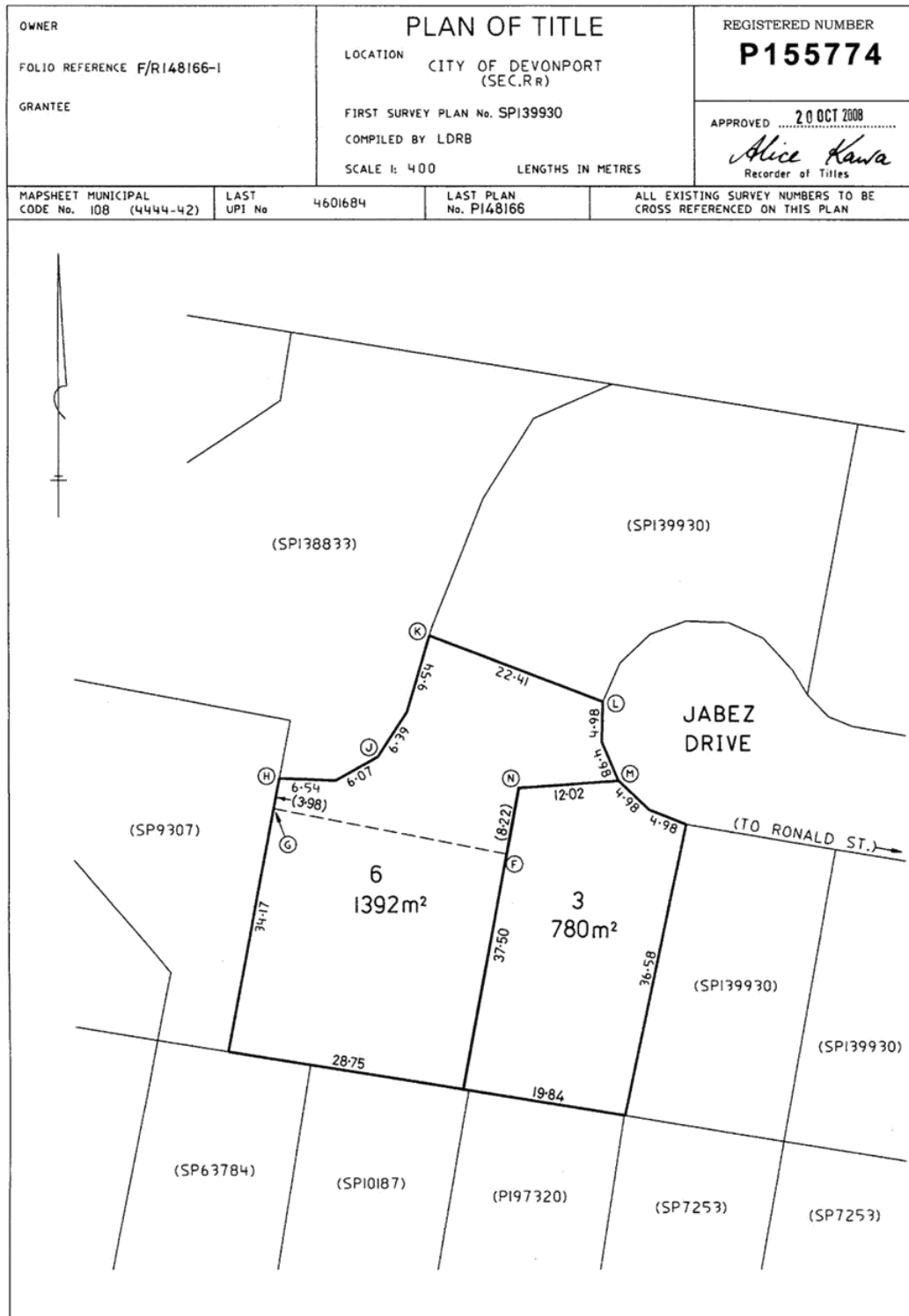
NOTICE: This folio is affected as to amended covenants  
 pursuant to Request to Amend No. C924584 made under  
 Section 103 of the Local Government (Building and  
 Miscellaneous Provisions) Act 1993. Search Sealed  
 Plan No. 139930 Lodged by TEMPLE-SMITH PARTNER on  
 24-Jul-2009 BP: C924584



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>SCHEDULE OF EASEMENTS</b>  <b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	Registered Number  <b>SP 139930</b>
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PAGE 1 OF 3 PAGE/S

## EASEMENTS AND PROFITS

Each lot on the plan is together with:-

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

Each lot on the plan is subject to:-

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

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

The Owners of Lots 1 to 6 on the Plan covenants with the Vendor Jabez Developments Pty Ltd ACN 087 676 926 and the owners for the time being of every other Lot shown on the plan to the intent that the burden of this covenant may run and bind the Convenator's Lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of the Lots shown on the plan to observe the following stipulations.

1. Not to erect on such Lot any private dwelling house which excluding any buildings appertenant thereto, shall have a floor less than 200 square metres.
2. Not to subdivide such Lot so as to reduce the area of that Lot.
3. Not to erect on any such Lot other than Lot 5, any dwelling house the outer wall of which are constructed of material other than brick or rendered brick or a similar material as determined in consultation with the Vendor (Jabez developments Pty Ltd) or the roof of which is constructed of any material other than tile bricks or some other material approved of in writing by the Vendor (Jabez Developments Pty Ltd).
4. Not to carry out or permit to allow to be carried out on such Lot or any part thereof any trade or business of a commercial or industrial purpose.
5. Not to erect or place upon such Lot or any part thereof any boarding or structure for use as a bill posting or advertising station or any similar structure of any unsightly nature.
6. Not to erect any boundary fence or wall of any kind or description upon the street frontage boundary of any Lot, nor to erect any fence or any sideline boundary closer to the street frontage of the Lot than the building line permitted by the Devonport City Council.
7. Not to erect or re-erect on the Lot any building whatsoever which shall have been pulled down or demolished on other land and not to use any second-hand materials, other than clean washed bricks, whatsoever in the erection of any building on the lot.

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: Jabez Developments Pty Ltd FOLIO REF: C.T. V 138833 - 3 SOLICITOR & REFERENCE: BJ LILLAS	PLAN SEALED BY: <i>Devonport City Council</i> DATE: <i>4th November 2003</i> <i>15377</i> REF NO. <i>[Signature]</i> Council Delegate
<b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.	



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 2 OF 3 PAGE/S	Registered Number <b>SP139930</b>
SUBDIVIDER: Jabez Developments Pty Ltd FOLIO REFERENCE: 138833/3	

8. ~~Not to erect or permit to be constructed or installed any building, structure or fence of any nature (save that a boundary fence may be erected along the line "AB") within the area marked "DEFGHDC" on the Plan.~~

The Owner of Lot 5 on the Plan covenants with the Vendor Jabez Developments Pty Ltd ACN 087 676 926 and the owners for the time being of every other Lot shown on the plan to the intent that the burden of this covenant may run and find the Convenator's Lot and every part thereof and that the benefit thereof shall be annexed to an devolve with each and every part of the Lots shown on the plan to observe the following stipulations.

9. Not to erect any dwelling, garage or structure above a height of ~~7 metres~~ from the highest point of the natural surface of the ground ~~within the area marked "ABCD" on the Plan~~ of Lot 5 or colourbond
10. Not to erect any dwelling or structure other than of tiled roofing construction and such construction of the roof to be not less than 20 degrees and not more than 22.2 degrees pitch within the areas marked "ABCD" on the plan.
11. Not to use in the course of construction of any dwelling, garage or structure any external cladding other than rendered brick within the area marked "ABCD" on the plan

AND the Vendor (Jabez Developments Pty Ltd) at all times reserves the right to vary or release any of the covenants contained in Covenants 1 to 11 in respect of the said land or any part thereof or from selling such Lot freed and exempt from any one or more of the restrictions, covenants or stipulations contained herein or modifying, waiving, releasing or allowing any departure from the said restrictive covenants in relation to such Lot or portion of such Lot.

Restrictive covenant 8, hereon deleted & 9, hereon amended by me pursuant to Request to Amend No. C924584 made under Section 103 of Local Government (Building & Miscellaneous Provisions) Act 1993

EASEMENTS

22 / 9 / 2009

Alice Kawa  
Recorder of Titles

Lot 5 on the plan is subject to a right of drainage (appurtenant to Lot 1 on Sealed Plan No. 63784) over that portion of the Drainage Easement 1.52 wide shown on the plan passing through such lot and which formerly passed through Lot 2 on Sealed Plan No. 63784.

Lot 5 on the plan is subject to a right of drainage (appurtenant to Lots 7,8 and 9 on Sealed Plan No. 63010) over the Drainage Easement 1.52 wide shown on the plan passing through such lot.

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

The words "or colourbond" hereon added to Covenant 10 by me pursuant to Request to Amend No. D17121 made under Section 103 of the Local Government (Building & Miscellaneous Provisions) Act 1993  
 Alice Kawa  
 Recorder of Titles  
 20 / 7 / 2011



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center">PAGE 2 OF 3 PAGE/S</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 139930</b></p>
<p>SUBDIVIDER: Jabez Developments Pty Ltd FOLIO REFERENCE: 138833/3</p>	

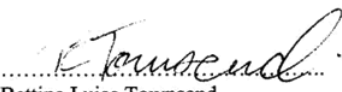
COVENANTS

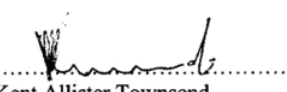
Each lot on the plan which formerly comprised part of Lot 2 on sealed Plan No. 138833 is affected by the restrictive covenants created by and more fully set forth in Sealed Plan No. 138833.

FENCING COVENANT

The owner of each of the Lots on the plan covenants with the Vendor (Jabez Developments Pty Ltd ACN 087 676 926) shall not be required to fence.

Executed by )  
Jabez Developments Pty Ltd )  
pursuant to section 127(1) of the )  
Corporations Law. )

  
Bettina Luise Townsend  
Director

  
Kent Allister Townsend  
Director

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

**GEOTON** Pty Ltd  
Geotechnical Consultants

Geoton Pty Ltd ABN 69 315 541 003  
PO Box 522 Prospect Vale TAS 7250  
Unit 24, 16-18 Goodman Court, Invermay  
T (+61) (3) 6326 5001 F (+61) (3) 6326 5003  
[www.geoton.com.au](http://www.geoton.com.au)

13 April 2017

Reference No. GL17123Aa

Dock4 Architects  
100 Collins Street  
HOBART TAS 7000

Attention: Mr Giles Newstead

Dear Sir

**RE: Landslide Risk Appraisal and Site Classification  
3 & 4 Jabez Drive, Devonport**

We have pleasure in submitting herein our report detailing the results of the geotechnical investigation conducted at the above site.

Should you require clarification of any aspect of this report, please contact Matthew Street on 03 6326 5001.

For and on behalf of

**Geoton Pty Ltd**



**Matthew Street**

Engineering Geologist



## Landslide Risk Appraisal and Site Classification

## 1 INTRODUCTION

A limited scope investigation has been conducted for Dock4 Architects at the site of a proposed residential development of four units at 3 & 4 Jabez Drive, Devonport.

The investigation has been conducted to provide the following:

- A landslide risk appraisal;
- An assessment of the general subsurface conditions at the site and consequently assigning a Site Classification in accordance with AS 2870 – 2011 “Residential Slabs and Footings”; and
- An assessment of the surrounding area and provide a Wind Classification in accordance with AS 4055 – 2012 “Wind Loads for Housing”.

A site plan showing the proposed development was provided, prepared by Dock4 Architects (Drawing Number 1.01, dated 28-03-17).

## 2 BACKGROUND

### 2.1 Geology

The Mineral Resources Tasmania (MRT) Tasmanian Landslide Map Series, Devonport – Geology Map, 1:25,000 Scale, indicates that the site is underlain by Tertiary aged predominantly deeply weathered basalt, with this being generally confirmed by the field data.

### 2.2 Landslide Susceptibility

Examination of the MRT Tasmanian Landslide Map Series, Devonport – Landslide Inventory Map, 1:25,000 scale, indicates that the site is not located within a known landslide.

Examination of the MRT Tasmanian Landslide Map Series, Devonport – Geomorphology Map, 1:25,000 scale, indicates that the upper western slopes within the site are mapped as an abandoned coastal cliff, with the lower eastern slopes mapped as colluvial footslopes.

Examination of the MRT Tasmanian Landslide Map Series, Devonport – Shallow Slide and Flow Susceptibility Map, indicates that the site is mapped within a low to moderate susceptibility source area for shallow landslides.

Examination of the MRT Tasmanian Landslide Map Series, Devonport – Deep Seated Landslide Susceptibility Map, indicates that the upper western slopes within the site are mapped within a susceptibility zone for deep seated landslides.

The maps do not indicate any springs or seeps in the vicinity of the site.

## 3 FIELD INVESTIGATION

The field investigation was conducted on 11 April 2017 and involved the drilling of 4 boreholes by 4WD mounted auger rig to depths of 2.0m and 3.0m.

## Landslide Risk Appraisal and Site Classification

Insitu vane shear strength tests and Pocket Penetrometer strength tests were conducted in clay layers encountered in the investigation, with sampling of these soils being conducted for subsequent laboratory testing. The results of the field and laboratory tests are shown on the borehole logs.

The logs of the boreholes are included in Appendix A and their locations are shown on Figure 1 attached.

## 4 SITE CONDITIONS

### 4.1 Surface Conditions

The site is currently vacant and is located on the lower third section of an east facing hill slope. The site has been modified by past cut to fill earthworks to create a near level platform within the western portion of the site (within No.4 Jabez Drive). A 1m high gabion basket retaining wall has partially been constructed along the western boundary. From the western boundary the site slopes at an average of approximately 6° down towards the east before leveling out somewhat within the eastern portion of the site (within No.3 Jabez Drive).

The site and surrounds displayed only minor subdued undulations with smooth convex slopes and did not display any obvious signs of recent landslide activity. Furthermore no springs or seeps were observed on the site.

### 4.2 Subsurface Conditions

The investigation indicated that the soil profile varied over the site. Boreholes BH1 and BH2 located on No.3 Jabez Drive encountered clayey silt fill to depths of 0.6m and 0.8m, overlying natural clayey sand or sandy clay to depths of 1.25m, underlain by clayey silt to the investigated depths of 2.0m.

Boreholes BH3 and BH4 located on the cut to fill bench on No.4 Jabez Drive encountered fill to depths of 0.1m and 1.5m, overlying natural stiff/very stiff clayey silt to the investigated depth of 3.0m.

The boreholes did not encounter any signs of seepage over the investigated depths.

Full details of soil conditions encountered are presented on the borehole logs.

An assessment of the plasticity characteristics of the materials encountered indicates that the clayey silt soils at this site possess a high shrink/swell potential.

## 5 SLOPE STABILITY

The qualitative likelihood, consequence and risk terms used in this report for risk to property are given in Appendix B. The risk terms are defined by a matrix that brings together different combinations of likelihood and consequence. Risk matrices help to communicate the results of risk assessment, rank risks, set priorities and develop transparent approaches to decision making. The notes attached to the tables and terms and the comments on response to risk in Appendix B are intended to help explain the risk assessment and management process.

## Landslide Risk Appraisal and Site Classification

The investigation and site walk-over revealed no evidence of recent landslide activity within the site or surrounds with the slopes typically being smooth convex slopes. In addition, the subsurface investigation did not reveal any signs of groundwater seepage over the investigated depths, with the natural soils being residual stiff/very stiff soils.

The outcomes of the landslide risk appraisal conducted below only apply if the recommendations within Section 6 of this report are adhered to.

In light of the findings of this investigation, the likelihood of small to medium scale failures occurring on the site affecting the proposed residence is considered UNLIKELY, whilst a larger scale failure occurring with its head scarp being within the building area is considered RARE.

The potential consequences of landslides occurring on the site after development for a small to medium scale failure are assessed to be MEDIUM, and MAJOR for a large scale event.

**Therefore, subject to compliance with the recommendation within Section 6 of this report, the corresponding qualitative risk for both these events occurring on the site are assessed as LOW.**

In our experience, regulating authorities allow developments to proceed with VERY LOW to LOW risk.

## 6 DISCUSSION AND RECOMMENDATIONS

Based on the findings of the investigation and the above landslide risk appraisal, we consider that the proposed development would not adversely impact on the site and immediate surroundings nor significantly increase its current assessed landslide risk, provided the development adheres to the principles of good hillside practice, and the recommendations below. An information sheet entitled "Some Guidelines for Hillside Construction" adapted from the Journal of the Australian Geomechanics Society, volume 42, Number 1, dated March 2007, is presented in Appendix C.

Therefore, provided the development of the site is in accordance with the recommendations within our report, then we consider that a tolerable level of risk can be achieved for the development of the site in accordance with section E6.6.2 (Development on land exposed to a natural hazard) of the Hazard Management Code of the Devonport Interim Planning Scheme 2013.

We recommend that:

- Cuts and fills should be battered at slope angles no steeper than 1 vertical to 3 horizontal (1V:3H) or alternatively these should be retained;
- **Cuts and fills greater than 1m in height should be retained with structural retaining walls designed by a suitably qualified structural engineer. This includes the existing partially constructed gabion basket retaining wall which should be assessed and properly designed by a structural engineer;**

## Landslide Risk Appraisal and Site Classification

- Adequate subsurface and surface drainage should be provided behind all retaining walls. All drainage is required to discharge to the council stormwater or street drainage system;
- Collected stormwater drainage including runoff from paved surfaces such as driveways should be piped to the council stormwater or street drainage system;
- No uncontrolled discharge of collected surface water onto the ground surface or through absorption trenches is permitted on the site; and
- Should any seepage or groundwater be encountered during site or footing excavations, it is recommended that subsoil drainage be provided to discharge to the council stormwater or street drainage system.

## 7 SITE CLASSIFICATION

After allowing due consideration of the site geology, drainage and soil conditions and because of uncontrolled fill greater than 0.4m depth on both No.3 and No.4 Jabez Drive, the site has been classified as follows:

### CLASS P (AS 2870)

However, should all footings be deepened through the fill to found uniformly in the natural soils these may be proportioned to a **CLASS H1**.

Foundation designs in accordance with this classification are to be subject to the overriding conditions of Section 8 below.

This Classification is applicable only for ground conditions encountered at the time of this investigation. If cut or fill earthworks are carried out, then the Site Classification will need to be re-assessed, and possibly changed.

## 8 FOUNDATIONS

Particular attention should be paid to the design of footings as required by AS 2870 – 2011.

The proposed structure should be supported on deep strip footings, pier and beam footings, or piled footings, that penetrate the uncontrolled fill to be founded in:

### No.3 Jabez Drive:

**SANDY CLAY (CL) or CLAYEY SAND (SC), medium plasticity, fine grained, grey encountered below 0.6m and 0.8m from the existing ground surface**

### No.4 Jabez Drive:

**CLAYEY SILT (MH), high plasticity, red/brown**

**encountered below 0.1m and 1.5m from the existing ground surface**

An allowable bearing pressure of **100kPa** is available for footing systems founded as above.

## Landslide Risk Appraisal and Site Classification

**No structure should be founded across cut and fill without the footings extending through the fill to the natural soils.**

The site classification presented assumes that the current natural drainage and infiltration conditions at the site will not be markedly affected by the proposed site development work. Care should therefore be taken to ensure that surface water is not permitted to collect adjacent to the structure and that significant changes to seasonal soil moisture equilibria do not develop as a result of service trench construction or tree root action.

Attention is drawn to Appendix B of AS 2870 and CSIRO Building Technical File BTF18 "Foundation Maintenance and Footing Performance: A Homeowner's Guide" as a guide to maintenance requirements for the proposed structure.

Although the borehole data provides an indication of subsurface conditions at the site, variations in soil conditions may occur in areas of the site not specifically covered by the field investigation. The base of all footing or beam excavations should therefore be inspected to ensure that the founding medium meets the requirements referenced herein with respect to type and strength of founding material.

## 9 WIND CLASSIFICATION

After allowing due consideration of the region, terrain, shielding and topography, the sites have been classified as follows:

### WIND CLASSIFICATION N2 (AS 4055)

REGION	TERRAIN CATEGORY	SHIELDING	TOPOGRAPHY
A	TC1.5	FS	T0

### References:

Australian Geomechanics Society (2007) – Practice Note Guidelines For Landslide Risk Management 2007, Australian Geomechanics Journal, Vol 42, No. 1

AS 1726 - 1993 Geotechnical site investigation

AS 2870 - 2011 Residential Slabs and Footings Construction

AS 4055 - 2012 Wind Loads for Housing

Landslide Risk Appraisal and Site Classification

**Attachments:**

Limitations of report

Site Plan

Site Photograph

Appendix A: Borehole Logs & Explanation Sheets

Appendix B: Qualitative Terminology for Use in Assessing Risk to Property

Appendix C: Some Guidelines for Hillside Construction

Appendix D: Certificate forms





## Geotechnical Consultants - Limitations of report

These notes have been prepared to assist in the interpretation and understanding of the limitations of this report.

### Project specific criteria

The report has been developed on the basis of unique project specific requirements as understood by Geoton and applies only to the site investigated. Project criteria are typically identified in the Client brief and the associated proposal prepared by Geoton and may include risk factors arising from limitations on scope imposed by the Client. The report should not be used without further consultation if significant changes to the project occur. No responsibility for problems that might occur due to changed factors will be accepted without consultation.

### Subsurface variations with time

Because a report is based on conditions which existed at the time of subsurface exploration, decisions should not be based on a report whose adequacy may have been affected by time. For example, water levels can vary with time, fill may be placed on a site and pollutants may migrate with time. In the event of significant delays in the commencement of a project, further advice should be sought.

### Interpretation of factual data

Site assessment identifies actual subsurface conditions only at those points where samples are taken and at the time they are taken. All available data is interpreted by professionals to provide an opinion about overall site conditions, their likely impact on the proposed development and recommended actions. Actual conditions may differ from those inferred to exist, as it is virtually impossible to provide a definitive subsurface profile which includes all the possible variabilities inherent in soil and rock masses.

### Report Recommendations

The report is based on the assumption that the site conditions as revealed through selective point sampling are indicative of actual conditions throughout an area. This assumption cannot be substantiated until earthworks and/or foundation construction is almost complete and therefore the report recommendations can only be regarded as preliminary. Where variations in conditions are encountered, further advice should be sought.

### Specific purposes

This report should not be applied to any project other than that originally specified at the time the report was issued.

### Interpretation by others

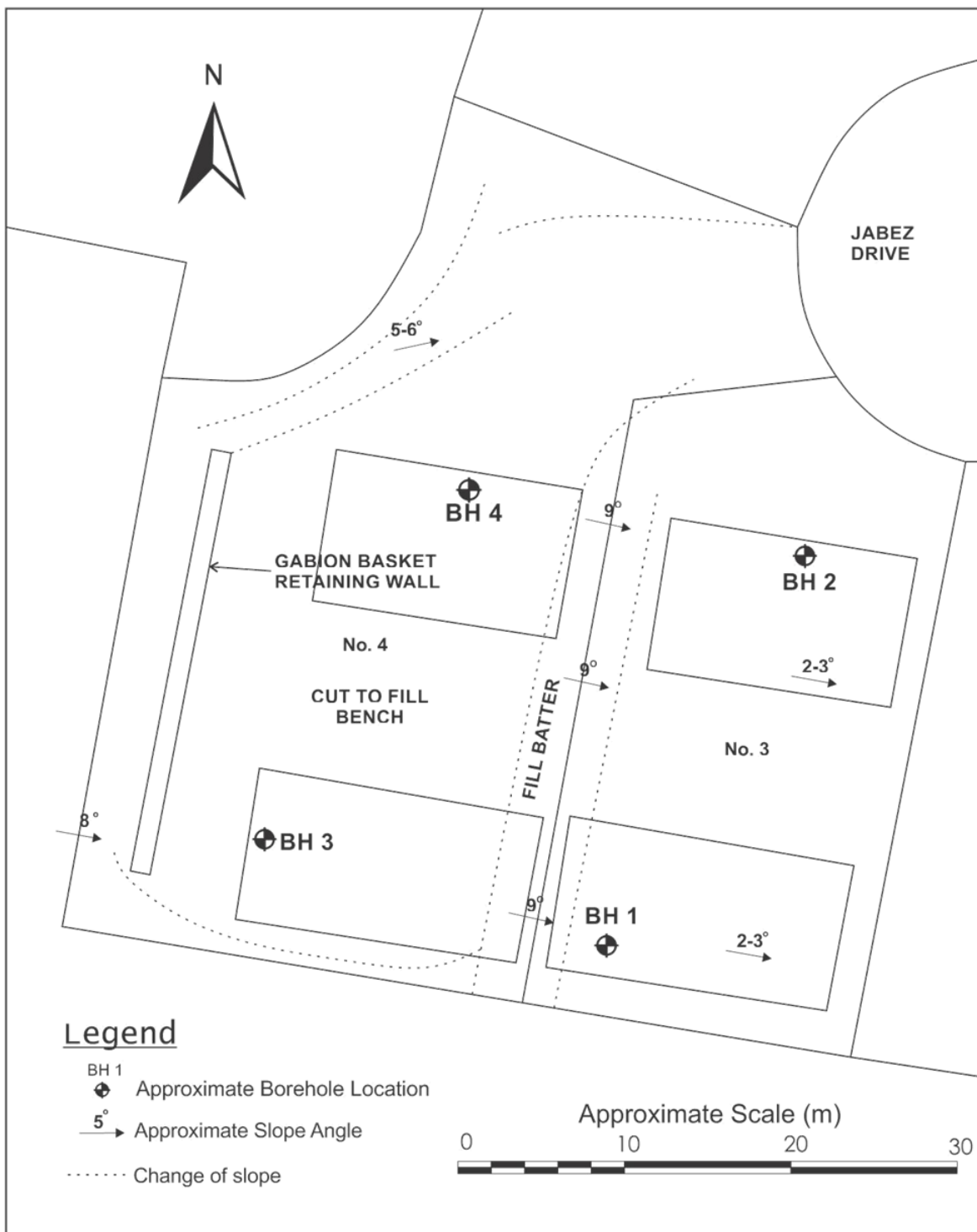
Geoton will not be responsible for interpretations of site data or the report findings by others involved in the design and construction process. Where any confusion exists, clarification should be sought from Geoton.

### Report integrity

The report as a whole presents the findings of the site assessment and the report should not be copied in part or altered in any way.

### Geoenvironmental issues

This report does not cover issues of site contamination unless specifically required to do so by the client. In the absence of such a request, Geoton take no responsibility for such issues.



<b>GEOTON</b> Pty Ltd				client: DOCK4 ARCHITECTURE	
				project: 3 - 4 JABEZ DRIVE DEVONPORT	
date	13/04/2017	drawn	MB	title: SITE PLAN	
scale	As Shown	approved	MS		
original size	A4	rev		project no: GL17123A	figure no. 1



Plate 1 - Looking southwest at the site

<b>GEO</b> T <b>ON</b> Pty Ltd				client: DOCK4 ARCHITECTS	
				project: 3 - 4 JABEZ DRIVE DEVONPORT	
title: PHOTOGRAPH					
date:	13/04/17	original size	A4		
				project no: GL17123A	figure no. Plates 1

## Appendix A

### Borehole Logs

**GEOTON** Pty Ltd**Geotechnical Consultants**

PO Box 522 Prospect TAS 7250

Unit 24, 16-18 Goodman Court, Invermay TAS

T (03) 6326 5001 F (03) 6326 5003

**ENGINEERING  
BOREHOLE LOG**

Borehole no. BH1

Sheet no. 1 of 1

Job no. GL17123A

Client :		Dock4 Architects		Date :		MB						
Project :		Site Classification and Landslide Risk Assessment		Logged By :		11/04/2017						
Location :		3 & 4 Jabez Drive Devonport										
Drill model :		Drilltech		Easting:		Slope: 90 <sup>0</sup>						
Hole diameter :		150mm		Northing:		Bearing: -						
						RL Surface :						
						Datum :						
Method	Support	Penetration	Water	Notes Samples Tests	Depth (m)	Graphic log Classification Symbol	Material Description	Moisture condition	Consistency density, index	Structure, additional observations		
AD	N						FILL - Topsoil, Clayey Silt, red/brown, with some fine grained sand	D	F	FILL		
					0.25		FILL - Clayey Silt, medium plasticity, red/brown, trace subangular gravel	M	F			
					0.50							
					0.75	CL	SANDY CLAY - medium plasticity, fine grained sand, grey, trace gravel	M	St	NATURAL		
					1.00				VSt			
					1.25		increasing sand					
					1.50	MH	CLAYEY SILT - High plasticity, grey mottled orange	M	VSt	V = 100 kPa		
					1.75							
					2.00					V = 96 kPa		
							Borehole BH1 terminated @ 2.0 m					

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PO Box 522 Prospect TAS 7250

Unit 24, 16-18 Goodman Court, Invermay TAS

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**ENGINEERING  
BOREHOLE LOG**

Borehole no. BH2

Sheet no. 1 of 1

Job no. GL17123A

Client :		Dock4 Architects				Date :		MB			
Project :		Site Classification and Landslide Risk Assessment				Logged By : 11/04/2017					
Location :		3 & 4 Jabez Drive Devonport									
Drill model :		Drilltech		Easting:		Slope: 90 <sup>0</sup>		RL Surface :			
Hole diameter :		150mm		Northing:		Bearing: -		Datum :			
Method	Support	Penetration	Water	Notes Samples Tests	Depth (m)	Graphic log Classification Symbol	Material Description	Moisture condition	Consistency density, index	Structure, additional observations	
AD	N						FILL - Topsoil, Clayey Silt, red/brown, with some fine grained sand	D	F	FILL	
					0.25		FILL - Clayey Silt, medium plastisity, red/brown, trace sand, trace sub-angular gravel	M	F		
					0.50						
					0.75						
					1.00	SC	CLAYEY SAND - fine grained, medium plasticity fines, grey	D/M	MD	NATURAL	
					1.25						
					1.50	MH	CLAYEY SILT - High plasticity, grey mottled orange	M	St		
					1.75			M	VSt		
					2.00						V = 96 kPa
					2.25		Borehole BH2 terminated at 2.0m				



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**Geotechnical Consultants**

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**ENGINEERING  
BOREHOLE LOG**

Borehole no. BH3

Sheet no. 1 of 1

Job no. GL17123A

Client :		Dock4 Architects				Date :		MB							
Project :		Site Classification and Landslide Risk Assessment				Logged By : 11/04/2017									
Location :		3 & 4 Jabez Drive Devonport													
Drill model :		Drilltech		Easting:		Inclination: -90°		RL Surface :							
Hole diameter :		150mm		Northing:		Bearing: -		Datum :							
Method	Support	Penetration	Water	Notes Samples Tests	Depth (m)	Graphic log Classification Symbol	Material Description	Moisture condition	Consistency density, index	Structure, additional observations					
AD	N			D	0.50	MH	FILL - Sandy Silt, red, with fine gravel, some clay	D	F	FILL					
					1.00		CLAYEY SILT - High plasticity, red/ brown mottled orange	M	St	NATURAL					
					1.50		becoming grey mottled orange, trace fine grain sand			V = 70 kPa    PI = 35% LL = 74%					
					2.00		becoming mottled pink/orange								
					2.50		slight increase in sand								
					3.00										
					3.50										
					4.00										

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 Geotechnical Consultants

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Unit 24, 16-18 Goodman Court, Invermay TAS

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**ENGINEERING  
BOREHOLE LOG**

Borehole no. BH4

Sheet no. 1 of

Job no. GL17123A

Client :		Dock4 Architects				Date :		MB		
Project :		Site Classification and Landslide Risk Assessment				Logged By : 11/04/2017				
Location :		3 & 4 Jabez Drive Devonport								
Drill model :		Drilltech		Easting:		Inclination: -90 <sup>o</sup>		RL Surface :		
Hole diameter :		150mm		Northing:		Bearing: -		Datum :		
Method	Support	Penetration	Water	Notes Samples Tests	Depth (m)	Graphic log Classification Symbol	Material Description	Moisture condition	Consistency density, index	Structure, additional observations
AD	N				0.50		FILL - Clayey Silt/Sandy Silt, red/brown, with some fine grained sand	D	F	FILL
					1.00		with some white angular gravel	M	St	
					1.50					
					2.00	MH	CLAYEY SILT - high plasticity, red/ brown mottled orange	M	VSt	NATURAL
					2.50		increase in sand			
					3.00					
					3.50		Borehole BH4 terminated @ 3.0 m			
					4.00					

## Appendix B

Qualitative Terminology for Use in Assessing Risk to Property

## QUALITATIVE TERMINOLOGY FOR USE IN ASSESSING RISK TO PROPERTY

### QUALITATIVE MEASURES OF LIKELIHOOD

Approximate Annual Probability		Implied Indicative Landslide Recurrence Interval		Description	Descriptor	Level
Indicative Value	Notional Boundary					
10 <sup>-1</sup>	5x10 <sup>-2</sup>	10 years	20 years	The event is expected to occur over the design life.	ALMOST CERTAIN	A
10 <sup>-2</sup>		100 years		The event will probably occur under adverse conditions over the design life.	LIKELY	B
10 <sup>-3</sup>	5x10 <sup>-3</sup>	1000 years	200 years	The event could occur under adverse conditions over the design life.	POSSIBLE	C
10 <sup>-4</sup>	5x10 <sup>-4</sup>	10,000 years	2000 years	The event might occur under very adverse circumstances over the design life.	UNLIKELY	D
10 <sup>-5</sup>	5x10 <sup>-5</sup>	100,000 years	20,000 years	The event is conceivable but only under exceptional circumstances over the design life.	RARE	E
10 <sup>-6</sup>	5x10 <sup>-6</sup>	1,000,000 years	200,000 years	The event is inconceivable or fanciful over the design life.	BARELY CREDIBLE	F

**Note:** (1) The table should be used from left to right; use Approximate Annual Probability or Description to assign Descriptor, not *vice versa*.

### QUALITATIVE MEASURES OF CONSEQUENCES TO PROPERTY

Approximate Cost of Damage		Description	Descriptor	Level
Indicative Value	Notional Boundary			
200%	100%	Structure(s) completely destroyed and/or large scale damage requiring major engineering works for stabilisation. Could cause at least one adjacent property major consequence damage.	CATASTROPHIC	1
60%		Extensive damage to most of structure, and/or extending beyond site boundaries requiring significant stabilisation works. Could cause at least one adjacent property medium consequence damage.	MAJOR	2
20%	40%	Moderate damage to some of structure, and/or significant part of site requiring large stabilisation works. Could cause at least one adjacent property minor consequence damage.	MEDIUM	3
5%	10%	Limited damage to part of structure, and/or part of site requiring some reinstatement stabilisation works.	MINOR	4
0.5%	1%	Little damage. (Note for high probability event (Almost Certain), this category may be subdivided at a notional boundary of 0.1%. See Risk Matrix.)	INSIGNIFICANT	5

- Notes:**
- (2) The Approximate Cost of Damage is expressed as a percentage of market value, being the cost of the improved value of the unaffected property which includes the land plus the unaffected structures.
  - (3) The Approximate Cost is to be an estimate of the direct cost of the damage, such as the cost of reinstatement of the damaged portion of the property (land plus structures), stabilization works required to render the site to tolerable risk level for the landslide which has occurred and professional design fees, and consequential costs such as legal fees, temporary accommodation. It does not include additional stabilisation works to address other landslides which may affect the property.
  - (4) The table should be used from left to right; use Approximate Cost of Damage or Description to assign Descriptor, not *vice versa*

Geoton Pty Ltd (adapted from Australian Geomechanics Vol 42 No 1 March 2007)

1

## QUALITATIVE TERMINOLOGY FOR USE IN ASSESSING RISK TO PROPERTY (CONTINUED)

### QUALITATIVE RISK ANALYSIS MATRIX – LEVEL OF RISK TO PROPERTY

LIKELIHOOD		CONSEQUENCES TO PROPERTY (With Indicative Approximate Cost of Damage)				
	Indicative Value of Approximate Annual Probability	1: CATASTROPHIC 200%	2: MAJOR 60%	3: MEDIUM 20%	4: MINOR 5%	5: INSIGNIFICANT 0.5%
A – ALMOST CERTAIN	10 <sup>-1</sup>	VH	VH	VH	H	M or L (5)
B - LIKELY	10 <sup>-2</sup>	VH	VH	H	M	L
C - POSSIBLE	10 <sup>-3</sup>	VH	H	M	M	VL
D - UNLIKELY	10 <sup>-4</sup>	H	M	L	L	VL
E - RARE	10 <sup>-5</sup>	M	L	L	VL	VL
F - BARELY CREDIBLE	10 <sup>-6</sup>	L	VL	VL	VL	VL

- Notes:**
- (5) For Cell A5, may be subdivided such that a consequence of less than 0.1% is Low Risk.
  - (6) When considering a risk assessment it must be clearly stated whether it is for existing conditions or with risk control measures which may not be implemented at the current time.

### RISK LEVEL IMPLICATIONS

Risk Level		Example Implications (7)
VH	VERY HIGH RISK	Unacceptable without treatment. Extensive detailed investigation and research, planning and implementation of treatment options essential to reduce risk to Low; may be too expensive and not practical. Work likely to cost more than value of the property.
H	HIGH RISK	Unacceptable without treatment. Detailed investigation, planning and implementation of treatment options required to reduce risk to Low. Work would cost a substantial sum in relation to the value of the property.
M	MODERATE RISK	May be tolerated in certain circumstances (subject to regulator's approval) but requires investigation, planning and implementation of treatment options to reduce the risk to Low. Treatment options to reduce to Low risk should be implemented as soon as practicable.
L	LOW RISK	Usually acceptable to regulators. Where treatment has been required to reduce the risk to this level, ongoing maintenance is required.
VL	VERY LOW RISK	Acceptable. Manage by normal slope maintenance procedures.

- Note:**
- (7) The implications for a particular situation are to be determined by all parties to the risk assessment and may depend on the nature of the property at risk; these are only given as a general guide

## Appendix C

### Some Guidelines for Hillside Construction

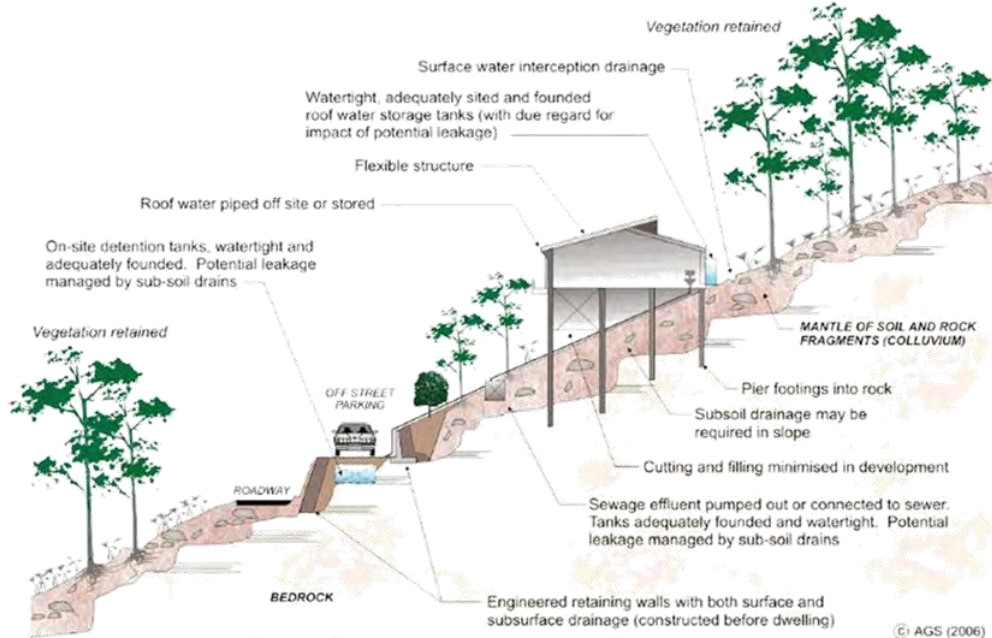
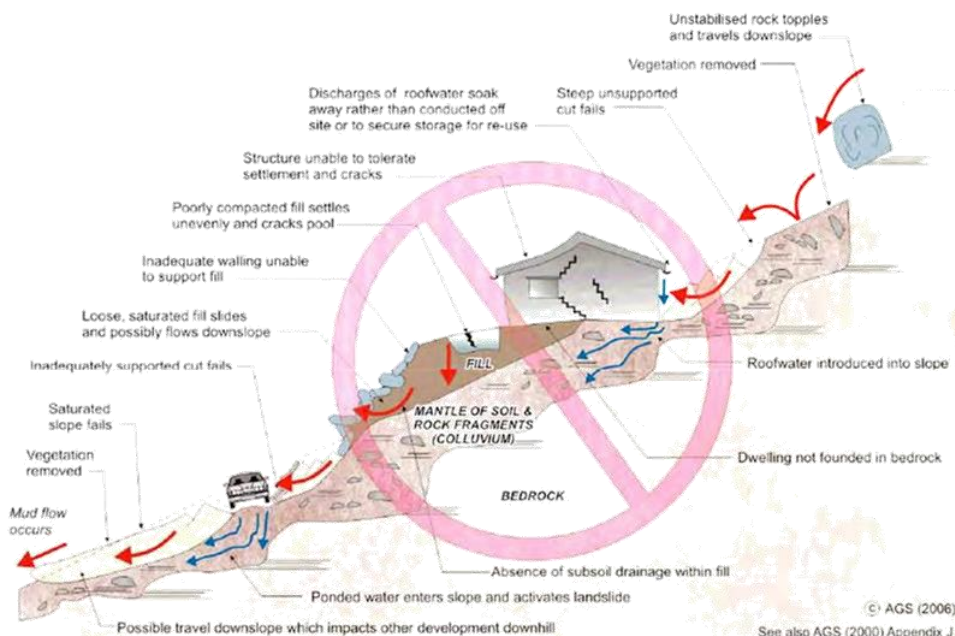


## PRACTICE NOTE GUIDELINES FOR LANDSLIDE RISK MANAGEMENT 2007

## APPENDIX - SOME GUIDELINES FOR HILLSIDE CONSTRUCTION

<b>ADVICE</b>		<b>GOOD ENGINEERING PRACTICE</b>	<b>POOR ENGINEERING PRACTICE</b>
<b>GEOTECHNICAL ASSESSMENT</b>		Obtain advice from a qualified, experienced geotechnical practitioner at early stage of planning and before site works.	Prepare detailed plan and start site works before geotechnical advice.
<b>PLANNING</b>			
<b>SITE PLANNING</b>		Having obtained geotechnical advice, plan the development with the risk arising from the identified hazards and consequences in mind.	Plan development without regard for the Risk.
<b>DESIGN AND CONSTRUCTION</b>			
<b>HOUSE DESIGN</b>		Use flexible structures which incorporate properly designed brickwork, timber or steel frames, timber or panel cladding. Consider use of split levels. Use decks for recreational areas where appropriate.	Floor plans which require extensive cutting and filling. Movement intolerant structures.
<b>SITE CLEARING</b>		Retain natural vegetation wherever practicable.	Indiscriminately clear the site.
<b>EARTHWORKS</b>		Retain natural contours wherever possible.	Indiscriminatory bulk earthworks.
<b>CUTS</b>		Minimise depth. Support with engineered retaining walls or batter to appropriate slope. Provide drainage measures and erosion control.	Large scale cuts and benching. Unsupported cuts. Ignore drainage requirements
<b>FILLS</b>		Minimise height. Strip vegetation and topsoil and key into natural slopes prior to filling. Use clean fill materials and compact to engineering standards. Batter to appropriate slope or support with engineered retaining wall. Provide surface drainage and appropriate subsurface drainage.	Loose or poorly compacted fill, which if it fails, may flow a considerable distance including onto property below. Block natural drainage lines. Fill over existing vegetation and topsoil. Include stumps, trees, vegetation, topsoil, boulders, building rubble etc in fill.
<b>ROCK OUTCROPS &amp; BOULDERS</b>		Remove or stabilise boulders which may have unacceptable risk. Support rock faces where necessary.	Disturb or undercut detached blocks or boulders.
<b>RETAINING WALLS</b>		Found on rock where practicable. Provide subsurface drainage within wall backfill and surface drainage on slope above. Construct wall as soon as possible after cut/fill operation.	Construct a structurally inadequate wall such as sandstone flagging, brick or unreinforced blockwork. Lack of subsurface drains and weepholes.
<b>FOOTINGS</b>		Found within rock where practicable. Use rows of piers or strip footings oriented up and down slope. Design for lateral creep pressures if necessary. Backfill footing excavations to exclude ingress of surface water.	Found on topsoil, loose fill, detached boulders or undercut cliffs.
<b>SWIMMING POOLS</b>		Engineer designed. Support on piers to rock where practicable. Provide with under-drainage and gravity drain outlet where practicable. Design for high soil pressures which may develop on uphill side whilst there may be little or no lateral support on downhill side.	
<b>DRAINAGE</b>		Provide at tops of cut and fill slopes. Discharge to street drainage or natural water courses. Provide general falls to prevent blockage by siltation and incorporate silt traps. Line to minimise infiltration and make flexible where possible. Special structures to dissipate energy at changes of slope and/or direction.	Discharge at top of fills and cuts. Allow water to pond on bench areas.
<b>SURFACE</b>		Provide filter around subsurface drain. Provide drain behind retaining walls. Use flexible pipelines with access for maintenance. Prevent inflow of surface water.	Discharge roof runoff into absorption trenches.
<b>SUBSURFACE</b>			
<b>SEPTIC &amp; SULLAGE</b>		Usually requires pump-out or mains sewer systems; absorption trenches may be possible in some areas if risk is acceptable. Storage tanks should be water-tight and adequately founded.	Discharge sullage directly onto and into slopes. Use absorption trenches without consideration of landslide risk.
<b>EROSION CONTROL &amp; LANDSCAPING</b>		Control erosion as this may lead to instability. Revegetate cleared area.	Failure to observe earthworks and drainage recommendations when landscaping.
<b>DRAWINGS AND SITE VISITS DURING CONSTRUCTION</b>			
<b>DRAWINGS</b>		Building Application drawings should be viewed by geotechnical consultant	
<b>SITE VISITS</b>		Site Visits by consultant may be appropriate during construction/	
<b>INSPECTION AND MAINTENANCE BY OWNER</b>			
<b>OWNER'S RESPONSIBILITY</b>		Clean drainage systems; repair broken joints in drains and leaks in supply pipes. Where structural distress is evident see advice. If seepage observed, determine causes or seek advice on consequences.	

## PRACTICE NOTE GUIDELINES FOR LANDSLIDE RISK MANAGEMENT 2007

EXAMPLES OF **GOOD** HILLSIDE PRACTICEEXAMPLES OF **POOR** HILLSIDE PRACTICE

## Appendix D

### Certificate Forms

**CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE  
ITEM****Section 321**Form **55**

To:  Owner /Agent  
 Address  
  Suburb/postcode

**Qualified person details:**

Qualified person:   
 Address:  Phone No:   
  Fax No:   
 Licence No:  Email address:

Qualifications and Insurance details:  (description from Column 3 of the  
Director of Building Control's  
Determination)

Speciality area of expertise:  (description from Column 4 of the  
Director of Building Control's  
Determination)

**Details of work:**

Address:  Lot No:   
  Certificate of title No:   
 The assessable item related to this certificate:  (description of the assessable item being certified)  
 Assessable item includes –  
 - a material;  
 - a design  
 - a form of construction  
 - a document  
 - testing of a component, building system or plumbing system  
 - an inspection, or assessment, performed

**Certificate details:**

Certificate type:  (description from Column 1 of  
Schedule 1 of the Director of  
Building Control's Determination)

This certificate is in relation to the above assessable item, at any stage, as part of - (tick one)

building work, plumbing work or plumbing installation or demolition work: ☐  
 or

a building, temporary structure or plumbing installation: ☒

In issuing this certificate the following matters are relevant –

Documents:	Geoton Pty Ltd, Report Reference No. GL17123Aa, dated 13/04/2017
Relevant calculations:	Refer to report
References:	AS 2870 – 2011 Residential Slabs and Footings Construction AS 4055 – 2012 Wind Loads for Housing CSIRO Building Technical File 18

*Substance of Certificate: (what it is that is being certified)*

Site Classification in accordance to AS2870 - 2011  
Wind Loading in accordance to AS 4055 - 2012  
Findings and recommendations of report

*Scope and/or Limitations*

The classification applies to the site as investigated at the time and does not account for any future alteration to foundation conditions resulting from earthworks, drainage condition changes or site maintenance variations.

**I certify the matters described in this certificate.**

	<i>Signed:</i>	<i>Certificate No:</i>	<i>Date:</i>
Qualified person:		GL17123Aa	13/04/2017



## Engineering Certificate

To:  Owner /Agent  
 Address  
  Suburb/postcode

### Certifier details:

From:   
 Address:  Phone No:   
  Fax No:   
 Accreditation No:  Email address:   
(if applicable)  
 Or qualifications and Insurance details:  (description from Column 4 of the Director of Building Control's determination)  
 Speciality area of expertise:  (description from Column 5 of the Director of Building Control's determination)

### Details of work:

Address:  Lot No:   
  Certificate of title No:   
 The work related to this certificate:  (description of the work or part work being certified)

### Certificate details:

Certificate type:  (description from Column 2 of the Director of Building Control's determination)

In issuing this certificate the following matters are relevant –

Documents:	Geoton Pty Ltd, Report Reference No. GL17123Aa, dated 13/4/2017.
Relevant calculations:	Refer to report
References:	Australian Geomechanics Society – Practice Note Guidelines for Landslide Risk Management, 2007



*Substance of Certificate:*

Findings and recommendations of report (Report Reference No. GL17123Aa).

From the Devonport Interim Planning Scheme 2013 the site is within a Low to Medium landslide hazard zone. As such, a landslide risk assessment is required to determine if the level of risk from exposure to the landslide hazard is to be tolerable for the type, form, scale and duration of the development.

The landslide risk assessment was conducted in accordance with Australian Geomechanics Society (AGS) – Practice Note Guidelines For Landslide Risk Management, 2007. Our report concluded that the qualitative landslide risk for the site is at worst a LOW risk provided the development of the site is in accordance with the recommendations within our report. In our experience, regulating authorities allow developments to proceed with VERY LOW to LOW risk.

Therefore, provided the development of the site is in accordance with the recommendations within our report, then we consider that a tolerable level of risk can be achieved for the development of the site in accordance with section E6.6.2 (Development on land exposed to a natural hazard) of the Hazard Management Code of the Devonport Interim Planning Scheme 2013. That is, the level of likely risk from exposure to the natural hazard (landslide) is considered to be tolerable for the proposed residential development.

*Scope or Limitations*

The report provides a qualitative landslide risk assessment which identifies the landslide risks at the site and provides recommendations to maintain, improve and possibly reduce the risk of landslides so as not cause or contribute to the risk of landslides on the site and lands in the locality.

The site is within an area of inherent doubtful slope stability and landslides are a natural ongoing geological process. There will be always some level of landslide risk within an area of inherent doubtful slope stability. The recommendations of the report are provided to maintain, improve and possibly reduce the risk of landslides on the site and lands in the locality.

The recommendations for the design of the proposed works are in accordance with prevailing geological conditions described in the report for the site, assessed landslide risks and recommended good hillside practices.

**I certify the matters described in this certificate.**

	<i>Signed:</i>	<i>Date:</i>	<i>Certificate No.</i>
Certifier:		13/4/2017	GL17123Aa

**DONAL S. ANDERSON - CONSULTING ENGINEER**

ABN 50 078 335 231

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 Phone (03) 6423 3583 Fax (03) 6423 1422  
 E-mail: don-anderson@netspace.net.au

Our Ref: - S2811 -01infolet  
 5<sup>th</sup> June, 2017

Ms. C. Milnes  
 Senior Planner  
 Devonport City Council  
 17 Fenton Way  
 DEVONPORT 7310

Dear Madam,

**Re: New Unit Development – 3 – 4 Jabez Drive, Devonport**

Reference is made to your e-mail of 2<sup>nd</sup> May, 2017 to Ms. Kirsten Fox at Dock4 Architects with regard to compliance with the “Change in Ground Level Code” for the **New Unit Development for Mr. & Mrs. A. McCrae at 3 - 4 Jabez Drive, Devonport.**

Due to the nature of the development and the natural surface at the site, the Acceptable Solutions in the Code cannot generally be satisfied. Consequently, a combination of Acceptable Solutions and Performance Solutions will be necessary as indicated below.

A1 a)	Satisfied
A1 b)	Satisfied
A1 c) d) e) f)	Refer performance solutions noted in table below
P1 a) P1 c)	<p>The existing overland flow of storm-water will be interrupted by the installation of the new buildings and the retaining walls installed to support the cuts and fills. Cut-off drains will be installed immediately above the retaining walls as well as the unsupported cut and fill surfaces to intercept surface flows and direct the captured water through the new piped storm-water network to the required discharge point into the Council maintained stormwater system.</p> <p>In addition, the retaining walls will be designed to incorporate sub-soil drains immediately behind the walls to intercept and control intersected sub-surface water and direct it to the piped storm-water system.</p>
P1 b)	No existing buildings will be affected by the proposed cut and fill
P1 d)	<p>During the construction, the Contractor in charge of the site will be required to undertake sufficient water and erosion control measures to prevent excess water and soil entering the Council maintained storm-water system.</p> <p>The actual methods to be incorporated will be provided on the construction documentation once the design details are finalised.</p>

P1 e)	<p>Part of the proposal for the development is a boundary adjustment on the western portion of the site.</p> <p>Although the new retaining wall will be constructed well away from the existing boundary in this area, the new boundary, after the boundary adjustment occurs, will be located at the rear of the new wall resulting in a line of influence extending into the neighbouring property. A "Part 5 Agreement" under the Land Use Planning and Approvals Act 1993 will need to be registered on the title of the adjacent land. As the adjacent lands are presently in the same Ownership, this can be easily accomplished prior to the completion of the project.</p> <p>A minor retaining wall will be required along part of the southern boundary of No. 3 Jabez Drive but the wall will be constructed to ensure that development of the adjoining property at 120 George Street is not compromised.</p>
P1 f)	<p>Excavation will occur in the vicinity of the existing TasWater sewer main which is located along the rear (southern boundary) of the property. A service location request was forwarded to TasWater and the information obtained is attached.</p> <p>Advice is yet to be received from TasWater as to the requirements to be imposed to protect the sewer assets but it is considered that these requirements can be met at the building and plumbing approval stages.</p>

I trust that the additional information provided above is sufficient to allow the Planning Application to progress.

If further information or clarification on the above is required please contact this office.

As this office is acting as a Consultant on this project, please ensure all requests for additional information from this office are Cc'd to Dock4 Architects to ensure continuity of the project information.

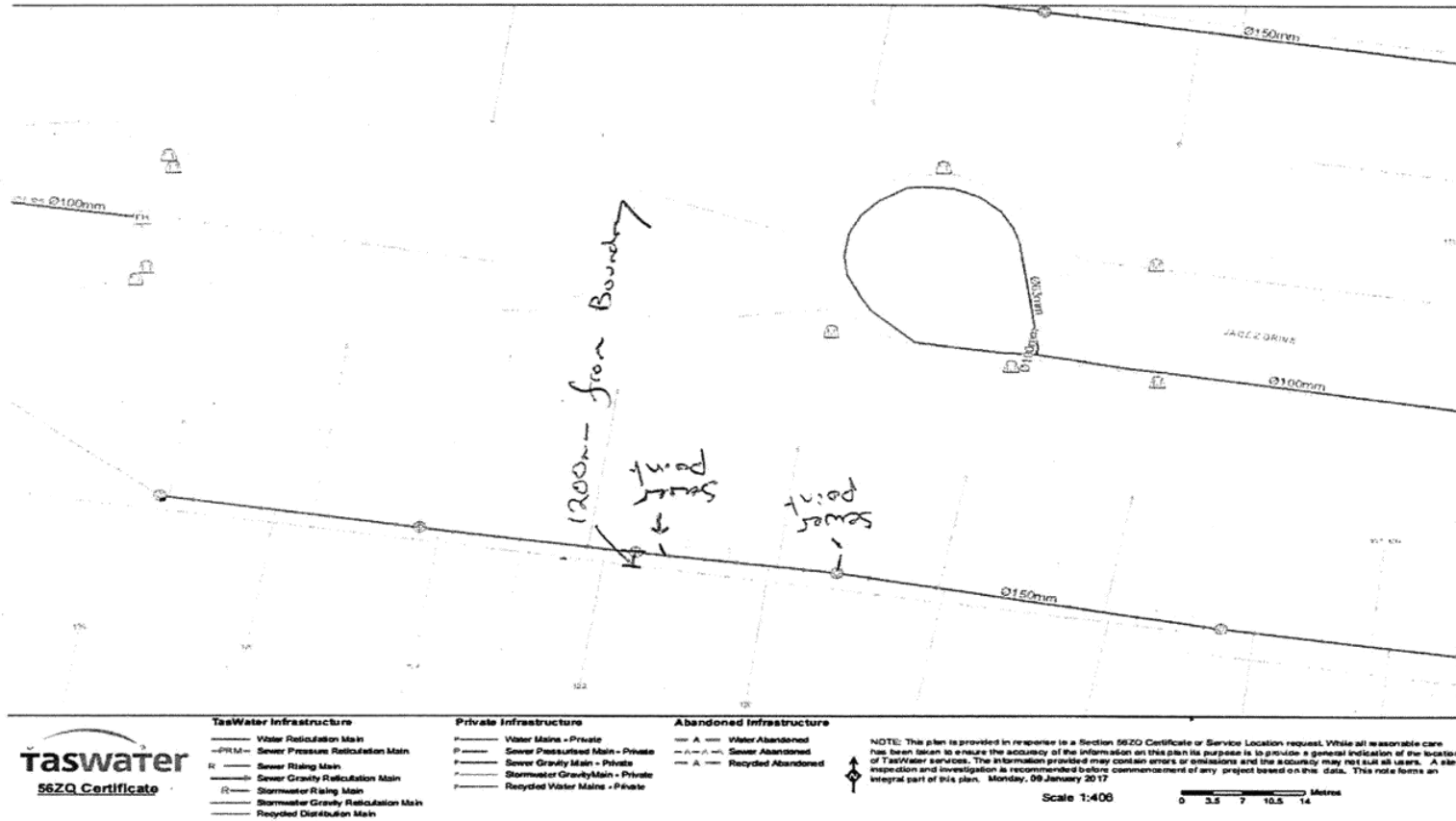
Yours faithfully



Donal S. Anderson  
Principal Engineer

CC – Giles Newstead – Dock4 Architects

## SERVICE LOCATION MAP



Issue Date: 09/10/2015  
Request Date: 10/01/2017

Document No: TCSFOR17  
Uncontrolled when printed

Page 2 of 2  
Version No: 4



## SERVICE LOCATION REPORT

LOCATION INFORMATION (Incl. pole numbers)	3 & 4 Jabez Dr, Devonport - Service location for water and sewer - Requesting this be done ASAP if possible		ON SITE CONTACT	Kirsten Fox – Dock 4 Architects– 0362310469 <a href="mailto:kirsten@dock4architects.com.au">kirsten@dock4architects.com.au</a>	
				No on site contact <input type="checkbox"/>	
SERVICE ORDER	SO520447	JOB NUMBER	Job no. 161121	HPRM REFERENCE	B17/6922
CONDITIONS APPLIED					
Distance from main pipe				WATER	SEWER
Vac truck	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Clear		
Hand dig required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Restriction		
Mechanical excavation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Located	✓	✓
OTHER CONDITIONS	Raised sewer manhole on 4 Jabez drive to ground				
	level. water meters exposed on Both Blocks - sewer point				
	on 3 Jabez goes into manhole & sewer point on 4 is on the				
	east side of manhole towards boundary.				
COMPLETED BY					
Name	D. Vincent		Signature		
Date	30.1.17				
ON SITE CONTACT					
Name					
Date		Signature			
No on site contact <input type="checkbox"/>					
External paperwork returned to customer Yes <input checked="" type="checkbox"/> N/A <input type="checkbox"/>					





Issue Name	Date	Change Name	CHD	Rev ID
DEVELOPMENT APPLICATION	26/03/2017			A
DEVELOPMENT APPLICATION	13/04/2017	AMENDED VEHICLE MANOEUVRING ZONE	CH-03	C

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UNIT DEVELOPMENT  
3 + 4 JABEZ DRIVE  
DEVONPORT TAS  
7310

Status: DEVELOPMENT APPLICATION161121  
Date generated: 26/04/2017  
Project number:  
Drawn: KF  
Approved: GN

Accredited Designer: Richard Loney CC 6198Y

Drawing title  
**ARCHITECTURAL  
SITE PLAN**

Drawing number: **A.01**  
Revision: **C**



FLOOR PLAN

1:200



Issue Name	Date	Change Name	CHD	Rev ID
DEVELOPMENT APPLICATION	28/03/2017	VEHICLE MANOEUVRE PATHS	CH-0 1	B
DEVELOPMENT APPLICATION	13/04/2017	AMENDED VEHICLE MANOEUVRE ZONE	CH-0 3	C
DEVELOPMENT APPLICATION	28/05/2017	TASWATER RETAINING WALL CLEARANCE	CH-0 5	E



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UNIT DEVELOPMENT  
3 + 4 JABEZ DRIVE  
DEVONPORT TAS  
7310

Status DEVELOPMENT APPLICATION 161121  
Date generated 14/07/2017  
Project number  
Drawn KF  
Approved GN

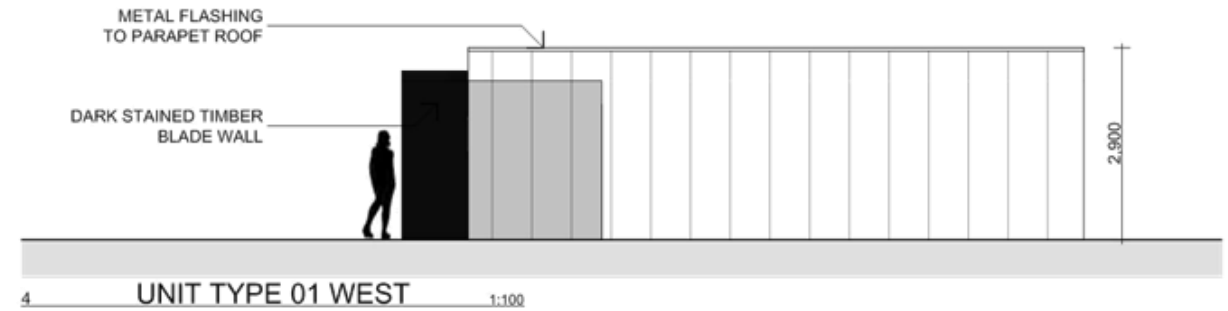
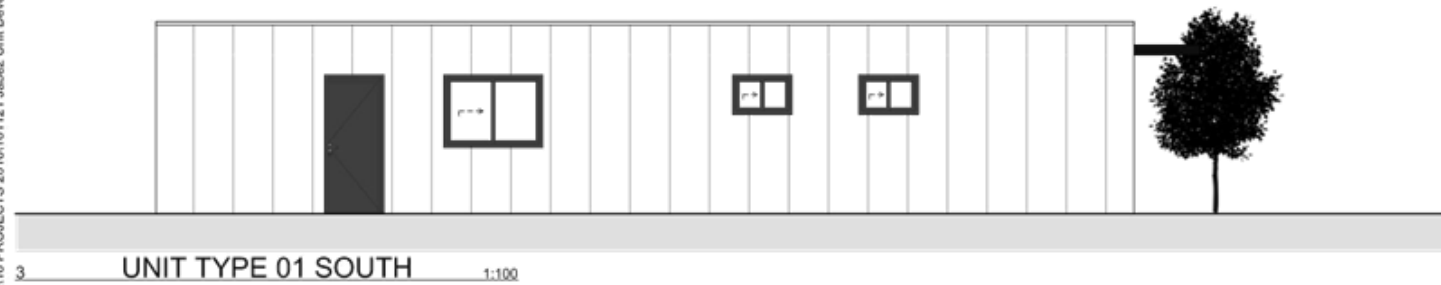
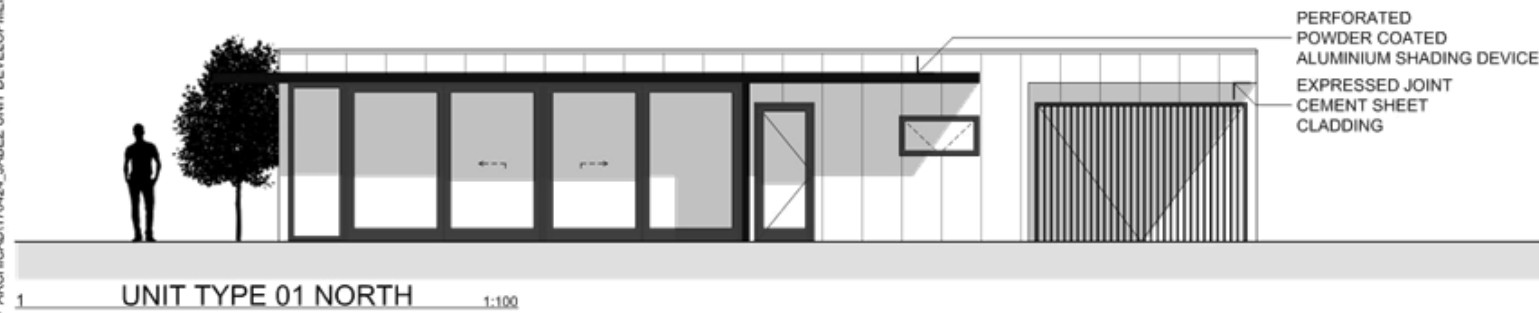
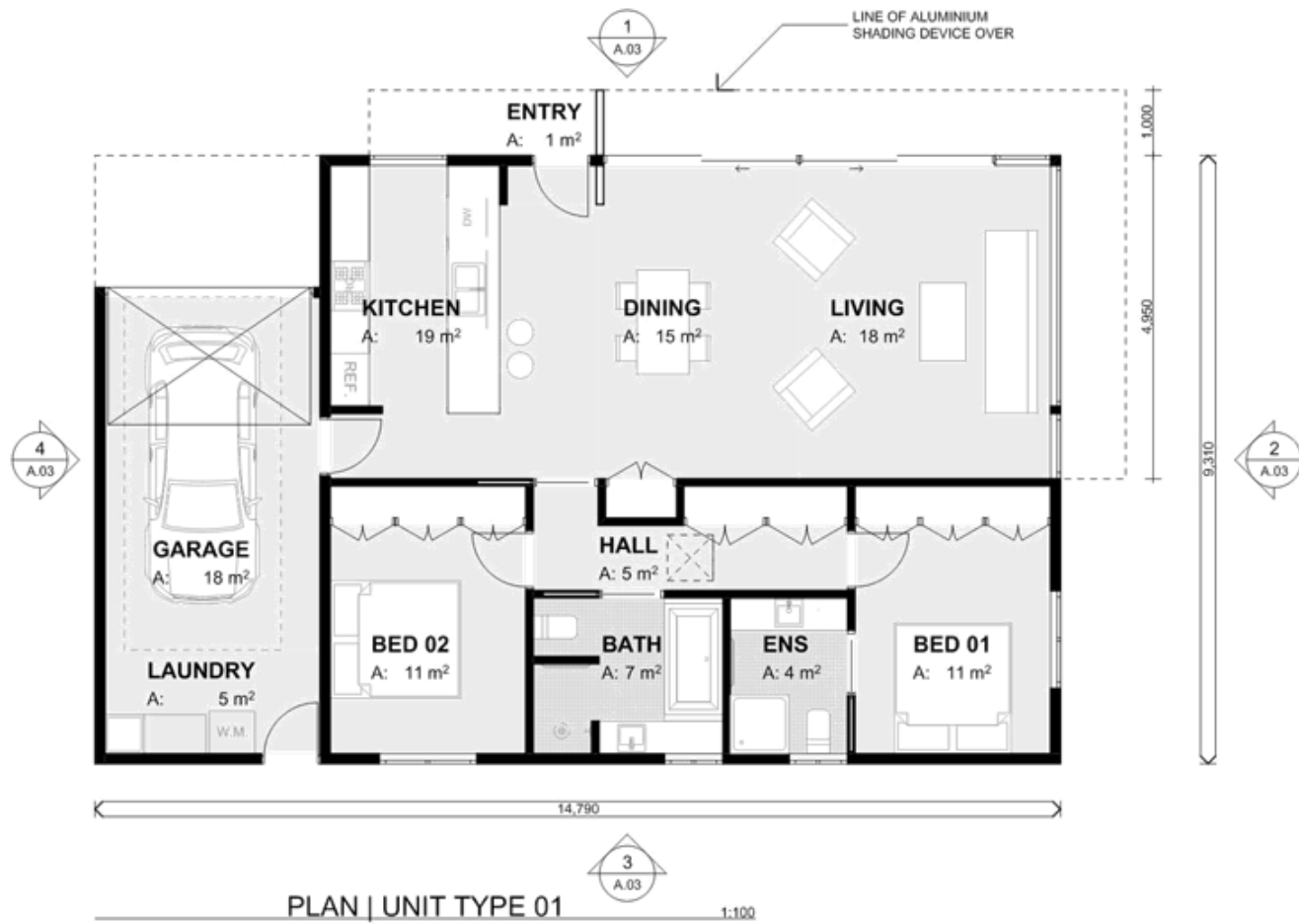
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Drawing title  
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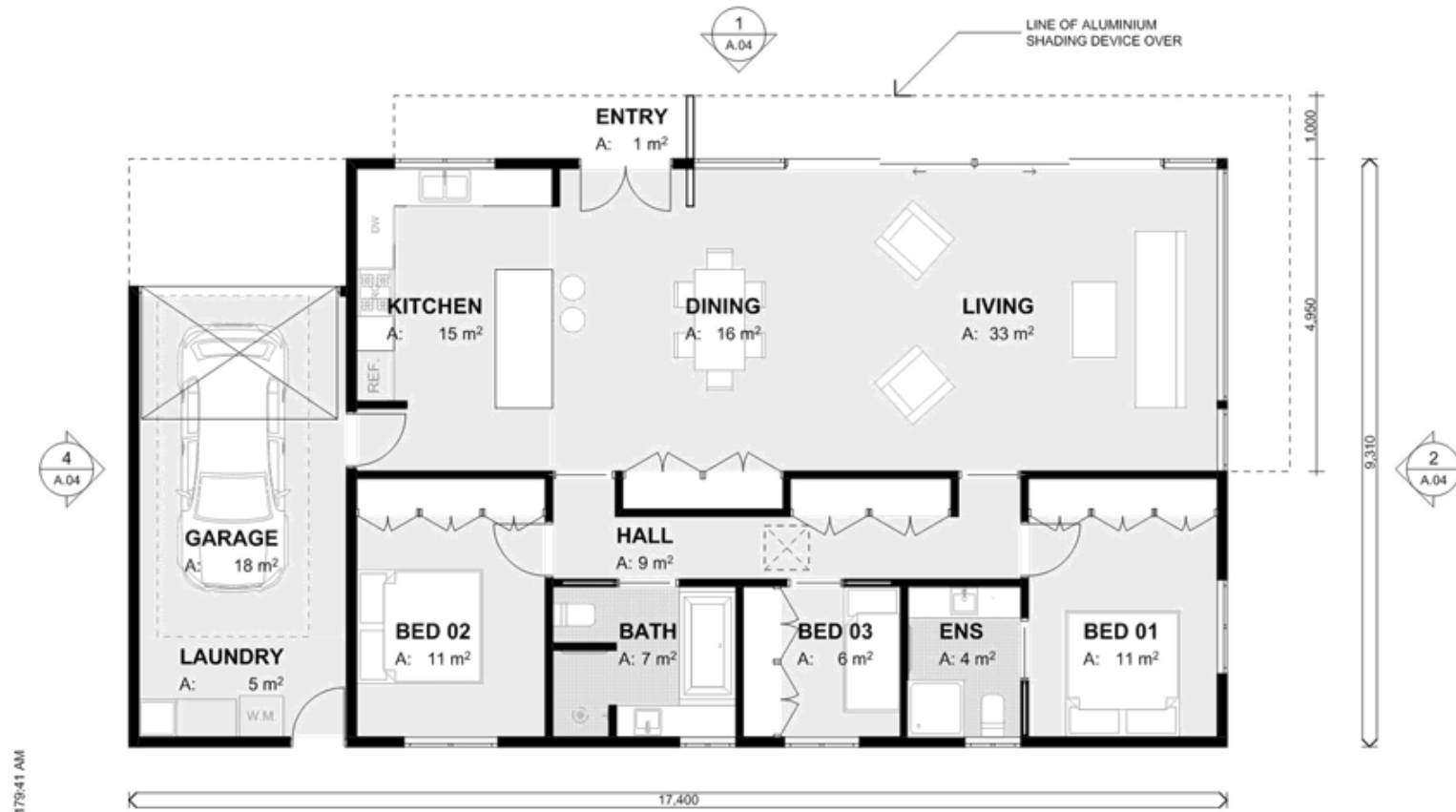
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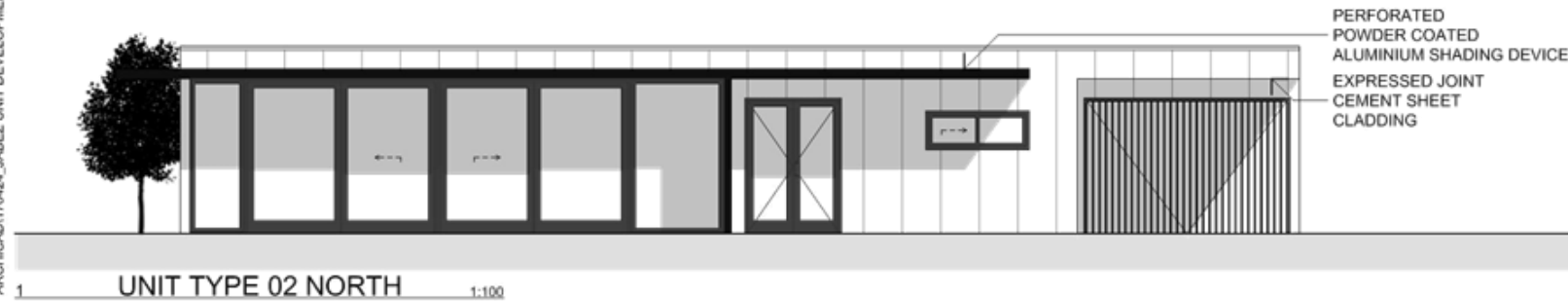


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DEVELOPMENT APPLICATION	26/03/2017			A																																																			



PLAN | UNIT TYPE 02

1:100



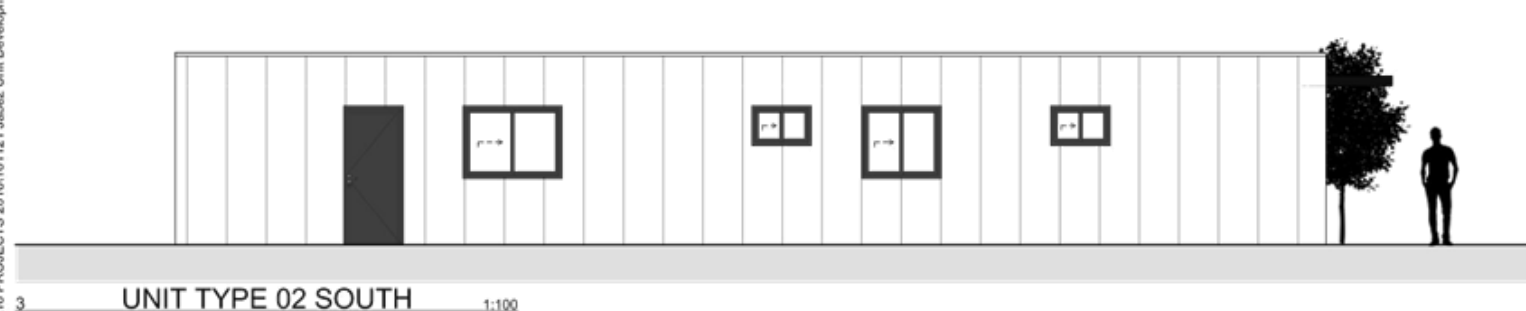
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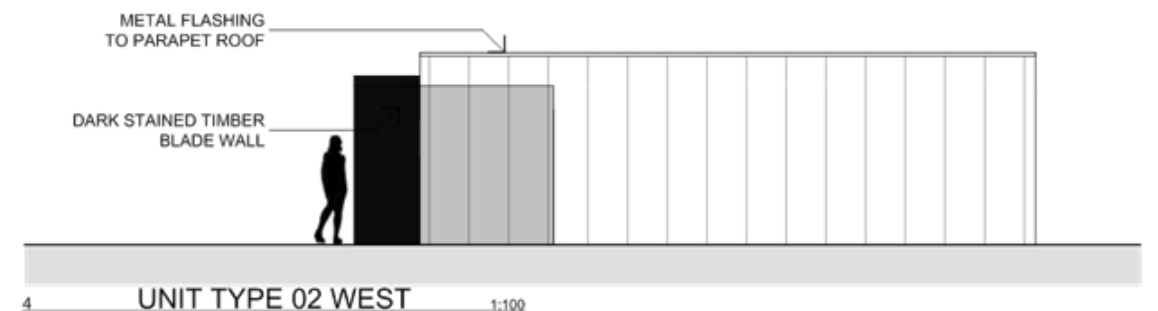
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UNIT TYPE 02 SOUTH

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UNIT TYPE 02 WEST

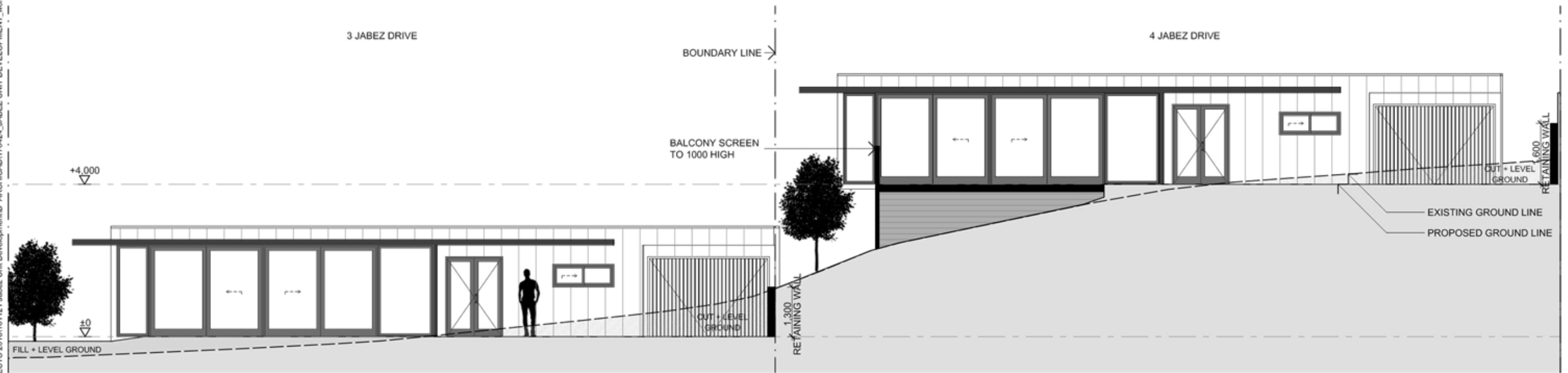
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MATERIAL PALETTE

- MATRIX CLADDING  
EXPRESSED JOINT  
FIBRE CEMENT SHEET  
WHITE
- PERFORATED ALUMINIUM SHADING DEVICE  
POWDER COATED  
DARK COLOUR
- TIMBER DECKING
- PAVERS  
DARK COLOUR
- BLOCKWORK RETAINING WALL
- ALUMINIUM WINDOW FRAMES  
POWDER COATED  
DARK COLOUR



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Issue Name	Date	Change Name	ChD	RevD
DEVELOPMENT APPLICATION	28/03/2017			A
DEVELOPMENT APPLICATION	13/04/2017	RETAINING WALL HEIGHTS + GROUND LEVELS	Ch 04	C

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UNIT DEVELOPMENT  
3 + 4 JABEZ DRIVE DEVONPORT  
TAS 7310

Status

Project number  
DEVELOPMENT APPLICATION161121

Date generated  
26/04/2017

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KF

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Drawing title  
ARCHITECTURAL  
SITE SECTION

Drawing number  
A.05

Revision  
C

Application detail - PA2017.0057 - 4 Jabez Drive Devonport

PAGE 95

ATTACHMENT [1]





AERIAL PERSPECTIVE



VIEW FROM STREET

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Issue Name	Date	Change Name	CHD	RevID
DEVELOPMENT APPLICATION	26/03/2017			A
DEVELOPMENT APPLICATION	26/03/2017	AMENDED GARDEN TERRAIN	Ch-02	B

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UNIT DEVELOPMENT  
3 + 4 JABEZ DRIVE DEVONPORT  
TAS 7310

Status

Project number  
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26/04/2017

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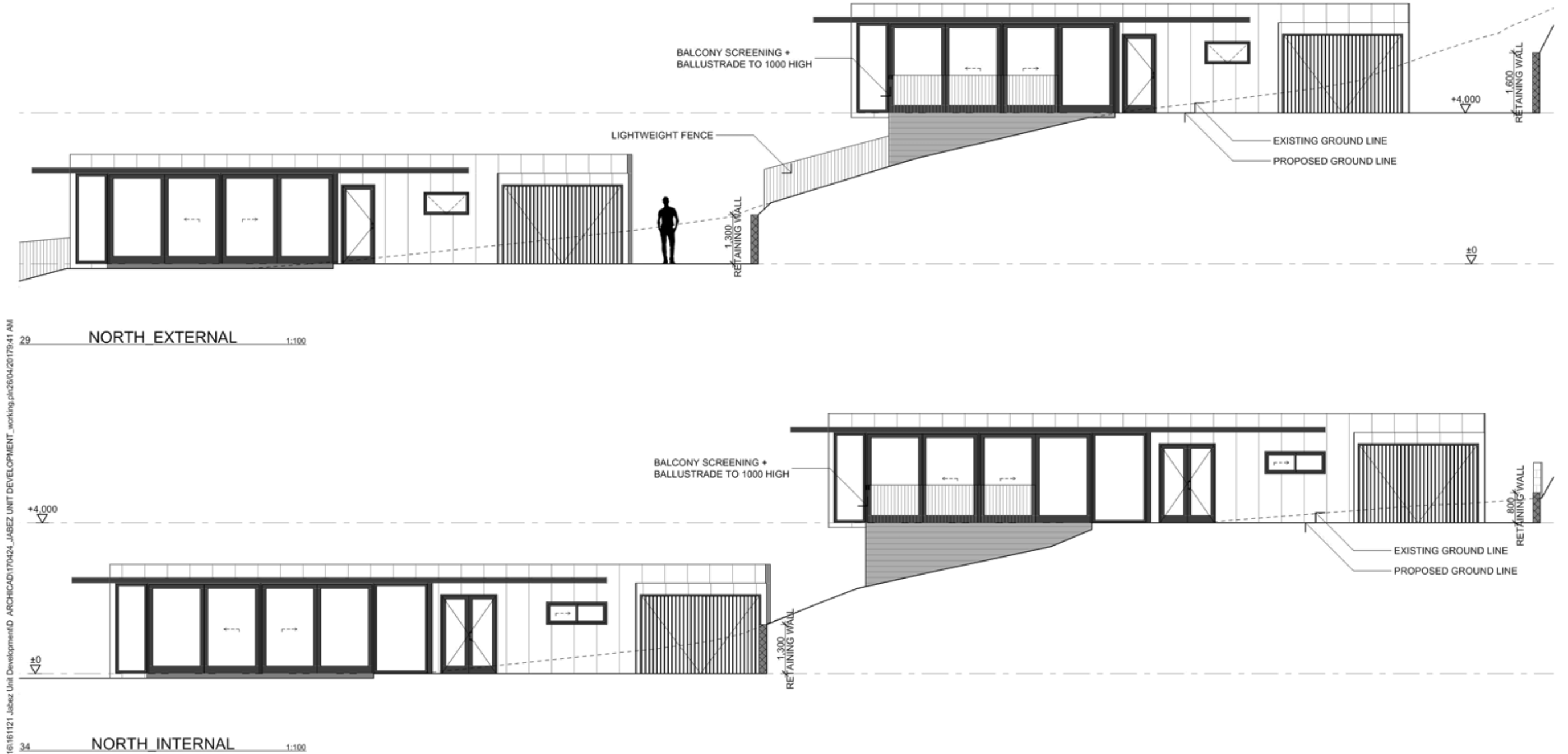
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Accredited Designer: Richard Loney CC 6198Y

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PERSPECTIVE VIEWS

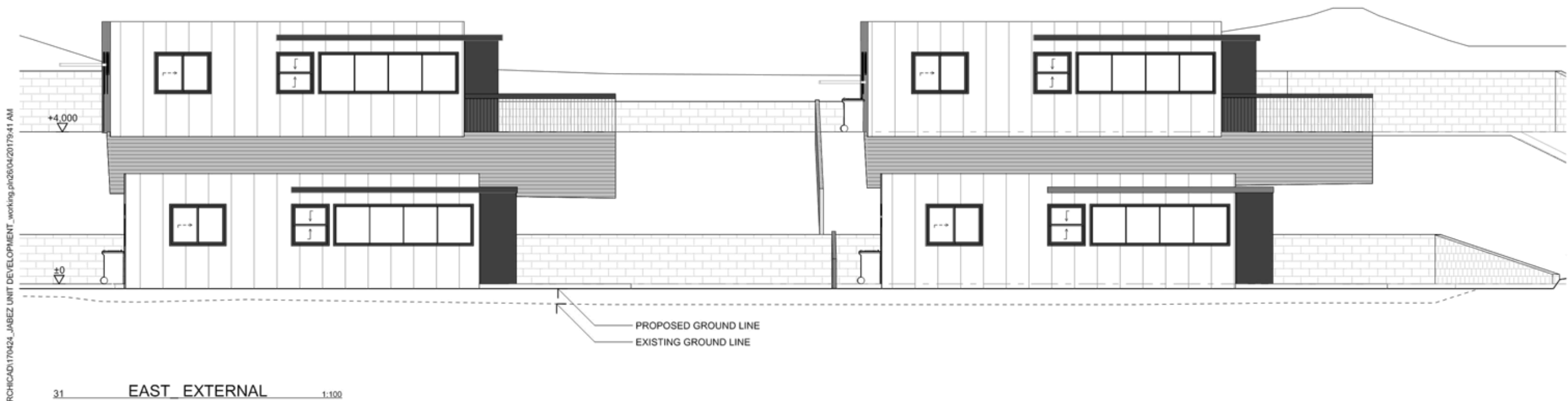
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Revision  
B



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DEVELOPMENT APPLICATION	26/04/2017			D																																																					







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Issue Name	Date	Change Name	ChID	RevID
DEVELOPMENT APPLICATION	26/04/2017			D

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UNIT DEVELOPMENT  
3 + 4 JABEZ DRIVE DEVONPORT  
TAS 7310

Status  
DEVELOPMENT APPLICATION161121

Date generated  
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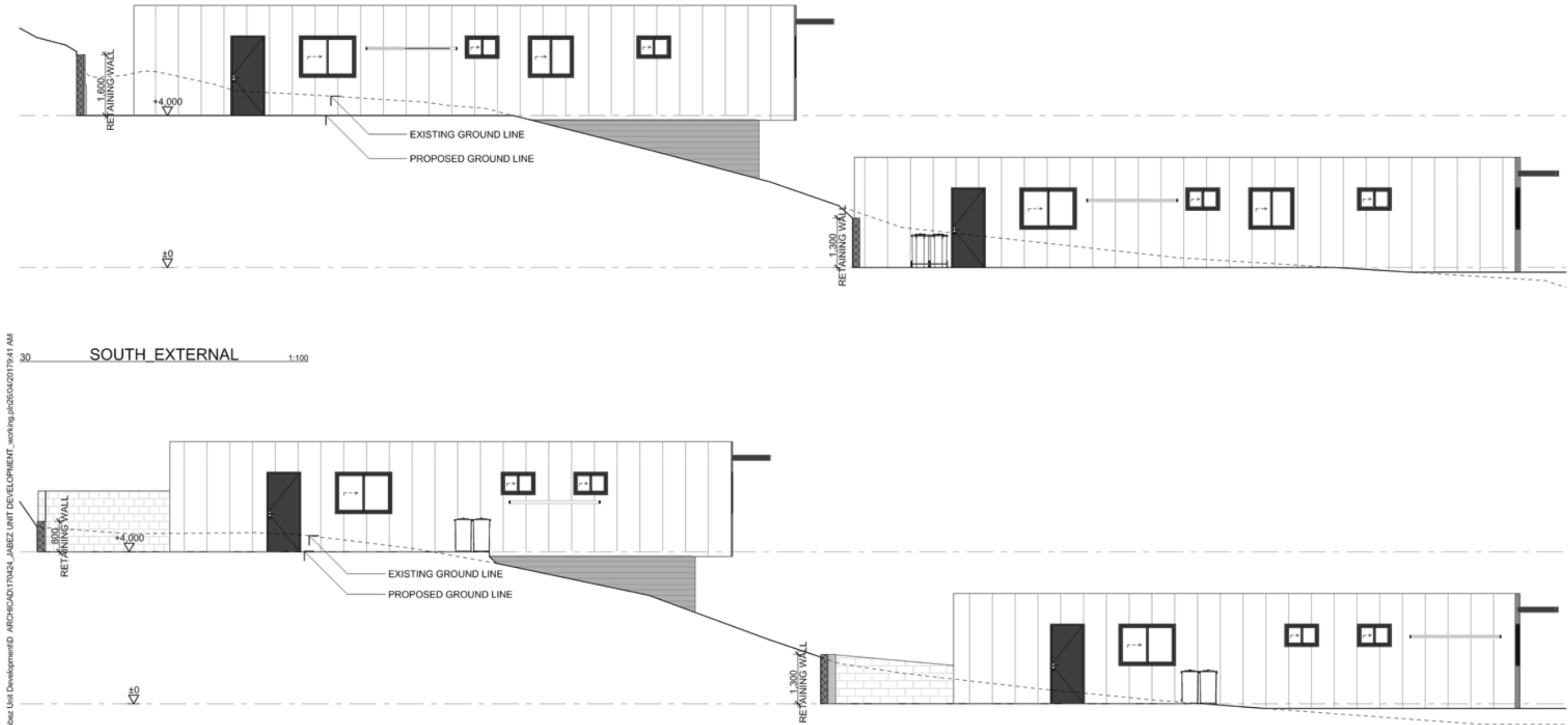
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ARCHITECTURAL ELEVATIONS

Drawing number  
A.08

Revision  
D



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Issue Name	Date	Change Name	ChID	RevID
DEVELOPMENT APPLICATION	26/04/2017			D

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REPLACE EARLIER ISSUE

UNIT DEVELOPMENT

3 + 4 JABEZ DRIVE DEVONPORT

TAS 7310

Status

Project number

DEVELOPMENT APPLICATION161121

Date generated

26/04/2017

Drawn

KF

Approved

GN

Accredited Designer: Richard Loney CC 6198Y

Drawing title

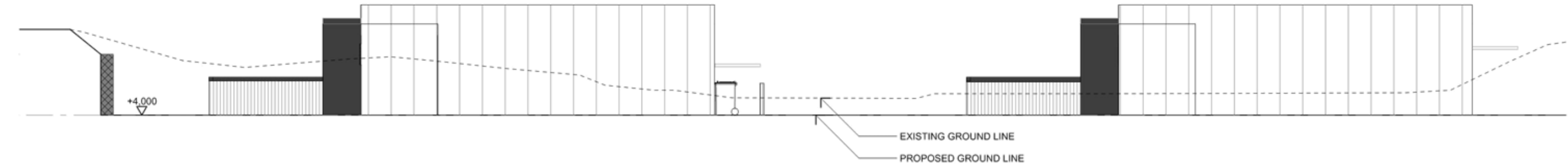
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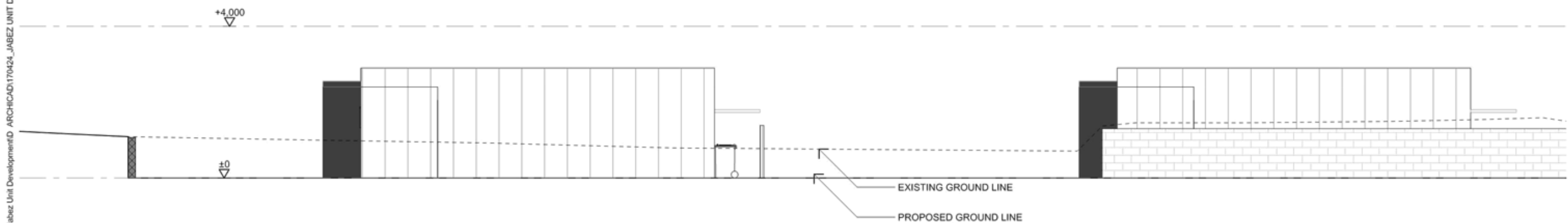
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Revision


D



32 WEST\_EXTERNAL 1:100



35 WEST\_INTERNAL 1:100



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ALISTER + WENDY MCCRAE

Issue Name	Date	Change Name	ChID	RevID
DEVELOPMENT APPLICATION	26/04/2017			D

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REPLACE EARLIER ISSUE

UNIT DEVELOPMENT  
3 + 4 JABEZ DRIVE DEVONPORT  
TAS 7310

Status: DEVELOPMENT APPLICATION161121

Date generated: 26/04/2017

Drawn: KF

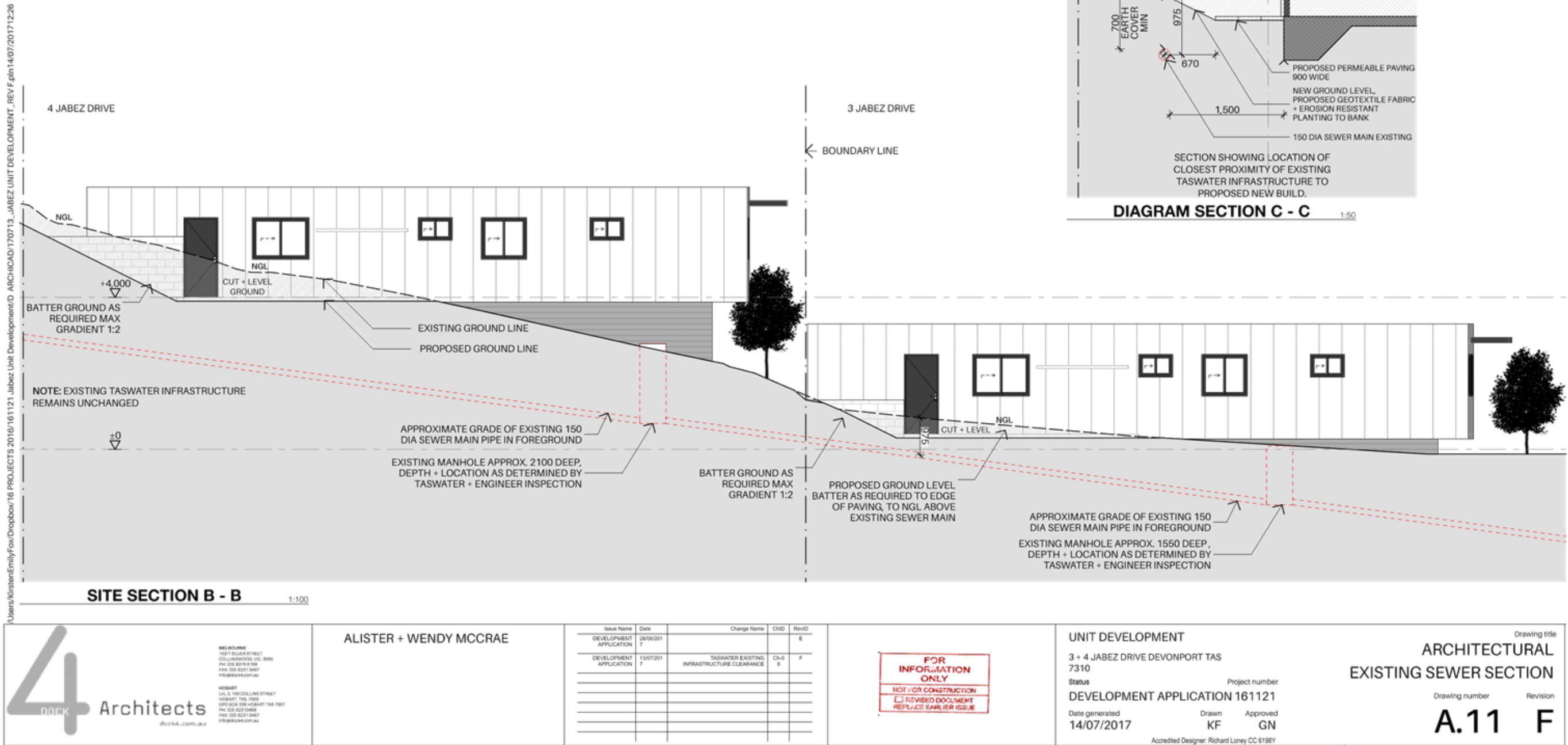
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Accredited Designer: Richard Loney CC 6198Y

Drawing title  
ARCHITECTURAL ELEVATIONS

Drawing number  
A.10

Revision  
D



Application for Planning permit representation

**Application numbers:** PA2017.0056/PA2017.0057

**Address:** 3 Jabez Drive, Devonport

4 Jabez Drive, Devonport

**Date of Notice:** 17 June 2017

Opposition to permit

In 2003 my family moved from Strathfield, NSW, to Devonport, Tasmania, due to work opportunities (We had lived here in the past). Prior to our relocation I approached the Devonport City Council and a number of real estate firms in the area. I informed the real estate agents that I was looking for a block of land to build in a new residential area where no units could be built.

I was informed by Michael BURR real estate that a new subdivision in Jabez Drive, Devonport, was available and that each parcel of land came with a schedule of easements that placed construction restrictions on purchasers to subdivide the blocks and develop units or townhouses. I contacted the developer Kent Townsend of Jabez Developments and he informed me of the restrictions and that they were put in place specifically to ensure unit and townhouse developments did not go ahead in Jabez Drive to promote the street as a premium residential dwelling area. Kent also informed me that if there were any changes to these restrictions then all land owners in Jabez Drive would have to agree (this happened in the development and construction of the property at No.5 Jabez Drive). I contacted the Devonport City Council who confirmed this information and I moved forward and purchased the block at 6 Jabez Drive, Devonport.

The proposed developments in applications PA2017.0056 and PA2017.0057 appear to breach a number of these restrictions in the schedule of easements (SP139930). I have not received any formal documentation for my consent from the proposed developer or any notification from the Devonport City Council to the changes whilst two other property owners in the street have. They have the same opinion as I that our properties were purchased with a knowledge of the restrictions and **oppose the new developments.**

Other issues that are obvious to all property owners in the area is that there are no footpaths in the street and no comfortable on street parking. Whilst vehicles are parked on the grass nature strips of No.2 and 6 Jabez Drive regularly this clearly restricts road space and only allows single vehicle movement. An additional 4 new rented dwellings will bring between 8 to 10 permanent vehicles plus further visiting vehicles into the area which will cause restricted traffic usage and clear parking issues.

The development of the street was not intended for this level of traffic and the original intentions described to me by the Kent Townsend was that the restrictions were put in place to ensure this did not happen. Clearly why myself and other property owners in the area purchased within the development a decade ago.

I would hope that the Devonport City Council will consider the opposition to this development and support the members of Jabez Drive and standby previous comments made by council representatives (although no longer working for council). Jabez Drive consists of hard working ratepayers that carry out essential roles within the community (Police officer, Nurse, Doctor, Office manager) and we hope that the original intentions of the developer are supported when consideration is given to our opposition to the Development.

In conclusion, I clearly oppose the development in its current form but would support any development of the two blocks that fit within the current restrictions that the rest of us have had to build our properties within.

**Darren Woolley**

**6 Jabez Drive, Devonport**

**0438 245 145**

**03 6424 2256**

[two71673@bigpond.net.au](mailto:two71673@bigpond.net.au)



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**From:** Wade Melanie <melbrett4@bigpond.com>  
**Sent:** Tuesday, 27 June 2017 5:40 PM  
**To:** council  
**Subject:** General Manager, objections for planning permit

Brett J Muir & Melanie J Muir

2 Jabez Drive, Devonport

Phone 0438314736, e-mail [melbrett4@bigpond.com](mailto:melbrett4@bigpond.com)

Att: General Manager, Devonport  
Council;

Replying to File Number: 33821

We are sending this email to object to the construction of the two units that have been entered in for approval for construction on both lots 3, and lot 6 Jabez Drive. Application numbers (3-PA 2017.0056) and the application for planning stats number 4 (but is lot 6), (4-PA2017.0057)

Our objections come from the increase of traffic in such a small Cal de sac, and little road frontage with these two lots. These units could have the potential of having two cars each up to eight extra for the Cal de sac. From the plans it shows only room for one car at the two northern units.

Another objection is the variance on the set back to the northern boundary of lot 3 for construction of the



northern facade of one of the units. All other residential buildings have constructed their homes to the regulated front boundary set back, to incorporate the nature strip into the front yard as per a covenant 6 (Registered number SP139930).

Also the vendor of the lot 3 and 6 Jabez Drive would have to of purchased the properties with the clear knowledge that all the lots in Jabez drive were under restrictive covenants, stopping them from constructing any dwelling under 200 square metres, with a flat roof that is not tiles. There are 11 restrictive covenants over all.

We have no objecting to a single dwelling on each lot which was the developers intention and the understanding of the people who have spent large sums of money to live in a Cal de sac that was promoted as having been specifically designed as a private and exclusive development incorporating superior quality residential dwellings.

Yours sincerely Brett &  
Melanie Muir

27/06/2017

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**From:** Fred Sheean <fred.sheean@bigpond.com>  
**Sent:** Wednesday, 28 June 2017 5:16 PM  
**To:** council  
**Subject:** Property Development Objection

General Manager,

My name is Frederick Sheean and I am owner of 1 Jabez Drive Devonport. I object to the proposed development of lots 3&6 Jabez Drive Devonport ( Application no's 3-PA 2017.0056 and 4-PA 2017.0057 for the following reasons:

1. The proposed development is not in keeping with other properties in the cul-de-sac which are all single dwellings.
2. When I purchased my property I was given assurances that the vacant blocks could only be developed as single dwellings.
3. Restrictions were in place to limit the proximity of dwellings to the street when other houses were built but are not for this development. Accordingly it would destroy the streetscape.
4. Jabez Drive is a narrow cul-de-sac and the increased traffic and lack of parking will have an adverse effect on the amenity for the present residents.
5. There are restrictive covenants as to the size of dwellings in the cul-de-sac and the proposed development is not in accordance with those restrictions.
6. The development will have an adverse effect on property values in the cul-de-sac.

I have no objection to a suitable development of the lots and would be obliged that the council give due consideration to my objection. I request that you provide a written response to this objection in the event that I need to seek legal advice.

Regards,

Fred Sheean

02 July 2017

From,  
Dr Rohit Sood & Mrs Kiran Sood,  
5 Jabez Drive,  
Devonport Tas 7310

To,  
The General Manager,  
Devonport City Council,  
17 Fenton Way,  
Devonport Tas 7310

Dear Sir/Madam,

**FILE REF: 33822 -RE: APPLICATION FOR PLANNING PERMIT 4 JABEZ DRIVE DEVONPORT**  
**PA 2017.0057**

Reference is made to your letter dated 15 June 2017 with regards to an application received by your office for a planning permit by the owners of vacant lot 4 Jabez Drive (6 Jabez Drive as per plan of survey available with me -attached) to build 2 residential dwelling units in the property. We also refer to another application PA 2017.0056 available on your website with regards to building 2 similar residential dwelling units on vacant lot 3 Jabez Drive which is owned by the same owners.

As owners of an adjoining property, we have several objections to the proposed construction of the multiple dwelling units as outlined.

Jabez Drive is a small cul-de- sac with only six lots/properties. The 2 vacant lots mentioned above have very little road frontage. Construction of 4 dwelling units in these lots could have the potential to add an average of 8 cars and, possibly more, regularly using this small cul-de-sac and could cause traffic congestion. From the plans available, there seems to be limited off street parking available for the proposed dwelling units, raising the likely possibility of parking at the kerb side.

Secondly, all residential houses constructed in Jabez Drive so far have adhered to the regulated front boundary setback criteria incorporating the nature strip into the front yard as per covenant 6 (attached). However, as per the plans available, the setback to the northern unit 1 on lot 3 is in variance to this and the unit terrace appears to overlap the nature strip.

-2-

Thirdly, there are quite a few restrictive covenants with respect to properties/buildings in Jabez Drive which the owners of vacant lot 3 and 4 (or 6 as per plan available with me) would have been well aware of at the time of purchasing the lots. This includes restrictions on constructing any residential unit under 200 square metres with a flat roof which is not tiles.

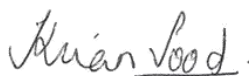
We would like to submit that we have no objections to a single residential house being built on each of the vacant lot which was the Jabez Drive developers intention. When we purchased our house at 5 Jabez Drive, it was with the understanding and belief that the cul-de-sac was designed and promoted as having being specifically designed as a private and exclusive development incorporating superior quality residential houses. We have spent a considerable amount of money in purchasing our home and are apprehensive that construction of these 4 smaller dwelling units could potentially depreciate the value of our home.

Submitted for your kind consideration.

With kind regards



Dr Rohit Sood



Mrs Kiran Sood



## Submission to Planning Authority Notice

Council Planning Permit No.	PA2017.0057	Council notice date	14/06/2017
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2017/00912-DCC	Date of response	19 July 2017
TasWater Contact	Greg Clausen	Phone No.	(03) 6237 8242
<b>Response issued to</b>			
Council name	DEVONPORT COUNCIL		
Contact details	council@devonport.tas.gov.au		
<b>Development details</b>			
Address	4 JABEZ DR, DEVONPORT	Property ID (PID)	2949412
Description of development	Multiple dwellings x 2		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Dock4 Architects	Architectural Floor Plan (A.02)	E	28/06/2017
Dock4 Architects	Existing Sewer Section (A.02)	F	13/07/2017
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections / sewerage system and connections to each dwelling unit of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> </ol>			
<b>56W CONSENT</b>			
<ol style="list-style-type: none"> <li>3. Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the <i>Water and Sewerage Industry Act 2008</i> for its consent in respect of that part of the development which is built within a TasWater easement or over or within two metres of TasWater infrastructure.  The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) must show footings of proposed buildings located over or within 2.0m from TasWater pipes and must be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans must also include a cross sectional view through the footings which clearly shows; <ol style="list-style-type: none"> <li>a. Existing pipe depth and proposed finished surface levels over the pipe;</li> <li>b. The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;</li> </ol> </li> </ol>			



- c. A note on the plan indicating how the pipe location and depth were ascertained.

#### DEVELOPMENT ASSESSMENT FEES

4. The applicant or landowner as the case may be, must pay a development assessment fee of \$206.97 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date it is paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater.

#### Advice

##### General

For information on TasWater development standards, please visit  
<http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.

##### Metering Vacant Lot

TasWater records indicate this property does not have a water meter installed on the connection to the TasWater water supply.

Prior to obtaining Building/Plumbing Approvals from council, the owner should make application to TasWater for the supply & installation of a water meter. TasWater will proceed to install a water meter on the water connection and forward an invoice for \$266.72.

**NOTE:** In accordance with the WATER AND SEWERAGE INDUSTRY ACT 2008 - SECT 56ZB A regulated entity may charge a person for the reasonable cost of –

- (a) a meter; and
- (b) installing a meter.

##### Advice to Planning Authority (Council) and developer on fire coverage

TasWater cannot provide a supply of water for the purposes of firefighting to the lots on the plan, unless a fire hydrant has been installed on the TasWater water main in front of 2 Jabez Court. The hydrant, if it exists, is not shown on TasWater records. The water main in Jabez Court is DN100 and could support a hydrant which could be installed by TasWater at the developer's cost if required. This needs to be confirmed by the developer at the time of submitting an application for Certificate for Certifiable Work (Building and/or Plumbing)

#### Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

#### Authorised by

**Jason Taylor**

Development Assessment Manager

#### TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

### **4.3 PA2017.0091 SIGN - ASSESSMENT AGAINST PERFORMANCE CRITERIA UNDER SIGN CODE AND LOCAL HERITAGE CODE - 10363 BASS HIGHWAY LILICO**

File: 34364 D485929

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

Council's Strategic Plan 2009-2030:

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

#### **SUMMARY**

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2017.0091. This is basically an application for retrospective approval to allow the existing structure to remain in place.

#### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Kent Townsend Developments Pty Ltd
Owner:	Mr BA Robinson
Proposal:	Sign – Assessment against performance criteria under Sign Code and Local Heritage Code
Existing Use:	Rural and Residential
Zoning:	Rural Resource
Decision Due:	22/08/2017

#### **SITE DESCRIPTION**

The subject site is a 24.46ha parcel of land at the eastern end of Lillico Straight that adjoins the Bass Highway and Bass Strait on two of its sides. An existing house is located on the side near the Lillico Beach coastal reserve.

#### **APPLICATION DETAILS**

The applicant is seeking consent from Council to retain the sign structure that has been installed on site without any permission. The applicant advises that the structure is a static non-illuminated billboard sign with the dimensions of 12m x 3m. It is constructed with steel and aluminium and is setback 2 metres from the property boundary. The purpose of the sign is to provide additional advertising opportunities to local tourism and general retail businesses plus community and social enterprise groups. The applicant also submits that the signage is consistent with other similar advertising signs within the local area. Examples of where these are located have been provided.

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



A location plan of site with relevant markings identifying the sign location is provided in Figure 1 below.



Figure 1 – Location plan, Plan reference – List map, State aerial photo

## PLANNING ISSUES

The land is zoned Rural Resource under the *Devonport Interim Planning Scheme 2013*, (the DIPS).

The use and development standards within this zone primarily relate to the prescribed uses and activities categorised in section 8.2 of the DIPS.

The zone aside, this proposal has specific development controls in two of the planning scheme codes with a primary focus contained in the Sign Code, Code E7. The site is also identified in the Local Heritage Code, Code E5, as being within a local heritage conservation area called the Don/Lillico Straight Conservation Area. The code prescribes particular development standards for both individual buildings laying outside these areas as well as any development within them.

## DISCUSSION

### Local Heritage Code (E5)

E5.6.4 of the Local Heritage Code applies with an objective for design and location of new development being consistent with the attributes and features specified for conservation. No conservation outcomes are listed as Acceptable Solutions (AS) and as a consequence the Performance Criteria (PC) need to be satisfied. Although it could be suggested that these development standards focus on the built environment it doesn't discount other development.

The PC to be considered are reproduced below from the DIPS.

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 –

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

The applicant has responded to these PC as follows:

- a. *The proposed sign is in a location that has no impact on heritage values of the property. There are no specific buildings or anything else of cultural value in the vicinity of the sign. There is an existing stormwater system in the vicinity of the sign location which flows from under the highway and outflows onto the open paddock around 10 metres from the sign. It is therefore considered reasonable that this sign will have no additional impact on the site in regards to heritage protection.*
- b. *The setback and scale of the sign is considered reasonable in relation to the size of the property which is over 24ha and the existing buildings which are over 300 metres away from the sign.*
- c.d. e. f. *These sections not applicable to this application.*

The role of the Planning Authority is to either:

- (i) conclude that the proposed sign does not compromise any heritage values by virtue of its location and function and that performance has been achieved, or
- (ii) consider whether its impact on the heritage values has not been demonstrated and the performance criteria not satisfied.

A failure to satisfy any of the prescribed PC in this Code means the application cannot proceed to a permit.

**Sign Code (E7)**

The Sign Code is the more specific means of development control. The purpose of this provision is to:

- (a) recognise signs are a legitimate and necessary development in rural, urban, and conservation settings for -
  - (i) providing advice, direction, and information to the travelling public;
  - (ii) protecting health and safety of people;
  - (iii) identifying the name, nature, purpose, or occupation of a building, area, or place; and
  - (iv) reasonable promotion of an activity, brand, event, idea, product, or service;
- (b) manage the likely impact of a sign for -
  - (i) function of control, navigation, safety and directional signs;
  - (ii) character of rural, urban, and conservation settings; and
  - (iii) convenience and safety of people and property

The prescribed development standards are contained in clause E7.6 with the key objective that signs must not have an adverse effect for –

1. the convenience and safety of people and property, including of any road, rail air or marine transport system;
2. amenity and character of any rural, urban or conservation setting; or
3. the conservation and protection of any special value identified in a provision forming part of this planning scheme.

The Acceptable Solutions (AS) of clause 7.6 cannot be met primarily because the sign does not identify an activity, product or service provided on the site. Consequently, the Performance Criteria (PC) have to be relied upon to demonstrate compliance with the code. Similar to any planning permit application the application rests on the PC if the AS cannot be satisfied. In this Development Standard the entire list of criteria in E7.6 P1 have to be considered as a package assessment.

Similar to discussion on the Local Heritage Code a failure to satisfy any of the prescribed PC in this Code means the application cannot proceed to a permit.

Tabulated below is a replication of the PC, the applicant's submission and relative planning comments and observations.

Performance Criteria P1 of Clause E7.6	Applicant's submission
<b>(a)</b> A sign must be reasonable taking into account whether the sign relates to an activity, product or service provided on the site	Although this sign is not specifically intended to advertise an activity provided on the site, the opportunity exists for this to happen at any time. The provision of additional advertising opportunities to promote the local business/tourism sectors plus community/social enterprise organisations, combined with the capacity for the subject site to utilise the sign for adverting demonstrate that this application is reasonable in relation to P1 (a)

<b>Planners response to (a)</b> <p>The issue with this PC is for the Planning Authority to determine if it is reasonable to locate a sign that is <u>not</u> on the property where the particular activity product or service is being provided without any knowledge of the content to be placed upon it. The applicant has generally indicated that the intent is additional advertising opportunities for tourism, general retail, social and community events as similarly displayed on other billboard structures along the highway corridor.</p> <p>If some doubt exists there is an ability for the Planning Authority to use the relevant objective in the Standard to assist with their decision. The objectives preface this Table.</p>	
<b>(b)</b> A sign must be reasonable taking into account the nature of development on the site	<p>The nature of the development has been previously described. This application is reasonable on the site given the fact that there will have (sic) no adverse impact on the nature of the site</p>
<b>Planners response to (b)</b> <p>In a more conventional discretionary sign application it becomes an amenity based matter. For example how many signs, size, height and content would a relatively low scale activity be expected to have on a site where that activity is being undertaken? On this site the issue is a subjective consideration as to whether the sign is reasonable and appropriate to be located on a site being used for residential and agricultural purposes some distance from the business precincts.</p> <p>If some doubt exists there is an ability for the Planning Authority to use the relevant objective in the Standard to assist with their decision.</p>	
<b>(c)</b> A sign must be reasonable taking into account purpose, location, number, size style, and configuration of any existing and approved sign on the site and on adjacent land.	<p>As previously described there are examples of comparable signs within a 5km radius. This application is consistent with other similar signs and therefore provides addition (sic) opportunities for promote (sic) local businesses and services, and the local area in general.</p>
<b>Planners response to (c)</b> <p>The applicant's estimate of distance isn't entirely accurate. However, these 'comparable signs' have existed well before the introduction of the interim planning scheme and cannot be used to justify an additional similar structure. It is also noted that their locations are considerably closer to the urban fringe if not within it.</p> <p>In a conventional situation where the proposed sign is to be located on the property where the activity etc is being undertaken the planning assessment would consider size, bulk and scale as well as any thematic design of signs on adjacent sites.</p> <p>The Planning Authority has to be certain that the proposal satisfies the PC. There is nothing on the subject site that supports this proposal and a submission that similar signs within a 5km radius can be used to justify its existence does not satisfy the adjacent land test.</p> <p>If some doubt exists there is an ability for the Planning Authority to use the relevant objective in the Standard to assist with their decision.</p>	
<b>(d)</b> A sign must be reasonable taking into account whether it is likely to be visually dominant or intrude on the appearance of the site or the streetscape.	<p>The proposed sign is of a consistent size to others in the area. While it is acknowledged that the sign will be substantial it is considered reasonable because of the intent of this application – which is to provide a highly visible advertising opportunity to promote local businesses and services</p>
<b>Planners response to (d)</b> <p>The proposed sign is in a location for it to be visible to the travelling public. No other signs are nearby that temper the visual dominance.</p> <p>If some doubt exists there is an ability for the Planning Authority to use the relevant objective in the Standard to assist with their decision.</p>	

## Report to Planning Authority Committee meeting on 14 August 2017

<b>(e)</b> A sign must be reasonable taking into account whether it is likely to obscure the visibility of other signs in the locality.	There are no other signs on the site therefore no other signs will be obscured by this sign.
<b>Planners response to (e)</b> This PC is deemed to be satisfied.	
<b>(f)</b> A sign must be reasonable taking into account whether it is visible beyond the immediate locality	The sign will be visible from along Lillico Straight. This is considered a desirable outcome in that a high level of attention is obtained for advertising/promotional purposes without forming a distraction.
<b>Planners response to (f)</b> The PC do not distinguish whether it is desirable or undesirable for a sign to be visible beyond the immediate locality. It is only visible or at least the content is only visible when travelling eastward along the highway. This PC is deemed to be satisfied.	
<b>(g)</b> A sign must be reasonable taking into account whether it is likely to impact on operational efficiency and safety of a railway, road, navigable water or controlled airspace in accordance with the advice and any requirement of the relevant regulatory authority.	This sign will have no impact on any operational efficiency on any rail, road or air.
<b>Planners response to (g)</b> The applicant has indicated in previous correspondence that the Department of State Growth (DSG) have provided approval in principle. DSG also received correspondence from Council as an adjoining owner and no response was received within the prescribed 14 day notification period.  Nothing has been provided by the applicant to demonstrate that rail and air could be affected. The PC does not seek advice from a suitably qualified person or from a statutory authority therefore an objective assessment deems the PC satisfied.	
<b>(h)</b> A sign must be reasonable taking into account whether it is likely to impact on the amenity of a habitable room or private open space in a residential development	The sign is to be located in an open paddock, approximately 400m away from any existing buildings. There will be no impact on any inhabitable room or private open space of dwellings on the property.
<b>Planners response to (h)</b> This PC is deemed to be satisfied.	
<b>(i)</b> A sign must be reasonable taking into account the necessity for the sign to be located on the site having regard for: <ul style="list-style-type: none"> <li>(i) proximity of the service or business being promoted to the sign location;</li> <li>(ii) proximity of other signage for the same business or service</li> <li>(iii) ability to identify the business or service through other means; and</li> <li>(iv) flow of traffic past the sign and its likely destination.</li> </ul>	The proposed sign will be a valuable additional advertising point for Devonport and surrounding areas. With increasing tourism numbers to the local area plus increased economic stimulation of the Devonport Area via projects such as Living City, this proposal represents genuine benefit to the local community by providing additional local advertising opportunities for local businesses and services. <ul style="list-style-type: none"> <li>(i) The sign is most likely to advertise a business or service within a 2-3km radius of the sign location.</li> <li>(ii) As the advertising content will be regularly changing there will be no direct competition for the same business or service.</li> </ul>

	<p>(iii) Whilst any business or service can choose how it wishes to promote itself static billboard signs are a proven effective method of promotion due to the high levels of traffic flows along major highways. This application is reasonable given the effective results from this nature of advertising.</p> <p>(iv) This proposed signage can result in attracting businesses and services offered in the city. It is ideally located to take advantage of visitors who may be considering whether to visit the city</p>
<p><b>Planners response to (i)</b></p> <p>The applicant's measurements are not entirely accurate. A calculation indicates that a 3km radius doesn't extend beyond Nixon Street and excludes the Commercial strip of Don Road and quite clearly the majority of the business districts.</p> <p>That aside, for this PC to be satisfied the Planning Authority have to determine that the sign is actually required in this location to deliver the advertising objectives submitted by the applicant of providing advertising opportunity in a high profile location.</p> <p>The applicant's response to (ii) doesn't provide any reasons why it necessary for the sign to be located where proposed.</p> <p>The applicant's response to (iii) while justifying the effectiveness of a static billboard sign doesn't justify the need for it to be located at this site.</p> <p>The applicant's response to (iv) is more subjective. Any advertising component of product and where to get it or details of the upcoming community event have to be absorbed by the occupants within the vehicles. The ability to recall the how, what, where and when of the advertised content for some distance without the facility of a layby to pull in and record the details also questions the legitimacy of the information being conveyed.</p> <p>If some doubt exists there is an ability for the Planning Authority to use the relevant objective in the Standard to assist with their decision.</p>	

### COMMUNITY ENGAGEMENT

On 11/07/2017, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 15/07/2017;
- (b) Making a copy of the proposal available in Council Offices from the 15/07/2017;
- (c) Notifying adjoining property owners by mail on 13/07/2017; and
- (d) Erecting a Site Notice for display from the 14/07/2017.

The period for representations to be received by Council closed on 31/07/2017.

### REPRESENTATIONS

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



**FINANCIAL IMPLICATIONS**

No financial implications are predicted unless an appeal against the decision of the Planning Authority is made and legal counsel is required to assist the Tribunal in its determination of the application.

**RISK IMPLICATIONS**

The assessment of the application has been undertaken to determine whether the Performance Criteria of the relevant Development Standards have been satisfied. Minimal risks to Council can only be predicted if action is taken that proves due diligence and objectivity have not been properly exercised. This isn't anticipated.

**CONCLUSION**

In this conclusion particular reference is made to the applicants response to E7.6 P1(c) & (i). It is submitted to the Planning Authority Committee that these Performance Criteria cannot demonstrate that the proposed sign is reasonable or necessary in this location.

Further the planning scheme is structured in a manner that an application must fail if a Development Standard of a relevant Performance Criteria cannot be satisfied.

**ATTACHMENTS**

[↓](#) 1. Submission - PA2017.0091 - 10363 Bass Highway Lillico

**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*, refuse application PA2017.0091 to develop a sign on land identified as 10363 Bass Highway, Lillico for the following reason:

- The application fails to satisfy the Performance Criteria of Clause E7.6 P1 of the Sign Code of the Devonport Interim Planning Scheme 2013.

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

07/07/2017 D480447

**RE: Permit Application for static billboard sign  
Bass Highway, Lillico.**

This permit application is for a static non-illuminated billboard sign located at Bass Highway Lillico. Sign dimensions will be 12m x 3m and will be constructed from steel and aluminium. It will be located on the eastern end of the section of the Bass Highway known as Lillico Straight. The specific location is not used for any farming purposes due to its location at the base of a steep hill near a natural water course plus a man-made storm water outlet. The sign is to be setback 2 meters from the property boundary, with a 15 meter road reserve between the property boundary and the highway. The purpose of the sign is to provide additional advertising opportunities in a high profile location to local tourism and general retail businesses, plus community and social enterprise groups. The proposed signage is consistent with other similar advertising signs within the local area. The following represent examples of similar signs located within a 5km radius.

1. Bass Highway, Don. Advertising to Eastbound traffic located approx. 1km from proposed sign.



2. Devonport Road, Quoiba. 2 separate sign locations (located within 500m of each other), advertising to Northbound traffic located approx. 3km's from proposed sign.



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3. Bass Highway, Latrobe. Advertising to Westbound traffic located approx. 5km's from proposed sign.



Department of State Growth has provided written support for static signage on Highway locations.

In 2016, Circular Head Council approved a similar development application under the current Interim Planning Scheme for signage on rural land located approx. on the Bass Highway, approx. 1km east of the Stanley turn-off.

This accompanying information addresses Performance Criteria contained in Section E7 and Section E5.6.4 of the Interim Planning Scheme.

#### Section E7

- a. Although this sign is not specifically intended to advertise an activity provided on the site, the opportunity exists for this to happen at any time. The provision of additional advertising opportunities to promote the local business/tourism sectors plus community/social enterprise organizations, combined with the capacity for the subject site to utilize the sign for advertising demonstrate that this application is reasonable in relation to P1(a)
- b. The nature of the development has been previously described. This application is reasonable on the site given the fact that there will have no adverse impact on the nature the site.
- c. As previously described there are examples of comparable signs within a 5km radius. This application is consistent with other similar signs and therefore provides addition opportunities for promote local businesses and services, and the local area in general.
- d. The proposed sign is of a consistent size to others in the area. While it is acknowledged that the sign will be substantial it is considered reasonable because of the intent of this application – which is to provide a highly visible advertising opportunity to promote local businesses and services.

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- e. There are no other signs on the site, therefore no other signs will be obscured by this sign.
- f. The sign will be visible from along Lillico Straight. This is considered a desirable outcome in that a high level of attention is obtained for advertising/promotional purposes without forming a distraction.
- g. This sign will have no impact on any operational efficiency on any rail, road, or air.
- h. The sign is to be located in an open paddock, approximately 400 away from any existing buildings. There will be no impact on any inhabitable room or private open space of dwellings on the property.
- i. The proposed sign will be a valuable additional advertising point for Devonport and surrounding areas. With increasing tourism numbers to the local area plus increased economic stimulation of the Devonport Area via projects such as Living City, this proposal represents genuine benefit to the local community by providing additional local advertising opportunities for local businesses and services.
  - i. The sign is most likely to advertise a business or service within a 2-3 km radius of the sign location.
  - ii. As the advertising content will be regularly changing there will be no direct competition for the same business or service.
  - iii. Whilst any business or service can chose how it wishes to promote itself, static billboard signs are a proven effective method of promotion due to the high levels of traffic flows along major highways. This application is reasonable given the effective results from this nature of advertising.
  - iv. This proposed signage can result in attracting additional visitors to Devonport, by highlighting some of our businesses and services offered in the city. It is ideally located to take advantage of visitors who may be considering whether to visit the city.

#### Section 5.6.4

- a. Proposed sign is in a location that has no impact on any heritage values of the property. There are no specific buildings or anything else of cultural value in the vicinity of the sign. There is an existing stormwater system in the vicinity of the sign location which flows from under the highway and outflows onto the open padock around 10 meters from the sign. It is therefore considered reasonable that this sign will have no additional impact on the site in regards to heritage protection.
- b. The setback and scale of the sign is considered reasonable in relation to the size of the property which is over 24ha, and the existing building which are over 300 meters away from the sign.
- c. d. e. f. These sections not applicable to this application

**4.4 PA2017.0082 PERMITTED: BUSINESS AND PROFESSIONAL SERVICES (MEDICAL CENTRE)****DISCRETIONARY: ALTERATIONS AND ADDITIONS TO EXISTING BUILDING - ASSESSMENT AGAINST PERFORMANCE CRITERIA UNDER CLAUSE 15.4.3 - LOCATION AND CONFIGURATION OF DEVELOPMENT - 48-54 OLDAKER STREET DEVONPORT**

File: 34266 D486116

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

Council's Strategic Plan 2009-2030:

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

**SUMMARY**

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2017.0082.

**BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	All Urban Planning Pty Ltd
Owner:	Hill Street North Property Group Pty Ltd
Proposal:	Permitted: Business and professional services (medical centre) Discretionary: Alterations and additions to existing building assessment against performance criteria under clause 15.4.3 – Location and configuration of development
Existing Use:	General Retail & Hire, Hotel Industry and Food Services
Zoning:	Urban Mixed Use
Decision Due:	15/08/2017

**SITE DESCRIPTION**

The site known as 'Hill Street' is located at 48-54 Oldaker Street, Devonport. The site is a contemporary shopping complex that provides a mix of services to the local and wider community. The site commenced operating in late 2016 and prior to being redeveloped operated as a hardware store. Currently operating at the complex are the following tenancies:

- Hill Street Grocer incorporating a café and giftshop;
- 9/11 Bottleshop;
- Empress Craft Beer;
- Tony Davies Pharmacy; and
- Knight Frank Real Estate



A recent photo of the site taken from the adjacent carpark to the south is reproduced as Figure 1 below.



**Figure 1 - Photo of Hill Street complex taken from southern adjacent carpark**

#### **APPLICATION DETAILS**

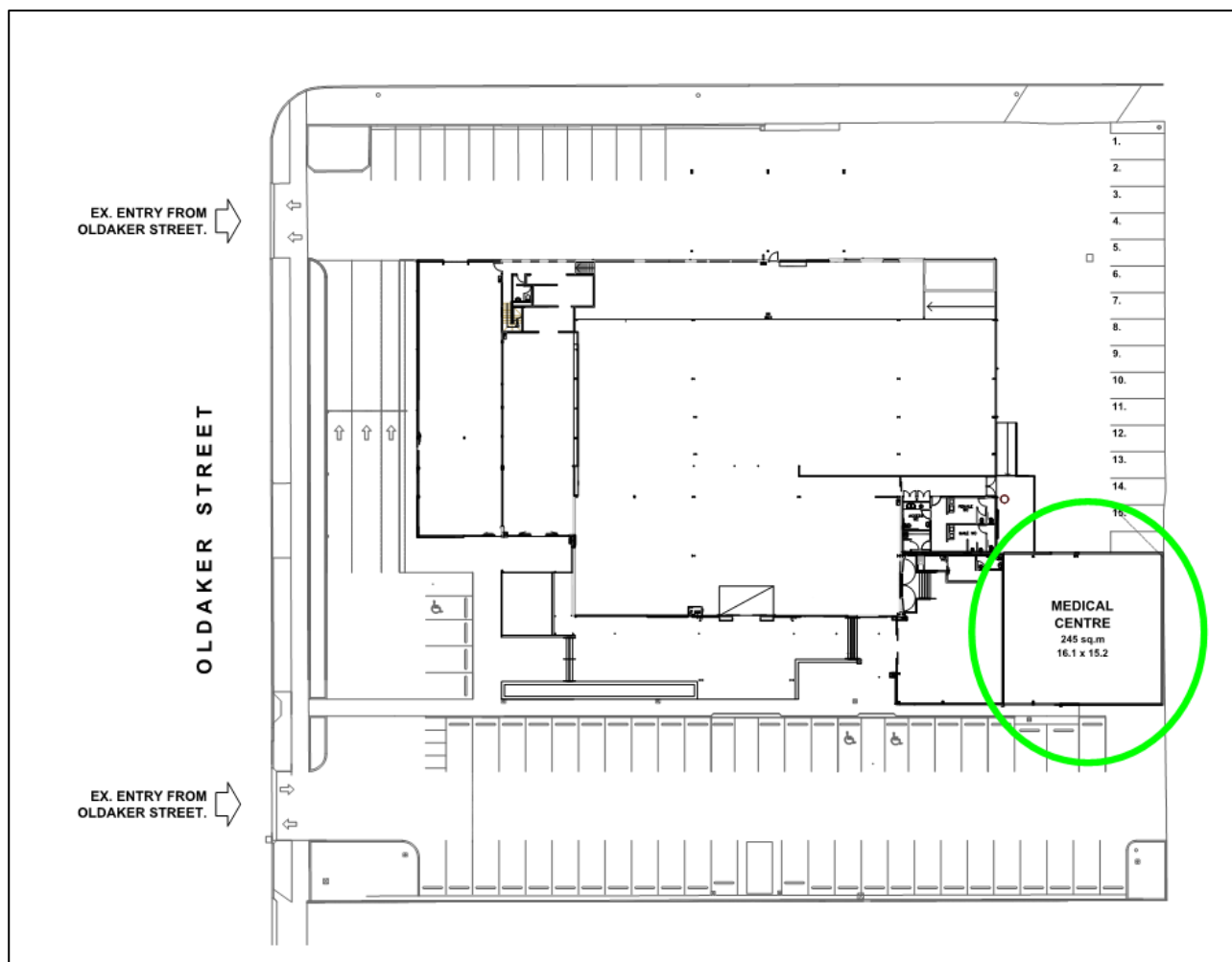
The applicant is seeking approval to construct a medical centre on the site. The medical centre is proposed to be developed on the northern side of the existing complex and will be constructed to part of the northern side boundary. Because of the location of the development, the site will no longer provide an access link for customers (both pedestrian and vehicular) between Oldaker Street and Curr Street.

Also incorporated as part of the development will be the removal of the real estate tenancy (Knight Frank) and minor upgrades to the site including signage for the medical centre and upgraded line marking to the primary Oldaker Street access.

A copy of the Site Plan submitted by the applicant is reproduced on the next page as Figure 2.

A full copy of the planning application package including the development plans, supporting planning submission and traffic impact assessment is appended as **Attachment 1**.





**Figure 2- Site Plan submitted by applicant with location of proposed medical centre circled in green**

## PLANNING ISSUES

The land is zoned Urban Mixed Use under the *Devonport Interim Planning Scheme 2013* (DIPS). The intent of this zone is "to provide for integration of residential, retail, community services and commercial activities in urban locations."

The proposed medical centre falls under the prescribed use class Business and professional services. This use is defined under the DIPS as:

*"Use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, travel agency and veterinary centre."*

Within the Urban Mixed Use zone, the use Business and professional services is classified as Permitted without qualification. For the proposal to be totally assessed as Permitted (no public notification period and the application must be approved by the *Planning Authority*) the development is required to satisfy the Acceptable Solutions of the applicable development standards stipulated within the zone and codes. If the proposal cannot satisfy the Acceptable Solutions of a particular development standard the application is required to be tested against the corresponding Performance Criteria. If the Performance Criteria are invoked, the Discretionary approval process is triggered (this requires the application to be publicly advertised and the *Planning Authority* can approve or refuse the application).

## Report to Planning Authority Committee meeting on 14 August 2017

In relation to this application, it has been identified that assessment is required against the Performance Criteria for development standard 15.4.3 A2 - *Location and configuration of development*. This is due to the medical centre building being constructed to the northern side boundary and having a wall length greater than the threshold of 9m at the boundary (15.2m proposed) and a wall height greater than 3m (3.875m proposed). As a result, the proposal falls outside the applicable building envelope for the zone. To determine if the development has merit, the application is required to be assessed against the Performance Criteria for this standard. This standard is reproduced below as Figure 3 along with comment.

15.4.3 Location and configuration of development	
<b>Objective:</b> The location and configuration of <u>development</u> is to -	
(a) provide a consistent separation between the <u>development</u> area on adjacent sites and a <u>road</u> ; (b) provide consistency in the apparent scale, bulk, massing, and proportion of adjacent buildings; (c) provide sufficient <u>site</u> area for open space, service activity and <u>vehicle parking</u> ; (d) provide for the facade of a <u>residential building</u> to remain the dominant architectural element in the <u>streetscape</u> ; and (e) separate adjacent buildings to provide reasonable opportunity for daylight and sunlight to habitable rooms and to <u>private open space</u> areas	
Acceptable Solutions	Performance Criteria
<b>A2</b> All buildings must be contained within a <u>building envelope</u> determined by - (a) the applicable <u>frontage setback</u> ; (b) projecting at an angle of 45° from the horizontal at a height of 3.0m at each side boundary and at a distance of 4.0m from the rear boundary to a <u>building height</u> of not more than 8.5m if walls are <u>setback</u> - (i) not less than 1.5m from each side boundary; or (ii) less than 1.5m from a side boundary if <u>wall height</u> is not more than 3.0m; and - a. built against an existing wall of an adjoining <u>building</u> ; or b. the wall or walls - i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land; ii. there is no door or window in the wall of the <u>building</u> ; and iii. overshadowing does not result in - a. less than 2 hours of continuous sunlight to a required minimum <u>private open space</u> area in an adjacent <u>dwelling</u> between 9.00am and 3.00pm on 21 <sup>st</sup> June; or b. a further reduction in continuous sunlight to a required minimum <u>private open space</u> area in an adjacent <u>dwelling</u> if already less than 2 hours between 9.00am and 3.00pm on 21 <sup>st</sup> June; or (c) in accordance with any <u>building envelope</u> shown on a sealed plan	<b>P2</b> Building height and location of a building in relation to a frontage and site boundaries must - (a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling; (b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent <u>building</u> ; (c) be consistent with the streetscape; (d) respond to the effect of the slope and orientation of the site; and (e) provide separation between buildings to attenuate impact

**Figure 3 - Development standard 15.4.3 A2 & P2 - Location and configuration of development**

Comment - The applicant (All Urban Planning Pty Ltd) provided the following comments in relation to how the proposal satisfies the above-mentioned Performance Criteria:

- *the building adjoins a car parking area on the adjacent site and will therefore not affect a habitable room or private open space;*
- *“Notwithstanding the car parking use of the adjacent site, the proposed building is to be sited to the south of the adjacent property and will therefore not overshadow that property;*
- *The low-profile building extension, sited well back from both street frontages will not affect the streetscape; and*

- *The proposed solid masonry boundary wall without windows on the northern elevation will provide adequate separation to attenuate any impacts between uses.*

The comments provided by the applicant have been investigated and the rationale provided can be fully supported by the *Planning Authority*. In summary, the medical centre development comfortably satisfies the Performance Criteria for 15.4.3 P2 - *Location and configuration of development*.

The applicant has also demonstrated that all other development standards within the Urban Mixed Use zone and applicable development Codes have satisfactorily met the Acceptable Solutions. For example, the number of car parking spaces provided on the site (78 total) complies with the requirements of the Traffic Generating Use and Parking Code (Code E9).

### COMMUNITY ENGAGEMENT

On 04/07/2017, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 08/07/2017;
- (b) Making a copy of the proposal available in Council Offices from the 08/07/2017;
- (c) Notifying adjoining property owners by mail on 06/07/2017; and
- (d) Erecting a Site Notice for display from the 07/07/2017.

The period for representations to be received by Council closed on 24/07/2017.

### REPRESENTATIONS

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

The representation received was from a resident of 63 Parker Street and is appended as **Attachment 2**. This property is located approximately 50m west of Curr Street.

The representation raises two primary concerns. The matters relate to additional noise being generated from the site and traffic matters. The objection points are discussed below in further detail.

The representor notes within the representation that the existing refrigeration units for the complex on the northern side of the building cause noise issues for nearby residential properties. It is noted that Council's file for the property indicates that no complaints have been received from other properties regarding noise issues within Hill Street's vicinity.

Since the commencement of Hill Street, the operator has worked with the representor (previous complainant) to mitigate noise issues emanating from the site. Hill Street constructed a sound barrier over the refrigeration units to reduce the noise and it is believed this has been quite successful. The representor has requested that the new air conditioning units for the medical centre currently shown on the western wall of the proposed building be relocated to the eastern wall to reduce any potential noise impact. A note will be included on the permit regarding this matter however it cannot be enforced as a permit condition as it not directly a DIPS consideration. Council's standard condition regarding the prevention of environmental nuisance from the use and development will be incorporated as a permit condition.

As part of the application package, a traffic impact assessment (TIA) was submitted. The TIA has been reviewed by Council's City Infrastructure Department and it has been found the development will have no adverse impacts on existing road networks surrounding the site and no further comment is required regarding this matter.

Lastly, it is important to clarify that the representation raises issues that are not relevant to the discretion being sought by this application (building envelope variation). Therefore, it is recommended that the *Planning Authority* note the representation, however, the points raised have no bearing on the final determination.

### **DISCUSSION**

The application was referred to TasWater for comment as required by the *Water and Sewerage Industry Act 2008* and conditions from this authority will be included in the final recommendation.

The application has also been referred internally to other Council departments with an interest in development applications. Comments received have also 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 application has demonstrated conformance with the DIPS and is recommended for conditional approval.

### **ATTACHMENTS**

- [1.](#) Application - PA2017.0082 - 48-54 Oldaker Street Devonport
- [2.](#) Representation - PA2017.0082 - 48-54 Oldaker Street Devonport
- [3.](#) Submission to Planning Authority Notice - TasWater - PA2017.0082 - 48-54 Oldaker Street Devonport

### **RECOMMENDATION**

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0082 and grant a Permit to use and develop land identified as 48-54 Oldaker Street, Devonport for the following purposes:

- Permitted: Business and professional services (medical centre)
- Discretionary: Alterations and additions to existing building - assessment against performance criteria under clause 15.4.3 – Location and configuration of development

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans and documentation referenced as:

Report to Planning Authority Committee meeting on 14 August 2017

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- Proposed Alterations & Additions at 48-54 Oldaker Street – Project No. 17054, dated 03/07/2017 by Michael R Cooper & Assoc Pty Limited; and
  - Traffic Impact Assessment by Midson Traffic Pty Ltd, dated 03/07/2016.
2. The developer is to take all reasonable steps during the use of these facilities to prevent environmental nuisance such as air, noise and water pollution. Failure to do so may result in Council taking enforcement proceedings under the *Environmental Pollution and Control Act 1994*.

Infrastructure Conditions

3. The developer is to ensure concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
4. The existing access driveways are to be used for the purposes of this proposed development.
5. The existing eastern access off Oldaker Street is to be modified with a centreline and minor widening as outlined in the submitted Traffic Impact Assessment Report by Midson Traffic Pty Ltd dated 3 July 2017.
6. The developer is to comply with the conditions contained in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit, pursuant to section 56P(1) of the Water and Sewerage Industry Act 2008 – **refer to Attachment 3**.

Note: The following is provided for information purposes.

It is recommended to locate the air conditioning units to the eastern wall of the medical centre building to reduce the potential for noise conflicts between the site and residential properties to the north and west.

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

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

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

Contact a Tasmanian registered Building Surveyor to determine the category of building approval required, and

Contact the Council Permit Authority to determine the category of plumbing approval required.

In regard to conditions 3 - 5 the applicant should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries.

In regard to condition 6 the applicant/developer should contact TasWater – Ph 136 992 with any enquiries.

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

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



1 July 2017

Planner  
Devonport City Council  
44-48 Best Street  
DEVONPORT 7310

Dear

**48—54 Oldaker Street – Amended Plan - alterations, extensions and partial change of use to Medical Centre**

Please see attached amended plans for alterations, extensions and partial change of use for a medical centre at the above site. The amended plans are accompanied by an update to the Traffic Impact Assessment prepared by Midson Traffic.

**Proposal**

The amended proposal includes:

- Extension of existing Shop 6A from 112m<sup>2</sup> to 245m<sup>2</sup> for the medical centre;
- Deletion of the new real estate office tenancy;
- A total of 78 on site parking spaces;
- Upgrade works and new line marking to the main Oldaker Street access to the site;
- the medical centre is to operate between the hours of 9am and 6pm Monday to Friday

**Planning Scheme**

The site is zoned Urban Mixed Use under the Interim Devonport Planning Scheme.



AllUrbanPlanning

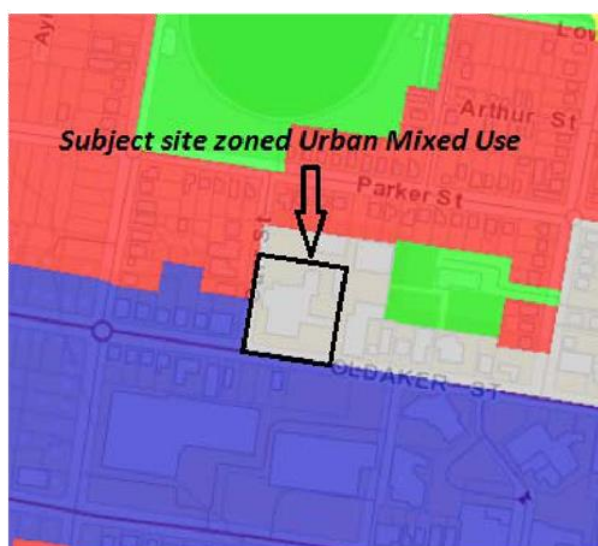


Figure 1 – site and zoning

The proposed medical centre falls within the Business and professional services Use Class and is permitted in the zone. The proposed use will contribute to the mix of uses on the site and is highly consistent with the Zone Purpose to integrate retail and commercial activities in urban locations.

There are no applicable Use Standards.

#### Development standards

The amended plan (which now deletes the new real estate tenancy) reduces the length of the new wall to be built to the northern boundary.

I provide an updated assessment against the relevant development standards in the following table:

#### 15.4.3 Location and Configuration of Development

Development Standard	Assessment
<p>A1</p> <p><i>A building, utility structure, garage or carport must be setback from a frontage –</i></p> <p><i>(a) not less than and not more than the setbacks for any existing building on each of the immediate adjoining sites;</i></p>	<p>Complies.</p> <p>The proposed extension is to the rear of the site and does not alter front setback of the site to Oldaker or Curr Streets.</p>

<p>(b) not less than for any building retained on the site;</p> <p>(c) in accordance with any building area shown on a sealed plan; or</p> <p>(d) if the site abuts a road shown in the Table to this clause, the setback specified for that road</p>	
<p>A2</p> <p>All buildings must be contained within a building envelope determined by -</p> <p>(a) the applicable frontage setback;</p> <p>(b) projecting at an angle of 45° from the horizontal at a height of 3.0m at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m if walls are setback -</p> <p>(i) not less than 1.5m from each side boundary; or</p> <p>(ii) less than 1.5m from a side boundary if wall height is not more than 3.0m; and –</p> <p>a. built against an existing wall of an adjoining building; or</p> <p>b. the wall or walls -</p> <p>i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</p> <p>ii. there is no door or window in the wall of the building; and</p> <p>iii. overshadowing does not result in -</p> <p>a. less than 2 hours of continuous sunlight to a required minimum private open space area in an adjacent dwelling between</p>	<p>The proposed new wall on the northern side boundary exceeds 9m in length and is assessed under P2 below.</p>

<p>9.00am and 3.00pm on 21st June ; or</p> <p>b. a further reduction in continuous sunlight to a required minimum private open space area in an adjacent dwelling if already less than 2 hours between 9.00am and 3.00pm on 21st June ; or</p> <p>(c) in accordance with any building envelope shown on a sealed plan</p>	
<p>P2</p> <p>Building height and location of a building in relation to a frontage and site boundaries must -</p> <p>(a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling;</p> <p>(b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;</p> <p>(c) be consistent with the streetscape;</p> <p>(d) respond to the effect of the slope and orientation of the site; and</p> <p>(e) provide separation between buildings to attenuate impact</p>	<p>The new wall on the northern side boundary is considered acceptable under these criteria in that :</p> <ul style="list-style-type: none"> <li>the building adjoins a car parking area on the adjacent site and will therefore not affect a habitable room or private open space.</li> <li>Notwithstanding the car parking use of the adjacent site, the proposed building is to be sited to the south of the adjacent property and will therefore not overshadow that property;</li> <li>The low-profile building extension, sited well back from both street frontages will not affect the streetscape; and</li> <li>The proposed solid masonry boundary wall without windows on the northern elevation will provide adequate separation to attenuate any impacts between uses.</li> </ul>
<p>A3</p> <p>Total width of openings to access a garage, carport, service or storage area in the frontage elevation of a of a building (whether freestanding or part of any other building) must be the lesser of –</p> <p>(a) 6.0m; or</p> <p>(b) half the width of the frontage</p>	<p>Complies.</p> <p>The proposal does not involve a new opening to a garage or storage area in the frontage elevations of the site.</p>

<p>A4</p> <p><i>An external car parking and loading area, and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage elevation of a building</i></p>	<p>Complies.</p> <p>The proposal does not involve a new car parking or loading area on the primary, Oldaker frontage of the site.</p>
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#### 15.4.4 Visual and acoustic Privacy for residential development

Development Standard	Assessment
<p>A1</p> <p><i>A door or window to a habitable room, or any part of a balcony, deck, roof garden, parking space or carport of a building must –</i></p> <p><i>(b) if the finished floor level is more than 1.0m above natural ground level –</i></p> <p><i>(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in an adjacent dwelling;</i></p> <p><i>(ii) be not less than 3.0m from a side boundary;</i></p> <p><i>(iii) be not less than 4.0m from a rear boundary; and</i></p> <p><i>(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or</i></p> <p><i>(c) if less than the setbacks in clause A1(a) –</i></p> <p><i>(i) be off-set by not less than 1.5m from the edge of any door or window in an adjacent dwelling;</i></p> <p><i>(ii) have a window sill height of not less than 1.8m above finished floor level;</i></p> <p><i>(iii) have fixed and durable glazing or screening with a uniform transparency of not more than in that part of a door or</i></p>	<p>Complies.</p> <p>The proposal does not involve new doors or windows facing the side boundary or adjoin any residential dwelling.</p>

<p>window less than 1.8m above finished floor level; or</p> <p>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the finished floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport</p>	
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#### Access and Parking

The access and parking aspects of the proposal are to be assessed under the Traffic Generating Use and Parking Code.

The following provides an update to the parking calculations for the site as a result of the proposal.

The Purpose of the Code under E9.1 is:

- (a) assist to protect the operational efficiency and safety of roads;
- (b) assist to protect public investment in road assets;
- (c) require on-site arrangements for –
  - (i) circulation and passage of vehicles;
  - (ii) loading and unloading of freight and people;
  - (iii) parking to service vehicles having business on the site;
- (d) specify design standards for circulation, loading and unloading, and parking areas within a site; and
- (e) accommodate the Devonport Local Area Parking Scheme

#### E9.5.1 Provision for parking

Use Standards	Assessment
<p>A1</p> <p>Provision for parking must be –</p> <p>(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</p>	<p>Complies.</p> <p>The parking requirement of the existing approved use and development of the site under planning permit PA2015.0068 for General Retail &amp; Hire (Grocer and Specialty Shops), Hotel Industry (Bottle Shop) and</p>

<p><i>this Code;</i></p> <p>Note d) under Table E9.1 of the Code states that:</p> <p><i>d) The requirement for parking in a changed or enlarged use must be calculated as the difference between the required parking for the changed or enlarged use and any existing parking requirement (whether or not there is full compliance with this Code) provided the total number of spaces in the current parking provision is retained as part of the proposed use (albeit such spaces may be relocated within the redevelopment);</i></p>	<p>Food Services (Café) was determined to be 64 parking spaces under the Traffic Impact Assessment that accompanied that application.</p> <p>The proposed involves the following change to the parking requirements under Table E9.1:</p> <ul style="list-style-type: none"> <li>• a new 245m<sup>2</sup> <i>medical centre</i> calculated as 1 space per 25m<sup>2</sup> GFA = 10 spaces; and</li> <li>• removal of the existing <i>real estate agency</i> (calculated as 1 space per 40m<sup>2</sup> GFA from 112m<sup>2</sup> = less 3 spaces.</li> </ul> <p>Based on these calculations the proposal requires an additional 7 spaces (10 for the <i>medical centre</i> minus 3 for the <i>real estate agency</i>). This equates to an increased parking requirement from 64 (calculated under the TIA of the existing planning permit PA2015.0068 + plus 7 spaces). A total requirement of 71 spaces.</p> <p>The proposed parking layout includes 78 parking spaces – 7 more than required.</p>
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**E9.5.2 Provision for loading and unloading of vehicles**

<b>Development Standard</b>	<b>Assessment</b>
<p>A1</p> <p><i>There must be provision within a site for -</i></p> <p><i>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</i></p> <p><i>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of 1 space for every 50 parking spaces</i></p>	<p>Complies.</p> <p>The proposed site plan maintains the existing loading arrangements for the site.</p>



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

<b>Development Standard</b>	<b>Assessment</b>
<p>A1.1</p> <p><i>All development must provide for the collection, drainage and disposal of stormwater; and</i></p>	<p>Complies</p> <p>The proposal will connect to the existing stormwater infrastructure on site.</p>
<p>A1.2</p> <p><i>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 –</i></p> <p><i>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities - Off Street Car Parking;</i></p> <p><i>(b) Be in accordance with AS/NZS2890.2 (2002) Parking Facilities - Off Street Commercial Vehicles;</i></p> <p><i>(c) Be in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities;</i></p> <p><i>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities - Off Street Parking for People with Disabilities;</i></p> <p><i>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</i></p> <p><i>(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</i></p> <p><i>(g) Be formed and constructed with compacted sub-base and an all-weather</i></p>	<p>Complies.</p> <p>The parking layout and on site maneuvering complies with AS2890.1</p>

AllUrbanPlanning

surface.	
----------	--

**Conclusion**

The proposed use is Permitted and therefore highly consistent with the intent of the Urban Mixed Use Zone under the Planning Scheme. The proposal complies with the requirements of the parking Code in that the 78 on site spaces comfortably accommodate the parking requirement for 71 spaces.

Keith Midson from Midson Traffic has reviewed the proposal and provides a traffic impact assessment update confirming that the site will operate safely.

The proposal involves a side boundary discretion on the northern boundary. This variation however comfortably complies with the relevant performance criteria because the wall is low, sited to the south of that property and not least because the adjacent property exists as a carpark and there will be no associated amenity impacts.

I trust Council has sufficient information to determine this application however please contact the undersigned as necessary for further information or clarification.

Yours sincerely



Frazer Read  
**Principal**  
All Urban Planning Pty Ltd



Keith Midson  
Midson Traffic Pty Ltd  
18 Earl Street  
Sandy Bay TAS 7005  
0437 366 040

3 July 2017

Mr Frazer Read  
Principal  
All Urban Planning  
Via email

Dear Frazer,

**48 – 54 OLDAKER STREET – AMENDED PLAN –MEDICAL CENTRE TRAFFIC ASSESSMENT**

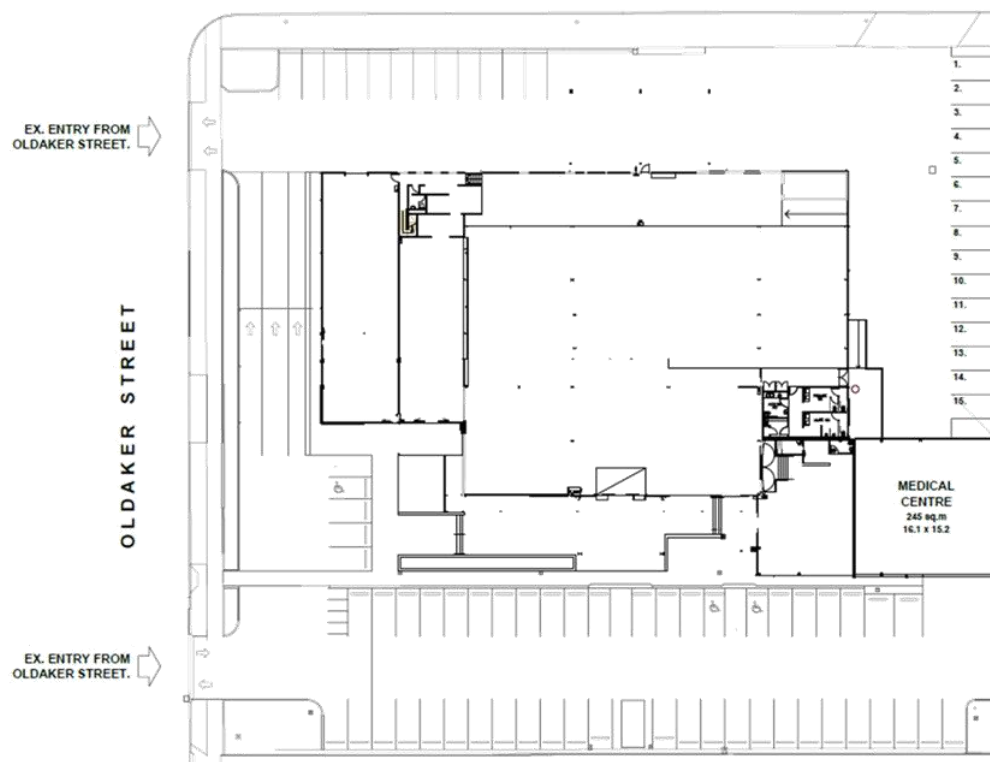
Further to our recent discussions, I confirm that I have assessed the amended plan for the abovementioned site. This letter provides an update on the 2015 Midson Traffic TIA prepared as a result of the proposed alterations to the site.

The proposed alterations includes:

- Extension of existing Shop 6A from 112m<sup>2</sup> to 245m<sup>2</sup> for the medical centre;
- Deletion of the new real estate office tenancy
- Total of 78 car parking spaces
- Upgrade works and new line marking to the main Oldaker Street access

The proposed alterations include closing the existing vehicular access from the eastern Oldaker Street access to Curr Street (due to the construction of the medical centre). The medical centre is proposed to operate between the hours of 9:00am and 6:00pm, Monday to Friday.

The proposed plans are shown in Figure 1.

**Figure 1 Proposed Development Plans**

### 1. Parking Assessment

The original TIA determined that the existing approved use and development of the site for General Retail & Hire (Grocer and Specialty Shops), Hotel Industry (Bottle Shop) and Food Services (Café) was 64 parking spaces (planning permit PA2015.0068).

The proposed involves the following change to the parking requirements under Table E9.1:

- A new 245 m<sup>2</sup> medical centre calculated as 1 space per 25 m<sup>2</sup> GFA = 10 spaces; and
- Removal of the existing real estate agency (calculated as 1 space per 40m<sup>2</sup> GFA from 112m<sup>2</sup> = less 3 spaces).

Based on Planning Scheme requirements, the proposal requires an additional 7 spaces (10 for the medical centre less 3 for the removed real estate agency). This equates to an increased parking requirement from 64 (calculated under the TIA of the existing planning permit PA2015.0068 + plus 7 spaces). The total parking requirement for the site is therefore 71 spaces.

The proposed parking layout includes 78 parking spaces, which exceeds the minimum requirement by 7 spaces. The proposed development therefore meets the requirements of Acceptable Solution A1 of Clause E9.5.1 of the Planning Scheme.

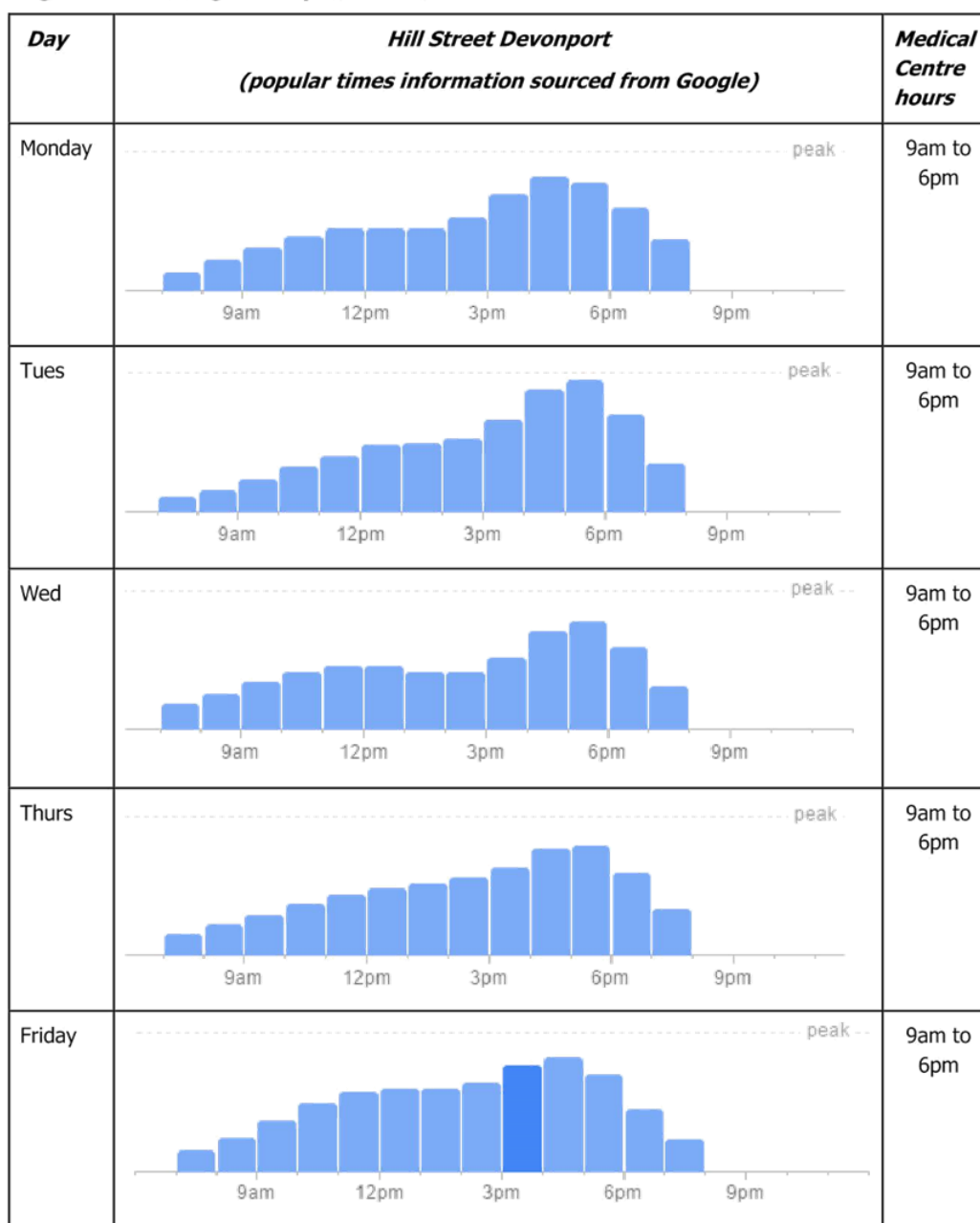
Parking associated with the medical centre will be at the rear of the site, accessed via Curr Street.

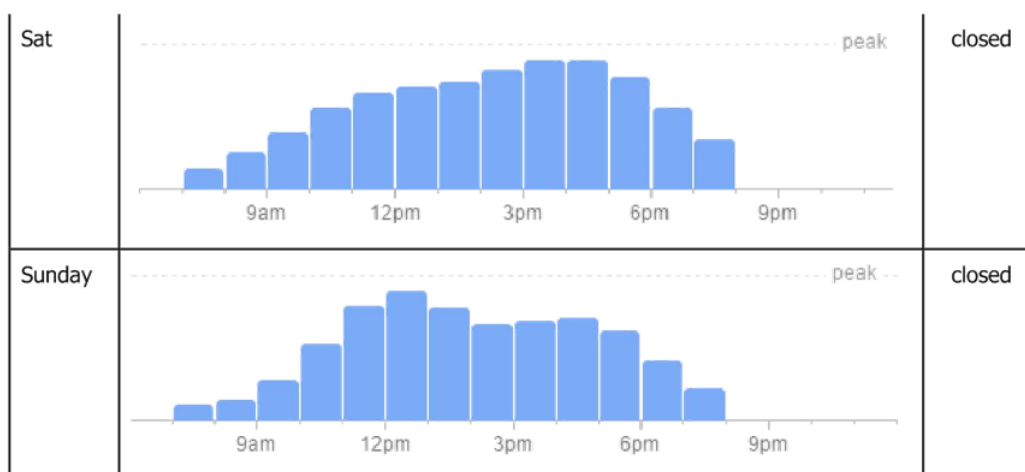
## 2. Traffic Assessment

The TIA forecast a weekday afternoon peak traffic generation of 231 vehicles per hour. The majority of this traffic generation was predicated to utilise the eastern Oldaker Street.

Popular operating times of the existing site were obtained from Google. The daily peak period summaries are provided in Figure 2.

**Figure 2 Existing Site Popular Periods**





Traffic surveys were undertaken at peak weekday periods at each of the site's accesses on Tuesday 27<sup>th</sup> and Wednesday 28<sup>th</sup> June 2017. The results are summarised in Table 1.

**Table 1 Traffic Survey Data**

Period	Oldaker Access In	Oldaker Access Left Out	Oldaker Access Right Out	Main Car Park towards Curr St (around back of site)	Curr Street towards main car park (around back of site)
Tuesday 3:30-4:30pm	102 vph	38 vph	13 vph	26 vph	7 vph
Tuesday 4:30-5:30pm	120 vph	49 vph	27 vph	31 vph	8 vph
Wednesday 3:30-4:30pm	96 vph	43 vph	16 vph	23 vph	7 vph
Wednesday 4:30-5:30pm	92 vph	37 vph	17 vph	28 vph	3 vph

Based on the turning movement surveys, it can be seen that the closure of the existing vehicular access from the eastern Oldaker Street access to Curr Street will result in up to 25 additional vehicle trips exiting the eastern Oldaker Street access per hour (being the difference between vehicle movements towards and from Curr Street around the back of the site).

The surveys clearly demonstrate that there is little traffic movement between the eastern Oldaker Street access and Curr Street.

The proposed medical centre will generate traffic in the order of 10.4 vehicle trips per hour per 100m<sup>2</sup> of gross floor area during peak periods. This equates to 25 trips per hour. Note that the development includes the removal of 112m<sup>2</sup> of shop area, which would account for 14 trips per hour (based on a



peak hour rate of 12.5 trips per hour per 100m<sup>2</sup> for shopping centres). The net difference is therefore 11 trips per hour increased traffic volume during peak periods. This traffic generation is likely to utilise the Curr Street access, as this is where the car parking is proposed for this land use.

Table 2 summarises the changes to the traffic generation at the eastern Oldaker Street access, based on the closure of the access around the back of the site and the addition of the medical centre. This demonstrates that the increased volume at the access can be absorbed without any adverse impacts to traffic efficiency or road safety.

**Table 2 Oldaker Street Easter Access Revised Traffic Generation**

Period	Oldaker Access In	Oldaker Access Left Out	Oldaker Access Right Out
Tuesday 4:30-5:30pm	129 vph	52 vph	29 vph
Increase	9 vph	3 vph	2 vph
	7.5%	6.1%	7.4%

### 3. Proposed Access Modifications

It is noted that the existing eastern Oldaker Street access has wheel marks on the nature strip. To overcome this, it is recommended to widen the vehicle cross-over and install a centre-line within the access (note that the eastern section of the cross-over cannot be widened due to the existing stormwater drain). This is shown in Figure 3.

**Figure 3 Access Modifications**

Please contact me on 0437 366 040 if you require any further information.

Yours sincerely,

Keith Midson BE MTraffic MTransport FIEAust CPEng EngExec NER




**DIRECTOR**  
**Midson Traffic Pty Ltd**

PROPOSED ALTERATIONS & ADDITIONS at 48 - 54 OLDAKER STREET. for ROBERT ROCKEFELLER		MCA JOB # 17054
ARCHITECTURAL - JUNE 2017		
DWG. No.	DRAWING	ISSUE
17054-A01	DRAWING INDEX & LOCATION PLAN	A
17054-A02	PROPOSED SITE PLAN	A
17054-A03	PROPOSED PLAN	A
17054-A04	PROPOSED ELEVATIONS	A

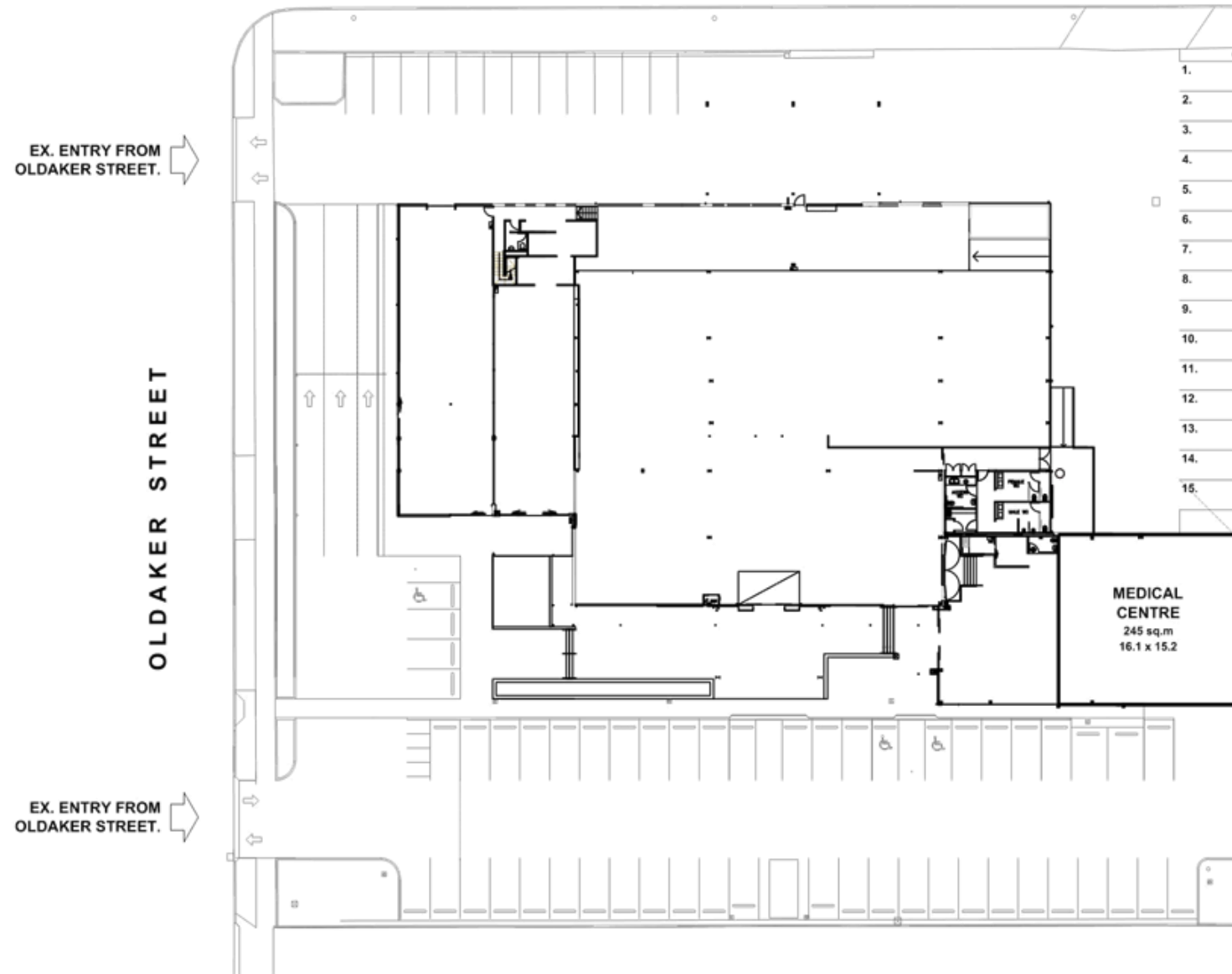
01. DRAWING INDEX & LOCATION PLAN



LOCATION PLAN

REVISIONS				
Rev.	Description:	By:	Date:	
GENERAL NOTES				
<ul style="list-style-type: none"><li>o CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY BUILDING WORKS. ADVISE PROJECT MANAGER AND ARCHITECT OF DISCREPANCIES WHICH MAY OCCUR.</li><li>o SCHEDULES DOCUMENTS MUST BE READ IN CONJUNCTION WITH ALL DRAWINGS AND THE CONTRACT SPECIFICATION TAKES PRECEDENCE OVER OTHER DOCUMENTS. ADVISE PROJECT MANAGER AND ARCHITECT OF DISCREPANCIES.</li><li>o FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DIMENSIONS.</li><li>o ALL MATERIALS AND PRODUCTS SPECIFIED TO BE USED STRICTLY IN ACCORDANCE WITH MANUFACTURERS DIRECTIONS WITH RESPECT TO PROCEDURE, COORDINATION OF WORKS AND ENVIRONMENTAL CONDITIONS.</li><li>o ALL MATERIALS AND WORKMANSHIP TO BE FIRST GRADE AND IN ACCORDANCE WITH RELEVANT CURRENT AUSTRALIAN STANDARDS, THE BUILDING CODE OF AUSTRALIA AND THE REQUIREMENTS OF RELEVANT LOCAL GOVERNMENT AUTHORITIES.</li><li>o ALL GLAZING TO COMPLY WITH AS 1288.</li><li>o NO SACKING ON SITE.</li><li>o NO DOGS ON SITE.</li></ul>				
<div></div> <div>SHEET No. 1 OF 4</div> <div><div>Member Australian Institute of Architects</div></div> <div><div>MICHAEL R COOPER &amp; ASSOC. PTY LIMITED ACN 086201134 ARCHITECTS CERTIFIED BUILDING PRACTITIONER - ARCHITECT TAS - CC982U VIC - 17933 NSW - 9523 PO BOX 1 BATTERY POINT TASMANIA 7004 THE STUDIO 49A DAVEY STREET HOBART PH. (03) 6224 1822 MOBILE 0418 124 355 FAX (03) 6224 1823 admin@mcaarchitects.com.au</div></div> <div>PROJECT TITLE PROPOSED ALTERATIONS &amp; ADDITIONS at 48 - 54 OLDAKER ST, DEVONPORT for ROBERT ROCKEFELLER</div> <div>ISSUE QUOTATION SET</div> <div>DRAWING TITLE DRAWING INDEX &amp; LOCATION PLAN</div> <div>Scale: 1:100 @ A3 Drawn: JJE Checked: Approved: Date: 03.07.2017</div> <div>REVISION: A</div> <div>File: -</div> <div>PROJECT No: 17054</div> <div>A01</div>				

02. PROPOSED SITE PLAN



REVISIONS				
Rev.	Description:	By:	Date:	

**GENERAL NOTES**

- o CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY BUILDING WORKS. ADVISE PROJECT MANAGER AND ARCHITECT OF DISCREPANCIES WHICH MAY OCCUR.
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- o NO SACKING ON SITE.
- o NO DOGS ON SITE.

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METRES

1 centimetre on this drawing represents 5 metres on the ground (i.e. 1:500).

NORTH

**SHEET No. 2 OF 4**

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**MICHAEL R COOPER**  
& ASSOC. PTY LIMITED ACN 066201134  
**ARCHITECTS**  
CERTIFIED BUILDING PRACTITIONER - ARCHITECT  
TAS - CC982U VIC - 17933 NSW - 9523  
PO BOX 1 BATTERY POINT TASMANIA 7004  
THE STUDIO 49A DAVEY STREET HOBART  
PH. (03) 6224 1822 MOBILE 0418 124 355  
FAX (03) 6224 1823 admin@mcaarchitects.com.au

PROJECT TITLE  
**PROPOSED ALTERATIONS & ADDITIONS  
at 48 - 54 OLDAKER ST, DEVONPORT  
for ROBERT ROCKEFELLER**

ISSUE  
**QUOTATION SET**

DRAWING TITLE  
**PROPOSED SITE PLAN**

Scale:	Drawn:	Checked:	Approved:	Date:
1:500 @ A3	JJE			03.07.2017

REVISION: **A**

File: **-**

PROJECT No: **17054**

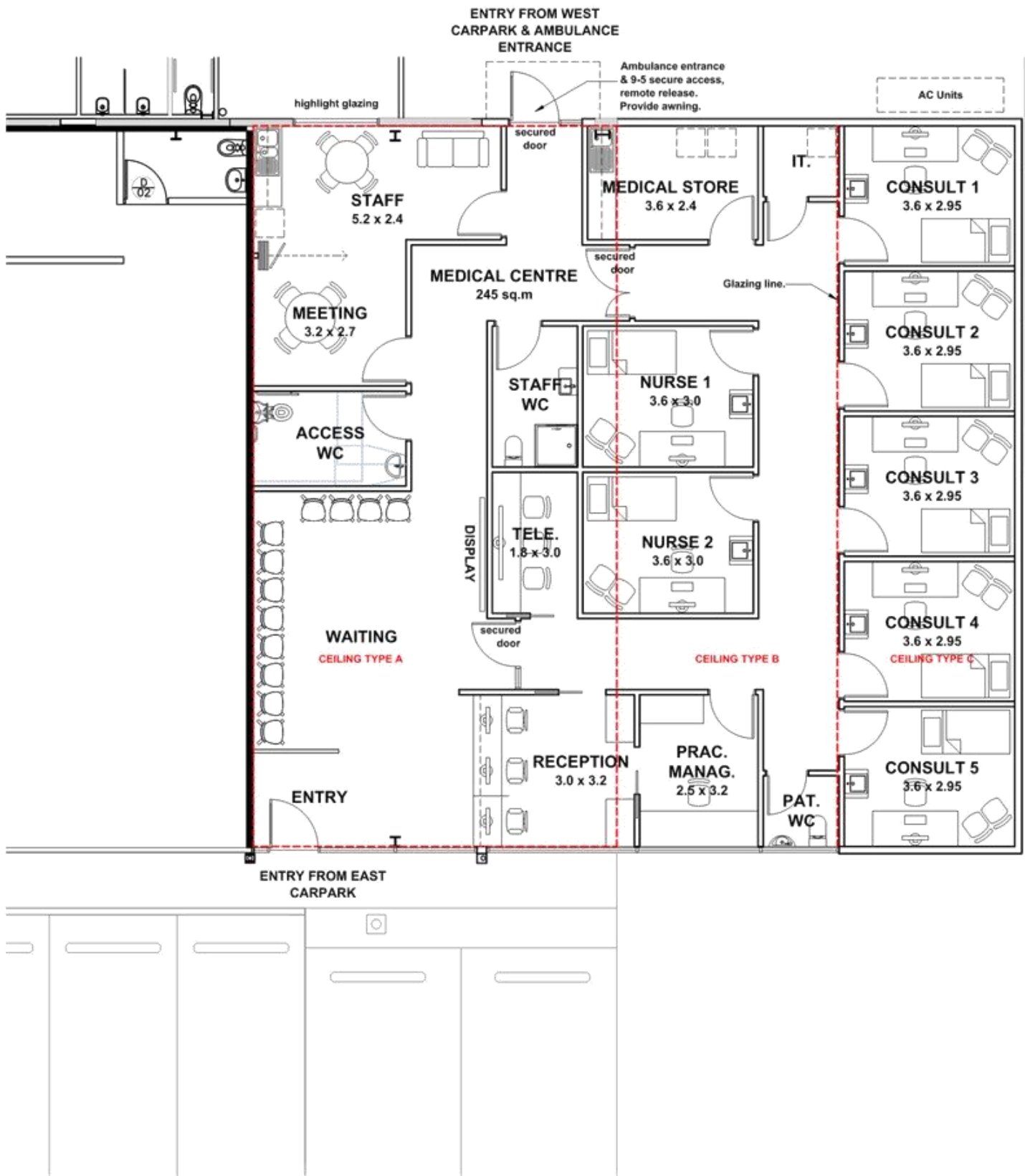
**A02**

Application - PA2017.0082 - 48-54 Oldaker Street Devonport

PAGE 145

ATTACHMENT [1]





03. PROPOSED FLOOR PLAN

REVISIONS

Rev.	Description	By:	Date:

GENERAL NOTES

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METRES

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SHEET No. 3 OF 4



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& ASSOC. PTY LIMITED ACN 086201134  
ARCHITECTS  
CERTIFIED BUILDING PRACTITIONER - ARCHITECT  
TAS - CC982U VIC - 17933 NSW - 9523  
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PROJECT TITLE

PROPOSED ALTERATIONS & ADDITIONS  
at 48 - 54 OLDAKER ST, DEVONPORT  
for ROBERT ROCKEFELLER

ISSUE

QUOTATION SET

DRAWING TITLE

PROPOSED FLOOR PLAN

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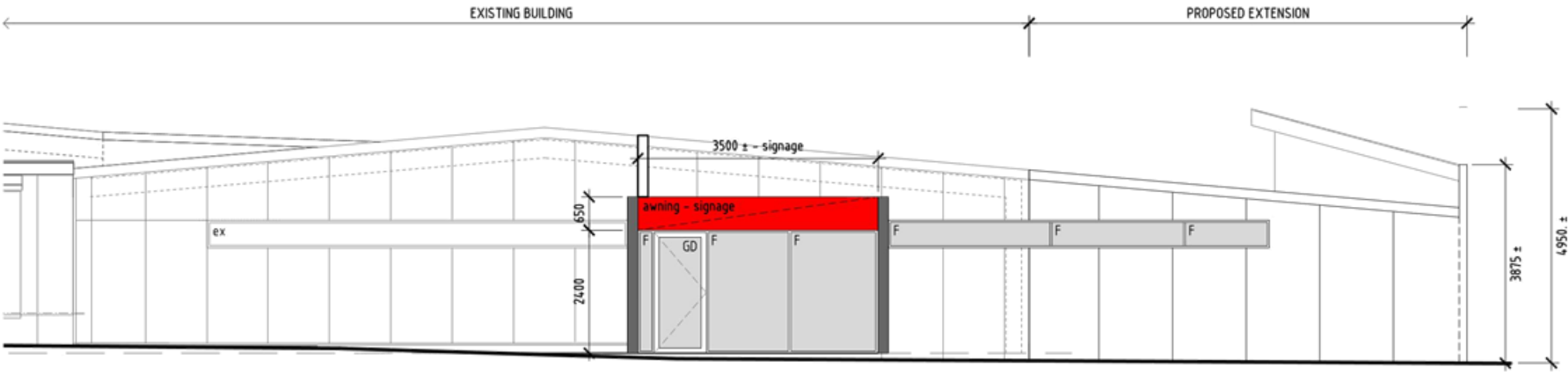
PROJECT No: 17054

A03

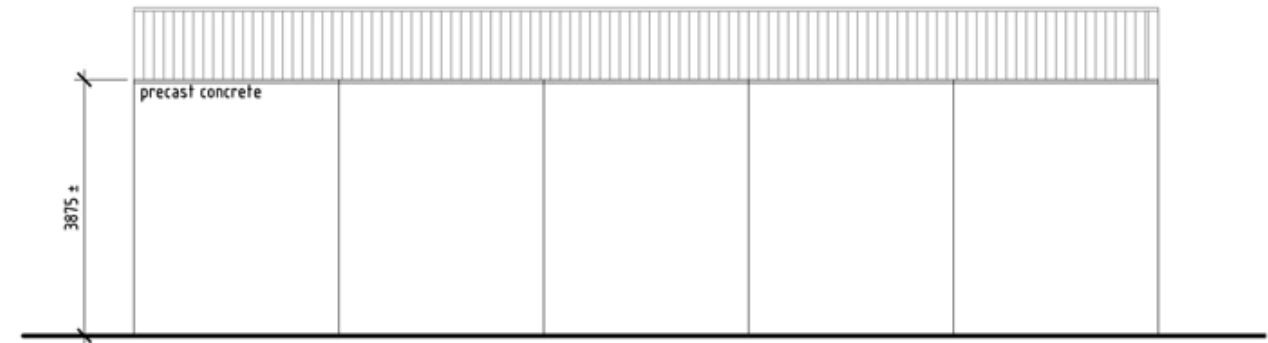
Application - PA2017.0082 - 48-54 Oldaker Street Devonport

PAGE 146

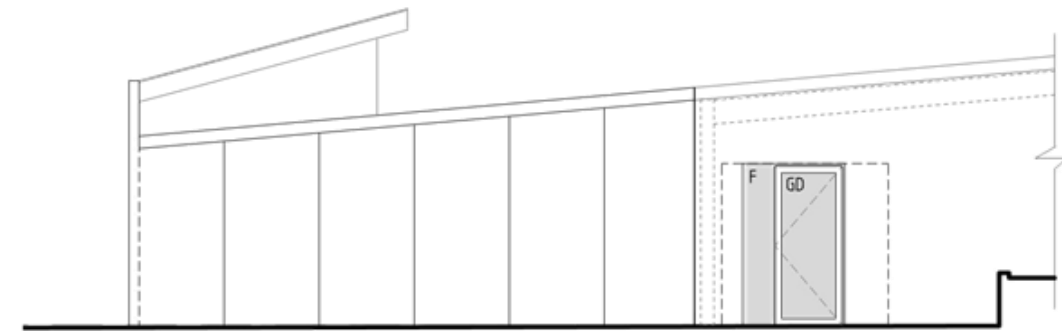
ATTACHMENT [1]



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

04. PROPOSED ELEVATIONS

REVISIONS

Rev.	Description:	By:	Date:

GENERAL NOTES

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SHEET No. 4 OF 4



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1:100 @ A3	JJE			03.07.2017

REVISION: A

File: -

PROJECT No: 17054

A04

ITEM 4.4



The General Manager  
Devonport City Council  
PO Box 604  
Devonport  
TASMANIA 7310

Tim McGee  
63 Parker Street  
Devonport, TAS 7310  
0487 794 309  
24 July 2017

RE: PA2017.0082

Dear Sir,

I would like to make a representation regarding planning application number PA2017.0082

The main issue I have regards potential for additional noise: ourselves and Curraghmore House residential services have an issue with the refrigeration units located on Western end of the North facing wall of the supermarket. The refrigeration units aren't marked on the site plan in the application document. They are less than 40 meters from Curraghmore house and 70 meters from our house at 63 Parker Street and can be heard inside, especially when under load in summer. The Manager of the site has been VERY reasonable so far and has made solid attempts to mitigate noise in conjunction with the council (we are still waiting to hear back from Council), the steps taken so far are an improvement but we but can still hear them inside our house at times.

It is proposed on the plan that the air conditioning Units for the new Medical centre be located on the Western wall, this will add to our existing noise issue. This additional load could be wholly mitigated at virtually no additional cost by locating them on the Eastern side of the proposed complex and definitely not on the roof- there are no residences to the East that will be affected. It is also highly likely that the Western wall of the medical centre will reflect existing noise towards us. This is a concern.

The second issue I have is the traffic in Curr Street, with the loss of through traffic from Oldaker Street, Curr Street will take further heavy freight loading (not addressed in the traffic assessment). At the moment long term parking is allowed along both sides of Curr Street making the street narrow. There are no defined full length footpaths to service pedestrian load. It is not possible to safely take a wheelchair down the full length of Curr Street and building a medical center will make it worse. There is a huge pedestrian load from the area North of Parker street. The council could remove parking on the Eastern side of Curr street totally, make parking on the Western side of curr Street 2 hour and continue the existing footpath to the end of Curr street.

Curr Street already services:

A car sales preparation area with car transporters coming and going and constant car movement through the day. They would benefit from a defined area (incorporating their nature strip area) outside their facility to load/unload car transporters rather than block one side of the street on a regular basis.

Lambs Mechanical, customer cars often overflow onto the street and crowd the crossover so it can't be safely negotiated by pedestrians. A few defined parking spots for them would facilitate business and make it safer for everyone.

A Jobs training centre with constant movement (they have more onsite parking than the proposed medical centre).

A supervised long term care medical facility (Curraghmore House, good neighbours and residents).

Curr street is overloaded and unsafe, it needs to be recognised as the high use street it is with a 10km/hr speed limit with no long term worker parking permitted.

It should be noted that I wish Hill Street Grocers well.

Kind regards,



Tim McGee



## Submission to Planning Authority Notice

Council Planning Permit No.	PA2017.0082	Council notice date	6/07/2017
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2017/01045-DCC	Date of response	14/07/2017
TasWater Contact	Jacob Ziesel	Phone No.	6237 8440
<b>Response issued to</b>			
Council name	DEVONPORT COUNCIL		
Contact details	council@devonport.tas.gov.au		
<b>Development details</b>			
Address	48-54 OLDAKER ST, DEVONPORT	Property ID (PID)	2623797
Description of development	Alterations, extension and partial change of use to Medical Centre		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Michael R Cooper and Assoc. Pty Ltd	Proposed Site Plan/A02	A	03/07/2017
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. The applicant must engage a suitably qualified professional to assess the suitability of the existing property water and sewer connections to service the proposal. The property service connections must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to commencing construction / use of the development, a 'high' hazard boundary backflow prevention device must be installed, to the satisfaction of TasWater.  Advice: RPZD must be installed on all domestic connections to this property. Fire service must have a testable Double detector check assembly installed. See TasWater's <i>Boundary Backflow Prevention Guidelines</i>.</li> </ol>			
<b>DEVELOPMENT ASSESSMENT FEES</b>			
<ol style="list-style-type: none"> <li>4. The applicant or landowner as the case may be, must pay a development assessment fee to TasWater for this proposal of \$ 206.97 for development assessment as approved by the Economic Regulator and the fees will be indexed as approved by the Economic Regulator from the date of the Submission to Planning Authority Notice for the development assessment fee, until the date they are paid to TasWater. Payment is required within 30 days from the date of the invoice.</li> </ol>			

**Advice****General**

For information on TasWater development standards, please visit  
<http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.

**Declaration**

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

**Authorised by**

A handwritten signature in black ink, appearing to read "J. Taylor".

**Jason Taylor**

Development Assessment Manager

**TasWater Contact Details**

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

## **5.0 CLOSURE**

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