

Darcey, Tamatha

From: City Planning <cityplanning@ccc.tas.gov.au>
Sent: Wednesday, 8 July 2026 12:12 PM
To: TPC Enquiry
Subject: PDPSAMEND 2022/030778 - 22 Goodwins Road, Clarendon Vale
Attachments: Notification to TPC - PDPSAMEND-2022-030778.pdf

Categories: Kalinya

Good afternoon,

Please find attached correspondence about the abovementioned planning scheme amendment. Documents mentioned in the attached correspondence can be found in the shared folder in the email below. Unfortunately, I can't upload the draft planning permit at this time, but I will continue to attempt upload or send it through if all else fails.

Please contact me if any further is required.

Kind regards,



Robyn Olsen

Lead Strategic Planner
City of Clarence
a 38 Bligh Street | PO Box 96 Rosny Park TAS 7018
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From: TPC Enquiry
Sent: Tuesday, July 07, 2026 3:28 PM
To: Robyn Olsen
Subject: RE: Dropbox link

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This message came from outside your organization.

Good afternoon Robyn

Thank you for your email.

I have created the following shared folder for you to save the documents,

 [Clarence PDPSAMEND - 2022-030778](#)

If there is any difficulty, please let me know.
Kind regards

Tami Darcey
Supervisor Administrative Services

TASMANIAN PLANNING COMMISSION

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www.planning.tas.gov.au

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Respect



Accountability



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From: Robyn Olsen

Sent: Tuesday, 7 July 2026 2:54 PM

To: TPC Enquiry

Subject: Dropbox link

Good afternoon,

I am trying to send through documents related to 22 Goodwins Road, Clarendon Vale PDPSAMEND - 2022/030778, but having the usual problem of not being able to attach documents.

Can you please send me a link to send documents across?

Please call me if you need me to clarify anything.

Kind regards,



Robyn Olsen

Lead Strategic Planner

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7.3 LOCAL PROVISIONS SCHEDULE AMENDMENT AND COMBINED SUBDIVISION DEVELOPMENT REQUEST – PDPSAMEND-2022/030778 – 22 GOODWINS ROAD, GOODWINS ROAD RESERVATION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for the Planning Authority to consider the request made for a proposed amendment to the Clarence Local Provision Schedule (LPS) under section 37 of the *Land Use Planning and Approvals Act 1993* (LUPAA) and a combined development application under section 40T(1) of LUPAA.

The application proposes to rezone the land from Rural Zone and Utilities Zone, to the General Residential Zone west of Stokell Creek and the Inner Residential Zone east of Stokell Creek, with the riparian corridor of Stokell Creek and adjoining land changed to the Open Space Zone. The associated proposed subdivision will create 81 residential lots, new public roads and associated infrastructure, and two public open space areas.

The application seeks to extend the relevant zones to the centreline of Goodwins Road in accordance with the Tasmanian Planning Commission's drafting guidelines.

RELATION TO PLANNING PROVISIONS

The land comprising the subject site is within the Rural Zone and Utilities Zone under the Tasmanian Planning Scheme - Clarence. The land is also subject to the Parking and Sustainable Transport Code, Bushfire-prone Areas Code, Flood-prone Hazard Areas Code, Landslip Hazard Code, Natural Assets Code, Potentially Contaminated Land Code, Road and Railway Assets Code and Safeguarding of Airports Code.

The proposed subdivision is a prohibited development under the current zoning. The proposed amendment is required to be approved to allow the subdivision to proceed.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the *Judicial Review Act 2000* and the *Local Government (Meeting procedures) Regulations 2025*.

Section 37 of LUPAA provides for the Planning Authority to consider a request to amend the Clarence Local Provision Schedule (LPS). Section 40T of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

In determining this matter, the Planning Authority must consider whether it is satisfied that the draft amendment meets the LPS criteria under Section 34 of LUPAA. The Planning Authority is required to make a decision in relation to this matter within the statutory period, which has been extended to 6 July 2026.

The attached report considers the application in context of legislative requirements. Accompanying this report are relevant supporting documents, including the Location Plan, the Instrument of Certification, detailed statutory analyses of the applied for amendment and key application documents.

CONSULTATION

Unless directed otherwise by the Commission, if Council agrees to a request to prepare a draft amendment to the LPS, it will then be subject to public exhibition and open for public comment for a period of 28 days, in accordance with statutory requirements. For combined planning scheme amendments and planning permits, if a permit is granted, a draft permit is exhibited with the planning scheme amendment documentation.

FINANCIAL IMPLICATIONS

No significant implications are expected.

RECOMMENDATION:

- A. That, pursuant to Section 38 (a) of the Land Use Planning and Approvals Act 1993, the Planning Authority agrees to prepare PDPSAMEND-2022/030778 to the Clarence Local Provisions Schedule to rezone 22 Goodwins Road, Clarendon Vale and adjacent Goodwins Road reservation (CT13868/4, CT175248/768 and two untitled road lots) to General Residential, Inner Residential and Open Space.
- B. That, pursuant to Section 40F of the Land Use Planning and Approvals Act 1993, certify the draft amendment as meeting the LPS Criteria.
- C. That pursuant to Section 40G, 40H and 40Z of the Land Use Planning and Approvals Act 1993, the Planning Authority places the draft amendment and permit on public exhibition for a period of 28 days.

Combined Permit

- D. That pursuant to Section 40Y of the *Land Use Planning and Approvals Act 1993*, the Planning Authority prepares a draft permit for an 81 lot subdivision, road lots and public open space lots at 22 Goodwins Road, Clarendon Vale and adjacent Goodwins Road reservation (CT13868/4, CT175248/768 and two untitled road lots) subject to the following conditions and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
 - 2. ENG M2 – DESIGNS SD
Engineering designs, prepared by a suitably qualified person, are required for:
 - road design (including line marking) and Traffic Calming devices;
 - pedestrian networks;
 - road stormwater drainage;
 - lot accesses;
 - stormwater drainage;and must show the extent of any vegetation removal proposed for these works and be designed in conjunction with any landscaping plan requirement. Such designs must be submitted to and approved by Council's Head of Infrastructure and Natural Assets and must clearly describe what works are being undertaken for each approved stage of the development.

An engineering assessment fee, in accordance with Council's adopted list of fees and charges, must be paid upon their lodgement. A 'start of works' permit must be obtained prior to the commencement of any works.

For the Final Plan to be sealed prior to the completion of the works or the expiry of the "on-maintenance" period a bond must be paid and an agreement entered into in accordance with Council Policy. Please note that the bond for the "on-maintenance" period is 5% the cost of the construction.

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted

3. ENG M5 – EROSION CONTROL
4. ENG A1 – NEW CROSSOVER
5. ENG S1 – INFRASTRUCTURE REPAIR
6. ENG M8A – SERVICE EASEMENT
7. ENG M8 – EASEMENTS
8. ENG R2 – URBAN ROAD
9. ENG S4 – STORMWATER CONNECTION
10. ENG S5 – STORMWATER PRINCIPLES
11. ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION
12. ENG R5 – ROAD EXTENSION
13. ENG M6 – CONSTRUCTION FENCING
14. ENG R6 – VEHICLE BARRIERS
15. The development must meet all required Conditions of Approval specified by TasWater notice dated 22 May 2026 (TWDA 2022/01487-CCC)
16. The development must only proceed in accordance with the approved stages as set out below:
 - Stage 1: Lots 1 – 4 and 28 - 29
 - Stage 2: Lots 30 – 40
 - Stage 3: Lots 5 – 12
 - Stage 4: Lots 13 – 26
 - Stage 5: Lots 41 – 49
 - Stage 6: Lots 50 – 51, 61 – 62 and 64 - 71
 - Stage 7: Lots 52 – 60, and
 - Stage 8: Lots 63 and 72 – 81

- 17 A 'for construction' Landscape Plan (Landscape Plan) for all Public Open Space areas (including lots 400, 401 and 402 and any road verges or related areas) must be submitted to and approved by Council's Chief Executive Officer or delegate prior to the issue of a Certificate of Likely Compliance (CLC) for building works or commencement of works within the POS, whichever occurs first.
- 18 Prior to the sealing of the Final Plan of Survey for any stage, all Public Open Space (POS) works must be completed in accordance with the approved Landscape Plan and any associated engineering approvals.
- 19 Prior to commencement of the On-Maintenance Period, a detailed POS Maintenance Plan must be submitted to and approved by Council's Chief Executive Officer or delegate.
- 20 On-Maintenance Period and Bond
- (a) Soft landscape works (including turf and planting) are subject to an On-Maintenance Period of one (1) year from the date of written confirmation of Practical Completion.
 - (b) Hard landscape works are subject to a Defects Liability Period of six (6) months from the date of written confirmation of Practical Completion.
 - (c) Prior to sealing of the Final Plan of Survey, a bond equivalent to 1.5 times the estimated cost of soft landscape works must be lodged with Council as security for the satisfactory establishment and maintenance of landscaping during the On-Maintenance Period.
 - (d) Where sealing is required prior to completion of works or expiry of the Defects Liability Period for hard works, a bond of 5% of the cost of construction must be lodged in accordance with Council's Policy for Bonding Development Works.
 - (e) Bonds must be in the form of a cash deposit or bank guarantee.
- 21 The recommendations made within the Environmental Site Assessment prepared by Elgin Associates Pty Ltd dated 20 March 2023 must be undertaken prior to sealing of the final plan.

ADVICE

- (a) This permit will lapse after 2 years from the date on which it is granted in accordance with Section 42C(2) (a) of the Act unless the development / use has been substantially commenced.

In accordance with Section 42C(3) an application may be made to the Planning Authority for an extension in accordance with Section 42C (2) (b) or (c), any time before the period of 6 months from the day on which the permit has lapsed.

- (b) This is a town planning permit only. Please be aware that a building permit and / or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is

recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.

- (c) Non-compliance with this permit is an offence under Section 63 of the Land Use Planning and Approvals Act 1993 and may result in enforcement action under Division 4A of the Land Use Planning and Approvals Act 1993, which provides for substantial fines and daily penalties.
- (d) For further details relating to the conditions for the landscape plan, public open space – handover and on-maintenance requirements please contact council's Open Space Team.

General

- E. That the details and conclusions included in the Associated Report be recorded as the reasons for the Planning Authority's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1.** While the subject site has no significant planning history, land proximate to the site has seen significant change in recent times.
- 1.2.** Land to the north of the subject site has been, and continues to be, subdivided in accordance with the Paranville Specific Area Plan. Land to the west of the subject site has been substantially developed in the past decade in accordance with the East Glebe Hill Specific Area Plan.
- 1.3.** To the west of the site, the Glebe Hill Shopping Complex was developed and opened in 2022. The commercial area to the west of the shopping complex is currently under development for a childcare centre, service station and fast food outlets.
- 1.4.** An application for a 'park and ride' bus stop has recently been approved. This proposal is located on the southeast corner of the Rokeby Road and Pass Road intersection.
- 1.5.** The subject land is partially covered by the Utilities Zone, which was applied decades ago to set aside land for a Rokeby bypass road corridor. The State Government has recently confirmed that it is no longer required for that purpose.

- 1.6.** The site was not the subject to a representation for a rezoning during the transition from the Clarence Interim Planning Scheme 2015 to the Tasmanian Planning Scheme – Clarence. Accordingly, its future development was not discussed in the associated public hearings.

2. THE PROPOSAL

- 2.1.** The proposal comprises a combined request for an amendment to the Clarence – LPS and an associated subdivision. The draft amendment to the Tasmanian Planning Scheme – Clarence proposes to (as shown in Figure 1, rezone 22 Goodwins Road, Clarendon Vale and adjacent Goodwins Road reservation (CT13868/4, CT175248/768 and two untitled road lots) (the ‘site’) from the Rural Zone and the Utilities Zone to:

- General Residential Zone west of Stokell Creek
- Inner Residential Zone east of Stokell Creek
- Open Space zone along Stokell Creek and at the western extremity of the site.

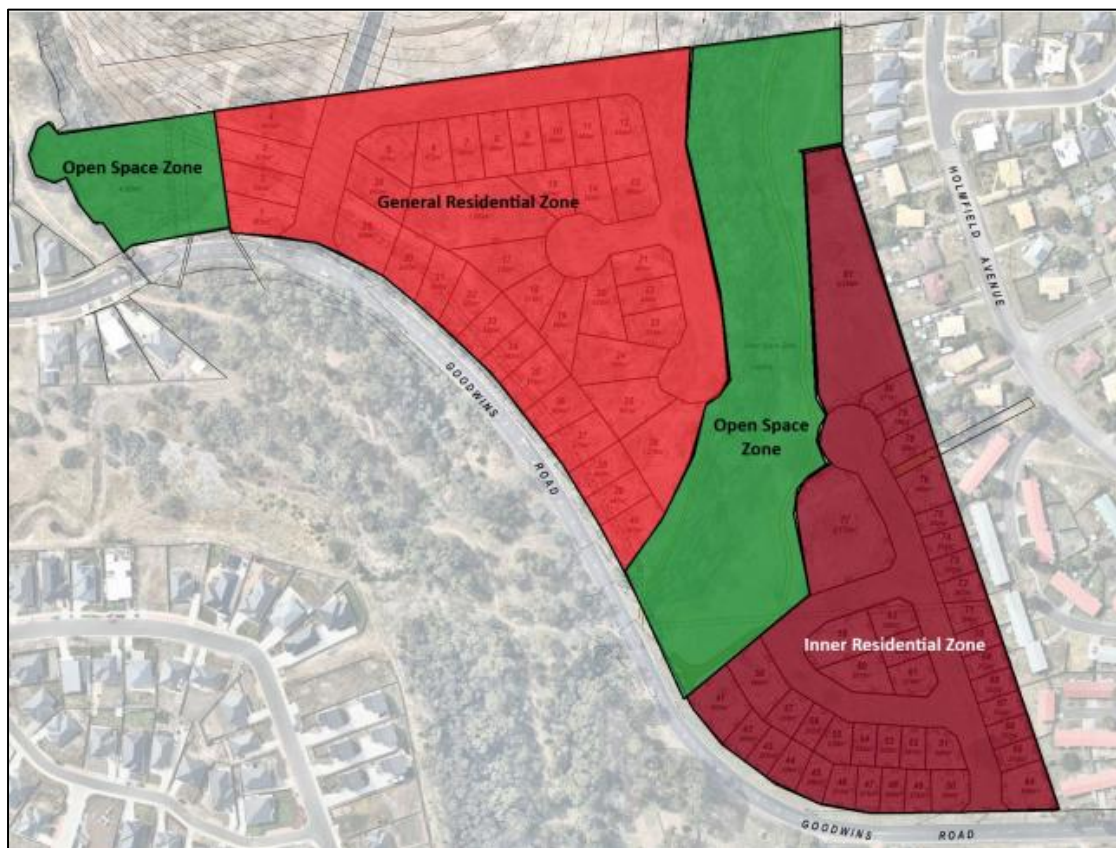


Figure 1 – Proposed rezoning of the subject site.

No changes to other Scheme provisions or overlays are proposed. However, as a consequence of the proposed changes, a small, isolated area of Council land on the south west side of Goodwins Road would remain as the only land in the Rural Zone. As this area abuts the Utilities Zone that is no longer required by the Department of State Growth, a future planning scheme amendment (in consultation with the Department of State Growth) will be undertaken to ‘tidy-up’ the zoning of this area on public land.

2.2. The associated subdivision application provides for :

- 40 lots within the General Residential Zone west of Stokell Creek ranging from 480m² to 1,966m².
- 41 lots within the Inner Residential Zone east of Stokell Creek, including a mix of smaller single lots (approximately 250m²) and larger multiple dwelling sites up to 4,300m².
- A 1.9ha public open space lot along Stokell Creek.
- A 0.45ha public open space lot adjoining Clarence Plains Rivulet.

3. STATUTORY IMPLICATIONS

3.1. The site is currently located within the Rural Zone and Utilities Zone under the Scheme and is subject to the following codes:

- C2.0 – Parking and Sustainable Transport Code;
- C3.0 – Road and Railway Assets Code;
- C7.0 – Natural Assets Code;
- C12.0 – Flood-prone Areas Hazard Code;
- C13.0 – Bushfire-prone Areas Code;
- C14.0 – Potentially Contaminated Land Code;
- C15.0 – Landslip Hazard Code; and
- C16.0 – Safeguarding or Airports Code.

3.2. Council’s assessment of this proposal must be in accordance with Part 3B - Amendments of LPSs of the LUPAA, which includes the LPS criteria outlined in section 34, as well as consideration of the objectives of Schedule 1 of LUPAA, State policies, Tasmanian Planning Policies and the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS).

3.3. If the Planning Authority considers that the proposal does not meet the LPS criteria, then the draft amendment may be modified so that it meets the requirements or may be refused.

3.4. If the Planning Authority agrees to the request to amend the LPS, it must prepare a draft amendment and certify that it meets the requirements of LUPAA, including the LPS criteria, and provide copies of the documentation to the Commission. The proposal is then placed on public exhibition and representations may be received for a period of 28 days.

Following public exhibition, the Planning Authority must consider the merits of any representations received and their impact on the draft amendment, then provide a report to the Commission. The Commission may then hold a public hearing on the matter and make a determination.

3.5. There is no appeal process available if the Planning Authority refuses the initial request. The applicant may ask the Commission to review the process leading to the decision, but not the merits of that decision.

4. PROPOSAL IN DETAIL

4.1. The site

The site, outlined in blue in Figure 2 below, is an 8.3ha triangular lot located between Goodwins Road, Clarendon Vale and the Paranville Specific Area Plan at Rokeby. The site is generally level and is bound by Stokell Creek and Clarence Plains Rivulet with frontage to Goodwins Road to the south.

The application for subdivision also includes the adjacent Goodwins Road casement for infrastructure upgrades including vehicle access, intersections and services. The site is subject to pipeline and services easements, and drainage easements.



Figure 2 – Location of subject site (outlined in dark blue) and existing land zoning (Source Council GIS, 2026).

The site is partially subject to the Utilities Zone which reflects a proclaimed Rokeby Bypass corridor by the Department of State Growth. The Department confirmed this section of the bypass is no longer planned to be constructed and the corridor is being revoked from various parcels on request. The application therefore includes the rezoning of this land in line with the proposed residential zonings.

The surrounding area is within the General Residential Zone and Open Space Zone. The General Residential Zone is applied to the adjacent land in Holmfield Avenue and to land to the north at 89 Pass Road which forms a recently completed 175 lot residential subdivision and areas of Glebe Hill to the west of Clarence Plains Rivulet.

The surrounding riparian areas of Stokell Creek and Clarence Plains Rivulet are within the Open Space Zone and form a buffer strip along the southern boundary of 89 Pass Road. It is intended that the corridor of Open Space Zone over Stokell Creek will continue through the subject land including the extent of waterway protection overlay as part of the proposed rezoning.

The site is not within any other planning scheme overlay areas, however it is located adjacent to the south of the Paranville Specific Area Plan (Clause CLA-S4.0) and the East Glebe Hill Specific Area Plan (Clause CLA-S8.0). Both these

areas provide for the coordinated residential development of the land with the adjoining land now subdivided and under construction. The site has been identified for a “Potential link” future road connection between 89 Pass Road and Goodwins Road in both the Figure CLA S4.3 - Master Plan of the Paranville Specific Area Plan (Figure 2 below) and the subdivision planning permit for 89 Pass Road (SD-2016/31) (Figure 3 below).



Figure 3

– Paranville Master Plan (Source: Figure CLA - S4.3 - Clarence LPS).

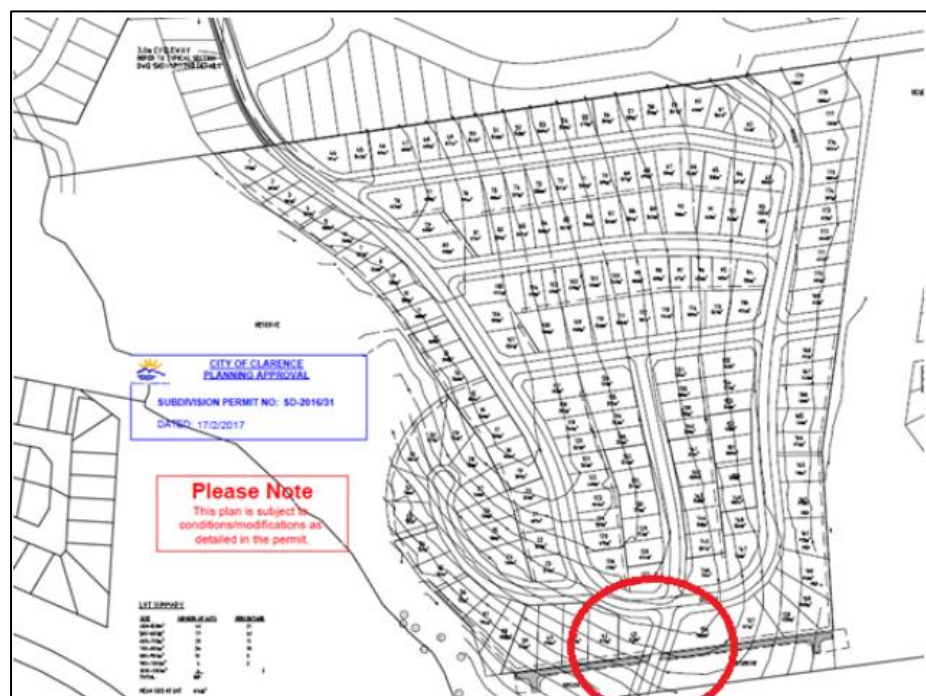


Figure 4

4 – Approved and constructed road link to 22 Goodwins Road as part of the approved subdivision permit for 175 lots at 89 Pass Road (Source: Planning Permit SD-2016/31).

The site historically accommodated an Historic Housing Department Works Depot and, for this reason is listed, as potentially contaminated.

The site is located within the following scheme overlay areas:

- Airport obstacle limitation area under the Safeguarding of Airports Code
- An area of potentially contaminated land under the Potentially Contaminated Land Code
- Bushfire-prone area under the Bushfire-prone Areas Code
- Waterway and coastal protection area under the Natural Assets Code
- Priority vegetation areas under the Natural Assets Code
- Landslip hazard overlay under the Landslip Code.

4.2. Infrastructure Provision

Approved subdivisions within the Paraville Specific Area Plan at 89, 91, 93, 145 and 163 Pass Road have established reticulated sewer, water and stormwater connections through 22 Goodwins Road. The site is therefore able to connect to all three services, with TasWater reticulation infrastructure available along Goodwins Road. As part of the proposed subdivision, the service network will be extended into the site to provide reticulated water supply (including hydrants for firefighting), gravity sewerage and a fully integrated stormwater drainage system.

4.3. The proposal

The proposal includes two parts.

The first relates to a request to rezone the site and adjacent road reservation from the Rural Zone and Utilities Zone to the General Residential, Inner Residential and Open Space Zones.

The second part relates an 81-lot subdivision, road lots and public open space lots which are facilitated by the rezoning request.

The proposed subdivision includes 41 Inner Residential zoned lots to the east of Stokell Creek accessed via a new loop road from Goodwins Road terminating in a cul-de-sac at the northern end. Two sections of the road would adjoin public open space proposed along Stokell Creek. The Inner Residential Zone lots will range in size from 252m² to 4,225m² with the larger lots able to support future medium density housing. A footway is proposed to connect the new subdivision road to an existing pedestrian footway from Holmfield Avenue to the east.

The General Residential zoned portion of the site would accommodate 40 residential lots to the west of Stokell Creek. A new road is proposed from Goodwins Road connecting to an existing road constructed on adjacent land to the north on Dolina Drive, in addition to two cul-de-sacs to facilitate access to the lots east of the connecting road. The General Residential Zone lots range in size from 450m² to 1,953m².

The subdivision design includes two separate areas of public open space. The public open space at the western end of the site has an area of 4,523m² and reflects a remnant section of forest associated with the Clarence Plains Rivulet. The second public open space lot forms a larger 1.92ha lot running the length of the entire lot from the northeastern corner to Goodwins Road and separates the Inner Residential Zone and General Residential Zone parts of the site. This lot is associated with remnant riparian vegetation associated with Stokell Creek.

The subdivision is proposed to be staged as follows:

- Stage 1-4: General Residential zoned lots west of Stokell Creek. The public open space lots would be transferred as part of Stage 1.
- Stages 5-8: Inner Residential zoned lots east of Stokell Creek.

A concept landscape plan has been prepared for the subdivision that establishes a network of open space areas within the proposed public open space lots. A multi-use shared path and local walking tracks have been incorporated along both sides of Stokell Creek to provide recreational connectivity between existing and proposed subdivision public open space to the north and Goodwins Road and the council managed reserve along Clarence Plains Rivulet west of Goodwins Road.

A number of supporting reports were submitted as part of the application, including:

- Civil Engineering Plans;
- Coastal Vulnerability Assessment;
- Stormwater Assessment; and
- Onsite Wastewater Assessment.

5. PLANNING SCHEME AMENDMENT ASSESSMENT

5.1. The proposed LPS amendment seeks to apply the General Residential Zone, Inner Residential Zone and Open Space Zone to 22 Goodwins Road, Clarendon Vale. In accordance with TPC Guideline No. 1 Zone and Code Application, the proposed zonings extend to the middle of Goodwins Road (Figure 1 above).

5.2. General Residential Zone

The purpose of the General Residential Zone is detailed under clause 8.1 as follows:

- 8.1.1** *To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.*
- 8.1.2** *To provide for the efficient utilisation of available social, transport and other service infrastructure.*
- 8.1.3** *To provide for non-residential use that:*
- (a) primarily serves the local community; and*
 - (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.*
- 8.1.4** *To provide for Visitor Accommodation that is compatible with residential character.*

To achieve this purpose, the General Residential Zone allows for a broad range of residential use and density of residential development with a single dwelling being a 'No permit required' use, and all other forms of residential use, including multiple dwellings, being a 'Permitted' use (requires a permit, but no advertising is required, and has a shorter assessment timeframe). Clause 8.4.1 A1 of the General Residential Zone requires multiple dwellings (a lot with two or more houses) to each have a site area of not less than 325m². Clause 8.6.1 A1 of the General Residential Zone requires a minimum lot size of 450m².

5.3. Inner Residential Zone

The purpose of the Inner Residential Zone is detailed under clause 9.1 is as follows:

- 9.1.1 *To provide for a variety of residential use or development that accommodates a range of dwelling types at higher densities.*
- 9.1.2 *To provide for the efficient utilisation of available social, transport and other service infrastructure.*
- 9.1.3 *To provide for non-residential use that:*
 - (a) primarily serves the local community; and*
 - (b) does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.*
- 9.1.4 *To provide for Visitor Accommodation that is compatible with residential character.*

To achieve this purpose, the Inner Residential Zone provides for the same use status for Residential use as the General Residential Zone although higher densities are achieved through Clause 9.4.1 A1 that requires multiple dwellings to have a site area per dwelling of not less than 200m² and Clause 9.6.1 A1 requires a minimum lot size of 200m².

5.4. Open Space Zone

The purpose of the Open Space Zone is detailed under clause 29.1 as follows:

29.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

29.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

To achieve this purpose, the zone provides for Natural and Cultural Values Management, Passive Recreation and Utilities uses on a ‘No permit required’ basis and a range of community and emergency services and recreation uses on a discretionary basis (requires a permit, is advertised and has a complex assessment).

5.5. Appropriateness of the General Residential, Inner Residential and Open Space Zones

The applicant submits that the proposed rezoning reflects the strategic location of the site with regard to:

- The site is located within the Urban Growth Boundary and adjoins established residential development in Clarendon Vale and Rokeby and represents a logical infill and consolidation opportunity that can be serviced by existing reticulated infrastructure and road connections;
- The combination of General Residential and Inner Residential zoning will support a diversity of housing opportunities while also delivering significant areas of open space; and
- The STRLUS does not identify a strategic demand for additional commercial or community zoned land in this location, with nearby centres and facilities already meeting community needs.

Section 8A of LUPAA allows for the Commission to issue guidelines for the purposes of assisting planning authorities in respect of:

- (a) The preparation of draft LPSs and draft amendments of LPSs; and
- (b) The implementation and operation of the Tasmanian Planning Scheme.

To date, one guideline has been issued (Guideline No 1 – Local Provisions Schedule (LPS): zone and code application). In considering the appropriateness of applying the General Residential, Inner Residential and Open Space zones to the site, the following assessment is made against the guideline.

Zone Application Guideline	Comment
GRZ 1 <i>GRZ 1 The General Residential Zone should be applied to the main urban residential areas within each municipal area which:</i> <i>(a) are not targeted for higher densities (see Inner Residential Zone); and</i> <i>(b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.</i>	This criterion is met as the site forms an infill site within the Urban Growth Boundary and directly adjoins established residential areas at Clarendon Vale and Rokeby. The site can connect to existing reticulated services and has been planned in consultation with council to ensure suitable road connectivity, public open space integration and bushfire hazard management.
GRZ 2 <i>The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</i> <i>(a) within the General Residential Zone in an interim planning scheme;</i> <i>(b) within an equivalent zone under a section 29 planning scheme; or</i> <i>(c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and</i>	The site is not identified as a Greenfield Development Precinct under the STRLUS and rather forms an infill site within the Urban Growth Boundary. The proposal will deliver infill capacity ahead of larger scale greenfield precincts while making efficient use of available reticulated servicing infrastructure. This criterion is met in this regard.

Zone Application Guideline	Comment
<i>endorsed by the relevant council; and</i> <i>(d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,</i>	
GRZ 3 <i>The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.</i>	The bushfire-prone area overlay and flood-prone hazard area overlays apply to the site. A Bushfire Hazard Management Plan has been prepared demonstrating the subdivision design achieves BAL 19 compliance. A Flood Hazard and Stormwater Report has been prepared to guide the subdivision layout. The zoning and subdivision have been designed to avoid locating sensitive uses in flood-prone areas and flood-prone land along Stokell Creek and Clarence Plains Rivulet areas zoned Open Space to ensure residential development is not exposed to unacceptable risk. This criterion is met.
IRZ 1 <i>The Inner Residential Zone should be applied to urban residential areas that are connected to a reticulated water supply service, reticulated sewerage system, and a public stormwater system, and have been identified for higher density development where any of the following conditions exist:</i> <i>(a) characterised by higher dwelling density with greater presence of non-housing activity;</i> <i>(b) proximity to activity centres with a range of services and facilities; or</i> <i>(c) located along high frequency public transport corridors.</i>	This criterion is met in that the site is identified within the Urban Growth Boundary of the STRLUS and forms part of the Clarence Plains growth area earmarked for residential expansion. The site can connect to reticulated water, sewer and stormwater services via existing trunk infrastructure along Goodwins Road and Pass Road. The site is in proximity to local community and retailing services and is serviced by regular Metro bus routes along Goodwins Road that connect to Rokeby and Rosny. These characteristics satisfy the locational and servicing criteria for the Inner Residential Zone and support a higher density outcome.

IRZ 2 <i>The Inner Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</i> <i>(a) within the Inner Residential Zone in an interim planning scheme; or</i> <i>(b) within an equivalent zone under a section 29 planning scheme.</i>	The site is a grey-field site within the Urban Growth Boundary that has been identified through the Clarence Plains Structure Planning process and STRLUS as suitable for residential development. The application of the Inner Residential Zone is consistent with the zone application criterion in that it will enable higher density residential development in an area identified for urban growth and serviced by public infrastructure.
IRZ 3 <i>The Inner Residential Zone should not be applied to land that is highly constrained by hazards, natural or cultural values or other impediments that will limit developing the land to higher densities.</i>	As discussed throughout this report, detailed flood and bushfire risk assessments have been undertaken and confirm that the land is suitable for higher density development. The Inner Residential Zone has been purposefully applied to the east of Stokell Creek as this area comprises level unconstrained land which is well suited to higher density forms of development.
OSZ 1 <i>The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for:</i> <i>(a) passive recreational opportunities; or</i> <i>(b) natural or landscape amenity within an urban setting.</i>	The application meets this criterion in that the Open Space Zone has been applied to the Clarence Plains Rivulet and Stokell Creek riparian corridors to provide passive recreational opportunities and protection of natural values.

This guideline has recently been amended to require a Precinct Structure Plan to support the application of a ‘higher-order’ urban zone (including the General and Inner Residential zones) within Greater Hobart, unless there is a concurrent development application. The proposal includes a concurrent development application for the entirety of the land which essentially fulfills the function of a Precinct Structure Plan in the context of the proposed rezoning because:

- The proposed subdivision application is recommended for approval and demonstrates the capacity for the land to support development of a suitable density that aligns with the density targets for the General Residential and Inner Residential zones
- The proposed subdivision integrates with the surrounding land uses including continuation of roads, footpaths and open space into neighbouring land.
- The site is serviced with full infrastructure and will provide for the efficient utilisation of available transport, services and facilities
- The provision of development controls for future development of the subdivided lots is provided under the use and development standards of the General Residential Zone and Inner Residential Zone that are proposed for the land.

For the above reasons, a separate Precinct Structure Plan is not warranted for the proposal as the subdivision plan effectively serves the same function.

6. ASSESSMENT AGAINST LEGISLATIVE REQUIREMENTS

6.1. LPS Criteria

Section 34 of LUPAA requires:

- “(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*
 - (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.*
- (2A) *A relevant planning instrument satisfies the relevant criteria in relation to the TPPs if –*
- (a) where the SPPs and the relevant regional land use strategy have not been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument is consistent with the TPPs, as in force before the relevant planning instrument is made; and*
 - (b) whether or not the SPPs and the applicable regional land use strategy have been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with section 12B(3), as to the manner in which the TPPs are to be implemented into the LPSs.*
- (3) *An amendment of an LPS, or a draft amendment of an LPS, is taken to meet the LPS criteria if the amendment of the LPS, or the draft amendment of the LPS, if made, will not have the effect that the LPS, as amended, will cease to meet the LPS criteria.”*

Importantly, as the current LPS is taken as having met the LPS criteria as assessed through the transition to the Tasmanian Planning Scheme – Clarence, subsection (3) requires the planning authority to assess if the proposed amendment will cause the LPS to cease to meet these criteria.

6.2. Assessment against LPS Criteria

Assessment against relevant legislative requirements is contained in the discussion below.

(a) *contains all the provisions that the SPP's specify must be contained in the LPS*

The proposed amendment is to modify the Clarence LPS zone map to apply the General Residential, Inner Residential and Open Space zones to the site. Changes are not proposed to the written provisions or overlays. LP1.2.1 of the SPPs requires that each LPS contain a map that provides for the spatial application of the zones to land in the municipal area. The proposed amendment meets this LPS criterion.

(b) *be in accordance with Section 32*

Section 32 of LUPAA specifies the required contents of the LPS. The proposed amendment relates solely to the application of zoning to land. Therefore, only clauses 32(2)(b) and (c) are applicable:

- “(b) must contain a provision that the SPPs require to be included in an LPS; and*
- (c) must contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land, if required to do so by the SPPs.”*

LP1.2.1 of the SPPs requires that each LPS contain a map that provides for the spatial application of the zones to land in the municipal area. The proposed amendment is to change the zones allocated to the land and the LPS mapping will continue to provide for the spatial application of the zones. The proposed amendment meets this LPS criterion.

(c) furthers the objectives set out in Schedule 1

Assessment of the amendment against the objectives set out in Schedule 1 of LUPAA is provided in the following table.

Objective	Response
<i>The objectives of the resource management and planning system of Tasmania are:</i>	
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	The proposed General Residential, Inner Residential and Open Space Zones will promote the sustainable development of land by enabling the efficient use of underutilised land for low to medium density residential use and development within an established, serviced area. The site's location between established residential development provides a logical residential infill opportunity within the Urban Growth Boundary.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	The rezoning would facilitate the fair, orderly and sustainable conversion of land in an area with established infrastructure, public transport, and access to services. The areas identified with higher conservation value will be managed within the proposed extent of Open Space Zone and can be managed through the accompanying subdivision design.
<i>(c) to encourage public involvement in resource management and planning; and</i>	If the Planning Authority agrees to the amendment and draft permit, the application will be advertised for public comment. Any representations received will be considered by the Planning Authority and reported to the Commission, who may hold public hearings into the representations received. Future use and development of the site beyond the subdivision will be subject to the Scheme provisions with any Discretionary use and

Objective	Response
	development to be publicly notified as required by LUPAA.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	The application of the General Residential, Inner Residential and Open Space Zone will provide local economic opportunities by enabling consolidated urban development with access to services and facilities. The residential zones will facilitate employment opportunities and improve access to local facilities and service for the growing catchment.
<i>(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.</i>	The proposal was referred to TasWater, Department of State Growth and TasNetworks who have indicated no objection to the draft amendment.

The proposal is assessed as meeting the objectives set out under Schedule 1 of LUPAA and for this reason criterion (c) of LUPAA is met.

(d) is consistent with each State policy

Assessment of the proposed amendment against the State Policies is as follows:

- **State Policy on the Protection of Agricultural Land 2009**

Although zoned Rural, the site is not agricultural land and the proposed amendment does not relate to agricultural land as defined in the above policy, therefore the policy is not applicable.

- **State Coastal Policy 1996**

The site is located over 2km from the coast therefore is not within the coastal zone. The policy is therefore not applicable.

- **State Policy on Water Quality Management 1997**

The proposed amendment is consistent with this policy for the following reasons:

- The proposed residential zoning avoids riparian areas and allows for suitable stormwater management to be incorporated into future development as required by the Urban Drainage Authority. Such measures will ensure the long-term quality of stormwater runoff is efficiently managed to protect water quality.
- Any future development on the site, will be considered in the context of Council's Stormwater Management in New Developments Procedure, which is aligned with the State Policy.
- The site is appropriately sized and connected to stormwater infrastructure to allow for suitable stormwater treatment to be incorporated into future development.
- **National Environment Protection Measures (NEPMs)**

The proposed amendment is consistent with the measures (taken as State Policies) for the following reasons:

 - Once rezoned, the land will be developed for residential purposes or allowable uses in the General Residential, Inner Residential and Open Space zones, that would not require consideration against NEPMs.
 - If non-residential or Discretionary uses were proposed, the Use Standards within the General Residential, Inner Residential or Open Space Zones would provide appropriate controls on the intensity of uses to maintain a reasonable level of residential amenity for adjoining residential zoned land.
 - Such uses would not be likely to, or have the potential to, cause significant environmental harm and are unlikely to require administration by the Environmental Protection Authority.
 - Any future use and development would be assessed against the Tasmanian Planning Scheme – Clarence, which includes the Potentially Contaminated Land Code, and Road and Railway Assets Code that address impacts such as land contamination and road noise.

Any future development will be assessed against the Tasmanian Planning Scheme – Clarence, which has been assessed as being consistent with all State Policies

Accordingly, the proposed amendment is considered to meet this criterion.

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

The Tasmanian Planning Policies do not become effective until 1 July 2026.

(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*

Regional planning strategy and policy is contained in the Southern Regional Land Use Strategy 2010-2035 (STRLUS) which is currently undergoing review and update.

As part of this review, a State of Play Report has been prepared to understand the status of key issues in the region. Fundamentally, the State of Play Report emphasises the importance of achieving compact, efficient urban growth with sustainable housing options on land that optimises infrastructure efficiencies, is close to employment opportunities and services, is not subject to natural hazards and doesn't impact on natural assets and heritage values. The proposed amendment will provide an opportunity for infill housing on land which meets all of these criteria.

It is considered that the proposed amendment is generally consistent with the relevant strategic directions of the STRLUS, which are:

- SD1: Adopting a more Integrated Approach to Planning and Infrastructure
- SD2: Holistically Managing Residential Growth
- SD6: Increasing Responsiveness to our Natural Environment
- SD8: Supporting Strong and Healthy Communities

- SD10: Creating Liveable Communities.

An assessment of the proposal against the relevant regional policies within the STRLUS is provided below.

STRLUS Regional Policies	Comment
<i>Biodiversity and Geodiversity (BNV)</i>	
<i>BNV 1.1: Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, ensure zones that provide for intensive use or development are not applied to areas that retain biodiversity values that are to be recognised and protected by Planning Schemes.</i>	The accompanying Natural Values Assessment identified three native vegetation communities on the site with <i>E.ovata</i> forest and woodland (DOV) forming a threatened native vegetation community associated with Clarence Plains Rivulet and Stokell Creek with 0.49ha to be impacted to establish bushfire hazard management areas. The identified higher values trees and habitat elements (<i>E.ovata</i> foraging resources for the swift parrot) will be retained within the proposed open space lots as opposed to more intensive residential zoning. Other vegetation present is in a degraded state and largely dominated by weeds. No threatened flora, fauna or critical habitat was identified on site. The zoning approach has allocated the most significant vegetation to be protected by the open space zoning and the regional policy is met.
<i>BNV 1.5: Ensure vegetation clearance and/or soil disturbance is undertaken in accordance with construction management plans that minimise further loss of values and encourages rehabilitation of native vegetation.</i>	The proposed open space corridors along Clarence Plains Rivulet and Stokell Creek will secure remnant native vegetation and will allow opportunities for ongoing weed control and rehabilitation. The subdivision permit will address construction management practices and weed management to protect identified natural values and facilitate appropriate rehabilitation of the site. The regional policy is met.

Water Resources (WR)	
<i>WR 1.1: Ensure use and development is undertaken in accordance with the State Policy on Water Quality Management.</i>	See assessment against the State Policy on Water Quality Management above. TasWater has provided no objection to the proposal and Council's development engineers are satisfied with the proposal in relation to stormwater management.
<i>WR 1.2: Incorporate total water cycle management and water sensitive urban design principles in land use and infrastructure planning to minimise stormwater discharge to rivers, (particularly subdivision)</i>	The proposal is assessed as meeting the requirements of the State Policy on Water Quality Management through water sensitive urban design, minimising sedimentation and improving habitat connection.
<i>WR 1.4: Ensure development that includes vegetation clearance and/or soil disturbance is undertaken in accordance with construction management plans to minimise soil loss and associated sedimentation of waterways and wetlands.</i>	The proposed zoning approach and subdivision design will provide opportunities for rehabilitation of riparian zones via weed control and revegetation supporting ecological health and improving habitat connection.
<i>WR 2.2: Provide public access along waterways via tracks and trails where land tenure allows, where there is management capacity and where impacts on biodiversity, native vegetation and geology can be kept to acceptable levels</i>	The proposal will secure riparian land within the application of the Open Space Zone allowing for long-term management as public open space.
<i>WR 2.3: Minimise clearance of native riparian vegetation.</i>	The proposal meets the regional policy in that riparian land will be retained as public open space.

Managing Risks and Hazards (MRH)	
<i>MRH 1.1: Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.</i>	A Bushfire Hazard Management Plan accompanies the application and has been prepared in accordance with the Bushfire-prone Areas Code. The assessment has determined a Bushfire Attack Level of BAL-19 across the site.
<i>MRH 1.2: Ensure subdivision road layout designs provide for safe exit points in areas subject to bushfire hazard.</i>	The proposed road network has been designed with two new connection points to the surrounding subdivision network providing for permeability and alternative escape routes. Each stage of the subdivision will include compliant access and turning areas for firefighting vehicles as required by the Bushfire-prone Areas Code.
<i>MRH 1.3: Allow clearance of vegetation in areas adjacent to dwellings existing at the time that planning schemes based on this Strategy come into effect, in order to implement bushfire management plans. Where such vegetation is subject to a biodiversity code, the extent of clearing allowable is to be the minimum necessary to provide adequate bushfire hazard protection.</i>	Vegetation clearance to establish the hazard management areas will be limited to the minimum extent necessary to achieve compliance with the BAL-19 rating.
<i>MRH 1.5: Allow new development (at either the rezoning or development application stage) in bushfire prone areas only where any necessary vegetation clearance for bushfire risk reduction is in accordance with the policies on biodiversity and native vegetation.</i>	The site is located within a mapped bushfire-prone area surrounded by residential development at a suburban density and open space corridors. The rezoning demonstrates compliance with the Bushfire-Prone Areas Code and Natural Assets Code.

<i>MRH 2.1: Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.</i>	The flood-prone hazard area overlay applies to part of the site due to flooding caused by Stokell Creek and upstream catchments with flood modelling undertaken for the 1% AEP event including climate change. The Flood Hazard Report and Stormwater Report accompanying the application have informed the design of the subdivision with all proposed building envelopes positioned outside of mapped hazard extents. Flood-prone land associated with Stokell Creek and Clarence Plains Rivulet is set aside as public open space, reducing the risk of flooding to residential development.
<i>MRH2.2: Include provisions in planning schemes for use and development in flood prone areas based upon best practice in order to manage residual risk.</i>	The assessment applied best-practice flood modelling (HEC-RAS and DRAINS) to evaluate flood behaviour under current and future conditions, incorporating climate change. Results show that the subdivision will not increase downstream flooding; reshaping of land near the outlet and incorporation of swales will in fact attenuate flows and improve flood performance locally. This approach aligns with best practice flood risk management, ensuring residual risks are addressed through both land use zoning (open space along waterways) and stormwater infrastructure design.

Recreation and Open Space (ROS)	
<i>ROS 1.5: Provide for residential areas, open spaces and other community destinations that are well connected with a network of high quality walking and cycling routes.</i>	The proposed rezoning extends the open space corridor of Stokell Creek and the Clarence Plains Rivulet through the site and will assist to formalise and complete the open space network in the area. The subdivision layout has been designed to provide safe, legible and convenient pedestrian and cycling connections between residential areas, public open space and the broader community. The road connections from Goodwins Road and to adjoining residential subdivisions will provide pedestrian and cycling connections to local schools, services, facilities and open space networks. Public open space is included in the subdivision through the application of the Open Space Zone and reflects the Clarence Plains Rivulet and Stokell Creek corridors. The Open Space zoning will provide continuous green links through the subdivision and connections to surrounding open space networks.
<i>ROS 1.6: Ensure subdivision and development is consistent with principles outlined in 'Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania'.</i>	The subdivision design promotes walkable neighbourhood design and safe cycle movement by road permeability throughout the site and wide road reservations to accommodate on road cycling or future off-road shared paths. This complements council's objectives for Goodwins Road to strengthen cycling connections between Rokeby, Clarendon Vale and the Clarence Plains green corridor.

Physical Infrastructure (PI)	
<i>PI 1.1: Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.</i>	The proposed rezoning promotes efficient use of existing infrastructure capacity within the Urban Growth Boundary and metropolitan area of Greater Hobart.
<i>PI 2.1: Use the provision of infrastructure to support desired regional growth, cohesive urban and rural communities, more compact and sustainable urban form and economic development.</i>	The site is capable of being serviced by sewer, water, and stormwater infrastructure. Allocation of the General Residential and Inner Residential zones supports a compact urban form, sustainable use of serviced land, and cohesive communities by enabling the provision of a wider range of services and economic opportunities in an accessible and serviced location.
Land Use and Transport Integration (LUTI)	
<i>LUTI 1.1: Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.</i>	The site is within a 750m walkable distance of the Rokeby Road key urban corridor as identified in Map 4: Greater Hobart Urban Transport Corridor of the STRLUS. The application of the General Residential Zone and Inner Residential Zone will increase densities and mixed use around the Rokeby Road transport corridor. Public transport in the area is provided by Metro Tasmania, with services operating from Rokeby Road on a regular basis.

<i>LUTI 1.2: Allow higher density residential and mixed use developments within 400, and possibly up to 800 metres (subject topographic and heritage constraints) of integrated transit corridors.</i>	As discussed above, the site is within 750m walking distance of the Rokeby Road transport corridor. The nearest integrated transit corridor is located from the Tasman Highway, Rosny Hill Road, Cambridge Road, Clarence Street to Shoreline Shopping Centre which directly adjoins the South Arm Highway / Rokeby Road key urban corridor. The application of the General Residential and Inner Residential zones in this location will provide higher density residential development within identified transport corridors.
Settlement and Residential Development (SRD)	
<i>SRD 1.2: Manage residential growth in District Centres, District Towns and Townships through a hierarchy of planning processes as follows:</i> <i>1. Strategy (regional function & growth scenario);</i> <i>2. Settlement Structure Plans (including identification of settlement boundaries);</i> <i>3. Subdivision Permit;</i> <i>4. Use and Development Permit.”</i>	The site is located within the Urban Growth Boundary and adjoins established residential development in Clarendon Vale. The rezoning and subdivision provides for the infill and consolidation of serviced land that is well connected to transport corridors, open space and community services and facilities.
<i>SRD 1.5: Ensure land zoned residential is developed at a minimum of 15 dwellings per hectare (net density).</i>	The proposed subdivision will provide for 40 General Residential zoned lots between Clarence Plains Rivulet and Stokell Creek which amounts to 3ha of developable land. The resultant density is 13.3 dwellings per hectare which achieves the density targets for the General Residential Zone when accounting for 25% of these lots being large enough to support multiple dwellings with a minimum site area of 325m² per dwelling. The proposed subdivision will provide for 41 Inner Residential zoned lots to the east of Stokell

	Creek which amounts to 2.5ha of developable land. The resultant density is 16.4 dwellings per hectare which achieves the density targets for the Inner Residential Zone when accounting for 20% of these lots being of a sufficient size to accommodate multiple dwellings with a minimum site area of 200m ² per dwelling.
<i>SRD 2.1: Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.</i>	The proposed rezoning and subdivision will contribute to the 50% infill development target.
<i>SRD 2.2: Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs.</i>	The proposal is to develop vacant greyfield land surrounded by residential development within the Urban Growth Boundary.
<i>SRD 2.4: Recognise that the Urban Growth Boundary includes vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major infrastructure, etc.</i>	The site is located within the Urban Growth Boundary and provides for vacant brownfield land suitable for land release. The application of the General Residential Zone and Inner Residential Zone will support a diversity of housing opportunities as well as delivering significant areas of Public Open Space zoning. The proposal does not include commercial or community zoned land as there are adequate facilities provided within the Glebe Hill Shopping Centre 500m to the west. The proposed zoning application provides for the most appropriate and efficient use of the site while balancing the provision of open space, environmental protection and neighbourhood connectivity.
<i>SRD 2.5 Implement a Residential Land Release Program that follows a land release hierarchy planning processes as follows: 1. Strategy (greenfield targets within urban growth boundary);</i>	The site is not identified within the STRLUS as a Greenfield Development Precinct. Because of the scale and location, the site does not warrant the preparation of a Conceptual Sequencing Plan

2. <i>Conceptual Sequencing Plan</i>; 3. <i>Precinct Structure Plans (for each Greenfield Development Precinct)</i>; 4. <i>Subdivision Permit</i>; and 5. <i>Use and Development Permit</i>	or Precinct Structure Plan. The proposal progresses the hierarchy at the subdivision permit stage, supported by detailed subdivision design and accompanying technical reports that demonstrate orderly and sustainable development can be achieved without impacting on the release of Greenfield land.
<i>SRD 2.6: Increase densities to an average of at least 25 dwellings per hectare (net density)(i) within a distance of 400 to 800 metres of Integrated transit corridors and Principal and Primary Activity Centres, subject to heritage constraints.</i>	The site is not located within 400m-800m of an integrated transport corridor, Principal or Primary Activity Centre as defined within the STRLUS. The nearby Glebe Hill Shopping Centre functions as a local/neighbourhood centre. While the density target outlined under this policy is not applicable to the site, the zoning application and subdivision design will achieve an overall density of 18 dwellings per hectare which exceeds the 15 dwellings per hectare benchmark under SRD 1.5. The proposed zoning, lot design and multiple dwelling opportunities will deliver a range of densities.
<i>SRD 2.9: Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.</i>	The proposed rezoning application and subdivision design will support the delivery of a diversity of housing opportunities including single and multiple dwellings. The application of the Inner Residential Zone will provide for higher density development and encourage smaller lot housing to provide for greater housing mix.

As outlined above, the proposed amendment is as far as practical consistent with the STRLUS in that it represents infill development surrounded by established residential subdivision and will further the objectives for urban consolidation. Accordingly, the proposed amendment is considered to meet the LPS criterion.

(f) *has regard to the strategic plan, prepared under Section 66 of the Local Government Act 1993, that applies to the land to which the relevant planning instrument relates*

The LPS is generally consistent with the City of Clarence Strategic Plan 2025-2035 with the overarching goals for a people friendly city, a well-planned liveable city, a prosperous and creative city, and an environmentally responsible city.

The proposed amendment does not propose a change to an extent that would alter this consistency. Accordingly, the proposed amendment is considered to meet the LPS criterion in this regard.

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

Not applicable, the subject site is not adjacent to any other municipal area.

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

Not applicable, there is no land within the Clarence area that is subject to the *Gas Safety Act 2019*.

6.3. Conclusions on the LPS amendment

The amendment seeks to rezone land within the Urban Growth Boundary to facilitate increased housing opportunities. The amendment will facilitate increased housing supply with minimal impacts on the environment, local infrastructure and access to transport and services. The current Rural and Utilities zones do not enable the most efficient use of the site which is surrounded by residential development. The proposed zonings reflect the surrounding zoning and meet the Commissions guidelines on the application of the State Planning Provisions, furthers the objectives of LUPAA, is consistent with local policy, the STRLUS and State Policies.

For the above reasons, the amendment is assessed as being consistent with the objectives and legislative requirements of LUPAA and should be prepared.

7. ASSOCIATED SUBDIVISION APPLICATION ASSESSMENT

7.1. Section 40X of LUPAA allows that when the planning authority has agreed to prepare an LPS amendment and has agreed to accept a combined permit application it may consider that permit application under the proposed LPS amendment requirements.

7.2. Section 5.6.1 of the Scheme requires a use or development to comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedule. Compliance with the planning scheme consists of meeting the acceptable solution or satisfying the performance criterion for that standard.

7.3. In determining an application for any permit for use or development, section 6.10.1 of the Scheme requires, in addition to the matters required by section 51(2) of LUPAA, the planning authority to take into consideration the following:

*(a) all applicable standards and requirements in this planning scheme;
and*

*(b) any representations received pursuant to and in conformity with
section 57(5) of the Act*

*but in the case of the exercise of discretion, only insofar as each such
matter is relevant to the particular discretion being exercised.*

7.4. The proposal requires discretionary consideration as it relies on performance criteria to comply with applicable standards under the Scheme. The following assessment relates to the assessment of the proposed subdivision application under the proposed zonings being General Residential, Inner Residential and Open Space and applicable codes.

7.5. The applicable parts of the Planning Scheme are:

- Section 5.6 – Compliance with Applicable Standards;
- Section 6.10 – Determining Applications;
- Section 7.10 – General Provisions;
- Section 8.0 – General Residential Zone;
- Section 9.0 – Inner Residential Zone;
- Section 29.0 – Open Space Zone;
- Section C2.0 – Parking and Sustainable Transport Code;
- Section C3.0 – Road and Railway Assets Code;
- Section C7.0 – Natural Assets Code;
- Section C12.0 – Flood-prone Areas Hazard Code;
- Section C13.0 – Bushfire-prone Areas Code;
- Section C14.0 – Potentially Contaminated Land Code;
- Section C15.0 – Landslip Hazard Code; and
- Section C16.0 – Safeguarding of Airports Code.

- 7.6.** The proposal satisfies exemption clause C16.4.1(a) of the Safeguarding of Airports Code in that the maximum height of the subdivision and associated works (30m AHD) would not exceed the prescribed obstacle limitation surface level of 147m AHD.

7.7. General Provisions

The Scheme contains a range of General Provisions relating to specific circumstances not controlled through the application of Zone, Code or Specific Area Plan provisions.

General Provision 7.10 identifies that an application for subdivision is not required to be categorised into a use class and may be approved at the discretion of the planning authority. In exercising this discretion, the planning authority must have regard to the purpose of the applicable zone, the purpose of any applicable code, any relevant local area objectives, and the purpose of any applicable specific area plan.

There are no relevant local area objectives, and the proposal is assessed as being consistent with the purpose of the applicable zones and codes.

7.8. Compliance with zone and codes

General Residential Zone

The subdivision proposes 39 residential lots within the General Residential Zone. The lots are all larger than the minimum lot size of 450m² and are all capable of containing the required 10m x 15m building area. The topography of the site is considered to meet the required maximum 1 in 5 gradient. Each of the proposed lots has access to reticulated water and sewerage and can be connected to a stormwater system.

The proposed subdivision within the General Residential Zone has been assessed as meeting all the acceptable solutions except for the following:

Performance Criteria	Assessment
Clause 8.6.1 P2 <i>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway that is sufficient for the intended use, having regard to:</i> (a) <i>The width of frontage proposed, if any</i> (b) <i>The number of other lots which have the land subject to the right</i> (c) <i>The topography of the site</i> (d) <i>The functionality and useability of the frontage</i> (e) <i>The ability to manoeuvre vehicles on the site</i> (f) <i>The pattern of development existing on established properties in the area</i> <i>And is not less than 3.6m wide..</i>	The proposal is assessed as satisfying the performance criteria as outlined below. All but four lots have the required frontage of 12m or greater except: Lot 15 – 9.4m frontage Lot 16 – 10.2m frontage Lot 18 – 10.2m frontage Lot 19 – 11m frontage No lots have the land subject to the right of carriageway as their principal means of access. The topography of the site is between 7 and 11 degrees and provides acceptable access for services and vehicles. With a minimum width of 9.4m there is enough frontage to be functional and useable. Each proposed lot is consistent with the onsite turning and parking arrangements outlined in the Parking and Sustainable Transport Code. Each of the lots with a shorter frontage is within a proposed cul de sac. There are several cul de sacs in the surrounding area including Eve Court, Dyer Place, Ingleby Close and Boulton Place. All have properties with frontages substantially smaller than 12m. Each of the proposed lots with a frontage of less than 12m, has substantially more than double the 3.6m required for a driveway, and have enough area for vehicle movements.

Clause 8.6.1 P4 <i>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</i> <i>(a) The size, shape and orientation of the lots</i> <i>(b) The topography of the site</i> <i>(c) The extent of overshadowing from adjoining properties</i> <i>(d) Any development on the site</i> <i>(e) The location of roads and access to lots</i> <i>(f) The existing pattern of subdivision in the area</i>	The proposal is assessed as satisfying the performance criteria as outlined below. The proposed lots within the General Residential Zone are not all oriented with their long axis within 30 degrees east or west of true north. The site is constrained by an existing road connection to the western side and Stokell Creek to the east, creating a triangular space. The proposed lots range between 450m² and 1,953m² and are generally regular in shape. The topography of the site is between 7 and 11 degrees which will allow for future dwellings to provide solar access. There is currently no overshadowing of the subject site. The subject site is vacant. Proposed roads within the subdivision have been created to connect to the existing road network, to provide bushfire management areas and to improve amenity of the public open space. The solar access has been balanced with these other considerations. The proposed lot layout is consistent with lot orientation with the surrounding subdivisions in Clarendon Vale and Rokeby.
Clause 8.6.2 P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:	The proposal is assessed as satisfying the performance criteria as outlined below. The proposed roads are consistent with the network plan and road hierarchy. The proposed subdivision connects to an existing road in the

(a) Any road network plan adopted by the council (b) The existing and proposed road hierarchy (c) The need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential (d) Maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks (e) Minimising the travel distance between key destinations such as shops and services and public transport routes (f) Access to public transport (g) The efficient and safe movement of pedestrians, cyclists and public transport (h) The need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016 (i) The topography of the site (j) The future subdivision potential of any balance lots on adjoining or adjacent land.	subdivision to the north of the site. Roads and pedestrian and cycling paths have been proposed in the subdivision. However, there is limited opportunity for future subdivision on adjoining lots. There are a number of pedestrian, cycling and road connections around the subject site. The proposed subdivision connects to each of these as well as proposing new connections. There will be new pedestrian paths along Goodwins Road providing connections to Glebe Hill Shopping Centre and the Rokeby Park and Ride. A bus service runs along Goodwins Road and stops are available within a walkable 400m of the site. The proposed subdivision provides new footpaths and roads to create efficient and safe movement options. There are no new arterial and collector roads proposed, however a footpath will be provided along Goodwins Road. The topography of the site is a slope of 7-11 degrees. The road network can meet compliant grades. The proposed subdivision incorporates a road connection to the north. There is very little opportunity for new subdivision on adjoining land, however there are lots with potential for multiple dwelling developments. The proposed road and pedestrian network can accommodate those developments.
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Inner Residential Zone

The application proposes 41 new residential properties within the Inner Residential Zone. The lots range in size from 252m² to two multiple dwelling lots of 2,172m² and 4,225m². These parcels are located between the rear of houses on Holmfield Avenue, Goodwins Road and Stokell Creek. This area of the parcel is substantially flat and unvegetated. Each of the proposed lots has access to reticulated water and sewerage, and can be connected to a stormwater system. The proposed subdivision within the Inner Residential Zone has been assessed as meeting all the acceptable solutions except for the following:

Performance Criteria	Assessment
Clause 9.6.2 P1 Roads <i>The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:</i> <i>(a) Any road network plan adopted by the council</i> <i>(b) The existing and proposed road hierarchy</i> <i>(c) The need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential</i> <i>(d) Maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks</i> <i>(e) Minimising the travel distance between key destinations such as shops and services and public transport routes</i> <i>(f) Access to public transport</i> <i>(g) The efficient and safe movement of pedestrians, cyclists and public transport</i>	The proposal is assessed as satisfying the performance criteria as outlined below. The proposed roads are consistent with the network plan and road hierarchy. Roads and pedestrian and cycling paths have been proposed in the subdivision and connecting to existing surrounding suburbs. However, there is limited opportunity for future subdivision on adjoining lots. There are a number of pedestrian, cycling and road connections around the subject site. The proposed subdivision connects to each of these as well as proposing new connections. There will be new pedestrian paths along Goodwins Road providing connections to Glebe Hill Shopping Centre and the Rokeby Park and Ride. A bus service runs along Goodwins Road and stops are available within a walkable 400m of the site. The proposed subdivision provides new footpaths and roads

(h) <i>The need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016</i>	to create efficient and safe movement options. There are no new arterial and collector roads proposed, however a footpath will be provided along Goodwins Road.
(i) <i>The topography of the site</i>	The topography of the site is a
(j) <i>The future subdivision potential of any balance lots on adjoining or adjacent land.</i>	slope of 7-11 degrees. The road network can meet compliant grades.
	The proposed subdivision incorporates a road connection to the north. There is very little opportunity for new subdivision on adjoining land, however there are lots with potential for multiple dwelling developments. The proposed road and pedestrian network can accommodate those developments.

Open Space Zone

The area central to the site, between the proposed residential zones along Stokell Creek, and the Clarence Plains Rivulet to the north west of the subject site are proposed to become an Open Space Zone. These areas are a continuation of the existing Open Space Zone to the north and south of the property. Each of the Open Space Zone lots will be transferred to Council at the completion of the subdivision and have access via a road. The proposed lots meet the zone purpose and acceptable solutions within the Open Space Zone.

Parking and Sustainable Transport Code

The application was accompanied by a Traffic Impact Assessment and was considered by Council Engineers to meet the acceptable solutions within the Parking and Sustainable Transport Code. There are no parking spaces proposed as part of the subdivision, however it is considered that future development of the site could meet parking requirements.

Road and Railway Assets Code

The Road and Railway Assets Code applies to the Utilities Zone and relates to the formerly proposed Rokeby Bypass. As this Code is applied to protect a road that has been agreed by DSG will not be constructed, the subdivision has not been assessed against this Code.

Natural Assets Code

There are two components of the Natural Assets Code that apply to the subject site – the Waterway and Coastal Protection Area, and the Priority Vegetation Area.

The Waterway and Coastal Protection Area is confined to Stokell Creek and the Clarence Plains Rivulet. These areas are contained entirely within the Open Space Zone and will not allow residential development on affected areas.

Performance Criteria	Assessment
Clause C7.7.1 P1 <i>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</i> (a) <i>The need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and</i> (b) <i>Future development likely to be facilitated by the subdivision.</i>	The proposal is assessed as satisfying the performance criteria as outlined below. The proposed subdivision does not impact areas within a waterway and coastal protection area. The Natural Values Assessment provided with the application states that the proposal “will not cause unnecessary or unacceptable impact on any natural asset”.

The Priority Vegetation Area applies to three small areas that are contained within the Stokell Creek Open Space Zone. Further investigation of the site through a Natural Values Assessment found that the mapping of vegetation was inaccurate. However, there were areas of *Eucalyptus ovata* along Clarence Plains Rivulet. This species is considered to be a threatened ecological community if the condition threshold criteria are met, however in this case the understory is considerably weedy and does not meet the native cover and habitat thresholds to qualify. The native vegetation found on the subject site is contained in the Stokell Creek and Clarence Plains Rivulet corridors. They will not be impacted by development and will benefit from management of the understory weeds as proposed as part of Council's receipt of the Open Space. The proposed subdivision within the Priority Vegetation Area has been assessed as meeting the acceptable solution.

Flood-prone Areas Hazard Code

The Flood-prone Areas Hazards Code applies to the areas surrounding Stokell Creek and the Clarence Plains Rivulet, and a substantial portion of the area proposed for Inner Residential Zone.

The proposed subdivision within the Flood-prone Areas Hazard Code has been assessed as meeting all the acceptable solutions except for the following:

Performance Criteria	Assessment
Clause C12.7.1 P1 <i>Each lot or a lot proposed in a plan of subdivision, within a flood prone hazard area, must not create an opportunity for use or development that cannot achieve a tolerable risk from flood, having regard to:</i> (a) <i>Any increase in risk from flood for adjacent land</i> (b) <i>The level of risk to use or development arising from an increased reliance on public infrastructure</i>	The proposal is assessed as satisfying the performance criteria as outlined below. The application was accompanied by a Flood Hazard and Stormwater Report that concluded "Overall, the subdivision design aligns with best-practice stormwater management and is not expected to introduce any adverse impacts to flood behaviour within or beyond the site".

(c) <i>The need to minimise future remediation works</i> (d) <i>Any loss or substantial compromise by flood of access to the lot, on or offsite</i> (e) <i>The need to locate building areas outside the flood prone hazard area</i> (f) <i>Any advice from a State authority, regulated entity or a council; and</i> (g) <i>The advice contained in a flood hazard report</i>	
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Bushfire-prone Areas Code

The entire site has the Bushfire-prone Areas Code applied. A qualified bushfire practitioner has undertaken an assessment of the bushfire hazard on the subject site and the potential impacts of the proposed subdivision. The Bushfire Hazard Management Plan has assessed that all proposed lots can provide a separation distance compliant with a BAL-19 (Bushfire Attack Level), which is required under the Australian Standard. This is achieved through setbacks provided by roads, and the agreed management of a small part of the Public Open Space (approximately 5m between a footpath and rear property boundary) to a low threat standard (mown grass, amenity trees maintained). The proposed subdivision is compliant with the acceptable solutions within the Bushfire-prone Areas Code.

Potentially Contaminated Land Code

The entirety of the subject site is within the Potentially Contaminated Land Code, due to the site previously being used as a Housing Department Works Depot.

The proposed subdivision within the Potentially Contaminated Land Code has been assessed as satisfying the performance criteria as follows:

Performance Criteria	Assessment
Clause C14.7.1 P1 <i>Subdivision of potentially contaminated land does not adversely impact on human health or the environment and is suitable for its intended use or development, having regard to:</i> (a) <i>An environmental site assessment that demonstrates there is no evidence the land is contaminated</i> (b) <i>An environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or</i> (c) <i>An environmental site assessment, including a plan to manage contamination and associated risk to human health and the environment, that includes:</i> <i>i. Any specific remediation and protection measures required to be implemented before any use or development commences; and</i> <i>ii. A statement that the land is suitable for the intended use or development.</i>	The proposal is assessed as satisfying the performance criteria as outlined below. The application was accompanied by an Environmental Site Assessment that concluded: “Based on the results of these investigations, Elgin consider that the site would be suitable for the proposed zoning changes, provided that the following recommendations are implemented: Recommendations 1. The remaining waste stockpiles at HA14 and HA16 and other scattered wastes are removed and disposed offsite by a licensed waste contractor. This can be undertaken during the site redevelopment works. 2. The creek line should be stabilized with native vegetation to prevent further erosion and degradation as part of the site development.” These recommendations will be required through conditions on the proposed planning permit.

Landslip Hazard Code

The subject site has a small area of Low Landslip Hazard Band applied adjoining the northern boundary of the site, on the west side of Stokell Creek. The proposed development of this area is for a portion of road, the remainder of the area is part of Stokell Creek. Therefore, it meets the exemption stated in Clause C15.4.1 (d) for “*development (including subdivision) on land within a low landslip hazard band, for works if it does not involve significant works*”.

For combined planning scheme amendments and planning permits, if a permit is granted, a draft permit is exhibited with the planning scheme amendment documentation.

8. EXTERNAL REFERRALS

The proposal was referred to TasWater and no objections to the proposed rezoning were provided. In relation to the subdivision application, TasWater has provided conditions to be included on the planning permit if granted.

The proposal was referred to TasNetworks, and no objections to the proposed rezoning and subdivision proposal were provided.

9. COUNCIL COMMITTEE RECOMMENDATIONS

Not applicable.

10. EXTERNAL IMPACTS

No significant impacts.

11. CONCLUSION

The draft amendment is generally in accordance with the requirements of LUPAA and it is recommended that it be prepared. The combined subdivision permit is supported, and it is recommended that the draft planning permit for the application be granted.

The proposed residential subdivision development is prohibited unless the provisions of the Scheme are amended. Accordingly, the applicant wishes the subdivision to be considered in conjunction with a requested LPS amendment to rezone the area of the subdivision to the General Residential Zone and Inner Residential Zone, along with consequential changes to the zone of Goodwins Road and to create an Open Space Zone.

For the reasons detailed within the body of this report it is considered that the proposed rezoning amendment is consistent with the STRLUS and meets the LPS criteria within LUPAA. Accordingly, it is recommended support be provided to the preparation and exhibition of this amendment and combined planning permit.

- Attachments:
1. Location Plan (1)
 2. Draft Instrument of Certification (1)
 3. Proposed Plans (2)
 4. Applicant's planning report (59)
 5. Natural Values Assessment (53)
 6. Bushfire Management Plan (72)
 7. Landscape Plan (3)
 8. Flood Hazard Report (22)
 9. Site Photos (2)

Daniel Marr
HEAD OF CITY PLANNING

Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 29 JUNE 2026

HOUR CALLED: 6.00pm

PRESENT: The meeting commenced at 6.01pm with the Mayor (Cr B A Blomeley) in the Chair and with Councillors:

H	Chong
J	Darko
E	Goyne (Arrived at 6.03pm)
D	Hulme
B	Hunter
R	James
W	Kennedy
T	Mulder
J	Walker
B	Warren; present.

1. APOLOGIES A Ritchie (Leave of Absence)

ORDER OF BUSINESS Items 1 – 11

IN ATTENDANCE

Chief Executive Officer
(Mr I Nelson)

Head of Infrastructure and Natural Assets
(Mr R Graham)

Head of Community and Culture
(Ms T Cockburn)

Chief Financial Officer
(Ms J Murrell)

Manager Communications, Media and Engagement
(Mr N Worledge)

Head of City Planning
(Mr D Marr)

Head of Governance
(Ms C Shea)

Head of Regulatory Services
(Mr R Brennan)

Executive Officer to the Chief Executive Officer
(Ms J Ellis)

The Meeting closed at 8.20pm

7.3 LOCAL PROVISIONS SCHEDULE AMENDMENT AND COMBINED SUBDIVISION DEVELOPMENT REQUEST – PDPSAMEND-2022/030778 – 22 GOODWINS ROAD, GOODWINS ROAD RESERVATION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for the Planning Authority to consider the request made for a proposed amendment to the Clarence Local Provision Schedule (LPS) under section 37 of the *Land Use Planning and Approvals Act 1993* (LUPAA) and a combined development application under section 40T(1) of LUPAA.

The application proposes to rezone the land from Rural Zone and Utilities Zone, to the General Residential Zone west of Stokell Creek and the Inner Residential Zone east of Stokell Creek, with the riparian corridor of Stokell Creek and adjoining land changed to the Open Space Zone. The associated proposed subdivision will create 81 residential lots, new public roads and associated infrastructure, and two public open space areas.

The application seeks to extend the relevant zones to the centreline of Goodwins Road in accordance with the Tasmanian Planning Commission's drafting guidelines.

RELATION TO PLANNING PROVISIONS

The land comprising the subject site is within the Rural Zone and Utilities Zone under the Tasmanian Planning Scheme - Clarence. The land is also subject to the Parking and Sustainable Transport Code, Bushfire-prone Areas Code, Flood-prone Hazard Areas Code, Landslip Hazard Code, Natural Assets Code, Potentially Contaminated Land Code, Road and Railway Assets Code and Safeguarding of Airports Code.

The proposed subdivision is a prohibited development under the current zoning. The proposed amendment is required to be approved to allow the subdivision to proceed.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the *Judicial Review Act 2000* and the *Local Government (Meeting procedures) Regulations 2025*.

Section 37 of LUPAA provides for the Planning Authority to consider a request to amend the Clarence Local Provision Schedule (LPS). Section 40T of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

In determining this matter, the Planning Authority must consider whether it is satisfied that the draft amendment meets the LPS criteria under Section 34 of LUPAA. The Planning Authority is required to make a decision in relation to this matter within the statutory period, which has been extended to 6 July 2026.

The attached report considers the application in context of legislative requirements. Accompanying this report are relevant supporting documents, including the Location Plan, the Instrument of Certification, detailed statutory analyses of the applied for amendment and key application documents.

CONSULTATION

Unless directed otherwise by the Commission, if Council agrees to a request to prepare a draft amendment to the LPS, it will then be subject to public exhibition and open for public comment for a period of 28 days, in accordance with statutory requirements. For combined planning scheme amendments and planning permits, if a permit is granted, a draft permit is exhibited with the planning scheme amendment documentation.

FINANCIAL IMPLICATIONS

No significant implications are expected.

RECOMMENDATION:

- A. That, pursuant to Section 38 (a) of the Land Use Planning and Approvals Act 1993, the Planning Authority agrees to prepare PDPSAMEND-2022/030778 to the Clarence Local Provisions Schedule to rezone 22 Goodwins Road, Clarendon Vale and adjacent Goodwins Road reservation (CT13868/4, CT175248/768 and two untitled road lots) to General Residential, Inner Residential and Open Space.
- B. That, pursuant to Section 40F of the Land Use Planning and Approvals Act 1993, certify the draft amendment as meeting the LPS Criteria.
- C. That pursuant to Section 40G, 40H and 40Z of the Land Use Planning and Approvals Act 1993, the Planning Authority places the draft amendment and permit on public exhibition for a period of 28 days.

Combined Permit

- D. That pursuant to Section 40Y of the *Land Use Planning and Approvals Act 1993*, the Planning Authority prepares a draft permit for an 81 lot subdivision, road lots and public open space lots at 22 Goodwins Road, Clarendon Vale and adjacent Goodwins Road reservation (CT13868/4, CT175248/768 and two untitled road lots) subject to the following conditions and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
 - 2. ENG M2 – DESIGNS SD
Engineering designs, prepared by a suitably qualified person, are required for:
 - road design (including line marking) and Traffic Calming devices;
 - pedestrian networks;
 - road stormwater drainage;
 - lot accesses;
 - stormwater drainage;and must show the extent of any vegetation removal proposed for these works and be designed in conjunction with any landscaping plan requirement. Such designs must be submitted to and approved by Council's Head of Infrastructure and Natural Assets and must clearly describe what works are being undertaken for each approved stage of the development.

An engineering assessment fee, in accordance with Council's adopted list of fees and charges, must be paid upon their lodgement. A 'start of works' permit must be obtained prior to the commencement of any works.

For the Final Plan to be sealed prior to the completion of the works or the expiry of the "on-maintenance" period a bond must be paid and an agreement entered into in accordance with Council Policy. Please note that the bond for the "on-maintenance" period is 5% the cost of the construction.

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted

3. ENG M5 – EROSION CONTROL
4. ENG A1 – NEW CROSSOVER
5. ENG S1 – INFRASTRUCTURE REPAIR
6. ENG M8A – SERVICE EASEMENT
7. ENG M8 – EASEMENTS
8. ENG R2 – URBAN ROAD
9. ENG S4 – STORMWATER CONNECTION
10. ENG S5 – STORMWATER PRINCIPLES
11. ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION
12. ENG R5 – ROAD EXTENSION
13. ENG M6 – CONSTRUCTION FENCING
14. ENG R6 – VEHICLE BARRIERS
15. The development must meet all required Conditions of Approval specified by TasWater notice dated 22 May 2026 (TWDA 2022/01487-CCC)
16. The development must only proceed in accordance with the approved stages as set out below:
 - Stage 1: Lots 1 – 4 and 28 - 29
 - Stage 2: Lots 30 – 40
 - Stage 3: Lots 5 – 12
 - Stage 4: Lots 13 – 26
 - Stage 5: Lots 41 – 49
 - Stage 6: Lots 50 – 51, 61 – 62 and 64 - 71
 - Stage 7: Lots 52 – 60, and
 - Stage 8: Lots 63 and 72 – 81

- 17 A 'for construction' Landscape Plan (Landscape Plan) for all Public Open Space areas (including lots 400, 401 and 402 and any road verges or related areas) must be submitted to and approved by Council's Chief Executive Officer or delegate prior to the issue of a Certificate of Likely Compliance (CLC) for building works or commencement of works within the POS, whichever occurs first.
- 18 Prior to the sealing of the Final Plan of Survey for any stage, all Public Open Space (POS) works must be completed in accordance with the approved Landscape Plan and any associated engineering approvals.
- 19 Prior to commencement of the On-Maintenance Period, a detailed POS Maintenance Plan must be submitted to and approved by Council's Chief Executive Officer or delegate.
- 20 On-Maintenance Period and Bond
 - (a) Soft landscape works (including turf and planting) are subject to an On-Maintenance Period of one (1) year from the date of written confirmation of Practical Completion.
 - (b) Hard landscape works are subject to a Defects Liability Period of six (6) months from the date of written confirmation of Practical Completion.
 - (c) Prior to sealing of the Final Plan of Survey, a bond equivalent to 1.5 times the estimated cost of soft landscape works must be lodged with Council as security for the satisfactory establishment and maintenance of landscaping during the On-Maintenance Period.
 - (d) Where sealing is required prior to completion of works or expiry of the Defects Liability Period for hard works, a bond of 5% of the cost of construction must be lodged in accordance with Council's Policy for Bonding Development Works.
 - (e) Bonds must be in the form of a cash deposit or bank guarantee.
- 21 The recommendations made within the Environmental Site Assessment prepared by Elgin Associates Pty Ltd dated 20 March 2023 must be undertaken prior to sealing of the final plan.

ADVICE

- (a) This permit will lapse after 2 years from the date on which it is granted in accordance with Section 42C(2) (a) of the Act unless the development / use has been substantially commenced.

In accordance with Section 42C(3) an application may be made to the Planning Authority for an extension in accordance with Section 42C (2) (b) or (c), any time before the period of 6 months from the day on which the permit has lapsed.
- (b) This is a town planning permit only. Please be aware that a building permit and / or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed.

It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.

- (c) Non-compliance with this permit is an offence under Section 63 of the Land Use Planning and Approvals Act 1993 and may result in enforcement action under Division 4A of the Land Use Planning and Approvals Act 1993, which provides for substantial fines and daily penalties.
- (d) For further details relating to the conditions for the landscape plan, public open space – handover and on-maintenance requirements please contact council's Open Space Team.

General

- E. That the details and conclusions included in the Associated Report be recorded as the reasons for the Planning Authority's decision in respect of this matter.

Decision:	MOVED Cr Hulme SECONDED Cr Hunter
	“That the Recommendation be adopted”.
	CARRIED
FOR	AGAINST
Cr Blomeley	Cr Darko
Cr Chong	Cr Kennedy
Cr Goyne	Cr Mulder
Cr Hulme	Cr Walker
Cr Hunter	
Cr James	
Cr Warren	

Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.