

5 September 2019

T.M Ralph & L.J Turner

City of Launceston
Town Hall
St John St
PO Box 396
LAUNCESTON TAS 7250

For the attention of the General Manager and Laura Small (Case Officer)

Dear Sir / Ma'am,

**Re: PLANNING APPLICATION No: DA0400/2019
Proposed Construction of Residential Dwelling by BVZ
Designs - (Lot 14) 83 Sanwae Drive, Swan Bay**

As the owners of _____ we write in response to the above Notice of Planning Application, dated 24 August 2019. We received this notice on the 28 August 2019. We have examined the proposed plans along with our architect (nigel denny architect) and wish to object to the planning application.

BVZ Designs shows the setback to the southern boundary, which adjoins our property, as 6.5 metres. This is not in accordance with the Launceston Interim Planning Scheme 2015, in particular 13.4.2 Building height, setback and siting, which states;

Clause A3.1

Buildings, other than outbuildings, must be setback from a side boundary no less than 20 metres; and

A3.2

Buildings, other than outbuildings, must be setback from a rear boundary no less than 20m.

The performance criteria states that;

P3

Buildings must be sited so that there is no unreasonable loss of amenity to the occupiers of adjoining lots.

We believe the proposal also does not conform to the performance criteria in the following ways;

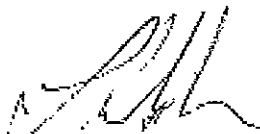
1. The proposal does not conform to the planning scheme and will obstruct our outlook if we build in accordance with the interim planning scheme. When we were enquiring about purchasing property in Swan Bay we queried why Lot (15) was \$20,000.00 more expensive than the others listed in accordance with the Swan Park Stage 2 rural lots price list. The reason given through the developer and by Harcourts was that it is slightly higher in elevation and it would give us an uninterrupted vantage point of the river and surrounds, this is without a doubt why we decided to pay the additional amount for Lot 15, 79 Sanwae Drive, Swan Bay.
2. Noting the Acceptable Solution 13.4.2 Building height, setback and siting by BVZ designs, we would be in a comparable circumstance and requiring approval to breach the code and impinge on our upper neighbours (Lot 16) boundary and at a considerable expense. If we were to request the suggested solution within the planning proposal and it not be approved by the City of Launceston this will impact the value of our land and restrict our building options in relation to outlook, design and privacy. Additionally, the consideration of frontage would heavily impact on Lot 16 as (Lots 14 and 15) would have a frontage of approximately 35m plus, leaving Lot 16 with a condensed frontage of only 22m.
3. We have intentions to build a swimming pool to the rear of our house coming off our alfresco area, if we were forced back within the 20 metre regulation, we believe this will not be possible gaining city of Launceston approval with a 6.5 metre setback from the top boundary as recommended by BVZ designs, it would also impact again on our neighbours and our privacy, our outlook, reduced sunlight exposure, pool fencing requirements issues on the land and further expense of plumbing costs due to the height of the house if we were to build so far up on our block.

4. After 35 years serving in the Australian Defence Force, we aspire to build our dream home with a permaculture principle that allows us to enjoy rural living with 'space and privacy' from all surrounding neighbours. Please note that our objection is in respect of our neighbours as in our opinion if this proposal is approved it will have a domino effect and set a precedence to all land owners within the Swan Park development and also impact on the scenic protection code. Furthermore, we would envisage the same approval by the City of Launceston planning if we were to apply to breach the regulations of construction of our residential dwelling less than 20 metres from all boundaries in the future.


In summary we believe that the planning application does not conform to the Launceston Interim Planning Scheme 2015 and should be either modified or refused.

We would also like to state that we are open to discuss possible solutions that could benefit all stakeholders.

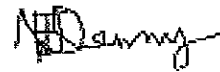
Yours sincerely,



Toni Ralph



Lisa Turner



Nigel Denny

Shaun and Lindsay Ponting

8th September 2019

General Manager
Launceston City Council
PO Box 396
Launceston TAS 7250

Submission to Launceston City Council

Re: 83 Sanwae Drive, Swan Bay, TAS 7252
APPLICATION NO: DA0400/2019

Residential – Construction of a dwelling

Dear Sir / Madam

This submission is to **formally object** to the planning application submitted by BVZ Designs on Saturday 24th August 2019, using the Performance Criteria of the Launceston Interim Planning Scheme 2015. The construction of this proposed dwelling breaches a number of sections in this Interim Planning Scheme, as well as impacting upon the lifestyle we hoped to have when we purchased our property in April 2019. The application shows a blatant disregard for the Launceston City Council Planning Scheme regulations for the Rural Living Zoning.

My reasons for formally objecting to this proposed dwelling are listed below:

13.4.2 Building height, setback and siting

A3.1 Buildings, other than outbuildings, must be setback from a side boundary no less than 20 metres.

A3.2 Buildings, other than outbuildings, must be setback from a rear boundary no less than 20 metres.

Performance Criteria P3

Buildings must be sited so that there is no unreasonable loss of amenity to the occupiers of adjoining lots, having regard to:

- (C) The setback of surrounding buildings
- (D) The height, bulk and form of existing and proposed buildings
- (F) The privacy to private open space and windows of habitable rooms of adjoining lots
- (I) The character of the surrounding area

The application by BVZ Designs shows a direct breach of the Launceston Interim Planning Scheme 2015 as the setback to the southern boundary is 6.5 metres. This is for 17m of the proposed dwelling and the remainder of the proposed dwelling is 12 metres or less.

Not only would this breach of the Rural Living Zone requirements impact on the privacy of neighbouring properties, it also has implications on 79 Sanwae Drive, as well as us at 77 Sanwae Drive,

as the closer to the boundary the dwelling is located, the more the dwelling impedes the outlook of our property. This in turn has an impact on the value of our property and the lifestyle of a family of 4, as we want to enjoy the rural living lifestyle without the fear of neighbours looking into our private yard and space. If we wanted to have neighbours living so close, we would have stayed living in the suburbs of Launceston and not moved to a rural living area.

The acceptable solution provided by the applicant BVZ Designs states that "The land to the south continuous to climb as a reasonable steep grade so if they were to build with a similar setback from their northern boundary they would still be looking over this proposed dwelling as it is only a single storey dwelling to reduce the visual bulk."

The acceptable solution has no regard for an existing dwelling in the subdivision. We can not move our house on our block to fit with the suggestion of BVZ Designs as our house is the original dwelling on the property prior to subdivision. Should the Launceston City Council approve these plans and a precedent be set for the disregard of the Rural Living Zone requirements, both neighbours on the northern side of our property may build to BVZ Designs "acceptable solution", therefore meaning we will have a reduced front setback on our property (see attached). The owners of 79 Sanwae Drive and 83 Sanwae Drive will have a frontage of approximately 35 metres and we would be left with only 22 metres of frontage. This impacts majorly on our privacy, the visual outlook of our property and will affect the value of our property. (See attached image showing how close our front boundary fence is to our home. Should the land owner in front be allowed to build 6.5m from our fence line, we will have no outlook or privacy at all and this will dramatically affect the value of our property.)

Consideration should also be given to the fact that if a dwelling should be built within 6.5 metres of our northern boundary, this would have a severe affect of the amount of natural light provided to our existing dwelling, as well as the land in front of our house that we plan on growing a large vegetable garden for sustainable living.

BVZ Designs stipulates that the house has been proposed toward the back of the block as the front of the block has a steeper cross fall relative to the road which would have required more fill. This is the owners obligation to be responsible for all costs associated with the construction of their dwelling and should they follow the Rural Living Zone requirements and build 20 metres off their boundary, it will not impact on any neighbouring property and would provide an acceptable solution to all parties affected by this proposed dwelling. The only negative would be to the property owner, who may be met with a small additional cost for land fill. I'm sure the Launceston City Council would agree that the cost of fill to make the proposed dwelling compliant with the Interim Planning Scheme 2015 is the sole responsibility of the land owner. All neighbouring properties should not be impacted just to save the land owners some money.

Should the Launceston City Council disregard their own Planning Scheme by allowing the proposed dwelling to proceed without changes to the boundary setback, it sets precedent in a new subdivision for all other proposed dwellings to ignore the requirements of the Rural Living Zone and will then impact on the amenities of our existing property as well as the amenities of all neighbouring properties. I'm sure the Launceston City Council would strongly agree that having respect for the zoning regulations allows all land owners to enjoy the Rural Living lifestyle in a respectful and neighbourly manner.

This image is taken from our main living room and I have drawn a line to show where our front



boundary fence is located. Should someone be allowed to build a 8m house (as allowed by the rural living zone requirements) and only 6.5m from this boundary line, we would lose all lifestyle and amenities (sunlight, outlook and privacy).



This image shows the block subdivision plan and demonstrates to the Launceston City Council how closely our block will be affected should both owners of lot 14 and lot 15 be allowed to build 6.5m from their southern boundary. Precedence will be set if this is allowed.

In Conclusion, the application by BVZ Designs for the proposed dwelling for A Kaveh and M Maleki at lot 14 Sanwae Drive, Swan Bay 7252 is in direct breach of the Interim Planning Scheme 2015 and will negatively affect the lifestyle, outlook, privacy and property value of all neighbouring properties. It is my request that the application should be rejected by the Launceston City Council until such time as it is compliant with the Rural Living Zone specifications by being setback no closer than 20 metres from all boundary fences.

Thank you for your consideration in this matter.

Sincerely

Shaun and Lindsay Ponting