



## **DEVELOPMENT APPLICATION**

### **PDPLANPMTD-2024/043275**

**PROPOSAL:** Change of Use to Visitor Accommodation

**LOCATION:** 277 Flagstaff Gully Road, Lindisfarne

**RELEVANT PLANNING SCHEME:** Tasmanian Planning Scheme - Clarence

**ADVERTISING EXPIRY DATE:** 07 May 2024

The relevant plans and documents can be inspected at the Council offices, 38 Bligh Street, Rosny Park, during normal office hours until 07 May 2024. In addition to legislative requirements, plans and documents can also be viewed at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au) during these times.

Any person may make representations about the application to the Chief Executive Officer, by writing to PO Box 96, Rosny Park, 7018 or by electronic mail to [clarence@ccc.tas.gov.au](mailto:clarence@ccc.tas.gov.au). Representations must be received by Council on or before 07 May 2024.

To enable Council to contact you if necessary, would you please also include a day time contact number in any correspondence you may forward.

Any personal information submitted is covered by Council's privacy policy, available at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au) or at the Council offices.



Clarence... a brighter place

# Clarence City Council

## APPLICATION FOR DEVELOPMENT / USE OR SUBDIVISION

The personal information on this form is required by Council for the development of land under the Land Use Planning and Approvals Act 1993. We will only use your personal information for this and other related purposes. If this information is not provided, we may not be able to deal with this matter. You may access and/or amend your personal information at any time. How we use this information is explained in our **Privacy Policy**, which is available at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au) or at Council offices.

Proposal:

Change of Use to Visitor Accommodation

Location:

Address 277 Flagstaff Gully Road,  
Suburb/Town Lindisfarne Postcode 7015

Current Owners/s:

Applicant:

**Personal Information Removed**

Tax Invoice for application fees to be in the name of: (if different from applicant)

Estimated cost of development

\$ 0

Is the property on the Tasmanian Heritage Register?

Yes

No

(if yes, we recommend you discuss your proposal with Heritage Tasmania prior to lodgement as exemptions may apply which may save you time on your proposal)

If you had pre-application discussions with a Council Officer, please give their name

Current Use of Site:

Residential and Visitor Accommodation

Does the proposal involve land administered or owned by the Crown or Council?

Yes

No


Declaration:

- *I have read the Certificate of Title and Schedule of Easements for the land and am satisfied that this application is not prevented by any restrictions, easements or covenants.*
- *I authorise the provision of a copy of any documents relating to this application to any person for the purposes of assessment or public consultation. I agree to arrange for the permission of the copyright owner of any part of this application to be obtained. I have arranged permission for Council's representatives to enter the land to assess this application*
- *I declare that, in accordance with Section 52 of the Land Use Planning and Approvals Act 1993, that I have notified the owner of the intention to make this application. Where the subject property is owned or controlled by Council or the Crown, their signed consent is attached. Where the application is submitted under Section 43A, the owner's consent is attached.*
- *I declare that the information in this declaration is true and correct.*

Acknowledgement:

- *I acknowledge that the documentation submitted in support of my application will become a public record held by Council and may be reproduced by Council in both electronic and hard copy format in order to facilitate the assessment process; for display purposes during public consultation; and to fulfil its statutory obligations. I further acknowledge that following determination of my application, Council will store documentation relating to my application in electronic format only.*

Applicant's Signature:

	03.04.2024
Signature..	Date.....

**PLEASE REFER TO THE DEVELOPMENT/USE AND SUBDIVISION CHECKLIST ON THE FOLLOWING PAGES TO DETERMINE WHAT DOCUMENTATION MUST BE SUBMITTED WITH YOUR APPLICATION.**

MC Planners Ref: 23010



4<sup>th</sup> April 2024

General Manager  
Clarence City Council  
Via email -  
Attention: Vanessa Tomlin

Dear Vanessa,

## **DEVELOPMENT APPLICATION – CHANGE OF USE VISITOR ACCOMMODATION – 277 FLAGSTAFF GULLY ROAD.**

This report details the proposed development and provides an assessment against the provisions of the *Tasmanian Planning Scheme - Clarence Local Provision Schedule* ('the Planning Scheme').

The application generates the following discretions listed as follows:

- 22.2 Use Table
- 22.3.2 Visitor Accommodation

The following documents are enclosed in support of the application:

- Attachment 1 - Floor Plan

## **Site Location and Context**

The subject site is located at 277 Flagstaff Gully Road, Lindisfarne (PID 3316019, CT 167808/1). The site has a total area of 4.27ha and has frontage to Flagstaff Gully Road (see Figure 1).

The subject site has an existing building that has a dwelling on the lower floor and visitor accommodation that operates on the upper floor. The site also has existing outbuildings, a pool and tennis court.

Title Information has been supplied with the application.



Figure 1. Subject Site and Surroundings (source: LISTmap, Accessed 15.3.2024- annotated)



Figure 2. South-west corner of subject site (source: LISTmap, Accessed 02.04.2024 - annotated)

## Proposed Use and Development

The site has an existing permit for part of the site to be used as visitor accommodation under PDPLANPMTD-2021/017677. The lower level unit currently operates as a residence with the upper floor as visitor accommodation.

The proposal seeks to change the use of the whole dwelling building to visitor accommodation, with all associated outbuildings and recreational facilities to be accessible to those using the visitor accommodation.

Details of the existing site are enclosed in Attachment 1 - Floor Plan.

## Policy Assessment

The applicable planning instrument in the assessment of the application is the *Tasmanian Planning Scheme - Clarence Local Provisions Schedule* ('the Planning Scheme').

The development site is located on land zoned 'Landscape Conservation' (see Figure 3) with Road or railway attenuation area, Airport obstacle limitation area, Waterway and Coastal Protection Area, Priority vegetation area, Electricity transmission corridor, Inner protection area, Flood-prone areas, Bushfire-prone areas overlays present across the site.

Of the overlays on site on the Priority Vegetation, Bushfire-Prone and Airport Obstacle Limitation Area codes apply to the existing residential dwelling and visitor accommodation that the proposal is relevant to.

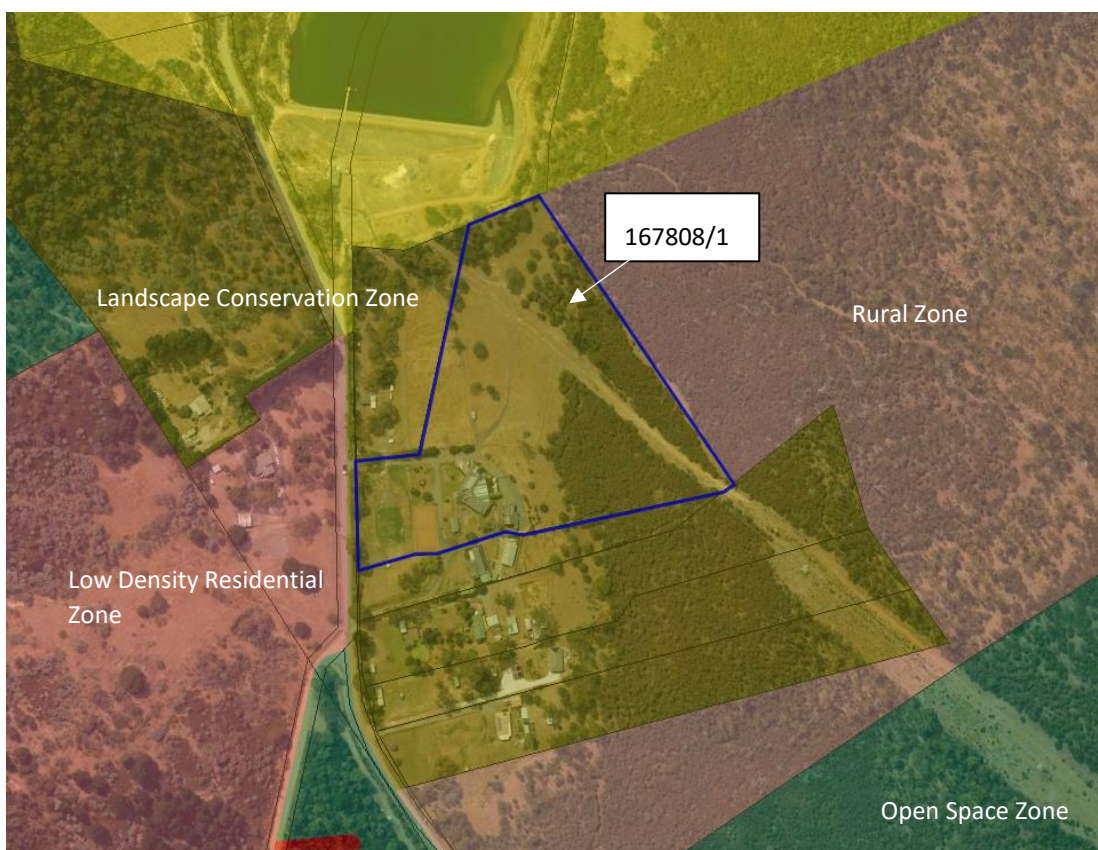


Figure 3. Land use zones subject site in Blue (source: LIST map - accessed on 15.3.2024).



The proposal and the location of the site requires that the proposal be considered against the following Scheme elements:

- Landscape Conservation Zone [22.0]
- Parking and Sustainable Transport Code [C2.0]
- Road and Railway Assets Code [C3.0]
- Electricity Transmission Infrastructure Protection Code [C4.0]
- Natural Assets Code [C7.0]
- Flood-prone Areas Hazard Code [C12.0]
- Bushfire-Prone Hazards Code [C13.0]
- Safeguarding Airports Code [C16.0]

The following section provides an assessment of the proposal against each of the above-listed Scheme elements.

## Landscape Conservation Zone [22.0]

### Zone Purpose 22.1

*22.1.1 To provide for the protection, conservation and management of landscape values.*

As there are no proposed works, the use is to be contained within the existing development and the site already has a visitor accommodation use operating within the existing building; the proposal conserves the existing landscape values on site.

*22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.*

The use and development are already existing on site, the proposal is to expand the visitor accommodation use to the remainder of the existing dwelling. As such the site has already demonstrated the proposed change of use will not adversely impact the protection, conservation or management of the landscape values.

### 22.2 Use Table

The proposed use is for visitor accommodation which is a discretionary use within this zoning.



## 22.3 Use Standards

### 22.3.1 Community meeting and entertainment, food services, and general retail and hire

Not Applicable.

### 22.3.2 Visitor Accommodation

The existing plus new floor area for visitor accommodation exceeds the maximum 300m<sup>2</sup> (392m<sup>2</sup>) as such the proposal must satisfy the performance criteria.

The visitor accommodation is within existing buildings that are of a scale and character compatible with the area (a); the buildings are already existing as such there will be no further impact on landscape values of the site (b); the visitor accommodation use will not exceed the existing residential levels of traffic from this site (c).

The proposal complies with clause 22.3.2 (P1).

## 22.4 Development Standards for Buildings and Works

There is no proposed development or works, as such clause 22.4 and all subclauses are not applicable to this application.

## 22.5 Development standard for subdivision

The application is not for Subdivision, as such clause 17.5 and all subclauses are not applicable.

## **Parking and Sustainable Transport Code [C2.0]**

No use or development is exempt from assessment against this code (C2.1.1).

### C2.5.1 Car Parking numbers

The proposal complies with table C2.1 supplying more than 7 car parks on site (see Figure 2) (A1).

### C2.5.2 Bicycle parking numbers

Visitor accommodation has no requirement for bicycle parking under table C2.1.

As such the proposal complies with clause C2.5.3 (A1)

### C2.5.3 Motorcycle parking numbers





The use has less than 20 car parks as such there is no requirement for motorcycle parking under table C2.4.

As such the proposal complies with clause C2.5.3 (A1)

#### C2.5.4 Loading bays

No loading bays are included in this proposal, as such clause C2.5.4 is not applicable.

#### C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone

The site is not within either the general residential or inner residential zoning as such clause C2.5.5 is not applicable.

#### C2.6 Development standards for buildings and works

There are no proposed development or works, the proposal is for a change of use on the site which is already facilitates residential use via an existing access, parking and turning circles. As such this clause and all related clauses are not applicable.

### Road and Railway Assets Code [C3.0]

There are no exemptions from Road and Railway Assets Code, therefore provisions under C3.0 need to be considered.

#### C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Flag Staff Gully Road is not a category 1 road (A1.1);

No new vehicle crossing is proposed (A1.2);

No new rail crossing is proposed (A1.3);

Residential and Visitor Accommodation uses generate similar amounts of traffic and the change of use will not increase the amount of vehicle traffic by more than 20% of the current vehicle traffic at site in accordance with table C3.1 (A1.4);

Vehicle traffic can enter and exit in a forward direction (A1.5).

As such the proposed change of use complied with the acceptable solution for clause C3.5.1.

#### C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area

The site has the Railway Attenuation Area overlay on it, however the building is well outside of the area identified by the overlay. As such Clause C3.6.1 is not applicable.

### Electricity Transmission Infrastructure Protection Code [C4.0]



#### C4.5.1 Sensitive use within a substation facility buffer area

The site is not subject to a substation facility buffer area overlay as such clause C4.5.1 is not applicable.

#### C4.5.2 Dust or other airborne particulates within an electricity transmission corridor

The use is not listed in table C4.1 as such this clause is not applicable.

#### C4.5.3 Dust or other airborne particulates within a substation facility buffer area

The use is not listed in table C4.1 as such this clause is not applicable.

#### C4.6 Development Standard for buildings and works

There are no proposed buildings or works as such this clause and all related sub-clauses are not applicable.

#### C4.7 Development Standard for subdivision

There is no proposed subdivision as such this clause and all related sub-clauses are not applicable.

### Natural Assets Code [C7.0]

#### C7.6 Development Standard for buildings and works

There are no proposed buildings or works, as such this clause and all related subclauses are not applicable.

#### C7.7 Development Standard Subdivision

There is no proposed subdivision, as such this clause and all related subclauses are not applicable.

### Flood-prone Areas Hazard Code [C12.0]

The proposed use is not located within the areas identified on site by the flood-prone overlay as such this code is not applicable to the application.

### Bushfire-Prone Hazards Code [C13.0]

#### C13.5.1 Vulnerable uses

The use is not considered vulnerable as such this clause is not applicable.

#### C13.5.2 Hazardous Uses

The use is not considered hazardous as such this clause is not applicable



#### C13.6 Development standards for subdivision

The proposal is not for subdivision as such this clause and all related subclauses are not applicable.

### Safeguarding Airports Code [C16.0]

#### C16.5.1 Sensitive use within an airport noise exposure area

The use is not within a noise exposure area as such this clause does not apply.

#### C16.6 Development Standards for Buildings and Works

There are no proposed development or works as such this clause and all related subclauses are not applicable.

#### C16.7 Development Standards for Subdivision

The proposal is not for subdivision as such this clause and all related subclauses are not applicable.

## 1. Conclusion

This proposal seeks approval for the change of use to Visitor Accommodation for the existing residence at 277 Flag Staff Gully Road, Lindisfarne (CT 167808/1)

The proposal has been considered against the development standards of Zone and the proposal generates the following discretions under the *Tasmanian Planning Scheme - Clarence local provision schedule*:

- 22.2 Use Table
- 22.3.2 Visitor Accommodation

The proposal has been assessed against all relevant scheme criteria and is found to either comply with the Acceptable Solutions or satisfy the relevant Performance Criteria. The application is considered to be acceptable with respect to the Planning Scheme requirements and therefore ought to be supported by the Planning Authority.

If Council requires any further information or clarification concerning this application, please contact us at [planning@mcplanners.com.au](mailto:planning@mcplanners.com.au) or by mobile at 0404 803 772.

Yours faithfully

MC PLANNERS PTY LTD

Tiara Williams

PLANNER



# Attachment 1

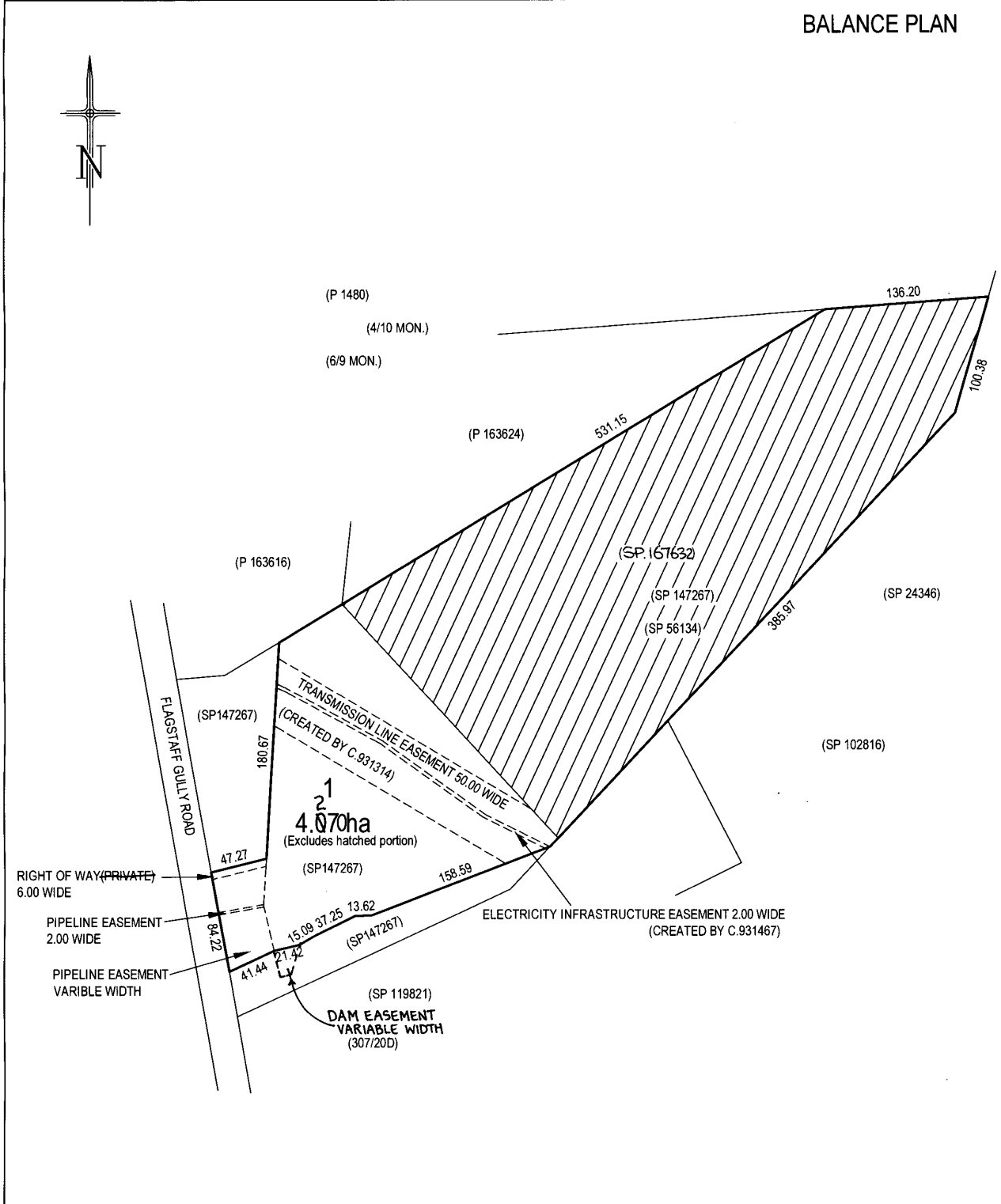
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Title Information

OWNER SR & PM JENNER	<p style="text-align: center;"><b>PLAN OF TITLE</b></p> <p style="text-align: center;">LOCATION <b>CITY OF CLARENCE</b></p> <p>FIRST SURVEY PLAN No. COMPILED BY NOEL LEARY &amp; ASSOCIATES</p> <p>SCALE 1: 3000    LENGTHS IN METRES</p>	REGISTERED NUMBER <b>P167808</b>
FOLIO CT 147267/2		APPROVED <b>31 JUL 2014</b> <i>Alice Kawa</i> Recorder of Titles
GRANTEE PART OF 970 ACRES GRANTED TO EP WILSON AND OTHERS		

MAPSHEET MUNICIPAL CODE No. <b>107 (5225)</b>	LAST UPI No.	LAST PLAN No.	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN
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**BALANCE PLAN**



SEARCH OF TORRENS TITLE

VOLUME 167808	FOLIO 1
EDITION 2	DATE OF ISSUE 27-Apr-2020

SEARCH DATE : 28-Mar-2021

SEARCH TIME : 08.24 PM

DESCRIPTION OF LAND

City of CLARENCE  
 Lot 1 on Plan 167808  
 Derivation : Part of 970 Acres Gtd. to E P Wilson  
 Prior CT 147267/2

SCHEDULE 1

M815065 TRANSFER to MATTHEW RICHARD JACKSON and CHANTELLE  
 SKYE PEARS Registered 27-Apr-2020 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP 32152 & SP147267 COVENANTS in Schedule of Easements  
 SP147267 SEWERAGE AND/OR DRAINAGE RESTRICTION  
 SP 32152 COUNCIL NOTIFICATION under Section 468(12) of the  
 Local Government Act 1962  
 B145757 FENCING PROVISION in Transfer  
 B242001 CERTIFICATE pursuant to Section 462(5) of the Local  
 Government Act 1962. Registered 04-Jan-1989 at noon  
 B257303 COVENANT set forth in Transfer  
 C931314 Burdening Electricity Infrastructure Easement with  
 the benefit of a restriction as to user of land in  
 favour of Aurora Energy Pty Ltd over the land marked  
 Electricity Infrastructure Easement 2.00 Wide shown  
 on Plan 167808 Registered 25-Jan-2010 at noon  
 SP147267 BENEFITING EASEMENT: a dam easement over the land  
 marked Dam Easement variable width shown on Plan  
 167808  
 SP147267 BURDENING EASEMENT: a right of carriageway  
 (appurtenant to Lot 3 on Sealed Plan 147267) over the  
 land marked Right of Way 6.00 wide shown on Plan  
 167808  
 SP147267 BURDENING EASEMENT: a right of carriageway  
 (appurtenant to the balance of land contained in Folio  
 of the Register Volume 2339 Folio 78 after excluding  
 Lots 1 and 2 on Sealed Plan 32152) over the land  
 marked Right of Way 6.00 wide shown on Plan 167808

- SP147267 BURDENING EASEMENT: a pipeline easement (appurtenant to the balance of land contained in Folio of the Register Volume 2339 Folio 78 after excluding Lots 1 and 2 on Sealed Plan 32152) over the land marked Pipeline Easement 2.00 wide shown on Plan 167808
- SP147267 BURDENING EASEMENT: a pipeline easement in favour of Hobart Regional Water Authority over the land marked Pipeline Easement variable width shown on Plan 167808
- SP147267 BURDENING EASEMENT: a wayleave easement in favour of Hydro Electric Commission over the land marked Transmission Line Easement 50.00 wide shown on Plan 167808
- E216041 MORTGAGE to Commonwealth Bank of Australia  
Registered 27-Apr-2020 at 12.02 PM

#### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

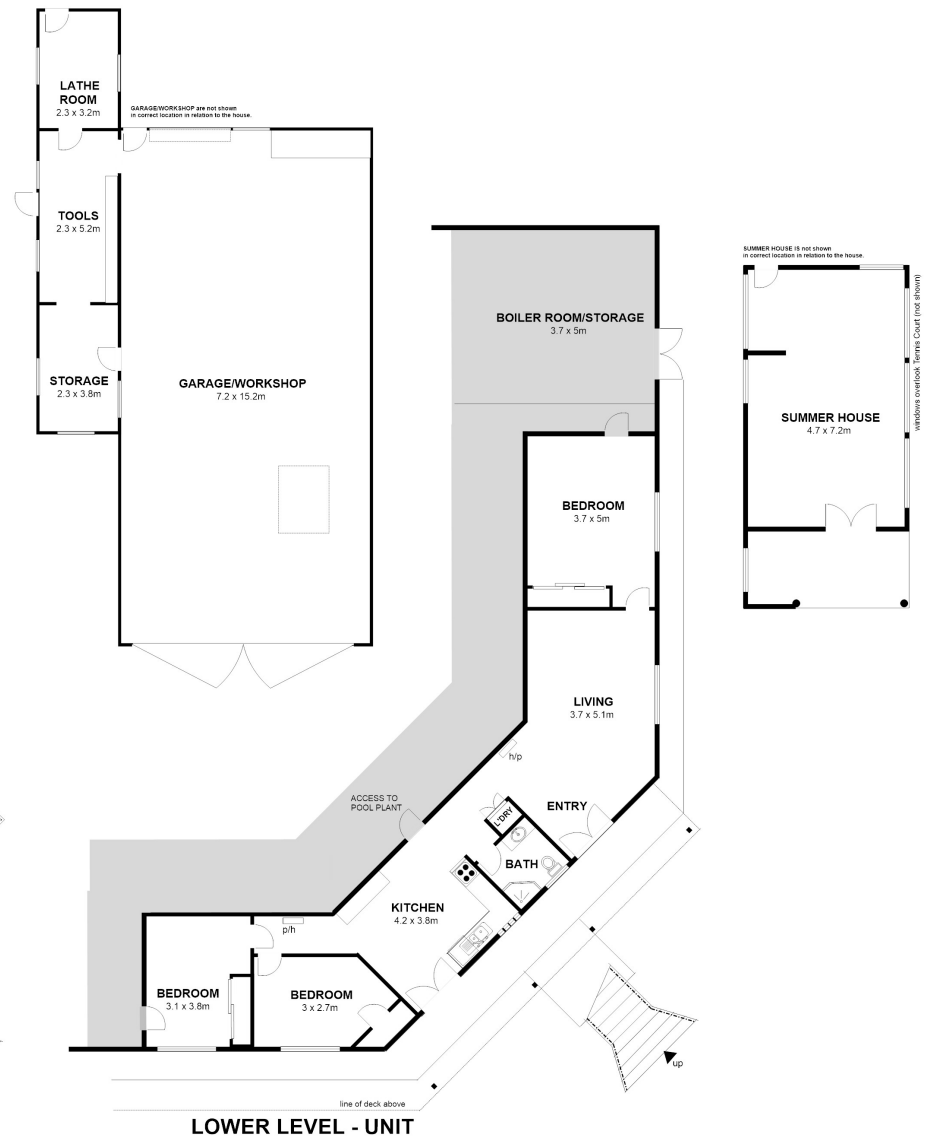
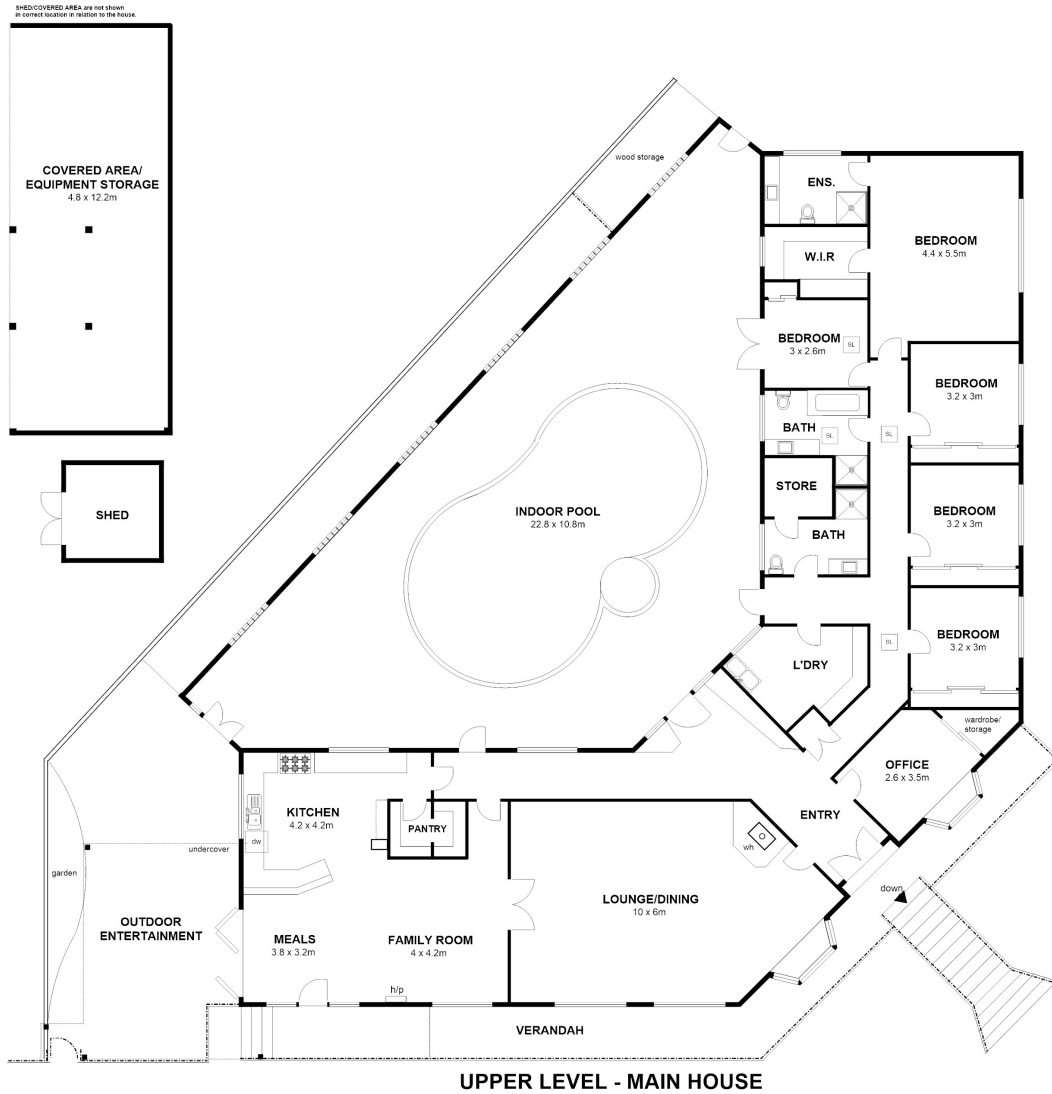


# Attachment 2

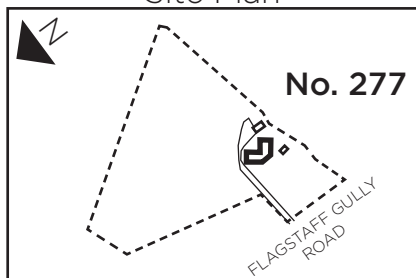
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Floor Plans





Site Plan



**LINDISFARNE**  
277 FLAGSTAFF GULLY ROAD

House : 290 sqm      Unit : 102 sqm      Garage/W.Shop : 137 sqm  
 Verandah: 40 sqm      Summer House : 34 sqm      Covered Area : 58 sqm  
 Entertainment : 29 sqm      Pool : 174 sqm      Shed : 9 sqm

**Total Approx Area : 873 sqm.**

SCALE



This drawing is for illustration purposes only. Sizes are approximate.