

Mr Michael Stretton  
General Manager  
Launceston City Council  
18-28 St John Street  
LAUNCESTON TAS 7250  
contactus@launceston.tas.gov.au

Dear Mr Stretton,

**RE: Development Application DA0346/2019, 2/31-43 Thistle Street West Launceston**

As a home owner I would like to bring to your attention the above development application. I respectfully ask yourself and the Alderman to carefully consider my concerns to this redevelopment plan in Glen Dhu Street.

While I support developments in our City, I have two relevant concerns regarding this application being the lack of respect in taking into account home owners / residents with the developers not adequately notifying residents and more importantly road safety in the area.

**It is noted in the Planning Report that the traffic impact assessment will be provided at a later date by Pitt and Sherry.** I am hoping that this accurately describes the traffic problems already proving very difficult for residents and businesses in the area.

As you will be aware the Door of Hope Church is situated on the entire block starting at Thistle Street and ending at Heather Street. The BIG4 caravan park starts at the southern end of Glen Dhu Street.

Within the Door of Hope complex are several businesses including **Hope Discovery Child Care** with hours of Operation 1.00pm to 6.00pm Monday to Friday during the school term. Vacation Care is available during school holidays and on student free days.

**Pycsam Gym** approximately 2000 members with up to 400 visits per day open 7 days per week. Pycsam confirmed to me that they had up to 2350 visits to the gym per week utilizing this small part of Glen Dhu Street.

The **Door of Hope** has a Conference capacity of 800. Also open 7 days per week.

When there is an event at the DoH, those attending park within the car park, angle park opposite the car park, parallel park opposite the angled parking and the full length of Glen Dhu & Heather Streets often encroaching residential driveways, in adjoining streets, footpaths and onto the grassed entrance to caravan park. This already makes exiting safely from driveways for residents and for patrons of businesses not connected to the complex, difficult.

In autumn & winter when low light levels and rain make it more difficult to see, gym session have finished and members are in a hurry to return home together with Out of School Hours Care families, in particular between 5 and 6.30 pm or coinciding with class finishing times, there are cars reversing out of angle parking, cars pulling out from the kerb opposite and also exiting the provided car park, this already impact heavily on residents returning home, parents picking up children from Hope Discovery, MTT buses and tourists attempting to safely manoeuvre motor homes and caravans.

**I would like to offer a suggestion in relation to this problem and to the application in consideration of residential dwellings and safety of both residents and users of the Door of Hope development.**

Considering the volume of extra traffic increase which I believe has been misrepresented in this proposal and considering the other business's in this complex both existing and future proposals i.e. church, conference & meeting rooms, out of school hours care, early learning centre, dance studio and the gym, I would like council assurance that the proposed **entrance** to the Child Care Service being the top drive on Figure 2 in the planning report (unnamed road) with access off Thistle Street will be monitored to ensure no further increase of traffic movement impacts on Glen Dhu Street. I would like to further propose that the Pycsm Gym also use this **alternative** entrance to alleviate traffic congestion.

**Please see below an outline of major concerns I have:-**

- a. As a resident I have previously relayed concerns (note: past correspondence on record) before to Council about increase traffic conditions since the Door of Hope, Child Care Centre, Gym together with other businesses operating out of the Door of Hope complex in Glen Dhu Street. The Council have since put into place some parking changes which are totally inadequate, there are still very big concerns for safety and now with this proposal it will only add to this problem;
- b. Personally, due to the current increase of traffic I have had several near misses with people blind reversing out from the side street parking and cars exiting the door of hope car park because of the lack of vision/room to move, when a collision does occur it creates a legal minefield on who is at fault? The curb side parking space on Glen Dhu Street is often used rather than the provided car parking.
- c. When turning left off Pipeworks Road towards the caravan park this area is often built up with traffic in Glen Dhu & Heather Streets and more importantly pedestrians which is several times a day with the weekend church services and mid week gym & conference events, functions etc., it is at times absolute chaos.
- d. The lighting, curbing, pedestrian access is not adequate at all in this area from Pipeworks Road T Junction and the entrance to the Caravan Park whose own recent planning application named a further 255 vehicle increases for their current use let alone the proposed Early Learning Service. Council has placed no standing signs on the east side of Heather Street which apply only Monday to Friday 8am to 6pm because the MTT Buses cannot get through – not many people read or heed these signs.
- e. Please note this is a major bus route for our neighbourhood, any further impact with additional traffic will only exacerbate the current problem.

I am sure that you will agree that it is in the best interests of the Council to proactively monitor this vehicle access issue and ensure the proposed Thistle Street route is actually provided and enforced by the Door of Hope Children's Service prior to the development being approved, preventing overuse of a small piece of road and the potential of a serious accident occurring.

I am available to be contacted by email or on my mobile phone number listed below. As I am also working full time commit to returning your calls if missed and a message is left.

Thank you for reading this letter. I look forward to hearing from you at your earliest opportunity.

**Trudi Quinn**

6<sup>th</sup> September 2019

Mr Michael Stretton  
PO Box 396,  
LAUNCESTON TAS 7250

Dear Mr Stretton,

Re: the Door of Hope Application, Thistle Street West Launceston ref: DA0346/2019

I wish to submit my concerns towards elements of the application of the impending Child Care Centre being proposed by the Door Of Hope .

Firstly I am disappointed to find yet another child care being developed in the south Launceston area when there are already 5 well established ones & two new already planned & started construction centres. This area will now have an oversupply & I feel it is not necessary and could reduce the high quality of the existing services. They have stated this area is of High demand, on what figures has this statement been made? The other services are within walking distance of these premises.

Secondly, what will the opening hours be for the service?

Thirdly, The design & proposal of car parking I feel is not adequate, I am a regular user of this complex and the parking already is a nightmare, with cars being expected to park up in paddocks if its full, this is not suitable for families in wet weather trying to get access to the child care entrance, Surely they would be better suited to use the Thistle street access for a car park?

For proposal for a child care centre car parking should have been better considered for the safety of children.

Their proposal has requested 90+ places, that means 90+ cars will be entering and exiting through an already cramped and unsuited entrance, this does not take in to consideration the 16 + employees that will also need to park cars. If a function or conference is on in this site the car park will be full from 8-5pm.

I just feel over all this application needs further review and some changes before it is approved for planning.

I also would like to know if any consultation has been made with the existing child care centres within 5 km of this proposed venue.

Finally the inclusion of a barn yard, how will the wellbeing of these animals be cared for and is there adequate provision for their living that is suitable for A pig, etc, animals should not be cooped up in barns for the purpose of children to observe. These animals proposed are farm animals and need land to move and live. I don't feel it is ok for them to be living inside a child care centre play ground.

Kind Regards,

Mel Prewer



**Vision:** Shaping the future for children

**Mission:** Passionate people; empowered to make a difference

**Philosophy:** 'All children and educators have the opportunity to imagine, explore and discover'

6 September 2019

Mr Michael Stretton  
General Manager  
Launceston City Council  
18-28 St John Street  
LAUNCESTON TAS 7250

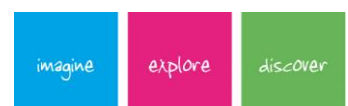
Dear Mr Stretton,

RE: Development Application DA0346/2019, 2/31-43 Thistle Street West, South Launceston

As you are aware Discovery Early Learning Centres are in the final stages of constructing a state-of-the-art Early Learning Centre in Wellington Street at the Launceston Health Hub. Last year we, along with other providers in the Launceston / South Launceston area, were disappointed to have been advised that Council approved another Early Learning Centre situated in Wellington Street to a mainland corporate entity that has affiliation with Mr Eddie Groves (Arena Property and Green Leaves Early Learning). Mr Groves was the owner of demised company ABC Learning which caused significant problems within the Early Years sector in 2008/2009. It is widely acknowledged that Arena Property and Green Leaves Early Learning is a reincarnation of the entities and business models within ABC Learning.

We now find that the Council are considering another Early Learning Centre in the Launceston / South Launceston area by way of the Development Application DA0346/2019. If this were approved it would mean that within 12 months there would be an increase of 334 long day care places within the area (120 Discovery ELC, 120 Green Leaves and 94 Door of Hope). This is a considerable increase and will result in a significant over supply of places. The addition of 3 new services and 334 child care places within a 1Km radius will certainly have an effect on the existing providers of early education and care within the area, some of which have existed and supported the community for a considerable amount of time. This will ultimately mean that some service will simply not be viable, and closure is a real possibility. Obviously Green Leaves is supported financially by a significant corporate entity so they will be able to operate at a loss for enough time for the other services to suffer.

There are examples of other Council's within Australia intervening in similar situations and have taken steps to protect existing services when new developments are made in areas that do not warrant additional supply. I would be happy to discuss this with you further should this be something the Council were willing to consider. In our opinion, this situation in Launceston is a perfect example of where local government should be intervening.



I would like to draw your attention to a number of issues that we believe affect this application for Development Approval. We believe the following issues are significant and should result in the Council being unable to support the application from being approved.

### **Potentially Contaminated Land Code**

The site has been used for industrial purposes and even though such use has not been undertaken on the site for quite some time, we believe further analysis should be undertaken by an independent environmental health consultant. It is noted that the asbestos has / is in the process of being removed, however we don't understand how this would have occurred whilst the current Child Care Service (Outside School Hours Care) was in operation. Was there an environmental health assessment completed prior to this and was there a management plan to ensure children were not exposed to harm or danger?

It is understood that the site (2/31-43) Thistle St is contained on the Council's Contaminated Sites Register. Accordingly, the Potentially Contaminated Land Code applies to the application. The advertised application material does not contain any of the material required to either demonstrate compliance with the Code or conclude that the proposal is exempt from consideration under the Code.

The application needs to include either:

- A certificate under Clause E2.4.5 stating that there is insufficient increase in risk from contamination to warrant any specific remediation and protection measures; or
- Certification by a person approved by the Director that the land is suitable for the intended use or approves a plan to manage contamination and associated risk in accordance with E2.5 A1; or
- An environmental site assessment as per E2.5 P1.

The Development Application makes note that there will be no excavation being applied for so that Development Standard E2.6 is not required to be addressed. We do not believe this is appropriate. To construct the proposed development, including an outdoor playground, it is inevitable that excavation will be required. I also note that a significant portion of the roof is proposed to be removed all together which would result in storm water not being retained and redirected into the existing storm water system. It would make sense that additional drainage and infrastructure would be required to manage an altered storm water system and would most likely result in excavation being required.

### **Hours of Operation**

There is no reference within the Development Application as to the proposed hours of operation of the proposed service.

### **Adequate Car Parking Spaces**

There is clearly not adequate car parking for the proposed development. The Parking Space Requirements specified within the Launceston Interim Planning Scheme 2015 (Table E6.1 Parking Space Requirements) states the following requirement for parking:

- For use as a community meeting and entertainment facility: 1 space per 20m<sup>2</sup> of floor area available to the public or 1 space per 4 seats, whichever is greater.
- For use as a Gymnasium: 1 space per 20m<sup>2</sup> of floor area available to the public or 1 space per 4 spectator places, whichever is greater.
- For use as Education or Occasional Care (including Child Care): 1 space per employee + 1 space per 6 tertiary education students
- For use as an Office: 1 space per employee + 1 space per 50m<sup>2</sup> of gross floor area

- For use as a Food Service: 1 space per 15m<sup>2</sup> of gross floor area + 6 queuing spaces for drive-through
- For use as a Storage Facility: 1 space per 200m<sup>2</sup> of the site area or 1 space per 2 employees, whichever is greater

The following spaces\* exist within the premise:

Space Name	Stated Seating Capacity / parking determinant	Parking Calculation	Parking Required
<b>Known Uses</b>			
Main Auditorium	950 seats	1 space per 4 seats	237.5 spaces
Auditorium Two	200 seats	1 space per 4 seats	50 spaces
Hope Lounge	14 seats	1 space per 4 seats	3.5 spaces
Meeting Room 1	36 seats	1 space per 4 seats	9 spaces
Meeting Room 2	21 seats	1 space per 4 seats	5.25 spaces
Meeting Room 3	30 seats	1 space per 4 seats	7.5 spaces
Meeting Room 4	72 seats	1 space per 4 seats	18 spaces
Meeting Room 5	35 seats	1 space per 4 seats	8.75 spaces
Meeting Room 6	16 seats	1 space per 4 seats	4 spaces
Meeting Room 7	100 seats	1 space per 4 seats	25 spaces
Meeting Room 8	60 seats	1 space per 4 seats	15 spaces
Meeting Room 9	60 seats	1 space per 4 seats	15 spaces
Gymnasium	1064m <sup>2</sup>	1 space per 20m <sup>2</sup>	53 spaces
Child Care Centre (Hope Outside School Hours Care)	5 educators # and 1 administrator	1 space per employee	6 spaces
Offices	Unknown Lets presume 10 employees (large business)	1 space per employee	10 spaces
Café	Unknown size Lets presume 60m <sup>2</sup>	1 space per 15m <sup>2</sup>	4 spaces
Storage Facility	Unknown size Significant size, Lets presume 3000m <sup>2</sup>	1 space per 200m <sup>2</sup>	15 spaces
<b>Proposed Use under this Planning Application</b>			
Child Care Centre (Long Day Care)	22 Staff (noting that the applicant's 16 staff is not sufficient – please refer to notes next page)	1 space per employee	22 spaces
<b>Total</b>	<b>1594 seats (total)</b>		<b>509 spaces (total)</b>

\*please refer to <https://launcestonconferencecentre.com.au>; <https://www.storage.door-of-hope.org>, <https://hopediscovery.org.au>, <https://www.door-of-hope.org>

# Minimum Educator to Child ratio is 1:15, therefore 65 children would require 5 educators.

The development application states that **there are 166 parking spaces proposed on the site** as part of the proposed development. It also notes that due to upgrading the car park, the number of spaces is reduced from 170 spaces to 166 spaces. Using the above assumptions of the size of the café, size of the storage facility and number of employees working at the door of hope church/venue, **the requirement of 509 vehicle**

**parking spaces under the Launceston Interim Planning Scheme 2015 is clearly not met.** The requirement for bike parking is not met either.

It should be noted that the Launceston Planning Scheme is very relaxed, compared to other planning schemes, relating to the required number of parking spaces for a Child Care Centre (which includes Outside School Hours Care services and Long Day Care services). Most other schemes require 0.25 parking spaces per child the Centre is licensed to accommodate (see extract from other planning schemes below).

**Use Class: Educational and occasional care**

Childcare centre	0.25	for each child the centre is licensed to accommodate
------------------	------	--

In our experience, this is much more suitable and takes better account of the number of families that need to use the car park. This is because the varying staff to child ratios do not then dictate the number of parking spaces, noting that Outside School Hours Care services have a low staff to child ratio (1:15, 1 educator for 15 children) compared to a Long Day Care service (as high as 1:4). Obviously, the same demand still exists for families needing car spaces to drop off and pick up their children – as this is not dependent on the staff to child ratios. The proposed 94 place Long Day Care Centre + the existing 65 place Outside School Hours Care facility = a proposed Child Care Centre licensed capacity of 159 children. Using the more appropriate parking requirement of 0.25 spaces per child this would equate to 40 parking spaces being required for the Child Care Service alone. **This would increase the above total parking spaces required to 521 parking spaces.**

There is already high demand for parking along the nearby road network including Glen Dhu street, and as such, the application should not be in a position to rely on customers parking off site. The actual location of the proposed car park and the long distance between the parking spaces and the entrance to the proposed centre itself is problematic.

One might suggest that the appropriateness of the car parking requirements for the other components of the complex (further to the north) should be assessed as well as part of this Planning Application, noting that limited spaces are available. I also note that the Development Application advises that the Door of Hope organisation plans to develop further offices to the south of the proposed site and also a dance studio to the west – all of which require allowances of car parking spaces which would not have been needed under the previous use of the property.

### Number of Staff

The Development Application does not sufficiently provide the number of staff to be employed at the proposed service, should it be at full capacity. They note the minimum staffing levels required according to the minimum ratios as defined by the National Law and Regulations (Table 6). They have not made any allowance for:

- Centre Manager
- Administration staff (a 94 place center would need at least 1 more administration employee)
- Cleaning staff
- Chef
- Kitchen Hand. (A 94 place Centre would most likely need a kitchen hand in addition to a chef).



- An allowance for additional staff to cover staff when on regular 'off-the-floor' time. Additional staff would be required to cover educators:
  - When on rest pauses,
  - When on lunch breaks,
  - When undertaking weekly planning activities, and
  - When in meetings and in-service training.

Taking into account a more realistic representation of what staffing would be required to operate a 94 place Long Day Care Centre I would suggest at least 22 staff would be at the site at any one time. This obviously has further implications for the number of vehicle spaces required on site as listed above under the Launceston Interim Planning Scheme 2015.

### Existing Child Care Service on site

The application fails to acknowledge that there is an existing 65 place Child Care Service on site (Hope Discovery Outside School Hours Care). The application does not include the existing Child Care service in the requirements for car parking or general demand on the site. Please refer to figure 1 below which details the Service Approval for the Child Care Centre and the current Licensed Capacity / Approved Places of 65 children. This information can be found on the Australian Children's Education & Care Quality Authority (ACECQA) National Register. <https://www.acecqa.gov.au/resources/national-registers/services/hope-discovery-outside-school-hours-care>

Figure 1: Service Approval for Hope Discovery Outside School Hours Care

The screenshot shows the ACECQA National Register website. The page title is "Hope Discovery Outside School Hours Care" and the address is "50 Glen Dhu Street, SOUTH LAUNCESTON TAS 7249". The service details are as follows:

Service Type:	Centre-Based Care
Long Day Care:	No
Preschool/Kindergarten - Part of a School:	No
Preschool/Kindergarten - Stand alone:	No
Outside school Hours Care - After School:	Yes
Outside school Hours Care - Before School:	No
Outside school Hours Care - Vacation Care:	Yes
Other:	No
Service Approval No:	SE-00009960
Phone:	03 6343 4614
Fax:	03 6343 4608
Email:	<a href="mailto:oshc@door-of-hope.org">oshc@door-of-hope.org</a>
Approved Places:	65 The maximum number of children may only be exceeded in circumstances set out in regulation 123(5) of the National Regulations.
Provider name:	<a href="#">Door of Hope Christian Church Inc.</a>
Provider Approval No:	PR-00005916
Service Approval Granted Date:	1 January 2012

Figure 2: Extract from Hope Discovery Outside School Hours Care internet site (<https://hopediscovery.org.au>)

The screenshot shows the top navigation bar with links for Home, About, Features, Testimonials, and Contact. Below the navigation are three service cards:

- BEFORE SCHOOL CARE**  
Offering care Monday to Friday between 7am to 9am during the school term.
- AFTER SCHOOL CARE**  
Offering care Monday to Friday between 3pm to 6pm during the school term, with transport options from most schools around Launceston.
- VACATION CARE**  
We offer an exciting program of events during school holidays, running from 7am until 6pm Monday to Friday.

## Welcome to Hope Discovery Outside School Hours of Care

Hope Discovery Outside School Hours Care is committed to providing high quality learning and recreational programmes for Primary School aged children. Our Educators are committed to delivering a program that is guided by the "My Time Our Place" National Framework for Outside School Hours Care. This Framework aims to extend and enrich children's wellbeing and development in school aged care. The Framework recognises that school aged children require time to interact with friends, practice social skills, solve problems, explore new activities and learn life skills.

It is interesting to note that this organisation is advertising offering Before School Care, After School Care and Vacation Care but their service approval is only for After School Care and Vacation Care. It appears that they are operating outside of their Service Approval which is a potential contravention of the Education and Care Services National Law and Regulations.

I also note that the service does not appear to have an Approval in place through the Department of Education and Training at the address in which they currently operate from, which is again, a potential contravention of the Education and Care Services National Law and Regulations.

Conversely the organisation has a registration / approval at a different address, that being at the Glen Dhu Primary School. The Glen Dhu Primary School have confirmed that this is not the case as they report that Hope Discovery Outside School Hours Care pick up children from the school and take them to the Glenn Dhu street site (they do not operate from the Glen Dhu Primary School). Again, this appears that they have potentially contravened the National Law and Regulations. Please refer to Figure 3 below.

Figure 3: Australian Government Department of Education and Training, Approved Services register:



We strongly believe that the proposed Development Application cannot be supported by Council for the reasons articulated above. There are clear items of non-compliance against essential elements of the Launceston Interim Planning Scheme 2015. I would also like to ask Council whether or not this Organisation had in fact previously been granted a Planning Approval to develop its current 65 place Child Care Service (Hope Discovery Outside School Hours Care) or received approval to Change the property Use to Education and Occasional Care for this existing service. As Figure 1 demonstrates, the Department's records indicate that they commenced operating a child care service on the site in 2012.

Please do not hesitate contacting me on 64251019 should you have any questions.

Yours Sincerely,

Lyndon Walsh

Managing Director

Our Ref: Z16004.7  
Your Ref: DA0346/2019



**9 September 2019**

The General Manager  
City of Launceston  
PO Box 396  
LAUNCESTON TAS 7250

Via email: [contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au)

Dear Sir/ Madam

**SUBMISSION REGARDING PLANNING APPLICATION DA0346/2019  
EDUCATIONAL AND OCCASIONAL CARE – CHANGE OF USE TO A CHILD CARE CENTRE & ALTERATIONS TO AN  
EXISTING BUILDING**

We write on behalf of our client, \_\_\_\_\_ in lodging this submission against the abovementioned Planning Application made by Smart Planning and Design over land at 2/31-43 Thistle Street West, South Launceston (Council ref: DA0346/2019).

It is understood that the proposed development consists of a Child Care Centre providing for up to 94 child placements and 16 employees and will be located within the existing building on the subject site.

**Land Use**

The applicant has sought approval for Educational and Occasional Care (Child Care Centre) which is defined by the Planning Scheme as follows:

*Use of land for educational or short-term care purposes. Examples include a childcare centre, day respite facility, employment training centre, kindergarten, primary school, secondary school and tertiary institution.*

We note that the plans included with the Planning Application show the inclusion of a 'barnyard' with areas shown for chickens, goats, a pig and aviary. While such is potentially 'ancillary' to the operation of the development as a Child Care Centre, we note that the Planning Scheme specifically includes a land use definition for Domestic Animal Breeding, Boarding or Training, which is defined as:

*Use of land for breeding, boarding or training domestic animals. Examples include an animal pound, cattery and kennel.*

The Planning Scheme also includes a definition for Intensive Animal Husbandry which states:

*Means the use of land to keep or breed farm animals, including birds, within a concentrated and confined animal crowing operation by importing most food from outside the animal enclosures and includes a cattle feedlot, broiler farm or piggery.*

The submitted plans illustrate that animals will be kept on the site in a confined area and such is not expressly contemplated under the definition of Educational and Occasional Care. It is therefore considered that the best fit definition for that aspect shown on the submitted architectural plans under the Planning Scheme is that of Domestic Animal Breeding, Boarding or Training. We note that such use is not listed under 3.3.2 Use Table of the Particular Purpose Zone 2 and therefore is prohibited development.

As the applicant has only sought approval for Educational and Occasional Care, that aspect of the development should not be approved and in extension the application by including such activity is not a properly made Planning Application.

**Noise & Amenity**

We note that the Use Standards set out in Part 33.3.2 state:

<b>Objective</b>	
To ensure that noise emissions from uses do not cause an unreasonable loss of amenity to adjoining sensitive uses.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> For no permit required or permitted uses.	<b>P1</b> Noise levels generated by a use on the site must not unreasonably impact on the amenity of sensitive uses within the site and within the adjoining locality, having regard to: <ul style="list-style-type: none"> <li>(a) the nature and intensity of the use;</li> <li>(b) the characteristics of the noise emitted;</li> <li>(c) the topography of the site;</li> <li>(d) the separated between the noise emission and the sensitive use;</li> <li>(e) the degree of screening between the noise source and adjoining sensitive uses; and</li> <li>(f) the character of the surrounding area.</li> </ul>

The applicant has indicated that as the proposed Child Care Centre is located within an existing warehouse the development will not have any impacts on the amenity of the neighbouring residential properties to the east; however, such has not been demonstrated through the submission of an acoustics report.

It is acknowledged that the proposed centre will be located within the existing building and that the existing façade will be retained, providing a solid wall between the use and the neighbouring residential properties; however, the proposal includes the removal of a substantial section of the existing roof to provide natural light to the ‘outdoor’ play area associated with the Child Care Centre. The nature and construction of the existing building, being primarily brick and concrete structure, will result in the creation of a noise shell allowing noise to reverberate from the use (particularly the outdoor play area), the effects of which will be exacerbated by opening the play area to the sky, allowing for noise to be emitted from the development which has the potential to impact on the amenity of the area.

The applicant has therefore not demonstrated that the proposed development will not result in an unreasonable loss of amenity for the neighbouring residential properties and has not satisfied P1 or the Objective of the Use Standards for noise set by the Zone Code and should be refused.

### **Potentially Contaminated Land**

It is understood that the subject site has historically been used for industrial activities such as manufacturing plastics, bio-diesel and stainless steel. The processes associated with such activities are known to involve the use of potentially hazardous substances/chemicals which potentially result in contamination. We note that Acceptable Solution 1 of E2.0 Potentially Contaminated Land Code states:

The applicant has not demonstrated compliance with A1 and subsequently, assessment against Performance Criteria 1 is required. In order to comply with P1, the applicant ought to have provided Council with:

- an environmental site assessment demonstrating no evidence of contamination is present on the site or if contamination exists, it does not pose a threat to human health; or
- a management plan to deal with any potential risk to human health associated with any contamination identified on the site.

Based on the application material made available by Council, it does not appear that the applicant has submitted any material to satisfy P1 of the Potentially Contaminated Land Code. Further, the applicant's assessment against the Code in the submitted Planning Report only focuses on the surrounding uses, noting that none of the existing or proposed uses immediately surrounding the site area 'potentially contaminating uses'; however, the purpose of the Code is expressly to '*ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.*' Potentially contaminated land is defined by the Planning Scheme as being

Land that is, or adjoins, land that the applicant or the planning authority:

- (a) *knows to have been used for a potentially contaminating activity by reference to: -*
- i. *a notice issued in accordance with Part 5A of the Environmental Management and Pollution Control Act 1992; or*
  - ii. *a previous permit; or*
- (b) *ought reasonable to have known was used for a potentially contaminating activity.*

Based on the information available, the applicant has not demonstrated that the site is not contaminated or that proposal will adequately manage any contamination present on the site in accordance with P1 and the Purpose of the Potentially Contaminated Land Code. Therefore, the application should be refused.

Should you have any queries concerning the above please do not hesitate to contact the undersigned on

Yours sincerely



**Stephen Enders | Director**  
**ZONE PLANNING GROUP**