

24 July 2026

Executive Commissioner
Tasmanian Planning Commission

via e-mail: tpc@planning.tas.gov.au

**DRAFT LPS AMENDMENT PDPSPAMEND-2024/048902 AND COMBINED SUBDIVISION
APPLICATION AT 471 CAMBRIDGE ROAD, MORNINGTON, 528 PASS ROAD AND 540 PASS
ROAD, CAMBRIDGE**

Dear Mr. Ramsay,

I advise that pursuant to s40K and s42 of the *Land Use Planning and Approvals Act 1993 (the Act)*, the Clarence City Planning Authority has resolved at its Council meeting held Monday, 20 July 2026, that the representations received during the exhibition of the draft amendment and planning permit do not warrant modifications to the previously agreed draft amendment to the Clarence Local Provision Schedule (LPS) and permit for the abovementioned development. Noting that the submission received from Aboriginal Heritage Tasmania (AHT) is considered a correction to an advice clause in the draft planning permit rather than a modification.

The proposal seeks to amend the LPS by rezoning the site from Rural Living B to General Residential, Local Business, and Open Space as well as applying a new Specific Area Plan (SAP), namely the Mornington Park Specific Area Plan. The combined subdivision application is to create two residential lots, a road lot, an open space lot and a balance lot, containing the two existing dwellings.

As required under s40K and s42 of the Act, and detailed in the *Commission's Practice Note No. 13 – Combined permit and amendments to Local Provisions Schedules Appendix 2*, please find attached the following documentation:

1. Copy of Planning Authority decision as recorded in the Minutes of Council Meeting 20 July 2026, including reasons for the decision (2 pages)
2. Copy of the Agenda Report, including the S40K report on the representations, (19 pages plus appendices 67 pages)
3. Word versions of the:
 - a. SAP (18 pages) and
 - b. planning permit as advertised, as separate files (8 pages)
4. Copies of the unredacted representations as a separate file (25 pages)
5. A list of the names and addresses of representors (1 page)
6. A copy of the TasWater response to the original referral under Section 56S of the Water and Sewerage Industry Act 2008 (4 pages)
7. It is noted that the Fees payable under regulation 11 of the Act were remitted to the Commission on 22 May 2026, copy of remittance advice is attached (1 pages)



The full Council minutes and agenda for the meeting of 20 July 2026, can also be downloaded from Council's website:

- Minutes: <https://assets.ccc.tas.gov.au/uploads/2026/07/Clarence-City-Council-Minutes-20.07.26.pdf>
- Agenda: <https://assets.ccc.tas.gov.au/uploads/2026/07/Council-Meeting-Agenda-20.07.26.pdf>

If you have any questions about this matter, please contact me on 6217 9550.

Yours sincerely



Indra Boss
STRATEGIC PLANNER



7.4 APPLICATION PDPSAMEND-2024/048902 – REVIEW OF REPRESENTATIONS - 471 CAMBRIDGE ROAD, MORNINGTON AND 528 & 540 PASS ROAD, CAMBRIDGE
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EXECUTIVE SUMMARY**PURPOSE**

This report has been prepared to consider the representations received during the public exhibition of draft amendment PDPSPAMEND 2024/048902 and the associated draft subdivision permit.

The proposal relates to a request to amend the Clarence Local Provisions Schedule through the rezoning of land and application of a Specific Area Plan, together with a combined subdivision application to enable a five lot subdivision (two residential lots, one public open space lot, one road lot, and one balance lot with two existing dwellings), on land at 471 Cambridge Road, Mornington, and 528 and 540 Pass Road, Cambridge.

LEGISLATIVE REQUIREMENTS

The draft amendment and associated permit were certified and approved for exhibition by the Planning Authority on 11 May 2026 and publicly exhibited in accordance with Sections 40G and 40Z of the Land Use Planning and Approvals Act 1993 (LUPAA). Following exhibition, the Planning Authority is required to undertake an assessment of those representations in accordance with Sections 40K and 42 of LUPAA and make recommendations to the Tasmanian Planning Commission (the Commission).

Such report must be provided within the statutory period which expires on 27 July 2026.

CONSULTATION

Seven representations were received during the exhibition period, comprising four representations from State authorities and three from members of the public.

The representations raise matters relating to transport and access, bushfire hazard management, public open space, residential density, and the statutory basis for the proposed Specific Area Plan.

State authority representations primarily relate to strategic and technical matters, including bushfire considerations and transport planning, and identified a required correction to an advice clause in the draft permit. Public representations raise concerns regarding traffic conditions, access, density, and local amenity.

RECOMMENDATION:

- A. Pursuant to Sections 40K(2) and 42 of the *Land Use Planning and Approvals Act 1993*, the merits of each representation received with regard to the requested amendment of the Clarence Local Provisions Schedule PDPSPAMEND-2024/048902 to rezone 471 Cambridge Road, Mornington and 528 & 540 Pass Road, Cambridge from Rural Living B Zone to General Residential Zone, Open Space Zone, Local Business Zone and apply a Specific Area Plan (the Mornington Park Specific Area Plan) and the associated planning application for a five lot subdivision (two residential lots, one public open space lot, one road lot, and one balance lot with two existing dwellings, which was submitted in accordance with s40T of the Act, is contained in the Associated Report and the Planning Authority considers that modification to the draft amendment or the associated planning permit is not warranted.
- B. Pursuant to Sections 40K(2) and 42 of the *Land Use Planning and Approvals Act 1993*, the Planning Authority is satisfied that the modified draft amendment meets the LPS criteria and no other recommendations to either the draft amendment or the planning permit are warranted.
- C. Pursuant to Sections 40K(1) and 42 of the *Land Use Planning and Approvals Act 1993*, the Planning Authority provides the Associated Report and relevant attachments, including a copy of each representation, to the Tasmanian Planning Commission.
- D. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

The request for a planning scheme amendment and combined subdivision application relates to land at 471 Cambridge Road, Mornington and 528 & 540 Pass Road, Cambridge. The proposal was lodged with Clarence City Council as a combined application for:

- an amendment to the Clarence Local Provisions Schedule to rezone the subject land and apply a Specific Area Plan, and
- to enable a five lot subdivision, comprised of two residential lots, one public open space lot, one road lot, and one balance lot with two existing dwellings (the subdivision).

The land is currently zoned Rural Living “B” under the Tasmanian Planning Scheme - Clarence. The proposed development outcomes and subdivision pattern are not permitted under the Scheme in its current form and require approval of the planning scheme amendment.

Council, as Planning Authority, considered the request and resolved at its meeting of 11 May 2026 to certify the draft amendment as meeting the Local Provisions Schedule criteria under Section 34 of LUPAA; and approve the draft subdivision application for public exhibition, subject to the certified amendment.

The certified draft amendment and associated draft subdivision approval were publicly exhibited in accordance with the requirements of Sections 40G and 40Z of LUPAA. The representations are summarised and assessed in Section 5 of this report.

This report has been prepared in response to those representations and forms part of Council’s obligations under Sections 40K and 42 of LUPAA.

2. PROPOSAL IN DETAIL

2.1. The Site

The subject land at 471 Cambridge Road, Mornington and 528 & 540 Pass Road, Cambridge, (Figure 1) is located at the interface of Cambridge and Mornington.

The site comprises three titles in single ownership, which is relevant to subdivision logic and the application of the Specific Area Plan. The total site area is approximately 57,580m² (5.756ha).



Figure 1 – Aerial image of area (subject site outlined in blue)

2.2. The Draft Amendment and Planning Permit

On 11 May 2026, the Planning Authority resolved to certify a draft amendment that:

- Rezoned land at 471 Cambridge Road, Mornington and 528 & 540 Pass Road, Cambridge from the Rural Living “B” Zone to a combination of the General Residential Zone, Local Business Zone and Open Space Zone, and applied a Specific Area Plan to guide future use and development of the site.
- Determined that the draft amendment meets the requirements of LUPAA, including the Section 34 Local Provisions Schedule criteria.
- Determined a draft planning permit for a five lot subdivision (two residential lots, one public open space lot, one road lot, and one balance lot with two existing dwellings).
- Placed the certified draft amendment and associated draft planning permit on public exhibition for a period of 28 days.

A copy of the certified draft amendment is provided in Attachment 1, and a copy of the draft permit is contained in Attachment 2.

3. STATUTORY IMPLICATIONS

Following the exhibition of a draft Local Provisions Schedule (LPS) amendment, the Planning Authority is required to consider any representations received and provide a report to the Tasmanian Planning Commission in accordance with Sections 40K and 42 of LUPAA.

This report has been prepared to satisfy the statutory requirements of Sections 40K and 42 of LUPAA.

The Planning Authority is required to submit this report to the Commission within 35 days of the close of the exhibition period (subject to approved extensions), which is by 27 July 2026.

4. CONSULTATION

The certified draft LPS amendment and associated draft planning permit were publicly exhibited for 28 days, concluding on 16 June 2026 in accordance with the requirements of LUPAA.

Public notification of the proposal included:

- advertisements in The Mercury on 16 May 2026 and 30 May 2026,
- letters to landowners and occupiers adjoining the subject land, and
- the placement of notification signage on the subject site.

During the exhibition period, seven representations were received.

5. DISCUSSION ON THE MERITS OF THE REPRESENTATIONS

The representations comprise:

- four representations from State agencies, and
- three representations from members of the public.

All representations have been considered in accordance with Sections 40K and 42 of LUPAA.

Representations from State agencies generally address strategic planning matters and supporting technical considerations. In contrast, representations from members of the public primarily relate to traffic, access, local amenity, and the potential impacts of future subdivision and development.

Matters relating to detailed design, staging and implementation do not affect the content of the draft amendment and are addressed through the Specific Area Plan, relevant codes and subsequent permit processes.

Each representation has been considered on its merits including, where relevant, the statutory mechanism through which the issue is addressed, and whether any modification to the draft LPS amendment or draft planning permit is required.

The State agencies who provided representations were:

- Aboriginal Heritage Tasmania (AHT)
- Department of State Growth (State Growth)
- Environment Protection Authority (EPA); and
- Tasmania Fire Service (TFS).

Three representations were received from members of the public (non-authority representations).

Where issues raised by non-authority representors relate to matters that are appropriately addressed through the operation of the Specific Area Plan, statewide codes, or subsequent subdivision and development permit processes, those issues have been assessed as implementation matters rather than grounds for modification to the certified draft amendment.

5.1. Representations Assessment

(1) Environmental Protection Agency

The Environment Protection Authority (EPA) made comment during the preparation of the amendment, and their advice was incorporated into the proposal. EPA was subsequently advised that it has no further comment in relation to the proposed planning scheme amendment and associated subdivision.

The EPA representation does not identify any matter that warrants modification to the certified draft amendment or the associated draft planning permit.

(2) Department of State Growth

The Department of State Growth (DSG) (now Building Tasmania) comments are relevant to the integration of future subdivision and development with the surrounding transport network. The matters raised relate to both strategic road planning and the more detailed design of access, pedestrian movement and public transport connectivity.

- **Response**

DSG has identified the need to ensure that future planning for the Pass Road, Cambridge Road and Tasman Highway interface is not compromised. On the information available, the proposed subdivision does not conflict with the future road planning matters identified by DSG. The representation does not identify any land use conflict or transport constraint that would prevent the proposed rezoning or the application of the Specific Area Plan.

The matters raised by DSG are addressed through the planning framework that applies to future subdivision and development of the land. The Specific Area Plan provides a coordinated framework for land use, access and movement across the site, while the Road and Railway Assets Code and the Parking and Sustainable Transport Code require access, road safety, pedestrian movement and integration with the broader transport network to be assessed at the relevant permit stage.

It is noted that the draft permit is only for Stage 1 of the subdivision, and future applications would be necessary for approval of subsequent stages, in accordance with the requirements of the modified planning scheme.

Future subdivision and development will also be subject to engineering approval processes, where detailed road design, access arrangements, footpath provision and pedestrian connectivity can be resolved having regard to final layout and infrastructure requirements. This ensures that development cannot proceed unless satisfactory arrangements are made for access, traffic management, pedestrian movement and integration with the surrounding road network.

It is considered that the matters raised by DSG do not warrant modification to the certified draft amendment or associated draft permit.

(3) Aboriginal Heritage Tasmania

Aboriginal Heritage Tasmania (AHT) advised that no impact to Aboriginal heritage is anticipated at the amendment stage, noting that no ground disturbance is authorised by the amendment itself. Any future works involving ground disturbance will remain subject to the requirements of the *Aboriginal Heritage Act 1975* and any applicable assessment processes.

- **Response**

The issues identified are implementation matters that depend on future subdivision and development activities. These matters do not affect the strategic framework established by the draft amendment and are appropriately managed through the statutory processes that apply at the development stage under the *Aboriginal Heritage Act 1975*.

A minor drafting error was identified in the draft planning permit advice clause, with reference to the *Aboriginal Relics Act 1975* that needs to be changed to the *Aboriginal Heritage Act 1975*. The identified drafting error does not affect the intent or operation of the draft amendment or permit as it is advice only and does not form part of the permit itself.

The matters raised by AHT do not warrant modification to the certified draft LPS amendment or the draft permit. However, advice will be updated to reflect the correct legislation reference in the AHT advice clause.

(4) Tasmania Fire Service

The Tasmania Fire Service (TFS) advised that it does not object to the proposed subdivision, subject to compliance with the Bushfire Hazard Management Plan. TFS raised concerns regarding the draft Specific Area Plan (SAP), including that minimum lot size provisions appear arbitrary and not clearly based on a comprehensive bushfire hazard assessment. TFS also identified uncertainty as to whether proposed lot layouts, as shown in the application concept plan, can achieve adequate separation distances from bushfire-prone vegetation and noted that some lots appear to rely on hazard management measures on adjoining land.

Concerns were also raised regarding the requirement for future subdivision to align with a fixed concept layout, which may limit the ability to respond to detailed bushfire assessment outcomes.

- **Response**

It is accepted that future subdivision must demonstrate compliance with the Bushfire-Prone Areas Code and be supported by an appropriate bushfire hazard assessment, including resolution of separation distances, building envelopes and hazard management areas. However, these matters do not necessitate modification to the certified draft amendment. The SAP establishes a framework for development rather than a fixed subdivision outcome. That is why the conceptual master plan, included in the application, was specifically removed from the draft SAP previously certified by Council, thus enabling future subdivision detailed design to respond to bushfire assessment outcomes and applicable code requirements.

For the avoidance of doubt, the subdivision approved at this stage is limited to the creation of parent lots and the public open space lot and does not fix the ultimate subdivision outcome. Any subsequent subdivision or reconfiguration of land will be subject to further application and assessment and must demonstrate compliance with TFS requirements and the Bushfire-Prone Areas Code.

It is considered that these matters do not require modification to the certified draft amendment, provided the SAP is applied as a framework rather than prescribing fixed subdivision outcomes. Future subdivision and development must demonstrate compliance with the Bushfire-Prone Areas Code and associated bushfire assessment requirements. Where this cannot be achieved, subdivision design will need to be modified or assessed against the relevant performance criteria.

On that basis, the representation does not warrant modification to the certified draft amendment or associated draft permit. However, it is recommended that the Commission has particular regard to the TFS advice when considering the final form of the SAP provisions to ensure that they do not constrain the ability for future subdivision to respond to detailed bushfire assessment outcomes.

(5) Public #1

The representation raises concerns regarding existing traffic congestion on Pass Road, Cambridge Road, Joshua Street and the Mornington roundabout, particularly during peak periods. Objection is raised on the basis that the proposal will add to existing traffic volumes and create additional safety risks associated with a new access from Cambridge Road.

The concerns relate to the cumulative traffic and safety impacts on the nearby road network, of enabling more intensive development on land currently zoned Rural Living “B”.

- **Response**

The representation concerns are acknowledged, noting that the proposal will result in an increase in traffic generation. However, the matters raised primarily relate to the detailed design, layout and operation of the future road network, including access design, intersection performance and traffic management measures.

In this regard, it is noted that the Traffic Impact Assessment prepared in support of the application was reviewed by both Council's engineering officers and DSG, neither of whom raised objection to the proposal. No additional technical evidence has been provided to demonstrate that the existing road network cannot accommodate the anticipated increase in traffic.

While the issues raised are relevant to both the draft amendment and the associated draft permit, they do not identify a deficiency in the proposed rezoning or Specific Area Plan framework. The Specific Area Plan provides for coordinated subdivision and access planning, while the Road and Railway Assets Code and the Parking and Sustainable Transport Code require access, traffic and road safety impacts to be assessed as part of any final subdivision layout and engineering design and is appropriately addressed at the permit and implementation stages.

It is considered that the matters raised do not warrant modification to the certified draft Local Provisions Schedule amendment or the associated draft planning permit.

Public #2

The representation raises concerns regarding traffic conditions on Pass Road and Cambridge Road, particularly at the intersection of those roads and in relation to vehicles entering and exiting nearby driveways. Concerns are also raised about additional traffic associated with the subdivision, the potential for undesirable behaviour in the proposed open space, and the density of future housing enabled by the rezoning.

The representor notes that they are not opposed to the subdivision in principle but seek consideration of these issues.

- **Response**

It is considered that the concerns about traffic generation, access and vehicle movement are dependent on the detailed subdivision layout and engineering design, while matters relating to housing density and open space function are addressed through the broader planning framework established by the amendment and assessed in detail at the development stage.

In this regard, Council's assessment of public open space provision within the locality identifies limitations in the functionality and accessibility of existing open space and supports the delivery of a more integrated and usable open space outcome through the proposal.

As noted in the representation above, the Traffic Impact Assessment prepared in support of the application was reviewed by both Council's engineering officers and the DSG, neither of whom objected to the proposal. No additional technical evidence has been provided to demonstrate that the existing road network cannot accommodate the anticipated increase in traffic.

While the matters raised are relevant to both the draft amendment and the associated draft permit, they do not identify a deficiency in the proposed rezoning or the Specific Area Plan. The issues identified are primarily dependent on detailed design, layout and management, which are appropriately addressed at the permit and implementation stages.

It is considered that the matters raised do not warrant modification to the certified draft Local Provisions Schedule amendment or the associated draft planning permit.

Public #3

The representation raises concerns regarding the residential density and minimum lot sizes enabled by the Specific Area Plan, noting that the proposed lot sizes are smaller than the acceptable solution under the General Residential Zone and are not considered compatible with the existing character of the area.

- **Response**

The matters raised are relevant to the strategic planning justification for the proposed rezoning, the application of the Specific Area Plan and the density outcomes enabled by that framework. Unlike matters that relate only to later subdivision design, these issues go directly to whether it is appropriate to apply SAP controls and vary the standard provisions that would otherwise apply under the General Residential Zone.

The concerns raised about density and minimum lot size have been considered. The use of a Specific Area Plan necessarily involves consideration of whether a tailored planning framework is justified for the land. In this regard, it is considered that the size, configuration and location of the site, its position at the Cambridge/Mornington urban interface, and its capacity to deliver an integrated outcome comprising residential development, local business land and public open space support the use of a site-specific planning framework.

The representation also raises concerns regarding the statutory basis for the Specific Area Plan under Section 32 of LUPAA. In particular, the representation questions whether the supporting material adequately demonstrates the required benefit of the draft SAP provisions and whether those provisions are necessary. The representation also questions whether the provision of additional public open space constitutes a meaningful social benefit, given the representor's view that the surrounding area is already well served by existing open space.

The proposal does not rely on delivering social or affordable housing as the determinative basis for satisfying Section 32. Rather, the planning benefit is understood as arising from the coordinated redevelopment of a substantial landholding in a manner that provides additional housing choice, local services and consolidated public open space within a single statutory framework.

Council's prior assessment of open space provision within the locality, has informed the proposed SAP. While open space exists in the surrounding area, the open space assessment identified qualitative constraints, including fragmentation, limited accessibility, poor surveillance and reduced usability. The proposed amendment facilitates a more consolidated and functional open space outcome, integrated with the future development of the site. On that basis, it is not accepted that the presence of existing open space in the broader locality means that the proposed public open space outcome has no planning benefit.

The concerns regarding lot size, residential density and neighbourhood character are acknowledged. However, those matters do not, of themselves, demonstrate that the SAP is inappropriate. The purpose of the SAP is to provide a tailored statutory framework for this particular land, including density, access, open space and land use outcomes that cannot be achieved as effectively through the standard zone provisions alone. Detailed built form, lot configuration, amenity and servicing outcomes will remain subject to the SAP provisions, relevant planning scheme standards and subsequent subdivision and development assessment processes.

It is considered that the proposed variation to standard lot size and density provisions is justified in this context, having regard to the characteristics of the land and the coordinated planning outcome sought.

It is considered that the matters raised do not warrant modification to the certified draft amendment or associated draft permit. The recommendation not to modify the draft amendment would not adversely affect the operation of the Clarence LPS as a whole.

5.2. Representation Assessment Conclusion

Having considered the merit of each representation, the Planning Authority is of the opinion that the matters raised do not warrant modification to the certified draft amendment, or the associated draft planning permit. The issues identified do not affect the strategic intent or operation of the draft amendment, or are appropriately addressed through the Specific Area Plan, applicable planning scheme provisions and subsequent subdivision, engineering and development assessment processes.

The Planning Authority remains satisfied that the draft amendment meets the LPS criteria and that the recommendation not to modify the amendment will not adversely affect the operation of the Clarence LPS as a whole.

It is therefore appropriate to recommend that the Tasmanian Planning Commission approve the certified draft amendment and the associated draft planning permit as exhibited.

6. EXTERNAL REFERRALS

The original application was referred to Aboriginal Heritage Tasmania (AHT), TasWater, Hobart Airport, Environment Protection Authority (EPA), Tasmania Fire Service (TFS), TasNetworks, The Department of Natural Resources and Environment, and Department of State Growth (State Growth).

Other than those identified above, no referral authority raised an objection to the proposal.

7. CONSISTENCY WITH LPS CRITERIA

7.1. The proposal is consistent with the objectives of Schedule 1 of LUPAA

Council is satisfied that the planning scheme amendment promotes the orderly and proper planning and sustainable development of land, supports the efficient use of infrastructure, and provides a clear framework to manage environmental constraints and hazard considerations. The amendment facilitates an appropriate transition of land toward urban use in a manner that enables subsequent development to be assessed against a clear statutory framework. No representations raised matters suggesting inconsistency with the objectives of the Act.

7.2. The proposal is consistent with the State Policies, including those of the State Coastal Policy

In reaching this conclusion, Council notes that the subject land is not coastal land, and the proposal does not give rise to development or land use outcomes that engage coastal policy objectives. No representations or referral responses identified any inconsistency with State Policies. The proposed amendment establishes a strategic planning framework through rezoning and application of a Specific Area Plan that supports orderly urban development and infrastructure provision, without conflict with any State Policy outcomes.

7.3. The proposal is consistent with Section 34 LUPAA LPS requirements

Council previously resolved to certify the draft amendment as meeting the Section 34 criteria. Since then, the Tasmanian Planning Policies (TPPs) came into effect on 1 July 2026 and therefore should be addressed.

The TPP General application and implementation section states that when implementing the TPPs and determining what strategies are relevant to a particular matter, regard must be given to:

- the nature of the particular matter being considered,
- the purpose of the applicable planning instrument,
- the Policy Application statement for each policy,

- the scale at which the strategies are being applied (for example at a regional, local or site specific level), and
- the environmental, social and economic characteristics of the region, local area or site.

In this instance, the proposed amendment relates to the rezoning of land that was included within the Urban Growth Boundary (UGB) via the 19 May 2025 changes to the Southern Tasmanian Regional Land Use Strategy. The subject site is located within a TasWater service area for potable water and is capable of being provided with sewerage services. The proposed rezoning is considered a logical extension of the existing residential development to the north and west of the site.

The relevant planning policies and strategies which this proposed amendment is considered to be aligned with are listed below:

1.0 - Settlement

- 1.1 Growth – To plan for settlement that allocated land to meet the existing and future needs of the community and deliver a sustainable pattern of development.

Response

The subject site is located adjacent to an existing residential area at the northern extent of Pass Road. The proposed amendment provides for a logical extension within the UGB and considers future needs of the community by including zoning for Open Space, Local Business and a Specific Area Plan enabling a variety of residential built forms.

- 1.2 Liveability – To improve the liveability of settlements by promoting a pattern of development that improves access to housing, education, employment, nature, health and other services that support the wellbeing of the community.

Response

The proposed rezoning and Specific Area Plan will improve liveability by providing a large area of Public Open Space and enable local businesses that will serve both the site and the adjacent existing residential areas.

The proposed SAP provisions are considered to enable housing choice. The site is serviced by public transport and is located within 5km of key industrial and commercial land within Clarence, as well as retail, educational and other community services.

- 1.5 Housing – To provide for a sufficient supply of diverse housing stock, including social and affordable housing, that is well-located and well-serviced to meet the existing and future needs of Tasmanians.

Response

The proposed SAP provisions are specifically designed to achieve this objective. As noted in the State Growth response, the proposal is not inconsistent with future plans by the Department to create a new junction to the Tasman Highway in the general vicinity of the Pass Road-Cambridge intersection. It is considered that the site's proximal location to such future road network development will consolidate its role as well located urban local activity centre for Clarence.

- 1.6 Design – The created functional, connected and safe urban spaces that positively contribute to the amenity, sense of place and enjoyment experienced by the community.

Response

The proposed SAP provisions are specifically designed to achieve this objective, as articulated in the Plan Purpose statements.

4.0 - Sustainable Economic Development

- 4.7 Business and commercial – To promote business and commercial activities at a scale and intensity suited to the location to support diverse economic and employment opportunities and strengthen the State's economy.

Response

The proposed SAP provisions are specifically designed to achieve this objective, as articulated in the Use Table, which articulates use qualifications to ensure future services are appropriate for the locale.

7.0 - Planning Process

- 7.1 Public Engagement – To improve and promote public engagement processes to provide for the community’s needs, expectations and values to be identified and considered in land use planning.

Response

The proposal has been advertised in accordance with statutory requirements, and this report provides the detailed consideration to the received submissions.

In considering the above, no variances or divergence with the Southern Tasmania Regional Land Use Strategy (2010-2035), as amended 19 May 2025, were identified.

Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

The representations raised matters primarily relating to implementation and future development delivery, rather than the strategic suitability of the zoning and Specific Area Plan framework. Having regard to the representations, the Planning Authority remains satisfied that the draft amendment meets the Local Provisions Schedule criteria and that no modification is warranted.

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

The proposal is consistent with relevant Council policies and engineering guidelines, including those relating to open space, infrastructure provision and subdivision design, as part of the original assessment.

No representations raised matters suggesting inconsistency with Council policy or strategic direction, and no issues have been identified that would give rise to conflict with relevant Council policies.

9. CONCLUSION

The proposed rezoning of land from Rural Living B to General Residential, and application of a Specific Area Plan, together with a combined subdivision application to enable a five lot subdivision (two residential lots, one public open space lot, one road lot, and one balance lot with two existing dwellings), is considered to meet the LPS criteria as required under Section 34 of LUPAA.

Having considered the merit of each representation, it is considered that they do not warrant modification to the draft LPS amendment, but correction of the AHT advice clause in the draft planning permit is warranted.

It is therefore appropriate that the certified draft amendment and associated modified draft planning permit be submitted to the Tasmanian Planning Commission with a recommendation that both be approved.

Attachments: 1. Plan (14)
2. Corrected Draft Planning Permit and Endorsed Plans (53)

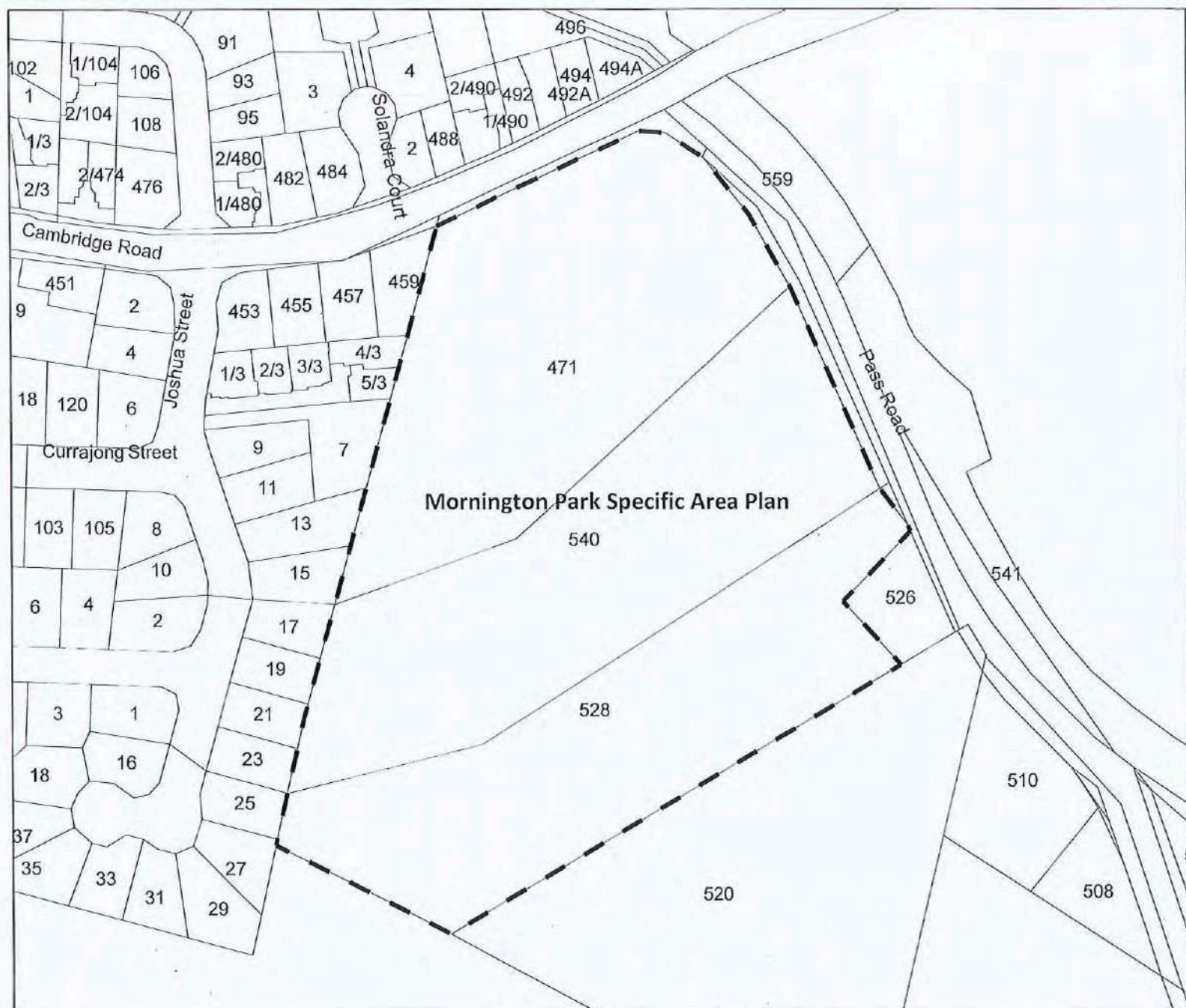
Daniel Marr
HEAD OF CITY PLANNING



AMENDMENT TO LOCAL PROVISION SCHEDULE MAPPING PDPSPAMEND-2024/048902

To amend the Tasmanian Planning Scheme – Clarence Local Provision Map by: -

- Re-zoning the site identified as 471 Cambridge Road, Mornington (CT 184647/1), 528 Pass Road, Cambridge (CT 184647/2) and 540 Pass Road, Cambridge (CT 184647/3) from Rural Residential B to General Residential Zone, Open Space Zone and Local Business Zone as shown in the figure above,
- Extending the revised zoning into the adjoining road reserves to the road centerline; and
- Removing the Waterway and Coastal Protection Overlay from the site.



AMENDMENT TO LOCAL PROVISION SCHEDULE MAPPING PDPSPAMEND-2024/048902

To amend the Tasmanian Planning Scheme – Clarence Local
Provision Map by:

- application of a Specific Area Plan - the Mornington Park Specific Area Plan to 471 Cambridge Road, Mornington (CT 184647/1), 528 Pass Road, Cambridge (CT 184647/2) and 540 Pass Road, Cambridge (CT 184647/3)

THE COMMON SEAL OF THE CLARENCE CITY COUNCIL HAS
BEEN HEREUNTO AFFIXED, THIS 13th DAY OF MAY
2026, PURSUANT TO A RESOLUTION OF THE COUNCIL
PASSED THE 11th DAY OF MAY 2026, IN THE
PRESENCE OF



Chief Executive Officer

Scale 1:2,500 (at A4)

CLA-SXX.0 Mornington Park Specific Area Plan

CLA-SXX.1 Plan Purpose

The purpose of the Mornington Park Specific Area Plan is:

- CLA-SXX.1.1 To establish a coordinated statutory framework for land use, development and subdivision within the Mornington Park area through the application of the General Residential, Local Business and Open Space zones.
- CLA-SXX.1.2 To support a range of residential uses and housing typologies within the General Residential Zone, consistent with the availability of infrastructure and the purposes of that zone.
- CLA-SXX.1.3 To enable a single, appropriately located Local Business area that provides local-scale services to meet the day-to-day needs of the surrounding community, without compromising residential amenity or the established activity centre hierarchy.
- CLA-SXX.1.4 To enable mixed-use development in appropriate locations where residential use is combined with compatible, local-scale non-residential activity and where residential amenity is maintained.
- CLA-SXX.1.5 To provide for public open space that performs recreational, landscape and stormwater management functions, and which is not intended to accommodate residential or commercial development.
- CLA-SXX.1.6 To manage interfaces between residential, business, mixed-use and open space land in a manner that supports residential amenity and orderly development.
- CLA-SXX.1.7 To retain flexibility for staged subdivision and development, with detailed design, layout and built-form outcomes to be assessed through subsequent planning permit processes.

CLA-SXX.2 Application of this Plan

- CLA-SXX.2.1 The specific area plan applies to the area of land designated as the Mornington Park Specific Area Plan on the overlay maps and in Figure CLA-SXX.1.
- CLA-SXX.2.2 In the area of and to which this plan applies to, the provisions of the specific area plan are in substitution for or in addition to, the provisions of the General Residential zone, Local Business Zone, Open Space Zone and Parking and Sustainable Access Code, as specified in the relevant provision.

CLA - SXX.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

CLA - SXX.4 Definition of Terms

CLA-SXX.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
Building Edge	Means the portion of a building façade that addresses and contributes to the visual definition of a public street or public open space
Park frontage interface	Means the relationship between buildings, private open space, fencing and public open space, including passive surveillance, overlooking and transition between public and private realms.

Primary Street Façade or Park Façade	Means a façade of a building that directly addresses a public street or public open space and provides the principal public interface.
Villa Housing	Means where each dwelling is detached or semi-detached, ground-level, and has a separate external entrance, and does not include apartments, flats or other forms of multiple dwelling development.
Street interface	Means the relationship between buildings, driveways, landscaping and fencing and a public street, including how development addresses pedestrian use, safety and streetscape character
Frontage to public open space	Means a boundary of a lot that directly adjoins land zoned Open Space.
Balance land	Means land within the Specific Area Plan area that is not subdivided at the time of approval of a plan of subdivision

CLA - SXX.5 Use Table

This clause is in substitution for the Use Tables at Clause 8.2 (General Residential Zone), Clause 14.2 (Local Business Zone) and Clause 29.2 (Open Space Zone), as they apply within the Specific Area Plan area.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If on land zoned General Residential and for a single dwelling
Utilities	If for minor utilities.
Permitted	
Residential	If on land zoned General Residential and for multiple dwellings where a minimum site area per dwelling of 325 m ² can be achieved.
Business and Professional Services	If on land zoned Local Business and the use: • is local in nature; and • serves the day-to-day needs of the surrounding community; and • does not compromise residential amenity; and • is consistent with the purposes of this Specific Area Plan.
Food Services	If on land zoned Local Business and not for take-away food premises with a drive-through facility.
General Retail and Hire	If on land zoned Local Business, and if the use:

	• is local in nature; and • serves the day-to-day needs of the surrounding community; and • does not compromise residential amenity; • is consistent with the purposes of this Specific Area Plan.
Mixed Use	If on land zoned General Residential or Local Business, and if the use: • incorporates residential use; and • provides a compatible mix of local-scale non-residential activity; and • does not compromise residential amenity; and • is consistent with the purposes of this Specific Area Plan.
Visitor Accommodation	If on land zoned Local Business, and if located above ground floor level (excluding pedestrian or vehicle access) or to the rear of a premises.
Discretionary	
Community Meeting and Entertainment	If on land zoned Open Space.
Educational and Occasional Care	If on land zoned General Residential or Local Business
Residential	If on land zoned General Residential, and if not listed as No Permit Required or Permitted.
Sports and Recreation	If on land zoned Open Space.
Utilities	If not listed as No Permit Required.
Vehicle Parking	If on land zoned Open Space.
Visitor Accommodation	If on land zoned General Residential if for a boarding house, hostel or serviced apartments; or If on land zoned Open Space if for camping and caravan park or an overnight camping area.
Prohibited	
All Other Uses	

CLA - SXX.6 Use Standards

This sub-clause is not used in this specific area plan.

CLA - SXX.7 Development Standards for Buildings and Works

This clause is in substitution for General Residential Zone clauses 8.4.1 Residential density for multiple dwellings, 8.4.2 Setbacks and building envelope for all dwellings, 8.4.3 Site coverage and

private open space for all dwellings, and 8.4.4 Sunlight to private open space of multiple dwellings, as they apply to multiple dwellings.

CLA - SXX.7.1 Residential density for multiple dwellings

This clause is in substitution for General Residential Zone - clauses 8.4.1 Residential density for multiple dwellings.

Objective:	
<i>That the density of multiple dwellings:</i> <i>(a) makes efficient use of land for housing; and</i> <i>(b) optimises the use of infrastructure and community services; and</i> <i>(c) supports higher-density residential development, including townhouse or apartment-style housing, particularly on land adjoining public open space, where built form, siting and façade articulation establish a coherent streetscape and public-open-space interface that delivers park activation, passive surveillance and high-quality residential amenity in accordance with the spatial and housing intentions of the Specific Area Plan.</i>	
Acceptable Solutions	Performance Criteria
A1 Multiple dwellings must have a site area per dwelling of not less than 200m².	P1 Multiple dwellings may have a site area per dwelling of less than 200 m² where the development has regard to: (a) building height, bulk and scale; (b) the residential amenity outcomes for future occupants and adjoining properties; and (c) contribution to a range of dwelling types and sizes.

CLA - SXX.7.2 Setbacks and building height for all dwellings on Multiple Dwellings Lots

This clause is in substitution for General Residential Zone clause 8.4.2 Setbacks and building envelope for all dwellings.

Objective:	
<i>The siting and scale of dwellings:</i> <i>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</i> <i>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</i> <i>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</i> <i>(d) provides reasonable access to sunlight for existing solar energy installations.</i>	
Acceptable Solutions	Performance Criteria
A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 3m, or, if the setback from the primary frontage is less than 3m, not less than the setback, from the primary frontage, of any existing dwelling on the site;	P1 A dwelling must have a setback from a frontage that is compatible with the zone purposes having regard to any topographical constraints.

(b) if the frontage is not a primary frontage, not less than 2m, or, if the setback from the frontage is less than 2m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.	
A2 A garage or carport for a single dwelling must have a setback from a primary frontage of not less than: (a) 4m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.	P2 A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.
A3 A single dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 9.1, 9.2 and 9.3) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 9.5m above existing ground level; and (b) only have a setback within 1.5m of a side or rear boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).	A3 The siting and scale of a dwelling must: (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; and (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; and (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.
A4.1 For Multiple Dwelling Development: A dwelling excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is not less than 1m;	P4 A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.

A4.2 For Villa Housing Development: A dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 3m, or, if the setback from the primary frontage is less than 3m, not less than the setback, from the primary frontage, of any existing dwelling on the ; (b) if the frontage is not frontage, not less than 2m, or, if the setback from the frontage is less than 2m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;	
A5.1 For Multiple Dwelling Development: Garages or carport for a dwelling must only be accessed from and have a 1.5m setback to the rear boundary. A5.2 For Villa Housing Development: A garage or carport for a dwelling must have a setback from a primary frontage of not less than: (a) 4m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.	P5.1 For Multiple Dwelling Lots there is no performance criteria. P5.2 For Villa Housing Lots a garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.
A6.1 For Multiple Dwelling Development: (a) A dwelling, excluding outbuildings, may be built to the side boundary, but must be set back from the rear boundary 1.5m with a height not greater than 9.5m; and (b) dwelling, including outbuildings located within 15m of the public open space park façade must be built with a setback of 3m from that boundary and have a height of no more than 6m. A6.2 For Villa Housing Development: (a) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (b) be contained within a building envelope determined by:	P6 The siting and scale of a dwelling must have regard to: (a) providing a building edge along the primary street façade or park façade; (b) not causing an unreasonable loss of amenity to adjoining properties, having regard to: (iii) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (iv) overshadowing the private open space of a dwelling on an adjoining property; (v) overshadowing of an adjoining vacant property; and (vi) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; (c) providing separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and (d) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:

(i) a distance equal to the frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 9.5m above existing ground level; and (c) only have a setback within 1.5m of a side or rear boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).	(i) an adjoining property; or (ii) another dwelling on the same site.
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CLA - SXX.7.3 Site coverage and private open space for all dwellings on Multiple Dwelling Development, and Villa Housing Development

This clause is in substitution for General Residential Zone clause 8.4.3 Site coverage for all dwellings

Objective:	
<i>That dwellings provide:</i> (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.	
Acceptable Solutions	Performance Criteria
A1 Dwellings must: (a) For Multiple Dwelling Development, have a site coverage of not more than 80% of the lot area; or (b) For Villa Housing Development, have a site coverage of not more than 65% (excluding eaves up to 0.6m wide);	P1 Dwellings must have: (a) site coverage consistent with that existing on established properties of the same lot type; (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and (c) reasonable space for the planting of gardens and landscaping.
A2.1 For Multiple Dwelling Development, a dwelling must have private open space with a minimum area of 9m² and a minimum dimension of 3m; A2.2	P2 A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:

For Villa Housing Development a dwelling must have a private open space that: (a) is in one location and is not less than: (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of: (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (d) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (e) has a gradient not steeper than 1 in 10.	(a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.
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CLA - SXX.7.4 Storage for all dwellings

This clause is in addition to clauses in the General Residential Zone.

Objective:	
(a) To provide for the storage of waste and recycling bins for all dwellings; and (b) To provide adequate and useable storage areas for the needs of residents.	
Acceptable Solutions	Performance Criteria
A1 Each dwelling must be provided with a dedicated and secure storage space of no less than 6m³.	P1 No Performance Criteria.
A2 Each dwelling must have a storage area for waste and recycling bins, that is an area of not less than 1.5m² and not within the area in front of the dwelling³.	P2 No Performance Criteria.

CLA - SXX.7.5 Façade design for Multiple Dwelling Development and Villa Housing Development

This clause is in addition to clauses in the General Residential Zone

Objective:	
(a) To create a highly articulated streetscape; and (b) To achieve diversity in front façade designs.	
Acceptable Solutions	Performance Criteria
A1	P1

Dwellings on lots adjoining the primary street façade or public open space façade must include: (a) a varied plan shape from adjoining dwellings with frontage to the same street (including steps, curves, recesses projections or splays); (b) variations in vertical profile from adjoining dwellings or multiple dwellings on the same street (including steps or slopes at different levels); (c) patterning or sun protection devices on windows; (d) recessing or projecting of windows, structural framing, grilles, panel details (such as stucco); (e) balustrades, balconies, verandahs or terraces; (f) planting on podiums, balconies, terraces and low level roof decks.	Dwelling design for lots adjoining the primary street façade or park façade has regard to: (a) varied plan shape from dwellings with frontage to the same street; (b) varied vertical profile from dwellings on the same street; (c) window and façade articulation; (d) planting visible from the street; and (e) a high level of articulation when viewed from public open space areas.
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CLA - SXX.7.6 Fencing for all dwellings

This clause is in substitution of clause 8.4.7 Frontage fences for all dwellings in the General Residential Zone

Objective:	
(a) <i>To create a highly articulated streetscape; and</i> (b) <i>To promote personalisation of fencing design.</i>	
Acceptable Solutions	Performance Criteria
A1 Each dwelling must be provided with a 1.2m high painted picket fence along the Primary Street Façade or Public Open Space Façade (excluding vehicle access areas).	P1 A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must: (a) provide for passive surveillance of the road or park; and (b) be compatible with the height and transparency of fences in the street, having regard to the topography of the site.

CLA - SXX.8 Development Standards for Subdivision

CLA - SXXX.8.1 Outline of development plan

This clause is in substitution for General Residential Zone - clauses 8.6.1 Lot design in the General Residential zone.

Objective:	
Subdivision is supported where it enables: (a) a range of lot sizes and configurations, including small lots, that support townhouse, terrace and multiple dwelling development; (b) increased residential density along primary streets and land with frontage to public open space; and (c) rear-loaded lots and access via laneways, where this supports streetscape quality and pedestrian priority.	
Acceptable Solutions	Performance criteria
A1 Each lot, or a lot proposed in a plan of subdivision, intended to accommodate a single dwelling, must: (a) have an area of not less than 300 m²; and (b) be capable of containing a building area with minimum dimensions of 10 m × 15 m, with a gradient not steeper than 1 in 5, clear of: (i) all setbacks required by clause CLA - SXX.7.2 A1.1, A1.2, A2.1, A2.2, A3.1 and A3.2; and (ii) any easements or other title restrictions that limit or restrict development; or (c) where necessary to achieve compliance with the Bushfire Prone Areas Code, have an area of not less than 450 m².	P1 Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of the lot or to a building area on the lot (if any) and must have sufficient useable area and dimensions suitable or the intended use having regard to: (a) the topography of the site; (b) the length of the access; (c) the distance between the lot and the carriageway; (d) the nature and function of the road and associated traffic conditions; (e) the type of vehicles likely to access the site; and (f) the ability for emergency services vehicles to safely access the site.
A2 Public Open Space provision must: (a) be consistent with Figure CLA-SXX.2 ; (b) is deemed to meet the Council requirements for public open space contribution; and (c) must not be provided as cash in lieu.	P2 Public Open Space must be provided generally in accordance with in Figure CLA-SXX.2 having regard to: (a) the topography of the site; (b) any natural or landscape values; (c) adequate provision of public open space; (d) the purpose of the public open space; and must not be provided as cash in lieu.

CLA - SXX.9 Car Parking Requirements

This clause is in substitution for the Parking and Sustainable Access Code C2.5.1 Car parking spaces.

Objective:	
<i>That an appropriate level of car parking spaces are provided to meet the needs of the use.</i>	
Acceptable Solutions	Performance criteria
A1 The number of on-site car parking spaces must be no less than one space per dwelling; and No visitor parking is required;	P1 The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to: (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area.



Figure CLA-SXX.1 Mornington Point Specific Area Plan - SAP Area Map

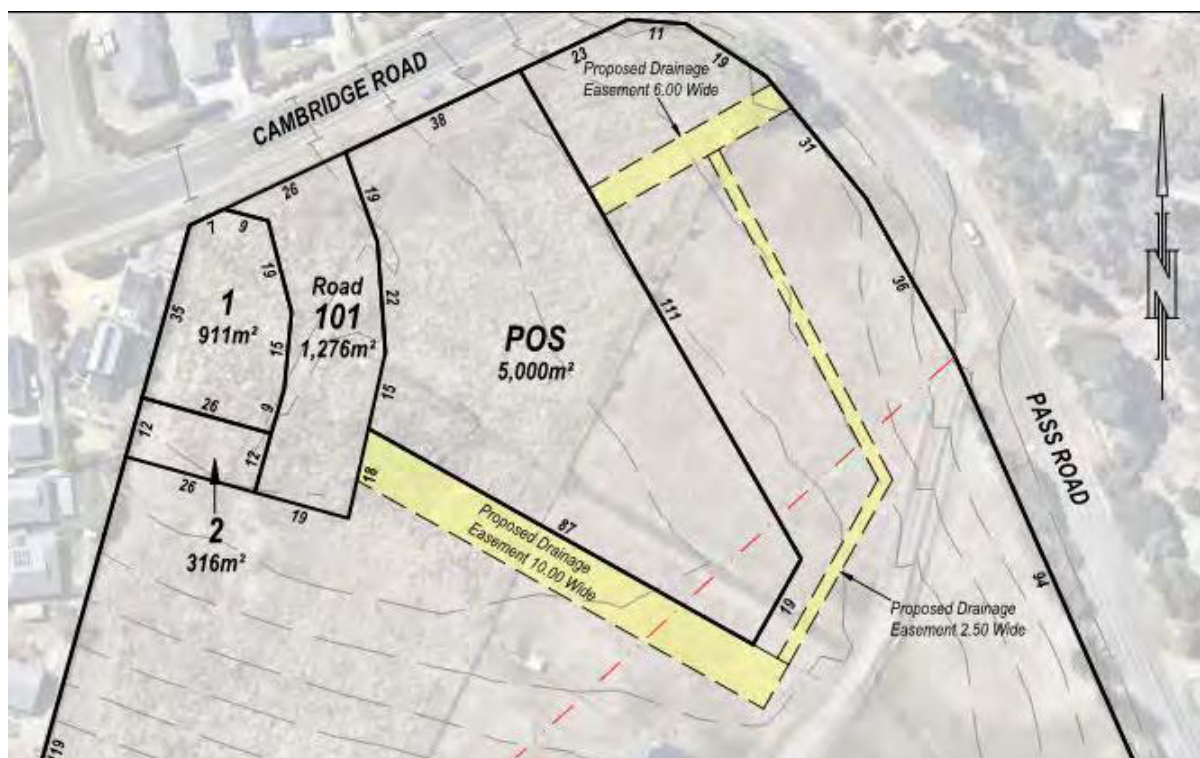


Figure CLA-SXX.2 Mornington Point Specific Area Plan - Open Space Provision



Clarence City Council

DRAFT PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

Development No: PDPSPAMEND-2024/048902 **Approval Date:** 01 January 1900

Description: **Five Lot Subdivision (2 residential lots, 1 public open space lot, 1 road lot, and 1 balance lot with two existing dwellings)**

Address: **471 Cambridge Road, Mornington, 528 & 540 Pass Road, Cambridge**

This permit is granted, subject to the following conditions:

General Conditions:

- 1 The use or development must only be undertaken in accordance with the endorsed plans:
 - Proposed subdivision plans version C dated 10/01/25, prepared by Rogerson & Birch,
 - Concept Services – General Arrangement, Dwg No. 1 version DA4, dated 28/01/26 prepared by Johnston McGee & Gandy Pty Ltd,
 - Bushfire Hazard Report, version 4, dated 14/02/25, prepared by Mat Clark (BFP-P)and any permit conditions and must not be altered without the consent of Council.
- 2 Each lot must be provided with a minimum 3.6m wide constructed and sealed access from the road carriageway to the property boundary in accordance with Tasmanian Standard Drawing or its relevant equivalent operating at the time the works are being undertaken (copy available from Council). This access must be inspected by council prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by council to the owner and in accordance with the relevant Council's local highways standards By-Law operating from time to time.

Unless within a new subdivision, a permit to carry out works within Council's Road reservation, is required for the purposes of this condition. An application form is available on Council's website.

3 Engineering designs, prepared by a suitably qualified person, are required for:

- road design (including line marking, signage and any traffic devices);
- traffic calming design;
- stormwater drainage including upgrade of stormwater main along Cambridge Road and detention design;
- footpaths and pedestrian infrastructure;
- lot accesses, and;
- other (as specified)

and must show the extent of any vegetation removal proposed for these works and be designed in conjunction with any landscaping plan requirement. Such engineering designs must be compliant with all Council By-Laws and adopted standards applicable at the time of lodgement of the engineering designs. These engineering designs, together with the safety in design report, must be submitted and approved by Council's Chief Executive Officer or delegate clearly describing works that are being undertaken for each approved stage of the development.

An engineering assessment fee, in accordance with Council's adopted fee schedule, must be paid prior to the approval of the engineering designs. A 'Start of Works' authority must be obtained prior to the commencement of any works.

For the Final Engineering Design Plans to be sealed prior to the completion of the works or the expiry of the "On-Maintenance" period a bond must be paid, in accordance with Council bonding Policy. Please note that the bond for the "On-Maintenance" period is 5% of the construction cost.

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

As construction drawings and necessary CCTV reports for Council's infrastructures must be submitted prior to the issue of the Certificate of Practical Completion.

4 Driveways, parking areas and other areas accessible to vehicles must be constructed in a suitable impervious surface, and provide for adequate stormwater drainage prior to the commencement of the use. Details of the construction must be submitted to, and approved by, Council's Chief Executive Officer or delegate prior to the commencement of any works.

5 An erosion and sedimentation control plan, in accordance with the Derwent Estuary Programme Soil and Water Management on Building and Construction Sites document, must be submitted and approved by Council's Chief Executive Officer or delegate when lodging the 'Start of Works Notice' to council. All

debris/construction materials must be contained within the property. All works must be carried out in compliance with the approved erosion and sediment control plan.

- 6 The owner or developer must not deposit, stockpile or store any soil, fill or other material on any lot after the completion of civil works, except where expressly approved in writing by the planning authority for landscaping or construction purposes.

Any unauthorised fill must be removed within 14 days of written notice. Failure to comply constitutes a breach of this permit. The planning authority may issue infringement notices and penalties or undertake remedial works at the owner's

- 7 The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all council infrastructure required to service the lots in a form to the satisfaction of Council's Chief Executive Officer or delegate.

- 8 The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all utilities infrastructure required to service the lots in a form to the satisfaction of the relevant utility service provider.

- 9 Prior to commencing any works on-site, a filling plan shall be prepared by a suitably qualified person and submitted to and approved by Council's Head of Infrastructure and Natural Assets. The plan is to conform with principles outlined in AS3798-2007 – Guidelines on Earthworks for Commercial and Residential Developments and is to include start and end dates, a staging plan (if applicable) and a rehabilitation plan.

Filling of the land shall be fit for the purposes of those future uses reasonably expected on the land and must be undertaken in a manner which does not create nuisance by way of dust, noise, traffic movements or weed dispersal, either during the filling operation or after completion.

Upon completion of filling operations, the works shall be certified by a suitably qualified person as being carried out in accordance with the approved filling plan and rehabilitation plan and is fit for purpose and free of deleterious matter or hazardous/controlled substances.

An as constructed topographical survey plan at a suitable scale is to be provided to Council upon completion of the works.

- 10 Street construction, including line marking, traffic devices, street lighting, concrete kerbs, gutters and [footpath / shared paths] with asphalt roads, must be carried out to the requirements of council's Local Highways Standard Requirements By-Law and must be approved by council's Head of Infrastructure and Natural Assets. Pavement designs must be based upon laboratory-soaked California Bearing Ratio (CBR) values. Line marking must be in thermoplastic material.

- 11 Suitable barriers must be erected during the stages of construction and at access points to the balance land to prevent unauthorised vehicle access.

- 12 Appropriate temporary turning heads are to be provided with sealed surfaces at the end of each road stage to facilitate adequate vehicle manoeuvrability. Appropriate signage signifying the temporary turning head is required. Appropriate and sustainable drainage must be provided for these temporary facilities.
- 13 The owner must, at their expense, repair any council services (e.g. pipes, drains) and any road, crossover, footpath or other council infrastructure that is damaged because of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs must be in accordance with any directions given by the council and in accordance with the council's Local Highways Standard Requirements By-Law.

If the owner does not undertake the required repair works within the timeframe specified by council, the council may arrange for the works to be carried out at the owner's expense.

- 14 Any lots described as "public open space", "public access way", "road", "to be acquired by the Highway Authority" or other land designated to become public land on the Final Plan must be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Clarence City Council, all documentation in relation to discharges of any Mortgages, withdrawal of caveats, and all other relevant registrable dealings.

This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office fees and charges and duty in relation to the document.

The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved and the applicant must meet the costs of such requisitions.

- 15 All proposed waterway crossings must be designed and constructed in a manner to ensure the waterway is not obstructed in any way. A hydraulic analysis of the catchment must be provided to demonstrate the adequacy of the crossing to meet Council's adopted Stormwater Management Procedure for New Development. Engineering designs and drawings must be prepared for approval of Council's Chief Executive Officer or delegate prior to the commencement of works.

The works must be completed in accordance with the approved plans prior to the sealing of the final plan of survey.

- 16 A minimum 150mm diameter stormwater drainage connection to council's main must be provided prior to the commencement of the use / prior to the issue of a certificate of likely compliance (CLC) for building works/ issue of title whichever occurs first. An extension to council's stormwater main may be required at the developer's expense.
- 17 All existing services on the land must be contained within a single lot. For any services extending beyond the property boundary, a suitable easement must be created on the affected titles.

- 18 All new power and telecommunication services, including applicable street lighting, must be underground and within the road reserve or subject of a suitable easement approved by Council's Chief Executive Officer or delegate. Trenchless installations must incorporate the installation of a conduit to accommodate the services. These conduits are to extend beyond all trafficable areas and surface drainage, inclusive of footpaths and table drains, with a minimum cover of 1.2 metres. The above works must be to the satisfaction of Council's Chief Executive Officer or delegate and completed prior to the sealing of the Final Plan of Survey.
- 19 Prior to the sealing of the final plan, the developer must supply the City of Clarence with as-installed services plan(s) clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements). The as-installed services plan(s) must be submitted by a suitable qualified expert as confirmation that all engineering work required by this permit has been completed.
- 20 Where subdivision or development works are approved to be undertaken in stages, all works for each stage must comply with the most current Council By-Laws, adopted policies and Standards in force at the time the engineering drawings for that stage are lodged for approval.

If any previously completed works do not comply with the current Council By-Laws, adopted policies and Standards and require modification to integrate with subsequent stages, the permit holder must reconstruct or upgrade those works to achieve compliance and ensure seamless integration between stages.

All costs associated with such reconstruction or upgrade works are the responsibility of the permit holder.

- 21 All public open space/reserve areas (other than roads) must be included in the first stage of the development.
- 22 Council has formed the opinion that the subdivision is to provide for public open space as shown on the subdivision proposal plan, where the POS lot area of 5000m² exceeds the 5% contribution minimum requirement of s116(a) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Council has negotiated an agreement with Mornington Park Estate Pty Ltd, for the purchase of the land in excess of the 5% contribution, as per the terms and conditions of the Deed executed on 22 April 2026 or in accordance with S116 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

- 23 All public recreation space areas must be shown as lots on the Final Plan and noted as "Public Open Space".

All public open space lots must be fenced by the subdivider, and suitable fire breaks created, to satisfaction of Council's Manager City Planning. The Final Plan and Schedule of Easements will not be sealed until this work is complete or a suitable Bond and Guarantee for the work is lodged.

The bond is to be for an amount of 1.5 times the estimated cost of construction and may be a cash deposit or a bank guarantee. The work is to be completed within 6 months of the lodging of the bond. If the works are not completed within this time,

Council may have the fencing work undertaken and may recover those costs incurred from the bonded amount.

A Landscape and Earthworks Plan for all areas of Public Open Space (POS) shown on the Plan of Subdivision 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.

1. The Landscape and Earthworks Plan must clearly document the following:

- finished surface contours at 0.1 metre intervals and spot levels sufficient to demonstrate final landform and drainage patterns;
- the detailed shaping of all swales, low points and overland flow paths to demonstrate that the land will function as usable public open space while accommodating stormwater conveyance;
- cross sections and long sections of proposed swales and overland flow paths at intervals sufficient to demonstrate batter slopes, depths and integration with surrounding landforms;
- finished surface treatments including turfing, topsoil depths and soil preparation for all disturbed areas;
- establishment specifications for turf and planted areas, including soil preparation, turf type, installation method and establishment requirements sufficient to achieve practical completion prior to handover;
- the location of any proposed paths, furniture or landscape features (if applicable);
- a staging and implementation schedule for the landscape works.

In addition, the plan must include:

- a north point and site boundaries;
- existing site features including buildings, services and structures;
- the identification of existing trees as retained or removed, and Tree Protection Zones for retained trees in accordance with AS 4970-2009;
- areas of proposed hard and soft landscape treatments;
- planting schedules identifying species, quantities and installation details;
- an annotation stating that any damage to the nature strip during construction will be suitably remediated;
- the location of water connection points; and
- a proposed maintenance schedule for landscaped areas prior to handover.

2. The design must demonstrate, to the satisfaction of Council's Chief Executive Officer or delegate, that:

- stormwater conveyance infrastructure within the POS area is integrated into the landform in a manner that minimises visual and functional impacts and enables the primary use of the land as public recreation space; and

- the finished grading, shaping and levels provide safe, usable and maintainable recreational land suitable for public access and routine maintenance.
3. Prior to sealing of the Final Plan of Survey, an as-constructed topographical survey plan certified by a suitably qualified surveyor must be submitted to and approved by Council's Chief Executive Officer or delegate demonstrating that the works have been completed in accordance with the approved Landscape and Earthworks Plan.
- 25 The development must meet all required Conditions of Approval specified by TasWater notice, dated 03/03/2026 (TWDA 2023/01137-CCC).
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The following advice is also provided:

- a. This Permit will lapse after 2 years from the date on which it is granted unless the development / use has been substantially commenced. Upon request, under Section 53(5A) of the *Land Use Planning and Approvals Act 1993* Council may grant an extension of time for a further 2 years. A further 2 years may be granted upon request under Section 53(5B) of the *Land Use Planning and Approvals Act 1993*. Any such requests must be made in writing and within 6 months of 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. The proposed lots are located within a mapped bushfire prone area and as such a bushfire assessment and BAL must be provided by a suitably qualified person and form part of the certified documents for individual building applications.
- d. The proposed works are located within a mapped overland flow path and prone to flood. Please refer to council's flood mapping system <https://www.ccc.tas.gov.au/flood-maps/>
- e. The site may contain relics which are protected under the Aboriginal Heritage Act 1975 and the applicant is therefore responsible to ensure compliance with the provisions of that Act. Applicants are advised to seek independent technical advice in relation to identification and protection of any relics.
- f. Based on the information provided, the use/development is not likely to adversely affect TasNetworks' operations. As with any subdivision of this magnitude, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, it is recommended that the developer contacts TasNetworks

on 1300 137 008 or the Negotiated Connections team at Negotiated.Connections@tasnetworks.com.au at their earliest convenience.

- g. The Department of Primary Industries, Parks, Water and Environment, Threatened Species Unit has advised that the property may contain species identified in the schedules of the *Threatened Species Protection Act 1995*. I have enclosed a copy of the Department's letter. It is your responsibility to comply with the legislation and therefore you should contact the Department to determine whether there will be any issues which may arise under that Act in relation to the development.
- h. Hobart Airport received application number PDPSAMEND-2024/048902 471 Cambridge Road Mornington and 528 & 540 Pass Road, Cambridge for a development that may be considered a Controlled Activity as stated Airports (Protection of Airspace) Regulations. Hobart Airport as the aerodrome operator has completed the initial assessment of this application as required in the Regulations. Based on the information supplied it does not appear that this proposal is classed as a controlled activity, as defined in the Regulations. Hobart Airport does not object to this proposal which may create occasional pooling of water in the proposed open space, during flood events, which may increase wildlife activity (e.g. attracting birds).

Controlled activities are also defined as any activities causing intrusions into the protected airspace through glare from artificial light or reflected sunlight, air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter. Details will need to be provided to Hobart Airport for consideration if this proposal may subject the protected airspace around Hobart Airport to one or more of these items. Please note that further to the above, any structures used in the construction process, such as cranes, may in fact be controlled activities and require separate approval under the Regulations. Please note this commentary is from an aerodrome airspace perspective (only) and Hobart Airport may separately submit additional representations within the advertised timeframe.

- i. 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.

Daniel Marr

HEAD OF CITY PLANNING

THIS APPROVAL IS GIVEN UNDER DELEGATION GRANTED BY COUNCIL ON 14 DECEMBER 2020

7.4 APPLICATION PDPSAMEND-2024/048902 – REVIEW OF REPRESENTATIONS - 471 CAMBRIDGE ROAD, MORNINGTON AND 528 & 540 PASS ROAD, CAMBRIDGE
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EXECUTIVE SUMMARY**PURPOSE**

This report has been prepared to consider the representations received during the public exhibition of draft amendment PDPSPAMEND 2024/048902 and the associated draft subdivision permit.

The proposal relates to a request to amend the Clarence Local Provisions Schedule through the rezoning of land and application of a Specific Area Plan, together with a combined subdivision application to enable a five lot subdivision (two residential lots, one public open space lot, one road lot, and one balance lot with two existing dwellings), on land at 471 Cambridge Road, Mornington, and 528 and 540 Pass Road, Cambridge.

LEGISLATIVE REQUIREMENTS

The draft amendment and associated permit were certified and approved for exhibition by the Planning Authority on 11 May 2026 and publicly exhibited in accordance with Sections 40G and 40Z of the Land Use Planning and Approvals Act 1993 (LUPAA). Following exhibition, the Planning Authority is required to undertake an assessment of those representations in accordance with Sections 40K and 42 of LUPAA and make recommendations to the Tasmanian Planning Commission (the Commission).

Such report must be provided within the statutory period which expires on 27 July 2026.

CONSULTATION

Seven representations were received during the exhibition period, comprising four representations from State authorities and three from members of the public.

The representations raise matters relating to transport and access, bushfire hazard management, public open space, residential density, and the statutory basis for the proposed Specific Area Plan.

State authority representations primarily relate to strategic and technical matters, including bushfire considerations and transport planning, and identified a required correction to an advice clause in the draft permit. Public representations raise concerns regarding traffic conditions, access, density, and local amenity.

RECOMMENDATION:

- A. Pursuant to Sections 40K(2) and 42 of the *Land Use Planning and Approvals Act 1993*, the merits of each representation received with regard to the requested amendment of the Clarence Local Provisions Schedule PDPSPAMEND-2024/048902 to rezone 471 Cambridge Road, Mornington and 528 & 540 Pass Road, Cambridge from Rural Living B Zone to General Residential Zone, Open Space Zone, Local Business Zone and apply a Specific Area Plan (the Mornington Park Specific Area Plan) and the associated planning application for a five lot subdivision (two residential lots, one public open space lot, one road lot, and one balance lot with two existing dwellings, which was submitted in accordance with s40T of the Act, is contained in the Associated Report and the Planning Authority considers that modification to the draft amendment or the associated planning permit is not warranted.
- B. Pursuant to Sections 40K(2) and 42 of the *Land Use Planning and Approvals Act 1993*, the Planning Authority is satisfied that the modified draft amendment meets the LPS criteria and no other recommendations to either the draft amendment or the planning permit are warranted.
- C. Pursuant to Sections 40K(1) and 42 of the *Land Use Planning and Approvals Act 1993*, the Planning Authority provides the Associated Report and relevant attachments, including a copy of each representation, to the Tasmanian Planning Commission.
- D. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

Decision: **MOVED** Cr Hulme **SECONDED** Cr Mulder

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY