

05 September 2023

John Ramsay
Executive Commissioner
Tasmanian Planning Commission
Level 3, 144 Macquarie Street
Hobart Tasmania 7001

RE: Clarence Local Provisions Schedule Draft amendment PDPSAMEND-2021-022802 Rezone land at Howrah to Landscape Conservation Zone and apply the priority vegetation overlay

Please accept this correspondence as Clarence City Council's submission on PDPSAMEND-2021-022802 (the SAP). A marked up version of the SAP is also attached to this correspondence.

Whilst Council does not object to the insertion of the SAP, it notes that even if the development potential of the SAP was maximised this would likely only result in the creation of an additional 13 to 20 dwellings.

Relevant sections of the SAP are highlighted, and comments follow. The majority of the recommended changes to the Draft Amendment seek to make future interpretation simpler and for it to more closely align with the TPS-CLA-LPS.

CLA-S23.5 Use Table

Residential

If:

- (a) for a single dwelling; or
- (b) for multiple dwellings with all roofed buildings located within Precincts A or B.

It is queried why the term; roofed buildings is included. Dwelling is defined in TPS-CLA-LPS as - *means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.*

Multiple dwelling is defined as

means 2 or more dwellings on a site.

It is recommended for the purpose of consistency that the term roofed buildings be removed from the clause and that the definitions within the TPS-CLA-LPS be retained.

Suggested change

If:

(a) for a single dwelling; or

(b) for multiple dwellings ~~with all roofed buildings~~ located within Precincts A or B.

CLA-S23.6.1 Development Standards for Dwellings

Residential density for multiple dwellings

Objective:	That the density of multiple dwellings: (a) is appropriate for the natural and visual values of Howrah Hills; and (b) provides for low density residential infill development.	
Acceptable Solutions	Performance Criteria	
A1 Within a site the maximum density of multiple dwellings must be 3000m ² per dwelling in Precinct A and 2000m ² per dwelling in Precinct B.	No acceptable criteria	

It is assumed that the intent of this clause is to constrain multiple dwellings such that they may only be constructed within the areas identified as Precinct A and B. The clause however refers to 'site' defined under the TPS-CLA-LPS as.

means the lot or lots on which a use or development is located or proposed to be located.

If the density provision is to be restricted to the area subject to Precincts A and B, the clause should also refer to Attachment 5 of the documents as sent which lists the areas of each of the lots. Without knowing the size of each of

the lots it would not be possible to calculate the maximum density for multiple dwellings as per CLA-S23.6.1. Attachment 5 should be relabelled Figure CLA-S23.2. Clause CLA-S23.6.1 A1 should be reworded to read.

Suggested change

Within the areas identified in figure CLA-S23.2 the maximum density of multiple dwellings must be 3000m² per dwelling in Precinct A and 2000m² in Precinct B.

CLA-S23.6.2 Site coverage

Objective:	That the site coverage is compatible with the protection, conservation and management of the landscape values of the site and surrounding area.
Acceptable Solutions	Performance Criteria
A1 Site coverage for uses other than multiple dwellings must not be more than 400m ² .	P1 Site coverage must be compatible with the landscape values of the site and surrounding area, having regard to:

CLA-S23.6.2 conflicts with the interpretation of Site Coverage under TPS-CLA-LPS. Site coverage under the TPS-CLA-LPS means:

the proportion of a site, excluding any access strip, covered by roofed buildings.

The definition refers to *the proportion of a site* and not to separate use and development undertaken on a site. Clause CLA-S23.6.2 would require separate and conflicting calculations for multiple dwellings and all other uses.

Development standards A1 and A2 also duplicate the same provision, i.e., located within a building area, making it very difficult to interpret whether A1 or A2 should apply.

Development Standard CLA-S23.6.2 A1 and P1 should be deleted and A2 should be amended to read.

Suggested Change

A2¹

Site coverage for ~~multiple dwellings~~ must not **exceed 350m² for each dwelling** ~~more than:~~

- ~~a) 700m² for two dwellings, plus an additional 300m² for each additional dwelling where the site does not contain an existing dwelling; or~~
- ~~b) 350m² for each additional dwelling where a site contains an existing single dwelling.~~

CLA-S23.6.4 Landscape protection

Objective:	
Acceptable Solutions	
A1	
Buildings and works, excluding multiple dwellings, must be located within a building area, if shown on a sealed plan.	

Excluding multiple dwellings from this provision, would mean that Council would have no ability to consider the impact of multiple dwellings on landscape values or native habitat and vegetation. Multiple dwellings would be exempt from consideration under this standard. Multiple dwellings should be subject to the same standard as single residential dwellings.

Development standards A1 and A2 also duplicate the same provision, i.e., located within a building area, making it very difficult to interpret whether A1 or A2 should apply.

CLA-S23.6.4 A1 and P1 should be deleted and A2 and P2 be reworded as follows.

Suggested Change

A2¹

Buildings and works, ~~excluding multiple dwellings~~ must:

- (a) be located within a building area, if shown on a sealed plan; or

- (b) be an alteration or extension to an existing building providing it is not more than the existing building height; and
- (c) not include cut and fill greater than 1m; and
- (d) be not less than 10m in elevation below a skyline or ridgeline.

*P1 2 Buildings and works must be located to minimise **native vegetation removal and** the impacts on landscape values, having regard to:*

- (a) the topography of the site.*
- (b) the size and shape of the site.*
- (c) the proposed building height, size, and bulk.*
- (d) any constraints imposed by existing development.*
- (e) visual impact when viewed from roads and public places; and*
- (f) any screening vegetation. P2.2 If the building and works are less than 10m in elevation below a skyline or ridgeline, there are no other suitable building areas.*

It is Council's suggestion that once the delegates have had an opportunity to consider any further submissions on the SAP that a further hearing be held to finalise the drafting of the SAP.

If you have any further queries, please do not hesitate to contact me on 0438 376 840 or email evan@e3planning.com.au.

Regards



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CLA-S23.0 Howrah Hills Residential Specific Area Plan**CLA-S23.1 Plan Purpose**

CLA-S23.1.1 The purpose of the Howrah Hills Residential Specific Area Plan is to protect the natural and scenic values of the Howrah Hills while allowing low density residential infill.

CLA-S23.2 Application of this Plan

CLA-S23.2.1 This specific area plan applies to the areas of land designated as the Howrah Hills Residential Specific Area Plan on the overlay maps.

CLA-S23.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution, modification, or addition to the provisions of the Landscape Conservation Zone, as specified in the relevant provision.

CLA-S23.3 Local Area Objectives

GSB-S23.3.1 Local Area Objectives

Sub-clause	Area description	Local Area Objective
CLA-S23.3.1.1	Precinct A within the area shown on an overlay map as CLA-S23.2.1.1 and shown as A in Figure CLA-S23.1.	The local area objectives for Precinct A are to: <ul style="list-style-type: none">(a) Facilitate residential development conserves the visual landscape values of the mid-slopes of Howrah hills.(b) Allow for a low density and scale of residential infill development in a visually sensitive location within an existing modified landscape.
CLA-S23.3.1.2	Precinct B within the area shown on an overlay map as CLA-S23.2.1.1 and shown as B in Figure CLA-S23.1.	The local area objective for Precinct B is to allow for low density and scale of residential infill development that acts as a transition area between the existing Howrah urban residential area and native bushland on Howrah hills.

CLA-S23.4 Definition of Terms

This sub-clause is not used in this specific area plan.

CLA-S23.5 Use Table

This use table is in substitution of clause 22.2 of the Landscape Conservation Zone.

Use class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	

Permitted	
Residential	If for a: (a) home-based business; or (b) single dwelling located within a building area, if shown on a sealed plan.
Utilities	If for minor utilities.
Discretionary	
Residential	If: (a) for a single dwelling; or (b) for multiple dwellings with all roofed buildings located within Precincts A or B.
Utilities	If not listed as Permitted.
Visitor Accommodation	
Prohibited	
All other uses	

CLA-S23.6 Development Standards for Dwellings

CLA-S23.6.1 Residential density for multiple dwellings

This clause is in addition to clause 22.4 of the Landscape Conservation Zone.

Objective:	That the density of multiple dwellings: (a) is appropriate for the natural and visual values of Howrah Hills; and (b) provides for low density residential infill development.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Within a site the maximum density of multiple dwellings must be 3000m² per dwelling in Precinct A and 2000m² per dwelling in Precinct B</p> <p><u>Within the areas identified in figure CLA-S23.2 the maximum density of multiple dwellings must not exceed 3000m² per dwelling in Precinct A and 2000m² per dwelling in Precinct B.</u></p>	No acceptable criteria

CLA-S23.6.2 Site coverage

This clause is in substitution of clause 22.4.1 of the Landscape Conservation Zone.

Objective:	That the site coverage is compatible with the protection, conservation and management of the landscape values of the site and surrounding area.
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Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Site coverage for uses other than multiple dwellings must not be more than 400m².</p>	<p>P1</p> <p>Site coverage must be compatible with the landscape values of the site and surrounding area, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the capacity of the site to absorb run-off; (c) the size and shape of the site; (d) the existing buildings and any constraints imposed by existing development; (e) the need to remove vegetation; (f) the location of development in relation to cleared areas; and (g) the location of development in relation to natural hazards.
<p>A2¹</p> <p>Site coverage for multiple dwellings must be not exceed 350m² for each dwelling. more than:</p> <ul style="list-style-type: none"> a) 700m² for two dwellings, plus an additional 300m² for each additional dwelling where the site does not contain an existing dwelling; or b) 350m² for each additional dwelling where a site contains an existing single dwelling. 	<p>P2²</p> <p>Site coverage must not t be more than 20% greater than the area required by the acceptable solution and be compatible with the landscape values of the site and surrounding area, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the capacity of the site to absorb run-off; (c) the size and shape of the site; (d) the location and scale of existing buildings and any constraints imposed by existing development; (e) the need to remove or retain vegetation; (f) the location of development in relation to cleared areas and natural hazards; and (g) the scale, form and visibility of the development on the site.

CLA-S23.6.3 Setback

This clause is in substitution of clause 22.4.2 A2/P2 and A3/P3 of the Landscape Conservation Zone.

Objective:	That the siting of dwellings is compatible with the landscape and natural values of the site.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings must have a setback from all boundaries not less than 10m.</p>	<p>P1</p> <p>Building setbacks must be compatible with the landscape values of the surrounding area, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) setbacks of adjacent buildings;

	<ul style="list-style-type: none"> (c) the height, bulk and form of existing and proposed buildings; (d) the appearance when viewed from roads and public places; (e) the safety of road users; and (f) the retention of vegetation.
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CLA-S23.6.4 Landscape protection

This clause is in substitution to clause 22.4.4 of the Landscape Conservation Zone.

Objective:	
Acceptable Solutions	Performance Criteria
<p>A1 Buildings and works, excluding multiple dwellings, must be located within a building area, if shown on a sealed plan.</p>	<p>P1 Buildings and works must be located to minimise native vegetation removal and the impact on landscape values, having regard to:</p> <ul style="list-style-type: none"> (a) the extent of the area from which native vegetation has been removed; (b) the extent of native vegetation to be removed; (c) any remedial or mitigation measures or revegetation requirements; (d) provision for native habitat for native fauna; (e) the management and treatment of the balance of the site or native vegetation areas; (f) the type, size, and design of development; and (g) the landscape values of the site and surrounding area.
<p>A2¹ Buildings and works, excluding multiple dwellings must:</p> <ul style="list-style-type: none"> (a) be located within a building area, if shown on a sealed plan; or (b) be an alteration or extension to an existing building providing it is not more than the existing building height; and (c) not include cut and fill greater than 1m; and (d) be not less than 10m in elevation below a skyline or ridgeline 	<p>P2¹ Buildings and works must be located to minimise <u>native vegetation removal and the</u> impacts on landscape values, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size and shape of the site; (c) the proposed building height, size and bulk; (d) any constraints imposed by existing development; (e) visual impact when viewed from roads and public places; and (f) any screening vegetation. <p>P2.2 If the building and works are less than 10m in elevation below a skyline or ridgeline, there are no other suitable building areas.</p>

CLA-S23.6.5 Clearance within a priority vegetation area

This clause is in substitution of clause C7.6.2 of the Natural Assets Code.

Objective:	That clearance of native vegetation within a priority vegetation area: (a) does not result in unreasonable loss of priority vegetation; (b) is appropriately managed to adequately protect identified priority vegetation.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.</p>	<p>P1.1</p> <p>Clearance of native vegetation within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> (a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person; (b) buildings and works associated with the construction of a single dwelling, multiple dwellings or an associated outbuilding on the site; (c) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design; (d) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or (e) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site. <p>P1.2</p> <p>Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <ul style="list-style-type: none"> (a) the design and location of buildings and works and any constraints such as topography or land hazards; (b) any particular requirements for the buildings and works; (c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;

	<ul style="list-style-type: none"> (d) any mitigation measures implemented to minimise the residential impacts on priority vegetation; (e) any on-site biodiversity offsets; and (f) any existing cleared areas on the site.
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Figure CLA-S23.1 Howrah Hills Residential Specific Area Plan

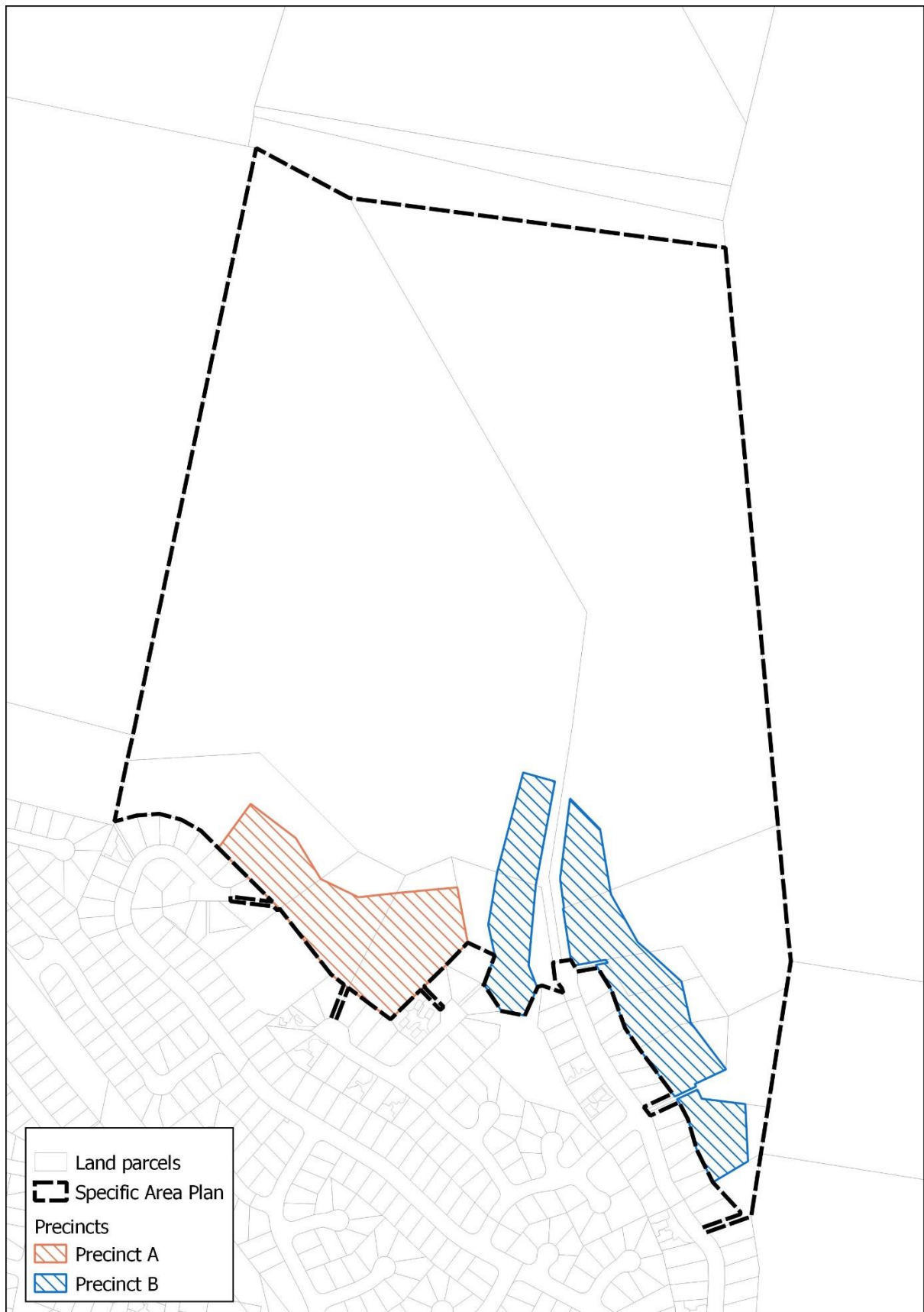


Figure CLA-S23.2 Howrah Hills Residential Specific Area Plan Areas

