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Dear Michael,

DEVELOPMENT APPLICATION - PROPOSED SUBDIVISION - 24-26 MONTIFIOR STREET, NORWOOD

Please find enclosed a development application for a subdivision on land located at 24-26 Montifiore Street, Norwood (the site - refer to Figure 1). The development application includes the following documents:

1. completed permit application form;
2. cover letter detailing the proposed development;
3. certificate of title for the site; and
4. plan of subdivision.

Figure 1 - aerial image of the site.



Source: base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

1 Planning Overview

Location	24-26 Montifiore Street, Norwood
Title Information	80975/62 and 80975/63
Planning Instrument	<i>Launceston Interim Planning Scheme 2015 (the Scheme)</i>
Zoning	10.0 - General Residential zone
Use	Residential
Development	Subdivision
Status	Discretionary

2 Subject Site

The site comprises two lots that form an irregular pentagon shape. It is located on the eastern side of Montifiore Street and has a combined frontage of 27m. It has an area of 1,514m².

An existing dwelling is located over the shared boundary between the two lots. The dwelling is generally parallel to the frontage boundary. Its western wall is setback between 16m and 18.5m from the frontage and its eastern wall is setback between 9m and 11.5m from the rear boundary. It is setback between 10.5m and 12m from the southern boundary. An outbuilding is located adjacent to the south-east corner of the dwelling at the end of the internal driveway and is perpendicular to the rear boundary. The northern half of the site between the dwelling and boundary is undeveloped.

The site is accessed from an existing crossover which is located at the southern end of the frontage. The site has an 8% gradient downhill to the north-west away from the frontage. A drainage easement with a nominal width of 1.83m runs along the north-western boundary. A separate drainage easement with a nominal width of 1.83m runs along the eastern boundary. The site adjoins five (5) lots to the north, east and south which all contain single dwellings.

3 Proposed Use and Development

The proposed subdivision entails adjusting the shared boundary between the two lots. The purpose of the boundary adjustment is to rectify the boundary encroachment created by the location of the existing dwelling and to create a vacant lot that will be capable of accommodating residential development.

Proposed Lot 1 will be vacant. It will have a frontage width of 13.4m and an area of 575m². Proposed Lot 2 will contain the existing dwelling. It will have a frontage width of 13.6m and an area of 939m². The relocated boundary will be setback 2m from the northern wall of the dwelling.

For the purposes of clause 8.2.1 of the Scheme, the proposed subdivision has been categorised into the residential use class on the basis that it will rectify a boundary encroachment created by the location of an existing single dwelling in addition to creating a vacant lot that will be capable of accommodating a single dwelling.



It is noted that a permit for the proposed boundary adjustment was issued in 2012 following an appeal. However, the permit was never acted upon within the prescribed timeframe and has subsequently lapsed.

4 Planning Assessment

4.1 Application Status

The use of land for single dwellings is identified as 'no permit required' in accordance with Table 10.2 of the Scheme. However, it has been determined that the proposed subdivision relies on performance criteria 10.4.16 P2 for compliance with the Scheme. Accordingly, a discretionary application is being made in accordance with clause 8.8.1 (a) of the Scheme and section 57 of the *Land Use Planning and Approvals Act 1993*.

4.2 General Residential Zone

The proposal does not involve a use listed in Table 10.3 and therefore clauses 10.3.1 to 10.3.5 do not apply.

The proposal does not involve building works for the construction of single or multiple dwelling or discretionary uses and therefore clauses 10.4.1 to 10.4.14 do not apply.

10.4 Development Standards			
Standard/Requirement		Assessment	Compliance
10.4.15 Lot size and dimensions			
A1.1	Each lot, or a lot proposed in a plan of subdivision, must: (a) have a minimum area of no less than 500m ² and (b) be able to contain a rectangle measuring 10m by 15m.	Lot 1 will have an area of 575m ² , and Lot 2 will have an area of 939m ² . Each lot will have dimensions that are capable of containing a theoretical rectangle envelope measuring a minimum of 10m by 15m.	Complies with acceptable solution.
A1.3	Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.	The northern wall of the existing dwelling is a gable end. It has a building height of 4.7m. The relocated boundary will be setback 2m from the northern wall of the existing dwelling. This setback distance enables to the existing dwelling to fit comfortably within the building envelope	Complies with acceptable solution.



10.4 Development Standards			
Standard/Requirement		Assessment	Compliance
		<p>prescribed by clause 10.4.2 A3 (a) (ii).</p> <p>The location of the eastern, southern and western boundaries of Lot 2 will not change.</p>	
10.4.6 Frontage and access			
A1	Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 3.6m.	Lot 1 will have a frontage width of 13.4m and Lot 2 will have a frontage width of 13.6m.	Complies with acceptable solution.
A2	No acceptable solution.	There is no acceptable solution.	Relies on performance criteria.
10.4.17 Discharge of stormwater			
A1	Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.	Each lot is capable of connecting into the existing public stormwater main which is located to the east of the site.	Complies with acceptable solution.
A2	The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.	Advice from Council's General Manager is sought in conjunction with the application.	Complies with acceptable solution upon receipt of the advice from Council's General Manager.
10.4.18 Water and sewerage services			
A1	Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.	Each lot is capable of connecting into the existing public water main which is located on the western side of Montifiore Street.	Complies with acceptable solution.
A2	Each lot, or a lot proposed in a plan of subdivision, must be connected to a	Each lot is capable of connecting into the existing public sewerage system which is located adjacent to the south-eastern corner of	Complies with acceptable solution.

10.4 Development Standards			
Standard/Requirement		Assessment	Compliance
	reticulated sewerage system.	the site and on the western side of Montifiore Street.	
10.4.19 Integrated urban landscape			
A1	Subdivision does not create any new road, public open space or other reserves.	The proposed subdivision will not create a new road, public open space or other reserves.	Complies with acceptable solution.
10.4.20 Walking and cycling network			
A1	Subdivision does not create any new road, footpath or public open space.	The proposed subdivision will not create a new road, footpath or public open space.	Complies with acceptable solution.
10.4.21 Lot diversity			
A1	Subdivision is for 10 lots or less.	The proposed subdivision involves the adjustment of a shared boundary between two existing lots. No additional lots will be created.	Complies with acceptable solution.
10.4.22 Solar orientation of lots			
A1	Any lot for residential use with an area of less than 500m ² , in a subdivision of 10 or more lots, must have the long access between 30 degrees west of north and 30 degrees east of north.	Each lot will have an area greater than 500m ² and the proposed subdivision will not involve the creation of 10 or more lots.	Not applicable.
10.4.23 Neighbourhood road network			
A1	Subdivision does not create any new road.	The proposed subdivision will not create a new road.	Complies with acceptable solution.
10.4.24 Public transport network			
A1	Subdivision does not create any new road.	The proposed subdivision will not create a new road.	

4.3 Bushfire-Prone Areas Code

PLANNING EXHIBITED DOCUMENTS

Ref. No: DA 0090/2019
 Date advertised: 06/04/2019

Planning Administration 

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The site is not located within 100m of bushfire-prone vegetation. It is therefore not located within a bushfire-prone area and the code does not apply to the proposed subdivision.

4.4 Road and Railway Assets Code

Lot 2 will utilise the existing vehicle crossover. Lot 1 will be provided with a new vehicle crossover. Lot 2 will contain the existing residential dwelling and it is expected that Lot 1 will be developed for single dwelling purposes. The RMS Guide to Traffic Generating Developments identifies that single dwellings can be expected to generate significantly less than 40 daily vehicle trips per day. The proposed development therefore complies with the relevant acceptable solutions in the code.

4.5 Parking and Sustainable Transport Code

Lot 2 will have sufficient space within the existing driveway and garage to accommodate 2 car parking spaces. In relation to Lot 1, clause E6.2.1 of the Scheme identifies that the code applies to all use and development. On the other hand, the application does not seek approval to establish a residential use on Lot 1, or any other use for that matter. The parking requirements relevant to Lot 1 will be determined in conjunction with specific proposals for future use and development. The current application does not affect issues dealt with by the code directly, and it does not apply to the creation of Lot 1 in accordance with clause 7.4.2(b) of the Scheme.

4.6 Open Space Code

The proposed subdivision is exempt from the code in accordance with clause E10.4.1 (b).

4.7 Performance Criteria Assessment

The application relies on an assessment against several performance criteria 10.4.16 P2, which are addressed below.

10.4.16 Frontage and access	
Objective:	
To ensure that lots provide:	
(a) appropriate frontage to a road; and	
(b) safe and appropriate access suitable for the intended use.	
Acceptable Solutions	Performance Criteria
A2	P2
No acceptable solution.	Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or

	<p>building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the character of the area; and (e) the advice of the road authority.
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Response

There is no acceptable solution and the application therefore automatically relies on the performance criteria.

Performance Criteria Assessment

Lot 2 will retain the existing crossover. Lot 1 will be capable of being provided with reasonable vehicular access, having regard to the following:

- (a) The topography within the site is relatively gentle. It has a fall of approximately 1:12 from the frontage to the rear boundary. The topography of Lot 1 will therefore not impose a constraint on the provision of vehicular access from the frontage to a future building area;
- (b) Lot 1 will have direct road frontage and the distance between the available building area and carriageway will be minimal;
- (c) Lot 1 will be accessed from Montifiore Street which is a cul-de-sac road that carries residential traffic;
- (d) Lot 1 will include the provision of a single driveway crossover which is consistent with established access arrangements associated with residential properties within the surrounding area;
- (e) It is anticipated that the road authority will review the proposed access arrangement and impose any relevant conditions on the permit.

The application therefore complies with the performance criteria.

5 Conclusion

The proposed development involves a subdivision in the form of a boundary adjustment between two lots located at 24-26 Montifiore Street, Norwood.

The proposed subdivision complies with the applicable Scheme provisions in the General Residential zone and relevant code standards, including the following performance criteria:

- **10.4.16 Frontage and access - Performance Criteria P2.**

It is therefore submitted that a discretionary permit can be issued for the proposed development in accordance with section 51 and 57 of the *Land Use Planning and Approvals Act 1993* and

Please do not hesitate to contact me should you have any queries on this application.

Yours faithfully

6ty° Pty Ltd



George Walker
Planning Consultant

