

19 October 2017

The General Manager,
Launceston City Council,
GPO Box 396,
LAUNCESTON, Tas 7250
Australia

Dear Sir,

Re DA 0433/2017

FILE No.	DA0433/2017		
EO	OD	Box	
RCVD		23 OCT 2017	LCC
Doc No.			
Action Officer	Noted	Replied	
C. Wrenmore E-Copy B. White			

We wish to make the following representations regarding the above proposed development application:

- 1 The proposed subdivision will change the nature of the existing right-of-way benefiting the parent title from a rarely used supplementary rear access over land owned by the immediate neighbour (over which our property and probably No 12 Delamere Cres have similar rights) to the sole and primary access to the newly subdivided lot. Arguably, as this changes the inherent nature of the existing right-of-way, this change is an inappropriate and illegal use of the right-of-way. Whilst Council might say that that is a civil matter, we would argue that Council should not exercise a discretion in such a manner that potentially forces rate payers into civil litigation or planning tribunals to preserve their rights.
- 2 As the sole access to the block will be onto Wattle Way this will create a potentially dangerous and unnecessary traffic hazard. In its present form the right of way is largely unmade and vision from the right of way to the right in the direction of oncoming traffic is largely obscured by the existing boundary fence of 12 Delamere Cres. That problem would be exacerbated if the user of the right of way was to back out. The present owners of 12 Delamere Cres have currently kindly angled their fence to facilitate access to the right of way. If they were to suddenly decide to put the fence back on their title boundary (as a previous owner of No 12 did years ago after a disagreement with a previous owner of No 16), vision and access would be even more difficult than it currently is.
- 3 Apart from right of way in question, there are at least another 11 existing accesses onto Wattle Way. The majority of these, in practice, back out onto the road. Some of those have adequate light of sight of oncoming traffic down Wattle Way. Some of those don't with the effect that regular drivers down Wattle Way will usually stop to allow them out or go slow to ensure that they have been seen before proceeding. Needless to say there

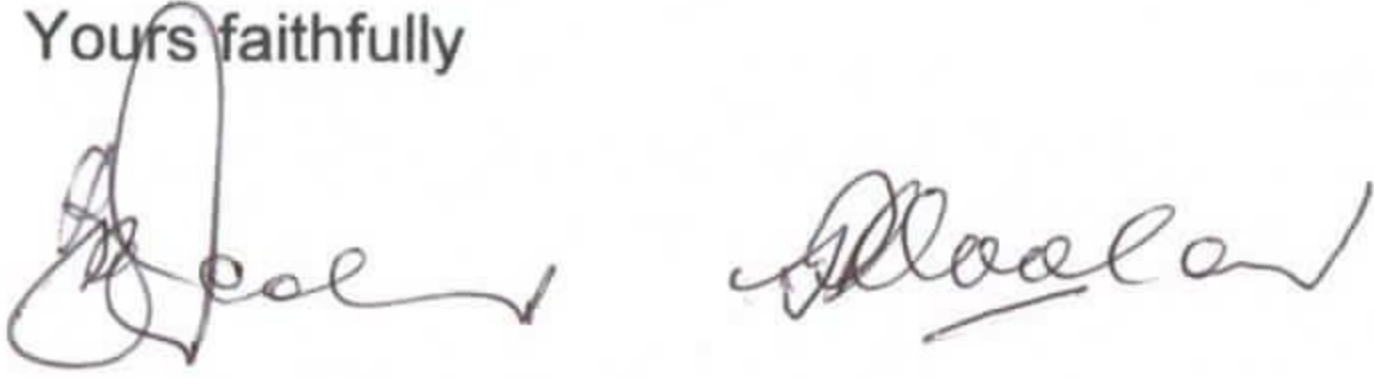
are people who use Wattle Way who have no local knowledge and arguably drive down there far too fast. The proposed change of use to the right of way in question adds to this problem.

- 4 Apart from the back of my residence there is no current place where anybody driving front first into the right of way can turn around so that they can exit from it from it front first. Needless to say, any development of the proposed newly subdivided block would need to provide a turning facility so that exiting front first is possible and the laborious task of continually backing out is avoided.
- 5 The right of way in question has traditionally been used to get second cars, trailers and boats off the street. Many years ago a prior owner of No 16 Delamere Cres removed part of the handrail in Wattle Way so that he had adequate turning room to exit the right of way with a trailer. Some time after that, Council, for whatever reason, re-erected the handrail. Following that re-erection we found it almost impossible to easily exit the right of way with a relatively small car and trailer. That section of the handrail has again been removed to, I believe, facilitate construction of the new dwelling at 5 Wattle Way. I don't know if that owner will be required to replace it or if Council intends to replace it again but, if it is replaced, it will again render exit from the right of way (in its present form) difficult with a large vehicle, truck or car and trailer.
- 6 In its present state of construction, the right of way is not constructed to its full legal width. Some years ago Council contractors separated the combined sewerage and storm water drains on our property and others. In the course of that work or since, Council has added gravel to parts of the surface of the right of way. The result is that, in part, construction of the right of way is now above and tapers towards a retaining wall constructed on No 6 Wattle Way. In addition, the vegetation at the southern end of the right of way is almost certainly growing on the right of way. It is my belief that, before any permit is granted that will result in the right of way becoming the sole and primary access of the newly subdivided block, an obligation should be placed on the owner of that lot to properly construct the right of way to its full width, remove the existing vegetation, install appropriate drainage, construct appropriate retaining walls and reconstruct the access guttering to aid the removal of the problem mentioned in point 5.
- 7 It should be pointed out that there is no public parking in Wattle Way and Delamere Cres is not the widest of streets to accommodate overflow parking. A likely consequence of that is that visitors to the new subdivided lot will be tempted to illegally park in the right of way and, unless the aforementioned means of turning is provided, it is likely that such parking will be closer to Wattle Way to avoid a longer backing out. Without any practical legal redress, the only solution to such a problem is a confrontation with the offender. Good planning should avoid such possibilities.
- 8 Construction of the dwelling No 5 Wattle Way has seen the need from time to time for vehicles to temporarily block Wattle Way. Whilst this is understandable and tolerance is granted, one can only imagine that construction of a dwelling on the proposed lot will be even more difficult with even more disruptions. Whilst one might say that is a temporary 6 months or so problem, it will always be ongoing as it will never be easy to get a truck or removal van in or out of that property.

For the above reasons, we believe the proposed development is not appropriate and the

application should be rejected.

Yours faithfully

Handwritten signatures of Bruce and Pam Doolan. The signature on the left is 'Bruce' and the signature on the right is 'Pam'.

Bruce and Pam Doolan

7 November 2017

The General Manger,
Launceston City Council,
GPO Box 396,
Launceston, Tas,
7250.

Dear Sir,

Re DA 0433/2017

FILE No.	DA0433/2017				
EO		OD	✓	Box	
RCVD		10 NOV 2017		LCC	
Doc No.					
Action Officer		No. of		Revised	
C. Wronkmore					
E Copy B. White.					

We wish to raise the following issues points in relation to the proposed development application:

1) Change in nature of usage of 'right of way'.

The proposed development will change the nature of the right of way from an occasionally used secondary access benefit easement over land owned by us to the primary and only access for the proposed divided lot. We question the legality of such a change in its existing nature. Furthermore we find it somewhat incredulous that a division can occur in a circumstance where the proposed division lot does not have land adjacent to a street frontage. In essence it would appear to us that our land is basically being gifted to proposed division lot.

2) Fences and boundaries:

There is no mention in the application of where (or even if) fences are going to be erected. This is of concern to us as we are aware that a dwelling will be placed on the proposed lot at some point in the future and there is no mention of considerations in this regard. Has this even been considered? Does the applicant plan on having a gate at the junction of the proposed lot & the right of way (my land) or are they planning on having a gate at the entrance to the right of way? Is the applicant planning on a fence being erected that segregates the area right of way from the rest of our property?

3) Physical constraints of existing right of way.

The existing right of way's current physical boundaries are not a reflection of the actual boundaries on the eastern side of the southern end of the right of way for a section of some 20 metres. This is due to the abatement (embankment) not being correctly constructed at conception and as a consequence the boundary line is at the bottom of the embankment, rather than at the top of it as it should be. The area is highlighted by the fact it has vegetation on it. Ultimately this is robbing some 1-1.5 metres of the width of

the right of way making sufficient access difficult. As a courtesy the owners of 12 Delamere Crescent recently angled the corner of their fence to assist in easing access to the right of way. This is simply good will gesture that could be rescinded at any time and make direct access in one movement nigh on impossible, as has previously been the case. We could not see any evidence in the proposal of how this issue would be mitigated, or planning of construction of an adequate retaining wall that would provide the full 4 metres of access and thus provide full width and usability of the actual boundary. It should be an obligation of the developer to address this issue.

- 4) Retaining Wall between 16 Delamere Crescent and 4 Wattle Way.
We question the suitability of the current retaining wall, in its current state, to have adequate structural integrity to be fit beyond its current purpose let alone for the proposed change in purpose (as mentioned in point 1). This is brought into question due to the fact that construction of a residence on the proposed lot would require in the first instance, access along the right of way that is retained by said wall by heavy equipment during construction, and in the second suitable driveway media to be laid a sound foundation.

- 5) Street access to the entrance of the right of way.
Wattle Way is notably narrow street one way street. Exit and entry is problematic for the 12 existing driveways that adjoin it (soon to be 13). This has become so problematic that at certain points the hand rail of the southern side has been removed by residents to assist access. I note that the boundary of 19 Bain Terrace (where there are currently 4 residences under construction) extends some 50% of the entire southern boundary of Wattle Way. As a consequence of surveying for the development at this address the Wattle Way boundary of 19 Bain Terrace is now significantly further out into the foot path area than the original fence and this raises the questions around the possibility of the street actually being narrowed if footpath width is to be maintained. Investigation needs to be undertaken to ascertain if the four other properties on the southern side of Wattle Way are also inadvertently in a similar situation. Already difficult access may potentially be exacerbated.

Given the above I believe that the proposed development in its current form is inadequate and as a consequence should be rejected.

Yours Sincerely,

Matthew McGillivray and Rebecca Lloyd

From: PlanningAlerts on behalf of Anna Flower
Sent: 7 Oct 2017 10:55:34 +1100
To: Council
Subject: Comment on application DA0433/2017

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

Application DA0433/2017
Address 16A Delamere Crescent Trevallyn TAS 7250
Description Residential - single dwelling; subdivision of land into two lots
Name of commenter Anna Flower

Comment

In reference to the subdivision of 16A Delamere Crescent Trevallyn, to creation of Lot 1, whilst I have no objections to the subdivision of land, I do have concerns regarding the access point from wattle way becoming a primary access point for the new proposed Lot 1 of the proposed subdivision as per Section 2.4 Site Access of the application. Currently that access point is utilised as a secondary point access route to the southern end of the adjoining Delamere properties on an adhoc basis only, so traffic movement along the driveway area is very rare.

My property at 6 Wattle Way, adjoins the proposed primary access route which runs along the top of my property line. The embankment along the intended proposed primary right of way access route, whilst has some established vegetation which creates some reasonable stability to the embankment does have signs of some minor erosion issues at the verge point of the access driveway to boundary to 6 Wattle Way. A number of concerns are raised by the intent of increased traffic flow which are possible risk of increased risk erosion of the verge of the embankment, caused by repetitive vehicle movement, particularly during any construction phase of any building intended to be built on the new subdivision for Lot 1. The second being noise produced from increased traffic flow.

10.4.16 Frontage and access (Performance Criteria Assessment) (e) highlights 9 to 10 vehicles per day, which is an increase to current arrangements, and this would not be the case during construction phase of any dwelling which would have significant increase to traffic flow and be much greater than 9 to 10 vehicles daily, as well as size of vehicles accessing, in addition will often take a number of months to achieve if not a year to complete if including landscaping etc. The close proximity of the proposed primary access route of Lot 1, to the position of my house, does pose a significant concern regarding vehicle noise (see image 4), as well as dust and debris.

During construction phase of any dwelling in particular, the noise and dust created from construction operation vehicles coming and going along the driveway would be incredibly loud without a barrier and result in a negative impact on our enjoyment of being in our own home.

With the above, I request that any consideration in approving the subdivision, require the erection of a fence greater or equal to 2.1m (concrete block or timber) similar to that of the fence depicted in photo 4 (blue fence of southern end of block of 16 Delamere) to be built along the driveway edge adjoining 6 Wattle Way, at the expense of the owner of 16A Delamere Crescent Trevallyn, at the time of subdivision approval of the new block, or as condition of sale of Lot 1 (by either seller or purchaser) prior to any construction beginning of any dwelling on Lot 1. The fence would serve to significantly reduce vehicle noise, erosion and dust/debri as a result of the Wattle Way access point becoming primary access to Lot 1.

Appreciate your consideration of this submission.
