



Meander Valley Council
Working Together

PLANNING NOTICE

An application has been received for a Permit under s.57 of the Land Use Planning Approvals Act 1993:

APPLICANT:	Miranda Pastoral Co Ltd - PA\24\0216
PROPERTY ADDRESS:	35 Adelaide Street WESTBURY (CT: 31062/1)
DEVELOPMENT:	Subdivision (3 lots), Demolition of Residential outbuilding (garage) - priority vegetation area.

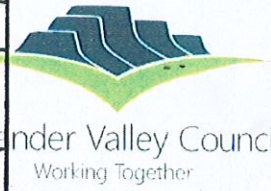
The application can be inspected until **Tuesday, 7 May 2024**, at www.meander.tas.gov.au or at the Council Office, 26 Lyall Street, Westbury (during normal office hours).

Written representations may be made during this time addressed to the General Manager, PO Box 102, Westbury 7303, or by email to planning@mvc.tas.gov.au. Please include a contact phone number. Please note any representations lodged will be available for public viewing.

If you have any questions about this application please do not hesitate to contact Council's Planning Department on 6393 5320.

Dated at Westbury on 20 April 2024.

Jonathan Harmey
GENERAL MANAGER



Index No.	13893		
Doc No.			
RCV'D	3 APR 2024	MVC	
Action Officer	SS	Dept.	DES
EO		OD	✓

APPLICATION FORM

PLANNING PERMIT

Land Use Planning and Approvals Act 1993

- Application form & details MUST be completed **IN FULL**.
- Incomplete forms will not be accepted and may delay processing and issue of any Permits.

OFFICE USE ONLY

Property No:	13893	Assessment No:	50 - 0300 - 0140
DA\	2410313	PA\	2410216
PC\	2410106		

- Is your application the result of an illegal building work? Yes No
 - Have you already received a Planning Review for this proposal? Yes No
 - Is a new vehicle access or crossover required? Yes No
- Indicate by ✓ box

PROPERTY DETAILS:

Address: 35 ADELAIDE ST

Certificate of Title: F.R. 31062/1

Suburb: WESTBURY

Lot No: 1

Land area: 2150m² m² / ha

Present use of land/building: RESIDENTIAL
(vacant, residential, rural, industrial, commercial or forestry)

- Does the application involve Crown Land or Private access via a Crown Access Licence: Yes No
- Heritage Listed Property: Yes No

DETAILS OF USE OR DEVELOPMENT:

Indicate by ✓ box

Building work Change of use Subdivision Demolition

Forestry Other

Total cost of development (inclusive of GST): \$30k Includes total cost of building work, landscaping, road works and infrastructure

Description of work: 3 LOT SUBDIVISION - CONNECTION TO SERVICES

Use of building: DWELLING (main use of proposed building – dwelling, garage, farm building, factory, office, shop)

New floor area: m² New building height: m

Materials: External walls: Colour:

Roof cladding: Colour:

SEARCH OF TORRENS TITLE

VOLUME 31062	FOLIO 1
EDITION 1	DATE OF ISSUE 12-Sep-1994

SEARCH DATE : 19-Apr-2024

SEARCH TIME : 09.03 AM

DESCRIPTION OF LAND

Town of WESTBURY
 Lot 1 on Diagram 31062
 Derivation : Part of 3A-3R-24Ps. (Section H.) Gtd. to John
 Taylor
 Prior CT 4093/63

SCHEDULE 1

B174783 ALLAN RODNEY MCQUEEN and MARTHA SHAW MCQUEEN

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 26/8731 CONVEYANCE Made Subject to Boundary Fences Condition
 A499115 ADHESION ORDER under Section 477A of the Local
 Government Act 1962
 B174784 MORTGAGE to The Hobart Savings Bank Registered
 11-Apr-1988 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

N191414 PRIORITY NOTICE reserving priority for 90 days
 D/MORTGAGE The Hobart Savings Bank to Allan Rodney
 McQueen and Martha Shaw McQueen
 TRANSFER Allan Rodney McQueen and Martha Shaw McQueen
 to Miranda Pastoral Co. Pty. Ltd. (ACN 003 604 911)
 as trustee for TAS PROPERTY UNIT TRUST #4 Lodged by
 SHIELDS HERITAGE - L on 27-Mar-2024 BP: N191414
 E385747 DISCHARGE OF MORTGAGE B174784 Lodged by SHIELDS
 HERITAGE - L on 15-Apr-2024 BP: E385747
 N185529 TRANSFER to MIRANDA PASTORAL CO. PTY. LTD. Lodged
 by SHIELDS HERITAGE - L on 15-Apr-2024 BP: E385747

APPROVED	CONVERSION PLAN	REGISTERED NUMBER
RECORDER OF TITLES	CONVERTED FROM C.T.3498/45	D.31062
FILE NUMBER A.904154.	GRANTEE PART OF 3.3.24 JOHN TAYLOR.	DRAWN B. HILL. 30.3.87

OS K 2062

SKETCH BY WAY OF ILLUSTRATION ONLY

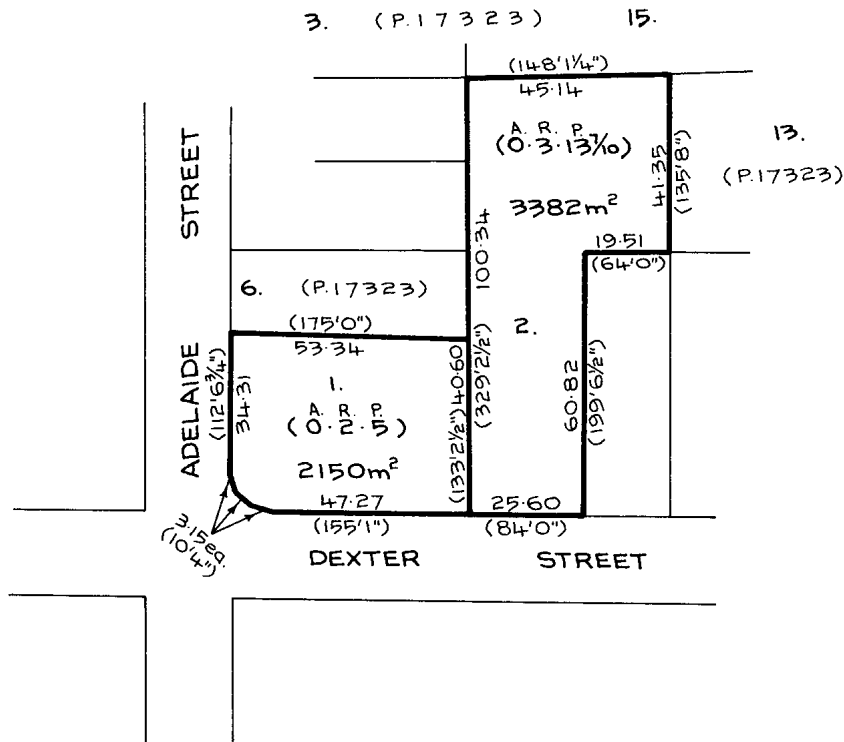
CITY/TOWN OF WESTBURY. SEC.H.

LAND DISTRICT OF

PARISH OF

LENGTHS ARE IN METRES. NOT TO SCALE.

LENGTHS IN BRACKETS IN LINKS/FEET & INCHES.





THIS PLAN WAS PREPARED AS A PROPOSAL PLAN TO ACCOMPANY A DEVELOPMENT APPLICATION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. LOT SIZE AND LAYOUT SUBJECT TO SURVEY AND COUNCIL

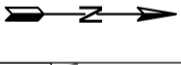
Notes: Existing service infrastructure is based on relevant authority GIS and survey. RL's are based on GPS survey.


PROPOSED 3 LOT SUBDIVISION
 35 ADELAIDE STREET, WESTBURY 7303
 C.T. 31062-1

CONSTRUCT NEW DN25 (I.D. 20) HDPE (PE100) SDR11 PN16 WATER CONNECTION WITH A 20MM WATER METER IN ACCORDANCE WITH TWS-W-0002 SHEET 5 BY TASWATER'S CONTRACTOR AT THE DEVELOPER'S COST.

CONSTRUCT NEW DN100 PVC-U SN10 SEWER CONNECTION IN ACCORDANCE WITH MRWA-S-302 BY TASWATER'S CONTRACTOR AT THE DEVELOPER'S COST.

EXISTING OVERHEAD POWER



 WOOLCOTT SURVEYS	10 Goodman Court Invermay TAS 7248 PO Box 593 Mowbray Heights TAS 7248 Phone (03) 6332 3760 Fax (03) 6332 3764 Email: office@woolcottsurveys.com.au	Job Number L240221			
	Drawn GM	File name L240221-PROPOSAL	Date 04/04/24	Scale 1:250@A3	Edition V02

Miranda Pastoral Co Ltd

Report to support a Development Application 35 Adelaide St, Westbury



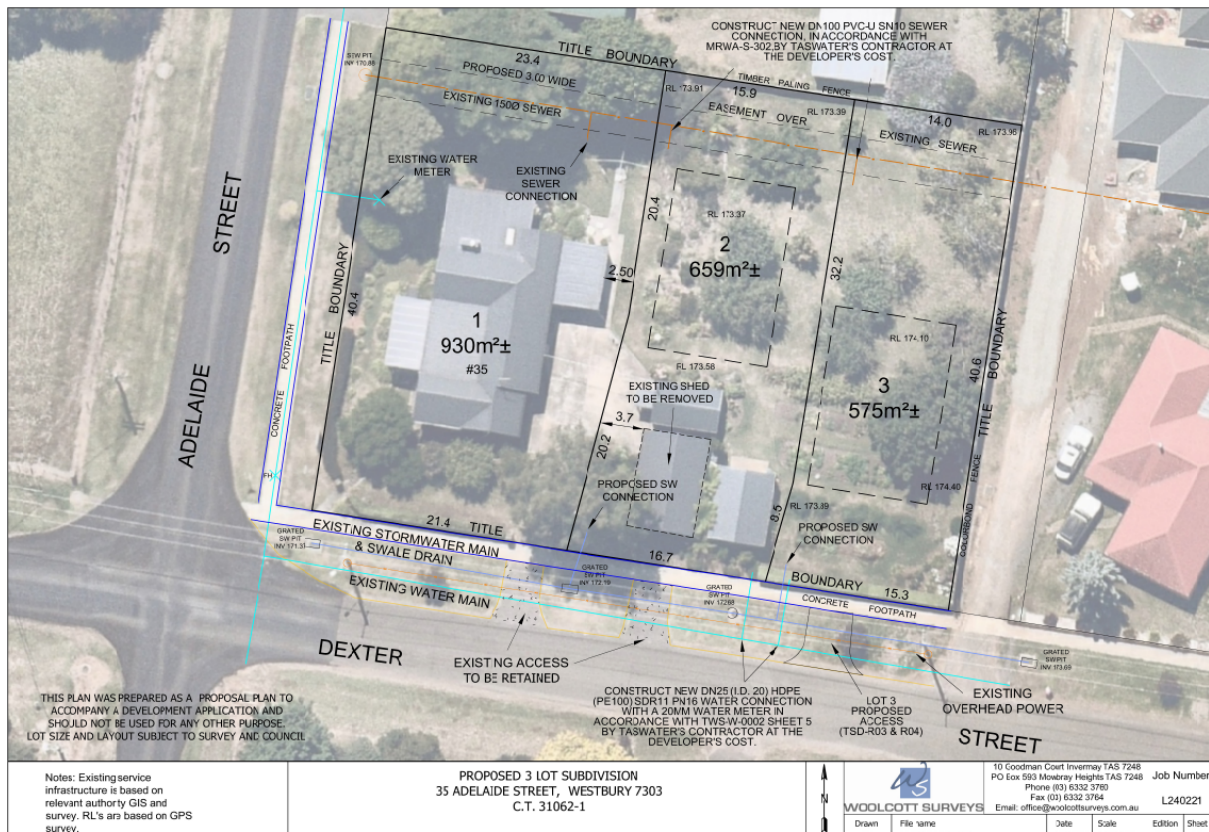
Dated March 2024

Purpose

The purpose of this report is to support a proposal to subdivide an existing lot.

Proposal

It is proposed to subdivide the subject site into three lots, one containing the existing dwelling and two being vacant for single dwellings. A shed will also be removed as part of the same proposal. The proposal is shown below:



Lot 1 (with dwelling) = 930sqm

Lot 2 (with existing shedding) = 659 sqm

Lot 3 = 575 sqm

A shed on Lot 2 will be removed purely for aesthetic reasons. Access to Lot 1 and 2 will be via existing access arrangements. Only Lot 3 will require a new access.

Site

The subject is on the intersection of Adelaide and Dexter St, in an established residential area.



Property Address	35 ADELAIDE ST WESTBURY TAS 7303
Property ID	7178899
Title Reference	31062/1

The site has an area of 2150 sqm. On site there is an existing dwelling and a range of outbuildings. There are a number of non-native trees (predominantly fruit trees) and shrubs throughout the site. There is evidence of other residential lots in the area being subdivided in a similar manner.

Planning Scheme

The site is within Westbury within the Meander Valley Council area. As a result, the site is covered by the State Planning Provisions and the Meander Valley Local Planning Provisions.

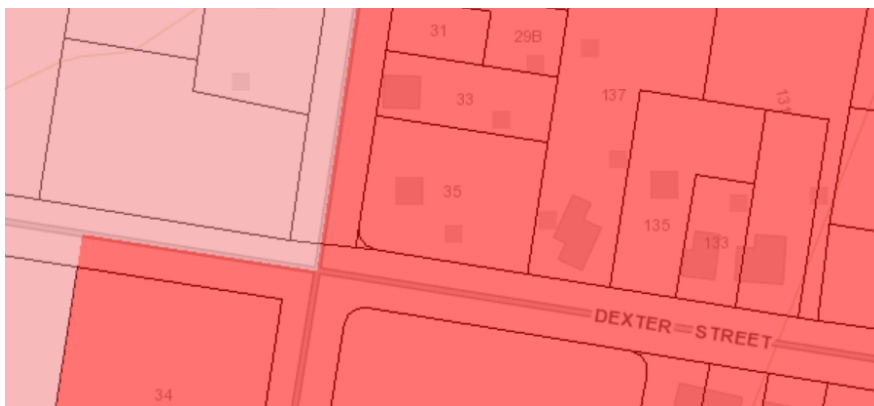
Definitions

Within the Planning Scheme there are a series of definitions.

In this instance Subdivisions falls into the catch all definition of Development.

Zoning

The subject site is zoned General Residential use under the Planning Scheme

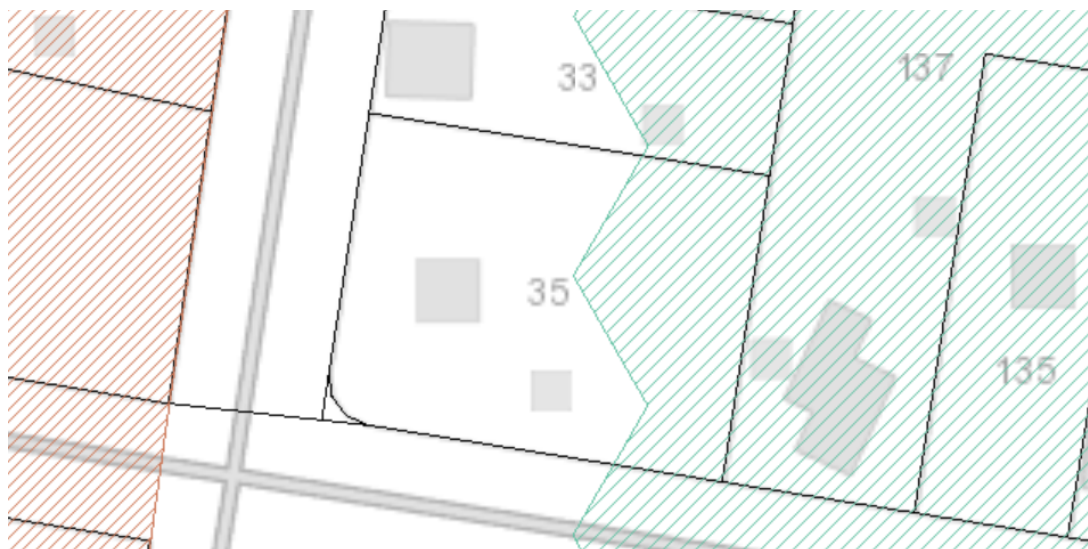


Red = General Residential zone

Overlays

There are two categories of Overlays within the Planning Scheme – Code Overlays and General Overlays.

There are no General Overlay Codes covering the site. One Code Overlay covers the eastern section of the site – Natural Assets Code.



Blue Hatch = Natural Assets Code

Use Standards

Within the Planning Scheme there are a series of Use Standards. In the case of subdivision there are no relevant Use Standards to consider. Removal of the shed is classed as Demolition which in itself is Development not a use.

Development Standards

Within the Planning Scheme there are a series of Development Standards which need to be considered. In this case there are a series of Development Standards specific to subdivision. There are no specific development standards relevant to demolition.

Subdivision matters

Acceptable solutions	Performance Criteria
LOT SIZE	
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 450m² and:</p> <p>(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p>a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of buildings on the lots;</p> <p>(b) the intended location of buildings on the lots;</p> <p>(c) the topography of the site;</p> <p>(d) the presence of any natural hazards;</p>

<p>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>(e) adequate provision of private open space; and</p> <p>(f) the pattern of development existing on established properties in the area.</p>
<p>COMMENT – All lots comply with A1 (a), (a)(i)(a), (b) – the only lot to be considered under the last section being Lot 1. With a setback of 2.5 from the existing carport to the boundary the building could have a height of 3m if located on the boundary and still comply with this clause. Compliance is claimed against A1.</p>	
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <p>(a) the width of frontage proposed, if any;</p> <p>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</p> <p>(c) the topography of the site;</p> <p>(d) the functionality and useability of the frontage;</p> <p>(e) the ability to manoeuvre vehicles on the site; and</p> <p>(f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.</p>
<p>COMMENT – Complies A1</p>	
<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the distance between the lot or building area and the carriageway;</p> <p>(c) the nature of the road and the traffic;</p> <p>(d) the anticipated nature of vehicles likely to access the site; and</p> <p>(e) the ability for emergency services to access the site.</p>
<p>COMMENT – Complies A1</p>	
<p>A4</p>	<p>P4</p>

<p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<p>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</p> <ul style="list-style-type: none"> (a) the size, shape and orientation of the lots; (b) the topography of the site; (c) the extent of overshadowing from adjoining properties; (d) any development on the site; (e) the location of roads and access to lots; and (f) the existing pattern of subdivision in the area
<p>COMMENT – Complies A1</p>	
<p>ROADS</p>	
<p>A1 The subdivision includes no new roads.</p>	<p>P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:</p> <ul style="list-style-type: none"> (a) any road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential; (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (e) minimising the travel distance between key destinations such as shops and services and public transport routes; (f) access to public transport; (g) the efficient and safe movement of pedestrians, cyclists and public transport; (h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016; (i) the topography of the site; and (j) the future subdivision potential of any balance lots on adjoining or adjacent land.
<p>COMMENT – Complies with A1</p>	
<p>SERVICES</p>	
<p>A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.</p>	<p>P1 A lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a limited water supply service, having regard to:</p>

	<p>(a) flow rates; (b) the quality of potable water; (c) any existing or proposed infrastructure to provide the water service and its location; (d) the topography of the site; and (e) any advice from a regulated entity.</p>
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COMMENT – Complies with A1. There are water mains in both Dexter St and Adelaide St which can service site as shown in blue below:



<p>A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<p>P2 No Performance Criterion.</p>
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COMMENT – Complies with A1. There is a sewer located in Adelaide St and also within the subject land as shown in red below:



<p>A3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<p>P3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for</p>
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	<p>the future use and development of the land, having regard to:</p> <ul style="list-style-type: none"> (a) the size of the lot; (b) (b) topography of the site; (c) (c) soil conditions; (d) (d) any existing buildings on the site; (e) (e) any area of the site covered by impervious (f) surfaces; and (g) (f) any watercourse on the land.
<p>COMMENT – Complies with A1. There is a stormwater system in Adelaide St and within the site which can service the site.</p>	

Codes

The Natural Assets code applies to development on land within the following areas:

- (a) a waterway and coastal protection area;
- (b) a future coastal refugia area; and
- (c) a priority vegetation area only if within the following zones:
 - (i) Rural Living Zone;
 - (ii) Rural Zone;
 - (iii) Landscape Conservation Zone;
 - (iv) Environmental Management Zone;
 - (v) Major Tourism Zone;
 - (vi) Utilities Zone;
 - (vii) Community Purpose Zone;
 - (viii) Recreation Zone;
 - (ix) Open Space Zone;
 - (x) Future Urban Zone;
 - (xi) Particular Purpose Zone; or
 - (xii) General Residential Zone or Low Density Residential Zone, only if an application for subdivision.

In terms of subdivision the following provisions need to be considered:

C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area	Not applicable
C7.7.2 Subdivision within a priority vegetation area	
Acceptable Solutions	Performance Criteria
A1	P1.1

Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:

- (a) be for the purposes of creating separate lots for existing buildings;
- (b) be required for public use by the Crown, a council, or a State authority;
- (c) be required for the provision of Utilities;
- (d) be for the consolidation of a lot; or
- (e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.

Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:

- (a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;
- (b) subdivision for the construction of a single dwelling or an associated outbuilding;
- (c) subdivision in the General Residential Zone or Low Density Residential Zone;
- (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;
- (e) subdivision involving clearance of native vegetation where it is demonstrated that ongoing pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or
- (f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.

P1.2

Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- (a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;
- (b) any particular requirements for the works and future development likely to be facilitated by the subdivision;
- (c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;
- (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;
- (e) any on-site biodiversity offsets; and
- (f) any existing cleared areas on the site.

COMMENT – Part of the site is within a Priority Vegetation Area as defined in the Local Planning Scheme mapping.

Priority Vegetation is defined as:

native vegetation where any of the following apply:

(a) it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the Nature Conservation Act 2002;

(b) is a threatened flora species;

(c) it forms a significant habitat for a threatened fauna species; or

(d) it has been identified as native vegetation of local importance.

Native vegetation is defined in the State Planning Provisions as:

plants that are indigenous to Tasmania including trees, shrubs, herbs and grasses that have not been planted for domestic or commercial purposes.

Any vegetation on site is non-native – introduced plantings, mainly fruit trees.

We have to look at the exemption clause in the Code

C7.4.1 The following use or development is exempt from this code:

(c) clearance of native vegetation within a priority vegetation area,

(i) on existing pasture or crop production land; or

(ii) if the vegetation is within a private garden, public garden or park, national park, or within State-reserved land or a council reserve, provided the native vegetation is not protected by legislation, a permit condition, an agreement made under section 71 of the Act, or a covenant;

It is hard to discover just what makes this a priority vegetation area. TASVEG4 defines the subject site an Urban Area. The site contains no Threatened Native Vegetation Communities as defined in theList overlays. There are no Threatened Flora and Fauna identified on the site as defined in the Natural Values Atlas.

Irrespective of the above the subdivision the proposal complies with P1 (b) subdivision for the construction of a single dwelling or an associated outbuilding.

In regard to P1 (c) subdivision in the General Residential Zone or Low Density Residential Zone, compliance can be claimed against this clause.

In regard to P2 the key consideration is Priority Vegetation – the definition of Priority Vegetation refers to Native Vegetation only. The vegetation on site is not Native Vegetation therefore this part of the clause does not apply.

Conclusion

This is a simple three Lot subdivision and the removal of a shed which is generally aligned to the provisions of General Residential zone. There are no planning reasons why this proposal should not be supported.



Liability limited by a scheme approved under a professional standards scheme

Postal Address: PO Box 83
MOWBRAY TAS 7248
Office Location: 31 Bronzewing Avenue
NEUNHAM TAS 7248
Phone: 0458 582 212
Email: greg@greenbs.com.au

8 April 2024

Our ref: 4799-0009
Your ref: L240221

Graeme Walkem
Miranda Pastoral Co Ltd
PO Box 1630
LAUNCESTON TAS 7250

Building Surveyor Report on;
Implications for proposed boundary adjacent to existing steel shed at 35 Adelaide Street, Westbury

Building Act/Regulations for existing buildings for subdivision.

Building Act 2016 section 72

(2) A person intending to change the boundary of an allotment, or Strata Title, of an existing building must obtain a building permit and perform work under this Act if the change would, without performing work –

(a) have an adverse effect on the health and amenity of persons accommodated in, or using, the existing building; or

(b) increase the risk of the spread of fire between buildings or from a fire source feature.

(3) Despite subsection 2, a person must not change the boundary of an allotment, or of a Strata title, of an existing building that the building no longer complies with the provisions of this Act.

Proposed new boundary adjacent to existing steel shed as per attached plan.

New boundary on eastern side lot 2 will place the existing steel shed approximately 800mm from the proposed side boundary which will become a fire source feature under the NCC.

The existing timber sheds located on the proposed lot 2 are located more than 900mm clear of proposed boundaries so have no effect from proposed boundary.

Requirements for buildings under the National Construction Code (NCC).

The existing sheds are class10a residential sheds.

A class 10a shed can be located on the boundary line without fire rating provided the shed is located more than 900mm from a class 1a dwelling on the same allotment. NCC (H3P1) & DTS (9.2.4 to 9.2.7)

A future class 1a dwelling on the property would require a new building permit or notifiable works which would ensure compliance with the NCC and separation/fire protection from existing steel shed.

The existing sheds have no fire rating requirements in relation to the proposed boundaries to comply fully with the NCC.

Conclusion:

The proposed boundaries will not cause the existing shed or sheds on the proposed lot 2 to not comply with the provisions of the Building Act 2016, section 72.

End of Report.

If you require any further information on this matter please feel free to contact me at this office.

Yours faithfully



Greg Green
Building Surveyor CC264V

