



City of  
**LAUNCESTON**

# **COUNCIL AGENDA**

**COUNCIL MEETING  
MONDAY 1 SEPTEMBER 2025  
1:00 PM**

**Notice is hereby given that the Special Meeting of the City of Launceston Council will be held at the Council Chambers, Town Hall, St John Street, Launceston:**

**Date: 1 September 2025**

**Time: 1:00 pm**

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**Certificate of Qualified Advice**

**Background**

To comply with section 65 of the *Local Government Act 1993* (Tas):

1. A General Manager must ensure that any advice, information or recommendation given to the council, or a council committee, is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
2. A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless -
  - (a) the General Manager certifies, in writing -
    - (i) that such advice was obtained; and
    - (ii) the General Manager took the advice into account in providing general advice to the council or council committee; and
  - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the General Manager's certificate.

**Certification**

I certify that:

- (i) the advice of a qualified person has been sought where required;
- (ii) this advice was taken into account in providing general advice to the council or council committee; and
- (iii) a copy of the advice, or a written transcript or summary of advice provided orally, is included with the agenda item.



**Sam Johnson OAM  
Chief Executive Officer**

## **VIDEO and AUDIO STREAMING of COUNCIL MEETINGS**

The video and audio of open sessions of ordinary Council meetings and special Council meetings that are held in the Council Chambers at Town Hall, will be streamed live via the Council's meeting stream channel on YouTube.

Video and audio streaming and recording of this Council Meeting, except for any part held in Closed Session, will be made in accordance with our Video and Audio Streaming of Meetings Policy - 17-Plx-017.

This Council Meeting will be streamed live to and can be accessed at:  
[www.launceston.tas.gov.au/Council/Meetings/Watch-and-Listen](http://www.launceston.tas.gov.au/Council/Meetings/Watch-and-Listen)

The audio-visual recording equipment will be configured in a way which avoids coverage of the public gallery area and Council will endeavour to ensure images in this area are not streamed. However, Council expressly provides no assurances to this effect and by entering or exiting the Council Chamber or by remaining in the public gallery area, it is assumed that consent has been given to the Council to broadcast images and audio recordings.

The Mayor or their representative will provide notice that the meeting will be recorded through live streaming. By attending a Council meeting, attendees will be taken to have consented to their image, speech or statements being live streamed.

For further information, please refer to our Video and Audio Streaming of Meetings Policy and our Privacy Policy available at:  
<https://www.launceston.tas.gov.au/Council-Region/Legislation-and-Policy/Policy>

### **PUBLIC COMMENT ON AGENDA ITEMS**

When attending the Council Meeting, you will be asked if you wish to comment on an item in the Agenda. Prior to debate on that Agenda Item, you will be invited by the Chair to move to the public microphone at the doors to the Council Chambers and state your name and address.

Please note the following important information:

- Each item on the Agenda includes a Recommendation prepared by a Council Officer.
- You may speak for up to two minutes, either for or against the Recommendation.
- You may not ask questions or enter into debate with Councillors or Council Officers.
- Your statement is not to be defamatory, inappropriate or abusive, or be intended to embarrass any person, including Councillors or Council Officers.
- The Chair may direct you to stop speaking if you do not follow these rules, or if your statement repeats points that have already been made.
- Audio from our Council Meetings is streamed live via YouTube.

Your respectful contribution is welcome and appreciated.

### **LEGISLATIVE TERMINOLOGY - GENERAL MANAGER**

At the City of Launceston, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas). For the avoidance of doubt, *Chief Executive Officer* means *General Manager* for the purposes of the *Local Government Act 1993* (Tas) and all other legislation administered by or concerning Council.

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**ORDER OF BUSINESS**

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**1. OPENING OF MEETING - STATEMENT, ATTENDANCE AND APOLOGIES**  
*Local Government (Meeting Procedures) Regulations 2025 - regulation 8*

An audio visual recording is being made of the meeting.

All persons attending the meeting are to be respectful of, and considerate towards, other persons attending the meeting.

Language and conduct at the meeting that could be perceived as offensive, defamatory or threatening to a person attending the meeting, or listening to the recording, is not acceptable.

**2. COMMENCEMENT TIME OF MEETING**

**2.1. Commencement Time of Meeting**

*Local Government (Meeting Procedures) Regulations 2025 - Regulation 7(1) - A meeting is not to start before 5.00pm unless otherwise determined by absolute majority or by the council committee by simple majority.*

*This decision requires an absolute majority of Council.*

**RECOMMENDATION:**

That Council:

1. by absolute majority, pursuant to regulation 7(1) of the *Local Government (Meeting Procedures) Regulations 2025*, determines that this Special Council Meeting is to start at or as soon as possible after 1 pm on Monday 1 Spetember 2025.

**3. DECLARATIONS OF INTEREST**

*Local Government Act 1993 (Tas) - section 48*

*Local Government (Meeting Procedures) Regulations 2025 – regulation 39(1)(f)*

*(A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences).*



#### 4. PLANNING AUTHORITY

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 11 - Planning Authority.

##### 4.1. DA0273/2025 - 66-92 St Leonards Road and 23 Killafaddy Road, St Leonards - Research and Development - Construction of New Data Centre, including Associated Infrastructure and Works

**FILE NO:** DA0273/2025

**AUTHOR:** Jen Welch (Senior Town Planner)

**APPROVER:** {custom-field-executive-leader}

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#### DECISION STATEMENT:

To consider and determine a development application pursuant to the *Land Use Planning and Approvals Act 1993*.

#### PLANNING APPLICATION INFORMATION:

<b>Applicant</b>	Pitt&Sherry obo Firmus Technologies
<b>Address</b>	23 Killafaddy Road, 58, 66, 68 and 92 St Leonards Road, St Leonards
<b>Proposal</b>	DA0273/2025 - Research and Development - Demolition and construction of new data centre, including associated infrastructure and works within drainage and electricity infrastructure easements of 58 and 68 St Leonards Road.
<b>Zone</b>	Rural Zone and Light Industrial Zone
<b>Codes</b>	<ul style="list-style-type: none"><li>• Parking and Sustainable Transport Code</li><li>• Road and Railway Assets Code</li><li>• Electricity Transmission Infrastructure Protection Code</li><li>• Natural Assets Code</li><li>• Scenic Protection Code</li><li>• Potentially Contaminated Land Code</li><li>• Safeguarding of Airports Code.</li></ul>
<b>Use class/category</b>	Research and Development

<b>Standards assessed through the Performance Criteria</b>	<ul style="list-style-type: none"> <li>•18.4.1 Building Height P1 20.3.1 Discretionary Use P1, P2, P3 and P4</li> <li>•20.4.1 Building Height P1</li> <li>•20.4.2 Setbacks P1</li> <li>•C2.5.1 Car Parking Numbers P1.1</li> <li>•C2.6.5 Pedestrian Access P1</li> <li>•C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction P1</li> <li>•C4.6.1 Buildings or works within an electricity transmission corridor P1</li> <li>•C7.6.2 Clearance within a priority vegetation area P1.1 and P1.2</li> <li>•C8.6.1 Development within a scenic protection area P1.1, and P1.2</li> <li>•C14.6.1 Excavation works, excluding land subject to the <i>Macquarie Point Development Corporation Act 2012</i> P1</li> </ul>
<b>Public Notification</b>	2 August 2025 to 18 August 2025
<b>Representations</b>	4
<b>Deemed Approval</b>	1 September 2025

#### RELEVANT LEGISLATION:

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

#### PREVIOUS COUNCIL CONSIDERATION:

N/A

#### RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0273/2025 - Research and Development - Construction of New Data Centre, including Associated Infrastructure and Works and at 66-92 St Leonards Road and 23 Killafaddy Road, St Leonards subject to the following conditions:

##### 1. ENDORSED PLANS & DOCUMENTS

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

- Planning Report, 23 Killafaddy Road & 66-92 St Leonards Rd TAS 7250, Pitt&Sherry, Rev 00, 24/06/2025.
- Data Centre - St Leonards, Traffic Impact Assessment, Pitt&Sherry, Rev02, Page no 111-173, 23/07/2025.
- Firmus Data Centre - Killafaddy, Noise Emissions Assessment, Pitt&Sherry, Rev01, Page no 175-188, 30/07/2025.
- 23 Killafaddy Rd and 66-92 St Leonards Road, St Leonards - ESA Review, Pitt&Sherry, Rev02, Page no 190-222 25/07/2025.
- 66-92 St Leonards Road, St Leonards, Natural Values Assessment: Priority Vegetation Area Overlay, Page 224-332 18/06/2025.
- Data Centre Development, Pitt&Sherry, Page 334-338 23/07/2025.

- g. Cover, Architects Designhaus, A.000, Firmus Southgate, Rev E, 25/07/2025.
- h. Site Plan, Architects Designhaus, A.102, Firmus Southgate, Rev E, 25/07/2025.  
**Amended Plan Required**
- i. Landscape Concept Plan, Architects Designhaus, A.104, Firmus Southgate, Rev D, 24/07/2025. **Amended Plan Required**
- j. Site Stormwater Plan, Architects Designhaus, A.105, Firmus Southgate, Rev D, 24/07/2025. **Amended Plan Required**
- k. Site Water and Wastewater Plan, Architects Designhaus, A.106, Firmus Southgate, Rev D, 24/07/2025. **Amended Plan Required**
- l. Road Surface Stormwater, Architects Designhaus, A.107, Firmus Southgate, Rev D, 24/07/2025. **Amended Plan Required**
- m. Site Lighting Plan, Architects Designhaus, A.108, Firmus Southgate, Rev D, 24/07/2025. **Amended Plan Required**
- n. Fire hose Reel & Hydrant System, Architects Designhaus, A.109, Firmus Southgate, Rev D, 24/07/2025. **Amended Plan Required**
- o. Swept Path Passenger Vehicle 5.2m, Architects Designhaus, A.110, Firmus Southgate, Rev D, 24/07/2025. **Amended Plan Required**
- p. Swept Path - 12m Service Vehicle - Anti Clockwise, Architects Designhaus, A.111, Firmus Southgate, Rev D, 24/07/2025. **Amended Plan Required**
- q. Swept Path - 12m Service Vehicle - Loadbay Access, Architects Designhaus, A.112, Firmus Southgate, Rev D, 24/07/2025. **Amended Plan Required**
- r. Swept Path - 19m Semi Trailer - Anti Clockwise, Architects Designhaus, A.113, Firmus Southgate, Rev D, 24/07/2025. **Amended Plan Required**
- s. Buildings A & B - Floor Plans, Architects Designhaus, A.201, Firmus Southgate, Rev E, 25/07/2025. **Amended Plan Required**
- t. Buildings A & B - Roof Plans, Architects Designhaus, A.202, Firmus Southgate, Rev E, 25/07/2025. **Amended Plan Required**
- u. Buildings A & B - Elevations, Architects Designhaus, A.301, Firmus Southgate, Rev E, 25/07/2025.
- v. Buildings A & B - Elevations, Architects Designhaus, A.302, Firmus Southgate, Rev E, 25/07/2025.
- w. Buildings A & B - Elevations, Architects Designhaus, A.303, Firmus Southgate, Rev E, 25/07/2025.
- x. Buildings A & B - Elevations, Architects Designhaus, A.304, Firmus Southgate, Rev E, 25/07/2025.
- y. Buildings A & B - Elevations, Architects Designhaus, A.305, Firmus Southgate, Rev E, 25/07/2025.
- z. Buildings A & B - Elevations, Architects Designhaus, A.306, Firmus Southgate, Rev E, 25/07/2025.
- aa. Sections - Buildings A & B, Architects Designhaus, A.401, Firmus Southgate, Rev E, 25/07/2025.
- ab. Sections - Buildings A & B, Architects Designhaus, A.402, Firmus Southgate, Rev E, 25/07/2025.
- ac. Sections - Buildings A & B, Architects Designhaus, A.403, Firmus Southgate, Rev E, 25/07/2025.
- ad. Office Building Plans, Architects Designhaus, A.501, Firmus Southgate, Rev E, 25/07/2025.
- ae. External Lighting Illuminance Contours, Pitt&Sherry, S-P.24.13.14-01-ELE-SKT-0001, Firmus Grid Pty Ltd, Rev A, 09/07/2025.

## **2. AMENDED PLANS REQUIRED**

Prior to the commencement of any work, amended plans must be submitted to the satisfaction of the Senior Leader City Development to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed and will then form part of the Permit. The amended plans must show:

- a) For pedestrian safety a single 1m wide footpath to be located on the southern side of the parking area is to connect to the footpath proposed to the Office Building, and the footpath grades are not to exceed a grade of 1 in 14.
- b) A bollard, post or column is to be provided in the shared paths for the parking area in accordance with the requirements of AS2890.6.

Amended plans should include identification information such as updated revision numbers, revision date and revision description. The changes are to be highlighted in red clouds or a format agreed with the planning officer.

## **3. WORKS WITHIN THE ELECTRICITY TRANSMISSION CORRIDOR - TASNETWORKS**

Prior to commencing works, written confirmation must be provided from TasNetworks that all proposed works within the transmission corridor is able to be completed to TasNetworks satisfaction.

## **4. 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.

## **5. EXTERIOR AND SECURITY LIGHTING**

Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries.

## **6. EXTERNAL FINISHES**

All external materials, finishes and colours of buildings and plant equipment must be muted and low reflectivity unless necessary to meet safety requirements with finishes to be provided to and approved by Council's Planning.

## **7. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No.TWDA 2025 00768-LCC dated 25/07/2025 and attached to the permit.

## **8. DEMOLITION**

- a. All demolition works must ensure the protection of property and services which are to either remain on or adjacent to the site from interference or damage.
- b. Burning of waste materials must not be undertaken on site.
- c. All rubbish/debris must be removed from the site for disposal at a licensed refuse disposal site.

**9. HOURS OF CONSTRUCTION**

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

**10. SITE LANDSCAPING PLAN**

Prior to the commencement of works, a landscape plan must be submitted for approval by Environmental Scientist. The plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:

- a. Major site features such as the location of the mapped Priority vegetation area, easements, building footprints, topography, contours existing vegetation and street boundaries; and
- b. Existing native vegetation is to be identified in existing and new landscaped areas and specified to be retained.
- c. Proposed plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity); and
- d. Identification of weed species to be removed and specification of ongoing management.
- c. Any stabilisation works required as a result of tree or vegetation removal; and
- d. All proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
- e. Suitable irrigation or a fixed sprinkler system for the watering of all landscaped areas; and
- f. An overview of how the landscaping will provide screening and encourage native fauna.

Once approved by Council's Environmental Scientist, the plan will be endorsed and will form part of the permit. The landscaping must be:

- g. Installed in accordance with the endorsed plan; and
- h. Completed within 3 months of the use commencing; and
- i. Maintained as part of non-residential development. It must not be removed, destroyed or lopped without the written consent of the Council.

**11. CUT AND FILL BATTERS**

- a. All faces of cut and fill created by the excavation work must be covered with approximately 100 mm of top soil and re-vegetated to promote rapid regeneration of the site to its natural state.
- b. All scarring or physical disturbance of the land surface during any excavation work must be restricted to only that which is shown on the approved plan as required for building or access purposes. All exposed faces around such scarred areas and spoil must be screened with trees and shrubs and planted with suitable ground covers to the satisfaction of Council within 3 months of the date of undertaking the excavation work.
- c. No contaminated material, organic material (such as trees, roots or timber), building debris, metals or plastics must be used as fill.

## **12. STORMWATER WATER QUALITY**

Prior to the commencement of works, the applicant must submit a detailed design report and documentation for the on-site stormwater quality management system incorporating Water Sensitive Urban Design (WSUD) measures. The report and design must:

- a) Achieve the following stormwater treatment performance targets:
  - 90% reduction in the average annual load of litter/gross pollutants
  - 80% reduction in the annual average load of total suspended solids (TSS)
  - 45% reduction in the annual average load of total phosphorus (TP)
  - 45% reduction in the annual average load of total nitrogen (TN)
- b) Include a stormwater solid settling device and/or constructed wetland swale.
- c) Be prepared by a suitably qualified professional with experience in WSUD and stormwater treatment systems.
- d) Include an ongoing maintenance and management plan.

Note: Council will not operate or maintain infrastructure on private property. The property owner is responsible for regular maintenance to ensure the system continues to perform as intended over its design life.

## **13. DAMAGE TO COUNCIL INFRASTRUCTURE & ASSETS**

The developer is liable for all costs associated with the repair of damage to Council infrastructure and assets 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 Council 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.

## **14. 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 the Executive Leader Community Assets and Design 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.

## **15. 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 by the Executive Leader - Community Assets and Design. The Plan must be implemented and maintained during construction to ensure that soil erosion is to be appropriately managed.

## **16. FILLING OF LAND**

Site filling that exceeds a depth of 300 mm must comply with the provisions of AS3798 Guidelines on earthworks for commercial and residential developments current at the time of the application. Prior to the use commencing, a Civil Engineer must certify that all the works have been carried out in accordance Australian Standard AS 3798 and the endorsed plan.

## **17. PROTECTION OF PIPELINES**

The existing underground Council pipes are to be located, both in alignment and depth, prior to the start of construction and all necessary steps taken to protect these pipes from damage during the construction process, including from vehicular access over the pipes, or from loads transmitted to the pipes from the proposed development. This shall be achieved in the following manner:

- a. Footings must be no closer than 1.5 metres from the outer edge of the pipe,
- b. Footings must extend below the line of influence, being a line rising at 45 degrees from the invert of the pipe,
- c. There must be a minimum clear space between buildings or substantial structures of at least 3 metres in width to allow maintenance along the line of the pipe.
- d. Manholes or inspection openings are not to be covered and must remain accessible at all times.

No work over or immediately adjacent to the pipe is to commence without the written permission of the Chief Executive Officer or their delegate pursuant to Section 13 of the *Urban Drainage Act 2013*.

#### **18. 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). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

#### **19. NO BURNING OF WASTE**

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

#### **20. SPILL KITS**

Spill kits, appropriate for the types and volumes of materials handled on the land, must be kept in appropriate locations and be appropriately maintained to assist with the containment of any spill of environmentally hazardous materials.

#### **21. IMPORTATION OF FILL**

Prior to the importation of any fill to the site, verification from a site contamination practitioner certified under the Environment Institute of Australia and New Zealand Inc's Certified Environmental Practitioners (Site Contamination) scheme is to be provided to the Senior Leader Health and Compliance, demonstrating that any fill imported on to the site is not contaminated. The verification is to include details of the location of the source and the amount of the imported fill. The developer must retain records for a minimum of five years of all imported fill and provide records to Council if requested.

The above requirement exempts soil, gravel or aggregate sourced from a commercial supplier such as a quarry or landscape supplier.

#### **22. POTENTIALLY CONTAMINATED LAND**

Prior to the commencement of any works (including demolition, excavation, or site preparation), the applicant must submit to the Senior Leader Health and Compliance an Environmental Site Assessment (ESA) undertaken in accordance with the National Environment Protection (Assessment of Site Contamination) Measure (NEPM, as amended). The ESA must be prepared by an independent environmental consultant who holds current certification under the Certified Environmental Practitioner (CEnvP) Scheme, with demonstrated experience in contaminated land assessment.

If the ESA identifies actual or potential contamination that may pose a risk to human health or the environment, a Remediation Action Plan (RAP) must be prepared by a suitably qualified CEnvP consultant and submitted to the Senior Leader Health and Compliance for approval prior to the commencement of works. The RAP must be implemented in full, and a validation report demonstrating the site is suitable for the intended use must be submitted to and endorsed by the Senior Leader Health and Compliance, prior to commence of works for the use of the development.



### **23. POTENTIAL SITE CONTAMINATION - CONTAMINANTS CONFIRMED**

If contaminants are confirmed at levels assessed to pose an unacceptable risk to human health or the environment according to the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended May 2013) or any subsequent versions, the following is required:

#### **Remediation and protection plan (RPP)**

A remediation and protection plan must be developed including any remediation or protection measures needed, specific to the identified contamination, to ensure protection of both human health and the environment. The remediation and protection plan must demonstrate that the proposal does not adversely impact on human health or the environment and must include, as a minimum:

- a) remediation goals, with acceptable residual contamination levels;
- b) remediation processes and methodologies;
- c) protective measures and design; and
- d) a plan for validating successful remediation of the site.

#### **Construction containment management plan (CCMP)**

Prior to the commencement of excavation, earth-works or construction, a construction containment management plan (CCMP) must be submitted to the satisfaction of the Senior Leader Health and Compliance and must include the following:

- a) Specify each contaminant and its location;
- b) If required, outline the remediation and protection measures that must be implemented in accordance with the completed ESA and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended May 2013) or any subsequent versions;
- c) Specify the volumes of soil (if any) to be removed and to what depth soil will be removed;
- d) Outline the process for containing contaminated soils on site after excavation and prior to disposal;
- e) Describe the disposal process for soils that are to be removed from site, including any testing to be undertaken;
- f) Specify the final ground levels and the required compaction;
- g) If groundwater is to be remediated, outline the remediation process; and
- h) Outline the type of volatile organic compound (VOC) gas meters required to monitor exposure to VOC and explosive gasses.

#### **Remediation and validation report (RVR)**

Once remediation is completed, a remediation and validation report (RVR) must be submitted to the satisfaction of the Senior Leader Health and Compliance. The report must be completed or endorsed by a site contamination practitioner certified under the Environment Institute of Australia and New Zealand Inc's Certified Environmental Practitioners (Site Contamination) scheme, otherwise known as the CEnvP (Site Contamination) scheme. This report must include, as a minimum, a statement confirming that:

- a) the land is suitable for the intended use; and
- b) the proposal does not adversely impact on human health and the environment.

### **Construction environmental management plan (CEMP)**

Notwithstanding the findings of the ESA, prior to the commencement of excavation, earthworks or construction, a construction environmental management plan (CEMP) demonstrating that the proposal does not adversely impact on human health and the environment must be submitted to the satisfaction of the Senior Leader Health and Compliance. The CEMP must address as a minimum:

- a) The management of environmental risks during construction;
- b) How the site supervisor will check for odour or soil discolouration;
- c) How the work is to stop if contamination is detected;
- d) The type of protective clothing (disposable) to be used including dust masks (P2), gloves, eye protection etc.
- e) The method for stockpiling and sampling soil to determine disposal process; and
- f) How sediment and dust generation is to be monitored and mitigated.

### **24. 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.

### **25. COMPLAINTS REGISTER**

- a) A public complaints register must be maintained. The public complaints register must, as a minimum, record the following detail in relation to each complaint received where it is alleged that environmental harm (including an environmental nuisance) has been caused by the activity:
  - i. contact details of the complainant (where provided);
  - ii. the subject matter of the complaint;
  - iii. any investigations undertaken with regard to the complaint; and
  - iv. the manner in which the complaint was resolved, including any mitigation measures implemented.
- b) Complaint records must be maintained for a period of at least two years and be provided to a Council officer within seven days of any written request to do so.

### **26. HAZARDOUS USE**

No storage for hazardous chemicals of a manifest quantity is to occur as part of this permit. This means a hazardous chemical, as defined in the *Work Health and Safety Regulations 2022*, if the amount of hazardous chemical stored exceeds the manifest quantity as specified under the *Work Health and Safety Regulations 2022*.

## **27. INVENTORY OF HAZARDOUS MATERIALS**

An inventory must be kept of all environmentally hazardous materials stored and handled on the land. The inventory must specify the location of storage facilities and the maximum quantities of each environmentally hazardous material likely to be kept in storage and must include safety data sheets for those environmentally hazardous materials. The inventory is to be provided to a Council officer and the Tasmania Fire Service upon request.

## **28. STORAGE AND HANDLING OF ENVIRONMENTALLY HAZARDOUS MATERIALS**

- a) Unless otherwise approved in writing by the Senior Leader Health and Compliance, all environmentally hazardous materials, including chemicals, fuels and oils, stored on the land must be stored within impervious bunded areas or spill trays which are designed to contain at least 110% of the total volume of materials, and managed to prevent unauthorised discharge, emission or deposition of pollutants to soil, groundwater or beyond the boundary of the land.
- b) All activities that involve a significant risk of spillages, including the loading and unloading of bulk materials, must take place in a bunded containment area or on a transport vehicle loading apron.
- c) Bunded containment areas and transport vehicle loading aprons must:
  - i. be made of materials that are impervious to any environmentally hazardous material stored within the bund;
  - ii. be graded or drained to a sump to allow recovery of liquids;
  - iii. be chemically resistant to the chemicals stored or transferred;
  - iv. be designed and managed such that any leakage or spillage is contained within the bunded area (including where such leakage emanates vertically higher than the bund wall);
  - v. be designed and managed such that the transfer of materials is adequately controlled by valves, pumps and meters and other equipment wherever practical. The equipment must be adequately protected (for example, with bollards) and contained in an area designed to permit recovery of any released chemicals;
  - vi. be designed such that chemicals which may react dangerously if they come into contact have measures in place to prevent mixing; and
- d) be managed such that the capacity of the bund is maintained at all times (for example, by regular inspections and removal of obstructions).
- e) Proof of proper disposal of environmentally hazardous materials must be kept for a minimum of two years and made available for inspection by a Council officer upon request.

## **29. NOISE MITIGATION MEASURES**

- a) Noise mitigation measures and recommendations must be implemented in accordance with the Noise Emissions Assessment report Pitt&Sherry, Firmus Data Centre - Killafaddy, Rev01, 30/07/2025.
- b) If complaints indicate there is emission of nuisance noise occurring, further mitigation measures are to be implemented that control the emissions to the extent necessary to prevent environmental nuisance beyond the boundary of The Land.

### 30. HOURS OF OPERATION OF DRUPS/GENERATOR UNITS

The hours of operation of the DRUPS/Generator units for maintenance purposes is not to exceed 48 hours in a calendar year. Alternative hours may be approved by the Senior Leader City Development based on a plan prepared by a suitably qualified person identifying the equipment to be used, the hours to operate, and frequency of operation, with consideration to the advice provided in the Noise Emissions Assessment prepared by Pitt & Sherry, dated 23/06/2025, report reference: ref: T.P24.1314-ENV-REP-001-Rev00/AS/js.

### 31. NOISE SURVEY REQUIREMENTS

Unless otherwise approved by the Senior Leader Health and Compliance, a noise survey must be carried out by a suitably qualified and experienced acoustic practitioner:

- a) within 60 days from the date the use commences; and
- b) within six months of any change to the activity which is likely to substantially alter the character or increase the volume of the noise emitted from the land; and
- c) at such other times as may reasonably be required by the Senior Leader Health and Compliance by notice in writing.

### 32. BUILDING ACT 2016 REQUIREMENTS

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

#### Notes

##### A. General

*This permit was issued based on the proposal documents submitted for DA0273/2025. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.*

*This permit takes effect after:*

- a. *The 14 day appeal period expires; or*
- b. *Any appeal to the Tasmanian Civil & 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 (2) 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 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 & 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 & Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://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 Council's Notice to Waive Right of Appeal is attached.*

**E. Aboriginal Heritage**

*If any Aboriginal relics are uncovered during works;*

- a. All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,*
- b. The presence of a relic is to be reported to Aboriginal Heritage Tasmania. Phone (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax (03) 6233 5555 Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au); and*
- c. The relevant approval processes will apply with state and federal government agencies.*

**F. Threatened species**

*This property may contain threatened species. Permits may be required under the Threatened Species Protection Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999 for any activities that may impact those species.*

*Information can be found from the Department of Natural Resources and Environment Tasmania ([nre.tas.gov.au](http://nre.tas.gov.au)) or Department of Climate Change, Energy, the Environment and Water ([www.dcceew.gov.au/environment/epbc](http://www.dcceew.gov.au/environment/epbc))*

**G. Cooling Towers**

*The owner of a cooling tower or warm water system is required to obtain registration with council in accordance with the Public Health Act 1997 and comply with the 'Guidelines for the Control of Legionella in Regulated Systems' or any subsequent versions of the document.*

**H. Rail Infrastructure**

*Works within proximity to the Rail Corridor is to be undertaken in accordance with requirements of the Rail Infrastructure Act 2007. Information can be obtained by email from [property@tasrail.com.au](mailto:property@tasrail.com.au).*

*I. Storage of Dangerous Goods*

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

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**REPORT:**

**1. THE PROPOSAL**

This application seeks approval for a Data Centre, which is a building for high density computer infrastructure, also referred to as an 'AI Factory'. The location in Tasmania has been selected for its access to renewable energy and to build Australia's AI capacity. The Data Centre is comprised of two large server halls that accommodate the computers, incorporated with cooling and electrical systems, and mechanical plant. Other associated development will include an office building, car parking and vehicle circulation, loading facilities, security infrastructure, landscaping and stormwater management.

The proposal includes partial demolition of the existing data centre at 23 Killafaddy Road, and the site works for the existing works yard at 66-92 St Leonards Road. The proposal includes removal of roughly 2,000m<sup>2</sup> of existing vegetation.

The use proposed is for a Data Centre, which would operate 24 hours a day 7 days a week. The maximum number of employees on site at any one time would be 30; regular shifts would be for 10 people. The operation would include maintenance and emergency shutdowns, which are anticipated around twice a year. All proposed uses, including the office building, is considered to be directly associated with and subservient to the Research and Development use class of the Data Centre.

The development proposed is for buildings including an office building, Building A and Building B to house the data centre equipment, an electrical switch room, and large yard areas for plant infrastructure. Additional infrastructure includes an access road, car parking, stormwater swale, fencing, and guard houses. Site works include a landscaping and a significant amount of cut, fill, and retaining.

The proposed office building would be two storey, with windows and entrance facing towards St Leonards Road, and a total floor area of 504m<sup>2</sup>. Building A and B would be the equivalent of three storeys in height from the finished floor level, with a floor area of 6,938m<sup>2</sup> and 6,470m<sup>2</sup> respectively, and a maximum height of 18.3m. These buildings would all be constructed of precast concrete, with articulation provided in the surface finishes and elevation treatment between smooth, moulded textured, and oxide coloured.

The large yard areas adjoining Buildings A and B would be used for plant equipment and water tanks. The proposed plant includes the following, with heights above the finished ground level;

- 50 Excool cooler units, located inside Building A and B
- 20 Smardt Evaporative Chillers, 2.5m
- 32 BAC Adiabatic Coolers, 6.1m
- 64 Diesel Rotary Uninterruptible Power Supply Units (DRUPS) units, 10.1m

The DRUPS would generally be on standby, with occasional operation in the event of a power outage or for maintenance. Water tanks would be located in the yards with a height from the finished ground level of 5.3m to 6.5m.

Perimeter fencing is constructed of aluminium, 2.4m high, with spiked tops for security purposes. Lighting is proposed around circulation areas and affixed to buildings. Landscaping is proposed to the south and east of the development site in proximity to the North Esk.

A sealed, asphalt finished car park is proposed near the office building for 21 parking spaces with a footpath connecting to the building. The vehicle circulation on the site would be sealed and designed to meet grade requirements for proposed vehicles, including accommodating 19m semi-trailers. Building A and B each have a loading bay proposed internally on the western side.

Vehicle movements to the site for the operation of the use is estimated to be:

- Killafaddy Access Link Road; 1 van and 1 x 12m delivery truck per day
- St Leonards Road; 30 cars per day

No changes or upgrades are proposed to the existing accesses to the site.

## 2. LOCATION AND NEIGHBOURHOOD CHARACTER



23 Killafaddy Road and 66-92 St Leonards Road, St Leonards (not to scale)

The development site for the project is 23 Killafaddy Road and 66-92 St Leonards Road.



The site is split between the Light Industrial Zone and Rural Zone.

The land at 58 and 68 St Leonards Road has been included in the application as the proposal impacts on easements these titles benefit from and have an interest in; no use or development is proposed on these titles.

The land at 23 Killafaddy Road has historically been used as an abattoir and associated housing, and more recently has seen a mix of industrial uses including an existing data centre. None of the existing uses are regulated activities through the *Environmental Management and Pollution Control Act 1995*. The form of development on the site is varied including a mix of industrial buildings and small freestanding dwellings.

The land at 66-92 St Leonards Road, is predominantly rural land with an area developed for Transport Depot and Distribution use. The land is largely undeveloped with the exception of a large amount of fill for the parking and storage area, and underground infrastructure for the electricity transmission line and TasWater sewer line. The site is partially vegetated along the edge of the North Esk River.

Adjoining development and land uses to the north is generally established industrial and includes the TasNetworks substation facility at 58 St Leonards Road. On the eastern side of St Leonards Road and to the south of the site is generally industrial uses, with the exception of an area of open space for the Tasman Highway Bushland Reserve. To the south the site directly adjoins the North Esk River, which is intertidal at this point. The southwestern boundary adjoins the operating TasRail rail line known as the South Line

Existing access to the site is from St Leonards in the north east corner of 66-92 St Leonards Road. Department of State Growth is the authority for the road, which is class 5. The other access to the site is through the existing development on the title for 23 Killafaddy Road, to Killafaddy Access Road, which is a Council owned road.

The site is located more broadly on the eastern hill face of the North Esk river valley. The floor of the valley is defined by the meandering river form, vegetated with a mix of species or cleared for various rural or recreational activities. The Scotch Oakburn College playing fields are to the south west of the site. The western hill face of the valley is typically residential development and education facilities.

### 3. PLANNING SCHEME REQUIREMENTS

#### 3.1 Zone Purpose

##### 18.0 Light Industrial Zone

- P1 Each lot, or a lot proposed in a plan of subdivision, within an attenuation area must not result in the potential for a sensitive use to be impacted by emissions, having regard to:
- (a) the nature of the activity with the potential to cause emissions, including:
    - (i) operational characteristics of the activity;
    - (ii) scale and intensity of the activity; and
    - (iii) degree of emissions from the activity; and
  - (b) the intended use of the lot.



**Consistent**

That northern part of the site is in the Light Industrial Zone; as such the use and development in the zone has been assessed against the applicable standards. The a proposed Research and Development use class is use permitted in the Light Industrial Zone and complies with all use Standards. The development does not result in adverse impacts to adjoining land and is considered to be consistent with the Zone purpose.

18.3.1 All uses

That uses do not cause an unreasonable loss of amenity to residential zones.

**Consistent**

The proposed use is not in proximity to any residential zones.

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

- (a) 7.00am to 9.00pm Monday to Saturday; and
- (b) 8.00am to 9.00pm Sunday and public holidays.

**Complies**

The proposed use is not within 50m of residential zones.

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

- (a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and
- (b) if for security lighting, be baffled so that direct light does not extend into the adjoining property in those zones.

**Complies**

The proposed use is not within 50m of residential zones.

A3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of:

- (a) 7.00am to 9.00pm Monday to Saturday; and
- (b) 8.00am to 9.00pm Sunday and public holidays.

**Complies**

The proposed use is not within 50m of residential zones.

18.4.1 Building height

To provide for a building height that:

- (a) is necessary for the operation of the use; and
- (b) minimises adverse impacts on adjoining properties.

**Consistent**

The building height of the proposed development in the Light Industrial Zone is considered necessary for the operation of the use and is not considered to have adverse impacts on the adjoining properties as demonstrated through the responses to the standard.

A1 Building height must be not more than 10m.

<p><b>Relies on Performance Criteria</b></p> <p>The maximum building height of development in the Light Industrial Zone is for the generators in the yard adjoining Building A and is approximately 12m, comprised of 10.2m for the generator and 1.8m of fill.</p> <p>Assessment in response to the Performance Criteria is required.</p>
<p>P1 Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the bulk and form of the building;</li> <li>(b) separation from existing uses on adjoining properties; and</li> <li>(c) any buffers created by natural or other features.</li> </ul>
<p><b>Complies</b></p> <p>The height of buildings in the Light Industrial Zone is necessary for the generators as supporting infrastructure for the data centre and the associated fill. The adjoining properties in proximity to the proposed development in the Light Industrial Zone is the 58 St Leonards Road, which is an existing TasNetworks substation, and 25-35 Killafaddy Road, which is vacant land in the Rural Zone where it is adjoining the proposal. With consideration to the following:</p> <ul style="list-style-type: none"> <li>(a) fill for the levelling of the site contributes to the overall height. The overall height of infrastructure in the zone is generally consistent with the permitted height standard. The bulk of the generators is around 8m above the finished ground level.</li> <li>(b) the buildings are not habitable and will not contribute to the any overlooking or privacy impacts.</li> <li>(c) no buffers are provided to adjoining properties as they are not used for habitable uses and will not be impacted by the proposal.</li> </ul> <p>In consideration of these criteria, the building height of the proposed development is considered not to result in unreasonable impact to adjoining properties.</p> <p>The proposal has been assessed as satisfying the Performance Criteria</p>
<p>A2 Building height:</p> <ul style="list-style-type: none"> <li>(a) within 10m of a General Residential Zone, Low Density Residential Zone or Rural Living Zone must be not more than 8.5m; or</li> <li>(b) within 10m of an Inner Residential Zone must be not more than 9.5m.</li> </ul>
<p><b>Complies</b></p> <p>The site is not within prescribed distances, complying with the standard.</p>

#### 18.4.2 Setbacks

<p>That building setbacks:</p> <ul style="list-style-type: none"> <li>(a) are appropriate for the site; and</li> <li>(b) do not cause an unreasonable loss of residential amenity to adjoining residential zones.</li> </ul>
<p><b>Consistent</b></p> <p>Proposed buildings within the Light Industrial Zone are appropriate to the site.</p>
<p>A1 Buildings must have a setback from a frontage of:</p> <ul style="list-style-type: none"> <li>(a) not less than 5.5m;</li> <li>(b) not less than existing buildings on the site; or</li> <li>(c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.</li> </ul>

**Complies**

The frontage of the site in the Light Industrial Zone is to Killafaddy Access Road. The proposed buildings are situated behind all existing development on the lot, complying with the standard.

A2 Buildings must have a setback from an adjoining property within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone of not less than:

- (a) 4m; or
- (b) half the wall height of the building, whichever is the greater.

**Complies**

The site does not adjoin the specified zones.

A3 Air extraction, pumping, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone.

**Complies**

The site does not adjoin the specified zones.

20.0 Rural Zone

The purpose of the Rural Zone is:

20.0.1 To provide for a range of use or development in a rural location:

- (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;
- (b) that requires a rural location for operational reasons;
- (c) is compatible with agricultural use if occurring on agricultural land;
- (d) minimises adverse impacts on surrounding uses.

20.0.2 To minimise conversion of agricultural land for non-agricultural use.

20.0.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

**Consistent**

The southern part of the site is in the Rural Zone; as such the use and development in the zone has been assessed against the applicable standards.

The proposal requires the rural location to access existing adjoining electrical substation infrastructure and development; to provide separation from urban areas from potential emissions; and for the substantial area necessary for the development.

The site has already been approved for non-agricultural uses and is substantially fettered by the sub-minimum size of the lot, the existing approved use, and the industrial activities on adjoining land on three sides. The land is considered to have minimal agricultural potential.

The use and development have been assessed with respect to the standards to demonstrate that it is appropriate to the rural location.

20.3.1 Discretionary use

That the location, scale and intensity of a use listed as Discretionary:

- (a) is required for operational reasons;
- (b) does not unreasonably confine or restrain the operation of uses on adjoining properties;
- (c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and
- (d) is appropriate for a rural location and does not compromise the function of surrounding settlements.

**Consistent**

The proposed use is for Research and Development, which is a discretionary use in the Rural Zone.

The location is necessary for the operational requirements due to the proximity to the electrical infrastructure at 58 St Leonards Road and the existing data centre at 23 Killafaddy Road, and for scale of the site to support the proposed infrastructure.

The site adjoins a variety of established industrial land uses and will not constrain their operation, rather it will consolidate and infill the existing industrial area. The proposal is not for a standalone use that would create a separate area.

Compliance with the objectives is demonstrated through the responses to the standard.

A1 A use listed as Discretionary, excluding Residential, is for an alteration or extension to an existing use, if:

- (a) the gross floor area does not increase by more than 30% from that existing at the effective date; and
- (b) the development area does not increase by more than 30% from that existing at the effective date.

**Relies on Performance Criteria**

The proposal is for a new discretionary use in that part of the site that is in the Rural Zone. Assessment is required in response to the Performance Criteria.

P1 A use listed as Discretionary, excluding Residential, must require a rural location for operational reasons, having regard to:

- (a) the nature, scale and intensity of the use;
- (b) the importance or significance of the proposed use for the local community;
- (c) whether the use supports an existing agricultural use;
- (d) whether the use requires close proximity to infrastructure or natural resources; and
- (e) whether the use requires separation from other uses to minimise impacts.

**Complies**

The proposed use in the rural zone is required for operational reasons as demonstrated through the following:

- (a) The development footprint proposed is over 5Ha requiring a substantial site area.
- (b) The applicant has identified that the use will 'contribute to regional digital infrastructure and research capability, supporting economic diversification and resilience', and will generate employment through construction. The regular operation of the site is for rotating shifts of 10 staff at a time.
- (c) As the land is adjacent on three sides to established industrial uses and has been developed for an industrial use the proposal is an appropriate continuation of the industrial area. The rural lot has been approved for non-agricultural use for a transport depot and distribution use, it is a sub-minimum lot, and is surrounded by non-agricultural uses. Any potential agricultural use of the land is substantially fettered.
- (d) The use requires proximity to a substantial power supply and the site is conveniently located adjoining the TasNetworks substation.
- (e) Operation of the site produces various emissions that require separation from other urban and sensitive uses.

The use is considered to require the location for operational reasons, and the site has limited options for rural use due to the surrounding activities.

The proposal has been assessed as satisfying the Performance Criteria.

A2 No Acceptable Solution.

<p><b>Relies on Performance Criteria</b> No acceptable solution.</p>
<p>P2 A use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the location of the proposed use;</li> <li>(b) the nature, scale and intensity of the use;</li> <li>(c) the likelihood and nature of any adverse impacts on adjoining uses;</li> <li>(d) whether the proposed use is required to support a use for security or operational reasons; and</li> <li>(e) any off site impacts from adjoining uses.</li> </ul>
<p><b>Complies</b> The proposed use in the Rural Zone adjoins developed land in the Light Industrial Zone, areas of land in the Rural Zone at 94-110 St Leonards Road and 23-35 Killafaddy Road, the South Line rail line, and the North Esk River.</p> <ul style="list-style-type: none"> <li>(a) The proposed use is permitted in the Light Industrial Zone and would be integrated with an existing constructed data centre at 23 Killafaddy Road. Adjoining land in the Rural Zone has limited rural uses occurring that would be impacted. The proposed use will be separated from the rail line and the river.</li> <li>(b) The proposed use is a secured facility with limited operational activity.</li> <li>(c) The impacts of the proposal would be consistent with permitted uses in the adjoining Light Industrial Zone. Rural activities on adjoining Rural Zone land are currently fettered by surrounding light industrial uses. The proposed use would not impact on the operation of the rail line. The North Esk River has limited activities at the boundary of the site that would be impacted by the use of the site.</li> <li>(d) The use is not required to support another use.</li> <li>(e) The data centre will not be impacted by any off site impacts from adjoining uses.</li> </ul> <p>In consideration of these criteria, the proposed use would not confine or restrain existing uses on adjoining properties. The proposal has been assessed as satisfying the Performance Criteria.</p>
<p>A3 No Acceptable Solution.</p>
<p><b>Relies on Performance Criteria</b> No Acceptable Solution.</p>
<p>P3 A use listed as Discretionary, located on agricultural land, must minimise conversion of agricultural land to non-agricultural use and be compatible with agricultural use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature, scale and intensity of the use;</li> <li>(b) the local or regional significance of the agricultural land; and</li> <li>(c) whether agricultural use on adjoining properties will be confined or restrained.</li> </ul>
<p><b>Complies</b> The land and adjoining properties have been approved for non-agricultural use and development, and are not considered to be agricultural land as defined in Table 3.1 of the Scheme. The proposal is considered to satisfy the Performance Criteria.</p>
<p>A4 No Acceptable Solution.</p>

**Relies on Performance Criteria**

No Acceptable Solution.

P4 A use listed as Discretionary, excluding Residential, must be appropriate for a rural location, having regard to:

- (a) the nature, scale and intensity of the proposed use;
- (b) whether the use will compromise or distort the activity centre hierarchy;
- (c) whether the use could reasonably be located on land zoned for that purpose;
- (d) the capacity of the local road network to accommodate the traffic generated by the use; and
- (e) whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting.

**Complies**

The proposed use in the rural location is considered as follows:

- (a) The development footprint proposed is over 5Ha requiring a substantial site area.
- (b) The site is located to the north of St Leonards in the regional city of Launceston as shown in Map E.1 of the Northern Tasmanian Regional Land Use Strategy. The proposal does not include any uses that would be in competition with the role of St Leonards 'To serve daily needs of surrounding community and provide a focus for day-to-day life within the community'. The floor area proposed for an office building is considered to be directly associated with and subservient to the data centre in accordance with 6.2.2 of the Scheme.
- (c) The proposal is reasonably unique in the requirements for the Research and Development use, requiring a large area adjoining electrical infrastructure. As demonstrated with the existing development for a data centre it can be located in a Light Industrial Zone, however, the existing non-agricultural use of the land makes this site appropriate for the proposed use and consistent with the adjoining activities.
- (d) Limited vehicle traffic will be generated by the use and will be capable of being accommodated in the local road network.
- (e) The location of the site and the size of the lot assists in providing separation of the proposed use from urban areas. The site is adjacent to land in the Light Industrial Zone that has established industrial uses and where the use would be permitted.

The proposal includes a lighting plan with specified lighting to minimise impacts on surrounding areas, a further condition is appropriate to include on the permit to minimise light spill.

Dust from the operation of the proposed use is considered to be minimal as vehicle circulation spaces are proposed to be sealed with asphalt. No other activity would generate dust.

There would be potential emissions from the proposed operation of generators, however these would only be used for occasional maintenance and in emergency situations when there is a power outage. A condition on the permit is considered appropriate to limit the hours of operation of diesel generators, other than in power outages.

The proposed use includes a considerable amount of plant equipment and is identified in the provided Noise Emissions Assessment (Pitt&Sherry 30/07/2025) as resulting in significant noise emissions. The criteria in the report used is not the Tasmanian state noise policy, but the NSW noise policy and accounts for the 24 hour use of the site and allows for operating and standby mode.

Section 5.5 of the noise emissions assessment includes a number of recommendations for the noise mitigation measures including:

- Buildings should have noise attenuating louvres.
- Noise attenuation reduction of 10dB(A) should be specified for the outdoor cooling units and DRUPS units.
- All plant and equipment should be maintained in good order at all times, especially noise control devices such as exhaust mufflers, silencers and acoustic louvres
- Any external equipment to be added to the facility or replaced with different types, in the future, the noise impact of this equipment should be carefully considered.
- The noise emissions assessment finds that 'with the attenuation measures in place, the noise emissions from the proposed facility will not cause significant loss of amenity or environmental nuisance at any nearby sensitive receivers, due to noise' (pi). The impacts of noise are considered capable of being managed through conditions on the permit.
- In consideration of these criteria, the proposed use is appropriate to the rural location with the inclusion of conditions to manage potential light spill and noise.

The proposal has been assessed as satisfying the Performance Criteria.

#### 20.4.1 Building height

To provide for a building height that:

- (a) is necessary for the operation of the use; and
- (b) minimises adverse impacts on adjoining properties.

##### **Consistent**

The proposed building height is necessary for the site conditions and operation of the use, and minimises adverse impacts on adjoining properties consistent with the objectives.

A1 Building height must be not more than 12m.

##### **Relies on Performance Criteria**

The proposed development on the western side of Building A and Building B and various generators exceeds the permitted height in the Rural Zone. The overall maximum building height is comprised of 10.1m for the Generator Unit and 8.5m of fill, at the western end of Building B.

Assessment is required in response to the Performance Criteria.

P1 Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to:

- (a) the proposed height of the building;
- (b) the bulk and form of the building;
- (c) the separation from existing uses on adjoining properties; and
- (d) any buffers created by natural or other features.

##### **Complies**

The proposed development in the Rural Zone adjoins developed land in the Light Industrial Zone, areas of relatively undeveloped land in the Rural Zone at 94-110 St Leonards Road and 23-35 Killafaddy Road, the South Line rail line, and the North Esk River. The proposed infrastructure and operational requirements of the use requires substantial height that has been increased with fill to account for the topography of the site and resulting in buildings exceeding the permitted height.

- (a) The proposed building height would be 18.6m at its highest point where the generator units are to be located to the west of Building B. Building A and B and plant equipment to the south of Building A are located on fill that results in nearly all buildings exceeding 12m.

- (b) The levelling of the area for buildings would result in a substantial area of fill that contributes to the overall building height of development. Building A and B are proposed to be 9.9m from the finished ground level, and the Generator Units are to be 10.1.

The bulk of Building A and B would be treated in different concrete finishes to vary the overall mass. Elevations do not describe all plant equipment, which will partially obscure the western and southern elevation of Building B, and the northern elevation of Building A. A permit condition is considered appropriate to ensure colours are appropriate to the rural location, to minimise the impact of the overall appearance of the bulk and form of the plant.

- (c) The proposed development exceeding the permitted height would be separated over 65m from the North Esk River, 200m from the boundary to the south with 94-110 St Leonards Road, 21m from the rural land at 23-35 Killafaddy Road, and the development meeting the acceptable solution provides separation from adjoining sites to the north and east.
- (d) Areas of landscaping have been identified to provide buffering on the southern part of the site. Detail has not been provided as the final plan will need to be prepared with respect to bushfire hazard management, which is not required to be assessed as part of this assessment. A detailed landscaping plan as condition on the permit is considered appropriate.

In consideration of these criteria, the building height of the proposed development would not cause an unreasonable impact to adjoining properties with the inclusion of a conditions for a suitable landscape planting to provide buffering, and for the finish colour of plant equipment to be in muted tones.

The proposal has been assessed as satisfying the Performance Criteria

#### 20.4.2 Setbacks

That the siting of buildings minimises potential conflict with use on adjoining sites.

##### **Consistent**

The proposed buildings are sited so as to minimise conflict as demonstrated in response to the standards.

A1 Buildings must have a setback from all boundaries of:

- (a) not less than 5m; or  
(b) if the setback of an existing building is within 5m, not less than the existing building.

##### **Relies on Performance Criteria**

Buildings are located on the boundary between 23 Killafaddy Road and 66-92 St Leonards Road. Furthermore, the retaining walls and water tanks near the electrical switch room are within 5m of the boundary. Assessment is required in response to the Performance Criteria.

P1 Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to:

- (a) the bulk and form of the building;  
(b) the nature of existing use on the adjoining properties;  
(c) separation from existing use on the adjoining properties; and  
(d) any buffers created by natural or other features

##### **Complies**

Buildings are proposed on the boundary between 23 Killafaddy Road and 66-92 St Leonards Road, this land forms part of the development site and as such would not be impacted by the setbacks.



Retaining walls and water tanks near the electrical switch room are proposed within 5m of the boundary to 58 St Leonards Road, which is used as an electricity substation.

The proposed vehicle access will not be impacted by the setbacks to the boundary. The setbacks of proposed buildings are further considered as follows:

(a) Building works within the setback requirements are for retaining works for cut into the hill side, the buildings would be located below the height of the natural ground line at the boundary to 58 St Leonards Road. The bulk and form of the building would not impact on the adjoining property.

(b) and (c) The adjoining property is used as an electricity substation and is not used regularly as a habitable building. The nature and separation from the use is assessed through the standards of the Electricity Transmission Infrastructure Protection Code in accordance with 5.5.3.

(d) No buffers are proposed between the site and are not considered necessary.

In consideration of these criteria, the proposed setback is not considered to cause an unreasonable impact on the existing use of adjoining properties.

The proposal has been assessed as satisfying the Performance Criteria.

## C2.0 Parking and Sustainable Transport Code

The purpose of the Parking and Sustainable Transport Code is:

C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.

C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.

C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.

C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.

C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.

C2.1.6 To provide for parking precincts and pedestrian priority streets.

### **Consistent**

The use of the site is appropriately serviced with parking facilities and safe transport options.

## C2.5.1 Car parking numbers

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

### **Consistent**

Car parking for the proposed use is appropriate to the proposed use.

A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, less the number of car parking spaces that cannot be provided due to the site including container refund scheme space, excluding if:

(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.

#### **Relies on Performance Criteria**

The proposed use is for Research and Development with a gross floor area = Office (300+470m<sup>2</sup>) + Building A (7,140m<sup>2</sup>) + Building B (6,630m<sup>2</sup>) = 14,540m<sup>2</sup>

Table C2.1 requires 1 space per 100m<sup>2</sup> of floor area or 2 spaces per employees, whichever is greater, requiring 146 car parking spaces.

Proposal plans show that 21 car parking spaces for the new use.

The proposal does not satisfy the criteria for (a)-(c). An assessment has not been prepared to demonstrate that the number of on-site car parking spaces complies with (d). The application is required to be assessed in response to the Performance Criteria.

P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:

- (a) the availability of off-street public car parking spaces within reasonable walking distance of the site;
- (b) the ability of multiple users to share spaces because of:
  - i. variations in car parking demand over time; or
  - ii. efficiencies gained by consolidation of car parking spaces;
- (c) the availability and frequency of public transport within reasonable walking distance of the site;
- (d) the availability and frequency of other transport alternatives;
- (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;
- (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;
- (g) the effect on streetscape; and
- (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.

#### **Complies**

The car parking shortfall for the use is largely generated by the substantial floor area of the development, which requires minimal staffing. The operational requirements for the use as detailed in the provided Traffic Impact Assessment is proposed to be regular staffing of 10 at a time, with 20 people at a change of shift.

Car parking has only been considered for parking located within the security fencing as parking elsewhere on site would be unlikely to service due to the data centre with security infrastructure to separate uses.

The car parking spaces for the proposed use is considered as follows in response to the criteria of the standard:

- (a) *the availability of off-street public car parking spaces within reasonable walking distance of the site;*  
There is no off-street parking within reasonable walking distance of the site.

(b) *the ability of multiple users to share spaces because of:*

- (i) *variations in car parking demand over time; or*
- (ii) *efficiencies gained by consolidation of car parking spaces;*

The parking provided is intended to provide for shifts, with a maximum of 20 people on site at the shift change.

(c) *the availability and frequency of public transport within reasonable walking distance of the site;*

There is a bus stop on either side of St Leonards Road on the boundary with the site.

(d) *the availability and frequency of other transport alternatives;*

The 130 and 121 MetroTas bus route operates half hourly to hourly on weekdays along St Leonards Road. There is limited operation on weekends and evenings, however it is anticipated that most staff would use on-site parking.

(e) *any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;*

The site is relatively unconstrained.

(f) *the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;*

There is no on-street parking within proximity to the site.

(g) *the effect on streetscape; and*

The streetscape of St Leonards Road is characterised by established industrial development. The parking would be located on the low side of the road and generally consistent with the existing streetscape.

The location of the parking area means that it would not be visible from Killafaddy Access Road and would not impact on the existing streetscape of the road.

(h) *any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.*

A Traffic Impact Assessment (TIA) was provided that found that the permitted number of parking spaces was 139 (p29) and that the proposed parking for 20 spaces would be sufficient and suitable (p33). The figures of the TIA vary from this assessment as it did not calculate the floor area of the office building. However, the TIA was prepared with regard to the first principles of providing for the operational demand on site, which is 10 staff for the entire data centre development.

The TIA (p 40) further recommended that a pedestrian path be provided between St Leonards Road and the Office building to facilitate safe pedestrian access to the use; this is considered appropriate to include as a condition on the permit.

In consideration of these criteria, the number of on-site car parking spaces is considered to meet the reasonable needs of the use with the inclusion of a condition for a pedestrian path between the frontage of St Leonards Road and the Office Building.

The proposal has been assessed as satisfying the Performance Criteria.

#### C2.5.4 Loading Bays

That adequate access for goods delivery and collection is provided, and to avoid unreasonable loss of amenity and adverse impacts on traffic flows.

##### **Consistent**

The proposal is consistent with the objective by complying with the Acceptable Solution.

A1 A loading bay must be provided for uses with a floor area of more than 1000m<sup>2</sup> in a single occupancy.

**Complies**

The proposal is for one tenancy with a floor area exceeding 1000m<sup>2</sup> with two loading bays, complying with the standard.

C2.6.1 Construction of parking areas

That parking areas are constructed to an appropriate standard.

**Consistent**

The proposal is consistent with the objective by complying with the Acceptable Solution.

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**

- (a) As specified on the Site Plan all parking, access ways manoeuvring and circulation spaces are to be finished with an asphalt pavement.
- (b) Stormwater is provided as shown on the Road Surface Stormwater plan, and will be managed via an onsite detention basin that drains to an existing drainage easement.
- (c) The site is partially located in the Rural Zone and the Light Industrial Zone. The finish within both zones is to be asphalt.

The construction of parking areas complies with the standard.

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**

The proposal is consistent with the objective by complying with the Acceptable Solution.

A1.1 Parking, access ways, manoeuvring 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 4 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 manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 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**

The layout of proposed parking areas has been assessed as complying with criteria (b) as it is capable of meeting requirements of Australian Standard AS2890. As detailed in the provided Traffic Impact Assessment (p36) the gradients could be achieved through detailed design. It is considered appropriate to include a condition on the permit that amended plans are provided demonstrating that gradients are provided complying with the standard.

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**

Accessible parking spaces are assessed as follows:

- (a) the spaces are located as close as practical to the entry to the Office Building.
- (b) the spaces are incorporated into the car parking design.
- (c) provision of bollard, post or column within shared paths in accordance with AS2890.6 is capable of being complied with through a condition on the permit.

The layout complies with the Acceptable Solution with the inclusion of conditions on the permit.

**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**

The proposal is consistent with the objective through compliance with the Acceptable Solution.

A1 The number of accesses provided for each frontage must:

- (a) be no more than 1; or
- (b) no more than the existing number of accesses, whichever is the greater.

**Complies**

The proposal includes use of the existing single accesses to Killafaddy Access Road and St Leonards Road, complying with the standard.

**C2.6.5 Pedestrian access**

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

**Consistent**

Safe and convenient pedestrian access is capable of being provided for the parking areas.

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

<p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p>
<p><b>Relies on Performance Criteria</b></p> <p>The car parking areas do not provide a footpath separated from the parking aisles required by (a) or marked crossings (b).</p>
<p>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.</p>
<p><b>Relies on Performance Criteria</b></p> <p>Car parking spaces for use by persons of disability are located conveniently to a footpath with a width of 2.6m. Insufficient detail has been provided to demonstrate that appropriate grades can be achieved to the main entry point of the Office Building.</p>
<p>P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the nature of the use;</p> <p>(c) the number of parking spaces;</p> <p>(d) the frequency of vehicle movements;</p> <p>(e) the needs of persons with a disability;</p> <p>(f) the location and number of footpath crossings;</p> <p>(g) vehicle and pedestrian traffic safety;</p> <p>(h) the location of any access ways or parking aisles; and</p> <p>(i) any protective devices proposed for pedestrian safety.</p>
<p><b>Complies</b></p> <p>Pedestrian access to the site has been considered in response to the performance criteria as follows:</p> <p>(a) <i>the characteristics of the site;</i></p> <p>The site has sufficient room to accommodate appropriate pedestrian infrastructure. Due to the grade of the site there are no options other than to walk through the parking area to gain access to the Office Building.</p> <p>(b) <i>the nature of the use;</i></p> <p>The use of the site and the parking areas will be limited as it will be primarily used at shift changes by staff who will be primarily familiar with the site conditions. However, the 24 hour operation of the site means that parking facilities would be accessed during night time, when visibility could be limited.</p> <p>(c) <i>the number of parking spaces;</i></p> <p>The parking area would provide for 21 parking spaces.</p> <p>(d) <i>the frequency of vehicle movements;</i></p> <p>Vehicle movements on the site will be relatively infrequent and at shift changes only.</p> <p>(e) <i>the needs of persons with a disability;</i></p> <p>Detail of the grades of pedestrian access have not been provided. It would be appropriate to include a condition on the permit to ensure that the footpath to the frontage of the building is at an appropriate grade.</p> <p>(f) <i>the location and number of footpath crossings;</i></p> <p>Access is provided to a single footpath, no crossings are provided.</p> <p>(g) <i>vehicle and pedestrian traffic safety;</i></p> <p>To ensure pedestrian safety it is considered appropriate that a condition is included on the permit for a single 1m wide footpath to be located on the southern side of the parking area</p>

is to connect to the footpath proposed to the Office Building, and that footpath grades are not to exceed a grade of 1 in 14.

(h) *the location of any access ways or parking aisles; and*

The parking aisles are located where it would be possible to provide safe and convenient pedestrian access.

(i) *any protective devices proposed for pedestrian safety.*

The response to standard C2.6.2 A1.2 requires that a bollard, post or column within shared paths is required to comply with the Australian Standards as a condition of the permit.

In consideration of these criteria, the pedestrian access to the parking areas is considered to be capable of providing safe and convenient access with the inclusion of a condition on the permit for provision of a footpath, an appropriate grade to the office building and protective devices meeting Australian Standards.

The proposal has been assessed as satisfying the Performance Criteria.

#### C2.6.6 Loading bays

That the area and dimensions of loading bays are adequate to provide safe and efficient delivery and collection of goods.

##### **Consistent**

Two loading bays are proposed that are capable of meeting the requirements of the site.

A1 The area and dimensions of loading bays and access way areas must be designed in accordance with *Australian Standard AS 2890.2-2002, Parking facilities, Part 2: Off-street commercial vehicle facilities*, for the type of vehicles likely to use the site.

##### **Complies**

The provided Traffic Impact Assessment (TIA) (p30) finds that the area and dimensions of the loading bays are sufficient for the largest vehicle to access the site, a 12.5m long HRV.

A2 The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with *Australian Standard AS 2890.2 - 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities*.

##### **Complies**

The Traffic Impact Assessment (TIA) (p30) supplied finds that the circulation areas provide swept paths for the largest vehicle proposed to access the site for operational requirements, a 12.5m long HRV and also for 19m long semi trailers that would accessing the site for construction. The TIA (p28) finds circulation roads would be capable of meeting the gradient requirements for the commercial vehicles.

The proposal complies with the standard.

#### 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**

The operation of the proposed development has been assessed and found not to impact on the safety and efficiency of the road network.

#### 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.

<p><b>Consistent</b></p> <p>The increase in vehicle movements from the site for the operation of the use is not considered to have adverse impacts on the safety and efficiency of the existing vehicle crossings on to Killafaddy Access Road and St Leonards Road.</p>
<p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> <li>(a) the amounts in Table C3.1; or</li> <li>(b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.</li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>The proposed vehicle movements generated by the operation of the use is 60 vehicle movements a day, exceeding the 40 specified in Table C3.1. Assessment is required in response to the Performance Criteria.</p> <p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature of the road;</li> <li>(d) the speed limit and traffic flow of the road;</li> <li>(e) any alternative access to a road;</li> <li>(f) the need for the use;</li> <li>(g) any traffic impact assessment; and</li> <li>(h) any advice received from the rail or road authority.</li> </ul>
<p><b>Complies</b></p> <p>Vehicle movements to Killafaddy Access Road are estimated to increase by 4 vehicle movements a day for the proposal and would result in negligible impact on the road and existing crossing, as such it has not been considered.</p> <p>The safety and efficiency of vehicle movements to and from the site to St Leonards Road have been considered in response to the Performance Criteria below.</p> <ul style="list-style-type: none"> <li>(a) <i>any increase in traffic caused by the use;</i> The Traffic Impact Assessment (TIA) provided identifies an increase in vehicle movements of approximately 30 vehicle movements a day from St Leonards Road.</li> <li>(b) <i>the nature of the traffic generated by the use;</i> Users of the access would be employees for alternating shifts over a 24 hour timeframe, 7 days a week.</li> <li>(c) <i>the nature of the road;</i> and (d) <i>the speed limit and traffic flow of the road;</i> The TIA (p28) finds that the road meets requirements for sight distances. The TIA (p23) finds that based on the proposed number of traffic movements, Austroads specifies providing left and right turn treatments at the access on St Leonards Road. However, further to this the TIA finds that if there are no significant increase in volumes of traffic on the road and/or turning movements at the site, the existing turning arrangements for the site are appropriate as follows: <ul style="list-style-type: none"> <li>- No turn lane treatments have been implemented along St Leonards Road for the surrounding light industrial developments and the use of this development is consistent with those developments</li> <li>- The speed limit at the site access is 70 km/h and the speed limit zone reduces to 60 km/h approximately 60m north of the site</li> <li>- The access currently operates well with minimal queues and delays</li> <li>- No crash patterns have been identified in the vicinity</li> </ul> </li> </ul>



- Traffic generation of the proposed development is low and is not expected to have a noticeable impact on this junction; and
- Provision of a CHR(s) may result in greater impact on St Leonards Road than the proposed development.'

(e) *any alternative access to a road;*

There is an alternative access to the site through the Killafaddy Access Road, however the existing constructed access through St Leonards Road is considered preferable for the proposed site configuration. An alternative access onto St Leonards Road has not been considered.

(f) *the need for the use;*

The use is for a data centre, which has been proposed on the site for access to the electrical infrastructure and for the scale of development proposed. This is an existing approved use at 23 Killafaddy Road.

(g) *any traffic impact assessment; and*

A TIA has been prepared for the application that finds that the access is considered acceptable.

(h) *any advice received from the rail or road authority.*

No advice accompanied the application, however as the Department of State Growth is the road authority for St Leonards Road the application was referred to them. The response stated that was that there was no objection to the proposed development.

In consideration of these criteria, the vehicular traffic to and from the site for the proposed use is not considered to have adverse effects on the safety of the vehicle crossing on St Leonards Road or on the efficiency of the road network.

The proposal has been assessed as satisfying the Performance Criteria.

#### C4.0 Electricity Transmission Infrastructure Protection Code

The purpose of the Electricity Transmission Infrastructure Protection Code is:

C4.1.1 To protect use and development against hazards associated with proximity to electricity transmission infrastructure.

C4.1.2 To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure.

C4.1.3 To maintain future opportunities for electricity transmission infrastructure.

**Consistent**

The proposed use and development are within mapped areas for an electricity transmission corridor and a substation facility buffer area. The proposal relies on the electricity infrastructure and would be able to occur without hazard through proximity or to the operation of the infrastructure.

#### C4.6.1 Buildings or works within an electricity transmission corridor

That buildings or works within an electricity transmission corridor are located at appropriate distances from transmission lines or cables to:

- (a) ensure operational efficiencies, access to, and security of, existing or future electricity transmission infrastructure; and
- (b) protect against a safety hazard associated with proximity to existing or future electricity transmission infrastructure.

<p><b>Consistent</b></p> <p>The proposed buildings and works have been considered by TasNetworks and found to be appropriate.</p>
<p>A1 Buildings or works within an electricity transmission corridor must not be within:</p> <ul style="list-style-type: none"> <li>(a) an inner protection area; or</li> <li>(b) a registered electricity easement.</li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>The proposal includes buildings in works within both an inner protection area and within the easement, not complying with (a) or (b). Assessment is required in response to the Performance Criteria.</p>
<p>P1 Buildings or works within an electricity transmission corridor must not cause an unreasonable impact on the safety, security, operation of, or access to, existing or future electricity transmission infrastructure, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature, height and materials of the buildings and works;</li> <li>(b) the extent of encroachment of the buildings and works into the electricity transmission corridor;</li> <li>(c) the location of the buildings and works within the electricity transmission corridor; and</li> <li>(d) any advice from the electricity entity.</li> </ul>
<p><b>Complies</b></p> <p>The works within the transmission corridor and easement have been considered in response to the Performance Criteria as follows:</p> <ul style="list-style-type: none"> <li>(a) <i>the nature, height and materials of the buildings and works;</i> The operation of the proposal requires a significant amount of power, which requires proximity to the TasNetworks infrastructure at 58 St Leonards Road. Development in the transmission corridor is shown on the Site Overlays Plan and includes the western elevation of the office building, part of the parking area, and the retaining walls and water tanks adjoining the substation. The proposed access road crosses over the top of the electricity easement. The works in the easement would be for fill over the underground power infrastructure, the levels of the access above natural ground level have been provided in Appendix C of the provided Traffic Impact Assessment. Fill will also be required for the parking area.</li> <li>(b) <i>the extent of encroachment of the buildings and works into the electricity transmission corridor; and</i></li> <li>(c) <i>the location of the buildings and works within the electricity transmission corridor; and</i> The location and encroachment of buildings and works are described in response to (a) above.</li> <li>(d) <i>any advice from the electricity entity.</i> No advice was provided as part of the application, however as works are proposed over the easement TasNetworks was required to be notified of the application. Further to the notification, the application was referred to TasNetworks and a response was received that the development is not likely to adversely affect TasNetworks operations if works are undertaken in accordance with the entities requirements.</li> </ul>

The proposed buildings or works within an electricity transmission corridor are found not to cause an unreasonable impact on the safety, security, operation of, or access to, existing or future electricity transmission infrastructure, if undertaken in accordance with TasNetworks conditions.

The proposal has been assessed as satisfying the Performance Criteria.

#### C4.6.2 Buildings or works within a substation facility buffer area

That buildings or works within a substation facility buffer area are appropriately located to minimise risk to the security, operation, safety and access to existing and future electricity transmission infrastructure.

##### **Consistent**

The proposed buildings and works have been considered by TasNetworks and found to be appropriate, and complies through the Acceptable Solution.

A1 Buildings or works within a substation facility buffer area must be located not less than 5m from a substation facility.

##### **Complies**

The substation infrastructure at 58 St Leonards Road is located over 5m from the boundary adjoining the development complying with the standard.

#### C7.0 Natural Assets Code

The purpose of the Natural Assets Code is:

C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.

C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.

C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.

C7.1.4 To minimise impacts on identified priority vegetation.

C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

##### **Consistent**

The site is almost entirely mapped as Priority Vegetation and is partially mapped for Waterway and coastal protection area on the boundary to the North Esk River.

#### C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.

##### **Consistent**

The Landscape Concept Plan proposes new landscape areas in the area mapped as Waterway and coastal protection area. The landscaping is not considered to be works or development if it does not result in the destruction of any vegetation. A condition on the permit for a detailed landscaping plan is considered appropriate to ensure that no native vegetation or trees are removed, removal of declared weeds would be exempt in accordance with 4.4.3(b).

<p>A1 Buildings and works within a waterway and coastal protection area must:</p> <ul style="list-style-type: none"> <li>(a) be within a building area on a sealed plan approved under this planning scheme;</li> <li>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</li> <li>(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.</li> </ul>
<p><b>Complies</b></p> <p>No buildings or works requiring approval are proposed in the mapped waterway and coastal protection area.</p>
<p>A3 Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>
<p><b>Complies</b></p> <p>Stormwater into the waterway and coastal protection area will be via the existing easement.</p>

#### C7.6.2 Clearance within a priority vegetation area

<p>That clearance of native vegetation within a priority vegetation area:</p> <ul style="list-style-type: none"> <li>(a) does not result in unreasonable loss of priority vegetation;</li> <li>(b) is appropriately managed to adequately protect identified priority vegetation; and</li> <li>(c) minimises and appropriately manages impacts from construction and development activities.</li> </ul>
<p><b>Consistent</b></p> <p>The proposal results in clearance of areas mapped as Priority Vegetation Area, however the area is considered not to result in the loss of priority vegetation. The proposal is consistent with the standard as demonstrated through the responses to the standard.</p>
<p>A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.</p>
<p><b>Relies on Performance Criteria</b></p> <p>The proposal requires clearance of vegetation within an area mapped as priority vegetation area, compliance is required to be demonstrated through the Performance Criteria.</p>
<p>P1.1 Clearance of native vegetation within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> <li>(a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;</li> <li>(b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;</li> <li>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</li> <li>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</li> <li>(e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</li> <li>(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</li> </ul>

**Complies**

The area of clearance of vegetation to facilitate the building and works in the mapped Priority Vegetation Area is not considered to impact on priority vegetation as it is demonstrated in the provided Natural Values Assessment (p13) that it does not meet the definition of priority vegetation of the Scheme.

The proposal is assessed as meeting performance criteria (f).

P1.2 Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- (a) the design and location of buildings and works and any constraints such as topography or land hazards;
- (b) any particular requirements for the buildings and works;
- (c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;
- (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;
- (e) any on-site biodiversity offsets; and
- (f) any existing cleared areas on the site.

**Complies**

The area of clearance of vegetation to facilitate the building and works in the mapped Priority Vegetation Area is not considered to impact on priority vegetation as it is demonstrated in the Natural Values Assessment (p13) that it does not meet the definition of priority vegetation of the Scheme.

Consideration to the performance criteria is not considered necessary.

**C8.0 Scenic Protection Code**

The purpose of the Scenic Protection Code is:

C8.1.1 To recognise and protect landscapes that are identified as important for their scenic values.

**Consistent**

The Proposal has been prepared with regard to the Scenic Protection Area of the North Esk.

**C8.6.1 Development within a scenic protection area**

That:

- (a) destruction of vegetation does not cause an unreasonable reduction of the scenic value of a scenic protection area; and
- (b) buildings and works do not cause an unreasonable reduction of the scenic value of a scenic protection area.

**Consistent**

The destruction of vegetation will have limited impact on the scenic value. Landscaping is proposed to minimise the impact of buildings and works on the scenic values of the North Esk.

A1 Buildings or works, including destruction of vegetation, within a scenic protection area must:

- (a) be on land not less than 50m in elevation below a skyline; and
- (b) not total more than 500m<sup>2</sup> in extent.

**Relies on Performance Criteria**

The site is partially mapped in the North Esk Scenic Protection Area, the proposed buildings and works results in the area is roughly 10,000m<sup>2</sup> and clearance of vegetation is roughly 2,000m<sup>2</sup> exceeding (b). Assessment is required against the performance criteria.

P1.1 Destruction of vegetation within a scenic protection area must not cause an unreasonable impact on the scenic value of a scenic protection area, having regard to

- (a) the nature of the vegetation to be removed;
- (b) the area of vegetation to be removed;
- (c) the topography of the site;
- (d) any visual impact on a skyline;
- (e) the nature of the reduction of the scenic value; and
- (f) the purpose of any management objectives identified in the relevant Local Provisions Schedule.

**Complies**

The removal of vegetation in the scenic protection area is considered in response to the criteria as follows:

- (a) *the nature of the vegetation to be removed;*  
The proposal includes removal of vegetation that has been identified in the provided natural values assessment as not being priority vegetation.
- (b) *the area of vegetation to be removed;*  
Approximately 2,000m<sup>2</sup> of vegetation is proposed to be removed, however this would require clearance of declared weeds, which would be exempt in accordance with 4.4.3(b) of the Scheme.
- (c) *the topography of the site;*  
That part of the site that is in the scenic protection area is gently to steeply sloping, before falling steeply at the rivers edge.
- (d) *any visual impact on a skyline;*  
That part of the site in the scenic protection area is not on a skyline.
- (e) *the nature of the reduction of the scenic value; and*  
The scenic values for vegetation on the site are identified in the standard as being 'natural' with a 'high visual presence of native birds'. The subject site is largely already cleared as a rural site, and the vegetation to be removed has been identified in the provided Natural Values Assessment (p10) as being comprised of environmental weed species, which would be exempt in accordance with 4.4.3(b) of the Scheme.
- (f) *the purpose of any management objectives identified in the relevant Local Provisions Schedule.*  
The detail response to the management objectives has been included in response to the standard P1.2.

The removal of the vegetation not considered to result in an unreasonable reduction of the scenic values of the protection area and is considered able to be appropriately managed by condition for a detailed landscape plan.

The proposal has been assessed as satisfying the Performance Criteria.

P1.2 Buildings or works within a scenic protection area must not cause an unreasonable reduction of the scenic value of a scenic protection area, having regard to

- (a) the topography of the site;
- (b) the location of, and materials used in construction of, driveways or access tracks;
- (c) proposed reflectance and colour of external finishes;

- (d) design and proposed location of the buildings or works;
- (e) the extent of any cut or fill required;
- (f) any visual impact on a skyline;
- (g) any existing or proposed screening; and
- (h) the purpose of any management objectives identified in the relevant Local Provisions Schedule.

**Complies**

The proposed buildings and works in the scenic protection area are considered in response to the criteria as follows:

- (a) *the topography of the site;*  
That part of the site that is in the scenic protection area is gently to steeply sloping, before falling steeply at the rivers edge. The site is situated within the North Esk valley and will be visible from residential areas on the western side of the river, as the existing industrial at 23 Killafaddy Road is visible. The works will be around 300m from existing dwellings in Norwood, and over 900m from dwellings in Newstead.
- (b) *the location of, and materials used in construction of, driveways or access tracks;*  
An access is proposed around the proposed buildings in the scenic protection area, and is proposed to be finished in asphalt.
- (c) *proposed reflectance and colour of external finishes;*  
The proposed Building A and B are to be finished in concrete, and perimeter fencing in aluminium. A condition on the permit is considered to be appropriate to ensure that plant equipment is constructed in muted colours with low reflectance.
- (d) *design and proposed location of the buildings or works;*  
The buildings and works within the scenic protection area include the western end of Buildings A and B, the access road, several of the generator units and surrounding perimeter fence. The buildings have been proposed on top of cut and fill. The exterior of Buildings A and B have been articulated to minimise the overall visual bulk of the development.
- (e) *the extent of any cut or fill required;*  
That part of the buildings and works in the Scenic Protection Area would require a significant amount of fill to over 8.5m, that would be battered on the western elevation facing the North Esk..
- (f) *any visual impact on a skyline;*  
The proposal would not have an impact on the skyline.
- (g) *any existing or proposed screening; and*  
The Landscape Concept Plan provided with the application identifies areas to be landscaped and states that this should be 'in line with Launceston's Urban Greening Implementation Plan', as no bushfire hazard management plan has been provided with the application. The subject site is not an urban area and it is considered appropriate for a condition on the permit to provide landscaping to meet the objectives of the scenic protection area.
- (h) *the purpose of any management objectives identified in the relevant Local Provisions Schedule.*

The following are responses to the management objectives of the North Esk Scenic Protection Area, these have been prepared with regard to the vegetation clearance as discussed in response to P1.1 above.

- (a) *that development is designed to be consistent with the existing character of the precinct as defined in the area description;*

The proposed development does not diminish the recreational activities of the river, and the landscaping plan to be detailed by condition is able to enhance and improve the visual qualities of the land sloping to the river plain with the planting.

(b) *to maintain the cleared rural character;*

The proposal is consistent with urban industrial development of the site and the adjoining land. The location of the development preserves the flood plain and low lying areas of the site and proposes landscaping of these areas.

(c) *to maintain views of the North Esk Flood Plains from public roads and places;*

The proposed development does not impact on views of the flood plain from any public roads or places. Any existing views from St Leonards Road would be obscured by permitted development on the land.

(d) *to protect views from the North Esk River from intrusive development; and*

Public use of the river at this point is limited due as it is the narrow intertidal areas of the river and there are limited publicly accessible locations. Furthermore, landscaping is proposed for On the site along the river edge landscaping would separate the building and works by over 40m. The proposal is not considered to impact on views from the river.

(e) *to discourage the removal of native vegetation, unless it is unavoidable and is replaced with a mix of species that can support native wildlife.*

The provided Natural Values Assessment finds that the area of vegetation to be removed is predominantly declared weeds. A condition is considered appropriate to include on the permit that a detailed landscaping plan is provided and implemented for native vegetation to support native wildlife.

The proposed buildings and works within the scenic protection area include landscaping that with the detail to be provided as a condition of the permit could improve the landscape qualities along the North Esk River with improvements for native vegetation, which would also support native wildlife. As such the proposal is not considered to have an unreasonable reduction on the scenic values of the scenic protection area.

The proposal has been assessed as satisfying the Performance Criteria.

#### C12.0 Flood-Prone Areas Hazard Code

The purpose of the Flood-Prone Areas Hazard Code is:

C12.1.1 To ensure that use or development subject to risk from flood is appropriately located and managed, so that:

- (a) people, property and infrastructure are not exposed to an unacceptable level of risk;
- (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised; and
- (c) it does not increase the risk from flood to other land or public infrastructure.

C12.1.2 To preclude development on land that will unreasonably affect flood flow or be affected by permanent or periodic flood.

**Not Applicable**

The site is mapped as a flood prone area in proximity to the North Esk River. No works or habitable use is proposed in the area, therefore the code is not applicable.

#### 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.



**Not Applicable**

The applicant has confirmed that the application does not include subdivision or hazardous uses. Therefore, the code does not apply. A condition on the permit is considered appropriate to ensure that a hazardous use does not occur on the site.

**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**

An Environmental Site Assessment accompanies the application, which includes recommendations for further investigations to detail the potential contaminants and management to ensure that the use and development do not adversely impact on human health. The Stage 2 contamination report is currently underway and conditions are considered appropriate to ensure consistency with the requirements of the Code.

**C14.5.1 Suitability for intended use**

That potentially contaminated land is suitable for a sensitive use or a Use Class listed in Table C14.1 and is one of the specified uses.

**Consistent**

The applicant has stated that the site will not include any uses listed in Table C14.2 of the scheme, including the storage of any hazardous chemicals. A condition on the permit is considered appropriate for the Stage 2 Contamination report to confirm that the proposed use will not result in any potentially contaminating activities.

A1 For a sensitive use, or a specified use listed in Table C14.1, the Director, or a person approved by the Director for the purpose of this code:

- (a) certifies that land is suitable for the intended use; or
- (b) certifies a plan to manage contamination and associated risk to human health or the environment, so that the land is suitable for the intended use, or if in relation to redevelopment on land subject to the *Macquarie Point Development Corporation Act 2012*, the intended use must be in accordance with a certificate that has been or will be granted by an accredited environmental auditor.

**Complies**

The proposal is not for a sensitive use or a use listed in Table C14.1.

**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**

Works for excavation would be undertaken in accordance with an Environmental Site Assessment prepared by a suitably qualified person to ensure that works will 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 250m<sup>3</sup> of site disturbance.

**Relies on Performance Criteria**

The proposed volume of excavation on the site has not been provided, however it would substantially exceed 250m<sup>3</sup>. Assessment in response to 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**

An Environmental Site Assessment has been prepared for the application which finds that subject to further site investigations that are currently underway that it will be possible for the excavation to occur without impact on human health or the environment either in compliance with (b) or (c).

In consideration of the criteria it is considered that this can be appropriately managed by condition.

The proposal has been assessed as satisfying the Performance Criteria.

**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.

**Not Applicable**

The site is located in areas mapped for low and medium landslip hazard. The applicant has confirmed that the application does not include subdivision or hazardous uses, and works would be considered as building work as defined in the Building Act 2016.

The use is exempt in accordance with C15.4.1 (a)

Development in the Low landslip hazard band is exempt in accordance with C15.4.1

(d)(i)(a)

Development in the medium landslip hazard band is exempt in accordance with C15.4.1

(d)(ii)(a)

**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.

**Not Applicable**

The proposed height of development is under 30m AHD, where the airport obstacle limitation is 316m AHD. The proposal is exempt in accordance with C16.4.1(a).

#### 4. REFERRALS

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Services	Conditions recommended
Environmental Health	Conditions recommended
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2025/00768-LCC.
State Growth	No objection
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	Works to be undertaken in accordance with the Rail Infrastructure Act 2007.
EPA	The EPA has advised in correspondence received on the 14/07/2025 that the application is not a Level 2 activity and that Council may assess the application in accordance with LUPAA without further reference to the Board.
TasNetworks	Conditions recommended

#### 5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 2 August 2025 to 18 August 2025. Four (4) representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

<b>Comment</b> <b>Excessive electricity consumption</b>
<i>Response</i> <i>Electricity requirements will be managed through agreements between the provider and the Applicant, this is not a matter for the planning assessment.</i>
<b>Comment</b> <b>Noise pollution and impact on residential areas</b>
<i>Response</i> <i>A noise assessment has been provided with the application. In accordance with recommendations of the report it was found that the development would result in an acceptable level of noise to residential areas, as discussed in detail in response to the</i>

*standard 20.3.1. Conditions have been included on the permit so that the operation of the use is in accordance with recommendations of the noise assessment.*

**Comment**

**Visual impact of the development is incompatible with the surrounding landscape.**

*Response*

*The visual impact of the proposal is considered in respect to the building heights standards of the Rural Zone 20.4.1, Light Industrial Zone 18.4.1 and development in the Scenic Protection Area C8.6.1 of the Scheme. The building heights have been assessed as not resulting in an unreasonable impact on adjacent properties, with conditions to be included on the permit for the colour of buildings and landscaping to be included on the permit. Conditions have been included on the permit so that landscaping will be consistent with the landscape qualities of the North Esk Scenic Protection Area.*

**Comment**

**Minimal local employment.**

*Response*

*The importance of the proposal for the local community has been assessed in response to the Discretionary Use standards of the Rural Zone in 20.3.1. The location of the site is considered to be necessary for the operational requirements of the use and provide regionally significant digital infrastructure. A representation was received that highlighted the importance of the data centre to the regional economy.*

**Comment**

**Public health risk contributing to asthma-related symptoms.**

*Response*

*It is unclear how the activity could contribute to health Comments. Off site impacts have been considered in relation to the use in the Rural Zone 20.3.1, with conditions on the permit considered appropriate for managing noise and emissions from the use.*

**Comment**

**Foreign ownership and ethical concerns with individuals associated with the project.**

*Response*

*This assessment has been prepared in accordance with the requirements of the Land Use Planning and Approvals Act 1993, which only considers ownership so far as identifying and appropriately notifying landowners of the application.*

**Comment**

**Insufficient time to consider the application.**

*Response*

*The application was exhibited in accordance with the requirements of the Act.*

**Comment**

**Written notification was not provided to the community**

*Response*

*Notification was provided in accordance with the requirements of the Act.*

**Comment**

**The physical, environmental and financial impact of the application have not been provided. No feasibility study has been prepared.**

*Response*

*The physical and environmental impacts of the development have been assessed in accordance with the requirements of the Scheme. A feasibility study is not a requirement of the Scheme.*

**Comment**

**Health and energy consumption concerns**

*Response*

*It is unclear what the specific health concerns are with the application. Potential off-site impacts have been assessed in respect to the use standards of the planning scheme. The use is permitted in the Light Industrial Zone, and discretionary in the Rural Zone, with further detail provided in response to standard 20.3.1. Energy consumption is not a matter that is assessed through the planning scheme.*

**6. 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 Executive Leader Community Assets and Design have no interests to declare in this matter.

**ATTACHMENTS:**

1. CONFIDENTIAL REDACTED - CONFIDENTIAL - NOT FOR PUBLIC RELEASE - D A 0273-2025 - 66-72 St Leonards Road and 23 Killafaddy Roa [4.1.1 - 7 pages]
2. D A 0273-2025 - 66-72 St Leonards Road and 23 Killafaddy Road St Leonards - 01 of 08 Planning Report [4.1.2 - 5 pages]
3. D A 0273-2025 - 66-72 St Leonards Road and 23 Killafaddy Road St Leonards - 02 of 08 Appendix A Titl [4.1.3 - 20 pages]
4. D A 0273-2025 - 66-72 St Leonards Road and 23 Killafaddy Road St Leonards - 03 of 08 Appendix B Draw [4.1.4 - 27 pages]
5. D A 0273-2025 - 66-72 St Leonards Road and 23 Killafaddy Road St Leonards - 04 of 08 Appendix C Traf [4.1.5 - 63 pages]

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6. D A 0273-2025 - 66-72 St Leonards Road and 23 Killafaddy Road St Leonards - 05 of 08 Appendix D Nois [**4.1.6** - 14 pages]
  7. D A 0273-2025 - 66-72 St Leonards Road and 23 Killafaddy Road St Leonards - 06 of 08 Appendix E Envi [**4.1.7** - 33 pages]
  8. D A 0273-2025 - 66-72 St Leonards Road and 23 Killafaddy Road St Leonards - 07 of 08 Appendix F Natu [**4.1.8** - 109 pages]
  9. D A 0273-2025 - 66-72 St Leonards Road and 23 Killafaddy Road St Leonards - 08 of 08 Appendix G Addi [**4.1.9** - 5 pages]
  10. D A 0273-2025 - 66-72 St Leonards Road and 23 Killafaddy Road St Leonards - Tas Water SPAN [**4.1.10** - 4 pages]

**5. MEETING CLOSURE**