

[REDACTED]

From: Grubert, Libby [REDACTED]
Sent: Tuesday, 10 November 2020 4:26 PM
To: Contact Us
Subject: Objection to proposal for 12 Thrower Street West Launceston DA0247/2020
Attachments: 12 Thrower Street - Objection to proposed development .docx

Categories: Lisa

Chief Executive Officer Launceston City Council,


Please see attached document outlining my concerns and objections to the proposed development at 12 Thrower Street West Launceston DA0247/2020.

I have been honest and accurate in my objections and hope you consider them when looking at the proposed development at this site.

Sincerely
Elizabeth (Libby) Grubert
[REDACTED]

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Elizabeth Grubert

Chief Executive Officer
Launceston City Council
PO Box 396
Launceston TAS 7250

November 9th, 2020

Dear Sir,

Re: DA0247/2020- 12 Thrower St West Launceston – Proposal Objection

I am the owner of number [REDACTED] My house is [REDACTED] of the development and with only one house [REDACTED] in between.

I have read the entire proposal by Mr Chris Terry and have concerns around the following.

- My main concern is regarding the proposed 'Visitor accommodation'.
 - o The block at 12 Thrower Street is standard size and having two very large dwellings proposed is not in keeping with the properties in the area. I would also have concerns that the degree of excavation required could compromise already landslip prone land which may impact properties on the same side of the street. Nothing else in the street has two large dwellings on it and there is no other visitor accommodation in our street. I think this sets a **dangerous precedent** for development in the area, which is of particular concern given the fact we are on the boundary of the heritage listed Cataract Gorge.
 - o We already get a lot of noise from 'visitor accommodation' located on Basin road which travels up the valley. I would be concerned that the proposed 'visitor accommodation' at 12 Thrower Street would impact the noise in the area and impact our ability to enjoy our outdoor space on our property.
 - o The residents of Thrower Street mainly comprise of young families, some of which like to ride their bikes and scooters in the street. One of the reasons I purchased my property was the fact it was a nice quiet no through road. I would be concerned that allowing a 'visitor accommodation' at the site would mean increased traffic in an already busy street, and it would mean each visitor would not be aware that

children are frequently playing in the area which could pose a hazard for the children.

- Street parking is already a concern in the street, and I would be concerned that two large dwellings would mean an increase in that congestion which would lead to inconvenience as well as potential hazard to the children in the street. Two large residences would need at least 4 parking spaces between them and that doesn't include extra visitors to the site.
- The proposal indicates that the buildings would be screened by large trees and vegetation on the East boundary fence line. Most of the trees on that fence line are deciduous and as such would mean the buildings would be directly viewable from my property.

In summary, it is the size and nature of the proposal that I am objecting to. If this were a proposed residential property, with no visitor accommodation I would be more open to the proposal.

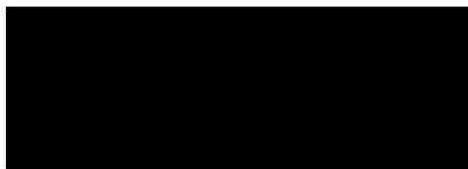
I do not think the proposal meets the criteria for the *Launceston Interim Planning Scheme 2015* and in particular the *Planning Directive No.6 Exemption and Standards for Visitor Accommodation (August 2018)* which indicate that Visitor Accommodation is.

- a) *Compatible with the character and use of the area* – **The proposal does not meet this criterion.** As I have mentioned, such sizable dwellings on a normal residential block are not in keeping with the character and use of the area. The scale and the use of the land is not compatible with the use and character of surrounding properties. There are no other properties with two dwellings in the street and there are no other visitor accommodation properties in Thrower Street. The proposal **does not** maintain the residential function of the area and risks future 'accommodation' development. **Allowing such a development in such an important area (the Cataract Gorge reserve) sets a dangerous precedent for an already fragile and protected area.**
- b) *Does not cause an unreasonable loss of residential amenity* – As mentioned, the proposal for a visitor accommodation would impact the traffic in the street which would mean increased parking issues in an already congested street and increase risk of hazard to local children in the street. Even local wildlife from the gorge would be at increased risk. It would mean increase noise in the area, reduced privacy due to deciduous trees being the 'screen'. I think the proposal would impact the residential amenity negatively based on the above reasons.
- c) *Does not impact the safety and efficiency of local roads or rights of way* – as mentioned above the proposed visitor accommodation will put strain on an already congested parking situation. It will mean there are people unfamiliar to the area using the no through road and not being aware of children playing in the street, which could be hazardous to the young residents of Thrower Street (there are at least 9 school age children that play in the street).

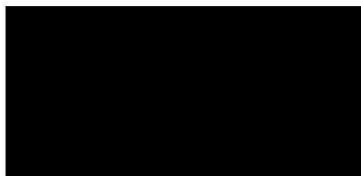
I appreciate your consideration of the above concerns when looking at the approval for this proposal. In particular the concerns brought about by the visitor accommodation proposal which I believe will set a dangerous precedent for commercial development so close to our heritage listed cataract gorge.

I appreciate your time in considering the above concerns

Sincerely



Elizabeth (Libby) Grubert



[REDACTED]

From: louise spaulding [REDACTED]
Sent: Tuesday, 10 November 2020 4:24 PM
To: Contact Us
Subject: Re: Objection to Proposal - 12 Throrer Street, West Launceston
Attachments: Objection to Proposal Letter.docx

Categories: Lisa

Please find attached a letter for the Chief Executive Officer at the Launceston City Council in regard to the development of the property - 12 Throrer Street, West Launceston. This letter is an objection to the proposed development. Can you please acknowledge that this letter has been received and read by the appropriate people.

Regards Louise and Craig Spaulding

9th November 2020

Craig and

Louise Spaulding

Chief Executive Officer
Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

To Whom It May Concern

RE: DA0247/2020 -12 Thrower Street, West Launceston - **Objection to Proposal**

We are joint owners of [REDACTED] and our property has rear access off [REDACTED]. We are lodging an **objection to the proposed dwellings for 12 Thrower Street, West Launceston** as we believe it will have a negative impact on our street and to those that have existing dwellings in Thrower Street.

Our objections are particularly concerning the following:

- **The blocking and busyness of the street with the inclusion of a short term accommodation business.**

As the proposal makes little provision for off road parking (especially for larger vehicles, like camper trailers and vans) it would be fair to assume that these vehicles would be simply be parked on the street. We already have this issue with the Airbnb just across the road from us in Upper York Street. We regularly have large vehicles, trailers and vans blocking the road so that we cannot even park outside our own home.

The issue with Thrower Street is that it is a very narrow 'No Through Road' with no turning circle at the bottom. Basic things like getting the

garbage collected or groceries delivered are difficult already, with trucks having to reverse out of the street or attempt up to a '5 point' (or more) turn to get a vehicle around. Blocking up the street with accommodation vehicles would provide regular and ongoing issues.

Being a quiet, safe and family oriented street, where children have the opportunity to play from house to house means that they can often be on the street as it is relatively unused. The Street is also used by many people each day as a walkway to the Gorge via the 'Zig Zag' track. The comings and goings of added traffic for an accommodation business would present safety issues.

- **The sewerage access that is on our property, near our stone walled BBQ area.**

We recently received a letter stating that our property would have to be entered to access a sewerage outlet for the development of 12 Thrower Street property with a simplistic map. It gave no information as to what that would look like. No-one has come to us to explain what they will need to do and we have concerns that they will come in and just pull apart our BBQ and stone walled area. Apparently, the owners of [REDACTED] [REDACTED] have also been designated to have new sewerage pipes running through their property with no consultation as to what that will entail to their property or gardens.

- **Damage to the historic Golden Elm tree on the neighbouring property** [REDACTED]

The Golden Elm that makes up a large part of our view from our lounge room window is certainly a tree of significance in this area and it must be approaching the age of the home (100 Years) that it is planted near. The plans that propose to excavate to within just over 2 metres of this tree could severely undermine the integrity of this tree and risk damaging or even killing the tree. As this tree is not even mentioned in the development plans there has obviously been no effort made to consult an arborist or to get professional advice on preserving such an iconic tree.

- **The noise level from accommodation in an otherwise very quiet area**

We love the quiet community feel of this area and the families that we know in Thrower Street. We have concerns that the introduction of a short-term accommodation business in this street will change the tone of the street and will introduce a noisier and more disconnected element. Other Airbnb properties in this area have proven to have noise problems at times, and can be heard clearly by some as the Gorge area creates its own natural amphitheatre.

On looking at the plans we would consider that the buildings look far more like two holiday units, than a home and a holiday unit. While proving this would be difficult, what recourse do we have down the track if we find that they are actually letting out both units and not just the one. This would further create issues of parking and noise and safety, as mentioned earlier.

- **Shared concerns over the 'relaxed' building boundaries causing damage to the heritage trees and intrusions into the bordering property at [REDACTED]**

While concerns over privacy are not necessarily directly influencing us, there are others that it will significantly impact, in particular those living at [REDACTED]. The land owners of 12 Thrower Street have requested to 'relax' side setbacks of the two units to within just over 2 metres of the [REDACTED] property and even less on the opposite side. The positioning, height and window positioning of these units would cause significant issues with privacy for [REDACTED] occupants. We would consider it inappropriate to allow the waiving of the performance criteria to encroach towards the existing neighbours' property. Of course, there is again the issue of the large Golden Elm tree that could also be damaged in this process, further invading the [REDACTED] residents' privacy, should the tree become sick or die.

We would consider that these concerns are relevant to the planning directives for visitor accommodation which state that:

Visitor accommodation must be compatible with the character and use of the area and not cause any unreasonable loss of residential amenity, having regard to:

- a) the privacy of adjoining properties**
- b) any likely increase in noise to adjoining properties**
- c) the scale of the use and its compatibility with the surrounding character and uses within the area**
- d) retaining the primary residential function of the area**
- e) the impact on the safety and efficiency of the local road network**
- f) any impact of the owners and users right of way

I have highlighted the criteria which we would see are applicable to the above situation.

We trust you will respond promptly to our concerns and give us considered feedback as to how you will address these problems.

Yours Sincerely

Craig and Louise Spaulding

[REDACTED]

From: Karlo Poslon [REDACTED]
Sent: Tuesday, 10 November 2020 7:09 PM
To: Contact Us
Subject: DA0247/2020 - 12 Thrower St, West Launceston – Objection to Proposal
Attachments: 12 Thrower Street - Neighbour Concerns visual.pdf; 12 Thrower St Planning Permit Objection.pdf

Categories: Robyn

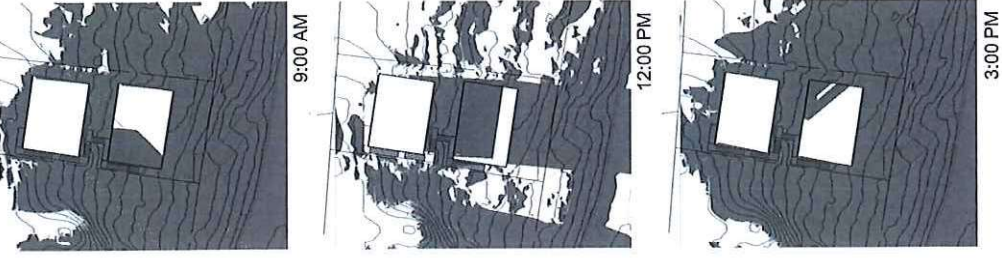
Good afternoon

In response to the development application DA0247/2020 please find attached the letter of objection and supporting document from Karlo Poslon, owner of [REDACTED]

Regards

Karlo Poslon
[REDACTED]

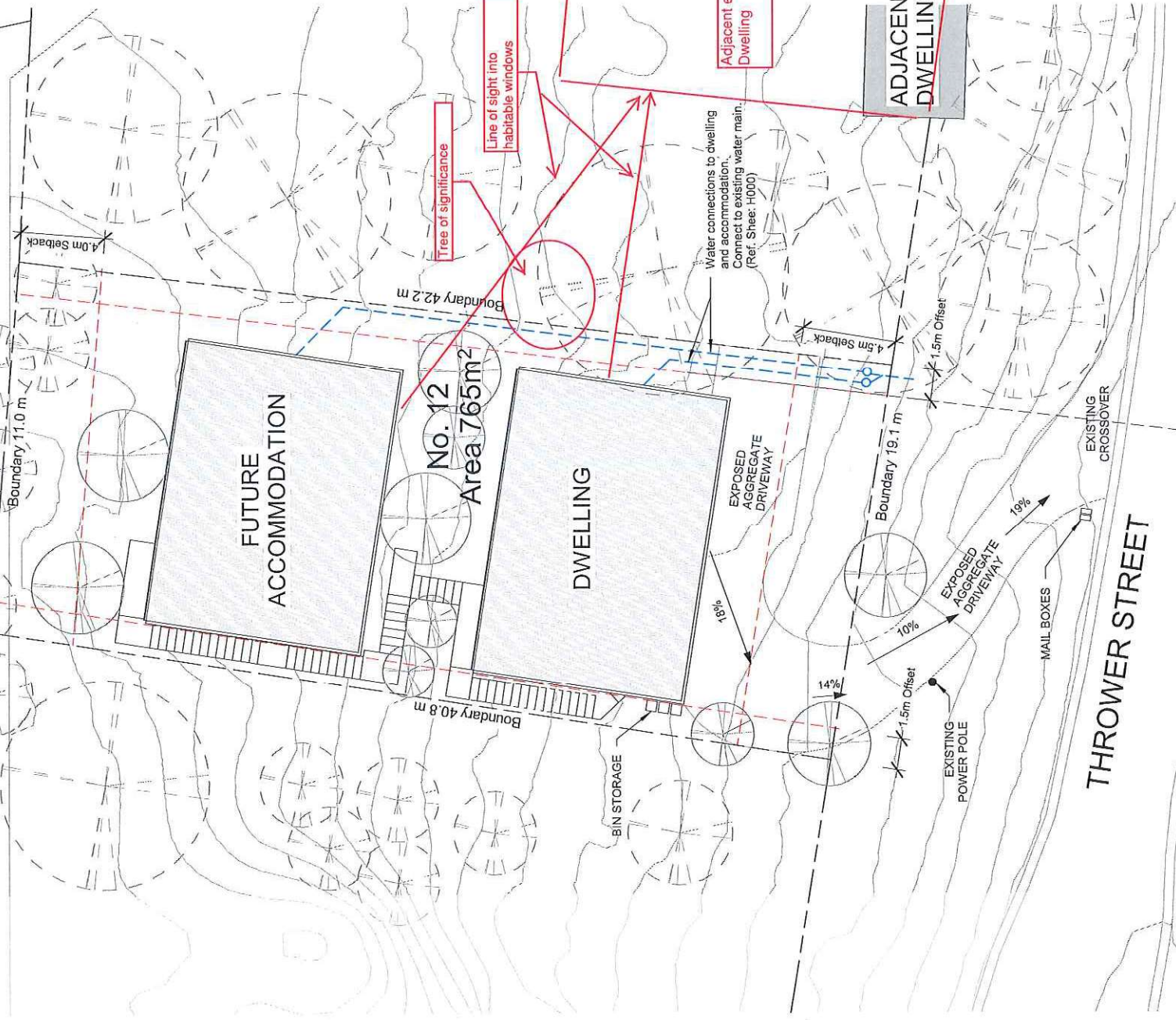
[REDACTED]



WINTER SHADING DIAGRAMS

PLANNING EXHIBITED DOCUMENTS
 Ref No: DA 02472020
 Date Issued: 28/10/2020
 Planning Administrator: [Signature]

1 site plan
 1 : 200



Notes
 This drawing must be read in conjunction with all other drawings specifications, schedules and consent documents. Any discrepancies must be reported to Boxx Projects. If in any doubt whatsoever contact Boxx Projects.

NOTES
 - DO NOT SCALE OFF DRAWINGS
 - ALL CONTOUR LINES ARE APPROXIMATE AND SHOULD BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT
 - DWELLING LOCATION TO BE SET OUT BY REGISTERED SURVEYOR
 - THE LOCATION OF ALL UTILITIES TO BE SET OUT BY REGISTERED EXISTING SERVICES WHETHER SHOWN IN THE DRAWINGS OR NOT SERVICES TO BE LOCATED SHALL BE DONE IN CONJUNCTION WITH RELEVANT AUTHORITIES
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Site Coverage

- Dwelling:**
- Floor Area: 105 m² (13.7%)
 - Deck Area: 42 m² (5.5%)
- Future Accom:**
- Floor Area: 97 m² (12.7%)
 - Deck Area: 45 m² (5.9%)
- Driveway: 120 m² (15%)**

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Rev	Date	What Changes Made	As
1	18.04.2020	Water Connections Added	A.S.
2	12.05.2020	Issued for Approval	April

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Project: Dwelling & Future Accommodation
12 Throver Street
 West Llandisnoe
Client: Chris Terry

Drawn by: Site Plan
Project No: 20004
Drawn: A. Scudan
Checked: C. Terry
Scale: As Indicated @ A3
Status: Planning
Drawings number: A001



10 November 2020

Karlo Paslon

Chief Executive Officer
Launceston City Council
PO Box 396
Launceston TAS 7250

Dear Sir

DA0247/2020 - 12 Throrer St, West Launceston – Objection to Proposal

I am the owner [REDACTED] the lot immediately adjacent and east of the proposed development (Planning Permit Application DA0247/2020 located at 12 Throrer St West Launceston) and I am lodging my objection to the proposal. I have concerns about the nature, style, and positioning of the proposed development by applicant 6ty Pty Ltd on behalf of Mr Chris Terry. My objection is based on the following points, which are discussed in more detail below:

- The description of the proposal is contradictory and planning assessment is consequently erroneous in its description of compliance and potential impacts.
- The planning assessment does not address all requirements of the *Launceston Interim Planning Scheme 2015*.
- The planning assessment does not address *Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes* (Planning Directive No. 6) which came into effect on 1 August 2018.
- The planning assessment does not address reduced amenity due to noise associated with the visitor accommodation.
- The planning assessment does not address impacts to pedestrian and cyclist safety due to increased road traffic movements (from users of the accommodation and also service vehicles).
- The proponent has undertaken their assessment on the basis of grossly inaccurate information regarding the position of the proposed dwelling in relation to the existing dwelling at [REDACTED]
- The proposal has not sufficiently addressed overlooking into habitable areas of my residence at [REDACTED] immediately adjacent and east of the proposed development.
- The proposal sites the proposed residential dwelling on within 3m of a tree of significance. No inclusion of this is mentioned in the proponent's application and consequently no formal arborist assessment of the impacts to the tree and risks to long term viability of the tree in relation to proximity to the building and proposed excavations.
- The proponent has failed to consult with me regarding proposed water and sewer connections that will directly impact my property access, Further, potential loss of mature vegetation due to trenching has not been addressed

Firstly, and as a general comment, throughout the document there appear to be a number of site position and direction errors, by which our main compass points North, East, South, West, referenced incorrectly. The consequence of this is that it makes the proposal difficult to read and

visualise the proponent's intent. An example of this can be seen in section 2 of the planning application (below Figure 2) where the proponent describes the lots surrounding the proposal incorrectly. Another example is shown in section 4.1 where the northern dwelling is described as the residential dwelling and the southern as the holiday unit which is opposite to the supplied drawings.

The proponent uses has not applied the *Launceston Interim Planning Scheme 2015* (the Scheme) correctly from the outset, applying a suspended definition of 'visitor accommodation' in section 4.1. The Scheme clearly points to the *Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes* (Planning Directive No. 6), which came into effect on 1 August 2018, and therefore should be central to the assessment of the proposal.

Planning Directive No. 6, cl. 3.0 outlines mandatory provisions relating to visitor accommodation and none of these have been addressed in the application. Further, Planning Directive No. 6 cl.(d)(i) and (ii) respectively require compliance with *all relevant zone development standards of building and works* and *all relevant use and development standards if within an applicable zone code*.

According to Planning Directive No. 6, cl. 3.1(e) the use standard objective for visitor accommodation developments is:

That Visitor Accommodation:

- (a) is compatible with the character and use of the area;*
- (b) does not cause an unreasonable loss of residential amenity; and*
- (c) does not impact the safety and efficiency of local roads or rights of way.*

Accordingly, the applicable performance criteria states that:

Visitor accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:

- (a) the privacy of adjoining properties;*
- (b) any likely increase in noise to adjoining properties;*
- (c) the scale of the use and its compatibility with the surrounding character and uses within the area;*
- (d) retaining the primary residential function of an area;*
- (e) the impact on the safety and efficiency of the local road network; and*
- (f) any impact on the owners and users rights of way.*

In response to the performance criteria P1 referenced above the proponent does not comply with the following criteria:

- a) The privacy of adjoining properties will be adversely affected.
The eastern property will be adversely affected by the proposed position of the visitor accommodation. The eastern setback is within the minimum 3 metres and also within the approximate 5.5 metres with consideration of the building height. The proposed visitor accommodation is reliant on existing trees on the eastern lot for screening however the trees and shrubs on the eastern lot will not provide full screening and a number of the trees in the path are deciduous. Further, the visitor accommodation proposes a southern deck which will have a nearly direct view into the master bedroom and bathroom of the eastern lot and thus will promote a significant decrease in privacy, especially when clothing, de-robing, and showering. This would likely be the case during night-time, all year round and in during the daytime seasonally when deciduous trees have dropped their leaves.
- b) There will be a likely increase in noise to adjoining properties.
Thrower Street is a quiet, no through road comprising residential dwellings with the majority of residents being families with school aged children. The appeal of this quiet, safe suburban street is why people choose to live here. Currently, residents in thrower Street are impacted

by loud party noise travelling up the hill and across the valley from existing short-term (visitor) accommodation located on Basin Road and the opposite valley. Clearly, rules that may be in place for such types of accommodation are not reliable as controls for noise, particularly in this ordinarily quiet area of West Launceston. I cannot think of anything more awful than the potential for a night party house being next to mine.

- c) The scale and use of the proposed visitor accommodation are not compatible with the surrounding character and uses within the area.
The proposed short-term accommodation development is out of character with the existing character and land uses. Thrower Street is a quiet, no through road comprising residential dwellings with the majority of residents being families with school aged children. The road is used every day by children to playing and riding bikes, etc in relative safety. There are at least nine children living along Thrower Street who frequently play on the street and all residents and current visitors coming into Thrower Street know this and drive cautiously with the understanding that children could be playing. By promoting a short-term visitor business within Thrower Street, the proponent is inviting strangers to enter the street with no understanding of these latent conditions and as a result add increased and unnecessary risk to the children residing in the street.
- d) The proposed visitor accommodation will not retain the primary residential function of the area.
As stated previously Thrower Street is predominantly populated by families with children. There are over nine children living along Thrower Street. Allowing the proponent to develop the visitor accommodation will set precedence, inviting the two remaining undeveloped lots on the street develop in a similar manner. This can only undermine the primary residential function of the area.
- e) The impact on the safety and efficiency of the local road network will be adverse.
Thrower Street is not a very and there are already impacts along the street during waste collection days as waste contractors have difficulty in navigating the street. With the increase in visitation to the street, the proposed visitor accommodation has the very real potential to exacerbate this, particularly as only one parking space is provided for the three-bedroom visitor accommodation. We recognise that this technically meets planning requirements, but given the nature of the block, the only place for extra vehicles to park is on the street, adding to already congested parking.

With reference to the proponent's application to construct the commercial visitor accommodation, they incorrectly apply clause 12.4.4 of the Scheme, which relates to performance criteria for development for discretionary uses, instead of Planning Directive No. 6 use standards discussed above. Notwithstanding this, each of the performance criteria incorrectly applied are responded to below.

Clause 12.4.4 of the Scheme states the objective of the standard is:

To ensure that discretionary uses are compatible with the form and scale of residential development and do not adversely impact on the amenity of nearby sensitive uses.

The performance criteria P1 of this standard requires:

Development must be compatible with the form and scale of residential development and not unreasonably impact on the amenity of nearby sensitive uses, having regard to:

- (a) the setback of the building to a frontage;*
(b) the streetscape;

- (c) the topography of the site;*
- (d) the building height, which must not be greater than 8.0m;*
- (e) the bulk and form of the building;*
- (f) height, bulk and form of buildings on the site, adjoining lots and adjacent lots;*
- (g) setbacks to side and rear boundaries;*
- (h) solar access and privacy of habitable room windows and private open spaces of adjoining dwellings;*
- (i) the degree of overshadowing and overlooking of adjoining lots;*
- (j) mutual passive surveillance between the road and the building;*
- (k) any existing and proposed landscaping;*
- (l) the visual impact of the building when viewed from adjoining or immediately opposite lots;*
- (m) the location and impacts of traffic circulation and parking;*
- (n) the character of the surrounding area.*

The proponent's planning assessment response included in section 5.3 of the application suggests that it has acceptable solutions to the performance criteria listed above. However, these are incorrectly applied, and I would suggest that the proponent has not adequately considered proposed solutions and they fall well short of acceptability. The proposal is also incredibly confusing at this point as it implies that the proposed visitor accommodation development is the building located on the southern side of the lot which in all drawings and other document references is the location of the proposed residential dwelling. With the assumption that the proposed building on the northern side of the lot is the proposed visitor accommodation there are significant failings with proposal which are consistent with failings on the proposed residential dwelling.

At the proponent's response in section 5.3(g) it assesses the set back as acceptable as it would be consistent with the setback of the proposed residential dwelling on the site. This is a flawed assessment as the setbacks on the eastern and western sides of both the proposed residential and visitor accommodation developments are reliant on significantly reduced side setbacks where siting requires a minimum side set back of 3m plus 0.5m for every metre of building height over 3m or part thereof. The reduction in side setback, particularly on the eastern side, combined with the proposed height of the development will be quite confronting and overbearing and will not protect the amenity of the adjoining lots.

At the proponent's response in section 5.3(i) it does not adequately assess overlooking of adjoining lots. The position of the proposed dwelling is such that there will be direct line of sight into the master bedroom and bathroom of the adjacent dwelling located to the east elevation. The visitor accommodation proposes a southern deck which will have a nearly direct view into the master bedroom and bathroom of the eastern lot and thus will promote a significant decrease in privacy, especially when clothing, de-robing, and showering. This is also addressed in comments regarding Planning Directive No. 6 cl. 3.1(e) P1(a)

At the proponent's response in section 5.3 (m) it does not adequately assess the impacts of traffic circulation and parking. The proponent suggests that the proposed allowance for off street parking is sufficient for the residents and proposed short term accommodation. The planning scheme suggests that a minimum of 1 space be available for units used for short term visitor accommodation, however the proposal is for the building of a 3 bedroom accommodation house which as the proponent suggests is essentially the same footprint as the main residential dwelling. It would be reasonable to assume that the same allowance be made for off street parking for the proposed accommodation development, that is two full car spaces. Another concern probably more seriousness is in relation to public safety in Thrower St. If visitors to the proposed accommodation are required to park on the street due to unavailability of off-street parking it will put even more stress on an already cramped no through road.

An example outlining the impact of cars parking on Thrower St are in waste management servicing of the street. Currently the navigation of the street requires the trucks to drive down, reverse out and attempt a 3-point turn mid street to provide service. The proposal for the visitor accommodation has the very real potential to exacerbate the situation should there not be a sufficient provision of off-street parking for the development.

By virtue of its existing character, Thrower St being a no through road is utilised by the streets children to play, ride bikes, scooters, skateboards, etc. in relative safety. Over nine children dwell on Thrower St and they frequently play on the street and all residents and current visitors coming into our street know this and drive cautiously with the understanding that children could be playing. By promoting a short-term visitor accommodation business within Thrower St, the proponent is inviting strangers with no understanding of the latent conditions of the streets to enter and as a result add increased and unnecessary risk to the existing residents children.

At the proponent's response 5.3 (n) it does not adequately assess the impact of the proposed development and its integration into the character of the surrounding area. The proponent's proposed short-term accommodation development is out of character with the existing family focus of the area. Thrower St is a quiet no through road containing residential dwellings with the majority of residents being families with children. The appeal of this safe quiet suburban street is why people live there. The situation already exists where loud party noise travels up the hill and across the valley from existing short-term accommodation located on Basin Rd and the opposite Valley. I cannot think of anything more awful than the potential of a night party house being next to mine.

With reference to the proponent's application to construct a residential dwelling, clauses 12.4.1 to 12.4.3 (inclusive) of the scheme apply. The proponent is reliant on performance criteria to be relaxed to allow development. In response to this, please find the following comments.

Clause 12.4.2 of the scheme relates to building height, setback and siting and the stated objective is:

To ensure that building bulk and form, and siting:

- (a) Is compatible with the streetscape and character of the surrounding area; and*
- (b) Protects the amenity of adjoining lots*

Standard Requirement A3.1 of 12.4.2 Building height, setback and siting requires a minimum side set back of 3m plus 0.5m for every metre of building height over 3m or part thereof. The proponent acknowledges that due to the height of the proposed building there would be a minimum side set back of 5.33m on the eastern side and 5.14m on the western side yet proposes a 2.16m setback on the eastern boundary and a 1.5m setback on the western boundary. The reduction in side setback, particularly on the eastern side, combined with the proposed height of the development will be quite confronting and overbearing and will not protect the amenity of the adjoining lots.

12.4.2 Building height, setback and siting – Performance Criteria P3 requires buildings must *be sited such that there is no unreasonable loss of amenity to the occupiers of adjoining lots, having regard to:*

- a) the topography of the site;*
- b) the size, shape, and orientation of the site;*
- c) the setbacks of surrounding buildings;*
- d) the height bulk and form of existing and proposed buildings;*
- e) the existing buildings and private open space areas on the site;*
- f) the privacy to private open space and windows of habitable rooms on adjoining lots;*
- g) sunlight to private open space and windows of habitable rooms on adjoining lots;*
- h) any existing screening or the ability to implement screening;*
- i) the character of the surrounding area.*

The proponent planning assessment response located at section 5.2 of the application suggests that it has acceptable solutions to the performance criteria listed above. I would suggest that the proponent has not adequately considered proposed solutions and falls well short of acceptability.

At the proponent's response in section 5.2 (a) it incorrectly states that the proposed dwelling will be upslope and approximately 28m from the adjoining dwelling on the eastern lot. It is also reliant on existing vegetation on the eastern lot for screening. The position of the proposed dwelling in relation to the existing adjoining dwelling on the eastern lot is such that the position of the proposed dwelling will have a direct view into the master bedroom of the dwelling on the eastern lot. The height of the proposed dwelling combined with the proposed reduced eastern side setback will only amplify the intrusion to privacy on the adjoining eastern dwelling. The vegetation screening referred to as assisting in the minimisation of amenity is also false as the vegetation in the area described is largely deciduous or shrub of non-significant height. Further the drawings supplied with the application are grossly inaccurate with the respect to the positioning and size of the eastern dwelling in relation to the proposed development.

At the proponent's response in section 5.2 (b) it incorrectly states that the proposed dwelling will be positioned with an orientation that avoids direct views toward the dwelling on the eastern lot. This is inaccurate as the position of the proposed dwelling will be located directly opposite and at relatively the same height as the existing adjacent dwelling on the eastern lot. This combined with the height and proposed reduced eastern side set back will the significantly reduce the privacy to private open space and windows of habitable rooms on adjoining eastern lot.

At the proponent's response in section 5.2 (c) it implies that the proposal will be consistent with setbacks of buildings in the areas being 3m or less from respective boundaries. This is an inaccurate assessment of the surrounding lots. Aerial views of the dwellings along Thrower Street show that most are set back at least 3m from respective boundaries except for the front boundary of the eastern lot which is less than 3m from the boundary but buffered from Thrower St by an access road and vegetated nature strip of more than 8m. It should also be noted that the dwelling on the eastern lot is more than 130 years old and an original feature of the area and in fact predating all other dwellings in the area as well as current development standards.

At the proponent's response 5.2 (f) it incorrectly states that the finished floor levels between the proposed dwelling and the eastern lot dwellings will minimise loss of privacy to open space and habitable rooms. As previously mentioned, the proposed dwellings site location and height will be in the same relative position and height to that of the adjacent dwelling on the eastern lot and combined with the proposed reduced eastern side setback will the significantly reduce the privacy to private open space and windows of habitable rooms on adjoining eastern lot.

At the proponent's response 5.2 (g) it implies that the finished floor level will not shadow the open space amenity of the adjacent eastern lot. This is an inaccurate assessment as the proposed building height will be 3.5m above ground level and combined with the and significantly reduced eastern side set back can only promote a large shadow of the proposed structure on the eastern lot.

At the proponent's response in section 5.2 (h) it has been assessed that specific screening measures are not considered necessary. At previous points of the proponent's proposal it suggests reliance on the vegetation screening of the existing flora on the eastern lot. As previously outlined, this is not adequate considering the line of sight that the proposed dwelling could have to private open space and windows of habitable rooms on adjoining eastern lot.

There is also a tree of significance located on the border of the proposed residential dwelling and the eastern adjoining lot. The tree is a golden elm of significant size, estimated at approximately 18m in height and to be at least 75 years old. The north eastern corner of the proposed residential development will if allowed to be in its current position within 3m of this significant tree. There are serious concerns of how the development will impact this tree as there is proposed excavation requirements nominated in the immediate area which could impact on the root system and ultimately the health and stability of the tree. Another concern is the positioning of the water and sewer lines along the eastern boundary which will again have potentially significant and detrimental impacts on this much-loved tree. There is no mention of this tree in the proponent's development application and no formal arborist assessment of the impacts to the tree and risks to long term viability of the tree in relation to proximity to the building and proposed excavations.

The proposed development of the residential dwelling and visitor accommodation does not discuss water or sewer connection in any great detail and implies it will connect to existing services. These services will need to be constructed by Taswater as there are no existing connection points for potable water or sewer discharge immediately off the property boundary. I am aware that the proponent was requested to send a copy of the proposed works to affected properties, but as the owner of the eastern and adjoining lot and undoubtedly the most affected by the required civil works to install the infrastructure to enable the developments connection, no such notification was received. I have concerns regarding the proposed path of sewer line to service the property. The connection will need to be trenched directly outside the southern boundary of the lot on 10 Thrower St and according to the design drawings a pit placed in what is my driveway. The run of pipe which is proposed to go across the southern boundary of [REDACTED] will pass through an area which has had minor land slip. Further the area proposed for the connection pit from the development at 12 Thrower St is in an area of land that has already suffered a significant landslip and currently holds no stable or ground or ground at all. Another concern is how the sewer pipe will be trenched from the northern side of Thrower St to the southern side to where it is proposed to tap into the existing sewer system. This requires a diagonal run in a south easterly direction across and through a vegetated and treed nature buffer strip, then under Thrower St to meet the connecting pit. The trees on the northern side of Thrower St are medium to large gum trees some in excess of 20m in height.

The proposed residential development fails to mention the construction of a garage on the eastern boundary, yet one is shown in the in drawing A102 of the application. With consideration that the proponent has already asked to relax the required side offset from the boundaries, it is unclear where this garage will be located, however looking at the drawing one can only assume it will be excavated to the boundary on the east of the lot as it is marked off the eastern wall of the house.

In conclusion, the proposal to construct a residential dwelling and visitor accommodation fails to comply with the relevant Scheme *acceptable solutions* and relevant code *standard performance criteria* in Low Density residential zoning.

- There is significant confusion within the proposal which makes the reader and I believe the Council assessor not understand the nature and siting of the proposed developments.
- The proponent's reliance on relaxing of performance criteria, especially in relation to side setbacks and in consideration of the proposed building height and siting on the property will cause an undoubted loss of privacy to adjoining lots. This is of significant concern and unacceptable.
- The proponent's reliance on the adjoining properties existing vegetation to screen the developments and from loss of amenity and privacy into habitable rooms of is of significant concern and unacceptable.

- The proponent fails to mention that the siting of the proposed dwelling and its reliance on reduced side set back to the eastern boundary will place the building at close proximity to a significant tree on the adjoining eastern lot. Further there is little mention of excavation requirements, but it is clear that excavation and retaining walls will be required to be built to enable the required car parking and potential garage. It is very likely that these earthworks will be within an unacceptable distance to the tree mentioned previously and could cause very real risk to this old and significant tree.
- The proponent suggest that enough allowance has been made with respect to off street parking for the combined developments. While this may be in accordance with required minimums as determined by the Scheme it does however present a high probability that street parking will be required for overflow visitors to the site. As mentioned, Thrower St is a quiet and narrow no through road and this will add higher risk to vehicles, e.g. waste trucks, navigating the street.
- Thrower St is a quiet no through road. There are 8 houses and more than 9 children currently living in the street and they frequently play on the street in relative safety by virtue of it being a no through road. Currently residents and known visitors understand this and drive down Thrower St cautiously knowing children could be present. Allowing a business to operate in the street will add unnecessary risk to the children of the street due to their ignorance of latent conditions.
- Thrower St is a quiet family orientated street, and it is exactly this safe characteristic that appeals to the current residents. The situation already exists where loud party noise travels up the hill and across the valley from existing short-term accommodation located on Basin Rd and the opposite valley. The proposal is out of character with the surrounding area being a family orientated environment, will undoubtedly increase noise to adjoining lots and unacceptable.

Please find attached a drawing submitted by the proponent with an overlay outlining the approximate location of the existing dwelling on the eastern lot as well as the lines of sight mentioned within this objection and the approximate location of the significant tree also mentioned throughout this letter of objection. The attached marked up drawing very clearly shows the concerns I have surrounding my privacy and amenity from the proposed developments. In representing these considerations to Council, I have tried to be as accurate as possible and I trust you will give due consideration to the information given.

Yours sincerely



Karlo Poslon

[REDACTED]

From: Vicki Dodson [REDACTED]
Sent: Wednesday, 11 November 2020 9:10 AM
To: Contact Us
Subject: DA0247/2020 - 12 Thrower St, West Launceston – Objection to Proposal
Attachments: image003.png; ATT00001.htm; 12 Thrower Street - Neighbour Concerns visual.pdf; ATT00002.htm; 12 Thrower St Planning Permit Objection.pdf; ATT00003.htm

Dear Planning,

I am sending this email in support of the objection sent by Karlo Poslon regarding the proposed development at 12 Thrower Street.

I am the owner of [REDACTED]

I fully support the objects as outlined. Whilst some of the concerns raised specifically affect the property of [REDACTED] the objections raised relating to the proposed site being for accommodation are of particular concern to me.

Kind regards,
Vicki Dodson
[REDACTED]

Begin forwarded message:

From: Karlo Poslon [REDACTED]
Date: 10 November 2020 at 8:25:50 pm AEDT
[REDACTED]

Begin forwarded message:

From: Karlo Poslon [REDACTED]
Date: 10 November 2020 at 7:09:10 pm AEDT
To: "contactus@launceston.tas.gov.au" <contactus@launceston.tas.gov.au>
Subject: DA0247/2020 - 12 Thrower St, West Launceston – Objection to Proposal

Good afternoon

In response to the development application DA0247/2020 please find attached the letter of objection and supporting document from Karlo Poslon, [REDACTED]
[REDACTED]

Regards

Karlo Poslon
[REDACTED]
[REDACTED]

Notes:
 This drawing must be read in conjunction with all other drawings, specifications, schedules and consultant documents. Any discrepancies must be reported to Boxx Projects. If in any doubt whatsoever contact Boxx Projects.


NOTES:
 - DO NOT SCALE OFF DRAWINGS
 - ALL CONTROL LINES ARE APPROXIMATE AND SHOULD BE VERIFIED BY THE SURVEYOR
 - DWELLING LOCATION TO BE SET OUT BY REGISTERED SURVEYOR
 - CONTRACTORS TO CONFIRM THAT ALL WORKS ARE CLEAR OF EXISTING SERVICES WHETHER SHOWN IN THE DRAWINGS OR NOT.
 - RELEVANT AUTHORITIES SHALL BE DONE IN CONJUNCTION WITH RELEVANT AUTHORITIES.
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Site Coverage

- Dwelling:**
- Floor Area: 105 m² (13.7%)
 - Deck Area: 42 m² (5.5%)
- Future Accommodation:**
- Floor Area: 97 m² (12.7%)
 - Deck Area: 45 m² (5.9%)
- Driveway: 120 m² (15%)**

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Rev	Date	Who	What	Reason for Issue	App'd
1	14/05/2020	Boxx Projects	Initial Design	Initial Design	
2	18/10/2020	Boxx Projects	Revised Design	Revised Design	



[boxx projects]
 20 Coffey Drive, Binlong Bay 7216 AUSTRALIA
 Chris Terry
 www.boxx.com.au
 +61 428725913

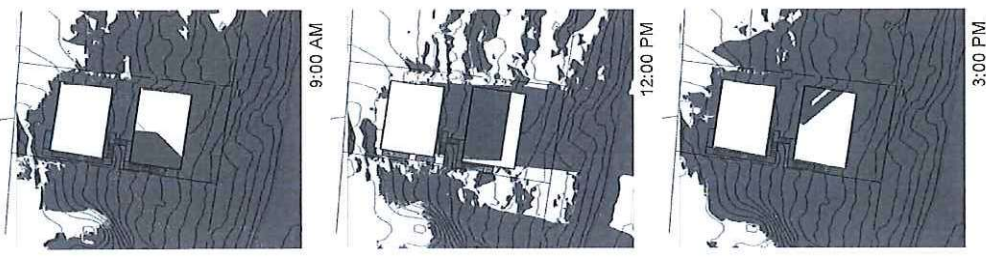
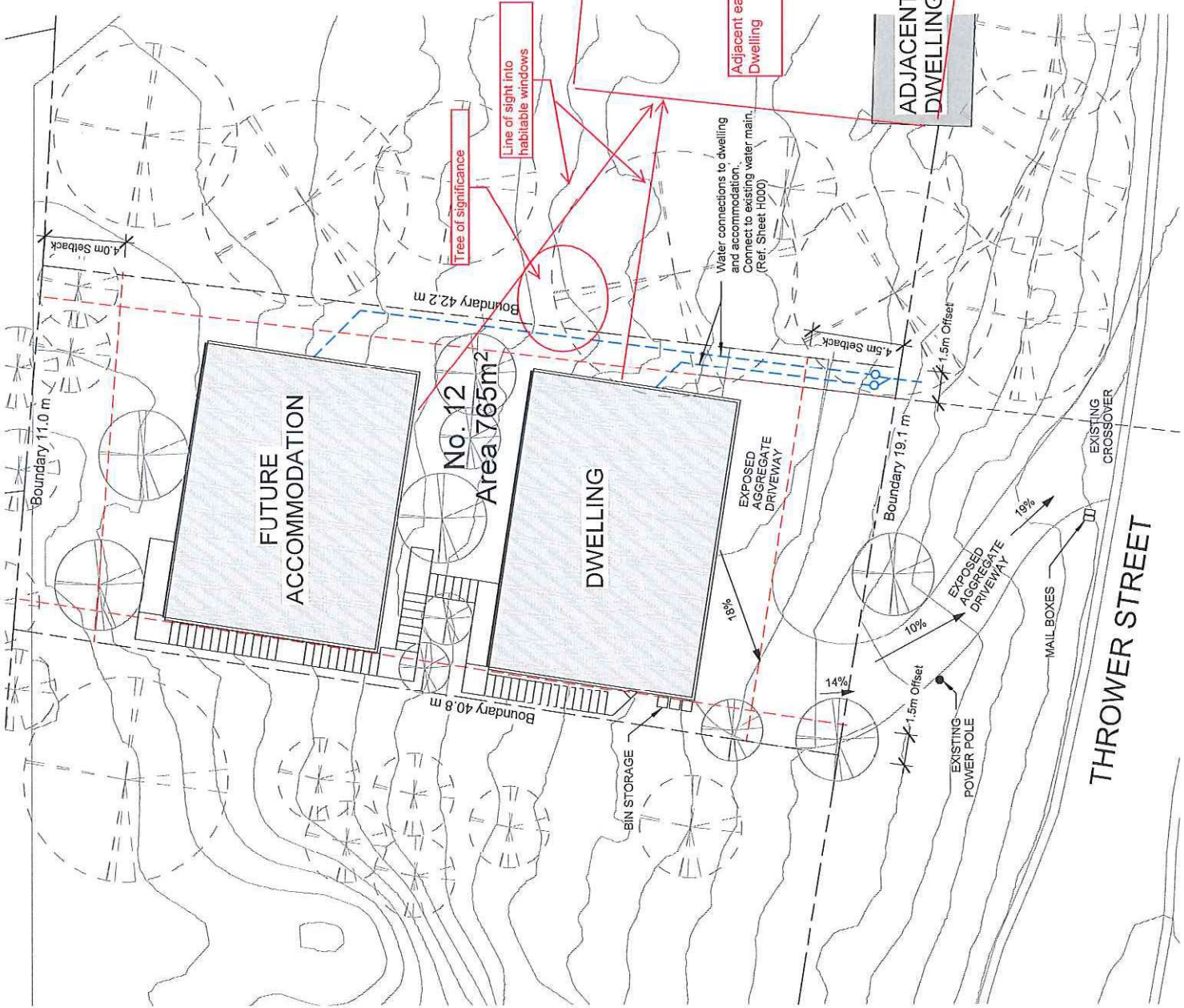
Proposed Dwelling & Future Accommodation
 12 Throrer Street
 West Launceston
 Client: Chris Terry

Drawings: Site Plan

Project No:	20004
Drawn:	A. Soudan
Checked:	C. Terry
Scale:	As Indicated @ A3
Status:	Planning
Drawn/Number:	

DO NOT SCALE
 FROM THIS SHEET
 FOR ANY OTHER PURPOSES

A001



WINTER SHADING DIAGRAMS

PLANNING EXHIBITED DOCUMENTS

Ref No: DA 0247/2020
 Date submitted: 28/10/2020
 Planning Authority: J.P.A.

1 site plan
 1 : 200


10 November 2020

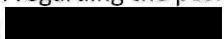

Karlo Poslon


Chief Executive Officer
Launceston City Council
PO Box 396
Launceston TAS 7250

Dear Sir

DA0247/2020 - 12 Thrower St, West Launceston – Objection to Proposal

I am the owner of , the lot immediately adjacent and east of the proposed development (Planning Permit Application DA0247/2020 located at 12 Thrower St West Launceston) and I am lodging my objection to the proposal. I have concerns about the nature, style, and positioning of the proposed development by applicant 6ty Pty Ltd on behalf of Mr Chris Terry. My objection is based on the following points, which are discussed in more detail below:

- The description of the proposal is contradictory and planning assessment is consequently erroneous in its description of compliance and potential impacts.
- The planning assessment does not address all requirements of the *Launceston Interim Planning Scheme 2015*.
- The planning assessment does not address *Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes* (Planning Directive No. 6) which came into effect on 1 August 2018.
- The planning assessment does not address reduced amenity due to noise associated with the visitor accommodation.
- The planning assessment does not address impacts to pedestrian and cyclist safety due to increased road traffic movements (from users of the accommodation and also service vehicles).
- The proponent has undertaken their assessment on the basis of grossly inaccurate information regarding the position of the proposed dwelling in relation to the existing dwelling at .
- The proposal has not sufficiently addressed overlooking into habitable areas of my residence at  immediately adjacent and east of the proposed development.
- The proposal sites the proposed residential dwelling on within 3m of a tree of significance. No inclusion of this is mentioned in the proponent's application and consequently no formal arborist assessment of the impacts to the tree and risks to long term viability of the tree in relation to proximity to the building and proposed excavations.
- The proponent has failed to consult with me regarding proposed water and sewer connections that will directly impact my property access, Further, potential loss of mature vegetation due to trenching has not been addressed

Firstly, and as a general comment, throughout the document there appear to be a number of site position and direction errors, by which our main compass points North, East, South, West, referenced incorrectly. The consequence of this is that it makes the proposal difficult to read and

visualise the proponent's intent. An example of this can be seen in section 2 of the planning application (below Figure 2) where the proponent describes the lots surrounding the proposal incorrectly. Another example is shown in section 4.1 where the northern dwelling is described as the residential dwelling and the southern as the holiday unit which is opposite to the supplied drawings.

The proponent uses has not applied the *Launceston Interim Planning Scheme 2015* (the Scheme) correctly from the outset, applying a suspended definition of 'visitor accommodation' in section 4.1. The Scheme clearly points to the *Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes* (Planning Directive No. 6), which came into effect on 1 August 2018, and therefore should be central to the assessment of the proposal.

Planning Directive No. 6, cl. 3.0 outlines mandatory provisions relating to visitor accommodation and none of these have been addressed in the application. Further, Planning Directive No. 6 cl.(d)(i) and (ii) respectively require compliance with *all relevant zone development standards of building and works* and *all relevant use and development standards if within an applicable zone code*.

According to Planning Directive No. 6, cl. 3.1(e) the use standard objective for visitor accommodation developments is:

That Visitor Accommodation:

- (a) is compatible with the character and use of the area;*
- (b) does not cause an unreasonable loss of residential amenity; and*
- (c) does not impact the safety and efficiency of local roads or rights of way.*

Accordingly, the applicable performance criteria states that:

Visitor accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:

- (a) the privacy of adjoining properties;*
- (b) any likely increase in noise to adjoining properties;*
- (c) the scale of the use and its compatibility with the surrounding character and uses within the area;*
- (d) retaining the primary residential function of an area;*
- (e) the impact on the safety and efficiency of the local road network; and*
- (f) any impact on the owners and users rights of way.*

In response to the performance criteria P1 referenced above the proponent does not comply with the following criteria:

- a) The privacy of adjoining properties will be adversely affected.
The eastern property will be adversely affected by the proposed position of the visitor accommodation. The eastern setback is within the minimum 3 metres and also within the approximate 5.5 metres with consideration of the building height. The proposed visitor accommodation is reliant on existing trees on the eastern lot for screening however the trees and shrubs on the eastern lot will not provide full screening and a number of the trees in the path are deciduous. Further, the visitor accommodation proposes a southern deck which will have a nearly direct view into the master bedroom and bathroom of the eastern lot and thus will promote a significant decrease in privacy, especially when clothing, de-robing, and showering. This would likely be the case during night-time, all year round and in during the daytime seasonally when deciduous trees have dropped their leaves.
- b) There will be a likely increase in noise to adjoining properties.
Thrower Street is a quiet, no through road comprising residential dwellings with the majority of residents being families with school aged children. The appeal of this quiet, safe suburban street is why people choose to live here. Currently, residents in thrower Street are impacted

by loud party noise travelling up the hill and across the valley from existing short-term (visitor) accommodation located on Basin Road and the opposite valley. Clearly, rules that may be in place for such types of accommodation are not reliable as controls for noise, particularly in this ordinarily quiet area of West Launceston. I cannot think of anything more awful than the potential for a night party house being next to mine.

- c) The scale and use of the proposed visitor accommodation are not compatible with the surrounding character and uses within the area.
The proposed short-term accommodation development is out of character with the existing character and land uses. Thrower Street is a quiet, no through road comprising residential dwellings with the majority of residents being families with school aged children. The road is used every day by children to playing and riding bikes, etc in relative safety. There are at least nine children living along Thrower Street who frequently play on the street and all residents and current visitors coming into Thrower Street know this and drive cautiously with the understanding that children could be playing. By promoting a short-term visitor business within Thrower Street, the proponent is inviting strangers to enter the street with no understanding of these latent conditions and as a result add increased and unnecessary risk to the children residing in the street.
- d) The proposed visitor accommodation will not retain the primary residential function of the area.
As stated previously Thrower Street is predominantly populated by families with children. There are over nine children living along Thrower Street. Allowing the proponent to develop the visitor accommodation will set precedence, inviting the two remaining undeveloped lots on the street develop in a similar manner. This can only undermine the primary residential function of the area.
- e) The impact on the safety and efficiency of the local road network will be adverse.
Thrower Street is not a very and there are already impacts along the street during waste collection days as waste contractors have difficulty in navigating the street. With the increase in visitation to the street, the proposed visitor accommodation has the very real potential to exacerbate this, particularly as only one parking space is provided for the three-bedroom visitor accommodation. We recognise that this technically meets planning requirements, but given the nature of the block, the only place for extra vehicles to park is on the street, adding to already congested parking.

With reference to the proponent's application to construct the commercial visitor accommodation, they incorrectly apply clause 12.4.4 of the Scheme, which relates to performance criteria for development for discretionary uses, instead of Planning Directive No. 6 use standards discussed above. Notwithstanding this, each of the performance criteria incorrectly applied are responded to below.

Clause 12.4.4 of the Scheme states the objective of the standard is:

To ensure that discretionary uses are compatible with the form and scale of residential development and do not adversely impact on the amenity of nearby sensitive uses.

The performance criteria P1 of this standard requires:

Development must be compatible with the form and scale of residential development and not unreasonably impact on the amenity of nearby sensitive uses, having regard to:

- (a) the setback of the building to a frontage;*
(b) the streetscape;

- (c) the topography of the site;*
- (d) the building height, which must not be greater than 8.0m;*
- (e) the bulk and form of the building;*
- (f) height, bulk and form of buildings on the site, adjoining lots and adjacent lots;*
- (g) setbacks to side and rear boundaries;*
- (h) solar access and privacy of habitable room windows and private open spaces of adjoining dwellings;*
- (i) the degree of overshadowing and overlooking of adjoining lots;*
- (j) mutual passive surveillance between the road and the building;*
- (k) any existing and proposed landscaping;*
- (l) the visual impact of the building when viewed from adjoining or immediately opposite lots;*
- (m) the location and impacts of traffic circulation and parking;*
- (n) the character of the surrounding area.*

The proponent's planning assessment response included in section 5.3 of the application suggests that it has acceptable solutions to the performance criteria listed above. However, these are incorrectly applied, and I would suggest that the proponent has not adequately considered proposed solutions and they fall well short of acceptability. The proposal is also incredibly confusing at this point as it implies that the proposed visitor accommodation development is the building located on the southern side of the lot which in all drawings and other document references is the location of the proposed residential dwelling. With the assumption that the proposed building on the northern side of the lot is the proposed visitor accommodation there are significant failings with proposal which are consistent with failings on the proposed residential dwelling.

At the proponent's response in section 5.3(g) it assesses the set back as acceptable as it would be consistent with the setback of the proposed residential dwelling on the site. This is a flawed assessment as the setbacks on the eastern and western sides of both the proposed residential and visitor accommodation developments are reliant on significantly reduced side setbacks where siting requires a minimum side set back of 3m plus 0.5m for every metre of building height over 3m or part thereof. The reduction in side setback, particularly on the eastern side, combined with the proposed height of the development will be quite confronting and overbearing and will not protect the amenity of the adjoining lots.

At the proponent's response in section 5.3(i) it does not adequately assess overlooking of adjoining lots. The position of the proposed dwelling is such that there will be direct line of sight into the master bedroom and bathroom of the adjacent dwelling located to the east elevation. The visitor accommodation proposes a southern deck which will have a nearly direct view into the master bedroom and bathroom of the eastern lot and thus will promote a significant decrease in privacy, especially when clothing, de-robing, and showering. This is also addressed in comments regarding Planning Directive No. 6 cl. 3.1(e) P1(a)

At the proponent's response in section 5.3 (m) it does not adequately assess the impacts of traffic circulation and parking. The proponent suggests that the proposed allowance for off street parking is sufficient for the residents and proposed short term accommodation. The planning scheme suggests that a minimum of 1 space be available for units used for short term visitor accommodation, however the proposal is for the building of a 3 bedroom accommodation house which as the proponent suggests is essentially the same footprint as the main residential dwelling. It would be reasonable to assume that the same allowance be made for off street parking for the proposed accommodation development, that is two full car spaces. Another concern probably more seriousness is in relation to public safety in Thrower St. If visitors to the proposed accommodation are required to park on the street due to unavailability of off-street parking it will put even more stress on an already cramped no through road.

An example outlining the impact of cars parking on Thrower St are in waste management servicing of the street. Currently the navigation of the street requires the trucks to drive down, reverse out and attempt a 3-point turn mid street to provide service. The proposal for the visitor accommodation has the very real potential to exacerbate the situation should there not be a sufficient provision of off-street parking for the development.

By virtue of its existing character, Thrower St being a no through road is utilised by the streets children to play, ride bikes, scooters, skateboards, etc. in relative safety. Over nine children dwell on Thrower St and they frequently play on the street and all residents and current visitors coming into our street know this and drive cautiously with the understanding that children could be playing. By promoting a short-term visitor accommodation business within Thrower St, the proponent is inviting strangers with no understanding of the latent conditions of the streets to enter and as a result add increased and unnecessary risk to the existing residents children.

At the proponent's response 5.3 (n) it does not adequately assess the impact of the proposed development and its integration into the character of the surrounding area. The proponent's proposed short-term accommodation development is out of character with the existing family focus of the area. Thrower St is a quiet no through road containing residential dwellings with the majority of residents being families with children. The appeal of this safe quiet suburban street is why people live there. The situation already exists where loud party noise travels up the hill and across the valley from existing short-term accommodation located on Basin Rd and the opposite Valley. I cannot think of anything more awful than the potential of a night party house being next to mine.

With reference to the proponent's application to construct a residential dwelling, clauses 12.4.1 to 12.4.3 (inclusive) of the scheme apply. The proponent is reliant on performance criteria to be relaxed to allow development. In response to this, please find the following comments.

Clause 12.4.2 of the scheme relates to building height, setback and siting and the stated objective is:

To ensure that building bulk and form, and siting:

- (a) Is compatible with the streetscape and character of the surrounding area; and*
- (b) Protects the amenity of adjoining lots*

Standard Requirement A3.1 of 12.4.2 Building height, setback and siting requires a minimum side set back of 3m plus 0.5m for every metre of building height over 3m or part thereof. The proponent acknowledges that due to the height of the proposed building there would be a minimum side set back of 5.33m on the eastern side and 5.14m on the western side yet proposes a 2.16m setback on the eastern boundary and a 1.5m setback on the western boundary. The reduction in side setback, particularly on the eastern side, combined with the proposed height of the development will be quite confronting and overbearing and will not protect the amenity of the adjoining lots.

12.4.2 Building height, setback and siting – Performance Criteria P3 requires buildings must *be sited such that there is no unreasonable loss of amenity to the occupiers of adjoining lots, having regard to:*

- a) the topography of the site;*
- b) the size, shape, and orientation of the site;*
- c) the setbacks of surrounding buildings;*
- d) the height bulk and form of existing and proposed buildings;*
- e) the existing buildings and private open space areas on the site;*
- f) the privacy to private open space and windows of habitable rooms on adjoining lots;*
- g) sunlight to private open space and windows of habitable rooms on adjoining lots;*
- h) any existing screening or the ability to implement screening;*
- i) the character of the surrounding area.*

The proponent planning assessment response located at section 5.2 of the application suggests that it has acceptable solutions to the performance criteria listed above. I would suggest that the proponent has not adequately considered proposed solutions and falls well short of acceptability.

At the proponent's response in section 5.2 (a) it incorrectly states that the proposed dwelling will be upslope and approximately 28m from the adjoining dwelling on the eastern lot. It is also reliant on existing vegetation on the eastern lot for screening. The position of the proposed dwelling in relation to the existing adjoining dwelling on the eastern lot is such that the position of the proposed dwelling will have a direct view into the master bedroom of the dwelling on the eastern lot. The height of the proposed dwelling combined with the proposed reduced eastern side setback will only amplify the intrusion to privacy on the adjoining eastern dwelling. The vegetation screening referred to as assisting in the minimisation of amenity is also false as the vegetation in the area described is largely deciduous or shrub of non-significant height. Further the drawings supplied with the application are grossly inaccurate with the respect to the positioning and size of the eastern dwelling in relation to the proposed development.

At the proponent's response in section 5.2 (b) it incorrectly states that the proposed dwelling will be positioned with an orientation that avoids direct views toward the dwelling on the eastern lot. This is inaccurate as the position of the proposed dwelling will be located directly opposite and at relatively the same height as the existing adjacent dwelling on the eastern lot. This combined with the height and proposed reduced eastern side set back will the significantly reduce the privacy to private open space and windows of habitable rooms on adjoining eastern lot.

At the proponent's response in section 5.2 (c) it implies that the proposal will be consistent with setbacks of buildings in the areas being 3m or less from respective boundaries. This is an inaccurate assessment of the surrounding lots. Aerial views of the dwellings along Thrower Street show that most are set back at least 3m from respective boundaries except for the front boundary of the eastern lot which is less than 3m from the boundary but buffered from Thrower St by an access road and vegetated nature strip of more than 8m. It should also be noted that the dwelling on the eastern lot is more than 130 years old and an original feature of the area and in fact predating all other dwellings in the area as well as current development standards.

At the proponent's response 5.2 (f) it incorrectly states that the finished floor levels between the proposed dwelling and the eastern lot dwellings will minimise loss of privacy to open space and habitable rooms. As previously mentioned, the proposed dwellings site location and height will be in the same relative position and height to that of the adjacent dwelling on the eastern lot and combined with the proposed reduced eastern side setback will the significantly reduce the privacy to private open space and windows of habitable rooms on adjoining eastern lot.

At the proponent's response 5.2 (g) it implies that the finished floor level will not shadow the open space amenity of the adjacent eastern lot. This is an inaccurate assessment as the proposed building height will be 3.5m above ground level and combined with the and significantly reduced eastern side set back can only promote a large shadow of the proposed structure on the eastern lot.

At the proponent's response in section 5.2 (h) it has been assessed that specific screening measures are not considered necessary. At previous points of the proponent's proposal it suggests reliance on the vegetation screening of the existing flora on the eastern lot. As previously outlined, this is not adequate considering the line of sight that the proposed dwelling could have to private open space and windows of habitable rooms on adjoining eastern lot.

There is also a tree of significance located on the border of the proposed residential dwelling and the eastern adjoining lot. The tree is a golden elm of significant size, estimated at approximately 18m in height and to be at least 75 years old. The north eastern corner of the proposed residential development will if allowed to be in its current position within 3m of this significant tree. There are serious concerns of how the development will impact this tree as there is proposed excavation requirements nominated in the immediate area which could impact on the root system and ultimately the health and stability of the tree. Another concern is the positioning of the water and sewer lines along the eastern boundary which will again have potentially significant and detrimental impacts on this much-loved tree. There is no mention of this tree in the proponent's development application and no formal arborist assessment of the impacts to the tree and risks to long term viability of the tree in relation to proximity to the building and proposed excavations.

The proposed development of the residential dwelling and visitor accommodation does not discuss water or sewer connection in any great detail and implies it will connect to existing services. These services will need to be constructed by Taswater as there are no existing connection points for potable water or sewer discharge immediately off the property boundary. I am aware that the proponent was requested to send a copy of the proposed works to affected properties, but as the owner of the eastern and adjoining lot and undoubtedly the most affected by the required civil works to install the infrastructure to enable the developments connection, no such notification was received. I have concerns regarding the proposed path of sewer line to service the property. The connection will need to be trenched directly outside the southern boundary of the lot on [REDACTED] and according to the design drawings a pit placed in what is my driveway. The run of pipe which is proposed to go across the southern boundary of [REDACTED] will pass through an area which has had minor land slip. Further the area proposed for the connection pit from the development at 12 Thrower St is in an area of land that has already suffered a significant landslip and currently holds no stable or ground or ground at all. Another concern is how the sewer pipe will be trenched from the northern side of Thrower St to the southern side to where it is proposed to tap into the existing sewer system. This requires a diagonal run in a south easterly direction across and through a vegetated and treed nature buffer strip, then under Thrower St to meet the connecting pit. The trees on the northern side of Thrower St are medium to large gum trees some in excess of 20m in height.

The proposed residential development fails to mention the construction of a garage on the eastern boundary, yet one is shown in the in drawing A102 of the application. With consideration that the proponent has already asked to relax the required side offset from the boundaries, it is unclear where this garage will be located, however looking at the drawing one can only assume it will be excavated to the boundary on the east of the lot as it is marked off the eastern wall of the house.

In conclusion, the proposal to construct a residential dwelling and visitor accommodation fails to comply with the relevant Scheme *acceptable solutions* and relevant code *standard performance criteria* in Low Density residential zoning.

- There is significant confusion within the proposal which makes the reader and I believe the Council assessor not understand the nature and siting of the proposed developments.
- The proponent's reliance on relaxing of performance criteria, especially in relation to side setbacks and in consideration of the proposed building height and siting on the property will cause an undoubted loss of privacy to adjoining lots. This is of significant concern and unacceptable.
- The proponent's reliance on the adjoining properties existing vegetation to screen the developments and from loss of amenity and privacy into habitable rooms of is of significant concern and unacceptable.

- The proponent fails to mention that the siting of the proposed dwelling and its reliance on reduced side set back to the eastern boundary will place the building at close proximity to a significant tree on the adjoining eastern lot. Further there is little mention of excavation requirements, but it is clear that excavation and retaining walls will be required to be built to enable the required car parking and potential garage. It is very likely that these earthworks will be within an unacceptable distance to the tree mentioned previously and could cause very real risk to this old and significant tree.
- The proponent suggest that enough allowance has been made with respect to off street parking for the combined developments. While this may be in accordance with required minimums as determined by the Scheme it does however present a high probability that street parking will be required for overflow visitors to the site. As mentioned, Thrower St is a quiet and narrow no through road and this will add higher risk to vehicles, e.g. waste trucks, navigating the street.
- Thrower St is a quiet no through road. There are 8 houses and more than 9 children currently living in the street and they frequently play on the street in relative safety by virtue of it being a no through road. Currently residents and known visitors understand this and drive down Thrower St cautiously knowing children could be present. Allowing a business to operate in the street will add unnecessary risk to the children of the street due to their ignorance of latent conditions.
- Thrower St is a quiet family orientated street, and it is exactly this safe characteristic that appeals to the current residents. The situation already exists where loud party noise travels up the hill and across the valley from existing short-term accommodation located on Basin Rd and the opposite valley. The proposal is out of character with the surrounding area being a family orientated environment, will undoubtedly increase noise to adjoining lots and unacceptable.

Please find attached a drawing submitted by the proponent with an overlay outlining the approximate location of the existing dwelling on the eastern lot as well as the lines of sight mentioned within this objection and the approximate location of the significant tree also mentioned throughout this letter of objection. The attached marked up drawing very clearly shows the concerns I have surrounding my privacy and amenity from the proposed developments. In representing these considerations to Council, I have tried to be as accurate as possible and I trust you will give due consideration to the information given.

Yours sincerely

A black rectangular redaction box covering the signature of Karlo Poslon.

Karlo Poslon

[REDACTED]

From: Sarah Loft [REDACTED]
Sent: Tuesday, 10 November 2020 5:38 PM
To: Contact Us
Subject: Letter regarding DA0247/2020 - 12 Thrower St, West Launceston
Attachments: Letter to council 12 Thrower St.pdf

Categories: Lisa

Please find attached a pdf file containing our letter regarding the proposed development at 12 Thrower St. If you could please confirm receipt of this email and the attached document.

Kind regards,

Michael and Sarah Loft

Michael & Sarah Loft

Chief Executive Officer
Launceston City Council
PO Box 396
Launceston TAS 7250

10 November 2020

RE: DA0247/2020 - 12 Thrower St, West Launceston - Proposal Objection

Dear Sir/Madam,

We are the [REDACTED] (driveway access via Thrower St) and we would like to lodge an objection to the proposal being made by 6ty Pty Ltd on Mr Chris Terry's behalf. From the outset we will make it clear, we are not against the development of this land, however we do have a number of serious concerns about the current proposal. In summary our list of objections relate to:

- Traffic flow, access, safety and sufficient parking
- Sewerage and stormwater works
- Likely and potential damage to a tree of significance
- A request to have regulations relaxed that are already in place for good reason
- Privacy and overshadowing of our neighbours property at [REDACTED]

We would now like to expand on our original objections in further detail so you can better understand and appreciate our concerns.

Concerning traffic flow, access, safety and sufficient parking:

Thrower St is a quiet, narrow, no through road, with a majority demographic of families with young children. The residents and visitors to the street know this and take extra care, knowing there are often children around playing and riding. Any visitors to an accommodation business are unlikely to realise this and may not proceed with the same care.

In peak summer people accessing the gorge regularly fill up off street parking on Basin Rd, Upper York Street and Thrower St. This already (at times) impacts on our ability to find an off street parking space for our properties and there are still three blocks to be developed including 12 thrower St. Having a 3 bedroom property and 3 bedroom accommodation site, with only 3 car spaces seems inadequate regardless of the regulations, and will likely contribute to parking congestion and road access.

As it stands, Thrower St does not have a turning circle and service vehicles such as garbage trucks already have difficulty navigating the street. Creating a situation where more off street parking is used will further add to the challenges service vehicles and other large vehicles have when navigating Thrower St.

Another thing to note, is that because of the challenging driveway 12 Thrower St requires, certain vehicles (such as campers, trailers, low clearance cars, vans etc.) won't be able to utilise the driveway and parking provided. We already see this at several other properties along the street and several times a year in winter we get frost and ice that has previously caused several accidents and rendered the driveways temporarily inoperable until late morning or later because of the lack of direct sunlight on that side of the hill in winter.

Concerning sewerage and stormwater works:

Earlier in the year we received some paperwork about proposed stormwater and sewerage upgrades needed to service 12 Thrower St in order to build. We realise that at some point this will need doing, however we have not been consulted with what this means for us. We have a stoned BBQ area on our property that, to our understanding, is over and around the sewer (with a pit to access). Will our BBQ area be destroyed and rebuilt in the process?

We also want to know about the likelihood of root damage to trees such as the gums in front of [REDACTED]. Will they sustain damage that makes them unstable? Will the building and sewer/stormwater works irreversibly damage the root system Golden Elm along the fence of 10 Thrower St? If so, then there is further cause for concern with privacy issues and landslip. In the eight years we have lived here we have witnessed two landslip events at 12 Thrower St that caused mud, grass and debris to spill onto the road. Damaging essential root systems that protect against landslip is something that needs to be given due consideration.

Concerning likely and potential damage to a tree of significance:

We have already begun to touch on the very real potential of root damage to the large and well established Golden Elm via sewer/stormwater works, however the proposed boundary of the new buildings and excavation are also real sources of additional damage to the root system. We are aware our neighbours at [REDACTED] have very real and legitimate privacy concerns already. Action that kills this tree as a result will only exacerbate the privacy concerns. Additionally, a tree such as this one creates a natural form of air-conditioning called evapotranspiration, a process beneficial to residents at both [REDACTED] and 12 Thrower St and something worth preserving. As a home educating family we spend much time observing our local area and the seasonal changes that take place. This deciduous Golden Elm tree is a particularly notable one for us in terms of beauty and the changes we get to observe as the seasons change.

Concerning a request to have regulations relaxed and privacy and overshadowing of our neighbours property at [REDACTED]

As we understand it, it has been requested that the proposed buildings have a 2.16m set back from the eastern boundary when standard is 3m, however given the height of the buildings the set back according to the *Launceston Interim Planning Scheme 2015* should in fact be a minimum of 5.33m. This difference is not insignificant and with the reduced set back requested, it generates concern for fire safety between properties especially being on the border of a bush reserve.

We also have privacy concerns for our neighbours with the current location and positioning of bedroom windows in the proposed primary residence and deck in the proposed visitor accommodation. Given the height and nearness to the eastern boundary we also have concerns for the overshadowing the proposed buildings will create for our neighbours. We have already mentioned previously that the Northern side of Thrower St gets very little direct sunlight in Winter, the positioning and height of the proposed buildings can only impede on the little Winter sunlight our neighbours at [REDACTED] already get.

In closing we would like to thank you for taking the time to read and hear our concerns. We trust that you will give them due consideration. We would also like to hear back from you regarding how you plan to address these concerns.

With kind regards,

Michael and Sarah Loft

[REDACTED]

From: Samuel Shand [REDACTED]
Sent: Thursday, 12 November 2020 12:07 PM
To: Contact Us
Subject: 12 Thrower St Planning Permit Objection
Attachments: 12 Thrower St Planning Permit Objection - from No 9.pdf

To whom it may concern,

Please find my objection letter to the planned development of 12 Thrower Street.

Kind regards,

Samuel Shand

12 November 2020

Samuel Shand

Chief Executive Officer
Launceston City Council
PO Box 396
Launceston TAS 7250

Dear Sir

DA0247/2020 - 12 Thrower St, West Launceston – Objection to Proposal

I am the owner of [REDACTED] of the proposed development (Planning Permit Application DA0247/2020 located at 12 Thrower St West Launceston) and I am lodging my objection to the proposal. I have concerns about the nature, style, and positioning of the proposed development by applicant 6ty Pty Ltd on behalf of Mr Chris Terry. My objection is based on the following points, which are discussed in more detail below:

- The planning assessment does not address all requirements of the Launceston Interim Planning Scheme 2015.
- The planning assessment does not address Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes (Planning Directive No. 6) which came into effect on 1 August 2018.
- The planning assessment does not address reduced amenity due to noise associated with the visitor accommodation.
- The planning assessment does not address impacts to pedestrian and cyclist safety due to increased road traffic movements (from users of the accommodation and service vehicles).
- The proposal has requested significantly reduced side setbacks to the proposed building which will make it an imposing structure and have the potential to affect the amenity of the surroundings.
- The proposal sites the proposed residential dwelling on within 3m of a tree of significance. No inclusion of this is mentioned in the proponent's application and consequently no formal arborist assessment of the impacts to the tree and risks to long term viability of the tree in relation to proximity to the building and proposed excavations.

There will be a likely increase in noise to adjoining properties. Thrower Street is a quiet, no through road comprising of residential dwellings with most residents being families with school aged children. The appeal of this quiet, safe suburban street is why I chose to live here. Our concern is that though there are rules in place by short-term accommodation services for guests to be respectful of noise and neighbours, I am not convinced that this is always followed or enforced. We are at times impacted by noise and outside lights from short-term accommodation that already neighbours our property from Basin Road. As such I feel that the proposal to develop visitor accommodation at 12 Thrower Street would have the potential to increase noise and disturbance from guests.

The scale and use of the proposed visitor accommodation are not compatible with the surrounding character and uses within the area. Thrower Street is a quiet, no through road, which offers itself as a safe place for cyclists, pedestrians and local children and residents to play on. There are at least nine children living along Thrower Street who frequently play on the street and all residents and current visitors coming into Thrower Street know this and drive cautiously with the understanding that children could be playing. By promoting a short-term visitor business within Thrower Street, the proponent is inviting people who are unfamiliar with the street to enter it, which would result in increased traffic on the street, that could create unnecessary risk to children, local residents, and to other locals who travel on foot/bike through Thrower Street.

The proposed visitor accommodation will not retain the primary residential function of the area. Allowing the proponent to develop the visitor accommodation would open a precedence, inviting the two remaining undeveloped lots on the street, which neighbour my property directly, to be developed in a similar manner. This can only undermine the primary residential function of the area.

The impact on the safety and efficiency of the local road network will be adverse. Thrower Street is not a very wide street and there are already impacts along the street during waste collection days as waste contractors have difficulty in navigating the street. With the increase in visitation to the street, the proposed visitor accommodation has the very real potential to exacerbate this, particularly as only one parking space is provided for the three-bedroom visitor accommodation. Given the nature of the block, the only place for extra vehicles to park is on the street, adding to already congested parking.

There is also a tree of significance located on the border of the proposed residential dwelling and the eastern adjoining lot. The tree is a golden elm of significant size, estimated at approximately 18m in height and to be at least 75 years old and quite a prominent feature of the landscape when viewing from my residence. The north eastern corner of the proposed residential development will, if allowed to be in its current position, be within 3m of this significant tree. There are serious concerns of how the development will impact this tree as there is proposed excavation requirements nominated in the immediate area which could impact on the root system and ultimately the health and stability of the tree. There is no mention of this tree in the proponent's development application and no formal arborist assessment of the impacts to the tree and risks to long term viability of the tree in relation to proximity to the building and proposed excavations.

In representing these considerations to Council, I have tried to be as accurate as possible and I trust you will give due consideration to the information given.

Yours sincerely,

A solid black rectangular box used to redact the signature of Samuel Shand.

Samuel Shand