

7 January 2022

Tasmanian Planning Commission  
GPO Box 1691  
HOBART 7001

By email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Attn: Roger Howlett, Delegate Chair

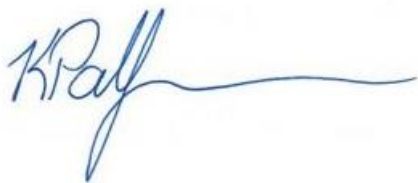
Dear Roger

**RE: MVC Draft Amendment 4/2020 - Meander Valley Council submission in response to TPC post hearing direction of 23 December 2021.**

Please find Council's cover letter to the submission in response to the above direction, provided by Jo Oliver, Council's consultant town planner.

If you have any queries regarding the document, could you please contact her on 0408 129 133 or by email at [jo@terrafirmaplanning.com.au](mailto:jo@terrafirmaplanning.com.au)

Yours Sincerely



Krista Palfreyman  
Director Development & Regulatory Services



## **Draft Amendment 4/2020**

**100 Country Club Avenue, Prospect Vale**

### **Meander Valley Council Submission to TPC Direction 23 December 2021**

The Tasmanian Planning Commission hearing into Meander Valley Council Draft Amendment 4/2020 was held on 16 and 17 December 2021. Further to the matters discussed at the hearing, the Commission's delegates have issued a direction in regard to providing additional detail in regard to some aspects of the Specific Area Plan.

The Commission directions are addressed as follows:

1. *For the bushfire hazard management area shown on the SAP, a submission on how to identify the dimensions in relationship to the SAP and what the bushfire hazard management area may be more appropriately labelled to reflect the proposed use of the land to include walking trails and vegetation management.*

#### **Response:**

Consistent with discussions in the hearing, the SAP drawing for the development plan has been revised to allow for the provision of sufficient detail to identify the precise locations of the specified areas and the relative dimensions. The areas identified in more detail include:

- the peripheral area that variously provides for bushfire hazard management, vegetation management for visual values and recreational walking trails;
- the open space areas that will be retained in private ownership by Federal Group;
- the public open space area that will be taken over as public parkland by Meander valley Council;
- the Apartment Living Site; and
- stormwater management areas.

The SAP development plan has been revised into four components:

- the overall plan at a smaller scale showing the relationship of the various parts; and
- three inset drawings (identifiable on the overall plan) at a larger scale showing dimensions from SAP boundaries and coordinate points to enable accurate location of the identified areas on the land.

It is submitted that the peripheral area is renamed to 'Landscape Management Area' reflective of its variable uses for bushfire management, walking trails and visual impact management.

2. *Identification of the dimension and location of the designated open space areas and particularly in regard to the public open space, whether there is a need to show the dimensions and whether to refer to it in the subdivision provisions of the SAP.*

**Response:**

Refer to comments above regarding revision of SAP drawings. Each of the *Open Space* areas and the *Public Open Space* are individually locatable through a combination of coordinates and dimensions.

Further to commentary in the hearing, Council considers that it is necessary to include clear reference to the provision of the public open space, which is to be a mandatory inclusion in the designated location across the central ridgeline for reasons described in the supporting assessment. It therefore must be included in the performance criteria as well as the acceptable solution. At the time of drafting, it is reasonably anticipated that any future subdivision of land will be able to accommodate the *Public Open Space* area as detailed in the revised SAP development plan drawing. However, as discussed in the hearing, relying solely on the designated area in the drawing restricts minor modifications. It is reasonable to consider wording for the performance criteria that references the general intent of the public open space within the plan, yet still includes affirmative statements that reinforces the location and ensures a minimum size. In this regard, if any minor adjustments to the boundary need to be made, for example to practically deal with difficult rock or the installation of services, this can be accommodated by relying on the performance criteria without risk of losing the strategic intent of the public open space in that location.

Council is less concerned with the areas designated as *Open Space*, as these relate to the private preferences of the landowner and will be retained in private ownership. Whilst supported by Council, due to the fact that they will enhance the visual amenity and assist with the visual integration of the new residential estate when viewed from the Country Club Tasmania complex, they are not as critical an element as the public open space over the central ridgeline or the future road connection to Pitcher Parade, and so can be provided with a greater degree of flexibility in the performance criteria.

A revision of the subdivision standard is included below that requires subdivision to be strictly in accordance with the Development Plan at Figure S23.1 (and the new inset plans at S23.2 - S23.4) in order to meet the acceptable solution that achieves the purpose of the SAP. Alternatively, the revisions to the performance criteria allow for some flexibility for future development whilst ensuring that the outcomes are generally consistent with the SAP purpose and development plan and that the critical location and minimum size of the public open space is protected.

It is considered that the development plan is the best reflection of the strategic development outcomes for the layout of future development that will be delivered through subdivision and that measurement against the plan for specific requirements and general compliance can be achieved through the one standard, making sure that there is no potential to compromise the critical elements. Additional subdivision standards relating to singular matters are not considered necessary.

However, the leading text for the performance criteria directly links to the SAP purpose which was initially simply constructed due to the mandatory nature of the public space requirement. In retrospect, the SAP would benefit from improved expression if some flexibility is being considered through the performance criteria. This can be achieved through alteration of the leading text to the performance criteria and the performance criteria themselves to focus on an objective that is a more detailed expression of the SAP purpose in regard to subdivision, or the leading text remains as written and the SAP purpose is enhanced to describe the outcomes in

more detail. The objective to the standard would reinforce the SAP purpose as it relates to subdivision.

Council's preference is to enhance the expression through the SAP purpose and leave the leading text unaltered. This effectively informs any reader of the provisions 'up front' that the principal reason for the inclusion of the SAP into the LPS was to ensure that critical elements are protected and that preferable elements are identified and given reasonable consideration in the future with a good degree of surety. This construction will result in some degree of duplication in the objective to standard MEA-S23.8.1, however this does not compromise the operation of the standard in any way and will mutually reinforce the intended outcomes.

3. *Extension of the SAP area to cover the future 20m road onto Casino Rise for connection to Pitcher Parade identified on the development plan and the implications in relation to the underlying zone and codes. Details should also be provided on whether expansion of the SAP area is, or is not, considered to be a substantial modification under section 40P of LUPAA.*

**Response:**

The initial assessment of the application for the draft amendment identified that there was a need to ensure a future road connection to the north of the site, from the future residential area that is the subject of the rezoning through to a location at the northern boundary of the site where it has frontage to Pitcher Parade (Note: Casino Rise changes to Pitcher Parade along the applicable frontage). Council modified the draft amendment prior to certification and notification to include a future 20 metre road link in the Specific Area Plan *Figure S23.1 Development Plan* from the edge of the area subject to rezoning to the northern boundary of the site, fronting Pitcher Parade.

Below is extracted from Council's agenda report of the 9 Feb 2021 Ordinary Meeting (pgs 36 - 38) where it considered matters for initiation and certification:

*However, the planning strategy above, further promotes the dispersal of traffic associated with new development to Mt Leslie Road, to create a more permeable networks of roads over time. Figure 7 below, extracted from the Structure Plan (p20.), shows proposed new roads associated with future anticipated development. The subject site adjoins the potential future link through to Mt Leslie Road at Pitcher Parade.*

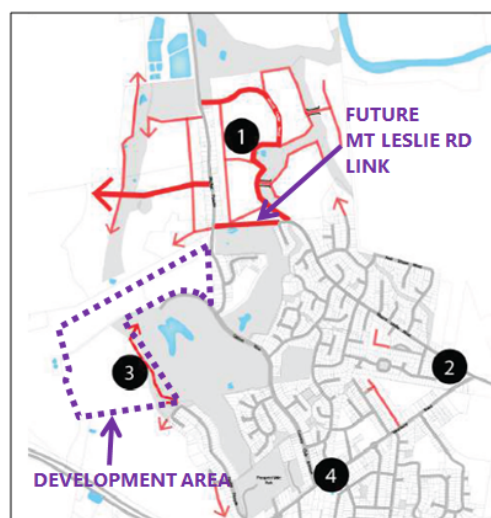
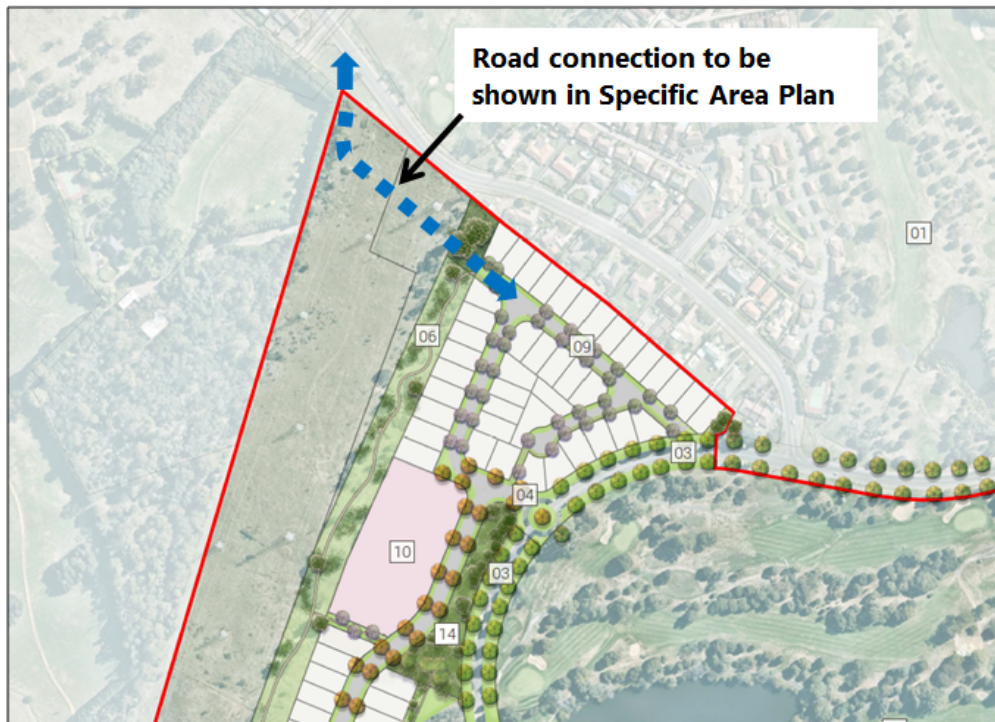


Figure 7: Diagram of proposed new roads in relation to subject development area.

*In order to further the Structure Plan Strategies for the road network and traffic, it is recommended that the draft amendment is modified to include an extension of the internal road network, through to Pitcher Parade at the north west boundary corner as shown in Figure 8 below, to connect with the future junction of Mt Leslie Road with Pitcher Parade. Figure 9 shows the corresponding modification to the submitted Specific Area Plan map.*



*Figure 8: Recommended modification of the draft amendment to include an extension of the internal road network to connect with the future junction of Mt Leslie Road and Pitcher Parade.*

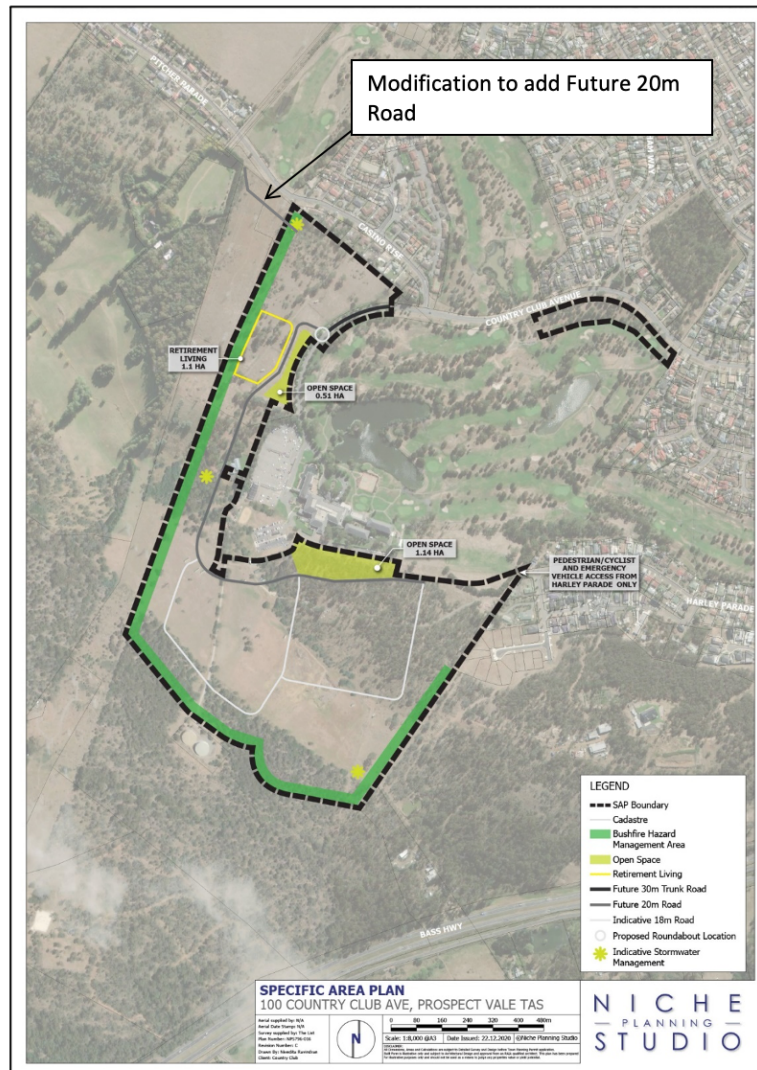


Figure 9: Recommended modification to Specific Area Plan  
Figure SF6.1 – SAPF6.

The consideration of matters relating to traffic dispersal and the need for the future road link was clearly described in Council's assessment. The recommendation to modify the draft amendment to include the road link through to Pitcher Parade in the Specific Area Plan was endorsed by Council and certified as part of Council's decision in items 2(d) and 3. prior to public exhibition, extracted from the Ordinary Meeting Minutes (p12.) as follows:

That Council:

1. Pursuant to Sections 33.(3) and 34.(1)(a) of the former provisions of the Land Use Planning and Approvals Act 1993, initiate Draft Amendment 4/2020 to the Meander Valley Interim Planning Scheme 2013 to:
  - a) rezone part of 100 Country Club Avenue, Prospect Vale (CT's 119422/1& 33678/1) from Major Tourism Zone to General Residential Zone; and
  - b) insert a Specific Area Plan as F9 Country Club Specific Area Plan, in accordance with the certification document at Attachment 1.
2. Pursuant to Section 35.(1)(b), modify the draft amendment by:

- a) amending the title of the Specific Area Plan to 'F9 Country Club Specific Area Plan' together with consequential clause numbering changes;
- b) amending section CCE-SF6.8.1 Lot Design – to include a standard to activate the subdivision components (as modified by 2c) and 2d) below) in Figure SF6.1 – SAPF6;
- c) amending Figure SF6.1 – SAPF6 to include an area of public open space in the Specific Area Plan, over the top of central ridgeline; and
- d) amending Figure SF6.1 – SAPF6 to show the northern internal road extending to the north west boundary corner on the Pitcher Parade frontage,

*in accordance with the certification document at Attachment 1.*

*3. Pursuant to Section 35.(1)(b), certify the modified draft amendment as being in accordance with Sections 300. and 32. of the Act.*

The proposed modification of the draft amendment to adjust the SAP boundary around the portion of the land where the road link would be located is considered to be a minor modification that is effectively a correction to the described extent of the Specific Area Plan that was subject to public exhibition.

Although not described in any resources relating to the provisions of the LUPAA or Commission processes, it is a generally accepted principle that the determinants of whether a change to a draft amendment is a substantial modification are:

- would the change be likely to alter the public perception or understanding of what was intended and the extent of the draft amendment through the initiation, certification and exhibition of the amendment?;
- Does the change result in any outcomes that increase or extend the impacts of use and development, or invoke additional requirements of zones or codes that have not been described through the public exhibition process?
- Does the change affect land that was not identified as the subject of the draft amendment?

The area of land incorporating the future link road will be retained in the Major Tourism Zone, which reflects the extent of the transmission line easement that is to be retained in Federal Group ownership as part of the Country Club Tasmania. The Major Tourism Zone provides for Utilities use for a new road as a discretionary use (noting that only subdivision is excluded from assigning a use classification, not works). The use standards do not comfortably anticipate singular works for only a new road, however future use and development for a new road would be able to reasonably meet the applicable performance criteria as it:

- does not cause an unreasonable loss of amenity to a residential zone (noting that it is no different to a collector road within the General Residential Zone);
- complements and supports tourism uses on the site;
- does not compromise the operation of existing tourist uses;
- is not the dominant use on the site;
- does not compromise any existing activity centre.

Future subdivision of the road will meet all of the applicable acceptable solutions of section 24.5 Development standards for subdivision.

The codes that will be applicable are addressed as follows:

- C3.0 - Road and Railway Assets Code:

Standard C3.5.1 *Traffic generation at a vehicle crossing, level crossing or new junction* will apply as a new junction will be created. A new link road will meet A1.2 as road authority consent will be obtained for the new junction.

- C4.-0 – Electricity Transmission Infrastructure Protection Code:

C4.6.1 Buildings and works within an electricity transmission corridor will apply as the road is works within the inner protection area. When initially considering the modification for the link road at the assessment stage, Council discussed the possibility of constructing a new link road in this location with TasNetworks to ensure that it was appropriate and achievable. TasNetworks advised at the time that it was achievable and that it would simply be a matter of ensuring the alignment had a reasonable setback to pylons. The performance criteria require that works do not cause an unreasonable impact on the safety, security, operation and access to electricity infrastructure, having regard to the nature of the works, extent of encroachment, location of works and advice from the electricity entity. Given the prior advice of Tasnetworks and that any development application will be referred to it, together with improved access to the easement enabled by the road, it is submitted that a future road, and subsequent subdivision of the road corridor as a utility, will meet all requirements of the code.

- C13.0 Bushfire-Prone Areas Code:

The electricity transmission corridor that the link road traverses will remain as bushfire prone land and will be subject to the code. A future road will be incorporated into a Bushfire Hazard Management Plan as part of any application for subdivision which will ensure that the standard of the road meets the requirements of C13.6.2 and that the appropriate stage for construction will be considered and certified by an accredited bushfire practitioner. This will be an enforceable part of any permit issued for subdivision.

In this instance, it is submitted that the correction to adjust the SAP boundary around the identified northern road link area does not engage the elements of a substantial modification described above as:

- the area of land that is intended for the future link road and the rationale for the modification was clearly described in Council's assessment report which was placed on public exhibition;
- the area of land for the future road link is not proposed to be rezoned or allows for different uses or development than that which currently exists, noting that the land is located within the 'inner protection area' (registered easement) of the electricity transmission corridor which in itself, significantly restricts allowable use and development;
- the future regulatory requirements of applicable codes can be readily met and do not require a development response that would alter the description of anticipated works associated with the new link road described; and
- the land is within the title that is the subject site of the draft amendment and does not affect any third party land.

Section 40P of the LUPAA is not instructive in regard to determining whether a modification is a substantial modification, which would be subject to draft amendment processes as if it were a draft amendment provided to the Commission under section 40F(4). Section 40P outlines the process whereby the Commission issues a notice that a draft amendment is to be substantially modified.

Council submits that the correction to SAP boundary around the future northern link road area is not a substantial modification subject to section 40P because of the factors outlined above, but is a minor modification within the allowable scope of the Commission's decision under section 40N(1)(a) and section 40O, whereby the Commission can issue a notice to the planning authority that the draft amendment be modified or the Commission can modify the draft amendment itself under section 40N(1)(b). In this regard, Council refers the Commission to the revised Development Plan Figures S23.1 -S23.4 that address the other direction matters above, whereby the modification is already incorporated into the documents.

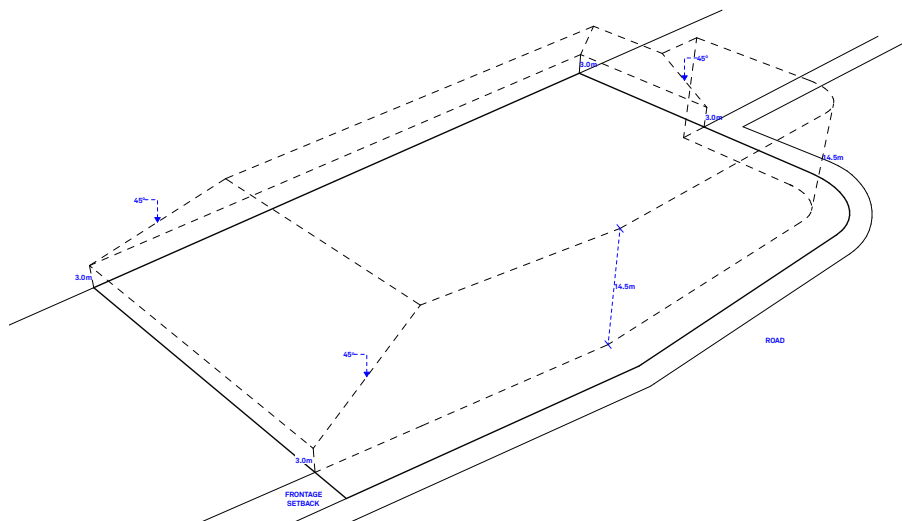
In effect, if the Commission accepts the Council's submissions to these directions, the documentation is in a format that is suitable for approval and operational effect in the Meander Valley LPS.

Whilst Council has outlined its preference in all of its supporting documentation to include a mandatory requirement in the SAP to incorporate the northern link road through to Pitcher Parade, if the Commission does not accept the above submissions, Council's preference is that this element is removed from the draft amendment and that the process for a substantial modification is not engaged. Council will instead rely in the future on the subdivision provisions of the General Residential Zone and the *Local Government (Building & Miscellaneous Provisions) Act 1993* and whilst not as effective, certain and clear-cut as a direct requirement included in the SAP, there is scope to defend the preference for the link road in the future under those provisions.

4. *In regard to the structure of the SAP, inclusion of a building envelope diagram relating to clause S23.7.1, reference to the apartment living site in S23.7.2 and consideration c of any changes to the wording of clause S23.8.1 that would be required to facilitate subdivision in accordance with the development plan. For example, ensuring that all performance criteria elements are relevant to the development plan. Note: regard may also be given to the heading of the clause which is contradictory in that it refers development standards for subdivision.*

#### **Response:**

The SAP text has been revised to change all references to apartment living to the 'Apartment Living Site'. A building envelope diagram (shown below) for the Apartment Living Site, consistent with the drafting style of the Tasmanian Planning Scheme and inclusive of the frontage setbacks required by the General Residential Zone, has been included at Figure S23.1.



**New Figure S23.1 – Building envelope for the Apartment Living Site**

Clause 23.8.1 has been reviewed following discussions in the hearing and Council considers the section could benefit from improved expression related to the primary purpose of including the particular elements in the SAP.

Further to discussion above under direction no. 2, the performance criteria and objective for the development plan and the SAP purpose statements have been revised to more clearly express the intended outcomes of each of the SAP elements relating to the Apartment Living Site, public open space, the road network including connections, a peripheral landscape management area, identifying key stormwater management locations and open space areas to act as visual buffers. Improved expression of the SAP purposes follows through to more robust objectives and assessment criteria.

Whilst some aspects can be considered with a greater degree of flexibility and still achieve the purposes and objectives, the two elements that are critical and compulsory are a large and useable area of public open space over the central ridgeline and the future northern road link through to Pitcher Parade.

In revising the performance criteria to provide for a small degree of flexibility in locating the boundaries of the future public open space over the central ridgeline, Council is proposing to include two minimum, mandatory parameters be included relating to overall size and the location expressed as a relative AHD level. Given that the 'central ridgeline', though reasonably apparent when viewed in the landscape or on a contour map (which is reflected in the development plan), it is not a mapped or defined feature. A requirement in the leading text of the performance criteria that subdivision is '*generally in accordance with the development plan at Figures S23.2 -S23.5*' will assist with general expectations in regard to locating the elements of the SAP, however it is considered that of itself, it is not certain enough to protect the original mandatory intent of the exhibited SAP provisions. The addition of a requirement for a minimum area (as discussed in the hearing) ensures that the public open space will be an appropriate size to provide reasonable public amenity and when combined with landscape elevation location requirements, will ensure that the public open space is confined to this location (being the 'central ridgeline') yet will have sufficient 'wriggle room' around the crest of the central ridgeline to address any potential technical difficulties that would have been restricted previously.

The future northern road link can only occur within a confined area adjacent to the northern frontage to Pitcher Parade (as outlined above in response to direction no.3). However, the precise alignment is not yet determined and must be done in consultation with TasNetworks to ensure appropriate setbacks to transmission line pylons and also in conjunction with the work Council is undertaking in regard to the future extension of Mt Leslie Road opposite the link road junction with Pitcher Parade. As discussed above, the rationale for identifying and including the northern link road to Pitcher Parade is clear. By including a performance criteria directly related to its inclusion in the SAP, the provisions eliminate the potential for any future argument about its requirement and provides certainty for the local community regarding traffic management over time.

In accordance with the direction, the leading text and performance criteria have been reviewed for relevance and expression in regard to the elements of the SAP development plan (additional text shown in red, deleted text shown in strikethrough). It is noted that the performance criteria may work in combination in regard to any potential variation sought to the development plan, depending upon the degree of variation sought, the location within the site and the relative impact upon achieving the purposes of the SAP. The planning authority will be able to discern the relevant criteria when assessing an application for subdivision and making a judgement in regard to whether the SAP purpose is impacted by the variation to the development plan.

The revisions to standard MEA-S23.8.1 are discussed below:

- *P1 Subdivision must be consistent with the purpose of the Specific Area Plan and generally in accordance with the development plan at Figures S23.2 – S23.5, having regard to:*

As the Commission is aware, due to the limitations of section 6.10 of the TPS (*Determining Applications*), it is imperative that the construction of the performance criteria has a direct loop back to the purposes of SAPs in particular, so as to provide legally robust effect in exercising discretion to approve or refuse an application for use or development (noting that subdivision is not ascribed a use classification) or to apply conditions. This ensures that the reason for undertaking a SAP in the first instance is protected and appropriately assessed. In this regard, the proposed development plan is an expression of the arrangement of future use and development on the site that is given to meet the intended outcomes as expressed in the purposes of the SAP. However, the purposes may still be delivered if the arrangement of use and development varies somewhat from the development plan. Including the term '*generally in accordance with*' allows for modest flexibility without enabling significant variation.

- *(a) the topographical or natural features of the site;*

The topographical or natural features of the site may be relevant in considering any variation to the location and extent of the public open space, landscape management area, future collector roads and junctions, open space areas and stormwater management and the way that these elements interact.

- *(b) screening and visual amenity provided by existing vegetation or new plantings at the interface of the Country Club Tasmania complex with the residential area;*

This criteria is proposed to be added to reflect the inclusion of the open space areas as a measure to enhance visual amenity. Variation to elements of the development plan may be mitigated by the vegetation to be retained or planted in the open space areas or variation to the open space areas may be acceptable depending upon the degree of change, supplementary plantings and ability to provide for visual amenity as expressed in the SAP purpose.

- *(c) the relative visibility of future development within the landscape;*

This criteria will take into account any variation to the public open space, landscape management area and open space areas and will work in tandem with (a) to assess the way that future development will interact with the topography and vegetation to be retained (and also that to be removed for bushfire protection) to provide mitigation of the visual impacts of development.

- *(d) any requirements for bushfire hazard management areas;*

The detailed requirements of any future bushfire hazard management area in the BHM Plan that is required by the Bushfire Prone Areas Code, may affect the location and extent of the public open space, landscape management area and open space areas. The way in which the landscape management area interacts with residential lots and walkways at the bush interface to provide visual and recreational value whilst providing for bushfire safety is a matter that will need to be considered in detail if any variation to the landscape management area is required.

- *(e) the provision of a hierarchy of local and collector roads and the need to establish connections to the existing and future road network;*

The nominated locations of collector roads may require variation upon detailed design to account for unforeseen issues. The development plan guides a road hierarchy that appropriately collects traffic from within the development however the criteria would benefit from improved expression

to clarify that an important element for consideration is the way in which the area connects into the existing network and future road connections, such as the Mt Leslie Road extension.

- *(f) pedestrian connectivity within the development and to the existing and future pedestrian pathway network;*

This criteria will take into account any variation to the public open space, landscape management area, open space areas and road alignment and will work in tandem with criteria (a), (c), (d), (e), (g), (h) and (i) to improve clarity in assessing the way that future development will interact with pedestrian mobility throughout the residential area and the way it will connect to the Country Club Tasmania complex, established and future streets, public facilities, established and future recreational assets and the activity centre beyond the site.

- *(g) the need to install infrastructure and services;*

This criteria will take into account any variations to the indicated collector roads and potentially the boundaries of the public open space or open space areas as a result of unforeseen issues regarding the installation of infrastructure and services. This criteria will work in tandem with criteria (a), (b), (c), (e) and (i).

- *(h) the ability of the subdivision to provide for housing diversity if the lot for the Apartment Living Site is modified;*

The provision for the Apartment Living Site within the SAP is primarily aimed at enabling a housing form that is at a higher density and larger scale than that which is typically found in a suburban General Residential Zone, due to the particular suitability of this location and that the TPS provisions do not readily account for this model of higher density housing. The SAP development plan is relevant to the future building development for the Apartment Living Site in providing for a building envelope in the specific designated location. The subdivision criteria includes recognition of this element as part of the overall development arrangement in the development plan, however this criteria is stand-alone as the Apartment Living Site does not impact the ability to achieve the SAP purposes if the lot is varied. It is noted that any area utilised for higher density housing outside of the designated Apartment Living Site will be subject to the normal standards of the General Residential Zone. A typical subdivision in the General Residential Zone will be able to provide for housing diversity as lots are usually able to accommodate multiple dwellings in accordance with the zone standards.

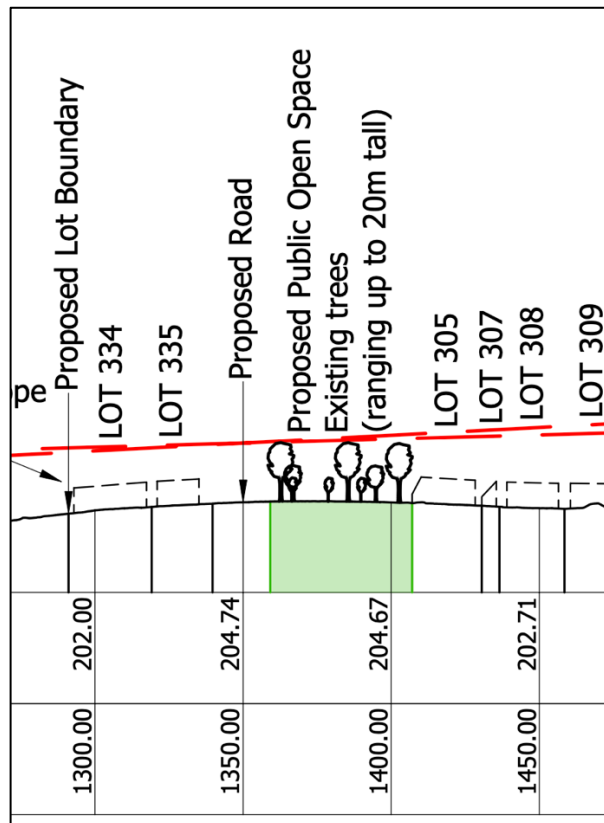
- ~~must include the public open space in accordance with Figure S23.1:~~

*(i) public open space over the crest of the central ridgeline with a minimum area of 1.25ha at an elevation not less than 203.0 AHD; and*

*(ii) a 20m wide road extending from the residential area through to Pitcher Parade at the northern boundary of the site.*

As discussed above, these criteria set minimum mandatory standards for the public open space location and size and the future construction of a northern link road through to Pitcher Parade.

An extract is included below from the landscape section that was exhibited on 14 August 2021 as part of the supplementary notification. The landscape section shows that the public open space is centred around the crest of the central ridgeline which peaks at approximately 205.5 AHD and lowers to approximately 203.0 AHD at either end. Limiting the extent of any change to the 203.0 AHD level ensures that the visual landscape mitigation intent of a vegetated ridgeline is protected.



Extract from Landscape Section (Woolcott Surveys L200315 - 13/8/21)

The objective has been revised to reflect the revised SAP purposes to the extent that they relate to the eventual layout of development through subdivision.

Council's preference is to enhance the expression through the SAP purpose and leave the leading text unaltered. This effectively informs any reader of the provisions 'up front' that the principal reason for the inclusion of the SAP into the LPS was to ensure that critical elements are protected and that preferable elements are identified and given reasonable consideration in the future with a good degree of surety. This construction will result in some degree of duplication in the objective to standard MEA-S23.8.1, however this does not compromise the operation of the standard in any way and will mutually reinforce the intended outcomes.

The direction includes the following:

*Note: regard may also be given to the heading of the clause which is contradictory in that it refers development standards for subdivision.*

Council is unclear as to the Commissions concern regarding the heading. 'Development Standards for Subdivision' is a heading that appears throughout the TPS and in various approved SAPs where the SAP includes different requirements for subdivision to those in the underlying zone. The principal purpose of the development plan is to achieve a particular arrangement of development so as to achieve a number of outcomes that respond to Council's local strategy. This will be achieved in the first instance through development for subdivision and as such it is appropriate and intended to directly link the requirements for subdivision, which are in addition to the normal requirements for subdivision in the General Residential Zone, to the layout expressed in the development plan. This is also the case in numerous other SAPs in the Meander Valley LPS. The purposes of the SAP and the objective to the standard enable appropriate conditioning of any subdivision when the detail is known, to ensure certain outcomes on the land in perpetuity to uphold the strategic intent.

The Development Plan at Figures S23.2 – S23.5 is a stand-alone component however and is also relevant to the Apartment Living Site for future building development. The Development Plan specifies the designated extent of land for the Apartment Living Site that can take the benefit of the provisions relating to the building envelope and site coverage that enable a higher density of housing in an apartment complex.

Technically, all references to subdivision could be removed and replaced with ‘development’ as subdivision is defined as development. It is not the intention of the SAP to over-regulate development on the site, however this would eliminate a potential loophole for wholesale vegetation clearance outside of subdivision (however unlikely this may be) that would compromise the purposes of the SAP for the public open space, open space areas and the landscape management area (noting the ambiguity of exemption 4.4.1(a) in the TPS).

The revised SAP S23.0 – Country Club Estate Specific Area Plan is attached.

## 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 <del>through an Apartment Living Site that will enable multiple dwellings at a higher density in a location and form that is appropriate within the established and future residential environment.</del>
MEA-S23.1.2	To <del>ensure the inclusion of</del> an area of designated public open space <del>over the prominent central ridgeline that is in a location that provides mitigation of the visual impacts of development on the landscape and is of a size to effectively provide for public amenity.</del>
MEA-S23.1.3	To provide for a co-ordinated network of roads, <del>future roads</del> , pedestrian <del>paths</del> and bicycle paths that connect the <del>activity centre</del> , residential area and public open space <del>to the broader road network, activity centre and services.</del>
MEA-S23.1.4	To provide for a <del>peripheral</del> landscape management area that incorporates bushfire hazard management, recreation trails, pedestrian connectivity, road crossings and stormwater management together with the management of vegetation to graduate the visual impacts of development in the landscape at the edge of the development area <del>recreation corridor and bushfire hazard management area</del> in accordance with the layout shown in Figures <del>S23.2 – S23.5.</del>
MEA-S23.1.5	To provide for key stormwater management locations.
<del>MEA-S23.1.6</del>	<del>To provide for open space areas that visually buffer the interface between the Country Club Tasmania complex and the residential area at key locations.</del>

### 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	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 <sup>1</sup> :

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<sup>1</sup> *Livable Housing Design Guidelines* 2nd Ed published by Livable Housing Australia, 2012

	<p>(a) Access to dwellings and pathways:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> <li>(iii) pathways are step free;</li> </ul> <p>(b) Entrance to dwellings:</p> <ul style="list-style-type: none"> <li>(i) door has a clear opening of 820mm;</li> <li>(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;</li> <li>(iii) is under cover for a length of 1.2m;</li> <li>(iv) has a landing with a minimum 1.1m width and a minimum 1.2m length;</li> </ul> <p>(c) Internal Layout:</p> <ul style="list-style-type: none"> <li>(i) is on one level (transition tolerance of 5mm);</li> <li>(ii) doors have a clear opening of 820mm;</li> <li>(iii) corridors have a clear width of 1m;</li> </ul> <p>(d) Toilet:<sup>2</sup></p> <ul style="list-style-type: none"> <li>(i) minimum 1.4m clear space from encroachments, walls or door swing (may include removable fixtures) on two sides;</li> <li>(ii) grabrail installation enabled;</li> </ul> <p>(e) Shower:</p> <ul style="list-style-type: none"> <li>(i) slip resistant surface;</li> <li>(ii) is hob-less or step free;</li> <li>(iii) may include removable fixtures;</li> </ul> <p>(f) Kitchen and Laundry:</p> <ul style="list-style-type: none"> <li>(i) Minimum 1.2m clearances.</li> </ul>
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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.

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<sup>2</sup> AS1428.1 Design for Access and Mobility AMDT Nov 2010

Objective	<p>That the siting and design of development:</p> <p>(a) is consistent with the purpose of the Specific Area Plan;</p> <p>(b) protects residential amenity through a building envelope to provide adequate separation between dwellings on adjoining properties.</p>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Dwellings on the Apartment Living <b>Site lot</b>, excluding outbuildings with a building height 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 (refer to Figure 23.1) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback <del>or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage;</del> and</li> <li>(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.</li> </ul>	<p><b>P1</b></p> <p>The siting and scale of dwellings on the Apartment Living <b>Site lot</b> must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</li> <li>(ii) overshadowing the private open space of a dwelling on an adjoining property;</li> <li>(iii) overshadowing of an adjoining vacant property; or</li> <li>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; and</li> </ul> <p>(b) have regard to the intended or prevailing character of the surrounding area.</p>

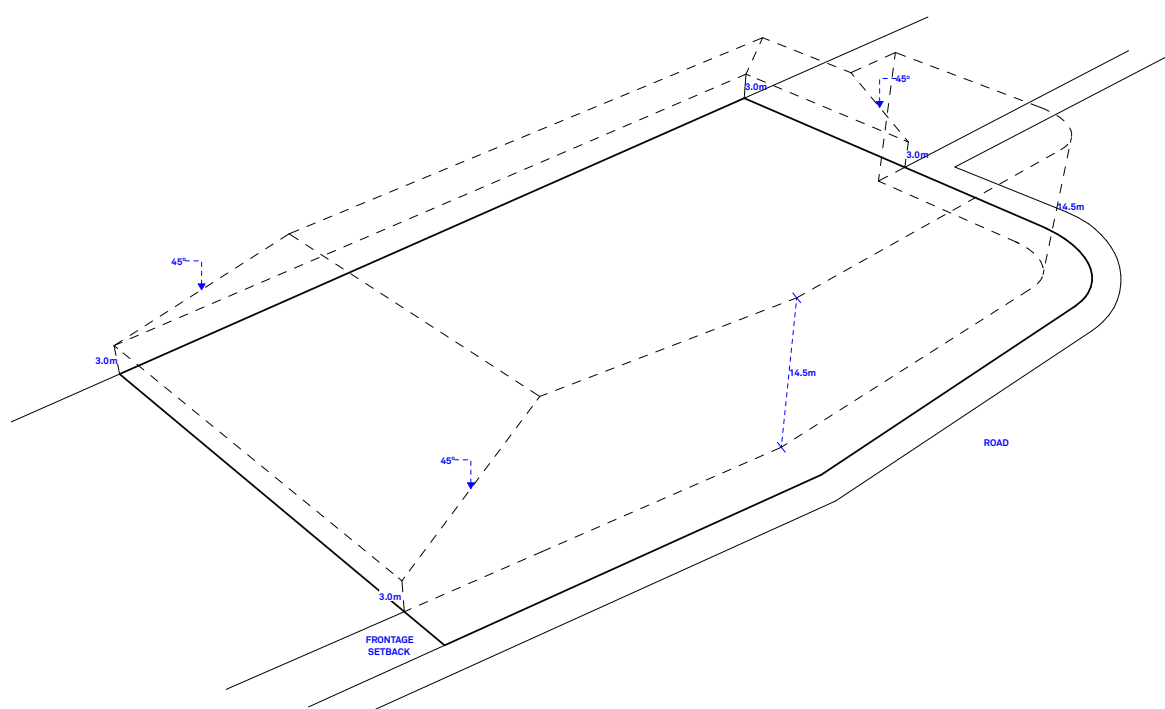


Figure S23.1 Building envelope as required by clause MEA-S23.7.1 A1.

## 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.

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

## 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	That subdivision provides for: <ul style="list-style-type: none"><li>(a) <b>an area of</b> public open space over the <b>crest of the</b> central ridgeline;</li><li>(b) the location of future collector roads and junctions that integrate with the existing and future road network;</li><li>(c) a lot for <b>an Apartment Living Site</b>;</li><li>(d) a <del>bushfire hazard</del> <b>landscape</b> management area <b>that enables a combination of bushfire hazard management, recreation trails, pedestrian connectivity, road crossings and stormwater management together with the management of vegetation for the mitigation of visual impacts on the landscape</b>;</li><li>(e) open space areas to buffer the <b>interface between the</b> Country Club Tasmania complex <b>and the residential area</b>; and</li></ul>
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	(f) key stormwater management locations.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Subdivision must be in accordance with the development plan at Figures S23.2 – S23.3.4</p>	<p><b>P1</b></p> <p>Subdivision must be consistent with the purpose of the Specific Area Plan <b>and generally in accordance with the development plan at Figures S23.2 – S23.5</b>, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topographical or natural features of the site;</li> <li>(b) <b>screening and visual amenity provided by existing vegetation or new plantings at the interface of the Country Club Tasmania complex with the residential area;</b></li> <li>(c) <b>the relative visibility of future development within the landscape;</b></li> <li>(d) any requirements for bushfire hazard management areas;</li> <li>(e) the provision of a hierarchy of local and collector roads <b>and the need to establish connections to the existing and future road network;</b></li> <li>(f) pedestrian connectivity <b>within the development and to the existing and future pedestrian pathway network;</b></li> <li>(g) the need to install infrastructure and services;</li> <li>(h) the ability of the subdivision to provide for housing diversity if the lot for the Apartment Living Site is modified; and</li> <li>(i) <b>must include the public open space in accordance with Figure S23.1:</b> <ul style="list-style-type: none"> <li>(i) <b>public open space over the crest of the central ridgeline with a minimum area of 1.25ha at an elevation not less than 203.0 AHD; and</b></li> <li>(ii) <b>a 20m wide road extending from the residential area through to Pitcher Parade at the northern boundary of the site.</b></li> </ul> </li> </ul>

Figure S23.2 Development Plan

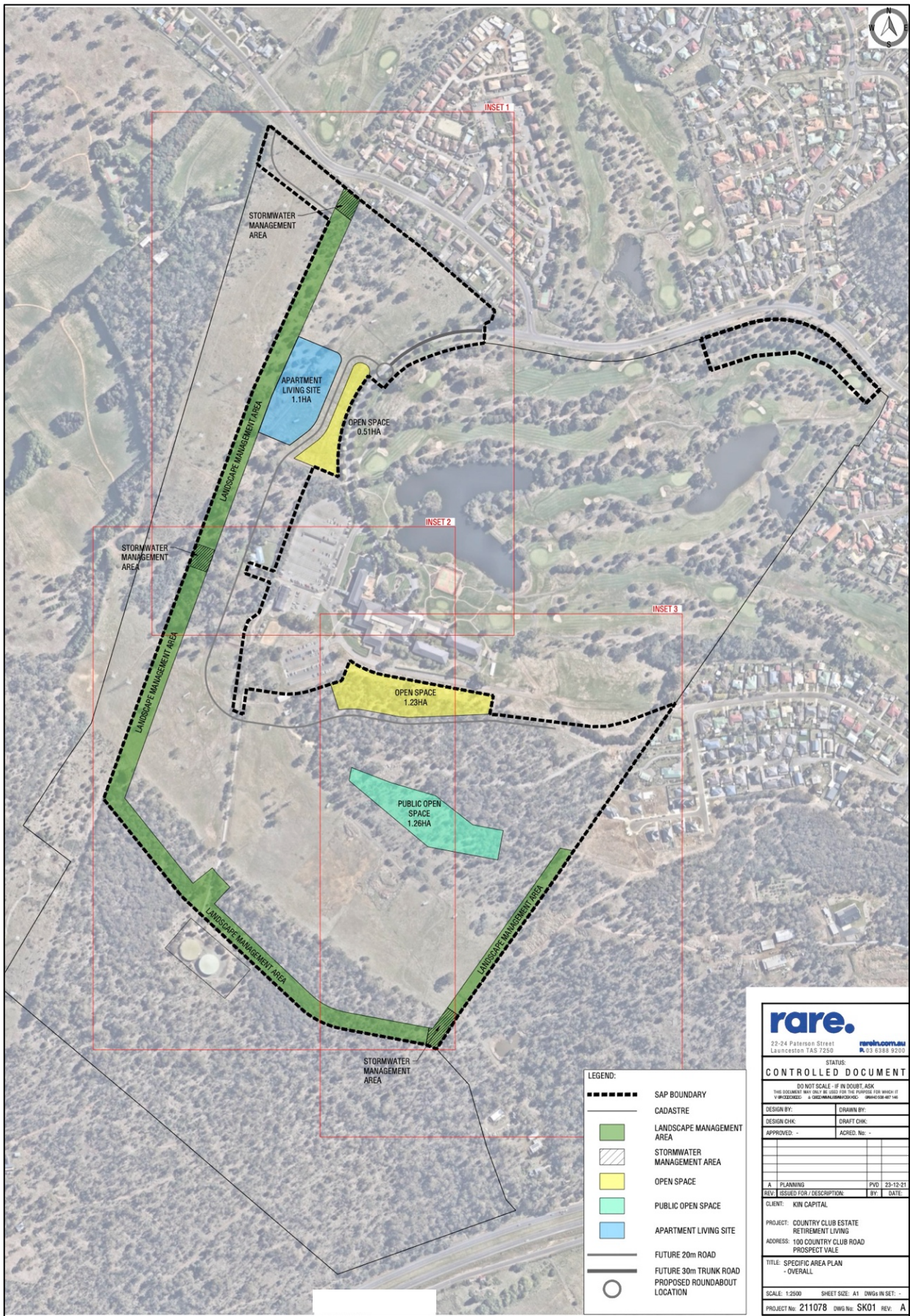


Figure S23.3 Development Plan – Inset 1



Figure S23.4 Development Plan – Inset 2

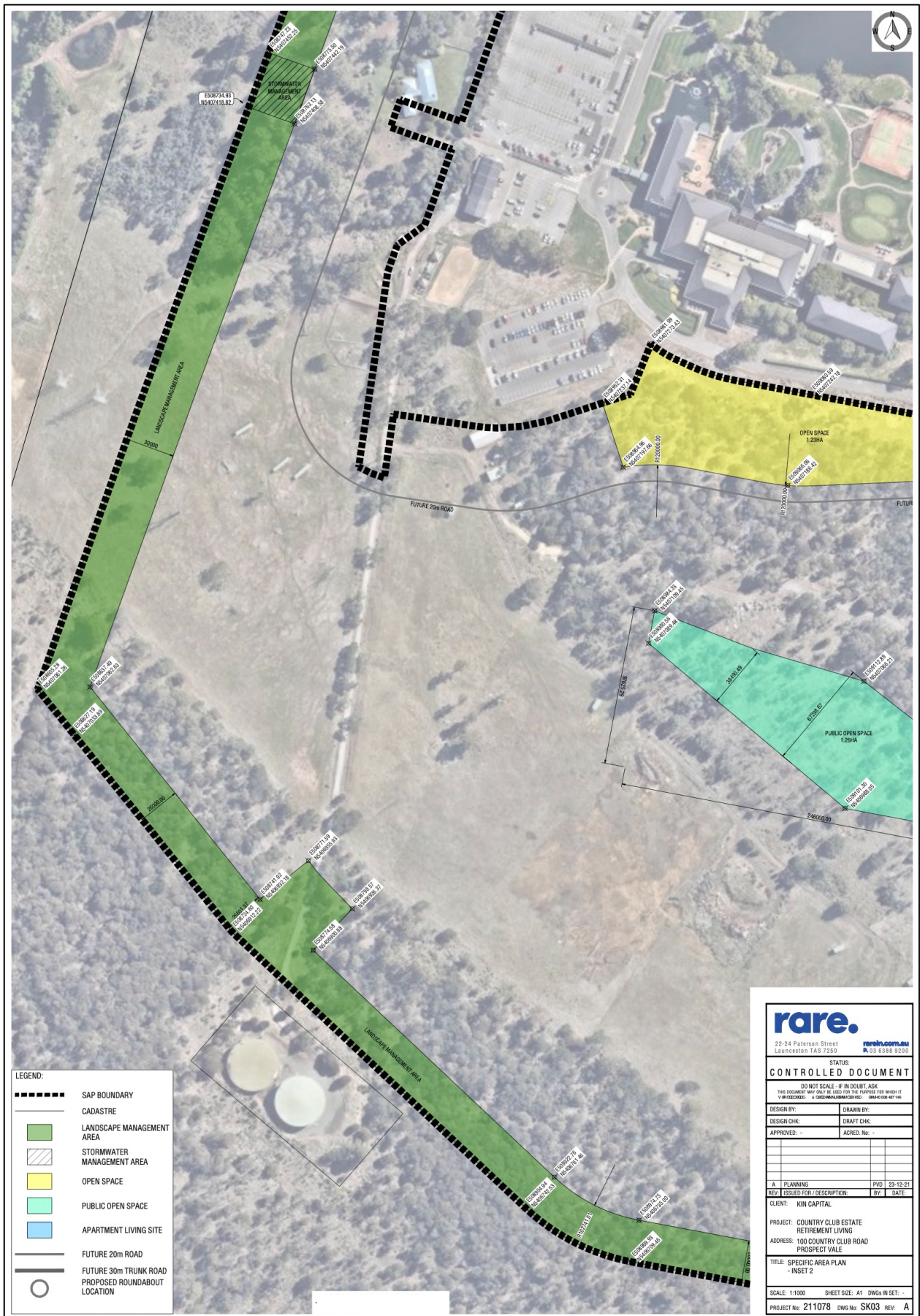


Figure S23.5 Development Plan – Inset 3

