

25th of July 2018

Luke Rogers
Planning Department
Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

Dear Luke,

REEVES TOWNHOUSES – RESPONSE TO DISCRETIONS
5 EGLINGTON STREET, SOUTH LAUNCESTON 7250

Thank you for the opportunity to respond to the discretions that you have identified after public advertising of my Development Application DA0252/2018 at 5 Eglinton St, South Launceston, the scope of which is:

- Renovation of the existing 3-bedroom residential dwelling ('existing dwelling'); erection of new double garage and a new deck to serve occupants of the existing dwelling, and
- Building of two, 3-bedroom residential townhouses behind the existing residential dwelling ('dwelling 1' and 'dwelling 2').

The development subject to this application is contained on land described in the **Certificate of Title 227869/1**. This land is zoned **General Residential in the Launceston City Council Interim Scheme 2015** (the Scheme). The use class for this proposal is existing use Residential and will continue to be used as **Residential – Permitted for multiple dwellings**.

The intent for this development is to construct modern, energy efficient properties close to the CBD that allow people to walk or ride to work or town, rather than drive. The development will utilise existing infrastructure (power, water, stormwater, sewer), which is more responsible than expanding urban sprawl. This allows council rates, TasWater and TasNetworks fees to be spent on upgrading ageing infrastructure and assets, as opposed to spending in new subdivisions.

The discretions that you have identified follow, with my rationale/response.

Zone

10.4.2 Setbacks and building envelope for all dwellings

Luke Rogers Review

A2. Garage of existing dwelling is not set back 5.5m from the primary frontage or 1m behind the façade of the dwelling.

Response

This discretion is correct.

The PC states:

“A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints.”

Hampden Street is approximately 267m in length and contains lots on either side of the road. In general terms, the lots are rectangular in shape and have a long-axis that is perpendicular to the road. Each lot with frontage to Hampden Street contains a single dwelling.

Lots within Hampden Street containing garages or carports that are built on the frontage boundary include:

- 5 Hampden Street
- 7 Hampden Street
- 20 Hampden Street
- 23 Hampden Street
- 27-29 Hampden Street

Lots within Hampden Street containing garages or carports within 5.5m of the frontage boundary include:

- 21 Hampden Street (3.7 m)
- 17 Hampden Street (3.8 m)
- 11 Hampden Street (5.2 m)
- 9 Hampden Street (4.5 m)
- 1 Hampden Street (4.3 m)

Based on the 10 properties that are listed above, the median frontage setback for garages and carports is 1.85 m and the average frontage setback is 2.15 m.

The garage of the existing dwelling will be setback between 4 m and 4.2 m from the Hampden Street frontage. This setback is greater than the median and average frontage setback for garages and carports within Hampden Street.

Furthermore, the proposed setback falls within the frontage setback range that is established by existing garages and carports. The proposed garage will therefore have a frontage setback that is compatible with the existing garages and carports within Hampden Street.

Performance criteria 10.4.2 (P2) is met.

Luke Rogers Review

A3. Dwelling 2 is within 1.5m of the side boundary for a length of over 9m, which is the lesser of 9m or 1/3 of the boundary.

Response

This discretion is correct.

It is noted that dwelling 2 will be contained within the building envelope described by Diagram 10.4.2D. Subclause (a) of the acceptable solution is therefore met.

The PC states:

“The siting and scale of a dwelling must:

- a) not cause unreasonable loss of amenity by:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
 - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or*
 - (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**
- b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.”*

The adjoining lot that is relevant to the performance criteria is 6 Hampden Street which is located to the north-east of the site.

The adjoining lot has an area of 491 m², a width of approximately 15 m and a depth (long-axis) of approximately 32 m. The lot is located upslope of the subject site. It contains a single dwelling within the front half that is setback approximately 4 m from the frontage. The rear half of the lot is devoid of buildings and comprises open lawn.

The driveway of the adjoining lot is parallel and built to the south-western boundary. The driveway is generally level and has a width of approximately 3.2 m and length of approximately 16 m. The driveway is used for tandem car parking. The driveway is separated from the subject site by a solid paling fence that is approximately 1.2 m in height. The driveway is adjacent to the section of dwelling 2 that is subject to the exercise of discretion.

The adjoining dwelling is split level which is owing to the topography of the site. The elevation of the dwelling that faces toward the subject site is two storeys and is setback approximately 4.2m from the south-western boundary.

The ground floor contains two solid doors which are accessed from the driveway. One door is located toward the front of the dwelling and one door is located below a deck. A small rectangular opaque window is located next to the door that is located below the deck. It is assumed that the rooms on the ground floor are non-habitable.

The first floor contains two square windows and a double door that is glazed. The double door opens out to a deck which extends approximately 1.8 m from the dwelling and wraps around to the north-west of the dwelling.

The finished floor level of the first floor of the dwelling which includes the two windows, double door and deck is estimated to be 2.4 m above existing ground. The sill heights of the windows are estimated to be between 1.2 m and 1.6 m above the finished floor level of the rooms they serve.

The area of the adjoining lot to the north-east immediately adjacent to the section of the dwelling that is subject to the exercise of discretion contains the driveway. The driveway does not constitute private open space in accordance with the requirements of clauses 10.4.3 (A2) or (P3).

The closest windows to habitable rooms (other than a bedroom) of the adjoining dwelling are located approximately 5.3 m horizontally from the wall of the proposed dwelling and approximately 1.2 m to 1.6 m vertically above the roof of the proposed dwelling.

The siting and scale of the section of dwelling 2 that is subject to the exercise of discretion will therefore not result in overshadowing of the private open space or cause a reduction in sunlight to windows of habitable rooms of the adjoining dwelling to the north-east. Performance criteria (a) (i) and (ii) are met.

The section of dwelling 2 that is subject to the exercise of discretion will be setback approximately 1.1 m from the north-eastern boundary and will be cut into the site a depth of approximately 0.8 m. Taking into account the 1.2 m high boundary fence, only the upper 1.1m of the wall of the proposed dwelling will be visible from the driveway of the adjoining lot. The bulk and scale of this encroachment is not considered unreasonable in terms of visual impact when viewed from the driveway which is upslope of the dwelling.

Furthermore, the primary view points from the adjoining dwelling are located on the first floor which is positioned above the roof of the proposed dwelling. Accordingly, views of the proposed dwelling from habitable spaces of the adjoining dwelling will be indirect (over the dwelling) as opposed to direct (into a wall or other physical element of the dwelling). The visual impacts of the proposed dwelling from the adjoining dwelling are therefore reasonable. Performance criteria (a) (iv) is met.

In general terms, dwellings within the surrounding area (most notably those dwellings that have frontage to Hampden Street) form an orderly spatial development pattern insofar as dwellings have relatively consistent frontage and side setbacks. It has been determined that frontage setbacks vary between 0 m and ~5.2 m with side setbacks varying between 0m and ~ 4m. The proposed side setback of 1.1 m is therefore consistent with the prevailing separation distances within the surrounding area.

Performance criteria (b) is met.

10.4.3 Site coverage and private open space for all dwellings

Luke Rogers Review

A2(b). The private open space of dwelling 1 does not have a minimum horizontal dimension of 4m, and is not entirely above ground level as a habitable room is on the ground floor.

Response

This discretion is correct. The PC states:

“A dwelling must have private open space that:

a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:

(i). conveniently located in relation to a living area of the dwelling; and

(ii). oriented to take advantage of sunlight.”

The designated area of private open space for dwelling 1 is integrated into the outdoor deck. The deck has a width of approximately 8.9 m and a depth of approximately 2.7 m which equates to a floor area of 24 m². The deck is accessed from the open plan living and dining area through a sliding door and will serve as an extension of the dwelling for outdoor related activities. The deck is located to the north-west of the dwelling which will enable exposure to direct sunlight throughout the day.

The performance criterion is met.

10.4.4 Sunlight and overshadowing for all dwellings

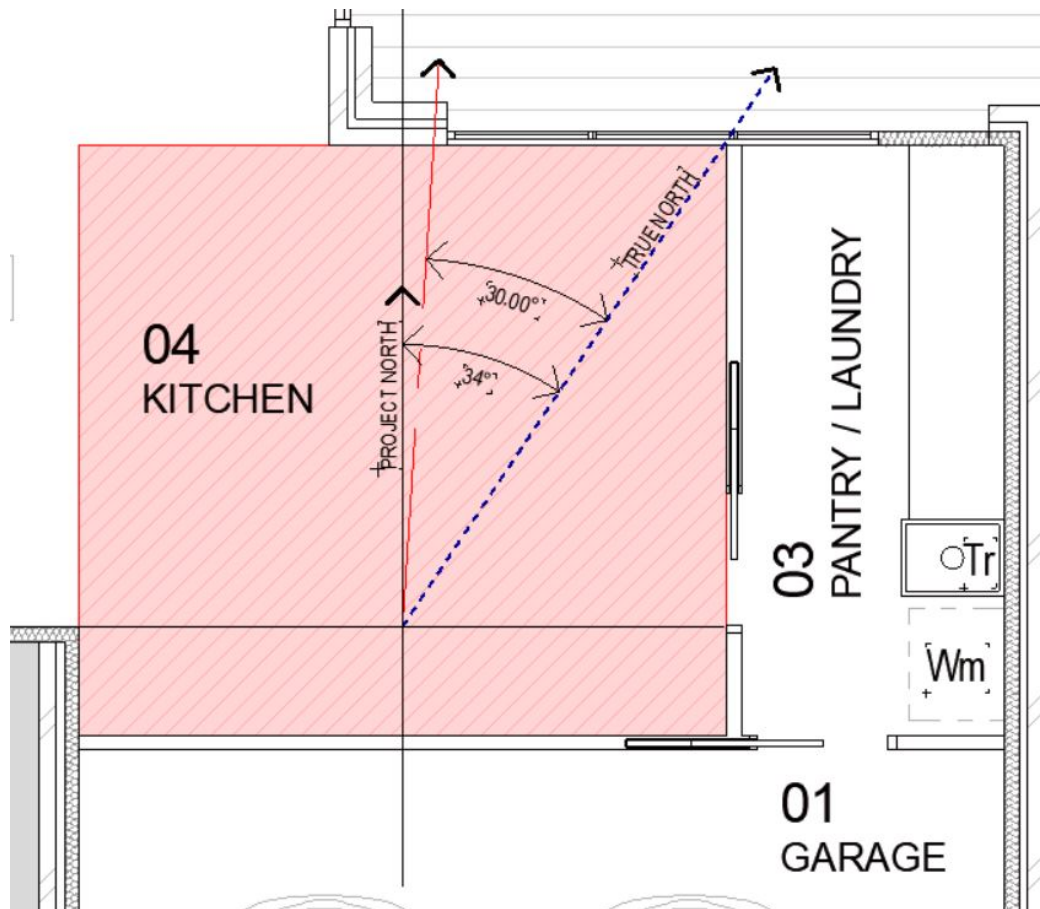
Luke Rogers Review

A1. The north arrow on the site plans appears to be inaccurate and based on the orientation the north-western boundary the living room windows of dwelling 1 and the kitchen window of dwelling 2 face approximately 40 degrees west of north.

Response

This discretion is correct. The discrepancy relating to the north arrow has been corrected and the kitchen window of dwelling 2 will face 34° west of north (refer to Figure 1). This is outside the range required by the AS.

Figure 1



The PC states:

“A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).”

The glazed sliding door and adjacent windows to the open plan living area will allow sunlight to enter the room.

The performance criterion is met.

Luke Rogers Review

A3. The private open space of the existing dwelling is within 3m of dwelling 1, which is located to the north. The private open space of the existing dwelling is not 50% free from overshadowing for 3 hours of the 21st of June.

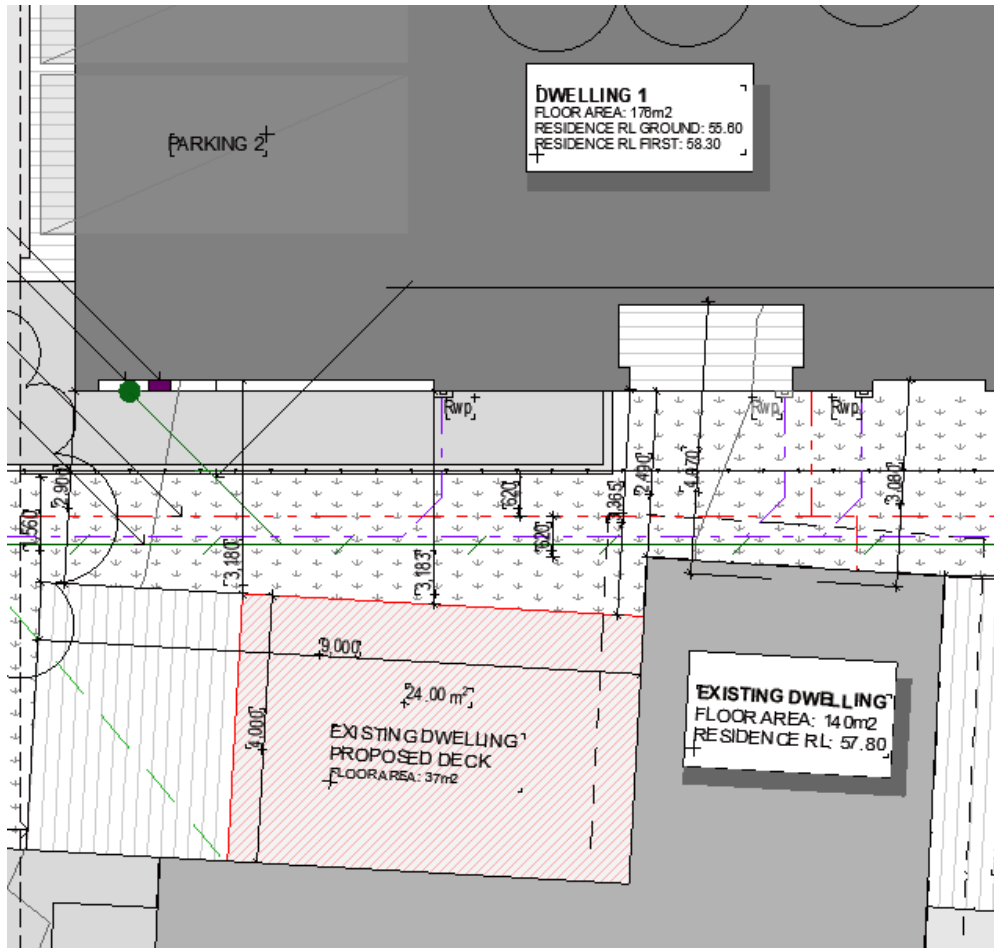
Response

This discretion is incorrect.

The acceptable solution states that the relevant area of private open space to which the clause applies is the private open space required in accordance with standard 10.4.3 (A2) or (P2).

The existing dwelling will be provided with an area of private open space that complies with clause 10.4.3 (A2). The private open space will be integrated into the western deck and is illustrated by figure 2.

Figure 2



It is evident from figure 2 that dwelling 1 will be setback a minimum of 3m from the area of private open space designated for the existing dwelling. Further, the portion of dwelling 1 equal to and above the finished floor level of the private open space of the existing dwelling, will be located within the envelope which is determined by subclause (a) (ii).

Acceptable solution 10.4.4 (A3) (a) is therefore met.

10.4.6 Privacy for all dwellings

Luke Rogers Review

A1. The proposed deck of the existing dwelling has a floor level above 1m that faces, and is less than 6m from, the window of bedroom 2 of dwelling 1.

Response

This discretion is correct.

The PC states:

“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 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

- a) a dwelling on an adjoining lot or its private open space; or*
- b) another dwelling on the same site or its private open space; or*
- c) an adjoining vacant lot.”*

The deck of the existing dwelling will face first floor of the south-eastern elevation of dwelling 1. This section of dwelling 1 contains a bedroom and bathroom. The bedroom and bathroom will include highlight windows that will have a sill height 1.7 m above the finished floor level of the deck which will minimise the degree of overlooking.

The space between dwelling 1 and the internal fence which will separate the existing dwelling and dwelling 1 will be used as an access around dwelling 1. The private open space of dwelling 1 is located to the north-west of the dwelling. The location of the deck will therefore minimise overlooking into habitable room windows and the private open space of dwelling 1.

The performance criteria are therefore met.

10.4.12 Earthworks and retaining walls

Luke Rogers Review

A1. There is retaining wall on the north-eastern boundary of the site, within 900m of the boundary. Dwelling 1 will be cut into the site by more than 1m.

Response

This discretion is correct.

The discretion is a result of cut that is required. The cut will lower the height of the buildings on site which will reduce the potential for overshadowing and overlooking of adjoining lots.

All cut and associated retaining walls will need to be designed and engineered in accord with the relevant standards of the National Construction Code which will ensure all aspects of the performance criteria are adequately managed.

Codes

E4.6.2 Road accesses and junctions

Luke Rogers Review

A2. There are three accesses that provide both entry and exit from the site.

Response

This discretion is correct.

The layout of the units is such that a new double width driveway will be constructed on the Eglinton Street frontage and a second, double driveway, be constructed on Hampden Street, the latter being alongside the existing double driveway. The proposal has no reliance on offsite parking for the development using the surrounding streets.

Both Hampden Street and Eglinton Street are local roads which are relatively narrow with a total reservation width of approximately 9m. Hampden Street has two connections to Howick Street, a local collector, via Eglinton Street and Kelham Street forming a small network with no connections to other streets. There are some 43 residences relying on these streets for access as well as the rear car park for a dental surgery which exits via Kelham Street. Consequently, traffic volumes are low with daily traffic numbers of less than 300 vpd, consistent with local residential streets.

The roads, whilst narrow by modern standards, are sufficient to contain a 6.1m wide road pavement with sealed footpaths on either side but not to contain the grassed verges commonly found on residential streetscapes. The 6.1m road pavement width is wide enough to allow for limited on street parking on a single side of the road with a single lane of traffic alongside a parked car.

Drivers parking on a narrow road are required to exercise care so as to provide sufficient clearance to driveways, both on the side they are parking on and for driveways on the opposite side of the road. Section 208 (7) of the Tasmanian Road Rules 2009 requires vehicles to be parked so that there is a minimum clearance of 3.0m for vehicles to pass the parked vehicle.

At present, parking is only permitted on the southern side of Hampden Street (opposite to proposed development) and is restricted by signage on this section of the street and by signage and marked spaces on the through section south of the site connecting to Kelham Street. The creation of an additional driveway to the site will not remove parking on the street as the parking is located on the opposite side.

On Eglinton Street, there are four driveways in the short section of street between Howick Street and Hampden Street with limited parking available on the northern side of the street. Car parking is not marked on Eglinton Street but is limited to approximately 3 vehicles of which two would be on the frontage to the proposed development. Two of these spaces would necessarily be removed to provide the driveway to the proposed unit facing that street.

Local roads with widths of less than 8.9m of pavement width are unsuitable for large volumes of traffic where there is also a high demand for on street parking. This is reflected in the Council adopted LGAT Standards where residential streets of less than 8.9m in width are recommended only to be used in dead end streets of less than 150m in length and serving less than 15 residences. The dead-end section of Hampden Street is some 95m in length and serves 11 residences including the subject land. The proposed development will increase this to 12 residences and thus complies with the standard.

In summary, the development will not adversely affect traffic numbers in either Hampden Street or Eglinton Street and has no effect on parking in Hampden Street. The only significant effect arising from the development will be a reduction in parking in Eglinton Street by the construction of a driveway.

E6.5.1 Car parking numbers

Luke Rogers Review

A1. There is sufficient car parking provided for each individual dwelling, however due to visitor car parking numbers being rounded up, a visitor car parking space is required. Visitor parking spaces must either be for each individual dwelling or be a shared space that can be used by all dwellings and does not block access or car parking to one of the dwellings.

Response

The acceptable solution for this criterion is ambiguous.

Visitor parking requirements for multiple dwellings in the General Residential zone is 1 dedicated space per 4 dwellings (rounded up to the nearest whole number). As the proposed development, has only 3 dwellings, my interpretation of the AC is that a dedicated visitor space is not required (only required for 4 or more). However, if the proposal is to be assessed against the performance criteria, the result is as follows:

P1.2. The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:

(a) *the intensity of the use and car parking required;* - Whilst the proposal is for multiple dwellings, each dwelling will have frontage to a road which will enable them to act as single dwellings. Each dwelling is not expected to generate intensification or demand for car parking greater than that which is expected for a single dwelling.

(b) *the size of the dwelling and the number of bedrooms; and* - Each dwelling will be provided with two dedicated car parking spaces. Dwelling 2 and the existing dwelling will have space for 2 additional parking spaces which brings the total to 10 car parking spaces.

(c) *the pattern of parking in the locality;* - The proposed car parking arrangement is consistent with the streetscape and surrounding area.

The proposal therefore meets the parking requirements of the scheme.

In conclusion, I believe that the development proposed within DA0252/2018 at 5 Eglinton St, South Launceston meets the intent of the Scheme, largely by meeting the requirements of the Acceptable Solutions. Thank you again for the opportunity to respond to your discretions. Please advise of any additional information that will be required to assist Council with the assessment of this application to achieve a positive outcome.

If you have any queries, please do not hesitate to contact me.

Kind Regards,

Brad Reeves

0427 352 036

brad.reeves@tasalk.com.au