

## Planning Report

36 Nolan Crescent, KINGSTON

1 Lot Subdivision and balance

## Table of Contents

1. Introduction/Context.....	4
1.1. The Land .....	4
1.2. Natural Values.....	5
2. The Proposal .....	5
3. Planning Assessment .....	6
3.1. Use Class .....	6
3.2 Zoning .....	6
3.3 Zone Standards – 8.0 General Residential Zone .....	7
3.4 Codes .....	15
3.5 Code Standards.....	16
Conclusion .....	19
Contact .....	20

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## Revision History

<b>Revision</b>	<b>Description</b>	<b>Date</b>
<b>1</b>	RFI Response	31/8/23

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## Development Details:

<b>Client/Owner</b>	L Carr
<b>Property Address</b>	36 Nolan Crescent, Kingston TAS 7050
<b>Proposal</b>	1 Lot subdivision and Balance
<b>Land Area</b>	2690m <sup>2</sup> ±

<b>PID / CT</b>	7180649	139464/1
<b>Planning Ordinance</b>	<i>Kingborough Interim Planning Scheme 2015</i>	
<b>Land Zoning</b>	10.0 General Residential Zone	
<b>Specific Areas Plans</b>	N/A	
<b>Code Overlays</b>	N/A	

<b>Use Status</b>	Residential
<b>Application Status</b>	Discretionary

# 1. Introduction/Context

Council approval is sought for a 1 Lot subdivision and balance at 36 Nolan Crescent, Kingston. In support of the proposal the following associated documents have been provided in conjunction with this planning assessment:

- The Title Plan, Folio and Schedule of Easements: 139464/1
- Proposed Plan of Subdivision: 50785LM-1

## 1.1. The Land



**Figure 1.** Existing aerial image of the subject land and surrounds (LISTmap, 2023)

The subject land is located at 36 Nolan Crescent, Kingston. The subject land is a rectangular shaped residential block.

The subject land has an existing access off Nolan Crescent. The subject land has a total land area of 2690m<sup>2</sup>.

The surrounding land is characterised by land that is gently sloping downwards to the south.

## 1.2. Natural Values

There are no Natural Values present on site.

## 2. The Proposal

A planning permit for a 1 lot subdivision and balance is sought, in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993* and Clause 10.0 of the Kingborough Interim Planning Scheme 2015.

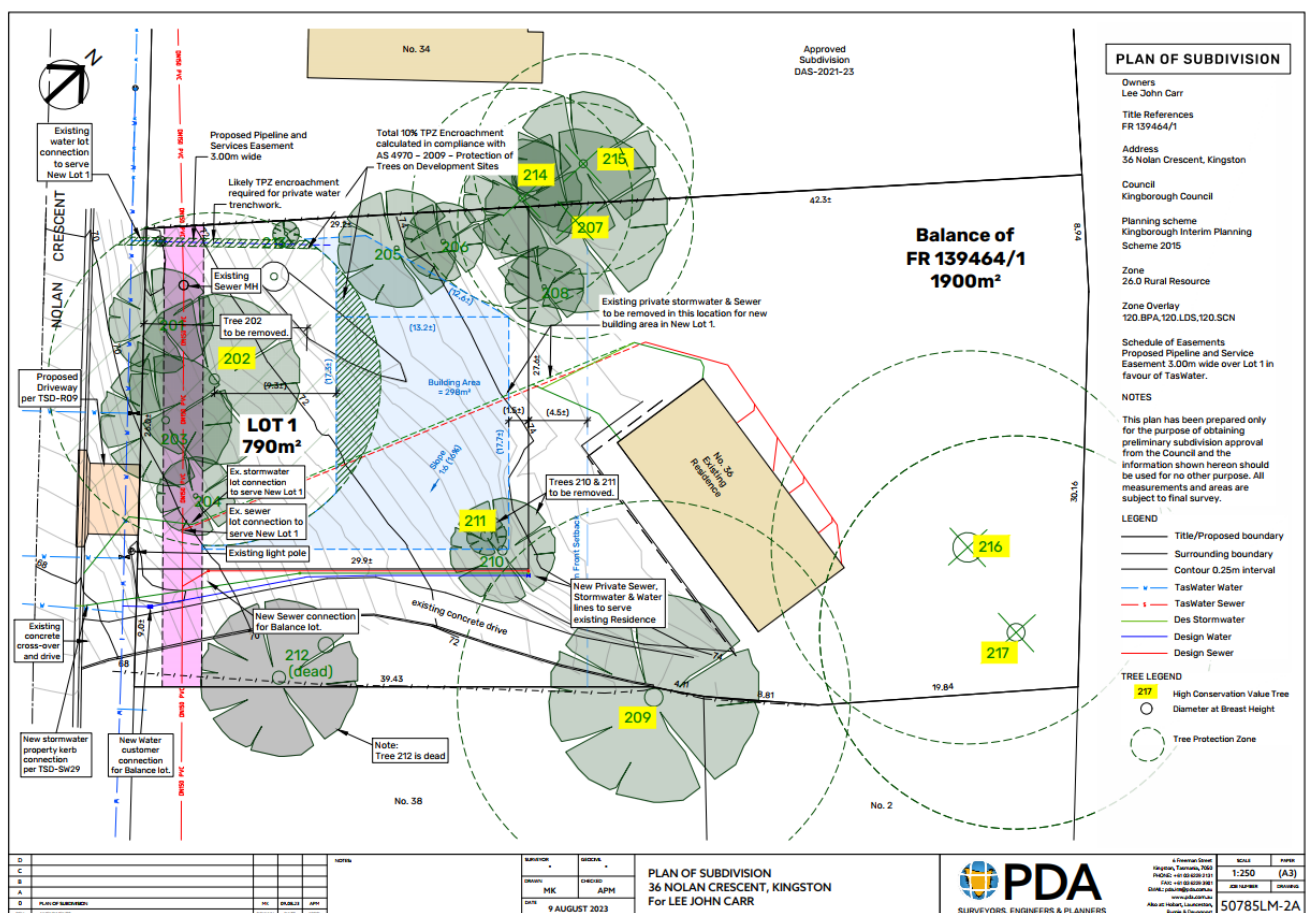


Figure 2. Proposed Plan of Subdivision

It is proposed that the land at 36 Nolan Crescent, Kingston be subdivided into 1 lot and the balance, as per the plan of subdivision illustrated in Figure 2. Lot 1 is vacant showing a proposed building envelope to demonstrate compliance and the balance lot contains the existing dwelling. The balance lot has an existing access off Nolan Crescent and Lot 1 will have a new proposed access off Nolan Crescent.

## 3. Planning Assessment

This current proposal for a 1 lot subdivision and balance has been developed in accordance with the Kingborough Interim Planning Scheme 2015.

### 3.1. Use Class

Residential

### 3.2 Zoning



**Figure 4.** Zoning identification of the subject land and surrounds (LISTmap, 2022)

The subject land is located within the General Residential zone

### 3.3 Zone Standards – 10.0 General Residential Zone

#### 10.6 Development Standards for Subdivision

##### 10.6.1 Lot design

###### Objective:

To provide for new lots that:

- (a) Have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) Contain building areas which are suitable for residential development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (c) Are a mix of lot sizes to enable a variety of dwelling and household types;
- (d) Are capable of providing for a high level of residential amenity including privacy, good solar access; and passive surveillance of public spaces;
- (e) Ensure an average net density for new suburban areas no less than 15 dwellings per hectare with higher densities close to services, facilities and public transport corridors
- (f) Are not internal lots
- (g) are provided in a manner that provides for the efficient and ordered provision of infrastructure
- (h) contain building areas which are located to avoid environmental values

###### Acceptable Solutions

###### A1

The size of each lot must comply with the minimum and maximum lot sizes specified in Table 10.1, except if for public open space, a riparian or littoral reserve or utilities

###### Performance Criteria

###### P1

The size of each lot must satisfy all of the following:

- (a) variance above the maximum lot size in Table 10.1 only to the extent necessary due to demonstrated site constraints
- (b) be consistent with any applicable Local Area Objectives or Desired Future Character Statements for the area

**Comment:**

**A1 is met:** Lot 1 has an area of 790m<sup>2</sup> and the balance is 1900m<sup>2</sup> in area.

**A2**

The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:

- (a) clear of the frontage, side and rear boundary setbacks;
- (b) not subject to any codes in this planning scheme;
- (c) clear of title restrictions such as easements and restrictive covenants;
- (d) has an average slope of no more than 1 in 5;
- (e) the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north
- (f) is 10m x 15m in size
- (g) no trees of high conservation value will be impacted

**P2**

The design of each lot must contain a building area able to satisfy all of the following:

- (a) be reasonably capable of accommodating residential use and development;
- (b) meets any applicable standards in codes in this planning scheme;
- (c) enables future development to achieve maximum solar access, given the slope and aspect of the land;
- (d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;
- (e) provides for sufficient usable area on the lot for both of the following;
  - (i) on-site parking and manoeuvring
  - (ii) adequate private open space
- (f) avoids, minimises mitigates and offsets impacts on trees of high conservation value.

**Comment:**

**P2 is met.**

- (a) See attached proposal plan, there is potential area of 298m<sup>2</sup> for a future dwelling within lot 1.
- (b) there are no applicable codes
- (c) the site has adequate area to provide solar access in regard to solar access the proposed lots are consistent with the neighbouring properties.
- (d) no earth works are proposed, the proposed access will be over the existing surface as per recommendation of the arborist report.
- (e) there is adequate area for onsite parking and manoeuvring and private open space.
- (f) See attached proposal plan to determine the disturbance of high value conservation trees. No impact is proposed on trees of high value and the total disturbance to be determined during future development applications regarding proposed dwellings. The above response to Clause 10.4.2 as required by 10.5.1 which is a duplication of the requirements of (f).

**A3**

The frontage for each lot must comply with the minimum and maximum frontage specified in Table 10.2, except if for public open space, a riparian or littoral reserve or utilities if an internal lot.

**P3**

The frontage of each lot must satisfy all of the following:

- (a) provides opportunity for practical and safe vehicular and pedestrian access;

	(b) provides opportunity for passive surveillance between residential development on the lot and the public road; (c) is no less than 6m
<p><b>Comment:</b></p> <p>A3 is met for Lot 1. It has a frontage of 26 metres.</p> <p>The balance lot does not meet A3 as it is an internal lot and has a frontage of 9 metres.</p> <p><b>P3</b></p> <p>(a) the 9 metre wide frontage for the balance lot provides convenient and efficient access to the rear lot and enables the lot to use this access strip as sole or principal means of access. The access strip provides a suitable connection to the road network and an appropriate route for connections to utilities as established in the area. There is ample room for vehicular manoeuvrability and safe pedestrian access.</p> <p>(b) there is ample room for passive surveillance, the access strip is 29 metres long and the dwelling is setback 4.5 metres from the proposed new boundary</p> <p>(c) although the frontage is only 9 metres, the proposed width of the access and the lot area is considered sufficient for residential manoeuvrability of vehicles on site.</p>	
<p><b>A4</b></p> <p>No lot is an internal lot</p>	<p><b>P4</b></p> <p>An internal lot must satisfy all of the following:</p> <p>(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise the land;</p> <p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</p> <p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot</p> <p>(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;</p> <p>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p> <p>(g) passing bays are provided at appropriate distances to service the likely future use of the land;</p> <p>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p>

	<p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces</p>
<p><b>Comment:</b></p> <p><b>P4:</b> Lot 1 is an internal lot therefore I will address the performance criteria;</p> <p>(a) As there is an existing dwelling on the balance lot, an internal lot is the only reasonable way to subdivide the parcel of land</p> <p>(b) It is not reasonably possible to provide a new road</p> <p>(c) This is the only reasonable way to subdivide the rear of the existing lot</p> <p>(d) The lot will allow for a residential dwelling to be built at a later stage</p> <p>(e) Neighbouring land will not be affected as the surrounding lots are of various sizes and dwelling setbacks</p> <p>(f) The balance has access to the road via an access strip with a width of 9 metres</p> <p>(g) Passing bays are not required as the access strip is approximately 29 metres long</p> <p>(h) The access strip is provided to only service the balance lot. There are no other adjoining access strips serving other properties</p> <p>(i) The driveway will be sealed in accordance with the Council's requirements</p> <p>(j) The lot provides for passive surveillance.</p>	
<p><b>A5</b> Subdivision is for no more than 3 lots</p>	<p><b>P5</b> Arrangement and provision of lots must satisfy all of the following:</p> <p>(a) have regard to providing a higher net density of dwellings along;</p> <p>(i) public transport corridors</p> <p>(ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;</p> <p>(iii) within 200m of business zones and local shops</p> <p>(b) will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone</p> <p>(c) staging, if any, provides for the efficient and ordered provision of new infrastructure;</p> <p>(d) opportunity is optimised for passive surveillance between future residential development on the lots and public spaces;</p>

	(e) is consistent with any applicable Local Area Objectives or Desired Future.
<b>A5 is met.</b> The subdivision is for 2 lots only	

## 10.6.2 Roads

### Objective:

To ensure that the arrangement of new roads within a subdivision provides for all of the following:

- the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community;
- the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and
- the efficient ultimate subdivision of the entirety of the land and of neighbouring land.

Acceptable Solutions	Performance Criteria
<b>A1</b>  The subdivision includes no new road.	<b>P1</b>  The arrangement and construction of roads within a subdivision must satisfy the following: <ol style="list-style-type: none"> <li>the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</li> <li>the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</li> <li>the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;</li> <li>an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;</li> <li>cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;</li> <li>connectivity with the neighbourhood road network is maximised;</li> <li>the travel distance between key destinations such as shops and services is minimised;</li> <li>walking, cycling and the efficient movement of public transport is facilitated;</li> <li>provision is made for bicycle infrastructure on new arterial and</li> </ol>

	collector roads in accordance with Austroads Guide to Road Design Part 6A; j) Any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.
<b>Comment:</b> <b>A1 is met:</b> The subdivision includes no new roads.	

### 10.6.3 Ways and Public Open Space

Objective:	
To ensure that the arrangement of ways and public open space provides for all of the following: <ul style="list-style-type: none"> <li>(a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community;</li> <li>(b) the adequate accommodation of pedestrian and cycling traffic;</li> </ul>	
Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> The arrangement of ways and public open space within a subdivision must satisfy all of the following: <ul style="list-style-type: none"> <li>a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</li> <li>b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</li> <li>c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</li> <li>d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</li> <li>e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</li> <li>f) provide for a legible movement network;</li> <li>g) the route of new ways has regard to any pedestrian &amp; cycle way or public open space plan adopted by the Planning Authority;</li> </ul>

	<p>h) Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3 May 2019.</p> <p>i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</p> <ul style="list-style-type: none"> <li>i) the width of the way;</li> <li>ii) the length of the way;</li> <li>iii) landscaping within the way;</li> <li>iv) lighting;</li> <li>v) provision of opportunities for 'loitering';</li> <li>vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).</li> </ul>
<p><b>Comment:</b></p> <p><b>P1 is met:</b></p> <p>The proposed subdivision does not adjoin any public open spaces or neighbourhood pedestrian links. It is considered that it wouldn't be in the interest of the council for land to be provided for public use. In accordance with the council policy regarding public open space it is considered suitable to provide cash in lieu.</p>	
<p><b>A2</b> No Acceptable Solution.</p>	<p><b>P2</b> Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, May 2019.</p>
<p><b>Comment:</b></p> <p><b>P2 is met:</b> As mentioned above cash to be provided in lieu for the Open Space contribution in accordance with council own policy.</p>	

#### 10.6.4 Services

<p><b>Objective:</b></p>	
<p>To ensure that the subdivision of land provides adequate services to meet the projected needs of future development</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>

<b>A1</b> Each lot must be connected to a reticulated potable water supply.	<b>P1</b> No Performance Criteria
<p><b>Comment:</b></p> <p><b>A1 is met:</b> As per the plan of subdivision, Lot 1 has an existing water connection and the balance lot has a proposed new connection.</p>	
<b>A2</b> Each lot must be connected to a reticulated sewerage system	<b>P2</b> No Performance Criteria
<p><b>Comment:</b></p> <p><b>A2 is met:</b> As per the plan of subdivision, the balance lot has an existing sewer connection which is to be relocated. Lot 1 has an existing sewer connection.</p>	
<b>A3</b> Each lot must be connected to a stormwater system able to service the building area by gravity.	<b>P3</b> If connection to a stormwater system is unavailable, each lot must be provided with an on site stormwater management system adequate for the future use and development of the land
<p><b>Comment:</b></p> <p><b>A3 is met:</b> As per the plan of subdivision, lot 1 has an existing stormwater connection and the balance has a proposed new stormwater kerb connection.</p>	
<b>A4</b> The subdivision includes no new road	<b>P4</b> The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold opticle fibre line) and the underground provision of electricity supply)
<p><b>Comment:</b></p> <p><b>A4 is met:</b> The subdivision includes no new road.</p>	

## 3.4 Codes



**Figure 4.** Scheme Overlay identification of the subject land – Nil (LISTmap, 2023)

Code	Comments:
E1.0 Bushfire Prone Areas Code	N/A
E2.0 Potentially Contaminated Land Code	N/A
E3.0 Landslide Code	N/A
E5.0 Road and Railway Assets Code	Yes -see below
E6.0 Parking and Access Code	Yes – see below
E7.0 Stormwater Management Code	N/A
E8.0 Electricity Transmission Infrastructure Protection Code	N/A
E9.0 Attenuation Code	N/A
E10.0 Biodiversity Code	N/A
E11.0 Water and Waterways Code	N/A
E13.0 Historic Heritage Code	N/A
E14.0 Scenic Landscapes Code	N/A
E15.0 Inundation Prone Areas Code	N/A
E16.0 Coastal Erosion Hazard Code	N/A
E17.0 Signs Code	N/A
E18.0 Wind and Solar Energy Code	N/A
E19.0 Telecommunications Code	N/A
E20.0 Acid Sulfate Soils Code	N/A

E21.0 Dispersive Soils Code	N/A
E23.0 On-Site Wastewater Management Code	N/A
E24.0 Significant Trees Code	N/A
E25.0 Local Development Code	N/A

## 3.5 Code Standards

### E5.0 Road and Railway Assets Code

#### E5.6.2 Road accesses and junctions

<b>Objective:</b>	
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> No new access or junction to roads in an area subject to a speed limit of more than 60km/h	<b>P1</b> For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: <ul style="list-style-type: none"> <li>(a) the nature and frequency of the traffic generated by the use;</li> <li>(b) the nature of the road;</li> <li>(c) the speed limit and traffic flow of the road</li> <li>(d) any alternative access</li> <li>(e) the need for the access or the junction</li> <li>(f) any traffic impact assessment; and</li> <li>(g) any written advice received from the road authority</li> </ul>
<b>Comment:</b>	
<b>A1 is met:</b> The speed limit of Nolan Crescent is not more than 60km/h.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>

<b>A2</b> No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less	<b>P2</b> For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority
<b>Comment:</b> <b>A2 is met:</b> Lot 1 will have a new access off Nolan Crescent and the balance has an existing access.	

#### E5.6.4 Sight distance at accesses, junctions and level crossings

<b>Objective:</b>	
To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.	
Acceptable Solutions	Performance Criteria
<b>A1</b> Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices – Railway crossings, Standards Association of Australia.	<b>P1</b> The design, layout and location of an access, junction or rail crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the frequency of use of the road or rail network; (c) any alternative access (d) the need for the access, junction or level crossing; (e) any traffic impact assessment;

- (f) any measures to improve or maintain sight distance;
- (g) any written advice received from the road or rail authority.

**Comment:**

**A1 is met:** The proposed new access has sufficient sight distance.

## E6 Parking and Access Code

### E.6.7.1 Number of vehicle accesses

**Objective:**

To ensure that:

(a) safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising:

- (i) the number of vehicle access points; and
- (ii) loss of on-street car parking spaces:

(b) vehicle access points do not unreasonably detract from the amenity of adjoining land uses;

(c) vehicle access points do not have a dominating impact on local streetscape and character.

**Acceptable Solutions**

**A1**

The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater

**Performance Criteria**

**P1**

The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:

- (i) pedestrian safety, amenity and convenience;
- (ii) traffic safety
- (iii) residential amenity on adjoining land
- (iv) streetscape
- (v) cultural heritage values if the site is subject to the Local Historic Heritage Code;
- (vi) the enjoyment of any "al fresco" dining or other outdoor activity in the vicinity.

**Comment:**

**A1 is met:** The proposed new lot has one access off Nolan Crescent.

## Conclusion

The planning assessment and supporting documentation provided, demonstrates that the development proposal for a 1 lot subdivision and balance, meets all requirements of the Kingborough Interim Planning Scheme 2015.

Yours faithfully,

Tracey Baillie

Per PDA Surveyors, Engineers and Planners obo L Carr

# Contact

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