7.5 LOCAL PROVISIONS SCHEDULE AMENDMENT AND COMBINED DEVELOPMENT APPLICATION PDPSPAMEND-2022/028417 – 2 PIPER ROAD, GEILSTON BAY, 647 EAST DERWENT HIGHWAY AND 657 EAST DERWENT HIGHWAY, RISDON

EXECUTIVE SUMMARY

PURPOSE

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

The application relates to land at 2 Piper Road, Geilston Bay (CT: 226109/1), 647 East Derwent Highway, (CT: 115696/1), and 657 East Derwent Highway, Risdon (CT: 61125/1).

The land at 2 Piper Road, Geilston Bay and 647 East Derwent Highway is to be rezoned from Rural Living B to a Particular Purpose Zone – Clarence Lifestyle Village to enable the expansion of the existing residential development (Retirement Village) and associated infrastructure.

The proposal also seeks to consolidate the land at 2 Piper Road, Geilston Bay and 647 East Derwent Highway into one title with the existing right-of-way access over 657 East Derwent Highway, Risdon removed as part of the consolidation.

RELATION TO PLANNING PROVISIONS

The land is currently zoned Rural Living B under the Tasmanian Planning Scheme - Clarence. It is also subject to the following codes: Parking and Sustainable Transport Code, Road and Railway Assets Code, Natural Assets Code, Bushfire-prone areas Code, Flood-prone areas Code and Safeguarding of Airports Code.

The proposed residential development (Retirement Village) would be prohibited under the current provisions of the Local Provisions Schedule (LPS).

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) Regulation 2025*.

Section 37 of LUPAA provides for the Planning Authority to consider a request to amend the Clarence 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 expires on 27 July 2026.

CONSULTATION

Unless directed otherwise by the Tasmanian Planning Commission (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.

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

A. That, pursuant to Section 38(1) of the *Land Use Planning and Approvals Act 1993,* the Planning Authority is satisfied that the requested amendment of the Clarence Local Provisions Schedule PDPSPAMEND-2022/028417 to rezone 2 Piper Road, Geilston Bay and 647 East Derwent Highway, Risdon from Rural Living Zone B to the Particular Purpose Zone - Clarence Lifestyle Village meets the LPS criteria.

B. That, pursuant to Section 40F (2) of the Act, the Planning Authority certifies the modified draft amendment as meeting the LPS Criteria.

C. That, once certified, the Planning Authority will provide a copy of the draft amendment to the Tasmanian Planning Commission, give notice and place the draft amendment on public exhibition for a period of 28 days as required under Section 40H of the *Land Use Planning and Approvals Act 1993*.

D. That, pursuant to Section 40Y (2) of the *Land Use Planning and Approvals Act 1993*, the planning application for 54 Residential (Retirement Village) Units, Demolition of the Existing Dwelling & Outbuilding at 647 East Derwent Highway and Associated Works at 2 Piper Road, 647 East Derwent Highway & 657 East Derwent Highway, Risdon be approved subject to the following conditions and advice.

1. GEN 01 – ENDORSED PLANS.

2. Development must occur in accordance with the recommendations contained within the Clarence Lifestyle Village - Noise Impact Assessment by Noise Impact Consulting, dated 28 October 2024. These measures are to be certified by a recognized Acoustic Engineer or other appropriately qualified person and submitted as part of a Building Permit.

3. An updated Bushfire Report must be submitted showing the following:
   - All dwellings be designed and built to BAL-12.5 minimum standard under AS 3959:2018.
   - An updated TFS-endorsed bushfire emergency plan drafted in accordance with the current template documents found on the TFS website.
   - All new dwellings be designed with a basic ember protection at a minimum.
   - The whole site must be maintained as a hazard management area.

must be submitted to and approved by Council's Chief Executive Officer or delegate prior to the commencement of the use / prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). When approved, the plans will form part of the permit.

4. Suitable covenants must be included in the Schedule of Easements with respect to:
   - Establishing the 13m setback to the rear (southern boundary) of the subject property an exclusion zone with no new habitable buildings to be built within this zone.
   - the whole site must be maintained in a low fuel state as a hazard management area.

   Additional covenants or other controls must not be included on the titles to the lots created by the subdivision where they are in conflict with any provisions of, or seek to prohibit any use provided for within, the relevant Planning Scheme applying to the lot.

5. The proposed non-combustible fence must be designed in accordance with the specifications referred to in the bushfire hazard report and the construction of the non-combustible fence must be implemented as part of the site civil works to the satisfaction of Council's Chief Executive Officer or delegate.

6. A landscape plan must be submitted to and approved by Council's Chief Executive Officer or Delegate prior to the commencement of the use / prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). The landscape plan must be to a standard scale, provide the designer's contact details and be legible when reproduced at A3 size. The landscape plan must clearly document the following:
   - a north point/arrow,
   - existing property information such as building footprints, location of underground and overhead services, boundary lines, outdoor structures, garden beds and fences,
   - existing trees identified, marked clearly as "retained" or "for removal". An outline of tree protection measures – inclusive of calculated Tree Protection Zones in line with AS 4970-2009 – is required for all "retained" trees,
   - existing contours, relevant finished floor levels and any proposed alterations to ground levels,
   - areas of proposed landscape hard work treatments such as driveways, paths, buildings, carparks, retaining walls, edging and fencing,
   - areas of proposed landscape soft work treatments including garden beds and lawns,
   - proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred),
   - a table listing selected species' botanical names, mature height, mature width, pot size and total quantities,

- avenue type plantings adjacent to the Commerce Road boundary with the inclusion of Ornamental pear species,
- details of proposed ongoing maintenance schedule (e.g. watering, weeding), and
- estimated cost for the installation of landscape works.

Note: Refer to "Preparing Landscape Plans for Development Applications" pamphlet for further information. Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan and for quality of workmanship.

7. The detailed landscape plan must be consistent with the hazard management area requirements.

8. ENG M8A – SERVICE EASEMENTS.

9. ENG M8 – EASEMENTS.

10. ENG M1 –DESIGNS DA.

11. ENG A5 – SEALED CAR PARKING.

12. ENG S1 – INFRASTRUCTURE REPAIR.

13. ENG S2 – SERVICES.

14. ENG S11 – SEALING OF SERVICES.

15. ENG S5 - STORMWATER PRINCIPLES.

16. Prior to the issue of Engineering Approval, detailed and coordinated stormwater and flood management design, prepared by a suitably qualified engineer, must be submitted to and approved by Council's Chief Executive Officer or delegate.

    The design must be consistent with the approved development plans and address the relevant findings of the supporting stormwater and flood reports. The design must demonstrate that:

    (a) The proposed drainage, detention and major overland flow systems safely manage the 1% AEP event, inclusive of the adopted climate change allowance.

    (b) Post-development stormwater discharge from the development does not exceed pre-development discharge at the relevant discharge points.

(c) The cut-off drain, check dams, headwalls, pipe network, detention basins, internal roads and overflow paths are coordinated and adequately designed to safely manage site runoff and external overland flows, including relevant design calculations, hydraulic modelling, longitudinal sections, cross sections, profiles, levels, pipe schedules, basin details and capacity calculations.

(d) The proposed works do not cause or contribute to adverse flooding, permanent scour or erosion impacts on the site, adjoining land, East Derwent Highway or public infrastructure.

(e) Finished floor levels and relevant access levels are set in accordance with the approved flood and drainage design, including appropriate freeboard where required.

The submission must include sufficient supporting calculations, modelling outputs and detailed engineering drawings to demonstrate compliance with this condition.

When approved, the amended plans will form part of this permit. If compliance with this condition cannot be demonstrated, the approved development must not proceed in its approved form, and a further planning approval may be required.

17. An erosion and sedimentation control plan, in accordance with the Derwent Estuary Program Soil & Water Management on Building & Construction Sites document, must be submitted and approved by Council's Head of Infrastructure and Natural Assets prior to the commencement of the works / prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). 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 or to the satisfaction of Council's Chief Executive Officer or delegate prior to the commencement of works.

18. A weed management plan identifying methods to control weeds, must be submitted to and approved by Council's Head of Infrastructure and Natural Assets prior to commencement of works. The plan must:

- reference any Weeds of National Significance and Declared Weeds under the Weed Management Act and address the spread of soil-based pathogens in accordance with the Tasmanian Washdown Guidelines for Weed and Disease Control,
- identify the weed species, initial treatment, on-going management and maintenance period thereof. The plan may include manual removal of larger plants and/or chemical control as recommended by the relevant Government department, and
- include a detailed breakdown of estimated costs.

The Final Plan and Schedule of Easements for any stage will not be sealed until the weed management plan for that stage has been implemented and maintained to the satisfaction of Council's Head of Infrastructure and Natural Assets. Alternatively, a bond of 1.5 times the estimated cost of works associated with implementing the weed management plan for that stage must be submitted prior to sealing. The bond will be held as security to ensure both development and maintenance of each lot is undertaken in accordance with the approved plan until each of the newly created lots are sold or the management period has expired, whichever comes first. The bond is to be a cash deposit or a bank guarantee.

19. All works must be undertaken generally in accordance with the *Wetlands and Waterways Works Manual* produced by the Tasmanian Department of Primary Industries, Water and the Environment 2003 [copy available at https://nre.tas.gov.au/conservation/flora-of-tasmania/tasmanias-wetlands/wetlands-waterways-works-manual.

20. Certificates of Title for subject land, Volume 226109/1 and Volume 115696/1 must be consolidated into one title prior to the issue of a building/plumbing permit or commencement of works, whichever occurs first. To consolidate the titles, the final plan and schedule of easements must be submitted to Council for sealing.

21. The development must meet all required Conditions of Approval specified by TasWater notice dated 05/07/2024 (TWDA 2022/0088 - CCC).

E. That the permit be accompanied by standard advice.

F. 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

1.1. A planning permit for the Clarence Lifestyle Village was originally approved at 2 Piper Road, Geilston Bay in June 2010 under the former Clarence Planning Scheme 2007 (CPS 2007) as a Community Living land use.

1.2. The subject land at 647 East Derwent Highway, Risdon is currently developed with a dwelling and outbuilding, and land at 657 East Derwent Highway contains a dwelling.

1.3. The subject land at 2 Piper Road, Geilston Bay (CT: 226109/1), 647 East Derwent Highway (CT: 115696/1), and 657 East Derwent Highway, Risdon (CT: 61125/1) was zoned Rural Residential under the CPS 2007. The zoning has transitioned on a like-for-like basis, in accordance with the directions of the Tasmanian Planning Commission, and is currently zoned Rural Living Zone B.

1.4. The zoning conversion to Rural Living under the CIPS 2015 created an unanticipated outcome with the Community Living use now becoming a prohibited use within the zone.

1.5. An application for the amendment was lodged in 2019 under Planning reference PDPSPAMEND-2019/000853. The proposal sought to introduce a new Clarence Lifestyle Village Specific Area Plan to facilitate the expansion of the Retirement village, which would otherwise be prohibited under the Rural Living Zone. This proposal was not supported on the basis that it undermines the intent of the underlying Rural Living Zone and that the proposed amendment was not consistent with LUPAA and the Southern Tasmanian Regional Land Use Strategy 2010-2035 as it fell outside the Urban Growth Boundary (UGB).

1.6. The site was included within the UGB during Ministerial directed amendments of 19 May 2025 to the Southern Tasmanian Regional Land Use Strategy.

1.7. The current proposal seeks to address the issues raised during the transition to the Tasmanian Planning Scheme - Clarence and provide the appropriate zoning that allows for the development to occur in a way that is consistent with the planning framework.

2. THE PROPOSAL

2.1. The proposal comprises a combined request for an amendment to the Clarence – LPS and an associated development application for the consolidation of two lots, construction of 54 residential units and the demolition of an existing dwelling and outbuilding.

The draft amendment to the Clarence – LPS seeks to amend the Tasmanian Planning Scheme – Clarence by:

- Rezoning the land at 2 Piper Road, Geilston Bay (CT: 226109/1) and 647 East Derwent Highway, (CT: 115696/1) from Rural Living B to the Particular Purpose Zone (PPZ) – Clarence Lifestyle Village as shown in Figure 1.



Figure 1: Proposed rezoning of the subject site.

No changes to other Scheme provisions or overlays are proposed.

2.2. The associated development application provides for:

- the construction of 54 residential units (Retirement Village),
- demolition of existing dwelling and outbuilding at 647 East Derwent Highway, Risdon,
- consolidation of two lots being 2 Piper Road, Geilston Bay and 647 East Derwent Highway, Risdon, and
- removal of the right-of-way over 657 East Derwent Highway, Risdon.

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

- Civil and Hydraulic Engineering Plans;
- Bushfire Hazard Management Plan Report
- Stormwater Design Assessment

- Hydraulic Design Report
- Flood Hazard Report
- Traffic Impact Assessment and Addendum
- Noise Impact Assessment, and
- Planning Report (included in the agenda attachments).

3. STATUTORY IMPLICATIONS

3.1. Council's assessment of this proposal must be in accordance with Section 3B (Amendments of Local Provisions schedules) of LUPAA, that references the LPS criteria outlined in Section 34 of LUPAA, including consideration of the objectives of Schedule 1 of LUPAA, State Policies, Tasmanian Planning Policies, and the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS).

3.2. If the Planning Authority considers that the proposal does not meet the LPS criteria, then the proposed amendment may be modified so that it meets the requirements or may be refused. However, replacing a zone with another zone is considered beyond the scope of a modification. However, a planning authority may initiate an alternative LPS amendment of its own motion.

3.3. Under Section 40T of the Act, an application can also be made to the Planning Authority to issue a draft permit that could not be otherwise considered unless the LPS was amended as requested.

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 received for a period of 28 days.

Following public exhibition, the Planning Authority must then consider the merits of any representations and their impact on the draft amendment and provide a report for 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 to an applicant for rezoning 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.

3.6. Under Section 39 of LUPAA, an applicant may not, within two calendar years from the date of the Planning Authority decision, make a new application to prepare an amendment that is substantially the same as the initial draft amendment, unless the Commission approves otherwise.

4. SITE DESCRIPTION AND SURROUNDING AREA

4.1. The subject land is located at 2 Piper Road, Geilston Bay, and 647 and 657 East Derwent Highway, Risdon. The site is shown in Figure 2, with the subject titles highlighted.



Figure 2: Subject Titles. (Source Council GIS,2026)

4.2. The proposal includes works within Crown Land (the East Derwent Highway Road Reserve) administered by the Department of State Growth (now Building Tasmania). The works in the reserves are for sewer, water and stormwater infrastructure. Landowner consent has been provided by the Department of State Growth.

4.3. The site is zoned Rural Living B under the Tasmanian Planning Scheme – Clarence (the Scheme) and 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, and
- C16.0 - Safeguarding of Airports Code.

There are currently no local provisions (including Particular Purpose Zones or Specific Area Plans) applying to the subject land. The draft amendment proposes the introduction of a Particular Purpose Zone as a local provision within the Scheme to guide future use and development of the site.

4.4. The subject land consists of three titles. The land at 2 Piper Road, Geilston Bay and 647 East Derwent Highway are under the same ownership and will be consolidated into one lot with the resultant area being 8.43ha. The adjoining land at 657 East Derwent Highway has an area of 1599m^2 and as mentioned previously, will not form part of the rezoning, but is included for infrastructure sharing purposes only.

The land at 2 Piper Road contains the retirement village, with the dwelling and outbuilding on 647 East Derwent Highway to be demolished to make way for the retirement village expansion. The land is currently serviced; however, the infrastructure will be upgraded to accommodate the development. The site is subject to pipeline and services easements, and drainage easements.

4.5. The adjoining land is predominately zoned Rural Living B, with land to the north containing a holiday park. The land to the west at 38 Piper Road Geilston Bay contains a dwelling and associated outbuildings with the land to the south having similar developments.

The land adjacent to the east at 672 East Derwent Highway, Risdon Vale is zoned Community purpose and contains the Risdon prison complex. The adjacent land at 550 East Derwent Highway, Risdon Vale is developed with a church and dwellings and is within the Landscape Conservation Zone and Future Urban Zone.

4.6. No cultural heritage registration or significance has been identified on the site, either under the *Aboriginal Heritage Act 1975*, or the *Historic Cultural Heritage Act 1995*, or locally listed.

4.7. The titles are subject to several registered easements, as shown on the Plan of Survey and Plan of Subdivision.

The easements largely relate to existing or proposed infrastructure servicing and drainage requirements and reflect the site's role in accommodating overland flow paths and utility infrastructure. The easements have been considered in the spatial planning of the site.

4.8. Infrastructure Provision

The subject site is in a serviced area and is able to connect to reticulated sewer, water and stormwater. These services will be upgraded as part of the future development to accommodate the additional demand. This will be discussed in more detail in the assessment section of this report.

5. PLANNING SCHEME AMENDMENT ASSESSMENT

5.1. The proposed LPS Amendment seeks to apply the Particular Purpose Zone – Clarence Lifestyle Village to 2 Piper Road, Geilston Bay and 647 East Derwent Highway, Risdon. (Figure 1 above).

5.2. Particular Purpose Zone – Clarence Lifestyle Village

The purpose of the Particular Purpose Zone – Clarence Lifestyle Village is detailed under Clause CLA-P4.1.1 as follows:

- To provide for the existing Clarence Lifestyle Village located at 2 Piper Road and the limited expansion to 647 East Derwent Highway.
- To provide and maintain communal facilities that encourage social and recreational opportunities for residents.

- To promote consistency in the siting and design of new dwellings throughout the Lifestyle Village.
- To provide and maintain an appropriate level of residential amenity through:
  - Appropriate noise attenuation measures to the Tasman Highway, and
  - Provision of reasonable private and communal open space.

To achieve this purpose, the Particular Purpose Zone- Clarence Lifestyle Village establishes Residential use as being "Permitted", if for a residential aged care facility or retirement village. An application for a "Permitted" use will not require advertising, if all the other applicable standards of the Scheme are met, but would allow for conditions to be applied through a permit. This use would be prohibited under the current Rural Living Zone B.

The existing communal buildings will be considered subservient to the main use of the land and will not require a separate use class. Natural and Cultural Management, Passive Recreation and Minor Utilities will be categorised as "No permit required". All other utilities will be discretionary. All other uses not mentioned above will be prohibited.

5.3. Appropriateness of the Particular Purpose Zone.

The applicant submits that the rezoning of the subject land to the Particular Purpose Zone provides the most appropriate and effective statutory framework to facilitate the expansion and long-term viability of the site. It is considered that the most appropriate of the existing zones to allow for a residential aged care facility, would be the General Residential Zone. However, applying the General Residential Zone, would impose broad generic development standards that do not fully account for the scale, nature and character of this development. Furthermore, rezoning the site to General Residential would constitute ad hoc, spot rezoning that is inconsistent with STRLUS.

The PPZ allows for the introduction of a tailored use table and development standards that directly respond to the unique requirements of the retirement village, and this aligns with the zone application guidelines [Guideline No 1 – Local Provisions Schedule (LPS): zone and code application] as below:

> *"PPZ 1 A Particular Purpose Zone (PPZ) may be applied to a particular area of land where the intended planning outcomes cannot be achieved through the application of one or more State Planning Provision zones. It may be applied to land that provides major facilities or sites which require a unique or tailored approach to both use and development standards, such as a university campus, or major hospital site".*

A similar approach has been adopted for similar residential retirement villages in Clarence.

6. ASSESSMENT AGAINST THE 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 Particular Purpose Zone to the subject land. The proposal introduces additional local provisions adding to the State Planning Provisions (SPPs). In addition, changes are not proposed to the overlays.

Clause 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 as well as the criteria at LP1.4 for the structure and drafting of a Particular Purpose Zone.

(b) be in accordance with Section 32

Section 32 of LUPAA specifies the required and optional contents of the LPS and provides for the inclusion of Particular Purpose Zones, Specific Area Plans, and Site-specific Qualifications.

The proposed amendment meets the requirements of s32(2) as it does not provide for spatial application of the SPPs to the land (s32(2)(a)-(k) or contain a provision that the SPPs specify must not be contained in an LPS [s32(2)(l)].

Clause 32(4) identifies that an LPS may only include a Particular Purpose Zone where:

> "(*a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
>
> *(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs*".

The application of the Particular Purpose Zone is consistent with the requirements of Section 32(4)(a) of LUPAA as the use and development that is facilitated by the proposed zoning would provide a significant social benefit increasing the capacity of the land for housing, mitigating the housing stress in the municipality especially retirement villages.

Property Council of Australia research recommends aiming to have Independent Living Units (ILU) for 7.5% of population 65+. Based on 2024 ABS population data, this means that the Clarence council area currently needs 1030 (1387 by 2046) and regionally, for Greater Hobart, 3700 are currently required (7125 by 2046).

Desktop officer assessment has identified that there are currently ~560 ILU in the Clarence area. This figure is 54% of current demand (shortfall of 46% / 470 ILU).

The proposed PPZ contains provision for use (retirement living) and development that is of municipal and regional social benefit in:

- providing for appropriate housing for aging members of the community - anticipated to serve local and regional populations,
- providing for increases in the numbers of ILU locally and in the region, which are currently well below recommended levels, and
- in so doing, providing for additional housing that makes existing housing available to the rest of the community, noting current shortages.

(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
The objectives of the resource management and planning system of Tasmania are:	
"(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and	The proposed amendment is to facilitate the expansion of the retirement village, and this objective is not applicable to the proposal.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and	The rezoning would facilitate the fair, orderly and sustainable conversion of land in an area with established infrastructure, and access to services.
(c) to encourage public involvement in resource management and planning; and	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 proposal will be subject to the Scheme provisions with any Discretionary use and development to be publicly notified as required by LUPAA.

Objective	Response
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The proposed amendment will facilitate the extension of the residential development providing opportunities to utilise existing infrastructure, facilities and services. It will also increase the viability of the operation enabling the operators to sustain the much-needed housing. The development will also create employment opportunities during the construction phase and also employment creation within the site itself as the demand for social services increases.
(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".	The proposal was referred to TasWater, Department of State Growth and TasNetworks who have indicated no objection to the draft amendment. The proposal also involves community contribution as comments can be put forward during the public notification stage.

The proposal is assessed as meeting the objectives set out under Schedule 1 of LUPAA and for this reason criterion (c) of section 32(4) 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**

  The subject land is not agricultural land and is currently within the Rural Living Zone B, therefore the policy is not applicable.

- **State Coastal Policy 1996**

  The site is not located within 1km of a coastline and therefore the policy is not applicable.

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

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

  - The proposed zoning provides 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 National Environmental Protection Measures (NEPMs), which have been adopted as State Policies, relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled waste between States and Territories and the national pollutant inventory.

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

  - The intention of the rezoning is to provide for residential development, and any future use and development would be assessed against the Tasmanian Planning Scheme – Clarence, which includes the Road and Railway Assets Code that address impacts such as road noise. The proposed rezoning also provides additional noise standards to ensure that residential amenity is maintained.

The proposed zone includes standard CLA – P4.7.6 relating to waste storage which supports recycling by mandating sufficient storage for waste and recycling.

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

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

The Tasmanian Planning Policies (TPPs) came into effect on 1 July 2026.

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 had 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 Particular Purpose Zone is specific to the subject land, with strategies applied at a site-specific level. The impact is minimal and contained within the Particular Purpose Zone area.

The relevant planning policies and strategies are considered below:

1.0 - Settlement

- Growth

> *"1.1.3 – 1 Provide for at least a 15 year regional supply of land that is available, identified or allocated, for the community's existing and forecast demand for residential, commercial, industrial, recreational and community land to support the economic, social and environmental functioning of settlements across the region".*

Response: The proposed amendment provides additional land for retirement living and so contributes to meeting current and forecast demand for residential land and supporting economic and social functioning of the region.

> *"1.1.3 - 2 Plan for growth that will:*
> *(a) prioritise and encourage infill development, consolidation, redevelopment, re-use and intensification of under-utilised land within existing settlements, prior to allocating land for growth outside existing settlements;*
> *(b) prioritise the development of land that maximises the use of available capacity within existing physical and social infrastructure networks and services;*
> *(c) integrate with existing or planned transport systems; and*
> *(d) and discourage the development of land that:*
> *i. is not well serviced by existing or planned physical and social infrastructure, or that is difficult or costly to service;*
> *ii. is subject to environmental hazards where a tolerable level of risk cannot be achieved or maintained;*
> *iii. has high environmental or landscape values;*
> *iv. is agricultural land, especially land within the more productive classes of agricultural capabilities;*
> *v. or is used for extractive industries or identified as strategic resource areas and deposits".*

Response: the amendment will allow for the expansion of the existing retirement village onto the adjacent lot, with the lots to be consolidated for that to occur. This represents a more efficient use of the land. The site is serviced, and infrastructure will be upgraded to accommodate the additional load. Furthermore, the site is well connected to surrounding settlements.

The site is partially covered by the Flood-prone areas code and falls within the Natural Assets Code - Waterway and Coastal Protection Area overlay. The site and future development has been assessed as being able to achieve and maintain tolerable risk from flooding.

The proposed zone and ongoing application of the Natural Assets Code ensure any future development is carried out in a manner sympathetic to the protection of the relevant waterways.

> *"1.1.3 - 5 Actively address impediments to infill development, particularly in major urban centres"*.

Response: the subject land is located along a major route near economic centres. The proposed amendment expands the retirement village by 54 dwellings on a lot restricted to a single dwelling under the current zoning.

- 1.2 - Liveability

> *"1.2.3 – 1 Promote the location of residential use and development in areas that are close to, or are well connected to, activity centres or secure and reliable employment sources"*.

Response: as mentioned above, the site is along a major transport corridor that connects the residential development to a number of activity centres including, but not limited to, Lindisfarne, Risdon Vale, Rosny, Glenorchy and Moonah.

- 1.3 - Social Infrastructure

> *"1.3.3 - 1 Provide for a sufficient supply of land to support the community's existing and forecast demand for social infrastructure, including, but not limited to, schools, health care, libraries, social services and child and aged care"*.

Response: The proposed amendment will release land for a retirement village or aged care facility, contributing to meeting a significant demand for such housing in Greater Hobart.

> *"1.3.3 - 2 Facilitate the co-location of suitable and compatible social infrastructure"*.

Response: the proposed amendment will enable the existing retirement village to expand onto the adjoining property, which will ultimately be consolidated into one lot.

"1.3.3 - 5 Promote the location of social infrastructure in close proximity to, or highly accessible by, residential areas".

Response: the subject land adjoins residential areas and is not isolated from other residential areas.

- 1.5 - Housing

  "1.5.3 - 1 Provide the timely supply of land for housing in locations that are, or can be, easily connected to, and integrated with, the range of services including social and physical infrastructure, access to community, health and education facilities, public transport, and employment, consistent with the policy outcomes that deliver liveable settlements.

  1.5.3 – 2 Supply land, including infill, reuse and greenfield sites, for housing that meets the projected housing demand, which is to be based on the best available evidence, to improve housing availability and affordability.

  1.5.3 – 4 Plan and provide for a diverse range of quality housing types that meet the needs of the community [...].

  1.5.3 – 5 Encourage higher density housing in suitable locations [...]".

Response: As noted above, the proposed amendment will release land for a retirement village or aged care facility, contributing to meeting current and projected demand for such housing in Greater Hobart. The proposed amendment also contributes to greater diversity of housing types by supporting ageing members of the regional population to live in quality, supported housing close to familiar places and people. While a higher density is proposed for the site, despite it not being located in an inner urban area, the site does have good access to multiple activity centres, social infrastructure, and public transport. Further, the density enabled by the PPZ is typical of retirement villages. As addressed above, the PPZ does not prevent development on the site from being responsive to the waterway values or flooding hazard.

2.0 - Environmental Values

- 2.2 - Waterways, wetlands and estuaries.

> *"2.2.3 – 3 Encourage the protection of waterways by retaining, creating or improving vegetated riparian zones to maintain their natural drainage function and minimise unnatural or accelerated erosion of stream banks while providing riparian habitat corridors and protecting landscape values".*

Response: the proposal retains the existing Waterway and Coastal Protection overlay on the subject site and any development within this overlay is subject to an assessment under the applicable provisions of the Natural Assets Code.

3.0 - Environmental Hazards

- 3.1 - Bushfire

> *"3.1.3 – 1 Identify and map land that is exposed to bushfire hazards, including consideration of the potential impacts of future bushfire conditions as a result of climate change, based on the best available scientific evidence.*
>
> *3.1.3 – 2 The protection of human life from harm caused by bushfire will be considered and prioritised at every stage of the planning process".*

Response: the subject land is mapped as being within the Bushfire-Prone Areas overlay, which will be retained under this amendment. Therefore, any future use or development on the site will be required to comply with the Bushfire-Prone Areas Code, noting the code contains controls expressly for vulnerable uses, which include retirement villages.

- 3.3 - Flooding

> *"3.3.3 – 1 Identify and map land that is vulnerable to flooding based, as a minimum, on a 1% Annual Exceedance Probability (AEP) flood event, or an alternative as determined by the State Government for the management of flood risks associated with climate change and other matters".*

Response: the existing Flood-prone Hazard Area overlay is to be retained on the subject site to ensure future use and development of the land fully considers the relevant Code provisions.

5.0 - Physical Infrastructure

- 5.1 - Provision of services.

> *"5.1.3 – 2 Identify whether existing infrastructure has the capacity to deliver services to accommodate growth and prioritise designating land use for the purpose of making efficient use of that available capacity"*.

Response: the subject land is located within a serviced area. The application was referred to both TasWater and TasNetworks, who advised that they have no objections to the proposal, subject to the standard conditions and advice to ensure that the infrastructure is suitable for future uses on-site. The proposal makes efficient use of existing infrastructure.

> *"5.1.3 – 4 Support the installation and/or upgrading of infrastructure to deliver services that meet the future long-term needs of the community and the environment, including under climate change conditions"*.

Response: Infrastructure will be upgraded to meet the demands of the future residential development.

> *"5.1.3 – 11 Facilitate access to a variety of recycling stations to encourage community participation in recycling and waste reduction"*.

Response: the subject land offers on-site-recycling collection and is also supported by the container refund points within the municipality, which encourages waste reduction and increases community recycling participation.

- 5.3 - Roads

> *"5.3.3 – 1 Identify and promote the protection of the following key road corridors from encroachment by incompatible land use and development:*
>
> *(b) Key urban passenger transport corridors;*
>
> *5.3.3 – 8 Provide for road networks to be protected from incompatible use and development"*.

Response: the subject land adjoins the East Derwent Highway, a key transport corridor. The road is managed by Building Tasmania (formerly the Department of State Growth). The amendment was referred to the department, and they issued consent for the scheme amendment and associated future development to ensure that vehicular and pedestrian safety is maintained within the road environment.

- 5.4 - Passenger transport modes

> *"5.4.3 - 3 Integrate land use with existing and planned passenger transport infrastructure and services"*.

Response: The subject land is adjacent to the East Derwent Highway, which is a bus route although the bus stop usage is low due to the nature of the road. It is indicated that connectivity between the bus stops and pedestrian networks is a matter to be considered separately. However, due to the nature of the intended use, the use of public transport may be limited.

7.0 - Planning Processes

- 7.1 - Public Engagement.

> *"7.1.3 – 1 Facilitate the community's understanding of the planning system, land use planning issues and how they might be impacted, to encourage meaningful public engagement in land use planning*.
>
> *7.1.3 – 2 Promote public engagement that is fair, inclusive, respectful and genuine, allowing people to express themselves freely and strengthening their confidence in participating in land use planning"*.

Response: the planning assessment process for the proposed amendment will provide an opportunity for public involvement. The Commission may conduct a hearing to provide any representors and the other stakeholders with an ability to discuss issues raised as part of the assessment process.

As set out above, it is considered that the proposal is consistent with the TPPs Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

(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, and
- SD10: Creating Liveable Communities.

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

STRLUS Regional Policies	**Comment**
Water Resources (WR)	
"WR 1.1: Ensure use and development is undertaken in accordance with the State Policy on Water Quality Management.	The water quality complies with the State Policy on Water Quality Management as assessed above. TasWater has provided no objection to the proposal and Council's development engineers are satisfied with the proposal in relation to stormwater management measures.
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)	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.
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.	The land is capable of being developed in accordance with the PPZ while protecting water resources. The Natural Assets Code still applies to the site and any future works within the waterway and coastal protection area will be assessed against the Code.
WR 2.3: Minimise clearance of native riparian vegetation".	The proposal meets the regional policy in that the proposal will not have an impact on native riparian land vegetation.
Managing Risks and Hazards (MRH)	
"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.	A Bushfire Hazard Management Plan accompanies the application and has been prepared in accordance with the Bushfire-prone Areas Code and provides measures to mitigate bushfire risk at lot consolidation and also at development stage. The proposed PPZ allows for future use and development to be assessed under this code.

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.	The proposed amendment is to facilitate development for a retirement village or aged care facility, which is a vulnerable use and therefore requires clear flood emergency management procedures. Flood hazard, stormwater and hydraulic reports identify mitigation measures which includes drainage infrastructure, detention basins, overland flow management systems, finished floor level controls and stormwater management works.
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".	The proposed site is within the Flood Prone Areas overlay and the code continues to apply to any future development within the overlay.
Social infrastructure (S1)	
"SI 1.8: Provide for the aged to continue living within their communities, and with their families, for as long as possible by providing appropriate options and flexibility within planning schemes".	The application of the PPZ provides flexibility within the Scheme for appropriate development in suitable locations.
Physical Infrastructure (PI)	
"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".	The proposed rezoning promotes efficient use of existing infrastructure capacity within the Urban Growth Boundary and metropolitan area of Greater Hobart.
Land Use and Transport Integration (LUTI)	
"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.	The proposed amendment will increase densities around an existing transport corridor being the East Derwent Highway.
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".	As discussed above, the site adjoins a key urban corridor which provides a connection to Goodwood Road, Midland Highway, Grasstree Hill Road, Gordons Hill Road and the Tasman Highway.

Settlement and Residential Development (SRD)	
"SRD 1 and 1.1: Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand. *Implement the Regional Settlement Strategy and associated growth management strategies through the planning scheme.*	The proposed rezoning is considered appropriate in that the site is on the edge of rural living community and proximate to key urban transport corridor, and not a significant loss of Rural Living zoned land in the municipality. The proposed amendment does not detract from the Scheme's implementation of the Regional Settlement Strategy – implements Social Infrastructure and settlement policies through LPS.
SRD 2.1: Residential growth for Greater Hobart is to occur through 50% infill development and 50% greenfield development.	The proposed rezoning and subsequent development will contribute to the 50% infill development target.
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.	The site is located within the Urban Growth Boundary and well serviced, offering land suitable for infrastructure development.
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".	As previously discussed in this report, the proposed rezoning addresses a critical shortfall in the community by releasing land for retirement village or aged care during an ongoing residential supply crisis.

As outlined above, the proposed amendment is as far as practical consistent with the STRLUS in that it represents infill development in proximity to established residential development and transport corridors and will further the objectives for social infrastructure. 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 four strategic focus areas of Strategy and Delivery, Sustainable Growth, Culture and Place, and Wellbeing and Belonging. The overarching goal is for Clarence – a vibrant prosperous, sustainable city. There are no specific policies or strategies relevant to this proposal.

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 criteria 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 residential development for a retirement village. The amendment will facilitate increased housing supply with minimal impacts on the environment, local infrastructure and access to transport and services. The current Rural Living Zone does 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 Commission's 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 DEVELOPMENT 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 then 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 development application under the proposed zonings being Particular Purpose – Clarence Lifestyle Village 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 CLA-P4.1 – Particular Purpose Zone – Clarence Lifestyle Village

- 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, 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 proposed dwellings and associated works would not exceed the prescribed obstacle limitation surface level of 147m AHD.

7.7. The land is subject to the Bushfire Prone Areas Code. A Bushfire report was provided with the application and referred to TasFire who advised that the proposed development can comply with bushfire access, separation and servicing requirements. However, there is need to update the report as the bushfire management plan done in 2023 is now outdated therefore compliance will be achieved through conditions requiring an updated Bushfire report that demonstrates the following:

- An updated Bushfire Hazard Management Plan and report demonstrating that all buildings be constructed to BAL-12.5 minimum standard under AS 3959:2018.
- A detailed landscape plan that is consistent with the site being maintained as a hazard management area.
- An updated TFS-endorsed bushfire emergency plan drafted in accordance with the current template documents found on the TFS website.
- It is noted the detailed design will need to include details of the proposed shielding fence, consistent with the specifications listed in the previous TFS advice dated 6 December 2018.

The TFS have also provided additional conditions to ensure that the development occurs in accordance with the recommendations contained within the Bushfire report.

7.8. 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/consolidation 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.

General provision 7.9.1 relating to demolition is not applicable in this case as the proposed development would form part of a redevelopment of the site.

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

Compliance with zone and codes

The proposal for 54 residential units, consolidation of two lots, demolition of existing dwelling and outbuildings and associated works has been assessed as meeting all the relevant acceptable solutions except the following:

Particular Purpose Zone – Clarence Lifestyle Village

- **Clause CLA-P4.7.1 A1.1 relating to building height as there are no acceptable solutions for new dwellings.**

  The proposal must be assessed against Performance Criteria P1 of Clause **CLA-P4.7.1** as follows.

Performance Criteria	Assessment
*"Clause **CLA-P4.7.1 P1***	The proposal is assessed as satisfying the performance criteria as outlined below
P1 *For dwellings and communal buildings, building height must be not more than:* *(a) 5m, for all dwelling types*	The plans provided show that the proposed residential units will have a building height of no more than 5m, therefore complying with the performance criteria.

(b) 6.5m, for communal buildings".	

- **Clause CLA-P4.7.2 A3 relating to setbacks** – dwellings 1, 12 to 19,22, 44, 45, 54 and 55 provide for a frontage setback of less than 2m from the internal access road.

  The proposal must be assessed against Performance Criteria P3 of the Clause as follows.

Performance Criteria	Assessment
"Clause CLA-P4.7.2 P3	The proposal is assessed as satisfying the performance criteria as outlined below.
P3 *The setback and siting of dwellings must be compatible with the character of established dwellings within the lifestyle village, having regard to:* *(a) the setback of existing dwellings to dwelling site boundaries;* *(b) provision of gardens and landscaping; and* *(c) the appearance when viewed from the internal access roads".*	The dwelling lots are constrained by virtue of having dual frontages therefore affecting the siting of the dwellings on the lot and compromising the ability to meet the setbacks stipulated under the acceptable solutions. Dwelling Sites 11 to 19 are constrained by the mandated bushfire hazard management area to the rear and priority has been given to achieve this setback to the rear. Nevertheless, the reduced setbacks are consistent with those provided by the existing dwelling within the retirement village. The site area is considered adequate to accommodate sufficient usable space for gardens, landscaping and recreation. The setbacks are considered similar to the existing pattern and maintains the character of the village.

- **Clause CLA-P4.7.3 A1 relating to design** – the proposal provides for four dwelling lots that exceed the required site area of 275m2 under the Acceptable solutions.

  The proposal must be assessed against Performance Criteria P1 of Clause CLA-P4.7.3 as follows.

Performance Criteria	Assessment
"Clause CLA-P4.7.3 P1.1	The proposal is assessed as satisfying the performance criteria as outlined below.
Dwellings with a site area greater than 275m2 must be compatible with the layout and character of the Clarence Lifestyle Village, having regard to: *(a) the average size of existing sites within the village; and* *(b) any changes to the layout and route of the internal access road".*	The minor variations in lot size will not detract from the character of the Clarence Lifestyle Village. The sizes of lots are mostly to accommodate the larger dwelling typology, Type E, and at the same time providing ample space for private open space and parking. The lot configuration will not require an adjustment to the layout and or route of the internal access.

- **Clause CLA-P4.7.7 A1 relating to Noise**– This clause is in addition to C3.6.1, of the C3.0 Road and Railway Assets Code. The proposed dwellings will not meet the required noise level under the Acceptable Solutions as the assessment has been extended to include the dwellings out of the mapped attenuation area.

  The proposal must be assessed against Performance Criteria P1 of Clause CLA-P4.7.7 as follows.

Performance Criteria	Assessment
"Clause CLA-P4.7.7 P1	The proposal is assessed as satisfying the performance criteria as outlined below.
P1 *Habitable buildings for a sensitive use must be sited, designed or screened to minimise adverse effects of noise from a major road, in accordance with a report prepared by a suitably qualified person, having regard to:* *(a) the topography of the site;* *(b) the proposed setback;* *(c) any buffers created by natural features;* *(d) the location of any private open space;* *(e) the speed limit and traffic volume of the road;* *(f) any traffic impact assessment; and* *(g) any mitigation measures proposed".*	An acoustic report was submitted by the applicant and provided recommendations to ensure that the dwellings within the extended attenuation area are located and setback to minimise any noise impacts from the highway. The site slopes upwards towards the rear boundary and this elevated position means the proposed dwellings are more susceptible to the noise impacts from the highway. The dwellings are setback a minimum of 30m from the road and this setback provides a landscape buffer between the dwellings and the road.

	The acoustic report recommends that the private open spaces be located to the rear of the dwellings and are accompanied by a boundary fence to minimise any noise impacts. The speed limit along the East Derwent Highway ranges between 60 and 80km/hr, with the section adjacent to the site now reduced from 100km/hr to 80km/hr. This in turn also lowers traffic noise to nearby dwellings. The acoustic report also shows that noise levels during the night are low due to the reduced traffic movements as noted in the traffic impact statement. Combined with the recommended building design measures, the dwellings and outdoor areas are considered capable of achieving an appropriate level of amenity.

Parking and Sustainable Transport Code

- **Clause C2.5.3 A1 relating to motorcycle parking numbers –** the proposal does not provide nominated spaces for motorcycle parking as required by the Scheme.

  The proposal must be assessed against Performance Criteria P1 of Clause C2.5.3 as follows.

Performance Criteria	Assessment
"Clause C2.5.3 P1	The proposal is assessed as satisfying the performance criteria as outlined below.
Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to: *(a) the nature of the proposed use and development;* *(b) the topography of the site;* *(c) the location of existing buildings on the site;* *(d) any constraints imposed by existing development; and*	Having regard to the retirement village use and anticipated low motorcycle demand, motorcycle parking can be accommodated within the general on-site parking provision. If required, the motorcycle parking arrangements can be confirmed during the detailed engineering stage. The topography of the site does not provide any constraints to the provision of motorcycle parking spaces.

(e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area".	As mentioned above the existing site conditions and location of existing dwellings does not constrain the siting of the motorcycle spaces. There is adequate space on-site to accommodate the parking spaces if required without off-site parking arrangements. However, given the nature of the use on-site, it is considered reasonable to provide the requested variation to the requirement for six motorcycle spaces.

- **Clause C2.6.2 A1.1 relating to Design and Layout of Parking Areas** – the plans provided do not demonstrate full compliance with the Australian Standard AS 2890 - Parking facilities, Parts 1-6.

  The proposal must be assessed against Performance Criteria P1 of Clause C2.6.2 as follows.

Performance Criteria	Assessment
"Clause C2.6.2	The proposal is assessed as satisfying the performance criteria as outlined below.
P1 *All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:* *(a) the characteristics of the site;* *(b) the proposed slope, dimensions and layout;* *(c) useability in all weather conditions;* *(d) vehicle and pedestrian traffic safety;* *(e) the nature and use of the development;* *(f) the expected number and type of vehicles;* *(g) the likely use of the parking areas by persons with a disability;* *(h) the nature of traffic in the surrounding area;*	Council officers have assessed the proposed internal access layout and are generally supportive as it similarly follows adjacent 2 Piper Lot layout. All accessways and parking areas will be constructed of durable all-weather pavement complying with the requirements of the Scheme. The proposal includes internal footpaths to ensure pedestrian safety alongside an internal road network similar to that existing at 2 Piper Road, Geilston Bay therefore ensuring safe and clear vehicle movements. Given that the development is a retirement village, traffic generation is expected to be of a similar nature to that existing on the adjacent property.

(i) the proposed means of parking delineation; and *(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities".*	The site provides for two parking spaces adjacent to each dwelling providing easy access to the dwellings. Twelve visitor parking spaces are also provided on-site. A condition will be added to the permit, if issued, to ensure that the design and construction of these parking spaces and circulation areas comply with the relevant Australian standards.

- **Clause C2.6.5 A1.1 relating to pedestrian access** – the proposed footpaths do not provide the 2.5m separation from accessways as required under the acceptable solutions.

  The proposal must be assessed against Performance Criteria P1 of Clause C2.6.5 as follows.

Performance Criteria	Assessment
"C2.6.5 P1	The proposal is assessed as satisfying the performance criteria as outlined below.
Safe and convenient pedestrian access must be provided within parking areas, having regard to: *(a) the characteristics of the site;* *(b) the nature of the use;* *(c) the number of parking spaces;* *(d) the frequency of vehicle movements;* *(e) the needs of persons with a disability;* *(f) the location and number of footpath crossings;* *(g) vehicle and pedestrian traffic safety;* *(h) the location of any access ways or parking aisles; and* *(i) any protective devices proposed for pedestrian safety".*	The proposal provides an internal footpath network that provides convenient pedestrian access throughout the parking and circulation areas. There are no site constraints hindering the provision of these footpaths. The development provides for 120 car parking spaces as required by the Scheme and according to the findings of the Traffic Impact Assessment, will generate an additional 113 vehicle movements per day. Given the nature of the use, maintaining residents' safety is imperative, therefore Council officers have advised that the final pedestrian safety treatments, crossings, and interfaces with vehicular areas will be confirmed during the detailed engineering assessment.

Road and Railway Assets Code

- **Clause C3.5.1 A1.4 relating to traffic generation at a vehicle crossing, level crossing or new junction** – the proposal results in increase in traffic volume of more than 20% or 40 vehicle movements per day using the existing crossover from Piper Road.

  The proposal must be assessed against Performance Criteria P1 of Clause C3.5.1 as follows.

Performance Criteria	Assessment
"Clause C3.5.1 P1	The proposal is assessed as satisfying the performance criteria as outlined below.
P1 *Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:* *(a) any increase in traffic caused by the use;* *(b) the nature of the traffic generated by the use;* *(c) the nature of the road;* *(d) the speed limit and traffic flow of the road;* *(e) any alternative access to a road;* *(f) the need for the use;* *(g) any traffic impact assessment; and* *(h) any advice received from the rail or road authority".*	The applicant submitted a Traffic Impact Assessment which demonstrates that the proposal for 54 additional residential units will result in an increase in traffic by approximately 113 vehicles per day. The traffic generated will be of a similar nature to that of the existing development and the road network has capacity to absorb the additional load without affecting the road efficiency. Piper Road is a low volume road with a speed limit of 50km/hr. The site access has adequate sightlines, ensuring safe ingress and egress. The existing access from Piper Road is the most practical method to provide access to the development site. The proposal is for a retirement village, a development that will provide significant social benefits to the community. The Traffic Impact Assessment submitted by the applicant confirms that the increase in traffic associated with the proposal will not result in any adverse impact on the safety or efficiency of the surrounding road network. The Department of State Growth recommended the use of the existing access onto East Derwent Highway to ensure safety of road users and minimising access points onto the highway and any impacts on traffic flow.

- **Clause C3.7.1 A1 relating to subdivision for sensitive uses within a road or railway attenuation area –** the proposal includes dwelling site within the road attenuation area.

  The proposal must be assessed against Performance Criteria P1 of Clause C3.7.1 as follows.

Performance Criteria	Assessment
"Clause C3.7.1 P1	The proposal is assessed as satisfying the performance criteria as outlined below.
A lot, or a lot proposed in a plan of subdivision, intended for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise the effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to: *(a) the topography of the site;* *(b) any buffers created by natural or other features;* *(c) the location of existing or proposed buildings on the site;* *(d) the frequency of use of the rail network;* *(e) the speed limit and traffic volume of the road;* *(f) any noise, vibration, light and air emissions from the rail network or road;* *(g) the nature of the road;* *(h) the nature of the intended uses;* *(i) the layout of the subdivision;* *(j) the need for the subdivision;* *(k) any traffic impact assessment;* *(l) any mitigating measures proposed;* *(m) any recommendations from a suitably qualified person for mitigation of noise; and*	An acoustic report was submitted as part of the application documentation and provided recommendations to ensure that the future developments on-site are designed, screened and sited to minimise impacts from vehicular noise. The proposal is for consolidation of two lots to allow for the extension of the retirement village. The site slopes upwards towards the rear, and there are no natural buffers to mitigate the impacts. However, the proposed dwellings will have a minimum of 30m setback from the road frontage providing a sufficient area for landscaping. The proposed development does not adjoin a rail network. The proposed development addresses the need for housing of this nature in the community. The expansion is in response to demand for development of this nature. The adjacent road network, being the East Derwent Highway, recently had a reduction to the speed limit from 100km/hr to 80km/hr. As mentioned above, the proposal is for a retirement village.

(n) any advice received from the rail or road authority".	The proposal is for the consolidation of two lots to provide for the expansion of the existing retirement village. The proposal follows a similar form of development to that already existing. The application is accompanied by a traffic impact assessment noting that low night-time traffic flow will result in reduced noise and light intrusion for residents. The acoustic report provided recommendations which will be included as a condition on the permit. No advice was received from the road authority.

- **Natural Assets Code Clause C7.6.1 A1 and A3 relating to buildings and works within a waterway and coastal protection area or a future coastal refugia area –** the proposal includes works within the Waterway and Coastal Protection Area.

  The proposal must be assessed against Performance Criteria P1.1 and P3 of Clause C7.6.1 as follows.

Performance Criteria	Assessment
"Clause C7.6.1 P1.1	The proposal is assessed as satisfying the performance criteria as outlined below.
Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to: *(a) impacts caused by erosion, siltation, sedimentation and runoff;* *b) impacts on riparian or littoral vegetation;* *(c) maintaining natural streambank and streambed condition, where it exists;* *(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;*	The waterway and coastal protection area traverses the south-western corner of the site and runs along the north-western and north-western boundary. Development within the overlay is only limited to works associated with the stormwater detention, drainage and associated service works. No dwellings are located within the overlay. An erosion and sediment control plan will be required before the commencement of any works to ensure that any potential impacts on natural assets are managed and contained within the property. The proposed development will not cause any impacts on riparian or littoral vegetation, in-stream natural habitat or coastal processes.

(e) the need to avoid significantly impeding natural flow and drainage; *(f) the need to maintain fish passage, where known to exist;* *(g) the need to avoid land filling of wetlands;* *(h) the need to group new facilities with existing facilities, where reasonably practical;* *(i) minimising cut and fill;* *(j) building design that responds to the particular size, shape, contours or slope of the land;* *(k) minimising impacts on coastal processes, including sand movement and wave action;* *(l) minimising the need for future works for the protection of natural assets, infrastructure and property;* *(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and* *(n) the guidelines in the Tasmanian Coastal Works Manual".*	The site has no known fish passages. The proposal does not include any landfilling of wetlands. The proposed development will be an extension of the existing retirement village. The site slopes gently upwards and the cut and fill will be kept to a minimum and limited to the construction areas. The proposed dwellings are sited and located in response to the site topography. The proposed development will not have an impact on coastal processes, including sand movement and wave action. The applicant submitted that no future protection works are required. A condition will be added to the permit to ensure that the development occurs in accordance with the *Environmental Best Practice Guidelines in the Wetlands and Waterways Works Manual and the guidelines in the Tasmanian Coastal Works Manual*.
"P3 *Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:* *(a) the need to minimise impacts on water quality; and* *(b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff".*	The proposal includes a new stormwater outlet within the drainage areas. Council Officers assessed the proposed stormwater management and have advised that an online bio-retention will not be acceptable, and the recommended offline treatment system will be difficult given the number of outfalls and the topography of the site. Therefore, a cash-in-lieu contribution to Council for water quality treatment is considered appropriate and a condition will be added to the permit to that effect.

Flood-Prone Areas Code

- **Clause C12.5.2 A1 and A4 relating to critical use, hazardous use or vulnerable use** – the proposal is for a vulnerable use for which there is no acceptable solution.

The proposal must be assessed against Performance Criteria P1 and P4 of Clause C12.5.2 as follows.

Performance Criteria	Assessment
"Clause C12.5.2 P1	The proposal is assessed as satisfying the performance criteria as outlined below.
P1 *A critical, hazardous, or vulnerable use within a flood-prone hazard area must achieve a tolerable level of risk from flood, having regard to:* *(a) the type form and duration of the use; and* *(b) a flood hazard report that demonstrates that:* *(i) any increase in the level of risk from flood does not warrant any specific hazard reduction or protection measures; or* *(ii) the use can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures".*	The proposal is for an extension to an existing retirement village (vulnerable use) of a permanent nature. The use is established, and the flood reports identify flood risks and conceptual mitigation measures. The nature and scale of the use are known and can be accommodated subject to implementation of the detailed flood and stormwater management measures required by permit condition. Flood hazard, stormwater and hydraulic reports identify mitigation measures including cut-off drainage, detention basins, pipe networks, overland flow management and finished floor levels. However, a coordinated detailed design and post-development hydraulic assessment has not yet been provided to fully demonstrate tolerable risk under ultimate development conditions. It is considered a compliant outcome is reasonably achievable and can be verified through detailed engineering design, modelling and approval prior to building consent.
"P4 *In addition to the requirements in clause C12.5.2 P1, a vulnerable use within a flood-prone hazard area, must be protected from flood, having regard to:* *(a) any protection measures, existing or proposed;* *(b) the ability and capability of people in a flood event who may live, work or visit the site, to:* *(i) protect themselves;*	Proposed protection measures include drainage infrastructure, detention basins, overland flow management systems, finished floor level controls and stormwater management works. Detailed and coordinated design is required to demonstrate the effectiveness of the proposed measures. The retirement village constitutes a vulnerable use and therefore requires clear flood emergency management procedures.

(ii) evacuate in an emergency; and *(iii) understand and respond to instructions in the event of an emergency;* *(c) any emergency evacuation plan;* *(d) the level of risk for emergency personnel involved in evacuation and rescue tasks;* *(e) the advice contained in a flood hazard report; and* *(f) any advice from a State authority, regulated entity or a council".*	The applicant has identified an intention to incorporate flood evacuation procedures into the site's existing emergency management arrangements. Final documentation should be prepared and implemented to support emergency response and evacuation. An updated emergency management and evacuation framework is proposed but has not been finalised at permit stage. On balance, this matter is capable of being addressed through permit conditions requiring updated emergency management arrangements prior to occupation of the expanded development. Subject to implementation of an appropriate flood emergency management plan and detailed flood mitigation measures, the proposal is capable of achieving an acceptable level of risk for emergency response personnel. The flood hazard report identifies flood risks affecting portions of the site and recommends mitigation measures including floor level controls and flood management responses. These recommendations are capable of being incorporated into the final engineering design. Council's stormwater advice indicates support for the proposal subject to a permit condition requiring a detailed and coordinated stormwater and flood management design demonstrating acceptable flood performance, no adverse off-site impacts and acceptable residual flood risk prior to Engineering Approval.

- **Clause C12.6.1 A1** – the proposal includes building and works within a flood-prone hazard area.

  The proposal must be assessed against Performance Criteria P1.1 of Clause C12.6.1 as follows.

Performance Criteria	Assessment
"Clause C12.6.1 P1.1 & P1.2	The proposal is assessed as satisfying the performance criteria as outlined below.
P1.1 *Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:* *(a) the type, form, scale and intended duration of the development;* *(b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;* *(c) any advice from a State authority, regulated entity or a council; and* *(d) the advice contained in a flood hazard report.* *P1.2* *A flood hazard report also demonstrates that the building and works:* *(a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and* *(b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures".*	The proposed development comprises a permanent extension to an existing retirement village, including associated roads, drainage and stormwater infrastructure. The nature and scale of the development are understood, and the submitted reports identify a feasible strategy for managing flood and stormwater risks, subject to detailed engineering design and verification. The submitted flood and stormwater information identifies that hazard reduction and protection measures are required, including cut-off drainage, pipework, detention basins, overland flow management and finished floor level controls. Detailed design of these measures is to be provided and demonstrated through the Engineering Approval process in accordance with permit conditions. Council's stormwater advice indicates support for the proposal subject to a permit condition requiring a detailed and coordinated stormwater and flood management design demonstrating acceptable flood performance, no adverse off-site impacts and acceptable residual flood risk prior to Engineering Approval. The flood hazard and supporting hydraulic reports identify flood constraints, mitigation measures and recommended floor level controls for the development. While detailed post-development hydraulic verification has not yet been provided, the reports establish a framework capable of being implemented and verified through detailed engineering assessment and approval. Detailed modelling has not yet demonstrated the final performance of the proposed drainage, detention and overland flow systems. However, Council's stormwater advice is that an acceptable outcome is reasonably achievable through detailed engineering design.

	A permit condition requires the final coordinated flood and stormwater design to demonstrate that the development does not cause or contribute to adverse flooding impacts on the site, adjacent land or public infrastructure. The available flood hazard, hydraulic and stormwater information indicates that a tolerable level of flood risk is capable of being achieved through the proposed drainage, detention and overland flow management measures. Final confirmation of compliance is to be provided through detailed engineering design, hydraulic modelling and supporting calculations demonstrating management of the 1% AEP event, including climate change allowance, prior to Engineering Approval.

7. EXTERNAL REFERRALS

The proposal was referred to TasWater and no objections to the proposed rezoning were received. 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 received.

The proposal was referred to the Department of State Growth, and no concerns were raised with recommendations for the future development, which have already been adopted and plans amended to reflect these recommendations relating to site access arrangements.

8. COUNCIL COMMITTEE RECOMMENDATIONS

Not applicable.

9. EXTERNAL IMPACTS

No significant impacts.

10. CONCLUSION

The proposed Residential (Retirement Village) development is currently prohibited under the provisions of the Scheme. For this reason, the applicant has lodged an application under s37(1) and 40T of LUPAA, which provides for the concurrent consideration of a Planning Scheme Amendment and associated Development Application for a use/development that would otherwise be prohibited.

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 relevant provisions of LUPAA subject to modifications. Accordingly, it is recommended that the Planning Authority initiates and certifies the draft amendment. It is also recommended that the proposed development be approved subject to appropriate conditions.

Attachments:
1. Location Plan (1)
2. Draft Instrument of Certification (1)
3. Draft Particular Purpose Zone – Clarence Lifestyle Village (12)
4. Proposal Plans (12)
5. Applicant's Planning Report (90)
6. Site Photos (3)

Daniel Marr
HEAD OF CITY PLANNING

7.5 LOCAL PROVISIONS SCHEDULE AMENDMENT AND COMBINED DEVELOPMENT APPLICATION PDPSPAMEND-2022/028417 – 2 PIPER ROAD, GEILSTON BAY, 647 EAST DERWENT HIGHWAY AND 657 EAST DERWENT HIGHWAY, RISDON

EXECUTIVE SUMMARY

PURPOSE

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

The application relates to land at 2 Piper Road, Geilston Bay (CT: 226109/1), 647 East Derwent Highway, (CT: 115696/1), and 657 East Derwent Highway, Risdon (CT: 61125/1).

The land at 2 Piper Road, Geilston Bay and 647 East Derwent Highway is to be rezoned from Rural Living B to a Particular Purpose Zone – Clarence Lifestyle Village to enable the expansion of the existing residential development (Retirement Village) and associated infrastructure.

The proposal also seeks to consolidate the land at 2 Piper Road, Geilston Bay and 647 East Derwent Highway into one title with the existing right-of-way access over 657 East Derwent Highway, Risdon removed as part of the consolidation.

RELATION TO PLANNING PROVISIONS

The land is currently zoned Rural Living B under the Tasmanian Planning Scheme - Clarence. It is also subject to the following codes: Parking and Sustainable Transport Code, Road and Railway Assets Code, Natural Assets Code, Bushfire-prone areas Code, Flood-prone areas Code and Safeguarding of Airports Code.

The proposed residential development (Retirement Village) would be prohibited under the current provisions of the Local Provisions Schedule (LPS).

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) Regulation 2025*.

Section 37 of LUPAA provides for the Planning Authority to consider a request to amend the Clarence 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 expires on 27 July 2026.

CONSULTATION

Unless directed otherwise by the Tasmanian Planning Commission (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.

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

A. That, pursuant to Section 38(1) of the *Land Use Planning and Approvals Act 1993,* the Planning Authority is satisfied that the requested amendment of the Clarence Local Provisions Schedule PDPSPAMEND-2022/028417 to rezone 2 Piper Road, Geilston Bay and 647 East Derwent Highway, Risdon from Rural Living Zone B to the Particular Purpose Zone - Clarence Lifestyle Village meets the LPS criteria.

B. That, pursuant to Section 40F (2) of the Act, the Planning Authority certifies the modified draft amendment as meeting the LPS Criteria.

C. That, once certified, the Planning Authority will provide a copy of the draft amendment to the Tasmanian Planning Commission, give notice and place the draft amendment on public exhibition for a period of 28 days as required under Section 40H of the *Land Use Planning and Approvals Act 1993*.

D. That, pursuant to Section 40Y (2) of the *Land Use Planning and Approvals Act 1993*, the planning application for 54 Residential (Retirement Village) Units, Demolition of the Existing Dwelling & Outbuilding at 647 East Derwent Highway and Associated Works at 2 Piper Road, 647 East Derwent Highway & 657 East Derwent Highway, Risdon be approved subject to the following conditions and advice.

1. GEN 01 – ENDORSED PLANS.

2. Development must occur in accordance with the recommendations contained within the Clarence Lifestyle Village - Noise Impact Assessment by Noise Impact Consulting, dated 28 October 2024. These measures are to be certified by a recognized Acoustic Engineer or other appropriately qualified person and submitted as part of a Building Permit.

3. An updated Bushfire Report must be submitted showing the following:
   - All dwellings be designed and built to BAL-12.5 minimum standard under AS 3959:2018,
   - An updated TFS-endorsed bushfire emergency plan drafted in accordance with the current template documents found on the TFS website,
   - All new dwellings be designed with a basic ember protection at a minimum,
   - The whole site must be maintained as a hazard management area,

must be submitted to and approved by Council's Chief Executive Officer or delegate prior to the commencement of the use / prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). When approved, the plans will form part of the permit.

4. Suitable covenants must be included in the Schedule of Easements with respect to:
   - Establishing the 13m setback to the rear (southern boundary) of the subject property an exclusion zone with no new habitable buildings to be built within this zone.
   - the whole site must be maintained in a low fuel state as a hazard management area.

   Additional covenants or other controls must not be included on the titles to the lots created by the subdivision where they are in conflict with any provisions of, or seek to prohibit any use provided for within, the relevant Planning Scheme applying to the lot.

5. The proposed non-combustible fence must be designed in accordance with the specifications referred to in the bushfire hazard report and the construction of the non-combustible fence must be implemented as part of the site civil works to the satisfaction of Council's Chief Executive Officer or delegate.

6. A landscape plan must be submitted to and approved by Council's Chief Executive Officer or Delegate prior to the commencement of the use / prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). The landscape plan must be to a standard scale, provide the designer's contact details and be legible when reproduced at A3 size. The landscape plan must clearly document the following:
   - a north point/arrow,
   - existing property information such as building footprints, location of underground and overhead services, boundary lines, outdoor structures, garden beds and fences,
   - existing trees identified, marked clearly as "retained" or "for removal". An outline of tree protection measures – inclusive of calculated Tree Protection Zones in line with AS 4970-2009 – is required for all "retained" trees,
   - existing contours, relevant finished floor levels and any proposed alterations to ground levels,
   - areas of proposed landscape hard work treatments such as driveways, paths, buildings, carparks, retaining walls, edging and fencing,
   - areas of proposed landscape soft work treatments including garden beds and lawns,
   - proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred),
   - a table listing selected species' botanical names, mature height, mature width, pot size and total quantities,

- avenue type plantings adjacent to the Commerce Road boundary with the inclusion of Ornamental pear species,
- details of proposed ongoing maintenance schedule (e.g. watering, weeding), and
- estimated cost for the installation of landscape works.

Note: Refer to "Preparing Landscape Plans for Development Applications" pamphlet for further information. Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan and for quality of workmanship.

7. The detailed landscape plan must be consistent with the hazard management area requirements.

8. ENG M8A – SERVICE EASEMENTS.

9. ENG M8 – EASEMENTS.

10. ENG M1 –DESIGNS DA.

11. ENG A5 – SEALED CAR PARKING.

12. ENG S1 – INFRASTRUCTURE REPAIR.

13. ENG S2 – SERVICES.

14. ENG S11 – SEALING OF SERVICES.

15. ENG S5 - STORMWATER PRINCIPLES.

16. Prior to the issue of Engineering Approval, detailed and coordinated stormwater and flood management design, prepared by a suitably qualified engineer, must be submitted to and approved by Council's Chief Executive Officer or delegate.

    The design must be consistent with the approved development plans and address the relevant findings of the supporting stormwater and flood reports. The design must demonstrate that:

    (a) The proposed drainage, detention and major overland flow systems safely manage the 1% AEP event, inclusive of the adopted climate change allowance.

    (b) Post-development stormwater discharge from the development does not exceed pre-development discharge at the relevant discharge points.

(c) The cut-off drain, check dams, headwalls, pipe network, detention basins, internal roads and overflow paths are coordinated and adequately designed to safely manage site runoff and external overland flows, including relevant design calculations, hydraulic modelling, longitudinal sections, cross sections, profiles, levels, pipe schedules, basin details and capacity calculations.

(d) The proposed works do not cause or contribute to adverse flooding, permanent scour or erosion impacts on the site, adjoining land, East Derwent Highway or public infrastructure.

(e) Finished floor levels and relevant access levels are set in accordance with the approved flood and drainage design, including appropriate freeboard where required.

The submission must include sufficient supporting calculations, modelling outputs and detailed engineering drawings to demonstrate compliance with this condition.

When approved, the amended plans will form part of this permit. If compliance with this condition cannot be demonstrated, the approved development must not proceed in its approved form, and a further planning approval may be required.

17. An erosion and sedimentation control plan, in accordance with the Derwent Estuary Program Soil & Water Management on Building & Construction Sites document, must be submitted and approved by Council's Head of Infrastructure and Natural Assets prior to the commencement of the works / prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). 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 or to the satisfaction of Council's Chief Executive Officer or delegate prior to the commencement of works.

18. A weed management plan identifying methods to control weeds, must be submitted to and approved by Council's Head of Infrastructure and Natural Assets prior to commencement of works. The plan must:

- reference any Weeds of National Significance and Declared Weeds under the Weed Management Act and address the spread of soil-based pathogens in accordance with the Tasmanian Washdown Guidelines for Weed and Disease Control,
- identify the weed species, initial treatment, on-going management and maintenance period thereof. The plan may include manual removal of larger plants and/or chemical control as recommended by the relevant Government department, and
- include a detailed breakdown of estimated costs.

The Final Plan and Schedule of Easements for any stage will not be sealed until the weed management plan for that stage has been implemented and maintained to the satisfaction of Council's Head of Infrastructure and Natural Assets. Alternatively, a bond of 1.5 times the estimated cost of works associated with implementing the weed management plan for that stage must be submitted prior to sealing. The bond will be held as security to ensure both development and maintenance of each lot is undertaken in accordance with the approved plan until each of the newly created lots are sold or the management period has expired, whichever comes first. The bond is to be a cash deposit or a bank guarantee.

19. All works must be undertaken generally in accordance with the *Wetlands and Waterways Works Manual* produced by the Tasmanian Department of Primary Industries, Water and the Environment 2003 [copy available at https://nre.tas.gov.au/conservation/flora-of-tasmania/tasmanias-wetlands/wetlands-waterways-works-manual.

20. Certificates of Title for subject land, Volume 226109/1 and Volume 115696/1 must be consolidated into one title prior to the issue of a building/plumbing permit or commencement of works, whichever occurs first. To consolidate the titles, the final plan and schedule of easements must be submitted to Council for sealing.

21. The development must meet all required Conditions of Approval specified by TasWater notice dated 05/07/2024 (TWDA 2022/0088 - CCC).

E. That the permit be accompanied by standard advice.

F. 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 Ritchie **SECONDED** Cr James

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

Cr Mulder left the meeting at this stage (7.45pm).

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