

Council Agenda - Agenda Item 8.2
Attachment 4 - Representations
10 Croydon Avenue Newstead

From: Rebecca Green
Sent: 30 Jun 2018 14:25:35 +1000
To: Contact Us;Marilyn Burns
Cc: Andrew Tilt ([REDACTED])
Subject: Submission DA0345-2018 10 Croydon Avenue, Newstead
Attachments: Submission DA0345-2018 10 Croydon Avenue Newstead.pdf

Good afternoon,

Please see attached submission in relation to DA-0345/2018 at 10 Croydon Avenue, Newstead.

Kind regards

Rebecca Green
Senior Planning Consultant & Accredited Bushfire Hazard Assessor
Rebecca Green & Associates
m. 0409 284422
P.O. Box 2108, Launceston, 7250

General Manager
Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

30 June 2018

Dear Sir,

Submission – DA0345/2018 – 10 Croydon Avenue, Newstead

I act on behalf of Mr Andrew Tilt, owner of [REDACTED] in relation to preparation of this submission against the development application DA0345/2018, for 10 Croydon Avenue, Newstead.

10 Croydon Avenue benefits from a private 6.0m wide right-of-carriageway over 13 Dowling Street, Launceston. The advertised documentation details that the proposal at 10 Croydon Avenue does not rely upon this right-of-carriageway. This information was confirmed via email dated 27 June 2018 from Marilyn Burns, Urban Design Planner, City of Launceston, to myself.

Given this information, and that Council is assessing Croydon Avenue as the *only legal access* for the units proposed at 10 Croydon Avenue, we ask that Council requires as a condition of any permit for 10 Croydon Avenue that the developer *surrenders* the right-of-carriageway over 13 Dowling Street to ensure that it is not used as a secondary and therefore illegal access to the units once constructed. Given the location of the units, it is obvious that use of this private thoroughfare through 13 Dowling Street would become the default choice for convenient use by unit residents if it continued in existence.

I thank you for your consideration in relation to this access matter.

Kind Regards,



Rebecca Green

Senior Planning Consultant & Accredited Bushfire Hazard Assessor
Rebecca Green & Associates
m. 0409 284422
P.O. Box 2108, Launceston, 7250

From: PlanningAlerts on behalf of Sharon McCall
Sent: 1 Jul 2018 16:46:13 +1000
To: Council
Subject: Comment on application DA0345/2018

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

Application DA0345/2018
Address Bethshalom 10 Croydon Avenue Newstead TAS 7250
Description Residential - Construction of two additional dwellings (amended application)
Name of commenter Sharon McCall
Address of commenter [REDACTED]
Email of commenter [REDACTED]

Comment

I write to you in regard to the application for two 3 bedroom dwellings to be built at 10 Croydon Avenue, Newstead. I own [REDACTED] and am concerned at the extra traffic and implications of this tiny private lane supporting this.

Croydon Avenue is a privately owned lane and currently the residents contribute equally towards upkeep and we certainly wouldn't want any extra traffic causing wear and tear. It's also actually only wide enough for one car at a time and if anyone meets, then one has to back up to the end to let the other through. The impact of extra people and cars will definitely need to be considered.

Currently the bins for 6,8 & 10 are lined up outside [REDACTED] for collection and the trucks have great difficulty in accessing those and there really isn't room for more. One of the collection agencies already has to come with a smaller truck on another day now.

Thank you.
S Fenton

This comment was submitted via PlanningAlerts, a free service run by [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)



From: Monkira Properties
Sent: 3 Jul 2018 08:15:47 +1000
To: Contact Us
Subject: OBJECTION DA 0345/2018

Dear General Manager

I wish to express concerns regarding the application DA0345/2018 to build two three bedroom residences at 10 Croydon Avenue, Newstead. The issue is inadequate access.

I am the owner of [REDACTED], which is currently rented but will be occupied by myself from next January.

.1. Croydon Avenue is a narrow one-car width laneway with No 10, an already large residence, at the end of it. As well as narrow it is also quite long, given it runs off Cypress Street and along the full depth of the Cypress Street properties either side before then passing the street-fronts of No's 4, 6, 8 and reaching 10. There is no widening or culdesac formation at the end. It simply runs up to the gate of No 10 as a narrow lane.

It is a fact noted by other residents that garbage trucks already have problems accessing the Lane, and mostly do not/ cannot get to the very end. Bins for No 10 cannot be easily reached at they should be. They are often wheeled down the lane a distance and put in front of another house (e.g. No 6). There is significant traffic disruption for existing residents should they be seeking to egress at the same time a truck is there. Someone has to reverse away, often a reasonable distance.

Given this situation , Council should give serious consideration as to why it is acceptable that there should be two more sets of bins, and accompanying vehicles from two additional residences, adding to the congestion.

.2. Another consideration is the hedge along the Avenue, which is many years old, and provides a critical buffer and separation for the very narrow width of distance between our houses facing the Avenue and the properties on the other side. It provides a sense of charm and privacy to the location. It provides the amenity that keeps such a narrow access acceptable in terms of liveability and lack of exposure. It would be most unacceptable if this hedging was bulldozed just to enable garbage trucks to squeeze along because of two new units requiring bins at the end of the lane were approved.

Croydon Avenue is a most exceptional laneway situation given narrowness, private ownership and restricted accessibility access off Cypress Street. It would never be approved under current day Planning regulations and exists only as a result of historical origins and incidental subdivisions thereafter. Existing residents in Croydon Avenue are entitled to some protection from Council to ensure aspects that are currently unsatisfactory - but tolerated -

are not permitted to worsen.

Yours faithfully

Andrew Tilt

[REDACTED]

Andrew Tilt / Director

Monkira Properties Pty Ltd

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Don and Nora Lowe

General Manager
Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

Dear General Manager,

10 Croydon Avenue and Croydon Avenue, Newstead

Application ID – DA0345/2018

Application description: residential – construction of two additional dwellings

Representation

We refer to the above Development Application which has an advertising closing date of 9 July 2018. The purpose of this letter is to make a representation to the Council that this Development Application should not be approved.

We have a real and direct interest in the outcome of this proposal because we are the registered proprietors of the private road which is referred to in the application and which is relied upon for access to the site of the proposed development. The private road is on Title Volume 160782 Folio 1.

This is an application for a discretionary use (multiple dwellings is discretionary within the inner residential zone under Use Table 11.2 of the *Launceston Interim Planning Scheme* (the **Scheme**)).

Because the use is a discretionary use, Clause 11.4.23 (development for discretionary uses) applies to this Development Application.

The objective of Clause 11.4.23 is to ensure that development for discretionary uses is sympathetic to the form and scale of residential development and does not adversely impact on the amenity of nearby sensitive uses.

There is no acceptable solution standards and all development applications for discretionary uses must satisfy the performance criteria.

It is our submission that the Development Application will not satisfy performance criteria 11.4.23 P1 (m). The development is not compatible and will unreasonably impact on the amenity of nearby sensitive uses having regard to the impacts of traffic circulation in the private road and this issue has not been addressed in the Development Application.

Whilst the Development Application refers to the fact that the proposed Development itself is a sensitive use the Development Application ignores the fact that there are other sensitive uses

nearby whose amenity will be affected by the congestion, conflict and traffic chaos which will ensue when the private road is now dramatically increased in traffic activity as a result of the proposed development. Whilst the Development Application refers to the existence of an agreement in place for all titles using the road to make a fair and equitable contribution, no comment is made on the significant impact on amenity that this additional multi-unit development proposal will have on traffic conflict within the private road consisting of a number of rights of ways.

Put simply, the development proposed cannot be allowed as it will constitute an over development of the site causing significant amenity impacts to other sensitive uses being those properties that use the private road, Croydon Avenue to access their premises.

It would be self-evident that those original rights of way created contemplated only one residence per benefiting lot.

Yours faithfully,




5/7/2018

Donald John Lowe and Nora Edna Lowe – registered proprietors of Certificate of Title Volume 60782 Folio 1 (the private road, Croydon Avenue)

FILE No.	DA0345/2018		
EO		OD	Box
		✓	✓
RCV'D		09 JUL 2018	LCC
Doc No.			
	Action Officer	Noted	Replied
	C. Wronkmore		

E-copy: D. Payton

ADDENDUM 9th July 2018

Referring to CROYDON AVENUE, LAUNCESTON and further to our objection to DA 0345/2018 of No 10 Croydon Avenue, Launceston.

We strenuously object to the current business activity being conducted by R & R Page at [REDACTED]

In discussions with the owners of [REDACTED] Croydon Ave we are advised that when R.& R. Page are present in their premises at [REDACTED] (about half the year) they are very active in their business of building small power generators, on site. This involves a truck with smaller size containers backing up the laneway twice a week and Mr Page using a small forklift to load/offload and store material in his garages which are near the front of [REDACTED]

Access through Croydon Ave for this illegal activity also causes truck wear and tear to the lane that is well outside the permission of carriage for residential purposes. Also the activities conducted by [REDACTED] cause considerable disruption and inconvenience to all residents in Croydon Ave.

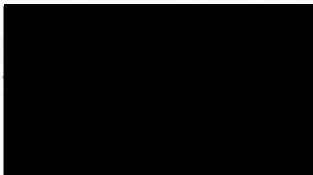
Croydon Avenue is privately owned land. Council must be cognisant of this fact and matters pertaining to access when considering D.A. 0345/2018.

Signed:

DONALD JOHN LOWE

and

NORAH EDNA LOWE



From: Ingrid Slicer
Sent: 8 Jul 2018 13:07:38 +1000
To: Contact Us
Subject: Representation - DA0345/2018 (10 Croyden Avenue, Newstead)
Attachments: Representation 7 July (10 Croyden Avenue)_1 (1) (1).pdf

Dear Sir

Please find attached a representation for the above application.

Please acknowledge receipt by return.

Best regards

Andrei and Ingrid Slicer


7 July 2018

The General Manager
City of Launceston
PO Box 396
Launceston TAS 7250

By email: contactus@launceston.tas.gov.au

Dear Sir

REPRESENTATION – DA0345/2018 (10 CROYDEN AVENUE, NEWSTEAD)

Thank you for the opportunity to make a representation in relation to the multiple dwelling development that is proposed to be located at 10 Croyden Avenue, Newstead.

Our property is located at [REDACTED], and adjoins the rear boundary of the development site. Our property is presented tenanted, however we purchased it with the view to move in when we retire in the coming years.

We do not object to the proposed development, particularly because of its single storey form and setback from the shared boundary.

The application however discloses that one or more retaining walls are proposed to be located perpendicular to our boundary and further indicates that some filling works are proposed. The application details these as being less than 1m and required to create a level space for private outdoor space.

It is difficult to understand from the applicant's plans what the impact of the retaining walls and changes to surface levels will be. In assessing the application we trust that the planning authority will consider:

- (a) How the proposal may affect surface water runoff from 10 Croyden Street being directed to our property,
- (b) How the proposal may impede drainage from our property; and
- (c) The extent to which any increased surface levels adjacent to our property may give rise to a need for the applicant to provide some form of additional screening through landscaping measures or the like.

Where relevant, we trust that appropriate conditions will be imposed upon the permit to ensure that all impacts are satisfactorily managed.

We are happy to provide further information in relation to these matters if required.

Yours faithfully



Andrei and Ingrid Slicer

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Andrew Tilt
Sent: 9 Jul 2018 15:02:15 +1000
To: Contact Us
Subject: DA 0345/2018

Dear Sir

I wish to provide an additional comment to the objection lodged by myself as owner of [REDACTED] on 3/7/18.

The further objection relates to existing heavy vehicle traffic and non-conforming commercial activity at No [REDACTED], being an Inner City Residential Zone. This further compounds the issues arising from the DA that has been submitted.

The family owning [REDACTED] operate an engineering business involving manufacture of mini-hydro electric turbines. The residents of [REDACTED] spent half the year installing these in places such as Fiji and the balance of time at [REDACTED].

Neighbours confirm that when they are in residence, the activity of manufacturing these mini-hydro turbines on site involves

- visits by a *truck carrying a container* about twice a week, both delivering parts for construction and taking away finished items
- use by the resident of [REDACTED] of a *small forklift* to load and unload these trucks,
- the *storage of these goods in garages* owned by [REDACTED] located in front of [REDACTED] as well as the main property itself.

The occupants of [REDACTED] make no secret of that fact they conduct this business activity, Refer *13-17 Dowling Street DA Application 0207/2018 & 0347/2018, Attachment G*. This contains a letter dated 23/11/17 detailing such a discussion on site in which the owners of [REDACTED] outline their requirements for truck access to their property.

It is submitted that council is obliged to take this matter into consideration on the following points

- [REDACTED] conducts an *non-conforming activity* within the Inner City residential zone, being a light industry manufacturing activity business not consistent with residential enjoyment
- Council staff when contacted have advised that there are *no permissions for "home activities"* listed on this property and even if there were, a light industry manufacturing activity would not be a permissible one
- This illegal activity involves *two trucks carrying containers* backing up and down Croydon Avenue, estimated twice a week for six months of the year
- The narrow physical confines of Croydon Avenue ensure this creates *public hazard and nuisance* for all residents

In becoming aware of these non-conforming activities as a result of the current DA, council should take action to *close down the non-conforming use*.

Council is asked to take this existing truck activity into consideration when looking at the current application from No 10 *creating further traffic movements* for an extra two units.

Yours faithfully

Andrew Tilt



From: Campbell Lowe
Sent: 9 Jul 2018 15:54:00 +1000
To: Contact Us
Subject: Objection to D/A 0345/2018
Attachments: Objection Letter to DA 03452018 from DJ and NE Lowe to CoL Addendum.docx,
Objection Letter to DA 03452018 from DJ and NE Lowe to CoL.docx
Importance: High

As the current owner of Croydon Avenue please find attached our strong objection to Development Application 0345/2018 at 10 Croydon Avenue.

Regards

Don and Pixie Lowe



Don and Nora Lowe

General Manager
City of Launceston Council
PO Box 396
LAUNCESTON TAS 7250

Dear General Manager,

Application ID – DA0345/2018 10 Croydon Avenue, Newstead

Application description: residential – construction of two additional dwellings

ADDENDUM 9th July 2018

We wish to add to our objection by advising council of our strong disagreement of the current business activity being conducted by R & R Page at No 10 Croydon Avenue, Launceston.

In discussions with the owners of [REDACTED] we are advised that when R.& R. Page are present in their premises at [REDACTED] (about half the year) they are very active in their business of building small power generators, on site. This involves a truck with smaller size containers backing up the laneway twice a week and Mr Page using a small forklift to load/offload and store material in his garages near the front of [REDACTED] Croydon Ave. The Page's have already admitted to this in correspondence with the owner of [REDACTED] requesting greater access for container trucks.

Access through Croydon Ave for this illegal activity has caused excessive wear and tear to our lane that is well outside the permission of carriage for residential purposes by the trucks that already frequent the Avenue. Also the activities conducted by [REDACTED] Croydon Ave cause considerable disruption and inconvenience to all residents in Croydon Ave.

Therefore we strongly feel that as the Page's are already utilising [REDACTED] at a capacity greater than what it was intended for, adding additional dwellings to this lot seems ludicrous.

Signed:

DONALD JOHN LOWE and NORAH EDNA LOWE

8 July 2018
Don and Nora Lowe

General Manager
City of Launceston Council
PO Box 396
LAUNCESTON TAS 7250

Dear General Manager,

10 Croydon Avenue and Croydon Avenue, Newstead

Application ID – DA0345/2018

Application description: residential – construction of two additional dwellings

Representation

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It is our submission that the Development Application will not satisfy performance criteria 11.4.23 P1 (m). The development is not compatible and will unreasonably impact on the amenity of nearby sensitive uses having regard to the impacts of traffic circulation in the private road and this issue has not been addressed in the Development Application.

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nearby whose amenity will be affected by the congestion, conflict and traffic chaos which will ensue when the private road is now dramatically increased in traffic activity as a result of the proposed development. Whilst the Development Application refers to the existence of an agreement in place for all titles using the road to make a fair and equitable contribution, no comment is made on the significant impact on amenity that this additional multi-unit development proposal will have on traffic conflict within the private road consisting of a number of rights of ways.

Put simply, the development proposed cannot be allowed as it will constitute an over development of the site causing significant amenity impacts to other sensitive uses being those properties that use the private road, Croydon Avenue to access their premises.


It would be self-evident that those original rights of way created contemplated only one residence per benefiting lot. So therefore we can advise council that we would not be granting any permission to the proposed new dwellings at No 10 to use our Avenue as their access once they have been separated/sold (as is their intention).

Yours faithfully,

Donald John Lowe and Nora Edna Lowe – registered proprietors of Certificate of Title Volume 60782 Folio 1 (the private road, Croydon Avenue)

APPLICANTS RESPONSE TO REPRESENTATIONS

Issue	Response
Rubbish Bins	<p>There is no relevant Clause in the planning scheme for this issue.</p> <p>Practice is to leave bins outside of 6 Croydon. This allows the garbage truck to reverse into the street, pick up on the left-hand side and then drive out, this is the safest option for pedestrians on Cypress Street due to the hedge. The garbage truck will continue to enter the street regardless of these units. Never the less the applicants are prepared to enter into a private waste agreement to pick up the waste of the 4 dwellings.</p>
Ownership of Croydon Ave	<p>No consent is required from Mr & Mrs Lowe.</p> <p>10 Croydon Ave has the benefit of a standard right of way. The wording of which is shown below this table.</p> <p>No subdivision is proposed as part of this application. No strata is proposed at this present time. A strata may come to pass in the future, this would not need the consent of the Lowe's as the parent title has the benefit of the right of way and that would extend to the strata.</p> <p>Mr & Mrs Page would welcome Mr Lowe to reoffer the laneway for sale after offer for sale was withdrawn without explanation on 08/07/18.</p>
Traffic Generation	<p>It is anticipated that the development will result in an additional 10-16 movements.</p> <p>At present there are 6 titles, containing 7 dwellings using Croydon Ave.</p> <p>Say each dwelling generates 5-8 movements per day that is 35-56 movements per day. The planning scheme gives guidance that a Traffic impact assessment is not required until an additional 40 traffic movements are a result of a development.</p> <p>Croydon Avenue has a width of 6.45m tapering to 6.14m at Cypress Street. For arguments sake if Table 6.2 of the Carparking and Access Code applied (it does not as 5 of the dwellings are single dwellings) then a width of 6m exceeds the requirements of the Table, which requires a width of 5m tapering to 3 with 5m wide passing bays every 30m. A consistent with of 6m exceeds this standard.</p>
Impact on hedge	<p>The application does not propose any work to the hedge. The issues of garbage bins have been discussed above, it is noted that the hedge finishes 23m before the property boundary of No.10 and the garbage truck picks up No.6, 8 & 10 bins from outside No.6.</p> <p>The issues in relation to the hedge will continue to occur regardless of the two units being built.</p>

<p>Clause 11.4.23</p>	<p>The application meets the Acceptable Solutions for density, height, setbacks, privacy and overlooking – all critical tests of amenity and potential impact.</p> <p>No overshadowing will occur to adjoining properties. The dwellings are single storey, making them unobtrusive and consistent with the character of the area. No impact to the streetscape will occur. Multiple dwellings are sensitive uses just like single dwellings and are both residential uses they are therefore compatible with each other.</p> <p>Traffic is the only issue cited by the representor as causing an amenity impact. On an objective test of an additional 10-16 traffic movements on a 6m wide sealed roadway for a residential use will not adversely impact the amenity of the area.</p>
<p>Home based business being carried out at [REDACTED].</p>	<p>The home occupation meets the requirements of Clause 5.2 of the Planning Scheme and is therefore exempt from requiring a planning permit.</p> <p>In the past 3yr period one 1 x 20' Container has been delivered in June 2017 and then shipped from [REDACTED] Croydon Avenue in July 2017. Forklift Hire from FRM Launceston has occurred on only 3 occasions over the same 3yr period, 2 occasions were for business use of less than 1-week duration, 1 occasion was for personal use.</p> <p>The claims are greatly exaggerated as all manufacturing for the business is conducted by sub-contractors in Launceston, Victoria and NSW, no onsite manufacturing occurs. 1 occasion in 2016 where only test assembly fitment of a 2m x 1m micro turbine occurred.</p>
<p>Retaining wall and drainage and privacy adjoining 11 Dowling Street.</p>	<p>Detailed design will occur at the building application phase. We request that the council include appropriate conditions regarding these matters. I note that the carport is adjacent to existing outbuildings (location indicated by blue line below) and that a 1.8m boundary fence is proposed.</p> 
<p>Request to condition permit to surrender right of way</p>	<p>Irrelevant. The writer of this letter should know that the planning authority cannot condition a permit in relation to land that does not form part of the application.</p>

Extract from the Schedule of Easements to 10 Croydon Ave:

Lot 1

~~Lot 1 (Balance) Private Road Croydon Avenue~~ on the Plan is subject to a right of carriageway (appurtenant to Certificate of Title Volume 125100 Folio 1) over that areas marked 'EHJK' and 'JKLM' of Plan ~~125101~~

– Subject to: the burden of paying on demand a fair and equitable proportion of the cost of maintaining the said roadway in good repair and condition and of paying on demand the whole of the costs of maintaining and repairing in consequence of extraordinary traffic. Demand to be made by any of the registered proprietors for the time being of the land adjoining and using the said roadway.