

Council Meeting - Agenda Item 9.2 - Attachment 5
Response to Representations
58 and 60 Galvin Street South Launceston - 18 November 2021

27th of October, 2021

Duncan Payton

Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

Dear Duncan,

DA0541/2021 – RESPONSE TO REPRESENTATIONS
60 GALVIN STREET, SOUTH LAUNCESTON 7249

Thank you for the opportunity to respond to the representations received during public advertising of my Development Application DA0541/2021 at 60 Galvin Street, South Launceston, the scope of which is:

- Renovation and extension of the existing 3-bedroom residential dwelling ('existing house'); and
- The construction of a new 3-bedroom residential townhouse ('townhouse').

The development subject to this application is contained on land described in the **Certificate of Title 113235-1**. This land is zoned **Inner Residential in the Launceston City Council Interim Scheme 2015** (the planning scheme). The existing use class for the address is Residential, as is the proposed use class, which is Discretionary for multiple dwellings.

The intent for this development is to construct modern, energy efficient properties close to the CBD that allow people to walk or ride to work or town, rather than drive. The development will utilise existing infrastructure (power, water, stormwater, sewer), which is more responsible than expanding urban sprawl. This allows council rates, TasWater and TasNetworks fees to be spent on upgrading ageing infrastructure and assets, as opposed to spending in new subdivisions.

My application received three individual representations; the amount that triggers review and approval by the councillors at a council meeting. I will address each representation individually, stating its relevance or non-relevance to the planning scheme, and if the former, my response to how I believe the proposal meets the intent of the planning scheme.

Representation 1

The representation raises concerns of overshadowing and overlooking into their property, that due to the explanation within the representation (that the John Galvin School covered play area overshadows their backyard) can reasonably be assumed to be 20 Mulgrave Street.

Response to Overshadowing

Extensive shadow diagrams were provided within the DA drawing package showing the extent that the proposed development causes overshadowing of nearby properties on the 21st of June (shortest day of the year – winter solstice). As 20 Mulgrave is north-

east of 60 Galvin Street, the extent of the overshadowing caused by the proposed development is negligible, with only the south western corner of 20 Mulgrave being shadowed at sunset, as shown in *Figure 1*.



Figure 1 - Shadow Diagram - Sunset (due north up the page)

Response to Overlooking

Clause 11.4.13 within the planning scheme address overlooking requirements. The proposed development contains only one window on the eastern wall of the townhouse adjacent to the subject property, that is within the stair landing between the ground and first floors (refer Figure 2 – note other windows are not adjacent to the boundary). Although 20 Mulgrave street has a higher elevation than the proposed window and there is significant vegetation providing a natural screen between the two properties, I would be content for an approved development application to include a condition to have fixed, obscure glazing in any part of that window less than 1.7m above floor level; meeting acceptable solution A1.1 (c).

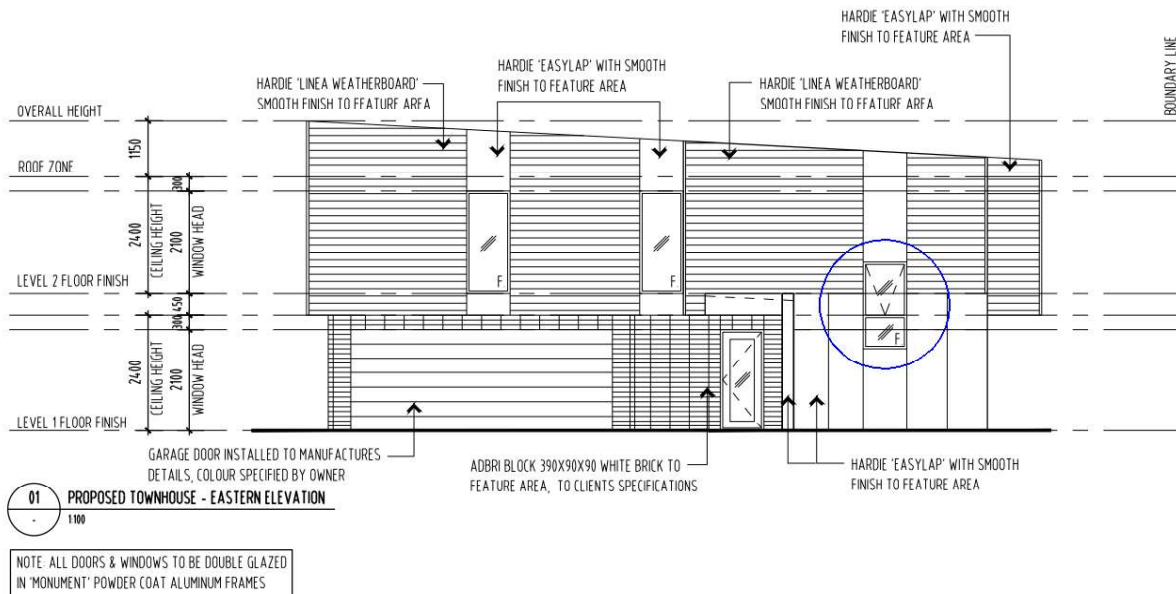


Figure 2 - Townhouse Eastern Elevation - Window shown in blue circle

Representation 2

The representation raises concerns of the *'increased density of the proposed development and its potential impact on the health and safety of adjoining properties specifically in relation to the already failing capabilities of the existing combined sewer and stormwater'*.

Response to Density

Total site area of 60 Galvin Street is 637m². The proposal includes 2 dwellings, giving an average lot size of 319m² per dwelling. Although 11.4.16 A1 requires a minimum lot size of 350m² per dwelling to comply with the acceptable solution, the proposal satisfies the performance criteria (being no less than 250m²) and is compatible with density of other developments in the surrounding area with various examples including the property next door at 62 Galvin street and the property next door to it at 64 Galvin Street, both of which are examples of multiple dwellings. There are also other examples of single dwellings on lots less than 350m², some as small as 200m² in Charles Street South; number 14 and 16 for example. The site is in very close proximity to public transport and services, with the hospital and CBD are short walk away.

Response to the Capability of the Existing Sewer and Stormwater System

The existing sewer and stormwater system do not form part of the planning scheme; notwithstanding that the dwellings can be connected to them. The flooding concerns which occur on Mulgrave Street is an issue for resolution as a separate matter. The performance of the existing system should therefore not be considered detrimental to my application. I will however address how the proposal will minimise its impact on the system.

The most significant contributor to hydraulic load on the sewer and stormwater system is rainwater captured by impervious surfaces. The proposal meets the requirements of acceptable solutions A1.1 and A1.2, criteria 11.4.7 by having a site coverage of 42% and 40% of the site pervious to rainfall. In addition, an onsite stormwater

detention system will be designed by a suitably qualified engineer and installed to capture water from roofs and hardstand areas, then slowly released into the sewer and stormwater system, ensuring the load is no greater than current day.

I would welcome any works to the main running through 60 Galvin Street, deemed to be required by the water authority to improve the performance of the existing system, to be completed by the water authority at their cost, during the construction works of my development, should it be approved to proceed.

Representation 3

The representation raises the following concerns:

- The development is not within the building envelope,
- There is significant reduction of sunlight and increased overshadowing onto both 62's private open space and 62A's main rooms and private open space,
- The accuracy of the shadow diagrams,
- The compatibility with the streetscape and impact on the amenity of nearby uses,
- The proposed 1.8m fence between 62 and 60 Galvin Street, and
- Overlooking into the school grounds.

Response to Building Envelope

Figure 3 and Figure 4 show the southern elevations of the proposed extension and townhouse respectively and their impact on the building envelope, shown by the dashed line. The figures show that only the very tip of the garage and townhouse parapet (which is only at the southern end due to the roof line failing away to the north) extend beyond the building envelope on the 62 Galvin side of the dwellings.

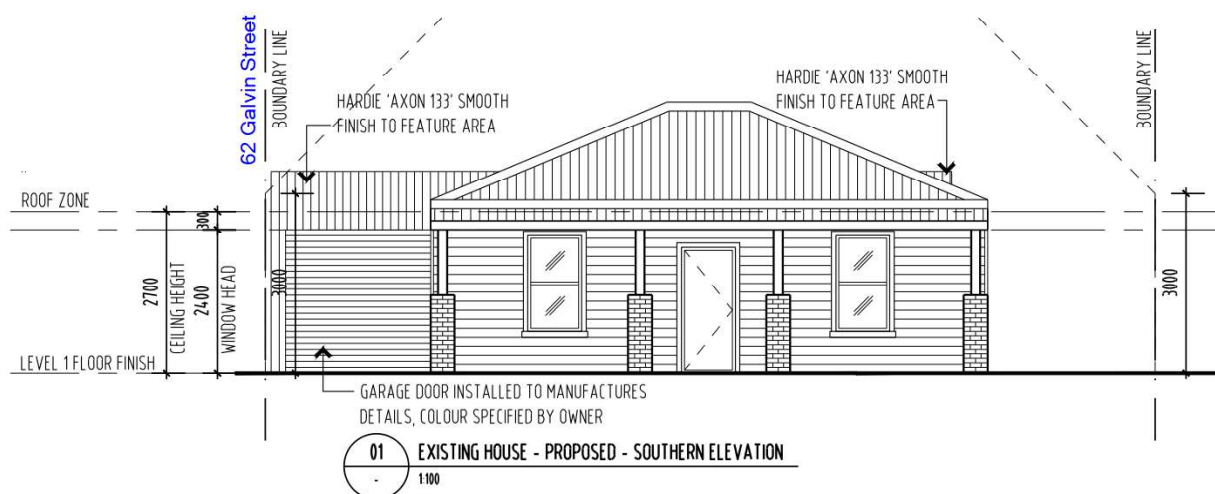


Figure 3 - Existing House - Southern Elevation

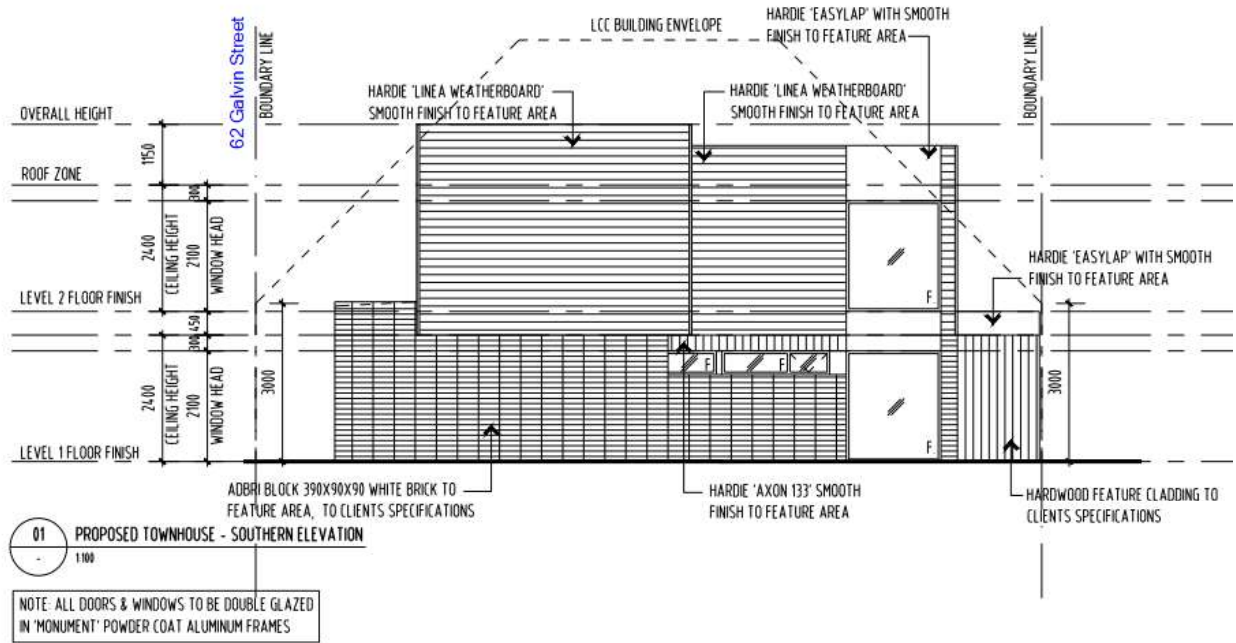


Figure 4 - Townhouse - Southern Elevation

Response to reduction of Sunlight and Increased Overshadowing Building to 62's Private Open Space and 62A's Main Rooms and Private Open Space

Regarding solar access and overshadowing of 62 and 62A Galvin Street, I'll address them separately:

62 Galvin Street (front unit) – an as-is shadow study has been completed to determine the current solar access amenity and the impact of overshadowing from existing structures (refer to Drawing No's: A-DA-30 to A-DA-40). The result of the study shows that between 9am and 3pm, existing structures (the unit's carport, eastern fence and the large tree on 60 Galvin Street) overshadow the private open space and windows of the rear extension. The property therefore unfortunately has no solar access amenity to lose due to their positioning of their carport structure and the above noted items. The proposed development shadow study shows an improvement to the overshadowing of 60 Galvin Street on 62 Galvin Street, primarily due to the proposed removal of the large tree and the lower height of the proposed townhouse; the overshadowing ceases at noon for the proposed development as opposed to after 3pm currently.

In addition, constructing a wall on the boundary for the carport of the existing dwelling does not impact adequate daylight into habitable rooms of 62 Galvin Street as 62 Galvin Street is 3m from the boundary wall; this meets the requirements of 11.4.15 Daylight to windows, Acceptable Solution A1.

62A Galvin Street (rear unit) – the as-is shadow study shows that the private open space for this dwelling is currently overshadowed by its existing northern boundary fence (as well as the trees in John Calvin School to the north). Completion of the proposed development shall improve overshadowing of 60 Galvin Street over 62A Galvin Street, due to the removal of the large tree which overhangs the dwelling (refer to *Figure 5* below) and the setback of the proposed townhouse from the common and rear boundary. The removal of this tree may also assist in the health of the occupants of the rear unit as the rear unit is in shadow for a majority of the morning to midday all

year round. The health of the building and built structure may also improve as the roof and gutters are currently full of dropped foliage, leaves and twigs, potentially causing water damage by weather events.



Figure 5 - Large tree within 60 Galvin St that is proposed to be removed

The open plan dining, kitchen and living space and private open space of 62A Galvin St is oriented north. My site at 60 Galvin street is the eastern neighbour. We have intentionally positioned the rear townhouse to be slightly set back from the rear façade of 62A Galvin street, 4m from the rear boundary (although the planning scheme would have allowed 1.5m) providing additional solar access to 62A Galvin. Due to being the eastern neighbour and the setback of the proposed townhouse from the rear boundary, the townhouse does not overshadow the private open space of this dwelling, and does not overshadow the window of the lounge area beyond 11am; as shown by the shadow diagrams provided in the development application.

The representation also refers to the impact of overshadowing of the master bedroom by the proposed townhouse. Although this window is currently overshadowed by the tree, the proposal meets the acceptable solution 11.4.15 A1 'daylight to windows' within the planning scheme, as the townhouse setback from the boundary has been chosen to be 1.5m, meeting the 3m clearance from the habitable room window requirement in the scheme (62A is setback 1.5m from the boundary also, meaning the overall distance is 3m). In addition, the second storey of the townhouse has been inset a further 1.5m to provide further solar amenity.

As 62 and 62A Galvin Street is to the west of the proposed development, once the sun has moved past the common boundary line at noon, no overshadowing of 60 Galvin Street over 62 or 62A Galvin Street occurs; there is another half day of sunlight to be

provided before sunset, thus the 4 hours of sunlight on the 21st June as per the directions of the planning scheme is achievable. The proposal also ensures that adequate daylight into habitable rooms of 62 and 62A Galvin Street is achieved.

Response to the Accuracy of the Shadow Diagrams

The shadow diagrams were produced using Autocad software by Honed Architecture and Design. No evidence has been provided to challenge the professionally prepared shadow diagrams. It is possible that the representor may not know the only day assessed by the planning scheme is the 21st June (where the arc of the sun is low in the sky and shadowing is most pronounced).

Response to the Compatibility with the Streetscape and Impact on the Amenity of Nearby Uses

The proposed development is compatible with the form and scale of residential development within Galvin and nearby streets and does not unreasonably impact on the amenity of nearby uses. The proposal does not impact the setback of the building from the frontage as the only addition is the carport which is well setback from the existing dwelling. The streetscape will be positively impacted by the renovated existing dwellings façade which follows the character of the surrounding area. Although the proposed townhouse is two storeys, it is 6.7m tall and less than half of the height of the adjacent undercover play area on the John Calvin School. The height and proportions of the proposed townhouse is consistent with other nearby developments, namely 1 West Street, 7 Charles Street South and 55, 57 and 59 Howick Street.

Response to the Proposed 1.8m Fence Between 62 and 60 Galvin Street

The scheme does not detail the requirements of side and rear boundary fences between dwellings. The Fencing Act oversees this jurisdiction. The City of Launceston Website states that a non-masonry fence not exceeding 2.1m in height above natural ground level can be erected without a building permit. The proposed fence is 1.8m in height from natural ground level on the 60 Galvin Street side and is therefore within this requirement, even considering the 20-30cm lower ground level on the 62 Galvin Street side.

It is also worth noting that it is a standard condition on City of Launceston approved development applications that 1.8m high fences are erected at the developers cost, and this is what is proposed.

Response to Overlooking into the School Grounds

Criteria 11.4.13 – Overlooking, details the objectives of the scheme, being to minimise overlooking into private open spaces and habitable rooms of adjacent dwellings. Because the intent of the planning scheme is for adjacent dwellings, overlooking into school grounds is not relevant to the planning scheme.

In conclusion, I believe that the development proposed within DA0541/2021 at 60 Galvin Street, South Launceston meets the intent of the planning scheme, largely by meeting the requirements of the Acceptable Solutions.

Thank you again for the opportunity to respond to the representations received. Please advise of any additional information that will be required to assist Council with the assessment of this application to achieve a positive outcome.

If you have any queries, please do not hesitate to contact me.

Kind Regards,

Brad Reeves

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[REDACTED]