



The General Manager  
Launceston City Council  
PO Box 396  
LAUNCESTON 7250

18 October 2016,

Dear Sir,

**RE: DA0320/2016 – 28 Tasman Highway, Waverley.**

We acknowledge that Council are in receipt of four representations against the proposal. This letter responds to the matters raised in those representations.

**i. Introduction to Proposal:**

It is necessary to firstly re-confirm the purpose of the application that is before Council. With Council is an application to relocate an existing billboard sign within the title of 28 Tasman Highway, Waverley. The sign has been in place since at least 1974.

Historical searches regarding the site show that the site has only ever been used for the existing billboard. Historical aerial photos and cadastre maps show that the subject site was fully vegetated until at least 1966, and that it was cleared by as late as 1975. Our searches have revealed that no house or other building has ever been constructed at the site except for the billboard.

As has been dealt with in our original planning report, the site is zoned General Residential under the Launceston Interim Planning Scheme 2015. The sign is classified as a Ground Base sign and as per Clause E18.5.1 is considered an unacceptable third party sign.

However, application for the relocation of the sign is allowed under pre-existing use rights and relevant provisions dealt with in Clause 9.1 of the Scheme. Our original planning report appropriately responded to Clause 9.1 and demonstrated that there will be no detrimental impact on adjoining uses, no loss of amenity, and no substantial intensification of the use.

Our opinion to the assessment around the appropriateness of the development proposal remains unchanged.

**ii. Response to submitted representations:**

Whilst we believe the application and appended evidence supplied so far is sufficient for Council to make an assessment of the proposal, it is acknowledged that the submitted representations cause a need to address any perceived concerns.

Provision *10.4.14 Development for discretionary purposes* of the *Launceston Interim Planning Scheme 2015* is useful in this regard. Indeed, this provision does not deal with the Use Class of the billboard, and nor do any of provisions within the Development Standards of the General Residential zone. However, in assessing the application under the entitlement of pre-existing use rights, we put that provision 10.4.14 offers the most reasonable set of criteria in which to determine the merits of the proposal, viz:

- (a) **the setback of the building to a frontage** – The billboard once relocated will have a distance of 5.5m from the frontage boundary line. This is consistent with the adjoining house located at 30 Tasman Highway, Waverley.
- (b) **the streetscape** – The streetscape will not be altered, as the existing billboard will continue to present and function as an advertising sign.
- (c) **the topography of the site** – The subject site slopes towards the frontage. In relocating the billboard closer to the front of the site, the sign will present as having less height as it will be set into the site.
- (d) **the height, bulk and form of the building** – The height, bulk and form of the sign will not be altered.
- (e) **the height, bulk and form of adjacent buildings and buildings in the surrounding area** – The relocation of the billboard has negligible consequence to the height, bulk and form of adjacent buildings and buildings in the surrounding area. The sign will not change in its dimensions, and so the development proposal does not adversely affect or alter the presentation of adjacent or surrounding buildings. The sign has been *in situ* for at least 40 years and has formed part of the fabric of this section of the Tasman Highway.

- (f) **the setbacks to side and rear boundaries** – the side setbacks will not be altered from the existing setback arrangements of the sign.
- (g) **solar access and privacy of habitable room windows and private open spaces of adjoining dwellings** – No interruption of solar access applies to the house at 30 Tasman Highway, as the sign will be located to the south of the dwelling, therefore ensuring no overshadowing occurs. No loss of privacy occurs as the billboard is not for any human use.
- (h) **the degree of overshadowing and overlooking of adjoining lots** – The proposed relocation of the sign ensures that it is situated to the south of the adjoining house at 30 Tasman Highway. Therefore, overshadowing is not an issue. Any shadows come from the dwelling across the subject site.
- (i) **mutual passive surveillance between the road and the building** – The relocation of the sign towards the front of the lot does not increase or decrease mutual passive surveillance between the road and the billboard. As the sign is not changing in dimension and the existing side setback arrangements are being maintained, no change in passive surveillance occurs.
- (j) **any existing and proposed landscaping** – No removal of vegetation is to occur as part of the proposal.
- (k) **the visual impact of the building when viewed from adjoining or immediately opposite lots** - The adjoining house located at 30 Tasman Highway has one habitable window currently looking out to the sign. Currently, the window looks out to the sign being on the upside. The proposed relocation of the sign will result in the window viewing the sign from the downside.
- (l) **the location and impacts of traffic circulation and parking** – Whether or not the sign is forward on the site or remains in its existing location, the impact on traffic will remain the same. The sign will continue to have the same degree of exposure to the same number of vehicles. It is also notable that Council has not sought the provision of further information for traffic impacts regarding the application, therefore suggesting that such matters are irrelevant.

- (m) **the character of the surrounding area** – the character of the surrounding area will remain the same. This section of the Tasman Highway has developed over 40 years in the presence of the billboard.

We therefore now turn our attention to each of the representations:

*Representation 1 marked as received by Council on 23 September 2016:*

**Point 1** – The representor raises the issue of amenity. The representor states that the relocation of the sign would “*block a substantial portion of the vegetation / reserve currently visible*” from a window. The details contained within the representation make it apparent that the representor is the resident of 30 Tasman Highway.

There is only one habitable window on 30 Tasman Highway which currently looks out to the sign, being from the upside of the window. The relocation of the sign will result in views from the window being to the downside.

As already noted, no variation in existing side setbacks will occur, and the sign will have a frontage setback consistent with 30 Tasman Highway.

Matters of views are not a discretionary topic when considering the merits of a development application. Instead, matters of overshadowing, privacy and solar access are. The proposal before Council ensures the maintenance of relevant discretionary topics.

Moreover, it is worth noting that the subject site is currently zoned General Residential, meaning that an owner could seek to construct a single or even multiple dwellings on the site with a relatively straightforward planning pathway. The construction of a dwelling on the subject site may completely remove any view lines from window of 30 Tasman Highway to existing vegetation. In this regard, the maintenance of the sign on the subject site benefits the representor.

**Point 2-** The representor raises the issue of security. The relocation of the sign does not include any increase in size of the billboard. Existing setbacks will remain the same. Therefore, the relocation of the sign does not increase or decrease passive surveillance.

**Point 3** – the representor raises the issue of traffic management. This topic is erroneous to the application as the billboard does not cause any change to traffic conditions. Council has not sought further information from our client on how the

sign deals with matters of traffic management, therefore suggesting that the billboard meets traffic safety requirements.

Representation 2 dated 25 September 2016 –

**Point 1** – the representor raises the issue of traffic safety and management. As already discussed, this matter is irrelevant to the application, and Council will have conferred with its own experts to determine the appropriateness of the development. We have not received any request for further information on such matters.

**Point 2** – The representor deals with matters of view lines to the existing vegetation. As already mentioned, the planning scheme does not deal with matters of preservation of views. The proposal ensures that no overshadowing, loss of privacy or solar access is caused to adjoining properties.

Representation 3 – dated 21 September 2016

**Point 1** – The representor raises the matter of traffic management. As already asserted, the relocation of the sign does not cause a change to traffic conditions. The proposal is to appropriately set the sign back from the frontage and side boundaries. Council has not required our client to address matters of traffic management as part of this application.

**Point 2** – The representor raises the matter of view lines to existing vegetation. Again, the planning scheme does not have regard to matters of view lines. The proposal ensures the matters of overshadowing, solar access and privacy are maintained from adjoining properties.

**Point 3** – the representor raises the matter of traffic management. As already addressed, the application before Council is irrelevant to traffic management matters.

**Point 4** – The representor questions whether the sign will be lit by lighting. We confirm that the sign will not be lit by lighting.

Representation 4 – dated 26 September 2016

**Point 1** – The representor raises the matter of traffic management. This point has already been addressed in this letter.

**Point 2** – The representor raises the matter of view lines to native bush. Again, this matter as already been reasonably addressed in this response.

**Point 3** – The representor appears to make suggestions about traffic management and safety. Again, this matter has already been reasonably addressed in this response.

**iii. Conclusion:**

We therefore submit this response as further evidence of the appropriateness of the development proposal.

We trust that Council will assess the proposal based on the relevant technical points regarding the relocation of the sign.

Kind Regards,



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