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To CEO, Michael Stretton

I would like to attend the next council meeting in person, as would my primary school age daughter, however we are unavailable at public question time on 30/6/22 (given it is the middle of the work/school day).

The three questions relate to the redevelopment of the bike centre in South Launceston. Beyond the information available on the council website:

1. Can Council provide additional detail on the progress of the redevelopment - specifically is the project still being affected by contractor and/or materials delays?
2. Can Council provide detail on the cost of the redevelopment - specifically has the cost of redevelopment exceeded the original budget/forecast cost?
3. When will the redevelopment be re-opened?

Thanks

Paul Mallett

South Launceston

TITLE: DA0753/2021 - 13-15 Russell Street, Invermay - Community Meeting and Entertainment - Partial Demolition of the Existing Building; and Residential - Construction of a Dwelling

FILE NO: DA0753/2021

AUTHOR: Duncan Payton (Town Planner)

GENERAL MANAGER: Dan Ryan (General Manager Community and Place Network)

ATTACHMENT 1

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

11.0 Inner Residential Zone

11.1.1 Zone Purpose Statements

11.1.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

11.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

11.1.1.3 To allow increased residential densities where it does not significantly affect the existing residential amenity, ensure appropriate location of parking, and maintain vehicle and pedestrian traffic safety.

11.1.1.4 To maintain and develop residential uses and ensure that non-residential uses do not displace or dominate residential uses.

11.1.1.5 To provide for development that provides a high standard of amenity and contributes to the streetscape.

Consistent

The proposal to reduce the size of the existing artists' studio building and to construct a two bedroom, two storey dwelling, with non-habitable areas at ground level due to the requirements of the flood precinct, is consistent with the purpose of the zone to provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas.

11.3 Use Standards

11.3.1 Hours of operation

Objective:

To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses.

Consistent

This clause is applicable to the existing pottery shed, previously known as the *Tin Shed* and now called the *Russell Street Studio*, and complies with the acceptable solution.

The proposed residential use is excluded from consideration pursuant to Table 11.3.

The proposal includes the demolition of some 93m² of the existing 455m² shed currently used as artist workshops, previously known as the *Tin Shed* and recently renamed to the *Russell Street Studio*.

The use as an art and craft centre, within the use class Community Meeting and Entertainment, will not change, although the artisans may vary.
A1 Commercial vehicles must only operate between 7am and 7pm Monday to Friday and 8am to 6pm Saturday and Sunday.
Complies There is no expectation that commercial vehicles will visit the site outside the prescribed hours.

11.3.2 Mechanical plant and equipment

Objective: To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.
Consistent This clause is applicable to the existing pottery shed, previously known as the <i>Tin Shed</i> and now called the <i>Russell Street Studio</i> , and complies with the acceptable solution. The proposed residential use is excluded from consideration pursuant to Table 11.3. The facility has been operating for many years without unreasonably impacting on the amenity of the nearby sensitive uses.
A1 Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.
Complies No new plant or equipment is proposed as part of this application.

11.3.3 Light spill and illumination

Objective: To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.
Consistent This clause is applicable to the existing pottery shed, previously known as the <i>Tin Shed</i> and now called the Russell Street Studio , and complies with the acceptable solution. The proposed residential use is excluded from consideration pursuant to Table 11.3.
A1 The use must: (a) not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Low Density Residential, Urban Mixed Use and Village zones; and (b) contain direct light from external light sources within the boundaries of the site.
Complies No additional external lighting is proposed.

11.3.4 External storage of goods

Objective: To ensure that external storage of goods, materials and waste does not detract from the amenity of the area.
Consistent This clause is applicable to the existing pottery shed, previously known as the <i>Tin Shed</i> and now called the <i>Russell Street Studio</i> , and complies with the acceptable solution. The proposed residential use is excluded from consideration pursuant to Table 11.3.
A1 Storage of goods and materials, other than for retail sale, or waste must not be visible from any road or public open space adjoining the site.
Complies

No external storage of goods or materials is proposed.
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11.3.5 Commercial vehicle parking

Objective: To ensure that parking of commercial vehicles does not detract from the amenity of the area.
Consistent This clause is applicable to the existing pottery shed, previously known as the <i>Tin Shed</i> and now called the <i>Russell Street Studio</i> , and complies with the acceptable solution. The proposed residential use is excluded from consideration pursuant to Table 11.3.
A1 Commercial vehicles must be parked within the boundary of the site.
Complies Only occasional commercial vehicles are anticipated and these will be parked wholly within the site.

11.4 Development Standards

11.4.1 Setback from a frontage for single dwellings

Objective: To ensure that the setback from frontages: (a) assist in the establishment of the streetscape character; (b) enhance residential amenity; (c) provide a transition space between the road and private dwelling allowing mutual passive surveillance for community safety; and (d) respond to slope and other physical characteristics of a lot and assist in attenuation of traffic noise.
Consistent Frontage is defined by the scheme as: <i>means a boundary of a lot which abuts a road.</i> The proposal complies with the acceptable solution.
A1 Unless within a building area shown on a plan of subdivision, the wall of a single dwelling (excluding minor protrusions) must have a setback from a frontage that is: (a) no less than 4.5m from a primary frontage; and (b) no less than 3m to a frontage other than a primary frontage; or (c) a distance which is no more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or (d) no less than the existing dwelling setback if less than 4.5m.
Complies The setback of the shed will not change. The proposed dwelling is setback behind the building line of the existing shed and around 13.8m from the front boundary with Russell Street.

11.4.2 Site coverage and rear setback for single dwellings

Objective: To ensure that the location and extent of building site coverage: (a) facilitates the provision of open space, gardens and other outside areas on the site that contribute to residential amenity; (b) assists with the management of stormwater; (c) provides for setback from the rear boundary; and (d) has regard to streetscape qualities.
Consistent The proposal satisfies the applicable acceptable solution and performance criteria.
A1 A site coverage of no more than 50% excluding building eaves and access strips where less than 7.5m wide.

<p>Complies The site, less the access strip to Bedford Street, has an area of 1,090m² and the proposed site coverage is some 520m² or 47.7%.</p>
<p>A2 A rear setback of no less than 4m, unless the lot is an internal lot.</p>
<p>Relies on Performance Criteria The subject site is not an internal lot and the rear setback for the dwelling is proposed to be 2.27m and relies upon performance criteria.</p>
<p>P2 The location of buildings in relation to the rear boundary must: (a) allow for adequate visual separation between neighbouring dwellings; (b) maximise solar access to habitable rooms; and (c) facilitate provision of private open space.</p>
<p>Complies (a) Relevantly, the neighbouring dwellings are to the south and closer to their southern boundaries with Bedford Street. Notwithstanding outbuildings, there is around 10m separation between the existing dwellings and the proposed dwelling, which is considered sufficient to provide adequate visual separation. (b) The proposed dwelling is appropriately located to maximise solar access to its habitable rooms. (c) The location facilitates the provision of private open space in the proposed first floor deck and the ground level courtyard, both on the northern side of the dwelling. The performance criteria are considered to be met.</p>

11.4.3 Building envelope for single dwellings

<p>Objective: To ensure that the siting and scale of single dwellings: (a) allows for flexibility in design to meet contemporary dwelling requirements; (b) protects the residential amenity of neighbours through minimising visual bulk and overshadowing; and (c) has regard to streetscape qualities.</p>
<p>Consistent The proposal satisfies the performance criteria.</p>
<p>A1 All single dwellings (excluding minor protrusions extending less than 1.5m) must be contained within either of the following building envelopes: (a) determined by a setback of no less than 3m from side boundaries and no less than 4m from the rear boundary and a building height of no more than 5.5m; or (b) determined by projecting at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and at a distance of 4m from the rear boundary to a building height of no more than 8.5m above natural ground level (see Figures 11.4.3 A and 11.4.3 B); and walls are setback: (i) no less than 1.5m from a side boundary; or (ii) less than 1.5m, provided the wall is built against an existing boundary wall or the wall or walls have a total length of no greater than 9m or one third of the boundary with the adjacent property, whichever is the lesser.</p>
<p>Relies on Performance Criteria The proposed dwelling does not fit within the prescribed building envelope from the western side boundary or from the rear (southern) boundary. Performance criteria are relied upon.</p>
<p>P1 The siting and scale of single dwellings must be designed to: (a) ensure there is no unreasonable loss of amenity on adjoining lots by: (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than three hours between 9am and 5pm on 21 June or by increasing existing overshadowing where greater than above;</p>

- (ii) overlooking and loss of privacy; and
- (iii) visual impacts when viewed from adjoining lots: and
- (b) take into account steep slopes and other topographical constraints; and
- (c) have regard to streetscape qualities.

Complies

The performance criteria considers the siting and scale of the dwelling, which is a two storey building setback some 13.8m from the front boundary with Russell Street, 0.98m from the western side boundary with the community garden; and 2.28m from the rear boundary with residential dwellings fronting Bedford Street.

It requires that such siting and scale be designed to:

- (a) not unreasonably cause loss of amenity through:
 - (i) Overshadowing - the applicant has provided shadow plans demonstrating the shadows from the dwelling if compliant with the acceptable solution and the shadows from the proposal. From these it is apparent that the proposal will cast additional shadow into the rear yards of both 24 and 26 Bedford Street on 21 June, however, by midday such shadow will be clear of number 26 and little more than the shadow of the existing shed at 24 Bedford Street. Given the residential zoning of the site, some level of residential development should reasonably be expected at some point in time and considering the flooding overlay, such residential development should similarly be expected to be two storey. Consequently, some level of additional overshadowing should also be reasonably expected. The additional shadow plans provided by the applicant demonstrate that the difference in overshadowing from proposed building to what would be permitted within the building envelope is minor.
 - (ii) Overlooking - the proposed dwelling has first floor windows to a bathroom, toilet and bedroom facing the Bedford Street dwellings. A condition will be imposed requiring these windows to be fitted with obscure glazing or to have a sill height not less than 1,700mm above the floor level and thus comply with the acceptable solution for such windows generally used throughout the scheme.
 - (iii) Visual impacts - Clearly the construction of a two storey dwelling is a change to the existing vista over a community garden and the parking area of the existing artists' studios. However, 26 and 24 Bedford Street will maintain the option of views over the community garden, 24 and 22 Bedford Street have vistas limited by their own outbuildings and 20 Bedford Street currently has a view of the existing tin shed and this will be replaced by a combination of that and the proposed dwelling.
- (b) Whilst the site is essentially level, it is constrained by its height in relation to the known and predicted flood heights in the immediate area. The flood precinct requires new habitable floors of a residential building to be a minimum of 3.7m AHD, which in this case is 2.2m above the floor level of the existing studio building.
- (c) Russell Street is a narrow, one-way, street running between the local business shopping strip along Invermay Road, generally east to west to the existing commercial activities on Holbrook Street. Whilst the street is dominated by single storey, conjoined dwellings, it also contains the subject site with its large *tin shed* artists' studio building, and a public park and garden to the west. Opposite the park and also to its west, are buildings of a scale consistent with two storey dwellings. The proposed dwelling is deliberately set back on the site to allow its bulk to sit slightly behind the shortened studio building and to minimise any perceived conflict with the streetscape.

For the surrounding residents, the proposed development represents a significant change to what they have become used to. However, it is considered that the proposal,

particularly its scale and siting, has had regard to the performance criteria such that impact upon adjoining amenity and the streetscape is not unreasonable and the performance criteria are satisfied.

11.4.4 Frontage setback and width of garages and carports for single dwellings

Objective:

To ensure that the location and size of garages or carports:

- (a) do not dominate the facade of the dwelling or dominate the streetscape;
- (b) do not restrict mutual passive surveillance of the road and dwelling; and
- (c) provides for safe vehicular access to and egress from the site.

Consistent

The proposal complies with the acceptable solution.

A1 Garages or carports within 12m of the frontage whether free-standing or part of the dwelling:

- (a) must have a total width of openings facing the primary frontage of no greater than 6m or half the width of the frontage, whichever is the lesser; and
- (b) must have:
 - (i) a setback from frontage measured to the door, post or supporting column no less than required for a single dwelling in 11.4.1 A1; or
 - (ii) a setback from the primary frontage no less than 0.5m if the ground slopes up or down for 10m from the frontage at more than 1:5.

Complies

The proposed garage door is orientated to Russell street and setback approximately 12m. The garage door is 5.5m wide.

11.4.5 Privacy for single dwellings

Objective:

To ensure that the location and design of windows of habitable rooms, balconies, decks, roof gardens, parking spaces and carports maintain residential amenity by minimising the potential for overlooking between neighbours.

Consistent

The proposal satisfies the performance criteria.

A1 Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level greater than 1m above natural ground level must have a side setback of no less than 3m and a rear setback of no less than 4m.

Relies on Performance Criteria

The proposed dwelling includes a deck at first floor level across the front of the building. The setback to the side boundary is shown as 1m rather than the prescribed 3m and performance criteria are relied upon.

P1 The potential for direct overlooking from balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) with a finished surface or floor level more than 1m above natural ground level on one lot to the habitable rooms and balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation or offset or by use of solid or translucent screening.

Complies

The western end of the proposed deck overlooks the adjoining public park and community garden and does not overlook private open space of habitable rooms. The performance criteria are satisfied.

A2 Windows of habitable rooms which have a floor level greater than 1m above natural ground level must:

<p>(a) have a side setback of no less than 3m; or (b) be offset no less than 1.5m from the windows of habitable rooms on adjacent lots where on the same horizontal plane; or (c) have a window sill height of no less than 1.7m.</p>
<p>Relies on Performance Criteria The windows on the western facade of the proposed dwelling are setback 1m from the western boundary and have a sill height of 900mm. Performance criteria are relied upon. There are no windows on the same horizontal plane on the adjoining lots.</p>
<p>P2 The potential for direct overlooking from windows of habitable rooms with a finished surface or floor level more than 1m above natural ground level on one lot to the windows of habitable rooms, balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation and offset or by use of solid or translucent screening.</p>
<p>Complies The windows in the western facade of the proposed dwelling overlook the adjoining public park and community garden rather than habitable rooms or private open space. The performance criteria are satisfied.</p>

11.4.6 Frontage fences for single dwellings

<p>Objective: To ensure that the height and design of frontage fences: (a) provides adequate privacy and security for residents while allowing for mutual passive surveillance of the road and dwelling; and (b) enhances streetscapes.</p>
<p>Consistent The proposal satisfies the acceptable solution.</p>
<p>A1 The building height of fences on and within 4.5m of a frontage must be no greater than: (a) 1.2m if solid; or (b) 1.8m provided that the part of the fence above 1.2m has openings which provide a minimum 50% transparency.</p>
<p>Complies Whilst the proposal includes a 1,800mm high boundary wall along part of the western boundary and an 1,800mm high courtyard wall in front of the proposed dwelling, no new fences are proposed within 4.5m of the frontage with Russell Street.</p>

11.4.23 Development for discretionary uses

<p>Objective: To ensure that development for discretionary uses is sympathetic to the form and scale of residential development and does not adversely impact on the amenity of nearby sensitive uses.</p>
<p>Consistent The proposal includes two components: (1) The alterations to the existing artists' studio building which is classified as Community Meeting and Entertainment, a discretionary use class in the zone, and which satisfy the performance criteria; and (2) The development of a single dwelling which is a no permit required use class in the zone and therefore not applicable to this standard.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria P1 Development must be compatible with the form and scale of residential development and not unreasonably impact on the amenity of nearby sensitive uses, having regard to:</p>

- (a) the setback of the building to a frontage;
- (b) the streetscape;
- (c) the topography of the site;
- (d) the building height, which must not be greater than 8.0m;
- (e) the bulk and form of the building;
- (f) the height, bulk and form of buildings on the site, adjoining lots and adjacent lots;
- (g) setbacks to side and rear boundaries;
- (h) solar access and privacy of habitable room windows and private open spaces of adjoining dwellings;
- (i) the degree of overshadowing and overlooking of adjoining lots;
- (j) mutual passive surveillance between the road and the building;
- (k) any existing and proposed landscaping;
- (l) the visual impact of the building when viewed from adjoining or immediately opposite lots;
- (m) the location and impacts of traffic circulation and parking; and
- (n) the character of the surrounding area.

Complies

The proposal includes the demolition of approximately 92m² at the western end of the existing artists' studio building, shortening the building by some 7.5m and will, of itself, have no unreasonable impact upon the amenity of nearby sensitive uses.

- (a) The setback of the building to the frontage will not change.
 - (b) The streetscape is dominated by single dwellings, with the existing artists' studio and the adjoining public park having co-existed for many years.
 - (c) The site is level and subject to flooding in the event of failure or over-topping of the levee system.
 - (d) The building height is less than 8m and will not change.
 - (e) The form of the building will remain basically the same, whilst the bulk will be reduced.
 - (f) The existing building is larger than most of the surrounding dwellings, and will remain so notwithstanding that its bulk will be reduced.
 - (g) The rear and eastern setbacks will remain unchanged.
 - (h) The reduction in the size of the shed will not impact upon the solar access or privacy of adjoining sites.
 - (i) The reduction in the size of the shed will not result in overshadowing or overlooking of adjoining lots.
 - (j) Mutual passive surveillance will not be impacted.
 - (k) No additional landscaping is proposed.
 - (l) The visual scale and bulk of the existing building will be reduced.
 - (m) Russell Street is a narrow, one-way street with limited on-street parking. On-site parking is provided for users of the artists' studios. Additional on-street parking is available adjacent to the Invermay Road shops around 120m to the east.
 - (n) Whilst the immediate area is dominated by residential dwellings, the surrounding area includes a broad mix of retail and commercial enterprises.
- The performance criteria are considered to be satisfied.

E2.0 Potentially Contaminated Land Code

E2.1 The purpose of this provision is to:

- (a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.

Consistent

The site investigation, prepared by appropriately qualified persons (Environmental Services and Design) concludes that the proposal is consistent with the purpose of the zone.

E2.5 Use Standards

Objective: To ensure that potentially contaminated land is suitable for the intended use.
Consistent The proposal satisfies the performance criteria.
A1 The Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.
Relies on Performance Criteria The Director has made no such declaration and performance criteria are relied upon.
P1 Land is suitable for the intended use, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health or the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use commences; and (iii) a statement that the land is suitable for the intended use.
Complies The site assessment prepared by ES&D specifically concludes that there is no evidence that the land is contaminated. The performance criteria are met.

E2.6 Development Standards

E2.6.2 Excavation

Objective: To ensure that works involving excavation of potentially contaminated land does not adversely impact on human health or the environment.
Consistent The proposal satisfies the performance criteria.
A1 No acceptable solution.
Relies on Performance Criteria
P1 Excavation does not adversely impact on health and the environment, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before excavation commences; and (iii) a statement that the excavation does not adversely impact on human health or the environment.
Complies The site assessment, prepared by ES&D, concludes that there is no evidence of site contamination and the performance criteria are met.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

Consistent

The proposal to reduce the size of the existing artists' studio building and to develop a two storey, two bedroom dwelling is consistent with the purpose of the code to protect the safety and efficiency of the road network.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

Consistent

The proposal complies with the applicable acceptable solution.

A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

Complies

The proposal will reduce the size of the artists' studio building, develop a two bedroom dwelling and add an additional crossover access to Russell Street.

Whilst the reduction in size of the artists' studio building may result in a reduction in vehicle movements, it is unlikely to be less than the expected 8 - 10 additional vehicle movements, being the industry standard for a single dwelling.

Nevertheless, as the vehicle movements to the site will be spread over two accesses rather than one, the vehicle movements over the existing access will decrease.

E4.6 Development Standards

E4.6.2 Road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

Consistent

The proposal satisfies the applicable performance criteria.

A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.

Relies on Performance Criteria

A second access to Russell Street is proposed and performance criteria are relied upon.

P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the nature and frequency of the traffic generated by the use;
- (b) the nature of the road;
- (c) the speed limit and traffic flow of the road;
- (d) any alternative access to a road;
- (e) the need for the access or junction;
- (f) any traffic impact assessment; and

(g) any written advice received from the road authority.
Complies
(a) It is not expected that there will be any noticeable change to the low traffic volumes currently generated by the artists' studio building. Some increase in traffic to the site is expected as a result of the proposed dwelling. Industry standards indicate that a dwelling will generate an average of 8-10 vehicle movements per day.
(b) Russell Street is a narrow, one-way local road between Invermay Road and Holbrook Street, and experiences a relatively low number of vehicles.
(c) The speed limit on Russell Street is 50kph and given its short length (approximately 200m) and relative narrowness, many vehicles are expected to travel at a slower speed.
(d) The site has an existing access to Russell Street and a further access to Bedford Street. The proposed location of the dwelling will prevent general use of the Bedford Street access.
(e) The second access to Russell Street is proposed to improve the flow of traffic to and from the revised parking layout resulting from the proposed development of a dwelling.
(f) Given the low number of vehicle movements likely to be generated by the development, a traffic impact assessment was not required.
(g) The Council is the road authority and its Infrastructure officers advise that the proposal is safe and does not unreasonably impact upon the efficiency of the road.
Having regard to the above, it is considered that the performance criteria are met.

E4.6.4 Sight distance at accesses, junctions and level crossings

Objective: To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.
Consistent The proposal complies with the acceptable solution.
A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.
Complies Relevantly, Russell Street is one-way from Invermay Road to Holbrook Street. Table E4.6.4 requires a sight distance of 80m and this is provided.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to: (a) ensure that an appropriate level of parking facilities are provided to service use and development; (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas; (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; (d) ensure that parking does not adversely impact on the amenity of a locality; (e) ensure that parking spaces and accesses meet appropriate standards; and (f) provide for the implementation of parking precinct plans.
Consistent Access, parking and manoeuvring areas are provided to address the purpose of the code.

E6.5 Use Standards

E6.5.1 Car parking numbers

<p>Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p>Consistent</p>
<p>A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> (a) not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or (b) not be less than 100% of the requirements of Table E6.1 for dwellings in the General Residential Zone; or (c) not exceed the requirements of Table E6.1 by more than two spaces or 5% whichever is the greater, except for dwellings in the General Residential Zone; or (d) be in accordance with an acceptable solution contained within a parking precinct plan.
<p>Relies on Performance Criteria</p> <p>The proposal plans do not clearly specify how much of the site is available to the public, however excluding those areas marked private and the loading area behind the roller-doors, it is concluded that around 180m² of floor area is potentially available to the public, notwithstanding that this is by appointment.</p> <p>As table E6.1 requires one car parking space for every 20m² open to the public, nine car parking spaces would be required to meet the acceptable solution. The proposal provides six car parking spaces and therefore relies upon the performance criteria.</p> <p>The table also requires the provision of one bicycle parking space for every 50m² of gross floor area. Rounding to the nearest whole number, seven bicycle parking spaces are required. The applicant advises that bicycles can be stored safely within the building.</p> <p>The Table requires the provision of two car parking spaces for the dwelling and these are provided in the carport parking area under the proposed dwelling.</p>
<p>P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the availability of off-road public car parking spaces within reasonable walking distance; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (f) an assessment of the actual car parking demand determined in light of the nature of the use and development; (g) the effect on streetscape; and (h) the recommendations of any traffic impact assessment prepared for the proposal; or <p>P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the intensity of the use and car parking required;

<p>(b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the locality; or P1.3 The number of car parking spaces complies with any relevant parking precinct plan.</p>
<p>Complies (a) The nearest off-street parking option is the council car parking at 2 Invermay Road, some 350m away. (b) Given the nature of the artists' studio, it is not expected that all resident artists will be on site at the same time as a matter of course. Similarly, access by the public is limited to appointments. (c) Bus stops are available on Invermay Road and Holbrook Street. (d) Parking on the site is constrained by the existing building and the proposed dwelling. (e) Whilst on-street parking in Bedford Street is available, this is also in demand by residents with residential parking permits. Nevertheless, additional on-street parking is available in both Holbrook Street and Invermay Road. (f) Noting that there is no expectation that all of the artists will be on site at the same time and that appointments are required for public access, demand for more than the proposed six car parking spaces is likely to be rare. (g) Currently the site provides car parking along the western boundary, with more informal parking in front of the existing building. The proposal will remove the parking from the western boundary and formalise it in front of the shortened existing building and the proposed dwelling. Whilst there will be a change in the streetscape, the western end of the site will continue to present parking to the street. (h) Given the low changes to parking and traffic numbers, a traffic impact assessment was not required. Having regard to the above, and noting that there will be a change to the streetscape, it is considered that the number of car parking spaces provided will meet the reasonable needs of the use and the performance criteria are met.</p>
<p>A2 The number of accessible car parking spaces for use by persons with a disability for uses that require six or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.</p>
<p>Complies A condition is proposed for the provision of one accessible car parking space to address the requirements of the National Construction Code.</p>

E6.5.2 Bicycle parking numbers

<p>Objective: To ensure that an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>
<p>Consistent The proposal complies with the acceptable solution.</p>
<p>A1 The number of bicycle parking spaces must be provided on either the site or within 50m of the site in accordance with the requirements of Table E6.1.</p>
<p>Complies Bicycle parking is available within the building.</p>

E6.6 Development Standards

E6.6.1 Construction of parking areas

<p>Objective: To ensure that parking areas are constructed to an appropriate standard.</p>
<p>Consistent</p>

The proposal satisfies the acceptable solutions.
A1 All parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> (a) have a gradient of 10% or less; (b) be formed and paved; (c) be drained to the public stormwater system, or contain stormwater on the site; (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and (e) except for a single dwelling, be line marked or provided with other clear physical means to delineate parking spaces.
Complies The parking, access and manoeuvring areas will have a gradient less than 10% and will be formed, paved with an impervious all-weather surface and drained to the public stormwater system. The parking spaces will be appropriately line marked.

E6.6.2 Design and layout of parking areas

Objective: To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.
Consistent The proposal satisfies the acceptable solutions.
A1.1 Car parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and (e) have a vertical clearance of not less than 2.1m above the parking surface level. A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building. A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more. A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.
Complies Parking and manoeuvring areas are provided to allow the forward entry and exit of vehicles and are designed to meet the applicable standards.

E13.0 Local Historic Cultural Heritage Code

E13.1 The purpose of this provision is to: <ul style="list-style-type: none"> (a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts; (b) encourage and facilitate the continued use of these places; (c) encourage the maintenance and retention of buildings and places of assessed historic cultural heritage significance; and (d) ensure that development is undertaken in a manner that is sympathetic to, and does not detract from, the historic cultural heritage significance of the places and their settings.
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Consistent

The proposed reduction in size of the existing artists' studio building and the development of a dwelling are consistent with the purpose of the code.

E13.6 Development Standards

E13.6.1 Demolition

Objective:

To ensure that the demolition or removal of buildings and structures does not impact on the historic cultural heritage significance of local heritage places and their setting.

Consistent

The proposal satisfies the performance criteria.

A1 No acceptable solution.

Relies on Performance Criteria

P1 Buildings or parts of buildings and structures may be demolished, provided there is no unreasonable impact on the historic cultural heritage significance of the local heritage place and setting, having regard to:

- (a) the physical condition of the local heritage place;
- (b) the extent and rate of deterioration of the building or structure;
- (c) the safety of the building or structure;
- (d) the streetscape or setting in which the building or structure is located;
- (e) the cultural heritage values of the local heritage place;
- (f) the need for the development;
- (g) any options to reduce or mitigate deterioration;
- (h) whether demolition is the most reasonable option to secure the long-term future of a building or structure; and
- (i) any overriding economic considerations.

Complies

The existing shed, housing the artists' studios, was most likely constructed in the mid 1970s following the demolition of the existing dwellings on the site. The Council's Place and Heritage Officer advises that the shed itself has no particular heritage merit and rather, the site was included within the list as part of a broader precinct dominated by small dwellings.

It is not considered that there is an unreasonable impact upon the historic cultural heritage significance of the site or its setting as a result of the partial demolition of the existing shed structure. The performance criteria are considered to be met.

E13.6.4 Site coverage

Objective:

To ensure that site coverage is compatible with the historic cultural heritage significance of local heritage places.

Consistent

The proposal satisfies the performance criteria.

A1 No acceptable solution.

Relies on Performance Criteria

P1 The site coverage is compatible with the historic cultural heritage significance of local heritage places or their settings, having regard to:

- (a) the topography of the site;
- (b) the cultural heritage values of the local heritage place and setting;
- (c) the site coverage of buildings on sites in the surrounding area; and
- (d) the pattern of development in the surrounding area.

Complies

As noted previously, the proposed site coverage is compatible with the acceptable solution for site coverage within the Inner Residential zone.

- (a) The site is generally level and is subject to potential flooding as a result of major flood events or levee failure. Hence the requirement for a two storey structure with habitable rooms on the upper level.
- (b) The cultural heritage value of the site is linked with its setting within what was once considered a heritage precinct.
- (c) The proposed site coverage, with the proposed dwelling, is consistent with the site coverage displayed by many of the surrounding properties.
- (d) Whilst the immediately adjoining and opposite sites are small single dwellings, the surrounding area - commonly considered a 100m radius - encompasses a number of dwellings of various size and a range of retail and commercial enterprises. The size and scale of many of these surrounding buildings are compatible with the size and scale of the proposed two storey dwelling, which itself is not out of place adjacent to the existing artists' studio.

Having regard to the above, it is considered that the site coverage of the proposed development is compatible with the historic cultural heritage significance of the site and its setting.

E13.6.5 Height and bulk of buildings

Objective: To ensure that the height and bulk of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.
Consistent The proposal satisfies the performance criteria.
A1 No acceptable solution.
Relies on Performance Criteria
P1 The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the character and appearance of the existing building or place; (c) the height and bulk of other buildings in the surrounding area; (d) the historic cultural heritage significance of adjacent places; and (e) the streetscape.
Complies The height of the existing building is not changed and there is a reduction in its bulk. The proposed dwelling will be a two-storey structure with habitable rooms confined to the upper level to comply with the Invermay/Inveresk Flood Inundation Area Code. (a) As noted, the existing building holds no specific historic or cultural value and is included within the heritage list as a result of being a site within a group of heritage listed sites. (b) The character and appearance of the existing building is that of a large tin shed, in its own way compatible with other commercial buildings in the surrounding area. (c) The surrounding area (ie. 100m radius) contains a significant number of single storey dwellings interspersed with larger two storey dwellings and commercial and retail buildings. (d) Whilst the majority of surrounding properties are likely included within heritage listing as a result of previous inclusion within a precinct, the row of conjoined cottages immediately opposite the site are included on the State heritage list, as is the former church building on the western side of the Grant Street junction.

(e) The northern streetscape is dominated by the single storey conjoined cottages until the larger scale buildings west of Grant Street. The southern side of Russell Street starts at the Invermay Road end with a commercial furniture making enterprise, followed by five cottages, the subject site and its large shed, the public park and finishes with a large dwelling and two storey scale outbuildings. The streetscape is significantly different from one side of Russell Street to the other.

Having regard to the above and the advice of the Council's Place and Heritage Officer that measures have been taken to minimise the perceived scale of the building, it is considered that the height and bulk is compatible with the historic cultural heritage significance of the place and its setting and the performance criteria are satisfied.

E13.6.6 Site of buildings and structure

Objective:

To ensure that the siting of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.

Consistent

The proposal satisfies the performance criteria.

A1 No acceptable solution.

Relies on Performance Criteria

P1 The front, side and rear setbacks must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the topography of the site;
- (c) the size, shape, and orientation of the lot;
- (d) the setbacks of other buildings in the surrounding area;
- (e) the historic cultural heritage significance of adjacent places; and
- (f) the streetscape.

Complies

The existing artists' studio is setback significantly further from the frontage than any of the other buildings within Russell Street. The proposed dwelling relies upon the reduction in size of the existing building and is to be setback further to minimise its perceived bulk, provide for the relocated car parking for the artists' studio and to encourage views to the park.

The proposed 2.27m rear setback of the dwelling is compatible with the existing 1.74m setback of the studio building.

The proposed courtyard, located in front of the dwelling, is to be fenced with an 1,800mm high brick fence with a bagged finish. This wall will to some extent give the impression that the building extends to the building line of the existing studio building. To come forward of this would reduce the number of car parking spaces able to be provided on the site and increase the perceived bulk of the dwelling.

In considering whether the setbacks are compatible with the historic cultural heritage significance of the site and its setting, regard must be given to:

- (a) the heritage value of the place and its setting - as discussed the site is included within the heritage list as a result of having previously been within a precinct and has no particular heritage value in its own right. Notwithstanding the existence of larger dwellings and commercial premises within the surrounding area, the immediate setting is characterised by smaller single storey cottages.
- (b) the site is level and subject to the Invermay/Inveresk Flood Inundation Area code. This code requires that new residential development has habitable floor levels not

- less than 3.7m AHD - around 2.2m above the ground level of this site. This effectively requires residential development to be two storey.
- (c) The site is orientated north-west and is a generally rectangular lot of around 1,160m², with a southern access strip to Bedford Street. The site contains an existing large shed, constructed in the 1970s and which is currently used as artists' studios.
 - (d) The majority of buildings within the surrounding area are built to the front boundary of are setback less than four metres. There are isolated examples of buildings in surrounding streets and within 100m of the site that have setbacks up to 13m.
 - (e) Many of the surrounding buildings are heritage listed due to previous precinct listing. However, the row of conjoined cottages immediately opposite the site are included on the State heritage list.
 - (f) As discussed previously the streetscape differs significantly from the northern to southern side of Russell Street. Whilst the northern side is clearly represented by small single storey cottages, the southern side is broken by the subject site with its large commercial like, metal clad, artists' studio building and the adjoining community park.

Having regard to the above, it is clear that a row of single storey dwellings is not a possible alternative for this site. Whilst a reduced front setback may be preferred, it is considered that the impact of a two storey dwelling closer to the front boundary that the existing shed is less compatible with the setting than the proposal to set the proposed dwelling somewhat behind the existing structure.

On balance, and having regard to the constraints and circumstances of the site as discussed above, it is considered that the setbacks are compatible with the historic cultural heritage significance of the site and the performance criteria are satisfied.

E13.6.7 Fences

Objective: To ensure that fences are compatible with the historic cultural heritage significance of local heritage places and their setting.
Consistent The proposal satisfies the performance criteria.
A1 New fences must be designed and constructed to match existing original fences on the site.
Relies on Performance Criteria Currently the site does not have a front fence and there is no evidence of what style the original front fence may have been. The proposal does not propose a front fence, however, consideration of parking at clause E13.6.11 results in the recommendation for a condition requiring the erection of a front fence in a picket style similar to those of other dwellings in Russell Street to soften the impact of parking in front of the buildings. Consideration of the performance criteria is appropriate.
P1 New fences must be compatible with the historic cultural heritage significance of a place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the architectural style of the dominant building on the site; (c) the dominant fencing style in the setting; and (d) the original or previous fences on the site.
Complies

- (a) the site itself is of no particular heritage value beyond its setting within a precinct and being opposite a row of State heritage listed conjoined cottages.
- (b) The existing artists' studio building will remain the dominant building when viewed from the east, whereas the proposed dwelling is likely to be the dominant building from the west.
- (c) The dominant fence style in Russell Street is low, picket or concrete and rail fencing. There are examples of lapped paling fences around 1,500mm high.
- (d) There is no evidence of original or previous front fencing on the subject site.

Having regard to the above, it is considered that a condition requiring the inclusion of a fence, up to 1,500mm in a metal or timber picket style to the satisfaction of the Manager City Development, satisfies the performance criteria.

E13.6.8 Roof form and materials

Objective: To ensure that roof form and materials are compatible with the historic cultural heritage significance of local heritage places and their settings.
Consistent The proposal satisfies the performance criteria.
A1 No acceptable solution.
Relies on Performance Criteria P1 Roof form and materials are compatible with the historic cultural heritage significance of a place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the design, period of construction and materials of the dominant building on the site; (c) the dominant roofing style and materials in the setting; and (d) the streetscape.
Complies The Council's Place and Heritage Officer has reviewed the proposal and advises that the proposed roof cladding profile (<i>Trimdeck</i>) is not necessarily compatible with the dominant roof material in the surrounding area and recommends that this be replaced with a <i>custom orb</i> profile. The suggested custom orb profile, in a lighter grey colour is considered to be more compatible with the style and materials of the existing artists' studio building on the site and other buildings within the broader setting. A condition requiring the roof cladding to be in a light grey with custom orb profile is proposed and is considered to satisfy the performance criteria.

E13.6.9 Wall materials

Objective: To ensure that wall materials are compatible with the historic cultural heritage significance of local heritage places and their settings.
Consistent The proposal satisfies the performance criteria.
A1 No acceptable solution.
Relies on Performance Criteria

E13.6.11 Driveways and parking

Objective:

To ensure that driveways and parking are compatible with the historic heritage significance of local heritage places and their settings.
Consistent The proposal satisfies the performance criteria.
A1 Car parking areas for non-residential purposes must be located behind the primary buildings on the site.
Relies on Performance Criteria The proposed car parking for the artists' studio is in front of the buildings and relies upon performance criteria. Parking for the dwelling is in the carport under the dwelling.
P1 Driveways and car parking areas for non-residential purposes must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the loss of any building fabric; (c) the removal of gardens or vegetated areas; (d) parking availability in the surrounding area; (e) vehicle and pedestrian traffic safety; and (f) the streetscape.
Complies (a) The heritage values of the site and existing building are related to its location within a previous heritage precinct. (b) Whilst the existing shed is to be reduced in size to accommodate the proposed dwelling, no building fabric is lost to provide for car parking. (c) There are no existing garden beds or vegetated areas that will be lost for car parking. (d) Russell Street is a narrow one-way street with limited on-street parking and some demand for this from residents with parking permits. Additional on-street parking is available in Invermay Road and Holbrook Street, however, on-site parking is considered to be more user friendly, safe and convenient. (e) The provision of six car parking spaces on-site, including one accessible parking space, for the artists' studio use is considered, by the Council's Traffic and Engineering officers to be safe for vehicle and pedestrian use. (f) As noted previously, the northern streetscape is dominated by small single dwellings. Most of these contain low fencing in a mix of concrete and picket styles. The southern streetscape is dominated by the existing site and its large shed building and the adjoining community park. Having regard to the above, it is considered that some fencing along the frontage of the subject site will soften the visual impact of parking in the frontage and contribute the compatibility of the site within the desired streetscape. A condition requiring fencing to the frontage, to the satisfaction of the Manager, City Development is proposed to satisfy the performance criteria.

E16.0 Invermay/Inveresk Flood Inundation Area Code

E16.1 The purpose of this provision is to: (a) reduce risks and hazards from flooding in the Invermay/Inveresk flood inundation area; (b) ensure that new development is sited and designed to minimise the impact of flooding; and (c) ensure that consideration is given in the siting, design and emergency response capability of new development on land subject to flood inundation.

Consistent

The proposal is consistent with the purpose of the code to ensure that new development is sited and designed to minimise the impact of flooding.

E16.6 Use Standards

E16.6.1 Unacceptable uses

Objective:

To prevent unacceptable uses from establishing in areas subject to, or isolated by, flood inundation.

Consistent

A1 Must not be:

- (a) Education and occasional care, except in the Inveresk Cultural precinct;
- (b) Emergency services; or
- (c) Hospital services.

Complies

The proposal is not for any of the prohibited uses.

A2 Must not be Residential, unless:

- (a) a single dwelling in the Invermay Residential or Inveresk Residential precincts;
- (b) a multiple dwelling in the Invermay Residential Precinct; or
- (c) associated with and supporting the educational activities within the Inveresk Cultural precinct.

Complies

The proposal includes the development of a single dwelling and is within the Inveresk Residential precinct.

A3 Must not be Community Meeting and Entertainment in the Riveredge Industrial or Inveresk Residential precincts.

Complies

The proposal includes the partial demolition of the existing artists' studio building. The use as an artists' studio falls within the use class of Community Meeting. However, the proposal does not introduce this use class, rather the proposal reduces the area within which it may be undertaken.

E16.7 Development Standards

E16.7.1 Intensification of residential development

Objective:

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

Consistent

The proposal complies with the acceptable solution.

A1 Except within the Invermay Residential Precinct, new residential development or extensions of existing residential buildings:

- (a) must not increase the gross floor area of individual dwellings or total gross floor area by 10% more than that existing or approved on 1 January 2008;
- (b) must not result in more than 200m² of gross floor area on a single title; or
- (c) must be for residential uses associated with the educational activities within the Inveresk Cultural Precinct.

Complies

- (a) There is not an existing dwelling on the subject site.
- (b) Relevantly, the clause relates to residential development and gross floor area is defined as being measured around the outside walls. As such, open areas such as carports and decks are not included.

The applicants have provided revised plans, replacing the garage with a carport and bringing the total gross floor area of the dwelling to 198.2m².

Conditions are proposed to require the revised plans and these are included within the proposed endorsed plans.

E16.7.2 Flood Impact

Objective:

To ensure that new buildings and infrastructure are sited and designed to avoid or mitigate the risk and minimise the impact of flooding.

Consistent

The proposal satisfies the applicable acceptable solution and performance criteria.

A1 Floor levels of all habitable rooms within the Residential use class must be at least 3.7m AHD.

Complies

All habitable rooms are proposed to be on the upper level at a height of 4.4m AHD.



DEVELOPMENT APPLICATION

PROJECT INFORMATION
15/02/ 2022

LAUNCESTON CITY COUNCIL
Inner Residential Zone
Invermay/Inveresk Flood Inundation Area
Local Historic Cultural Heritage Code

BUILDING AREAS

EXISTING SHED	475m ²
DEMOLISHED SHED AREA	100m ²
ALTERED SHED AREA	375m ²
PROPOSED DWELLING GRD FLR PLAN (FOOTPRINT)	107.94m ²
PROPOSED DWELLING 1ST FLR PLAN	132.44m ²
TOTAL BUILDING FOOTPRINT	483.00
TOTAL TITLE AREA	1161m ²
40.9 % EXISTING SITE COVERAGE	
41.6 % PROPOSED SITE COVERAGE	

BUILDING DESIGNER:	JO WOODBURY
ACCREDITATION No:	551573843
LAND TITLE REFERENCE NUMBER:	C.T 237111/1
DESIGN WIND SPEED:	REFER ENG.
SOIL CLASSIFICATION:	REFER ENG.
CLIMATE ZONE:	7
BUSHFIRE-PRONE BAL RATING:	N/A
ALPINE AREA:	NOT APPLICABLE
CORROSION ENVIRONMENT:	LOW
FLOODING:	YES
LANDSLIP:	NO
DISPERSIVE SOILS:	UNKNOWN
SALINE SOILS:	UNKNOWN
SAND DUNES:	UNKNOWN
MINE SUBSIDENCE:	NO
COASTAL INUNDATION:	NO
LANDFILL:	UNKNOWN
DATUM LEVEL AT KERB:	REFER DWGS
GROUND LEVEL:	REFER DWGS
FINISHED FLOOR LEVEL:	REFER DWGS
OVERFLOW RELIEF GULLY LEVEL:	MIN 150MM BELOW LOWEST FIXTURE

NOTES

these drawings are for permit approval purposes and additional information may be required to inform construction

drawings are subject to owner discretion.

contractors to verify all matters of specification, finish, selection and appearance with owner prior to commencing work and ensure work carried out is acceptable to owner, including design variation and alternatives.

drawings used for construction must carry building surveyor certification. Ensure there is only one version of construction dwgs being used.

contractors and prefabricators shall advise appropriately any omission, apparent error, anomaly or unclarity of all documents applicable to this construction.

builder and subcontractors to verify dimensions and levels on site prior to commencing work and ordering..



Jo Woodbury.
Ph: 0407 319 437
Email: jo@woodburyco.com.au
www.woodburyco.com.au

Document Set ID: 4683285
Version: 2, Version Date: 28/08/2022

13-15 RUSSELL STREET, INVERMAY

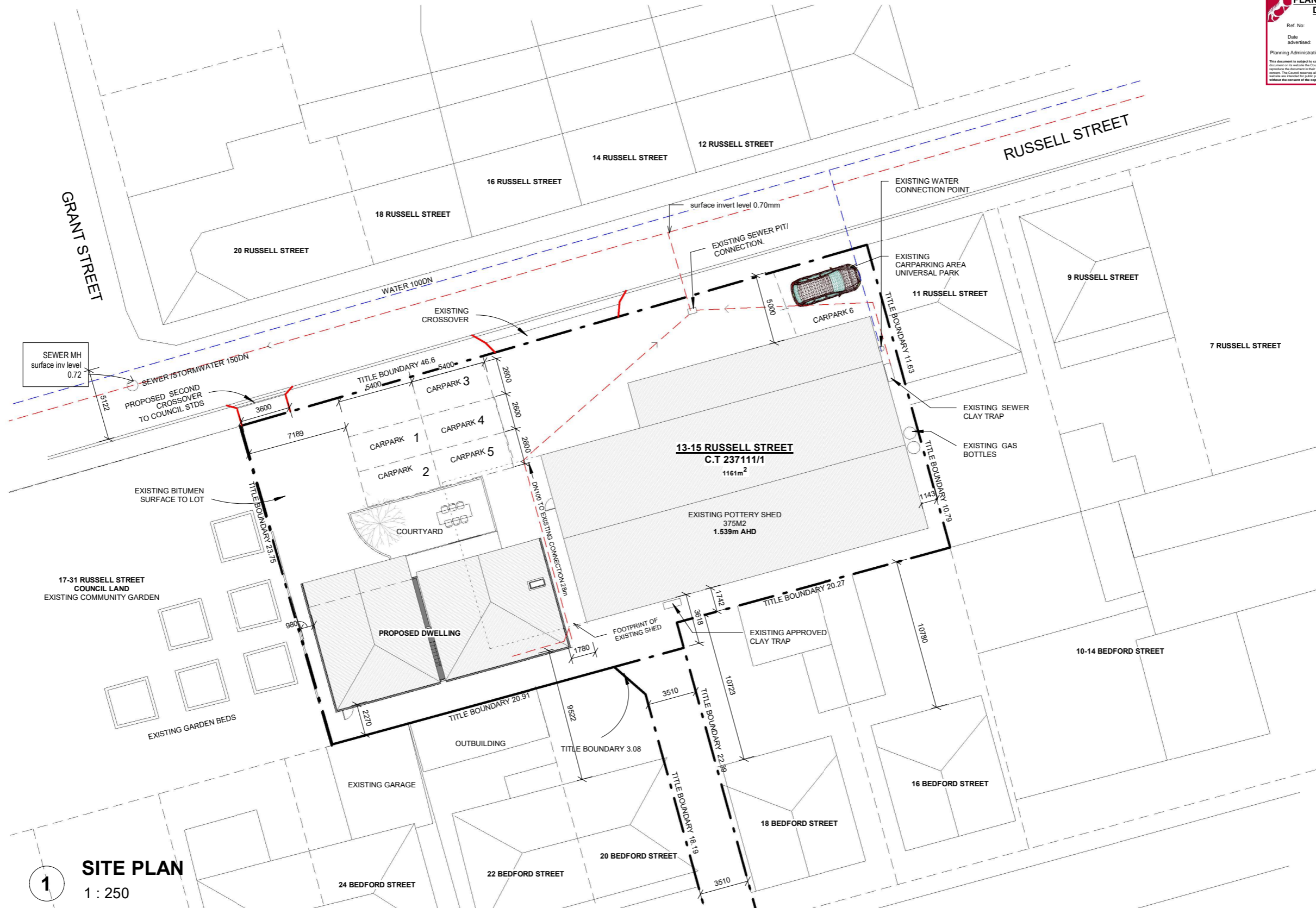
ALTERATIONS TO EXISTING POTTERY SHED, AND NEW DWELLING SARAH JESSUP




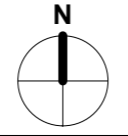
DRAWING SHEETS

Sheet	Drawing	Current Revision	Current Revision Date
A001	TITLE SHEET		
A100	SITE PLAN		
A101	ONSITE PARKING SWEEP PATHS		
A102	EXISTING OFF STREET PARKING	1	Date 1
A103	PROPOSED ON STREET PARKING	1	Date 1
A104	SHED EXISTING & DEMOLITION PLAN		
A105	DWELLING GR FL PLAN		
A106	DWELLING 1ST FL PLAN		
A107	SHED PROPOSED FLOOR PLAN		
A201	ELEVATIONS		
A202	ELEVATIONS		
A303	3D VISUALS DA		
A304	SHADOW DIAGRAMS		

PLANNING EXHIBITED DOCUMENTS
 Ref. No: DA 0753/2021
 Date advertised: 26/02/2022
 Planning Administration: 
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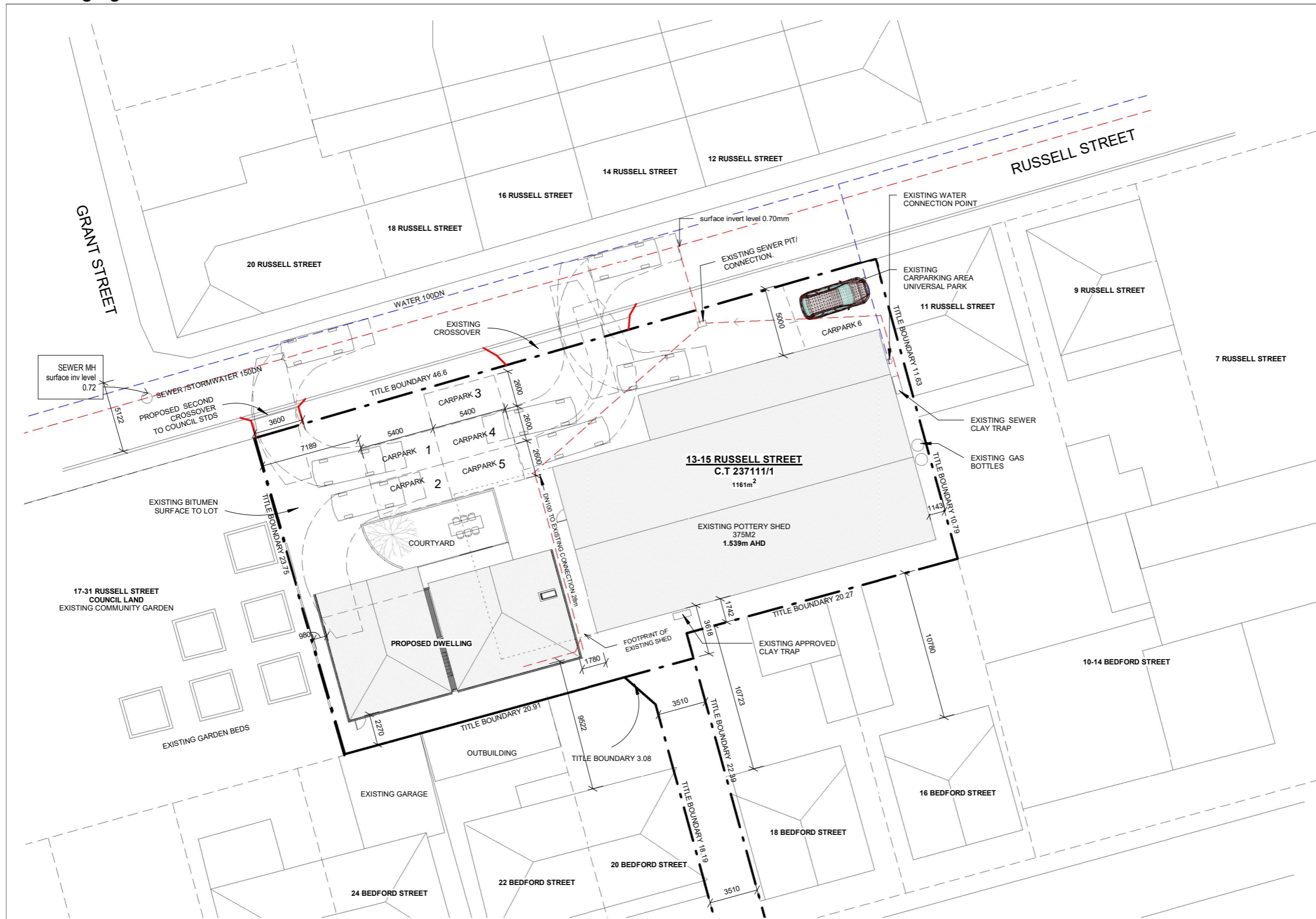



1 SITE PLAN
1 : 250

 WOODBURY & CO BUILDING DESIGN Phone 0407 319 437 28 Denison Road West Launceston TAS 7250 info@woodburyco.com.au	REVISION:	DESCRIPTION:	DATE:		Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: SITE PLAN	Sheet No: A100
					Project: NEW DWELLING & ALTS TO SHED	Drawn By: Jo Woodbury	Date: DEC 2021	15/02/2022 2:19:26 PM
					at 13-15 RUSSELL STREET INVERMAY	Accreditation No. 551573843	Scale: 1 : 250	

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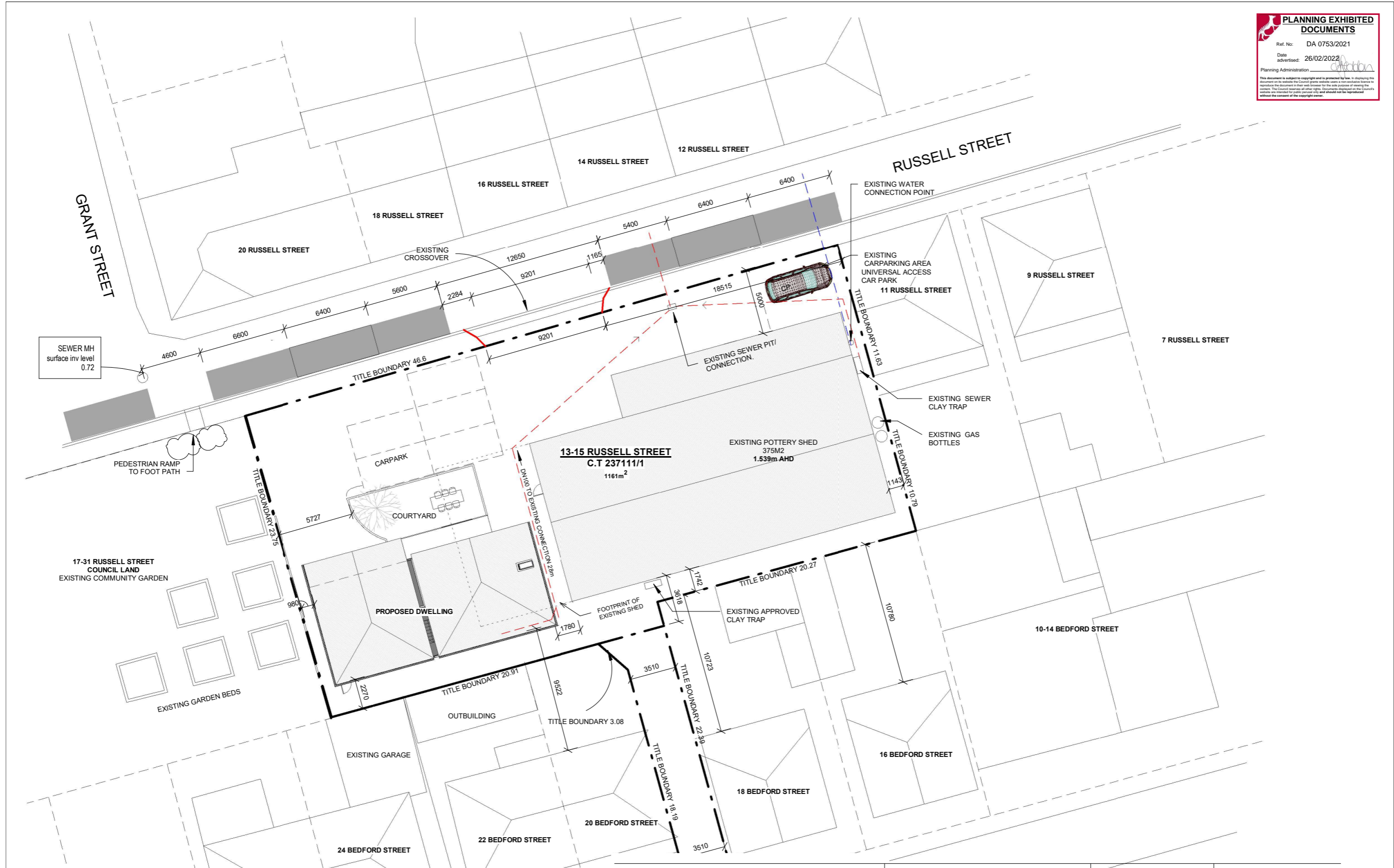
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				Project: NEW DWELLING & ALTS TO SHED	Drawn By: Jo Woodbury	Date: DEC 2021	15/02/2022 2:19:27 PM
				at 13-15 RUSSELL STREET INVERMAY	Accreditation No. 551573843	Scale: 1 : 250	

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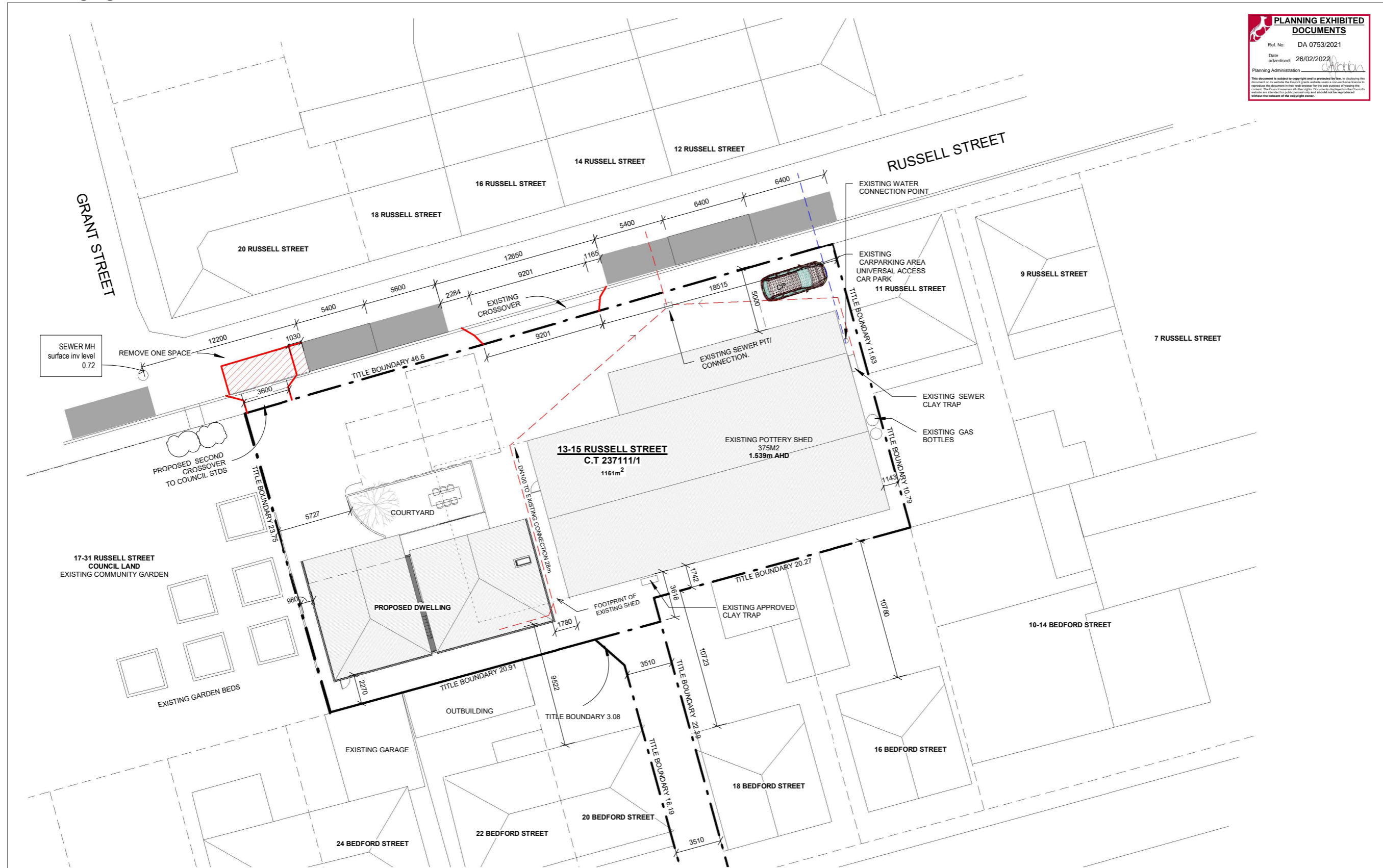
Document Set ID: 4683265
 Version: 2, Version Date: 26/06/2022


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 28 Denison Road/ West Launceston TAS 7250
 jo@woodburyco.com.au

Job Title	NEW DWELLING & ALTS TO SHED	Date:	DEC 2021	Drawing Title	EXISTING OFF STREET PARKING
Client	SARAH JESSUP	Drawn By:	Jo Woodbury	Sheet No:	A102
at	13-15 RUSSELL STREET INVERMAY	Accreditation No.	551573843	Project No:	SJ2020
		Scale:	1 : 250		

15/02/2022 2:19:28 PM

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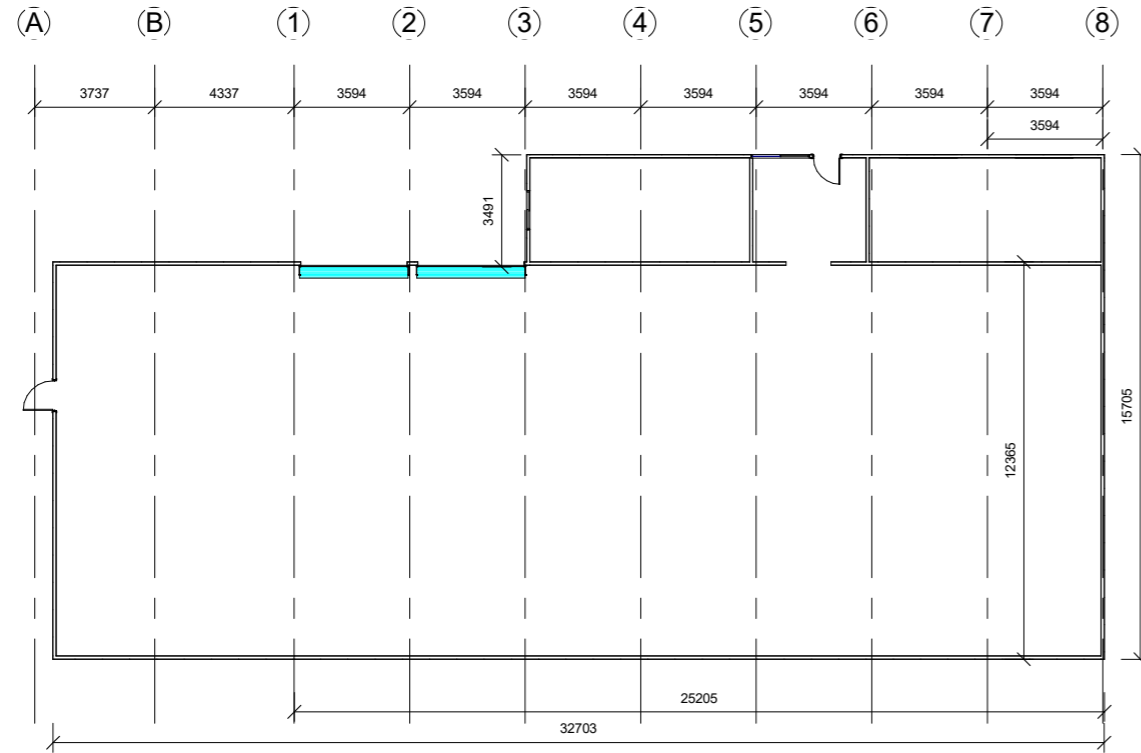


 WOODBURY & CO BUILDING DESIGN Phone 0407 319 437 28 Denison Road West Launceston TAS 7250 jo@woodburyco.com.au	REVISION: 1	DESCRIPTION: Revision 1	DATE: Date 1	Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: PROPOSED ON STREET PARKING	Sheet No: A103
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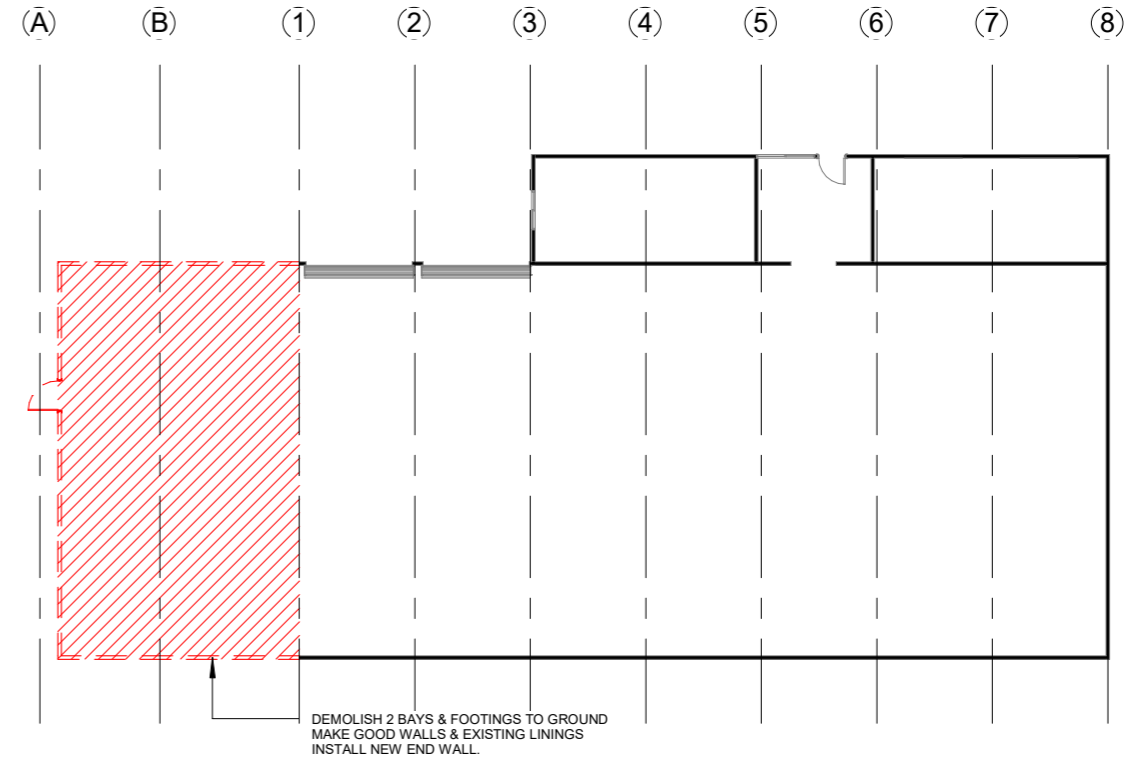
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2 EXISTING PLAN
1 : 200

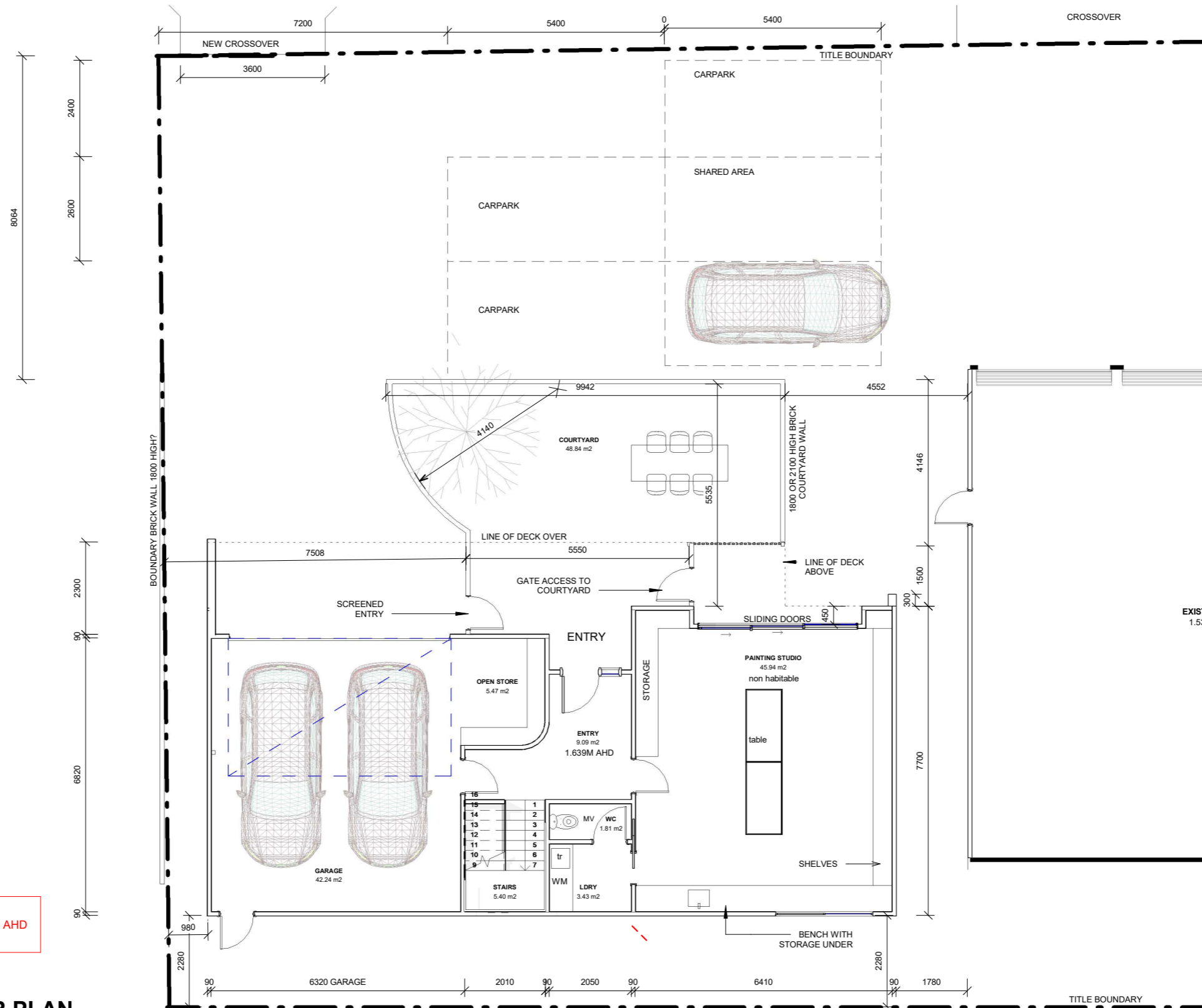


1 DEMOLITION PLAN
1 : 200

 WOODBURY & CO BUILDING DESIGN Phone 0407 319 437 28 Denison Road West Launceston TAS 7250 jo@woodburyco.com.au	REVISION:	DESCRIPTION:	DATE:	Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: SHED EXISTING & DEMOLITION PLAN	Sheet No: A104
				Project: NEW DWELLING & ALTS TO SHED	Drawn By: Jo Woodbury	Date: DEC 2021	15/02/2022 2:19:31 PM
				at 13-15 RUSSELL STREET INVERMAY	Accreditation No. 551573843	Scale: 1 : 200	


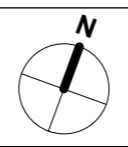
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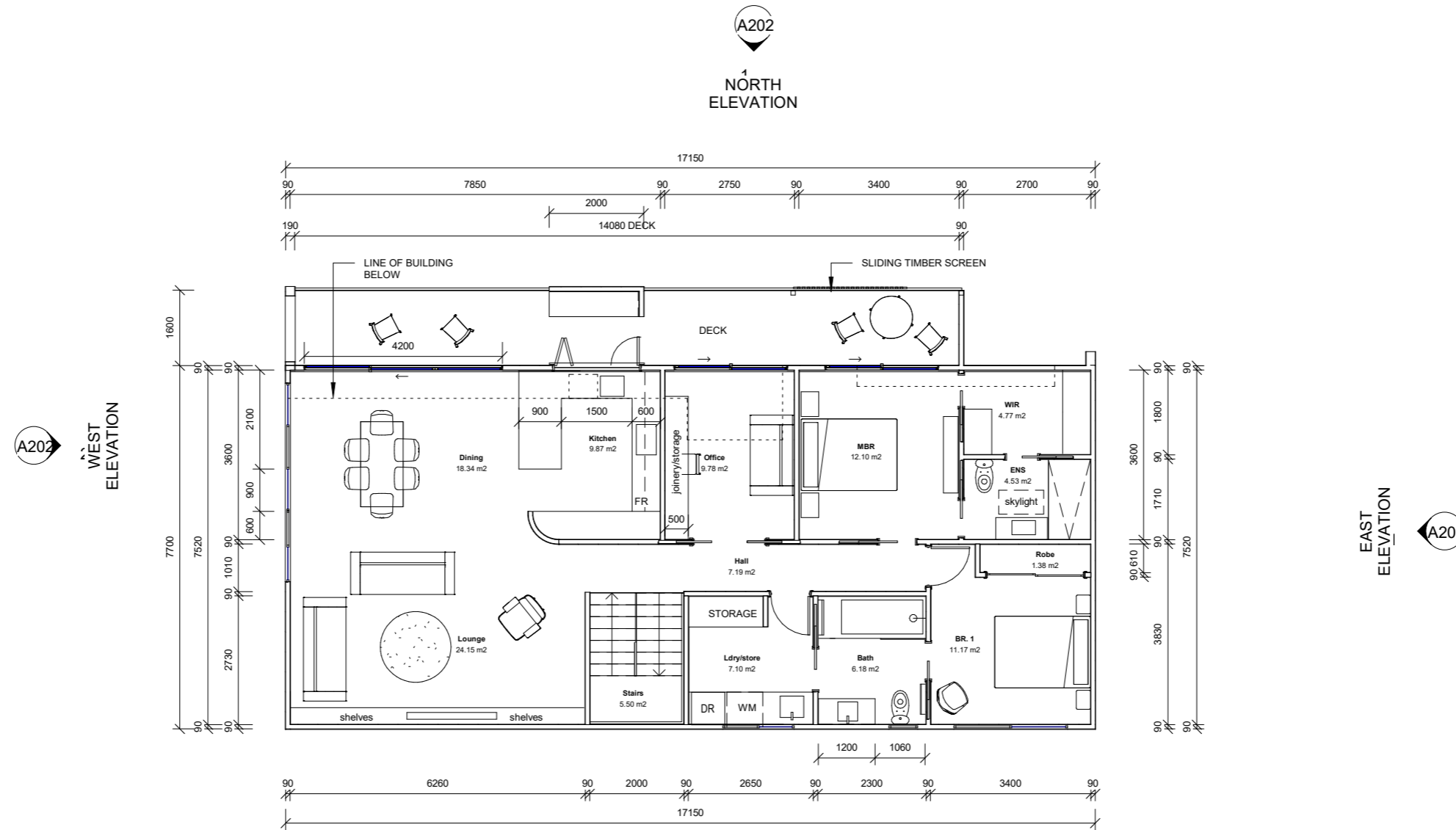
NEW DWELLING & STUDIO
 ALL HABITABLE SPACES +3.7M AHD
 TO MEET FLOOD CODE

1 GROUND FLOOR PLAN
 1 : 100

 WOODBURY & CO BUILDING DESIGN Phone 0407 319 437 28 Denison Road West Launceston TAS 7250 info@woodburyco.com.au	REVISION:	DESCRIPTION:	DATE:		Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: DWELLING GR FL PLAN	Sheet No: A105
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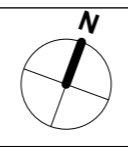
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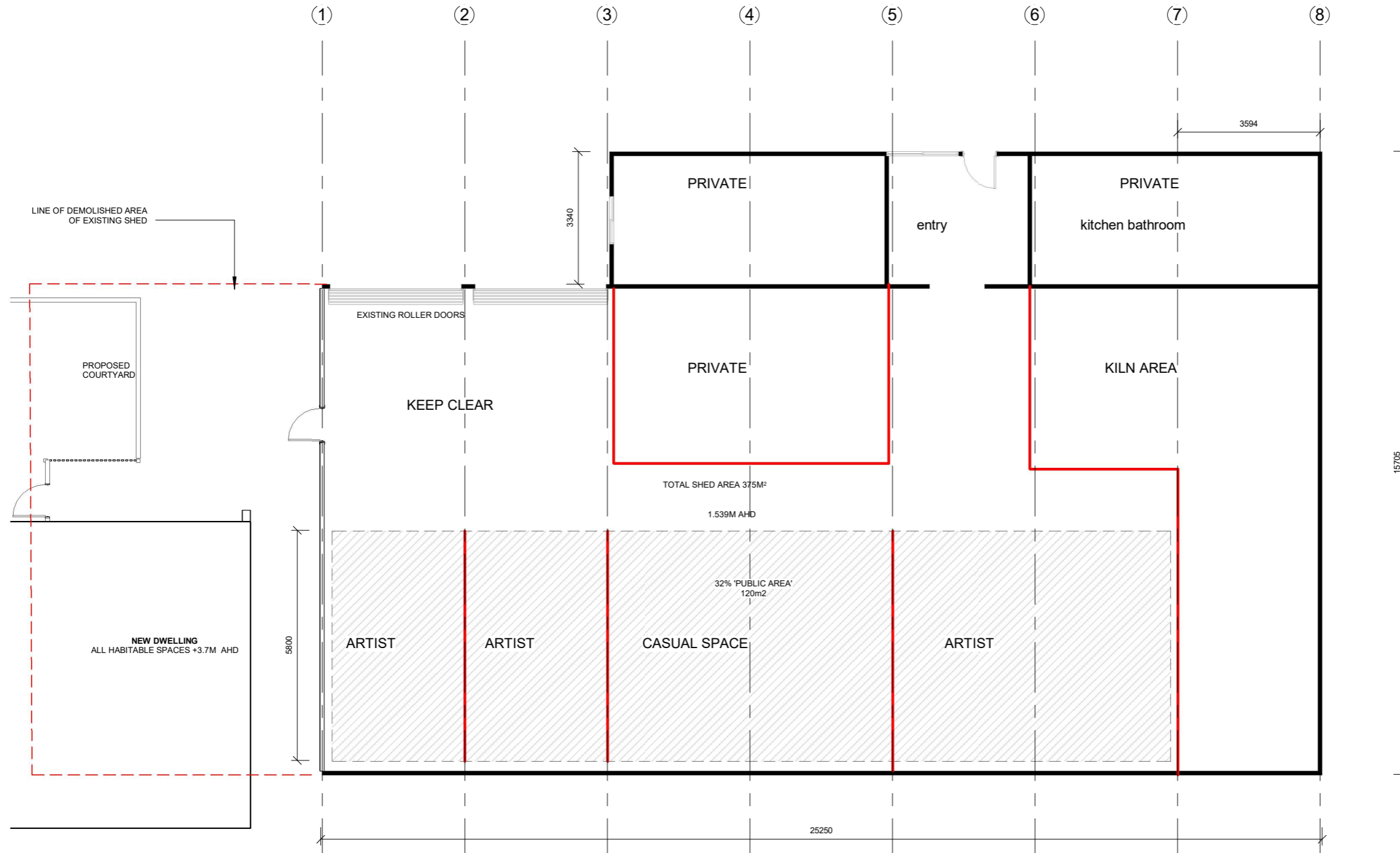
1 1ST FLOOR PLAN
1 : 100

NEW DWELLING
ALL HABITABLE SPACES +3.7M AHD


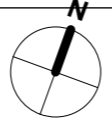
 WOODBURY & CO BUILDING DESIGN Phone 0407 319 437 28 Denison Road West Launceston TAS 7250 jo@woodburyco.com.au	REVISION:	DESCRIPTION:	DATE:		Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: DWELLING 1ST FL PLAN	Sheet No: A106
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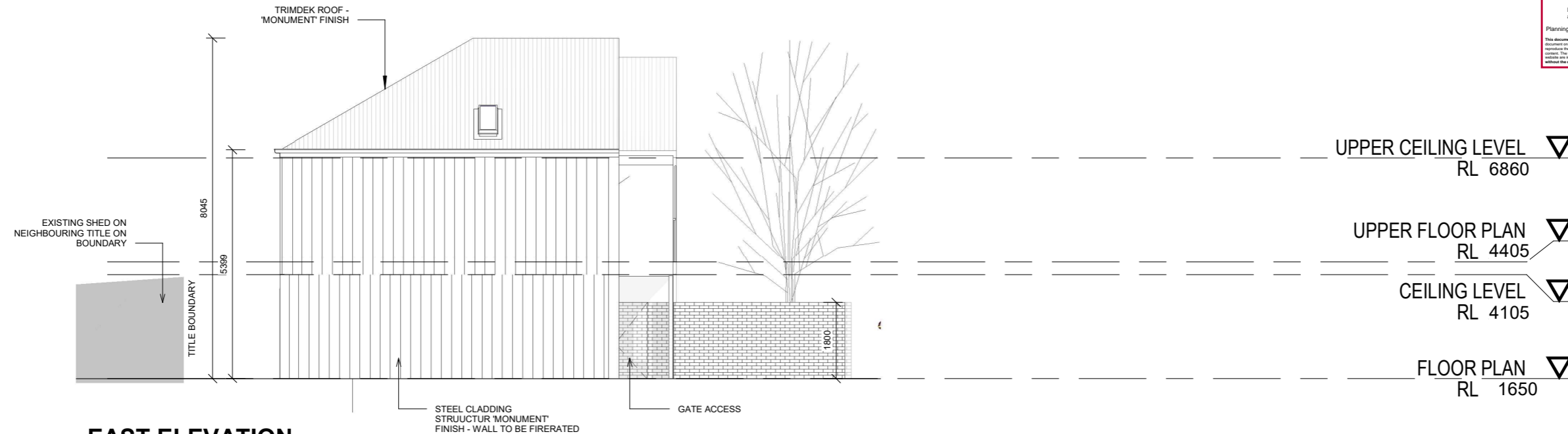


1 POTTERY SHED FLOOR PLAN
1 : 100

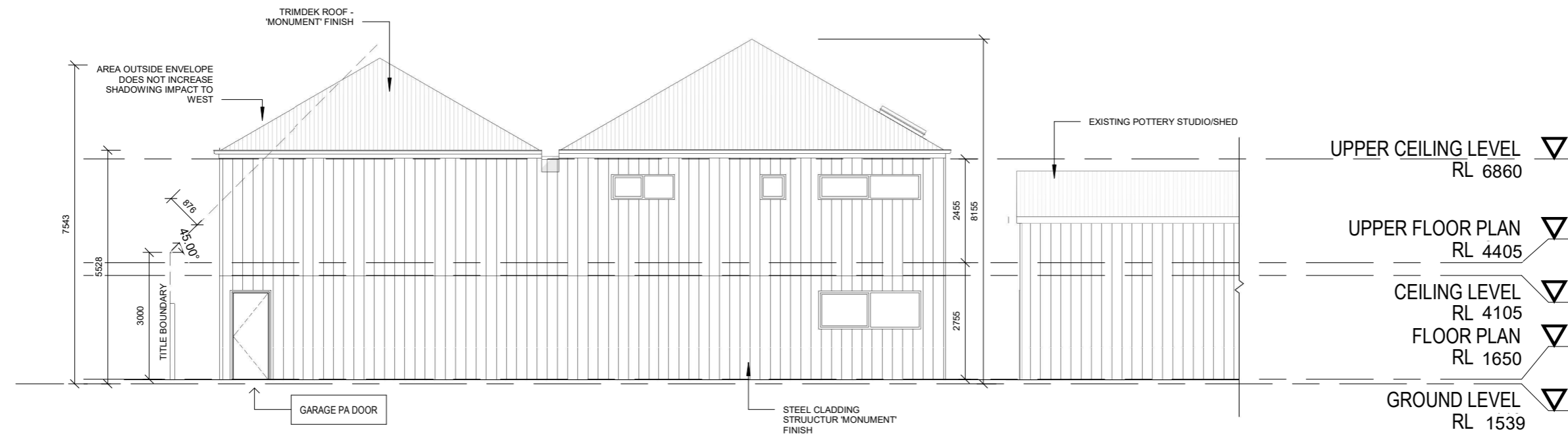
 WOODBURY & CO BUILDING DESIGN Phone 0407 319 437 28 Denison Road West Launceston TAS 7250 jo@woodburyco.com.au	REVISION:	DESCRIPTION:	DATE:		Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: SHED PROPOSED FLOOR PLAN	Sheet No: A107
					Project: NEW DWELLING & ALTS TO SHED	Drawn By: Jo Woodbury	Date: DEC 2021	15/02/2022 2:19:33 PM
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1 EAST ELEVATION
1 : 100

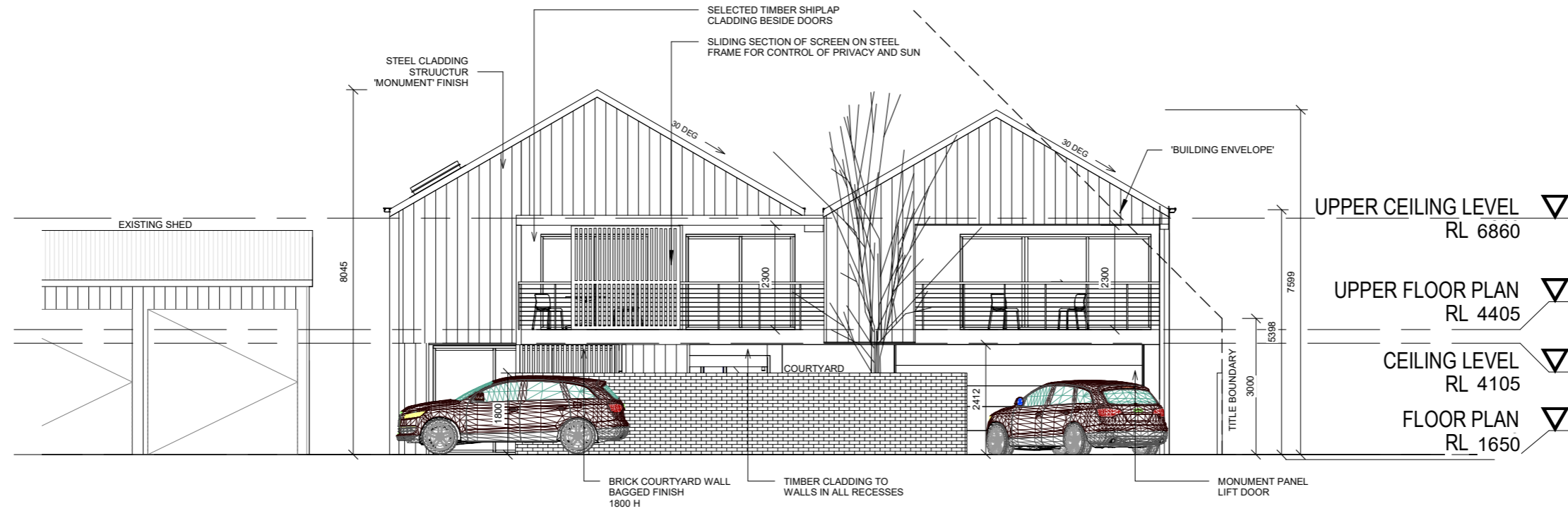


2 SOUTH ELEVATION
1 : 100

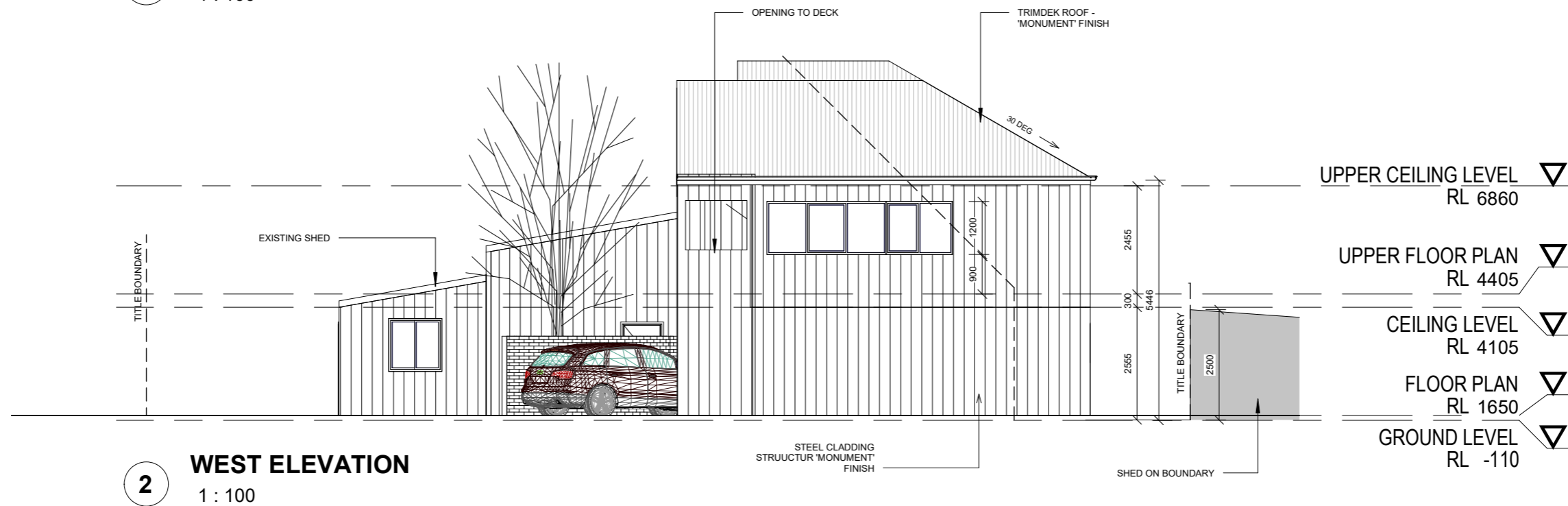
 WOODBURY & CO BUILDING DESIGN Phone 0407 319 437 28 Denison Road West Launceston TAS 7250 jo@woodburyco.com.au	REVISION:	DESCRIPTION:	DATE:	Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: ELEVATIONS	Sheet No: A201
				Project: NEW DWELLING & ALTS TO SHED	Drawn By: Jo Woodbury	Date: DEC 2021	15/02/2022 2:19:36 PM
				at 13-15 RUSSELL STREET INVERMAY	Accreditation No. 551573843	Scale: 1 : 100	

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1 NORTH ELEVATION
1 : 100



2 WEST ELEVATION
1 : 100

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				Project: NEW DWELLING & ALTS TO SHED	Drawn By: Jo Woodbury	Date: DEC 2021	15/02/2022 2:19:39 PM
				at 13-15 RUSSELL STREET INVERMAY	Accreditation No. 551573843	Scale: 1 : 100	

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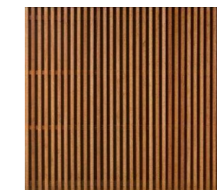
MATERIALS



TIMBER LINING



STEEL CLADDING



TIMBER SCREENING
TAS OAK OR SIMILAR TO DECK



STEEL CLADDING

SLIDING SCREEN FOR PRIVACY/SHADING

APERTURE VIEW TO PARK

BOUNDARY FENCE 1800 HIGH

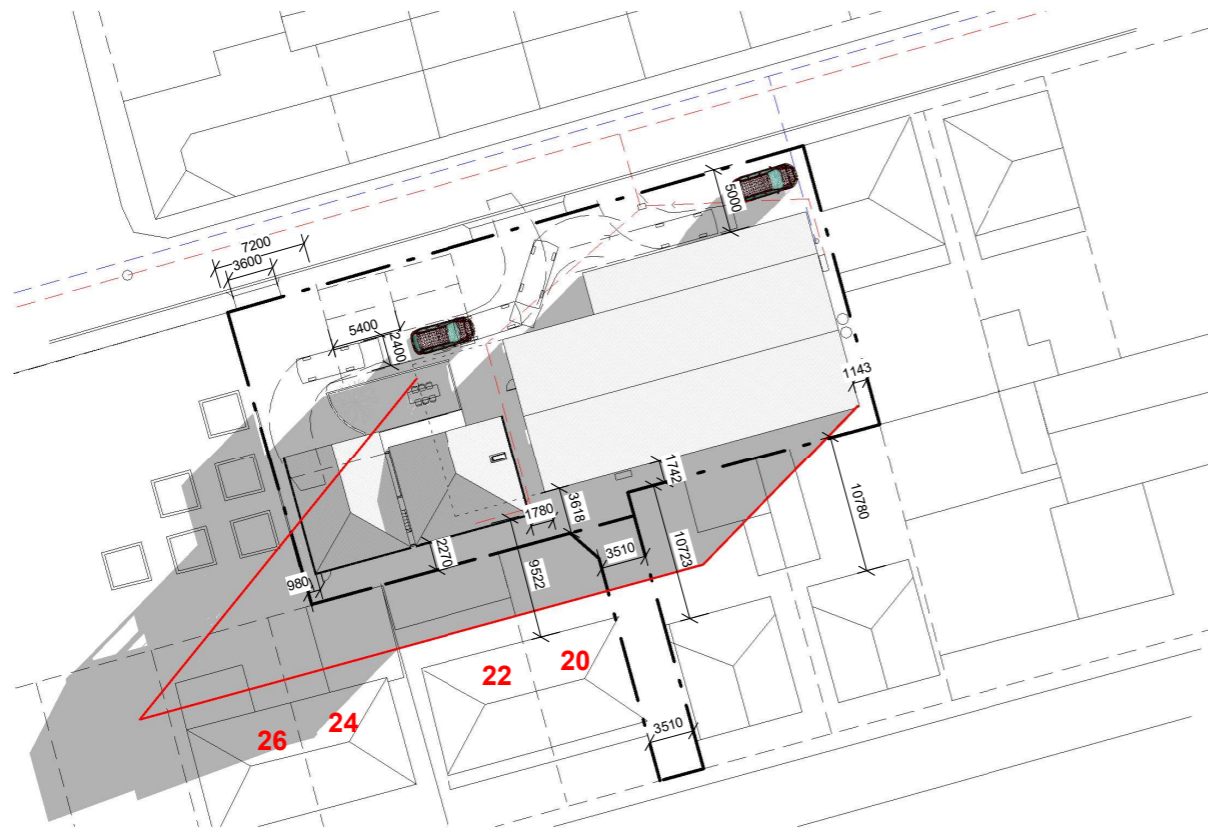
3D VISUALS

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 BUILDING DESIGN
 Phone 0407 319 437
 28 Denison Road West Launceston TAS 7250
 jo@woodburyco.com.au

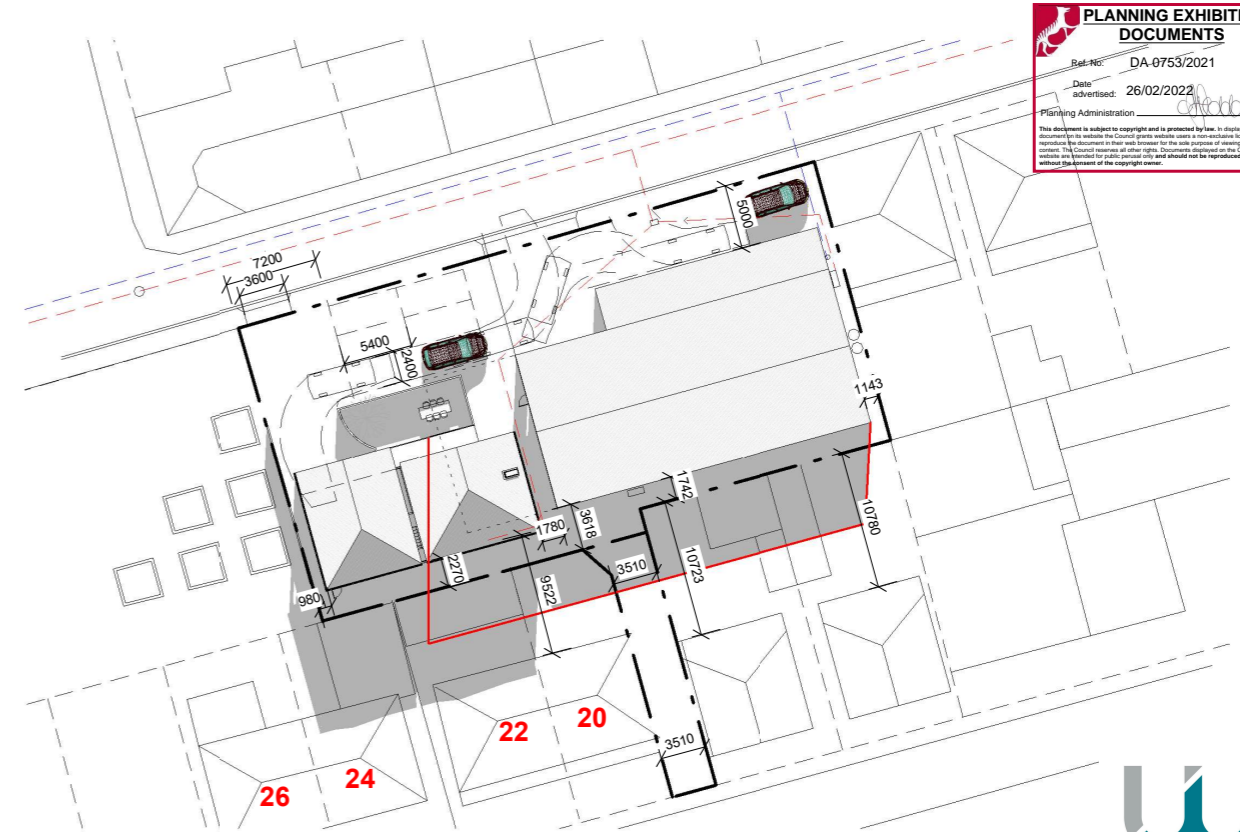
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REVISION:	DESCRIPTION:	DATE:	Client:	Project No:	Drawing Title	Sheet No:
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			Project: NEW DWELLING & ALTS TO SHED	Drawn By: Jo Woodbury	Date: DEC 2021	15/02/2022 2:19:41 PM
			at 13-15 RUSSELL STREET INVERMAY	Accreditation No. 551573843	Scale:	

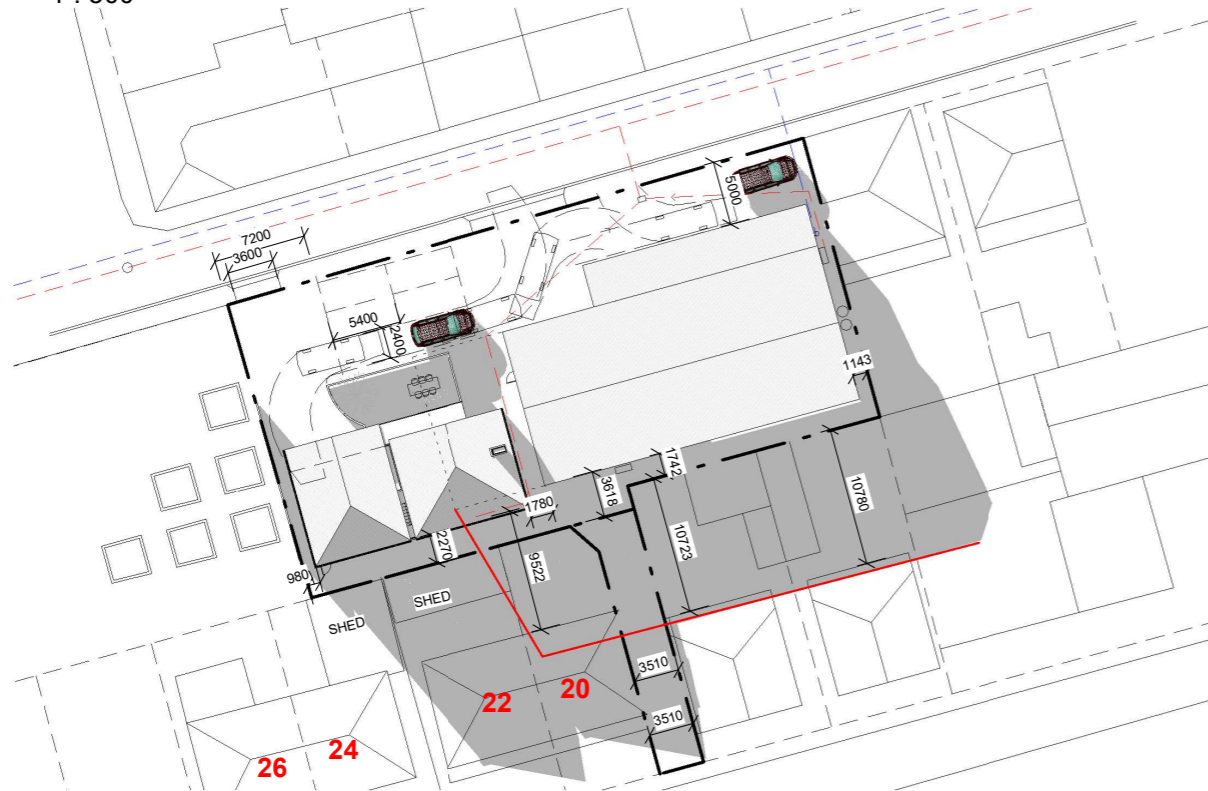
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1 SHADOW 21 JUNE 9AM
1 : 500



2 SHADOW 21 JUNE 12PM
1 : 500



3 SHADOW 21 JUNE 3PM
Document Set ID: 423505
Version: 2, Version Date: 28/08/2022

NOTES ON SHADOWING

THE PROPOSED DWELLING HAS BEEN DESIGNED WITH A GABLE PITCHED ROOF SLOPING AWAY FROM THE REAR BOUNDARY TO MINIMISE THE BUILDING HEIGHT AND THE SHADOWING IMPACT.

IN THE FLOOD ZONE NEW DWELLINGS HAVE TO BE CONSTRUCTED AT 3.7 AHD.

THE EXISTING SHADOWING IMPACT OF THE EXISTING SHED IS SHOWN WITH A RED LINE TO DEMONSTRATE THE DIFFERENCE BETWEEN THE EXISTING SHADOWING, AND THE INTENSIFIED SHADOWING CAUSED BY THE PROPOSED DWELLING.

IT IS DETERMINED THAT ALTHOUGH THESE HOUSES HAVE CLASS 10 BUILDINGS ON THEIR REAR BOUNDARIES THAT ALSO CAST SHADOW INTO THE REAR YARDS THROUGHOUT THE DAY.

9AM
HOUSES 20 and 22 ARE NOT FURTHER IMPACTED, 24 and 26 ARE

20 has shadow increased at 3pm

22 has shadow increase at 12pm and 3 pm. There is a shed at the rear of the allotment that may also cast shadow over this area.

24 has shadow increased at 9am and marginally at 12pm but it has a garage at the rear attached to the house so no habitable rooms are affected and it is likely that the garage is also shadowing the same area at 12pm

26 has shadow increased at 9am



PROJECT
NEW DWELLING & ALTS TO SHED

FOR
SARAH JESSUP

LOCATION
13-15 RUSSELL STREET INVERMAY

DRAWING TITLE
SHADOW DIAGRAMS

DATE: DEC 2021	SCALE: 1 : 500
SHEET NO: A304	PROJECT NO: SJ2020

W WOODBURY & CO
BUILDING DESIGN

BUILDING DESIGN
INTERIOR DESIGN
PLANNING

Phone 0407 319 437
28 Denison Road
West Launceston TAS 7250
jo@woodburyco.com.au

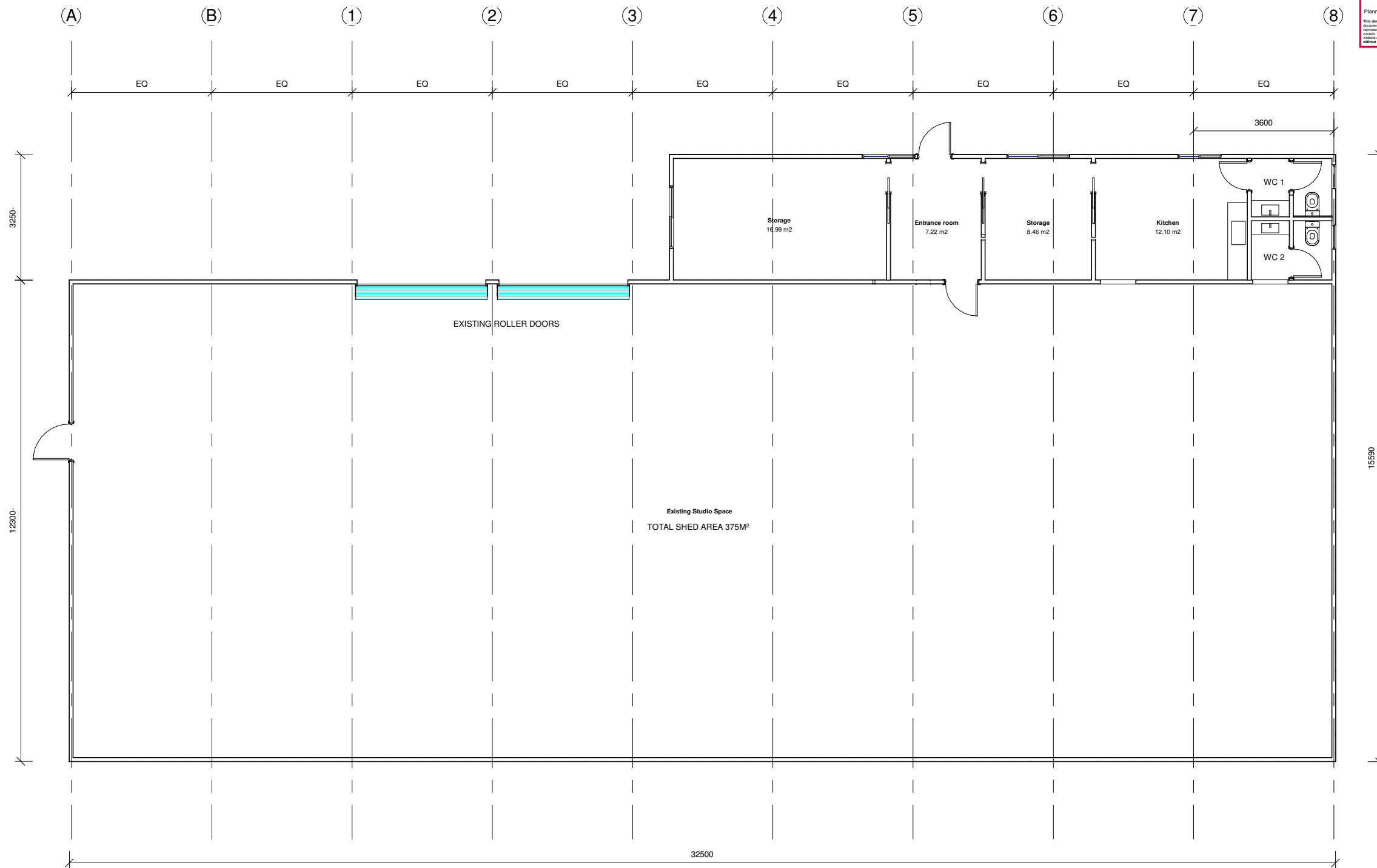
Jo Woodbury
LICENSE No 551573843

REVISIONS


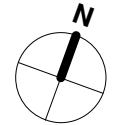
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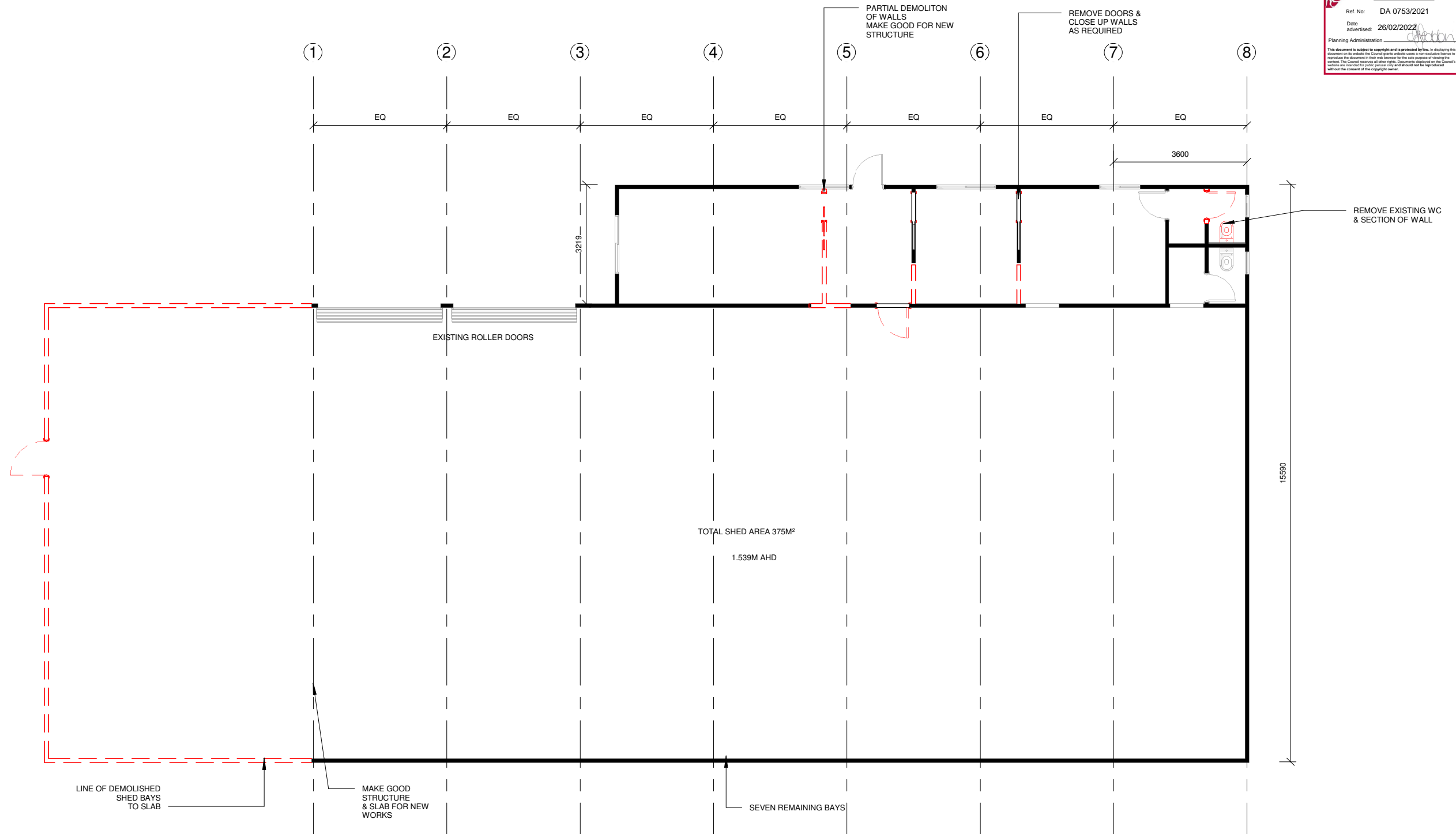


2 POTTERY STUDIO EXISTING PLAN
1 : 100


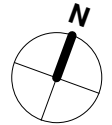
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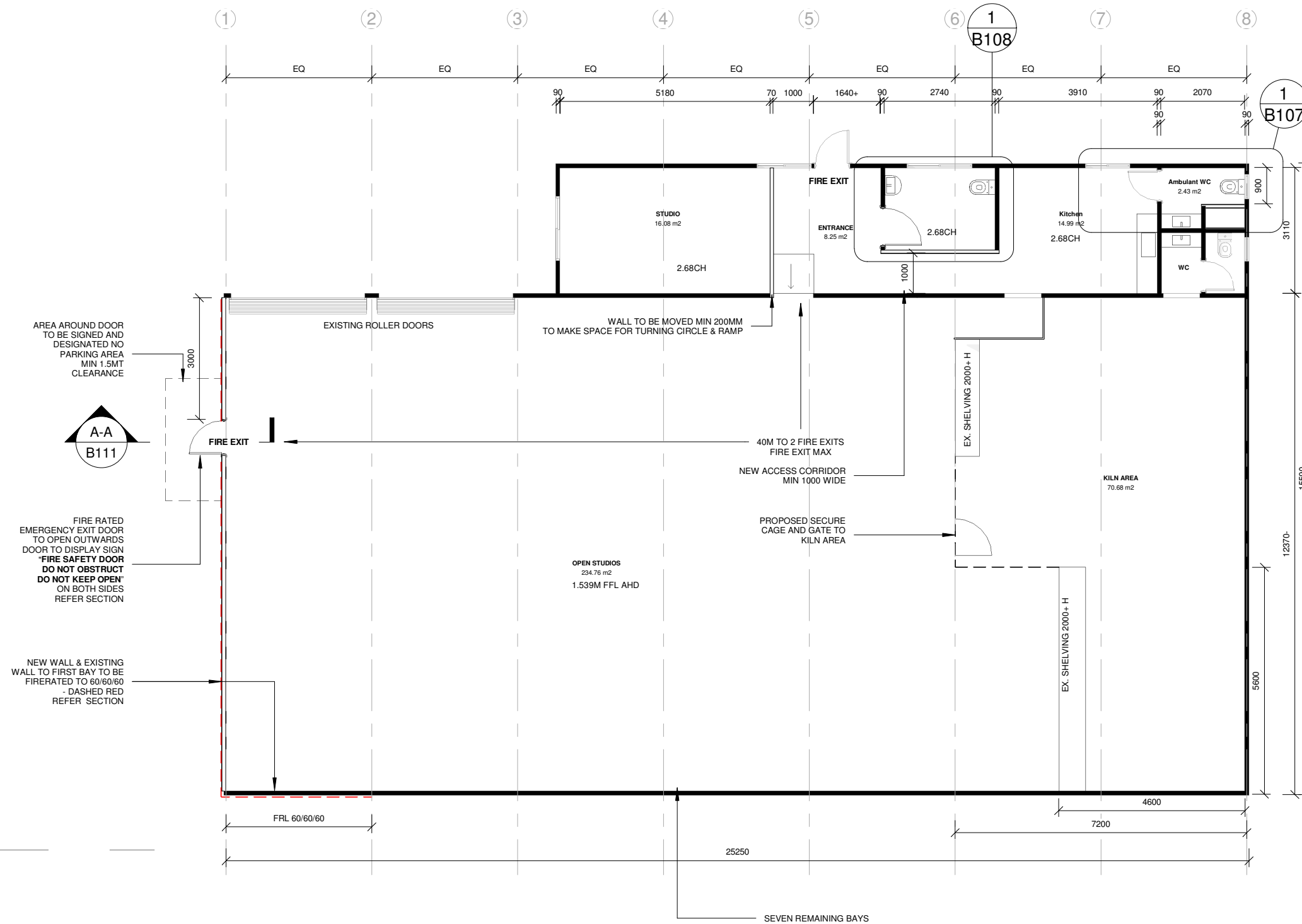


1 POTTERY STUDIO DEMOLITION PLAN
1 : 100


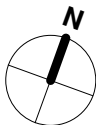
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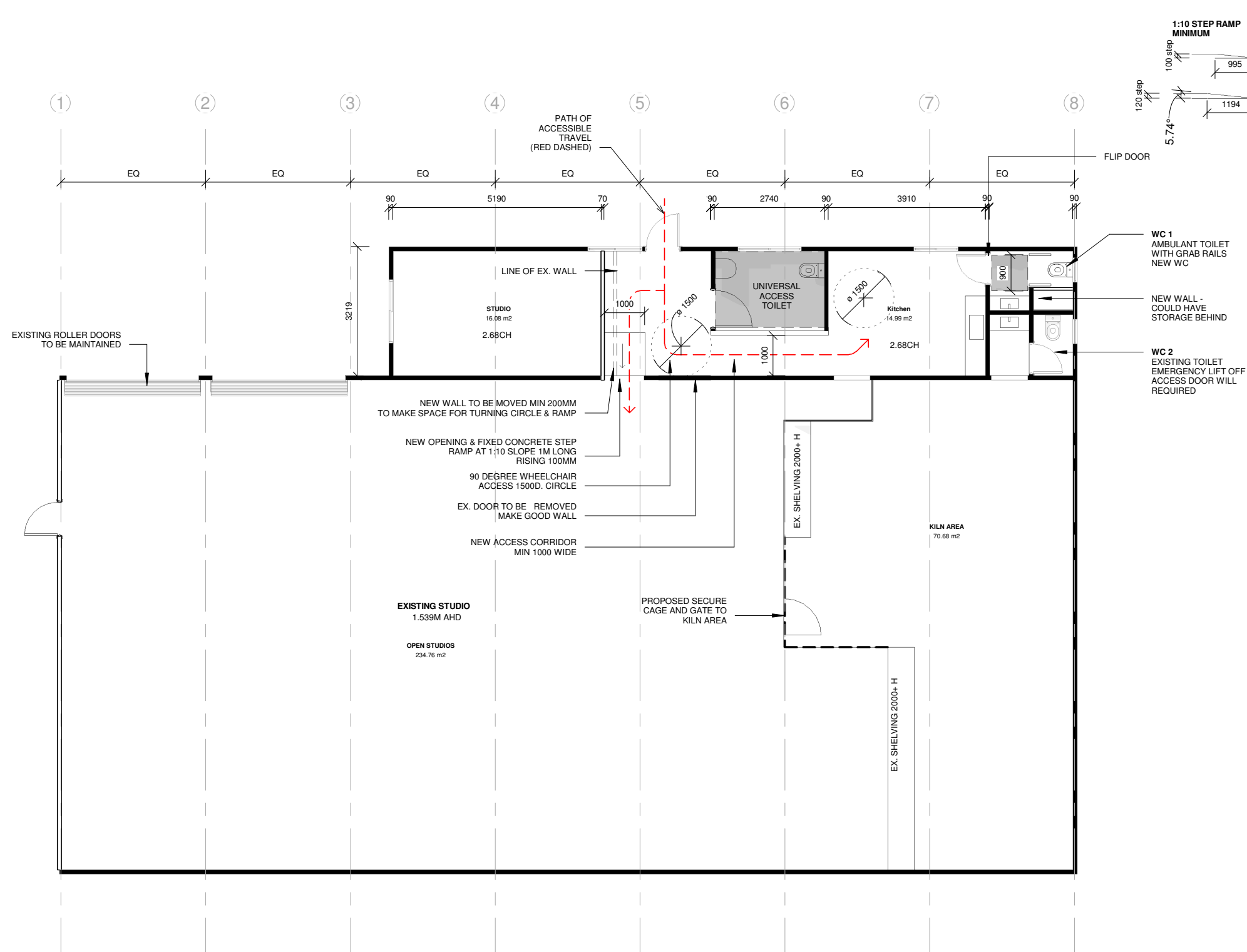
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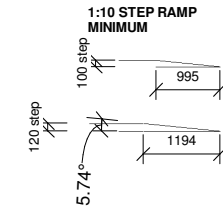
1 POTTERY STUDIO FLOOR PLAN
1 : 100

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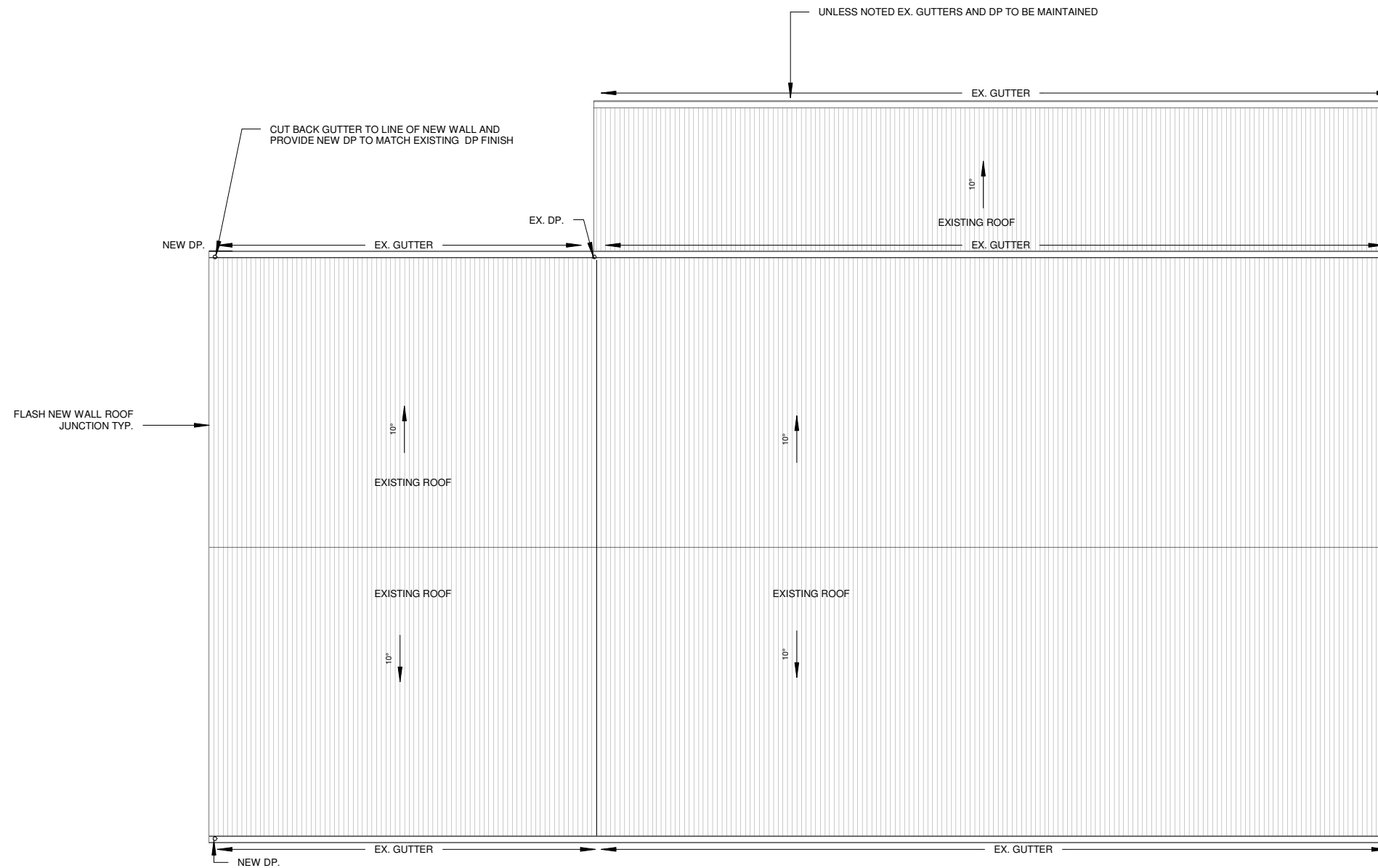


1 POTTERY STUDIO ACCESS PLAN
1 : 100

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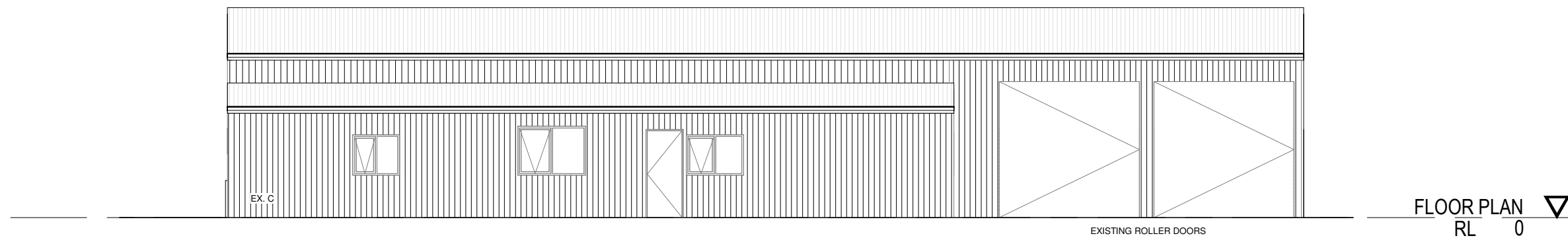
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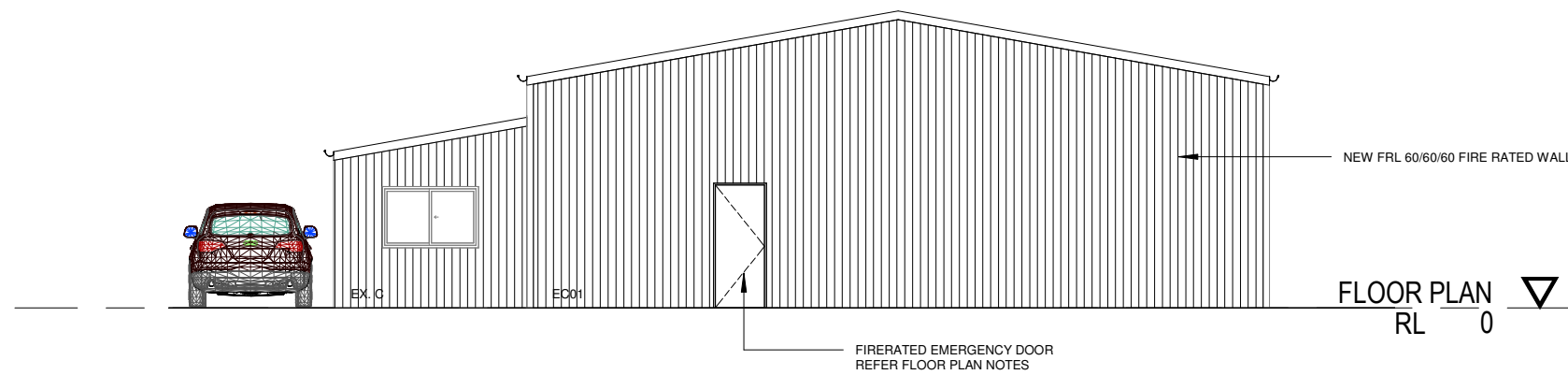
1 POTTERY STUDIO ROOF PLAN
1 : 100

<p>WOODBURY & CO BUILDING DESIGN Phone 0407 319 437 28 Denison Road/ West Launceston TAS 7250 jo@woodburyco.com.au</p>	REVISION:	DESCRIPTION:	DATE:	Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: ROOF PLAN	Sheet No: B104
				Project: PROJECT SUITABILITY STUDY	Drawn By: Jo Woodbury	Date: AUGUST 2021	3/11/2021 10:39:24 AM
				at 13-15 RUSSELL STREET INVERMAY	Accreditation No. 551573843	Scale: 1 : 100	

Document Set ID: 4689267
Version: 2, Version Date: 28/06/2022



1 POTTERY STUDIO NORTH ELEVATION
1 : 100



2 POTTERY STUDIO WEST ELEVATION
1 : 100

ELEVATION LEGEND

- EX. C** EXISTING CLADDING
- EX01** Custom Orb Steel sheet cladding to match existing
- EX. R** Existing Roof cladding
- G01** Existing gutter
- F01** Existing Fascia

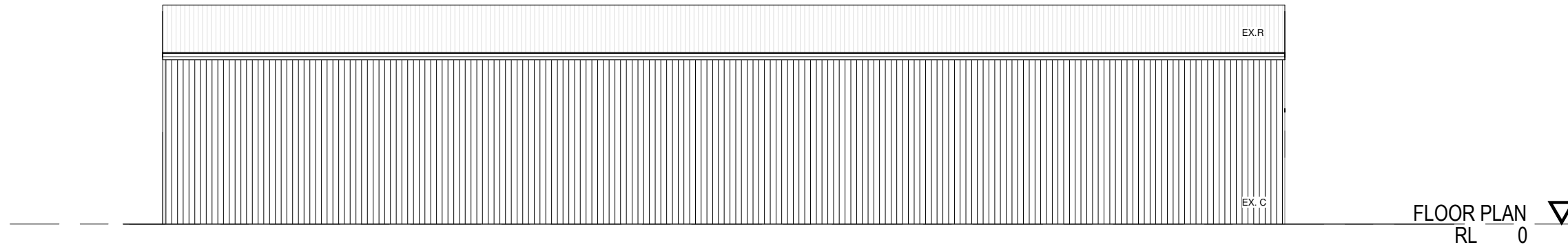
All propriety products to be installed in accordance with manufacturers specification

Refer material notes for detailed information

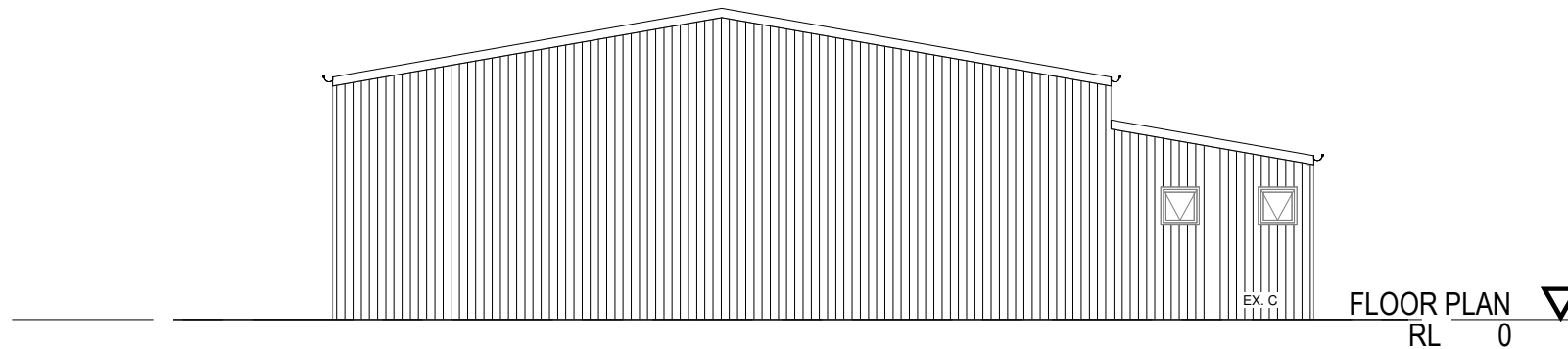
Windows & doors - refer schedules

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				Project: PROJECT SUITABILITY STUDY	Drawn By: Jo Woodbury	Date: AUGUST 2021	3/11/2021 10:39:24 AM
				at 13-15 RUSSELL STREET INVERMAY	Accreditation No. 551573843	Scale: 1 : 100	

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1 POTTERY STUDIO SOUTH ELEVATION
1 : 100



2 POTTERY STUDIO EAST ELEVATION
1 : 100

ELEVATION LEGEND

- EX. C** EXISTING CLADDING
- EX01** Custom Orb Steel sheet cladding to match existing
- EX. R** Existing Roof cladding
- G01** Existing gutter
- F01** Existing Fascia

All propriety products to be installed in accordance with manufacturers specification

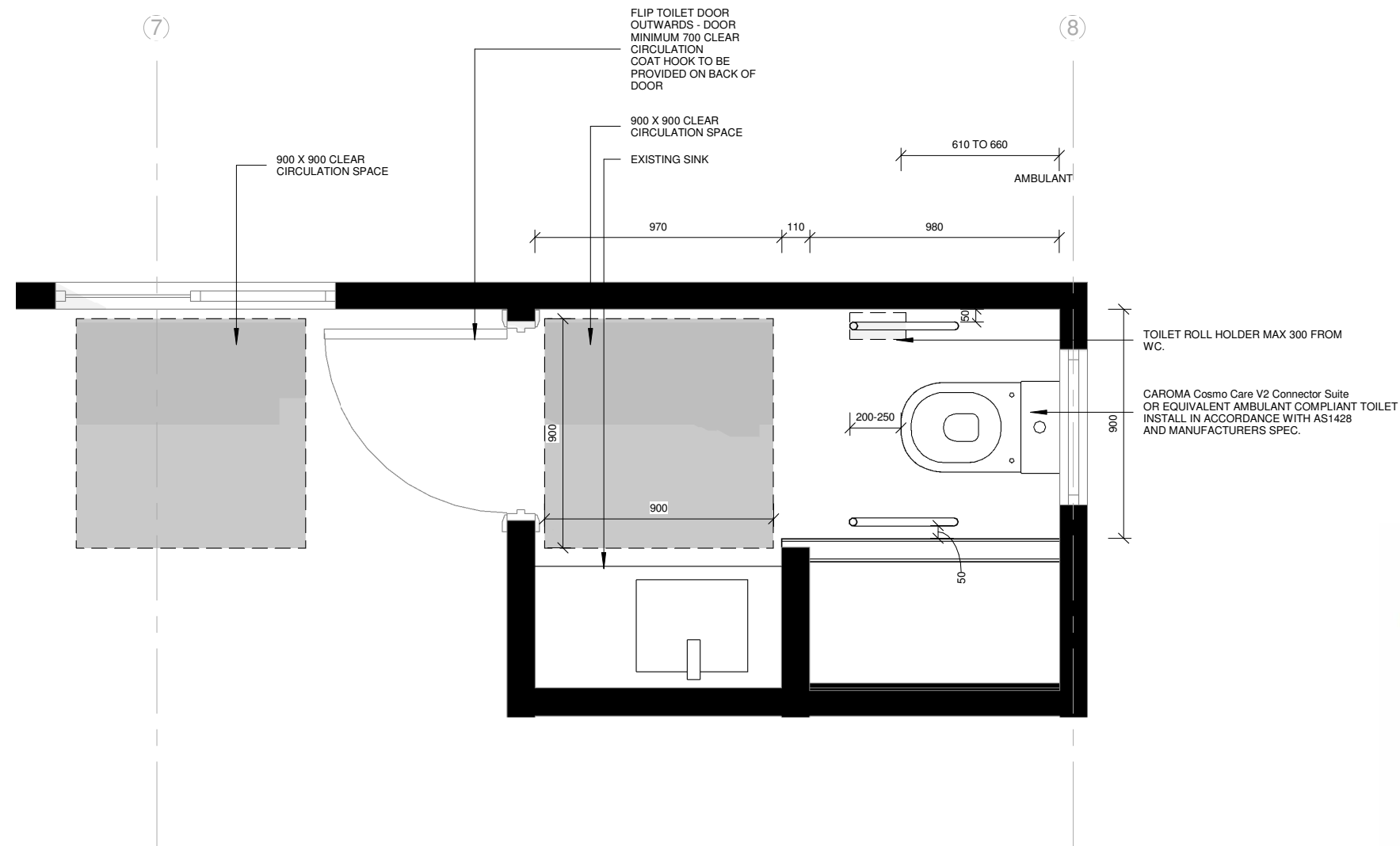
Refer material notes for detailed information

Windows & doors - refer schedules

<p>WOODBURY & CO BUILDING DESIGN Phone 0407 319 437 28 Denison Road/ West Launceston TAS 7250 jo@woodburyco.com.au</p>	REVISION:	DESCRIPTION:	DATE:	Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: POTTERY STUDIO ELEVATIONS	Sheet No: B106
				Project: PROJECT SUITABILITY STUDY	Drawn By: Jo Woodbury	Date: AUGUST 2021	3/11/2021 10:39:25 AM
				at 13-15 RUSSELL STREET INVERMAY	Accreditation No. 551573843	Scale: 1 : 100	

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Version: 2, Version Date: 28/06/2022

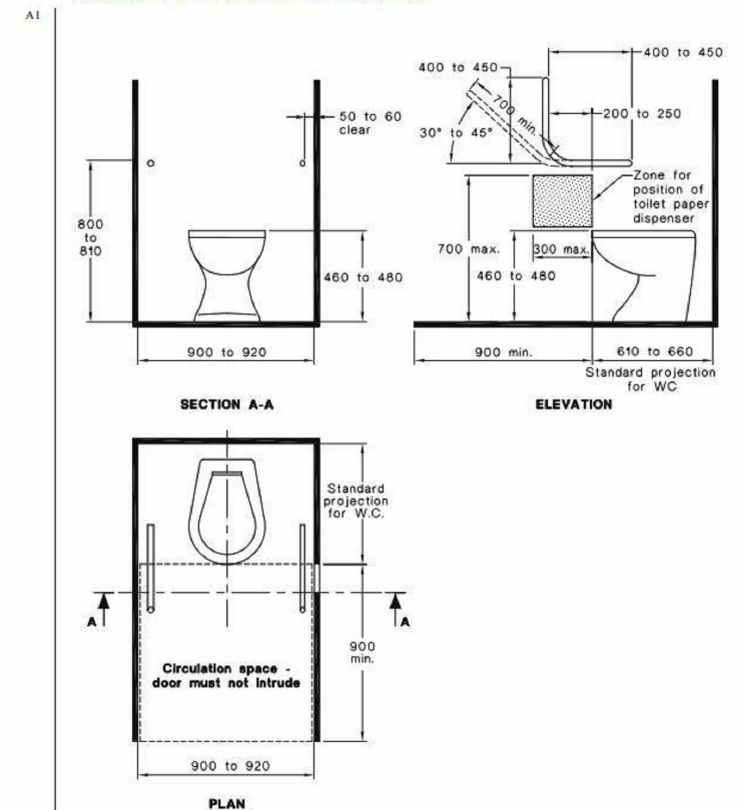
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1 POTTERY STUDIO AMBULANT TOILET PLAN
1:20

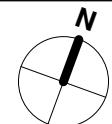
16.5 Coat hook

A coat hook shall be provided within the sanitary compartment and at a height between 1350 mm to 1500 mm from the floor.



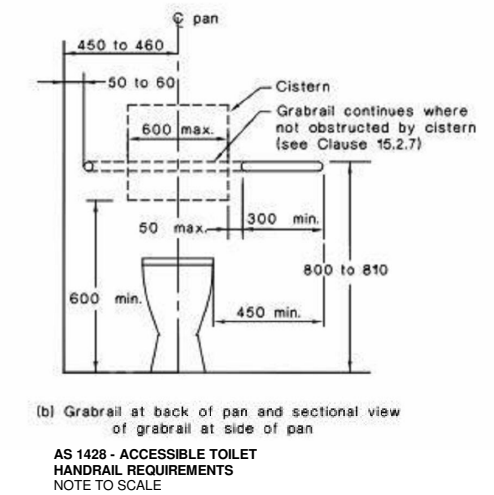
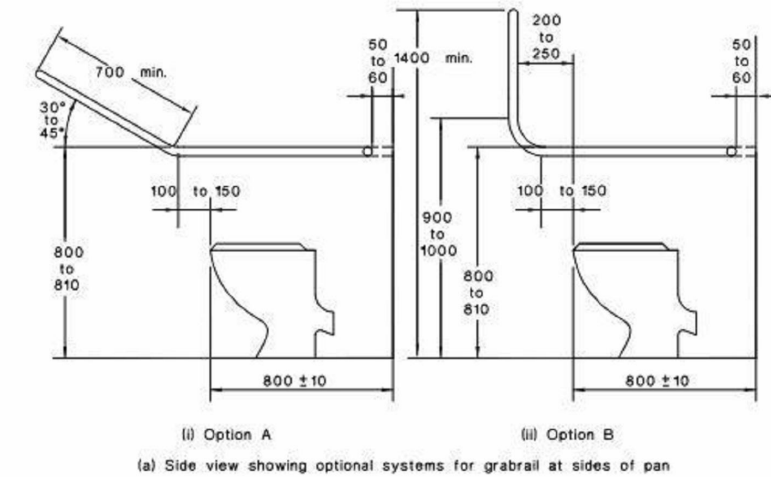
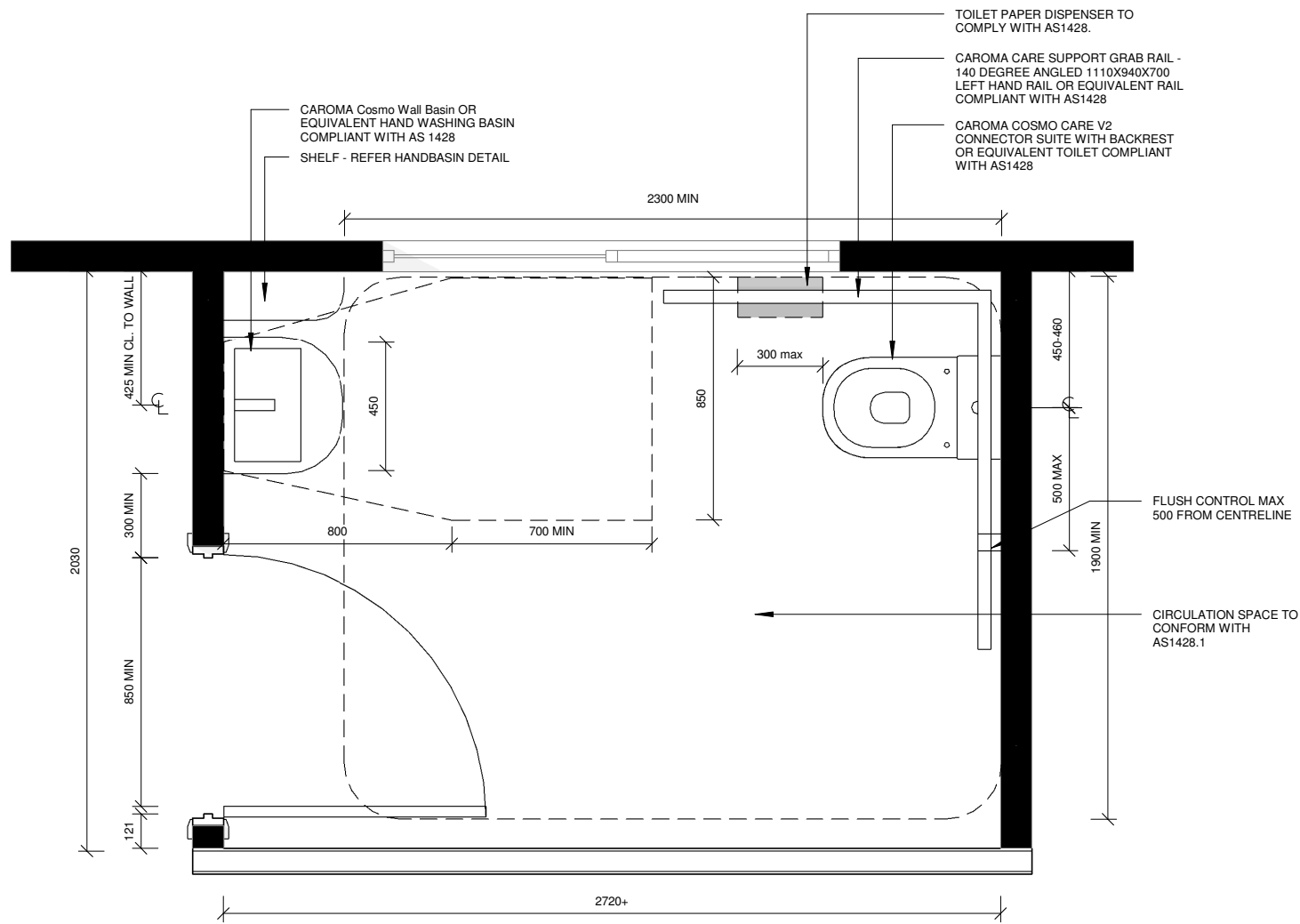
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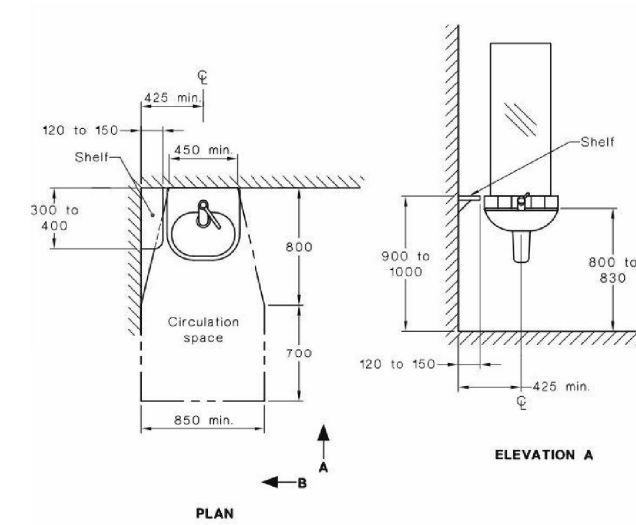


Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: BATHROOM PLANS	Sheet No: B107
Project: PROJECT SUITABILITY STUDY	Drawn By: Jo Woodbury	Date: AUGUST 2021	3/11/2021 10:39:25 AM
at 13-15 RUSSELL STREET INVERMAY	Accreditation No. 551573843	Scale: 1:20	

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 Version: 2, Version Date: 26/06/2022



AS 1428 - ACCESSIBLE TOILET
HANDRAIL REQUIREMENTS
NOTE TO SCALE



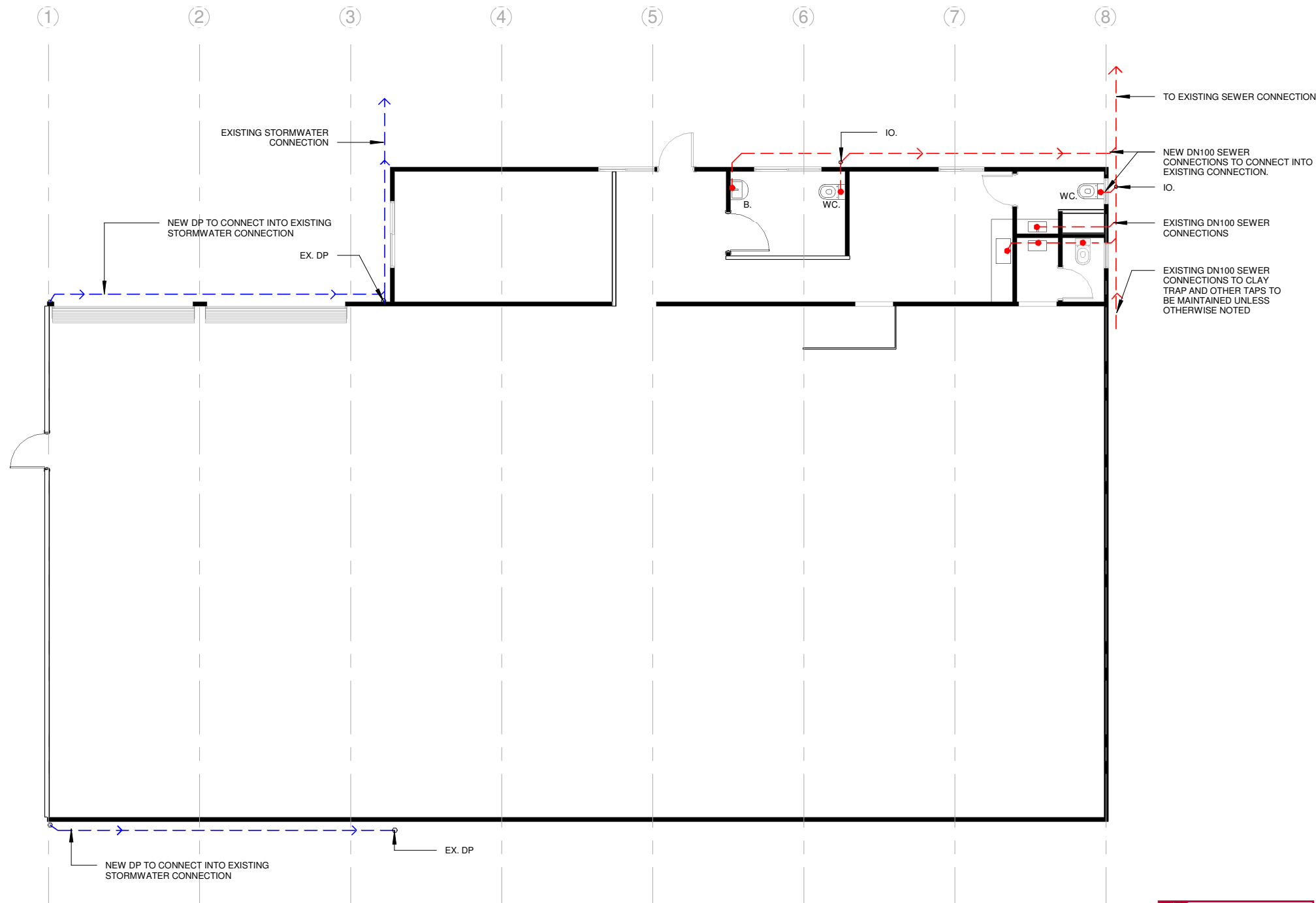
AS 1428 - ACCESSIBLE TOILET
HANDBASIN REQUIREMENTS
NOTE TO SCALE

1 P.S UNIVERSAL ACCESS TOILET PLAN
1 : 20

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					Project: PROJECT SUITABILITY STUDY	SJ2020	BATHROOM PLANS	B108
					at 13-15 RUSSELL STREET INVERMAY	Drawn By: Jo Woodbury	Date: AUGUST 2021	3/11/2021 10:39:26 AM
					Accreditation No. 551573843	Scale: 1 : 20		

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PLUMBING / WATERPROOFING LEGEND

- - - Stormwater line (100mm UPVC)
- - - Sewer line (100mm UPVC)
- WPF WATER PROOF FLOOR**
Waterproof means the property of a material That does not allow moisture to penetrate through it.
- WRF WATER RESISTANT FLOOR**
Water resistant means the property of a system or material that restricts moisture movement and will not degrade under conditions of moisture.
- b 400 basin
- shr 500 shower
- bth 400 bath
- s 500 sink
- dwm 400 dish washing machine
- tr 500 trough
- wm 400 washing machine
- wc 1000 water closet
- ev educt vent
- org overflow relief gully
- re rod eye
- io inspection opening

PLUMBING NOTES

for internal hot water storage provide galv tray under storage cylinder with overflow piped to outside of building or connected to stormwater install inspection opening on wc connections
Inspection opening to be provided at max 30m intervals along sewer line

Install inspection openings at major bends for stormwater and all low points of downpipes.
All plumbing & drainage to be in accordance with local Council requirements. Provide surface drain to back of bulk excavation to drain levelled pad prior to commencing footing excavation.

Wet areas shown hatched. Refer to notes on drawing and A006 for waterproofing information.

Services
The heated water system must be designed and installed with Part B2 of NCC Volume Three - Plumbing Code of Australia.

Thermal insulation for heated water piping must:
a) be protected against the effects of weather and sunlight; and
b) be able to withstand the temperatures within the piping; and
c) use thermal insulation in accordance with AS/NZS 4859.1

Heated water piping that is not within a conditioned space must be thermally insulated as follows:

1. Internal piping
 - a) All flow and return internal piping that is -
 - i) within an unventilated wall space
 - ii) within an internal floor between storeys; or
 - iii) between ceiling insulation and a ceiling
 Must have a minimum R-Value of 0.2 (ie 9mm of closed cell polymer insulation)
 2. Piping located within a ventilated wall space, an enclosed building sub-floor or a roof space
 - a) All flow and return piping
 - b) Cold water supply piping and Relief valve piping within 500mm of the connection to central water heating system
Must have a minimum R-Value of 0.45 (ie 19mm of closed cell polymer insulation)
 3. Piping located outside the building or in an unenclosed building sub-floor or roof space
 - a) All flow and return piping
 - b) Cold water supply piping and Relief valve piping within 500mm of the connection to central water heating system
Must have a minimum R-Value of 0.6 (ie 25mm of closed cell polymer insulation)
- Piping within an insulated timber framed wall, such as that passing through a wall stud, is considered to comply with the above insulation requirements.

WATER PROOFING NOTES

- Unenclosed and enclosed shower areas to be waterproofed to entire shower area including areas outside shower area and bath/spa;
- timber floors to be water proof over entire surface concrete and compressed fibre- cement sheet floor to have water resisant to entire surface. Refer to wet area notes on A006 bath/floor & wall floor junctions must be water proofed to 25mm above finished floor level
- a "waterstop" angle is required at doorways flush with finished surface level, per NCC 2019 and a.s.3740

WATERTANK NOTES

Any tank used to store drinking water must comply with Section B of the Tasmanian Appendices of the Plumbing Code of Australia to provide for a safe drinking water supply.
Install Downpipe First Flow Diverters in accordance with manufacturer's instructions. Drip pipes to discharge well clear of footings.
Pre-fabricated tanks must be marked to comply with clause 8.9 of AS/NZS 3500 and PlumbingCode of Australia, TasB101.5.
Bury all external water supply pipes, and enclose pump within a 6mm FC sheet enclosure.

POTTERY STUDIO PLUMBING PLAN

1 : 100

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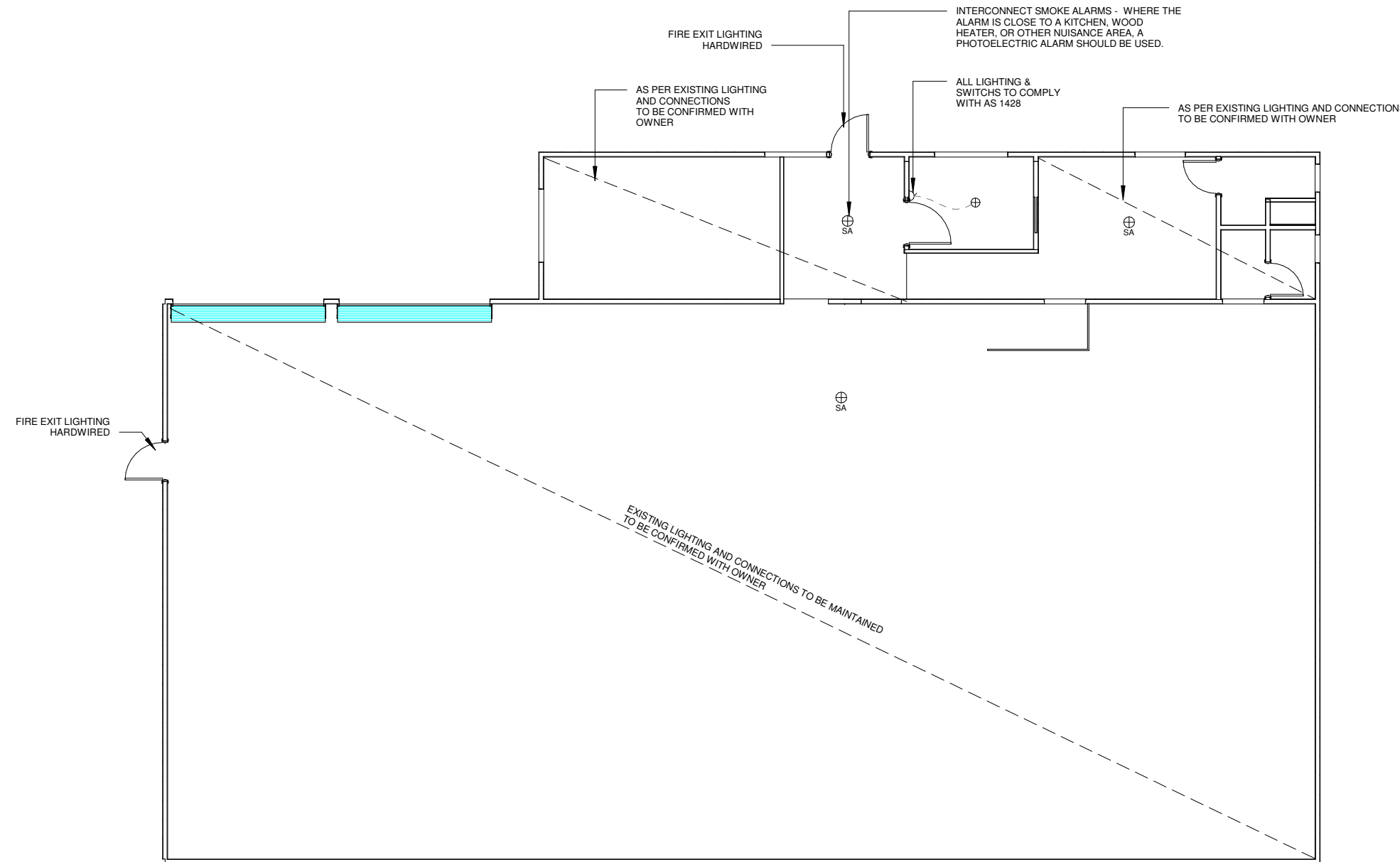


W **WOODBURY & CO**
BUILDING DESIGN
Phone 0407 319 437
28 Denison Road/ West Launceston TAS 7250
jo@woodburyco.com.au

REVISION:	DESCRIPTION:	DATE:

Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: PLUMBING PLAN	Sheet No: B109
Project: PROJECT SUITABILITY STUDY	Drawn By: Jo Woodbury	Date: AUGUST 2021	3/11/2021 10:39:26 AM
at 13-15 RUSSELL STREET INVERMAY	Accreditation No. 551573843	Scale: 1 : 100	

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LIGHTING & ELECTRICAL

LIGHTING LEGEND

- ⊕ PENDANT (BATTEN HOLDER WITH LOW ENERGY GLOBE)
- SELECTED RECESSED LED DOWN-LIGHT
- ⊕ BATTEN HOLDER WITH LOW ENERGY GLOBE
- WEATHER PROOF RECESSED LED DOWN-LIGHT
- ⊗ DUCTED FAN/LIGHT FITTING (TASTIC OR SIMILAR)
- △ LIGHT SWITCH
- ▽ WALL FITTING - UP/DOWN DIRECTIONAL LIGHT WITH LED GLOBE
- MAINS POWER BOARD
- EXTERIOR SENSOR LIGHT
- SURFACE MOUNTED 1X28W FLUORESCENT FITTING
- ⊕ SA SA SMOKE ALARM - SMOKE ALARMS TO BE HARDWIRED & INTERCONNECTED WITH BACKUP POWER
- ⊕ RA ROOF ACCESS
- ⊗ RANGEHOOD - TO BE VENTED EXTERNALLY
- ⊕ ALL CEILING EXHAUST FANS TO BE DUCTED TO OUTSIDE OF BUILDING
- ⊕ ALL ELECTRICAL INSTALLATIONS TO BE IN ACCORDANCE WITH AS3000

LIGHTING NOTES

INTERNAL WATTAGE MAX 5kw per m2.
EXTERNAL WATTAGE MAX 4kw per m2.

External lights must be controlled by a daylight sensor (as shown), or have an average light source efficacy of not less than 40 lumens/W.
Bathroom fans to be fitted with backdraught dampers /shutters and ducted to outside via wall vent
- all light fittings to be supplied by owner and installed by builder
- electrical setout to be read in conjunction with joinery documentation
- all light locations to be noggad accordingly
- exact location of all fittings and GPO's to be advised on site with client
- all work to comply with relevant Australian standards
- all luminaries and lamps supplied by owner, contractor to allow for coordination and installation and all other items.
- all light switches 'Clipsal classic 2000 series' with matching power points. Colour generally white on white walls and black on dark surfaces - to be confirmed.
- allow for installation of T.V antenna - exact location to be confirmed.

ELECTRICAL NOTES

- ⊕ MULTIPLE SOCKET OUTLET
- ⊕ EX2 EXTERNAL GRADE MULTIPLE SOCKET OUTLET IP67 RATING
- ▶ FIXED CONNECTION (OVEN/STOVE)
- ⊕ HWC HOT WATER CYLINDER
- AB GPO ABOVE BENCH
- UB GPO UNDER BENCH
- WP GPO WATER PROOF
- USB USB TO GPO

ALL GPO LOCATIONS & HEIGHTS TO BE CONFIRMED WITH OWNER PRIOR TO FITTING GPOS TO BE MOUNTED HORIZONTALLY. CHECK DETAILS FOR POSITION OF OUTLETS AROUND JOINERY UNDERSIDE OF GPOS TO BE 300MM ABOVE FLOOR LEVEL UNLESS NOTED OTHERWISE

1 POTTERY STUDIO LIGHTING & ELECTRICAL PLAN
1 : 100

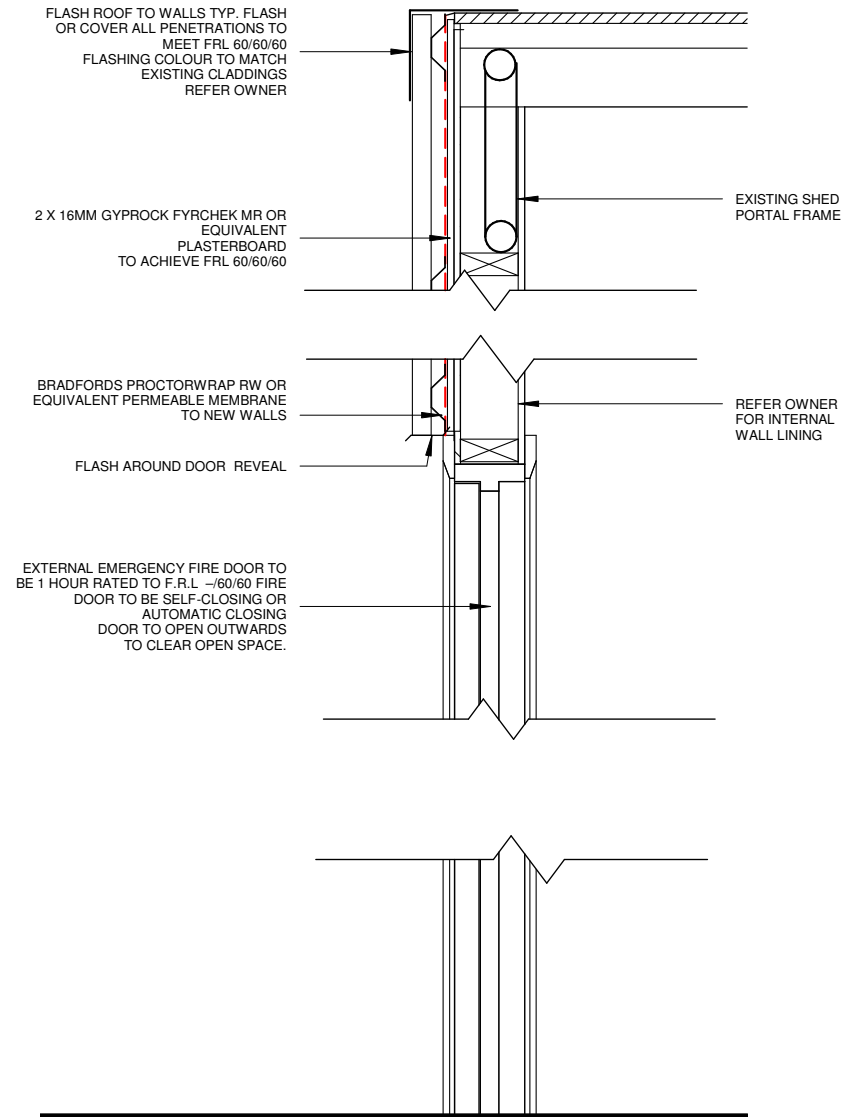


 WOODBURY & CO BUILDING DESIGN Phone 0407 319 437 28 Denison Road/ West Launceston TAS 7250 info@woodburycoco.com.au	REVISION:	DESCRIPTION:	DATE:	Client: SARAH JESSUP	Project No:	Drawing Title	Sheet No:
				Project: PROJECT SUITABILITY STUDY	SJ2020	ELECTRICAL PLAN	B110
				at 13-15 RUSSELL STREET INVERMAY	Drawn By: Jo Woodbury	Date: AUGUST 2021	3/11/2021 10:39:26 AM
					Accreditation No. 551573843	Scale: 1 : 100	


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PLANNING EXHIBITED DOCUMENTS
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FIREWALLS TO COMPLY WITH GYPROCK CSR 5380 WALL SYSTEM BELOW OR EQUIVALENT SYSTEM TO MEET FRL 60/60/60



1 FIRE WALL DETAIL
1 : 10

 WOODBURY & CO BUILDING DESIGN Phone 0407 319 437 28 Denison Road/ West Launceston TAS 7250 info@woodburyco.com.au	REVISION:	DESCRIPTION:	DATE:	Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: SECTIONS A-A	Sheet No: B111
				Project: PROJECT SUITABILITY STUDY	at 13-15 RUSSELL STREET INVERMAY	Drawn By: Jo Woodbury	Date: AUGUST 2021
						Accreditation No. 551573843	Scale: 1 : 10


Document Set ID: 4689267
Version: 2, Version Date: 26/06/2022



Submission to Planning Authority Notice

Council Planning Permit No.	DA0753/2021	Council notice date	22/12/2021
TasWater details			
TasWater Reference No.	TWDA 2021/02248-LCC	Date of response	06/01/2022
TasWater Contact	Melissa Newell	Phone No.	0457 084 607
Response issued to			
Council name	CITY OF LAUNCESTON		
Contact details	PlanningAdmin@launceston.tas.gov.au		
Development details			
Address	13-15 RUSSELL ST, INVERMAY	Property ID (PID)	6573766
Description of development	Alterations to existing shed + new dwelling		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Woodbury & Co Building Design	SJ2020 Site Plan / A100	-	15/12/2021
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 3. Prior to commencing construction of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>DEVELOPMENT ASSESSMENT FEES</p> <ol style="list-style-type: none"> 4. The applicant or landowner as the case may be, must pay a development assessment fee of \$219.04 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater. 			
Advice			
General			
<p>For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards</p> <p>For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form</p>			



Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
Authorised by  Jason Taylor Development Assessment Manager			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

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18-Fmx-018 | Version 24/10/2016
Page 1 of 2

Development Application Representation Letter

Development Application Number

Address of Development

Details of Representor

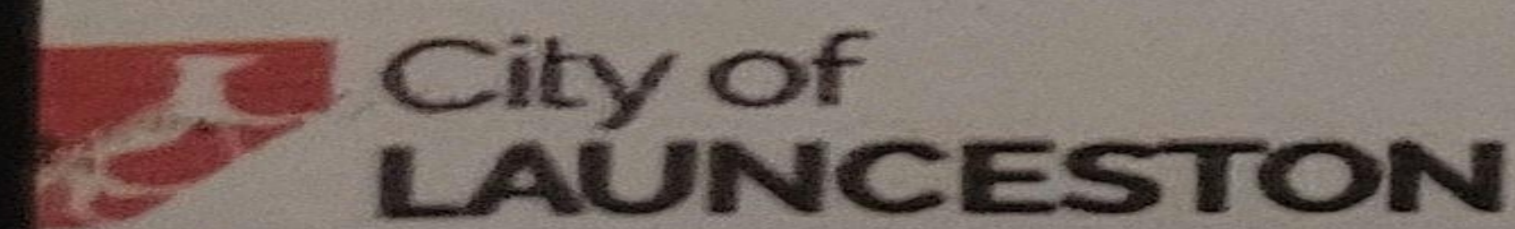
Title Given Name/s

Surname

Reason for Representing

Though there are many concerns with the development proposal, my main point of concern is structural safety and wellbeing as well as the mental wellbeing of myself and other residents. The current plans for (fence, building ect) will drastically reduce the amount of sunlight and subsequent heat, which will increase the risk of dangerous moulds and greatly affect the longevity of mine and other properties. This does not comply with 11.4.3 P1 and 11.4.6 B C – E of the Launceston Planning scheme which needs to addressed Without access to the back of the property (due to fence) we will struggle to store or obtain any firewood, which is our only source of heat during winter. another point of concern for my residence and others will for personal vehicles and crucial access points for emergency services. This would also not comply with 11.4.1 P1C. Due to the location and size of the building the visual impact will affect the aesthetics of the Due to the location and size of the building the visual impact will affect the aesthetics of the surrounding heritage properties in Russell ST which is in direct opposition to the standards set out in 11.4.1 A1 D, 11.4.1 P1 B, P1 D. The current plans do not reach the standard set out by the Launceston Planning Scheme and due to these reasons I propose a redrafting of the plans as well as a meeting with community to further discuss the drastic affects this development will have

Representor's Signature Date



Town Hall, St John Street, Launceston
PO Box 396, LAUNCESTON TAS 7250 T 03 6323 3000
E contactus@launceston.tas.gov.au www.launceston.tas.gov.au

Development Application Representation Letter

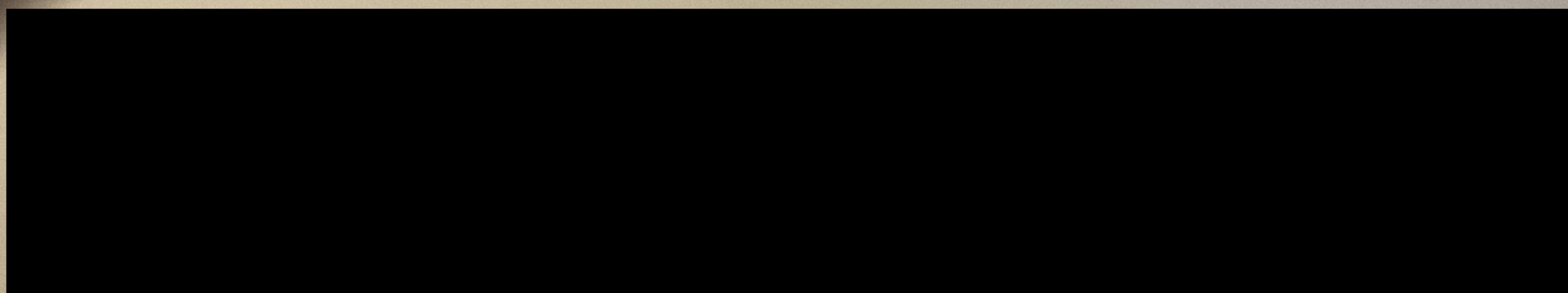
Development Application Number

Address of Development

Details of Represontor

Title Given Name/s

Surname Date of Birth



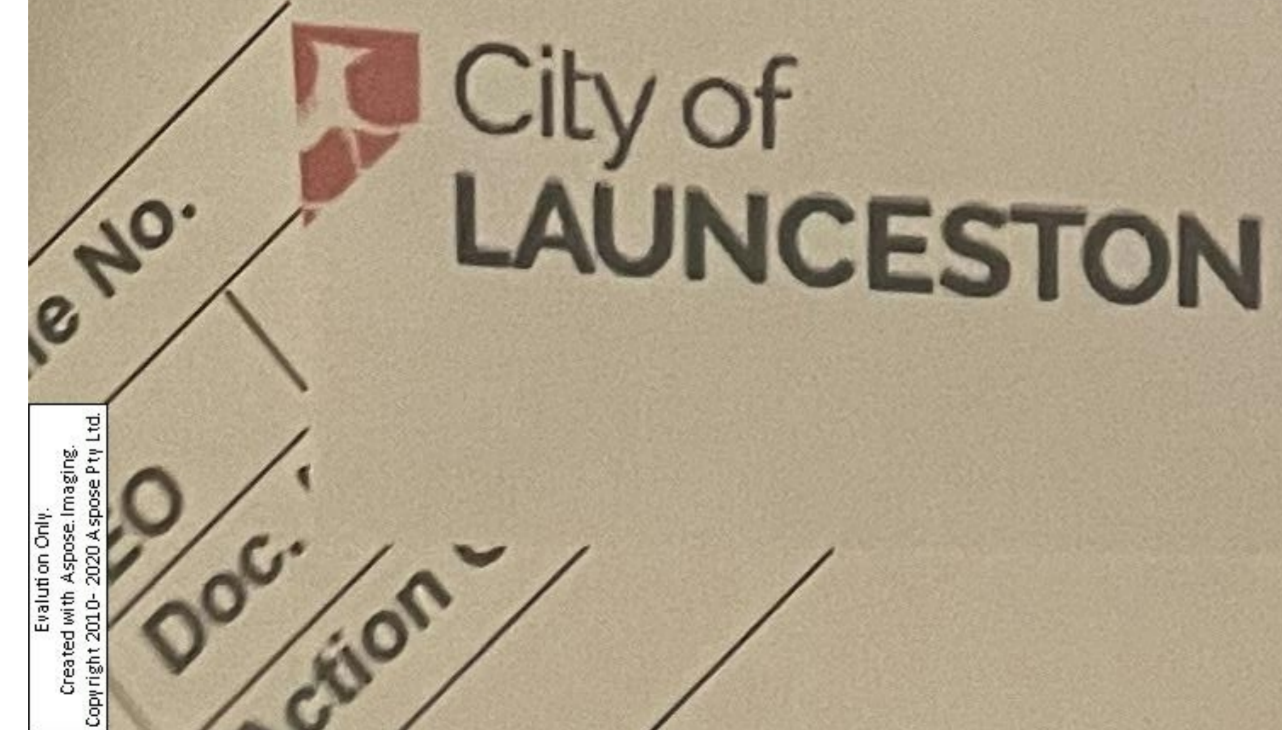
Reason for Representing

I have several issues with the upcoming development and believe the current plans are not meeting the Launceston Planning Scheme. The Placement of the building is not in accordance with 11.4.1, A1 C and P1C as it is 2.27 meters away from the boundary blocking off access to our Off street Parking. This creates further issues in regards to safety of us being able use the entrance for heavy items such as fire wood in winter. The carriageway being blocked off has serviced the surrounding houses since the 1900s and will directly block the movement of our vehicle or any Other vehicles servicing the houses that back onto the lot. It would be acceptable to further set back the proposed building to have it comply with these standards. By far my main issue will be the shadowing of our and other people's yards and living areas. The current plans do not comply with

11.4.3 P1 as it will allow for an unreasonable loss of sunlight reducing the sunlight, we will experience to 3 hours according to the plans simulation for June 21st. this is an increase of at least 6 hours of shadow, the effect of this will be felt very strongly. The sunlight at our property is very Important as it greatly effects the temperature control of the house, the dampness levels and the overall mental health of our household. The majority of our natural lighting comes from our back window which will now be greatly impacted and blocked out for the majority of the day. As well as this the new development will be bringing a major loss of privacy as our backyard, loungeroom and adjoining rooms will no longer be private areas. the visual impacts will also not comply with 11.4.4 P1 as it will take up a majority of our skyline. The shadowing and visual impacts are my biggest issues as the effect it will have on my and several other residents in Bedford St mental health will be drastic. Losing crucial hours of sunlight will turn our once sunny and warm home dark and gloomy. My final issue with the upcoming development is that the placement of the west boundary fence which is marked to be 1.8 m high and 13.3 m wide which will be imposing on the community garden. It does not comply with 11.4.6 A1 as currently it is to tall to be made of a single material as proposed. It also does not comply with 11.4.6 P1 B – E, it is a floating fence, it does not serve a purpose for security as It does not enclose or protect the property. It does not consider or fall in line with the surrounding fences and will block the view of people within the community garden in regard to car parks and traffic flow. It also detracts from the actual quality of the Space of the garden as, making the barrier be so close to the garden beds will make upkeep difficult and removes the beautiful open space feeling of the gardens themselves. The loss of feeling of community in this area will only exacerbate my concerns in regards to mental health and Community wellbeing in the area. After several points in the plan that don't meet the standard at the very least I will be expecting a meeting as the current state of the development will become an ongoing issue in our happy community

Represontor's Signature

Date *13/3/22*



Town Hall, St John Street, Launceston
PO Box 396, LAUNCESTON TAS 7250 T 03 6323 3000
E contactus@launceston.tas.gov.au www.launceston.tas.gov.au

From: "Eliza Davidson [REDACTED]"
Sent: Sun, 13 Mar 2022 16:19:26 +1100
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: Attention General Manager RE: DA 0753/2021
Attachments: Launceston Heritage Study.pdf

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

Att: General Manager

Re: Development application Number DA0753/2021

Applicant- JL Woodbury

Proposal - Residential- Partial demolition of the shed and construction of a dwelling at 13-15 Russell St Invermay

As an owner of the premises located at [REDACTED] I object to this development application.

My home is part of a group of conjoined cottages built in the 1800's. It is clear that the proposed development does not in any way take into consideration the effects that the new building will have on the established culture of the neighbourhood, its residents, their wellbeing and the historical properties around them.

My property will be adversely affected by the blocking of sunlight and warmth to my main living areas- this is shown in the sun studies included in the DA. With sunlight and warmth dramatically reduced I believe that many problems may arise including, mildew, damp, mould and of course an increase in heating cost due to a blocking of natural light. Not to mention mental and physical health issues that a situation like this would exacerbate. The frontage of my cottage means that the front two bedrooms windows receive little to no sun throughout the year. The only sun and warmth that is captured in my home is the sun in the main living areas. This area is north facing. This is the reason that we purchased the home and one which this development proposes to dramatically reduce. This new building would mean that my property would receive no sunlight between the hours of 9am to 3pm in winter, not just in my backyard but to my entire house. As our existing carport/garage does block some available light, it is our intention to improve the thermal efficiency of our home by demolishing this structure in the near future.

I object to this development application for these and other reasons listed below. I also believe that this DA does not meet many of the codes in the Launceston Planning Scheme.

The scheme states that there is a 200msq maximum residential build on any one title. This proposal is 234msq plus a 23msq deck.

In regard to Launceston heritage study; report and recommendations Nov 2007

Please see the attached policy recommendations for the historical Inveresk Precinct.

As Launceston grows it is imperative to protect our historical areas. I believe that his DA does not take into consideration any of the recommendations included in the report, which I believe to be very unsatisfactory.

In regards to Bedford street lane (The historical night soil lane joining Bedford St to Russell St community gardens/ tin shed studio carpark) This is historically relevant and still used every day by many members of community. We wish to keep this lane open and accessible for the community and residents alike. We believe that closing this access off at the back of residential housing will result in unsocial activities and anti-social behaviour in dark unused space.

There seems to me no reason why one would seek to disallow access from the community garden to Bedford street.

There also does in fact exist a right of carriageway along the rear of the community garden which is shown on my title and that is owned by Launceston City Council. We require confirmation that this would not be affected in any way by the potential development as I don't see it marked in any of the drawings included in this DA.

Planning Codes-

P1C. Vehicular exit access for the safe use of the road

The placement of the building so close to the rear boundary (2.27 metres) means that the dwelling will block the right of carriageway and easement through to Russell St (Bedford Laneway), that has been applicable to the property rear boundary since the early 1900's.

This means that the close placement of the dwelling from the title boundary and existing property fences and garages directly hinders the ingress and egress of vehicles from my property at 24 Bedford St off-street parking to Russell St, as well as blocking the movement of any service vehicles supplying goods and services to any of the property lots back access points or gates that share the rear boundary 13-15 Russell St and utilise the easement and right of carriageway.

The right of carriageway in this instance applies directly to the ingress and egress of vehicles to the adjoining properties located in Bedford st that utilise off street parking located on their properties and part of the rear boundary of 13-15 Russell St for safe access to Russell street.

An easement or right of carriageway does not have to be marked on a title to be considered legal. So even though it is now not clearly defined or marked on the current property title, there is direct evidence of the marking of this part of the property boundary as a Laneway on historical property titles of 13-15 Russell st as far back as 1954. There are also historic social records that detail the public usage and naming of the Bedford Street Lane that can be found in Trove.

There has been continual usage of the land that runs along the rear boundary and connects to the official listed easement on the adjoining property of 17-31 Russell St and has in conjunction with Bedford St Lane provided rear access to properties. This lane

way and easement has been in constant use by residents and members of the public -including service delivery vehicles for decades.

Tasmanian Law states that any land which is shown on a sealed plan as a road, street, alley, lane, court, terrace, footpath or other kind of way is taken to be dedicated to, and accepted by, the public unless called "private" on the plan (section 95(1) LGBMP Act 1993) "private" in relation to a way, means not subject to use by the public as of right (section 3 LGBMP Act 1993 Any right of usage is considered an easement.

Australian Law also states that Long Easements are created when a person/property access, has been using a neighbour's land for 20 years or more even if the use of the land is "unauthorised". Because the land has been used for the statutory time period (over 20 years) a legal easement by prescription has been created as is the case with the easement on the property of 13-15 Russell St. Because of the proposed placement of the dwelling reduces the easement by almost half and makes it impossible for vehicle access, myself and other community members will not be able to use the easement to access the back of their houses, back gates, or garages or to have safe access Russell St road.

As It is enshrined into law that an easement does not have to be listed on a property to be protected. I would suggest that the fact that the LCC counted my garage in a parking space allocation when they introduced the resident permit system would serve as formal or at least official acknowledgement of the easement, as, obviously if I cannot access my garage to use it, if it's not a valid space.? Also, by building over the easement it would be blocking service and utility vehicle access to this row of houses which given Bedford street is a high traffic area and a very narrow one-way street, this could impact the safety of the residents and my tenants.

Where proposal does not meet Planning Standards

11.4.1 Setback from a frontage for single dwellings

A1B. The building is set at .98 metres away from the west side (non-primary) frontage, basically its less than a metre away from the start of the community garden.

A1 C. The building it set 2.27 metres away from the rear boundary, blocking off access to the easement and access to mine and others off-street parking.

A1 D. The setback is significantly different to the dwelling on the dwellings on immediately adjoining lot (17 Russell St)

P1 B. The property is significantly set further back than any other residential properties on Russell St therefore does not offer compatibility with the other buildings in terms of setback

P1 D. The positioning of the dwelling does not allow for the continuation of the streetscape in consideration to the state listed heritage properties and local listed heritage properties, in fact the design and extreme setback of the dwelling creates a visual dissonance with the early 1900's inspired dwellings that make up the predominate streetscape of Russell St.

None of the above-mentioned proposed conditions meet the acceptable solutions/performance criteria of the Launceston planning scheme.

11.4.2 Site coverage and rear setback for single dwellings

A2. The rear set back is approx. 2.27metres. It should be no less than 4 metres. Doesn't allow for adequate separation between buildings especially considering the addition of a door that further reduces the space between the boundaries and dwellings.

P2 A and C. Because the building is so close to the rear boundary there is not adequate visual separation between neighbouring dwellings. It is important to note that because the building is set so far back on the property, the shadow that the building casts on the houses on Bedford Street are greatly increased therefore actually reducing rather than maximising the solar access of habitable rooms in the affected properties.

This is a major concern and we absolutely object the the height and proximity to our boundary of the proposed build and the resulting negative affect on the light inside my home.

11.4.3 A1- b and C. P1 - Ai and P1 Aiii - DA Does not meet code

A1 B. The building is set back on the side west boundary by .98 metres the code says it needs to be 3 metres

A1 C. The building is set back to the rear boundary by 2.27 metres, the code says it needs to be 4 metres.

11.4.3 P1 Ai and P1 Aiii. Because of the placement of the building houses 26- 20 and the community garden all experience overshadowing. My House # 24, and 22, 20 all experience overshadowing that reduces their sunlight hours to less than 3 hours. All these houses experience major visual impacts in that the building will basically take up all the view of the skyline and view from the abounding properties.

Proposed 1.8m x 13.3m brick fence on boundary of community garden.

Aesthetically disappointing and not in keeping with the aesthetics of the area. This fence/ wall will impinge on the ability to use and move around the garden beds closest to it, rendering them almost useless for fruit/ vegetable growing.

It will also not allow for mutual passive surveillance or enhance the streetscape. It is not in keeping with the design or neighbouring fences

11.4.6 Frontage fences for single dwellings

11.4.6 A1 At 1.8 metres it is too tall to be made entirely of solid material.

11.4.6 P1 B C - E

P1 B Does not provide security to the residence, the fence is a floating fence that is not serving to enclose or protect the property.

P1 C It also doesn't take into account the picket fence design of neighbouring fences, blocks the view for people in the garden in regard to car parks and traffic flow.

P1 E It detracts from the quality of the community garden by placing a barrier so close to the garden bed, making upkeep of the orchard and garden beds difficult and removes the feel of open space from the garden.

11.4.23 Development for discretionary uses

Objective: To ensure that development for discretionary uses is sympathetic to the form and scale of residential development and does not adversely impact on the amenity of nearby sensitive uses.

P1

Development must be compatible with the form and scale of residential development and not unreasonably impact on the amenity of nearby sensitive uses, having regard to:

- (a) the setback of the building to a frontage;
- (b) the streetscape;
- (c) the topography of the site;
- (d) the building height, which must not be greater than 8.0m;
- (e) the bulk and form of the building;
- (f) the height, bulk and form of buildings on the site, adjoining lots and adjacent lots;
- (g) setbacks to side and rear boundaries;
- (h) solar access and privacy of habitable room windows and private open spaces of adjoining dwellings;
- (i) the degree of overshadowing and overlooking of adjoining lots;
- (j) mutual passive surveillance between the road and the building;
- (k) any existing and proposed landscaping;
- (l) the visual impact of the building when viewed from adjoining or immediately opposite lots;
- (m) the location and impacts of traffic circulation and parking; and
- (n) the character of the surrounding area.

Does not meet B, D, G, H I L M N.

If the dwelling is to include the construction of a Painting Studio under inner residential zoning and residential usage, that is then intended to be used in a discretionary use class (community meetings and entertainment or retail) in conjunction with the business "Russell Street Studio" then the dwelling does not meet the Performance Requirements for discretionary uses as the development **must** be compatible with the form and scale of residential development and not unreasonably impact on the amenity of nearby sensitive uses, having regard to performance criteria's B, D, G, H I L M N

We require further investigation into the purpose and usages of this ground floor room and ask that it be detailed and made transparent to us and all owners/ residents.

This is also a concern in regard to the establishment of a 5-car space car park under the inner residential zone and for residential use to provide parking for a commercial vehicles namely clients of the "Russell Street Studio" and not for the intended purpose of resident parking or parking for visitors to the residential dwelling.

Table 6.1 of the Code states that the allocated parking spaces for residential zones outside of General residential zone is 1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 dwellings. This allocation means that this development requires no less or more than 3 parking spaces.

The proposal includes the creation of 7 car parking spaces comprising of a 5-car space car park and 2 car space garage and the inclusion of an already established off-street car parking space – 8 car parking spaces in total!

E6.5.1 P1.1 the consideration of car parking spaces for other than residential usages

As the proposal is subject to inner residential 11.2 use table and is residential use class only, the presence of a car parking spaces for any other purpose than residential is not permitted by the zone usage class. As the application doesn't meet the discretionary use considerations, the owner cannot build a car park for any other reasons.

Lastly, I feel that this development proposal is brutal, disrespectful and seemingly not transparent. I have lived in this street and know of many elderly residents/ owners who may not have the capacity as I do, to be able to have a voice via the methods required to oppose this DA.

It concerns me that without adequate knowledge, time and ability many elderly owners and residents may not have the ability to respond. This small community of two streets all care about the people we should be protecting from proposals like this one. The community garden in Russell St is a meeting place, a place to immerse with nature and the local environment, an important place for the young and old to form community and lifelong friendships. It's historically important to community- as are the existing houses in these streets and the people who live in them. It's incredibly important that we protect the quiet enjoyment of our homes and the aesthetic and historic nature of our area.

Thank-you for taking the time to hear and acknowledge my concerns as well as those of my community.

Sincerely,

Eliza Davidson





Launceston Heritage Study
Summary report and recommendations
November 2007
Prepared by Paul Davies Heritage Architects
and **Launceston City Council**
P O Box 396
Launceston Tasmania 7250
Phone: 03 6323 3000
Email: council@launceston.tas.gov.au
Web: www.launceston.tas.gov.au

Editing: Veronica McShane Editing Services

Design: Stalley Briton

Maps: Alex Crothers and Jai Larkman

Inveresk precinct

Description

Inveresk is part of Launceston's oldest suburb and uniquely demonstrates modest Victorian (and later period) housing in narrow streets with very small lot sizes and generally houses constructed at the front of the property. The area is characterised by the predominance of narrow streets, small regular lot sizes, small timber cottages interspersed with several unusual elements such as terraces, conjoined cottages and now the mix of industrial development that was once encouraged by zoning of the area.

Many of the buildings have undergone change to modify their modest form to meet increasing space requirements, however the character has been retained and is capable of being further enhanced. A number of sites are currently used for industrial purposes; some of these offer potential for infill development. Several infill townhouse developments have taken place that are out of character and are now considered intrusive into the very tight and regular pattern of street-fronting cottages.

Other impacts on the precinct have been the construction of the East Tamar Highway and the consequent removal of many buildings. A number of houses now front the highway and several isolated early cottages survive on the western side.

The area falls into several sub-precincts. Dry Street to Lindsay Street is the earliest development with very narrow streets extending away from the river providing the most modest form of Victorian cottage for wharf and industry workers. The area east of Holbrook Street also contains narrow streets and lanes oriented east-west with small cottages while the area west of Holbrook Street sees slightly later development with wider streets and slightly wider blocks with freestanding houses. The pattern of housing extending north is more broken with a range of Victorian and Federation forms seen in Forster Street. This is the most intact and largest working class precinct remaining.



Significance

The precinct is significant for a range of reasons:

- It demonstrates early working class housing in a largely intact setting with an exceptionally fine group of modest timber cottages in tight, narrow streetscapes.
- It demonstrates the clear difference between the quality of housing and location seen here on flood-prone land where more substantial housing is located above the flood level.
- It provides a series of streetscapes of high visual and aesthetic value demonstrating the core values of housing development in Launceston. The cross streets between Dry and Lindsay Streets are of particular significance and of state heritage value.
- Many of the buildings form part of a large and very significant group of exceptionally fine timber buildings at the modest end of the scale that characterise Launceston and which give the city much of its recognised character.
- A number of the buildings have high individual significance as fine examples of their period or style.

Policy recommendatons


The following policy is proposed to conserve the significance and heritage values of the precinct, to provide for new development that is commensurate with that significance of the area and to encourage the recovery of significance, particularly in streetscape elements and presentation of the whole area.

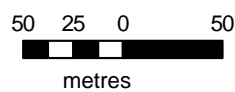
1. The properties identified as heritage items should be retained and where possible future work should recover significance where it has been lost.
2. Contributory buildings within the precinct (most other buildings) should be retained wherever possible.
3. Alterations and additions should be undertaken with regard to the heritage value of the place and should not adversely affect the significant attributes or streetscape value of the group. Generally additions will be modest if possible at all and should be to the rear of properties and should be single storey unless the two storey form does not impact on the cohesive single storey quality of the area.
4. Subdivision should only take place where it does not adversely affect the streetscape or the pattern of development. Most sites are not capable of subdivision, however some larger sites and former industrial sites may be suitable for future development. Any proposal for subdivision must demonstrate how the streetscape and other conservation values are retained and new development must be planned to follow the existing subdivision patterns with single dwellings fronting the street in regular patterns.
5. Carports and garages should not be located in front of the current buildings.
6. Car access should not be provided onto properties unless side driveway access is available.
7. Controls should be developed for front fence forms that are appropriate to the setting. High or solid fences are generally not appropriate.
8. Where infill buildings are proposed, material selections and forms should relate to the predominant streetscape pattern. Replication of historic forms is not encouraged in new work, however new designs must demonstrate a scale, form and materials relationship to the precinct.

1922 aerial photograph of Inveresk precinct

Note the obvious patterns of street tree plantings along the major roads and the railway yards at the bottom of the photograph. The housing area is very close to that found in the precinct today.



 Precinct boundary



Source image: King aerial photograph 1922, orthorectified 2007

From: "amber miller" [REDACTED]
Sent: Sun, 13 Mar 2022 16:13:04 +1100
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: Att General Manager RE DA0753/2021
Attachments: Launceston Heritage Study.pdf

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

Att: General Manager
Re: Development application Number DA0753/2021
Applicant- JL Woodbury
Proposal - Residential- Partial demolition of the shed and construction of a dwelling at 13-15 Russell St Invermay
As an owner of the premises located [REDACTED], I object to this development application.
My home is part of a group of conjoined cottages built in the 1800's. It is clear that the proposed development does not in any way take into consideration the effects that the new building will have on the established culture of the neighbourhood, its residents, their wellbeing and the historical properties around them.
My property will be adversely affected by the blocking of sunlight and warmth to my main living areas- this is shown in the sun studies included in the DA. With sunlight and warmth dramatically reduced I believe that many problems may arise including, mildew, damp, mould and of course an increase in heating cost due to a blocking of natural light. Not to mention mental and physical health issues that a situation like this would exacerbate. The frontage of my cottage means that the front two bedrooms windows receive little to no sun throughout the year. The only sun and warmth that is captured in my home is the sun in the main living areas. This area is north facing. This is the reason that we purchased the home and one which this development proposes to dramatically reduce. This new building would mean that my property would receive no sunlight between the hours of 9am to 3pm in winter, not just in my backyard but to my entire house. As our existing carport/garage does block some available light, it is our intention to improve the thermal efficiency of our home by demolishing this structure in the near future.
I object to this development application for these and other reasons listed below. I also believe that this DA does not meet many of the codes in the Launceston Planning Scheme.
The scheme states that there is a 200msq maximum residential build on any one title. This proposal is 234msq plus a 23msq deck.
In regard to Launceston heritage study; report and recommendations Nov 2007
Please see the attached policy recommendations for the historical Inveresk Precinct.
As Launceston grows it is imperative to protect our historical areas. I believe that his DA does not take into consideration any of the recommendations included in the report, which I believe to be very unsatisfactory.
In regards to Bedford street lane (The historical night soil lane joining Bedford St to Russell St community gardens/ tin shed studio carpark) This is historically relevant and still used every day by many members of community. We wish to keep this lane open and accessible for the community and residents alike. We believe that closing this access off at the back of residential housing will result in unsocial activities and anti-social behaviour in dark unused space.
There seems to me no reason why one would seek to disallow access from the community garden to Bedford street.
There also does in fact exist a right of carriageway along the rear of the community garden which is shown on my title and that is owned by Launceston City Council. We require confirmation that this would not be affected in any way by the potential development as I don't see it marked in any of the drawings included in this DA.
Planning Codes-
PIC. Vehicular exit access for the safe use of the road
The placement of the building so close to the rear boundary (2.27 metres) means that the dwelling will block the right of carriageway and easement through to Russell St (Bedford Laneway), that has been applicable to the property rear boundary since the early 1900's.
This means that the close placement of the dwelling from the title boundary and existing property fences and garages directly hinders the ingress and egress of vehicles from my property at 24 Bedford St off-street parking to Russell St, as well as blocking the movement of any service vehicles supplying goods and services to any of the property lots back access points or gates that share the rear boundary 13-15 Russell St and utilise the easement and right of carriageway.
The right of carriageway in this instance applies directly to the ingress and egress of vehicles to the adjoining properties located in Bedford st that utilise off street parking located on their properties and part of the rear boundary of 13-15 Russell St for safe access to Russell street.
An easement or right of carriageway does not have to be marked on a title to be considered legal. So even though it is now not clearly defined or marked on the current property title, there is direct evidence of the marking of this part of the property boundary as a Laneway on historical property titles of 13-15 Russell st as far back as 1954. There are also historic social records that detail the public usage and naming of the Bedford Street Lane that can be found in Trove.
There has been continual usage of the land that runs along the rear boundary and connects to the official listed easement on the adjoining property of 17-31 Russell St and has in conjunction with Bedford St Lane provided rear access to properties. This lane

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None of the above-mentioned proposed conditions meet the acceptable solutions/performance criteria of the Launceston planning scheme.

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This is a major concern and we absolutely object the the height and proximity to our boundary of the proposed build and the resulting negative affect on the light inside my home.

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P1

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E6.5.1 P1.1 the consideration of car parking spaces for other than residential usages

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Thank-you for taking the time to hear and acknowledge my concerns as well as those of my community.

Sincerely,

Amber Miller





Launceston Heritage Study
Summary report and recommendations
November 2007
Prepared by Paul Davies Heritage Architects
and **Launceston City Council**
P O Box 396
Launceston Tasmania 7250
Phone: 03 6323 3000
Email: council@launceston.tas.gov.au
Web: www.launceston.tas.gov.au

Editing: Veronica McShane Editing Services

Design: Stalley Briton

Maps: Alex Crothers and Jai Larkman

Inveresk precinct

Description

Inveresk is part of Launceston's oldest suburb and uniquely demonstrates modest Victorian (and later period) housing in narrow streets with very small lot sizes and generally houses constructed at the front of the property. The area is characterised by the predominance of narrow streets, small regular lot sizes, small timber cottages interspersed with several unusual elements such as terraces, conjoined cottages and now the mix of industrial development that was once encouraged by zoning of the area.

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The precinct is significant for a range of reasons:

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- It demonstrates the clear difference between the quality of housing and location seen here on flood-prone land where more substantial housing is located above the flood level.
- It provides a series of streetscapes of high visual and aesthetic value demonstrating the core values of housing development in Launceston. The cross streets between Dry and Lindsay Streets are of particular significance and of state heritage value.
- Many of the buildings form part of a large and very significant group of exceptionally fine timber buildings at the modest end of the scale that characterise Launceston and which give the city much of its recognised character.
- A number of the buildings have high individual significance as fine examples of their period or style.

Policy recommendatons


The following policy is proposed to conserve the significance and heritage values of the precinct, to provide for new development that is commensurate with that significance of the area and to encourage the recovery of significance, particularly in streetscape elements and presentation of the whole area.

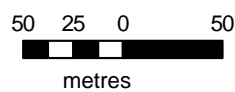
1. The properties identified as heritage items should be retained and where possible future work should recover significance where it has been lost.
2. Contributory buildings within the precinct (most other buildings) should be retained wherever possible.
3. Alterations and additions should be undertaken with regard to the heritage value of the place and should not adversely affect the significant attributes or streetscape value of the group. Generally additions will be modest if possible at all and should be to the rear of properties and should be single storey unless the two storey form does not impact on the cohesive single storey quality of the area.
4. Subdivision should only take place where it does not adversely affect the streetscape or the pattern of development. Most sites are not capable of subdivision, however some larger sites and former industrial sites may be suitable for future development. Any proposal for subdivision must demonstrate how the streetscape and other conservation values are retained and new development must be planned to follow the existing subdivision patterns with single dwellings fronting the street in regular patterns.
5. Carports and garages should not be located in front of the current buildings.
6. Car access should not be provided onto properties unless side driveway access is available.
7. Controls should be developed for front fence forms that are appropriate to the setting. High or solid fences are generally not appropriate.
8. Where infill buildings are proposed, material selections and forms should relate to the predominant streetscape pattern. Replication of historic forms is not encouraged in new work, however new designs must demonstrate a scale, form and materials relationship to the precinct.

1922 aerial photograph of Inveresk precinct

Note the obvious patterns of street tree plantings along the major roads and the railway yards at the bottom of the photograph. The housing area is very close to that found in the precinct today.



 Precinct boundary



Source image: King aerial photograph 1922, orthorectified 2007

From: [REDACTED]
Sent: Fri, 11 Mar 2022 19:11:43 +1100
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: Representation DA0753/2021 att. Michael Stretton
Attachments: representation for DA07532021.pdf
Importance: Normal

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

Dear Mr Stretton,
Please see attached representation regarding DA0753/2021.
Claire Richardson
Sent from my Galaxy

Development Application Representation Letter
Development Application Number **DA0753/2021**
13-15 Russell Street, Invermay

Claire Richardson
[REDACTED]
[REDACTED]

I

Dear Mr Stretton,

I would like to express my concern and objections to the advertised development at 13-15 Russell Street Invermay for the following reasons.

I don't believe that this development has considered the local heritage of the neighbourhood and street or the impact on the local community space. The community garden, which is a council initiative, is used by residents for gardening and neighbourhood gatherings such as Christmas and BBQs. I don't believe this development should be approved as it does not meet the following Local historic and heritage code. The advertised plans show the proposed new fence will block access to the rear of the garden and the height of the building will shade the majority of it for most of the day.

13-15 Russell st is listed in table 13.2 as a local heritage place.

E13.6.4

The site coverage does not fit with the current cultural heritage values of the street. Russell Street is predominately comprised of co-joined worker's cottages built in the early 1900's. The establishment of the street can actually be traced back to as far as 1884, making it one of the earliest developments in the settlement of Launceston, and was originally called Launceston swamp.

The streetscape is highly reflective of these older building designs and values. The proposed building does not consider the streetscape or the cultural value or appearance of the houses that surround it, nor does it consider the location of any of the established buildings, titles or public spaces.

13.6.5

The proposed dwelling doesn't take into consideration the current height of all the other residential buildings in the predominantly heritage listed area, and at 8.5m looms both visually and in bulk over all the residential properties, it will be tallest building in the street, and does not fit in with the character of the residential area.

13.6.6

The proposed dwelling does not consider the setbacks or the frontage the surrounding properties, nor does it allow for enough visual separation from the adjoining property which has served as a community space for over 60 years- originally as a children's playground and now a community garden. The property is also setback to the rear of the property, with approx. 2.2 meters separating the building from other properties. This will be the only dwelling in the entire street that is situated so far back, and will create various difficulties for existing properties, and a major discontinuation with the streetscape.

13.6.7

The development has two 1.8 metre solid brick fences on the property, one encasing a courtyard, the other a floating fence on the title boundary with the community garden and proposed to run for 13.5 metres. The does not fit into the existing streetscape, nor match any of the existing fences of the street, both in height and construction materials. The fence on the boundary of the community garden actually serves as

a major visual obstructions and adds significant visual bulk to a community area that will significantly impact on the amenity of the space.

13.6.11

The development proposes to build a private car parking space for 5 cars on the primary frontage of Russell st. There is significant question as to the usage of this parking area due to the number of parking spaces proposed on this property (namely 8) that would suggest that this parking is for non-residential usage and is being constructed for the business currently being conducted at property, "Russell Street Studios" This car park does not take into account the cultural and heritage properties and values of the street, the available parking in the area (Russell street is located a 5 minute walk from the Inveresk precinct and car parks) nor does it consider the impact on traffic on a very narrow one way inner-city street. This part of the code also states that all non-residential use car parking spaces need to be located behind the primary property, which this proposal clearly does not follow.

I do not believe that this development will enhance, beautify or add to the street in any positive way, the proposal will act more like a modern disconnect to the beautiful heritage and history of the area, both in height, appearance and design. I do not believe the development should, as it stands, be approved for building. I also believe it entirely unfair that the tenants/residents of 18, 20 and 24 Bedford St will lose access to their off street parking, several of these houses have car parking spaces behind gates that require shared use of the public easement/night cart laneway that has been used daily and very obviously from the 60s or earlier and will also now have to pass wheelie bins and firewood through the house via their front doors. This will no doubt devalue the concerned properties greatly. Number 24 Bedford St has a high tenancy turnover of university students who have raised concerns as to how they will get their furniture out of the house when they leave. These houses will also be cast with shadow for a majority of daylight hours.

I ask that you please consider the above concerns seriously.

Warm regards,

Claire Richardson

From: "Susan Rocchi" [REDACTED]
Sent: Fri, 11 Mar 2022 12:17:04 +1100
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: DA0753/2021 13-15 Russell st, Invermay

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Attn: GM and Town Planner - Launceston City Council

I am writing to express my opposition to the proposed construction of a two story dwelling in the above location.

This discretionary application is in breach of several building codes and so should not be approved by the council.

The design breaches minimum boundary distances not just for residential but also commercial use and since the owner plans to use the building to both reside in as well as operate an art studio, and taking into consideration that this land already houses a commercial building (Pottery Shed), the minimum boundary rules of 3 metres for commercial developments adjacent to residential dwellings should be applied.

The proposed design including height, depth and breadth is totally out of place in a small, narrow street that is mostly made up of 19th century single story cottages. This monstrosity will overshadow and overpower the existing residents. It will be an ugly out of place oversized tin box.

The proposed blocking of rear access, which has been allowed for many decades to the homes located at the rear end of the block, as well as the blocking of light into these homes is absolutely unacceptable.

The proposed stone wall along the boundary where the community garden is currently located will result in rendering the garden useless due to shadowing and reduced access around the beds.

I encourage the planning team to consider the many breaches to the code this proposal poses and reject this application.

Thank you

Susan Rocchi

Development Application Representation Letter
Development Application Number DA0753/2021

13-15 Russell Street, Inveresk

Details of Representor


Janice Steele,


DA0753/2021

FILE NO.	13-15 Russell Street, Inveresk		
EO	<input checked="" type="checkbox"/>	OD	Box <input checked="" type="checkbox"/>
RCV'D 10 MAR 2022 COL			
Doc ID.			
Action Officer	Noted	Replied	

e-copy: D. PAYTON

To whom it may concern,
I wish to lodge my objections regarding the proposed development of property 13-15 Russell st, Inveresk.

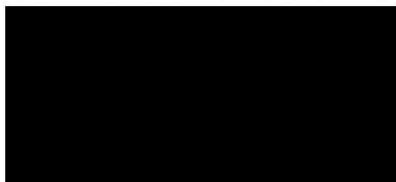
I live in  and also look after and utilise the Russell St. Community Garden since its creation in 2013. My house was built in the early 1900's and is a small Victorian cottage, that has predominantly small windows, and old open fire heating. This proposed dwelling will place my kitchen, lounge room with the only east facing windows in the house and back yard into shadow until potentially 12 noon blocking my access to not only the morning sunshine and daylight but also warmth.

It will also plunge my washing line, morning deck and my kitchen garden into shade as well, blocking these areas from the morning sunlight in winter and making my life that harder in regard to access to drying my washing, growing my own herbs, vegetables, and dwarf fruit trees.

This building will by its sheer closeness to the property rear boundary and height of the building will also block any view I have of the streetscape and the skyline with its visual bulk and lack of separation between buildings. Currently from my kitchen window I can see the skyline of Russell Street and the blue of the sky, this significantly contributes to the feelings of spaciousness that we experience. If the dwelling were to be approved, instead of being able to view the sky the only view I will have is of the back of a corrugated iron looking dwelling and the applicants' windows.

I am also very concerned about the overshadowing of the community garden, when the proposed building creating shadowing of over 2/3 of the garden beds that we currently use. The lack of morning sunlight will have a big impact on the usage of the garden, of the enjoyment of warmth and sunlight in the mornings. The proximity of the building and the brick wall so close to the garden, and a proposed balcony with a window overlooking the garden set less than a meter from the public area will not only serve as a massive visual intrusion to the feel of an open and communal space but will also act as a deterrent to the sense of community and belonging with a 13.5 meter brick wall running down almost the entire length of the garden and people looking down onto and into the garden whenever it is in use.

In light of these issues, I don't believe that the building proposal meets the planning scheme in these particular areas 11.4.1, 11.4.2, 11.4.3 and 11.4.6



Janice Steele

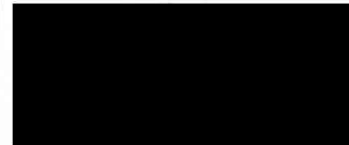
9/03/2022

Development Application Representation Letter
Development Application Number DA0753/2021 13-15 Russell Street, Inveresk

Details of Representor

FILE No.	DA0753/2021		
EO	✓	OD	Box ✓
RCV'D 10 MAR 2022 COL			
Doc ID.			
Action Officer	Noted	Replied	

Bernard Steele,



To the General Manager and the City Planner.

E-COPY - J. PAYTON

Please this letter of representation against the development application DA0753/2021 proposed for 13-15 Russell Street.

I have some serious concerns about this development and its detrimental effects on [redacted] and other Bedford St properties as well as the impact to the community garden which I use and maintain and have done since 2013.

I have major concerns about the impact this development is going to have on the adjoining community garden 17-31 Russell St. due to proposed location of the building and brick fence, which is going to cause accessibility issues for the residents to tend and maintain the garden beds and existing fruit trees, and will shadow the garden all morning, directly impacting on the purpose and of the garden and public space.

I believe that this development does not comply with the following planning standards and as a result has a direct impact on my residence in terms of visual impact and bulk obscuring my view of the skyline and blocking my solar access and sunlight.

Planning Standard

- 11.4.1 A1B, A1C, A1D, P1B, P1D,
- 11.4.2 A2, P2 A, B, C
- 11.4.3 A1 B & C, P1 Ai and P1 Aiii
- 11.4.6 A1, P1 B, C, E

The main issue with this development is that the proposed location of the dwelling will substantially increase the overshadowing in my back yard and of my only eastern facing windows, and the windows in my lounge room and kitchen to 3 hours in the morning and will impact my outside deck and garden by increasing and creating shadowing that will affect these areas for the time between 9-12 basically blocking all our morning sunlight. My son designed and built my morning deck for me as a Father's Day present, and it is specifically placed to maximise the benefits of the mornings light and considers the placement of my shed and the property fence.

This means I won't be able to enjoy my morning coffee on the deck, my fruit trees will suffer greatly from the reduction in sunlight, that my usage and enjoyment of my loungeroom in the mornings is going to be significantly reduced.

I believe that this dwelling should not be approved as no consideration at all to how it will affect those of us that live in the street have been given in the design and location of the building.



BERNARD J. STEELE

To whom it may concern,

I object to the development proposal DA0735/2021, 13-15 Russell Street, Invermay.

Name: *Charles & Anne Marie Kellataca*

I am a resident of [redacted] and live cross the road from the proposed development. I will be directly affected by this development because of the proposed removal of the on-street parking space to be replaced with an extra entry point to the development. I am wife are elderly and I have no off-street parking on my residence, I primarily utilise the car parking space that is being suggested for removal.

I will have to park significantly further away from my house, meaning that I will experience accessibility and safety issues. This street because of its limited parking means that an informal system of car park allocation has been worked out, and as a result the removal of this space will have significant effects on all of us that use the street 24/7 as residential parking and will burden an already heavily utilised area.

I don't believe the development complies with the following planning standards
And Codes

Planning Standard 11.1.1.3 Objective

The proposed removal of one of an on-street car space in a street that is already subject to high parking demand and high volumes of traffic. The street is classified as resident parking and is continually in use and in high demand by residents. Removal of an existing car space will reduce the already limited parking to established dwellings. The property title already has a double space cross over on it allowing for adequate entry and exit to her land.

Does not comply with 11.1.1.3 and 11.1.1.4

The removal of the existing on-street parking space will significantly affect the existing residential amenity and create major parking issues for existing residents.

The removal of the existing on-street parking space for the utilisation of commercial clients to access her private commercial car park is displacing the residential uses.

Does not comply with Code 56

The development inner residential zoning and subject to Inner residential zone 11.1.1.3 and Code E6

Table 6.1 of the Code E6 states that the allocated parking spaces for residential zones outside of General residential zone is 1 space per bedroom or 2 spaces per 3 bedrooms. This development requires no less or more than 3 parking spaces because it is a 2-bedroom dwelling.

The development does not comply to code E6

E6.5.1 Car parking numbers

Acceptable Standards

E6.5.1 A1 C it exceeds the maximum amount of car parking spaces by 4 spaces.

Performance criteria

FILE No.	<i>DA0753/2021</i>				
EO	<input checked="" type="checkbox"/>	OD	<input type="checkbox"/>	Box	<input checked="" type="checkbox"/>
RCVD		10 MAR 2022		COL	
Doc ID.					
Action Officer	[redacted]				
Noted	[redacted]				
Replied	[redacted]				

E6.5.1 P1.1 the consideration of car parking spaces for other than residential usages.

The proposal is subject to inner residential 11.2 use table and residential use class only, the presence of a 5-car private car park on top of 4 other parking spaces (3 off- street, 1 on-street) is excessive and unreasonable and is not permitted by the zone usage class. Also, as the application doesn't meet the discretionary use considerations and is only for residential use, she cannot build a car park for any other reasons – namely for clients of the existing business The Russell Street Studio.

Also, this application does not meet the performance criterion E6.1 P1 A-H because of the following reasons.

The car park is private and is not being used by any other users than clients of her business. She won't allow any residents or community garden users to use the spaces. This is already evidenced in the various restriction the developer has already on using the informal parking in the undeveloped lot and the easement as parking spaces even though she was advised at the time of purchase that this arrangement and easement was an historical arrangement and needed to continue.

Russell street connects to the main bus route servicing most of Launceston and buses are every 15 minutes, the terrain is flat and even, no hills or hazards.

7 On-Road parking spaces are available subject to the established permitted system allowing for reasonable short-term access to parking no greater than 2 hours, if she has visitors to her dwelling for longer periods, she has 3 off-street spaces.

The nature and usage of the development is residential, a study showing the demand of residential parking requirements for the dwelling on the property needs to be conducted for her residential needs to build 8 car parking spaces.

The building of a carpark on the primary frontage of the property does not fit within the existing streetscape, and without any land scaping, and beautification measures the car park will be an eye sore, detracting from the aesthetic of the community garden and community space.

No details of a traffic impact assessment have been provided.

As Russell Street is considered a high-volume traffic area especially during the hours between 9am to 5 pm an impact study on how the addition of a car park and two separate crossovers will impact the street should be conducted.

P1.2

The dwelling is 2 bedrooms the allocated parking required is deemed to be 1 space per bedroom and 1 visitor space. The dwelling is conceivably for a maximum of 2 couples or 4 people sharing bedrooms, this does not suggest an intensity or demand for 8 car parking spaces and is therefore unreasonable.

Notes

Also houses shown on Russell St
are inaccurately numbered 12-20
when in fact they are 12-22 +
22B making 7 properties not
5 as depicted.

10/3/2022

From: "belinda steele" [REDACTED]
Sent: Mon, 7 Mar 2022 18:04:25 +1100
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: Representation DA0753/2021
Attachments: Development Application Representation Letter.docx
Importance: High

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

To the CEO.

Please find the following file as representation against the proposed development DA0753/2021 13-15 Russell Street made by myself Belinda Steele.

Regards,

Belinda Steele

Development Application Representation Letter
Development Application Number DA0753/2021 13-15 Russell Street, Inveresk

Details of Representor

Belinda Steele,



Reason for Representing.

To the General Manager and the City Planner.

Please find this letter of representation against the development application DA0753/2021 proposed for 13-15 Russell Street.

I have some serious concerns about this development, and its detrimental effects on the surrounding houses and neighbourhood as well as the impact to the community garden.

I am concerned about the direct impact it is going to have on the property [REDACTED] where I live, and the amount of increased shadowing we are going to experience that will completely cut off our access to the morning sun to our living room and kitchen and sunlight light to our deck, kitchen garden and planted fruit trees.

I also have concerns about the impact on the adjoining community garden 17-31 Russell St, the only community space or park in the area that is for residents. The proposed location of the building and 1.8 high 13.5-metre-long floating brick fence, which is going to cause accessibility issues for the residents to tend, maintain the garden beds and prune existing fruit trees, and the dwellings' location and height that will shadow the garden all morning, directly impacting on the purpose and of the garden and public space.

I am also very concerned about the potential for violation of the application use class to construct a private commercial car park for clients of The Russell Street studio on the primary frontage, even though the development is listed as inner residential and residential usage and no application for discretionary use class or commercial use has been made that I am aware of there is the building of a private 5 car carpark that is not reasonable for a two bedroom dwelling.

Please find below all the following issues I have with this application.

The proposed development doesn't comply with the following standards
11.4.1

A1B. The building is set at .98 metres away from the west side (non-primary) frontage, and will not only cast a shadow over the garden beds but will also affect the accessibility by residents to the beds for maintaining the fruit trees and gardening in the beds

A1 C. The building is set 2.27 metres away from the rear boundary, blocking off access to the easement and access to people's off-street parking in long established garages, cutting off access to back gates and removing access for service vehicles and utility services.

A1 D. The setback is significantly different to the dwellings on the immediately adjoining lot creating visual disarray with the streetscape

P1 B. The property is significantly set further back than any other residential properties on Russell St therefore does not offer compatibility with the other buildings in terms of setback

P1 D. The positioning of the dwelling does not allow for the continuation of the streetscape in consideration to the state listed heritage properties and local listed heritage properties, in fact the design and extreme setback of the dwelling creates a visual dissonance with the early 1900's inspired dwellings that make up the predominate streetscape of Russell St.

P1 C. Vehicular exit access for the safe use of the road

The placement of the building so close to the rear boundary will block the right of carriage way and easement through to Russell St, that has been applicable to the property since the early 1900's.

This is a planning issue not a legal issue as allowing a building to be erected where approved garages and gates are already established would be contrary to keeping the existing amenity of the neighbourhood and contradict previous city planning that has considered the back access to these properties by the easement/ laneway when planning parking allocation and road safety.

The placement of the dwelling to the title boundary blocks access and movement of residential and service vehicles from Bedford to Russell St and removes access to established back gates and garages that share the rear boundary 13-15 Russell St and utilise these for access and safety.

This significantly impacts the safety of the residents of Bedford Street properties. Because of the proposed placement of the dwelling reduces space between the properties by almost half and makes it impossible for vehicle access and people will access the back of their houses, back gates, or garages or to have safe access Russell St road.

Planning Standard

11.4.2 Site coverage and rear setback for single dwellings

Doesn't comply with

11.4.2 A2, the rear set back is approx. 2.27 metres., it should be no less than 4 metres. Doesn't allow for adequate separation between buildings especially considering the addition of a door that further reduces the space between the boundaries and dwellings.

Performance Criteria

11.4.2 P2 A, B and C. Because the building is so close to the rear boundary there is not adequate visual separation between neighbouring dwellings and the shadows that the building

casts on the houses on Bedford Street are greatly increased therefore actually reducing rather than maximising the solar access of habitable rooms in the affected properties.

Planning Standard

11.4.3 Building envelope for single dwellings

The proposed building will cause significant loss of direct sunlight and solar access to private open areas and habitable rooms in numerous properties on Bedford Street. All these houses experience major visual impacts in that the building will basically take up all the view of the skyline and views from the abounding properties.

Doesn't comply with

11.4.3 A1- b and C.

A1 B. The building is set back on the side west boundary by .98 metres

A1 C. The building is set back to the rear boundary by 2.27 metres

11.4.3 P1 Ai and P1 Aiii. Because of the placement of the building houses 26- 20 and the community garden all experience overshadowing. Houses 24, 22, 20 all experience overshadowing that reduces their overall sunlight hours to less than 3 hours between 9am-5pm

In the case of 26 Bedford, the Shadowing of our back deck, our back garden, living room and kitchen windows will significantly impact on our passive heating foot print, our enjoyment of our living room and kitchen and will impact the established vegetable and fruit garden.

This overshadowing greatly increases any existing shadows on our property to 3 hours.

The design of the living room and east facing kitchen window, the back decking and the kitchen garden were all built with the shadowing of our back fence and hedge in mind and the shadowing to these areas by any internal structures was minimal. Our house will now be cast into shadow for 3 hours in the morning due to the placement of this dwelling.

Planning Standard

11.4.6 Frontage fences for single dwellings

There is a proposed brick fence right on the side boundary to the community garden. This fence is marked to be 1.8 metres high 13.3 metres long.

This doesn't comply with

11.4.6 A1 At 1.8 metres it is too tall to be made entirely of solid material.

11.4.6 P1 B C - E

P1 B Does not provide security to the residence, the fence is a floating fence that is not serving to enclose or protect the property.

P1 C It also doesn't consider the picket fence design of neighbouring fences, blocks the view for people in the garden in regard to car parks and traffic flow.

P1 E It detracts from the visual quality and enjoyment of the community garden by placing a barrier so close to the garden bed, making upkeep of the orchard and garden beds difficult and removes the feel of open space from the garden.

I also have concerns of the dwelling being built to add extra commercial studio space and private car park for commercial clients to the business “The Russell Street Studio” in exception of the use class of residential and believe that the property does not meet any standard for development for any discretionary use class.

Planning Standard

11.4.23 Development for discretionary uses does not comply to performance criteria B, D, G, H I L M N

The inclusion of a 5-space private car park should also not be considered as the development of such does not meet Code E6 as well as 11.1.1.3 and 11.1.1.4 objective of the inner residential building zone.

I believe it does not comply with the following

E6.5.1 A1 C that it exceeds the maximum amount of car parking spaces by 3 spaces.

Performance criteria

E6.5.1 P1.1 the consideration of car parking spaces for other than residential usages as proposal is subject to inner residential 11.2 use table and is residential use class only, the presence of a car parking spaces for any other purpose than residential is not permitted by the zone usage class. As the application doesn't meet the discretionary use considerations, and a private car park cannot be built for any other reasons.

Arguments for why a private car park isn't needed in Russell st. addressing the performance criterion

(a) There are multiple public car parking spaces within 4-minute walking distance located in the Inveresk precinct

(b i & ii) The car park is private and is not being used by any other users than clients of her business. She won't allow any residents to use the spaces, or anyone else. This is already evidenced in the various letters she has sent to residents seeking to restrict them from using the current vacant lot and easement as parking spaces even though she was advised at the time of purchase that this arrangement and easement was an historical arrangement and needed to continue.

(c) Russell street connects to the main bus route servicing most of Launceston and buses are every 15 minutes, the terrain is flat and even, no hills or hazards.

(e) 7 On-Road parking spaces are available subject to the established permitted system allowing for reasonable short-term access to parking no greater than 2 hours, if she has visitors to her dwelling for longer periods she has 3 off-street spaces.

(f) The nature and usage of the development is residential a study showing the demand of residential parking requirements for the dwelling on the property needs to be conducted the need for 8 car parking spaces for her residential needs.

(g & h) The building of a carpark on the primary frontage of the property does not fit within the existing streetscape, and indeed without any land scaping, and beautification measures the car park acts as an eye sore, detracting from the aesthetic of the community garden and community space.

No details of a traffic impact assessments have been provided. As Russell Street is considered a high-volume traffic area especially during the hours between 9am to 5 pm an impact study on how the addition of a car park will impact the street should be supplied or conducted.

Does not comply with P1.2

The dwelling is 2 bedrooms the allocated parking required is deemed to be 1 space per bedroom and 1 visitor space. The dwelling is conceivably for a maximum of 2 couples or 4 people sharing bedrooms, this does not suggest an intensity or demand for 8 car parking spaces and is therefore unreasonable.

There are so many issues with the development as it currently is designed that I don't believe it should be approved in any way shape or form.

Signed,

A large black rectangular redaction box covering the signature of Belinda Steele.

Belinda Steele.

From: "Lucy Petersen" [REDACTED]
Sent: Thu, 3 Mar 2022 15:28:15 +1100
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: DA0753/2021

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

Hi,
My name is Lucy Petersen, I currently reside at [REDACTED]
It has come to my attention that there is a plan in process across the road at i believe 13-15
Russell Street, which affects me and a lot of other people on the street.
For us there is no off street parking so this within itself is an issue If this plan goes ahead and
cuts into the residential parking. how is this fair for us and many other people who have lived on
this street for years, it will not only affect us but have a knock on affect for the whole street as
we all try and find places to park. i'm also concerned that the building going ahead will give us
any privacy in our own homes as this is such a small street.
i hope you will take this email in consideration with the application.
Regards,
Lucy Petersen

From: "chris davey [REDACTED]"
Sent: Wed, 2 Mar 2022 09:26:17 +1100
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: DA0753/2021

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Hi my name is Chris Davey I live in [REDACTED] it has come to my attention that across the road there is a plan to build a dwelling and Also cut into the residential street parking, for me and a few people on the street that's the only spot for us to park, I don't mind about the dwelling just please think of the parking spots. Thank you very much and have a great day 😊.

Sent from my iPhone

[REDACTED]

From: [REDACTED]
Sent: Friday, 17 June 2022 8:29 AM
To: Duncan Payton
Cc: Planning Admin
Subject: 13-15 rUSSELL sT RESPONSE TO OBJECTIONS
Attachments: JESSUP - RUSSELL STREET STUDIOS SHADOW DIAGRAM 3 160622 rvt.pdf; JESSUP - RUSSELL STREET STUDIOS 160622 revised DA.pdf; JESSUP - RUSSELL STREET STUDIOS SHADOW DIAGRAM 1 160622 rvt.pdf; JESSUP - RUSSELL STREET STUDIOS SHADOW DIAGRAM 2 160622 rvt.pdf; response to objections 160622.docx

Categories: With Carolyn

Good Morning Duncan

Please find response to objections and shadow diagrams to be read in conjunction with point 5 **Overshadowing**, in the attached response Doc.

The increased shadowing impact is noted on Shadow Diagram 1.

The building is now 2450 from the rear boundary and 1150 from the side boundary.

Thanks
Regards
JO

Jo Woodbury

Licensed Building Designer
Qualified Interior Designer

Website: <http://www.woodburyco.com.au/studio.html>

email: [REDACTED]

contact: mobile [REDACTED]

Launceston 7250



2019 NATIONAL DESIGN AWARDS FINALIST - NEW RESIDENTIAL BUILDING UP TO 250SQM

2018 NATIONAL DESIGN AWARDS WINNER – SMALL SCALE PROJECTS

2016 NATIONAL DESIGN AWARDS COMMENDATION - NEW RESIDENTIAL BUILDING UP TO 250SQM

2015 NATIONAL DESIGN AWARDS WINNER – SUSTAINABLE RESIDENTIAL BUILDING

2015 NATIONAL DESIGN AWARDS WINNER –SMALL SCALE PROJECTS

16/06/2022

LAUNCESTON CITY COUNCIL

PLANNING DEPARTMENT

REF: DA FOR 13-15 RUSSELL STREET, INVERMAY

LCC Meeting 30th June

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The owner of the land located at 13-15 Russell Street Invermay has made application to Council to refurbish and upgrade the existing Pottery/Ceramic studio and to also build a new dwelling on the site.

Originally known as the Tin Shed Pottery, the studio was established in the 1980's.

Sarah has committed to keep the doors open on the studio and will continue to provide a community space for like-minded artists to work together in a community environment and benefit from tuition and the unique onsite facilities. The current footprint of the existing shed will be reduced in size and the studio be made **access compliant** to include and provide services to a larger sector of the community.

It is Sarah's intention to build her own home and private studio on the site as well and under the planning scheme this is a permitted use.

The dwelling has been set back to maintain an appropriate level of parking for the existing use of the site, the Russell Street Studio. The proposed dwelling is increasing the shadowing impact but not creating an 'unreasonable' loss of sunlight to the adjoining residences – see Shadowing diagrams.

This is an inner residential area, and by nature it is densely developed with many homes and cottages on small allotments and close together and co-joined. The constraints of the relevant planning codes make it very difficult to meet both heritage values and the flood code as single-story dwellings are not possible under the current scheme.

CHALLENGES

Providing enough parking for the facility and design and site a dwelling that complies with all the planning scheme standards and codes including

INNER RESIDENTIAL ZONE (the surrounding houses are single level and close together on small allotments, unfortunately we cannot build a single level dwelling on this site) and as such shadowing is an issue regardless of where the dwelling is located; even in the permitted building envelope)

FLOOD INUNDATION CODE (to comply with this code the building **must be 2 storeys** to be above the flood level – this is not negotiable)

INVERESK PRECINCT OVERLAY CODE (dwellings gross floor area must be under 200sqm)

LOCAL HISTORIC CULTURAL HERITAGE CODE (building must respect the streetscape and given it must be 2 storeys; the building is more sympathetic to the streetscape placed towards the rear of the allotment than on the street) If it were placed at the front of the allotment it would be very out of place with the other dwellings in Russell street .

The roof is a hip and gable roof that is similar to the existing roof types in the area. From the street, the roof is broken into two gable pitched forms to reduce bulk and scale.

ACCESS AND PARKING CODE this site has two uses – a dwelling and An existing community use.

Acceptable Parking is provided for the existing use (the ceramic studio) and there is private parking provided for the new dwelling in a carport under the proposed house with 2 spaces.

Bicycle parking is provided within the studio for patrons.

Off street Parking

It is proposed that an additional driveway be installed for the new residence and that the existing parking on Russell Street be reconfigured so that no spaces are lost – see proposed plan.

We have responded to the representations relevant to the Planning Scheme Standards and Codes that affect this proposal and believe we have proposed the best solution for the site.

Regards

Jo Woodbury

Woodbury Co Pty Ltd

RESPONSE TO THE REPRESENTATIONS AGAINST THE DEVELOPMENT

There are many representations against this development, a number of which are a version of the same concern. Some of these issues are misinterpretations of the intent of the development and what is acceptable under the planning scheme.

Some of the representations grossly overlook the owner's rights as a landowner within the municipality of Launceston.

Please also consider the planners report and his response in the first instance to assist in determining what the relevant issues are under the planning scheme.

Please note that the flood **prone area code** does **not allow for single story** dwellings in this area. We would have gladly designed a single-story cottage for the allotment.

It will continue to be a challenge for development in the area to meet the heritage values of the area whilst complying with the flood code. (Refer to our response for these issues)

The issue of most relevance is the overshadowing of the neighboring dwellings to the south of the development; however, we have demonstrated that the new development will not unreasonably increase the shadowing impacts to these dwellings on the shortest day of the year 21 June and maintain 3 hours of solar access to the homes on this day.

Please see below our response to the other primary issues that have been raised:

1. Existing ROW and easement

There is no registered easement on the title and none of the representors has taken further action to this effect. The owner has obtained legal advice from Simons Wolfhagen, and they have confirmed that this is not a matter for council to consider in this application for a number of reasons – please see letter of advice from Nathan Street.

2. Community garden

The property owner has a right to erect a boundary fence on the property. The raised vegetable beds can be re-located and the owner has offer to assist with this if needed.

The beds may have been poorly located in the first instance so close to a property boundary of land that was undeveloped.

3. Onsite parking

The parking shown on site is associated with the existing use (ceramics studio) and there are 2 spaces provided in the carport servicing the proposed residence (all complying with planning scheme)

4. Off street Parking

We have demonstrated that we do not have to lose any parking spaces. It is the advice of council's infrastructure department that we lose one space to maintain the existing width of the driveway.

Council cannot consider an 'informal' parking agreement that may or may not exist amongst residents.

A traffic impact assessment was not required or requested by council.

Note: The owner has security cameras installed to the front of the ceramics studio that face Russell Street, consequently this has enabled the owner to view footage over a period of time that demonstrates that there are often available spaces on Russell Street throughout the day.

5. OVERSHADOWING

Considering the location of the existing Studio Shed, and the outbuildings and vegetation on the northern boundaries of the adjoining properties, the proposed dwelling will **not unreasonably increase** the existing shadowing impact to the habitable spaces of these dwellings on the 21 June as they will still receive 3 hours of sunlight to habitable rooms on the shortest day.

DIAGRAM 1

SHADOW DIAGRAMS FROM PROPOSED DWELLING

No 24 Bedford St is the dwelling most adversely affected by the shadowing of the proposed dwelling. No 24 is already in shadow from the existing Studio shed on the subject site, as well as the garage, vegetation and fence until 11.00am on June 21. **See Diagram 1.**

The proposed dwelling will cast shadow to 24 Bedford St between the hours of 9 and 12.30 June, increasing the existing shadow impact by 1 hour between 11.30 and 12.30. This is not unreasonable as there is still solar access to this property for 3 hours from 12.30 to 2.30 (an acceptable 3 hour period) This is the worse case scenario on the shortest day of the year. **See Diagram 2**

If the proposed dwelling was built in the **permitted envelope** it would increase the shadow impact to No 24 by 30mins from 11 to 11.30. So we are looking at a difference of 1 hour. **See Diagram 3**

No 26 is marginally impacted for an additional 15-30 minutes from 11.00 – 11.30. It still receives 3 hours of sunlight on 21st June.

DIAGRAM 2

SHADOW DIAGRAMS FROM EXISTING BUILDINGS

It should be considered that the shadow diagrams shown are the worst case scenario on the shortest day of the year, and that there are existing shadowing impacts from the existing buildings on the development site as well as outbuildings and vegetation (hedge) on the northern boundary of the neighbouring sites that also contribute to the shadowing of these properties.

DIAGRAM 3

SHADOW DIAGRAMS WITHIN BUILDING ENVELOPE

It has also been demonstrated that if a dwelling was constructed within the permitted building envelope complying with **11.4.3 building envelope for single dwellings** (acceptable solution) it would still result in a **similar shadowing impact** on the neighbouring properties, with an overall difference of 1 hour shadowing. See shadow diagrams 3.



the: Modelling of existing buildings has been carried out with onsite measuring to the best of our ability whilst not having access to the actual adjoining properties.



REAR OF 24, 26 BEDFORD STREET – NORTH FACADE



REAR OF 24 BEDFORD STREET GARAGE
(BRICK BOUNDARY WALL TO SHED ON 22)



REAR OF 24, 26 AND 28 – HIGH HEDGE/IVY CAUSES
SHADOW



VEGETABLE BEDS CLOSE TO PROPERTY BOUNDARY
NEW BEDS CAN BE CONSTRUCTED FOR BETTER ACCESS. FRUIT
TREES CAN REMAIN

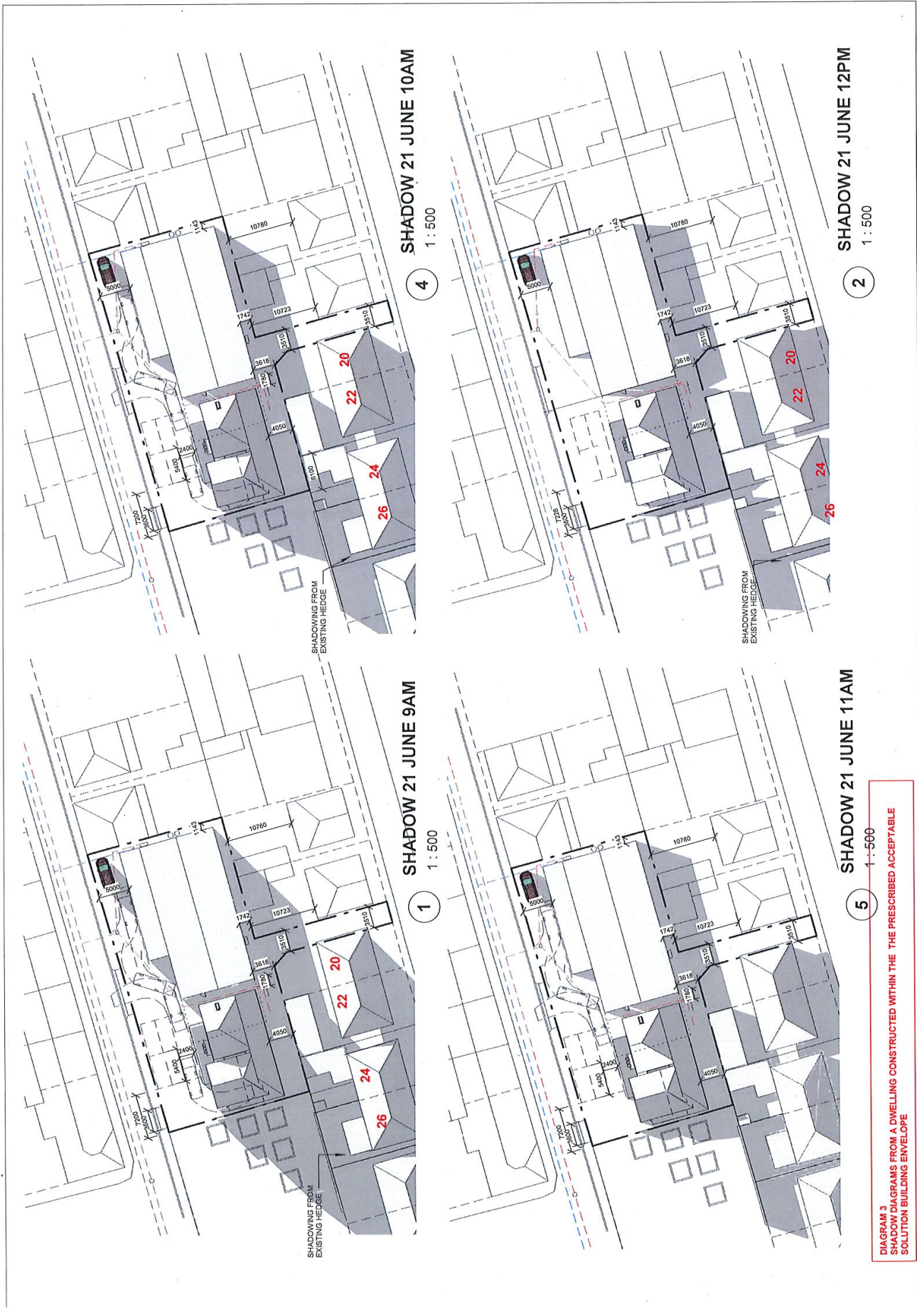
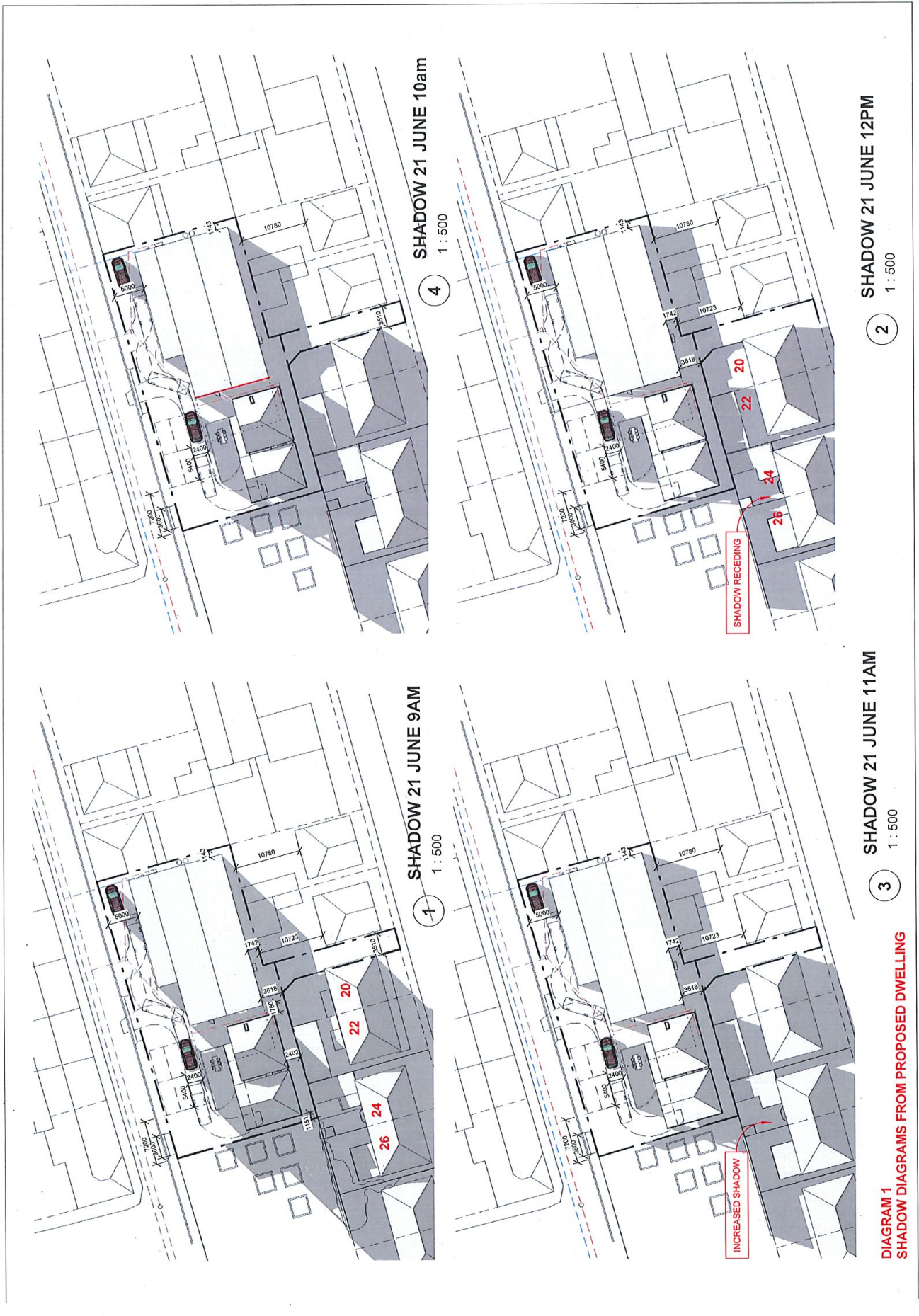
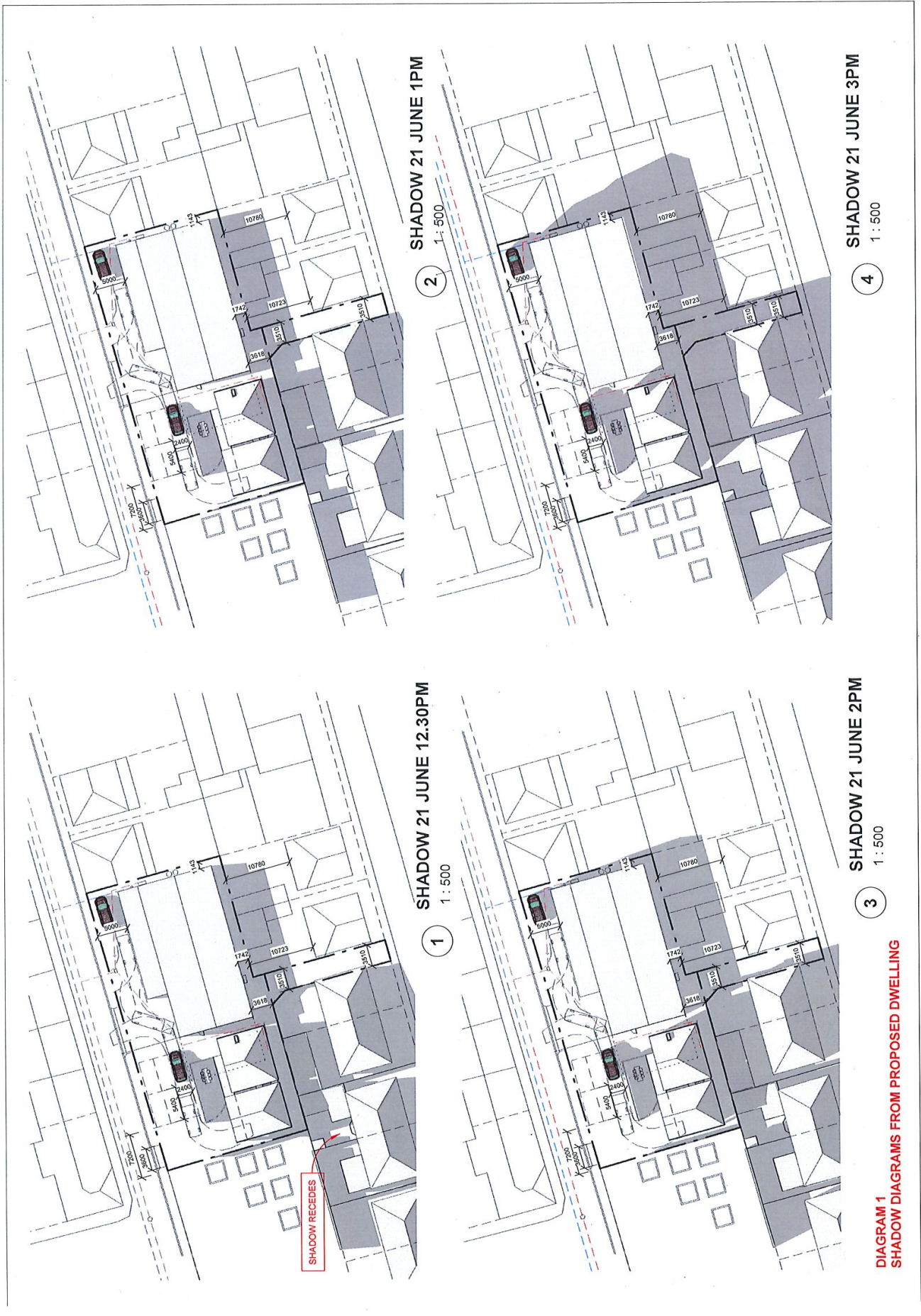
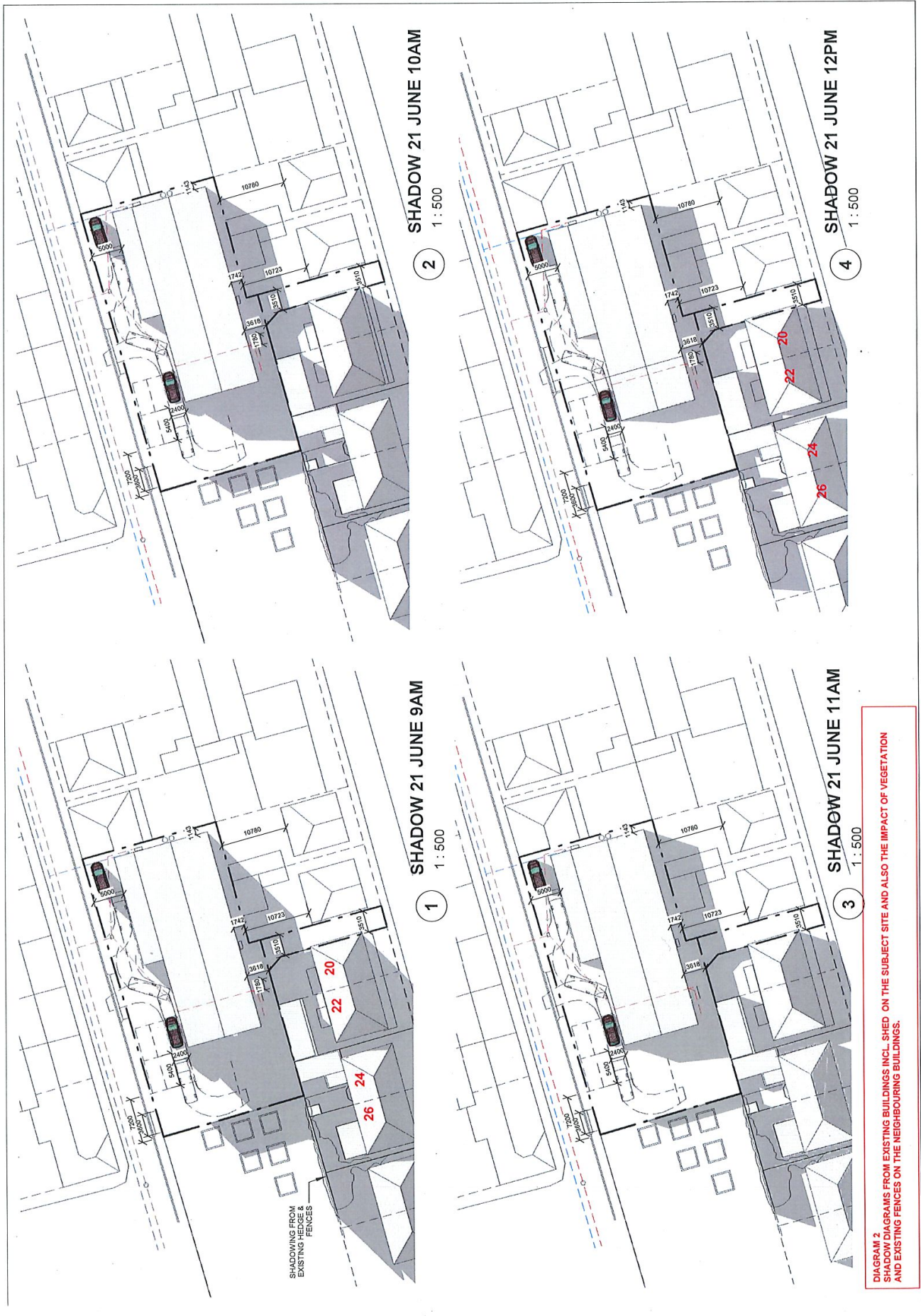


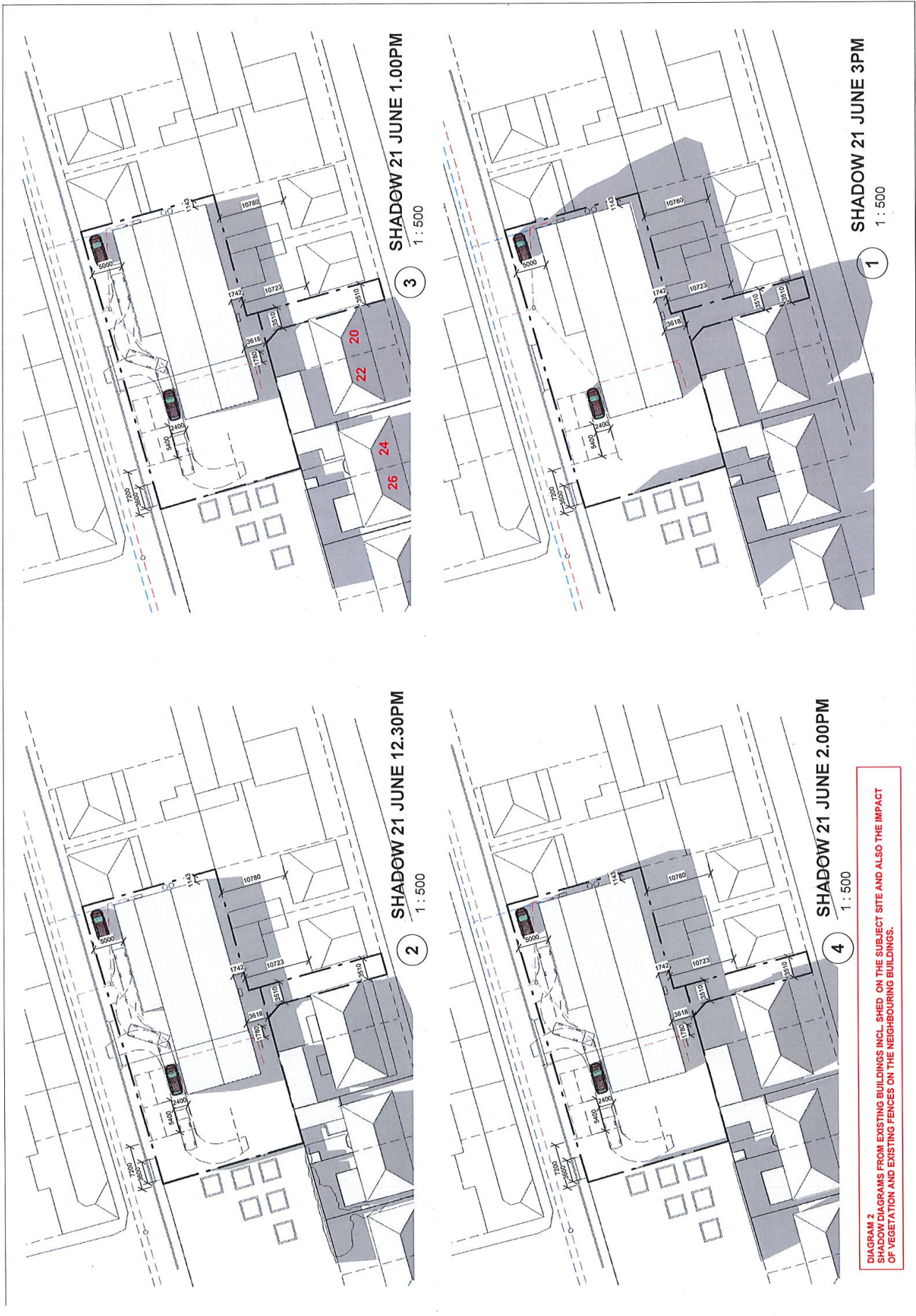


DIAGRAM 3
SHADOW DIAGRAMS FROM A DWELLING CONSTRUCTED WITHIN THE THE PRESCRIBED ACCEPTABLE
SOLUTION BUILDING ENVELOPE









DEVELOPMENT APPLICATION

PROJECT INFORMATION
15/02/2022

AMENDED 130922

LAUNCESTON CITY COUNCIL
Inner Residential Zone
Invermay/Inveresk Flood Inundation Area
Local Historic Cultural Heritage Code

BUILDING AREAS

AREA SCHEDULE (Gross Building)		
Name	Area	Perimeter
ALTERED SHED	372.86	81134
LOWER DWELLING PLAN	71.42	38165
1ST FLR. PLAN	126.67	47890
TOTAL GROSS FLOOR AREA OF DWELLING	198.20 SQM	
UNENCLOSED CARPORT	41.00	
UNENCLOSED DECK	22.35	

ALTERED SHED	372.86	81134
LOWER DWELLING PLAN	71.42	38165
1ST FLR. PLAN	126.67	47890
TOTAL GROSS FLOOR AREA OF DWELLING	198.20 SQM	
UNENCLOSED CARPORT	41.00	
UNENCLOSED DECK	22.35	

WOODBURY
45473943
C.T 23711/1
REFER ENG.
REFER ENG.
N/A
NOT APPLICABLE
CORROSION ENVIRONMENT:
NEW
LANDSLIP:
NO
DISPERSIVE SOILS:
UNKNOWN
SALINE SOILS:
UNKNOWN
WATER LOGGING:
UNKNOWN
MADE SUBSTRANCE:
NO
COASTAL INUNDATION:
NO
LANDFILL:
UNKNOWN
DRAINAGE:
UNKNOWN
REFER DWGS
FINISHED FLOOR LEVEL:
MIN.150MM BELOW LOWEST
OVERFLOW RELIEF GULLY LEVEL:
PICTURE

NOTES
these drawings are for permit approval purposes and additional information may be required to inform construction

drawings are subject to owner discretion.
contractors to verify all matters of specification, finish, selection and appearance with owner prior to commencing work and ensure work carried out is acceptable to owner, including design variation and alternatives.
drawings used for construction must carry building surveyor certification. Ensure there is only one version of construction dwgs being used.
contractors and practitioners shall verify all dimensions and levels on site prior to commencing work and ordering.
builder and subcontractors to verify dimensions and levels on site prior to commencing work and ordering.



WOODBURY & CO
BUILDING DESIGN
Jo Woodbury
Ph: 0407 319 437
Email: j@woodburyco.com.au
www.woodburyco.com.au

13-15 RUSSELL STREET, INVERMAY

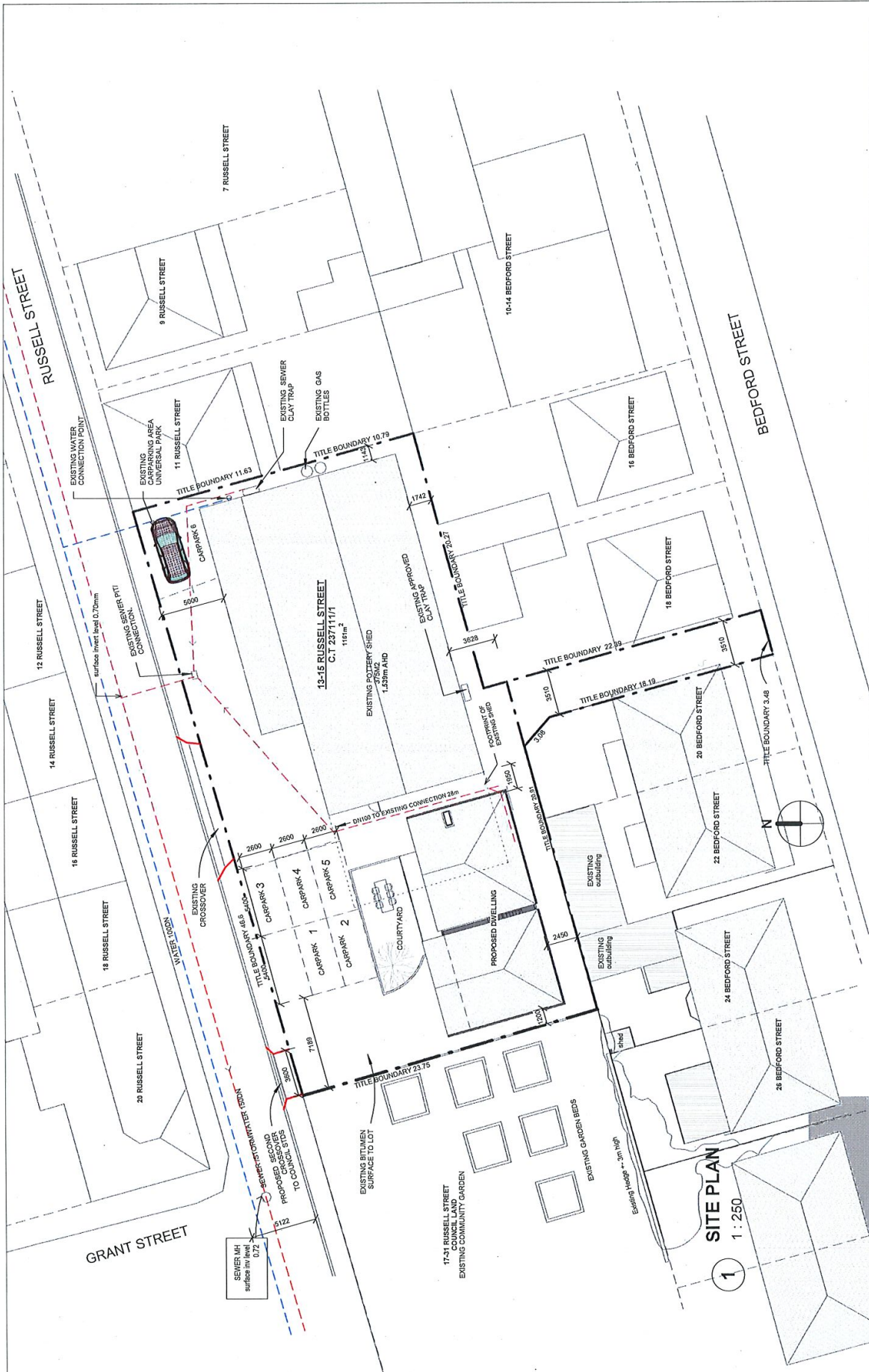
ALTERATIONS TO EXISTING POTTERY SHED, AND NEW DWELLING

SARAH JESSUP

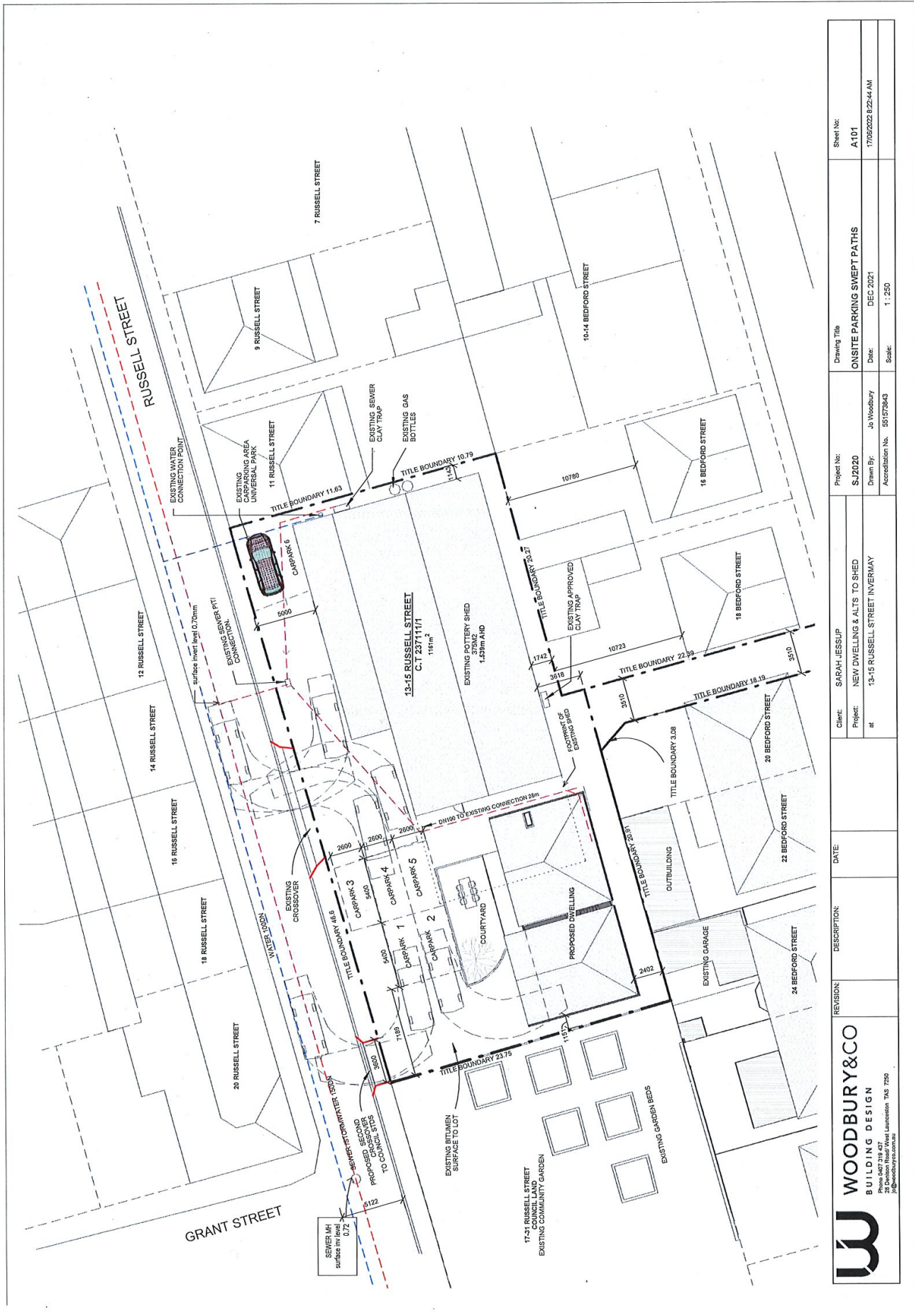



DRAWING SHEETS

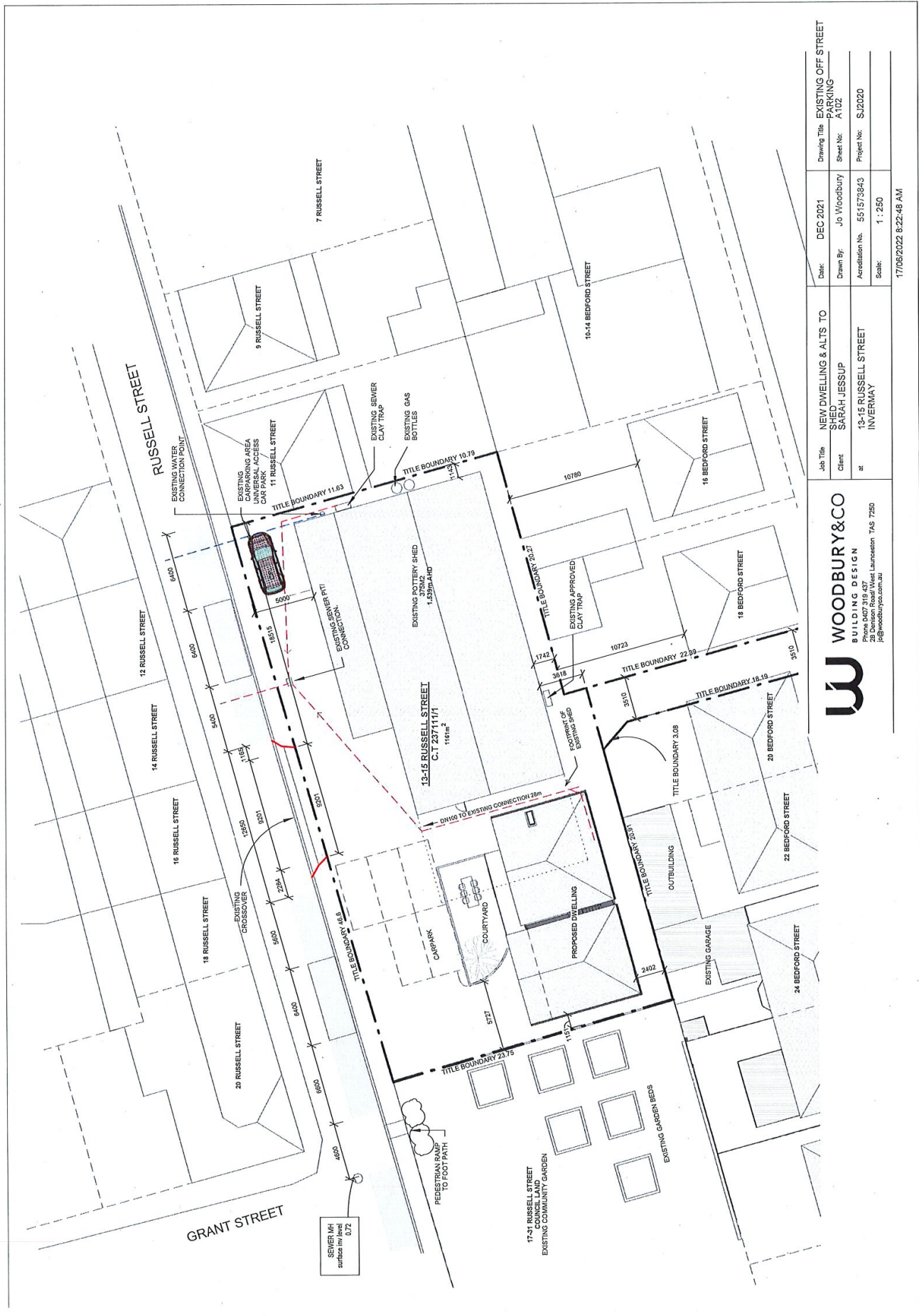
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A100	SITE PLAN		
A101	ONSITE PARKING SWEEP PATHS	1	Date 1
A102	EXISTING OFF STREET PARKING	1	Date 1
A103	PROPOSED ON STREET PARKING		
A104	SHED EXISTING & DEMOLITION PLAN		
A105	DWELLING GR FL PLAN		
A106	DWELLING 1ST FL PLAN		
A107	SHED PROPOSED FLOOR PLAN		
A201	ELEVATIONS		
A202	ELEVATIONS		
A301	3D VISUALS DA		
A302	SHADOW DIAGRAMS		
A303	SHADOW DIAGRAMS		



WOODBURY & CO BUILDING DESIGN Phone 0407 319 427 28 Division Road West Launceston TAS 7250 j@woodburyco.com.au	REVISION:	DESCRIPTION:	DATE:	CLIENT: SARAH JESSUP PROJECT: NEW DWELLING & ALTS TO SHED AT 13-15 RUSSELL STREET INVERMAY	PROJECT NO: SJ2020 DRAWN BY: Jo Woodbury ACCREDITATION NO: 55173643	DRAWING TITLE: SITE PLAN DATE: DEC 2021 SCALE: 1:250	SHEET NO: A100 17/06/2022 8:22:42 AM
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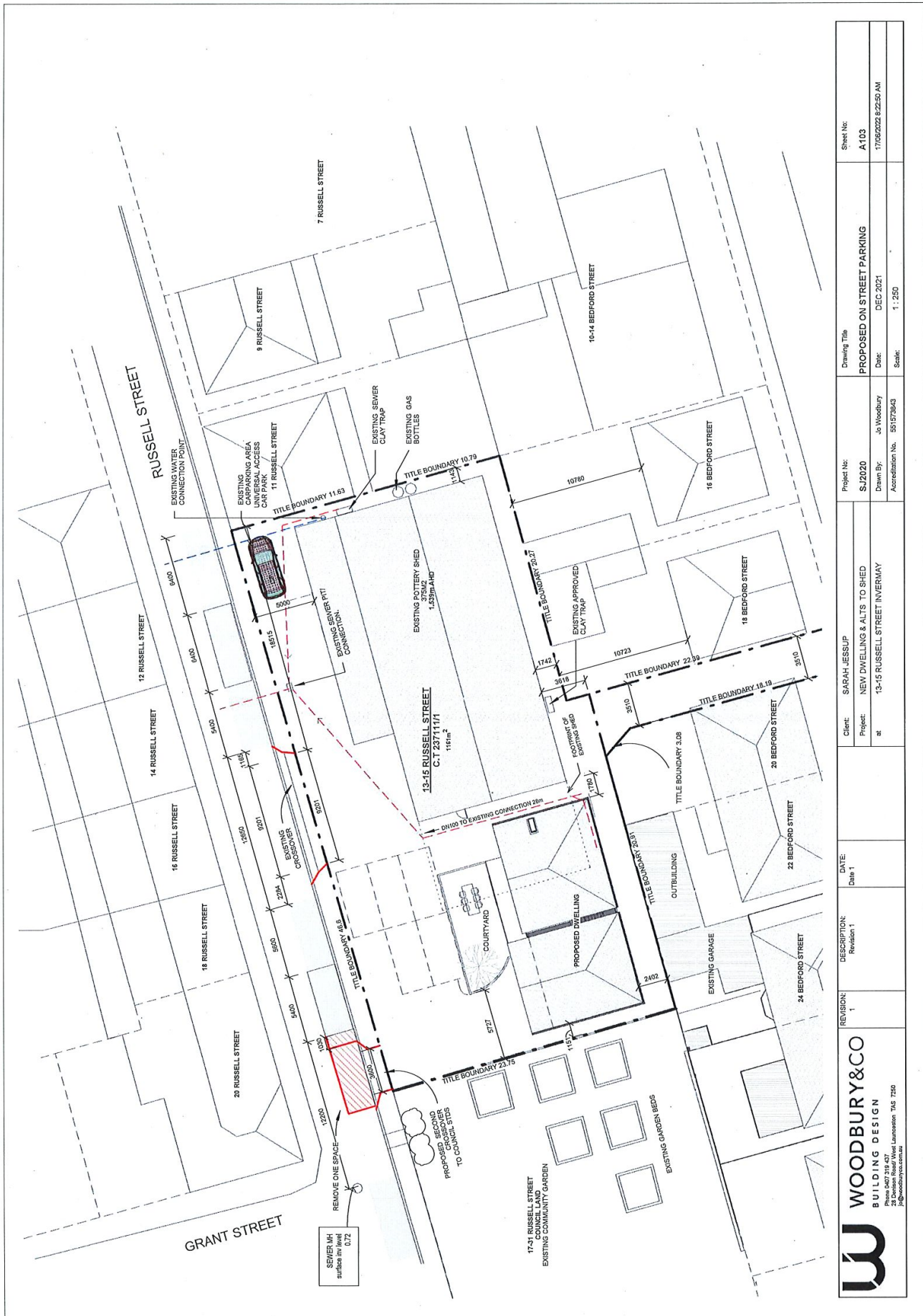


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at	13-15 RUSSELL STREET INVERMAY	Accreditation No.	551573843	Project No:	S/2020
		Scale:	1 : 250		

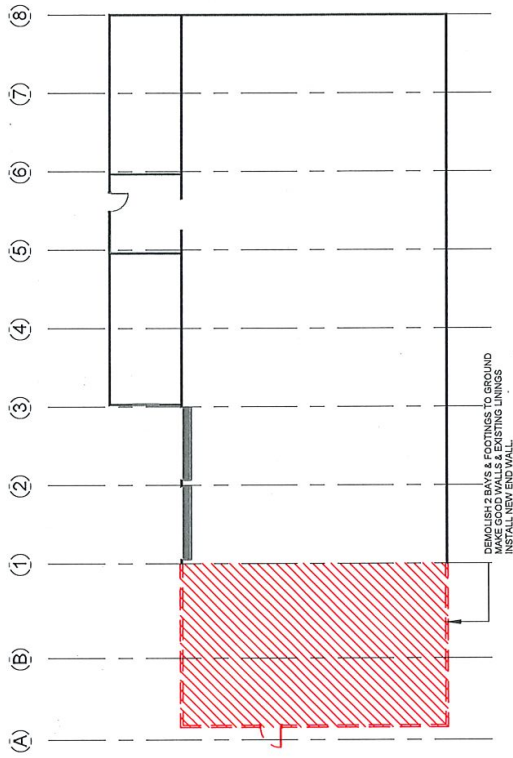
WOODBURY & CO
BUILDING DESIGN
Phone: 0407 715 747
100 Ross Street, Launceston, TAS 7250
P: woodburypas.com.au



17/06/2022 8:22:48 AM



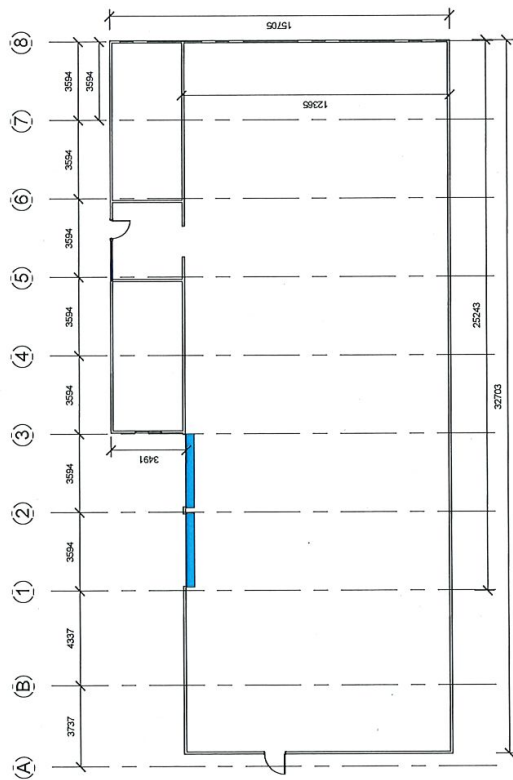
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DEMOLITION PLAN

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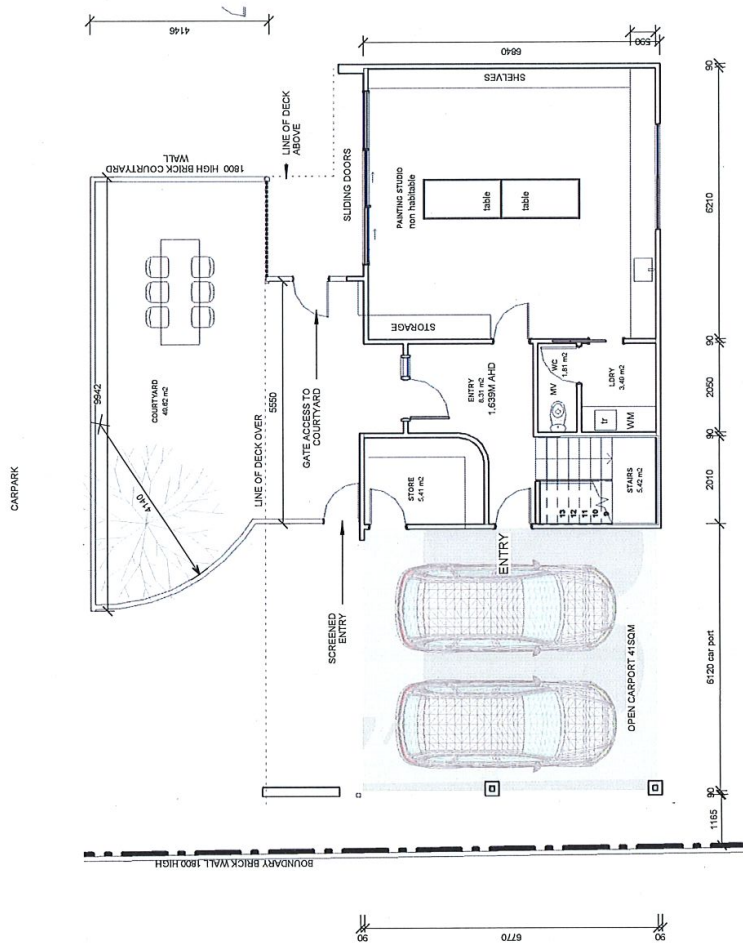
EXISTING PLAN

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AREA SCHEDULE (Gross Building)		
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1ST FLR. PLAN	126.67	478.90

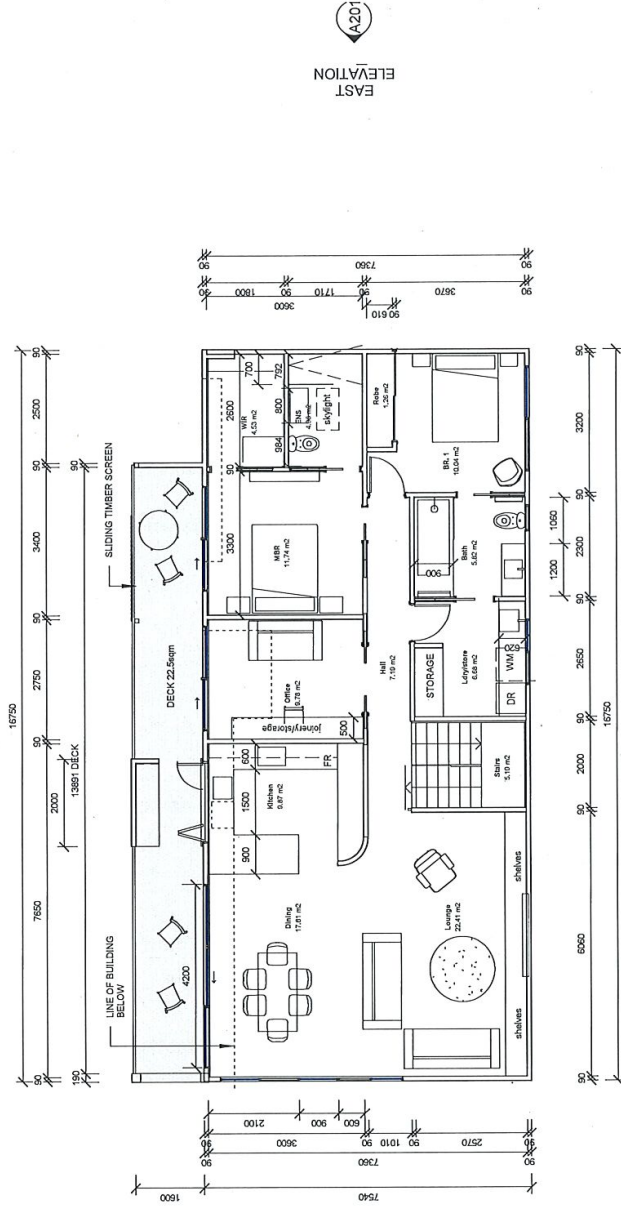


**NEW DWELLING & STUDIO
ALL HABITABLE SPACES +3.7M AHD
TO MEET FLOOD CODE**

1 GROUND FLOOR PLAN
1 : 100

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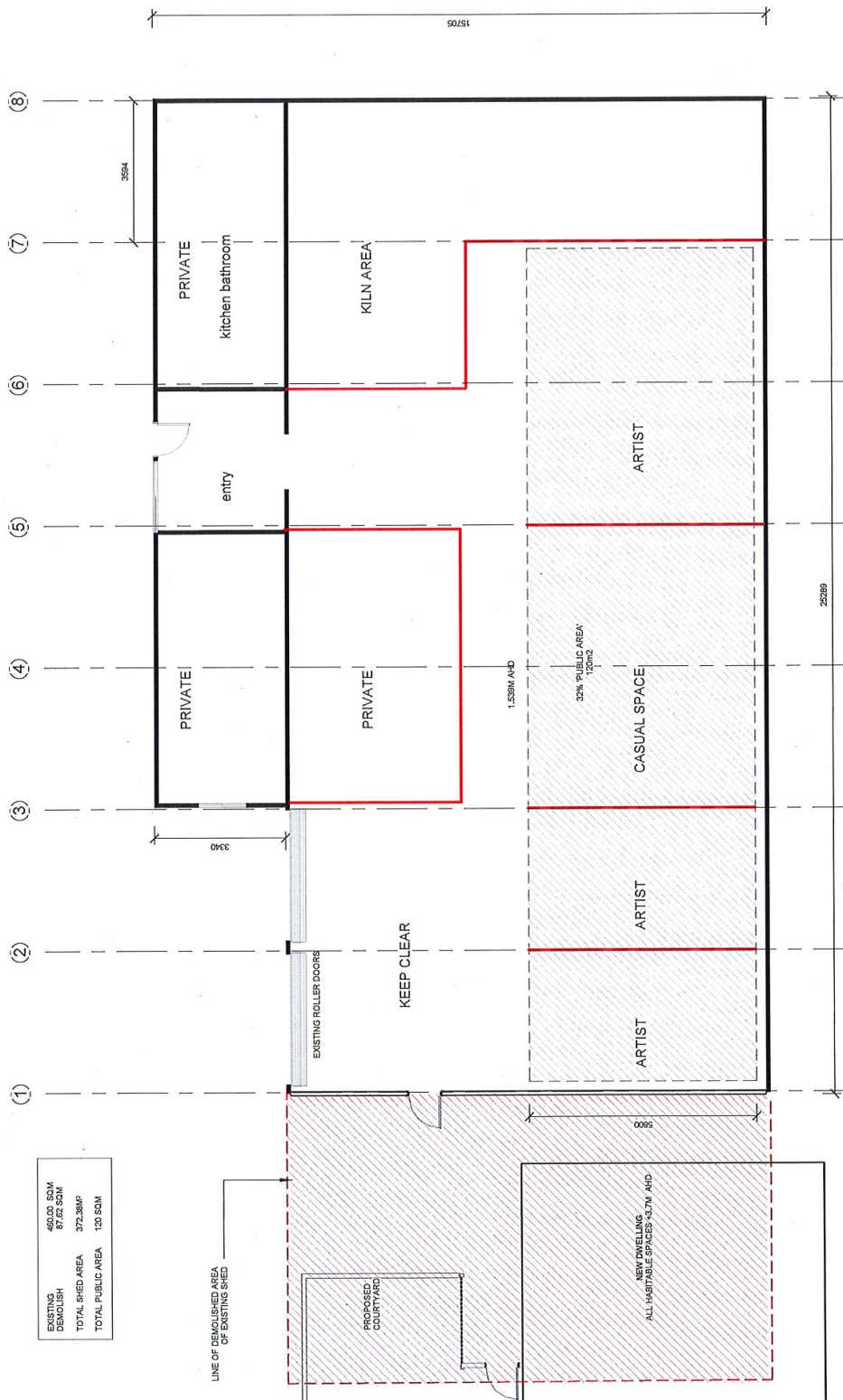
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1ST FLR. PLAN	126.67	47.980	



1 1ST FLOOR PLAN
1 : 100

NEW DWELLING
ALL HABITABLE SPACES +3.7M AHD

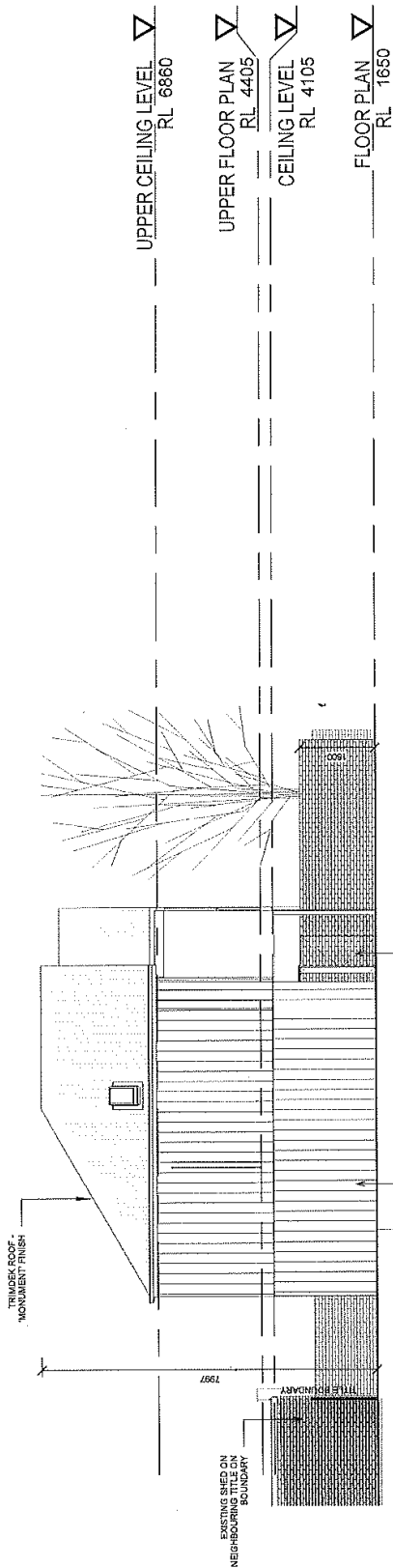
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EXISTING DEMOLISH	460.00 SQM
TOTAL SHED AREA	87.62 SQM
TOTAL PUBLIC AREA	372.38M ²
TOTAL PUBLIC AREA	120 SQM

POTTERY SHED FLOOR PLAN
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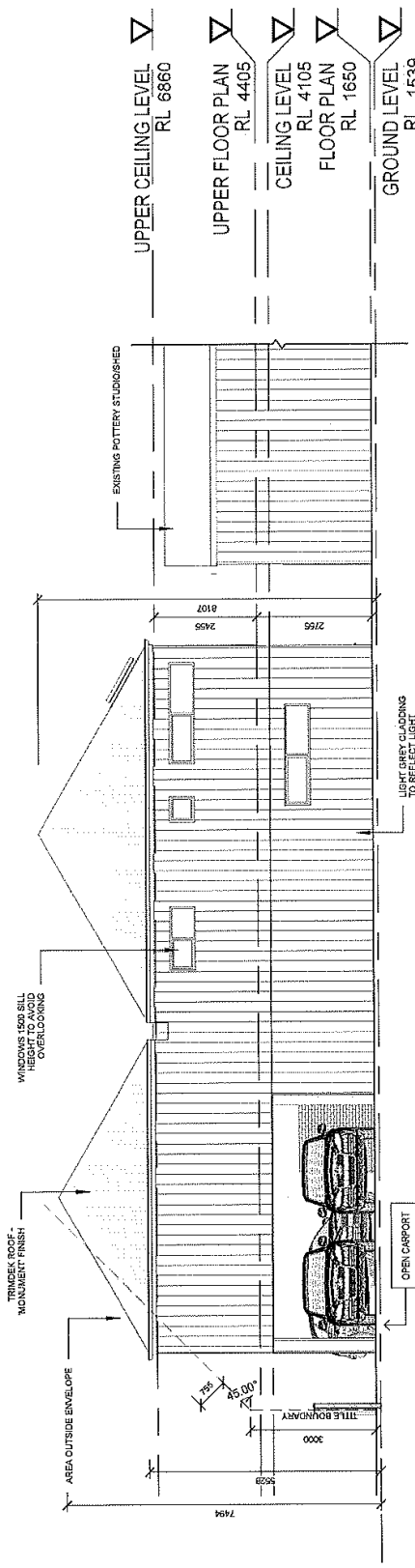
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EAST ELEVATION

1 : 100


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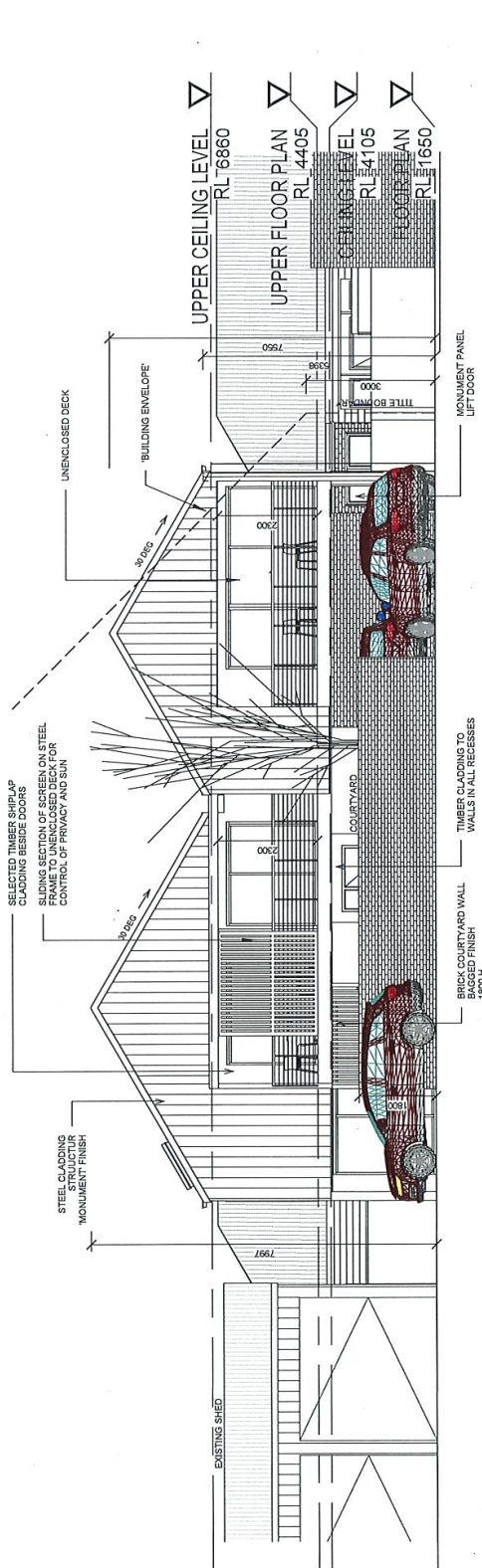


SOUTH ELEVATION

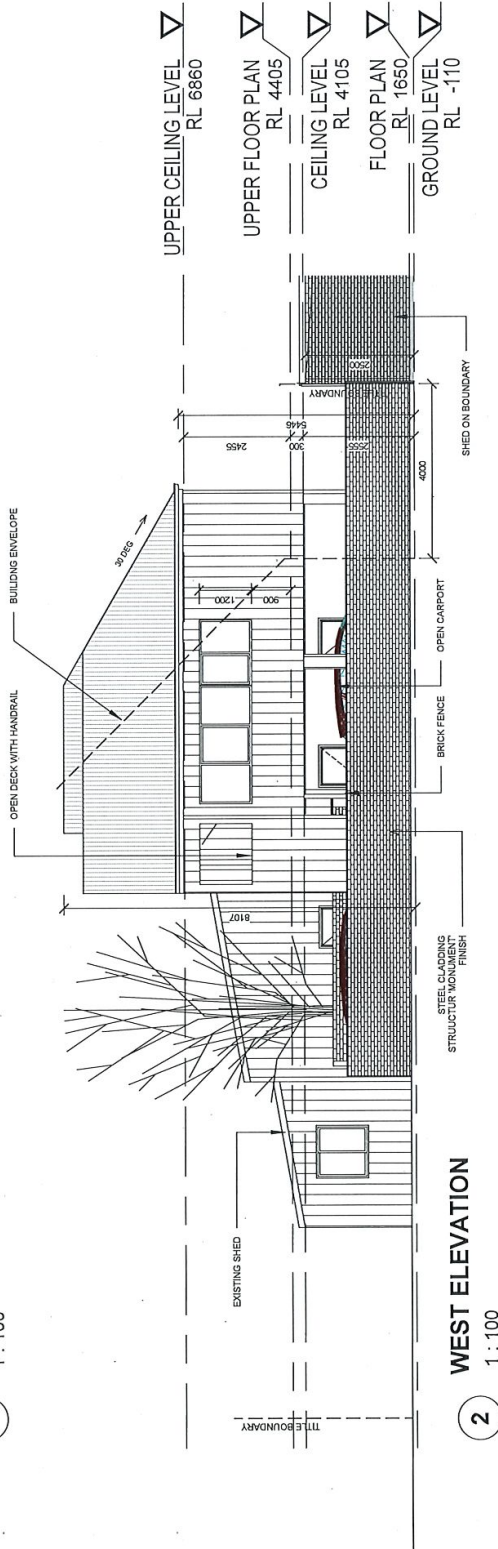
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					Date: DEC 2021 Scale: 1 : 100		17/06/2022 8:52:34 AM



1
NORTH ELEVATION
1 : 100



2
WEST ELEVATION
1 : 100

 WOODBURY & CO BUILDING DESIGN Phone 0407 310 437 25 Devon Road West Launceston TAS 7250 j@woodburydesign.com.au	REVISION	DATE	DESCRIPTION	Client: SARAH JESSUP	Project No: SJ2020	Drawing Title: ELEVATIONS	Sheet No: A202
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				Accreditation No: 551579843	Scale: 1 : 100		

3D VISUALS

WOODBURY & CO
BUILDING DESIGN
Phone 0427 316 437
29 Division Road West Launceston TAS 7250
jd@woodburyco.com.au

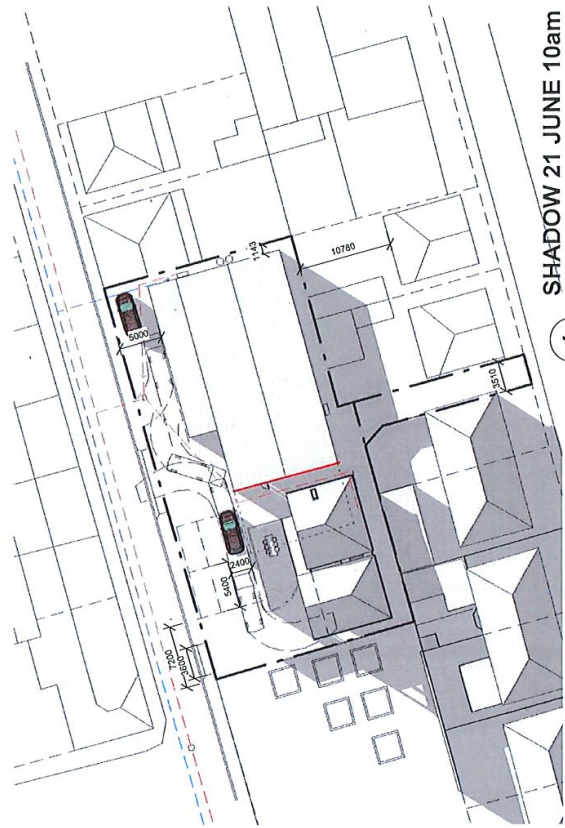
REVISION | **DESCRIPTION** | **DATE**

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at	13-15 RUSSELL STREET INVERMAY	Accreditation No.:	551579843	Scale:			

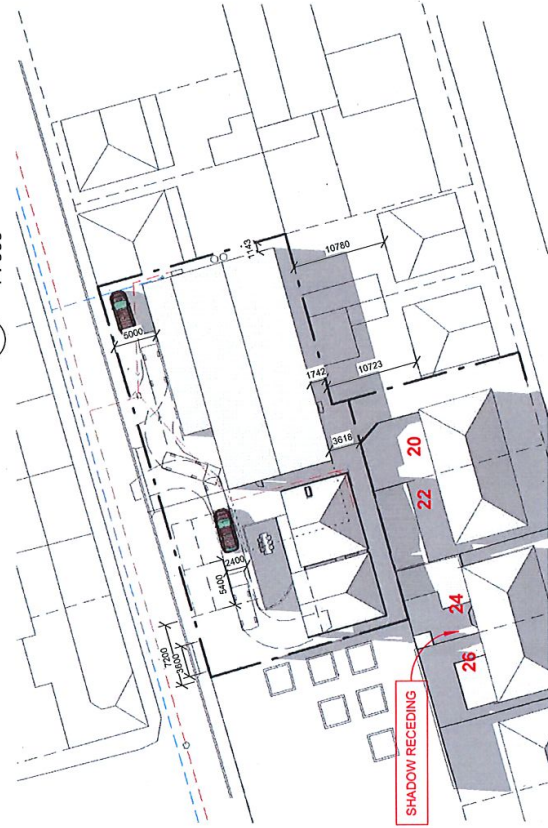
MATERIALS

- TIMBER LINING
- TIMBER SCREENING TAS OAK OR SIMILAR TO DECK
- STEEL CLADDING

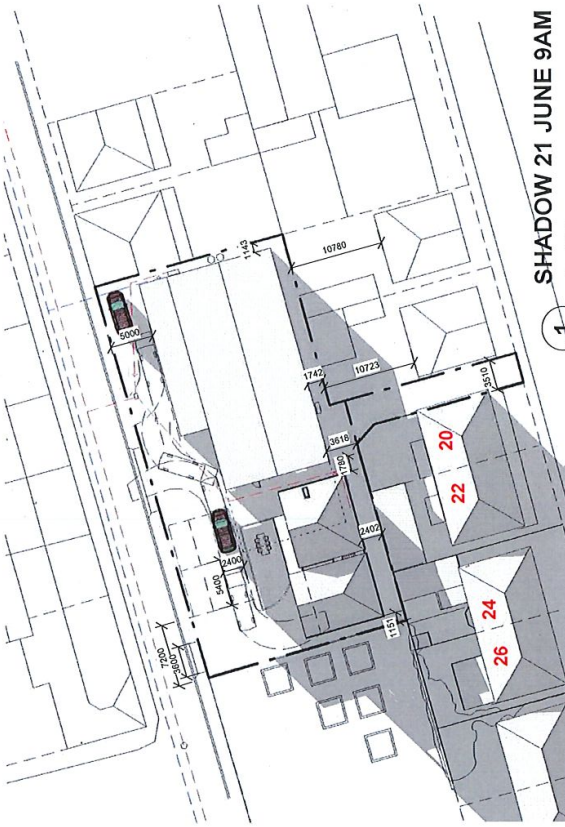
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 - OPEN DECK
 - OPEN CARPORT
 - BOUNDARY FENCE 1800 HIGH
 - APERTURE VIEW TO PARK
 - BUILDING SCREEN FOR PRIVACY/SHADING



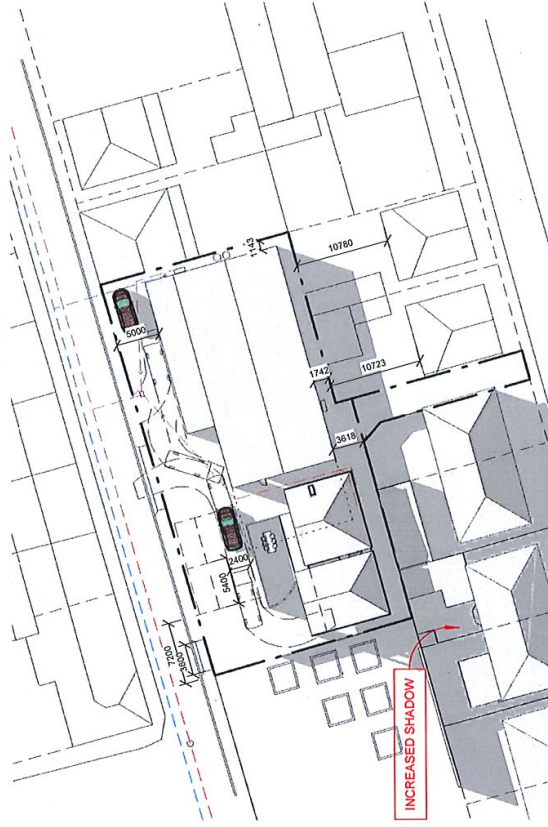
SHADOW 21 JUNE 10am
1 : 500



SHADOW 21 JUNE 12PM
1 : 500



SHADOW 21 JUNE 9AM
1 : 500



SHADOW 21 JUNE 11AM
1 : 500

DIAGRAM 1
SHADOW DIAGRAMS FROM PROPOSED DWELLING

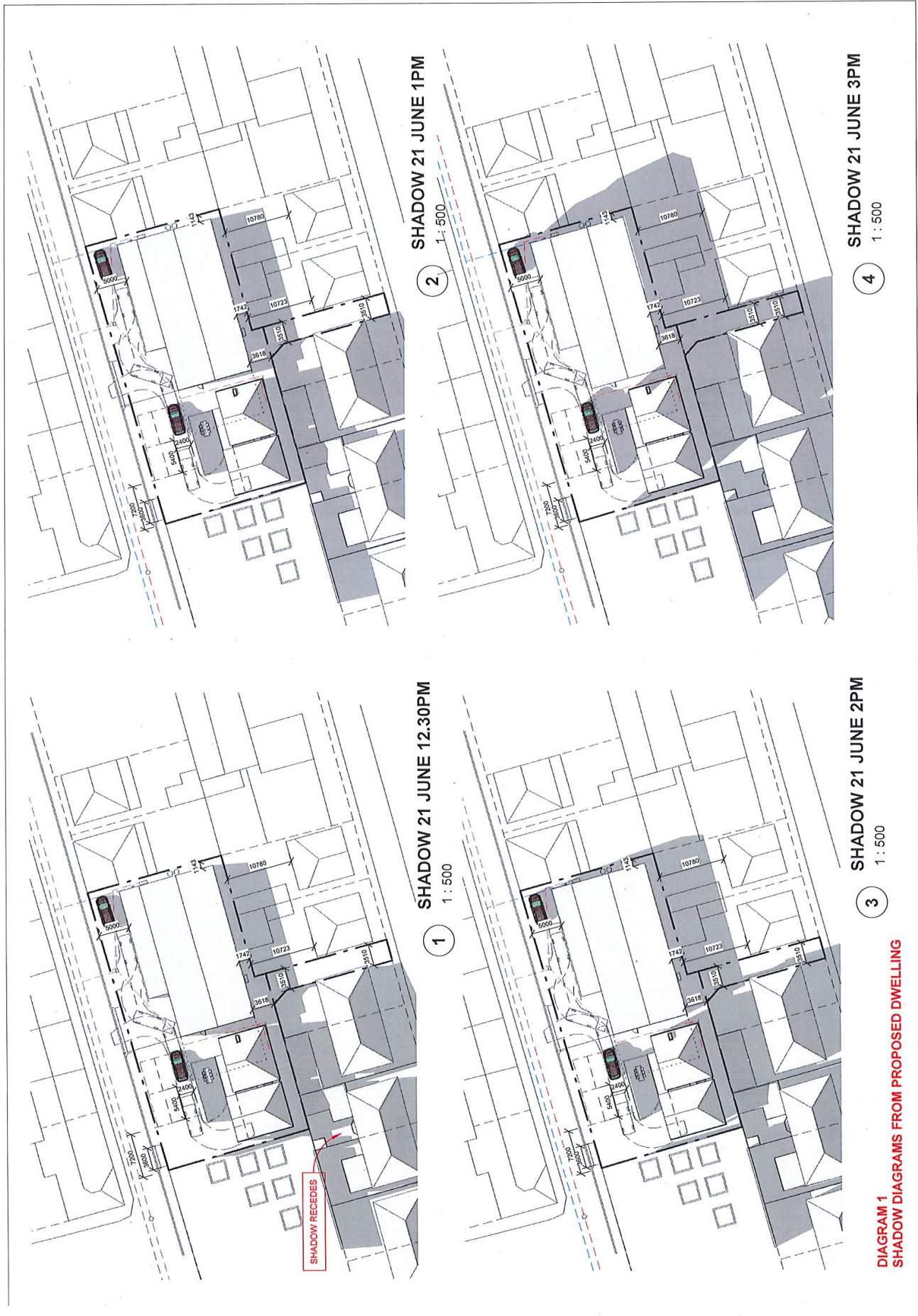


DIAGRAM 1
SHADOW DIAGRAMS FROM PROPOSED DWELLING



Contact: Nathan Street
Our Ref: NS:HC:222023

27 May 2022

Ms S E Jessup
2/92 Elizabeth Street
LAUNCESTON TAS 7250

By email [REDACTED]

Dear Ms Jessup,

Planning Approval 13-15 Russell St, Invermay

You have requested that advice be provided in relation to your pending development application ('Application') with the Launceston City Council ('Council'). The Application is for the construction of a new dwelling ('Proposal') at 13-15 Russell Street, Invermay ('Property'). The Property is more particularly described in Certificate of Title Volume 237111 Folio 1.

You have specifically requested advice in respect of matters raised by the Council and the prospect of refusing the Application on the basis of an assertion of an unregistered easement at the Property, namely a right of way.

1. SUMMARY OF ADVICE

- 1.1. The Council may have no regard to any asserted unregistered easement in its assessment of the Application. Any consideration of this matter is beyond the scope of the relevant considerations of the *Land Use Planning and Approvals Act 1993*.
- 1.2. If the Council maintains its present stance, it would be acting beyond its powers and it would be an appealable point to the Tasmanian Civil and Administrative Tribunal.
- 1.3. The changes required to bring the Proposal into compliance with clause E16.7.1 A1(b) of the Planning Scheme, namely the creation of the carport rather than a garage, are not a "significant difference" such that a new development application would be required to be lodged. This change is not a significant difference from the proposal applied for, namely a two-bedroom dwelling.

Hobart Office

Address Level 4, 99 Bathurst Street
Hobart TAS 7000

Phone
DX

Launceston Office

Address 45 Cameron Street
Launceston TAS 7250

Phone

ABN

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- 1.4. The submission of amended plans are simply to be assessed by the Council in the normal way and form part of the development application. Any permit of approval would simply refer to the revised plans.
- 1.5. The *Land Use Planning and Approvals Act 1993* provides no mechanism for readvertisement of an already advertised development application. If the Council seeks to do this and readvertise the Application with any amended plans, then rely upon or refer to any representation received on readvertisement in its assessment, the Council would be acting contrary to the requirements of the *Land Use Planning and Approvals Act 1993*.

2. BACKGROUND

- 2.1. The Proposal is generally described in the plans prepared by Woodbury & Co Building Design dated 15 February 2022. Those plans form part of the Application.
- 2.2. The Application was lodged with the Council and advertised. Representations were made pursuant to the *Land Use Planning and Approvals Act 1993* ('Act') following advertisement of the Application. An issue raised in the representations was an asserted unregistered right of way on the Property.
- 2.3. In response to the assertion of the unregistered easement at the Property, by email of 4 May 2022, Mr Duncan Payton, a Town Planner for the Council, and apparently on receipt of legal advice from Council's solicitor, stated that he had been advised that as:

"...Council is now on notice as to the existence of such a right of access and as a matter of natural justice would have to take those interests into account. Any decision could be voidable through judicial review as being contrary to the evidence and unsound or contrary to law."

- 2.4. Further, the Council stated the relevant neighbours could,

"make an application under s. 138J of the Land Titles Act to formalise the easement they assert exists by right of their use of the land openly, without threat or permission for more than 15 years."

- 2.5. That same email also asserted that:

"Given that the proposed dwelling will need to be redesigned to achieve the prescribed maximum area of 200m², I recommend that the application be withdrawn now and that Sarah obtain separate legal advice before submitting a new application."

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3. ADVICE IN DETAIL – ASSERTED UNREGISTERED EASEMENT

- 3.1. The advice provided to Mr Payton and conveyed by email of 4 May 2022 is incorrect. In the determination of a development application pursuant to the Act, no regard may be had to any asserted unregistered or even registered easement burdening the Property.
- 3.2. Firstly, the assertion of Mr Payton runs contrary to the Torrens system of title by registration. No easement is registered on the title and no application has been made to register any easement. I also note that the existence of any unregistered easement is strongly disputed by you.
- 3.3. Secondly, development applications must only be assessed in accordance with the requirement of the Act and the applicable standards of the planning scheme in force at the time of the determination of the application¹. What is required is an evaluative judgement of the standards of the applicable planning scheme, that being the *Launceston Interim Planning Scheme 2015* ('Scheme').
- 3.4. The asserted unregistered easement is a matter between the parties and is not a consideration the Council may turn its mind to when determining the Application.
- 3.5. The Council is bound by the limitations of section 51 and section 57 of the Act when considering the Application. The issue of the existence of an easement is governed by the *Land Titles Act 1980* and enforced by the Supreme Court of Tasmania between the parties, not the Council. It is therefore irrelevant in the Council's determination of the Application.
- 3.6. The Council may have no regard to any asserted unregistered easement in its assessment of the Application. Any consideration of this matter is beyond the scope of the relevant considerations, per s 51(3)(a) of the Act. If the Council maintains its present stance, it would be acting beyond its powers and it would be an appealable point to the Tasmanian Civil and Administrative Tribunal.

4. ADVICE IN DETAIL – WITHDRAWAL OF APPLICATION

- 4.1. I further provide advice in respect of the Council's apparent assertion that the development application is required to be withdrawn as a consequence of the impact of clause E16.7.1 A1(b) of the Scheme.
- 4.2. I am of the opinion that the changes required to bring the Proposal into compliance with clause E16.7.1 A1(b) of the Scheme, namely the creation of

¹ *Raff Angus Pty Ltd v Resource Management and Planning Appeal* (2018) 28 Tas R 224.

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the carport rather than garage, are not a "significant difference"² such that a new development application would be required to be lodged. Such a change is not a significant difference from the proposal applied for, namely a two-bedroom dwelling.

- 4.3. Consistent with the reasoning of the Supreme Court of Tasmania set out in *Tomaszewski v Hobart City Council* (2020) 32 Tas R 400, the submission of amended plans would simply be assessed by the Council in the normal way and form part of the development application. Any permit of approval would simply refer to the revised plans that will be provided.
- 4.4. The decision of *Tomaszewski* also confirms that the Act provides no mechanism for readvertisement of an already advertised development application. If the Council seeks to do this and readvertise the Application with any amended plans, then rely upon or refer to any representation received on readvertisement in its assessment, the Council would be acting contrary to the requirements of the Act.

Please do contact me should you have any questions or wish to discuss any of the matters set out in this advice.

Yours faithfully,



Nathan Street
Senior Associate | Local Government, Environment, Planning & Development Law

² *St Helen's Area Landcare and Coastcare Group Inc v Break O'Day Council* (2007) 16 Tas R 169