



Devonport City Council

# PUBLIC NOTICE

## APPLICATION FOR PLANNING PERMIT

*Section 57(3) Land Use Planning Approvals Act 1993*

An application for a planning permit has been made which may affect you.

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### Application Details

Application Number:	<b>PA2024.0020</b>
Proposed Use or Development:	<b>6 Lot Subdivision</b>
Address of the Land:	<b>128, 130, 142, 170 &amp; 172 Tugrah Road Tugrah</b>
Date of Notice:	<b>20/04/2024</b>

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You are invited to view the application and any documents and plans accompanying it on the ground floor of the paranaple centre at 137 Rooke Street, Devonport or on Council's website [www.devonport.tas.gov.au](http://www.devonport.tas.gov.au)

**Any person may make a representation relating to the application in accordance with section 57(5) of the *Land Use Planning Approvals Act 1993*, during a period of 14 days commencing on the date of this notice.**

Your representation must:

- be received by close of business on **06/05/2024**;
- be in writing; and
- addressed to the General Manager, Devonport City Council:
  - P.O. Box 604, Devonport, Tasmania, 7310; or
  - [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)

If you make a representation then Council must consider your submission before making its decision on the application.

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PA2024.0020

128, 130, 142, 170 & 172 Tugrah Road, Tugrah





# PDA

SURVEYORS, ENGINEERS & PLANNERS



## Planning Compliance Report

130 TUGRAH ROAD, TUGRAH

Subdivision

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## PDA Contributors

<b>Planning</b>	Payal Patel	13/02/2024
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## Revision History

Revision	Description	Date
0	Draft	
1	First Issue	
2	Revision 2	8/03/2024

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## EXECUTIVE SUMMARY

A planning Permit for a subdivision and consolidation of the subject site to create 6 lots is sought, in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993* and Clause 6.8.1 (b) of the *Tasmanian Planning Scheme - Devonport*. This planning assessment, combined with supplementary documentation has provided in support of the proposed development.

### Development Details:

	Address	Title	Area	Ownership
<b>Property Address</b>	130 Tugrah Road	FR198466/1 FR201982/1 FR123947/1	8.7ha± 0.8ha± 1.2ha±	STEVEN WALLACE DAVID
	170 Tugrah Road	FR115418/4	0.7ha±	DAVID JOHN ROWELL KELLY JANE ROWELL
	172 Tugrah Road	FR115418/5	0.7ha±	ANDREA LEE COLLINS
	142 Tugrah Road	FR 115418/1	2.7ha±	PETER WESLEY JONES
	<b>Proposal</b>	6 Lot Subdivision		

<b>Planning Ordinance</b>	Tasmanian Planning Scheme - Devonport
<b>Land Zoning</b>	11.0 Rural Living Zone A 11.0 Rural Living Zone C
<b>Specific Areas Plans</b>	N/A
<b>Code Overlays</b>	C7.0 Natural Assets Code C13.0 Bushfire-prone Areas Code C16.0 Safeguarding of Airports Code

# 1. Introduction/Context

Council approval is sought for a 6 lot subdivision at 130 Tugrah Road, Tugrah. In support of the proposal the following associated documents have been provided in conjunction with this planning assessment:

- The Folio Plan, Folio Text: FR198466/1, FR201982/1, FR123947/1, FR115418/4, FR115418/5, FR 115418/1
- Proposed Plan of Subdivision: PDA-45116-DA-1
- Bushfire Hazard Report and Management Plan provided by ES&D

## 1.1. The Land



**Figure 1.** Existing aerial image of the subject land (LISTmap, 2023)

Please note the above image is extracted from The ListMap for reference of the site only. Title boundaries are modified and considered existing as per lodged dealing 186694 for proposed subdivision. 130 Tugrah Road is comprised of 3 titles that are zoned Rural Living Zone C (FR198466/1) and Rural Living Zone A (FR201982/1, FR123947/1). The subject site is located to the southwest of Devonport City, along the eastern bank of the Don River. The subject site (FR198466/1) contains a single dwelling in the north east corner of the title. Land immediately to the south, east and west contains Rural Living (A) lots with single dwelling development. The subject land has frontage to Collins Way and an existing right of way for access from Tugrah Road. The site is well-connected to reticulated water supply, on-site wastewater and stormwater systems.



## 3.1 Zoning



**Figure 3.** Zoning identification of the subject land and surrounds (LISTmap, 2024)

The subject land is located within the Rural Living Zone (a) and Rural Living Zone (C), surrounding zones include the Rural Living Zone and Agriculture Zone as shown in the Figure 3 above.

## 3.2 Zone Standards – RURAL LIVING

### 11.2 RURAL LIVING ZONE – USE TABLE

The proposed subdivision and consolidation is for residential development for existing single dwellings or future single dwelling and therefore no permit is required under this zone.

#### 11.5.1 LOT DESIGN

<b>Objective:</b>	
That each lot:	
(a) has an area and dimensions appropriate for use and development in the zone;	
(b) is provided with appropriate access to a road; and	
(c) contains areas which are suitable for residential development.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>

<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area not less than specified in Table 11.1 and:</p> <p>(i) be able to contain a minimum area of 15m x 20m clear of:</p> <p>a. all setbacks required by clause 11.4. A2 and A3; and</p> <p>b. easements or other title restriction that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the ) setback required by clause 11.4.2 A2 and A3;</p> <p>(b) be required for public use by the Crown, a ) council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another ) lot provided each lot is within the same zone.</p>	<p><b>P1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of existing buildings on the lots;</p> <p>(b) the intended location of buildings on the lots;</p> <p>(c) the topography of the site;</p> <p>(d) any natural or landscape values;</p> <p>(e) adequate provision of private open space; and</p> <p>(f) the pattern of development existing on established properties in the area,</p> <p>and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.</p>
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**Table 11.1 Rural Living Zone minimum lot sizes**

Rural Living Zone A	1ha
Rural Living Zone B	2ha
Rural Living Zone C	5ha
Rural Living Zone D	10ha

**Response:** The proposed lot sizes vary from 8000m<sup>2</sup>± to 4.0ha±. All lots would have minimum lot area of not less than 20 % smaller than applicable lots size as specified in Table 11.1 and would be able to contain a 15x20m of building area clear of all setbacks and restrictions (11.5.1 A1 (a)). Lot 2,3, and 4 are proposed to be consolidated with FR115418/4, FR115418/5 and FR 115418/1 as shown on the plan of subdivision. Therefore complies with A1 (d) of this clause.

Lots 1, 5 and 6 are assessed as per P1,

- a) Lot 1 has sufficient area for existing buildings.
- b) As mentioned earlier, the proposed building envelopes on Lot 5 and Lot 6 are identified in conjunction with bushfire and flood hazard constraints on site.

- c) The site is slightly slopy towards Don River / northern boundary. Porposed building sites are only indicative in this application as the subject application is only for subdivision.
- d) No vegetation clearance is proposed for subject subdivision.
- e) All lots have sufficient lot size to cater respective private open space.
- f) The proposed lot sizes are in alignment with neighbouring lot denisties.

<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 40m.</p>	<p><b>P2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the width of frontage proposed, if any;</li> <li>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</li> <li>(c) the topography of the site;</li> <li>(d) the functionality and useability of the frontage;</li> <li>(e) the ability to manoeuvre vehicles on the site; and</li> <li>(f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.</li> </ul>
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**Response:** Lots 1, 2, 3 and 4 would have frontage to Tugrah Road of more than 40m (11.5.1 A2), whereas Lots 5 and 6 would have frontage less than 40m.

In accordance with Performance Criteria P2, Lot 6 would be accessible via right of carriageway. Lots 5 would have frontage to Collins Way of not less than 3.6m as shown on the Plan of Subdivision 45116-5. Each connection to the road would have the following attributes:

- a) N/A
- b) No other lot would use the land as their sole and principle means of access over the right of way for Lot 6.
- c) The access land has generally flat topography, which is considered sufficient to contain a "to standard" access road with minimal earthworks.
- d) There are no discernible issues with functionality or useability of the frontage at the application lodgement stage.
- e) Each lot has sufficient size to accommodate on-site vehicle manoeuvring.
- f) The pattern of development in the wider area does not indicate that the proposed connection to the road is not sufficient for the intended use.

<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the</p>	<p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a</p>
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boundary of the lot to a road in accordance with the requirements of the road authority.	boundary of a lot or building area on the lot, if any, having regard to: <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the length of the access;</li> <li>(c) the distance between the lot or building area and the carriageway;</li> <li>(d) the nature of the road and the traffic;</li> <li>(e) the anticipated nature of vehicles likely to access the site; and</li> <li>(f) the ability for emergency services to access the site.</li> </ul>
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**Response:** All accesses would be formed and constructed in accordance with the requirements of the Road Authority. Written consent from the Road Authority is hereby sought.

### 11.5.2 ROADS

<b>Objective:</b>	
That the arrangement of new roads with a subdivision provides: <ul style="list-style-type: none"> <li>(a) safe, convenient and efficient connections to assist accessibility and mobility of the community;</li> <li>(b) adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and</li> <li>(c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
The subdivision includes no new roads.	The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, having regard to: <ul style="list-style-type: none"> <li>(a) any relevant road network plan adopted by the council;</li> <li>(b) the existing and proposed road hierarchy;</li> <li>(c) maximising connectivity with the surrounding road network;</li> <li>(d) appropriate access to public transport; and</li> <li>(e) access for pedestrians and cyclists.</li> </ul>

**Response:** The subdivision includes no new roads, therefore compliance with 11.5.2 (A1) is achieved.

### 11.5.3 SERVICES

<b>Objective:</b>
That the subdivision of land provides services for the future use and development of the land.

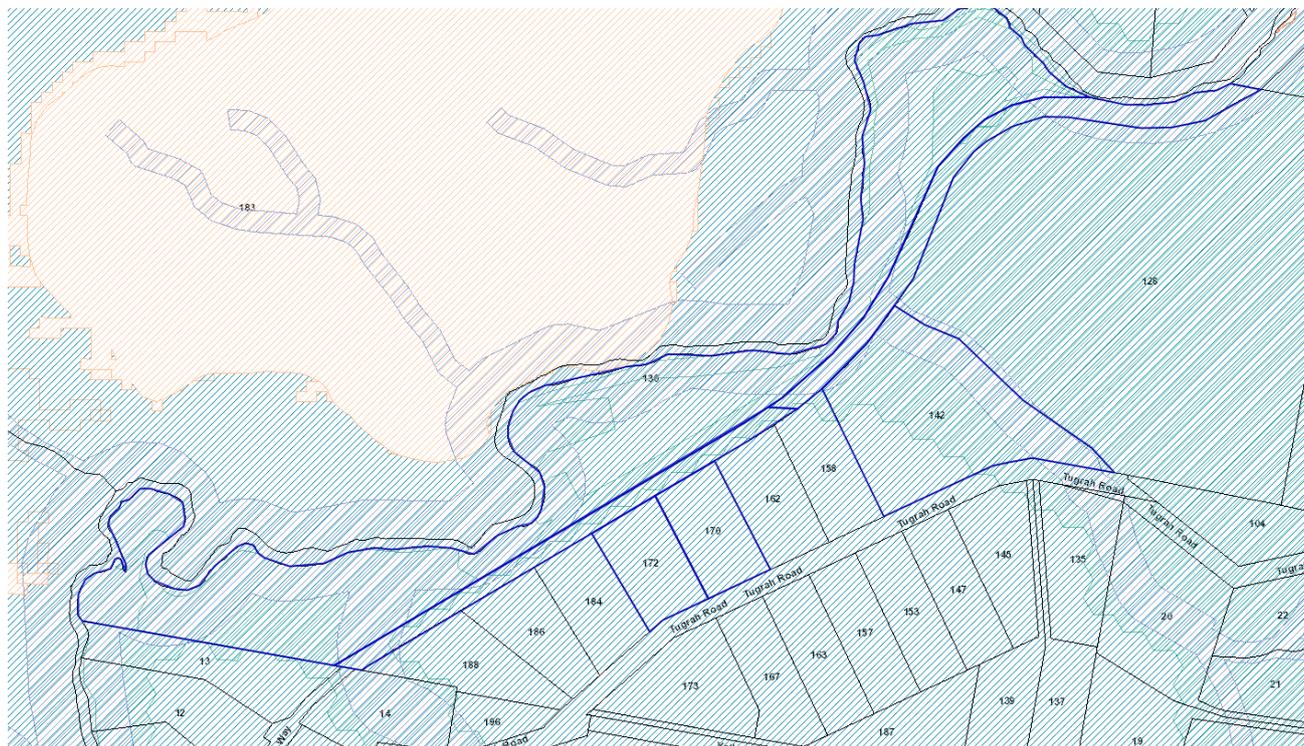
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:</p> <ul style="list-style-type: none"> <li>(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or</li> <li>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service,</li> </ul> <p>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>	<p><b>P1</b></p> <p>No Performance Criterion.</p>

**Response:** Lots 1 (existing connection), 2 (existing connection), 3 (existing connection), 4 (existing connection), 5 (capable of connecting in the future) would be connected to a 10,000L water tank as TasWater advises that the site is not located within water serviced land.

<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must:</p> <ul style="list-style-type: none"> <li>(a) be connected to a reticulated sewerage system; or</li> <li>(b) be connected to a reticulated sewerage system if the frontage of each lot is within 30m of a reticulated sewerage system and can be connected by gravity feed.</li> </ul>	<p><b>P2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</p>
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**Response:** Existing residence are connected to onsite wastewater system as the site is not serviced by reticulated sewerage system. All proposed lots are capable of accommodating on-site waste water system adequate for future use and development. (11.5.3 P2).

### 3.4 Codes



**Figure 4.** Scheme Overlay identification of the subject land and surrounds (LISTmap, 2023)

Code	Comments:
C1.0 Signs Code	N/A
C2.0 Parking and Sustainable Transport Code	<p>C2.6.1</p> <p>With appropriate care in design, each proposed lot is capable of providing sufficient space to accommodate dwellings with sufficient parking, manoeuvring and circulation spaces.</p> <p>C2.6.2</p> <p>A1.1 - It's not altogether clear that A1.1 applies. Nevertheless, the proposal was redesigned so that the access strips (possibly equivalent to access ways) have sufficient width to meet Table C2.2 requirements.</p> <p>C2.6.3</p>

	A1 - no more than one access is proposed for each proposed lot.
C3.0 Road and Railway Assets Code	A1.2 - Written consent for new vehicle crossings is sought from the road authority.
C4.0 Electricity Transmission Infrastructure Protection Code	N/A
C5.0 Telecommunications Code	N/A
C6.0 Local Historic Heritage Code	N/A
C7.0 Natural Assets Code	<p>The site contains the Waterway and Coastal Protection Area overlay on the northern boundary along the Don River and either side of Powell's Creek. As per C7.7.1 A1 (a), the proposed Lots 2,3 and 4 would be for the creation of separate lots for existing buildings. Whereas, as per C7.7.1 (P1.1), the proposed Lots 1, 5 and 6 in the plan of subdivision would have minimal impact on natural assets as referred in the flood advice prepared by CSE Tasmania.</p> <p>The site contains threatened vegetation. However, no clearance is proposed.</p>
C8.0 Scenic Protection Code	N/A
C9.0 Attenuation Code	N/A
C10.0 Coastal Erosion Hazard Code	N/A
C11.0 Coastal Inundation Hazard Code	N/A
C12.0 Flood-Prone Areas Hazard Code	N/A
C13.0 Bushfire-Prone Areas Code	<i>As this code is relevant to this proposal, please see attached bushfire report by ES&amp;D</i>
C14.0 Potentially Contaminated Land Code	N/A
C15.0 Landslip Hazard Code	N/A
C16.0 Safeguarding of Airports Code	The site is within prescribed airspace. However, the proposed subdivision and consolidation are not considered to impact existing airport operation and the operation of aircraft.

## Conclusion

The planning assessment and supporting documentation provided demonstrate that the development proposal for a 6 lot subdivision at 130 Tugrah Road, Tugrah meets all applicable requirements of the Tasmanian Planning Scheme – Devonport.

Yours faithfully,



Payal Patel  
PDA Surveyors, Engineers and Planners

## Contact

For any enquiries, please contact one of our offices:

### **HOBART**

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### **WALTER SURVEYS**

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**P:** 0419 532 669 (Tom Walter)

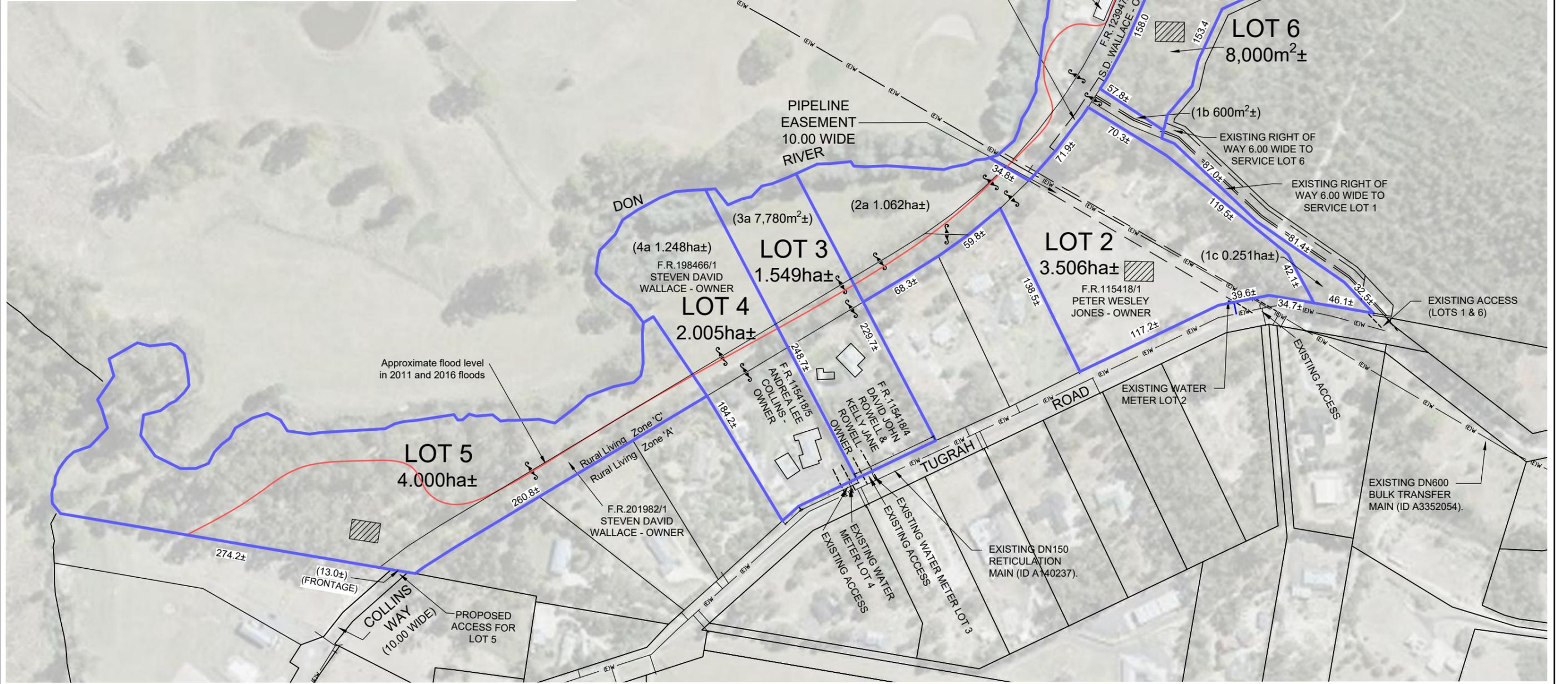
**E:** tom.walter@waltersurveys.com.au

**NOTES:**

This plan has been prepared to support a subdivision development application only. Boundaries, areas and dimensions are subject to final survey.

 Denotes 15mx20m rectangle

SCALE 1: 3000 (A3)



E				
D				
C				
B				
A	Add Dimensions	PP	07/03/24	
REV	AMENDMENTS	DRAWN	DATE	APPR.

NOTES:	
SURVEYOR	N/A
GEOCNIL	45116
DRAWN	CB/AE
CHECKED	PP
DATE	08/03/2024

**PLAN OF SUBDIVISION**  
**130 TUGRAH ROAD**  
**TUGRAH**  
**FOR S.D. WALLACE**



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SURVEYORS, ENGINEERS & PLANNERS

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