

**PLAN 1**

**PLANNING APPLICATION P16-235**

**13 MINERVA DRIVE, PERTH**

**ATTACHMENTS**

A Application & plans, correspondence with applicant

B Representations & applicant's response

~~C Planning Scheme assessment~~

Measured form and function



REVISION		BY	CHECK
NO.	DATE DESCRIPTION		
1	21/11/16 DEVELOPER APPLICATION	STL	HMB

NOTE

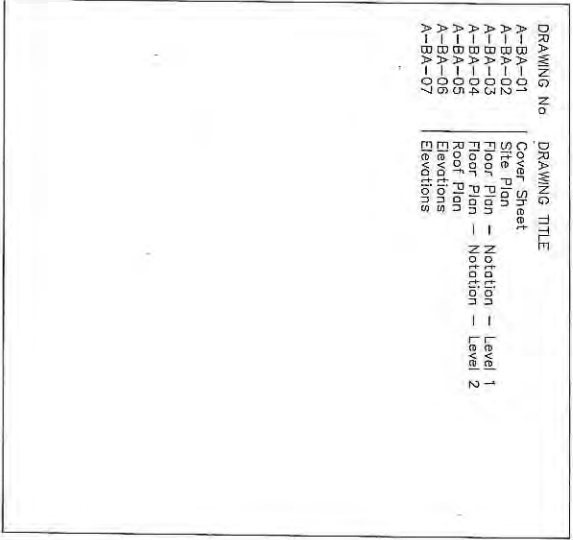
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DEVELOPMENT APPLICATION

NOTE: THESE DRAWINGS ARE FOR CLIENT REVIEW

CONCEPT DESIGN  
FOR  
PRIVATE RESIDENCE  
LOT 7 MINERVA DRIVE  
PERTH, TASMANIA

DRAWING No	DRAWING TITLE
A-BA-01	Cover Sheet
A-BA-02	Site Plan
A-BA-03	Floor Plan - Notation - Level 1
A-BA-04	Floor Plan - Notation - Level 2
A-BA-05	Roof Plan
A-BA-06	Elevations
A-BA-07	Elevations



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PROJECT NAME:  
PRIVATE RESIDENCE  
LOT 7 MINERVA DRIVE  
PERTH, TASMANIA

DRAWING TITLE:  
COVER SHEET

Handwritten initials 'STL' and 'HMB' in blue ink

DRAWN:	STL
CHECKED:	HMB
SCALE:	
DATE:	NOVEMBER 2016
PROJECT NO.:	16205
DRAWING NO.:	A-DA-01 A



Measured form and function

REVISION	No	DATE	DESCRIPTION	BY	CHK
	1		ZONING DEVELOPMENT APPLICATION	sl	mhb

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**DEVELOPMENT APPLICATION**

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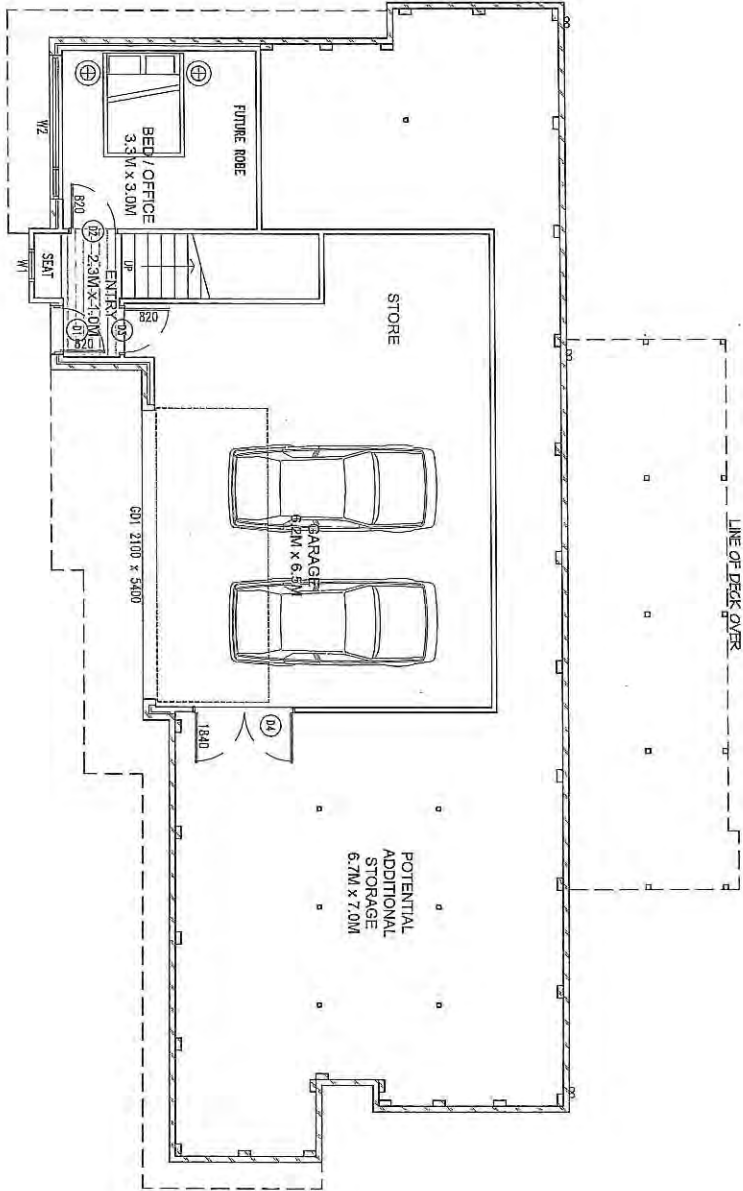
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 PROJECT NAME:

PRIVATE RESIDENCE  
 LOT 7 MINERVA DRIVE  
 PERTH, TASMANIA

DRAWING TITLE:  
 SITE PLAN



DRAWN: STL  
 CHECKED: MHB  
 SCALE: 1:200 @ A3  
 DATE: NOVEMBER 2016  
 PROJECT NO. 16.205  
 DRAWING NO. A-DA-02  
 A



Measured form and function



REVISION	NO	DATE	DESCRIPTION	BY	CHECK
	A		23118 DEVELOPMENT APPLICATION	sh	mhb

**NOTES**

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**DEVELOPMENT APPLICATION**

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PROJECT NAME:

PRIVATE RESIDENCE  
 LOT 7 MNERVA DRIVE  
 PERTH, TASMANIA

DRAWING TITLE:  
 FLOOR PLAN - NOTATION  
 LEVEL 1

DRAWN: STL

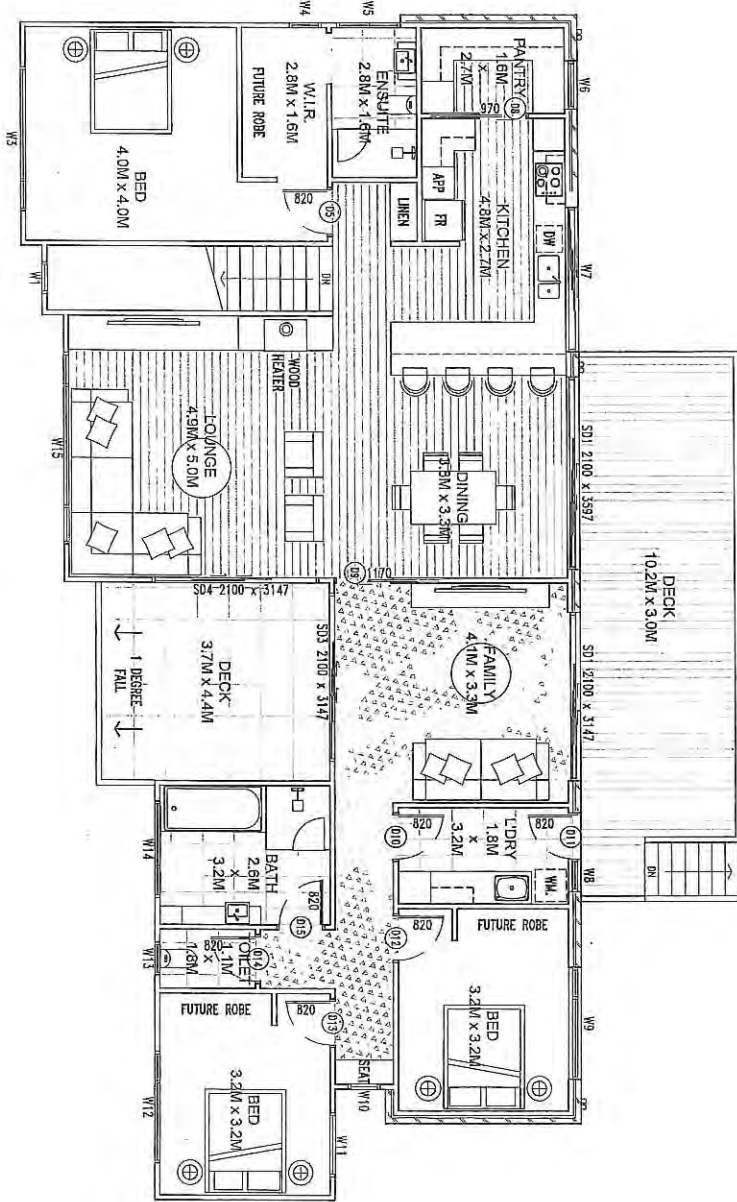
CHECKED: HMB

SCALE: 1:100 @ A3

DATE: NOVEMBER 2016

PROJECT NO.: 16295

DRAWING NO.: A-DA-03 A



Measured form and function

city



REVISION	NO	DATE	DESCRIPTION	BY	CHECK
	A		2016 DEVELOPMENT APPLICATION	dl	mbh

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PRIVATE RESIDENCE  
 LOT 7 MINERYA DRIVE  
 PERTH, TASMANIA  
 DRAWING TITLE:  
 FLOOR PLAN - NOTATION  
 LEVEL 2

DRAWN:	STL
CHECKED:	MBB
SCALE:	1:100 @ A3
DATE:	NOVEMBER 2016
PROJECT NO.:	16205
DRAWING NO.:	A-DA-04
	A

Measured form and function



REVISION	NO.	DATE	DESCRIPTION	BY	CHKD
A			25/10/2019 DEVELOPMENT APPLICATION	SIL	MMB



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**DEVELOPMENT APPLICATION**

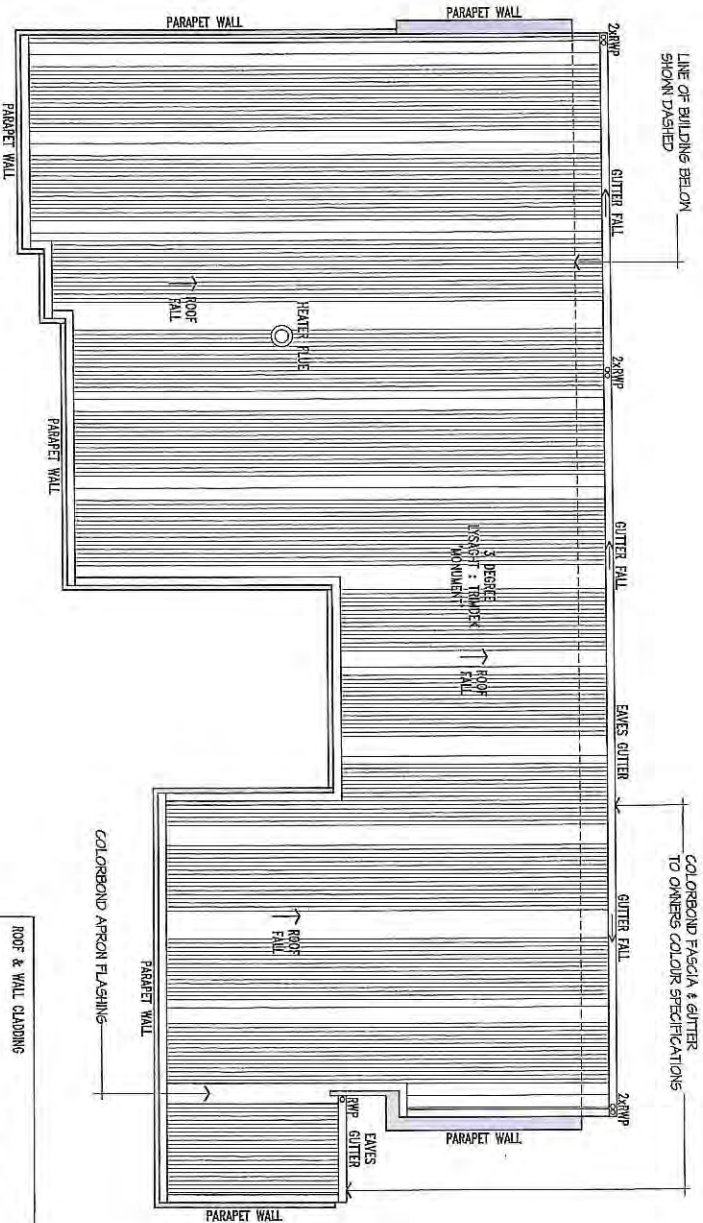
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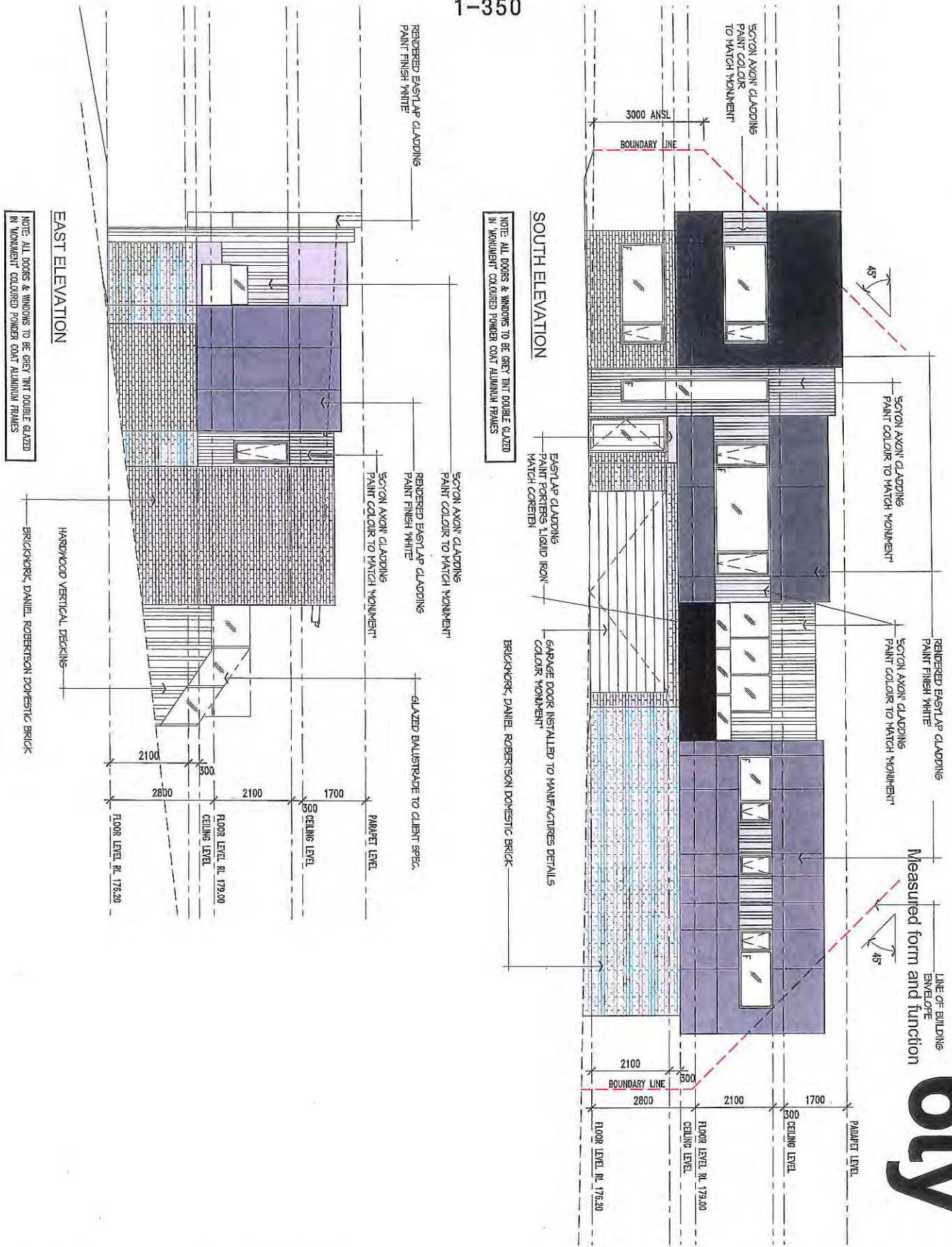
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PROJECT NAME:  
 PRIVATE RESIDENCE  
 LOT 7 MINERVA DRIVE  
 PERTH, TASMANIA  
 DRAWING TITLE:  
 ROOF PLAN

DRAWN:	SIL
CHECKED:	MMB
SCALE:	1:100 @ A3
DATE:	NOVEMBER 2018
PROJECT NO.:	14205
DRAWING NO.:	A-DA-05
	A



- ROOF & WALL CLADDING**
- (VARIOUS TYPES)
  - GENERALLY TO BE LAY WITH NCC PART 3.5
  - ROOF CLADDING TO BE LAY NCC PART 3.5.1
  - METAL SHEET ROOFING TO BE AS1552.1 WALL CLADDING: COLORBOND & RENOVED BLUEBOARD, SEE MANUFACTURERS SPECIFICATION
  - FLASHINGS TO BE NCC PART 3.5.3.5.
- FASCIA, GUTTER & DOWN PIPES**
- COLORBOND METAL FASCIA, GUTTERS, FLASHINGS AND ROOF CAPPING INSTALLED LAY MANUFACTURERS SPECIFICATIONS.
  - ALLOW FOR PERFORMED CAPPING & FLASHINGS NECESSARY TO ENSURE THE INTEGRITY OF THE ROOF STRUCTURE AGAINST WATER PENETRATION.
  - INSTALL FLASHINGS TO ROOF VENTS, FLUES ETC.
  - GUTTERS AND DOWN PIPES GENERALLY TO BE LAY NCC PART 3.5.2 & AS/NZS 3000.3.2 & TASMANIA PLUMBING CODE.
  - EAVES, INTERNAL AND VALLEY BUTTERING TO HAVE CROSS SECTIONAL AREA OF 300MM<sup>2</sup>.
  - EAVES OVERHANGS MUST BE 400MM WHERE ROOFS OVERHANG LINE WITH LEAK BOARD SHEETING UNLESS STATED OTHERWISE.
  - DOWNPIPES TO BE 90MM DIA. OR 100 X 50 RECTANGULAR SECTION THE FINISH TO BE FINISHED TO CLIENTS REQUIREMENTS AND CLAMP FIXED TO WALL BRACKETS AT 1200MM.
  - LAP SOUTHERLY FROM A DIRECTION OF ROW, PIPES & SEAL WITH AN APPROVED ROOF & GUTTER STOPPING SEALANT.
  - MAXIMUM SPACING FOR GUTTER STOPS TO BE 12 METERS AND LOCATED AS TO COMPLY WITH NCC 2019 PART 3.5.2.5



Measured form and function



REVISION	NO.	DATE	DESCRIPTION	BY	CHECK
A	1		3D LINE DEVELOPMENT APPLICATION	ST	MB
B	1		3D LINE BUILDING ENVELOPE DEVELOPMENT	ST	MB

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**DEVELOPMENT APPLICATION**

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 PROJECT NAME:  
 PRIVATE RESIDENCE  
 LOT 7 MINERVA DRIVE  
 PERTH, TASMANIA

DRAWING TITLE:  
 SOUTH ELEVATION  
 EAST ELEVATION

DRAWN: STL  
 CHECKED: MB  
 SCALE: 1:100 @ A3  
 DATE: NOVEMBER 2016  
 PROJECT NO.: 16.205  
 DRAWING NO.: A-DA-06 B

REGISTERED ARCHITECTS AND ENGINEERS

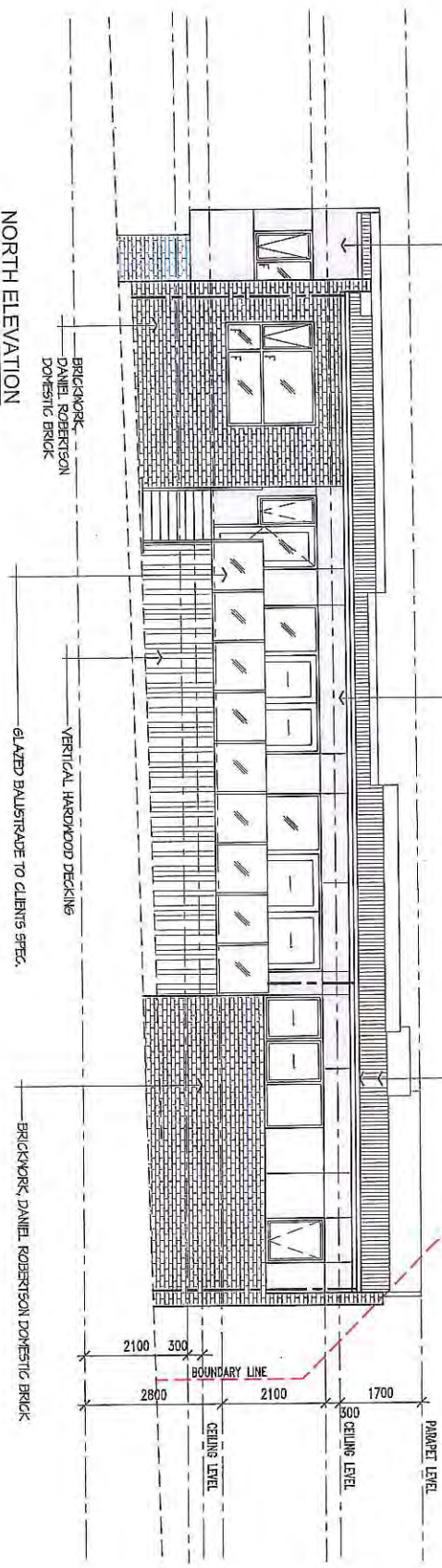


Measured form and function

RENDERED EASTLAP CLADDING  
PAINT FINISH WHITE

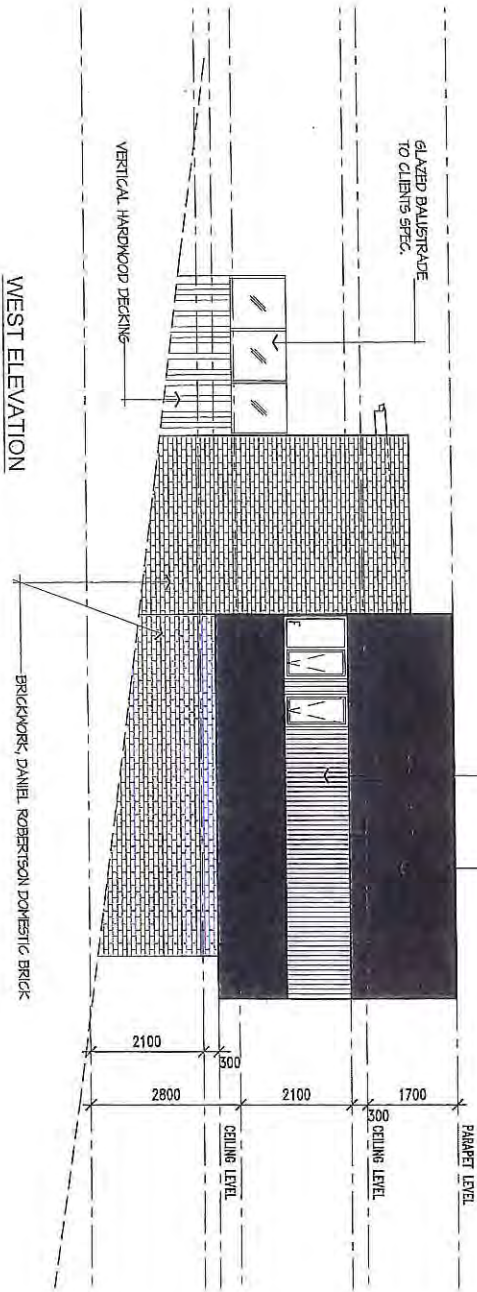
EASTLAP CLADDING  
PAINT COLOUR TO MATCH MONUMENT

COLORBOND ROOF, FASCIA & GUTTER  
IN MONUMENT



NORTH ELEVATION

NOTE: ALL DOORS & WINDOWS TO BE GREY TINT DOUBLE GLAZED IN MONUMENT COLOURED POWDER COAT ALUMINIUM FRAMES



WEST ELEVATION

NOTE: ALL DOORS & WINDOWS TO BE GREY TINT DOUBLE GLAZED IN MONUMENT COLOURED POWDER COAT ALUMINIUM FRAMES

REVISION	NO.	DATE	DESCRIPTION	BY	CHECK
A	1	14/11/2018	FOR PERMIT APPLICATION	MMB	MMB
B	1	14/11/2018	FOR PERMIT APPLICATION	MMB	MMB



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DEVELOPMENT APPLICATION

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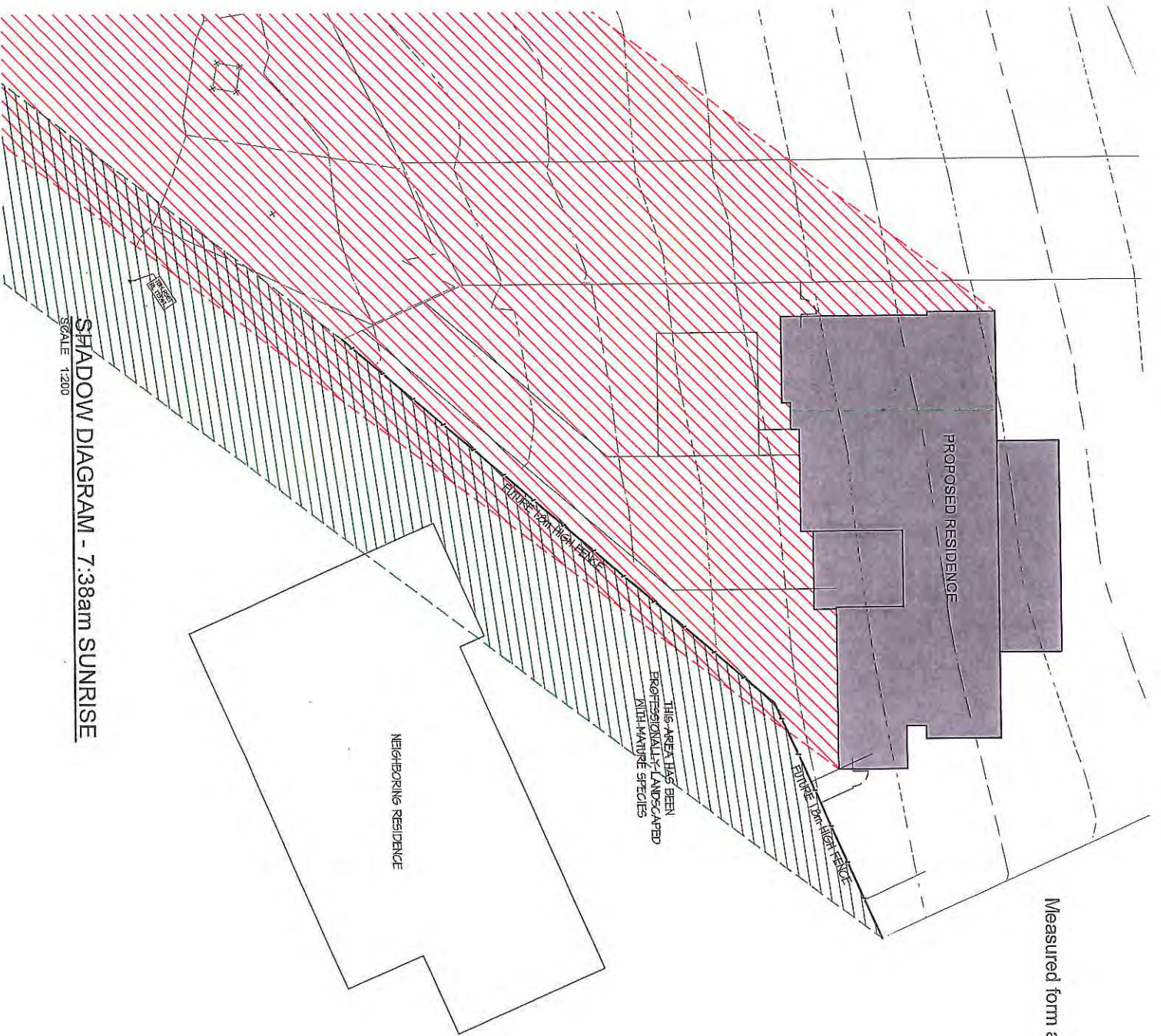


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PROJECT NAME:  
PRIVATE RESIDENCE  
LOT 7 MINERVA DRIVE  
PERTH, TASMANIA  
DRAWING TITLE:  
NORTH ELEVATION  
WEST ELEVATION

DRAWN: STL  
CHECKED: MMB  
SCALE: 1:100 @ A3  
DATE: NOVEMBER 2018  
PROJECT NO. K205  
DRAWING NO. A-DA-07 B





Measured form and function



REVISION	DATE	DESCRIPTION	BY	CHECK
1	7/24/2016	DEVELOPMENT APPLICATION	SH	MMB
2	7/24/2016	COUNCIL REVISIONS ADOPTED	SH	MMB

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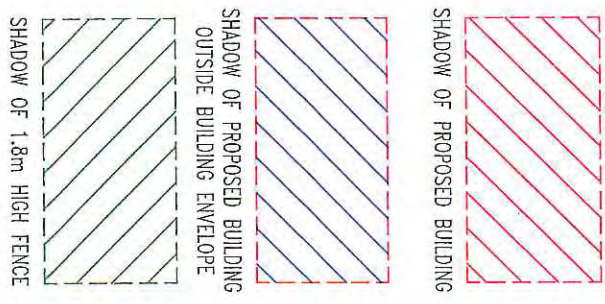
**DEVELOPMENT APPLICATION**

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PRIVATE RESIDENCE  
 LOT 7 MINERVA DRIVE  
 PERTH, TASMANIA  
 DRAWING TITLE:  
 SUN DIAGRAM 1



DRAWN: SIL  
 CHECKED: MMB  
 SCALE: 1/200 @ A3  
 DATE: NOVEMBER 2016  
 PROJECT NO. 16.205  
 DRAWING NO. A-DA-08 B

SHADOW DIAGRAM - 7:38am SUNRISE

SCALE 1:200



Measured form and function



REVISION	NO.	DATE	DESCRIPTION	BY	CHECK
1	22/11	2018	PROPOSED APPLICATION	SH	MMB
2	22/11	2018	CLIENT REQUIREMENTS AMEND	SH	MMB

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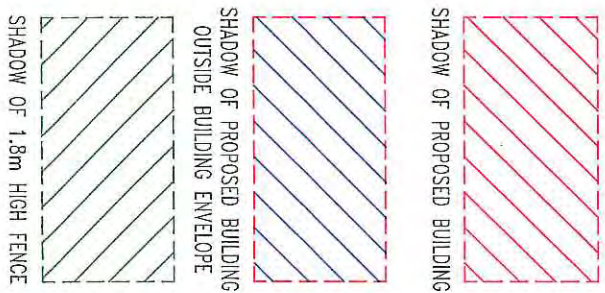
**DEVELOPMENT APPLICATION**

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**PROJECT NAME:**  
 PRIVATE RESIDENCE  
 LOT 7 MINERVA DRIVE  
 PERTH, TASMANIA  
**DRAWING TITLE:**  
 SUN DIAGRAM 2



**DRAWN:** SHL  
**CHECKED:** MMB  
**SCALE:** 1:200 @ A3  
**DATE:** NOVEMBER 2018  
**PROJECT NO.:** K.205  
**DRAWING NO.:** A-DA-09 B



REVISION	DATE	DESCRIPTION	BY	CHECK
1	13/11/2016	CONCEPT APPLICATION	STL	MHG
2	21/11/2016	CONCEPT REVISIONS ADDED	STL	MHG

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**DEVELOPMENT APPLICATION**

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**PROJECT NAME:**  
 PRIVATE RESIDENCE  
 LOT 7 MINERVA DRIVE  
 PERTH, TASMANIA  
**DRAWING TITLE:**  
 SUN DIAGRAM 3

**DRAWN:** STL  
**CHECKED:** MHG  
**SCALE:** 1:200 @ A3  
**DATE:** NOVEMBER 2016  
**PROJECT NO.:** 16205  
**DRAWING NO.:** A-DA-10 B



**SHADOW DIAGRAM - 9:00am**  
 SCALE 1:200

**SHADOW OF PROPOSED BUILDING**

**SHADOW OF PROPOSED BUILDING OUTSIDE BUILDING ENVELOPE**

**SHADOW OF 1.8m HIGH FENCE**



**SHADOW DIAGRAM - 10:00am**  
SCALE 1:200

Measured form and function



REVISION			
NO	DATE	DESCRIPTION	BY / CHECK
1	12.25.16	DESIGN PERMIT APPLICATION	SH / SH
2	12.25.16	FINAL LOCAL REQUIREMENTS ASSESS	SH / SH

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PROJECT NAME:

PRIVATE RESIDENCE  
LOT 7 MINERVA DRIVE  
PERTH, TASMANIA  
DRAWING TITLE:  
SUN DIAGRAM 4

SHADOW OF PROPOSED BUILDING  
OUTSIDE BUILDING ENVELOPE

SHADOW OF 1.8m HIGH FENCE

SHADOW OF 1.8m HIGH FENCE

DRAWN:	SIL
CHECKED:	WHB
SCALE:	1:200 @ A3
DATE:	NOVEMBER 2016
PROJECT NO.:	16285
DRAWING NO.:	A-DA-11 8



Measured form and function



REVISION	NO	DATE	DESCRIPTION	BY	CHECK
	A	12.15	PERMITTING APPLICATION	ST	WB
	B	24.11	COUNCIL REQUIREMENT'S BOARD	ST	WB

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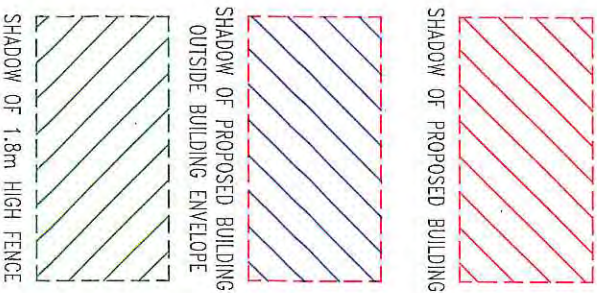
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PROJECT NAME:  
 PRIVATE RESIDENCE  
 LOT 7 MINERVA DRIVE  
 PERTH, TASMANIA  
 DRAWING TITLE:  
 SUN DIAGRAM 5



SHADOW DIAGRAM - 11:00am  
 SCALE 1:200

DRAWN:	STL
CHECKED:	WB
SCALE:	1:200 @ A3
DATE:	NOVEMBER 2016
PROJECT NO.:	16205
DRAWING NO.:	A-DA-12
	8



SHADOW DIAGRAM - 12:00pm  
SCALE 1:200

Measured form and function



NO	DATE	DESCRIPTION	BY	CHECK
1	27/11	REVISED PER CLIENT COMMENTS	ST	MM
2	28/11	FINAL REVISED PERMITS	ST	MM

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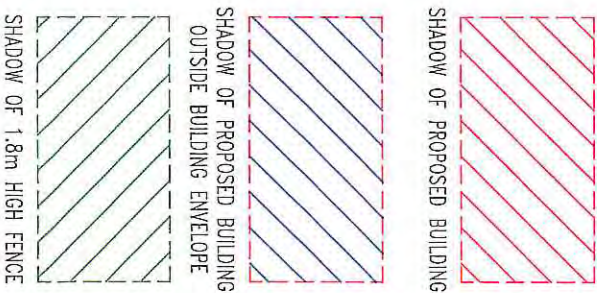
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**PROJECT NAME:**  
 PRIVATE RESIDENCE  
 LOT 7 MINERVA DRIVE  
 PERTH, TASMANIA  
**DRAWING TITLE:**  
 SUN DIAGRAM 6



<b>DRAWN:</b>	STL
<b>CHECKED:</b>	MM
<b>SCALE:</b>	1:200 @ A3
<b>DATE:</b>	NOVEMBER 2016
<b>PROJECT NO.:</b>	K205
<b>DRAWING NO.:</b>	A-DA-13
	B



SHADOW DIAGRAM - 1:00pm  
SCALE 1:200

Measured form and function



REVISION	NO	DATE	DESCRIPTION	BY	CHECK
	A		R205 REORGANISE APPLICATION	ST	mb
	B		R2017 CANCEL REQUIREMENTS ADDED	ST	mb

NOTE:  
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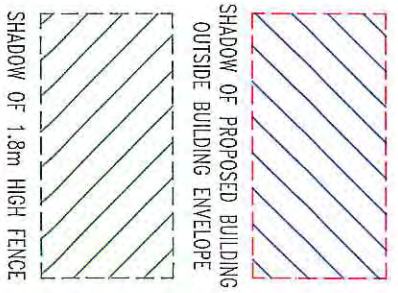
DEVELOPMENT APPLICATION

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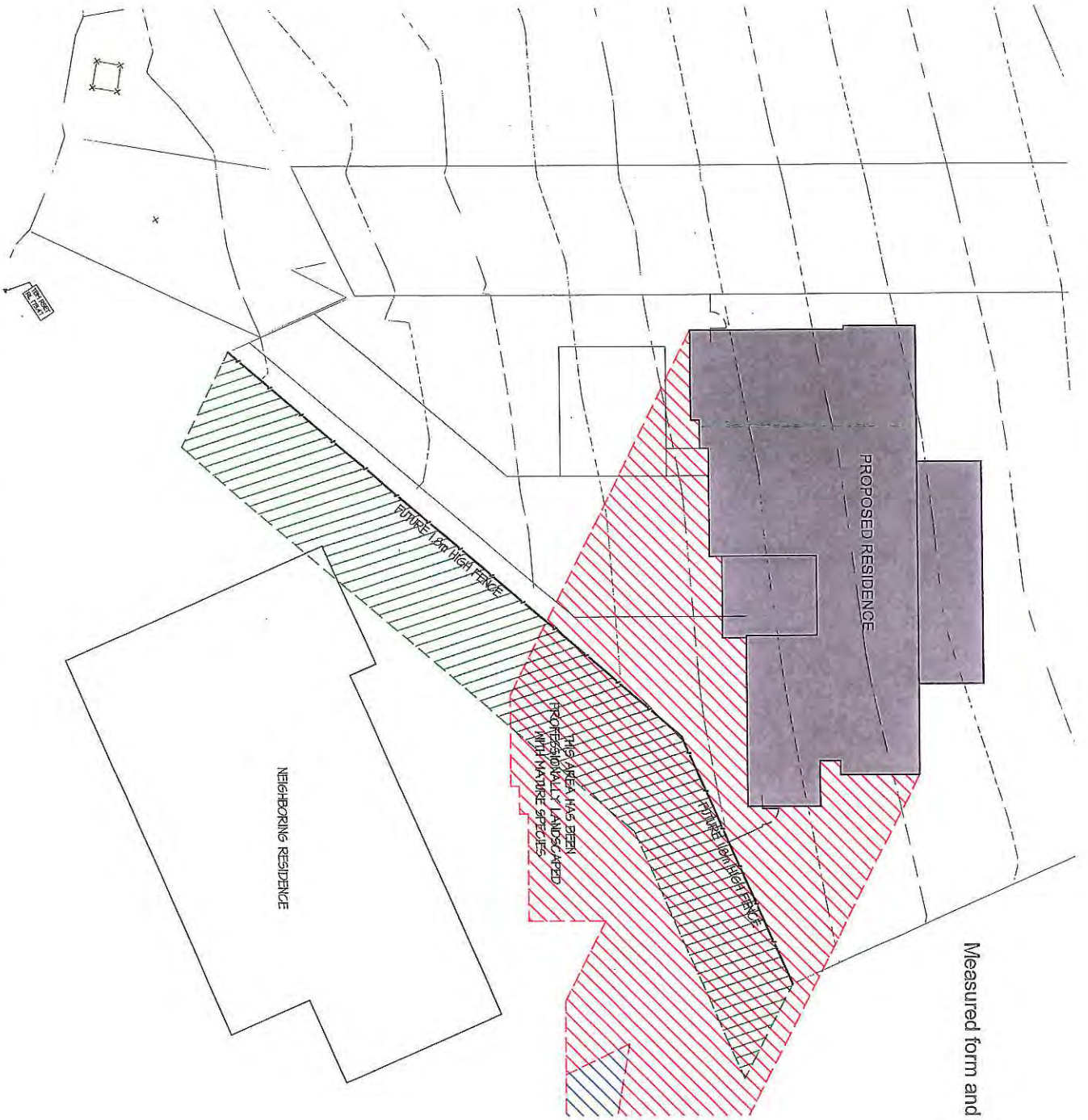


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PROJECT NAME:  
PRIVATE RESIDENCE  
LOT 7 MINERVA DRIVE  
PERTH, TASMANIA

DRAWING TITLE:  
SUN DIAGRAM 7



DRAWN: STL  
CHECKED: MB  
SCALE: 1:200 @ A3  
DATE: NOVEMBER 2016  
PROJECT NO.: 16205  
DRAWING NO.: A-DA-14 B



Measured form and function



REVISION		NO.	DATE	DESCRIPTION	BY	CHECK
1		2016		PROPOSED APPLICATION	ST	mm
2		2016		CONC. DIMENSIONS MODIFIED	ST	mm

**NOTE:**  
 ALL ERRORS OR AMBIGUITIES ARE TO BE REPORTED TO HONED ARCHITECTURE + DESIGN.  
 DO NOT SCALE OR DIMENSIONS.  
 CONFORM ALL SIZES AND HEIGHTS ON SITE.  
 ALL CONSTRUCTIONS TO CONPLY WITH BUILDING CODE OF AUSTRALIA AND AUSTRALIAN STANDARDS.  
 THESE DOCUMENTS ARE INTENDED FOR CONSULT. PLANNING APPLICATIONS ONLY AND ARE NOT INTENDED FOR ANY OTHER PURPOSE.

**DEVELOPMENT APPLICATION**

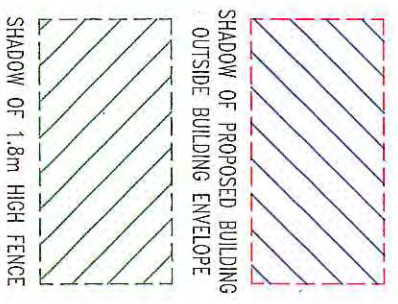
NOTE: THESE DRAWINGS ARE FOR CLIENT REVIEW



PO BOX 147, LAUNCESTON,  
 TASMANIA 7250 PH: 0417540646  
 DIMENSIONS ARE SUBJECT TO SITE MEASUREMENT & VERIFICATION DO NOT SCALE OFF THIS DRAWING  
 ALL DESIGNS ARE COPYRIGHT AND REMAIN PROPERTY OF HONED ARCHITECTURE + DESIGN.

**PROJECT NAME:**  
 PRIVATE RESIDENCE  
 LOT 7 MINERVA DRIVE  
 PERTH, TASMANIA

**DRAWING TITLE:**  
 SUN DIAGRAM 8



SHADOW DIAGRAM - 2:00pm  
 SCALE 1:200

<b>DRAWN:</b>	STL
<b>CHECKED:</b>	MWB
<b>SCALE:</b>	1:200 @ A3
<b>DATE:</b>	NOVEMBER 2016
<b>PROJECT NO.:</b>	K.205
<b>DRAWING NO.:</b>	A-DA-15 B





Measured form and function

# city.



REVISION		NO.	DATE	DESCRIPTION	BY	CHECK
1	22/15	PERMITS APPLICATION	STL	mmh		
2	22/17	COUNCIL REQUIREMENTS 2020	STL	mmh		

**NOTE:**  
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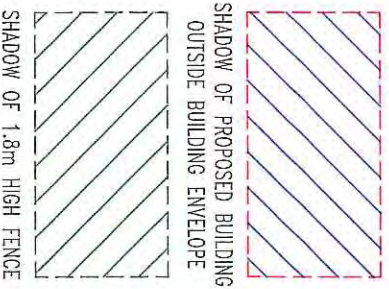
**DEVELOPMENT APPLICATION**

**NOTE:** THESE DRAWINGS ARE FOR CLIENT REVIEW



PO BOX 147 LAUNCESTON,  
 TASMANIA 7250 Ph: 0417541646  
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**PROJECT NAME:**  
 PRIVATE RESIDENCE  
 LOT 7 MINERVA DRIVE  
 PERTH, TASMANIA  
**DRAWING TITLE:**  
 SUN DIAGRAM 9



**SHADOW DIAGRAM - 3.00pm**  
 SCALE 1:200

**DRAWN:** STL  
**CHECKED:** IMB  
**SCALE:** 1:200 @ A3  
**DATE:** NOVEMBER 2016  
**PROJECT NO.:** K2/05  
**DRAWING NO.:** A-DA-16  
**BY:** B



**SHADOW DIAGRAM - 4:00pm**  
SCALE 1:200

Measured form and function



NO	DATE	DESCRIPTION	BY	CHECK
1	12/25	PERMIT APPLICATION	ST	MB
2	12/25	CANAL REVISIONS DRAWN	ST	MB

**NOTE**  
ALL PERIODS OF AMBALES ARE TO BE REPORTED TO HONED ARCHITECTURE + DESIGN.  
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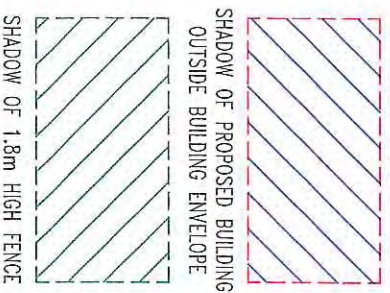
**DEVELOPMENT APPLICATION**

NOTE: THESE DRAWINGS ARE FOR CLIENT REVIEW

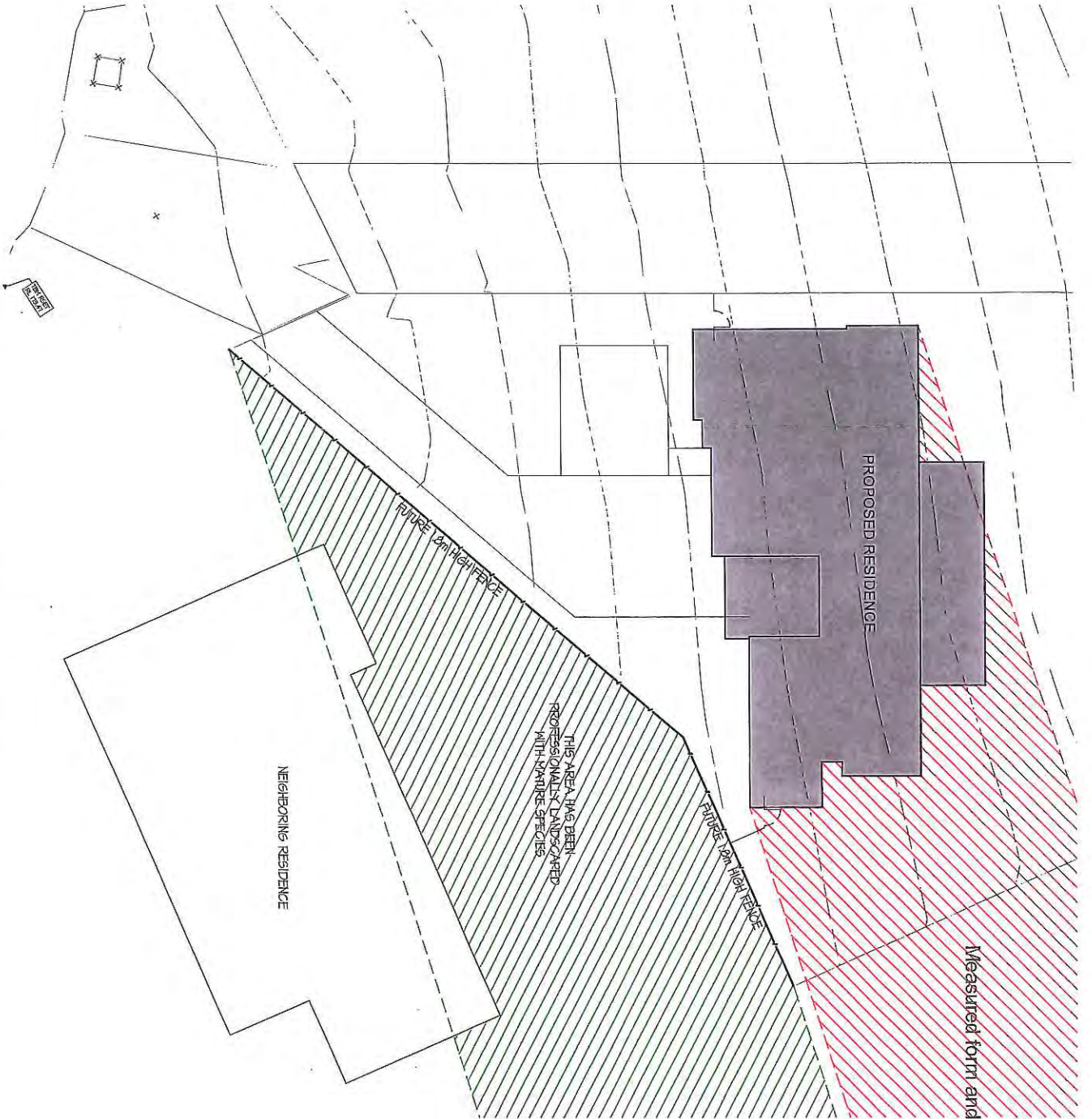


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TASMANIA 7250 Ph: 0417541546  
DIMENSIONS ARE SUBJECT TO SITE MEASUREMENT & VERIFICATION. DO NOT SCALE OFF THIS DRAWING. ALL DESIGNS ARE COPYRIGHT AND REMAIN PROPERTY OF DESIGN. HONED ARCHITECTURE + DESIGN.  
PROJECT NAME:

PRIVATE RESIDENCE  
LOT 7 MINERVA DRIVE  
PERTH, TASMANIA  
DRAWING TITLE:  
SUN DIAGRAM 10



DRAWN:	STL
CHECKED:	MB
SCALE:	1:200 @ A3
DATE:	NOVEMBER 2016
PROJECT NO.:	6205
DRAWING NO.:	A-DA-17
	8



**SHADOW DIAGRAM - 4:48pm SUNSET**  
SCALE 1:200



REVISION	NO	DATE	DESCRIPTION	BY	CHECK
1	22.15		DEVELOPMENT APPLICATION	SIL	mmh
2	23.01		COUNCIL REVISIONS INCORPORATED	SIL	mmh

**NOTE:**  
ALL ERRORS OR ANOMALIES ARE TO BE REPORTED TO HONED ARCHITECTURE + DESIGN.  
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COVER ALL SIZES AND HEIGHTS ON SITE.  
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**DEVELOPMENT APPLICATION**

NOTE: THESE DRAWINGS ARE FOR CLIENT REVIEW



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PROJECT NAME:  
PRIVATE RESIDENCE  
LOT 7 MINERVA DRIVE  
PERTH, TASMANIA  
DRAWING TITLE:  
SUN DIAGRAM 11

- SHADOW OF PROPOSED BUILDING
- SHADOW OF 1.8m HIGH FENCE
- SHADOW OF PROPOSED BUILDING OUTSIDE BUILDING ENVELOPE

DRAWN:	SIL
CHECKED:	mmh
SCALE:	1:200 @ A3
DATE:	NOVEMBER 2016
PROJECT NO.:	K.205
DRAWING NO.:	A-DA-18 B

Our ref: 109725.07; P16-235; Honed Architecture & Design  
Enquiries: Melissa Cunningham

07 December 2016

Honed Architecture & Design  
via email: mbernacki@6ty.com.au



**NORTHERN  
MIDLANDS  
COUNCIL**

Dear Mr Bernacki

**Additional Information Required for Planning Application P16-235 Dwelling at 13 Minerva Dr, Perth Vary building envelope - height, private open space requirement & privacy for all dwellings**

I refer to the abovementioned application, which has been reviewed by Council's Planners. The following information is required to allow consideration of your application under the *Northern Midlands Interim Planning Scheme 2013*:

- Building envelope overlay
- Shadow diagrams
- Overlooking concerns from W12

**Building envelope overlay**

As there is a significant protrusion into the height of the building envelope, the building envelope is required to be shown on the plans. The building envelope is available to view in diagram 10.4.2A of the Planning Scheme.

**Shadow diagrams**

Shadow diagrams are required to demonstrate that the dwelling will not cause overshadowing of the private open space for the dwelling at 11 Minerva Drive. As the private open space for this dwelling is located on the northern side of the dwelling, shadow plans need to demonstrate that there is not an unreasonable loss of amenity from overshadowing.

**Overlooking concerns from W12**

W12 into the south-eastern bedroom is within three metres of the side boundary and has no mitigation measures to protect the property to the south from overlooking. The submission indicates that this window is to have a sill height of 1.7m; however, plans show a window sill height of 1.2m. Clarification is needed on the correct sill height and either the plans or the submission changed. If the sill height is at 1.7m, it will meet the acceptable solutions and no further details are required. If the window has a sill height of 1.2m, some sort of mitigation measures would be expected to minimise the direct overlooking of the southern neighbouring property's private open space.

Therefore, in accordance with Section 54 of the *Land Use Planning and Approvals Act 1993*, the statutory period for processing the application will not recommence until the requested information has been supplied to the satisfaction of the Planning Authority. It is a requirement of the Planning Authority that all correspondence, if emailed, is sent to [Planning@nmc.tas.gov.au](mailto:Planning@nmc.tas.gov.au) and referenced with the planning application number P16-235. If you have any queries, please contact Council's Planning Section on 6397 7301, or e-mail [Planning@nmc.tas.gov.au](mailto:Planning@nmc.tas.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Melissa Cunningham'.

Melissa Cunningham  
**PLANNER**



Northern Midland Council  
PO Box 156  
Longford, Tasmania 7301  
Australia

Michael Bernacki  
Registered Architect

PO Box 147  
Launceston  
Tasmania  
Australia 7250

**Attention:** Planning Department

Mobile: 0417541646  
Email: mbernacki@6ty.com.au

**Subject:**

**Development Application for a new residence at Lot 7 (13) Minerva Drive, Perth.  
This letter outlines and addresses the relevant / applicable codes for this development.**

To whom it may concern:

Overview: This new residence is located at Lot 7 (13) Minerva Drive, Perth and is within the General Residential zone. This new residence will consist of 4 Bedrooms, 2 bathrooms, living, kitchen, dining, family room and double car garaging. This residence will be constructed over 2 levels.

The land on which this residence will be constructed on is currently vacant with no vegetation present.

This new proposed residence has been designed to take full advantage of its location, site parameters, natural light, site conditions, minimal site excavations and to be considerate of its neighbours.

This Document outlines and addresses the relevant planning standards and should be cross referenced with Honed Architecture + Design drawings attached.

**Response to Planning Requirements:**

#### 10.4 Development Standards

##### 10.4.1 Residential density for multiple dwellings

A1 Multiple dwellings must have a site area per dwelling of not less than:

(a) 325m<sup>2</sup> **N/A**

; or

(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area. **N/A**

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

A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:

(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; **Due to the awkward shape of this block we believe we have produced a successful outcome for our client and that of the neighbouring properties. Please note there is a current building setback of the adjoining southern neighbour of 13.0 metres from the boundary. We believe due to this large separation / setback distance and our proposed setback should be deemed acceptable. As our residence is elevated to take advantage of key views over Perth and the Western Tier Mountains in the distance we trust this is acceptable.**

or

(b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or **N/A**

(c) if for a vacant site with existing dwellings on adjoining sites 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 **N/A**

or

(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road. **N/A**

A2 A garage or carport must have a setback from a primary frontage of at least:

(a) 5.5m, or alternatively 1m behind the façade of the dwelling; or **We are compliant.**

(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or **N/A**

(c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage. **N/A**

A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:

(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: **N/A**

(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and

(b) only have a setback within 1.5m of a side boundary if the dwelling: **We are compliant.**

(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or **N/A**

(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser). **N/A**

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

A1 Dwellings must have:

(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and **We are compliant.**

(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); and (c) a site area of which at least 25% of the site area is free from impervious surfaces. **N/A**

A2 A dwelling must have an area of private open space that:

(a) is in one location and is at least:

(i) 24m<sup>2</sup> **We are compliant.**

; or

(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); and

(b) has a minimum horizontal dimension of:

(i) 4m; or **Our proposed design takes into consideration the opportunity to utilise that large northern facing back yard open space. Through the connection of a staircase from the rear northern facing deck, we believe this solution should be acceptable.**

(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); and **N/A**

(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and **We are compliant via the rear northern facing deck.**

(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and **We are compliant.**

(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and **N/A**

(f) has a gradient not steeper than 1 in 10; and **N/A**

(g) is not used for vehicle access or parking. **N/A**

#### 10.4.4 Sunlight and overshadowing for all dwellings

A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A). **We are compliant.**

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

A1 A garage or carport 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). **We are compliant.**

#### 10.4.6 Privacy for all dwellings

A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no 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 at least 3m from the side boundary; and **We are compliant.**

(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and **We are compliant.**

(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: **We are compliant.**

(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or **N/A**

(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site. **N/A**

A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):

(a) The window or glazed door:

(i) is to have a setback of at least 3m from a side boundary; and **Our proposed residence has 1 window of a southern facing bedroom which is within 3.0m of the side boundary. We believe this should be acceptable due to the large 13.0m setback distance of the southern neighbouring from the adjoining boundary fence. This proposed window is a high level window but its window seal is greater than 1.7m. This window provides beautiful views over the city of Perth and to the Western Tier mountains to the distance due to its elevation on the 2nd storey. We believe this should be acceptable.**

- (ii) is to have a setback of at least 4m from a rear boundary; and **We are compliant.**
- (iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and **N/A**
- (iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.
- (b) The window or glazed door: **N/A**
- (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or **N/A**
- (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or **Please refer to above statement**
- (ii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%. **Please refer to above statement**

A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:

- (a) 2.5m; or **N/A**
- (b) 1m if: **N/A**
- (i) it is separated by a screen of at least 1.7m in height; or **N/A**
- (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level. **N/A**

#### 10.4.7 Frontage fences for all dwellings

A1 A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:

- (a) 1.2m if the fence is solid; or **N/A**
- (b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights). **N/A**

I trust that the contents of this letter and the attached Development Application is satisfactory and does address the Northern Midlands Council requirements for Lot 7 (13) Minerva Drive, Perth. If you require any further information or clarification, please do not hesitate to contact myself.

Thank you once again.  
Kind Regards

*Michael Bernacki*

Michael Bernacki / Honed Architecture + Design.

WATERS MEETING PTY LTDACN 077 608 078Level 1, 25 York StreetLAUNCESTON TAS 7250To Whom it may Concern

Dated: 8 July 2014

Minerva Drive Perth Tas -- Permit P09-198 (\$570)

We refer to the schedule of easements registered as SP 115/160 for the plan P09-198 (\$570) sealed by the Northern Midlands Council on 11 September 2014 and wish to clarify/amend the covenants listed as 1 and 2 and provide details of permit condition 15 as follows:

1. The covenants were principally designed to ensure quality homes were built in Minerva Drive and we maintain the intention of the covenants in respect of the dwellings on the lots numbered 1, through to 27.

2. We respect that in the modern era of building there may be systems used in building which utilize a kit for components of the building process. We are not against the use of such a system within the building process but wish to ensure the finished product resembles a quality home and not an obvious kit construction more akin to a country cottage or holiday park cabin. We would therefore maintain that a construction using kit components would be acceptable if finished with a brick or rendered brick cladding to a high standard in keeping with the quality of other homes in the area.

3. The covenants also appear to have the added consequence that colorbond sheds may not be allowable. As the entity placing the restrictive covenants on the titles and having the power to amend such covenants we hereby wish to note and clarify that the intention was to disallow homes or outbuildings at the front of the lot or in clear view being clad with colorbond or similar material. However subject to the usual council approval process to ensure there is no adverse impact on neighbours we do not wish to restrict the owners from the construction of colorbond sheds towards the rear of the lots (note the following re lots 1 and 23). Furthermore we note that we don't believe lots 1 and 23 are suitable for construction of large colorbond sheds however, we wish to note and clarify that subject to the usual council approval process (if required) and if there is no adverse impact on neighbours we will consent to the owners of these lots (1 and 23) constructing a small colorbond garden shed on their lots.

4. We note that due to the proximity to a main road the council will require house plans to be approved by an authorized expert in respect of noise (i.e. layout of house, appropriate insulation and double glazing etc.) for lots 14, 15, 16, 17, 18 and 19. Please note that Vipac Engineers & Scientists Ltd have an understanding of the development and may be able to assist with this review process.


5. We note purchasers of lots 1-7 are responsible for fencing adjoining 80 Secombe street as detailed in NMC permit P09-198 condition 15 as follows:

"The owners of lots 1 to 7 shall be responsible for the cost of fencing adjacent to 80 Secombe Street. This applies only to the initial fencing, and not to any maintenance repairs or replacement fencing.

The owners of Lots 1 & 27 agree to construct and maintain a fence no higher than 1.2m or up to 1.8 m if no less than 50% transparent, fronting Secombe Street."



D McShane - Director



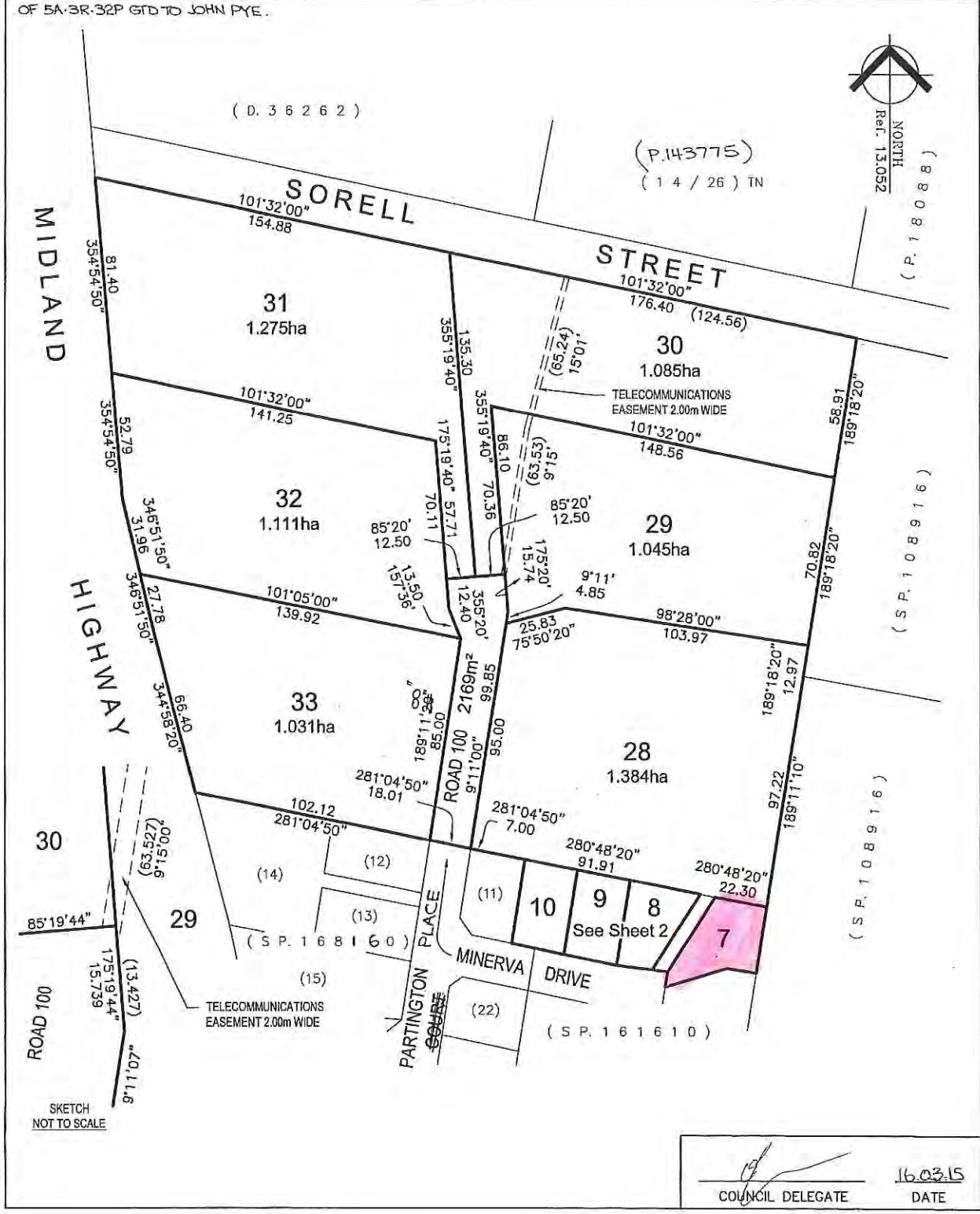
V McShane - Director



<p><b>PLAN OF SURVEY ANNEXURE SHEET</b></p> <p><b>SHEET 2 OF 2 SHEETS</b></p>	<p>OWNER <b>SEE SHEET 1</b></p> <p>FOLIO REFERENCE</p> <p>SCALE 1:500                      LENGTH IN METRES</p>	<p>Registered Number</p> <p><b>SP 1692 13</b></p>
<p>SIGNED FOR IDENTIFICATION PURPOSES</p> <p><i>[Signature]</i>                      <u>16.03.15</u></p> <p>Council Delegate                      Date</p>	<p>THIS ANNEXURE SHEET FORMS PART OF THE ATTACHED INDEX PLAN. THE SURVEYORS CERTIFICATE EXTENDS TO THE DETAILS ON THIS SHEET</p> <p><i>[Signature]</i>                      <u>6/2/2015</u></p> <p>Registered Land Surveyor                      Date</p>	<p>APPROVED EFFECTIVE FROM <u>19 JUN 2015</u></p> <p><i>[Signature]</i></p> <p>Recorder of Titles</p>



<b>OWNERS</b> DONALD MAURICE MCSHANE VIVIANNE PATRICIA MCSHANE FOLIO REFERENCE C.T. 196837 - 9,10 & 11 WATERS MEETING PTY LTD FOLIO REFERENCE C.T. 168160 - 101 GRANTEE PART OF 12 <sup>4</sup> 3 <sup>0</sup> 27 <sup>0</sup> GRANTED TO H PYE JNR., WHOLE OF LOTS (7A-0R-12P) GTD TO HUGH TURNER, PART OF LOT 7 (4A-2B-0P) GTD TO JAMES TROTTER & PART MAPSHEET MUNICIPAL LAST CODE No 123 (5039) UPI No		<b>PLAN OF SURVEY</b> BY SURVEYOR R.M. PECK LOCATION LAND DISTRICT OF CORNWALL PARISH OF PERTH SECTION II SCALE 1:1500 LENGTHS IN METRES		REGISTERED NUMBER <b>SP169213</b> APPROVED EFFECTIVE FROM 19 JUN 2015 <i>Mick Kawa</i> Recorder of Titles
		LAST PLAN No. P.196837 & SP.168160	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	



# PLANNING APPLICATION Proposal

Description of proposal: NEW DWELLING, PLEASE SEE ATTACHED  
COVER LETTER

.....  
.....  
.....

(attach additional sheets if necessary)

Site address: 13 MINERVA DRIVE PERTH (LOT 7)  
VOL - 169213 FOLIO - 7 EDITION 1

CT no: .....

Estimated cost of project \$ 350,000 .....  
(include cost of landscaping, car parks etc for commercial/industrial uses)

Are there any existing buildings on this property? Yes /  No  
If yes - main building is used as .....

If variation to Planning Scheme provisions requested, justification to be provided:

PLEASE SEE ATTACHED COVER LETTER

.....  
.....  
.....

(attach additional sheets if necessary)

Is any signage required? NO .....  
(if yes, provide details)

# PLANNING APPLICATION

## Applicant / owner details

Applicant: HONED ARCHITECTURE + DESIGN

Signature of Applicant: *Michael Bened*

**Applicant's Details:**

Postal address: PO BOX 147, LAUNCESTON 7250

Phone: ✓

Mobile: 0417541646

E-mail: mbernacki @ 6ty.com.au

Name of Owner/s of subject site: WATERS MEETING PTY LTD (vivienne mcshane)  
(as per certificate of title)

(If the subject site is Crown land, owned by the Council or administered by the Council or the Crown, the application must be signed by either the responsible Minister of the Crown (or the Minister's delegate) or by the General Manager of the Council, and must be accompanied by written permission of that Minister or general manger to the making of the application.)

Owner's postal address: LEVEL 1/25 YORK STREET CTOR 7250

Owner's email address: paul@parkeraccounting.com.au

As the owner of the land, I consent to the application being submitted,

Signed: .....

OR

As the applicant, I declare that I have notified the owner of the application

Signed: *Michael Bened*

**Right of Way:**

If the subject site is accessed via a right of way, the owner of the ROW must also be notified of the application.

Name of Owner/s of ROW: .....

ROW Owner's Postal Address: .....

As the applicant, I have notified the owner of the ROW of the application

Signed: .....

(attach extra page if required)

Office use only:

Paid \$..... Date: ..... Receipt No: ..... (Code 01)

Ref: P1 / ..... Discretionary / Permitted / No Permit Required

<p><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p>PAGE 2 OF 3 PAGES</p>	<p>Registered Number</p> <p><b>SP 169213</b></p>
<p>SUBDIVIDER: DM &amp; VP McShane FOLIO REFERENCE: 196837/9, 196837/10 &amp; 196837/11</p>	

COVENANTS

The owner of each Lot on the plan covenants with the Vendor Donald Maurice McShane and Vivienne Patricia McShane and the owners for the time being of every other lot on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof and that the benefit shall be annexed to and devolve with each and every part of every other lot shown on the plan to observe the following stipulations, namely:-

1. Not to erect any building on the lot with outer walls of asbestos or unrendered cement sheeting or any kit home or relocated building PROVIDED HOWEVER that kit components can be used if the finished product resembles a quality home and not an obvious kit construction and is finished with brick or rendered brick cladding to a high standard in keeping with the quality of other homes in the subdivision.
2. Not to erect any building on the lot other than brick, stone, masonry block or similar material, rendered insulated concrete forms, rendered insulated boards or timber construction. Colourbond material not to exceed 10% of wall area (excluding windows in the wall area) unless approved by the Vendor.
3. Not to erect any dwelling, house or residential building on the lot using any roofing material or with roofs other than tiles, slate, shingles or colorbond iron.
4. Not to erect any outbuilding or garage on the lot using any roofing material or with roofs other than tiles, slate, shingles or colourbond iron.
5. Not to erect or place or suffer to be or remain on the lot any temporary building, structure or caravan except a shed or workshop used for the purpose of and in connection with and during and in the course of construction of a permanent building or buildings on the lot and not otherwise.
6. That no advertisement, bill poster or sign shall be erected or placed upon any part of the lot (except any notice or advertisement in the usual form for the sale or letting of the lot or any building erected thereon or advertisement for non residential use of the property as allowed under the Northern Midlands Council planning scheme.
7. Not to erect, install or amend any drainage pipes or drainage dissipaters on the lot or any part thereof, which will cause or may cause any storm water to enter or cause damage or erosion to the lot, to any adjoining lot or the balance or to any road shown on the plan or any area adjacent to such road.

*DMcShane*  
*VMcShane*

*D. McShane*  
*V. McShane*

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

*DMcShane VMcShane*

<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 3 OF 3 PAGES	Registered Number <b>SP 16 92 13</b>
SUBDIVIDER: DM & VP McShane FOLIO REFERENCE: 196837/9, 196837/10 & 196837/11	

8. Not to store, heap, or permit to be excavated, carried away or removed from the lot or any part thereof any trees, logs, earth, clay, stone, gravel or sand except such as may be necessary for the purposes of road or driveway construction or levelling or filling of the lot or for the formation of any buildings, swimming pool or barbeque area to be constructed thereon.
9. That the main building erected on any portion of the lot shall not be used for any purpose other than a private residential house.
10. Not to erect on the lot a private house which shall have a floor area of less than 170 square metres (170m<sup>2</sup>).
11. ~~It is expected that rural fencing suitable for sheep would be maintained by the Purchasers of Lots 29 to 33 with no obligation on the Vendor other than for the boundary with Lot 29 unless neighbours mutually agree on a different fencing option to suit their needs.~~

*Deed*

SIGNED by **Donald Maurice McShane** ) ..... *D McShane*  
 in the presence of: )  
 witness sign ..... *V McShane*  
 print full name ..... **VERONICA JOAN MCSHANE**  
 print full address ..... **14 ARTHUR ST, WEST HOBART, TAS 7000**

SIGNED by **Vivienne Patricia McShane** ) ..... *V McShane*  
 in the presence of: )  
 witness sign ..... *V McShane*  
 print full name ..... **VERONICA JOAN MCSHANE**  
 print full address ..... **14 ARTHUR ST, WEST HOBART, TAS 7000**

*Deed*

Lots 7, 8, 9, 10 and 28 are together with and subject to the easements and covenants contained in S.P. 168160.

EXECUTED for and on behalf of Waters Meeting Pty Ltd (ACN 077 608 078) in accordance with section 127 Corporations Act 2001

..... *D McShane* ..... *V McShane*  
 Donald Maurice McShane Vivienne Patricia McShane  
 Director Director

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

*Deed* *V McShane*

<b>SCHEDULE OF EASEMENTS</b>	Registered Number
<b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP 169213

PAGE 1 OF 3 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown 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 a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown 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 a prendre described hereunder.

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

EASEMENTS

Lots 29 and 30 on the Plan are each subject to a Telecommunications Easement over the Telecommunications Easement 2.00 Wide on the Plan, in favour of Telstra Corporation Pty. Ltd.

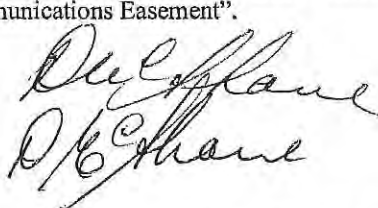

**Definitions**

“Telecommunications Easement” means the full free right and liberty of the Telstra Corporation Pty. Ltd., its servants and agents:-

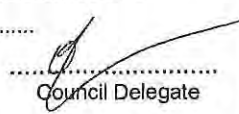
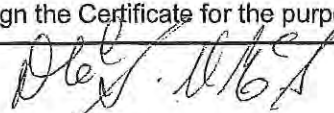
- (a) to install, construct and maintain Telecommunications Infrastructure through the Telecommunications Easement Land for the purpose of data transmission;
- (b) to replace, modify maintain, inspect and repair the Telecommunications Infrastructure causing as little damage as possible to the servient tenement and to restore the surface of the soil as nearly as possible to its condition, prior to the execution of any works;
- (c) from time to time and all times to pass through, over, across and along the Telecommunications Easement Land as shall be reasonably necessary to enable enjoyment of the rights granted hereunder.

“Telecommunications Infrastructure” means cable or optic fibre for the passage of data and all ancillary facilities, necessary or desirable for the operation of the Telecommunications Infrastructure including all future replacements, modifications or enhancements of them.

“Telecommunications Easement Land” means those areas on the plan marked with the words “Telecommunications Easement”.

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: DM & VP McShane FOLIO REF: 196837/9, 196837/10 & 196837/11 SOLICITOR & REFERENCE: Ritchie & Parker Alfred Green and Co Attention: Mr. T.J. Whyte Ref: TJW:140834	PLAN SEALED BY: Northern Midlands Council DATE: 16.03.15 Ref-198:27/002/570 REF NO.  Council Delegate
<p><b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.</p> 	

## Melissa Cunningham

---

**From:** Melissa Cunningham <melissa.cunningham@nmc.tas.gov.au>  
**Sent:** Thursday, September 29, 2016 9:56 AM  
**To:** Register Email in ECM  
**Subject:** P16-235 - 13 Minerva Drive, Perth –Planning permit required

#ECMBody  
#QAPDefault  
#Silent

**From:** Melissa Cunningham  
**Sent:** Thursday, September 29, 2016 9:56 AM  
**To:** 'mbernacki@honedarchitecture.com' <mbernacki@honedarchitecture.com>  
**Subject:** P16-235 - 13 Minerva Drive, Perth –Planning permit required

Good morning,

Council's Planning Section has reviewed the plans for a dwelling at 13 Minerva Drive, Perth, and it has been determined that a planning permit is required.

The application does not meet the following clauses of the scheme:

- 10.4.2(a)(ii) – Building envelope –building protrudes envelope on eastern & western sides
- 10.4.3 A2(b) – not 4m wide & (c) – not accessible from a habitable room
- 10.4.6 - Privacy for all dwellings – windows within 3m of side boundaries not screen or obscured.

Note: Property does not have legal access over driveway to the west. If this forms part of the application, 19 Minerva Drive will need to be included in the application and owner's details included in application form.

Alternatively, remove the site access gate from the application.

Planning application forms are available on council's website and a submission will be required to show compliance with the applicable performance criteria.

Planning fees for discretionary application is \$706 - \$62 (review payment)= \$644.

Regards

## Melissa Cunningham



Planner / Compliance Officer | Northern Midlands Council  
Council Office, 13 Smith Street (PO Box 156), Longford Tasmania 7301  
T: (03) 6397 7303 | F: (03) 6397 7331  
E: [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au) | W: [www.northernmidlands.tas.gov.au](http://www.northernmidlands.tas.gov.au)

*T a s m a n i a ' s H i s t o r i c H e a r t*



11th January 2016

1-376



Northern Midland Council  
PO Box 156  
Longford, Tasmania 7301  
Australia

Michael Bernacki  
Registered Architect

Attention: Planning Department

PO Box 147  
Launceston  
Tasmania  
Australia 7250

Subject:

Mobile: 0417541646  
Email: mbernacki@6ty.com.au

**Response to Representation for a new residence at Lot 7 (13) Minerva Drive, Perth.  
This letter outlines and addresses the relevant / applicable codes for this development.**

To whom it may concern:

Overview: Please find below responses to the author of the representation received by Northern Midlands Council in regards to the proposed new dwelling at Lot 7 (13) Minerva Drive Perth.

1 - 'I draw Council's attention to clause 17 of the covenant for Minerva Park Estate which states 'No residential building on the lot to be of 2 storey or more construction'. This limits building height to one storey. The covenant has established an expectation about building form and character for the estate for all residents and purchasers. All buildings currently constructed in the estate are a single storey as a result and there is a reasonable expectation that all future buildings will be limited to one storey'

Please Note: Clause 17 does not exist for our proposed site. We have questioned this further with the Land Developer 'Waters Meetings PT LTD' who have stated this only applied to certain blocks. The lower sited blocks particular. The proposed Lot (number 13) does not have this Clause. Please see attached supporting documentation. We have also been advised this covenant / height restriction is not a council planner decision but that of the land developer. We believe the author of this representation has incorrect information.

2 - 'Section 10.4.2, P3 of the General Residential Zone Code requires that the siting and scale of a dwelling must not cause unreasonable loss of amenity by visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot. The building envelope in the planning scheme anticipates that the walls will be only 3m high. The external walls of the proposed dwelling will be almost 6m high, well above that reasonable expected and exacerbated by the elevation of the site. This will be approximately 9m above the ground level of the adjacent house, The dominate view from the living areas, outdoor covered area and most of the garden will be the house.'

We strongly believe our proposed design does not cause any loss of amenity to neighbouring properties. The author of this representation has misread the drawings of our proposed residence and states incorrect information and has also misread to local planning scheme. The maximum building height can be 8.5m and not 3m as stated. Our proposed residence is 6.5m at max height and not 9m as stated. 11 Minerva drive is in fact 6metres in height to the top of their roof line.

3 - 'The applicant has relied significantly on the recent landscaping of the adjoining property (11- Minerva Drive) to provide privacy and screening and their references to the landscaping using 'mature large scale' planting. The plantings currently are not mature and barely screen the 1.8m high fence under construction. Several of the tree species (eg birch) may, under ordinary circumstances provide some level of screening, however, given the high levels of surface rock in the area (also acknowledged in the application) are unlikely to reach full maturity and are likely to be stunted at around 2-3 metres in height according to the landscaper. This stunting of growth can be observed in many of the blackwood trees that have been planted in the area and are unable to reach maturity. The tree species are also located toward the rear of the property, and not aligning with the proposed location of the house providing limited potential for screening.'

The existing planted tree species are deemed Mature once fully grown by the landscape supplier. One can not judge the height a tree will stop growing.

4 - 'The shadow diagrams also indicate that the north facing garden (recently landscaped) at 11- Minerva Drive will be in significant shadow during the winter months. A single storey house would be unlikely to result in the same level of impact.'

Unfortunately a Shadow which is cast over the new garden covered in gravel and stone is not covered or stated in the council planning scheme thus is not a planner matter. Please note the new solid 1.8m fence under construction will cast a shadow over this new garden whether our proposed residence is built or not.

5 - The application makes almost no reference to privacy or impacts on amenity for properties other than 11 Minerva Drive. I would encourage Council to consider potential impacts on future or existing residences other than 11 Minerva Drive given the departure from the covenants requirements.'

As previously stated the questioned Covenant of a 2 storey restriction does not apply to this block of land. As the author of this representation would be aware, the northern and eastern neighbour is a vacant paddock and the western neighbour is a road reserve. Thus the southern neighbour is only of concern.

6 - 'Zone purpose statement 10.1.1.4 of the General Residential Zone Code requires development to respect the neighbourhood character and provide a high standard of residential amenity. The elevation of the site (it would be amongst the highest in the estate) would also make the building appear significantly higher in comparison to the surrounding residences. The impacts on the visual amenity of the estate, not just from neighbouring properties, would be significant.'

We do not believe our proposed residence would upset the visual amenity of the estate. We are proposing an elegant architectural addition to the streetscape. Adding value and visual appeal to an existing plain streetscape. Please also note Clause 1 within the Covenant states 'no kit homes' where as 80% of the street are 'Kit / Spec Homes'.

We believe we are in keeping with the already set precedent / ridgeline of existing 2 storey residences on the upper northern elevation of this subdivision.

Please note:

- Our eastern neighbour, neighbouring boundary / 80 Seccombe street is a large 40 square 2 storey home.
- Its neighbour at 60 Mulgrave street is also 45 square and is also 2 storeys
- Its neighbour at 62 Mulgrave street is also 35 square and is also 2 storeys
- Its neighbour at 64 Mulgrave street is also 35 square and is also 2 storeys

I trust that the contents of this letter and the attached Documentation is satisfactory and does address the concerns of the author of the received representation to the Northern Midlands Council for Lot 7 (13) Minerva Drive, Perth.

If you require any further information or clarification, please do not hesitate to contact myself.

Thank you once again.

Kind Regards

*Michael Bernacki*

Michael Bernacki / Honed Architecture + Design.

12th December 2016

1-378



Northern Midland Council  
PO Box 156  
Longford, Tasmania 7301  
Australia

Michael Bernacki  
Registered Architect

PO Box 147  
Launceston  
Tasmania  
Australia 7250

Attention: Planning Department

Subject:

Mobile: 0417541646  
Email: mbernacki@6ty.com.au

**Response to Request for Information for a new residence at Lot 7 (13) Minerva Drive, Perth.**

To whom it may concern:

Overview: This document is the response to the Request for Further Information dated 07. Dec 2016.

This Document outlines and addresses the relevant planning standards and should be cross referenced with Honed Architecture + Design drawings attached.

**Response to Planning Requirements:**

**1 - Building envelope overlay:**

As there is a significant protrusion into the height of the building envelope, the building envelope is required to be shown on the plans. The building envelope is available to view in diagram 10.4.2A of the Planning Scheme.

There are minor protrusions outside of the Building Envelope due to the awkward shape of the block of land and to accommodate the amount of rock and stone on site in successfully positioning the house on the block. Please find attached amended drawings to indicate the impact to the Building Envelope.

In adding to this, recenting the adjoining neighbour has professionally landscaped their northern adjoining yard. The species selected and planted are of a mature large scale & will grown to be of considerable scale and size. This will provide privacy and screening to their private open space. With this vegetated planted and the installation of the 1.8m boundary fence we do not believe our proposed residence will effect the adjoining neighbour.

**Response to Performance Criteria:**

P3 The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by: We do not believe the neighbour at 11 Minerva Dr will loose any amenity as their residence is positioned some 13.0+ Metres from their northern boundary.
- (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or We do not believe a reduction of sunlight will occur due to the neighbour at 11 Minerva Dr is positioned some 13.0+ Metres from there northern boundary.
- (ii) overshadowing the private open space of a dwelling on an adjoining lot; or We do not believe over shadowing will occur due to the neighbour at 11 Minerva Dr is positioned some 13.0+ Metres from there northern boundary.
- (iii) overshadowing of an adjoining vacant lot; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and Recently 11 Minerva Drive has landscaped their northern adjoining yard. The species selected and planted are of a mature large scale & will grown to be of considerable scale and size. With this vegetated planted and the installation of the 1.8m boundary fence we do not believe our proposed residence will effect the adjoining neighbour.
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area. We have positioned our proposed residence 1.5m off the adjoining boundary. Plus the 13.0+ metres the neighbour at 11 Minerva Drive has from this same boundry, equals 14.5m of building separateing. We believe this is a healthy and acceptable separation and is far greater than that of other neighbouring property's in the street.

**2 - Shadow diagrams:**

Shadow diagrams are required to demonstrate that the dwelling will not cause overshadowing of the private open space for the dwelling at 11 Minerva Drive. As the private open space for this dwelling is located on the northern side of the dwelling, shadow plans need to demonstrate that there is not an unreasonable loss of amenity from overshadowing.

We have undertaken the requested shadow diagrams to indicate we are compliant and that the neighbour at 11 Minerva will receive at least 4 hours of sunlight on the 21st June as per the Council Planning Scheme.

Please note the neighbour of 11 Minerva Drive has an uncovered external alfresco area which as is, casts shadow over the habitable rooms. In addition to this recently they have landscaped their northern adjoining yard. The species selected and planted are of a mature large scale & will grow to be of considerable scale and size. With this vegetation planted and the installation of the 1.8m boundary fence we do not believe our proposed residence will affect the adjoining neighbour.

**3 - Overlooking concerns from W12:**

W12 into the south-eastern bedroom is within three metres of the side boundary and has no mitigation measures to protect the property to the south from overlooking. The submission indicates that this window is to have a sill height of 1.7m; however, plans show a window sill height of 1.2m. Clarification is needed on the correct sill height and either the plans or the submission changed. If the sill height is at 1.7m, it will meet the acceptable solutions and no further details are required. If the window has a sill height of 1.2m, some sort of mitigation measures would be expected to minimise the direct overlooking of the southern neighbouring property's private open space.

Performance Criteria:

P2

A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:

- (a) window or glazed door, to a habitable room of another dwelling; and
- (b) the private open space of another dwelling; and
- (c) an adjoining vacant residential lot. *N/A*

The sill height for this window will be 1.2m.

We believe this bedroom window should be acceptable as this window is only small in natural and is elevated high above the neighbouring property at 11 Minerva Drive. This window view is over this neighbouring property's roof line to the views of the western tiers.

In addition to this recently the adjoining neighbour has recently landscaped their northern adjoining yard. The species selected and planted are of a mature large scale & will grow to be of considerable scale and size. This will provide privacy and screening to their private open space. With this vegetation planted and the installation of the 1.8m boundary fence we do not believe our proposed residence will affect the adjoining neighbour.

I trust that the contents of this letter and the attached Development Application is satisfactory and does address the Northern Midlands Council requirements for Lot 7 (13) Minerva Drive, Perth. If you require any further information or clarification, please do not hesitate to contact myself.

Thank you once again.

Kind Regards



Michael Bernacki / Honed Architecture + Design.

8 January 2017

Mr Des Jennings  
General Manager  
Northern Midlands Council  
planning@nmc.tas.gov.au

Dear Mr Jennings

**Submission – development application P16-235 at 13 Minerva Drive, Perth (CT169213/7)**

I refer to the above development application to vary the building envelope in regard to height, private open space and privacy for a dwelling at 13 Minerva Drive, Perth.

I draw Council's attention to clause 17 of the covenant for Minerva Park Estate which states 'No residential building on the lot to be of 2 storey or more construction'. This limits building height to one storey. The covenant has established an expectation about building form and character for the estate for all residents and purchasers. All buildings currently constructed in the estate are a single storey as a result and there is a reasonable expectation that all future buildings will be limited to one storey.

Section 10.4.2, P3 of the General Residential Zone Code requires that the siting and scale of a dwelling must not cause unreasonable loss of amenity by visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot. The building envelope in the planning scheme anticipates that the walls will be only 3m high. The external walls of the proposed dwelling will be almost 6m high, well above that reasonable expected and exacerbated by the elevation of the site. This will be approximately 9m above the ground level of the adjacent house. The dominate view from the living areas, outdoor covered area and most of the garden will be the house.

The applicant has relied significantly on the recent landscaping of the adjoining property (11 Minerva Drive) to provide privacy and screening and their references to the landscaping using 'mature large scale' planting. The plantings currently are not mature and barely screen the 1.8m high fence under construction. Several of the tree species (eg birch) may, under ordinary circumstances provide some level of screening, however, given the high levels of surface rock in the area (also acknowledged in the application) are unlikely to reach full maturity and are likely to be stunted at around 2-3 metres in height according to the landscaper. This stunting of growth can be observed in many of the blackwood trees that have been planted in the area and are unable to reach maturity. The tree species are also located toward the rear of the property, and not aligning with the proposed location of the house providing limited potential for screening.

The shadow diagrams also indicate that the north facing garden (recently landscaped) at 11 Minerva Drive will be in significant shadow during the winter months. A single storey house would be unlikely to result in the same level of impact.

The application makes almost no reference to privacy or impacts on amenity for properties other than 11 Minerva Drive. I would encourage Council to consider potential impacts on future or existing residences other than 11 Minerva Drive given the departure from the covenants requirements.

Zone purpose statement 10.1.1.4 of the General Residential Zone Code requires development to respect the neighbourhood character and provide a high standard of residential amenity. The elevation of the site (it would be amongst the highest in the estate) would also make the building appear significantly higher in comparison to the surrounding residences. The impacts on the visual amenity of the estate, not just from neighbouring properties, would be significant.

I encourage Council to visit the site and consider the impact a two storey construction will have on the visual amenity of adjacent properties and the character of the area, particularly in consideration of requirements of the covenant that set the reasonable expectations of the residents that houses would be limited to a single storey.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michelle Riley', written in a cursive style.

Michelle Riley

11 Minerva Drive  
Perth TAS 7300  
email: [mriley1978@bigpond.com](mailto:mriley1978@bigpond.com)