

[Redacted]

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**From:** [Redacted]  
**Sent:** Monday, 29 June 2020 2:00 PM  
**To:** Contact Us  
**Subject:** DA0672/2019

To The Chief Executive Office.

I am sending this on behalf of Antonio Iannitelli a Resident at [Redacted] Antonio English is not very good and his hearing is also not the best so he asked me to send this in.

He has been a resident at first number [Redacted] for over 50 years.

His main concerns are,

Due to the new building being two stories it will be very visible from his back yard.

The size and bulk of the new building viewed from his back yard.

That he will have reduced sunlight into his back yard.

That he will have reduced privacy into his back yard.

That this development will greatly reduce the value of his property.

It is probably best that you meet with Antonio so you can hear his concerns directly from him. If you need to make a time to meet with Antonio you can contact the writer and I will pass this onto Antonio.

[Redacted]

Mr. Kerry Haywood.



TWO WOODS ENT.  
EST. 05/10/2013

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Sunday, 21 June 2020 1:44 PM  
**To:** Contact Us  
**Subject:** At: The Chief Executive Office.  
**Attachments:** Cover letter - Representation DA0672-2019.docx; Representation to oppose DA0672-2019.docx

The Chief Executive Officer  
Launceston City Council Planning.

Representation to oppose DA0672/2019 59-61 Frederick St & 68 Margaret Street Launceston.

We wish to raise our concerns with regards to development application DA0672/2019. Our concerns are noted attached in two parts. Firstly, we have raised our general concerns and secondly, we have noted concerns to the planning scheme.

Please see attached representation.

Mr. Kerry Haywood.



TWO WOODS ENT.  
EST. 05/10/2013

21.06.2020

The Chief Executive Officer  
Launceston City Council Planning.

Representation to oppose DA0672/2019 59-61 Frederick St & 68 Margaret Street Launceston.

We wish to raise our concerns with regards to development application DA0672/2019. Our concerns are noted attached in two parts. Firstly, we have raised our general concerns and secondly, we have noted concerns to the planning scheme.

Please see attached representation.

Noting past behavior of the proponent we wish for our details remain confidential at this point and not to be presented to him. We trust that the council address our concerns and then access the project on the required criteria.

We may be contacted by email or by telephone :

Kerry Haywood: [REDACTED]

Louise Millwood: [REDACTED]

Kind Regards,

Kerry Haywood & Louise Millwood  
[REDACTED]

## PART 1.

### *RIGHT OF WAY WESTERN SIDE OF 59 -61 FREDERICK STREET.*

We note that a ROW is drawn on the plans submitted on the western side of the property. Is this an actual legal right of way? Has certified documents been provided to evidence this?

### *RIGHT OF WAY ADJUSTMENT EASTERN SIDE LANE WAY – boundary adjusts.*

*BA0425/2007 - access -* This application clearly shows that the applicant at the time the BA0425/2007 was submitted to council did not have access to the right of way re 68 Margaret street. I am concerned that the documentation submitted to the council to allow this BA0425/2007 may not have been correct. I struggle to see how the council could have approved the construction of a garage with the intention of further development if the applicant did not have right of way access to 59-61 Frederick Street.

*DA0672/2019 - access* It is my understanding that the applicant some time ago removed the boundary fence between 59-61 Frederick Street and the R.O.W without the owner's permission. At the time most of the houses that had access to the R.O.W were rented.

When this was discovered the applicant indicated that he would make an application to change the Title of 59-61 Frederick to add a turning circle to the R.O.W note: this is the Carports and visitor parking on DA0672/2019 to the R.O.W so the users would be able to turn the cars around so they did not have to reverse out onto Frederick Street.

When a meeting was held between all the users of the R.O.W in about March 2020 the applicant indicated to all that the above mentioned addition to the R.O.W had been done when questioned that this should have shown up on the titles of 72 Margaret when it was purchased in 2015 the applicant was vague.

As shown on the DA0672/2019 this addition was not done when the applicant said but is only now being addressed. It is my understanding this is what is showing is not what was agreed by the users or the R.O.W.

Also, it was agreed at the meeting of the user of the R.O.W due to a number of break-ins were access to the properties was gained by the R.O.W. that an electric gate be installed at the entrance to the R.O.W. onto Frederick Street with only the property owners having access to the gate via a remote key fob. No mention for visitor or rental properties to have access.

The only reason the applicant is adding the 2.0m x 12.0 m to the right of way so the vehicles that use both the carports and garage re 59-61 Frederick can reverse into the R.O.W. and leave the property frontwards.

Without the R.O.W having a strip of land where the proposed carports are indicated on the development there is not added benefit to any other users of the R.O.W.

The applicant by trying to add the R.O.W to 59-61 Frederick Street he is increasing the value of his property significantly with no real benefit to the original owners of the R.O.W. in fact they will now have to put up .

- More vehicle movements

- increase in the likely chance of having an accident.

- Increase noise both from vehicle movements and the fact both 59 and 61 Frederick Street are to be rented and the applicant is running a home office

- increase in people using the R.O.W. which is a big safety issue both from 59-61 being rented and the applicant will be running a home office.

The above will also increase the changes of people accessing the rear of the properties which could lead to an increase in thefts note the properties have been robbed 3 times in less than 6 months all by people that have entered the R.O.W

The present users of the R.O.W. when entering the R.O.W. have a clear sight of all the access as each of the properties have either gates or roller door access to the R.O.W. and are all on the same side this development will now have access at right angles to this R.O.W. which will cause safety concerns.

This application should not proceed until the right of way issues are addressed also the council should re visit BA0425/2007 to make sure the information given to the council was correct.

#### *COMMERCIAL NATURE OF FRONT TENANCIES*

The development indicates that the front two premises will now be either long stay short stay or Air B and B accommodation it does not show a boundary fence between 59 Frederick and the R.O.W this will cause safety issues if people especially young children who can walk directly onto the R.O.W.

This development will increase to the number of cars that use the R.O.W. from 6 Residences to a possible 7 extra vehicles.

Lez owns 4 cars + tenant 2 + visitor 1 = 7 PLUS Architecture Business – client parking

Noting the applicant inferred he had 2 vehicles, when in fact he owns & parks 4 cars on his block, plus renters & visitors vehicles .

On the application there is no indication of the turning paths of the vehicles exiting the garage.

#### *TITLE DRAWING misleading – indicates the block is cut in half.*

The application indicates that at some point the lot may be subdivide and the land that the carport are on will form part of the land on which this application sits on therefor there will be *no off street parking for 59-61 Frederick Street.*

#### *COMMERCIAL NATURE OF 'HOME OFFICE '*

The Application show a home office is this allowed under the planning scheme and if so, does the application meet those standards. We belief this is in fact a commercial operation – an architecture business. Our concerns are the increase in client access to the rear laneway making it a public thoroughfare - privacy & client parking.

#### *DRAINAGE - DRAINAGE EFFECT OUR BLOCK.*

Note the laneway is on a slope directing any extra flow to our garage. On the application it does not show what the floor of the carports, visitor parking and garage access is

On the application it does not show what is happening to water run from the carports, visitor parking and surrounds no drains are indicated this could cause the water run off to enter a number of properties on the R.O.W.

There is no detail on the sizes of the carports.

#### *PRIVACY*

The deck on the first floor of the application which is access from the Lounge Dining rooms will look directly into a number of properties upstairs Bedroom and Bathrooms it also will look directly into these properties back yards. Should a requirement of 1.5m privacy screening apply?

This development will also look directly into the yard of 74 Margaret Street.

The development - deck will look directly into the upper floor bedrooms and bathrooms of all the adjacent terraces of the right of way.

#### *DOCUMENTS SUBMITTED*

Plans are not easily readable by the average person and appear to be lacking in detail, making it difficult to make an informed decision.

## PART 2.

We have listed our concerns along side the present planning scheme and would like the council to investigate our concerns to the details of the development to ascertain if it meets the criteria. We believe it does not meet all the criteria, and the plans and information submitted by the proponent are insufficient and not factual.

3.5.1(a) & (b) Heritage. There is no report from The Heritage Council addressing the sentiment of 3.5.1(a) & (b).

7.5. Compliance of Applicable Standards. There appears to be no detail for when the development does not meet compliance of the standard. Noting: Set Back-parking- pedestrian - drainage – safety – shadowing and further.

8.1 Applicant Requirements. The application does not meet 8.1.2(c) (d) 8.1.3 (a)(i) (iii)(iv)(v)(vii) (x)(xii)(xiii)(xiv)(xv)  
8.1.3 (b) (ii) (iii) (iv)(vi)(vii) 8.1.3 (c) (i) (ii) (iii)

8.7 Permitted Use or Development . 8.7.1 (b) permit required ?

8.8 Discretionary Use or Development. 8.8.1 (b) performance criteria not met ?

8.9 Prohibited Use of a Development . 8.9.1 (b) no performance criteria.

8.10 Determining Applications. 8.10.1 requires criteria to be assessed – criteria have not been presented for assessment.

9.3 Adjustment of Boundary. We believe cannot be granted if the below is considered

9.3.1 ( a) concerned of draft drawings indicating such

9.3.1(c) the addition of the right of way brings the existing building onto the boundary and raises concerns of the eastern setbacks in total.

The boundary change would see the existing garage sit on the boundary, an existing window be on the boundary and should the proposed ROW proceed, and fencing would bring the building to less than the required set back.

9.1 Changes to Existing Nonconforming use - it will have a detrimental effect on adjacent users.

11.1 Zone Purpose - Does not meet requirements of purpose statements

11.2 permit required – we believe this is a multi- dwelling.

*Should this development be considered a single dwelling – we wish to have the opportunity to address our concerns of a single dwelling meeting the planning requirements.*

11.4.7 Site Coverage - Does not meet requirements No plan has been submitted

11.4.8 Building Height – Does not meet requirements A1 – P1 (b) (c)(d)

11.4.10 Rear & side setback – Does not meet requirements – new right of way set- backs change.

Note: A1 less than 2.5m & P1(c) not presented

A2 side setback does not meet requirements & no performance criteria listed. Noting the first floor now within 500ml of boundary.

11.4.11 Walls on boundaries. Changes to right of way will alter wall and boundaries to less than compliant.

The boundary change would see the existing garage sit on the boundary, an existing window be on the boundary and should the proposed ROW proceed, and fencing would bring the building to less than the required set back.

11.4.12 Location of car parking. Does not meet requirements.

A1 less than 1 mtr to home office & does not meet performance criteria.

A2 .2 Does not show turning area for cars from exiting garage. P2 not met

11.4.13 Overlooking - we believe the development does not meet any of the criteria. The plans do not show sufficient detail.

11.4.16 Density control of Multiple Dwelling. We believe the development does not meet any of the criteria.

A1. The 3 dwellings reduce the site area to less than 350m<sup>2</sup>. & P1 criteria not met.

11.4.17 Private open space for multiple dwellings. We believe the development does not meet any of the criteria. There is no detail on the plan to show compliance.

11.4.18 Site facilities for multiple dwellings. We believe the development does not meet any of the criteria.

A1 & A3 have not been met & there is no performance criteria.

11.4.19 Common Property for Multiple Dwellings . We believe the development does not meet any of the criteria.

A1 cannot be assessed on the documents supplied

11.4.22 Earth Works & Retaining walls – No details on plans.

11.4.23 Development for Discretionary uses - We believe the development does not meet any of the criteria.  
P1 (e) (f) (g) (h) (i) (l) (m) (n) we believe have not been met.

11.4.24 Lot size & dimensions . We believe if the future intention is to by stealth subdivide by the block ( note the draft sketch of title plan) This clause needs to be considered when considering the application.

E6.6.1 Construction of Parking. We believe the development does not meet any of the criteria.

E13.1 Purpose of the Local Historical Cultural Heritage code. Has the Heritage Council submitted a response to the application, this is not present on the application.

[REDACTED]

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**From:** Marcus kitto [REDACTED]  
**Sent:** Friday, 26 June 2020 2:38 AM  
**To:** Council  
**Subject:** proposal DA0672/2019 Mr LT PENZES  
**Attachments:** The Chief Executive Officer.docx

Please find my document attached regarding the above development proposal

Regards

Marcus C kitto



Mr Michael Stretton  
Chief Executive Officer  
Launceston City Council Planning  
Town Hall St Johns St Launceston

Dear Sir

Submission date: 26/06/2020

Representation to reject DA0672/2019 Mr LT PENZES 59-61 Frederick St & 68 Margaret Street Launceston on the following grounds to Launceston city council.

#### **SUNLIGHT AND RAIN**

1. The building in the proposal is high enough to obstruct the morning sunlight from the east casting a shadow over my dwelling situated at unit 2 63 Frederick St Launceston making my house very cold especially during winter times. Its already very cold during the winter months due to my building losing sunlight early in the afternoons from the house situated at 65 Fredrick St blocking the afternoon winter sun due to its height. When it rains my property would take longer to dry out causing damp for longer periods which could cause constant long-term damage to my property.

#### **PROPERTY VALUE LOSS**

2. The proposed building could have the potential reduce the intrinsic and future pecuniary value of my property because of privacy concerns with the proposal's windows facing my property in combination with significantly reduced sunlight, increased cold and damp conditions during winter.

#### **CAR NOISE POLLUTION**

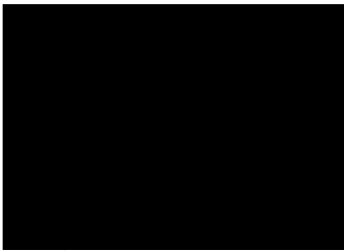
3. If there is to be an increase in vehicle traffic in and out of the proposed property the noise levels could potentially increase. My property already has vehicles constantly entering and exiting the right of way from 63 Frederick St during the day and sometimes evenings due to the

Launceston Pathology having a staff car park situated at the end of the driveway which contains around 8 or more cars per day. It would be difficult to tolerate even the slightest increase in traffic in the area.

In summary I am deeply concerned about this proposed property and its potential to do significant damage to my property and my and future owners general wellbeing with regard to reduced sunlight, increased traffic noise, cold temperatures and dampness. The above concerns are my submission to you and the Launceston City Council on the basis that I wish the proposal to be rejected.

Regards

Marcus C Kitto



[REDACTED]

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**From:** Glen Mahler [REDACTED]  
**Sent:** Sunday, 28 June 2020 10:30 PM  
**To:** Contact Us  
**Subject:** Re: DA0672/2019 59-61 Frederick St & 68 Margaret St,Launceston

Chief Executive Officer,  
Launceston City Planning

Dear Sir/Madam,

I wish to oppose the development of the proposed construction of an additional dwelling to 59-61 Frederick St with Right of Way access over 68 Margaret St. The rear of my property faces the proposed development thus I have 4 issues that are of great concern to me.

1. Lack of light and aspect
2. Lack of privacy
3. Incompatibility with the surrounding houses
4. Increase in the Right of Way access and traffic

#### 1. LACK OF LIGHT AND ASPECT

The rear of my property faces W.Launceston which gives me light; this is especially important to me, especially in winter and the aspect is a pleasant one. But if the additional building is constructed, its scale and height of 6.36m (20'10") will make it unliveable as all I will see, even from the first floor of my property, will be nothing but the black metal dwelling and no view whatsoever.

#### 2. LACK OF PRIVACY

The windows and proposed deck facing the rear of my property (Site Plan 1119/01A) will also overlook the rear of most of the terrace's houses. As the terrace's frontage faces Margaret St, with its heavy traffic flows, it is the rear that gives me (and others) privacy and makes living here enjoyable. The owners have not taken this into consideration when planning this development.

#### 3. INCOMPATIBILITY WITH THE SURROUNDING HOUSES

The proposed 6.36m black metal construction is not compatible with the other Victorian homes in the Margaret St /Frederick St corner nor with the 1920 houses at 63 Frederick St. I think it will be a blot on the landscape and will detract from my property and surrounding houses.

#### 4. INCREASE IN THE RIGHT OF WAY ACCESS AND TRAFFIC

(a) The narrow Right of Way laneway at the rear of the terrace is also another concern. The owners of 59-61 Frederick St presently have 4 vehicles plus a tenant's car. As they intend turning their present home into another rental property/airbnb, there will be more vehicles, and especially as Mr Penzes intends running his architecture business from the new dwelling. Thus there will be additional clients' cars as well as visitor cars as there is very little parking available in Frederick St.

(b) I need the area opposite the rear of my home as a turning circle for my car (as do #66 and #68) because of the narrowness of the lane, but the owner has not shown this on Site Plan 1119/02A. If there is no provision for a turning circle for the terrace's vehicles, my neighbours and I will have to reverse into busy Frederick St, which is dangerous.

(c) The increase in the volume of cars and foot traffic in the Right of Way will be a problem as already this year there have been 3 burglaries (one thief climbed my double locked 1.65m (5'6") gate) and with increased vehicle and foot traffic at the rear of my property, there is potential for strangers and miscreants to use the laneway. This is a worry for me as I am a widow and live alone.

I would welcome a visit by any council member to discuss the issues listed above.

Unfortunately, there has been no regard for the opinions of neighbours in the proposed construction of this additional dwelling nor to the problems of access via the Right of Way. Thus I oppose the proposed development as mentioned in my letter.

Yours sincerely,  
Glenda Mahler(Mrs)

