

Council Meeting - Agenda Item 9.1- Attachment 7
Representations - 40 College Street Newstead - 1 July 2021

From: Jenni Healey
Sent: Sun, 25 Apr 2021 09:51:22 +1000
To: Contact Us
Subject: DA/0047/2021 - 40 College Street, Newstead
Attachments: 25042021093654-0001.pdf
Importance: High

Good Morning,

Please find attached objection letter from Marie Thurlow [REDACTED] in regard to DA/0047/2021 - 40 College Street, Newstead.

Regards

Jenni Healey
[REDACTED]

[REDACTED]

Date 22/04/2021

Dear Sir/Madam,

DA0047/2021 – 40 College St, Newstead

I am a 79 year old widow who has lived peacefully in this house at [REDACTED] for 3 years.

I rarely leave my property and therefore my garden and it's privacy is very important to my enjoyment and mental health. I have a lovely north/north west facing home that gets beautiful afternoon sun into my living area where I spend most of my time. I purchased this property due to the privacy of the rear garden and the winter sun.

Since the neighbour commenced the idea of developing further his house, I have felt nothing but stress. I have turned to my sons to help me through this episode in my life and in turn they have sought advice from a planner friend and also architects they have both dealt with in their lives.

When the original application (DA 0838/2020) was lodged last year we knew the plans were not right in terms of the placement of my house and the proposed extension relative to the boundary fence. My sons wrote a representation on my behalf and had had verbal conversations with the council planner pointing out many issues, and suggesting a meeting between the Council planner, the applicant and my sons would highlight these issues and maybe result in a solution.

Instead of taking on this suggestion the Council planner ignored the suggestion and issued a permit, despite even visiting me (which I have since found is a prerequisite of any planning application). When my son enquired about this matter, he was told by the Planner that the report was written and the file was on some manager's desk for signing – and there was nothing that could be done to stop the progress of the application. The only option given to us was to appeal the final decision.

We did this and paid the fee and for professional representation (over \$600). On the morning of the hearing the applicant realised what we had been saying that the proposed building was wrongly plotted on site and was indeed much closer to the boundary fence than was shown on the approved plan.

At the hearing the matter was pointed out to the Tribunal and it was agreed the only course of action was convert the approval into a refusal via a consent agreement. This was done and the matter was finalised – we are now \$600 down over a matter which should never have gone to appeal should the Planner have done her work correctly and at least visited the site/s.

I give this background because of what happened next.

So, realising the proposal was closer to the boundary fence than originally presented and knowing the concerns of the neighbours one would think that a reasonable person would think about proposal and initiate some changes – a compromise.

Not so. At a meeting my son requested with the Planner and her Manager it was pointed out that a new application had been lodged – moving the proposed extension even closer to my boundary fence. So, we have gone from a setback of 3.4m to 1.5m.

I see this as complete arrogance and a total disregard for the feelings and needs of myself and the neighbours. We are a close community at [REDACTED] and this new application has been discussed by many of my neighbours who are disgusted by this lack of respect shown by the applicant.

I have been a ratepayer of Launceston for many years and feel very let down by council planning staff in the way they have accepted this amended application without still providing me with the information they have promised. If the council know they made a mistake by accepting the last submission, why have they again accepted a second application without at least ensuring accurate information is submitted, this may cost myself and ratepayers a lot of money due to incompetence.

My son and his Planner have provided the following information:

Clause 8.1 – given the issues around the previous plans being so inaccurate we would have expected Council to request a Detailed Survey Plan of the site and the surrounding properties to determine proper levels. This was mentioned at the meeting referred to above with Mr Jamieson as being a requirement.

As a further example, at a recent meeting on site, it was pointed out that the submitted draft plans (version 2 at that point) had “another” glaring mistake, council acknowledged that 8/28 Landsborough setbacks were incorrectly drawn on the proposed site plan (showing it was further away from the proposed addition than reality, which showed less shadowing impact than reality) measurements were taken by council and drawings amended again. Question is why does the affected neighbour have to find errors? It was discussed also about getting accurate floor levels on both properties so accurate shadow drawings could be produced. Without the detailed survey and thus floor levels the shadow diagrams can not be taken as accurate.

At the time allocated for submission of representations this information was not available. We have therefore to assume the shadow diagrams are but a best estimate.

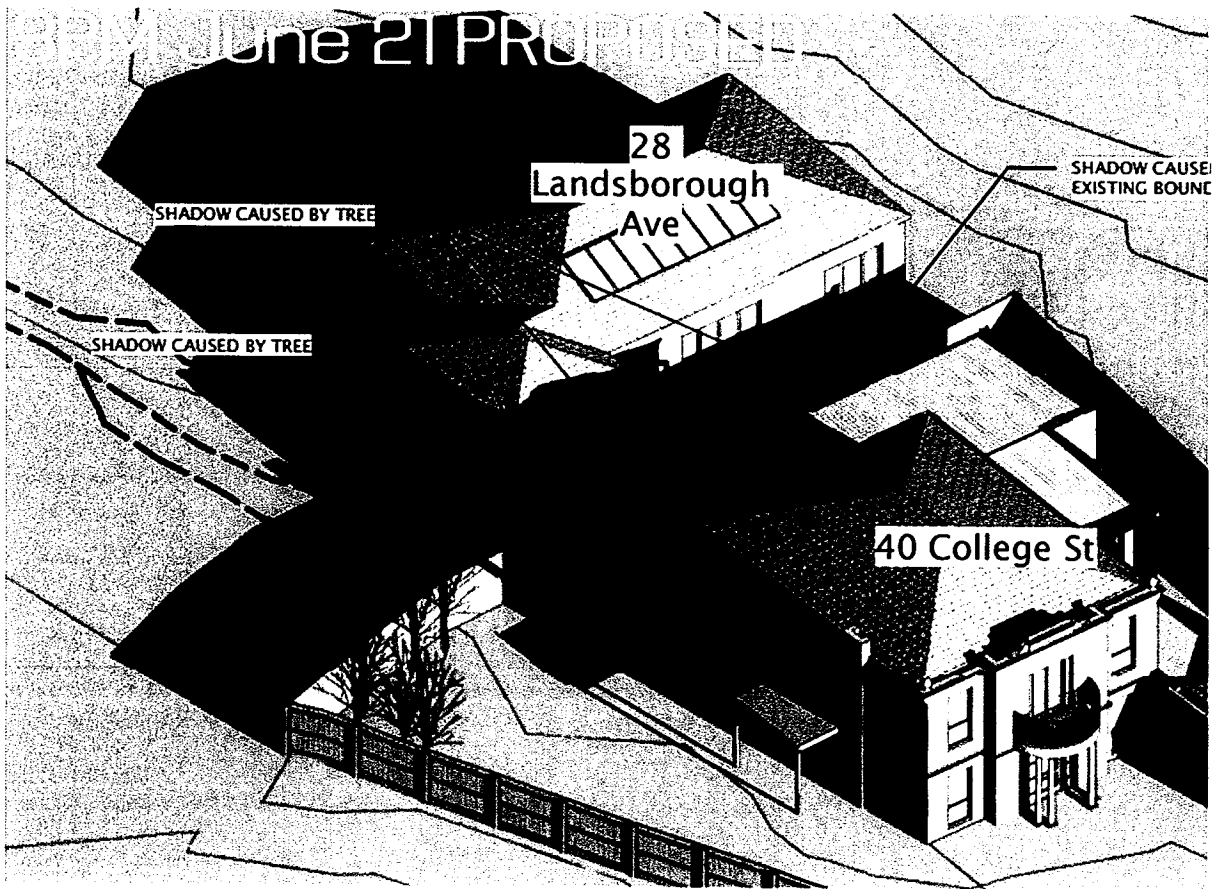
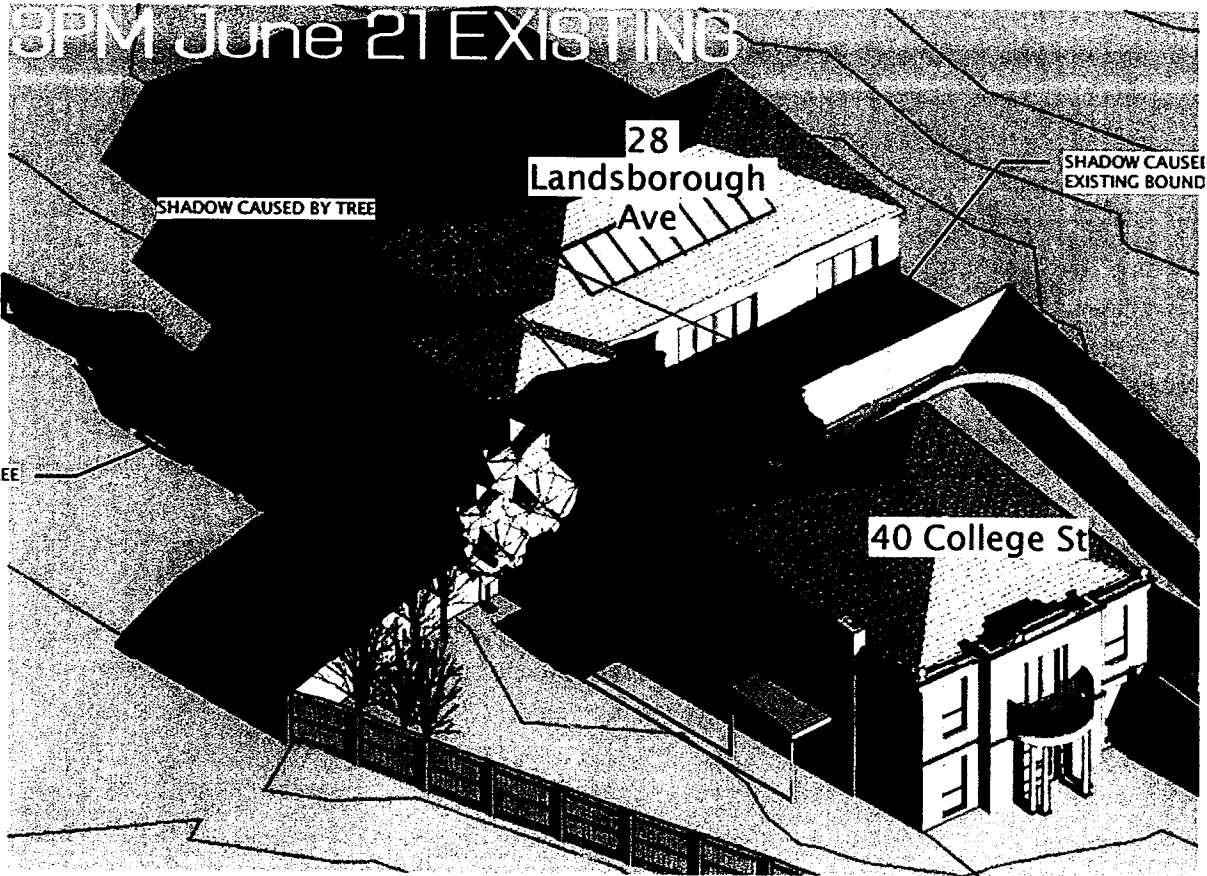
Clause 11.4.2 – At 1.5m rear set back the proposal will rely on Performance Criteria. The matters to consider in regard to compliance are:

The location of buildings in relation to the rear boundary must:

- (a) allow for adequate visual separation between neighbouring dwellings;*
- (b) maximise solar access to habitable rooms; and*
- (c) facilitate provision of private open space.*

At 1.5m separation from the rear boundary the proposed extension fails at point a). No other property in the area is subject to such a reduced set back.

Sheet 16/17 “3pm 21 June Proposed and Existing” shows a significant increase in the shadow hitting the habitable rooms.



Drawings Taken from the Council Website – note shadow difference over patio doors.

As such the proposal fails to meet section b) of the Performance Criteria.

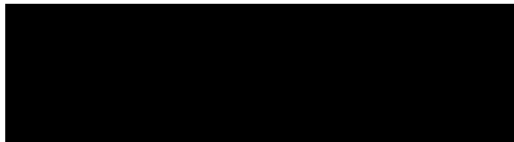
Given part c) of the clause is about private open space in the property subject to an extension, having a 1.5m rear set back does not facilitate the provision of private open space as required by point c). There might be private open space in other areas of the lot – that is not the issue here. The proposal therefore fails at point c).

We would highlight that reliance on Performance Criteria at Clause 11.4.2 comply with **ALL** sections a) to c). These are not alternatives as the word **AND** is used in the clause. With this in mind the application must fail due to non-compliance with elements of this clause.

Suggestion

Why not redesign the whole job to keep the rear boundary of the development aligned with the current “extension” (which is being demolished)? The room ceiling height does not have to be 2.7m internal. It can be 2.4m and thus the whole job can be reduced in height. It will mean the proposed rooms would be reduced in scale – but not a significant reduction.

Yours Faithfully



Marie Thurlow

From: Phil Thurlow
Sent: Sat, 24 Apr 2021 15:57:37 +1000
To: Contact Us
Subject: Emailing: Representation 40 College st
Attachments: Representation 40 College st.docx

Your message is ready to be sent with the following file or link attachments:

Representation 40 College st

Note: To protect against computer viruses, email programs may prevent you from sending or receiving certain types of file attachments. Check your email security settings to determine how attachments are handled.

24/4/2021

Re: DA NO: DA0047/2021

CEO

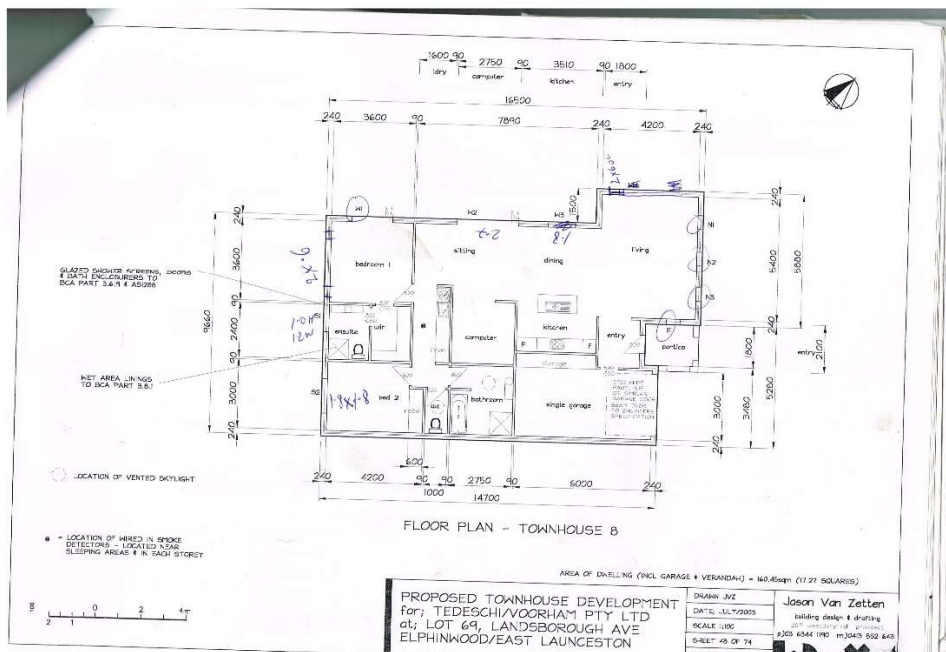
Launceston City Council

PO Box 396

Launceston 7250

contactus@launceston.tas.gov.au

We wish to object to the application for an extension to 40 College St. on the following grounds:



My elderly mother's private open space and living areas will be affected with a loss of amenity and reduced sunlight if council support this proposal, as per floor plan, all living and private open spaces face the north west directly at this proposal.

1-this is the second time council has advertised this addition, the LCC planning department accepted plans originally without a survey plan- subsequently advertised them, didn't visit my mother's site despite a request to do so by myself prior to any decision, issued a permit in support of an addition that was incorrectly plotted on the LCC approved plans, (which obviously council officers didn't pick up). My mother was forced to challenge this at appeal. It got thrown out at appeals tribunal due to the mistake, costing my mother financially.

2-this second time round council have been asked at meetings to ensure plans are accurate this time so as my mother does not have to take it to appeal unnecessarily and can understand what impact a 15 metre 3 metre + addition, set only 1500mm from her boundary will have on her living spaces. We don't think that this is an unreasonable request. Council have been made aware of anomalies in the advertised plans, however council have refused to ask for a survey plan showing factual building /tree locations, heights etc so that accurate shadow drawings can be produced.

20/4/2021 Council Response to a request to have a site survey completed is below.

“ An application is required to include contours and/or related levels of the site to allow assessment of any site works and to relate a buildings height to the natural and finished surfaces. The applicant has provided such information. I am unsure of what your understanding of a site survey is. Our use of this term relates to ground levels and what exists on site on a plan level. Your concerns have been noted. We will consider your future representation as part of the assessment of the application.

3-On Friday In the absence of the correct information, My mother has had her own levels taken by a qualified surveyor. As suspected It was found that drawing number 8/17 South West Elevation showing Mums unit at [REDACTED] sits approx. 400mm higher than the floor level of 40 College st, this is wrong as has been pointed out to council planners onsite and in writing this week. 40 College st and [REDACTED] are almost the same level (within 30mm). This means if the floor level of [REDACTED] is dropped down on plan 8/17 ALL shadow drawings are wrong as there is an increase of the impact of the shadows than what is shown on the plans due to the reduced height of the private open space and living areas immediately facing the proposed addition.

4-Furthermore, with reference to plans 11/17 and 15/17 showing proposed 9am shadows these are incorrect. The drawings show the removal of one pittosforum we assume the second pittosforum not marked on the plans will also be removed?. But regardless the plans don't show the shadows that the 3 existing 10 metre tall sliver birch trees will cast on the private open space at 9am. These 3 big trees all sit behind each other in a row and stop 9 am sun. They do lose their leaves however we feel it fanciful if it is assumed that large 3 tree trunks and branches sitting in a row, will not stop sun.

Phil and Mel Thurlow

[REDACTED]
[REDACTED]

From: James Stewart
Sent: Fri, 23 Apr 2021 14:48:56 +1000
To: Contact Us
Cc: Maria Chledowska; Brett Woolcott; Colin Smith
Subject: Representation - DA0047/2021 - 40 College Street, Newstead
Attachments: Representation DA0047-2021 - 40 College Street, Newstead.pdf

Good afternoon

Please find attached representation in relation to DA0047/2021 – 40 College Street, Newstead.

A receipt of acknowledgement is requested.

If you wish to discuss further, please don't hesitate to contact me on the below numbers.

Regards

[James Stewart](#)

Senior Town Planner & Accredited Bushfire Hazard Assessor

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

In response to the recent Coronavirus (COVID-19) pandemic we have decided to implement precautionary measures and are no longer conducting face to face office meetings for the immediate future. Site meetings will be conducted with regard to Social Distancing policies. The entire team are still working and ask that you continue to call and email us just as you usually would. Business will continue as usual.

The General Manager

City of Launceston

contactus@launceston.tas.gov.au

23 April 2021

DA0047/2021 – Residential – Construction of alterations and additions to a dwelling. 40 College Street, Newstead.

Dear Planning

I write in response to the above-mentioned application which is currently being advertised for public comment until the 26th April 2021.

Our client currently owns and resides at [REDACTED] with 40 College Street, which lies to the north of our client's residence.

We have particular concerns regarding the impact that the proposed extension will have on our client's property, and in particular the amenity which they currently enjoy.

While we acknowledge the applicant has provided shadow diagrams as part of the application, we question the accuracy of these shadow diagrams and to what degree they can be relied upon. It is requested that Council undertake their own shadow assessment to satisfy themselves on any impact. Due to advertising period of 14 days, we have not been able to obtain appropriate survey data, and undertake our own shadow assessment to determine accuracy. Should more time be permitted, we would be in a position to provide our own shadow assessment against clause 11.4.3 P1.

We further note that in addition to any overshadow impact, the development will result in an unreasonable visual impact for our client.

The dwelling additions run 15m in length, having a minimum setback of 1.5m from the rear shared boundary. The proposed building height of 3.5m will be 1.5m—1.8m higher than the existing rear fence. The area being developed is directly adjacent our client's primary area of private open space. This area consists of an outdoor entertaining area and private garden (refer figure 1).

Clause 11.4.3 P1 (a)(iii) requires that there be no unreasonable loss of amenity due to the visual impact when viewed from an adjoining lot. The proposed development will result in block wall, which runs for 15m of the 23m long rear shared boundary. This extension will be visually intrusive for our client when using the outdoor area of private

open space or sitting within the living area of the dwelling. The removal of vegetation at 40 College Street further exacerbates any visual impact resulting from the proposed addition. No additional plantings have been proposed in lieu of those trees being removed.

It is my opinion that the wall at its current height and texture, along with a reduced 1.5m rear setback, would result in an unreasonable loss of amenity on an adjoining lot due to the visual bulk and impact resulting from the new structure. Subsequently, we would argue that the development does not comply with clause 11.4.3 P1 (a)(iii).

Figure 1 demonstrates that the existing adjoining dwelling at 40 College Street is already visually imposing. The proposed extension being 1.5m off the rear boundary, along with the removal of greenery which would otherwise soften any impact is considered unreasonable. The images also demonstrate how this part of our client's land is used, and how any additions to number 40 College Street would be clearly visible from the primary area of private open space.



Figure 1 - Photo from [REDACTED] with dwelling at 40 College Street clearly visible in the background.



WOOLCOTT SURVEYS



EAST COAST
SURVEYING
CONSULTING SURVEYORS
& LAND PLANNERS

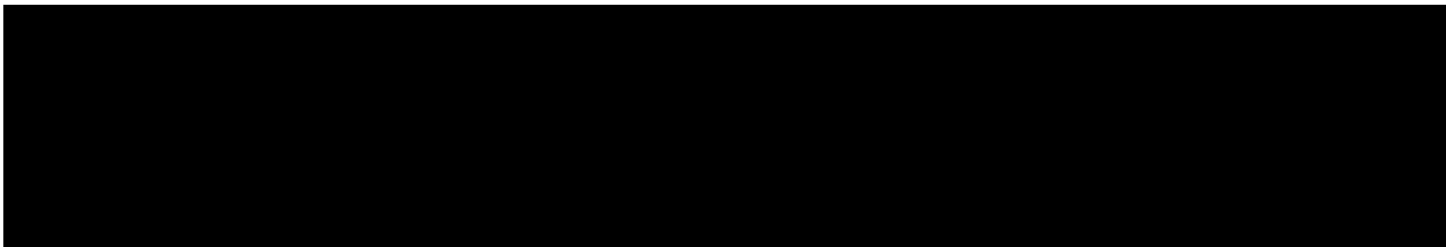
The applicant hasn't provided any justification or argument on how the development complies with the relevant performance criteria.

We would welcome the opportunity to discuss with the owner of 40 College Street, and also would appreciate further opportunity to undertake our own shadow impact assessment.

Kind Regards



James Stewart
Town Planner



ELPHINWOOD TOWNHOUSES

To: Chief Executive Officer
Launceston City Council

Re: DA NO: DA0047/2021

The Body Corporate of the Elphinwood Townhouses wish to object to the application for an extension to 40 College St. on the following grounds:

- 1) It was an original planning requirement of the Elphinwood Townhouse complex that all units have private open space and north or north west facing living areas in order to satisfy sun and amenity requirements under the planning scheme. This requirement was adhered to by the builder of the complex, as well as compliance with minimum boundary setbacks. These requirements protect the amenity and access to sunlight of neighbours as well as occupants of the Townhouses. The planned extension to 40 College St. is only 1.5 metres from the boundary of [REDACTED]. The closeness to the extension to Townhouse 8 is not in accordance with the minimum boundary setbacks of the neighbourhood.
- 2) [REDACTED] will be affected in terms of a reduction in sunlight as the proposed extension is in such close proximity to [REDACTED] living area and glass doors. Sunlight to the unit is already compromised by the tall trees near the boundary fence of 40 College St.
- 3) The extension affects the amenity of [REDACTED] and will impact on private open space due to its close proximity to the boundary fence, barbecue area, garden and living area.
- 4) A site survey of ground levels has been requested by the occupant of Townhouse 8 in order to address uncertainty regarding floor levels on the current plan. We would like this uncertainty to be addressed.
- 5) We understand that the owner of [REDACTED] incurred costs after appealing plans previously approved by the council. The extension to 40 College St. was drawn incorrectly on those plans. Therefore, we are seeking assurance that accurate information, supported by correct survey plans showing location and heights of buildings and trees, is provided to us by council.

Yours respectfully

Ms Julie Reicha. Secretary.

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|-----------------------|-------------------------------------|---------|---|
| FILE No. | DA0047/2021 | | |
| EO | <input checked="" type="checkbox"/> | OD | Box <input checked="" type="checkbox"/> |
| RCV'D 23 APR 2021 COL | | | |
| Doc ID. | | | |
| Action Officer | Noted | Replied | |

ECOPY: M. CHLEDOWSKA

[REDACTED]
Newstead 7250

18/04/2021

40 College Street Appeal Application

DA0047/2021

The CEO,

Launceston City Council,

Dear Mr Stretton,

I am the owner of [REDACTED] and have lived here happily for 15 years in the peaceful and friendly suburb of Newstead. My [REDACTED] with the 40 College Street property.

The application concerns me for 2 reasons -

1. The 730m2 block is not overly large which already has a large 2 storey house and separate double garage which is extremely close to my property for the Council to consider for approval. It is a particularly large plan including a large library, gym, spa and very large walk-in robe and a large bedroom attached separately to the house. The additions will affect me due to the size and closeness to my eastern adjoining boundary fence. Also it will affect light and air circulation as well as some shadows to my property.

2. With future impending building works, the continual noise from trucks and machinery, including vibrations from equipment and also dust concerns me as well. Also how long will these building works take for completion considering weather can play a big part and can cause inconvenience. Please consider my concerns as adjoining properties owned by the ratepayers need to be respected and considered as well, in these early initial planning approval stages.

Perhaps a combined meeting of affected ratepayers with a town planner to answer any further queries would be beneficial for all parties.

Yours faithfully,

[REDACTED]

Janet Underwood

[REDACTED]

| | | | | | |
|-----------------------|-------------|-------|--|---------|---|
| FILE No. | DA0047/2021 | | | | |
| EO | ✓ | OD | | Box | ✓ |
| RCV'D 23 APR 2021 COL | | | | | |
| Doc ID. | | | | | |
| Action Officer | | Noted | | Replied | |
| [REDACTED] | | | | | |

E-COPY: M. CHLEDOWSKA

From: Tessa Way
Sent: Thu, 15 Apr 2021 19:51:02 +1000
To: Contact Us
Subject: DA0047/2021

Att. Maria Chledowska.

In regard to DA NO: DA0047/2021

On perusal of the above application I would like to make an objection.
My primary objection is the encroachment of the proposed building on the boundary of neighbouring properties.
Our property at [REDACTED] is part of a town house complex.
I believe the encroachment on [REDACTED] will devalue the property and as a consequence devalue other townhouses in the complex.
I trust this will be taken into consideration when a decision is made on the above application.

Kind regards

Tessa Way
[REDACTED]