

**From:** "Clarence City Council" <clarence@ccc.tas.gov.au>  
**Sent:** Tue, 28 Mar 2023 15:38:53 +1100  
**To:** "City Planning" <cityplanning@ccc.tas.gov.au>  
**Subject:** FW: PDPSPAMEND-2021 019004 - 30 Holland Court, HOWRAH - Planning Scheme Amendment & Permit Application  
**Attachments:** 2023 03 23 - Submission - Holland Ct Howrah signed.pdf  
**Categories:** Bec

---

**From:** Gaskell, David <david.gaskell@nyrstar.com>  
**Sent:** Tuesday, 28 March 2023 3:36 PM  
**To:** Clarence City Council <clarence@ccc.tas.gov.au>  
**Cc:** davidgaskell@aapt.net.au; john@jgplan.com.au  
**Subject:** PDPSPAMEND-2021 019004 - 30 Holland Court, HOWRAH - Planning Scheme Amendment & Permit Application

**This Message Is From an External Sender**

This message came from outside your organization.

Attn General Manager

Attached is my submission to the above.

Can you please confirm receipt by return e/mail.

**David Gaskell**

The content of this email and its attachments are confidential and solely for the use of the intended recipient. They may not be disclosed to, used by or copied in any way by, anyone other than the intended recipient except where the email states it can be disclosed. If this email is received in error, please immediately notify the sender, delete all copies and refrain from printing, copying, and/or distributing this email, or otherwise using the information in it. Please note that neither Nyrstar, nor the sender accepts any responsibility for viruses and it is your responsibility to scan or otherwise check this email and any attachments. This message includes personal data which must be processed and used in accordance with the applicable legal and regulatory provisions.

28 March 2023

The Chief Executive Officer  
City of Clarence  
PO Box 96  
Rosny Park TAS 7018

Dear sir/ madam,

**RE: SUBMISSION - OBJECTION TO A COMBINED DRAFT PLANNING SCHEME  
AMENDMENT AND DEVELOPMENT APPLICATION**

**30 HOLLAND COURT, HOWRAH**

**APPLICATION REFERENCE: CT 35660/ 1**

**PSPSPAMEND – 2021/ 019004**

**1. INTRODUCTION**

I am writing to object to the application made to amend the Clarence Local Provision Schedule (LPS) by rezoning the subject site from Community Purpose Zone to General Residential Zone, Open Space and Utilities Zone, and a one into seven lot subdivision at 30 Holland Court, Howrah.

The application seeks to rezone the site from the Community Purpose Zone to General Residential Zone and Open space zone, and create lots for:

- The existing church building (which is to be retained and continue to operate)
- Two open space lots
- Seven residential lots.

Please note that I am supportive of the ongoing use of land for the church, and support Churches of Christ continuing on the premises.

For your information I am an immediate neighbour of the proposed subdivision and as a result, have a high level of interest in the local amenity, ecological values and use of land adjoining my residence. This submission sets out the grounds of our objection and seeks amendments and conditions to apply to the proposed development.

We respectfully request **Council seek amendments and apply certain conditions** for the proposal it to better align with the objectives of the *Land Use Planning and Approvals Act 1993*, and to achieve the relevant planning outcome within the Clarence City planning scheme and meet the reasonable community expectations for development within our neighbourhood. Unless amendments occur to the application or certain conditions are applied I will be strongly opposed to the rezoning and subdivision application.

## 2. REASONS FOR OBJECTION

### 2.1 Proposal does not retain Community Purpose Zone

**The proposal incorrectly includes the proposed church lot in the General Residential Zone, rather than retaining this land in the Community Purpose Zone.**

The proposed rezoning and subdivision creates a church lot for the existing church to continue to operate. As stated previously this is supported. However, the proposed rezoning plans fail to retain the church lot in the Community Purpose Zone, which diminishes the strength of future applications for church extensions or changes over time. The Community Purpose Zone offers a far greater level of support for the church's activities, and also provides a clear indication to new and existing residents that the church will continue to operate. The church's inclusion in the General Residential Zone only serves to weaken its position as a lawful operating church in this part of the city.

The church is proposed to be included in the General Residential Zone, opening the opportunity for a later subdivisions or changes of use, which will avoid the need for a future rezoning and detailed consideration of the planning issues arising from the proposed change in use. In effect the application seeks for the 5,039m<sup>2</sup> balance lot for the church to be considered as a future residential use, including a potential 15 unit multiple dwelling in the future.

Section 3.2 of the JMG Planning Report (dated December 2022) openly canvasses the church being potentially included in the Particular Purpose Zone stating that *"This was determined to not provide sufficient flexibility should the church leave the site in the future and would be a spot zone within the otherwise predominantly residential area"*.

This approach does not properly consider the current scenario for the church's retention and prejudices a future application process on the church land should the circumstances change for the Churches of Christ in the future. Further retention of the church lot in the Community Purpose Zone is not a 'spot' zone (at over 5,000m<sup>2</sup>) and does not offend sensible planning outcomes for this part of the City of Clarence, which should reflect existing approvals and patterns of land use in place.

Although I support the Community Purpose Zone for the church, its inclusion in the General residential zone raises the prospect of further subdivision and the potential for multiple dwellings in the future. These potential uses have not been properly considered or assessed in the application. As a result, the rezoning application is considered deficient. Again a more sensible option is to retain the church in the Community Purpose Zone and should circumstances change and new development be proposed in the future the assessment of that use can occur at that time.

### 2.2 Proposed subdivision layout does not retain the mature native vegetation or landscape character of the area

The current land parcel which contains the church has a strong landscape character and ecological values by virtue of the existing bushland on which it is located. The proposed subdivision will dramatically reduce the landscape character of this part of Howrah and diminish the current ecological values of the land. The proposal lacks sufficient consideration of the ecological and landscape character values and fails to contain larger size lots within the proposed subdivision to strike a better balance between these values and the use of land for new houses.

The proposal also cuts across the outcomes intended for a Priority vegetation area. The proposal fails to meet P1.1 or A2 of C7.7.2 of the Natural Assets Code by proposing an intensity and a lot size that fails to adequately protect the ecological and landscape character values of the land.

The removal of this vegetation in turn impacts on threatened flora and fauna, including the swift parrot habitat and black gums.

Further the steepness of the land requires that larger lots are considered to ensure that retaining structures, fences and buildings are able to appropriately respond to the steep land that characterises the land particularly in the west of the site.

The amendment of the subdivision is recommended to:

- Avoid the removal of significant vegetation from the site by identifying tree protection zones in each of the lots, including the vegetated western lots
- create larger allotment sizes with wider frontages to protect vegetation and obtain an improved balance between built form and vegetation
- carefully locate building envelopes that allow for building areas and the retention of vegetation.

North Barker Ecosystem Services report has identified the red rectangles in the proposed subdivision as 'building area' (Figure 5, page 19). This is recommended to be formalised to specifically set a building envelope for each lot in any future subdivision approval, to limit the extent of building on site and retain mature trees on the site. This would reinforce the clarity needed to retain the ecological and landscape character values of the site.

The North Barker report does not appear to draw proper conclusions about minimising impacts (page 17) by not nominating correct information about proposed lot 1 or the proposed open space lot. The report lacks rationale on the retention of vegetation on the proposed lots 3 to 6 and the landscape character of lots 3 to 6.

### 2.3 The new houses are exposed to landslip hazard

The proposal is located within a Landslip hazard area which demonstrates the steepness of land of the area in which it is located. The steep land also necessitates a more nuanced appropriate to lot size and building location, taking account of the likely access, building location, retaining structures, removal of vegetation and the like which without proper consideration, will increase impacts of the development of steep land, and decrease ecological and landscape character values. Larger lots with wider frontages are required to properly accommodate retaining structures and an appropriate retention of trees on the site.

Again more detailed plans showing building envelopes and identifying how the proposed access minimises retaining structures and retains vegetation is required to meet the outcomes of the City of Clarence planning scheme.

### 2.4 Retention of Amenity

The proposal allotment design, size of allotments and clearing of land does not adequately retain the amenity of this part of Howrah and detracts from the amenity of the locality.

The proposal detracts from the reasonable expectations of the amenity of this quiet cul-de-sac with its natural setting, by creating lots on steep land and by removing significant areas of natural vegetation on land currently included in the Community Purpose Zone.

The current size of the Churches of Christ allotment and its use has been largely compatible with residential use, by virtue of its setbacks and buffer distances to existing residences. Unfortunately the proposal eliminates these buffer areas, which are reasonably expected to continue. This reduces the residential amenity of our premises and that of the local area.

As a result it is recommended that a greater setback be considered for the proposed houses (lots 1 and 3) to maintain the amenity reasonably expected under current circumstances.

### 2.5 Noise

The attached noise report by NVC does not appear to ensure the ongoing operation of the church in its consideration of acoustic issues in Holland Court. So that the church can continue to operate without complaint or be hamstrung by complaints from new residents consideration of the noise attenuation standards of the new dwellings is recommended to be considered, rather than the sole focus being on traffic noise from Rokeby Road.

## 2.6 Lot orientation

The planning report incorrectly asserts that the proposed subdivision does not contain a new road. This is wrong and a correct code response is sought.

## 2.7 Proposed lot 7

The proposed lot 7, at 3,150m<sup>2</sup>, could be used for a range of different purposes in the future, and for more intensive residential development. However, rather than these aspects being assessed in the current application, the proposal is to create one large allotment of 3,150m<sup>2</sup>, and with no explanation as to how or what uses might be considered on this land in the future.

This rezoning process is recommended to be clearer on the end use of Lot 7, where future uses may have a major impact on vegetation retention, traffic and amenity.

The proposal is considered deficient as it creates a large allotment without nominating its future use. Proper impact assessment, such as noise from the church, impacts on vegetation, bushfire, consideration of steep land and other aspects remain unresolved in the application. These aspects must be resolved prior to its inclusion in the General Residential Zone, to fully and properly assess the proposed rezoning and subdivision. The allotment size of 3,150m<sup>2</sup> could be further subdivided or used for a multiple dwelling and these aspects have not been properly assessed.

## **3 RECOMMENDED AMENDMENTS TO THE PLAN OF SUBDIVISION TO MEET PLANNING OUTCOMES**

The proposal in its current form fails to meet planning outcomes set out in the City of Clarence planning scheme. Instead, the proposal includes allotments that are too small and too narrow (lots 3 to 6 and Lots 1 and 2) to contain the intended ecological values and landscape character, and to meet the requirements for steep land. The proposal also cuts across the intended amenity and planning scheme outcomes intended for the site.

As stated in the submission, I support the Community Purpose Zone for the church and its inclusion in the General residential zone raises the prospect of further subdivision and the potential for multiple dwellings in the future. A more sensible option is to retain the church in the Community Purpose Zone and should circumstances change and new development be proposed in the future the assessment of that use can occur at that time.

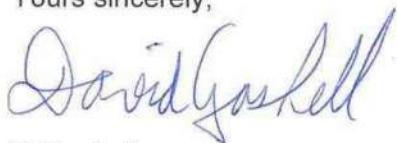
Further the inclusion of the 3,150m<sup>2</sup> single allotment fails to acknowledge the potential use of this site for further subdivision and possible multiple dwelling development. This assessment has not been properly completed in the proposed application and is strongly recommended to be considered as part of the assessment of the proposed rezoning to the General Residential Zone.

To resolve these issues in the proposed rezoning and subdivision it is recommended that the following amendments be made:

- retain the church lot in the Community Use Zone
- Increase the size of allotments and frontage width for 3 to 6 and lots 1 and 2 to better reflect the site's characteristics which include native vegetation, steep land and landscape character. Wider frontages and larger lots alleviate the need for removal of vegetation and create greater setbacks to existing residents who reasonably expect vegetated land as a buffer to the church

- Nominate specific building envelopes that define building areas and nominate areas where native vegetation is to be retained
- Increase side setbacks from existing residential boundaries to at least 10m to new houses to maintain the reasonably expected amenity of the existing lots and residents.

Yours sincerely,

A handwritten signature in blue ink that reads "David Gaskell". The signature is written in a cursive style with a large, stylized 'D' and 'G'.

**D Gaskell**

**26 Holland Court**

**Howrah**