

Section 43A Application

PART OF 3-7 GEORGE STREET, LAUNCESTON
TULLOCHS AUCTIONS
SUPPORTING SUBMISSION
FEBRUARY 2020



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APPENDICES

- Appendix A: Land Owners Consent
- Appendix B: Certificate of Title
- Appendix C: Existing Floor Plans
- Appendix D: Mapping of Proposed Rezone

1. Executive Summary

Rebecca Green & Associates has been engaged by Tullochs Auctions to prepare an application for a proposed draft amendment to the *Launceston Interim Planning Scheme 2015* ('the scheme') and subsequent development application for a Change of Use in accordance with Section 43A of the *Land Use Planning and Approvals Act 1993* (the Act) relating to part of land at 3-7 George Street, Launceston.

The application seeks to rezone the subject land portion located to the southwest of William Street Lane zoned Particular Purpose PPZ 7 – Boags Brewery to Urban Mixed Use, and to Change the Use of the building known as "Cascade House" to Bulky Goods Sales. No development is proposed as part of this application.

This submission forms the basis of the application and has been prepared having regard to the relevant requirement and objectives of the Act together with relevant strategic planning documents, including:

- Northern Tasmania Regional Land Use Strategy;
- The Scheme;
- State Policies; and
- Strategic Plan 2014-2024.

References to the relevant requirements of the Act in this submission are references to the requirements in Parts 2A and 3 of the former provisions of the Act, in accordance with Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*.

This submission demonstrates compliance with the requirements of Section 32 and Section 43A of the Act. As such, the proposal is suitable for Council certification and subsequent approval.

2. The Proposal

The purpose of this application is to amend the *Launceston Interim Planning Scheme 2015* ("the Scheme") as follows:

- An amendment to the Scheme to change the zoning of the part of CT 169239/1 such that it is located to the southwest of William Street Lane and comprised within the Particular Purpose PPZ 7 – Boags Brewery to Urban Mixed Use;
- To Change the Use of the premises known as 'Cascade House' to allow Bulky Goods Sales for the operation of Tullochs Auctions.

Upon the approval of this amendment and approval of change of use, the site within its context will be at the optimum use for the land.

This submission will be presented in three parts. The first part of the submission will provide details of the site. The second part will address the requirements of Section 33 of the *Land Use Planning and Approvals Act 1993* (LUPAA) with reference to the proposed

change of zoning. The third part will address the requirements of Section 43A of LUPAA with respect to the development proposal itself.

3. Site Analysis

3.1 Location

The subject land is located at 3-7 George Street, Launceston (CT 169239/1) and is comprised of one parcel of land. A copy of the title documentation is provided in Appendix B. Figure 1, below, illustrates the location of the subject land.

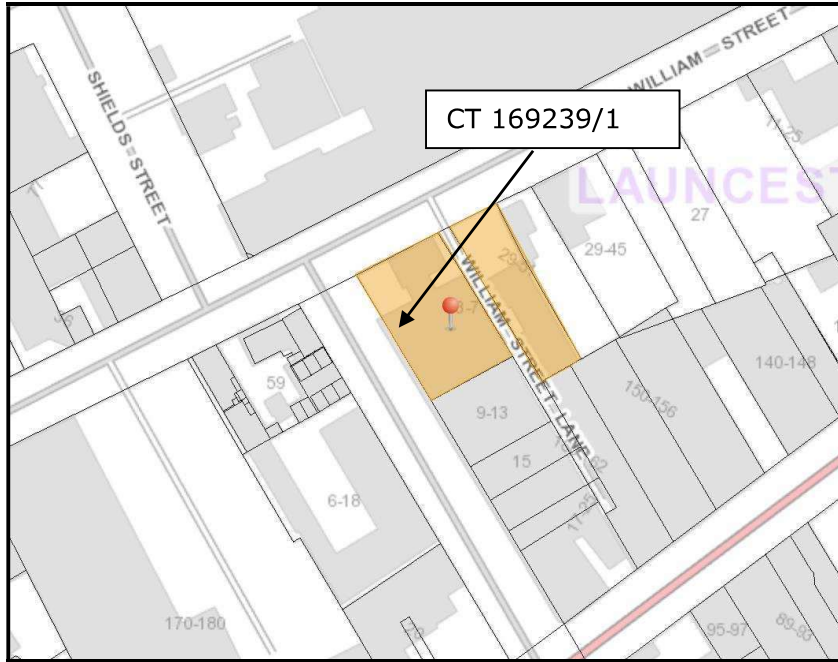


Figure 1 – Location of subject land. (Image courtesy of www.thelist.tas.gov.au)

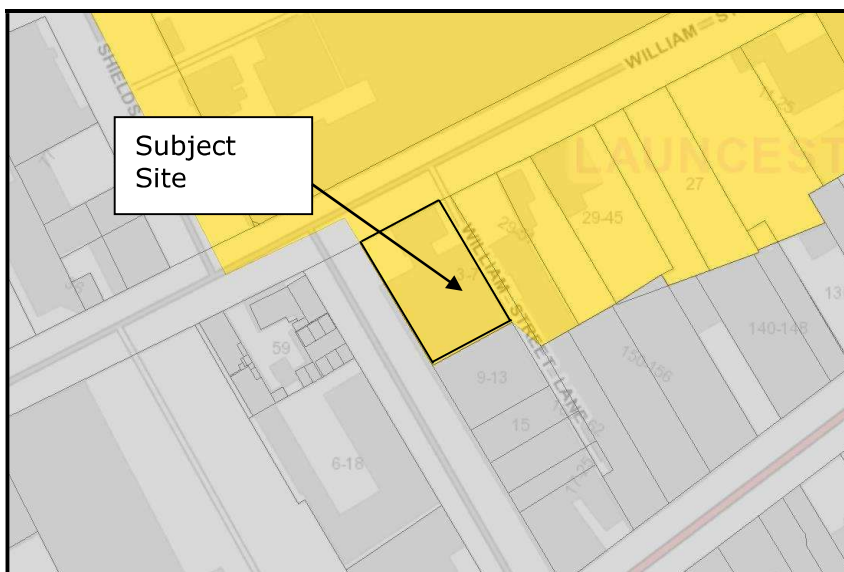


Figure 2 – Site zoning and surrounding zoning. (Image courtesy of www.thelist.tas.gov.au)
Yellow = PPZ 7 – Boags Brewery, Grey = Urban Mixed Use

The subject site comprises a total area of 1789m² and accommodates a larger warehouse type building and terraces. It is the portion of the title comprising of 1075m² that is subject to this application. Land to the southwest and southeast is zoned Urban Mixed Use.

The site was formerly zoned Commercial under the *Launceston Planning Scheme 1996*, which included the total of the Boags Brewery sites. Under the draft *Launceston Interim Planning Scheme 2012*, the subject site was proposed to be zoned Urban Mixed Use, along with all properties associated with Boags Brewery located along the southeastern side of William Street. A submission to the *Launceston Interim Planning Scheme 2012* was prepared by Planning Development Services, engaged by Birrelli Architects on behalf of Boags Brewery requesting that the area of the subject site be included within the Particular Purpose Zone 7 – Boags Brewery. The site was identified at the time as being owned and operated as part of, as well as in conjunction with the operations of the Boags Brewery, which at the time were looking at future expansion and operations into the future. At that time the site was empty and following the rezone to PPZ 7 a small number of development applications were lodged with Council for tourism use and development on the subject site but have never proceeded.

Tullochs Auctions occupied the subject site from at least 1993 to 2013 and was a month by month lease arrangement. Tullochs Auctions returned to the subject site in April 2019 with a 3x3x3 lease as the building is within a better location, synonymous with Tullochs and in an effort to bring back some business into the Central Business District of Launceston after locating for a short time out of the area. Unbeknownst to Tullochs Auctions upon return, were they to find out that the existing use of the site had lapsed (vacant since 2013) and that Bulky Goods Sales is a prohibited use within the PPZ - 7 zone.

3.2 Title description

The subject property is described in the following title, CT 50820/1. The registered owner of the lot is Lion-Beer, Spirits & Wine Pty Ltd. Written permission is provided by the landowner and attached at Appendix A to this submission.

3.3 Hazards and Special Values

3.3.1 Heritage and Scenic

The site is state heritage listed. Heritage Tasmania (Mr Chris Bonner, Regional Heritage Advisor) has advised the applicant the following advice: *“a change of use, without heritage works, does not require heritage approval under Part 6 of the Historic Cultural Heritage Act 1995. An exemption is unnecessary. A re-zoning is also outside the functions of the Historic Cultural Heritage Act 1995.”*

The site is not listed in the Tasmanian Aboriginal site index.

3.3.2 Flooding

The site is not known to be subject to flooding.

3.3.3 Bushfire

The site is not mapped as being bushfire prone.

3.3.4 Land capability

Published Land Capability at 1:100,000 maps the subject site as Class E, due to the urban setting and location.

3.3.5 General environmental quality and hazard risk

The subject site is not known to have been used for a relevant activity listed in the Potentially Contaminated Land Code of the Scheme.

The site is not identified as being of risk of landslip. The subject site is surrounded by an area that has already been developed and has been developed upon.

3.3.6 Special or significant features of the subject land

There are no species of rare, vulnerable or endangered flora or fauna species located on the subject land.

There is no native vegetation on the subject site that will require clearing as part of the development of the site.

3.3.7 Infrastructure

The site is located within an area where there is a reticulated water, sewer and storm water system and the site has access to a Council maintained road.

It is assumed that the existing services would be adequate for the proposed use.

4. The Amendment

4.1 Existing Zone

The subject site is currently zoned Particular Purpose Zone 7 – Boags Brewery under the Launceston Interim Planning Scheme 2015, which supports the Boags Brewery.

The PPZ -7 zone is intended to provide for the continued operation of the Boags Brewery whilst providing for complementary uses and developments that support, supply or facilitate the operation of the brewery including hospitality and tourism related uses or development.

The PPZ-7 zone does not allow for bulky goods sales use and allows for limited use and development in accordance with the zone purpose. The permissible uses in the PPZ -7 zone have been listed below.

No Permit Required	
Use Class	Qualification
Natural and cultural values management	
Passive recreation	
Permitted	

Use Class	Qualification
Manufacturing and processing	If for a brewery
Resource processing	If for a brewery
Tourist operation	
Utilities	If for minor utilities
Discretionary	
Use Class	Qualification
Community meeting and entertainment	
Hotel industry	
Utilities	
Prohibited	
Use Class	Qualification
All other uses	

The loss of the PPZ – 7 zoning of the part of the subject site is not seen to have negative impact on the provision of the land for the purpose of Boags Brewery in the area.

4.2 Proposed Zone

The amendment proposed to rezone the part of the site to Urban Mixed Use. This provides for a logical continuation of the existing Urban Mixed Use zone that directly adjoins the subject site to the southwest and southeast.

No development is proposed with this application, however, a change of use to Bulky Goods Sales is proposed for the part of the site subject to the rezone.

The Urban Mixed Use zone provides for integration of residential, retail, community services and commercial activities in urban locations whilst also encouraging tourist operations. The zone aims to create activity at pedestrian levels.

Bulky Goods Sales dependent on the number of tenancies and gross floor area may be considered either a permitted use or a discretionary use. The zone also provides for Hotel Industry and Tourist Operation and Manufacturing and Processing, all of which are within the PPZ – 7 zone, whilst also providing for further opportunities compatible with the surrounding uses.

It is considered that the Urban Mixed Use zone provides opportunities for the present and future use of the site in a manner proposed along with a wider variety of alternate uses as per the below use table for the Urban Mixed Use reproduced from the Launceston Interim Planning Scheme 2015 that are not permissible if the site remains zoned PPZ-7.

No Permit Required	
Use Class	Qualification
Business and professional services	If above ground floor and where access does not require removal of any ground floor use
Food Services	
Natural and cultural values management	

Passive recreation	
Permitted	
Use Class	Qualification
Bulky goods sales	If for: <ul style="list-style-type: none"> (a) A single tenancy with a gross floor area of less than 3,500m² of (b) More than one tenancy with: <ul style="list-style-type: none"> (i) A minimum of 75% of gross floor area allocated to bulky goods sales within tenancies of over 1,000m²; and (ii) The remainder of the gross floor area allocated to bulky goods sales contained within tenancies of over 300m².
General retail and hire	If for a single tenancy or a multiple tenancy development with a gross floor area less than 250m ² .
Hotel industry	
Research and development	If above ground floor and where access does not require removal of any ground floor use
Residential	If above ground floor and where access does not require removal of any ground floor use
Service industry	If incorporating a shopfront for customer service
Tourist operation	
Transport depot and distribution	If for public transport related uses
Utilities	If for minor utilities
Visitor Accommodation	If above ground floor and where access does not require removal of any ground floor use
Discretionary	
Use Class	Qualification
Bulky goods sales	If for: <ul style="list-style-type: none"> (a) A single tenancy with a gross floor area between 3,500m² and 8,000m²; or (b) More than one tenancy with: <ul style="list-style-type: none"> (i) A minimum of 50% of gross floor area allocated to bulky goods sales within tenancies of over 1,000m²; and (ii) The remainder of the gross floor area allocated to bulky goods sales contained within tenancies of over 300m²; unless (iii) The site is listed as a local heritage place within the Local Historic Heritage Code,

	where this is no minimum floor area requirement.
Business and professional services	
Community meeting & entertainment	
Educational and occasional care	
Emergency services	
General retail and hire	If for: (a) A single tenancy or multiple tenancy with a gross floor area of between 250m ² and 1,400m ² ; or (b) A supermarket.
Hospital services	
Manufacturing and processing	
Recycling and waste disposal	
Residential	
Service industry	
Sport and recreation	
Storage	
Utilities	
Vehicle fuel sales and service	
Vehicle parking	
Visitor accommodation	
Prohibited	
Use Class	Qualification
All other uses	

4.3 Section 33 of LUPAA

An amendment to a Planning Scheme:

- Must seek to further the objectives of Schedule 1; and
- Must be prepared in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and
- May make any provision which relates to the use, development, protection or conservation of any land; and
- Must have regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*; and
- Must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and
- Must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
- The provisions of section 20 (2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.

Each of these parts will be addressed in the following sections.

4.4 Objectives of Schedule 1, Part 1 of LUPAA

(a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity

The site is within an existing urban area and had been the site of Tullochs Auctions for many years before becoming vacant since 2013. No rare or threatened species of flora or fauna have been identified on the subject site. As such, the proposed amendment will not threaten genetic diversity. The proposal would therefore also not adversely impact on ecological processes. The rezoning is seen as a potential to enable a wider range of uses on the land to enable appropriate reuse.

(b) To provide for the fair, orderly and sustainable use and development of air, land and water

The proposed amendment will provide for fair, orderly and sustainable use and development. There are no significant ecological, hydrological or cultural values that have been identified within the subject site.

(c) To encourage public involvement in resource management and planning

This process encourages public participation and comment through the notification process, following Council certification. The community and government departments and agencies will be able to formally comment on the draft amendment as part of this process.

(d) To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)

The proposed amendment seeks to further this objective of the Act by rezoning the subject land to facilitate additional use class compatible with surrounding uses, including utilization of the site for a use previously occupying the subject site for at least two decades providing for increased business activity within this area of George Street.

The rezoning of the site to Urban Mixed Use will facilitate economic development through the opportunity for bulky goods sales, in a site vacant since the departure of Tullochs Auctions in 2013. The amendment is therefore in accordance with objectives (a), (b) and (c) as discussed above.

(e) To promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

The amendment seeks to further this objective by allowing for development of the subject land, in conjunction with Council and the community.

Community involvement will be encouraged through public notification, local government involvement will be encouraged through this planning process and industry involvement will be promoted during the future development and construction phase of the site development. State Government involvement will be facilitated through the Tasmanian Planning Commission assessment process.

4.5 Objectives of Schedule 1, Part 2 of LUPAA

(a) To require sound strategic planning and coordinated action by State and local government; and

The amendment seeks to further this objective of the Act by furthering Council's objectives as expressed through the Northern Regional Land Use Strategy. It therefore represents sound strategic planning.

(b) To establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and

The proposed amendment seeks to change the zoning of the subject site to a zone existing within the *Launceston Interim Planning Scheme 2015*. The Particular Purposes Zone 7 – Boags Brewery currently only accommodates for a limited number of uses whereas Bulky Goods Sales is prohibited. It is proposed to change the zoning of the subject site, to allow for Tullochs Auctions to continue to operate from the site in which they had done so for at least 20 years previously.

The land will be developed in accordance with the relevant provisions of the *Launceston Interim Planning Scheme 2015*, the relevant code provisions will continue to apply.

(c) To ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and

The amendment is not likely to have an adverse impact on the surrounding environment. No rare, vulnerable or threatened species of flora or fauna have been identified on the subject property. Similarly, no areas of land exist on the site that require conservation.

The social and economic effects of development of the site should be given sufficient weight as the change of zone will allow for Tullochs Auctions to be back within the streetscape that they had been previously within for two decades and being the only auction house in the CBD is a selling point as Tullochs Auctions is more central and has more browsers and sales, with other local businesses seeing increased sales and traffic since the return of Tullochs Auctions to the subject site, boosting the area economically.

(d) To require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and

The proposed amendment seeks to further this objective through alignment with Council's objectives for the development of the area and furthers the objectives of the Regional Land Use Strategy of Northern Tasmania. The Urban Mixed Use zone allows a wider variety of potential re-use options for the site that may well remain underutilized is it remains in the current PPZ-7 zone.

All relevant regional and state policies have been considered for this proposal.

(e) To provide for the consolidation of approvals for land use or development and related matters, and to coordinate planning approvals with related approvals; and

This amendment seeks to further this objective by allowing simultaneous consideration of both the amendment and the proposed development.

The proposed amendment will allow for bulky goods sales to operate from the subject site. The subsequent planning and development approvals will be coordinated at development stage.

(f) To secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and

The amendment sought seeks to further this objective by allowing for a business to operate within the subject site in a manner that will not have an adverse impact upon the amenity of nearby business operations. The *Launceston Interim Planning Scheme 2015* makes provision to ensure issues of safety and amenity are considered. The proposed amendment to rezone part of the site from PPZ-7 to Urban Mixed Use will allow the reuse of a redundant and disused site whilst not impacting on the current operations of Boags Brewery.

(g) To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and

The subject land has known historical value. The proposed amendment seeks to further this objective by allowing for use of the site in a way that it had been used for at least two decades in a manner that has no impact on the historic value of any heritage sites.

(h) To protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community; and

This amendment will further this objective by allowing for the rezoning of the site to facilitate further use opportunities of the subject site other than the smaller limited uses provided for within the present zone. By allowing for bulky goods sales, Tullochs Auctions can re-establish their business operation in a way that they have been known to do so for at least two decades and to allow usage of what has been a disused site since 2013 when Tullochs Auctions vacated the site for a short interim period.

The future use of the subject site will be required to continue to manage the potential environmental impact of stormwater discharges and wastewater disposal.

The future use of the subject site is otherwise capable of continuing to be connected to electricity, reticulated water and telecommunications infrastructure, in accordance with the requirements of the relevant authorities.

(i) To provide a planning framework that fully considers land capability.

The subject site is within an existing urban area and has no agricultural value.

4.6 State Policies

State Policy on Water Quality Management 1997

The *State Policy on Water Quality Management 1997* came into operation on 27 September 1997. This policy applies to all surface water, including coastal waters, and groundwater's, other than privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public, or, water in any tank, pipe or cistern.

Clause 31.5 of the Policy requires that a use or development be consistent with the physical capacity of the land so that the potential for erosion and subsequent water quality degradation is minimised.

The nature of future use and development combined with the capacity of the Planning Authority to impose appropriate conditions in any subsequent planning approvals provides the opportunity for the relevant requirements of the Policy to be met.

On the above basis, it is considered that the proposed amendment complies with the provisions of the *State Policy on Water Quality Management 1997*.

State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* came into operation on 3 September 2009. The Policy applies to all agricultural land in Tasmania.

The Agricultural Land Policy defines 'Agricultural land' as:

Means all land that is in agricultural use or has the potential for agricultural use, that has not need zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

The site has been zoned for urban use (Class E) and is therefore not classed as agricultural land and the Agricultural Land Policy does not apply to the land.

State Coastal Policy 1996

The *State Coastal Policy 1996* came into operation on 10 October 1996. This policy applies to the coastal zone, which includes all State waters and land within 1km from the High-Water Mark.

The site is located within 1km of the coast and the State Coastal Policy does apply to the land.

As part of any future application for development on the subject site, appropriate conditions can be considered relating to water and storm water collection and disposal and to ensure that during construction sediment control is considered. It is noted that no development is proposed as part of this application though.

National Environment Protection Measures

In accordance with Section 12A of the *State Policies and Projects Act 1993*, a national environment protection measure is taken to be a State Policy. The following therefore require consideration:

- Ambient air quality 2002
- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999
- Movement of controlled waste between States and Territories 19998
- National pollutant inventory 2000

The site has no land use history that indicates contamination. It is considered that the NEPMs will have no impact on the proposed amendment.

4.7 Use, development, protection or conservation of any land

The proposed amendment does not make provision for the protection of any particular piece of land, as no sites of significance are located either within the boundaries of the subject property, or adjacent.

There are no areas of significance on the development site that require protection or conservation.

4.8 Requirements under the Gas Pipelines Act 2000

This section of LUPAA requires that regard be had with respect of the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*. The gas pipeline is not located near to the subject property. As such, the requirements of the *Gas Pipelines Act 2000* are not relevant to the proposed amendment.

4.9 Risk of land use conflict

As noted throughout this submission, the proposed amendment will not cause conflict with adjoining uses. The adjacent uses on adjacent and nearby lots will continue and will not be affected by the future bulky goods sales. The use itself will be considered on its merits as part of a further section of this submission.

The uses allowed in the Urban Mixed Use Zone are unlikely to conflict with the adjacent manufacturing and processing and resource development beyond that level of interface existing at present.

4.10 Northern Tasmania Regional Land Use Strategy (RLUS)

The Regional Land Use Strategy of Northern Tasmania was originally declared by the Minister for Planning in accordance with the relevant provisions of the Act on 27 October 2011. The current version was declared by the Minister for Planning on 18 June 2018 and came into operation on 27 June 2018.

The relevant regional policies and actions in the RLUS are reproduced and addressed:

4.10.1 Regional Activity Centre Network

Policy	Actions
Regional Activity Networks	
RAC-P2 Reinforce the role of the Launceston Principal Activity Centre as the primary focus for administration, government, business, commercial, cultural, high order retail goods (including bulk goods locations/precincts), recreational, arts and tourism activity for the region.	RAC-A3 Reinforce the role of Launceston City as the region's Principal Activity Centre (PAC) and provide for it to be sustained and strengthened through the preparation of a master plan that: <ul style="list-style-type: none"> • Maintains and consolidates regional significant retail attractions and amenities by facilitating and encouraging new investment; • Supports regional level retail investment in the CBD and inner city areas; • Complements the other higher order regional activity centres; and • Facilitates the consolidation of bulky goods precincts within the City and the Greater Launceston Urban Area.
RAC-P10 Provide for a range of land uses to be incorporated into activity centres appropriate to their role and function within the Activity Centres Hierarchy.	RAC-A13 Focus higher density residential and mixed-use development in and around regional activity centres and public transport nodes and corridors.

Comment:

The proposed amendment will assist in facilitating the consolidation of bulky goods, as having many located along the William Street area of the City. The proposal assists in reinforcing the role of Launceston as a Principal Activity Centre by providing a range of uses and supports a use that previously utilised the site for at least two decades providing for activity and employment within this area of George Street, drawing customers to an area underutilised and enhancing an otherwise vacant site since 2013.

The proposed amendment provides for a broader range of land uses on the site, providing for varying opportunities currently restricted on the site. The fact that the site has remained vacant since Tullochs Auctions vacated the subject site, indicates that the present zoning was too restrictive to attract an appropriate tenant into the site.

The proposed amendment is therefore consistent with the relevant policies and actions.

4.11 Strategic Plan 2014-2024

The strategic plan is guided by The Greater Launceston Plan and provides a ten-year plan, the purpose of which is to provide direction to the operations the Council undertakes in its role as a major service provider. The plan provides broader strategies designed to achieve the overarching goals of the Greater Launceston Plan. The following goals are considered relevant:-

Goal 4 – A diverse and welcoming city

Greater Launceston Plan Direction:

- *To support social and demographic diversity, and enable diversity in ideas and economic opportunities.*
- *To develop a socially inclusive Launceston where all people feel valued, their differences are respected, and their basic needs are met so they can live with dignity.*

Comment: -

The objective of the proposed rezoning is to enable future use of the site for bulky goods sales. This will provide for economic opportunities within an area of the city that has seen the building vacant since 2013, providing business activity and traffic.

Goal 6 – A city building its future

Greater Launceston Plan Direction:

- *To coordinate planning and development of existing and future patterns of land use, transport and supporting infrastructure.*

10 year goal

To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions.

Comment: -

The proposed amendment is considered to facilitate appropriate use and development for the area.

4.12 Summary of Amendment

The proposed amendment satisfies the requirements of Section 32 of LUPAA by:

- Seeking to further the objectives set out in Schedule 1 of the Act; and
- Being prepared in accordance with State Policies; and
- By making provision for the use, development, protection or conservation of land; and
- By having regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*; and
- By avoiding the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent areas; and
- By having regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

The amendment does not affect any matters identified by Section 20(2), (3), (4), (5), (6), (7), (8) and (9) of the Act.

5. The Development

5.1 Section 43A of LUPAA

Section 43C of LUPAA dictates the Council assessment process in determining a combined application for a scheme amendment and development.

Launceston Interim Planning Scheme 2015

15 Urban Mixed Use Zone

15.1.1 Zone Purpose Statements

15.1.1.1 *To provide for integration of residential, retail, community services and commercial activities in urban locations.*

15.1.1.2 *To provide for a diverse range of urban uses and increased intensity of development including residential densities that support the role of activity centres.*

15.1.1.3 *To encourage residential, visitor accommodation and tourist operation uses as a means of increasing activity outside normal business hours.*

15.1.1.4 *To create:*

(a) activity at pedestrian levels, with active road frontages offering interest and engagement to shoppers; and

(b) appropriate provision for car parking, pedestrian access and traffic circulation.

15.1.2 Local Area Objectives and 15.1.3 Desired Future Character Statements

There are no local area objectives and no desired future character statements.

Proposal Response

The proposed bulky goods sales is permitted within the zone (being less than 3,500m²). The use furthers the purpose of the zone in that it provides for commercial activities at urban locations that increase activity at pedestrian levels with an active road frontage that offers interest and engagement to shoppers.

15.3 Use Standards

15.3.1 Hours of operation

Objective

To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses.

Acceptable Solutions	Performance Criteria	Proposal Response
A1 Commercial vehicles must only operate between 6.00am and 10.00pm.	P1 Commercial vehicles must not unreasonably impact on the amenity of nearby sensitive uses, having regard to: (a) The extent and timing of traffic generation; (b) The hours of delivery and dispatch of goods and materials; and (c) The existing levels of amenity.	A1 – <i>The proposal complies. The trading hours for Tullochs Auctions is as follows: Mon-Fri 9am to 4.30pm and Saturday 10am to 12pm Closed on Sundays and public holidays. Therefore, commercial vehicles will only</i>

operate between
6.00am and 10.00pm.

15.3.2 Mechanical plant and equipment

Objective

To ensure that the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to sensitive uses.

Acceptable Solutions	Performance Criteria	Proposal Response
<p>A1</p> <p>Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.</p>	<p>P1</p> <p>Noise, odours, fumes or vibration generated must not cause unreasonable loss of amenity to adjoining or immediately opposite sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) The characteristics and frequency of any emissions generated; (b) The nature of the proposed use; (c) The topography of the site; (d) The landscaping of the site; and (e) Any mitigation measures proposed. 	<p>A1 – The proposal complies. No new mechanical plant or equipment other than that existing on site is proposed.</p>

15.3.3 Light spill and illumination

Objective

To ensure that light spill and levels of illumination from external lighting does not cause unreasonable loss of amenity to sensitive uses.

Acceptable Solutions	Performance Criteria	Proposal Response
<p>A1</p> <p>The use must:</p> <ul style="list-style-type: none"> (a) Not include permanent, fixed floodlighting where the zone adjoins the boundary of the General Residential, Inner Residential, and Low Density Residential zones; and (b) Contain direct light from external light sources within the boundaries of the site. 	<p>P1</p> <p>Floodlighting or other external lighting used on the site must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) The number of light sources and their intensity; (b) The proximity of the proposed light sources to nearby sensitive uses; (c) The topography of the site; 	<p>A1 – The proposal complies. The proposed use does not include any permanent fixed floodlighting and contains only direct light from external light sources within the boundaries of the site.</p>

- (d) The landscaping of the site;
- (e) The degree of screening between the light source and the sensitive uses; and
- (f) Existing light sources nearby.

15.3.4 Noise level

Objective

To ensure that noise levels from uses do not unreasonably impact on the amenity of nearby sensitive uses.

Acceptable Solutions	Performance Criteria	Proposal Response
<p>A1 Noise generated by a use on the site must:</p> <ul style="list-style-type: none"> (a) Not exceed a time average A-weighted sound pressure level (LAeq) of 5 dB(A) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site; or (b) Be in accordance with any permit conditions required by the Environment Protection Authority or an environmental protection notice issued by the Director of the Environment Protection Authority. 	<p>P1 Noise levels generated by a use on the site must not unreasonably impact on the amenity of nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) The nature and intensity of the use; (b) The characteristics of the noise emitted; (c) Background noise levels; (d) Any mitigation measures proposed; (e) The topography of the site; and (f) The character of the surrounding area. 	<p>A1 – The proposal complies. The trading hours for Tulloch's Auctions is as follows: Mon-Fri 9am to 4.30pm and Saturday 10am to 12pm Closed on Sundays and public holidays. The noise generated by the use will not exceed a time average A-weighted sound pressure level (LAeq) of 5 dB(A) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site. There is no known sensitive use adjoining or immediately opposite the site.</p>

15.3.5 Retail impact

Objective

To ensure that the economic, social and environmental impact of significant new retail use and development is consistent with the activity centre hierarchy.

Acceptable Solutions	Performance Criteria	Proposal Response
A1	P1	A1 – The proposal

<p>If for no permit required or permitted use class.</p>	<p>Uses must have acceptable impacts on the viability of the activity centre hierarchy, having regard to the extent that the proposed use:</p> <ul style="list-style-type: none"> (a) Improves and broadens the commercial or retail choice within the area; (b) Improves the urban design outcome for an activity centre including its amenity; (c) Contributes to an attractive environment for pedestrians; (d) Contributes to loss of investment, blight or disinvestment for a particular centre; (e) Includes environmentally sustainable design principles; and (f) Is accessible by public transport. 	<p><i>complies. The use proposed is bulky goods sales, having an area of 740m² x 2 with a 200m² yard. The proposal is for a single tenancy and therefore a permitted use class in the zone.</i></p>
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Codes

Other Planning Considerations

E1.0 Bushfire Prone Areas Code – Not applicable, the site is not considered bushfire-prone.

E2.0 Potentially Contaminated Land Code – Not applicable.

E3.0 Landslip Code – Not applicable.

E4.0 Road and Railway Assets Code – Applicable.

E4.5.1 Existing Road Accesses and Junctions

Objective

To ensure that development adjacent to category 1 or category 2 roads or the rail network:

- (a) Ensures the safe and efficient operation of roads and the rail network;
- (b) Allows for future road and rail widening, realignment and upgrading; and
- (c) Is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.

Acceptable Solution	Performance Criteria	Proposal Response
<p>A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or</p>	<p>P1 Any increase in vehicle traffic to a category 1 or category 2 road in an area subject to a speed limit of more than</p>	<p>A1 <i>Not applicable as George Street and William Street are not a Category 1 or 2 road.</i></p>

<p>category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>60km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) The increase in traffic caused by the use; (b) The nature of the traffic generated by the use; (c) The nature of the road; (d) The speed limit and traffic flow of the road; (e) Any alternative access to a road; (f) The need for the use; (g) Any traffic impact assessment; and (h) Any written advice received from the road authority. 	
<p>A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>P2 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) The increase in traffic caused by the use; (b) The nature of the traffic generated by the use; (c) The nature and efficiency of the access or junction; (d) The nature and category of the road; (e) The speed limit and traffic flow of the road; (f) Any alternative access to a road; (g) The need for the use; (h) Any traffic impact assessment; and 	<p>A2 <i>Not applicable, George Street and William Street have a default speed limit of 50km/h.</i></p>

	(i) Any written advice received from the road authority.	
A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) The increase in traffic caused by the use; (b) The nature of the traffic generated by the use; (c) The nature and efficiency of the access or junction; (d) The nature and category of the road; (e) The speed limit and traffic flow of the road; (f) Any alternative access to a road; (g) The need for the use; (h) Any traffic impact assessment; and (i) Any written advice received from the road authority.	A3 <i>The AADT for the use is less than 40 vehicle movement per day. The proposal complies with the acceptable solution. The use employs 2 FTE staff (the owners) and 3 casuals. The majority of auctions are now conducted online. Although visitation will increase, the use is not expected to generate more than 40 vehicle movements per day.</i>

E4.6.1 Development Adjacent to Roads and Railways

Objective

To ensure that development adjacent to category 1 or category 2 roads or the rail network:

- (d) Ensures the safe and efficient operation of roads and the rail network;
- (e) Allows for future road and rail widening, realignment and upgrading; and
- (f) Is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.

Acceptable Solution	Performance Criteria	Proposal Response
A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area	P1 The location of development, from the rail network, or a category 1 road or category 2 road in an area subject to a speed limit of more than 60km/h, must be safe and not	A1.1/A1.2 <i>Not applicable as the proposed use is not on or within 50 metres of a Category 1 or 2 road.</i>

subject to a speed limit of more than 60km/h:

- (a) New buildings;
- (b) Other road or earth works; and
- (c) Building envelopes on new lots.

A1.2

Buildings must be:

- (a) Located within a row of existing buildings and setback no closer than the immediately adjacent building; or
- (b) An extension which extends no closer than:
 - (i) the existing building; or
 - (ii) an immediately adjacent building.

unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:

- (a) The proposed setback;
- (b) The existing setback of buildings on the site;
- (c) The frequency of use of the rail network;
- (d) The speed limit and traffic volume of the road;
- (e) Any noise, vibration, light and air emissions from the rail network or road;
- (f) The nature of the road;
- (g) The nature of the development;
- (h) The need for the development;
- (i) Any traffic impact assessment;
- (j) Any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and
- (k) Any written advice received from the rail or road authority.

E4.6.2 Road Accesses and Junctions

Objective
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

Acceptable Solution	Performance Criteria	Proposal Response
A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.	P1 For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) The nature and frequency of the	A1 <i>Not applicable, the existing access is to be utilised to serve the development.</i>

- traffic generated by the use;
- (b) The nature of the road;
- (c) The speed limit and traffic flow of the road;
- (d) Any alternative access;
- (e) The need for the access or junction;
- (f) Any traffic impact assessment; and
- (g) Any written advice received from the road authority.

<p>A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p>P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonable impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) The nature and frequency of the traffic generated by the use; (b) The nature of the road; (c) The speed limit and traffic flow of the road; (d) Any alternative access; (e) The need for the access or junction; (f) Any traffic impact assessment; and (g) Any written advice received from the road authority. 	<p>A2 <i>In this case, one access is proposed, providing for both entry and exit.</i></p>
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E4.6.3 New Level Crossings – Not applicable.

E4.6.4 Sight Distance at Accesses, Junctions and Level Crossings

Objective		
To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.		
Acceptable Solution	Performance Criteria	Proposal Response

<p>A1 Sight distances at:</p> <p>(a) An access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and</p> <p>(b) Rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices – Railway crossings</i>, Standards Association of Australia.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <p>(a) The nature and frequency of the traffic generated by the use;</p> <p>(b) The frequency of use to the road or rail network;</p> <p>(c) Any alternative access;</p> <p>(d) The need for the access, junction or level crossing;</p> <p>(e) Any traffic impact assessment;</p> <p>(f) Any measures to improve or maintain sight distance; and</p> <p>(g) Any written advice received from the road or rail authority.</p>	<p>A1 <i>The proposal complies with A1. The existing access point complies with the Safe Intersection Sight Distance shown in Table E4.6.4.</i></p>
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E5.0 Flood Prone Areas Code – Not applicable, the subject site is not mapped within the Flood Prone Areas Overlay. The site is however located within the 1:200 year flood area for Launceston. It is highly unlikely that the use will be affected by any flood, as the use is not a sensitive use, and there is the ability to remove significant items from the site or to the upper floor level if required.

E6.0 Car Parking and Sustainable Transport Code - the subject site is located within the CBD Parking Exemption Area. Not applicable.

E7.0 Scenic Management Code – Not applicable.

E8.0 Biodiversity Code – Not applicable.

E9.0 Water Quality Code – Applicable. The development is exempt under E9.4.1 as the use and development is to be connected to reticulated stormwater.

E10.0 Open Space Code – Not applicable.

E11.0 Environmental Impacts and Attenuation Code – Not applicable. The proposal is not a sensitive use.

E12.0 Airports Impact Management Code – Not applicable.

E13.0 Local Historic Cultural Heritage Code – applicable.

E13.6 Development Standards - Not applicable, no development proposed.

E13.6.13 Signage – not applicable, no additional signage proposed.

E14.0 Coastal Code – Not applicable.

E15.0 Telecommunications Code – Not applicable.

E16.0 Invermay/Inveresk Flood Inundation Area Code – Not applicable.

E17.0 Cataract Gorge Management Area Code – Not applicable.

E18.0 Signs Code – Not applicable.

E19.0 Development Plan Code – Not applicable.

5.2 State Policies

State Policy on Water Quality Management 1997

The *State Policy on Water Quality Management 1997* came into operation on 27 September 1997. This policy applies to all surface water, including coastal waters, and groundwater's, other than privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public, or, water in any tank, pipe or cistern.

Clause 31.5 of the Policy requires that a use or development be consistent with the physical capacity of the land so that the potential for erosion and subsequent water quality degradation is minimised.

The nature of future use and development combined with the capacity of the Planning Authority to impose appropriate conditions in any subsequent planning approvals provides the opportunity for the relevant requirements of the Policy to be met.

On the above basis, it is considered that the dispensation complies with the provisions of the *State Policy on Water Quality Management 1997*.

State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* came into operation on 3 September 2009. The Policy applies to all agricultural land in Tasmania.

The Agricultural Land Policy defines 'Agricultural land' as:

Means all land that is in agricultural use or has the potential for agricultural use, that has not need zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

The site has been zoned for urban use (Class E) and is therefore not classed as agricultural land and the Agricultural Land Policy does not apply to the land.

State Coastal Policy 1996

The *State Coastal Policy 1996* came into operation on 10 October 1996. This policy applies to the coastal zone, which includes all State waters and land within 1km from the High-Water Mark.

The site is located within 1km of the coast and the State Coastal Policy does apply to the land.

As part of any future application for development on the subject site, appropriate conditions can be considered relating to water and storm water collection and disposal and to ensure that during construction sediment control is considered.

National Environment Protection Measures

In accordance with Section 12A of the *State Policies and Projects Act 1993*, a national environment protection measure is taken to be a State Policy. The following therefore require consideration:

- Ambient air quality 2002
- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999
- Movement of controlled waste between States and Territories 19998
- National pollutant inventory 2000

The site has no land use history that indicates contamination. It is considered that the NEPMs will have no impact on the proposed amendment.

5.3 Summary of Development

The proposed development fulfils the requirements of Section 43C of LUPAA by:

- Seeking to further the objectives set out in Schedule 1 of the Act; and
- Taking into consideration the prescribed matters, being the *Launceston Interim Planning Scheme 2015*, as are relevant to the subject application.

6. Conclusion

This application satisfies the requirements of both Section 33 and Section 43A of LUPAA. This submission demonstrates that the proposal is consistent with Council's strategic objectives for this area as articulated in the Northern Tasmania Regional Land Use Strategy.

The proposal is consistent with the objectives of Schedule 1 of LUPAA and serves to uphold the values and objectives of the *George Town Interim Planning Scheme 2013*.

This application therefore seeks:

- An amendment to the Scheme to change the zoning of the part of CT 169239/1 such that it is located to the southwest of William Street land and comprised within the Particular Purpose PPZ 7 – Boags Brewery to Urban Mixed Use;
- To Change the Use of the premises known as 'Cascade House' to allow Bulky Goods Sales for the operation of Tullochs Auctions.

Appendix A: Land Owners Consent



Jessie Reid
Tullochs Auctions
3 George St.
Launceston, Tasmania, 7250

9 January 2020

Dear Jessie

3-7 George St. Zoning Application Change

As the representative of the owner of 3-7 George St., Launceston. I write to confirm our support of your application to the local planning authority to change the current zoning of this premise from 38.0 Particular Purpose to 15.0 Urban Mixed Use.

This zoning change would be for the area marked in yellow on the map below (3-7 George St to William St with the rear boundary being Little William Lane).

T +61 3 6332 6332
F +61 3 6332 6336
W www.lionco.com

Lion
69 Esplanade
Launceston
TAS 7250
Australia

PO Box 877
Launceston
TAS 7250
Australia

J. Boag & Son
Brewing Pty Ltd
ABN 54 009 573 899



Yours faithfully

Nathan Calman
Brewery Manager
J. Boag and Son Brewing

Appendix B: Certificate of Title

SEARCH OF TORRENS TITLE

VOLUME 169239	FOLIO 1
EDITION 2	DATE OF ISSUE 10-May-2019

SEARCH DATE : 21-Nov-2019

SEARCH TIME : 04.00 PM

DESCRIPTION OF LAND

City of LAUNCESTON
 Lot 1 on Plan 169239
 Being part of the land described in Conveyance No. 64/7069
 Derivation : Part of 0A-2R-18Ps. (Section J.) Gtd. to T. Mann
 & Part of 0A-1R-11Ps. Gtd. to G. Foster.
 Prior CTs 247999/1, 198972/1, 37769/2 and 37769/3

SCHEDULE 1

M730247 TRANSFER to LION-BEER, SPIRITS & WINE PTY LTD
 Registered 10-May-2019 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 BENEFITING EASEMENT (appurtenant to the land marked A.B.C.D.
 on Plan 169239) a right of way with horses carriages
 and cattle in common with the other owners or
 occupiers for the time being of the other portions of
 the allotment containing 2 roods 18 perches of which
 the said land within described form part in through
 over along and upon the land marked William Street
 Lane on Plan 169239

D157128 ADHESION ORDER under Section 110 of the Local
 Government (Building and Miscellaneous Provisions)
 Act 1993 Registered 22-Apr-2015 at noon

UNREGISTERED DEALINGS AND NOTATIONS

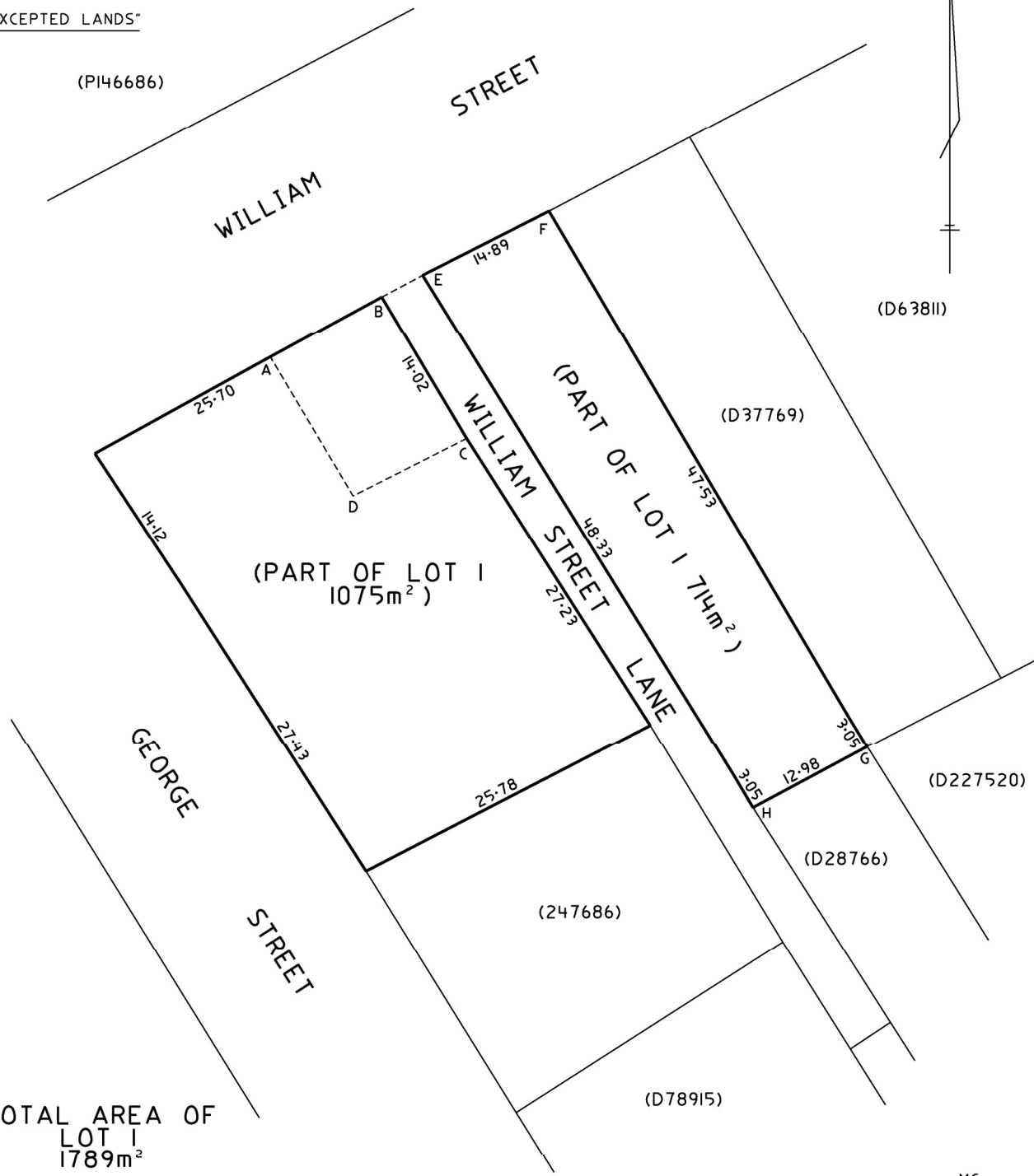
No unregistered dealings or other notations

OWNER FOLIO REFERENCE C1: 24/999/1 CT: 198972/1 CT: 37769/2 CT: 37769/3 GRANTEE PART OF (0A IR IIP) GTD. TO GEORGE FOSTER. PART OF (0A 2R 18P) GTD. TO MANN AND DEAN MANN.	PLAN OF TITLE		Registered Number P.169239
	LOCATION CITY OF LAUNCESTON (SEC J)	CONVERTED BY PLAN No. D37769, P198972, P247999	COMPILED BY LTO
NOT TO SCALE		LENGTHS IN METRES	

MAPSHEET MUNICIPAL CODE No. 120 (5041)	LAST UPI No	LAST PLAN D37769, No. P198972, P247999	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN
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SKETCH BY WAY OF ILLUSTRATION ONLY AS DERIVED FROM CONV.64/7069 (D37769) WHICH RELATES TO LANDS MARKED 'EFGH'

"EXCEPTED LANDS"

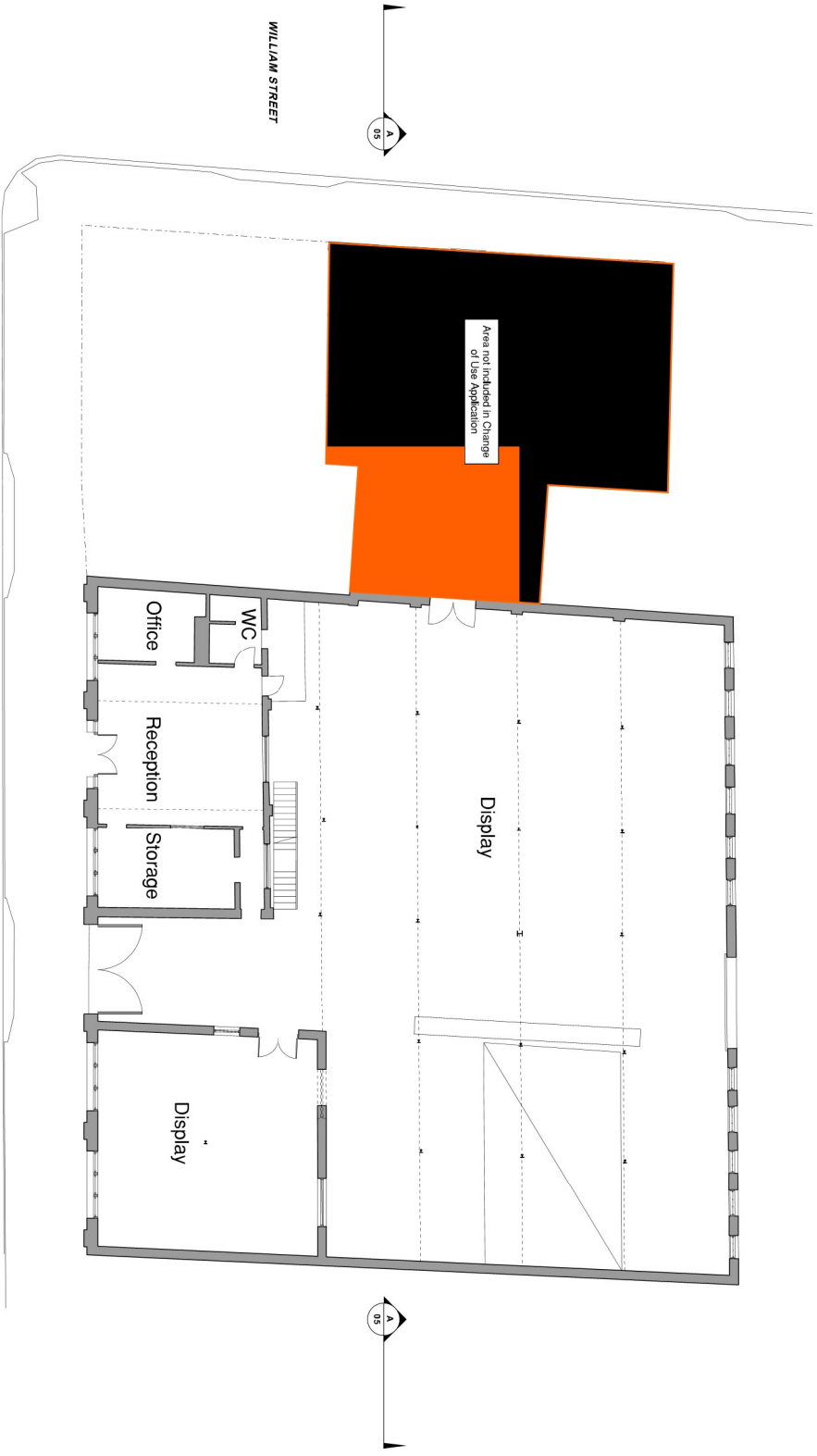


TOTAL AREA OF LOT 1
1789m²

MG

Appendix C: Existing Floor Plans

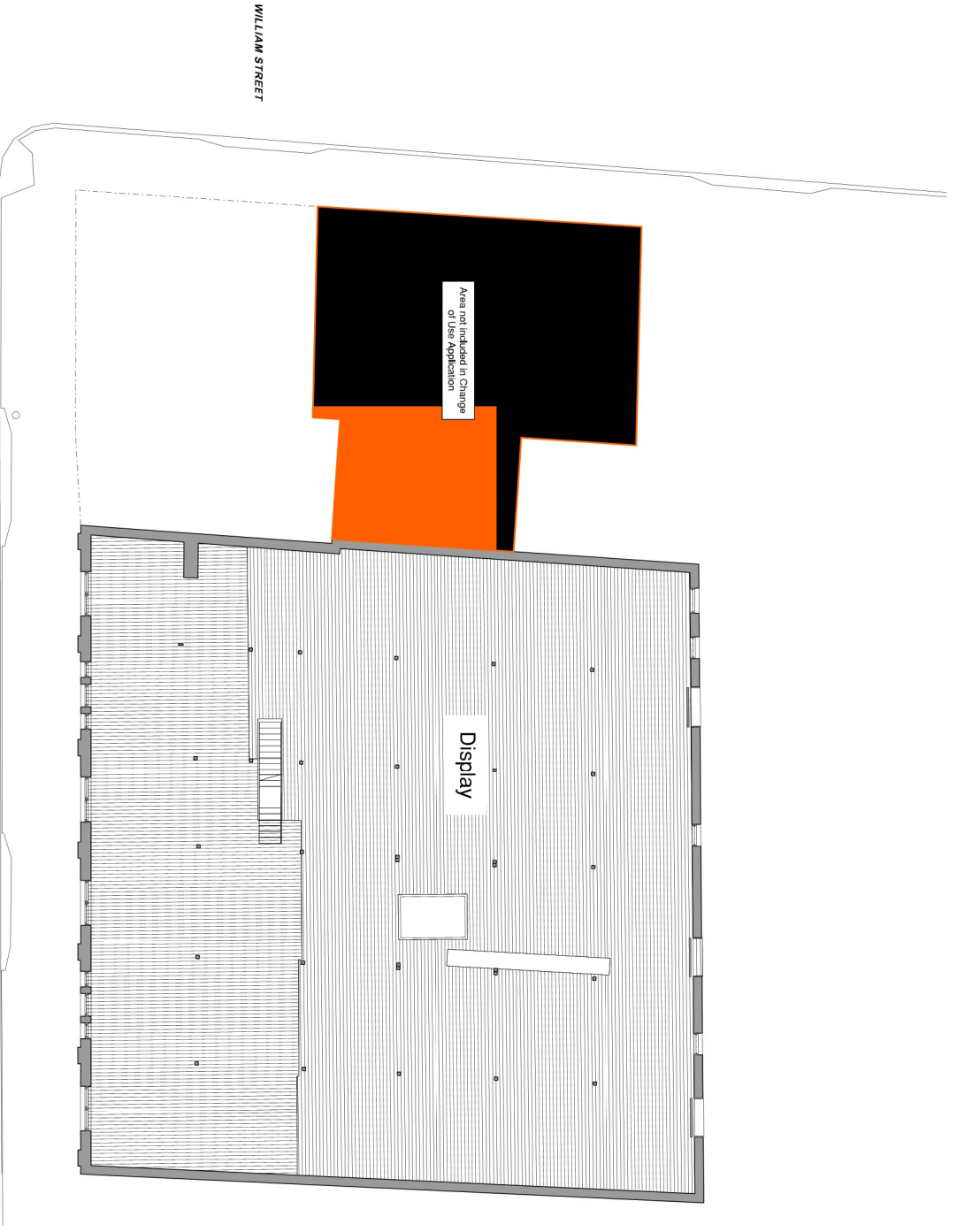
DO NOT SCALE DIMENSIONS. VERIFY DIMENSIONS
 GOVERN. ALL DIMENSIONS ARE IN METRES UNLESS
 OTHERWISE STATED OTHERWISE. ALL DIMENSIONS
 WITHIN THE WORK SHALL BE NOTED IN
 RELEVANT CONTRACTS, SPECIFICATIONS,
 REPORTS AND DRAWINGS.



SCALE: 1:100 (B1)
 DATE: 28/02/2020

DRAWING:
 EXISTING GROUND PLAN

DO NOT SCALE DIMENSIONS, VERIFY DIMENSIONS
ON SITE. ALL DIMENSIONS SHALL BE TAKEN FROM THE
FIELD. THE DRAWING SHALL BE USED IN CONJUNCTION
WITH THE WORK LOGS SHALL BE NOTED IN
RELEVANT CONTRACTS, SPECIFICATIONS,
REPORTS AND DRAWINGS.



WILLIAM STREET

GEORGE STREET



SCALE: 1/8" = 1'-0"
DATE: 28/02/2020

DRAWING:
EXISTING FIRST FLOOR PLAN

Appendix D: Mapping of Proposed Rezone

