

9.3 PSA-LLP0002 - Rezoning of Land at 9 Rose Lane, South Launceston (CT159336/1, CT247578/2 and CT200709/1) from General Residential and Open Space to Community Purpose and DA0439/2022 to Consolidate Three Titles into One

FILE NO: DA0439/2022

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

1. To decide whether to reject or agree to an initiate and exhibit PSA-LLP0002 to Rezone land at 9 Rose Lane, South Launceston (described as CT159336/1, CT247578/2, CT217855/1 and CT200709/1) from the General Residential Zone and Recreation Zone to Community Purpose Zone, of the Launceston Local Provisions Schedule; and
2. To determine Development Application DA0439/2022 - Subdivision - Consolidate four titles into one, including alterations to the road network; Business and Professional Services - Construction of six new commercial tenancies and associated car parking.

PLANNING APPLICATION INFORMATION:

Applicant: ERA
Area of the Site: 9 Rose Lane, South Launceston (described as CT159336/1, CT247578/2, CT217855/1, CT200709/1, CT210081/1, CT226165/2 and CT68237/1)
Existing Zones: General Residential and Recreation
Existing Use: Vacant land
Receipt Date: 10 September 2022

RECOMMENDATION:

That Council:

1. pursuant to sections 37, 38 and 40T of the *Land Use Planning and Approvals Act 1993*, agrees to and initiate Amendment PSA-LLP0002, to Rezone land at 9 Rose Lane, South Launceston (described as CT159336/1, CT247578/2, CT217855/1 and CT200709/1);

2. pursuant to section 40F of the *Land Use Planning and Approvals Act 1993*, certifies draft amendment PSA-LLP0002, as shown below:

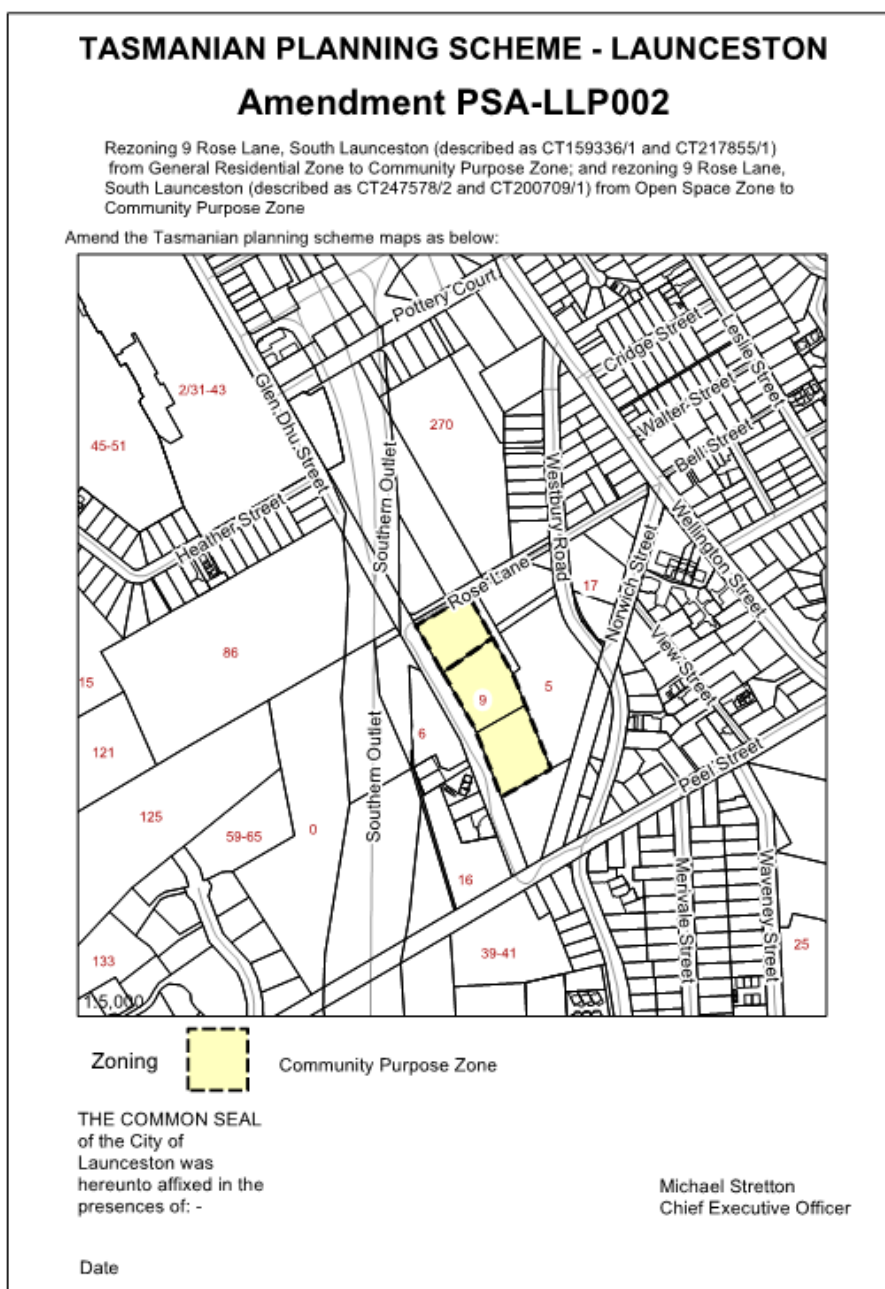


Figure 1 - Instrument to Certify

3. pursuant with sections 40G and 40F of the *land Use Planning and Approvals Act 1993* determines the period for public exhibition to be 28 days; and
4. pursuant to section 40T and 40Y of the *Land Use Planning and Approvals Act 1993*, approves DA0439/2022 - Subdivision - Consolidate four titles into one, including alterations to the road network; Business and Professional Services - Construction of six new commercial tenancies and associated car parking, at 9 Rose Lane, South Launceston.

1. ENDORSED PLANS AND DOCUMENTS

The use and development must be carried out in accordance with the endorsed plans and documents to the satisfaction of the Manager City Development unless modified by a condition of the Permit:

- a. Location Plan, prepared by Artas Architects, Drawing No. A001-Sk07, dated 19/10/2022.
- b. Site Plan, prepared by Artas Architects, Drawing No. A002-Sk07, dated 12/09/2022.
- c. Elevations, prepared by Artas Architects, Drawing No. A003-Sk07, dated 05/07/2022.
- d. Rose Lane Offices - Renders, prepared by Artas Architects, Drawing No. A730-Sk01.
- e. Rose Lane Offices - Renders, prepared by Artas Architects, Drawing No. A730-Sk01.
- f. Rose Lane Offices - Renders, prepared by Artas Architects, Drawing No. A730-Sk01.
- g. Supporting Planning Report, prepared by era Planning and Environment, dated 4 November 2022.
- h. Traffic Impact Assessment, prepared by GHD, dated 21 October 2022.
- i. Landslide Risk Assessment, prepared by Scherzic, Ref: 7390B, dated 6 July 2022.
- j. Environmental Site Assessment, prepared by es&d, Ref: 7928, Version 4, dated November 2022.
- k. Concept Servicing and Stormwater Report, prepared by AD Design + Consulting, dated 16/09/2022.

2. COMMERCIAL VEHICLE MOVEMENTS

Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, must be within the following hours:

7am to 6pm - Monday to Friday; and

9am to 5pm - Saturday, Sunday and public holidays

3. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land except construction of access from the street.

4. EXTERIOR AND SECURITY LIGHTING

- a. security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries; and
- b. exterior lighting, excluding security lighting, must not operate between the hours of 9pm and 6pm.

5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice TWDA 2022/01229-LCC, dated 14/12/2022 and attached to the permit.

6. BUSINESS HOURS

The operation of all uses on site must be confined to:

8am to 8pm - Monday to Friday

9am to 6pm - Saturdays

10am to 5pm - Sundays and Public Holidays

7. BUSHFIRE

Prior to the sealing of the final plan, a report prepared by the Tasmanian Fire Service or an accredited person must be provided to the Council and endorsed by the Manager City Development that:

- a. certifies there is an insufficient increase in risk to the use and development from bushfire to warrant any specific bushfire protection measures in accordance with C13.4.1(a); or
- b. demonstrates compliance with C13.6.1 and C13.6.2 under C13.0 Bushfire-Prone Areas Code by demonstrating the provision of hazard management areas and public and fire-fighting access.

8. SIGNAGE

No signage is approved as part of this permit.

9. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the development.

10. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of General Manager Infrastructure and Assets Network is required prior to undertaking works where the works:

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

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

12. SOIL AND WATER MANAGEMENT PLAN

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

13. FACILITIES AND HIGHWAYS BY-LAW

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). No such items are to be placed within the road reserve without approval.

14. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the General Manager Infrastructure and Assets Network for approval. Such plans and specifications must:

- a. include all infrastructure works required by the permit or shown in the endorsed plans and specifications.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

15. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network. The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Stormwater
 - i. provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
 - ii. the provision of a suitably sized stormwater connection to the lowest point of the lot,

- iii. provision of all necessary changes to stormwater pits and pipework affected by the kerb line relocation within Westbury Road,
 - iv. provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. Roads - Westbury Road
- i. realignment of the eastern kerb on Westbury Road to provide a 6m south-bound lane to facilitate a right turn manoeuvre into Rose Lane, including all necessary relocation of third party services such as street lighting, telecommunications infrastructure.
 - ii. provision of a 1,500mm wide footpath located on the western side of Westbury Road from the existing bus stop north to continue down Rose Lane including all necessary pedestrian kerb ramps including those shown on the endorsed plan; Artas drawing 211043 A001-Sk07 dated 19/10/2022.
 - iii. provision of all necessary line marking, signage and other traffic control devices.
- c. Roads - Rose Lane
- i. provision of a fully constructed road 6.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel.
 - ii. provision of a 1,500mm wide footpath located on the southern side of Rose Lane from the main vehicle to the Westbury Road footpath extension including all necessary pedestrian kerb ramps including those shown on the endorsed plan; Artas drawing 211043 A001-Sk07 dated 19/10/2022.
 - iii. provision of three vehicle access points for the development.
 - iv. Provision of all necessary line marking, signage and other traffic control devices.
- d. Electricity, Communications and Other Utilities
- i. All necessary relocations or upgrades required to facilitate the development required or permitted by and to the approval of the Responsible Authority.

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

- a. construction requirements.
- b. appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange the Council's Audit inspections and other responsibilities,
- c. construction Audit inspections.
- d. practical completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

16. CONSTRUCTION DOCUMENTATION

At the time of practical completion for the public works, the developer must provide the Council with construction documentation sufficient to show that the works are completed in accordance with the Council's standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a. an *as constructed* plan in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure and Assets Network.
- b. a Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.

- c. compaction and soil test results for all earthworks or pavement works.
- d. an engineer's certificate that each component of the works comply with the approved engineering plans and the Council's standards.

17. EASEMENTS

Easements are required over all the Council's and third party services located in private property. The minimum width of any easement must be 3m for the Council's (public) mains. A greater width will be required in line with the LCC document *How close can I build to a Council Service?* where the internal diameter of the pipe is greater than 475mm or where the depth of the pipe exceeds 2.1m. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

18. CONVEYANCE OF ROADS

All roads in the Subdivision must be conveyed to the Council upon the issue by the General Manager Infrastructure and Assets Network, of the Certificate under section 10(7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the Subdivider.

19. AS CONSTRUCTED PLANS

An *as constructed* plan must be provided in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure and Assets Network.

20. EXTERIOR AND SECURITY LIGHTING

Exterior lighting and security lighting is to comply with the Australian Standard AS4282 *Control of the obtrusive effects of outdoor lighting* or any subsequent versions.

21. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the development to be undertaken on-site. Any such waste materials are to be removed to a licensed waste disposal facility (e.g. Launceston Waste Centre), reclaimed or recycled.

22. WASTE MATERIALS

All waste materials generated by the activity are to be disposed of at an approved waste disposal facility or reclaimed/recycled if possible.

23. DEMOLITION

The developer must:

- a. protect property and services which are to either remain on or adjacent to the site from interference or damage;
- b. not undertake any burning of waste materials or removed vegetation;
- c. remove all rubbish from the site for disposal at a licensed waste disposal site;
- d. dispose of any asbestos found during demolition in accordance with the Safe Work Australia *How to Safely Remove Asbestos: Code of Practice, July 2020*, or any subsequent versions of the document.

24. STORMWATER

No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses.

25. CONTAMINATED LAND

The developer must comply with the environmental site assessment (ESA) report prepared for 9 Rose Lane by ES&D, Version 4, dated November 2022 and complete all works required in the ESA report's recommendations.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to the Council (and the Environmental Protection Authority if relevant) immediately upon discovery.

26. POTENTIAL SITE CONTAMINATION - NEW INFORMATION

Any new information which comes to light during demolition or construction works that has the potential to alter previous conclusions about site contamination must be notified to Council (and the Environmental Protection Authority if relevant) immediately upon discovery. Works on site must immediately cease until the new information has been assessed. Works can only recommence:

- a. once the site has been assessed by a site contamination practitioner certified under the Environment Institute of Australia and New Zealand Inc's Certified Environmental Practitioners (Site Contamination) scheme; and
- b. in accordance with any additional recommended control measures as specified by the site contamination practitioner.

27. CONTROL OF DUST EMISSIONS

- a. Dust emissions from the land must be controlled to prevent environmental nuisance beyond the boundary of the land during development and use.
- b. Prior to the use commencing the site must be fully sealed, other than approved landscaping.
- c. The person responsible must maintain the site seal in good condition over the life of the operation.

28. HOURS OF CONSTRUCTION - COMMERCIAL CONSTRUCTION

- a. Unless otherwise approved in writing by the Manager Health and Compliance, construction activities must only be carried out between the hours of:
 - i. Monday to Friday - 7am to 6pm; and
 - ii. Saturday - 8am to 6pm.
- b. Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed State-wide (Easter Tuesday excepted).

29. CONSTRUCTION NOISE ASSESSMENT

Prior to the commencement of demolition and/or construction works, a construction noise assessment report must be submitted to the satisfaction of the Manager Health and Compliance. The report must address the following:

- a. Identification of sensitive land uses which may be impacted by construction noise. Sensitive use means a residential use or a use involving the presence of people for extended periods such as a caravan park, childcare centre, dwelling, hospital or school. It may also include other uses that may be sensitive to construction noise including, but not limited to, call centres, hospitality venues, temporary accommodation such as hotels, funeral parlours and television and radio studios;

- b. The proposed duration and period when demolition and construction works will be scheduled;
- c. The likely noise impacts from the various demolition and construction processes and equipment on identified sensitive uses;
- d. Strategies to mitigate demolition and construction noise on identified sensitive uses; and
- e. Any community notification or engagement about the proposed construction noise.

30. GROUND GAS AND VAPOUR ASSESSMENT AND MANAGEMENT

- i. Prior to construction commencing, a ground gas and vapour assessment report prepared by a suitably qualified and experienced ground gas and vapour practitioner must be provided to the Manager Health and Compliance and must include the following:
 - a. A ground gas and vapour assessment of the proposed building design must be undertaken to determine if ground gas and vapour intrusion will occur during construction and over the life of the completed building. The assessment must be prepared in accordance with the NSW EPA *Assessment and management of hazardous ground gases: contaminated land guidelines (2020)*.
 - b. The ground gas and vapour assessment must be undertaken by a suitably qualified environmental practitioner specialising in ground gas and vapour assessment.
 - c. The ground gas and vapour assessment report must include recommendations to prevent the intrusion of ground gas and vapours into the proposed building structure. The report must also include recommendations for ongoing monitoring of ground gases and vapours inside the building once the building is occupied so that the development will not adversely impact on human health and the environment.
 - d. The ground gas and vapour assessment report must include any other items as specified in the *Environmental Site Assessment (Version 4, November 2022)* prepared for 9 Rose Lane by ES&D. In particular, any items specified in Appendix C (Letter from vapour consultant) of the ES&D environmental site assessment (Version 4) must be addressed.
 - e. A statement must be provided in the ground gas and vapour assessment report that confirms the site will be suitable for the intended commercial use upon implementation and completion of the recommendations of the report.
 - f. The ground gas and vapour assessment report must be submitted to council to the satisfaction of the manager Health and Compliance.
- ii. Any ground gas and vapour mitigation measures, as recommended in the ground gas and vapour assessment report, that are to prevent ground gas and vapour migration into the building must be verified as being effective before the building can be occupied. Documentation confirming the mitigation measures are effective at preventing gas migration into the building must be submitted to the satisfaction of the Manager Health and Compliance prior to building occupation.
- iii. The ground gas and vapour intrusion recommendations in the ground gas and vapour assessment report must be implemented during the construction phase and any recommendations for ongoing management and monitoring of gases and vapours in the building structure must be implemented following construction.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0439/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil and Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the Council.

B. Restrictive Covenants

The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is affected, restricted or prohibited by any such covenant.

If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal (TASCAT).

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

For more information see the Tasmanian Civil and Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.tas.gov.au>>

D. Permit Commencement

If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of the Council's Notice to Waive Right of Appeal is attached.

E. Noise Nuisance

Noise nuisance is regulated under the Environmental Management and Pollution Control Act 1994. You will be required to implement measures to eliminate noise nuisance if complaints about your premises are received and verified.

F. Fixed Equipment Use

Use of fixed equipment (eg. heat pumps, water pumps, swimming pool pumps) is subject to the Environmental Management and Pollution Control (Noise) Regulations 2016 or any subsequent versions of this regulation.

G. Environmental Management and Pollution Control Act 1994 - Commercial and Industrial Activities

The activity must be conducted in accordance with the requirements of the Environmental Management and Pollution Control Act 1994 and regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

Prior to debate on Agenda Item 9.3 - PSA-LLP000S - Rezoning of Land at 9 Rose Lane, South Launceston (CT159336/1, CT247578/2 and CT20079/1) from General Residential and Open Space to Community Purpose and DA0439/2022 to Consolidate Three Titles into One, Richard Jamieson (Manager City Development) advised Councillors that the Submission to Planning Authority Notice from TasWater (TWDA 2022/01229-LCC, dated 14/12/2022) had been received and was distributed for consideration.

Errol Stewart spoke for the Recommendation

DECISION: 15 December 2022

MOTION

Moved Councillor D H McKenzie, seconded Councillor A G Harris.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton
AGAINST VOTE: Nil