

DRAFT MEANDER VALLEY LOCAL PROVISIONS SCHEDULE – TPC HEARING DIRECTIONS

MEANDER VALLEY COUNCIL RESPONSE

9.5.19 Directions Hearing

- a) a copy of the Davis, Meander Valley heritage study, by close of business **Friday 17 May 2019**

MVC Response: Emailed 14.5.19

- b) a schedule of properties in Meander that are listed on the Tasmanian Heritage Register, by close of business **Friday 24 May 2019**;

MVC Response: Emailed 14.5.19

- c) a plan clarifying the extent of land over the Sibelco mine at Mole Creek, proposed to be zoned Rural, by close of business **Friday 24 May 2019**.

MVC Response:

Figure 1 below shows the lease area for the Sibelco quarry in red shading. It makes up part of the title CT223679/1 which is owned by Sibelco, however the balance of the title crosses Den Road and is utilised for grazing in conjunction with surrounding land. It is considered appropriate to split zone the title along the Den Road reserve with Agriculture Zone to the south and Rural Zone to the north. There is a reasonable prospect that further expansion may occur on the slopes the south of the lease area, however the flat grazing land to the south of Den Road should be subject to the same provisions relating to agricultural land as the surrounding grazing land.

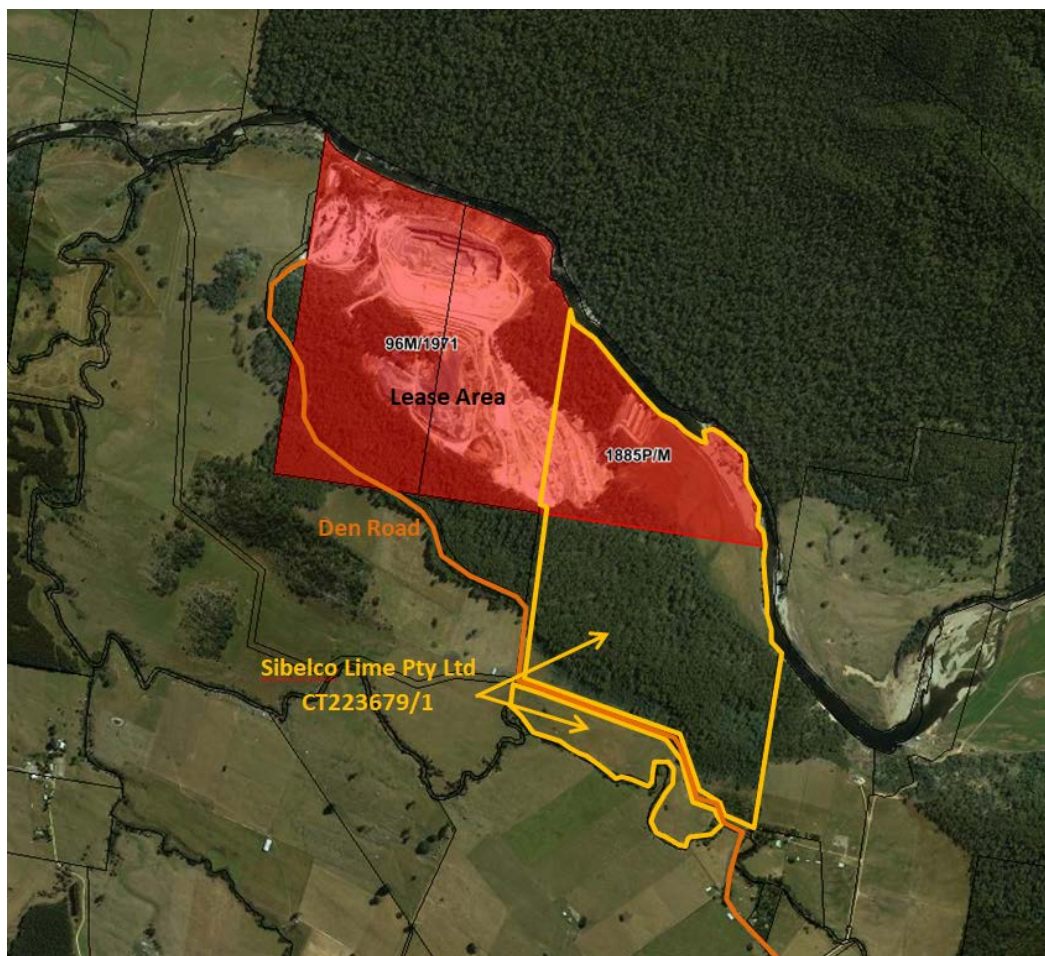


Figure 1 – Aerial photo of Sibelco quarry showing title boundaries.

It is recommended that the zoning be amended from Agriculture Zone to Rural Zone as shown below:

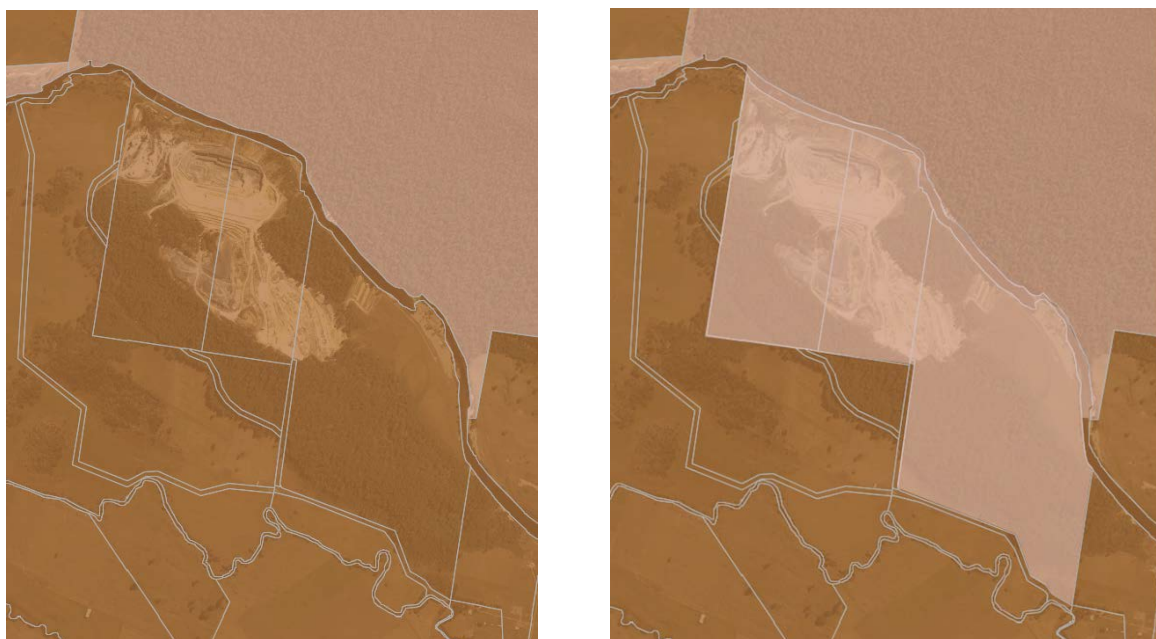


Figure 2 – Draft LPS notified zoning at left and proposed zoning modification at right.

28.5.19 Directions - Hearings 22, 23 & 24 May 2019

1. Entally Lodge SAP

- a) why the provisions of the State Planning Provisions (SPP), General Residential Zone, are not sufficient to provide for the intended use and development;
- b) how the proposed Entally Lodge Specific Area Plan meets section 32(4) of the *Land Use Planning and Approvals Act 1993* (the Act); and
- c) may also include in the submission any draft revisions to the proposed SAP.

MVC Response: See attached submission and revised SAP.

2a) Upper Golden Valley (& Kimberley)

The rationale for the proposed modifications to the Upper Golden Valley Specific Area Plan, including:

- (i) why the subdivision provisions in that SAP are no longer relevant;
- (ii) why the proposed provisions are now appropriate and how the proposed provisions, meet section 32(4) of the Act, and as far as practicable, are consistent with the Northern Tasmania Regional Land Use Strategy.

Note: The same questions were asked in the hearing about the rationale for Council's proposed modifications to the Kimberley SAP, however it is noted that this has not been followed up with a direction. Kimberley is included in the discussion below.

MVC Response:

The two Rural Living Areas at Upper Golden Valley and Kimberley are discussed together as the rationale for the proposed modifications to the Draft LPS provisions are related in terms of strategic approach and context.

At the time of lodgement of the Draft Meander Valley LPS, the Act required compliance with both the NTRLUS and the requirements for application of the SPP's. An LPS could only vary the provisions of the SPP's through a Particular Purpose Zone, Specific Area Plan or Site Specific Qualification.

Section 5.3.16 of Council's Draft LPS Supporting Report discussed the specific area plans for various Rural Living Areas and particularly noted that the requirements of the Act were in conflict for these areas. Enquiries by Council to both Government and the TPC before submission of the draft LPS, and again to the TPC at a post-

lodgement conference, sought clarification which one of the SPP's or RLUS took priority where a conflict was identified. Unfortunately, due to it being the earliest days of the first draft LPS to be submitted, Council was advised that guidance was not able to be provided. Consequently, at the time, Council felt compelled to rely upon the position, strategic justification and supporting material it had submitted for its Rural Living Zone amendment of December 2015, because it was a recent and relevant consideration under the NTRLUS.

Since submission of the draft Meander Valley LPS, complications with conflicts between the SPP's and the regional land use strategies resulted in an amendment to LUPAA in December 2018, which effectively established a hierarchy within the LPS Criteria at section 34. This changed the mandatory emphasis on the regional land use strategies to one that achieves consistency 'as far as practicable'. The first criteria in preparing a draft LPS is to include *"all the provisions that the SPPs specify must be contained in an LPS"*, that is, apply the zones and their associated provisions. A draft LPS can only vary the SPP's in demonstration of compliance with the requirements of section 32, particularly s.32(4), which describes a significant social, economic or environmental benefit to the State, a region or a municipal area, or that the area of land has particular environmental, economic, social or spatial qualities that require unique provisions that are different to the SPP's.

The regional land use strategy, or a more local strategy, may describe the particular qualities of an area that necessitate a specific approach or treatment. They can also be very generalised in the policies and actions directed at certain land uses. In the case of the approach to Rural Living zoning and the provision for rural residential land use into the future, the NTRLUS sets out a range of non-measurable, judgement-based criteria for allocating areas for intensification of lots. These were considered and discussed in Council's 2015 amendment and a judgement made, supported by the TPC at the time, as to preferred areas for intensified rural residential land use.

Since then, the context has changed significantly. The planning legislation now requires judgement in the context of a standardised state-wide suite of zones and provisions and the prioritisation (hierarchy) discussed above. In particular, judgements that were made about Rural Living areas for intensification that relied on the very subjective criteria of *"proximity to existing settlements containing social services"*, are challenged in the context of the opportunity being afforded across the State in the application of the SPP Rural Living Zone and that the stated purpose of the Tasmanian Planning Scheme is to *"deliver consistency in the planning controls applying across the State, and provide the necessary flexibility to address local issues"*^[1].

The focus of the issue for Upper Golden Valley and Kimberley is not that the draft provisions for subdivision are no longer relevant, it is that, in the context of the TPS priorities discussed above and the section 35(5) notice issued by the TPC relating to Kimberley, they are no longer considered appropriate. The process of public notification has, quite properly, drawn out submissions from landowners in those areas that have highlighted inconsistencies with other similar or adjoining areas and questioned the initial judgements that were made regarding the localised limitations on intensification through subdivision.

The limitations on subdivision for Upper Golden Valley were based on two matters:

- an arbitrary threshold of approximately 10 minutes driving time to services;
- potential demand for access to the Lake Highway, a State road.

The Department of State Growth (DSG) initially expressed concern regarding the fragmentation of the function of the Lake Highway due to multiple, additional domestic driveways if subdivision was enabled. The area at Lower Golden Valley has access to Council maintained side roads that provide managed access to the Lake Highway and DSG were comfortable with densification of lots onto those roads, noting that the potential yield was modest. Tiers View Road and Bogan Road provides for the same arrangement and so has practically been limited only by the arbitrary threshold of the drive time to services, a 5 minute difference to that of Lower Golden Valley. In the context of a new legislative framework that prioritises consistent provisions, the difference is inconsequential.

The entire Rural Living Zone at Golden Valley primarily meets the criteria of the NTRLUS in that:

- it has little impact on the agricultural and environmental values of the land and surrounding areas as the Rural Living zoned land is largely vegetated with substantial sized lots that can accommodate

^[1] *Tasmanian Planning Reform*, Tasmanian Government <https://planningreform.tas.gov.au>

dwelling development areas without compromising natural values and can buffer adjoining agricultural or forestry uses. There are existing cleared areas that can be utilised for development;

- it has reasonable proximity to existing settlements containing social services at approximately 16 minutes driving time to Deloraine;
- it makes efficient use of land within the extent of an established rural residential area;
- the lots are large enough to accommodate on-site waste water;
- there are large areas of native vegetation in the locality and buffers would be maintained to watercourses which will protect riparian and water quality values;
- the area is serviced by through roads along the Lake Highway or Bogan/Gulf Road through the Liffey Valley in the event of bushfire evacuation;
- the potential additional lot yield at a maximum of 13 lots is a small increase in the context of the potential 155 lots potential yield through the various Meander Valley zones, and negligible in the context of the broader regional distribution of this zone. It is effectively an augmentation of an existing development zone that will not result in an oversupply of land;
- the land does not compromise future urban growth as it is not located in proximity to a settlement.

The one factor that is important for the management of future intensification is the potential fragmentation of the Lake Highway by additional access points. Despite the DSG retaining the power to refuse new accesses irrespective of a planning scheme provision, the concerns of the department that a planning scheme fosters an expectation of a new access are valid.

As such, in consideration of s.32(4), it is considered that the Lake Highway:

- has particular spatial qualities as a winding, higher speed road already subject to access fragmentation, that warrants a restriction on the creation of new accesses; and
- has economic qualities in that the protection of State Category 5 roads from diminished function is important to the integrity of the State's road and freight network.

The proposed modification to the Upper Golden Valley SAP that alters the subdivision provisions to only prohibit new accesses to the Lake Highway, contained in Council's report under s.35F, appropriately responds to the qualities described above.

The Rural Living Zone at Kimberley is proposed to be modified by deleting the SAP that prohibits the creation of new lots by subdivision and changing the Rural Living Zone category from D to B to the area north of the railway line.

As described in Council's report under section 35F, the reason for this is due to the change of strategic context brought about by the TPC notice under section 35(5) that altered the development opportunities for Kimberley. The notice stated:

2. New specific area plans and site-specific qualifications not meeting section 32(4)

The Commission is not satisfied that the following provisions meet the LPS Criteria under section 34(2) of the Act as the provisions do not meet the requirements of section 32(4) and the Meander Valley draft LPS is to be modified by deleting the following and renumbering the remaining draft LPS provisions:

(a) MEA-S10.0 Kimberley Settlement Specific Area Plan

Reason: There are no particular qualities that require unique provisions as the existing pattern of subdivision provides for the land to be developed at higher densities than the proposed provisions and will not achieve the particular qualities of spatial separation between dwellings.

The effect of the notice was to remove the settlement specific minimum lot size of 5000m² with a minimum dimension of 35 metres for the Low Density Residential Zone and apply the SPP standard of 1500m² with a mandatory minimum of 1200m² with a building area of 10m x 15m clear of the required setbacks.

Low Density Residential zoning reflects the core of the settlement which has, over time, become surrounded by rural residential uses on larger lots, such that there is a graduated density to the periphery of the settlement. Both the Low Density Residential Zone and the Rural Living Zone form the 'settlement'.

Prior to the TPC notice, the strategy for the Kimberley settlement was for a very low level of intensification by subdivision, realistically achieving only another two lots in the Low Density Residential Zone that would be capable of on-site wastewater disposal and prohibiting new lots in the surrounding Rural Living Zone, due to the driving time distance to services being greater than 10 minutes (refer discussion above). Council's Draft LPS supporting report describes issues with on-site wastewater for lots of 1500m² and that this has been a factor in the way in which the existing, smaller lots at Kimberley have historically developed, which largely contributes to the larger-lot visual character of the settlement. Despite this, the TPC determined that the SPP standard should apply, which effectively opens an opportunity for an additional 24 lots in the Low Density Residential Zone core.

This significantly changes the strategic approach to the future of Kimberley settlement. If such an opportunity is provided to the core of the settlement, the approach to the periphery of the settlement must be reviewed as it is one settlement, not two separate entities. It is a perverse planning outcome that provides development opportunity to land that is less capable of accommodating densification than the adjoining rural residential zoning that has better capability. The only criteria of the NTRLUS that the Kimberley Rural Living Zone was not considered to meet in the 2015 amendment was proximity to services. The driving time to the nearest supermarket at Sheffield is 14 minutes. If the argument described above regarding the arbitrary judgement of 10 minutes driving time is accepted, it is clear that the provisions that should apply to Kimberley is a matter of appropriateness, not relevance. It is not appropriate that one part of the settlement is provided a development opportunity where the other part is not, when proximity to services is the only reason for the initial limitation on the latter. This results in an inequitable outcome that does not represent '*fair, orderly and sustainable*' planning in accordance with the objectives of the Act.

The proposal to apply the SPP standards for Rural Living Zone B at 2ha for the area to the north of the railway line and Rural Living Zone D at 10ha to the area to the south provides for a potential 11 additional lots. The rationale for the allocation is described in Council's report under s.35F.

In consideration of the Rural Living Zone provisions at Golden Valley and Kimberley it is clear that both areas require reviewing in the context of the Tasmanian Planning Scheme objective to deliver consistency in planning standards across the State. Both of the areas in question adjoin other areas that are enabled for further development, as distinct from the other Rural Living Zones that are restricted for intensification, and it is appropriate to challenge the restrictions initially proposed.

The modifications proposed for Upper Golden Valley and Kimberley:

- bring the draft LPS into greater conformity with the SPP's;
- provides landowner equity for like environments and circumstances that are adjoining;
- continue to be consistent with the NTRLUS as there is not just one way of achieving consistency. The change is inconsequential in a context of prioritising consistency in planning controls and eliminates contradictory planning outcomes.

2b) Westbury SAP (revised 21.6.19)

(b) the proposed modifications to the Westbury Specific Area Plan, including:

- (i) how the proposed provisions meet section 32(4) of the Act;*
- (ii) how the proposed provisions, as far as practicable, are consistent with the Northern Tasmania Regional Land Use Strategy;*
- (iii) advice on whether there are some areas within the Westbury Specific Area Plan that are suitable to retain the 5000m² Acceptable Solution lot size, as proposed in the publicly exhibited draft LPS; and*
- (iv) if the minimum lot size of 1 hectare, proposed in the section 35F report was adopted, with a discretion able to be exercised to reduce the lot size to 5000m² (not 8000m² as proposed in the section 35F report); submissions are sought on what, if any, additional criterion should be included to the performance criteria to take account of the special or unique features of the land which were asserted at the hearing.*

Matters raised at the hearing were - retention of vegetation which delineates the historical layout of lots, lot boundaries or paddocks; the retention of significant features or structures which contribute to an

understanding of previous residential occupation or agricultural activities on the land; and retention of roads, lanes or paths for recreational activities.

There may be other matters that are relevant.

Directions - 12.6.19:

(d) Further to the direction for submission dated 28 May 2019, revisions to the Westbury Specific Area Plan's,

(i) consider the need for local area objectives; and

(ii) and review the Performance Criteria, proposed in the section 35F report;

MVC Response:

Comment:

Section 32(4) of LUPAA provides for a SAP over an area of land where:

(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

The proposed modifications to the SAP, further examined in the Draft LPS hearings, ideally should reinforce the spatial qualities of the area such that the social values are maintained as much as possible. Council stands by its strategy for population growth and infill development, which is clearly supported by the NTRLUS and maintains the view that there is significant capability in the Low Density Residential Zone to accommodate additional development.

Discussion in the hearing focused on how this may be achieved with some additional thought around fine tuning the objectives and performance criteria to ensure the maintenance of the historic, 'square type' grid pattern of lots, keeping larger separation distances between dwellings and maintaining low visibility of development through retention of hawthorn hedgerows or other vegetation screening. It is noted that Council maintains its position as a road authority that it will not 'fill in' the unmade road reserves to service future subdivision as this is an inefficient and expensive response to modest lot yields. There may be small extensions of existing roads, however the area will not be subject to extensive revision of the road network. This means that future lot arrangements can be reasonably predicted and directed in terms of physical form.

In consideration of the typical 5 acre (2.023ha) lot, there is a preferred 'square type' configuration at 5000m² that better integrates with the historic grid pattern and more directly influences a greater separation between dwellings through the inclusion of internal lots. This arrangement also reduces the visual impacts on the number of dwellings within close proximity to the street. The alternative would be a more long, rectangular arrangement of 3 lots that is out of character with the square nature of the grid pattern and would likely result in a closer arrangement of dwellings, which is not a preferred outcome. (Refer diagrams below)

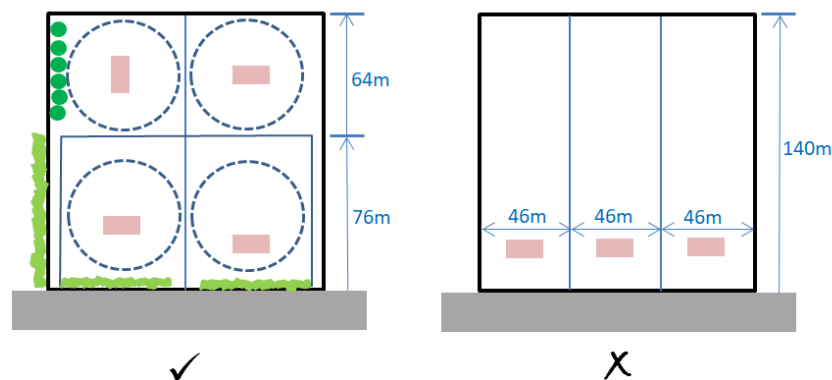


Figure 3 – Subdivision scenarios that can meet a 5000m² lot size.

Reducing the absolute minimum lot size to 5000m² can still ensure the preferred arrangement for the 5 acre blocks by prescribing a mandatory 60 metre diameter circle to be contained in each lot. This will continue the 'square' type of development pattern and prevent the creation of long rectangular blocks that would still meet the 5000m² and then have to be argued on the more ambiguous criteria relating to intent and character.

Council's suggested modification of enlarging the minimum lot size to 1 hectare was to moderate the visual changes to the area over time. However, improved performance criteria that provide for specific management of sites for future visual character outcomes can be just as effective in tempering the integration of new development. The retention of existing hedgerows was particularly discussed as an effective visual screen from the road and between lots, that screens views through the area and mitigates the visibility of existing and new development, but also that they are a defining historic feature of the area. The modification proposed a standard for the retention of hedgerows, however was determined to be impermissible due to the overriding exemption for vegetation removal for boundary fences (likely to be the subject of a future s.35E action). This would also apply to some small, remnant pockets of native vegetation located at boundaries. Despite this, the Act contains the ability to require Part 5 Agreements with a proper purpose, which are separately enforced and is a mechanism that can be employed to protect features that are important for the integration of development.

Distance between development and screening are the two critical elements that will integrate new infill development and should be clearly reinforced through the performance criteria for new lots less than 1 hectare in size.

Revised Performance Criteria:

The following revised performance criteria reinforce a more rigorous outcome for the creation of new lots and subsequent development of new lots, when it works in concert with increased development setbacks. It is noted that the direction recalls discussion at the hearing about historical features (such as wells and cottages) of the area that contribute to an understanding of previous residential and agricultural occupation of the land and questions whether this may be an appropriate consideration for inclusion in the performance criteria.

Council does not consider this to be a relevant consideration for subdivision and is a heritage matter more appropriately addressed either in the Local Historic Heritage Code or the State Heritage Register (Council's position on local heritage is discussed below). Subdivision has not been the cause of the incremental loss of this fabric over many years and will not threaten these features any more than single dwelling development on existing lots. In the absence of any form of protection (as has been the case for many years), it is a matter of the preference of individual landowners and their propensity to value these items or not. It is not appropriate to activate the subdivision provisions as a form of pseudo heritage protection for those items. The proposed retention of hedgerows, despite recognition of their historic background, is based on the fact that as mature, vegetative screening, they are highly effective in mitigating the visual impacts of infill development and maintaining visual character. Of course, without an amendment to the SPP's that would enable Council's submitted hedgerow protection standard, the performance criteria will only be relevant if they are intact at the time of application. There is some risk that the revised standard may act as a disincentive to the retention of hedgerows, however this may be counteracted to some degree by including the consideration of whether there should be screening vegetation planted to create the same effect.

The SAP purpose, local area objectives and performance criteria are revised to specifically influence the physical arrangements of potential future lots.

The recommended revisions are:

Plan Purpose

MEA-S11.1.1 To provide for subdivision density and the arrangement of future development in the low density residential area of Westbury.

Local Area Objectives

- (a) to provide for additional lot yield without diminishing the historic, low density grid arrangement of lots and streets;
- (b) to provide for subdivision that facilitates substantial separation distances between dwellings, consistent with the existing dwelling separation character;
- (c) to locate and design development to reinforce the low density residential character of the area by

minimizing or mitigating viewing opportunities between dwellings and views of development from the street or recreational pathways.

MEA-S11.8.1 Lot design

This clause is in substitution for Low Density Residential Zone – clause 10.6.1 Lot design A1 and P1.

Objective:	<p>To provide for:</p> <ul style="list-style-type: none"> (a) design and dimensions of lots in an arrangement that furthers the local area objectives; (b) dimensions of lots that enable building areas that are substantially separated; (c) lot areas and dimensions that are appropriate to accommodate a dwelling and associated on-site drainage and on-site wastewater requirements; and
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) have an area not less than 1 hectare and: <ul style="list-style-type: none"> (i) be able to contain a 70m diameter circle with a gradient not steeper than 1 in 5; and (ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2; or (b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone. 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must provide sufficient useable area and dimensions in an arrangement that is consistent with the specific area plan purpose and furthers the local area objectives, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lots; (b) any constraints to development on the lot; (c) the potential or intended location of buildings; (d) distances between new building areas and between new and existing building areas; (e) the topography of the site; (f) adequate provision of drainage and on-site wastewater disposal; (g) the ability to screen future development long-term through retention of existing hedgerows or other vegetation, or the planting of new vegetation screening; (h) whether the location of access driveways and crossovers minimizes vegetation clearance and viewing opportunities;

Social Qualities:

The social qualities of the area in regard to land use, residential amenity and the expectations of residents are described in Council's Draft LPS Supporting Report (p.75). The report also describes how the Low Density Residential Zone at Westbury is an important mechanism for the attraction of population through the availability of diverse housing choice, which is an approach reinforced by the NTRLUS. The revision of the subdivision standard to make the acceptable lot size 1 hectare, does not alter the social qualities described, it provides a tempered response to the same ends through graduated change. The inclusion of objectives and performance criteria that reinforce the maintenance of low levels of visibility between dwellings and to the street for subdivision lot sizes between 1 hectare and 5000m², together with greater setback standards, will assist in maintaining the low density amenity valued by local residents, whilst still providing for the desired residential growth.

Spatial Qualities:

The spatial qualities of the area are described as being large lots under residential use, with many dwellings maintaining larger separation distances or are screened by the historic hedgerows or garden plantings. The pattern of lot distribution is predominantly an historic grid of made streets and unmade road reserves that are used for recreational pathways. This will be maintained through the revised performance criteria.

NTRLUS

The NTRLUS particularly notes the advantages of population attraction...

High Levels of Liveability Northern Tasmania has many 'quality of life' advantages that make it an attractive location for people and businesses. The region continues to attract residents from mainland Australia seeking the particular lifestyle attributes and the major support facilities and services in education, health, sport, recreation and culture that the region offers.

The Regional Settlement Network Policy states:

The role and function of settlements within the region encompasses a 'Regional city', 'Satellite settlements', 'District service centres', 'Rural towns', 'Rural villages', and 'Rural localities'. The distinction between settlement types is detailed in Table E.1. The region provides for housing opportunities that include higher and medium density development, suburban, low density and rural living.

For settlements not identified in the Regional Framework Plan Maps D.1, D.2 and D.3, Urban Growth Areas comprise land within the relevant settlements identified in Table E.1 (Northern Tasmania

Regional Settlement Hierarchy), and identified in a local land use strategy that will deliver the particular land use and development mix to provide for graduation and transition to land use and development outside the settlement, consistent with the policies and actions set out, or otherwise referenced in this document.

Westbury is categorised as a Rural Town.

The Low Density residential zone at Westbury provides for that transition and graduation through an identifiable area already developed for residential purposes that defines the settlement boundary. Infill development for the area particularly supports the *Key Settlement Network Strategies at E.2.3 Settlement Pattern:*

- *Consolidate existing land use patterns and identify infill opportunities within existing settlements and urban centres, and around activity centres and key public transport nodes and networks.*
- *Complement and support a viable Regional Activity Centres Network to maximise regional productivity, economic activity and employment opportunities.*

The relevant policies and actions are:

RSN-P1 <i>Urban settlements are contained within identified Urban Growth Areas. No new discrete settlements are allowed and opportunities for expansion will be</i>	RSN-A1 <i>Provide an adequate supply of well located and serviced residential land to meet projected demand. Land owners/developers are provided with the</i>
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<i>restricted to locations where there is a demonstrated housing need, particularly where spare infrastructure capacity exists (particularly water supply and sewerage).</i>	<i>details about how development should occur through local settlement strategies, structure plans and planning schemes. Plans are to be prepared in accordance with land use principles outlined in the RLUS, land capability, infrastructure capacity and demand.</i> RSN-A3 <i>Apply zoning that provides for the flexibility of settlements or precincts within a settlement and the ability to restructure under-utilised land.</i>
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Comment:

The proposed modifications provide=e continued support for the policies and actions of the NTRLUS. The approach provides clearer direction for the restricting of underutilised land in a way that responds to local strategy to manage the visual impacts of growth and limitations on infrastructure.

RSN-P2 <i>Provide for existing settlements to support local and regional economies, concentrate investment in the improvement of services and infrastructure, and enhance quality of life.</i>	RSN-A5 <i>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.</i> RSN-A6 <i>Encourage urban residential expansion in-and around the region’s activity centre network to maximise proximity to employment, services and the use of existing infrastructure, including supporting greater public transport use and services.</i>
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Comment:

The modified provisions for the low density residential area f]provides for housing choice that supports the activity centre and services associated with a Rural Town. The strategy for population growth directly supports the local economy which is essential to maintain services in the longer term.

The direction also seeks advice *on whether there are some areas within the Westbury Specific Area Plan that are suitable to retain the 5000m² Acceptable Solution lot size, as proposed in the publicly exhibited draft LPS.*

The Low Density Residential Zone of Westbury does not display any definitive physical features or capabilities on which to establish a zone provision that limits the opportunities for infill development. The dispersed nature of development is due to the ad-hoc, historic nature of land take up, dating back to the original soldiers grants to present day, such that some of the outlying areas have a greater concentration of development than areas closer to the town centre. Part of the low density area is serviced by reticulated water supply, however this is a measure of its current extent, and not its potential to be extended in the future. Options for the future may include improving the pressure through upgrades that could extend the network, or low pressure lines can be extended with properties requiring a small booster pump to improve pressure, which exists in other rural settlements. As such, any current extent of reticulated water supply is not an appropriate threshold.

Without any definitive features that would reasonably suggest that one area is more suitable for higher levels of intensification than others, any arbitrary allocation would be inequitable as it would deny opportunity to landowners within areas that are clearly within the extent of the settlement boundary.

2c) TasNetworks

The issues raised in any submission from TasNetworks in response to the Commission's request for further submission to TasNetworks in a letter dated 28 May 2019 to Ms Gina Goodman.

MVC Response:

Refer to response of 22 July 2019 seeking further clarification to matters discussed in the hearing.

12.6.19 Directions - Hearings 29 & 31 May, 3 & 4 June, 2019

Historic Heritage Code – *further submission on the application of code, addressing how the following have been considered:*

(a) *Section 34(2)(b) of the Act – “furthers the objectives set out in Schedule 1”*

An objective of Part 2 of Schedule 1 – Objectives of the Planning Process is

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest, or otherwise special cultural value.

(b) *Section 34(2) (e) “as far as practicable is consistent with the regional land use.....”*

The Northern Tasmanian Regional Land Use Strategy at the section on Regional Planning Policies for Social Infrastructure and Community Policy contains the following Cultural Heritage Policy –

CH-P01 Recognise, retain and protect cultural heritage values in the region for their character, culture, sense of place, contribution to our understanding of history.

The following action is required –

CH-A01 Investigate planning means to recognise and list places, precincts of heritage significance within planning schemes and spatially define them with associated map overlays.

(c) *Section 32(f) “has regard to the strategic plan prepared under section 66 of the Local Government Act 1993”*

The Meander Valley Council Community Strategic Plan 2014 to 2024 contains Future direction (1) – A sustainable natural and built environment. It states –

Managing the balance between growth and the conservation of our natural and built environment is a key issue. Decisions will respect the diversity of community values, will be fair, balanced and long term in approach. Specific areas are forestry, protection of our natural, cultural and built heritage, scenic landscape protection, karst management, salinity, water quality, infrastructure and building design.

A listed Strategic Outcome 1.3 is –

The natural, cultural and built heritage of Meander Valley is protected and maintained.

The listed Council role is Provider Facilitator.

MVC Response:

Council maintains its position as submitted in its supporting report to the Draft LPS and in its s.35 report that the State heritage register is the appropriate mechanism to conserve those places that are of historic interest or special cultural value. The Historic Cultural Heritage (HCH) Act does not recognise local and State thresholding and describes in the criteria to ascertain significance for registration, “*a strong or special association with a particular community or cultural group*” which has particularly local focus. Schedule 1 Part 2 of LUPAA refers to objectives for the planning process under the RMPS, of which the HCH Act is part. This is not limited to planning schemes and there are *co-ordinated* and *consolidated* processes for assessment of State heritage listed places through the LUPAA application process. LUPAA provides that a planning scheme may, as a planning instrument, include provisions relating to the conservation of *buildings, areas or other places* if the purpose and appropriateness can be demonstrated. It does not mandate that it must.

Objective c) of Schedule 1 Part 1 is “to encourage public involvement in resource management and planning”. In the notification of its Draft LPS, Council sent 8500 notification letters to Meander Valley landowners as well as the statutory notification. 6 submissions were received advocating the inclusion of local heritage places in the draft LPS. Council considers that there is no community imperative to regulate local heritage places and that the need for the regulation has not been demonstrated.

NTRLUS:

Policy CH-P01 can also be met through listing of places on the Tasmanian Heritage Register. *Character, culture, sense of place, contribution to our understanding of history* are values that are considered in the assessment of places nominated for inclusion on the Tasmanian Heritage Register.

Action CH-A01 is ambiguous in its intent and confounds normal meaning. Despite this, Council considers that there are only 2 ‘planning means’ by which places of heritage significance can be recognised and listed within planning schemes (i.e. the LPS), either as individual properties by populating the table of places, or by spatially defining precincts. The operation of the SPP’s in regard to the type of ‘listing’ is different, with individual places being subject to a high degree of detail in the assessment of development applications, and precinct provisions being focussed on streetscape impacts.

Council considers that the appropriate ‘means’ to manage significant places is through the Tasmanian Heritage Register. It is not practicable to comply with the NTRLUS as it does not provide a coherent explanation of how any distinction between State and local significance is to be made and the outcome to be achieved through planning schemes.

A Note on the Davies Heritage Study 2005 - This study was never endorsed by Meander Valley Council and as such, it does not exist in any official capacity. Council’s view is that it has significant flaws in regard to properly establishing the threshold between State and local significance and the outcomes to be achieved in doing so. It is noted that the ‘local’ data entries only identify the applicable criteria of the HCH Act.

Meander Valley Council Community Strategic Plan 2014 to 2024:

The background to Council’s consideration of its Community Strategic Plan for the purposes of the Draft LPS is discussed above. Central to Council’s consideration is ‘respecting the diversity of community values’. Council’s concerns regarding the veracity of the Davies study, echo the concerns that were raised by substantial numbers of landowners of identified properties in 2005. The lack of public submissions supporting listing of places in the planning scheme, through both the Interim Planning Scheme and Draft LPS processes, confirms for Council that there is no community imperative to include local heritage places or precincts in the LPS.

Having regard to the Community Strategic Plan, Council maintains its position that the appropriate instrument to provide for heritage protection is that items of significance are included on the Tasmanian Heritage Register. Council has facilitated this through the funding of the Davies study, which despite its flaws, has identified many items worthy of inclusion on the Tasmanian Heritage Register.

Travellers Rest SAP

- a) Revisions to the MEA-S18.0 Travellers Rest Specific Area Plan's, as proposed in the section 35F report:
 - (i) purpose statements;
 - (ii) MEA-S18.7 Development Standards for Buildings and Works, including:
 - a. MEA-S18.7.1 Site coverage;
 - b. MEA-S18.2 Building height and siting;
 - c. MEA-S18.7.3 landscape protection; and
 - (iii) MEA-S18.8 Development Standards for Subdivision.

MVC Response:

The hearings discussed the intent behind the revision of the standards for the Travellers Rest area described in Council's s.35F report. Additional standards were recommended addressing localised issues for boundary adjustment, site coverage, setbacks, building height and excavation. Apart from boundary adjustment, all other issues were focussed on the management of development for visual impact, as it is located within a scenic protection area and some revisions to Council's proposed modifications were discussed to improve the relationship between SAP purpose statements, objectives and the modified standards.

Scenic Management Code:

A complicating factor in the discussion of appropriate standards for the Travellers Rest area is the uncertainty surrounding the application of standard *C8.6.1 Development within a scenic protection area* in the Scenic Protection Code, the interpretation of which has a direct effect on the recommendations for provisions to manage the visual impacts of development (particularly vegetation clearance) at Travellers Rest. This is also relevant to discussion below in response to representations on the Scenic Management Code.

C8.6.1 Development within a scenic protection area – Acceptable Solution A1 reads:

Buildings or works, including destruction of vegetation, within a scenic protection area must:

- (a) be on land not less than 50m in elevation below a skyline; and*
- (b) not total more than 500m² in extent.*

According to standard statutory interpretation, the conjunctive 'and' means that both requirements of the provision must be met in order to take the benefit of the provision. In this instance, it appears that the provision requires that buildings or works (including vegetation clearance) must be on land below the top 50 metres below a skyline and be no more than 500m² in extent. The alternate scenarios that may eventuate are:

- Development is below the skyline threshold and greater than 500m² in extent;
- Development is above the skyline threshold and is less than 500m² in extent;
- Development above the skyline threshold and is more than 500m² in extent.

It would appear that each of these scenarios do not meet both of the requirements and would be assessed under the performance criteria. There appears to be a loophole in the acceptable solution in that there is no timeframe applied to the 500m² limitation. For example, numerous increments of 500m² of vegetation could be removed over time in that part of the scenic protection area below the 50m elevation threshold, without any intervention of the scenic protection code, as would be the case at Travellers Rest as most of the Scenic Management Area is below the 50m elevation threshold. This could have a substantial adverse visual impact and is contrary to the management of scenic and visual impacts in this area since 1995.

Revision of the landscape protection standard in the SAP was discussed in the hearing in light of the limitations of the scenic protection code. Council expressed the view that enabling the degree of vegetation removal required to meet bushfire protection standards was a reasonable approach for an acceptable solution, being a normal expectation for development in a residential area and something that always obtains an approval. Rebecca Green, accredited bushfire practitioner, reviewed the vegetation type at Travellers Rest and provided the following advice in regard to vegetation clearance requirements to achieve a BAL 19 rating (the most common rating for new dwellings):

Further to our discussion last Thursday I can confirm that the predominant vegetation type in the Travellers Rest area is Forest. The following minimum specified distances therefore apply for forest (in brackets woodland) in accordance with AS3959-2009:

Upslope/Cross slope

BAL 19 – 23m (15m to woodland)

10-15 degrees downslope

BAL 19 – 41m (28m to woodland)

15-20 degree downslope

BAL 19 – 51m (36m to woodland)

The following access requirements apply to property access length greater than 30m and less than 200m (where access for a fire appliance to a fire fighting water point is required):

- i) All weather construction;*
- ii) Load capacity of at least 20 tonnes, including for bridges and culverts;*
- iii) Minimum carriageway width of 4 metres;*
- iv) Minimum vertical clearance of 4 metres;*
- v) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;*
- vi) Cross falls of less than 3 degrees (1:20 or 5%);*
- vii) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;*
- viii) Curves with a minimum inner radius of 10 metres;*
- ix) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and*
- x) Terminate with a turning area for fire appliances provided by one of the following:*
 - a. A turning circle with a minimum inner radius of 10 metres;*
 - b. A property access encircling the building; or*
 - c. A hammerhead “T” or “Y” turning head 4 metres wide and 8 metres long.*

The measurement to ‘woodland’ constitutes the distance that would require full clearance, with the balance being the fuel modified understory. In regard to scenic impacts and the views to the area, the upper canopy of the trees is the component that provides visual mitigation and not the understory. Therefore the relevant measurement is that of the setback to ‘woodland’. It is noted that non-habitable buildings such as car ports and sheds do not have any requirement for vegetation clearance unless they are within 6 metres of the dwelling, in which the same standards apply. It is considered appropriate to also provide for a lesser clearance setback of 10 metres for the maintenance and protection of outbuildings.

Providing for clearance for access is similarly reasonable and can be drawn from the standard described above being 5 metres for carriageway clearance with a vertical clearance of 4 metres. Providing for measurable vegetation clearance standards enables a permitted pathway for residents for development that is reasonably expected, whilst closing the loophole in the Scenic Protection Code.

The compiled revisions of MEA-S18-0 Travellers Rest SAP are as follows:

MEA-S21.1 Plan Purpose

The purpose of the Travellers Rest Specific Area Plan is:

MEA-S18.1.1 To provide for residential use for a single dwelling as a permitted use at Travellers Rest.

MEA-S21.1.2 To provide for development that is compatible with the landscape values of Travellers Rest.

MEA-S21.1.3 To provide for subdivision for boundary adjustment.

MEA-S18.2 Application of this Plan

MEA-S18.2.1 The specific area plan applies to the area of land designated as Travellers Rest Specific Area Plan on the overlay maps.

MEA-S18.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for the provisions of the Landscape Conservation Zone, as specified in the relevant provision.

MEA-S18.3 Local Area Objectives

MEA-S18.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
	Travellers Rest Specific Area Plan shown on an overlay map as MEA-S18.3.1.1	<p>The local area objectives for the Travellers Rest Specific Area Plan are:</p> <ul style="list-style-type: none">(a) to minimize the visual impacts of vegetation clearance and building development on the prominent slopes visible from the Bass Highway and the broader environment through vegetation management and appropriate forms of development;(b) to maintain the visual landscape values of large-lot, residential development set amongst mature, native vegetation;(c) to maintain the current lot density and provide for typical residential use and associated development on existing lots.

MEA-S18.4 Definition of Terms

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

MEA-S18.5 Use Table

This clause is in substitution for Landscape Conservation Zone – clause 22.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Permitted	
Residential	If for a: (a) home-based business; or (b) single dwelling.
Utilities	If for minor utilities.
Discretionary	
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
Domestic Animal Breeding Boarding or Training	
Emergency Services	
Food Services	If for a gross floor area of not more than 200m ² .
General Retail and Hire	If associated with a Tourist Operation.

Resource Development	If not for intensive animal husbandry or plantation forestry.
Sports and Recreation	If for an outdoor recreation facility.
Tourist Operation	
Utilities	If not listed as No Permit Required.
Visitor Accommodation	
Prohibited	
All other uses	

MEA-S18.6 Use Standards

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

MEA-S18.7 Development Standards for Buildings and Works

MEA-S18.7.1 Site Coverage

This clause is in substitution for Landscape Conservation Zone – 22.4.1 Site Coverage A1 and P1.

Objective:	That the site coverage is compatible with the protection, conservation and management of the landscape values of the Travellers Rest area.	
Acceptable Solutions	Performance Criteria	
A1 Site coverage must be not more than 600m ² .	P1 Site coverage must be compatible with the landscape values of the surrounding area, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the capacity of the site to absorb run-off; (c) the size and shape of the site; (d) existing buildings and any constraints imposed by existing development; (e) the existing site coverage of buildings in the surrounding area; (f) the need to remove vegetation; (g) any screening provided by existing or proposed vegetation (h) the location of development in relation to cleared areas; and (i) the location of development in relation to natural hazards. 	

MEA-S18.7.2 Building height, siting and exterior finishes

This clause is in substitution for Landscape Conservation Zone – 22.4.2 Building height, siting and exterior finishes.

Objective:	That building height, siting and exterior finishes : <ul style="list-style-type: none"> (a) furthers the local area objectives; (b) is compatible with the existing character of development in the SAP area; (c) does not cause an unreasonable loss of amenity to adjoining properties.
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AcceptableSolutions	PerformanceCriteria
A1 Building height must be not more than 8.5m.	P1 Building height must be compatible with the landscape values and residential amenity of the area, having regard to: <ul style="list-style-type: none"> (a) the height, bulk and form of proposed buildings; (b) the height, bulk and form of existing buildings; (c) the topography of the site; (d) the visual impact of the buildings when viewed from roads, public places and adjoining properties; and (e) the landscape values of the surrounding area.
A2 Buildings must have a setback from a frontage not less than 10m.	P2 Building setback from a frontage must be compatible with the landscape values of the surrounding area, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the frontage setbacks of adjacent buildings; (c) the height, bulk and form of existing and proposed buildings; (d) the appearance when viewed from roads and public places; (e) the safety of road users; and (f) the retention of vegetation.
A3 Buildings must have a setback from side and rear boundaries not less than 10m.	P3 Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties and to be compatible with landscape values of the site, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the size, shape and orientation of the site; (c) the side and rear setbacks of adjacent buildings; (d) the height, bulk and form of existing and proposed buildings; (e) the need to remove vegetation as part of the development; (f) the appearance when viewed from roads and public places; and (g) the landscape values of the surrounding area.

<p>A4</p> <p>Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.</p>	<p>P4</p> <p>Exterior building finishes must not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area, having regard to:</p> <ul style="list-style-type: none"> (a) the appearance of the building when viewed from roads or public places in the surrounding area; (b) any screening vegetation; and (c) the nature of the exterior finishes.
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MEA-S18.7.3 Landscape Protection

This clause is in substitution for Landscape Conservation Zone – 22.4.4 Landscape protection

Objective:	<p>That development:</p> <ul style="list-style-type: none"> (a) furthers the local area objectives; (b) is compatible with the landscape values of the site and surrounding area. 	
AcceptableSolutions		PerformanceCriteria
<p>A1</p> <p>Buildings and works must:</p> <ul style="list-style-type: none"> (a) be located within a building area, if shown on a sealed plan; or (b) be an alteration or extension to an existing building providing it is not more than the existing building height; and (c) not include cut greater than 3m and fill greater than 1m; and (d) be not less than 50m in elevation below a skyline or ridgeline; (e) limit the clearance of vegetation for habitable buildings, or non-habitable buildings within 6m of a habitable building, to: <ul style="list-style-type: none"> i) Upslope/Cross slope: 15m to woodland + 8m fuel modified zone; ii) 10-15 degrees downslope: 28m + 13m fuel modified zone; iii) 15-20 degree downslope 36m to woodland + 15m fuel modified zone; (f) limit the clearance of vegetation for non-habitable buildings to 10m; (g) limit the clearance of vegetation for access to 5m with a vertical clearance of 4m. 		<p>P1.1</p> <p>Buildings and works must be located to minimise impacts on landscape values, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size and shape of the site; (c) the proposed building height, size and bulk; (d) any constraints imposed by existing development; (e) visual impact when viewed from roads, public places and adjoining properties; (f) the extent of vegetation to be removed; (g) any screening provided by existing or proposed vegetation. <p>P1.2</p> <p>If the building and works are less than 50m in elevation below a skyline or ridgeline, there are no other suitable building areas.</p>

MEA-S18.8 Development Standards for Subdivision

This clause is in substitution for Landscape Conservation Zone – clause 22.5.1 Lot design A1 and P1.

Objective:	To provide for subdivision for boundary adjustment.	
AcceptableSolutions		PerformanceCriteria
A1 Subdivision must not create additional lots.		P1 Each lot, or a proposed lot in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to: <ul style="list-style-type: none">(a) the relevant Acceptable Solutions for development of buildings on the lots;(b) existing buildings and the location of intended buildings on the lot;(c) the ability to retain vegetation and protect landscape values on each lot;(d) the topography of the site; and(e) the pattern of development existing on established properties in the area, and must not create additional lots.

MEA-S18.9 Tables

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

Birralee Road Industrial Precinct SAP

- b) Revisions to the MEA-S1.0 Birralee Road industrial Precinct Specific Area Plan's, as proposed in the section 35F report:
- (i) MEA-S1.8.1 Lot design

MVC Response:

MEA-S1.8.1 Lot design

This clause is in substitution for General Industrial Zone – clause 19.5.1 Lot design

Objective:	That subdivision provides for: <ul style="list-style-type: none">(a) the orderly and efficient release of land;(b) a road network that is appropriate to large facilities and heavy vehicle traffic;(c) a road layout and access arrangement that is consistent with Figure S1.1 and provides for the future extension and connection of roads and the provision of access, consistent with the looping network shown in Figure S1.1;(d) and provides for the protection of the gas pipeline.	
AcceptableSolutions	PerformanceCriteria	
A1 Each lot, or lot proposed in a plan of subdivision, must: <ul style="list-style-type: none">(a) be in accordance with the Outline Development Plan in Figure S1.1; or(b) provide for a minimum lot size of 5000m² with folios of the Register 136796/1, 24832/2 and 28921/1 being subdivided such that at least 1 lot has a minimum area of 2ha or greater and that no more than 40% of the land area has lots with an area of less than 1ha.	P1 Each lot, or lot proposed in a plan of subdivision, must have sufficient useable area and dimensions, having regard to: <ul style="list-style-type: none">(a) the Outline Development Plan in Figure S1.1;(b) the intended use of the lot;(c) the availability of land within the precinct to provide for large scale facilities;(d) the relevant requirements for development of buildings on the lot;(e) the ability to access the lot from the existing or future road network;(f) the maneuverability of heavy vehicles to and from the road, and on the lot.	

<p>A2</p> <p>Subdivision must:</p> <ul style="list-style-type: none"> (a) provide a road reserve of 25m and carriageway width of 10m; (b) provide a 1.5m wide footpath with a two coat spray seal surface within the subdivision that connects to Birralelee Road; (c) provide for access on side roads not less than 50m from any junction with Birralelee Road; and (d) provide for the building exclusion zone required under the <i>Gas Pipelines Act</i> 	<p>P2</p> <p>No Performance Criterion.</p>
<p>A3</p> <p>Each lot, or lot proposed on a plan of subdivision, must have a frontage of no less than 12m.</p>	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (b) the location of the right of way in regard to future extensions of the road network and the ability to accommodate future access to lots; (c) the topography of the site; (d) the functionality and usability of the frontage; (e) the anticipated nature of vehicles likely to access the site; (f) the ability to manoeuvre vehicles on the site; (g) the ability for emergency services to access the site; and (h) the pattern of development existing on established properties in the area.

<p>A4</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the written requirements of the road authority.</p>	<p>P4</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic, including pedestrians; and (d) the pattern of development existing on established properties in the area.
<p>A5</p> <p>Lots 1 and 2 (or a singular lot over the same area) indicated on the Outline Development Plan in Figure S1.1, must only be created when the use of the buildings is changed to a non-sensitive use.</p>	<p>P5</p> <p>No Performance Criterion.</p>

Proposed Reedy Marsh SAP

(c) Further justification under section 32(4) of the Act for the Reedy Marsh Specific Area Plan, proposed in the section 35F report;

MVC Response:

The proposed modification for the Reedy Marsh Rural Living Zone to include a provision increasing the front setback distance to 35m together with requirements for vegetation retention in the front setback responds to the following criteria under s.32(4):

Social Qualities:

The residents of Reedy Marsh value the particular visual amenity of the area, which is that development has a very low degree of visibility, both between properties and from public roads through the area. This is primarily due to large setbacks and the retention of native vegetation. Even where dwellings are visible from roads, larger setbacks reduce the visual presence of development. This enhances the apparent privacy that individuals enjoy and supports an appreciation of a high degree of naturalness, despite the substantial number of dwellings. The Reedy Marsh area is unique in this regard.

Spatial Qualities:

Large front setbacks of 35m and greater, are the prevailing front setback character of the area, which is at odds with the 20m standard of the Rural Living Zone. Bushfire hazard management requirements will likely require full clearance of the 20m front setback for any future dwelling, which will start to erode the natural, vegetated visual character of the area with dwellings becoming a more apparent visual feature in the landscape. This outcome is unnecessary as the Rural Living Zone D, providing for 10 hectare lots, provides ample area to accommodate a larger setback with the retention of some vegetation to mitigate visual impact, without detriment to the potential for development.

In the context of very large lots, a relatively minor adjustment to the front setback and the requirement to retain some vegetation will make a significant contribution to the maintenance of the visual character of the area.

SAP's & Multiple Dwellings

(e) For the following Specific Area Plans:

- (i) MEA-S6.0 Chudleigh;*
 - (ii) MEA-S7.0 Davis Road;*
 - (iii) MEA-S8.0 Deloraine;*
 - (iv) MEA-S9.0 Elizabeth Town;*
 - (v) MEA-S10.0 Meander;*
 - (vi) MEA-S12.0 Pumicestone Ridge; and*
 - (vii) MEA-S19.0 Westbury;*
- a. why the Low Density Residential Zone clause 10.2 Use table, as proposed in the section 35F report, should be substituted to prohibit multiple dwellings, rather than substitute or modify the Low Density Residential Zone clause 10.4.1 Residential density for multiple dwellings; and*
 - b. justification under section 32(4) of the Act for the proposed changes to include the substituting Use Table.*

MVC Response:

Put simply, prohibiting multiple dwelling use in the unserviced low density residential zones is the simplest means of avoiding what will inevitably be a problem outcome for each of the listed areas. The SPP's appear to envisage higher density circumstances than will be the case in the settlements described (with the possible exception of Deloraine if connection to services can be achieved. Refer discussion below) with no real benefit to be achieved unless sites are constrained and require some sharing of elements, such as common land that would be necessary for a Strata scheme (likely to be access). This is not the case in the settlements above, where subdivision can readily provide for the preferred density in a clear and uncomplicated manner, detailed in each corresponding SAP. There is little benefit in attempting to construct acceptable solutions and criteria to counteract the deficiencies in the SPP's and in doing so, replicate the circumstances that are better achieved through subdivision. As discussed in Council's s35 report, there is likely to be little demand for multiple dwellings in these areas due to requirements for financing and market demand for unencumbered title. However, the possibility exists and if approved, will result in a complicated arrangement for sharing property that is at high risk of conflict over on-site wastewater, drainage and access.

Spatial Qualities:

The Low Density Residential Zone areas of Chudleigh, Davis Road, Deloraine, Elizabeth Town, Meander, Pumicestone Ridge and Westbury, have an existing, or preferred, large lot character that has been justified in Council's submission for SAP's over these areas, to set a minimum lot size larger than that prescribed by the SPP's, which is urban in nature. The multiple dwelling provisions of the SPP's provide opportunity to significantly increase dwelling densities, above that provided for by subdivision, which will undermine the purpose of the SAP's to ensure an appropriate density for each of these areas into the future. The preferred density, indicated by the minimum lot size, reflects the capability of the land and locality to accommodate wastewater, drainage, traffic and to manage the visual character of those settlements. SPP/LPS subdivision provisions, and the provisions of the Local Government (Building & Miscellaneous) Provisions Act, are the best mechanism to manage these issues as there are regulatory complications with recognition of boundaries for multiple dwellings. As such, multiple dwellings should be prohibited with subdivision being the only opportunity to establish an additional dwelling.

Economic Qualities

A provision enabling multiple dwellings in the low density residential areas associated with rural settlements eliminates the ability for Council to require contribution toward public open space and road infrastructure upgrades that can be obtained through subdivision. The multiple dwelling provisions of the SPP's enable densification at a higher rate than allowed by subdivision, but is effectively subsidised by the public. This does not change even if the standard were altered to reduce the allowable density. Whilst this may be the case in

urban zones, this has generally been factored in during the creation of the original lots and the sizing of infrastructure and is compensated by the volume of development. This is not the case for low density, unserviced settlements and the provision creates an inequitable advantage that may actually encourage a less desirable type of development. The most appropriate response is to remove the option entirely.

Deloraine SAP

(f) Revisions to the MEA-S8.0 Deloraine Specific Area Plan's, as proposed in the section 35F report:

(i) MEA-S8.8.1 lot design; and

(ii) application to specific properties, including advice from TasWater of capability to service specific properties;

MVC Response:

Part of the Low Density Residential Zone at Deloraine has the potential to make gravity sewer connection along East Goderich Street, to the new sewer mains extension that was constructed to service the Light Industrial Zone. (Refer Figures 4, 5 and 6 below). Future connection will be dependent upon the capacity of the Sewer Treatment Plant at the time and will require approval of Taswater. In addition, a scheme for multiple landowner contribution will need to be established as a new mains will service more than one property. Both are possible in the future, however Taswater cannot confirm at this stage whether it can definitely be achieved. Augmentation to treatment plants and pump stations over time can also free up capacity for development and Taswater's 'growth and capacity planning' for Deloraine will look at the settlement in its entirety.

The land that could readily connect to a potential future gravity sewer main is shown highlighted below. Other land further to the south may also have potential to connect, but this is not as clear and would be subject to detailed design in regard to the invert depths of pipes. The revision of the acceptable solution proposed in Council's s.35F report and an additional change to the performance criteria in the standard below, brings the draft LPS into greater conformity with the SPP's and is consistent with the other SPP standard Low Density Residential Zone at Blackstone Heights which is also serviced. The revision provides for the SPP absolute minimum lot size standard of 1200m² where the specifics of the site warrant an intensification. The SAP provides for an assessment at the time of application to determine the feasible extent of the installation of services.

It is recommended that the SAP standard is revised to add an additional performance criteria to the amended standard in Council's s.35F report as follows:

Objective:	To provide for density and dimensions of lots consistent with the local area objectives for the Low Density Residential area of Deloraine.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed on a plan of subdivision must:</p> <p>(a) have an area not less than 5000m² and:</p> <ul style="list-style-type: none"> (i) be able to contain a 50m diameter circle with a gradient not steeper than 1 in 5; and (ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2; or <p>(b) where the lot can connect to reticulated water supply, sewer and stormwater services, have an area of not less than 1500m² and:</p> <ul style="list-style-type: none"> i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> a. all setbacks required by clause 10.4.3 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2; or <p>(c) be required for public use by the Crown, a council or a State authority;</p> <p>(d) be required for the provision of Utilities; or</p> <p>(e) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use having regard to:</p> <ul style="list-style-type: none"> (a) the local area objectives; (b) the relevant requirements for development of buildings on the lots; (c) the intended location of buildings on the lots; (d) the topography of the site; (e) adequate provision of private open space; (f) adequate provision of drainage; (g) the pattern of development existing on established properties in the area; (h) any constraints to development; and (i) must have an area not less than 1200m² where the lot can connect to reticulated water supply, sewer and stormwater services.



Figure 4 – Existing sewer network

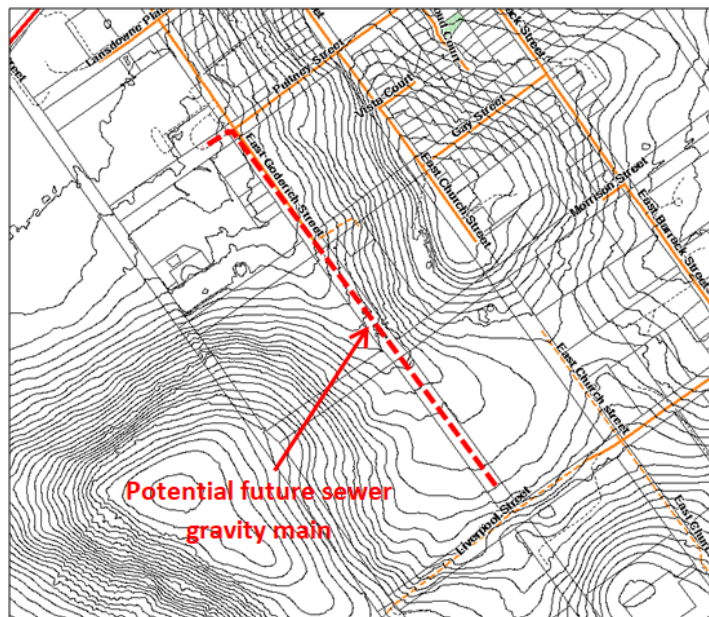


Figure 5 – Potential gravity sewer connection within road reserve.

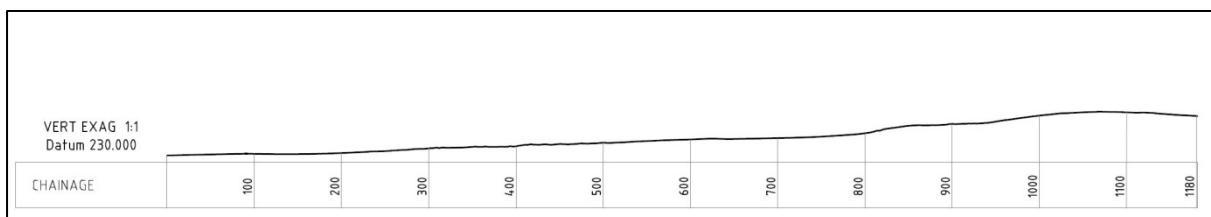


Figure 6 – Long section showing land slope along East Goderich Street along line of potential future gravity sewer main in Figure 5 above.

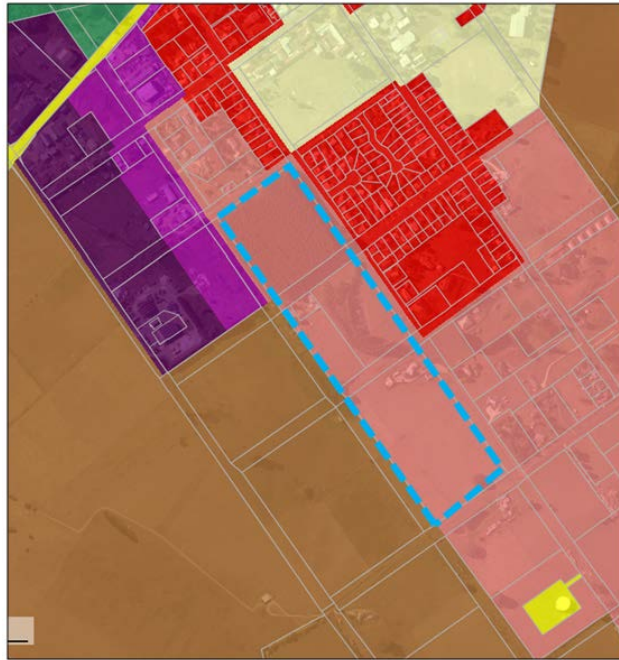


Figure 7 - area that can make gravity connection to a potential future gravity main is outlined in blue dashed line.

Entally Lodge SAP (further to 28.5.19)

(g) the issues raised in any submission from Woolcott Surveys in response to the Commission's request for further submission to Woolcott Surveys in a letter dated 28 May 2019 to Mr Brett Woolcott.

MVC Response:

The attached submission which has been drafted in consultation with Brett Woolcott and Ian Abernethy.

21.6.19 Directions - Hearing 7 June, 2019

(a) The issues raised in any submission from the Environment Association Inc (TEA) in response to the Commission's request for further submission to TEA in a letter dated 13 June 2019 to Andrew Ricketts.

MVC Response:

Separate responses will be provided to the TEA submission on scenic management areas and priority vegetation mapping at Reedy Marsh.

Draft Meander Valley Local Provisions Schedule - TPC Directions 28.5.19

Proposed Entally Lodge Specific Area Plan – Further Submissions

- (a) why the provisions of the State Planning Provisions (SPP), General Residential Zone, are not sufficient to provide for the intended use and development;

Comment:

The SPP provisions do allow for the types of communal and higher density residential units for 'liveable housing' described in the proposal, however they may (and would most likely) be subject to discretions due to not readily meeting the acceptable solutions for site area per dwelling (325m²), site coverage of 50%, dedicated private open space areas of 60m² per unit and potentially locational requirements to the north side of multiple dwellings.

It is often the case with multiple-dwelling social housing that the residents of the surrounding neighbourhood or locality misconstrue the nature of discretion, with the perception that an inability to meet the acceptable solutions is a failure of the development and is 'sub-standard' and as such, represents an inappropriate outcome. It is rarely understood that the standard to be achieved is the objective. The potential for third party objection due to reliance on performance criteria, and the subsequent delays and expense associated with protracted RMPAT proceedings can (and often does) act as a disincentive to development, particularly in the social housing sector. It is simply naïve to assume that because a development type is enabled by a planning scheme that it has some prospect of surety.

Recent decisions of the RMPAT in regard to the residential development standards of PD4.1, have noted the large discrepancy in the measurement set by an acceptable solution and the actual outcome described by the objective, such that the exercise of discretion can only provide for a significantly different outcome that is at odds with compliant development. The RMPAT has been critical in its appraisal of the operation of the standards, in particular trying to develop an understanding of the intended outcomes through vague terms and criteria that do not appropriately relate to the achievement of acceptable, alternative approaches.

The purpose of planning scheme standards is to provide as much certainty as possible for anticipated or preferred use and development. This is reinforced by the objectives of LUPAA *"to provide for the fair, orderly and sustainable use and development of air, land and water; and to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land."* Planning scheme provisions should reflect the desired outcomes for an area or site through as many measurable aspects as possible.

When the higher density and communal living outcomes that are being proposed for this site are known, particularly given the service that is provided for housing diversity and social inclusion promoted in the Northern Regional Land Use Strategy (NTRLUS), it is appropriate to frame development controls that provide a reasonable degree of certainty, rather than subjecting future development to the vagaries of tests such as demonstrating a 'significant social or community benefit' or 'being compatible with the density of existing development on established properties in the area'. How do you measure what a 'significant' benefit is? Why is it necessary to be compatible with other dwellings in the area when we know we are seeking something different? Such tests will serve to frustrate the policies and actions of the NTRLUS, rather than recognition of the fact that these types of housing services are provided in smaller, more dispersed models with a design that is out of the ordinary. The dispersal of supported housing amongst other types of residential environments is well documented as a good, socially diverse outcome. Upon reading recent information and listening to discourse regarding social housing needs, the NDIS and housing diversity for supported care and/or 'ageing in place', it is clear that a diverse mix of housing types in an affordable model that makes the provision of the service viable is a desirable outcome.

A SAP is the most appropriate way to directly address those elements that will likely not meet the acceptable solutions of the General Residential Zone by establishing some alternate standards and some preferred design outcomes for liveable housing.

- (b) how the proposed Entally Lodge Specific Area Plan meets section 32(4) of the *Land Use Planning and Approvals Act 1993* (the Act);

Section 32(4) of LUPAA provides for a SAP over an area of land where:

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or
(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

The goals for housing diversity are described in regard to the NTRLUS in discussions above and below. Whilst it is difficult to establish in the traditional sense that this one development would constitute a significant social benefit to the region or municipal area, it is clear that the benefit is not a narrow measurement of scale, but one of contribution. Gradually, as models such the one proposed for the Entally Lodge land are developed across the Greater Launceston area and shown to be successful, potential residents will have choice, something that is not readily available now. Whilst it may not be significant in the context of housing numbers, choice is significant to these individuals.

The Land

The land proposed for the SAP and associated change in zoning to General Residential Zone is effectively 'left-over' undeveloped land, that makes up part of the residential and tourism enclave, historically known as 'Rutherglen'.

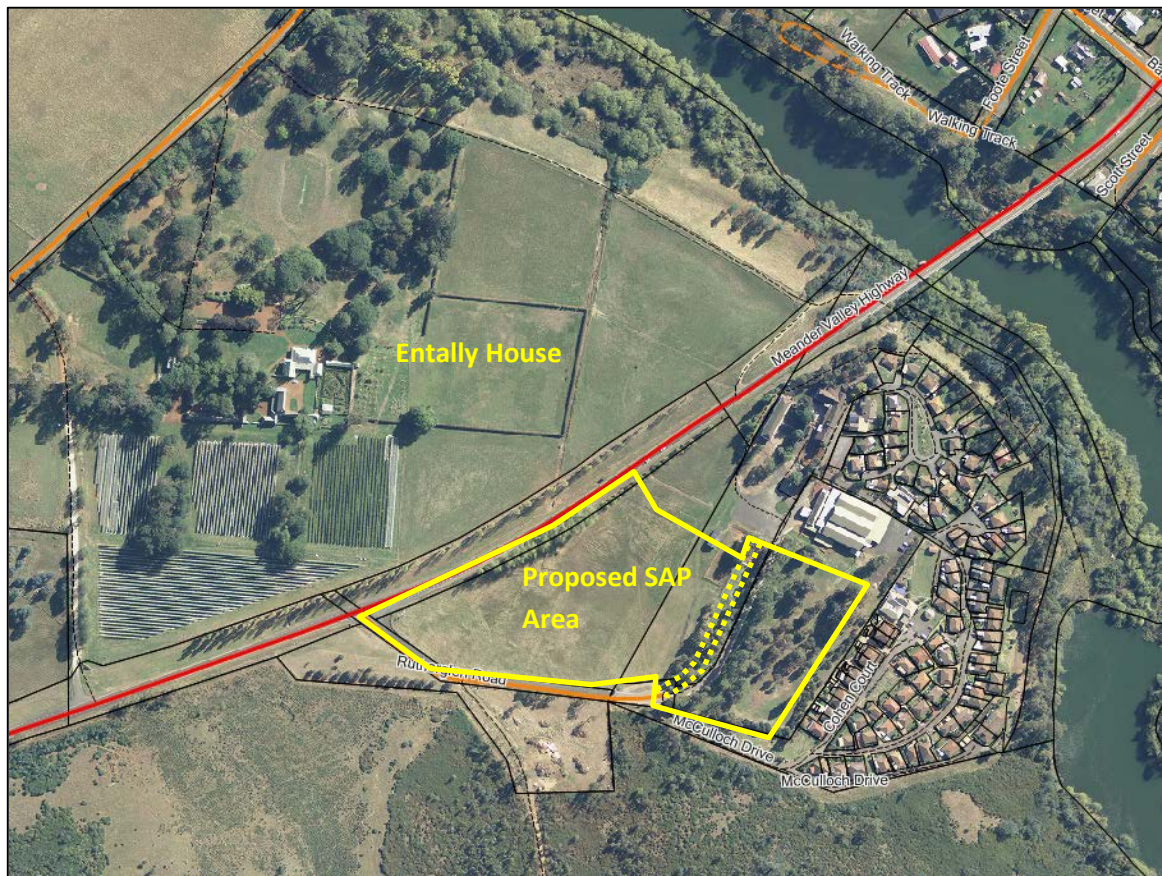


Figure 1 – Aerial photo of Rutherglen Village /Entally Lodge

Social Qualities:

The use and development of the land was originally established in the 1980's and is something of a peculiarity in type and location. It combines 103 dwelling units with a mixed density ranging from 150m² lots to 600m² lots in a strata scheme. The scheme was initially aimed at retirees, though now has a mixed demographic (likely due to the variety of lot sizes), with the body corporate owning facilities including a communal pool, social centre and bowls green. The residential use combines with tourism and hospitality services that now includes bistro and café, accommodation, function rooms, indoor pool and an approved market in the indoor

sports building. A portion of the residential units and the commercial uses share internal access.

The site is valued by its residents for the amenity of the location, to the immediate south west of the main settlement of Hadsphen adjoining the South Esk River and opposite the publicly owned Entally House historic site, with a walking trail connecting the two along the river edge, passing under the Meander Valley Road. In addition, public transport services the site on a daily basis with a bus stop located adjacent to the entrance gate, at the end of Rutherglen Road.

The land provides an opportunity to continue and expand the established social character of a higher density community with access to good quality facilities and services in a contemporary approach that will enhance the living experience, particularly for supported care residents. The area of land subject to the proposed SAP will contribute to delivering policies and actions for housing diversity and social inclusion (see comments under a) above).

The commercial area of the site locates visitor accommodation in one location, adjacent to the hospitality uses. The proposed SAP aims to incentivise liveable housing and housing diversity and as such, the permitted status afforded to visitor accommodation use in the General Residential Zone is not considered appropriate to combine with supported care aspects, without some consideration of how these uses will integrate.

Similarly, the preference for higher densities is at cross-purposes with the no permit required status for single dwellings, which if they were developed unfettered on the site, would not serve the objective. There is the ability to integrate single dwellings within a higher density community, however given the need for individual public road frontages for single dwelling lots, it is considered appropriate to make single dwellings a discretionary use to analyse how they integrate within a higher density development.

As such, it is proposed to change visitor accommodation and single dwellings to a discretionary use status with an associated use standard that safeguards the objective for higher density outcomes.

Spatial Qualities:

The land proposed to be changed to the General Residential Zone and included in a SAP is, in effect, the undeveloped frontage of the Rutherglen site (the tourist/hospitality uses now re-named 'Entally Lodge'). It is predominantly cleared and bordered by road authority maintained Meander Valley Road to the north and Rutherglen Road to the south, which is the only access road to the residential and commercial uses on the site. The land area proposed to be rezoned and included in a SAP is approximately 5.2 hectares, which is not a viable size to be utilised for any rural purpose associated with adjacent land, given the parcel is constrained by two active roads and is in close proximity to sensitive residential and visitor accommodation uses. The two roads provide spatial definition that delineates the logical, spatial extent of the enclave.

The land is currently zoned Local Business Zone under the current Interim Planning Scheme. This has the potential to undermine strategies to reshape the Hadsphen township, reflected in the recent amendment that created the zoning and Specific Area Plan for the Hadsphen Urban Growth Area to the south of the existing settlement, across the South Esk River. That amendment carries through an important strategy to create a commercial town centre on Meander Valley Road, establishing a strategic activity centre at the heart of the settlement through commercial uses and public space. Retention of the existing zoning enables a range of permitted commercial uses that are not well suited at a location disassociated from the proposed activity centre, such as a supermarket. It has the potential to draw activity away from the centre, reducing the viability and attractiveness to new businesses that are best placed within short, walkable distances from new residential areas. As such, the land is better directed toward different uses.

The land is well suited to residential development having a central access driveway at 5.7m. This is in excess of the 5.5m standard required by the Parking and Sustainable Transport Code and also includes a defined pedestrian path adjacent to the entrance and bus stop. The land has a mild slope at approximately 1:15 gradient, with the section to the east of the central driveway being relatively flat.

(c) may also include in the submission any draft revisions to the proposed SAP.

The proposed SAP describes liveable housing as an objective and acceptable solution to be achieved, however concern has been raised as to the measurability of the term. The *Livable Housing Design* (LHD) *Guidelines 2nd Ed* published by the Livable Housing Australia organisation in 2012, describe numerous measurable components of multi-purpose housing that enables interchangeability for occupants with variable needs and whole of life design that enables ageing in place. There are various grades of certification in the guidelines,

however the organisation states that their aim was to achieve 'silver rating' for new homes as the base level which is "22 times more efficient than retro-fitting when an unplanned necessity arises". This foundation level of design accounts for disability and is inexpensive to include for a site without significant constraints.

The design components can be adapted and defined in the SAP as a measurable feature for a portion of the site. This would ensure that the benefits of increased density (above that provided by the SPP's), would provide for multi-purpose housing outcomes. This is a similar approach to the SPP definition of home business use.

It is noted that the LHD Guidelines do not provide the same dimensional standards in bathrooms as AS1428.1 Design for Access and Mobility and would not provide for wheelchair access. As such, the toilet element listed below has been adapted to meet the Australian Standard, so that the design includes elements that can readily accommodate wheelchairs either in the first instance or as an adaptation e.g. removal of fixed shower screens at a later date.

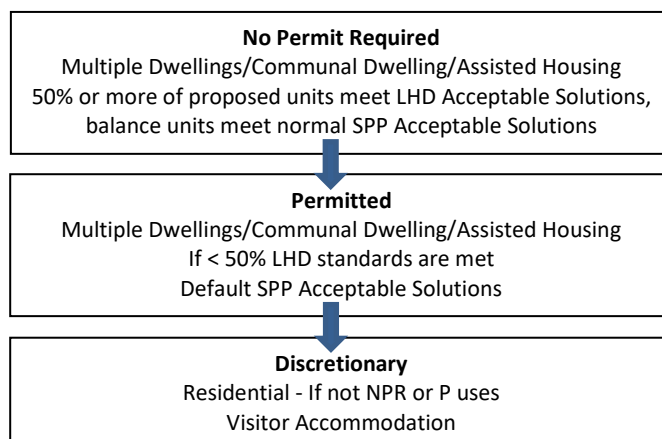
These elements are:

1. Dwelling Access
Pathways
 - Car park to entrance – step free, or step ramp (<190mm, 1:10 gradient, 1900m long + landings to either side).
 - 1m width, slip resistant surface, maximum 1:14 gradient, landings every 9m for 1:14 & every 15m for >1:20 – landing length 1.2m
 - Step free
2. Dwelling Entrance
 - Door clear opening 820mm
 - Step free or ramped
 - Under cover for 1.2m
 - Landing 1.1m x 1.2m
3. Car parking - where part of dwelling
 - 3.2m width x 5.4m length
 - Slip resistant surface
 - 1:33 max gradient for sealed surface
4. Internal layout
 - On one level, (transition tolerance of 5mm)
 - Door clear opening 820mm
 - Corridor clear width 1m
5. Toilet
 - 1.4m clear space from encroachments, walls or door swing (may include removable fixtures), on two sides
 - grabrail installation enabled.
6. Shower
 - Hobless, slip resistant
 - grabrail installation enabled
 - may include removable fixtures such as screens;
7. Kitchen & Laundry
 - 1.2m clearances

The objective for this parcel of land is not to prioritise single dwellings, but make a clear statement preferring increased density 'up-front'. The SAP should be amended to reverse the emphasis on single dwellings and incentivise a 'no permit required' pathway for multiple dwellings at a higher density than that enabled in the

SPP's, provided that they feature the Livable Housing elements described above. A 50% rate of delivery is considered appropriate to achieve diversity and will account for staged development. These dwellings would also potentially require relief from private open space and site coverage requirements to meet the foreseeable needs of supported care residents. If these standards are not met, the normal use and development provisions of the General Residential Zone for multiple dwellings should apply.

The approach proposed in the SAP can be described as follows:



All other uses would be the same as the SPP's for the General Residential Zone

The attached revision of the SAP modifies the Local Area Objectives and the standards to reflect this hierarchy and incentivise the provision of Livable Housing.

LAND USE PLANNING & APPROVALS ACT 1993 - SECTION 34 – LPS CRITERIA

SCHEDULE 1 OBJECTIVES

PART 1

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;

Comment:

The impacts of development enabled by the rezoning and SAP can be appropriately managed to protect environmental qualities.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water;

Comment:

The land has been identified as being within an urban growth corridor in the Greater Launceston Plan and subsequently in the NTRLUS. The processes associated with the development of these documents appropriately considered sustainability for the future development of the greater Launceston area.

(c) to encourage public involvement in resource management and planning;

Comment:

The preparation of the Greater Launceston Plan included public consultation before finalisation. The proposed modification to rezone the land and include the SAP will be subject to statutory public notification.

(d) to facilitate economic development in accordance with the objectives set out in [paragraphs \(a\)](#), [\(b\)](#) and [\(c\)](#);

Comment:

Appropriate housing development will be provided in accordance objectives (a), (b) and (c).

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

Comment:

The purpose of the proposed rezoning and SAP is to incentivise the provision of supported care housing, traditionally the purview of government, in various forms through the private sector. The establishment of regulatory controls that ensure adaptable housing in order to take the benefit of the regulatory incentives, shares the responsibility of service provision and results in good quality development.

PART 2

(a) to require sound strategic planning and co-ordinated action by State and local government;

Comment:

Strategic planning for the Hadspen Urban Growth Area has involved collaboration between Council and infrastructure agencies including the Department of State Growth (DSG), Taswater and Tasnetworks . The Entally Lodge/Rutherglen site factored into the consideration of the future growth of Hadspen as a whole, including potential intensification of the site, as it is part of the settlement.

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;

Comment:

The proposed rezoning and SAP establishes specific controls as a means of incentivising a diverse range of housing types, directly responding to regional policies and State objectives to increase the supply of supported housing and making clear the preferred development arrangement for the land.

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;

Comment:

The social and economic effects are described below in response to NTRLUS policies for housing diversity, the ageing population and other supported care housing needs. In providing for a unique model of diverse, higher density housing, the site can be appropriately managed to avoid adverse environmental impacts.

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;

Comment:

The site constitutes a small proportion of the overall urban growth project for Hadspen, which has demonstrated its appropriateness under State and Regional policies relating to the extent of urban expansion, the range of uses provided for and their physical arrangement and the management of the impacts of development on the broader environment. The policies and objectives contained in the NTRLUS which are discussed below, contain broad statements relating to diverse and supported housing outcomes to be achieved, yet sheds no light how these outcomes are to be achieved. A planning scheme (or regional strategy) has no ability to directly influence the policies and actions of agencies or organisations that provide the type of housing for supported care. A planning scheme can only enable the regulatory environment in which this type of housing can succeed, or conversely, create a regulatory environment where it is at risk of failure. Creating a regulatory environment for success, enables a social environment that provides for the mix of residents that is identified in long established policies for social inclusion.

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;

Comment:

Not applicable

(f) 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;

Comment:

The unique locational and amenity attributes of the site are discussed above. The site provides an opportunity to capitalise on existing facilities and services.

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

Comment:

Not applicable

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

Comment:

The arrangements for the upgrading of infrastructure to support the Hadspen urban growth area expansion are discussed below. In the interests of equity, it is appropriate that the arrangements proposed for high density housing include the requirement for Part 5 Agreement for a developer contribution for the apportioned demand placed upon upgraded, shared infrastructure.

(i) to provide a planning framework which fully considers land capability.

Comment:

There are no natural hazards that preclude the site from being developed for higher density housing. The land is effectively buffered from grass fires by Rutherglen Road and the fire break that borders the southern boundary of the residential development.

The current Rural Resource zoning under the Interim Planning Scheme is more a reflection of the unknown future of the site and 'left over' zoning after prior approvals for a caravan park on the land.

The land confined between Rutherglen Road and Meander Valley Road is identified in the State map as 'land potentially suitable for the Agriculture Zone'. However, it is noted that the methodology for the State agricultural land mapping applies a formula to a title in terms of measuring the degree of its constraint, which in this case, the title crosses Rutherglen Road and adjoins the large, unconstrained grazing property to the south and does not contain any other development (Refer Figure 2).

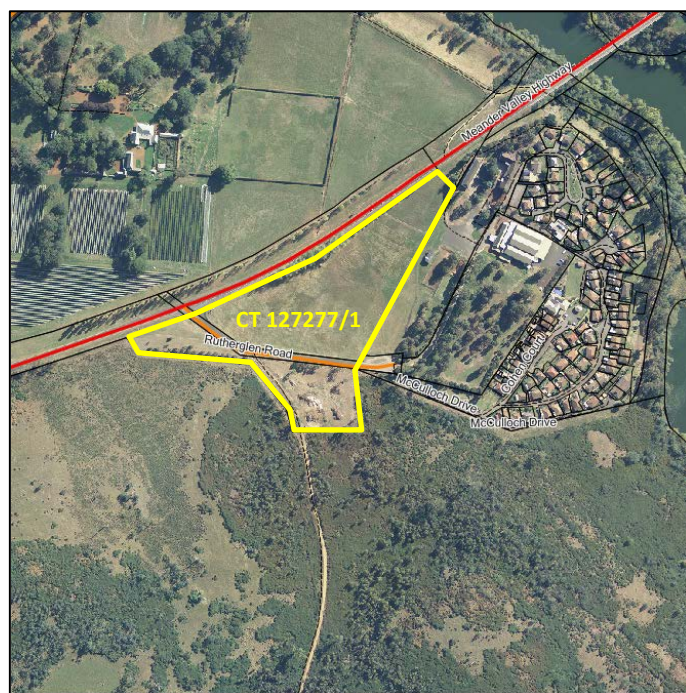


Figure 2 – Aerial photo showing extent of Rural Resources Zone title

There are notable inconsistencies with other small titles in the vicinity. As such, the State map results are not an accurate reflection of the true capability of the land and the degree of constraint is similar to the residential properties opposite that are bounded by Meander Valley Road and Entally Road (Refer Figure 3)



Figure 3 – Land Potentially Suitable for Agriculture Zone (*LISTmap-www.thelist.tas.gov.au*) showing constrained land in yellow shading and the unassessed land in grey shading currently zoned Local Business and Residential zones and Entally House opposite (also currently zoned Rural Resources).

The lower, Class 5 capability of land in this general area is shown in the land capability map in Figure 4. This is an accurate reflection of the slope and rocky terrain and the very low level of agricultural activity that occurs in this vicinity. The 3 hectares of land that is the subject of the proposed rezoning and SAP does not provide sufficient, unconstrained land to effectively supplement the larger property to the south. The balance of the title to the south of Rutherglen Road is, however, now utilised in conjunction with the larger holding and is not proposed for rezoning.



Figure 4 – Land Capability mapping (Grose C J, *Land*)

STATE POLICIES

The State Policies relevant to the proposed rezoning and SAP are the State Policy on Water Quality Management (SPWQM) 1997 and the State Policy on Protection of Agricultural Land 2009.

State Policy on Water Quality Management:

The stated purpose of the SPWQM is to *“achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System”*.

The Policy sets Water Quality Objectives and Protected Environmental Values (PEV's) for waterways across Tasmania as a means of gauging whether the emissions from use and development into waterways, either directly or from diffuse sources, are appropriate. The PEV's for the Lower South Esk River are:

A: *Protection of Aquatic Ecosystems*

- (ii) *Protection of modified (not pristine) ecosystems from which edible fish are harvested*

B: *Recreational Water Quality & Aesthetics*

- (i) *Primary contact water quality (South Esk River – from ¾ km upstream of confluence with Macquarie River down to Longford Mill Dam; at Hadspen and at Lake Trevallyn where permitted)*
- (ii) *Secondary contact water quality*
- (iii) *Aesthetic water quality*

C: *Raw Water for Drinking Water Supply (Cressy, Longford)*

- (ii) *Subject to coarse screening plus disinfection*

D: *Agricultural Water Uses*

- (i) *Irrigation*
- (ii) *Stock watering*

E: *Industrial Water Supply (Hydro-Electric Power Generation)*

That is, as a minimum, water quality management strategies should seek to provide water of a physical and chemical nature to support a healthy, but modified aquatic ecosystem from which edible fish may be harvested; that is acceptable for irrigation and stock watering purposes; is suitable to supply town drinking water (subject to coarse screening plus disinfection); and which will allow people to safely engage in primary contact recreation (in specified areas) such as swimming and water skiing and secondary contact recreation activities such as paddling or fishing in aesthetically pleasing waters; and is suitable for use (following impoundment) in the Trevallyn Power Scheme.

The only emission from the Entally Lodge/Rutherglen site to the South Esk River is stormwater from future development. Current overland flows from roads and developed areas of Hadspen (including Entally Lodge/Rutherglen) are collected and discharged directly to the river (Refer stormwater discussion below). The Hadspen Urban Growth Area amendment includes a provision that secures a Water Sensitive Urban Design approach across the entire development area that provides for a combination of hard and soft measures in a network of public drainage, to slow and filter stormwater prior to discharge to the river. The main purpose of the provision was to ensure that the system would co-ordinate across various land owner holdings. The same approach can be applied through the Urban Drainage Act and the plumbing regulations to appropriately manage the volume and quality of stormwater from intensified development on the site, before discharge to the public open drain. Devices such as triple interceptor traps and garden bed filters are reasonably common in treating stormwater from developed land so that water quality is at an appropriate level before discharge to the waterway.

State Policy on Protection of Agricultural Land

The purpose of the State Policy is *“to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land”*.

The policy defines agricultural land as *“all land that is in agricultural use or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses”*.

Agricultural use is defined as *“use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets. It includes the handling, packing or storing of produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry.”*

The land that is proposed to be rezoned and included in a SAP is not agricultural land according to the definition. Part of the area is zoned for another use with the balance area, currently included in the Rural Resource Zone, not having been utilised for any agricultural purpose since the construction of the Rutherglen resort and the residential village in the 1980's. Since this time the land has only been utilised intermittently for agisting domestic horses. The 3 hectares of undeveloped land to the frontage of the Entally Lodge complex is unduly restricted for agricultural use due to the constraints posed by public roads, small land area and close proximity to sensitive tourist accommodation and residential uses. The capabilities of the land are discussed above. There is no prospect of the use of this land for agricultural purposes.

REGIONAL LAND USE STRATEGY OF NORTHERN TASMANIA

B.3 Regional Challenges

Aged Health Care Housing and Services:

An ageing population leads to a growing dependency ratio, increased service industries and alternate housing types and sizes. Current hospital and aged care facilities have insufficient capacity to meet growing demand, generating a critical need to retain this population in their homes for longer. Providing direct services to aged persons in remote locations, rural towns and communities will be increasingly difficult. Investment and upgrading of medical and health facilities will be critical to retaining and attracting population in the region. (p7)

Comment:

The NTRLUS specifically recognises the challenge of an ageing population and the need to enable service provision in homes. It recognises that this will be facilitated by alternate housing types and sizes. The proposed SAP provides a unique opportunity to directly furnish this outcome by augmenting an existing higher density community which has established amenity through community facilities and hospitality services with the potential to provide other services, for example, hydrotherapy.

C.3 Principal Understandings

Liveable communities, offering a high quality of life and that support health and wellbeing will help to attract investment, support a skilled workforce, and strengthen social inclusion and community wellbeing. (p8)

Comment:

The liveable and amenity qualities that are unique to the site are discussed above. Strengthening social inclusion requires a concerted effort to develop diverse housing models that cater to variable needs across the social demographic. The proposed SAP goes further than the standard principles for liveable communities of easy access to activity centres, services and recreation in that it constitutes an intervention for housing development that incentivises a model for social inclusion.

Strategic Direction G2.2

Plan for socio-demographic changes.

b) Promote and plan for a diverse range of dwelling types and sizes, including small lot housing and multiple dwellings (to match changes in household size and composition) in locations highly accessible to community services.

Comment:

The SAP incentivises small lot housing and multiple dwellings, consistent with the existing enclave at this site. The site has some existing community services with potential for additional and is located 1 kilometre from the future expanded activity centre of Hadspen. The site is serviced by public transport which will access the

local activity centre as well as Prospect Vale and into Launceston CBD. The Hadspen master plan (reflected in the Hadspen SAP) describes a high quality, walkable link along Meander Valley Road between Rutherglen/Entally Lodge and the future activity centre.

Strategic Direction G3.2

Establish planning policies to support sustainable development, address the impacts of climate change, improve energy efficiency and reduce environmental emissions and pollutants.

b) Providing strategic support and incentives for the reuse of old buildings and other redevelopment in preference to 'Greenfield' development.

Comment:

The rezoning of the site frontage to General Residential Zone together with a SAP provides for the augmentation of an existing, higher density enclave and makes use of existing facilities and established recreational amenity. It is not a 'greenfield' expansion as the site is defined and constrained by existing physical infrastructure and development. Additional development can directly access infrastructure that connects the site to reticulated services.

The infrastructure capacity and design work undertaken for the Hadspen urban growth area resulted in the identification of capacity constraints and upgrades for sewer and water services. The SAP for the Hadspen urban growth area includes a requirement for a Part 5 agreement for a pro-rata developer contribution for the required upgrades of infrastructure. Processes for approval of those upgrades are currently in train. It is appropriate and equitable that this site is subject to the same requirement considering that it would have the potential to make up approximately 8% of the overall dwelling yield of future expansion and would be relying upon the upgraded infrastructure. Infrastructure capacity is discussed further below.

Regional Land Use Categories

D.2.1 Urban Growth Areas

Urban Growth Areas will identify sufficient land to sustainably meet the region's urban development needs to 2032, considering population, housing, employment projections and reasonable assumptions about future growth.

Regional Settlement Network Policy

The relevant Policies and Actions of the NTRLUS are addressed as follows:

<p>RSN-P1 <i>Urban settlements are contained within identified Urban Growth Areas. No new discrete settlements are allowed and opportunities for expansion will be restricted to locations where there is a demonstrated housing need, particularly where spare infrastructure capacity exists (particularly water supply and sewerage).</i></p>	<p>RSN-A1 <i>Provide an adequate supply of well-located and serviced residential land to meet projected demand. Land owners/developers are provided with the details about how development should occur through local settlement strategies, structure plans and planning schemes. Plans are to be prepared in accordance with land use principles outlined in the RLUS, land capability, infrastructure capacity and demand.</i></p>
	<p>RSN-A2 <i>Land supply will be provided in Urban Growth Areas identified as:</i></p> <ul style="list-style-type: none"> • <i>Priority Consolidation Areas;</i> • <i>Supporting Consolidation Areas; or</i> • <i>Growth Corridor.</i>

RSN-A3

Apply zoning that provides for the flexibility of settlements or precincts within a settlement and the ability to restructure under-utilised land.

Comment:

The site is located within the south west growth corridor shown in Map D.1 Regional Framework Plan shown below.

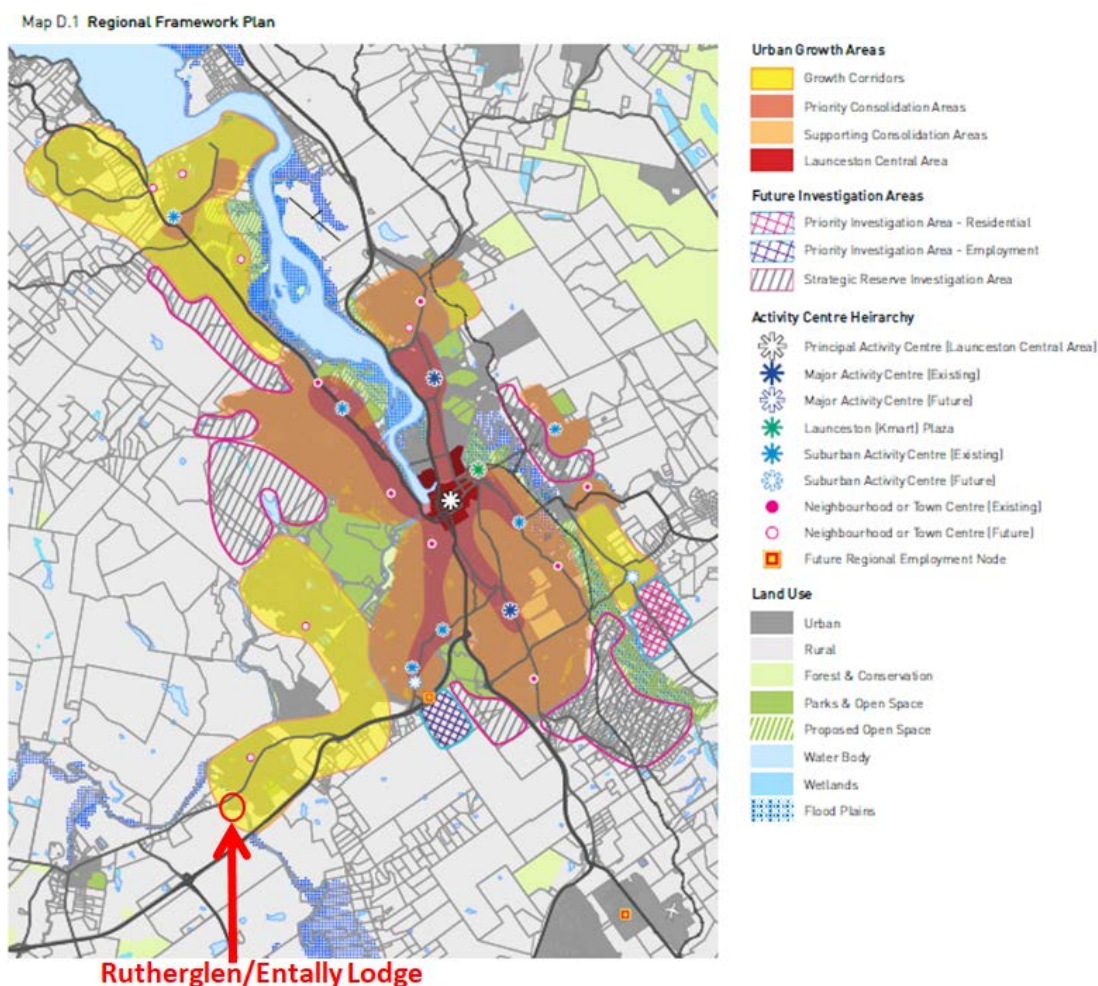


Figure 2 – NTRLUS Greater Launceston Regional Framework Plan

The Regional Framework Plan, developed through the Greater Launceston Plan (GLP), provides the spatial indication of the anticipated supply of land for urban growth under RSN-A1 and includes expansion areas. Land within the identified areas complies with RSN-A1 and RSN-A2. The proposed SAP provides the detail that serves multiple objectives of the NTRLUS (described above) and complements the detailed strategic planning that underpins the Hadspen urban growth area zoning and SAP.

The site (also historic Entally House opposite) is recognised in the Framework Plan as part of the Hadspen settlement. The land area proposed to be rezoned and included in a SAP is underutilised as a result of the economic history of development of the Hadspen area and the variable capabilities of numerous land owners to realise the potential of the site. The demands are changing however, and the benefits of a significantly expanded Hadspen settlement were recognised through the consideration and approval of the Hadspen Urban Growth Area amendment and SAP in 2016. The Rutherglen/Entally Lodge site is now at a point in time where the circumstances for detailed planning and investment both supplements and protects the detailed strategic planning for the Hadspen settlement as a whole.

RSN-P2 <i>Provide for existing settlements to support local and regional economies, concentrate investment in the improvement of services and infrastructure, and enhance quality of life.</i>	RSN-A4 <i>Provide for the long term future supply of urban residential land that matches existing and planned infrastructure capacity being delivered by TasWater, specifically in parallel with existing water and sewerage capacity and required augmentation to meet urban development growth and capacity – both residential and industrial.</i>
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Comment:

The proposed rezoning and SAP provides for an appropriate focus for investment that not only provides a positive addition to diverse housing supply, but also eliminates the risk of an adverse economic outcome for the planned Hadspen activity centre by removing a portion of existing Local Business zoning.

Development will be able to access upgraded infrastructure to be constructed for the Hadspen urban growth area. Infrastructure capacity is discussed further below.

	RSN-A5 <i>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.</i>
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Comment:

As described above, the proposed SAP incentivises and provides a certain pathway to approval for Livable Housing design that directly delivers the housing outcomes described in RSN-A5.

RSN-P5 <i>Encourage a higher proportion of development at high and medium density to maximise infrastructure capacity. This will include an increased proportion of multiple dwellings at infill and redevelopment locations across the region's Urban Growth Areas to meet residential demand.</i>	RSN-A10 <i>Apply zoning provisions which provide for a higher proportion of the region's growth to occur in suitably zoned and serviced areas. The application of Urban Mixed Use, Inner Residential and General Residential Zones should specifically support diversity in dwelling types and sizes in appropriate locations.</i>
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Comment:

The proposed General Residential zoning and accompanying SAP prioritises higher density residential development at a suitable location, due to the fact that higher density development already exists in a serviced area and it is incorporated within the recognised Urban Growth Area for greater Launceston. The proposal augments a higher density enclave and is contained within the physically defined boundaries of existing development and public roads. The site can reasonably be regarded as infill development.

RSN-P6 <i>Focus higher density residential and mixed-use development in and around regional activity centres and public transport nodes and corridors.</i>	RSN-A11 <i>Clearly identify settlement boundaries at the local level for all significant activity centres.</i>
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Comment:

The higher density development provided for by the rezoning and SAP is located a short distance from the main Hadspen activity centre, with pedestrian infrastructure a key feature of the master planning for the growth of the settlement. The site is a public transport node with a bus stop located at the entrance, having

provided a public transport alternative for the residents of the existing community for many years.

The site is recognised as part of the Hadspen settlement in the Regional Framework Plan (above) and as a key site in the master planning for the Hadspen growth area.

RSN-P7

In new development areas include a diversity in land uses, employment opportunities and housing types at densities that support walkable communities, shorter vehicle trips and efficient public transport services.

RSN-A12

Encourage well-designed new urban communities through detailed planning provisions.

Comment:

The Rutherglen/Entally Lodge site is a unique opportunity to maximise the amenity of existing hospitality uses and recreational amenity in a location that is walkable to the activity centre of Hadspen and will also be able to access public transport to the activity centre and to Launceston. Other existing tourism businesses on the site provide opportunities for employment, as will the main activity centre.

The proposed SAP provides detailed planning provisions to prioritise the preferred higher density development in an arrangement that has good visual presentation and provides recreational amenity, together with features that promote mobility and housing diversity.

RSN-P20

Provide a variety of housing options to meet diverse community needs, and achieve housing choice and affordability.

RSN-A19

Review the community needs for housing provision and affordability.

Comment:

The proposed SAP prioritises and incentivises housing that is adaptable for diverse needs including supported care and 'ageing in place'. The current demands for affordable and supported housing are well publicised. The model for adaptability proposed in the SAP, along with options for standard residential development, achieves practical efficiencies in housing service provision, but in doing so, also enables some good social outcomes.

The Regional Framework Plan stemmed from the analysis of housing demand and supply undertaken for the Greater Launceston Plan. The Urban Growth Areas represent land that is suitable to be developed in anticipation of future population growth, distributed across the greater Launceston area.

RAC-P4

Promote and support the role of lower order activity centres, particularly neighbourhood and rural town centres. This will support and strengthen local communities and encourage a viable population base for regional and rural settlements, while promoting the development of new neighbourhood and local centres within Urban Growth Areas where appropriate.

RAC-A5

Provide for lower order activity centres to be sustained through a local residential strategy or development plans to create vibrant and sustainable regional and rural communities. It should strengthen their role and function, maintaining and consolidating retail attractions, local employment opportunities, public amenities and services.

Comment:

The role and form of the future activity centre for Hadspen was included in the amendment for the Hadspen Urban Growth Area and is envisaged as a vibrant local centre, providing for local level services and also acting as a community focal point with the requirement for a public plaza. In order for this vision to succeed and the centre to be commercially viable, it is important that key retail, and other residential services, are co-located within the designated Local Business Zone at the heart of the expanded settlement. The current Local Business zoning on the Entally Lodge site reflected a prior approval for a caravan park, which has now been determined to be unviable. The Local Business zoning of Entally Lodge, in its current arrangement, presents a significant risk to the achievement of a sustainable, local activity centre if key retail services were to establish on the undeveloped land on this site. Similarly, the establishment of some of the permitted or discretionary uses

allowable under the Rural Zone adjacent to the frontage along Meander Valley Road would detract from the visual amenity values of the location, opposite historic Entally House and at the entrance to the envisioned, expanded Hadsphen township.

The goals and policies of the NTRLUS for quality, diverse housing development together with vibrant, accessible activity centres are far better served by a strategic change in the future use of this land.

INFRASTRUCTURE AND SERVICES

As part of the process for the Hadsphen Urban Growth Area outline development plan and subsequent amendment, initial studies were undertaken to determine the demand on infrastructure and services for the anticipated tenement yield to understand if the proposal was feasible. This initial work posed the question... were the costs of upgrading infrastructure economically feasible in the context of future potential yields that included not only the growth area of Hadsphen, but also Carrick, which shared the same sewage treatment plant?

The results of these studies were factored into the assessment and approval of the Hadsphen Urban Growth Area rezoning and SAP. The investigation work for a large area of urban growth found:

- The Carrick sewage treatment plant (STP) was at full capacity and would require a significant upgrade to accommodate growth, which would require mechanical treatment for which there were several options available. This included consideration of potential commercial uses as well as residential. The costs were feasible;
- Water supply was available however would require a duplicate reservoir at a future stage when capacity of the existing reservoir is reached. The additional storage would provide more than sufficient capacity for predicted development;
- TasNetworks advised that there was sufficient capacity in the network to cater for future demand based on their own conservative modelling. The area is adjacent to a major substation servicing the region;
- Traffic loads could readily be managed through a reduced speed limit on Meander Valley Road and roundabouts at primary intersections.

Following the approval of the Hadsphen Urban Growth Area rezoning and SAP, more detailed engineering assessment work was undertaken to determine the best option for sewage treatment and other infrastructure upgrades. The main purpose was to find the most efficient system that would meet environmental emission standards and cost the infrastructure to a margin of +/- 15% to enable the Part 5 Agreements for developer contribution to be drafted. The water supply and electricity infrastructure was relatively straightforward, however there were a number of options for sewerage treatment that were variable in cost and effectiveness.

The mechanical treatment option chosen for the upgrade of the Carrick STP was based on a number of factors:

- It provided for a high volume of effluent treatment through a continuous process, which provided for development yield at higher estimates and also enabled the potential future connection of Bracknell township. The treatment capability factored in a margin of 14%;
- The process needed to achieve a high quality of effluent output due to discharge being a combination of reuse and direct discharge to the Meander River;
- Cost effectiveness, as the existing footprint of the STP could be utilised for the installation of processing machinery and the existing lagoons could be re-purposed.

The upgrade of the Carrick STP provides for a total 2800 equivalent tenements, 1150 of which are existing. This includes the 14% margin for higher than expected tenement yields. The Rutherglen/Entally Lodge site was nominally factored into calculations based on potential expansion of tourist uses, however was not allocated a specific apportionment of capacity share as there were no clear indicators of intended future use at the time. The margin factored into the STP design was to cater for increased loads from unplanned inputs and can comfortably accommodate approximately 100 tenements (a conservatively high estimate) at the subject site, which would make up less than 3.5% of the margin.

The sewer network will be re-distributed when new pump stations and rising mains are constructed to the south of Meander Valley Road. Additional development at Entally Lodge will be able to connect to the reticulated system either through the existing (or upgraded) pump station to the northern edge of the

development (Refer Figure 3 below) or directly to the new rising main which will be located immediately adjacent to the site, along Meander Valley Road (refer Figure 4 below).

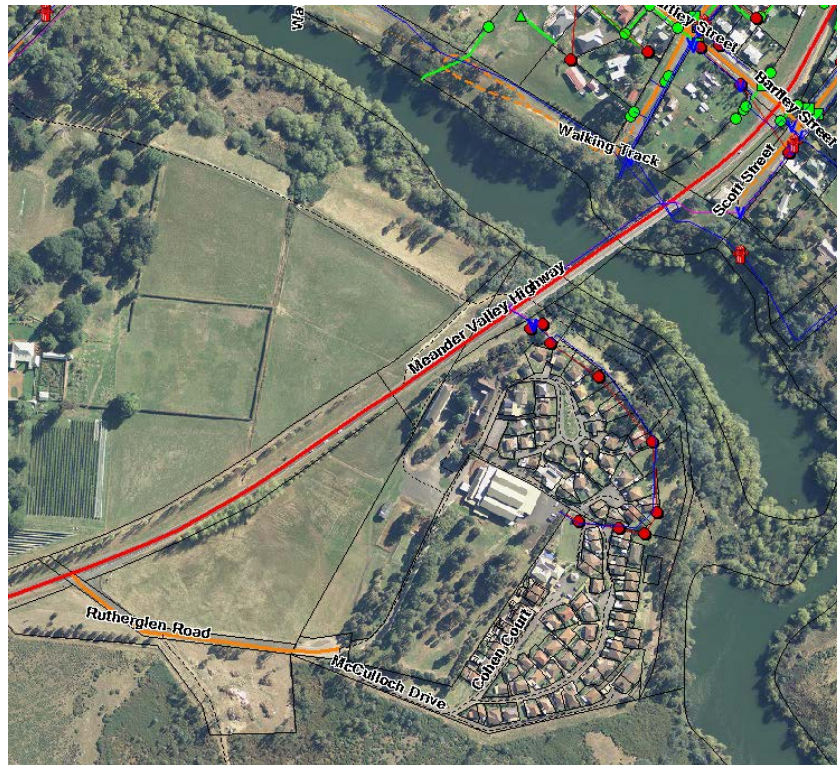


Figure 3 – Aerial Photo showing existing Taswater sewer and water supply infrastructure.

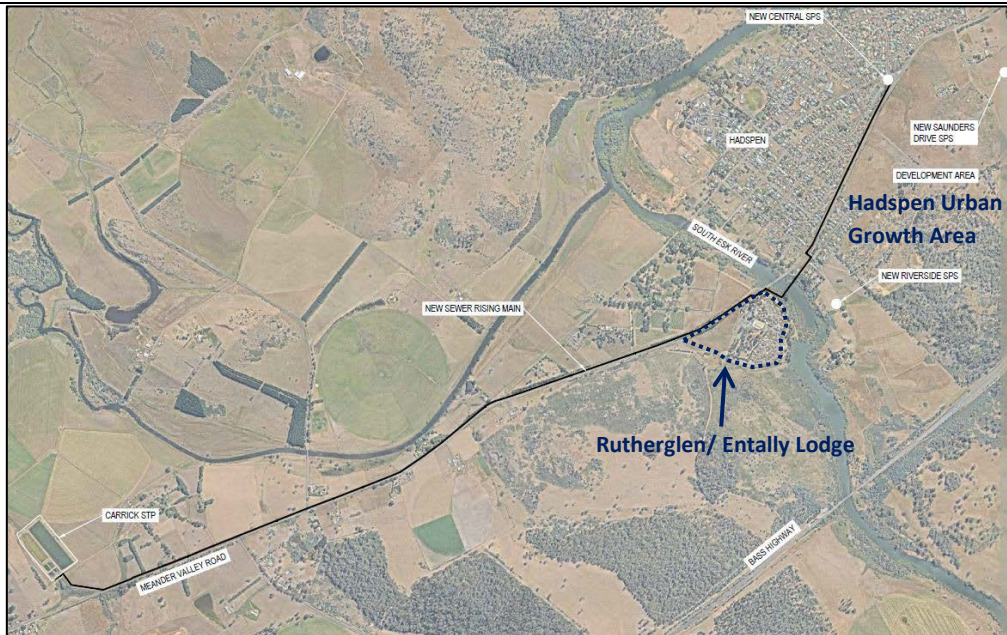


Figure 4 – Location of future sewer rising main between the Hadspen Urban Growth Area and the Carrick STP

The model for developer contributions to the costs of shared infrastructure through a Part 5 Agreement was established so that contributions were an equitable reflection of the potential tenement yield and one developer was not carrying the costs for the benefit of another. For the greenfield, urban growth area to the south of Meander Valley Road, the contribution calculation is tied to the area of land to be subdivided (a multiple dwelling rate is factored in), however the undeveloped land at Entally Lodge has the potential to yield 100 tenements, most likely under a strata scheme. Given the contribution to effluent load, it is considered fair and reasonable to require the development of this land for multiple dwellings or other housing (which may not be subject to standard subdivision) to contribute to the costs of shared infrastructure upgrades on the same pro-rata basis as the balance of the Hadspen Urban Growth Area.

Stormwater discharge from the site is not part of the public system, with surface water and development catchment currently discharged to the surface and eventually to the South Esk River. The southern part of the Entally Lodge/Rutherglen site drains to a low point adjacent to the built-up Meander Valley Road, which then drains stormwater via a culvert under Meander Valley Road, though an open drain across Entally House land to the South Esk River. This drain also conveys stormwater runoff from the road side drains and is classes as a public stormwater system under the Urban Drainage Act 2013. (Refer Figure 5)

The proposed SAP includes a dedicated area of land at the low point adjacent to Meander Valley Road that can be utilised for detention of stormwater in large events (if necessary) and which can also be utilised for communal garden purposes with links to pedestrian walkways across the river or under the bridge to Entally House.

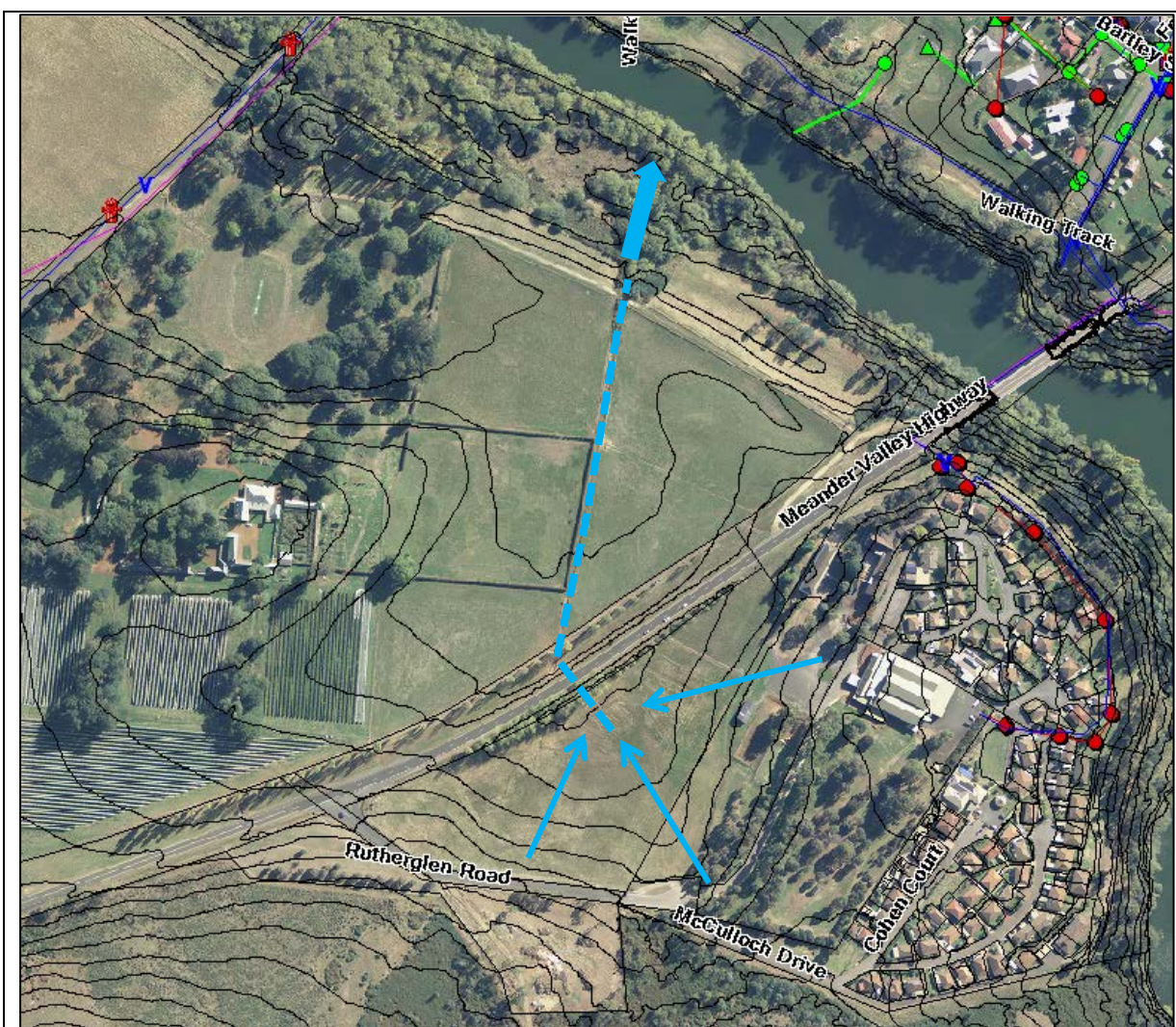


Figure 5 – Stormwater surface drainage and open drain to South Esk River

Traffic

In 2015 a traffic impact assessment (TIA) was undertaken by Pitt & Sherry for the Entally Lodge site and Rutherglen Road as part of an application for an indoor market in the existing sports building. This TIA assessed current and future use of the Entally Lodge access, the combined use of Rutherglen Road and the adequacy of the junction of Rutherglen Road with Meander Valley Road. The TIA calculated that, including the market use, Rutherglen Road would be subject to a peak of approximately 900 vehicle movements per day.

The Local Government Association of Tasmania (LGAT) in conjunction with the Institute of Public Works Engineering Australia (IPWEA) have published state wide standards for road construction¹, which are applied by local government in the assessment and conditioning of development. Rutherglen Road is classed as a sealed rural road. With a pavement width of 6 metres and gravel shoulders, the standard of Rutherglen Road is calculated to have capacity for 300 – 2000 annual average daily traffic (AADT) movements.

Traffic generating rates sourced from the NSW Roads and Maritime Services *Guide to Traffic Generating Developments* 2002, allow for 5 daily vehicle movements per dwelling for multiple dwelling units (2 bedroom). Allowing for a maximum of 100 multiple dwellings which would add another 500 daily vehicle movements to the total, the peak traffic load at approximately 1400 AADT is still well within the standard capacity allowance for Rutherglen Road.

The safety and capacity of the Meander Valley Highway/Rutherglen Road junction was also assessed. The

¹ Tasmanian Standard Drawings, LGAT/IPWEA TAS Division, 2013

AUSTROADS Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections indicates that traffic turning numbers for a 100kph speed limit are approaching the need for dedicated left and right turning treatments which can, and would be, provided associated with expanded development on the site. The installation of turning treatments has been considered in consultation with the Department of State Growth (DSG) and has been determined as being readily accommodated within the existing road profile. The TIA concludes that *“the available sight distances along the Meander Valley Highway to the east and west of Rutherglen Road are well in excess of the AUSTROADS requirement”*.

Consultation with DSG throughout the Hadspen Urban Growth project determined that the speed limit entering the Hadspen settlement from both eastern and western approaches would inevitably be reduced at a stage where development commenced and the roundabouts were installed. The speed limit reduction would extend past the junction with Rutherglen Road and also take in the entrance to Entally House opposite, which would capture the primary turning movement locations and also likely increased pedestrian movements. These two sites would effectively mark the entrance to the Hadspen township. It has been determined by DSG that a speed reduction is not necessary at this point in time due to the long sight distances.

In summary, consideration of traffic by DSG in conjunction with Council’s infrastructure department, ultimately determined that a large urban expansion and the development of key sites at Rutherglen and Entally could be safely accommodated through a combination of measures including:

- lane treatments for turning;
- speed limit reduction and the definition of ‘town entrance’ that starts at the Entally House entrance ;
- improved pedestrian definition,

due to the large sight distances and road width available.

MEANDER VALLEY COUNCIL COMMUNITY STRATEGIC PLAN 2014 - 20124

The relevant Future Directions of the Meander Valley Council Community Strategic Plan are:

Future direction (1) - A sustainable natural and built environment

Managing the balance between growth and the conservation of our natural and built environment is a key issue. Decisions will respect the diversity of community values, will be fair, balanced and long term in approach. Specific areas are forestry, protection of our natural, cultural and built heritage, scenic landscape protection, karst management, salinity, water quality, infrastructure and building design.

- 1.1 Contemporary planning supports and guides growth and development across Meander Valley.*
- 1.2 Liveable townships, urban and rural areas across the local government area with individual character.*
- 1.3 The natural, cultural and built heritage of Meander Valley is protected and maintained.*
- 1.4 Meander Valley is environmentally sustainable.*
- 1.5 Public health and the environment is protected by the responsible management of liquid and solid waste at a local and regional level*
- 1.6 Participate and support programs that improve water quality in our waterways*

Comment:

Contemporary planning is reflected in the policies and actions of the NTRLUS, being the most recent planning document that guides growth and development, particularly for the Greater Launceston Area in the recognition of the urban growth corridors. The proposed rezoning and SAP is located within the designated growth areas and particularly supports policies for the provision of diverse housing choices for aged and higher needs residents. The site is part of a well-documented strategy and amendment for the Hadspen Urban Growth Area that will enhance the liveability of the Hadspen township. Future development can be effectively managed for environmental impacts.

Future direction (2) - A thriving local economy

Meander Valley needs to respond to changes and opportunities to strengthen and broaden its economic base. We need to attract investors, build our brand, grow population, encourage business cooperation, support development and promote the liveability of Meander Valley.

- 2.1 *The strengths of Meander Valley attract investment and provide opportunities for employment.*
- 2.2 *Economic development in Meander Valley is planned, maximising existing assets and investment in infrastructure.*
- 2.3 *People are attracted to live in the townships, rural and urban areas of Meander Valley.*
- 2.4 *A high level of recognition and demand for Great Western Tiers products and experiences.*
- 2.5 *Current and emerging technology is available to benefit both business and the community.*

Comment:

The proposed rezoning and SAP incentivise a model for the provision of adaptable and supported care housing that maximises the existing infrastructure at Entally Lodge/Rutherglen. As described above, the site has visual, social and recreational amenity attributes that are valued by existing residents and visitors and could be enjoyed by a broader, diverse mix of residents.

Future direction (4) A healthy and safe community

To make the most of our lifestyle and cope with change we need to be fit and healthy. Participation in structured and informal recreation activities will support this goal. Meander Valley's environment provides the opportunity to develop nature based recreational activities. We need to work together to develop and maintain the infrastructure and activities that support health and safety through all stages of life.

- 4.1 *The health and wellbeing needs of all sectors in the community are planned, met and managed.*
- 4.2 *Infrastructure, facilities and programs encourage increased participation in all forms of active and passive recreation.*
- 4.3 *Public health and safety standards are regulated, managed and maintained.*
- 4.4 *Prepare and maintain emergency management plans and documents and work with our communities to educate and plan for emergencies.*

Comment:

The proposed rezoning and SAP incentivise a model for the provision of adaptable and supported care housing that provides for health and well-being of residents with different abilities and at different stages of life. This enables planning for ageing in place and enhances social and community outcomes.

Future direction (6) - Planned infrastructure services

Infrastructure for transport, water, waste management and community facilities form the foundations our communities are built on. Existing infrastructure, plant and equipment needs to be maintained while long term innovative solutions are developed to respond to rural and urban needs. It is important to understand what assets we have now, the services they deliver, their condition and ongoing costs so responsible future plans can be made.

- 6.1 *The future of Meander Valley infrastructure assets is assured through affordable planned maintenance and renewal strategies.*
- 6.2 *Regional infrastructure and transport is collaboratively planned and managed by all levels of government.*
- 6.3 *The Meander Valley transport network meets the present and future needs of the community and business.*
- 6.4 *Open space, parklands, recreation facilities, cemeteries and public buildings are well utilised and maintained.*
- 6.5 *Stormwater and flooding cause no adverse impacts*

6.6 *Infrastructure services are affordable and meet the community's needs into the future.*

Comment:

The site is serviced by existing reticulated infrastructure and has been factored into the design of infrastructure upgrades for the Hadspen Urban Growth Area, discussed above. The SAP has been drafted to ensure that residential development makes an appropriate contribution to the costs of infrastructure upgrades, consistent with the SAP for the Hadspen Growth Area. Stormwater can be appropriately managed through proprietary drainage devices and water sensitive urban design treatments before discharge to the open drainage system to the river.

The site is directly serviced by public transport.

LOCAL PROVISIONS SCHEDULES APPLYING TO ADJACENT MUNICIPAL AREAS

The site is located 1.8km from the Northern Midlands municipality, 6km from the City of Launceston and 6.3km from the West Tamar municipality. The proposed rezoning and SAP does not interact with any use or development occurring within those municipalities.

GAS PIPELINES ACT 2000

Not applicable. The site is located 3km from the gas pipeline.

MEA-S22.0 Entally Lodge Specific Area Plan

MEA-S22.1 Plan Purpose

The purpose of the Entally Lodge Specific Area Plan is:

MEA-S22.1.1 to provide for the development of the area consistent with the local area objectives;

MEA-S22.1.3 to coordinate the provision of infrastructure for development.

MEA-S22.2 Application of this Plan

MEA-S22.2.1 The specific area plan applies to the area of land designated as MEA-S22.0 Entally Lodge Specific Area Plan on the overlay maps and in Figure S22.1.

MEA-S22.2.2 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, as specified in the relevant provision.

MEA-S22.3 Local Area Objectives

MEA-S22.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
MEA-S22.3.1.1	Area shown on an overlay map as MEA-S22.0 and in Figure MEA-S22.1	<p>The local area objectives for the Entally Lodge Specific Area Plan are:</p> <ul style="list-style-type: none">(a) to provide for development generally in accordance with the layout shown in Figure MEA-S22.1;(b) to provide for diverse housing outcomes that support Livable Housing;(c) to provide for non-residential use and development that is compatible with higher density residential development.

MEA-S22.4 Definition of Terms

Term	Definition
Livable Housing	<p>means a housing development design that provides for the needs of residents during the whole of their life and can be adapted to meet the needs of those with impaired mobility and other special needs. Livable Housing must include the following elements:¹</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;

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

	<p>(b) Entrance to dwellings:</p> <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) Car parking for individual dwellings:</p> <ul style="list-style-type: none"> i) minimum 3.2m width x minimum 5.4m length; ii) slip resistant surface; iii) maximum 1:33 gradient; <p>(d) 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>(e) 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>(f) 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>(g) Kitchen and Laundry</p> <ul style="list-style-type: none"> i) Minimum 1.2m clearances
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MEA-S22.5 Use Table

MEA-S22.5.1 Use Table – General Residential Zone.

This clause is in substitution for General Residential Zone – clause 8.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for multiple dwelling, communal dwelling or assisted housing and 50 % of the development is for Livable Housing.
Utilities	If for minor utilities.
Permitted	
Residential	If not listed as No Permit Required If not for a single dwelling.
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre,

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

	public hall, community centre or neighbourhood centre.
Educational and Occasional Care	If not for a tertiary institution.
Emergency Services	
Food Services	If not for a take away food premises with a drive through facility.
General Retail and Hire	If for a local shop.
Residential	If for a Single Dwelling
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.
Utilities	If not listed as No Permit Required.
Visitor Accommodation	
Prohibited	
All other uses	

MEA-S22.6 Use Standards

MEA-S22.6.1 Single Dwellings and Visitor Accommodation

This clause is in substitution of General Residential Zone - clause 8.3 Use Standards.

Objective	That single dwellings and visitor accommodation: <ul style="list-style-type: none"> a) support the Local Area Objectives for the Specific Area Plan; b) make up a minor part of the overall use of the site; and c) are integrated in a manner that does not compromise the residential use and amenity of higher density housing for assisted housing and communal dwellings. 	
Acceptable Solutions	Performance Criteria	
A1 No acceptable solution.	P1 Single dwellings and visitor accommodation must: <ul style="list-style-type: none"> (a) be located to protect the privacy of assisted housing and communal dwellings; and (b) be of a scale that is compatible with the preferred character and use of the site. 	

MEA-S22.7 Development Standards for Buildings and Works

MEA-S22.7.1 Development Plan

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Dwellings.

Objective	That development: <ul style="list-style-type: none"> a) supports the Local Area Objectives for the Specific Area Plan; b) enhances the visual amenity of the site when viewed from Meander Valley Road through a landscaped frontage; c) provides recreational amenity for residents through landscaped, common open space.
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Acceptable Solutions	Performance Criteria
A1 Development must be generally in accordance with the layout shown in Figure MEA-S22.1.	P1 The layout of development is to provide for visual and recreational amenity through landscaping and common open space having regard to: (c) topographical constraints; (d) infrastructure and servicing; (e) proposed and future pedestrian access and mobility through the site; (f) any particular needs of residents; and (g) access to communal facilities.

MEA-S22.7.2 Density

This clause is in substitution of General Residential Zone - clause 8.4.1 Residential Density for Multiple Dwellings.

Objective	That the density of dwellings: d) supports the Local Area Objectives for the Specific Area Plan; e) makes efficient use of land for diverse types of housing; f) provides for differing needs of residents.
Acceptable Solutions	Performance Criteria
A1 Multiple Dwellings, Communal Dwellings or Assisted Housing must have a site area per dwelling: a) not less than 225m ² for Livable Housing; or b) not less than 325m ² .	P1 Density of residential development is to support the Local Area Objectives for the SAP having regard to: (a) topographical constraints; (b) infrastructure and servicing; (c) proposed and future pedestrian access and mobility through the site and to public transport; (d) vehicular access through the site; (e) vehicle parking for residents and visiting services; (f) any particular needs of residents; and (g) the provision of private open space or communal open space.

MEA-S22.7.3 Site Coverage

This clause is in substitution of General Residential Zone - clause 8.4.3 Site Coverage and Private Open Space for all dwellings.

Objective	That site coverage protects residential amenity through appropriate siting and design of development to provide adequate privacy, separation between dwellings and between dwellings and vehicular traffic, private or communal open space and sunlight for residents.
Acceptable Solutions	Performance Criteria
A1 Dwellings must have a site coverage of:	P1 Dwellings must have a site coverage that protects

a) not more than 60% if the development includes 50% or greater portion of Livable Housing; or b) not more than 50%.	residential amenity, having regard to: a) topographical constraints; b) infrastructure and servicing; c) vehicular access through the site; d) vehicle parking for residents and visiting services; e) siting and scale of buildings; f) any particular needs of residents; and g) the provision of private open space or communal open space.
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MEA-S22.7.4 Private Open Space

This clause is in substitution of General Residential Zone - clause 8.4.3 Site Coverage and Private Open Space for all dwellings.

Objective	To provide private open space: a) for outdoor recreation and the operational needs particular to residents; and b) that has access to sunlight.
Acceptable Solutions	Performance Criteria
<p>A1.1</p> <p>A multiple dwelling, communal dwelling or assisted housing for Livable Housing must have private open space that:</p> <ul style="list-style-type: none"> a) is in one location; b) has an area not less than 24m²; c) has a minimum dimension of 4m; d) is level; and e) receives sunlight to 50% of the area for 3 hours between 9.00am and 3.00pm on the 21st June, or <p>A1.2</p> <p>Dwellings must have private open space that:</p> <ul style="list-style-type: none"> a) has a total area of not less than 60m² associated with each dwelling of which 24m² is in one location; b) has a minimum dimension of 4m; and c) receives sunlight to 50% of the area for 3 hours between 9.00am and 3.00pm on the 21st June, or d) where a dwelling (excluding an outbuilding with a building height not more than 2.4m or protrusions that extend not more than 0.9m horizontally from the multiple dwelling) is located to the north of the private open space of another dwelling on the same site, the dwelling is contained within a line projecting: <ul style="list-style-type: none"> i) at a distance of 3m from the northern edge of the private open space, and ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal. <p>(see Figure 8.4 of 8.4.4)</p>	<p>P1</p> <p>Dwellings must have private open space that is capable of serving as an extension of the dwelling for outdoor relaxation having regard to:</p> <ul style="list-style-type: none"> a) any particular needs of residents; and b) access to communal open space that provides for outdoor activities.

MEA-S22.7.5 Infrastructure Contribution

This clause is in addition to General Residential Zone - clause 8.6, Development Standards for Buildings and Works.

Objective:	To provide for a Part 5 agreement, prior to the development of land, to ensure that developer contributions are made towards the establishment costs of shared infrastructure.	
Acceptable Solutions		Performance Criteria
A1 An agreement pursuant to Part 5 – section 71 of the Act is entered into and registered on the title, providing for the schedule of costs and developer contribution toward shared infrastructure.		P1 No performance criteria.

MEA-S22.8 Development Standards for Subdivision

MEA-S22.8.1 Infrastructure Contribution

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

Objective:	To provide for a Part 5 agreement, prior to the development of land, to ensure that developer contributions are made towards the establishment costs of shared infrastructure.	
Acceptable Solutions		Performance Criteria
A1 An agreement pursuant to Part 5 – section 71 of the Act is entered into and registered on the title, providing for the schedule of costs and developer contribution toward shared infrastructure.		P1 No performance criteria.

MEA-S22.8.2 Lot Design

This clause is in substitution for General Residential Zone - clause 8.6.1 Lot Design A1 and P1.

Objective:	That subdivision provides for a mix of housing types to enable higher density development of multiple dwellings, communal dwellings or assisted housing.	
Acceptable Solutions		Performance Criteria

<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) be required for public use by the Crown, a council or a State authority; (b) be required for the provision of Utilities; or (c) be for the consolidation of a lot with another lot provided each lot is within the same zone. 	<p>P1</p> <p>Subdivision must:</p> <ul style="list-style-type: none"> (a) provide lots that have sufficient useable area and dimensions suitable for its intended use; (b) provide for an arrangement of lots that facilitates a mix of housing types having regard to: <ul style="list-style-type: none"> i) the topography of the site; ii) access and vehicular manoeuvrability and parking; iii) internal pedestrian mobility through the site to resident services and facilities for existing or future development; iv) the location of any common open space; and (c) have an area of not less than 450m².
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Figure MEA-S22.1

