



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, on Monday 31 October 2016, commencing at 3:30pm.

The meeting will be open to the public at 3:30pm.

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

26 October 2016

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF
DEVONPORT CITY COUNCIL HELD ON MONDAY 31 OCTOBER 2016
AT THE COUNCIL CHAMBERS AT 3:30PM**

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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 31, October 2016 commencing at 3:30pm.

PRESENT

| | | Present | Apology |
|----------|------------------------|----------------|----------------|
| Chairman | Ald S L Martin (Mayor) | | |
| | Ald C D Emmerton | | |
| | Ald G F Goodwin | | |
| | Ald J F Matthews | | |
| | 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

2.0 DECLARATIONS OF INTEREST

3.0 DELEGATED APPROVALS

3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 1 OCTOBER 2016 - 23 OCTOBER 2016

ATTACHMENTS

1. Planning applications approved under delegated authority - 1 October 2016
- 23 October 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 October 2016 – 23 October 2016

| Application No. | Location | Description | Approval Date |
|-----------------|-----------------------------------|--|---------------|
| PA2016.0109 | 28 Dana Drive, Devonport | Residential (garage) – assessment against performance criteria under 10.4.2 (rear setback and building envelope) | 6/10/2016 |
| PA2016.0113 | 23 Charles Street, Devonport | Residential (multiple dwellings) – assessment against performance criteria under clause 10.4.2 (setback variation) and Traffic Generating Use and Parking Code (fewer parking spaces than required) | 17/10/2016 |
| PA2016.0116 | 16-40 James Street, Devonport | Utilities – telecommunications facility (monopole and associated infrastructure) | 13/10/2016 |
| PA2016.0117 | 35-37 Valley Road, Devonport | Business and professional services (medical centre expansion including development of carpark) - assessment against performance criteria for use and development standards prescribed within the General Residential Zone and Traffic Generating Use and Parking Code (E9). | 7/10/2016 |
| PA2016.0119 | 317 Melrose Road, Aberdeen | Reconfiguration of lot boundaries (to increase the land area of 317 Melrose Road); and detached residential addition (habitable building appurtenant to the main dwelling) on 317 Melrose Road | 10/10/2016 |
| PA2016.0120 | 2 4 & 6 Oldaker Street, Devonport | Three storey mixed use development (General Retail & Hire and Residential) including the demolition of existing buildings; and Including the discretions to allow: - Building outside of the permitted building envelope (setback and height); - Demolition of building listed under the Local Heritage Code; and - Lesser than permitted number of parking spaces required under the Traffic Generating Use and Parking Code. | 10/10/2016 |
| PA2016.0122 | 6 Mangana Drive, Tugrah | Residential (single dwelling and shed) – assessment against performance criteria under clause 13.4.1, 13.4.2 & 13.4.3 | 17/10/2016 |
| PA2016.0123 | 18 Ronan Court, Spreyton | Residential (multiple dwellings x 2) – assessment against performance criteria under General Residential clause 10.4.2 and Traffic Generating Use and Parking Code (E9). | 4/10/2016 |
| PA2016.0125 | 108 Mary Street, East Devonport | Residential (shed) - assessment against performance criteria for setbacks and building envelope | 19/10/2016 |
| PA2016.0126 | 2-14 Saleyard Road, Quoiba | Transfer depot and distribution and storage (expansion and redevelopment of the site) | 10/10/2016 |
| PA2016.0130 | 95 George Street, Devonport | Residential (2 dwellings), demolition of existing house and outbuildings | 21/10/2016 |
| PA2016.0132 | 160 Sheffield Road, Spreyton | 2 lot subdivision | 21/10/2016 |

4.0 DEVELOPMENT REPORTS

4.1 PA2016.0140 RESIDENTIAL (SINGLE DWELLING) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR BUILDING ENVELOPE AND SETBACKS AND PRIVACY - 35 LEARY AVENUE STONY RISE

File: 33295 D445587

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2016.0140.

BACKGROUND

| | |
|----------------------|--|
| Planning Instrument: | <i>Devonport Interim Planning Scheme 2013</i> |
| Applicant: | Tasmanian Consulting Service |
| Owner: | Ms DJ Broun |
| Proposal: | Residential (single dwelling) - assessment against performance criteria for building envelope and setbacks and privacy |
| Existing Use: | Vacant land |
| Zoning: | General Residential |
| Decision Due: | 09/11/2016 |

SITE DESCRIPTION

The lot was developed as part of the 'Tiers' subdivision in the early 2000s and is identified by Certificate of Title 145999/36. The site has an area of 1,072m² and is currently undeveloped. The site has a fall of approximately 7m from Leary Avenue frontage to the rear of the lot.

A Part 5 Agreement pertains to this property along with all other lots developed as part of the 'Tiers' subdivision. The agreement has a number of development controls and recommendations such as encouraging development above the 70m contour line to be constructed in accordance with the 'Good Engineering Hillside Practices/Landslip Risk Management'. In regard to this application, the proposal does not contravene the Part 5 Agreement.

A copy of the title plan and aerial image of the site is reproduced respectively on the next page.



Title Plan of subject site - 145993/36 (The List)



Aerial image of the site taken in 2015 (Geocortex)

APPLICATION DETAILS

The applicant is seeking approval to construct a single residence on the lot. The residence is designed to accommodate the fall of the land and will have a rendered brick finish with a colorbond roof. Sycon feature cladding is proposed along part of the northern elevation of the dwelling.

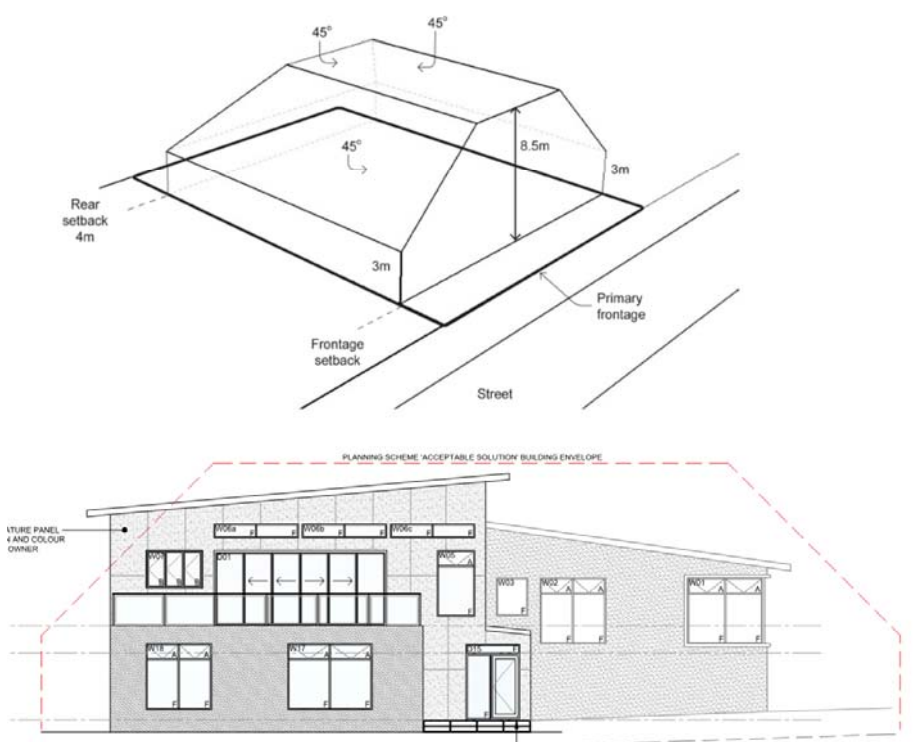
A copy of the dwelling plans and supporting application documentation is appended as **Attachment 1**.

PLANNING ISSUES

The land is zoned General Residential under the *Devonport Interim Planning Scheme 2013* (DIPS). The primary purpose of the zone is to provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

The proposed dwelling falls under the use class 'Residential'. The Use Table for the zone prescribes Residential as 'No Permit Required' provided the development is for "*a single dwelling or home based business*". In addition, for a single dwelling to be 'No Permit Required' the proposal has to satisfy the applicable Acceptable Solutions stipulated within the zone and any relevant development code.

The dwelling application has been thoroughly investigated against the applicable standards within the DIPS and it has been identified that two development standards within the General Residential zone do not comply with the Acceptable Solutions. The table below highlights the discretionary matters in further detail.

| Development standards that do not meet the Acceptable Solutions | Reason why the Acceptable Solutions is not met |
|---|---|
| 10.4.2 – Setbacks and building envelope | <p>A section of the dwelling falls outside the prescribed 3-dimensional building envelope identified in 10.4.2 A3. Reproduced below is a diagram of the prescribed building envelope along with northern elevation of the dwelling highlighting the building envelope variation</p>  <p>The diagram consists of two parts. The top part is a 3D perspective view of a building envelope. It shows a rectangular base with a rear setback of 4m and a frontage setback. The roof is pitched at 45 degrees on all sides. The height of the building is 8.5m, and the width of the frontage is 3m. The bottom part is a 2D northern elevation of the dwelling. It shows a two-story building with a dashed red line indicating the prescribed building envelope. The building has a gabled roof and several windows. The envelope boundary is shown as a dashed red line that follows the general shape of the building but excludes some of the upper sections of the roof and walls.</p> |

| | |
|------------------------------------|---|
| 10.4.6 – Privacy for all dwellings | A second storey deck is proposed to be setback 2.2m to the eastern side boundary. To comply with the Acceptable Solutions a deck greater than 1m above natural ground level is required to have a side setback of 3m or a privacy screen to a height of 1.7m. |
|------------------------------------|---|

As the Acceptable Solutions are not met for two development standards the application is 'Discretionary'. This permit pathway requires the application to be publicly advertised for a 14 day period as stipulated under the *Land Use Planning and Approvals Act 1993*. Council acting as a Planning Authority can then approve or refuse the application.

To determine if the application has merit to be approved, the proposal is required to be assessed against the corresponding Performance Criteria for the two identified development standards.

The applicable Performance Criteria is reproduced overleaf with comment.

*Note - the 3 dimensional building envelope referred to in the above standard is illustrated within the table of the previous page.

Comment

The dwelling is positioned in a location that will have negligible impacts to neighbouring properties. The property most likely to be impacted by the development is the vacant lot to the east (36 Leary Avenue). The dwelling will overshadow part of the property in the late afternoon hours however the shadowing impact is not considered detrimental at this time and a dwelling with a similar profile that fitted within the prescribed building envelope would have similar overshadowing impacts. As a result, the Performance Criteria is considered to be satisfactorily met.

Comment

After undertaking a site inspection and reviewing the development plans it is acknowledged that the location of the deck may result in overlooking the vacant residential lot to the east (36 Leary Avenue). The applicant stated the following within their planning submission:

"The current location of the house places the upper level balcony at 2.2m from the eastern boundary, which is 0.8m within the allowable distance stated in Clause 10.4.6 – Privacy for all dwellings. A solid wall of 1m height will be placed on the eastern side of the balcony to provide some shielding. This is the end wall of the balcony and not the main frontage and hence we do not believe the small extension beyond the scheme limit is a significant issue. A higher screen on this edge is not preferred as it will introduce shading to the balcony and the residence during the morning."

It is considered that the deck's main orientation is to the north and a solid screen along the eastern boundary to a height of 1m will help alleviate overlooking to the neighbouring vacant lot. If the deck was setback a further 0.8m to the eastern side boundary (to a total of 3m) it would comply with the Acceptable Solutions and Council could not condition on the permit for a privacy screen to be erected even though privacy matters may be a concern. To ensure a 1m screen is provided along the eastern elevation a condition will be placed on the permit (requiring the developer to provide an opaque screen or similar). Overall the Performance Criteria can be supported for this standard.

COMMUNITY ENGAGEMENT

On 28/09/2016, 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 01/10/2016;
- (b) Making a copy of the proposal available in Council Offices from the 01/10/2016;
- (c) Notifying adjoining property owners by mail on 29/09/2016; and
- (d) Erecting a Site Notice for display from the 30/09/2016.

The period for representations to be received by Council closed on 17/10/2016.

REPRESENTATIONS

Two representations were received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*.

The representations were received from the landowner(s) of the following properties:

- 36 Leary Avenue (eastern adjoining neighbour); and
- 32 Leary Avenue (located a few properties west of the proposal).

A copy of the representations is appended at **Attachment 2 & 3** respectively. The landowners of 36 Leary Avenue cited concerns that the property would block out late afternoon sun and the proposed second storey deck will cause privacy issues.

Comment

The application has been tested against the merits of the Performance Criteria for two development standards which took into account overshadowing and privacy impacts (refer *Planning Issues* section of report). The application was found to satisfy the Performance Criteria and no further comment is warranted.

The landowner of 32 Leary Avenue raised concerns that the dwelling will “ruin the whole look of the street” as all dwellings in the vicinity had been built in accordance to the setback. The representation also outlined that covenants apply to the block that had not been met.

Comment

It is noted that many of the houses constructed along Leary Avenue were under the provisions of the Closed Residential zone in the *Devonport & Environs Planning Scheme 1984*. Under this scheme, the acceptable side setback of a dwelling was 1.5m. The proposed dwelling closest side setback is 2.2m (to the eastern side boundary) and the dwelling will not look out of character along Leary Avenue. In regard to covenants, Council has no jurisdiction.

DISCUSSION

The application has also been referred internally to other Council departments with an interest in development applications. Comments received have also been included in the final recommendation.

FINANCIAL IMPLICATIONS

No financial implications are predicted unless an appeal is made against the Council's decision to the Resource Management and Planning Appeal Tribunal (RMPAT). In such instance legal counsel may be required to represent Council. The opportunity for an appeal exists as a result of the Council determining to either approve or refuse the application.

RISK IMPLICATIONS

No risk implications are associated with a determination of this planning permit application.

CONCLUSION

The development of a dwelling at 35 Leary Avenue, Stony Rise has achieved performance under the DIPS and is recommended for conditional approval.

ATTACHMENTS

1. Application - PA2016.0140 - 35 Leary Avenue
2. All representations - PA2016.0140 - 35 Leary Avenue

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 PA2016.0140 and grant a Permit to use and develop land identified as 35 Leary Avenue, Stony Rise for the following purposes:

- Residential (single dwelling) - assessment against performance criteria for building envelope and setbacks and privacy

Subject to the following conditions:

1. Unless otherwise specified by a condition of this permit, the use and development is to proceed generally in accordance with the submitted plans referenced as New Residence – Drawing 8469-001 (01-07), dated 07/09/16 by Tasmanian Consulting Service, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. Prior to or at the time of the building application being submitted, the applicant is to provide details of the 1m privacy screen on the east elevation of the second storey deck. The screen is to be to the satisfaction of the Planning Authority (refer note).
3. The developer is to comply with the conditions contained in the 'In-Principle Agreement for Roads and Stormwater' issued by the Devonport City Council on the 29/08/16 (agreement attached).

Note: The following is provided for information purposes.

In regard to condition 2, the screen is to be opaque and have a maximum transparency of 25%.

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

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 BUILDING AND PLUMBING PERMITS ARE ISSUED.

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

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

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

| |
|-------------------------|
| Office use |
| Application no. _____ |
| Date received: _____ |
| Fee: _____ |
| Permitted/Discretionary |

Devonport City Council

Land Use Planning and Approvals Act 1993

Devonport Interim Planning Scheme 2013

Application for Planning Permit**Use or Development Site**Street Address: 35 LEARY AVENUE, STONY RISECertificate of Title Reference No.: 145993/36**Applicant's Details**Full Name/Company Name: MATHEW KING OFTASMANIAN CONSULTING SERVICEPostal Address: 74 OLDAKER STREET, DEVONPORTTelephone: 64249085Email: matthew@tascon.com.au**Owner's Details (if more than one owner, all names must be provided)**Full Name/Company Name: Dayna BrownPostal Address: 153C Steele Street, DevonportTelephone: 0438272260Email: dayna.brown@utas.edu.au

ABN: 47 611 446 016
 PO Box 604 Devonport
 44-48 Best Street
 Devonport
 TAS 7310
 Telephone 03 6424 0511
 Facsimile 03 6424 9649
 Email
 council@devonport.tas.gov.au
 Web
 www.devonport.tas.gov.au

Sufficient information must be provided with an application to demonstrate compliance with all applicable standards, purpose statements in applicable zones, codes and specific area plans, any relevant local area objectives or desired future character statements.

Please provide one copy of all plans with your application.

Assessment of an application for a Use or Development

What is proposed?: construction of a new 2 storey dwelling
at the given address on Certificate of Title
145993/36.

Description of how the use will operate: _____

Usage will be as a residence.

Use Class (Office use only): _____

Applications may be lodged by email to Council - council@devonport.tas.gov.au. The following information and plans must be provided as part of an application unless the planning authority is satisfied that the information or plan is not relevant to the assessment of the application:

| | |
|---|--|
| Application fee | |
| Completed Council application form | |
| Copy of certificate of title, including title plan and schedule of easements | |
| Demonstration of compliance with performance criteria and relevant codes | |
| A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing: | |
| • The existing and proposed use(s) on the site | |
| • The boundaries and dimensions of the site | |
| • Typography including contours showing AHD levels and major site features | |
| • Natural drainage lines, watercourses and wetlands on or adjacent to the site | |
| • Soil type | |
| • Vegetation types and distribution, and trees and vegetation to be removed | |
| • The location and capacity of any existing services or easements on the site or connected to the site | |
| • Existing pedestrian and vehicle access to the site | |
| • The location of existing adjoining properties, adjacent buildings and their uses | |
| • Any natural hazards that may affect use or development on the site | |
| • Proposed roads, driveways, car parking areas and footpaths within the site | |
| • Any proposed open space, communal space, or facilities on the site | |
| • Main utility service connection points and easements | |
| • Proposed subdivision lot boundaries, where applicable | |
| • Details of any proposed fencing | |
| Where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 on A3 or A4 paper (1 copy) showing: | |
| • The internal layout of each building on the site | |
| • The private open space for each dwelling | |
| • External storage spaces | |
| • Car parking space location and layout | |
| • Major elevations of every building to be erected | |
| • The relationship of the elevations to natural ground level, showing any proposed cut or fill | |
| • Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites | |
| • Materials and colours to be used on roofs and external walls | |
| A plan of the proposed landscaping including: | |
| • Planting concept | |
| • Paving materials and drainage treatments and lighting for vehicle areas and footpaths | |
| • Plantings proposed for screening from adjacent sites or public spaces | |
| Details of any signage proposed | |

If all of the above information is not provided to Council at the time of lodgement the application will not be accepted.

Value of use and/or development

\$ 430,000

Notification of Landowner/s (s.52 Land Use Planning and Approvals Act, 1993)

If land is not in applicant's ownership

I, MATTHEW KING OF TASMANIAN CONSULTING SERVICE declare that the owner /each of the owners of the land has been notified/will be notified within 7 days from date of making this permit application.

Applicant's signature:  Date: 12-09-16

If the application involves land owned or administered by the Devonport City Council

Devonport City Council consents to the making this permit application.

General Manager's signature: _____ Date: _____

If the application involves land owned or administered by the Crown

Consent must be included with the application.

Signature

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

- if incomplete, the application may be delayed or rejected;
- more information may be requested within 21 days of lodgement; and
- The application may take 42 days to determine.

PUBLIC ACCESS TO PLANNING DOCUMENTS




I, the undersigned understand that all documentation included with this application will be made available for inspection by the public. Copies of submitted documentation, with the exception of plans which will be made available for display only, may be provided to members of the public, if requested.

Applicant's signature:  Date: 12-09-16

PRIVACY ACT

The personal information requested on this form is being collected by Council for processing applications under the Land Use and Planning Approvals Act 1993 and will only be used in connection with the requirements of this legislation. Council is to be regarded as the agency that holds the information.

Fee & payment options – Please pay fee when lodging your completed application form

| | |
|---|--|
|  | Payment in Person Customer Service hours are between 8.30am and 5.00pm, Mon-Fri. Payment may be made by cash, credit card, cheque or EFTPOS. |
|  | Payment by Mail Cheques should be made payable to Devonport City Council and posted to The General Manager, Devonport City Council, PO Box 604, Devonport, TAS, 7310. |
|  | Credit Card Payment by Phone Please contact the Devonport City Council offices on 6424 0511. Customer Service hours are between 8.30am and 5.00pm, Monday to Friday. |

8469-w-160922
Page: 1 of 1

Devonport City Council
PO Box 604
Devonport TAS 7310

Proposed New Residence for Matthew King and Dayna Broun at 35 Leary Avenue, Stony Rise

Please find attached drawing no's 8469-000/P1 to 007/P1 documenting the proposed new residence for Planning Approval. The proposed development comprises a residence on Certificate of Title 145993/36. Drawing 8469-001 attached indicates a plan layout of the proposed works to be completed.

Diagram 10.4.2B. Building envelope for sloping sites has been shown on attached Drawing 8469-004. As shown, a small section of the north-eastern side of the proposed residence protrudes outside of the building envelope. As the protruding section is quite minimal, this will not cause unreasonable loss of amenity by:

- Reduction in sunlight to a habitable room
- Overshadowing the private open space of a dwelling on an adjoining lot
- Overshadowing of an adjoining vacant lot or;
- Visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot.

As all other aspects of the building fit within the building envelope, these have not been shown in the other elevations provided.

The current location of the house places the upper level balcony at 2.2m from the eastern boundary, which is 0.8m within the allowable distance stated in Clause 10.4.6 – Privacy for all dwellings. A solid wall of 1m height will be placed on the eastern side of the balcony to provide some shielding. This is the end wall of the balcony and not the main frontage and hence we do not believe the small extension beyond the scheme limit is a significant issue. A higher screen on this edge is not preferred as it will introduce shading to the balcony and the residence during the morning.

Fill to the site on the northern side of the dwelling has been shown to increase the amenity of this area due to the existing steep slope. The height of fill exceeds that stated in Clause E4 – Change in Ground Level Code. Measures to be taken are:

- An engineered retaining wall will be provided at the required locations at the fill site. The retaining wall foundations will not be located within the existing easement, or within the zone of influence of the existing services located on the north of the block
- The ground will be graded at 1 in 15 in order to provide sufficient run off the site
- Drainage will be provided at the low point of the proposed fill which will be discharged into the stormwater line

Could you please advise the applicable fees for this application and we will arrange payment.

If you require any additional information or need to discuss any aspect of this please contact our office.

Regards,



Matt King
Tasmanian Consulting Service
22nd September, 2016



Tasmanian Consulting Service
Engineering. Design. Planning. Management. Construction.
PO Box 1047; 74 Oldaker St. Devonport Tasmania 7310

p: 03 6424-9085
f: 03 6424-5709
mail@tascon.com.au
ABN: 40 009 579 453

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Devonport City Council In-principle agreement Roads and Stormwater

Development Address: 35 LEARY AVE
Applicant Details: M King & D Broun
Details of Development: RESIDENCE

In-principle agreement to submit an application for planning is granted under the *Local Government (Highways) Act 1982* and the *Urban Drainage Act 2013* subject to the following conditions:

1. The proposed widened access driveway shall be a maximum of 8m wide and be generally constructed in accordance with Tasmanian Standard Drawing TSD R09v1.
2. No part of the proposed building or retaining wall foundation work is permitted over the existing drainage easements or within the zone of influence line extending from the invert of the existing stormwater trench as per the relevant sections of the Building Code of Australia.
3. The existing property service connection for the disposal of stormwater is to be used for the proposed development.
4. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

Please note, this is not a development or building/plumbing permit but must be submitted to Council's planning department in support of your application for planning.

This agreement is valid for a period of 12 months from the date on which it is signed.

Approved by Engineering Development Officer under delegated authority.

Signed

Date

19/9/16

| Document Controller | Date | TRIM doc. | Review | Responsible Manager |
|------------------------------------|-------------|-----------|-------------|---------------------|
| ENGINEERING DEVELOPMENT OFFICER | AUGUST 2014 | D384095 | AUGUST 2015 | IWM |

What does this in-principle agreement mean to you?

In accordance with the *Devonport Interim Planning Scheme 2013* each application for development must be supported by the relevant road or service authority prior to the application being lodged for planning assessment. This in-principle agreement serves as notification that your proposal has been assessed by Council's City Infrastructure Department and has been determined to be permissible in regards to road asset infrastructure, road network safety and stormwater drainage, subject to compliance with any conditions listed.

This in-principle agreement must be submitted as supporting information with your documentation for planning approval and will subsequently form part of your conditional approval, should it be granted.

Does this in-principle agreement allow me to start work?

No, prior to undertaking any works you will need to be granted approval from Council's permit authority, once this obtained you may need to seek approval to undertake works within the road reserve, please speak with Council officers to confirm which permits may be applicable to your works.

Under what power is this in-principle agreement issued?

This in-principle agreement is issued under the delegated authority of the *Local Government (Highways) Act 1982*, and the *Urban Drainage Act 2013*. Failure to comply with the conditions of this agreement may result in legal action.

What if I don't agree with the conditions of this in-principle agreement?

If you have any concerns, queries or disagreements with the conditions applied to this in-principle agreement please contact Council's City Infrastructure department to discuss your concerns prior to submission of your planning application.


How long does this in-principle agreement last?

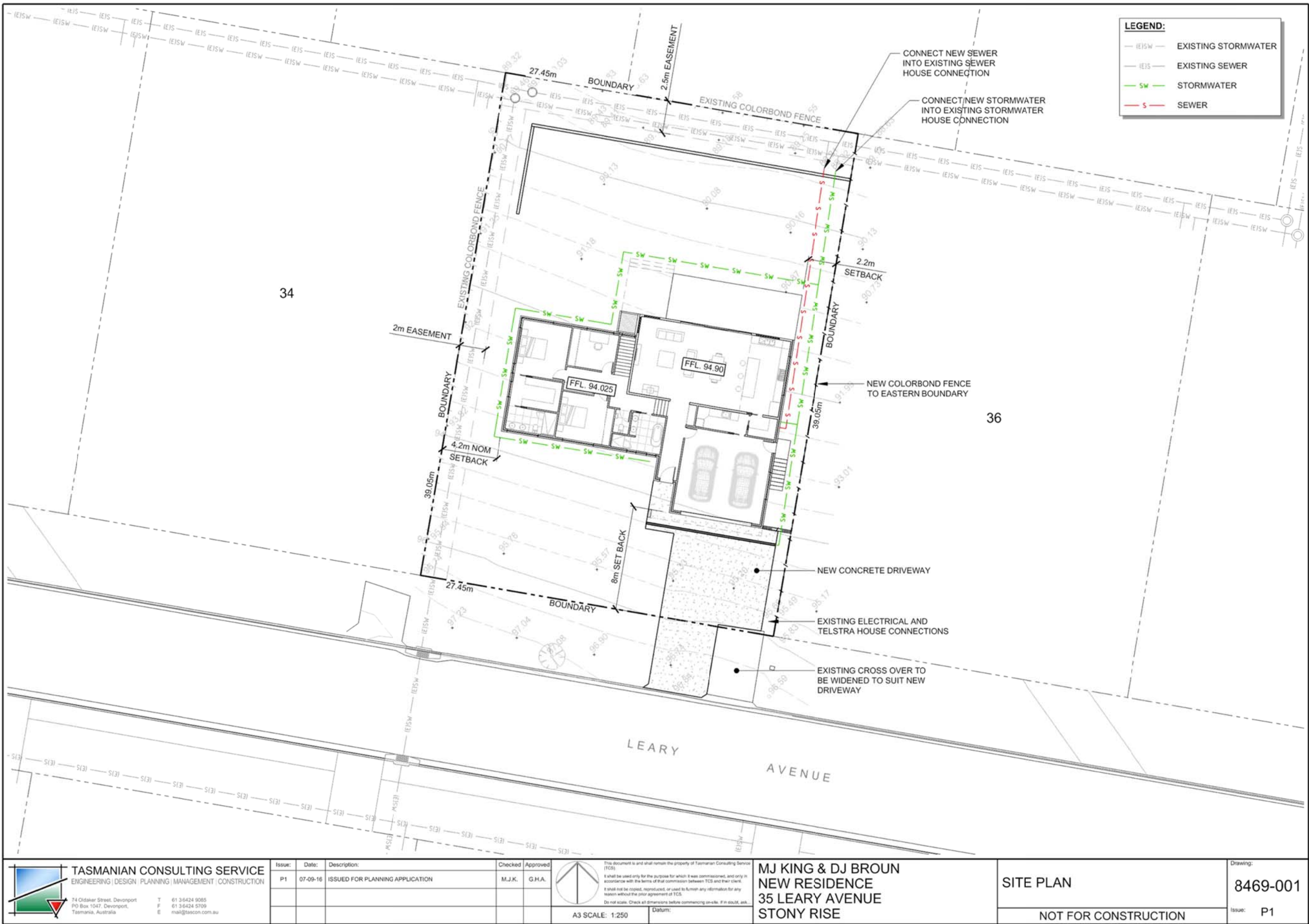
This in-principle agreement will expire 12 months from the date it is signed, if this period elapses prior to submission of your planning application you will need to re-submit your plans to Council's City Infrastructure department for further assessment.

| Document Controller | Date | TRIM doc. | Review | Responsible Manager |
|------------------------------------|-------------|-----------|-------------|---------------------|
| ENGINEERING DEVELOPMENT OFFICER | AUGUST 2014 | D384095 | AUGUST 2015 | IWM |

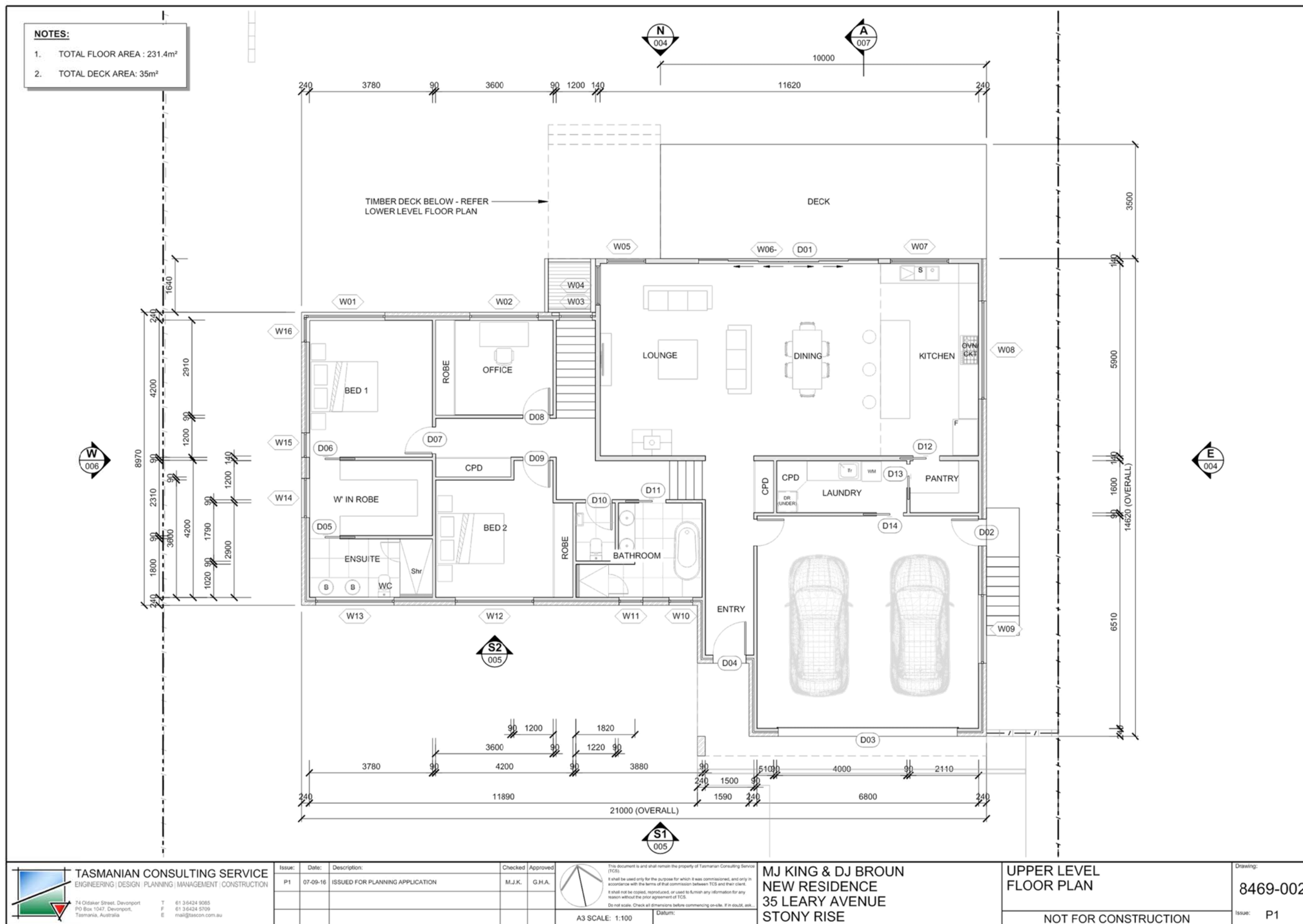
Matthew King and Dayna Broun
New Residence
35 Leary Avenue, Stony Rise

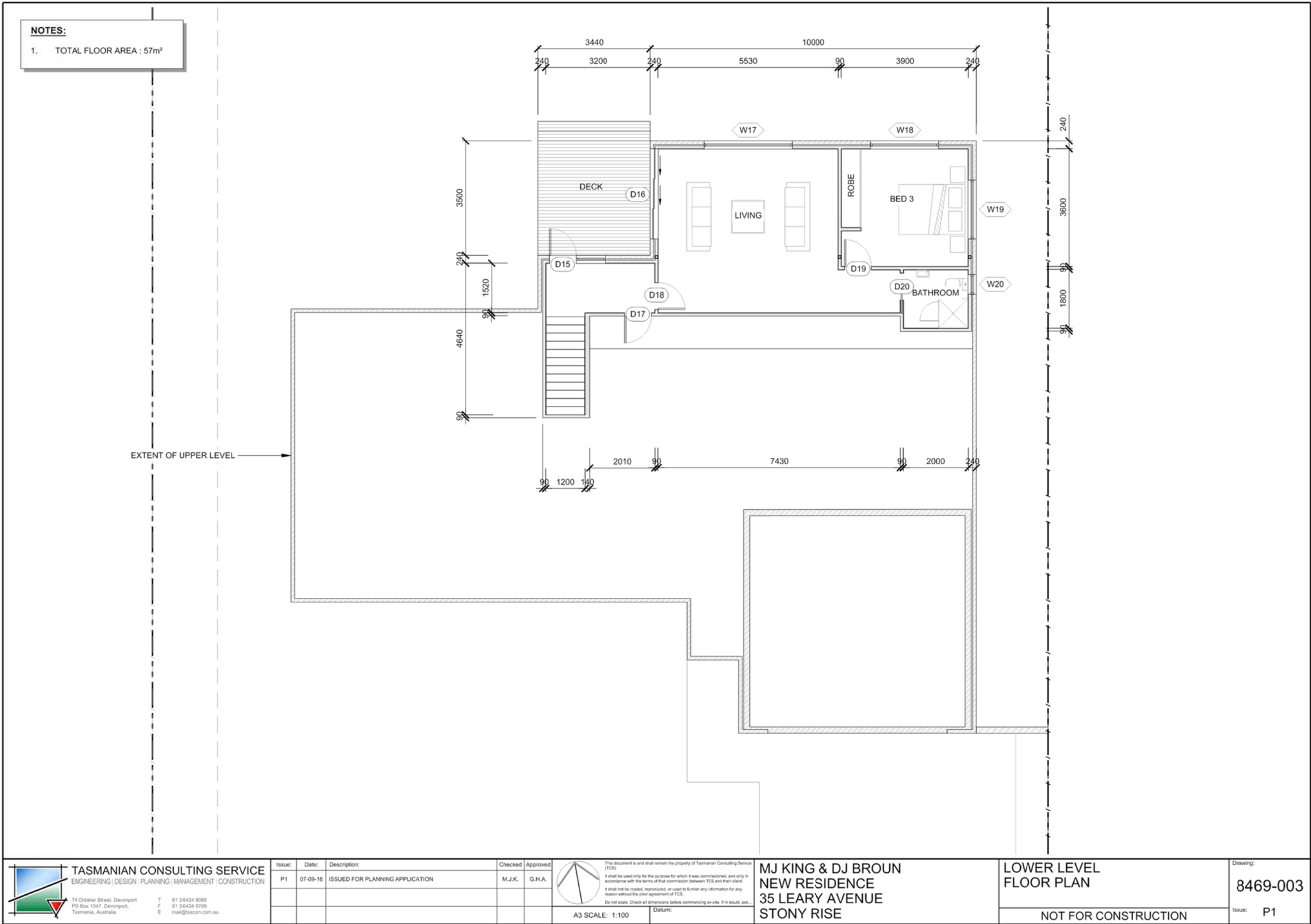
| DRAWING NUMBER | DRAWING DESCRIPTION | ISSUE P1 | ISSUE - | ISSUE - |
|-------------------|-------------------------------|-------------|------------|------------|
| 8469-000 | COVER PAGE & DRAWING SCHEDULE | 07-09-16 | | |
| 8469-001 | SITE PLAN | 07-09-16 | | |
| 8469-002 | UPPER LEVEL; FLOOR PLAN | 07-09-16 | | |
| 8469-003 | LOWER LEVEL; FLOOR PLAN | 07-09-16 | | |
| 8469-004 | ELEVATIONS; SHEET 1 | 07-09-16 | | |
| 8469-005 | ELEVATIONS; SHEET 2 | 07-09-16 | | |
| 8469-006 | ELEVATIONS; SHEET 3 | 07-09-16 | | |
| 8469-007 | SECTION A | 07-09-16 | | |

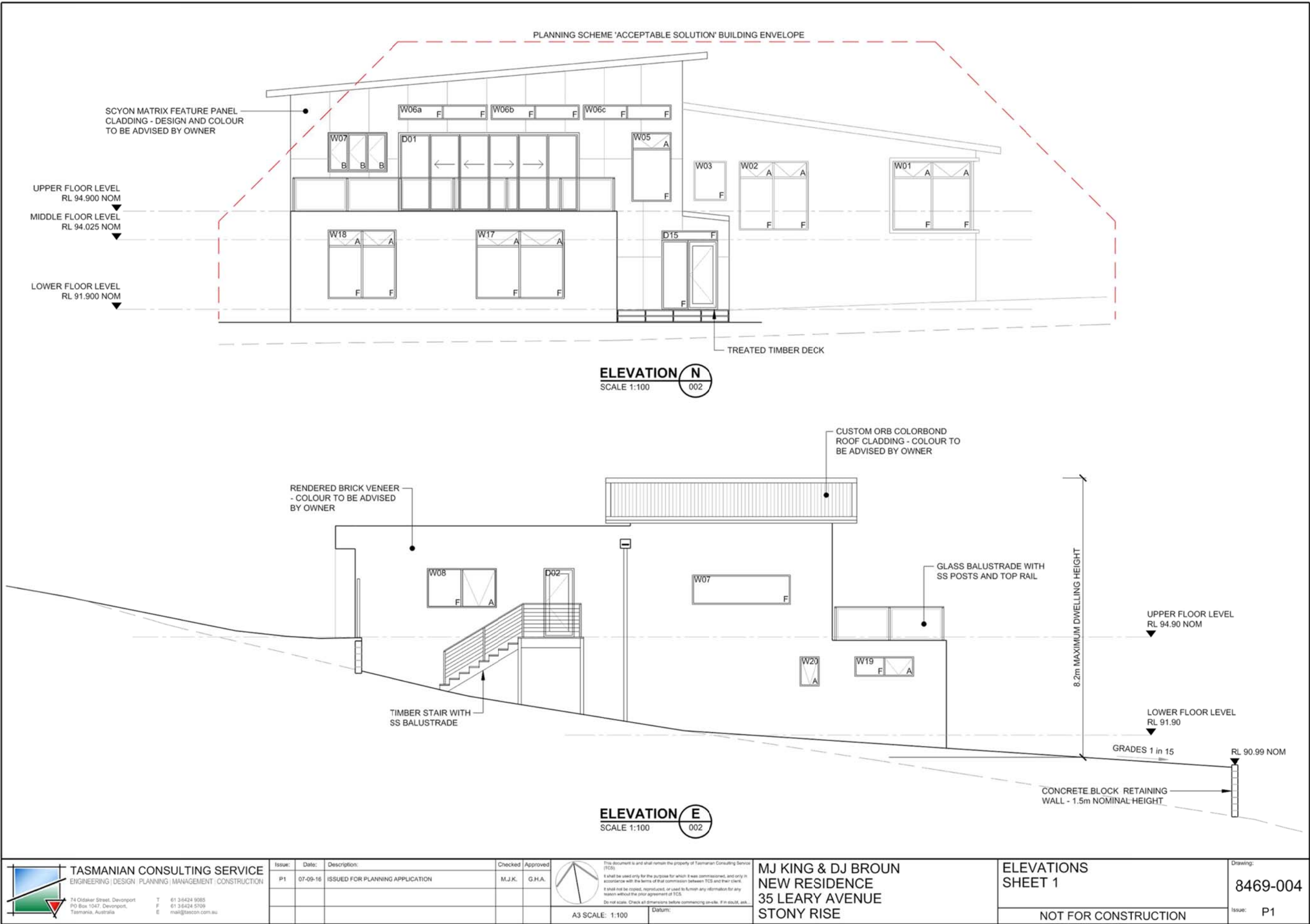
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|---|--------|----------|---------------------------------|----------|-----------|--|--|------------------------------------|-----------|
|  <div>TASMANIAN CONSULTING SERVICE ENGINEERING DESIGN PLANNING MANAGEMENT CONSTRUCTION 74 Oldaker Street, Devonport PO Box 1047, Devonport, Tasmania, Australia T 61 3 6424 9085 F 61 3 6424 5709 E mail@tascon.com.au</div> | Issue: | Date: | Description: | Checked: | Approved: | <div><div></div><div>This document is and shall remain the property of Tasmanian Consulting Service (TCS). It shall be used only for the purpose for which it was commissioned, and only in accordance with the terms of that commission between TCS and their client. It shall not be copied, reproduced, or used to furnish any information for any reason without the prior agreement of TCS. Do not scale. Check all dimensions before commencing on-site. If in doubt, ask.</div></div> | MJ KING & DJ BROUN NEW RESIDENCE 35 LEARY AVENUE STONY RISE | COVER PAGE AND DRAWING SCHEDULE | Drawing: |
| | P1 | 07-09-16 | ISSUED FOR PLANNING APPLICATION | M.J.K. | G.H.A. | | | | 8469-000 |
| | | | | | | | | | Issue: P1 |
| Datum: | | | | | | | | NOT FOR CONSTRUCTION | |

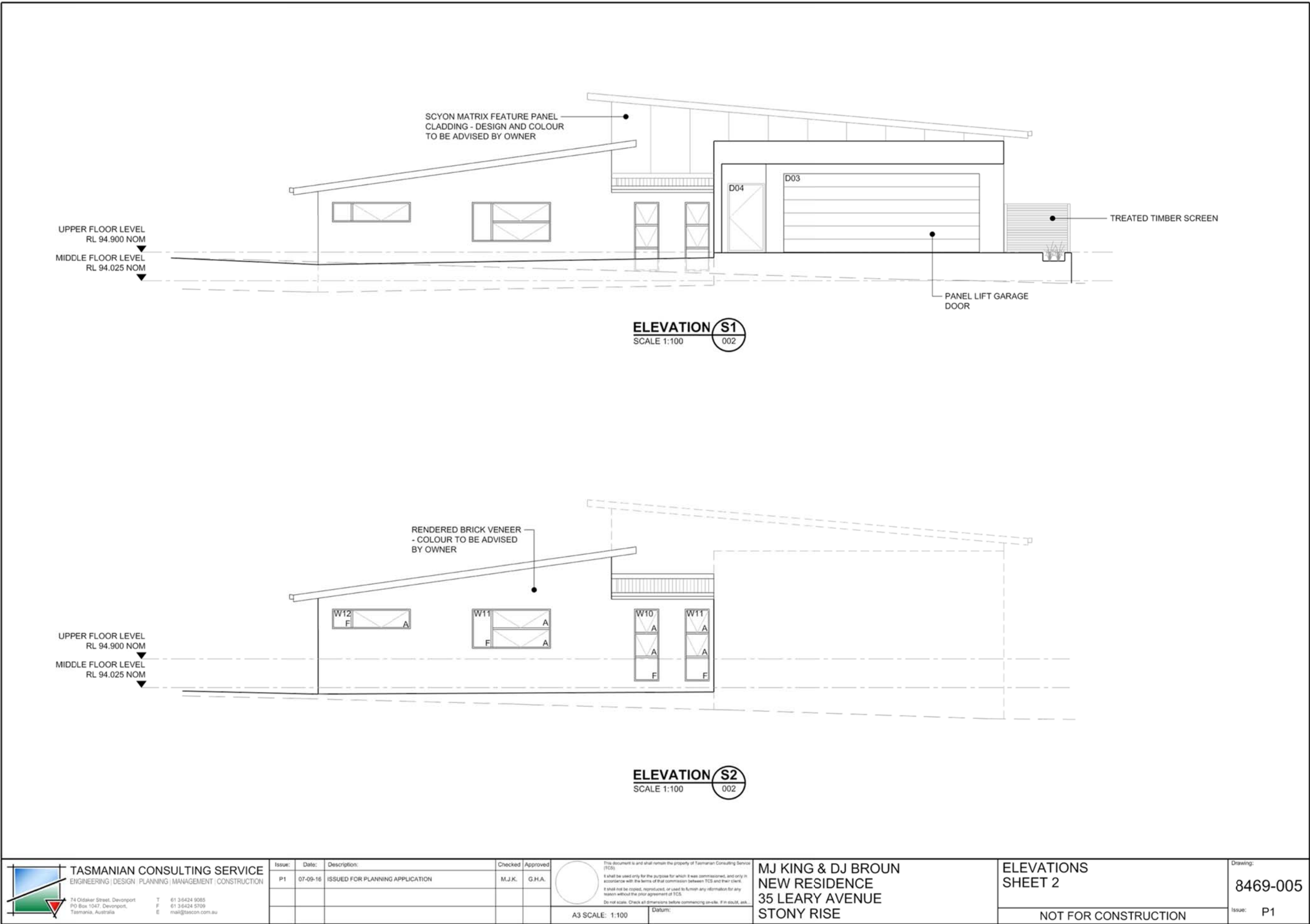


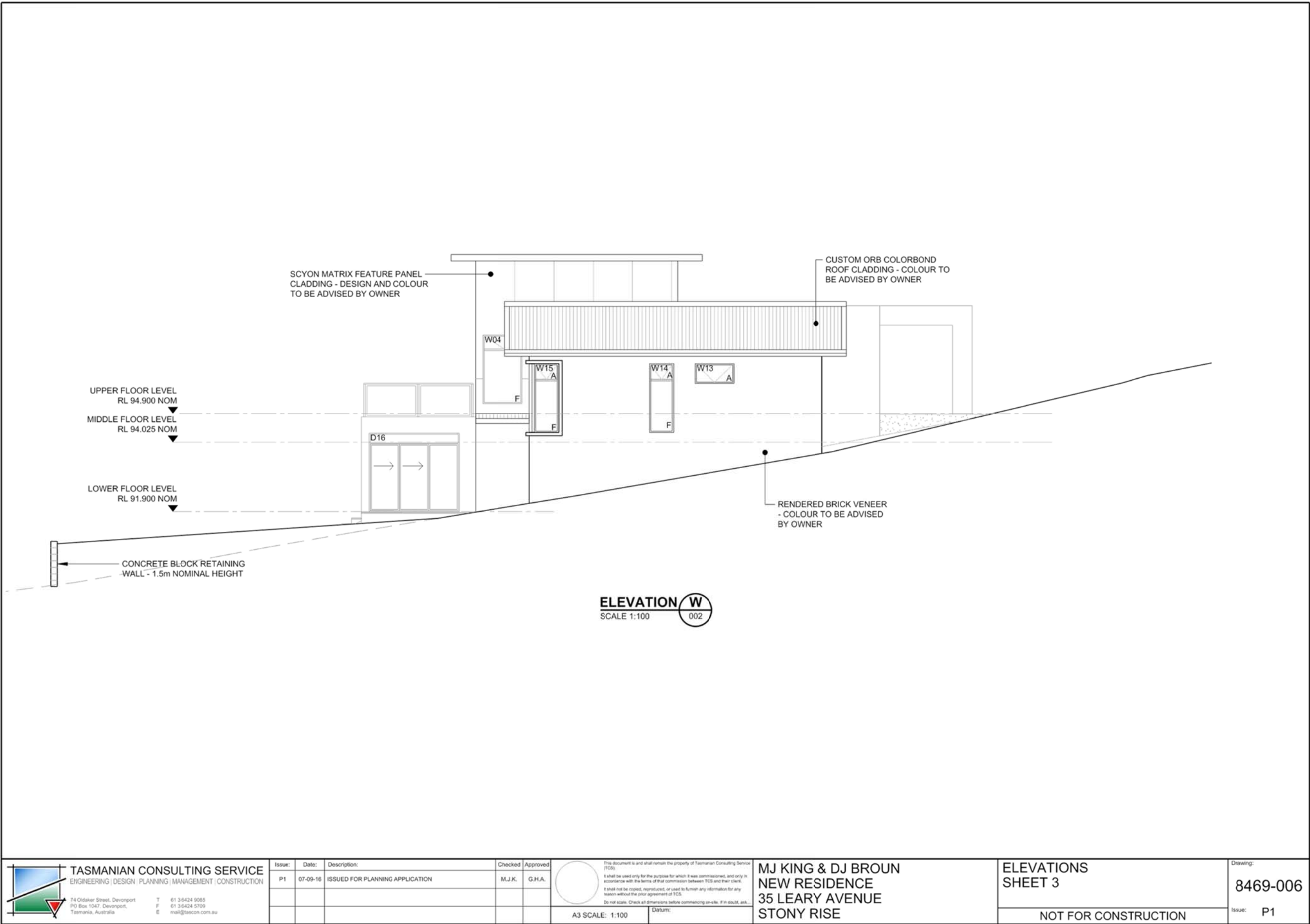
ITEM 4.1

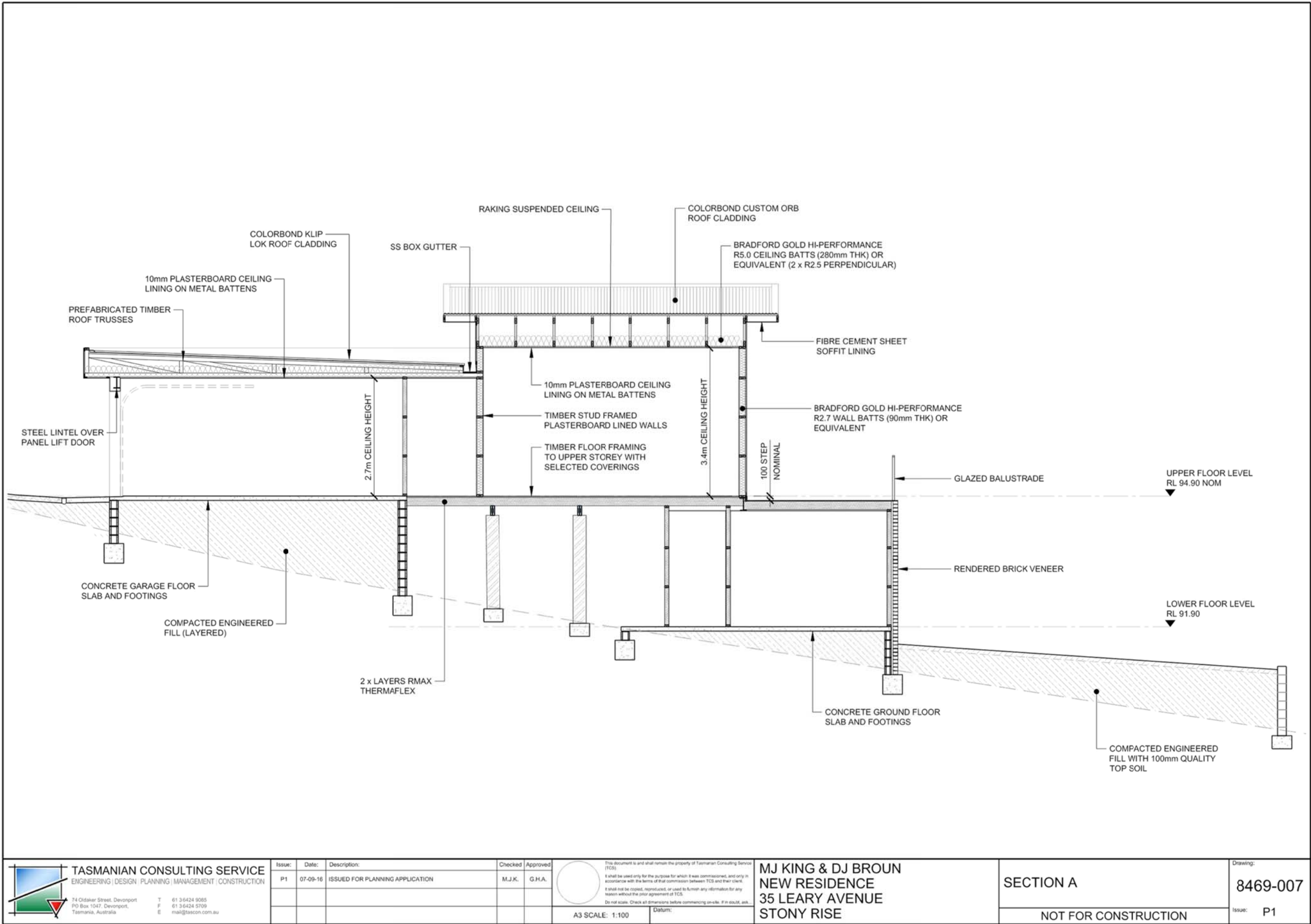












From: Geoff Harman <gharm525@hotmail.com>
Sent: Monday, 17 October 2016 11:14 AM
To: council
Subject: Fw: PA2016.0140-APPLICATION FOR PLANNING PERMIT 35 LEARY AVENUE, STONY RISE

From: Geoff Harman <gharm525@hotmail.com>
Sent: Monday, 17 October 2016 10:10 AM
To: council@devonport.tas.gov
Subject: PA2016.0140-APPLICATION FOR PLANNING PERMIT 35 LEARY AVENUE, STONY RISE

As the owner of 36 Leary Avenue, Stony Rise . we wish to lodge an objection to the proposed plan for 35 Leary Avenue to construct a two story home as close to our boundary as detailed on their plan.

In addition to the above, we are also concerned about the privacy issue from the proposed balcony looking down into the bedrooms and Living area of our proposed dwelling as we want to build lower to the ground.

We believe it will seriously effect the late afternoon sun in our living area as we are currently finalizing our plans for 36 Leary Avenue. The lay of the land falling away to the East and the height of their proposed new home, will block out significant late afternoon sun and we should not be disadvantage by either the sun or privacy issues.

We await your decision on this matter as we feel strongly against this proposal.

Regards,

Geoff & Chaoqiong Harman
152 David Street,
East Devonport. 7310
Mobile 0412 831066

From: Lyn Kent <davelynkent@yahoo.com.au>
Sent: Monday, 17 October 2016 2:21 PM
To: council
Subject: Planning Notice

Good Afternoon,

I have some concerns with the planning notice for variation to setback on the vacant block of land situated at 35 Leary Avenue, Stony Rise.

My concern is that if the variation to setback is approved, it will ruin the whole look of the street. All the houses on that side of the street have been built in accordance to the set back. Please, covenants on blocks were set for a reason.

Thanking you in advance,

Lynette Kent,
32 Leary Avenue,
Stony Rise 7310
Ph. 0408 634448

5.0 CLOSURE

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