

Council Agenda - 23 July 2020 - Agenda Item 9.3
Attachment 5 - Representations - 33 Delamere Crescent Trevallyn

From: Roger Hill
Sent: Wed, 24 Jun 2020 13:01:10 +1000
To: Contact Us
Cc:
Subject: DA 0270/2020 Objection Mrs Virginia Manson
Attachments: 002.jpg, 001.jpg

Hello:

I am submitting an objection to the DA 270/2020 on behalf of Mrs Virginia Manson of
Original scanned images attached.

Virginia just called (1:00pm today) and has also objected due to loss of amenity of the property. Please
include this as item e).

Roger Hill on behalf of Mrs Virginia Manson

Howard 24.6.2020 12:40pm

Development Application 0270/2020
Virginia *Manson*

24/06/2020

Virginia Hanson
24/6/2020

Dear Sir we are writing to address concerns regarding DA Application 0270/2020 whose boundary meets ours.

1. It has come to my attention today 24 June 2020 that there is a development application
2. I have not received any notice in the mail or been informed in any way until today.
3. I understand that at 5pm today the submissions will close. I have no internet and have asked my neighbours to forward this on my behalf.
4. My concerns are as follows:
 - a) *loss my privacy*
 - b) *loss my view down the river.*
 - c) *to enclose my property*
 - d) *concern about noise and peace and quiet don't like to look down with a house instead of a nice garden.*

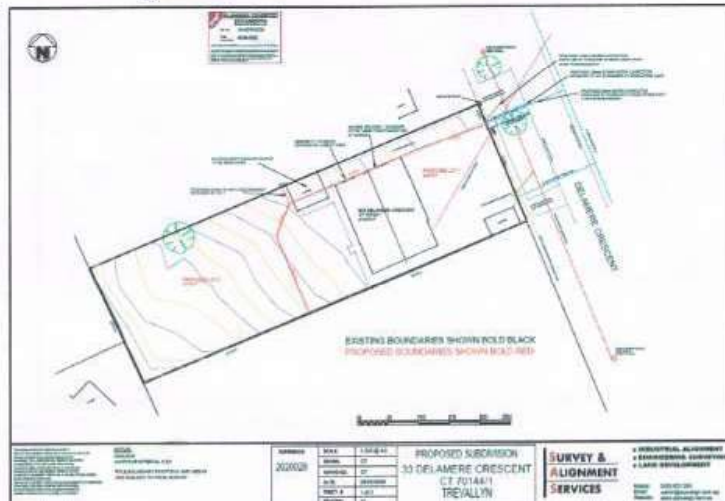


Figure 1 Proposed alignment subdivision

From: Roger Hill
Sent: Sat, 20 Jun 2020 08:26:41 +1000
To: Contact Us
Subject: FW: DA 0270/2020 Neighbour objection
Attachments: DA0270-2020 Neighbour Objections

From: Roger Hill
Sent: Friday, 19 June 2020 12:48 PM
To: planning.queries@launceston.tas.gov.au; contactus@launceston.tas.gov.au
Cc:
Subject: DA 0270/2020 Neighbour objection-

Hello:
Please accept this submission as a part of comments.
Attn Duncan Town Planner

Jodi Gowardman
c/o Roger Hill

Dear Sir we are writing to address concerns regarding DA Application 0270/2020 whose boundary

- 1.) Boundary survey is not available therefore the DA application is reliant upon uncertain boundary. This is primary data required to proceed .
 This needs to be completed by the DA applicant at their expense to be certain of the boundary. Prior to approval due to below issues.
- 2.) Garage deemed to be encroaching on 35 Delamere Cres ("D" on Fig2)
- 3.) Existing garage wall is 3m high x approximately 6m long
- 4.) We request the wall is replaced with a similar concrete block wall as condition of DA270/2020 to address privacy and afford currently existing privacy to remain in place as part of the DA application.

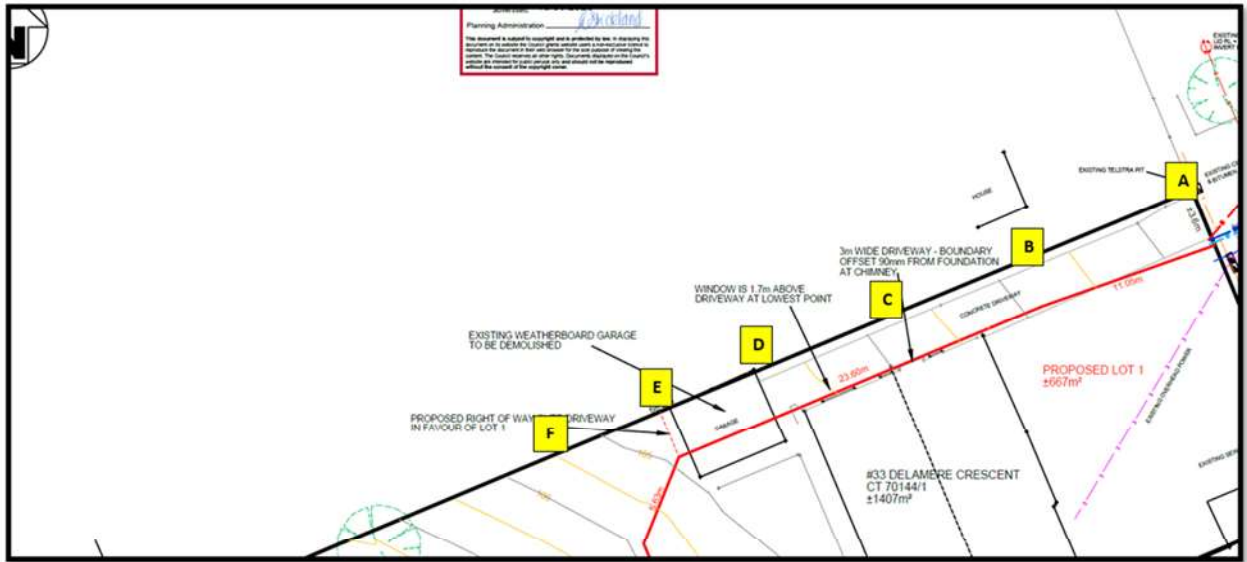


Figure 1 Proposed alignment subdivision

| | | | |
|------------------------------|-----------|------------|--|
| REFERENCE: 2020028 | SCALE. | 1:300 @ A3 | <p style="text-align: center;">PROPOSED SUBDIVISION 33 DELAMERE CRESCENT CT 70144/1 TREVALLYN</p> |
| | DRAWN. | DT | |
| | SURVEYED. | DT | |
| | DATE. | 26/05/2020 | |
| | SHEET # | 1 of 2 | |
| | REVISION | 01 | |

Figure 2 Drawing reference-Proposed alignment

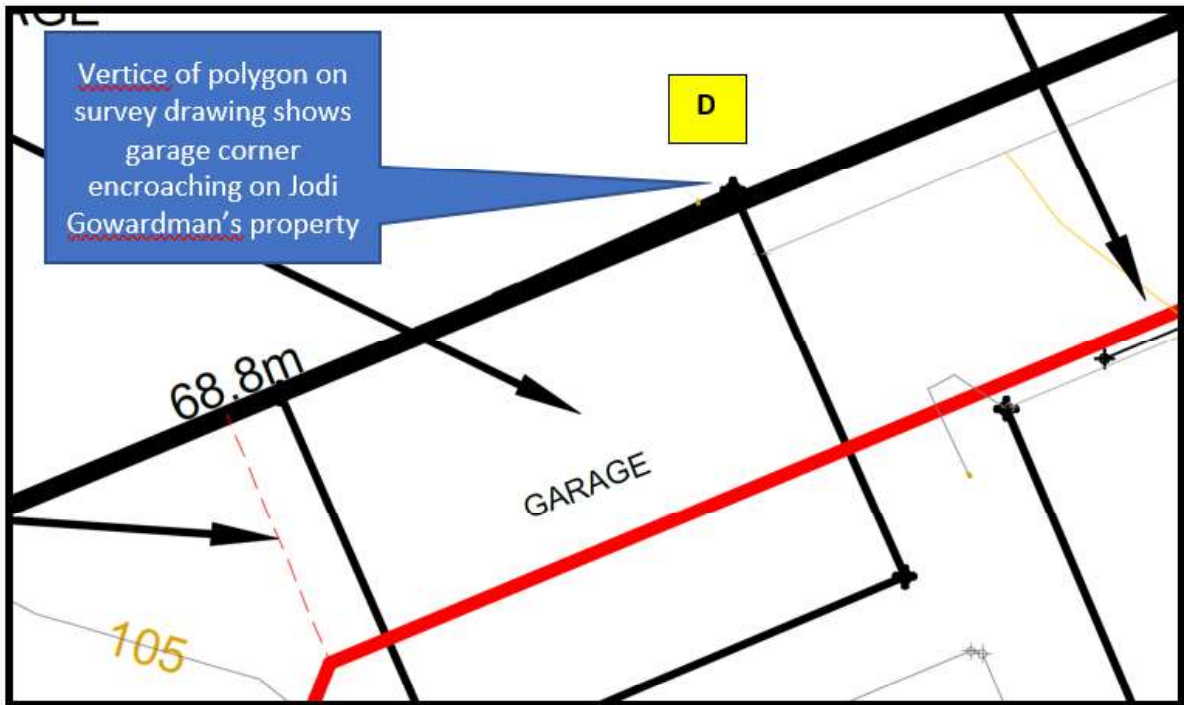


Figure 3 Garage shown as encroaching on Ms Gowardman's property in drawing described in fig2

Existing fencing issues:

- 5.) Current fencing is to a high standard and has been paid for solely by Jodi Gowardman of [redacted]. The fences are located on Jodi's property-inside the shared boundary.
- 6.) The current shared boundary is occupied in part by a mature cypress hedge which encloses a very old rotten paling fence behind Jodi's new fence. Please refer to photos.
The cypress hedge affords a 3-metre wall of privacy and once removed would affect this. The existing screen fence was put up by Jodi entirely within her boundary to accommodate the existing cyprus hedge, if this had not been existing a solid fence would have been erected at joint cost, on the boundary line. This wasn't an option as the neighbours did not want the cost or to remove the hedge at that time.
- 7.) There remain concerns at the ability to pay for existing fencing standards by the proponent of the DA and the ability to reach a satisfactory agreement over the fencing.
The DA affords no advantage to [redacted] in fact it may well devalue the existing property and certainly impact significantly on privacy if existing walls and fences are not agreed to prior to development approval.
- 8.) The remaining fence line up past the gum tree (shown in Fig1) has also not been addressed which is of concern if the DA is granted as this is the main building site and will face directly upon our entire back yard and current private living areas. The existing remaining fence is the only fence I have not replaced on this boundary and is old
- 9.) At present it is private as no building resides there. Refer below photo.



Figure 4 Looking South from Gowardman back yard to proposed building site



Figure 5 Section C-D between existing carport and existing concrete wall.



Figure 6 Section D-E Toppling garage wall

Communications between the parties :

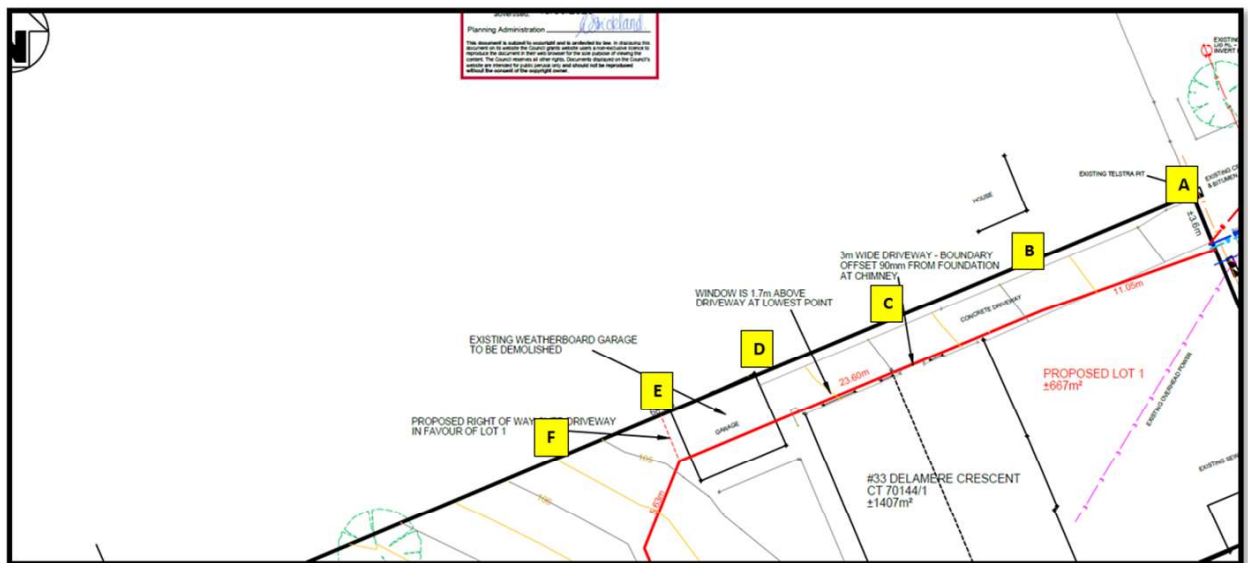
- 1.) Marion Hudson met Jodi in the grocery store and notified her that they had lodged DA 0270 a few days prior and that she wanted Jodi to have a think about what she wanted when the hedge and garage were removed.
- 2.) Jodi prepared the following document and delivered to Marion and Chris by email
- 3.) Jodi, Roger, Chris and Marianne met 4pm Weds June 17th and discussed the fence issues. The scope of work was discussed, but the question of who was to pay for it remains un-resolved. Parties agreed to get quotes and re-group when quotes come in.

17/06/2020 meeting-

Document supplied by Jodi Gowardman to Chris and Marianne Hudson



The main objective from my point of view is to provide similar privacy as afforded by the existing fence/hedge/wall infrastructure. The following proposal is for the fence issue and existing concrete wall and may not completely address privacy issues depending on what structure is eventually built, pending DA approval.
Jodi Gowardman 16 June 2020



On the 17/06/2020 a meeting was held to discuss fencing/ privacy options between both parties . We had sent thru these specifications the day before so both parties could consider the options.

Jodi Gowardman and Roger Hill
Chris and Marianne Hudson

Section "A-B" ~9.5m beginning of drive to Jodi's carport

Existing fence Jodi's side: wooden horizontal slat "see-through" fence (1800mm high) with mature Cyprus hedge growing to ~3m height.

Fence 6 panels measuring 1600mm wide x 1800mm high constructed from 20mm x 40mm treated pine slats horizontal-painted Japan Black . All within my boundary.

Existing fence Chris' side: very old vertical paling fence obscured by mature Cyprus hedge growing to ~3m height, behind Jodi's fence along actual boundary.



Proposed: Section A-B

(We assume hedge is to be removed as part of access plans)

Fence 6 panels measuring 1600mm wide x **2100mm** high constructed from 20mm x 40mm treated pine slats horizontal-painted Japan Black, or backed by cement sheeting or similar to provide privacy (no see thru). (all at Hudson's expense)

This will provide Jodi with similar privacy as afforded by the existing fence/hedge.

Use as much of the existing fence posts, materials to limit expense.

On the 16/06/20 meeting at 4 pm this was not agreed by Chris and Marianne Hudson or the DA applicant.

They are wanting to use the screen supplied by my property fence as sufficient with no cost to them.

Section "B-C" ~ 11.2m Length of Jodi's carport

Existing fence Jodi's side: inside wall of carport- no fence)

Existing fence Chris' side: carport obscured by mature Cyprus hedge growing to ~3m height.

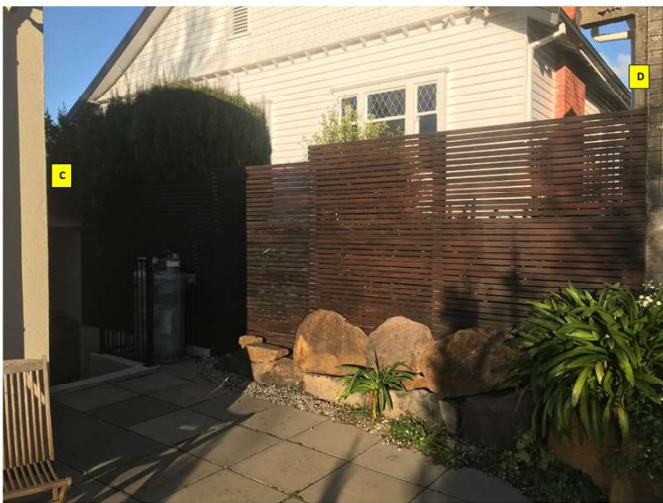
Proposed: Nothing, we won't see it.

It was pointed out to us on the 16/4/2020 that the outer walls of the carport behind the hedge require cement sheeting once the hedge has been removed. This we have agreed to provide at our expense. Currently with the hedge in place you cannot get access.

Section "C-D" ~7.54m end carport (gas bottles) to your garage wall.

Existing fence Jodi's side: wooden horizontal slat "see-through" fence (5 panels 1600mm x 1800mm high) with pittosporum hedge behind

Proposed: Section "C-D" ~7.54m



Replace existing fence with: (5 panels 1600mm x 2200mm high)

- a) wooden horizontal slat fence
- b) backed by cement sheet or similar wooden horizontal slats to leave no gaps on Hudson's side (privacy fence)
- c) Jodi's side painted Japan Black (at Hudson's expense)
- d) This will provide Jodi with similar privacy as afforded by the existing fence/hedge. (note new fence height is to be 2.4m).

Meeting between parties on 16/6/2020 4pm

This was agreed to pending obtainment of quotes but as to who is paying yet to be agreed. We feel all costs should be paid by the DA Applicant

Section "D-E" ~6.45m (where old garage is now)

Existing wall Jodi's side:

Cement wall of old garage (to be demolished) under the proposed DA APPLICATION

Replace cement wall **with new cement wall** (as existing x 3metres high)



D to E was discussed as to be replaced with a fence instead. This was proposed if the other fence was replaced at the same time C to D pending quote at the height of 2.4 m paid for by the DA applicant with no gaps. However, the payment of the entire fence was not agreed to. Awaiting quote. Section C joins to the carport. (not visible past the gas bottles in this photo). The difficulty arising is who is paying for what. Agreement on the material and nature of the fence and if the privacy will be maintained and in what time frame this will be completed.

Consideration following that meeting:

However, upon reflection due to no forthcoming offer to pay for the fencing infrastructure required to secure our privacy, due to the proposed DA changes affecting us, We request the wall to be replaced as to the existing cement wall, at existing height due to uncertainty of payment offer and fence construction agreement and time frame.

We are awaiting a quote and can discuss further but only section C to D will require new fencing if the wall is replaced at existing height and concrete. If any fence is damaged in construction this too will need to be fully replaced at the applicants expense.

As you can see there are a lot of variables and uncertainties that we would like to be addressed prior to approval of the DA



Figure 7 Section E-F Screen fence Jodi erected from concrete wall in front of existing old boundary fence. You can see the old fence behind it.

In summary :

- We would like the existing wall replaced with the same height and concrete wall structure as a condition of the DA application. This wall we believe is already within our boundary as an encroachment (Fig3).
- A completed boundary survey be done immediately to confirm encroachment as a condition of DA. (ie: A requirement on submission) and true boundary placement.
- Agreement on fences and all costs to be met by the DA applicant at the new proposed height of 2.4 metres pending quotes as a condition of the DA application prior to approval in order for us to support this DA application with any assurance that our home of peace, quiet and privacy will not be encroached upon or de-valued. This would include the fence line along the whole of the boundary between affected.

As we have met all fencing costs prior to this time we feel it only fair that all fencing costs brought upon us by the proposed DA changes to our environment, should be met by the applicant in order to facilitate these proposed changes applied for.

It is important to note that the driving intent of our neighbours subdividing their land is to gift this to their daughter Mel, to assist her with a residence of her own. We have been told that building plans are being drawn where her living area faces north straight into our back yard, with the intent to remove an existing gum tree affording visual privacy from their block in order to have a better view of ours. As the land on our neighbours side is steeper and of a higher gradient ,privacy concerns are immediately to mind.

Ability to finance acceptable remedies :

We have been told she cannot afford any fencing.

The existing fence along the proposed building site is 30+ years old and again in a state of disrepair. The proponent has two dogs, Jodi has none. Again we would require as a minimum a 2.4 fence paid for by the new land owner. Again it is clear they have already stated they will not come to the party as they cannot afford it.

This leaves us yet again spending large sums of money to maintain and regain some privacy and provide a barrier for their dogs through no fault of our own due to a neighbour's proposed development.

We understand our neighbour's motivation and good intent for their daughter, however if you are heavily impacting another there should be some responsibility to minimise that impact and pay for infrastructure. This development is detrimental to our finances and privacy and devalues our existing property. This should not be the case, as this DA is not ours and is no benefit to us .

Surrounding houses are all of high quality.

Also of note the houses directly surrounding 33 Delamere have all spent large sums of money renovating and improving their homes all on large blocks (31 and 29), like mine. This development if not done to a high standard including fencing, will devalue not only my property but all surrounding property.

Loss of Privacy:

However I am mainly affected directly thru loss of privacy.

I paid for and constructed screening fences to accommodate the cyprus hedge and the neighbour's concerns when I renovated 12 years ago.

Paying for all fencing as it was made clear they would not, working around the cyprus hedge and the existing stone wall encroaching into my garden. All fences erected on my side of the boundary, not the boundary line as a result.

As a good neighbour and long term relations I did this, the same decency should be afforded to myself for this development if approved.

We request all fencing costs be met by the applicant as a condition of the DA, as we have no confidence due to past experience with these people that fencing will be addressed.

(Fencing to the existing standard)

By fencing I mean the privacy level we currently have that already exists.

As demonstrated already from our past dealings and indeed our meeting on the 16/6/2020 with Chris Hudson clearly stating "we will not pay for anything we don't have to."

Yours Faithfully

Jodi Gowardman & Roger Hill