Amendment to the Clarence City Council Planning Scheme: Inclusion of Development Plan Overlay (DPO 18)

The proposal to amend the Clarence City Council (CCC) Planning Scheme by inserting the Development Plan Overlay (DPO 18) is effectively a change of zoning of the eastern portion of the Seven Mile Beach Peninsula (area marked in detail on the Amendment A-2013/1) from recreation to a new special use zoning (referred to as DPO18) which allows the Goggin golf course development (as detailed in the Seven Mile Beach Development Plan) to be assessed as a permitted use.

The planning advice provided to the Council meeting of 21 October 2013 states that amendments to the development proposal meant it was ‘not to facilitate conventional residential development, but rather to provide for a unique style of living’. The planning advice further stated that with these amendments that the ‘proposal is consistent’ with the ‘State Coastal Policy’ and ‘there is no directly relevant section of the Southern Tasmanian Regional land use Strategy’.

The TCT believes that the changes made to the proposal are not sufficient to uphold this conclusion and the proposal cannot be classed as anything other than residential or urban development and is therefore inconsistent with the State Coastal Policy and Southern Tasmanian Regional Land Use Strategy. Furthermore, the Council has not demonstrated that the impacts of such a development on the coastal bird values and the recreational use of the area are acceptable.

For these reasons the Council should not approve the Development Plan Overlay (DPO 18) and should retain the current zoning of recreation.
The CCC decision

The CCC planning advice (agenda papers for the 21 October 2013 council meeting) noted that ‘Council require’ ‘a greater integration of the component land uses’. The same Council planning advice further noted that ‘additional development controls have been introduced to the development plan, to prescribe the nature of the material and design for buildings’ and ‘The capacity to construct a single Dwelling had been removed from the Development Plan’.

While the development controls may prevent or limit the chance of ‘piecemeal development as different purchasers enter the site over time’ and prohibiting single dwellings may ‘maximise the integration of the development on the site’ (as stated in the Council’s planning advice), the TCT does not accept that this therefore sets the ‘proposed use apart from regular residential development’ (also stated in the Council’s planning advice) or not to a sufficient or acceptable extent.

Inhibiting or preventing piecemeal development just avoids one potential problem with residential development but does not mean that it is not residential development. Prohibiting single dwellings just means that the housing development cannot proceed incrementally and without the golf courses. This does not limit the number of houses and does not lessen the impact on recreational use and the environment. It also cannot guarantee that the golf courses do not fail to be profitable businesses and may cease to operate – leaving just the residential dwellings.

As noted in the CCC planning advice for the Council meeting of 30 September 2013, the existing zoning of recreation prohibits a number of the proposed uses including ‘Community Living, Consulting Rooms or Health Centre, Hotel, Local Shop, Motel, Multiple Dwelling, Shop and Single Dwelling’ but allows the golf courses and other recreational elements of the proposed development. It seems clear that the planning scheme amendment is solely for the purpose of allowing a range of uses, which clearly fit the definition of urban or residential development.

Rather than attempt to justify the change of land use, the CCC decision is based on arguments which amount to a clumsy change to the language used to describe the proposed development in an attempt to make it appear to comply with the requirements of the State Coastal Policy and Southern Tasmanian Regional Land Use Strategy.

The argument used by the Council is absurd because, if it was accepted that the proposed Goggin development is not urban or residential development, a zoning change would not be required.

State Coastal Policy

The Goggin Foundation wants the CCC Planning Scheme amendment so that it can seek a permit to construct and operate:
- two 18 holed golf courses
- clubs rooms with 20 private guest accommodation rooms, golfers lounge, day spa, pro shop, and restaurant
- local convenience store
- multipurpose indoor sports centre and hostel style accommodation
- up to 216 private residential dwellings
- children’s golf course

Allowing up to 216 private residential dwellings plus shops, a sports centre, hotel, restaurant etc in the Seven Mile Beach Peninsula is, in our view, simply urban or residential development – an entire new town – in a public reserve not previously used for this purpose and which is quite unsuitable for this purpose. It is therefore contrary to the section 2.4.2 of the State Coastal Policy which states that:

‘Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.’

The Goggin proposal is not ‘based on existing towns or townships’, is an example of ‘ribbon development’ and is an ‘unrelated cluster’ development on the coast and is clearly and comprehensively contrary to section 2.4.2 of the State Coastal Policy.

Growth boundary

The Goggin proposal involves allowing residential development well outside the growth boundary as contained in the Southern Tasmania Land Use Strategy 2010-35 (STLCS) and the CCC Planning Scheme. The residential component of the proposed Goggin development is approximately 5km by road away from the growth boundary. While some flexibility was anticipated or even encouraged by the STLCS, this exemption is excessive and should be refused.

The growth boundary forms part of the CCC Planning Scheme and it is the council’s responsibility to provide an explanation for why the change is proposed. However, the planning advice provided to the Council fails to provide an explanation for why the growth boundary has been established in this area and has failed to attempt to justify why an exemption should be granted. In the absence of any justification for an exemption, the current growth boundary should remain unchanged.

It is extremely disappointing that the Council did not even acknowledge the very good reasons why this boundary was established. We understand that it was established to encourage development adjacent to serviced areas – areas with existing roads, water, sewage, drainage, electricity, gas, communications, etc – to ensure that Council and broader community does not have to pay an unreasonably high cost to build and maintain this infrastructure or, if funding is lacking, to endure a poor standard of services.

The growth boundary also serves to encourage development in areas which are most appropriate and to avoid areas of higher natural and recreational values and subject to coastal hazards – including the eastern portion of the Seven Mile Beach Peninsula.
We note that part of the proposed development is within the area marked on the CCC Planning Scheme Coastal Erosion Hazard Overlay. It is very concerning that the council has failed to address whether it is appropriate to change the planning scheme to allow the proposed development in an area which is, in part, a Coastal Erosion Hazard area.

Natural and recreational values are discussed below.

**Unacceptable indirect impacts on coastal values**

The proposed Goggin development would have unacceptable indirect impacts on the adjacent coastal line and in particular the bird species which nest, roost and feed on it. The relative remoteness of the eastern part of the Seven Mile Beach Peninsula and, in particular, the lack of permanent residents, is likely to be a key factor in some species persisting in the area.

A development of this type will lead to hundreds of people living in the peninsula and possibly many thousands of people each year visiting to use the other facilities. A proportion of these people would be expected to also visit the nearby beaches and sand flats, which will increase the amount of disturbance to the bird life. The impact is likely to be greatest on the pied oystercatchers which are known to nest and raise young on Five Mile Beach.

If the DPO 18 was approved it would allow the Goggin development to be assessed by council as a permitted development and use. This would prevent the Council and the community from influencing the scale, location and type of development and therefore restrict their capacity to prevent or mitigate impacts on bird values.

**To protect the nesting habitat of the pied oystercatcher and other bird values of the area, we recommend that residential development not be allowed in the Seven Mile Beach Peninsula and therefore that the DPO18 be refused.**

**Unacceptable impacts on recreational use**

Allowing up to 216 private residential dwellings along with all of the other components of the proposed Goggin development will have unacceptable impacts on the wide range of recreational pursuits for which the area is used. To our knowledge the area is used daily by walkers, dog-walkers, horse-riders and bicyclists. It is also used by orienteering clubs for special events and is visited by boating enthusiasts.

Some parts of the Goggin development will clearly be off limits to non-golf recreation and, even where access and use is permitted, it will be restricted to certain pathways and the experience which many people currently enjoy will be largely destroyed. We would expect many users to abandon the area.

If the DPO 18 was approved it would allow the Goggin development to be assessed by council as a permitted development and use. This would prevent the Council and the community from influencing the scale, location and type of development and therefore restrict their capacity to prevent or mitigate impacts on recreational use.
To protect the recreational use and enjoyment of the area, we recommend that residential development not be allowed in the Seven Mile Beach Peninsula and therefore that the DPO18 be refused.

Yours sincerely,

[Signature]

Peter McGlone
Director
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