

7.4 CLARENCE LOCAL PROVISION SCHEDULE - LINDISFARNE REZONING TO THE GENERAL RESIDENTIAL ZONE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review the representations received following the exhibition of the proposed amendment to the Clarence Local Provision Schedule (LPS) which was directed to be advertised by the Tasmanian Planning Commission (TPC).

RELATION TO PLANNING PROVISIONS

The LPS makes up the local component of the Tasmanian Planning Scheme (TPS).

LEGISLATIVE REQUIREMENTS

The proposed planning scheme modification was directed to be advertised by the TPC following the hearing into the Clarence LPS.

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

The amendments were exhibited from Wednesday 17 November - Tuesday 14 December 2021 in accordance with statutory requirements and one representation in support of the proposed amendments was received, TasWater responded to the advertised amendment and did not raise any objections.

RECOMMENDATION:

- A. That council resolves, under Section 40K of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission regarding draft PDPSAMEND-2021/022801 that:
- The draft amendment not be modified to take account of any representation;
 - It is satisfied that the draft amendment meets the LPS criteria;
 - It recommends that draft amendment be modified, and that 22 Radiata Drive retain its open space zoning and it not be zoned General Residential.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

CLARENCE LOCAL PROVISION SCHEDULE - LINDISFARNE REZONING TO THE GENERAL RESIDENTIAL ZONE /CONTD...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Clarence LPS and the representations received were considered at the Special Council Meeting of 26 August 2020.
- 1.2.** Following the TPC determination of the LPS, the TPC directed council as the planning authority to prepare amendments to the LPS.
- 1.3.** Council was required to notify the relevant agencies, such as TasWater and those State agencies and authorities that may have an interest in the draft amendment.

2. STATUTORY IMPLICATIONS

- 2.1.** Pursuant to Section 40K of the Land Use Planning and Approvals Act 1993 (LUPAA), council is required to consider the merits of any representation and provide the Tasmanian Planning Commission (TPC) with:

- “(a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
- (b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*
- (c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to:*
 - (i) whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*

- (ii) *the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
- (d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
- (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.”*

3. PROPOSAL IN DETAIL

3.1. The Amendment

The LPS is to be modified to rezone the properties in Section 3.2 (below) from Low Density Residential, Open Space and Rural Living to General Residential as shown in figure 1. TPC’s reasons for the change are noted below:

“The Commission therefore considers the existing developed areas within the Low Density Residential Zone at the Lindisfarne Ridge should be revised to the General Residential Zone. The land at 16 Kent Street should also be revised to the General Residential Zone as it is of a size consistent with the General Residential Zone, and is able to be connected to reticulated water and sewerage supply, consistent with GRZ 1 of Guideline No. 1.”

3.2. The Properties

The properties proposed to be rezoned and their existing zoning are listed in Table 1. The amendment only applies to the properties listed in the table and not to the entirety of Lindisfarne Ridge, the remainder of properties on the ridge will retain their current zoning under the LPS.

Address	Existing Zoning under LPS
19-28 Katrina Court	Low Density Residential
16 Kent Street	Rural Living
1, 2, 5, 6, 9, 10, 13, 14, 16, 17, 21, 23 Jove Court	Low Density Residential
2, 4, 6-16, 18-21 Radiata Drive	Low Density Residential
22 Radiata Drive	Open Space
Wassell Place various	Low Density Residential
Flagstaff Gully Road various	Low Density Residential

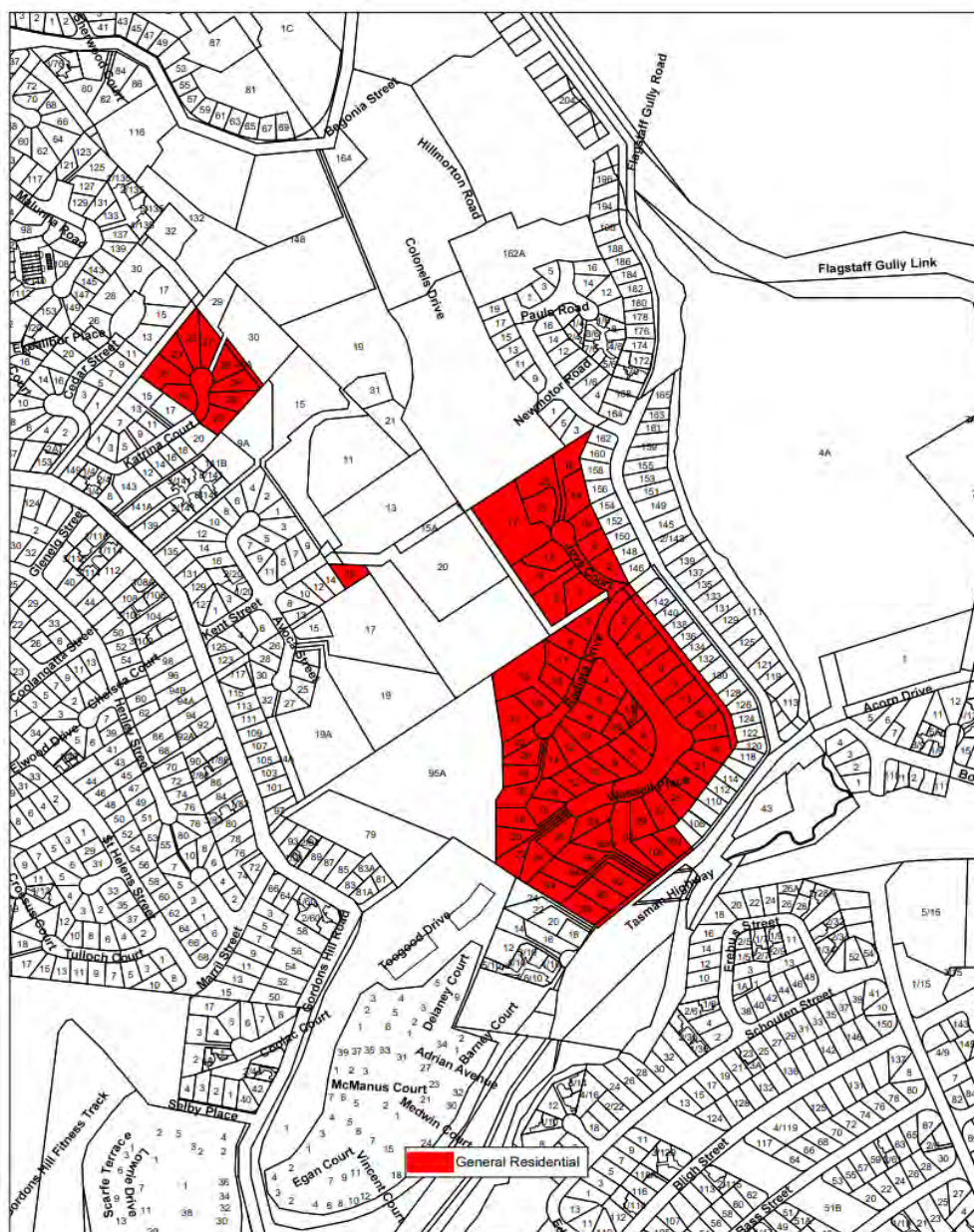


Figure 1: Properties to be rezoned from Low Density Residential and Rural Living to General Residential Zone – as advertised.

4. **CONSULTATION**

The proposal was advertised in accordance with the statutory requirements and one representation was received in support of the proposed amendment and one from TasWater raising no objections to the amendments.

5. AMENDMENT

Although the TPC directed that 22 Radiata Drive be rezoned from Open Space to General Residential this is likely an administrative error. No 22 Radiata Drive is zoned Open Space under the LPS, is owned by council, is at the end of the cul-de-sac of Radiata Drive and provides access to 95A Gordons Hill Road which is similarly zoned Open Space and is also owned by council. It is therefore recommended that council requests the TPC that 22 Radiata Drive remain zoned Open Space.

6. STATE POLICIES AND PROJECTS ACT OBJECTIVES

6.1. The Strategic implications and assessment of the proposal against the objectives of Schedule 1 of LUPAA are considered below.

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and to provide for the fair, orderly and sustainable use and development of air, land, and water; and
- (b) to encourage public involvement in resource management and planning; and
- (c) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (d) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

The area is within the STRLUS UGB and all properties can be connected to reticulated water and sewer and no objection was received from TasWater who were notified of the proposed amendment.

The amendment was advertised in accordance with statutory requirements and all relevant agencies notified. The amendment would have a limited impact on the implementation of the LPS and all landowners potentially affected by the modification have had two separate opportunities to lodge a representation and one responded in support of the amendment.

The natural and landscape values present on the properties are limited as they have already been developed for residential development and virtually all native vegetation has been cleared.

The amendment would free up additional lots quickly without the need to provide additional infrastructure.

The amendment has already been considered by council and the TPC. Council was directed to advertise the amendment as the TPC considered that the amendment was a substantial modification to the LPS.

6.2. The proposal is consistent with the outcomes of the relevant State Policies.

6.3. There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant Council policy.

7. CONCLUSION

In accordance with the requirements of Section 40K of LUPAA council is required to provide a statement to the TPC which addresses the merits of the representations, the effect of the draft amendment, a statement as to whether it is satisfied that the draft amendment meets the LPS criteria and any recommendations in relation to the draft amendment which the council thinks fit.

It is considered that the issues raised in the representation do not warrant amendments to the Draft Amendment.

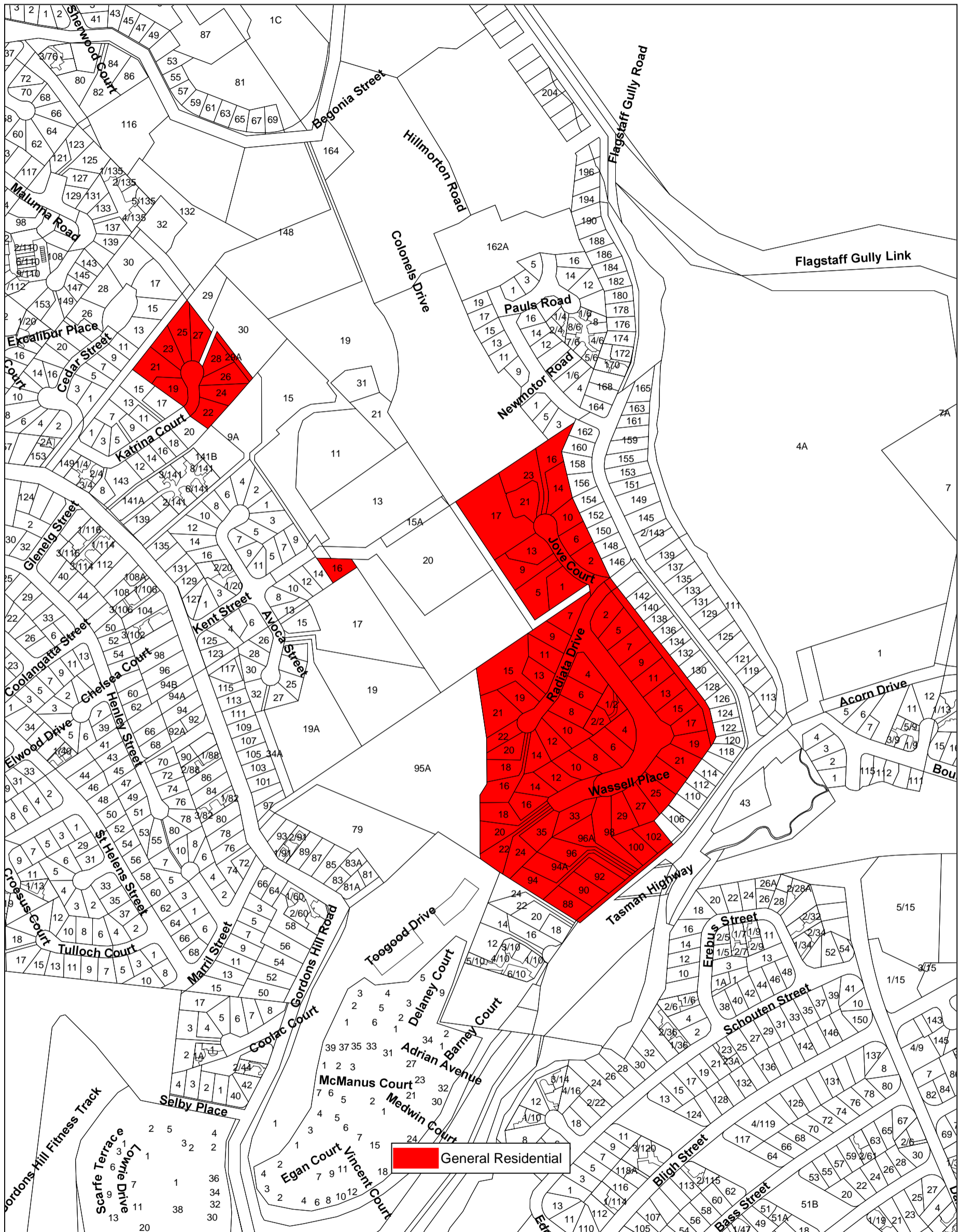
It is recommended that council requests that 22 Radiata Drive not be zoned General Residential and that it retains its current Open Space Zoning under the LPS, as it is part of a large public open space network.

Attachments: 1. Certified Amendment (1)

Ross Lovell
MANAGER CITY PLANNING

Tasmanian Planning Scheme - Clarence

Amendment: PDPSAMEND-2021/022801



PDPSAMEND-2021/022801

Printed 27/10/2021 @A3
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Rezone the land at Lindisfarne from the Low Density Residential Zone and the Rural Living Zone to the General Residential Zone as shown.