

**MINUTES OF A SPECIAL CLARENCE CITY COUNCIL (PLANNING AUTHORITY) MEETING  
HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 27  
APRIL 2026**

**HOUR CALLED:** 6.00pm

**PRESENT:** The meeting commenced at 6.01pm with the Mayor (Cr B A Blomeley) in the Chair and with Councillors:

J Darko  
E Goyne  
D Hulme  
B Hunter  
R James  
T Mulder  
A Ritchie  
J Walker  
B Warren; present.

**1. APOLOGIES**  
H Chong (Leave of Absence)  
W Kennedy

**ORDER OF BUSINESS** Items 1 – 4.2

**IN ATTENDANCE**  
Chief Executive Officer  
(Mr I Nelson)  
  
Head of City Planning  
(Mr D Marr)  
  
Head of Infrastructure and Natural Assets  
(Mr R Graham)  
  
Head of Strategic Development Communications and Engagement  
(Ms G Wicks)  
  
Head of Regulatory Services  
(Mr R Brennan)  
  
Executive Officer to the Chief Executive Officer  
(Ms J Ellis)

The Meeting closed at 7.22 pm.

**CLARENCE CITY COUNCIL (PLANNING AUTHORITY) MEETING**

**MONDAY 27 APRIL 2026**

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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 LIVE-STREAMED, AUDIO-VISUALLY RECORDED AND PUBLISHED TO COUNCIL’S WEBSITE**

## 1. ACKNOWLEDGEMENT OF COUNTRY

The Mayor:

- made the following statement:

*“Before proceeding, I pay my respects to the Mumirimina people as the traditional and original custodians of the lands on which we meet, and I acknowledge the continuing connection of the Tasmanian Aboriginal people to the skies, land and waterways.*

*I pay respect to Elders past and present.”*

- invited those present to pause for a moment of quiet reflection and respect before commencing the council meeting.
- advised the Meeting and members of the public that Council Meetings, not including Closed Meeting, are livestreamed, audio-visually recorded and published to Council’s website. The meeting is not protected by privilege. A link to the Agenda is available via Council’s website.

## 2. APOLOGIES

Cr Chong (Leave of Absence)  
Cr Kennedy

## 3. DECLARATIONS OF INTERESTS OF COUNCILLORS OR CLOSE ASSOCIATE

In accordance with Regulation 10 of the Local Government (Meeting Procedures) Regulations 2025 and Council’s adopted Code of Conduct, the Mayor requests Councillors 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.

### INTEREST DECLARED

Councillor J Walker

Item No. 4.2

## **4. REPORTS OF OFFICERS**

### **PART A DEPUTATIONS**

**PLANNING APPLICATION PDPLANPMTD-2026/058600 – 281 CAMBRIDGE ROAD, MORNINGTON - DEMOLITION & ADDITIONS & ALTERATIONS TO EXISTING AGED CARE FACILITY (RESIDENTIAL CARE FACILITY) [REFER ITEM 4.2]**

- Mr Christiaan Shoeman addressed the meeting (on behalf of the applicant) regarding the above.
- Mr Kevin Roberts (representor) addressed the meeting regarding the above.
- Mr Michael Spriggs (representor) addressed the Meeting regarding the above.
- Ms Jane Continenza (representor) addressed the Meeting regarding the above.

### **PART B – FORMAL PROCEEDINGS**

**4.1 PLANNING APPLICATION PDPLANPMTD-2025/049672 – 21, 23 & 25 BAYFIELD STREET & 5 WINKLEIGH PLACE, ROSNY PARK & 126 CAMBRIDGE ROAD, BELLERIVE - MIXED USE AND DEVELOPMENT FOR RESTAURANTS (FOOD SERVICES), SHOPS (GENERAL RETAIL & HIRE) AND OFFICES (BUSINESS AND PROFESSIONAL SERVICES), INCLUDING DEMOLITION AND CONSOLIDATION OF LOTS, AND ACCESS AND PARKING IMPROVEMENTS IN WINKLEIGH PLACE CAR PARK****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Mixed use development for Restaurants (Food Services), Shops (General Retail & Hire) and Offices (Business & Professional Services), including demolition and consolidation of lots, and access and parking improvements in Winkleigh Place car park at 21, 23 and 25 Bayfield Street and 5 Winkleigh Place, Rosny Park and 126 Cambridge Road, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Central Business and subject to the Parking and Sustainable Transport Code, Road and Railway Assets Code, Safeguarding of Airports Code and the Rosny Park Specific Area Plan under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a discretionary use and/or development.

**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 2025.

Council is required to exercise a discretion within the statutory period which was extended by written agreement to expire on 30 April 2026.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements, and seven representations were received raising the following issues:

- Visual impacts, including height and bulk;
- Urban design;
- Overshadowing;
- Lack of parking;
- Traffic;
- Anti-social behaviour;
- Precedent;
- Construction impacts;
- Aboriginal heritage;
- Acoustic and wind tunnel effects;
- City Heart Project; and
- Airport obstacle limitation.

**RECOMMENDATION:**

- A. That the Planning Application for Mixed use and development for Restaurants (Food Services), Shops (General Retail & Hire) and Offices (Business & Professional Services), including demolition and consolidation of lots, with access and parking improvements in Winkleigh Place car park at 21, 23 and 25 Bayfield Street and 5 Winkleigh Place, Rosny Park and 126 Cambridge Road, Bellerive (Cl Ref PDPLANPMTD-2025/049672) be refused for the following reasons:
1. The proposal does not comply with clause C16.4.3 P2(a)(b) and (c) of the Central Business Zone because the building would not be compatible with the streetscape having regard to pedestrian access, visual interest and passive surveillance of public spaces and lack of architectural detail.
  2. The proposal does not comply with clause CLA-S16.7.1 P1 of the Rosny Park Specific Area Plan, because the development will not positively contribute to the amenity of the Bayfield Street streetscape through building setback, provision of forecourt space and landscaping.
  3. The proposal does not comply with clause CLA-S16.7.2 P2 of the Rosny Park Specific Area Plan, because the design will not contribute to the consolidation of the activity centre by not providing a suitable component of a public forecourt.
  4. The proposal does not comply with clause CLA-S16.7.2 P3 of the Rosny Park Specific Area Plan, because the design of the rear of the building that adjoins the council off-street car park, is not designed to encourage accessibility to the premises and surveillance of the area.
  5. The proposal does not comply with clause C2.5.1 P1.1 of the Parking and Sustainable Transport Code, because the development will not provide sufficient on-site car parking to meet the reasonable needs of the uses on the site.
  6. The proposal does not comply with clause C2.5.3 P1 of the Parking and Sustainable Transport Code, because the development will not provide sufficient motorcycle parking to meet the reasonable needs of the uses on the site.
  7. The proposal does not comply with clause C3.5.1 P1 of the Road and Railway Assets Code, because the development will adversely impact on the safe and efficient movement of vehicles within the surrounding road network.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of the matter.

/Refer to Page 7 for Decision...

**PLANNING APPLICATION – 21, 23 & 25 BAYFIELD STREET & 5 WINKLEIGH PLACE, ROSNY PARK & 126 CAMBRIDGE ROAD, BELLERIVE /contd...**

<b>Decision:</b>	<b>MOVED:</b> Cr Hunter <b>SECONDED:</b> Cr James																		
	“That the Recommendation be adopted”.																		
	<b>CARRIED</b>																		
	<table><tr><td><b>FOR</b></td><td><b>AGAINST</b></td></tr><tr><td>Cr Darko</td><td>Cr Blomeley</td></tr><tr><td>Cr Goyne</td><td>Cr Mulder</td></tr><tr><td>Cr Hulme</td><td></td></tr><tr><td>Cr Hunter</td><td></td></tr><tr><td>Cr James</td><td></td></tr><tr><td>Cr Ritchie</td><td></td></tr><tr><td>Cr Walker</td><td></td></tr><tr><td>Cr Warren</td><td></td></tr></table>	<b>FOR</b>	<b>AGAINST</b>	Cr Darko	Cr Blomeley	Cr Goyne	Cr Mulder	Cr Hulme		Cr Hunter		Cr James		Cr Ritchie		Cr Walker		Cr Warren	
<b>FOR</b>	<b>AGAINST</b>																		
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Cr Goyne	Cr Mulder																		
Cr Hulme																			
Cr Hunter																			
Cr James																			
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Cr Walker																			
Cr Warren																			

**4.2 PLANNING APPLICATION PDPLANPMTD-2026/058600 – 281  
CAMBRIDGE ROAD, MORNINGTON - DEMOLITION & ADDITIONS &  
ALTERATIONS TO EXISTING AGED CARE FACILITY (RESIDENTIAL  
CARE FACILITY)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for the Demolition and Additions and Alterations to Existing Aged Care Facility (Residential Care Facility) at 281 Cambridge Road, Mornington.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and is subject to the Parking and Sustainable Transport, Road and Railway Assets Code, Flood-Prone Hazards Areas Code and the Safeguarding of the Airports Code under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a discretionary use and/or development.

**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 2025.

Council is required to exercise a discretion within the statutory period which was extended with the applicant's consent until 30 April 2026.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements, and seven representations were received in total. However, two representations were from the same residential address. The following issues were raised by the representors:

- Loss of privacy;
- Visual bulk;
- Loss of vegetation;
- Noise impacts;
- Overshadowing impact;
- External lighting impacts;
- Impacts from air conditioning units;
- Construction impacts;
- Devaluation of property; and
- Inaccurate depiction of the building envelope.

**RECOMMENDATION:**

A. That the Planning Application for Demolition and Additions and Alterations to Existing Aged Care Facility (Residential Care Facility) at 281 Cambridge Road, Mornington (Cl Ref PDPLANPMTD-2026/058600) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLANS

Prior to the commencement of works, or prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works (whichever occurs first), amended plans consistent with the diagram in Attachment 4 showing the following:

- proposed privacy screens to the upper-level windows on the northwestern elevation,
- recession of the protruding section of the building in order to increase the minimum setback from 3.7m to minimum 5m at the closest point to the northwestern boundary; and
- a reduction in roof height over the stairwell, which currently forms the highest point of the building.

The amended plan(s) must be submitted to the satisfaction of Council's Chief Executive Officer or delegate. When approved, the plan(s) will form part of the permit.

3. Air extraction, pumping, refrigeration systems or compressors must have a setback of not less than 10m from the boundary of a property containing residential development.

4. ENG S11 – SEALING OF SERVICES.

5. Prior to the commencement of works, or prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works (whichever occurs first), a plan for the management of construction of the site must be submitted and approved by Council's Chief Executive Officer or delegate prior to the commencement of works. The plan must outline the proposed demolition and construction practices for the site in relation to:

- identification and disposal (method and location of disposal) of any potential contaminated waste and asbestos;
- proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site);
- identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and

- proposed means to minimise impact on the amenity of neighbouring buildings;
- control of dust and emissions during working hours;
  - access and parking during construction;
  - proposed screening of the site and vehicular access points during work; and
  - procedures for washing down vehicles, to prevent soil and debris being carried onto the street;
  - construction access; and
  - traffic and pedestrian movement.
6. All reasonable precautions to be undertaken to control and minimise dust, noise and any other environmental nuisance prior to and during demolition. A report to be provided to Council, prior to demolition, to identify any hazardous materials eg asbestos, should they be found to be present on-site. (Contact Workplace Standards, for further information in relation to asbestos). All relevant requirements and procedures to be undertaken to manage, handle and dispose of any hazardous materials should they be found to be present on-site.
7. The loading and unloading of goods, materials and equipment must only be carried out on the site within designated areas. This area must not disrupt the parking and circulation of vehicles on the site.
8. A landscape plan must be submitted to and approved by Council's Chief Executive Officer or delegate prior to the commencement of works to ensure that adequate screening is provided along the northwestern boundary shared with 285-289 Cambridge Road, Mornington. The plan must be to scale and show:
- a north point;
  - existing trees and those to be removed;
  - proposed driveways, paths, buildings, carparking, retaining walls and fencing;
  - any proposed rearrangement of ground levels;
  - details of proposed plantings including botanical names, and the height and spread of canopy at maturity; and
  - estimated cost of the landscaping works.
- The landscaping works must be completed prior to the commencement of the use.
9. The development must meet all required Conditions of Approval specified by TasWater notice, dated 18/02/2026 (TWDA 2026/00108 - CCC).
- B. That in addition to standard advice, the following advice be provided to the proponent:
- a. A Building Surveyor is required to be engaged, to create and certify an Application for Building Approval.

- b. The work/use is not to cause an environmental nuisance to the owners or occupiers of land in the surrounding area by reason of noise, smell, light, fumes, dust or other pollutants emanating from the site.
  - c. All plumbing works must comply with the Tasmanian Plumbing Code and Australian Standard 3500.
  - d. Based on the information provided, TasNetworks has advised the development is not likely to adversely affect TasNetworks' operations.
- C. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of the matter.

Cr Walker Declared an Interest in this item, left the meeting at this stage (6.54 pm) and did not return.

<b>Decision:</b>	<p><b>MOVED:</b> Cr Ritchie <b>SECONDED:</b> Cr James</p> <p>"1. That Council, acting as Planning Authority, refuse Application PDPLANPMTD-2026/058600 for development at 281 Cambridge Road, Mornington.</p> <p>2. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter, with the exception of the following matters that override the relevant parts of the existing report:</p> <p>Council has considered the application in accordance with the Tasmanian Planning Scheme – Clarence and is not satisfied that the proposal meets the relevant Performance Criteria of the General Residential Zone, for the following reasons:</p> <p><b>1 – General Residential Zone</b>  Clause 8.5.1 P2(a)(iv): Unreasonable Visual Bulk and Scale  The proposal does not comply with Clause 8.5.1 P2(a)(iv) of the General Residential Zone because the siting, scale, wall length, massing and proximity of the proposed Stage 2 accommodation wing, particularly along the north-western boundary adjoining 285, 287 and 289 Cambridge Road, would result in an unreasonable visual impact caused by the apparent scale, bulk and proportions of the building when viewed from adjoining residential properties.</p>
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/Decision contd on Page 12...

**PLANNING APPLICATION – 281 CAMBRIDGE ROAD, MORNINGTON**  
/Decision contd...

In forming this conclusion, Council has had regard to:

- the length and continuity of built form along the north-western elevation, presenting as a largely uninterrupted building wall of substantial extent;
- the proximity of the building to sensitive residential boundaries, including sections located at reduced setbacks;
- the partial encroachment of the building beyond the prescribed building envelope at wall face level, occurring in the area of greatest sensitivity;
- the elevation of the building mass relative to adjoining properties arising from site topography; and
- the replacement of lower-scale, dispersed structures with a consolidated building form that presents as visually dominant when experienced from adjoining residential dwellings and private open space.

Council is satisfied that, when assessed cumulatively and as experienced in practice, these factors result in an overbearing and dominant visual presence that exceeds what is reasonable or acceptable in the General Residential Zone and undermines the amenity-protective intent of the building envelope controls.

**2. General Residential Zone**

Clause 8.5.1 P2(a): Unreasonable Loss of Residential Amenity

The proposal does not comply with Clause 8.5.1 P2(a) of the General Residential Zone because it would cause an unreasonable loss of residential amenity to adjoining dwellings at 285, 287 and 289 Cambridge Road. Notwithstanding the residential character of the use, the proposal does not comply.

In reaching this conclusion, Council has had regard to the cumulative amenity impacts arising from:

- the scale, height, massing and proximity of the proposed built form along a shared residential boundary;
- the length and continuity of the building, resulting in a heightened sense of enclosure and reduced visual relief;
- the loss of outlook and perceived openness currently experienced by adjoining residential properties;

/Decision contd on Page 13...

**PLANNING APPLICATION – 281 CAMBRIDGE ROAD, MORNINGTON**  
/Decision contd...

- the loss of privacy from multiple large windows facing directly into the private open spaces of adjoining dwellings that is not remediated by the screening proposed; and
- the removal of existing vegetation that presently moderates the interface between development on the subject site and adjoining dwellings.

While Council acknowledges that some change in amenity may reasonably occur as a result of redevelopment, it considers that the magnitude, permanence and intensity of the impacts proposed exceed what can reasonably be expected in a General Residential context.

Council further considers that reliance on privacy screens, landscaping and similar mitigation measures does not adequately address amenity impacts arising from excessive built-form scale and proximity, particularly where the effectiveness, maturity and permanence of such measures cannot be assured.

**3. General Residential Zone**

Clause 8.5.1 P2(b): Inconsistent Separation Between Buildings

The proposal does not comply with Clause 8.5.1 P2(b) of the General Residential Zone because the separation between the proposed building and buildings on adjoining residential properties is not consistent with that existing on established properties in the area.

In this regard, Council notes that:

- the proposal introduces an extended length of uninterrupted built form along a sensitive residential interface;
- the continuity and scale of the development disrupt the established pattern of separation, modulation and visual spacing that characterises surrounding residential development; and
- the closest points of reduced setback coincide with the area of greatest amenity impact on adjoining dwellings.

Council considers that this departure from established residential separation patterns directly contributes to the unreasonable visual and amenity impacts identified under Clause 8.5.1 P2(a) and P2(a)(iv).

/Decision contd on Page 14...

**PLANNING APPLICATION – 281 CAMBRIDGE ROAD, MORNINGTON**  
**/Decision contd...**

**4 Failure to Demonstrate Compliance and Inappropriate Reliance on Conditions**

The proposal does not satisfy the requirements of Sections 5.6.1 and 6.10 of the Tasmanian Planning Scheme – Clarence because compliance with the applicable performance criteria has not been adequately demonstrated by the application as submitted.

Council is not satisfied that:

- the proposal, in its current form, achieves the performance outcomes of Clause 8.5.1 P2; or
- fundamental issues relating to siting, scale and amenity can be acceptably resolved through permit conditions alone.

The application relies on future amended plans to address matters including increased setbacks, reduced roof height and additional screening and landscaping. Council considers these changes to be material to the acceptability of the development and not minor or detailed refinements.

Approval in reliance on such conditions would create uncertainty regarding the ultimate form and impact of development and would inappropriately defer resolution of core performance issues beyond the permit determination stage.

**5. Failure to Achieve Discretionary Use Amenity and Compatibility Outcomes**

The proposed development does not achieve the requirements of Clause 8.3 and Clause 8.3.1 P4(a) and P4(d) of the Tasmanian Planning Scheme – Clarence, and is inconsistent with the amenity protection purpose of the General Residential Zone under Clause 8.1.3(b).

In particular, the proposal would result in unreasonable amenity impacts on adjoining sensitive residential uses, including loss of privacy, visual dominance, loss of outlook, and reduced enjoyment of private open space, arising from the scale, siting, bulk and intensity of development along the site boundary. These impacts are incompatible with the established residential character of the area and exceed what is reasonable for discretionary development in the General Residential Zone.

/Decision contd on Page 15...

**PLANNING APPLICATION – 281 CAMBRIDGE ROAD, MORNINGTON**  
**/Decision contd...**

While Clause 8.3.1 P4(e) allows consideration of the need for the use, the Planning Authority is not satisfied that any demonstrated need outweighs the failure to achieve the amenity and compatibility outcomes required under P4(a) and P4(d). The Planning Scheme does not permit unreasonable loss of residential amenity to be justified by need where adverse impacts arise from the fundamental design and siting of the development.

Accordingly, the proposal fails to meet the discretionary use performance criteria and does not satisfy the relevant provisions of Clauses 8.1.3(b), 8.3 and 8.3.1 P4 of the Clarence Planning Scheme.

**6. Cumulative Impact of Staged Development**

In assessing the proposal as Stage 2 of a broader redevelopment, Council is not satisfied that the cumulative impacts of the approved Stage 1 development together with the proposed Stage 2 works have been adequately accommodated in a manner consistent with the amenity expectations of the General Residential Zone. Council considers that Stage 2 materially intensifies built-form impacts along the same sensitive residential boundary, resulting in a cumulative outcome that exceeds what can reasonably be accommodated adjacent to established residential dwellings.

**Conclusion**

In reaching this decision, Council recognises that a residential aged care facility is a form of residential living and is an anticipated use within the General Residential Zone under the Tasmanian Planning Scheme – Clarence. Council's decision to refuse this application does not arise from the residential nature of the use itself, nor from any opposition to the provision of aged care accommodation at this location.

/Decision contd on Page 16...

**PLANNING APPLICATION– 281 CAMBRIDGE ROAD, MORNINGTON**  
**/Decision contd...**

Rather, the refusal is based solely on the scale, siting and built-form outcomes of the proposed Stage 2 development, which Council considers would result in unreasonable and ongoing amenity impacts on adjoining residential properties that cannot be acceptably mitigated through conditions”.

**CARRIED**

**FOR**

Cr Blomeley  
Cr Darko  
Cr Goyne  
Cr Hunter  
Cr James  
Cr Ritchie  
Cr Warren

**AGAINST**

Cr Hulme  
Cr Mulder

The Meeting closed at 7.22pm