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**From:** Julie Schouten  
**Sent:** Friday, 16 September 2016 3:18 AM  
**To:** Catherine Mainsbridge; Contact Us  
**Subject:** Development Application for 131 Elphin Road, Launceston

Dear Catherine

I am writing in relation to the new Development Application for 131 Elphin Road, Launceston which will have new access that my husband and I own at . Our property is on the southern side of the proposed development. As my husband and I are currently travelling overseas at the moment I do not have access to the council form to fill in or the new development application number but know you are already aware of our concerns from the previous application submitted.

We are not happy with this new development application as it does not comply with the Launceston Interim Planning Scheme 2015, Part D, Section 10.4.2,A3 and P3 as per below.

The dwelling is still outside the building envelope as specified in A3. Due to this it has a significant impact on the shading and privacy of our property. As per our previously raised concerns, the rooms of our property which will directly face and be affected by this development are our dining room, lounge room, entry hall and one bedroom at the front of the house. As the dining and lounge room are our main living areas, this puts the new development in total contravention of the Interim Planning Scheme as determined in P3 (a)(i) (ii) (iv).

Privacy will be markedly reduced and as shown on the shadow plan, over the cold, damp winter months there will be NO sunlight entering the main living areas during the middle of the day or the afternoon, the times at which most heat is generated from the sun. It would also mean the outside living area would be shadowed at that time as well.

The developer makes reference to the unit development on the opposite side of the road. As you may be aware, that development has tennis courts on the southern side of the development and in that complex of 9 units, only 1 is double storey. The shadow cast from that double storey unit falls over tennis courts, not over any neighbouring residence therefore I don't see how predominantly single storey units can serve as a precedent in this situation. I would see the fact that 8 out of 9 units being single storey would actually make single storey units a precedence in this situation.

We request that the council consider this application further and follow their own guidelines as per the Interim Planning Scheme and precedents already set.

We have sporadic access to email while travelling but will check regularly for any updates.

Kind regards,

Julie (and Peter) Schouten

Sent from my iPad

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**From:** Gardiner, Rod  
**Sent:** Friday, 16 September 2016 11:08 AM  
**To:** Contact Us  
**Subject:** Representation Letter - Re. DA0383-2016  
**Attachments:** Combined Overshadowing - 133 Elphin Road.pdf

To the attention of the General Manager,

Re. DA0383-2016,  
131 Elphin Road, Newstead.

Representor

Rod & Madeleine Gardiner,

Dear Sir/Madam,

Please be advised that my wife and I believe the above Development Application submitted for at 131 Elphin Road should be rejected as per the following:-

10.4.1 – Residential Density for Multiple Dwellings

The proposed development lot covers 482m<sup>2</sup> giving an average site area per dwelling of 241m<sup>2</sup>, which is **significantly less**, i.e. around 25% less, than the required minimum of 325m<sup>2</sup>!

- The proposed site area per dwelling is in **no way** compatible with the density of the surrounding area because:-
  - a) the vast majority of nearby dwellings are single dwellings built on site areas as big as, if not bigger than, the proposed development site; and
  - b) whilst there are dwellings nearby at 16 Hart St. that when looked at from the proposed development site give the appearance of being of similar outside area to the proposed units, these units form part of a 9 dwelling 'gated community' and when the size of the whole complex is taken into account, the actual average size per dwelling is around 350m<sup>2</sup>, i.e. **much greater than that of the proposed development!**
- It is difficult to see how the proposed development at 131 Elphin Road could be considered as providing a **significant** social or community housing benefit?

10.4.2 – Setbacks and Building Envelope for all Dwellings

**Both** proposed units, when viewed from the East, the West, and most significantly, the South, extend beyond the prescribed building envelope. This gives rise to unreasonable overshadowing to our property, as well as resulting in unreasonable loss of amenity through the visual impact caused by the apparent scale, bulk and proportions of the proposed development.

(Note – The impact of being outside the 'planning envelope' as shown on the diagram entitled 'Unit 2 Proposed West Elevation' seems to conflict with, i.e. be shown to be less than, the impact at the same South-West corner of the proposed Unit 2 when shown as the 'solid hatched area' on the 'Unit 2 Proposed South Elevation' diagram.)

- Overshadowing of Private Open Space – The impact to us of the overshadowing caused by the proposed units is **much greater** than that shown on the planning documentation. In real terms, the impact of the overshadowing needs to be considered in conjunction with the impact already caused by the shadowing caused by the existing, 2 storey dwelling at 131 Elphin Road. As shown in the attached 'Combined Overshadowing-133 Elphin Road' document, this impact is **significant** and without question **unreasonable** given that if the proposed development goes ahead there will be areas of our private open space that will only have minimal direct sunlight, in some areas no more than 2 hours, across the course of the day.

- Apparent Scale, Bulk or Proportions – The bulk, height and box-like shape of the proposed units is in no way compatible with any other dwelling in the immediate neighbourhood, let alone the adjoining lots. The vast majority of the properties in the area were built a long time ago, and are single dwelling, one storey, pitched-roof houses. The most recent development would be the units at 16 Hart Street which were built in 2009. All but one of these are consistent in design to the other, older existing dwellings in the area, i.e. single storey with a pitched roof. One of these units at 16 Hart St. is a two-storey dwelling, but again this has a pitched roof.

#### 10.4.15 – Lot Size and Dimensions

The proposed lot size of 492m<sup>2</sup> is under the minimum lot size requirement of 500m<sup>2</sup> and the proposed lot does not have sufficient useable area and/or dimensions suitable for its intended use with regard to:

- the relevant acceptable solutions for development of buildings on the lots – it is well outside the prescribed building envelope
- the provision of on-site parking - it is acknowledged by the developer that the lot is not big enough to accommodate visitors cars
- adequate provision for private open space – minimalist approach has been taken that *may* meet the requirements, but it surely cannot be adequate given the intent behind having 2 \* 3 bedroom units, presumably aimed at attracting families?
- the existing pattern of development in the area – the only recent development in the area was in 2009 at 16 Hart Street, and the proposed development is in no way aligned to the dimensions and/or useable area of this.

In summary, the proposed development at 131 Elphin Road should not proceed in its current form as it **fails to meet 2 of the 3** relevant 'Zone Purpose Statements' as follows:-

Zone Purpose Statement 10.1.1.1 - To provide for residential use or development that accommodates a range of dwelling types at **suburban densities**, where full infrastructure services are available or can be provided.

=> As indicated, the proposed development does not come close to meeting the acceptable requirements for suburban densities

Zone Purpose Statement 10.1.1.4 - To encourage residential development that **respects the existing and desired neighbourhood character**.

=> The character, design, visual impact of the proposed development is in no way aligned to the existing neighbourhood character

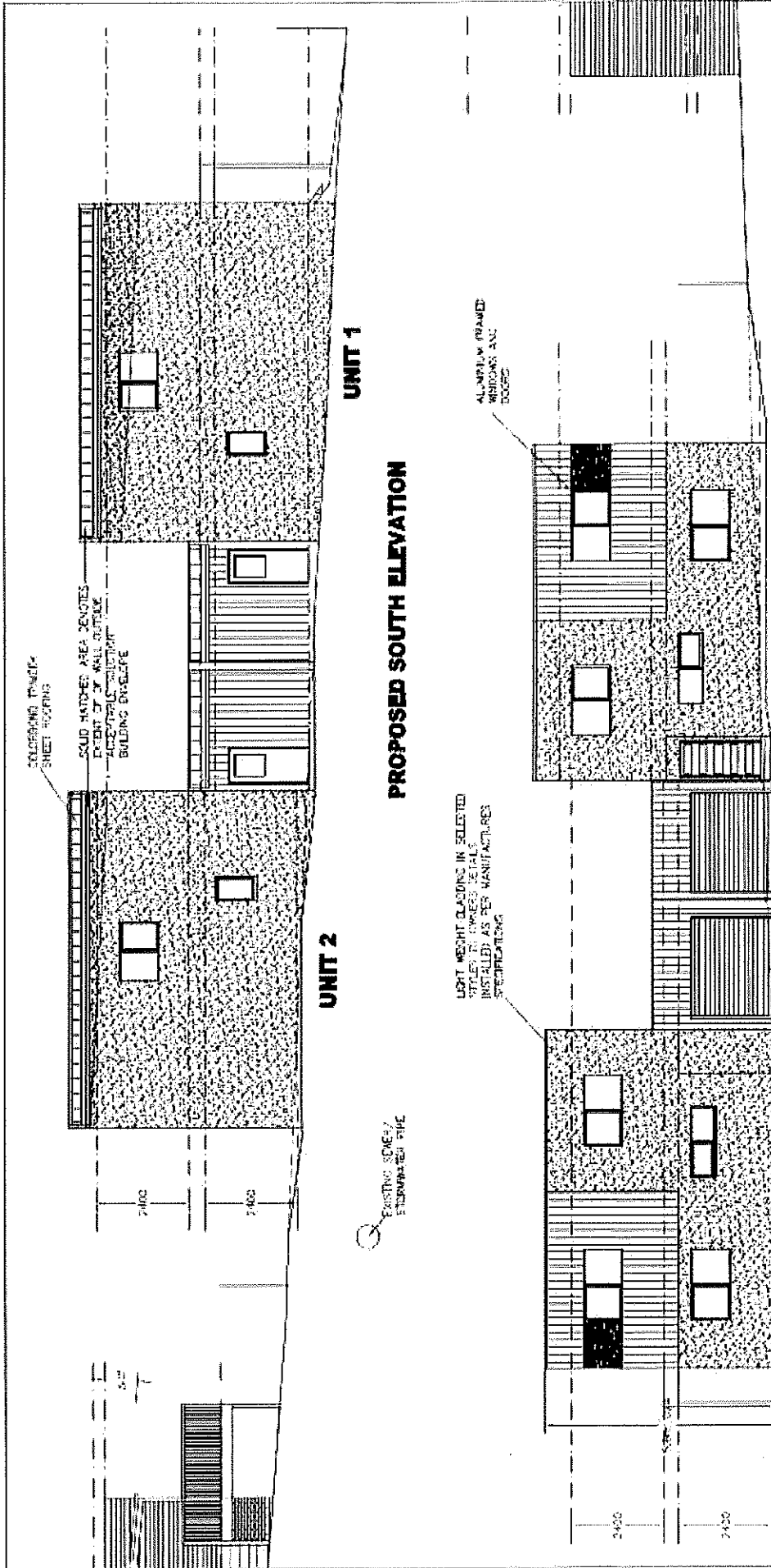
Thank you for your consideration.

Rod and Madeleine Gardiner.

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PROJECT: STATED RESIDENCE AND UNIT DEVELOPMENT  
 FOR WARMS DALEY PTY LTD  
 41-43/121 ELMERS ROAD  
 WENTWORTH QLD

DESIGNED: M.V.L.M.  
 DRAWN: M.V.L.M.  
 DATE: 07/06/19  
 SCALE: 1:100  
 DRAWING NO: 04/19/06 - 8/2

REVISED NUMBER	DATE	DESCRIPTION
01	07/06/19	ISSUED FOR PERMIT
02	07/06/19	ISSUED FOR PERMIT
03	07/06/19	ISSUED FOR PERMIT
04	07/06/19	ISSUED FOR PERMIT

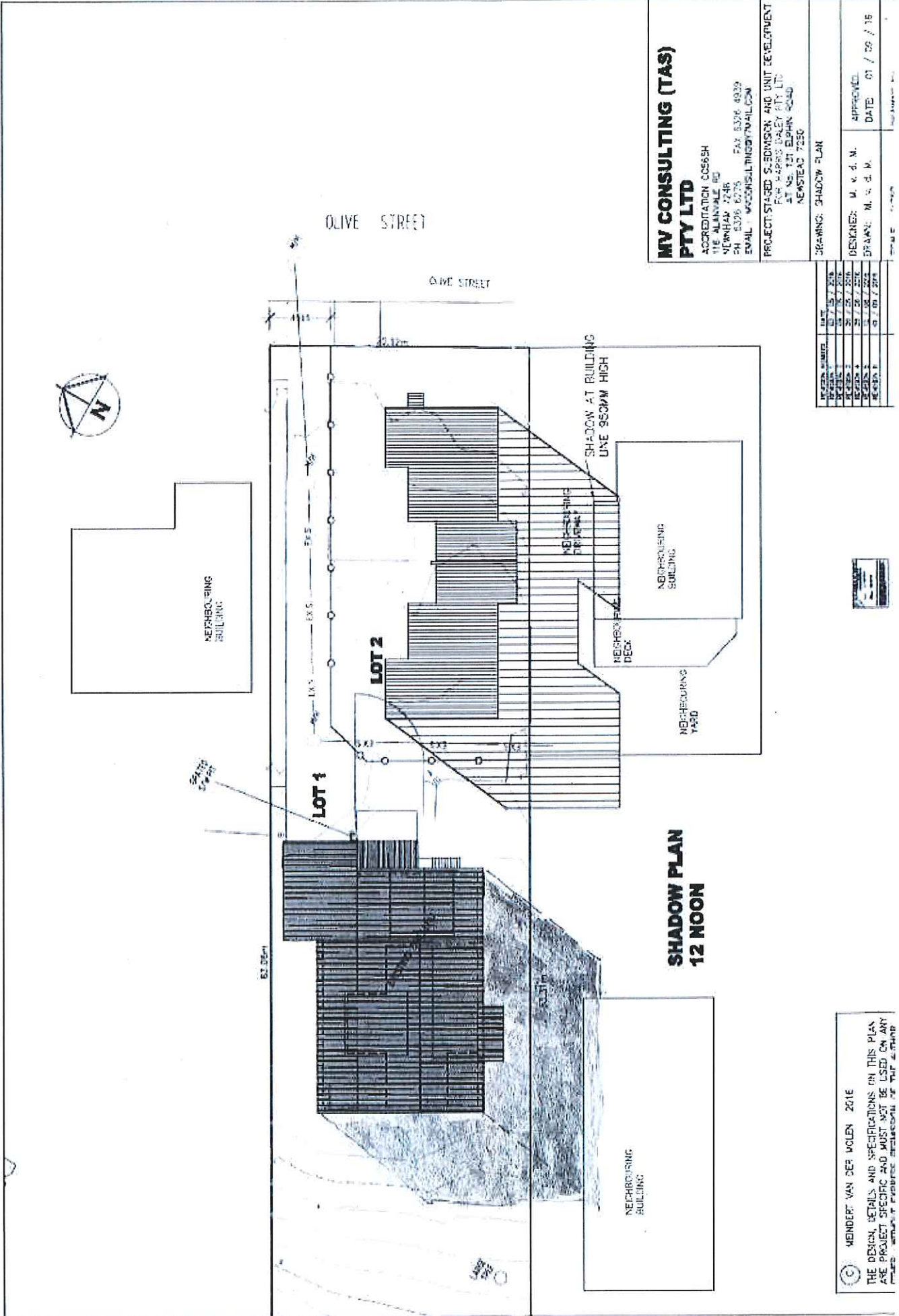


WENTWORTH WARMS DALEY PTY LTD  
 THE DESIGN, DETAILS AND SPECIFICATIONS ON THIS PLAN  
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PROJECT: STAGED SUBMISSION AND UNIT DEVELOPMENT  
 FOR APPRS DALEY PTY LTD  
 AT NO. 121 ELPHIN ROAD  
 NEWSTEAD 7250

DESIGNED: M. v. d. M.  
 DRAWN: M. v. d. M.  
 DATE: 01 / 09 / 16

NO.	DATE	DESCRIPTION
1	01 / 09 / 2016	ISSUED FOR PERMIT
2	01 / 09 / 2016	REVISED PER PERMIT
3	01 / 09 / 2016	REVISED PER PERMIT
4	01 / 09 / 2016	REVISED PER PERMIT
5	01 / 09 / 2016	REVISED PER PERMIT
6	01 / 09 / 2016	REVISED PER PERMIT

DRAWING: SHADOW PLAN

**SHADOW PLAN  
12 NOON**

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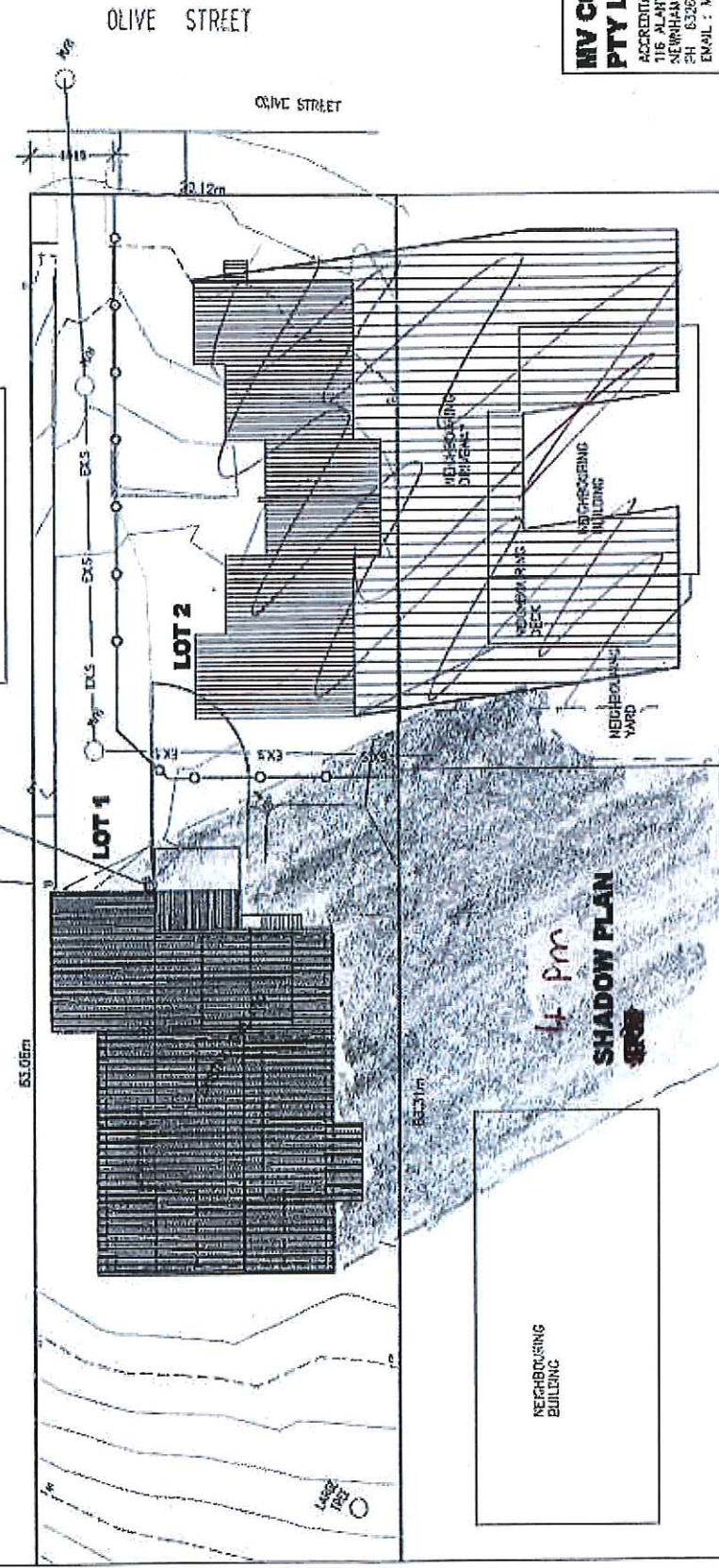








4 PM  
SHADOW OF EXISTING BUILDING  
(APPROX-ONLY)



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PROJECT: STAGED SUBDIVISION AND UNIT DEVELOPMENT  
 FOR HARRIS DALEY PTY LTD  
 AT NO. 121 EDPAIRS ROAD  
 NEWSTEAD TAS 7250

DRAWING: SHADOW PLAN

DESIGNED: U. V. J. M.  
 DRAWN: M. V. J. M.  
 DATE: 07 / 09 / 15

REVISION NUMBER	DATE
1	07 / 09 / 2015
2	07 / 09 / 2015
3	07 / 09 / 2015
4	07 / 09 / 2015
5	07 / 09 / 2015
6	07 / 09 / 2015
7	07 / 09 / 2015
8	07 / 09 / 2015
9	07 / 09 / 2015

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LAUNCESTON CITY COUNCIL  
Ms Catherine Mainsbridge  
[Catherine.Mainsbridge@launceston.tas.gov.au](mailto:Catherine.Mainsbridge@launceston.tas.gov.au)

REGARDING: Planning Permit DA NO: DA0383-2016 – 131 Elphin Road, Newstead-MV Consulting PTY LTD

Good morning Ms Mainsbridge,

Thank you for the opportunity to comment on the application to subdivide the block currently known as 131 Elphin Road and the addition of 2, 3 bedroom dwellings to the rear of said block.

Having perused the proposed plans for this development we identify a number of contraventions of the Council's codes. Of principle concern are those regarding the placement of the proposed additions on the block, and the anticipated impact of this, on surrounding properties, namely:

1. Impact on neighbourhood
  - a. Shadow
  - b. Traffic
2. Preservation of boundaries
3. Right to privacy.

The suggested positioning of the proposed dwelling is shown to cast a large and sustained shadow over the neighbouring residences; with the expected distress and physical impact this will have on the structure to the exterior of the property and grounds; resulting from lack of sunshine and light for the greater part of the year. The ensuing loss of light and air flow to the garden and the exterior of the building will result in the death of plants, souring of the soil and degradation to the structure of the building, roof, guttering and paths. Houses bereft of adequate light experience higher levels of internal damp, and mould whilst carrying the additional cost of heating and lighting. Cold, dark, damp homes foster ill health and disease.

Olive Street is relatively narrow. In addition to traffic emanating from the Coles super market, the tennis courts and the preparatory school, this street services a dense residential population, with the ensuing heavy traffic flow. During peak hours there is a constant stream of vehicles delivering and collection children attending the school, and more seeking to bypass the congestion of Elphin Road.

A three bedroom residence has the potential for no less than three vehicles; over the 2 dwelling this equates six cars. As there are at most, scope for 3 vehicles on the property it is likely there will be 3 additional cars parked along the street; more when visitors arrive, creating a considerable increase in traffic congestion. This represents an unreasonable risk to the safety of local residents and the children not only attending the preparatory school, but crossing the street to reach the playing fields.

The suggested placement of the garages is, we understand, less than the council's allowable distance from the blocks boundary. Boundary easements are enacted to afford protection in the case of fire, to ensure adequate light and air flow between properties, and for noise abatement. Positioning the garages, where flammable liquids may be stored, within the recommended boundary limits, impinges on all of these requirements.

The simple act of positioning opaque windows in bedrooms 2 and 3 suggests an acknowledged of the developers concern regarding privacy. Whilst the initial windows may be opaque there is no guarantee, future owners will maintain this in the event of breakage, with the risk to privacy rights of neighbouring property. The dwelling is on the boundary limits thereby removing the possibility of establishing a privacy barrier. Finally there is no provision for outdoor recreation and play, indeed the green space is miniscule, yet as 3 bedroom dwellings, the implied tenants are families. Without adequate outdoor facilities children have no place to play but the street, with the inevitable result.

We look forward to hearing from you in relation to these matters, in anticipation

