

**From:** Clarence City Council  
**Sent:** Tue, 17 Mar 2020 11:22:17 +1000  
**To:** City Planning  
**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**

Mike McIntyre

**Email address**

mlmcintyreau@yahoo.com.au

**Postal address**

23 Thompson Way, Clifton Beach

**Submission**

Re: Application of Low Density Residential Zone There is a weakness in the State Planning Provisions [and of many planning schemes] with regard to the use of the phrase 'adjoining properties', especially in the Development Standards for Dwellings. The difficulty arises where the literal interpretation of 'adjoining' is applied. It can disadvantage, even disenfranchise, the rights of nearby residential properties with regard to issues of amenity and the like. For example, where the adjoining property is a right-of-way -- which allows no building or other development -- new dwellings can be incompatible with and cause an unreasonable loss of amenity on residential properties adjoining the right-of-way but which do not share a boundary with the proposed new dwelling. In such cases, strict literal interpretation denies due consideration of the impact on those properties. There should be some capacity to give the rights of those nearby [arguably 'adjacent'] residential properties better consideration. Section 10.3 of the Tasmanian State Planning Provisions, is equally restrictive using 'adjoining' with respect to properties; it does however include the more appropriate term 'adjacent' although this is always qualified by 'sensitive uses'. It is recognised that addressing the above comments is not within the purview of these draft provisions. However, they are matters that influence the quality of planning decisions in this state.