

TASMANIAN PLANNING COMMISSION

DECISION

Planning scheme	Tasmanian Planning Scheme – Launceston
Amendment	PSA-LLP0029 - remove LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan, insert new LAU-S17 Flood Levee Protected Areas Specific Area Plan and modify the Flood- Prone Areas Hazard Code overlay.
Planning authority	City of Launceston
Date of decision	24 August 2026

Decision

The draft amendment is modified under section 40N(1)(b) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 40Q.

Roger Howlett
Delegate (Chair)

Robin Nolan
Delegate

Disclosure Statement

Mr Roger Howlett, a Commission delegate, disclosed the following associations at the hearing:

- Mr Kevin Hazell (representation 5 on the website) is a work colleague of Mr Roger Howlett at the Tasmanian Planning Commission.
- Mr Kevin Hazell (representation 5 on the website) is a work colleague of Mr Robin Nolan at the Tasmanian Planning Commission.

Tasmanian Planning Commission Act 1997
Erratum under section 18A(1)
Decision on Tasmanian Planning Scheme - Launceston
Draft amendment PSA-LLP0029 24 August 2026

Table 1 - list of corrections to decision

Page	Paragraph	Correction	Approved
1	clause S17.6.1 of the LAU- S17 Flood Levee Protected Areas Specific Area Plan	delete (d) Community Meeting and Entertainment in high or medium FRP from A1 insert new clause A2 – A non-residential use must not be for: (a) significant community infrastructure in the low FRP: or (b) Community Meeting and Entertainment. insert new P2 - A use must have a tolerable risk when subject to, or isolated by flood inundation having regard to the recommendations in a comprehensive flood risk assessment. renumber clause A2/P2 to A3.1 and A3.2 and P3.	John Ramsay Executive Commissioner

REASONS FOR DECISION

Intent of the draft amendment

The draft amendment seeks to introduce a 'Flood Levee Protected Areas Specific Area Plan' to the Launceston Local Provisions Schedule. The Specific Area Plan (SAP) is proposed to apply to those parts of the city protected by flood levees. The draft amendment is to replace the current Invermay/Inveresk Flood Inundation Specific Area Plan which also applied to land within the flood levee protected areas of Launceston.

The SAP defines flood risk precincts to areas within the flood levees based on high, medium and low hazard measures of tolerable risk.

The SAP (as certified) purpose is stated (in part) as:

'To minimise the risk to human life, property and the environment caused by flooding and ensure that the use and development of land protected by levees is appropriately managed ...'

The draft amendment proposes to:

- delete LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan from the Launceston Local Provisions Schedule and overlay maps for the area defined in the proposed LAU-S17 Flood Levee Protected Areas Specific Area Plan (SAP)
- insert Substitute LAU-S17 Flood Levee Protected Areas Specific Area Plan (SAP) into the Launceston Local Provisions Schedule and overlay maps
- modify C12.0 Flood-Prone Areas Hazard Code overlay for the Ivy Lane area of Newstead

Site information

The site includes parts of Invermay, Newstead and Launceston, and incorporates areas currently protected by levees geographically represented and defined as the study area in figure 1.

The planning authority's documentation advises that the site, (within the levee system), currently has approximately 3,000 properties potentially at risk, comprising 2,222 in the Invermay/Inveresk flood inundation area and 712 properties in the Launceston CBD, Newstead, and other flood-prone areas.



Figure 1: Study Area

Representations

Ten representations were received during the exhibition process, including TasWater.

Issues raised in representations are summarised below:

- Support for the risk-based approach to flood risk management.
- Initiative critically important to enhancing safety and resilience of communities.
- Need for publicly available data sets to identify baseline conditions at effective dates.
- Climate change is a contested component affecting future flood levels.
- Discrepancies in the application area of the SAP for Newstead.
- Flood risk precincts defined on inaccurate and outdated information.
- Queries relating to the understanding and management of risk and capacity to respond to change over time.
- Drafting of the SAP including lack of performance criteria for some standards and appropriateness of plan purpose and objectives.
- Issues with definitions.
- No consideration for the risk to infrastructure from flooding.

- Potential to adversely impact on future development from restrictions on the intensity of residential use and development.
- Unreasonable increase in costs to comply with requirements and decrease in property values.
- Inconsistency with other Council policies relating to heritage and diversity of use in the inner city.
- Methodology used in the background report and suitability as basis for the SAP.

The draft amendment was referred to TasWater under section 56S of the *Water and Sewerage Industry Act 2008*. In response TasWater made a representation stating no objection to the draft amendment and that TasWater did not wish to attend any hearing.

Planning authority's response to the representations

The planning authority considered the representations and recommended modifications to the draft SAP.

Date and place of hearing

The hearing was held at the Launceston Convention Centre, Glen Dhu on 16 and 17 June 2026.

Appearances at the hearing

Planning authority: Mr Richard Jamieson, Senior leader City Development, City of Launceston

Ms Erica Deegan, Senior Leader Property and Asset Strategy, City of Launceston

Ms Anushka Dissanayake, Town Planner, City of Launceston

Mr Jordan Gunton, Emergency Management Advisor, City of Launceston

Representors: Mr Ian Abernethy representing Tas-Fitness Pty Ltd

Mr Kevin Hazell representing self as property owner in Inveresk

Mr Tristan Manion representing self as property owner in Inveresk

Mr Chris Irvine, representing Flood Risk Unit, State Emergency Service

Consideration of the draft amendment

1. Under section 40M of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the draft amendment to the Local Provisions Schedule (LPS) and the representations, statements and recommendations contained in the planning authority's section 40K report and any information obtained at a hearing.
2. A hearing was convened to assist the Commission consider the issues in the representations.

3. The Commission must also consider whether the draft amendment meets the LPS criteria as set out under section 34(2) of the Act:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS; and
 - (b) is in accordance with section 32; and
 - (c) furthers the objectives set out in Schedule 1; and
 - (d) is consistent with each State policy; and
 - (da) satisfies the relevant criteria in relation to the TPPs; and
 - (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
 - (f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates; and
 - (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
 - (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.
4. Where relevant, these matters are discussed in the sections below.

Consideration of Representations

5. The planning authority in its section 40K report of 22 January 2026 and in consideration of the matters raised in the representations, recommended the following modifications to the draft amendment:
 - 2.a Expand the plan purpose to include flood risk as a consideration in future land use.
 - 2.b Add or expand definitions for: Annual Exceedance Probability (AEP)
Dangerous Goods
Flood Hazard Report
Hazardous materials
Probable Maximum Flood (PMF)
 - 2.c Modify Tables 17.7.1 and 17.7.2 in relation to minimum floor levels expressed in terms of inclusion of freeboard and AEP in the calculations.
 - 2.d Amend Clause LAU-S17.6.3 P1 to replace the term “flood impact report” with “flood hazard report”
 - 2.e Amend Clause LAU-S17.7.1 P2(b) to replace the term “flood impact report” with “flood hazard report”
 - 2.f Amend Clause LAU-S17.7.2 P1 to replace the term “flood impact report” with “flood hazard report”; and

- 2.g Amend Clause LAU-S17.7.3 P1 to replace the term “flood impact report” with “flood hazard report”.
3. Amend Draft Amendment PSA-LLP0029 to remove a section of the Ivy Lane, Newstead mapped area from the C12.0 Flood-Prone Areas Hazard Code overlay map.
4. Redraw Figure LAU-S17.1 (Flood Risk Overlay Map) to redefine the boundary between the low and medium risk flood risk precincts to incorporate hazard 1 and hazard 2 classification floods within the low flood risk precinct thereby increasing the proportion of the proposed overlay classified as low risk.

Commission consideration

6. The planning authority's consideration of the representations and the recommendations for modifications to the draft amendment are in accordance with the requirements of section 40K of the Act.

Evidence to the hearing

7. Evidence for the Planning authority provided an overview of the history of flooding of Inveresk and Invermay from the early settlement of Launceston. Flooding arises from the confluence of the North Esk, South Esk and Tamar Rivers when flood waters coincide with high estuarine tides and flood adjacent low-lying land. The repeat history of flooding led to the construction of levees and their augmentation over many years. Nevertheless, despite the levees, through the better understanding of hydrology of the river systems, and with climate change, flooding of levee protected areas is likely in the future. The draft amendment provides a risk-based response to the likelihood of flooding with a focus on not increasing the vulnerability, particularly of residential use and development during flood events. Council officers outlined the consequences of a flood event, including the need for evacuation, emergency shelter and rehousing, as well as structural impacts on flooded buildings and infrastructure.
8. Evidence for representors was heard from Ian Abernethy, Kevin Hazell, Tristan Manion and Chris Irvine.
9. Mr Abernethy referred to his client's property at 69 William Street, Launceston that fell partly into the medium flood risk precinct and partly outside the SAP area. This meant that under SAP clause S.17.2.2 the higher flood risk precinct applied to the whole property. He referred to his client's interest in building residential units above ground level and above flood levels that under the SAP would be restricted to 200m² gross floor area. Mr Abernathy supported the planning authority's recommendation in the section 40K report to redefine flood risk precinct boundaries to low risk.
10. Mr Hazell questioned what was sufficiently unique to warrant the application of the proposed SAP over the current Flood-Prone Areas Hazard Code which includes provisions that have been validated through the State Planning Provisions (SPPs). He submitted the assumptions underpinning the proposed SAP needed to be validated. He further stated that the provisions were not appropriate for existing legacy communities where an agility of provisions were required.

11. Mr Hazell challenged whether the SAP could satisfy the provisions of sections 34(2)(b) and 32(4) of the Act. Mr Hazell challenged the merit of the proposed SAP arguing that a less burdensome approach was required for legacy communities such as Invermay.
12. Mr Manion has property at 16a Goderich Street Invermay that was purchased in 2012 and currently subject to an application with the planning authority to develop the property. Mr Manion contended it was not possible to redevelop the property as intended because of minimum height floor levels under the proposed SAP and the maximum building height in the zone of 8.5m in the zone. Mr Manion contended the provisions of the draft amendment would affect affordability, devalue the property and lead to lost equity. Mr Manion contended that given the existence of the flood levees, he questioned the need for the proposed SAP.
13. Mr Irvine, for the SES submitted that the statewide code included in the SPPs was not appropriate to control the relevant matters in this area of Launceston within the levees. Mr Irvine also stated that there were, in his view other areas in the state in the same position. Mr Irvine supported the proposed SAP and the limiting performance criteria in the standards of the proposed SAP for certainty and to remove ambiguity.

Commission consideration

14. Evidence at the hearing allowed for the intent of the draft amendment to be explained and explored in detail. The evidence for the representors with property included in the area of the proposed SAP focused on how particular provisions restricted future use and development of their property.
15. The Commission is persuaded by the evidence presented by the planning authority and SES and notes that the representors did not challenge the flood hazard or that the levees were vulnerable to failure under future flood events.
16. The Commission finds that the risk to people, the prospect of severe property damage and the consequences from a flood event on evacuation and recovery is relevant for the planning scheme to address in respect to regulating land use and development. In this regard the proposed SAP is appropriate to set provisions unique to the area. Compared to the Flood-Prone Areas Hazard Code in the SPPs, the proposed SAP prohibits 'unacceptable uses' particularly for intensive residential use that is less tolerant to flood risk. The proposed SAP would add certainty through the focus on acceptable solutions setting the standard for tolerable risk. In contrast the general Flood-Prone Areas Hazard Code which has predominately performance criteria where there is less certainty on outcome and ability achieve the purpose of the proposed SAP.
17. In this context the similarity of the existing Flood SAP in the Launceston LPS is noted where there are unacceptable uses and limited performance criteria in the standards. Moving from the general to the specific, representor submissions that the draft SAP was too negative, and that there is a need to align with the terminology used in the State Planning Provisions, is accepted and examined later in the decision.

Additional documentation

18. At the hearing Mr Jamieson tabled the *Launceston Flood Risk Management Deed* between the Tasmanian Crown and the Launceston City Council of 29 April 2008. Mr Jamieson highlighted section 4.2 Planning Controls of the deed that requires that the Council:
- ‘Must prepare amendments to the Launceston Planning Scheme ...to constrain increases in potential future flood damage to property in the 1:100 year flooding overlay areas in Invermay and must address the flood hazard by introducing measures that’ The 7 measures that followed formed the basis for the draft amendment.
19. Mr Jamieson submitted that State funding for the augmentation of the flood levee was contingent on the implementation of the deed. The planning control provisions of the deed were brought into the previous Launceston planning scheme in 2011. Mr Jamieson contended the obligations under the deed remain relevant to the current planning scheme.

Commission consideration

20. The Commission notes the obligations on the Council under the deed in respect to specific provisions in the planning scheme and that the draft amendment is consistent with those obligations. In reference to the LPS criteria the Commission finds that consideration of the deed furthers the RMPS objective Part 1(e) concerning the intergovernmental sharing of responsibility for resource management and planning.

Specific Area Plan

21. Under section 32(4) of the Act, an LPS may only include a specific area plan if:
- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or
 - (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.
22. The planning authority’s report 13 June 2025 submitted that the draft amendment met section 32(4) (b).
23. The planning authority submitted that the flood risk was likely to increase because of climate change and potentially result in reduced levee protection and an increase in flood risk requiring specific provisions for the area.

Commission consideration

24. The Commission agrees with the submissions of the planning authority and the SES that the discrete areas of Launceston included in the proposed SAP are flood prone and although protected by flood levees the expert advice to the planning authority is that the levees, under certain conditions, may be breached or fail.
25. The Commission finds that a SAP is the most appropriate mechanism to provide the unique provisions required for the management of the identified

areas given the underlying risk of flood. The Commission finds that the proposed SAP is in accordance with section 32(4)(b) of the Act.

Tasmanian Planning Policies (TPPs)

26. The TPPs were made after the hearings on the draft amendment. The making of the TPPs led to the parties being invited by the Commission to make submissions as to whether the draft amendment 'satisfies the relevant criteria in relation to the TPPs' (Section 34(2)(da) *Land Use Planning and Approvals Act 1993*).
27. Submissions were received from the planning authority, Tas-Fitness Pty Ltd and the SES.
28. Tas-Fitness raised issue with whether the draft amendment met the relevant criteria when assessed against the 'General Application and Implementation directions' (TPPs) and related policies of the Council. The submission drew on the issues arising from the imminent closure of Boags Brewery and the reuse of the Boags site and the contended shortcomings of the draft amendment. Tas-Fitness reiterated its support for the part of the draft amendment that includes Hazard 1 and Hazard 2 classifications within the low flood risk precincts.
29. The SES identified where the draft amendment satisfied the TPP relevant criteria in the policy statements on Growth, Design and Environmental Hazards – Flooding.
30. The planning authority, like the SES, identified an array of policies that it contended demonstrated how the proposed amendment aligned with the relevant TPPs.

Commission consideration

31. The LPS criterion to be met is that the draft amendment 'satisfies the relevant criteria in relation to the TPPs'. The Commission finds the relevant criteria are found in policies 2.2 Waterways, wetlands and estuaries and 3.3 Flooding and that the draft amendment satisfies these criteria. Although other criteria, in general, are satisfied the evidence does not contend any policies are found to have an overriding effect such that the TPPs are not satisfied.

Regional land use strategy

32. The relevant regional land use strategy is the Northern Tasmania Regional Land Use Strategy 2018 (regional strategy).
33. The planning authority in its report of 13 June 2026 submitted that the draft amendment was consistent with strategic directions under goals: Economic Development and Liveability.

Commission consideration

34. The Commission, with specific reference to the 'Regional Environmental Policies' on 'Natural Hazards' (NH-P01 – NH-PO4), and with no evidence to the contrary, finds that the draft amendment, is as far as practicable, consistent with the regional strategy.

State Policies

35. The planning authority submitted in its report of 13 June 2025 that the State Coastal Policy, the Water Quality Policy and the NEPMs applied to the draft amendment and that the draft amendment was consistent with each of them.

Commission consideration

State Coastal Policy 1996 (Coastal Policy)

36. The Coastal Policy applies to land within 1km of high-water mark. Outcome 1.4.1 refers to:

‘areas subject to significant risk from natural coastal processes and hazards such as flooding, and sea-level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.’

37. While significant engineering and remediation works are present particularly in the form of flood levees, the proposed SAP has the purpose of not further adding to the flood risk by regulating use and development and requiring emergency management preparations.
38. The Commission finds the draft amendment is consistent with the Coastal Policy.

State Policy on Water Quality Management 1997 (Water Quality Policy)

39. Provisions in the proposed SAP aim at regulating the storage of dangerous goods and hazardous materials to minimise adverse impacts on water quality in the event of a flood.
40. The Commission finds the draft amendment consistent with the Water Quality Policy.

State Policy on the Protection of Agricultural Land 2009 (PAL Policy)

41. The policy does not apply as the site is not agricultural land as defined in the State Policy.

National Environment Protection Measures (NEPMs)

42. The Commission finds that the SAP standard for the management of dangerous goods and hazardous materials is consistent with the National Environmental Protection (National Pollutant Inventory) Measure that has the ‘Desired Environmental Outcomes’ for the maintenance and improvement of marine and estuarine water quality.

Schedule 1 Objectives of the Act

43. In considering the site’s vulnerability to flood waters and with specific reference to Part 1 objectives 1(b) and (e) and Part 2 objectives (d), (f), (h) and (i) the Commission finds the draft amendment furthers the Schedule 1 Objectives.

Part 1 objectives

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

- (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.

Part 2 objectives:

- (d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.
- (f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation.
- (h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.
- (i) to provide a planning framework which fully considers land capability.

Modifications required to draft amendment

- 44. Under section 40M of the Act the Commission must consider whether modifications to a draft amendment of an LPS ought to be made.
- 45. In response to the Commission's Direction 2 of 10 July 2026, the planning authority's submission of 30 July 2026 incorporated the changes to the SAP discussed at the hearing and in the section 40K report and modifications consequential to those changes.
- 46. The Commission's additional modifications that are required to the SAP are:
 - The Plan Purpose to identify all the matters that the standards in the SAP cover.
 - To combine the 3 defined expert reports to allow for a common set of information requirements plus as required specialised sections.
 - To redraw Figure LAU-S17.1 (Flood Risk Overlay Map) to redefine the boundary between the low and medium risk flood risk precincts to incorporate hazard 1 and hazard 2 classification floods within the low flood risk precinct. (Note this was a planning authority recommendation in its section 40K report which was not carried forward in the draft SAP).
- 47. In addition, minor modifications are required for consistency with the SPPs and the Commission's drafting conventions.
- 48. The Commission is satisfied that the above modifications to the draft amendment, including their cumulative effect, do not constitute a substantial modification. The Commission considers that the modified draft amendment retains the same planning strategy and policy position as the certified draft amendment and continues to facilitate the same use and development outcomes.

Decision on draft amendment

49. The Commission's assessment of the draft amendment includes consideration of the expert advice submitted in the planning authority's supporting report for section 40F that informed the draft amendment, the representations, the planning authority's report and recommendations on the representations, the evidence at the hearing and the LPS criteria at section 34 of the Act.
50. The Commission finds that despite the existence of the levees that provide a measure of protection from flood events, the evidence identifies a vulnerability that should not be ignored. The evidence is that the levees only provide protection up to the 1% Annual Exceedance Probability (AEP) flood, and because of climate change, the level of protection is declining with levees potentially being compromised in a 1% AEP event by the year 2050 is persuasive. There is a flood risk, the draft amendment seeks to manage the increase to that risk and to build the community's resilience.
51. The proposed SAP appropriately addresses this vulnerability through limiting further intensification of use, requiring development that sets minimum floor levels and is responsive to flood damage, avoiding environmental threats from dangerous goods and hazardous materials and responding to floods through emergency preparedness.
52. Consistent with this management of risk, the SAP adds certainty to planning outcomes through the standards that, in the main, do not offer performance criteria alongside the acceptable solutions. Limiting discretion, that has the potential to dilute the intent of the SAP, is appropriate to contain existing risks arising from the flood hazard.
53. Subject to the modifications described above, the Commission is satisfied that the draft amendment meets the LPS criteria and gives its approval.

Attachments

Annexure A – Modified amendment

Annexure A

Modified amendment

1. Remove the LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan from the Tasmanian Planning Scheme - Launceston Local Provision Schedule.
2. Remove the LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan from the overlay maps as shown below in Figure 1.

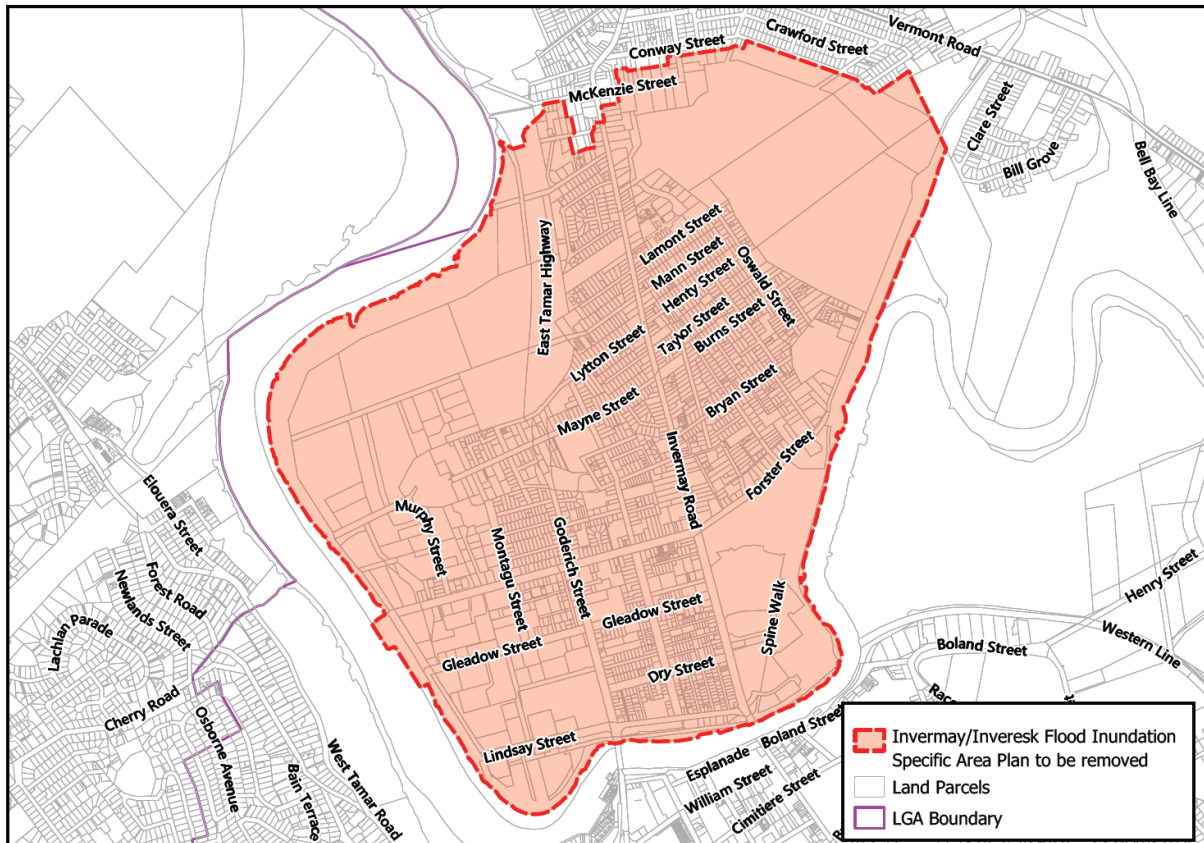


Figure 1: Map of area to remove the LAU-S10.0 Invermay/Inveresk Flood Inundation Specific Area Plan from overlay maps.

3. Remove the Flood-Prone Areas Hazard Code from the overlay maps as shown below in Figure 2 and Figure 3.

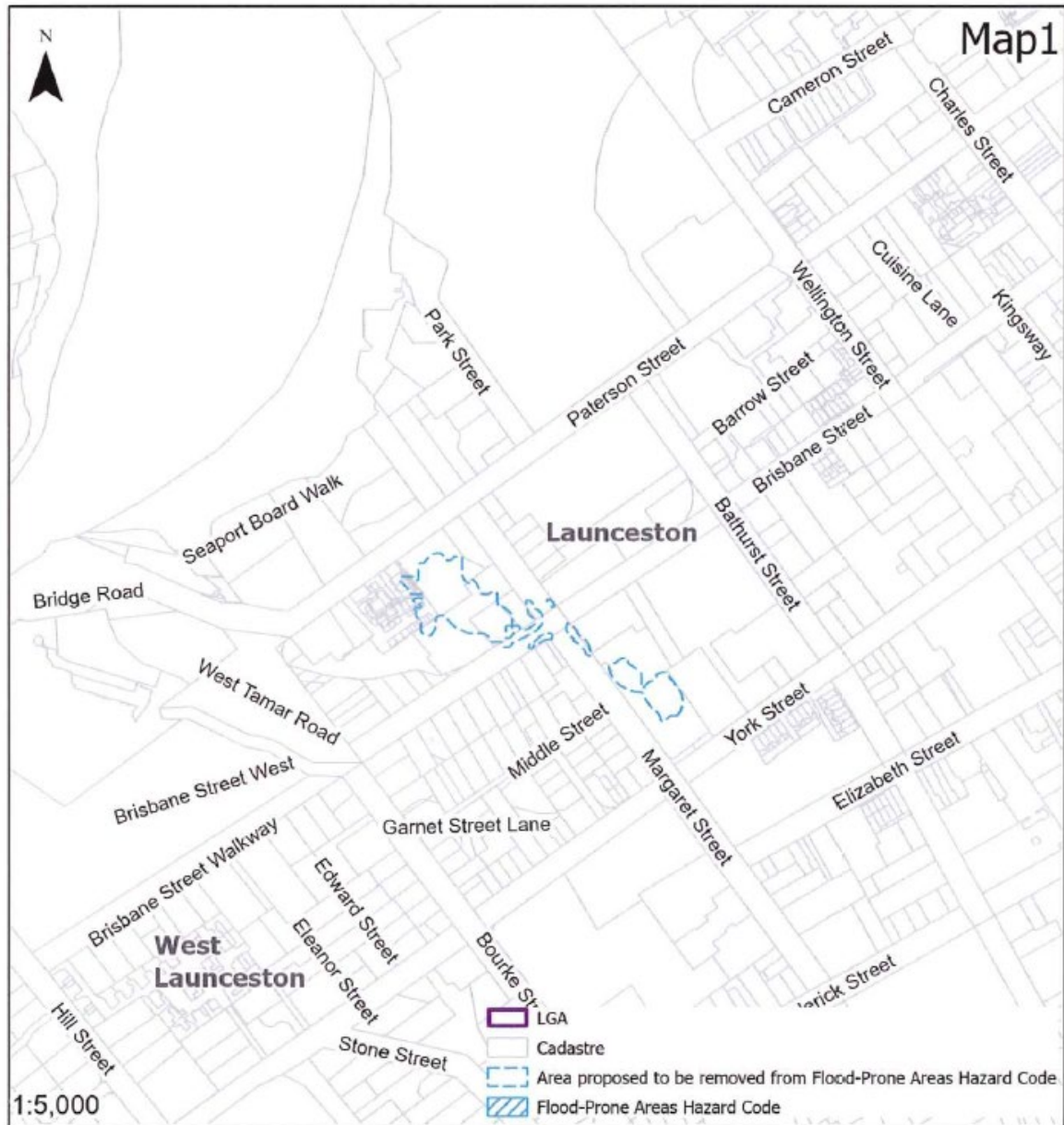


Figure 2: Map of areas to remove Flood-Prone Areas Hazard Code.

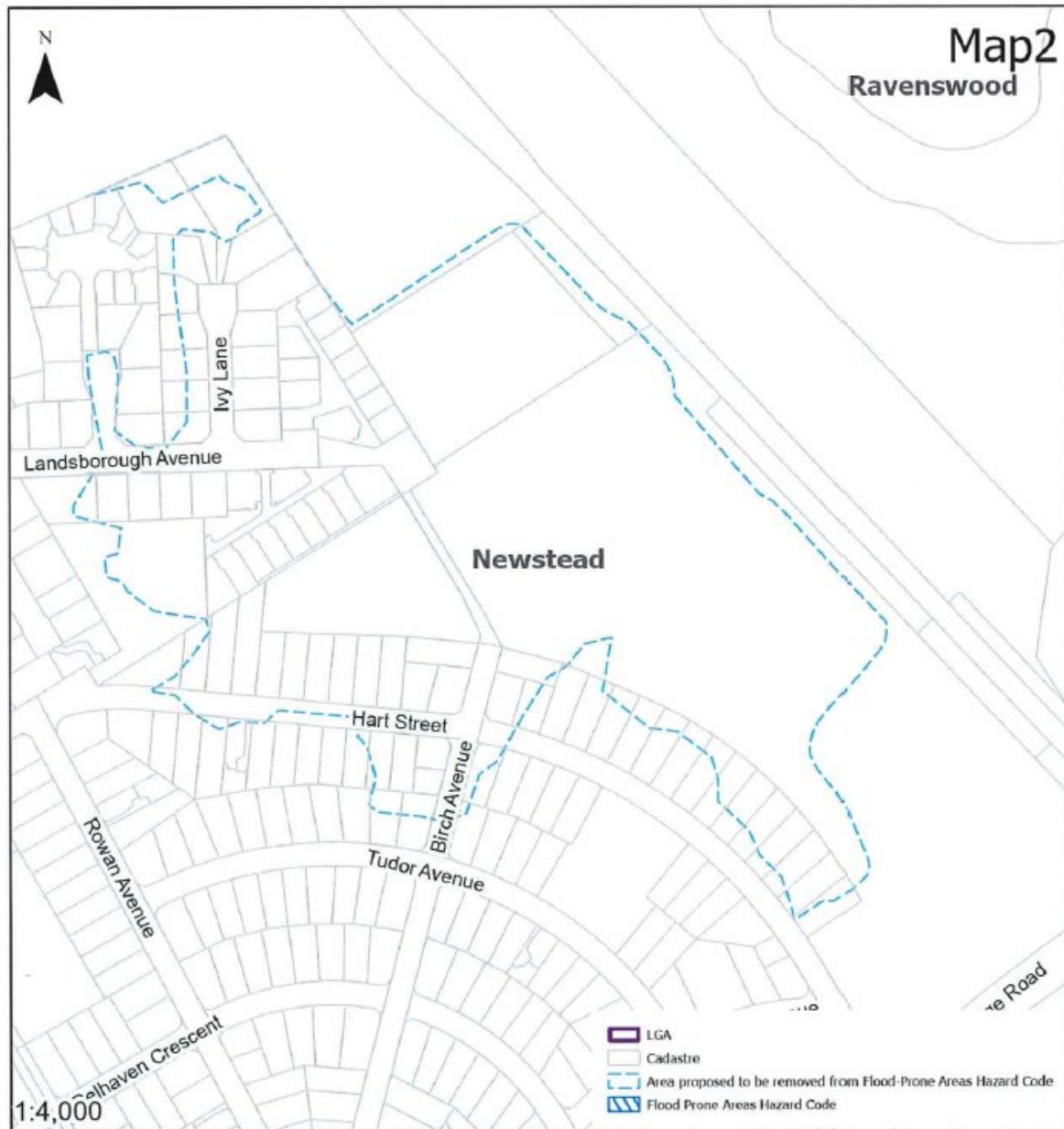


Figure 3: Map of areas to remove Flood-Prone Areas Hazard Code.

4. Insert the Flood-Prone Areas Hazard Code into the overlay maps as shown below in Figure 4.

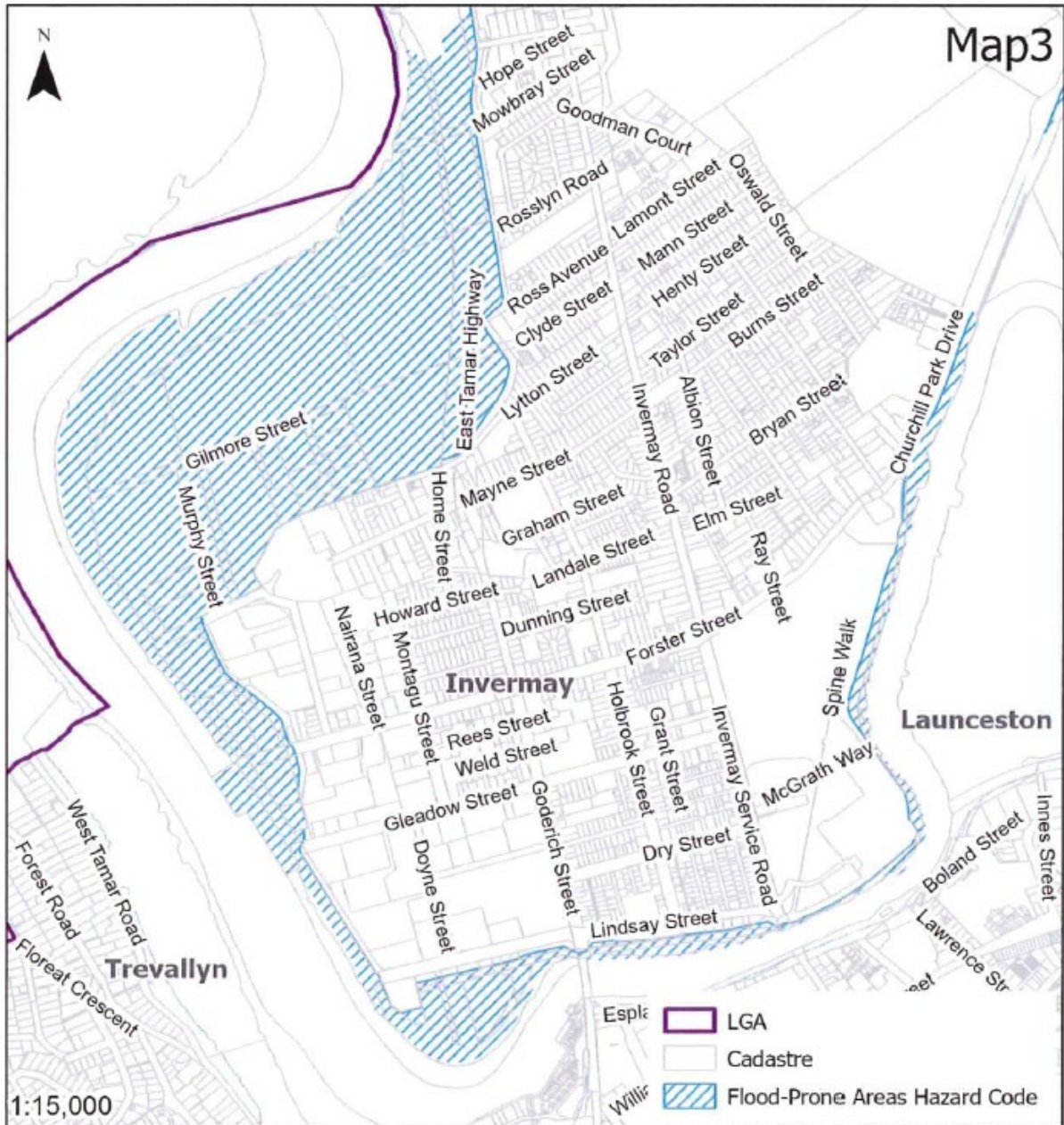


Figure 4: Map of areas to insert Flood-Prone Areas Hazard Code into the overlay maps.

5. Insert the LAU-S17 Flood Levee Protected Areas Specific Area Plan into the overlay maps as shown below in Figure 5.

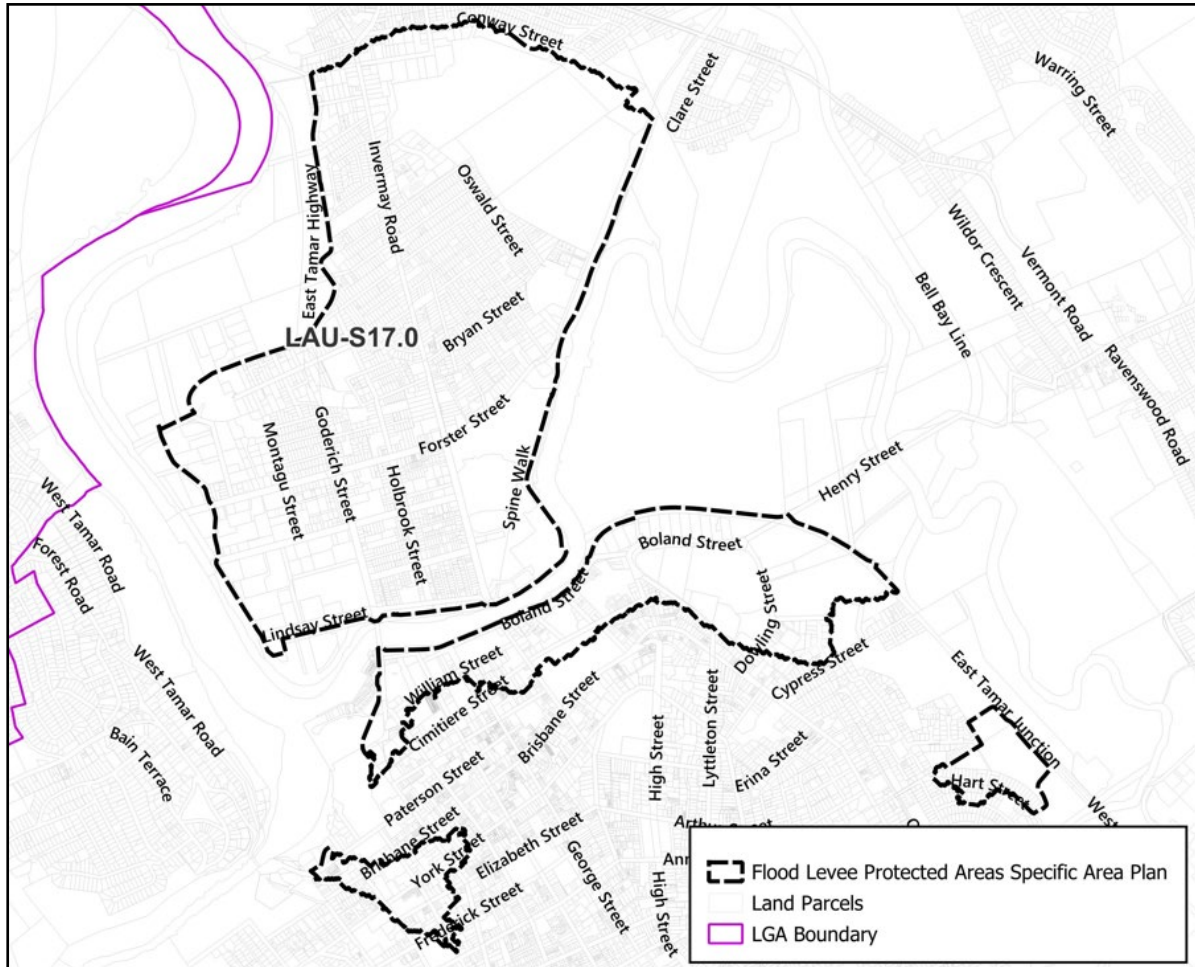


Figure 5: Map of area included in the LAU-S17 Flood Levee Protected Areas Specific Area Plan.

6. Insert the LAU-S17 Flood Levee Protected Areas Specific Area Plan into the Tasmanian Planning Scheme – Launceston Local Provisions Schedule.

LAU-S17 Flood Levee Protected Areas Specific Area Plan

LAU-S17.1 Plan Purpose

The purpose of the Flood Levee Protected Areas Specific Area Plan is:

- LAU-S17.1.1 To manage the risk to human life, property, and the environment caused by flooding on land protected by levees.
- LAU-S17.1.2 To provide for use and development where the risk of impact is tolerable when subject to, or isolated by, flood inundation.
- LAU-S17.1.3 To regulate the intensity of use and development so that the impact of flooding remains tolerable over the intended life of the use and development.
- LAU-S17.1.4 To ensure that the storage of dangerous goods and hazardous materials is managed to minimise adverse impacts on human life, property, public infrastructure, and the environment during flood events.
- LAU-S17.1.5 To ensure that use is operated in a manner that is integrated with emergency management arrangements.
- LAU-S17.1.6 To ensure that buildings and works are designed to achieve a tolerable risk when subject to impact from flood inundation.
- LAU-S17.1.7 To ensure that buildings and works are designed so that the behaviour of floodwaters achieves a tolerable risk on properties and public infrastructure external to a site.

LAU-S17.2 Application of this Plan

- LAU-S17.2.1 The specific area plan applies to the area of land designated as LAU-S17 Flood Levee Protected Areas Specific Area Plan on the overlay maps and in Figure LAU-S17.1.
- LAU-S17.2.2 Where a site the subject of an application is in more than one flood risk precinct; if the development is capable of being divided into independently distinguishable components the applicable standards for each flood risk precinct will apply. Otherwise, the applicable standards related to the highest flood risk precinct apply.
- LAU-S17.2.3 In the area of land to which this plan applies, the provisions of the specific area plan are in addition to the provisions of the:
 - (a) General Residential Zone;
 - (b) Inner Residential Zone;
 - (c) Urban Mixed Use Zone;
 - (d) Local Business Zone;
 - (e) Central Business Zone;

- (f) Commercial Zone;
- (g) Light Industrial Zone;
- (h) Rural Zone;
- (i) Utilities Zone;
- (j) Community Purpose Zone;
- (k) Recreation Zone;
- (l) Open Space Zone;
- (m) Particular Purpose Zone 3 - Seaport;
- (n) Particular Purpose Zone 4 - Inveresk Site;
- (o) Particular Purpose Zone 7 - Boags Brewery;
- (p) Particular Purpose Zone 9 - North Bank Silos; and
- (q) Particular Purpose Zone 10 - 10 Birch Avenue Storage Centre.

LAU-S17.2.4 The following use or development is exempt from this Specific Area Plan:

- (a) non-habitable buildings;
- (b) modifications or alterations to the internal floor space of residential buildings approved at the effective date;
- (c) Natural and Cultural Values Management use;
- (d) Passive Recreation use;
- (e) Port and Shipping in Proclaimed Wharf Areas;
- (f) Resource Development excluding a habitable building; or
- (g) minor utilities.

LAU-S17.3 Local Area Objectives

This clause is not used in this specific area plan.

LAU-S17.4 Definition of Terms

LAU-S17.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
comprehensive flood risk assessment	means a report prepared for a site by a suitably qualified person, that must include: (a) the details of, and be signed by the person who prepared or verified the report, including identification of the relevant part or parts of the report for which each person is responsible; (b) confirmation that each person who prepared or verified a part of the report has appropriate qualifications and expertise relevant to the matters addressed in that part of the report;

	(c) confirmation that the report has been prepared in accordance with any methodology, guideline or advice published by a Tasmanian State authority relating to flood risk management, emergency management, hazardous materials management, or climate change; and (d) recommendations about the proposed use or development, addressing the matters relevant to the proposal as detailed in a Flood Risk Plan, Flood Emergency Response Plan or Dangerous Goods and Hazardous Materials Management Plan. (i) Flood Risk Plan The flood risk plan is to assess whether the proposed use or development is likely to cause or contribute to the occurrence of flooding on the site or adjacent land and whether it can achieve and maintain a tolerable level of flood risk impact for the intended life of the use or development, having regard to: - the nature, intensity and duration of the use; - the type, form, scale and intended life of the development; - the flood hazard, including the likely depth, velocity, rate of rise, duration, and warning time for flood events; - the exposure of people, property, infrastructure, utilities, and services to flood risk; - the vulnerability of persons likely to be present on the site; - the vulnerability and resilience of buildings, works, infrastructure, utilities and services to flood impacts; - the likely change in the level of risk over the intended life of the use or development, including projected climate change conditions; - the ability of the use or development to be modified to adapt to a change in the level of risk; - flood events up to and including extreme events greater than a 1% annual exceedance probability flood event,
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	including overtopping or breach of levees where relevant; j. whether the use or development is likely to cause or contribute to flooding on the site or adjacent land; k. any measures required to avoid, reduce, manage, or mitigate flood risk in or beyond the boundary of the site; and l. any other matter relevant to the ongoing management of flood risk. (ii) Flood Emergency Response Plan The flood emergency response plan is to assess the proposed use or development, including whether persons on the site can be safely managed during a flood emergency, having regard to: a. the number of persons likely to be present on the site, including their vulnerability and likelihood of requiring assistance during a flood emergency; b. the available warning time for flood events, including extreme floods involving the overtopping or breach of levees at the closest point in the levee; c. the reliability, capacity, and safety of any evacuation route or access to a safe refuge or assembly area, having regard to Tasmanian evacuation planning principles; d. the procedures for warning, evacuation, shelter-in-place, emergency communication, and assistance to persons requiring support; e. the availability and suitability of safe refuge for all potential floods up to the year 2090; f. the roles and responsibilities of owners, operators, staff, occupants and emergency services in implementing the plan, consistent with Tasmanian Emergency Management Arrangements; g. the requirements of post-event recovery; and h. the arrangements for maintaining, testing, and reviewing the plan over the intended life of the use or development.
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	(iii) Dangerous Goods and Hazardous Materials Management Plan The dangerous goods and hazardous materials management plan is to assess the proposed use, including whether the storage, use or management of dangerous goods or hazardous materials can be appropriately managed during flood events, having regard to: - the type, quantity, and characteristics of the materials; - potential impacts on people, property, and the environment; - measures required to prevent, minimise, or manage flood-related impacts; and - ongoing management and emergency response arrangements.
dangerous goods	substances or articles classified under the Australian Dangerous Goods Code that pose a risk to health, safety, property, or the environment due to their explosive, flammable, toxic, corrosive, or environmentally hazardous properties.
flood risk precinct (FRP)	means that area shown in Figure LAU-S17.2 with an identified risk level of high, medium, or low and on the overlay map as clause LAU-S17.0.
flood risk precinct high	means that area identified as high risk as shown in Figure LAU-S17.2 and on the overlay map as clause LAU-S17.4.1.
flood risk precinct low	means that area identified as low risk as shown in Figure LAU-S17.2 and on the overlay map as clause LAU-S17.4.3.
flood risk precinct medium	means that area identified as medium risk as shown in Figure LAU-S17.2 and on the overlay map as clause LAU-S17.4.2.
Inveresk cultural precinct	means that area generally bound by Forster Street, Invermay Road and North Esk River, as shown in Figure LAU-S17.3 and on the overlay map as clause LAU-S17.5.
significant community infrastructure	means the following use classes Hospital Services, Emergency Services, or Educational and Occasional Care (excluding, tertiary institution, or employment training centre).

LAU-S17.5 Use Table

This clause is not used in this specific area plan.

LAU-S17.6 Use Standards

LAU-S17.6.1 Acceptable use

This clause is in addition to the:

- (a) General Residential Zone - clause 8.3 Use Standards;
- (b) Inner Residential Zone - clause 9.3 Use Standards;
- (c) Urban Mixed use Zone - clause 13.3 Use Standards;
- (d) Local Business Zone - clause 14.3 Use Standards;
- (e) Central Business Zone - clause 16.3 Use Standards;
- (f) Commercial Zone - clause 17.3 Use Standards;
- (g) Light Industrial Zone - clause 18.3 Use Standards;
- (h) Rural Zone - clause 20.3 Use Standards;
- (i) Utilities Zone - clause 26.3 Use Standards;
- (j) Community Purpose Zone - clause 27.3 Use Standards;
- (k) Recreation Zone - clause 28.3 Use Standards;
- (l) Open Space Zone - clause 29.3 Use Standards;
- (m) Particular Purpose Zone 3 - Seaport - clause P3.5 Use Standards;
- (n) Particular Purpose Zone 4 - Inveresk Site - clause P4.5 Use Standards;
- (o) Particular Purpose Zone 7 - Boags Brewery - clause P7.5 Use Standards;
- (p) Particular Purpose Zone 9 - North Bank Silos - clause P9.5 Use Standards;
and
- (q) Particular Purpose Zone 10 - 10 Birch Avenue Storage Centre - clause P10.5 Use Standards.

Objective:	That use is not exposed to an unacceptable level of risk when subject to, or isolated by, flood inundation.	
Acceptable Solutions		Performance Criteria
A1 A non-residential use must not be for: (a) a Custodial Facility; (b) Storage, if for a liquid fuel depot, in the high or medium FRP; or (c) significant community infrastructure in the high or medium FRP.		P1 No Performance Criterion.
A2 A non-residential use must not be for:		P2 A use must have a tolerable risk when subject to, or isolated by flood

(a) significant community infrastructure in the low FRP; or (b) Community Meeting and Entertainment.	inundation having regard to the recommendations in a comprehensive flood risk assessment.
A3.1 A residential use in the low or medium FRP must not be for: (a) a residential care facility; (b) a retirement village; (c) a respite centre; or (d) assisted housing. A3.2 Residential use in the high FRP, if for a single dwelling.	P3 No Performance Criterion.

LAU-S17.6.2 Intensity of use

This clause is in addition to the:

- (a) General Residential Zone - clause 8.3 Use Standards;
- (b) Inner Residential Zone - clause 9.3 Use Standards;
- (c) Urban Mixed Use Zone - clause 13.3 Use Standards;
- (d) Local Business Zone - clause 14.3 Use Standards;
- (e) Central Business Zone - clause 16.3 Use Standards;
- (f) Commercial Zone - clause 17.3 Use Standards;
- (g) Light Industrial Zone - clause 18.3 Use Standards;
- (h) Rural Zone - clause 20.3 Use Standards;
- (i) Utilities Zone - clause 26.3 Use Standards;
- (j) Community Purpose Zone - clause 27.3 Use Standards;
- (k) Recreation Zone - clause 28.3 Use Standards;
- (l) Open Space Zone - clause 29.3 Use Standards;
- (m) Particular Purpose Zone 3 - Seaport - clause P3.5 Use Standards;
- (n) Particular Purpose Zone 4 - Inveresk Site - clause P4.5 Use Standards;
- (o) Particular Purpose Zone 7 - Boags Brewery - clause P7.5 Use Standards;
- (p) Particular Purpose Zone 9 - North Bank Silos - clause P9.5 Use Standards;
and
- (q) Particular Purpose Zone 10 - 10 Birch Avenue Storage Centre - clause P10.5 Use Standards.

Objective:	That the intensity of a use achieves a tolerable risk when impacted, or isolated by flood inundation.	
Acceptable Solutions		Performance Criteria
A1 Residential use must: (a) be in the low FRP; or (b) if in the high or medium FRP: (i) have a gross floor area not more than 200m² per lot; or (ii) be for an alteration or extension to an existing Residential use provided the gross floor area does not increase by more than 10% from that existing at the effective date.		P1 No Performance Criterion.
A2 Non-residential use in the high or medium FRP must: (a) have a gross floor area not more than 400m² per lot; or (b) be for Visitor Accommodation use in an existing dwelling provided the gross floor area of the use is not more than 200m² per lot; or (c) be for an alteration or extension to an existing non-residential use provided the gross floor area does not increase by more than 10% from that existing at the effective date.		P2 A use must have a tolerable risk when subject to, or isolated by flood inundation having regard to the recommendations in a comprehensive flood risk assessment.

LAU-S17.6.3 Dangerous goods and hazardous materials

This clause is in addition to the:

- (a) General Residential Zone - clause 8.3 Use Standards;
- (b) Inner Residential Zone - clause 9.3 Use Standards;
- (c) Urban Mixed Use Zone - clause 13.3 Use Standards;
- (d) Local Business Zone - clause 14.3 Use Standards;
- (e) Central Business Zone - clause 16.3 Use Standards;

- (f) Commercial Zone - clause 17.3 Use Standards;
- (g) Light Industrial Zone - clause 18.3 Use Standards;
- (h) Rural Zone - clause 20.3 Use Standards;
- (i) Utilities Zone - clause 26.3 Use Standards;
- (j) Community Purpose Zone - clause 27.3 Use Standards;
- (k) Recreation Zone - clause 28.3 Use Standards;
- (l) Open Space Zone - clause 29.3 Use Standards;
- (m) Particular Purpose Zone 3 - Seaport - clause P3.5 Use Standards;
- (n) Particular Purpose Zone 4 - Inveresk Site - clause P4.5 Use Standards;
- (o) Particular Purpose Zone 7 - Boags Brewery - clause P7.5 Use Standards;
- (p) Particular Purpose Zone 9 - North Bank Silos - clause P9.5 Use Standards;
and
- (q) Particular Purpose Zone 10 - 10 Birch Avenue Storage Centre - clause P10.5 Use Standards.

Objective:	That the storage of dangerous goods and hazardous materials are managed to minimise impact on people, property, public infrastructure, and the environment during a flood event.
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 Dangerous goods or hazardous chemical of manifest quantity must be stored in a manner that minimises impact on people, property, public infrastructure, and the environment during a flood event, having regard to a comprehensive flood risk assessment.

LAU-S17.6.4 Emergency management

This clause is in addition to the:

- (a) General Residential Zone - clause 8.3 Use Standards;
- (b) Inner Residential Zone - clause 9.3 Use Standards;
- (c) Urban Mixed Use Zone - clause 13.3 Use Standards;
- (d) Local Business Zone - clause 14.3 Use Standards;
- (e) Central Business Zone - clause 16.3 Use Standards;
- (f) Commercial Zone - clause 17.3 Use Standards;
- (g) Light Industrial Zone - clause 18.3 Use Standards;
- (h) Rural Zone - clause 20.3 Use Standards;

- (i) Utilities Zone - clause 26.3 Use Standards;
- (j) Community Purpose Zone - clause 27.3 Use Standards;
- (k) Recreation Zone - clause 28.3 Use Standards;
- (l) Open Space Zone - clause 29.3 Use Standards;
- (m) Particular Purpose Zone 3 - Seaport - clause P3.5 Use Standards;
- (n) Particular Purpose Zone 4 - Inveresk Site - clause P4.5 Use Standards;
- (o) Particular Purpose Zone 7 - Boags Brewery - clause P7.5 Use Standards;
- (p) Particular Purpose Zone 9 - North Bank Silos - clause P9.5 Use Standards;
and
- (q) Particular Purpose Zone 10 - 10 Birch Avenue Storage Centre - clause P10.5 Use Standards.

Objective:	That the risk of impact on human life during a flood event is minimised by integrating use with emergency management planning.	
Acceptable Solutions		Performance Criteria
A1.1 The number of dwellings per site must not be more than 4. A1.2 The gross floor area of non-residential uses must not be more than 400m² per site.		P1 Use must operate to minimise the potential impact on human life during a flood event having regard to the recommendations in a comprehensive flood risk assessment.

LAU-S17.7 Development Standards for Buildings and Works

LAU-S17.7.1 Floor levels

This clause is in addition to the:

- (a) General Residential Zone - clause 8.4 Development Standards for Dwellings and clause 8.5 Development Standards for Non-dwellings;
- (b) Inner Residential Zone - clause 9.4 Development Standards for Dwellings and clause 9.5 Development Standards for Non-dwellings;
- (c) Urban Mixed Use Zone - clause 13.4 Development Standards for Buildings and Works;
- (d) Local Business Zone - clause 14.4 Development Standards for Buildings and Works;
- (e) Central Business Zone - clause 16.4 Development Standards for Buildings and Works;

- (f) Commercial Zone - clause 17.4 Development Standards for Buildings and Works;
- (g) Light Industrial Zone - clause 18.4 Development Standards for Buildings and Works;
- (h) Rural Zone - clause 20.4 Development Standards for Buildings and Works;
- (i) Utilities Zone - clause 26.4 Development Standards for Buildings and Works;
- (j) Community Purpose Zone - clause 27.4 Development Standards for Buildings and Works;
- (k) Recreation Zone - clause 28.4 Development Standards for Buildings and Works;
- (l) Open Space Zone - clause 29.4 Development Standards for Buildings and Works;
- (m) Particular Purpose Zone 3 - Seaport - clause P3.6 Development Standards for Buildings and Works;
- (n) Particular Purpose Zone 4 - Inveresk Site - clause P4.6 Development Standards for Buildings and Works;
- (o) Particular Purpose Zone 7 - Boags Brewery - clause P7.6 Development Standards for Buildings and Works;
- (p) Particular Purpose Zone 9 - North Bank Silos - clause P9.6 Development Standards for Buildings and Works; and
- (q) Particular Purpose Zone 10 - 10 Birch Avenue Storage Centre - clause P10.6 Development Standards for Buildings and Works.

Objective:	That the floor levels of buildings and works are constructed to achieve a tolerable risk from flooding.	
Acceptable Solutions		Performance Criteria
A1 The floor level of habitable buildings in the Residential or Visitor Accommodation Use classes must be equal to or higher than the level shown in Table S17.9.1.		P1 No Performance Criterion.
A2 Non-residential use must be in the low FRP, except for: (a) significant community infrastructure; or (b) Community Meeting and Entertainment,		P2 Buildings and works must achieve a tolerable risk to flood having regard to the recommendations in a comprehensive flood risk assessment.

which must have a floor levels equal to or higher than the level shown in Table S17.9.2.	
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LAU-S17.7.2 Offsite impacts of flooding

This clause is in addition to the:

- (a) General Residential Zone - clause 8.4 Development Standards for Dwellings and Clause 8.5 Development Standards for Non-dwellings;
- (b) Inner Residential Zone - clause 9.4 Development Standards for Dwellings and clause 9.5 Development Standards for Non-dwellings;
- (c) Urban Mixed Use Zone - clause 13.4 Development Standards for Buildings and Works;
- (d) Local Business Zone - clause 14.4 Development Standards for Buildings and Works;
- (e) Central Business Zone - clause 16.4 Development Standards for Buildings and Works;
- (f) Commercial Zone - clause 17.4 Development Standards for Buildings and Works;
- (g) Light Industrial Zone - clause 18.4 Development Standards for Buildings and Works;
- (h) Rural Zone - clause 20.4 Development Standards for Buildings and Works;
- (i) Utilities Zone - clause 26.4 Development Standards for Buildings and Works;
- (j) Community Purpose Zone - clause 27.4 Development Standards for Buildings and Works;
- (k) Recreation Zone - clause 28.4 Development Standards for Buildings and Works;
- (l) Open Space Zone - clause 29.4 Development Standards for Buildings and Works;
- (m) Particular Purpose Zone 3 - Seaport - clause P3.6 Development Standards for Buildings and Works;
- (n) Particular Purpose Zone 4 - Inveresk Site - clause P4.6 Development Standards for Buildings and Works;
- (o) Particular Purpose Zone 7 - Boags Brewery - clause P7.6 Development Standards for Buildings and Works;
- (p) Particular Purpose Zone 9 - North Bank Silos - clause P9.6 Development Standards for Buildings and Works; and
- (q) Particular Purpose Zone 10 - 10 Birch Avenue Storage Centre - clause P10.6 Development Standards for Buildings and Works.

Objective:	That buildings and works are designed and located so that the behaviour of floodwaters achieves a tolerable risk on property adjacent to the site.	
Acceptable Solutions		Performance Criteria
A1.1 The gross floor area of buildings must be not more than 400m ² . A1.2 The amount of land filling on a site must not increase by more than 25m ³ from that existing at the effective date.		P1 Building and works must not alter the behaviour of floodwaters in a manner that has an unacceptable impact on property or the safety of persons external to the development site, having regard to the recommendations in in a comprehensive flood risk assessment.

LAU-S17.7.3 Building resilience

This clause is in addition to the:

- (a) General Residential Zone - clause 8.4 Development Standards for Dwellings and clause 8.5 Development Standards for Non-dwellings;
- (b) Inner Residential Zone - clause 9.4 Development Standards for Dwellings and clause 9.5 Development Standards for Non-dwellings;
- (c) Urban Mixed Use Zone - clause 13.4 Development Standards for Buildings and Works;
- (d) Local Business Zone - clause 14.4 Development Standards for Buildings and Works;
- (e) Central Business Zone - clause 16.4 Development Standards for Buildings and Works;
- (f) Commercial Zone - clause 17.4 Development Standards for Buildings and Works;
- (g) Light Industrial Zone - clause 18.4 Development Standards for Buildings and Works;
- (h) Rural Zone - clause 20.4 Development Standards for Buildings and Works;
- (i) Utilities Zone - clause 26.4 Development Standards for Buildings and Works;
- (j) Community Purpose Zone - clause 27.4 Development Standards for Buildings and Works;
- (k) Recreation Zone - clause 28.4 Development Standards for Buildings and Works;
- (l) Open Space Zone - clause 29.4 Development Standards for Buildings and Works;
- (m) Particular Purpose Zone 3 - Seaport - clause P3.6 Development Standards for Buildings and Works;

- (n) Particular Purpose Zone 4 - Inveresk Site - clause P4.6 Development Standards for Buildings and Works;
- (o) Particular Purpose Zone 7 - Boags Brewery - clause P7.6 Development Standards for Buildings and Works;
- (p) Particular Purpose Zone 9 - North Bank Silos - clause P9.6 Development Standards for Buildings and Works; and
- (q) Particular Purpose Zone 10 - 10 Birch Avenue Storage Centre - clause P10.6 Development Standards for Buildings and Works.

Objective:	That buildings and works are designed and located to withstand the impacts of flooding.	
Acceptable Solutions		Performance Criteria
A1	Buildings and works must be in a low or medium FRP.	P1 Buildings and works in the high FRP must be capable of withstanding the forces of flood water, debris, and buoyancy for the flood levels specified in Table S17.9.3 and assuming no levee protection, having regard to the recommendations in a comprehensive flood risk assessment.

LAU-S17.8 Development Standards for Subdivision

LAU-S17.8.1 Subdivision

This clause is in addition to the:

- (a) General Residential Zone - clause 8.6 Development Standards for Subdivision;
- (b) Inner Residential Zone - clause 9.6 Development Standards for Subdivision;
- (c) Urban Mixed Use Zone - clause 13.5 Development Standards for Subdivision;
- (d) Local Business Zone - clause 14.5 Development Standards for Subdivision;
- (e) Central Business Zone - clause 16.5 Development Standards for Subdivision;
- (f) Commercial Zone - clause 17.5 Development Standards for Subdivision;
- (g) Light Industrial Zone - clause 18.5 Development Standards for Subdivision;
- (h) Rural Zone - clause 20.5 Development Standards for Subdivision;
- (i) Utilities Zone - clause 26.5 Development Standards for Subdivision;
- (j) Community Purpose Zone - clause 27.5 Development Standards for Subdivision;
- (k) Recreation Zone - clause 28.5 Development Standards for Subdivision;
- (l) Open Space Zone - clause 29.5 Development Standards for Subdivision;

- (m) Particular Purpose Zone 3 - Seaport - Development Standards for Subdivision;
- (n) Particular Purpose Zone 4 - Inveresk Site - Development Standards for Subdivision;
- (o) Particular Purpose Zone 7 - Boags Brewery - Development Standards for Subdivision;
- (p) Particular Purpose Zone 9 - North Bank Silos - Development Standards for Subdivision; and
- (q) Particular Purpose Zone 10 - 10 Birch Avenue Storage Centre - Development Standards for Subdivision.

Objective:	That subdivision for Residential use or development is in areas of tolerable risk.	
Acceptable Solutions		Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must not create any additional lots capable of any future Residential use or development unless all lots: (a) the additional lots are in the low FRP or medium FRP; or (b) the additional lots are for Residential activities in the Inveresk cultural precinct; or (c) the additional lots are to separate existing: (i) dwellings; or (ii) Residential and non-residential buildings that have been approved by Council.		P1 No Performance Criterion.

LAU-S17.9 Tables

Table LAU-S17.9.1 Habitable floor levels of buildings in the Residential or Visitor Accommodation Use classes for locations identified in Figure LAU-S17.4 as required by clause LAU-S17.7.1 A1

Location	Minimum floor level (m AHD), including 300 mm freeboard
Invermay	5.3
City (Eastern Portion)	5.3

City (Western Portion)	3.5
Newstead	5.6

Table LAU-S17.9.2 Floor levels for Community Meeting and Entertainment use for locations identified in Figure LAU-S17.4 as required by clause LAU-S17.7.1 A2

Location	Minimum floor level (m AHD), including 300 mm freeboard
Invermay	5.8
City (Eastern Portion)	5.9
City (Western Portion)	5.9
Newstead	5.9

Table LAU-S17.9.3 - Flood levels for the high flood risk precinct for locations identified in Figure LAU-S17.4 as required by clause LAU-S17.7.3 P1

Location	Flood level (m AHD)
Invermay	5.0
City (Eastern Portion)	5.0
City (Western Portion)	3.2
Newstead	5.3

Figure LAU-S17.1 - Flood Levee Protected Areas Specific Area Plan

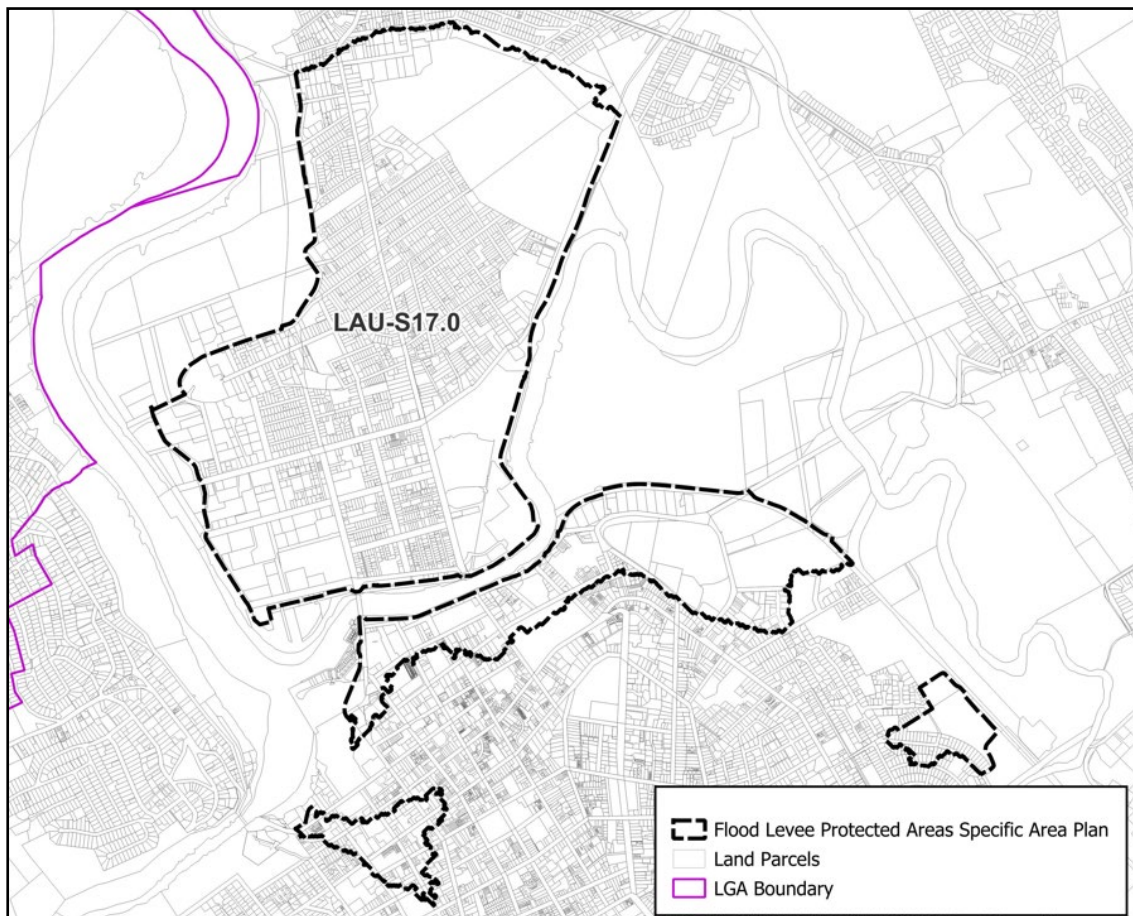


Figure LAU-S17.2 - Flood Risk Precincts as required by clauses LAU-S17.4.1, LAU-S17.6.1, LAU-S17.6.2, LAU-S17.7.1, LAU-S17.7.3 and LAU-S17.8.1

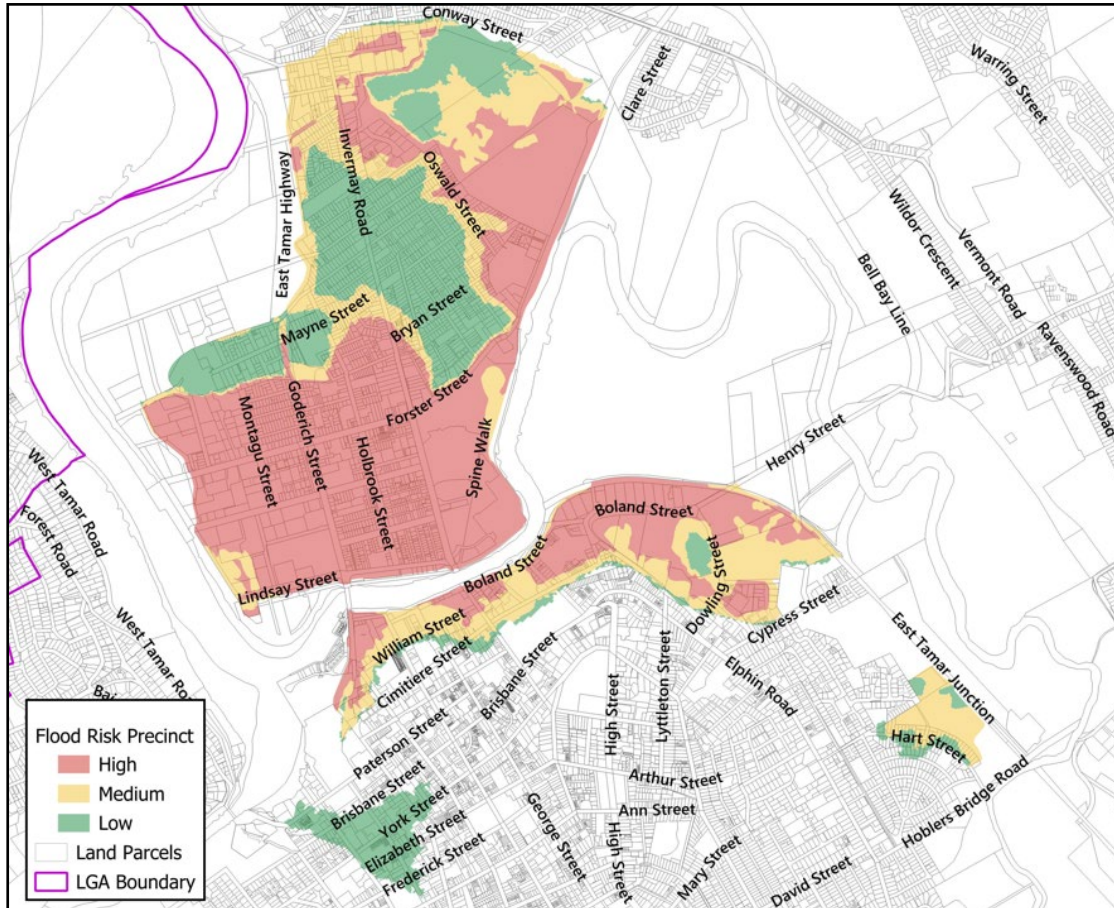


Figure LAU-S17.3 - Inveresk cultural precinct map as required by clause LAU-S17.8.1



Figure LAU-S17.4 - Locations map as required by Tables LAU-S17.7.1, LAU-S17.7.2 and LAU-S17.3.

