



Draft Amendment 1/2020 was initiated and certified by Meander Valley Council at its Ordinary Meeting on 9 September 2020 and seeks to rezone land to the northern and southern areas of Westbury for urban growth. Several other properties and some parcels of Crown land that are consequential to the urban growth land in the northern area were also included for rezoning in the draft amendment, to rationalise the zoning of land in the northern part of the Westbury settlement.

The Tasmanian Planning Commission has requested additional information to be considered at the hearing as follows:

- 1. A submission is sought identifying the available yield from development of existing Low Density Residential land in Westbury which is either developed, with some capacity for further development, or vacant; and*
- 2. A submission is also sought outlining the planning authority's criteria for determining which lots to rezone within Westbury to Low Density Residential, Rural Living and Village.*

In response, Meander Valley Council provides the following information:

1. Low Density Residential Land

The information request relates to available yield within the Low Density Residential zoned land at Westbury. 'Availability' can relate to either vacant lots that are currently available to the market or the theoretical 'availability' of lots, which is the number of vacant lots that can be developed for an individual dwelling or the potential lot yield through subdivision.

At the time of writing, there was only one vacant lot available to the market within the zone, which had been listed for sale very recently. Typically, lots within the Low Density Residential Zone are taken up quickly when becoming available to the market as subdivisions are sporadically released. The rate of dwelling development is highly variable however, as this reflects the personal circumstances of the purchasers. It is rare that existing, un-subdivided vacant lots with subdivision potential are made available to the market.

The commencement of the Tasmanian Planning Scheme in Meander Valley has changed the theoretical yield as a result of the decision on the Westbury Specific Area Plan, relating to the subdivision provisions for the Low Density Residential Zone over the southern area of Westbury. The total theoretical yield that could be made available is 361 lots.

However, this figure must allow for some discounting of potential due to some of the land being subject to stormwater overland flow flooding around existing drainage lines and watercourses and also that some landowners will wish to retain larger sized lots and not exercise the subdivision entitlement. Experience over recent years since subdivision has been made allowable in the area, has shown that it is not possible to predict the circumstances where this will occur or the rate of development.

2. Criteria for Consequential Rezoning

The rationale for consequential rezoning and consideration of the most appropriate zones for land nearby the northern urban growth area is generally described on pages 59 – 61 of the supporting report, submitted for the draft amendment.

However, in response to the request for additional information, this is elaborated further.

Land proposed to be rezoned to the Low Density Residential, Rural Living and Village zones is a consequence of the relative zoning isolation of this land as a result of rezoning for the area identified for urban growth to the General Residential Zone.

The land that borders the northern extent of the Westbury township has historically been zoned as some type of rural zoning as a reflection of the variety of land uses that occur in the area and the more diffuse nature of use and development at the periphery, which has carried over to subsequent planning schemes. As stated in the supporting report to the draft amendment, the strategic change for urban growth warrants review of nearby zoning to ensure that it appropriately reflects current and intended future use and development outcomes.

Consideration of the most appropriate zoning of adjoining and nearby land to the urban growth area at the periphery of the township takes into account the physical constraints of the land that affects existing and potential future uses. In this area, the township has natural boundaries to the west and north formed by the Quamby Brook, which is subject to flooding, the sewerage treatment plant (STP) and the Bass Highway corridor.

The physical infrastructure of the Bass Highway, the rail line and the STP also impose added constraints on land use, through the application of statutory attenuation distances.

Zoning is first and foremost, a reflection of the intentions for the future use of land. The extent and intensity of future land use is influenced by the physical circumstances that exist and the planning scheme regulatory requirements that relate to those circumstances. The proposed consequential rezoning of land to the north and west of the urban growth area to Low Density Residential, Rural Living and Village zoning, rationalises what is effectively 'left over' rural zoning, eliminating the potential for inappropriate land use and development impacts.

In transitioning to the Tasmanian Planning Scheme (TPS), rural areas are primarily included in the Agriculture or Rural zones. The land identified for consequential rezoning is not subject to any agricultural/rural activities and becomes a relatively isolated patch of 'left-over' rural zoning.

Given the restrictive nature of the provisions of the Agriculture Zone in order to protect agricultural activities, it is not appropriate to apply the Agriculture Zone to a cluster of residential properties at the periphery of a township.

Conversely, the Rural Zone in the TPS provides for an extensive range of rural/industrial type uses as a reflection of mixed use, rural/industrial landscapes that are simply not appropriate within close proximity to residential uses, due to the high risk of land use conflict.

In consideration of the future use and development of each of the impacted properties, the following conclusions were reached:

- 1 William St – ‘Culzean’

Current Land Use: Residential

Applicable overlays: Flood Prone Area, Watercourse Protection Area, STP attenuation, rail line attenuation.

Other relevant matters: House and garden listed in the Tasmanian Heritage Register.

Due to the heritage significance of the property which includes the extensive gardens, future use and development options are likely to be restricted to a lower density nature for visual and heritage impact. As such, the property will most likely be maintained as a single residential property. The most probable alternate use for a property of this nature would be for visitor accommodation, which is also an allowable use in the residential zones. This would likely require permission from the Tasmanian Heritage Council.

The low key nature of non-residential uses allowable in the residential zones, which includes visitor accommodation, restaurant/café, education and medical centre is appropriate for this site given its greater distance from the commercial areas of Westbury along Meander Valley Road and the original town centre, which are to be the focus of commercial development within the town.

In the context of surrounding land use and the physical constraints of the area, the purpose of the Low Density Residential Zone most accurately reflects the future prospects for use and development whereby the property is subject to environmental constraints that limit the density, location or form of development. Irrespective of the ability to service a significant portion of the land, urban residential density would not be allowable due to heritage impacts. In regard to any future change to a non-residential use, the purpose of the zone provides for the protection of amenity and consideration of off-site impacts, which takes into account the proposed future residential area opposite and to the south.

- 9 Quamby Street, 10 Quamby Street & 113A Meander Valley Road

Current Land Use: Residential

Applicable overlays: Flood Prone Area, Watercourse Protection Area, STP attenuation, rail line attenuation.

These three properties are located at the end of Quamby Street, which is a dead end road that terminates at the frontage of no's 9 and 10 Quamby Street and is fenced at the point where the land slopes steeply to the Quamby Brook.

The current layout of development reasonably reflects the accessibility of the land and the historic flood level, which virtually laps at the edge of the dwellings at no's 9 and 10 (Refer Figure 1 below). The difficulty of obtaining access from Quamby Street is the reason the dwelling at 113A Meander Valley Road is accessed via a right of way across 115 Meander Valley Road. All three of these properties are within the 200 metre attenuation distance of the STP and the property at no.9 is also subject to the 50m attenuation distance to the rail line.

The aggregation of these overlays together with access complications to the rear of each existing dwelling on the properties, constrains the properties and limits the future prospects for additional residential development to the extent that the most likely future use will be for a single dwelling. Irrespective of the serviceability of the lots, there is limited ability to achieve the type of development densification that would be expected of an urban residential type zone. The narrow and quiet residential nature of Quamby Street does not support intensification for non-residential uses in consideration of residential amenity.

As for the Culzean property described above, in the context of surrounding land use and the physical constraints of the area, the purpose of the Low Density Residential Zone most accurately reflects the future prospects for use and development whereby the properties are subject to environmental constraints that limit the density, location or form of development and non-residential uses should be limited to a low key nature.



Figure 1: Flood Prone Area overlay along Quamby Brook.

- 115 Meander Valley Road – ‘The Willows’

Current Land Use: Residential

Applicable overlays: Flood Prone Area, Watercourse Protection Area, STP attenuation.

Known as ‘The Willows’, this property is also listed on the Tasmanian Heritage Register and has a prominent frontage to Meander Valley Road.

The properties fronting the entire length of Meander Valley Road are zoned Village Zone, reflecting the long- standing nature of mixed uses along this stretch of road, which is the principal arterial route through Westbury and was the original Bass Highway. No.115 constitutes the end lot along this strip of Village zoned road (Refer Figure 2).



Figure 2: Zoning along Meander Valley Road through Westbury

In considering future use and development of this property, despite currently being a residential use, it differs from the other properties to the north in that its orientation is to the main road which is a mixture of residential, commercial and community uses. It is a property of substantial aesthetic value in presentation to the main road which aligns the property more closely with the mixed use characteristics of the Village Zone strip that it adjoins, than that of the residential environment to the north.

The property is still subject to a large area of flood prone area overlay, however the particular physical characteristics of this property having a substantial useable area with a large setback to Meander Valley Road and to adjoining dwellings as well as a closer proximity to other commercial uses, lends itself to accommodating greater range of non-residential uses than those allowable in the residential zones, that would be compatible with the mixed use nature of Meander Valley Road (Refer Figure 3).

In this regard, strategic objectives that aim to maximise economic opportunities through more options for re-use, or mixed use, of heritage assets to support tourism and local populations are better served through allowing greater flexibility through the Village Zone, consistent with the rest of the Meander valley Road strip. In addition to the visitor accommodation and food service uses available under the residential zones, the Village Zone provides for a larger range of business and professional uses, a function centre, a greater range of retail services, artists/craft studio, boutique brewing/distilling and tourist operation, as an example of the types of uses that could be appropriate for this heritage listed site.



Figure 3: Aerial photo of 115 Meander Valley Road

- 12 Lyttleton Street
Current Land Use: Residential
Applicable overlays: Flood Prone Area, Watercourse Protection Area, Bass Highway attenuation, Tasmanian Alkaloids attenuation distance.

In considering the zoning of 12 Lyttleton Street, it is noted that it is effectively a stranded, historic residential title. Whilst it could be left in either the Agriculture or Rural zones, in consideration of the future prospects for use and development it was considered that neither of those zones appropriately reflected the current or future desired land use.

The current land use is captured by the purpose of the Rural Living Zone, whereby it is a residential use in a rural setting where services are limited, the retention of some landscape values is desirable and to provide for low levels of agricultural use, such that it does not impact on residential amenity. The land adjoins agricultural use and as such, the graduated lowering of densities from Low Density Residential zoning to Rural Living zoning is an appropriate mechanism to keep greater distances between residential uses and agricultural uses, whether they are hobby scale or full commercial enterprises, and other attenuated uses. As noted in the supporting agricultural assessment, there is little to no prospect of this property functioning as a viable agricultural enterprise.

The 9 hectare area of no.12 provides for hobby scale activities that can optimise the use of flood prone land with close access to a major collector road, avoiding the potential for conflict between non-residential activities and nearby residents. The Rural Living Zone reflects the appropriate settings on the ground for future use and development in this area without unnecessarily constraining options for the property through Low Density Zoning Residential zoning, which would prohibit small scale enterprises.

- Crown Land Parcels

As described in the supporting report, the extraneous parcels of Crown land have been proposed for rezoning consistent with the properties it adjoins. The small segments along the Quamby Brook are not significant enough in their own right to warrant individual zoning as Environmental Management or Open Space zones. Unmade road reserves are zoned in accordance with adjoining land, consistent with the approach taken for the TPS.

It is noted that Crown Land Property Services have confirmed that it is comfortable with the approach to zoning the affected parcels.