

PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

PROPERTY ADDRESS: Levee Bank 1-11 Lindsay Street Invermay, 13 Lindsay Street Invermay, Levee Bank 15 Lindsay Street, Invermay, Levee Bank 17 Lindsay Street, Invermay, Levee Bank 19-21 Lindsay Street, Invermay and Levee

DEVELOPMENT/USE: SF6533 - Amendment 32 Site specific amendment to include Vehicle Parking as a discretionary use in the Open Space Zone for 9 subject titles on the Levee Bank in Lindsay Street, Invermay and Holbrook Street Road Reserve. Vehicle Parking - public carpark; construction and use of a carpark

ZONE: Open Space

USE CLASS: Vehicle Parking

DECISION:

That the Council, at its meeting held on 14 November 2016 (Minute No: 8.1), made a decision to approve the development application, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

The development must be carried out in accordance with the following endorsed plans and documents to the satisfaction of the Planning Authority except where modified by the Permit conditions below:

- a. Lindsay Street Car Park Development Application, prepared by Commercial Project Delivery, dated October 2016.
- b. Lindsay Street - Esk Street to Irvine Street – Proposed Car Park – Consultation Plan, prepared by City of Launceston, dated August 2016.
- c. Lindsay Street Proposed Car Park with Title Boundaries – (approximate location only).
- d. Lindsay Street East – Street Tree Strategy, prepared by City of Launceston.
- e. Lindsay Street Carpark – Lighting Design (Drawing No 16120-S1-E01), dated 30 August 2016 prepared by EST Engineering Solutions
- f. Lindsay Street Northbank Car Park Development – Traffic Impact Assessment Report, prepared by City of Launceston, dated 25 October 2016.
- g. 'Burial of PAH Contaminated Soil Scottsdale Levee Report' by Pitt & Sherry dated 2011 and associated email from David Finnigan of Pitt & Sherry dated 20 September 2016.

2. POTENTIALLY CONTAMINATED LAND CODE

Prior to the commencement of any excavation works on site, the applicant must obtain one of the following:

- a. A certificate from the Director (as defined in the *Environmental Management and Pollution Control Act 1994*), or a person approved by the Director for the purpose of

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the Potentially Contaminated Land Code, having regard to the objective stated in all applicable standards in the Potentially Contaminated Land Code, stating that there is insufficient increase in risk from contamination to warrant any specific remediation and protection measures;

- 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 (including an environmental site assessment, any required remediation and protection measures and a statement that the land is suitable for the intended development).

3. DRIVEWAY CONSTRUCTION

Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must:

- a. Be properly constructed to such levels that they can be used in accordance with the plans,
- b. Be surfaced with an impervious all weather seal,
- c. Be adequately drained to prevent stormwater being discharged to neighbouring property,
- d. Be line-marked or otherwise delineated to indicate each car space and access lanes.

Parking areas and access lanes must be kept available for these purposes at all times.

4. ON-SITE DETENTION

On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site to the current level of development (ie grassed surface) for the 1 in 5 year ARI, unless otherwise approved by the Drainage Authority. The on-site detention storage system is to be designed by a civil engineer eligible for membership of IE Aust or equivalent.

Prior to the commencement of works, the plans and calculations must be submitted to the Director Infrastructure Services for approval. On completion, an "as constructed" plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

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5. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any bylaw or legislation relevant to the development activity on the site. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, bylaws and legislation relevant to the development activity on the site.

6. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of Technical Services is required prior to undertaking works where the works:

- a. require a road or lane closure;
- b. require occupation of the road reserve for more than one week at a particular location;
- c. are in nominated high traffic locations; or
- d. involve opening or breaking trafficable surfaces.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works shall form the explicit approval.

7. VEHICULAR CROSSINGS

No new vehicular crossing shall be installed, or any existing crossing removed or altered (including but not limited to the alteration of the kerb and channel or the placement of additional concrete segments against the existing apron) without the prior approval of Technical Services.

An application for such work must be lodged electronically via the Councils eServices web portal or on the approved hard copy form unless shown on an approved engineering drawing signed by the Director Infrastructure Services.

All redundant crossovers and driveways must be removed as part of the development.

All new works must be constructed to Council standards by a contractor authorised to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to

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trafficable standard and and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and TasNetworks etc). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

8. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

9. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

10. CONTAMINATED SOIL

Comply with the Pitt & Sherry Report dated 2011 'Burial of PAH Contaminated Soil Report'.

11. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

12. CONTROL OF STORMWATER POLLUTION

Prior to the commencement of development works, a Stormwater Management Plan must be provided to the approval of Council to minimise stormwater pollution from the carpark/s.

13. SITE LANDSCAPING

The landscaping must be:

- a. Installed in accordance with the endorsed plan; and
- b. Completed within three months of the use commencing; and
- c. The landscaping shown on the endorsed plans must be maintained to the satisfaction of Council.

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14. EXTERNAL LIGHTING

Detailed external lighting specifications must be provided to the approval of Council's Environmental Health Officer to demonstrate that the proposed external lighting will not cause unreasonable impact on the residential properties opposite the site through light spill.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0462/2016.

This permit takes effect after:

- a. *The 14 day appeal period expires; or*
- b. *Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined.*

This permit is valid for two years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

B. Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted.

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au <<http://www.rmpat.tas.gov.au>>

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