

Council Agenda - Agenda Item 8.3 - Attachment 4
Representations - Conway and McKenzie Streets, Mowbray
6 December 2018

mr brian white

i have attached the concerns my neighbor mike james sent you about the above application DA0563/2018 .

i am in complete agreement with him and voice the same concerns about the application.

i also wish to strongly emphasise that on an earlier application for this site mckenzie street was to be the main entrance as it is purely industrial and conway street, which is shared partly industrial and partly residential, to only be used if mckenzie street wasn't available.

also the surrounds of this site create a funnel for strong winds and also noise is amplified, which makes me very doubtful about spray containing chemicals from the car wash and noise being restricted to this site once operations begin.

this was obvious during construction, especially noise.

thank you
regards

john and mary buckland

Sent: 5 Nov 2018 13:59:06 +1100
To: Contact Us
Subject: Response to DA0563/2018

Dear Brian White (LCC)

I write to LCC in response to Notice of application for a Planning Permit DA0563/2018 dated 27/10/18. I wish to make representation to LCC on the following grounds;

* Letter from Wilkin Design to LCC dated 24/10/18 is stamped by LCC with a date advertised of 27/11/2018 which seems to conflict with other online information on the LCC website.

* This is the third revision of the original plans. As a nearby resident I am again concerned about the developers plans to alter their original design plans and move the proposed wash-bays to the Northern boundary of the block 14-26 Conway St Mowbray. After the previous proposal DA0692/2018 which drew significant objections from residents the developers has resubmitted new revisions with amendments that, in some aspects exceed the previous or do not adequately address residents concerns;

The wash-bay is now proposed to be built on the North Eastern side of the block but still on the Northern boundary. How does this adequately address residents' concerns about having a commercial car wash near any homes in Conway Street?

The original plans had the car-wash internal to the main building which is roughly in the centre of the block. It was approximately 8m x 6m. The first revision increased that to 8m x 8m but the new revision is just under 15m (includes a car detailing area) x 8m and the wash bay itself expanded to 10m x 8m

The new proposed structure is still open to the local environment so changing its position hasn't really addressed residents' previous concerns. Wilkins letter dated 24/10/18 stated that the new structure is nearly fully enclosed on the Conway St side but so was the previous revision. Yes, 8 meters are enclosed but another 19.8 meters are open to the environment. The new structure's open front now faces a residential building occupied by a refugee family.

Up to 20 cars a day to be washed and detailed certainly implied the new structure will be in near continuous use through the work day and some Saturday mornings. This seems to be an increase from the previous amended plans?

There is no mention of the use of a Conway street entrance to not bring vehicles on to the site. Can there be confirmation that this is still the case?

In regard to proposed screw vacuum equipment. Can the developer provide manufacture's information about the level of noised produced by its equipment so residents can have an informed understanding of any potential impact. (Little or no noise seems an exaggeration)

The claim that the new wash-bays makes it impossible for spray to make it across Conway St by the developer has not accounted for residents and visitors parking cars on Conway St and residents walking on the footpath which is adjacent to the boundary fence. This is less about equipment than wind which the developer has less control over. Wind does not adhere to 1.8m fences.

Chemicals used in the wash bay noted as normal car-wash products. Can the developer provide product safety information (which all manufactures of cleaning products have available) to residents so we can have an informed understanding of the impact of near continuous use during the day. Even supermarket purchased cleaning products have potential to impact health of people and in the home they are not used continuously throughout the day. Irrespective that the developer has WPS standards to adhere to employees can choose to work on site but residents have not the same choice if the planned revisions proceed without full information.

* Again I do not want to appear anti-development and understand that Conway street is part residential and part industrial but I can not understand the developer's want to move this component of the original (and acceptable to residents) plan to the residential side of the site. The site is large and can accomodate the wash-bay structure adequately closer to McKenzie St where there is significantly less potential for residents to be concerned. Residents gave a 'nod' to the original plans in good faith that those plans would go ahead.

Regards

Michael James

Sent: 9 Nov 2018 14:46:14 +1100
To: Contact Us
Cc: Brian White
Subject: RE: REPRESENTATION AGAINST DA0395/2018
Attachments: Mark up of Site Plan.pdf, Response to applicant comments.pdf

To the General Manager,

I am writing to make this representation against DA0563/2018 'Proposed Wash Bay at 14-26 Conway Street Mowbray'. It is my assertion that the proposed wash bay development will be detrimental to the amenity of nearby residences and does not satisfy the requirements of the Launceston Interim Planning Scheme 2015.

I have attached a response to the latest comments provided by the applicant and a site plan indicating where I would accept the building being located. This location will not have any effect on the ability of the applicant to maximise its use of the site.

The substance of my representation is as follows:

[Launceston Interim Planning Scheme 2015](#)

23.4.1 Building height, setback and siting

Objective:

To ensure that building bulk and form, and siting:

- (a) is compatible with the streetscape and character of the surrounding area; and
- (b) protects the amenity of adjoining lots.

Comment: Does not comply – the development does not meet the objective of the standard because it does not comply with the Acceptable Solutions and does not demonstrate compliance with the performance criteria.

Acceptable Solution A2

Setback from a frontage must be:

- (a) no less than 5.5m; or

Comment: Does not comply – the proposed frontage set back is 1m, significantly less than the acceptable solution. The applicant must therefore demonstrate compliance with P2.

- (b) no less than the setback of an adjoining building.

Comment: Does not comply – the adjoining buildings to the east and west have frontage setbacks of around 6m. The applicant must therefore demonstrate compliance with P2.

Performance Criteria P2

Buildings must be sited to be compatible with the streetscape and character of the surrounding area, having regard to:

- (a) the topography of the site;
- (b) the setbacks of surrounding buildings;
- (c) the height, bulk and form of existing and proposed buildings;
- (d) the appearance when viewed from roads and public places;
- (e) the existing or proposed landscaping; and
- (f) the safety of road users.

Comment: Does not comply – no attempt to address any of the above performance criteria. The applicant must demonstrate compliance with P2.

Acceptable Solution A4

Where the site is located on the boundary of the General Residential, Inner Residential and Low Density Residential zones, new buildings or alterations to existing buildings, must:

- (a) be set back a horizontal distance of no less than 3m from the zone boundary; and

Comment: Does not comply – the new building is set back 1m from the zone boundary. The applicant must therefore demonstrate compliance with P2.

- (b) have a solid fence no less than 1.8m high on the zone boundary.

Comment: Complies

Performance Criteria P4

Buildings must be sited so that there is no unreasonable loss of amenity to the occupiers of adjoining residential zones, having regard to:

- (a) the topography of the site;
- (b) the height, bulk and form of proposed buildings;
- (c) the solar access of habitable room windows and private open space of adjoining dwellings;
- (d) the privacy of habitable room windows and private open space of adjoining dwellings;
- (e) the amenity of adjoining dwellings;
- (f) the size and proportions of the lot;
- (g) any existing or proposed vegetation or screening;
- (h) the location of building openings; and
- (i) any external lighting.

Comment: Does not comply – no attempt to address any of the above performance criteria. The applicant must demonstrate compliance with P4.

Remarks based on the documents and written advice supplied by the applicant

The wash-bay approved by DA0692/2017 was on Title 107118/2. This application is for a wash bay on Title 107118/3, therefore the previous application is therefore not relevant. The buildings subject of the previous application are wholly with CT 107118/2 which is zoned Light Industrial and has a frontage to McKenzie Street. The previous application did not include any buildings on CT

107118/3, which is the subject of the current application, is in the Commercial Zone and has its primary frontage to Conway Street.

The wash bay has likely been moved from its original location shown in DA0692/2017 due to the negative impact the wash bay would have on the amenity of the office staff. I note that the wash bay has not been relocated in its original form, the height and overall footprint of the wash bay has been increased significantly since the previous DA.

The applicant previously stated that this would be "a private car-wash facility for cars and would only be used possibly 4 or 5 times a day". The applicant is now stating that it may be used 10 to 20 times per day. This facility appears to be a moving target as demonstrated by the ad-hoc nature of the development applications associated with the site and ad-hoc construction of the development approved by DA DA0692/2017 which is currently underway. We note that construction has been occurring frequently well into the evening with a total disregard for Council regulations and the detrimental impact to the nearby residential uses. In reality the facility could in fact be used non-stop, all day, 7 days per week and that is what must be assessed by council. Hours of operation are to be provided. Again I point out that during construction of the buildings on the site thus far, hours of operation required by council seem to be irrelevant to the applicant.

The setback of the building has been advised by the applicant as being compatible with buildings adjacent buildings. The adjacent buildings are both residential dwellings and are set back approximately 6m from the frontage. I note that all buildings in the street have a frontage setback of approximately 4.5-6m. The proposed development is a non-habitable structure, that will generate considerable emissions due to pressure washing noise, water vapour, chemicals overspray, engine noise and vibration. I do not believe the use is compatible.

The applicant has previously claimed that the traffic in Conway Street will not be changed because of the relocation of the site of the wash-bay. Initially, the applicant responded to the concerns of residents by advising that the crossover to Conway Street would not be used at all. Then the applicant stated that the main entrance will stay on McKenzie Street and it is unlikely even the gates will be open very often to Conway Street. The next logical step is that the crossover will form the main entry to and from the site, given that the McKenzie Street frontage is the customer facing frontage of the site. The obvious conclusion is that there will be an increase in vehicle movement on Conway Street. Since CT 107118/2 and CT 107118/3 have not been adhered the Conway access could readily become the only access to the wash bay site, which would mean a significant increase in vehicle movements to and from the site. I also anticipate that overflow of vehicles from the yard will end parked up and down the street. There has been a change of use and now a subsequent application for a new building therefore the traffic impact has to be considered based on the intended use and hours of use, which has not been made clear.

Lastly, the applicant states that the wash bay 33m away and is uphill (sic) some 3m from the nearest residence. This residence to be identified. The applicant also states that "it would be impossible for any spray to find its way across the street'. This is a completely unsubstantiated statement and needs to be substantiated by modelling.

Closing remarks

I believe that the proposed wash bay is completely at odds with the adjacent uses and should be relocated away from existing residential uses and contained in a fully enclosed facility. My view is that the wash bay in its current proposed form will be an environmental nuisance, negatively impacting the amenity of the neighbouring residential zone. No consideration has been shown to the adjoining sensitive use being the residential use across the street. The attitude of the applicant seems to be one of entitlement. The applicant suggests that it is entitled to put the proposed use on the land wherever it wants without any attempt to respond to the [Launceston Interim Planning Scheme 2015](#). The applicant appears to be of the view that discretion will be provided by the Planning Authority to located the development 1m from the frontage boundary and zone boundary with the adjoining residential use, at odds with the Acceptable Solutions of the Scheme and without any attempt to address the Performance Criteria. As a resident of Conway Street, I insist that the applicant either comply with the Acceptable Solutions or provide evidence demonstrating compliance with the Performance Criteria. Additionally, I do not believe that the Planning Authority should be reviewing the documents provided against the Performance Criteria – the applicant must demonstrate compliance.

Regards

Martin

Martin Simpson

Responses in Blue to applicant comments in Red

To the General Manager,

I am writing to make a representation against DA0563/2018 'Storage - Construction of a building for use as a wash bay/car detailing in association with car storage' at 24-26 Conway Street Mowbray'.

It is my assertion that the proposed wash bay development will be detrimental to the amenity of nearby residences and does not satisfy the requirements of the Launceston Interim Planning Scheme 2015.

The substance of my representation is as follows:

Launceston Interim Planning Scheme 2015

23.3.2 Emissions impacting sensitive uses

Objective:

To ensure that emissions to air, land and water are not detrimental to the amenity of sensitive uses.

Comment:

The nearby residences on Conway Street will be negatively affected by noise from the proposed development. The unlined and uninsulated metal clad shed will echo sound from high pressure cleaners and other hose, spray etc. on the cladding.

Suggest that the dB rating of equipment should be identified, locations on site shown.

The proponent should consider a sound attenuating boundary wall. Preferably set back from the frontage with the plantings on the road side of the wall.

The partially open design of the building will permit detergent odour and spray mist to leave the site. This will especially be a nuisance to the dwelling to the east. The offset is shown on the plans as 18 m to the dwelling however this does not consider the effect on the enjoyment of the outdoor areas of this lot or potential future development.

We would dispute this and argue that this design is quite normal for any car-wash (commercial or otherwise) and used in many places bordering residential areas. With the dwelling to the East, that owner has assured my client they do not have any issue with it so unless this representation is actually from them I don't believe it is relevant.

09/11/18 Comment (MS): I have reviewed the Scheme again and accept that 23.3.2 does not apply to the Storage use class.

A1

Uses must be set back from the site of a sensitive use a distance of no less than 100m.

Comment: Does not comply - the proposed development is within 100 m of nearby sensitive uses. Further information must be provided demonstrating compliance with the

Performance Criteria. It is my view that the development cannot demonstrate compliance

with P1 in its current form.

I believe that this is not relevant.

09/11/18 Comment (MS): I have reviewed the Scheme again and accept that 23.3.2 does not apply to the Storage use class.

23.4.1 Building height, setback and siting

A2

Setback from a frontage must be:

(a) no less than 5.5m; or

Comment: Does not comply – the proposed frontage set back is 1 m, significantly less than the acceptable solution. This narrow set back provides no effective access between the fence and the building for the pittosporum to receive sunlight or to be

maintained which risks slow growth of the screening plantings and potential die back that will not be rectified.

I don't believe this is relevant, personally we have grown pittosporums successfully in much worse conditions, they will receive plenty of sunlight from the East and West.

09/11/18 Comment (MS): the set-back must be complied with or the applicant must demonstrate compliance with the Performance Criteria. The building must be 3m back from the Zone Boundary and 5.5m from the frontage boundary. The application would not be discretionary if it complied with the setbacks.

(b) no less than the setback of an adjoining building.

Comment: Does not comply – the adjoining buildings to the east and west have frontage setbacks of around 6 m.

There is precedence in the street for a variation from 6m.

09/11/18 Comment (MS): The applicant is required to demonstrate precedence if it exists. I assert it does not – prove it does.

Response to letter from Mr Todd Wilkin 24 October 2018

Comment: The wash-bay approved by DA0692/2017 was on Title 107118/2. This application is for a wash bay on Title 107118/3, therefore the previous application is therefore not relevant. The buildings subject of the previous application are wholly with CT 107118/2 which is zoned Light Industrial and has a frontage to McKenzie Street. The previous application did not include any buildings on CT 107118/3, which is the subject of the current application, is in the Commercial Zone and has its primary frontage to Conway Street.

Comment: The wash bay has likely been moved from the original location due to the negative impact the wash bay would have on the amenity of the office staff. I note that the wash bay has not been relocated in its original form, nor in the form of the previous withdrawn application, the height and overall footprint of the wash bay has been increased since the previous DA.

The first part of the comment is speculative and completely untrue, the owner withdrew the previous application to try and appease the area, we feel this application, while larger is more amenable to keep the car-wash further from the street and behind a shed, again this is a “commercial” piece of land and its to be expected that this type of development could happen on it, it is also reasonable to assume that given the price of commercial land the owner would try and maximise the area.

09/11/18 Comment (MS):

- This is indeed speculation, why was it moved?
- I disagree that anything has been done to ‘appease’ anyone. The previous application would’ve been refused by Council.
- The value of the land is irrelevant.
- The applicant has not indicated the layout and circulation of vehicles within the site and has likely not considered it. If the wash bay were moved to comply with the acceptable solutions, the space between the detailing bay and frontage could be used for parking. Maximise the area for what?

Comment: Vacuum units can potentially cause high pitched noise that carries some distance, especially if in a metal shed. Compressors can be very noisy units, the model, or maximum dB rating of the selected unit has not been specified so the noise cannot be assessed.

The compressor on the leaflet with be a G18. This has a max noise level of 71dB

09/11/18 Comment (MS):

- What will the noise level be that is created by pressurized water striking Colorbond

steel? The environment is like an echo chamber as evidenced by the noise of nail guns, EWP's and grinders during construction in the evening.

- I would like an acoustic report on the noise measured at the neighboring dwellings based on the actual environment.

Comment: This is an entirely disposable comment. It could be used non-stop all day, 7 days per week and that is what must be assessed by council. I note also that 10-20 cars is significantly greater than the previous withdrawn application which was quoted as being used "possibly 4 or 5 times per day".

This is not actually true, the owners will always be bound by the planning permit requirements that will highlight hours of use.

09/11/18 Comment (MS):

- What are the proposed hours of use?
- I note that the owner has not been bound by the noise restriction hours during construction.

Comment: The adjacent buildings are both residential dwellings, both less than 33 m (for example the eastern neighbour is shown 18 m from the proposed development) from the proposed development and both at the same level. The proposed development is a non-habitable structure, that will generate considerable emissions due to pressure washing noise, water vapour, chemicals overspray, engine noise and vibration. I do not believe the use is compatible.

Again, if this rep. is from the building to the East it has some relevance but if not, I don't believe the rep should speak on behalf of someone else. We would obviously argue that it is a reasonable use for a "commercial zone" and should be expected by residence owners adjacent to it.

09/11/18 Comment (MS):

- No further comment.

The 33 m quoted appears to refer to the unit across the road. Note that the measurement is from the wash bay only, not the whole development including the detailing bay. The actual distance to the development is 25 m.

The 33.0m. quoted is to the wash-bay itself which we thought the consternation was about initially.

09/11/18 Comment (MS):

- No further comment.

I believe that the proposed wash bay is at odds with the adjacent uses. I am not absolutely against a wash-bay development. However, consideration needs to be given to the amenity of neighbours. The proposed building should be relocated away from the existing sensitive uses, set back the acceptable distance from the boundaries, and contained in a fully enclosed, lined and sound-insulated facility. The existing blown-over metal fence on Conway Street should be replaced with a sound attenuating wall. My view is that the wash bay in its current proposed form will be an environmental nuisance, negatively impacting the amenity of the neighbouring residential zone.

Regards,

It is important to note the only triggers for a discretionary planning permit are the setback to Conway St and an obscure requirement for building materials which isn't relevant in this case. Finally, the only building that could have some concern would be the building directly to the East, it is important to note, this building is ALSO in the Commercial Zone. We would finalise again, by saying we believe we have worked hard to alleviate concerns by the area as we would much prefer to work with the area than against but there comes a point that 'commercially zoned land' should be able to be used as such. It is also important to note

that the actual use is “permitted” in this zone.

09/11/18 Comment (MS):

- It is in the Commercial Zone but it is an existing Residential use.
- Suggest moving the building to comply with the minimum frontage setback required by the Scheme.
- Maybe the applicant should locate the wash bay at the rear of CT107118/3? This would solve the issue and would line up quite nicely with the adjacent Furneaux Frieght warehouse.

If you require anything else don't hesitate to ask.

Todd Wilkin – Wilkin Design

OBO owner

07-11-18

To the attention of Brian White (Planner DA0563/2018)

Dear Sir/Madam,

A proposed wash-bay in 14-26 Conway St, Mowbray, 7248 came to my attention recently. The proposed wash-bay is right next to my resident facing to my door. I would like to raise my objection on the planning on couple of grounds only.

1. I have couple of young kids aging four and two. I strongly believe that a wash bay will definitely increase traffic flow which is one of my concern. My kid go the the nearest Heritage Park on a daily basis. Even though they will be supervised, increased traffic for a commercial purpose in the middle of residential area will impact children safety to use the footpath.
2. My other concern is the potential noise pollution a wash bay can create. Since the proposed wash bay is facing to my property, I am concerned about my children daytime sleeping because of the noise pollution. I am also concerned about my own sleeping which I have to do during the day time since I am a night shift worker.
3. My final concern is about a potential health hazard a wash bay can create. Use of different chemicals for washing the cars can slowly but gradually impact our health. I strongly believe that daily exposure to the moist chemical mixed air is equal to a passive smoking.

If you require more information regarding this email, please do not hesitate to contact me.

Thank you very much.

I hope that you will consider my suggestion.

Sincerely,
Dr Ananda Aryal

To the General Manager,

I am writing to make a representation against DA0563/2018 'Storage - Construction of a building for use as a wash bay/car detailing in association with car storage' at 24-26 Conway Street Mowbray'.

It is my assertion that the proposed wash bay development will be detrimental to the amenity of nearby residences and does not satisfy the requirements of the Launceston Interim Planning Scheme 2015.

The substance of my representation is as follows:

Launceston Interim Planning Scheme 2015

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To ensure that emissions to air, land and water are not detrimental to the amenity of sensitive uses.

Comment:

The nearby residences on Conway Street will be negatively affected by noise from the proposed development. The unlined and uninsulated metal clad shed will echo sound from high pressure cleaners and other hose, spray etc. on the cladding.

Suggest that the dB rating of equipment should be identified, locations on site shown. The proponent should consider a sound attenuating boundary wall. Preferably set back from the frontage with the plantings on the road side of the wall.

The partially open design of the building will permit detergent odour and spray mist to leave the site. This will especially be a nuisance to the dwelling to the east. The offset is shown on the plans as 18 m to the dwelling however this does not consider the effect on the enjoyment of the outdoor areas of this lot or potential future development.

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Uses must be set back from the site of a sensitive use a distance of no less than 100m.

Comment: Does not comply - the proposed development is within 100 m of nearby sensitive uses. Further information must be provided demonstrating compliance with the Performance Criteria. It is my view that the development cannot demonstrate compliance with P1 in its current form.

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Comment: Does not comply – the proposed frontage set back is 1 m, significantly less than the acceptable solution. This narrow set back provides no effective access between the

fence and the building for the pittosporum to receive sunlight or to be maintained which risks slow growth of the screening plantings and potential die back that will not be rectified.

(b) no less than the setback of an adjoining building.

Comment: Does not comply – the adjoining buildings to the east and west have frontage setbacks of around 6 m.

Response to letter from Mr Todd Wilkin 24 October 2018

General outline for the site is as per previous details supplied. The site will be used as a storage area for vehicles awaiting sales (no retail sales will happen from the site) through car-yards and on-line sales. These vehicles will be cleaned and detailed as required on site before being moved on. There would also be some minor servicing in the large shed.

Comment: The wash-bay approved by DA0692/2017 was on Title 107118/2. This application is for a wash bay on Title 107118/3, therefore the previous application is therefore not relevant. The buildings subject of the previous application are wholly within CT 107118/2 which is zoned Light Industrial and has a frontage to McKenzie Street. The previous application did not include any buildings on CT 107118/3, which is the subject of the current application, is in the Commercial Zone and has its primary frontage to Conway Street.

Comment: The wash bay has likely been moved from the original location due to the negative impact the wash bay would have on the amenity of the office staff. I note that the wash bay has not been relocated in its original form, nor in the form of the previous withdrawn application, the height and overall footprint of the wash bay has been increased since the previous DA.

The proposal is to install two buildings, one that is fully enclosed to be a "detailing shed" where cars will be brought for general cleaning, including Vacuuming, Hand held machine buffer etc. and will have a screw compressor installed as well. Little to no noise for these.

Comment: Vacuum units can potentially cause high pitched noise that carries some distance, especially if in a metal shed. Compressors can be very noisy units, the model, or maximum dB rating of the selected unit has not been specified so the noise cannot be assessed.

This is not a large operation and it would be thought that between 10 and 20 cars a day would be detailed and washed as a maximum. It is not available for public use.

Comment: This is an entirely disposable comment. It could be used non-stop all day, 7 days per week and that is what must be assessed by council. I note also that 10-20 cars is significantly greater than the previous withdrawn application which was quoted as being used "possibly 4 or 5 times per day".

- The wash-bay would be at least 33.0m. from the wall of the nearest residence and uphill some 3.0m.

Comment: The adjacent buildings are both residential dwellings, both less than 33 m (for example the eastern neighbour is shown 18 m from the proposed development) from the proposed development and both at the same level. The proposed development is a non-habitable structure, that will generate considerable emissions due to pressure washing noise, water vapour, chemicals overspray, engine noise and vibration. I do not believe the use is compatible.

The 33 m quoted appears to refer to the unit across the road. Note that the measurement is from the wash bay only, not the whole development including the detailing bay. The actual distance to the development is 25 m.



I believe that the proposed wash bay is at odds with the adjacent uses. I am not absolutely against a wash-bay development. However, consideration needs to be given to the amenity of neighbours. The proposed building should be relocated away from the existing sensitive uses, set back the acceptable distance from the boundaries, and contained in a fully enclosed, lined and sound-insulated facility. The existing blown-over metal fence on Conway Street should be replaced with a sound attenuating wall. My view is that the wash bay in its current proposed form will be an environmental nuisance, negatively impacting the amenity of the neighbouring residential zone.

Regards,
Jason Carter