

Attachment 3 - 51-55 Westbury Road and 27 and 29 Peel Street, South Launceston  
- Representations - (pages = 16)

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**From:** Daniel Ferguson  
**Sent:** Sunday, 22 January 2017 10:15 PM  
**To:** Contact Us  
**Subject:** Re development 51-55 Westbury Road attn Catherine Mainsbridge

Dear Catherine,

I would like the opportunity to discuss with you the development proposed for 51-55 Westbury Road (DA0526/2016) advertised Saturday 21-1-2017.

A quick perusal of the planning document would suggest there is little change in this proposal in terms of height of the 3 storey buildings or the location of these structures within the block than that proposed in August 2016. As such my current intention would be to submit an objection to the proposal based along the same arguments outlined in my response last year.

Would it be possible to meet with you or receive a written reply outlining the changes in this proposal that presumably addresses the significant concerns raised by neighbours and local ratepayers in Merivale Street with regard to the original proposal (DA0618/2015)?

Kind regards,  
Daniel Ferguson

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**From:** Daniel Ferguson  
**Sent:** Tuesday, 31 January 2017 8:55 PM  
**To:** Council  
**Cc:** Alderman Janie Finlay  
**Subject:** development application 51-55 Westbury Road DA0526/2016

Dear LCC,

I would like to make a submission regarding Development Application at 51-55 Westbury Road DA0526/2016 submitted by property developer MSR Property Investments Pty Ltd.

I live \_\_\_\_\_ and due to the height of the development believe the development may impact negatively on the value of my property due to the reduced view over the city.

I understand the council's position and have been told repeatedly that we are not entitled to a view. However, I find it extremely disappointing to be told by the council planner for this development that the amenity of an existing ratepayer (me) is not relevant when adjudging this application, and to then be told that the reason for the height of the development is because it is reasonable for the developer to maximise their view is doubly galling.

This development was first submitted for public comment last August and I lodged a submission outlining my concerns.

My understanding is that it was withdrawn prior to the public submissions hearing, presumably due to significant local community objections.

The development has been resubmitted for council approval with what would appear to be minimal change in the overall concept in consideration of the many concerns of local residents.

I will list below my main concern regarding the development although there are several as described in my first submission. They are identical as before, based on the fact the concept is still the same.

- The building height from the ground floor to roof pitch is 9.72 metres, 1.22 metres higher than prescribed building height. While the ground floor is built into the bank somewhat, the permissible prescribed height is much higher than the current design, allowing for an amendment without appeal if the application is approved.
- The building is not in keeping with the height of nearly every other building in the near vicinity. New three storey residential unit blocks are not common nearby.
- The lodged application incorrectly identifies the numbered street addresses of neighbours in Merivale Street (also not Marivale Street as printed in application) on pages 3 and 4. While this may not be a game changer, it does nothing to instil confidence that there are not other mistakes in the document.

The only change I can see from a plan view is a minimal repositioning of the highest and uppermost buildings a few metres north which effectively does nothing to alleviate the concerns of neighbours to their loss of amenity.

While there are I believe other minimal changes made, (plans to plant a few more trees) not being able to view the original withdrawn proposal to compare the two 70 page documents makes it unnecessarily difficult and the councils policy of not making the original plan available is also farcical as any interested party could have downloaded the original plan.

This just seems unnecessary obstruction. When I asked the planner if there was any possibility of accessing a virtual 3D presentation that could give a real life view of what the building would look like if constructed I was told this would take too long and was too hard. I did explain that this would give myself and other neighbours a better understanding of the potential/if any visual impact. I would have thought that in this age of the computer, someone with IT skills in the planning department would be able to provide interested parties with this option to potentially reduce the complaints that are made purely due to a (probably justified) scepticism of property developers.

I believe the development if limited to two storeys on the upper units and/or alternatively renovating the existing lower down units to increase by one storey would achieve ten units and probably no complaints from neighbours. I wonder if this path has been explored with a mind to keeping on good terms with the neighbourhood.

My final comment relates to what I believe was very poor service by the council (planner) in addressing or acknowledging my legitimate concerns.

First up your contact us link page on your development application website brings up a page not found error 404.

When I eventually found a link, I sent the council an email and it took over a week to receive just an acknowledgement of receipt, and this was described as my 'submission'. When there are only two weeks before comments close, if 50 % is lost due to the inability to have meaningful dialogue, frustrations build. Add to this my follow up phone call (after not receiving email acknowledgement the first week) when I was assured the planner listed as the contact person would return my call and this did not happen, frustrations increase.

When I finally queued up at the front counter by taking time off work to be told the particular planner is really hard to contact and could I come back tomorrow I was probably less than receptive. Thankfully they agreed to discuss over the phone while I was at the counter and it was clear from the conversation that the planner had no real understanding of my concerns other than to say I was not entitled to a view.

I can appreciate the planner is probably overworked and there may well be legitimate arguments to put from the developers view. Virtual 3D view may also show I have nothing to be concerned about (but I doubt this). But a planners workload is not within an area I can influence and I do have a right to have my concerns heard and acknowledged.

I would be happy to meet and discuss my concerns if an agreeable time can be found and if a council representative is available.

Regards

Daniel Ferguson

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**From:** Josh Weber  
**Sent:** Friday, 3 February 2017 12:30 PM  
**To:** Contact Us: Carolvn Wrankmore  
**Cc:**  
**Subject:** DA 0526/2017  
**Attachments:** DA 0526-2017 Objection Letter.odt; Development Application Objection Letter Jan 2017.pdf

Dear Ms Wrankmore

Please find attached Objection Letter for DA0526/2017

Kind Regards,  
Josh Weber

University of Tasmania Electronic Communications Policy (December, 2014).

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# Development Application Objection Letter

18-Fmx-018 - Version 05/03/2012

Development Application Number

DA 0526/2017

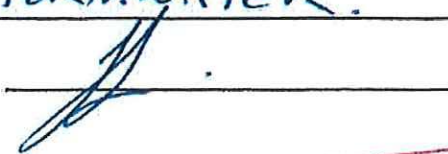
Address of Development

51-55 WESTBURY ROAD, LAUNCESTON

Reason for Representing

SEE ATTACHED LETTER (BELOW)
FOR
- SITE ACCESS
- BUILDING HEIGHT
- BUILDING ENVELOPE BREACHES & THE ROOF APPEARANCE
- INTERNAL VEHICLE MANEUVERING
- LANDSLIP
- OVERSHADOWING OF PRIVATE OPEN SPACE
- PRIVACY
- CLOTHES DRYING.
- COMMUNAL SPACE PARKING
- FILL & STORMWATER.

Representor's Signature



Date 03/01/2017

LAUNCESTON  
CITY COUNCIL



Town Hall St John Street Launceston Tasmania  
PO Box 396 Launceston Tasmania 7250

T 03 6323 3000 F 03 6323 3001 TTY 03 6323 3003  
E council@launceston.tas.gov.au www.launceston.tas.gov.au

J. Weber

Launceston City Council Planning  
Customer Service Centre  
Town Hall, 18-28 St John Street  
Launceston TAS 7250

2th January 2017

Dear Sir / Madam

Reference: PLANNING APPLICATION DA 0526/2016

Proposed units 2x2 Bed and 2x1 Bed at 51-55 Westbury Rd South Launceston by Mr A. McCullugh.

Thank you for the opportunity to make a submission on the plans for proposed additional units at 51-55 Westbury Road, Launceston – DA0618/2015. I appreciate your efforts to take the views of residents affected by the proposal into consideration.

I have a range of concerns which are detailed below:

**Site Access** - Access to the new units off Peel Street is dangerous. This access is too close to the intersection with Westbury Road. Any attempted right turn manoeuvres from this driveway would be perilous as there is no driver visibility of on-coming traffic turning into Peel Street from Westbury Rd. Any right turn movements into the site are not physically restricted and could cause following vehicles to queue onto the intersection. Any left turn movements out of the access are at a terrible angle and would result in the need for the car to swing wide, especially considering the gradient. There is no ability to straighten this up. When a vehicle is waiting to exit the development, where will a car wanting to enter wait? This access would be dangerous for a single dwelling, Russian Roulette for four.

**Building Height** - The overall height of the development is of considerable concern. I note that the application exceeds the maximum building height set clause by the Launceston City Council Interim Planning Scheme 2015. This is of particular concern when the buildings are crammed up against the adjoining boundary. There is a reasonable expectation for neighbours that buildings will not exceed the height limit, and in this case it will have undesirable impacts on my property, the outlook from it and the use of our private open space. The proposed units will be constructed to 3-stories, certainly out of keeping with the surrounding homes and domineering the existing dwellings both in-front and behind. Any new construction on this land should ensure that the size and scale of development is compatible with the desired future character of the locality. These units will impact the light on the surrounding properties at certain times of the day and create the possibility of adversely channelling wind and pollution from the main road, creating dust, and potentially funnelling wood-heater smoke in the winter months or not letting it disperse in a timely fashion.

**Building Envelope Breaches and the Roof Appearance** - The breach of the site's prescribed building envelope is a concern. These breaches relate, primarily, to the roof above units 8 and 10. It is the ugly roof above unit 10 that has the most impact on my property. This roof has no design elements to mitigate visual impact. It's too high and it is too close to the boundary given the usual dimension of the block. The applicant says this is to maximise the space available for manoeuvring, etc., in reality they have placed them where they impact neighbours to the west the most. They also say that "the narrow width helps reduce bulk and scale when viewed from the north". There are far more neighbouring dwellings to the west than to the north. The truth is, they are just trying to cram as many in as possible instead of designing to Council standards.

**Internal Vehicle Manoeuvring** - The internal access arrangements and manoeuvring areas are complicated and potentially have very low site distances. Vision around the fence for 29 Peel Street will be limited, and reduced again by the corner of the building for units 7 and 8, and potentially further, yet again, by landscaping. There simply is not enough vision with the complicated reversing turning manoeuvres, there are inherent dangers with this driveway design potentially with small children and cars reversing.

**Landslip** - I have concerns that the construction may have a potential to undermine surrounding properties when very wet followed by very dry conditions we are experiencing now in Tasmania impact, creating problems from walls cracking to possibly worse foundation issues going forward.

**Overshadowing of Private Open Space** - Planning Schemes are set up to protect future residents. I am concerned about the impact of the proposal on the private open space for unit 5. This is not a satisfactory outcome. I question the accuracy of the analysis undertaken and whether it has accurately taken into account the slope of the land and the shadow of existing site features. The shadow lines accurately parallel with roof pitch, they do not change as the slope changes indicating they do not correctly show the shadow at ground level. The calculation of the impact on the private open space for unit 5 cannot therefore be relied upon. Succinctly given the fall of the land this 9 and 10 unit towers 4 stories over the existing dwelling as it is in close proximity and definite not in keeping with a residential area. Also the plan has a study which, in reality, is just a second bedroom on the upper floor level.

**Privacy** - the present units on Westbury Road are situated a comfortable distance from existing homes on Merivale Street and, as they are positioned down an incline, the backyard and rear of home privacy for the Merivale Street residents is assured. The positioning of existing foliage/trees provide a private environment for all concerned, it also adds a noise-buffer from main road traffic. Removal or destruction before and during the building stage will negate the value of these important assets. Replanted foliage will, obviously, take considerable time to restore these to their existing maturation due to the poor soil condition on the site. The proposed units are in such close proximity and, due to their height, will literally stare down into my backyard and the rear of my home impacting my lounge-room, bathroom and kitchen. Regulations in other states have very strict rules regarding dwellings overshadowing existing homes and their right to privacy in and around their own homes. No-one should have an existing home and surrounds placed into a goldfish bowl by development. Balconies will ultimately compound this privacy concern and add with it concerns regarding: talking noise created when they are being utilised, especially in

warmer, daylight-saving months and visual demise as unkempt spaces may be utilised for storage or drying of laundry items.

The Planning application states that the new dwellings are 8 metres below the residents on Merivale street. This is factually inaccurate with 8 Merivale Street being closer to 1 metre, 10 Merivale Street 2 metres and 12 Merivale Street 3 metres. Therefore, the Planning Application is misrepresenting the impact on privacy for those residences. Furthermore, the plans have miss label street numbers which should be corrected.

I object to and am concerned about any reduction in privacy for any dwelling. It is important that we have good urban design that solve these issues to prevent Council from having to deal with neighbourhood disputes in the future.

Council town planers have required that the new dwellings are 2.2 metres off the boundary fence this application has it at 2 metres.

**Clothes Drying** - Where will the occupants of units 7, 8, 9 and 10 dry their clothes? There are no places allocated on the plan. I guess we can all look forward to seeing their underwear drying on the balconies. Not only that, they can check out each other's drying clothes as they come and go as these balconies will be visible from the entrance driveway. It would be much better, and environmentally sustainable, if they all had their own external drying areas out of public view.

**Communal Space** - I have considerable concerns regarding the proposed communal open-space directly behind my home, particularly the effect of addition noise – the living area and bedroom of my home are vulnerable to any potential noise created by: tenants entertaining and talking loudly or children playing. Additionally, bright light at night from any fixed illumination that may be badly positioned, rubbish being thrown/blown onto my property and my biggest concern: the likelihood of second-hand smoke, the stench of ashtray devices and nicotine affecting my health (I have a considerable smoke allergy) are worrying. The LCC have very strong anti-smoking policies that protect their assets and buildings, I think it certainly not unreasonable that their ratepayers enjoy similar protections.

**Parking** – Many people are now 2-car families, on occasion more, they have boats, motorcycles, trailers and the like. These units have the potential to require up to as many as 12 car spaces in addition to any needs by visitors and tradespeople. The allocation on offer is vastly inadequate. There is no direct street parking on busy Westbury Road. The street in front of my property, Merivale Street, is within walking distance, and I fear two things will occur: this street will become a parking lot for certain occasions or worse, visitors blocking other unit residences/vehicle access and altercations, ill-will ensuing.

**Fill and Storm-water** - I am confused by details of the application. The landslide risk assessment says fill should be limited to 1 metre. The applicant's statement on earthworks and retaining walls talks of 2 retaining walls, both 2.1m high. They also talk of drainage behind these walls which will be directed to a reticulated system. How will they build that reticulated system 2.1 metres underground? Will it be going through the yards of the existing dwellings? The surface storm-water from the driveway also seems problematic. Either there is fill required for the driveway or there is a low point near the private open space for unit 5. Where and how would this be reticulated to the street? All in all, is Council certain that this development meets the requirements of the landslide risk assessment? I note the proposed plans do not



Development Application Objection Letter DA 0526/2016

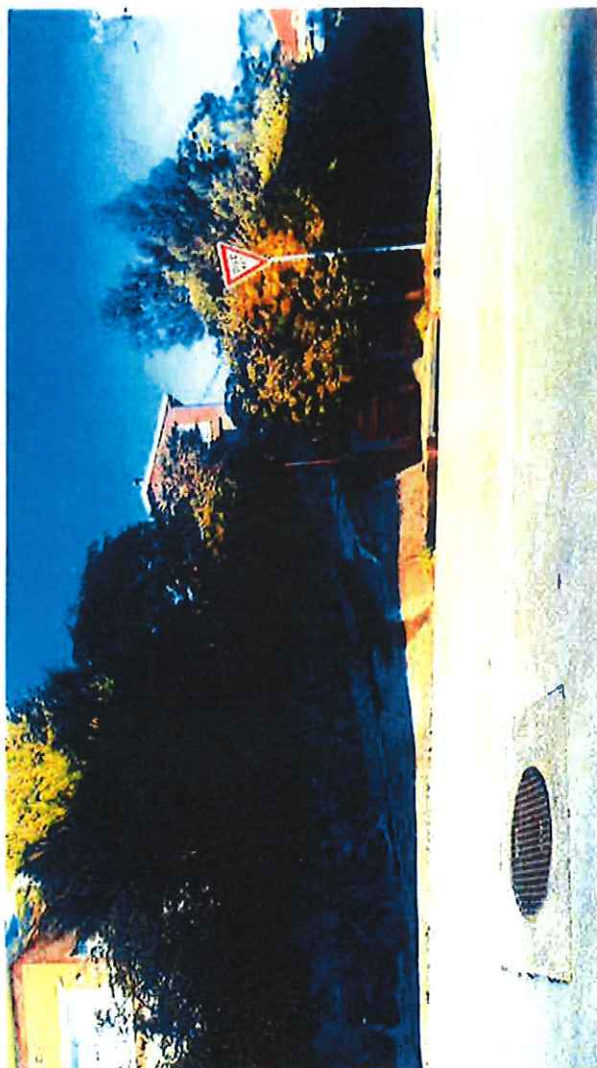
match the diagram of the dwelling and 'flexible structure' in the example of good hillside construction attached to the landslide risk assessment. Will the common open space for units 7, 8, 9 and 10 be levelled to be usable, involving fill and retaining walls not provided with this application? Or will it remain a slope of limited use? Is this really what is intended by providing common open space?

This should be refused with all of the non-compliances combined, the serious issues with the site access and egress this in my view is a significant over-development of the land and should be refused.

Yours sincerely

J. Weber

Dangerous entrance at Peel St



The tree to be remove with Neighbours looking directly into yard and back windows because of the proposed three blocks of flats stories.



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**From:** PlanningAlerts <contact@planningalerts.org.au> on behalf of Angela  
**Sent:** Sunday, 5 February 2017 12:13 AM  
**To:** Council  
**Subject:** Comment on application DA0526/2016

## **For the attention of the General Manager / Planning Manager / Planning Department**

Application DA0526/2016  
Address 51-55 Westbury Road South Launceston TAS 7249  
Description Residential - multiple dwellings; construction and use of four multiple dwellings  
Name of commenter Angela  
Address of commenter  
Email of commenter

### **Comment**

4 February 2017

Attention General Manager

**OBJECTION TO PLANNING - DEVELOPMENT APPLICATION REPRESENTATION LETTER**

Dear Sir/Madam,

DEVELOPMENT APPLICATION NUMBER: DA0526/2016

ADDRESS OF DEVELOPMENT: 51-55 Westbury Road & 27-29 Peel Street, South Launceston TAS 7249

DETAILS OF REPRESENTOR: Miss Angela Barney of

Email:

REASON FOR REPRESENTING:

I would like to put forward my objections and concerns to the above proposed development as the owner of

My property will be unfairly impacted by the overall scale and design of this proposed development as it is currently drawn.

**OVERLOOKING/LOSS OF PRIVACY**

With reference to 10.4.6

Privacy for all dwellings - Alfresco

"Proposed screening is 50%"

"There is no overlooking into any of the Merivale Street adjacent dwelling as they are located 8m above the

proposed natural ground level."

"No screening is proposed above the 1 m high balustrades on the northerly elevations"

"The study windows will not be obscure glass"

The proposed 50% screening of units 7 & 8, the study window not being obscured glass and units 9 & 10 balconies northerly aspects will severely impact my privacy, enjoyment and use of my property. These balconies directly overlook into my backyard. No screening above 1m balustrades are invasive of my privacy.

#### SETBACKS

With reference to 10.4.2

"Proposal for units 7 & 8 ENCROACHES within the prescribed building envelope."

"Located towards rear and side boundaries to optimise available space and utilise the site for vehicle manly wring, private open space and reduce overshadowing on existing units"

This impacts on my privacy and open space.

Units 7-8 encroach the building envelope setback which almost covers the entire length of my western boundary directly overlooking my backyard and also exacerbating overshadowing. There will be significant loss to amenity on my site.

This will Impact my future development plans.

#### HEIGHT OF UNITS 7-8

The height of the building exceeds design requirements. Visual impact will be excessively bulky and not in keeping with design requirements. I object to any relaxation of building height. This will also add to my concerns in relation to overshadowing.

#### VISUAL BULK OF BUILDING

The overall scale of units 7-8 development is a blight on my outlook as my "high use" areas (living, dining, kitchen and outdoor entertaining areas) look directly out to the west. This is exacebated by the setback encroachment on my rear boundary and building design exceeding height requirements. I feel the design does not respect adjoining and adjacent properties or compliment the prevailing character of the area.

#### CHARACTER/STREET SCAPE

The proposed units 7-10 are not in keeping with the character of the area or street scape. I feel the height of the buildings incorporating units 7-10 not to be appropriate to the site, the streetscape and be in scale with surrounding development.

#### OVERSHADOWING

This is a concern with the afternoon sun by units 7-8 overheight creating unnecessary overshadowing on my backyard area.

#### IMPACT ON FUTURE DEVELOPMENT

My future development plans will be compromised by the proposed development.

#### INCREASE IN NOISE

Naturally noise levels are a concern due to setback encroachment and overlooking enertaining areas on and adjacent to my boundaries.

#### VALUE OF PROPERTY

Although you would not usually consider the impact on a properties value as it can be difficult to quantify , it is obvious with the proposed development in its current form my property inparticular will be severley

impacted not only by 2 balconies on my southern boundary and 2 balconies on my western boundary but also by setback encroachment and excessive building height. This will have a detrimental impact on my properties privacy, enjoyment, "priceless views" and therefore the value of my property.

#### SUMMARY

I am not against reasonable development however I feel the proposed development in its current form unduely affects the privacy, enjoyment, use and value of my property. I feel the proposal could be far more efficient in its use of the development site whilst complimenting the adjoining and adjacent properties.

Kind regards

Angela Barney

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**From:** PlanningAlerts <contact@planningalerts.org.au> on behalf of John and Keri Titley  
**Sent:** Tuesday, 7 February 2017 11:57 AM  
**To:** Council  
**Subject:** Comment on application DA0526/2016

## **For the attention of the General Manager / Planning Manager / Planning Department**

Application DA0526/2016  
Address 51-55 Westbury Road South Launceston TAS 7249  
Description Residential - multiple dwellings; construction and use of four multiple dwellings  
Name of commenter John and Keri Titley  
Address of commenter  
Email of commenter

### **Comment**

Attention General Manager

**OBJECTION TO PLANNING DEVELOPMENT APPLICATION REPRESENTATION**

Dear Sir/Madam,

DEVELOPMENT APPLICATION NUMBER: DA0526/2016

ADDRESS OF DEVELOPMENT:

51-55 Westbury Road & 27-29 Peel Street, South Launceston TAS 7249

DETAILS OF REPRESENTOR:

Mr & Mrs Titley

REASON FOR REPRESENTING:

We would like to put forward our objections to the above proposed development as the

Our property will be seriously impacted by the overall scale and design of this proposed development. All privacy that has been carefully considered on our property and should this development go ahead that will be lost. Our house is currently on the market and will impact the possibility of a sale. Naturally this has concerns for any future owner.

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**From:** PlanningAlerts <contact@planningalerts.org.au> on behalf of Daniel Ferguson  
**Sent:** Tuesday, 7 February 2017 8:16 PM  
**To:** Council  
**Subject:** Comment on application DA0526/2016

## For the attention of the General Manager / Planning Manager / Planning Department

Application DA0526/2016  
Address 51-55 Westbury Road South Launceston TAS 7249  
Description Residential - multiple dwellings; construction and use of four multiple dwellings  
Name of commenter Daniel Ferguson  
Address of commenter  
Email of commenter

### Comment

Re DA 0526/2016 51-55 Westbury Road.

Daniel Ferguson

I live [redacted] and mirror the concerns of Mr and Mrs Titley at [redacted]. I am not a boundary neighbour to the proposed development but believe this development will also impact negatively on the amenity of my home due to its height and design. The amended plans do not in my view adequately address these same concerns also raised by neighbouring residents after the original proposal was lodged last August.

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