

Council Meeting - Agenda Item 9.1 - Attachment 4 - Representations - 21 October 2021

From: "Louise Johnson" [REDACTED]
Sent: Mon, 27 Sep 2021 20:29:03 +1000
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: Solar panel report, DA 0416-2021
Attachments: Solar panel report September 2021 (for DA 0416-2021).docx

You don't often get email from [REDACTED] [Learn why this is important](#)

To Launceston City Council Staff,

please find attached a supplementary report from Mr James Marshall relating to DA 0416/2021 in regards to 23 Lytton St. .

Kind regards,

Louise, on behalf of Mr Marshall

Report submitted on DA 0416/2021

Solar Panel and Solar Energy Report compiled from Solar Panel information from qualified Solar panel installation firm and other providers

Measuring shading once a year on 21 June (winter solstice) is a poor measure of the value of solar energy obtained through solar panels.

To properly calculate the value of the power obtained from roof-top solar panels, sun shade studies need to be undertaken on or close to at least three set dates per year: the winter solstice (21 June), the summer solstice (21 December), and either one of the equinoxes (21 March or 21 September). This allows the calculation of power obtained over the full year. Anything less, particularly in urban development situations, is unacceptable.

Roof-top Solar Panel installations fall into two-three main categories. The 'String' system where individual rows of panels operate as one body, that is on the same 'String'. The other system is an individual panel system whereby the panels operate separately, where each panel operates independently of the others. This difference affects the operation of the panels. And the cost of panels and installation. Solar hot water systems operate separately, although with battery storage, it is now possible to run a hot water system from the two above-mentioned panel systems.

The String system is the most commonly used system. Although it has the drawback that **if any part of any of the panels is in shade**, it affects all the panels on same string, meaning that all panels are effectively shaded, ie **the whole string is in the shade**. This is an issue that planning authorities should take into account when assessing building projects, as shading would be a greater cost to owners of this type of system.

Note that the string system remains the most installed system currently, possible due to the lower cost of panels and installation. This higher rate of ownership of the string system, means that a greater number of roof solar system owners could become victims of overshadowing in any development planning process. It is incumbent on planning authorities to take this loss into consideration, because it is not a 'one off' loss, it is a long-term loss over years.

The separately operating panel system is more expensive but has the advantage that because each panel operates independently, shade on any panel only affects that panel, not the whole string.

While until recently, all systems installed were the string system, it not easy to convert to the independent system, it more expensive, and in many cases it is simply not possible. For example, if an existing string system is installed on a pressed metal (tile-style) roof, it cannot be converted to the other system, because it is no longer permitted to install any solar panel system on a pressed metal roof.

The implication for anyone, who might have wanted to change over from the string system to the independent system, is that they are unable to convert their system to avoid the full string shade that might result from any overshadowing from other buildings for example.

In addition, with either system, the amount of solar power obtained depends of course on the orientation of the panels. This needs to be taken into account when placing the panels and also in calculating the percentage of solar energy each day. For example, an east-facing system will be in full sun from the time the morning sun shines on the panels until early-mid afternoon, when the west-facing string/panels takes over, depending of course on the orientation of the roof and the panels. That is, calculating the percentage of sunlight being on that side for only part of the day, NOT the full day – when the second west-facing string takes over. In the case of overshadowing due to another building for example, several hours of shade can considerably reduce the actual percentage of solar energy obtained. This would be the case where two or more hours of morning sunlight are lost due to overshadowing, meaning that 50 percent or more of possible morning sun is not available. This would represent a loss, not only of solar power for the owner of the system, but reduces the monetary value of the investment and increases power costs to the owner.

This also reveals the weakness or inefficiency of calculating shade studies based on one day of the year (winter solstice, in Australia 21 June) as it fails to take into account orientation, as well as the solar return and value percentages.

From: "Louise Johnson" [REDACTED]
Sent: Mon, 27 Sep 2021 20:40:02 +1000
To: "Contact Us" <contactus@launceston.tas.gov.au>
Attachments: Drainage issues_underground_stormwater_changes Lytton St 2 July 2021 to September 2021 ..docx, Issues arising from the DA 0416-2021 for Additional Dwelling at 23 Lytton St September 2021.docx

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Dear Launceston City Council Staff,
It looks like the two supplementary documents didn't attach to the email I sent earlier today. Please find these two supplementary documents from Mr James Marshall relating to DA 0416/2021 in regards to 23 Lytton St. attached this time. As mentioned in the original email, these documents are being sent separately by email in order to show the coloured photos more clearly..
Thank for your patience,
Kind regards,
Louise, on behalf of Mr Marshall

Drainage and Underground water risk

As important as the loss of audio and visual privacy resulting from the demolition of the rear section of the main building, is the point that the demolition and extensive ground/soil excavation has resulted in serious drainage issues.

Part One - Dry weather conditions, plumbing leak

From the time of the establishment of the houses, there is a drainage channel (spoon drain) along the common fence lines of 22, 20, 18 Waugh St with 19, 21 23 25 co with Waugh St and Mayne St properties 25, 27, 29 Lytton backing onto Mayne street properties.

Interference with this natural system through excavating the top soil has caused water from 23 Lytton St to now build up in the yard of 21 Lytton St and to seep under the garden bed and into the yard of 25 Lytton St where it pools near the corner of the verandah and then trickles across the yard towards the workshop-stable where it pools in front of the workshop. There is the likelihood that water is also oozing under the verandah and under the workshop. This is a very concerning situation and it has now occurred during every heavy or prolonged rainfall since July 2021.

This only started to happen after the excavation of the top soil at 23 Lytton St during May-June 2021. The first time the change in the drainage occurred or was first noticed was when the new hot water system at 23 Lytton St burst.

On Thursday 1 July 2021, a bright sunny clear day, at some time between 9 am and 1 pm, a hot water service pipe burst next to the driveway of 23 Lytton St. By 1 pm water had pooled a bit in the yard forming a puddle a few metres from the burst pipe, which is a considerable distance from the 22 Waugh St and 25 Lytton St boundaries. The area around the puddle was dry, but out of sight water also seeped underground and flowed towards 22 Waugh St boundary and reaching the spring area at the bottom of the garden next to the fence line of 22 Waugh St. The water then oozed up through the ground at the site of the spring to the surface, and forming a pond along the fence to a depth of about 15-20 cm and 8 m in length. That pond next to the back fence was still there more than two hours later even though the leak at the corner of the house had been fixed. (by a plumber).

Water had also seeped **under** the concrete fence foundations and **under** the garden bed of 25 Lytton and was still trickling for at least three hours later across the yard towards the workshop building with the solar panels and towards the back verandah-sunroom area of 25 Lytton dwelling. All the water was coming from underground. There was no water coming from above ground.

There was no rain in the days prior so the ground, the concrete fence foundations and the concrete yard at 25 Lytton St were dry. There have been broken water pipes before at 23 Lytton, but this seepage has never happened before.

The digging out and removal of most of the top soil from the side gardens and driveway, as well as much of the backyard almost to the back fence boundary and replacing it with a thick layer of blue metal has disturbed the natural drainage in that area and put pressure on the underground spring.

The sewerage-stormwater outlet for the proposed 2-storey dwelling is located directly in the area of the spring. Any more disturbance to that area will interfere with the drainage system and cause 'domino' effects on neighbouring properties. The workshop building with the solar panels at 25 Lytton St had to be strengthened as part of the permit for the installation of the panels. The underground water seepage from 23 Lytton St was flowing in the direction of that building. For all anyone knows, water might have been seeping underground that far and already reached as far as the foundations of the workshop/stable.

Legal advice provided to owners of 23 and 25 Lytton St on the topic of drainage and the underground spring only a few days prior to this event, is that if any damage were to occur to neighbouring properties due to underground water seepage as the result of discretionary DAs such as this one going ahead is that the Council could be liable.

The response by a real estate agent to the details of this event was, "Oh dear. That's not good." This disturbance to the natural drainage of the properties adjacent to 23 Lytton St has the potential, not only to cause structural damage to the buildings, fences etc, but also to severely reduce the value of the properties.

TasWater is firm in its opposition to any further development that involves any additional pressure on the combined stormwater-sewer system. TasWater makes it clear that the system in the Invermay area is

at capacity and that TasWater would not allow any additional flows of stormwater into the system. If this is the case, any attempts to deal with stormwater by other on-site methods must be prohibited.

The Council must not allow the DA to proceed. The impacts and overall costs – from the toll on people’s health and mental well-being, loss of sunlight and warmth, increased power costs, increased local traffic, the risk of underground water seepage and structural damage to property, including the risk of sink holes occurring, and associated falling house values - are too high.

Photographs to do with the event described above

(Please note it was a fine, dry day, that there had been no rainfall)

This series of images, nos. 1-28, shows some of the extent of the water seepage around the spring area along the boundary with 22 Waugh St and water seeping from 23 Lytton St under the concrete fence foundations into the yard of 25 Lytton St. from underground.



1. View of driveway of 23 Lytton St with all topsoil and plants removed and replaced with blue metal.



2. Rear corner of house showing location of Hot Water Service (HWS) in relation to driveway and rear yard. All topsoil, garden beds and plants removed and replaced with blue metal.



3. Back yard showing pooling of water leaking from the hot water service. Note that beyond the area of the water pooling, the surface is dry. (the foreground and the driveway to the left of the small shed and the area in sunlight) The grassed area to the right of the shed also remained dry. 1 July 2021 2.15 pm



4. Close up of the water pooling area with all dry area beyond 2.17 pm



5. 2.17 pm



6. Dry yard surface between a water pooling area and fence line of 25 Lytton St at bottom right hand edge of image. 1.19 pm 2 July 2021



7. 12.43 pm



8. 1 pm 1 July 2021



9. 3.06 pm



10. 3.07 pm Water continuing to seep from 23 Lytton St and starting to trickle towards centre of yard of 25 Lytton St.



11. 3.24 pm Water seeping from under the concrete foundations for approx. 8 metres along the fence line



12.



13. 3.35pm

9 & 10 Increasing Water flowing from 23 Lytton St underground and under concrete fence foundations and further into 25 Lytton St yard and towards back corner of house and towards workshop/stable-shed supporting solar panels.



14 3.08 pm



15. 12.43 pm



16. 12.43 pm



17. 3.27 pm



18. 3.38 pm

1617 1819 20 21 3.06 pm



19. 12.48pm

12.48 pm



20.



22.



23.



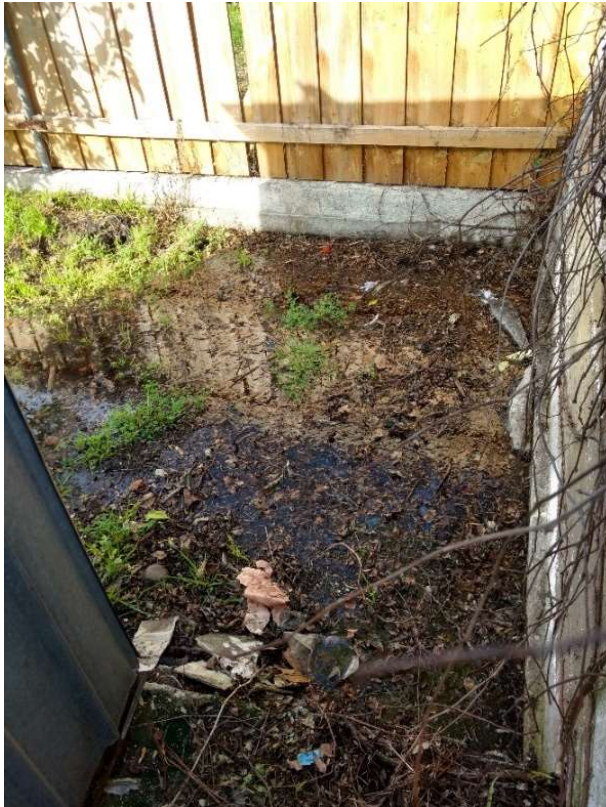
24.



25. 12.46 pm



26.



27.



28

Drainage and Underground water risk:

Part Two – during a break in prolonged wet weather conditions

Any interference with the natural system will risk altering the drainage pattern across multiple properties. The excavation of top soil carried out at 23 Lytton St has altered the natural drainage of 23 Lytton St, altering the drainage pattern during periods of rain, not only for that property and for 21 and 25 Lytton St. The resulting flow-on to 21 and 25 Lytton St has significantly altered the drainage in/across the yards of these two properties. Because of the local topography, this could become an issue for the Launceston City Council.

It became very clear during July, August and September 2021 that the excavation of topsoil at 23 Lytton, just prior to the tenant moving in to the existing dwelling in June 2021, has altered the underground water drainage pattern at 21 and 25 Lytton St particularly during periods of rainfall lasting more than one day. This also poses risks of damage to parts of the house and workshop at 25 Lytton St.

The easiest way to describe this very worrying situation is with photographs taken on 16 July 2021. This is not an isolated event. It has never happened before now, but now, thanks to the development and changes at 23 Lytton St, this water problem occurs **every time** there is prolonged rainfall. Water now seeps **under** the concrete foundation and **under** the garden bed at 25 Lytton St (see photos 10, 11 and 12 below) into the yard. It then pools (see photos 3, 5, 8, & 10 below) and from there it trickles slowly but surely across the yard, (see photos 2, 4, 5 & 6 below) under plant pots, towards the workshop building with the solar panels, where it pools (see photo 9 below, workshop on left hand side, plant pots on r.h. side of image). At the same time the water also trickles and oozes towards the corner of the rear verandah of the house. (see photos 1, 4 and 7 below)

Photographs taken between 12.25 pm and 1 pm after a period of steady rainfall, 16 July 2021, showing the flow on effects on neighbouring property due to excavation and altered drainage at 23 Lytton St.



1.



2.



3.



4.

12.33 16 July 2021

12.34 pm 16 July 2021



5.



6.

12.28 16 July 2021

12.29 pm 16 July 2021



7.

12.34 16 July 2021

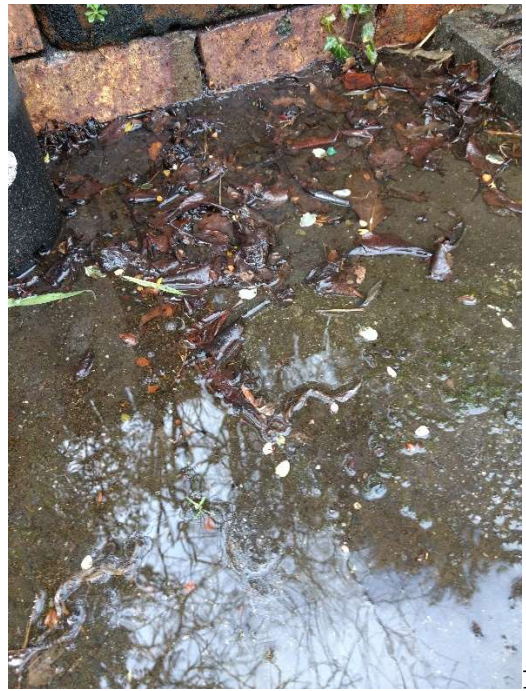


8.



9.

12.35 16 July 2021



10.



11.

12.37 16 July 2021



12.

12.37 16 July 2021



13



14.

12.38 p.m. 16 July 2021 Pool of water along fence-line of 23 Lytton St adjoining 22 Waugh St and in the rear corner of 23 Lytton St next to 22 Waugh St and 25 Lytton St.

Issues arising from the DA 0416/2021 Document for Additional Dwelling at 23 Lytton St.

From the DA Plan

p. 11) & p. 12) Parking & Turning 1 & 2

Because the land size (615 m²) of 23 Lytton St is too small for this development and subdivision, the total area devoted to cars in this development is way out of proportion to possibly every other residential lot in Invermay. The so-called Turning Bays are so tight that they pose a risk of collision. The total allocated parking-turning area is greater than the footprint of the planned dwelling, and each car space is greater than the private open space for each dwelling. Thus the total area given over to vehicles (190 m²), excluding the planned garage, is greater the area of Strata Lot 2 (182.24 m²), a situation which is outrageous.

The parking bays for the existing dwelling are so close to the master bedroom of the planned dwelling that the bedroom window is only one metre from the car park. The area allowed for reversing/turning cars is immediately at a corner of the planned dwelling with no buffer zone for the planned dwelling. This must be the very opposite of good urban design principles and liveability and is another reason why the Council must refuse the application.

p.2) The Locality Plan: The backyard area close to the house and workshop-stable of 25 Lytton St is used on a daily basis for most of the year and the Plan represents a gross mutual loss of privacy for No. 25 - visual, personal and conversational, and both indoors and outdoors - as well as for any residents of the existing house at No. 23

The idea of two bedrooms (proposed unit 2) so close to the boundary of the outdoor living-seating area of 25 Lytton St feels like a further invasion of privacy (for both parties) and somewhat creepy.

p. 4) First Floor – The inclusion of a ‘Study’ with a WC in the upstairs area is interesting. What is to prevent the ‘Study’ becoming a third bedroom and placing further crowding and pressure on the site.

p. 5) External Services:

The main area of the Services (sewerage-stormwater) indicated in the application plan is located directly over the section of the back yard subject to flooding due to a combination of the presence of a spring in that area of No. 23, and from water originally directed as part of the drainage of the blocks from Holbrook St, across the back boundaries of Nos 29, 27 and 25 Lytton St, along the side boundaries of 20 and 22 Waugh St and then turning right to continue along the back boundaries of adjoining properties in Waugh (22, 20, 18, 16 etc) and Lytton Sts.(nos. 25, 23, 21, 19, etc). All these properties experience lengthy periods of relatively deep water during winter in times of high rainfall. This has been the case since these houses were built and the channel and water pooling along the common fence-lines was part of the long-term sustainability considerations for those properties.

Placing the sewerage and stormwater infrastructure as shown on the Plan will interfere with the drainage and exacerbate the pooling of water on the above properties, and create a situation whereby water invades the foundation areas of the existing houses.

Excavation of topsoil over much of the yard, driveway and garden beds and its replacement with blue metal in a large section of the excavated area has already affected and altered the drainage in the yards of neighbouring properties.

p. 8) Perspectives – The perspective drawings are deceptive in that a) they create the impression of not within ‘cooe’ of any other buildings or yards b) no car parks or parked vehicles are depicted also creating the impression of far more space than in reality c) each drawing creates a different impression as to the relationships of the different features and bear NO relationship to neighbouring properties or houses.

The deceptive perspectives are noticeable in the perspectives of the façade that faces the existing house (see also cover page,) and as viewed from no. 21 Lytton. There is NO perspective drawing for the South-West elevation to face 25 Lytton St.

p. 9) Landscape Plan

The mutual loss of privacy for residents of 23, 21 & 25 Lytton St and 20 & 22 Waugh St is not improved by the landscape plan. The main concern in relation to privacy that cannot be alleviated with screens or vegetation is that residents/visitors of both 23 and 25 Lytton St are within earshot of each other. The sound of ordinary conversation now carries across to 25

Lytton St dwelling and yard due to the demolition and subsequent failure to replace the rear section of the existing house.

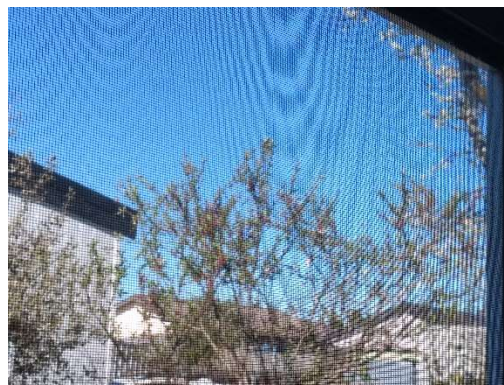
The location of the clotheslines for each dwelling and of the Bin Store for the existing house are proof that the site is far too small for such residential over-development. With the bin close to the fence-line directly opposite back verandah seating area and close to the back door. No. 25 party will be subject to the noise and clatter and possibly odours associated with domestic rubbish bins.

Vegetation: With the exception of an eighty year-old Rhododendron at the front corner of No. 23 and a small peach tree (deciduous, of course) the recent removal of all existing vegetation along that boundary has removed all privacy for both properties. The combination of shrubbery and vegetation on both sides of the fence gave privacy and carbon sequestering green space to both dwellings. It also attracted bees and provided shelter, nesting and food for a variety of small birds, (including native species such as honey eaters, silver eyes, peach-face and rainbow lorikeets, and others). The complete removal of all vegetation/shrubbery (Lilacs, Climber, and ground cover plants) and 7' tall wooden lattice gate, on the western side of the existing dwelling was unnecessary as was the removal of garden beds and the topsoil. Replacement of the soil with a blue metal dump means that without reinstatement and rehabilitation of the soil, nothing will be able to grow.

The development in its entirety is a disgrace and an affront to good planning. It is completely out of scale and out of character for the area.

Direct lines of view, general sound: Complete loss of privacy for residents of **both** houses (23 Lytton St existing house and 25 Lytton St) has been caused by a) the demolition of the section of the main building (and by the removal of all vegetation from the No. 23 side along the shared fence-line.) The demolition of that section of the original dwelling has resulted in loss of visual privacy and conservation- level sound privacy.) The residents and visitors to No. 25 do NOT want to hear conservations from No 23, nor do they want to hear the sounds of cars arriving and leaving pulling up right next to the fence. Presumably the same noise issues would apply to occupants of the ground floor master bedroom of the new dwelling, which is only one metre from parking bays for the existing house.

The bulk, height (6.636 m) and siting of the planned dwelling will result in a gross lack of privacy, day and night, for everyone else around. The lack of privacy – visual and audio – which would be caused by the first floor balcony and windows of the new dwelling looking towards windows, habitable rooms and the open back verandah area with its sheltered sitting areas of 25 Lytton St. This problem will apply day and night, as the planned dwelling would overlook the whole rear living areas, indoors and outdoors.



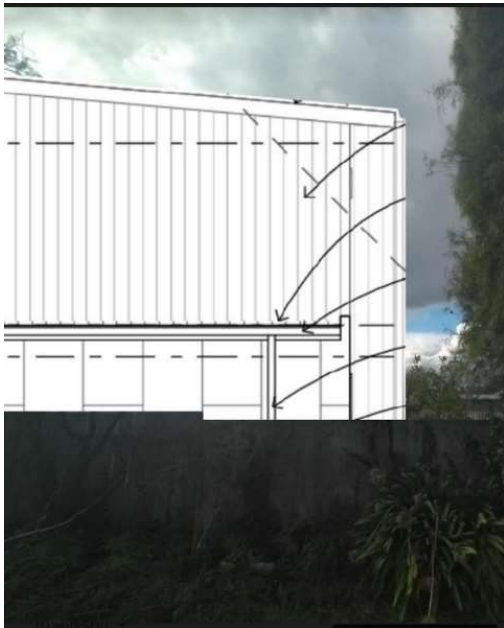
Direct line of view from kitchen to what would be the first floor balcony of new dwelling. The same line of view would also occur to/from the back verandah, the sunroom and the outdoor sitting/living area of 25 Lytton St. The same applies day and night.



Same angle from driveway next to same window as previous photograph. Residents and visitors alike will face a lack of privacy from halfway along the driveway right into the backyard and the back door. The same applies to occupants and visitors of the existing dwelling at 23 Lytton St. They'll also be in full view as they drive in and park and go to their back door, and if they want to hang washing out in the designated spot on the plan.



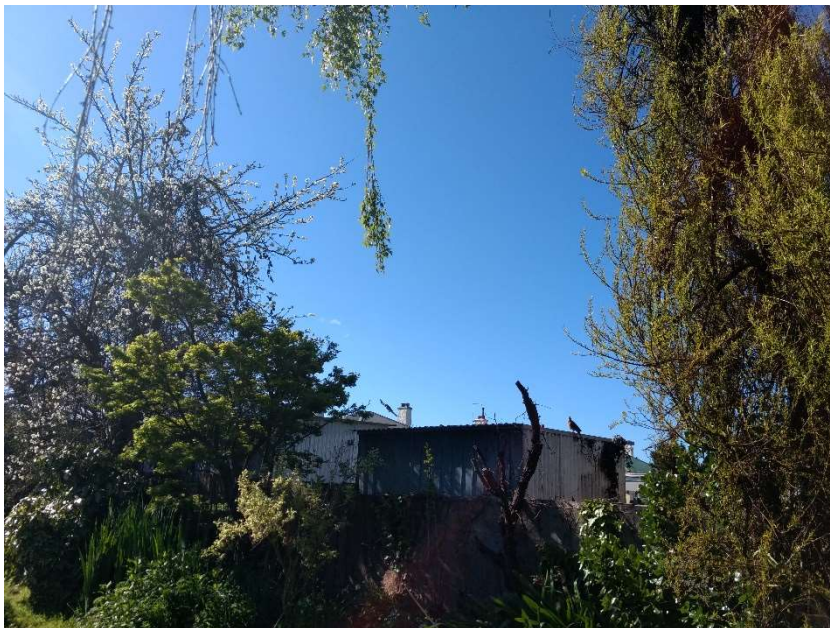
Note - Pencil willow on the right hand side. In the absence of computer-generated Sun Studies this tree provides an accurate, real-life picture of the sun light that would be lost if this proposed dwelling proceeds. No more blue sky visible at any time of year either if this DA goes ahead



Overlay of SW wall of new 2-storey dwelling as it will be viewed from the outdoor living area and workshop/stable of 25 Lytton. Early morning sun will be lost. The planned building will cause hours of overshadowing on 25 Lytton St.



June-July 2021



September 2021,
close to the equinox. Pencil willow on the right hand side of photo gives an indication of the height of the planned dwelling. That dwelling will mean no more clear sky from the workshop-stable (or future granny flat) area – only shadow.



8.15 am 28 June 2021



Solar panels and, rotary clothesline at 8.50 a.m., late June (close to Winter solstice) in sunlight. At that time of year, the proposed dwelling would overshadow these until 10 am. At other times of the year, the overshadowing would be for longer periods due to the angle of the sun in relation to the orientation of the property, and therefore to the solar panels.



Clear view to Mt Barrow and Eastern hills sunrise zone. Low density housing and yards with usual low-line sheds etc common to the area. The proposed dwelling would dwarf the surrounding houses, garages and sheds.

Low density suburb – a safe and family friendly place to live with the primary school around the corner. The proposed dwelling is not in keeping with the area and in the interests of local families, it must not proceed.



7.06 a.m. 17 September 2021 approx. 35 minutes after sunrise over the Eastern Hills, 17 September 2021, only 3 days away from the September equinox - Full sun on the roofs, the full length of rear walls and yards of Holbrook St homes in direct line with yard of 23 Lytton St and sun. Low density residential area. allows sunlight to reach all the houses from the time of sunrise.



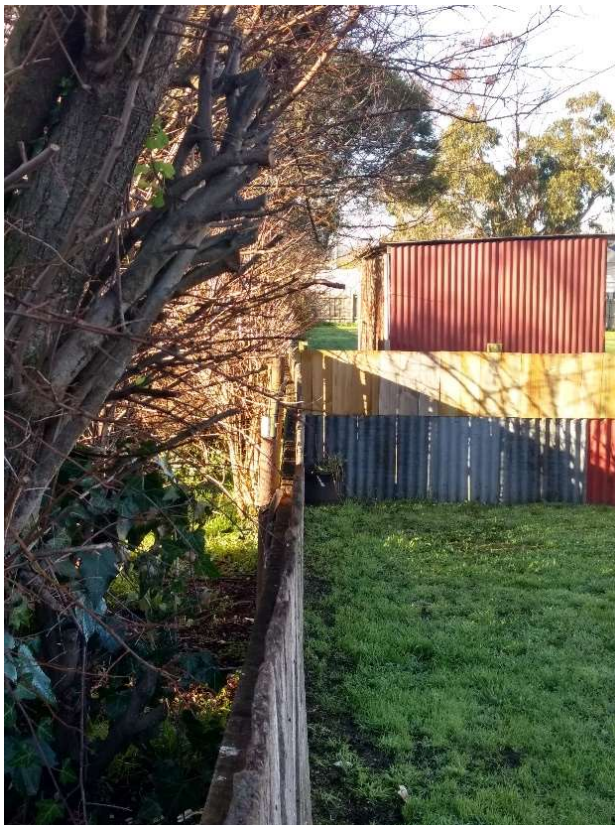
There is NO perspective drawing of the South-West elevation included in the application. (ie no perspective drawing, to show the South-West section of the dwelling as it would be viewed from this angle/position of 25 Lytton St yard).



Current sunlight around Rotary clothesline area 9 am late June. The tall shadow (from a pencil willow tree that hasn't lost its leaves because of climate change) across the centre of the photo represents the line that the proposed dwelling would cast. All the lawn on this side of the pencil willow shadow, including the rotary clothesline will be overshadowed for a good part of the morning by the proposed dwelling if it goes ahead.



View of rotary clothesline with full sun at 9 am late June, and across to 27 Lytton St workshop and shed (see photo below also) in full sun. Tall shadow on the left is the pencil willow, which represents the position, angle and height of the proposed dwelling at 23 Lytton. As can be clearly seen, the sunlight right across that area would be lost. The proposed dwelling is not in keeping with the scale of the existing dwellings, garages or sheds in the area. It doesn't meet any criteria, and nor can it, it is simply too big for the locality.



View along fence-line of 27 Lytton St with same shed in full sunlight at 9 am, late June. The sunlight would be lost to overshadowing by the proposed dwelling at 23 Lytton St.



9.03 a.m. 28 June 2021. Sun on workshop nearby property. This sunlight will be blocked by the proposed 2-storey dwelling



Current clear view across 23 Lytton St front fence to street from car leaving 25 Lytton St driveway, a safety matter. This clear view to the road would disappear under the DA plan to make a street frontage Private Open Space for 23 Lytton St. The removal of the safety feature for a street level private space is further evidence that the site is just too small for two houses.

To whom it may concern in the Launceston City Council, Town Hall.

Re DA 0416-2021

Some additional thoughts and comments to my previous letter on this Development Application that the Launceston City Council should not approve.

The second attempt at it by the developer is no better than the first. In fact, this attempt is worse because it is trying to pull the wool over everyone's eyes.

Thank you again,

Robbie L.

(need confidentiality, see Mr Marshall, c/o [REDACTED])

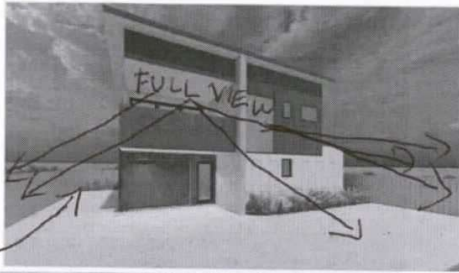
FILE No.	DA0416/2021				
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RCV'D 28 SEP 2021 COL					
Doc ID.					
Action Officer		Noted	Replied		
[REDACTED]					

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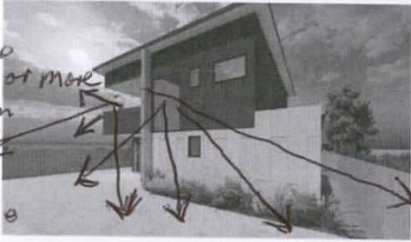
Elevations & perspectives

1.

Forgot to draw in the car(s)



Nice 180° or more view from balcony - make that 225° view from balcony.



Main bedroom one metre from other house's car park



Two cars missing from car park to main bedroom

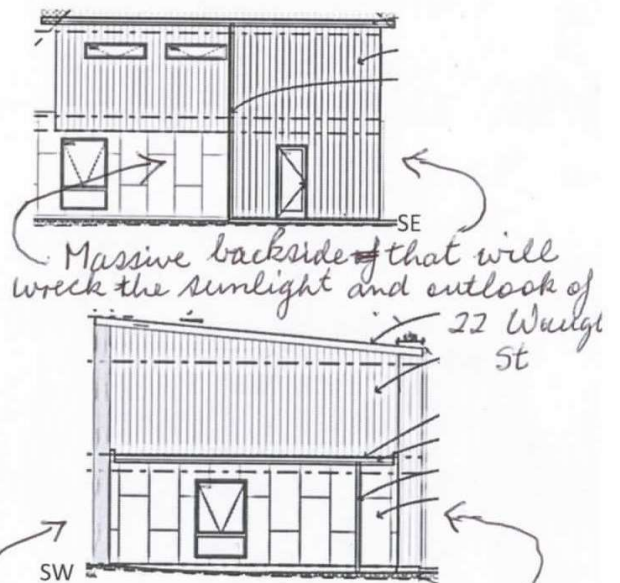
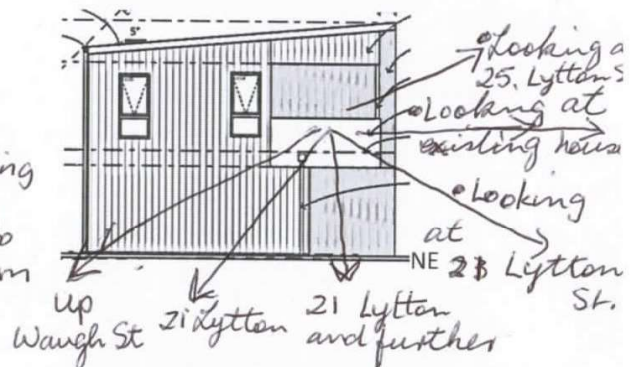
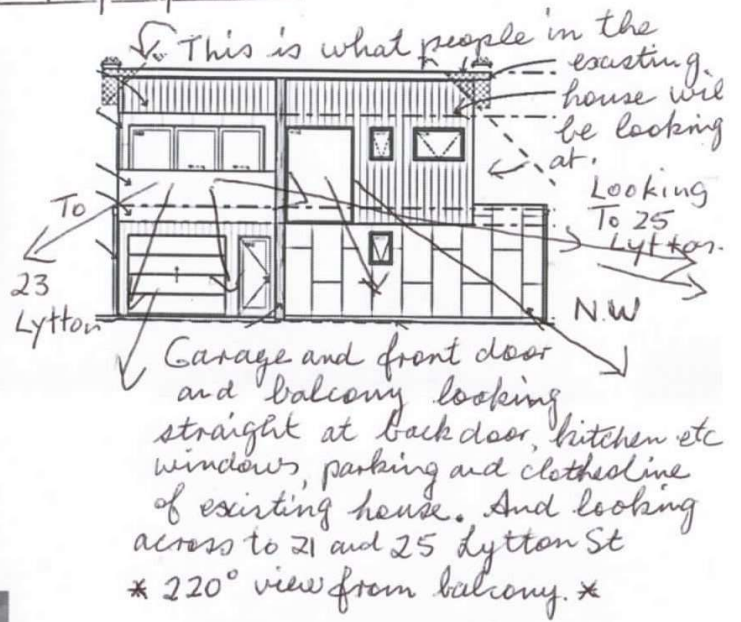
Is this in the middle of an open field or maybe a golf course? No other houses to be seen.



PARKING without cars.



Same perspective as above
No perspective given for the massive wall that faces 25 Lytton St

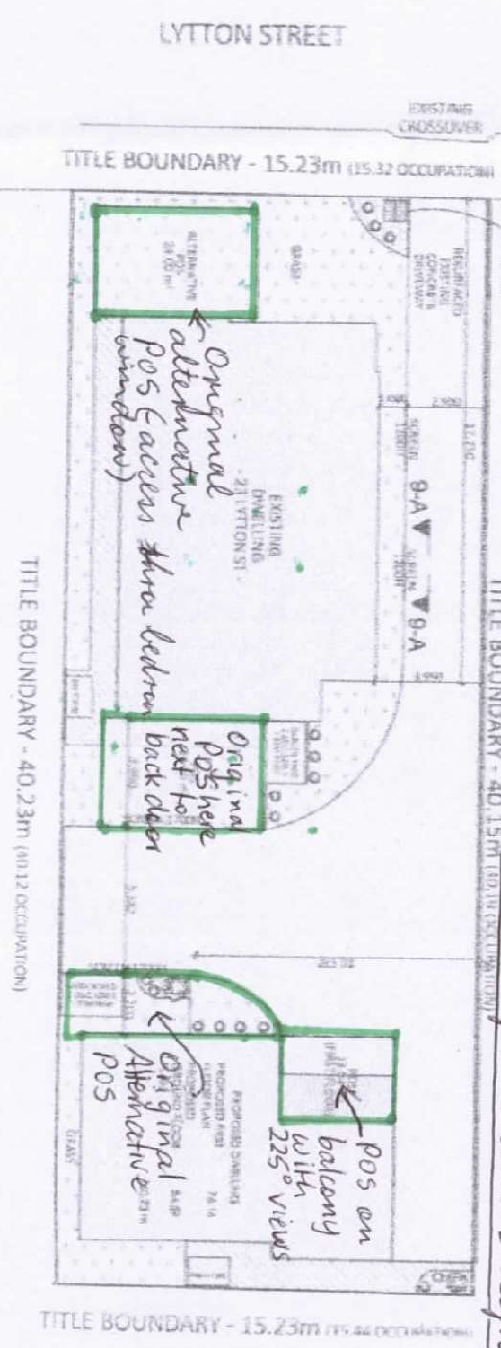


This is what people at 25 Lytton St will be looking at. - a massive wall blocking the sun and with master bedroom right near the fence,

How to change a landscape plan to make more space - like magic - to trick the Council into approving a DA like this one.

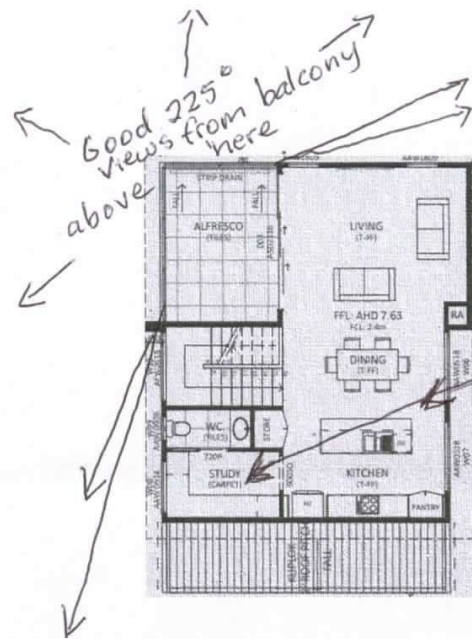
Some houses, same everything, just move the 2-storey thing and do some creative colouring in and magic words for the private open space.

Original Design (see next page for New Magic Creative Design)



How to make Private Open Space bigger for the purposes of a DA:- Change the main space by changing it to 'Primary' POS and colour in a larger area - i.e. stretch it out to the fence, include paths, washing line area to make it look really big. Do the same with the Alternative Private Open Space. Don't concern yourself with incidents such as sitting numerous activities (outdoor dining and washing lines are very compatible). Teach the children and the pets to sit still, so that they and the adults can all enjoy the POS.

If POS not big enough for everything that the design plan claims, there's always the footpath and gutter for children's play



New Magical Creative Design for Landscape Design



Private Open Space magic (POSSUM MAGIC!!)

Colour it in differently and call it bigger, even if everything is still the same size

Before - 24.06 m^2 (After 26.15 m^2)

After - 83.00 m^2 plus 17.85 plus garden shed, a path and clothe line area

Total
After = 83.00 m^2

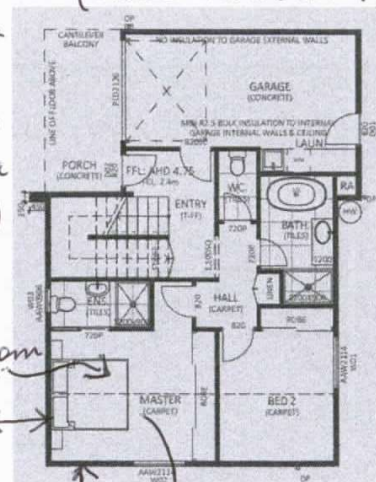
However, (buyer beware) the private open space for each dwelling is not as big as the main bedrooms.

Before - $\$3.04$ plus some grass
After - 63.86 m^2 POS
(Same POSSUM MAGIC as for exist. house)

Master bedroom

1m from car park

Master bedroom - 1.080 m from neighbour's back garden/yard.



Your Reference:

Our Reference: JB:LB:213688

Direct E-Mail:

Direct Line:

FILE No.	DA0416/2021				
EO	✓	OD		Box	✓
RCVD 27 SEP 2021 COL					
Doc ID.					
Action Officer	Noted		Replied		

ECOPY: M. LASSO

22 September 2021

Design To Live Pty Ltd
202 Wellington Street
SOUTH LAUNCESTON TAS 7249

By email [REDACTED] cc: contactus@launceston.tas.gov.au

Dear Sir/Madam

**RE: YOUR DEVELOPMENT APPLICATION NO. DA0416/2021
PROPOSED ADDITIONAL DWELLING
23 LYTTON STREET, INVERMAY, 7248**

We act for Mr Keith Burgess and Ms Allison Green, the registered proprietors of Certificate of Title [REDACTED] ("our clients").

We refer to the proposed additional dwelling, at Certificate of Title 91778/3 being 23 Lytton Street, Invermay in Tasmania, comprised in development application DA0416/2021 ("the proposal") in which you are the applicant. We note that the registered proprietor of [REDACTED] MT Property (Tas) Pty Ltd ("your client").

We are instructed to bring to your attention that the proposal encroaches on our clients' property.

We are instructed that, while the proposed driveway is within the existing boundary fence, that fence is not on the boundary line between Certificates of Title 91778/4 and 91778/3. To be clear, our instructions are that the fence is in not in the correct place and as such the proposal includes land belonging to our clients.

Our clients are within their rights to move their fence from within their property to that boundary at any time and are further entitled to serve on your client a Notice to Fence requiring your client to pay half of the correction of the boundary fence. We advise you that our clients intend to have the boundary corrected so as to protect their estate and interest in their property.

We note in addition to our clients' rights in respect of their property that section 18 of the *Boundary Fences Act 1908* (Tas) requires that boundary fences be placed as nearly as possible to the boundary line between properties.

Until and unless the correct boundary is established by survey plan and any necessary corrections are made to boundary fencing, our clients reserve their rights to take all action that may be necessary

to protect their estate and interest in their land including but not limited to seeking interlocutory relief as well as compensation and damages for any loss or harm as well as costs and interest.

Any construction works by you or your client which encroach on our clients' property will be relied on by our client in seeking the same without limitation.

We request that you amend the proposal such that it no longer encroaches on our clients' property. Further we advise that it is incumbent on you to bring this correspondence to your client's attention.

Our clients will rely on this correspondence regarding the matter of costs.

Yours faithfully

RAE & PARTNERS LAWYERS



JO BYRNE

Associate

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

FRAUD WARNING: Due to the increasing number of frauds relating to the transfer of money it is essential that YOU DO NOT act on any email, letter or fax purporting to be from our office asking you to transfer or deposit money without first contacting us by telephone to confirm the authenticity of the request. We accept no responsibility for any loss or damage arising from any electronic transfers or deposits made by you that are not received into our bank account.

Complaint against DA 0416-2021

To whom it may concern,

10.4.1 Residential density for multiple dwellings

A1: At 307m², the proposal is below the acceptable requirement of 325m² site area per dwelling.

P1: *"Multiple dwellings must only have a site area per dwelling that is less than 325m² if the development will not exceed the capacity of infrastructure services and:*

- (a) is compatible with the density of existing development on established properties in the area;*
or
- (b) Provides for a significant social or community benefit and is:*
 - (i) Wholly or partly within 400m walking distance of a public transport stop; or*
 - (ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone."*

As the proposal's site area is less than the required 325m² required it aims to liken itself to the existing housing density of the area by drawing comparisons to single units built at blocks 5-7 Lytton Street. The units at 5 and 7 Lytton Street are of a different nature to the proposal at 23 Lytton Street. These units are small, single storey and designed in an appropriate manner which maintains size, scale and amenity with the existing area and an appropriate level of privacy with their neighbours. None of which describes the proposal: a two story development with two and a half bathrooms and two car parking spaces and overlooking/ overshadowing at least nine Lytton and Waugh Street properties.

5-7 Lytton Street are also the only multiple dwellings in Lytton Street or Waugh Street and hardly constitute an expectation of similar constructions in the future for either street or indeed the general area. The units housed at 5-7 Lytton St were constructed after the original Victorian/Federation home which encompassed both lots burnt down. The architecture and materials of the units suggests they are over 20 years old. If so, they predate the Invermay/Inveresk flood inundation code. If applied to be built today as four units on two existing lots they potentially may not pass the flood code.

As Invermay/ Inveresk are vulnerable to flood and isolation it was necessary to implement the Invermay/Inveresk flood inundation code to limit future housing density to the area to prevent increased risk; risk defined as loss of life, loss of property, loss of income and homelessness due to flood isolation. A recent Pitt and Sherry flood study report includes extensive flood analysis data of the Invermay/ Inveresk area. In this report it is stated that *"Residents and occupiers of Invermay and Inveresk are generally aware of that flooding can occur, are aware that flood levels provide then (sic) with a level of protection and there may be further risks of flooding, but they may not yet appreciate*

the nature and magnitude of those risks". "Inundation of Invermay, Inveresk and other polder areas may result in an extended period, perhaps up to three months (CoL advice), when electricity, sewage and water services are inoperable" (Utas Inversesk Development: Building 3 flood study report, 27 June, 2019). Invermay has the highest flood emergency response classification of FIS- flooded, isolated and submerged, hence the need for the flood code. Every new house in this area represents one more household subject to homelessness should a major flood event occur.

E16.7.1 Intensification of residential development

Objective: To limit the intensification of residential development in areas subject to, or isolated by, flood inundation.

A2

Subdivision or division of land by strata plan:

- (a) must not create any additional lots capable for any future residential development; or
 - (b) is to:
 - (i) separate existing dwelling units; or
 - (ii) separate existing residential and non-residential buildings;
- that have been approved by Council on a single title.

P2

Subdivision or division of land by strata plan must not create any additional lots capable of future residential development unless:

- (a) it is within the Invermay Residential Precinct and is consistent with achieving the land use objectives for that precinct; or
- (b) it is for residential activities associated with the educational activities within the Inveresk Cultural Precinct.

E16.5 Invermay Flood Inundation Management Precincts

E16.5.1 To provide for future control of land use and development, the area covered by the Code has been divided into seven management precincts. **These precincts reflect the existing land uses in the area and establish objectives for future use.**

Precinct 4: Invermay Residential

Description: Traditional residential area of mixed character. Largely not subject to inundation although would be isolated in a flood event.

Land use objectives:

- (a) Maintenance of the existing residential use;
- (b) Prohibit significant community infrastructure.

Referring to Figure 1.6 mapping illustrated in the BMT "North and South Esk rivers flood modelling and mapping update Volume 2: Flood mapping (Nov. 2018) commissioned by the CoL; existing conditions in a 1in200 AEP event flood will inundate Lytton Street.

During the 2016 flood, flooding of the North Esk River was a 1 in 200 AEP event. Fortunately the South Esk only reached 4% AEP (BMT North and South Esk Rivers flood modelling and mapping update Volume 1: Technical Report. 2019). More fortunately, the peak of the Esk Rivers did not coincide with

high tide of the Tamar Estuary. Given the estuary reliably peaks twice every day, that fortunate circumstance is not something that can be relied upon.

To recap the proposal's density suitability:

- Incompatible to the general area density.
- Inconsistent with multiple dwellings it aspires for comparison.
- Provides no social or community benefit, rendering proximity to public transport and business zone irrelevant.
- Is in conflict with the flood inundation code

The proposal claims it will not exceed the capacity of infrastructure services and any services will be modified to suit requirements. The statement is not verified by the services plan because there is not enough evidence provided in the plan to do so. Invermay has an aging, combined system which arguably is past any additional load. During the first DA for this proposal TasWater confirmed they would not accept stormwater discharge from the site above the existing load. There is nothing contained in the service plan that explains how that condition will be met as the two water retention pits are an ineffective management system for this particular site.

Due to concerns regarding excess flooding to the backyards of Lytton Street (which in part seems to have worsened since changes were made to the surface of 23 Lytton Street earlier in the year), our neighbours at 25 Lytton Street and I consulted with a hydraulics engineer about a number of matters regarding details of the proposal and surface flooding of the area in general. Problems of stormwater and surface water retention should not be underestimated in this area.

In my complaint against the first DA I stated had the owners actually lived here they would know a number of backyards along Lytton Street, including my own and theirs, flood several times a year during the wetter months. This year the highest above surface measurement of water in my backyard was 8cm extending approximately 12 metres along the SE boundary and 6 metres along the SW boundary. It took approximately a day and a half to drain away fully from our property leaving the yard sodden and muddy for days. Obviously I can't enter the premises of 23 Lytton Street to take measurements, but the water in the yard looked deeper than in my own and took about half a day to a full day longer in some areas to drain. There are photos included of both properties on various dates at the end of this submission. Please note this winter was a typical season in terms of what we experience with surface water flooding. There have been occurrences when the surface water has been much deeper, wider spread and has taken up to three days to drain from our property.

There is circumstantial evidence that by removing a substantial amount of topsoil from the middle of the backyard and filling the void with blue metal that the owners of 23 Lytton Street have altered surface water retention in this part of the yard. We have lived at our property for ten years and this year was the first time the middle of our backyard had visible surface water sitting for a prolonged length of time before flooding had occurred at the lowest point in the SE/ SW corner. This area is in line to where 23 Lytton Street's owners have altered the surface of their own yard. Likewise the neighbour of 25 Lytton Street mentioned for the first time (they have lived at their property for

several decades) they have had running water seeping beneath their fence, over the driveway. Again this is in line with 23 Lytton Street's yard, where the surface has been disturbed.

The concern about these changes prompted us to consult a hydraulic engineer (who came to site) to explain what might have caused the change. His assessment was that removing the top soil and re-filling with blue metal the owners have created a retention pond. He said regardless of looking dry on top (caused by evaporation) it continues to retain water beneath. This is especially concerning as the yards were already retaining water towards the back of the properties. The pooling of still-water encourages growth of unwanted organisms and the presence of vermin. The engineer advised this needs to be reported as it's a health and safety issue.

He further informed us that the responsibility for rectifying the surface drainage issues depends on the owner's own ability to run a drainage line from the area of standing water to discharge back in to the existing sewer line. This is determined by the natural fall of the site and the depth of the drains. Having a cursory look at the site plan it can be seen that the AHD level at the middle of the block is 4.70m, falling to 4.40m at the SE corner where the worst of the pooling occurs. The engineer explained if it was possible for the property owners to drain the surface water they must do so. However, if the surface levels are too low to achieve this, the council then becomes responsible for rectifying the problem. He advised that as the council of the day (1920's) chose to follow an English model of installing the combined system along the middle of the road rather than under the lowest ground level, responsibility of drainage problems resulting from this decision falls to the current council to manage.

I stated in the submission against the last DA there were anecdotes from long-term residents that a spoon drain originally ran along the SE boundaries of Lytton Street draining surface water into the Holbrook Street area. These anecdotes had included the belief the back of the Lytton Street properties could not be developed due to the presence of the drain. If this drain once existed it has naturally filled in over the last century. The engineer advised if this proposal is accepted it sets a precedent for further developments of similar nature along the Lytton Street rear boundaries. This decision then changes the scope of how the surface drainage needs to be approached. Where the implementation of a French drain along the back boundary would be sufficient for a single case of a flooded garden, future developments sited along the problem area require an extensive management solution. According to the engineer, this circumstance would likely involve the installation of an in-ground storm water drain situated along the length of the street beginning at Invermay Road and running along the lowest level at the rear of the Lytton Street properties. This would be at substantial cost to the council and substantial nuisance to the residents during the installation process.

The engineer pointed out two deficiencies of the external services plan. Firstly there is no discharge point from the driveway pit and secondly he stated that the pits shown on plan are unacceptable for this site. As there is already the presence of standing water, the owners must not implement a retaining method that holds still-water for even longer than what is already currently occurring. He advised the only acceptable solution for this site is a below ground tank fitted with a hydraulic pump to meter out measured amounts of storm water exiting at the curb, not to the combined system.

Our own plumber measured surface levels in our backyard confirming there is a 300mm fall from our sewer line to the lowest point at the SE corner of the yard which is a similar result as the AHD levels shown on the proposal's site plan. In our case we are unable to drain the backyard and will have to approach council to rectify the problem. Our plumber reiterated that an underground tank with a pump will be needed to drain storm water for the proposal. However this was in reference to surface runoff produced by the large area indicated on plan for a driveway and parking bays, paved in an impervious material. Referring to the site plan, the common area of the development is a "proposed" concrete driveway. The blue metal currently in place cannot stay as its retaining surface water but a concrete surface presents an equal problem of producing excessive amounts of run-off. Our plumber also advised the likely discharge point from the property was at the curb, however the "existing storm water" drain shown on plan is already laid, running parallel to the sewer pipe. The liberty of connecting into the combined system authorized or otherwise, has already been taken.

This proposal aims to increase the waste water load from the site by an additional kitchen, two full bathrooms, a half-bath and laundry facilities combined with the existing load from the original dwelling. In addition, during the short time the existing property has been tenanted (since July), post extensive renovations, the inlet pipe to the hot water cylinder was gushing water on the first two consecutive days after the tenant moved in, excessively flooding the backyard on the first day. More recently (18th /19th August) the connection point at the boundary was dug up and pipes re-laid. These events may not seem relevant to the issue of overloading the combined service, but the combination of substantial failures of newly installed plumbing, used by a single individual for barely two months calls into question whether due care and consideration in relation to the existing property has already been abandoned. Should we believe the owners are able to further manage the dual problem of standing water and/or excess runoff combined with regular stormwater from the downpipes in addition to the existing property? And are we to believe it will be carried out to an expected professional result when to date plumbing on site has been markedly less than acceptable? I am aware one owner is providing the plumbing service to the property, which makes the quality of plumbing to date even more concerning.

10.4.2 Setbacks and building envelope for all dwellings

The proposal does not productively fit within the title. "Occupation" measurements included on the site plan appear to be "borrowing" 210mm from the title of 21 Lytton. While site measurements appear to be to the title boundary not the fence line, should any assumption be made by the owners that they will be concreting their driveway or installing any other works up to the fence line beyond their own property boundary is incorrect. A legal letter has been lodged with Design to Live notifying their clients of encroachment. A copy of the letter is submitted with this complaint.

As the site falls well below the standard site area, the proposal's setback remains too close to the rear SE boundary and considerably too close to the SW side boundary.

In my comments about the previous DA for this property (DA0267-2021) submitted earlier this year, I indicated that the sun studies of that DA were deliberately misleading. While I acknowledge the sun studies are more comprehensive on this DA, I believe they are still misleading. I don't have a background in drafting software such as what is used to produce architectural sun studies but I do have a background in 3D design. This leads me to ponder the accuracy of the sun studies.

LYTT23 pg.7 indicates section of roof and adjoining eaves which fall outside of the building envelope on the NE and SE elevations. Shadow compliance or non-compliance is shaded green or red respectively. At every time slot throughout the day one or both non-compliant eaves provides part of the shadow outline. Therefore, surely every time slot should show some part of the shadow falling outside of the compliant area? The other detail I question is in relation to the outline of the shadow itself which is indicated as a green border. At the 9am time-slot the proposal's shadow falls neatly along the SW fence line of 25 Lytton Street. However, 21 Waugh Street's shadow is shown to be falling beyond the same fence line. How is it possible that a single storey dwelling with a setback of similar distance from the same side boundary casts a longer shadow than a two storey development? Moving to the 10am time-slot, 21 and 22 Waugh Street's shadows have receded significantly from covering the POS at 25 Lytton Street while the proposal's shadow line still falls neatly along the fence line. The methodology of at least one of these time-slots must be incorrect. If I'm right in my conclusions, the argument is not whether the shadow is compliant or non-compliant because it's impossible to formulate an argument against information that is omitted. But it calls into question the accuracy of the methodology used to formulate the sun-studies. If each individual study doesn't adhere to the exact same methodology as every other study then none of the sun studies presented can be relied upon for accuracy.

The next detail of the sun studies to be examined is the shadow of the proposed dwelling in relation to the site at 22 Waugh Street. In my complaint against DA0267-2021, I commented the sun studies were incomplete as the outbuildings and kitchen of 22 Waugh Street were missing. While they have now been added, they are drawn incorrectly and are misrepresented. The smaller outbuilding on the NW side of the property is a habitable room; a recreation building that the homeowner refers to as the "pool house" as that is what it was titled when the building was permitted. I previously referred to it as a studio as the space is well-appointed with excellent natural light for creative pursuits. Equally, in the contemporary climate of working from home, the space is easily converted to a home office. In short, it is not a shed and as the sun studies appear to infer and is an asset which complements the main dwelling.

The long outbuilding on the NE side of 22 Waugh Street is drawn as an "L" shaped building attached to the home. However, the return part of the 'L' is not part of the outbuilding and not attached to it. This part is the back section of the kitchen which protrudes from the house in a similar manner as a bay window. Please again refer to the appendix images which were previously submitted with my complaint against the previous DA demonstrating this.

The cover letter to DA0416 claims that 22 Waugh Street's site is *"overdeveloped, does not itself allow for 3 hours of unobstructed natural light to the majority of their POS, it is unreasonable to prevent neighbours from having the right to develop their property within the building envelope"*. Firstly the DA falls outside of the building envelope so the statement from the designer is inaccurate. The paragraph in general appears to be a blatant exaggeration by the designer to assign blame to the homeowner of 22 Waugh Street; that future loss of amenity to the home is her own fault. This is a bold statement from a design professional in a document that is to be digested and commented on by the general public. Therefore it is appropriate that the designer should reference specific sources and standards to quantify this claim. Is 22 Waugh Street overdeveloped or is this the designer's opinion? If there's a standard to quantify "overdeveloped" why is that relevant to 22 Waugh Street when the owner is not seeking further changes to her property, the existing buildings cause no

burden to other neighbours, her own residence complies to the building envelope and she only seeks to preserve the right to enjoy the amenity of her own home to which she is entitled? None of her buildings overshadow other homes and do not over shadow neighbouring properties any more than any other house in the street. They also do not overshadow her own property in the way designer suggests. I included photos taken of the NE side of 22 Waugh Street as close to the 21st June 2021 and as close to every hour as the weather conditions permitted during that week. These photos were included in my complaint against DA0267. I have re-submitted them with this complaint as they clearly show the back of the home and the studio/pool house currently receives excellent unobstructed light for most of the day.

The NW elevation of the home is predominantly responsible for solar access to 22 Waugh Street, affording the home good natural light and passive heating which is essential during the winter months. This is not a result of overdevelopment as the designer would have you believe. A casual walk along Waugh Street would inform the viewer that due to the orientation and proximity of the houses to one and other, the front and sides of these homes are in shadow or defused light most of the day except for the SE orientated driveways which receive early morning sun. All Waugh Street homes on the NW street side are reliant on the NW elevations to supply access to enjoyable levels of sunlight throughout the greater part of the day. The Waugh St. properties are shorter in length than their Lytton St. neighbours, placing the houses closer to the back boundaries. Any dwellings built at the rear of Lytton Street residences will detrimentally impact available light and outlook to the Waugh St. residents.

The loss of solar access to 22 Waugh St will undoubtedly increase the electricity demands to maintain heat throughout the colder months and light throughout the entire year. There are no solar panels on this home. The extra utility cost to the owner will be in the form of retail priced electricity. If overshadowing is not ascertained accurately during the DA process, the result is a loss of amenity to the home to such a degree it could potentially reduce it to hovel-like conditions; no sunlight, no passive heating and no outlook.

Due to the reasons listed and especially because the sun studies are yet again drawn incorrectly, surely it's imperative that 3D sun studies are implemented as 2D studies obviously cannot be relied upon.

The proposal's cover letter states, *"The siting and scale of the proposed new dwelling takes into account the potential visual impact caused by the scale of the building when viewed from a neighbouring property. The design has a smaller floor area on the first level, than the ground level creating a step-in affect (sic). The change in materials also breaks up the visual impact, thus reducing the visual presence and bulk from neighbouring dwellings."*

Firstly, the step-in effect of the 1st floor only creates minimal change to the view from 25 Lytton Street as it can only be recognised in profile at the far edge of the building when viewed at an angle. Otherwise it still has the same visual presence in the vertical plane as the original design. It makes little difference to the views from 21 Lytton Street or 20 Waugh Street as the effect is barely seen from these properties.

The "step-in effect" only affects perceived reduction in bulk from the original dwelling at 23 Lytton Street and at 22 Waugh Street. This "visual reduction" equates to less than 20% of the upper bulk.

This may make a nominal difference from a distant perspective, but viewing a structure that is over 6.5 meters high, sited a mere 3.6 meters away, obscuring more than 60% of the profile plane, all of which is contained within the central vantage point; it is highly unlikely to alleviate any visual presence from 22 Waugh Street.

This identical and previously rejected proposed build has been moved approximately 2 metres away from the rear neighbour. This in turn brings it an additional 2 metres closer to the dwellings at 21, existing 23 and 25 Lytton Street further exacerbating the visual size and bulk of the proposal from the viewpoint of these homes.

Multiple cladding materials cited in the proposal and used in the correct manner, in theory might reduce visual impact of a large structure providing it is sited at an appropriate distance to the viewer. This design is not an example of that theory. The way the materials are presented demonstrates designing with line and colour, especially when applied to linear forms, to intensify form and presence in an effort to draw attention towards an object. By using various colours and materials on a large object rising overhead, the change in materials/ colour engages the viewer's eye, forcing a stop at each variation. For example, from the front of the dwelling your eye will naturally stop at the top of the doors, each edge of the corten steel, the horizontal line caused by the overhang of the balcony and finally will hold the viewer's attention at the light coloured undersides of the eaves which are additionally accentuated by black wall cladding and roofing iron. The last detail re-emphasises the height of the building.

Black cladding* does nothing to improve the visual bulk. Dark colours are often mistakenly thought to make things look smaller, i.e. the fashion industry myth that black is slimming. In reality, by absorbing more of the colour spectrum dark colours make objects appear heavier and denser. If it was the intention to use a dark colour to make the visual bulk recede, it succeeds in doing the opposite. As neighbours will unavoidably look up towards the building it will be predominantly flanked by blue sky or white clouds, framing the bulk and scale. The only time it will be less noticeable will be at night. The comment from the designer that the inclusion of these elements reduces the *"visual presence and bulk from neighbouring dwellings"* is unfortunately creative licence to present the aesthetics in a more favourable light. Changing the proposal to a lighter colour to an attempt to reduce the visual domination will not achieve desired results. Changing the shade of lipstick cannot change the pig. Its bulk governs the view because the size and scale is in conflict with the size of the site, and its proximity is in conflict with the viewpoints from neighbouring properties. It's too big, too close and cannot be made look otherwise. The least obtrusive cladding, which will not make the building visually recede but look less insufferable would be in a light, natural colour with a non-reflective texture such as stone, so as to not reflect light or draw the viewer's eye any more than what is already unavoidable. Linear cladding should be positioned horizontally not vertically to avoid drawing further attention to height. Multiple materials and colours, particularly on the upper section, should be avoided wherever possible.

* 'Blistering temperatures': Dark roofing banned on Sydney's urban fringe

"Dark roofing will be banned in Sydney's south-west growth area in an attempt by the NSW government to dial back the heat island effect while providing sorely needed new homes... "When designing lots for detached housing, we need backyards which are big enough to plant a tree or have a garden. We need to say goodbye to the trend of having dark roofs that not only attract and retain heat and raise ambient street temperatures, but

lead to astronomical electricity bills because of the need to cool homes.” (NSW Planning and public spaces minister, Rob Stokes)... He described the ongoing problem with dark roofs as, “really low-hanging fruit to resolve” in terms of heat mitigation, and came down to aesthetic choice that had been left unaddressed.”

Article: Angus Thompson; Sydney Morning Herald August 23, 2021- 4.00pm

It is noted *“neighbouring property 25 Lytton St is also a two storey dwelling with a similar visual bulk and greater street front presence.”* More appropriately 25 Lytton Street also:

- Is a single dwelling.
- Falls within the building envelope.
- Briefly overshadows one neighbouring property, completely clearing all habitable rooms by 11am. Remaining shadowing after this time falls exclusively on the driveway and only during the morning.
- Is clad in the same materials and method as all other residences, keeping in character with the street.
- Is an A-frame design; it possesses a pitched roof, more closely representing the character of the street.
- Retains the same footprint as the original dwelling.
- The ground floor IS the original dwelling and retains the same style and character as the street.
- Actually (as opposed to theoretically) incorporates aesthetic elements to reduce its visual presence including screening plants and a light, neutral colour scheme so as not to draw closer attention to size.
- Is sited at the front of the lot in keeping in character with all other houses whilst preserving privacy to neighbouring back yards.

Stated; *“There is not an unreasonable reduction to sunlight to the existing solar energy installation on the outhouse of 25 Lytton St, as the overshadowing occurring between 9am and 10am on the 21st June affects less than 20% of the solar panelled area during this period. Considering approximately three quarters of the month of June receives partial or complete cloud coverage during this daily time slot, the overshadowing to the solar panels may be considered negligible”.*

Again, the designer has chosen to submit a sweeping statement without verification. Where are the cloud cover and rainfall averages for Invermay to draw this conclusion from? Also the type of solar array at 25 Lytton Street has not been established. Some arrays will not charge if any part of a single cell is in shadow. The home owner could equally counter argue that if the designer believes ¾ of June is overcast then they should be at pains to not submit a proposal that delivers additional overshadowing to an existing solar installation.

10.4.3 Site coverage and private open space for all dwellings

By moving the building slightly the designer has seemingly accommodated more than 60m² POS, unfortunately most of it is in shade for the majority of the day. The tiny sliver of sunlight the alternative POS receives during the day will predominantly be enjoyed by the rubbish bins and

garden shed. In relation to the clothesline, referencing the proposals' sun studies it can be seen this location receives less one hour of sunlight a day rendering it unfit purpose.

Please refer to the attached photos of the SE boundary of 23 Lytton Street contained in the appendix. I commented on surface water pooling in this particular area in my complaint against DA0267 2021. Long-term neighbors informed me that to their understanding this was a spring. While I had no visual evidence of this to present against the first DA, we have since experienced regular winter rainfall with expected results. The backyard of 23 Lytton Street has flooded no less than four times since July (photos included). Without drainage to manage this flooding how can any part of this area be considered acceptable in providing the essential requirements of POS?

The proposal is again left with only 13.04m² of POS to provide outdoor relaxation, dining entertaining, children's play and clothes drying. The balcony only provides marginally over 50% of the 24m² specified in one area and barely 20% of the 60m² needed in total. The space cannot be considered acceptable for children's play in absence of any other appropriate location as a first floor balcony is hazardous for small children. The cover letter mentions the POS allocated at the frontage of the original home of 23 Lytton St is positioned more than 30° west of true north. As the existing house and this one are parallel to each other, surely the same noncompliance in orientation for this POS also applies? Finally, the space measures less than 4m on a horizontal plane.

If the purpose of a POS is to provide "*amenity*" to the resident, i.e. a place that is "*harmonious, pleasant, or enjoyable*" (Planning terms and definitions: Launceston Interim Planning Scheme 2015) how is that achieved in the primary space that is too small for purpose or an alternative space which falls in shadow all day and floods during heavy rainfall?

The original home at 23 Lytton Street fares better with 83m² of POS, arguably most of it is not fit for purpose. The alternative 22.58 space in front is situated beside the toilet and a driveway that will be conveying four cars. This area is too dangerous for children and frankly a disgusting prospect for outdoor dining.

The main POS is orientated too far west. The necessity of privacy screens may mitigate the glare of afternoon sun because, as we can see from the sun studies, due to the height of the screens it appears that less than 50% of the POS now receives three hours or more sunlight during the day. The space may be suitable for relaxation, dining, entertaining but if the residents intend on undertaking these activities while taking advantage of sunlight they will need to remain standing to do so. A front open space is not suitable for small children as it leaves them vulnerable to unwanted surveillance unless adult supervision is constantly present. It also is not conveniently located near a living area as required and it is situated outside a large bedroom window.

Despite the privacy screen appearing to overshadow the POS on plan it is only 1.5m high. This creates an operational problem concerning its function verses its location.

The objectives set out at 10.4.7 Frontage fences for all dwellings are:

The height and transparency of frontage fences:

- (a) provides adequate privacy and security for residents;
- (b) allows the potential for mutual passive surveillance between the road and the dwelling; and
- (c) is reasonably consistent with that on adjoining properties.

Performance criteria require:

P1 A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:

- (a) provide for security and privacy while allowing for passive surveillance of the road; and
- (b) be compatible with the height and transparency of fences in the street, having regard to:
 - (i) the topography of the site; and
 - (ii) traffic volumes on the adjoining road.

I'm only 1.73m in height and I can easily see over 1.5m. As the screen is located on the front boundary it calls to question if it is high enough to truly provide effective privacy, although a higher screen will eliminate sun.

According to standard 5.6.3 a frontage fence must have openings that provide a uniform transparency of at least 30% above 1.2m. The proposal states the fence has a 25% transparency above 1m. This is a reduction in visibility of 75% above the height of the existing fence. Living in the Lytton Street area is a popular choice for young families as it is conveniently located near the Invermay Primary School and St. Finn Barr's Primary. Numerous children live in the street and most walk to and from school every day. While the screening fence aims to create better privacy for the residents, a 75% reduction in visibility above 1m is significant for drivers exiting 25 Lytton Street. In very recent years Lytton Street has experienced an adverse increase in parking and traffic congestion. Parking congestion has become apparent since the opening of the Star Theatre although predominantly this occurs along the top half of the street near Invermay Road. The increase in traffic volume is distinctly made up of trucks, 4WDs and other trade vehicles. Presumably the increase of these vehicles coincides with the rise in traffic congestion at the city end of Invermay Road. Drivers now appear to favour the Holbrook St. / Lytton St. route to avoid the congested traffic along Invermay Road. Driving along Lytton Street during business hours now requires drivers to fish-tail in and out of parked cars and oncoming traffic. Reduced visibility to a driveway is a more hazardous problem than it was five years ago.

The alternative POS is the only area to be located near a living area. Its horizontal measurement is less than 4 meters and receives full shade all day except for a short period after sunrise. The clothesline on this DA is allocated to the same position the garden shed occupied on the previous DA. I indicated then the shed was situated directly in front of the laundry window blocking most of the view. There is no suitable position for operational needs along this wall due to the location of large windows or the back door. I also stated the owners are prone to taking short-cuts where ever possible and I didn't believe garden sheds would be provided for either property unless a permit condition was applied. It's unlikely the clothesline will be positioned where shown. At 1.7 meters high, the screen around this area high is too low to attach a clothesline. The side path is the only option left but as can be seen in the sun studies this area doesn't receive sun until after 2.00pm. The width of the side path is not indicated, but the similar space along our own house is only 1.8 meters wide making it a less than ideal area for clothes drying. The current tenant of 23 Lytton Street has

been in residence since the beginning of July. There is no external clothesline provided for his needs. A post supported line is not difficult to move at a later date and I believe if the owners had an intention to supply a clothesline to this residence they would have already done so.

The 10.4.3 objective standards are thus:

That dwellings are compatible with the amenity and character of the area and provide:

- (a) for outdoor recreation and the operational needs of the residents;
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is conveniently located and has access to sunlight

Therefore it is prudent to examine what comprises the character and amenity of this area. The dominant architectural character of Lytton and Waugh Streets are 1920's/ 1930's homes with small gardens at front with larger private backyards. Several late Victorian homes have similar garden situations and a handful of post war houses have larger front yards with slightly reduced backyards. The latter could successfully supply most objectives set out under this standard with the exception of operational needs because who wants to hang laundry at the front of their house? All houses are comparable in size and function (family homes) including the existing house at 23 Lytton. The majority of homes in the street are designed only with a minimal front yard befitting small ornamental plants to increase street appeal. The backyards are of a size and position in relation to the home to genuinely meet all required standards. We have avid gardeners in the street; none grow fruit or vegetables out front. We have avid hosts in the street; none entertain in the front yard. The front yards were not designed for these purposes. Recreational toys such as trampolines, sand pits and paddling pools are appropriately situated in backyards where children can play in safety and privacy. Space provided for a clothes drying is of practical dimensions with excellent available sunlight. Not one resident is expected to endure tiny corridors of external space bereft of sun because this is the only space remaining; crammed against their houses blocking all sunshine and outlook.

The performance criteria for this standard (10.4.3 **P1** (b)) sets out that the private open space is of a size and of dimensions that are appropriate for the size of the dwelling. The objectives set out that it must be compatible with the amenity and character of the area. Therefore what is appropriate sized has already been determined by the POS of the other dwellings in both streets. The standards and the existing character and amenity of the street demand the existing house (a family-sized home) remains a single dwelling, serviced with a comparable sized yard that will provide the same functions and the same expectations as every other house in both streets enjoy. How can this proposal possibly hope compare to the existing character and amenity?

One last side note, as the designer chose to take a swipe at the "overdeveloped" site of 22 Waugh Street: 22 Waugh Street possess a garage of reasonable size to protect two vehicles, a portable garden shed (mistakenly draw on plan as an extension of the garage) to house gardening tools, a recreational space to enjoy hobbies and still has enough remaining space, receiving good levels of sunlight (but not for long if this DA is approved) to maintain a garden and dry clothes. These are reasonable expectations for a POS and much more generous than this proposal sets out to

accommodate. The DA relies on weaselling with word play because in reality it cannot produce genuine results.

The designer claims the average site coverage of the area is around 30% citing our property at 21 Lytton Street as proof of this. Our house makes up 20% of coverage and is of average size in the street. The original garage and annex make up the remaining 10%. The site coverage proposed is close to keeping with the area providing it remains no more than 35%. Although there are no covered carports on plan, our neighbours at 25 Lytton Street and ourselves fully expect carports to opportunistically materialise at our boundary lines during the build. As it is expected both houses will be sold at end of construction, the addition of covered carports would be prove an additional sales sweetener. Should this occur the site coverage would rise to approximately 40%; no longer a little over average, just simply bigger than the general area.

If included, carports encourage drivers to park closer than necessary to the fences as this is the likely positioning of such structures. This would increase the incidents of vehicles "tapping" the fences, hastening the need for earlier maintenance or replacement. Presumably the neighbours are expected to bear 50% of replacement costs? The addition of any ancillary structure(s) would furthermore add to the already unbearable visual overload the neighbours will endure. If the DA should be approved there needs to be a condition of permit that carports are not to be erected. The designer's reference to 22 Waugh Street 'overdeveloped site' at approximate 60%, appears to be an attempt to justify the added coverage and density intensification of their own site. 22 Waugh Street's site does not represent the average site coverage for the area. To utilise one site as justification for this build would invite the counter argument by the owners of 25 Lytton Street. Their site coverage would be a conservative estimate of 15%, possibly less. Using this individual property as comparison would render the proposal's coverage grossly over-sized in contrast.

"10.4.6 Privacy for all dwellings

Objective: To provide reasonable opportunity for privacy for dwellings.

Haven't the architects been clever with the setback from the NE boundary; sneaking in by TWO WHOLE CENTREMETERS! So will those extra two centimetres now mean they will not have direct overlook into the POS of 21 Lytton Street? From the vantage point of their balcony they have full view of at least 17, 19 and 21 Lytton Street, 16, 18 and 20 Waugh Street and excellent views into the POS of 25 Lytton Street and the POS of the living/ kitchen area of the existing home at 23 Lytton Street. How do I know this? Because I stood on a ladder at the side fence of 23 Lytton Street, at fence height, and that's how far I could clearly see into my neighbours back yards. The fence height is 1.7m while the proposal's balcony floor by comparison is at least 2.45m high. Added to the already considerable view they will enjoy of many other neighbours' no-longer-private-open-spaces from their balcony, they will also have two long viewing windows on the NE elevation. No screens and no frosted windows on plan to block views. This is a completely unacceptable invasion of privacy.

The setback may appease the acceptable solutions, but it falls remarkably short of the relevant performance criteria:

P1: A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining property or its private open space; or
- (b) another dwelling on the same site or its private open space.

P2: A window or glazed door, to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:

- (a) a window or glazed door, to a habitable room of another dwelling; and
- (b) the private open space of another dwelling.

The DA has attempted to compare itself with 25 Lytton Street. Let's examine that comparison in terms of privacy:

- 25 Lytton Street is situated at the front of the site. The front facing balcony views the street, the driveways and front yards of the dwellings opposite. These views are already easily visible from the road. 25 Lytton's views are simply at a steeper angle. The POS of the opposite homes are protected as all dwellings are sited at the front of their lots, effectively blocking views to the back. The only additional overlook 25 Lytton Street has is the tops of the roofs.
- 25 Lytton has no overview of any direct neighbour as there are no upper side windows.
- Rear upper windows directly face the closest neighbours in Mayne Street; two streets away!
- Side views of Waugh Street neighbours are heavily screened by mature trees and are over 20m away from the house.

25 Lytton Street is an example of developing a home in a manner that genuinely respects the character and amenity of the street and is considerate of neighbours. The DA is the reverse.

In closing:

- Since the removal of the existing driveway surface and the replacement with blue metal every car is heard in every room of our home along the SW side. The unavoidable sound created by wheelie bins has increased to a roar since the installation of the blue metal. A reminder the hydraulic engineer has advised this is an inappropriate permanent material due to surface water retention on site.
- Where are the visitors to the property expected to park? Will it be on the already congested residential street?
- The mature trees growing at 25 Lytton attract an amazing array of native birds including flocks of parrots, cockatoos, lorikeets, magpies, ravens, Australian doves and kookaburras. The trees and their occupants are a sensory treat for the neighbourhood; watching the

raucous antics of the birdlife. If the proposal is permitted, those of us living NE of the property will no longer enjoy this wonderful sight.

- The master bedroom's window is barely over 1 metre away from the boundary of 25 Lytton Street. This is incredibly inconsiderate to the privacy of the expected residents and to the embarrassment of the neighbours. The fences are not high and I believe the homeowners of 25 Lytton are not interested in being 'fenced-in' by increasing the height.
- The ineffectual and completely sub-standard attempt to secure POS for the existing home and the DA completely ignores the importance as to why humans require this type of space to satisfy their wellbeing and mental health.
- There is nothing to suggest the proposed dwelling will be particularly energy efficient. But it will most certainly cause an increase on demand for electricity at 22 Waugh Street.

In conclusion I would like to again refer to an online Examiner Newspaper article dated December 4, 2017 (4.47pm) by Holly Monery titled "City of Launceston council officers fail to inform alderman of error in development application plans" regarding a similar two story proposal located between Goodwin and Frank Streets, Invermay: the proposal presented had errors in its sun studies assessment and had angered local residents due to "concerns for loss of amenity, loss of privacy in their homes, the loss of sunshine, potential damage to homes, building hours and a reduction in the value of their properties. Residents also took issue with the design's siting and scale, with fears it detracted from the historical significance of the surrounding streetscape." The article reported "The development application was refused on the basis that it would cause an unreasonable loss of amenity on the adjoining lots due to overlooking, loss of privacy and visual impacts, and that it did not have sufficient regard to the existing dominant streetscape qualities of Frank Street."

The concerns of the Frank St. neighbours against that DA (and assessed as relevant by council) are equally echoed by the neighbours of this DA. I hope the Lytton and Waugh Street residents will be given same considerations to their concerns.

Thank you for taking the time to read these complaints. Please contact me for any further information you may need regarding the issues.

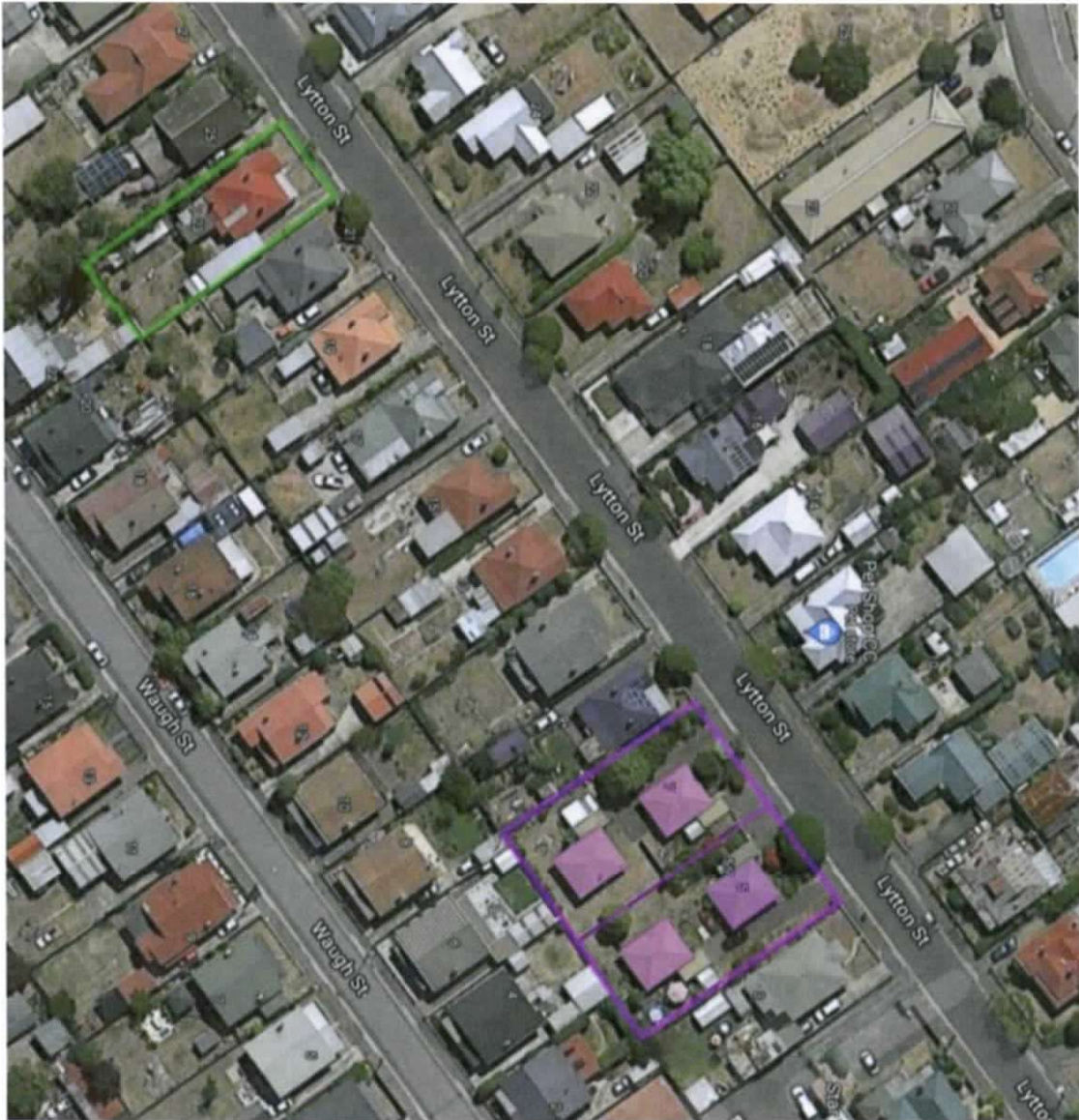
Kind Regards,
Allison Green and Keith Burgess



Home owners,



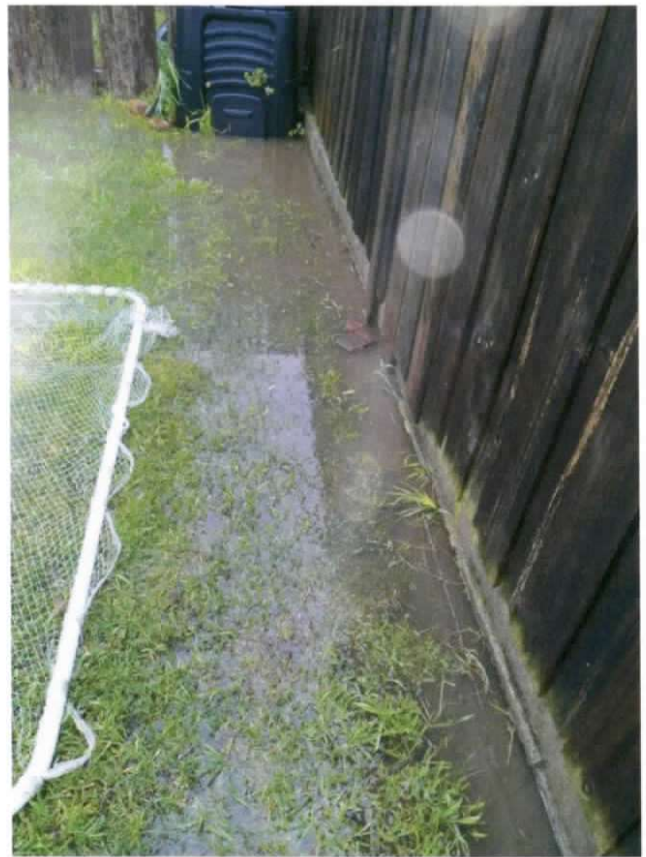
Appendix DA 0416-Images



Above: Google maps, Lytton Street, Invermay.

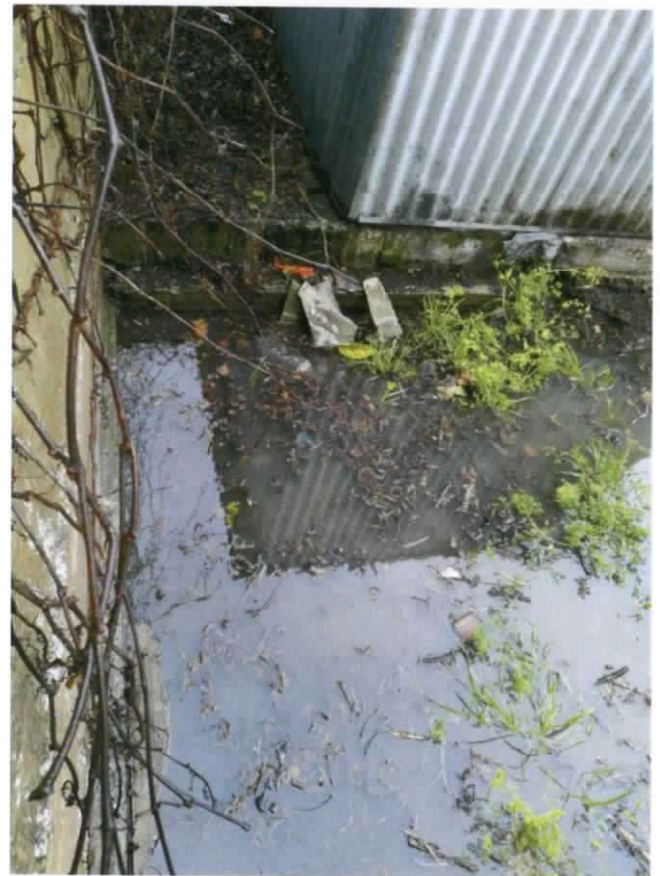
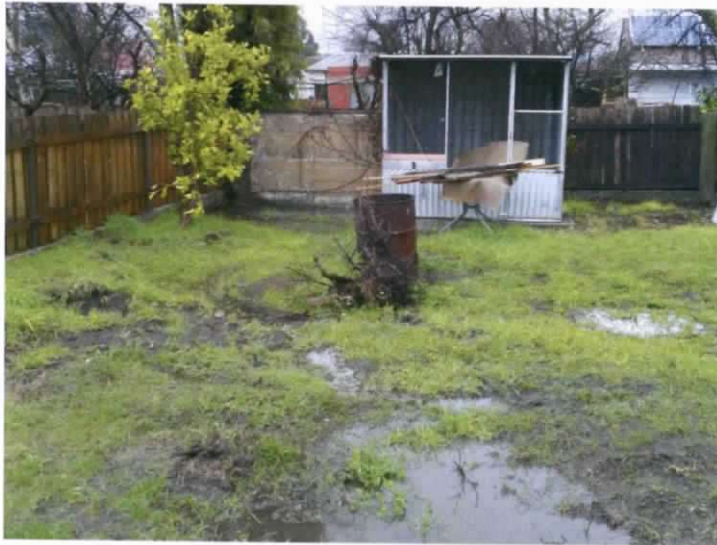
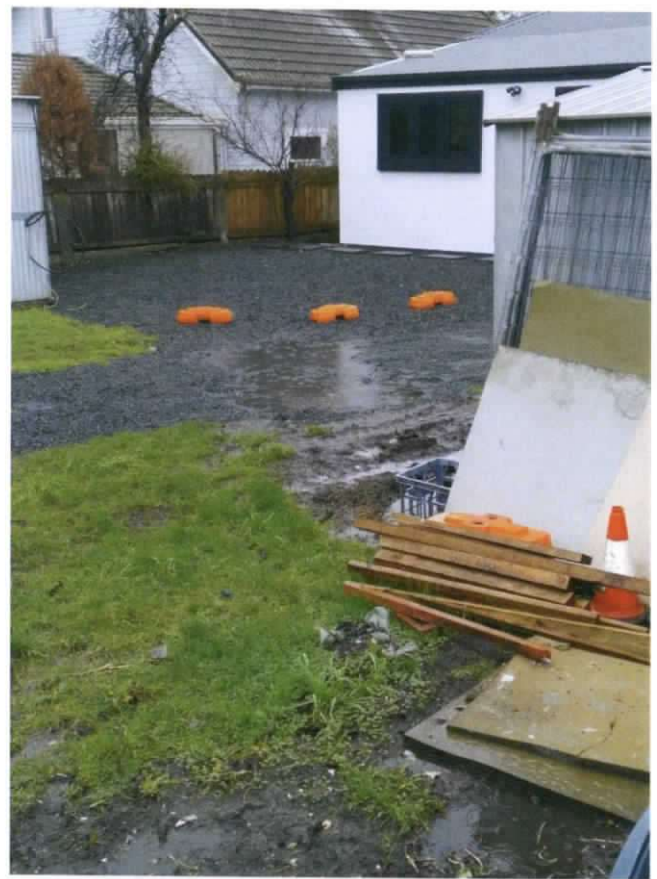
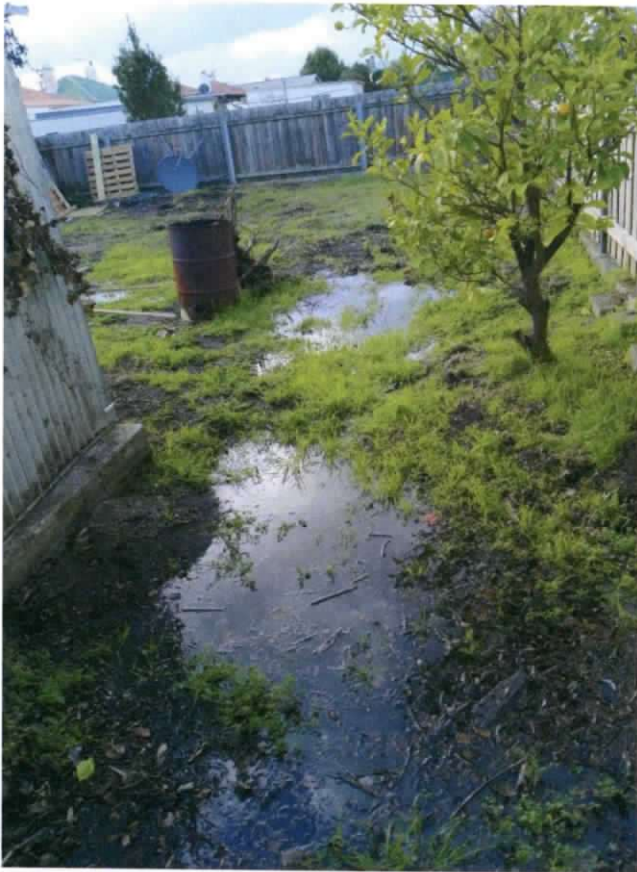
The proposal claims the units situated on blocks 5-7 are examples of compliance with existing housing density. These units are significantly smaller than the DA. They remain private in relation to each other and neighbouring properties. They fall within the building envelope and produce minimal overshadowing to each other. They appear not to overshadow neighbouring properties. They provide appropriate POS in relation to their size with good access to sun.

- 5-7 Lytton Street highlighted in pink
- 23 Lytton Street highlighted in green



Examples of photos of flooding at SE/ SW corner and centre of backyard at 21 Lytton Street during Winter, 2021.

Dates of flooding this year were 16th July, 28th July, 1st August. 12th August.



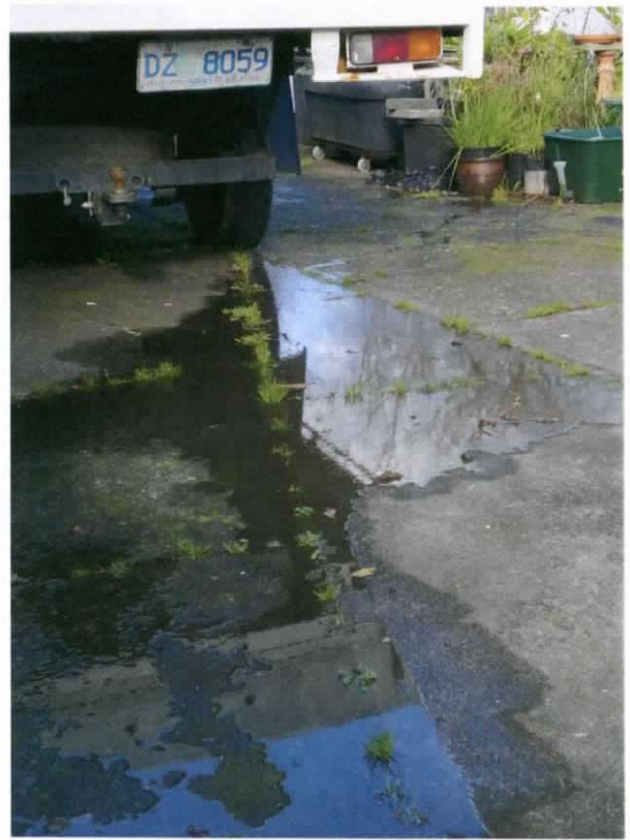
Examples of flooding to the rear of 23 Lytton Street:

Photos taken at various dates between 16th July and the 12th August, 2021

Top left and bottom right: SE/ SW corner as photographed from 25 Lytton Street

Bottom left: Mid to lower section towards the rear boundary as photographed from 21 Lytton Street

Top right: Mid to upper section towards existing house as photographed from 21 Lytton Street



Examples of flooding resulting from the HW service on 1st July

Top left: breakage of inlet pipe (it broke again the following day)

Top right: flooding at the mid to upper section of the backyard of 23 Lytton Street towards the existing house.

Bottom L and R: Surface water seepage originating from 23 Lytton Street and flowing across the driveway of 25 Lytton Street.

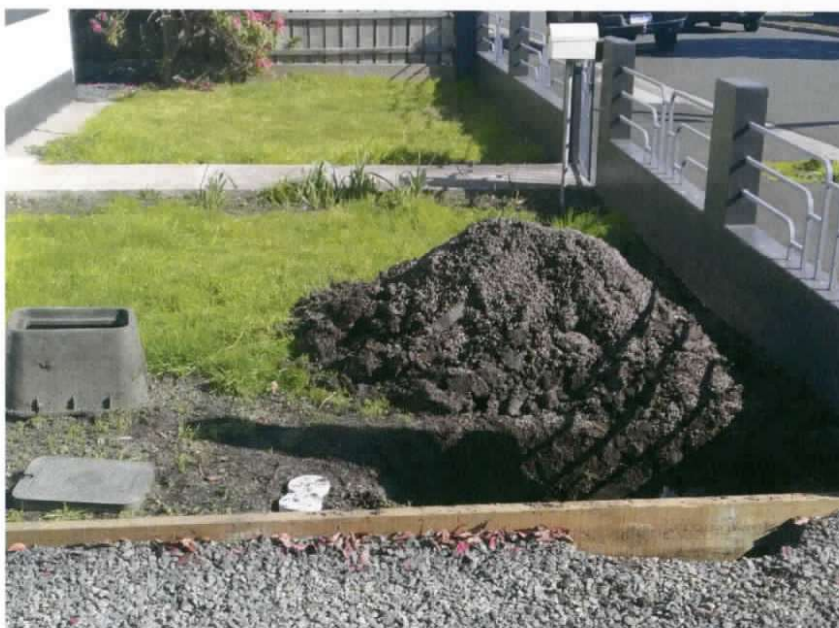
No rain occurred this day, allowing clear photography of the effects. This area falls in line with the removal of topsoil and the subsequent re-filling with blue metal in the centre area of 23 Lytton Street's yard.



Excavation images of the backyard of 23 Lytton Street showing the removal of topsoil prior to refilling with blue metal.

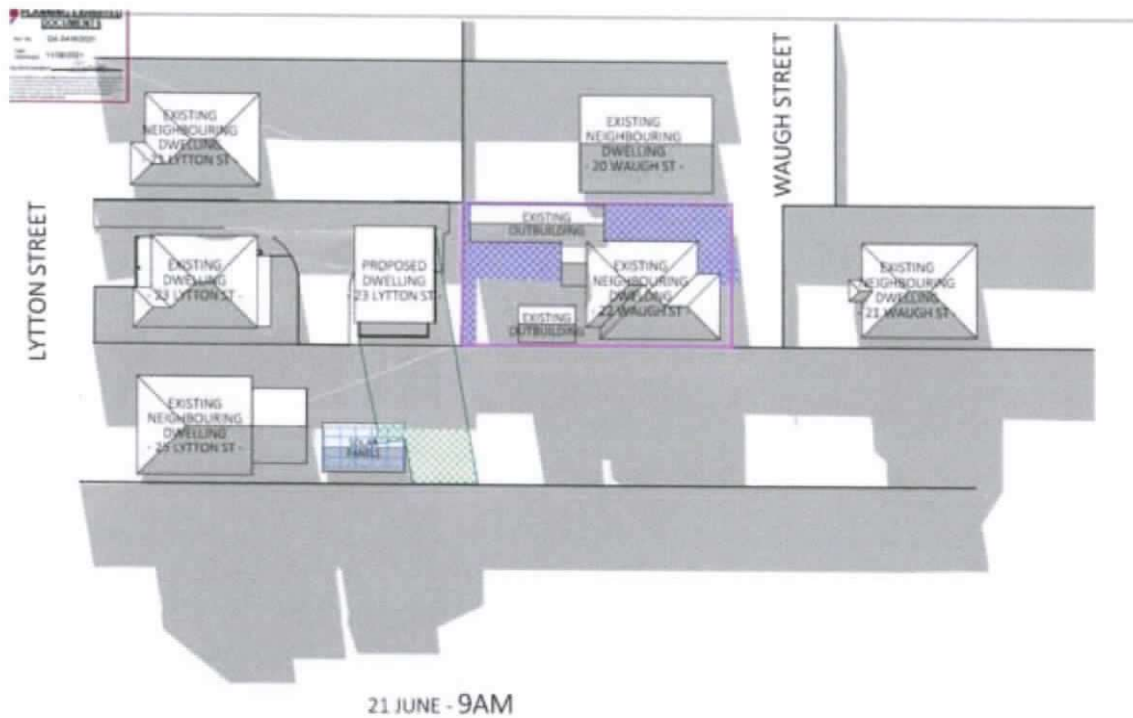


Depth of topsoil removal more is more readily seen in this image particularly in front of the existing aviaries and near the base of the lemon tree at left near the rear boundary.



Repairs to drainage line at 23 Lytton Street on 19th August. These drains along with other major plumbing installations were newly laid earlier in the year without an advertised permit.

The second inspection hatch a storm water pipe connected to the TasWater combined system, laid in anticipation of development approval.



21 JUNE - 9AM

Above: An example taken from the sun studies submitted by the developers. 22 Waugh Street is boarded in pink. Please note position and shape of “existing outbuildings” as labelled in the sun study.

Left: An aerial view of 22 Waugh Street supplied by Google maps satellite imaging. Date of image is unknown, but this remains the location of all buildings on site.

The buildings highlighted in pink are the main dwelling including the protrusion of the kitchen. This area provides the majority of sunlight to the main dwelling.

To the left is the studio/ recreational room, also highlighted in pink

Highlighted in blue are the garage and a portable garden shed which is positioned behind the garage in the SE/ NE corner.





Current sun access photos; 22 Waugh Street. Photos taken from 21 Lytton Street. It's not possible to photograph the Kitchen windows in their entirety from this angle.

Studio sun access
Photo of studio space.
9.22am, 24/06/2021



Clearly seen in this photo is the shadow line cast from the garage. At 10am, the sun studies presented with the DA show this same shadow being considerably more pronounced and extending almost across the whole property. This exemplifies the inaccuracy of the sun studies in the DA

10.09am, 24/06/2021



Studio and kitchen windows

11.02 am, 28/06/2021



12.07pm, 28/06/2021



12.53pm, 26/06/2021



2.00pm, 27/06/2021



3.03pm, 27/06/2021

The following three pages are representations of the visual impact of the proposal on adjoining neighbours. All care was taken to show elevations in relation to neighbouring properties as accurately as possible, given limited resources.

Positioning was determined from boundary corners. Size of elevation was approximated from relationship between fence heights to the first floor height of proposal on plan.

- Image 1(a) current view from backyard of 21 Lytton Street taken at eye level.
- Image 1(b) overlayed NE elevation from 21 Lytton Street. The back of dwellings at 25 Lytton and 23 Lytton can be seen in relation to the DA frontage. The back of our house is in line with these properties and at the same proximately to the build.

Please note the obvious overlook into the private open space. The adjoining fence to the left is the rear boundary of 20 Waugh St. also in full view of the build.

The image was taken at 4.30pm, 2 days past spring equinox. During summer, after 3.30pm this is the most enjoyable part of the day to spend in the garden as the heat starts to disperse. The extent of the shadow is an approximation as it is not possible to represent a 2D shadow across a 3D plane without the proper measurements, which are not available to me. Shadow fall was determined from the angles cast from the fence line in relation to the proposals height.

- Image 2(a) current view from backyard of 25 Lytton Street taken at eye level from back patio doorway.
- Image 2(b) overlayed SW elevation from 25 Lytton Street
- Image 3(a) current view from backyard of 22 Waugh Street taken at eye level
- Image 2(b) overlayed SE elevation from 22 Waugh Street



Image 1a



Image 1b



Image 2a



Image 2b



Image 3a

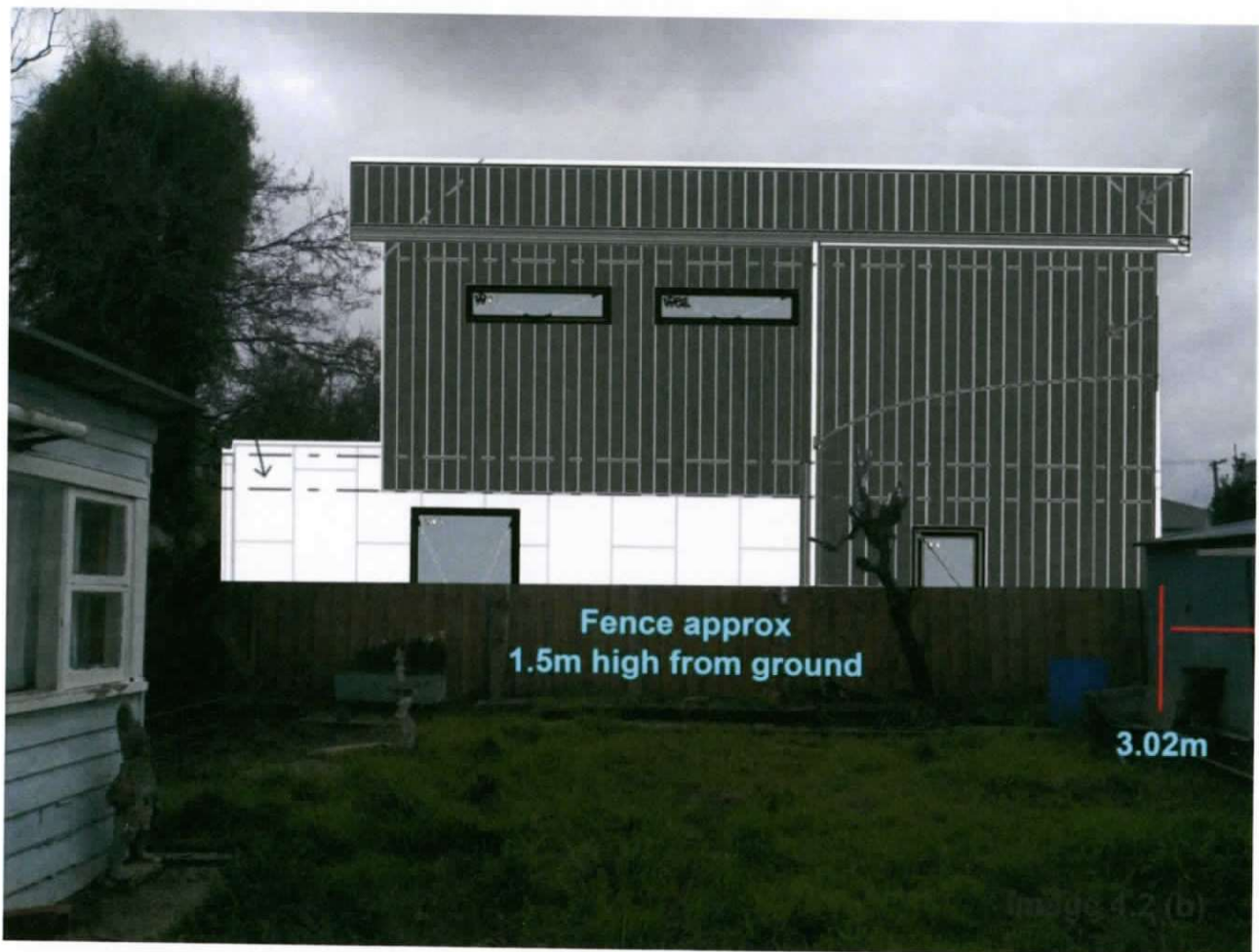


Image 3b

From: "charmaine turner" [REDACTED]
Sent: Mon, 27 Sep 2021 16:24:58 +1000
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: DA0416/2021 23 Lytton St.

You don't often get email from [REDACTED] [Learn why this is important](#)

To whom it may concern,
I wish to contribute my objection, again to this new proposal.
I live at [REDACTED] The placement structure would still allow its residents to see into my back yard, thus invading my privacy, which I believe is my right.
Also, please take into account that the owner only put in an application due to knowledge of the neighbour's that he was going to add an additional structure.
Lastly, it is far from fitting with the look of the street. Many locals will be upset and disappointing if this goes ahead.
Sincerely,
Charmaine Turner
[REDACTED]

Mr Michael Stretton,
CEO,
Launceston City Council

Dear Sir,

FILE No.	DA0416/2021				24 September 2021	
EO	✓	OD		Box	✓	
RCV'D 27 SEP 2021 COL						
Doc ID.						
Action Officer			Noted	Replied		
[REDACTED]						

e-copy to M. L. 250

After discussing the issues with my adult family, I am writing to express our concerns about the Development Notice for 23 Lytton Street. (0416/2021)

It has been my understanding ever since Ivan Dean was the mayor that a Flood Code was put in place for Invermay and Inveresk to limit the housing density and other development in the suburb. That is also why flood height signs were placed on telegraph poles at the same time.

Without even going through the application letter, the fact that it is called a 'Discretionary' DA means from the start that it does not fit in with this part of Lytton Street or Invermay. Because it is trying to fit in an over-sized house into a fairly small yard, and because it does not fit in with the flood code or the housing density or other planning rules for the area it should not go ahead.

After looking through the application papers there are even more concerns and it all shows that this is definitely not appropriate for this area. The idea of putting a 'private' open space on the street front is not desirable, and means that a two-storey house such as this is way out of proportion to the block. It doesn't even allow the basic facilities such a clothesline in the sun or room to even move around outdoors. A few square metres pushed in between the street and the front bedroom window is not exactly private. The house has been made strange enough with the bathroom and toilet facing the street.

We hope that the Council will truly look after all the families that live nearby and help maintain the local character of this area, and do not approve this application.

Yours faithfully,

L. Johnson, Invermay.

[REDACTED]

To the Launceston City Council,
c/- Chief Executive Officer,
PO Box 396, Launceston 7250.

Dear Council,

I was surprised to read about the 0416/2021 development at 23 Lytton Street, which is only about 615 square metres and already has a house on it and only a narrow driveway.

1. The unit development states there will be four carparking spaces.

Just in the past year or two I have noticed a big increase in the through traffic using Lytton Street. At the same time there has been a big increase in the amount of on-street parking instead of parking in garages, back yards or driveways. Simply driving in and out of my own driveway on a daily basis is getting more difficult, risky and dangerous. This has been aggravated by the traffic and on-street parking for visitors to the Star Theatre.

There was always only ever one car, the family car, that used to park on that property at 23 Lytton St. To try and fit parking for four cars (as well as building an over-sized unit) at the back of 23 Lytton all using the same narrow driveway is ridiculous.

Invermay and this street do not need any more traffic added nor any increase in on-street parking, which will inevitably be caused by this plan. It is easy for the developer or anyone to say that the plan is for occupants of the house and the unit to park on the property, but that is not what actually happens. It is already the experience in this street, and in other streets around Invermay-Inveresk, that on-street parking becomes the inevitable default option.

2. Density and privacy: The plan is wrong, and not true. There is no matching level of density anywhere in the vicinity. The four units at the top of the street (5-7 Lytton Street) each have their own individual driveways and easy-to-reach off-street parking. The blocks have a much wider street frontage than 23 Lytton Street, which is much narrower in comparison. Each of those four units has a wide bushy garden giving lots of privacy. There is no comparison between the density with those units

and this planned 2-storey unit behind the house at 23 Lytton St. There are no garden beds or bushy plants along the sides of the house anymore, the natural privacy has been ripped out, the original side gardens left bare and replaced with layers of ugly blue metal, creating an eyesore.

3. I find it hard to believe that the council could have approved the original front sunroom of the house being turned into a toilet and bathroom. The street appeal of the house has been taken away. Instead, the cheap-looking toilet window and the two small bathroom windows facing the street is an eye-sore. This is a blot on a Launceston streetscape.

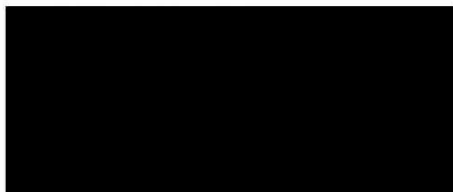
Before the destruction of the sunroom, the bedroom now referred to as the Master bedroom in the plans, had its window facing the street and had plenty of light from the sunroom. That natural light has been taken away, because the developer replaced the window and sunroom with an ensuite bathroom, meaning that artificial light has always to be used - So much for sustainability and saving power.

The whole place and the idea of a 2-storey unit and squeezing four carparking spaces is a matter of cramming everything in just to make a quick buck.

Hopefully, seeing that this is a Discretionary Application, the Council will use its discretion and not allow this plan to go ahead.

Yours faithfully,

Margaret Peters.



FILE No.	DA0416/2021				
EO	✓	OD		Box	✓
RCV'D 27 SEP 2021 COL					
Doc ID.					
Action Officer		Noted	Replied		

E-COPY: M. LASSO

To Launceston City Council, 27 September 2021

To whom it may concern,

There are a number of concerns I expressed in my complaint about the previous application DA 0267/ 2021 that are appropriate to DA 0416/ 2021 which weren't included with my earlier letter.

I have concern about the quality of the build. The workmanship of the original house the owners renovated is dreadful. They've shown no consideration in trying to keep that house looking in character to the rest of the street. It's no surprise they have applied to council to build such a lacklustre monstrosity with no respect to the area or even the tenants. I can't think of another house anywhere in the area that has a toilet just meters way from the footpath such as the original house now has.

They wrecked my boundary fence with an excavator and never repaired it. It March when the damage occurred. My son repaired the fence about a month ago since the owners of 23 plainly had no interest in doing so. What on Earth are we to expect if this new house is approved, especially considering how close it sits to neighbouring properties?

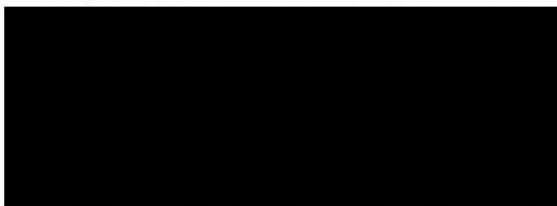
I am very concerned about excavation work being undertaken so close to the back fences. The underground spring in this area has been particularly problematic over the years. It is only because I had a cement slab laid near the back fence many years ago that my yard does not continually flood every winter. This slab is only a surface treatment to prevent spring water seeping up; it's not a large scale building pad. Recapping my earlier letter, who will be taking responsibility if my buildings or my property are affected due to altering the drainage or the disturbing the natural flow of the spring?

The proposed application will deprive my house and yard of all amenity. I will undoubtedly lose privacy as it is built so close to the boundary and my house and yard will lose their bright sunny aspect. Both will be plunged into shadow losing warmth, outlook and pleasant living conditions. If this proposal is approved there will no longer be any pleasure gained from living here.

Please turn down this application.

Yours faithfully,

Kay Green



FILE No.	DA0416/2021				
EO	✓	OD		Box	✓
RCVD 27 SEP 2021 COL					
Doc ID.					
Action Officer			Noted	Replied	

E-copy: m. LPS-50

To Launceston City Council, 23 September 2021.

To whom it may concern,

This letter concerns DA 0416/2021. It is distressing that this has come up again. I sent in two objections with all my reasons on the previous DA 0267/2021 at 23 Lytton St. Nothing has changed just by the new plan moving that two-storey building away from my back fence. The words in the new plan are very worrying and it is as if the writer of the covering letter thinks everything about my lifestyle is irrelevant. They show no consideration for my situation and what a building of that size and threatening appearance overlooking and dominating the adjoining properties and dwarfing my yard will do to my mental and physical health.

I have been very sick this past year and this 2- storey unit proposal has set me back. I am home all day and I spend a lot of time in my sunroom, where it is warm and light, or sitting outside in the sun in the back garden. Because the sunroom and the rest of that side of the house get all-day sun, it is warm and helps keep my electricity bills down. My garden gets the sun all day, and at the times when I feel well enough, I look after a few bulbs, flowers and vegetable plants in tubs. The trees in my garden are low and the trees in the neighbouring properties, including 23 Lytton St, are either low (like the last remaining lemon tree at no. 23), or deciduous and only shade part of my yard at the height of summer. They do not interfere with the sunlight in my sunroom and they do not take the warmth away. They provide a very pleasant green outlook, and attract all sorts of birds, including many native species. The proposed 2-storey unit on the other hand will be an ugly intrusive takeover of my private backyard.

I am so worried and stressed about the effect this proposed unit will have, what with the huge size of the thing looming over my yard taking away my sunlight and general amenity. I am scared that my health is going backwards because of the worry. The idea of permanent shadow over my yard and over my sunroom and studio windows is very distressing.

Now with this second DA, I am even more upset and I feel like I am being bullied by the writer and all the remarks in the Application Cover Letter about my yard and house (22 Waugh St). The writer of the cover letter is using bullying tactics to try and justify the huge size and placement of their planned building at 23 Lytton St by stating that my yard is "over developed" and that it is "not reasonable" for me to "prevent a neighbour from having the right to further develop their property." The current owner of 23 Lytton St is not a neighbour and doesn't live there. I feel like I'm being personally accused and attacked and that I have to defend my own simple lifestyle, sunlight, and amenity against a **discretionary** application. My back yard and property, with sun and room for fruit and vegetable gardens, is still much the same as it has been for over sixty-five years, from well before I and my family moved here.

Friends and family tell me that the Council had a Liveability Survey on its website. I would like to tell you a bit about the liveability and amenity of 23 Lytton St before the 'developers' moved in, because there is no consideration of liveability or amenity in this Development

Application proposal, just as there is no consideration whatsoever for the effects on neighbouring dwellings and the residents.

Before the alterations started on the existing house at 23 Lytton St, the back of the house had a section containing a bright open sunny porch and sitting, recreation and entertainment area that received full all-morning sun, as well as the laundry, storage room and spare shed. This part of the house provided privacy and almost complete reduction of back yard noise for both 23 Lytton and 25 Lytton St houses. The garden had lawn, camelias, a magnolia tree, 4 different coloured lilac trees, heritage and David Austin roses, a trumpet flower climber, irises, lillies, daisies, spring bulbs, numerous other plants that I don't know the name of, and hanging baskets. There was a Hills hoist rotary clothesline and plenty of room to throw a ball for the dog, and bird cage. The two-vehicle car port (which has since been demolished by this developer without a permit) was shelter for an undercover clothes line (as well as the rotary clothesline) and also had an attached tool shed. Several pets were buried in the garden over the years.

All of the above were suitable uses and activities for a yard of the size of 23 Lytton St. It was a family home in keeping with all other homes in the street, including the units at 5-7 Lytton St. At 5-7 Lytton St, each unit has its own driveway and access and plenty of garden around. This proposed development for 23 Lytton St is the exact opposite and in no way fits with the style of building or use or density of Waugh St, Lytton St or most of Invermay.

The garden as it was, allowed for drainage, especially in the section with the below ground spring that I mentioned in my previous letter. The digging and excavating out the soil by the developer over the past six months has already interfered with the drainage, and will cause more problems if the dwelling proposal goes ahead.

Because of all the deep digging with a bobcat and removal of the topsoil right around the house and yard, when a HWS pipe burst in the new plumbing in late June (not long after the tenant moved in) next to the driveway of the house at 23 Lytton St, it sent water gushing into the air across the driveway and resulted in water pooling in an area in the back yard close to the house. The water didn't flow down the driveway, instead it soaked down into the ground and then soaked through the whole length of the yard towards to my back fence and also under the ground towards the backyard of 25 Lytton St. The water seeping underground to the back fence ended up forcing the spring to flood up to the surface and to fill a section about 8 metres long, 1.5 metre wide and up to 20 cm deep along the back boundary fence line and to the corner with 23 and 25 Lytton St.

It is a huge concern that the proposed house plans show the sewerage-storm water outlet right at the location of the below ground-spring and the natural drainage along the boundaries between Waugh St and Lytton St. There is clearly a real risk that any alteration to the drainage or disturbance of the spring could affect the foundations of my garage, studio building and my house. The same risk of rising water would also apply to the buildings at 21 and 25 Lytton St. There is no way Taswater would accept such risk or approve this unit add-on to its sewerage-storm water system.

The alterations to the ground and 23 Lytton St house by the developer have also caused moisture to occur inside that house. Neighbours have noticed that since the refurbishment of the existing house, and before the tenant moved in, condensation has been clearly visible on windows on all but the street frontage of the house. This has never happened previously even when the house was empty and not heated. This can only have been caused by whatever methods and materials the developer has used, or it has been caused by interference with the soil and removal of all garden beds surrounding the house and replaced with a thick layer of blue metal.

As I said in my previous complaint, I hope the council seriously take in to account how severely this new house will affect so many aspects of my house and yard, as well as my health:

Council, please turn down this application.

Yours faithfully,

Kay Green,

FILE No.	DA0416/2021				
EO	✓	OD		Box	✓
RCV'D 27 SEP 2021 COL					
Doc ID.					
Action Officer		Noted		Replied	

Chief Executive Officer, (& Attn Maria Lasso)

Launceston City Council, PO Box 396, Launceston. 7259

Dear Council CEO and Staff,

I wish to submit this representation in response to the application for a Planning Permit – DA0416/2021 (23 Lytton St) as per your Notice received in the mail.

This is a very concerning proposal, which would have serious negative impacts on services and on the quality of life of nearby residents, and it should not be approved by the Council.

Below are responses to items of concern from the DA documentation and Cover Letter:

10.4.1 Residential density

A1 Relies on Performance Criteria P1

The document claims that the “additional dwelling will not exceed the capacity of infrastructure services”.

This is NOT the case. The local infrastructure services are already at full capacity. Any additional dwelling in Lytton Street will place further stress on the existing infrastructure. TasWater has stated in correspondence that the combined sewerage-stormwater system in the area is already at capacity and has advised the Council that they (TasWater) would not allow any additional flows into the system.

The multiple dwelling claim about density is wrong and is NOT compatible with the density of this residential area. Quite the opposite is the case. The comparison in the DA with units 5-7 Lytton St shows that the density claim by the developer is untrue. It is puzzling as to why the applicant would use 5-7 Lytton as the example to support his application.

10.4.2 Setbacks and building envelope for all dwellings

The previous DA (0267/2021) for the same building, included ‘A1 – Relies on Performance criteria’ and a paragraph addressing P1. The narrow, if not false, claim made in that first DA that the dwelling is “not causing unreasonable impact on adjacent dwellings” was utter nonsense and misleading. This new

DA for the same building dismisses 10.4.2 (Setbacks and building envelope for all dwellings) A1 as Not Applicable simply because the new building will be behind the existing building. It seems to ignore the point that 10.4.1 refers to 'all dwellings' and the DA omits to state here, or is trying to dismiss the point, that the DA plans includes two dwellings on one site.

10.4.2 Objectives on the siting and scale of the dwellings clearly exclude a two-storey dwelling such as the this one. There is not a reasonable consistent separation between dwellings. It definitely does not provide any consistency in the scale, bulk, massing and proportions of dwellings. The opposite is the case. This planned dwelling and its siting prevent sunlight entering habitable rooms and private open space, for several hours daily. Residents of adjacent houses deem that the loss of hours of sunlight is actually not only an 'unreasonable impact', but is a serious negative impact on neighbouring properties. The Sun Studies do not 'illustrate compliance' with the Performance criteria at all.

10.4.2 A3 Relies on Performance criteria.

P1 - As stated in the DA itself, the "proposed new dwelling is not entirely contained within the building envelope." On this basis alone the DA should be refused. The proposed dwelling is grossly out of scale with the adjacent and other surrounding dwellings and out buildings. The visual impact is far beyond what is acceptable for adjacent and surrounding dwellings and yards.

Sunlight and Sun Studies: 10.4.2 (d) provided reasonable access to sunlight for existing solar energy installations.

Any suggestion that the Sun Studies show that 25 Lytton St, 20 and 22 Waugh St do not suffer overshadowing from the proposed new dwelling is completely false. The extensive loss of sunlight that this proposed building would cause across the whole year is untenable. All three of these properties will suffer extensive overshadowing and loss of sunlight.

The narrow single day sun study appears to be used by the author as a deliberate attempt to hide the extent of loss of sunlight during the full year. 25 Lytton St will suffer loss of morning sunlight across much of the back yard for the greater part of the year. 27 Lytton St will also suffer overshadowing and lose much valued sunlight and warmth across the backyard and in its workshop for part of the morning. 25 Lytton St will suffer loss of morning sun in living areas for a large part of the year. The loss of morning sun (and therefore loss of access to passive solar energy) between and beyond the March and

September equinoxes would affect 25, 27 and 29 Lytton St and Holbrook St properties that currently receive full sun on their houses shortly after the sun rises over the eastern hills. The effect of overshadowing on sunlight for 22 Waugh St, with such a severe loss of sunlight likely to affect the health and well-being of the residents, is indefensible.

The author of the DA Cover Letter goes to great length in an effort to dismiss the effect of over-shadowing by the planned two-storey building. The author addresses at length the shadow cast by only that part of the building outside the building envelope. The author then dismisses the shadow cast by the main bulk and height of the building. To claim as the author did in the original DA that "the habitable rooms at these addresses (20, 22 Waugh St, 25 Lytton St) are not affected by a reduction in sunlight" was appalling and false. It was and remains incorrect and deceitful. The same applies to the convoluted paragraphs in the new DA also under 10.4.2 A3 Performance Criteria, particularly in relation to 22 Waugh St regarding overshadowing with the use of the terms/phrases such as 'still leaving the opportunity for natural light to penetrate the face of the dwelling'.

All these properties will lose extensive sunlight across their sunrooms, back verandas, workshops and outbuildings, which are all highly valued by the residents and are used daily for the sunlight they receive - irrespective of time of day, as it varies for each property - at all times of the year. The sunlight provides light and warmth during the cooler, duller times of the year, which means savings on heating and lighting power costs during those times.

Setting the two-storey building away from 22 Waugh St back fence does little to alleviate the overshadowing of that house and yard. Moving the building closer to the existing dwelling at 23 Lytton increases the overshadowing across the back yard, workshop building with the solar panels and the rear verandah and living area of 25 Lytton St. This part of the back yard, verandah and in front of the workshop is an important and well-used sitting and recreation area and with the morning sun warming rooms and the sheltered private outdoor seating area. (It is intended at a later date to convert the stable-workshop to a granny flat because it gets full sun from early morning just after sunrise, and because it can be done without any increase in footprint or height and without any impact on neighbouring dwellings or yards.) This DA would steal the sun and natural warmth from the workshop and from its value and use as a granny flat.

Overshadowing of neighbouring yards and buildings will not only add to the heating costs, but overshadowing of these backyards/gardens and well-used living/work areas will have serious negative impacts on the ability of the residents to be able to enjoy sunny backyards and gardens. The well-being and mental health of the residents of these dwellings is at risk with this DA.

Reviewing the purpose and objectives of 10.4.2 and the Performance Criteria P3, the planning dwelling does not meet the conditions

The siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
 - (ii) overshadowing the private open space of a dwelling on an adjoining property;
 - (iii) overshadowing of an adjoining vacant property; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and
- (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:
 - (i) an adjoining property; or
 - (ii) another dwelling on the same site.

Under '10.4.3 Site coverage and private open space for all dwellings' the applicant tries to justify the tiny amount of 'private open space' for each of the dwellings at 23 Lytton St as being for "relaxation, dining, entertaining and children's play". (See below). Yet this same applicant would deny the owners of 20 and 22 Waugh St and 25 Lytton St these same aspects, especially "relaxation", by overshadowing their open spaces and blocking their sunlight. Instead, the applicant has no qualms in denying the residents already living there their right to access to sunlight and therefore to well-being.

Contrary to the claim by the applicant, this serious loss of sunlight for these dwellings, recreation areas and the residents **IS** an “unreasonable impact on adjacent dwellings” by the proposed new dwelling. The discretions associated with the DA and the long-term consequences of this DA on the surrounding dwellings and yards cannot be ignored. The Council must not allow the proposal to go ahead.

Solar Panels, renewable energy and Sun Studies

The original DA Cover Letter concedes that on 21 June the existing solar panels at 25 Lytton St would be overshadowed until 10 am. As sunlight currently hits the solar panels just after sunrise, at around 8am in June, this equates to the loss of 2 hours of daily sunlight during the winter months of June-July.

The original choice of that particular roof position for the 20 solar panels was the result of careful consideration, research and monitoring of sunlight and angles of sunlight at particular times of the year and at particular times of the day from sunrise onwards. Please note that the permit for the solar panel installation required some structural strengthening to be carried out on the outbuilding (historic stable and open workshop) at some considerable cost.

A single day sun study in winter is **not** at all indicative of the amount of overshadowing of the solar panels that would occur should a building the size and height of the proposed dwelling be allowed to proceed. As pointed out above, the loss of sunlight at the same time as the Sun Studies show (21 June) amounts to two hours from 8 am to 10 am.

As most people would realise, because the sun ‘moves’ south after 21 June until 21 Dec, sunrise is earlier and so the angle of the sun’s rays in relation to the solar panels changes, and so does the amount of direct sunlight falling on the solar panels. At the time of the equinoxes with sunrise at around or before 6.30 am, and as the solar panels at 25 Lytton St receive sunlight from the time of sunrise over the eastern hills (Mt Barrow area), the loss of sunlight on the solar panels begins at the time of sunrise – ie from 6.30 am at the equinoxes.

Therefore, this calculation and consequent loss of early morning sunlight on the panels throughout the year has not been taken into account by the development application. A true assessment of the full effect of overshadowing by this building of the solar panels at 25 Lytton can only be carried out by taking into consideration the effects across a full year with studies/readings taken at or close to the two solstices and one of the

equinoxes. (ie, 21 June, 21 Dec and either 21 March or 21 September) at sunrise until the solar panel string is no longer shaded at all.

The huge increase of overshadowing and loss of sunlight is not just a serious loss of amenity for the residents. The loss of any amount of sunlight on the solar panels and the consequent loss of any amount of this renewable, environmentally friendly power source caused by this proposed development amounts to theft, stealing sunlight and adding to the residents' power costs.

The same loss of sunlight calculations based on Spring or Autumn and Summer sunlight and shadowing across the backyards, habitable rooms (sunrooms and living areas of 20 and 22 Waugh, 25 and 27 Lytton St) is also absent from the Application Cover Letter.

The applicant's blatant dismissal or denial of the serious negative affect on amenity, well-being and costs resulting from loss of sunlight is mischievous and misleading, and should be condemned by the Council.

10.4.3 Site coverage and private open space (POS) for all dwellings

Private Open Space

In the Cover Letter the applicant struggles to make the private open spaces meet the standards of 24m² area and the horizontal dimension of 4m. Yet despite the sub-standard private open spaces, and because of the complete lack of suitable space altogether, the applicant suggests that clothes drying could also be carried out in those under-sized spaces in addition to the other uses referred to as 'relaxation, dining, entertaining and children's play'.

Operational needs – (common necessary home duties or housework).

Whatever the operational needs are, they are not listed, with only the single example of clothes drying being given.

This single 'operational need', according to the Cover Letter, can be undertaken on the private open space or by using a clothes line installed on a wall either on the South-East or South-West side. This is unsatisfactory for residents of 23 Lytton St at both the existing dwelling (already tenanted) and at the proposed new dwelling, as well as for neighbouring residents. That the properties do not have enough area for a suitable rotary clothesline or full-size outdoor wall line (natural line drying capacity), shows that the proposed development is far too big for the land size.

This might seem like a trivial matter, but if the Council is serious about climate emergency and liveability, then in the interests of liveability and amenity and out of concern for the well-being of all residents in the Lytton St and Waugh St neighbourhood, the Council should not approve this application.

The DA does not specify separate clothes drying solutions for the two separate dwellings. The very suggestion that the private open space (POS) could be used for drying clothes (and presumably bedding) further confirms that this block is too small an area for multi-dwelling development. It shows the unsuitability and crudeness of this development proposal in such a small backyard with a single narrow laneway.

The previous suggestion by the applicant of using a clothes rack was crude and tacky, a primitive solution attempting to address a situation where there is not enough space for more residents at 23 Lytton St. Consequently, the proposal cannot, and does not, provide adequate privacy for residents of 23 Lytton nor for adjacent neighbours from the indignity of hanging washing in full view of, and in close proximity to adjacent properties.

The suggestion of installing a clothes line on one or other sides of the proposed building is also crude and ridiculous. The South-West side is a narrow mainly shaded space between the proposed building wall and the fence/vegetation of 25 Lytton. It does not afford privacy for residents on either side of the fence and is mostly shaded by the proposed building and/or vegetation at 25 Lytton. The South-East side of the building, also suggested as the location for a clothes line, is in full shade and still very close to the boundary fence of 22 Waugh St.

A2 Performance Criteria - P2. **Private Open Space (POS).** The private open space of the new dwelling relies on Performance Criteria. It does not meet the acceptable solution, because it is under-sized. The size of the private open space is not suitable for children's play, especially given the location and proximity of the car parking spaces of the existing dwelling. Use of phrases such as a private open space being oriented 'to take advantage of the natural light' or 'passive surveillance of the road' (whatever that is), or 'allowing for natural light penetration and passive surveillance of the street' and 'that if there were no bedrooms on the ground floor, then the private open space would be compliant under the old planning scheme' do nothing but indicate that the author of the Cover Letter is struggling to make the DA meet the Performance criteria.

The Cover Letter also shows the difficulties of trying to squeeze in private open space for the existing dwelling whether it is located on the South side of the house, which means it does not have sufficient sunlight to meet requirements, or whether it is located in the small lawn area on the street front. There is no sustainable solution for public open spaces as areas for 'relaxation, dining, entertaining and children's play' for the existing dwelling or for the planned dwelling.

Designating the balcony (which is clearly visible to/from adjacent and other nearby properties) of the proposed new dwelling as 'private open space' with all the associated private open space activities listed in the Cover Letter, including children's play, shows the desperate attempts to make it all sound acceptable. Instead, it is an unacceptable mish-mash of crude attempts to make the whole project palatable, at least to the Council as the Planning Authority.

The original Cover Letter claimed that the private open space of the proposed dwelling is proportional to the occupants that are anticipated to live in either dwelling. That is not the case, especially if the new dwelling does not meet the requirements for private open space, given the number of bathrooms and toilets. In addition, the first floor room referred to as the Study with a WC appears to be designed to become a bedroom. The private open space designated for this development is not proportional to the anticipated number of residents, their operational needs or general outdoor needs such as recreation or child's play area.

All these aspects plainly demonstrate that the 615 m2 block is far too small for the proposed development. The block is only suitable for one dwelling, in this case that is the existing dwelling. The proposal should not be approved by Council.

Thank you to the Council for this opportunity to submit a representation on DA0416/2021.

Your faithfully,

James Marshall,

23 September 2021.

To whom it may concern in the Launceston City Council, Town Hall.

Re DA 0416-2021

It seems to me that building a two-storey house of that size in the backyard of 23 Lytton St would be the thin edge of the wedge in Invermay and for people who only have small to medium size yards. It is unfair to people and their families already living in Invermay. It is like an attack on the traditional backyard and the Australian lifestyle. It is un-Australian to take away the neighbours' sunlight. Backyards are important for families especially for young families with children and pets.

A two-storey box jammed into an ordinary backyard also takes away the character and ambience of the area. More cars in the street is also not good for people already living in the area and presents a risk for children.

Instead of trying to change the neighbourhood, the developers should fix up the damage they have done to 23 Lytton St, fix the garden up and do some decent landscaping, put in a car port where they illegally demolished the original one, convert the bird-room into a studio or home-office. Now would be a good time to do so, especially now while more people are working from home, and with the increase in house prices they would get a good price without all the hassle involved in doing the over-sized box, and the return would be just as good on a percentage basis.

So here is a note to the developers. With house prices the way they are at the moment, you can make the same percentage return on your money, if not better, by re-establishing the lawn and garden beds, converting the bird-room into a home office or studio, putting in a nice carport on the spot where you demolished the previous one, put in a modern rotary clothes line, add a deck at the back and put in a front gate the same as the original.

Thank you,

Robbie L. (need confidentiality, see Mr J Marshall)

22 September 2021.

To the Launceston City Council,

St John St Launceston 7250

Re DA, 23 Lytton St, (0416/2021)

We are among the people who live in Lytton St not far from 23 Lytton St and who are concerned about this Development Application. We wish to raise our concerns with you about this "additional dwelling" development in Invermay.

By building on small blocks of land, such as this Application plans to do, and taking gardens and trees away means that rain water no longer feeds gardens and trees but ends up as runoff either across neighbouring properties or going into the storm-water system and having to be treated in the stormwater-sewerage treatment plant. This puts increased pressure on the joint system, which then puts further pressure on the Tamar River, just at this time when it doesn't need any further pressure.

We are firm believers in passive solar design and environmentally sound and sustainable urban development. Because of the footprint size and intrusive height of the planned building, this application will take away the ability for nearby home owners to install and/or use passive renewable solar energy systems for warmth, light and hot water. This loss of sunlight and solar energy, or potential energy, has a flow-on effect with added energy (power) costs for the home owners, not only because they lose the ability to benefit from the sun, but also because they will be forced to buy power from the grid at a greater cost and because they will need to compensate for the loss of natural warmth that they currently get from the sun on their living areas and yards.

The Perspective drawings with the Application are deliberately deceptive and trying to create a false sense of appeal, when the size and design actually has no appeal. The drawings make the land in question look like the building is in the middle of a golf course instead of in this small suburban backyard, crowding out existing homes and gardens.

There is an increasing amount of information about "Land degradation" being "one of the biggest contributors to climate change" and "people are starting to feel it where they live" according to researchers on a recent program on ABC radio. Please Council, do allow this application to go ahead.

Yours sincerely,



J Marshall, on our behalf because we need to have our names withheld.

Lytton St, Invermay, 22 September 2021

Dear Council,

Re DA for 23 Lytton St. (0416/2021)

We live not far from 23 Lytton St and would like to make the following comments about the notice regarding an 'additional dwelling' to be built there. Apart from some minor 'alterations' this DA is the same as the previous DA 0267/2021, so the same problems and concerns remain, plus some additional concerns.

Apart from the obvious size of the block being too small, and all the overshadowing and serious loss of sunshine for adjacent neighbours, one of our concerns is traffic.

- Traffic has become a safety issue in Lytton St with more and more vehicles using Lytton St since all the developments near Bunnings and Office works. It is getting worse all the time as the council approves more developments that generate more traffic. Drivers now use Lytton St as part of a 'short cut' between those big box developments and Invermay Rd.

- A second concern is privacy. An extra dwelling, especially one of that size and height, on that site will result in a loss of privacy for the owners of many neighbouring properties on both sides of the street.

- The safety of children is a paramount for parents. This is a street with families with young children. There are several small pre-school children as well as young primary school children who live very close by to 23 Lytton St. Adding even more local traffic to this street - in the form of too many residents living on one small block and driving in and out of the property, or parking on the street - puts the safety and well-being of these children at risk.

Many children walk to and from school via Lytton St and they are also at risk if there is an increase in traffic in the street. Surely that is not something the council would like on its conscience.

- This is a low density area with matching infrastructure only capable of handling the current low density residential activity. The claim put forward in the development application letter about density and the

addition of another dwelling squeezed into such a small area is misleading at best. The addition of another dwelling in that small area is not in any way in keeping with the density of the street or this part of Invermay.

- The plans (Drawing 4) shows a 'study' on the first floor with a tiled WC directly off the study. This has the clear potential to become a bedroom, complete with en suite toilet, with no more effort and time than placing a bed in it. With no further work needed, this dwelling instantly becomes a three bedroom dwelling, and that is how every real estate agent would advertise it.

By trickery or stealth, the inclusion of a room called the 'study' and its attached WC further increases the number of people who could occupy the property beyond the capacity and scale of the site. It just confirms that this building is beyond the capacity of the site and is not in keeping with either the density and scale of the site or with the surrounding neighbourhood.

The study (potential 3rd bedroom) also has a window overlooking the neighbouring properties as well as directly to the back door and rear living areas of the existing dwelling at 23 Lytton St.

- **Safety and security** If permitted to proceed, the over-developed site is dangerous for children. The tiny amount of land (Personal Open Space POS) that is meant to support a multitude of activities for two dwellings is completely inadequate and unsafe. It acts against the health and safety of children. The unsuitability of the 23 Lytton St site for two dwellings is clearly obvious just on the POS alone, as shown by the placement of the Private Open Space for the existing house on the street front, and for the planned dwelling, on a balcony.

That POS is **not** a safe place for children to play, and the risk is at least three-fold. The street frontage POS is not connected directly to any entrance to the dwelling, leaving a child more vulnerable to the risk of not being heard or seen by the child's responsible adult in case of an accident or misadventure. Without constant adult supervision, a child in that space would also be at risk of running onto the street or of being subject to abduction.

The same applies to the so-called POS on the balcony of the planned dwelling. A balcony is **not** a safe place for a child to play with or without adult supervision.

The area for car parks for each dwelling is larger than the Personal Open Space. That poses yet another safety risk to children, with vehicles entering, exiting, reversing and turning in such a small confined area.

The only safe, secure and healthy option for children and for their carers/responsible adults and for all occupants in general at 23 Lytton St is with one single dwelling, that is, the current single dwelling with the existing backyard providing the POS for the one dwelling, allowing plenty of space for play, enjoying outdoor sunlight, outdoor dining, recreation, garden, landscaping and car parking, and 'operational needs' such as clothesline, rubbish bins, storage, etc. The advertised plan is anathema to liveability and healthy living and well-being for children and adults alike.

• **Health risk and density:** The spread of the Covid virus is assisted by higher density living in urban areas, as witnessed in Europe, USA and elsewhere. Australia escaped the worst of the pandemic spread due largely to its overall moderate-lower population density. The areas in Australia where the virus struck and spread and resulted in lockdowns were those were the higher density areas, such as the apartment blocks in Melbourne and Sydney.

We do not need to add any further to the population density to suburbs in Tasmania, and certainly not into a suburban area with a mixture of families, small children, retirees and vulnerable people such as those with already compromised poor health and elderly.

We believe that the Council has the responsibility to refuse the application to build such a dwelling on such a small block in this area.

Kind regards,

J. Marshall on behalf of two households who need to have their names withheld.



FILE No.	DA0016/2021				
EO	✓	OD		Box	✓
RCV'D 27 SEP 2021 COL					
Doc ID.					
Action Officer			Noted	Replied	

A black rectangular redaction box covering the name of the action officer.

From: "Allyson Green" [REDACTED]
Sent: Mon, 27 Sep 2021 12:11:42 +1000
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: Att: Chief Executive Officer, submission against DA0416/2021
Attachments: Letter to council 2nd DA Final Draft.docx, Rae & Partners Letter.pdf

You don't often get email from [REDACTED] [Learn why this is important](#)

To whom it may concern,
Please find attached our submission against DA0416/2021. An images appendix is to accompany this submission. Due to file sizes of images contained, a hard copy of this submission will be presented in person including all images.
Regards,
Allison Green and Keith Burgess

Complaint against DA 0416-2021

To whom it may concern,

10.4.1 Residential density for multiple dwellings

A1: At 307m², the proposal is below the acceptable requirement of 325m² site area per dwelling.

P1: *"Multiple dwellings must only have a site area per dwelling that is less than 325m² if the development will not exceed the capacity of infrastructure services and:*

- (a) is compatible with the density of existing development on established properties in the area;*
or
- (b) Provides for a significant social or community benefit and is:*
 - (i) Wholly or partly within 400m walking distance of a public transport stop; or*
 - (ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone."*

As the proposal's site area is less than the required 325m² required it aims to liken itself to the existing housing density of the area by drawing comparisons to single units built at blocks 5-7 Lytton Street. The units at 5 and 7 Lytton Street are of a different nature to the proposal at 23 Lytton Street. These units are small, single storey and designed in an appropriate manner which maintains size, scale and amenity with the existing area and an appropriate level of privacy with their neighbours. None of which describes the proposal: a two story development with two and a half bathrooms and two car parking spaces and overlooking/ overshadowing at least nine Lytton and Waugh Street properties.

5-7 Lytton Street are also the only multiple dwellings in Lytton Street or Waugh Street and hardly constitute an expectation of similar constructions in the future for either street or indeed the general area. The units housed at 5-7 Lytton St were constructed after the original Victorian/Federation home which encompassed both lots burnt down. The architecture and materials of the units suggests they are over 20 years old. If so, they predate the Invermay/Inveresk flood inundation code. If applied to be built today as four units on two existing lots they potentially may not pass the flood code.

As Invermay/ Inveresk are vulnerable to flood and isolation it was necessary to implement the Invermay/Inveresk flood inundation code to limit future housing density to the area to prevent increased risk; risk defined as loss of life, loss of property, loss of income and homelessness due to flood isolation. A recent Pitt and Sherry flood study report includes extensive flood analysis data of the Invermay/ Inveresk area. In this report it is stated that *"Residents and occupiers of Invermay and Inveresk are generally aware of that flooding can occur, are aware that flood levels provide then (sic) with a level of protection and there may be further risks of flooding, but they may not yet appreciate the nature and magnitude of those risks". "Inundation of Invermay, Inveresk and other polder areas may result in an extended period, perhaps up to three months (CoL advice), when electricity, sewage and water services are inoperable"*(Utas Inversesk Development: Building 3 flood study report, 27 June,

2019). Invermay has the highest flood emergency response classification of FIS- flooded, isolated and submerged, hence the need for the flood code. Every new house in this area represents one more household subject to homelessness should a major flood event occur.

E16.7.1 Intensification of residential development

Objective: To limit the intensification of residential development in areas subject to, or isolated by, flood inundation.

A2

Subdivision or division of land by strata plan:

- (a) must not create any additional lots capable for any future residential development; or
 - (b) is to:
 - (i) separate existing dwelling units; or
 - (ii) separate existing residential and non-residential buildings;
- that have been approved by Council on a single title.

P2

Subdivision or division of land by strata plan must not create any additional lots capable of future residential development unless:

- (a) it is within the Invermay Residential Precinct and is consistent with achieving the land use objectives for that precinct; or
- (b) it is for residential activities associated with the educational activities within the Inveresk Cultural Precinct.

E16.5 Invermay Flood Inundation Management Precincts

E16.5.1 To provide for future control of land use and development, the area covered by the Code has been divided into seven management precincts. **These precincts reflect the existing land uses in the area and establish objectives for future use.**

Precinct 4: Invermay Residential

Description: Traditional residential area of mixed character. Largely not subject to inundation although would be isolated in a flood event.

Land use objectives:

- (a) Maintenance of the existing residential use;
- (b) Prohibit significant community infrastructure.

Referring to Figure 1.6 mapping illustrated in the BMT “North and South Esk rivers flood modelling and mapping update Volume 2: Flood mapping (Nov. 2018) commissioned by the CoL; existing conditions in a 1in200 AEP event flood will inundate Lytton Street.

During the 2016 flood, flooding of the North Esk River was a 1 in 200 AEP event. Fortunately the South Esk only reached 4% AEP (BMT North and South Esk Rivers flood modelling and mapping update Volume 1: Technical Report. 2019). More fortunately, the peak of the Esk Rivers did not coincide with high tide of the Tamar Estuary. Given the estuary reliably peaks twice every day, that fortunate circumstance is not something that can be relied upon.

To recap the proposal's density suitability:

- Incompatible to the general area density.
- Inconsistent with multiple dwellings it aspires for comparison.
- Provides no social or community benefit, rendering proximity to public transport and business zone irrelevant.
- Is in conflict with the flood inundation code

The proposal claims it will not exceed the capacity of infrastructure services and any services will be modified to suit requirements. The statement is not verified by the services plan because there is not enough evidence provided in the plan to do so. Invermay has an aging, combined system which arguably is past any additional load. During the first DA for this proposal TasWater confirmed they would not accept stormwater discharge from the site above the existing load. There is nothing contained in the service plan that explains how that condition will be met as the two water retention pits are an ineffective management system for this particular site.

Due to concerns regarding excess flooding to the backyards of Lytton Street (which in part seems to have worsened since changes were made to the surface of 23 Lytton Street earlier in the year), our neighbours at 25 Lytton Street and I consulted with a hydraulics engineer about a number of matters regarding details of the proposal and surface flooding of the area in general. Problems of stormwater and surface water retention should not be underestimated in this area.

In my complaint against the first DA I stated had the owners actually lived here they would know a number of backyards along Lytton Street, including my own and theirs, flood several times a year during the wetter months. This year the highest above surface measurement of water in my backyard was 8cm extending approximately 12 metres along the SE boundary and 6 metres along the SW boundary. It took approximately a day and a half to drain away fully from our property leaving the yard sodden and muddy for days. Obviously I can't enter the premises of 23 Lytton Street to take measurements, but the water in the yard looked deeper than in my own and took about half a day to a full day longer in some areas to drain. There are photos included of both properties on various dates at the end of this submission. Please note this winter was a typical season in terms of what we experience with surface water flooding. There have been occurrences when the surface water has been much deeper, wider spread and has taken up to three days to drain from our property.

There is circumstantial evidence that by removing a substantial amount of topsoil from the middle of the backyard and filling the void with blue metal that the owners of 23 Lytton Street have altered surface water retention in this part of the yard. We have lived at our property for ten years and this year was the first time the middle of our backyard had visible surface water sitting for a prolonged length of time before flooding had occurred at the lowest point in the SE/ SW corner. This area is in line to where 23 Lytton Street's owners have altered the surface of their own yard. Likewise the neighbour of 25 Lytton Street mentioned for the first time (they have lived at their property for several decades) they have had running water seeping beneath their fence, over the driveway. Again this is in line with 23 Lytton Street's yard, where the surface has been disturbed.

The concern about these changes prompted us to consult a hydraulic engineer (who came to site) to explain what might have caused the change. His assessment was that removing the top soil and re-filling with blue metal the owners have created a retention pond. He said regardless of looking dry on top (caused by evaporation) it continues to retain water beneath. This is especially concerning as the yards were already retaining water towards the back of the properties. The pooling of still-water encourages growth of unwanted organisms and the presence of vermin. The engineer advised this needs to be reported as it's a health and safety issue.

He further informed us that the responsibility for rectifying the surface drainage issues depends on the owner's own ability to run a drainage line from the area of standing water to discharge back in to the existing sewer line. This is determined by the natural fall of the site and the depth of the drains. Having a cursory look at the site plan it can be seen that the AHD level at the middle of the block is 4.70m, falling to 4.40m at the SE corner where the worst of the pooling occurs. The engineer explained if it was possible for the property owners to drain the surface water they must do so. However, if the surface levels are too low to achieve this, the council then becomes responsible for rectifying the problem. He advised that as the council of the day (1920's) chose to follow an English model of installing the combined system along the middle of the road rather than under the lowest ground level, responsibility of drainage problems resulting from this decision falls to the current council to manage.

I stated in the submission against the last DA there were anecdotes from long-term residents that a spoon drain originally ran along the SE boundaries of Lytton Street draining surface water into the Holbrook Street area. These anecdotes had included the belief the back of the Lytton Street properties could not be developed due to the presence of the drain. If this drain once existed it has naturally filled in over the last century. The engineer advised if this proposal is accepted it sets a precedent for further developments of similar nature along the Lytton Street rear boundaries. This decision then changes the scope of how the surface drainage needs to be approached. Where the implementation of a French drain along the back boundary would be sufficient for a single case of a flooded garden, future developments sited along the problem area require an extensive management solution. According to the engineer, this circumstance would likely involve the installation of an in-ground storm water drain situated along the length of the street beginning at Invermay Road and running along the lowest level at the rear of the Lytton Street properties. This would be at substantial cost to the council and substantial nuisance to the residents during the installation process.

The engineer pointed out two deficiencies of the external services plan. Firstly there is no discharge point from the driveway pit and secondly he stated that the pits shown on plan are unacceptable for this site. As there is already the presence of standing water, the owners must not implement a retaining method that holds still-water for even longer than what is already currently occurring. He advised the only acceptable solution for this site is a below ground tank fitted with a hydraulic pump to meter out measured amounts of storm water exiting at the curb, not to the combined system. Our own plumber measured surface levels in our backyard confirming there is a 300mm fall from our sewer line to the lowest point at the SE corner of the yard which is a similar result as the AHD levels shown on the proposal's site plan. In our case we are unable to drain the backyard and will have to

approach council to rectify the problem. Our plumber reiterated that an underground tank with a pump will be needed to drain storm water for the proposal. However this was in reference to surface runoff produced by the large area indicated on plan for a driveway and parking bays, paved in an impervious material. Referring to the site plan, the common area of the development is a “proposed” concrete driveway. The blue metal currently in place cannot stay as its retaining surface water but a concrete surface presents an equal problem of producing excessive amounts of run-off. Our plumber also advised the likely discharge point from the property was at the curb, however the “existing storm water” drain shown on plan is already laid, running parallel to the sewer pipe. The liberty of connecting into the combined system authorized or otherwise, has already been taken. This proposal aims to increase the waste water load from the site by an additional kitchen, two full bathrooms, a half-bath and laundry facilities combined with the existing load from the original dwelling. In addition, during the short time the existing property has been tenanted (since July), post extensive renovations, the inlet pipe to the hot water cylinder was gushing water on the first two consecutive days after the tenant moved in, excessively flooding the backyard on the first day. More recently (18th /19th August) the connection point at the boundary was dug up and pipes re-laid.

These events may not seem relevant to the issue of overloading the combined service, but the combination of substantial failures of newly installed plumbing, used by a single individual for barely two months calls into question whether due care and consideration in relation to the existing property has already been abandoned. Should we believe the owners are able to further manage the dual problem of standing water and/or excess runoff combined with regular stormwater from the downpipes in addition to the existing property? And are we to believe it will be carried out to an expected professional result when to date plumbing on site has been markedly less than acceptable? I am aware one owner is providing the plumbing service to the property, which makes the quality of plumbing to date even more concerning.

10.4.2 Setbacks and building envelope for all dwellings

The proposal does not productively fit within the title. “Occupation” measurements included on the site plan appear to be “borrowing” 210mm from the title of 21 Lytton. While site measurements appear to be to the title boundary not the fence line, should any assumption be made by the owners that they will be concreting their driveway or installing any other works up to the fence line beyond their own property boundary is incorrect. A legal letter has been lodged with Design to Live notifying their clients of encroachment. A copy of the letter is submitted with this complaint.

As the site falls well below the standard site area, the proposal’s setback remains too close to the rear SE boundary and considerably too close to the SW side boundary.

In my comments about the previous DA for this property (DA0267-2021) submitted earlier this year, I indicated that the sun studies of that DA were deliberately misleading. While I acknowledge the sun studies are more comprehensive on this DA, I believe they are still misleading. I don’t have a background in drafting software such as what is used to produce architectural sun studies but I do have a background in 3D design. This leads me to ponder the accuracy of the sun studies. LYTT23 pg.7 indicates section of roof and adjoining eaves which fall outside of the building envelope on the NE and SE elevations. Shadow compliance or non-compliance is shaded green or red

respectively. At every time slot throughout the day one or both non-compliant eaves provides part of the shadow outline. Therefore, surely every time slot should show some part of the shadow falling outside of the compliant area? The other detail I question is in relation to the outline of the shadow itself which is indicated as a green border. At the 9am time-slot the proposal's shadow falls neatly along the SW fence line of 25 Lytton Street. However, 21 Waugh Street's shadow is shown to be falling beyond the same fence line. How is it possible that a single storey dwelling with a setback of similar distance from the same side boundary casts a longer shadow than a two storey development? Moving to the 10am time-slot, 21 and 22 Waugh Street's shadows have receded significantly from covering the POS at 25 Lytton Street while the proposal's shadow line still falls neatly along the fence line. The methodology of at least one of these time-slots must be incorrect. If I'm right in my conclusions, the argument is not whether the shadow is compliant or non-compliant because it's impossible to formulate an argument against information that is omitted. But it calls into question the accuracy of the methodology used to formulate the sun-studies. If each individual study doesn't adhere to the exact same methodology as every other study then none of the sun studies presented can be relied upon for accuracy.

The next detail of the sun studies to be examined is the shadow of the proposed dwelling in relation to the site at 22 Waugh Street. In my complaint against DA0267-2021, I commented the sun studies were incomplete as the outbuildings and kitchen of 22 Waugh Street were missing. While they have now been added, they are drawn incorrectly and are misrepresented. The smaller outbuilding on the NW side of the property is a habitable room; a recreation building that the homeowner refers to as the "pool house" as that is what it was titled when the building was permitted. I previously referred to it as a studio as the space is well-appointed with excellent natural light for creative pursuits. Equally, in the contemporary climate of working from home, the space is easily converted to a home office. In short, it is not a shed and as the sun studies appear to infer and is an asset which complements the main dwelling.

The long outbuilding on the NE side of 22 Waugh Street is drawn as an "L" shaped building attached to the home. However, the return part of the 'L' is not part of the outbuilding and not attached to it. This part is the back section of the kitchen which protrudes from the house in a similar manner as a bay window. Please again refer to the appendix images which were previously submitted with my complaint against the previous DA demonstrating this.

The cover letter to DA0416 claims that 22 Waugh Street's site is *"overdeveloped, does not itself allow for 3 hours of unobstructed natural light to the majority of their POS, it is unreasonable to prevent neighbours from having the right to develop their property within the building envelope"*. Firstly the DA falls outside of the building envelope so the statement from the designer is inaccurate. The paragraph in general appears to be a blatant exaggeration by the designer to assign blame to the homeowner of 22 Waugh Street; that future loss of amenity to the home is her own fault. This is a bold statement from a design professional in a document that is to be digested and commented on by the general public. Therefore it is appropriate that the designer should reference specific sources and standards to quantify this claim. Is 22 Waugh Street overdeveloped or is this the designer's opinion? If there's a standard to quantify "overdeveloped" why is that relevant to 22 Waugh Street when the owner is not seeking further changes to her property, the existing buildings cause no

burden to other neighbours, her own residence complies to the building envelope and she only seeks to preserve the right to enjoy the amenity of her own home to which she is entitled? None of her buildings overshadow other homes and do not over shadow neighbouring properties any more than any other house in the street. They also do not overshadow her own property in the way designer suggests. I included photos taken of the NE side of 22 Waugh Street as close to the 21st June 2021 and as close to every hour as the weather conditions permitted during that week. These photos were included in my complaint against DA0267. I have re-submitted them with this complaint as they clearly show the back of the home and the studio/pool house currently receives excellent unobstructed light for most of the day.

The NW elevation of the home is predominantly responsible for solar access to 22 Waugh Street, affording the home good natural light and passive heating which is essential during the winter months. This is not a result of overdevelopment as the designer would have you believe. A casual walk along Waugh Street would inform the viewer that due to the orientation and proximity of the houses to one and other, the front and sides of these homes are in shadow or defused light most of the day except for the SE orientated driveways which receive early morning sun. All Waugh Street homes on the NW street side are reliant on the NW elevations to supply access to enjoyable levels of sunlight throughout the greater part of the day. The Waugh St. properties are shorter in length than their Lytton St. neighbours, placing the houses closer to the back boundaries. Any dwellings built at the rear of Lytton Street residences will detrimentally impact available light and outlook to the Waugh St. residents.

The loss of solar access to 22 Waugh St will undoubtedly increase the electricity demands to maintain heat throughout the colder months and light throughout the entire year. There are no solar panels on this home. The extra utility cost to the owner will be in the form of retail priced electricity. If overshadowing is not ascertained accurately during the DA process, the result is a loss of amenity to the home to such a degree it could potentially reduce it to hovel-like conditions; no sunlight, no passive heating and no outlook.

Due to the reasons listed and especially because the sun studies are yet again drawn incorrectly, surely it's imperative that 3D sun studies are implemented as 2D studies obviously cannot be relied upon.

The proposal's cover letter states, *"The siting and scale of the proposed new dwelling takes into account the potential visual impact caused by the scale of the building when viewed from a neighbouring property. The design has a smaller floor area on the first level, than the ground level creating a step-in affect (sic). The change in materials also breaks up the visual impact, thus reducing the visual presence and bulk from neighbouring dwellings."*

Firstly, the step-in effect of the 1st floor only creates minimal change to the view from 25 Lytton Street as it can only be recognised in profile at the far edge of the building when viewed at an angle. Otherwise it still has the same visual presence in the vertical plane as the original design. It makes little difference to the views from 21 Lytton Street or 20 Waugh Street as the effect is barely seen from these properties.

The “step-in effect” only affects perceived reduction in bulk from the original dwelling at 23 Lytton Street and at 22 Waugh Street. This “visual reduction” equates to less than 20% of the upper bulk. This may make a nominal difference from a distant perspective, but viewing a structure that is over 6.5 meters high, sited a mere 3.6 meters away, obscuring more than 60% of the profile plane, all of which is contained within the central vantage point; it is highly unlikely to alleviate any visual presence from 22 Waugh Street.

This identical and previously rejected DA has been moved approximately 2 metres away from the rear neighbour. This in turn brings it an additional 2 metres closer to the dwellings at 21, existing 23 and 25 Lytton Street further exacerbating the visual size and bulk of the proposal from the viewpoint of these homes.

Multiple cladding materials cited in the proposal and used correctly, may in theory reduce visual impact of a large structure providing it is sited at an appropriate distance to the viewer. This design is not an example of that theory. The use of materials presented demonstrates designing with line and colour, especially when applied to linear forms, to intensify form and presence in an effort to draw attention towards an object. By using various colours and materials on a large object rising overhead, the change in materials/ colour engages the viewer’s eye, forcing a stop at each variation. For example, from the front of the dwelling your eye will naturally stop at the top of the doors, each edge of the corten steel, the horizontal line caused by the overhang of the balcony and finally will hold the viewer’s attention at the light coloured undersides of the eaves which are additionally accentuated by black wall cladding and roofing iron. The last detail re-emphasises the height of the building.

Black cladding* does nothing to improve the visual bulk. Dark colours are often mistakenly thought to make things look smaller, i.e. the fashion industry myth that black is slimming. In reality, by absorbing more of the colour spectrum dark colours make objects appear heavier and denser. If it was the intention to use a dark colour to make the visual bulk recede, it succeeds in doing the opposite. As neighbours will unavoidably look up towards the building it will be predominantly flanked by blue sky or white clouds, framing the bulk and scale. The only time it will be less noticeable will be at night. The comment from the designer that the inclusion of these elements reduces the “*visual presence and bulk from neighbouring dwellings*” is unfortunately creative licence to present the aesthetics in a more favourable light. Changing the proposal to a lighter colour to an attempt to reduce the visual domination will not achieve desired results. Changing the shade of lipstick cannot change the pig. Its bulk governs the view because the size and scale is in conflict with the size of the site, and its proximity is in conflict with the viewpoints from neighbouring properties. It’s too big, too close and cannot be made look otherwise. The least obtrusive cladding, which will not make the building visually recede but look less insufferable would be a light, natural colour with a non-reflective texture such as stone, so as to not reflect light or draw the viewer’s eye more than what is already unavoidable. Linea cladding should be positioned horizontally not vertically to avoid drawing further attention to height. Multiple materials and colours, particularly on the upper section, should be avoided wherever possible.

* ‘Blistering temperatures’: Dark roofing banned on Sydney’s urban fringe

...cont. "Dark roofing will be banned in Sydney's south-west growth area in an attempt by the NSW government to dial back the heat island effect while providing sorely needed new homes... "When designing lots for detached housing, we need backyards which are big enough to plant a tree or have a garden. We need to say goodbye to the trend of having dark roofs that not only attract and retain heat and raise ambient street temperatures, but lead to astronomical electricity bills because of the need to cool homes." (NSW Planning and public spaces minister, Rob Stokes)... He described the ongoing problem with dark roofs as, "really low-hanging fruit to resolve" in terms of heat mitigation, and came down to aesthetic choice that had been left unaddressed."

Article: Angus Thompson; Sydney Morning Herald August 23, 2021- 4.00pm

It is noted *"neighbouring property 25 Lytton St is also a two storey dwelling with a similar visual bulk and greater street front presence."* More appropriately 25 Lytton Street also:

- Is a single dwelling.
- Falls within the building envelope.
- Briefly overshadows one neighbouring property, completely clearing all habitable rooms by 11am. Remaining shadowing after this time falls exclusively on the driveway and only during the morning.
- Is clad in the same materials and method as all other residences, keeping in character with the street.
- Is an A-frame design; it possesses a pitched roof, more closely representing the character of the street.
- Retains the same footprint as the original dwelling.
- The ground floor IS the original dwelling and retains the same style and character as the street.
- Actually (as opposed to theoretically) incorporates aesthetic elements to reduce its visual presence including screening plants and a light, neutral colour scheme so as not to draw closer attention to size.
- Is sited at the front of the lot in keeping in character with all other houses whilst preserving privacy to neighbouring back yards.

Stated; *"There is not an unreasonable reduction to sunlight to the existing solar energy installation on the outhouse of 25 Lytton St, as the overshadowing occurring between 9am and 10am on the 21st June affects less than 20% of the solar panelled area during this period. Considering approximately three quarters of the month of June receives partial or complete cloud coverage during this daily time slot, the overshadowing to the solar panels may be considered negligible".*

Again, the designer has chosen to submit a sweeping statement without verification. Where are the cloud cover and rainfall averages for Invermay to draw this conclusion from? Also the type of solar array at 25 Lytton Street has not been established. Some arrays will not charge if any part of a single cell is in shadow. The home owner could equally counter argue that if the designer believes $\frac{3}{4}$ of June is overcast then they should be at pains to not submit a proposal that delivers additional overshadowing to an existing solar installation.

10.4.3 Site coverage and private open space for all dwellings

By moving the building slightly the designer has seemingly accommodated more than 60m² POS, unfortunately most of it is in shade for the majority of the day. The tiny sliver of sunlight the alternative POS receives during the day will predominantly be enjoyed by the rubbish bins and garden shed. In relation to the clothesline, referencing the proposals' sun studies it can be seen this location receives less one hour of sunlight a day rendering it unfit purpose.

Please refer to the attached photos of the SE boundary of 23 Lytton Street contained in the appendix. I commented on surface water pooling in this particular area in my complaint against DA0267 2021. Long-term neighbors informed me that to their understanding this was a spring. While I had no visual evidence of this to present against the first DA, we have since experienced regular winter rainfall with expected results. The backyard of 23 Lytton Street has flooded no less than four times since July (photos included). Without drainage to manage this flooding how can any part of this area be considered acceptable in providing the essential requirements of POS?

The proposal is yet again left with only 13.04m² of POS to provide outdoor relaxation, dining entertaining, children's play and clothes drying. The balcony only provides marginally over 50% of the 24m² specified in one area and barely 20% of the 60m² needed in total. The space cannot be considered acceptable for children's play in absence of any other appropriate location as a first floor balcony is hazardous for small children. The cover letter mentions the POS allocated at the frontage of the original home of 23 Lytton St is positioned more than 30° west of true north. As the existing house and this one are parallel to each other, surely the same noncompliance in orientation for this POS also applies? Finally, the space measures less than 4m on a horizontal plane.

If the purpose of a POS is to provide "*amenity*" to the resident, i.e. a place that is "*harmonious, pleasant, or enjoyable*" (Planning terms and definitions: Launceston Interim Planning Scheme 2015) how is that achieved in the primary space that is too small for purpose or an alternative space which falls in shadow all day and floods during heavy rainfall?

The original home at 23 Lytton Street fares better with 83m² of POS, arguably most of it is not fit for purpose. The alternative 22.58 space in front is situated beside the toilet and a driveway that will be conveying four cars. This area is too dangerous for children and frankly a disgusting prospect for outdoor dining.

The main POS is orientated too far west. The necessity of privacy screens may mitigate the glare of afternoon sun because, as we can see from the sun studies, due to the height of the screens it appears that less than 50% of the POS now receives three hours or more sunlight during the day. The space may be suitable for relaxation, dining, entertaining but if the residents intend on undertaking these activities while taking advantage of sunlight they will need to remain standing to do so. A front open space is not suitable for small children as it leaves them vulnerable to unwanted surveillance unless adult supervision is constantly present. It also is not conveniently located near a living area as required and it is situated outside a large bedroom window.

Despite the privacy screen appearing to overshadow the POS on plan it is only 1.5m high. This creates an operational problem concerning its function verses its location.

The objectives set out at 10.4.7 Frontage fences for all dwellings are:

The height and transparency of frontage fences:

- (a) provides adequate privacy and security for residents;
- (b) allows the potential for mutual passive surveillance between the road and the dwelling; and
- (c) is reasonably consistent with that on adjoining properties.

Performance criteria require:

P1 A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:

- (a) provide for security and privacy while allowing for passive surveillance of the road; and
- (b) be compatible with the height and transparency of fences in the street, having regard to:
 - (i) the topography of the site; and
 - (ii) traffic volumes on the adjoining road.

I'm only 1.73m in height and I can easily see over 1.5m. As the screen is located on the front boundary it calls to question if it is high enough to truly provide effective privacy, although a higher screen will eliminate sun.

According to standard 5.6.3 a frontage fence must have openings that provide a uniform transparency of at least 30% above 1.2m. The proposal states the fence has a 25% transparency above 1m. This is a reduction in visibility of 75% above the height of the existing fence. Living in the Lytton Street area is a popular choice for young families as it is conveniently located near the Invermay Primary School and St. Finn Barr's Primary. Numerous children live in the street and most walk to and from school every day. While the screening fence aims to create better privacy for the residents, a 75% reduction in visibility above 1m is significant for drivers exiting 25 Lytton Street. In very recent years Lytton Street has experienced an adverse increase in parking and traffic congestion. Parking congestion has become apparent since the opening of the Star Theatre although predominantly this occurs along the top half of the street near Invermay Road. The increase in traffic volume is distinctly made up of trucks, 4WDs and other trade vehicles. Presumably the increase of these vehicles coincides with the rise in traffic congestion at the city end of Invermay Road. Drivers now appear to favour the Holbrook St. / Lytton St. route to avoid the congested traffic along Invermay Road. Driving along Lytton Street during business hours now requires drivers to fish-tail in and out of parked cars and oncoming traffic. Reduced visibility to a driveway is a more hazardous problem than it was five years ago.

The alternative POS is the only area to be located near a living area. Its horizontal measurement is less than 4 meters and receives full shade all day except for a short period after sunrise. The clothesline on this DA is allocated to the same position the garden shed occupied on the previous DA. I indicated then the shed was situated directly in front of the laundry window blocking most of the view. There is no suitable position for operational needs along this wall due to the location of large windows or the back door. I also stated the owners are prone to taking short-cuts where ever possible and I didn't believe garden sheds would be provided for either property unless a permit

condition was applied. It's unlikely the clothesline will be positioned where shown. At 1.7 meters high, the screen around this area high is too low to attach a clothesline. The side path is the only option left but as can be seen in the sun studies this area doesn't receive sun until after 2.00pm. The width of the side path is not indicated, but the similar space along our own house is only 1.8 meters wide making it a less than ideal area for clothes drying. The current tenant of 23 Lytton Street has been in residence since the beginning of July. There is no external clothesline provided for his needs. A post supported line is not difficult to move at a later date and I believe if the owners had an intention to supply a clothesline to this residence they would have already done so.

The 10.4.3 objective standards are thus:

That dwellings are compatible with the amenity and character of the area and provide:

- (a) for outdoor recreation and the operational needs of the residents;
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is conveniently located and has access to sunlight

Therefore it is prudent to examine what comprises the character and amenity of this area. The dominant architectural character of Lytton and Waugh Streets are 1920's/ 1930's homes with small gardens at front with larger private backyards. Several late Victorian homes have similar garden situations and a handful of post war houses have larger front yards with slightly reduced backyards. The latter could successfully supply most objectives set out under this standard with the exception of operational needs because who wants to hang laundry at the front of their house? All houses are comparable in size and function (family homes) including the existing house at 23 Lytton. The majority of homes in the street are designed only with a minimal front yard befitting small ornamental plants to increase street appeal. The backyards are of a size and position in relation to the home to genuinely meet all required standards. We have avid gardeners in the street; none grow fruit or vegetables out front. We have avid hosts in the street; none entertain in the front yard. The front yards were not designed for these purposes. Recreational toys such as trampolines, sand pits and paddling pools are appropriately situated in backyards where children can play in safety and privacy. Space provided for a clothes drying is of practical dimensions with excellent available sunlight. Not one resident is expected to endure tiny corridors of external space bereft of sun because this is the only space remaining; crammed against their houses blocking all sunshine and outlook.

The performance criteria for this standard (10.4.3 **P1** (b)) sets out that the private open space is of a size and of dimensions that are appropriate for the size of the dwelling. The objectives set out that it must be compatible with the amenity and character of the area. Therefore what is appropriate sized has already been determined by the POS of the other dwellings in both streets. The standards and the existing character and amenity of the street demand the existing house (a family-sized home) remains a single dwelling, serviced with a comparable sized yard that will provide the same functions and the same expectations that every other property in both streets enjoys. It is clear from standard 10.4.1: that acceptable density is no less than 325m² area per site that during the original planning stage for the area these properties were never intended to house additional dwellings. How can this proposal possibly hope compare to the existing character and amenity?

One last side note, as the designer chose to take a swipe at the “overdeveloped” site of 22 Waugh Street: 22 Waugh Street possess a garage of reasonable size to protect two vehicles, a portable garden shed (mistakenly draw on plan as an extension of the garage) to house gardening tools, a recreational space to enjoy hobbies and still has enough remaining space, receiving good levels of sunlight (but not for long if this DA is approved) to maintain a garden and dry clothes. These are reasonable expectations for a POS and much more generous than this proposal sets out to accommodate. The DA relies on weaselling with word play because in reality it cannot produce genuine results.

The designer claims the average site coverage of the area is around 30% citing our property at 21 Lytton Street as proof of this. Our house makes up 20% of coverage and is of average size in the street. The original garage and annex make up the remaining 10%. The site coverage proposed is close to keeping with the area providing it remains no more than 35%. Although there are no covered carports on plan, our neighbours at 25 Lytton Street and ourselves fully expect carports to opportunistically materialise at our boundary lines during the build. As it is expected both houses will be sold at end of construction, the addition of covered carports would be prove an additional sales sweetener. Should this occur the site coverage would rise to approximately 40%; no longer a little over average, just simply bigger than the general area.

If included, carports encourage drivers to park closer than necessary to the fences as this is the likely positioning of such structures. This would increase the incidents of vehicles “tapping” the fences, hastening the need for earlier maintenance or replacement. Presumably the neighbours are expected to bear 50% of replacement costs? The addition of any ancillary structure(s) would furthermore add to the already unbearable visual overload the neighbours will endure. If the DA should be approved there needs to be a condition of permit that carports are not to be erected. The designer’s reference to 22 Waugh Street ‘overdeveloped site’ at approximate 60%, appears to be an attempt to justify the added coverage and density intensification of their own site. 22 Waugh Street’s site does not represent the average site coverage for the area. To utilise one site as justification for this build would invite the counter argument by the owners of 25 Lytton Street. Their site coverage would be a conservative estimate of 15%, possibly less. Using this individual property as comparison would render the proposal’s coverage grossly over-sized in contrast.

“10.4.6 Privacy for all dwellings

Objective: To provide reasonable opportunity for privacy for dwellings.

Haven’t the architects been clever with the setback from the NE boundary; sneaking in by TWO WHOLE CENTREMETERS! So will those extra two centimetres now mean they will not have direct overlook into the POS of 21 Lytton Street? From the vantage point of their balcony they have full view of at least 17, 19 and 21 Lytton Street, 16, 18 and 20 Waugh Street and excellent views into the POS of 25 Lytton Street and the POS of the living/ kitchen area of the existing home at 23 Lytton Street. How do I know this? Because I stood on a ladder at the side fence of 23 Lytton Street, at fence height, and that’s how far I could clearly see into my neighbours back yards. The fence height is 1.7m while the proposal’s balcony floor by comparison is at least 2.45m high. Added to the already considerable view they will enjoy of many other neighbours’ no-longer-private-open-spaces from

their balcony, they will also have two long viewing windows on the NE elevation. No screens and no frosted windows on plan to block views. This is a completely unacceptable invasion of privacy. The setback may appease the acceptable solutions, but it falls remarkably short of the relevant performance criteria:

P1: A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining property or its private open space; or
- (b) another dwelling on the same site or its private open space.

P2: A window or glazed door, to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:

- (a) a window or glazed door, to a habitable room of another dwelling; and
- (b) the private open space of another dwelling.

The DA has attempted to compare itself with 25 Lytton Street. Let's examine that comparison in terms of privacy:

- 25 Lytton Street is situated at the front of the site. The front facing balcony views the street, the driveways and front yards of the dwellings opposite. These views are already easily visible from the road. 25 Lytton's views are simply at a steeper angle. The POS of the opposite homes are protected as all dwellings are sited at the front of their lots, effectively blocking views to the back. The only additional overlook 25 Lytton Street has is the tops of the roofs.
- 25 Lytton has no overview of any direct neighbour as there are no upper side windows.
- Rear upper windows directly face the closest neighbours in Mayne Street; two streets away!
- Side views of Waugh Street neighbours are heavily screened by mature trees and are over 20m away from the house.

25 Lytton Street is an example of developing a home in a manner that genuinely respects the character and amenity of the street and is considerate of neighbours. The DA is the reverse.

In closing:

- Since the removal of the existing driveway surface and the replacement with blue metal every car is heard in every room of our home along the SW side. The unavoidable sound created by wheelie bins has increased to a roar since the installation of the blue metal. A reminder the hydraulic engineer has advised this is an inappropriate permanent material due to surface water retention on site.
- Where are the visitors to the property expected to park? Will it be on the already congested residential street?

- The mature trees growing at 25 Lytton attract an amazing array of native birds including flocks of parrots, cockatoos, lorikeets, magpies, ravens, Australian doves and kookaburras. The trees and their occupants are a sensory treat for the neighbourhood; watching the raucous antics of the birdlife. If the proposal is permitted, those of us living NE of the property will no longer enjoy this wonderful sight.
- The master bedroom's window is barely over 1 metre away from the boundary of 25 Lytton Street. This is incredibly inconsiderate to the privacy of the expected residents and to the embarrassment of the neighbours. The fences are not high and I believe the homeowners of 25 Lytton are not interested in being 'fenced-in' by increasing the height.
- The ineffectual and completely sub-standard attempt to secure POS for the existing home and the DA completely ignores the importance as to why humans require this type of space to satisfy their wellbeing and mental health.
- There is nothing to suggest the proposed dwelling will be particularly energy efficient. But it will most certainly cause an increase on demand for electricity at 22 Waugh Street.

In conclusion I would like to again refer to an online Examiner Newspaper article dated December 4, 2017 (4.47pm) by Holly Monery titled "City of Launceston council officers fail to inform alderman of error in development application plans" regarding a similar two story proposal located between Goodwin and Frank Streets, Invermay: the proposal presented had errors in its sun studies assessment and had angered local residents due to "concerns for loss of amenity, loss of privacy in their homes, the loss of sunshine, potential damage to homes, building hours and a reduction in the value of their properties. Residents also took issue with the design's siting and scale, with fears it detracted from the historical significance of the surrounding streetscape." The article reported "The development application was refused on the basis that it would cause an unreasonable loss of amenity on the adjoining lots due to overlooking, loss of privacy and visual impacts, and that it did not have sufficient regard to the existing dominant streetscape qualities of Frank Street."

The concerns of the Frank St. neighbours against that DA (and assessed as relevant by council) are equally echoed by the neighbours of this DA. I hope the Lytton and Waugh Street residents will be given same considerations to their concerns.

Thank you for taking the time to read these complaints. Please contact me for any further information you may need regarding the issues.

Kind Regards,
Allison Green and Keith Burgess

Your Reference:

Our Reference: JB:LB:213688

Direct E-Mail:

Direct Line:

22 September 2021

Design To Live Pty Ltd
202 Wellington Street
SOUTH LAUNCESTON TAS 7249

By email: info@designtolive.com.au cc: contactus@launceston.tas.gov.au

Dear Sir/Madam

**RE: YOUR DEVELOPMENT APPLICATION NO. DA0416/2021
PROPOSED ADDITIONAL DWELLING
23 LYTTON STREET, INVERMAY, 7248**

We act for Mr Keith Burgess and Ms Allison Green, the registered proprietors of Certificate of Title [REDACTED] ("**our clients**").

We refer to the proposed additional dwelling, at Certificate of Title 91778/3 being 23 Lytton Street, Invermay in Tasmania, comprised in development application DA0416/2021 ("**the proposal**") in which you are the applicant. We note that the registered proprietor of Certificate of Title 91778/3 is MT Property (Tas) Pty Ltd ("**your client**").

We are instructed to bring to your attention that the proposal encroaches on our clients' property.

We are instructed that, while the proposed driveway is within the existing boundary fence, that fence is not on the boundary line between Certificates of Title 91778/4 and 91778/3. To be clear, our instructions are that the fence is in not in the correct place and as such the proposal includes land belonging to our clients.

Our clients are within their rights to move their fence from within their property to that boundary at any time and are further entitled to serve on your client a Notice to Fence requiring your client to pay half of the correction of the boundary fence. We advise you that our clients intend to have the boundary corrected so as to protect their estate and interest in their property.

We note in addition to our clients' rights in respect of their property that section 18 of the *Boundary Fences Act 1908* (Tas) requires that boundary fences be placed as nearly as possible to the boundary line between properties.

Until and unless the correct boundary is established by survey plan and any necessary corrections are made to boundary fencing, our clients reserve their rights to take all action that may be necessary

to protect their estate and interest in their land including but not limited to seeking interlocutory relief as well as compensation and damages for any loss or harm as well as costs and interest.

Any construction works by you or your client which encroach on our clients' property will be relied on by our client in seeking the same without limitation.

We request that you amend the proposal such that it no longer encroaches on our clients' property. Further we advise that it is incumbent on you to bring this correspondence to your client's attention.

Our clients will rely on this correspondence regarding the matter of costs.

Yours faithfully

RAE & PARTNERS LAWYERS



JO BYRNE

Associate

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

FRAUD WARNING: Due to the increasing number of frauds relating to the transfer of money it is essential that YOU DO NOT act on any email, letter or fax purporting to be from our office asking you to transfer or deposit money without first contacting us by telephone to confirm the authenticity of the request. We accept no responsibility for any loss or damage arising from any electronic transfers or deposits made by you that are not received into our bank account.

From: "Planning Queries" <Planning.Queries@launceston.tas.gov.au>
Sent: Thu, 23 Sep 2021 16:15:30 +1000
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: FW: Planning Appeal - DA0416/2021
Importance: High

Hi there,

Please process this as a representation for the named Development Application.

Kind regards,

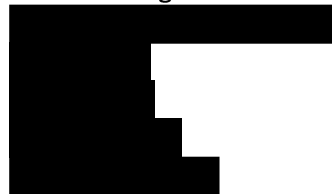


Eric Smith
Town Planner, City Development
Community and Place
P - 03 6323 3789
www.launceston.tas.gov.au

From: [REDACTED]
Sent: Thursday, 23 September 2021 3:47 PM
Cc: Planning Queries <planning.queries@launceston.tas.gov.au>
Subject: Planning Appeal - DA0416/2021
Importance: High

You don't often get email from [REDACTED] [learn why this is important](#)

Frances Wright



23-09-2021

Att: Maria Lasso,

my name is Frances Wright and I am writing on behalf of my Mother Kay Flora Green o [REDACTED]
[REDACTED]. I have authority to handle all my Mothers
correspondence for which the Launceston City Council has on file.

Today 23-09-2021 Kay Green attended an appointment with Launceston City Council Planning
Department, regarding an application for the planning permit of a 2 story dwelling at 23 Lytton

Street Invermay, DA no: DA0416/2021. Her concern is that a 2 story dwelling will block any sunlight to the rear of her dwelling and the upper windows to the rear of the proposed build are clear and the occupants will have unobstructed visibility directly into her back room.

The owner of the property of 23 Lytton Street approached my Mother and requested that the rear wooden fence be replaced which she agreed and paid \$400 towards the build, but within 3 months of completion, it began falling down due to the inferior materials that were used. The reason for mentioning this is, although she is opposed to the 2 story dwelling being built so close to the back fence line as per her concerns stated, but if the Planning Permit is approved then she is requesting that the existing back wooden fence be replaced by a new 6 foot wooden fence by a qualified builder using A grade materials at their expense.

If you have any queries please don't hesitate to call myself or Kay regarding this email and I would like to be notified of the Appeal decision so I am able to pass the information to my Mother.

Thank you
Frances

From: [REDACTED]
Sent: Wed, 22 Sep 2021 11:44:28 +1000
To: [REDACTED]
Cc: "Contact Us" <contactus@launceston.tas.gov.au>; "Jo Byrne"
[REDACTED]
Subject: Your Development Application No. DA0416/2021
Attachments: Letter to Applicant - DA0416_2021 (CC Launceston City Council).pdf

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Sir/Madam

Please find **attached** correspondence for your attention.

Kind regards

Louis Benjamin

Solicitor

rae & partners
LAWYERS

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NOTICE TO RECIPIENT: The Information in this e-mail is for the use of the addressee only. The Contents of this communication may be privileged. If you have received this e-mail in error please advise by return e-mail. You must not copy or re-send this e-mail without the prior permission of Rae & Partners. Any privilege relating to any communication is not waived. Rae & Partners are not responsible for virus checking of any attached file. Access of any attached file is at the risk of the addressee. Rae & Partners will not accept any liability for damage howsoever caused as a consequence of the failure to determine whether any attached file is infected by viruses or any corruption howsoever caused.

COVID 19 - We are now delighted to welcome clients to our office, however we do ask that you comply with our Covid Safety Plan and that you stay home if you are unwell or, if you have been directed to do so please call and reschedule your appointment or attend by phone. Sanitise your hands at our sanitising stations and maintain social distancing in the reception area, and at all times throughout your meeting. Do not attend the office more than 5 minutes prior to your booked appointment time and please understand that if you display any symptom of COVID-19, whether or not you are of the opinion that it is not the result of having

COVID-19, we may advise you that your appointment is cancelled and that it will need to be rebooked in an alternative way or at a later time. Stay healthy and well. We look forward to seeing you soon.

Your Reference:

Our Reference: JB:LB:213688

Direct E-Mail: [REDACTED]

Direct Line: [REDACTED]



22 September 2021

Design To Live Pty Ltd
202 Wellington Street
SOUTH LAUNCESTON TAS 7249

By email [REDACTED] cc: contactus@launceston.tas.gov.au

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Yours faithfully

RAE & PARTNERS LAWYERS



JO BYRNE

Associate

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

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