
From: evan@e3planning.com.au
Sent: Tuesday, 30 June 2026 8:56 AM
To: TPC Enquiry; Jack Tammens
Cc: nwaters@ccc.tas.gov.au; clarence; frazer@allurbanplanning.com.au; TasWater Development Mailbox; Robyn Olsen; Daniel Marr
Subject: Re: Clarence Draft amendment PDPSAMEND-2025-054641
Attachments: Clarence City Council advocate submission PDPSAMEND-2025-054641300626.pdf; Clarence City Council experts submission PDPSAMEND-2025-054641.pdf

Categories:

Please find attached Clarence City Council's submission on the draft amendment. We have determined to lodge an advocate and an expert submission.

Regards

Evan

Evan Boardman B Econ, B Science, Grad Dip URP, MEIANZ
Director
www.e3planning.com.au



ENVIRONMENT
SUSTAINABLE
DEVELOPMENT
ECONOMICS

From: TPC Enquiry
Sent: Tuesday, 9 June 2026 2:52 PM
Cc: nwaters@ccc.tas.gov.au ; cityplanning@ccc.tas.gov.au ; clarence@ccc.tas.gov.au ; evan ; frazer@allurbanplanning.com.au ; TasWater Development Mailbox
Subject: Clarence Draft amendment PDPSAMEND-2025-054641
Good afternoon,
The Commission has enclosed correspondence regarding the above draft amendment.
Kind regards,
TASMANIAN PLANNING COMMISSION

Level 3 144 Macquarie Street Hobart TAS 7000
GPO Box 1691 Hobart TAS 7001
03 6165 6828

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

SUBMISSIONS OF CLARENCE CITY COUNCIL

1. Potential Specific Area Plan

- 1.1 Following the hearing on 1-2 June 2026, the Commission adjourned and subsequently issued a direction dated 9 June 2026, inviting the parties to provide a submission on their respective views on matters that may be addressed by a potential Specific Area Plan (**SAP**) for the Site.
- 1.2 For the reasons which follow, Council does not support the Draft Amendment, nor any proposal for an SAP at the Site.

2. Section 32(4) of the LUPPA

- 2.1 Section 32(4) of the LUPPA states, in relation to a proposed SAP that the following test must be applied and met:

- (4) *An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –*
- (a) *a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
 - (b) *the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

3. Section 32(4)(a)

- 3.1 To satisfy section 32(4)(a) it must be demonstrated that the use and development allowable under the SAP (or Draft Amendment generally) will have significant social, economic or environmental benefit. In the absence of any combined permit application, the reference to “use and development” in this sub-clause means that the sub-clause should be assessed by reference to the proposed uses and development controls suggested in the Commission’s direction, namely limiting the permissible uses to the ‘No Permit Required’ uses in the Local Business Zone.
- 3.2 The No Permit Required uses in the LBZ are:
- a. Business and Professional Services;
 - b. Food Services;

- c. General Retail and Hire;
- d. Natural and Cultural Values Management;
- e. Passive Recreation;
- f. Residential (If for home-based business); and
- g. Utilities (If for minor utilities).

3.3 Council's position is that, whether the Site is restricted to those 'No Permit Required' uses or not, the Commission cannot be satisfied that the SAP will confer a "significant" social, economic or environmental benefit on the State, the region or the municipal area:

- a. The Council's view is that the Draft Amendment generally, with or without the suggested SAP, lacks strategic intent and justification and says that it has not been demonstrated that it will generate a significant social benefit.

The social benefit advanced by the Applicant is:

- i. The potential to develop an additional convenience shopping precinct along the East Derwent Highway road corridor to service the growing population in Lindisfarne, Geilston Bay and Risdon Vale, described as the "identified catchment area".¹
- ii. The consolidation and/or expansion of a local activity centre at the Site with development potential to service local residents within walking distance to the Site.²

The Council contends that:

- iii. The Site is not, and does not form part of, a local activity centre. Development in this area would, therefore, be out-of-centre development, inconsistent with the Regional Policies in the STRLUS. It does not support the establishment of a local activity centre in the location of the Site which is not a location which has been identified by the Council as appropriate for that level of activity. The establishment of a new activity centre should be at the initiative of the Council or State following comprehensive strategic planning and economic analysis which is absent in the case of the Draft Amendment;
- iv. The growth of the "identified catchment area" does not mean that the Site is the most appropriate location to develop in order to service those suburbs. Lindisfarne is already serviced by the Lindisfarne Village, being the designated Neighbourhood Centre in the area. Geilston Bay and Risdon Vale each have underutilised or underdeveloped LBZ zoned land,³ and a large swathe of land zoned Future Urban north of Belmont Court, Geilston Bay and adjacent to the new subdivisions in "Sugarloaf View Estate", Risdon Vale, which may be more appropriate development sites to service those growing suburbs. Without

¹ Population, Commercial Activity & Traffic Flow Data 113-119 East Derwent Highway, Lindisfarne: Steve Yannarakis dated 29 May 2026.

² See, eg, Frazer Read Response Statement dated 29 May 2026 pp. 9 (Response to Activity Centre Policies).

³ Including 238 East Derwent Highway, Geilston Bay.

comprehensive strategic planning and economic analysis of the entire Municipal area, that is a question which cannot be resolved.

- v. There are, in the Council's view, potential social disadvantages presented by the Draft Amendment and SAP including the potential exacerbation of traffic management and safety issues at the Ballawinnie intersection, and consequent impacts on pedestrian safety and parking in the vicinity of the Site.
 - vi. To the extent relevant, a large number of near 200 local residents joined in on a petition in opposition to the Draft Amendment indicating at face value, a perceived lack of social benefit by at least those persons.
- b. There is no economic evidence before the Commission, at all. At highest, the Commission has before it the evidence of Mr Yannarakis, the director of the Applicant and landowner, adduced on the second day of the hearing, which was largely incorporated into the Application itself at Part 3.3 – 3.4. The central components of Yannarakis's statement are that:
- i. The Lindisfarne, Gilston Bay and Risdon Vale areas have expanded over the past 25 years;
 - ii. The total commercial floor area in the Lindisfarne Village has not notably changed in the same period and is fully occupied;
 - iii. The total commercial floor area along the East Derwent Highway has not changed in 50 or more years; and
 - iv. The Draft Amendment will respond to the disproportionate residential growth.

Respectfully, whilst the Council does not disagree with those conclusions, it says that it falls short of the level of economic analysis which is required to be satisfied that the Draft Amendment, with or without the SAP, will confer a substantial economic benefit on the municipal area.

No economic assessment was undertaken in support of the Draft Amendment which demonstrates that it will not affect the economic viability of Lindisfarne Village as the principal centre servicing the locality. Council considers that a real risk created by the future development potential of the Draft Amendment, with or without the SAP, and without an economic assessment demonstrating otherwise, is unable to support it.

- c. Importing the word "substantial" in s 32(4)(a) of the LUPPA means that the Commission must be satisfied that the economic or social benefit will be "important", "notable", "weighty" or "more than ordinary".⁴ The Council's position is that there simply isn't evidence before the Commission to be satisfied to that degree.
- 3.4 On that basis, Council's position is that the SAP does not meet the test in s 32(4)(a) of the LUPPA.

Section 32(4)(b)

⁴ *G & B Affairs Pty Ltd v Lake Macquarie City Council* [2015] NSWLEC 1481 at [51].

- 3.5 The focus of section 32(4)(b) is the Site itself, rather than any future use and development upon it.
- 3.6 It's noted that the use of the words "unique to the area of land" is capable of more than one interpretation. Council's preferred interpretation is that the focus is on the particular environmental, economic, social or spatial qualities that make the specific site unique, as opposed to particular qualities that require planning controls which are unique to that land, and warrant controls that depart from the SPPs.
- 3.7 The unique characteristics advanced by the Applicant, as best Council can ascertain,⁵ are all spatial features, in that they relate to the location of the Site and its suitability.⁶ Those identified in the Application are that:
- a. It is fully enclosed by non-residential uses,⁷ and most importantly, wedged between two other sites zoned Local Business such that it would connect them and create an "consolidate an existing local business node";⁸
 - b. It is poorly suited to residential use because it is immediately adjacent to a service station and elevated road exposure;⁹
 - c. The Site sits on the East Derwent Highway road corridor, and is highly accessible to public transport;¹⁰ and
 - d. It is proximate to a number of recreational amenities, schools and residential catchments.¹¹
- 3.8 Council submits that the Commission can be satisfied, consistent with previous decisions, that a spatial quality is not unique if that quality is held in common with other land in the area.¹² Council contends that those qualities referred to above are common to a number of other sites along the East Derwent Highway, and within the Clarence municipality, such that they cannot be considered unique. A number of similar sites were identified during the course of the hearing, including, *inter alia*:
- a. 158 East Derwent Highway, Lindisfarne;
 - b. 155 East Derwent Highway, Lindisfarne;
 - c. 238 East Derwent Highway, Lindisfarne;
 - d. 92 Clarence Street, Bellerive;

⁵ Noting that it was the Commission and not the Applicant who proposed the SAP and expressly advanced submissions as to the unique qualities of the land.

⁶ See, eg, Tasmanian Planning Scheme - Brighton amendment RZ-2025-04 [2026] TASPComm 9 at [14].

⁷ Frazer Read Response Statement dated 29 May 2026 at ; Frazer Read Application Document dated 8 May 2025 pp. 15

⁸ Frazer Read Application Document dated 8 May 2025 pp. 7

⁹ Frazer Read Application Document dated 8 May 2025 pp. 7

¹⁰ Frazer Read Application Document dated 8 May 2025 pp. 6

¹¹ Frazer Read Application Document dated 8 May 2025 pp. 7

¹² Tasmanian Planning Scheme - Dorset amendment 1-2022 [2023] TASPComm 31.

- e. 174 Clarence Street, Bellerive;
 - f. 242 Clarence Street, Bellerive; and
 - g. 221 Clarence Street Bellerive.
- 3.9 The policy reason for the test in s 32(4)(b) is that, as a general proposition, the planning controls of the applicable zone should adequately control use and development on a particular site. Even if a unique spatial quality is identified that quality must be such that it requires modified planning controls.¹³
- 3.10 The Council does not consider that there are any such unique spatial features at this Site which justify a departure from that general position and a need to add to or modify the planning controls.
- 3.11 On that basis, Council's position is that the SAP does not meet the test in s 32(4)(b) of the LUPPA.

4. Disposition

- 4.1 For the reasons above, Council submits that the Commission cannot be satisfied that the SAP meets the test in s 32(4) of the LUPPA and, therefore, cannot be satisfied that it meets the LPS Criteria.
- 4.2 In the event that the Commission disagrees, it ought to be noted that it is the position of Council that the SAP represents a substantial modification to the Draft Amendment for the purposes of s 40N of the LUPPA. It will be subject to the requirements for exhibition in ss 40G and 40H. Council considers that moving to again exhibit a Draft Amendment, which it considers generally lacks proper strategic basis and does not support, to be a significant waste of resources.

DATED: 23 June 2026

DOBSON MITCHELL ALLPORT

Per:



Practitioners for the Planning Authority

¹³ See, eg, Tasmanian Planning Scheme - Brighton amendment RZ 2020-03 [2021] TASPComm 15 at [28] – [30].

30 June 2026

Michael Hogan
Delegate (Chair)
Tasmanian Planning Commission
Level 3, 144 Macquarie Street
Hobart Tasmania

Tasmanian Planning Scheme – Clarence Draft amendment PDPSAMEND-2025-054641

Please accept this correspondence as Clarence City Council's submission on the potential Specific Area Plan (SAP) for the proposed Draft Amendment to the Tasmanian Planning Scheme-Clarence Local Provisions Schedule (the Scheme).

In your letter dated 9 June 2026 you invited parties to provide their views on matters that may be addressed by a potential Specific Area Plan. Your directions are reproduced below and our submissions follow.

2. Potential Specific Area Plan

All parties are invited to provide a submission providing their views on matters that may be addressed by a potential Specific Area Plan for the site as outlined below.

Submissions on this matter are to be submitted by 30 June 2026.

Submission

No submission, evidence, statement or comment on the need for or appropriateness of a Specific Area Plan (SAP) was advanced during the public advertising period, or during the two-day public hearing process. No representation was put forward by the advocate for the draft amendment or by the Planning Authority. There is no evidentiary basis for the insertion of a SAP into the *Tasmanian Planning Scheme-Clarence Local Provisions Schedule* (the Scheme).

The only time the idea of a SAP was proposed was in the closing minutes of the public hearings. Council appreciates that the Tasmanian Planning Commission (TPC) has broad powers and that it is able to approve, refuse or modify a draft amendment, however it is our submission that the TPC's overriding role and responsibility must be in determining the strategic merit of

any planning scheme amendment based upon evidence received, rather than in advancing any unsolicited substantial modification. Unsolicited modifications as the delegates would appreciate place substantial further costs upon all parties including Council and the TPC and create potential risk to the validity of any decision made. It would require

- Council to readvertise the draft amendment by including a SAP,
- the public to make submissions on the SAP
- Council to assess the submissions
- The TPC to hold hearings
- Representors to be notified of any decision.

Readvertising the SAP which would deliver a similar outcome to that of the original draft amendment, would create an expectation rightly or wrongly within the community that the readvertised SAP was a fait accompli, as it would be reasonable for them to assume that the merits of the original draft amendment had been considered as part of the original hearing process.

It is Council's principal submission that the proposed substantial modification the SAP does not address the fact that the proposed amendment lacks strategic merit. The primary question which we say the TPC is tasked with determining is whether it is appropriate to provide for an Activity Centre at 113-119 East Derwent Highway Lindisfarne and not whether a SAP should be inserted into the Scheme to manage or regulate the potential impact of an activity centre. In this regard Council relies upon the positions and arguments put forward in the further Submission it made to the TPC on the Draft Amendment dated 22 May 2026 by this author. We reiterate that regardless of a SAP the Proposal would not meet the zone-application guidelines for the Local Business Zone, would not align with the Activity Centre hierarchy, and would not advance the objectives of the Land Use Planning and Approvals Act 1993 or the regional policies relating to social infrastructure, activity centres, or land-use integration.

Plan Purpose

To provide for a range of convenience, retail, community and commercial services at a scale and intensity that supports the local community and limits offsite effects

To establish a pedestrian-focused built form that prioritises active street frontages and architectural articulation to create a vibrant, safe, and accessible community destination.

To provide for vehicle access that aligns with the safe and efficient performance of the surrounding public road network for all road users.

Submission

The Plan purpose encourages the creation of an Activity Centre which in our submission is not supported by any strategic intention under the Southern Tasmanian Regional Land Use Strategy (STRLUS) or any other relevant strategic document to expand the retail or business area outside of the existing activity centres within Clarence. Whilst the SAP may not create a straight rezoning of 113-119 East Derwent Highway Lindisfarne to the Local Business Zone it would have a similar effect and outcome. Introducing the SAP would create the potential for an isolated, out-of-centre commercial Activity Centre.

Site Amalgamation

Any new land use of the land in the SAP area is on a single, amalgamated site.

Permissible Uses

Consider limiting the permissible uses to the 'No Permit Required' uses in the Local Business Zone.

Scale and Diversity of Activities

Consider the following gross floor areas for individual tenancies and activities:

- 200m² for general retail and hire and food services use classes.

Maximum gross floor area at ground level:

- 200m² at ground level for business and professional services use class, and
- 400m² at ground level for residential use class.

Street Setback

The street setback at ground level may be varied between 0m and 5.0m to support a high-quality, vibrant pedestrian environment, having regard to:

- the provision of small plazas, outdoor dining pockets, or recessed architectural entryways that enhance the public space
- the avoidance of a monotonous, continuous "hard edge" wall along the street frontage
- the retention of clear, safe pedestrian movement and integration with the public footpath, and
- the maintenance of safe sightlines at the intersection and vehicle access points.

Traffic Generation

Vehicle traffic to and from the site gives effect to the design and principles contained in the Site Access Concept Plan. The Site Access Concept Plan is an incorporated document under this standard and has regard to a range of relevant matters.

Submission

There is no reasoning or basis given as to why it might be appropriate or necessary for any new use to be on a single amalgamated site. Would the SAP require the property titles to be amalgamated prior to any new use being approved? Would any future subdivision of the titles be prevented by the proposed clause.

The proposed scale and diversity of activities only considers gross floor area, this would not assist in providing or encouraging diversity of use and development but just create square pegs for potentially round holes

The gross floor areas as proposed do not take into consideration the retail economies which may or may not be present. Again no strategic consideration or justification has gone into determining appropriate floor size areas or whether retail in this location is strategically appropriate.

The street setbacks would not assist in addressing the lack of strategic justification for the proposed SAP which would deliver an activity centre or the potential impact upon the streetscape of the East Derwent Highway.

The Site Access Concept Plan was designed for one specific residential and retail development, and it is unlikely that the site access concept plan would 'work' for an alternate development. Any traffic management solution must be tailored to the requirements of an individual development and not to a site access concept plan designed for a different development. Traffic management solutions must be prepared in accordance with relevant Australian Standards.

Conclusion

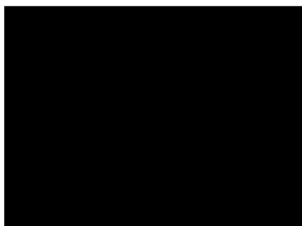
Council is unsupportive of the proposed SAP as it does not address any of the planning obstacles, and lack of strategic planning merit faced by the proposed draft amendment before the TPC.

There is no evidentiary basis for the proposed SAP as no representative, Council or proponent canvassed the idea of a SAP throughout the development of the draft amendment.

The SAP if pursued by the TPC would create an unnecessary financial burden upon Council and the community.

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

Regards



Evan Boardman
Grad Dip URP, B ScEnv, B Econ MEIANZ