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**From:** Indra Boss <[iboss@ccc.tas.gov.au](mailto:iboss@ccc.tas.gov.au)>  
**Sent:** Monday, 29 April 2024 1:03 PM  
**To:** TPC Enquiry  
**Cc:** Mat Clark; Planning  
**Subject:** PDPSPAMEND-2021/019004 30 Holland Court, Howrah - Response to Directions of 4 April 2024.  
**Attachments:** PDPSPAMEND-2021-019004 Cover letter TPC post hear Direc Resp 29 Apr 24.pdf; Attach 1- PDPSPAMEND-2021-019004 Response to 4 April 2024 Direction Summary Table 29 April 2024.pdf; Attach 2 - CCC Marked up Revised Subdivision Plan -draft 0.3 29 April 2024.pdf; Attach 4 - Post Hearing Draft Permit - PDPSPAMEND-2021-019004 - 30 Holland Cort Howrah 29 April 2024.docx; Attach 5 - TPS - OPZ & UZChecklists 30 Holland Court 17 April 2024.pdf; Attach 3 -30 Holland Court - Proposed Subdivision original application Appendix B.pdf

Please refer to the attached for our response to the matters raised in the commission's letter of 4 April 2024 including:

- 1) Cover letter
- 2) Attachment 1 – Detailed response to directions
- 3) Attachment 2 – Revised marked up plan prepared by Council with notations as input to the applicant.
- 4) Attachment 3 – Applicant's original subdivision plan (Appendix B of original application)
- 5) Attachment 4 – Updated draft planning permit reflecting changes outlined in Attachment 1, and
- 6) Attachment 5 – Assessment of land to be transferred to council against OPZ and UZ provisions.

Following conversations with the applicant, it is our understanding that the attached information is generally agreed to – with matters to be resolved/updated identified in red text and/or highlighted in yellow. It is expected that the applicant will also provide confirming information/clarification today.

Please confirm receipt of information. Any questions, please contact me.

Kind regards, Indra



### Indra Boss

Strategic Planner | Clarence City Council  
Project Lead – Droughty Peninsular Structure Plan  
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*Clarence City Council acknowledges the Tasmanian Aboriginal peoples as the original and ongoing Custodians of their land, skies and waterways on this island of lutruwita (lu tru wee tah) / Trouwana (tru wah nah) / Tasmania. We acknowledge the lands on which we live and work continue to be cared for by the Tasmanian Aboriginal peoples, including the Mumirimina (mu mee ree mee nah), who were the first people to live in this region. We pay respect to all First Peoples, including Elders past and present, and we value their contributions, voices and deep knowledge. Our work reflects our ongoing commitment to conciliation, truth-telling, and respect.*

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29 February 2024

City Planning  
PDPSPAMEND-2021/019004

Claire Hynes  
Delegate  
Tasmanian Planning Commission

By e-mail: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Dear Ms Hynes,

**Tasmanian Planning Scheme – Clarence**  
**Draft amendment PDPSPAMEND-2021-019004 and combined permit**  
**30 Holland Court, Howrah**

I am writing in response to Commission Directions issued on 4 April 2024 in relation to the above matter.

As requested, further conversations have occurred with the applicant, and in our view, there is agreement on the majority of matters as outlined in Attachment 1, which provides a detailed response to Direction items 1 to 4 inclusive. Those matters which are not fully resolved primarily relate to conditions and wording within conditions, which are shown in red italics. In addition, the responses to Item 2, reflect council's view, noting that the revised plans and supporting expert information is yet to be provided by the applicant.

Accordingly, we reaffirm our support for the draft LPS amendment, but maintain our position of 23 June 2023 of withholding support for the subdivision proposal, pending a revised subdivision plan and expert reports, including a Tasmanian Fire Service endorsed Bushfire Hazard Management plan being provided.

Detailed information in support of the above position is provided by way of the following attachments:

- |                |  |
|----------------|--|
| Attachment 1:  | Detailed responses to Directions 1 to 4 inclusive  |
| Attachment 2:  | Council's marked up proposed revised subdivision plan for consideration by the applicant |
| Attachment 3:  | The subdivision plan submitted as Appendix B with the original application.              |
| Attachment 4 : | Amended draft planning permit reflecting responses articulated in Attachment 1.          |

PDPSPAMEND-2021/019004

Attachment 5: Assessment of the proposed Open Space Zone (Lot 101) and proposed Utilities Zone (lot 201) against respective zone provisions.

If you have any questions in relation to this response, please contact Indra Boss, Strategic Planner, on 6217 9566.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'D' followed by a horizontal line extending to the right.

Daniel Marr  
**Head of City Planning**

TPC Direction – 4 April 2024	Council Response
<b>Draft Amendment</b>	
<p>1. The applicant and the planning authority are to provide to the Commission a submission (jointly, if possible) confirming the final zone modifications sought for 30 Holland Court, Howrah (the subject site), specifically:</p> <ul style="list-style-type: none"> <li>• the part of the site (identified as lot 101 on the subdivision plan), to be zoned Public Open Space (what is the spatial extent of this zone on the site, and what is the rationale for this?); and</li> <li>• the part of the site (identified as the road lot on the subdivision plan) that contains the pathway running adjacent to the highway reserve (is this to be zoned Utilities or General Residential zone?).</li> </ul>	<p>The final zoning modifications for 30 Holland Court remain as per the draft LPS instrument endorsed by Council on 6 February 2023. That is:</p> <ul style="list-style-type: none"> <li>• The public open space lot identified as Lot 101 is to be zoned Open Space. The modification sought is in the lot’s shape and area, as per the proposed draft revised subdivision plan (Attachment 2).</li> </ul> <p>The lot is required for public purposes, to provide the future track connectivity between existing council land to the south (CT 169863/110) zoned Landscape Conservation and the future open space to be provided as part of the approved subdivision at 38 &amp; 38A Buckingham Drive, Howrah.</p> <p>The connectivity is part of the Droughty Trail (Rokeby Hills), which is identified as one of six significant trails (page 45 Clarence Tracks and Trails Strategy 2012). The Clarence City Council Tracks and Trails Action Plan 2015-2020, identifies this section of track as “Link from Howrah-Rokeby Cycleway to Kunyah Bushland Reserve” in the Priority 2 items on page 24 of the report.</p> <ul style="list-style-type: none"> <li>• The part of the site (identified as the road lot on the subdivision plan) that contains the pathway running adjacent to the highway reserve is to be zoned utilities. The variation sought is to ensure that any agreed revised subdivision plan provides for a minimum setback of 1m from the constructed path to the lot boundaries (of Lots 1, 2 and 8) to the south. It is estimated that the area of land to be transferred to council is approximately 186m<sup>2</sup>.</li> </ul> <p>The lot is required for public purposes, to maintain the existing public use of the path and is to be transferred to Clarence City Council as a road lot, as it contains a path adjoining a road (section</p>

TPC Direction – 4 April 2024	Council Response
	<p>3 Interpretation generally, of <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>, (LGBMP).</p> <p>Council currently maintains the public path on behalf of Department of State Growth. Once the land is transferred to council, the Utilities zone, provides future opportunities to adhere or undertake a boundary adjustment between this lot and the South Arm Highway road lot (CT 202294/1).</p> <p>Attachment 5 is an assessment of the two lots against the subdivision provisions of the respective zone.</p> <p>It is considered that once the lots are created and transferred to council, access to a road is provided for by virtue either of the common ownership with adjoining land or the fact that it fronts onto a road lot.</p>
<b>Permit</b>	
<p>2. The applicant is to provide to the Commission a submission that confirms the modifications sought to the lot layout in the subdivision plan as discussed at the hearing, and this includes revised versions of the following:</p>	<p>In this section, council is providing its response, which has been shared with the applicant.</p>
<ul style="list-style-type: none"> <li>• subdivision plan;</li> </ul>	<p>The changes described, are to be made to the applicant’s provided Proposed Subdivision Plan dated 12-08-2022 Revision J, see Attachment 3.</p> <p>(i) deletion of POS Lot 100;</p> <p>(ii) reconfiguration of the lot layout to incorporate Lot 100 into proposed subdivision lot 1</p> <p>(iii) modify proposed POS Lot 101 to extend from the south east corner along the southern boundary for a distance of 58m westward, and along the eastern boundary for distance of 15m northward, resulting in an area of land approximately 430m<sup>2</sup>; and</p>

TPC Direction – 4 April 2024	Council Response
	<p>(iv) show a new road lot (lot 201) along the northern boundary of the subject site to encompass the existing pedestrian path associated with the road lot to the north. Allowing for a minimum 1m setback between the existing pathway and the future northern lot boundaries of Lots 1, 2 and 8. The area of land is to be confirmed via the revised subdivision plan, but is estimated to be approximately 186m<sup>2</sup>.</p> <p>Refer Attachment 2.</p>
<ul style="list-style-type: none"> <li>concept services plan;</li> </ul>	<p>Updated concept services plan (JMG , Dwg Nos. C01 Rev P4 -21.09.2022, C02 rev P6 – 19.10.2022; C03 rev P4 -21.09.2022; C04 to C07 Rev P5 – 19.10.2022)</p> <p>(i) to show the revised subdivision plan as outlined in Attachment 2, and</p> <p>(ii) to show the Bushfire Hazard Management Plan (BHMP) performance solution design for the cul-de-sac, as detailed in a revised Tasmanian Fire Service approved BHMP</p>
<ul style="list-style-type: none"> <li>bushfire hazard management report and plan, with approval by the Tasmania Fire Service (TFS);</li> </ul>	<p>Updates required to the Bushfire Hazard Report V2.0 November 2023,</p> <p>(i) to reference the revised subdivision plan as outlined in Attachment 2,</p> <p>(ii) to provide an updated BHMP and confirm the Bushfire Hazard Management Areas on all lots,</p> <p>(iii) respond to and incorporate the matters raised by the TFS in the e-mail of 11 January 2024, and</p> <p>(iv) confirm that the revised subdivision plan as outlined in Attachment 2 is compliant with the applicable provisions of C13.0 Bushfire-Prone Areas Code of the Tasmanian Planning Scheme – Clarence.</p>
<ul style="list-style-type: none"> <li>natural values assessment; and</li> </ul>	<p>Updated Natural Values Assessment (North Barker Ecosystem Services) 6 January 2023, or a report addendum, that</p>

TPC Direction – 4 April 2024	Council Response
	<p>(i) reflects the revised subdivision plan as outlined in Attachment 2,</p> <p>(ii) ensure the assessment aligns with the revised maps and images, and</p> <p>(ii) identify the location of <i>Eucalyptus ovata</i> on the subdivision lots to enable accurate permit conditions to be prepared.</p> <p>This report makes recommendations (4.4 Mitigation on p15) that are to be included via permit conditions and therefore it is important that the report/addendum fully aligns with any approved subdivision plan.</p>
<ul style="list-style-type: none"> <li>noise impact assessment.</li> </ul>	<p>Updated NVC Pty Ltd, Noise Impact Assessment 21 December 2022, or report addendum, that</p> <p>(i) reflect the revised subdivision plan as outlined in Attachment 2, and</p> <p>(ii) ensure the assessment aligns with the revised maps and images.</p> <p>This report makes recommendations (5. Recommendations on p7) that are to be included via permit conditions and therefore it is important that the report fully aligns with any approved subdivision plan.</p>
<p>Issues to address include:</p> <ul style="list-style-type: none"> <li>residual public open space contribution, if required;</li> <li>the required bushfire hazard management areas and ability of all new lots to provide for BAL-19 building areas;</li> <li>the recommendations from the TFS regarding new cul-de-sac design standards;</li> <li>resolution of the existing pathway along the adjacent highway reserve, and associated zoning of this land; and</li> <li>adhesion of public open space lot to Council owned Kunyah Reserve.</li> </ul>	<p>Response to Issues:</p> <ul style="list-style-type: none"> <li><b>Residual POS contribution:</b> The revised subdivision plan (Attachment 2) reflects council’s position that in this instance both the road lot along the north, and the open space lot in the south east of the site provide public uses and can be considered toward the public open space contribution. The area is calculated to be approximately 616m<sup>2</sup> or approximately 4% of the subject site. Council does not require a cash in lieu contribution for the balance 1%.</li> <li><b>Bushfire Hazard Management Areas:</b> The revised subdivision plan (Attachment 2) is indicative of the anticipated impact of the redesigned open space lot 101 to support</li> </ul>

TPC Direction – 4 April 2024	Council Response
	<p>BAL-19 building areas on lots. However – this is to be confirmed by the requested update to the Bushfire Hazard Report V2.0 November 2023, as outlined above.</p> <ul style="list-style-type: none"> <li>• TFS recommendations regarding new cul-de-sac design standards: See above detailed changes required to the concept service plans and bushfire hazard management plan.</li> <li>• Existing pathway along the adjacent highway reserve: Refer to discussion in response to Draft Amendment 1 – above.</li> <li>• Adhesion of public open space lot to Council owned Kunya Reserve: As outlined in the discussion response to Draft Amendment 1 above, the transfer of the proposed public open space lot to council is considered to provide the public with access rights from Mayfair Court. Accordingly, an adhesion is not required, and could not be undertaken as part of this application via permit conditions, as the land to south CT 169863/110 identified as 6 Mayfair Court, Howrah, does not form part of this application.</li> </ul>
<p>3. The applicant and the planning authority are to provide a submission (jointly, if possible) on the draft permit conditions that addresses matters discussed at the hearing, including:</p>	
<p>a. Condition 1 - identify the (to be) endorsed plans and reports, including the bushfire hazard management plan report, natural values assessment, and noise impact assessment, and list in this condition;</p>	<p>The use or development must only be undertaken in accordance with the endorsed plans<sup>1</sup></p> <ul style="list-style-type: none"> <li>• Revised subdivision plan (<i>Rogerson &amp; Birch Surveyors, version X, dated YYYY</i>)</li> <li>• Revised concept services plan (<i>JMG , Dwg Nos. C01 Rev P4 - 21.09.2022, C02 rev P6 – 19.10.2022; C03 rev P4 -21.09.2022; C04 to C07 Rev P5 – 19.10.2022</i>)</li> </ul>

<sup>1</sup> Final references can be provided once revised/updated plans and documents are provided by the applicant. All matters highlighted in yellow in the draft permit as shown in Attachment 4 are to be confirmed.



TPC Direction – 4 April 2024	Council Response
	<ul style="list-style-type: none"> <li>• Revised <i>Bushfire hazard management report and plan, approved by the Tasmanian Fire Service (TFS)</i></li> <li>• <i>Revised Natural Values assessment/ addendum;</i> and</li> <li>• <i>Revised Noise impact assessment/addendum.</i></li> </ul> <p>and any permit conditions and must not be altered without the consent of Council.</p>
<p>b. Condition 2 - confirm it is appropriate to delete this condition;</p>	<p>b. Considered appropriate to delete, the changes being articulated relate to the applicant’s plans that were advertised. It is considered that section 42B (b) (ii) provides the Commission with the authority to modify the conditions as outlined in this Directions response.</p>
<p>c. Condition 3 - confirm it is appropriate to delete this condition;</p>	<p>c. Appropriate to delete – see also council’s response to Permit Condition 2 – issues to be addressed above.</p>
<p>d. Condition 4 - revise to consider:</p> <ul style="list-style-type: none"> <li>• inclusion of trees on lot 8 in the first dot point;</li> <li>• defining the meaning of Rw in the second dot point; and</li> <li>• insertion of a new dot point to consider identification of hazard management areas for future lot owners of lots 6, 7 and 8 as recommended in the TFS approved bushfire hazard management plan.</li> </ul>	<p>d. Draft changes made in a revised ‘clean’ word document – see Attachment 4.</p>
<p>e. Condition 5 - review considering landowner and planning authority to discussions;</p>	<p>e. Still relevant Updated to reflect current standard council condition text and to specify the lots to be transferred – see Attachment 4.</p>
<p>f. Condition 7 - review wording to consider relevance to proposed subdivision, as discussed at the hearing;</p>	<p>f. Updated to reflect current standard council condition text – see Attachment 4.</p>
<p>g. Condition 8 - confirm it is appropriate to delete this condition;</p>	<p>g. Appropriate to delete</p>

TPC Direction – 4 April 2024	Council Response
h. Condition 9 - review to consider the relevance of the road lot;	h. Still relevant Relates to NVC recommendation and reference to be updated once revised NVC report provided.
i. Condition 10 - confirm it is appropriate to delete this condition;	i. Appropriate to delete.
j. Condition 21 - review to clarify the intent and purpose;	j. Not required, condition deleted.
k. Potential new condition - consider a new condition requiring a post and wire fence to delineate the boundary between the public open space lot and lot 7;	k. New condition included after Condition 4.
l. Potential new condition - consider a new condition dealing with the adhesion of the public open space lot with Kunyah Reserve title; and	l. Not required, refer to discussion in response to response to Direction Draft Amendment 1 above.
m. any other matter arising from the discussions considered appropriate. <sup>2</sup>	<p>New Conditions:</p> <ul style="list-style-type: none"> <li>- <i>Insertion of standard council condition re Bushfire Hazard Management Areas on title plans</i></li> <li>- Fence construction on boundary of proposed POS lot101 and council land to the south.</li> </ul> <p>Deleted Conditions:</p> <p>Condition 17 – replaced with advice clause to reflect stormwater policy. Condition 18 – not applicable to this application.</p> <p>All remaining conditions updated to reflect current council standard condition text.</p>

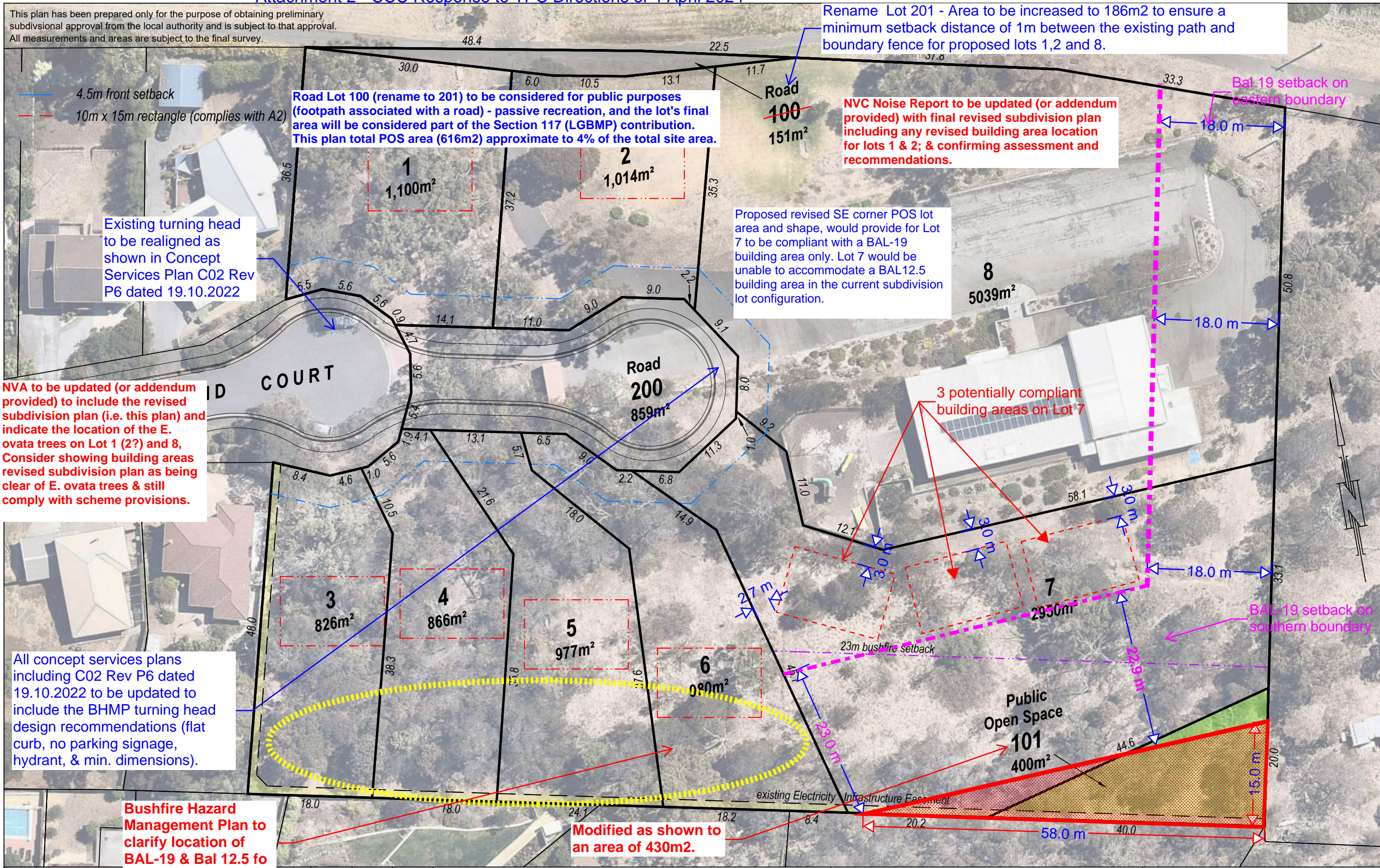
<sup>2</sup> Once the revised draft permit is approved by the commission, conditions will be renumbered to align with the Commission's decision.

TPC Direction – 4 April 2024	Council Response
	Additional advice clauses inserted to reflect stormwater policy, advice re hazard management on council land, and the previously omitted TasNetwork’s advice.
4. The Commission requests the planning authority to send a copy of the final subdivision plan and concept services plan to TasWater seeking a revised SPAN.	<p><i>TBC once revised subdivision and concept services plans provided.</i></p> <p><i>Condition 22 will be updated once TasWater referral response is received.</i></p>



Attachment 2 - CCC Response to TPC Directions of 4 April 2024

This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval. All measurements and areas are subject to the final survey.



REV	see previous plans for details of all revisions AMENDMENTS	DRAWN	DATE	APPR.
L	minor changes - lots 1 & 2	AB	11-8-23	AB
K	changes as per draft conditions of approval	AB	10-8-23	AB
J	P.O.S changes (council RFI)	AB	12-8-22	AB

**ROGERSON & BIRCH SURVEYORS**

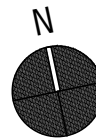
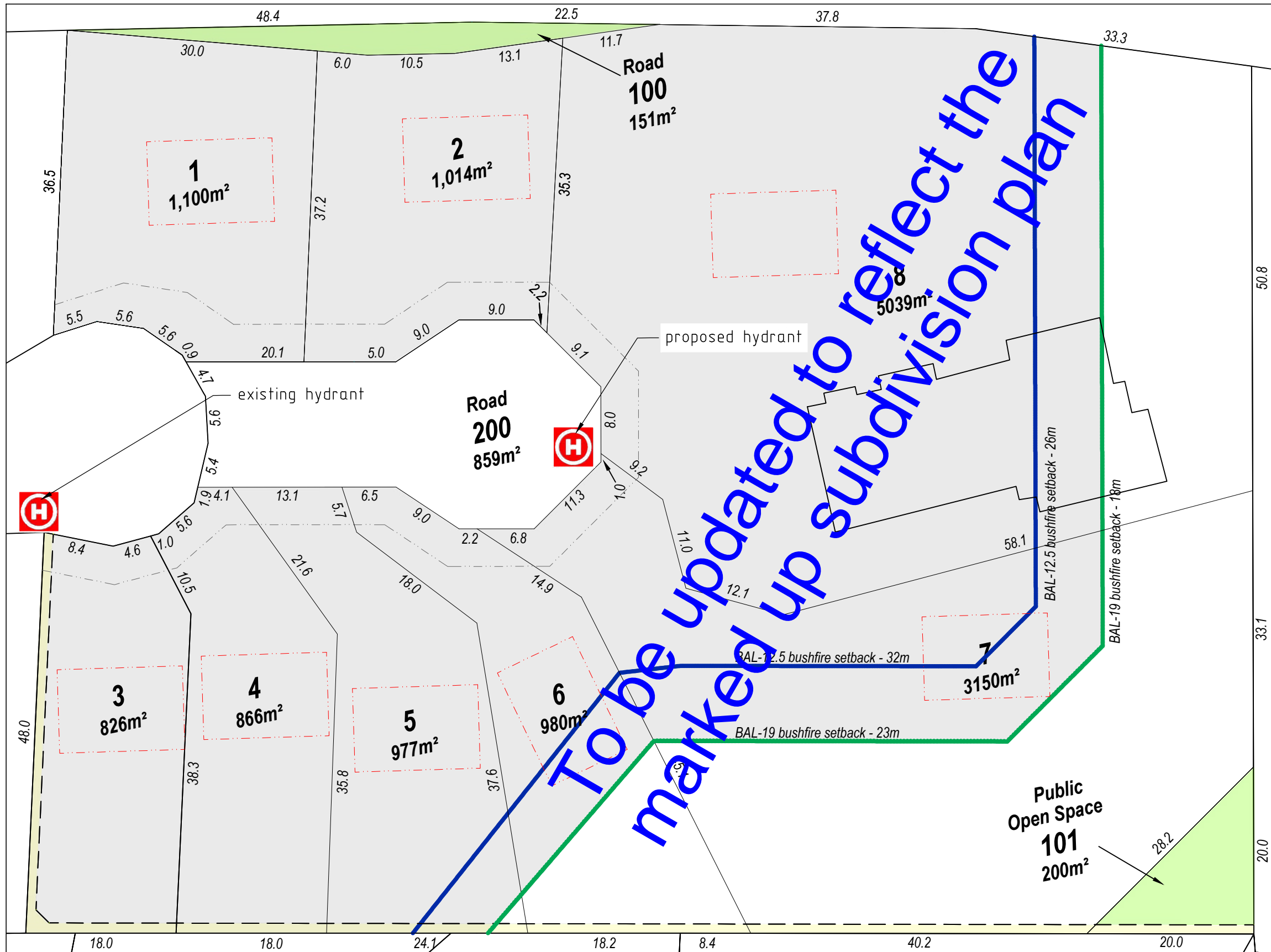
UNIT 1, 2 KENNEDY DRIVE  
CAMBRIDGE 7170  
PHONE: (03)6248 5898  
EMAIL: admin@rbsurveyors.com  
WEB: www.rbsurveyors.com

OWNER: CHURCHES OF CHRIST  
TITLE REFERENCE: C.T.35660/1  
LOCATION: 30 HOLLAND COURT  
**HOWRAH**

**Proposed Subdivision**

Date:	10-8-2023	Reference:	HOWCC01 12572-05
Scale:	1:500 (A3)	Municipality:	CLARENCE





**LEGEND**

- BAL-19 SETBACK
- BAL-12.5 SETBACK
- BUILDING AREA
- H FIRE HYDRANT LOCATION

- BHMP Notes:**
- This plan must be read in conjunction with the Bushfire Hazard Report (BHR) prepared by David Lyne (BFP-144), Bushfire Hazard Practitioner, dated November 2023.
  - The subject property is 30 Holland Court Howrah (CT. 35660/1).
  - This plan demonstrates compliance with the Directors Determination - Bushfire Hazard Areas v1.1.
  - The Hazard Management Areas (HMA) indicated on this plan must be established and maintained in accordance with Section 5.1 of the BHR.
  - Property access arrangements must comply with Section 5.3 of the BHR.
  - Fire fighting water supply arrangements must comply with Section 5.4 of the BHR.

REV	DATE	REMARK
E	26.11.2023	REVISED ISSUE FOR REVIEW
D	19.10.2023	REVISED SUBDIVISION
C	08.06.2023	ISSUED FOR REVIEW
B	01.06.2023	ISSUED FOR REVIEW
A	07.12.2022	ISSUED FOR REVIEW

This plan has been prepared only for the purpose of obtaining planning and building approvals from the local authority and is subject to that approval.

All measurements and areas are subject to the final survey.

**PROJECT**  
30 HOLLAND COURT  
HOWRAH - PROPOSED  
SUBDIVISION

**TITLE**  
BUSHFIRE HAZARD  
MANAGEMENT PLAN

Accepted Mat Clark (Discipline Head)	Date
Accepted Matt Clark (Team Leader)	Date
Approved Matt Clark (Group Manager)	Date

This document must be signed "Approved" by JMG to authorise it for use. JMG accept no liability whatsoever for unauthorised or unlicensed use.

SCALES @ A3	DESIGNED BY	DRAWN BY
1:500	DFL	DFL
	PLOT DATE	26/11/2023

DO NOT SCALE. Use only figured dimensions. Locations of structure, fittings, services etc on this drawing are indicative only. CONTRACTOR to check Architects & other project drawings for co-ordination between structure, fabric, fittings, services etc. CONTRACTOR to site check all dimensions and exact locations of all items. JMG accepts no responsibility for dimensional information scaled or digitally derived from this document.

PLOT DETAILS		BHMP.DWG
PROJECT NO.	<b>HOLLAND</b>	
DWG NO.	<b>C01</b>	REVISION <b>E</b>

**HAZARD MANAGEMENT AREAS - HMA**  
Hazard Management Area includes the area to protect the Building as well as the access and water supplies. Vegetation in the Hazard Management area for each lot (as dimensioned and shown) is to be managed and maintained by the respective lot owners in a minimum fuel condition prior to the sealing of titles. Each lot is provided with a building area with separation distances equal to or greater than required for BAL-19 in accordance with C13.6.1 of the Bushfire Prone Areas Code. Each lot will need to be maintained as HMA.

All lots, other than the balance lot (Lot 7), needs to be maintained as low threat vegetation to the newly created lots, to ensure that this is maintained a covenant, easement or Part V agreement must be attached to each title.

- MAINTENANCE SCHEDULE**
- Removal of fallen limbs, leaf and bark litter;
  - Cut lawns short (less than 100mm) and maintain;
  - Remove pine bark and other garden mulch;
  - Complete under-brushing and thin out the under storey;
  - Prune low hanging trees to ensure separation from ground litter;
  - Prune larger trees to establish and maintain horizontal & vertical canopy separation;
  - Maintain storage of petroleum fuels;
  - Remove fallen limbs, leaf & bark litter from roofs, gutters & around the building;

**PUBLIC & FIRE FIGHTING ACCESS**  
The existing public roads on Holland Court provide compliant property access from the roads to within 120m of furthest element of the building & to within 3m of each fire-fighting water supply connection point. As the new cul-de-sac cannot meet the acceptable construction standards, it has been discussed with the TFS about off-setting these conditions by implementing further requirements to the construction of the new road. The proposed cul-de-sac will need to have installed roll-top kerbs for the entirety of the turning circle. No parking signs will also need to be installed for the entirety of the turning head with horizontal clearances of 4m, and a vertical clearance of a minimum of 2m around the outer circle with no obstructions.

**WATER SUPPLY FOR FIREFIGHTING**  
The proposed fire hydrant shown will be within 120m hose lay of the most disadvantaged part of the building areas.

**CONSTRUCTION STANDARDS**  
Separation distances shown on this plan allow for design of BAL-19 minimum. Buildings and any associated outbuildings located within 6m are to be designed, constructed and maintained in accordance with the relevant construction sections of AS3959-2018 for the determined BAL.



This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval. All measurements and areas are subject to the final survey.



		AB	15-11-21	AB
				AB
				AB
				AB
J	P.O.S changes (council RFI)	AB	12-8-22	AB
REV	see previous plans for details of all revisions AMENDMENTS	DRAWN	DATE	APPR.



UNIT 1, 2 KENNEDY DRIVE  
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EMAIL: admin@rbsurveyors.com  
WEB: www.rbsurveyors.com

OWNER: CHURCHES OF CHRIST  
TITLE REFERENCE: C.T.35660/1  
LOCATION: 30 HOLLAND COURT  
**HOWRAH**

**Proposed Subdivision**

Date: 12-8-2022	Reference: HOWCC01 12572-05
Scale: 1:500 (A3)	Municipality: CLARENCE





Clarence... a brighter place

Clarence City Council

## PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

Development No: PDPSPAMEND-2021/019004 Approval Date: 6 February 2023

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Description: Rezoning to General Residential and 8 lot subdivision

Address: 30 Holland Court, Howrah

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This permit is granted, subject to the following conditions:

### General Conditions:

- 1 The use or development must only be undertaken in accordance with the endorsed plans
  - Subdivision plan (Rogerson & Birch Surveyors, version X, dated YYYY)
  - Concept services plan (JMG , Dwg Nos. C02 rev P6; C03 rev P4;
  - Bushfire hazard management report and plan, approved by the Tasmanian Fire Service (TFS)
  - Natural Values assessment; and
  - Noise impact assessmentand any permit conditions and must not be altered without the consent of Council.
- 2 Deleted
- 3 Deleted
- 4 Prior to the sealing of the Final Plan the landowner must enter into and thereafter abide by an agreement with Council under Part 5 of the *Land Use Planning and Approvals Act, 1993* in such form as Council may require and which provides for the following:
  - that the *Eucalyptus ovata* trees identified in the Natural Values Assessment, North Barker, 6 January 2023, on combined Lots 1, 2, 8, and 100 (?) must not be removed without prior consent of Council;

- Lots 1 & 2 dwelling must be designed with a minimum Weighted Sound Reduction Index (Rw) of 30 on the western, northern and eastern facades in accordance with the Noise Impact Assessment recommendations (NVC, 21 December 2022 page 7); and
- Prior to sealing of titles, the acoustic barrier fence is to be provided for lots 1 & 2 as per the Noise Impact Assessment (NVC, 21 December 2022) recommendation on page 7. The acoustic barrier fence is to be maintained in its entirety by the property owner(s) to the specifications described in the Noise Impact Assessment (NVC, 21 December 2022 page 7).

The agreement will be prepared and registered by Council. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement.

*Note: The landowner is to give 14 days' notice to Council of the request to prepare a Part 5 Agreement.*

NEW

*Prior to sealing of final plans and Schedule of Easements*, the northern boundary of POS lot 101, and the common boundary between the subject site and 6 Mayfair Court, Howrah (CT 169863/110) is to be fenced with post and wire fencing to Council's satisfaction, and any fire breaks required in accordance with the recommendations made within the approved Bushfire Hazard Management Plan prepared by [specify author \ date] must be contained fully within lots 6, 7 and 8.

*Note: The Final Plan and Schedule of Easements will not be sealed until this work is complete or a sufficient bond supported by a bank guarantee to provide security for the work is lodged.*

*The bond is to be for an amount of 1.5 times the estimated cost of construction and may be a cash deposit or a bank guarantee. The work is to be completed within 6 months of the lodging of the bond. If the works are not completed within this time, Council may have the fencing work undertaken and may recover those costs incurred from the bonded amount.*

NEW

*The Final Plan and Schedule of Easements must describe the following:*

- *The hazard management area delineated on the Bushfire Hazard Management Plan [author, date] must be shown on the Final Plan of Survey.*
- *No part of a habitable building may be constructed within the hazard management area delineated on the Bushfire Hazard Management Plan [author, date] unless constructed to a higher BAL. Construction of a habitable building to a higher BAL must be accompanied by an updated Bushfire Hazard Management Plan.*

5

Prior to the sealing of the final plan of survey, or as specified in an endorsed staging plan, Lots 100, 101 and 200 or any lots described as "Public Open Space"/ "road" or other land designated to become public land on the Final Plan must be transferred to the council free from encumbrances.



A transfer in registrable form must be provided prior to the sealing of the final plan. The applicant must bear all fees and charges including Titles Office charges due on the transfer. Land Titles Office fees and charges and duty in relation to the document are the responsibility of the developer.

The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved, and the applicant must meet the costs of such requisitions.

- 6 Lots 1 to 8 inclusive must be provided with a minimum 3.6m wide constructed and sealed access from the road carriageway to the property boundary in accordance with *Tasmanian Standard Drawing [TSD-R09 or TSD-R03/R04]* or its relevant equivalent operating at the time the works are being undertaken (copy available from Council). This access must be inspected by Council's Development Works Officer prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by council to the owner and in accordance with the relevant Council's local highways standards By-Law operating from time to time

A *permit to carry out works within Council's road reservation* is required for the purposes of this condition. An application form is available on Council's website.

- 7 Engineering designs, prepared by a suitably qualified person, are required for:

- road pavement and access arrangements;
- driveways construction;
- footpath and pedestrian infrastructure;
- service upgrades or relocations; and
- other (as applicable)

and must show the extent of any vegetation removal proposed for these works. Such engineering designs must be compliant with all council By-Laws and adopted standards applicable at the time of lodgement of the drawings. These engineering designs, together with the safety in design report, must be submitted and approved by council's Head of Infrastructure and Natural Assets prior to sealing of plans.

An engineering assessment fee, in accordance with Council's adopted fee schedule, must be paid prior to the approval of the engineering designs. A 'Start of Works' permit must be obtained prior to the commencement of any works and all works must be completed prior to the commencement of the use.

A Works in Road Reservation Permit must also be obtained if any proposed works are to be conducted within the road reservation or council land.

Works for all stages shown on the engineering designs must be commenced within 2 years of the date of the approval or the engineering designs will be required to be resubmitted. The works must be completed prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.

8 Deleted

9 Prior to the sealing of the Final Plan, an acoustic fence with a minimum height of 2m and finished with anti-graffiti paint or surface must be constructed along the northern boundary of lots 1 and 2 in accordance with the recommendations of the Noise Impact Assessment (NVC, 21 December 2022). A plan of the fence must be submitted to and approved by the Head of City Planning prior to its construction.

10 Deleted

11 An erosion and sedimentation control plan, in accordance with the Derwent Estuary Programme Soil & Water Management on Building & Construction Sites document, must be submitted for review by council's Head of Infrastructure and Natural Assets when lodging the 'Start of Works Notice' to council. All debris/construction materials must be contained within the property. All works must be carried out in compliance with the approved erosion and sediment control plan.

12 A Weed and Hygiene Management Plan identifying how vehicle, machinery and soil hygiene will be managed and methods to control weeds must be submitted to and approved by council's Head of Infrastructure and Natural Assets prior to the sealing of the final plan of subdivision. The plan must:

- address the movement and spread of weed contaminated soil, weed material and soil-based pathogens in accordance with the Tasmanian Washdown Guidelines for Weed and Disease Control;
- reference any Weeds of National Significance and Declared Weeds under the *Weed Management Act 1999*;
- identify the weed species, initial treatment, on-going management and maintenance period for a minimum of 3 years thereof. The plan may include manual removal of larger plants and/or chemical control as recommended by the relevant Government department;
- clarify on-going maintenance and management obligations inclusive of regular audits and annually demonstrate compliance with the approved weed management plan; and
- include a detailed schedule of works including a breakdown of estimated costs. The cost estimate is to incorporate all management and maintenance operations for up to a 5 year period and include all hygiene and reporting requirements.

The Final Plan and Schedule of Easements for any stage will not be sealed until the Weed and Hygiene Management Plan for that stage has been implemented and maintained to the satisfaction of council's Head of Infrastructure and Natural Assets.

Alternatively, a bond of 1.5 times the estimated cost of works associated with implementing the Weed and Hygiene Management Plan for that stage must be submitted prior to sealing of the final plan of survey. The bond will be held as security to ensure both development and maintenance of each lot is undertaken in accordance with the approved plan until each of the newly created lots are sold or the management period has expired, whichever comes first. The bond is to be a cash deposit or a bank guarantee.

A Weed Audit Report prepared by a suitably qualified Weed Contractor must be submitted to and approved by council's Head of Infrastructure and Natural Assets upon completion of the works detailing how the works have been completed to accord with the schedule of works. The bond will be returned upon approval of the Weed Audit Report by council's Head of Infrastructure and Natural Assets .

13 The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all council infrastructure required to service the lots in a form to the satisfaction of council's Corporate Secretary.

14 Street construction, including line marking, traffic devices, street lighting, concrete kerbs, gutters and footpath or shared path with asphalt roads, must be carried out to the requirements of council's *Local Highways Standard Requirements By-Law*. Pavement designs must be based upon laboratory-soaked California Bearing Ratio (CBR) values. Line marking must be in thermoplastic material.

15 The new road, gutter and footpath must join with existing road construction in a smooth and continuous fashion and extend across the primary frontage of all lots created.

16 The owner must, at their expense, repair any council services (e.g., pipes, drains) and any road, crossover, footpath or other council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the council and in accordance with the council's *Local Highways Standard Requirements By-Law*

If the owner does not undertake the required repair works within the timeframe specified by council, the council may arrange for the works to be carried out at the owner's expense.

17 Deleted – replaced with advice clause b.

18 Deleted – replaced with advice clause b

19 All stormwater for the development must be designed and constructed to include Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering

designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council for approval by the relevant / delegated officer for approval prior to the issue of the approved engineering drawings. This report is to include the maintenance management regime / replacement requirements for any treatment facilities.

- 20 All new power and telecommunication services, including applicable street lighting, must be underground and within the road reserve or subject of a suitable easement approved by council's Head of Infrastructure and Natural Assets.
- 21 Deleted
- 22 The development must meet all required Conditions of Approval specified by TasWater notice, dated **17 May 2021 TWDA2021/00779-CCC.**
- 

The following advice is also provided:

- a. This Permit will lapse after 2 years from the date on which it is granted unless the development / use has been substantially commenced. Upon request, under Section 53(5A) of the Land Use Planning and Approvals Act 1993 Council may grant an extension of time for a further 2 years. A further 2 years may be granted upon request under Section 53(5B) of the Land Use Planning and Approvals Act 1993. Any such requests must be made in writing and within 6 months of the day on which the permit has lapsed.
- b. As the proposed development will intensify the stormwater discharge from the property and requires approval under the Urban Drainage Act 2013. The stormwater system is to be designed as per Council's Stormwater Management Procedure for new development. (Stormwater-Management-Procedure-for-New Development(1).pdf). This system can be assessed as part of engineering plans assessment required in Condition [7] of the permit. For further information on stormwater please contact Council Development Engineers on 6217 9500.
- c. Property owners whose land adjoins council land, are advised to ensure that they undertake all required hazard management activities entirely within their private property and not to rely on any hazard management activity to be undertaken on the adjoining council land to achieve any necessary hazard management area state, articulated within an approved Bushfire Hazard Management Plan.
- d. This is a town planning permit only. Please be aware that a building permit and / or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.
- e. Consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, it is recommended you contact TasNetworks

on 1300 137 008 or the Early Engagement team at [early.engagement@tasnetworks.com.au](mailto:early.engagement@tasnetworks.com.au) at your earliest convenience.

- f. Non-compliance with this permit is an offence under Section 63 of the Land Use Planning and Approvals Act 1993 and may result in enforcement action under Division 4A of the Land Use Planning and Approvals Act 1993 which provides for substantial fines and daily penalties.

Daniel Marr

**HEAD OF CITY PLANNING**

*THIS APPROVAL IS GIVEN IN ACCORDANCE WITH TASMANIAN PLANNING COMMISSION DIRECTION OF*  
**XXXXXXXX**

DRAFT

**29.0 OPEN SPACE ZONE****PRELIM / DA NUMBER:PDPSPAMEND-2021-019004**

Application Number	Address
PDPSPAMEND-2021-019004	30 Holland Court, Howrah

Description
Residential subdivision creating 8 lots (lots 1 to 8) , plus 2 new road lots (lots 100 and 200) and 1 open space lot (lot 101), NB Lot 8 includes existing church building and car park

State Planning Provision amendments affecting this zone	Effective date	Table update date
TPS-C	13 October 2021	21 February 2022

Table 4.1 Exempt uses		
Exemption	Requirements	Comment
None		

7.0 General Provisions	
Relevant General Provision	Comment
None	

29.2 Use Table		
Use class proposed	Status (NPR/Permitted/Discretionary) including qualification	Comment
N/A		As per Clause 6.2.6

## 29.3 USE STANDARDS NOT APPLICABLE – Subdivision proposal

### 29.3.1 DISCRETIONARY USES

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<p><b>A1</b></p> <p>Hours of operation for a use listed as Discretionary, excluding Emergency Services or Visitor Accommodation, must be within the hours of:</p> <p>(a) 8.00am to 10.00pm if within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone; or</p>			<p><b>P1</b></p> <p>Hours of operation for a use listed as Discretionary, excluding Emergency Services or Visitor Accommodation, must not cause an unreasonable loss of amenity to adjacent sensitive uses having regard to:</p> <p>(a) the timing, duration or extent of vehicle movements; and</p>		
<p>(b) 6.00am to midnight, otherwise.</p>			<p>(b) noise, lighting or other emissions.</p>		
<p><b>A2</b></p> <p>Flood lighting of Sports and Recreation facilities within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone must not operate between 11.00pm and 7.00am.</p>			<p><b>P2</b></p> <p>Flood lighting of Sports and Recreation facilities within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone must not cause an unreasonable loss of amenity to the residential zone, having regard to:</p> <p>(a) the necessity of floodlighting for the Sports and Recreation use;</p>		
			<p>(b) the frequency of the Sports and Recreation event;</p>		
			<p>(c) whether the event is of a special nature;</p>		
			<p>(d) the duration of the event;</p>		

(e) any lighting required to set up and pack up for the event.

**29.4 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS**

**NOT APPLICABLE – Subdivision proposal**

**29.4.1 BUILDING HEIGHT, SETBACK AND SITING**

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<p><b>A1</b></p> <p>Building height must be not more than 10m.</p>			<p><b>P1</b></p> <p>Building height must not cause unreasonable loss of amenity to adjacent properties, having regard to:</p> <p>(a) the topography of the site;</p>		
			<p>(b) the height, bulk and form of existing buildings on the site and adjacent properties;</p>		
			<p>(c) the bulk and form of proposed buildings;</p>		
			<p>(d) the requirements of the proposed use;</p>		
			<p>(e) sunlight to private open space and windows of habitable rooms of dwellings on adjoining properties;</p>		
			<p>(f) the privacy of the private open space and windows of habitable rooms of dwellings on adjoining properties;</p>		
			<p>(g) any overshadowing of adjacent public places; and</p>		
			<p><b>A2</b></p> <p>Buildings must have a setback from a frontage of:</p> <p>(a) not less than 5m; or</p>		



			(a) providing small variations in building alignment to break up long building façades;		
(b) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties,  whichever is the lesser.			(b) providing variations in building alignment to provide a forecourt or space for public use, such as outdoor dining or landscaping;		
			(c) the avoidance of concealment spaces;		
			(d) the ability to achieve passive surveillance; and		
			(e) the availability of lighting.		
<b>A3</b>  Buildings must have a setback from side and rear boundaries adjoining a General Residential Zone, Inner Residential Zone or Low Density Residential Zone not less than:  (a) 3m; or			<b>P3</b>  Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, having regard to:  (a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;		
(b) half the wall height of the building,  whichever is the greater.			(b) overlooking and reduction of privacy of adjoining properties; or		
			(c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.		
<b>A4</b>  Air extraction, pumping, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from a General Residential Zone, Inner			<b>P4</b>  Air conditioning, air extraction, pumping, heating or refrigeration systems, compressors or generators within 10m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be designed, located, baffled or insulated to not		

Residential Zone or Low Density Residential Zone. [S33]			cause an unreasonable loss of amenity to sensitive uses, having regard to:		
			(a) the characteristics and frequency of any emissions generated;		
			(b) the nature of the proposed use;		
			(c) the topography of the site; and		
			(d) any mitigation measures proposed.		

#### 29.4.4 OUTDOOR STORAGE AREAS

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<b>A1</b>  Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.			<b>P1</b>  Outdoor storage areas, excluding for the display of goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.		

## 29.5 DEVELOPMENT STANDARDS FOR SUBDIVISION

Applicable

### 29.5.1 LOT DESIGN

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<p><b>A1</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must:</p> <p>(a) be required for public use by the Crown, a council or a State authority;</p>	<p><b>Complies</b></p> <p><b>A1 (a)</b></p>	<p>The proposed public open space lot 101 in the south east corner of the site, is intended to be transferred to Clarence City Council as public open space, to provide connectivity between the existing Kunyah Bushland Reserve to the south and the future public open space to be created as part of the approved subdivision to the east on 38 &amp; 38A Buckingham Drive Howrah.</p> <p>The 6m pedestrian link to the reserve, shown between Lot 6 and 7, is to be removed as per the S40K report.</p>	<p><b>P1</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of buildings on the lots;</p>		
<p>(b) be required for the provision of Utilities; or</p>	<b>N/A</b>	<p>Lots 200 and the lot along the northern boundary (Lot 101), the required utilities (road network) but will be zoned General Residential and Utilities respectively, hence are not assessed against the Open Space Zone provisions.</p>	<p>(b) existing buildings and the location of intended buildings on the lot;</p>		
<p>(c) be for the consolidation of a lot with another lot, provided each lot is within the same zone.</p>	<b>N/A</b>		<p>(c) the topography of the site;</p> <p>(d) the presence of any natural hazards; and</p> <p>(e) the pattern of development existing on established properties in the area.</p>		
<p><b>A2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, excluding a</p>	<b>Does not comply</b>	<p>The proposed open space lot is an internal lot and will not have frontage onto a road.</p>	<p><b>P2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must be provided with a frontage</p>	<b>Satisfies P2 as detailed to the right.</b>	<b>The transfer of the open space lot to Council ownership as per the proposed permit condition, will intrinsically provide access rights</b>

<p>riparian or littoral reserve or Utilities, must have a frontage not less than 15m.</p>			<p>or legal connection to a road by a right of carriageway suitable for its intended use, having regard to:</p> <p>(a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</p> <p>(b) the topography of the site;</p> <p>(c) the functionality and useability of the frontage;</p> <p>(d) the anticipated nature of vehicles likely to access the site;</p> <p>(e) the ability to manoeuvre vehicles on the site;</p>		<p><b>to the adjoining council land by virtue of ‘public ownership’.</b> Hence, access to a road is achieved via land identified as 6 Mayfair Court, which has a 6m wide access strip on the Mayfair Court cul-de-sac.</p> <p>Accordingly, the proposal is considered to provide legal connection to a road, without the requirement of a right of carriageway and is considered to satisfy Performance Criteria P2.</p> <p><b>(a) Not applicable – no ROW required, as all land will be in the same ownership, namely Clarence City Council.</b></p> <p><b>(b) Lot 101 is located in a steeper section of the site where the gradient is approximately 1 in 4.</b></p> <p><b>(c) The existing Mayfair Court frontage is 6m wide.</b></p> <p><b>(d) Lot 101 once developed is intended to provide passive recreation opportunities and hence the primary use will be for pedestrians and cyclists. The anticipated vehicular access will be required vehicles during the construction and ongoing maintenance of the future track. Such access is considered temporary in nature and can be provided by the existing informal tracks on the adjoining council land.</b></p> <p><b>(e) Lot 101 is intended to provide connectivity for passive recreation and maintain the</b></p>
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				<p>natural values in that portion of the site. Noting that it is likely that the lot would not be developed until such time as the open space of the approved 38 and 38A Buckingham Drive is taken over by Council. At which time any vehicular access via Buckingham Drive and the acquired POS contribution from that development is considered more likely.</p>
			<p>(f) the ability for emergency services to access the site; and</p>	<p>(f) Emergency services will be able to access Lot 101 via the existing access to Kunyah Reserve from Mayfair Court and future public open space to the east. Noting that it is likely that the lot would not be developed until such time as the open space of the approved 38 and 38A Buckingham Drive is taken over by Council. At which time any vehicular access via Buckingham Drive is considered more likely.</p>
			<p>(g) the pattern of development existing on established properties in the area.</p>	<p>(g) Lot 101 provides connectivity between existing public open space land zoned Landscape Conservation to the south and the future public open space to the east. The surrounding lots allocated to public open space, are larger than Lot 101, ranging in size from 1,423m<sup>2</sup> to 4ha and collectively create the Rokeby Hills Reserve area.</p> <p>Additional connectivity is provided into the reserve land to the south via Mayfair Court and Raleigh Court.</p>

<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p><b>Complies</b></p>	<p><b>The transfer of the open space lot to Council ownership as per the proposed permit condition, will intrinsically provide access rights to the adjoining council land by virtue of ‘public ownership’.</b></p> <p><b>Hence, access to a road is achieved via land identified as 6 Mayfair Court, which has a 6m wide access strip on the Mayfair Court cul-de-sac and can provide vehicular access to proposed lot 101 via existing tracks.</b></p> <p><b>Accordingly, the proposal is considered to provide legal connection to a road, without the requirement of a right of carriageway and is considered to comply with A3.</b></p>	<p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the length of the access;</p> <p>(c) the distance between the lot or building area and the carriageway;</p> <p>(d) the nature of the road and the traffic; and</p> <p>(e) the pattern of development existing on established properties in the area.</p>		
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## 26.0 UTILITIES ZONE

## PRELIM / DA NUMBER:

Application Number	Address
PDPSPAMEND-2021/019004	30 Holland Court, Howrah

Description
Residential subdivision creating 8 lots (lots 1 to 8), plus 2 new road lots (Lots 100 and 200) and 1 open space lot (Lot 101. NB Lot 8 includes existing church building and car par.

State Planning Provision amendments affecting this zone	Effective date	Table update date
TPS-C	13 October 2021	21 February 2022

Table 4.1 Exempt uses		
Exemption	Requirements	Comment

7.0 General Provisions	
Relevant General Provision	Comment

26.2 Use Table		
Use class proposed	Status (NPR/Permitted/Discretionary) including qualification	Comment
		As per clause 6.2.6

## 26.3 USE STANDARDS NOT APPLICABLE – Subdivision proposal

### 26.3.1 ALL USES

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<p><b>A1</b></p> <p>Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone must be within the hours of:</p> <p>(a) 7.00am to 9.00pm Monday to Saturday; and</p>			<p><b>P1</b></p> <p>Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone must not cause an unreasonable loss of amenity to the residential zones having regard to:</p> <p>(a) the timing, duration or extent of vehicle movements; and</p>		
<p>(b) 8.00am to 9.00pm Sunday and public holidays.</p>			<p>(b) noise, lighting or other emissions.</p>		
<p><b>A2</b></p> <p>External lighting for a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density</p>			<p><b>P2</b></p> <p>External lighting for a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must not cause an unreasonable loss of</p>		



<p>Residential Zone or Rural Living Zone, must:</p> <p>(a) not operate within the hours of 11.00pm and 6.00am, excluding any security lighting; and</p>			<p>amenity to the residential zones, having regard to:</p> <p>(a) the level of illumination and duration of lighting; and</p>		
<p>(b) if for security lighting, be baffled so that direct light does not extend into the adjoining property.</p>			<p>(b) the distance to habitable rooms of an adjacent dwelling.</p>		
<p><b>A3</b></p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of:</p> <p>(a) 7.00am to 9.00pm Monday to Saturday; and</p>			<p><b>P3</b></p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</p> <p>(a) the time and duration of commercial vehicle movements;</p>		
<p>(b) 8.00am to 9.00pm Sunday and public holidays.</p>			<p>(b) the number and frequency of commercial vehicle movements;</p>		
			<p>(c) the size of commercial vehicles involved;</p>		
			<p>(d) manoeuvring required by the commercial vehicles, including the amount of reversing and associated warning noise;</p>		

			(e) any noise mitigation measures between the vehicle movement areas and the residential area; and		
			(f) potential conflicts with other traffic.		

**26.3.2 DISCRETIONARY USES**

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<b>A1</b>  No Acceptable Solution.			<b>P1</b>  A use listed as Discretionary must not compromise or restrict the operations of an existing or proposed utility, having regard to:		
			(a) the compatibility of the utility and the proposed use;		
			(b) the location of the proposed use in relation to the utility, or any proposed utility;		
			(c) existing land uses on the site; and		
			(d) any proposed or existing buffers or mitigation measures.		

**26.4 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS**

**NOT APPLICABLE – Subdivision proposal**

**26.4.1 BUILDING HEIGHT**

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<p><b>A1</b></p> <p>Building height must be not more than:</p> <p>(a) 10m; or</p>			<p><b>P1</b></p> <p>Building height must:</p> <p>(a) be necessary for the operation of the use and not cause unreasonable impact on adjoining properties, having regard to:</p> <p>(i) the bulk and form of the building;</p> <p>(ii) separation from existing buildings on adjoining properties; and</p> <p>(iii) any buffers created by natural or other features; and</p>		
<p>(b) 15m if for a structure, such as a tower, pole or similar.</p>			<p>(b) not unreasonably impact on the visual character of the area, having regard to:</p> <p>(i) the topography of the site;</p> <p>(ii) any existing vegetation; and</p> <p>(iii) visibility from adjoining roads and public open space.</p>		
<p><b>A2</b></p> <p>Building height, excluding a structure such as a tower, pole or similar:</p> <p>(a) within 10m of an adjoining property in a General Residential Zone, Low Density Residential Zone or Rural Living Zone, must be not more than 8.5m; or</p>			<p><b>P2</b></p> <p>Building height, within 10m of an adjoining property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, excluding a structure such as a tower, pole or similar, must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) compatibility with buildings on established properties in the adjoining zone;</p>		

(b) within 10m of an adjoining property in an Inner Residential Zone, must be not more than 9.5m.			(b) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;		
			(c) overlooking and reduction of privacy to adjoining properties; and		
			(d) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.		

#### 26.4.2 SETBACKS

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<p><b>A1</b></p> <p>Buildings, excluding a structure such as a tower, pole or similar, must have a setback from all boundaries of not less than:</p> <p>(a) 5m; or</p> <p>(b) an existing building on the lot.</p>			<p><b>P1</b></p> <p>Buildings, excluding a structure such as a tower, pole or similar, must be sited to not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the size, shape and orientation of the site;</p> <p>(c) the setback of existing buildings on the site and on adjoining properties;</p> <p>(d) the bulk and form of proposed buildings;</p> <p>(e) overlooking and reduction of privacy of dwellings on adjoining properties;</p> <p>(f) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings on adjoining properties; and</p> <p>(g) any existing screening or the ability to implement screening.</p>		

<p><b>A2</b></p> <p>Air extraction, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from a General Residential Zone, Inner Residential Zone, Low Density Residential Zone and Rural Living Zone. [S29]</p>			<p><b>P2</b></p> <p>Air conditioning, air extraction, pumping, heating or refrigeration systems, compressors or generators within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone must be designed, located, baffled or insulated so as to not cause an unreasonable loss of residential amenity to the adjoining residential zones, having regard to:</p> <p>(a) the characteristics and frequency of emissions generated;</p>		
<p>(b) half the wall height of the building,</p> <p>whichever is the greater.</p>			<p>(b) the nature of the proposed use;</p>		
			<p>(c) the topography of the site and location of adjoining sensitive uses; and</p>		
			<p>(d) any proposed or existing mitigation measures.</p>		

### 26.4.3 FENCING

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<p><b>A1</b></p> <p>A fence (including a free-standing wall) within 4.5m of a frontage and where adjoining a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone must have a height above existing ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</p>			<p><b>P1</b></p> <p>A fence (including a free-standing wall) within 4.5m of a frontage and where adjoining a property in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone must be compatible with the streetscape, having regard to:</p> <p>(a) the height, design, location and extent of the fence;</p>		
<p>(b) 2.1m, if any part of the fence that is within 4.5m of a frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30%.</p>			<p>(b) the degree of transparency; and</p> <p>(c) the proposed materials and construction.</p>		
<p><b>A2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p>			<p><b>P2</b></p> <p>Common boundary fences with a property in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the height, design, location and extent of the fence; and</p>		
<p>(b) not use barbed wire.</p>			<p>(b) the proposed materials and construction.</p>		

## 26.4.4 OUTDOOR STORAGE AREAS

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<b>A1</b>  Outdoor storage areas, excluding any goods for sale, must not be visible from any road or public open space adjoining the site.			<b>P1</b>  Outdoor storage areas, excluding any goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.		

## 26.5 DEVELOPMENT STANDARDS FOR SUBDIVISION

### 26.5.1 SUBDIVISION

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<b>A1</b>  Each lot, or lot proposed in a plan of subdivision, must: <p>(a) be required for public use by the Crown, a council or a State authority;</p>	<b>Complies</b>	<b>Road lot 1 contains and existing public pathway, that is maintained by Clarence City Council obo Department of State Growth.</b>  <b>The lot is to be created to formalise the existing arrangements, via transfer to Clarence City Council, hence A1 (a) is met.</b>	<b>P1</b>  Each lot, or lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to: <p>(a) the relevant requirements for development of buildings on the lot;</p>		
<p>(b) be required for the provision of Utilities; or</p>			<p>(b) the existing buildings and the location of intended buildings; and</p>		
<p>(c) be for the consolidation of a lot with another lot provided both lots are within the same zone.</p>			<p>(c) the accessibility for vehicles providing for supplies, waste removal and emergency services.</p>		
			<p>(d) accessibility for vehicles</p>		
<b>A2</b>  Each lot, or lot proposed on a plan of subdivision, must have a frontage, or legal connection to a road by a right of	<b>Complies</b>	<b>The proposed road lot frontage onto the South Arm Highway road lot (aka Rokeby Road) extends for approximately 70m.</b>	<b>P2</b>  Each lot, or lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:		

<p>carriageway, of not less than 3.6m.</p>			<p>(a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</p>		
			<p>(b) the topography of the site;</p>		
			<p>(c) the functionality and useability of the frontage;</p>		
			<p>(d) the anticipated nature of vehicles likely to access the site;</p>		
			<p>(e) the ability to manoeuvre vehicles on the site;</p>		
			<p>(f) the ability for emergency services to access the site; and</p>		
			<p>(g) the pattern of development existing on established properties in the area.</p>		
<p><b>A3</b> Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p><b>Not Applicable</b></p>	<p><b>The road lot is for pedestrian pathway connectivity.</b></p>	<p><b>P3</b> Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p>		
			<p>(a) the topography of the site;</p>		
			<p>(b) the distance between the lot or building area and the carriageway;</p>		
			<p>(c) the nature of the road and the traffic; and</p>		
			<p>(d) the pattern of development existing on established properties in the area.</p>		



## 26.5.2 SERVICES

Acceptable Solutions	Complies?	Comment	Performance Criteria	Complies?	Comment
<p><b>A1</b></p> <p>Each lot, or lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<p><b>Not Applicable</b></p>	<p><b>The proposal is for a utilities, namely transport networks hence this provision is not applicable.</b></p>	<p><b>P1</b></p> <p>Each lot, or lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</p>		
<p><b>A2</b></p> <p>Each lot, or lot proposed on a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have connection to a reticulated sewerage system.</p>	<p><b>Not Applicable</b></p>	<p><b>The proposal is for a utilities, namely transport networks hence this provision is not applicable.</b></p>	<p><b>P2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of providing an on-site stormwater management system adequate for the future use and development of the land, having regard to:</p>		
			<p>(a) the size of the lot;</p>		
			<p>(b) topography of the site;</p>		
			<p>(c) soil conditions;</p>		
			<p>(d) any existing buildings on the site;</p>		
			<p>(e) any area of the site covered by impervious surfaces; and</p>		
<p>(f) any watercourse on the land.</p>					