



Meander Valley Council
Working Together

15 July 2021

Tasmanian Planning Commission
GPO Box 1691
HOBART 7001

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

Attn: Roger Howlett, Delegate Chair

Dear Mr Howlett

RE: MVC Draft Amendment 4/2020 - Meander Valley Council submission in response to TPC direction of 28 June 2021

Please find attached Council's submission in accordance with the Commission's directions of 28 June 2021.

If you have any queries regarding the document please contact Council's consultant planner Jo Oliver on 0408 129 133 or by email at jo@terrafirmaplanning.com.au. Please ensure that all correspondence is also forwarded to Council.

Yours Sincerely

Krista Palfreyman
Director
Development & Regulatory Services

Meander Valley Council Response

Draft Amendment 4/2020 - Tasmanian Planning Commission Directions 28 June 2021

Meander Valley Council outlines its response to each of the TPC directions as follows:

1. *Submission on how the draft amendment meets the requirements of the Landscape Conservation Zone and if the planning authority is satisfied that the Entura Landscape Visual Impact Analysis and the Natural Values Assessment reports satisfy the purpose statements and standards of the zone, including reference to landscape values;*

Comment:

The purpose of the Landscape Conservation Zone is:

- *to provide for the protection, conservation and management of landscape values; and*
- *to provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.*

The land to be retained in the Landscape Conservation Zone is the balance of CT 119422/1 which will remain in the ownership of Country Club Tasmania. This land is not proposed for future development with all development and bushfire hazard management areas contained within the proposed General Residential Zone or the Major Tourism Zone associated with the Country Club complex. Future development of the land retained in the Landscape Conservation Zone will be subject to the use and development provisions of the zone and the provisions of MEA-S18.0- Travellers Rest Specific Area Plan (SAP), which encompasses the extent of the zone. Figure 1 below shows the area of expected zone adjustment following implementation of the Tasmanian Planning Scheme and Figure 2 shows an adjusted boundary of the recently implemented Landscape Conservation Zone and associated SAP to align with the proposed rezoning in this draft amendment.

The Landscape Conservation Zone and the associated SAP were drawn in the Local Provisions Schedule to align with the pre-existing scenic management area over Travellers Rest under the Meander Valley Interim Planning Scheme 2013, noting that the principal purpose of this overlay was to manage visual impacts from the Bass Highway. The zone and corresponding SAP provide for appropriate use development taking into account the prominent topography of the Travellers Rest area and the way in which development is integrated into the landscape. The expectation is that this approach will continue under the new provisions of the Tasmanian Planning Scheme (TPS) whereby future development on the subject land will be subject to provisions of the SAP and zone that limit site coverage and manage the impacts of setbacks, height, building materials, earthworks and vegetation clearance for bushfire hazard management, scale of discretionary uses and subdivision. The balance land area within the Landscape Conservation Zone at 23.7 hectares, meets the mandatory minimum of 20 hectares in the performance criteria.

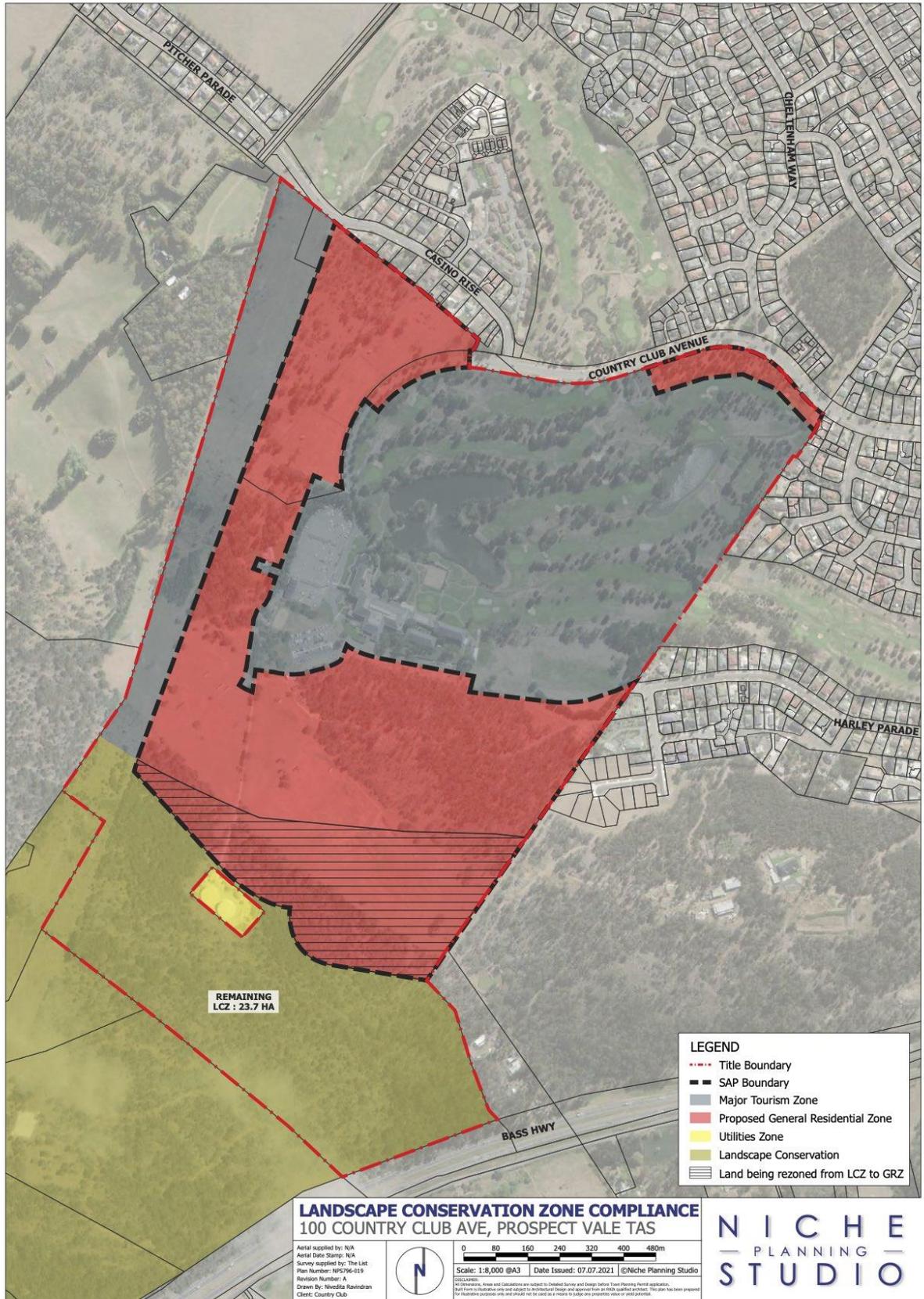


Figure 1: Diagram of Landscape Conservation Zone adjustment following the commencement of the Tasmanian Planning Scheme.

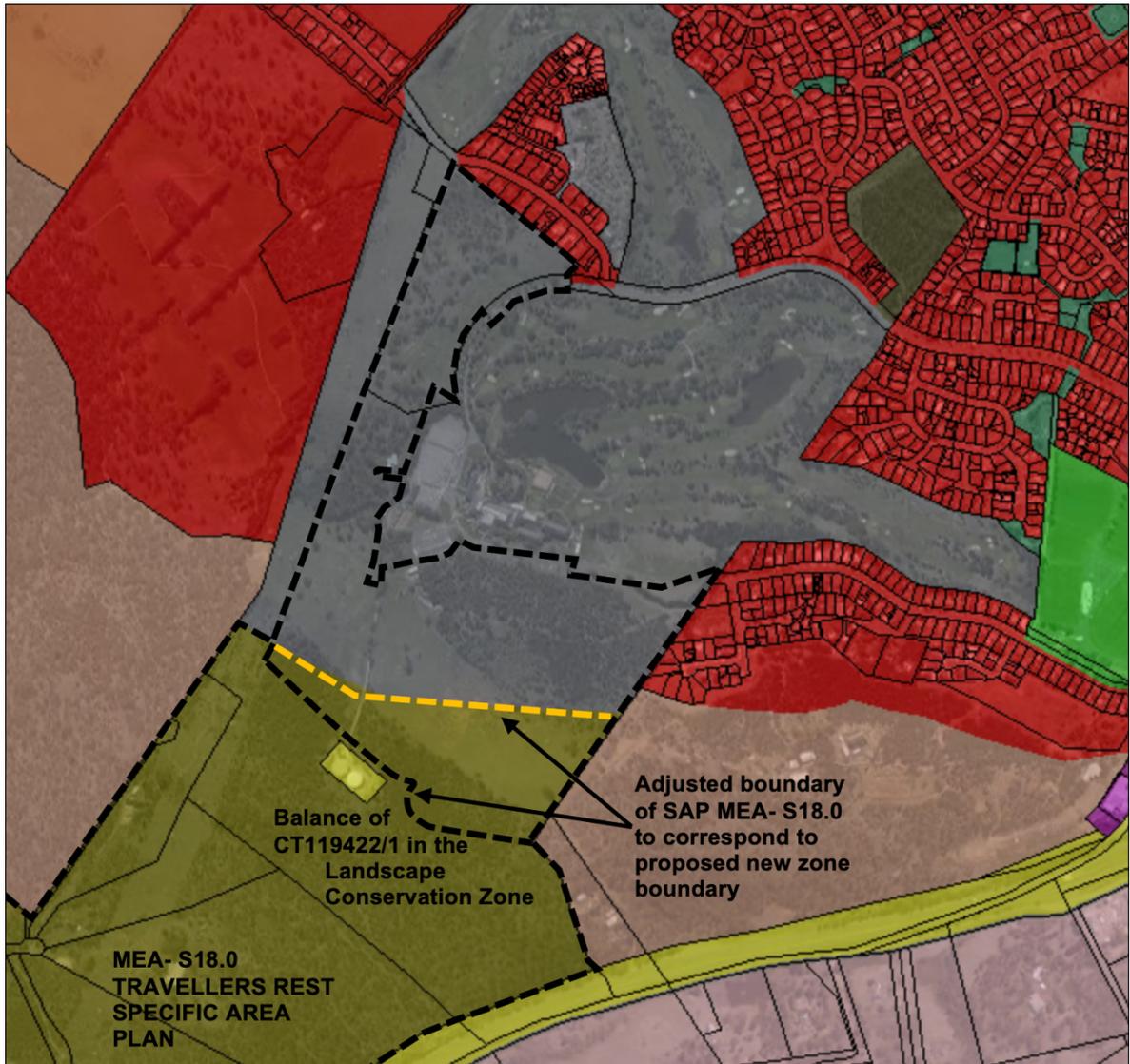


Figure 2: Diagram of Tasmanian Planning Scheme – Local Provisions Schedule zoning showing proposed SAP boundary and the proposed adjusted boundary of MEA-S18.0 Travellers Rest Specific Area Plan over the Landscape Conservation Zone at Travellers Rest.

Council’s assessment of the draft amendment application and report under the former provisions of the *Land Use Planning & Approvals Act 1993* considered the analysis undertaken by Entura for both landscape and natural values. In regard to visual landscape impacts, Council’s report outlines its concerns in regard to the accuracy of the conclusions drawn by Entura in regard to the mitigating effect of existing vegetation on the lower topography and proposed street tree planting within the development, that traversed a very prominent vegetated ridgeline that is highly visible to the urban area and public open spaces of Prospect Vale to the north.

The ‘heat mapping’ of the existing viewshed analysis shown in Figure 4.2 of the Entura report more closely reflects Council’s own ‘on-ground’ analysis which is outlined in photographs taken from key vantage points throughout the suburb to the north, however it does not realistically identify the significant feature of the central ridgeline or the potential to utilise the central ridgeline for visual mitigation and the integration of development within the landscape, which is evident in Council’s photographs and analysis. As outlined in Council’s report, Council was not satisfied with the conclusions in the Entura report that significant areas of urban housing

development over the prominent ridgeline could be reduced to a minor impact simply through the inclusion of street trees, particularly when development has an 8.5 metre height allowance and the proposed road layout was perpendicular to the slope.

Irrespective of the considered deficiencies in the Entura report in regard to the visual impacts of development in the General Residential Zone, Council's own investigations determined that it was feasible to support its strategic objectives outlined in the Prospect Vale - Blackstone Heights Structure Plan through the retention of reasonable vegetation coverage over the central ridgeline, integrating with the treatment of the ridgeline on adjoining land (which is within the Scenic Management Area), which would provide substantive visual mitigation to the main southern development area which is contained within a broad valley behind and would mostly be located below the visible edge of the adjusted Landscape Conservation Zone. In this manner, the purpose of the Landscape Conservation Zone to provide for the protection, conservation and management of landscape values is reasonably upheld.

The term 'landscape values' may, or may not, incorporate natural values associated with areas of natural vegetation that may be a foundational reason for applying the Landscape Conservation Zone. The original Entura Natural Values report concluded that vegetation of potential significance was largely contained within areas to be retained to the southern part of the site, which are within the Landscape Conservation Zone as well as other areas of retained native vegetation for landscape or open space purposes. The retention of the largely unmodified bushland to the south within the Landscape Conservation Zone ensures that future development will be a lower intensity through the applicable provisions which moderate use and development.

An addendum by Entura that addresses the Priority Vegetation Area provisions of the Natural Assets Code is provided at Attachment A. This is discussed further below.

2. *A submission on how the draft amendment meets the requirements of the Natural Assets Code including the waterways and coastal protection area and priority vegetation area which apply to subdivision under any subsequent development proposal;*

Comment:

An addendum by Entura that addresses the Priority Vegetation Area provisions of the Natural Assets Code is provided at Attachment A.

The mapped Priority Vegetation Area together with the Waterway Protection Area is shown in Figure 3 below.



Figure 3: Priority Vegetation Area and Waterway Protection Area overlays.

Priority Vegetation Area:

The Regional Ecosystem Model that forms the basis of the mapping provides for various elements of natural values, including threatened status, the type of community, habitat for fauna movement through the landscape and remnant values. Substantive areas of native vegetation are being retained in the southern bushland and also in Council's proposed modification to incorporate approximately 1.2 hectares of native vegetation over the central ridgeline in public open space. Both the original Entura report and the attached addendum emphasise that that the area of substantive natural value is the 23 hectares of retained bushland to the south, which forms connective habitat to bushland to the east and west. Smaller pockets of retained, but variously modified, native vegetation correlate with open drainage lines adjacent to the existing car park and across the golf course that are mapped as waterway protection areas.

Standard C7.7.2 includes an objective for future subdivision that *"works will not have an unnecessary or unacceptable impact on priority vegetation"* and that *"future development likely*

to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation”.

The performance criteria P1.1(c) provides for subdivision in the General Residential Zone and P1.2 requires that associated works must minimise adverse impacts on priority vegetation having regard to:

- (a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;*
- (b) any particular requirements for the works and future development likely to be facilitated by the subdivision;*
- (c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;*
- (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;*
- (e) any on-site biodiversity offsets; and*
- (f) any existing cleared areas on the site.*

For the most part, the proposed General Residential Zone which will be subject to future urban development takes in previously cleared or modified land, including the area over the central ridgeline that Council will take over as public open space. The highest value native vegetation to the south is being retained in the Landscape Conservation Zone and will be subject to negligible pressure for development, with the intention to reserve the land for continued passive recreational pursuits to be privately managed by Country Club Tasmania. Similarly, the peripheral buffer will be modified for bushfire hazard management but will still retain natural values through tree retention and ground movement of fauna. Importantly, areas subject to future clearance or modification are not identified as threatened communities.

Future development and associated works will be directed to previously cleared land or modified areas of vegetation and as such, the works are not considered to lead to an unacceptable impact on the priority vegetation. Peripheral modification of some native vegetation is necessary for bushfire management yet is to be implemented in a manner that retains amenity values for residents through graduated vegetation retention as well as maintaining habitat value for the movement of fauna.

On-site biodiversity offsets are not considered necessary in this instance due to the retention of the balance land in the Landscape Conservation Zone, which has a moderating effect on future works on that area of the land and will ensure that native vegetation cover will be maintained to a high degree.

Waterway Protection Area:

The mapped Waterway Protection Area on the site occurs along open drainage lines to the western edge of the existing car park and across the golf course. The drainage lines flow through two feature dams on the golf course before discharge to the watercourse to the north of the site, which drains the southern area of Prospect Vale through Dalrymple Creek to the South Esk River. There are no waterways on the site in a natural state, however for aesthetic and amenity reasons relating to the presentation of the golf course, water quality is monitored to ensure that there are no adverse environmental effects that would contaminate the dams. This has the effect of protecting water quality within the site and downstream.

Additional comment in regard to the management of stormwater discharge to the mapped drainage lines is provided by Rare consulting at Attachment B. As outlined in the Rare advice, the location of bio-retention basins to manage stormwater at strategic locations prior to discharge, serves to reduce flow rates therefore minimising potential for erosion and sedimentation. In addition, the ability to utilise existing and supplementary vegetation treatment within the bio-retention basins together with proprietary pollutant traps, protects downstream water quality.

The objective of standard *C7.6.1 of the Natural Assets Code - Buildings and works within a waterway and coastal protection area or a coastal refugia area* requires that “*buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets*”.

Although there will be no building development within the waterway protection area, future works for stormwater management and bio-retention basins will necessitate works within the mapped areas. These works will be subject to the following performance criteria:

P1.1 - Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:

- (a) impacts caused by erosion, siltation, sedimentation and runoff;*
- (b) impacts on riparian or littoral vegetation;*
- (c) maintaining natural streambank and streambed condition, where it exists;*
- (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;*
- (e) the need to avoid significantly impeding natural flow and drainage;*
- (f) the need to maintain fish passage, where known to exist;*
- (g) the need to avoid land filling of wetlands;*
- (h) the need to group new facilities with existing facilities, where reasonably practical;*
- (i) minimising cut and fill;*
- (j) building design that responds to the particular size, shape, contours or slope of the land;*
- (k) minimising impacts on coastal processes, including sand movement and wave action;*
- (l) minimising the need for future works for the protection of natural assets, infrastructure and property;*
- (m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual;*
and
- (n) the guidelines in the Tasmanian Coastal Works Manual.*

As stated above, the mapped waterways within the site are not natural waterways, however they do discharge to drainage lines that eventually lead to natural waterways and as such, measures to protect water quality are incorporated into the design for stormwater management. The existing Country Club complex and golf course with its associated drainage arrangement through dams that act as detention basins, provides an ideal opportunity to integrate stormwater management measures within those drainage lines to ensure that future development does not have an unnecessary or unacceptable impact on natural assets. Similarly, the stormwater management area identified for the western discharge to the waterway on adjoining land will become part of the Council’s urban drainage network and will be maintained in the same manner, which will ensure long term protection of water quality prior to being received by downstream natural waterways.

The stormwater modelling carried out taking into account future development, demonstrates that flow rates can be managed to avoid flooding, erosion, siltation and sedimentation. Adequate modelling in early stages of proposal formulating such as has been undertaken for

this project, ensures that there will be no need for future works for the protection of natural assets as these have been incorporated into the design up-front. Standard practices such as those outlined in the *Wetlands and Waterways Works Manual* can be readily employed for future works to protect downstream environments, both constructed and natural.

Similarly, P3 requires that “*development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:* (a) *the need to minimise impacts on water quality; and* (b) *the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff.*”

Whilst technically, future development will be utilising existing drainage lines that serve the Country Club, the intensified and changed nature of stormwater runoff from urban development could be classified as a ‘new discharge point’ into a waterway. Notably, watercourses are defined as a public drain under the *Urban Drainage Act 2016*.

The stormwater management measures described above also serve to achieve compliance with P3.

In conclusion, the stormwater engineering design and associated modelling submitted for this application, competently demonstrates that the objective and relevant performance criteria of standard C7.6.1 are satisfied.

3. *A submission on how the draft amendment meets the requirements of the Scenic Protection Code and if the planning authority is satisfied that the Entura report satisfies the Code;*

Comment:

The Tasmanian Planning Scheme prohibits the application of the Scenic Protection Code to land in the General Residential Zone. Therefore, should the rezoning be approved, the land that would be contained in the Scenic Protection Area would be the balance of CT119422/1 that is zoned Landscape Conservation Zone.

The current extent of the Scenic Protection Area is shown below in Figure 4.



Figure 4: Current Scenic Protection Area overlay (purple hatch) over current zoning.

As described above, this balance area of land is intended to remain in the ownership of Country Club Tasmania. However, should future development be contemplated, it would be subject to the moderating effects of the provisions of the Landscape Conservation Zone and the Travellers Rest SAP - MEA-S18.0, in conjunction with the provisions of the corresponding Scenic Protection Area overlay.

The only works anticipated to be carried out in this area for the intended future urban development would be the installation of on-ground stormwater drainage dispersion, which may require the removal of a very small amount of vegetation.

The objective of standard C8.6.1 – Development within a scenic protection area requires that *“destruction of vegetation does not cause an unreasonable reduction of the scenic value of a scenic protection area”* and that *“buildings and works do not cause an unreasonable reduction of the scenic value of a scenic protection area.”*

The Acceptable Solution A1 provides for buildings and works to:

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

The works may be able to comply with the acceptable solution, however given the very recent commencement of the Tasmanian Planning Scheme, it is unclear as to how the 50 metre elevation measurement would be undertaken.

Figure 5 below shows the 10 metre contours of the land with topographical ridgelines marked and the current extent of the scenic protection area overlay. This, however, does not necessarily reflect where skylines are visible, which is the subject of the standard.

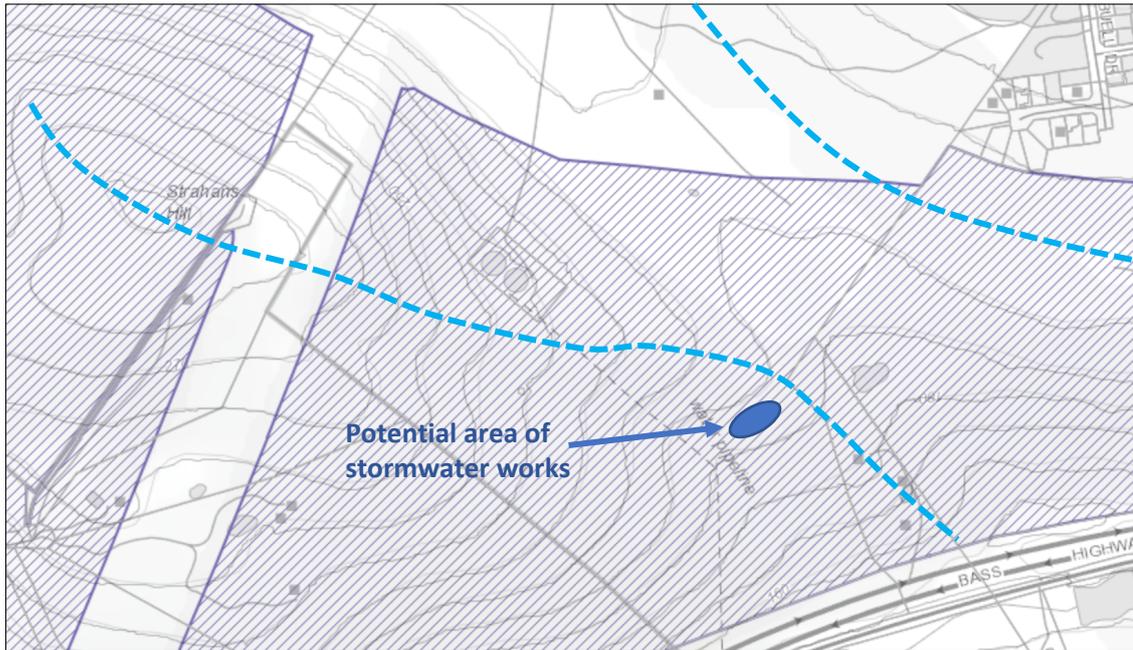


Figure 5: 10m contour map with ridgelines shown in blue and the current scenic protection area overlay in purple hatch.

Should future works not meet the acceptable solution, they would reasonably be able to comply with the following performance criteria:

P1.1 - Destruction of vegetation within a scenic protection area must not cause an unreasonable impact on the scenic value of a scenic protection area, having regard to:

- (a) the nature of the vegetation to be removed;*
- (b) the area of vegetation to be removed;*
- (c) the topography of the site;*
- (d) any visual impact on a skyline;*
- (e) the nature of the reduction of the scenic value; and*
- (f) the purpose of any management objectives identified in the relevant Local Provisions Schedule.*

P1.2 - Buildings or works within a scenic protection area must not cause an unreasonable reduction of the scenic value of a scenic protection area, having regard to:

- (a) the topography of the site;*
- (b) the location of, and materials used in construction of, driveways or access tracks;*
- (c) proposed reflectance and colour of external finishes;*
- (d) design and proposed location of the buildings or works;*
- (e) the extent of any cut or fill required;*
- (f) any visual impact on a skyline;*
- (g) any existing or proposed screening; and*
- (h) the purpose of any management objectives identified in the relevant Local Provisions Schedule.*

Future stormwater works would involve the laying of a pipe, construction of a dispersing headwall or similar low-level structure and potentially a rock lined drain on the ground as well as possibly the installation of a concrete tank for detention, which would be benched into the slope. All of these elements have a minor footprint and would only require the removal of a small number of trees which would not be detectable within bushland landscape and would not

be apparent on the skyline. The impacts on scenic value as a result of these works would be negligible.

The Entura report recognises that the prominent southern ridgeline that will be maintained in the Landscape Conservation Zone will not be subject to development and as such will retain its current bushland scenic values. Council agrees with this position, however Council's concerns regarding the accuracy Entura's assessment of visual impacts where the development area is viewed from the north is discussed above and in Council's original assessment report for initiation and certification.

It is important to note that the original configuration of the scenic protection area, which has been carried through into the Meander Valley LPS from prior planning schemes, was focused on views to the Travellers Rest and Blackstone Hills areas from the Bass Highway and is drawn upon a particular contour level which does not necessarily reflect the 'seen view'. It was a blunt instrument that has served a general purpose for the management of the Travellers Rest residential area.

Council elected not to pursue additional scenic management areas for its LPS, but this does not negate the more specific analysis undertaken for this draft amendment and its compatibility with the strategic objectives for the area expressed in the Prospect Vale – Blackstone Heights Structure Plan. That analysis formed the basis of Council's recommended modification to include public open space over the central ridgeline for both scenic and public amenity purposes, which effectively extends the visual management outcomes that exist over the eastern portion of that ridgeline on adjoining land, which is included in the scenic protection area, through Council ownership and management of the open space.

The cleared valley in the southern section of the site that is currently included in the scenic protection area, is not actually visible from any existing vantage point, primarily due to the mitigating effect of the central vegetated ridgeline. Adjustment of the scenic protection area boundary to correlate with the adjusted Landscape Conservation Zone boundary in accordance with the requirements of the Tasmanian Planning Scheme will correct this inconsistency and appropriately reflect where the bush line becomes highly visible from the broader area. In this regard, Council considers that the visual impacts of the proposed extent of development in the landscape are acceptable, particularly given the context whereby high voltage powerlines cross Strahans Hill adjacent to the subject site.

4. *A submission on how the draft amendment meets the requirements of the Electricity Transmission Infrastructure Code;*

Comment:

Figure 6 below shows the Inner Protection Area and the Electricity Transmission Corridor over the proposed zoning and concept subdivision layout. The Inner Protection Area generally reflects easements on titles which contain restrictions for buildings and structures, tall vegetation and some uses. TasNetworks noted in its representation to the Meander Valley LPS that in some cases there were some minor discrepancies between easements on title and the inner protection area overlay for technical reasons. It is also noted that TasNetworks made representation to the application and didn't raise any concerns in regard to that part of the proposal that is subject to the overlays.

Standard C4.6.1 – *Buildings and works within an electricity transmission corridor*, provides for use and development within the corridor overlay, but triggers a discretion for buildings or works within the inner protection area.

The objective of the standard is that *“buildings or works within an electricity transmission corridor are located at appropriate distances from transmission lines or cables to:*

- (a) ensure operational efficiencies, access to, and security of, existing or future electricity transmission infrastructure; and*
- (b) protect against a safety hazard associated with proximity to existing or future electricity transmission infrastructure.”*

The Performance Criteria require that *“buildings or works within an electricity transmission corridor must not cause an unreasonable impact on the safety, security, operation of, or access to, existing or future electricity transmission infrastructure, having regard to:*

- (a) the nature, height and materials of the buildings and works;*
- (b) the extent of encroachment of the buildings and works into the electricity transmission corridor;*
- (c) the location of the buildings and works within the electricity transmission corridor; and*
- (d) any advice from the electricity entity.”*

The performance criteria allow for development within the inner protection area subject to the advice of TasNetworks. Typical practice for a powerline easement is to exclude that area of the lots from any building development or use that would create an increased risk. Figure 6 below shows that only small section of the inner protection area contains the landscape buffer and a stormwater management area, which does not require any building. Future roads will cross underneath the powerlines, however there are multiple occurrences of this along the transmission corridor in other locations. Future referral of subdivision applications to TasNetworks will ensure that appropriate safety standards are met and the code requirements will be complied with.

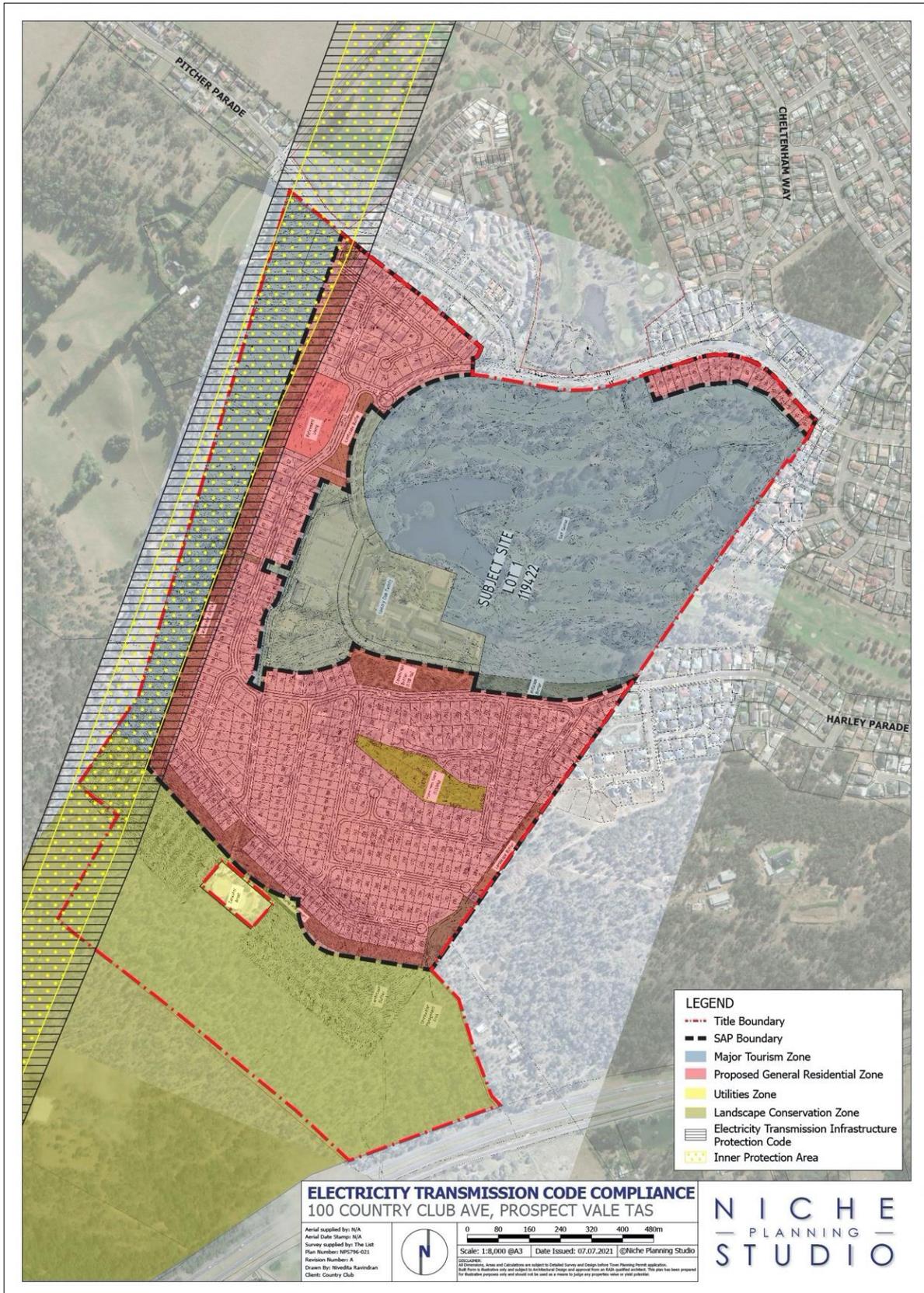


Figure 6: Map of Electricity Transmission Infrastructure Protection Code overlays over proposed zoning and concept layout.

5. *A submission on how the draft amendment meets the requirements of Bushfire-Prone Areas Code and if the planning authority is satisfied with advice provided by North Barker in their Bushfire Hazard Management Area Advice as it applies to the amendment including the specific area plan;*

Comment:

Council has taken the advice of accredited bushfire practitioner Rebecca Green in the assessment of this draft amendment. The advice by North Barker submitted with the application was noted, however Council does not agree with some of its recommendations for the project, which were inconsistent with other development outcomes in the area in regard urban development and bushfire management and unnecessarily compromised the intended development outcomes for the project.

Further advice from Rebecca Green is attached at Attachment C, which addresses the matters raised in the North Barker advice. Ms Green outlines how future subdivision and housing development can readily meet the requirements of the Bushfire Prone Areas Code and mechanisms regularly employed in bushfire hazard management plans for enforceable hazard management areas both on the developing land and third party land.

It would appear that North Barker have misinterpreted the applicant's intention regarding the 'retirement' complex. The provision in the SAP is to enable a higher density apartment building arrangement and not an aged care facility, and therefore is not a 'vulnerable use'. The notation is simply a reflection of a target market, however the complex will be available to residents of all age groups.

6. *A submission on how the planning authority intends to address the boundary of the proposed rezoning and inclusion of the new SAP, due to part of folio the Register 119422/1 being included in the Travellers Rest Specific Area Plan, including an opinion on whether a SAP may apply over another SAP; and*
7. *A submission on how the planning authority intends to address the proposed rezone to General Residential in regard to the existing land on folio of the Register 119422/1 zoned Landscape Conservation and included in the Travellers Rest Specific Area Plan, in particular how to deal with the standards that apply in the Travellers Rest Specific Area Plan versus the proposed Country Club Specific Area Plan;*

Comment:

Directions 6 and 7 are grouped for response as they relate to the same topic.

Figure 2 above demonstrates Council's understanding of the adjustments that will be required to the Landscape Conservation Zone and the corresponding Travellers Rest Specific Area Plan, should the draft amendment be approved.

The Meander Valley LPS has occurrences where two SAPs apply the same area. By way of example, the Chudleigh Specific Area Plan regulates subdivision and the Karst Management Area SAP also applies to Chudleigh. However, multiple SAPs over land do not properly function if they are at cross purposes, which would be the case with the proposed draft amendment if the Travellers Rest SAP were to remain over the portion of land deemed to be appropriate for General Residential Zoning. The Travellers Rest SAP provides for low density residential

development reflective of the current environment, which clearly conflicts with the intention for urban development within the General Residential Zone.

At the time of initiation, certification and the Section 39 Report for this draft amendment, the final form of the Meander Valley LPS had not yet been determined and the Travelers Rest SAP was subject to substantial modification. Now that the Meander Valley LPS is determined and operational, adjustments can be made to the draft amendment to align the Travellers Rest SAP and Scenic Protection Area overlay boundaries with the proposed new zone and SAP boundaries, consistent with the foundational principles for the content of the Meander Valley LPS.

8. *A submission on how the proposed Country Club Specific Area Plan addresses section 32(4) of the Land Use Planning and Approvals Act 1993;*

Comment:

Section 32(4) of LUPAA provides that an LPS may only include a Particular Purpose Zone, Specific Area Plan or Site-Specific Qualification if:

- (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 draft amendment proposes the inclusion of a Specific Area Plan.

A statement of planning rationale addressing the qualities listed under section 32(4)(b) is included in the draft amendment application report by Niche Planning Studio at pages 57 and 58 of the application report. Council stated in its assessment report that this rationale was supported, however Council further modified the Specific Area Plan to include public open space and designate a road connection to Pitcher Parade at the time of initiation and certification.

Spatial Qualities:

The land that is the subject of the draft amendment is located on a prominent site, adjacent to the existing urban area of Prospect Vale and is co-located with the significant existing tourism complex of the Country Club Tasmania. The particular visual qualities of the site are discussed in Council's assessment report with particular reference to landscape and scenic values and the objectives of the Prospect Vale – Blackstone Heights Structure Plan. These spatial qualities of the land in the context of the adjacent Scenic Protection Area and Landscape Conservation Zone provisions, underpinned Council's recommended modification to include an area of public open space over the central ridgeline to effect important visual mitigation and integration of the development into the landscape.

The specific location of the public open space is critical to achieve the desired mitigating effect and this outcome can only be secure through a provision in a Specific Area Plan. The Tasmanian Planning Scheme does not make provision for public open space in the subdivision provisions of the General Residential Zone, therefore the process would need to rely on the provisions of the Local Government (Building & Miscellaneous Provisions) Act 1993, which are less than ideal for

secure development outcomes due to a distinct lack of specificity. Council considers that demonstration of compliance with local strategic planning objectives outlined in the Prospect Vale – Blackstone Heights Structure Plan and the Council’s Community Strategic Plan 2014 – 2024 is paramount to achieving compliance with the objectives of LUPAA.

Future road connections and stormwater management are also important components in integrating a large greenfield development with an existing suburb and commercial complex. Ideally, a statutory plan sets out these key connections early in order to plan infrastructure investment and to avoid uncertainty if only the performance criteria relating to subdivision applications in the future can be relied upon to provide for road and stormwater network outcomes.

Social Qualities:

As discussed above, an important consideration for Council is demonstrating that in supporting the draft amendment, the objectives and community aspirations outlined in the Prospect Vale – Blackstone Heights Structure Plan are upheld. The Structure Plan was subject to substantive community consultation and Council submits that the economic benefits of the proposal are contemplated together with careful consideration of the on-ground impacts of greenfield development. The inclusion of particular elements of the development within a SAP provides certainty to the community in regard to important elements that will be included in future development.

The inclusion of standards for a higher density ‘retirement living’ complex also provides certainty for the development, in that the suitability and benefits of the complex are established up front. In particular, as described in the application report, making provision for higher density apartment living provides for a housing choice close to services that is ideal for older residents, in a form that is not readily available in Launceston.

9. *A submission on how the LPS Criteria in section 34 of the Land Use Planning and Approvals Act 1993 are met.*

Comment:

Section 34 of LUPAA lists the *LPS criteria to be met by a relevant planning instrument*, which includes any amendment to a LPS. The criteria are addressed individually below:

(2)

- (a) *contains all the provisions that the SPPs specify must be contained in an LPS;*

The draft amendment does not seek to alter the required components of the State Planning Provisions. All SPP overlays will apply to the land, some of which are new and are addressed above.

- (b) *is in accordance with section 32:*

Section 32 specifies the contents of an LPS:

- (1) *An LPS is to consist of provisions that apply only to a single municipal area specified in the LPS.*

The draft amendment applies only within the Meander Valley LGA.

(2) An LPS –

- (a) must specify the municipal area to which its provisions apply; and*
- (b) must contain a provision that the SPPs require to be included in an LPS; and*
- (c) must contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land, if required to do so by the SPPs; and*

The draft amendment applies the SPP zoning and required overlays.

- (d) may, subject to this Act, contain any provision in relation to the municipal area that may, under section 11 or 12, be included in the Tasmanian Planning Scheme;*

Section 11 of LUPAA stipulates the allowable contents of the Tasmanian Planning Scheme. Particularly relevant are subsections:

- (a) make any provision which relates to the use, development, protection or conservation of any land; and*
- (b) set out policies and specific objectives; and*
- (c) regulate or prohibit the use or development of any land; and*
- (d) set out requirements for the provision of public utility services to any land.*

The draft amendment proposes a Specific Area Plan to include provisions that specifically deliver Council's policies and specific objectives relating to local strategic planning. In furthering those objectives, the draft amendment sets out the requirements for the provision of public utilities in open space and the road network. Justification is provided against the relevant criteria of the Act that allow for these provisions.

Section 12 of LUPAA provides protections for existing uses. The draft amendment does not affect existing use rights under the Act.

- (e) may contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to particular land;*

The draft amendment includes a Specific Area Plan in accordance with the requirements of the SPP's.

- (f) must not contain a provision that is inconsistent with a provision of section 11 or 12;*

The draft amendment does not contain provisions that are inconsistent with the allowable content of planning schemes, nor does it affect existing rights under section 12.

- (g) may designate land as being reserved for public purposes;*

The SAP makes provision for designated public open space within the limits set under the Local Government (Building & Miscellaneous Provisions) Act 1993.

- (h) may, if permitted to do so by the SPPs, provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter;*

Not applicable.

- (i) may, if permitted to do so by the SPPs, override a provision of the SPPs;*

Not applicable.

- (j) may, if permitted to do so by the SPPs, modify, in relation to a part of the municipal area, the application of a provision of the SPPs;*

Following the approval and commencement of the Tasmanian Planning Scheme, the application of the Scenic Protection Area overlay will need to be adjusted to correlate with zone boundaries. The overlay is not a mandatory requirement of the SPP's.

- (k) may, subject to this Act, include any other provision that –*
(i) is not a provision of the SPPs or inconsistent with a provision of the SPPs; and
(ii) is permitted by the SPPs to be included in an LPS;

The draft amendment requires an adjustment of the SAP MEA-S18.0 at Travellers Rest to conform with operational requirements of the SPP's and remove conflicting provisions.

- (l) must not contain a provision that the SPPs specify must not be contained in an LPS.*

The Scenic Protection Area overlay requires adjustment as the SPP's specify that this overlay cannot apply to the General Residential Zone.

- (3) Without limiting subsection (2) but subject to subsection (4), an LPS may, if permitted to do so by the SPPs, include –*

- (a) a particular purpose zone, being a group of provisions consisting of –*
(i) a zone that is particular to an area of land; and
(ii) the provisions that are to apply in relation to that zone; or
(b) a specific area plan, being a plan consisting of –
(i) a map or overlay that delineates a particular area of land; and
(ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs; or
(c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.

The draft amendment includes a Specific Area Plan which is permitted by the SPP's, subject to compliance with Section 32(4) of LUPAA which is addressed above.

- (4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –*
(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.

Refer to discussion under Direction 8 above.

- (5) An LPS must be in accordance with the structure, if any, that is indicated, or specified, in the SPPs to be the structure to which an LPS is to conform.*

The draft amendment is prepared in accordance with the structure of the SPP's and the Meander Valley LPS.

- (6) A provision of an LPS must be in the form, if any, that the SPPs indicate a provision of an LPS is to take.*

The draft amendment is prepared in accordance with the form of the Meander Valley LPS.

- (7) A provision of an LPS in relation to a municipal area is not to be taken to have failed to comply with this section, or to be inconsistent with a provision of the SPPs, by reason only that it is inconsistent with a provision of the SPPs that has not come into effect in relation to the municipal area.*

Not applicable.

(c) furthers the objectives set out in [Schedule 1](#);

The Schedule 1 Objectives were addressed in Council's assessment report.

(d) is consistent with each State Policy;

State Policies were addressed in the application report and Council's assessment report.

(da) satisfies the relevant criteria in relation to the TPPs;

Not applicable.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;

The Northern Tasmania Regional Land Use Strategy (NTRLUS) was addressed in the application report and Council's assessment report.

Amendments to the NTRLUS were gazetted on 23 June 2021 and became effective on that date.

The purpose of the amendments to the NTRLUS were to:

- provide for rezoning to be considered through the normal planning scheme amendment process under the LUPA Act for previously identified Future Investigation Areas;
- clarify that the current mapped Urban Growth Areas are indicative by providing for a rezoning to be considered through the normal planning scheme amendment process for land contiguous to the mapped areas;
- clarify provisions around Rural Residential Areas;
- provide for consequential amendments to provisions to enable the above matters to be implemented; and
- correct minor errors.

The NTRLUS amendments do not affect this draft amendment as the land is wholly contained within the identified South-West 'Growth Corridor' in the Regional Framework Plan, which is defined as being part of the 'Urban Growth Area'.

Council's original assessment and the submissions contained in the applicant's report remain valid under the updated RLUS.

(f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates; and

Council's Community and Strategic Plan 2014 -2024 was addressed in Council's assessment report.

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;

At the time of writing, the only adjacent municipal area that has an operational LPS is the West Coast Council area. The boundary between West Coast Council and Meander Valley Council is entirely contained within the Cradle Mountain – Lake St Clair National Park, which is consistently zoned Environmental Management Zone with mandated SPP overlays applying in both municipalities.

The draft amendment is located at the eastern end of the municipality and is not located within proximity to the adjoining West Coast Council area.

(h) has regard to the safety requirements set out in the standards prescribed under the [Gas Safety Act 2019](#).

Not applicable.

7 July 2021

Our ref: E309196

Addendum – Country Club Estate Development – Natural Values Report

Entura prepared the natural values report to support the Section 33 application planning scheme amendment for future development of the Country Club Estate in Prospect Vale, Launceston. Our understanding is that the amendment was initiated by Meander Valley Council in late February 2021. Planning documentation prepared for the proposal addressed the *Meander Valley Interim Planning Scheme 2015*, however since then the Tasmanian Planning Scheme (TPS) has come into effect for the Meander Valley local government area. As such, to support the directions hearing at the Tasmanian Planning Commission for the above project (AM-MEA-4-2020), Meander Valley Council require a submission from the consultant to address the provisions within the new scheme relating to clearance within a priority vegetation area, determined by the presence of the priority vegetation overlay.

The total area subject to the planning scheme amendment and SAP application is 43.7 hectares (ha) (refer Niche Planning Studio Planning Scheme Amendment Request Report, dated 2 February 2021). Within the 43.7 ha, approximately 40% of the area is covered by the priority vegetation overlay. Within this covered area, the vegetation is predominately *Eucalyptus amygdalina* forest and woodland, as well as areas of non-eucalypt forest and woodland, and areas of pasture with native tree canopy.

It should be noted that the area subject to the abovementioned proposal avoids the approximately 27 ha patch of native vegetation, comprising predominantly of *Eucalyptus amygdalina* forest and woodland on dolerite (22 ha) as well as *Allocasuarina verticillata* forest (5 ha), located south of the project site (on the same land parcel as that of the project), which will remain in the Landscape Conservation Zone. This patch is also mapped with the priority vegetation overlay, and will be maintained as a bushland reserve (separate to that mentioned above), in addition to other native vegetation patches within the project site.

According to the TASVEG mapping, the broad vegetation types present on the project site are also within the broader area, including continuing to the west, south and, to a lesser extent the east of the project site; all of these areas are also covered by the TPS priority vegetation overlay.

While no priority vegetation will be impacted immediately as a result of the scheme amendment, priority vegetation will be impacted as a result of future development, however efforts have been made to retain native vegetation, such as the 27 ha patch of native vegetation in the south of the parcel. It is also of note that future subdivision and any subsequent development will need to be assessed against the TPS Natural Assets Code as well as the Country Club Specific Area Plan.

The table below provides response to Clause C7.6.2 'Clearance within a priority vegetation area' of the Natural Assets Code within the Tasmanian Planning Scheme.

WE OWN. WE OPERATE. WE CONSULT.

C7.6.2 – Performance criteria	Consultant response
<p>P1.1 Clearance of native vegetation within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> (a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person; (b) buildings and works associated with the construction of a single dwelling or an associated outbuilding; (c) subdivision in the General Residential Zone or Low Density Residential Zone; (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design; (e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or (f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site. 	<p>Assessment against P1.1 requires satisfaction of one of the requirements under the clause.</p> <p>This proposal satisfactorily addresses P1.1(c), as well as (d).</p> <p>Future subdivision will be in the General Residential Zone, as specified in (c). The clearance of native vegetation will be as a result of the subdivision and not the proposed rezoning. Under the previous Tasmanian Interim Planning Scheme overlay, there was no priority habitat shown within the project site. The new TPS overlay has identified priority vegetation within the project site, some of which may be impacted as a result of subdivision, noting that the subdivision and any subsequent development will be subject to assessment on its own merit, against the planning scheme and if formally amended, the F9 Country Club Specific Area Plan.</p> <p>The rezoning is also to assist in land supply for the greater Launceston area, generally in accordance with the intent of the Northern Tasmania Regional Land Use Strategy and the Greater Launceston Plan, consistent with (d).</p>

C7.6.2 – Performance criteria	Consultant response
<p>P1.2 Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <ul style="list-style-type: none"> (a) the design and location of buildings and works and any constraints such as topography or land hazards; (b) any particular requirements for the buildings and works; (c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings; (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation; (e) any on-site biodiversity offsets; and (f) any existing cleared areas on the site. 	<p>Assessment against P1.2 requires satisfaction of all requirements under the clause. The proposal satisfactorily addresses P1.2 (a) to (f).</p> <ul style="list-style-type: none"> (a) The proposed concept plan as well as the Specific Area Plan avoids any development within approx. 27 ha of the extent of priority vegetation within the rezoning block (i.e. the southern boundary of the project site, south of the water tanks). (b) Given this assessment is accompany a rezoning application, this requirement does not apply as no building works are proposed. (c) This does not apply for the immediate proposal given no habitable buildings are proposed. Any future development will need to be assessed against the code based on its own merit. (d) As part of the proposed concept plan, there are a number of open space buffers and bushland reserve plans which include areas that are mapped as priority vegetation under the TPS overlay. These are also proposed for formal inclusion within the Specific Area Plan. (e) The large patch (approx. 27 ha) of native vegetation in the south of the rezoning block (south of the water tanks) which is mapped as priority vegetation under the TPS overlay will be managed as a bushland reserve and will be retained in its original form, with minor maintenance for bushfire management. (f) Existing cleared areas on the site largely relate to the golf course, which will remain unchanged. Currently cleared areas are prioritised for use in development.

Of beauty rich and rare.

Water Quality Discharge Requirements

Country Club Estate
380 Lot Subdivision
100 Country Club Ave, Prospect Vale

Prepared for:	Kin Capital
Project No:	211078
Document No:	211078 WQDR – 002
Issue No:	01
Revision No:	1

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DOCUMENT CONTROL

Project	Country Club Estate - 380 Lot Subdivision - 100 Country Club Ave, Prospect Vale
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Client	Kin Capital

Record of Report					
Issue	Reason	Revision	Date	Prepared By	Approved By
01	Water Quality Discharge Requirements	1	12/07/2021	RJ	RJ

Distribution of Report			
Company	Name & Address	Contact	Copies
Kin Capital	David Bacon Suite 305, 15 Lime Street Sydney NSW 2000	E: dbacon@kincapital.com.au Ph: 0438 733 389	1 (elec)

1. INTRODUCTION

Rare Innovation Pty Ltd (Rare) have been engaged by Kin Capital to investigate the required measures to ensure stormwater quality outcomes for stormwater discharges from both the Stormwater Management area that discharges to the existing reservoir to the west of the Country Club Car Park and from the open drain along the western edge of the Country Club Carpark that eventually discharges into the western lake in the golf course. These works will be part of the proposed 380 lot subdivision subject of the TPC Meander Valley Council Draft Amendment 4 -2020.

2. SUBMITTED REPORTS

A report has been prepared by ADG – Country Club Estate – Conceptual Stormwater Management Plan – 13 November 2020 (the report). This report addresses both the stormwater quantity and stormwater quality requirements associated with the development. In the Water Quality section of the report, ADG have used MUSIC modelling with the following water quality management targets from the State Stormwater Strategy:

- 80% reduction in the annual average load of suspended solids;
- 45% reduction in the annual average load of total phosphorus; an
- 45% reduction in the average load of total nitrogen.

Legal Point of Discharge 4 (LPD4) – Catchment C4

The output of the MUSIC model showing the pollutant reductions is reported in Table 17 of the report. For the catchment area (C4) discharged at LPD4 to provide the necessary pollutant load reductions, a bioretention basin with a filtration area 31m² is required. It will require a filter media with a depth of 0.4m and an extended detention depth 0.3m. The combined detention and bioretention basin will control stormwater quantities and provide treatment to the stormwater to deliver a satisfactory stormwater quality outcome.

An on-site inspection of the planned Stormwater Management area reveals that there is adequate area to construct the bioretention basin. Detailed design plans and specification will be supplied at the Engineering Design Approval (EDA) stage. See Photo 1 in Appendix A

Legal Point of Discharge 5 (LPD5) – Catchment C3

The MUSIC model has a trial bioretention basin area of 221m² to achieve the water quality targets. While the results are not reported, the plan in the Appendix C of the report indicates a bioretention basin with an area of 160m² to provide the necessary pollutant load reductions. It will require a filter media with a depth of 0.4m and an extended detention depth 0.3m. The bioretention basin will provide treatment to the stormwater to deliver a satisfactory stormwater quality outcome subject to final design.

An on-site inspection of the proposed location for the C3 bioretention basin adjacent to the existing open drain revealed that there is adequate area to construct the bioretention basin. Significant excavation works will be required to adjust the adjacent ground levels to form an offline basin. See Photo 3 in Appendix A

3. RECEIVING WATERS

Legal Point of Discharge 4 (LPD4) – Catchment C4

The stormwater overflow discharge from the detention/bioretention basin will be directed across the Electricity Transmission Easement in a westerly direction. The current condition has a DN300 concrete stormwater pipe directing flow onto an informal grassed swale that forms the natural gully. This natural gully directs the flows down a moderately steep slope to a reservoir 100 metres away. See Photo 2 in Appendix A.

The construction of the combined detention and bioretention basin will mean that quantity of stormwater discharge will not be increased from the current natural catchment conditions. The report in Section 4.3 reports decreased discharges because of the detention basin.

The detailed design of the detention/bioretention basin will ensure adequate scour protection is installed on the discharge side of the basin prior to entering the grassed gully area. Due to the flow velocities down the moderately graded gully, it is unlikely that any additional beneficial water quality outcomes will be delivered. Having said this there will be no detrimental water quality outcomes.

Legal Point of Discharge 5 (LPD5) – Catchment C3

The existing open drain meets a headwall at Country Club Drive where a concrete box culvert conveys flows under the road prior to discharging into an open drain that leads to the Western Lake in the golf course. The treated flows from the bioretention basin will be conveyed to the lake. The open channel will have some overland flow from the golf course. The nutrient load from the grass on the golf course is usually managed and greenkeepers are aware of ensuring minimal loss in value of fertilizers by not applying these prior to forecast rain events. Hence there will be minimal change to the treated stormwater after it is discharged into the open channel and prior to discharging into the Western Lake. Photo 4 shows where C# discharges across Country Club Avenue into the Golf Course.

4. SUMMARY

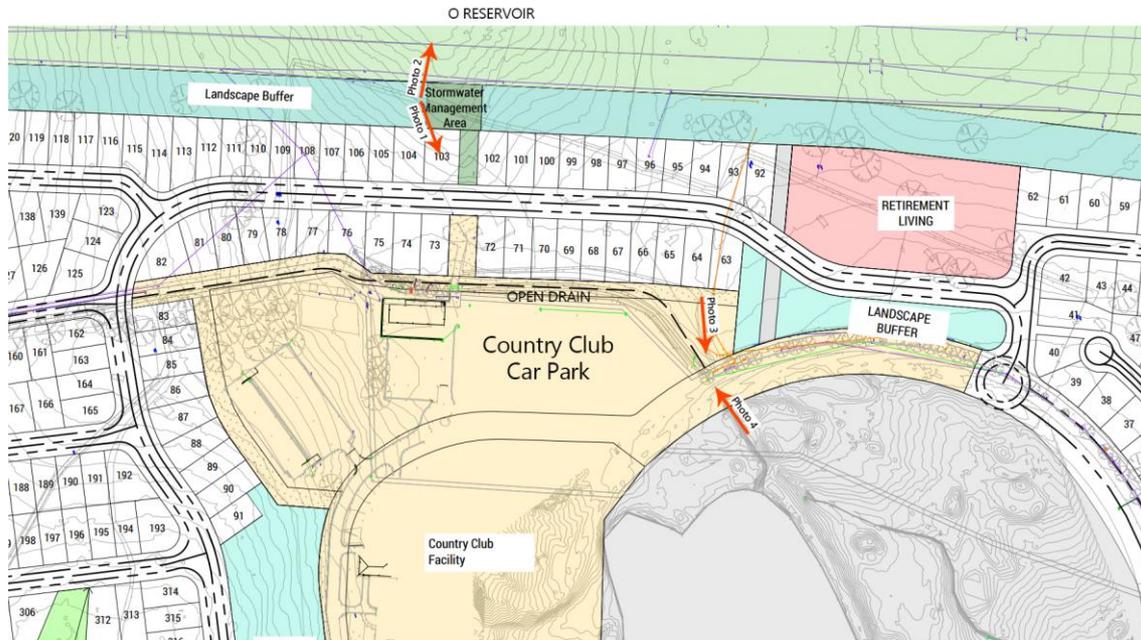
A combined detention and bioretention basin will be constructed in the Stormwater Management area to the west of the existing Country Club car park. The initial water quality modelling indicates that the State Stormwater Strategy water quality management targets will be achieved. The flow pathway from the proposed basin to the reservoir further to west will convey the treated stormwater and not cause any further pollution.

An offline bioretention basin will be constructed adjacent to the open channel along the western edge of the Country Club Carpark that conveys the C3 catchment and discharges towards the Western Lake in the Golf Course. This bioretention basin will deliver water quality outcomes in accordance with the State Stormwater Strategy targets.

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5. APPENDIX A – SITE PHOTOS



Plan showing photo locations.



Photo 1 – Stormwater Management Area – suitable to construct combined Detention/Bioretention Basin.

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Photo 2 – Discharge Gully – grassed with reservoir in front of tree line.

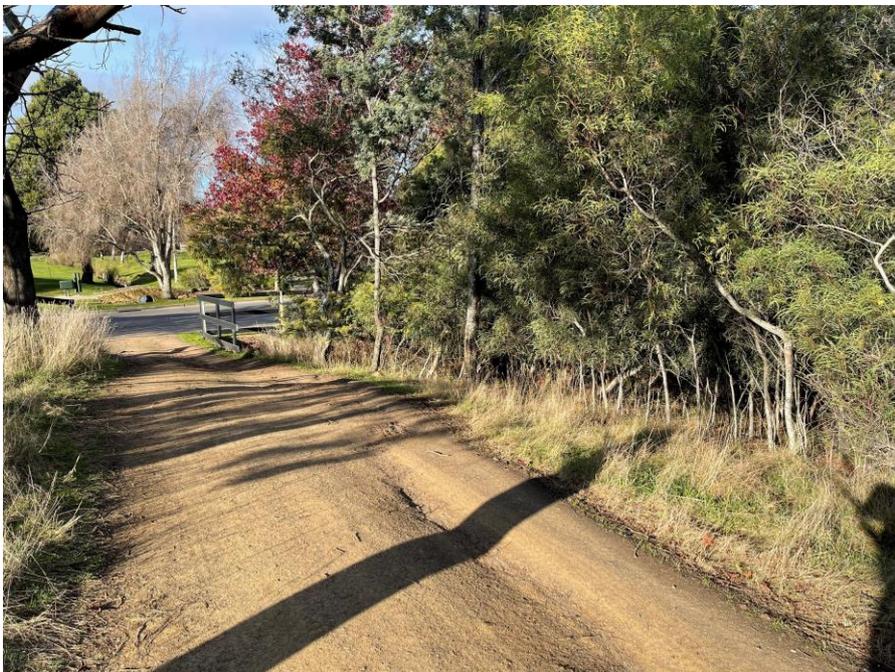


Photo 3 – Location of Offline Bioretention Basin to treat C3 catchment discharges in open drain

Of beauty rich and rare.

rare.



Photo 4 – Looking from Golf Course back towards open drain discharge, bio retention will be constructed on the rightside through the open gate.

Ms. Krista Palfreyman
Meander Valley Council
26 Lyall Road
WESTBURY TAS 7303

13 July 2021

Dear Krista,

RE: Tasmanian Planning Scheme – Meander Valley

Draft Amendment 4-2020

Rezone and Country Club Specific Area Plan at 100 Country Club Avenue, Prospect Vale

Rebecca Green, bushfire accredited practitioner BFP-116 has been engaged by Meander Valley Council to provide assistance in relation to provision of additional submissions requested by the Tasmanian Planning Commission dated 28 June 2021, in relation Point 5.

Point 5 requires additional submissions as follows:

5. a submission on how the draft amendment meets the requirements of Bushfire-Prone Areas Code and if the planning authority is satisfied with advice provided by North Barker in their Bushfire Hazard Management Area Advice as it applies to the amendment including the specific area plan.

Response:

The North Barker report raises concerns about the ‘retirement village’ being a vulnerable use and recommends setbacks that are larger than be accommodated by the powerline easement.

- North Barker have misinterpreted their clients’ intentions and it is not a vulnerable use as per the Bushfire-Prone Areas Code as a retirement village with aged care, but is termed ‘retirement living’ on the SAP for the purposes of designation. It is my understanding that the apartments will not fall under the *Retirement Villages Act 2004* and therefore not a ‘Vulnerable use’. The building proposed for that area is simply a multiple level apartment block that will be attractive to the retired demographic, though will be open to all age groups. The SAP makes provision for the larger building form.
- The ‘Retirement Living’ on the SAP (10) is to be located southwest of an area identified as (06) an open space which will be maintained landscape and bushfire

buffer to be managed from my understanding by the proponents, the Country Club, this area is to be maintained in order that it meets the Exclusions of 2.2.3.2 of AS 3959:2018 – Construction of Buildings in Bushfire-prone areas for low threat vegetation and non-vegetated areas. Beyond this area is a powerline easement, the classified vegetation under such would best be described as Grasslands. A physical separation of 50 metres to Grassland classified vegetation would result in a BAL of LOW. However, as the ‘Retirement Living’ on the SAP is not intended to be a Vulnerable Use as per the definitions of the Bushfire-Prone Areas Code, a BAL LOW is not specifically required, and there is no need to consider this component any further other than for future subdivision under the Code as part of the amendment. A physical separation of 14-16m from grassland (whether that be by the way of provision of the open space (O6) area or a combination with a hazard management area within a future lot for the Retirement Living use would result in a BAL 12.5. A lesser separation would result in a higher BAL and apart from subdivision demonstrating each lot can achieve a BAL 19 buildable area, a BAL 19 or BAL 29 structure may be approved under the *Building Act 2016*.

North Barker seem to be focussed on concerns about multiple dwellings/density within the General Residential Zone and where this interfaces with Bushfire Prone vegetation.

- The operational outcomes, given that most of the site is mapped as BPA, is that any residential development, be it single or multiple dwellings will be required under the *Building Act 2016* to meet the standard for the designated BAL including specified distance to bushfire prone vegetation. Any residential lot created will be required to meet BAL 19 or lower and any permit issued for subdivision will have a requirement on the balance lot to maintain the land to meet this standard, if required. This is normal practice for subdivision. Bushfire Hazard Advisory Note BHAN 1 Version 3.0 also assumes that lots zoned General Residential and less than 1,500m² are to be considered as lot threat vegetation. There is no need to specifically alter the standard for bushfire risk for this development through this SAP to address issues of density, as the regulatory standard prevails and ensures appropriate setbacks and maintenance for the hazard through both the subdivision process and subsequent building permit process.
- What may not be obvious in the concept plan is the inclusion of a fire trail that enables vehicular access for emergency services within the landscape/bushfire buffer area, however vehicular access would be essential for maintenance purposes in any case. It is possible that a BHMP for subdivision would inevitably include this requirement, but this is not mandatory. The perimeter buffer if required to provide adequate separation from the risk to future buildable areas to be partly managed can be managed by way of permit condition and / or a bushfire management easement, as I understand that Meander Valley Council will not be taking over the perimeter buffer as public open space. A bushfire management easement on titles created as part of subdivision is one mechanism to ensure management regimes around perimeters of subdivisions including stages, or alternatively lot sizes are to consider this separation and provide adequate distance between the risk and future buildable areas. In other words, lots with extra depth may be required at future detailed subdivision design stage. This does not affect the SAP at this stage.
- Any future permit issued for subdivision, whether for staged development, or for any application for creation of a ‘super lot’ would include a BHMP that would bind

the owner of the land to the management regime in that plan, which would include balance land as a lot. Permits run with the land, not the owner, so all obligations on the permit fall to whoever the future owner is. This is enforceable under LUPAA.

- I understand that Meander Valley Council do not enter into Part 5 Agreements for bushfire maintenance on third party land due to risk and liability implications. It is a joint venture proposal at this stage, but for their part, the Country Club and Kin Capital are prepared to enter into a binding agreement between themselves to secure future maintenance obligations for the buffer to provide extra surety long term.

On the basis of the information provided above in relation to future processes, management regime options and the need for future consideration of bushfire risk at any subdivision application stage, I confirm that a peer review of the advice provided by North Barker in their Hazard Management Area Advice as it applies to the amendment including the specific area plan does not raise any concerns in that the concept plan cannot be implemented into future subdivision proposals that causes development at an unacceptable level of risk in my opinion.

Please let me know if you require any additional information.

Kind Regards,



Rebecca Green

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