



The City with Spirit

NOTICE OF MEETING

Notice is hereby given that a **Planning Authority Committee** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, parnaple centre, 137 Rooke Street, Devonport on Monday 9 May 2022, commencing at 5:15 PM.

The meeting will be open to the public and live streamed from 5:15 PM.

QUALIFIED PERSONS

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

Matthew Atkins
GENERAL MANAGER

4 May 2022

**Agenda for a Planning Authority Committee meeting of the Devonport City Council
held on Monday 9 May 2022, in the Aberdeen Room, Level 2, paranaple centre, 137 Rooke
Street, Devonport at 5:15 PM**

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ATTENDEES

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

ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges and pays respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

IN ATTENDANCE

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Digital 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. The meeting is also being live streamed via YouTube.

1 APOLOGIES**2 DECLARATIONS OF INTEREST**

3 DELEGATED APPROVALS

3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY

Author: **Jennifer Broomhall, Planning Administration Officer**

Endorser: **Kylie Lunson, Development Services Manager**

RECOMMENDATION

That the list of delegated approvals be received.

Planning applications approved under delegated authority 4 April 2022 – 27 April 2022

ATTACHMENTS

1. Delegated Approvals [**3.1.1** - 1 page]

4 DEVELOPMENT REPORTS

4.1 PA2022.0036 - 10 AMBLESIDE PLACE AMBLESIDE - RESIDENTIAL (OUTBUILDING)

Author: **Alex Mountney, Land Use Planning Coordinator**

Endorser: **Kylie Lunson, Development Services Manager**

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme - Devonport* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2022.0036 for Residential (shed) at 10 Ambleside Place, Ambleside subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the endorsed plans referenced as:
 - Site Plan by Steven Penton Building Design – Project No. 2122-24 (Revision 01), dated 15/12/2021; and
 - Shed Details by DBS Sheds Pty Ltd – Job No. DEPT16336, dated 2/3/2022.

A copy of which is attached as documents forming part of this planning permit.

2. The outbuilding is only to be used for domestic storage purposes associated with the residential use of the General Residential Zone.
3. The developer is to direct any stormwater collected from this work into the existing property stormwater pipe in accordance with the National Construction Code.

Note: The following is provided for information purposes.

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

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

In regard to condition 3, the developer should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

General enquiries regarding this permit can be directed to Council's Development Services Department – Ph 6424 0511.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- Strategy 2.1.2 Provide 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 PA2022.0036.

BACKGROUND

Planning Instrument:	Tasmanian Planning Scheme – Devonport 2020
Address:	10 Ambleside Place, Ambleside
Applicant:	Rickie Hancock
Owner:	Rickie Hancock
Proposal:	Residential (shed)
Existing Use	Residential
Zoning:	General Residential
Decision Due:	10/05/2022 (extension of time request granted, initial decision due 5/05/22)

SITE DESCRIPTION

The site is identified by certificate of title 21470/7 with the property address of 10 Ambleside Place, Ambleside. The site is an internal lot and has a total area of 898m². Located on the site is a brick dwelling constructed in the 1985 and a shed. The site is flat and is immediately surrounded by residential development to the north, east and south. A crown land reservation is situated to the west. Figure 1 is a copy of the property's Title Plan and Figure 2 is a recent aerial image of the site and surrounding locality.

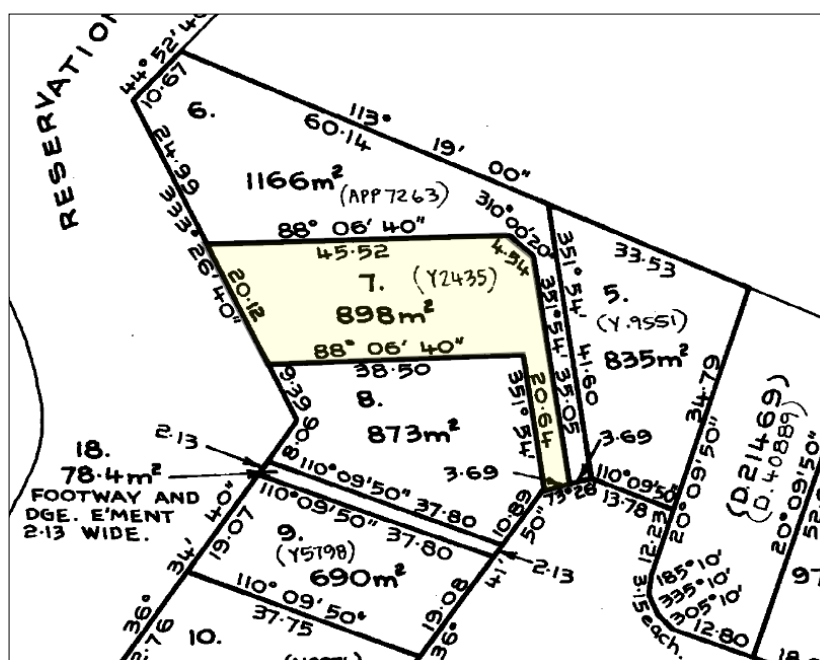


Figure 1 – Title Plan of the subject site - 21470/7 (The List, 1983)

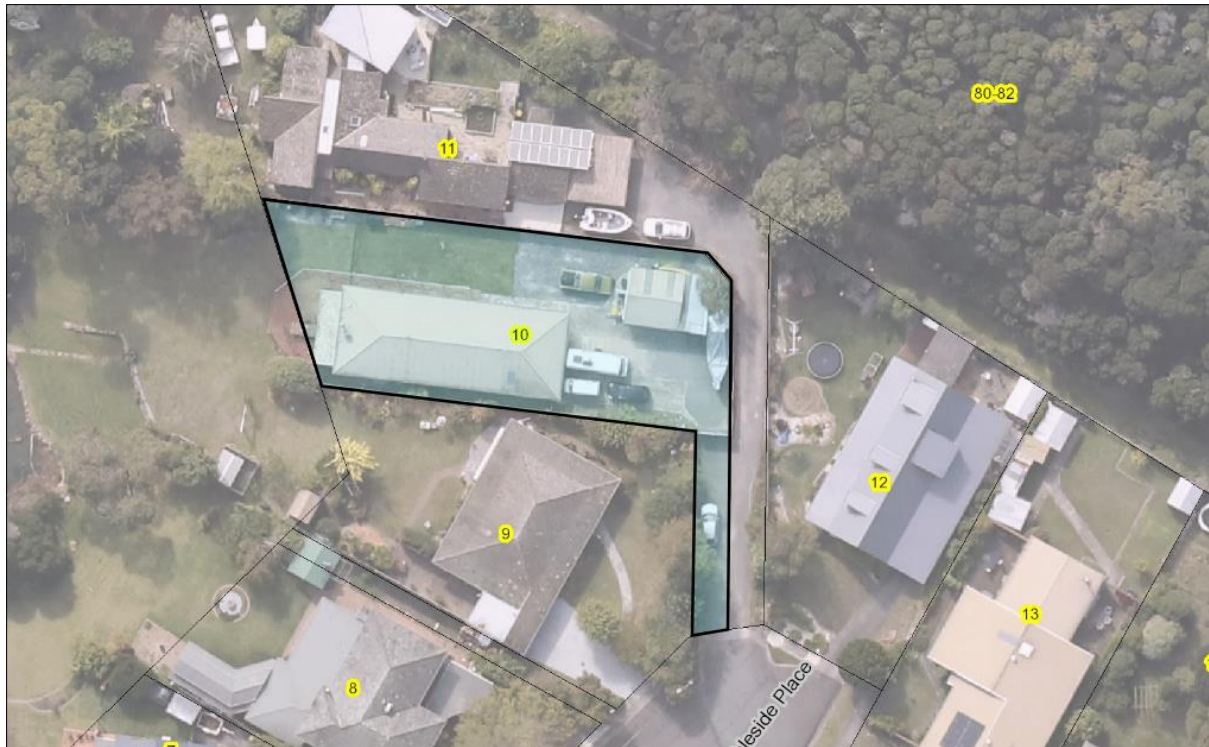


Figure 2 – Aerial image of the subject site and surrounding locality (DCC, 2021)

APPLICATION DETAILS

The applicant is seeking approval to construct an outbuilding to the east of the dwelling. The outbuilding will have the approximate dimensions of 16m x 10m (it will not be completely square due to the angle of the eastern side boundary). The outbuilding will have an apex height of 4.472m and a wall height of 3.5m. The gable of the roof will run east-west. The existing outbuilding on the site will be demolished. A copy of the site plan is reproduced as Figure 3. Figure 4 is a visual depiction of the outbuilding and Figure 5 is an image of the outbuilding's location looking from the property's eastern side boundary.

A full copy of the development plans and application documentation is appended as **Attachment 1**.

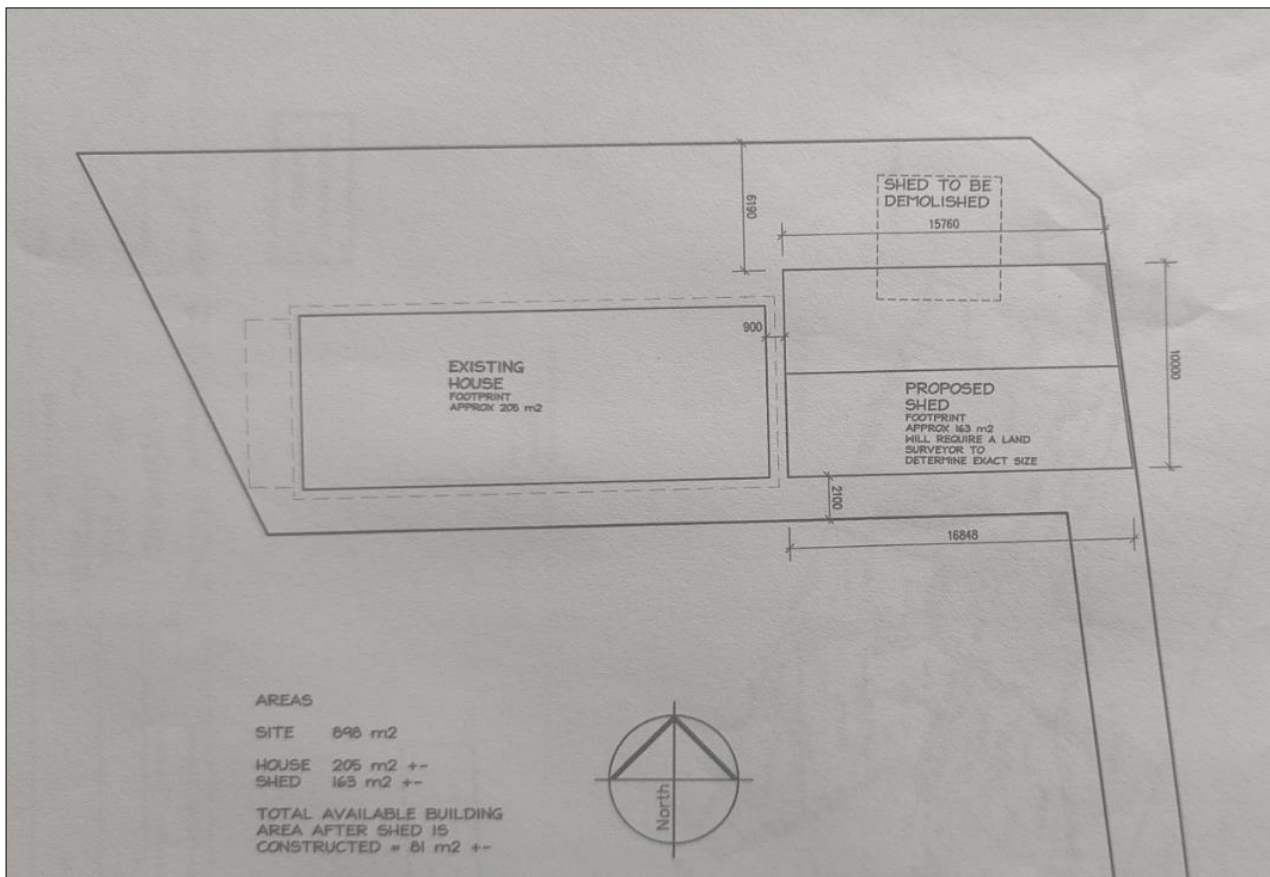


Figure 3 - Site plan (Steven Penton Building Design, 2021)

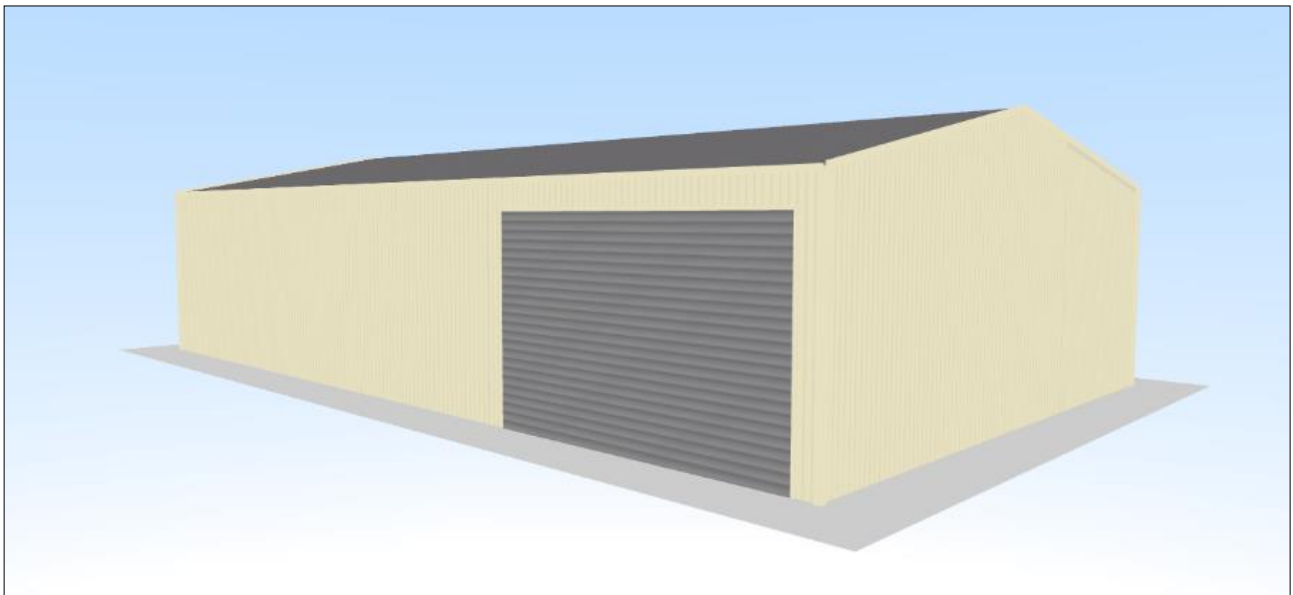


Figure 4 – Visual depiction of the outbuilding (Devonport Building Supplies, 2021)



**Figure 5 – Approximate location of the outbuilding looking from the eastern side boundary
(DCC, 2021)**

PLANNING ISSUES

The land is zoned General Residential under the *Tasmanian Planning Scheme - Devonport 2020*.

The purpose of the zone is to provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided, to provide for the efficient utilisation of available social, transport and other service infrastructure, to provide for non-residential use that primarily serves the local community and does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts and to provide for visitor accommodation that is compatible with residential character.

An outbuilding ancillary to an established single dwelling can be assessed as No Permit Required in the zone provided the proposal complies with the acceptable solutions of all relevant development standards and codes contained within the planning scheme.

In this case, the dwelling cannot satisfy the setbacks and building envelope standard prescribed within General Residential clause 8.4.2 A3. The relevant standard where the performance criteria requires assessment is reproduced below along with comments.

8.4.2 Setbacks and building envelope for all dwellings

Objective:	The siting and scale of dwellings: <ul style="list-style-type: none"> (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations. 	
Acceptable Solutions		Performance Criteria
A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees 		P3 The siting and scale of a dwelling must: <ul style="list-style-type: none"> (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; or

<p>from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>
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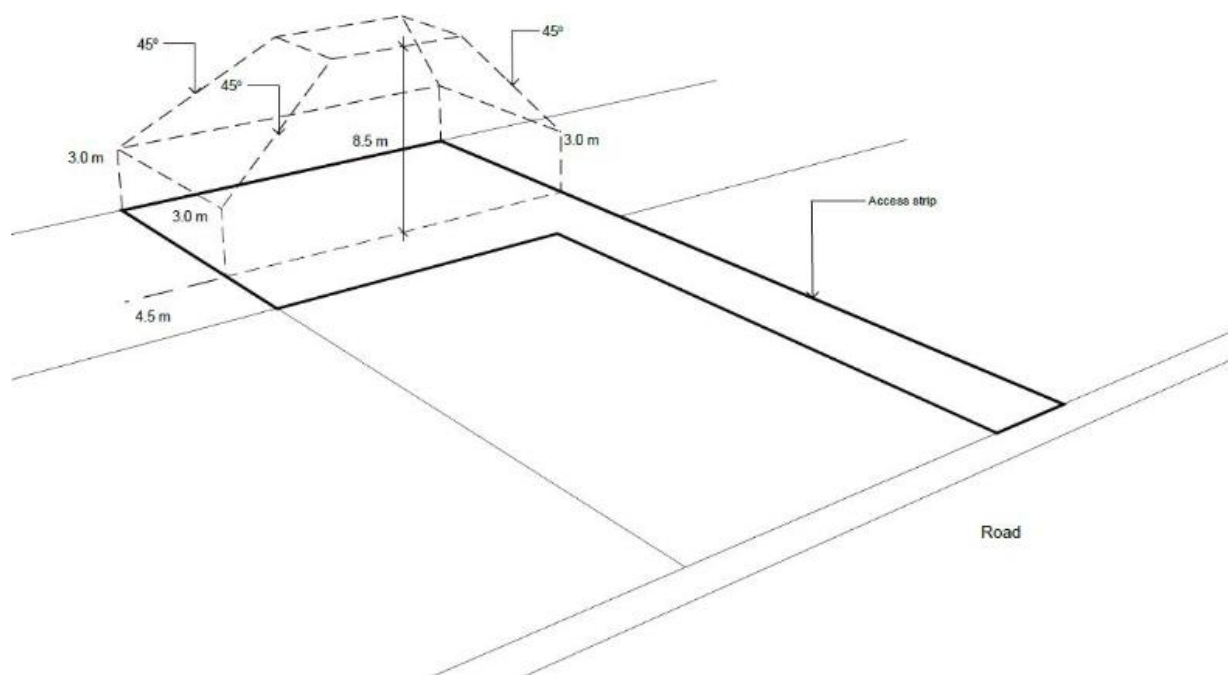


Figure 8.3 Building envelope for internal lots as required by clause 8.4.2 A3(a) and clause 8.5.1 A2(a)

The application cannot satisfy the acceptable solutions as the outbuilding is setback 2.1m to the internal frontage (southern side boundary) and the acceptable solution is 4.5m. In addition, due to the setback variation and height of the outbuilding it falls outside the acceptable envelope adjacent to the southern and eastern boundaries.

In support of the performance criteria, the applicant's designer has provided shadowing diagrams of the outbuilding for various times on June 21. This is when shadowing has its greatest impact due to the low angle of the sun. The diagrams are shown from the next page as Figures 6-8.

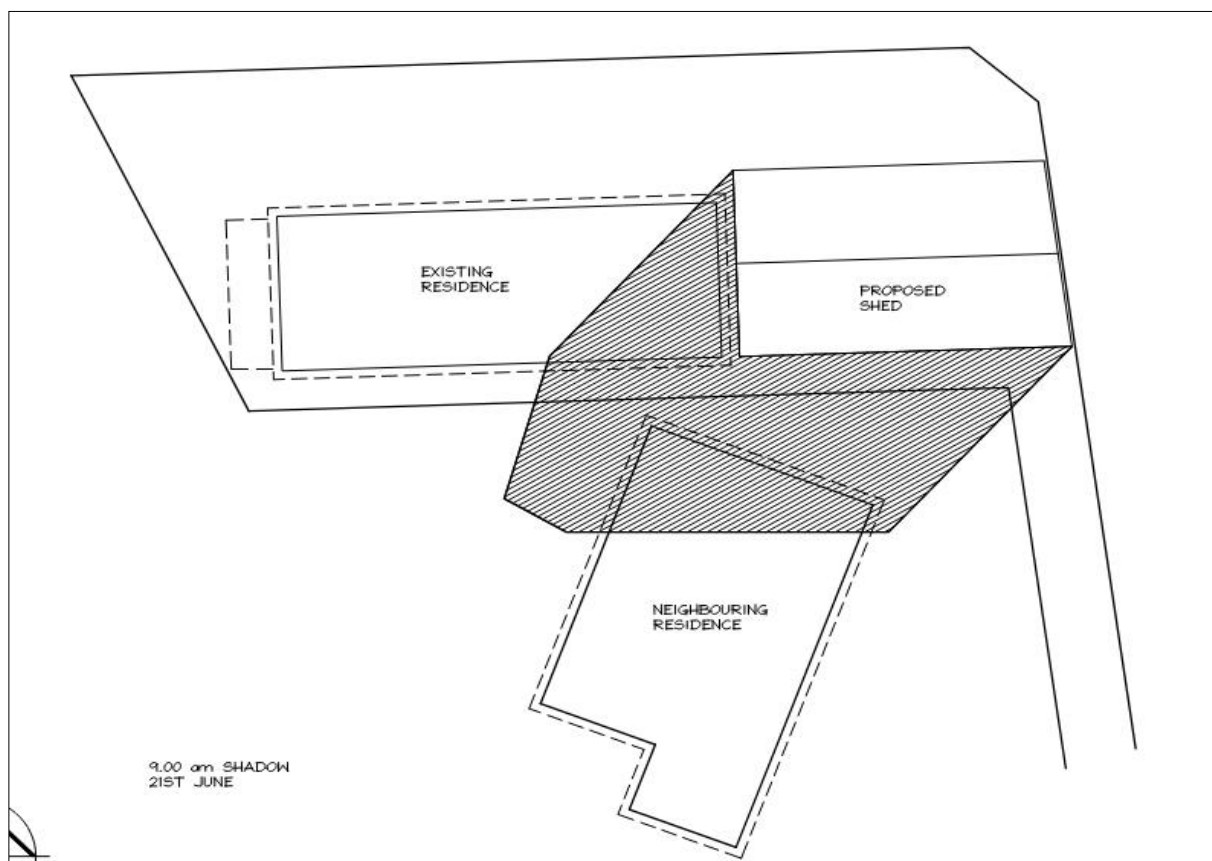


Figure 6 – 9am shadow (Steven Penton Building Design, 2022)

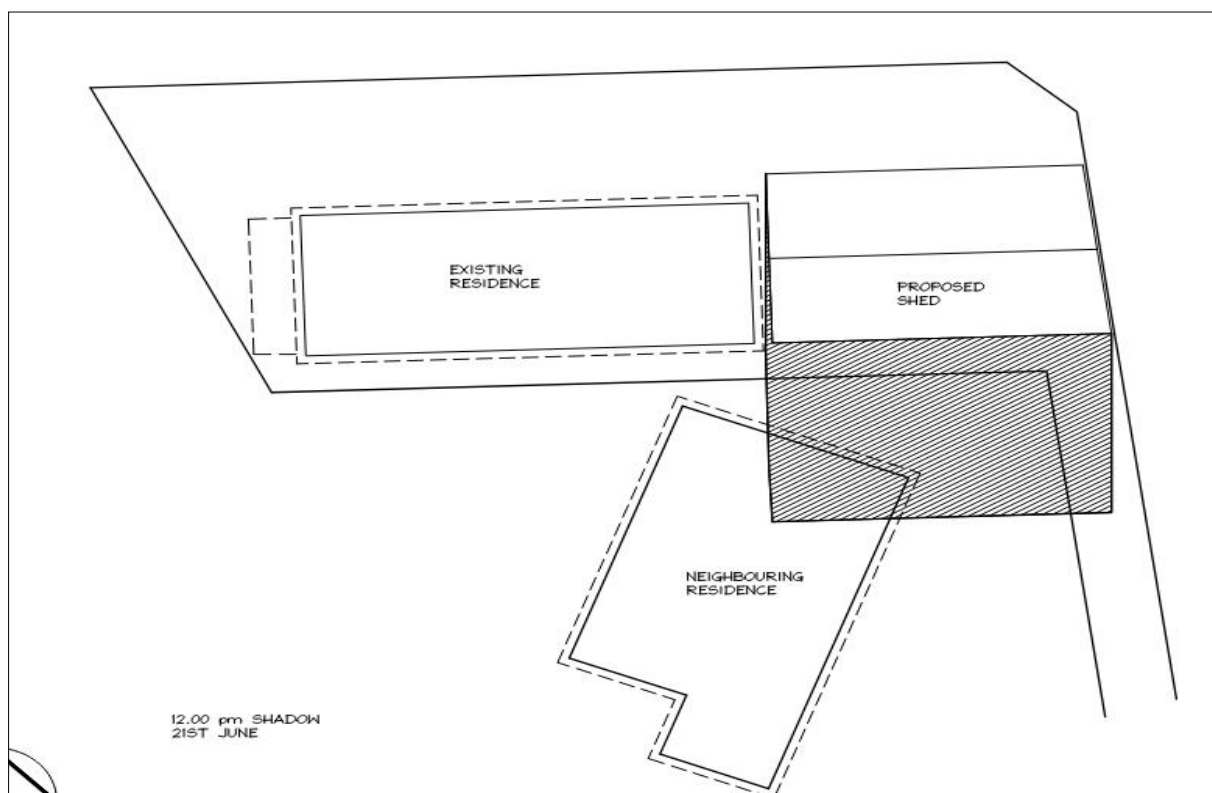


Figure 7 – 12 noon shadow (Steven Penton Building Design, 2022)

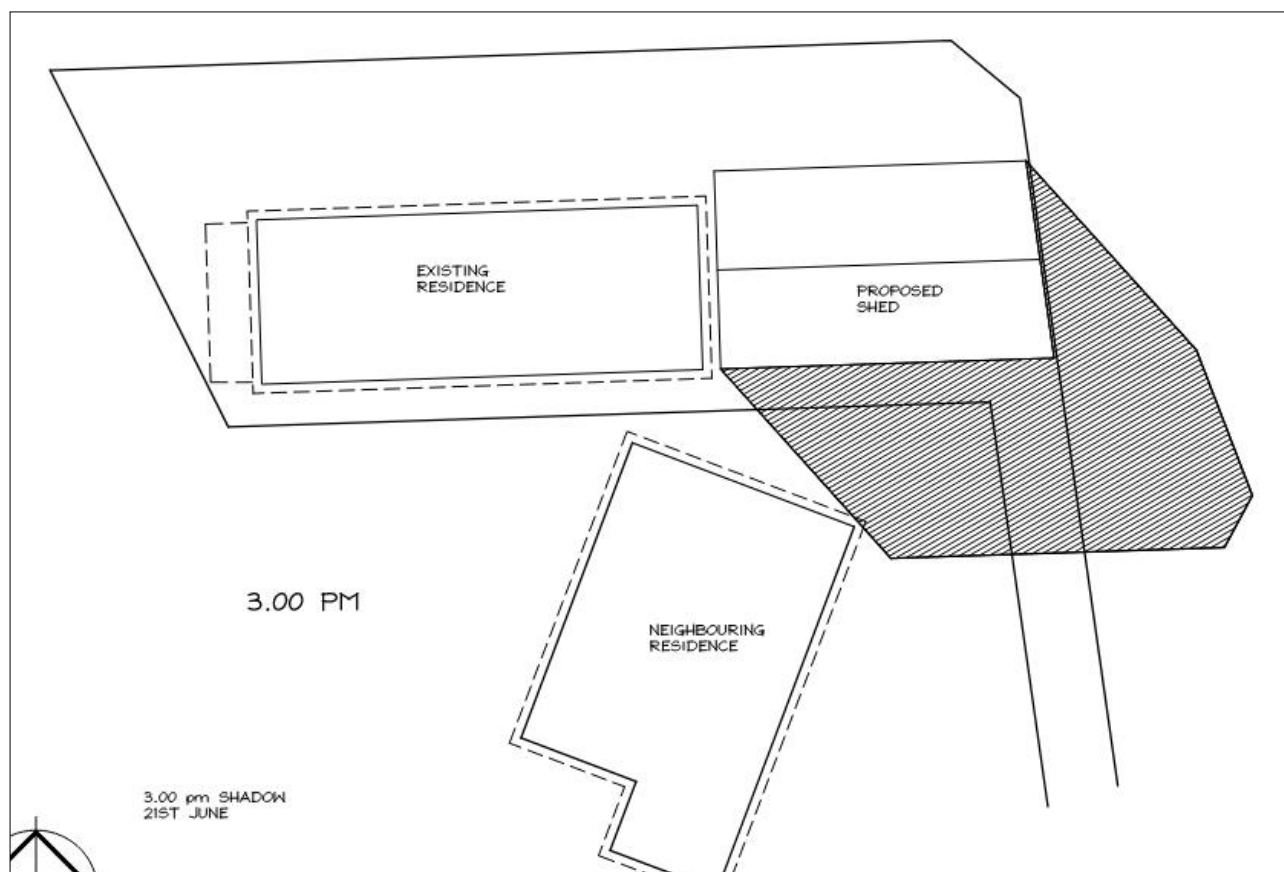


Figure 8 – 3pm shadow (Steven Penton Building Design, 2022)

As highlighted in the shadowing diagrams, the property impacted by the proposal is located to the immediate south at 9 Ambleside Place. The northern side of this dwelling will be subject to shadowing from the outbuilding during morning and midday hours. The shadow impact is mitigated by existing vegetation along this property's northern boundary. This is highlighted in Figure 9. Sunlight will still be available to windows along this dwelling's elevation due to the separation of the outbuilding to the dwelling (approximately 5m at the closest point). The proposal will not impact the dwelling's main private open space area which is situated to the dwelling's east. The shadowing impact of the proposal is not assessed as being detrimental to this property.

The proposal will have a consistent building form with other development in Ambleside Place, noting that 4, 6, 7, 9 and 14 Ambleside Place all have buildings which are constructed to a side boundary. The visual bulk of the outbuilding is tolerable as the property adjoins an access strip for 11 Ambleside Place to the east and visual impacts when viewed from 9 Ambleside Place will be lessened due to existing vegetation. The outbuilding will impact no existing solar installations.

Overall, the outbuilding is assessed as satisfying the performance criteria for 8.4.2 P3.



**Figure 9 – Image of the subject property looking south-west from the eastern boundary.
Vegetation evident along the northern boundary of 9 Ambleside Place (DCC, 2022).**

All other General Residential zone standards have been assessed as satisfying the acceptable solutions and no further comment has been provided.

In relation to applicable Codes, the property is mapped within the following overlays:

- Priority vegetation area – C7.0 Natural Assets Code;
- Bushfire-prone area – C13.0 Bushfire-Prone Areas Code; and
- Airport obstacle limitation area C16.0 - Safeguarding of Airports Code.

The development is exempt under these codes for the reasons outlined in Table 1.

Overlay	Code exemption rationale
Priority vegetation area	The site is situated within the General Residential zone and does not involve a subdivision. In addition, the site is cleared from vegetation.
Bushfire-prone area	This Code only applies to subdivision and a vulnerable or hazardous use. Further consideration regarding bushfire controls (if necessary) will be required as part of the applicable building approval process.
Airport obstacle limitation area	The obstacle limitation area for the site is 130m AHD. As the development is well below this threshold it is exempt under this Code.

Table 1 – Mapped overlays and exemption rationale

COMMUNITY ENGAGEMENT

On 10/03/2022, 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 30/03/2022;
- (b) Making a copy of the proposal available in Council Offices from the 30/03/2022;
- (c) Notifying adjoining property owners by mail on 29/03/2022; and
- (d) Erecting a Site Notice for display from the 30/03/2022.

The period for representations to be received by Council closed on 12/04/2022.

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 was received from the landowner of 9 Ambleside Place. This property adjoins the site to the immediate north and contains an existing residence. The representation is shown on the next page as Figure 10 (two pages).

[Surname] 1

LAND USE PLANNING COORDINATOR

DEVONPORT CITY COUNCIL

V M WADE

9 AMBLESIDE PLACE

AMBLESIDE TAS 7310

3 APRIL

FILE : PA 2022.0036

Re. PA2022-0036 – APPLICATION FOR PLANNING PERMIT

10 AMBLESIDE PLACE AMBLESIDE.

Dear Sir,

My name is Valerie Wade and I reside at 9 Ambleside Place, Ambleside.

I am concerned about the application to erect a 16.5 x 10 x 4.472m shed in the front yard of the property adjacent to me (10 Ambleside Place Ambleside).

Ambleside Place is a prime, residential, riverside street and has been my place of abode for 49 years.

The erection of a commercial shed in this location is totally against the nature of the area and I fear will alter the general ambience.

As it will dominate the northeastern outlook such that my view will become the side wall of a shed instead of the current scene of native greenery.

According to the planning document the height of the shed will cast shade down the whole northeastern aspect at various times of the day, hence interfering with my quality of life and significantly disturb my mental state and general well-being.

Currently there are two boats, one large motor bike, four kayaks, a very large, high bus / motor home and a four-wheel drive utility parked in the yard.

[Surname] 2

There is a large shipping container deposited in the driveway for several months impeding access for the neighbour at 11 Ambleside Place and probably limiting access for emergency vehicles should the need arise.

The resident at 10 Ambleside Place has assured that he was planning to move the container some weeks ago yet it remains in place.

He has also stated he wants the shed so he can move other items he currently stores in a rural location to this site.

It is doubtful that the large motor home will fit into the proposed shed creating another problem.

I am opposed to the building of the structure.

In summary the features that lead to my opposition include:-

1. It is out of character for a prime residential location.
2. Casts shade and obstructs my outlook on the north easterly aspect of my property (my kitchen and dining area).
3. Resale would only be attractive to a commercial operation such as a building workshop or mechanic.
4. No matter how much storage the resident of 10 Ambleside Place had he would still want more and expand further to the joint 10 / 11 driveway or the street.

Yours faithfully,



Valerie Wade.

Figure 10 – Representation from the landowner of 9 Ambleside Place (Wade, 2022)

The four main points on the representation are discussed in Table 2 below.

Concerns raised in representation	Officer Comment
It is out of character for a prime residential location.	The outbuilding has been assessed as having similar building characteristics to existing development within Ambleside Place.
Casts shade and obstructs my outlook on the north easterly aspect of my property (my kitchen and dining area).	The outbuilding will overshadow a section of the yard and the northern side of the dwelling at 9 Ambleside Place. The shadowing impact is not considered detrimental and existing vegetation on the property will mitigate the shadow and visual bulk of the outbuilding. The property will retain uninterrupted views over the Mersey River and most backyard space will not be impacted.
Resale would only be attractive to a commercial operation such as a building workshop or mechanic.	The application is for an outbuilding ancillary to an established dwelling. The shed cannot operate as a commercial operation i.e mechanic as this use is prohibited within the General Residential zone. A condition will be included on the planning permit reinforcing that the outbuilding can only be used for domestic storage purposes ancillary to the residential use.
No matter how much storage the resident of 10 Ambleside Place had he would still want more and expand further to the joint 10/11 driveway or the street.	Not relevant to the determination of this application.

Table 2 – Representation concerns and officer comments

Overall, the representation is recommended to be noted by the planning authority, however no change to the outbuilding as proposed is thought necessary.

FINANCIAL IMPLICATIONS

No financial implications are predicted unless an appeal is made against the Council's decision to the Tasmanian Civil and Administrative Tribunal. In such an instance, legal counsel will likely be required to represent Council. The opportunity for such an appeal exists as a result of the Council determining to either approve or refuse the permit application.

RISK IMPLICATIONS

In its capacity as a planning authority under the *Land Use Planning and Approvals Act 1993* (LUPAA), Council is required to make a determination on this application for a discretionary

planning permit. Due diligence has been exercised in the preparation of this report and there are no predicted risks associated with a determination of this application.

CONCLUSION

The proposal has been assessed against the requirements of the planning scheme. All relevant standards can be satisfied whether acceptable solutions or performance criteria. Approval with conditions is recommended.

ATTACHMENTS

1. Application - PA2022.0036 - 10 Ambleside Place [**4.1.1** - 22 pages]

5 CLOSURE