



*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 8 August 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

**03 08 2022**

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**Agenda for a Planning Authority Committee meeting of the Devonport City Council  
held on Monday 8 August 2022, in the Aberdeen Room, Level 2, paranaple centre,  
137 Rooke Street, Devonport at 5:15 PM**

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**ATTENDEES**

		<b>Apology</b>
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**

The following apology was received for the meeting.

Councillor's Name	Apology or Leave of Absence
Cr S Milbourne	Leave

**2 DECLARATIONS OF INTEREST**

### **3 DELEGATED APPROVALS**

#### **3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY**

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

Endorser: **Jeffrey Griffith, Deputy General Manager**

#### **RECOMMENDATION**

That the list of delegated approvals be received.

Planning applications approved under delegated authority 18 May 2022 – 31 July 2022.

#### **ATTACHMENTS**

1. Delegated Approvals [**3.1.1** - 3 pages]

## 4 DEVELOPMENT REPORTS

### 4.1 PA2022.0112 - 24 CAMERAY STREET EAST DEVONPORT - RESIDENTIAL (SINGLE DWELLING)

Author: **Carolyn Milnes, Senior Town Planner**

Endorser: **Jeffrey Griffith, Deputy General Manager**

#### RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2022.0112 and grant a Permit to use and develop land identified as 24 Cameray Street, East Devonport for the following purposes:

- Residential (single dwelling)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Proposed Residence, Drawing No. A100-A105 & A124, Rev A, dated 01/09/2021 by n+b design, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. Stormwater collected from this work, including surface water from the driveway &/or any paved areas, is to be drained into the existing property stormwater pipe in accordance with the National Construction Code.
3. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events and for a suitable range of storm durations to identify peak discharge flows up to 20-year ARI only. As part of their design, the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the City Engineer prior to any subsequent building permit applications.

Note: The following is provided for information purposes.

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

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

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

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

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

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

### **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 planning application PA2022.0112.

### **BACKGROUND**

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	24 Cameray Street, East Devonport
Applicant:	Nicholas Brandsema
Owner:	Smith & Brown Developments Pty Ltd
Proposal:	Residential (single dwelling)
Existing Use:	Vacant Land
Zoning:	General Residential
Decision Due:	16/08/2022

### **SITE DESCRIPTION**

The site is located on the northern side of Cameray Street in a recently developed subdivision, has an area of 713m<sup>2</sup> and falls approximately 2m from the south-eastern corner to the north-western corner. The lot is surrounded by vacant residential lots to the east, west and south and established lots to the north. Figure 1 shows an aerial view of the subject site and surrounding area.



Figure 1 - Aerial view of subject site and surrounding area (Source: DCC)

### APPLICATION DETAILS

The applicant is seeking approval for a two storey single dwelling with an attached double garage. A copy of the plans is appended to this report as **Attachment 1**. Figures 2-8 show the proposal plans.

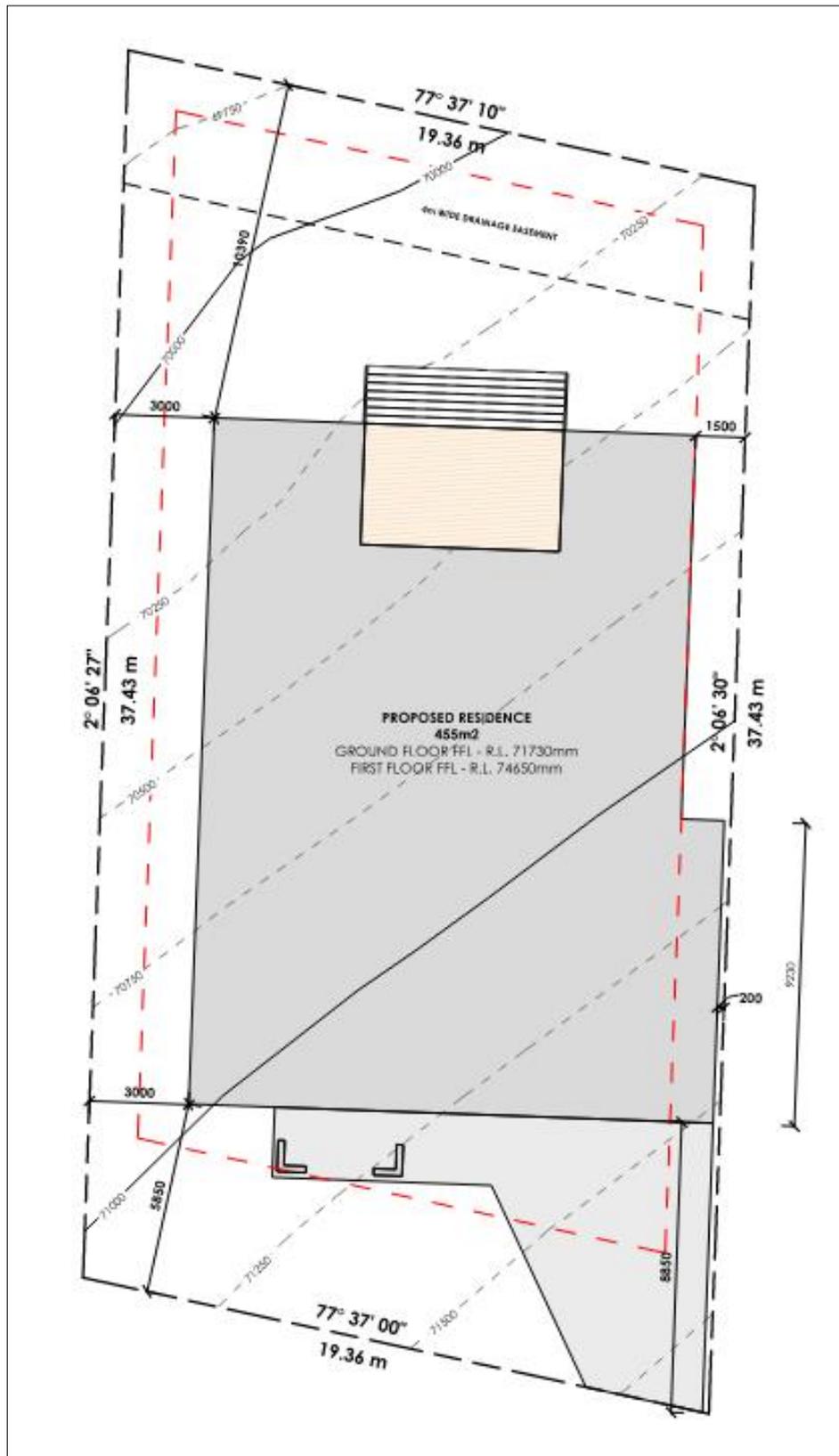


Figure 2 - Site plan (Source: n+b design)



Figure 3 - Southern elevation (Source: n+b design)



Figure 4 - Western elevation (Source: n+b design)



Figure 5 - Northern elevation (Source: n+b design)



Figure 6 - Eastern elevation (Source: n+b design)

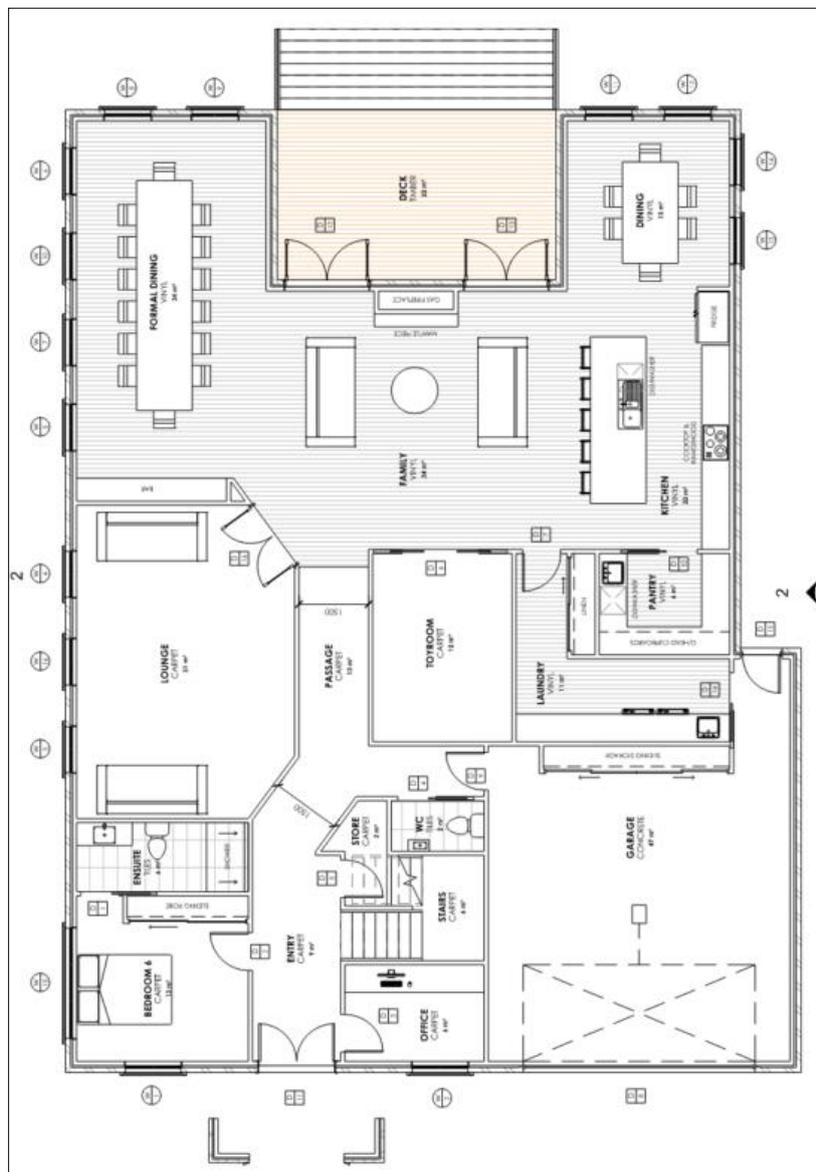


Figure 7 - Ground floor plan (Source: n+b design)



Residential development does not require a planning permit in the General Residential Zone provided the proposal meets the relevant acceptable solutions contained within the zone's development standards and any applicable codes. In instances where the acceptable solutions cannot be met, the corresponding performance criteria must be satisfied and an application becomes discretionary, dealt with in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

In this case the proposal does not satisfy the requirements in regard to clause 8.4.2 - Setbacks and building envelope for all dwellings.

The applicable clauses from the planning scheme are reproduced below, followed by assessment. Standards relating solely to multiple dwellings have not been included.

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

Objective:	<p>The siting and scale of dwellings:</p> <ul style="list-style-type: none"> <li>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</li> <li>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</li> <li>(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</li> <li>(d) provides reasonable access to sunlight for existing solar energy installations.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> <li>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</li> <li>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</li> <li>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</li> </ul>	<p><b>P1</b></p> <p>A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.</p>

(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.	
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Assessment – The front setback is 5.85m. The acceptable solution is met.

<p><b>A2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p><b>P2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
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Assessment – The garage has a setback greater than 5.5m. The acceptable solution is met.

<p><b>A3</b></p> <p>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:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <p>(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</p> <p>(ii) projecting a line at an angle of 45 degrees 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><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; or</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>
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(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).

(ii) another dwelling on the same site.

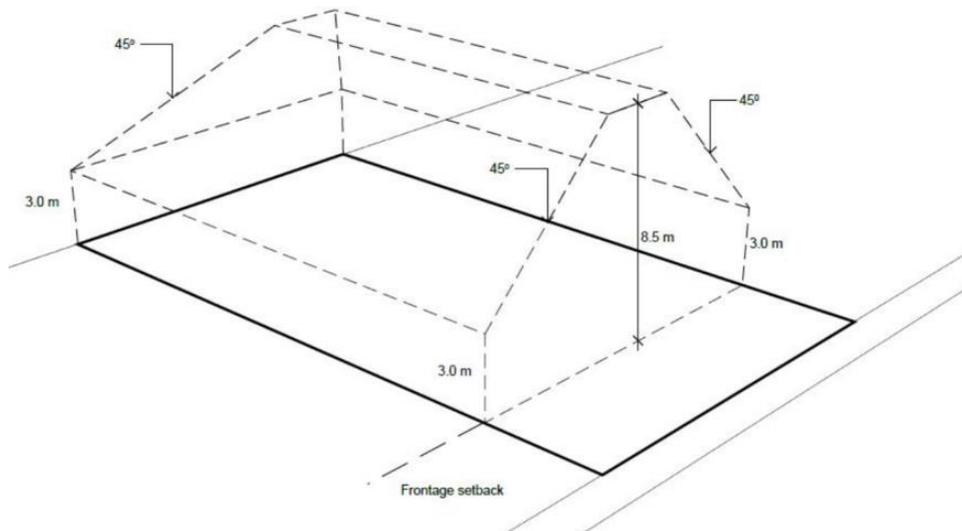


Figure 8.1 Building envelope as required by clause 8.4.2 A3(a) and clause 8.5.1 A2(a)

Assessment – The proposed dwelling protrudes into the building envelope on the western side of the lot due to the positioning of the first floor as shown in Figures 3 & 5. The building also extends greater than 9m within 1.5m of the eastern boundary as the garage wall is 9.2m long. Figure 9 shows the shadows that will be cast by the proposal on the shortest day of the year, when shadows are at their longest.

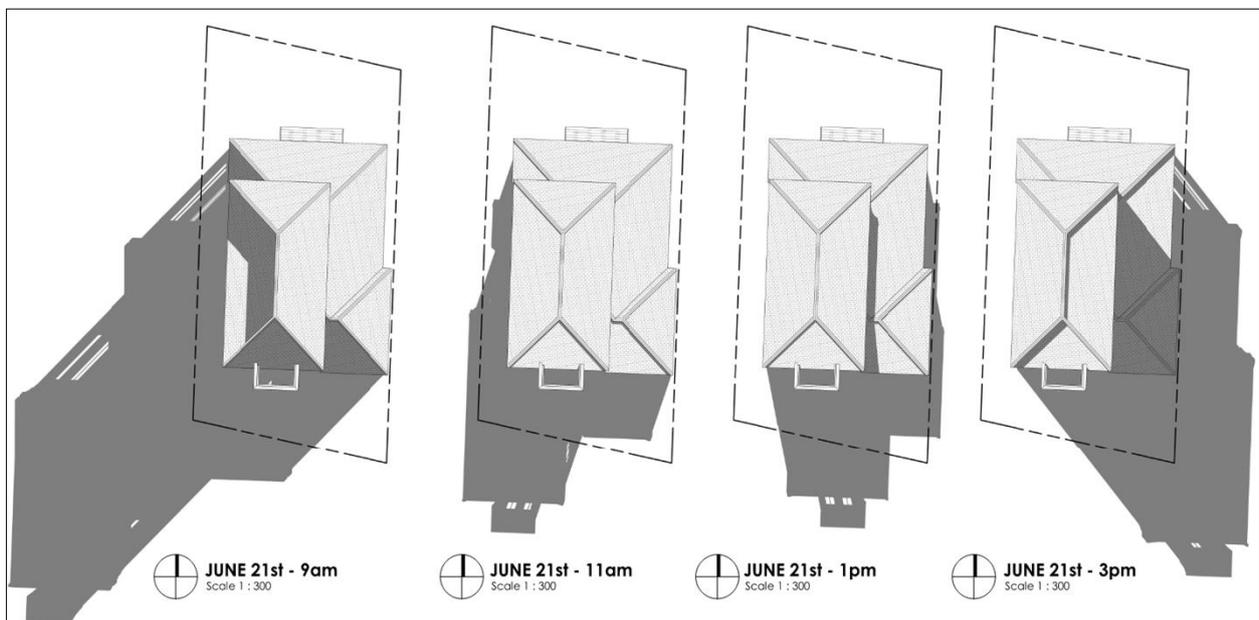


Figure 9 - Shadow diagrams (Source: n+b design)

Neither aspect of the building will negatively impact the amenity of adjoining properties.

On the western side, the overshadowing caused by the dwelling will occupy approximately 22% of the site in the early morning on the shortest day of the year (see Figure 10). Given the shape of the adjacent lot it is unlikely a dwelling will be built so close to the southern end, therefore lessening any impact. Any impacts as a result of bulk and scale when viewed

from this property are lessened by the contrasting materials proposed and the use of windows to break up the wall.



Figure 10 - Shadowing impact on adjacent property

The minimal increase in length of the garage wall (approximately one brick wide) will have negligible impact on the adjacent property to the east. The northern end of the garage protrudes into the building envelope by approximately 700mm which falls within the allowable threshold.

Separation between buildings is consistent with those existing in the area and there are no existing solar energy installations.

The proposal satisfies the performance criteria.

#### 8.4.3 Site coverage and private open space for all dwellings

Objective:	That dwellings are compatible with the amenity and character of the area and provide: <ul style="list-style-type: none"> <li>(a) for outdoor recreation and the operational needs of the residents;</li> <li>(b) opportunities for the planting of gardens and landscaping; and</li> <li>(c) private open space that is conveniently located and has access to sunlight.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</li> </ul>	<p><b>P1</b></p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) site coverage consistent with that existing on established properties in the area;</li> <li>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> <li>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</li> <li>(ii) operational needs, such as clothes drying and storage; and</li> </ul> </li> <li>(c) reasonable space for the planting of gardens and landscaping.</li> </ul>

Assessment – The proposed site coverage is 41%. The acceptable solution is met.

Clause 8.4.3 A1 (b) is not applicable given the proposal is not for multiple dwellings.

<p><b>A2</b></p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m<sup>2</sup>; or</p> <p>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p><b>P2</b></p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>
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Assessment – The dwelling will have in excess of 180m<sup>2</sup> of private open space with a minimum horizontal dimension of greater than 4m, appropriate solar orientation and grade.

The acceptable solution is met.

#### 8.4.5 Width of openings for garages and carports for all dwellings

Objective:	To reduce the potential for garage or carport openings to dominate the primary frontage.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>	<p><b>P1</b></p> <p>A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.</p>

Assessment – The garage door is 5m wide. The acceptable solution is met.

## 8.4.6 Privacy for all dwellings

Objective:	To provide a reasonable opportunity for privacy for dwellings.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<b>A1</b> A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:  (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;  (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and  (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:  (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or  (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.	<b>P1</b> A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:  (a) a dwelling on an adjoining property or its private open space; or  (b) another dwelling on the same site or its private open space.	

Assessment – The proposed deck has a level approximately 1.4m above ground level and is setback approximately 8m from the rear boundary.

The acceptable solution is met.

<p><b>A2</b></p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> <li>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul>	<p><b>P2</b></p> <p>A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> <li>(a) a window or glazed door, to a habitable room of another dwelling; and</li> <li>(b) the private open space of another dwelling.</li> </ul>
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Assessment – All proposed windows with a floor level more than 1m above ground level have a setback of 3m from a side boundary or greater than 4m from the rear boundary.

The acceptable solution is met.

## 8.4.7 Frontage fences for all dwellings

<b>Objective:</b>	The height and transparency of frontage fences: (a) provides adequate privacy and security for residents; (b) allows the potential for mutual passive surveillance between the road and the dwelling; and (c) is reasonably consistent with that on adjoining properties.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>  No Acceptable Solution. <sup>1</sup>	<b>P1</b>  A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:  (a) provide for security and privacy while allowing for passive surveillance of the road; and  (b) be compatible with the height and transparency of fences in the street, having regard to:  (i) the topography of the site; and  (ii) traffic volumes on the adjoining road.

Assessment – No front fence is proposed.

Both the Bushfire-Prone Areas Code and the Safeguarding of Airports Code are applicable to the site however the proposal is exempt from assessment under both as the dwelling will not protrude into the Airport Obstacle Limitation Area and is not classified as a hazardous or vulnerable use in regard to bushfire.

### COMMUNITY ENGAGEMENT

On 05/07/2022, 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 13/07/2022;
- (b) Making a copy of the proposal available in Council Offices from the 13/07/2022;
- (c) Notifying adjoining property owners by mail on 12/07/2022; and
- (d) Erecting a Site Notice for display from the 12/07/2022.

The period for representations to be received by Council closed on 26/07/2022.

### 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 owners of a property to the north-east which contains an existing dwelling. The representation is reproduced below.

**Details of representation**

Approval for the double storied house that is being applied for, does concern us as it will cause privacy problems for our property . Does this matter greatly concern council planning? The homes on the development so far appear to be of one level , which will make this application unfortunately stand out in its ugliness ! We are not happy ratepayers !

It will be a miracle if it is rejected , but we do live in hope !

May your considerations be in the negative as to it's being approved.

The first floor of the proposed dwelling will be approximately 14m from the boundary shared with the representors and their own dwelling is approximately 20m from the boundary, resulting in a distance of approximately 34m between the first floor of the proposed building and the existing dwelling.

The first floor of the proposal contains a bedroom and ensuite with north facing windows, neither of which will overlook the adjacent property as they share a boundary of only approximately 5.5m. Figure 11 shows the proposed first floor plan and roof of the ground level superimposed on the subject site. It shows the orientation of each dwelling in regard to the other and that the windows of the bedroom face north, towards the view.

As discussed previously, the proposed dwelling complies with the requirements in regard to privacy as the upstairs windows are at least 3m from the side boundaries and 4m from the rear boundary.



Figure 11 - First floor superimposed on subject site

Clause 6.10.1 of the planning scheme states the following:

- 6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:
- (a) all applicable standards and requirements in this planning scheme; and
  - (b) any representations received pursuant to and in conformity with section 57(5) of the Act, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

In light of the above, the representation cannot be considered in determining the application as the proposal complies with the privacy aspects of the planning scheme and there are no discretions to consider in this regard.

### **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 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 by Council's Development and Infrastructure and Works staff. It is not recommended that any changes to the proposal be made as a result of the representation and a permit can be issued with conditions.

### **ATTACHMENTS**

1. Application detail - PA2022.0112 - 24 Cameray Street - Residential (single dwelling)  
[4.1.1 - 7 pages]

## **5 CLOSURE**