

**10. 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 9 - Planning Authority.

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

**FILE NO:** DA0051/2023

**AUTHOR:** Dileep Karna (Town Planner)

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

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

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

**RELEVANT LEGISLATION:**

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

**STANDARDS REQUIRING PLANNING DISCRETION:**

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

**RECOMMENDATION:**

That Council, pursuant to:

1. sections 37, 38 and 40T of the *Land Use Planning and Approvals Act 1993*, agrees to and initiates Amendment PSA-LLP0009, to the Launceston Local Provisions Schedule, to:
  - a. rezone land at 14, 16 and 18 Howard Street; 26 and 28 Montagu Street and the southern portion of 69A Mayne Street, Invermay from the General Residential Zone to the Light Industrial Zone; and
  - b. rezone the northern portion of 30 Montagu Street from the Light Industrial Zone to the General Residential Zone; and
  - c. to amend the precinct maps contained within LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan to reflect the zoning changes.
2. section 40F of the *Land Use Planning and Approvals Act 1993*, certifies Draft Amendment PSA-LLP0009, as shown below:



*Instrument 1 - Light Industrial Zone*

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



Michael Stretton  
Chief Executive Officer

Service Layer Credits:

Page 27

## TASMANIAN PLANNING SCHEME - LAUNCESTON

### Amendment PSA-LLP009

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

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



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

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

Michael Stretton  
Chief Executive Officer

Date

Service Layer Credits: the LIST State of  
Tasmania

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

## TASMANIAN PLANNING SCHEME - LAUNCESTON

### Amendment PSA-LLP009

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



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

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

Michael Stretton  
Chief Executive Officer

Date

Service Layer Credits: the LIST State of  
Tasmania

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



3. sections 40G and 40F of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days; and
4. sections 40T and 40Y of the *Land Use Planning and Approvals Act 1993*, approves DA0051/2023 - Storage - Demolition of existing buildings and construction of a building with five tenancies for storage use and associated car parking at 14 Howard Street, 18 Howard Street, 16 Howard Street, 26 Montagu Street, 28 Montagu Street, 30 Montagu Street and 69A Mayne Street, Invermay, subject to the following conditions:

#### **1. ENDORSED PLANS AND DOCUMENTS**

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

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

## **2. LEGAL TITLE**

All development and use associated with the proposal must be confined to the legal title of the subject land except construction of access from the street.

## **3. HOURS OF CONSTRUCTION**

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

## **4. TASWATER**

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

## **5. BUSINESS HOURS**

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

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

## **6. SITE LANDSCAPING**

The landscaping must be:

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

## **7. USE LIMITATION**

The car parking has been assessed using the calculation of one space per 200m<sup>2</sup> of the site area for a storage use. In the event that a future use generates the need for additional car parking spaces, further planning approvals may be required.

## **8. DRIVEWAY AND PARKING AREA CONSTRUCTION**

Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must:

- a. be properly constructed to such levels that they can be used in accordance with the plans;
- b. be surfaced with an impervious all weather seal;
- c. be adequately drained to prevent stormwater being discharged to neighbouring property;
- d. be line-marked or otherwise delineated to indicate each car space and access lanes.

Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the development.

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

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

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

#### **10. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

#### **11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of General Manager Infrastructure and Assets Network is required prior to undertaking works where the works:

- a. require a road or lane closure;
- b. require occupation of the road reserve for more than one week at a particular location;
- c. are in nominated high traffic locations; or
- d. involve opening or breaking trafficable surfaces.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works shall form the explicit approval.

#### **12. APPLICATION TO ALTER A STORMWATER SERVICE**

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

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



### **13. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

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

### **14. SOIL AND WATER MANAGEMENT CONTROL PLAN**

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

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

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

### **15. CAPPING OF SERVICES**

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

### **16. FACILITIES AND HIGHWAYS BY-LAW**

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). No such items are to be placed within the road reserve without approval.

### **17. CONSTRUCTION OF WORKS**

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network. The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications.

Works must include:

- a. Stormwater
  - i. provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve.
- b. Roads
  - i. provision of road widening from the existing edge of pavement to the existing kerb line on the development side of Montagu Street;
  - ii. provision of a new outstand on the North Eastern corner of the Howard Street and Montagu Street;
  - iii. provision of an industrial vehicular crossing as endorsed in the planning permit; and
  - iv. all necessary line marking, signage and other traffic control devices.
- c. Electricity, Communications and Other Utilities
  - i. an underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority;
  - ii. an underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority;
  - iii. provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure; and
  - iv. provision of reticulated gas network to service all lots and installed to the approval of the Responsible Authority.

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

- a. construction requirements;
- b. appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange the Council's Audit inspections and other responsibilities;
- c. construction audit inspections; and
- d. practical completion and after a 12 months defects liability period the final inspection and hand-over.

## **18. AS CONSTRUCTED PLANS**

An *as constructed* plan must be provided in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure and Assets Network.

## **19. NOISE MITIGATION MEASURE.**

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

## **20. NOISE - REVERSING ALARMS**

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

## 21. EXTERIOR AND SECURITY LIGHTING

Exterior lighting and security lighting is to comply with the Australian Standard AS4282 *Control of the obtrusive effects of outdoor lighting* or any subsequent versions.

## 22. DEMOLITION

The developer must:

- a. protect property and services which are to either remain on or adjacent to the site from interference or damage;
- b. not undertake any burning of waste materials or removed vegetation;
- c. remove all rubbish from the site for disposal at a licensed waste disposal site;
- d. dispose of any asbestos found during demolition in accordance with the Safe Work Australia *How to Safely Remove Asbestos: Code of Practice, July 2020*, or any subsequent versions of the document.

## Notes

### A. General

*This permit was issued based on the proposal documents submitted for DA0051/2023. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. *The 14 day appeal period expires; or*
- b. *Any appeal to the Tasmanian Civil and Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
- c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. *Any other required approvals under this or any other Act are granted.*

*The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the Council.*

### B. Restrictive Covenants

*The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is affected, restricted or prohibited by any such covenant.*

*If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.*

### C. Appeal Provisions

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal (TASCAT).*

*A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.*

*For more information see the Tasmanian Civil and Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au) <<http://www.tascat.tas.gov.au>>.*

**D. Permit Commencement**

*If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of the Council's Notice to Waive Right of Appeal is attached.*

**E. Signage**

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

**F. Storage of Dangerous Goods**

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

**G. Noise Nuisance**

*Noise nuisance is regulated under the Environmental Management and Pollution Control Act 1994. You will be required to implement measures to eliminate noise nuisance if complaints about your premises are received and verified.*

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## **PART A - APPLICATION FOR PLANNING SCHEME AMENDMENT**

### **1. INTRODUCTION**

An application has been lodged under sections 37(1) and 40T of the *Land Use Planning and Approvals Act 1993* (the Act) for an Amendment to the Launceston Local Provisions Schedule (the LPS) of the Tasmanian Planning Scheme - Launceston. The application proposes the following:

- the rezoning of 14 Howard Street, 16 Howard Street, 18 Howard Street; 26 Montagu Street and 28 Montagu Street and the southern portion of 69A Mayne Street, Invermay from the General Residential Zone to the Light Industrial Zone.
- the rezoning of the northern portion of 30 Montagu Street, Invermay from Light Industrial Zone to General Residential Zone; and
- to amend the LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan to reflect the zone changes detailed above.

The application is also seeking approval for the use and development within the proposed Light Industrial Zone for the construction of a building to be used for storage. The building will include five tenancies, with each tenancy having a footprint of approximately 451.75m<sup>2</sup>, including office space and amenities. Access is to be provided via Howard and Montagu Streets with the proposal including 20 on site car parking spaces including one accessible parking space.

The Planning Scheme Amendment and Development application submission prepared by pitt&sherry is contained in the Attachments. This will be referred to as the Planning Submission throughout the report.

The application includes a Landslip Hazard report, a Noise and Air Emissions Assessment, a Traffic Impact Assessment and a Flood and Stormwater Assessment report. These reports are provided in the Attachments. These reports will be referred to individually as required.

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

## 2. Subject Site and Surrounding Uses

The subject site is located at 14, 18 and 16 Howard Street; 26, 28 and 30 Montagu Street and 69A Mayne Street, Invermay and comprises of seven titles - CT62242/8, CT62242/9, CT62242/10, CT62242/11, CT62242/12, CT54767/2 and CT175261/2, with a total area of 6,400m<sup>2</sup>. The sites are semi irregular and are located on the corner of Howard and Montagu Streets, Invermay.



Figure 1: Subject site aerial (Source: SAM Mapping)

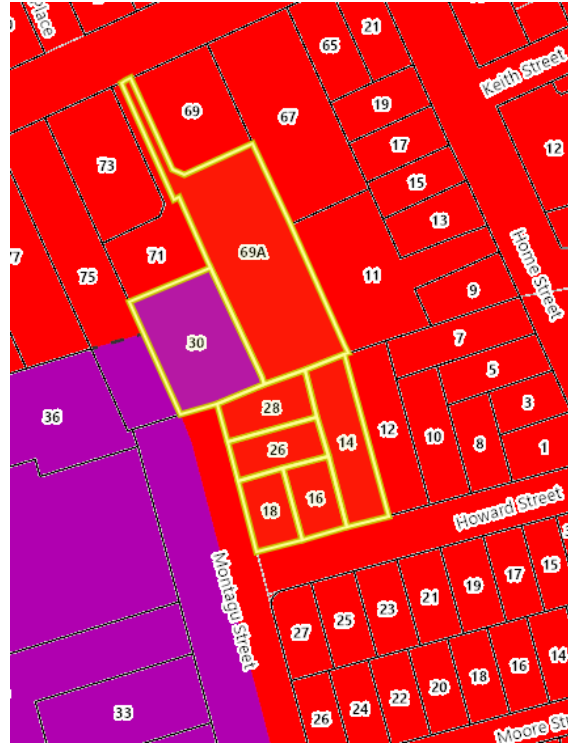


Figure 2: Subject site and existing zoning (Source: SAM Mapping)

The proposed Amendment to the LPS of the Tasmanian Planning Scheme - Launceston involving rezoning land from General Residential Zone to Light Industrial Zone and from Light Industrial Zone to General Residential Zone. The subject sites are located within the Invermay/Inveresk Flood Inundation Specific Area Plan and, therefore, the rezoned Light Industrial land will be included into Riveredge Industrial Precinct and the rezoned General Residential land will be included into Invermay Residential Precinct. The details of the subject site as follows:

Existing Zone	Proposed Zone
14 Howard Street, Invermay - General Residential	Light Industrial
16 Howard Street , Invermay - General Residential	Light Industrial
18 Howard Street, Invermay - General Residential	Light Industrial
26 Montagu Street, Invermay - General Residential	Light Industrial
28 Montagu Street, Invermay - General Residential	Light Industrial
69A Mayne Street, Invermay - General Residential	Approximately 624m <sup>2</sup> to Light Industrial
30 Montagu Street, Invermay - Light Industrial	Approximately 658m <sup>2</sup> to General Residential



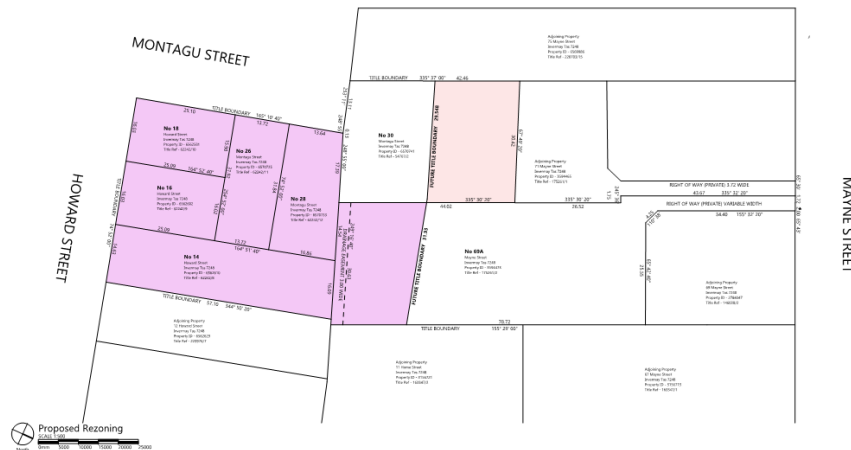


Figure 3: Prepared by Cataract Designs

The existing site is currently comprised of residential development and vacant land with a total site area of approximately 6,400m<sup>2</sup>, in which the total residential land is 5,075m<sup>2</sup> and 1,325m<sup>2</sup> of Light Industrial land with an existing dwelling. The Amendment seeks to rezone 3,169m<sup>2</sup> to Light Industrial Zone with the existing Light Industrial land of approximately 667m<sup>2</sup> and with the remaining General Residential land of 1,906m<sup>2</sup> with an addition of approximately 658m<sup>2</sup> from the existing Light Industrial land, a total of 2,564m<sup>2</sup>. Therefore, 3,836m<sup>2</sup> of subject land will be Light Industrial and 2564sqm of subject land will be General Residential.

The proposed application associated with the rezoning seeks to demolish five existing, dilapidated dwellings. These dwellings have a floor height of approximately 1.9m - 2.6m AHD, which is below the planning schemes established flood level of 3.4m AHD. Due to these significant AHD differences, the sites have very low attraction, due to residential costs and house prices, while adversely affecting residential property values and increasing home insurance costs. The land is higher with approximately 4.5m - 9.5m AHD above the established flood level 3.4AHD.



Figure 4: Subject site and flood modelling (Source: SAM Mapping)

The site is located approximately 1.5km north of the Launceston Central Business District and is within the General Residential and Light Industrial Zone. The site adjoins the Light Industrial zone towards the west with multiple light industrial uses and the General Residential to the north and south, with a mixture of multiple and single dwelling and to the east, predominantly single dwellings.

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

The site is not subject to any land capability assessment, has no scenic values and no identified natural values. However, 69A Mayne Street and 30 Montagu Street, Invermay are subject to low and medium landslip with a slope downwards from the northern boundary towards the southern boundary and 28 Montagu Street and 12 Howard Street, Invermay are subject to low landslip with a slight slope downwards from the northern boundary towards the southern boundary.

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

### **3 Landowner Consent**

The land is owned by *Redline Trust*, and consent was provided on 24 January 2023. The Council, acting as the Road Authority, also provided consent.

### **4. The Rationale for Supporting the Amendment**

The purpose of the Amendment is to modify the zones to the landowner to maximize the development potential of their land and better align to the sites location and to better respond to the risk of flooding.

The majority of land to be rezoned (approximately 3,836m<sup>2</sup>) is flood prone and proposed to go from General Residential to Light Industrial with a small portion of land outside of the flood prone area will be rezoned from Light Industrial to General Residential.

### **Why the Site is not Suited for Residential Development?**

The subject land is located in an existing developed urban area, with under utilised land including dilapidated houses, which require significant work to achieve satisfactory housing standards. The land is not well suited to General Residential because it is currently restricted due to potential flood impact, as these sites are located below the established flood level 3.4m AHD, approximately 1.9m - 2.6m AHD. If the dwellings were to be demolished and rebuilt the floor levels are required to be increased to a minimum of 3.4m AHD which adds to costs.

### **Why is Light Industrial Preferred?**

The rezoning of the land from a General Residential Zone to a Light Industrial Zone is considered appropriate, as the potential flood, risk on site does not require floor levels and human habitation. The site towards the west adjoins with Light Industrial zone, with multiple uses, especially Transport Depot and Distribution, which is located across the street with a constant movement of heavy vehicles and unintended off-site impacts. The proposed amendment included a development within the rezoned land to construct a building for a storage use, which will minimise the off-site impacts and reduce an unreasonable loss of amenity for the existing and future sensitive receptors. Furthermore, the submitted report for future development for storage use is unlikely to cause environmental harm or adversely impact environmental amenity.

### **Why is Part of the Site Going to Residential?**

The proposed Amendment includes rezoning of approximately 658m<sup>2</sup> of land from Light Industrial to General Residential, as the land is located above the established flood levels, approximately 5.5m - 9.5m AHD and will increase the opportunities to redevelop the land with additional houses. The proposed Amendment included a master plan that shows indicative location to achieve five new dwellings.

### **Will the Additional Industrial Zones Impact Residential Amenity in the Area?**

The rezoned land to Light Industrial Zone will adjoin with 12 Howard Street, a residential building with an existing setback of approximately 3.5m at the closest point to new rezoned boundary. The rezoned land will not adversely affect the sensitive receptors, as the proposed Amendment included indicative location of the building that will be used for storage use. The proposed development maintains separation with the habitable rooms of the existing residential uses and will not cause an unreasonable loss of amenity to 12 Howard Street, the opposite side of Howard Street or the future development at the rear of the development.

### **Changes to LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan**

Changes are required to specific area plan precincts to reflect the changing zoning. The proposed Light Industrial Zone will be moved into the Riveredge Industrial Precinct. This precinct prohibits new residential uses, significant community infrastructure and conversion of industrial uses to residential uses.

The proposed General Residential Zone will be relocated to Invermay Residential Precinct to maintain the existing residential use and prohibit significant community infrastructure.

## **5. Land Use Planning and Approvals Act 1993 Requirements**

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

**37. Request for Amendment of LPSs**

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

**40T Permit Application that Requires Amendment of LPS**

- (1) A person who requests a planning authority under section 37 to amend an LPS may also, under this subsection –
  - (a) make an application to the planning authority for a permit, which permit could not be issued unless the LPS were amended as requested; and
  - (b) request the planning authority to consider the request to amend the LPS and the application for a permit at the same time.
- (2) An application for a permit under subsection (1) is to be in a form, if any, approved by the Commission.
- (3) A planning authority must not refuse to accept a valid application for a permit, unless the application does not include a declaration that the applicant has –
  - (a) notified the owner of the intention to make the application; or
  - (b) obtained the written permission of the owner under subsection (6).
- (4) For the purposes of subsection (3), a valid application is an application that contains all relevant information required by the planning scheme applying to the land that is the subject of the application.
- (5) If –
  - (a) an undertaking is in respect of a combination of uses or developments or of one or more uses and one or more developments; and
  - (b) under a planning scheme any of those uses or developments requires a permit to be granted – a person may, in the one application under subsection (1), apply to the planning authority for a permit with respect to the undertaking.
- (6) An application for a permit under subsection (1) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land and the relevant planning scheme does not provide otherwise –
  - (a) be signed by each owner of the land; or
  - (b) be accompanied by the written permission of each owner of the land to the making of the request.
- (7) Subsection (6) does not apply to an application for a permit to carry out mining operations, within the meaning of the Mineral Resources Development Act 1995, if a mining lease or a production licence which authorises those operations has been issued under that Act.

## 6.1 Considerations for an Amendment

Section 34(2) of LUPAA requires that a draft amendment to a Local Provisions Schedule meets the following the LPS criteria.

### 34. LPS Criteria

(2) *The LPS criteria to be met by a relevant planning instrument are that the instrument:*

(a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*

Response:

The proposed Amendment does not alter the State Planning Provisions and is applying to rezone land from the suite of zones available under the SPPs.

(b) *is in accordance with section 32; and*

Response:

The proposed Amendment is for rezoning of land in the Launceston municipal area, as identified in the instrument of certification which has been prepared in accordance with section 32 of LUPPA.

(c) *further the objectives set out in Schedule 1; and*

Response:

A response to the objective are under Section 7 (below)

(d) *is consistent with each State policy; and*

Response:

A response to the State policies are under Section 8 (below).

(da) *satisfies the relevant criteria in relation to the TPPs; and*

Response:

The Tasmanian Planning policies have not been implemented.

(e) *as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*

Response:

A response to the Regional Land Use Strategy is under Section 9.1 (below).

(f) *has regard to the strategic plan, prepared under <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095> Local Government Act 1993 (Tas), that applies in relation to the land to which the relevant planning instrument relates; and*

Response:

A response to the strategic plan is under Section 9.2 (below).

- (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*

Response:

The adjacent municipal areas adopted the Tasmanian Planning Scheme. However, the proposed Amendment to the LPS will not impact the adjacent municipal areas.

- (h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.*

Response:

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

**7. Assessment Against the Objectives Outlined Below:**

**The objectives of the Resource Management and Planning system of Tasmania are:**

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

Response:

The subject area is located within a developed urban area with limited natural values.

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

Response:

The land is identified as an urban area within the Regional Land Use Strategy. The rezoning is considered to be an appropriate use of underutilised land. The proposed Amendment is suitable to support light industrial use, which will occur in a fair, orderly and sustainable manner. As the Light Industrial activities are primarily for proposed storage, sufficiently low levels of noise and air emissions are expected and will not have adverse impact on any nearby potential or existing receptors. This will be controlled with specific measures included in the proposed Amendment (Noise and Air Emissions Assessment).



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

***Response:***

The public will have the opportunity to comment on this proposal during the exhibition period, which will run for three weeks. The public will have the opportunity to lodge written representations to the application during the exhibition period and they will be considered by the planning authority and referred to the Tasmanian Planning Commission. If any representations were to be received, the Tasmanian Planning Commission may hold a public hearing to deal with the representations.

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

***Response:***

The rezoning of the site will increase opportunities for light industrial activities and a positive use of an underutilised site. The Amendment and the proposed development will have a positive economic benefit within the municipal area.

***(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.***

***Response:***

The proposed Amendment was referred to TasWater and no other relevant agency referrals are required. If the Amendment is initiated, the Tasmanian Planning Commission will advertise and assess the development.

## **8. State Policies**

The proposed Amendment assessment against State policy as follows:

<b>State Policy</b>	<b>Response</b>
State Policy on the <i>Protection of Agricultural Land 2009</i>	The policy only applies to rural land and the subject sites are located outside the rural area.
State Policy on <i>Water Quality Management 1997</i>	The subject sites are not located within the Waterway and Coastal Protection Areas, so an assessment is not required.
State Policy on <i>State Coastal Policy 1996</i>	The subject site is located approximately 590m from the high water mark and is located within the coastal zone. Therefore, the subject site is assessed against the three main principles. The three principles are as follows:

State Policy	Response	
	Principles	Response
	Natural and cultural values of the coast shall be protected	The proposed Amendment will have no significant impacts on the natural and cultural values of the coast, as the site is in an existing, developed urban area. However, the stormwater provisions and the <i>Urban Drainage Act 2013</i> will continue to apply the subject area.
	The coast shall be used and developed in a sustainable manner	The subject sites are located in an existing developed urban area and the proposed Amendment will not expand into greenfield coastal areas.
	Integrated management and protection of the coastal zone is a shared responsibility.	The subject sites are located in an existing developed urban area and Invermay/Inveresk Flood Inundation SAP protects the proposed development.
<p>National Environment Protection Measures Section 12A of the <i>State Policies and Projects Act 1993</i> states that a National Environment Protection Measure (NEPM) is taken to be a State Policy. The following, therefore, require consideration:</p> <ul style="list-style-type: none"> <li>• Ambient air quality 2002</li> <li>• Diesel vehicle emissions 2001</li> <li>• Assessment of site contamination 1999</li> <li>• Used packaging materials 1999</li> <li>• Movement of controlled waste between States and Territories 1998</li> <li>• National pollutant inventory 2000</li> </ul>	<p>A Noise and Air Emissions Assessment, prepared by a suitably qualified person, was submitted along with the application.</p> <p>The subject sites does not have any contaminations registered, however, standard conditions are placed on the permit to ensure safe and efficient use of the land.</p>	

## 9. Planning Strategies

### 9.1 Northern Tasmania Regional Land Use Strategy (NTRLUS)

The sites are located within the Urban Land Use area as shown in Map D1 of NTRLUS and within the regional framework. The land is within the developed urban settlement area and assessed against the goals of the strategic planning frameworks is follows:

#### **C4.1 Goal 1: Economic Development**

**To facilitate economic development and productivity through integrated land use and infrastructure planning.**

##### **Strategic Direction G1.1**

**Capitalise on the region's sources of competitiveness by identifying future growth opportunities for sustainable competitive advantage.**

##### **Response:**

*Invermay is located within an identified Urban Land Use area, noting that the identified area only contains land use for proposed Light Industrial as well as General Residential, as per Map D1 within the NTRLUS.*

*The rezoning will increase the effective supply of Light Industrial activities in Invermay, as the subject site is already in an established urban area and adjoins a major industrial hub in Launceston. The current zoning of General Residential is currently underutilised as the land is within the Invermay/Inveresk Flood SAP and the site is below the established AHD height. As a result, the construction and insurance costs are high. Due to these implications, the site, as an investment, is unattractive to locals/developers. However, with the proposed rezoning to Light Industrial it will open up a wide range of development opportunities including the proposed storage use. This will sustain and encourage opportunities for growth as Launceston being a desirable place to live.*

##### **Strategic Direction G1.2**

**Adopt an integrated and coordinated approach to government infrastructure, transport and land use planning.**

##### **Response:**

*The subject site is located within established urban area, which can adopt to government infrastructure, transport and land use planning.*

##### **Strategic Direction G1.3**

**Develop a thorough understanding of key industry needs, including future demand and location requirements.**

##### **Response:**

*Comprising land is in established urban land use area and existing services will be appropriately zoned. The proposed use and development within the Light Industrial Zone will provide advantage of market opportunities which attract significant levels of trade and economic development to the Launceston municipality.*

**C4.2 Goal 2: Liveability**

**To promote liveability measures for social and community development and the betterment of healthy, strong and vibrant urban and rural settlements.**

**Strategic Direction G2.1**

**Identify Urban Growth Areas to advance a sustainable urban settlement pattern.**

**Response:**

*The site is primarily located within an urban land use area, identified under the NTRLUS. The site has been identified within the adopted local strategy as an area that is able to advance growth in an appropriate pattern with an appropriate lot size.*

**Strategic Direction G2.2**

**Plan for socio-demographic changes.**

**Response:**

*The current zoning, General Residential, is currently underutilised as this land is within the Invermay/Inveresk Flood SAP. The site is below the established AHD height. Construction and insurance costs are very high. Due to these implications, the site is unattractive to locals/developers for investment. The proposed rezoning will provide opportunity for locals/developers to construct a diverse range of dwelling types, where the land is above the established AHD heights, as shown in the Master Plan. The surrounding area of the subject site is a mixture of Light Industrial and General Residential developments. Permitting the proposed Amendment will contribute to the economic value of the region, which in turn will support any socio-demographic changes.*

**Strategic Direction G2.3**

**Promote local character values.**

**Response:**

*The character of the area, including its values, has been discussed. The proposed changes will introduce new Light Industrial and General Residential land that will promote and reflect the local character.*

**Strategic Direction G2.4**

**Enhance social inclusion.**

**Response:**

*The changes will allow new Light Industrial activities, which may include storage, manufacturing, processing and service industries, etc.*

*The rezoned land from Light Industrial to General Residential will allow new residential development, which in future may also include visitor accommodation and multiple dwellings, which will include the inclusion of social mechanisms.*

**C.4.3 Goal 3: Sustainability**

**To promote greater sustainability in new development and develop stronger community resilience to social and environmental change.**

**Strategic Direction G3.1**

**Promote and protect the Region's unique environmental assets and values.**

**Response:**

*Any future development would be subject to the relevant provisions of the scheme protecting unique environmental assets and values.*

<b>Strategic Direction G3.2:</b> <b>Establish planning policies to support sustainable development, address the impacts of climate change, improve energy efficiency and reduce environmental emissions and pollutants.</b>
<b>Response:</b> <i>Future development would be required to address any impacts of climate change, energy efficiency, environmental emissions and pollutants, as they would be relevant and prescribed under the Planning Scheme.</i>
<b>C.4.4 Goal 4: Governance</b> <b>To provide cooperative and transparent leadership and regionally supportive local governance structures to advance integrated strategic land use objectives/outcomes, including the goals, strategies and policies of the RLUS.</b>
<b>Strategic Direction G3.4.1</b> <b>Advance regional leadership.</b>
<b>Response:</b> <i>The Amendment is required to address all relevant sections of the Regional Land Use Strategy along with appropriate State and local policies. This report has considered all of these and is supportive of the change to the current planning scheme.</i>

In order to ensure the above, the proposed amendment is considered a number of policies and actions within the Strategy. The relevant to the assessment are:

- Regional Land Use Categories
- Regional Planning Policies
- Regional Activity Centre Network Policy
- Regional Infrastructure Network Policy
- Regional Economic Development Policy

The relevant policies and actions in the NTRLUS are detailed as follows:

### 9.1.2 Regional Land Use Categories

Categories	Response
D.1 Introduction to Categories	The proposed Amendment seeks to rezoning of some land in Invermay which is aligned with the Urban Growth Areas as show in Map D.1 Regional Framework Plan
D.1.1 Purpose of Categories	The proposed Amendment and the proposed development will be reflected in Launceston Tasmanian Planning Scheme through land use zones.
D.2.1.1 Urban Growth Areas	The subject land is located in an existing developed urban area shown in the Regional Framework Plan Maps D.1. The proposed Amendment and the development on the subject land is physically suitable to accommodate the future residential development and light industrial development.

Categories	Response
	The Amendment included various reports, including the Landslip Hazard and Flood and Stormwater Assessments that demonstrate the rezoned land will exclude the areas with unacceptable risk of natural hazards, including the predicted impact of climate change. The subject land will represent contiguous urban from and subject to the Tasmanian Planning Scheme - Launceston.

### 9.1.3 Regional Planning Policies

Section E of the NTRLUS sets out the regional policies and key planning policies and actions.

### E.2 Regional Settlement Network Policy

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

#### RSN-A3 Response:

*The proposal is to rezone into Light Industrial from General Residential and Light Industrial to General Residential as shown in Drawing No. SK032. The subject land is located in an existing developed urban area in Invermay and is in close proximity to Launceston's existing services and infrastructure services including water and sewerage. The new zone will directly allow for future residential and industrial development and will directly allow for future flexibility within the area for the existing underutilised land.*



Regional Settlement Networks	
Policy	Action
<p><b>RSN-P2</b> Provide for existing settlements to support local and regional economies, concentrate investment in the improvement of services and Infrastructure, and enhance quality of life.</p> <p><b>RSN-P3</b> Recognise the isolated relationship of the Furneaux Group of islands to the settlement system of the region and that settlement and activity centre planning will be dependent on local strategies to support sustainable outcomes.</p>	<p><b>RSN-A4</b> Provide for the long term future supply of urban residential land that matches existing and planned infrastructure capacity being delivered by TasWater, specifically in parallel with existing water and sewerage capacity and required augmentation to meet urban development growth and capacity - both residential and industrial.</p> <p><b>RSN-A5</b> Provide a diverse housing choice that is affordable, accessible and reflects changes in population, including population composition. Ageing populations and single persons should be supported to remain in existing communities as housing needs change; ageing in home options should be provided.</p> <p><b>RSN-A6</b> Encourage urban residential expansion in-and-around the region's activity centre network to maximise proximity to employment, services and the use of existing Infrastructure, including supporting greater public transport use and services.</p> <p><b>RSN-A7</b> Ensure all rural and environmental living occurs outside Urban Growth Areas.</p> <p><b>RSN-A8</b> Identify areas with existing mixed land use patterns, and/or brownfield areas adjacent to activity centres, for mixed use redevelopment, and apply zones that provide for flexibility of use to support the activity centre and the role of the settlement.</p>

**RSN-A4 Response:**

*The subject land is located within the established urban land and matches the existing and planned infrastructure capacity being delivered by the City of Launceston and TasWater. The development was referred to the Council's Infrastructure and Assets Network and TasWater who provided comments and conditions to be included on the permit.*

**RSN-A5 Response:**

*The proposed rezoned land from Light Industrial to General Residential is consistent as future residential development will encourage locals and developers to construct modern houses. As the land is located above the established flood AHD under the SAP, construction costs and home insurances will be more affordable compared to the rezoned Light Industrial from General Residential, which is below the established SAP flood AHD.*

Housing Dwellings and Densities	
Policy	Action
<b>RSN-P5</b> Encourage a higher proportion of development at high and medium density to maximise infrastructure capacity. This will include an increased proportion of multiple dwellings at infill and redevelopment locations across the region's Urban Growth Areas to meet residential demand.	<b>RSN-A10</b> Apply zoning provisions which provide for a higher proportion of the region's growth to occur in suitably zoned and serviced areas. The application of Urban Mixed Use, Inner Residential and General Residential Zones should specifically support diversity in dwelling types and sizes in appropriate locations

**RSN-A10 Response:**

*The rezoned land General Residential from Light Industrial with the existing General Residential land on 69A Mayne Street has total area of 2,564m<sup>2</sup>. The submitted master plan, Drawing No. SK001 shows the indicative location of five potential new multiple dwellings within the General Residential Zone. As the subject land is within the established urban land where all infrastructure services are available, the density of five potential multiple dwellings complies with the provisions of the Scheme and infill development in the area where it is contiguous with the Invermay Urban Growth Area.*

Integrated Land Use and Transport	
Policy	Action
<p><b>RSN-P8</b> New development is to utilise existing Infrastructure or be provided with timely transport infrastructure, community services and employment.</p> <p><b>RSN-P9</b> Apply transit oriented development principles and practices to the planning and development of transit nodes, having regard for local circumstances and character.</p> <p><b>RSN-P10</b> Plan new public transport routes, facilities and high-frequency services to provide safe and convenient passenger accessibility, and to support the interrelationship between land use and transport.</p>	<p><b>RSN-A14</b> Prioritise amendments to planning schemes to support new Urban Growth Areas and redevelopment sites with access to existing or planned transport infrastructure. This will support delivery of transit oriented development outcomes in activity centres and identified transit nodes on priority transit corridors.</p>

RSN-A14 Response:

*The proposed Amendment to the Planning Scheme is consistent with RSN-P8. The proposed development will utilise existing transport infrastructure services for both General Residential and Light Industrial land and will accommodate changes to vehicle access to and from the Light Industrial land, as shown in Drawing No. SK034. Furthermore, the subject land is in close proximity to public transport, community services and employment.*

Integrated Land Use and Transport	
Policy	Action
<b>RSN-P11</b> Coordinate land use and transport planning and the sequence of development with timely infrastructure provision.	<b>RSN-A15</b> Planning will be informed by the Northern Integrated Transport Plan (2013). Future iterations of the Strategy are to require planning schemes provide appropriate zoning patterns and support land use activities by: <ul style="list-style-type: none"><li>• Identifying transport demands and Infrastructure required;</li><li>• Protecting key transport corridors from incompatible land uses; and</li><li>• Creating sustainable land use patterns that maximise efficient use of all future transportation modes, ie. road/rail, freight routes (including land and sea ports), and public transport, pedestrian and cyclists networks</li></ul>
<b>RSN-P12</b> Connect active transport routes to improve accessibility and encourage transport use by a broader range of people.	

RSN-A15 Response:

*The proposed Amendment includes development on the rezoned Light Industrial land for storage use for five tenancies. The Amendment included Traffic Impact Assessment, which identified the transport demands and infrastructure requirements. The development for storage use includes 20 car parking spaces, as required under the Planning Scheme. The subject land is within the established urban area and is in close proximity to the public road network, which connects to the Tasmania's transport infrastructure.*

Housing Affordability	
Policy	Action
<b>RSN-P20</b> Provide a variety of housing options to meet diverse community needs, and achieve housing choice and affordability.	<b>RSN-A19</b> Review the community needs for housing provision and affordability

RSN-A19 Response:

*The proposed Amendment to the LPS is consistent as future residential development will encourage locals or developers to construct modern houses. It is located above the established flood AHD under the SAP, therefore, construction costs and home insurances will be more affordable as compared to the rezoned Light Industrial from General Residential, which is below the established SAP flood AHD.*

*The current situation in Launceston for residential demand is high for housing and the rezoned land to Light Industrial from General Residential is appropriate as the land is below the established flood AHD and has potential danger to life during flood events. The sites have very low attraction, due to residential costs and house prices, while adversely affecting residential property values and increasing home insurance costs. The rezoned General Residential from Light Industrial can accommodate multiple dwellings as shown the indicative location in the master plan.*

### E.3 Regional Activity Centre Network Policy

Specific Policies and Actions	
Policy	Action
<b>RAC-P1</b> Maintain and consolidate the Regional Activity Centres Network so future urban development consolidates and reinforces the spatial hierarchy of existing centres. This will be achieved through the reuse and redevelopment of existing buildings and land to integrate a mix of land uses including the coordinated provision of residential development, retail, commercial, business, administration, social and community facilities, public and active transport provision and associated Infrastructure.	<b>RAC-A1</b> Integrate the Regional Activity Centres Network into government policy and strategies (including strategic plans, corporate plans, planning schemes and capital works programs).  <b>RAC-A2</b> Zoning and land use planning provisions are to minimise potential for decentralisation of functions outside of the Regional Activity Centres Network and reinforce the spatial hierarchy, role and function of centres.

#### RAC-A2 Response:

*The rezoning will not affect the regional activity centre hierarchy. The proposed Amendment and the proposed storage use within the rezoned Light Industrial Zone is consistent as this area of Invermay has no current demand for redevelopment for residential use and is currently underutilised. The rezoned land will be developed and used for mixed storage uses, which allows 11 sub-use classes for storage use, with an access to storage or wholesale of goods and may incorporate distribution, which will be contiguous with the surrounding land.*

*The proposed development is for a combined application; the proposal included storage use within the rezoned land. However, the rezoned land will create a wide range of light industrial activities that allows for uses that do not threaten the activity centre network.*

*The rezoned General Residential from Light Industrial is consistent. This land will be incorporated with 69A Mayne Street, Invermay and will be utilised for multiple dwellings with an access from Mayne Street, where all infrastructure services are available, as shown in the Master Plan SK001.*

#### **E.4 Regional Infrastructure Network Policy**

<b>Specific Policies and Actions</b>	
<b>Policy</b>	<b>Action</b>
<b>RIN-P3</b> Direct new development towards settlement areas that have been identified as having spare infrastructure capacity	<b>RIN-A3</b> Direct growth to areas where existing infrastructure capacity is underutilised and give preference to urban expansion that is near existing transport corridors and higher order Activity Centres.

##### **RIN-A3 Response:**

*The subject land is within the established urban area and has sufficient infrastructure capacity to be fully serviced by the reticulated system, as the site is in close proximity to the existing reticulated system. Furthermore, the development was referred to the Council's Infrastructure and Assets Network and TasWater, who provided comments and conditions that were to be placed on the permit.*

#### **E.5 Regional Economic Development Policy**

<b>Specific Policies and Actions - Industrial Land</b>	
<b>Policy</b>	<b>Action</b>
<b>ED-P3</b> Provide a 10 year supply of industrially zoned and serviced land in strategic locations	<b>ED-A3</b> Identify suitably located land within planning schemes to be zoned for industrial and employment purposes, consistent with the <i>Northern Tasmania Industrial Land Study (2014)</i> and provide for the region to be well placed to capture economic opportunities.

##### **ED-A3 Response:**

*The subject site is within the established Invermay urban area which has been identified as locally significant precinct capable of accommodating local service industries or a mix of other smaller scale industrial uses. It has been identified that Invermay has little opportunity for further subdivision of already small lots. Industries primarily utilise lot sizes smaller than 2,000m<sup>2</sup> and up to 3,500m<sup>2</sup> (Northern Tasmania Industrial Land Study (2014)). As the subject land in Invermay is identified as a locally significant precinct, it has been recommended that these precincts are best zoned Light Industrial in order to accommodate intended uses.*

*Invermay has statutory planning constraints, as the land is within the Invermay/Inveresk Flood Inundation Area SAP. However, this does not restrict reuse of the land to further industrial development. Furthermore, the proposed Amendment included a Stormwater and Flood Assessment and Flood Emergency Management Plan which provided recommendations as to the design and development in order to be flood compatible and flood resilient for the ground floor.*

*Therefore, the proposed Amendment to the LPS is consistent as it will increase supply of Light Industrial Zoned by 3,836m<sup>2</sup>, which is a suitable lot size for proposed industrial development and further subdivision.*

## E.7 Regional Environment Policy

Specific Policies and Actions - Natural Hazards	
Policy	Action
<p><b>NH-P01</b> Future land use and urban development is to minimise risk to people and property resulting from land instability by adopting a risk-managed based approach, consistent with Practice Note: Guidelines for <i>Landslide Risk Management 2007</i> and AGS (2007a) <i>Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning</i>; AGS (2007e) <i>Australian GeoGuides for Slope Management and Maintenance</i>.</p>	<p><b>NH-A01</b> Manage further development in declared landslip zones. Complete regional landslide hazard mapping to allow identification of land susceptible to landscape hazards and its associated level of risk to specific scale and types of land uses and developments.</p>
<p><b>NH-P02</b> Future land use and development is to minimise risk to people and property resulting from flooding.</p>	<p><b>NH-A02</b> Permit appropriate land uses and urban development in areas of susceptibility only where risk is very low or where it can be managed by prescriptive controls to avoid undue risk to persons including life of loss and damage to property.</p>
<p><b>NH-P03</b> Future land use and development is to minimise risk to people and property resulting from bushfire hazard.</p>	<p><b>NH-A03</b> If there is doubt about the geotechnical stability of land proposed for urban development; the Council may require a geotechnical assessment to identify risks and mitigation techniques.</p>
<p><b>NH-P04</b> Where avoidance of hazards is not possible or the level of risk is deemed acceptable, best practice construction and design techniques and management practices are to be implemented.</p>	<p><b>NH-A04</b> Include controls in planning schemes based on current best practice to manage risk to persons and property resulting from inundation.</p>
	<p><b>NH-A05</b> Include controls in planning schemes based on current best practice to minimise risk to persons and property resulting from bushfire hazard.</p>
	<p><b>NH-A06</b> Subdivision design is to respond to bushfire hazard risks by providing for alternative access, building setbacks and buffer distances based on current best practice.</p>
	<p><b>NH-A07</b> Adopt the relevant risk management AS/NZS standard as part of core management methods for emergency, hazard and risk management.</p>

Response:

*The proposed Amendment included the following - a Landslip Hazard Assessment report, a Flood and Stormwater Assessment report and a Noise and Air Emissions Assessment report, which demonstrates that the rezoned land Light Industrial from General Residential and General Residential from Light Industrial can satisfactorily avoid any natural hazards in regards to flooding and landslip for any future development on the subject land. These assessments provided recommendations to design the development to minimise any risk for the type, scale or intensity and intended life of use or development of the subject site.*

Specific Policies and Actions - Coasts and Waterways	
Policy	Action
<b>CW-PO1</b> Protect and improve the ecological integrity of coastal environments.	<b>CW-A06</b> Include provisions in planning schemes to protect the visual amenity of the coast, as appropriate.

CW-A06 Response:

*The subject site is located approximately 590m from the high water mark and is not located within the coastal zone. Therefore, any future development will not have significant effect on the visual amenity of the coast.*

## 9.2 City of Launceston Corporate Strategic Plan 2014-2024

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

- to promote Launceston as a unique place to live, work, study and play.
- to reduce the impacts on our natural environment and to build resilience to the changing intensity of natural hazards.
- to drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions;
- to develop a strategic and dedicated approach to securing economic investment in Launceston;
- supports housing choice and diversity in a planned location;
- stimulates population growth in the municipal area; and
- considers the impacts on the natural values of the site

Response:

The proposed Amendment and development proposed will assist in achieving these goals for the following reasons:

- the rezoned land to Light Industrial will encourage a small business precinct to assist with the population of the Launceston Municipality. The rezoned land to General Residential will attract locals/developers to develop multiple dwellings, which will assist with the housing affordability in the area as compared to the land below the established flood AHD.
- the development area will ensure all natural values are considered.

### 9.2.1 City of Launceston Industrial Strategy 2009-2029

The assessment of the application has had regard to the LPS and is generally consistent with Industrial Policy 4:

- to encourage the redevelopment of established, high quality, serviced, brownfield sites by prioritising such sites for appropriate new development in the short term, mid-term and long term.

Response:

The proposed rezoned land to Light Industrial is consistent with Policy 4, as the subject site has existing dilapidated dwellings and subsequently unused land in the Invermay area.

The subject land (rezoned Light Industrial) is located within the Invermay/Inveresk Flood Inundation SAP and is located less than the established AHD (3.4m) in the SAP. Due to these implications, the existing residential land does not encourage developers to reuse or redevelop the sites, as the construction and house insurance costs are very high and would result in significant changes to enable residential uses to comply with the SAP.

The proposed rezoning to Light Industrial to the existing serviced site will enable a high quality development having regard to a Flood and Stormwater Assessment, a Traffic Impact Assessment and a Noise and Air Emissions Assessment.

### 9.2.2 City of Launceston Residential Strategy 2009-2029

The subject site is located within the established urban and fully serviced area. However, the rezoned Light Industrial from General Residential land is located within the Invermay/Inveresk Flood Inundation area and the site's topography is below the established AHD under the LPS. By considering these implications, locals and developers showed no interest in redeveloping the land.

The loss of the land for Light Industrial is considered appropriate to the existing implications, the Strategy identifies the subject site is located in flood area with constraints to higher density residential development. However, the proposed amendment included a master plan showing the indicative location of five modern houses, which will be close to the City and the area is identified as somewhat walkable in the Strategy.

## 10. Referral Agencies

### 10.1 TasWater

The application was referred to TasWater under section 17 of the *Land Use Planning and Approvals Regulations 2004*. TasWater has issued its Submission to Planning Authority Notice (TWDA 2023/00188-LCC) dated 12/04/2023, in support of the proposal subject to conditions.



## PART B. DEVELOPMENT APPLICATION

### 11. The Development Application

As part of this combined permit, the Development Application DA0051/2023 seeks the demolition of existing building and construction of a building with five tenancies and associated car parking, as shown below:

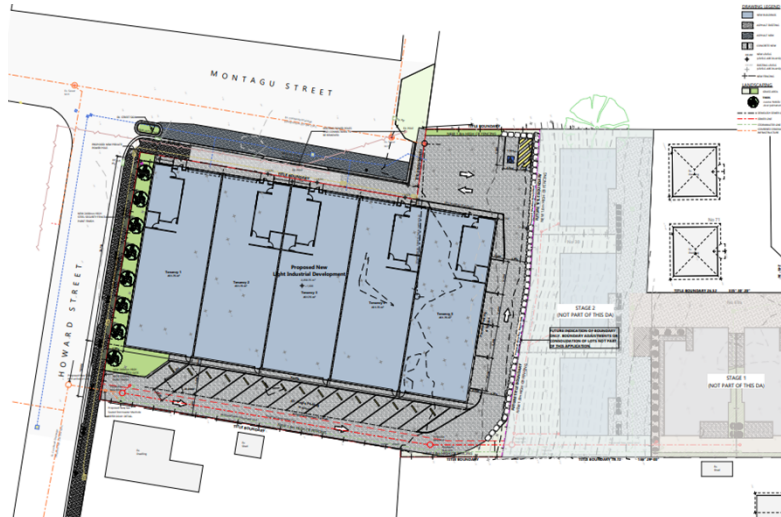


Figure 5: Proposed building and associated car parking

#### 11.1 PLANNING SCHEME REQUIREMENTS

The assessment against the Tasmanian Planning Scheme - Launceston is detailed in Attachment 1.

### 12. REFERRALS

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
Launceston Flood Authority	Conditions recommended.
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2023/00188-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

### **13. 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 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

### **BUDGET AND FINANCIAL IMPLICATIONS:**

Not considered relevant to this report.

### **DISCLOSURE OF INTERESTS:**

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

### **ATTACHMENTS:**

1. DA0051/2023 - 14, 16 and 18 Howard Street, Invermay - Planning Scheme Assessment [**10.1.1** - 21 pages]
2. DA0051/2023 - 14, 16 and 18 Howard Street, Invermay - Application [**10.1.2** - 259 pages]
3. DA0051/2023 - 14, 18 and 20 Howard Street, Invermay - TasWater SPAN [**10.1.3** - 5 pages]

**14 Howard Street, 18 Howard Street, 16 Howard Street, 26 Montagu Street, 28 Montagu Street, 30 Montague Street and 69A Mayne Street, Invermay - S.40T - Combined Scheme Amendment and Development Application**

**FILE NO:** DA0051/2023

**AUTHOR:** Dileep Karna, (Town Planner)

**GENERAL MANAGER:** Dan Ryan, (Community & Place Network)

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**ATTACHMENT ONE:**

**11.1. PLANNING SCHEME REQUIREMENTS**

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**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**

The proposed development is for the demolition of five (5) existing, dilapidated dwellings and construction of a new building to provide for storage, which is a Permitted use within the zone. The proposed use and development will support and not adversely impact industrial activity.

**18.3.1 All uses**

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

**Consistent**

The proposed development does not cause unreasonable loss of amenity to residential zones. The proposal complies with the acceptable solution.

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 subject site adjoins with the General Residential Zone towards north, south and east of the property. The proposed development will operate within the hours as specified above.

Tenancy	Monday - Saturday	Sunday/Public Holidays
1	7.00am - 8.00pm	8.00am - 8.00pm

2	7.00am - 8.00pm	8.00am - 8.00pm
3	7.00am - 8.00pm	8.00am - 8.00pm
4	7.00am - 8.00pm	8.00am - 8.00pm
5	7.00am - 8.00pm	8.00am - 8.00pm

Therefore, the proposed use complies with A1.

P1 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 not cause an unreasonable loss of amenity to the residential zones, having regard to:

- (a) the timing, duration or extent of vehicle movements; and
- (b) noise, lighting or other emissions.

**Not Applicable**

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 development does not include any external lighting. However, the subject site adjoins the General Residential zone. Therefore, a condition will be placed on the permit to ensure that any future security lighting will be baffled and will not operate within the hours of 11:00am to 6:00am.

P2 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 not cause an unreasonable loss of amenity to the residential zones, having regard to:

- (a) the level of illumination and duration of lighting; and
- (b) the distance to habitable rooms of an adjacent dwelling.

**Not Applicable**

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 subject site adjoins with the General Residential Zone towards north, south and east of the property. Commercial vehicles to the subject site will be limited from 7.00am to 8.00pm Monday to Saturday and 8.00am to 8.00pm Sunday and public holidays.

Therefore, the proposed development complies with A1.

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.
<b>Not Applicable</b>

#### 18.3.2 Discretionary uses

That uses listed as Discretionary do not compromise the use or development of the land for industrial activities with minimal or managed off site impacts.
<b>Not Applicable</b>
A1 No Acceptable Solution.
<b>Not Applicable</b>
P1 A use listed as Discretionary must not compromise the use or development of the surrounding properties for industrial activities with minimal or managed off site impacts, having regard to: (a) the characteristics of the site; (b) the size and scale of the proposed use; and (c) the function of the industrial area.
<b>Not Applicable</b>

#### 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.
<b>Consistent</b>
Complies with the acceptable solution.
A1 Building height must be not more than 10m.
<b>Complies</b>
The proposed development has an overall height of approximately 6.7m, 4.3m along the sides, rear, and frontage. Therefore, the proposed development can meet the required building height as shown in the proposed elevation plans drawing no. SK036.
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 bulk and form of the building; (b) separation from existing uses on adjoining properties; and (c) any buffers created by natural or other features.
A2 Building height: (a) within 10m of a General Residential Zone, Low Density Residential Zone or Rural Living Zone must be not more than 8.5m; or (b) within 10m of an Inner Residential Zone must be not more than 9.5m.
<b>Complies</b>
The subject site adjoins with the General Residential Zone towards north, south and east of the property. The proposed development has an overall height of approximately 6.7m, 4.3m along the sides, rear, and frontage. Therefore, the proposed development satisfies (a).
P2 Building height within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone must be consistent with building

height on adjoining properties in those zones and not cause an unreasonable loss of residential amenity, having regard to:

- (a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;
- (b) overlooking and reduction of privacy; or
- (c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining properties.

#### 18.4.2 Setbacks

That building setbacks:

- (a) are appropriate for the site; and
- (b) do not cause an unreasonable loss of residential amenity to adjoining residential zones.

#### **Consistent**

The proposed development is appropriate for the site and is compatible with the streetscape. It does not cause an unreasonable loss of amenity to adjoining residential zone, as the proposed development meets both acceptable solutions and performance criteria.

A1 Buildings must have a setback from a frontage of:

- (a) not less than 5.5m;
- (b) not less than existing buildings on the site; or
- (c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.

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

The proposed development has a setback of approximately 1.1m at the closest point from the Montagu Street frontage and approximately 2.9m from Howard Street. Therefore, the proposed development does not satisfy (a) and relies on performance criteria.

P1 Buildings must have a setback from a frontage that provides adequate space for vehicle access, parking and landscaping, having regard to:

- (a) the topography of the site;
- (b) the setback of buildings on adjacent properties; and
- (c) the safety of road users.

#### **Complies**

The subject site has a setback from the frontage that can provide adequate vehicle access, parking, and landscaping space. The variation has been considered with regard to the above criteria as follows:

- (a) The proposed development is located on a relatively flat area and will not cause any further detriment to the character of the established properties in the area.
- (b) The subject site is a corner lot of Howard Street and Montagu Street, as the proposed development is located at the end of Montagu Street and does not adjoin any buildings. However, the proposed building adjoins 12 Howard Street, a residential building with an existing setback of approximately 3.5m at the closest point from Howard Street. Therefore, the proposed setbacks for the development along Howard Street are consistent with the existing setbacks on the adjacent properties.

<p>(c) The proposed development does not impact vehicles and pedestrians safe and efficient movement.</p>
<p>Therefore, the proposed development complies with P1.</p>
<p>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:</p> <p>(a) 4m; or</p> <p>(b) half the wall height of the building, whichever is the greater.</p>
<p><b>Complies</b></p> <p>The subject site adjoins with the General Residential Zone towards north, and east of the property, the proposed overall height along the northern boundary is approximately 4.3m - 6.7m, and the overall height along the eastern side boundary is approximately 4.3m. Therefore, the required setback along the northern side boundary is 4m.</p> <p>The proposed setbacks from the northern boundary ranges from approximately 6.8m - 8.0m and approximately 10.4m from the eastern side boundary.</p> <p>Therefore, the proposed development satisfies (a) and (b).</p>
<p>P2 Buildings must be sited to not cause an unreasonable loss of residential amenity to adjoining properties within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, having regard to:</p> <p>(a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;</p> <p>(b) overlooking and reduction of privacy; and</p> <p>(c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.</p>
<p>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.</p>
<p><b>Not Applicable</b></p> <p>The proposed development does not include air extraction, pumping, refrigeration system, compressors, or generators within the 10m of the General Residential Zone.</p>
<p>P3 Air conditioning, air extraction, pumping, heating or refrigeration systems, compressors or generators within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone must be designed, located, baffled or insulated to not cause an unreasonable loss of residential amenity to the adjoining residential zones, having regard to:</p> <p>(a) the characteristics and frequency of emissions generated;</p> <p>(b) the nature of the proposed use;</p> <p>(c) the topography of the site and location of the sensitive use; and</p> <p>(d) any proposed mitigation measures.</p>
<p><b>Not Applicable</b></p>
<p>18.4.3 Fencing</p>
<p>That fencing does not cause an unreasonable loss of residential amenity to adjoining residential zones.</p>
<p><b>Consistent</b></p>

Complies with performance criteria.
A1 No Acceptable Solution
<b>Relies on Performance Criteria</b>
P1 Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone must not cause an unreasonable loss of residential amenity, having regard to: (a) their height, design, location and extent; and (b) the proposed materials and construction.
<b>Complies</b> The proposed development adjoins General Residential Zone towards the north and east boundaries of the property.  The proposed development includes a new color bond fence with a height of 1.8m along the north and east boundaries. This does not cause an unreasonable loss of residential amenity, as this will minimise the visual sightlines from the habitable rooms of the adjoining residential developments.

#### 18.4.4 Outdoor storage areas

Outdoor storage areas do not detract from the appearance of the site or surrounding area.
<b>Not Applicable</b> The proposed development does not include an outdoor storage area.
A1 Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.
<b>Not Applicable</b>
P1 Outdoor storage areas, excluding for the display of goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.
<b>Not Applicable</b>

#### 18.4.5 Landscaping

That landscaping enhances the amenity and appearance of the streetscape where buildings are setback from the frontage.
<b>Consistent</b> Complies with performance criteria.
A1 If a building is set back from a road, landscaping treatment must be provided along the frontage of the site: (a) to a depth of not less than 5.5m; or (b) not less than the frontage of an existing building if it is a lesser distance.
<b>Relies on Performance Criteria</b> The subject site is located on the corner of Howard Street and Montagu Street. The proposed development includes a landscaping plan along Howard Street frontage to a horizontal depth of approximately 2.9m and does not include landscaping along Montagu Street. Therefore, the proposed development relies on performance criteria.
P1 If a building is setback from a road, landscaping treatment must be provided along the frontage of the site, having regard to: (a) the width of the setback; (b) the width of the frontage; (c) the topography of the site;



- (d) existing vegetation on the site;
- (e) the location, type and growth of the proposed vegetation; and
- (f) any relevant local area objectives contained within the relevant Local Provisions Schedule

**Complies**

The proposed development has included a landscaping plan along Howard Street frontage to a horizontal depth of approximately 2.9m. The variation has been considered with regard to the above criteria as follows:

(a) The width of the setback provides adequate space for landscaping, approximately 2.9m.

(b) The width of the frontage is approximately 99.2m. The proposed landscaping spans a length of approximately 41.2m of the Howard Street frontage. It does not include landscaping along Montagu Street, which has a length of approximately 52.5m. Furthermore, the proposed development is located at the end of Montagu Street and the proposed building will have access from this street. However, the proposed development will not compromise the amenity and appearance of the streetscape.

(c) The proposed development is located on a relatively flat area and will not cause any further detriment to the character of the established properties in the area.

(d) The subject site has existing vegetation with a mixture of garden shrubs and grass, which was part of the gardens of the existing dilapidated dwellings. The existing industrial uses along Montague St, don't have any landscaping treatments within their properties, however the road reserve along Montague St consists of a large grassed verge.

(e) The proposed landscaping along the Howard Street frontage includes two different types of plants, Laurus Nobilis 'Bay Laurel' and Acer palmatum "Japanese Maple" that can be grown up to 3m - 6m (approximately), as shown on the proposed site plan.

(f) No applicable - There are no local area objectives.

Therefore, the proposed development complies with P1.

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**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.

<p>C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.</p> <p>C2.1.6 To provide for parking precincts and pedestrian priority streets.</p>
<p><b>Consistent</b></p> <p>The proposed development provides a sufficient amount of car parking and associated facilities to meet the needs of the use and development.</p>
<p>C2.5.1 Car parking numbers</p> <p>That an appropriate level of car parking spaces are provided to meet the needs of the use</p>
<p><b>Consistent</b></p> <p>The proposed development provides an appropriate level of car parking spaces to meet the needs of the proposed use and complies with acceptable solution.</p>
<p>A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</li> <li>(c) the site is subject to Clause C2.5.5; or</li> <li>(d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> <li>(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</li> <li>(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: <math display="block">N = A + (C - B)</math> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p> </li> </ul> </li> </ul>
<p><b>Complies</b></p> <p>The proposed development is for the construction of a building for storage use with five tenancies. Table C2.1 requires one car parking space per 200sqm of the site area or one space per two employee for the proposed use. The proposed development does not include the number of employees for the proposed building, as the proposal is for building construction. However, the proposed development has considered one car parking space per 200sqm of the site area. Therefore, the proposed development will have a total site area of approximately 3836sqm. Therefore, 19.18 car parking spaces are required.</p> <p>The necessary 20 car parking spaces required for the proposed development are proposed to be constructed along the eastern and northern sides of the proposed building, including an accessible car parking space along the northwest corner of the site.</p>

In the event that a use will operate within the proposed building which exceeds the required parking requirements, further development approval would be required.

The proposal complies with acceptable solution A1.

#### C2.5.2 Bicycle parking numbers

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

##### **Not Applicable**

No requirement for storage use under Table C2.1

A1 Bicycle parking spaces must:

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

##### **Not Applicable**

P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:

- (a) the likely number of users of the site and their opportunities and likely need to travel by bicycle; and
- (b) the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.

##### **Not Applicable**

#### C2.5.3 Motorcycle parking numbers

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

##### **Not Applicable**

The proposed development requires 20 car parking spaces and there are no requirements for motorcycle parking spaces, if for 0-20 parking spaces as set out in Table C2.4.

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

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

##### **Not Applicable**

P1 Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to:

- (a) the nature of the proposed use and development;
- (b) the topography of the site;
- (c) the location of existing buildings on the site;
- (d) any constraints imposed by existing development; and
- (e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.

##### **Not Applicable**

#### 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.

<b>Consistent</b> Complies with 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.
<b>Complies</b> The proposed development is for construction of a building for storage use, and each tenancy has a floor area of approximately 451.75sqm. The proposed tenancies (each) have less than 1000sqm of floor area. Therefore, the proposed development complies with A1.

#### C2.6.1 Construction of parking areas

That parking areas are constructed to an appropriate standard.
<b>Consistent</b> Complies with 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.
<b>Complies</b> The proposed parking, access ways, manoeuvring, and circulation spaces will be sealed with asphalt or spray seal and will be drained into the public stormwater system. This will be ensured by placing a condition on the permit.  Therefore, the proposed development satisfies with (a) and (b).

#### C2.6.2 Design and layout of parking areas

That parking areas are designed and laid out to provide convenient, safe and efficient parking.
<b>Consistent</b> Complies with performance criteria.
A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following: (i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i> ; (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

<p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890-Parking facilities, Parts 1-6</i>.</p>
<p><b>Complies</b></p> <p>The proposed parking, access ways, manoeuvring and circulation spaces comply with Australian Standard AS 2890 - Parking facilities, Parts 1-6. Furthermore, the proposed development was referred to Infrastructure &amp; Assets team, who had no objection to the development and placed standard conditions.</p> <p>Therefore, the proposed development satisfies (b).</p>
<p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 <i>Parking facilities, Off-street parking for people with disabilities</i>.</p>
<p><b>Complies</b></p> <p>The proposed development includes one disability car parking space at corner of the northwest side boundary of the property.</p> <p>(a) The proposed accessible parking space is located at the northwest corner of the proposed development and is in very close proximity to the main entry points of the building.</p> <p>(b) The disability car parking space will be incorporated into the overall car park.</p> <p>(c) The disability car parking spaces will be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009. The proposal was referred to Council's Infrastructure and Assets team, who had no objection to the application, and conditions will be applied to meet Australian standards.</p> <p>Therefore, the proposed development complies with A1.2</p>
<p>P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the proposed slope, dimensions and layout;</p> <p>(c) useability in all weather conditions;</p> <p>(d) vehicle and pedestrian traffic safety;</p> <p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of <i>Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking</i> and <i>AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities</i>.</p>
<p><b>Not Applicable</b></p>

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.
<b>Consistent</b>
Complies with 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.
<b>Complies</b>
The proposed development comprises of six different properties with six different accesses from Howard and Montagu Street. There are two existing accesses from Howard Street, and three accesses from Montagu Street. The number of accesses will be reduced to one access from Howard Street and two accesses from Montagu Street.
Therefore, the proposed development complies with (b)

C2.6.5 Pedestrian access

That pedestrian access within parking areas is provided in a safe and convenient manner.
<b>Consistent</b>
Complies with both acceptable solution and performance criteria.
A1.1 Uses that require 10 or more car parking spaces must:
(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:
(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or
(ii) protective devices such as bollards, guardrails or planters between the footpath and the access way or parking aisle; and
(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.
<b>Relies on Performance Criteria</b>
The proposed development requires 20 on-site car parking spaces for the proposed use. The proposal includes 20 car parking spaces, including accessible car parking.
The proposed 15 car parking spaces are located along the western side of the building and include 1.2m wide footpath with a horizontal distance of more than 2.5m from the access ways. However, the proposed four car parking spaces along the northern side of the building do not include a 1m wide footpath. Therefore, the proposed development relies on performance criteria.
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.

**Relies on Performance Criteria**

The proposed accessible car parking spaces is located within the site but does not include a footpath to the main entry point of the building. Therefore, the proposed development relies on performance criteria.

P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to:

- (a) the characteristics of the site;
- (b) the nature of the use;
- (c) the number of parking spaces;
- (d) the frequency of vehicle movements;
- (e) the needs of persons with a disability;
- (f) the location and number of footpath crossings;
- (g) vehicle and pedestrian traffic safety;
- (h) the location of any access ways or parking aisles; and
- (i) any protective devices proposed for pedestrian safety.

**Complies**

The proposed development included safe and convenient pedestrian access to the parking areas located along the eastern side of the building. However, the proposed development does not include a footpath for the proposed parallel parking spaces along the northern side of the building or the proposed accessible car parking space. The variation has been considered with regard to the above criteria as follows:

(a) The proposed development is for storage use with five tenancies, and the number of DDA accessible parking users are expected to be minimal. The proposed parallel parking spaces are located along the northern side of the building and the parking spaces can only be accessed from Howard Street. However, the subject site will be levelled, open and provided good sight lines between the parking and the entrances.

(b) The subject site will have five tenancies for storage use,

(c) The subject site will have 20 on-site car parking spaces, including one accessible parking space.

(d) The frequency of vehicle movement within the car parking area is expected to be low, with periods of increased demand on occasion.

(e) The proposed accessible car parking is required and will serve a range of people visiting the future uses.

(f) The proposed development includes 1.2m wide footpath crossing along the eastern side of the building, which 15 car parking spaces will access. The subject site adjoins two road frontages and the proposed development can access the public footpath along the Montagu and Howard Streets to access the site. However, the proposed parking spaces, including accessible parking, are located within the site and provide good sight lines between the parking and entrances. Furthermore, the application was referred to Infrastructure & Assets who had no objection to the proposed development.

- (g) The proposed development was referred to Infrastructure & Assets who had no objection to the proposed development.
- (h) The subject site can be entered from Howard Street and exited via Montagu Street. As this will be one-way access, the proposed parallel parking spaces and accessible spaces will have good sightlines to access the entry points of the building.
- (i) The proposed development does not include any protective devices apart from bollards associated with the accessible parking space.

Therefore, the proposed development complies with P1.

#### 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**

Complies with acceptable solution

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 proposal was referred to Council's Infrastructure and Assets team, who had no objection to the application, and conditions will be applied to meet Australian standards.

P1 Loading bays must have an area and dimensions suitable for the use, having regard to:

- (a) the types of vehicles likely to use the site;
- (b) the nature of the use;
- (c) the frequency of loading and unloading;
- (d) the area and dimensions of the site;
- (e) the topography of the site;
- (f) the location of existing buildings on the site; and
- (g) any constraints imposed by existing development.

#### **Not Applicable**

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 proposal was referred to Council's Infrastructure and Assets team, who had no objection to the application, and conditions will be applied to meet Australian standards.

P2 Access for commercial vehicles to and from the site must be safe, having regard to:

- (a) the types of vehicles associated with the use;
- (b) the nature of the use;
- (c) the frequency of loading and unloading;
- (d) the area and dimensions of the site;



(e) the location of the site and nature of traffic in the area of the site; (f) the effectiveness or efficiency of the surrounding road network; and (g) site constraints such as existing buildings, slope, drainage, vegetation, parking and landscaping.
<b>Not Applicable</b>

#### 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 proposed development will not have a negative impact on any road or railway 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.

#### **Consistent**

Complies with performance criteria.

A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:

- (a) a new junction;
- (b) a new vehicle crossing; or
- (c) a new level crossing.

#### **Not Applicable**

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

#### **Complies**

The proposed development includes three new vehicle crossings, one from Howard Street and two from Montagu Street, to serve the proposed use and development. As part of the application process, the development has been referred to the council's Infrastructure and Assets department, who is the road authority for Howard and Montagu Street. The road authority is not concerned with the proposed development, but further approvals will be required for creating new crossovers, and standard conditions will be applied.

A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.

#### **Not Applicable**

A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:

- (a) the amounts in Table C3.1; or
- (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.

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

The proposed development includes 20 car parking spaces, including one accessible car parking space and five loading bays for the proposed five tenancies that are

proposed within the building. The subject site will have one entry point from Howard Street for the car parking spaces and exit via a new crossover on Montagu Street. The proposed internal loading bays will enter and exit the site from Montagu Street. The vehicular traffic movement for the proposed use will increase traffic by 51 vehicles per day. Therefore, the proposed development relies on performance criteria.

A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.

**Not Applicable**

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:

- (a) any increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature of the road;
- (d) the speed limit and traffic flow of the road;
- (e) any alternative access to a road;
- (f) the need for the use;
- (g) any traffic impact assessment; and
- (h) any advice received from the rail or road authority.

**Complies**

The proposed vehicular traffic to and from the site will have minimal impact on the operations of the surrounding road network and does not adversely impact the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road. The vehicular traffic movement for the proposed use will increase traffic by 51 vehicles per day. The variation has been considered with regard to the above criteria as follows:

(a) The traffic generated by the proposed development is more than the amount of acceptable increase for the site. The submitted TIA and the proposed development was referred to Council's Infrastructure & Assets team, who had no objection and applied conditions.

*Based on traffic modelling presented in the TIA report, traffic generated by the proposed development is expected to have minimal impact on the operation of the surrounding road network both post development and 10-years post development*

(b) The traffic generated by the use will be commercial vehicles and light vehicles. The nature of the traffic generated by the use is expected to be consistent with the traffic already in the surrounding road network.

(c) Montagu and Howard Street are maintained by local authority, enabling the safe and efficient ingress and egress of light and commercial vehicles to and from the site.

(d) Howard and Montagu Streets has a speed limit of 50km/h, which is expected to be consistent with the existing traffic flow in the surrounding road network.

(e) No alternative access to Montagu Street and Howard Street is provided as part of the development.

(f) The proposed development is located in the Light Industrial zone and will employ more local workers and provide commercial storage facilities for future businesses.

(g) The proposed development included a traffic impact assessment outlining the additional traffic generated by the proposed use and development.

- *As the light industrial development is proposing to provide 20 car parking spaces including 1 DDA accessible parking spaces, the requirements of the Planning Scheme are met.*
- *A 12.5m HRV is able to navigate safely and efficiently throughout the site whilst maintaining relevant clearances to parking spaces and the building for each tenancy*
- *Based on the swept paths assessment, it is identified that a 12.5m HRV can enter and exit all tenancies safely and efficiently in both forward and reserve direction*
- *The proposed car parking dimensions meet the requirements of AS 2890.1 and AS 2890.6*
- *The sight distance at the proposed accesses onto Montagu Street complies with the requirements of the Planning Scheme and the Austroads Guide Part 4A*
- *The residential development driveway width complies with the Australian Standard*
- *Should the residential development provide sufficient sight distance at each end of the one-way driveway, the lack of passing opportunities may be considered acceptable*
- *The proposed light industrial development complies with the planning scheme's applicable parking and traffic requirements; and*
- *With regard to the strategic and orderly planning of the area and the State road and rail network, the proposed rezoning to Light Industrial meets the requirements of Part D.2.1.1 of the NRLUS; and with regard to the strategic and orderly planning of the area and the State road and rail network, the proposed rezoning to General Residential meets the requirements of Part D.2.1.1 of the NRLUS.*

(h) The proposal was referred to Infrastructure Assets, who had no objection to the proposal.

Therefore, the proposed development complies with performance criteria.

#### C9.0 Attenuation Code

The purpose of the Attenuation Code is:

C9.1.1 To minimise adverse impacts on the health, safety and amenity of sensitive use from activities which have the potential to cause emissions.

C9.1.2 To minimise the likelihood for sensitive use to conflict with, interfere with, or constrain, activities which have the potential to cause emissions.

#### **Consistent N/A**

pitt&sherry prepared a report assessing the subject code, however the Attenuation Code only applies to storage uses which are storing petroleum, crude oil, hides and chemicals. As no specific uses are proposed to occupy the tenancies at this stage, there is currently no proposal to store these goods and the code does not apply. In the event that a business does propose to store items listed within the Attenuation Codem, a further planning application will be required at that time.

#### C15.0 Landslip Hazard Code

The purpose of the Landslip Hazard Code is:

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

**Consistent**

The subject site is located within low and medium landslip areas. The proposed development is within the low landslip area and does not cause any risk for the type, scale, or intensity and intended life of use or development. However, the proposal is exempt under clause C15.4.1 (d), as authorisation under the *Building Act 2016* will be required for the proposed development.

Therefore, the proposed development does not require further assessment.

**LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan**

The purpose of the Invermay/Inveresk Flood Inundation Specific Area Plan is:

LAU-S10.1.1 To reduce risks and hazards from flooding in the Invermay/Inveresk flood inundation area.

LAU-S10.1.2 To require that new development is sited and designed to minimise the impact of flooding.

LAU-S10.1.3 To require the consideration of the siting, design and emergency response capability of new development on land subject to flood inundation.

**Consistent**

A flood assessment was completed by pitt&sherry on 25/01/2023, confirming that the facility would be subject to flood inundation, with damage to the structure and loss of stock likely in the event of a flood. The pitt&sherry report recommended that the development must be designed to be flood compatible and flood resilient for the ground floors.

Furthermore, the proposal meets the local area objective (Clause LAU-10.3.1.1) of the SAP, as no residential use is proposed, no significant community infrastructure, and no conversion of industrial uses to residential uses.

**LAU-S10.6 Use Standards**

To prevent unacceptable uses from establishing in areas subject to, or isolated by, flood inundation.

**Consistent**

The proposal complies with the acceptable solutions.

A1 Use, must not be for: (a) Education and Occasional Care, excluding in the Inveresk Cultural Precinct; (b) Emergency Services; or (c) Hospital Services.

**Complies**

The proposal is for Storage.

P1 No Performance Criterion.

**Not Applicable**

A2 Use must not be for Residential use, excluding:

- (a) a single dwelling in the Invermay Residential or Inveresk Residential precincts;
- (b) a multiple dwelling in the Invermay Residential Precinct; or
- (c) associated with and supporting the educational activities within the Inveresk Cultural Precinct.

**Complies**

The proposal does not include residential use.

P2 No Performance Criterion.
<b>Not Applicable</b>
A3 Use must not be for Community Meeting and Entertainment in the Riveredge Industrial or Inveresk Residential precincts, excluding a museum in the Riveredge Industrial Precinct; and located in the Light Industrial Zone or Commercial Zone.
<b>Complies</b>
The proposal is for Storage in Riveredge Industrial Precinct.
P3 No Performance Criterion.
<b>Not Applicable</b>

#### LAU-S10.7 Development Standards for Buildings and Works

##### LAU-S10.7.1 Intensification of Residential development

To limit the intensification of residential development in areas subject to, or isolated by, flood inundation.
A1 New residential development or extensions of existing residential buildings, excluding within the Invermay Residential Precinct, must:
(a) not increase the gross floor area of individual dwellings or total gross floor area by 10% more than that existing or approved on the 1st January 2008;
(b) not result in more than 200m <sup>2</sup> of gross floor area on a single title; or
(c) be for residential uses associated with the educational activities within the Inveresk Cultural Precinct.
<b>Not Applicable</b>
P1 No Performance Criterion.
<b>Not Applicable</b>

##### LAU-S10.7.2 Flood impact

P1 No Performance Criterion.
<b>Consistent</b>
Complies with performance criteria.
A1 Floor levels of all habitable rooms within the Residential Use Class must be not less than 3.7m AHD.
<b>Not Applicable</b>
The proposal does not include habitable rooms and is not for the residential use class.
P1 No Performance Criterion.
<b>Not Applicable</b>
A2 No Acceptable Solution.
<b>Not Applicable</b>
P2 Buildings within the Residential Use Class in the Inveresk Cultural Precinct must be sited and designed in accordance with a hydrological report and an emergency management plan prepared by a suitably qualified engineer. The report and plan must:
(a) detail:
(i) the risks to life;
(ii) the likely impact on the use or development; and
(iii) how the use or development will manage the risk to tolerable levels,
during either an overtopping of the levee or a levee breach at the closest point in the levee during a 5% AEP, 2% AEP or a 1% AEP flood event; and

<p>(b) consider the following:</p> <ul style="list-style-type: none"> <li>(i) the likely velocity and depth of flood waters;</li> <li>(ii) the need to locate electrical equipment and other fittings above the 1% AEP flood level;</li> <li>(iii) the likely effect of the use or development on flood characteristics;</li> <li>(iv) the development and incorporation of evacuation plans into emergency management procedures for the precinct; and</li> <li>(v) the ability of the use or development to withstand flood inundation and debris damage and the necessity for the incorporation of any flood proofing measures in the development.</li> </ul>
<p><b>Not Applicable</b></p>
<p>A3 All buildings not in the Residential Use Class must have a:</p> <ul style="list-style-type: none"> <li>(a) floor level of not less than 3.4m AHD; and</li> <li>(b) gross floor area of not more than: <ul style="list-style-type: none"> <li>(i) 400m<sup>2</sup>; or</li> <li>(ii) 10% more than that existing or approved on the 1st January 2008.</li> </ul> </li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>The proposed development has a floor height of 1.6m AHD, with a gross floor area of more than 400sqm, approximately 2258.75sqm. Therefore, the proposed development relies on performance criteria.</p>
<p>P3 Buildings not in the Residential Use Class must be sited and designed in accordance with a hydrological report and an emergency management plan prepared by a suitably qualified engineer. The report and plan must:</p> <ul style="list-style-type: none"> <li>(a) detail: <ul style="list-style-type: none"> <li>(i) the risks to life;</li> <li>(ii) the likely impact on the use or development; and</li> <li>(iii) how the use or development will manage the risk to tolerable levels, during either an overtopping of the levee or a levee breach at the closest point in the levee during a 5% AEP, 2% AEP or a 1% AEP flood event; and</li> </ul> </li> <li>(b) consider the following: <ul style="list-style-type: none"> <li>(i) the likely velocity and depth of flood waters;</li> <li>(ii) the need to locate electrical equipment and other fittings above the 1% AEP flood level;</li> <li>(iii) the likely effect of the use or development on flood characteristics;</li> <li>(iv) the development and incorporation of evacuation plans into emergency management procedures for the precinct; and</li> <li>(v) the ability of the use or development to withstand flood inundation and debris damage and the necessity for the incorporation of any flood proofing measures in the development.</li> </ul> </li> </ul>
<p><b>Complies</b></p> <p>The proposal is consistent with the hydrological report and emergency plan and this will be included in the endorsed documents.</p> <p>Flood Assessment recommendations:</p> <ul style="list-style-type: none"> <li>• <i>The structure is to be designed to withstand hydrodynamic loading up to 1.5m/s. Flow may originate from any direction so all faces of the structure should consider this load</i></li> </ul>

- The structure is to be designed to withstand hydrostatic loading up to 5.35m AHD. A conservative approach of assuming the inside of the building is dry and the outside wet should be adopted*
- Where practical, all critical infrastructure such as critical electrical components, HVAC, etc. should be installed at a level of 5.85 m AHD (5.35m AHD plus 0.5m freeboard). It is noted that opportunity may be limited given that this development is primarily an extension and fit out.*
- Consider an elevated storage area where critical items can be stored; and*
- Prepare and update the flood emergency management plan (a draft plan has been provided in Appendix C) to firstly; manage risk to life and secondly, to minimise economic loss.*