

21 April 2021

Tasmanian Planning Commission
GPO Box 1691
HOBART 7001

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

Dear Sir/Madam

RE: Report under Section 39 of the former provisions of the Land Use Planning & Approvals Act 1993 – Draft Amendment 04/2020 - Meander Valley Interim Planning Scheme 2013 - 100 Country Club Avenue, Prospect Vale.

Pursuant to Section 39 of the former provisions of the Act, Council considered the representations relating to Draft Amendment 4/2020 at its Ordinary Meeting on 13 April 2021. The report and minutes of the planning authority decision are enclosed.

The Taswater Submission to Planning Authority Notice (SPAN) has been previously provided to the TPC.

If you have any queries regarding the draft amendment, please do not hesitate to call me on 6393 5325.

Yours Faithfully



Jo Oliver
Senior Strategic Planner

*Enclosures: Council meeting agenda report – April 2021
Council meeting minutes - April 2021
Representations*

PLANNING AUTHORITY 3

Reference No. 65/2021

DRAFT AMENDMENT 4/2020 – REPORT ON REPRESENTATIONS RECEIVED –
COUNTRY CLUB ESTATE - 100 COUNTRY CLUB AVENUE, PROSPECT VALE

AUTHOR: Jo Oliver
Senior Strategic Planner

1) Recommendation

It is recommended that Council:

- 1. Endorse Attachment 1: Consideration of Representations to Draft Amendment 4/2020 as its report in response to the representations in accordance with Section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993; and.***
- 2. Recommend to the Tasmanian Planning Commission that no modifications are required to the notified draft amendment.***

2) Officers Report

At its Ordinary Meeting of the 9 February 2021, Council initiated and certified a draft amendment to the Meander Valley Interim Planning Scheme 2013 to:

- Rezone 44 hectares of land at 100 Country Club Avenue, Prospect Vale from Major Tourism Zone to General Residential Zone; and
- Insert a Specific Area Plan (SAP) over the land to provide for the key features of a residential estate.

Figure 1 shows the proposed area for rezoning and the associated Specific Area Plan.

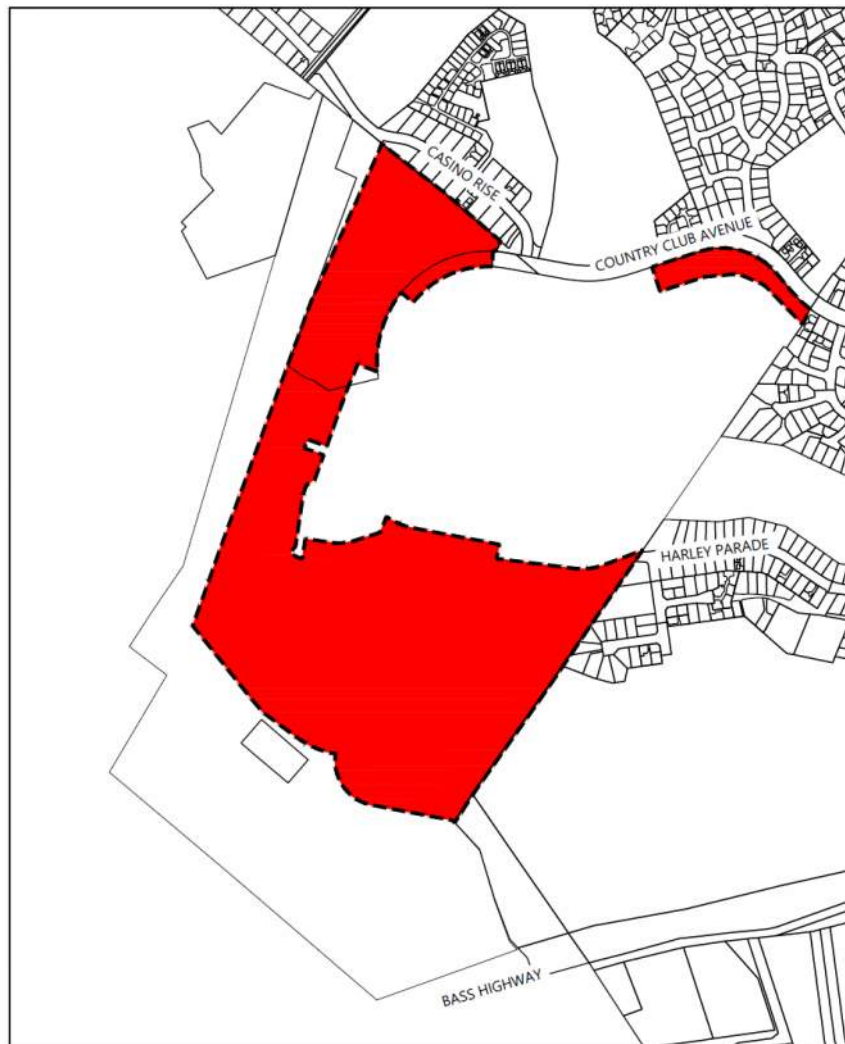


Figure 1: Proposed extent of General Residential Zone and associated Specific Area Plan.

When initiating the draft amendment, Council modified the Specific Area Plan to:

- amend the title of the SAP;
- include a 1.52 hectare area of public open space over the central ridgeline;
- extend the northern internal road to Pitcher Parade; and
- include a standard to activate the required components of future subdivision.

Figure 2 shows the SAP as modified by the Planning Authority decision.

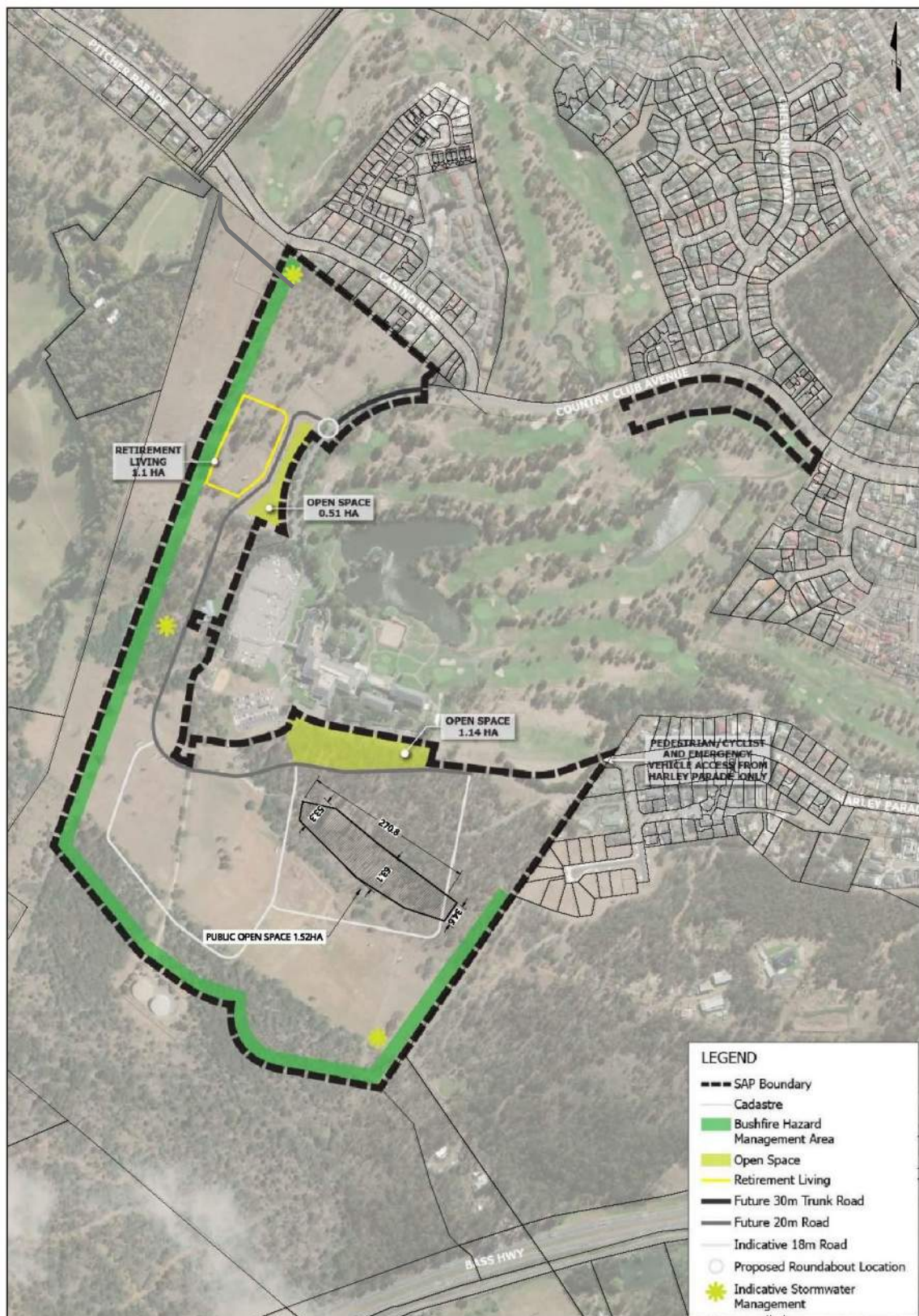


Figure 2: Initiated Specific Area Plan.

Pursuant to Section 38 of the former provisions of the *Land Use Planning & Approvals Act* (LUPAA) 1993, Council placed the draft amendment on public notice for a period of 31 days. The formal exhibition period commenced on Saturday 13 February 2021 and concluded on Monday 15 March 2021.

At the end of this period Council had received six (6) representations, including one from the applicant. In accordance with the *Water & Sewerage Industry Act 2008*, the TasWater Submission to Planning Authority Notice (SPAN) is to be taken as a representation.

In accordance with Section 39(2) of the former provisions of the LUPAA, Council acting as the Planning Authority is required to formally consider the representations and to prepare a report to be submitted to the Tasmanian Planning Commission (TPC).

Section 39(2) of the LUPAA stipulates that the planning authority's report must include:

- a) *a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and*
- b) *a statement of its [the planning authority's] opinion as to the merit of each such representation, including, in particular, its views as to;*
 - i. *the need for modification of the draft amendment in the light of that representation; and*
 - ii. *the impact of that representation on the draft amendment as a whole; and*
- c) *such recommendations in relation to the draft amendment as the authority considers necessary.*

Attachment 1 considers the representations in accordance with the requirements of the LUPAA.

3) Council Strategy and Policy

Further the objectives of the Council's Community and Strategic Plan 2014 to 2024:

- Future Direction (1): A sustainable natural and built environment
- Future Direction (2): A thriving local economy
- Future direction (3): Vibrant and engaged communities
- Future direction (4): A healthy and safe community
- Future direction (6): Planned infrastructure services

4) Legislation

Amendments to the LUPAA to establish the Tasmanian Planning Scheme, were gazetted on 17 December 2015, however the provisions of the Tasmanian Planning Scheme do not come into operational effect until such time as Council completes its Local Provisions Schedule process with the TPC and the Minister agrees to the approval. In the interim, the process for the consideration of planning scheme amendments continues in accordance with the LUPAA as it was written prior to 17 December 2015. These provisions are defined as the 'former provisions' in Schedule 6 - Savings and Transitional Provisions in the amended LUPAA.

Council's report, pursuant to Section 39(2) of the former provisions LUPAA, is provided in Attachment 1 - Consideration of Representations to Draft Amendment 4.2020.

5) Risk Management

Not applicable

6) Government and Agency Consultation

The draft amendment was referred to TasWater. TasWater has responded that it does not object to the draft amendment and has no formal comments for the Tasmanian Planning Commission.

TasWater have provided technical advice in the SPAN.

The draft amendment was referred to the Department of State Growth. No response was received.

7) Community Consultation

This report responds to the representations received during the public notification period, which commenced on 13 February and concluded on 15 March 2021. The TPC will hold hearings into the representations, prior to making a decision on the amendment.

8) Financial Consideration

Not applicable

9) Alternative Recommendations

Council may modify the report under Section 39(2) of the LUPAA prior to submission to the TPC.

10) Voting Requirements

Simple Majority

DECISION:

Attachment 1

Consideration of Representations to Draft Amendment 4/2020

100 Country Club Avenue, Prospect Vale

Planning Authority Report under Section 39 of the Land Use Planning & Approvals Act 1993

Representor	Representation Issue	Statement of Merit
E Wohlgemuth P & K Seaman L & J van Gelderen	<p>Traffic Concerns:</p> <ul style="list-style-type: none">• Safety of roads with additional traffic, particularly speed and accessing existing driveways;• Single point of entry/exit; consider an additional point of access – Harley Parade or elsewhere;• Concerns regarding management of hooning, roundabouts may cause associated noise impacts;• Amenity impacts of increased traffic and future interventions/upgrades that will diminish the visual amenity of Cheltenham Way;• Concerns that Cheltenham Green will be turned into a roundabout;• If roundabouts considered, can they be beautified rather than the usual barren structures?;• Should include a dedicated golfers	<p>The representations raise relevant issues pertaining to traffic impacts.</p> <p>In response:</p> <ul style="list-style-type: none">• Council will continue to work with Richard Burk on a 'Traffic and Development Plan' for Prospect Vale/Blackstone Heights to determine thresholds for road and junction improvements, as well as key measures such as a new link through to Mt Leslie Road.• Council commits to pursuing road network interventions that eliminate the need to convert the 'Cheltenham Green' island into a roundabout, due to the amenity values expressed by existing residents. It is noted that the comments in the traffic impact assessment submitted in the application, relating to the installation of a roundabout at this location, do not take into account any extension of Mt Leslie Road to Pitcher Parade and Council's required modification to extend the internal road of this development to a future intersection on Pitcher Parade. This will distribute traffic away from the junction of Cheltenham Way with Country Club Avenue.• Council commits to future attention to the visual appearance of roundabouts and other crossing infrastructure. This will enhance the visual amenity of the area. <p>It is considered that increased traffic is inevitable with growth, along with associated noise effects. However it is noted that Country Club Avenue is already a busy collector road and was designed for that purpose. The design of future</p>

	<p>crossing which could also act as traffic calming; and</p> <ul style="list-style-type: none"> Increased traffic noise. 	<p>traffic management measures can take into account the resultant effects of vehicle behaviour adjacent to dwellings.</p> <p>The impacts of noise at peak times will not likely be noticeable due to the high level of use of the road.</p> <p>The crossing for the golf course and pedestrians will require detailed attention in the future work for subdivision, due to the increases in traffic on Country Club Avenue. As mentioned by a representor, this could also act as an effective traffic calming measure.</p>
Need for Modification		
It is considered that there is no need for modification of the draft amendment in response to the representations.		
Impact of Representation on Draft Amendment as a Whole		
As the concerns in the representations will be addressed through Council commitments and the future Traffic and Development Plan, the representation does not affect the draft amendment as a whole.		
Recommendation		
The draft amendment is progressed as proposed.		
Representor	Representation Issue	Statement of Merit
L & J van Gelderen	<p>Pedestrian Access:</p> <ul style="list-style-type: none"> Pedestrian access to the Country Club facilities from the broader area would be beneficial. 	<p>Agreed.</p> <p>With substantive development of this nature, it is incumbent upon Council to factor in connections to the broader pedestrian network. This may require budget allocations into the future as Council can only require the developer to install immediately relevant footpath connections.</p>

Need for Modification		
It is considered that there is no need for modification of the draft amendment in response to the representations.		
Impact of Representation on Draft Amendment as a Whole		
As the concerns in the representations will be addressed through the future Traffic and Development Plan and any future permit/s issued for subdivision, the representation does not affect the draft amendment as a whole.		
Recommendation		
The draft amendment is progressed as proposed.		
Representor	Representation Issue	Statement of Merit
E Wohlgemuth P & K Seaman L & J van Gelderen	Character of the area: <ul style="list-style-type: none"> • Object to the narrow strip of lots along Country Club Avenue • Removal of significant amount of trees will destroy visual amenity along this section of road; • Will the treed nature strip be continued?; and • Suggest covenants to ensure development on new lots reflects existing properties. 	<p>Prospect Vale is a modern suburb with variable, contemporary housing styles. The strip of lots along Country Club Avenue will effectively continue the existing character of the frontages of properties along that road and there will not be a distinct difference in character of residential development.</p> <p>Council can require future subdivision to be designed around Council's street trees so that they are not to be removed to facilitate driveways.</p> <p>Council considers that the removal of vegetation on the golf course is the prerogative of the Federal Group.</p> <p>Council's obligation is to consider the overall objectives for the area and whether local strategy supports specific controls for neighbourhood visual amenity. In this instance, there are no strategic objectives relating to the golf course land where it fronts Country Club Avenue. It is noted that the appearance of Country Club Avenue as a high quality corridor lined with street trees will continue, despite</p>

		some additional residential development along its frontage.
Need for Modification		
It is considered that there is no need for modification of the draft amendment in response to the representations.		
Impact of Representation on Draft Amendment as a Whole		
As some of the concerns in the representations will be addressed through future requirements for subdivision and the retention of street trees, the representations do not affect the draft amendment as a whole. Council does not support significant changes to implement design controls for future development.		
Recommendation		
The draft amendment is progressed as proposed.		
Representor	Representation Issue	Statement of Merit
E Wohlgemuth P & K Seaman L & J van Gelderen D Binns	Impacts on adjoining and surrounding properties: <ul style="list-style-type: none"> • Request for larger lots to adjoin existing properties along Casino Rise, reflecting existing character; • Impacts on amenity of views to the golf course from Cheltenham way area, monotonous; and • Reduce property values. 	<p>The land along Casino Rise has long been zoned Residential Zone which has provided for lots with sizes in the order of that indicated in the overall layout plan, and in fact much smaller. The relatively small area of existing lots along Casino Rise would not provide enough justification for differentiation in lot size under the criteria of the Act, within the context of a long established suburb and zoning that has provided an entitlement for smaller lot sizes than that which exists in this location.</p> <p>Refer comments above regarding amenity and outlook onto the golf course land. As above, Council can ensure the existing street trees on Country Club Avenue and Cheltenham Green are retained, which will mitigate views to new development.</p> <p>There is no evidence that new residential development adjoining existing residential development reduces property values.</p>

		By comparison, it is noted that the current Major Tourism Zone enables substantive accommodation development at a setback of 10 metres to side and rear boundaries as a permitted use.
Need for Modification		
It is considered that there is no need for modification of the draft amendment in response to the representations.		
Impact of Representation on Draft Amendment as a Whole		
As some of the concerns in the representations will be addressed through future requirements for subdivision and the retention of street trees, the representations do not affect the draft amendment as a whole. Council does not support significant changes to implement design controls for future development.		
Recommendation		
The draft amendment is progressed as proposed.		
Representor	Representation Issue	Statement of Merit
E Wohlgemuth	Basis for the amendment: <ul style="list-style-type: none"> Unjust that the Country Club has changed its mind in regard to development of surplus land holding, affecting the long standing amenity of existing residents. 	Whilst the amenity of nearby residents in regard to outlook over the golf course is acknowledged, it is centred on private land that has a right to contemplate changes in land use. Council's obligation is to consider the overall objectives for the area and whether local strategy supports specific controls for neighbourhood visual amenity. In this instance, there are no strategic objectives relating to the golf course land.
Need for Modification		

It is considered that there is no need for modification of the draft amendment in response to the representations.		
Impact of Representation on Draft Amendment as a Whole		
As the representations are not supported, the representations do not affect the draft amendment as a whole.		
Recommendation		
The draft amendment is progressed as proposed.		
Representor	Representation Issue	Statement of Merit
L & J van Gelderen	Potential future shopping precinct: <ul style="list-style-type: none"> • Not included in proposal; • Could be included within existing Country Club premises. 	A potential future neighbourhood retail precinct is not included in the proposal. This would be the subject of a future application.
Need for Modification		
It is considered that there is no need for modification of the draft amendment in response to the representations.		
Impact of Representation on Draft Amendment as a Whole		
As the representation raises an issue that is not part of this proposal, the representation does not affect the draft amendment as a whole.		
Recommendation		
The draft amendment is progressed as proposed.		
Representor	Representation Issue	Statement of Merit

TasNetworks	<ul style="list-style-type: none"> Seek access to the upper part of the powerline easement through the end of Road 7 at the southern extent of the development. 	Future access for Tasnetworks can be secured through a future permit for subdivision. The concept layout provides for a future road connection that will enable access to the powerline easement.
Need for Modification		
It is considered that there is no need for modification of the draft amendment in response to the representations.		
Impact of Representation on Draft Amendment as a Whole		
As the representation raises an issue that is not part of this proposal, the representation does not affect the draft amendment as a whole.		
Recommendation		
The draft amendment is progressed as proposed.		
Representor	Representation Issue	Statement of Merit
Applicant: Niche Planning Studio obo Kin Capital and Federal Group	<ul style="list-style-type: none"> A revised layout has been submitted demonstrating: <ul style="list-style-type: none"> how the public open space required by the Council decision is to be incorporated; and the extension of the internal road toward a future Mt Leslie Road link, to the edge of the development area. 	<p>The revised concept layout is noted.</p> <p>The area shown as public open space over the central ridgeline, having an area of 1.25 hectares, reasonably meets Council's objectives and it is considered that it is appropriate to modify the Specific Area Plan to reflect the public open space in the amended concept plan.</p>
Need for Modification		

It is considered that the Specific Area Plan should be modified to reflect the area shown in the amended concept plan included in the representation.

Impact of Representation on Draft Amendment as a Whole

As the representation raises an issue that is specific to one area of public open space, the representation does not affect the draft amendment as a whole.

Recommendation

The draft amendment is progressed, subject to the recommended modification for the public open space.

**66/2021 DRAFT AMENDMENT 4/2020 – REPORT ON
REPRESENTATIONS RECEIVED – COUNTRY CLUB
ESTATE - 100 COUNTRY CLUB AVENUE,
PROSPECT VALE**

AUTHOR: Jo Oliver
Senior Strategic Planner

1) Recommendation

It is recommended that Council:

- 1. Endorse Attachment 1: Consideration of Representations to Draft Amendment 4/2020 as its report in response to the representations in accordance with Section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993; and.***
- 2. Recommend to the Tasmanian Planning Commission that no modifications are required to the notified draft amendment, apart from an adjustment to the public open space.***

The Chair invited Peter Seamen and Deborah Binns to address Council regarding the agenda item.

DECISION:

Councillor King moved and Councillor Kelly seconded ***that Council:***

- 1. Endorse Attachment 1: Consideration of Representations to Draft Amendment 4/2020 as its report in response to the representations in accordance with Section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993; and.***
- 2. Recommend to the Tasmanian Planning Commission that no modifications are required to the notified draft amendment, apart from an adjustment to the public open space.***

The motion was declared CARRIED with Councillors Johnston, Kelly, King, Nott, Sherriff voting for the motion and Councillors Synfield and Temple voting against the motion.