PLEASE QUOTE Your Ref:

Our Ref: SP:CF 6185165

Enquiries: Planning Department

80 Wilson Street, Burnie Tasmania PO Box 973, Burnie TAS 7320

ABN: Phone: Email: Web: 29 846 979 690 (03) 6430 5700 burnie@burnie.tas.gov.au www.burnie.tas.gov.au BURNIE

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# NOTICE OF APPLICATION FOR LAND USE PERMIT

(Section 57(3) Land Use Planning and Approvals Act 1993) Advice to Adjoining Land Owner or Occupier

DA 2024/90
155 Cascade Road ROMAINE CT 108949/2
New outbuilding and retrospective application for two existing outbuildings
Reliant on performance criteria for grant of permit - Clause 11.4.1 (P1) and Clause 11.4.2 (P3)

Notice of the above application is served on you as an adjoining land owner or occupier.

The application may be viewed at -

# Burnie City Council Customer Services Counter Ground Floor, City Offices, 80 Wilson Street, Burnie

Between the hours of 8.30 am - 5.00 pm Monday to Friday inclusive (excluding public holidays) or on Council's website at <u>www.burnie.tas.gov.au/permits</u>

You are entitled to make representation in writing on any aspect of the proposal addressed to: -

General Manager, Burnie City Council, PO Box 973, Burnie 7320

or <u>burnie@burnie.tas.gov.au</u> by no later than 5.00 pm on **4 December 2024.** Council must have regard to any written representation received during the exhibition period when considering its decision on the application.

All persons who make representation will be notified within seven (7) days of the Council's decision. Any persons who made representation and is not satisfied with the Council decision may, under Section 61(5) of the *Land Use Planning and Approvals Act 1993*, lodge an appeal against that decision within fourteen (14) days of the date of that notice to: -

The Tasmanian Civil and Administrative Tribunal, GPO Box 1311, HOBART TAS 7001.

Should you have any enquiries regarding this development proposal, please do not hesitate to contact the Planning Department on (03) 6430 5700.

S Pearce COMMUNITY PLANNING OFFICER Date of Notice: - 20 November 2024



Land Use Planning and Approvals Act 1993		Office use only	
Tasmanian Planning Scheme			Application No Date Received
PERMIT APPL	ICATION		Permit Pathway - Permitted/Discretionary
Use or Developm	ent Site:		
Street Address			
Certificate of			
Title Reference			
Applicant			
First Name	PLA Designs Pty Ltd	Seco Nar	
Surname			
Owner (note – if mo	pre than one owner, all names must be indicated)		
First Name	James and Nicole	Second	Name
Surname	Norton		
	Norton		

### Instruction for making a permit application

### a) Use or development?

The application must provide a full description of the proposed use and/or development and of the manner in which the use and/or development is to operate.

"Use" is the purpose or manner for which land is utilised. "Development" is any site works (including any change in natural condition or topography of land and the clearing or conversion of vegetation), and the construction, alteration, or removal of buildings, structures and signs, required in order to prepare a site for use or to change existing conditions within a site. Subdivision is development.

Clause 6.2 Tasmanian Planning Scheme provides the use classes by which all use or development must be described. Development must be categorised by reference to the use class it is to serve.

### b) Required Information

Adequate statements, plans and specifications must be included within the permit application to address and demonstrate compliance with all applicable requirements of the planning scheme, including any site analysis, impact report and recommendation, and advice, consent or determination required from a State agency or utility entity.

The application must clearly identify the documents relied upon for determination.

Section 51(1AC) Land Use Planning and Approvals Act 1993 provides that a permit application is not valid unless it includes all of the information required by a planning scheme. Clause 6.1 Tasmanian Planning Scheme prescribes the minimum information that is necessary in order to complete a valid permit application.

S54 Land Use Planning and Approvals Act 1993 provides that the planning authority may require the applicant to supply further information before it considers a permit application. If the planning authority requires further information to more particularly address one or more of the applicable requirements of the Tasmanian Planning Scheme, the statutory period for determination of a permit application does not run until that information is answered to the satisfaction of the planning authority

### c) Applicable Provisions and Standards

The permit application must be assessed against the applicable provisions and standards of the Tasmanian Planning Scheme. The

application is to identify by reference the clauses it relies upon to demonstrate compliance. (eg clause 8.4.3 (A1 – A4, and P5)

### d) Discretionary Permits

If a permit is discretionary the permit application must be notified for a period of 14 days to allow opportunity for any interested person to consider the proposed use and/or development and to provide comment on the discretionary matter.

If a permit application relies on performance criteria to satisfy an applicable standard or is discretionary under another provision of the interim planning scheme, the permit is discretionary only with respect to that standard.

The Council must have regard to all representations received during the notification period on a discretionary matter when determining whether to grant or refuse a permit.

### e) If the applicant is not the landowner

If the applicant is not the owner of the land in the use or development site, the applicant is required to notify all of the owners either prior to or within 7 days from the date of making the permit application.

The permit application must identify all of the landowners; and the applicant must sign the application form to acknowledge the obligation to advise such landowners that the permit application has been made.

If the site includes land owned or administered by the Burnie City Council or by a State government agency, the consent in writing from the Council or the Minister responsible for Crown land must be provided at the time of making the application.

### f) Applicant declaration

It is an offence for a person to do any act that is contrary to a compliance requirement created under the section 63 *Land Use Planning and Approvals Act 1993*. The applicant is required to complete a declaration that the information given in the permit application is true and correct.

### g) Payment of Fees

The Council is not required to take any action on the permit application until all the relevant fees have been paid.

Permit Informa Proposed Use:	ation	(NB If insufficient space, please attach separate document)
Use Class	Residential	
Documents inclu	uded with the permit application	to describe the Use
Proposed Devel	opment	
Use class to whi	ch the development applies R	tesidential Outbuilding
Provisions and S	itandards relied upon for grant of	a Permit

Notification of Landowner/s
If land is not in applicant's ownership

Paul Allen ١, , declare that the owner/each of the owners of the land has been notified of the intention to make this permit application.

Signature of Applicant

# If the permit application involves land owned or administered by the BURNIE CITY COUNCIL

Burnie City Council consents to the making of this permit application.

General Manager (Signature)

# If the permit application involves land owned or administered by the CROWN

I, the Minister responsible for the land, consent to the making of this permit application.

Minister (	(Signature)
------------	-------------

# **Applicant Declaration**

١, declare that the information I have given in this permit application to be true and correct to the best of my knowledge.

Signature of Applicant

Paul Allen

Date

Pau	l Alles	r

Date

Date

D. n nnn

Date





SEARCH OF TORRENS TITLE

VOLUME	FOLIO
108949	2
EDITION	DATE OF ISSUE
4	03-Sep-2013

SEARCH DATE : 14-Dec-2016 SEARCH TIME : 03.33 PM

# DESCRIPTION OF LAND

City of BURNIE Lot 2 on Sealed Plan 108949 Derivation : Part of Lot 31178 (97a 1r 33ps) Gtd to John Thomas Shephard Prior CT 2526/34

# SCHEDULE 1

TRANSFER to JAMES ROBERT NORTON and NICOLE JANE M429045 NORTON Registered 03-Sep-2013 at noon

# SCHEDULE 2

Reservations and conditions in the Crown Grant if any SP108949 COVENANTS in Schedule of Easements SP108949 FENCING COVENANT in Schedule of Easements A325420 FENCING PROVISION in Transfer D70213 MORTGAGE to Westpac Banking Corporation Registered 03-Sep-2013 at 12.01 PM

# UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

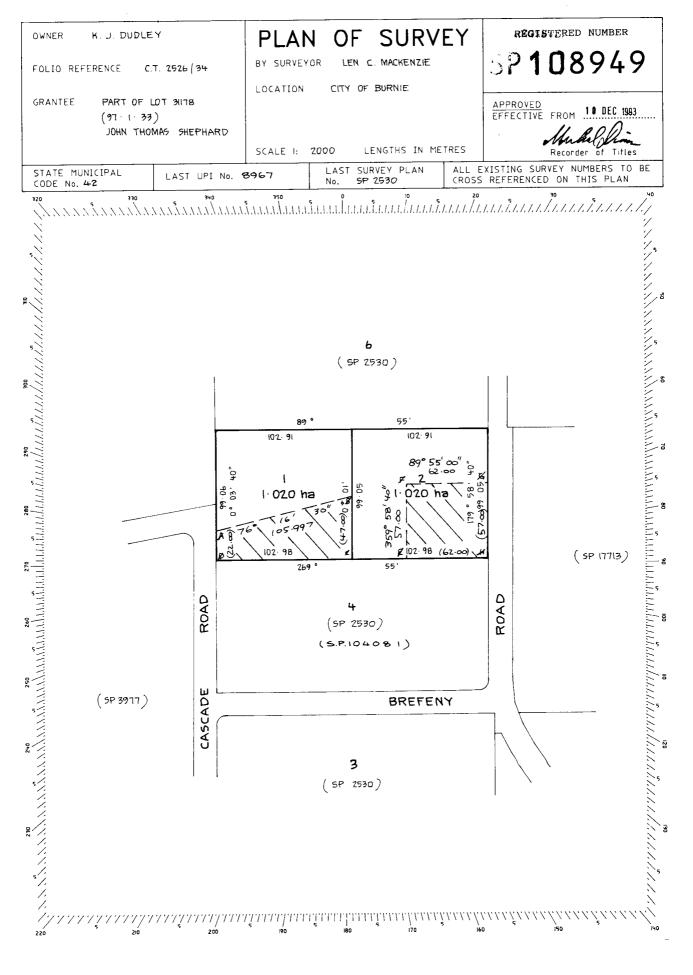


# FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980







# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



REGISTERED NUMBER

SP108949

# ADIR OF THE STATE

# SCHEDULE OF EASEMENTS

Note:-The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

## EASEMENTS AND PROFITS

Each lot on the plan is together with:---

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits à prendre described hereunder.

Each lot on the plan is subject to:----

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows.

### EASEMENTS

other lot shown on the play to the intent that the burden of this covenant may run with and bind the covenantor's lot and each and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every not the covenantor's lot and each and every

stipulation:-

to observe the following

No other easements or profits a pendre are created to benefit or burden any Lot shown on the plan.

### RESTRICTIVE COVENANT

The owners of each lot shown on the plan covenant with the vendor Kathleen Jessie Dudley that the vendor shall not be required to fence.

Not to construct endor The owne that any dweld ing house Dudle constructed within lessie Kathlee the boundaries of such lot sha <del>onstructed</del> outside the er hatched area shown on lot. such

1

)

SIGNED by the said KATHLEEN JESSIE DUDLEY the registered proprietor of the land comprised in Certificate of Title Vol. 2526 Fol. 34 in the presence of:

Hannietta Primary Producer



SCHEDULE OF EASEMENTS RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005 357 522 AS MORTGAGEE UNDER MORTGAGE NO:B552685 HEREBY CONSENT TO THIS SCHEDULE OF EASEMENTS.

ر ب معظ 68175 81 . .:**:** £.,



Issued Pursuant to the Land Titles Act 1980



This is the schedule of easements attached to the plan of	Insert Subdivider's Full Name)
	affecting land in
(Insert Title Reference)	
Sealed by	on19
Solicitor's Reference	Council Clerk/Town Clerk

# **Development Application**

Use Class: Residential

**Development:** Outbuildings (Shed + 2 Shipping Containers)

Location: 155 Cascade Road, Romaine

Project No: 24149-P



# **AUTHOR DETAILS:**

Reporting Planner:	Jayne Newman
Report Date:	12 November 2024-A

# **PROPERTY DETAILS:**

Location:	155 Cascade Road, Romaine
Proposal:	Shed + 2 Shipping Containers
<u>Use Class:</u>	Residential
Zoning:	Rural Living
Title Reference:	CT: 108949/2
<u>PID:</u>	6185165



Figure 1: Source - Listmap

# 1. Executive Summary

This report together with the attached development plans and additional supporting reports have been prepared to provide demonstration against the relative clauses detailed within the Tasmanian Planning Scheme – Burnie. The proposal is for a residential use within the Rural Living zone. A residential use for outbuildings associated with an existing single dwelling is a no permit required use within the use table. The application invokes discretion relative to development standards, which have been addressed throughout this report.

# 2. Background

The proposal is located on a 1.020ha lot, situated at 155 Cascade Road, Romaine. The lot adjoins Cascade Road to the east and Rural Living land on all other boundaries. The site contains an existing single dwelling and outbuildings.

# 3. Proposal

Application is made for a shed with a floor area of  $144m^2$ , made up from a measurement of  $12m \times 12m$ . The shed has a total heigh of 5.258 metres located 5.7 metres from the southern boundary. The shed is to be used in conjunction with the existing single dwelling for residential storage purposes.

Retrospective approval of two shipping containers utilised for animal feed storage are also included in this application. Both containers are 20' long having a height of 2.6 metres, with one sited 1 metre from the southern boundary and the other sited 2 metres from that boundary.

# **Development Standards**

# 11.4.1 Site coverage

### That the site coverage:

- (a) is compatible with the character of existing development in the area; and
- (b) assists with the management of stormwater runoff.

Acceptable Solution	Performance Criteria
A1 Site coverage must be not more than 400m <sup>2</sup> .	P1 The site coverage must be consistent with that existing on
-	established properties in the area, having regard to:
	<ul> <li>(a) the topography of the site;</li> <li>(b) the capacity of the site to absorb runoff;</li> <li>(c) the size and shape of the site;</li> </ul>
	(d) the existing buildings and any constraints imposed by existing development;
	<ul> <li>(e) the need to remove vegetation; and</li> <li>(f) the character of development existing on established</li> </ul>
	properties in the area.

### COMMENT:

Site coverage is calculated at 638m<sup>2</sup> invoking discretion.

The proposed site coverage is similar to other lots within the surrounding area. Consistency is specifically provided with 131 and 144 Cascade Road, Romaine, which both exceed  $600m^2$  of site coverage within similar size lots. The lot slopes to the north, which contains existing French drains, to which the proposal will connect. There is no requirement for vegetation removal within the lot.

The application is considered to achieve compliance with the performance criteria and objective to this clause.

# 11.4.2 Building height, setback and siting

That height, setback and siting of buildings:

- (a) is compatible with the character of the area;
- (b) does not cause an unreasonable loss of amenity;
- (c) minimises the impact on the natural values of the area; and
- (d) minimises the impact on adjacent uses.

Acceptable Solution	Performance Criteria
A1 Building height must be not more than 8.5m.	P1 Building height must be compatible with the character of the area and not cause an unreasonable loss of amenity to adjoining properties having regard to:
	<ul> <li>(a) the topography of the site;</li> <li>(b) the height, bulk and form of existing buildings on the site and adjoining properties;</li> <li>(c) the bulk and form of proposed buildings;</li> <li>(d) sunlight to habitable rooms and private open space in adjoining properties; and</li> <li>(e) any overshadowing of adjoining properties or public places.</li> </ul>

# COMMENT:

The shed at a total height of 5.258 metres, with both shipping containers having a regular height of 2.6 metres, achieving compliance with A1.

A2	P2
Buildings must have a setback from a frontage not less than 20m.	<ul> <li>Building setback from a frontage must be compatible with the landscape values of the surrounding area, having regard to:</li> <li>(a) the topography of the site;</li> <li>(b) the frontage setbacks of adjacent buildings;</li> <li>(c) the height, bulk and form of existing and proposed buildings;</li> <li>(d) the appearance when viewed from roads and public places;</li> </ul>
	(e) the retention of vegetation.

### COMMENT:

The proposed sheds are sited more than 29 metres from Cascade Road, as demonstrated by the site plan provided.

A3	P3	
Buildings must have a setback from side and rear boundaries of	Buildings must be sited to not cause an unreasonable loss of	
not less than 10m.	amenity to adjoining properties, having regard to:	
	(a) the topography of the site;	
	(b) the size, shape and orientation of the site;	
	(c) the setbacks of surrounding buildings;	
	(d) the height bulk and form of existing and proposed	
	<mark>buildings;</mark>	
	(e) the character of the development existing on	
	established properties in the area; and	
	(f) any overshadowing of adjoining properties or public	
	places.	

### COMMENT:

The shipping containers and shed are located within 10 metres of the southern boundary, invoking discretion. The topography of the site is slightly downslope of the adjoining property to the south. All adjoining developed properties have at least one boundary in which a reduced setback has been approved. This is also the case within the lot, with the existing shed sited 2 metres from the same boundary. This is also consistent with the character of the area, as demonstrated by figure 1 on page 2 of this report. In relation to shading, plan 04 demonstrates that the level of shading produced is on a small section of paddock. As the adjoining dwelling is sited more than 61 metres from this boundary, there will be no impact to the residential use, or the private open space associated with that dwelling.

It is therefore concluded that the proposed development will not cause an unreasonable loss of amenity to the adjoining property, achieving compliance with the performance criteria and objectives to this clause.

A4	P4		
Buildings for a sensitive use must be separated from an	Buildings for a sensitive use must be sited so as to not conflict		
Agriculture Zone or Rural Zone a distance of:	or interfere with uses in the Agriculture Zone or Rural Zone,		
(a) not less than 200m; or	having regard to:		
(b) if the setback of an existing building is within 200m, not less	(a) the size, shape and topography of the site;		
than the existing building.	(b) the separation of any existing buildings for sensitive uses on adjoining properties;		
	(c) the existing and potential use of adjoining properties;		
	(d) any proposed attenuation measures; and		
	(e) any buffers created by natural or other features.		
COMMENT: Not applicable.			
The outbuildings do not contain a sensitive use.			

N/A Yes neet the needs of the use.
neet the needs of the use.
neet the needs of the use.
-
-
<ul> <li>P1.1</li> <li>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to: <ul> <li>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</li> <li>(b) the ability of multiple users to share spaces because of: <ul> <li>(i) variations in car parking demand over time; or</li> <li>(ii) efficiencies gained by consolidation of car parking spaces;</li> </ul> </li> <li>(c) the availability and frequency of public transport within reasonable walking distance of the site;</li> <li>(d) the availability and frequency of other transport alternatives;</li> <li>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</li> <li>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</li> <li>(g) the effect on streetscape; and</li> <li>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</li> </ul> </li> </ul>
<ul> <li>P1.2</li> <li>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to: <ul> <li>(a) the nature and intensity of the use and car parking required;</li> <li>(b) the size of the dwelling and the number of bedrooms; and</li> <li>(c) the pattern of parking in the surrounding area.</li> </ul> </li> </ul>

### Comment:

The proposal shows parking availability within the yard next to the existing shed and dwelling exceeding the two spaces required, achieving compliance with table C2.1.

### C2.6.3 Number of accesses for vehicles

That:

- (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;
- (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and
- (c) the number of accesses minimise impacts on the streetscape.

A1	P1	
The number of accesses provided for each frontage must:	The number of accesses for each frontage must be minimised,	
(a) be no more than 1; or	having regard to:	
(b) no more than the existing number of accesses, whichever is	<ul><li>(a) any loss of on-street parking; and</li></ul>	
the greater.	(b) pedestrian safety and amenity;	
	(c) traffic safety;	
	(d) residential amenity on adjoining land; and	
	(e) the impact on the streetscape.	

# Comment:

The site has two existing frontages to Cascade Road, therefore compliance with A1 (b).

C3.0 – Road and Railway Code	N/A
The proposal does not involve works within a road or railway atte	enuation area and nor does it increase the level of traffic utilising
the existing access.	
C4.0 – Electrical Transmission Infrastructure Protection Code	N/A
The site is not impacted by the electrical transmission line.	
C5.0 – Telecommunications Code	N/A
The application does not propose any telecommunication facilitie	25.
C6.0 – Local Historic Heritage Code	N/A
The application does not involve any land requiring assessment a	igainst heritage provisions.
C7.0 – Natural Assets Code	N/A
The development is not sited within the area identified as contan	ninating priority vegetation.
C8.0 – Scenic Protection Code	N/A
The scenic protection code is not applicable to this site.	
C9.0 – Attenuation Code	N/A
The site has not been identified as being located within an atten	iation distance detailed within C9.2 or C9.2.
C10.0 – Coastal Erosion Hazard Code	N/A
<b>C10.0 – Coastal Erosion Hazard Code</b> The site is not within an area identified as containing a coastal er	
The site is not within an area identified as containing a coastal er	N/A
The site is not within an area identified as containing a coastal er C11.0 – Coastal Inundation Hazard Code	N/A
The site is not within an area identified as containing a coastal en <b>C11.0 – Coastal Inundation Hazard Code</b> The development is not within the area identified as containing a <b>C12.0 – Flood Prone Areas Code</b>	N/A coastal inundation hazard.
The site is not within an area identified as containing a coastal en <b>C11.0 – Coastal Inundation Hazard Code</b> The development is not within the area identified as containing a	N/A coastal inundation hazard.
The site is not within an area identified as containing a coastal er <b>C11.0 – Coastal Inundation Hazard Code</b> The development is not within the area identified as containing a <b>C12.0 – Flood Prone Areas Code</b> The development is not within the area identified as flood prone.	N/A coastal inundation hazard. N/A
The site is not within an area identified as containing a coastal er <b>C11.0 – Coastal Inundation Hazard Code</b> The development is not within the area identified as containing a <b>C12.0 – Flood Prone Areas Code</b> The development is not within the area identified as flood prone. <b>C13.0 – Bushfire Prone Areas Code</b>	N/A coastal inundation hazard. N/A

C15.0 – Landslip Hazard Code	N/A		
The site location for development is not identified as containing any landslip hazards.			
C10.0 – Safeguarding of Airports Code	N/A		

# **PROPOSED SHED & SHIPPING CONTAINERS** 155 CASCADE ROAD ROMAINE JAMES & NICOLE NORTON

# DRAWING INDEX

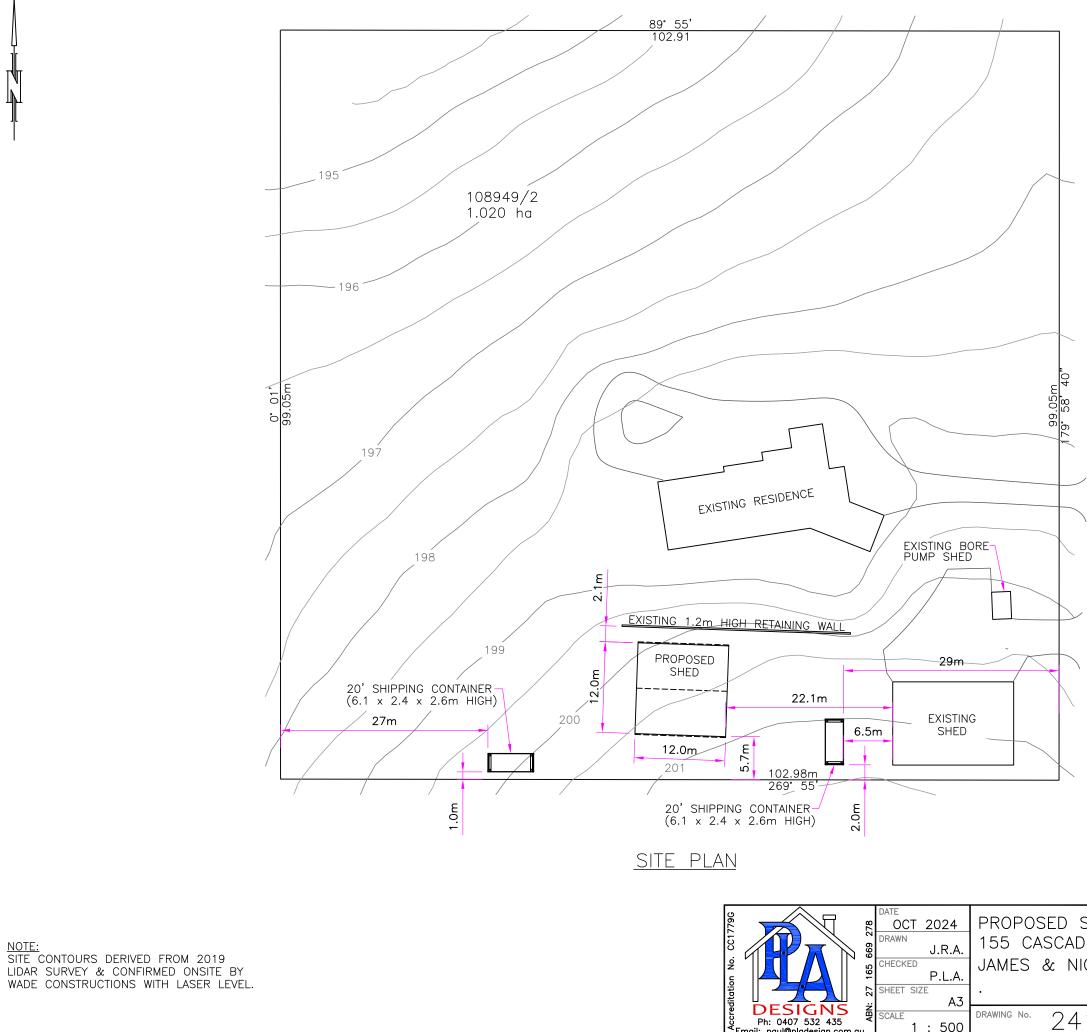
DRAWING No.	DESCRIPTION	REVISION
01	COVER SHEET	D
02	SITE PLAN	D
03	DRAINAGE PLAN	С
04	SHADOW PLANS	В



# PROJECT DETAILS:

TITLE REFERENCE:	108949/2
AREAS: SITE – EXISTING FLOOR – PROPOSED FLOOR – TOTAL FLOOR –	1.020 ha 464m² 174m² 638m²
SITE CLASSIFICATION:	ASSUMED NO WORSE THAN 'M' (IF SOIL CONDITION DIFFER FROM THIS ASSUMPTION FURTHER INVESTIGATION WILL BE REQUIRED)
WIND CLASSIFICATION:	N2
CLIMATE ZONE:	7
BUSHFIRE ATTACK LEVEL:	NOT APPLICABLE
ALPINE AREA:	NOT APPLICABLE





WADE CONSTRUCTIONS WITH LASER LEVEL.

TN ₩.

SHED & SHIPPING CON DE ROAD ROMAINE COLE NORTON	TAINE F	RS
149-02	REV. D	DATE 07.11.24

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Email: paul@pladesian.com.a

