

10.1. DA0051/2023 - 14, 18 and 16 Howard Street, Invermay; 26, 28 and 30 Montagu Street Invermay and 69A Mayne Street, Invermay - Section 40T - Combined Scheme Amendment and Development Application

FILE NO: DA0051/2023

AUTHOR: Dileep Karna (Town Planner)

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

DECISION STATEMENT:

To decide whether to reject or agree to initiate and exhibit proposed Amendment PSA-LLP0009 to the Launceston Local Provisions Schedule at 14, 16, 18 Howard Street; 26 and 28 Montagu Street and the southern portion of 69A Mayne Street, Invermay.

PLANNING APPLICATION INFORMATION:

Applicant: pitt&sherry
Area of the Site: 14, 16 and 18 Howard Street; 26, 28 and 30 Montagu Street and 69A Mayne Street, Invermay (described as CT62242/8, CT62242/9, CT62242/10, CT62242/11, CT62242/12, CT175261/2 and CT54767/2)
Existing Zones: General Residential and Light Industrial
Existing Use: Vacant land, existing dwellings and associated outbuildings
Receipt Date: 2 February 2023

RELEVANT LEGISLATION:

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

STANDARDS REQUIRING PLANNING DISCRETION:

18.4.2 Setbacks
18.4.5 Landscaping
C2.5.4 Loading Bays
C2.6.5 Pedestrian access
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction
LAU-S10.7.2 Flood Impact

RECOMMENDATION:

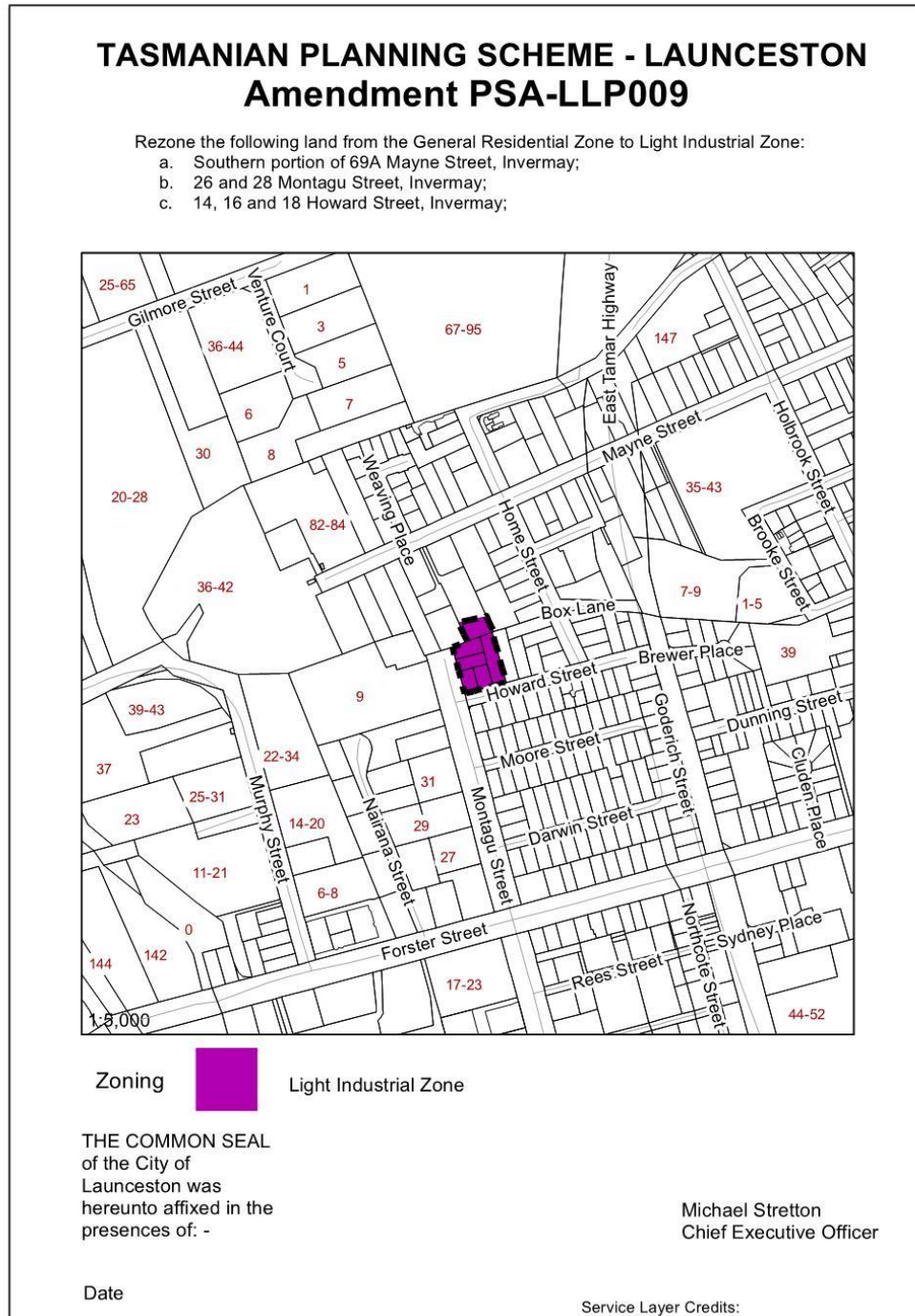
{recommendation-start}

That Council, pursuant to:

1. sections 37, 38 and 40T of the *Land Use Planning and Approvals Act 1993*, agrees to and initiates Amendment PSA-LLP0009, to the Launceston Local Provisions Schedule, to:
 - a. rezone land at 14, 16 and 18 Howard Street; 26 and 28 Montagu Street and the southern portion of 69A Mayne Street, Invermay from the General Residential Zone to the Light Industrial Zone; and
 - b. rezone the northern portion of 30 Montagu Street from the Light Industrial Zone to the General Residential Zone; and

c. to amend the precinct maps contained within LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan to reflect the zoning changes.

2. section 40F of the *Land Use Planning and Approvals Act 1993*, certifies Draft Amendment PSA-LLP009, as shown below:

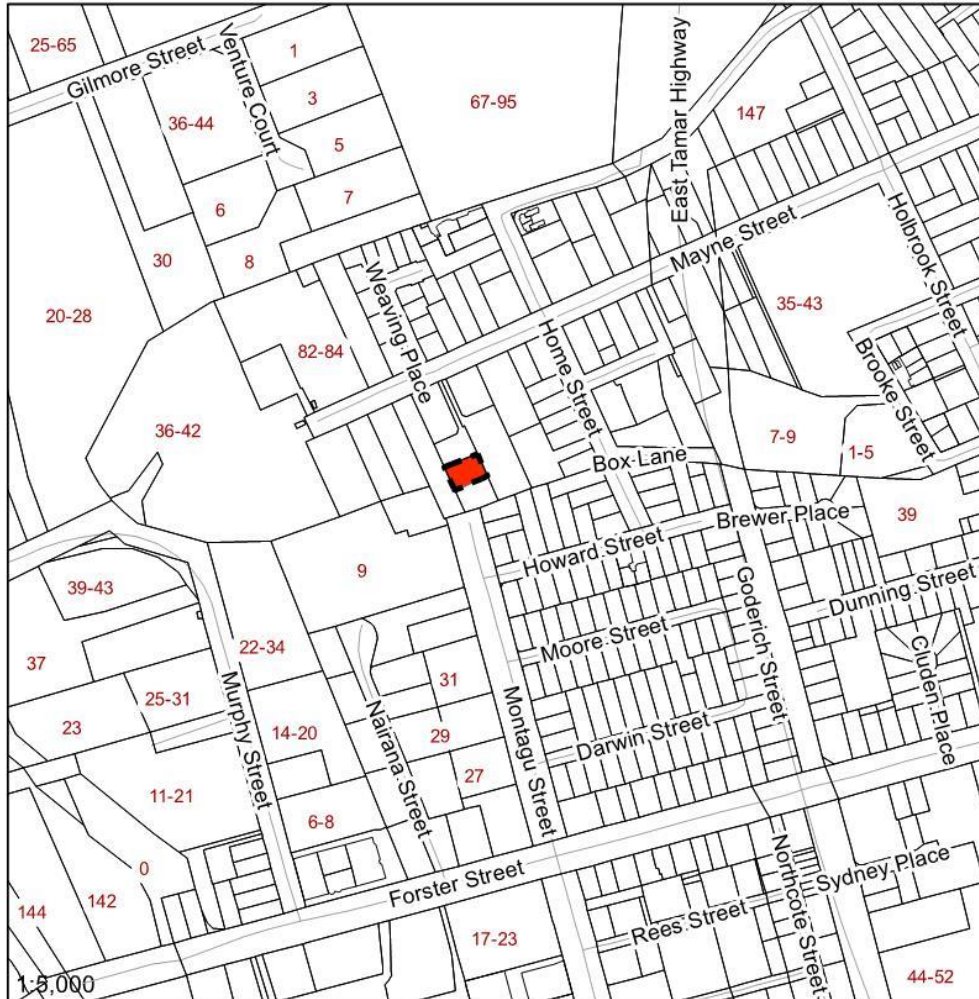


Instrument 1 - Light Industrial Zone

TASMANIAN PLANNING SCHEME - LAUNCESTON

Amendment PSA-LLP009

Rezone the northern portion of 30 Montagu Street from the Light Industrial to General Residential Zone.



Zoning



General Residential Zone

THE COMMON SEAL
of the City of
Launceston was
hereunto affixed in the
presences of: -

Michael Stretton
Chief Executive Officer

Date

Service Layer Credits:

Instrument 2 - General Residential Zone

TASMANIAN PLANNING SCHEME - LAUNCESTON

Amendment PSA-LLP009

Amend the Inveresk Flood Inundation Specific Area Plan; Riveredge Industrial Precinct LAU-S10.3.1.1 to include the following land;

- a. Southern portion of 69A Mayne Street, Invermay;
- b. 26 and 28 Montagu Street, Invermay;
- c. 14, 16 and 18 Howard Street, Invermay;



Code Overlay  LAU-S10.3.1.1
Invermay/Inveresk Flood Inundation Specific Area Plan;
Riveredge Industrial Precinct

THE COMMON SEAL
of the City of
Launceston was
hereunto affixed in the
presences of: -

Michael Stretton
Chief Executive Officer

Date

Service Layer Credits: the LIST State of
Tasmania

*Instrument 3 - Invermay/Inveresk Flood Inundation Specific Area Plan;
Riveredge Industrial Precinct*

TASMANIAN PLANNING SCHEME - LAUNCESTON

Amendment PSA-LLP009

Amend the Invermay/Inveresk Flood Inundation Specific Area Plan: Invermay Residential Precinct
On the overlay map as LAU-S10,3,1,4, to include the northern portion of Montagu Street



Code Overlay  LAU-S10.3.1.4
Invermay/Inveresk Flood Inundation Specific Area Plan;
Invermay Residential Precinct

THE COMMON SEAL
of the City of
Launceston was
hereunto affixed in the
presences of: -

Michael Stretton
Chief Executive Officer

Date

Service Layer Credits: the LIST State of
Tasmania

*Instrument 4 - Invermay/Inveresk Flood Inundation Specific Area Plan;
Invermay Residential Precinct*

3. 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. sections 40T and 40Y of the *Land Use Planning and Approvals Act 1993*, approves

DA0051/2023 - Storage - Demolition of existing buildings and construction of a building with five tenancies for storage use and associated car parking at 14 Howard Street, 18 Howard Street, 16 Howard Street, 26 Montagu Street, 28 Montagu Street, 30 Montagu Street and 69A Mayne Street, Invermay, subject to the following conditions:

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. Planning Report, Prepared by pitt&sherry, Revision No. 1, Page No 1-53, Dated 20/03/2023.
- b. Site Master Plan, Prepared by Cataract Designs, Drawing No. SK001, Revision No. DA2, Page No 54, Dated 9/03/2023.
- c. Cover Page, Prepared by Cataract Designs, Drawing No. SK030, Revision No. DA1, Page No 55, Dated 12/01/2023.
- d. Site Survey, Prepared by Cataract Designs, Drawing No. SK031, Revision No. DA1, Page No 56, Dated 12/01/2023.
- e. Existing and Proposed Zones, Prepared by Cataract Designs, Drawing No. SK032, Revision No. DA1, Page No 57, Dated 9/03/2023.
- f. Demolition Plan, Prepared by Cataract Designs, Drawing No. SK033, Revision No. DA1, Page No 58, Dated 12/01/2023.
- g. Site Plan Stage 3, Prepared by Cataract Designs, Drawing No. SK034, Revision No. DA1, Page No 59, Dated 9/03/2023.
- h. Light Industrial Building Floor Plan, Prepared by Cataract Designs, Drawing No. SK035, Revision No. DA1, Page No 60, Dated 12/01/2023.
- i. Elevations, Prepared by Cataract Designs, Drawing No. SK036, Revision No. DA1, Page No 61, Dated 12/01/2023.
- j. Landowner Permission Letter by RedlineTrust, Page No 62-65, Dated 24/01/2023
- k. Proposed Amendment Maps, Page No 83-84.
- l. Landslip Hazard Assessment, Prepared by Tasman Geotechnics, Document Reference TG22172/1, Page No 85-111, Dated 4/11/2022 .
- m. Flood and Stormwater Assessment, Prepared by pitt&sherry, Revision No. 1, Page No 112-156, Dated 25/01/2023.
- n. Flood Emergency Management Plan, Prepared by pitt&sherry, Revision No. A, Page No 157-170, Dated 25/01/2023.
- o. Noise and Air Emissions Assessment, Prepared by pitt&sherry, Revision No. 1, Page No 171-187, Dated 16/03/2023.
- p. Traffic Impact Assessment, Prepared by pitt&sherry, Revision No. 1, Page No 188-254, Dated 10/03/2023.
- q. Aboriginal Heritage Review, Prepared by Aboriginal Heritage Tasmania - Department of Natural Resources and Environment Tasmania, Page No 255-259, Dated 7/02/2023.

2. 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.

3. HOURS OF 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).

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2023/00188-LCC, dated 12/04/2023 and attached to the permit.

5. BUSINESS HOURS

The operation of the Storage Use within tenancies 1, 2, 3, 4 and 5 must be confined to:

- a. Monday to Saturdays - 7am and 8pm; and
- b. Sunday and Public Holidays - 8am and 8pm.

6. SITE LANDSCAPING

The landscaping must be:

- a. installed in accordance with the endorsed plan; and
- b. completed within three months of the use commencing; and
- c. maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Council.

7. USE LIMITATION

The car parking has been assessed using the calculation of one space per 200m² of the site area for a storage use. In the event that a future use generates the need for additional car parking spaces, further planning approvals may be required.

8. 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.

9. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)

On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site at its current level of development for a 1 in 5 storm event of one hour duration. The volume of the detention structure must be the difference between the above discharge (pre-development) and the discharge from the site post development.

Prior to the commencement of works, the plans and calculations must be submitted to the General Manager Infrastructure and Assets Network for approval. On completion, an as *constructed* plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

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. APPLICATION TO ALTER A STORMWATER SERVICE

An application must be made using the Council's eServices web portal, or on the approved form and accompanied by the prescribed fee to install a new connection, or physically remove/relocate or alter an existing service connection.

All work must be carried out by a suitably experienced contractor and in accordance with Council standards. All costs associated with these contractors are to be borne by the applicant.

13. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 *Trench Reinstatement Flexible Pavements* and Council policy 27-Rfx-012 *Standards for Surface Reinstatement of Works in the Road Service*. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

14. SOIL AND WATER MANAGEMENT CONTROL PLAN

Prior to the commencement of works, a site management plan must be submitted detailing how soil and water must be managed on the site during the construction process. The management plan must include the following:

- a. allotment boundaries, contours, approximate grades of slope and directions of fall.
- b. location of adjoining roads, impervious surfaces, underground services and existing drainage.

- c. location and types of all existing natural vegetation, the proposed Location of topsoil stockpiles and the limit of clearing, grading and filling.
- d. critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
- e. the estimated dates for the start and finish of the works.
- f. the erosion control practices to be used on the site such as cut off drains, fencing off areas to be undisturbed, revegetation program and so on.
- g. the sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and so on.
- h. timing of the site rehabilitation or landscaping program.
- i. outline of the maintenance program for the erosion and sediment controls.

Works must not commence prior to the approval of the Soil and Water Management Control Plan (the Plan) by the General Manager Infrastructure and Assets Network. The Plan must be implemented and maintained during construction to ensure that soil erosion is to be appropriately managed.

15. CAPPING OF SERVICES

Unused service connections must be capped for possible future use, or permanently sealed with concrete plugs and the disused portion of pipe filled with an approved medium. The location of any capped services must be located on a site plan and provided to the Council.

16. 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.

17. 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.
- b. Roads
 - i. provision of road widening from the existing edge of pavement to the existing kerb line on the development side of Montagu Street;
 - ii. provision of a new outstand on the North Eastern corner of the Howard Street and Montagu Street;
 - iii. provision of an industrial vehicular crossing as endorsed in the planning permit; and
 - iv. all necessary line marking, signage and other traffic control devices.
- c. Electricity, Communications and Other Utilities
 - i. an underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority;
 - ii. an underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority;

- iii. provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure; and
- iv. provision of reticulated gas network to service all lots and installed 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; and
- d. practical completion and after a 12 months defects liability period the final inspection and hand-over.

18. 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.

19. NOISE MITIGATION MEASURE.

Prior to any use commencing the development must include the 1.8m high solid *colorbond* boundary fence as referenced in the Noise and Air Emissions Assessment report completed by pitt&sherry dated 16 March 2023.

20. NOISE - REVERSING ALARMS

The use of reversing alarms must not cause unreasonable noise or interference to other uses. Any vehicle or machinery that requires a reversing alarm must use broadband alarms or other non-intrusive methods.

21. 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.

22. 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.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0051/2023. 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. Signage

Separate approval may be required for any signage proposed on the site.

F. Storage of Dangerous Goods

Dangerous goods/materials must be stored in accordance with the Work Health and Safety Regulations 2012 or any subsequent versions of the regulation.

G. 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.

{recommendation-end}

{remove-from-minutes-end}

Councillor A G Harris withdrew from the Meeting at 1.22pm

DECISION: 1 June 2023

MOTION

Moved Councillor D H McKenzie, seconded Councillor J J Pentridge.

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

CARRIED 11:0

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

AGAINST VOTE: Nil

Councillor A G Harris re-attended the Meeting at 1:28pm