

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:

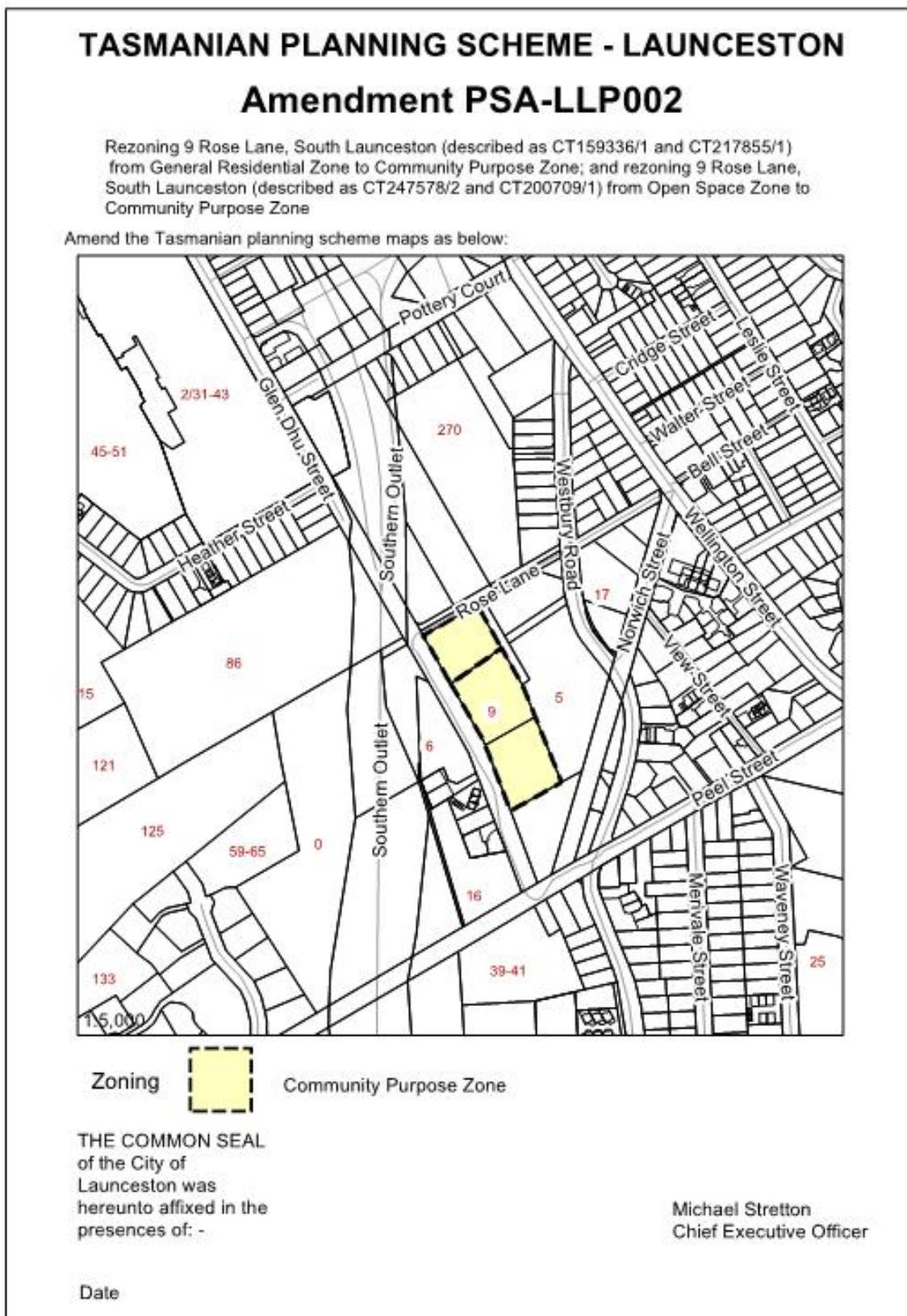


Figure 1 - Instrument to Certify

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 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 (eg. 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 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 the Council to the satisfaction of the manager Health and Compliance.
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- 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.

REPORT:

PART A - APPLICATION FOR PLANNING SCHEME AMENDMENT

1.1 Introduction

An application was lodged under sections 37 and 40T of the *Land Use Planning and Approvals Act 1993* (the Act), by ERA Planning and Environment, for:

- an amendment to the Launceston Local Provisions Schedules, proposing 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; and
- a planning permit 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.

The *9 Rose Lane, South Launceston Section 40T Application - Supporting Planning Report*, prepared by ERA Planning and Environment, dated 4 November 2022 is contained as Attachment 2. This will be referred to as the *Planning Submission* throughout the report.

The specialised reports forming part of the application are also contained in Attachment 3. These reports will be referred to individually as required.

The *Tasmanian Planning Scheme - Launceston - Launceston Local Provisions Schedule*, will be generally referred to as *the Scheme* in this report.

1.2 Act Requirements

The legislation allows for a combined application for a permit and a planning scheme amendment to be considered jointly in accordance with section 40T of the *Land Use Planning and Approvals Act 1993*.

37. Request for amendment of LPSs

- (1) A person may request a planning authority to amend an LPS that applies to the municipal area of the planning authority.
- (2) A request under [subsection \(1\)](#) is to be in a form approved by the planning authority or, if a form has been approved by the Commission, is to be in that form.
- (3) A request under [subsection \(1\)](#) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land -
 - (a) be signed by each owner of the land; or
 - (b) be accompanied by the written permission of each owner of the land to the making of the request.

40T Permit application that requires amendment of LPS

- (1) A person who requests a planning authority under [section 37](#) to amend an LPS may also, under this subsection -
 - (a) make an application to the planning authority for a permit, which permit could not be issued unless the LPS were amended as requested; and
 - (b) request the planning authority to consider the request to amend the LPS and the application for a permit at the same time.
- (2) An application for a permit under [subsection \(1\)](#) is to be in a form, if any, approved by the Commission.
- (3) A planning authority must not refuse to accept a valid application for a permit, unless the application does not include a declaration that the applicant has -
 - (a) notified the owner of the intention to make the application; or
 - (b) obtained the written permission of the owner under [subsection \(6\)](#).
- (4) For the purposes of [subsection \(3\)](#), a valid application is an application that contains all relevant information required by the planning scheme applying to the land that is the subject of the application.
- (5) If -
 - (a) an undertaking is in respect of a combination of uses or developments or of one or more uses and one or more developments; and
 - (b) under a planning scheme any of those uses or developments requires a permit to be granted - a person may, in the one application under [subsection \(1\)](#), apply to the planning authority for a permit with respect to the undertaking.

- (6) An application for a permit under [subsection \(1\)](#) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land and the relevant planning scheme does not provide otherwise -
- (a) be signed by each owner of the land; or
 - (b) be accompanied by the written permission of each owner of the land to the making of the request.
- (7) [Subsection \(6\)](#) does not apply to an application for a permit to carry out mining operations, within the meaning of the [Mineral Resources Development Act 1995](#), if a mining lease or a production licence which authorises those operations has been issued under that Act.

2. Subject Site and Surrounding Uses

The subject site is located at 9 Rose Lane, South Launceston and comprises of four titles, CT159336/1, CT247578/2, CT217855/1 and CT200709/1, 13.38ha in size. The site is semi irregular and is a corner lot on Rose Lane.

The site is an old quarry then refuse tipping area. It currently sits vacant, with a gentle then steep slope closer to the Rose Lane frontages, noting some fill has levelled out the site.

To the north of the site is the Glen Dhu Primary School, to the east and south Rose Lane Park and to the west is residential land containing multiple dwellings, as well as the Tasmanian Congregation of Jehovah's Witnesses. Further out to the north, east and south are predominantly residential areas, and further to the west is vacant residential land and the BIG4 Caravan Park.

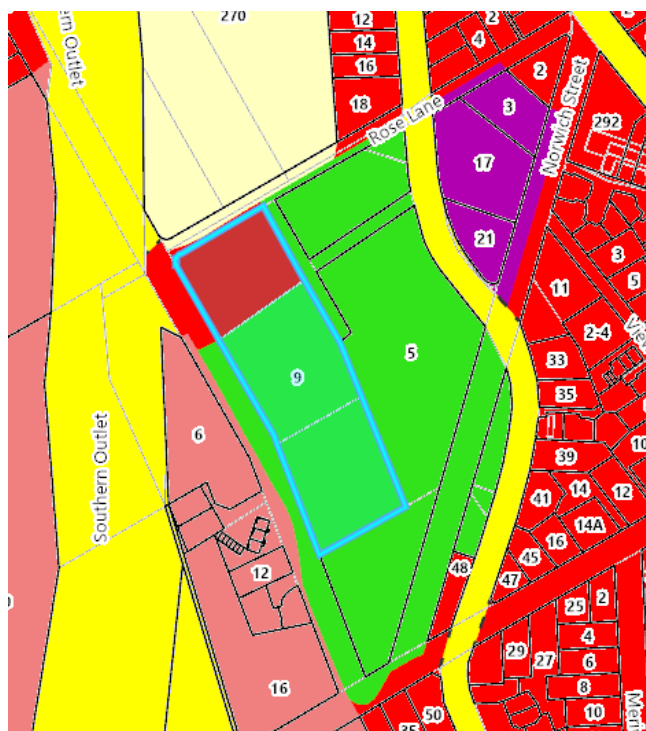


Figure 2 - Subject site and zoning (source: SAM Mapping)



Figure 3 - Subject site aerial (source: SAM mapping)

3. Existing Conditions on the Site

3.1 Heritage Values

The site is not listed in the Local Historic Heritage Code under the Scheme or within a state listed property on the Tasmanian Heritage Register. There is no identified or known Aboriginal or Cultural heritage on the site or adjoining land.

3.2 Scenic Values

The subject site is partially located within the Southern Gateway Specific Area Plan.



Figure 4 - Southern Gateway Specific Area Plan (source: SAM mapping)

3.3 Natural Values

The site is listed as containing priority vegetation under the Planning Scheme overlays.

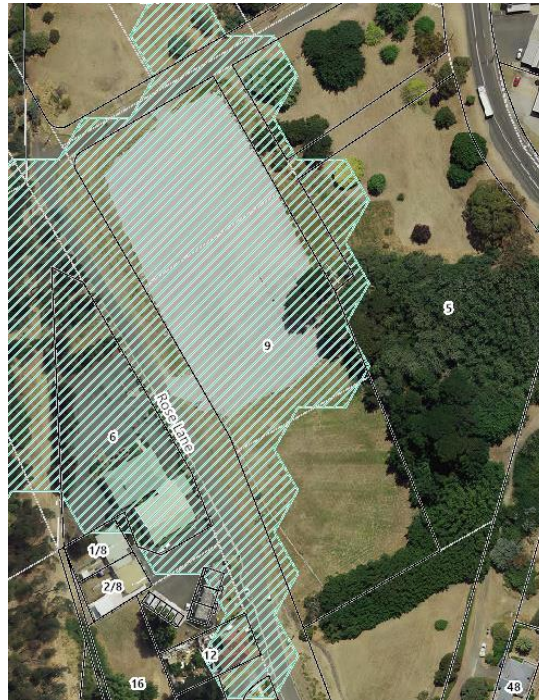


Figure 5 - Priority Vegetation (source: SAM mapping)

3.4 Land Capability

The site is not subject to any land capability assessment.

3.5 Environmental Hazards

3.5.1 Bushfire

The site is located within a bushfire prone area.



Figure 6 - Bushfire Prone Areas (source: SAM mapping)

3.5.2 Flood Hazard

The site is not subject to flood inundation.

3.5.3 Landslip

The site is subject to low, medium and medium-active landslip.



Figure 3 - Landslide Risk (source: SAM mapping)

3.5.6 Infrastructure

The subject site is located within an area that is serviced by reticulated sewerage, water and stormwater infrastructure.

3.5.7 Waterways

There are no waterways or wetlands within close proximity to the site.

4. Strategic Proposal

It is proposed to amend the Launceston Local Provisions Schedule to rezone land from General Residential and Recreation to Community Purpose.

4.1 Landowner Consent

The land is owned by OLSP Pty Ltd and consent was provided on 15 July 2022. Council, acting as the Road Authority, also provided consent.

4.2 Considerations for an Amendment

The relevant requirements of the Act are outlined below:

34. LPS Criteria

- (2) *The LPS criteria to be met by a relevant planning instrument are that the instrument -*
- (a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*
 - (b) *is in accordance with [section 32](#); and*
 - (c) *furtheres the objectives set out in [Schedule 1](#); and*
 - (d) *is consistent with each State policy; and*
 - (da) *satisfies the relevant criteria in relation to the TPPs; and*
 - (e) *as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*
 - (f) *has regard to the strategic plan, prepared under [section 66 of the Local Government Act 1993](#), that applies in relation to the land to which the relevant planning instrument relates; and*
 - (g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
 - (h) *has regard to the safety requirements set out in the standards prescribed under the [Gas Safety Act 2019](#).*

Response: (a)

No SPP provision will be overridden as a result of the amendment.

Response: (b)

The amendment will not override the existing provisions and will rely on the provisions set out with the SPPs. The site is located within the Launceston municipal area.

Response: (c)

A response to the objectives is provided below:

Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania

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

Response: Whilst it is understood that the site is within a priority vegetation area, it has been cleared and does not contain any areas of native vegetation.

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

Response: The land is identified as a consolidation area within the regional land use strategy. The rezoning is considered to be an appropriate use of underutilised land that will not impact on air or water.

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

Response: The public will have the opportunity to comment on this proposal during the exhibition period which will run for three weeks, should the Council decide to exhibit the application. The public has the opportunity to lodge a written representation to the application during the public exhibition period. The Tasmanian Planning Commission may also decide to hold a public hearing to deal with the representations if any are received.

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

Response: The rezoning of the site will allow for a sustainable and positive use of a previously underutilised site. Its rezoning will not impact upon air or water, nor will the ecology of the site be disrupted.

(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

Response: This application was referred to TasWater. There are no other relevant agency referrals required. If initiated the amendment will also be advertised and assessed by the Tasmanian Planning Commission consistent with this objective.

Schedule 1, Part 2 - Objectives of the planning process established by the Act

The objectives of Part 2 must also be considered:

(a) to require sound strategic planning and co-ordinated action by State and Local Government

Response: The amendment is consistent with the objectives of the Northern Tasmania Regional Land Use Strategy and the Scheme. Being within the urban growth area, its development is supported within a residentially focused area.

(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

Response: An application made pursuant to section 440T of the Act must be considered against the objectives of the Act and the planning system of Tasmania more broadly for compliance. The application of the Community Purpose will enable the land to be assessed against the relevant provisions of the Scheme.

(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

Response: The assessment of the proposed amendment and subsequent development application have considered the effects on the natural values of the subject site and water resources.

(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

Response: The proposed amendment is consistent with the local, regional and State policies as assessed by this report.

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals

Response: The application is made under section 40T of the Act and includes a rezoning of land to the Scheme to facilitate consideration of a mixed use business precinct. This process allows for the concurrent assessment of an application which would otherwise require two separate processes.

(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation

Response: The amendment facilitates a zone that will encourage uses that support the local residents and visitors alike.

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

Response: The site is not listed as a local heritage place by the Tasmanian Heritage Council or by the City of Launceston.

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community

Response: As part of the application the new lot will connect into existing infrastructure in a sustainable manner. Comments and conditions from TasWater will help form part of the permit conditions and will allow these connections to occur sufficiently.

(i) to provide a planning framework which fully considers land capability.

Response: The land is within an urban area and will not be utilised for agricultural purposes.

Response: (e)

Section 7.1 of this report deals with the relevant regional land use strategy.

Response: (h)

Section 6 of this report deals with relevant gas requirements.

4.3 State Policies

State Policy on the *Protection of Agricultural Land 2009*

The policy only applies to rural land. The subject site is located outside of the rural area and is, therefore, not applicable.

State Coastal Policy 1996

The State Coastal Policy applies to Tasmania's coastal area, including all islands except for Macquarie Island. The coastal zone includes State Waters (as defined in the *Living Marine Resources Management Act 1995*) and all land to a distance of 1km from the high water mark. The subject site is located outside of this distance and therefore is not applicable

State Policy on *Water Quality Management 1997*

The provisions of this Policy are reflected in the E9.0 Water Quality Code in the planning scheme and is considered as part of the assessment of the proposed planning permit application. The assessment of the application addresses this Code to achieve the objectives of this Policy.

National Environment Protection Measures

Section 12A of the *State Policies and Projects Act 1993* states that a National Environment Protection Measure (NEPM) 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 1998
- National pollutant inventory 2000

The Codes within the planning scheme deal in detail with the relevant matters listed above. The site is known to be contaminated. An Environmental Site Assessment, prepared by a suitably qualified person, accompanies the application. The report considered the type of contamination present and appropriate measures to mitigate potential nuisance to property or life through the requirements of NEPM. Through the endorsement of this report, the proposal meets this State policy.

5. City of Launceston Corporate Strategic Plan 2014-2024

The City of Launceston Corporate Strategic Plan 2014-2024 (LSP) is prepared under the *Local Government Act 1993* (Tas). The assessment of the application has had regard to the LSP and is generally consistent with the principles and goals:

- To promote Launceston as a unique place to live, work, study and play.
- To reduce the impacts on our natural environment and to build resilience to the changing intensity of natural hazards.
- To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions;
- To develop a strategic and dedicated approach to securing economic investment in Launceston;

- Supports housing choice and diversity in a planned location;
- Stimulates population growth in the municipal area; and
- Considers the impacts on the natural values of the site.

The amendment and development proposed will assist in achieving these goals. This will occur by:

- Developing new zoning that will encourage a small business precinct to assist with the population of Launceston;
- Ensuring all natural values of the development area are considered; and
- Invest in the local community by creating a new vacant residential lot which will allow future development to occur, as well as increase population numbers.

6. Gas Pipelines Act 2000

The gas pipeline is not available in proximity to the site. Therefore, the *Gas Pipelines Act 2000* is not applicable to the proposed development.

7. Planning Strategies

7.1 Northern Tasmania Regional Land Use Strategy (NTRLUS)

The NTRLUS provides the strategic direction for the region (made up of eight municipal areas), over a twenty year time frame until 2032 and supports residential opportunities in appropriate locations.

The site is located within the Supporting Consolidation Area, an urban growth area, within the regional framework. This land is within the developed urban settlement or in areas intended for urban development. G2.1.1 of the strategy identifies this area as:

- Comprising land in established suburbs which is separate from Priority Consolidation Areas as shown in the Regional Framework Plan Maps G.1, G.2 and G.3;
- Support reliable and effective transportation and reduce vehicle dependency;
- Physically connect new urban settlements to existing communities wherever possible, or otherwise provide new development with direct transport linkages to established urban areas;
- Promote cohesive communities;
- Support a wide range of services and facilities;
- Support access to existing or planned activity centres; and
- Comprise a suitable and complementary mix of land uses to support the Regional Settlement Hierarchy and the Regional Activity Centre Hierarchy.

In order to ensure the above is considered, there are a number of policies and actions within the strategy. Relevant to this assessment:

- Regional Settlement Networks
- Housing Dwellings and Densities
- Integrated Land use and Transport
- Regional Infrastructure Network
- Regional Environment Policy

The Planning Submission has assessed the policies and actions relevant to the amendment in detail, referencing specialised reports and strategic information. The relevant policies and actions in the NTRLUS are detailed as follows:

E2. Regional Settlement Network Policy
E2.4 Specific Policies and Actions

Regional Settlement Networks	
<p>RSN-P1 Urban settlements are contained within identified Urban Growth Areas. No new discrete settlements are allowed and opportunities for expansion will be restricted to locations where there is a demonstrated housing need, particularly where spare infrastructure capacity exists (particularly water supply and sewerage).</p>	<p>RSN-A1 Provide an adequate supply of well-located and serviced residential land to meet projected demand. Land owners/developers are provided with the details about how development should occur through local settlement strategies, structure plans and planning schemes. Plans are to be prepared in accordance with land use principles outlined in the NTRLUS, land capability, infrastructure capacity and demand.</p> <p>RSN-A2 Land supply will be provided in accordance with the Key Principles through local strategy for Urban Growth Areas which include:</p> <ul style="list-style-type: none"> • Priority Consolidation Areas • Supporting Consolidation Areas • Growth Corridor • Future Investigation Areas. <p>RSN-A3 Apply zoning that provides for the flexibility of settlements or precincts within a settlement and ability to restructure underutilised land.</p>

Response:

The proposal to rezone into Community Purpose from Recreation will allow future uses that improve and support the community within an identified urban growth area being a Supporting Consolidation area. The zoning would not change any settlement hierarchy, but it fact would assist the existing population within its proximity. The new zoning will directly allow for future flexibility within the area for an existing underutilised piece of land.

E3. Regional Activity Centre Network
E3.4 Specific Policies and Actions

<p>RAC-P1 Maintain and consolidate the Regional Activity Centres Network so future urban development consolidates and reinforces the spatial hierarchy of existing centres. This will be achieved through the reuse and redevelopment of existing buildings and land to integrate a mix of land uses including the coordinated provision of residential development, retail, commercial, business, administration, social and community facilities, public and active transport provision and associated infrastructure.</p>	<p>RAC-A1 Integrate the Regional Activity Centres Network into government policy and strategies (including strategic plans, corporate plans, planning schemes and capital works programs).</p> <p>RAC-A2 Zoning and land use planning provisions are to minimise potential for decentralisation of functions outside of the Regional Activity Centres Network and reinforce the spatial hierarchy, role and function of centres.</p>
<p>RAC-P9 Discourage <i>out-of-centre</i> development and provide for new development that supports the Regional Activity Centres Network and the integrated transport system.</p> <p>Development applications that are <i>out of centre</i> will only be considered if all of the following criteria are adequately addressed:</p> <ul style="list-style-type: none"> • Community need; • No adverse impact on existing activity centres; and • Synergy with existing employment hubs (ie. health, education, research). <p>Overall, community benefit must be demonstrated through a social and economic impact assessment to reflect the strategic directions and policies of the NTRLUS.</p>	<p>RAC-A11 Undertake master planning for the major regional activity centres, taking into account the Regional Activity Centres Network and supporting policies to encourage in-centre developments. Master plans should include a detailed development capacity audit, public consultation, opportunities and constraints assessment, methods to improve urban amenity and an economic development strategy and address other activity centre principles.</p> <p>Master plans should enhance accessibility of the higher order activity centres through good layout and good pedestrian movement.</p> <p>RAC-A12 Require any proposed <i>out of centre</i> developments are to undertake a detailed economic impact assessment that addresses how the <i>out of centre</i> proposal complies with the strategic directions and policies of the NTRLUS.</p>

<p>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.</p>	<p>RAC-A13 Focus higher density residential and mixed-use development in and around regional activity centres and public transport nodes and corridors.</p> <p>RAC-A14 Planning scheme controls concerned with land use, built form and residential density should reflect the Regional Activity Centres Network.</p>
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Response:

The rezoning will not affect the regional activity centre hierarchy. With the combined application, the proposal would allow access to a small number of businesses, convenient for the surrounding land uses. The zoning will allow for community focused uses or such uses that are permissible with the zone.

The site is within easy walking distance to the established public transport network. The site is highly accessible for the persons residing in South Launceston and given the type of uses that will be able to be utilised within the new zoning, there is the option for a high density mixed use development.

The site is away from the Principal Activity Centre, Major Activity centres in Kings Meadows or Mowbray, and away from the suburban Activity Centre of Kmart Plaza and aware from neighbourhood centres. Therefore, it can be considered that the rezoning and subsequent application is an *out of centre* site. It has been demonstrated that the development will provide for a positive social and economic impact due to the uses proposed, as well as the new zoning. An analysis of other potential zoning has been prepared by the applicant, and the most appropriate uses have been put forward. It is not considered that these will have an overall negative impact on the existing hierarchy, but instead will provide or further opportunity to address a need in the community.

An activity centre is generally underpinned by retail, and then expands into other uses. The development application associated with the rezoning identifies six sub-uses of the Business and Professional use class that are permissible within the zone. The floor area of all combined uses is just over 3,000m² on a 13ha lot (approximately 20%). In typical activity centres, the density is often much higher, or the number of tenancies much higher, or both. In this instance, the proposed design of the development application allows for vehicular parking to access the uses, with the uses generally being single visit. What this means is, and based on the current development application, is a person visiting the site would generally not visit more than one tenancy, which is opposite to how a typical activity centre works.

None of the uses proposed are retail, but instead are uses that would support a local population, such as medical centre, veterinarian and dentist. Notwithstanding the proposed uses, it is also important to understand what other uses could occur within the zone.

Community Purpose Zone and the Hierarchy

The purpose of the Community Purpose Zone is to provide for key community facilities and services including health, educational, government, cultural and social facilities. It further encourages multi-purpose, flexible and adaptable social infrastructure.

The site is appropriately suited to achieve this outcome. It is a large lot accessible by the highly utilised Westbury Road. It is easily accessible from the southern suburbs of Launceston, as well as of the western suburbs and Prospect. Its surrounding land uses are such that the sites development will be able to be relatively large in nature whilst having minimal impact on nearby sensitive uses. The use table for the zone prohibits general retail and hire use unless for a market, meaning any future use cannot be underpinned by retail. In fact, whilst the use table is an array of uses, it encourages social and accessible community businesses, education, medical, and community meeting areas. The rezoning would give way for the underutilised site to be established as a community business focused area, in a location that is highly accessible, with minimal land use conflict.

E.4 Regional Infrastructure Network Policy

E4.4 Specific Policies and Actions

<p>RIN-P3 Direct new development towards settlement areas that have been identified as having spare infrastructure capacity.</p>	<p>RIN-A3 Direct growth to areas where existing infrastructure capacity is underutilised and give preference to urban expansion that is near existing transport corridors and higher order Activity Centres.</p>
<p>RIN-P7 Facilitate an efficient and convenient public transport system through land use planning.</p>	<p>RIN-A23 Provide for new urban development to be located adjacent to existing and preferably mixed-use areas to reduce travel requirements and distances.</p> <p>RIN-A24 With reference to the Regional Framework Plan Maps D.1, D.2 and D.3 identify higher density residential areas, mixed-use development and new commercial areas to support greater access and use of public transport services, particularly in areas that have higher frequency services.</p>

Response:

The site has sufficient infrastructure capacity to be fully serviced by the reticulated systems. The site is located within walking distance to Westbury Road, a highly utilised vehicular corridor with multiple public transport stops.

The applicant provided a traffic impact assessment to understand how the site works and its capacity to utilise the transport network. The reports assessment of the traffic generated within the immediate surrounding area for the existing uses is detailed within the report. Based on an assessment of the proposed six tenancies concluded that the proposed road network is able to handle an increase in traffic generation. This will be assisted by the widening and upgrade or a portion of Rose Lane, as well as further widening and intersection works at Rose Lane and Westbury Road.

E.7 Regional Environment Policy

E.7.4 Specific Policies and Actions

Landscape and scenic amenity	
<p>LSA-PO1 Consider the value of protecting the scenic and landscape amenity of key regional tourism routes having regard to the routes identified in Map E3 and local circumstances, as well as the:</p> <ul style="list-style-type: none"> • Importance of scenic landscapes as viewed from major roads and tourist routes/destinations as contributing to economic basis of the tourism industry as well as local visual amenity; • Importance of natural/native vegetation in contributing to scenic values of rural and coastal areas generally, with particular emphasis on prominent topographical features; and • Need to protect skylines and prominent hillsides from obtrusive development/works. <p>LSA-PO2 Protect specific topographic or natural features of significant scenic/landscape significance.</p>	<p>LSA-A02 Develop a regionally consistent approach to determining scenic corridor overlays around identified tourism routes.</p> <p>LSA-A03 Include performance criteria in planning schemes for development within scenic corridor overlays that address following considerations:</p> <ul style="list-style-type: none"> • The impact of development skylines, ridgelines and prominent locations; • The establishment and/or retention of existing vegetation to provide screening in combination with other requirements for hazard management; • The bulk and form of buildings and earthworks and the ability of development to blend with the landscape; • The impact of materials, finishes and colours of buildings on the landscape setting; and • Whether existing native or significant exotic vegetation within the corridor is managed to retain the visual values of the tourism route. <p>LSA-A04 Planning schemes may identify visually significant topographic, natural features and landscapes (eg. Cataract Gorge) in an overlay, including objectives and discretionary criteria relating to the visual impact of use and development.</p>

Response:

The northern section of the site is located within the Southern Gateway Specific Area Plan which was developed to ensure the southern approach into Launceston is protected from inappropriate development. Assessment against the provisions of the development and its visual impact have been undertaken in Part B of this report.

**E5 Regional Economic Development Policy
E.5.4 Specific Policies and Actions**

Economic Development	
<p>ED-P4 Provide suitable training and education opportunities in response to identified regional challenges, including those concerned with:</p> <ul style="list-style-type: none"> • An ageing population; • Out-migration of younger generations; • Low literacy/education/skilled workers; • Lack of diversity in the economy; • Lack of support and training facilities; and • Availability of affordable housing. 	<p>ED-A5 Identify the existing requirements of industry employers and the skills/services that are needed in the labour force. This process should:</p> <ul style="list-style-type: none"> • Build on opportunities for employment in new, emerging and growth industries; and • Facilitate transition to new employment and training opportunities in response to local redundancies.

Response:

The site is large, vacant, and has considerable development potential without interfering with surrounding land uses. Potential uses of the site through an easily obtainable pathway include training and education, as well as medical and dentistry, within a city of an aging population.

**E6 Social Infrastructure and Community Policy
E.6.4 Specific Policies and Actions**

<p>SI-PO1 Coordinate planning for social infrastructure with residential development.</p> <p>SI-PO2 Provide social infrastructure that is accessible and well-located to residential development, public transport services, employment and educational opportunities.</p> <p>SI-PO3 Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.</p>	<p>SI-A01 Plan for the region’s social infrastructure needs through:</p> <ul style="list-style-type: none"> • A needs analysis; • Identification of locally appropriate standards of service; • Identification of gaps in supply and predicted future needs; • An implementation plan; and • Monitoring and review. <p>SI-A02 Provide for the use and development of community gardens within residential areas in planning schemes.</p>
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Response:

The sites rezoning would allow for social infrastructure uses, such as health and education, in an area easily accessible from residential suburbs.

**E7 regional Environment Policy
E.7.4 Specific Policies and Actions**

Biodiversity and Native Vegetation	
<p>BNV-P01 Implement a consistent regional approach to regional biodiversity management, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping.</p>	<p>EBNV-A01 Apply appropriate zoning and/or overlays through planning schemes to protect areas of native vegetation.</p>

Response:

Whilst mapped as priority vegetation, no native vegetation exists over the site, and in fact the site has been cleared due to its previous use. The change of zoning and utilisation of the area for a commercial purpose will allow for the re-establishment of vegetation.

8. Referral Agencies

8.1 TasWater

The application was referred to TasWater under section 17 of the *Land Use Planning and Approvals Regulations 2004*. TasWater has issued its Submission to Planning Authority Notice (TWDA 2021/02264-LCC) dated 06/01/2022, in support of the proposal subject to conditions.

PART B. DEVELOPMENT APPLICATION

9. The Development Application

As part of this combined permit the development application DA0439/2022 seeks to consolidate four titles into one, including alterations to the road network; as well as the construction of six new commercial tenancies and associated car parking, as shown below:



Figure 7 - Proposed Development

Subdivision:

It is proposed to consolidate four titles into a single title through a subdivision, and an adjustment of the boundary is also proposed along the northern end of the site to allow for road widening.

Title	Zone	Size (m ²)
CT159336/1	General Residential	3,868
CT247578/2	Recreation	4,656
CT200709/1	Recreation	4,851
CT217855/1	General Residential	8.3
Total		13,383.3

It is also proposed to consolidate a northern lot to the north of the main subject site, being CT210081/1, into the road reserve to allow for road widening.

Use and Development:

It is further proposed to develop the site into six separate tenancies that will fit within the Business and Professional use class. All tenancies have a discretionary use class with the exception of the Medical Centre. The following outlines the uses and their sizes.

Tenancy	Use	Size
1	Medical Centre	502.20m ²
2	Dental Clinic	502.20m ²
3	Veterinary Clinic	502.20m ²
4	Accountants	502.20m ²
5	Legal Service	502.20m ²
6	Engineering	495.26m ²

All tenancies are generally identical, containing:

- Reception;
- Kitchen;
- Storeroom x 3;
- Bathrooms;
- Boardroom; and
- Meeting Rooms x 10

It is proposed that for the medical centre, dental clinic and veterinary clinic, that six practitioners per use will be present.

The tenancies has been aligned to maintain equal separation, with all buildings setback 4.9m from the Rose Lane secondary frontage, 3.9m from the eastern side boundary and 19.7m from the primary Rose Lane frontage. The buildings will generally have similar heights once excavation levels the property. But notwithstanding, the maximum height above existing ground level will be approximately 8m.

Car Parking:

Associated with the uses is proposed car parking, which includes 123 car parking spaces, including four accessible parking spaces. The car park will be accessed via an entrance from the northern section of Rose Lane, and two new entrances from the south western section of Rose Lane. New pathways are proposed to navigate the car park for safety and access into the tenancies. Eight bicycle spaces are also proposed.

Works and Vegetation:

The site is mostly bare, however, the trees that do remain will be removed. New services for the lot are also proposed. Due to the slope of the land, cut and fill will be required, along with retaining walls. Bin storage is located to the north of tenancy 4 and the south of tenancy 6.

Road Works:

The application also proposes works within the road reserve, including:

- Widening of the northern Road Lane section to 6.9m;
- Path and kerb works on existing island at the intersection of Rose Lane and Westbury Road;
- New recess intersection line work a at the intersection of Rose Lane and Westbury Road; and
- A new 1.5m pedestrian footpath along the southern section of the northern part of Rose Lane, following the road around the bend into Westbury Road and to the public bus stop. The new footpath will traverse Rose Lane Park (described as CT226165/2 and CT68237/1).

10. Planning Scheme Requirements

27.0 Community Purpose Zone

The purpose of the Community Purpose Zone is:

27.0.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.

27.0.2 To encourage multi-purpose, flexible and adaptable social infrastructure.

Consistent

Consistency with the purpose of the zone has been achieved as the proposal will provide for new community facilities within an appropriate area.

27.2.1 Non-residential use

That non-residential use does not cause an unreasonable loss of amenity to residential zones.

Consistent

A1 Hours of operation of a use, excluding Emergency Services, Hospital Services, Natural and Cultural Values Management, Passive Recreation or Utilities, within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be within the hours of:

- (a) 8am to 8pm Monday to Friday;
- (b) 9am to 6pm Saturday; and
- (c) 10am to 5pm Sunday and public holidays.

Complies

The following condition is recommended to ensure compliance with the Acceptable Solution.

BUSINESS HOURS

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

- (a) 8am to 8pm Monday to Friday
- (b) 9am to 6pm Saturdays
- (c) 10am to 5pm Sundays and Public Holidays

A2 External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation and Utilities and flood lighting of Sports and Recreation facilities, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must:

- (a) not operate between 9pm and 6am, excluding any security lighting; and
- (b) if, for security lighting, must be baffled so that direct light does not extend into the adjoining property.

Complies

The following condition is recommended to ensure compliance with the Acceptable Solution.

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.

A4 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services or Hospital Services, within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be within the hours of:

- (a) 7am to 6pm Monday to Friday; and
- (b) 9am to 5pm Saturday, Sunday and public holidays.

Complies

The following condition is recommended to ensure compliance with the Acceptable Solution.

COMMERCIAL VEHICLE MOVEMENTS

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

- (a) 7am to 6pm Monday to Friday; and
- (b) 9am to 5pm Saturday, Sunday and public holidays.

27.3.1 Building height

That building height:

- (a) is compatible with the streetscape; and
- (b) does not cause an unreasonable loss of amenity to adjoining residential properties.

Consistent

A1 Building height must be not more than 10m.

Complies

The maximum building height is approximately 8.5m.

27.3.2 Setback

That building setback:

- (a) is compatible with the streetscape; and
- (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones.

Consistent

Consistency with the objective is sought as the development is considered to be compatible with the streetscape and will not cause an unreasonable loss of residential amenity to residential zones to the west.

A1 Buildings must have a setback from a frontage of:

- (a) not less than 5m; or
- (b) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties, whichever is the lesser.

Relies on Performance Criteria

All buildings will be setback 19.7m from the primary Rose Lane frontage, however, will only have a 4.9m from the Rose Lane secondary frontage. Accordingly, reliance on the performance criteria is sought.

P1 Buildings must have a setback from a frontage that is incompatible with the streetscape, having regard to:

- (a) the topography of the site;
- (b) the setbacks of buildings on adjacent properties;
- (c) the height, bulk and form of existing and proposed buildings; and
- (d) the safety of road users.

Complies

Rose Lane has an unusual streetscape, noting low level dwellings and units to the west which then borders the Southern Outlet and Glen Dhu Primary School oval to the north. Tasmania Congregation of Jehovah's Witnesses is directly opposite the site to the west. The setbacks of the existing buildings are inconsistent, being built to the front boundary, and setback 32m from the frontage. Whilst development of this vacant site will be a change, the front setback intrusion is considered compatible. It is further noted that there is a significant portion of reserve between the road and the property's boundary, approximately 12m. The setbacks are required to allow for the development of the site, as well as the safety of the road users.

The proposal complies with the performance criteria.

27.3.4 Outdoor storage areas

That outdoor storage areas for do not detract from the appearance of the site or surrounding area.

Consistent

The proposed waste storage areas will not detract from the appearance of the site or surrounding area.

A1 Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.

Relies on Performance Criteria

As the waste storage areas will be visible from Rose Lane, reliance on the performance criteria is sought.

P1 Outdoor storage areas, excluding for the display of goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.

Complies

There are two waste storage areas on site that will allow for industrial bins. There are located close to the eastern side boundary. The most southern location will barely be visible from the road due to the slope of the land and the northern location will be screened by vegetation. Accordingly, it is not considered they will cause an unreasonable loss of amenity and as such the proposal meets the performance criteria.

27.4.1 Lot design

That each lot:

- (a) has an area and dimensions appropriate for use and development in the zone; and
- (b) is provided with appropriate access to a road.

Consistent

A1 Each lot, or lot proposed in a plan of subdivision, must:

- (a) have an area of not less than 600m² and:
 - (i) be able to contain a minimum area of 10m x 15m, with a gradient not steeper than 1 in 5, clear of:
 - a. all setbacks required by clause 27.4.2A1 and A2; and
 - b. easements or other title restrictions that limit or restrict development; and
 - (ii) existing buildings are consistent with the setback required by clause 27.4.2 A1 and A2;
- (b) be required for public use by the Crown, a Council or a State Authority;
- (c) be required for the provision of Utilities; or
- (d) be for the consolidation of a lot with another lot provided each lot is within the same zone.

Complies

The proposed consolidation will result in a 13.38ha lot able to contain a minimum area of 10m x 15m, meeting A1(a).

The consolidation of CT210081/1 into the road reserve is a requirement for safe road widths, meeting A1(b).

A2 Each lot, or lot proposed in a plan of subdivision, must have a frontage or legal connection to a road by a right of carriageway of not less than 10m.

Complies

The consolidation will result in a lot with a frontage of more than 10m to a Council maintained road.

A3 Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the Road Authority.

Complies

The new consolidated lot will have three vehicular access points in accordance with the requirements of the Council.

27.4.2 Services

That the subdivision of land provides services for the future use and development of the land.

<p>Consistent A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or utilities, must:</p> <ul style="list-style-type: none">(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service <p>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>
<p>Complies The new lot will be connected into the reticulated water system.</p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>
<p>Complies The new lot will be connected into the reticulated sewerage system.</p>
<p>A3 Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>
<p>Complies The new lot will be connected into the reticulated stormwater system.</p>

C2.0 Parking and Sustainable Transport Code

<p>The purpose of the Parking and Sustainable Transport Code is:</p> <p>C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.</p> <p>C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.</p> <p>C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.</p> <p>C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.</p> <p>C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.</p> <p>C2.1.6 To provide for parking precincts and pedestrian priority streets.</p>
<p>Consistent Consistency with the code purpose has been achieved as the proposal ensures there is safe and adequate parking and access.</p>
<p>C2.5.1 Car parking numbers That an appropriate level of car parking spaces are provided to meet the needs of the use.</p>
<p>Consistent A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <ul style="list-style-type: none">(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;(b) the site is contained within a parking precinct plan and subject to Clause C2.7;(c) the site is subject to Clause C2.5.5; or

(d) it relates to an intensification of an existing use or development or a change of use where:

- (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or
- (ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:

$$N = A + (C - B)$$

N = Number of on-site car parking spaces required

A = Number of existing on site car parking spaces

B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1

C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.

Complies

Table C2.1 sets out the parking requirements for Business and Professional Services. The relevant parking requirements for each tenancy are listed below:

Tenancy	Use	C2.1 Requirements
1	Medical Centre	four spaces per practitioner
2	Dental Clinic	four spaces per practitioner
3	Veterinary Clinic	four spaces per practitioner
4	Accountants	one space per 40m ² space
5	Legal Service	one space per 40m ² space
6	Engineering	one space per 40m ² space

Based on the above and considering the gross floor area the following car parking spaces are required:

Tenancy	Use	Size/practitioners	Required
1	Medical Centre	6	24
2	Dental Clinic	6	24
3	Veterinary Clinic	6	24
4	Accountants	502.20m ²	13
5	Legal Service	502.20m ²	13
6	Engineering	495.26m ²	12

As such, a total of 110 car parking spaces are required. The proposal has complied by providing 123 car parking spaces.

C2.5.2 Bicycle parking numbers

That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.

Consistent

A1 Bicycle parking spaces must:

- (a) be provided on the site or within 50m of the site; and
- (b) be no less than the number specified in Table C2.1.

Complies

Bicycle spaces are calculated as follows:

Tenancy	Use	C2.1 Requirements
1	Medical Centre	two spaces for each eight practitioners
2	Dental Clinic	two spaces for each eight practitioners
3	Veterinary Clinic	No requirement
4	Accountants	one space per 500m ² site area
5	Legal Service	one space per 500m ² site area
6	Engineering	one space per 500m ² site area

Based on the above and on the assumption of 18 practitioners, seven bicycle parking spaces are required. As the proposal includes eight bicycle spaces, compliance against the requirements of C2.1 is met.

C2.5.3 Motorcycle parking numbers

That the appropriate level of motorcycle parking is provided to meet the needs of the use.

Consistent

A1 The number of on-site motorcycle parking spaces for all uses must:

- (a) be no less than the number specified in Table C2.4; and
- (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.

Complies

Under Table C2.4, uses that requirement 0-20 spaces do not require a motorcycle space. Uses that require 21-40 spaces require one space. Accordingly, the Medical Centre, Dental Clinic and Veterinary Clinic all require one space, for three in total. As eight motorcycle spaces have been provided, compliance with Table C2.4 has been met.

C2.6.1 Construction of parking areas

That parking areas are constructed to an appropriate standard.

Consistent

A1 All parking, access ways, manoeuvring and circulation spaces must:

- (a) be constructed with a durable all weather pavement;
- (b) be drained to the public stormwater system, or contain stormwater on the site; and
- (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.

Complies

All parking, access ways, manoeuvring and circulation spaces will be constructed with asphalt and able to drain to the reticulated stormwater system.

C2.6.2 Design and layout of parking areas

That parking areas are designed and laid out to provide convenient, safe and efficient parking.

Consistent

A1.1 Parking, access ways, manouevring and circulation spaces must either:

- (a) comply with the following:
 - (i) have a gradient in accordance with *Australian Standard AS 2890 - Parking facilities, Parts 1-6*;
 - (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces;
 - (iii) have an access width not less than the requirements in Table C2.2;
 - (iv) have car parking space dimensions which satisfy the requirements in Table C2.3;
 - (v) have a combined access and manouevring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are three or more car parking spaces;
 - (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and
 - (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or
- (b) comply with *Australian Standard AS 2890-Parking facilities, Parts 1-6*.

Complies

All parking, access ways, manouevring and circulation spaces will have a gradient in accordance with the relevant Australian Standard, allow for vehicles to enter and exit the site in a forward direction, have access widths and car parking dimensions which satisfy Tables C2.2 and C2.3, a vertical clearance of more than 2.1m and be delineated by line marking.

A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:

- (a) be located as close as practicable to the main entry point to the building;
- (b) be incorporated into the overall car park design; and
- (c) be designed and constructed in accordance with *Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities*.

Complies

All accessible parking spaces are located as close as practicable to the main entry points of all tenancies by being located within the centre of the site. They are visible and have been designed and will be constructed in accordance with the relevant Australian Standard.

C2.6.3 Number of accesses for vehicles

That:

- (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;
- (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and
- (c) the number of accesses minimise impacts on the streetscape.

Consistent

A1 The number of accesses provided for each frontage must:

- (a) be no more than one; or
- (b) no more than the existing number of accesses, whichever is the greater.

Complies

As three accesses are proposed the proposal is reliant on the Performance Criteria.

The location of the new crossovers have been chosen to allow safe and efficient access to the site. This includes separation distances between entrances to allow for traffic safety. There is no formal on-street parking in the proposed access locations. The number is considered necessary due to the proposed use and is their impacts on the streetscape will be minimal noting locations and will also have minimal impact on the residential amenity of the adjoining residential land to the west.

The proposal complies with the performance criteria.

C2.6.5 Pedestrian access

That pedestrian access within parking areas is provided in a safe and convenient manner.

Consistent

A1.1 Uses that require 10 or more car parking spaces must:

- (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:
 - (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or
 - (ii) protective devices such as bollards, guardrails or planters between the footpath and the access way or parking aisle; and
- (b) be signed and line marked at points where pedestrians cross access ways or parking aisles.

Complies

The car parking areas contain a 1m wide pedestrian footpath that will be physically separated from the parking aisle. The footpaths will be signed and lined marked for safe aisle crossing.

A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.

Complies

All accesses to the provided accessible parking areas meet the requirements of the acceptable solution.

C3.0 Road and Railway Assets Code

The purpose of the Road and Railway Assets Code is:

C3.1.1 To protect the safety and efficiency of the road and railway networks; and

C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

Consistent

Consistency with the code purpose has been achieved as the proposal ensures the safety and efficiency of the road network is maintained.

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.

Consistent

A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing or level crossing to serve the use and development has been issued by the Road Authority.

Complies

Council, as the Road Authority, has provided written consent.

C13.0 Bushfire-Prone Areas Code

The purpose of the Bushfire-Prone Areas Code is:

C13.1.1 To ensure that use and development is appropriately designed, located, serviced and constructed, to reduce the risk to human life and property and the cost to the community, caused by bushfires.

Consistent

Consistency with the code purpose has been met as the proposal will ensure that the bushfire risk is appropriately managed.

C13.6.1 Provision of hazard management areas

That subdivision provides for hazard management areas that:

- (a) facilitate an integrated approach between subdivision and subsequent building on a lot;
- (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and
- (c) provide protection for lots at any stage of a staged subdivision.

Consistent

Consistency with the objective has been met as the proposal will ensure that the bushfire risk is appropriately managed.

A1

- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or
- (b) The proposed plan of subdivision:
 - (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;
 - (ii) shows the building area for each lot;
 - (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of *Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas*; and
 - (iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than the separation distances required for BAL 19 in Table 2.6 of *Australian Standard AS3959-2018 Construction of buildings in bushfire-prone Areas*; and
- (c) if hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.

Relies on Performance Criteria

As the TFS or an accredited person has not certified that there is an insufficient increase in risk, nor has the proposal plan of subdivision demonstrate hazard management areas, reliance on the performance criteria is required.

P1 A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:

- (a) the dimensions of hazard management areas;
- (b) a bushfire risk assessment of each lot at any stage of staged subdivision;
- (c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;
- (d) the topography, including site slope;
- (e) any other potential forms of fuel and ignition sources;
- (f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;
- (g) an instrument that will facilitate management of fuels located on land external to the subdivision; and
- (h) any advice from the TFS.

Complies

The performance criteria will be met through the following recommended condition:
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.*

C13.6.2 Public and fire-fighting access

That access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, fire fighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack, and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (e) are designed to allow connectivity and where needed, offering multiple evacuation points.

Consistent

Consistency with the objective has been met as the proposal will ensure sufficient and safe fire-fighting access.

A1

- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire-fighting; or
- (b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas, is included in a bushfire hazard management plan that:
 - (i) demonstrates proposed roads will comply with Table C13.1, proposed property accesses will comply with Table C13.2 and proposed fire trails will comply with Table C13.3 and
 - (ii) is certified by the TFS or an accredited person.

Relies on Performance Criteria

As the TFS or an accredited person has not certified that there is an insufficient increase in risk, nor has the proposed road layout been endorsed by the TFS or accredited person, reliance on the performance criteria is required.

P1 A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:

- (a) appropriate design measures, including:
 - (i) two way traffic;
 - (ii) all weather surfaces;
 - (iii) height and width of any vegetation clearances;
 - (iv) load capacity;
 - (v) provision of passing bays;
 - (vi) traffic control devices;
 - (vii) geometry, alignment and slope of roads, tracks and trails;
 - (viii) use of through roads to provide for connectivity;
 - (ix) limits on the length of cul-de-sacs and dead-end roads;
 - (x) provision of turning areas; provision for parking areas;
 - (xi) perimeter access;
 - (xii) fire trails; and
- (b) the provision of access to:
 - (i) bushfire-prone vegetation to permit the undertaking of hazard management works; and
 - (ii) fire-fighting water supplies; and
- (c) any advice from the TFS.

Complies

The performance criteria will be met through the following recommended condition:
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.*

C14.0 Potentially Contaminated Land Code

The purpose of the Potentially Contaminated Land Code is: C14.1.1 To ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.

Consistent

Consistency with the code purpose has been met as the proposal ensures that use or development of potentially contaminated land does not adversely impact on human health or the environment.

C14.6.1 Excavation works, excluding land subject to the *Macquarie Point Development Corporation Act 2012*

That works involving excavation of potentially contaminated land, excluding on land subject to the *Macquarie Point Development Corporation Act 2012*, do not adversely impact on human health or the environment.

Consistent

Consistency with the objective has been met as the proposal ensures the excavation works do not adversely impact on human health or the environment.

A1 Excavation, excluding on land subject to the *Macquarie Point Development Corporation Act 2012*, must involve less than 250m³ of site disturbance.

Relies on Performance Criteria

It is anticipated that more than 250m³ of site disturbance will occur and, therefore, reliance on the performance criteria is required.

P1 Excavation, excluding on land subject to the *Macquarie Point Development Corporation Act 2012*, must not have an adverse impact on human health or the environment, having regard to:

- (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated;
- (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or
- (c) an environmental site assessment, including a plan to manage contamination and associated risk to human health and the environment, that includes:
 - (i) any specific remediation and protection measures required to be implemented before excavation commences; and
 - (ii) a statement that the excavation does not adversely impact on human health or the environment.

Complies

The applicant provided an Environmental Site Assessment, prepared by es&d, Ref: 7928, Version 4, dated November 2022 to assist in the assessment of the application.

The report concluded that the development can proceed as risk is acceptable, noting an Environmental Engineer (vapour specialist) will certify that their design will secure the long term occupation of the development, including specifying any post construction gas monitoring.

Management measures for the contamination are present within the report, complying with P1(c).

C15.0 Landslip Hazard Code

The purpose of the Landslip Hazard Code is:

C15.1.1 To ensure that a tolerable risk can be achieved and maintained for the type, scale and intensity and intended life of use or development on land within a landslip hazard area.

Consistent

The purpose of the code has been met as the landslip risk will be tolerable.

C15.5.1 Use within a landslip hazard area

That uses, including critical, hazardous or vulnerable use, can achieve and maintain a tolerable risk from exposure to a landslip for the nature and intended duration of the use.

Consistent

Consistency with the objective has been achieved as the proposal ensures the uses proposed can achieve and maintain a tolerable risk from exposure to a landslip for the nature and intended duration of the use.

A1 No Acceptable Solution.

Relies on Performance Criteria

As there is no acceptable solution, reliance on the performance criteria is sought.

P1.1 A use, including a critical use, hazardous use, or vulnerable use, within a landslip hazard area achieve and maintain a tolerable risk from exposure to landslip, having regard to:

- (a) the type, form and duration of the use; and
- (b) a landslip hazard report that demonstrates that:
 - (i) any increase in the level of risk from landslip does not require any specific hazard reduction or protection measure; or
 - (ii) the use can achieve and maintain a tolerable risk for the intended life of the use.

Complies

The applicant provided a Landslide Risk Assessment, prepared by Scherzic, Ref: 7390B, dated 6 July 2022, to assist in the assessment of the code.

The assessment considered the type, form, and duration of the use, and concluded that the risk to life remains 0.0, as does the risk to property. This is, therefore, considered to be a tolerable risk, and compliant with P1.1

C15.6.1 Building and works within a landslip hazard area

That building and works on land within a landslip hazard area can:

- (a) minimise the likelihood of triggering a landslip event; and
- (b) achieve and maintain a tolerable risk from a landslip.

Consistent

The objective of the clause is met as the proposal can maintain a tolerable risk from landslip.

A1 No Acceptable Solution

Relies on Performance Criteria

As there is no acceptable solution, reliance on the performance criteria is sought.

P1.1 Building and works within a landslip hazard area must minimise the likelihood of triggering a landslip event and achieve and maintain a tolerable risk from landslip, having regard to:

- (a) the type, form, scale and intended duration of the development;
- (b) whether any increase in the level of risk from a landslip requires any specific hazard reduction or protection measures;

- (c) any advice from a State Authority, Regulated Entity or a Council; and
- (d) the advice contained in a landslip hazard report.

Complies

The applicant provided a Landslide Risk Assessment, prepared by Scherzic, Ref: 7390B, dated 6 July 2022, to assist in the assessment of the code.

The assessment considered the type, form, and scale of development, and concluded that the risk to life remains 0.0, as does the risk to property. The proposal complies with the performance criteria.

C15.7.1 Subdivision within a landslip hazard area

That subdivision within a landslip hazard area does not create an opportunity for use or development that cannot achieve a tolerable risk from a landslip.

Consistent

The proposal meets the objective as subdivision within the landslip hazard area will not create an opportunity for use or development that cannot achieve a tolerable risk from a landslip.

A1 Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area, must:

- (a) be able to contain a building area, vehicle access and services that are wholly located outside a landslip hazard area;
- (b) be for the creation of separate lots for existing buildings;
- (c) be required for public use by the Crown, a Council or a State Authority; or
- (d) be required for the provision of Utilities.

Relies on Performance Criteria

As the building area is within the landslip area reliance on the performance criteria is required.

P1 Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area must not create an opportunity for use or development that cannot achieve a tolerable risk from landslip, having regard to:

- (a) any increase in risk from a landslip for adjacent land;
- (b) the level of risk to use or development arising from an increased reliance on public infrastructure;
- (c) the need to minimise future remediation works;
- (d) any loss or substantial compromise, by a landslip, of access to the lot on or off site;
- (e) the need to locate building areas outside the landslip hazard area;
- (f) any advice from a State Authority, Regulated Entity or a Council; and
- (g) the advice contained in a landslip hazard report

Complies

The applicant provided a Landslide Risk Assessment, prepared by Scherzic, Ref: 7390B, dated 6 July 2022, to assist in the assessment of the code.

It has been demonstrated that the proposed use and development is able to achieve a tolerable level of risk from the landslip, noting there will not be an increase in landslip risk due to the development and all development will be able to be maintained to a safe level.

The proposal complies with the performance criteria.

C16.0 Safeguarding of Airports Code

The purpose of the Safeguarding of Airports Code is:

C16.1.1 To safeguard the operation of airports from incompatible use or development.

C16.1.2 To provide for use and development that is compatible with the operation of airports in accordance with the appropriate future airport noise exposure patterns and with safe air navigation for aircraft approaching and departing an airport.

Consistent

The proposed buildings will not affect the safety of any airspace.

C16.6.1 Buildings and works within an airport obstacle limitation area

That buildings and works do not interfere with safe aircraft operations in the vicinity of an airport and on land within an airport obstacle limitation area.

Complies

A1 Buildings and works within an airport obstacle limitation area associated with a Commonwealth-leased airport that exceed the specified height limit shown on the airport obstacle limitation area overlay applicable for the site of the development must have approval from the relevant Commonwealth department under the *Airports Act 1996* (Commonwealth).

Complies

The specified height limit for the site is 316m AHD. No part of any proposed building will exceed this height.

LAU-S14.0 Southern Gateway Specific Area Plan

The purpose of this specific area plan is:

LAU-S14.1.1 To protect the southern approach into Launceston City and municipality from intrusive or inappropriate development.

LAU-S14.1.2 To allow for inevent development that complements the existing undeveloped and rural character of the area.

LAU-S14.1.3 To maintain the vegetative screening alongside major roads.

Consistent

The proposal meets the purpose of the Specific Area Plan as the proposed development is at a scale that is acceptable to the area.

LAU-S14.7 Development Standards for Building and Works

LAU-S14.7.1 Visual impact

That the siting and design of development is inevent and does not negatively impact on the visual qualities of the southern approach into Launceston City and municipality.

Consistent

The proposal meets the objective as the siting and design of development is in event and does not negatively impact on the visual qualities of the southern approach into Launceston City and municipality.

A1 Development for an alteration or extension to an existing building must:

- (a) have a gross floor area of not more than 20% of that existing at the effective date;
- (b) have a building height of not more than the existing building;
- (c) have external building finishes:
 - (i) with a light reflectance value not more than 40%; and
 - (ii) not in bold or bright colours.

Relies on Performance Criteria As new development is proposed, reliance on the performance criteria is required.
P1 Development must not be intrusive and must be compatible with the existing treed and rural character of the southern approach, having regard to: (a) the visual impact on skylines and vistas when viewed from a major road; (b) the proximity of development to a major road; (c) the bulk and form of buildings including materials and finishes; (d) the potential for current or proposed vegetation to provide screening; (e) the need to clear existing vegetation; (f) the location of development to facilitate the retention of existing vegetation; (g) the impact of any clearing required for hazard management or infrastructure; and (h) any earthworks for cut or fill.
Complies Only the northern section of the site, being CT159336/1 is located within the scenic area. This area contains tenancies 1 and 4 and portions of tenancies 2 and 5, as well as car parking and landscaping. The Specific Area Plan is in place to protect the southern approach into Launceston. The site is located approximately 20m east from the Southern Outlet, but is mostly screened by an existing row of large trees. The site also sits about 3m below the road. Accordingly, whilst its proximity is relatively close, and considering the 90km/h speed limit along the Southern Outlet, it is not a visually engaging site in terms of its location to the road, as it also sits below the skyline. There is no need to clear any vegetation within thin the SAP, and whilst earthworks will be occurring, the existing screening will assist in maintaining the visual qualities of the southern approach. New landscaping will assist the wood and concrete precast walls to blend into the background. The proposal complies with the performance criteria.

LAU-S14.7.2 Vegetation

That the siting of development protects the existing treed and rural character of the southern approach.
Consistent A1 Buildings and works must be separated from a prominent tree by a distance of not less than 4m.
Complies All buildings and works will be separated from any prominent trees by a distance of not less than 4m.

The application seeks 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. The rezoning will allow the consolidation of titles and subsequent development of six new commercial tenancies.

The amendment and planning permit application has been assessed to be consistent with all requirements of the *Land Use Planning and Approvals Act 1993* as set out in this report.

The planning permit application satisfies all the relevant provisions of the Scheme including the code provisions and the performance criteria.

10. CONCLUSION

Subject to the recommended conditions, it is considered that the proposal complies with the Scheme and it is appropriate to recommend for approval.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The Tasmanian Planning Scheme - Launceston contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such the economic, environmental and social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. PSA-LLP0002 - Application Documents [9.3.1 - 205 pages]
2. PSA-LLP0002 - Draft Instrument [9.3.2 - 1 page]
3. PSA-LLP0002 - South Launceston Section 40T Application - Supporting Planning Report [9.3.3 - 44 pages]