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Sent: Fri, 17 Sep 2021 12:48:44 +1000
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: Submission to Tasmanian Planning Scheme
Attachments: submission to State Planning..odt

Find enclosed my submission to this scheme.

Submission to: State Planning Scheme

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Social cohesion and amenability are basic tenets when considering approval for new developments.

I will use the proposed recycling plant on Churchill Park Drive, Inveresk as an example throughout this submission as a 'case in point'.

It is a fact that planning zones have altered over time. Forty years ago, the railways were operational at Inveresk and light industries existed nearby to support that activity. Since that time, Inveresk and Invermay have become desirable, inner suburban areas with a resulting change in demographics. Most Federation homes of this area have been restored and price values reflect this.

The 'light industrial' zoning given to the activities along Churchill Park Drive are generally acceptable, but the development of a noisy, intrusive facility, starting at 4:00am, six days a week, is unacceptable to the residents, who presented well considered petitions and submissions when it was presented to council for approval.

The Launceston City Council rejected the planning application for the recycling depot which was then appealed at RMPAT, resulting in few avenues remaining to prevent it from proceeding.

It must be remembered that this proposal directly abuts dwellings, the closest being directly behind the back wall of the site and approximately 200 homes will be adversely affected by the glass smashing, reverse beeping and industrial activities literally on their doorsteps.

I have read most of the documents associated with the proposal and many of the issues of concern still exist.

a) The 'sound wall', required by RMPAT appears to be a small structure within the site and it will not address the constant noise generated on site.

b) RMPAT, on page 3 of its approval document, clearly stated that no intrusive noise should occur within 100 metres of the boundary but this seems to also be ignored.

c) Inveresk is built on Ti Tree swamp, resulting in vibration when heavy vehicles pass by. Two hundred new truck movements are anticipated each day, with the potential to move foundations and crack plaster within the affected homes.

d) In 2019, traffic congestion on the corner of Invermay Road and Forster Street was at .9 saturation. An inadequate report, commissioned by the developer, allowed it to proceed, despite little diligence being undertaken as to the full impact this new traffic would have in this area. It is unacceptable that the new UTAS carpark has been developed in the same area with no study undertaken at all.

e) Another problem with Churchill Park Drive as the site for recycling is that the site is on the flood inundation plain with only a levee between the site and the North Esk River.

Recent floods in Germany showed that these facilities need to remain operational during emergencies due to the urgent need for removal of flood damaged items. Their sites are situated on higher ground and were able to continue operation throughout the emergency. I doubt if this proposed site would remain functional.

My questions to you are:

How much account of sensitive use is being included in the new Planning Scheme?

What recourse is being considered in the event of unacceptable noise?

What guidelines will be in place to allow for reasonable objections to be heard and addressed?

I noted, with interest, that the new planning scheme will allow privately commissioned plans to become the norm. This is unacceptable for many reasons and removes transparency from the equation. If I were a developer, I would expect to get a result that I have paid for, not one that is in the interests of the community which Government is expected to serve.

The State Planning provisions rely on accurate data being signed off and transferred from each council.

My recent questions to Launceston City Council clearly show that traffic congestion during peak times has not been appropriately addressed and should be reviewed INDEPENDENTLY before being accepted. It is inherently problematic for a developer to be the sole source of information, particularly if it goes against his/her interests.

In summary:

Independent and community focused assessments of developments MUST underpin developments throughout the state. If developers pay the cost of required studies, there is a risk, as evident in the Invermay traffic plan, of incomplete and inadequate studies being presented.

Any development on a flood plain must be thoroughly studied by appropriately qualified people before it is progressed.

There is a situation on the North Esk River where levees are being installed against the river edge with no modelling or consideration for flooding.

I include my recent questions to council and the dismissive response that I received as an example of the problematic nature of this development.

Objective:

To ensure that emissions to air, land and water are not detrimental to the amenity of sensitive use.

Acceptable solution	Performance criteria
A1 Uses must be set back from the site of a sensitive use a distance of no less than 100m.	P1 The use must not adversely impact on the amenity of nearby sensitive use, having regard to: a) the nature of the proposed use; b) the nature of the emissions; c) the proximity and number of sensitive uses in the area; d) the topography of the site; e) any mitigation measures proposed, and

Acceptable solution

Performance criteria

f) the proximity and number of nearby emitting uses.

Question 1.

I have searched the RMPAT document looking for the change from 100 metre distance to 40 metres.

Clause 28 of the document is the first mention of this significant change, where it is accepted by the tribunal that early morning trucks need to be no less than 40 metres from the boundary. There is no discussion about the requirement of a 100 metre buffer and the 40 metres appears to become an accepted distance, despite any breach this might create.

Clause 44 outlines the early truck movements: 3 trucks commencing at 4:00am, 14 trucks between 5:00am and 6:00 am and 20 trucks between 6:30 am and 7:30 am.

These trucks will all create start up noise and departure activity, within the 100 metre buffer from sensitive uses.

How and why did the 100 metre buffer, required by RMPAT get mitigated to 40 metres and what impact will it have on nearby dwellings?

Question2.

P1(d) refers to the topography of the site. Clause 21 of the RMPAT document discusses this and considers the site to be flat and essentially featureless. Clause 22 states that the site is in the proximity of other industrial uses, none of which generate noise emissions.

There is no consideration for the suitability of the location of the site, its proximity to the North Esk River and the levee which is the sole protection in the event of flooding.

It must be acknowledged that this site is on an inter tidal plain and is a vital piece of infrastructure in the event of flooding. The site location, generally, does not satisfy the requirements of P1(d).

Mitigation requires that “land use and design decisions avoid developments and

community infrastructure in areas prone to hazards. Flood risk, levee failure, storm surges, tidal surges and water table saturation are real issues with this site and no degree of mitigation will change this fact.

How does council consider that P1(d) has been thoroughly investigated and how does it satisfy all the necessary planning criteria?

Question3.

Clause 29 refers to “Serious Annoyance’ for residents using outdoor living areas. A 55dB limit applies to this.

The predicted new ambient noise emitted from the facility for normal daytime operations varies between 55.9 and 56.5 dB.

This means that the normal operation will exceed acceptable limits on a regular basis.

To quote the RMPAT document, Mr Ford (for the appellant) even states that: This only exceeds the guideline level (for noise emissions) by a small amount.

In effect, the plant will consistently operate above acceptable noise levels. There is no consideration in the document regard the impact of smashing glass and specific traffic noise within the site.

Questions:

1. How and why did the 100 metre buffer, required by RMPAT get mitigated to 40 metres and what impact will it have on nearby dwellings?
2. How does Council consider that P1(d) has been thoroughly investigated and how does it satisfy all the necessary planning criteria?
3. How can Council allow the facility on Churchill Park Drive to proceed when it routinely breaches noise limits in the direct vicinity of many *sensitive uses*? Surely, this is a breach of P1(f).

Response:

Similar questions have been submitted over a number of Council Meetings and the relevant previous responses are reproduced below:

DA0711/2019 was assessed by an independent planner who prepared a report and recommendations for the Council Meeting held on 17 September 2020. Council, sitting as a Planning Authority, determined to refuse the submitted Development Application. Subsequently, that decision was appealed by the applicant and, following consideration by the Resource Management Planning and Appeal Tribunal (RMPAT), the Council was instructed to issue a planning permit with conditions. RMPAT's rationale for the determination is contained within the details of its decision.

The issued permit has 50 conditions which must be complied with, both during construction and when the facility is operating. In the event that nuisance noise is emitted from the business once it is established, in the first instance, any suspected breaches of the Planning Permit conditions can be reported to the Council via the contactus@launceston.tas.gov.au email address. Those complaints will be directed to the relevant team to investigate and take appropriate action, including on-referral or liaison with other agencies as required and dependent upon the nature of the alleged breach.

This clearly shows a lack of will to address serious concerns.

If a planning scheme is to be effective, it must be open, transparent and provide adequate recourse, beyond mitigation.

The studies must also be unbiased and transparent, something that commissioned reports funded by developers do not provide.