Attachment 6 - 9 Goodwin Street, Invermay - Representations

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# **Development Application Representation Letter**

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Document Set ID: 3678363 Version: 6, Version Date: 23/11/2017

PLEASE NOTE: If a report on a Planning Application matter goes to Council, the full content of the submission will be included in the report and will be available for public access. It is therefore the responsibility of the author of the submission to make sure that what is written is factual, is fair and reasonable, and is not defamatory against any person.

### Personal Information Protection Statement As required under the Personal Information Protection Act 2004

1.	Personal information is managed in accordance with the <i>Personal Information Protection Act 2004</i> and may be accessed by the individual to whom it relates, on request to the City of Launceston.
2.	Information can be used for other purposes permitted by the Local Government Act 1993 and regulations made by or under that Act, and, if necessary, may be disclosed to other public sector bodies, agents or contractors of City of Launceston, in accordance with Council's Personal Information Protection Policy (17-PIx-005).
3.	Failure to provide this information may result in your application not being able to be accepted or processed.

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**CITY OF LAUNCESTON - Development Application Representation Letter** 

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Peter and Julie Kohlenbecker

General Manager Launceston City Council PO Box 396 LAUNCESTON TAS 7250

Re.: Application ID: DA0384/2017 Property Address 9 Goodwin Street INVERMAY TAS 7248 Closing date: 13/11/2017

Dear Sir

We are the owners of an to the above application have received a notice regarding the revised proposal for this planning proposal.

and we

For us the major concern with the revised proposal is regarding clause 11.4.13 Overlooking.

The Objective is to minimise:

- (a) overlooking into private open space and habitable room window; and
- (b) the impact on the amenity of the adjoining and the subject site.

We believe that the position of the proposed deck, being open on the eastern side, will cause a **severe loss of amenity** and gross invasion of privacy for our property at for the reasons below:

- (a) it will allow the kitchen and bathroom windows and also back door to be overlooked, especially as the house has been built 60cm aboveground level bringing the windows up to a higher level and therefore easier to see into from the deck. The side way and front gate entrance could also be overlooked..
- (b) it will not allow any private open space in our backyard.

Therefore to ensure that this development meets Clause **11.4.13 Overlooking** of the Launceston Planning Scheme, the 1.7m deck screen on the Northern side should be wrapped around to the East by at least 1.5 metres to block anyone overlooking into our backyard, which is our only private space.

Yours faithfully,

Peter and Julie Kohlenbecker

J. Kohlenbeck

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## **Development Application Representation Letter**

**Development Application Number** DA 0384 /2017 Address of Development GOOD WIN ST INVERMAY TAS 7248 9 **Details of Representor** Title Given Name/s JULIE & PETER KOHLENBECKER MRS Surname KOHLENBECKER Reason for Representing See attached letter Representor's Signature J. Kohlenbecker Date 13 111 120/7



Town Hall, St John Street, Launceston PO Box 396, LAUNCESTON TAS 7250 T 03 6323 3000 E contactus@launceston.tas.gov.au www.launceston.tas.gov.au

Document Set ID: 3678363 Version: 6, Version Date: 23/11/2017

From:	Katherine
Sent:	10 Nov 2017 09:16:10 +1100
То:	Contact Us
Subject:	Re: DA0502/2017 application for a planning permit
Attachments:	letter to council application number DA0502 2017.pdf

Dear Brian,

Please find attached my written representation in opposition to granting the proposed planning permit DA0502/2017.

Please feel free to contact me on if you wish to discuss my concerns or clarify any information. I welcome you to come and view the property and get a visual feel for the concerns yourself.

I am available to be home any time before 12pm on Tuesday the 14<sup>th</sup> of November. Wednesday the 15<sup>th</sup> is a bit more difficult for me but if this is the only day you have I could try and make myself available from 3:30pm. I can of course meet you at the property on either day after 5pm also but I figured that this would then cut into your own personal time.

Kind regards Katherine

### Mrs Katherine Brazendale (Gerrard)

### 10/11/2017

City of Launceston General Manager PO Box 396 LAUNCESTON 7250

### RE: DA 0502/2017 (revised proposal) 9 Goodwin Street, Invermay

I am the owner/buyer of the property north of the backyard of 9 Goodwin Street where the proposed "Granny Flat" is intended to be built. I have resided at this address since 2010 and purchased this property approximately seven years ago. I now live at this address with my husband. I have two dachshunds that have lived at this property for seven and six years respectably. We are expecting our first child in January 2018.

I am writing to formally raise concerns in relation to the construction of the above listed dwelling (DA 0502/2017). My concerns can be summarised as follows:

- Significant concerns regarding loss of privacy and security.
- Concern regarding the possible consequences of building in close proximity to 8 Frank Street, due to the possible risk of de-stabilising surrounding grounds.
- Detracting from the historical significance of this property and 10 Frank Street, negatively impacting on the area streetscape qualities
- Negatively impacting on the outlook from the property at 8 Frank Street, in particular the rear yard.
- Future economic impacts in terms of a possible detrimental impact on the re-sale value of 8 Frank Street as a consequence of the concerns that will be raised, as these concerns are likely to be shared by prospective buyers, in particular privacy concerns.
- Concerns regarding noise and access issues during the construction phase of this property.
- The property far exceeds any reasonable person's perception of a "granny flat" in size and in terms of the way that it impacts on surrounding properties due to the height and size of the building and the close proximity to 8 and 10 Frank Street, which are substantially smaller and offer historical significance to the street.
- The application contains information about the property at 8 Frank Street that is incorrect, and correct information should be considered when assessing the overlooking and privacy concerns that will be raised in this statement.
- The revised proposal does not address the concerns raised satisfactorily; therefore the application should be declined.

Prior to expanding on the above points, I would like to raise a processing matter:

The application states it is for a "Granny Flat" to the rear of an existing house facing Goodwin St. The current planning scheme does not define the term "Granny Flat". The closest definition would be:

ancillary dwelling	means an additional dwelling:	
	(a)	with a floor area not greater than 60m <sup>2</sup> ;
	(b)	that is appurtenant to a single dwelling; and
	(c)	that shares with that single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications

connections and meters.

Of course, the proposal cannot meet this definition – the structure has a floor area of greater than 60sqm (despite the claims of the submission) and the dwelling has its own access, parking and by the reading of the submission, its own servicing connections. Thus, this structure cannot be classed as an ancillary dwelling – a Granny Flat.

The submission is so flawed in its referencing to the Planning Scheme as to be less than useless. Comments are made about provisions which relate to single dwellings – this is not and cannot be a single dwelling – at the best it is multiple dwellings. Cross-referencing of clauses is wrong – in regard to Clause 11.4.13 a cross-reference is made to 11.4.3 – Building Envelopes for Single Dwellings – this reference is incorrect.

I will try and relate my comments to the clauses within the Inner Residential zone:

### 11.4.13 Overlooking

Significant concerns regarding loss of privacy and security

The "Granny Flat" is significantly higher than the property at 8 Frank Street as it is proposed to be two storeys and it appears that living spaces such as the bedroom, living room, deck and external staircase all overlook both the house and yard of this property. The living room windows are excessively large and allow for viewing into this property, likely from any area of the room. Additionally, the permanent fixture of shutters will not adequately address this privacy concern, as these shutters could be easily removed or adjusted in the future or fixed in such a way that occupants would be looking directly into our property, resulting in a complete loss of privacy both in the house and in the yard. In addition to loss of privacy during the day, lights from these rooms and from the external staircase are also likely to cause disturbance to us as they will shine down into our windows. The blinds we have currently would be insufficient in addressing this as we used to have this issue in our bedroom window when number 2 Frank Street would leave their outside light on, and this light is a considerable distance from our property in comparison to what has been proposed.

Due to this property being higher than 8 Frank Street, the window in bedroom 1 appears to directly look down into the bedroom window of this property. There is also a window in the garage that faces bedroom 1 of this property, although any privacy concern regarding this is likely addressed by the boundary fence, unless of course the height of the window exceeds the height of the boundary fence, if it does this should also be considered a privacy concern.

The external staircase is of significant concern in terms of privacy, security and noise. Firstly it is directly adjacent to this property and in close proximity to the living spaces of our home. The door way to the second storey overlooks directly into the nursery and kitchen of our home and also provides for a viewing area directly into our yard as well as our home. The use of this staircase, in particular at night and in the early hours of the morning is likely to be disruptive in terms of noise. As this staircase could be utilised by many people, including people visiting the house and people unknown to the residents of the property, security and personal safety becomes a major concern as people can view items and people both in the house and in the yard of our property. They can also get to know the comings and goings of people living at 8 Frank Street without being detected through the use of this staircase. The substantially sized deck also looks directly into the yard of 8 Frank Street. While a security screen has been listed in the plans to address this issue, it is still of concern that the large deck and use of this deck is likely to add to additional noise and disturbance also. The use of the deck and external staircase is also likely to result in additional noise from our dogs that are likely to react to people and noise in these areas until they become used to these substantial changes. The house and deck also impact on our outlook from our own yard, the deck and the house are also likely to block afternoon sun in this area. There is already minimal sun on the south side of the house, which has previously led to areas of weather boards rotting and requiring replacement, the height and size of this house is likely to exacerbate this issue.

While the "Granny Flat" appears to be similar in size to the property at 2 Frank Street, there is currently sufficient distance between this property and 8 Frank Street that minimises impacts associated with privacy and overlooking. This will not be the case with the proposed property due to the close proximity to this property. Privacy and overlooking concerns could be addressed by the "Granny Flat" being built on a single story, which would be consistent with the majority of properties in the area. It is understood that current zoning would not allow this, although it is submitted that the neighbouring properties should not be placed in the position of experiencing loss of privacy and security due to this. The only other property in the area that is similar in size is 2 Frank Street. This house does not present the same privacy and overlooking concerns that this proposed property presents to 8 Frank Street. Nor does it overlook the other neighbouring property in the same intrusive way as this property backs onto 2 Frank Street.

When considering these comments regarding privacy and overlooking please note that information contained in the application concerning 8 Frank Street is incorrect. Firstly, there are three windows on the southern side of this property (not two). The window referred to as being in line with bedroom 1 of the proposed dwelling is 640mm by 790mm. It is unclear which of the remaining two windows are referred to in the application as being to a non-habitable room. There are two other windows on the south side of the property facing the proposed dwelling. One window is 1090mm by 340mm and is to a hallway leading to the bathroom; the other is 1070mm by 960mm and is to a nursery and kitchen area of the house. I would submit that a baby's nursery is certainly a habitable

room and privacy into this area should be maintained, while also allowing for natural light to be able to be entered through the window by blinds being able to be opened without people being able to directly look through this window from the external staircase and possibly the large windows proposed on this side of the property. Additionally, all of the windows referred to are clear and none of these windows are opaque as is suggested in this application.

### 11.4.16 Density control of multiple dwellings

In effect this is a Multiple Dwelling development. The site as a whole is around 402 sqm. To comply with the Acceptable Solution to this clause each dwelling has to have a site area of 350 sqm. Obviously, this is a clause which will rely on Performance Criteria. Unfortunately, to comply with Performance Criteria multiple dwellings *must have a site area per dwelling of not less than 250m<sup>2</sup>*.

This is a fatal flaw and thus the application must be refused.

However, moving on......

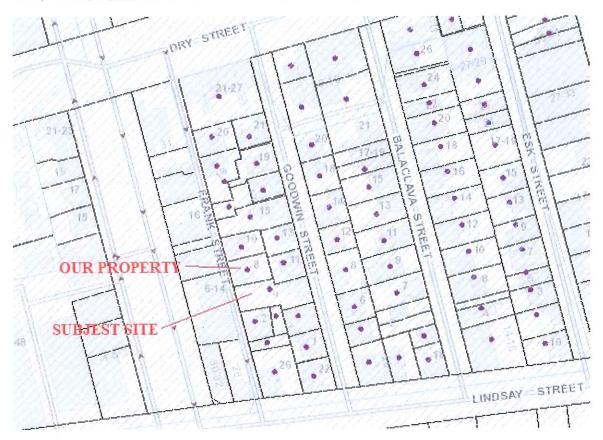
# Concern regarding the possible consequences of building in close proximity to 8 Frank Street, due to the possible risk of de-stabilising surrounding grounds.

The house at 8 Frank Street was built in 1890. When I purchased this house I noted that one side of the house had sunk slightly. There are cracks on this side of the foundations and there is evidence inside the house that the floors have shifted since the house was originally built. There are also some cracks in the wooden ceiling, in the part of the house where the sinking appears to have occurred most. During the construction of the flood levy I noted that the house would shake when machinery was being used. I also note that when trucks drive along the East Tamar highway from over the bridge the house also shakes. This suggests to me that the issues of cracking and movement of the house are linked to unstable grounds and that these issues could be exacerbated with the use of machinery and digging that would occur during construction of this dwelling.

While I am not an engineer and am therefore unsure of the level of risk this presents I note that in the event that there was to be damage to the foundation and house that presented a safety concern, even if this was a future risk, we would not be in a position financially to pay for the house to be re-pinned. Therefore this would further de-value the property. If re-pinning did have to occur out of necessity I note that due to the placement of the house and proximity to the street this would involve digging up the driveway and some of the street and would be very difficult to achieve without causing significant disturbance to other residents in the area and impacting on road users and safety in the interim. The other alternative would be to rebuild, which would be at significant cost and would result in the loss of the historical significance to the area that this property represents. Potential future damage and de-stabilisation of this property should be considered when considering the merits of this application. If this development continues we would request a condition be put on any approval requiring a dilapidation report before and after be required.

### E13.0 Local Historic Cultural Heritage Code

Detracting from the historical significance of this property and 10 Frank Street, negatively impacting on the area streetscape qualities



Many of the properties in this area are heritage listed (purple dots below)

E13.6.5 Height and bulk of buildings

Compliance relies on Performance Criteria.

P1

The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the character and appearance of the existing building or place;
- (c) the height and bulk of other buildings in the surrounding area;
- (d) the historic cultural heritage significance of adjacent places; and
- (e) the streetscape.

The proposal fails to meet clauses (b), (c), and (d). Again, a fatal flaw.

As noted, 8 Frank Street was built in 1890 and is 127 years old. I believe that it is one of the original properties built in this area and offers an insight into this point of the city's history and the lives of people residing in a workman's cottage during this time. When looking at historical pictures of this

area, houses such as 8 Frank Street are demonstrative of this time period and of the history of the town. This house has been deemed as holding historical and cultural significance for many years. The Australian Heritage Places Inventory states the following in regard to 8 Frank Street, "this site is of heritage significance because its townscape associations are regarded as important to the community's sense of place. 8 Frank Street is of historical heritage significance because it represents the principal characteristics of an Old Colonial Georgian residential building". It is concerning that construction of the proposed "Granny Flat" may pose risk to the integrity of this structure and even if this weren't the case, the size and proximity of the proposed dwelling visually detracts from this and the neighbouring property of number 10 Frank Street in terms of the look and feel these two historical properties create in the street.

The streets surrounding 8 Frank Street are characterised primarily by one story cottage like properties representing a particular time in history. It is this look and feel that is experienced by people walking around the streets and tourists to this area. It is concerning that the construction of another two storey property starts to change the look and feel of the area and detract from the streetscape qualities.

### 11.4.13 Overlooking

### Negatively impacting on the outlook from the property at 8 Frank Street

In addition to negatively impacting the look and feel of the street and surrounding area, construction of this property will negatively impact the outlook we enjoy from our yard and windows. It will limit light into the house and will block any outlook to the southern side of our property. This will affect our capacity to enjoy our yard which has always had a very private feel, with this house then being our only outlook on this side, due to the consequential lack of a neighbouring yard.

Future economic impacts in terms of possible detrimental impact on the re-sale value of 8 Frank Street as a consequence of the concerns that will be raised, as these concerns are likely to be shared by prospective buyers, in particular privacy concerns.

I chose to purchase this property for a number of reasons including that the property was quiet and was very private which can be hard to find in properties consisting of one bedroom. The property had very minimal traffic passing by and there are very few neighbourhood disturbances. I am concerned that construction of the "Granny Flat" will impact upon these qualities and will also detract from the features and ambiance of the property and will visually exacerbate the size of the property, making it look small and less appealing. When purchasing the property I never considered that such a large property could be built in the neighbouring back yard that would have the potential to completely change the look and feel and experience of living in this property. I am concerned that while this may add significant value to the neighbouring property it will de-value this property and detract potential buyers, negatively impacting upon my investment.

Many will say loss of value is not a planning matter – I disagree – value of property is an amenity thing – enjoying your home knowing if you sell you will not be disadvantaged. Planning talks about protecting amenity – well protect our investment.

### Concerns regarding noise and access issues during the construction phase of this property.

Due to the close proximity of this property to the living areas of my property I am concerned about the noise that building this property will present, in particular during the construction phase. It would be likely that this will occur during the time that we will have a newborn baby in the nursery aligned to the southern side boundary fence, where construction will be occurring. As a consequence this is likely to cause significant disturbance during this time and limit my capacity to enjoy my experience of my home during this time away from work to focus on motherhood for the first time. It may also present as being hazardous to our new born baby in terms of the potential for damage to his hearing, given the vulnerable age and the house being built only 2.5 meters from the boundary fence, directly adjacent to the nursery.

Additionally, Frank Street does not offer any off street parking. I am concerned that the street would often be blocked by vehicles involved in the construction of the property. This occurs when resident's park in front of their houses, in particular when trades people may be working in their houses. I imagine that this will be a consistent occurrence during the construction phase, especially given the size of the proposed dwelling as I would expect that multiple vehicles would be required. Street blockages impact on the safety of residents as they then have the choice of breaking the law and reversing up a one way street or sitting and waiting until a vehicle moves. In a medical emergency these concerns are exacerbated. It would be important that strict regulation of vehicles during this period occur in addition to restrictions on illegal parking and a method for regulating this. If this development is approved a traffic management plan should be required to be submitted to cover the construction period which does not involve trade vehicles parking in Frank Street.

### Definition of "Granny Flat"

The property far exceeds any reasonable person's perception of a "granny flat" in size and in terms of the way that it impacts on surrounding properties due to the height and size of the building and the close proximity to 8 and 10 Frank Street.

### See earlier comments.

The proposed "Granny Flat" is significantly larger than any granny flat that I have seen and I would suggest that any reasonable person would consider a property of this size as being its own separate property in Frank Street. It is substantially larger then properties at 8 and 10 Frank Street, which are considered houses, as opposed to a dwelling on the same property as another house. The "Granny Flat" even has its own separate driveway and parking from Frank Street. The height of the property, along with the number of bedrooms and living areas including the deck are more indicative of what one would expect of a house being built on a separate block, rather than in the backyard of another property. Given the substantial impacts to neighbouring properties identified through this proposed development, consideration should be given to the need to properly assess the space available for building such a property in addition to the impacts of building such a large building in such a small space in an already well established area, very close to other properties. I am concerned that construction of such a large property will affect the landscape of the area and will lead to a look of town crowding in this area, there would be very limited garden space and space between buildings with significant overlooking created. There will be loss of characteristics of the local area through

overcrowding by building such a large property in close proximity to two historical cottages. I believe it will result in a gross overdevelopment of the site given the size and height of the proposed dwelling. Additionally, there is a large external deck proposed from the second level of the house, a feature that no surrounding properties share and in my view this does not represent design that is in keeping with the area. The scale of the property does not fit in with the scale of most of the surrounding properties and does not fit in with the street pattern. The grounds will also be disproportionate to the size of the property.

In summary, I do not believe that the revised proposal satisfactorily addresses concerns that have been previously raised around privacy, nor does it address the additional concerns that I have outlined in this statement. While I am not opposed to development in principle, I am opposed to development that will negatively impact upon my capacity to enjoy my home and to feel at ease in my home and on my property. I am concerned by development that may negatively impact upon the investment that my home represents. I have identified that with the exception of building the property as a single story, consistent with what would reasonably be considered to be a "Granny Flat", I am unsure how these concerns may be satisfactorily addressed. In my view the minor changes that have been submitted do little to address what I view to be serious concerns.

In considering these concerns I would invite any council representative involved in assessing this application to attend my home in order to view the areas within the home that I have highlighted in the context of discussing this application. I am also able to arrange to take specific photos of my home to support this statement and provide this on request. While I would like to be able to consult relevant professionals, such as an engineer, I note that financially this would be difficult for me to do.

I appreciate you taking the time to read and consider my concerns and I look forward to discussing this with you further. I would be happy to discuss and clarify any of the concerns raised, especially as I have extremely limited experience in reading and considering house plans. I believe my comments are fair and are worthy of consideration and I thank you for taking these concerns into consideration.

Yours sincerely

Katherine Brazendale

From:	Peta Lane
Sent:	13 Nov 2017 11:22:02 +1100
То:	Contact Us
Subject:	Public Notice - Application ID DA0205/2017
Attachments:	img-Y13101921-0001.pdf

### Good afternoon,

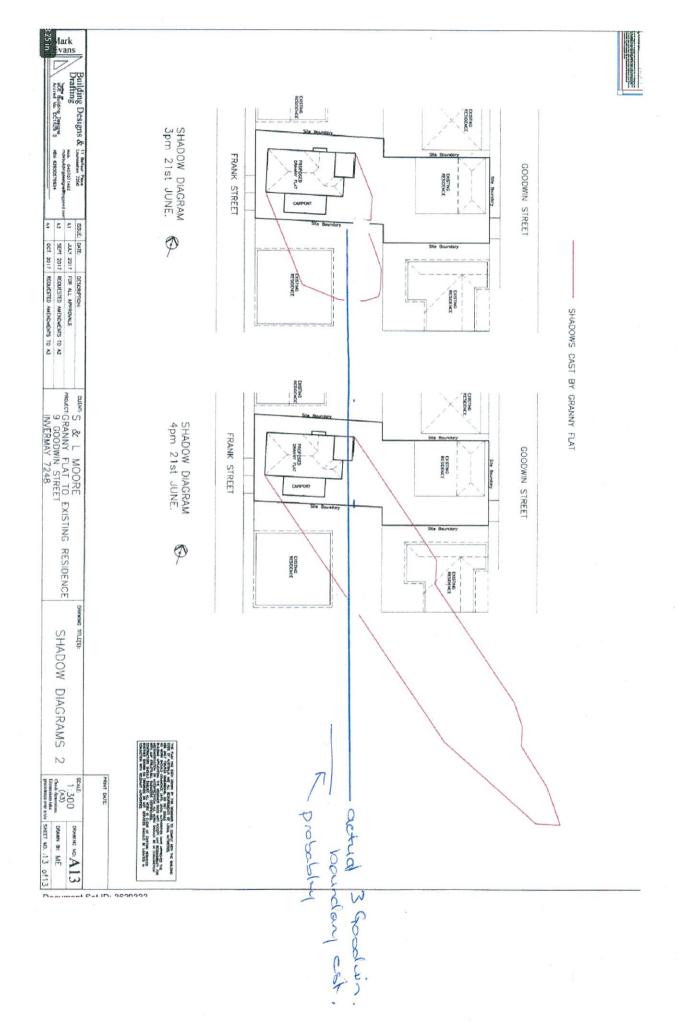
In reference to the above mentioned application for a residential single dwelling for property address 9 Goodwin Street, Invermay I submit the following response:

I am the owner of the property located at and am deeply concerned by the overshadowing and reduction of sunlight to be caused by the proposed dwelling, particularly as it pertains to my property. I note that in response to section 11.4.3 performance criteria, they have noted no significant loss of sunlight (overshadowing) to the residence at 2 Frank Street and it only impacts the private vard of this property after 3 pm on the relevant day however there is NO mention of the affect on my property which i find amazing as my property is the one it affects the most. I also note that the title boundaries are not correct on shadow diagrams 1 and 2 and i have attached a rough indication of my boundaries marked on the application's A13 sheet and which can also be seen in the aerial photograph in E13.6.4 (2 Frank Street has no back yard). I have also attached a Plan of Title giving an outline of my property boundaries (i own three titles as part of my property) and as you can see Title 2 of my property extends further than indicated on the application and therefore the sun is affecting my property from at least 2pm onwards on the referenced day if not prior. This means my property has very limited sunlight after 12 noon in my yard and 2:00pm through kitchen and lounge windows. I understand that the selected day was June 21st for testing the overshadowing effects however i find it extremely disconcerting that daylight savings is not taken into account in these circumstances as during this six months i will have NO sunlight at all in my backyard in the afternoon let alone through my kitchen and lounge windows.

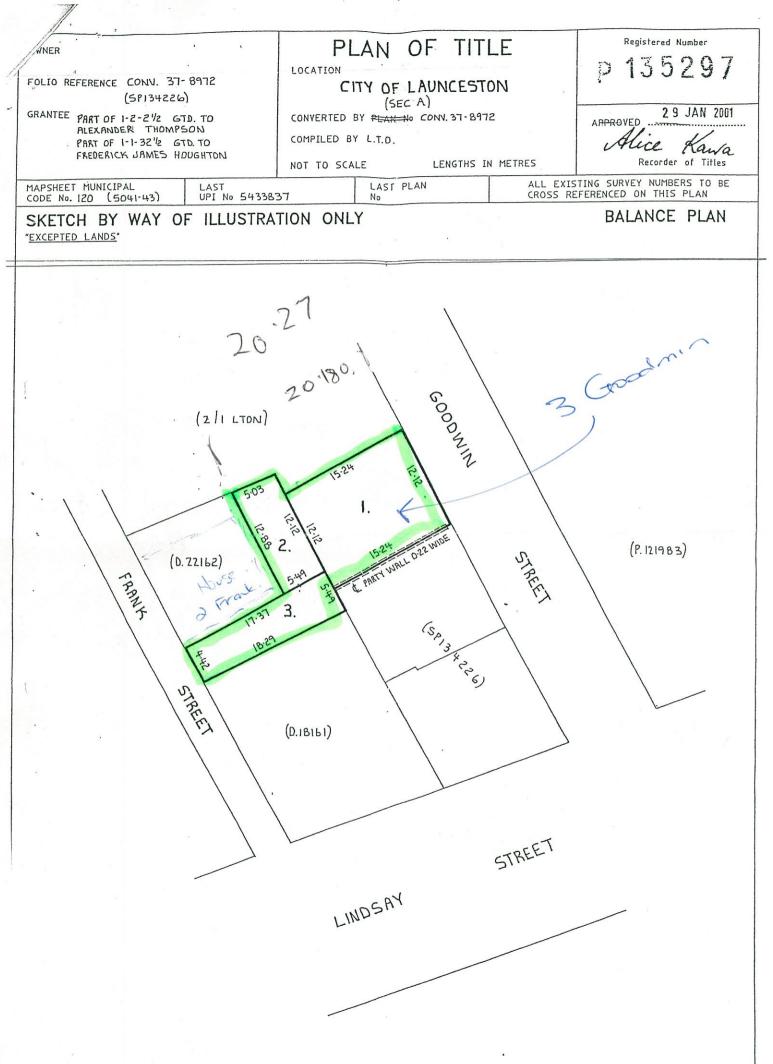
Please see 3 attachments mentioned above.

As a secondary issue, the lack of sunlight will also have ramifications to the value of the property as the property i purchased has lovely sunlight all day, any day.

Thank you for the opportunity to respond, I look forward to a response in the not too distant future.



Document Set ID: 3678363 Version: 6, Version Date: 23/11/2017



#### E13.6.4- Site Coverage

P1-

The site coverage is compatible with the historic cultural heritage significance of local heritage places or their settings, having regard to:

(a) the topography of the site;

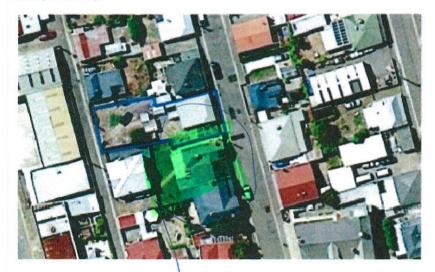
(b) the cultural heritage values of the local heritage place and setting; (c)the site coverage of buildings on sites in the surrounding area; and

(d) the pattern of development in the surrounding area

On this essentially flat block in Invermay, there is an existing small weatherboard residence (80sqm.) with primary frontage onto Goodwin Street. The proposal is to build an granny flat to the rear of this residence with non-primary frontage onto the adjacent, narrow one way street, Frank Street.

There is no intention to make any adjustment to the existing dwelling. The proposed granny flat to the rear is intended to be similar in structure, colour and texture to the residence next door (2 Frank Street)(See photo 13.6.2)

The proposed granny flat will enable the infill of a large, vacant rear yard of the current residence at 9 Goodwin Street, and matches the site coverage and pattern of development in the surrounding area.(See below)



E13.6.5- Height and bulk of buildings P1-

The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to:

(a) the cultural heritage values of the local heritage place and setting;

(b) the character and appearance of the existing building or place;

(c) the height and bulk of other buildings in the surrounding area;

(d) the historic cultural heritage significance of adjacent places; and

(e) the streetscape.

20mmacy

From:Katherine GerrardSent:18 Nov 2017 12:15:26 +1100To:Contact UsSubject:Attention Brian White re: DA0502/2017Importance:High

Hi Brian

Its Katherine from I am unsure if you have already completed your planning report but I did have a question to raise regarding the development that I forgot to raise when you came to visit the property on Tuesday. Given the site is in the inveresk residential precinct under code E16, why is this development not prohibited under clause E16.7.1 ?

I understand that it may be too late for me to raise this as part of my submission but has this been a consideration of your report?

Kind regards Katherine