



# Clarence draft Local Provision Schedule

## Application of the STRLUS in the vicinity of Monique St

The Commission's letter dated 31 March 2021 relating to the application of the Southern Tasmania Regional Land Use Strategy (STRLUS) & Urban Growth Boundary (UGB) in the vicinity of Monique St, Howrah notes that, following advice from the Planning Policy Unit, the Commission is of the opinion of that the subject land is outside of the STRLUS.

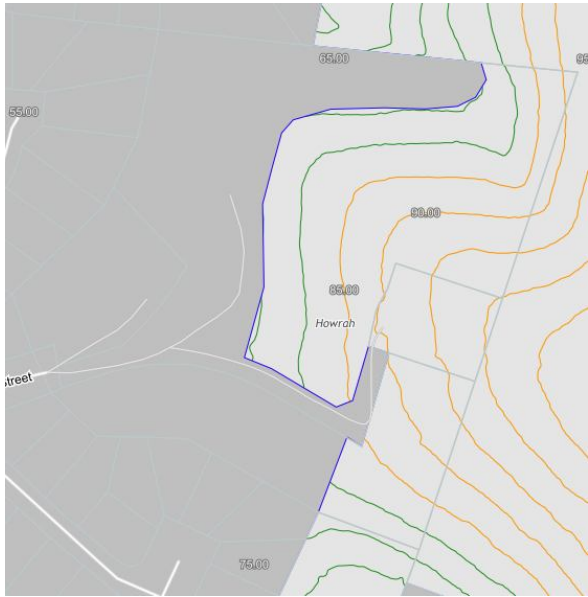
While the Commission's view is noted, it is submitted that in this case the subject land could be rezoned for urban purposes and to do so would be *'as far as practicable, is consistent with the regional land use strategy'*. The rationale behind this submission is outlined below.

### Background

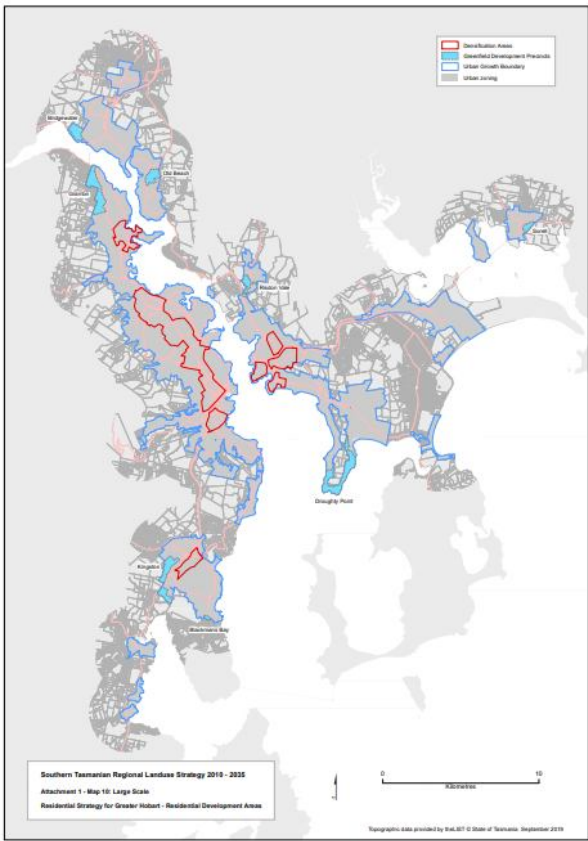
Prior to the 1 October 2013 amendment to the STRLUS, the Southern Tasmanian Council's Association (STCA) project coordinators requested its member Councils to revise the UGB with view to "firming up" the boundary to specifically remove the reference on Map 10 that stated that *"this map is a conceptual representation of some of the directions of the strategy....."* as it appeared when declared by the Minister on 27 October 2011.


The Clarence UGB was well established under the previous Clarence Planning Scheme 2007 (CPS2007) and generally reflected UGB in the STRLUS Map 10. However, upon review of the original Map 10 (as declared on 27 October 2011), it was established that several alterations to the UGB perimeter were warranted. One of which related to the area in the vicinity of Monique St.


Generally any required alterations were modified to align with established cadastral boundaries. However, for a range of reasons including previous planning history and developer expectation, bisecting a property was facilitated where warranted. Comparable to the LPS zone application framework, in the circumstance when bisecting a property was warranted, the UGB alignment was modified to reflect a physical feature or attribute such as a contour, creek line, significant vegetation etc.

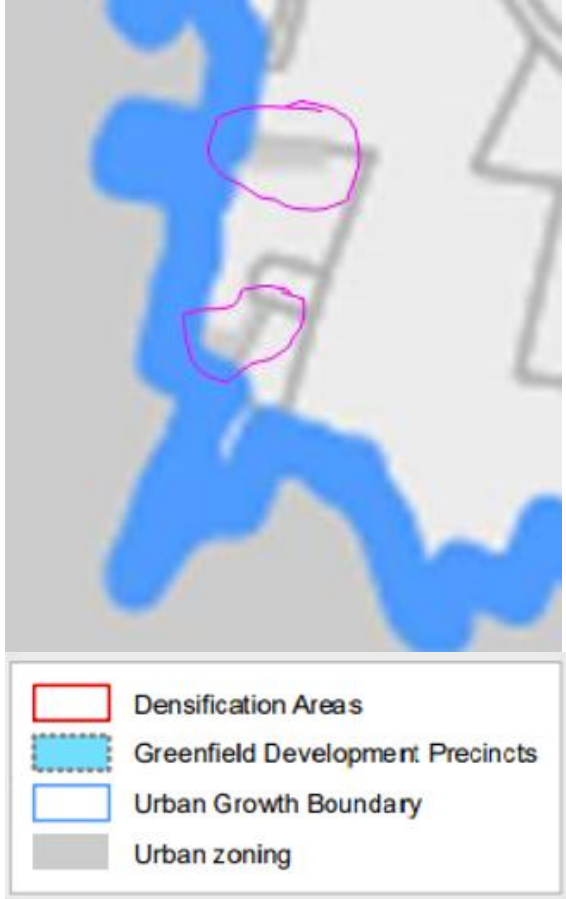

CCC GIS UGB Extract v's MAP 10	Comment
	<p>The work undertaken by Council showed that, in the case of 10 Monique Street, the UGB alignment ought to reflect the 75m contour as shown.</p> <p>In the case of 1 Monique St, the alignment was modified to reflect the historic zone alignment of the CPS2007 which represented an extension of the Mookaara St rear property boundaries.</p> <p>As explored at the panel hearing, it was Council's understanding that this alignment (shown in the diagram to the left) had been accepted by the STCA project coordinators and ultimately reflected in the amended Map 10 as declared by the Minister on 1 October 2013.</p>


**Map 10 - Urban Zoning and Urban Growth Boundary** (as Amended 19 February 2020)

Resolution of Map 10 Printed at A4	Comment
	<p>Under the STRLUS, Map 10 is titled <i>"The Residential Strategy for Greater Hobart"</i> and shows the residential development areas.</p> <p>Printed at A4 (as intended) Map 10 is generally unable to be interpreted at the castral level. The exception to this is where the boundary adjoins large non-urban parcels.</p>

Resolution of Map 10 via PDF viewer (500%)	Comment
	<p>The adjoining image shows an extract of Map 10 in the vicinity of Monique St zoomed in at the maximum 500% available through Council's PDF viewer.</p> <p>The image is an extract of the approved version and has not been altered.</p> <p>The Key to Map 10 clearly establishes the location of the Urban Growth Boundary, albeit approximately 30m wide at this scale.</p>

Increased zoom (beyond 500%)	Comment
	<p>While it is accepted that Map 10 was not intended to be examined at this level, despite the maximum zoom viewing settings in the PDF reader the above, the extract can be further expanded for the purposes of this discussion.</p> <p>It has not been altered.</p>

Detail beyond Cadastre	Comment
	<p>Although blurred at this scale/resolution, the extract opposite identifies two separate areas outside of the UGB. These areas do not reflect the established cadastre as shown below:</p>  <p>(Image from CCC GIS Base Cadastre layer)</p> <p>Accordingly, the grey polygons/lines shown the expanded Map 10 extract (left) represent something else other than the cadastre.</p> <p>On the face on of it, as represented by the Map 10 Key, these areas are categorised as “<i>Urban zoning</i>” (albeit outside of the UGB – which according to the Key are different attributes/entities).</p>

CCC GIS UGB Extract v’s MAP 10	Comment
<div data-bbox="256 1532 416 1563">CCC GIS UGB</div> <div data-bbox="539 1532 730 1563">STRLUS Map 10</div> 	<p>Comparing Council’s GIS version of the UGB (which was intended to inform the approved Map 10) there are strong similarities between the alignment of Council’s GIS mapping and approved Map 10 anomalies identified above.</p>

### Section 34(2)(e) of LUPAA

Section 34(2)(e) of the Land Use Planning and Approvals Act 1993 specifies that the planning instrument must be *'as far as practicable, is consistent with the regional land use strategy'*.

Based on the background leading up to Council's GIS UGB mapping and the discussion above it is likely that that when Map 10 was amended to "firm up" the UGB in the vicinity of Monique St:

1. Council's GIS mapping was accepted and ultimately reflected as "Urban zoning".
2. The UGB was not modified to align with the area identified for "Urban zoning" as it ought to have been. This is unexplainable but likely to have resulted from GIS information exchange/capabilities or miscommunication between Council and the STCA.

Importantly, when the decision was made to amend Map 10. It was not considered by the Minister at the level of detail explored above and it is submitted that the approved STRULS Map 10 establishes that the subject land is Identified as "Urban zoning" albeit outside the UGB.

This scenario is unique arising because of an anomaly and unlikely to be repeated.

As articulated at the panel hearing, Council understood that the subject land had been included in the amended UGB as amended on 1 October 2013. It is now accepted that this is not case, however, it is submitted that it should have been included and the fact that it is not was an error rather than a conscious decision of the STCA project managers or the Minister, neither of whom explored the subject area to the level of detail outlined above. The consequence is that a discrepancy now exists between the UGB (line) and the "Urban zoning" (polygon) identified on Map 10.

It is not the case that the UGB should take precedence over the "Urban zoning". They are both features identified on Map 10 and they both represent elements of the established residential strategy for Greater Hobart. It is submitted that the application of the General Residential Zone to an area identified in the STRLUS Map 10 as "Urban zoning" is *'as far as practicable, is consistent with the regional land use strategy'*.