

**Council Meeting - 10 December 2020 - Agenda Item 9.1**  
**Attachment 4 - Representations - 89-91, 85 and 87 Lindsay Street, Invermay**

**From:** Alvaro Ascui  
**Sent:** Mon, 16 Nov 2020 15:55:34 +1100  
**To:** Contact Us  
**Subject:** Representation DA0623/2020 89-91 Lindsay Street INVERMAY  
**Attachments:** TRA Inc Representation DA0623 2020 89-91 Lindsay St Invermay 16 Oct 2020.pdf

Herewith attached representation Tasmanian Ratepayers Association concerning DA0623/2020 89-91 Lindsay Street INVERMAY

Alvaro Ascui

Tasmanian Ratepayers' Association Inc.

16 November 2020

Mr. Michael Stretton  
General Manager  
Launceston City Council  
Town Hall  
St John Street  
LAUNCESTON TAS 7250

By email to [contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au)

Dear Sir,

**Re: Representation DA0623/2020 89-91 Lindsay Street INVERMAY  
– Construction of a function centre in association with existing hotel;  
Construction of alterations and additions to existing buildings to accommodate  
kitchen and toilet facilities; Construction of pedestrian access ramps to  
Riverbend Park and flood levy.**

In making this representation we refer to the advertisement in the Examiner Newspaper on 31 October, 2020, which invites representations to be lodged by 5.00pm on Monday 16 November 2020.

This land is on a tidal flood plain and is subject to certain seismic activity risks. Not only does the seismic risk endanger the safety of any infrastructure that may exist or is proposed to be constructed there, but it also endangers the stability and durability of the Invermay Flood Levee system which allegedly is intended to make-safe the land area in question, and the suburb generally.

The objectives of the LUPA Act includes for sustainable development whereby in Part 1 *sustainable development* is defined as managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while-

***2(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.***

And in Part 2

***(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, and***

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

It is our general submission that CoL fails its ratepayers, citizens and visitors to Tasmania should it allow this unstable, flood prone land to be further developed, and associated developments be supported by carparking, adding to the limited emergency resources when this flood plain area is forced to be evacuated in the event of flooding, inundation by sea level rises or climate change or such dangers and risks being

compounded by seismic activity. The subject land area is often observed to be below river level, and that is without taking into account the impact of local weather/rain conditions prevailing.

The addition of a large community meeting and entertainment facility (Conference and Function Centre), is an over-intensification of development on this already-vulnerable site, and this generates a significantly increased risk to people already in the area and those who will be attracted there by this proposed development.

Flooding and flood-damage on this land is an inevitability, and the financial liability that an approving Local Government Planning Authority will assume by granting approval will be an impost on the Council and Ratepayers of the municipality, and likely to be also directed as a personal liability to individual Councillors who have supported the approval.

The Traffic Impact Statement does not adequately establish the true parking and traffic load that will be generated and this will lead to a worsening of traffic congestion within the nearby street system and intersections that are already woefully overloaded.

It is not clear whether this will be a free carparking area, or whether there will be charges levied for parking. There is no information advertised as to operating hours, night-time lighting levels, or signage provisions.

The carparking required for this proposed development is not located within the boundaries of the advertised land. Accordingly, if Council is of a mind to approve the application it should be necessary that a Part V agreement be included so as to permanently bind this Development Approval to the necessary carparking land.

The proposed development encroaches over the boundaries of the land advertised, and apart from the subject land not being advertised, it compromises the purpose for which the adjacent land is necessarily used.

In conclusion, we submit that this application should not be approved due to the increased personal and public risk that will be caused, and the compensation that will be sought in the event of flooding and flood-damage that will be caused to infrastructure.

Yours faithfully,

Alvaro Ascui

Public Officer

For and on behalf of

**TASMANIAN RATEPAYERS ASSOCIATION INC.**

[REDACTED]

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**From:** Lionel Morrell [REDACTED]  
**Sent:** Monday, 16 November 2020 4:02 PM  
**To:** Contact Us; Michael Stretton  
**Subject:** Representation DA0623 2020  
**Attachments:** NTNP&A Rep DA0623 2020 Silos Hotel 89-91 Lindsay St Launceston.pdf

Please see attached representation regarding 89-91 Lindsay Street Invermay



16 November 2020

Michael Stretton  
General Manager  
City of Launceston Council  
P.O. Box 396  
LAUNCESTON TAS 7250

By email to: [contactus@Launceston.tas.gov.au](mailto:contactus@Launceston.tas.gov.au)

Dear Sir,      Re:    DA0623/2020 89-91 Lindsay Street Launceston; Expansion of  
Silo's Hotel development, including use of carparking and increase in  
traffic congestion in the Invermay/Inveresk area.

We refer to the public notice dated 31 October 2020.

Our Group remains determined to keep the City of Launceston Councillors reminded of the folly of further development of major construction assets, additional public usage and accommodation, and traffic congestion in the Invermay/Inveresk flood plain zone.

Our Group is making this representation consistent with our earlier representations and submissions that have strenuously opposed the development of this area of the city, which will be subjected to increasing threat from climate change affecting sea level rises in the Tamar/Esk estuary, and further threatened by predicted seismic activity that would cause collapse of/ damage to the flood levee system.

We dispute whether this application has been advertised correctly to the public in that not all of the land affected has been advertised as the address 89-91 Lindsay Street Launceston, without any reference to the land upon which the proposed development encroaches or the land that is to be used for carparking. There is no advertised evidence that the owners of these other areas of land have, in any event, given approval for the land to be incorporated in this application, or that the owners have agreed to its uses for the applied purposes.

As repeatedly identified, the land is on a tidal flood plain and is subject to certain seismic activity risks. Not only does the seismic risk endanger the safety of any infrastructure that may exist or is proposed to be constructed there, but it also endangers the stability and durability of the City Flood Levee system which allegedly is intended to make-safe the land area in question. This application continues to promote the fast-changing flood risk modelling status. This is not low risk and only likely to occur at a time beyond the life cycle of the proposed Hotel building structure, to the contrary, the expression 1:100 years DOES NOT mean that such a flood will only occur once in one hundred years, as has been publicly stated by several Councillors.

Former State Treasury official, (Mr. Don Challen), was a strident opponent of any further building intensification within the Flood Inundation Zone. This was in part due to his concerns of an increase in government compensation liability, should the area be flooded. This significant financial liability will likely extend to City of Launceston Council acting as the Planning Authority, and to the Councillors who made the determination.

A **one-hundred-year flood** is a flood event that has a 1 in 100 chance (1% probability) of being equalled or exceeded in any given year.

The 100-year flood has also been referred to as the 1% flood, since its annual exceedence probability is 1%. For coastal or lake flooding, the 100-year flood is generally expressed as a flood elevation or depth, and may include wave effects. For river systems, the 100-year flood is generally expressed as a flow rate. Based on the expected 100-year flood flow rate, the flood water level can be mapped as an area of inundation. The resulting floodplain map is referred to as the 100-year floodplain. The common misunderstanding is that a 100-year flood is likely to occur only once in a 100-year period is incorrect. In fact, there is approximately a 63.4% chance of one or more 100-year floods occurring in a 100-year period.

The objectives of the LUPA Act includes for sustainable development whereby in Part 1 *sustainable development* is defined as managing the use, development and protection of natural and physical resources in a way, or at a rate , which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while-

*2(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.*

And in Part 2

*(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, and*

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

Again, it is our general submission, along with other individuals and interested bodies, that CoL fails its ratepayers, citizens and visitors to Tasmania should it allow this unstable, flood prone and undesirable land to be further developed with facilities that draw public usage, when prudent and feasible alternatives are available elsewhere within the Central Launceston area, surrounded by significant community resources, and which does not suffer from an inability to be evacuated in the event of flooding, inundation by sea level rises or climate change or such dangers and risks being compounded by seismic activity.

We are confident that this present Development Application, once correctly informed and with a proper and comprehensive risk assessment, is not supported by Launceston ratepayers, an more-broadly, Tasmanian taxpayers, who are likely to bear responsibility for compensation.

The banner of RETREAT from building and retaining developments on flood plains that will be further impacted by climate change and rising sea levels and furthermore with seismic risks, could not be more solemn. Again, we stress the spectre of liability

for allowing this development to occur which will be forever a dark cloud over the heads of the present Councillors who are being seemingly lead along to sanction and approve it.

Seemingly oblivious to publicity and public opinion which has been focussed on the ill-advised relocation of the University of Tasmania to another, but similar part of the flood plain (see The Examiner Tuesday September 15, 2020) the Pitt and Sherry report is quoted *“Based on these changes for the 1 per cent event the Launceston Levee and Inveresk Levee are expected to top”*. And *“Any structure at ... the Inveresk site is likely to have a life above 30 years. Therefore it would be prudent to consider flood scenarios at periods within that life. As no defined criteria are in place for development in flood-prone areas, developers should consider the risk associated with their development and plan appropriately”*.

The journalist goes on to report that at a 2 per cent increase, the Inveresk sites would be severely impacted by floodwater for an extended period following the flood levee failure. The report said if a levee failure occurred the onset of the water would be rapid, and the flood behaviour would be unsafe for everyone.

Not reported from the application, is the admission that in addition to the flooded situation would it be unsafe for people, but that there would be structural damage and buildings would be inoperable for multiple weeks....

Accordingly, we implore that this Development Application be refused.

Yours faithfully,

Lionel J. Morrell

Architect

For Northern Tasmanian Network Partners and Associates



[REDACTED]

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**From:** Jillian Koshin [REDACTED]  
**Sent:** Monday, 16 November 2020 4:31 PM  
**To:** Contact Us  
**Subject:** Representation to DA 0623/2020

Objection to Development Application 0623/2020

A few council meetings back there was Hugh McKenzie carrying on about how the budget overruns on Riverbend Park were "poor process".. He admits to "poor process". That is nothing new. The Council has operated on poor process since the arrival of Dobrzynski, and it continues, especially with the rush to get things through behind the screen of Covid-19 pandemic conditions. Is the same poor process going to apply to this DA to add more traffic congestion and more development on the Inveresk-Invermay Flood Inundation area at the cost of residents and ratepayers, and to small accommodation operators in and around the CBD?

Councillor Nick Daking in particular is aware of the problems of building in an unsuitable river edge area. Cr Daking knows the issues for a council that permits building in an unsuitable area, Presumably he will vote against this DA.

Councillors worth their salt will side with the residents of Inveresk and invermay and small locally owned and operated businesses and vote against this DA.

Basil Fitch  
[REDACTED]



**From:** [REDACTED]  
**Sent:** Monday, 16 November 2020 4:57 PM  
**To:** Contact Us  
**Subject:** DA 0623/2020 Lindsay St.

Dear Council staff,

Please find below, representation to DA 0623/2020,

Jillian Koshin, Invermay

REPRESENTATION TO DA 0623/2020 89-91 IINDSAY ST

In this day and age, urbanisation like this with the addition of more large impervious surface area into an area like Inveresk is extremely bad urban planning, goes against world best practice and should be rejected. It is actually worst practice urbanisation to add impervious surfaces to flood plains, let alone sub-tidal zones.

Without a clear understanding of the type of traffic movements, (including cars, pedestrians, trucks, etc), the scale of their movements, timing, duration and location, there is a risk that additional traffic movement may contribute to safety issues, unforeseen congestion or other problems where the development connects to the road system or elsewhere on the road network. A genuine Traffic Impact Assessment attempts to forecast these movements and their impact on the surrounding transport network.

A TIA is not a promotional exercise undertaken on behalf of a developer; a Tia must provide an impartial and objective description of the impacts and traffic effects of a proposed development. A full and detailed assessment of how vehicle and person movements to and from a development site might affect existing road and pedestrian networks is required. An objective consideration of the traffic impact of a proposal is vital to enable planning decisions to be based upon the principles of sustainable development. On the basis of sustainability, traffic flow, traffic management and the amenity of residents and businesses in the area, until such time as full supporting documents are provided to the Council – particularly in the interests of local amenity, transparency and accountability on the part of the applicant – the Council should not pass this DA.

The Council is always concerned about activity, or lack of activity in the CBD. Why then would the Council approve even MORE development that takes activity and business AWAY from the CBD. WHY would the Council favour a multinational hotel chain franchise over locally owned and operated accommodation providers and small business in and around the CBD?

Councillors are reminded of the original reasons and liability issues behind the formation of the Invermay Flood Inundation Code, that the Council and its planning officers seem determined to reduce to nothing.

See for example:

<https://www.treasury.tas.gov.au/Documents/Launceston%20Flood%20Risk%20Management%20Deed%202008.PDF>

Councillors must stop relying on the claims of council's internal planners and start doing their own due diligence on floodplain matters and get familiar with the latest international best practice on flood plain management and development intensification.

<https://www.examiner.com.au/story/562567/flood-proofing-launceston/>

From 2007 Flood Inundation Examiner report, Launceston: It said there were no land use or other planning or building controls in place within the flood area that stopped people, businesses and the community placing themselves and their property at risk of "very serious damage as a result of flooding".

"The bottom line of this assessment is that (the) council has been aware for some years about the flooding and geotechnical hazards and has not taken action to reflect this knowledge in its planning scheme for Invermay."

The report said it was possible that businesses and homeowners could mount a legal argument that the State Government and the council had legal responsibilities and duty of care to them.

"In relation to the council it could be argued that by issuing planning approvals and building permits etc, it was providing an implicit indication that no significant risk from either geotechnical conditions or flood risk was known or existed."

The council voted in July 2006 to adopt the one-in- 100-year flood level as 3.4m above sea level for all land between the North Esk River, Tamar River and Mowbray Hill.

Aldermen unanimously approved the policy, which requires all new habitable floor levels approved under the Building Act to be built 30cm above that level.

The council is also reviewing its planning scheme.

But the report has recommended that "a separate planning study should be urgently commissioned for planning in the Invermay floodplain".

"A performance-based approach should be adopted in flood planning, where no development can occur on a floodplain, except where it minimises the adverse impacts from flooding and does not result in an unacceptable risk to people of property," the report said.

The report listed a number of options to control use of land in the area.

They include regulations to prohibit development, new subdivisions and boundary adjustments.

It also suggested the prohibition of residential and "sensitive" use developments such as schools and hospitals.

The report was critical of the Inveresk Master Plan, which covers the QVMAG, university, York Park and Show Society complexes.

All facilities would be affected by a 100-year flood event.

The council is actively encouraging significant additional capital investment on the old bike track area in the next few years.

"(The plan) makes no reference to flood risk in the area and associated dangers nor the hazard of the ground conditions," the report states.

The report also raised concerns about insurance cover for residents in the affected area.

It said many may not be insured or may assume they were.

General manger Frank Dixon yesterday admitted there had been an over reliance on levees, not just in Launceston but around the world.

He said the council was looking to move forward with greater understanding of the situation and would implement planning controls to regulate future property development in the area."

The Council should reject this addition to the Flood inundation zone and busiest traffic area in Launceston

J Koshin

**From:** Jillian Koshin [REDACTED]  
**Sent:** Monday, 16 November 2020 5:02 PM  
**To:** Contact Us  
**Subject:** DA 0623/2020

Representation from Jillian Koshin, Invermay. RE DA 0623/2020

This DA should be rejected by the Council, for many reasons - traffic congestion, flood issues and the original intention of the Flood Inundation Code. - local amenity, consideration for locally owned and operated small businesses versus a multinational franchise that is taking activity away from the CBD etc..

<https://www.examiner.com.au/story/562567/flood-proofing-launceston/>  
JANUARY 25 2007 - 2:00PM

## FLOOD-PROOFING LAUNCESTON

- **Reports: RACHEL WILLIAMS**

Local News



Launceston Mayor Ivan Dean, chief executive Frank Dixon and hydraulic modelling and systems manager Steve Ratcliffe at the launch of the city's flood levee plan. Picture: PHILLIP BIGGS. (1/2)

That's the verdict of the GHD report - Invermay Floodplain: A Social, Economic, Infrastructure and Risk Evaluation Study.

The report, officially released by the council yesterday, was extremely critical of the council's handling of the flood risk.

ADVERTISING

It said there were no land use or other planning or building controls in place within the flood area that stopped people, businesses and the community placing themselves and their property at risk of "very serious damage as a result of flooding".

"The bottom line of this assessment is that (the) council has been aware for some years about the flooding and geotechnical hazards and has not taken action to reflect this knowledge in its planning scheme for Invermay."

The report said it was possible that businesses and homeowners could mount a legal argument that the State Government and the council had legal responsibilities and duty of care to them.

"In relation to the council it could be argued that by issuing planning approvals and building permits etc, it was providing an implicit indication that no significant risk from either geotechnical conditions or flood risk was known or existed."

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General manger Frank Dixon yesterday admitted there had been an over reliance on levees, not just in Launceston but around the world.

He said the council was looking to move forward with greater understanding of the situation and would implement planning controls to regulate future property development in the area.

[REDACTED]

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**From:** Leigh Murrell [REDACTED]  
**Sent:** Monday, 16 November 2020 5:14 PM  
**To:** Council; Contact Us  
**Subject:** Fwd: Representation to DA 0623/2020

----- Forwarded message -----

**From:** Jillian Koshin [REDACTED]  
**Date:** Mon, Nov 16, 2020 at 4:31 PM  
**Subject:** Representation to DA 0623/2020  
**To:** <[contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au)>

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Councillor Nick Daking in particular is aware of the problems of building in an unsuitable river edge area. Cr Daking knows the issues for a council that permits building in an unsuitable area, Presumably he will vote against this DA.

Councillors worth their salt will side with the residents of Inveresk and invermay and small locally owned and operated businesses and vote against this DA.

Basil Fitch  
[REDACTED]

[REDACTED]

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**From:** Basil Fitch [REDACTED]  
**Sent:** Monday, 16 November 2020 7:13 PM  
**To:** [REDACTED] Contact Us  
**Subject:** Basil Fitch's wayward DA representation

Dear [REDACTED] Dear Council Staff,

I have just been informed that I sent my representation to the wrong address, but that the recipient forwarded it on to you at the contactus@launceston email address.

I'm sorry to bother you, but could I please trouble you to make sure for me that my correct email address is on the representaion and on any replies from the Council about my representation, so that they come to me.

Thank you,

Basil Fitch,  
[REDACTED]

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Objection to Development Application 0623/2020

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Basil Fitch  
[REDACTED]