

Prior to the commencement of the meeting, the Mayor will make the following declaration:

“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.

The Mayor also to advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

COUNCIL MEETING
MONDAY 4 JULY 2016

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BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES OTHERWISE

COUNCIL MEETINGS, NOT INCLUDING CLOSED MEETING, ARE AUDIO-VISUALLY RECORDED AND PUBLISHED TO COUNCIL’S WEBSITE

1. APOLOGIES

Ald Thurley (Leave of Absence)

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 14 June 2016 and Special Council Meeting held on 27 June 2016, as circulated, be taken as read and confirmed.

3. MAYOR'S COMMUNICATION**4. COUNCIL WORKSHOPS**

In addition to the Aldermen's Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

PURPOSE	DATE
Presentation – Richmond Road Master Plan and Greater Hobart Traffic Congestion and Traffic Modelling	
Lease Matters – Sporting Facility	
Ten Year Financial Plan	20 June
Draft Economic Development Plan	
Tollard Drive Cycleway	27 June

RECOMMENDATION:

That Council notes the workshops conducted.

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE (File No)

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

6. TABLING OF PETITIONS

(File No. 10/03/12)

(Petitions received by Aldermen may be tabled at the next ordinary Meeting of the Council or forwarded to the General Manager within seven (7) days after receiving the petition.

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

The General Manager will table the following petitions which comply with the Act requirements:

7. PUBLIC QUESTION TIME

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request an Alderman or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

7.1 PUBLIC QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a member of the public may give written notice to the General Manager of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

Questions on notice and their answers will be included in the minutes.

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor may address Questions on Notice submitted by members of the public.

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda).

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

9. MOTIONS ON NOTICE

Nil.

10. REPORTS FROM OUTSIDE BODIES

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

Provision is made for reports from Single and Joint Authorities if required

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald Jock Campbell
(Ald Peter Cusick, Deputy Representative)

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**

Representative: Ald Richard James
(Ald Sharyn von Bertouch, Proxy)

Quarterly Reports

September and March Quarterly Reports pending.

Representative Reporting

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 13, 20 and 27 June 2016 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 13, 20 and 27 June 2016 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

11.3.1 AMENDMENT APPLICATION A-2015/2 - 15 DYSART STREET AND 443 CLIFTON BEACH ROAD, CLIFTON BEACH - SECTION 43A REZONING AND 13 LOT SUBDIVISION

(File No A-2015/2)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider:

1. certification of a modified amendment to the Clarence Interim Planning Scheme 2015 at 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach consistent with Council's decision of 14 June 2016;
2. a draft subdivision permit (SD-2015/50) for a 13 lot subdivision at 15 Dysart Street, Clifton Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and not subject to any spatial codes under the Clarence Interim Planning Scheme 2015 (the Scheme).

The proposed residential subdivision is currently prohibited under the Scheme.

Section 43A(1) of the Land Use Planning and Approvals Act, 1993 (LUPAA) provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

If certified the draft Amendment and draft Permit will be placed on Public Exhibition and any representations received will then be considered in accordance with Section 39 of LUPAA.

RECOMMENDATION:

- A. That Council resolves, draft Amendment A-2015/2 (as modified) meets the requirements specified in Section 32 of the Land Use Planning and Approvals Act, 1993.
- B. That Council resolves, under Section 35(2) of the Land Use Planning and Approvals Act, 1993 to certify draft Amendment A-2015/2 (as modified) and sign the instrument as required and to forward it to the Tasmanian Planning Commission.
- C. That the 13 lot subdivision (SD-2015/50) at 15 Dysart Street, Clifton Beach be approved subject to the following conditions and advice.
 1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLANS [Staging of lots].
3. GEN F2 – COVENANTS
 1. Unless the lot is connected to a municipal reticulated wastewater collection system, the lot must not be developed without adequate provision for on-site wastewater management to the satisfaction of Council including the required reserve area.
 2. The installation or construction of any development, including paving, must ensure the retention of a 100% reserve land application area consistent with the approved wastewater system.]
4. GEN POS 4 - POS CONTRIBUTION (post 11/11/13) [5%] [2 - 13].
5. ENG A1 – NEW CROSSOVER [3.6m Minimum TSD-R03 and 4].
6. ENG M2 – DESIGNS SD.
7. A stormwater detention/soakage/rain garden facility, located in the Dysart Street public open space, is to be incorporated within the detailed engineering design. This facility is to be sized to include Dysart Street drainage and be sympathetic to the uses of the park. Landscaping is to be provided with this facility and have a maintenance period of 3 years. The landscaping and maintenance of this facility will be the primary requirement for the subdivision landscaping.
8. ENG M5 – EROSION CONTROL.
9. ENG M8 – EASEMENTS.
10. ENG R1 – ROAD NAMES.
11. ENG R3 – RURAL ROAD.
12. ENG R5 – ROAD EXTENSION.
13. ENG R6 – VEHICLE BARRIERS.
14. ENG S1 - INFRASTRUCTURE REPAIR.
15. ENG S4 – STORMWATER CONNECTION, Delete “Each lot” and replace with “Lots 9, 10, 11 and 12”.
16. ENG S10 – UNDERGROUND SERVICES.
17. LAND 5 – SUBDIVISION LANDSCAPING.

- 18. EHO 4 – NO BURNING.
- 19. ADVICE 19 - STREET NUMBERING.
- D. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1. Council, at its Meeting of 14 June 2016 considered an application for a Combined Planning Scheme Amendment (A-2015/2) and 13 lot Subdivision (SD-2015/50) at 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach submitted under Section 43A of the Land Use Planning and Approvals Act, 1993 (LUPAA).
- 1.2. While Council resolved to initiate the Amendment it also resolved to modify draft Amendment A-2015/2 prior to certification and prepare a draft permit and associated conditions for subdivision SD-2015/50. The details of which are the subject of this report.
- 1.3. The modified Amendment has now been drafted and is included in the attachments.
- 1.4. Conditions to be included on the draft permit form part of this recommendation.

2. STATUTORY IMPLICATIONS

The Statutory implications associated with this proposal were documented in Council's Associated Report dated 14 June 2016 (Refer Attachment 4).

3. PROPOSAL IN DETAIL

3.1. The Site

The site comprises and consists of 2 adjoining properties at 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach (CT 9247-7 and CT 144221-8 respectively) and described in detail in Council's Associated Report dated 14 June 2016 (refer attached).

3.2. The Proposal

The proposal comprises of a rezoning, the incorporation of a new specific area plan called the Clifton Beach Specific Area Plan and a 13 lot residential subdivision at 15 Dysart Street, Clifton Beach.

The modified Amendment reflecting Council's decision of 14 June 2016 is included in the attachments.

The proposed subdivision was described in detail in Council's Associated Report dated 14 June 2016 (refer attached). The proposal provides for 13 lots ranging in area from 1003m² up to 1316m² and with the exception of one internal lot, all lots have full frontages to the proposed road. Primary drainage is proposed to be via a stormwater swale within the road reservation and a 2.5m wide drainage easement through the rear of the lots on the eastern side of the proposed road draining to the swale located in the Dysart Street public open space.

4. PLANNING ASSESSMENT

For the reasons articulated in Council's Minutes dated 14 June 2016 (refer Attachment 5) the modified Amendment was initiated and associated subdivision was supported subject to suitable conditions.

The proposed conditions are relatively standard with the exception of stormwater design. Council's open space adjoining Dysart Street currently collects stormwater from Dysart Street and the surrounding properties. The existing swale arrangements will require upgrading to accommodate the additional loading. A condition is proposed requiring the design to incorporate suitable landscape treatments.

5. CONSULTATION

Applications for planning scheme amendments are not formally open for public comment until after Council has resolved to initiate and certify the amendment. Should Council resolve to certify the draft Amendment (as modified and attached), it along with the associated draft permit will be publicly exhibited in accordance with the statutory requirements.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, who advised that: *“Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(2)(a) TasWater does not object to the proposed development and no conditions are imposed”*.

7. COUNCIL COMMITTEE RECOMMENDATION

The proposal was not specially referred to any Council committees. Notwithstanding this, any committee comments or recommendations received during the public exhibition period may be considered as part of Council’s Section 39 report.

8. STATE POLICIES AND ACT OBJECTIVES

A detailed assessment against the State Policies and the objectives of Schedule 1 of LUPAA was documented in Council’s Associated Report dated 14 June 2016 (refer attached). For the reasons articulated in the Minutes (refer attached) the modified Amendment is consistent with the relevant State Policies and LUPAA requirements, including Section 32.

9. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council’s adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

10. CONCLUSION

10.1. The draft Amendment (as modified) reflects Council’s decision of 14 June 2016 and is considered to meet the requirements of Section 32 of LUPAA and is recommended for certification.

- 10.2.** Certification of the proposed draft Amendment will allow the Public Exhibition of both the Amendment and draft SD-2015/50 in accordance with the statutory requirements.

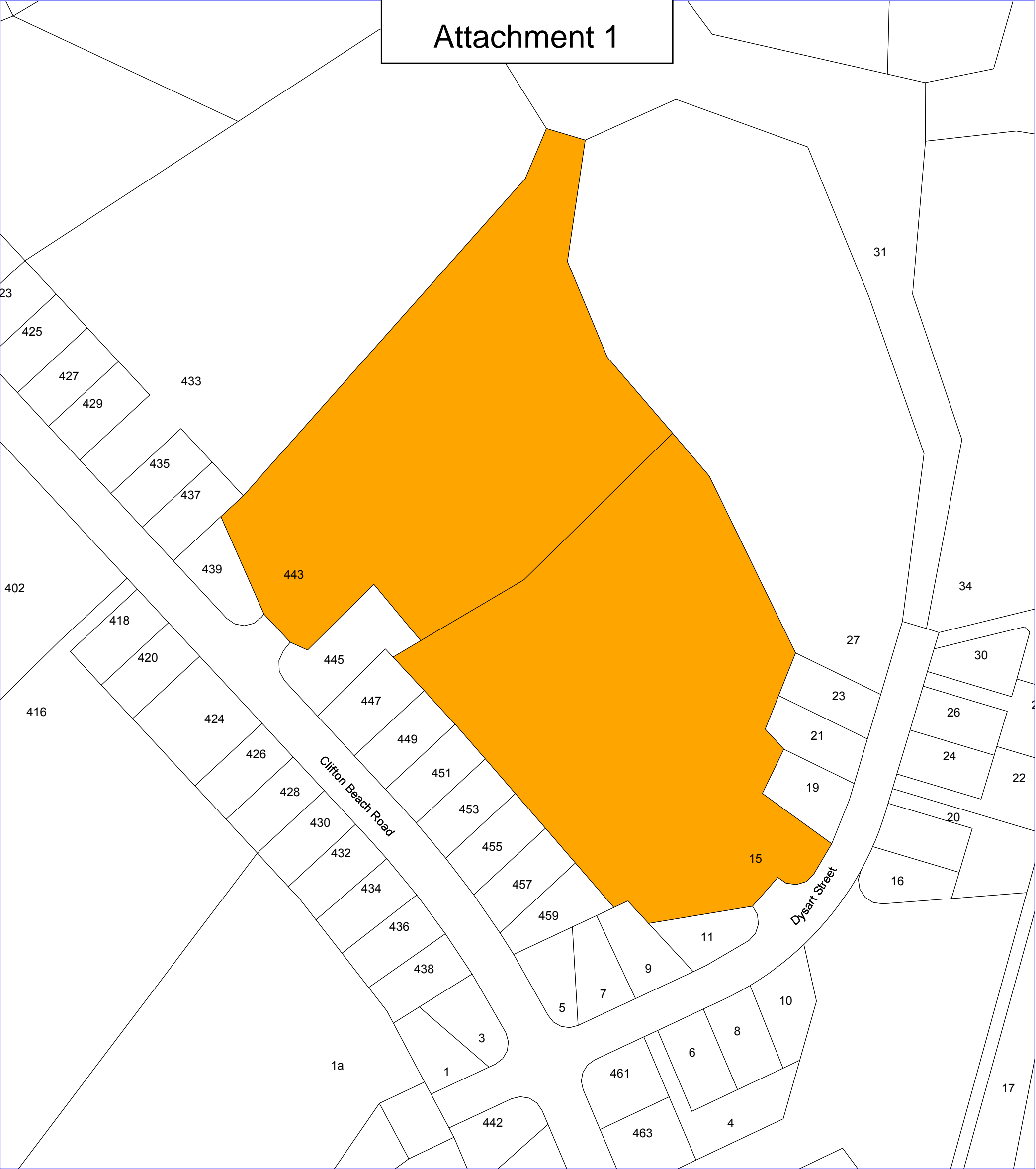
- Attachments:
1. Draft Amendment Zone Mapping (1)
 2. Draft Amendment SAP Mapping (1)
 3. Draft Amendment SAP (4)
 4. Council's Associated Report dated 14 June 2016 (51)
 5. Council's Minutes dated 14 June 2016 (2)

Ross Lovell
MANAGER CITY PLANNING

Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

CLARENCE CITY COUNCIL
CLARENCE INTERIM PLANNING SCHEME 2015
Amendment A-2015/2

Attachment 1



Scale 1: 1500
Printed @ A3
(c) Clarence City Council

**AMENDMENTS TO PLANNING SCHEME PLAN
Amendment A-2015/2**

To rezone 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach from Rural Living to Village.

 Village

THE COMMON SEAL OF THE CLARENCE CITY COUNCIL HAS BEEN HERE UNTO AFFIXED THIS XX DAY OF XX 2015 PURSUANT TO A RESOLUTION OF THE COUNCIL PASSED THE 14TH DAY OF JUNE 2016 IN THE PRESENCE OF:

CORPORATE SECRETARY

**CLARENCE CITY COUNCIL
CLARENCE INTERIM PLANNING SCHEME 2015**

Amendment A-2015/2

Attachment 2



Scale 1: 1500

Printed @ A3

(c) Clarence City Council

**AMENDMENTS TO PLANNING SCHEME PLAN
Amendment A-2015/2 - SAP**

To amend the Specific Area Plan Map to introduce the "Clifton Beach Specific Area Plan" over 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach.



Clifton Beach Specific Area Plan

THE COMMON SEAL OF THE CLARENCE CITY COUNCIL HAS BEEN HERE UNTO AFFIXED THIS XX DAY OF XX 2016 PURSUANT TO A RESOLUTION OF THE COUNCIL PASSED THE 14TH DAY OF JUNE 2016 IN THE PRESENCE OF:

CORPORATE SECRETARY

Attachment 3



Clarence City Council

CLARENCE INTERIM PLANNING SCHEME 2015

AMENDMENT – A-2015/2

AMENDMENT TO PLANNING SCHEME ORDINANCE

To amend the Clarence Interim Planning Scheme 2015 by the insertion of the following new Clifton Beach Specific Area Plan:

F 16.0 Clifton Beach Specific Area Plan

F16.1 Purpose of Clifton Beach Specific Area Plan

The purpose of this Plan is to guide subdivision and development to ensure an efficient road layout providing a high level of connectivity, safety and amenity.

F16.2 Application

This Plan applies to the area of land designated as F16.0 on the Planning Scheme Maps.

F16.3 Definition of Terms

There are no specifically defined terms in this Specific Area Plan.

F16.4 Development Exempt from this SAP

- (a) The removal, destruction or lopping of vegetation which are species introduced to Tasmania.
- (b) Structures erected within a road reservation by a public authority or Council including but not necessarily limited to street furniture, fire hydrants, traffic control devices and street lights.
- (c) Change of use

F16.5 Development Standards for Buildings and Works

Objective: To ensure that development does not compromise a future subdivision layout generally in accordance with Figure 1.

Acceptable Solutions	Performance Criteria
A1 Development not associated with road construction must be setback from the future road alignments shown in Figure 1 attached to this Plan at least 4.5m.	P1 Development within the road alignments shown in Figure 1 attached to this Plan must demonstrate that it will not prevent a suitable alternative road connection from being constructed linking Dysart Street to Clifton Beach Road.

F16.6 Subdivision and Future Road Connections

Objective: To ensure that any future subdivision layout provides road connectivity between Dysart Street and Clifton Beach Road.

Acceptable Solutions	Performance Criteria
A1 The lot layout must provide for the construction of a road generally in accordance with the Road Layout Plan shown in Figure 1 attached to this Plan.	P1 Roads must be generally in accordance with the Road Layout Plan shown in Figure 1 attached to this Plan, but may be realigned, provided it is consistent with a suitable road connection between Dysart Street and Clifton Beach Road.

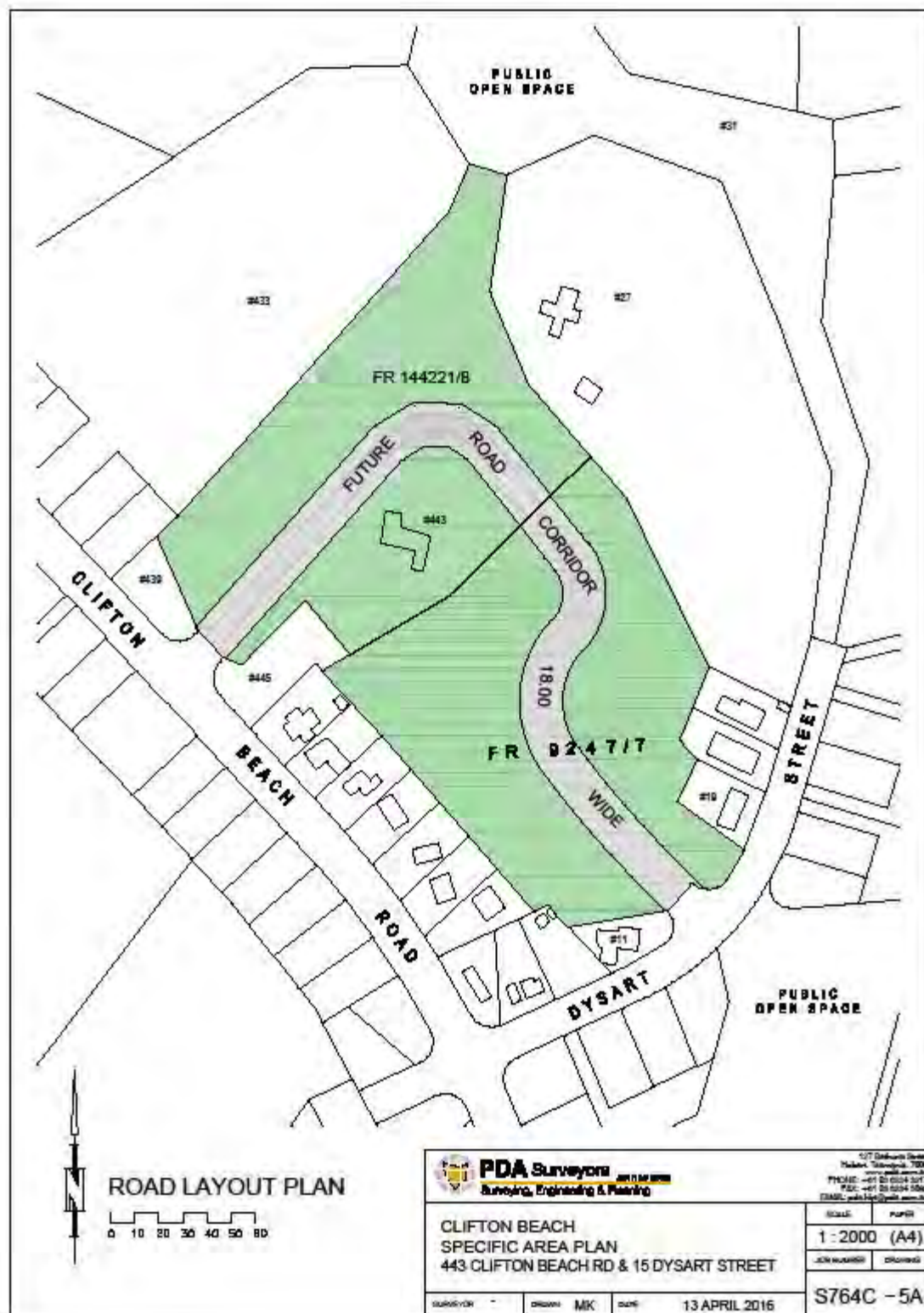


FIGURE 1 – Road Layout Plan

Map F16 Clifton Specific Area Plan - LISTmap

Link to [interactive map](#)

THE COMMON SEAL OF THE CLARENCE CITY
COUNCIL HAS BEEN HERE UNTO AFFIXED
THIS **XXXX** June 2016, PURSUANT TO A
RESOLUTION OF THE COUNCIL PASSED THE
4 July 2016, IN THE PRESENCE OF:

CORPORATE SECRETARY

11.3.7 AMENDMENT APPLICATION A-2015/2 - 15 DYSART STREET AND 443 CLIFTON BEACH ROAD, CLIFTON BEACH - SECTION 43A REZONING AND 13 LOT SUBDIVISION (SD-2015/50)

(File No A-2015/2)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a combined Section 43A application for a planning scheme amendment and 13 lot subdivision at 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and is not subject to any spatial codes under the Clarence Interim Planning Scheme 2015 (the Scheme).

The proposed residential subdivision is currently prohibited under the Scheme.

The former provisions of the Land Use Planning and Approvals Act, 1993 (LUPAA) are defined in Schedule 6 - Savings and Transitional Provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015 which commenced on 17 December 2015.

Essentially, the Savings and Transitional Provisions apply to existing planning schemes in force prior to the approval of the Tasmanian Planning Scheme Local Provisions Schedule and include the Clarence Interim Planning Scheme 2015.

Section 43A(1) of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

Applications made under Section 43A are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined amendment (rezoning and Specific Area Plan) and development of the site.

RECOMMENDATION:

- A. That Council resolves not to initiate and certify draft Amendment A-2015/2 at 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach under Section 34 and Section 35 of the Land Use Planning and Approvals Act, 1993 respectively.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1** The subject site and immediately adjoining properties were zoned “Village” under the provisions of the Eastern Shore Planning Scheme Area 2 1986 (ESA2PS1986). An extract of the ESA2PS1986 Zoning Map including the subject lot, is included in the attachments.
- 1.2** Under the ESA2PS1986 the site was subject to a Subdivision Density Rating Overlay which identified the subject site as “DR3”. The ESA2PS1986 Density Table (at Schedule 2.2) qualified DR3 as having a maximum density of 1 lot per 2ha within a minimum lot size of 0.4ha. An extract of the ESA2PS1986 Subdivision Density Rating Overlay including the subject lot is included in the attachments.
- 1.3** The previous Clarence Planning Scheme 2007 (CPS2007) was approved on 1 April 2007 superseding the ESA2PS1986. The CPS2007 dispensed with the average lot size/density rating system to regulate subdivision and reverted to specified minimum lot sizes. Under the CPS2007 the subject site was zoned Rural Residential and subject to a minimum lot size of 2ha. An extract of the CPS2007 Zoning Map including the subject lot is included in the attachments.
- 1.4** Following its adoption of the Clarence Residential Strategy 2008, Council initiated Amendment A-2008/34 to implement the associated recommendations. Amendment A-2008/34 was approved by the former Resource Planning and Development Commission (RPDC) on 16 February 2009, becoming effective on 23 February 2009. The amendment articulated strategic considerations within the Scheme’s Planning Policy Framework and most significantly replaced the “Strategic Land Use Plan – Settlement” with one that reflected the Urban Growth Boundary (CPS2007-UGB) identified in the Clarence Residential Strategy 2008.

The CPS2007 Strategic Land Use Plan – Settlement plan approved as part of A-2008/34 included the subject site within the CPS2007-UGB. An extract is included in the attachments.

- 1.5** The Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS) was approved by the Minister for Planning on 27 October 2011 and amended as part of a “housekeeping” review on 1 October 2013. Under the STRLUS the Clifton Beach settlement is outside of the Urban Growth Boundary applicable to the Metropolitan Area of Greater Hobart and falls within the description of “Other small settlement”. Table 3: Growth Management for Settlements (on Page 89) identifies Clifton (Beach) as a “Dormitory Suburb” with a specific and very low growth strategy intended to be achieved through consolidation.

Recent history confirms that the TPC is bound by its interpretation of the STRLUS when making its decisions. For this reason the STRLUS forms the substantive part of this assessment and is discussed in further detail within the body of this report.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Rural Living under the Scheme.
- 2.2.** The proposed subdivision is currently prohibited under the Scheme.
- 2.3.** The Savings and Transitional Provisions of LUPAA (Schedule 6) specifies that the former Act applies to existing planning schemes in force prior to the approval of the Tasmanian Planning Scheme Local Provisions Schedule ie the Clarence Interim Planning Scheme 2015. Section 43A(1) of the former Act provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.
- 2.4.** The proposal is submitted under Section 43A of LUPAA and is seeking a combined Planning Scheme Amendment and development approval for a 13 lot subdivision.

2.5. If certified, the application will then be advertised for public comment and subject to further review on the basis of any representations received by Council, prior to it being forwarded to the Tasmanian Planning Commission (TPC) for final consideration. In addition, should it be considered appropriate, under Section 35, Council has the power to direct that the amendment be modified.

2.6. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 8.11 – Conditions and Restrictions on a Permit;
- Section 12.0 – Village Zones;
- Section 13.0 – Rural Living Zones and;
- Section E5.0 – Road and Railway Assets Code;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Section E23.0 – On-Site Wastewater Management Code.

3. PROPOSAL IN DETAIL

3.1. The Site

The site comprises 3.573ha and consists of 2 adjoining properties at 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach (CT 9247-7 and CT 144221-8 respectively) as shown in the attachments.

The property at 443 Clifton Beach Road has an area of approximately 1.759ha with access and frontage to Clifton Beach Road. The property is relatively flat and currently developed with a 1970s brick veneer house and associated outbuildings. This property shares a common boundary with 15 Dysart Street to the south-east and to the north-east has a 16m frontage to Council's public open space linking Dysart Street through to Bicheno Street.

This land is bounded to the north and east by larger rural living lots developed with Single Dwellings. To the west the land abuts 2 small village lots fronting Clifton Beach Road.

Fifteen Dysart Street has an area of approximately 1.814ha, is currently vacant and also relatively flat with a slope of approximately 1:30 falling south-east towards Dysart Street and Clifton Beach.

The land is located approximately 200m from the beach (at its closest point) and ranges in elevation from approximately 5m to 10m AHD. The property is accessed from Dysart Street and is separated from the beach by the coastal dunes and a small Council maintained park adjacent to the Clifton Beach Surf Lifesaving Club.

This land is bounded to the south and west by 13 smaller village lots fronting both Clifton Beach Road and Dysart Street.

3.2. The Amendment (A-2015/2)

It is proposed to amend the Scheme in the following manner:

- **Rezoning**

It is proposed to rezone both of the properties at 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach from “Rural Living” to “Village” as shown in the attachments.

- **Specific Area Plan**

It is proposed to introduce a new Specific Area Plan called the Clifton Beach Specific Area Plan (SAP). The proposed SAP introduces controls relating to use, development and subdivision to ensure residential and residential compatible uses and an efficient road layout. A copy of the applicant’s proposed SAP is included in the attachments.

3.3. Modified Amendment

Section 35 of LUPAA specifies that after preparing a draft Amendment Council must determine whether (or not) the draft Amendment meets the requirements of Section 32. Under Section 35, should Council be satisfied that the Amendment is in order it may certify the Amendment as meeting the requirements of Section 32.

However, pursuant to Section 35(b), if Council is not satisfied that the amendment meets the requirements of Section 32, then it should proceed to modify the Amendment until it does.

In this instance it is considered that the proposed SAP would introduce unnecessary duplication and complexity in development assessment. Additionally, the provisions would introduce controls that differ from those applicable to the immediately adjoining and similarly zoned land.

With the exception of the controls relating to future road alignment, no justification was provided for the additional provisions and for this reason it is considered that the draft SAP could compromise Section 32(e) and (f).

Accordingly, should Council resolve to initiate the Amendment it is recommended that prior to certification the draft Amendment be modified as follows:

1. Reduce the purpose of the SAP to: *“To guide subdivision and development to ensure an efficient road layout providing a high level of connectivity, safety and amenity”*.
2. Specify that the SAP does not apply to use.
3. Delete the Use Table.
4. Delete the Use Standards.
5. Delete the Landscaping Standards.
6. Delete the Outbuilding Standards.
7. The “Future Development” Acceptable Solutions A1 and A2 and Performance Criteria P1 and P2 condensed into one standard (respectively) and renamed “Development Standards”.

It is considered that the modified SAP, in conjunction with the underlying zone provisions (Village), would provide sufficient regulation of use and development commensurate with the surrounding development. The remaining provisions relating to the future road alignment would provide certainty around access, road connectivity and circulation.

Should Council resolve to initiate this Amendment preference would be for the modified Amendment described above. Following the development of a revised SAP a subsequent report would be prepared for Council's consideration prior to Certification and exhibition.

3.4. The Subdivision (SD-2015/50)

SD-2015/50 is for a 13 lot residential subdivision of 15 Dysart Street, Clifton Beach. While the property at 443 Clifton Beach Road forms part of the proposed Amendment, it is not proposed to subdivide this land as part of this application. However, a concept development plan was provided demonstrating how this land could be subdivided in the future to enable the construction of a connecting road from 15 Dysart Street to Clifton Beach Road. The concept development plan provides for 7 lots and the retention of the existing house. A copy of both the proposed subdivision plan and concept development plan is included in the attachments.

The proposal is to be developed in 3 sequential stages progressing northwards from Dysart Street. A copy of the proposed staging plan is shown in the attachments. However, it should be noted that the plan reflects the initially submitted proposal that proposed a road reservation of 15m in width which was subsequently amended to 18m in later plans which are the subject of this report.

The lots range in area from 1003m² up to 1316m² and with the exception of Lot 6 (1238m²), which is an internal lot, all lots have full frontages to the proposed road. Primary drainage is proposed to be via a stormwater swale within the road reservation and a 2.5m wide drainage easement through the rear of the lots on the eastern side of the proposed road.

The lots are unable to be serviced with reticulated water and sewerage and the application was accompanied by a wastewater geotechnical assessment report by Rock Solid Geotechnics Pty Ltd supporting the proposal.

No public open space is proposed as part of the subdivision. However, a cash contribution in-lieu of land could be required in accordance with Council Policy should it proceed.

4. PLANNING ASSESSMENT

4.1. Zones

As previously stated the subject land is currently zoned Rural Living. The Rural Living zone specifies a minimum lot size of 2ha and the proposed subdivision is currently prohibited and the reason behind the draft Amendment.

Should the proposed rezoning to Village ultimately be approved by the TPC the relevant provisions contained within the zone relate to lot size, building areas, internal lots and construction of roads, ways and public open space and services.

The proposed subdivision meets all relevant Acceptable Solutions of the Village zone. However, due to no Acceptable Solution being provided for, internal lots, construction of roads, ways and public open space requires an assessment against the Performance Criteria.

The proposal includes 1 internal lot (Lot 6) which is required to enable efficient use of land, a suitable road configuration linking Dysart Street to the property at 443 Clifton Beach Road incorporating a vehicular turning area (to be developed in the second stage) and no public open space.

Subject to the initiation of this Amendment, the proposal could be supported subject to relatively standard conditions relating to designs, the requirement to construct the turning area as part of the first stage. A cash contribution in-lieu of public open space not provided on-site is discussed in further detail later in this report.

4.2. Road and Railway Assets and Parking and Access Codes

The subdivision involves the construction of a new junction and vehicle crossovers associated with each of the proposed lots. For this reason the proposal requires an assessment under both the Road and Railway Assets and Parking and Access Codes.

The proposal meets the Scheme's relevant Acceptable Solutions of both the Road and Railway Assets and Parking and Access Codes with the exception of the following.

Standard: Sight distance at accesses, junctions and level crossings		
Clause	Acceptable Solution (Extract)	Proposed
E.5.6.4 (a)	an <u>access</u> or <u>junction</u> must comply with the Safe Intersection Sight Distance shown in Table E5.1; which in this case is 80m for road with a speed limit of 60km or less.	Approximately 30m at the proposed Dysart Street junction.

In this instance the proposed variation could be supported pursuant to the Performance Criteria for the following reasons:

- Dysart Street is a low speed environment serving local residential traffic;
- The variation relates to eastern sightline and the area to the east of the proposed Dysart Street intersection provides access to a limited number of dwellings (13);
- The variation is due to the intersection being proposed to be located on the inside bend of Dysart Street and it is not possible for it to be located elsewhere; and

- Subject to conditions relating to design the intersection could be constructed to Council's standards.

4.3. Stormwater Management Code

The subdivision requires assessment under the Stormwater Management Code. Council's Asset Management Engineers advise that stormwater can be appropriately managed through suitable conditions. Specifically the solution would need to incorporate Water Sensitive Urban Design principles and include the development of a stormwater detention/soakage/rainwater garden on Council's Dysart Street public open space area.

4.4. On-Site Wastewater Management Code

The subdivision is within an area un-serviced with reticulated sewerage. For this reason the proposal requires an assessment under the On-Site Wastewater Management Code.

The proposal meets the Scheme's relevant Acceptable Solutions with the exception of the following.

Standard: Development Standards for New Lots		
Clause	Acceptable Solution (Extract)	Proposed
E.23.9.1	A new lot must have an area no less than 5,000m ² .	Lots size range between 1003m ² to 1316m ² .

In this instance the proposed variation could be supported pursuant to the Performance Criteria for the following reason.

- The proposal was accompanied by a wastewater assessment report demonstrating that the areas of the new lots are adequate to accommodate a land application area of sufficient size to comply with the requirements of AS/NZ1547 for a dwelling containing a minimum of 3 bedrooms.

5. CONSULTATION

Applications for Planning Scheme Amendments are not formally open for public comment until after Council has resolved to initiate and certify the Amendment. Should this be the case, the draft Amendment and associated draft permit (if supported) will be publicly exhibited in accordance with the statutory requirements.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, who advised that: *“Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(2)(a) TasWater does not object to the proposed development and no conditions are imposed”*.

7. COUNCIL COMMITTEE RECOMMENDATION

The proposal was not specially referred to any Council committees. Notwithstanding this, should the Amendment be initiated, any committee comments or recommendations received during the public exhibition period may be considered as part of Council’s Section 39 report.

8. STATE POLICIES AND ACT OBJECTIVES

An Amendment is to further the objectives of LUPAA. The objectives of Schedule 1 of LUPAA are:

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

“(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity”.

Development is generally considered sustainable when there are no demonstrable adverse effects upon natural resources, ecological processes or genetic diversity.

The proposal and accompanying documentation demonstrate that the area of land could be rezoned, subdivided and serviced appropriately with negligible impact on ecological processes and genetic diversity of significance.

“(b) to provide for the fair, orderly and sustainable use and development of air, land and water”.

Subject to an assessment against the STRLUS discussed in detail later within this report, it is considered that the modified SAP and the staged approach to subdivision are consistent with the above.

“(c) to encourage public involvement in resource management and planning”.

Should Council resolve to initiate and certify the Amendment, it (along with any draft permit conditions) will be advertised for public comment.

“(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)”.

If initiated by Council and ultimately approved by the Tasmanian Planning Commission, the proposal could facilitate economic development through construction works, on-going infrastructure maintenance, subsequent residential construction and associated on-going servicing.

“(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State”.

Development achieved through the Amendment requires co-operative planning between the developers, Council and to a degree, the general community.

PART 2 - Objectives of the Planning Process Established by this Act

“(a) to require sound strategic planning and co-ordinated action by State and local government”.

The most relevant strategic considerations are application of the State Coastal Policy and the Southern Tasmanian Regional Land Use Strategy (STRLUS). An assessment against both of these documents is discussed in further detail below. Should Council resolve to initiate and certify the Amendment it would be subject to the Tasmanian Planning Commission's assessment and determination.

“(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land”.

Initiation of this Amendment requires demonstration the proposal is consistent with the STRLUS and adopted State Policies. As discussed below, it is considered this objective is not met.

“(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land”.

The subject land is not subject to any spatial Codes that would indicate a need for special environmental considerations. The proposal was accompanied by a Geotechnical Assessment demonstrating that the land could be developed with suitable on-site wastewater systems.

The proposed subdivision would provide both social and economic benefits. This would be realised in the shorter term through the creation of jobs during the development phase. In the longer term, the increased population would have positive social implications for community development and result in more effective utilisation of existing infrastructure, including public open space and service roads.

“(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels”.

The proposal provides for a consolidated residential expansion in an area that does not conflict with State Policies. However, it is considered that the proposal does not satisfy the requirements of the STRLUS which is discussed in detail below.

“(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals”.

The Amendment has been submitted under the provisions of Section 43A of LUPAA and linked to a subdivision proposal and is consistent with this requirement.

“(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania”.

The proposal would provide additional housing opportunities in a desirable coastal settlement.

“(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”.

The proposed Amendment and associated subdivision will not impact on any significant building or place.

“(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community”.

The existing infrastructure combined with the proposed extensions to it can adequately cater for the subsequent development of the site.

“(i) to provide a planning framework which fully considers land capability”.

Subject to appropriate conditions the land is capable of supporting the proposal as previously discussed and demonstrated through the accompanying geotechnical report.

Subject to an assessment against both the State Coastal Policy and the STRLUS, discussed in further detail below, it is considered that the proposed Amendment (modified as recommended) and the associated subdivision meets all of the stated objectives.

9. STRATEGIC PLAN/POLICY IMPLICATIONS

9.1. State Coastal Policy

The State Coastal Policy 1996 is applicable to the subject site. The outcomes of the policy are discussed below.

Natural Resources and Ecosystems – Section 1.1

The 6 issues relevant under these outcomes are native flora and fauna diversity and habitats, weed management, water quality, sustainability of major ecosystems and natural processes, the protection of coastal features (ecological, geological and geomorphological) and compatibility with natural landscapes.

The site is located behind the dune system and is predominately cleared of vegetation indicating that the subdivision will not impact any threatened species of coastal values.

Pollutants associated with stormwater can be managed through the incorporation of WSUD techniques and appropriate conditions.

Cultural and Historic Resources – Section 1.2

Although an Aboriginal Heritage Assessment was not provided as part of the application, the site has been disturbed, mostly cleared of standing vegetation and not known to be a significant site or contain relics.

Notwithstanding this, should the site be found to contain any relics protected under the Aboriginal Relics Act, 1975 it is the responsibility of the developer to ensure compliance with the provisions of that Act. Accordingly, should the amendment be initiated and the subdivision supported then it is recommended that the draft permit contain advice to this effect.

Cultural Heritage – Section 1.3

The site does not contain any buildings of heritage significance.

Coastal Hazards – Section 1.4

The land proposed to be rezoned and subdivided is not located on mobile landforms and is on the northern side of Dysart Street, behind the Surf Club and Council's public open space.

Coastal Uses and Development – Section 2.1

The Policy requires that siting, construction and maintenance of buildings, engineering works and other infrastructure will be sensitive to the natural and aesthetic qualities of the coastal environment. Furthermore, water discharge into the Coastal zone must comply with the provisions of the Environmental Management and Pollution Control Act, 1994 (EMPCA).

The Amendment and associated subdivision ensures that future residential development will be located away from major drainage lines and setback a minimum of 180m from the shoreline, clear of potentially mobile coastal land.

Urban and Residential Development – Section 2.4

The Policy requires that development is located so as to minimise or avoid adverse impacts on environmentally sensitive coastal areas. The Policy advocates compact residential settlements and discourages "ribbon development" or unrelated cluster developments along the coast.

The proposed Amendment and associated subdivision represents an infill/consolidation of the existing settlement and is considered consistent with this requirement.

Transport – Section 2.5

The Policy requires that all transport infrastructure is consistent with the Policy and that coast-hugging roads are avoided, with vehicular access to the coast being provided by spur roads. The proposal requires the construction of one new internal road consistent with its requirement.

Public Access and Safety – Section 2.6

The Policy requires that the public be provided with access to the coast from both land and water where it does not conflict with environmental or cultural values. Public access to the foreshore reserve currently exists and will not be compromised by the proposal.

Public Land – Section 2.7

The Policy requires that use of public land is to be sensitive to the coastal environment. No new areas of public open space are proposed and the existing public open space around the foreshore is currently used for passive recreational purposes and will not be compromised by the proposal.

Recreation – Section 2.8

The Policy requires that recreation opportunities will be located only in locations that do not conflict with sensitive coastal ecosystems. No new areas of public open space are proposed.

Public Participation – Section 3.3

Should Council initiate and certify either the proposed Amendment or a modified Amendment it will be advertised in accordance with the statutory requirements.

9.2. State Policy on the Protection of Agricultural Land 2009

The land is not agricultural land.

9.3. State Policy on Water Quality Management 1997

The purpose of the State Policy on Water Quality Management 1997 is: *“To achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System”.*

Given that the site is not serviced by reticulated water, sewerage and stormwater any potential impact on water quality relating to waste discharge, erosion and stormwater management could be addressed through suitable permit conditions.

9.4. Section 32 - Requirements for Preparation of Amendments

Section 32(1) of LUPPA specifies that amendments to planning schemes must:

- “(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
- (ea) must not conflict with the requirements of section 30O; and*
- (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms”.*

In this context the proposal represents the consolidation of the existing Clifton Beach Settlement. While the proposed subdivision would have been prohibited under each of the previous planning schemes the land was included within the CPS2007 Settlement Plan’s Urban Growth Boundary as shown in the attachments.

The proposed zoning and associated modified SAP would be unlikely to introduce any land use conflict with the adjoining land zoned Village to the south and east and Rural Living zoned land to the north and west. In terms of the potential introduction of land use conflict, the Amendment represents a shift in the Village/Rural Living zone delineation rather than a “rezoning” per say.

The requirements of Section 30O is specifically addressed in detail below.

Section 32(2) of LUPAA specifies those elements of Section 20 - What Can a Planning Scheme Provide For also apply to amendments to planning schemes. In this instance it is considered that the proposed Amendment is consistent with the relevant requirements.

Section 300(1) of LUPAA provides that an amendment to an Interim Planning Scheme may only be made to a: *“local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy”*. (Emphasis added).

The proposed Amendment relates to local application of zones and the development of a SAP and on this basis relates to a “local provision”.

Whether or not the proposal is consistent with the regional strategy is less clear and requires discussion. It is considered that Council’s position on this matter should determine whether or not the Amendment (or modified Amendment) ought to be initiated.

Council is familiar with the STRLUS’s Urban Growth Boundary (UGB) which is used to guide the growth and development within the “Metropolitan area of Greater Hobart”. In this instance according to Table 2: The Settlement Network on Pages 87 and 88 of the STRLUS, the Clifton Beach settlement falls within the definition of “Other Small Settlement” and therefore is not constrained by the mapped UGB.

Table 2 defines “Other Small Settlement” as follows:

OTHER SMALL SETTLEMENT	
Description	Residential settlements with limited or no services and commercial activity in a defined spatial area. Often shack settlements that have more recently established a more permanent population.
Population*	Up to 200 (excluding any surrounding rural living areas).

Utility	Connections Electricity.
Services	Services May have local convenience shop or community hall

** Permanent population as opposed to peak population during holiday months.*

Table 3: Growth Management Strategies for Settlements on Page 89 of the STRLUS prescribes the following growth scenario for Clifton as follows:

SETTLEMENT	PROPOSED REGIONAL FUNCTION	GROWTH STRATEGY*	GROWTH SCENARIO
Clifton	Dormitory Suburb	Very Low	Consolidation
<i>*For all settlements categorised as ‘township’ or lesser, the growth strategy indicated does not preclude growth possible under existing capacity</i>			

The Regional Growth Management Strategy at Section 19.5.2 (Page 86) specifies that the settlements across the region are divided into 4 categories reflecting the intended increase in the number of potential dwellings.

The “Very Low Growth” strategy applicable to Clifton Beach specifies:

“No new potential dwellings except single dwellings on existing lots or where there is existing low density subdivision potential subject to demonstrating that:

- there will be no off-site impacts from on-site waste water disposal;*
- there is adequate provision of potable water either through reticulation or tank water; and*
- hazard and natural values constraints are adequately addressed.*

The growth strategies also need to be considered against the growth scenario.

The growth scenarios are categorised into Mixed and Consolidation”.

The “Consolidation” growth scenario is applicable to Clifton Beach. The STRLUS specifies that: *“A consolidation scenario indicates that growth should be predominantly from infill development which can involve development of existing subdivided lots, subdivision of existing zoned but vacant or developed residential, construction of additional dwellings on existing developed lots, redeveloping existing developed lots”*.

It follows that under the STRULS, vacant lots within existing settlements assigned a “Very Low” Growth Strategy may be developed with Single Dwellings or subdivided at low densities where the zone provides but not rezoned to enable an increase in development potential. On this basis, the Amendment should not be initiated.

Notwithstanding this very restrictive view, the site and its immediate surrounds were included within the CPS2007’s Urban Growth Boundary. It is considered that the proposal satisfies the intent of the STRLUS by providing a limited number of additional lots in a manner that could only be described as infill or consolidation. Accordingly, and despite technical interpretation, it is considered that the proposal is strategically founded.

The applicant provided a detailed submission addressing requirements of the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS), a copy of which is included in the attachments. The applicant’s submission closely aligns with the assessment outlined above with the notable exception of the interpretation of the STRLUS’s “Very Low” Growth Strategy.

Should Council resolve to initiate this Amendment (or a modified version of it) it will have to present its case to the TPC who will ultimately determine the matter.

10. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council’s adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

Public Open Space

The primary purpose of Council's Public Open Space Policy (2013) is to ensure the delivery of adequate and appropriate Public Open Space (POS) to serve the needs of the existing and future population in Clarence. The policy is used to assist Council to exercise its discretion and provide a framework to deliver a consistent approach to the consideration of POS, or alternatively the payment of cash-in-lieu of it.

Clarence has developed a comprehensive suite of strategies that either deliver or rely on POS related outcomes including but not limited to:

- Clarence Tracks and Trails Strategy 2012;
- Positive Ageing Plan 2012-2016;
- Clarence Coast and Bushland Strategy (August 2011);
- Community Health and Wellbeing Plan 2013-2018; and
- Draft Sport and Active Recreation Strategy.

Together these strategies assist Council to deliver a range of active and passive recreational opportunities at both local and regional level.

The subject site is proposed to be zoned Village, within an established residential settlement and provided with a high level of access to both local and regional recreational opportunities. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's POS network and associated facilities.

No POS land is proposed to be provided to Council as part of this application and nor is it considered desirable to require it on this occasion. Notwithstanding this, it is appropriate that the proposal contributes to the enhancement of Council's POS network and associated facilities. In this instance there are no discounting factors that ought to be taken into account that would warrant a reduction of the maximum POS contribution.

While Section 117 of the Local Government Building and Miscellaneous Provision Act, 1993 (LGBMP) provides for a maximum of up to 5% of the value of the entire site to be taken as cash-in-lieu of POS, it is considered appropriate to limit the contribution only to each additional lot created, representing the increased demand for POS generated by the proposal and not the entire site which is the subject of the application.

The proposed subdivision at 15 Dysart Street, Clifton Beach is currently prohibited under the provisions of the Scheme. For this reason the applicant has lodged under Section 43A of LUPAA which provides for the concurrent consideration of a Planning Scheme Amendment and associated Application for Development/Use or Subdivision that would otherwise be prohibited.

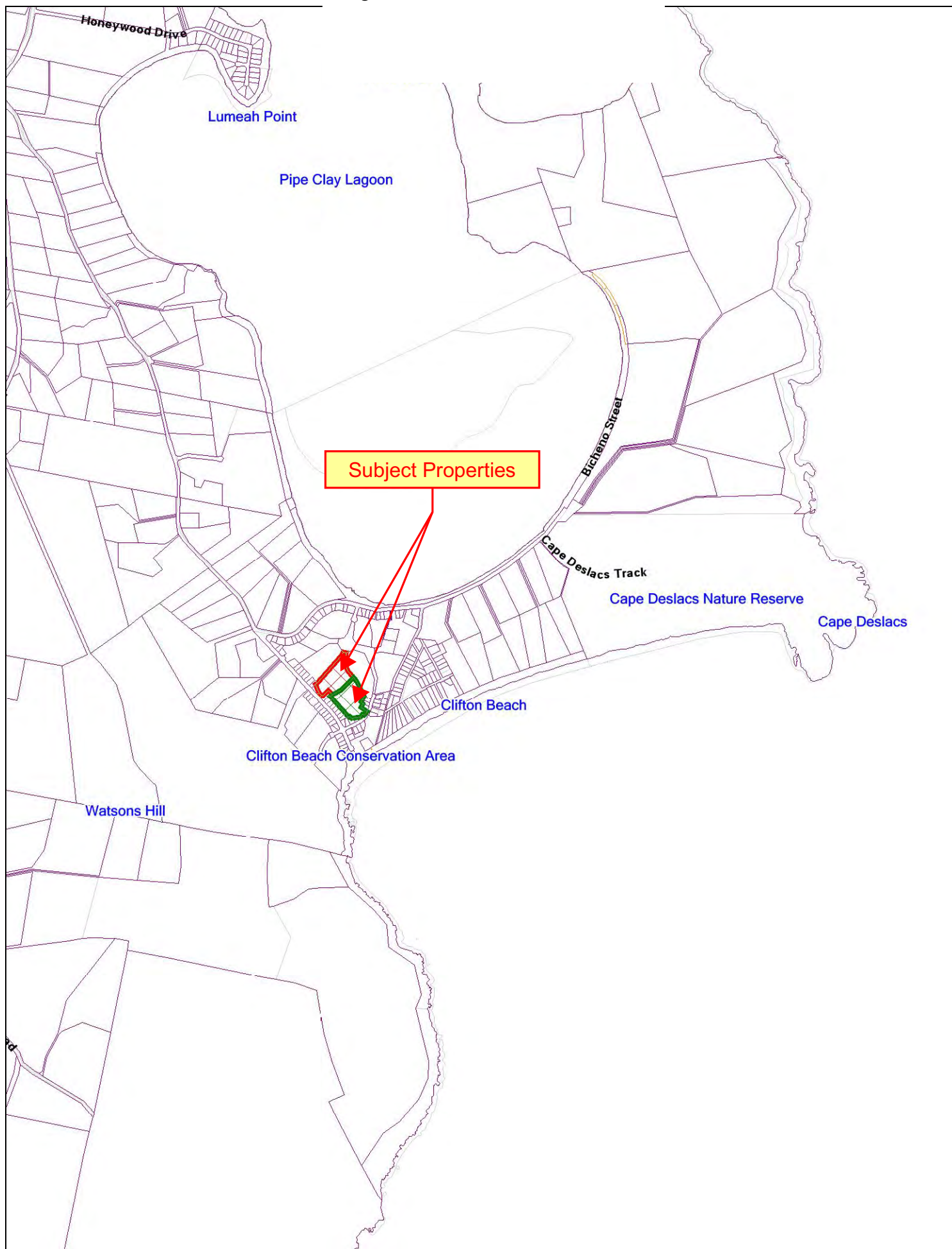
In this instance the proposed Amendment involves the rezoning of the land at 15 Dysart Street and 443 Clifton Beach Road and the development of a Specific Area Plan for the 2 properties.

While it is considered that the proposal has merit, for the reasons outlined in this report it is considered that the proposal does not satisfy all of the requirements of Section 32 of LUPPA (specifically Section 30O relating to the application of the STRLUS). On this basis it is considered that initiation of the Amendment would be premature and for this reason it is recommended that the proposed Amendment should not be initiated.

- Attachments:
1. Location Plan (1)
 2. Previous Planning Controls Applicable to Clifton Beach (2)
 3. Proposal Plan (2)
 4. Staging Plan (reflecting initially proposed 15m wide road reservation and associated lot sizes) (1)
 5. Applicant's Planning Report (14)
 6. Applicant's proposed SAP (6)
 7. Site Photos (2)

Ross Lovell
MANAGER CITY PLANNING

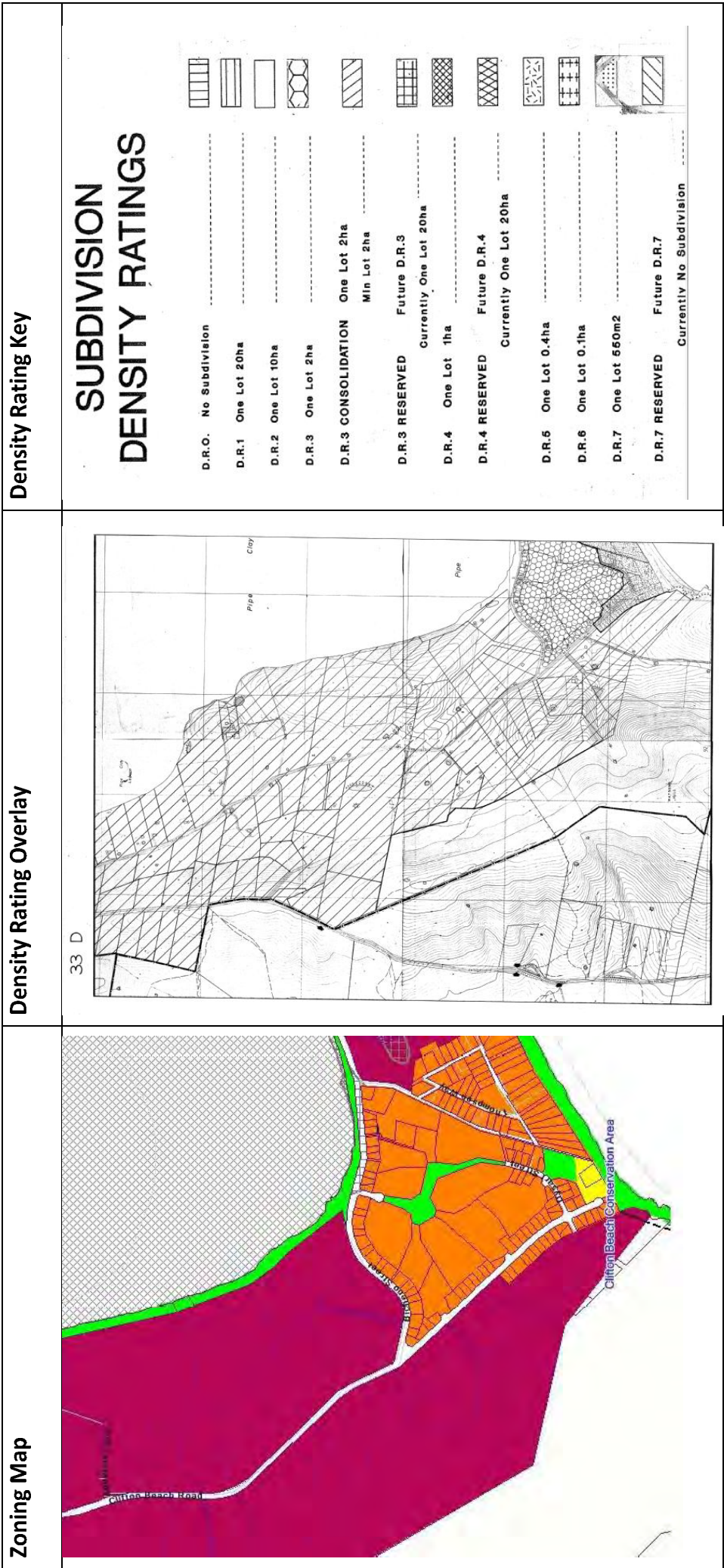
Location Plan – 15 Dysart Street & 443 Clifton Beach Road



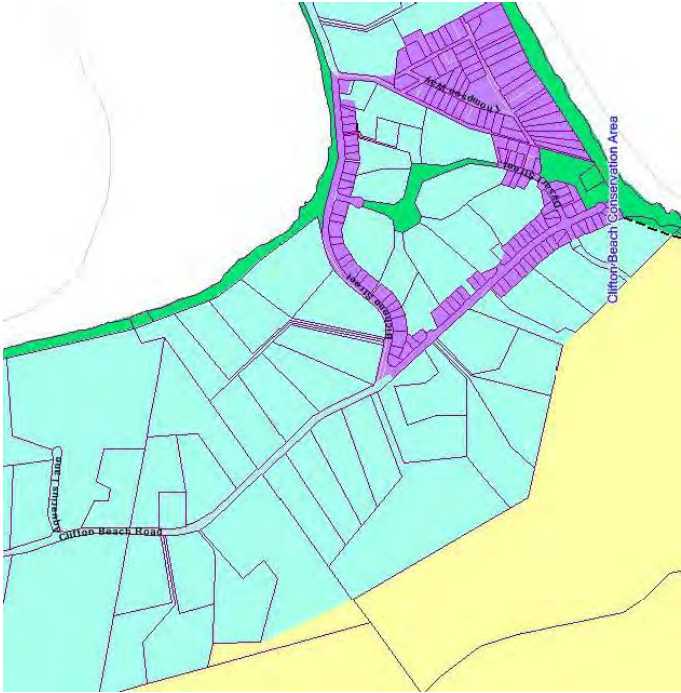
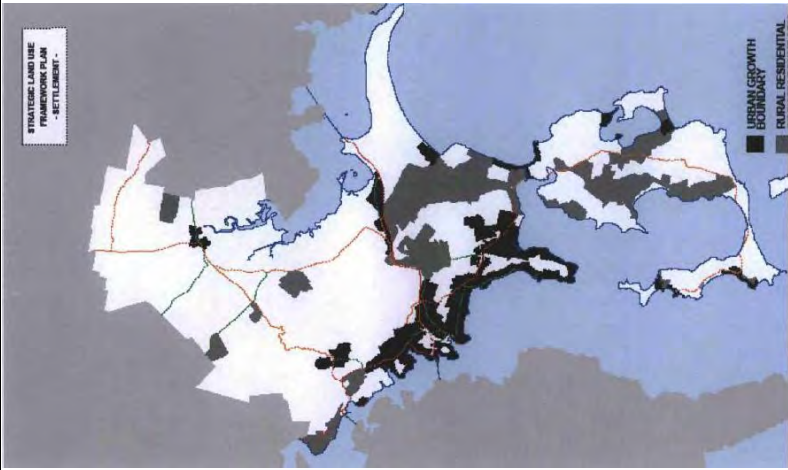
Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 3 June 2016 **Scale:** 1:23,040 @A4

Previous Planning Controls Applicable to Clifton Beach

Eastern Shore Area 2 Planning Scheme 1986



Clarence Planning Scheme 2007

Zoning Map	Strategic Land Use Plan – Settlement
 <p>This map shows the zoning boundaries for the Clarence Planning Scheme. It features a yellow area in the top right, a large green area in the center, and a purple area in the bottom right. A road labeled 'Clifton Beach Road' runs through the green area. A small inset map in the top left corner shows the location of the scheme within the larger context of the Clarence Planning Scheme.</p>	 <p>This map shows the Strategic Land Use Plan – Settlement. It features a large green area in the center, a purple area in the bottom right, and a yellow area in the top right. A road labeled 'Clifton Beach Road' runs through the green area. A small inset map in the top left corner shows the location of the scheme within the larger context of the Clarence Planning Scheme.</p> <p>URBAN GROWTH BOUNDARY</p> <p>RURAL RESIDENTIAL GROWTH BOUNDARY</p>

PLAN OF SUBDIVISION


PDA Surveyors

Surveying, Engineering & Planning

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 Owner Craig McDowall Terry &
 Kathryn Jane Terry

Folio Ref. FR 9247/7

Location 15 Dysart Street, Clifton Beach

Council Clarence City Council

Clarence Interim Planning Scheme 2015

 This plan has been prepared only for
 the purpose of obtaining preliminary
 subdivision approval from the Council
 and the information shown hereon
 should be used for no other purpose.
 All measurements and areas are
 subject to final survey.

 Schedule Of Existing Drainage Easement 1.52 Wide over Lot 1 to be carried forward. Proposed
 Easements Drainage Easement 2.50 Wide over lots 10, 11, 12 in favour of Lots 9 - 12.

Scale 1:1000

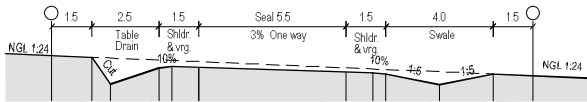
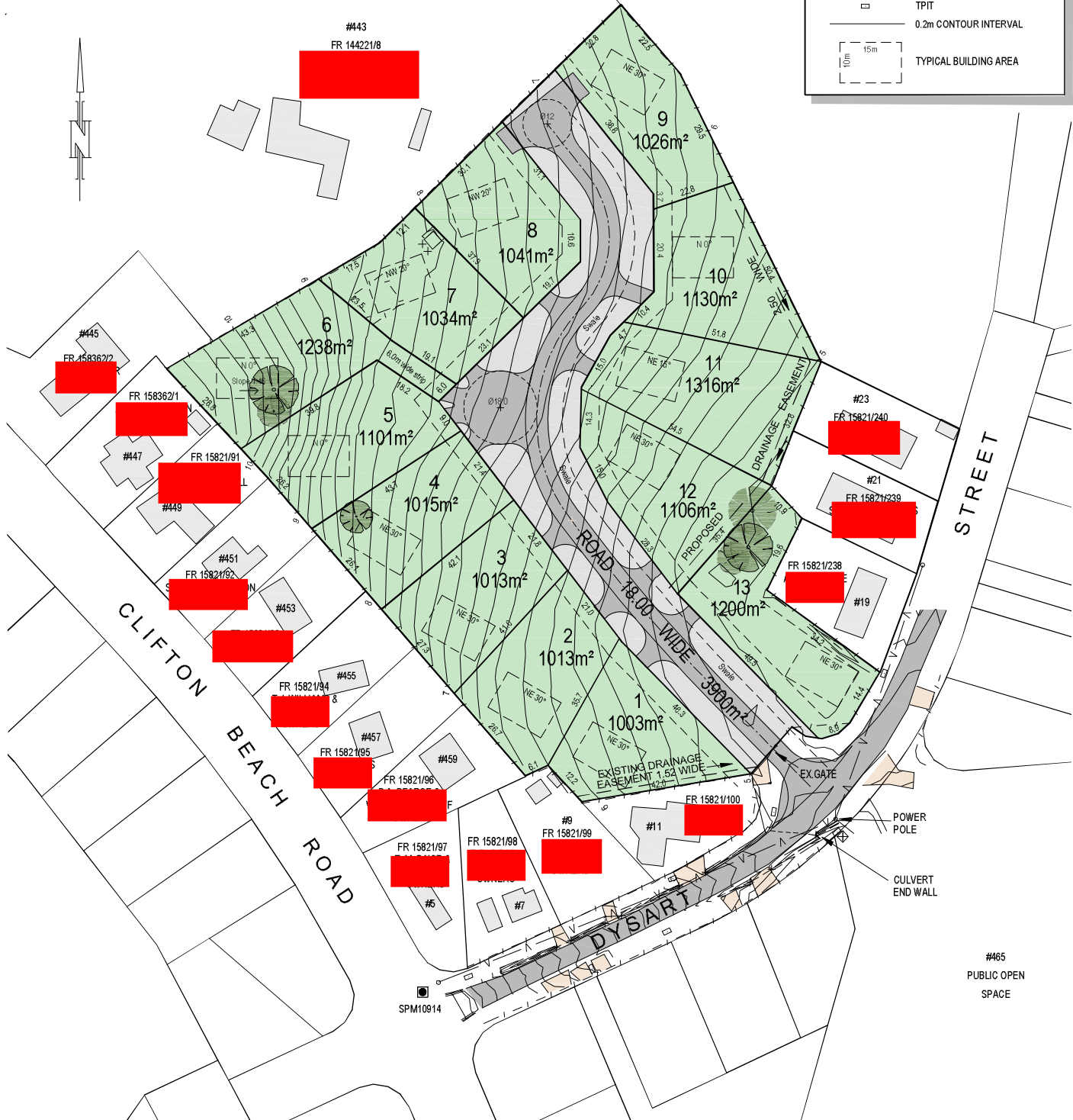
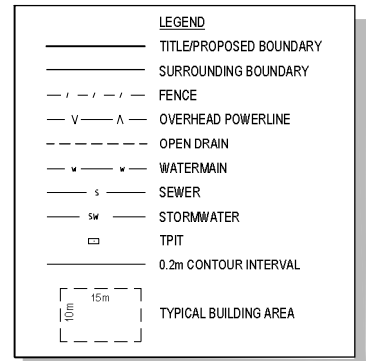
Date 23 February 2016

Our Ref. S764C-1C

Map ref: 5452

GDA94 Centroid: E 542 675

N 5 240 180


 TYPICAL 18.0m ROAD RESERVE
 Scale 1:200


PLAN OF SUBDIVISION



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Folio Ref. FR 9247/7

Location 15 Dysart Street, Clifton Beach

Council Clarence City Council

Clarence Interim Planning Scheme 2015

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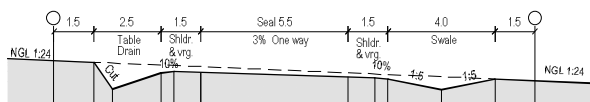
Date 23 February 2016

Our Ref. S764C-1C(p)

Map ref: 5452

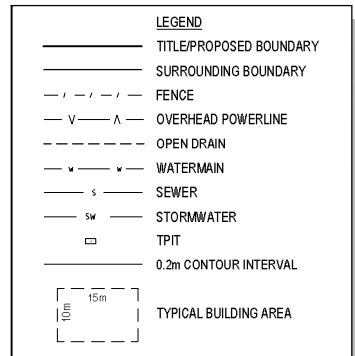
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TYPICAL 18.0m ROAD RESERVE

Scale 1:200

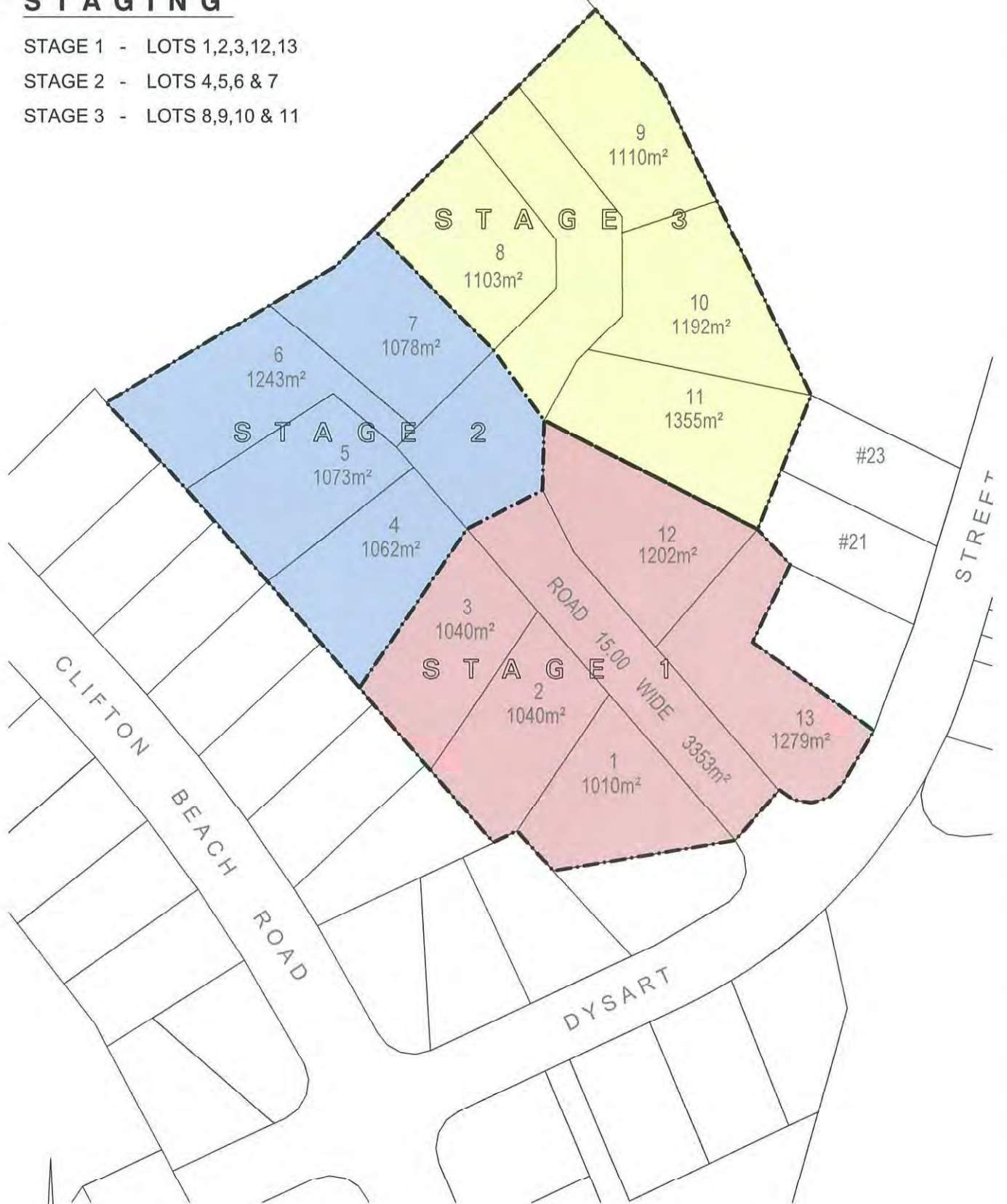
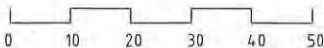


STAGING

STAGE 1 - LOTS 1,2,3,12,13

STAGE 2 - LOTS 4,5,6 & 7

STAGE 3 - LOTS 8,9,10 & 11

**STAGING PLAN****PDA Surveyors**

AS/NZS 71 217 B06 325

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STAGING PLAN - PROPOSED SUBDIVISION (FR 9247/7)
15 DYSART STREET, CLIFTON BEACH RD,
CLIFTON BEACH
for C.M. & K.J. TERRY

SCALE PAPER

1 : 1250 (A4)

JOB NUMBER DRAWING

S764C - 4

SURVEYOR

DRAWN MK

DATE

14 October 2015

Attachment 5

The General Manager
Clarence City Council
Po Box 96
Rosny Park TAS 7018

CM & KJ TERRY
337 Davey Street
Tasmania 7004

19 October 2015

Dear Sir

Application for re-zoning and 13 Lot subdivision 15 Dysart Street and 443 Clifton Beach Road - Clifton Beach

The following development application is submitted under section 43A of the *Land Use and Planning Approvals ACT 1993* as a combined rezoning and 13 lot subdivision. In support of this application the following documents are attached.

1. Copy of CT 9247-7 - CM & KJ Terry owners.
2. Copy of CT 144221-8 – SA Leitch and HL Reid owners.
3. Completed Clarence City Council Planning application form
4. Proposed plan of subdivision S764C-1B
5. Proposed plan of subdivision with aerial photo overlay S764C-1(p)
6. Rezoning plan S764C-3
7. Proposed staging plan S764C-4
8. Concept future development plan S764C-2 outlining how CT 144221-8 (443 Clifton Beach Road) could be developed in the future.
9. Specific area plan S764C-5
10. Geotechnical report by Rocksolid Geotechnics
11. Land Owners consent for CT 144221-8
12. Cheque for \$5,997.00 comprising
 - a. advertising and notification \$1,145.00
 - b. S43 assessment \$3,000.00
 - c. TPC Costs \$ 292.00
 - d. Subdivision assessment \$1,560.00

CM & KJ Terry are submitting this application as the owners of CT 9247-7 and on behalf of SA Leitch & HL Reid the owners of CT 144221-8. A signed owner's consent form is attached confirming agreement to the lodging of this application for rezoning of CT 144221-8.

LOCATION

Clifton Beach is located in the City of Clarence approximately 20 km (20 minute drive) south east of the Hobart Central Business District. It is a small coastal village area located 3.5 km off the South Arm highway via Clifton Beach Road and is situated between Pipeclay Lagoon and Frederick Henry Bay. It is best known for its iconic surf beach and is the home of the Clifton Beach Surf Lifesaving Club. During summer months Clifton Beach is a very popular destination for beach goers and surfers. The close proximity to the beach and the city make Clifton Beach a lifestyle destination for residents and visitors alike.



Location Plan – Plan #1

THE SITE

The site comprises 3.573ha and consists of two adjoining properties; one vacant and one improved property incorporating a 1970s brick veneer house. The site adjoins two other large parcels of land to the north and east and eighteen small village lots along Clifton Beach Road and Dysart Street.

CT 144221-8 is accessed off Clifton Beach Road, the main feeder road connecting through to the South Arm Highway and adjoins CT 9247-7 on its eastern boundary. To the north of this lot is a large area of existing public open space that links Dysart Street through to Bicheno Street. The title contains some 1.759ha of land.

CT 9247-7 is accessed off Dysart Street a formed Council road and is separated from the beach by the coastal dunes and a small council maintained park adjacent to the Clifton Beach Surf Lifesaving Club. The title contains some 1.814ha of land that generally slopes south east towards Dysart Street and Clifton Beach. The site is located in close proximity to the beach and the elevation of the site varies from approximately 5m to 10m above mean sea level.

The effects of climate change and sea level rise on coastal areas are well documented and are addressed by various codes listed under Part E of the *Clarence Interim Planning Scheme 2015*. The proposed site is well protected and elevated such that if approved by Council there will be certainty that future development will not be affected by climate change influences such as sea level rise. Furthermore the site is located close to all available development infrastructure and adjoins existing Village zoned land on two sides.



Site Plan - Plan #2

ZONING

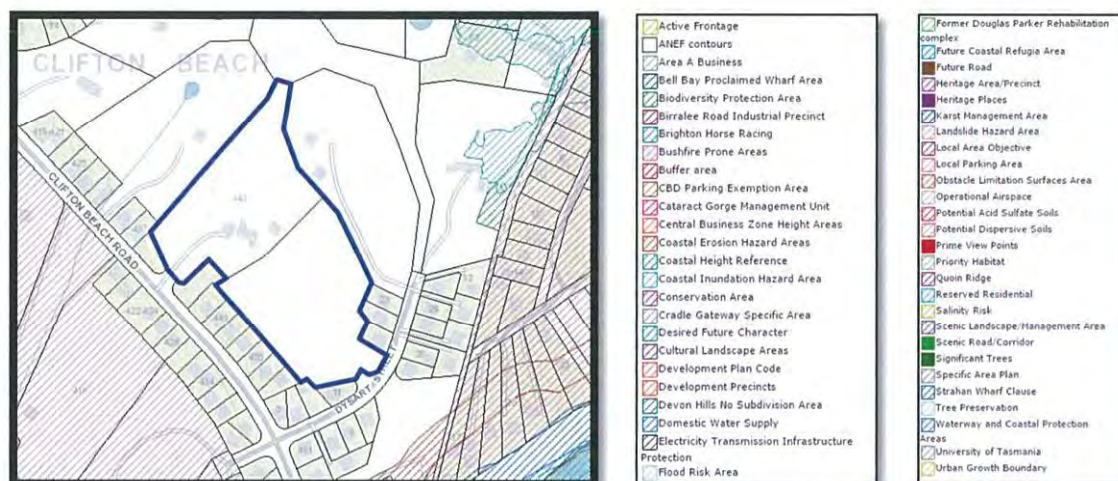
Under the *Clarence Interim Planning Scheme 2015*, 15 Dysart Street and 443 Clifton Beach Road are zoned Rural Living as coloured dark pink on the planning scheme extract shown below. The adjoining land shown orange is zoned Village and the land coloured green is zoned Open Space. The linear nature of the Village zoning is a direct result of the original village subdivision that predominantly followed the road network existing at that time.



EXISTING ZONING - Plan #3

OVERLAYS

The extract below is from lplan map and shows the Tasmanian interim planning scheme overlays that relate to the Clifton Beach site. It can be seen that the site (outlined in blue) is not subject to any existing planning scheme overlays. There are no existing mapped controls that need to be taken into consideration in assessing this site for development.



Planning Scheme Overlays - Plan #4

Coastal Inundation

The following extract shown below is from the Coastal Inundation overlay of the *Clarence Interim Planning Scheme 2015*. It clearly shows that the site (coloured red for identification purposes) is not subject to inundation which is shown with light blue hatching.



Coastal Inundation- Plan #5

Coastal Erosion Hazard Management

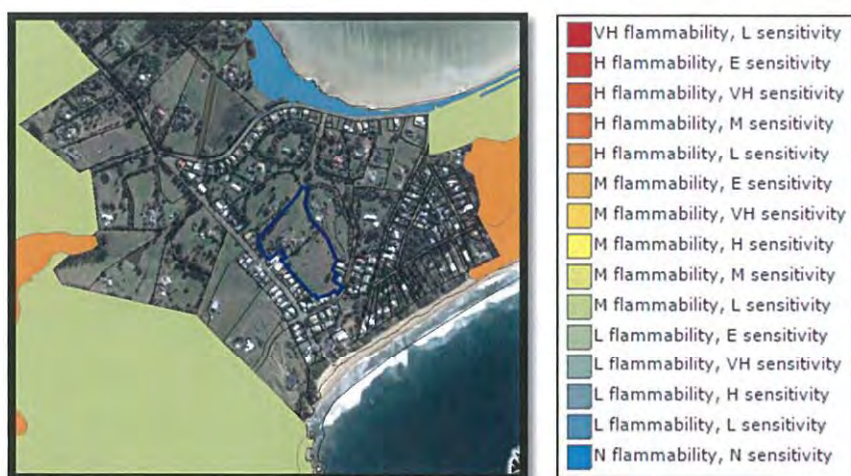
The following extract is from the Coastal Erosion Hazard Management overlay of the *Clarence Interim Planning Scheme 2015*. It clearly shows that the site (coloured blue for identification purposes) is not within the existing defined coastal erosion hazard management area shown as red hatching on the overlay.



Coastal Erosion Hazard Management- Plan #6

Bushfire Prone Areas

The following extract from LIST-map shows that the site is not within a bushfire prone area. The site (shown outlined in blue) and surrounding properties are all maintained urban lands where open grassed areas are regularly mown and the majority of vegetation is introduced exotic species. There is little or no accumulated flammable material and being an urban area the threats associated with bushfire are well maintained and controlled. The site is flat and does not adjoin any bushfire prone land. For these reasons no Bushfire Hazard Management plan is required as part of this application.

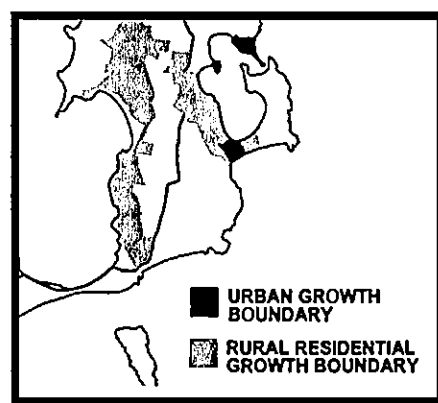


Bushfire Prone Areas - Plan #7

URBAN GROWTH

The Clarence municipality is recognised as having many attractive and desirable areas with varying amenity in which to live. The Council's residential strategy and planning for change within the City's suburbs demonstrates an understanding of the specific local character of the suburbs and the needs of the residents of the municipality. Clifton Beach is typical of this situation with less than 10 vacant village lots within the surrounding village area that comprises more than 140 village zoned lots. Currently there are no vacant lots available for purchase within the Clifton Beach Village zone. Further, the majority of the Village lots were created when the land was first subdivided over 40 years ago and have been held in the same ownership for many years with little opportunity for new home owners to purchase. Clifton Beach is a destination centre for activity based home owners that is both vibrant and attractive as a desirable community in which to live. Changes in population structure are generating new housing needs, which are not adequately catered for by the existing Clifton Beach housing stock. Planning for growth is essential and it is equally important that policy and the planning process have the flexibility to provide for change and new community requirements as they arise.

In recognition of this Clarence developed a Strategic Land Use Framework Plan under the *Clarence Planning Scheme 2007* to provide direction, order and structure for future development. This plan identified the strategic direction for future housing opportunities within the municipality by assessing a range of criteria including location, land suitability, market demand and cost efficient service delivery. This resulted in a defined urban growth boundary to manage the growth of suburbs and villages within Clarence. Growth areas were identified as those areas that provided the best opportunities for future growth that best utilised existing infrastructure. The below extract from the 2007 Planning Scheme, identified that part of Clifton Beach between Pipeclay Lagoon and Frederick Henry Bay as a future urban growth area.



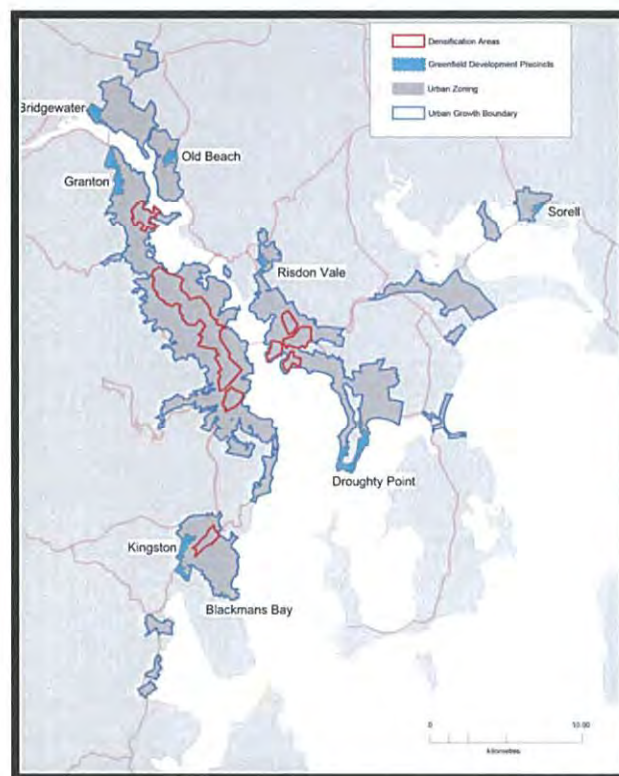
Urban Growth - Plan #8

The purpose of the growth boundary was to identify a land supply for the various suburbs and villages representing certain market segments. This approach allowed consideration of demand and supply issues for particular suburbs, rather than simply looking at a forecast based on total supply within the City's overall land bank. The residential strategy urban growth boundary assisted Council in supporting amendments and permits for new subdivisions. The urban growth boundary also assisted strategic planning for growth by discouraging amendments to expand growth into new

areas, rather than into the planned growth areas promoting a sustainable form of urban growth and providing greater certainty in the provision of infrastructure in an efficient way.

The designated Clifton Beach growth area under the 2007 Planning Scheme incorporated 10 or more properties that were zoned rural residential that were located within the confines of the existing village zoned lots at Clifton Beach. Rezoning land within this rural living zone for the purpose of consolidation is in accordance with the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS) regional policy SRD 1.3.

While the new *Clarence Interim Planning Scheme 2015* has an Urban Growth Boundary overlay, it is very different to the urban growth boundary under the previous planning scheme. In fact it is the residential urban growth boundary that was developed by the STRLUS in its regional residential development strategy.



**Southern Tasmanian Regional Land Use Strategy
Residential development areas - Plan #9**

Regional strategies are designed to be living documents responsive to future changes and challenges as and when they arise. The very nature of a regional strategy precludes detail of individual scenarios and cases. The STRLUS regional policy SRD 1.2 states that residential growth should be managed through the hierarchy of the planning process. It is submitted that this application addresses that hierarchy at all levels. It has considered the regional strategy and local development through the proposed rezoning of the site and the subsequent subdivision application as the process to implement that strategic direction. The STRLUS focuses on residential development of green field

development sites that are able to be provided with the full development infrastructure and services.

Village zones by their very nature often do not have all of the services available that are expected in a residential lot. To this end development within Village zoning is usually small scale development that is driven by local demand and needs to be assessed on the developments individual merits. The land in this application adjoins the existing Village zone and is able to be efficiently serviced by stormwater, road, telecommunications and electricity.

In further considering the STRLUS it is noted that Clifton Beach was assessed along with a number of other settlements as a “small settlement” and as having a “very low” growth strategy with “consolidation” as the most likely growth scenario.

The population of Clifton Beach as recorded in the 2011 ABS figures was 555. Using the STRLUS definition for “small settlement” as having a population of 200 Clifton Beach should possibly have been assessed as a Village. Currently Clifton Beach has no residential land available for further development and given the size of the existing village zoned lots there is also no potential for any infill development within the existing Village zone meaning that it could only be assessed as having a very low growth rate.

The STRLUS defines Very Low Growth as *“no new dwellings except single dwellings on existing subdivided lots, subject to demonstrating that:*

- there will be no off-site impacts from on-site waste water disposal;*
- adequate provision of potable water either through reticulotion or tank water; and*
- oddrressing hazard and natural values constraints”.*

The proposal as submitted will meet all of the STRLUS requirements for very low growth rate. As there are no vacant lots currently available for development the proposed creation of 13 additional lots will provide an opportunity for a low growth rate in the Clifton Beach area.

In order for there to be growth or consolidation there has to be a potential for development. At this time there is clearly very limited availability and given the ribbon nature of the existing Village zoning such infill development is not a possibility at Clifton Beach. Rezoning the proposed site will facilitate a cluster or community of residential housing that meets all of the required development controls and consolidates development in the heart of the existing Village area. Such consolidation will provide opportunity and address community needs and expectations. The proposed interconnecting road when connected will facilitate improved traffic circulation allowing the free flow of traffic through what will be the centre of Clifton Beach.

CONSIDERATION OF STATE POLICIES

State Policy on the Protection of Agricultural Land (Adopted 6 October 2000)

- *To provide a consistent framework for planning decisions involving agricultural land by ensuring that the productive capacity of agricultural land is considered in all planning decisions.*
- *To foster the sustainable development of agriculture in Tasmania by:*
 - *enabling farmers to undertake agricultural activities without being unreasonably constrained by conflicts with adjoining non-agricultural land users; and*
 - *providing greater direction and certainty for landowners, developers, land managers and the community in planning decisions involving agricultural land.*

This application for re-zoning and subdivision is not contrary to this state policy as it does not deal with agricultural land and it is not located adjacent to any agricultural land.

State Policy on Water Quality Management (Adopted 26 September 1997)

- *Focus water quality management on the achievement of water quality objectives which will maintain or enhance water quality and further the objectives of Tasmania's Resource Management and Planning System;*
- *Ensure that diffuse source and point source pollution does not prejudice the achievement of water quality objectives and that pollutants discharged to waterways are reduced as far as is reasonable and practical by the use of best practice environmental management;*
- *Ensure that efficient and effective water quality monitoring programs are carried out and that the responsibility for monitoring is shared by those who use and benefit from the resource, including polluters, who should bear an appropriate share of the costs arising from their activities, water resource managers and the community;*
- *Facilitate and promote integrated catchment management through the achievement of objectives (1) to (3) above; and Apply the precautionary principle to Part 4 of this Policy.*

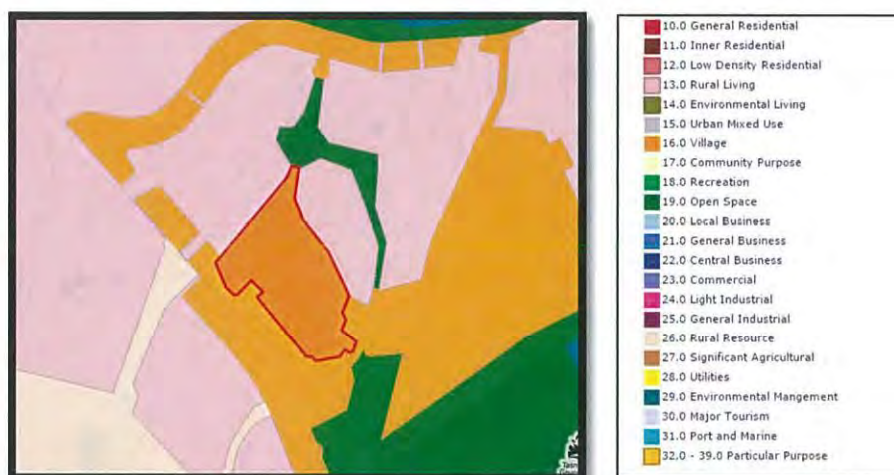
The future development of this site will be designed and constructed using water sensitive urban design parameters to ensure that any impact is minimal. Stormwater run-off will be controlled via swale drains and lot size is such that onsite absorption will be achieved.

State Coastal Policy (Adopted 16 April 2003)

- *Natural and cultural values of the coast shall be protected.*
- *The coast shall be used and developed in a sustainable manner.*
- *Integrated management and protection of the coastal zone is a shared responsibility.*

While this site is within the area covered by the State coastal policy this application for re-zoning and subdivision is not contrary to the intent of that policy. The proposed development represents consolidation of an existing development cluster at Clifton Beach and does not promote or constitute coastal ribbon development.

PROPOSED RE-ZONING



Rezoning Plan - Plan #10

The attached rezoning plan S764C-3 shows the extent of the proposed change to the existing Village zone. This rezoning application seeks to rezone the site (shown outlined in red on Plan #10) from Rural living to Village. While the proposed rezoning area is only a small part of the area that was previously identified for urban growth it does comprise approximately 3.57ha of land in two separate titles and ownership. Rezoning this site will provide opportunity for growth through the consolidation of development within the existing village area. While it is recognised that for strategic reasons Council may wish to consider rezoning a larger area we believe that it would be premature and potentially create and oversupply at this time. A large scale strategic rezoning is not considered practical or feasible as the complexities of involving a larger number of privately owned properties in a combined application make such a coordinated approach extremely difficult unless you are the planning authority.

The intent of the Village zone is detailed in the zone purpose within the planning scheme ordinance. Key amongst the six stated objectives is purpose statement 1.2 *"to provide residential and associated development in small communities"* and statement 1.6 *"to provide for the efficient utilisation of existing reticulated services in serviced village"*. Objective 1.3 states *"to ensure development is accessible by walking and cycling"*. This proposal addresses and satisfies each of these three zone purpose statements and will create the potential for alternative uses as suggested in zone purpose statements 1.1, 1.4 and 1.5.

This application will provide considered, logical, timely and orderly development that will create opportunity for the community with minimal impact. No impediments, controls or overlays that restrict the proposed site or impact on the future development potential of this land have been identified in researching this application.

In considering this amendment Council have recommended that a development plan be prepared to substantiate that the proposed re-zoning will facilitate the future growth of the village area and to guide appropriate future development of CT 144221-8. An indicative draft future development plan

showing how the this property can be effectively and economically developed, retaining the existing house, providing a through road and a linkage to the public open space to the north has been included in this application. Refer to the attached Draft future development plan S764C-2.

To provide certainty for Council in approving this proposed rezoning and 13 lot subdivision we propose the creation of a specific area plan under Part F of the *Clarence interim planning scheme. 2015*. The intent of this specific area plan is to provide control and direction in regards to the future development of CT 144221-8 by defining the “future road” corridor through that site, linking the proposed subdivision road on CT 9247-7 through to Clifton Beach Road. To illustrate this we have prepared the attached specific area plan S764C-5.

In considering this application it is necessary to consider the strategic objectives of the *Land Use Planning and Approval Act 1993* and the planning system of Tasmania. The primary objective of the planning system is to promote sustainable development and to protect and maintain the ecological processes and genetic diversity. This application has established that it will facilitate infill, consolidation within an existing developed area that is not subject to any existing environmental development controls. The sustainability of this type of development is further supported by the regional policies of the STRLUS. Compliance with the STRLUS policies has been addressed elsewhere in this report. The development of this site will not impact on the ecological processes and genetic diversity relating to this site and its surrounds. It will result in fair, orderly and sustainable use and development of the proposed site.

This application fulfils the objectives of the Resource Management and Planning System of Tasmania as set out in Schedule 1 of the Land Use Planning and Approvals Act 1993.

It is submitted that this application complies with all relevant policies and objectives that must be considered in assessing the proposed rezoning of this site.

SUBDIVISION DEVELOPMENT CONTROLS

Under the *Clarence Interim Planning Scheme 2015* the site is currently zoned Rural Living. The minimum lot size under this zone is 2.0ha. CT 9247-7 as it exists is a subminimum lot of 1.814ha created in 1977, well before the current planning scheme came into effect. As currently zoned there is no development potential for this title via subdivision.

The proposed rezoning to Village Zoning will result in the following subdivision development controls:

- The minimum lot size for subdivision is 1000m²
- Lots must have frontage of 15m except for internal lots

The proposed plan of subdivision S764C-1B is compliant with the the Village Zone development control requirements.

STAGING

The proposed development of 13 village lots will be created in three stages as shown on the attached Staging plan S764C-B.

- Stage 1 is to include lots 1, 2, 3, 12 & 13
- Stage 2 is to include lots 4, 5, 6 & 7
- Stage 3 is to include lots 8, 9, 10, & 11

Staging may be varied with the approval of the Clarence City Council.

PROPOSED SERVICE INFRASTRUCTURE

Roads

Dysart Street is a fully constructed council maintained road located in the centre of the village of Clifton Beach. It is a nominal 4.5m bitumen pavement with gravel shoulders and grassed swale drains to provide for stormwater collection and drainage. It does not have any formed footpath or landscaping. The proposed subdivision road is designed to be in keeping with the existing Village amenity utilising low impact design parameters compliant with the planning scheme and current IPWEA guidelines. The title to the existing site was created in 1977 and was setup with future development in mind. The access off Dysart Street is splayed and setback to allow a future road intersection. Dysart Street is a small feeder road with minimal traffic volume and very limited traffic speed with good alignment and visibility at the proposed new road intersection. There are currently 18 properties that use Dysart Street, estimated to generate 144 traffic movements a day or 6 traffic movements per hour. The creation of an additional 13 lots when fully developed would cause this to increase to an estimated 256 traffic movements per day or 11 per hour. This small increase in traffic numbers will not result in any real discernible change in the existing traffic movements. It would be anticipated that Dysart Street usage will decrease when the proposed subdivision road has connection through to Clifton Beach Road as some of the internal traffic would exit via the shorter and more direct route.

Power

Overhead power is available via a power pole located in Dysart Street, directly opposite the proposed road. Subject to design and advice from TasNetworks it is envisaged that underground power would be provided to all proposed lots within the subdivision.

Telecommunications

Telecommunications cabling passes across the frontage of the property and subject to design requirements would be extended into the proposed subdivision to service the lots utilising the power cable trenching.

Drainage

Stormwater from the lots will be retained on site in accordance with the geotechnical report. The proposed lots are all approximately 300m² larger than the existing adjoining village lots (that all are designed to retain their stormwater and waste water on site). Subject to proper design this extra land will ensure that all the proposed lots will have the capacity to retain all drainage on site.

Additional surface run off from driveways and the proposed road will be minimal but it is proposed that it is collected in open shallow swale drains along the proposed road with any excess water drained to the existing culvert located at the Dysart Street property entrance. This culvert currently directs excess stormwater runoff from Dysart Street into the adjoining low lying Council park for absorption.

Water Reticulation

The proposed development site is not currently serviced by reticulated water or a sewage scheme and thus does not require TasWater consideration.

Wastewater Disposal

The attached geotechnical report concludes that each lot will require a maximum of 560 m² of usable wastewater land application area for onsite waste water disposal from a 4 bedroom dwelling. Given that the footprint of a large dwelling would be expected to be no more than 200m² this leaves an area of at least 250m² for driveways, hardstand, sheds and setbacks on all of the proposed lots.

Waste Collection

The proposed road has been designed so that small vehicles will have the ability to turn in the 12m diameter turning area and vehicles up to 8.8m will be able to use the turning area for a three point turn. The proposal is based on the continuation of the road through the northern title, however until such time as the access through that title becomes available vehicles will be able to turn in the turning area provided at the bend in the proposed road. The lot configuration is designed to facilitate a standard access design in accordance with IPWEA design standards. This will allow Waste collection trucks to be able to drive the length of the road collecting bins and execute a simple three point turn and exit the site collecting the bins on the opposite side of the road.

Easements

CT 9247-7 is subject to an existing drainage easement that is to be carried forward over proposed lot 1. New easements will be created as required over any new service infrastructure and drainage and will be determined at the time of final engineering design and or after construction.

Public Open Space

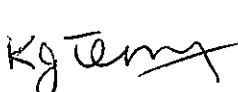
This application should be assessed in accordance with the *Clarence City Council Public Open Space Policy 2013*. It should be noted that two public recreation areas exist in close proximity to the site, not considering the nearby Clifton beach. Directly opposite the Dysart street entrance is a small park maintained by Council and at the end of Dysart Street a larger area of Public open space links Dysart Street through to Buckland and Bicheno streets. Given the areas available in the immediate vicinity the dedication of additional public open space to be maintained by Council would not be desirable in this location.

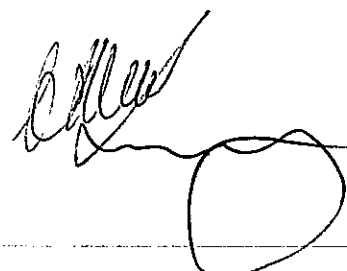
The objectives of the Village zone are detailed in section 16.1.1 of the *Clarence Interim Planning Scheme 2015* under the 6 separate zone purpose statements. This proposed subdivision will provide development opportunity at a scale and in a location that aligns with the intent of these statements. The zone purpose statements suggest that Village zoning should create a mix community service, residential, shopping and office based employment. Whether the use of any Village zoned lot is residential or some other allowable use under the zoning is dependent on Council approval of that use. The purpose of this subdivision is to provide residential land as a demand for that type of use exists. At this point in time Clifton Beach does not have the population to support other such uses as suggested in the scheme. The proposed subdivision will provide infill residential development and efficient utilisation of existing reticulated services.

As the owners of this property we are aware that the titles to the 15 existing neighbouring village zoned properties are each around 700m². Due to the size and design of some of these they do not have sufficient area to properly contain their stormwater and waste water onsite. We have been approached by several neighbours who wish to purchase additional land to add to their existing titles. The new *Clarence Interim Planning Scheme 2015* under section 9.3(e) does not permit an adjustment of title boundaries if the boundary aligns with a zone boundary. Approving the rezoning of this land to Village zoning will facilitate the option to consider boundary adjustments with neighbouring properties.

We trust that this submission has addressed all aspects required for your consideration and assessment of both the re-zoning of this site and the proposed 13 lot subdivision. Should further information be required please do not hesitate to contact the writer directly to discuss.

Yours faithfully


Kathryn and Craig Terry



F ## Clifton Beach Specific Area Plan

F##.1 Purpose of the Clifton Beach Specific Area Plan

The purpose of this Plan is to:

- (a) To guide subdivision and development to ensure an efficient road layout providing a high level of connectivity, safety and amenity;
- (b) To provide for residential use or development at a density that is consistent with infrastructure and environmental constraints
- (c) To provide for limited tourism and recreational uses that are compatible with a high standard of residential amenity.

F##.2 Application of the Clifton Beach Specific Area Plan

This Plan applies to the area of land designated as F##.0 on the Planning Scheme Maps.

F##.3 Use Table and Use Standards

F##.3.1 Use Table

In addition to the Village Zone Use Table at ##, the following Use Table prevails in relation to the listed uses for the area subject to this Plan.

Objective: To promote the purpose of this Plan by limiting uses that would have an undue impact on residential amenity.	
No permit required	
Use class	Qualification
Education and occasional care	Only if for home-based child care in accordance with a licence under the Child Care Act 2001
Natural and cultural values management	
Passive recreation	
Utilities	Only if minor utilities.
Permitted	
Use Class	Qualification
Residential	Only if single dwelling or home based business

Discretionary	
Use Class	Qualification
Residential	Only for ancillary dwelling
Visitor accommodation	

F##.3.2 Use Standards

Objective: To ensure that the character of the affected area remains predominantly residential.

Acceptable Solutions	Performance Criteria
A1 Non-residential use does not occur on two or more adjoining sites with adjoining frontages.	P1 No performance criteria
A2 A children's day care centre must operate from a building otherwise used as a dwelling and must only employ residents of that dwelling.	P2 No performance criteria

F##.4 Development Standards for Buildings and Works

F##.4.1 Site coverage

Objective: To ensure that sufficient area remains for outdoor activity and on-site waste and storm water systems

Acceptable Solutions	Performance Criteria
A1 Site coverage does not exceed 25% (nominal) of the site area or 250m ² (nominal), whichever is the greater.	P1 Sufficient area remains for on-site waste and storm water systems to service the proposed development; and Total site coverage does not exceed 450m ²

F##.4.2 Landscaping

Objective: To ensure that future development complements the character of Clifton Beach.	
Acceptable Solutions	Performance Criteria
A1 Other than for an internal lot, not less than 50% of the site area between the lot frontage and the frontage setback must be landscaped.	P1 No performance criteria

F##.4.3 Outbuildings

Objective: To ensure that the size and number of outbuildings does not detract from the amenity of the area and does not visually dominate an associated dwelling.	
Acceptable Solutions	Performance Criteria
A1 Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following: (a) have a combined floor area no more than 80 m ² ; (b) have a wall height no more than 5.5 m and a building height not more than 6.5 m; (c) have setback from frontage no less than that of the existing or proposed dwelling on the site.	P1 Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to satisfy all of the following: (a) be less visually prominent than the existing or proposed dwelling on the site; (b) be consistent with the scale of outbuildings on the site or in close visual proximity (c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.

F##.4.4 Future Development

Objective: To ensure that development does not compromise a future subdivision layout generally in accordance with Figure 1.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Development not associated with road construction must be setback from any future road alignments shown in Figure 1 attached to this Plan in accordance with the frontage setback requirements contained in the Village Zone at ##.</p>	<p>P1</p> <p>Development within the road alignments shown in Figure 1 attached to this Plan must demonstrate that it will not prevent a suitable alternative road connection from being constructed linking Dysart Street to Clifton Beach Road..</p>
<p>A2</p> <p>Development must be setback from the future road corridor shown in Figure 1 attached to this Plan in accordance with the setback requirements contained in the Village Zone at ##.</p>	<p>P2</p> <p>Development must demonstrate that it will not prevent the construction of a future road linking Dysart Street to Clifton Beach Road in accordance with Figure 1 or a suitable alternative</p>

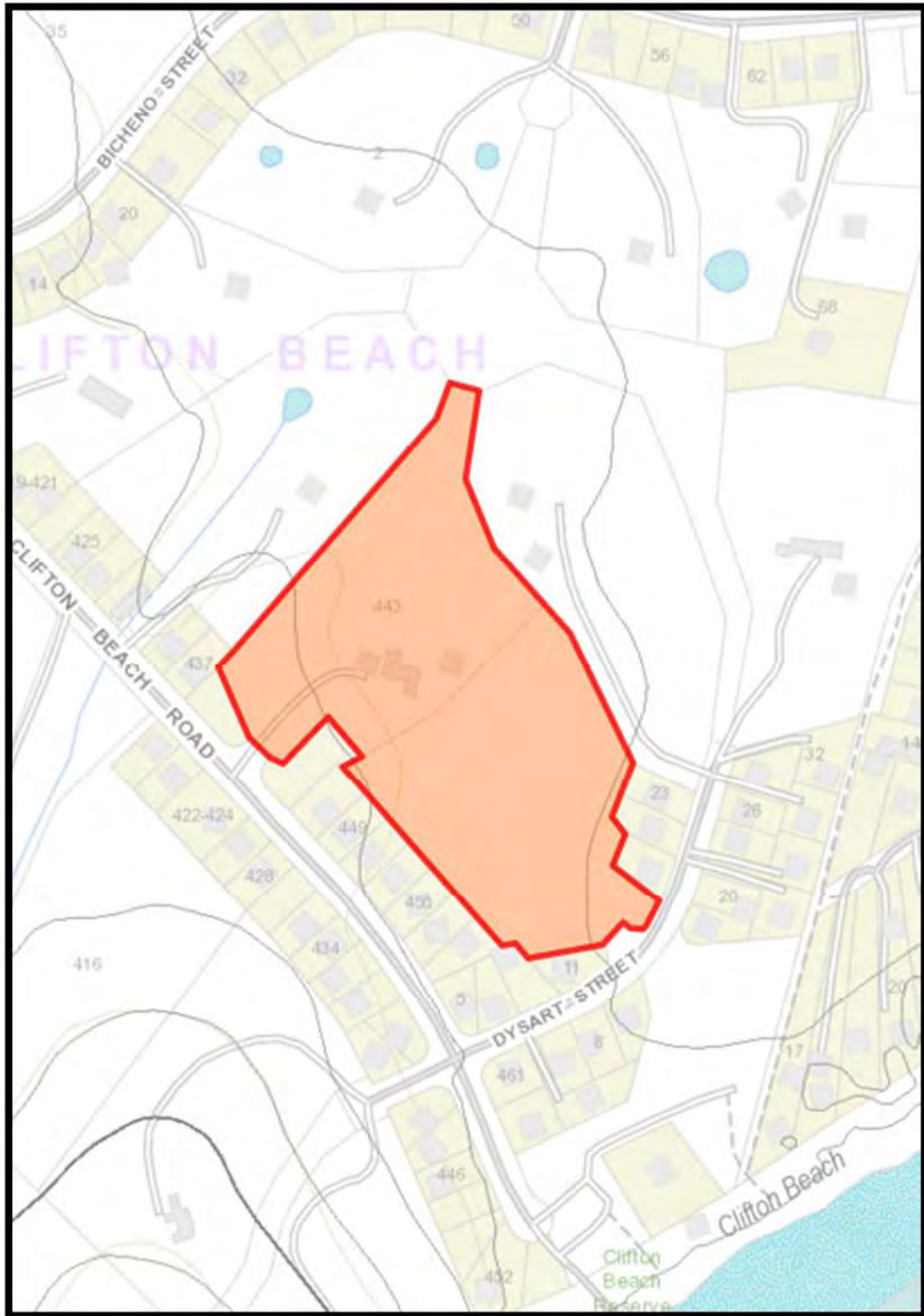
F##.5 Subdivision and Future Road Connections

Objective: To ensure that any future subdivision layout provides road connectivity between Dysart Street and Clifton Beach Road.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The lot layout must provide for the construction of a road generally in accordance with the Road Layout Plan shown in Figure 1 attached to this Plan.</p>	<p>P1</p> <p>Roads must be generally in accordance with the Road Layout Plan shown in Figure 1 attached to this Plan, but may be realigned, provided it is consistent with a suitable road connection between Dysart Street and Clifton Beach Road.</p>



FIGURE 1



Area covered by SAP

Site Photos

15 Dysart Street, Clifton Beach



Taken from the entrance at Dysart St looking North



From the western boundary looking east along the northern boundary



From the south western corner looking north-west east along the existing Rural Living/Village zone boundary.

11.3.7 AMENDMENT APPLICATION A-2015/2 - 15 DYSART STREET AND 443 CLIFTON BEACH ROAD, CLIFTON BEACH - SECTION 43A REZONING AND 13 LOT SUBDIVISION (SD-2015/50)

(File No A-2015/2)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a combined Section 43A application for a planning scheme amendment and 13 lot subdivision at 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and is not subject to any spatial codes under the Clarence Interim Planning Scheme 2015 (the Scheme).

The proposed residential subdivision is currently prohibited under the Scheme.

The former provisions of the Land Use Planning and Approvals Act, 1993 (LUPAA) are defined in Schedule 6 - Savings and Transitional Provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015 which commenced on 17 December 2015.

Essentially, the Savings and Transitional Provisions apply to existing planning schemes in force prior to the approval of the Tasmanian Planning Scheme Local Provisions Schedule and include the Clarence Interim Planning Scheme 2015.

Section 43A(1) of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

Applications made under Section 43A are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined amendment (rezoning and Specific Area Plan) and development of the site.

RECOMMENDATION:

- A. That Council resolves not to initiate and certify draft Amendment A-2015/2 at 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach under Section 34 and Section 35 of the Land Use Planning and Approvals Act, 1993 respectively.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

Decision:	MOVED Ald Campbell SECONDED Ald McFarlane
	<p>“A. That Council resolves, under Section 34(1)(a) of the Land Use Planning and Approvals Act 1993 to initiate draft Amendment A-2015/2 to the Clarence Planning Interim Scheme 2015 at 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach.</p> <p>B. That Council resolves to modify draft Amendment A-2015/2 in the following manner:</p> <ol style="list-style-type: none">1. Reduce the purpose of the Specific Area Plan (SAP) to: <i>“Guide subdivision and development to ensure an efficient road layout providing a high level of connectivity, safety and amenity”</i>.2. Specify that the SAP does not apply to use.3. Delete the Use Table.4. Delete the Use Standards.5. Delete the Landscaping Standards.6. Delete the Outbuilding Standards.7. Condense the ‘<i>Future Development</i>’ Acceptable Solutions A1 and A2 and Performance Criteria P1 and P2 into one standard (respectively) and rename to ‘<i>Development Standards</i>’. <p>C. That Council resolves, under Section 35(1)(b) of the Land Use Planning and Approvals Act 1993, to prepare the draft Amendment A-2015/2 as modified.</p> <p>D. That following the preparation of the modified draft Amendment A-2015/2, a subsequent report is to be prepared for consideration prior to certification under Section 35(2). The report must provide a recommended draft Permit and associated conditions for subdivision SD-2015/50.</p> <p>E. That the reasons for Council's decision in respect of this matter be recorded as follows:</p> <ol style="list-style-type: none">1. The proposal is consistent with the objective of the Southern Tasmanian Regional Land Use Strategy and the applicant's interpretation of the very low growth scenario is supported.2. That the Amendment requires modification to the draft Specific Area Plan as outlined at Section 3.3 of the Associated Report”.
	CARRIED UNANIMOUSLY

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 TOLLARD DRIVE SAFETY IMPROVEMENT UPGRADE – APPROVAL TO CONSULT**

(File No T014)

EXECUTIVE SUMMARY**PURPOSE**

To seek Council endorsement to release the Tollard Drive Safety Improvement Upgrade Plan for public consultation in order to obtain feedback on the Plan from the community.

RELATION TO EXISTING POLICY/PLANS

Council's adopted Strategic Plan 2010-2015, Community Participation Policy, Bicycle Strategy 2013-2017 and associated Bicycle Action Plan 2013-2017 are relevant.

LEGISLATIVE REQUIREMENTS

Not applicable.

CONSULTATION

Officers from the Department of State Growth, as well as Council Officers and the Bicycle Steering Committee have provided input and feedback on the Plan in preparation for seeking approval to carry out community consultation.

FINANCIAL IMPLICATIONS

Funds have been allocated in the 2015/2016 Annual Plan to undertake the draft Tollard Drive Safety Improvement Upgrade Plan.

RECOMMENDATION:

- A. That Council authorises the General Manager to undertake community consultation for the draft Tollard Drive Safety Improvement Upgrade Plan as outlined in the Associated Report.
- B. That the results of the community consultation be presented to Council at a future workshop.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** For a number of years developers at the southern end of Tollard Drive have argued for Council to connect Tollard Drive to the South Arm Highway and to invest in cycle way infrastructure along Tollard Drive.

- 1.2. Council, at its Meeting of 10 November 2014 resolved to authorise the General Manager to contribute 50% of the cost to build a 3m wide shared path along the eastern side of Tollard Drive as part of the Department of State Growth (DSG) project to upgrade the Pass Road/Tollard Drive/South Arm Highway intersection.
- 1.3. Following the connection of Tollard Drive to South Arm Highway significant traffic issues were identified in a post construction road safety audit. As a result, Council allocated funds for traffic safety improvements along Tollard Drive to address the recommendations from the road safety audit.
- 1.4. This Agenda Item deals with the associated plans to address the recommendations of the road safety audit.

2. REPORT IN DETAIL

- 2.1. The major issues identified with Tollard Drive can be summarised as:
 - the road was originally designed to allow it to function as a Major Collector, with the long term plan that it would provide a ring road along with Oceana Drive on the western side of Droughty Point peninsula;
 - there were sight distance issues with Tollard Court south/Tollard Drive intersection;
 - the road was operating as a very low traffic residential street until it was connected to South Arm Highway;
 - as a result of the connection there has been significant traffic increases;
 - speed has also increased with the direct connection;
 - bus services have been redirected as a result of the direct connection;
 - there is a wide pavement with no line markings;
 - no definition for travel lane/parking/cyclists;

- there are kerb extensions designed to calm traffic; and
- there is unconnected share path infrastructure at both ends.

2.2. Council officers have developed a proposal for safety improvement of Tollard Drive that addresses the issues identified above and involves:

- improvement of Tollard Court south access; with left in and left out to mitigate against the poor sight lines;
- provision of intersections turning lanes;
- channelisation of traffic lanes on the very wide road to improve traffic flow and control speed;
- removal of parking on western side;
- removal of kerb bulbs to improve road safety and make room for parking and cycle ways; and
- provision of cycle ways on both sides of the road.

These works are Stage 1 of a multi-stage process to treat all of Tollard Drive. A series of sketches outlining these improvements for Stage 1 is Attachment 1.

2.3. As part of the proposal, which involves the removal and relocation of parking spaces on the road way, consultants Pitt and Sherry were engaged to conduct a parking survey to ascertain the level of likely disruption. Maximum occupancy was only 3% which indicated that on-road parking is not a significant issue.

2.4. On 27 June 2016, a workshop session was held with Council on the proposal which indicated community consultation was an appropriate next step in the process.

- 2.5.** The proposed Stage 1 works deal with issues raised by the change in function that Tollard Drive now plays in the City's road network, as well as addressing matters identified in the road safety audit. Given the likely impact on residents it is appropriate to consult with the community on these matters prior to implementation.

3. CONSULTATION

3.1. Community Consultation

The Plan was drafted from input provided by Council and DSG Officers and feedback from some of the community.

A community consultation will be undertaken through the following options:

- advertisement in "The Mercury" newspaper advising the community that they can make comments on the via Tollard Drive Safety Improvement Upgrade Plan on Council's website or at Council Offices;
- letter to local residents with feedback form;
- completing the feedback form available at the Council Offices and placing in the feedback box; or
- completing the feedback form on Council's website; and
- mailing the feedback form to the Council Offices.

The community consultation will extend for a 4 week period.

3.2. State/Local Government Protocol

Nil.

3.3. Other

A Workshop presentation was given to Council on Monday, 27 June 2016 to brief Aldermen on the Tollard Drive Safety Improvement Upgrade Plan.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Council's Strategic Plan 2010-2015 under the Goal Area Social Inclusion contains the following Community Safety and Well-being Strategy to:

“Provide essential infrastructure to support, sustain and enhance community safety and social well-being”.

- 4.2.** Council's Strategic Plan 2010-2015 under the Goal Area Social Inclusion has the following Public Spaces and Amenity Strategy to:

“Develop Plans to improve the amenity of public spaces, including:

- Implementation of Tracks and Trails Plan and Cycle Plan”.*

- 4.3.** The Tollard Drive Safety Improvement Upgrade Plan is in accordance with the Hobart Regional Arterial Bicycle Network Plan, which was adopted by Council on 30 November 2009.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

There are no risk and legal implications from carrying out public consultation.

7. FINANCIAL IMPLICATIONS

There is funding available for the implementation of Stage 1 of the Plan.

8. ANY OTHER UNIQUE ISSUES

- 8.1.** Tollard Drive is part of Council's Principal Bike Route.
- 8.2.** DSG released a “Tasmanian Walking and Cycling for Active Transport Strategy 2010” and 1 of the priorities was to improve infrastructure and facilities that support walking and cycling for transport.

8.3. DSG has also released a “Positive Provision Policy for Cycling Infrastructure”. In the words of the Policy “*The purpose of this policy is to help achieve those Priorities (set out in the “Tasmanian Walking and Cycling for Active Transport Strategy 2010”) by establishing a set of criteria for mainstreaming the provision of transport oriented cycle facilities as part of transport projects and maintaining these facilities at an acceptable standard through maintenance contracts on State-owned roads*”.

8.4. While this Policy is intended to apply to State-owned roads there is a specific section that deals with local roads. The rationale being that the nature of cycling and walking should adopt a holistic approach about the journey, similar to that adopted with the seamlessness of State and Local roads, rather than one based on tenure.

“4.5 Local Roads

There are many segments of the Principal Urban Cycling Networks located on local roads. Where changes to these local roads are planned requiring approval of traffic control devices under the Traffic Act 1925, such as the installation of roundabouts, traffic islands, traffic signals, new intersections and changes to line markings and lane widths for other road users, these improvements should also take account of the Principal Urban Cycling Network routes and cater for cyclists”.

9. CONCLUSION

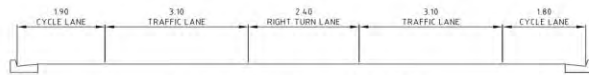
9.1. The Tollard Drive Safety Improvement Upgrade Plan has been designed to provide the necessary infrastructure to deal with the increased traffic while still meeting the safety and amenity needs of the community and road users.

9.2. Following the conclusion of the community consultation the results will be presented at a future Council Workshop for the adoption of the Tollard Drive Safety Improvement Upgrade Plan.

Attachments: 1. Plan No 6268, Sheets 1 – 3 - Tollard Drive - Traffic Management – Concept Plan (3)

John Stevens

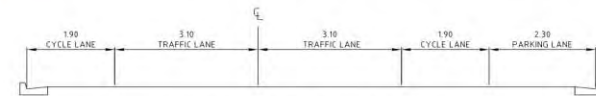
GROUP MANAGER ASSET MANAGEMENT



TYPICAL SECTION - RIGHT TURN LANE
SCALE 150



PLAN
SCALE 1500



TYPICAL SECTION - PARKING ONE SIDE
SCALE 150

NOTES

1. FULL DETAILED DESIGN IN ACCORDANCE WITH AUSTR0ADS & RELEVANT AUSTRALIAN STANDARDS IS REQUIRED.
2. APPROXIMATELY 20 GRATED SIDE ENTRY PITS REQUIRE MODIFICATION TO CYCLE SAFE TYPE.

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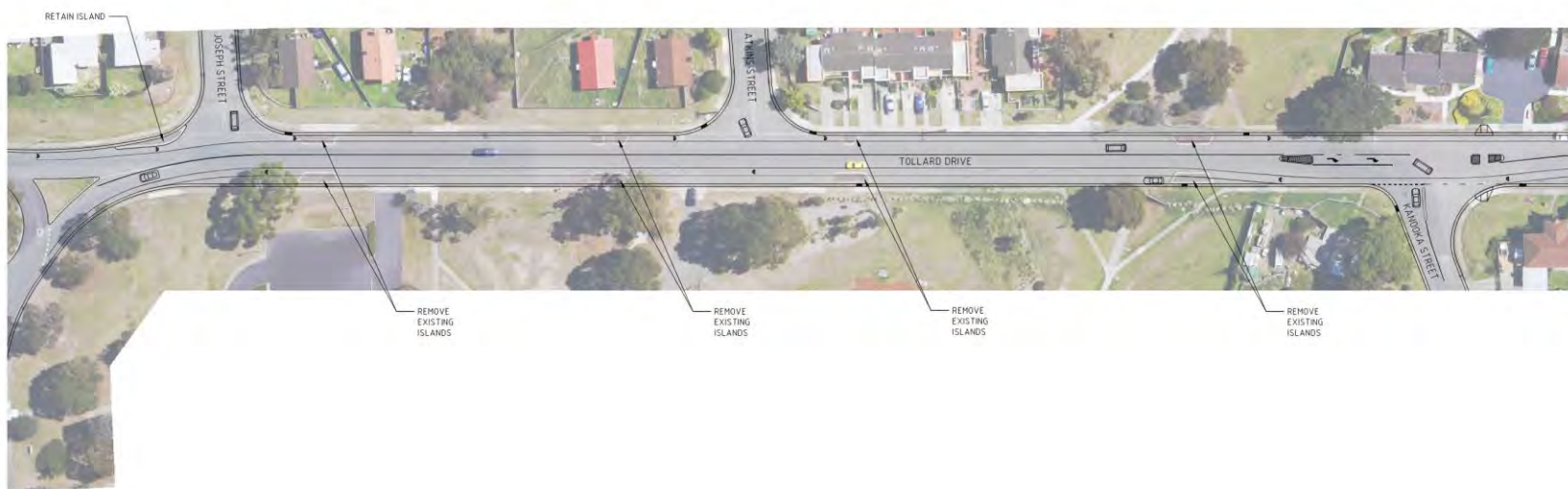
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SCALE	PLAN	As Shown	HORIZONTALLY	As Shown	VERTICALLY	As Shown	DATE
ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL
DESIGNED	DESIGNED	DESIGNED	DESIGNED	DESIGNED	DESIGNED	DESIGNED	DESIGNED
CHECKED	CHECKED	CHECKED	CHECKED	CHECKED	CHECKED	CHECKED	CHECKED
APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED
ENGINEER	ENGINEER	ENGINEER	ENGINEER	ENGINEER	ENGINEER	ENGINEER	ENGINEER



TOLLARD DRIVE, ROKEBY
TRAFFIC MANAGEMENT CONCEPT
PLAN - SHEET 1 OF 3

REFERENCE	CONTRACT	PROJECT	DATE
CLARENCE	CLARENCE	CLARENCE	CLARENCE
PLAN No. 6268-1	PROJECT No.		A1



PLAN
SCALE 1:500

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SCALES - PLAN				As Shown				HORIZONTALLY				VERTICALLY				As Shown			
NO.	REVISIONS	INITIAL	DATE	SCANNED	DATE	NO.	REVISIONS	INITIAL	DATE	SCANNED	DATE	NO.	REVISIONS	INITIAL	DATE	SCANNED	DATE	NO.	REVISIONS
1						1						1						1	
2						2						2						2	
3						3						3						3	
4						4						4						4	
5						5						5						5	
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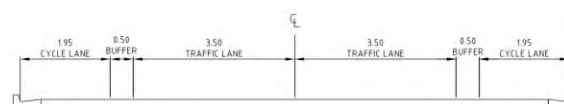
P.O. BOX 98 ROKEBY TAS 7018
TELEPHONE (03) 62 456 400
FACSIMILE (03) 62 456 700

**TOLLARD DRIVE, ROKEBY
TRAFFIC MANAGEMENT CONCEPT
PLAN - SHEET 2 OF 3**

REFERENCE	CONTRACT
6268-2	6268-2
PROJECT	NO.
6268-2	A1



PLAN
SCALE 1:500



TYPICAL SECTION - TRAFFIC & CYCLE LANES ONLY
SCALE 1:50

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Scales - Plan						As Shown Horizontally		As Shown Vertically		As Shown		Date	GD494/AMD	
Project of Reference						North		Rotation						
Computer File Reference														
						DRAWN							SCANNED	FEB
													ARB	
						DESIGNED							ARB/GN	FEB
						CHECKED								
						EXAMINED								
						APPROVED								
No.	REVISIONS					INITIAL DATE					SCANNED	ENGINEER		



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TOLLARD DRIVE, ROKEYB
TRAFFIC MANAGEMENT CONCEPT
PLAN - SHEET 3 OF 3

REFERENCE
DRAWINGS

PLAN
No. 6268-3

3	PROJECT No.	A1
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11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE

Nil Items.

12. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

12.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil.

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

12.4 QUESTIONS WITHOUT NOTICE

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will not be recorded in the minutes.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 JOINT AUTHORITY MATTER

13.3 SPORTING FACILITY – LEASE AGREEMENT

These reports have been listed in the Closed Meeting section of the Council agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulation 2015 as the detail covered in the report relates to:

- information that, if disclosed, is likely to give a commercial advantage or disadvantage to a person with whom council is conducting or proposes to conduct, business;
- commercial information of a confidential nature that, if disclosed, is likely to prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council;
- security of property of the council;
- applications by Aldermen for a Leave of Absence;

Note: The decision to move into Closed Meeting requires an absolute majority of Council.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

PROCEDURAL MOTION

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.