



Meander Valley Council
Working Together

27 October 2021

Tasmanian Planning Commission
GPO Box 1691
HOBART 7001

By email: tpc@planning.tas.gov.au

Attn: Roger Howlett, Delegate Chair

Dear Roger,

RE: MVC Draft Amendment 4/2020 - Meander Valley Council further submission in response to TPC direction of 29 July 2021.

Further to the Commission's email of 13 August 2021 relating to the Commission's direction of 29 July 2021 and Council's request for clarification, please find attached Council's further submission in response to additional information sought on a number of matters. The nature of the clarifications sought by the Commission have been discussed with Karen Fyfe.

If you have any queries regarding the document, could you please contact Council's consultant planner Jo Oliver on 0408 129 133 or by email at jo@terrafirmaplanning.com.au

Yours Sincerely,

Krista Palfreyman

Director Development & Regulatory Services

Meander Valley Council
Draft Amendment 4/2020 - Country Club Estate
Further Submission to TPC Direction 29 July 2021

Further to the receipt of the Tasmanian Planning Commission direction on 29 July 2021, Council sought clarification regarding the Commission's expectations for the provision of information, particularly Point 4 of the direction:

4. *Any other modifications or information the planning authority considers is required to address the LPS requirements, for example changes to the extent of the existing overlays or any new proposed overlays.*

The Commission's response was received by email on 13 August 2021 and included the identification of "other matters the planning authority may wish to address in relation to the proposed SAP".

These matters are listed below with the accompanying planning authority response as Council's further submission to address the Commission's points prior to hearing the draft amendment:

- *justification for the overriding 14.5m building height for retirement living in the SAP;*

Response:

It is noted that the identification of this component was changed to 'Apartment Living' in acknowledgment of the Commission's direction point 5, which highlighted the implications of bushfire hazard management requirements in the Bushfire Prone Areas Code for 'retirement villages' as these are defined as a vulnerable use.

The 'apartment building' component of the proposal is not a dedicated 'retirement' facility, however provides for a adaptable or 'liveable' housing in recognition that the apartment housing type is attractive to residents who are variously elderly, the retirement demographic who wish to provide for suitable housing as they approach older age, and people with existing or impending physical disability. In addition to the suitability for this demographic, apartments also provide a housing opportunity for all age groups who may be time poor or are attracted to the benefits of communal facilities for open space, amenity or recreation, without the outdoor maintenance that is associated with single dwelling or multiple dwelling 'townhouse' type properties.

The planning scheme incentivises higher residential densities where there is good access to public transport and social services. There is currently a bus stop at the Country Club Tasmania complex approximately 250 metres from the proposed apartment building site and another to the east along Country Club Avenue to the east within 400 metres. In addition the business activity centre of the Prospect Vale Market Place is within 1.5 kilometres of the site and can be accessed by pedestrian footpaths, much of which is available off-street through public open space.

In order to efficiently maximise development of this housing type at a high quality with the ability to accommodate car parking within the building form, an increased building height is required as the 8.5 metre standard in the planning scheme is not sufficient to accommodate multiple floors of apartments as this effectively limits buildings to 2 storeys only. Rather than locate car parking external to the building form, thereby surrounding the complex with large areas of hardstand paving, accommodating parking within the complex and then utilising the surrounding setback area for landscaping and communal open space, results in more sophisticated and attractive integration of a multiple dwelling complex into the surrounding environment. The established nature of the

Country Club Tasmania land means that there are many mature trees that will be retained and will provide an 'instant' landscaping effect.

Although the performance criteria allow for consideration of buildings above the acceptable solution of 8.5 metres, the criteria do not adequately consider the nature of this type of housing complex, likely condemning any proposing to a future refusal. Although the building can readily be designed to ensure that there are no adverse impacts on solar access or the privacy of adjoining dwellings, it would not provide separation between dwellings that is '*consistent with that existing on established properties in the area*' in accordance with criteria P3(b). The nature of this test in the performance criteria means that unless an apartment complex is situated in an area of existing apartment complexes and building relationships are established, it will struggle to meet the performance criteria, or at the very least creates a significant degree of uncertainty for any future development proposal. This type of housing complex is not typical and opportunities to develop such a complex on a greenfield site in Greater Launceston, without impacts on existing established neighbourhoods, are rare.

This particular site has the added advantage of being close to social and retail services, recreation facilities, public open space and has public transport on its doorstep. In addition, the visual context of the area already includes large scale buildings in close proximity with the Country Club Tasmania complex having a height of up to 12 - 14 metres above ground.

The height of the building stipulated in the SAP will work in tandem with the setback provisions associated with the building envelope for the General Residential Zone, in that the 45° angle projection at the boundary from a height of 3 metres to 14.5 metres means that a compliant future building would be setback 11.5 metres from the side and rear boundaries. To the front of the site is a road and a landscape buffer between the Country Club Tasmania driveway and golf course, whereby the 4.5m setback and height will have no impact on adjoining land use.

Dedicating a site to an apartment complex 'up-front' within a greenfield development provides certainty for development investment and for the surrounding community, both in established residential areas and in the future residential development area. Expectations of future development outcomes will be clear and will minimise the risk of future conflict, particularly given the inability to effectively comply with performance criteria in the future because the planning scheme provisions do not adequately contemplate circumstances surrounding this type of housing model.

Council's submission of 15 July 2021 addressed criteria relating to the spatial and social qualities of the area under section 32(4)(b) of LUPAA, for various elements of the proposed SAP that warrant unique provisions for future development. Reinforced in discussion above, the proposed SAP provides certainty for the surrounding community in regard to the location of higher density housing and the relative proximity to existing established residential areas. The visual amenity of the area associated with established landscaping and streetscape aesthetics is an attribute that is valued by residents of the area. This is an important social quality of the area that warrants awareness of the concerns often generated by proposals for higher density housing within established residential neighbourhoods. Securing the site and building envelope for an apartment complex in an appropriate location, that can enjoy the existing visual and service amenity of the area without impact on existing residences, is a rare opportunity that should be guaranteed in the planning scheme.

This, in effect, is the mechanism that delivers the LUPAA objective to '*promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation*' and the Northern Tasmania RLUS – Regional Settlement Network Policy action RSN-A5 to '*Provide a diverse housing choice that is affordable, accessible, and reflects changes in population, including population composition. Ageing populations*

and single persons should be supported to remain in existing communities as housing needs change; ageing in home options should be provided’.

As discussed in prior submissions and above, the site has spatial qualities that are unique within the city-wide context. The land is fully serviced by utilities and has established provision of public transport and social amenities at the Country Club Tasmania complex. This supports higher density living. Yet unusually, the site has an available area that can provide for spatial ‘greenfield’ type planning for key components to mitigate impacts on the nearby, established residential neighbourhood. These key components include the planned apartment complex, which can be integrated with established site features such as landscaping and the built character of the central Country Club Tasmania complex, whilst allowing for substantial setback distances to established residential areas so that an appropriate height for a viable apartment development can be achieved.

The SAP is the appropriate mechanism to provide certainty in regard to future development outcomes for higher density housing choice given that this site is uniquely placed with the Greater Launceston city.

- *the building height clause of the SAP only applies to the retirement living lot, is it intended that the other provisions (site coverage and lot design) apply to all of the land including the retirement living lot;*

Response:

The greater allowance for site coverage for liveable housing is intended to only apply to the apartment building site in recognition of higher density housing design better providing for the concept of ‘liveable’ or adaptable housing. This draws from the approved SAP for Entally Lodge in the Meander Valley LPS and applies the same principles to incentivise the provision of livable housing. Standard F9.7.2 Site Coverage in the certified draft amendment SAP is in error in that A1 has omitted to include the qualification that it is applicable to the ‘Apartment Living’ lot indicated on the SAP plan. A suggested revised standard is included below with changes shown in red text and revised clause numbering for the Local Provisions Schedule and Tasmanian Planning Scheme. The balance of the rezoning area is to be subject to the normal standards of the General Residential Zone.

MEA-S23.0 Site Coverage

This clause is in substitution for General Residential Zone – clause 8.4.3 Site coverage and private open space for all dwellings **A1 and P1**.

Objective	That site coverage on the Apartment Living lot protects residential amenity through appropriate siting and design of development to provide adequate: (a) privacy and separation between dwellings; (b) separation of dwellings from vehicular traffic and common open space; and (c) sunlight to habitable rooms.
Acceptable Solutions	Performance Criteria
A1 Dwellings on the Apartment Living lot must have a site coverage of: (i) not more than 65% if the development includes 50% or greater portion of livable housing; or (ii) not more than 50%.	P1 Dwellings on the Apartment Living lot must have a site coverage that protects residential amenity, having regard to: (a) topographical constraints; (b) infrastructure and servicing; (c) vehicular access through the site;

	<ul style="list-style-type: none"> (d) vehicle larking for residents and visiting services; (e) siting and scale of buildings; (f) any particular needs of residents; (g) the provision of private open space or common open space; and (h) access to sunlight for habitable rooms.
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- *the need for a definition for liveable housing.*

Response:

The concept of livable housing is derived from MEA-S20 Entally Lodge Specific Area Plan. Given that SAP's operate independently and there is no ability to include common definitions in the administrative provisions of the Tasmanian Planning Scheme, the proposed SAP does need to include a definition of livable housing. The definition of liveable housing included in the Entally Lodge SAP reflects the same outcomes intended for this site and can be duplicated with minor modifications in recognition of a multi-level complex served by elevators and common internal access. An amended definition of livable housing based on the existing Entally Lodge SAP is as follows (additional text shown in red):

Livable Housing:

Means a housing development design that provides for the needs of residents during the whole of their life or can be adapted to meet the needs of those with impaired mobility and other special needs. Livable housing must include the following elements:

(a) Access to dwellings and pathways:

- (i) car park to entrance is step free or a step ramp less than 190mm in height, maximum 1:10 gradient, minimum 1.9m long with landings to either side;*
- (ii) minimum 1m width, slip resistant surface, maximum 1:14 gradient, landings with a minimum length of 1.2m every 9m for 1:14 gradient or every 15m for a gradient of 1:20 or greater;*
- (iii) pathways are step free.*

(b) Entrance to dwellings:

- (i) door has a clear opening of 820mm;*
- (ii) is step free or a step ramp less than 190mm in height, minimum 1:10 gradient, minimum 1.9m long with landings to either side;*
- (iii) is under cover for a length of 1.2m;*
- (iv) has a landing or foyer with a minimum 1.1m width and a minimum 1.2m length.*

(c) Internal Layout:

- (i) is on one level (transition tolerance of 5mm) or is served by an elevator;*
- (ii) doors have a clear opening of 820mm;*
- (iii) corridors have a clear width of 1m.*

(d) Toilet:

- (i) minimum 1.4m clear space from encroachments, walls or door swing (may include removable fixtures) on two sides;*
- (ii) grabrail installation enabled.*

(e) Shower:

- (i) slip resistant surface;*
- (ii) is hob-less or step free;*
- (iii) may include removable fixtures.*

(f) Kitchen and Laundry:

(i) *Minimum 1.2m clearances.*

- *the 65% site coverage for liveable housing in the SAP and whether it is intended to apply to the whole site.*

Response:

Refer to comments above. The provisions for height and site coverage only relate to the 'Apartment Living' site.

- *why the subdivision provisions are the same as the SPP's*

Response:

As with some other SAP's in the Meander Valley LPS, the subdivision standards of the zone were replicated in the SAP for ease of administration. However it is noted that the SAPs where this occurs elsewhere in the LPS were more complicated in composition with numerous interacting standards. This is not the case with the proposed SAP where the normal subdivision standards of the General Residential Zone will apply. The intent of the proposed SAP is to ensure that subdivision layout corresponds with the plan that designates specific locations and arrangements for public open space, bushfire/landscape buffers, road connections and stormwater management and the location of a lot for apartment living.

It is submitted that the duplicated SPP subdivision standard can be removed from the SAP.

- *an administrative review or redraft of the SAP to reflect the correct clause numbering and terminology for the TPS.*

Response:

A revised SAP to reflect submissions above and the clause numbering and terminology of the Meander Valley LPS is attached.

Consistent with TPC advice through the hearings of the Meander Valley LPS that Local Area Objectives are only used where there are distinct sub-precincts, the SAP purpose statements have been revised to reflect this requirement and consolidate the purpose and objective statements and remove any cross references or matters irrelevant to the standard.

MEA-S23.0 Country Club Estate Specific Area Plan

MEA-S23.1 Plan Purpose

The purpose of the Country Club Estate Specific Area Plan is:

- MEA-S23.1.1 To provide for diverse housing outcomes that promote Livable Housing.
- MEA-S23.1.2 To provide an area of designated public open space.
- MEA-S23.1.3 To provide for a co-ordinated network of roads, pedestrian and bicycle paths that connect the activity centre, residential area and public open space.
- MEA-S23.1.4 To provide for a landscape recreation corridor and bushfire hazard management area in accordance with the layout shown in Figure S23.1.
- MEA-S23.1.5 To provide for key stormwater management locations.

MEA-S23.2 Application of this Plan

- MEA-S23.2.1 The specific area plan applies to the area of land designated as MEA-S23.0 Country Club Estate Specific Area Plan on the overlay maps and in Figure S23.1.
- MEA-S23.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and are in addition to, the provisions of the General Residential Zone.

MEA-S23.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

MEA-S23.4 Definition of Terms

MEA-S23.4.1 In this specific area plan unless the contrary intention appears:

Term	Definition
livable housing	<p>means a housing development design that provides for the needs of residents during the whole of their life or can be adapted to meet the needs of those with impaired mobility and other special needs. Livable housing must include the following elements¹:</p> <ul style="list-style-type: none">(a) Access to dwellings and pathways:<ul style="list-style-type: none">(i) car park to entrance is step free or a step ramp less than 190mm in height, maximum 1:10 gradient, minimum 1.9m long with landings to either side;(ii) minimum 1m width, slip resistant surface, maximum 1:14 gradient, landings with a minimum length of 1.2m every 9m for 1:14 gradient or every 15m for a gradient of 1:20 or greater;(iii) pathways are step free;(b) Entrance to dwellings:

¹ *Livable Housing Design Guidelines* 2nd Ed published by Livable Housing Australia, 2012

	<ul style="list-style-type: none"> (i) door has a clear opening of 820mm; (ii) is step free or a step ramp less than 190mm in height, minimum 1:10 gradient, minimum 1.9m long with landings to either side; (iii) is under cover for a length of 1.2m; (iv) has a landing with a minimum 1.1m width and a minimum 1.2m length; <p>(c) Internal Layout:</p> <ul style="list-style-type: none"> (i) is on one level (transition tolerance of 5mm); (ii) doors have a clear opening of 820mm; (iii) corridors have a clear width of 1m; <p>(d) Toilet:²</p> <ul style="list-style-type: none"> (i) minimum 1.4m clear space from encroachments, walls or door swing (may include removable fixtures) on two sides; (ii) grabrail installation enabled; <p>(e) Shower:</p> <ul style="list-style-type: none"> (i) slip resistant surface; (ii) is hob-less or step free; (iii) may include removable fixtures; <p>(f) Kitchen and Laundry:</p> <ul style="list-style-type: none"> (i) Minimum 1.2m clearances.
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MEA-S23.5 Use Table

This sub-clause is not used in this specific area plan.

MEA-S23.6 Use Standards

This sub-clause is not used in this specific area plan.

MEA-S23.7 Development Standards for Buildings and Works

MEA-S23.7.1 Setbacks and building envelope for the Apartment Living lot.

This clause is in substitution of General Residential Zone 8.4.2 - Setbacks and building envelope for all dwellings A3 and P3.

Objective	That the siting and design of development:	
	<ul style="list-style-type: none"> (a) is consistent with the purpose of the Specific Area Plan; (b) protects residential amenity through a building envelope to provide adequate separation between dwellings on adjoining properties. 	
Acceptable Solutions	Performance Criteria	
A1 Dwellings on the Apartment Living lot, excluding outbuildings with a building height	P1 The siting and scale of dwellings on the Apartment Living lot must:	

² AS1428.1 Design for Access and Mobility AMDT Nov 2010

<p>of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope determined by:</p> <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 14.5m above existing ground level. 	<p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; and <p>(b) have regard to the intended or prevailing character of the surrounding area.</p>
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MEA-S23.7.2 Site Coverage

This clause is in substitution of General Residential Zone 8.4.3 – Site coverage and private open space for all dwellings A1 and P1.

<p>Objective</p>	<p>That site coverage protects residential amenity through appropriate siting and design of development to provide adequate:</p> <ul style="list-style-type: none"> (a) separation between dwellings; (b) separation of dwellings from vehicular traffic and common open space; and (c) sunlight to habitable rooms.
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Dwellings must have a site coverage of:</p> <ul style="list-style-type: none"> (a) not more than 65% if the development includes 50% or greater portion of livable housing; or (b) not more than 50%. 	<p>P1</p> <p>Dwellings must have a site coverage that protects residential amenity having regard to:</p> <ul style="list-style-type: none"> (i) topographical constraints; (ii) infrastructure and servicing; (iii) vehicular access through the site; or (iv) vehicle parking for residents and visiting services; (v) siting and scale of buildings; (vi) any particular needs of residents; (vii) the provision of private open space or common open space; and (viii) access to sunlight for habitable rooms.

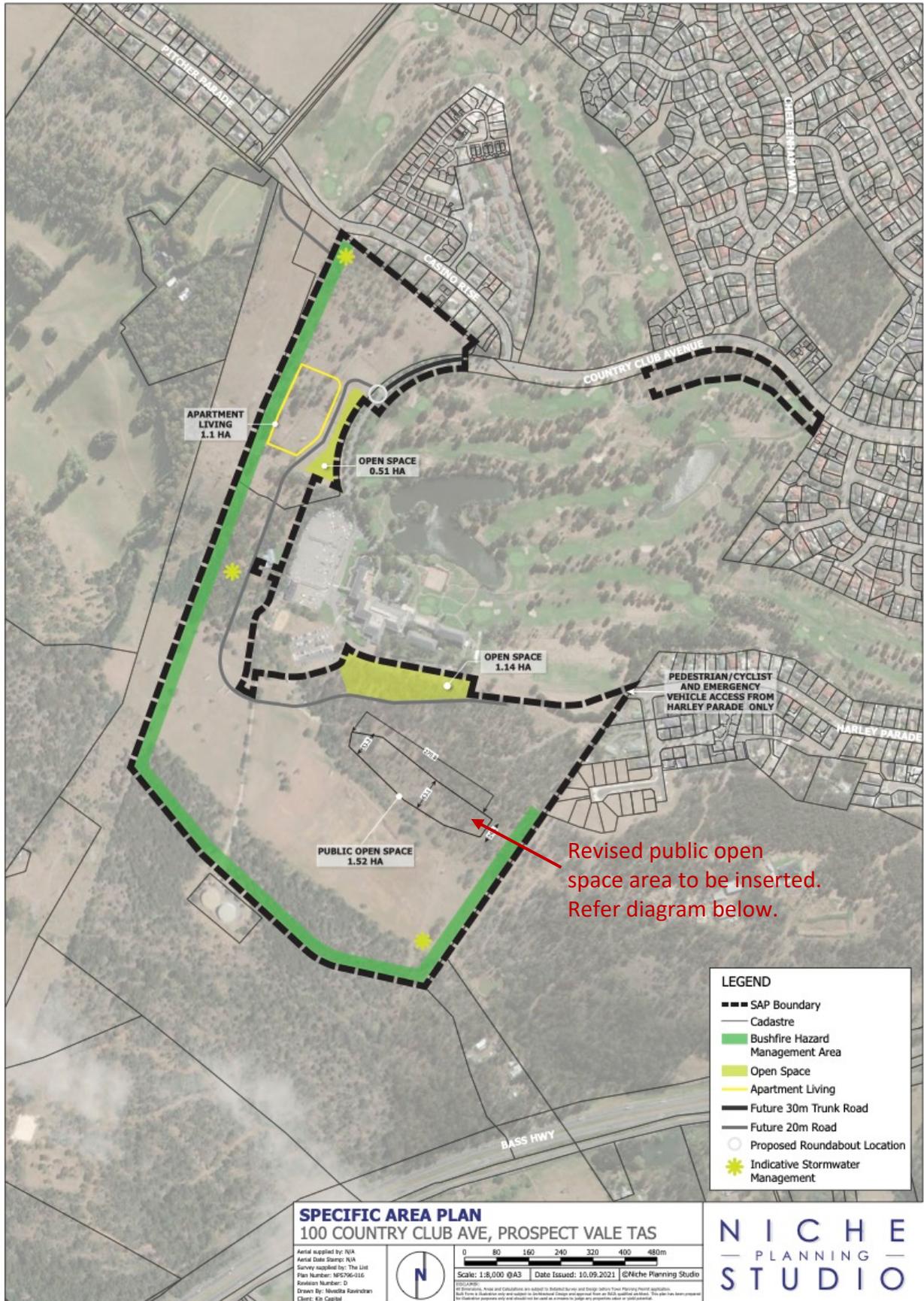
MEA-S23.8 Development Standards for Subdivision

MEA-S23.8.1 Development Plan

This clause is in addition to General Residential Zone 8.6 – Development Standards for Subdivision.

Objective	<p>That subdivision provides for:</p> <ul style="list-style-type: none"> (a) public open space over the central ridgeline; (b) the location of future collector roads and junctions that integrates with the existing and future road network; (c) a lot for apartment living; (d) a bushfire hazard management area; (e) open space areas to buffer the Country Club Tasmania complex; and (f) key stormwater management locations.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Subdivision must be in accordance with the development plan at Figure S23.1.</p>	<p>P1</p> <p>Subdivision must be consistent with the purpose of the Specific Area Plan having regard to:</p> <ul style="list-style-type: none"> (a) the topographical or natural features of the site; (b) any requirements for bushfire hazard management areas; (c) the provision of a hierarchy of local and collector roads; (d) pedestrian connectivity; and <p>must include the public open space in accordance with Figure S23.1.</p> <p><i>Note: In its Section 39 Report of April 2021, Council agreed to a revised area of public open space submitted in the representation by Niche Planning Studio. Figure S23.1 will be revised to reflect that change.</i></p>

Figure S23.1 Development Plan



Revised Public Open Space configuration:

