



**LOCAL PROVISION SCHEDULE
DRAFT LPS AMENDMENT
APPLICATION UNDER
SECTION 40D(b)
PDPSPAMEND-2026/062166**

PROPOSAL: Modify the Visitor Accommodation use class qualification in the Kangaroo Bay Particular Purpose Zone Use Table.

LOCATION: Kangaroo Bay Particular Purpose Zone (Kangaroo Bay from the ferry terminal along the boardwalk and Kangaroo Bay Drive north to Rosny Hill Road, generally bounded by Cambridge Road to the east and south)

RELEVANT PLANNING SCHEME: Tasmanian Planning Scheme - Clarence

ADVERTISING EXPIRY DATE: 05 October 2026

The relevant plans and documents can be inspected at the Council offices, 38 Bligh Street, Rosny Park, during normal office hours 8.30am until 5.15pm. In addition, plans and documents can also be viewed and downloaded at www.ccc.tas.gov.au until 05 October 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 October 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-2026/062166

Kangaroo Bay Particular Purpose Zone

Documents being advertised in accordance with sections 40H [and 40Z] 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.



Clarence City Council

TASMANIAN PLANNING SCHEME – CLARENCE LOCAL PROVISION SCHEDULE

AMENDMENT – PDPSAMEND-2026/062166

AMENDMENT TO PLANNING SCHEME ORDINANCE

To amend the Local Provision Schedule of the Tasmanian Planning Scheme – Clarence by correcting the Visitor Accommodation qualification within Clause CLA-P2.4 Use Table of the Particular Purpose Zone – Kangaroo Bay to:

Use Class	Qualification
Discretionary	
Visitor Accommodation	If (a) located in the Village or Boulevard Area, or (b) located in the Wharf Area, and the accommodation activity is predominantly above the ground floor.

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

Personal Information Removed

Chief Executive Officer



7.1 APPLICATION PDPSAMEND-2026/062166– PARTICULAR PURPOSE ZONE - KANGAROO BAY**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 correct an error in the wording of the Visitor Accommodation qualification within clause CLA-P2.4 Use Table of the Particular Purpose Zone - Kangaroo Bay (PPZ) which arose through the translation of the *Clarence Interim Planning Scheme 2015* (CIPS 2015).

RELATION TO PLANNING PROVISIONS

The proposal will impact all properties within the area affected by the PPZ. Visitor Accommodation Uses within the CIPS 2015 were intended to have a discretionary use class within the entire area of the PPZ.

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, of its own motion, 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. Discussions have occurred with the Tasmanian Planning Commission who have acknowledged the error.

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 amend the ordinance wording of clause CLA-P2.4 Use Table of the Particular Purpose Zone - Kangaroo Bay to enable Visitor Accommodation as a discretionary use as detailed in this report.
- 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 Tasmania Planning Commission to issue a notice pursuant to Section 40I to dispense with the requirements of public exhibition of the draft amendment as the matter relates to a drafting error.
- 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 Kangaroo Bay Development Plan was incorporated into the Clarence Planning Scheme 2007 as DPO11 on 28 June 2011. This Development Plan was then transitioned into the *Clarence Interim Planning Scheme 2015* (CIPS 2015) as Particular Purpose Zone 4 - Kangaroo Bay.
- 1.2. During the transition from the CIPS 2015 to the Tasmanian Planning Scheme – Clarence, the Particular Purpose Zone – Kangaroo Bay (PPZ) was submitted as a transitioning provision under Schedule 6 of (LUPAA).
- 1.3. To ensure the submitted PPZ was consistent with the expression of the State Planning Provisions (SPPs) and Tasmanian Planning Commission (the Commission) Practice Notes several alterations were made by Commission officers prior to the approval of the LPS. Minor drafting adjustments through the insertion of the word “and” in the Visitor Accommodation use qualification and the change of “only if...” to “if...” in other qualifications, altered the use from being permissible in all precincts to being limited to the Wharf Area and prohibited in the remaining precincts.

- 1.4.** The matter was brought to Council’s attention when a permit for a partial change of use for Visitor Accommodation was sought within the Bellerive Village area.
- 1.5.** Consultation with the Tasmanian Planning Commission confirm that ... *“the [TPS transition] modification introduced a change that departed from the strategy adopted in the previous Interim Planning Scheme, there is no other way to address the matter than via a planning scheme amendment”*.
- 1.6.** It is noted that the permit for the Hotel and Hospitality Training School, which was approved at the Wharf site in 2017, was consistent with the interpretation under the CIPS as it was classified as a multiple use comprising a Hotel Industry, Visitor Accommodation, Educational, General Retail and Food Services. Recent interpretations of the Visitor Accommodation Uses for similar large developments (Kangaroo Bay Major Project Proposal and *Cai v Launceston City Council [2024] TASSC 10*) have tended to classify the entire use as Visitor Accommodation with the associated uses seen as directly associated with and subservient uses. It is also noted that the *Cai* decision provided a binding precedent for that interpretation.

2. THE PROPOSAL

- 2.1.** The proposal is to modify the LPS by changing the existing wording of the PPZ – Kangaroo Bay clause CLA-P2.4 Use Table Visitor Accommodation Use, as shown in the following table.

From:

Use Class	Qualification
Discretionary	
Visitor Accommodation	If located in the Wharf Area and if predominantly above the ground floor, excluding elements associated with access and car parking.

To:

Use Class	Qualification
Discretionary	
Visitor Accommodation	If (a) located in the Village Area or Boulevard Area, or (b) located in the Wharf Area, and the accommodation activity is predominantly above the ground floor.

- 2.2.** The proposed drafting provides greater clarity on where visitor accommodation is allowed and what special circumstance must be met. It also clarifies the original strategic intent to keep the “Marina” precinct free of any type of visitor accommodation, given the existing uses and land tenures in the “Marina” area.

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

The proposal will impact all properties within the Village, Boulevard and Wharf Area of the PPZ (shown in Figure 1 below). The proposal will not change any of the applicable codes or modify spatial overlays.

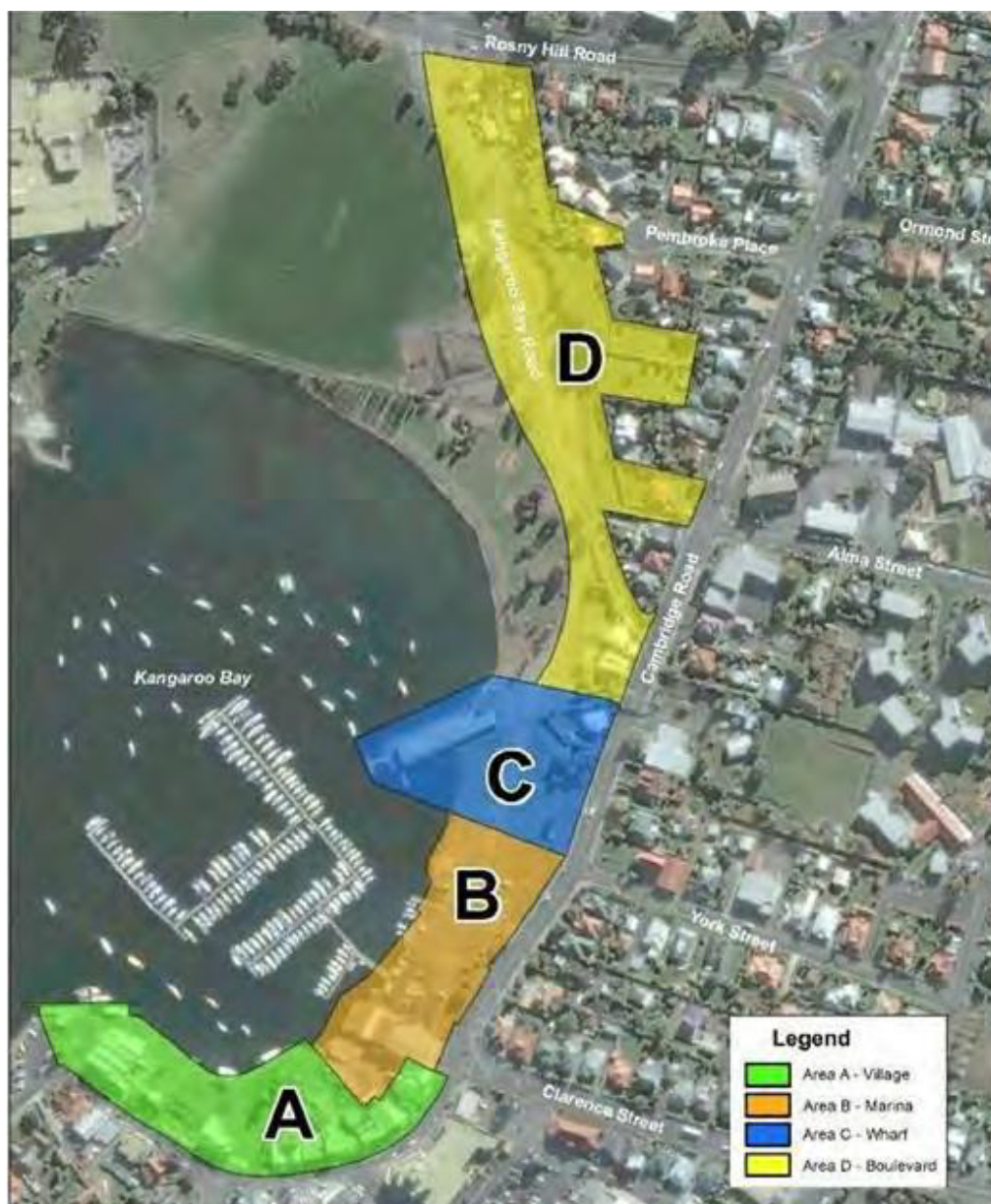


Figure 1 - Kangaroo Bay Local Areas A, B, C and D

5. PLANNING SCHEME IMPLICATIONS

- 5.1.** The proposed amendment only seeks to modify the LPS ordinance to correct an error that occurred during the transition to the Tasmanian Planning Scheme – Clarence.
- 5.2.** A review of the Clarence draft LPS (19 November 2019) and the supporting report (18 October 2019) confirm that the Kangaroo Bay PPZ was a transitioning PPZ. It was meant to transition like for like from the CIPS-2015 with only minor changes to comply with the SPP format and drafting instructions.

It was not meant to include changes to the intent of the provision such as, the prohibition of visitor accommodation in the Village Area of the PPZ.

5.3. Earlier planning controls, in the *Clarence Planning Scheme 2007* (CPS 2007), specifically referenced individual types of visitor accommodation appropriate for the precincts. The CPS 2007 language was more definitive, clearly articulating that Tourist Accommodation was a discretionary use “if in the Wharf...other than access or car parking, must be located above the ground floor”.

5.4. The CPS2007 definition of Tourist Accommodation specifically:

- Excluded “Hotel” which was a discretionary use that “must be in the Wharf or Boulevard and must not include a drive through facility”.
- Excluded “Bed and Breakfast”, which was a discretionary use that “must be in the Neighbourhood” (an area no longer within the Kangaroo Bay PPZ).
- Excluded “Motel” a discretionary use that must be in the Boulevard of the Neighbourhood.
- The CPS2007 did not allow for any type of visitor accommodation within the “Marina” precinct of the PPZ. The “Marina” includes the Bellerive Yacht Club, slipway and carpark, TasNetworks land, and Clarence City Council land.
- It is noted that the map references in the Kangaroo Bay PPZ changed between the CPS2007 and CIPS2015, as follows:

Area Name	CPS2007 Area Reference	CIPS 2015 Area Reference
Bellerive Boardwalk	Precinct 1	Area A - Village
Marina	Area A	Area B - Marina
Wharf	Area B	Area C - Wharf
Boulevard	Area C	Area D - Boulevard
Neighbourhood	Area D	Not applicable – residential area to the north-east was removed from the PPZ.

It is considered whilst the area names for Marina, Wharf and Boulevard remained the same, the changes to the area reference numbers on the plan, most likely contributed to the confusion of allowable visitor accommodation uses for the Marina and Wharf areas.

- 5.5.** It is noted that the change in drafting language with the introduction of the CIPS 2015 and the Clarence TPS, Tourist Accommodation became Visitor Accommodation (VA) and encompassed the previously excluded examples of Hotel, Bed and Breakfast and Motel. The effect of this definitional change was to expand the precincts in which Visitor Accommodation became a permissible use.
- 5.6.** Additionally, the introduction of the Interim Planning Directive No. 2 Exemption and Standards for Visitor Accommodation in Planning Schemes (1 July 2017), and subsequent Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes (1 July 2018 and updated 1 August 2018) resulted in the VA (especially Bed and Breakfast, and AirBnB) style of VA being classified as No Permit Required if in the resident's principal place of residence and no more than four bedrooms were being used to accommodate visitors.
- 5.7.** The state government-initiated changes were designed to overwrite local variations and expanding the permissibility of VA uses.
- 5.8.** 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, subclause (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 only seeks to modify the Clarence LPS ordinances to correct a drafting error that was made during the transition from the CIPS 2015. 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 correction of an existing ordinance 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 proposed amendment will allow for visitor accommodation uses to occur in accordance with the original policy intent.
<i>(c) to encourage public involvement in resource management and planning; and</i>	When the PPZ was originally incorporated into the CPS 2007, it went through a thorough public exhibition process. This proposed amendment is proposed to return the provisions to their original policy position. Through the consideration of this report, the Planning Authority makes public the intentions of this correction. The Commission may choose to forgo the public exhibition pursuant to section 40I (b) of LUPAA. Future development which relies on the clause will be subject to a discretionary process.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	Correcting the drafting of the Visitor Accommodation qualification will provide greater clarity for future proposals to enable the land to be developed to its highest and best use.
<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 drafting error that occurred during the transition to the Tasmanian Planning Scheme- Clarence, the amendment will not change the nature and application of any future development in accordance with the approved PPZ.

The Use Standards within the PPZ deal with hours of operation, external amplified loudspeakers, noise levels, external lighting, and commercial vehicle movements consistent with 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 amendment to the LPS maps is to correct a drafting error in the Visitor Accommodation qualification within the PPZ use table. The impact is very local and restricted to the PPZ precincts.

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

4.0 - Sustainable Economic Development

- **4.4 - Tourism**

“4.4.3 – 3 Manage visitor accommodation so it does not significantly impact the supply of housing for the local community”.

Response: the proposed amendment “releases” three areas within the PPZ for appropriate visitor accommodation uses. It is a mixed use area that is intended to support more than just local housing supply.

“4.4.3 – 9 Promote the integration of tourism infrastructure into activity centres to support and reinforce the economic function of activity centres”.

Response: the PPZ is an integral part of the Rosny Park Activity Centre, which is the Principal Activity Centre within Clarence.

- **4.7 - Business and commercial**

“4.7.3 – 3 Support the activity centre hierarchy by promoting complimentary use and development to strengthen efficiencies within activity centres and, where possible, avoid unnecessary competition between activity centres”.

Response: visitor accommodation is considered a complimentary use within the PPZ. A key zone purpose is CLAS-P2.1.1 to create a focal point for the City by providing an integrated range of tourism, recreational, commercial and residential uses and developments.

“4.7.3 - 4 Encourage the intensification and growth in, and around higher order activity centres that are highly accessible and which promote the efficient use of infrastructure and services”.

Response: the PPZ is located within the Principal Activity Centre within Clarence. The proposed redrafting of the Visitor Accommodation use qualification, clarifies the strategic intent, especially the primary purpose of the Wharf Area to support large scale Visitor Accommodation uses, such as a motel.

7.0 - Planning Processes

- **7.1 - Public Engagement**

“7.1.3 – 3 Support public engagement processes, and the outcome generated from them, that are informative and transparent”.

Response: the proposal retains the existing discretionary use status for the Visitor Accommodation Use Class. Future application for Visitor Accommodation use will therefore be subject to the statutory public notification process.

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 ordinances within the PPZ, the proposal has only been referred to TasWater pursuant to s56O of the *Water and Sewerage Industry Act 2008*. TasWater does not object to the proposed amendment.

8. EXTERNAL IMPACTS

No significant impacts.

9. CONCLUSION

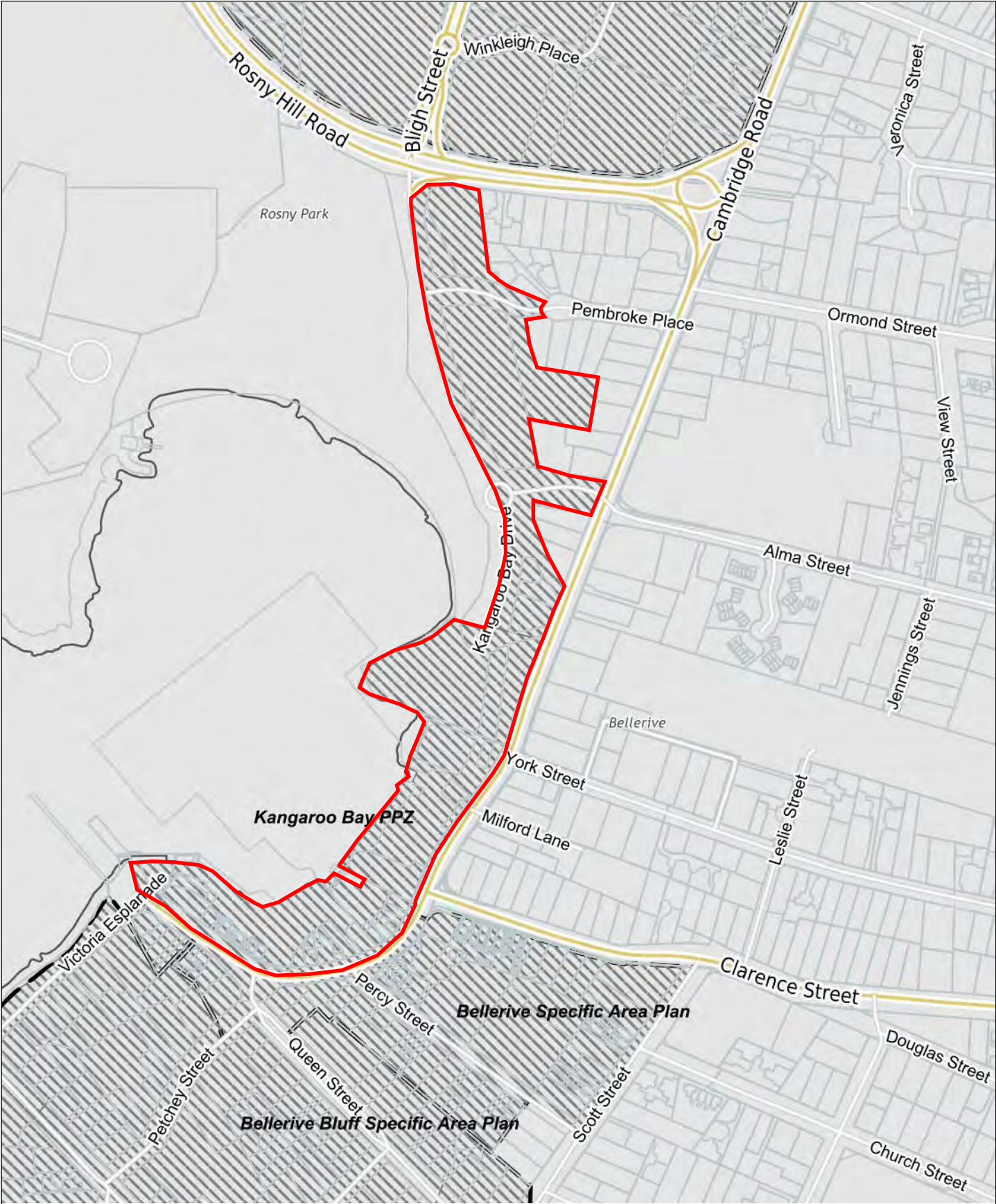
This report outlines the proposed amendment to correct the Kangaroo Bay PPZ Use Table drafting of the visitor accommodation use qualification, to ensure the original strategic intent of the use within the PPZ is reflected.

For the reasons set out in this report, it is considered that 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



	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.	06/07/2026	
		1:4514	

Attachment 1 - Kangaroo Bay PPZ - outlined in red.



Clarence City Council

TASMANIAN PLANNING SCHEME – CLARENCE LOCAL PROVISION SCHEDULE

AMENDMENT – PDPSAMEND-2026/062166

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**THE COMMON SEAL OF THE CLARENCE CITY
COUNCIL HAS BEEN HERE UNTO AFFIXED
THIS , PURSUANT TO A RESOLUTION
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IN THE PRESENCE OF:**

Chief Executive Officer

7.1 APPLICATION PDPSAMEND-2026/062166– PARTICULAR PURPOSE ZONE - KANGAROO BAY**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 correct an error in the wording of the Visitor Accommodation qualification within clause CLA-P2.4 Use Table of the Particular Purpose Zone - Kangaroo Bay (PPZ) which arose through the translation of the *Clarence Interim Planning Scheme 2015* (CIPS 2015).

RELATION TO PLANNING PROVISIONS

The proposal will impact all properties within the area affected by the PPZ. Visitor Accommodation Uses within the CIPS 2015 were intended to have a discretionary use class within the entire area of the PPZ.

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, of its own motion, 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. Discussions have occurred with the Tasmanian Planning Commission who have acknowledged the error.

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 amend the ordinance wording of clause CLA-P2.4 Use Table of the Particular Purpose Zone - Kangaroo Bay to enable Visitor Accommodation as a discretionary use as detailed in this report.
- 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 Tasmania Planning Commission to issue a notice pursuant to Section 40I to dispense with the requirements of public exhibition of the draft amendment as the matter relates to a drafting error.
- 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 Chong

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

TASMANIAN PLANNING COMMISSION



Our ref: DOC/26/98635
Officer: Paola Barlund
Phone: 6165 6835
Email: tpc@planning.tas.gov.au

28 August 2025

Mr Ian Nelson
Chief Executive Officer
City of Clarence

Attention: Indra Boss

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

Dear Mr Nelson

Tasmanian Planning Scheme - Clarence Draft amendment PDPSAMEND-2026/062166

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

The request has been reviewed taking into account the transition of the Kangaroo Bay Particular Purpose Zone (the PPZ) from the Clarence Interim Planning to the Clarence LPS. The Commission acknowledges that it appears that an error may have been made in that process. Had the matter been raised a short time after the LPS was approved, say within the first 6 months or so, the matter could have been further examined and may have met one of the criteria for an exemption for a draft amendment under the Land Use Planning and Approvals Act 1993 (the Act) i.e. section 40(2)(b)(i) correcting an error.

However, any draft amendment sought under section 40(2)(b) requires that the Commission must also be satisfied that the public interest will not be prejudiced if a draft amendment is not publicly exhibited.

Almost five years have elapsed since the commencement of the Clarence LPS, and it would appear that there has been no use or development activity to cause this matter to arise for consideration.

The Commission notes that the merits of the availability to obtain a permit for Visitor Accommodation use has, in some communities, become a matter of community debate and discussion.

It is considered that surrounding landowners and business operators may have an interest in what is proposed by the draft amendment as it would provide for the Visitor Accommodation use class to be considered in two additional precincts within the PPZ. Therefore, it is considered that the public interest may be prejudiced without the draft amendment proceeding through the usual amendment assessment process.

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

If you require further information, please contact Paola Barlund, Planning Adviser on 03 6165 6835.

Yours sincerely

**Personal Information
Removed**

Yours sincerely

John Ramsay
Executive Commissioner