

From: Clarence General Mail User
Sent: Mon, 17 Feb 2020 13:50:16 +1000
To: City Planning
Subject: FW: Figg Submission CCC/LPS
Attachments: Clarence Draft Local Provisions Schedule Online Submission Form.pdf

From: thefiggs@bigpond.com <thefiggs@bigpond.com>
Sent: Monday, 17 February 2020 2:37 PM
To: Clarence General Mail User <clarence@ccc.tas.gov.au>
Cc: Bruce Gibbs <bgibbs@ccc.tas.gov.au>; Ian Nelson <inelson@ccc.tas.gov.au>; barrett@tlaw.com.au
Subject: Figg Submission CCC/LPS

Please accept this as my first part of my submission to the Draft LPS now advertised

Regards
Michael Figg

Clarence Draft Local Provisions Schedule Online Submission Form

Submitters Name: Michael Figg

Email: thefiggs@bigpond.com

Postal Address: 506 South Arm road Lauderdale Tasmania 7021

Submission: **REMOVAL OF POTENTIALLY CONTAMINATED LAND OVERLAY**

On Wednesday May the 8th 2019, Injury Prevention Services P/L (IPM) issued a Contamination clearance report (AR4) which showed 0 airborne contamination as well as a clearance for surface contamination.

This was emailed to Clarence City Council(CCC) and Scott Edwards, Bruce Gibbs inspected the property on Tuesday the 14th May 2019.

CCC formally revoked ALL Environmental Management Notices and stated "Council records would be updated to acknowledge this", but Council failed to remove the potentially contaminated overlay in the planning scheme over the property (506 South Arm rd.).

Tuesday the 7th January 2020 CCC GM Ian Nelson stated "Given that your land has now been decontaminated, I am willing to submit to Council that it supports your request to the TPC for amendment of the Code".

Could Council please now remove the "Potentially Contaminated Overlay" and any other reference currently on file.

IPM are independent, scientifically trained, tertiary educated, licensed WorkSafe Tasmania Asbestos Assessors, with capabilities including:

- Asbestos testing – An onsite NATA accredited laboratory equipped to analyse samples to determine the presence of asbestos in a timely and professional manner;
- Identification and assessment of asbestos hazards;
- Development of an Asbestos Register;
- Assessing the risk of exposure to airborne asbestos;
- Prioritisation and control of reasonably practicable asbestos risk solutions;
- Ongoing surveillance of Asbestos Containing Materials (ACM) in the workplace;
- Airborne asbestos fibre clearance monitoring at all stages of asbestos removal work;
- Issuing a visual clearance certificate;
- Liaison with relevant authorities;
- Asbestos removal planning;
- Asbestos awareness training to educate your workers in managing the risk of potential exposure.

NATA accredited Laboratory

In 2013 IPM became Tasmania's first NATA Accredited asbestos laboratory service specialising in airborne asbestos fibre monitoring, analysis and asbestos fibre identification in bulk materials. IPM is NATA accredited for:

Airborne asbestos fibre monitoring and counting

Inhalable and respirable dust analysis

Analysis for asbestos, mineral fibres (including synthetic) and organic fibres

Our Consultants follow nationally compliant and independently audited methods in all our NATA accredited services.



Clarence City Council
38 Bligh Street / PO Box 96
Rosny Park Tasmania Australia
Telephone 03 6217 9500
Facsimile 03 6245 8700
Dx 70402
Email clarence@ccc.tas.gov.au
Website www.ccc.tas.gov.au
Scott Edwards

REF: 185452

23 May 2019

Mr M G Figg
506 South Arm Road
LAUDERDALE TAS 7021

Dear Mr Figg,

RE: REVOCATION OF ENVIRONMENT PROTECTION NOTICE NO. 85 – 506 SOUTH ARM ROAD, LAUDERDALE TAS 7021

I write to advise that on the 14 May 2019, Council received a copy of the Visual Clearance Certificate (VCC) produced by IPM Consulting Services, dated 8 May 2019.

The VCC has been reviewed and along with a site visit conducted by Council Officers on the 14 May 2019, Council is satisfied that all requirements contained in EPN NO. 85, have been complied with.

Therefore, in accordance with S.44(5)(a) of the *Environmental Management and Pollution Control Act 1994* Council formally revokes EPN NO.85 as of the date of this letter.

Council records will be updated to acknowledge that the EPN has revoked.

Thank you for your cooperation with this matter.

Yours sincerely

Scott Edwards
Senior Environmental Health Officer



Clarence City Council

38 Bligh Street / PO Box 96
Rosny Park Tasmania Australia
Telephone 03 6217 9500
Facsimile 03 6245 8700
Dx 70402
Email clarence@ccc.tas.gov.au
Website www.ccc.tas.gov.au

Scott Edwards

REF: 185452

23 May 2019

Mr M G Figg
506 South Arm Road
LAUDERDALE TAS 7021

Dear Mr Figg,

RE: REVOCATION OF ENVIRONMENT PROTECTION NOTICE NO. 69 – 506 SOUTH ARM ROAD, LAUDERDALE TAS 7021

Further to the works undertaken for EPN NO. 85, I write to advise that the previous EPN NO. 69, dated 21 March 2016 and served for asbestos contamination on your abovementioned property, has still been in force.

Given that EPN NO. 85 has been revoked as of today's date, Council is satisfied that EPN NO. 69 has also been complied with.

Therefore, in accordance with S.44(5)(a) of the *Environmental Management and Pollution Control Act 1994* Council formally revokes EPN NO.69 as of the date of this letter.

Council records will be updated to acknowledge that the EPN has revoked.

Thank you for your cooperation with this matter.

Yours sincerely

Scott Edwards
Senior Environmental Health Officer

[illegible]

Overlay data from Clarence City Council
Base topographic data from the LIDAR © State of Tasmania

Legend

 Land Parcel Boundary

 Potentially Contaminated Land

From: Rebecca Anning
Sent: Wed, 18 Mar 2020 13:32:41 +1000
To: City Planning
Subject: FW: Anonymous User completed Clarence Draft Local Provisions Schedule Online Submission Form
Attachments: Master2.pdf

From: Clarence City Council <notifications@engagementhq.com>
Sent: Tuesday, 17 March 2020 3:49 PM
To: City Planning <cityplanning@ccc.tas.gov.au>
Subject: Anonymous User completed Clarence Draft Local Provisions Schedule Online Submission Form

Anonymous User just submitted the survey 'Clarence Draft Local Provisions Schedule Online Submission Form' with the responses below on Clarence Draft Local Provisions Schedule Open for Submissions.

Full name

Michael FIGG

Email adress

thefiggs@bigpond.com

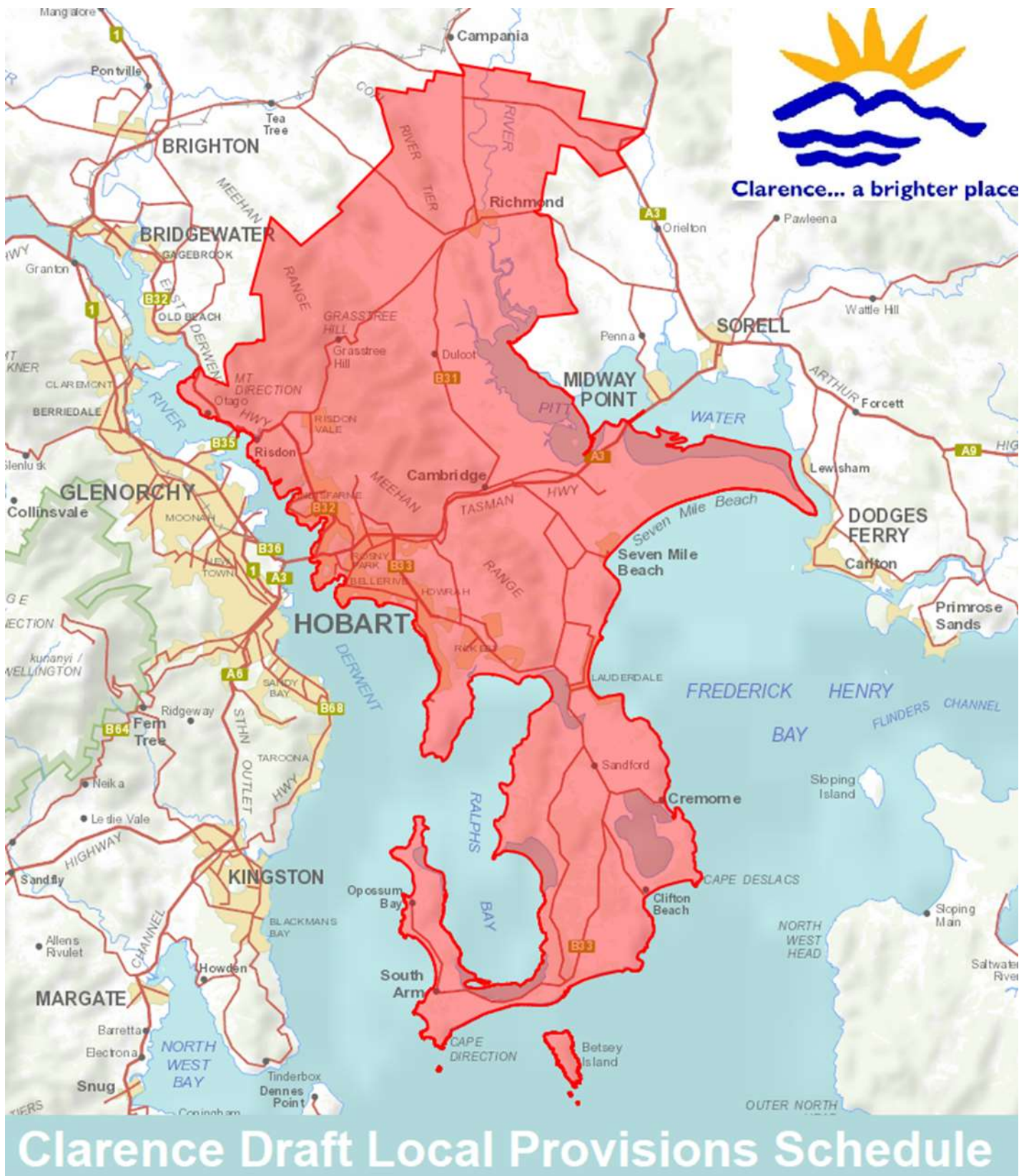
Postal address

506 South Arm road Lauderdale Tasmania 7021

Submission

Please accept the attached document (PDF) file as my submission to the Clarence Draft Local Provisions Schedule

File upload



Land Use Planning and Approvals Act 1993 (Version current from 17 December 2018 to date)

SUBMISSION



Michael and Mary FIGG
506 South Arm Road
Lauderdale Tasmania

Ref Page	Subject	Contrary to Information provided		
9	Zone Purpose	Fully Serviced	without agriculture	no Agriculture buffers
11, 81	SUPPLY AND DEMAND IN LAUDERDALE property prices cost of development	Residential demand HIGH	Family Lifestyle HIGH	High Property Value
13 18	Alternative Zones	Future Urban	Community purpose, Village or Future Urban better Fit	
14, 91, 92	Planning history	Lauderdale Future Urban	Missing sewerage reason for change	Sewer now connected
25, 36	refugia	Removal of land owners usage and ownership	Remove from inhabited residential sites or allow defences to inundation	Law relation to the sea
27	Priority Vegetation	Not ground based	Vegetation does not exist on site	
29	erosion road barrier	Cannot have erosion if a maintained barrier (south arm rd) is in place		State Road network
31, 33	Inundation land fill not taken into account	NOT LAND BASED	reports do not take into account any land filled	
35	Successful coastal management will usually combine elements of retreat, accommodate and protect.	Bias-Retreat only action	Council has stated it will defend in the past	landowners want to defend
37	Road buffer over birds and house	New Buffer	No consultation or agreement	Not on any title
39	Contamination removal and addition	Overlay inaccurate	Omissions & need to amend 506 south arm rd	
40	heritage	Continuation of lack of inclusion of major historical sites.		
41, 48, 90	poor comms climate change defences	Key stakeholders not included	Local land owners not consulted who are most affected	
42, 82	roles and responsibilities of every one— liability-Climate change	Mitigation missing	Conflict with landowners right to defend	Risk adverse (retreat)
43	risk management responses	Sand and rock groins missing	states Long term developed land has to be raised above flood levels	
45, 54	Bias - towards the environment over living people's locality and ownership	Human habitation not in the environmental argument		Bias Rule
46	Councils argument for the growth of Lauderdale not implemented	Expansion of the UGB	Development coordinated with the supply and connection of reticulated services	Residential along south arm road
47	argument for investment resulting in better services and utilities	Engineering design solutions	No limiting natural (native vegetation) constraints	
50	Unspoken landowner implications of Information ramifications of Issue	Uninsurable land	Mortgages recalled or unavailable	Massive Insurance premium rises
53, 71	loss of natural justice	Strategic Direction incompatible with Land owners expectations and promised use now and into the future.		
57, 74, 93	inconsistency of information	Different Overlays at state and Federal	Population growth higher than estimated	
60, 84	Inconsistent Council strategy for Lauderdale	Future Urban - Rural "B" without agriculture	If area is reported as "HIGH RISK" and LOW APPEAL why so many developments?	
62	JMG Feasibility study arguments for expansion of Lauderdale	Justifies development in the area	Stormwater solutions available	
65, 66	Financial modelling for property pricing need and availability FULLY SERVICED	Lauderdale Feasibility study inaccurate see actuals against projections		
70, 77, 79	strlus reference out of date 10/2013 – 2/2020	Strlus edition superseded	Should be commenting on the current STRLUS	
80	Historical not like for like changes	Residential replaced to rural living at 438 south arm rd	retirement village changed from Community living to residential	Restaurant 13 North terrace zoned "open space"
85, 94	Politics	State-wide planning scheme process will have taken 13 years to implement	Greens use misinformation and vilification of property owners for selfish gains	6 Tasmanian premiers in timeline

Argument is: Land owner does not want rural should never have been changed from future urban.

The Local Provisions Schedule is made up of:

- The zone maps
- Local area objectives
- Particular Purpose Zones
- Specific Area Plans
- Site Specific Qualifications
- Code overlay maps (prescribed and local data)
- Code lists (e.g. Heritage)

Each council prepares a draft Local Provisions Schedule, where they must determine the most appropriate zone to apply to land from the available zones in the State Planning Provisions. Specific controls such as Particular Purpose Zones, Specific Area Plans, Site Specific Qualifications and code-applying provisions that have been declared to be transitioned by the Minister must be included in a draft Local Provisions Schedule.

There is the ability for a council to create planning controls that are different to the State Planning Provisions, however, the legislation requires that the council demonstrates a unique or tailored approach and provides justification that the variation:

- Is of significant social, economic or environmental benefit to the State, region or municipal area; or
- Relates to an area that has particular environmental, economic, social or spatial qualities that require unique provisions.

All of these elements are required to be represented in maps in accordance with the prescribed graphic format for colour and hatching so that all maps across the state are consistent.

LPS zone and code application

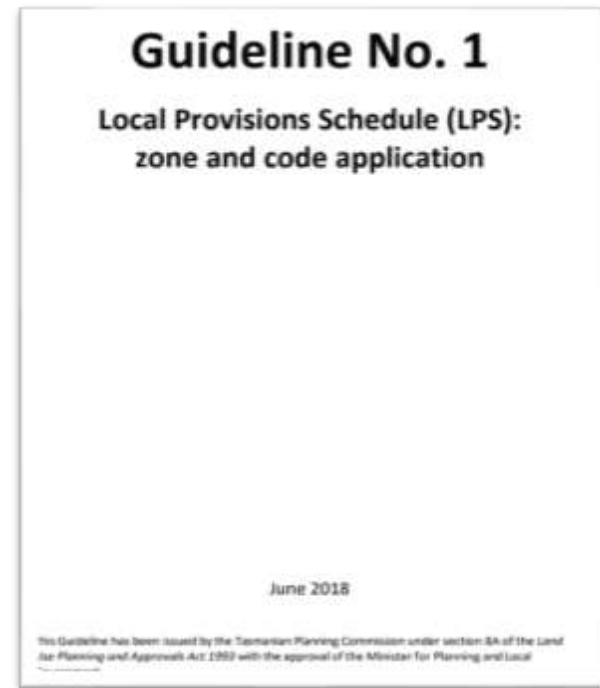
1. The primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible. Reference may also be made to the 'allowable minimum lot size' in the Acceptable Solution, unless there is a Performance Criterion that specifies an absolute minimum, in the subdivision standards for the zone to understand the density that is allowable.
2. Notwithstanding the content of this guideline, the LPS must also meet the LPS criteria of section 34 of the Act which prevail over any conflict with the content in this guideline.

Land Use Planning and Approvals Act 1993

Section

34. LPS criteria

- 1) In this section –
relevant planning instrument means a draft LPS, an LPS, a draft amendment of an LPS and an amendment of an LPS.
 - 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 Pipelines Act 2000 .
- 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 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 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.



32. Contents of LPSs *(Version current from 17 December 2018 to date)*

- (1) An LPS is to consist of provisions that apply only to a single municipal area specified in the LPS.
- (2) An LPS –
- (a) must specify the municipal area to which its provisions apply; and
 - (b) must contain a provision that the SPPs require to be included in an LPS; and
 - (c) must contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land, if required to do so by the SPPs; and
 - (d) may, subject to this Act, contain any provision in relation to the municipal area that may, under section 11 or 12, be included in the Tasmanian Planning Scheme; and
 - (e) may contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to particular land; and
 - (f) must not contain a provision that is inconsistent with a provision of section 11 or 12; and
 - (g) may designate land as being reserved for public purposes; and
 - (h) may, if permitted to do so by the SPPs, provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and
 - (i) may, if permitted to do so by the SPPs, override a provision of the SPPs; and
 - (j) may, if permitted to do so by the SPPs, modify, in relation to a part of the municipal area, the application of a provision of the SPPs; and
 - (k) may, subject to this Act, include any other provision that –
 - (i) is not a provision of the SPPs or inconsistent with a provision of the SPPs; and
 - (ii) is permitted by the SPPs to be included in an LPS; and
 - (l) must not contain a provision that the SPPs specify must not be contained in an LPS.
- (3) Without limiting subsection (2) but subject to subsection (4), an LPS may, if permitted to do so by the SPPs, include –
- (a) a particular purpose zone, being a group of provisions consisting of –
 - (i) a zone that is particular to an area of land; and
 - (ii) the provisions that are to apply in relation to that zone; or
 - (b) a specific area plan, being a plan consisting of –
 - (i) a map or overlay that delineates a particular area of land; and
 - (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs; or
 - (c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.
- (4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –
- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or
 - (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.
- (5) An LPS must be in accordance with the structure, if any, that is indicated, or specified, in the SPPs to be the structure to which an LPS is to conform.
- (6) A provision of an LPS must be in the form, if any, that the SPPs indicate a provision of an LPS is to take.
- (7) A provision of an LPS in relation to a municipal area is not to be taken to have failed to comply with this section, or to be inconsistent with a provision of the SPPs, by reason only that it is inconsistent with a provision of the SPPs that has not come into effect in relation to the municipal area.

Resource Management and Planning System of Tasmania

SCHEDULE 1 – Objectives *(Version current from 17 December 2018 to date)*

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. 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
 - (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
 - (c) to encourage public involvement in resource management and planning; and
 - (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
 - (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.
2. In clause 1 (a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –
- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
 - (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

PART 2 - Objectives of the Planning Process Established by this Act

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

- (a) to require sound strategic planning and co-ordinated action by State and local government; and
- (b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and
- (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and
- (d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and
- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and
- (f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and
- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and

- (h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- (i) to provide a planning framework which fully considers land capability.

Tasmanian Planning Policies

12B. Contents and purposes of Tasmanian Planning Policies

(1) The purposes of the TPPs are to set out the aims, or principles, that are to be achieved or applied by –

- (a) the Tasmanian Planning Scheme; and
- (b) the regional land use strategies.

(2) The TPPs may relate to the following:

- (a) the sustainable use, development, protection or conservation of land;
- (b) environmental protection;
- (c) liveability, health and wellbeing of the community;
- (d) any other matter that may be included in a planning scheme or a regional land use strategy.

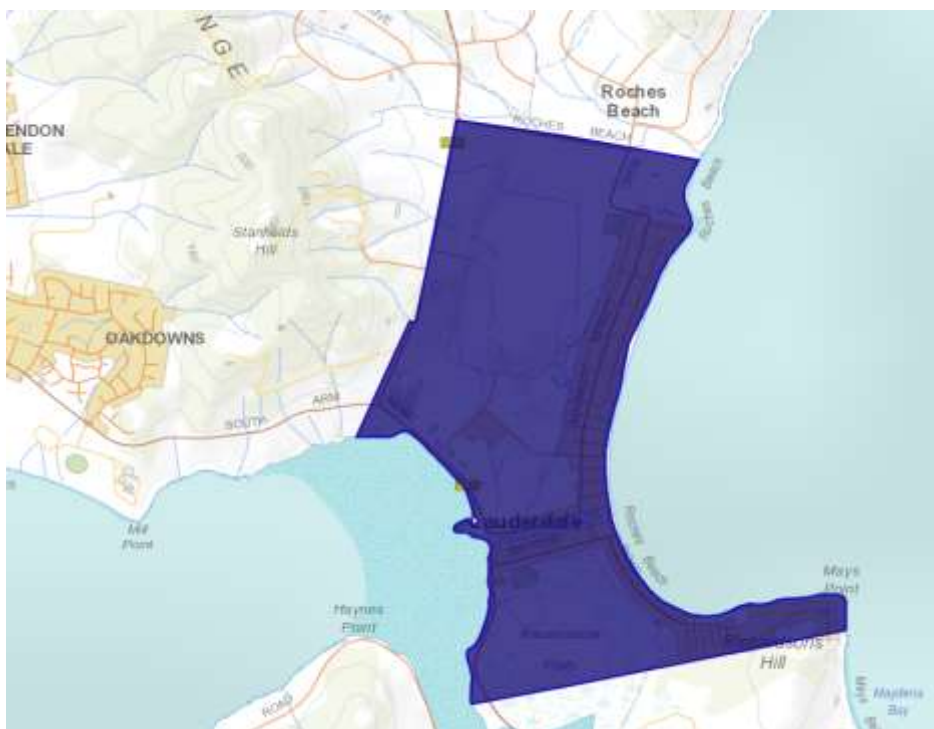
(3) The TPPs may specify the manner in which the TPPs are to be implemented into the SPPs, LPSs and regional land use strategies.

(4) The TPPs must –

- (a) seek to further the objectives set out in Schedule 1 ; and
- (b) be consistent with any relevant State Policy.

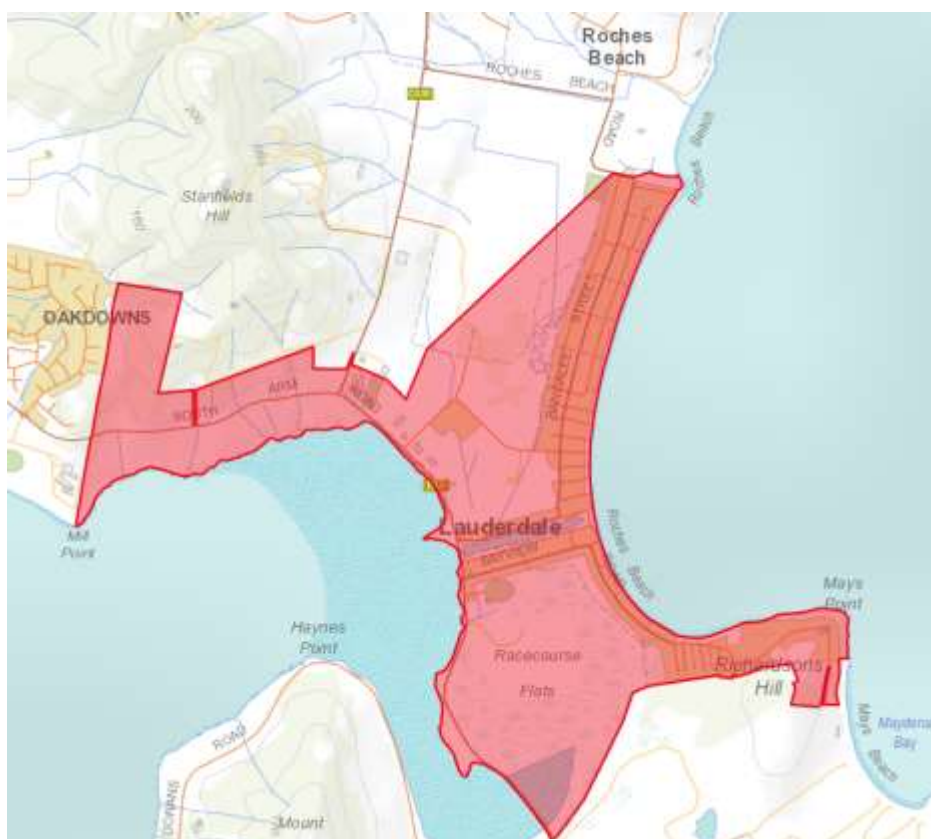
66. **Strategic plan**

- 1) A council is to prepare a strategic plan for the municipal area.
- 2) **A strategic plan is to be in respect of at least a 10 year period.**
- 3) In preparing a proposed strategic plan, a council is to consult with the community in its municipal area and any authorities and bodies it considers appropriate.
- 4) The general manager is to make a copy of a proposed strategic plan available for public inspection at the public office during ordinary office hours



Town of “LAUDERDALE”

LAUDERDALE: A village on the narrow neck of land separating Ralphs and Fredrick Henry Bay. It is on the South Arm Road, 14 Km. from Bellerive. In 1824 Robert Mather was granted land in the area. He was responsible for changing the name of the township from Ralphs Bay, to Lauderdale after the village Lauder in England.



Suburb / Locality of LAUDERDALE



LAND USE ZONES



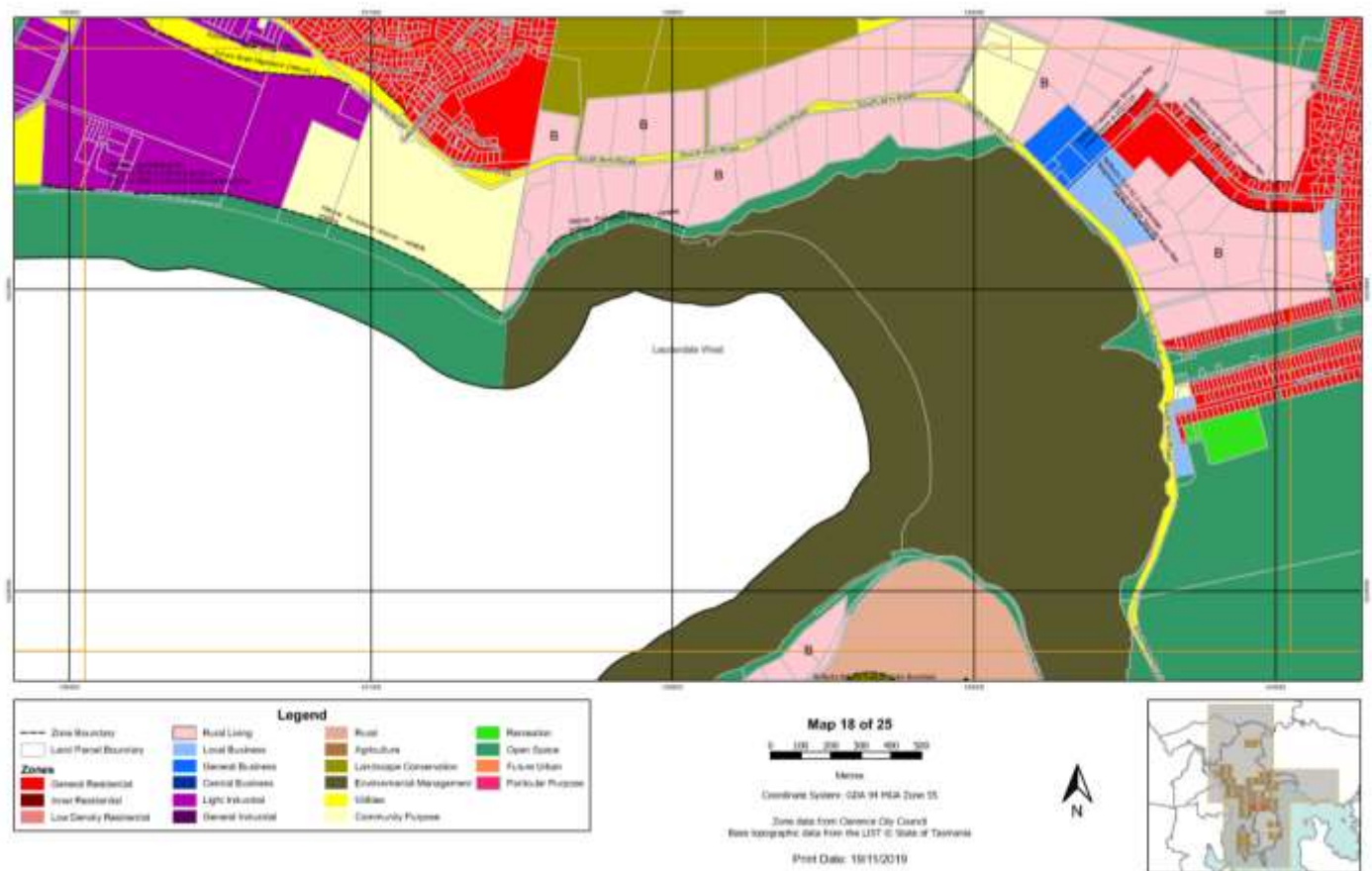
LAND USE ZONES

Clarence Interim Planning Scheme 2015

Part D Zones



Tasmanian Planning Scheme - Zones: Clarence Local Provisions Schedule



Location:

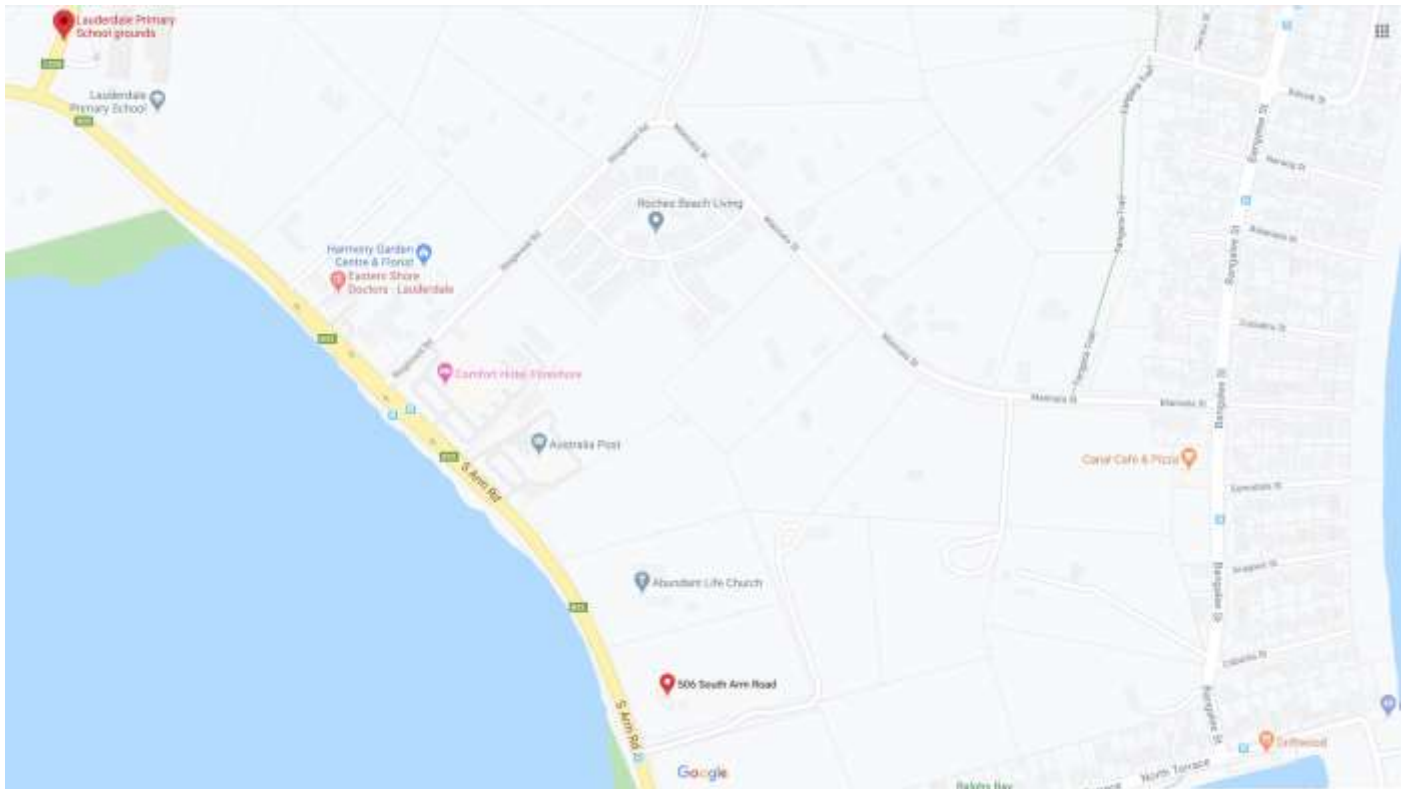
506 South Arm Road Lauderdale Tasmania 7021

ZONE NO:

Rural Living

ZONE_SUB:

Rural Living Zone B



ZONE

13.1 Rural Living Zone (without Agriculture)

13.1 Zone Purpose **CONFLICT**

- | | |
|----------|--|
| 13.1.1.1 | To provide for residential use or development on large lots in a rural setting where services are limited. |
| 13.1.1.2 | To provide for compatible use and development that does not adversely impact on residential amenity. |
| 13.1.1.3 | To provide for agricultural uses that do not adversely impact on residential amenity. |
| 13.1.1.4 | To facilitate passive recreational uses that enhance pedestrian, cycling and horse trail linkages. |
| 13.1.1.5 | To avoid land use conflict with adjacent: <ul style="list-style-type: none">• Rural Resource or• Significant Agriculture zoned land by providing for adequate buffer areas. |
| 13.1.2 | Local Area Objectives (There are no Local Area Objectives for this zone) |
| 13.1.3 | Desired Future Character Statements (There are no Desired Future Character Statements for this zone.) |

11.0 Rural Living Zone

11.1 Zone Purpose

The purpose of the Rural Living Zone is:

- 11.1.1 To provide for residential use or development in a rural setting where:
 - (a) services are limited; or
 - (b) existing natural and landscape values are to be retained.
- 11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.
- 11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.
- 11.1.4 To provide for Visitor Accommodation that is compatible with residential character.

11.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Resource Development	If for grazing.
Utilities	If for minor utilities.
Permitted	
Residential	If for a home-based business.
Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a veterinary centre.
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
Domestic Animal Breeding, Boarding or Training	

11.0 Rural Living Zone: 1

SUPPLY AND DEMAND IN LAUDERDALE

The level of competition in a suburb can affect prices and availability.



The lifestyles and people of Lauderdale

The lifestyle of a suburb is often influenced by who lives there





FINAL REPORT

Clarence Residential Strategy

April 2008



Connell Wagner

ALTERNATIVE ZONES:

Future Urban Zone

Zone Purpose

The purpose of the Future Urban Zone is:

- To identify land intended for future urban use and development.
- To ensure that development does not compromise the potential for future urban use and development of the land
- To support the planned rezoning of land for urban use and development in sequence with the planned expansion of infrastructure.

Zone Application Guidelines

- The Future Urban Zone should be applied to land identified for future urban development to protect the land from use or development that may compromise its future development, consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.
- The Future Urban Zone should be applied to land within an interim planning scheme Particular Purpose Zone which provides for the identification of future urban land.

30.0 Future Urban Zone

30.1 Zone Purpose

The purpose of the Future Urban Zone is:

- 30.1.1 To identify land intended for future urban use and development.
- 30.1.2 To ensure that development does not compromise the potential for future urban use and development of the land.
- 30.1.3 To support the planned rezoning of land for urban use and development in sequence with the planned expansion of infrastructure.

30.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Permitted	
Residential	If for a single dwelling or home-based business.
Resource Development	If for agricultural use, excluding controlled environment agriculture.
Utilities	If for minor utilities.
Discretionary	
Utilities	If not listed as Permitted.
Prohibited	
All other uses	



Central Lauderdale “RESERVED URBAN” & “URBAN” 1983 Eastern Shore Planning Scheme

- The Future Urban Zone may be applied to land identified in an interim planning scheme code or specific area plan overlay which provides for future urban land.
- The Future Urban Zone may be applied to sites or areas that require further structure or master planning before its release for urban development.

Up to 2007 Central Lauderdale was zoned “Future Urban” and was then changed by Council to rural with the reasoning being that Lauderdale was lacking in services such as sewerage.

IN 2008 Jock Campbell, the Mayor of Clarence announced the tender to sewer Lauderdale and now the whole of Lauderdale is capable of connecting to the system.

CITY OF CLARENCE EASTERN SHORE (AREA 2) PLANNING SCHEME 1986

The Lauderdale area will be reserved from any expansion in residential development, pending further investigation of sewerage, drainage and any possible rises in sea level. However, infill development on the existing vacant sites will be permitted and the consolidation of rural residential development within existing areas is to be encouraged.

The release of the Lauderdale area in the future for urban residential expansion will be dependent upon the provision of sewerage and stormwater services and investigation of effects of possible rises in sea level. [Sewerage Connected](#)

Date of Print: 31 January 2008 Eastern Shore (Area 2) Planning Scheme 1986 Page 18

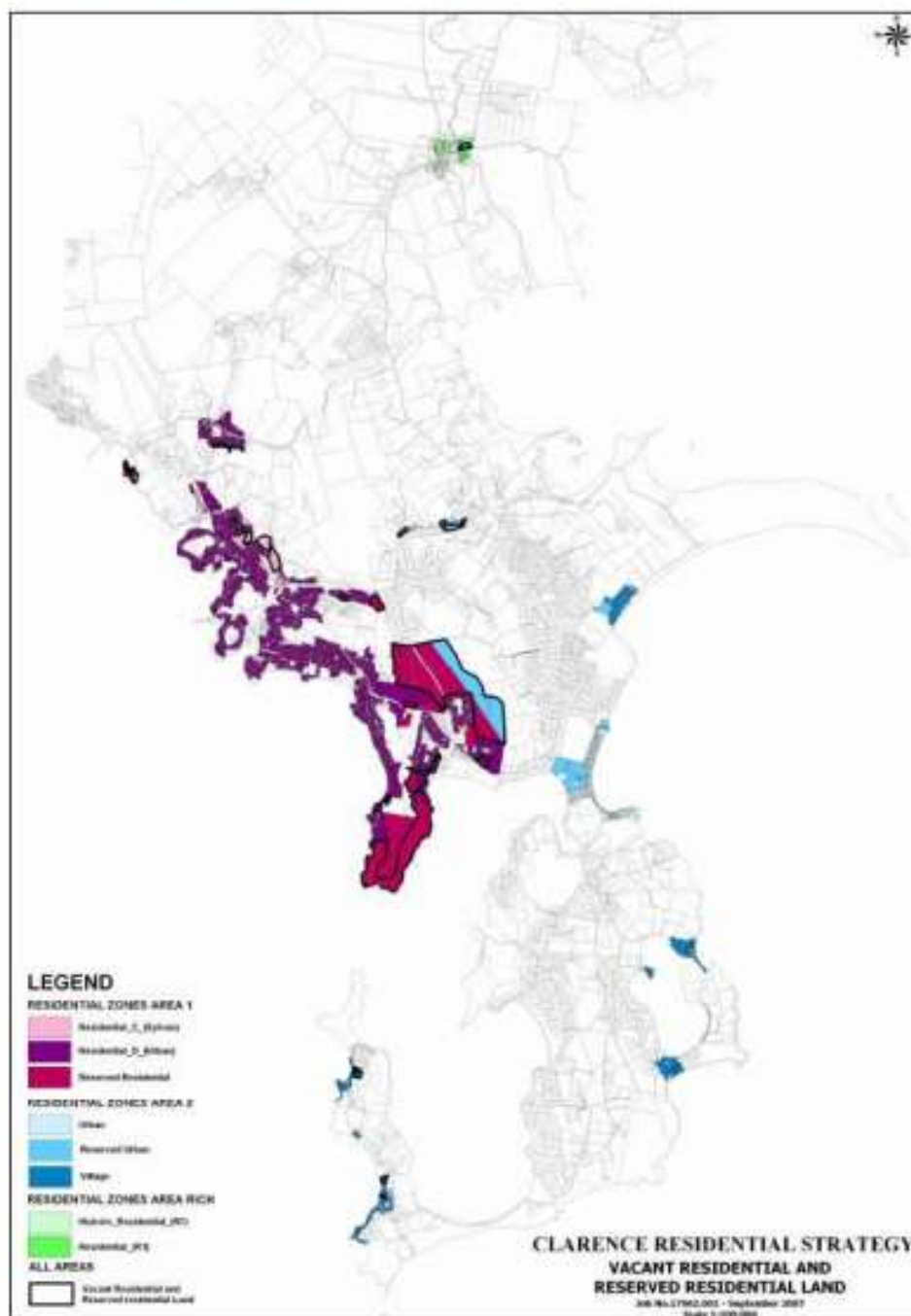
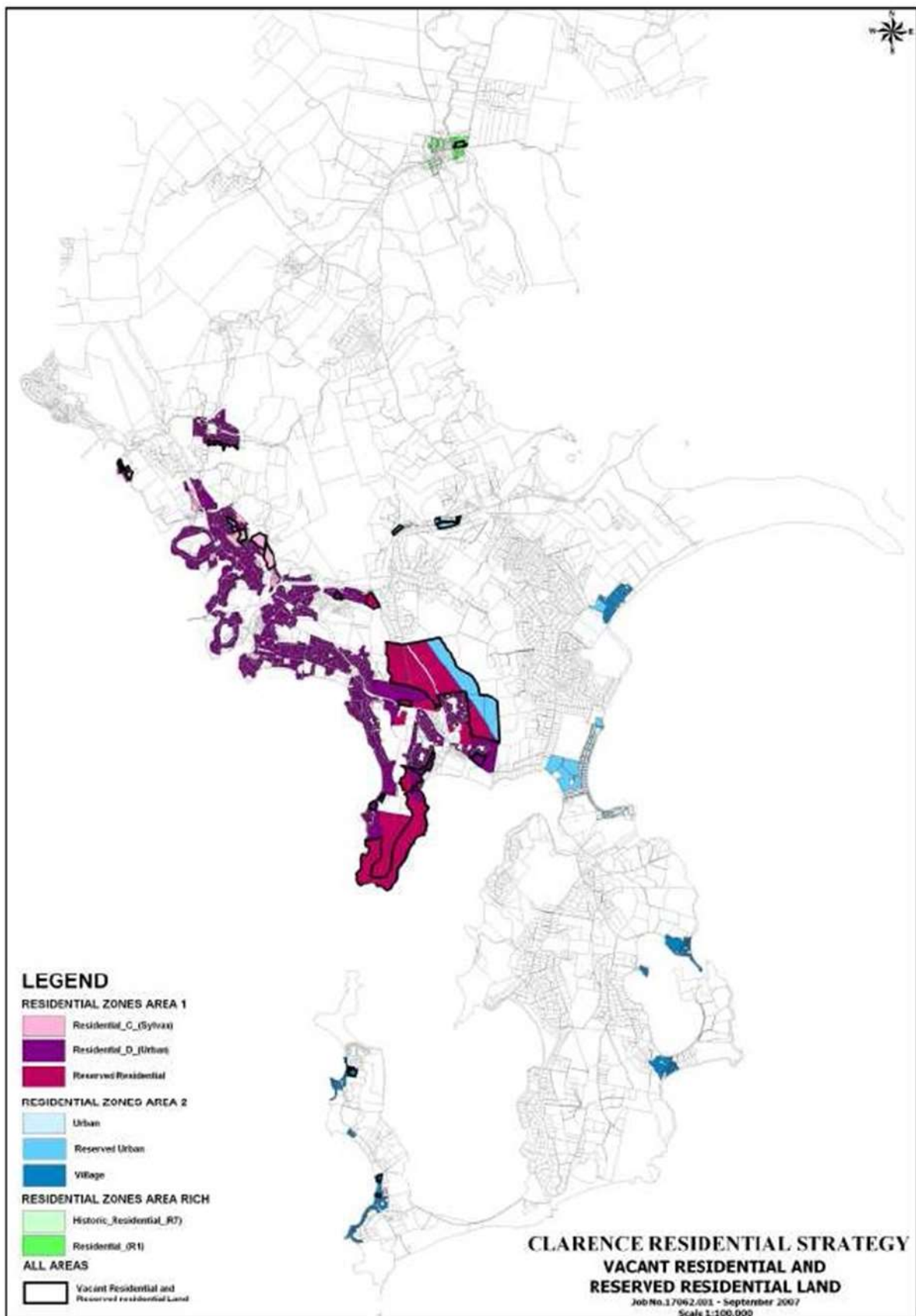


Figure 2. Vacant Residential and Reserved Residential Land.

The information obtained through the analysis of building and subdivision statistics was combined with the estimates of subdivided and zoned (including reserved) land, to determine the number of years supply of land that exists for each suburb. This information has been presented in Table 1 overleaf.



Central Lauderdale "Reserved Urban" 2008 (Clarence Residential Strategy April 2008)

ALTERNATIVE ZONE Continued:



Community Purpose Zone

Zone Purpose

- To provide for key community facilities and services including health, educational, government, cultural and social facilities.
- To encourage multi-purpose, flexible and adaptable social infrastructure

Zone Application Guidelines

- Zone should be applied to land that provides, or is intended to provide, for key community facilities and services, including: (a) schools, tertiary institutions or other education facilities; (b) medical centres, hospital services or other care-based facilities; (c) emergency services facilities; or (d) large community halls, **places of worship** or other key community or cultural facilities.
- Some community facilities and services may be zoned the same as the surrounding zone, such as a residential or business zone, if the zone is appropriate for the nature or scale of the intended use, such as a small-scale place of worship, public hall, community centre or neighbourhood centre.

Note: Major community facilities and services, such as tertiary educational facilities and hospital services, with unique characteristics may be more appropriately located within a Particular Purpose Zone.

Community Purpose for 506, 490 South arm Rd & 3 Acton Rd



Email from Woolworths

17/10/2016

Hi Michael,

Thank you for your call today. As discussed, we own a site along South Arm Road, Lauderdale for a Neighbourhood Shopping Centre.

The Lauderdale site was purchased as a development site and for the purposed of filling a gap in our network.

We are currently monitoring the residential catchment to determine an appropriate opening date for the supermarket.

Regards, Don Foulds

Woolworths Senior Development Manager

LPS_NO: Clarence Local Provisions Schedule

Clarence Local Provision Schedule Supporting Report (Updated August 2019 - Modified to address matters raised by TPC Assessment Panel)

Titles

PID 5233700

Parcel Address **506 South Arm Road LAUDERDALE TAS 7021**

Tenure Type Freehold Title



506 South Arm Road



CODES:

LPS_NO:

Clarence Local Provisions Schedule

1.	CODE_NO:	Flood-Prone Hazard Areas Code
OV_NO:		Flood-prone Areas
REF_NO:	C12.0	
NOTES:		Lauderdale, Roches Bch
2.	CODE_NO:	Coastal Erosion Hazard Code
OV_NO:		Coastal erosion hazard area overlay
OV_CAT:		Low coastal erosion hazard band
REF_NO:	C10.0	
NOTES:		Resilient because of artificial protection (storm bite / near-term recession zones)
3.	CODE_NO:	Coastal Inundation Hazard Code
OV_NO:		Coastal Inundation Hazard Area
OV_CAT:		Medium coastal inundation hazard band
REF_NO:	C11.0	
NOTES:		Data source – WRL
4.	CODE_NO:	Natural Assets Code
OV_NO:		Waterway and coastal protection area
REF_NO:	C7.0	
NOTES:		Data source – LIST
7.	CODE_NO:	Road and Railway Assets Code
OV_NO:		Road or Railway Attenuation Area
REF_NO:	C3.0	
NOTES:		South Arm Road

The Natural Assets Code applies to land within the following overlays:



Waterway and coastal protection area

The waterway and coastal protection area overlay include land within a specified buffer distance from Class 1 to 4 watercourses and wetlands, including Ramsar wetlands. Class 1 watercourses include lakes and tidal waters.



Future coastal refugia area

The future coastal refugia area overlay is applied to land identified for the protection of land for the landward retreat of coastal habitats, such as saltmarshes and tidal wetlands, which have been identified as at risk from predicted sea level rise.

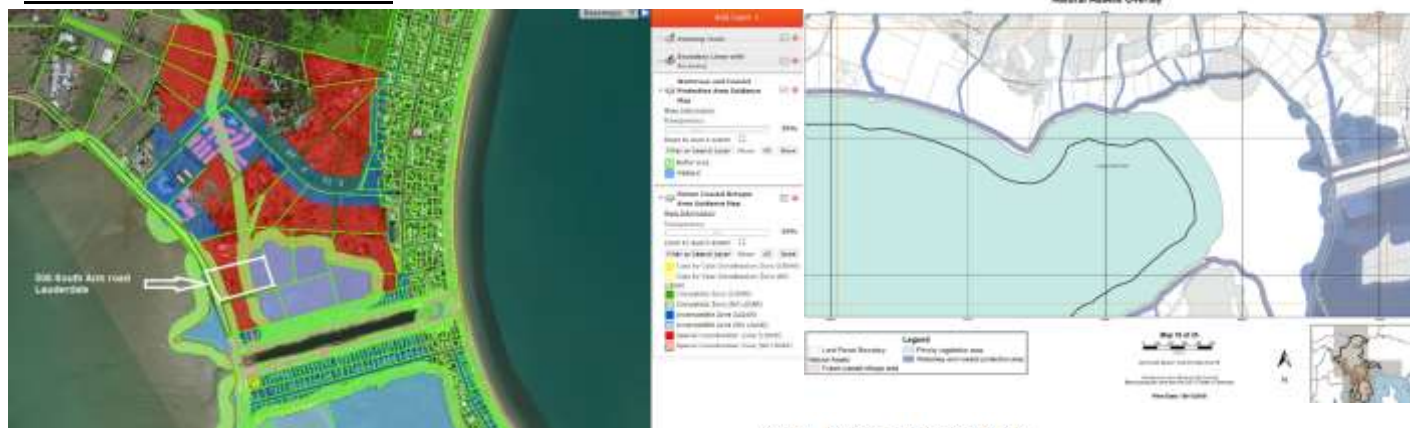


Priority vegetation area

The priority vegetation area overlay is intended for native vegetation that:

- forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the Nature Conservation Act 2002;
- is a threatened flora species;
- forms a significant habitat for a threatened fauna species; or
- has been identified as native vegetation of local importance.

CODES: Natural Assets Code



The purpose of the Natural Assets Code is:

- To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.
- To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.
- To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.
- To minimise impacts on identified priority vegetation.
- To manage impacts on threatened fauna species by minimising clearance of significant habitat.

Clarence Interim Planning Scheme 2015, Part E Codes, E27.0 Natural Assets Code

Purpose

The purpose of this code is to:

- protect identified threatened native vegetation communities and threatened flora species;
- Conserve threatened fauna by minimising habitat clearance and managing environmental impact; and
- protect other native vegetation recognised as locally significant by the Planning Authority.

Application

- This code applies to all use or development, including subdivision and the clearance or disturbance of vegetation, on land wholly or partially within a Biodiversity Protection Area (BPA) shown on the planning scheme maps

Guidelines for applying the Natural Assets Code overlays:

C7.0 Natural Assets Code

C7.1 Code Purpose

The purpose of the Natural Assets Code is:

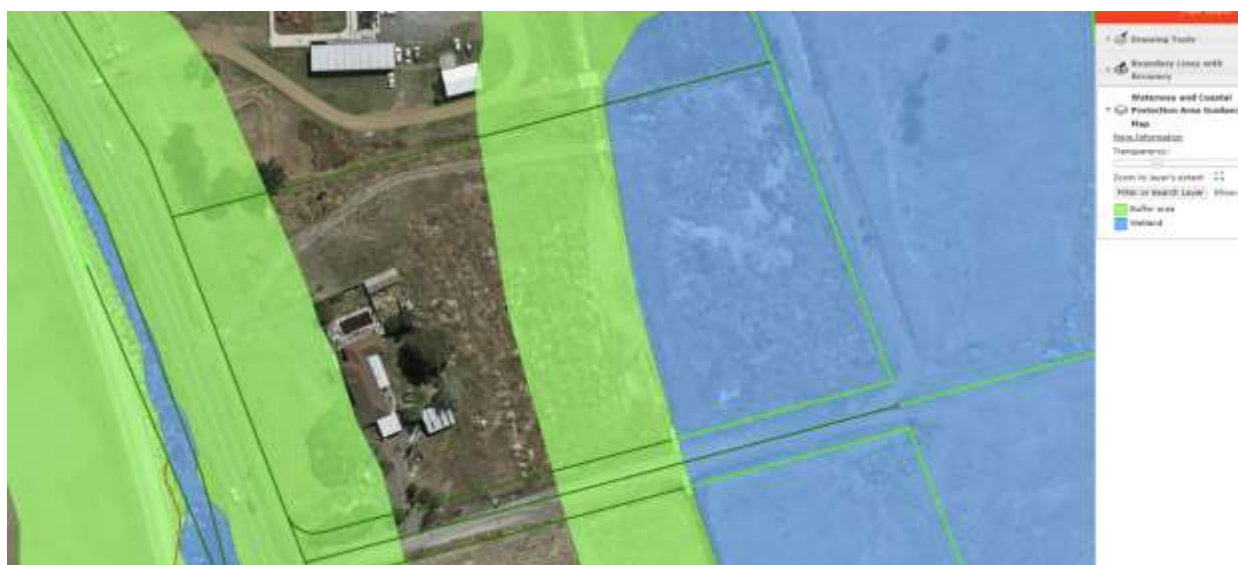
- C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.
- C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.
- C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.
- C7.1.4 To minimise impacts on identified priority vegetation.
- C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

C7.2 Application of this Code

C7.2.1 This code applies to development on land within the following areas:

- (a) a waterway and coastal protection area;
- (b) a future coastal refugia area; and
- (c) a priority vegetation area only if within the following zones:
 - (i) Rural Living Zone;
 - (ii) Rural Zone;
 - (iii) Landscape Conservation Zone;
 - (iv) Environmental Management Zone;
 - (v) Major Tourism Zone;
 - (vi) Utilities Zone;
 - (vii) Community Purpose Zone;
 - (viii) Recreation Zone;
 - (ix) Open Space Zone;
 - (x) Future Urban Zone;
 - (xi) Particular Purpose Zone; or
 - (xii) General Residential Zone or Low Density Residential Zone, only if an application for subdivision.

C7.2.2 This code does not apply to use.



A 'Waterway and Coastal Protection Area Guidance Map' (guidance map) has been prepared and published on the LIST to provide guidance for preparing the waterway and coastal protection area overlay. The guidance map identifies the relevant buffer distances for the overlay

based on the class of watercourse and the type of wetland.

NAC 2 To assist with the interpretation of the Natural Assets Code, the waterway and coastal protection area overlay metadata may indicate whether it relates to a watercourse, along with the class of watercourse, or a wetland, along with the type of wetland, as per the definition of 'waterway and coastal protection area' in the code. This can be derived from the guidance map by measurement of the buffers applied in the guidance map and cross referencing with the distances specified in Table 1 in the definition of 'waterway and coastal protection area' in the Natural Assets Code for the relevant watercourse or wetland.

NAC 3 The waterway and coastal protection area overlay may include modifications to the areas depicted on the guidance map to:

- (a) address any anomalies or inaccuracies in the guidance map;
- (b) identify a larger area if demonstrated as necessary to protect identified natural assets associated with the waterway and coastal protection area;
- (c) make any adjustments to align with the definition of 'waterway and coastal protection area' in the Natural Assets Code, such as removing piped watercourses or piped drainage lines;
- (d) remove areas of existing development, particularly within urban areas; or
- (e) to include Ramsar wetlands within the overlay area.

To address any anomalies or inaccuracies in the guidance

- The overlay should be removed from 506 south arm road as it has been developed and has a large house and ancillary buildings onsite
- The site does not have any saltmarsh
- The Coastline is already now and into the Future being protected by the South Arm Road between Ralphs Bay and 506 South Arm Road.

Table C7.3 Spatial Extent of Waterway and Coastal Protection Areas

Spatial Extent of Waterway and Coastal Protection Areas	Width
Class 1: Watercourses named on the 1:100,000 topographical series maps, lakes, artificial water storages (other than farm dams), and the high water mark of tidal waters.	40m
Class 2: Watercourses from the point where their catchment exceeds 100ha.	30m
Class 3: Watercourses carrying running water for most of the year between the points where their catchment is from 50ha to 100ha.	20m
Class 4: All other watercourses carrying running water for part or all of the year for most years.	10m
Ramsar Wetlands: Wetlands listed under the Convention on Wetlands of International Importance, (the Ramsar Convention).	100m
Other Wetlands: Wetlands not listed under the Ramsar Convention.	50m
<p>(a) For the purpose of spatially defining 'width' in Table C7.3:</p> <p>(i) width is measured from the top of bank or high water mark of tidal waters, watercourses or freshwater lakes; and</p> <p>(ii) in the case of watercourses or wetlands, the waterway and coastal protection area includes the waterway or wetland itself, being between the top of the banks on either side.</p> <p>(b) Any watercourse, including the tidal waters of any river, creek or stream, within or adjoining the following zones is deemed to be a Class 4 watercourse:</p> <p>(i) Inner Residential Zone;</p> <p>(ii) General Residential Zone;</p> <p>(iii) Low Density Residential Zone;</p> <p>(iv) Urban Mixed Use Zone;</p> <p>(v) Local Business Zone;</p> <p>(vi) General Business Zone;</p> <p>(vii) Central Business Zone;</p> <p>(viii) Commercial Zone;</p> <p>(ix) Light Industrial Zone;</p> <p>(x) Major Tourism Zone;</p> <p>(xi) Port and Marine Zone;</p> <p>(xii) Particular Purpose Zone; or</p> <p>(xiii) Future Urban Zone.</p>	

Future coastal refugia area



- NO land that has a residence on it should have a “Refugia” overlay on it.
- If a “Refugia” overlay must be put on the land it must be with the permission of the land owner
- If that Refugia overlay does become part of that land parcel then just compensation should be afforded to the land owner
- Any disadvantage suffered by the land owner on his land with a “Refugia” must firstly be declared by the imposing Authority and gain the property owners Consent.
- Some negative impacts are:
 - Increase in Insurance premiums
 - Unavailability of Insurance
 - Recall of Mortgage
 - Unavailability of Loans where the Property is the surety

A 'Future Coastal Refugia Area Guidance Map' has been prepared and published on the LIST to provide guidance for preparing the future coastal refugia area overlay.

The guidance map provides guidance for mapping the future coastal refugia area overlay by identifying potential future coastal saltmarsh and tidal wetland areas based on the Department of Premier and Cabinet predicted sea level rise and 1% AEP storm surge height mapping for 2100, including areas with and without LiDAR coverage.

The guidance map categorises the land in accordance with the current interim planning schemes and Flinders Planning Scheme 2000 zones for the purposes of mapping the future coastal refugia area overlay.

Special Consideration Zone

- Rural Living Zone
- Environmental Living Zone

NAC 4 The future coastal refugia area overlay may include modifications to the areas depicted in the guidance map to:

- (a) address any anomalies or inaccuracies in the guidance map, particularly areas that are located within an area with no LiDAR coverage;
- (c) remove an area if it is demonstrated that the application of the future coastal refugia area will constrain the future use and development of existing habitable buildings, major infrastructure, key community facilities and services and the like.

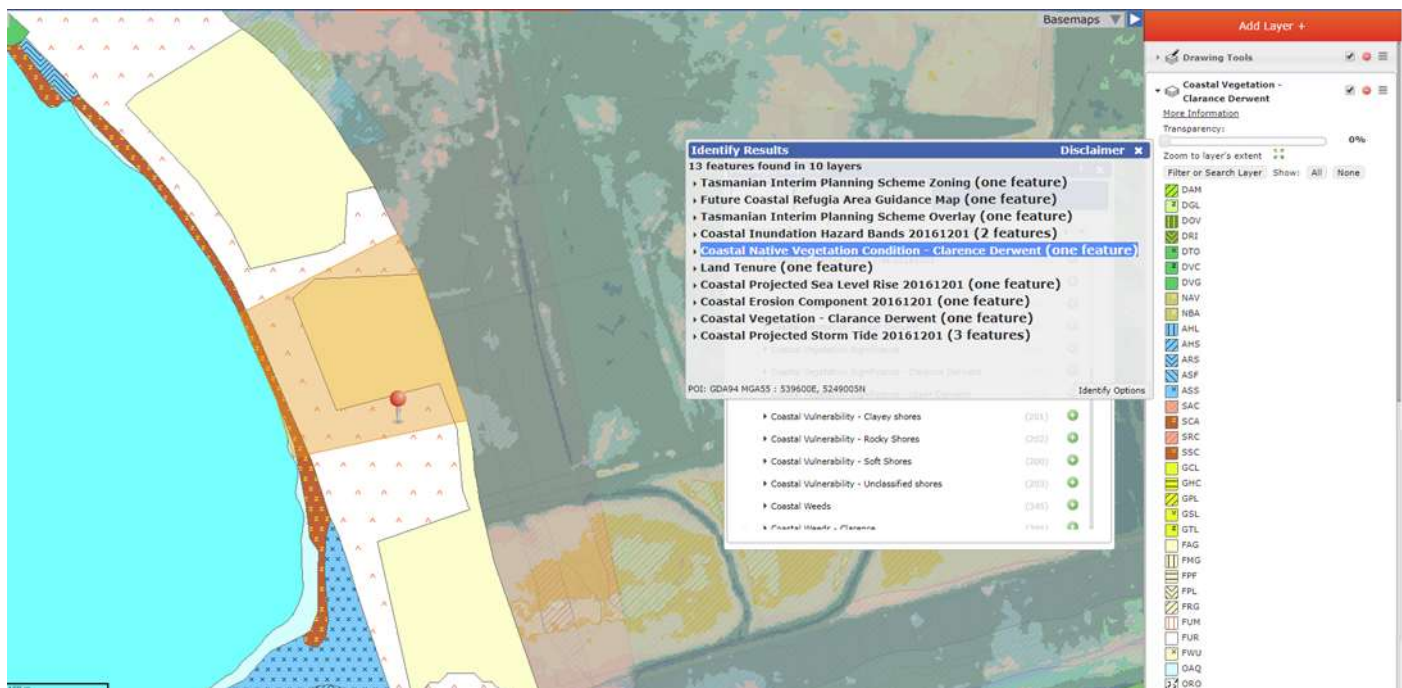
C7.3 Definition of Terms

C7.3.1 In this code, unless the contrary intention appears:

Term	Definition
coastal values	means the values of coastal areas derived from their coastal habitat and vegetation, physical elements, landscape values, recreational values and economic values and the processes and functions that underpin them.
future coastal refugia	means land where coastal processes are likely to occur naturally and can continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes, and other sensitive coastal habitats due to sea-level rise.
future coastal refugia area	means land shown on an overlay map in the relevant Local Provisions Schedule, as within a future coastal refugia area.
littoral vegetation	means vegetation adjacent to a sea, lake or river that is close to the shore. It includes the intertidal zone to high water mark and can include wetlands.
natural streambank and streambed condition	means the natural rate of erosion or accretion of the bank and bed of a watercourse and natural hydrological processes, as determined using <i>The Tasmanian River Condition Index Book 2 Hydrology User's Manual and Book 3 Physical Form Field Manual</i> .
natural assets	means biodiversity, environmental flows, natural streambank and streambed condition, riparian vegetation, littoral vegetation, water quality, wetlands, river condition and waterway and/or coastal values.
priority vegetation	means native vegetation where any of the following apply: <ul style="list-style-type: none"> (a) it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the <i>Nature Conservation Act 2002</i>; (b) is a threatened flora species; (c) it forms a significant habitat for a threatened fauna species; or (d) it has been identified as native vegetation of local importance.
priority vegetation area	means land shown on an overlay map in the relevant Local Provisions Schedule, as within a priority vegetation area.
residual impacts	means those environmental effects predicted to remain after the initial effects of development have been avoided or minimised through design.



Priority vegetation area



- Vegetation overlays are inaccurate
- Vegetation Overlay is not Ground Based
- Vegetation does not exist onsite
- Overlay should be removed

The priority vegetation area overlay must include threatened native vegetation communities as identified

- Department of Primary Industries, Parks, Water and the Environment's (DPIPWE) TASVEG Version 3 mapping
- Natural Values Atlas, threatened flora data as published by DPIPWE
- may include an area around recorded occurrences of threatened flora species to identify areas of potential occurrence based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority

NAC 11

The priority vegetation area overlay may be based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority to:

(a) address any anomalies or inaccuracies in the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above

Term	Definition
riparian vegetation	means vegetation found within or adjacent to watercourses, wetlands, lakes and recharge basins.
river condition	means condition of a waterway as determined using the <i>Tasmanian River Condition Index</i> .
significant habitat	means the habitat within the known or core range of a threatened fauna species, where any of the following applies: <ul style="list-style-type: none"> (a) is known to be of high priority for the maintenance of breeding populations throughout the species' range; or (b) the conversion of it to non-priority vegetation is considered to result in a long-term negative impact on breeding populations of the threatened fauna species.
threatened fauna species	means listed under the <i>Threatened Species Protection Act 1995</i> or listed as threatened or migratory under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
threatened flora species	means listed under the <i>Threatened Species Protection Act 1995</i> or as threatened under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
waterway and coastal protection area	means land: <ul style="list-style-type: none"> (a) shown on an overlay map in the relevant Local Provisions Schedule as within a waterway and coastal protection area; or (b) within the relevant distance from a watercourse, wetland, lake or the coast shown in the Table C7.3 below, but does not include a piped watercourse or piped drainage line. <p>If an inconsistency for the width exists between Table C7.3 and the area shown on the overlay map, the greater distance prevails, excluding the width measured from the high water mark of tidal waters where the distance shown on the overlay map in the relevant Local Provisions Schedule prevails.</p> <p>The depiction of a watercourse, or a section of a watercourse on an overlay map in the relevant Local Provisions Schedule, is definitive regardless of the actual area of the catchment.</p>
waterway values	means the values of watercourses and wetlands derived from their aquatic habitat and riparian vegetation, physical elements, landscape function, recreational function and economic function.



NOT GROUND BASED

Acceptable hazard zone to likely natural recession limit

The purpose of the Coastal Erosion Hazard Code is:

- To ensure that use or development subject to risk from coastal erosion is appropriately located and managed, so that:
 - (a) people, property and infrastructure are not exposed to an unacceptable level of risk;
 - (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised;
 - (c) it does not increase the risk from coastal erosion to other land or public infrastructure; and
 - (d) works to protect land from coastal erosion are undertaken in a way that provides appropriate protection without increasing risks to other land.

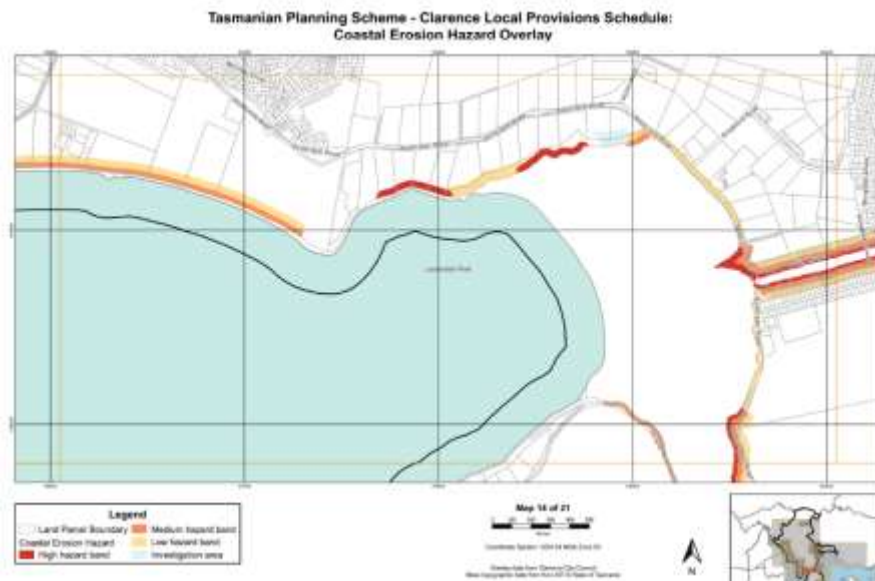
To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.

For erosion,

- (b) hard protection (in the form of seawalls) and soft protection (through sand nourishment, supplemented with groynes) are generally technically feasible (subject to additional studies) and are expected to have benefit to cost ratios well over one for most locations, for all sea level rise scenarios to 2100.

Coastal erosion evidence

- The coastal erosion hazard maps depict the way Tasmania's coastline can reasonably be expected to erode over the next 100 years due to natural processes such as wave action, climate change and projected sea
- Erosion cannot Occur in this site or 506 South arm road as the road itself is the barrier to the erosion.
- The Coastal Erosion overlay should be removed



C10.0 Coastal Erosion Hazard Code

C10.1 Code Purpose

The purpose of the Coastal Erosion Hazard Code is:

C10.1.1 To ensure that use or development subject to risk from coastal erosion is appropriately located and managed, so that:

- (a) people, property and infrastructure are not exposed to an unacceptable level of risk;
- (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised;
- (c) it does not increase the risk from coastal erosion to other land or public infrastructure; and
- (d) works to protect land from coastal erosion are undertaken in a way that provides appropriate protection without increasing risks to other land.

C10.1.2 To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.

C10.2 Application of this Code

C10.2.1 This code applies to:

- (a) use and development of land within a coastal erosion hazard area; or
- (b) development identified in a report, that is lodged with an application, or required in response to a request under section 54 of the Act, as located on an actively mobile landform within the coastal zone.

C10.2.2 The planning authority may only make a request under clause C10.2.1(b) where it reasonably believes, based on information in its possession, that the land is located on an actively mobile landform within the coastal zone.

C10.2.3 For the purposes of C10.5.1, Residential and Visitor Accommodation are not Use Classes that are reliant on a coastal location.

C10.3 Definition of Terms

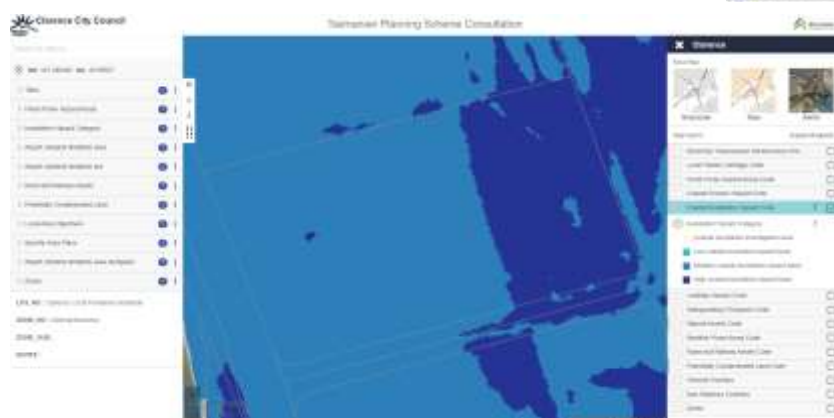
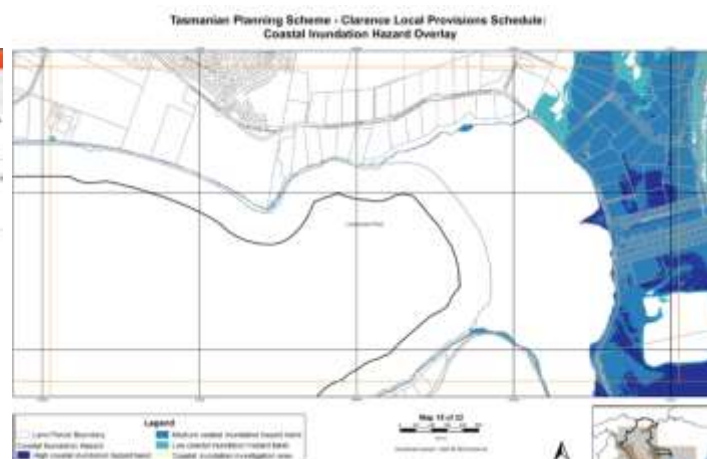
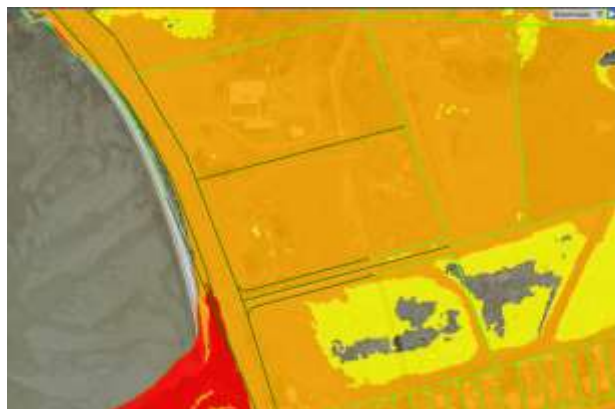
C10.3.1 In this code, unless the contrary intention appears:

Term	Definition
coastal erosion	means: <ul style="list-style-type: none"> (a) erosion of the coastline by water, wind and general weather conditions; or (b) coastal recession, which is the long-term movement of the coastline due to sea level rise.
coastal erosion hazard area	means land: <ul style="list-style-type: none"> (a) shown on an overlay map in the relevant Local Provisions Schedule, as within a coastal erosion hazard area, which is classified into one of three coastal erosion hazard bands; (b) shown on an overlay map in the relevant Local Provisions



HOW CAN ERRODE WHEN THE SOUTH ARM ROAD IS A BLOCK TO ANY EROSION

Coastal Inundation Hazard Code



For inundation for existing buildings there are fewer options, but some reduction in flooding may be achieved by flood barriers and a substantial reduction in risk through hazard reduction and emergency planning. These are also expected to have benefit cost ratios greater than one.

- Protection measures are most supported where they protect the integrity of the beach, not just property.
- Equity issues and the need to manage distributional effects can be addressed by introducing policies that spread the impact burden in an equitable way in the society and do not indiscriminately impose heavier burdens on some sectors of society and economy than on others.

The role of individuals, industry & the Households and businesses have principal responsibility for safeguarding their property and assets against risks from natural disasters. It is their role and responsibility to attain the highest degree of physical and financial self-reliance, before, during and after a disaster. In particular they should:

- be fully aware of the risk of natural hazards to the home and regular activities
- arrange where available for adequate insurance to cover likely risks in their area
- make plans and preparations for dealing with a disaster situation
- ensuring adequate design standards are applied for risks in the location for any new construction or renovation and considering acceptability of structures when purchasing
- minimise hazard risk factors in and around the home/workplace environs, and
- find out what local plans are in place in the event of a disaster.

- **Assumptions are not Ground Based**
- **Land fill not taken into account**
- **Engineering solutions available**

C11.0 Coastal Inundation Hazard Code

C11.1 Code Purpose

The purpose of the Coastal Inundation Hazard Code is:

- C11.1.1 To ensure that use or development subject to risk from coastal inundation is appropriately located and managed so that:
- (a) people, property and infrastructure are not exposed to an unacceptable level of risk;
 - (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised;
 - (c) it does not increase the risk from coastal inundation to other land or public infrastructure; and
 - (d) works to protect land from coastal inundation are undertaken in a way that provides appropriate protection without increasing risks to other land.

C11.1.2 To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.

C11.2 Application of this Code

C11.2.1 This code applies to use and development of land within a coastal inundation hazard area.

C11.2.2 This code applies to land in a coastal inundation investigation area where a suitably qualified person has provided a land survey showing an AHD for the land that falls within one of the coastal inundation hazard band levels shown in the coastal inundation hazard bands AHD levels list in the relevant Local Provisions Schedule and the standards relevant to each band apply.

C11.2.3 This code does not apply to land in a coastal inundation investigation area where a suitably qualified person has provided a land survey showing an AHD for the land in excess of the low hazard band level relevant for that land, as shown in the coastal inundation hazard bands AHD levels list in the relevant Local Provisions Schedule.

C11.2.4 For the purposes of C11.5.1 and C11.5.2, Residential or Visitor Accommodation are not Use Classes that are reliant on a coastal location.

C11.3 Definition of Terms

C11.3.1 In this code, unless the contrary intention appears:

Term	Definition
coastal inundation	means the risk of temporary or permanent inundation of land by the sea as a result of: (a) storm surge; (b) tides; or (c) sea-level rise.
coastal inundation hazard area	means land (a) shown on an overlay map in the relevant Local Provisions Schedule, as within a coastal inundation hazard area, which is classified into one of



Coastal flood vulnerability current

Data Description

Indicative coastal areas within the altitude range of historically recorded storm surge flooding to 0.01percent exceedance levels, adjusted to (a) 2004 mean sea level, (b) minimum IPCC projected 2100 mean sea level of 9cm above 1990 levels (8cm above 2004 msl), and (c) maximum IPCC projected 2100 mean sea level of 88cm above 1990 level (84cm above 2004 msl). Study reference: Sharples (2004) "Indicative Mapping of Tasmanian Coastal Vulnerability to Climate Change and Sea Level Rise", DPIWE, Tasmania, available from www.dpiwe.tas.gov.au/climate_change.

- Actual timeline events do not correlate with what has been stated in the planning documentation
- Not ground based on current events and infrastructure and Filled land heights
- Recent rain and flooding events show how inaccurate the reports and overlays are.
- Hobart experienced its wettest day since 1960 yet Lauderdale was not affected to the predicted degree. *(see photos)*

C12.0 Flood-Prone Areas Hazard Code

C12.1 Code Purpose

The purpose of the Flood-Prone Areas Hazard Code is:

- C12.1.1 To ensure that use or development subject to risk from flood is appropriately located and managed, so that:
- (a) people, property and infrastructure are not exposed to an unacceptable level of risk;
 - (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised; and
 - (c) it does not increase the risk from flood to other land or public infrastructure.
- C12.1.2 To preclude development on land that will unreasonably affect flood flow or be affected by permanent or periodic flood.

C12.2 Application of this Code

- C12.2.1 This code applies to development of land within a flood-prone hazard area.
- C12.2.2 This code applies to use of land within a flood-prone hazard area if for:
- (a) a change of use that converts a non-habitable building to a habitable building; or
 - (b) a new habitable room within an existing building.
- C12.2.3 This code applies to use in a habitable building, or development of land, identified in a report prepared by a suitably qualified person, that is lodged with an application for a permit, or required in response to a request under section 54 of the Act, as subject to risk from flood or that has the potential to cause increased risk from flood.
- C12.2.4 The planning authority may only make a request under clause C12.2.3 where it reasonably believes, based on information in its possession, that the land is subject to risk from flood or has the potential to cause increased risk from flood.
- C12.2.5 This code does not apply to land subject to the Coastal Inundation Hazard Code.



Record rain, flash flooding inundates HOBART CBD and parts of southern Tasmania 11 May 2018, 12:40pm

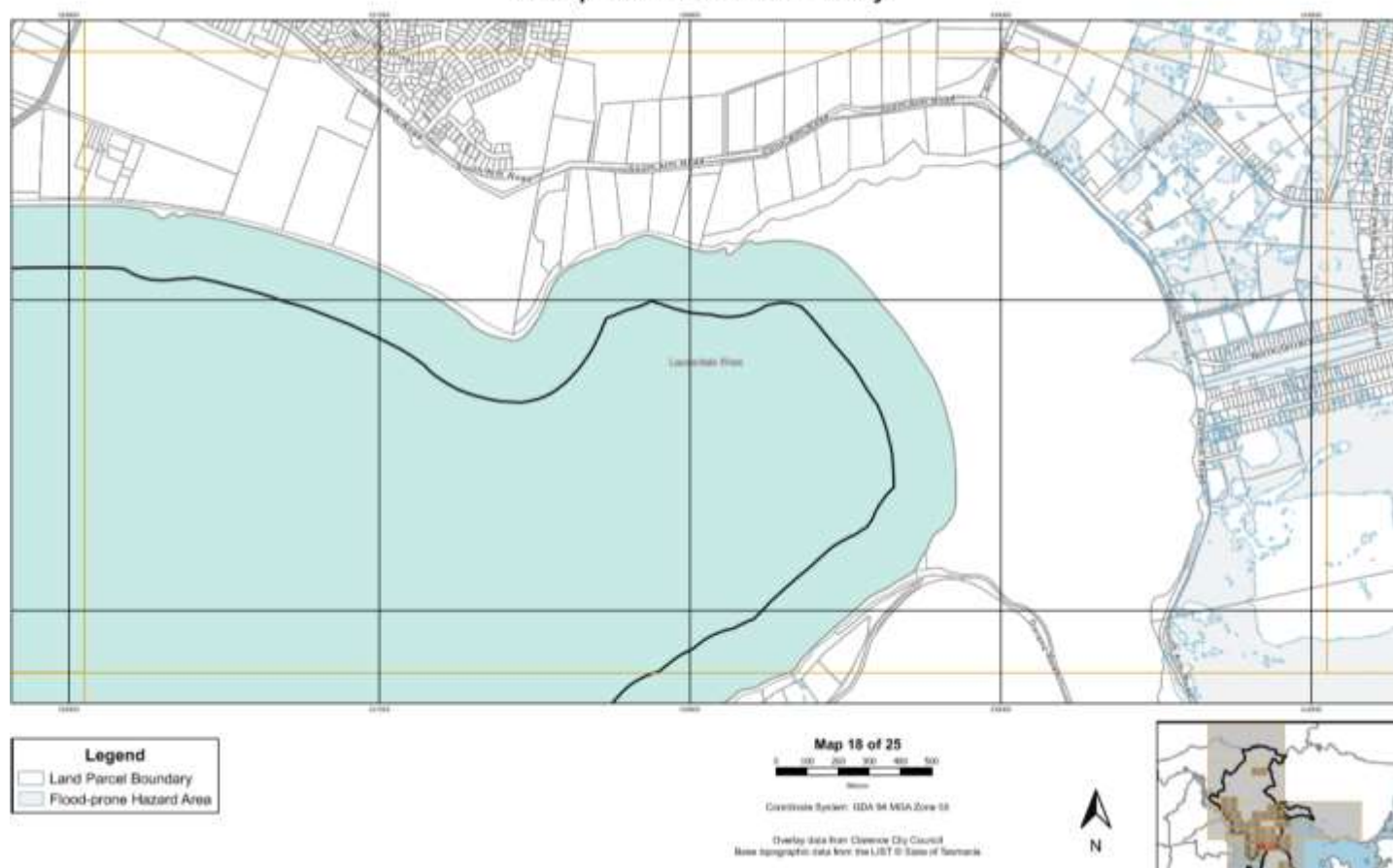
In the 24 hours leading up to 9am on Friday, Hobart experienced its wettest day since 1960 with the CBD and surrounding suburbs receiving more than 120 millimetres of rain. Sarah Sitton, extreme weather meteorologist from the Bureau of Meteorology, told The New Daily that by Friday morning, Mount Wellington had recorded 236 millimetres.



“That was the second-highest-ever May rainfall in a single day for Tasmania. It was the highest rainfall that’s ever been recorded at Mount Wellington,” Ms Sitton said.

Lauderdale on the same Day

Tasmanian Planning Scheme - Clarence Local Provisions Schedule: Flood-prone Hazard Areas Overlay



RESTRICTIONS ON LANDOWNERS common law RIGHTS

- The right to use or enjoy the property,
- the right to exclude others,
- and the right to sell or give away
- the common law provides protection against unauthorised interference or detention of chattels
- Unauthorised interferences with chattels may be a trespass or conversion of the chattels

An Example of this is a Natural Assets Code (refugia) or any other overlay or code that states that the Sea will or must be allowed to cover a person's property:

Clarence Interim Planning Scheme 2015, Part E Codes, E11.0 Waterway and Coastal Protection Code, E11.7 Development Standards, E11.7.1 Buildings and Works, E11.8 Subdivision standards:

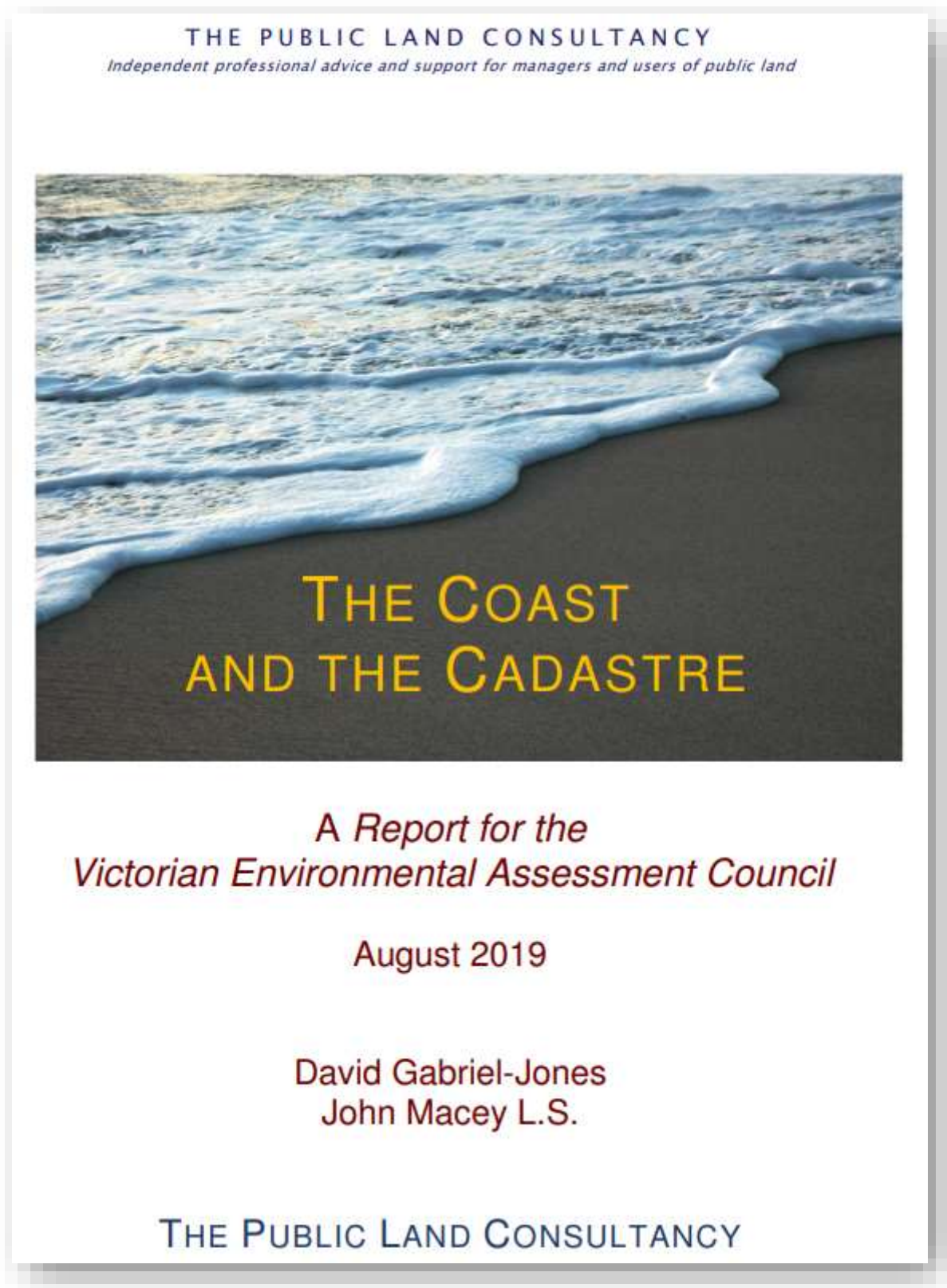
“Building and works within a Future Coastal Refugia Area must satisfy all of the following:

- a) allow for the landward colonisation of wetlands and other coastal habitats from adjacent areas;
- b) not be landfill;
- c) avoid creation of barriers or drainage networks that would prevent future tidal inundation;
- d) ensure coastal processes of deposition or erosion can continue to occur “

Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following:

- provide for any building area and any associated bushfire hazard management area to be either:
- outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area
- no works, other than boundary fencing works, are within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area
- Protection area of Wetlands not listed under the Ramsar Convention 50m from top of bank = 100m

In other words, where a refugia exists YOU MUST allow, your land to be covered by the sea.



- Successful coastal management will usually combine elements of retreat, accommodate and protect.
- The current owners and occupants of these properties – who chose these properties without being aware of these long-term risks – will be disadvantaged by climate change effects largely beyond their control.
- It is desirable that the situation is clarified as early as possible both to keep risks manageable and to allow coastal communities to plan with some certainty for their futures.

Raising land levels and structures

- The most secure and sustainable response to rising sea levels for developed low lying land is to raise the land level.

Potential Legal Challenges

- Following inundation of freehold land whether by gradual or catastrophic movement of the sea, properties may become virtually uninsurable.
- Private land owners could regard the loss of their land, without compensation, as being contrary to the principles of indefeasibility, and unjust.
- They may challenge the interpretation of the doctrine of accretion and initiate litigation against a coastal authority for either causing the loss or failing to prevent the loss.
- As any works (whether intended to protect the land or otherwise) alter the natural processes along the coast, any remedial works by a coastal authority may be seen as being responsible or partly responsible for loss of private property and private amenity.
- this will be a costly, time consuming, and divisive exercise.

It is common for natural forces to bring about changes in the boundary between land and water along the sea and waterways.

Any such change can result in an accretion of land to freehold land or reserved Crown land with a water boundary, or can cause a loss of land.

Definition of Diluvion The loss of land by the encroachment of water is called "diluvion" or sometimes "divulation" and is the opposite of accretion. Land may also be lost by erosion. any gradual and imperceptible diluvion or erosion of the freehold land by the water diminishes the boundary of that land and extends the area of the body of water.

References: This guideline is primarily based on recent advices from the Victorian Government Solicitor (VGS) and records from the former Department of Crown Lands and Survey. Some definitions are taken from "Jowitt's Dictionary of English Law, John Burke; Sweet and Maxwell, 2nd Edition 1977".

- Shoreline law exists within a complex legal & policy framework of statutes, delegated legislation and surviving common law
- The Commonwealth's legal power over submerged lands, was considered by the High Court of Australia, later clarified by a settlement between the Commonwealth and the state governments, and finally determined by state and federal legislation
- The Offshore Constitutional Settlement 1980. See Commonwealth of Australia Offshore Constitutional Settlement: A Milestone in Co-operative Federalism (1980), Marcus Haward, 'The Australian offshore constitutional settlement' (1989) 13 (4) Marine Policy 334-348; Donald R
- Constitutional Powers (Coastal Waters) Act 1979 (NSW),
- Coastal Waters (State Powers) Act 1989 (Cth),
- Coastal Waters (State Title) Act 1980 (Cth).
- Vesting of title in States
- The Coast and the Cadastre. A report for the Victorian Environmental Assessment Council August 2019.

By force of this Act, but subject to this Act, there are vested in each State, upon the date of commencement of this Act, the same right and title to the property in the sea bed beneath the coastal waters of the State, as extending on that date, and the same rights in respect of the space (including space occupied by water) above that sea bed, as would belong to the State if that sea bed were the sea bed beneath waters of the sea within the limits of the State.

Nine Key Principles Underpinning Shoreline Law

As a result of my research I have summarised the fundamental concepts underpinning the doctrine of accretion by stating nine principles of shoreline law. They are:

1. The legal boundary between tidal waters and adjacent land is the High-Water Mark (HWM).
2. Where land is bounded by water, the legal boundary of the land changes to reflect changes in the position of the waters' edge, but only if certain conditions are met;
3. To be recognised in law, changes in a water boundary must be 'gradual' and 'natural';
4. New land formed gradually by accretion belongs to the adjoining landowner;
5. The doctrine of accretion includes gradual changes brought about by erosion, and by the advance or retreat of waters (diluvion or dereliction).
6. Land below the high-water mark (<HWM) belongs to the Crown and is held in trust for public purposes
7. Land 'lost' to the sea, below HWM, by gradual erosion or diluvion, ceases to be real property, and reverts to the Crown.
8. Ambulatory boundaries supplant and rescind surveyed boundaries.
9. No compensation is payable for either gradual loss or gain of land.

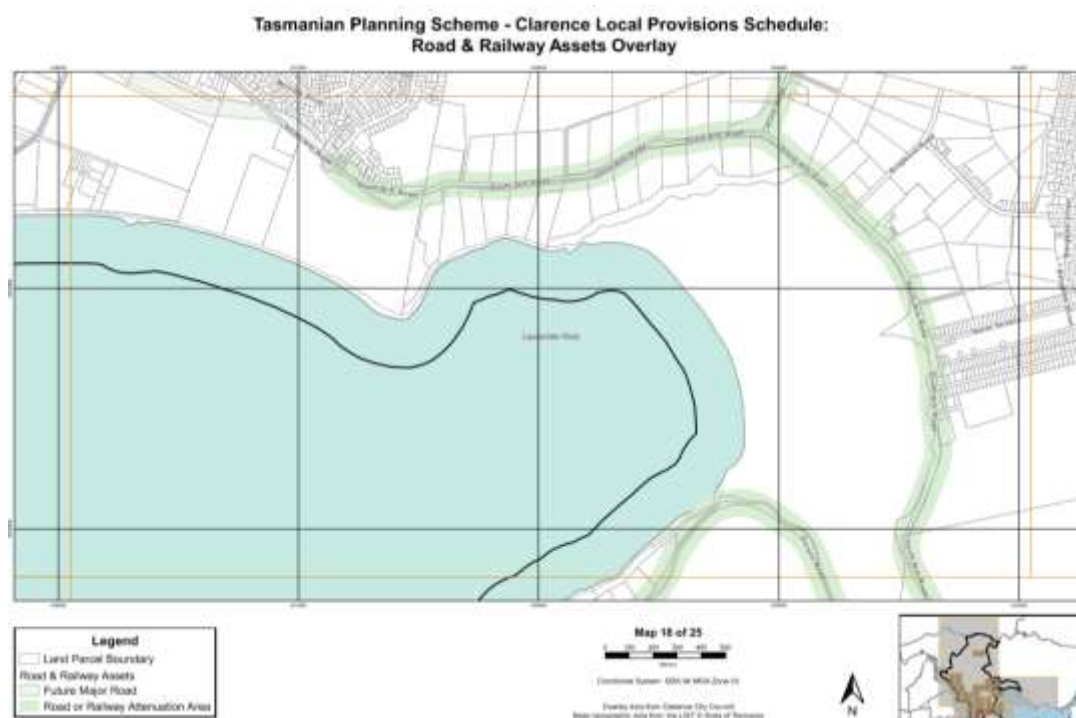
These principles form the major part of the conceptual framework of the common law doctrine of accretion. **In other words, when covered by the Sea,**

YOUR LAND OWNERSHIP REVERTS TO THE CROWN WITHOUT COMPENSATION

- The conflict could be expressed in terms of competing rights under common law: to protect privately owned property versus protecting the public good.
- The Public Trust Doctrine (PTD) in Australia as a means to ensure the protection of beach amenity, access and habitat.
- In Australia, the case for the coastal landowner has been outlined by Coleman who has argued that it is the duty of the State (the Crown) to protect private land from incursions of the sea.⁶⁴ She cites ancient English common law:

The English courts saw the power of the Crown to erect a sea wall or embankment as protection against the sea as emanating from the Crown's prerogative for the general safety of the public and the defence of the realm...English statutes relating to defence against the sea date from as early as 1427. The courts found the statutes to be only regulatory of the common law position. The statutes empowered and required the Commissioners to carry out the Crown's obligations and to levy property owners for the cost of the work.

Coleman concludes that governments and legislatures cannot ignore what she refers to as a fundamental right of property owners to protect their land from the sea; as an ancient common law right it should be used to guide decision makers and legislatures in formulating the response to the threat of sea level rises and the need to protect land from inundation or damage from the sea.



(TheList) Road and Railway Assets Code Road or railway attenuation area

Code Purpose

- To protect the safety and efficiency of the road and railway networks
- To reduce conflicts between sensitive uses and major roads and the rail network.

Code Application Guidelines

- The Road and Railway Asset Codes enables the identification of three overlays for:
 - a road or railway attenuation area;
 - future major road; and
 - future railway.
- A road or railway attenuation area applies to land within a relevant overlay, or, in the absence of an overlay, to land within 50m of the boundary of:
 - a major road with a speed limit above 60km/h;
 - the rail network;
 - a future major road; or
 - a future railway.

The Code covers not only our residence but also the Bird nesting areas of Ralphs Bay and the Conservation area.



➤ Email state roads to Michael Figg confirms that they will not abandon the South Arm road at Lauderdale.

“Hi Michael, my apologies for not emailing sooner.

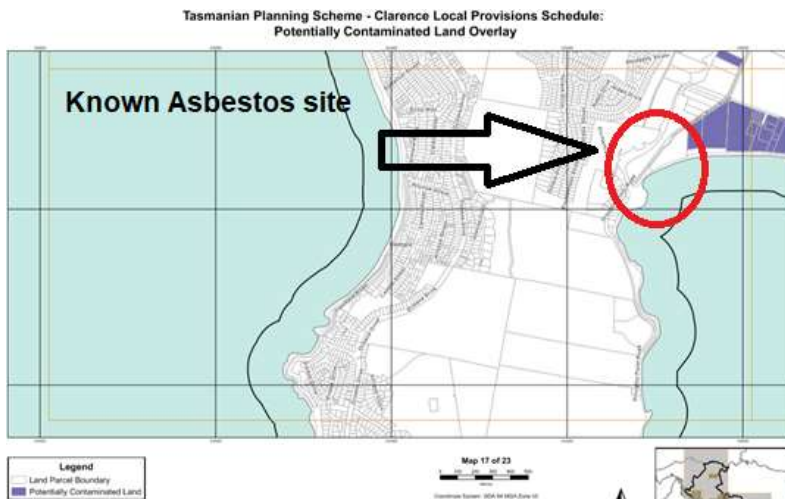
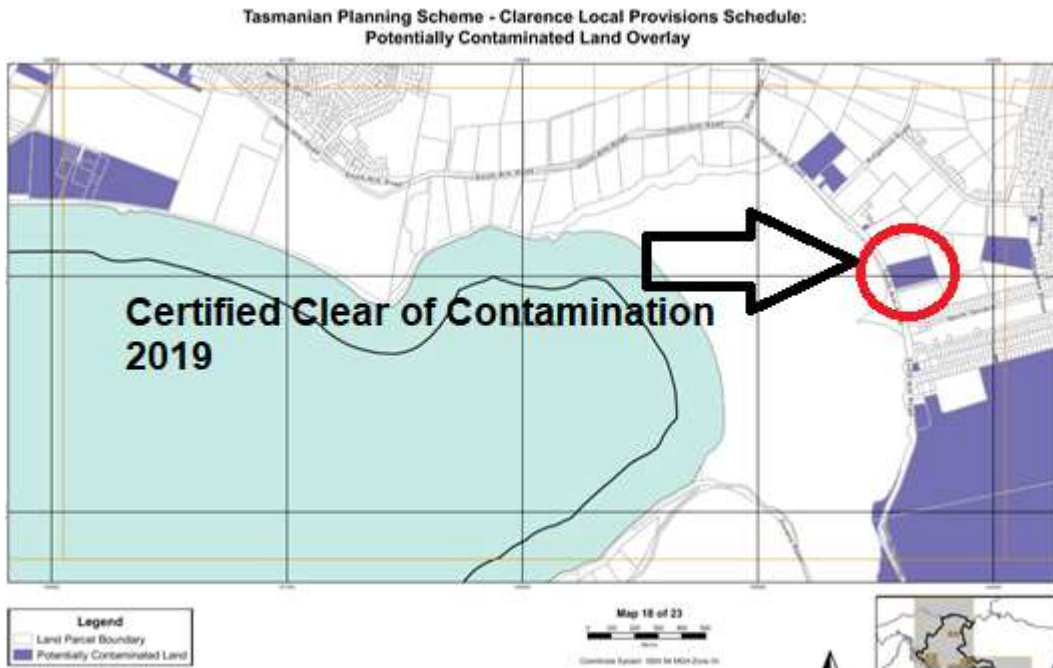
From a road management perspective, the Department of State Growth will continue to maintain, renew or upgrade assets as necessary, between Acton and Lauderdale on the South Arm Road to accommodate the level of service required by the community.

“ROAD INFRASTRUCTURE AND SERVICES THAT ARE AS SAFE AS REASONABLY POSSIBLE Travelling on any road exposes us to a range of risks - a fact that we often take for granted. The State road authority will take all reasonable measures to make our roads as safe as reasonably possible.” Hope this is of assistance

Kind Regards

*Denise McIntyre
Manager Network Planning STATE ROADS | Department of State Growth”*

Potentially Contaminated Land Code



C14.0 Potentially Contaminated Land Code

C14.1 Purpose of the Potentially Contaminated Land Code

The purpose of the Potentially Contaminated Land Code is:

C14.1.1 To ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.

C14.2 Application of this Code

C14.2.1 This code applies to a sensitive use, a use listed in a Use Class in Table C14.1 as one of the specified uses, or development, on land that:

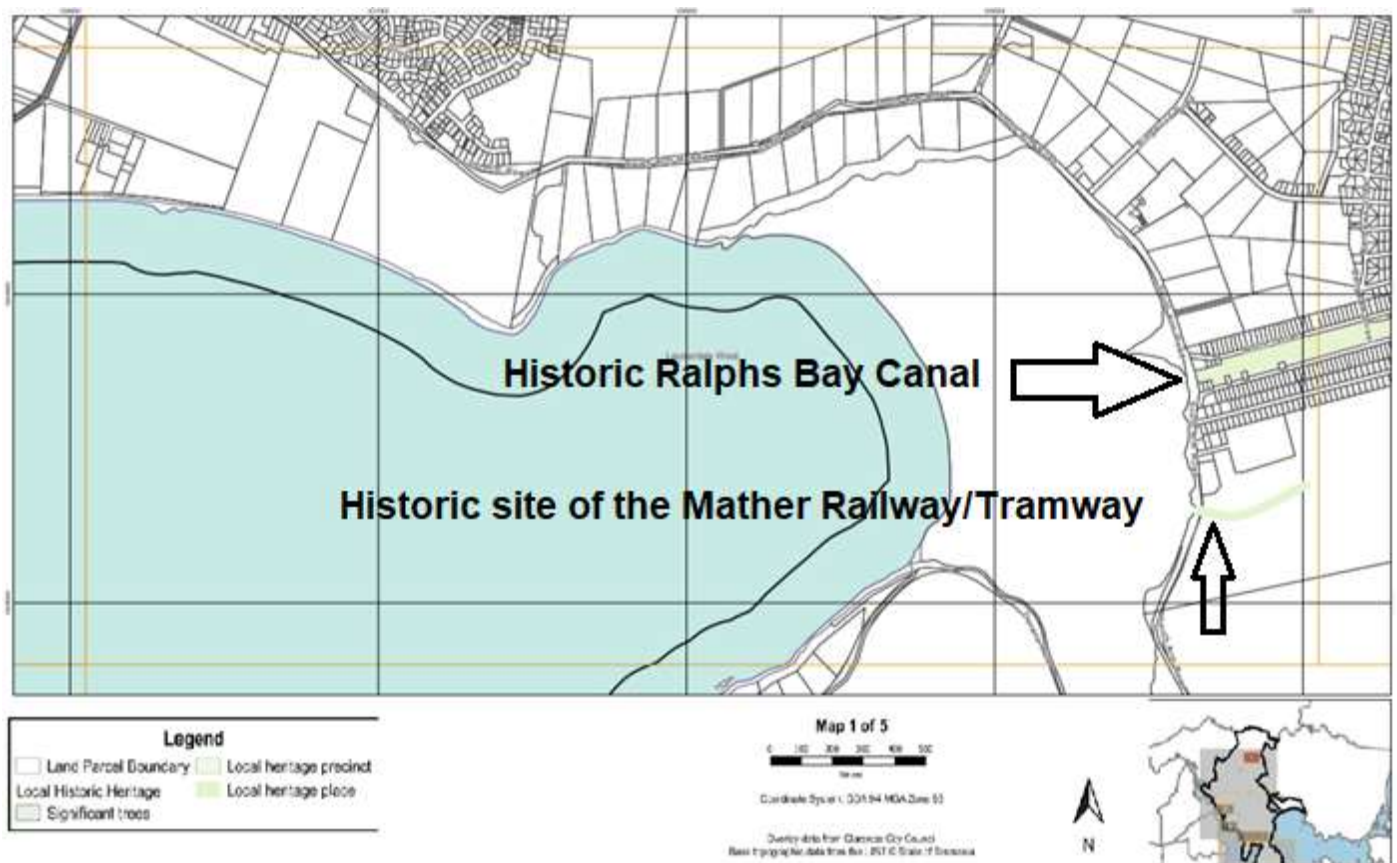
- (a) is shown on an overlay map in the relevant Local Provisions Schedule as within an area of potentially contaminated land;
- (b) the planning authority knows to have been used for a potentially contaminating activity, by reference to:
 - (i) a notice issued in accordance with Part 5A of the Environmental Management and Pollution Control Act 1994; or
 - (ii) a previous permit;
- (c) the planning authority reasonably suspects may be contaminated by reference to:
 - (i) a notice issued in accordance with Part 5A of the Environmental Management and Pollution Control Act 1994; or
 - (ii) advice from the Director that it is likely that contamination has migrated onto the land; or
- (d) has been identified as having been used, or may have been used, for a potentially contaminating activity, or as land onto which it is likely that contamination from a potentially contaminating activity has migrated:
 - (i) in a report lodged with the application; or
 - (ii) in a report prepared by a site contamination practitioner in response to a request under section 54 of the Act.

C14.2.2 The planning authority may only make a request under clause C14.2.1(d)(ii) where it reasonably believes, based on information in its possession that the land has been used, or may have been used, for one of the potentially contaminating activities listed in Table C14.2; or as land onto which it is likely that contamination from a potentially contaminating activity has migrated.

Table C14.1 Specified Use

Use Class	Specified Use
Pasture Recreation	if for public parks, gardens and playgrounds.
Sports and Recreation	if for outdoor recreation facilities.

- Remove from 506 and put on other sites
- To be read in conjunction with my previous submission on the removal of the Potential Contamination Overlay on 506 South arm road



Historic Heritage land not listed.

- Ralphs Bay Canal (Lauderdale Canal) 1820
- Robert Mathers Railway/tramway (Ralphs Bay Railway) 1824
- Muddy Plains (Lauderdale)
- Knopwood's tomb in St. Matthew's Churchyard.
- Congregational Chapel at Rokeby (1866).
- Rokeby Mill,

As early as 1822, the neck at Ralphs Bay was identified as a potential crossing point for small boats, enabling a shorter (and much safer) passage for travellers to Hobart. Seeing the need, Robert Mather constructed, at his own expense a rough railway using bullocks to draw boats and small cargoes across the neck. Boats were drawn on a timber sled to protect their keels.

In the 1850s a canal had been planned across Ralphs Bay neck, which would complement the Denison Canal; the latter was built, but by 1910 there was still no sign of a canal across the neck. With an expanding fruit industry in the district, residents began to agitate at public meetings for the construction of the canal. Funding was approved in 1913 and dredging works commenced, but the outbreak of World War I saw the project put on hold. Another ten years would pass before substantial work recommenced on the canal.



Existing property

- **Successful coastal management will usually combine elements of retreat, accommodate and protect.**

For erosion, hard protection (in the form of seawalls) and soft protection (through sand nourishment, supplemented with groynes) are generally technically feasible and generally are expected to have benefit to cost ratios over one for most locations, for sea level rise scenarios to 2100. For inundation there are fewer options, but some reduction in flooding may be achieved by flood barriers and a substantial reduction in risk through hazard reduction and emergency planning. These also would generally have benefit cost ratios greater than one.

There is a need to allow existing owners to re-evaluate their choices and to suffer minimal losses from the changing conditions.

For existing property subject to developing risk, it is proposed that triggers be identified that would require an adaptation response to keep risks at acceptable levels. Triggers would be invoked where risks exceed agreed levels.

- **The Community feels that there has been no AGREEMENT nor any timely, sufficient or inclusive COMMUNICATION PROCESS**

Different triggers will be required for different risks – high water tables, inundation, and erosion – based on hazard maps for each risk, updated at least every ten years.

The community's initial perspective on climate change.

A survey of the general public preceded by focus groups was conducted to analyse current knowledge, sentiments, opinion and attitudes in Clarence

community regarding climate change events in foreshore areas; as well as factors determining a successful communication strategy around the issue.

- Two focus groups were conducted and a survey of 300 Clarence residents was conducted in early 2007, 150 in coastal areas and 150 away from coastal areas.
- In addition, 20 interviews were conducted with businesses in coastal areas. Further interviews were conducted with business, government and community organisations.
- No real consultation-Non, of the property owners along either Ralphs Bay or Fredrick Henry Bay Lauderdale were directly consulted or approach by any agency including the Clarence City Council

In addition, community responses were not based on well-developed information about risks and responses.

- Reductions in property values – and potential claims for compensation – can be minimised by permitting acceptable forms of development that recognise and adapt to identified risks.
- Adaptation can reduce impacts of sea level rise from a factor of 10 up to a factor of 100 (Tol 2004), and economic costs of adaptation would be minor compared to the damage avoided.
- Equity issues and the need to manage distributional effects can be addressed by introducing policies that spread the impact burden in an equitable way in the society and do not indiscriminately impose heavier burdens on some sectors of society and economy than on others.



SEA WALL DEFENCES

The other response to sea level rise is to protect coastal development through the erection of hard structures such as sea walls, dykes and groynes along the coastline.

The advantage of protection is that it “does not require major institutional changes

The economic decision of whether to retreat or defend land is generally based on whether “the cost of the coastline exceeds the values of the structures that are threatened by erosion and submergence” (Bird 1993:125). However, in practice, this economic equation is not always used as a result of the deep attachment that communities have to their land. The decision-making process of whether to retreat or protect will require an understanding of both the impacts of sea level rise and the community attachment to nearby land.

Climate change impacts On Clarence coastal areas. Clarence City Council December 2008

Roles and responsibilities

Council:

- planning and development
 - **For erosion**, hard protection (in the form of seawalls) and soft protection (through sand nourishment, supplemented with groynes) are generally technically feasible and generally are expected to have benefit to cost ratios over one for most locations, for sea level rise scenarios to 2100.
 - **For inundation**, there are fewer options, but some reduction in flooding may be achieved by flood barriers and a substantial reduction in risk through hazard reduction and emergency planning.
 - **Physical works**, such as seawalls, groynes, dune management or sand nourishment, offshore breakwaters and/or surfing reefs, temporary or permanent flood barriers, reconstruction of public infrastructure (eg. roads, other services above flood levels)
- coordination of emergency management planning
- public health impacts arising from climate change
- managing its own assets and any Council lands that may be affected by coastal risks
- heritage
- Natural Resource Management
- informing its residents and other local stakeholders
 - Australians expect their governments at all levels to do their best to ensure that their communities are as well protected from natural disasters as is reasonably possible, and that where disaster situations occur, communities are well served by effective response, relief and recovery arrangements.
 - In Tasmania, the Local Government Act 1993 requires that councils provide for the health, safety and welfare of their communities, while the Emergency Management Act 2006 requires a Municipal Emergency Management Committee to coordinate emergency management in each municipal area.
- Council has an obligation to fulfil its 'duty of care' when responding to identified risks. The duty of care owed by councils in relation to climate change is a concept which require councils to act with due diligence in a manner that is consistent with shifting legal and community expectations.

State Government Role

The Tasmanian Government accepts that all spheres of government have responsibility for action, and identifies the need for cooperative focus on:

- Ensuring scientific research provides a firm foundation for action
- Giving individuals, communities and businesses appropriate information, resources, skills and incentives to plan and adapt to climate change and manage their own risks
- Providing an appropriate emergency response
- Managing risks, protecting the community against health and biodiversity risks.
- Building resilient and adaptive communities.
- The planning scheme to contain adequate provisions and standards to address predicted effects of Global warming.

The only roadway to the Arm (South Arm road) is a State owned and maintained road, the State will:

- Raise the South Arm Road which would substantially reduce flood flows into Lauderdale
- closing access to the canal and
- putting one-way flow caps on all stormwater pipes.

Raising the South Arm Road will protect Lauderdale from erosion and inundation on the Ralphs Bay side.

- This would provide substantial reduction in flooding risk to the area for the next 25 years

Households and businesses

- have principal responsibility for safeguarding their:
 - property and
 - assetsagainst risks from natural disasters.
- Existing property
 - With the philosophy of managed/adaptive approach with multiple interventions, it is unnecessary to construct protective works now for high sea level rise in 2100, particularly if the provision to upgrade is incorporated in the design.
 - Successful coastal management will usually combine elements of retreat, accommodate and protect.

The collective actions, or inaction, of individuals, families, businesses and community bodies can have a major influence on the severity of a disaster's impact.

- Households and businesses have principal responsibility for safeguarding their property and assets against risks from natural disasters.
- It is their role and responsibility to attain the highest degree of physical and financial self-reliance, before, during and after a disaster.
- In particular they should:
 - be fully aware of the risk of natural hazards to the home and regular activities
 - arrange where available for adequate insurance to cover likely risks in their area
 - make plans and preparations for dealing with a disaster situation
 - minimise hazard risk factors in and around the home/workplace environs, and
 - find out what local plans are in place in the event of a disaster.

Criteria for acceptable response in Risk management

- Risk management responses should be flexible and allow creative solutions to local circumstances
- Acceptable responses should:
 - Demonstrably reduce risk to defined acceptable levels for an estimated time period
 - Be designed to be durable and effective for the estimated time period and/or have reasonably well-known maintenance and operating costs for the design period.
 - Indicate the anticipated response at the end of the estimated extended period when risks again approach unacceptable levels
 - In normal operation or in the event of failure, not adversely affect other properties, including integrity of property, continued beneficial use and cause no adverse health or safety risks to residents or users of other properties
 - Allow practical emergency response to events that exceed design risk
 - Identify the financial and operational capacity to meet any ongoing maintenance or operating costs
 - Allow for the continued viability of valued coastal ecosystems where these have been identified and continued viability is achievable at a cost acceptable to the wider community.
 - Define the agreed trigger for follow up responses in the event of continued change
 - In the long term developed land will have to be raised above flood levels

➤ Adaptive Responses- RETREAT SEEMS TO BE THE ONLY OPTION CHOSEN

IPCC (2001) listed three classes of adaptive management options, namely:

- Retreat
- Accommodate
- Protect

Practical management options include:

- The most secure and sustainable response to rising sea levels for developed low lying land is to raise the land level.
- Raise the structure and rebuild the foundation underneath if the structure is of high value and lifting costs are acceptable
- waterproof lower levels and services where possible
- Other possible solutions include:
 - floating structures
 - tethered to prevent damage to surroundings or
 - waterproof structures capable of being inundated with acceptable levels of clean up or damage.
- retreat may be the chosen response

Climate change impacts on Clarence coastal areas

Table E 4. Inundation - potentially feasible adaptive management options

Location	Retreat, setbacks	Raise floors	Raise land levels	Short term flood barriers
Bellerive	✓	✓	✓	?
Clifton - Bicheno St, Pipe Clay Lagoon	?	✓	✓	✓
Cremorne - Pipe Clay Esplanade	?	✓	✓	✓
Glenvar Beach	✓	✓	x	n/a
Howrah and Little Howrah Beach	✓	✓	✓	?
Kangaroo Bay	n/a	✓	✓	?
Lauderdale - South Arm Road, Ralphs Bay	?	✓	✓	✓
Mays Beach	✓	x	x	n/a
Montagu Bay	n/a	n/a	✓	n/a
Opossum Bay	✓	✓	x	n/a
Rokeby and Droughty Point	x	x	✓	n/a
Seven Mile Beach - west	✓	✓	✓	?
South Arm Beach - Halfmoon Bay	✓	✓	✓	?
South Arm Neck - Ralphs Bay side	x	x	✓	n/a

✓ Feasible subject to detailed studies

x Not feasible

? May be technically feasible, but may not be economically feasible

n/a not applicable

Table E 5. Erosion - potentially feasible adaptive management options

Location	Retreat, setbacks	Piled building	Seawall	Groynes, nourishment
Bellerive	?	✓	✓	?
Clifton (Ocean) Beach, west	✓	✓	?	?
Cremorne (Ocean) Beach	✓	✓	✓	✓
Glenvar Beach	✓	✓	✓	x
Hope Beach, South Arm Neck - ocean side	x	x	✓	x
Howrah and Little Howrah Beach	✓	✓	✓	?
Lauderdale - South Arm Road, Ralphs Bay	?	x	✓	x
Mays Beach	✓	✓	x	x
Opossum Bay	✓	✓	✓	x
Roches Beach, Lauderdale	✓	✓	✓	✓
Rokeby and Droughty Point	x	x	✓	x
Seven Mile Beach - west	?	✓	?	?
South Arm Beach - Halfmoon Bay	✓	✓	✓	?

✓ Feasible subject to detailed studies

x Not feasible

? May be technically feasible, but may not be economically feasible

n/a not applicable

The results of the communication program will be compiled at the end of this project.

A section on conclusions and summary of recommendations is included at the end of this report.

Climate Change Impacts

On Clarence Coastal Areas
Clarence City Council December 2008

Appendix Project Committees

Technical Reference Group

Mark Hemer

Climate Change Research Group

Centre for Australian Weather and Climate Research:

A partnership between CSIRO and the Bureau of Meteorology

John Hunter

Antarctic Climate & Ecosystems Cooperative Research Centre,

Chris Sharples

Principal Investigator

Australian Coastal Geomorphic and Stability Mapping Project

School of Geography and Environmental Studies (Spatial Science)

University of Tasmania,

Alasdair Wells

Policy Analyst

Strategic Policy Division

Department of Primary Industries and Water

Steering Committee

Clarence Council

Andrew Rumsby

Dan Ford

Daryl Polzin

Gary Rumbold

John Stevens

Commonwealth of Australia

various personnel, Adaptation and Land
Management Division

Department of Climate Change

Tasmania State Government

Jason Whitehead

Department of Environment

Olivia Hill

Department of Primary Industry and Water

Chris Beattie

State Emergency Service

Local Government Association of Tasmania

Christine Materia



Climate Change

Climate change, coastal engineering and risk management

Since 2008 extensive consultative projects have been undertaken in response to concerns about erosion of beaches and flooding events in coastal areas. This work has been overseen by an Integrated Assessment Project Manager within Council and was supported by a steering committee with representatives of the Council and from Commonwealth and State Government agencies.

An over-arching integrated assessment of climate change risks on coastal areas was completed in 2009 and included:

- consultation with community groups, institutions, state government agencies re their awareness and response to climate change issues
 - assessment of localities and infrastructure which may be vulnerable to coastal hazards, both at present and into the future under anticipated sea-level rise
 - investigation of adaptive management options in response to present and future coastal hazards
 - preparation and execution of a communication plan to inform the community of the findings, initiate discussion about proposed responses and obtain feedback
- **Although reports in the mix state that Consultation has taken place it inaccurate and misleading eg.**
- stakeholder consultation undertaken included a Walk and Talk session

Reports arising include:

- Climate Change Impacts on Clarence Coastal Areas – December 2008
- Coastal Processes, Coastal Hazards, Climate change and Adaptive Responses for preparation of a Coastal Management Strategy for Clarence City, Tasmania
- Winter 2011 Storm Events WRL Report
- Climate Change Impacts on Clarence Coastal Areas – Special Edition Newsletter
- James Carley (UNSW Water Research Laboratory) – Climate Change, Coastal Hazards and Abatement Strategies in Clarence
- Climate change coastal impacts and adaptation consultations and planning
- Community and partner consultations have been extensive and strategic review and update of Coastal Policy and Planning is ongoing.
- Clive Attwater (SGS Economics and Planning) – Project Outline and Policy and Planning Proposals
- Tasmanian Coastal Adaptation Pathways Project – Lauderdale Recommended Actions – May 2012
- Investigation of Roches Beach Protection Works – WRL Technical Report 2012-09 – June 2012
- Tasmanian Coastal Adaptation Decision Pathways Project: Inundation Control Works for the Lauderdale Area – June 2012
- Models for Funding and Decision Making for Coastal Adaption Pathways – May 2012
- Lauderdale environmental assets: assessment of climate change impact on coastal and marine areas – May 2012
- Tasmanian Coastal Adaptation Pathways Project – Lauderdale Scenario Planning Summary – March 2012
- TCAP Project Brochure
- TCAP Pathway Scenario 1
- TCAP Pathway Scenario 2
- TCAP Pathway Scenario 3
- TCAP Pathway Scenario 4
- Coastal Hazards – Adaptations – Part 1
- Roches Beach coastal hazard lines reassessment
- Lauderdale and Roches Beach land ownership map

Monitoring of changes to Clarence coastal areas

Beach erosion and coastal changes are monitored closely by council officers, through local citizen science contributions (the Tasmanian Shoreline and Monitoring Project TASMARC) and by extensive annual aerial photogrammetric monitoring of Clarence shorelines. The links below show examples of this monitoring from 2013 to 2017:

- Beach sand profile at Roches Beach – Report
- North of Bambra Reef at Roches Beach – beach sand profile
- Seastar Bambra Report
- Roches and Cremorne Beaches – habitat mapping bathymetry and sediment analysis – dune nourishment
- Beach Monitoring Report 2013
- Beach Monitoring report 2017
- Beach Monitoring 2018

- **The results from the 2016-17 survey show an easing of the rate of shoreline retreat at the majority of study sites.**
- **Human habitation not in the environmental argument**



Inconsistent with the “Lauderdale Structure Plan”

Executive Summary

The structure plan builds on several important reports and plans to provide a framework for the following key elements in the growth of Lauderdale:

- Expansion of the urban growth boundary and associated planning scheme modifications
- **2010 Provision for a large supermarket and associated specialty shops to serve the Lauderdale community and surrounding suburbs, from Acton Park to Opossum Bay NOT STARTED 10 Years Later!**
- Provision for expansion of the residential area along the main collector linking the South Arm Highway to Bayview Road **MISSING IN CURRENT DOCUMENTATION**
- Improved movement systems, including public transport, bicycles and pedestrian access, improved connections between commercial properties and to public land
- Enhanced streetscapes to provide a high standard of residential and commercial amenity.
- Climate change responses for public land, including managing beaches as well as supporting development controls to protect buildings from inundation and coastal erosion events in the future.
- Development coordinated with the supply and connection of reticulated services

Aims

The Aims of the Structure Plan are to provide for the future development of the area in a way that:

- **integrates use and development with the surrounding land.**
- takes into account all physical constraints, including the future impacts of climate change on inundation and erosion.
- protects threatened species from incompatible use and development of land.
- **enhances visual qualities of the locality and incorporates good urban design treatments.**
- provides for greater choice in transport modes, with safe and efficient systems for vehicles, cycles and pedestrians.
- **provides for commercial and community services and facilities commensurate with the needs of local and surrounding residents.**
- **provides for appropriate residential growth, including infill, redevelopment and limited expansion.**
- ensures a diverse range of recreational opportunities can be encouraged and promoted.
- **enables the development of a strong sense of place, encouraging the enhancement of public places.**
- **provides certainty (Definitely missing) for proposals and planning scheme amendments that are consistent with the structure plan.**
- appropriately stages development, ensuring ad hoc development resulting in the inefficient supply of services and facilities is avoided.
- Takes into account the capacity of physical infrastructure.

- ❖ The main driver for change to the urban form will be through public sector investment – especially in reticulated sewerage, in streetscaping, infrastructure improvement (roads, footpaths, cycle paths), in development and maintenance of public open spaces and links and through the protection and enhancement of beaches and private land from the physical impacts of our changing climate.

It follows that this structure plan has a strong emphasis on the public realm. To achieve its aims, it prioritises improving the amenity of public places, the amenity of the beaches, the accessibility and safety of streets and access links, and promoting improved movement systems, including public transport and cycling.

• Objectives/ Actions

Objectives	Actions	Priorities/ Budget
U/01 To ensure the urban growth boundary reflects the desired future form of Lauderdale.	U/A1.1 Amending the planning scheme's urban growth boundary to provide for the sustainable growth of Lauderdale.	High
	U/A1.1 Amending the planning scheme to provide for a Commercial Zone that allows for the growth of the Activity Centre and a Residential Zone to accommodate infill along Ringwood and Mannata Roads.	High

Subsequent to the above Strategy, further analysis of the Lauderdale area has recognised the key physical constraints associated with climate change and how to respond to these through planning controls on the location and design of buildings; reticulated sewerage is now being provided, to overcome the problems of failing onsite systems; and stormwater drainage constraints are understood in terms of their limitations to development. Also, updating of population growth and demand/ supply statistics for housing has been completed and demonstrates the existence of some unsatisfied demand in Lauderdale for this particular market segment.

- ❖ Like the bulk of Lauderdale, there are physical constraints.
- ❖ However, the key issue of future inundation potential can be overcome through engineering design this area. There are no other limiting natural constraints, such as native vegetation or habitat.
- ❖ The capacity of the storm water drainage system does place significant limitations on the number of housing opportunities, without some major upgrading.

• Objectives/ Actions

Objectives	Actions	Priorities/ Budget
R/01 To provide for the sustainable expansion of residential development by growth and infill.	R/A1.1 Amending the planning scheme to provide for adequate land suitable for residential growth, including modifications to the urban growth boundary.	High
	R/A1.2 Planning for urban growth along local collector roads (including Ringwood and Mannata roads), where supported by availability of a reticulated sewer.	High
	R/A1.3 Ensuring the limited growth areas are developed to meet the climate change study standards for protection from inundation.	High
	R/A1.4 Promoting "neo traditional" principles to the design of residential areas, producing a compact form, which connects neighbourhoods in a way that is legible and easily permeable.	High/ Ongoing
R/02 To ensure that growth is supported by appropriate physical infrastructure.	R/A2.1 Ensuring reticulated services are provided to residential development.	High
	R/A2.2 Ensuring roads are maintained in accordance with Council policy.	High

• Objectives/ Actions

Objectives	Actions	Priorities/ Budget
P5/01 To provide reticulated water and sewer to the urban areas of Lauderdale.	P5/A1.1 Ensuring new development is connected to reticulated services.	High
	P5/A1.2 Promoting the timely implementation of the sewerage system by Southern Water, providing waste water suitable to enable recycling at Roxby WWTTP for agricultural use.	High
	P5/L1 Ensuring trade waste is treated on site where required, and appropriate for reuse.	
P5/02 To ensure that stormwater infrastructure is adequate to provide effective drainage of urban land.	P5/A2.1 Ensuring new development is can be adequately drained without impact on downstream properties and encouraging water reuse. This involves implementation of the recommendations in section 12 of the Climate Change Impacts on Clarence Coastal Areas study.	High
	P5/A2.2 Urban expansion is to be controlled until adequate drainage infrastructure is provided. Developers should contribute proportionally to the cost of any system upgrades considered necessary to facilitate their developments.	High
	P5/A2.3 Completing a stormwater management plan, in accordance with the findings of the Climate Change Impacts on Clarence Coastal Areas study.	

Lauderdale Structure Plan Clarence City Council 2011

Broadly then this structure plan builds on several important reports and plans to provide a framework for the following key elements in the growth of Lauderdale:

- Expansion of the urban growth boundary and associated planning scheme modifications
- Amending the planning scheme's UGB to provide for the sustainable growth of Lauderdale. **High Priority**
- R/A1.1 Amending the planning scheme to provide for adequate land suitable for residential growth, including modifications to the urban growth boundary. **High Priority**
- Expansion of the residential area along the main collector linking the South Arm Highway to Bayview Road.
- Council's Climate change responses for public land, including managing beaches as well as supporting development controls to protect buildings from inundation and coastal erosion events in the future.
- R/A1.3 Ensuring the growth areas are developed to meet the climate change study standards for protection from inundation. **High Priority**

COMMONALITY of problems with the processes of Community engagement and information being made available to the Public on the State-wide planning scheme and its sub headings.

PRINCIPLES OF ENGAGEMENT

CORE VALUES OF PUBLIC PARTICIPATION

In Australia the practice of community engagement is substantially informed by the International Association of Public Participation (IAP2). As one of the main sources of practitioner training, professional support and review of practice, it is also used by many local authorities as the basis for their own community engagement policies. The core values outlined by IAP2 for community engagement are:

1. The public should have a say in decisions about actions that could affect their lives
2. Public participation includes the promise that the public's contribution will influence the decision
3. Public participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision
5. Public participation seeks input from participants in designing how they participate
6. Public participation provides participants with the information they need to participate in a meaningful way
7. Public participation communicates to participants how their input will affect the decision.

Principles for effective community consultation

Make it well-facilitated

It is important that all participants control the agenda and content because this will give the process more credibility. An independent, skilled and flexible facilitator with no vested interest is essential in order to achieve this.

Make it timely

Participation should not be so late in the life of an issue that it is tokenistic, or merely confirms decisions already made. The timing should occur when citizens have the best chance of influencing outcomes. Give people enough time to express their views.

Make it inclusive

Participants should be selected in a way that is not open to manipulation, and should include a cross-section of the population — as individuals and as groups. Random selection offers the best chance of achieving this.

Make it community-focussed

Ask participants not what they want personally or what is in their self-interest, but what they consider appropriate in their role as citizens.

Make it interactive and deliberative

Avoid reducing questions to a simplistic either/or response. Allow consideration of the big picture, so people can really become engaged.

Make it effective

Although decision-making can strive for consensus, complete agreement need not be the outcome. Be clear on how the decisions will be made so that participants know and understand the impact of their involvement.

Make sure all participants have time to become well-informed about and to understand material they are unlikely to have a prior familiarity with.

Make it matter

It is important that there is a strong likelihood that any recommendations which emerge from the consultative process will be adopted. If they are not, it is important that a public explanation is provided. Faith in the process is important by both the power holders and the participants.

Make it well-facilitated

It is important that all participants control the agenda and content because this will give the process more credibility. An independent, skilled and flexible facilitator with no vested interest is essential in order to achieve this.

Make it flexible

A variety of consultation mechanisms exist. Choose the one which best suits the circumstances. Try a variety of mechanisms over time. Think how to reach all your users, including those with special needs (e.g. language, disabilities, the elderly, the young). Different communities and different questions will produce better responses with different forms of consultation. Mix qualitative and quantitative research methods.

The main characteristics of a focus group are that:

- it does not provide a sample of the community as a whole, but rather of a particular set of interests within an issue area and random selection is not usually used to select participants
- it is a relatively small group (up to 25 people)
- it can meet once, several times, or at regular intervals depending on the needs of the consultation
- the group can provide particular information that may not be readily available in the broader consultative methods
- informal verbal or written feedback derived from the group is fed back to the commissioning body.

Disadvantages

Interest groups contain motivated people, but they are not necessarily representative of the group as a whole. Also, considerable time may be involved in finding participants and maintaining their involvement.

Because this method involves tapping into already-existing knowledge and skills, it does not invoke deliberation and enhance deliberative capacity in the same way as other methods.

The nine headings listed below acknowledge that effective community engagement is built on trust, goodwill and respect. It should be driven by a set of principles not shaped by particular techniques.

The principles are clustered under nine headings:

1. Clarity of purpose
2. Commitment
3. Communication
4. Evidence
5. Flexibility and responsiveness
6. Timeliness
7. Inclusiveness
8. Collaboration
9. Continuous learning

Communication

Community engagement is primarily about communication, the two-way process of providing accurate and timely information, and demonstrating that feedback is being heard.

- Communicate openly, honestly and accountably with those you are seeking to engage.
- Ensure that the team engaging with the community is well informed so that it can answer questions during the process.
- Remember that communication is multi-faceted. It does not just include information giving but information gathering, information sharing, collaborative discussion and decision making.
- Clearly communicate the purpose and limitations of the community engagement process at the outset. Agree to the basic procedures and mechanisms at the planning stage.
- Avoid creating false expectations about what community engagement can achieve.
- Acknowledge community input and the time and resources people put into the process.
- Communicate well with your peers and avoid duplication of process. Many communities, particularly those that require special consideration, are faced with an ongoing stream of agencies aiming to consult with them, often on similar matters.

Inclusiveness

Being inclusive means understanding who is likely to be interested in, or feel the impact of, a particular plan or development.

- Aim to be as inclusive as possible but accept that in few circumstances is it feasible to involve everybody.
- Get to know and understand the communities you want to engage.
- Acknowledge and respect their diversity.
- Accept different agendas, but ensure that dominant special interest groups are not the only voices heard.
- Choose a variety of engagement techniques that offer the widest possible opportunities to participate.
- Avoid jargon and technical language.
- Aim for accessibility. Consider the timing, location and style of engagement events and strategies, as well as the support available to participants (such as translators, childcare, out-of-pocket expenses).
- Pay particular attention to the needs of groups that tend to be under represented in an engagement associated with development assessment and plan making

COASTAL HAZARDS PACKAGE:

- **NOTE NO COMMUNITY OR Affected LANDOWNERS WERE CONSULTED**

SUMMARY OF CONSULTATION

The Minister for Planning and Local Government, the Hon Peter Gutwein MP, invited comments on the draft Package from local government and industry on 18 March 2016.

The consultation sought feedback on:

- whether the draft Package achieves the right balance between planning, building control and emergency management;
- how the risk assessment and mapping could be improved;
- information and resources that may assist organisations implementing the Package into their core business, including asset management, emergency management, and community or member awareness, as well as planning and building controls; and
- any other matters that may be considered relevant to the Package.

The Local Government Association of Tasmania (LGAT) ran information sessions on the draft Package for local government. The Office of Security and Emergency Management (OSEM) also provided briefings to the West Tamar Council, the Launceston City Council, the Glenorchy City Council, Tas. Networks, the Master Builders Association (Tas) and the Property Council of Australia (Tas).

The consultation period closed on 22 April 2016. Submissions were received from the Property Council, the Housing Industry Association, Tas Water, Engineers Australia, Climate Tasmania, the Tasmanian Coastal Association (Environmental Defenders Office and Bird Life Tasmania), LGAT, the Kingborough Council, and the Hobart City Council.

The rise of red zones of risk

By Inga Ting, Nathanael Scott, Alex Palmer and Michael Slezak Published 23 Oct 2019

It defines a property as effectively or potentially

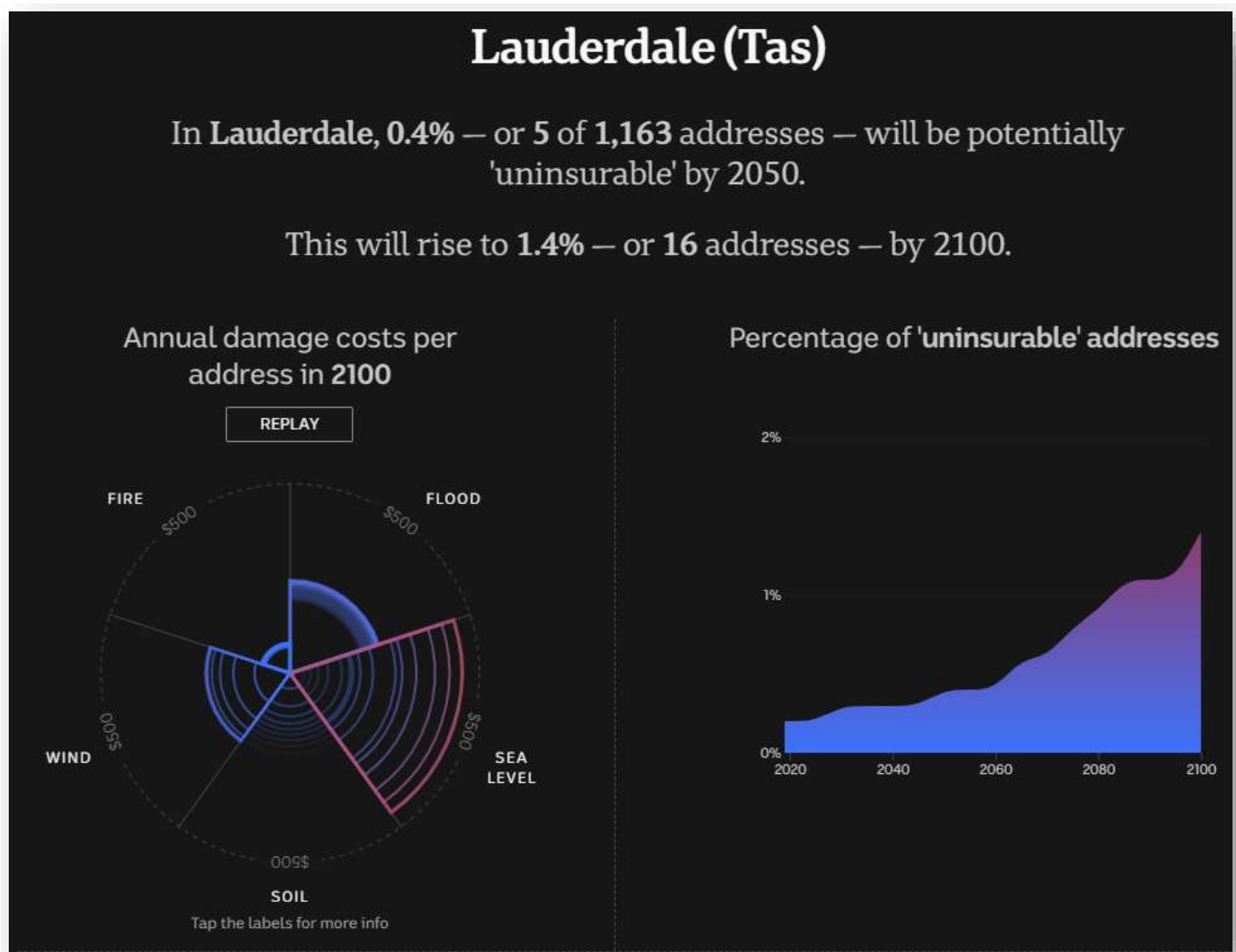
- “uninsurable” when climate risk is so high that either:
- Insurers refuse to offer cover; or
- unaffordable and therefore effectively unavailable.
- a very rapid, very sudden and relatively significant change in property values

“If banks start to screen mortgages ... we could see a very rapid, very sudden and relatively significant change in [property] values,” says Dr Mallon, director of science and systems at Climate Risk.

“And we don’t think this market adjustment will occur in 10 or 20 or 30 years when these hazards become a real problem ... People are making these decisions today.”

Climate Risk’s clients include governments, banks, mortgage lenders and other key players in the insurance and finance industry.

“No area of Australia should be uninsurable.”



- We need to develop a concise public education campaign through an appropriate authority regarding specific climate change impacts and changes to extreme weather events for communities on a regional basis.
- Implement mandatory risk information disclosure and acceptance requirements as part of all State based property transfer regulations for all extant and predicted risks to a property.
- Implement risk appropriate land use planning legislation harmonised across all the State to prevent inappropriate development on land subject to inundation.
- Implement legislation harmonised across all states requiring mandatory disclosure of all known & predicted risk data by state & local governments to property purchasers during property conveyance and title search processes.

Risk appropriate mitigation measures

- Risk appropriate property protection standards

Tasmania

Tasmania has developed an approach based on a 1% annual exceedance probability; that is the probability of a high sea-level event having a 1% chance of occurring once or more in any one year (2008). To determine exceedance probabilities Tasmania coastline is classified into a number of 'tidal zones' and sea level rise projections are based on the IPCC's upper emissions scenarios (A1FI). For any given height of a location, the risk of a high sea level event flooding that point can be determined and the risk over time (up to 2100) can also be identified.

- No clarity about roles and 'who might be liable for what
- The state's view [NSW] is that the risk to a property from sea level rise lies with the property owner, public or private, so whoever owns the land takes the risk.
- consistency of information, extent of risk disclosure to the public and 'who knew what, when' There is ... debate about advising the public of climate change implications/risks ... with potential property de-valuing concerns versus people's right to know.
- clarification about liability issues with regard to private property holders acting to protect their properties from the impacts of climate change and about who should bear the cost of adaptive strategies
- legacy issues relating to past planning decisions that had allowed development in low-lying areas
- the legal basis underpinning strategies of protect, adapt and retreat and the permissible scope of adaptation strategies
- compensation issues, it is a difficult issue to deal with the results of poor decisions from the past in terms of that vexed issue about compensation— who pays, who carries the risk
- potential liability under the common law of negligence and nuisance
- Existing coastal development and concerns of individual property holders
- As legal commentators have noted, 'courts at this stage are only considering climate change impacts in the context of new developments and have not yet starting considering the complex issues associated with the impacts of climate change on existing developments'

Conclusion

We recognise that climate change raises many complex legal issues with regard to the coastal zone, as reflected in the many concerns raised by inquiry participants.

Information points to the high level of uncertainty about roles and responsibilities in terms of potential liabilities in this area.

However, concerns remain about liability and existing coastal developments. Further, there are clearly concerns about legal issues relating to climate change adaptation and the permissible scope of adaptation strategies at the local level. The legal challenges of climate change adaptation therefore require close monitoring and evaluation.

No more mortgages?

Once lenders and housing investors do start pricing in such risks, "There may be a threat to the availability of the 30-year mortgage in various vulnerable and highly exposed areas," Berman wrote in a recent San Francisco Fed report. He predicts lenders could "blue-line" entire regions where flood risks are high — a reference to redlining, the practice of refusing mortgages to minorities.

Lower home values, lower tax collections

Lower real estate prices also drag down counties and cities. Because local budgets are reliant on property taxes, even a small drop in home prices can make it harder for a locality to provide basic services, like fixing roads and paying for public education.

"The economic losses and social disruption may happen gradually, but they are likely to be greater in total than those experienced in the housing crisis and Great Recession," he wrote. "It is less likely that borrowers will continue to make mortgage payments if their homes are literally underwater."

The language in Lucas is clear:

"When the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is to leave his property economically idle, he has suffered a taking."

Property is said to be acquired when government encroaches on the land of a person for public purposes. When a government denies natural use of a person's property, this amounts to an informal taking of the property. However, the taking should be for a public use and the land owner should be paid a just compensation. Property can be regulated by governments. But if the regulations imposed are so substantial that the person loses his/her natural rights in the property, it is considered a taking and the government is bound to pay compensation. *Mich. S. Cent. Power Agency v. Constellation Energy Commodities Group, Inc.*, 466 F. Supp. 2d 912 (W.D. Mich. 2006).

A regulatory taking can arise although the government actions do not encroach upon or occupy the property but still affect and limit its use to such an extent that a taking occurs. Regulatory takings are based on the principle that while property may be regulated to a certain extent, if a regulation goes too far it will be recognized as a taking. *Ganci v. New York City Transit Auth.*, 420 F. Supp. 2d 190 (S.D.N.Y. 2005).

A Compensation for Sterilisation of Land by Regulation

- In Australia, as in other common law jurisdictions, a fundamental distinction is recognised between an outright acquisition of property by the state, which should be subject to compensation, and regulation of use, for which compensation is not necessary.
- The common law rule is that a prohibition or restriction on the use of land does not carry with it any right to compensation, unless a statute confers such a right. While the distinction provides a useful guide for determining when compensation should be available, it is not a bright line rule.
- There are cases where a regulatory intervention leaves an owner with intact title and undisturbed possession, but deprived of all reasonably beneficial use rights.
- State legislation commonly provides compensation in the absence of a taking where land in private ownership is expressly reserved for a public purpose, or where the exercise of a statutory power may deprive a landowner of all reasonably beneficial uses of the land. The paradigm case is where the legislation authorises a determination or regulation which effectively turns private land into a conservation estate. For example, the Flora and Fauna Guarantee Act 1988 (Vic) empowers the Minister to issue interim conservation orders to conserve the habitat of a listed species on private land.^[167] The order may prohibit any activity on or use of the land. The Act provides that a landholder may seek compensation from the Director—General for financial loss suffered in consequence of the order.
- Similar provision is made in Queensland’s Nature Conservation Act 1992 (Qld) when private land is compulsorily declared to be a nature refuge. This Act provides tests or criteria to be used in determining whether compensation should be awarded at all, or in assessing the amount. Section 45 of Tasmania’s Threatened Species Protection Act 1995 (Tas) makes broadly similar provision for compensation to be paid to landowners whose land is the subject of an interim protection order under part 4 of the Act.
- A common justification for requiring agencies to pay compensation for regulation that effectively sterilises the use of land is to avoid moral hazard. If governments can take all uses of the land without payment of compensation, there is little incentive to use their powers of compulsory acquisition.

Loss of natural Justice:

The principles of natural justice are principles developed by the common law.

Legislation should be consistent with the principles of natural justice

First principle	The principles require that something should not be done to a person that will deprive the person of some right, interest, or legitimate expectation of a benefit without the person being given an adequate opportunity to present the person’s case to the decision-maker.
Second principle	The decision-maker must be unbiased.
Third principle	The principles require procedural fairness, involving a flexible obligation to adopt fair procedures that are appropriate and adapted to the circumstances of the particular case.

Consistency with natural justice—unbiased decider

If a decision is subject to the rules of natural justice, a person making the decision must not be actually or ostensibly biased

Natural justice generally applies whenever a statute gives power to make an administrative decision that might adversely affect the rights, interests or legitimate expectations of an individual or organisation.

The requirements of natural justice come from general administrative law, not the particular statute being administered

Public sector employees have a legal duty to comply with the general requirements of the law, as well as the specific legislation administered by their agency. An important legal requirement applying to most decisions that directly affect the rights and interests of individuals or organisations is that the decision be made in accordance with the rules of natural justice—also known as procedural fairness.

Natural justice requires that administrators adhere to a fair decision-making procedure.

For legal purposes, however, a fair decision is one that is properly made, in accordance with the statute and the requirements of natural justice.

There are two primary rules of natural justice:

- The ‘hearing rule’ is that people who will be affected by a proposed decision must be given an opportunity to express their views to the decision maker.
- The ‘bias rule’ is that the decision maker must be impartial and must have no personal stake in the matter to be decided.

A conflict of interest exists if a decision maker has a personal interest in the outcome that might prevent them, or appear to prevent them, from performing their duty impartially.

A conflict of interest can also arise from non-material interests such as involvement in political, social, cultural, religious or sporting associations and activities, or a close family or personal relationship

The bias rule of natural justice is not only concerned with conflict of interest: it also requires that a decision maker be impartial and free of actual or apparent bias.

‘Actual bias’

means that the decision maker has a predisposition to decide the matter otherwise than with an impartial and unprejudiced mind. ‘Apparent bias’ means that in the circumstances a fair-minded observer might reasonably suspect that the decision maker is not impartial. In most cases, apparent bias is enough to disqualify a person from making a decision

A decision maker commits a legal error when they breach natural justice or fail to follow a statutory procedure that is designed to provide natural justice.

A person who is, or would be, adversely affected by the decision can apply to a court for judicial review.

If the court finds that natural justice has not been complied with, it will usually set aside the decision and order the agency to decide the matter anew. An application for judicial review can be made even before any decision is reached if the decision maker is adopting a procedure that does not conform to the requirements of natural justice. In this case the court will usually restrain the decision maker from continuing with the procedure.

As an alternative to judicial review, legislation might provide for a right of appeal to an independent board or tribunal

Natural Justice in Investigations

Three common law rules are referred to in relation to natural justice or procedural fairness.

The Hearing Rule

This rule requires that a person must be allowed an adequate opportunity to present their case where certain interests and rights may be adversely affected by a decision-maker.

When conducting an investigation in relation to a complaint it is important that the person being complained against is advised of the allegations in as much detail as possible and given the opportunity to reply to the allegations.

The Bias Rule

This second rule states that no one ought to be judge in his or her case. This is the requirement that the deciding authority must be unbiased when according the hearing or making the decision.

Additionally, investigators and decision-makers must act without bias in all procedures connected with the making of a decision. A decision-maker must be impartial and must make a decision based on a balanced and considered assessment of the information and evidence before him or her without favouring one party over another.

Even where no actual bias exists, investigators and decision-makers should be careful to avoid the appearance of bias.

Investigators should ensure that there is no conflict of interest which would make it inappropriate for them to conduct the investigation.

The Evidence Rule

The third rule is that an administrative decision must be based upon logical proof or evidence material. Investigators and decision makers should not base their decisions on mere speculation or suspicion. Rather, an investigator or decision maker should be able to clearly point to the evidence on which the inference or determination is based.

There is a blatant Environmental BIAS in the Local Provision Schedule and a disregard or omittance of the actual location or existence of the Human population as seen below

Australia

Author links open overlay panel

Vishnu Prahalada Jason Whitehead Adelina Latinovica Jamie B.Kirkpatricka

Abstract

Coastal wetlands and waterways are important for biodiversity conservation and ecosystem services. Many have been under threat from land clearing, infill development and, increasingly, to sea level rise. Such wetlands not only need to be conserved at their present locations, they must be also able to retreat landwards if ecological functionality and resilience are to be maintained. While land use planning processes and applications can provide a structured approach for both in situ conservation and preservation of retreat pathways, rarely have these outcomes been achieved. This paper documents the development of GIS-based State-wide wetlands and waterways and coastal refugia planning overlays in Tasmania, south-eastern Australia, for inclusion within the new State-wide planning system. The overlays were designed to conserve current wetland extent, their buffers and future retreat areas. Through this case study, we describe and discuss the important technical, procedural and socio-political requirements for effective wetlands protection overlay development, application, monitoring and revision. The overlays provide a useful planning tool for evaluating how best to accommodate wetland conservation. We recognise, though, that planning processes will always entail trading-off development benefits, social costs, and environmental impacts within a context of increasing socio-political awareness of the functions, benefits and ecosystem services of wetlands and waterways.

- This and other reports do not take into consideration onsite man-made barriers to the erosion or inundation such as a road or new ground heights after filling.
- An example of this is Lauderdale with the South Arm road acting as a barrier between inundation and erosion from Ralphs Bay. The Government has stated that it will not sacrifice the road to the sea and will raise it as and when required, thus a man-made barrier is in place.
- The other missed information in these reports seem to ignore is that much of the Land in Central Lauderdale has been raised already to deal with any erosion or inundation.
- Also, on contacting Departments I have found that many of the Planning Codes are not based on actual ground based information but rather on meetings of people at a desk level and discussing where they think the lines and codes should go, This is not a way such controls should be based when they have such a great sway on the way forward for planning and the use, value and future of peoples properties.

Options:

- Community purpose
- Church
- Lauderdale theme retirement and social

ZONES

11.0 Rural Living Zone

The purpose of the Rural Living Zone is:

11.1.1 To provide for residential use or development in a rural setting where:

- (a) services are limited; or
- (b) existing natural and landscape values are to be retained.

11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.

11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off-site impacts.

11.1.4 To provide for Visitor Accommodation that is compatible with residential character.

RLZ 1 The Rural Living Zone should be applied to:

- (a) *residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities* (e.g. hobby farming), but priority is given to the protection of residential amenity; or
- (b) land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme, unless RLZ 4 below applies.

RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:

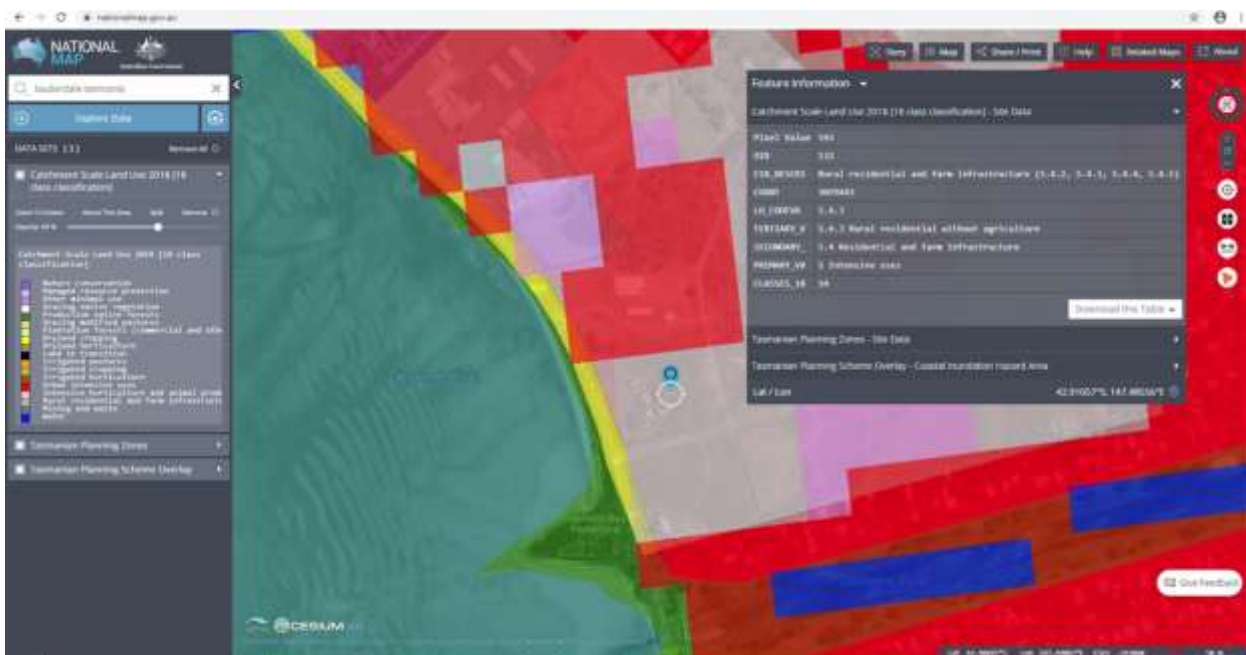
- (a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or
- (b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.

RLZ 3 The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on:

- (a) a reflection of the existing pattern and density of development within the rural living area; or
- (b) further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

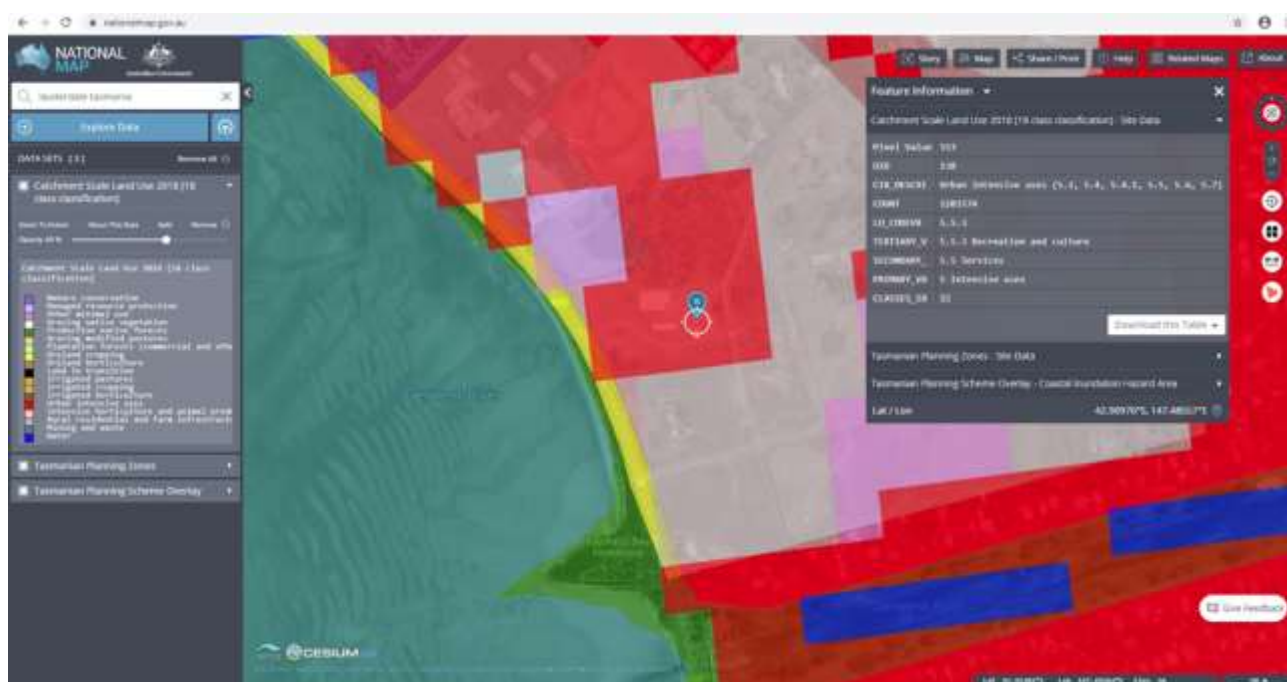
RLZ 4 The Rural Living Zone should not be applied to land that:

- (a) is suitable and targeted for future greenfield urban development;
- (b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or
- (c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council



	Pixel Value	OID	C18_DESCRI	COUNT	LU_CODE V8	TERTIARY_V	SECONDARY_V	PRIMARY_V8	CLASS ES_18
506 South Arm Rd Lauderdale Tasmania	543	132	Rural residential and farm infrastructure (5.4.2, 5.4.3, 5.4.4, 5.4.5)	3029443	5.4.3	5.4.3 Rural residential without agriculture	5.4 Residential and farm infrastructure	5 Intensive uses	14

Private Property including house and out buildings.



	Pixel Value	OID	C18_DESCRI	COUNT	LU_CODE V8	TERTIARY_V	SECONDARY_V	PRIMARY_V8	CLASS ES_18
490 South Arm Rd Lauderdale Tasmania	553	138	Urban intensive uses (5.3, 5.4, 5.4.1, 5.5, 5.6, 5.7)	1203574	5.5.3	5.5.3 Recreation and culture	5.5 Services	5 Intensive uses	15

Abundant Life CHURCH

Catchment Scale Land Use 2018 [18 class classification]

Data Description

- The dataset is depicted using an 18-class classification. The 18 class raster symbology groups the tertiary ALUM numeric code (VALUE field) into broad classes related to conservation, grazing, forestry, cropping, horticulture, pastures, urban, intensive agriculture, rural residential, mining and water.
- This dataset is the most current national compilation of catchment scale land use data for Australia (CLUM), as at December 2018. It replaces the Catchment Scale Land Use of Australia – Update September 2017. It is a seamless raster dataset that combines land use data for all state and territory jurisdictions, compiled at a resolution of 50 metres by 50 metres.

Service Description

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Clarence Residential Strategy



Welcome to
Clarence
...a brighter place!

Connell Wagner

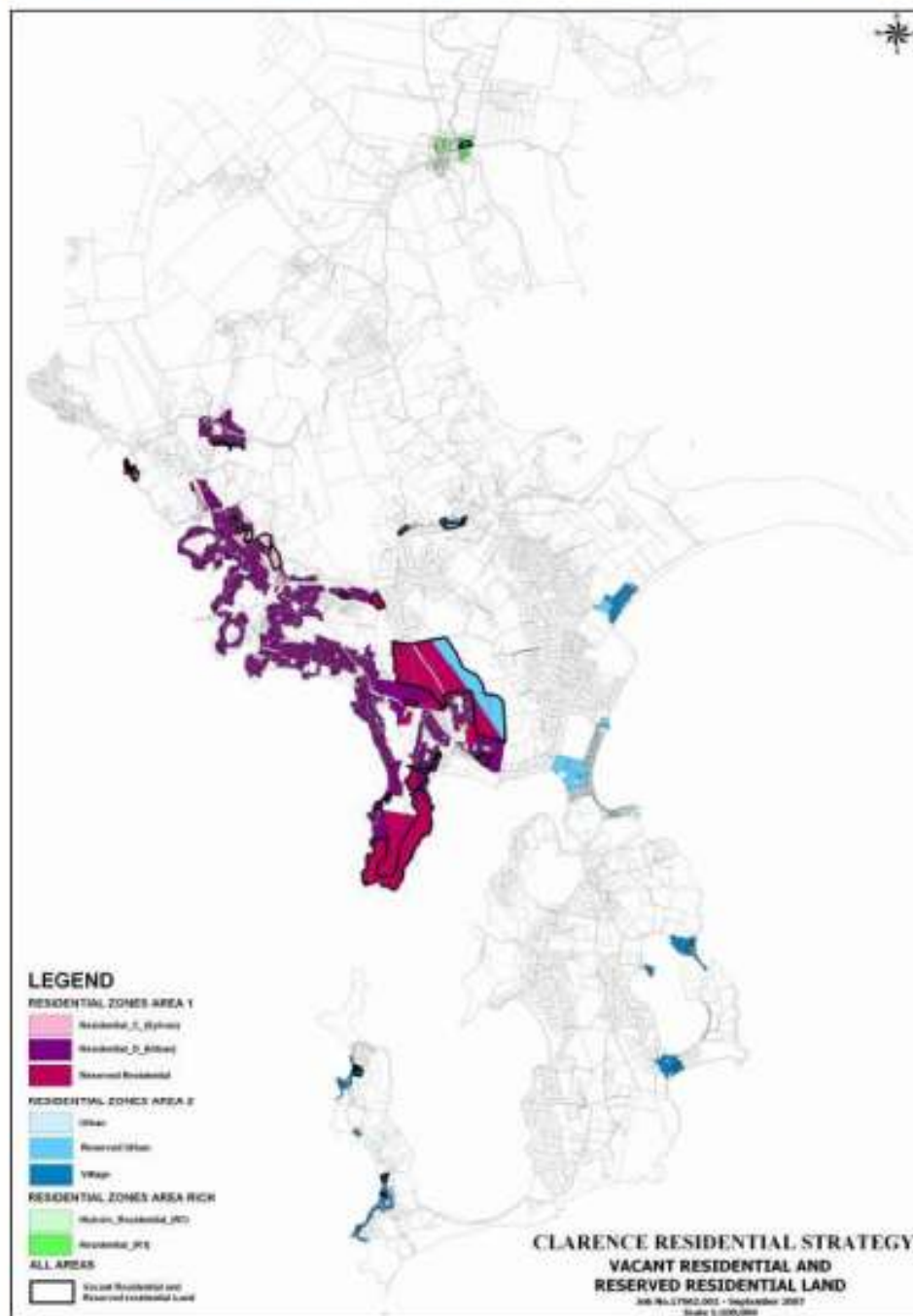


Figure 2. Vacant Residential and Reserved Residential Land.

The information obtained through the analysis of building and subdivision statistics was combined with the estimates of subdivided and zoned (including reserved) land, to determine the number of years supply of land that exists for each suburb. This information has been presented in Table 1 overleaf.

FEASIBILITY STUDY

FOR CLARENCE CITY COUNCIL

Lauderdale Urban Expansion



October 2016



Executive Summary

This report considers the feasibility of rezoning land at Lauderdale from Rural Living to General Residential. It is the first of three stages in preparing land for General Residential development. The following two stages are the Statutory Approval and Hearings Representations required in the process of rezoning land. This first stage determines the sustainable land capability for future use and development, following analysis of existing and additional professional studies.

There are seven components to this first stage:

- Civil Engineering;
- Environmental Assessment;
- Cultural Heritage;
- Social Services and Facilities;
- Planning and Urban Design;
- Traffic Engineering; and
- Financial Modelling

There are existing and ongoing future requirements for stormwater to cross the site and be drained to either the canal or Ralphs Bay.

Civil Engineering:

- Hydraulic challenges
- Existing Infrastructure
- Climate change solutions
- Flood modelling showed NO consequential impact on existing residential areas
- Lot yield- cost effective - Underground culverts make for 50 more lots.

Fill **The report states it assumes incorrectly that there is NO existing fill onsite.**

- **BOTTOM LINE-** **The project of developing Central Lauderdale to residential can be engineered to work sustainably.**
- **Environmental:** **Flora and Fauna - Conclusion flora and fauna constraints are manageable.**

Cultural Heritage:

- **Aboriginal Heritage** **Conclusion unlikely to constrain the subdivision of the study area.**
- **Social Services and Facilities:**
 - Serviced by 2 grocery stores
 - Woolworth Site ready for development subject to population growth
 - Motel
 - Tavern
 - Restaurants
 - Local Doctors Surgery and skin care clinic
 - Pharmacy
 - Hobart Pathology unit
 - Child Health Clinic
 - Child Care Centre
 - Primary School
 - Church
 - Sports Grounds
 - Football Club
 - Fuel Stations
 - Post Office News Agent
 - Equestrian Centre Pony Club
 - Archery
 - Girl Guides Camp
 - Sailing Club
 - Fire Station
 - Motor Mechanics
 - Retirement Village
 - Garden Centre
 - Real Estate Agents
 - Vet and kennels
 - Model Boat Club
 - Wind Surfing
 - Picnic areas
 - Parks
 - Cycle paths
 - Bakery
- **Conclusion the site has good access to services and facilities.**

Planning and Urban Design

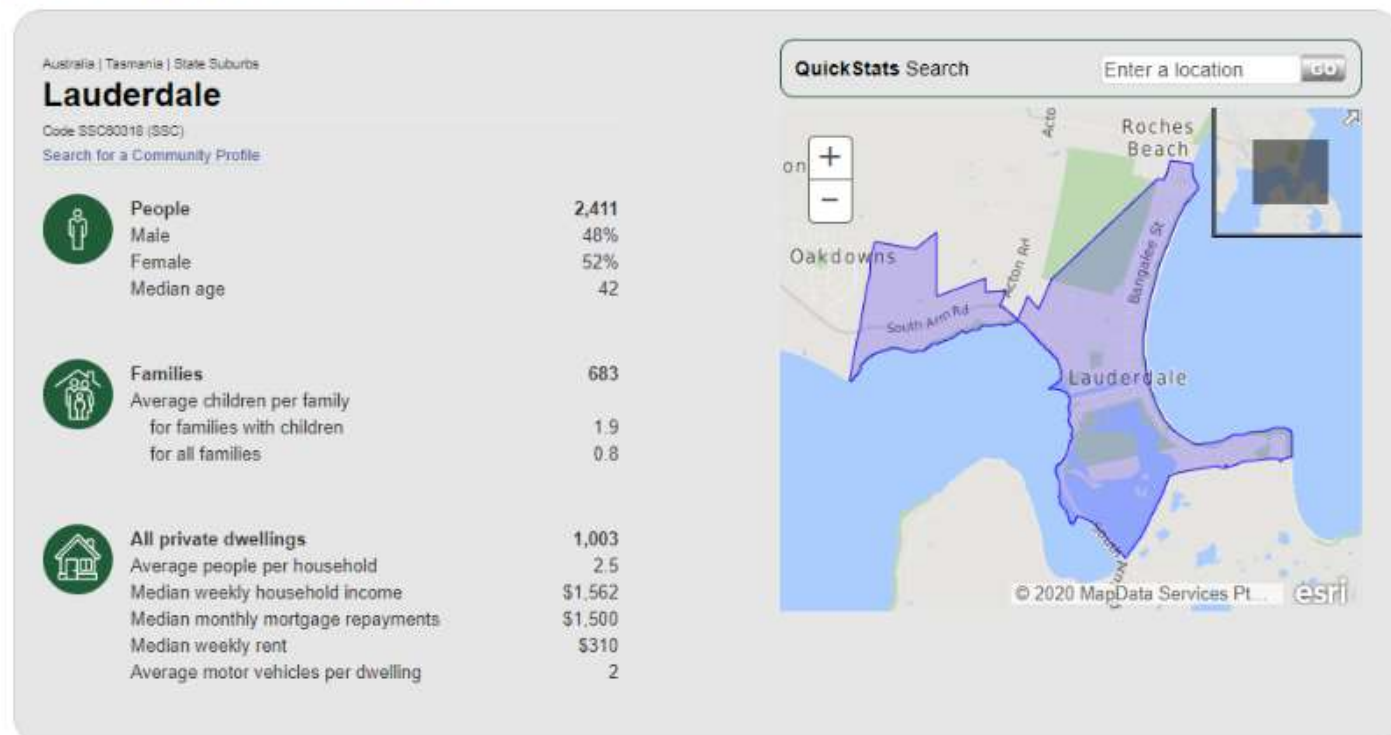
Strategic Planning:

- The STRLUS was based on **INCORRECT** 2006 Census and the Demographic Change Advisory Council (DCAC) projections.
- Department of Treasury and Finance released updated projections have been shown to also be under-valued.
- Approximately 273 ha (30%) land, has development approval for subdivision.

Increase to the area of greenfield residential land is unjustified unless:

- changes in population growth in 2016 Census or
- rationalisation of existing STRLUS residential land strategy or both.

2016 Census QuickStats



Traffic Engineering

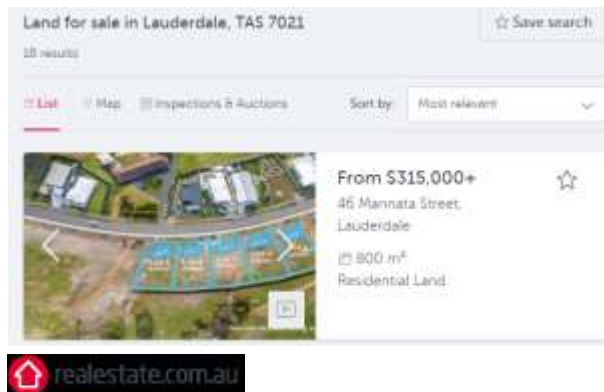
- Incorrectly states that North and South development areas will both access onto Manatta/Ringwood Road and onto the South Arm Highway
- Alternative exit to Acton Road and a high connection between the two areas is provided such that the development will have emergency access during a flood event.
- Property owners in the location of the new road have formally proposed this extension on several occasions to Government and Council.



Financial Modelling

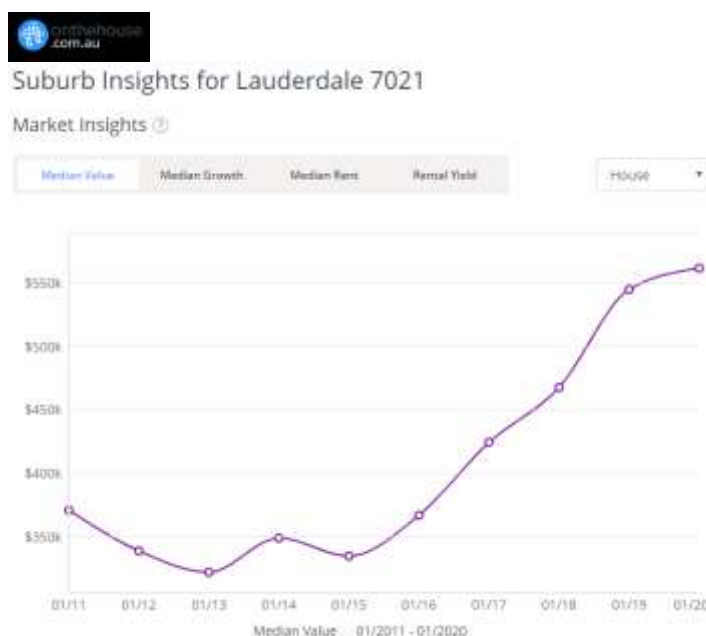
Property Pricing:

- **Incorrect Assumption:**
 - It is assumed that the properties are either acquired by an entity before rezoning or the property owners act as a consortium.
- **Incorrect Assumption:**
 - Range of House acquisition price is \$400,000 to \$650,000 (Opteum \$400-725k).
 - Acquisition sales prices within the subject site are likely to increase if the site is rezoned
 - Range of lot sales price is \$135,000 to \$170,000 (Opteum \$150-180k).



ACTUAL GROUND BASED INFORMATION

- No Acquisitions if owner developments site.
- Land sales Actually From \$350,000 NOT \$135,000
- Median Property Value in 2016 was around \$370,000
- Median Property Value in 2020 is \$560,000



Suburb Profile Report For Lauderdale TAS (7021)

Lauderdale House: Median price \$520,000, Annual capital growth 5.14%, Number of sales 37, Weekly median advertised rent \$478



Source: Monthly data updates for Mar 2020 as supplied by CoreLogic. Data is reported to the period ending Dec 2019. Please note that property sales data is routinely updated, so may change retrospectively.

Costing of Works

Incorrect Assumptions:

- Only part of the site can be serviced by a gravity sewer system, the balance needs to use a pressure sewer system which is considerably more expensive.
- The costing of standard infrastructure at \$48,000 per lot is consistent with other similar developments where these costs generally range between (\$40,000 - \$50,000 per lot). High due to the pressure sewer.

Financial Modelling

Results

Incorrect Assumptions:

- Applying a median sales price of \$150,000 per lot, a median acquisition price of \$525,000 and a fill supply cost of \$20 per cubic metre returns a negative NPV value at a 10% Hurdle Rate
- NPV value can be brought positive at a 10% Hurdle Rate by altering these variables within a reasonable range, but given they are largely outside the control of the developer this would result in high risk project
- There are a number of factors that are likely to drive up costs:
 - Problems with construction sequencing
 - Paying full cost of Intersection upgrades
 - Cost of land acquisition and relocating services in road widening / Intersection upgrades
- A piecemeal approach by each property owner would significantly add to the overall development cost and would require Council assist with infrastructure upgrades

Conclusion:

- There is an oversupply of residential zoned land within the Urban Growth Boundary based on current population predictions, but that may change with 2016 Census data
- The additional costs of importing and compacting fill, undergrounding major stormwater culverts, construction of highway intersections and areas of pressure sewerage result in the project being unfeasible at median lot acquisition/lots sales levels.
- The modelling represents the most efficient way to develop the site. Any departures from this would increase the costs and thus decrease the feasibility yet further.

Correct Conclusion based on information in report and corrected information:

From the Clarence City Council “Lauderdale Urban Expansion Feasibility Study 2016”

- The project can be engineered to work sustainably
- Flora and fauna values exist on the site but are manageable
- Cultural heritage values exist on the site but are not a constraint to development
- The site is well serviced with both civil/social infrastructure and public open space

From current on ground Data:

- No Acquisitions as owner developments site.
- Land sales Actually From \$350,000 NOT \$135,000
- Median Property Value in 2016 was around \$370,000
- Median Property Value in 2020 is \$560,000
- **FULLY SERVICED**
- Lauderdale has grown from a holiday village to an established urban residential area because of its pleasant residential environment.
- Immediate urban residential development was constrained by the lack of reticulated sewerage and stormwater systems

TasWater

Attn: Chief of Staff; News Editor; News Producer

Wednesday, 17 July 2013

For immediate release

Media Release

Work begins on \$8.2m Lauderdale Sewerage Scheme

Clarence Mayor Doug Chipman has joined TasWater CEO Mike Brewster in launching the beginning of work on the \$8.2m Lauderdale Sewerage Scheme.

TasWater has this week commenced laying sewer mains in Lauderdale as work begins on the project.

CLIMATE CHANGE IMPACTS ON CLARENCE COASTAL AREAS (for Clarence City Council)

Final Report April 2009

By:

1. Water Research Laboratory - School of Civil and Environmental Engineering - University of New South Wales
2. SGS Economics and Planning Pty. Ltd.
3. Australian Government - Department of Climate Change
4. Clarence City Council
5. Tasmanian State Emergency Service

Argument in this report for Lauderdale Sewer:

- Rising sea levels will result in rising water tables, even before flood risks become significant.
- This is important for the suburb as there are no sewers and properties depend upon septic tanks for liquid waste treatment and disposal.
- With rising water tables these will no longer function and significant health risks will arise if the situation were not addressed.
- Clarence City Council has already committed to provision of a sewer system for Lauderdale at a cost of about \$10 million for 1000 properties or about \$10,000 per property served.
- Given that Lauderdale is likely to remain viable up to about 2100, with adequate protection measures likely to be cost effective, investment in sewerage for the suburb appears to be justified.



Figure 3-9 - Inundation extent for a 1 in 100 year ARI rainfall event with year 2100 rainfall intensities and Mean High High Water (MHHW) sea levels (1.1m AHD). Note that the only residential area effected is Roches Beach Living.

Water

- TasWater has been consulted to ascertain any major asset upgrades required to service the development.
- Initial modelling indicates that there is sufficient capacity in the existing network to supply the proposed approximate 583 lots

Retail & Commercial

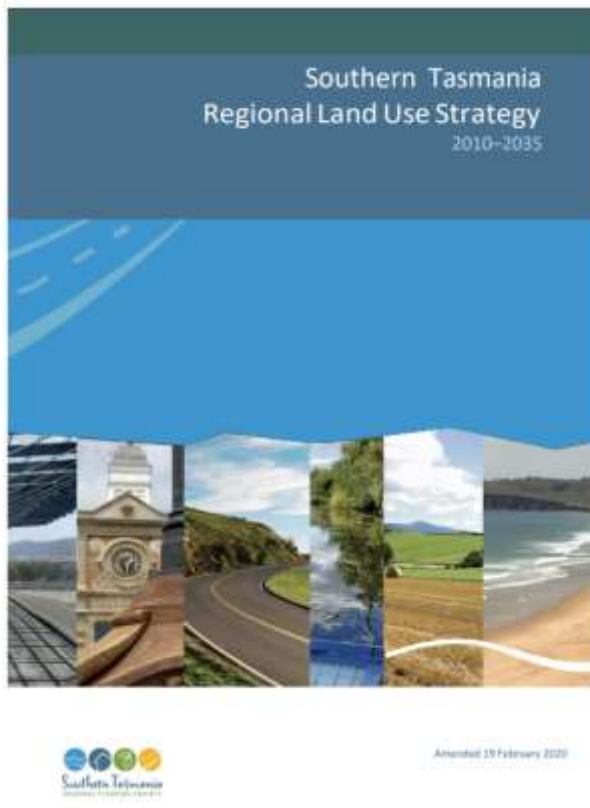
Lauderdale is serviced by various small retailers including grocery stores (Hill Street Grocer, Bangalee Store, IGA X-press Lauderdale, Butcher), formal and informal dining options (The Sand Bar, The Lab, Canal Café & Pizza, Frito Misto, Foreshore Tavern), a florist, pharmacy and real estate agent. Planning approval was granted in June 2013 for a supermarket, retail shops, car parking, access and landscaping at 438 & 450 South Arm Road. The approved development is a Woolworths shopping village in Lauderdale not yet started (2010 -2020)

Health

Lauderdale is serviced by a doctor's surgery and skin cancer clinic as well as a pharmacy

Southern Tasmanian Regional Land Use Strategy (as amended 1 October 2013) (14 MB) (pdf)

As amended Feb 2020



Declaration of the Southern Tasmania Regional Land Use Strategy

19 February 2020

I, Roger Charles Jaensch, Minister for Planning, declare this amended Regional Land Use Strategy in accordance with section 5A of the *Land Use Planning and Approvals Act 1993*.

Hon Roger Jaensch, MHA

6/2/2020

Date

This Southern Tasmania Regional Land Use Strategy, as amended, came into operation on 19 February 2020 as notified in the Gazette.

Amendments comprise minor adjustments to the urban growth boundary in Map 10 at 22 Atkins Street, Rokeby.

Figure 2:
Structure of the
Regional Land Use
Strategy



Southern Tasmania Regional Land Use Strategy 2010-2035

Page | 3

The Southern Tasmania Regional Land Use Strategy 2010-2035 ('the Strategy') is a regional level policy document providing policies and strategies to guide future land use and development of Southern Tasmania. The document principally is intended to inform the development of interim planning schemes within the region. Any future amendments to local planning schemes will be required to be consistent with the Strategy. The key strategic considerations under the Strategy with respect to the potential expansion of the Lauderdale settlement are discussed in this section of the report

Where there is an inconsistency between local strategic planning and this regional strategy, the latter should prevail.

Greater Hobart is also one of the least densely settled of the major cities in Australia with one of the highest proportions of single detached dwellings.

Larger houses on larger allotments on the urban fringe have over the past 10 years been a significant component of residential dwelling growth. However, in 20 to 25 years the preferred housing stock is expected to be smaller houses on smaller allotments in close proximity to services and facilities.

Together: The Tasmania Together goals underpinning the vision of particular relevance to the Regional Land Use Strategy are:

- A reasonable lifestyle and standard of living for all
- Confident, friendly and safe communities
- Active, healthy Tasmanians with access to quality and affordable health care services
- Vibrant, inclusive and growing communities where people feel valued and connected
- Thriving and innovative industries driven by a high level of business confidence

- Built and natural heritage that is valued and protected
- Sustainable management of our natural resources. Southern Tasmania Regional Land Use Strategy 2010-2035

PLANNING PRINCIPLES

The Strategy has been prepared in the context of the RMPS, which is strategically underpinned by the concept of 'Sustainable Development' and guided by the following planning principles:

- Inter-generational equity; *(If you can't sell or insure your property where is equity?)*
- The precautionary approach; *(Where is the right to defend one own property in this approach)*
- Social Equity;
- Efficiency;
- Conservation of biodiversity; and
- Community participation. *(State Government has had an almost closed-door policy in regards to this and other participation has been poor or non-existent)*

The strategic directions outline how the Vision will be achieved through the Regional Land Use Strategy. They are a broad policy framework to guide what we plan and decide and how we do it.

By better integrating land use and infrastructure planning, we can ensure that new development makes use of excess capacity in existing infrastructure, rather than creating demand for new infrastructure in un-serviced areas.

- **Supporting Strong and Healthy Communities.**
- The complex relationship between the built environment, land use, delivery of community and social infrastructure, improving quality of life and providing for a more socially inclusive society is increasingly recognised.
- While much of the population are able to enjoy our advantages and assets, there are still some community sectors facing social and locational disadvantage.

These actions can be seen to some as undermining Community and Health

REGIONAL POLICIES

Maintain and manage the region's biodiversity and ecosystems and their resilience to the impacts of climate change.

- BNV 1.3 Provide for the use of biodiversity offsets if, at the local level, it is considered appropriate to compensate for the loss of biodiversity values where that loss is unable to be avoided, minimised or mitigated.

Biodiversity offsets:

- a. are to be used only as a 'last resort';
 - b. should provide for a net conservation benefit and security of the offset in perpetuity;
 - c. are to be based upon 'like for like' wherever possible.
- BNV 1.6 Include in planning schemes preserving climate refugia where there is scientifically accepted spatial data.

Avoid the clearance of threatened vegetation communities except:

- a. where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and
- b. where the clearance will not significantly detract from the conservation of that native vegetation community.

THE COAST

RELEVANT STRATEGIC DIRECTION

- SD2: Holistically Managing Residential Growth
- SD6: Increasing Responsiveness to our Natural Environment
- SD9: Making the Region Nationally and Internationally Competitive
- SD10: Creating Liveable Communities.
- Maximise growth within existing settlement boundaries through local area or structure planning for settlements in coastal areas.
- It is land identified for urban expansion through a strategic planning exercise consistent with this Regional Land Use Strategy.
- Ensure use and development in coastal areas is responsive to effects of climate change including sea level rise, coastal inundation and shoreline recession
- Identify and protect areas that are likely to provide for the landward retreat of coastal habitats at risk from predicted sea level rise.

RELEVANT STRATEGIC DIRECTIONS

- Holistically Managing Residential Growth
- Increasing Responsiveness to our Natural Environment
- Creating Liveable Communities

REGIONAL POLICIES

- Ensure subdivision road layout designs provide for safe exit points in areas subject to bushfire hazard.
- Minimise the risk of loss of life and property from flooding
- Include provisions in planning schemes for use and development in flood prone areas based upon best practice in order to manage residual risk.

REGIONAL POLICIES

- Recognise, retain and protect historic cultural heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.
- places of local significance are to be listed within Heritage Codes contained within planning schemes, as determined by the local Council
- Recognise and list heritage precincts within planning scheme.
- Heritage Codes and spatially define them by associated overlays on planning scheme maps.

➤ **Not recognised in mapping**

SETTLEMENT	PROPOSED REGIONAL FUNCTION
Greater Hobart	Primary urban centre for the region, providing for significant housing and employment opportunities for the broader region.
Sorell	Major Satellite of Greater Hobart
Brighton	
Margate	
Lauderdale	Minor Satellite of Greater Hobart
Midway Point	
Seven Mile Beach	

Part 8.4 (MRH2) seeks to protect life and property from flooding through early consideration in the land use planning process

Social Infrastructure

- No recognition for a rezoning of the scale envisaged, future social infrastructure demands and how they would be met would need to be considered

Physical Infrastructure

- No strategic approach to infrastructure be adopted, including efficient use of existing infrastructure and planning new infrastructure with consideration of projected future demand.

Land Use and Transport Integration

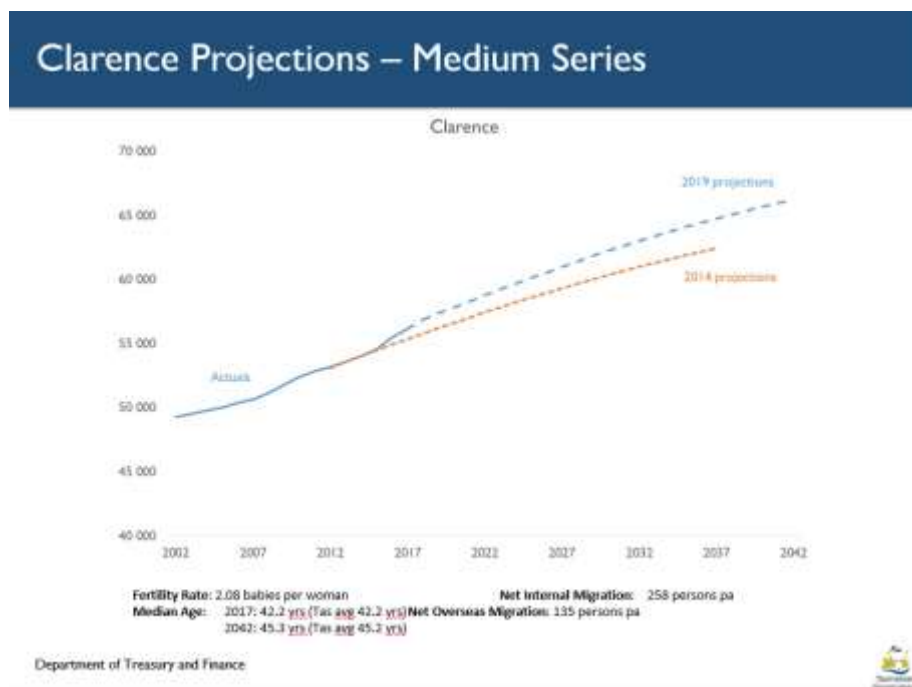
- State roads and Metro have recognised the urban footprint and future growth of Lauderdale with major roads and daily bus routes. Part 13.5 (LUTI 1) requires consideration be given to the integration of transport infrastructure with land use. The strategy is somewhat ambiguous in that it seeks to "give preference to" urban expansion around higher order Activity Centres rather than Urban Satellites or dormitory suburbs, yet also acknowledges that residential development outside of Greater Hobart will occur but should be consolidated into key settlements where the daily/weekly needs of residents can be met.

Settlement and Residential Development

- the 'Greater Hobart Residential Strategy'. Lauderdale is designated as a Minor Satellite of Greater Hobart and the Urban Growth Boundary does not currently allow for urban expansion in this area
- For a rezoning of the study area to be acceptable under Part 19 (SRD 1.1), it would be necessary first to amend the Urban Growth Boundary of the Strategy. Clause 34(2)(e) of LUPAA requires that a Local Provisions Schedule be consistent with the Regional Land Use Strategy. Justification for an amendment to the Urban Growth Boundary would require examining the assumptions underpinning it in the context of current population trends.
- The Greater Hobart Residential Settlement Strategy states that to meet the projected demand approximately 710 ha of further residential land would be required (using net density).
- This land was allocated to Greenfield Development Precincts in the Strategy and is generally zoned either 'General Residential' or 'Particular Purpose-Urban Growth' under the Interim Planning Schemes.

The population of Clarence

The Department of Treasury and Finance projections set the population of Clarence for 2014 at 54,015 people. ABS 2014 Population 2014 = 54,219 people
Lauderdale Ranked 17th among the most populated areas in Tasmania with a Population of 2,411



Clarence Total persons population (Medium Series) by age groups

Year	Age Group 1 0 to 14 yrs	Age Group 2 15 to 29 yrs	Age Group 3 30 to 49 yrs	Age Group 4 50 to 64 yrs	Age Group 5 65 to 85+ yrs	TOTAL
2017	10 296	9 399	14 142	11 175	11 136	56 148
2018	10 391	9 464	14 361	11 247	11 400	56 863
2019	10 488	9 399	14 487	11 330	11 640	57 343
2020	10 492	9 442	14 610	11 426	11 848	57 819
2021	10 537	9 425	14 700	11 516	12 110	58 289
2022	10 499	9 521	14 773	11 593	12 366	58 752
2023	10 468	9 626	14 867	11 620	12 628	59 210
2024	10 440	9 723	14 995	11 574	12 930	59 662
2025	10 426	9 799	15 132	11 531	13 219	60 107
2026	10 413	9 899	15 261	11 477	13 497	60 547
2027	10 412	9 993	15 415	11 417	13 744	60 981
2028	10 434	10 050	15 545	11 391	13 986	61 407
2029	10 483	10 071	15 661	11 355	14 252	61 823
2030	10 512	10 120	15 753	11 419	14 426	62 229
2031	10 540	10 156	15 810	11 565	14 553	62 625
2032	10 628	10 153	15 832	11 694	14 701	63 009
2033	10 673	10 188	15 841	11 804	14 874	63 380
2034	10 712	10 230	15 823	11 901	15 072	63 738
2035	10 746	10 250	15 821	12 011	15 257	64 085
2036	10 777	10 273	15 815	12 077	15 478	64 421
2037	10 807	10 273	15 840	12 151	15 676	64 746
2038	10 835	10 275	15 869	12 254	15 830	65 062
2039	10 862	10 281	15 893	12 383	15 951	65 369
2040	10 888	10 292	15 904	12 531	16 053	65 669
2041	10 913	10 306	15 914	12 690	16 137	65 960
2042	10 938	10 327	15 932	12 856	16 192	66 245

Median property price Lauderdale Tasmania

Lauderdale	realestate.com.au	Domain.com.au	reit.com.au
Oct-16	\$368,000	\$353,000	\$366,000
Dec-19	\$590,000	\$660,000	\$525,000



Statistical Information - 2019

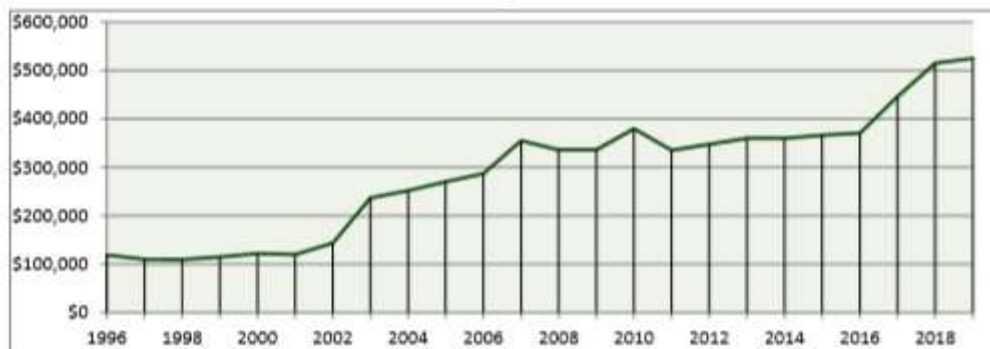
Houses

Sales:	26	Percentage Change	
Median:	\$525,000	last year:	1.9%
Lower Quartile:	\$456,875	2 years prior:	17.6%
Upper Quartile:	\$660,750	5 years prior:	45.8%
Median Days on Market:	28	10 years prior:	56.3%

Year	Sales	Sell Price			Quartile		Days on Market
		Median	Min Price	Max Price	Lower	Upper	
1996	30	\$118,750	\$49,000	\$305,000	\$100,000	\$153,000	41
1997	43	\$110,000	\$62,000	\$250,000	\$89,975	\$136,000	71
1998	48	\$109,500	\$64,000	\$260,000	\$91,875	\$147,250	65
1999	67	\$115,000	\$16,000	\$257,000	\$91,250	\$146,250	62
2000	61	\$122,000	\$18,000	\$240,000	\$95,000	\$143,000	41
2001	67	\$120,000	\$11,333	\$370,000	\$99,000	\$142,500	34
2002	60	\$143,500	\$70,000	\$290,000	\$127,688	\$162,000	18
2003	40	\$237,000	\$115,000	\$575,000	\$173,750	\$305,500	23
2004	33	\$252,000	\$150,000	\$815,000	\$205,000	\$295,000	45
2005	48	\$270,000	\$185,000	\$585,000	\$245,375	\$340,000	54
2006	50	\$287,250	\$130,000	\$730,000	\$250,000	\$346,250	60
2007	38	\$355,000	\$235,000	\$585,000	\$309,750	\$445,625	39
2008	25	\$336,000	\$240,000	\$770,000	\$310,000	\$418,000	39
2009	40	\$336,000	\$210,000	\$712,000	\$291,000	\$362,625	42
2010	41	\$380,000	\$223,000	\$822,500	\$335,000	\$470,000	47
2011	25	\$335,000	\$202,222	\$640,000	\$300,000	\$382,000	40
2012	18	\$347,500	\$170,000	\$660,000	\$308,500	\$417,500	59
2013	33	\$360,000	\$230,000	\$760,000	\$305,000	\$425,000	78
2014	29	\$360,000	\$265,000	\$850,000	\$325,000	\$440,000	65
2015	36	\$366,250	\$260,000	\$1,305,000	\$318,250	\$439,000	58
2016	42	\$371,000	\$255,000	\$820,000	\$337,000	\$433,125	47
2017	34	\$446,425	\$237,000	\$770,000	\$405,000	\$579,250	26
2018	45	\$515,000	\$360,000	\$900,000	\$445,000	\$672,000	20
2019	26	\$525,000	\$356,000	\$915,000	\$456,875	\$660,750	28

LAUDERDALE

Median House price movement



While REIT has full confidence in its figures, no warranty, no guarantee, or holding out, either expressed or implied is given and persons or companies who pursue financial investment or otherwise who act on the basis of this data do so at their own risk.

Prepared by Research 5/02/2020

Council Recommendation

Reject: the existing zoning in the subject area of Lauderdale the translated in to Rural Living zoning on a “Like for Like” basis.

PROPOSED INTERIM PLANNING SCHEME REVIEW OF PUBLIC REQUESTS

NEW CLARENCE PLANNING SCHEME INVITATION FOR SUBMISSIONS

Council is currently preparing a new planning scheme in accordance with State Planning Directive No. 1. This initiative arises from an agreement between the State Government and the Southern Tasmanian Councils Authority with the aim of producing consistent planning schemes based on the adopted Southern Tasmania Regional Land Use Strategy.

To assist in the early stages of the preparation of this new planning scheme, Council invites submissions from individuals or groups on matters they would like to see addressed in the preparation of the new planning scheme. These matters could include for example, requested planning controls for particular areas or properties.

As the new planning scheme proceeds through the statutory process in accordance with the Land Use Planning Approvals Act 1993, there will be further opportunities for input and to make representations.

Submissions should include a full description of the issue, together with supporting technical information where required. Submissions should be addressed to the General Manager in writing to PO Box 96, Rosny Park, 7018 or by electronic mail to clarence@ccc.tas.gov.au and are to be received by Monday 16 April 2012.

If you have any enquires please contact one of Council's Planning Officers on telephone (03) 6245 8612.

Incorrect Statements by Council

- There is no strategic basis for conversion to residential development, in the Planning Scheme, the Lauderdale Structure Plan or the STRLUS.
- The submissions do not raise any matters not previously considered by the Council.
- Accordingly, to the engineering review conducted by JMG consultants, the land is significantly constrained and filling of land to intensify development would minimise the flood routing effect and result in increased flood levels for the same rainfall events. The greater the amount of filling, the higher the level and frequency of flooding that will occur. This will increase the risks to people and property in Lauderdale.

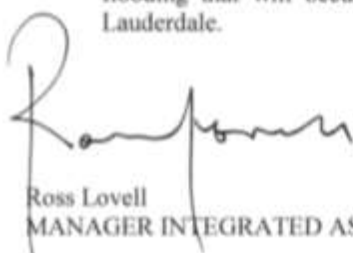
major stormwater detention basin on the same land as the sewer pump station for the area as in times of high rainfall there may be the possibility of cross contamination.

So, from an engineering perspective, it is concluded that:

- While stormwater engineering solutions may be possible for the site development of the Submission 1, the reduction in the land available for use as stormwater retention due to filling will increase the frequency and flood level on Council's land at 36 Mannata Street and the adjoining properties. This is likely to become worse over time with the effects of climate change.
- Submission 2 involves developing the entire flood plain. This will result in flooding of upstream properties, including Terrina Street. It is unlikely Council's land has sufficient capacity to accommodate the required stormwater retention; it has one of the main sewer pump stations located on the site to service Lauderdale's intended sewer network. The JMG consultants report estimates that the stormwater network to accommodate the run-off associated with the Submission 2 type development will require major upgrade, some sizes 5 times existing, which will entail significant costs.

Conclusion

- Over many years the zoning of the land has not provided any expectation that would be zoned for residential development.
- There is no strategic basis for conversion to residential development, in the Planning Scheme, the Lauderdale Structure Plan or the STRLUS.
- The TPC has advised it would not support "Active Rezoning", particularly where there is no strategic basis supported by the STRLUS.
- The submissions do not raise any matters not previously considered by the Council.
- Accordingly to the engineering review conducted by JMG consultants, the land is significantly constrained and filling of land to intensify development would minimise the flood routing effect and result in increased flood levels for the same rainfall events. The greater the amount of filling, the higher the level and frequency of flooding that will occur. This will increase the risks to people and property in Lauderdale.



Ross Lovell
MANAGER INTEGRATED ASSESSMENT

Attachment – "Lauderdale Stormwater Drainage Assessment February 2012" (37)

Correct Statements

Over many years the expectation provided by Clarence Council through its planning material and approved Development Applications in the area gives rise that the Lauderdale would be zoned for residential development:

1. Members of the public in Lauderdale have received approvals for land fill and plans from Council that subdividing would be allowed in the future.
2. 1983 Eastern Shore planning scheme showed Central Lauderdale as “FUTURE URBAN”
3. 1986 The Council stated that Central Lauderdale is reserved for future residential development when sewerage was connected to the area, and infill development on existing vacant sites (Central Lauderdale) will be permitted.
4. 2004 the Tasmanian Government decides to sewer Lauderdale and upgrade South Arm road.
5. 2007 Mr Shephard considered that because
 - a. Lauderdale had been a de facto part of the Clarence urban area for many years, with an urban housing standard
6. recent decisions to upgrade sewerage and water, there had been a strategic change of direction.
7. Lauderdale should now be included in the settlement pattern as an urban area; it would not stay static.
8. He stated that the proposal complied with the SCP 1996 being based on a settlement totally reliant on a coastal position and, depending on expert evidence, would have no environmental impact.
9. Mr Shephard stated that the Tasmanian Chamber of Commerce and Industry made statements from time to time about the need for further affordable housing, but not specifically in Lauderdale.
10. 2007 Clarence Residential Strategy documents showed Central Lauderdale as “RESIDENTIAL zoned area 2 Reserved Urban.
11. 2011 Lauderdale Structure Plan put the case for expansion of the current Urban Growth Boundary (UGB)

Example of Changes NOT LIKE FOR LIKE

- 2007 Roches Beach Living was noted as a “Community Living Zone” and was changed by Council to “residential”
 - NOTE: the community living village was approved with high density development which does not comply with residential zoning of the area.
- 13 North Terrace “Driftwood Restaurant” commercial activity
 - Zoned open space



Drainage

Option 1

Raising Ringwood Road and Mannata Street to 3m AHD.

The major issue with this option is that Roches Beach Living (RBL) will become lower than the entire surrounding area, effectively forming a basin. Water will have to be pumped out during high rainfall events, which presents significant operational risk.

- Council passed the development of RBL on known flood area and it has stormwater collection tanks and pumps daily

Option 2

Providing a cut off drain to divert flows from above the Urban Expansion area (contour 3.6m AHD) directly to Ralphs Bay through 424 South Arm Highway

Part 7.5 (C2) requires that use and development in coastal areas is responsive to the effects of climate change. To achieve this, growth is to be directed to areas that avoid exacerbating current risk. A rezoning that allowed for residential expansion within the study area would therefore need to be supported by an engineering solution that demonstrates how drainage and the future impacts of climate change can be managed in the long term. A solution that can also reduce risk to the existing settlement through drainage improvements would also have greater strategic merit.

GOVERNMENT LIABILITY IN NEGLIGENCE

MARK ARONSON

Melbourne University Law Review [Vol 32]

CONCLUSION

- Answering the question of when government entities owe a common law duty of care has never been easy, and the tort reform legislation has introduced further and largely unprincipled hurdles. The time might have come to question whether the fault might lie in the question itself. Government activities are usually judged by the 'ordinary' law of negligence, and one can often find good reasons for the exceptions. It is submitted, however, that it is never a good reason to deny a duty of care simply because the defendant is the government, or because it is a statutory authority, or because it has statutory powers or statutory duties.

The duty of care of a public authority

15 March 2019

Stafford Hopewell, Partner, Brisbane

- A recent Queensland decision raises the important issue as to when a public authority, in the exercise of its statutory powers, will owe a common law duty of care to the public.

General principles

Public authorities (including state and local authorities) undertake a number of public functions, which can give rise to a duty of care to an individual or a class of individuals. The principles can be stated broadly as follows.

- The existence or otherwise of a common law duty of care owed by a statutory authority turns on a close examination of the terms, scope and purpose of the relevant statutory regime.
- A public authority, which is under no statutory obligation to exercise a power, generally owes no common law duty of care to do so.
- However, it may by its conduct attract a duty of care that requires the exercise of the power where:
 - the authority, in the exercise of its functions, has created a danger;
 - the circumstances of the authority's occupation of premises or its ownership or control of a structure attracts to it a duty of care; or
 - the authority acts so that others rely on it to take care for their safety.
- The Civil Liability Act modifies the common law in various respects, including to limit the functions required to be exercised by the authority to the financial and other resources that are reasonably available to it^[4] and to provide that an act or omission of the authority is only wrongful if, in the circumstances, it is so

Negligent misstatement by statutory authorities – duty of care and special statutory power

May 15, 2019 by Stuart Simington

- The existence of a duty of care in negligence for a misstatement by a statutory authority was recently considered in *Loulach Developments Pty Ltd v Roads and Maritime Services* [2019] NSWSC 438, by the NSW Supreme Court.
- Failure to ensure that such information is accurate may result in findings of negligence against statutory authorities should the reliance on that information be found to have caused loss to the recipient of the information.

Duty of care

The Court then considered whether a novel tortious duty of care existed in relation to Rep 2. In doing so, it said that the most significant factors to be considered in order to determine whether such a duty of care should be imposed were:

- assumption of responsibility;
- reliance;
- vulnerability; and
- inconsistency with the statutory regime.

(see *Caltex Refineries (Qld) Pty Ltd v Stavar* (2009) 75 NSWLR 649 at [103] regarding the non-exhaustive list of "salient features" to be considered when evaluating whether to impose a novel duty of care and identifying its scope and content).

Street	Number	Development Application
Balanada Street,	11	Demolition and 3 multiple dwellings
Balook Street	101	Alterations and additions to dwelling
Balook Street	126	Dwelling
Balook Street	110	Partial demolition and additions to dwelling
Bangalee Street	2	Outbuilding
Bangalee Street	48	outbuilding
Bayside Drive	1-3a	Change of use to Visitor Accommodation
Bayside Drive	14d	Dwelling
Bayside Drive	14c	Dwelling & Outbuilding
Bayside Drive	14b	Dwelling
bayside Drive	3	1 lot subdivision
Bayside Drive,	14	2 Multiple Dwellings
Bayside Drive,	14d	Dwelling
Bayside Road	3a	2 Multiple Dwellings
Bayview Road	77	Additions & Alterations to Dwelling
Bayview Road	85	Additions & Alterations to Dwelling
Bayview Road	172	Dwelling
Bayview Road	154	Dwelling additions and alterations
Bayview Road	132	Dwelling
Bayview Road	28	Alterations & additions
Bayview Road	172	Dwelling
Bayview Road	139	Additions
Bayview Road	1	Changes of Use to Takeaway Shop
Bayview Road	59	Addition to dwelling
Cabarita Street	1	Dwelling additions & alterations
Dona Road	10a	Addition to Club Room
Dona Road	10a	Public toilets and Bar
Eumatalla street	1	Additions to dwelling
Mannata Street	77	Dwelling
Mannata Street	56	3 lot subdivision
Mannata Street	46	6 lot subdivision
Mannata Street	37	Dwelling
Mannata Street	43	Dwelling
Mannata Street	49	Dwelling
Mannata Street	35	Dwelling
Mannata Street	75	Dwelling
Mannata Street	71	2 multiple dwellings
Mannata Street	45	Dwelling
Mannata Street	Lot 3, 61	Dwelling
Mannata Street	31	Dwelling
Mays Point Road	17	Dwelling
North Terrace	13	Restaurant addition (Shade sails)
North Terrace	38	Dwelling addition (deck)
North Terrace	13	Demolition and additions to restaurant
Ringwood Road	8	Dwelling addition
Seamist Court	16	1 lot subdivision
South Arm Road	450	Market
South Arm Road	538	Signage
South Arm Road	476	Signage
South Arm Road	528	Additions to Shop
south arm road	506	Land Fill
South Arm Road	450	food van
South Arm Road	528	Change of use to cafe
South Arm Road	538	boundary adjustment
South Arm Road	570	Swim Centre
South arm road	490	Additional use of building for Fitness Centre
South Arm Road	455	Addition & Outbuildings
South Arm Road	476	Alterations and extentions to shopping centre
South Terrace	63	Demolition, Alterations & Additions & Outbuilding
South Terrace	65	2 Multiple Dwellings (1 existing + 1 new)
South Terrace	59	Deck addition

Politics

- Owners Consent form issued 10 March 2020:

Owners' consent form issued

- The Commission has issued an owners' consent form that must accompany all draft amendments and combined permits and amendments from 30 March 2020. The completed form will provide evidence of owners' consent as required under section 33(2A) of the Land Use Planning and Approvals Act 1993.
 - I have NOT given any consent to any of the planning changes in codes, overlays or Zones or any implication on my property.
-
- In circumstances where application of the State Land Potentially Suitable for Agriculture Zone layer (published on the LIST) would appear contrary to a "like for like" conversion of existing zones, further consideration was given to:
 - The existing use/s on site and in particular whether it was being actively farmed.
 - Whether the land was serviced by, or could be to be connected to, a water reuse scheme.
 - The absence or presence of natural assets and the risk of losing any protection afforded to them by the Natural Assets Code in the event the site was to be zoned Agriculture.

There are cases where farms coexist with significant vegetation currently protected under the Code. The application of the Agricultural Zone implies that the vegetation could be clear felled. Modern, sustainable agricultural practice supports the retention and improvement of vegetation to enhance farm productivity through land management. Where the two differed, a **"like for like"** conversion of existing zones was weighted higher than zoning consistently with State Land Potentially Suitable for Agriculture Zone layer. The exceptions to this are identified in Table 5.2 Departure from CIPS2015 "like for like" Zone Conversion at line items 39 & 40 (428 Fingerpost Road, Campania and 334, 344, 354, 474, 486, 488, 528 & 552 Richmond Road, Cambridge respectively). It is understood that despite the Natural Asset Code not being applicable to the Agricultural Zone, to assist understanding of the appropriateness of the Rural and Agricultural zone allocation that the Natural Asset Code mapping will be available for display during the exhibition of the LPS.

THE IMPACT OF POLITICAL INTERFERENCE IN PUBLIC ADMINISTRATION

ISSUES OF POLITICAL INTERFERENCE IN PLANNING

- Poor planning and decision making
 - Poor implementation of projects
 - Lost of resources
 - Biasness in planning
 - Unnecessary prolong of planning process

CONCLUSION

Political interference in urban planning comes with an adverse effect on the development of any urban area as it completely disturbs the flow of planning work and renders the urban planning profession's relevance insignificance.

To achieve steady and effective urban development through optimal allocation and distribution of resources, political interference in urban planning must stop so that urban planners will have the full capacity of exercising their duty.

- In Lauderdale we have seen the proposition of a Marina Backed by the State Government and lost to the Green Political push. Now I am not saying the Marina should or should not have gone ahead but the process was not transparent nor Honest with the Local Community being split by propaganda and misinformation with most not knowing who was who and what was the truth.
- The Greens continue with this MO and mix truth with outright lies so the community cannot tell the difference, nor even see or believe it is happening.
- The Greens have used this Environmental planning issue to get their state leader (Cassy O'Connor) elected and continue their political momentum through the planning process in Tasmania.
- Lauderdale needs better than to be dealt a back hand by these and others with their own biases and agendas of putting down anyone or anything that does not agree with their falsifies.
- An example of the lengths the Greens will go is to Lie under parliamentary privilege and to undermine anyone with opposing views, even if they are true.
- In 2010, 29 (5 acre) landowners formed an association (The Advanced Lauderdale Association) ALA to apply to have their land in Central Lauderdale rezoned from rural to residential, one of the members was myself Michael Figg.

Following is the way the Greens acted using parliamentary privilege to undermine the character and the democratic process of the local community:

Example of Political Interference



Gutwein Must Rule Out Future Support for Lauderdale Urban Expansion Plan

Parliamentary Activity - Tuesday, 2 May 2017, Rosalie Woodruff MP

Clarence City Council - Lauderdale Urban Area - Rejected Proposal

HANSARD

Ms WOODRUFF (Franklin) - I rise tonight to report on a decision by the Clarence City Council it made at its meeting last night on a proposal to expand the Lauderdale urban area to a new zone from rural, residential to close residential area. I am pleased to say the Clarence Council rejected that proposal, which had been to the Planning Commission some years past and was roundly rejected. It was a highly risky proposal. The mayor, Doug Chipman, was talking about it and was interviewed on ABC Radio this morning. He commented that the council decided the proposal did not stack up and had too many risks associated with it.

Ms O'Connor - Has he told Mr Gutwein about that?

Ms WOODRUFF - I wonder whether there has been formal correspondence with Mr Gutwein yet because the hand of the Government has been pushing this project from the start. That is one of the big concerns for the future because Mayor Chipman did not close the door on this project coming before council for yet another time. This would be a disaster for Tasmania. It would be an utter waste of time for the ratepayers of Lauderdale and the Clarence Council to have to mount a case against it yet again. It would be a disaster for the state if it were ever approved because the climate change risks are very great, and it indicates there is a rump in the Tasmanian Liberal Party which has some extreme climate change deniers.

One of the backers of the project, Senator Abetz, wrote to the mayor in 2013 and said that landholders have been advised they would need to lift the level of their land and that some might have to do this at great expense, 'to fill the requirements of council'.

No, this is about fulfilling the requirements of reality. This area is already inundated with saltwater. It is already subject to tidal incursion. Numerous reports have been done by the state government, or funded by the state government. Good work has been done by members of the Clarence community. A number of reports have been compiled - Coastal Hazards in Tasmania, the Tasmanian Coastal Adaptation Pathways Project and the Department of Premier and Cabinet's own Mitigating Natural Hazards through Land Use Planning are all major, scientific and community observation documents that detail, without a shadow of a doubt, that this area is increasingly going under water.

The issue for the state is that we have a government that is prepared to show some direction on what is happening to our coastal fringes as a result of climate change. We have had a minister, Mr Gutwein, who wrote to the Clarence City Council last year saying that this was a priority project. This state government has already wasted \$40 000 of taxpayers' money, putting it behind a feasibility study prepared for the council by an engineering firm to investigate yet again whether this was a dog of a project. Clarence ratepayers have paid over \$100 000 towards that project. There has been \$150 000 wasted on defending the reality of climate change, and the fact projects like this cannot be done without the most massive expense and to the risk of other surrounding landowners.

That was one of the many risks the Clarence Council sensibly voted down in this proposal last night. **Mr Figg, the proponent**, was at the meeting and so were the police because councillors have been threatened in the process of defending their residents.

Councillors have been approached; they have been stalked; and they have been harassed by people determined to put their own private interests ahead of reality and the interests of the community. Fortunately, the council was sensible enough to see the manifest risks of this project, but we do not want it to be raised for a third time. The state Government has to come out and Mr Gutwein has to come out now and make a commitment that will not waste another cent of taxpayers' dollars or any more of our time in avoiding adapting to climate change. We cannot keep putting up these hare-brained projects.

We cannot expect the rest of the Tasmanian community to pay for every single individual's house site if its property price goes down because the sea level is rising. We have to have a plan because Mr Figg is not the only person in Tasmania in this situation. Everybody in the Franklin electorate living on the edge of the water is in the same situation. We need a government to embrace the reality of climate change, to wake up and come up with a plan. **Mr Figg is a dime a dozen here. Actually, that may not be true. There is only one Mr Figg,** but there are many people who are concerned about how we will have roads that function, be able to transport ourselves, be able to get to the shops and take our kids to school. It is a really serious issue. We have to start planning not just for the future but also for the present because it is happening now. This change is happening.

I congratulate the residents of Lauderdale who yet again stood up to this mad idea and the threatening behaviour of one of the proponents. I hope that they do not have to do it again. Mr Figg made a point on ABC Radio this morning, pretending that the Greens had gone to retirement villages, advocating for this.

Time expired.

Proposed Lauderdale Development a Disgrace

Parliamentary Activity - Wednesday, 12 April 2017, Rosalie Woodruff MP

Ms WOODRUFF (Franklin) - Mr Deputy Speaker, I rise as the member for Franklin with the shadow planning portfolio to voice grave concerns I have about a proposed development in Lauderdale, which is with the Clarence City Council. I understand the development defies all good planning principles. It indicates a level of climate change denialism and a great disregard for local residents. It would, if it continues, have a huge effect on ratepayers and potentially have litigation effects for council. It is a very serious matter that this is being raised yet again. I am bringing it to this place because residents are waking up to the fact that this is on the table again, when people who have been listening would have thought this was dead.

This has been tried before. The proposed redevelopment involves rezoning from rural living. It next to the Lauderdale general residential area. It was taken to the Planning Commission as an amendment from Clarence City Council to rezone it to general residential. The Planning Commission correctly knocked it back. It is totally unsuited for the intensive level of development that is proposed. It would involve a massive increase in height in an area that is already prone to inundation.

After the Planning Commission knocked it back the Planning Minister, Mr Gutwein, wrote a letter to council indicating this development was a high priority project for the State Government. The State Government has kicked in \$40 000 to the \$150 000 that the Clarence City Council has spent on a feasibility project. They have conducted a feasibility study that is available at the Clarence City Council website for anyone who is interested.

This whole development has an extremely unhealthy sniff about it. The fact it was knocked back by the Planning Commission on good planning grounds is one matter. What we see from this Lauderdale Urban Expansion Feasibility Study, which was conducted by JMG Engineers and Planners, who I have no reason to consider to be anything other than excellent engineers, have undertaken a thorough 201-page study. They have identified, not surprisingly, some massive engineering issues involved in this development.

It is no surprise to people involved in the Ralph's Bay marina project that some of the people behind this are the same people who were having a go at that dog of a project. They are at it again. They are desperate to do something with land which is ill suited for anything other than what it is being used for. They want to make a quick buck. What we are seeing is an incredibly huge engineering problem that would involve 635 000 cubic metres of soil being imported into the area. According to the engineer, it would take 250 days with truck movements every four to five minutes. It would take a year just to bring the soil in to this area, which is flood prone. There are 583 proposed lots - 583 extra houses built in what is a flood-risk area. Parts of that area are high risk, which means they are prohibited from development and it would require a planning amendment to override the overlay in the planning system. This is absolute madness. Not only would it generate 4875 vehicle movements a day, it would have an incredible impact on existing residences.

The point of this is that the feasibility study said this is not viable. It would return a negative value per lot. That is assuming that only half the cost of the road upgrades come from the developer and the other half would have to come from the State Government. It could not be done on a piecemeal approach, so the whole area ought to be completely raised up 3 metres above the Australian Height Datum. It is a total disgrace that it has come back to the table and we will be watching this.

Lauderdale Primary School - South Arm Road

HANSARD Parliamentary Activity - Wednesday, 10 April 2019, Rosalie Woodruff MP

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I speak on behalf of at least 1000 parents from the Lauderdale parents, grandparents and carers of young children who walk to and from the Lauderdale Primary School each day along an incredibly dangerous stretch of the South Arm Road. For years those parents have been trying to find a safer solution for their kids. It has come to a head recently because the school has grown so large, so fast. It is now one of the largest primary schools in Tasmania.

At the invitation of a parent, Clare Lanson (TBC), I went to have a look for myself a couple of weeks ago. Frankly, I was absolutely shocked at how frightening the conditions were and the speed of trucks, cars and other vehicles on that road. They were travelling only about one- and-a-half metres away from children who were streaming out of school, completely clueless and unaware of the danger that was right next to them on the road. With a parent I witnessed a tall child, a 5th grader, who fell off his bike onto the footpath because his shoelaces were not tied. He was fortunate enough to fall away from the direction of the traffic, not into the direction of the traffic. I shudder to think what could have happened if he had done that.

It is clear that it is a dangerous stretch of road. At the moment cars and trucks can travel past it at 70 to 80 kilometres per hour. I wrote to the minister - and I am pleased to say that Mr Tucker who is in the House - has listened to the community and is acting. He has made a commitment that he will refer the matter, as I recommended, for a short-term reduction in the speed limit to 40 kph so that the children will be safe until a longer-term solution can be found.

There are many options on the table including fenced infrastructure on the side of the road, diverting the road, putting alternative walking routes and extra carparks, all of which involve plenty of time and thinking. The most important thing is that there appears to be a commitment from the Government to take action on this issue to look after children's safety.

I am here today to make sure that the minister understands how many people in the community care about this as an issue. I seek leave of the House to table a non-conforming petition which has 905 signatures. I have shown it to the Opposition and I have shown it to the Leader for Government Business, both have agreed. With your leave, Mr Deputy Speaker, I will table this petition of 905 petitioners, an online petition, calling for safety for pedestrians and motorists between Lauderdale Primary and Ringwood Road.

Quite a number of people have made personal comments on that petition reinforcing the things I have already said, the things that I observe for myself, comments like 'My children cannot walk to school. I feel as if it is dangerous for them to navigate this section of the highway.' That was from a woman in Lauderdale. Another woman says, 'My eight-year-old child walks this stretch of road with his friends after school each day and I am constantly worried that there will be an accident due to the high-speed limits and the closeness of cars to children'. Another woman from Clifton Beach said, 'Such a high volume of small children walking along this dangerous road is a tragic accident waiting to happen. I like to encourage my children to be active and walk this section to school but most days it feels less than safe to do so.' Another woman from the area said, 'My children are at risk. A road this close to school grounds with a 70 kilometre an hour speed limit at times is a tragic accident waiting to happen'.

I strongly support the minister who is both the minister for Education and Minister for Infrastructure in furthering this and making sure that we put safety as a first priority. I know the minister is personally committed to the Love 40 campaign and the safety of children. I thank him for his commitment to take action on this issue. On behalf of all of the parents, grandparents and carers at the school I really encourage him to make sure it happens sooner rather than later.

Leave granted.

REALITY AND THE TRUTH.



CoastAdapt was developed by NCCARF with funding from the Australian Government through the Department of the Environment and Energy

Clarence City Council's coastal adaptation pathway report Friday June 30, 2017.

Over the last eight years, Clarence City Council in Tasmania has implemented a three- stage adaptation pathway, involving 'no/low regrets' and 'win-win' projects along with a more focussed adaptation strategy for the highest risk site at Lauderdale.

This document state another falsehood

- that the pathway has involved extensive community consultation, stepped beach access ways, signage and fencing, sand biodiversity surveys, dune in-fill with beach-scraped sand, photogrammetry, high-resolution aerial beach photo-monitoring, citizen science and hazard line refinement.
- Ratepayers support the idea of shared fiscal responsibility for adaptation options such as sand pumping, groynes and rock walling.
- Lessons learned include avoiding actions that limit or constrain future adaptation options, along with ensuring elected representatives, staff and community are well informed and supportive.

Long-term protection of the Lauderdale Township may include a sea wall on the swell-dominated side of the town and elevation of the main highway on the embayment side.

- Community engagement has resulted in widespread acceptance of a shared responsibility funding model and potential for densification of Lauderdale to defray the costs.

TPC

Phil Watson (Clarence City Council), contributed to Coast Adapt.

Clarence Residential Strategy 2008

The Clarence Residential Strategy Final Report 2008 is reflected in the current urban growth boundary for Lauderdale. The key findings of the strategy included identification of land supply for residential areas representing certain market segments. For Lauderdale, the report recognised:

- There was no more un-subdivided urban zoned and reserved residential land and the only way to create additional sites in these areas would be to subdivide existing sites (e.g. residential land that already contains a house or that is vacant and of sufficient size to split into one or more lots). Several areas have no land available to be rezoned for residential purposes, whilst those that do have significant environmental or servicing constraints. (Connell Wagner '08, 12)
- The smaller coastal and inland settlement areas including Lauderdale, have some demand for further growth, reflecting sea-change and other lifestyle phenomena, but all of these areas are constrained by servicing, locational and environmental issues. Generally they should only be able to be developed within existing defined and zoned areas. It noted that for this segment, Cambridge has some potential for further limited development, however further investigation is required, including a structure plan (Connell Wagner '08, 36). As this observation was made without the benefit of more recent investigation
- Like the bulk of Lauderdale, there are physical constraints. However, the key issue of future inundation potential can be overcome through engineering design in this area. There are no other limiting natural constraints, such as native vegetation or habitat. This is not necessarily the case for other Greenfields situations, where new growth represents an unnecessary risk to property and any new infrastructure.
- The capacity of the storm water drainage system does place significant limitations on the number of housing opportunities, without some major upgrading.

Objectives/Actions

Objectives	Actions	Priorities/Budget
UF/O1 To ensure the urban growth boundary reflects the desired future form of Lauderdale.	UF/A1.1 Amending the planning scheme's urban growth boundary to provide for the sustainable growth of Lauderdale.	High
	UF/A1.3 Amending the planning scheme to provide for a Commercial Zone that allows for the growth of the Activity Centre and a Residential Zone to accommodate Infill along Ringwood and Mannata Roads.	High

Objectives/Actions

Objectives	Actions	Priorities/Budget
R/O1 To provide for the sustainable expansion of residential development by growth and infill	R/A1.1 Amending the planning scheme to provide for adequate land suitable for residential growth, including modifications to the urban growth boundary.	High
	R/A1.2 Planning for urban growth along local collector roads (including Ringwood and Mannata roads), where supported by availability of a reticulated sewer.	High
	R/A1.3 Ensuring the limited growth areas are developed to meet the climate change study standards for protection from inundation.	High
	R/A1.4 Promoting "neo-traditional" principles to the design of residential areas, producing a compact form, which is connects neighbourhoods in a way that is legible and easily permeable	High/Ongoing
R/O3 To ensure that growth is supported by appropriate physical infrastructure.	amenity and safety, while providing a unique character to neighbourhoods and adequate pedestrian pathways relevant to the role of the street.	
	R/A3.1 Ensuring reticulated services are provided to residential development.	High
	R/A3.2 Ensuring roads are maintained in accordance with Council policy.	High

ARGUMENT FOR VILLAGE TO RESIDENTIAL also applies for Lauderdale

* CPIS2015 Village Zone & Conversion to the SPP Low Density Residential Zone

Clarence has expressed concern for some time that a weakness in the Guidelines is that the zone application framework appears to have been developed in isolation independently of the other zones. Consequence is that there are gaps between zone application requirements creating uncertainty as to what zone/s to apply to some existing areas.

While currently zoned Village under the CIPS2015, under the Draft LPS the Low-Density Residential Zone (LDRZ) has been applied to the un-serviced coastal settlements in: • Clifton Beach • Cremorne • Opossum Bay • Sandford (Honeywood Drive) • Seven Mile Beach • South Arm (including Half Moon Bay)

To provide context, historically these areas were coastal holiday/shack destinations on typically smaller lots (500 - 1000m² in Cremorne and 250m² – 800m² in Opossum Bay) that over time have been renovated/rebuilt and are now occupied primarily by permanent residents. These settlements are now essentially residential areas. Under the Zone Application Framework these coastal settlements are not well accommodated in any of the following zones: General Residential – because they are not serviced and there is no commitment to service them within 10years (if at all). Additionally, parts of these settlements are known to be subject to coastal hazards including erosion and inundation. Low Density Residential – because the majority of the existing lots are substantially less than the “large lots” envisaged by the application framework. Village – because a “genuine mix” of uses does not exist (the local shop in Cremorne has closed down in recent times and Opossum Bay has only the one General Store). The application of the LDRZ to the above-mentioned coastal settlements will reduce the development potential afforded to the existing lots in terms of the range of permissible land uses, the minimum lot size prescribed for subdivision and multiple dwelling densities. These are matters that could be raised by any potentially aggrieved representor and considered on a case by case basis. However, on balance it is submitted that the LDRZ is the best fit recognising that these coastal settlements:

- Are un-serviced;
- Are almost entirely residential;
- Have no commercial centre and few businesses; and
- In some cases, exposed to environmental Hazards.

Section 3.2.15 of this report confirms that the Low Density Residential Zone has been applied to Coastal settlements currently zoned Village under the CIPS2015 responding to the shifting Village Zone purpose, which under the SPP’s, now forms part of the suite of commercial zones. Similarly, the Zone Conversion Table at Table 5.1. identifies that the CIPS2015 Village to SPP Village would not be an appropriate conversion in Clarence as the CIP2015-SPP’s changes from a residential to commercial focus.

Clarence Local Provision Schedule

Supporting Report – updated Oct 2019 Page 58

- Clarence Local Provision Schedule Supporting Report (Updated August 2019 - Modified to address matters raised by TPC Assessment Panel)
- LAND USE PLANNING AND APPROVALS ACT 1993 - SECT 33

Interpretation of inconsistency in LPS

- (1) In the event of an inconsistency between provisions of an LPS, the LPS must, so far as practicable, be read so as to resolve the inconsistency.
- (2) In the event of an inconsistency between a provision, of a planning scheme that applies to a municipal area, that is a provision of the LPS in relation to the municipal area, and a provision of the planning scheme that is a provision of the SPPs that is in effect in relation to the municipal area (a) the planning scheme must, so far as practicable, be read so as to resolve the inconsistency; and
 - (b) subject to paragraph (a) , the provision of the SPPs prevails to the extent of any inconsistency with the provision of the LPS.
- (3) Despite subsection (2) , if a provision of the SPPs permits a provision of an LPS to override a provision of the SPPs (the overridden provision), a provision of an LPS that overrides, in accordance with the provision of the SPPs, the overridden provision prevails to the extent of any inconsistency with the overridden provision.
- (4) Despite subsection (2) , if a provision of an LPS that is a provision to which section 32(3) applies is inconsistent with a provision of the SPPs that is in force in relation to the municipal area to which the LPS applies, the provision of the LPS prevails to the extent of any inconsistency with the provision of the SPPs.
- (5) Despite subsection (2) , if a provision of the SPPs permits a provision of an LPS to modify, in relation to a part of the municipal area, the application of a provision of the SPPs (the modified provision), a provision of an LPS that modifies, in accordance with the provision of the SPPs, the modified provision prevails to the extent of any inconsistency with the modified provision.

5.0 Zones

The Commission, with the approval of the Minister, under Section 8A of LUPAA issued Guideline No 1 - Local Provisions Schedule Zone and Code Application (the Guidelines) in May 2017 and subsequently updated in October 2017.

The Guidelines outline instructions for the application of the SPP's with particular emphasis on Section LP1.0 of the SPP's which specifies the LPS requirements.



King John and the Magna Carta, an early legally binding document that limited the power of the king.



John Locke—father of classical liberalism.



September 22, 1948—the Third United Nations Assembly. At the close of this assembly, the UN adopted the Universal Declaration of Human Rights.

The Justice of Current Property Holdings

The economic argument supports private ownership as an institution. Economics tells us that private property, free trade, and peaceful cooperation promote economic efficiency and enhance human welfare. Thus, the economic approach endorses any property holding that came into being through peaceful means. Property holdings acquired through violence, however, receive no endorsement because such coercion—legal or illegal—disrupts the market process.

But these arguments do not endorse property acquired by immoral means. Violence, conquest, and coercion may create legal “rights” to property, but they do not create moral rights.

Thus, in general, property holdings arising out of capitalistic (free market) activities are morally justified. And violations of these property rights are to be condemned.

Our arguments further condemn all interference with the peaceful exercise of justly held property rights. By what right does anyone dictate how much rent a landlord may ask for his apartment? Or how much an oil dealer may ask for his oil? Or what a farmer may grow on his land?

And our arguments condemn the seizure (“locking up”) of millions of acres of land by various government agencies. By what right does anyone prevent people from peacefully transforming unowned resources? By what right do government officials—who haven’t creatively transformed an acre of wilderness—claim property rights over this land?

On practical grounds, however, those concerned with the future of the free society place themselves at a serious disadvantage by ignoring ethical arguments. The opponents of freedom can always conjure up expedient grounds for further government intervention, confident in the public’s ignorance of the economic and historic arguments against such intervention. Unless such expediency is met with compelling moral arguments against the violation of property rights, the would-be controllers will usually have their way.

Property rights are human rights, but in order to advance them, we need to anchor them as moral and just.

The simple answer is Article 17 of the Universal Declaration of Human Rights, which states that ‘everyone has the right to own property alone as well as in association with others [and] no one shall be arbitrarily deprived of his property’.

The simple answer is Article 17 of the Universal Declaration of Human Rights, which states that ‘everyone has the right to own property alone as well as in association with others [and] no one shall be arbitrarily deprived of his property’

The economic case for property rights has been amply demonstrated throughout history. Societies that have been best able to meet the material needs and aspirations of its population have been built on property rights.

Property rights don’t just include ownership. They also include the freedom to trade property, alter its use, or improve its value.

The Local Provisions Schedule (LPS) states:

The Local Provisions Schedule is limited to the application of zone and code mapping, particular purpose zones, specific area plans and site-specific qualifications that is to apply to the Tasmanian Planning Scheme.

The Local Provisions Schedule requirements are set out in the State Planning Provisions and are part of the legislated framework.

The Local Provisions Schedule is made up of:

- The zone maps
- Local area objectives
- Particular Purpose Zones
- Specific Area Plans
- Site Specific Qualifications
- Code overlay maps (prescribed and local data)
- Code lists (e.g. Heritage)

There is the ability for a council to create planning controls that are different to the State Planning Provisions, however, the legislation requires that the council demonstrates a unique or tailored approach and provides justification that the variation:

- a. Is of significant social, economic or environmental benefit to the State, region or municipal area; or
- b. Relates to an area that has particular environmental, economic, social or spatial qualities that require unique provisions.

FURTHER RESPONSE TO THE LPS

- a. Is of significant social, economic or environmental benefit to the State, region or municipal area;
 - This statement as does all of the LPS and the overall planning scheme puts a greater weight on the environment over the main inhabitants and owners HUMANS. Last time I looked WE are part of the Environment but this reads as if we are external to the argument.
 - Legal ramifications
 - Inconsistency of laws.
 - When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.
 - Property and possessory rights are explicitly protected by the law of torts and by criminal laws and are given further protection by rebuttable presumptions in the common law as to statutory interpretation, discussed below. An interference with real property in the possession of another may give rise to the tort of trespass to land or of nuisance. In *Entick v Carrington* (1765), Lord Camden LCJ said:
 - Similarly, the common law provides protection against unauthorised interference or detention of chattels. *Entick v Carrington*[9] concerned not just an unauthorised search but also a seizure of private papers. *Wilkes v Wood* (1763)[10] set out enduring common law principles against unauthorised search and seizure, later reflected in the 4th amendment to the United States Constitution.
 - The owner of land is generally the person entitled beneficially to a fee simple estate in freehold tenure: Murray Raff, 'Environmental Obligations and the Western Liberal Property Concept' (1998) 22 MULR 657, 659
 - A common law right. The common law has long regarded a person's property rights as fundamental. William Blackstone said in 1773: 'There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property.
 - In his Commentaries, Blackstone called the right to property an absolute right,[2] anchored in the Magna Carta (1215), and described the limited power of the legislature to encroach upon it in terms that are still reflected in laws today:
 - The third absolute right, inherent in every Englishman, is that of property: which consists in the free use, enjoyment, and disposal of all his acquisitions, without any control or diminution, save only by the laws of the land. The laws of England are ... extremely watchful in ascertaining and protecting this right. Upon this principle the great charter has declared that no freeman shall be disseised, or divested, of his freehold, or of his liberties, or free customs, but by the judgment of his peers, or by the law of the land.
 - So great moreover is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community. If a new road, for instance, were to be made through the grounds of a private person, it might perhaps be extensively beneficial to the public; but the law permits no man, or set of men, to do this without consent of the owner of the land ... Besides, the public good is in nothing more essentially interested, than in the protection of every individual's private rights, as modelled by the municipal law. In this and similar cases the legislature alone can, and indeed frequently does, interpose, and compel the individual to acquiesce. But how does it interpose and compel? Not by absolutely stripping the subject of his property in an arbitrary manner; but by giving him a full indemnification and equivalent for the injury thereby sustained ... All that the legislature does is to oblige the owner to alienate his possessions for a reasonable price; and even this is an exertion of power, which the legislature indulges with caution, and which nothing but the legislature can perform.

b. Relates to an area that has particular environmental, economic, social or spatial qualities that require unique provisions.

- No environmental
- Negative economic
- Negative Social

Spatial Qualities, in the context of architecture refer to the elements surrounding a place. It also refers to the relationship of an object with the area such as around, between or within its surroundings.

- Negative growth boundaries
- Only bird over human settlement
- Wetlands over defending properties from sea level rise
-

Telephoned (4/3/2020) the **Custodian of this data**

“Derwent Estuary Program”

Hobart

and they informed me that the maps are “OLD, OUT OF DATE” NOT GROUND TRUTHED from a North Barker and CCC prior to 2008. WHY IS IT CONTINUALLY BEING PUT ON THE LIST????? Even though I raised this matter since 2010 with CCC, TPC and Govt.



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- Is of significant social, economic or environmental benefit to the State, region or municipal area; or
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All of these elements are required to be represented in maps in accordance with the prescribed graphic format for colour and hatching so that all maps across the state are consistent.

➤ Distributional Fairness in Section 51(xxxi) of the Australian Constitution Cases

We have seen that in the US, distributional fairness is widely accepted as a justification for the takings clause, and is also an element in the Lingle test. In *ICM Agriculture Pty Ltd v Commonwealth*,^[148] Heydon J drew upon the US authorities in support of his view that the purpose of s 51(xxxi) is to protect the subject by Like the Fifth Amendment to the United States Constitution, s 51(xxxi) has the effect of barring ‘Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole’. Acquiring property without compensation imposes high costs on a small social group, sometimes at the behest of other groups having influence with the legislature: the need to pay compensation protects the position of the former and diffuses the relative power of the latter.^[151]

Based on this analysis of the purpose, Heydon J concluded that s 51(xxxi) and its key terms should be given a wide purposive interpretation to serve as a constitutional guarantee of property rights.^[152] His Honour cited High Court dicta which he regarded as implicitly supporting his views.^[153] The dicta included the statement of Latham CJ that s 51(xxxi) ‘is plainly intended for the protection of the subject’,^[154] and Dixon J’s remark that the purpose of the ‘just terms’ requirement is ‘to prevent arbitrary exercises of the power [of compulsory acquisition] at the expense of the State or a subject’.^[155] He also quoted a statement by Kirby J that the section ensures that ‘proper consideration is given to the costs for which the Commonwealth is thereby rendered accountable’.

The term “injurious affection” was originally found in English legislation compensating an owner for damage or loss of enjoyment of retained land caused by activities on a part of the land that had been taken by an eminent domain action or, in Australian terminology, on the land that had been resumed through compulsory acquisition.

PROVISION OF COMPENSATION FOR REGULATION UNDER STATE LEGISLATION

Most legislation that regulates land use is enacted by state legislatures. The states are under no constitutional duty to provide just terms compensation, even for acquisitions.^[159] State legislatures have the power to deprive a person of property for any purpose, with or without compensation.^[160] Most takings of property by state and local government authorities are effected under compulsory acquisition statutes which require payment of compensation.^[161] A state Act may authorise an uncompensated taking of property, provided that the intention is expressed in clear and unambiguous terms to overcome the common law presumption that a statute is not to be construed as taking away property rights without compensation.^[162]

Despite being under no constitutional duty to provide compensation, it has generally been the practice of state legislatures in Australia to provide for compensation for an actual taking of private property rights under statute. Compensation for compulsory acquisition generally extends to ‘injurious affection’ resulting from severance, measured by the reduction in value of the owner’s adjoining land resulting from its severance from the land that was taken.

SUMMARY



All of these elements are required to be represented in maps in accordance with the prescribed graphic format for colour and hatching so that all maps across the state are consistent.

1. Own property in Fee Simple
2. Purchased in 1997 with the idea of a home and investment for our future
3. Zoning was future urban
4. Changed to Rural and other rural zones such as Rural b
5. No notification of changes
6. No request to make changes
7. No agreement to change
8. Did not want changes nor agree to changes
9. Loss of Value from Councils acts and omissions
10. Loss and real loss of amenity and use of our property
11. Zoning is not consistent over other rural land in central Lauderdale
12. Prohibiting development while compelling landowners to fill to building heights
13. Environmental codes and overlays actually Take ownership from the property owners without consent/ their knowledge and without compensation.
14. Higher costs to insure or non-ability to insure
15. Higher costs to purchase/ rebuild
16. Banks will not lend or will call in loans as has happened here recently
17. CCC have environment over people and
18. Planning scheme show a retreat mentality and a restriction on landowners to defend even when they want to stay and defend
19. Misinformation and omissions in information provided to rate payers
20. NO REAL CONSULTATION
21. Regulatory taking
22. Concept of Fraudulent rate charges on land that will devalue
23. Ignoring the right of people to defend and enjoy their land and to sell and profit from investment
24. Lack of inclusion in the discussion of land use and ownership WE ARE THE KEY STAKEHOLDERS
25. Information overload, difficult to find and interpret and constantly changing without notice or version control.
26. What is good for the community
27. Where is the defence of property?
28. Mannata street Road by pass ignored
29. REPORTS & PUBLIC INFORMATION INACCURATE
30. LINKS ccc, thelist, DON'T WORK