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George Town Council	
22 AUG 2014	
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Action Officer	Doc No.



21st August 2014

George Town Council
P. O. Box 161,
GEORGE TOWN TAS. 7253

Dear Sir/Madam,

**Re: Notice of Planning Application
Section 57 Land Use Planning & Approvals Act 1993
Development Application No: DA 2014/46**

We refer to your correspondence dated 9th August 2014 in relation to the above Planning Application.

We would like to make representation in accordance with Section 57(5) of the Land Use Planning and Approvals Act 1993.

Background:

In its wisdom George Town Council vehemently opposed this development and seconded support from adjoining land users to rightly disallow the original dwelling placed on the intended access way of an already approved subdivision lot. Had it not been for a right of way covenant on the parent title of now 2/371 Low Head Road to the private road to which somehow has been mysteriously removed from its own parent title then the original development could not have occurred.

Some of the reasons for Council disallowing the original proposal were:

- Loss of Amenity to the occupant due to insufficient property boundary setback,
- Loss of Amenity to adjoining land owner due to insufficient property boundary setback, non passive surveillance from decks and balcony and second story windows.
- Loss of Amenity to Pedestrian Users of the Private Road due to insufficient property boundary setback, non passive surveillance from decks and balcony and second story windows.
- Insufficient sight distance for safe car access from the Private Road
- Shadowing from existing trees on neighbouring land due to due to insufficient property boundary setback.
- Threat to an existing line of Macrocarpas of aesthetic and cultural and streetscape value.

The RPDC allowed the now existing development conditionally that the amenity to others be mitigated.

Also the proposed occupancy in the application to the RPDC was for 1 person as a carer to the the parents (now deceased) residing in the then primary house now 371B.

We do not want to see the past mistakes in planning reoccur.

Now that the new proposal is for a separate **dwelling** to the existing primary dwelling amenity and privacy between the two separate dwellings is pertinent. From telephone conversation, the proponents intention is to let the existing front dwelling and use the proposed dwelling for self occupancy and storage therefore amenity for the tenant is imperative. Vehicle access from the lane is disallowed where fenced and is not policed, so how does the proponent propose to resolve access and parking for the rear dwelling.

To maintain amenity to all parties then the following conditions should be applied to the approval:

Similar RPDC covenants of amenity be applied to the new proposal for all parties i.e. owner, tenant and adjoining land owners and users.

- The Ancillary Dwelling is not to be more than one story or contain a mezzanine, or balcony..
- Any access to the Ancillary Dwelling shall be from the internal property not from the existing roadway.
- The two buildings on the property are not to be co-joined to become one building.

- No subsequent balconies, decks or verandas to be erected above ground level.
- All glazing is opaque on adjoining boundaries to the ancillary dwelling where privacy screening is not provided for. ie solid fencing or similar.
- Where fire appliance accessibility between the Ancillary Dwelling and adjoining property boundary is compromised the area is to be paved or concreted to prevent fire hazardous material establishing .
- The proponent is aware as result of their proposed minimal setbacks, the loss of amenity resulting from any adjoining lots from over shadowing, overlooking or passive surveillance and loss of privacy, visual impact and pedestrian areas with similarly reduced setbacks may also impact this development. The proponent is aware it would therefore be unreasonable to object to loss of amenity resulting from a similar development on adjoining land.
- No future alterations to be made to proposed Ancillary Dwelling without reapplication.
- Any adjoining property existing trees that are deemed dangerous to dwelling occupants that require removal or maintenance will be at the expense of the proponent.

We thank you for your kind consideration of the above and we look forward to hearing from you in the near future.

