

From: Trezise, Tarnya M
Sent: 16 Nov 2020 09:52:50 +0000
To: Planning @ Meander Valley Council
Cc:
Subject: Blackstone Heights Planning Application
Attachments: Blackstone Heights Development Meander Valley Council submission Nov 2020.docx, Blackstone Heights Development Meander Valley Council submission Nov 2020.docx

Hi,

Please read the attached submission where I am not in favour of the development.

I would appreciate being updated of the progress of my application,

Thank you very much,

CONFIDENTIALITY NOTICE AND DISCLAIMER

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Introduction

This representation is made regarding the proposed re-zoning contained in the Blackstone Heights SAP.

It is the authors view that the proposed development conflicts with the Schedule 1 objectives of the Resource Management and Planning System of Tasmania. The development impacts negatively on the people and communities and does not provide for their current level of social, economic and cultural well-being and for their health and safety.

Blackstone Heights is significantly, a low-density housing community. People invest and live in this area for the amenity that is provided by that zoning. This is not a zoning that was forced on the community, residents made the free choice to live here.

The proposed zoning change alters that and will have long lasting impacts on the social, economic and environmental amenity of residents.

The proposal supporting the application for the creation of the Blackstone Heights Specific Area Plan is flawed and does not support the requirements that the proposed amendment must:

- Seek to further the objectives set out in Schedule 1 of the Land Use Planning and Approvals Act 1993;
- Have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared;
- As far as practicable, avoids the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
- Have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms;
- Is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies; and
- Is in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993

There are significant omissions in the information provided and omissions resulting in key impacts not identified or assessed in the proposal at all.

The proposal relies on inaccurate or incomplete data to discount the impact of the development in relation to traffic movements and flora and fauna including endangered species.

The proposal seeks to reduce the opportunity for the community to voice its opinion by changing the approval process of different activities making it far easier for developers to choose to do things which impact unreasonably on residents.

The proposal seeks to represent the community with commentary that the development is going to be for the betterment of the community, yet the proposal creates the type of high-density housing that most residents have chosen not to live in, and the community have specifically indicated that they want the area developments to reflect the current feel of the area.

More importantly, the proposal will significantly impact the amenity (environmental, social and economic) of the area through:

- Reduction in house values for those residents living directly alongside the proposed area to be rezoned.
- Increased levels of noise
- Increased traffic of significant volumes that will create delays, congestion and safety related issues through the one access road to the community
- Loss of visual amenity by building across the skyline
- Increased levels of light
- Reduced bushfire evacuation capacity
- Impacting on the native flora and fauna, including clearing large sections of bush
- The development of high-density housing (doubling the size of the community) with no increase in public open space such as playgrounds, sporting fields or parks.
- Creating a land use conflict with the neighbouring zone with high density housing placed directly against the boundaries of low-density housing blocks.

The construction of the development will take years, exposing nearby residents to ongoing construction works which if not controlled or limited will destroy the quiet and peaceful aspect of the area, especially given the nature of the terrain over which the development is to occur.

The proposal contains elements that are designed to make the proposal appeal to people, it has its own sewerage treatment works, its own electricity grid with solar panels built into the roofs and talks about open space (which remains in private hands). These aspects are irrelevant in considering the proposed re-zoning of the developer is not legally required to abide by them. Once the area is re-zoned, the developer will be able to alter any proposed plans. The developer has already shown a set of plans different to the ones submitted in support of this proposal.

If this the case, then the proposal is simply for high density housing in a low-density housing area. This is a significant risk and exposes the community to high density residential development across all the land.

I also highlight the inadequacy of the council in assessing this proposal and question why the underlying data has not been challenged.

The council do not appear to be effectively assessing the total volume of traffic that is planned to use Blackstone Road, Pitcher Parade and Country Club Avenue resulting from all developments in Blackstone Heights and surrounding areas (including Federal Hotels development). Residents along the key access routes impacted are not been notified by council and provided the opportunity to voice their concerns.

The council also seem to be ignoring many of the requirements of the MVC planning scheme and Structure Plan and should not have endorsed it.

The Members of the TPC are invited to visit the area to gain a greater understanding of the nature of the area regarding noise, traffic and amenity that residents currently enjoy.

This re-zoning application should be rejected.

Planning/Change in use/Development

The proposal will change the approval process for what can occur in the SAP as compared to what currently is permitted, or the assessment process it is required to go through.

The following are a list of some of those developments for which change is prescribed.

- Visitor accommodation
- Single dwellings
- Multiple dwellings
- Resource processing
- Research and development

These changes will either conflict with the current zoning adjacent to the proposed development or enable the development of structures that are in conflict as it takes away the opportunity for input by the community.

The changes to approval processes for different developments should not be altered as part of the re-zoning as they are in direct conflict with current zoning regulations.

The developer is not bound by the current plan and as a result, if the changes were permitted, leaves existing residents with a high risk of developments occurring that are not compatible with the adjacent or current zoning.

The Structure Plan for this area states:

There are several existing local and regional strategic planning documents that provide direction for land use and development in Prospect Vale and Blackstone Heights.

The key strategic land use objectives in these documents include:

- Recognition that Prospect vale and Blackstone Heights will continue to be one of greater Launceston's primary growth areas
- Recognition that Prospect Vale is well placed to grow into an Activity Centre that services the growing population to the south and south west of Launceston
- Recognition that there is potential for further housing within Prospect Vale, especially within the current Particular Purpose Zone
- Improved and alternative access to Blackstone Heights for emergency management
- Maintenance of the scenic vistas that define the area
- Maintain the low-density character and environment in Blackstone Heights
- Transition the industrial uses in Donald's Avenue to commercial and community uses
- Create an employment activity node south of Prospect Vale

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- Build greater diversity and choice into the housing market

The key strategic land use objectives, including for the Blackstone area have been highlighted. The proposal for re-zoning to high density housing use does not maintain the low-density character and environment of Blackstone Heights. It does not maintain the scenic vistas and whilst increasing traffic flow (doubling) does not improve or provide alternative access to Blackstone Heights.

The Structure Plan states the following in relation to this area:

12.1 Zone Purpose

12.1.1 Zone Purpose Statements

12.1.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.

12.1.1.2 To provide for non-residential uses that are compatible with residential amenity.

12.1.1.3 To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.

The proposal to re-zone from low density to high density is not in keeping with these zone purpose statements as it:

Is based on smaller lots ignoring the restraints on traffic flows, water and sewerage capacity
Creates a visual impact across the skyline and on residents that look directly across onto the high density development and is based on an incomplete flora and fauna study that has not assessed a large part of the proposed area to be re-zoned.

The MVC Planning Scheme states:

12.1.3 Desired future character statements

Blackstone Heights a) Blackstone Heights is characterised by large, prominent single dwellings and outbuildings on larger lots. This character is to be maintained with due consideration to the mitigation of building bulk through landscaping and the minimization of cut and fill works where development is viewed from public open space.

The proposal for re-zoning is clearly in conflict with this character statement.

The MVC Planning Scheme states:

12.3 Use Standards

12.3.1 Amenity Objective

To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.

- Build greater diversity and choice into the housing market

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Acceptable Solutions Performance Criteria

A1 If for permitted or no permit required uses.

P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.

A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.

P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings.

The proposal is clearly not aligning with this amenity objective as:

Residents have already identified issues with traffic movements in areas surrounding the commercial precinct

Tourism ventures requiring visitors to drive past residential houses to access them

The MVC Planning Scheme states:

12.4.3 Subdivision

12.4.3.1 General Suitability Objective:

The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the Low-Density Residential Zone

The proposal is not aligned with this objective.

The MVC Planning Scheme states:

12.4.3.2 Lot Area, (Meander Valley Interim Planning Scheme 2013 Low Density Residential Zone Page 12-14)

Building Envelopes and Frontage Objective To ensure:

- a) the area and dimensions of lots are appropriate for the zone;
- b) the conservation of natural values, vegetation and faunal habitats; and
- c) the design of subdivision protects adjoining subdivision from adverse impacts; and
- d) each lot has road, access, and utility services appropriate for the zone.

Acceptable Solutions Performance Criteria A1 Each lot must have a minimum area in accordance with Table 12.4.3.1 below; and Table 12.4.3.1

- a) Lot Size Blackstone Heights 1600m²

The proposal is in direct conflict with these requirements and puts any development in direct conflict with adjacent land use low density housing. The proposal does not protect the adjoining

residents from adverse impacts.

The Structure Plan states the following:

The major elements of the framework plan are:

Long-term provision for a variety of housing types across Prospect Vale and Blackstone Heights. These include medium density lots and housing, conventional suburban densities and innovative models of low-density housing in Blackstone Heights.

This proposal is for high density housing, not innovative low-density housing.

Excerpt from proposed Specific Area Plan

F8.5.3 Scale of Residential Use

Objectives To maintain the low-density character of Blackstone Heights

Acceptable Solution Performance Criteria A1

The total number of dwelling units, including any dwelling unit equivalents temporarily or permanently used for visitor accommodation, within the plan area must not exceed 650.

Exactly how many dwelling units are being proposed for this area. The traffic assessment assumes 500, the re-zoning proposal is 650, the introduction in the submission talks to under 500.

The developer needs to be consistent and clear on what is proposed. Given the change to the zoning would need up permitting 650, the assessments, e.g. traffic, should assume this as the ultimate figure, and it currently does not.

Impacts on skyline

The MVC Planning Scheme states:

E7.6.2 Local Scenic Management Areas Objective

- a) To site and design buildings, works and associated access strips to be unobtrusive to the skyline and hillsides and complement the character of the local scenic management area; and
- b) To ensure subdivision and the subsequent development of land does not compromise the scenic management objectives of the local scenic management area

This proposal clearly conflicts with this objective as it proposes buildings across the skyline and on hillsides directly opposite existing low-density housing.

The MVC Planning Scheme continues:

Table E7.1 Local Scenic Management Areas

1 Travellers Rest / Blackstone Hills Character Statement

Prominent vegetated hill faces that border the urban edge of Prospect Vale. The landform is prominent and visible from the Bass Highway and the urban area of Prospect Vale. Travellers Rest is subject to low density residential development.

Scenic Management Objectives

- a) To ensure that areas of visual prominence from the Bass Highway and the suburban area of Prospect Vale avoid significant landscape change;
- b) To ensure that use and development is carefully sited and designed to blend with the surrounding landscape so as to be unobtrusive.

The Structure plan details the following:

Protect and leverage the area's environmental qualities

New residents to Prospect Vale and Blackstone Heights are attracted by environmental values in the area including gorges, hills, open space, and water access. Protecting, enhancing and creating better linkages to environmental assets will benefit the community and differentiate housing development in the context of Greater Launceston.

Strategies

Maximise connections between urban areas and environmental assets such as Lake Trevallyn, the South Esk River and Cataract Gorge.

Maximise vistas to natural assets such as waterways and hills.

Consider the prominence, profile, and vegetation values when exploring potential development on hills in the area.

Maintain predominately low-density housing in Blackstone Heights.

Promote environmentally sustainable design (ESD) in new housing.

The Structure Plan for the area states the following:

Develop a Specific Area Plan for the area identified for future cluster residential development in Blackstone Heights, in partnership with land holders. The Specific Area Plan should reflect the following principles:

Housing densities should respond to the character of the local area, considering the interface with existing residential areas of Blackstone Heights.

Medium density housing should only be promoted within proximity to services such as public transport and the proposed activity centre. Lower density housing should be promoted further away from services.

Development should respond to the natural environment in the area, including topography and landscape values.

Development will promote public access to the South Esk River and Gorge, including connections with the wider open space and pathway network in Blackstone Heights and Prospect Vale.

These objectives have not been considered as:

The high-density housing directly backs onto existing low-density housing, is visually impacting the low-density areas, increases traffic and will create a noise level that impacts in low density areas.

The high-density area is proposed to be at the opposite part of the development, away from the activity centre.

By covering the skyline, destroying existing bush, and creating a high-density housing area the development is in direct conflict with the existing natural environment.

Therefore, the land should not be re-zoned.

Visitor/Tourist accommodation

The Structure Plan states the following:

Tourism and Entertainment Precincts

With the presence of Country Club Tasmania and Richardson's Harley Davidson, Prospect Vale plays a substantial tourism and entertainment role in the northern region of Tasmania. Two key precincts have been identified where further tourism and entertainment functions should be encouraged:

Country Club Tasmania

The Westbury Road Activity Centre

There is scope to direct tourism and entertainment development (cinemas, accommodation, function and exhibition spaces, gaming, restaurants and hospitality businesses) to these areas. Tourism at

Country Club Tasmania can be supported by an off-road cycle and pedestrian link to the river

The area proposed to be re-zoned in Blackstone Heights is not identified for tourism development.

The Proposal proposes the following change to accommodate tourism development:

Objectives To provide for visitor accommodation in identified precincts.

Acceptable Solution Performance Criteria A1 Visitor accommodation is for holiday units within the eco-cabin precinct.

P1 Visitor accommodation is for holiday units, holiday cabins or bed and breakfast use and must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to: (a) the privacy of adjoining properties; (b) any likely increase in noise to adjoining properties; (c) the scale or the use and its compatibility with the surrounding character and uses within the area; (d) retaining the primary residential function of an area; (e) the impact on the safety and efficiency of the local road network; and (f) any impact on the owners and users of rights of ways.

Currently the zoning identifies tourism as a prohibited activity. This proposal makes it a discretionary activity.

This is a reduction in the rights of residents for no articulated reason except for the benefit of the developer and will conflict with existing land use.

The wording is very subjective, open to interpretation and admits that it will have an impact on residents as it states will not cause unreasonable loss of residential amenity. Given the nature of the current amenity residents experience in Blackstone Heights, unreasonable loss is virtually impossible to achieve.

The proposed location of the tourism venture will impact on the residents in the surrounding area and warrants undergoing a proper and appropriate review.

There is also a high risk that the proposal as it stands can change with the developer increasing the tourist aspect to the development or locating it elsewhere in the development.

It is my view that tourism developments in quiet residential areas are inappropriate and unnecessary except for the benefit of the developer.

Therefore, tourism-based ventures should remain as prohibited developments, not changed to discretionary.

Economic

The proposed development and rezoning will impact the value of properties who are closest to the re-zoned areas. Their properties are zoned low density and it has been the expectation (and a reasonable expectation) that only low-density housing will be permitted in the surrounding area, as per the current zoning and planning.

Building high density housing in very close proximity will devalue their properties significantly.

For example, 22 Canopus is on the other side of the gully where the high intensity housing will be built. The visual impact and noise impact will be significant as opposed to a low-density development as would be in character with the remainder of the area. Noise in this gully travels along way due to the land formation. The more properties on the side of the hill opposite will increase noise. The smaller blocks reduce the opportunity for trees etc to be planted to mitigate any visual impact. This will reduce the value of our property.

No 24 Canopus will have 14 new neighbours all looking into their backyard. This will reduce the value of this property.

It is proposed that No 21 Canopus will have tourist traffic driving up a steep hill (noisy and increased vehicle movements) to access the eco village development. This will reduce their property value.

The significant increase in traffic proposed to pass along Glover Ave and Neptune Dr will result in loss of value for these residents.

The proposal for re-zoning is in direct conflict with the requirement that the re-zoning, as far as practicable, avoids the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.

The proposal for rezoning is also in conflict with the broader community as the council have not properly assessed the requirement that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms, especially regarding proposed traffic volumes and impacts on property values.

Therefore, the land should not be re-zoned.

Increase in traffic movements

The Proposal combined with the recent approval in Panorama Rd, result in a more than doubling of

dwellings in Blackstone Heights. There is only on road into Blackstone Heights.

The MVC Planning scheme states:

E4 Road and Railway Assets Code

E4.1 Purpose of Code E4.1.1

The purpose of this provision is to:

- a) ensure that use or development on or adjacent to a road or railway will not compromise the safety and efficiency of the road or rail network; and
- b) maintain opportunities for future development of road and rail infrastructure; and
- c) reduce amenity conflicts between roads and railways and other use or development.

E4.2 Application of Code E4.2.1

This code applies to use or development of land that:

- a) requires a new access, junction or level crossing; or
- b) intensifies the use of an existing access, junction or level crossing; or
- c) involves a sensitive use, a building, works or subdivision on or within 50 metres of a railway or land shown in this planning scheme as:
 - i) a future road or railway; or
 - ii) a category 1 or 2 road where such road is subject to a speed limit of more than 60 kilometres per hour.

The proposal is required to demonstrate that it will not impact the safety and efficiency of the road network. The TIA, however, clearly understates (refer later in document) the volume of traffic that will be using the road network (including Glover avenue, Neptune Dr, Blackstone road, Casino Rise, Country Club Ave and Westbury Rd) and does include assessment of all known developments and therefore, cannot assess the impacts on the safety and efficiency of the road network.

There is no modelling at all on commuter times or congestion at peak periods and this is for a proposal that will almost double the number of dwellings in Blackstone Heights.

The TIA guidelines include the following:

E4.5 Requirements for a Traffic Impact Assessment (TIA)

E4.5.1 A TIA is required to demonstrate compliance with performance criteria.

E4.5.2 A TIA for roads must be undertaken in accordance with Traffic Impact Assessment Guidelines, Department of Infrastructure, Energy and Resources September 2007. Australian Guidelines and Australian Standards are to be used as the basis for any required road or junction design.

E4.5.3 A TIA must be accompanied by written advice as to the adequacy of the TIA from the:

a) road authority in respect of a road; and

b) rail authority in respect of a railway.

E4.5.4 The Council must consider the written advice of the relevant authority when assessing an application which relies on performance criteria to meet an applicable standard

Given the inaccuracy of the base data used in the TIA, the proposal cannot demonstrate compliance with the performance criteria and therefore should not be approved.

The proposed re-zoning is to facilitate a more intensive housing development. Important to understanding the impact on the local community, roads and intersections is an effective and accurate traffic assessment.

Traffic assessment

The traffic assessment was undertaken by Traffic and Civil Services and makes the following comments, observations and conclusions.

4.2.1 Panorama Road A traffic survey was conducted by TCS 5:10-5:30pm on Thursday 3rd January 2019 and the data collected reveals a pm peak of 123 vehicles per hour, suggesting an AADT on Panorama Road of some 1,200 vehicles per day

4.2.2 Blackstone Road A traffic survey was conducted by TCS 5:35-5:55pm on Thursday 3rd January 2019 and the data collected reveals a pm peak of 189 vehicles per hour, suggesting an AADT on Blackstone Road of some 1,900 vehicles per day

4.2.3 Casino Rise Traffic data collected by Meander Valley Council in April 2017 suggests an AADT on Casino Rise of some 3,000 vehicles per day

4.2.4 Country Club Avenue Traffic data collected by Meander Valley Council in July 2017 suggests an AADT on Country Club Avenue of some 7,000 vehicles per day. The rate of background traffic growth in the Blackstone Heights area for projection purposes is assumed to be 1% to allow for future infill development due to other development.

Estimated daily traffic (2020)

Estimated daily traffic (2030)

Panorama Road

1200 VPD 120 VPH

1350 VPD 132 VPH

Blackstone Road

1900 VPD 190 VPH

2100 VPD 210 VPH

Casino Rise

3000 VPD 300 VPH

3300 VPD 330 VPH

Country Club Avenue

7000 VPD 700 VPH

7750 VPD 775 VPH

Westbury Road

10000 VPD 1000 VPH

11000 VPD 1100 VPH

The traffic assessment was undertaken on the 3rd January and the 30th January. This count is inaccurate as it clearly has been undertaken at a time to understate traffic movements:

1. January is a peak holiday period with many people on holiday from work
2. January has no school movements
3. The timing the assessment was undertaken also misses the school period movements and morning work peak. As the proposal indicates, the community is a family-based community.

With the timing of the year and the timing of the day the assessment was undertaken means that any conclusions drawn on the potential impact of the increased traffic movements would appear to be significantly understated.

The traffic assessment assumes 500 lots, the re-zoning details a possible 650 lots.

Page 12 of the submission details that at the 2016 census, Blackstone Heights had a population of 1270 persons, including 348 families. Housing stock consisted of 478 dwellings, with an average household size of 2.8 persons, which is above the Tasmanian average.

The traffic assessment then describes that the 478 dwellings currently create only 1900 vehicle movements per day, yet proposes that the development (based on 500 dwellings) will increase traffic movements by 3465 movements per day (page 23 of submission).

The vehicle count undertaken by Meander Valley Council in 2017 indicated 3000 vehicles per day on Casino Rise, so where did all that traffic come from given Blackstone Rd turns into Pitcher Parade which becomes Casino Rise, and there are no other options for the traffic to have come from but Blackstone Heights.

This would appear to significantly understate the current traffic movements and therefore all conclusions based on this would appear to be inaccurate and unreliable.

If the assessment assumed the 650 dwellings to be permitted under the Blackstone SAP, the pro-rata increase in traffic would be 4505 movements per day not 3465 vehicles per day.

The traffic assessment assumes a 1% allowance for future infill development. This results in an allowance of an additional 150 movements on Panorama Rd over the next 10 years. Yet by their own numbers, the infill development passed in October by the Meander Valley Council will result in an additional 658 (pro-rata 500 lot development versus 95 lot development) car movements. Significantly above the 150 proposed.

Extrapolate this out to the numbers on Westbury road and they predict an increase of only 100 vehicles which certainly takes no account of proposed developments in the surrounding area.

The traffic assessment also assumes an average of movements across a 10hr period. Yet the family based community will result in peak periods due to work and school movements. The submission does not assess or inform on the impact of peak periods on traffic movements and road infrastructure. It also appears to understate or ignore the impact on the residents regarding safety, traffic congestion and delays at peak periods.

There appears to be significant issues in the assessment of current traffic movements, the likely increase in traffic movements due to developments and therefore the assessment of road infrastructure (intersections etc) requirements would appear to be inaccurate.

The traffic assessment and subsequent impacts needs to be redone to be accurate and include the other developments in Blackstone and surrounding suburbs (e.g. Federal Hotels).

Canopus Drive traffic movements and risk

4.1.1 Panorama Road / Canopus Drive Figures 5 -7 show the features of the Panorama Road / Canopus Drive junction. Features include:
• Simple Left and Right turn layout Canopus Drive trafficable width of 6.5m
• Panorama Road trafficable width of 7.4m with 0.5m unsealed shoulders

Rural standard roadside drains both sides of both roads

No footpaths or pedestrian facilities.

The traffic assessment would appear to clearly understate the number of vehicle movements on Canopus Drive.

The proposal describes an increase of 7% of the share of the traffic movements but does not appear to consider the proposed eco tourist village development at the end of Canopus Drive. This estimate will also be low given the inaccurate accounting of current vehicle movements.

This is of interest as:

Canopus Dr does not have formed footpaths.

Canopus Dr is currently a cul de sac.

Canopus Dr has a blind rise that the drive goes over. At the apex of the rise the road veers to the left. If you continue in a straight line as you come over the rise you will end up on the wrong side on the road. At the apex of the rise, Zenith Court intersects with Canopus Dr at a T intersection.

Increasing traffic on Canopus Dr:

Significantly impact on the safety of the road due to the intersection with Zenith Court

Significantly impacts on the safety of the road due to the blind rise (especially if it is proposed that tourists will be using it)

Significantly impacts on the safety of pedestrians as there is no footpath

Significantly impacts on the amenity of the cul de sac

It does not appear that the traffic assessment has fully understood or assessed the impacts of the proposed development on the residents of Canopus Dr.

I would therefore propose that any traffic movements associated with the development and specifically, tourism developments should be access through the proposed new development road infrastructure and not Canopus Dr.

Additional developments

The Meander Valley Council has recently approved the development of approx. 95 blocks on Panorama Rd. By using the anticipated numbers resulting from this development those 95 blocks would result on an additional 658 car movements using the same intersections that would be impacted by this development.

There is still more land to be developed on Panorama Rd.

Federal Hotels is also proposing major developments in the area which will impact on traffic movements along Casino Dr

The traffic assessment undertaken to support the re-zoning does not appear to take this into account to provide a comprehensive and cumulative view on the impact of proposed developments on traffic movements in the area.

Assessment of impact on traffic movements

Blackstone Heights has one main access route. There are no other alternate routes. So as different from many other developments, all traffic is funnelled from Blackstone Heights down Blackstone Rd, Pitcher Parade, Casino Rise and Country Club Avenue.

The current traffic movements result in an efficiency of movement that will be impacted significantly, especially at peak times, by the proposed development/s.

The traffic assessment does not appear to consider the cumulative impact of traffic movements on:

- Travel times
- Delays at impacted intersections used to disperse traffic from Blackstone Heights
- Peak traffic loads
- Congestion on the main through roads
- Increased dangers of accessing properties from driveways (especially along Pitcher Parade and Casino Rise and Country Club Avenue.
- Lack of footpaths on Canopus Dr

Below are excerpts from the traffic assessment section of the re-zoning proposal.

4.1.6 Country Club Avenue / Westbury Road roundabout Figures 23 - 24 show the Country Club Avenue / Westbury Road roundabout. There do not appear to be any operational issues with the existing arrangement and the expected increase in traffic due to the development is expected to have some impact but not justify any changes

Numbers used are inaccurate and do not reflect actual traffic movements

No modelling has been provided to justify comment that the increase in traffic does not justify any changes

It does not detail what some impact is.

The 500-lot subdivision is assumed to be a mixture of dwelling houses and medium density flat buildings.

The proposal identified tourism activities accessed through Canopus Dr. The traffic assessment does not appear to assume tourism development in traffic assessment and subsequent traffic movements out of Canopus Dr and past the Glover intersection.

5.3 Trip Assignment Based on the layout of the lots it is estimated that:

7% of traffic will travel to and from Panorama Road via Canopus Drive 7% of 333vph is 24vph
 23% of traffic will travel to and from Panorama Road via Glover Avenue 23% of 333vph is 78vph
 70% of traffic will travel to and from Panorama Road via Neptune Drive 70% of 333vph is 232vph

Question: What are these assumptions based on and does that reflect the actual proposal e.g. the access through Canopus Dr to tourist development.

6.6.1 Environmental No environmental impacts were identified in relation to: Noise, Vibration and Visual Impact Community Severance and Pedestrian Amenity Hazardous Loads Air Pollution, Dust and Dirt and Ecological Impacts Heritage and Conservation values

Question: Is there a formal process by which each of these impacts are assessed?

Blackstone Heights is a quiet community. Residents choose to live here for the peacefulness of the area. Increasing traffic volumes resulting from the proposed developments will have an environmental impact.

Noise - increased traffic increases noise and the congestion will increase the duration of that noise, particularly at intersections

why is this not assessed?

Vibration - during construction truck movements will increase and result in vibration and impact on residents.

Air pollution will be impacted by increased traffic and delays and congestion at intersections

why has this not been assessed?

E4.6.1 Use and road or rail infrastructure Acceptable solution A2: For roads with a speed limit of 60 km/hr or less the use must not generate more than a total of 40 vehicle entry and exit movements per day. A2 is not satisfied, the proposal is estimated to generate and direct 3,465vph to Panorama Rd.

Performance criteria P2: For roads with a speed limit of 60 km/hr or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists. Austroads compliant junction layouts can be retrofitted for safe and efficient operation of Panorama Road. P2 can be satisfied.

The traffic assessment and proposed solution for traffic movements appears to be at odds with the planning requirements. How is the safety aspect assessed with an additional 3465 movements each day entering Panorama Rd when the limit is meant to be 40?

Fire evacuation

The MVC Planning Scheme states:

E1.6.2 Subdivision: Public and firefighting access

Objective: Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, fire fighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both properties to be defended when under bushfire attack and for hazard management works to be undertaken;

- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (e) are designed to allow connectivity, and where needed, offering multiple evacuation points.

The proposal does not appear to demonstrate how these criteria will be met, specifically (a) and (e).

I refer to the Meander Valley Council Minutes October 2020 in reference to the approval of a 95 lot subdivision in Blackstone Heights, off Panorama Rd, where he stated:

Summary of Comment by Cr Frank Nott:

With my concerns for the safety and risk to residents and road users in an extensive 95 lot development I sought additional information, including from the General Manager and Director of Infrastructure. Further investigation and modelling were necessary to address: 1. Provision and time frames for other road exits in the event of a major bushfire; 2. Improvements to road networks/intersections where bottlenecks would occur with greater traffic volumes and in emergencies; and 3. Status of Panorama Road for drivers, cyclists and pedestrians with drains on both sides and without footpaths where a fatality occurred in December 2016.

So, where is the assessment ensuring the increased number of residents can be evacuated effectively in the event of a bushfire with only one access road?

Summary

In 2016 there were 478 dwellings in Blackstone Heights. In October 2020 another 95 were approved and this proposal includes another potential 650. (Yet it is noted that the traffic assessment assumes 500).

The traffic assessment is minimal and undertaken at a time of day and year that ensures existing traffic numbers are understated.

With one road into Blackstone Heights and taking into the account the proposed developments in Blackstone Heights and nearby (Federal Hotels) this traffic assessment is inadequate and will result in significant and widespread impacts on the residents of Blackstone Heights including potential loss of property values.

The traffic assessment, at best, is flawed and therefore the conclusions cannot be relied on for decision making purposes.

Flora and Fauna

The MVC Planning Scheme states:

E8 Biodiversity Code E8.1 Purpose of the Code

E8.1.1 The purpose of this provision is to:

- a) protect, conserve and enhance the regions biodiversity in consideration of the extent, condition and connectivity of critical habitats and priority vegetation communities, and the number and status of vulnerable and threatened species; and

- b) ensure that development is carried out in a manner that assists the protection of biodiversity by:
- i) minimising vegetation and habitat loss or degradation; and
 - ii) appropriately locating buildings and works; and
 - iii) offsetting the loss of vegetation through protection of other areas where appropriate.

The Flora and Fauna study was undertaken by Livingston Natural Resource Services.

Whole area not assessed

The study area does not assess the whole area proposed to be re-zoned.

As can be seen from the map provided by the author (Livingston), it misses a significant part of the area to be impacted by the proposed re-zoning.

A strata titled residential development and associated roads and open spaces are proposed as Stage 1 of a Master Plan for 6 titles at 12 Neptune Drive, Blackstone Heights. The property is located at Neptune Drive, Blackstone Height and has frontage to Panorama Road and Glover Avenue. The balance of lots outside Stage 1 are farmland, native vegetation, dwelling and other buildings, these area have not been surveyed as part of this report (Introduction page1)

How can the natural values of the area be assessed properly if the whole area has not been surveyed? and specifically, native vegetation areas that have not been assessed?

Time Period of Study

A site visit on 15/7/2020 was undertaken by Scott Livingston. All areas of the proposed stage 1 were assessed. The assessment the site was inspected with a spaced wandering meander technique, with all areas of variation within the site vegetation inspected. The survey was conducted in July, which is outside the flowering period of many flora species. No survey can guarantee that all flora will be recorded in a single site visit due to limitations on seasonal and annual variation in abundance and the presence of material for identification. While all significant species known to occur in the area were considered, species such as spring or autumn flowering flora may have been overlooked. A sample of all vegetation communities, aspects and variations in topographic location was achieved. (Methods page 1)

The study was undertaken at time period when proper assessment could not be done and as the author identifies, one visit is insufficient to effectively assess the presence of flora and fauna species.

There was certainly the time for the developed to organise for the survey to be done at a more appropriate time as the traffic survey was completed in January.

Endangered species

Wedge Tail Eagles

As a resident, since July 2016 we have observed significant and consistent activity by wedge tail eagles on the area subject to the re-zoning and development.

It is our view that the eagles were nesting on the property proposed to be developed in 2016/17.

They consistently are circling above the land in question.

We have obtained Natural Values Atlas raptor reports for the Land. These reports show where observed eagle nests are located. It appears from the raptor reports there are confirmed observations for two WTE nests on a block included within the SAP with title reference 121358/1. There are also two other nests that are located across the South Esk River to the east of the Land.

The proponents supporting report does recognise that there are WTE nests on the Land (see p 17), and close to the Land (see p 149, or p 3 of the Natural Values Report by Scott Livingston dated 17 July 2020) but states (at p17) that there will not be any impact on WTEs. However, there is very little in the proponents supporting report that supports such a conclusion.

The Natural Values Report by Scott Livingston dated 17 July 2020 (which is attached to the proponents supporting report) only addressed Stage 1 of the master Plan, and did not encompass land on which the two WTE nests occur (i.e., the Natural Values Report did not include title 121358/1).

While the Natural Values Report does state that Stage 1 of the Master Plan would not be within 500m line-of-sight of these nests on the Land, it does not address the fact that later stages of the proposal which include an Eco Cabin precinct are proposed for the land where the nests occur (121358/1) and the adjacent block (121358/2). Furthermore, the Natural Values Report does not address the higher density development proposed to be allowed for under the SAP on the land. That the Natural Values Report does not address all aspects of the SAP is important. It means the Natural Values Report cannot be relied upon by the proponent to support the conclusion that the SAP will have no impacts on the WTE nests in the area.

We note that the Natural Values Report does state that an inspection of the raptor nests on the land comprising title ref 121358/1 was undertaken on 30 June 2020, but that the nests were apparently abandoned and partially built. The Natural Values Reports also refers to the fact that other nests across the South Esk River have reportedly been used by a breeding pair of WTE. It appears these facts are proffered in support of the conclusion that Stage 1 of the proposal will not impact on the WTE nests located on title ref 121358/1. However, even that conclusion is not supported by information released by the Threatened Species Section of the Department of Primary Industries Parks Water and the Environment (DPIPWE), which states:

What to avoid

Disturbance (visible, or extreme audible) to a nesting eagle - this can result in the death of eggs or chicks, through exposure to cold, heat or predation while adults are absent - including:

- people or loud machinery too near the nest during the breeding season ('too near' can be many hundreds of metres if in direct line of sight of the nest);
- residential development near nesting habitat; and
- investigating nests during the breeding season.

Removal of nest trees or surrounding vegetation (the same nest may be used intermittently over decades)

Breeding season and levels of disturbance

Even if a nest is in poor condition or can no longer be found, its use in the past indicates that the site contains the essential elements for nesting and may be returned to in future years.

To avoid additional loss of nesting habitat - do not cut or clear vegetation in or around a nest site even if the nest cannot be found.

To accurately assess whether a nest is in line of sight of an activity - seek expert advice. For long-term activities, do not depend on objects such as trees (which may fall, burn or be cut down) to block line of sight.

Seek expert advice on whether a nest is being used during anyone breeding season. An eagle nest may not be used for consecutive breeding seasons, and may be returned to even after many breeding seasons without use. A survey to check whether a nest is being used can easily disrupt breeding. Furthermore, eggs, chicks and other signs of nest activity can be difficult to detect by inexperienced surveyors.

The Fauna Technical Note on Eagle nest searching, activity checking, and nest management produced by the Forest Practices Authority (attached), also notes (at p 3) that WTE breeding pairs are likely to have multiple nests in the territory, and that just because a nest was not used one year, does not mean the nest was abandoned.

Both the Threatened Species Link and the FPA's Fauna Technical Note indicate that avoiding disturbance of WTE nests by developments (including residential development) is critical to ensuring their long-term survival. This is reflected in the (now expired) Recovery Plan for the species. It recommends that management prescriptions for the protection of WTE nests be included in local planning schemes.

While the Natural Values Report does refer to a conversation with the Forest Practices Authority eagle expert Jason Wiersma, there is no evidence that expert advice was specifically sought about the proposed SAP from Mr Wiersma, the Threatened Species Section of DPIPW or any other eagle expert.

Based on the above information, we submit:

1. WTEs are a threatened species and are listed as endangered at both a State and Commonwealth level.
2. The proposed SAP should either be refused or substantially modified by the Tasmanian Planning Commission due to its likely unacceptable impacts on WTEs.
3. There are two confirmed WTE nests located on the land with title reference 121358/1. This land is included in the proposed SAP and is proposed to be part of the Eco Cabin Precinct.
4. There is insufficient information provided by the proponent to support a conclusion that the proposed SAP will not adversely impact the WTE nests or the WTE. In particular:
 - a. No Natural Values Assessment has been undertaken specifically assessing the likely impacts of the proposed development/zoning on land comprising title references 121358/1, 121358/2 and 121359/1.
 - b. The WTE nests on the land with title reference 121358/1 are within the known range of a breeding pair of WTEs. No expert report has been provided to support the conclusion that the nests have been abandoned.
 - c. No advice on the likely impacts of the proposed SAP on WTEs appears to have been sought from the Threatened Species Section of DPIPW or any WTE expert by either the

proponents or Council.

d. The proposal under the SAP to allow for the development of intensive residential development within less than 200m of the WTE nests, and an Eco-cabin precinct right on top of the WTE nests is contrary to all published advice by the Threatened Species Section of DPIPWE and the Forest Practices Authority about avoiding disturbance of WTE Nests.

5. The SAP will not further the objectives of the Land Use Planning and Approvals Act 1993 because it does not promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity and/or provide for the fair, orderly and sustainable use and development of air, land and water because it fails to provide adequate protection to the WTE nests on the land comprising the SAP, and located nearby.

6. The SAP is not consistent with strategic goal 3.1 of the Northern Tasmania Regional Land Use Strategy because it does not promote and protect the Regions unique environmental assets and values, and it does not preserve and protect areas of natural environmental significance, particularly: Areas of biodiversity and important flora and fauna communities and threatened species

Refer to the Appendix for copies of reports detailed in this section.

Owls

We consistently hear owls at night in this area and their calls are coming from the south of our property. We have also observed owls at night in our garden.

I am of the view that this aspect has been inadequately assessed and requires far more investigation as the owls and eagles are definitely appear to present in the area proposed to be re-zoned.

I am also of the view that the key area that needs to be assessed due to a higher likelihood of identifying native or endangered flora and fauna, for example nesting locations for owls.

The survey is flawed in the context it does not assess the whole area to be re-zoned, was undertaken at the wrong time of the year therefore cannot be relied upon for decision making purposes. The re-zoning and development should not be permitted.

Power

The submission proposes:

Electrical reticulation

The site is serviced by TasNetworks. A communal system is proposed in which each building will have solar panels connected to a shared system allowing any excess generation on one building to be used by other owners. This system will be connected to TasNetworks as a backup system and to allow site-wide excess to be used by the grid.

In the context of trying to get approval for a re-zoning this initiative provides a nice feel good approach but if the developer decides to save costs and moves away from this idea, if approval is granted, what is there to stop that from happening?

Sewerage treatment

The submission proposes a purpose-built treatment facility for sewerage.

The development addresses this challenge through a communal sewerage system. All wastewater treatment will be via a single system constructed on site and managed through the body corporate. There are several types of large-scale wastewater treatment systems that can be used at this scale. Importantly, the design of the treatment plant will require future Council and EPA approval. The developer will also design the reticulation system to meet TasWater requirements, such that the system could be incorporated into the TasWater system if required.

The proposal does not:

Provide any form of commitment to that as an outcome

Identify where the facility would be built and therefore is difficult for existing residents to determine if an issue or not.

Identify what would happen if the developer does not pursue this course of action

Provide any evidence of discussions with TasWater to back the claims made.

Land slip zone

The MVC Planning Scheme states:

E3.6 Development Standards

E3.6.1 Development on Land Subject to Risk of Landslip Objective

To ensure that development is appropriately located through avoidance of areas of landslip risk, or where avoidance is not practicable, suitable measures are available to protect life and property.

Acceptable Solution Performance Criteria A1 No acceptable solution.

P1 Development must demonstrate that the risk to life and property is mitigated to a low or very low risk level in accordance with the risk assessment in E3.6.2 through submission of a landslip risk management assessment. E3.6.2 Risk Assessment (a) Where an assessment of risk under the risk

assessment table for a development is required under E3.6.1, it is to be classified through the determination of consequence contained in the criteria in (b) together with the likelihood of landslip occurrence contained in (c).

The land slip zones as identified in by the Meander Valley Council Figure 4, page 20 in the submission include the area for the proposed tourism development and the two properties alongside it.

How is this acceptable and what information has been provided as required under the Planning

Scheme to reflect appropriate risk mitigation.

The issue been that this proposal is put forward as a justification for re-zoning the land yet has many flaws in the proposal that will drive changes, yet unknown, in the final plans that may well impact residents far more than what is currently stated.

Bush fire

There is no adequate analysis done on assessing the ability for residents to be evacuated effectively in the face of bush fire threat with the proposed increase in houses and traffic.

I refer to the previous comments from the Meander Valley Council October 2020 minutes and the concern expressed by the councillor.

NBN

The community already experiences loss of bandwidth/speed in the area at peak times on the NBN.

What assessment has been done to ensure there is no impact on our existing service and why should we suffer any further loss in speed as a result of this development.

Noise

Noise is highly relevant consideration in Blackstone Heights. It is a very quiet community and a peaceful area in which to live, and especially Canopus Dr. Canopus Dr is directly opposite a significant part of the proposed development.

The rezoning will have an impact on the area.

The nature of the land formations means that noise travels down and across the hill impacting on existing residents. This has already been experienced with excavators working on the proposed development site.

The current zoning means that the noise would be mitigated through:

- Less lots in the same area
- Greater area for vegetation/trees to be growing

By concentrating the development, you also concentrate the noise and have less opportunity for it to be mitigated by vegetation.

This does not appear to be considered or assessed in the submission in a way that is reflective of the magnitude of the impact and is at odds with the re-zoning requirements of the planning legislation.

Activity including noise during building

The amenity of the area will be impacted during the construction phase. This is a significant development proposal.

Vehicle movements including trucks etc will create noise in what is a very quiet suburb.

Damage to roads is likely to occur from all the additional construction traffic.

Noise of construction activities will be significant and echo and travel across the valleys and gullies impacting residents. The construction period will be over years and continuous with

expected peak periods. The current operating restraints around noise will not protect the community and will significantly impact the residents.

If the development is allowed to occur, it is proposed that additional constraints are placed on building and noise generating activities, truck movements etc, related to construction, that does not allow works outside of normal business hours 7.30-5.00, Monday to Friday. This exclusion should specifically exclude working on public holidays and weekends.

Whilst this may appear onerous, the quietness and peacefulness of this suburb, and where I live, is about to be shattered, not for a couple of months, but years. It is not appropriate that is allowed to happen with some recognition and therefore restraint on the activities proposed.

Public Open space?

The MVC Planning Scheme states:

E10 Recreation and Open Space Code

E10.1 Purpose of the Code

E10.1.1 The purpose of this provision is to:

a) consider the requirements of open space and recreation in the assessment of use or development with emphasis upon:

- i) the acquisition of land and facilities through the subdivision process; and
- ii) implementation of local open space strategies and plans to create quality open spaces; and
- iii) the creation of a diverse range of recreational opportunities via an integrated network of public open space commensurate with the needs of urban communities and rural areas; and
- iv) achieving an integrated open space network which provides for a diversity of experiences; and
- v) providing for appropriate conservation and natural values within recreation and open space.

The proposal, in conjunction with the development recently approved, will double the number of dwellings in Blackstone Heights.

The proposal does not provide:

Public open spaces that reflect this increase that can be used for activities apart from walking
A diversity of recreational activities providing a diversity of experiences

The submission and Special Area Plan promotes the argument that:

F8.1 Purpose of Specific Area Plan

F8.1.1 The purpose of the Neptune Drive Specific Area Plan specific area plan is:

- a) To maintain the low-density character of Blackstone Heights through the provision of extensive areas of open space between nodes of focused residential development.
- b) To provide non-residential uses that support and enhance residential amenity.
- c) To provide a high standard of residential amenity through commercial services and facilities and consistent urban design outcomes through a Community Development Scheme.
- d) To establish precincts for residential, visitor accommodation, open space, bushland and community and commercial purposes.

It claims that open space is provided in four forms (page 7)

1. An olive orchard of some 2,200 trees centrally located on the site over some 9.5 hectares.

The orchard, which would extend across a south facing hillside, will provide both visual amenity and a recreational asset for residents.

2. The retention and revegetation of five hectares of native vegetation which will maintain the character of the area preserves views from the other side of South Esk River and enhance the amenity of the proposed open space network. The land is also unsuitable for residential development due to gradient and existing natural values.

3. Open space alongside the South Esk River and through the site to provide connectivity between residential nodes.

4. Substantive areas of smaller public open space lots and unallocated land throughout the site.
5. A key feature of the open space network is the ability to provide public trails running around the perimeter of the site, including some 1300 metres of boundary shared with the South Esk River.

This proposal is simply to establish a high-density residential housing development. The significant open spaces remain in private ownership and will also be used to build the utilities on.

Open space is not public open space.

The high-density residential development as proposed:

- Will reduce the cost of development for the developer through:
 - o Reduced infrastructure costs roads, drainage, power, sewerage provision
 - o Increase per square metre of land yield

- Enable the developer to retain valuable land as an asset and not give up ownership leaving it open for future development and future alterations to the zoning or planning scheme
- Destroy or significantly harm the amenity of the area for existing residents through a high density residential development which is significantly different to the existing land use.
- Does not provide any public open space for recreational activity such as sports, parks or playgrounds yet propose an almost doubling of the dwelling numbers in Blackstone heights.
- Identifies the olive orchard as a visual amenity and recreational asset for residents. The proposal identifies a walking track through it only, and the orchard remains private property, of which public access can be restricted at any time.
- Does not detail clearly the difference (number of lots that could be developed) between developing the 115ha under the current zoning compared to what this proposal results in.
- There is no real concession of any note by the developer to justify the re-zoning. The open spaces are either not able to be developed or remain in private hands. Therefore, the development is simply to enable a high-density development that is not permitted by the current zoning. The proposed re-zoning will, however, significantly impact on existing residents and will not provide the public open space that the community needs.

The Proposal states:

Land Use Conflict

4.1.3 Risk of land use conflict

Section 32(1)(e) of LUPPA requires that a planning scheme amendment must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.

All surrounding land is residential in nature. The non-residential elements of the master plan are located away from adjoining areas, or, with respect to the commercial and community precinct, build upon existing approved non-residential use. The scale of residential use provided by the Blackstone SAP is no greater than that currently provided by the underlying zoning. Without any increased scale, there are no new offsite infrastructure impacts to consider. The only potential impacts could relate to the specific form of residential use outlined in the master plan and, on this point, no such impacts are identified. The Blackstone SAP will deliver enhanced residential amenity to Blackstone Heights through the substantive increase in open space, the extended walkability through new tracks and retail and community services much lacking in a relatively isolated and car dependant community. To conclude, residential amenity of the adjoining land is protected through provisions in the Blackstone SAP that determine the siting of residential, open space and non-residential land uses in a manner that avoids direct impact.

The statements above are an opinion and flawed:

This is a high-density residential development

Low density residential versus high density residential, when you live next door to it, is very different. Residents purchased property in the area because they wanted to live in low density residential area. For the adjacent land, currently zoned low density residential, to be changed will impact on them significantly.

The increase in open space are limited to proposed walking tracks or other undefined offerings by the developer.

One property will have 13 new neighbours, how does that improve their amenity with the planning scheme requiring the 13 properties open space to be on the north facing side of the house, to access the sun, all bordering the one property. Perhaps buffer zones and wildlife corridors could be considered.

Other properties will have a tourist development alongside them

Existing Residents will be exposed to significant increases in traffic flows

The improved amenity is subjective in nature. Residents have invested in Blackstone Heights well aware of the characteristics of the area. Whilst a developer may advance the argument that it improves the amenity, for many residents it will not, and he does not speak for the residents of Blackstone Heights.

The amenity is not protected by this SAP as it:

Does not assess traffic increases and impacts appropriately, in fact it demonstrably is designed to understate the impacts of delays and congestion

Has not assessed the natural flora and fauna attributes effectively

Does not appear to stop the developer from further changes or development at a later date.

The application to rezone the area reduces the amenity of Blackstone Heights.

Low density residential yield

The proposal facilitates General Residential Zone lot size but maintains an overlay Low Density Residential Yield (P30 of proposal)

This statements accuracy depends on the amount of land used for the development to determine residential yield. Whilst the developer owns 154ha, the proposal is based around 115 ha, not all this land is effectively available or part of the proposed development as it remains in private hands and not available for public or residential use. The presentation of all the land being proposed as part of the development is misleading.

What are the impediments for the additional land (i.e. the olive grove) being developed in the future?

Open space, per say, is of no value to the residents, it does not increase access to playing fields, parks or other open public access recreation areas that reflect the increase in the size of the community.

Therefore, the proposal is effectively an attempt to create a high-density residential development on a smaller portion of the land, which is specifically what it is not zoned for.

The intensive development dramatically changes the nature and amenity of the area given the current block size.

Therefore, the application to re-zone the area should be rejected.

Covenants

I refer to the covenants on two titles included in the proposal: relevant titles are registered numbers: SP121358 - p265261 and sp112632

It is proposed to further sub divide these two blocks to facilitate the tourist development.

These Covenants go to the core of the amenity that is Blackstone Heights and are on most if not all our titles. The proposal conflicts with the covenants contained in these titles.

What right does a developer have to ignore these covenants?

All other properties have abided by theses covenants.

Do they have legal standing?

