



**LOCAL PROVISION SCHEDULE DRAFT LPS
AMENDMENT APPLICATION UNDER SECTION 40D(b)
PDPSPAMEND-2026/059268**

PROPOSAL: Rezoning from Open Space to General Residential

LOCATION: 82 Tranmere Road, Howrah and adjacent road segments

RELEVANT PLANNING SCHEME: Tasmanian Planning Scheme -
Clarence

ADVERTISING EXPIRY DATE: 05/10/2026

The relevant plans and documents can be inspected at the Council offices, 38 Bligh Street, Rosny Park, during normal office hours until 5/10/2026. In addition plans and documents can also be viewed and downloaded at www.ccc.tas.gov.au until 05/10/2026.

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. Representations must be received by Council on or before 05/10/2026.

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 or at the Council offices.

PDPSPAMEND-2026/059268

82 Tranmere Road, Howrah

Documents being advertised in accordance with sections 40H of the *Land Use Planning and Approvals Act 1993*.

- Copy of the draft certified amendment
- Copy of the Council Agenda Report
- Copy of the Clarence City Planning Authority's decision in relation to the planning permit application and
- Copy of the Tasmanian Planning Commission's direction to advertise the draft certified amendment.



Tasmanian Planning Scheme - Clarence Draft Amendment



AMENDMENT TO LOCAL PROVISION SCHEDULE MAPPING PDPSAMEND-2026/05926

To amend the Tasmanian Planning Scheme – Clarence Local Provision Map by:

- Rezoning the entire land area of 82 Tranmere Road, Howrah (Volume 11891 Folio 41) from Open Space Zone to General Residential Zone; and
- a 454m2 road casement (part of Volume 37127 Folios 1 and 2, and road unknown portion of Tranmere Road), from Open Space Zone to General Residential Zone.

THE COMMON SEAL OF THE CLARENCE CITY COUNCIL HAS BEEN HEREUNTO AFFIXED, THIS 27th DAY OF JULY 2026, PURSUANT TO A RESOLUTION OF THE COUNCIL PASSED THE 20th DAY OF JULY 2026, IN THE PRESENCE OF:



Personal Information Removed

Chief Executive Officer

Scale - 1:1,000 (at A4)

7.2 APPLICATION PDPSAMEND-2026/059268 – 82 TRANMERE ROAD, HOWRAH – TO REZONE THE SITE FROM OPEN SPACE ZONE TO GENERAL RESIDENTIAL ZONE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for Council, acting as Planning Authority, to consider an amendment to the Clarence Local Provision Schedule (LPS) under Section 40D (b) of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

The draft amendment seeks to reinstate residential zoning to the land at 82 Tranmere Road, Howrah from Open Space Zone to General Residential Zone. The proposal also includes the consequential rezoning of public road casements to the west from Open Space Zone to General Residential zone, in accordance with Tasmanian Planning Commission (Commission) guidelines.

RELATION TO PLANNING PROVISIONS

The property is privately owned and located within a residential neighbourhood with properties to the north, south, and east within the General Residential Zone. A portion of land within the General Residential Zone, associated with 31 Alinta Street, Howrah, separates the subject site of 82 Tranmere Road from land to the east within the Open Space Zone, which is owned by Clarence City Council.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision 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 2000* and the Local Government (Meeting Procedures) Regulations 2025.

Section 40D of LUPAA provides for the Planning Authority to consider, of its own motion, to prepare a draft amendment to the Clarence Local Provision Schedule (LPS).

In determining this matter, the Planning Authority must consider whether it is satisfied that the draft amendment meets the LPS criteria under Section 34 of LUPAA. As it is of its own motion, there is no statutory timeframe within which the Planning Authority must make a decision.

Section 40I of LUPAA allows a Planning Authority to apply to the Tasmanian Planning Commission (the Commission) to consider an amendment without public exhibition if it is satisfied that the proposal is to correct an error, and that the public interest will not be prejudiced by not advertising the amendment.

CONSULTATION

The purpose of the proposal is to correct an error, which may be considered by the Commission as meeting the requirements of Section 40I Exemption from public exhibition.

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

- A. That, pursuant to Section 40D(b) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority resolves to prepare a draft amendment to rezone the property 82 Tranmere Road, Howrah (identified as Volume 11891 Folio 41) from Open Space Zone to General Residential Zone, including the consequential rezoning of public road casements to the west from Open Space Zone to General Residential zone.
- B. That pursuant to Section 40F(2) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority certifies that the draft amendment meets the requirements of the Act including the LPS criteria.
- C. That the Planning Authority requests the Commission to issue a notice pursuant to Section 40I to dispense with the requirements of public exhibition of the draft amendment.
- 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. The lot is privately owned and was created as part of a historic subdivision SD-134 in 1948 and is developed with an outbuilding approved under building permit B-1954/3052.
- 1.2. The lot is subject to a private covenant pertaining to the minimum value of, and maximum of one dwelling to be erected per lot, indicating that it was always intended to be used for residential purposes.
- 1.3. The land is not included in Council's register of public land pursuant to Section 177A (2) of the *Local Government Act 1993* (LGA).
- 1.4. The property was designated as Open Space under the Eastern Shore Planning Scheme 1963 but was rezoned to Residential D (the general residential zone at the time) on 2 February 1988 as part of the AO series of Amendments.

- 1.5. It appears that the property was backzoned to Public Open Space as part of the adoption of the Clarence Planning Scheme 2007 (CPS 2007), although no clear record identifies why this occurred. Subsequently, this zoning remained through like-for-like zoning translation into the Clarence Interim Planning Scheme 2015 (CIPS 2015) and Tasmanian Planning Scheme – Clarence (adopted in October 2021). The current zoning is Open Space.
- 1.6. Despite the landowner being involved through representation and public hearings upon other changes to the planning scheme as part of the adoption of the CPS 2007, CIPS 2015 and the TPS, this error was not discovered until late 2024.
- 1.7. Since that time, further review has been undertaken seeking to establish if there was any further background or information on why the zoning was changed – no further information has been identified.
- 1.8. Advice has been provided to the landowner’s planning representative that, due to the history of these changes, Council would put forward a proposal to initiate an amendment, which is the subject of this report.

2. THE PROPOSAL

The proposal to modify the LPS map by applying the General Residential Zone to 82 Tranmere Road, Howrah. The Tasmanian Planning Commission (Commission) LPS drafting guidelines require zones to be extended to the centre of adjacent public road casements. Accordingly, this section of road must also be rezoned from Open Space Zone to General Residential Zone.

3. STATUTORY IMPLICATIONS

- 3.1. Council’s assessment of this proposal must be in accordance with Part 3B - Amendments of LPSs of LUPAA, which references the LPS criteria outlined in Section 34 of LUPAA, including consideration of the objectives of Schedule 1 of LUPAA, State policies, Tasmanian Planning Policies and the STRLUS.

- 3.2.** If the planning authority agrees to prepare and certify a draft amendment, it may request the Commission to issue a notice pursuant to Section 40I to dispense with the requirements of public exhibition of the draft amendment and proceed to determine the matter. Alternatively, if the Commission do not agree, the draft amendment will be publicly exhibited as required, assessed in accordance with the requirements of LUPAA and may be subject to a public hearing.

4. SITE DESCRIPTION AND SURROUNDING AREA

- 4.1.** The property 82 Tranmere Road, Howrah (Volume 11891 Folio 41) is located within an established residential area of Tranmere, located to the west of a natural gully that extends from the land zoned Landscape Conservation to the east, down to the River Derwent estuary in the west, as shown in Figure 1 below.
- 4.2.** The title is subject to restrictive covenants that were created in 1949 and provide for what the owner can erect on the property, namely *“not more than one dwelling costing not less than five hundred pounds”*.



Figure 2 - Location of 82 Tranmere Road outlined in yellow, shown in context of surrounding land zones.

- 4.3.** The land is also subject to several overlays including the Flood-prone Hazard Areas Code, Safeguarding of Airports Code, and Waterway and coastal protection area overlay (Natural Assets Code).

- 4.4.** The property is currently vacant, with outbuilding(s) near the Tranmere Road frontage, but predominantly mature native vegetation as shown in Figure 3 below.



Figure 3 - Aerial 3D image of 82 Tranmere Road, showing established mature vegetation, outbuilding and surrounding development. (source Google Earth 2023)

- 4.5.** The property is well connected, with the land located within a TasWater full service area for both potable water and sewerage. TasNetworks connections exist to the property and telecommunications networks infrastructure is located within Tranmere Road reserve. Metro Tasmania runs bus services along Tranmere Road.
- 4.6.** Council stormwater infrastructure is located to the west of 84 Tranmere Road, as shown in Figure 4 below. A further connection is shown in the Open Space land of the gully to the east, confirming the overland flow stormwater function the land between 82 and 84 Tranmere Road provides.



Figure 4 - Council stormwater infrastructure shown by the green line servicing 84 Tranmere Road (source Council GIS)

5. PLANNING SCHEME IMPLICATIONS

- 5.1.** The proposed amendment seeks to only modify the LPS maps to apply the General Residential Zone to the land of the subject site. This will have the effect of making any future use and development subject to the State Planning Provisions of this zone, it will correct the historic misapplication of the Open Space Zone and bring the site's zoning into greater consistency with the adjoining land to the north, north-east and south.
- 5.2.** The proposed amendment also seeks to modify a portion of the Tranmere Road reserve to the west, in accordance with Commission Practice Note 7: Draft LPS mapping: technical advice, section 2.3 roads. This will have the effect of removing “spot zoning” and is considered to not adversely impact on Council to undertake works in its role as Road Authority or Stormwater Authority. Such works are covered by the *Tasmanian Planning Scheme – Clarence – Table 4.2 Exempt infrastructure use or development*. Hence, the land zoning is not a material consideration in such instances.
- 5.3.** The proposed amendment makes no changes to the State Planning Provisions and does not introduce any controls in substitution for, modification of, or in addition to the State Planning Provisions.

6. ASSESSMENT AGAINST THE LEGISLATIVE REQUIREMENTS

6.1. LPS Criteria

Section 34 of LUPAA states:

- “(2) The LPS criteria to be met by a relevant planning instrument are that the instrument –*
- (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 coordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
 - (h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.*
- (2A) A relevant planning instrument satisfies the relevant criteria in relation to the TPPs if –*
- (a) where the SPPs and the relevant regional land use strategy have not been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument is consistent with the TPPs, as in force before the relevant planning instrument is made; and*
 - (b) whether or not the SPPs and the applicable regional land use strategy have been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with section 12B(3), as to the manner in which the TPPs are to be implemented into the LPSs.*
- (3) An amendment of an LPS, or a draft amendment of an LPS, is taken to meet the LPS criteria if the amendment of the LPS, or the draft amendment of the LPS, if made, will not have the effect that the LPS, as amended, will cease to meet the LPS criteria”.*

Importantly, as the current LPS is taken as having met the LPS criteria as assessed through the transition to the Tasmanian Planning Scheme – Clarence, subsection (3) requires the Planning Authority to assess if the proposed amendment will cause the LPS to cease to meet the LPS criteria.

6.2. Assessment against the LPS Criteria

Assessment against relevant legislative requirements is contained in the discussion below.

(a) Contains all the provisions that the SPP's specify must be contained in the LPS;

The proposed amendment seeks to modify the Clarence LPS maps so as to:

- apply the General Residential Zone to the property at 82 Tranmere Road, and
- modify a portion of the Tranmere Road reserve to the west, in accordance with Commission Practice Note 7: Draft LPS mapping: technical advice, section 2.3 roads.

The proposed amendment does not introduce any additional provisions which may conflict with the State Planning Provisions. Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

(b) Be in accordance with section 32;

Section 32 specifies the contents of the LPS. The proposed draft amendment relates to the application of an existing zone to land within the municipal area. There are no changes proposed to the structure of the planning scheme.

Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

(c) Furthers the objectives set out in Schedule 1;

Assessment of the amendment against the Schedule 1 objectives of the Resource Management and Planning System of Tasmania (RMPS) is provided in the following table.

Objective	Response
1. The objectives of the resource management and planning system of Tasmania are	
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	The proposed amendment will allow for consistent development of land within an existing urban area.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	The draft amendment would enable appropriate consideration of development, depending upon its use, size, scale and nature.
<i>(c) to encourage public involvement in resource management and planning; and</i>	Through the consideration of this report, the Planning Authority makes public the intention of this correction. The Commission may choose to forgo the public exhibition pursuant to Section 40I (b) of LUPAA. Future development will be assessed against the Tasmanian Planning Scheme -Clarence, and the usual statutory processes for public notification as applicable.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	Applying the General Residential Zone will enable the land to be developed to its highest and best use as per the initial intention of the 1948 approved subdivision.
<i>(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.</i>	Not Applicable

Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

(d) is consistent with each State policy;

As the amendment relates to a correction of a historic zoning application anomaly, the amendment will not change the nature and application of any future development in accordance with the standard General Residential Zone provisions.

It is considered that the proposal is not relevant to the outcomes of the State Policies and National Environment Protection Measures (NEPMs).

Any future use and development would be assessed against the Tasmanian Planning Scheme – Clarence, which has been assessed as compliant with all State Policies.

Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

(da) satisfies the relevant criteria in relation to the TPPs;

The Tasmanian Planning Policies (TPPs) came into effect on 1 July 2026.

The TPP General application and implementation section states that when implementing the TPPs and determining what strategies are relevant to a particular matter, regard must be had to:

- the nature of the particular matter being considered,
- the purpose of the applicable planning instrument,
- the Policy Application statement for each policy,
- the scale at which the strategies are being applied (for example at a regional, local or site specific level), and
- the environmental, social and economic characteristics of the region, local area or site.

In this instance, the proposed modification to the LPS maps is to correct a historic misapplication of the Open Space Zone to a lot within the established residential fabric of Howrah. The impact is very local involving approximately 1,337m² of land.

The relevant planning policies and strategies which this proposed amendment is considered to be aligned with are listed below:

1.0 - Settlement

- 1.1 - Growth

“1.1.3 - 5 Actively address impediments to infill development, particularly in major urban centres”.

Response: the proposed amendment “releases” an existing lot for residential infill development.

- 1.2 - Liveability

“1.2.3 – 1 Promote the location of residential use and development in areas that are close to, or are well connected to, activity centres or secure and reliable employment sources”.

Response: the subject site is located proximate to an existing Minor Centre (Howrah).

2.0 - Environmental Values

- 2.2 - Waterways, wetlands and estuaries

“2.2.3 – 3 Encourage the protection of waterways by retaining, creating or improving vegetated riparian zones to maintain their natural drainage function and minimise unnatural or accelerated erosion of stream banks while providing riparian habitat corridors and protecting landscape values”.

Response: the proposal retains the existing Waterway & Coastal Protection overlay on the subject site to ensure future development of the land fully considers the relevant Natural Assets Code provisions, given the existing overland stormwater flow path function provided by the southern portion of the lot.

3.0 - Environmental Hazards

- 3.3 - Flooding

“3.4.3 – 1 Identify and map land that is vulnerable to flooding based, as a minimum, on a 1% Annual Exceedance Probability (AEP) flood event, or an alternative as determined by the State Government for the management of flood risks associated with climate change and other matters”.

Response: the proposal retains the existing Flood-prone Hazard Area overlay on the subject site to ensure future development of the land fully considers the relevant Code provisions, given the existing overland stormwater flow path function provided by the southern portion of the lot.

5.0 - Physical Infrastructure

- 5.1 - Provision of services

“5.1.3 – 2 Identify whether existing infrastructure has the capacity to deliver services to accommodate growth and prioritise designating land use for the purpose of making efficient use of that available capacity”.

Response: the subject site is located within a TasWater full water and sewerage service area. TasNetworks and telecommunications infrastructure is located within the adjacent road reserve. TasWater advised that they do not object to the proposed amendment and have provided servicing advice.

“5.1.3 – 11 Facilitate access to a variety of recycling stations to encourage community participation in recycling and waste reduction”.

Response: the subject site is located within Council’s Howrah South waste collection calendar for general waste, recycling, and green waste pick-up.

- 5.3 - Roads

“5.3.3 – 8 Provide for road networks to be protected from incompatible use and development”.

Response: the adjoining road reserve is administered by Council, and the proposed rezoning will maintain Council’s ability to undertake works in accordance with its role as Road Authority and Stormwater Authority.

- 5.4 - Passenger transport modes

“5.4.3 - 3 Integrate land use with existing and planned passenger transport infrastructure and services”.

Response: The subject site fronts onto Tranmere Road, which is serviced by an existing public bus route with stops within approximately 150m in either direction.

In considering the above, no variances or divergence with the Southern Tasmania Regional Land Use Strategy (2010-2035), as amended 19 May 2025, were identified. Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situation the land to which the relevant planning instrument relates;

Any future use and development would be assessed against the Tasmanian Planning Scheme – Clarence, which has been assessed as compliant with the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS).

Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

- (f) **has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies to the land to which the relevant planning instrument relates;**

The LPS is generally consistent with the City of Clarence Strategic Plan 2025 - 2035 with four strategic focus areas of Strategy and Delivery, Sustainable Growth, Culture and Place, and Wellbeing and Belonging. The overarching goal is for Clarence – a vibrant prosperous, sustainable city. There are no specific policies or strategies relevant to this proposal.

The proposed amendment does not propose a change to an extent that would alter this consistency. Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

- (g) **as far as practicable, is consistent with and co-ordinated with any LPS that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and**

Not applicable, the subject site is not adjacent to any other municipal area.

- (h) **has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.**

Not applicable, there is no land within the municipal area that is subject to the *Gas Safety Act 2019*.

7. EXTERNAL REFERRALS

As the proposal relates to a correction of the zoning applied to 82 Tranmere Road, Howrah representing a minor change to the LPS map, the proposal has been referred to TasWater only, pursuant to s56O of the *Water and Sewerage Industry Act 2008*. TasWater advised that they do not object to the proposed amendment.

8. EXTERNAL IMPACTS

No significant impacts.

9. CONCLUSION

This report outlines the proposed amendment to correct the zoning of a lot, which was originally created for residential purposes, by rezoning the land from Open Space Zone to General Residential Zone.

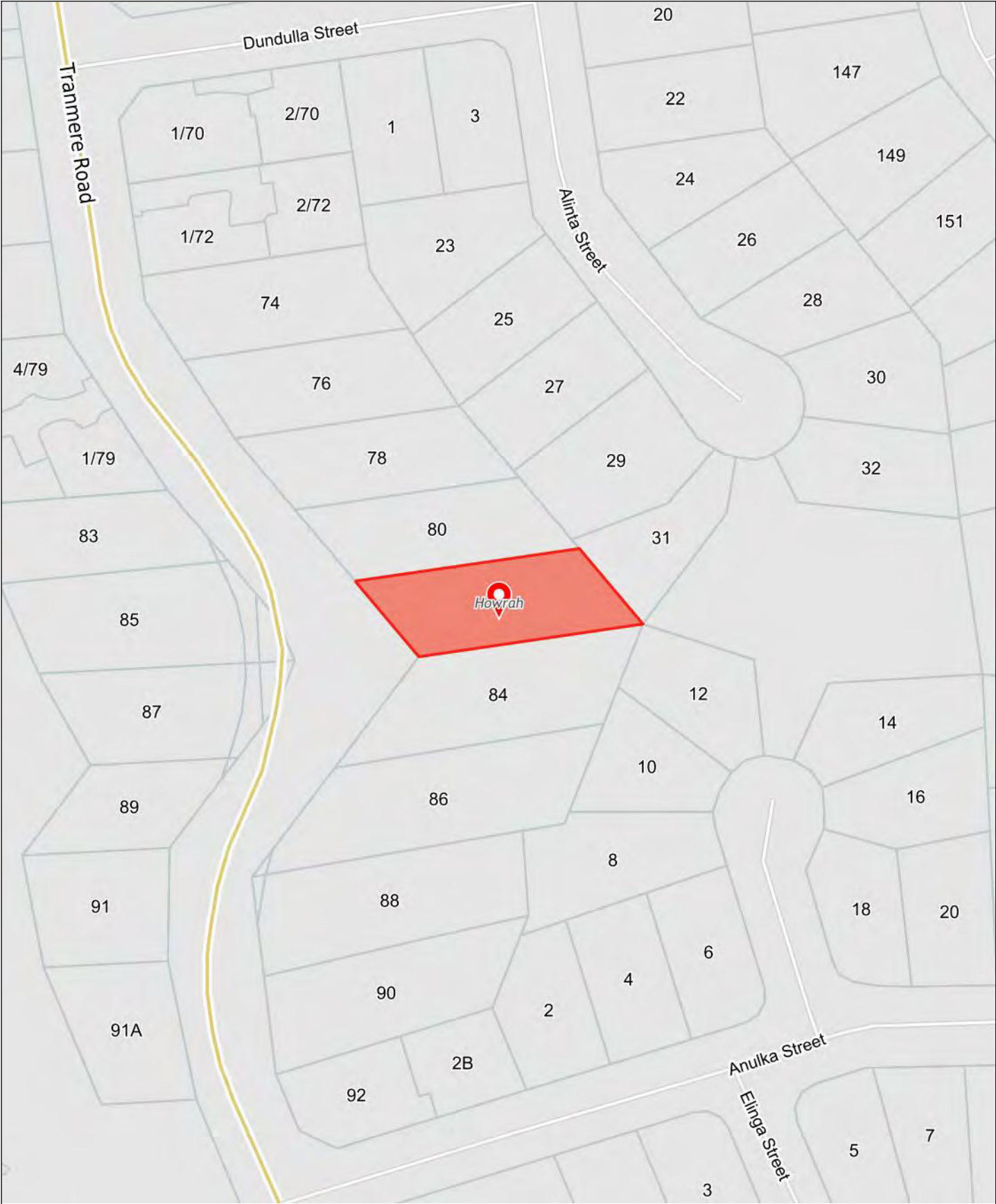
For the reasons set out in this report, the proposal is considered to satisfy the relevant statutory LPS criteria and is consistent with Section 40I so that the Commission may issue a notice to dispense with public notification.

On this basis, it is recommended that the Planning Authority initiate and certify the draft Local Provisions Schedule in accordance with LUPAA.

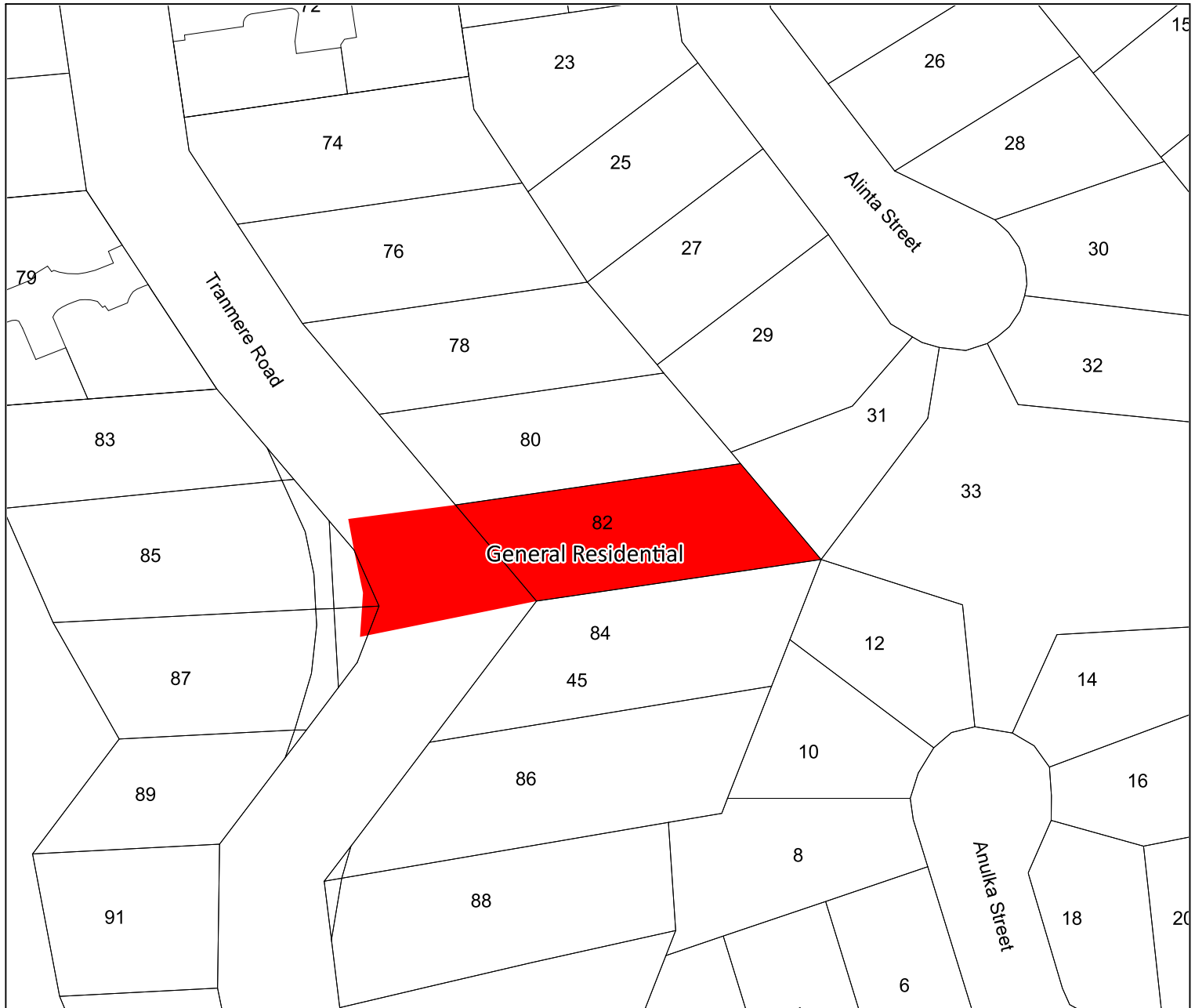
Attachments: 1. Location Plan (1)
2. Proposed Draft Instrument of Certification (1)

Daniel Marr
HEAD OF CITY PLANNING

Attachment 1



	This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.	08/07/2026	
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AMENDMENT TO LOCAL PROVISION SCHEDULE MAPPING PDPSAMEND-2026/05926

To amend the Tasmanian Planning Scheme – Clarence Local Provision Map by:

- Rezoning the entire land area of 82 Tranmere Road, Howrah (Volume 11891 Folio 41) from Open Space Zone to General Residential Zone; and
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THE COMMON SEAL OF THE CLARENCE CITY COUNCIL HAS BEEN HEREUNTO AFFIXED, THIS DAY OF 2026, PURSUANT TO A RESOLUTION OF THE COUNCIL PASSED THE DAY OF 2026, IN THE PRESENCE OF:

HEAD OF GOVERNANCE

Scale - 1:1,000 (at A4)

7.2 APPLICATION PDPSAMEND-2026/059268 – 82 TRANMERE ROAD, HOWRAH – TO REZONE THE SITE FROM OPEN SPACE ZONE TO GENERAL RESIDENTIAL ZONE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for Council, acting as Planning Authority, to consider an amendment to the Clarence Local Provision Schedule (LPS) under Section 40D (b) of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

The draft amendment seeks to reinstate residential zoning to the land at 82 Tranmere Road, Howrah from Open Space Zone to General Residential Zone. The proposal also includes the consequential rezoning of public road casements to the west from Open Space Zone to General Residential zone, in accordance with Tasmanian Planning Commission (Commission) guidelines.

RELATION TO PLANNING PROVISIONS

The property is privately owned and located within a residential neighbourhood with properties to the north, south, and east within the General Residential Zone. A portion of land within the General Residential Zone, associated with 31 Alinta Street, Howrah, separates the subject site of 82 Tranmere Road from land to the east within the Open Space Zone, which is owned by Clarence City Council.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision 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 2000* and the Local Government (Meeting Procedures) Regulations 2025.

Section 40D of LUPAA provides for the Planning Authority to consider, of its own motion, to prepare a draft amendment to the Clarence Local Provision Schedule (LPS).

In determining this matter, the Planning Authority must consider whether it is satisfied that the draft amendment meets the LPS criteria under Section 34 of LUPAA. As it is of its own motion, there is no statutory timeframe within which the Planning Authority must make a decision.

Section 40I of LUPAA allows a Planning Authority to apply to the Tasmanian Planning Commission (the Commission) to consider an amendment without public exhibition if it is satisfied that the proposal is to correct an error, and that the public interest will not be prejudiced by not advertising the amendment.

CONSULTATION

The purpose of the proposal is to correct an error, which may be considered by the Commission as meeting the requirements of Section 40I Exemption from public exhibition.

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

- A. That, pursuant to Section 40D(b) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority resolves to prepare a draft amendment to rezone the property 82 Tranmere Road, Howrah (identified as Volume 11891 Folio 41) from Open Space Zone to General Residential Zone, including the consequential rezoning of public road easements to the west from Open Space Zone to General Residential zone.
- B. That pursuant to Section 40F(2) of the Land Use Planning and Approvals Act 1993, the Planning Authority certifies that the draft amendment meets the requirements of the Act including the LPS criteria.
- C. That the Planning Authority requests the Commission to issue a notice pursuant to Section 40I to dispense with the requirements of public exhibition of the draft amendment.
- 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.

Decision: **MOVED** Cr Ritchie **SECONDED** Cr James

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

TASMANIAN PLANNING COMMISSION



Our ref: DOC/26/99367
Officer: Louise Blyth
Phone: 6165 6818
Email: tpc@planning.tas.gov.au

27 August 2025

Mr Ian Nelson
Chief Executive Officer
City of Clarence

Attention: Ms Indra Boss

By email: clarence@ccc.tas.gov.au

Dear Mr Nelson

Tasmanian Planning Scheme - Clarence 82 Tranmere Road, Howrah

The Commission acknowledges there was an error in previous correspondence which incorrectly referenced Draft amendment PDPSAMEND-2026/062166.

I wish to clarify that the letter was about Draft amendment **PDPSAMEND-2026/059268** which has been confirmed to be the correct amendment number referenced through all the planning authority's supporting documentation except the certified amendment.

It is understood that the planning authority will resolve the issue of the error on the certified document through delegation, and it will not require a Council meeting.

I refer to your correspondence dated 27 July 2026, seeking an exemption to exhibit the above draft amendment.

I have reviewed your request and consider that the draft amendment does not meet the criteria outlined in section 40I(2) of the Land Use Planning and Approvals Act 1993 (the Act). It is difficult to characterise this change as the correction of an error, given the suggested error occurred in 2007 and there have been subsequent opportunities to seek to correct the suggested error.

It is considered that the surrounding landowners may have an interest in the draft amendment as it would rezone land for residential use which is currently in the Open Space Zone. The land was adjacent to other land also in the Open Space Zone and was previously in the Open Space Zone in the interim scheme.

A change of zone would provide for development opportunities which are different to what is currently permissible on the land.

In addition to the interest of surrounding landowners, there may be a wider public interest in the retention of open space land in the municipality.

Accordingly, the Commission directs the planning authority to exhibit the draft amendment in accordance with the Act.

If you require further information, please contact Louise Blyth, Planning Adviser on 03 6165 6818.

Yours sincerely

Personal Information Removed

John Ramsay
Executive Commissioner