



NOTICE OF APPROVED AMENDMENT
TASMANIAN PLANNING SCHEME – CLARENCE
EFFECTIVE DATE – 12 DECEMBER 2023
PDPSPAMEND-2023/034393
923 Grasstree Hill Road, Grasstree Hill

The amendment to rezone 4404m² of 923 Grasstree Hill Road, Grasstree Hill, from Landscape Conservation to Rural Zone, has been approved by the Tasmanian Planning Commission (the Commission) in accordance with section 40Q of the *Land Use Planning and Approvals Act 1993*.

The amendment to the Local Provision Schedule maps comes into effect on 12 December 2023. The Commission will make the necessary amendments to the planning scheme and the planning scheme maps to give effect to the amendment.

The associated planning permit application for a boundary adjustment with 1015 Grasstree Hill Road, Grasstree Hill has been confirmed by the Commission under section 42B(1)(a) of the *Land Use Planning and Approvals Act 1993*.

RELEVANT PLANNING SCHEME: Tasmanian Planning Scheme - Clarence

ADVERTISING EXPIRY DATE: 29 January 2024

The relevant plans and documents can be inspected at the Council offices, 38 Bligh Street, Rosny Park, during normal office hours until 29 January 2024. In accordance with legislative requirements, plans and documents can also be viewed at www.ccc.tas.gov.au during these times.

If you would like to make further enquiries, please contact Council's Strategic Planner – Indra Boss on (03) 6217 9550.

Any personal information submitted is covered by Council's privacy policy, available at www.ccc.tas.gov.au or at the Council offices.

**TASMANIAN
PLANNING COMMISSION**

Approved



Effective date: 12 December 2023



**Tasmanian Planning Scheme - Clarence
Draft Amendment**



**AMENDMENT TO LOCAL PROVISION SCHEDULE MAPPING
PDSPAMEND-2023/034393**

To amend the Tasmanian Planning Scheme - Clarence Local Provision Map by rezoning a 4404 m2 portion of 923 Grasstree Hill Road, from Landscape Conservation Zone to Rural Zone.

THE COMMON SEAL OF THE CLARENCE CITY COUNCIL
HAS BEEN HEREUNTO AFFIXED THIS 28th DAY OF JUNE
2023, PURSUANT TO A RESOLUTION OF THE COUNCIL
PASSED THE 26th DAY OF JUNE 2023 IN THE PRESENCE
OF:



C. Shea

CORPORATE SECRETARY

Scale 1:2,500 (at A4)

TASMANIAN PLANNING COMMISSION



DECISION

Planning scheme	Tasmanian Planning Scheme - Clarence
Amendment	PDPSPAMEND-2023-034393
Permit	PDPSPAMEND-2023-034393
Planning authority	Clarence City Council
Applicant	All Urban Planning for Paul and Alice Jenkins
Date of decision	29 November 2023

Decision

The draft amendment is approved under section 40Q of the *Land Use Planning and Approvals Act 1993*.

The permit is confirmed under section 42B(1)(a) of the *Land Use Planning and Approvals Act 1993* as granted by the planning authority.

John Ramsay
Executive Commissioner

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to rezone part of 923 Grasstree Hill Road, Grasstree Hill from Landscape Conservation to Rural.

Permit

The permit provides for a boundary adjustment at 923 and 1015 Grasstree Hill Road, Grasstree Hill.

Site information

The subject land is comprised of two titles located at Grasstree Hill and both are accessed off Grasstree Hill Road. The site contains existing residential development, including associated outbuildings on both 923 and 1015 Grasstree Hill Road. The property at 923 Grasstree Hill Road (folio of the Register 180788/1) is 15.13ha and 1015 Grasstree Hill Road (folio of the Register 180788/1) is 50.99ha.

The area proposed to be rezoned from the Landscape Conservation Zone to the Rural Zone is largely cleared. Adjacent land in the Landscape Conservation Zone contains a threatened community of Eucalyptus globulus dry forest and woodland. Adjacent land in the Rural Zone contains a mix of cleared land and regenerating bushland.

The boundary adjustment between the two lots transfers 4,404m² from 923 Grasstree Hill Road, currently zoned Landscape Conservation, to 1015 Grasstree Hill Road, currently zoned Rural to rectify an existing encroachment of outbuildings over the property boundaries.

The proposed boundary adjustment is currently prohibited under section 7.3 of the State Planning Provisions, as it would involve changing a lot boundary that currently aligns with a zone boundary.

The subject lots are subject to the provisions of the Parking and Sustainable Transport, Natural Assets – Priority Vegetation Area, Flood-Prone Hazard Area, Bushfire-Prone Areas, Landslip Hazard, and Safeguarding of Airports codes. The draft amendment does not impact the operation of any of the applicable codes and they would continue to apply to the land independently of the respective zones. None of the codes are applicable to the assessment of the proposed boundary adjustment.

The site is not serviced with any reticulated infrastructure.

Issues raised in representations

The planning authority advised that no representations were received on the draft amendment.

The draft amendment was referred to TasWater under sections 56S and 56O of the *Water and Sewerage Industry Act 2008*. In response, TasWater made a representation stating that the land is not serviced, TasWater had no objection to the draft amendment and permit, and TasWater did not wish to attend any hearing.

The response from TasWater is taken to be a representation made under section 41 of the *Land Use Planning and Approvals Act 1993* (the Act).

Planning authority's recommendations

The planning authority recommended no modifications to the draft amendment or permit.

Consideration of the draft amendment

1. Under section 40M of the Act, the Commission is required to consider the draft amendment to the Local Provisions Schedule and the representations, statements and recommendations contained in the planning authority's section 40K report and any information obtained at a hearing.
2. One representation was received and under section 40L(2) of the Act, the Commission dispensed with holding a hearing.
3. The Commission must also consider whether the draft amendment meets the LPS criteria as set out under section 34(2) of the Act:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS; and
 - (b) is in accordance with section 32; and
 - (c) furthers the objectives set out in Schedule 1; and
 - (d) is consistent with each State policy; and
 - (da) satisfies the relevant criteria in relation to the TPPs; and
 - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and
 - (f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates; and
 - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;
 - (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

Regional land use strategy

4. The relevant regional strategy is the Southern Tasmania Regional Land Use Strategy 2010-2035 (regional strategy).
5. The draft amendment rezones 4,404m² of 923 Grasstree Hill Road, currently zoned Landscape Conservation, to Rural. The applicant's supporting report advised that the proposal will allow a boundary adjustment to rectify the existing encroachment of outbuildings over the property boundary between 923 and 1015 Grasstree Hill Road. The proposed change to the zoning reflects the long existing fence line and occupation of the land by 1015 Grasstree Hill.
6. The planning authority's section 40F report submitted that the draft amendment is consistent with strategic directions at section 4 of the regional strategy for Supporting our Productive Resources and Increasing Responsiveness to our Natural Environment.
7. The planning authority submitted that the draft amendment is consistent with Biodiversity and Geodiversity policy BNV 1.4 as the area to be rezoned is already clear of native vegetation (based on the historic use and development on the site) and that the extent of clearing around the buildings is typical for dwelling curtilage areas in rural locales in the region.
8. The planning authority also noted that the Priority Vegetation Overlay will be retained, so that any future development will need to consider any natural values on the land.

9. The planning authority submitted that the draft amendment is consistent with Productive Resources policy PR2.6 as it will better reflect the actual use of the land, which is already associated with the existing residential sensitive use on 1015 Grasstree Hill Road. The planning authority noted that there are no agricultural uses on neighbouring land.

Commission consideration

10. The Commission notes that the draft amendment will allow a boundary adjustment to rectify the existing encroachment of outbuildings over the property boundary and agrees with the planning authority's submissions regarding consistency with the regional strategy.
11. The rezoning will better reflect the occupation and use of the land, which is already a sensitive use, there are no agricultural uses on the neighbouring land and the area to be rezoned is already clear of native vegetation based on the historic use and development on the site.
12. The Commission finds that as far as practicable, the draft amendment is consistent with the regional strategy.

Strategic plan

13. The planning authority's section 40F report submitted that the draft amendment is consistent with the City of Clarence Strategic Plan 2021-2031 for a people friendly city, a well-planned liveable city, a prosperous and creative city, and an environmentally responsible city.

Commission consideration

14. The Commission agrees that the draft amendment has regard to the strategic plan.

State Policies and Resource Management and Planning System Objectives

State Coastal Policy 1996 (Coastal Policy)

15. The planning authority and applicant submitted that the Coastal Policy is not applicable, as the site is more than 1km from the coast and outside the Coastal Zone as defined in the policy.

State Policy on the Protection of Agricultural Land 2009 (PAL Policy)

16. The planning authority and applicant submitted that the application is consistent with the PAL Policy as:
 - the area to be rezoned is classified as land capability Class 6, which is marginally suited to grazing due to severe limitations;
 - the land is already developed with buildings associated with residential use on 1015 Grass tree Hill Road; and
 - the proposal will not convert prime agricultural land to non-agricultural uses.

The State Policy on Water Quality Management 1997 (Water Quality Policy)

17. The planning authority and applicant submitted that the application is consistent with the Water Quality Policy as the site is located within a rural context and is located at an elevation of 190m, clear of watercourses, riparian vegetation, or flood prone areas and the existing development is provided with on-site infrastructure to manage wastewater and stormwater.
18. The planning authority and applicant submitted that the draft amendment represents fair, orderly, and sustainable use and development of the land and thereby furthers the objectives set out in Schedule 1 of the Act by:
 - correcting an historic anomaly;
 - reflecting the existing fence line and occupation arrangements; and

- not impacting natural resources or ecological processes.

Commission consideration

19. The Commission accepts the planning authority and applicant submissions on the State Policies and finds the draft amendment is consistent with the State Policies.
20. The Commission finds that the draft amendment furthers the objectives set out in Schedule 1 as it supports the sustainable, fair, and orderly use and development of land by:
 - better reflecting existing land use arrangements; and
 - not impacting the adjacent vegetation communities.

Decision on draft amendment

21. The Commission is satisfied that the draft amendment meets the LPS criteria and gives its approval.

Consideration of the permit

22. In its consideration of the permit under section 42A of the Act, the Commission is required to review the planning authority's decision as reported under section 42B.
23. The permit is for subdivision by boundary adjustment at 923 and 1015 Grasstree Hill Road, Grasstree Hill.

Assessment against the provisions of the planning scheme Rural Zone Standards

24. State Planning Provisions section 7.3 Adjustment of a Boundary states that an application for a boundary adjustment is Permitted and a permit must be granted if:
 - (a) no additional lots are created;
 - (b) there is only minor change to the relative size, shape and orientation of the existing lots;
 - (c) no setback from an existing building will be reduced below the relevant Acceptable Solution setback requirement;
 - (d) no frontage is reduced below the relevant Acceptable Solution minimum frontage requirement;
 - (e) no lot is reduced below the relevant Acceptable Solution minimum lot size unless already below the minimum lot size; and
 - (f) no lot boundary that aligns with a zone boundary will be changed.
25. The applicant and planning authority have assessed the proposal against the requirements of section 7.3.1. The applicant submits that with the rezone approved, the proposal meets the requirements of 7.3.1 as:
 - a) no additional lots would be created;
 - b) there is only a minor change to the relative size shape and orientation of the lots (approximately 3% reduction in the size of number 923 and less than 1% increase in the size of number 1015);
 - c) the proposal will increase the setback of the existing buildings at number 1015 and the existing buildings on number 923 are located well clear of the boundary;

- d) the proposal does not alter lot frontages;
 - e) the proposal will increase the size of No. 1015 within the Rural Zone by 4367m² to 50.99ha (in excess of the 40ha permitted lot size) and the existing lot at No. 923 is already less than the 50ha minimum lot size in the Landscape and Conservation Zone. The fact that this lot is already below the 50ha lot size means that it can be assessed under criterion e); and
 - f) if the zone boundary was realigned the proposal could satisfy criterion f).
26. The planning authority advises that proposed boundary adjustment is prohibited under the State Planning Provisions, as it would involve changing a lot boundary that aligns with a zone boundary. The planning authority also considered that with the approval of the draft amendment, the proposed boundary adjustment would align with a zone boundary and be consistent with the section 7.3.1 requirements.

Commission consideration

27. The Commission accepts the evidence of the applicant and planning authority. The Commission also notes that 923 Grasstree Hill is part of a group of properties in the Landscape Conservation Zone. LCZ 3 of Guideline No. 1 allows for the zone to be applied to a group of titles with landscape values where individual properties are less than the allowable minimum lot size.
28. The Commission finds that the proposed use and development provided for in the draft permit meets the applicable standards of the planning scheme.

Decision on permit

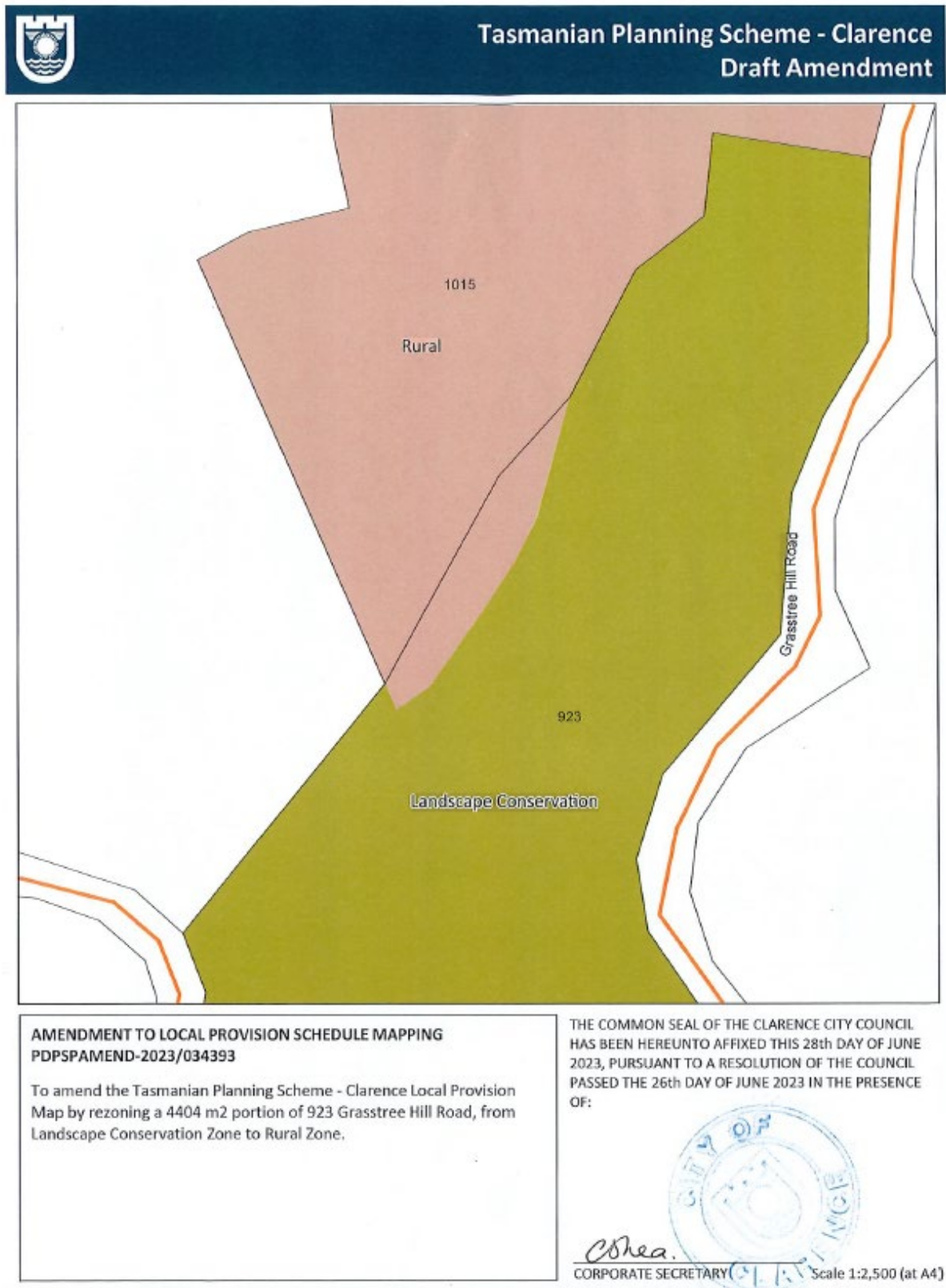
29. The Commission confirms the permit as granted by the planning authority.

Attachments

Annexure A – certified draft amendment

Annexure A

Certified draft amendment PDPSPAMEND-2023-034393





DRAFT PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

Development No: PDPSPAMEND-2023/034393 **Approval Date:** 12 December 2023

Description: Boundary Adjustment

Address: 923 & 1015 Grasstree Hill Road, Grasstree Hill

This permit is granted, subject to the following conditions:

General Conditions:

- 1 The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council.
 - 2 Prior to sealing, the Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all utilities' infrastructure required to service the lots in a form to the satisfaction of the relevant utility service provider.
-

The following advice is also provided:

- a. This permit will lapse after 2 years from the date on which it is granted in accordance with Section 42C (2) (a) of the Act unless the development / use has been substantially commenced.

In accordance with Section 42C (3) an application may be made to the Planning Authority for an extension in accordance with Section 42C (2) (b) or (c), any time before the period of 6 months from the day on which the permit has lapsed.

- b. This is a planning permit only. Please be aware that a building and/or plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirements for any additional permits or certification.

- c. Aerial imagery indicates that the gravel drive in the south-west corner of 1015 Grasstree Hill Road, providing a second access to Grasstree Hill Road, relies on the land associated with 923 Grasstree Hill Road and 831 Grasstree Hill Road.

The owner/developer should seek independent legal advice on how to formalize this road access via a Right of Carriageway, or other means.

- d. Based on the information provided, the development is not likely to adversely affect TasNetworks' operations. It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.
- e. Non-compliance with this permit is an offence under Section 63 of the Land Use Planning and Approvals Act 1993 and may result in enforcement action under Division 4A of the Land Use Planning and Approvals Act 1993 which provides for substantial fines and daily penalties.

A handwritten signature in black ink, consisting of a stylized, cursive 'R' followed by a long, horizontal, slightly wavy line that tapers off to the right.

Robyn Olsen

ACTING HEAD OF CITY PLANNING

THIS APPROVAL IS GIVEN UNDER DELEGATION

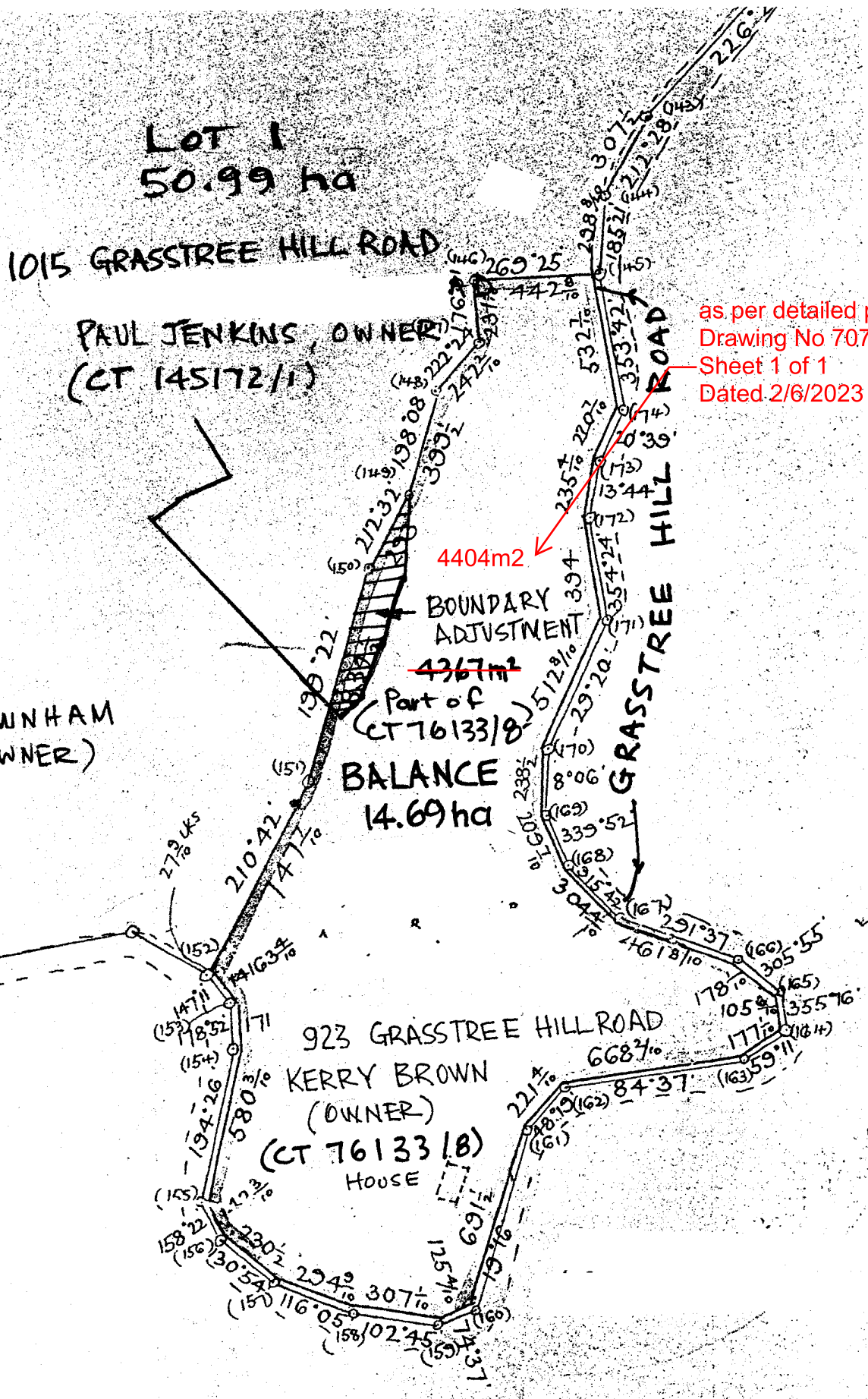


CITY OF CLARENCE
PLANNING APPROVAL

DEVELOPMENT PERMIT NO: PDPSPAMEND-2023/034393

DATED: 12/12/2023

NOTE: A separate building and plumbing approval may be required BEFORE the commencement of any building works.



as per detailed plans
Drawing No 7070 PoSub
Sheet 1 of 1
Dated 2/6/2023

1
50.99 ha
(CT 145172/1)
PAUL JENKINS, owner.
1015 GRASSTREE HILL ROAD

POWER POLE x

TOE OF BANK

FILL AREA

SHED

GRAVEL DRIVE

EXISTING TITLE BOUNDARY

(4404m²)

GALVANISED IRON SHED

FENCE LINE
PROPOSED NEW BOUNDARY

30°



**CITY OF CLARENCE
PLANNING APPROVAL**

DEVELOPMENT PERMIT NO: PDPSPAMEND-2023/034393

DATED: 12/12/2023

NOTE: A separate building and plumbing approval may be required BEFORE the commencement of any building works.

W. B. HOUSE

CARPORT AND SHED

GARDEN
2.44 SHED

x COMMS PIT

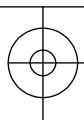
GRAVEL DRIVE

FENCE LINE
PROPOSED NEW BOUNDARY

Balance
14.69 ha

(BALANCE OF CT 180788/1)

A. NEWMAN & J. REID owner.
923 GRASSTREE HILL ROAD



**JOHN BAMFORD & ASSOCIATES
LAND & ENGINEERING SURVEYORS**

1 Aberdeen Street GLEBE 7000
Telephone 0408 128 682
email: john.bamford@a1.com.au

SCALE: 1:500(A3)

DATE: 2/6/23

DATUM: Azimuth: MGA

Drawn: jmb
Checked: jmb

Contour Int.

Level: AHD

PLAN OF SUBDIVISION
BOUNDARY ADJUSTMENT
1015 GRASSTREE HILL ROAD, AND
923 GRASSTREE HILL ROAD, GRASSTREE HILL

DRAWING NO.

7070 PoSub

SHEET 1 of 1