

**7.6 CLARENCE LOCAL PROVISIONS SCHEDULE - APPLICATION OF NATURAL ASSET CODE AND REZONING TO THE LANDSCAPE CONSERVATION ZONE, HOWRAH HILLS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review the representations received following the exhibition of the proposed amendments 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 amendment was directed to be advertised by the TPC following the hearing into the 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 three representations, all in support of the proposed planning scheme amendment, were received.

**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 amendment PDPSAMEND-2021/022804 that:
- the draft amendment is not modified to take account of any representation;
  - it is satisfied that the draft amendment meets the LPS criteria.
  - does not recommended that any modifications be made to the amendment.
- 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 PROVISIONS SCHEDULE - APPLICATION OF NATURAL ASSET CODE AND REZONING TO THE LANDSCAPE CONSERVATION ZONE, HOWRAH HILLS /CONTD...**

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**ASSOCIATED REPORT****1. BACKGROUND**

- 1.1.** The 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, TasWater and those State agencies and authorities that may have an interest in the draft amendment.
- 1.4.** In their submission on the LPS the Howrah Hills Landcare Group provided a historical account of the planning controls and relevant past decisions of the RPDC, RMPAT and the Supreme Court in relation to the development potential for land at Howrah Hills and proposed that the land should be zoned Landscape Conservation and/or that a Specific Area Plan be introduced to manage use and development on the land shown in figure 1.

**2. STATUTORY IMPLICATIONS**

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 TPC with:

- a copy of each representation received;
- a statement of its opinion as to the merits of each representation;
- its view as to whether any modification to the Amendments (as exhibited) should be made in light of the representations;
- the impact that the representations have on the draft amendment as a whole; and

- such recommendations in relation to the draft amendment as the authority considers necessary.

### **3. PROPOSAL IN DETAIL**

#### **The Amendment**

The LPS is to be amended to rezone the properties in the list below and as shown in figure 1 from the Low-Density Residential zone to the Landscape Conservation zone and to apply the priority vegetation area overlay to these properties and the areas as shown in figure 2:

- (a) 125 Norma Street, Howrah (folio of the Register 26606/146);
- (b) 18 Newhaven Drive, Howrah (folio of the Register 26629/145);
- (c) 5 Zenith Court, Howrah (folio of the Register 26629/144);
- (d) 100 Skyline Drive, Howrah (folios of the Register 136183/1, 2, 3, 4, 5, 6, & 7);
- (e) 73 Skyline Drive, Howrah (folio of the Register 136183/8);
- (f) 46 Skyline Drive, Howrah (folio of the Register 48113/13);
- (g) 60A Skyline Drive, Howrah (folio of the Register 104949/6);
- (h) 60B Skyline Drive, Howrah (folio of the Register 104949/5); and
- (i) 60C Skyline Drive, Howrah (folio of the Register 13618).

The TPC decision found as follows:

*“The Commission accepts the evidence of the representor that the Low Density Residential Zone is not the most appropriate zone for the land due to the high conservation natural values present, due to the potential visual impact of increased density, and because in this instance, the Low Density Residential Zone is not an equivalent translation from the Low Density Residential Zone under the interim planning scheme.*

*The Commission considers the application of the Landscape Conservation Zone to the land is consistent with LCZ1 of Guideline No. 1 in that the land contains threatened vegetation communities identified for protection and conservation.*

*The Commission notes that some parts of the land proposed for the Landscape Conservation Zone are not identified as containing natural vegetation; however, the Commission accepts the evidence of Mr Chetwynd that the land provides a transition to the vegetated slopes of the hillside which is an important visual backdrop to the suburb. This land is therefore also consistent with LCZ1 of Guideline No. 1 in that it is an area of important scenic values.*

*The Commission also agrees with the representor that the supplied Vegetation Communities Risk Map produced by Entura in 2011 is relatively consistent with the TASVEG mapping, except for the land within the General Residential Zone which has already been developed at a high density, and some areas of the Low Density Residential Zone lots on the eastern side of Skyline Drive.*

*The Commission notes that NAC12 of Guideline No. 1 states that the priority vegetation area overlay may include areas of native vegetation which have identified as being of local importance based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority. The Commission considers the Vegetation Communities Risk Map and associated Natural Assets Information Manual demonstrates the land predominantly contains vegetation of at least local importance, and accepts the evidence of Dr Wiltshire that the vegetation is likely to be of greater significance. The Commission therefore considers that the application of the priority vegetation area overlay is consistent with NAC12 of Guideline No. 1.”*

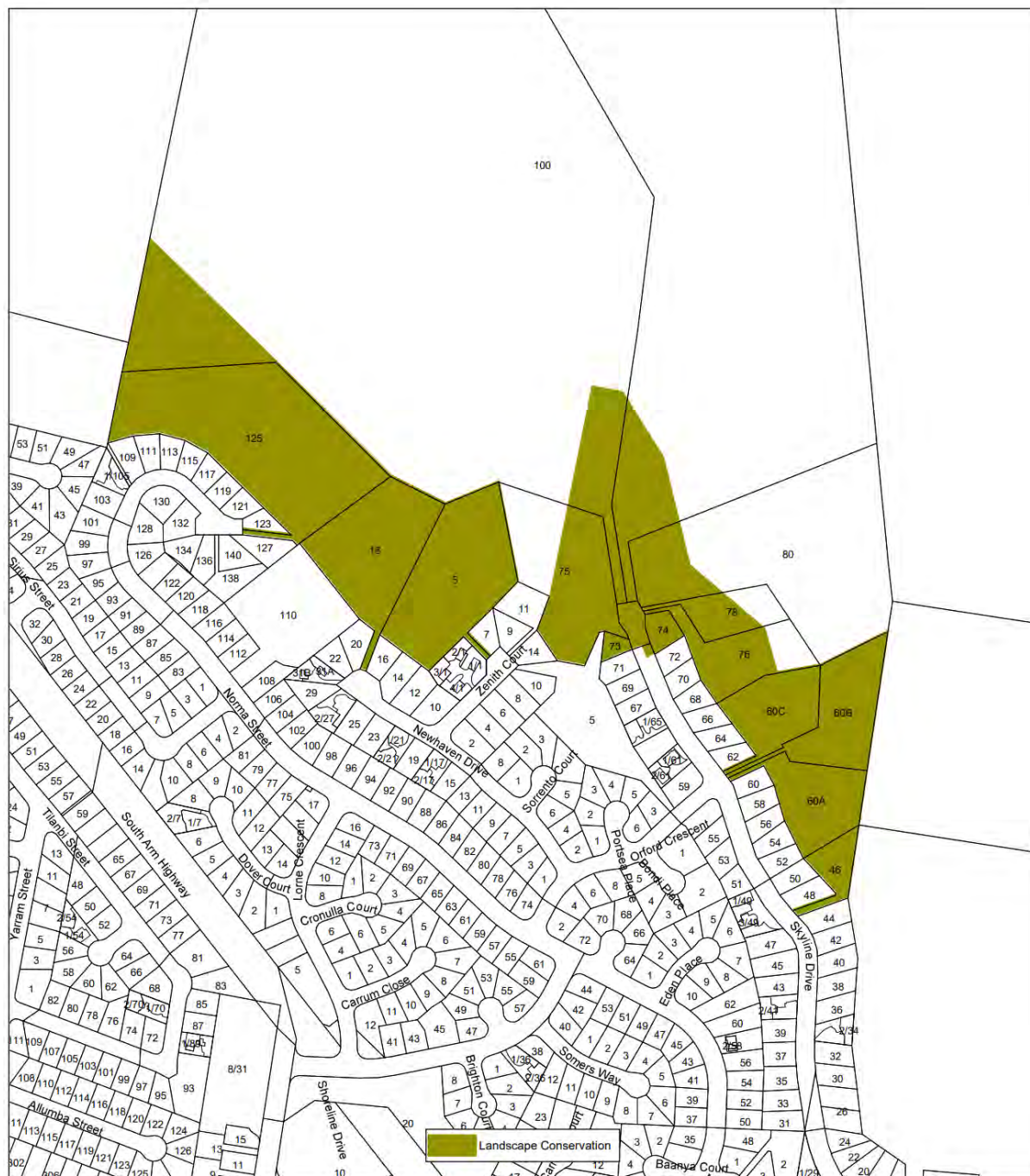


Figure 1: Properties to be rezoned from Low Density Residential to Landscape Conservation.

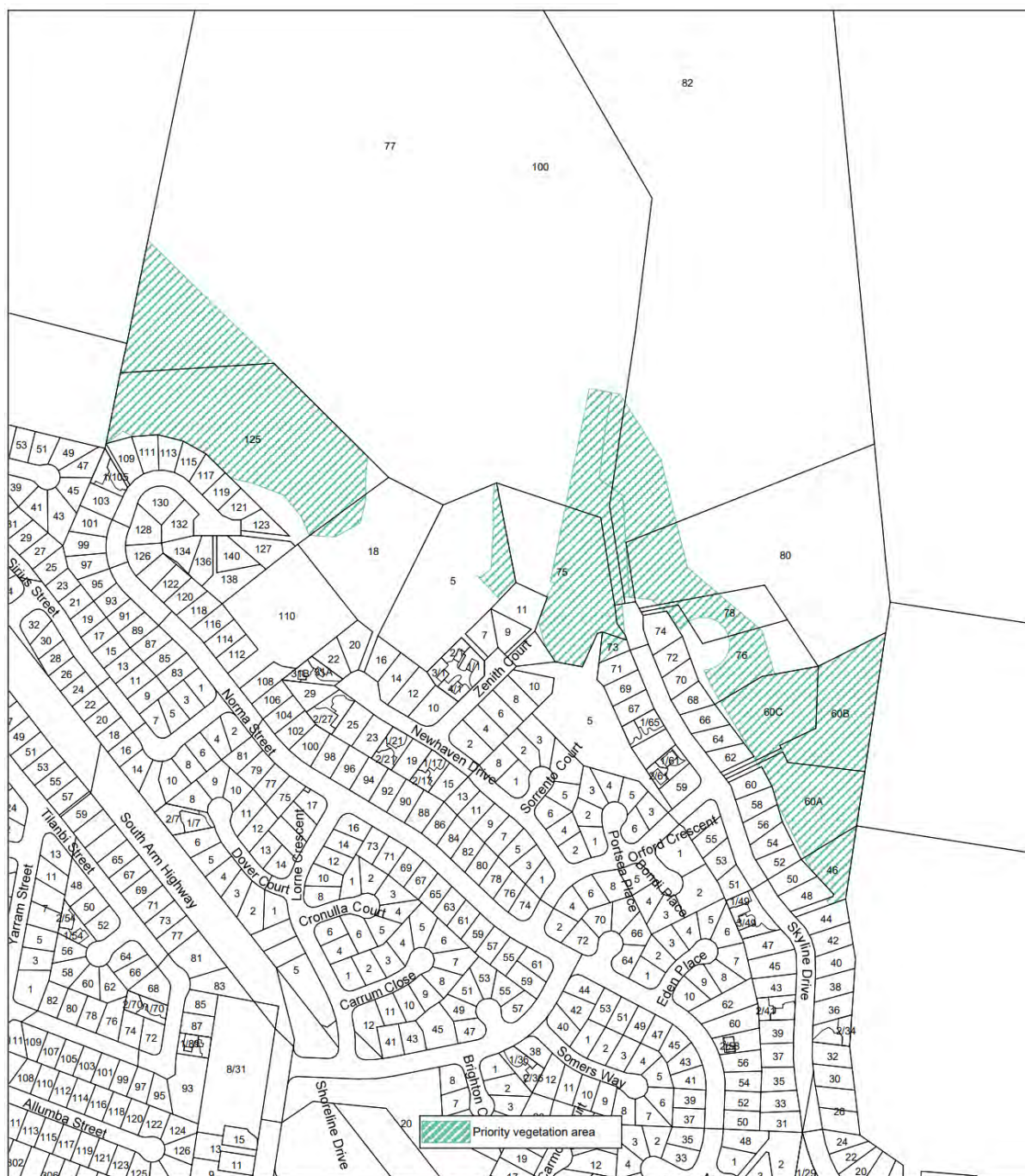


Figure 2: Area to which the priority vegetation overlay is proposed to apply

#### **4. CONSULTATION**

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



**5. STATE POLICIES AND PROJECTS ACT OBJECTIVES**

**5.1.** 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 amendment would improve the management and protection of the natural values and the ecological processes on the properties as shown in Figure 1 as the properties would be subject to the priority vegetation overlay making vegetation removal more difficult.

The amendment was advertised in accordance with statutory requirements and all relevant agencies notified. Three representations were received.

The natural and landscape values present on the properties already limit their economic development. The amendment would not substantially alter existing development potential.

The amendment has already been considered by council and the TPC which directed council to advertise the amendment.

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

- 5.3.** There are no inconsistencies with council's adopted Strategic Plan 2021-2031 or any other relevant council policy.

**6. CONCLUSION**

In accordance with the requirements of Section 40K of LUPAA council is required to respond to the representations received during the public exhibition period. In this instance, three representations were received raising no concerns.

It is considered that the issues raised in the representations do not warrant modifications to the certified draft amendment.

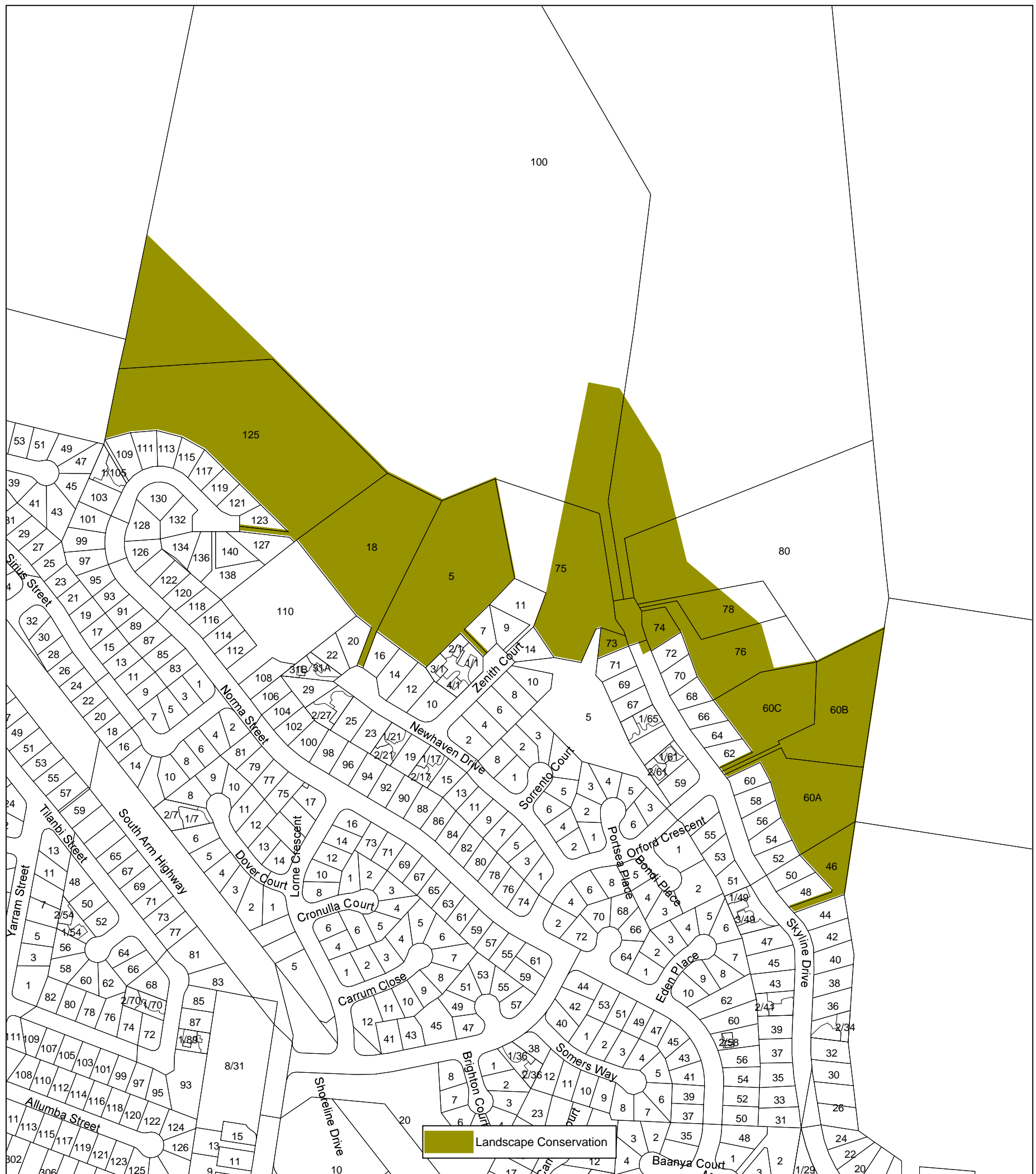
Attachments: 1. Certified Amendment (2)

Ross Lovell  
**MANAGER CITY PLANNING**



# Tasmanian Planning Scheme - Clarence

## Amendment: PDPSAMEND-2021/022802



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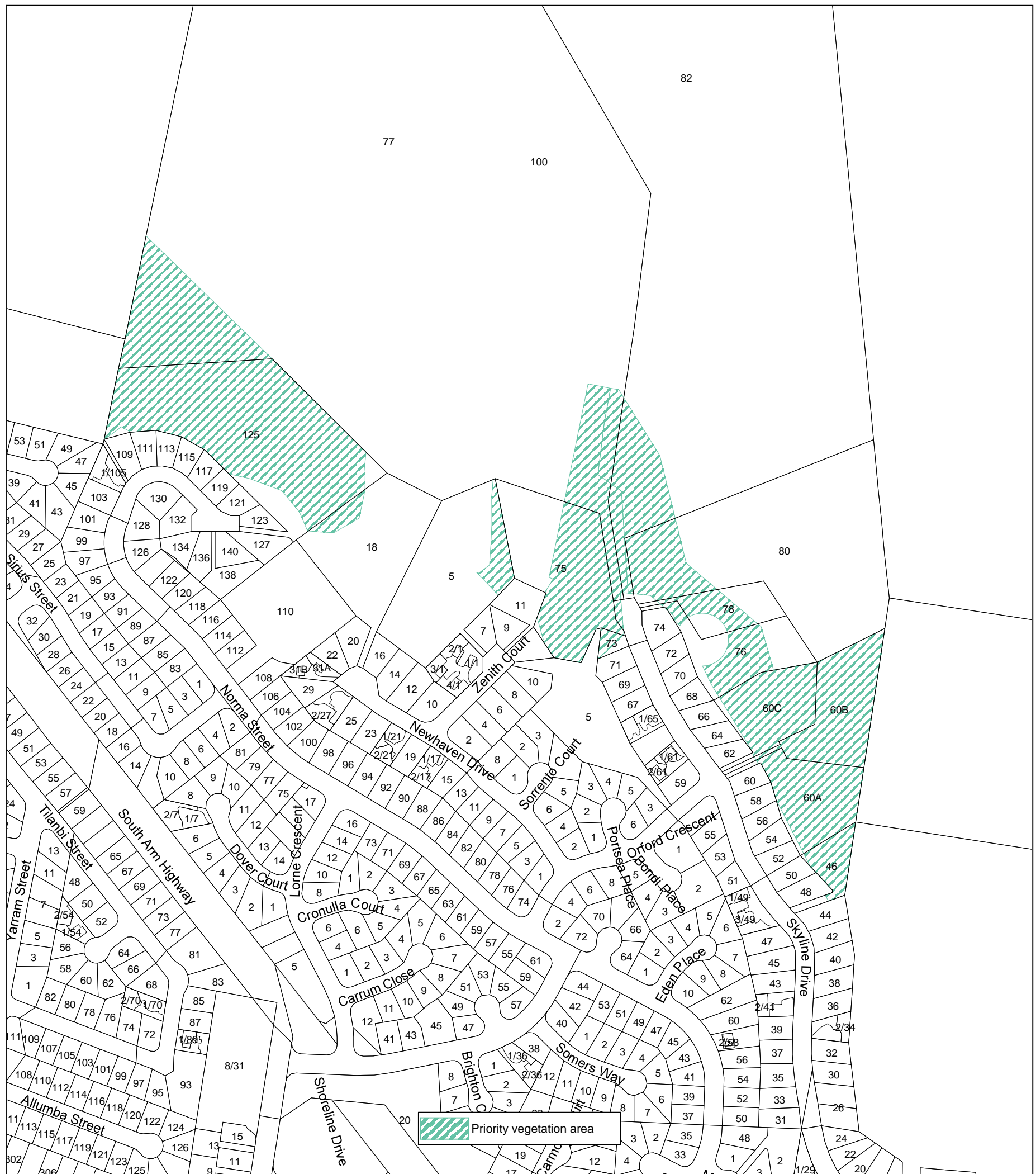
### PDPSAMEND-2021/022802

Rezone the following properties from the Low Density Residential Zone to the Landscape Conservation Zone, as shown:

- (a) 125 Norma Street, Howrah (folio of the Register 26606/146);
- (b) 18 Newhaven Drive, Howrah (folio of the Register 26629/145);
- (c) 5 Zenith Court, Howrah (folio of the Register 26629/144);
- (d) 100 Skyline Drive, Howrah (folios of the Register 136183/1, 2, 3, 4, 5, 6, & 7);
- (e) 73 Skyline Drive, Howrah (folio of the Register 136183/8);
- (f) 46 Skyline Drive, Howrah (folio of the Register 48113/13);
- (g) 60A Skyline Drive, Howrah (folio of the Register 104949/6);
- (h) 60B Skyline Drive, Howrah (folio of the Register 104949/5); and
- (i) 60C Skyline Drive, Howrah (folio of the Register 136183/11)

# Tasmanian Planning Scheme - Clarence

Amendment: PDPSAMEND-2021/022802



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(C) Clarence City Council

## PDPSAMEND-2021/022802

Apply the priority vegetation area overlay to the following properties as shown:

- (a) 125 Norma Street, Howrah (folio of the Register 26606/146);
- (b) 18 Newhaven Drive, Howrah (folio of the Register 26629/145);
- (c) 5 Zenith Court, Howrah (folio of the Register 26629/144);
- (d) 100 Skyline Drive, Howrah (folios of the Register 136183/1, 2, 3, 4, 5, 6, & 7);
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