



*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 Council Chambers, 17 Fenton Way, Devonport, on Monday 18 July 2016, commencing at 11:00am.

**The meeting will be open to the public at 11:00am.**

## 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

**13 July 2016**

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF  
DEVONPORT CITY COUNCIL HELD ON MONDAY 18 JULY 2016  
AT THE COUNCIL CHAMBERS AT 11:00AM**

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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 18, July 2016 commencing at 11:00am.

**PRESENT**

		Present	Apology
Chairman	Ald S L Martin (Mayor)		
	Ald C D Emmerton		
	Ald G F Goodwin		
	Ald J F Matthews		J
	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. Members of the public in attendance at the meeting who do not wish for their words to be recorded and/or published on the website, should contact a relevant Council Officer and advise of their wishes prior to the start of the meeting.

**1.0 APOLOGIES**

The following apology was received for the meeting.

Ald Matthews	Leave of Absence
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**2.0 DECLARATIONS OF INTEREST**

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### **3.0 DELEGATED APPROVALS**

#### **3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 1 JUNE 2016 - 30 JUNE 2016**

##### **ATTACHMENTS**

1. Delegated Approvals - 1 June 2016 - 30 June 2016

##### **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 – 1 June 2016 – 30 June 2016

Application No.	Location	Description	Approval Date
PA2016.0063	3 Clare Court Devonport	Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope	2/06/2016
PA2016.0064	19 Mungala Crescent Miandetta	Residential (outbuilding) - assessment against performance criteria for setbacks and building envelope	7/06/2016
PA2016.0065	9 Archer Street Devonport	Residential (partial demolition and construction of verandah) – assessment against performance criteria for Local Heritage Code (E5)	2/06/2016
PA2016.0069	8 Ronald Street Devonport	Residential (multiple dwellings x 4) – assessment against performance criteria for setback and building envelope and Local Heritage Code design and development	21/06/2016
PA2016.0070	30 Laycock Road Spreyton	Residential (garage/store) – assessment against performance criteria under clause 13.4.1, 13.4.2 and 13.4.3	17/06/2016
PA2016.0071	19 North Caroline Street East Devonport	Educational and Occasional Care - general purpose building and site works	3/06/2016
PA2016.0073	81 Lillico Road, Lillico	Boundary Adjustment	7/06/2016
PA2016.0075	20 Richardson Road Tugrah	Boundary adjustment	9/06/2016
PA2016.0076	17 Harold Street Devonport	Residential (carport) - assessment against performance criteria for setbacks and building envelope and Local Heritage Code	23/06/2016
PA2016.0077	81 Kelcey Tier Road Spreyton	Residential (detached addition)	23/06/2016
PA2016.0078	8 Charlotte Gardens Devonport	Residential (single dwelling and shed) - assessment against performance criteria for setbacks and building envelope	24/06/2016
PA2016.0080	17 Fenton Way Devonport	Food Services	21/06/2016

## **4.0 DEVELOPMENT REPORTS**

### **4.1 PA2016.0081 RESIDENTIAL (SINGLE DWELLING AND OUTBUILDING) - ASSESSMENT AGAINST PERFORMANCE CRITERIA UNDER CLAUSE 13.4.1, 13.4.2 AND 13.4.3 - 4 MANGANA DRIVE TUGRAH**

File: 32588 D426871

#### **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

#### **PURPOSE**

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2016.0081.

#### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Matthew Graeme Stubbs Donna Jane Harris
Owner:	Mr MG Stubbs & Ms DJ Harris
Proposal:	Residential (single dwelling and outbuilding) - assessment against performance criteria under clause 13.4.1, 13.4.2 and 13.4.3
Existing Use:	Vacant land
Zoning:	Rural Living
Decision Due:	20/07/2016

#### **SITE DESCRIPTION**

Mangana Drive is a rural residential building estate developed in 2008. The land subject to this report is situated on the eastern side and adjoins Council owned land that forms an integral part of the Kelcey Tier Greenbelt. The subject lot is 7,515m<sup>2</sup> in area and has frontage via an access strip onto Mangana Drive.

All the lots within this building estate are similarly sized. This is due to the minimum area of 7,500m<sup>2</sup> being the compliant lot size in the Rural residential zone of the planning scheme in force at the time. Later in the report discussion will occur on how this lot size threshold affects development assessment that is now subject to the interim planning scheme.

Figure 1 indicates the subject lot by a red outline which provides the details of its configuration and proximity to adjoining development and bushland.



Figure 1: Photo source: Google earth 2016

### APPLICATION DETAILS

The proposal includes a single storey dwelling rectangular in shape with an attached carport on the Southern side. A 15m by 8m shed is also proposed and this is located in the South Eastern corner 5m from both the Eastern and Southern boundaries which are at the highest part of the lot. Figure 2 below comprises the submitted site plan and the proposed development outlines.

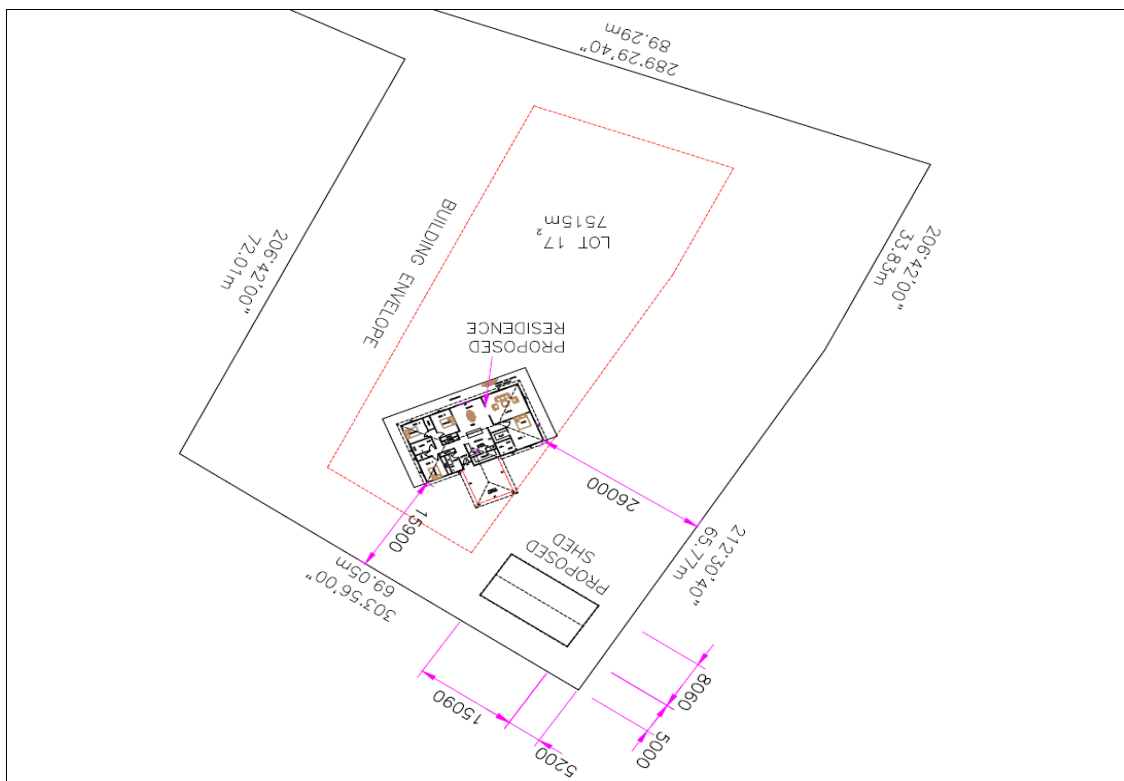


Figure 2: Applicant's site plan

Complete details of the buildings' architecture are reproduced as **Attachment 1**.

**PLANNING ISSUES**

The land is zoned Rural living under the *Devonport Interim Planning Scheme 2013 (DIPS)*. Residential use and development has a permitted pathway in this zone unless there is a need to rely upon the Performance Criteria of a particular development standard in either the zone or an applicable code.

Previous commentary alluded to how lots that pre-existed the DIPS are assessed. In general terms no transitional arrangements allowed for sub-minimum lots to receive a permitted status and as a consequence every application received by Council on lots less than 1ha require discretion to be exercised on at least 2 of the zone standards.

The first identified zone standard is for suitability of a site for the use or development. The Acceptable Solutions (AS) requires a minimum lot size of 1ha to comply. This lot is almost 25% lesser in area and therefore has to rely upon the Performance Criteria (PC) to achieve compliance. The PC are reasonably generous and if the site is suitable for its intended use without compromising matters including access and adjacent land use then performance can be achieved. The fact that the original subdivision application was subject to a rigorous assessment process also assists in this regard.

The second standard that shares a similar objective to the site suitability is the requirement for a compliant density of one dwelling per hectare. The objective of this zone standard generally targets multiple dwellings within a location to ensure that the infrastructure is capable of supplying the higher density development. Unfortunately the catch-all also applies to pre-existing lots in both the Rural living and Environmental living zones that are less than 1ha in area.

The third and last development standard requiring assessment against the PC is the more traditional numerical standard that prescribes side and rear setbacks between a boundary and the development. The compliant setback is 10m from both the side and rear boundaries. Figure 2 indicates a proposed setback of 5m from each for the proposed shed.

The PC for this particular standard is reproduced below as Figure 3.

<p><b>P2</b></p> <p>Building height and location of a building in relation to site boundaries must –</p> <ul style="list-style-type: none"> <li>(a) minimise likelihood for overshadowing of a habitable room in an adjacent dwelling on the site;</li> <li>(b) take account of the relationship between appearance and design characteristics of the buildings and any buildings on adjacent land;</li> <li>(c) minimise the apparent scale, bulk, massing and proportion relative to any adjacent <u>building</u>;</li> <li>(d) be consistent with the rural setting and the streetscape;</li> <li>(e) respond to the effect of the slope and orientation of the site to attenuate impact on adjacent land</li> </ul>
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Figure 3: Performance Criteria for Clause 13.4.3



### COMMUNITY ENGAGEMENT

On 08/06/2016, 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 11/06/2016;
- (b) Making a copy of the proposal available in Council Offices from the 11/06/2016;
- (c) Notifying adjoining property owners by mail on 09/06/2016; and
- (d) Erecting a Site Notice for display from the 10/06/2016.

The period for representations to be received by Council closed on 28/06/2016. One representation was received within the 14 day exhibition period.

The representation is reproduced as **Attachment 2**.

### DISCUSSION

The issues raised in the representation can be categorised into the following:

1. Insufficient detail was submitted with application.

**Comments:** The application requirements in the planning scheme lists the mandatory requirements on what must be included and the discretionary components. Although elevations are not compulsory it is acknowledged that these details are often desirable in assisting the general public with an enquiry. These details were subsequently requested and the proprietary steel shed details were submitted for assessment.

2. That a shadow diagram should be available to ascertain whether there will be any impacts on the backyard and building area for the future dwelling at No. 6 Mangana Drive.

**Comments:** The inclusion of a shadow diagram has hardly ever been required to demonstrate that overshadowing from a rural living development will cause detriment to a habitable room in an adjacent dwelling on another site. Generally the setback and lower density of this zone will not deliver the same impact that a comparably sized shed will have on amenity in the General residential zone within the inner urban area of a town. Nevertheless a rudimentary shadow diagram has been produced to reflect the conditions of the Winter solstice at 10am and midday. Due to the orientation it is not anticipated that overshadowing after 2pm will be significant.

Figure 4 is an indicative overview of the lengths of the shadow cast by the proposed shed at its furthest point. The Northwest/Southeast axis of the shed is advantageous as the shadow cast at 10am is perpendicular to the wall line. Due to the Western wall of the shed being placed in a fill situation (refer to appended drawings) the structure is in effect higher and the shadow cast will be in effect longer at that point due to the additional height. Conversely as the site filling turns to excavation towards the eastern boundary the shadows are less in length and the potential shading from a solid fence becomes evident.

The calculated distances into the adjoining property at 10am is measured at approximately 10m. It is not predicted that this will cause a loss of amenity to any future development on the adjoining land to the South unless the proposed house on

this site is situated immediately behind the proposed shed and less than 10m to the shared boundary.

This is not predicted due to the compliance matters of the Bushfire Prone Areas Code. This code determines the positioning of any future house on a site and has to factor in the proximity of bushfire prone land. The need to have a satisfactory bushfire hazard managed area between the house and the bushfire prone land will require an estimated setback from the eastern boundary comparable to the 26m of the proposed house in this application. Any closer separation will require a greater specification of fire rated materials to be used in construction that comply with the Australian Standard.

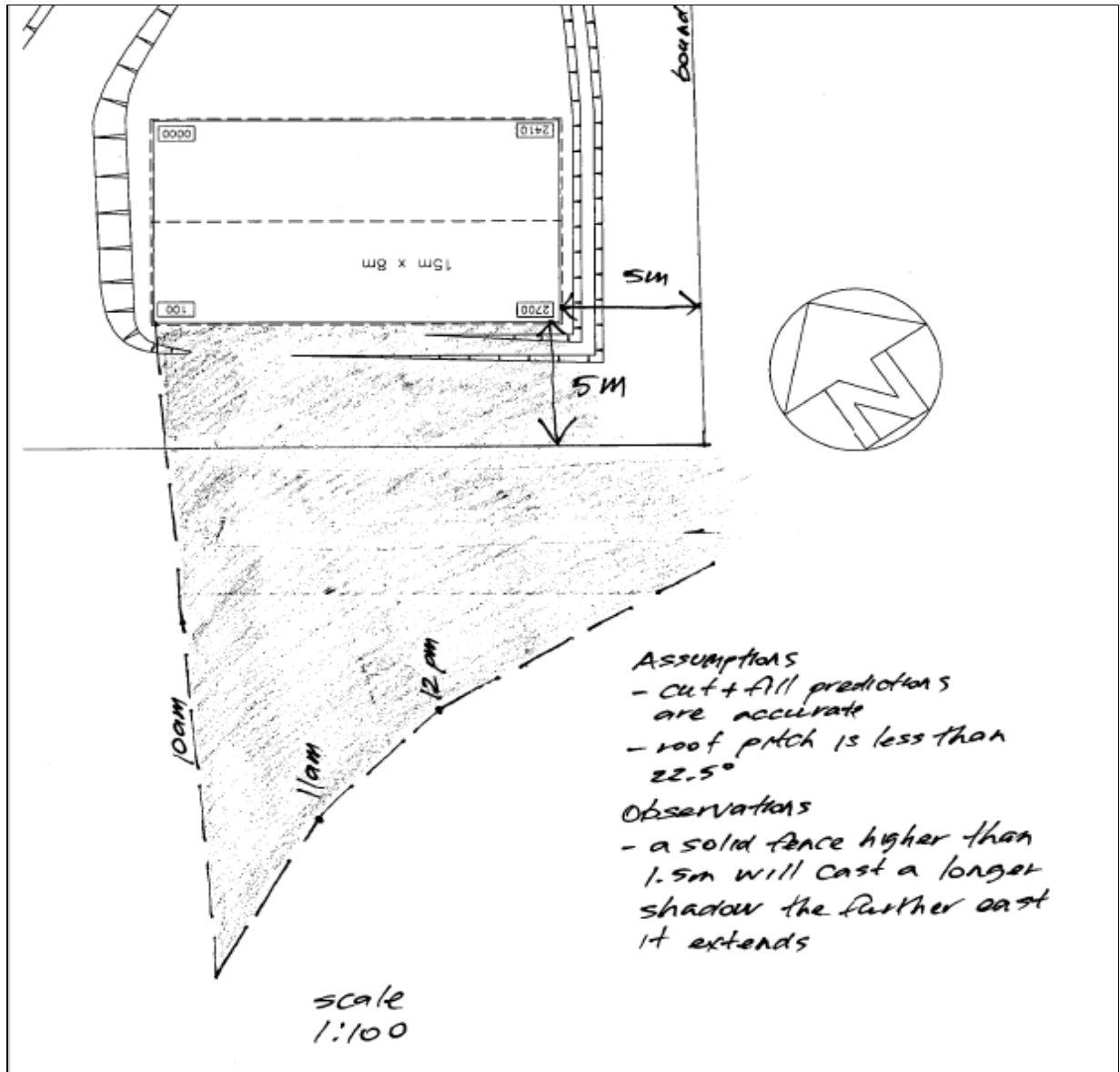


Figure 4: Indicative shadow diagram at longest point – compiled from calculations in 'ShadowDraw' by RG Harvey Pty Ltd © 2006

#### FINANCIAL IMPLICATIONS

No financial implications are predicted unless an appeal against the decision is made and legal counsel is required to represent Council.

### **RISK IMPLICATIONS**

No risks have been identified that affect Council.

### **CONCLUSION**

The Performance Criteria for the site suitability and dwelling density are deemed to have been satisfied and no further commentary is required. The lesser setback to the proposed shed has to satisfy the PC and it has been submitted in this report that the overshadowing is not considered to be detrimental. Evidence indicates that before 10am there will be significant overshadowing of all land to the west of the bushland over the adjacent Mangana Drive lots due to the nature of the vegetation and the land slope.

The other criterion are more subjective in nature and have considerably more credence if there were buildings on adjoining land and the likely effects that this proposal might have on that amenity due to its proximity, size and location.

It is submitted that the proposed shed location is unlikely to cause any measurable loss of amenity to land use and development on adjoining land. Siting the shed as far as practical to the east is also recommended to lessen the effect that the building may have if it was located further west on the block and with the compliant 10m setback and view corridor from a dwelling.

### **ATTACHMENTS**

1. Buildings' architecture - PA2016.0081 - 4 Mangana Drive Tugrah
2. Representation - Connell - PA2016.0081 - 4 Mangana Drive Tugrah

### **RECOMMENDATION**

That Council, 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 PA2016.0081 and grant a Permit to use and develop land identified as 4 Mangana Drive, Tugrah for the following purposes:

- Residential (single dwelling and outbuilding) - assessment against performance criteria under clause 13.4.1, 13.4.2 and 13.4.3

Subject to the following conditions:

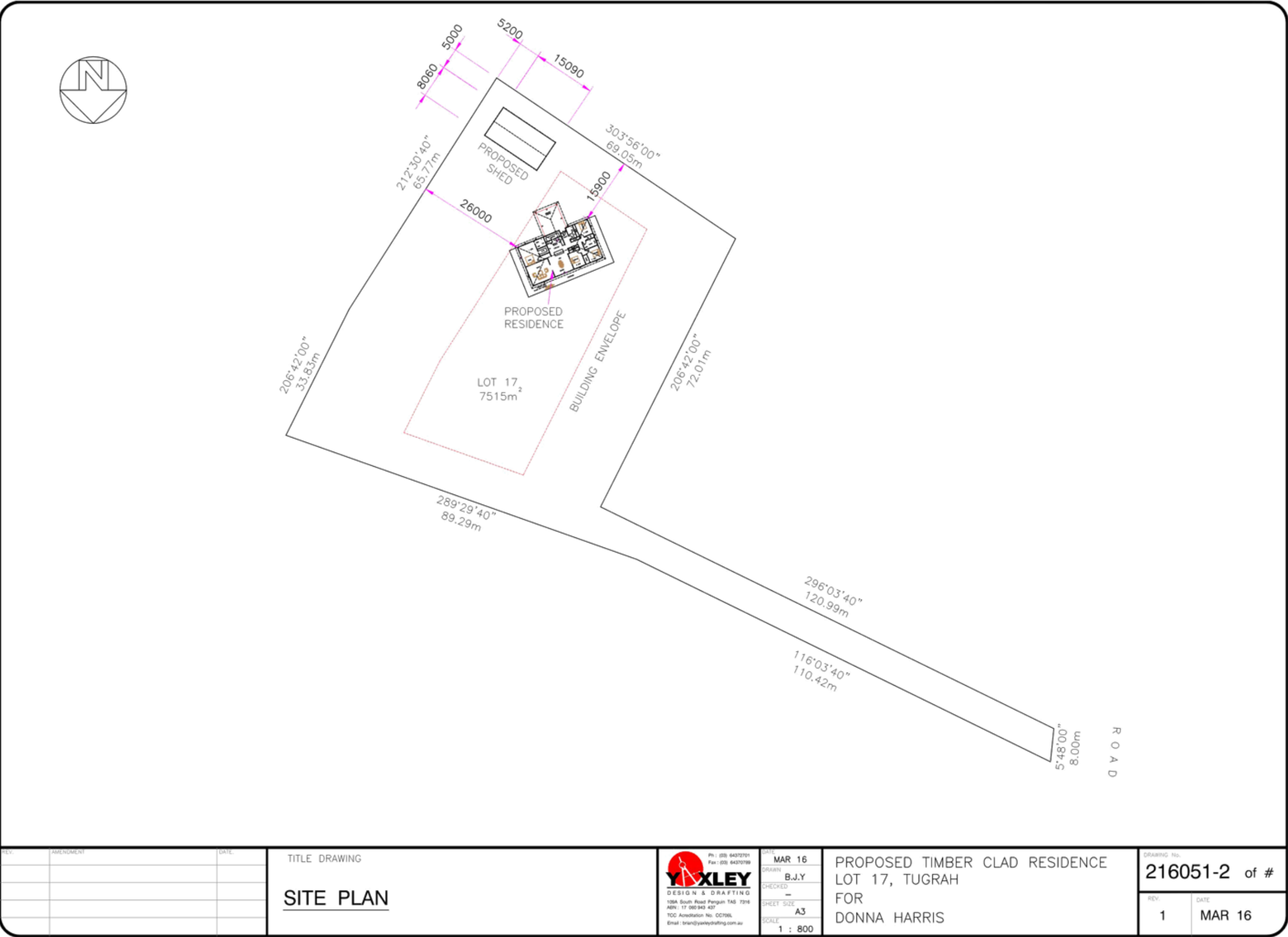
1. The use and development is to proceed generally in accordance with the submitted plans referenced as Proposed Timber Clad Residence, Drawing No 216051 dated March 2016 by Yaxley Design and Drafting copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to take all reasonable steps during construction to prevent environmental effects occurring that might result in a nuisance. This includes the pollutant effects of noise and water as well as air pollution from the result of any burning of waste.
3. The developer is to submit the design report (including the site and soil evaluation in accordance with AS/NZS1547:2012) as well as the Special Plumbing Application for the onsite waste water system. This can be submitted with the Building and Plumbing Permit Application.

Note: The following is provided for information purposes.

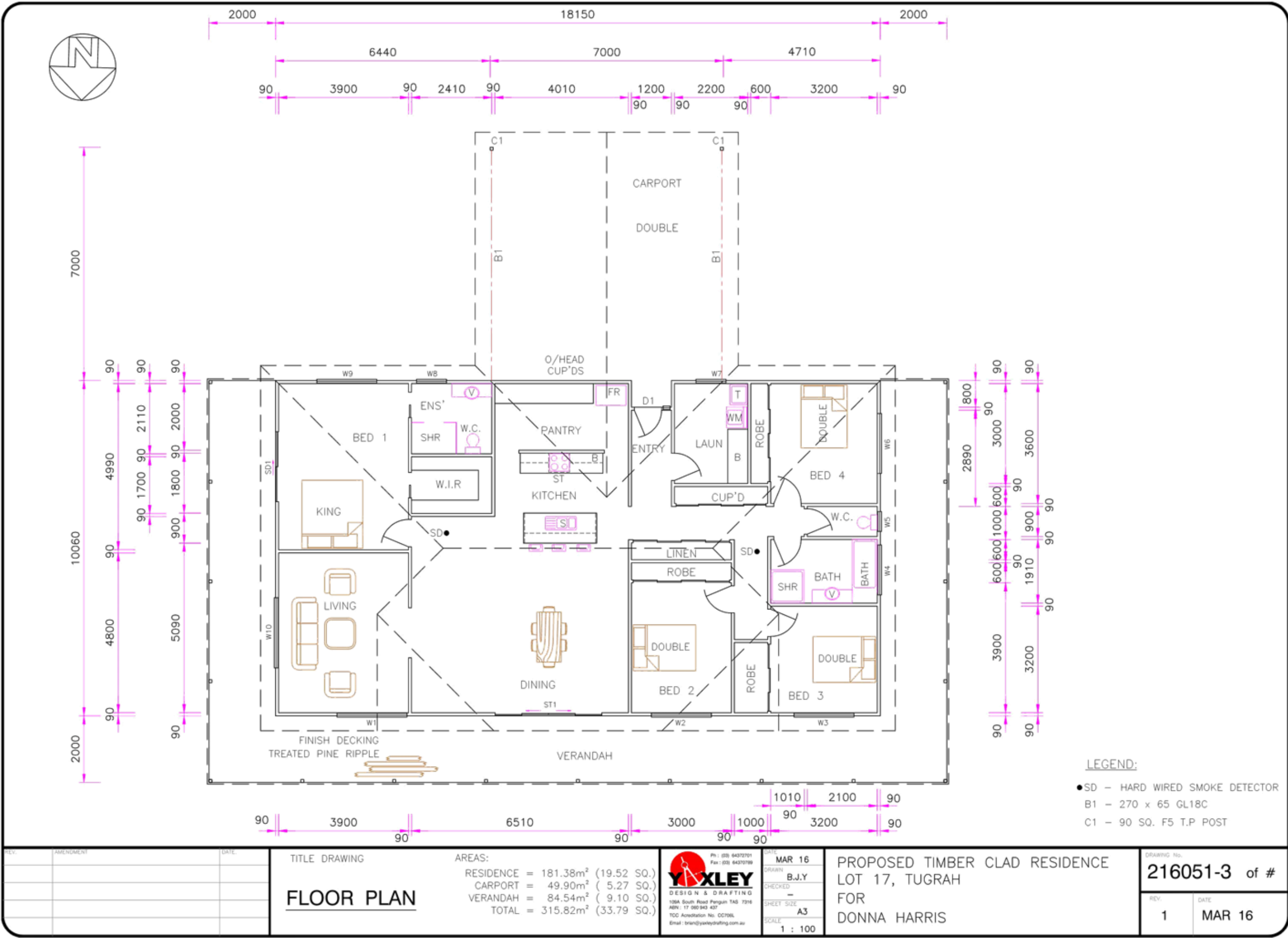
**THIS IS NOT A BUILDING or PLUMBING PERMIT.**

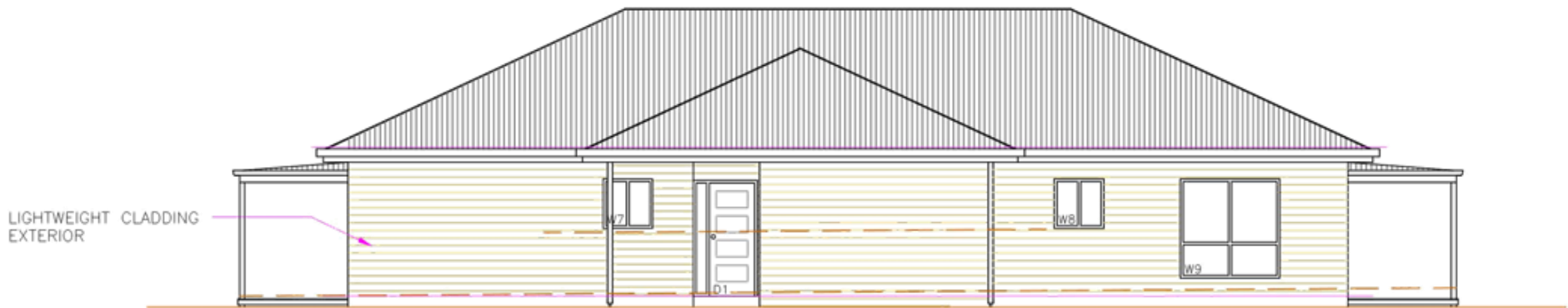
You need to provide a copy of this planning permit to a registered Tasmanian Building Surveyor. **WORK CANNOT COMMENCE UNTIL THESE BUILDING AND PLUMBING PERMITS ARE ISSUED.**

Author:	Shane Warren	Endorsed By:	Matthew Atkins
Position:	Planning & Environmental Health Coordinator	Position:	Deputy General Manager

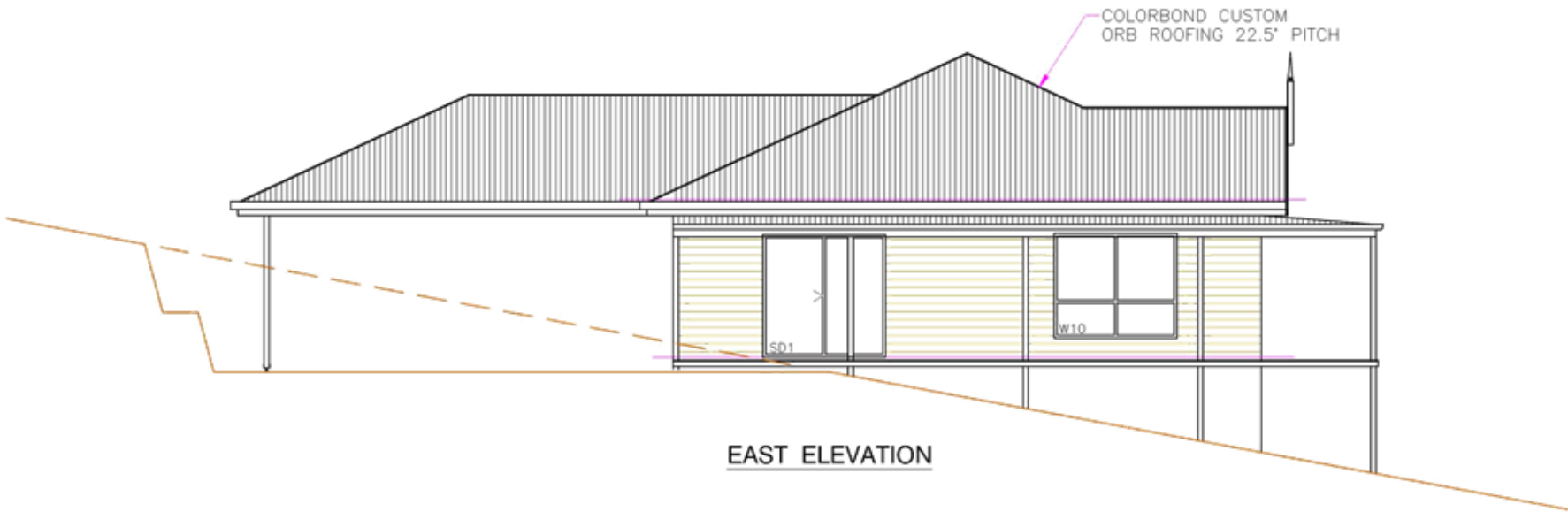


ITEM 4.1





SOUTH ELEVATION



EAST ELEVATION

REV.	REVISION	DATE

TITLE DRAWING  
**ELEVATIONS**

**YXLEY**  
DESIGN & DRAFTING  
126A South Road Penguin TAS 7316  
ABN: 17 080 943 437  
TQC Accreditation No. CC1968  
Email: brian@yxleydrafting.com.au

DATE  
**MAR 16**  
DRAWN  
**B.J.Y**  
CHECKED  
**-**  
SHEET SIZE  
**A3**  
SCALE  
**1 : 100**

PROPOSED TIMBER CLAD RESIDENCE  
LOT 17, TUGRAH  
FOR  
DONNA HARRIS

DRAWING No.  
**216051-6** of #  
REV. 1 DATE **MAR 16**



NORTH ELEVATION



WEST ELEVATION

REV.	REVISION	DATE

TITLE DRAWING

ELEVATIONS



Ph : (03) 94372701  
Fax : (03) 94370799

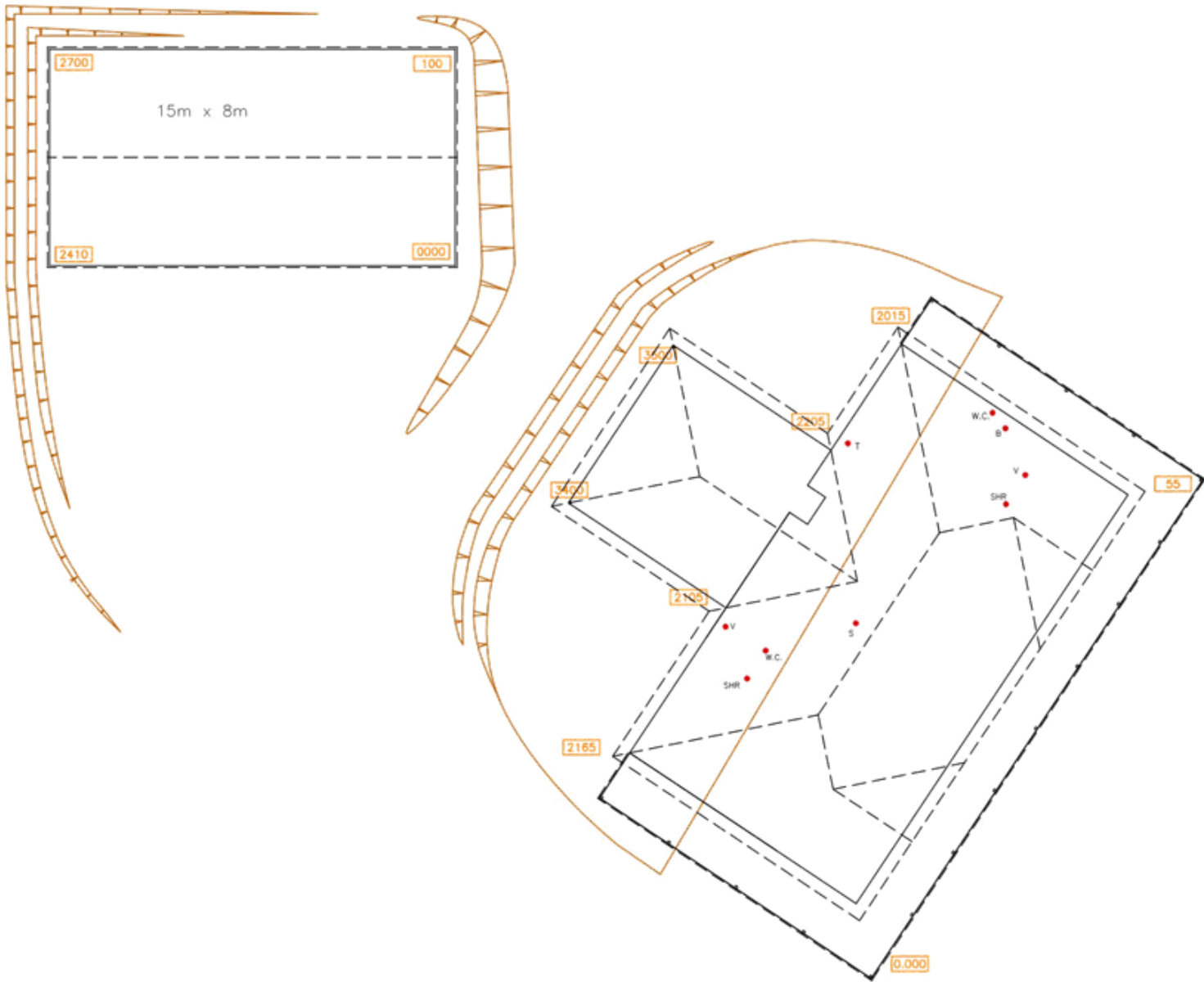
136A South Road Penguin TAS 7316  
ABN : 17 080 943 437  
TQC Accreditation No. CCR968  
Email : brian@yoxleydrafting.com.au

DATE	MAR 16
DRAWN	B.J.Y
CHECKED	-
SHEET SIZE	A3
SCALE	1 : 100

PROPOSED TIMBER CLAD RESIDENCE  
LOT 17, TUGRAH  
FOR  
DONNA HARRIS

DRAWING No.	216051-5 of #
REV.	1
DATE	MAR 16





REV.	REMARKS	DATE

TITLE DRAWING  
**DRAINAGE PLAN**

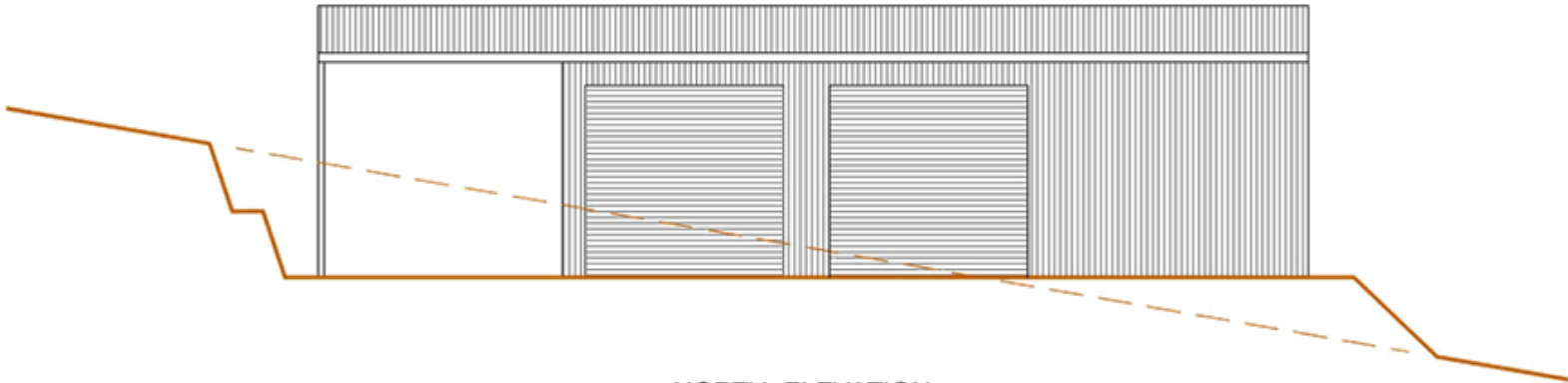


Ph : (08) 94372701  
Fax : (08) 94370799  
136A South Road Penguin TAS 7316  
ABN : 17 080 943 437  
TQC Accreditation No. CC1968  
Email : brian@yoxleydrafting.com.au

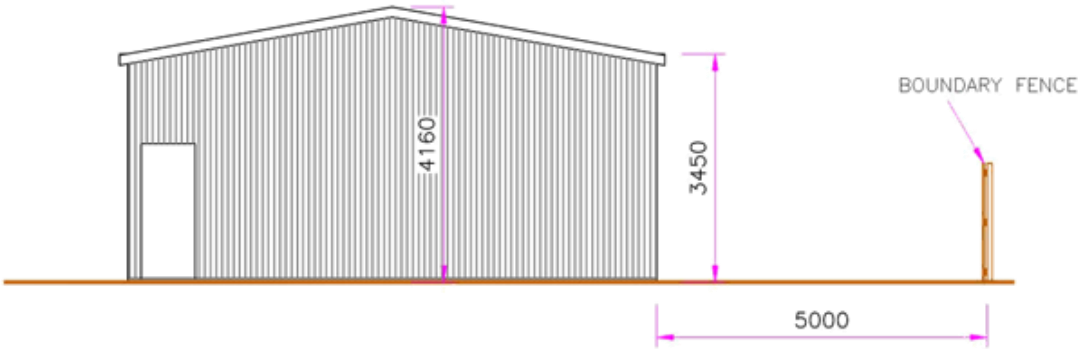
DATE	MAR 16
DRAWN	B.J.Y
CHECKED	—
SHEET SIZE	A3
SCALE	1 : 200

PROPOSED TIMBER CLAD RESIDENCE  
LOT 17, TUGRAH  
FOR  
DONNA HARRIS

DRAWING No.	
216051-3 of #	
REV.	DATE
1	MAR 16



NORTH ELEVATION



WEST ELEVATION

REV.	REVISION	DATE

DRAWING TITLE  
**SHED ELEVATIONS**



Ph : (08) 94372701  
Fax : (08) 94370799  
136A South Road Penguin TAS 7316  
ABN : 17 080 943 437  
TDC Accreditation No. CC1968  
Email : brian@yoxleydrafting.com.au

DATE	MAR 16
DRAWN	B.J.Y
CHECKED	—
SHEET SIZE	A3
SCALE	1 : 100

PROPOSED TIMBER CLAD RESIDENCE  
LOT 17, MANGANA DR. TUGRAH  
FOR  
DONNA HARRIS

DRAWING No.	216051-18 of #
REV.	1
DATE	MAR 16

General Manager  
Devonport City Council  
PO Box 604  
Devonport  
TAS 7310

27/06/2016

To The General Manager

RE: Planning Application PA2016.0081

We are writing to express our objection to the above planning application at 4 Mangana Drive, Tugrah 7310.

Our objection is concerning the shed which is planned for within the 10m building offset on the side boundary to our property of 6 Mangana Drive. We are objecting on two grounds. The first that we have on several occasions had to request information that was not included in the plans available for viewing (i.e. height of shed, elevations of both proposed shed and house) and this has impacted on the time made available to appropriately assess potential impact to our property. Secondly, our planner has advised that we request a shadow diagram as part of the plan identifying shadow cast toward our property throughout various seasons. This is important information for consideration as the proposed shed is planned for within the building setback area.

We are requesting that a shadow diagram be made available in order to ascertain whether this proposed construction will have impact, in regards to sun and lighting, to both our backyard and current building area for dwelling (currently in draft stage) for 6 Mangana Drive. We also request that we are notified when this information is made publically available and are provided with an additional 7 days to consider this application from the date this information is available to us.

Kind regards,

Adam and Claire Connell  
70 Lakeside Drive  
Acacia Hills  
TAS 7306  
0438 509 527  
0418 477 833

## **5.0 CLOSURE**

There being no further business the Mayor declared the meeting closed at <insert time> pm.