

TASMANIAN PLANNING COMMISSION

DECISION

Local Provisions Schedule Meander Valley

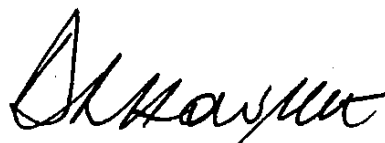
Date of decision 23 February 2021

Under section 35K(1)(a) of *Land Use Planning and Approvals Act 1993* (the Act), the Commission directs the planning authority to modify the draft LPS in accordance with the notice at Attachment 2.

When the directed modifications have been undertaken under section 35K(2), the Commission is satisfied that the LPS meets the LPS criteria and is in order for approval under section 35L(1).



John Ramsay
Delegate (Chair)



Roger Howlett
Delegate

Disclosure statement

John Ramsay, a Commission delegate considering the Meander Valley draft LPS, disclosed at a hearing held on 22 May 2019 and 3 June 2019, when representor 14 raised matters concerning the forest practices system, his position as Chairperson of the Forest Practices Authority. This matter was not pursued at the hearing. There were no objections to John Ramsay continuing to consider and determine any matter relevant to the draft LPS. A conflict of interest for John Ramsay, was raised in written representation 6 considered at the hearing on 24 November 2020, but the matter was not pursued.

REASONS FOR DECISION

Background

The Meander Valley Planning Authority (the planning authority) exhibited the Meander Valley draft Local Provisions Schedule (the originally exhibited draft LPS), under section 35D of *Land Use Planning and Approvals Act 1993* (the Act), from 20 October 2018 until 21 December 2018.

On 10 April 2019, the planning authority provided the Commission with a report under section 35F(1) into 41 representations received on the originally exhibited draft LPS. A list of representations is at Attachment 1.

The Commission must hold a hearing in relation to representations to a draft LPS under section 35H of the Act.

On 24 February 2020, the Commission decided under section 35K(1)(c) of the *Land Use Planning and Approvals Act 1993*, to reject the originally exhibited draft LPS, and direct the planning authority to substantially modify parts of the originally exhibited draft LPS. The Commission's decisions on representations and reasons to substantially modify parts of the Meander Valley draft LPS are separately published¹.

Section 35K(4) of the Act requires that the substantially modified parts of the draft LPS go through the same process of exhibition, reporting by the planning authority and consideration by the Commission as a draft LPS.

The planning authority exhibited the Meander Valley draft LPS substantially modified parts, under section 35D of the Act, from 15 June until 13 August 2020.

On 30 October 2020, the planning authority provided the Commission with a report under section 35F(1) into the 96 representations received on the Meander Valley draft LPS substantially modified parts. A list of representations is at Attachment 1.

The Commission must hold a hearing in relation to representations to the draft LPS substantially modified parts under section 35H of the Act.

Date and place of hearing

The Commission must hold a hearing in relation to representations to the draft LPS under section 35H of the Act.

A directions hearing was held in relation to the originally exhibited Meander Valley draft LPS at the Meander Valley Council offices, 26 Lyall Street, Westbury on 2 May 2019.

A hearing was held in relation to the originally exhibited Meander Valley draft LPS at the Meander Valley Council offices, 26 Lyall Street, Westbury on:

- 22, 23, 24, 29, 30, and 31 May 2019;
- 3, 4, and 7 June 2019;
- 5 November 2019; and
- 2 December 2019.

A hearing was held in relation to the Meander Valley draft LPS substantially modified parts on:

¹ The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

- 24 November 2020 at the Westbury Recreation Ground Function Centre, 21 Franklin Street, Westbury;
- 25 November 2020 at the Meander Valley Council offices, 26 Lyall Street, Westbury.

Consideration of the draft LPS

1. Under section 35J(1) of the Act the Commission must consider:
 - the planning authority section 35F(1) report and the draft LPS to which it relates;
 - the information obtained at the hearings;
 - whether it is satisfied that the draft LPS meets the LPS criteria under section 34; and
 - whether modifications ought to be made to the draft LPS.
2. Under section 35J(2) of the Act the Commission may also consider whether there are any matters that relate to issues of a technical nature or may be relevant to the implementation of the LPS if the LPS were approved.
3. The LPS criteria to be met by the draft LPS are:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS;
 - (b) is in accordance with section 32 of the Act;
 - (c) furthers the objectives set out in Schedule 1 of the Act;
 - (d) is consistent with each State policy;
 - (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;
 - (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;
 - (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; and
 - (h) has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.
4. The relevant regional land use strategy is the Northern Tasmanian Regional strategy 2016 (regional strategy).
5. In addition to the LPS criteria, the Commission has considered Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application (Guideline No. 1) issued under section 8A of the Act.
6. The requirements for making modifications to the draft LPS are set out under section 35K of the Act. The modifications can be broadly categorised as modifications [section 35K(1)(a) and (b)] or substantial modifications [section 35K(1)(c)(ii)].
7. The Commission may also reject the draft LPS and request that the planning authority prepare a substitute [section 35K(c)(i)].
8. Section 35K(4) sets out the process for consideration of the draft LPS substantially modified part.
9. According to 35K(4)(b), once the process of the draft LPS substantially modified part is concluded, the substantially modified part is to be treated as part of the originally exhibited draft LPS.

10. Where the Commission has determined modifications ought be made, these are set out in a notice under 35K(1)(a) of the Act (see Attachment 2).
11. The decisions on representations to the originally exhibited draft LPS and on representations to the substantially modified parts as a result of the Commission's consideration of each under section 35J of the Act are set out below.

Issues raised in the representations

General Residential Zone - Entally Lodge

12. **Representations to originally exhibited draft LPS:** Woolcott Surveys for Entally Lodge Pty Ltd (27), and Meander Valley Council (8).
13. In response to the representations on the originally exhibited draft LPS the Commission directed substantial modifications².
14. In the exhibited Meander Valley draft LPS substantially modified part this matter is referred to as:
 - 3.1 Apply the General Residential Zone and Agriculture Zone to parts of folios of the Register 127277/1, 111014/2 and 20627/2 and the adjoining portions of Rutherglen Road, Hadspen, shown below (a map showing the zone application was exhibited); and
 - 1.4. The scenic road corridor overlay is deleted from part of folio of the Register 127277/1 and adjoining Rutherglen Road, as shown below (a figure showing the overlay for deletion was exhibited).
15. **Representations to substantially modified part:** Department of State Growth (1), The Environment Association Inc (the TEA) (6), Woolcott Surveys for Entally Lodge Pty Ltd (11), Rutherglen Residential Club Committee of Management (RRC) (12), R and J Willey (13), B Leitch (14), V Cooper (15), S Judge (16), F Mowling (17), J and K Partridge (18), Strata Tas (25), and P Sanders (26).
16. The Woolcott Surveys representation for the owner, Entally Lodge Pty Ltd, support the substantially modified part.
17. The representors did not request specific changes to the proposed application of the General Residential Zone and associated removal of the scenic road corridor overlay.
18. Many representations mentioning zoning also raised general concerns about application and provisions of the Entally Lodge Specific Area Plan (Entally Lodge SAP) rather than commenting on the zoning of the land specifically. These representations are considered in the specific section on the Entally Lodge SAP below. The Department of State Growth submitted that:
 - residential development of the area in the General Residential Zone will be serviced by existing public transport services; and
 - an updated Traffic Impact Assessment (TIA) is required to determine suitability of the intersection to support development.
19. The TEA submitted that application of the General Residential Zone would degrade and diminish Entally House a property with national heritage values, and also reduce the ambience of the Major Tourism Zone applied to Entally House.

² The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

20. Gwenda Sheridan provided a submission on 25 October 2020 that application of the General Residential Zone to 'Entally Paddock Y' is not supported because urban development on the land will impact the heritage landscape values and completeness of the Entally House rural estate.
21. In a submission dated 28 October 2020, the planning authority provided a review of the natural values within the proposed General Residential Zone and SAP area by ECOTas, Mark Wapstra (ECOTas report) that included an assessment of the vegetation types, fauna, flora, and individual trees. It found the proposed rezoning and specific area plan will not require consideration under the *Tasmanian Nature Conservation Act 2002*, the *Tasmanian Threatened Species Protection Act 1995* nor the *Commonwealth Environment Protection and Biodiversity Protection Act 1999*, and the natural values/biodiversity provisions of the planning scheme would not constrain the proposal.
22. In the section 35F report, the planning authority did not recommend any changes to the proposed application of the General Residential Zone or the associated removal of the scenic road corridor overlay. In response to the Department of State Growth representation the planning authority recommended:
 - a traffic movement threshold for upgrade of the Rutherglen Road junction be considered to be included in the SAP, rather than relying on traffic impact assessments at the time of development application. A SAP showing the recommended drafting modifications was provided.
23. The reasons included:
 - The prior TIA together with applicable statewide road standards provide enough information to conclude that the junction is capable of accommodating upgrades to the configuration when traffic movements increase. Another TIA is not necessary to make the appropriate judgements at this point. However, it may be worthwhile to include a threshold for the upgrade of the junction in the Specific Area Plan for certainty, given the potential 'no permit required' status.
24. At the hearing the planning authority addressed issues raised in the submission by Ms Sheridan and the TEA about heritage and landscape values and recommended that no modification is required in response. Considering the modern residential development and roads have converted most of the area rising to the top of the hill facing Entally House, consolidation of residential development and the potential to provide liveable housing is of more value than the historic landscape value of retaining the open paddock between existing Rutherglen development and Meander Valley Road. The planning authority confirmed that the matter was referred to the Tasmanian Heritage Council, which did not provide a response, and that the land proposed to be rezoned is not listed on the Tasmanian Heritage Register.
25. At the hearing concerns about road access, upgrades and footpaths were discussed and the Department of State Growth accepted the planning authority's response in the s35F report that these issues can be dealt with through the standards of the Entally Lodge SAP without the need for an updated TIA.
26. Following the hearing, the planning authority sought comments from representors about the findings of the ECOTas report. No comments were received in relation to zone or overlay application.

Commission consideration of substantially modified part

27. The Commission notes that the Department of State Growth accepts the planning authority's response in the section 35F report that concerns about road access, upgrades and footpaths

can be dealt with through the standards of the Entally Lodge SAP. This aspect is discussed in detail in the specific section on the Entally Lodge SAP below.

28. The Commission notes that Woolcott Surveys, representing the owner of the land, support the substantially modified part.
29. The Commission notes the proposed General Residential Zone area is in separate ownership to the Entally estate, and it is already zoned for urban development because the Local Business Zone applies to a large part of the land. The landscape is already significantly compromised by roads and existing buildings. The land is within the urban growth boundary for Launceston and, in this part of Hadspen, residential use is considered a preferable planning outcome to encouraging intensified business use.
30. The Commission is not persuaded by the submissions about cultural heritage and landscape, generally accepts the views submitted by the planning authority, and considers that application of the General Residential Zone to parts of folios of the Register 127277/1, 111014/2, and 20627/2 and the adjoining portions of Rutherglen Road (to the road centreline) is strategically justified and appropriate.
31. The Commission considers the proposed removal of the scenic road corridor overlay is a technical matter consequential to application of the General Residential Zone to the land and is appropriate.

Commission decision on substantially modified part

32. The Commission considers that no modifications are required to the substantially modified part regarding application of the General Residential Zone and associated removal of the scenic road corridor overlay at Hadspen.
33. Therefore, modification to the originally exhibited draft LPS is:
 - revise the zoning of parts of folios of the Register 127277/1, 111014/2 and 20627/2 and the adjoining portions of Rutherglen Road, Hadspen, to apply the General Residential Zone and Agriculture Zone, as set out in Attachment 2; and
 - revise the transitioning scenic road corridor overlay by deleting the overlay from part of folio of the Register 127277/1 and adjoining Rutherglen Road, as set out in Attachment 2.
34. Reason:
 - To be as far as practicable consistent with the regional strategy.
 - To be consistent with provisions of the State Planning Provisions, in the application of the scenic road corridor.

General Residential Zone - Lyttleton Street, Westbury

35. **Representation to originally exhibited draft LPS:** D Badcock (15).
36. The representor requested that land at Lyttleton Street, Westbury, be revised from the Rural Zone to the General Residential Zone. The reasons include:
 - conflict between adjacent residential uses in the General Residential Zone and agricultural use;
 - agricultural use of the land is constrained by spatial separation from other agricultural land by roads and rail lines;
 - proximity to sewer, water and stormwater services; and
 - proximity to the Westbury town centre and industrial precinct, within walking distance.
37. In the section 35F report, the planning authority recommended that the land remain in the Rural Zone. However, the planning authority noted that it supported the requested rezoning in principle, due to:

- the changes in demand for smaller lots and both single and multiple dwellings in Westbury; the proximity to shops and services in Westbury and adjoining residential areas;
 - the likely ability to connect to reticulated services; and
 - the ability to provide adequate frontages to Council maintained roads.
38. The planning authority considered that the feasibility of including adjoining properties and the capacity to service the land, required further review. The planning authority noted its intention and preference was to pursue the proposal as part of a future amendment.
39. No new information or evidence was obtained at the hearing.
40. Following the hearing, the representor submitted that they supported the planning authority recommendation to consider the zoning of the land in a future amendment.

Commission consideration

41. The Commission notes the representors agreement not to pursue the request.

Commission decision

42. The Commission considers that no modifications are required.

Low Density Residential Zone - 1 Meander Valley Road, Westbury

43. **Representations to originally exhibited draft LPS:** G and S Sackley (25).
44. In response to the representations on the originally exhibited draft LPS the Commission directed substantial modifications³.
45. In the exhibited Meander Valley draft LPS substantially modified part this matter is referred to as:
- 3.3. Apply the Low Density Residential Zone to part of folio of the Register 42629/1 and adjoining roads and properties at Westbury, shown below (a map showing the zone application was exhibited).
46. **Representations to substantially modified part:** : TasRail (3), Emma and Martin Hamilton (10), The Environment Association Inc (the TEA) (6), G and S Sackley (8), and Westbury Region Against the Prison (WRAP) (9)
47. G and S Sackley, the owners of 1 Meander Valley Road, Westbury (folio of the Register 42629/1), support application of the Low Density Residential Zone as proposed.
48. TasRail **requested** that part of the untitled road reserve, between the triangular lot forming part of the rail network (folio of the Register 235357/1) and 1 Meander Valley Road (folio of the Register 42629/1), be revised to the Utilities Zone because the land is used by the railway as an access to the rail corridor.
49. TasRail also questions the zoning of three unrelated parcels of land that were not part of the exhibited substantially modified part.
50. The other representors raise concerns about the impacts of the proposed zoning on the heritage values of the property, its setting on the approach to the town and suggest the Rural Zone may be appropriate.

³ The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

51. The other representors also made comments about the State Government's northern prison project.
52. In the section 35F report, the planning authority recommended that the area of Crown road reserve be zoned Utilities Zone and provided a map showing the intended zone application. The reasons include:
- under the current land ownership, there is merit in incorporating the Crown land in the adjoining Utilities Zone due to potential future use for maintenance of the rail line;
 - if the Crown land were purchased by the landowner of 1 Meander Valley Road, the proposed application of the Low Density Residential Zone may be appropriate, depending on future use of the land;
 - resolution of the ownership of the land is a matter between the owner of 1 Meander Valley Road and Crown Land Services and it is not recommended that this issue is addressed through the Local Provisions Schedule process;
 - 1 Meander Valley Road is listed on the Tasmanian Heritage Register and any future determination of impacts of development on heritage sits with the Heritage Council;
 - the rear yard of the lot is not agricultural land, as it is a residential property; and
 - the property, at the junction of Meander Valley Road and Emu Plains Road, effectively marks the town edge and should be zoned in accordance with the contiguous residential environment, and the change in zoning is effectively a correction to match adjacent land along Meander Valley Road with like circumstances.
53. At the hearing, no other information was submitted.
54. Following the hearing the planning authority, on 21 December 2020, submitted a map showing the intended notation for the location of the proposed split zone boundary at 1 Meander Valley Road, Westbury.

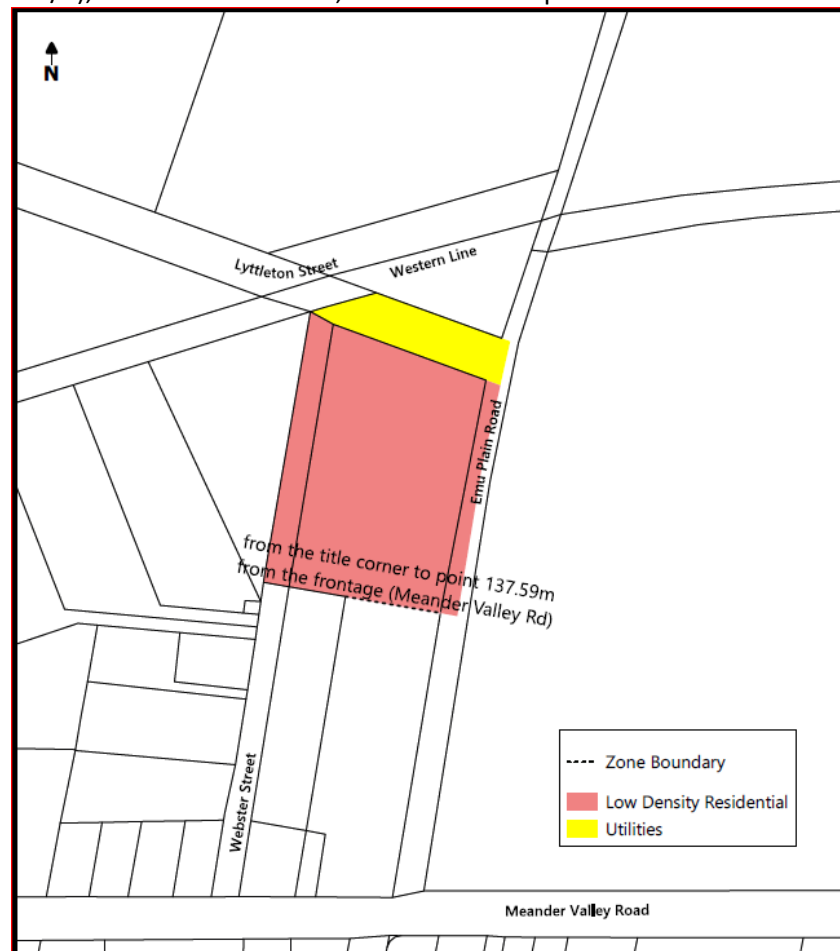
Commission consideration of substantially modified part

55. The Commission notes that 1 Meander Valley Road is listed on the Tasmanian Heritage Register and any application for development of the site will be referred to the Tasmanian Heritage Council for assessment, in addition to being assessed under the planning scheme.
56. The Commission considers the application of the Low Density Residential Zone to the northern part of 1 Meander Valley Road and adjoining untitled strip of land to the west is appropriate. It is also considered a notation should be inserted on the map to identify the location of the intended split zone boundary at 1 Meander Valley Road as proposed in the planning authority's submission of 21 December 2020, consistent with the Commission's Practice Note 7 - Draft LPS mapping: technical advice.
57. The Commission accepts the planning authority's recommendation and reasons in the section 35F report that part of the untitled road reserve parcel, between the rail network and 1 Meander Valley Road be revised to the Utilities Zone.
58. The Commission considers that the additional suggestions in representations listed above are outside the considerations under section 35J.

Commission decision on substantially modified part

59. The Commission considers that modifications are required to the substantially modified part to:

- annotate the split zone boundary at 1 Meander Valley Road according to the planning authority's submission of 21 December 2020, as shown on Map 1 below; and
- revise the zoning of part of an untitled road reserve, between the triangular lot forming part of the rail network (folio of the Register 235357/1) and 1 Meander Valley Road (folio of the Register 42629/1), to the Utilities Zone, as shown on Map 1 below.



Map 1 Zoning of part of 1 Meander Valley Road and adjoining properties

60. Therefore, modification to the originally exhibited draft LPS is:

- revise the zoning of the northern part of 1 Meander Valley Road, Westbury (folio of the Register 42629/1) and adjoining untitled strip of land to the west, to the Low Density Residential Zone, as shown on Map 1 above;
- annotate the split zone boundary at 1 Meander Valley Road according to the planning authority's submission of 21 December 2020, as shown on Map 1 above; and
- revise the zoning of part of an untitled road reserve, between the triangular lot forming part of the rail network (folio of the Register 235357/1) and 1 Meander Valley Road (folio of the Register 42629/1), to the Utilities Zone, as shown on Map 1 above.

61. Reason:

- To be as far as practicable, consistent with the regional strategy.
- To meet technical requirements consistent with Practice Note 7 - Draft LPS mapping: technical advice.

Rural Living Zone - Quamby Brook Road

62. **Representation to originally exhibited draft LPS:** K and C Gleich (38)
63. The representors requested that 521 Quamby Brook Road be revised from the Rural Zone to the Rural Living Zone C. The reasons included:
- it is adjoining the Rural Living Zone;
 - it reflects the existing pattern and density of the Rural Living Zone in accordance with zone application guideline RLZ3;
 - it is in close proximity to Deloraine, and used for Residential and Visitor Accommodation uses;
 - there is limited agricultural viability due to topographic and other site constraints; and
 - the land only has capacity to support a hobby farm.
64. In the section 35F report, the planning authority recommended the zoning be revised to Rural Living Zone C. The reasons included that the site meets the regional strategy sustainability criteria (RSN-A26) as the site:
- is located close to services at Deloraine;
 - is mainly cleared and can provide for development areas free from flood or bushfire hazard;
 - is served by through roads in the event of bushfire; and
 - can provide for appropriate buffers to adjoining resource development activities.
65. At the hearing, the planning authority submitted that:
- based on interpretation of the local conditions, the site is constrained for agricultural purposes and consistent with regional strategy action RSN-A26;
 - the approximately 16ha property would likely result in a subdivision into 2 lots at the Rural Living Zone C 5ha Acceptable Solution lot size, due to site constraints and the location of the existing dwelling; and
 - the change would have no impact on supply of Rural Living zoned land in the region.
66. At the hearing the representors advised that if the land was zoned Rural Living, they had no issue with the priority vegetation area overlay applying to the land.

Commission consideration

67. The Commission accepts the representors and planning authority reasons and considers that application of the Rural Living Zone C is, as far as practicable, consistent with the regional strategy and with zone application requirements RLZ3 of Guideline No. 1.
68. The Commission notes that the full extent of mapping used to inform the preparation of the priority vegetation area overlay was available for viewing during public exhibition of the draft LPS.
69. The Commission considers that, in order to meet LP1.75 Natural Assets Code requirements of the SPPs, the priority vegetation area overlay is to be added to the relevant site.

Commission decision

70. Modification:
- revise the zoning of folio of the Register (FR) 16399/3 to Rural Living Zone C; and
 - apply the priority vegetation area overlay to FR 16399/3 consistent with the extent of priority vegetation area mapping available during exhibition of the draft LPS.

71. Reason: To be as far as practicable, consistent with the regional strategy and to meet the Local Provisions Schedule requirements of the SPPs.

Rural Living Zone - Weegen

72. **Representations to originally exhibited draft LPS:** A Andrews (34), S Andrews (35), and C Andrews (36).
73. The representors requested that:
- the Rural Living Zone at Weegen is maintained with no expansion; and
 - the Rural Living Zone D remain with a lot size of 15ha, rather than 10ha.
74. The representors further noted they did not support any more restrictions on farms.
75. In the section 35F report, the planning authority recommended no change to the zoning, or provisions for lot size in the Weegen Specific Area Plan that prohibits the creation of new lots.
76. No issues were raised or expanded upon at a hearing.

Commission consideration

- The Commission notes that no land in the Rural Living Zone at Weegen have a lot size capable of being subdivided at 15ha.
- The Commission considers the representations are in support of the applied zoning and lot size provisions in the Weegen Specific Area Plan.

Commission decision

The Commission considers that no modifications are required.

Rural Living Zone – additional areas

77. **Representation to originally exhibited draft LPS:** The Environment Association Inc (14).
78. The representor requested that additional properties at Four Springs, East Meander and Liena be revised from the Rural Zone to the Rural Living Zone. The representor did not identify the specific properties.
79. In the section 35F report the planning authority recommended that no lots at Four Springs, East Meander or Liena be included in the Rural Living Zone. The reasons included that there was an insufficient number of dwellings to form an area that could be considered an 'established rural residential area' in accordance with the regional strategy action RSN-A26.
80. No new evidence or information was provided at the hearing.

Commission consideration

81. The Commission accepts the planning authority submission that the sites do not constitute an established rural residential area and are not as far as practicable, consistent with regional strategy, particularly action RSN-A26.

Commission decision

82. The Commission considers that no modifications are required.

Rural Zone - Sibelco Lime (Tasmania) Pty Ltd

83. **Representation to originally exhibited draft LPS:** Meander Valley Council (8)
84. The representor requested the Sibelco limestone mine at Mole Creek be revised from the Agriculture Zone to the Rural Zone. The reasons included that the methodology for applying the Agriculture Zone and Rural Zone, applied the Agriculture Zone to the site in error.

85. The representor noted that while the site is identified in the 'Land Potentially Suitable for Agriculture Zone' mapping produced by the State Government, it is also one of the State's most significant limestone resources and should not be included in the Agriculture Zone, due to the discretionary use status for Extractive Industries in that zone.
86. In the section 35F report the planning authority recommended that the zoning be revised to the Rural Zone.
87. During the hearing the planning authority clarified the extent of the proposed rezoning as the entirety of the identified properties.
88. The Commission noted neither of the land owners, the Crown and Sibelco Lime (Tasmania) Pty Ltd) or Mineral Resources Tasmania (MRT) had made a representation or attended hearings. The Commission sought the views of landowners and MRT.
89. MRT submitted, that it supported the application of the Rural Zone to these properties.
90. In the submission MRT noted:
 - the application of the Rural Zone reflects the zone purpose and zone application guidelines for the Rural Zone in Guideline No. 1;
 - that Level 2 quarries are treated as discretionary regardless of the underlying zone by virtue of section 25(1) of the *Environmental Management and Pollution Control Act 1994*;
 - the quarry was clearly the primary use of the land; and
 - where similar enterprises exist and the primary purpose of the land is not agricultural use, MRT consider the Rural Zone the most appropriate and pragmatic zone choice that is consistent with the expectations of the Department of State Growth and the Department Primary Industries, Parks, Water and Environment.
91. The Department of Primary Industries, Parks, Water and Environment submitted it supported the application of the Rural Zone, noting it had received advice from the Department of State Growth.
92. Sibelco Lime (Tasmania) Pty Ltd did not respond to the Commission's request.
93. In a further submission, the planning authority recommended that one property should be split zoned with the land north of Den Road being in the Rural Zone and the land south of Den Road in the Agriculture Zone.
94. The planning authority submitted that there was reasonable possibility of expansion of the quarry within the mining lease and north of Den Road; however, the land to the south of Den Road is flat grazing land and should be subject to the same provisions of the adjoining land.

Commission consideration

95. The Commission notes RZ3(c) of Guideline No.1 is particularly relevant. RZ3 sets out:

The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:..

the land is identified for the protection of a strategically important naturally occurring resources which is more appropriately located in the Rural Zone and is supported by strategic analysis;...
96. The Commission considers that Appendix B of the supporting report 'AKC Decision Rules for Agriculture Land Mapping in MVC' represents strategic analysis and accepts the advice that zoning the site Agriculture is an error in the strategic analysis.

97. The Commission also accepts:
- the MRT submission that the primary purpose of land is more consistent with the purpose of the Rural Zone, than the Agriculture Zone; and
 - the planning authority submission that the land to the South of Den Road has the qualities of the adjoining Agriculture Zone, noting that the planning authority does not recommend a change to the zoning of this portion of land.
98. The Commission notes that the full extent of mapping used to inform the preparation of the priority vegetation area overlay was available for viewing during public exhibition of the draft LPS.
99. The Commission considers that, in order to meet LP1.7.5 Natural Assets Code requirements of the SPPs, the priority vegetation area overlay is to be added to the relevant sites. However, the Commission considers that that the mapping should be removed where it identifies threatened fauna habitat on the quarry.

Commission decision

100. Modification:
- revise the zoning of folio of the Register 223679/1, north of Den Road, and property identifier 7287876 from the Agriculture Zone to the Rural Zone; and
 - excluding the quarry and land retained in the Agriculture Zone, apply the priority vegetation area overlay to folio of the Register 223679/1 and property identifier 7287876, consistent with the extent of priority vegetation area mapping available during exhibition of the draft LPS.
101. Reason:
- To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1; and
 - To apply the priority vegetation area overlay consistent with Guideline No. 1 and to meet the Local Provisions Schedule requirements of the SPPs.

Rural Zone – Reedy Marsh

102. **Representation to originally exhibited draft LPS:** The Environment Association Inc (14).
103. The representor requested that the land at Reedy Marsh, between the Particular Purpose Zone – Larcombes Road and the Rural Living Zone be revised from the Agriculture Zone to the Rural Zone or Landscape Conservation Zone. The reasons included:
- that the Agriculture Zone has not been applied consistently with the zone application guidelines in Guideline No. 1;
 - the land was not economically viable for agriculture; and
 - the presence of natural values and forestry operations made it unsuitable for the Agriculture Zone.
104. In the section 35F report, the planning authority recommended no change to the zoning. The reasons included:
- that the methodology used to determine the application of the Agriculture Zone did not concern itself with economic viability, and
 - the natural values data is highly variable in accuracy.
105. At the hearing the representor submitted:
- the criteria for application of Agriculture Zone and Rural Zone had not been applied consistently;
 - the purpose of the Rural Zone is more in keeping with what can physically be undertaken on the land;

- the land is identified as land capability class 5 and 6; and
 - part of the land is subject to acid sulphate soils, flooding and contains important natural values.
106. The representor specified folios of the Register 157328/11, 157328/13, 228685/1, 127027/1 and 209549/1 as sites subject to Private Timber Reserves and particularly suitable for an alternate zone.
107. At the hearing, the planning authority submitted:
- the methodology for applying zoning was consistent with Guideline No. 1 and reflected the future intended use of the land;
 - it was possible the zoning of some properties did not reflect the zone allocation methodology set out in Appendix B of the Local Provisions Schedule Supporting Report, September 2018, but it did not support modifying the Agriculture Zone at Reedy Marsh, beyond modifying any properties that did not fit with that methodology;
 - land declared as a Private Timber Reserve under the Forest Practices Act 1985, and either contiguous with permanent timber production zone land (State Forest) or Private Timber Reserves, would be the only properties appropriate for the Rural Zone;
 - to be consistent with the zone allocation methodology contiguous Private Timber Reserves should not be isolated or small in size; and
 - Private Timber Reserves were being removed from land in the Municipality, likely as part of a rationalisation process by timber companies and a zone allocation that focused on the future intended use was more appropriate, given the planning scheme did not apply to forestry operations on Private Timber Reserves.
108. At the hearing, the Commission noted forestry operations on land declared as a Private Timber Reserve was not subject to the planning scheme by virtue of section 11(3)(a) of the Act.

Commission consideration

109. The Commission notes:
- that no representation has been made by the owners of the land;
 - most of the land is identified as land capability class 4, with properties or parts of properties, particularly in the north east of the area identified as land capability class 5 and 6;
 - some properties or parts of properties contain identified threatened vegetation communities, predominately, *Eucalyptus amygdalina* inland forest and woodland and *Eucalyptus ovata* forest and woodland, the clearing or conversion of these threatened vegetation communities is subject to the requirements of the *Forest Practices Act 1985*; and
 - all the properties at Reedy Marsh, proposed to be in an Agriculture Zone, are identified as unconstrained in the 'Land Potentially Suitable for Agriculture Zone' layer published in the Land Information System Tasmania (theLIST).
110. The Commission considers that the zone allocation methodology set out in Appendix B of the Local Provisions Schedule Supporting Report, September 2018, implements the guidelines for the Agriculture Zone and Rural Zone in Guideline No. 1, particularly AZ 6.
111. The Commission considers that the requested zone change is not consistent with the zone application guidelines for the Agriculture Zone and Rural Zone in Guideline No. 1, particularly AZ 6, as:
- local analysis has not identified or justified the need for an alternate zone;
 - there are no identified strategically important natural resources or other uses that require an alternate zoning;
 - the identified natural values are subject to the requirements of the Forest Practices Act 1985; and

- it has not been independently demonstrated the land has limited or no potential for agricultural use, or is significantly constrained for agriculture use, or the Agriculture Zone is otherwise not appropriate.

Commission decision

112. The Commission considers that no modifications are required.

Landscape Conservation Zone – Elizabeth Town

113. **Representation to originally exhibited draft LPS:** The Environment Association Inc (14).

114. The representor requested that land at the northern part of Elizabeth Town, that contained conservation covenants or adjoined those properties, be revised from the Low Density Residential Zone or Rural Living Zone to the Landscape Conservation Zone. The reasons include:

- the properties make a contribution to landscape amenity and are in a more natural state;
- a lot density of 1ha is too small and would create a series of issues in terms of public health, water supply, traffic management and bushfire hazards;
- land to the west of Samuel Street appears to be more suitable for the Rural Living Zone, and provide for scenic protection through the application of lot sizes larger than 1ha; and
- land south of Bonney Street and either side of Samuel Street down to Hill Street appears to be more suited to the Low Density Residential Zone.

115. In the section 35F report, the planning authority recommended no change to the zoning. The reasons include:

- the existence of conservation covenants is not a reason to automatically apply the Landscape Conservation Zone, as that zone is too restrictive for existing uses;
- application of the priority vegetation area overlay (in addition to conservation covenants), will likely restrict future subdivision;
- there are no clear landscape boundaries, in topography or land use, that would assist in informing where the Landscape Conservation Zone should be applied;
- the 1ha Acceptable Solution lot size provides for bushfire protection, on-site waste water management and access; and
- given the low degree of development visible at Elizabeth Town, additional provisions to manage scenic character are not warranted.

116. At the hearing, the:

- representor submitted that as the draft LPS provided for subdivision it would encourage some landowners with conservation covenants to seek to modify the conservation covenant by adding additional domestic zones or exclude areas from covenants;
- planning authority contended potential modifications to conservation covenants were not a matter relevant to consideration of the draft LPS;
- representor submitted that an appropriate alternative to the requested Landscape Conservation Zone for land subject to conservation covenants is the Rural Living Zone; and
- planning authority contended the Rural Living Zone did not provide for the consideration of residential amenity, and a key purpose of the application of the Low Density Residential Zone in combination with the Elizabeth Town Specific Area Plan is to protect residential amenity.

Commission consideration

117. The Commission notes:

- that no owner of land at Elizabeth Town made a representation into the zoning of the land;
- the representor supports the application of the Low Density Residential Zone to part of Elizabeth Town; and

- at the hearing the planning authority and representor were in agreement that the application of the priority vegetation area overlay appeared to be an accurate reflection of the values present.
118. The Commission prefers the planning authority submissions and considers that the applicable provisions of the draft LPS provide for the consideration of, and the ability to apply planning controls to, the issues raised by the representor.

Commission decision

119. The Commission considers that no modifications are required.

Utilities Zone - electricity infrastructure

120. **Representations to originally exhibited draft LPS:** TasNetworks (2) and Hydro Tasmania (1).
121. The representors requested that the zoning of electricity generation infrastructure, such as power stations, dams, canals, major substation facilities, and communication facilities be revised to the Utilities Zone.
122. The representations, included maps of the proposed extent of the Utilities Zone and in the case of communication facilities, suggested a 20m buffer distance around each facility.
123. The reasons included that electricity generation, transmission and associated infrastructure, were not minor utilities and application of the Utilities Zone is consistent with UZ 1 of Guideline No. 1.
124. In the section 35F report, the planning authority recommended that only electricity generation, transmission and associated facilities that had property boundaries that coincided with the infrastructure be changed to the Utilities Zone. The reasons included:
- the Electricity Transmission Infrastructure Protection Code provided adequate protection of the infrastructure, as the *Electricity Supply Industry Act 1996* (ESIA) provides exemptions from the Act; and
 - the dominant purpose of the land, such as being located with the Tasmanian Wilderness World Heritage Area (TWWHA), State Forest (Permanent Timber Production Zoned Land) or a rural landscape should direct the applied zone.
125. At the hearing, and in writing representors submitted that the Utilities Zone should apply to electricity infrastructure to provide operational efficiency and security greater than the proposed zone. The reasons included:
- electricity generation, transmission and associated infrastructure is a major utility site for the purpose of Guideline No. 1 and, while spatially separated, are part of an integrated and dependent system;
 - the Environmental Management Zone and Rural Zone, would require discretionary consideration for Utilities use and development across multiple standards, and unduly constrain the ability to provide the electricity infrastructure in accordance with their legislative requirements.;
 - the *Electricity Supply Industry Act 1996* does not provide exemptions for redevelopment or intensification of use, or for maintenance of communication sites other than vegetation clearance;
 - the SPP exemptions do not take into account the regulatory requirements to provide and maintain communication systems or the essential nature of the electricity infrastructure;
 - electricity infrastructure within the TWWHA, does not have the values presented by the remainder of the TWWHA, and that use and development within the TWWHA must be compliant with the requirements of the *Environment Protection and Biodiversity Control Act 1999* (cwth) (EPBC);

- requirements of the EPBC could conflict with the requirements imposed by provisions of the Environmental Management Zone;
- there is no permitted pathway for the managing authority to approve Utilities (other than minor utilities) under the Environmental Management Zone; and
- application of the Utilities Zone, would by operation of the SPPs, prevent the Scenic Protection Code from applying, noting that applying that code would unduly constrain development of communications sites.

126. At the hearing, the planning authority submitted that:

- utility infrastructure should not be spot zoned, particularly communication sites, as the sites are co-located with other resources and the spatial application of zones should reflect the dominant intended purpose of a property or area, not a small portion of a property;
- the provisions in other zones provided for use and development of Utilities, with the applicable standards providing for the appropriate consideration of the purpose of the zones; and
- such spot zoning opened up a precedent for other Utilities type infrastructure, such as telecommunications towers to be zoned Utilities, and considered that such an approach of zoning based on current infrastructure did not represent sound strategic planning.

127. Following the hearing TasNetworks submitted a table identifying the considerations for exempt, new and existing electricity infrastructure under the *Electricity Supply Industry Act 1996*. The table noted new transmission lines and new or existing communication sites would not have the benefit of any exemption.

128. In its response submission the planning authority contended that new transmission lines on public land would be exempt and that communication facilities that meet the definition of 'Low Impact Facilities' as defined in the *Telecommunications (Low Impact Facilities) Determination 1997 (cwth)* would be exempt in certain circumstances.

129. The Commission also sought a submission from the Department of Primary Industries, Parks, Water and Environment, as owner of land containing communication sites at Cobblers Hill, Martha Creek Hill and Western Bluff.

130. The Department of Primary Industries, Parks, Water and Environment supported the TasNetworks proposal to zone the relevant land in the Utilities Zone.

Commission consideration

131. The Commission considers that the electricity generation, transmission and associated infrastructure detailed in the representations is used and intended to be used for major utilities infrastructure, consistent with UZ1(d) of Guideline No. 1.

132. The sites within the TWWHA, subject to the requirements of the EPBC, are subject to an alternative legislative process that considers the values of the land. The Commission is persuaded by the representors submission that the requirements of the EPBC could conflict with the requirements imposed by provisions of the Environmental Management Zone, particularly for the Discretionary Use Class of Utilities.

133. The Commission notes the submissions from TasNetworks and the planning authority identify there is uncertainty around the extent of electricity infrastructure that would be subject to the Act.

134. The Commission notes the planning authority view that zoning land based solely on the existence of current infrastructure, does not represent sound strategic planning for the future use and development of land. However, in the case of electricity generation, transmission and associated facilities, the Commission considers that this infrastructure represents a critical service that ought reasonably be protected to meet the foreseeable needs of Tasmania. Reasonably protecting the infrastructure includes providing for maintenance, renewal and

development of that infrastructure within a zone that has a specific purpose of providing for those uses and development.

135. The Commission considers that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent. As such, the Commission considers that the sites containing electricity generation, transmission and associated facilities and extent identified in the representations should be in the Utilities Zone.
136. The Commission notes that:
- the land owners and managers of the electricity infrastructure support the zoning of electricity generation and other infrastructure in the Utilities Zone; and
 - communication sites at the Parangana Power Station; Fisher Penstock Repeater, Western Bluff; Fisher Forebay, Lake Mackenzie Road; and Rowallan Power Station are within the boundaries of the Utilities Zone proposed in the Hydro Tasmania representation.

Commission decision

137. Modification:

- Revise the zoning of the following sites to the Utilities Zone, consistent with the boundaries shown in Attachment A of the Hydro Tasmania representation dated 19 December 2018:
 - Rowallan Dam and Power Station;
 - Lemonthyme Power Station and Penstock;
 - Fisher Power Station and Penstock;
 - Parangana Dam and Power Station;
 - Lake Mackenzie Dam and Fisher Canal;
 - Trevallyn Dam; and
 - Western Bluff Communications Site.
- Revise the zoning of the following communication sites to the Utilities Zone:
 - Cobblers Hill, Wandilla Road, Quamby Brook, Property ID 3012277; and
 - Martha Creek Hill, Mersey Forest Road, Mersey Forest, Property ID 2531227.
- Apply the Utilities Zone to a 20m radius circle around the Western Bluff communications site located at GDA94 E:112184 and N:5387800.

138. Reason: To apply the Utilities Zone to major utilities consistent with Guideline No. 1.

Utilities Zone - State roads

139. **Representation to originally exhibited draft LPS:** Department of State Growth (3).
140. The representor requested that the zoning of sections of Highland Lakes Road, be changed from the Environmental Management Zone to the Utilities Zone. The reason included to be consistent with the State Road Casement layer on theLIST.
141. In the section 35F report, the planning authority recommended that all land identified in the State road casement data be changed to the Utilities Zone. The reasons included that it corrects an outstanding matter of zoning that ensures greater consistency with the SPP requirements and drafting instructions.
142. No further information was raised at the hearing or in submissions.

Commission consideration

143. The Commission considers that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent. As such, the Commission considers that the sites containing the State roads, should be zoned Utilities, consistent with Guideline No. 1.

Commission decision

144. Modification:

- Revise the zoning of Highland Lakes Road to the Utilities Zone consistent with the boundary of the State Road Casement layer available in the LIST.

145. Reason: To apply the Utilities Zone to category 5 roads defined in the Tasmanian State Road Hierarchy consistent with Guideline No. 1.

Utilities Zone - water Infrastructure

146. **Representation to originally exhibited draft LPS:** TasWater (6).

147. The representor requested that the zoning of land containing reservoir tanks or water treatment plants be revised from any other zone to the Utilities Zone. The reason included that the infrastructure contained in the properties are major utilities.

148. The representor also noted all other Utilities owned and operated by TasWater were appropriately zoned.

149. In the section 35F report the planning authority recommended that the properties be revised to the Utilities Zone, to apply the zone consistently with the SPP requirements and drafting instructions.

150. No further information was raised at the hearing.

Commission consideration

151. The Commission considers that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent. As such, the Commission considers that land containing water treatment and storage infrastructure, should be in the Utilities Zone, consistent with Guideline No. 1.

Commission decision

152. Modification:

- Revise the zoning of folios of the Register 173792/1; 167684/1; 23068/8; 135041/1; and 165355/1 to the Utilities Zone.

153. Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.

Community Purpose Zone - Alveston Drive, Deloraine

154. **Representation to originally exhibited draft LPS:** R Hilder (28).

155. The representor requested land at Alveston Drive, Deloraine be revised from the General Residential Zone to the Community Purpose Zone.

156. In the section 35F report, the planning authority recommended zoning be changed to the Community Purpose Zone. The reasons included:

- the future use of the land remained unresolved following preparation of a recreation feasibility study by the council; and
- the application of the Community Purpose Zone was consistent with in Guideline No. 1.

157. At the hearing, no issues arose in relation to the planning authority recommendation.

Commission consideration

158. The Commission considers the property zoning should be modified to the Community Purpose Zone, for the reasons identified by the planning authority.

Commission decision

159. Modification:

- Revise the zoning of folio of the Register 117059/4 to the Community Purpose Zone.

160. Reason: To apply the Community Purpose Zone consistent with the purpose of the zone and Guideline No. 1.

Various zones - Chudleigh

161. **Representation to originally exhibited draft LPS:** J and R Hawkins (26).

162. The representors suggested that the Rural Living Zone, Community Purpose Zone and Agriculture Zone should be applied to specific land at Chudleigh. The suggested zoning was the same as that proposed in the draft LPS.

163. The representors also requested that:

- lots containing an arboretum be revised to the Open Space Zone, to reflect the use of the land;
- a site containing a chapel building, a former brick cottage and adjoining land intended for a dwelling be revised to the Low Density Residential Zone;

164. The representor also noted the zoning of folio of the Register 34768/1 needs further discussion as the land contains a residential building and it is located on the main street of Chudleigh adjoining the Village Zone.

165. In the section 35F report, the planning authority recommended that:

- the lots containing the arboretum be revised to the Open Space Zone, as the purpose of the zone reflects the owner's intent for the land and to protect the important environmental and aesthetic services provided by the arboretum;
- the site containing the chapel be revised to the Low Density Residential Zone, as the site is:
 - cleared;
 - surrounded by the arboretum and Low Density Residential zoned land;
 - not agricultural land; and
 - buffered from agricultural uses by adjoining land;
- folio of the Register 34768/1 be revised to the Village Zone, as the single title, approximately 4000m² in area and is effectively the first building on the 'village strip'.

166. The planning authority further noted that there was an agricultural drain flowing from and adjoining the land proposed to be zoned open space, and questioned if the land containing the drain should be included in the Open Space Zone.

167. At the hearing the representor:

- advised they supported the planning authority recommendation that folio of the Register 34768/1 be in the Village Zone; and
- provided a draft subdivision plan, by D J McCulloch Surveying, dated 19/05/2019, to clarify the proposed zoning boundaries.

168. The planning authority supported the proposed zoning boundaries provided in the draft subdivision plan.

Commission consideration

169. The Commission notes the agreement of the representor and planning authority and accepts that the proposed zoning is consistent with Guideline No. 1, and reflects both the current and future intended uses of the land and township boundary.

Commission decision

170. Modification:

- Revise the zoning of various properties at Chudleigh as follows:
 - (a) lot 1 on draft subdivision plan by D J McCulloch Surveying, dated 19/05/2019, in a submission dated 22 May 2019, to the Low Density Residential Zone;
 - (b) lot 2 on draft subdivision plan by D J McCulloch Surveying dated 19/05/2019, in a submission dated 22 May 2019, to the Open Space Zone; and
 - (c) folio of the Register 34768/1 to the Village Zone.

171. Reason: To apply the Low Density Residential Zone, Village Zone and Open Space Zone consistent with Guideline No. 1.

Various zones - future potential production forestry land

172. **Representation to originally exhibited draft LPS:** The Environment Association Inc (14).

173. The representor requested that future potential production forestry land, under the *Forestry (Rebuilding the Forest Industry) Act 2014*, not be in the Rural Zone and be revised to the Open Space Zone, Landscape Conservation Zone or Environmental Management Zone. The reasons included:

- to be consistent with the purposes of the Tasmanian Forest Agreement and values of the land, such as, presence of priority vegetation; and
- that as a consequence of the Regional Forest agreement, the future potential production forestry land is to be managed for conservation, and the Environmental Management Zone was not ideally suited, as it did not provide for a limited range of uses.

174. In the section 35F report, the planning authority recommended no change to the proposed zoning. The reasons included:

- the areas that the future potential production forestry land was both within and outside of the Tasmanian Wilderness World Heritage Area (TWWHA), and that the section 8A Guideline No.1 indicated land within the TWWHA should be zoned Environmental Management; and
- that, as there is no guidance on the future potential production forestry land outside of the TWWHA, it was open to alternate zoning.

175. At the hearing the representor submitted:

- that they did not believe the operation of the Environmental Management Zone that deferred to approvals by the Parks and Wildlife Service was suitable for the management of any land, including future potential production forestry land;
- that the objectives of the Rural Zone did not align with the objectives for management of the future potential production forestry land; and
- examples of the natural and scenic values of future potential production forestry land in the vicinity of Reedy Marsh.

176. The Commission sought a submission from the Department of Primary Industries, Parks, Water and Environment, as the department responsible for administering the future potential

production forestry land. In its submission the Department supported the approach to zoning in the draft LPS where the future potential production forestry land within the TWWHA is in an Environmental Management Zone and the land outside is in a Rural Zone. The Department noted the approach is in keeping with Government policy objectives for management of natural resources within the TWWHA and for the management of the future potential production forestry land to secure a 'wood bank' to provide for future sustainable forestry.

Commission consideration

177. The Commission notes:

- the *Forestry (Rebuilding the Forest Industry) Act 2014*, provides for special species timber harvesting in future potential production forestry land that, under clause 4.4.1 of the State Planning Provisions, is largely exempt where in accordance with a forest practices plan; and
- the management objectives for future potential production forestry land, under Schedule 3 of the *Forestry (Rebuilding the Forest Industry) Act 2014*, are broad ranging and include to: conserve natural biological diversity, geological diversity, water quality, and the like; encourage education, research, tourism, recreational use, and the like; provide for activities such as the taking of game species, the controlled use of natural resources, exploration activities and utilisation of mineral resources; and allow for private, commercial or industrial uses.

178. The Commission considers that, while the broad management objectives of future potential production forestry land, do include conserving natural values, it provides for a range of uses or development that are prohibited in the Open Space Zone and Landscape Conservation Zone, such as Extractive Industry and Resource Processing, and as a consequence those zones are not appropriate.

179. The Commission prefers the advice of the Department of Primary Industries, Parks, Water and Environment.

Commission decision

180. The Commission considers that no modifications are required.

Particular Purpose Zone – Larcombes Road – extent

181. **Representation to originally exhibited draft LPS:** S Westley (31).

182. The representor requested that part of one property at Larcombes Road be revised from the Agriculture Zone to Particular Purpose Zone – Larcombes Road. The reasons included:

- the 34ha portion of the property is under negotiation for sale;
- the area was identified in the priority vegetation area overlay and contained significant natural assets; and
- the area is within a private timber reserve.

183. In the section 35F report, the planning authority in principle supported the proposal as it was consistent with the significant natural values, and recommended that the zone change only be considered when the land transfer was secure.

184. At the hearing the representor submitted that sale negotiations were in progress, that a condition of the sale was the current owner's support for inclusion of a portion of the property in PPZ.

185. The planning authority submitted that the land has values consistent with the zone purpose of the PPZ and was suitable for inclusion in that zone.

186. In a submission dated 2 June 2019, the existing land owner agreed with the proposed zoning.

187. In a submission dated 18 June 2019 the representor included an extract of a signed sale contract and plan identifying the sale area.

Commission consideration

188. The Commission accepts the advice, provided by the representor and planning authority, that the land has the natural and landscape values consistent with the remainder of the PPZ, as evidenced by the priority vegetation area overlay and proximity to the PPZ.
189. The Commission is further satisfied that sufficient evidence of land owner's agreement for the proposed zone change has been provided.

Commission decision

190. Modification:
- Revise the zoning of a 34.04ha portion of folio of the Register 2209894/1 to the Particular Purpose Zone – Larcombes Road, consistent with the plan provided by S Westley in a submission dated 18 June 2019.
191. Reason: To apply the particular purpose zone to land that has the natural and landscape values consistent with the remainder of the zone.

Particular Purpose Zone – Larcombes Road – zone title

192. **Representations to originally exhibited draft LPS:** A Woodward (30), S Westley (31) and A Ricketts (32).
193. The representors requested that the name of the PPZ be revised to be reflective of the purpose of the zone, rather than only a geographic location that is reflective of only some of the properties in the zone.
194. Representors suggested the following terms be applied within the zone name: Natural Values Amenity Living (Larcombes Road), Natural Living, Eco Living, Conservation Lifestyle, Nature Conservation Living, Environmental Living, Reedy Marsh, and Stephen Hill.
195. In the section 35F report the planning authority did not recommend the name be changed, instead it advised its position was neutral.
196. At the hearing, representors noted the suggestions of the other representations and the name Particular Purpose Zone – Natural Living (Larcombes Road) is considered to provide a compromise, reflecting the zone purposes and geographic location of the zone.
197. At the hearing the planning authority noted it had no objection to the proposed name.

Commission consideration

198. The Commission accepts the representors position and the broad agreement on zone name discussed at the hearing as it is not inconsistent with any drafting advice published by the Commission or the LPS requirements of the SPPs.

Commission decision

199. Modification:
- Revise the name of the MEA-P1.0 Particular Purpose Zone - Larcombes Road to MEA-P1.0 Particular Purpose Zone – Natural Living (Larcombes Road) and make consequential revisions for all references to the zone name in the draft LPS to reflect the revised name.
200. Reason: The name change is not consistent with drafting advice published by the Commission or the LPS requirements of the SPPs.

Particular Purpose Zone – Larcombes Road - provisions

201. **Representations to originally exhibited draft LPS:** A Woodward (30), S Westley (31) and A Ricketts (32).
202. The representors were supportive of the application of the zone.
203. Some representors requested the provisions of the PPZ be revised to account for the following issues or in the following ways:
 - increase setback from a frontage to 50m to be reflective of current development in the area and prevent clearance of front boundaries;
 - removal of the standard requiring separation from the boundary of an Agricultural Zone or Rural Zone;
 - uses that align with conservation covenants and the purpose of the zone should be Permitted or No Permit Required and uses that would damage the sense of place, or where unsuitable for the area due to road condition, increases in traffic, bushfire risk or where inconsistent with conservation covenants should be either Prohibited or Discretionary with limitations on scale of the use -the representation included detailed table of uses, statuses and commentary;
 - a range of developments, such as, no trespassing signs, water tanks, solar panels and road access should not require a permit or variously have a permitted pathway with limited constraint;
 - that wind turbines should be Prohibited;
 - provisions should manage hours of operation in terms of vehicle movements, and biosecurity issues, such as, pests, feral animals, and weeds; and
 - that subdivision rights should accord with any conservation covenant.
204. In the section 35F report, the planning authority did not recommend any change to provisions in the PPZ. The reasons included:
 - it did not support the proposed changes as the provisions in the draft LPS reflected consultation with landowners and reflected a consensus regarding what are reasonable provisions given the differing characteristics of the lots within the zone;
 - the provisions of the PPZ provided for modest levels of development and a range of uses that were unlikely to adversely impact on the road network; and
 - that there was no compelling reason to remove the 200m setback from the Agricultural Zone.
205. At the hearing, the representors, planning authority and Commission examined in detail the issues raised to determine if the PPZ, in operation with the State Planning Provisions, provided for the outcomes proposed by the representor.
206. After working through the issues, 2 matters remained, that the operation of the PPZ and State Planning Provisions did not provide for:
 - the status of the Residential Use Class does not align with the purposes of the zone; and
 - clause MEA-P1.6 A4 and P4 providing for consideration of the separation between a sensitive use and an adjoining Agricultural Zone or Rural Zone.
207. At the hearing the representors and planning authority agreed that the inclusion of the Residential Use Class, as No Permit Required with the existing qualification, aligned with the zone purpose.
208. At the hearing the representors submitted they objected to the premise that a separation distance for land in the Rural Zone or Agriculture Zone should be contained in the residential land and contended that the separation distance should be provided for on the land in the Agricultural Zone and Rural Zone.

209. The planning authority contended that the standard applying a separation distance from the Agriculture Zone and Rural Zone:
- had limited application as most of the PPZ was bordered by the Environmental Management Zone;
 - it was a policy approach imbedded in the State Planning Provisions to protect rural industries from encroachment and conflict with sensitive uses; and
 - there was no identified planning reason to vary that position.

Commission consideration

210. The Commission consider that MEA-P1.4 Use Table will more clearly implement zone purpose MEA-P1.1.1, 'to provide for residential use or development...' if the Residential Use Class was No Permit Required, instead of Permitted.
211. The Commission accepts the planning authority position that the provisions in clause MEA-P1.6 A4 and P4, minimise the potential for encroachment and conflict between uses in the Rural and Agriculture Zone and Rural Zone and sensitive uses, such as Residential, and considers that no modification to this standard is required.

Commission decision

212. Modification:
- Revise MEA-P1.2 Use Table to make the Residential Use Class, No Permit Required with the qualification 'if for a single dwelling or home-based business'.
213. Reason: To implement the zone purpose in the relevant provisions of the zone.

Birralee Industrial Precinct Specific Area Plan

214. **Representations to originally exhibited draft LPS:** Tasmanian Fire Service (TFS) (4), Meander Valley Council (8), and Rebecca Green and Associates for Tasbuilt Manufactured Homes and Cabins Pty (Tasbuilt) (40).
215. The TFS representation was supportive of the operation and provisions of the Birrlee Road Industrial Precinct SAP; however, requested the objective of clause MEA-S1.8.3 be revised to include reference to building areas, for consistency with the relevant standards.
216. The Tasbuilt and the council representation recommended the inclusion of a Performance Criterion for clause MEA-S1.7.1 setback to a frontage, to provide for flexibility in design while not restricting development or restraining growth, consistent with the purpose of the SAP.
217. The Council further requested that:
- a Performance Criterion for frontage requirements be included at MEA-S1.8.1 P3 for the same reason as setback; and
 - MEA-S1.7.5 landscaping be revised to reduce the vegetation height from 20m to 15m to provide for a greater range of suitable tree species, while providing aesthetic value when viewed from the broader landscape. The council further noted a 20m height would often limit tree species to eucalypts, which may not be appropriate due to susceptibility to limb drop.
218. In the section 35F report, the planning authority supported the revisions proposed by the TFS, Tasbuilt and council, with minor modifications.
219. At the hearing Tasbuilt submitted that:
- growth of the business and the need for truck turning areas required modification of the provisions; and
 - they were satisfied with the proposed provisions and modifications discussed at the hearing.

220. The planning authority submitted additional modifications were required to provide flexibility in the timing of road construction and access to properties, to facilitate release and development of land.
221. Following the hearing the planning authority submitted a revised copy of the SAP, incorporating the modifications discussed at the hearing.

Commission consideration

222. The Commission accepts the evidence of the representors and planning authority that the specific area plan requires modification to:
- implement the plan purpose in the relevant provisions of the SAP;
 - provide consistency between objectives and their applicable standards;
 - provide for a greater range of tree species in landscaping;
 - include a Performance Criterion for clause MEA-S1.7.2 Setback to a frontage;
 - include a Performance Criterion for clause MEA-S1.8.1 Lot design, P3, to provide for a consideration of access to properties where a road is not yet constructed.
223. The Commission considers that modifications are required to the provisions proposed by the planning authority, to meet technical requirements consistent with the Commission's Practice Note 5 – Tasmanian Planning Scheme drafting conventions and Practice Note 8 – Draft LPS written document: technical advice.

Commission decision

224. Modification:
- Revise MEA-S1.0 Birrale Road Industrial Precinct Specific Area Plan to include:
 - (a) a Performance Criterion for clause MEA-S1.7.2 Setback to a frontage;
 - (b) a revised tree height replacing '20m' with '15m' in clause MEA-S1.7.5 A1(b);
 - (c) a Performance Criterion for clause MEA-S1.8.1 Lot design, P3; and
 - (d) reference to building areas in the objective for MEAS1.8.3 Subdivision within the bushfire-prone area.
225. Reason: To achieve the specific area plan purpose.

Karst Specific Area Plan

226. **Representations to originally exhibited draft LPS:** The Environment Association Inc (the TEA) (14) and Meander Valley Council (8).
227. The Meander Valley Council noted the Karst Specific Area Plan was a transitioning provision and requested application of a revised Karst SAP to improve construction and operation.
228. The TEA:
- suggested that the Karst SAP diminished protections of the Karst Management Code in the interim planning scheme due to the non-applicability to forest operations, and removal of an Acceptable Solution related to forest practices plans;
 - suggested the definition of karst features is unclear and recommended a definition, such as, the definition in the Mole Creek Karst National Park Management Plan be applied; and
 - recommended that forestry operations be subject to the Karst SAP.
229. In the section 35F report, the planning authority:
- recommended the Karst SAP, be revised in accordance with the version attached to the Meander Valley Council representation;
 - noted, as the Karst SAP is a transitional provision under Schedule 6 of the Act, modifications can only be made for greater consistency with the SPPs; and

- noted an Acceptable Solution remained for plantation forestry, where not exempt by the SPPs.
230. At the hearing the TEA submitted there was no social licence for logging in karst areas and the LPS will diminish the protections for karst.
231. The Commission advised that the Karst SAP was a transition of the Karst Management Code in the Meander Valley Interim Planning Scheme that only contained permitted alterations under Schedule 6 clause 8 C(3) of the Act.
232. The planning authority submitted that, in its view, the revisions only included permitted alterations, but noted that if the revisions could not be made at this stage the planning authority would pursue an amendment to the LPS in the future.

Commission consideration

233. The Commission notes the permitted alterations under Schedule 6 clause 8C(3) of the Act is limited to:
- conforming to the requirements of the SPPs;
 - reflecting terminology used in the SPPs;
 - ensuring provisions are appropriately numbered and correctly referenced; and
 - ensuring the provisions achieve the effect intended, and
234. considers that revisions that apply additional considerations or otherwise change the policy position expressed by the transition provisions, will generally be beyond a permitted alteration.
235. The Commission considers, with the exception of the proposed revisions to define karst to ensure the provisions achieve the effect intended, and revisions reflecting terminology used in the SPPs, the proposed revisions go beyond permitted alterations.

Commission decision

236. Modification:
- Revise the MEA-S5.3 Karst Specific Area Plan to insert a definition of karst, as provided in the Meander Valley Council representation, undated.
237. Reason: To clarify terminology used in the LPS and achieve the effect intended by the transitional provisions.

Deloraine Specific Area Plan

238. **Representations to originally exhibited draft LPS:** Meander Valley Council (8).
239. In response to the representations to the originally exhibited draft LPS, the Commission directed substantial modifications⁴.
240. In the exhibited Meander Valley draft LPS substantially modified part this matter is referred to as:
- 2.1.3. MEA-S8.0 Deloraine Specific Area Plan - modified Use Table to prohibit multiple dwellings and subdivision provisions to provide for increased densities where sites can be connected to reticulated water supply, sewer and stormwater service (the SAP drafting was exhibited).

⁴ The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

241. **Representations to substantially modified part:** Department of State Growth (1), The Environment Association Inc (the TEA) (6) and F Hannafin (29).
242. The representors support providing for increased densities where services can be connected.
243. TEA suggests limiting the number of accesses to East Barrack Street.
244. Department of State Growth raises accessibility to bus services and suggests staging development to occur first on land closest to Meander Valley Road.
245. In the section 35F report, the planning authority recommended no modification is required. The reasons include:
- representations are in support;
 - additional limitations on road access to East Barrack Street are not necessary as local government road standards determine the suitability of access; and
 - distance to bus services are not directly related to the substantially modified provisions and cannot be considered.
246. At the hearing, no other information was submitted.

Commission consideration of substantially modified part

247. The Commission notes the representations in support of providing for increased densities where services can be connected.
248. The Commission considers that the additional suggestions in representations listed above are outside the considerations under section 35J.
249. The Commission accepts the planning authority's recommendation in the section 35F report that no modification is required.
250. The Commission considers the substantially modified part is appropriate.

Commission decision on substantially modified part

251. The Commission considers that no modifications are required to the substantially modified part.
252. Therefore, modification to the originally exhibited draft LPS is:
- Revise the MEA-S8.0 Deloraine Specific Area Plan to provide for subdivision at increased densities where sites can connect to reticulated water supply, sewer and stormwater services or adequately manage disposal, as set out in Attachment 2, Annexure A.
253. Reason: To achieve the effect intended by the purpose and objectives of the specific area plan.

Kimberley Specific Area Plan

254. **Representations to originally exhibited draft LPS:** D Masters (33).
255. In response to the representations to the originally exhibited draft LPS the Commission directed substantial modifications⁵.
256. In the exhibited Meander Valley draft LPS substantially modified part, this matter is referred to as:

⁵ The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

1.1. The provisions of MEA-S14.0 Kimberley Specific Area Plan are deleted from the draft LPS;

1.2. The MEA-S14.0 Kimberley Specific Area Plan overlay, shown in figure 1, below, is deleted from the draft LPS (a figure showing the overlay for deletion was exhibited); and

3.2. Apply the Rural Living Zone B to all properties or parts of properties at Kimberley, shown below (a map showing the zone application was exhibited).

257. **Representations to substantially modified part:** State Emergency Service (SES) (2)

258. The representor suggests that the Flood-Prone Areas Hazard Code, clause C12.7 Development Standards for Subdivision, may deliver suitable alternative provisions to the deleted subdivision standards of the Kimberley Specific Area Plan (Kimberley SAP), which managed flood risk by prohibiting new lots.

259. The representor supports application of the Rural Living Zone B at Kimberly, if the planning authority considers the flood studies used to develop the flood-prone area overlay for this area have adequately considered the 1% AEP flood risk to include inflow from Coilers Creek to the Mersey River and coincident flooding from these waterways.

260. In the section 35F report, the planning authority recommended no modification to the exhibited substantially modified part. The reasons include:

- The Flood-Prone Areas Hazard Code will appropriately direct development to suitable areas where inundation would not be expected to occur in the 1% scenario and access can be maintained.
- The extent of the 1% flood event was investigated prior to recommending the modification. The State mapping of the 2016 flood event is known to be inaccurate, with on ground flooding extent confirmed by Council crew and local residents. The Mersey River flood event in 2016 is known to reflect the 1% threshold, and very closely matches the modelling undertaken by Entura for the Meander Valley Council. Coilers Creek experienced back-up, inundating some of the surrounding paddocks, however Morrison Street and other areas of land were not inundated.

261. At the hearing the planning authority advised that all updated 3D flood modelling is incorporated into its mapping system for internal reference, and it will request further information where required for development assessment. The SES was satisfied that the appropriate flood hazard information will be available for development assessment.

Commission consideration of substantially modified part

262. The Commission notes the SES supports application of the Rural Living Zone B at Kimberley.

263. The Commission accepts the planning authority's submission that flood hazard has been appropriately considered and recommendation in the section 35F report that no modification is required.

264. The Commission considers the substantially modified part is appropriate.

Commission decision on substantially modified part

265. The Commission considers that no modifications are required to the substantially modified part.

266. Therefore, modification to the originally exhibited draft LPS is:

- modify the draft LPS to delete MEA-S14.0 Kimberley Specific Area Plan; and

- revise the Rural Living Zone D at Kimberley, located to the east of Railton Road, to the Rural Living Zone B.

267. Reason: To be as far as practicable, consistent with the regional strategy.

Upper Golden Valley Specific Area Plan

268. **Representations to originally exhibited draft LPS:** PDA Surveyors for D Steer (37)
269. In response to the representations on the draft LPS the Commission directed substantial modifications⁶.
270. In the exhibited Meander Valley draft LPS substantially modified part this matter is referred to as:
- 2.1.8. MEA-S15.0 Upper Golden Valley Specific Area Plan - modified to provide for subdivision where it does not require access to Highland Lakes Road (the SAP drafting was exhibited).
271. **Representations to substantially modified part:** Department of State Growth (1), The Environment Association Inc (the TEA) (6), PDA Surveyors for S Steer (30)
272. PDA supports the Upper Golden Valley Specific Area Plan (Upper Golden Valley SAP) as drafted.
273. State Growth suggested that land use conflict should be considered in any future subdivision plans. The reason submitted is that creation of smaller lots in an area that is heavily forested, and contains Future Potential Production Forest (FPPF) and Permanent Timber Production Zone (PTPZ) land, has the potential to lead to increased land use conflict over time.
274. In the section 35F report, the planning authority recommended modification of the Upper Golden Valley SAP is not necessary. The reasons include:
- the matters raised relate to intensification of residential uses; and
 - the provisions of the zone provide for appropriate setbacks to the Rural Zone.
275. At the hearing and in a further submission the planning authority submitted the exhibited drafting of MEA-S15.8.1 A1 (the Acceptable Solution for Subdivision lot design) requires modification to close an unintended loophole allowing an additional access to Highland Lakes Road if subdivision creates a new road or a rear lot access to Highland Lakes Road.
276. The planning authority recommended a modified draft of MEA-S15.8.1 Objective and A1 in its submission of 21 December 2020. The reasons include:
- the Department of State Growth does not support intensification of existing accesses or new accesses onto Highland Lakes Road, but is comfortable with access onto a side road; and
 - PDA Surveyors for S Steer are not concerned by any provision that prohibits access to Highland Lakes Road, as their client's land has access to Tiers View Road.

Commission consideration of substantially modified part

277. The Commission considers that the parts of the Department of State Growth's representation concerned with assessment of subdivision plans under the LPS are outside the considerations of the exhibited Meander Valley draft LPS substantially modified part under section 35J.

⁶ The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

278. The Commission accepts the planning authority's submission of 21 December 2020 that MEA-S15.8.1 A1 requires modification to close an unintended loophole allowing an additional access to Highland Lakes Road if subdivision creates a new road or a rear lot access to Highland Lakes Road.
279. The Commission considers that the drafting proposed in the planning authority's submission of 21 December 2020 requires revision, to ensure the provisions achieve the effect intended and to reflect the terminology used in the SPPs.

Commission decision on substantially modified part

280. Modification to the substantially modified part:

- revise MEA-S15.8.1 Objective by deleting "direct"; and
- revise MEA-S15.8.1 A1 by replacing the text with:
Each lot, or a lot proposed in a plan of subdivision, must:
 - (a) be provided with access:
 - (i) to an existing road other than Highland Lakes Road; or
 - (ii) to a new road that does not create a new junction with Highland Lakes Road; and
 - (b) not intensify use of an existing access to Highland Lakes Road.

281. Therefore, modification to the originally exhibited draft LPS is:

- revise the plan purpose and MEA-S15.8.1 to provide for subdivision where it does not require access to Highland Lakes Road, as set out in Attachment 2, Annexure A; and
- incorporate the modification to the substantially modified part described above, as set out in Attachment 2, Annexure A.

282. Reason: To implement particular spatial qualities of the specific area in the plan purpose and in the relevant provisions.

Travellers Rest Specific Area Plan – provisions

283. **Representations to the originally exhibited draft LPS:** TasNetworks (2) and Veris Australia for M Schrepher (39).
284. In response to the representations to the originally exhibited draft LPS the Commission directed substantial modifications⁷.
285. In the exhibited Meander Valley draft LPS substantially modified part this matter is referred to as:

2.1.9 MEA-S19.0 Travellers Rest Specific Area Plan - modified to include additional plan purpose statements, Use Standards, Development Standards for Building and Works and Development Standards for subdivision (the SAP drafting was exhibited).

Representations to substantially modified part The Environment Association Inc (the TEA) (6)

286. The representor sought clarification about changes to the provisions within the Travellers Rest Specific Area Plan (Travellers Rest SAP), and raised concern about the impact of potential development on scenic values and bushfire hazard.

⁷ The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

287. In the section 35F report, the planning authority recommended the provisions are appropriate as they provide a reasonable path for permitted development without compromising the scenic values that are recognised in the zone and scenic management area. The planning authority clarified that the proposed changes to the standards in the Travellers Rest SAP are contained within the exhibited Meander Valley draft LPS substantially modified part.
288. At the hearing no other information was submitted.

Commission consideration of substantially modified part

289. The Commission accepts the planning authority's recommendation in the section 35F report that the substantially modified part is appropriate.

Commission decision on substantially modified part

290. The Commission considers that no modifications are required to the substantially modified part.
291. Therefore, modification to the original draft LPS is:
- revise the provisions of MEA-S18.0 Travellers Rest Specific Area Plan to include additional plan purpose statements, Use Standards, Development Standards for Building and Works and Development Standards for subdivision, as set out in Attachment 2, Annexure A.

Reason: To implement particular environmental and scenic qualities of the area into the plan purpose and in the relevant provisions.

Westbury Specific Area Plan

292. **Representations to originally exhibited draft LPS:** D Pyke (10), A Harris for Blackhills Developments Pty Ltd (16), J Carins (17), PDA Surveyors (18), B Murray (19), S Hartam (20), M Cresswell (21), D Smink and M Cresswell (22), J Donaldson (23), and M Burns (24).
293. In response to the representations to the originally exhibited draft LPS the Commission directed substantial modifications⁸.
294. In the exhibited Meander Valley draft LPS substantially modified part, this matter is referred to as:
- 1.3. The following local area objective overlays are deleted from the draft LPS:
- 1.3.6. MEA-S11.3.1.1, shown in figure 7, below (a figure showing the overlay for deletion from Westbury SAP was exhibited).
- 2.1.6. MEA-S11.0 Westbury Specific Area Plan - modified Use Table to prohibit multiple dwellings and to provide for setback and lot design provisions consistent with the character of Westbury (the SAP drafting was exhibited).
295. **Representations to substantially modified part:** The Environment Association Inc (the TEA) (6), Westbury Region against the Prison (WRAP) (9), Martin and Emma Hamilton (10), KPR Pty Ltd (31), J Cowan and T Claridge (32), B and S Atkinson (33), D Gibson (34), G John and T Bailey (35), G Boxhall (36), I and M Parr (37), J Dane and K Dane (38), J and K Johnstone (39), K and H Walker (40), N Scott (41), A Ankin (42), P Swain (43), P Wong (44), P and A O'Boone (45), P and G Claxton (46), P and L Allan (47), R and J Stamford (48), R and E Sackley (49), R and S Woodland

⁸ The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

(50), R Robinson (51), S and M Woodroffe (52), T and K Lockhart (53), T and M King (54), W and H Ritter (55), J Scott (56), J Fellows (57), K and K Lattin (58), S Williams (59), J Blackett (60), K and B Olds (61), S and B Walker (62), J and J Johnston (63), G and M Woolley (64), EMEF Investments Pty Ltd (65), M Fahy (66), R and N Willis (67), Blackhills Developments Pty Ltd (68), B Theodore (69), R Lindsey (70), J Cox (71), B Mitchelson (72), G Cullen, G Cullen, J Cullen, and J Cullen (73), Y Jory (74), D Burns (75), M Houghton and T Baylis (76), S Pickering (77), T Clark and A Clay (78), M and K Wilson (79), D and D Tucker (80), J Cresswell (81), D Pitman (82), K Murray (83), B Murray (84), P Wright (85), M Nicholls (86), F Collins (87), J and J Nelson (88), Harden Grazing Co Pty Ltd (89), H and J Clark (90), S Hartam (91), G and C Stoffelen (92), G and F Agrez (93), L and S Hudson (94), M and S Bennic (95), R Gray and S Stening (96), A Lee (97), S and M Clarke (98), Michael Evans (99), J Mitchelson (100), K Booth (101), M Cresswell and D Smink (102)

296. The representations were primarily concerned with the subdivision provisions in the Westbury Specific Area Plan (Westbury SAP) and submitted mixed views about appropriate subdivision lot sizes in response to the Council's survey of land owners in the southern Westbury area. Representations requested both that subdivision lot sizes should be uniform throughout the area and that there should be a range of different subdivision lot sizes in the area. The range of requests about subdivision lot sizes includes:

- no subdivision;
- no subdivision except close to the town centre;
- subdivision lot area of 2½ acres;
- subdivision lot area of 1 acre;
- subdivision lot area of 1ha;
- subdivision lot area of 5000m²;
- subdivision lot area of 1200m²;
- subdivision to allow lot areas of 2 acres and 1½ acres;
- subdivision to allow lot areas of 1ha and 5000m²; and
- subdivision with no specific size stated.

297. The representor's reasons for their views on subdivision included:

- the historic character and amenity of the town of Westbury as well as the natural values and rural character of the area south of Westbury should be protected;
- smaller lots are needed close to Meander Valley Road and the town centre and blocks closest to town should be filled first, some reserves should be kept within built up areas;
- five acre blocks are too big for a lot of people, subdivision will give people a choice of either living in the town centre or in a smaller subdivision block in the southern area;
- the town is set out well for more houses, the streets are all in place even though some are not in use, subdivision would allow more efficient use of the land;
- Westbury was originally set out in acres and the planning scheme measurements need to reflect this;
- subdivision has to be flexible, depending on topography and drainage;
- smaller subdivisions are not practical for land south of Westbury (that is not serviced by reticulated water and wastewater and streetlights);
- most of the land at south of Dexter Street is made up of five acre blocks and has a rural lifestyle character with few services, larger lot sizes on the perimeter of Westbury are in keeping with rural character, attract people who prefer space and privacy, and keep larger distances between houses to maintain the rural feel and lifestyle benefits;
- features of the area that representors would like protected include: established rural lifestyle values of the area, views to the surrounding mountains and landscape, larger distances between houses, historic hedgerows, trails along unmade road reserves;

- concerns subdivision for residential use would replace the opportunity to use the land for agricultural production, would increase conflict between agriculture and residential use and cause fettering of existing small business;
 - subdivision will have benefits such as allowing the population of the town to grow, bringing economic growth through support for local business, bringing desired development, attendance at the Westbury Primary School, creating a larger rate paying base, and allowing the town to be sustainable;
 - changing planning scheme rules every 5 years makes it hard for people to plan; and
 - concerns about increased traffic, additional road maintenance and that power lines should be located underground.
298. Some representations also raised concerns about removal of local area objectives from the Westbury SAP and support for prohibition of multiple dwellings in the Westbury SAP. These aspects of representations are considered in detail below in the specific section on Specific area plans – various - prohibition of multiple dwellings in the Low Density Residential Zone.
299. Gwenda Sheridan provided a submission on 25 October 2020 that the proposed subdivision lot size will allow significant infill, and will lose the feel and character of the historic Westbury village. It was submitted that allowing suburban development in historic towns leads to placelessness, so that a place becomes more like everywhere else.
300. In the section 35F report, the planning authority noted, that at the commencement of the public exhibition of the substantial modifications to the Draft LPS the Council wrote to affected land owners to make them aware of proposed changes. In regard to the area where the Low Density Residential Zone is applied in Westbury, this included posing some specific questions to landowners about subdivision lot design. The representations are in response to the questions posed, with several representors providing additional detail about their views on the future of the low density residential area and the relationship to subdivision provisions.
301. In the section 35F report, the planning authority recommended clause MEA-S11.8.1 Lot Design be modified to include a mandatory requirement to achieve a subdivision rate of 3 lots per 2ha to ensure a mix of 1ha and 5000m² (or larger) lots for each subdivision. A redrafted Westbury SAP was provided showing the proposed changes to:
- revise the final paragraph of clause MEA-S11.8.1 P1, that states an absolute minimum lot size of 5000m² for all subdivision lots, by inserting additional requirements that subdivision provides no more than 3 lots, and one lot must have a lot size of 1ha.
302. The reasons include:
- a number of representations supported continuing a lot size that allows for 5000m² (alternatively 1 acre as a better measurement given original lots were created in acres).
 - other representations submitted that the original 'five acre lots' should not be subdivided further and that five acres was an appropriate minimum lot size, noting that there are lots available in the zone that are large enough to provide for subdivision to a lot size of five acres (approx. 2.2 hectares), however lot yield would be significantly less across the area as a whole;
 - a number of representors submitted that the current/proposed 5000m² lot size was too small and whilst supporting subdivision, considered that two and half acres (alternatively one hectare) was more appropriate to protect the character of the area and that lots should not be below this size;
 - there were numerous representations about graduating the lot size from smaller lots at the edge of the urban part of the township, to larger lots in the outer areas and in the area with the original five acre lots,, noting that representations did not submit any views on where a change in minimum lot size to achieve this outcome should occur;

- the planning authority considers that there is no clear feature that would warrant distinguishing a change in subdivision entitlement so, for equity the provisions for subdivision should be uniform across the zone;
 - noting representor's views about the overall density created by 5000m² lots and the nature of subdivided lot take-up, the planning authority considers that an appropriate approach to minimum lot size would be one that ensures a mix of 1ha and 5000m² lots for each subdivision;
 - the planning authority notes that both 1ha and 5000m² lots appear to be equally in demand in the market, also evidence from some approved subdivisions with a mixed lot size approach that have proven demand in the market; and
 - the performance criteria considerations for lot design and the absolute minimum lot size of 5000m² in MEA-S11.8.1 P1 in the exhibited substantially modified part are still relevant to achieving the proposed mix of lot sizes.
303. At the hearing the planning authority observed that all representations seemed to agree on the value of protecting amenity and the spatial character of the area. There was no other clear majority view, but the planning authority concluded that the subdivision lot yield possible under the exhibited substantially modified part needs to be moderated, but should not be reduced so much that all subdivision would be precluded.

Commission consideration of substantially modified part

304. The Commission notes that there were a considerable number of representations in relation to the area covered by the Westbury SAP and that the planning authority estimates approximately 25 percent of land owners in the area responded to its letter advising them about that changes were to occur by filling out its survey about subdivision.
305. The Commission accepts the evidence of the representors and planning authority on the character, spatial characteristics and distinct qualities of the settlement pattern in the area. The Commission also accepts the exhibited substantially modified part has potential to increase lot density in the Westbury SAP area.
306. The Commission considers that the revisions to clause MEA-S11.8.1 P1 proposed in the planning authority's section 35F report better reflect the plan purpose statements for the Westbury SAP. The proposed additional restrictions on exercising discretion for subdivision lots below 1ha in area will preserve the spatial characteristics of Westbury, and also provide for appropriate control of increased subdivision density in the future, consistent with the planning authority's strategy for the development of Westbury.
307. The Commission accepts the planning authority's recommendation in the section 35F report that the subdivision standard MEA-S11.8.1 Lot design should be revised to provide for a subdivision rate of 3 lots per 2ha to achieve a mix of 1ha and 5000m² (or larger) lots for each subdivision, noting that no other aspects of the exhibited Westbury SAP were recommended to be revised.
308. However, the Commission considers that the planning authority's proposed revisions to the drafting of MEA-S11.8.1 require further minor drafting changes to achieve the intent and be consistent with the drafting of the SPPs.
309. The Commission notes that representations related to removal of local area objectives from the Westbury SAP, and support for prohibition of multiple dwellings, are considered separately below. The Commission considers these matters do not affect the proposed changes to MEA-S11.8.1 P1 and the remaining clauses of the Westbury SAP are appropriate.
310. The Commission considers that the additional suggestions in representations listed above are outside the considerations under section 35J.

Commission decision on substantially modified part

311. The Commission considers that modifications are required to the substantially modified part to revise MEA-S11.8.1 as follows:

- in MEA-S11.8.1 delete P1, and insert a new P1 as follows:
Subdivision must only be from an area of land not less than 2ha and:
 - (i) provide not more than 3 lots for each 2ha;
 - (ii) provide 1 lot that has an area of not less than 1ha; and
 - (iii) each lot, or lot proposed in a plan of subdivision must:
 - a. be capable of containing a circle of not less than 60m diameter;
 - b. have an area not less than 5000m²; and
 - c. have sufficient useable area and dimensions suitable for its intended use, having regard to:
 - a. the plan purpose;
 - b. the relevant requirements for development of buildings on the lots;
 - c. the potential or intended location of buildings;
 - d. distances between new building areas and new building areas and existing buildings;
 - e. the topography of the site;
 - f. adequate provision of drainage and on-site wastewater disposal;
 - g. the ability to screen development through retention of existing hedgerows or other vegetation, or the planting of new vegetation screening;
 - h. whether the location of access driveways and crossovers minimises vegetation clearance and viewing opportunities;
 - i. the use of adjoining land as a recreational pathway; and
 - j. any constraints to development.

312. Therefore, modification to the originally exhibited draft LPS is:

Revise the MEA-S11.0 Westbury Specific Area Plan to provide for setback and lot design provisions consistent with the character of this part of Westbury, as set out in Attachment 2, Annexure A.

313. Reason: To achieve the plan purpose and provide for the effective operation of the provisions.

Specific area plans – various - prohibition of multiple dwellings in the Low Density Residential Zone

314. **Representations to originally exhibited draft LPS:** D Pyke (10), B Murray (19), and J Donaldson (23).

315. In response to the representations to the originally exhibited draft LPS the Commission directed substantial modifications⁹.

316. In the exhibited Meander Valley draft LPS substantially modified part, this matter is referred to as:

2.1.1. MEA-S6.0 Chudleigh Specific Area Plan - modified Use Table to prohibit multiple dwellings (the SAP drafting was exhibited);

⁹ The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

- 2.1.2. MEA-S7.0 Davis Road Specific Area Plan- modified Use Table to prohibit multiple dwellings (the SAP drafting was exhibited);
- 2.1.3. MEA-S8.0 Deloraine Specific Area Plan - modified Use Table to prohibit multiple dwellings and subdivision provisions to provide for increased densities where sites can be connected to reticulated water supply, sewer and stormwater service (the SAP drafting was exhibited);
- 2.1.4. MEA-S9.0 Elizabeth Town Specific Area Plan- modified Use Table to prohibit multiple dwellings (the SAP drafting was exhibited);
- 2.1.5. MEA-S10.0 Meander Specific Area Plan- modified Use Table to prohibit multiple dwellings (the SAP drafting was exhibited);
- 2.1.6. MEA-S11.0 Westbury Specific Area Plan - modified Use Table to prohibit multiple dwellings and to provide for setback and lot design provisions consistent with the character of Westbury (the SAP drafting was exhibited);
- 2.1.7. MEA-S12.0 Pumicestone Ridge Specific Area Plan - modified Use Table to prohibit multiple dwellings and to include an Acceptable Solution for subdivision for Utilities , or where required for public use by the Crown, council or a State authority (the SAP drafting was exhibited);

317. 1.3. The following local area objective overlays are deleted from the draft LPS:

- 1.3.1. MEA-S6.3.1.1, shown in figure 2, below (a figure showing the overlay for deletion from Chudleigh SAP was exhibited);
- 1.3.2. MEA-S7.3.1.1, shown in figure 3, below (a figure showing the overlay for deletion from Davis Road SAP was exhibited);
- 1.3.3. MEA-S8.3.1.1, shown in figure 4, below (a figure showing the overlay for deletion from Deloraine SAP was exhibited);
- 1.3.4. MEA-S9.3.1.1, shown in figure 5, below (a figure showing the overlay for deletion from Elizabeth Town SAP was exhibited);
- 1.3.5. MEA-S10.3.1.1, shown in figure 6, below (a figure showing the overlay for deletion from Meander SAP was exhibited); and
- 1.3.6. MEA-S11.3.1.1, shown in figure 7, below (a figure showing the overlay for deletion from Westbury SAP was exhibited).

- 318. **Representations to substantially modified part:** The Environment Association Inc (the TEA) (6), WRAP (9), E and M Hamilton (10), N P Dunning (28), C and K Anderson (27)
- 319. The TEA supports prohibition of multiple dwellings in all of the listed SAPs.
- 320. C and K Anderson and N P Dunning object to prohibition of multiple dwellings in Elizabeth Town Specific Area Plan (Elizabeth Town SAP) because they want to build second or more dwellings on their property to accommodate extended family.
- 321. In the section 35F report, in relation to prohibition of multiple dwellings, the planning authority recommended no modification to the exhibited substantially modified part. The reasons include:
 - representations are in support for prohibition of multiple dwellings in all of the listed SAPs;
 - the appropriate means to achieve the desired density is through subdivision, which is allowable in most Low Density Residential Zones;

- ancillary dwellings are permitted in the zone, however sizes are restricted, and nonetheless, ancillary dwellings still provide valuable assistance for extended family circumstances; and
 - multiple dwellings have been prohibited in the zone by planning schemes since 1995 and the potential for multiple dwellings has only recently occurred as part of the Low Density Zone provisions in the State Planning Provisions.
322. At the hearing no other information was submitted in relation to prohibition of multiple dwellings.
323. The representors objecting to the deletion of local area objectives did so because they consider that they provide important guidelines about how development should be assessed.
324. In the section 35F report, in relation to deletion of local area objectives, the planning authority recommended no modification to the exhibited substantially modified part. The reasons include:
- the representors misunderstand that the objectives have not been removed, but have been relocated to the specific area plan purpose statements and they will have the same operational effect in the planning scheme.
325. At the hearing an explanation was provided about why the local area objectives were removed and how the intent of the local area objectives has been included in the specific area plan purpose statements. Deletion of local area objectives in the specific area plans, that cover the whole area of the specific area plan, and revision of the specific area plan purpose statements to include the same intent, is a technical matter that avoids duplication in the LPS written document and overlay maps. The changes were advertised within the substantially modified parts to clarify how the modified specific area plans would operate.

Commission consideration of substantially modified part

326. The Commission accepts the planning authority's recommendation in the section 35F report that no modification is required, and considers prohibiting multiple dwellings in the Use Table will achieve the effect intended by the plan purpose for the Elizabeth Town SAP.
327. The Commission considers the substantially modified part is appropriate in relation to the Elizabeth Town SAP.
328. The Commission accepts the planning authority's recommendation in the section 35F report that no modification is required, and considers inclusion of an Acceptable Solution for subdivision for Utilities, or where required for public use by the Crown, council or a State authority in Pumicestone Ridge SAP is appropriate.
329. As there were no representations, other than support, in relation to prohibition of multiple dwellings in the Chudleigh, Davis Road, Deloraine, Meander, Westbury, or Pumicestone Ridge Specific Area Plans, the Commission considers these aspects of the substantially modified part are appropriate.
330. The Commission accepts the planning authority's recommendation in the section 35F report that no modification is required, concerning deletion of local area objectives and relocating their intent into the specific area plan purpose statements. The Commission considers that these aspects of the substantially modified part are appropriate.

Commission decision on substantially modified part

331. The Commission considers that no modifications are required to the substantially modified part.
332. Therefore, modification to the originally exhibited draft LPS is:

- revise the Use Tables of the following specific area plans to prohibit multiple dwellings, as set out in Attachment 2, Annexure A:
 - MEA-S6.0 Chudleigh;
 - MEA-S7.0 Davis Road;
 - MEA-S8.0 Deloraine;
 - MEA-S9.0 Elizabeth Town;
 - MEA-S10.0 Meander;
 - MEA-S11.0 Westbury; and
 - MEA-S12.0 Pumicestone Ridge;
- revise the draft LPS to include technical modifications, such as deletion of local area objectives and corresponding modifications to include the intent in plan purpose statements, in the above specific area plans, to provide for the effective operation of the provisions, as set out in Attachment 2, Annexure A, and
- Revise the draft LPS zone and overlay maps to reflect modifications consequential to modifications made to the draft LPS written document, such as deletion of local area objectives, as set out in Attachment 2.

333. Reason: To remove inconsistencies with the plan purpose and provide for the effective operation of the provisions.

Specific Area Plan – proposed for Blackstone Heights

334. **Representations to originally exhibited draft LPS:** PDA Surveyors for A Winnell (29).

335. The representor advised they supported the proposed application of a Low Density Residential Zone.

336. The representor requested a specific area plan apply to the Low Density Residential Zone at Blackstone Heights. The reasons include:

- that it is consistent with Blackstone Heights Structure Plan; and
- provisions providing for consideration of lots smaller than 1200m² should be applied, to provide for consideration of planned subdivisions.

337. In the section 35F report, the planning authority recommended no change to the draft LPS. The reasons include:

- the land related to a small part of the Prospect Vale – Blackstone Heights Structure Plan;
- implementation of the structure plan, should occur, and is proposed to occur, through a planning scheme amendment implementing the whole of the Structure Plan;
- further work is required to draft provisions that deal with issues of housing density, lot size and distribution, road layout, and public open space within a SAP, instead of only provisions for lot size; and
- it did not believe implementing development standards for subdivision for only lot size, would meet the requirements of section 32(4) of the Act.
- During the hearing:
- the representor reaffirmed the view that current provisions in the Performance Criteria for lot area in interim planning scheme clause 12.4.3.2 should apply, as those provisions align with the structure plan, and not including such provisions, diminishes the ability to undertake planned subdivision;
- the representor advised they were concerned over the uncertain timing of the planning authority proposed scheme amendment and the lack of certainty that it will happen; and
- the planning authority reiterated its position detailed in the section 35F report.

Commission consideration

338. The Commission accepts the planning authority position, notes there is insufficient evidence before the Commission to find the proposed provisions meet the LPS criteria under section 32(4) of the Act.

Commission decision

339. The Commission considers that no modifications are required.

Specific Area Plan – proposed for Entally Lodge

340. **Representations to originally exhibited draft LPS:** Woolcott Surveys for Entally Lodge Pty Ltd (27) and Meander Valley Council (8).
341. In response to the representations to the originally exhibited draft LPS the Commission directed substantial modifications¹⁰.
342. In the exhibited Meander Valley draft LPS substantially modified part this matter is referred to as:
- 2.2.2 Insert MEA-S20.0 Entally Lodge Specific Area Plan (the SAP drafting was exhibited); and
- 4.2. Insert MEA-S20.0 Entally Lodge Specific Area Plan overlay to all properties or parts of properties at Hadspen, shown below (a map showing application of the SAP overlay was exhibited).
343. **Representations to substantially modified part:** : Department of State Growth (1), The Environment Association Inc (the TEA) (6), Woolcott Surveys for Entally Lodge Pty Ltd (11), Rutherglen Residential Club Committee of Management (RRC) (12), R and J Willey (13), B Leitch (14), V Cooper (15), S Judge (16), F Mowling (17), J and K Partridge (18), Strata Tas (25), and P Sanders (26)
344. The Woolcott Surveys representation for the owner, Entally Lodge Pty Ltd, supports the application of the Entally Lodge Specific Area Plan (Entally Lodge SAP) to the land and its drafting. The reasons include:
- the Entally Lodge SAP provides a significant social benefit to part of the municipal area;
 - the higher density SAP specifically seeks to provide for a range of housing outcomes, by actively promoting livable housing, and thus increasing the potential for housing diversity and social inclusion; and
 - the Entally Lodge SAP provides a set of standards which are specifically aimed to cater for retirees, those with impaired mobility or other specific housing needs.
345. The representations did not request specific changes to the drafting or application of the specific area plan.
346. The Department of State Growth representation submitted that:
- residential development of the area in the General Residential Zone will be serviced by existing public transport services; and
 - an updated Traffic Impact Assessment (TIA) is required to determine suitability of the intersection to support development.

347. Other representations raised issues including:

¹⁰ The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

- concerns related to Rutherglen Road including:
 - increased traffic flow and the impacts on traffic safety, pedestrians, cyclists, and the bus stop;
 - road standard, and widening, extending Metro bus turning circle, repositioning bus stop, and drainage;
 - lack of footpath along Rutherglen Road for increased numbers of residents; and
 - roundabout entry to Rutherglen Road;
- road upgrades, speed limits, and bridge on Meander Valley Road at Hadspen;
- no new road intersections from the site onto Meander Valley Road;
- making existing walking tracks more accessible;
- existing values of the site including: fauna recorded at the site and habitat, natural values of existing vegetation, maintaining biodiversity and a wildlife corridor, carbon storage/sequestration, wetland values and drainage, aesthetic values;
- rural landscape values and national heritage values of Entally House estate opposite would be diminished;
- reduced ambience of the Major Tourism Zone applied to Entally House opposite;
- no guarantee that liveable housing would result;
- future residential development including:
 - fears 'liveable housing' could become 'social housing' and potential unmanaged impacts of concentrated social housing;
 - impact of cats;
 - standard of buildings;
 - building materials;
 - parking availability;
 - greenspaces and common areas within new development; and
 - noise, privacy, setbacks and building envelope;
- retaining a 10 - 15m buffer area of existing native trees and shrubs as sound barrier, bird habitat, and visual screening/separation between existing and new development; and
- the lack of community input for 'no permit required' status.

348. Gwenda Sheridan provided a submission on 25 October 2020 including:

- the approaches to Entally House should preserve its rural setting to contribute to the sense of Entally as an agricultural estate; and
- that urban development on the site will impact the heritage landscape values and completeness of the Entally House rural estate.

349. In a submission dated 28 October 2020, the planning authority provided a review of the natural values within the proposed General Residential Zone and SAP area by ECOtas, Mark Wapstra (ECOtas report) that included an assessment of the vegetation types, fauna, flora, and individual trees. It found the proposed rezoning and Specific Area Plan will not require consideration under the *Tasmanian Nature Conservation Act 2002*, the *Tasmanian Threatened Species Protection Act 1995* nor the *Commonwealth Environment Protection and Biodiversity Protection Act 1999*, and the natural values/biodiversity provisions of the planning scheme would not constrain the proposal.

- In the section 35F report, the planning authority recommend that the drafting of the Entally Lodge SAP be modified and provided a redrafted Entally Lodge SAP showing the proposed changes including:
- modify clause MEA-S20.7.1 Development plan, by including:
 - an additional objective about enhanced visual amenity at the boundary with existing Rutherglen residential development; and

- an additional Acceptable Solution at A2 to prescribe a 10m landscape buffer that achieves minimum requirements for planting density and a minimum of 5m height, with no performance criterion;
- modify Figure MEA-S20.1 – Plan, to show the 10m wide landscape buffer above; and
- add a new standard as MEA-S20.7.7 Rutherglen Road, to operate in addition to the standards of the General Residential Zone and the Road and Railway Assets Code, to require upgrades coinciding with commencement of additional residential use:
 - to Rutherglen Road for a footpath; and
 - for turning treatments and any associated road widening at the junction of Rutherglen Road with Meander Valley Road.

350. The reasons included:

- the current standard of the Rutherglen Road is close to that required for the increased traffic, however will require some upgrading to shoulders and the turning head to cater for the bus;
 - the traffic environment for the Meander Valley Road approach to Hadsden will change in the near future with the construction of the Bartley Street roundabout east of the site and consultation with the Department of State Growth indicates that speed limits will start to reduce before reaching the entrance to Entally House estate, to the west of Rutherglen Road junction;
 - the prior TIA, together with applicable state-wide road standards, provide enough information to conclude that the junction of Meander Valley Road with Rutherglen Road is capable of accommodating upgrades to the configuration when traffic movements increase and therefore another TIA is not necessary to make the appropriate judgements at this point, and including a traffic movement threshold for the upgrading the Rutherglen Road junction in the Entally Lodge SAP, rather than relying on TIAs at the time of development application and permit conditions, would provide certainty, given the potential 'no permit required' status;
 - the potential increase to residential occupancy of the site warrants the future establishment of a footpath, for recreational and retail purposes, has the potential to work in with several properties and provide a broader benefit by linking favored walking routes, and the combination of entrances to the two estates would be taken into account for any future development so that pedestrian and vehicle interaction is safe;
 - the Entally Lodge SAP parking standards adequately cater for parking needs of liveable housing development to be provided within the site;
 - development of the site is not considered to have a detrimental impact on the heritage values of Entally House estate opposite as the existing Rutherglen development is visible from Meander Valley Road and is clearly a modern establishment;
 - the Entally Lodge SAP development standards provide for a landscaped frontage to Meander Valley Road;
 - the stand of native vegetation on the site is a highly modified environment with no understory valued for its outlook by neighbouring Rutherglen residents, however it is third party land that is providing the amenity for a separate, high-density residential environment;
 - there are risks associated with larger Eucalypt trees in a higher density residential environment; and
 - there is potential to investigate design options that may retain some appropriate vegetation and provide more space adjacent to the boundary with existing Rutherglen development without compromising the development capability of the site.
351. At the hearing, the planning authority clarified that there are no significant natural or biodiversity values on the site and advised that a landscape buffer between the existing Rutherglen development and potential new development could be accommodated on the land as described in the proposed modifications to the Entally Lodge SAP. Woolcott Surveys confirmed they are satisfied with the proposal for a landscaped buffer and some existing mature trees may be retained.

352. At the hearing the planning authority addressed issues raised in the submission by Ms Sheridan and the TEA regarding heritage and landscape values and recommended that no modification is required in response. Considering the modern residential development and roads have converted most of the area rising to the top of the hill facing Entally House, consolidation of residential development and the potential to provide liveable housing is of more value than the historic landscape value of retaining the open paddock between existing Rutherglen development and Meander Valley Road. The planning authority confirmed that the matter was referred to the Tasmanian Heritage Council, which did not provide a response, and that the land proposed to be rezoned is not listed on the Tasmanian Heritage Register.
353. At the hearing, concerns about road access, upgrades and footpaths were discussed and the Department of State Growth accepted the planning authority's response in the section 35F report that these issues can be dealt with through the standards of the Entally Lodge SAP proposed to apply to the area without the need for an updated traffic impact assessment.
354. At the hearing the planning authority clarified that the trigger for road upgrades and a new footpath is intended to be residential use, however the documentation provided to decide 'no permit required' use status may not include sufficient detail to show that the required infrastructure will meet Austroads or other relevant standards. Also a permit process is the usual method for the relevant road authority to specify conditions to achieve acceptable quality infrastructure.
355. Following the hearing, the planning authority sought comments from representors about the findings of the ECOtas report. It submitted one comment was received concerning cat management, which is not a matter that can be addressed by the SAP or warranting abandonment of the proposal, and the planning authority maintains its support for the SAP with the modifications outlined in the section 35F report.

Commission consideration of substantially modified part

356. The Commission notes the proposed Entally Lodge SAP area is in separate ownership to the Entally estate, it is already zoned for urban development because the Local Business Zone applies to a large part of the land. The landscape is already significantly compromised by roads and existing buildings.
357. The Commission is not persuaded by the submissions about cultural heritage and landscape and considers that application of the Entally Lodge SAP to parts of folios of the Register 127277/1, 111014/2, and 20627/2 to encourage development of liveable housing has a significant social benefit and is appropriate.
358. The Commission accepts the evidence in the Ecotas report that there are no significant natural or biodiversity values on the site requiring protection.
359. Noting the land owner is satisfied with the proposal for a landscaped buffer, the Commission considers the proposed 10m wide landscape buffer between existing Rutherglen residential development and new development is an adequate response to the representations concerns to protect existing visual amenity provided by suitably located established vegetation and is appropriate.
360. The Commission accepts the planning authority's recommended modifications to clause MEA-S20.7.1 and Figure MEA-S20.1, however, considers minor changes to the drafting of clause MEA-S20.7.1 objective and A2 (c) are required to clarify the intended density of planting within the whole landscape buffer area, rather than only at the boundary, and include drafting consistent with the SPPs. It is also considered that the plan purpose MEA-S20.1.3 should be revised to include provision of the 10m wide landscape buffer.
361. The Commission accepts the planning authority's recommendation in the section 35F report that a standard be included to provide certainty that the required footpath and upgrades to the

junction of Rutherglen Road and Meander Valley Road will occur as part of the development of the site. It is considered a standard in the Entally Lodge SAP to provide for a footpath along Rutherglen Road is an appropriate response to the representations.

362. The Commission accepts the planning authority's recommended addition of standard MEA-S20.7.7 Rutherglen Road however, considers changes to the drafting of MEA-S20.7.7 A1 are required to clarify when works are to occur and how the required location and standard of works will be specified and agreed. It is considered that referring development plans to the relevant road authority for approval will achieve the intended outcome, therefore the drafting of MEA-S20.7.7 recommended in the section 35F report should be revised.
363. The Commission notes that the Department of State Growth accepts the planning authority's response in the section 35F report that concerns about road access, upgrades and footpaths can be dealt with through the standards of the Entally Lodge SAP.
364. The Commission notes that Woolcott Surveys, representing the owner of the land, support the substantially modified part and did not raise any objections to the modifications to the drafting of the Entally Lodge SAP recommended by the planning authority in the section 35F report or discussed at the hearing.
365. The Commission considers that the additional suggestions in representations listed above are outside the considerations under section 35J.
366. The Commission considers that, except for the revisions detailed above, the drafting of the exhibited Entally Lodge SAP is appropriate.

Commission decision on substantially modified part

367. The Commission considers that modifications are required to the substantially modified part to:
 - revise the plan purpose MEA-S20.1.3 to include provision of the 10m wide landscape buffer shown in Figure MEA-S20.1, as shown in Attachment 2, Annexure A;
 - revise clause MEA-S20.7.1 objective to include consideration of visual amenity at the boundary with adjoining residential use, as shown in Attachment 2, Annexure A;
 - insert a new standard into clause MEA-S20.7.1 to provide for a 10m wide landscape buffer at the boundary with adjoining residential use in the acceptable solution with no performance criteria, as shown in Attachment 2, Annexure A;
 - insert a new standard MEA-S20.7.7 Rutherglen Road to require upgrades coinciding with commencement of additional residential use:
 - to Rutherglen Road for a footpath; and
 - for turning treatments and any associated road widening at the junction of Rutherglen Road with Meander Valley Road, as shown in Attachment 2, Annexure A; and
 - revise Figure MEA-S20.1 to show a 10m wide landscape buffer adjoining existing residential use at Rutherglen, as shown in Attachment 2, Annexure A.
368. Therefore, modification to the originally exhibited draft LPS is:
 - insert MEA-S20.0 Entally Lodge Specific Area Plan, as shown in Attachment 2, Annexure A; and
 - insert MEA-S20.0 Entally Lodge Specific Area Plan overlay to all properties or parts of properties at Hadspen, as shown in Attachment 2.
369. Reason:
 - The proposed Entally Lodge Specific Area Plan primarily relates to use and development of the land for liveable housing that has a significant social benefit to part of the municipal area.
 - To meet the LPS requirements of the SPPs and the technical requirements of Practice Note 7 – Draft LPS mapping: technical advice.

Specific Area Plan – proposed for Reedy Marsh

370. **Representations to originally exhibited draft LPS:** The Environment Association Inc (14), A Woodward (30), and A Ricketts (32).
371. In response to the representations to the originally exhibited draft LPS the Commission directed substantial modifications¹¹.

In the exhibited Meander Valley draft LPS substantially modified part, this matter is referred to as:

2.2.1 Insert MEA-S14.0 Reedy Marsh Specific Area Plan; and

4.1. Insert MEA-S14.0 Reedy Marsh Specific Area Plan overlay to all properties or parts of properties in the Rural Living Zone at Reedy Marsh, shown below (a map showing the overlay application was exhibited).

372. **Representations to substantially modified part:** The Environment Association Inc (the TEA) (6) and Peter Elkin (7)
373. The TEA supports the drafting of the Reedy Marsh Specific Area Plan (Reedy Marsh SAP), particularly the subdivision lot size of 15ha provided by the acceptable solution for lot design.
374. Mr Elkin requested drafting changes to the Reedy Marsh SAP provisions providing for:
- increased frontage setbacks of 80m;
 - increased retention of native vegetation within 80m of the frontage;
 - increased subdivision lot size of 20ha, with a discretionary lot size of 15ha; and
 - additional recognition of biodiversity values in the Reedy Marsh SAP purpose statements and standards to apply to all boundaries.
375. In the section 35F report, the planning authority recommended that clause MEA-S14.8.1 Lot Design be deleted from MEA-S14.0 Reedy Marsh SAP and that the subdivision provisions of the Rural Living Zone D apply. The reasons include:
- further increase in minimum lot size is not supported;
 - the exhibited Acceptable Solution increased lot size to 15ha, from the Rural Living Zone D standard of 10ha was directed in the Commission notice to substantially modify and was not supported by the planning authority as it does not accept a tangible difference in outcome was demonstrated between the Rural Living Zone D standard and the 15ha submitted by the TEA representation to the originally exhibited draft LPS;
 - there is reasonable subdivision opportunity with a 15ha minimum lot size, however some lots will not be able to achieve the performance criteria minimum of 12ha; and
 - the rationale presented at hearings on the originally exhibited draft LPS, for additional provisions for frontage setback and vegetation retention to apply at Reedy Marsh, was to protect the vegetated character of frontages and integrate new development into the area without undue visual impacts, and the purpose of the Reedy Marsh SAP provisions does not relate to natural values, which are addressed through the Natural Assets Code.
376. At the hearing, Mr Elkin suggested that the current scale of development at Reedy Marsh is threatening biodiversity. He clarified his requests for changes to the Reedy Marsh SAP listed above, concerns about bushfire hazard management, and submitted the drafting of the subdivision standard be further revised to delete the Acceptable Solution and revise the Performance Criteria so that all subdivision is provisional on maintaining biodiversity values and provides an absolute minimum lot size of 20ha.

¹¹ The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

377. The TEA stated a minimum lot size of 15ha as drafted in the Acceptable Solution is preferred, however the requested drafting change to the subdivision standard is not opposed. The TEA expressed concern about bushfire management if a larger frontage setback were provided.
378. The planning authority confirmed that none of the proposed drafting revisions are supported. A frontage setback of 35m is considered to provide for the desired retention of vegetation as well as bushfire management, and submitted greater servicing costs would result if frontage setback were increased.
379. The planning authority further submitted that if the subdivision standard is retained in the Reedy Marsh SAP, the minimum lot size in the Performance Criteria be revised to 10ha as opportunity for subdivision of some lots crossed by roads would otherwise be prohibited.

Commission consideration of substantially modified part

380. The Commission accepts the planning authority response regarding the rationale for the Reedy Marsh SAP and considers the proposed changes to include additional recognition of biodiversity values in the standards are not consistent with the Reedy Marsh SAP purpose or the objectives of the standards.
381. The Commission notes there are other mechanisms in the State Planning Provisions, such as the Natural Assets Code which provide for a range of values including biodiversity to be considered. It is also noted that the Bushfire-Prone Areas Code provides for consideration of hazard management areas at subdivision stage.
382. The Commission considers that there is insufficient evidence to warrant any changes to the drafting of the Reedy Marsh SAP.
383. The Commission considers the substantially modified part is appropriate.

Commission decision on substantially modified part

384. The Commission considers that no modifications are required to the substantially modified part.
385. Therefore, modification to the originally exhibited draft LPS is:
- revise the draft LPS to include a Reedy Marsh Specific Area Plan, as set out in Attachment 2, Annexure A; and
 - insert the Reedy Marsh Specific Area Plan to all of the Rural Living Zone at Reedy Marsh on the draft LPS overlay maps with the annotation MEA-S14.0, as set out in Attachment 2.
386. Reason:
- The land within the Rural Living Zone at Reedy Marsh has particular spatial qualities that require unique provisions.
 - To meet the LPS requirements of the SPPs and the technical requirements of Practice Note 7 – Draft LPS mapping: technical advice.

Specific Area Plans - Pumicestone Ridge and Upper Golden Valley Specific Area Plans - electricity infrastructure subdivision provisions

387. **Representation to originally exhibited draft LPS:** TasNetworks (2).
388. In response to the representations to the originally exhibited draft LPS the Commission directed substantial modifications¹².
389. In the exhibited Meander Valley draft LPS substantially modified part, this matter is referred to as:
- 2.1.7. MEA-S12.0 Pumicestone Ridge Specific Area Plan - modified Use Table to prohibit multiple dwellings and to include an Acceptable Solution for subdivision for Utilities , or where required for public use by the Crown, council or a State authority; and
 - 2.1.8. MEA-S15.0 Upper Golden Valley Specific Area Plan - modified to provide for subdivision where it does not require access to Highland Lakes Road.
390. **Representations to substantially modified part:** Department of State Growth (1), The Environment Association Inc (the TEA) (6), PDA for S Steer (30)
391. The TEA does not support subdivision provisions to provide for Utilities or public use at Pumicestone Ridge because they do not see the need for the provisions.
392. PDA for S Steer expressed general support for the Upper Golden Valley Specific Area Plan (Upper Golden Valley SAP). No other representations were received regarding subdivision provision for Utilities or public use in the Upper Golden Valley SAP.
393. In the section 35F report, the planning authority recommended no modification of the Upper Golden Valley SAP or the Pumicestone Ridge SAP is necessary.
394. The reasons for its recommendation on the Pumicestone Ridge SAP included:
- the proposed Acceptable Solution to be included in the Pumicestone Ridge SAP for subdivision for Utilities was included following a representation by TasNetworks; and
 - the planning authority is in general agreement with the representor that it appears highly unlikely that such a circumstance would ever arise, however the Acceptable Solution is consistent with the State Planning Provisions.
395. At the hearing, no other information was submitted.

Commission consideration of substantially modified part

396. As there were no representations opposing subdivision provision for Utilities or public use in the Upper Golden Valley SAP the Commission considers this aspect of the substantially modified part is appropriate.
397. The Commission accepts the planning authority's recommendation that no modification of the Pumicestone Ridge SAP is necessary, and considers this aspect of the substantially modified part is appropriate.

¹² The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

Commission decision on substantially modified part

398. The Commission considers that no modifications are required to the substantially modified part regarding subdivision provision for Utilities or public use in the Pumicestone Ridge SAP or the Upper Golden Valley SAP.
399. Therefore, modification to the originally exhibited draft LPS is:
- revise MEA-S12.0 Pumicestone Ridge Specific Area Plan and MEA-S15.0 Upper Golden Valley Specific Area Plan, to include an Acceptable Solution for subdivision for Utilities, or where required for public use by the Crown, a council or State authority, as set out Attachment 2, Annexure A.
400. Reason: To achieve the effect intended by the purpose and objectives of the specific area plan.

Specific Area Plans – various - electricity infrastructure subdivision provisions

401. **Representation to originally exhibited draft LPS:** TasNetworks (2).
402. The representor requested that:
- SAPs should provide for subdivision for the provision of Utilities as an Acceptable Solution to be consistent with the SPP consideration of subdivision for the provision of Utilities; and
 - the Birralelee Road Industrial SAP should be modified to exclude Utilities from the application of setback, landscaping and servicing standards.
403. In the section 35F report, the planning authority recommended that:
- SAPs that are not transitioning, should be revised to provide for subdivision for the provision of Utilities as an Acceptable Solution, and that SAPs that are transitioning should not be modified as the change would exceed a permitted alteration; and
 - provisions for Utilities in the Birralelee Road Industrial Precinct SAP standards, excluding for lot design and connection to water supply, should be retained, as removing these would undermine the purpose of the SAP.
404. At the hearing, the planning authority agreed, if schedule 6 clause 8C(3) provided for the inclusion of subdivision for the provision of Utilities as an Acceptable Solution in transitioning SAPs as a permitted alteration, it was supportive of inclusion in all SAPs, excluding the Westbury Road SAP.
405. The planning authority submitted:
- it was not intended for most SAPs to exclude subdivision for Utilities; and
 - the outcomes intended for the Westbury Road SAP, as provided for in the provisions, would be detrimentally impacted if subdivision for Utilities occurred in a location that adversely impacted upon the layout and intended function of the centre.

Commission consideration

406. The Commission notes the planning authority and TasNetworks agreement, excluding for Westbury Road SAP, that subdivision for the provision of Utilities, should be an Acceptable Solution and further notes the planning authority advice that the outcome of requiring a discretionary application was not an intended.
407. As such, the Commission considers that these SAPs should also be modified to include these provisions.

408. The Commission considers that, the operation of the Carrick Rural Living Specific Area Plan and Harley Parade Specific Area Plan in the interim planning scheme operate to make subdivision for the provision of Utilities, Discretionary, unless the subdivision accords with the plans within each SAP. The Commission does not consider that the proposed modification to these provisions can be made for the purposes of a permitted alteration under Schedule 6 clause 8C of the Act, as the effect intended by the provisions in the interim planning scheme, is to make subdivision not in accordance with the plans in the SAP, Discretionary.
409. The Commission is persuaded by the planning authority submission that the Birralelee Road Industrial Precinct SAP and Westbury Road SAP have purposes that could potentially be undermined by excluding Utilities from standards or by providing some permitted pathways for the provision of Utilities.

Commission decision

410. Modification:

- Revise the following specific area plans to include an Acceptable Solution for subdivision for Utilities, or where required for public use by the Crown, a council or State authority.
 - MEA-S1.0 Birralelee Road Industrial Precinct Specific Area Plan;
 - MEA-S13.0 Jackey’s Marsh Specific Area Plan;
 - MEA-S16.0 Weegenah Specific Area Plan; and
 - MEA-S17.0 Western Creek Specific Area Plan.

411. Reason: To achieve the effect intended by the purpose and objectives of the specific area plan.

Electricity Transmission Infrastructure Protection Code - electricity infrastructure

412. **Representation to originally exhibited draft LPS:** TasNetworks (2).

413. The representor requested that the Electricity Transmission Infrastructure Protection Code, communications station buffer area overlay, be removed from 3 sites co-located with Hydro Tasmania managed land, as the facilities primarily service that infrastructure.

414. In the section 35F report the planning authority recommended that the Electricity Transmission Infrastructure Protection Code overlays should be amended consistent with the representation.

415. At the hearing the representor advised that as the communication facilities serviced the Hydro Tasmania managed infrastructure, the operational need of the communication site would protect it from adverse impacts of use or development on Hydro Tasmania managed land.

416. At the hearing:

- the planning authority and representor noted their agreement that the Electricity Transmission Infrastructure Protection Code overlays should be amended; and
- Hydro Tasmania did not raise any objection to the proposal.

Commission consideration

417. The Commission notes:

- code application guideline ETIPC1 in Guideline No. 1, sets out that communications buffer area overlay must be included in accordance with the overlay map produced by TasNetworks, unless modified to address any anomalies or inaccuracies; and
- the provisions of the Electricity Transmission Infrastructure Protection Code only apply to the impact or potential for impact on that infrastructure.

418. The Commission considers that, even though Guideline No. 1 sets out contrary application of the overlay, TasNetworks as the author of the overlay map, in seeking to exclude the relevant communications station buffer overlay, provides the same outcome as if the overlay had not

been mapped, and consequently considers the 3 sites should be removed from the overlay as an error or oversight in the production of the overlay maps.

Commission decision

419. Modification:

- Delete the communications station buffer area overlay from Fisher Forebay Lake, Mackenzie Road; Rowallan Power Station, Mersey Main Road; and Lake Mackenzie Dam, Lake Mackenzie Road.

420. Reason: To modify the maps to address a mapping anomaly.

Local Historic Heritage Code

421. **Representations to originally exhibited draft LPS:** J Dent and D Watton (9), M Butson (11), K Grigson (12), G Sheridan (13) and The Environment Association Inc (14).

422. The representors stated that:

- the draft LPS should contain local heritage places, local heritage precincts, and places or precincts of archaeological potential, and suggested that the 'Towards the Westward' heritage study by Paul Davies Pty Ltd (the Davies heritage study), provided a starting point for determining sites to be included in the code lists;
- places listed on the Tasmanian Heritage Register should not be included in an LPS, while others suggested they should be included.
- changes to the Tasmanian Heritage Register listings had removed places previously protected in Meander Valley and that not having locally listed places creates a gap in protecting locally important places.
- not including a heritage list is inconsistent with the regional strategy, the Council Strategic Plan and the Schedule 1 objectives of the Act.

423. One representation also set out examples of two properties, the Oaks railway station and Westbury Probation Station, that would be suitable for inclusion in the draft LPS.

424. In the section 35F report, the planning authority submitted that:

- the Davies heritage study of 2006 is a significant document and remains unresolved from a Council and Heritage Council perspective in regard to items to be included on the State Heritage Register and the role of a local heritage register in the planning scheme; and
- there is no recommendation to include local heritage places in the draft LPS, and that Council maintains its position that the appropriate mechanism for heritage protection regulation is through the Tasmanian Heritage Register and that the Act objective, and policies and actions of the regional strategy are reasonably achieved through sites that are listed under the *Historic Cultural Heritage Act 1995*.

425. Following the directions hearing, the Commission sought and obtained a copy of the Davies heritage study.

426. At the hearing, representors:

- noted that, heritage building and places, and the consequent stories they tell, (regardless of listings) are what makes places unique compared to other places;
- contended that heritage is not solely a State matter and should be listed in the LPS, where there was local importance;

- that only listing on the Tasmanian Heritage Register and reliance on the State legislation risked loss of important historic heritage;
- suggested that listing places in the draft LPS, makes developers and owners aware that they are important places, noting it doesn't mean that they cannot be developed or used for other purposes;
- suggested, citing the example of the Kings Meadow probation station in Launceston, that including sites in a draft LPS provided certainty to developers, as it avoided the risk of provisional listings on the Tasmanian Heritage Register occurring in response to planning schemes not providing for consideration of heritage values;
- agreed with the planning authority, that the Davies heritage study would not, in all cases, meet the information requirements of the draft LPS, as the study was prepared for a different purpose;
- suggested that the Davies heritage study, provided a good starting point, but did not include all sites of heritage or archaeological importance and cited examples of sites of heritage importance not included in the study;
- reiterated that not listing heritage places was inconsistent with regional strategy policy CH-P01, the Council Strategic Plan and the Schedule 1 objectives of the Act, asserting that, as a result, the issue remained whether the planning authority had to include a heritage list in the draft LPS, regardless if some members of the community are concerned that including land in a heritage list may prevent them doing what they want to do; or
- raised concerns that not listing places under the Local Heritage Code, provides no avenue to prevent demolition of what is locally important.

427. At the hearing the planning authority:

- noted that there is significant historical community opposition to heritage listing and that opposition is evident due to how few representations sought inclusion of Local Historic Heritage Code lists;
- reiterated that the planning authority position remained unchanged from implementing the interim planning scheme that if heritage places are so important, they fit the criteria for listing under State legislation and should be protected that way; and
- noted that as no 'real' heritage, that the public has taken note of, has been lost to date and there was not a high risk of losing any heritage values by not listing places in the draft LPS.

428. At the hearing the Commission noted evidence provided by the planning authority indicates that the recommendations in the Davies heritage study after some initial community consultations, were not, and have not subsequently been progressed at the municipal level since the report was received.

429. Following the initial hearing the planning authority submitted, that it considers:

- places being listed on the Tasmanian Heritage Register is the appropriate mechanism to conserve heritage values consistent with objective (g) of Part 2 of Schedule 1 of the Act, as the Historic Cultural Heritage Act 1995 applies and section 11(2)(a) sets out the TPS 'may make any provision which relates to the...protection or conservation of any land';
- regional strategy policy CH-P01 can be met through places listed on the Tasmanian Heritage Register;
- that while regional strategy action CH-A01 is ambiguous in intent, there are only 2 'planning means' by which places of heritage significance can be recognised within a

planning scheme either as individual properties by populating the table of places, or by spatially defining precincts, noting that 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;

- the Davies heritage study contained flaws in establishing thresholds between State and local significance and was based on criteria applicable to the Historic Cultural Heritage Act 1995, not the LPS and was unsuitable for incorporation into the LPS; and
- it had regard to Future direction (a) A sustainable natural and built environment and strategic outcome 1.3 of the Meander Valley Council Community Strategic Plan 2014 to 2024, as the Davies heritage study identifies many items worthy of inclusion on the Tasmanian Heritage Register.

Commission consideration

430. The Commission notes:

- the planning authority argument to not include Local Historic Heritage Code lists based on alleged community opposition or lack of community support, is not persuasive;
- that the LPS requirements of the SPPs, LP1.8.1 and LP1.8.2, provide for the inclusion of places and precincts in the code lists, but does not require their inclusion;
- that objective (g) of Part 2 of Schedule 1 of the Act does not compel the inclusion of a local heritage place list to be included in the draft LPS;
- it agrees with the planning authority view that regional strategy action CH-A01, only requires an investigation into the recognition and listing of places and precincts of heritage significance and does not provide a listing obligation;
- the planning authority argument that the listing of heritage places on the Tasmanian Heritage discharges its obligations under the Council strategic plan;
- while representors have requested the inclusion of local heritage places in the draft LPS, representors agreed further work was required to evaluate properties appropriate for inclusion and to establish statements of local historic heritage significance;
- the planning authority submission that the Davies heritage study is not adequate to establish a threshold of significance between state and local importance; and
- that the Davies heritage study did not meet the information requirements of the draft LPS.

431. However, the Commission considered that the LPS planning process does require the planning authority to reconsider previous decisions about whether or not to locally list heritage places or establish heritage precincts of heritage significance within the draft LPS, rather than to simply rely on State listings

432. The Commission sought advice from the planning authority of decision making in the context its draft LPS deliberations, to the effect that it did not wish to list any places or precincts as part of its LPS, rather relying on State listing to protect historic heritage.

433. The planning authority confirmed its position in a further submission.

434. The Commission notes from its perusal of the Davies heritage study that there are likely to be many properties in the Meander Valley municipality that could be considered for local listing in the Local Historic Heritage Code.

435. However when this matter is considered in the context of the LPS criteria, neither the SPPs, the objectives of the Act, the regional strategy, or the Council's strategic plan place a specific obligation on the planning authority to list local historic heritage places or precincts in its draft LPS.
436. Further the Commission acknowledges that the Tasmanian Planning Scheme, requires mandatory application of some matters by local planning authorities and in other matters, local application of the SPPs is a matter for decision by planning authorities.
437. In case of the listing of local historic heritage places and precincts in its draft LPS, the planning authority has determined not to take any action.

Commission decision

438. The Commission considers that no modifications are required.

Natural Assets Code - electricity infrastructure

439. **Representation to originally exhibited draft LPS:** TasNetworks (2).
440. The representor requested that the Natural Assets Code, priority vegetation area overlay be removed from transmission corridors, Hadspen substation and communication sites. The reasons included:
- it is inconsistent with the SPP exemptions and provisions of the *Electricity Supply Industry Act 1996* (ESIA) and *Electricity Supply Industry Regulations 2008*; and
 - in some cases no threatened vegetation communities were present.
441. In the section 35F report, the planning authority recommended no change to the priority vegetation area overlay. The reasons included that vegetation removal for safeguarding electricity infrastructure is exempt, either under specific legislation or provisions of the SPPs.
442. During the hearing the representor advised they no longer sought removal of the overlay from any sites.

Commission consideration

443. The Commission notes the withdrawal of its representation requesting removal of the priority vegetation area overlay from its sites and land subject to the Electricity Transmission Infrastructure Protection Code.
444. The Commission notes that the ESIA and SPPs provide exemptions for maintenance of vegetation in proximity to infrastructure, and it is unnecessary to modify the overlay for maintenance of vegetation.

Commission decision

445. The Commission considers that no modifications are required.

Natural Assets Code - State roads

446. **Representation to originally exhibited draft LPS:** Department of State Growth (3).
447. The representor requested that the priority vegetation area overlay be removed from:
- the existing carriageway of the State Road Network; and
 - the road and road reservation adjacent to Pioneer Drive, Mole Creek, as that site supports non-native, planted vegetation.
448. In the section 35F report, the planning authority recommended no change to the priority vegetation area overlay. The reasons included that the LPS requirements of the SPP specify how the priority vegetation area overlay should be derived and that it did not support the exclusion

of the overlay from any zones, such as, those indicated in code application guideline NAC13 in Guideline No. 1.

449. At the hearing, the planning authority submitted that:

- road works within the State Roads was largely exempt;
- through an example provided in the 35F report, showing riparian vegetation located under a bridge or within a road reservation, confirmed in its view this should be managed through operation of the Natural Assets Code when not associated with exempt roads works; and
- the priority vegetation area overlay included habitat and movement corridors for threatened fauna, and should not be narrowly limited to native species.

450. Following the hearing, the Department of State Growth submitted:

- it is apparent that the mapping has been undertaken at such a scale that it may be a challenging spatial exercise to undertake finer grained mapping to account for the carriageway;
- it could rely on exemptions for roadworks in clause 4.2.4 of the SPPs and modifications to the mapping could be considered unnecessary given applicable exemptions; and
- they recommended removal of the overlay from carriageways and roadside areas of exotic species and landscaped vegetation (such as, along Pioneer Drive, Mole Creek) as this would be more reflective of the intent of the priority vegetation area and purpose of the Natural Assets Code.

Commission consideration

451. The Commission notes that removal of the priority vegetation area overlay for the road casement/sealed road, that in all likelihood would not contain any native species by virtue of the modified nature of the road casement, is consistent with the purpose of the Natural Assets Code. However, the Commission considers removing the priority vegetation area overlay only where it overlaps with the road casement/sealed road, but excluding areas where the values are actually present, such as, riparian vegetation under bridges, is unnecessary, given the operation of exemptions in the SPPs.
452. The Commission further considers that the exemptions in the SPPs for vegetation management in public parks and gardens or for roadworks, and that clause C7.6.2 Clearance within a priority vegetation area of the SPP Natural Assets Code, applying to the removal of native vegetation and not to species that are non-indigenous to Tasmania, makes removal of the overlay from areas such as the Open Space adjacent to Pioneer Drive, Mole Creek, unnecessary. The Commission also notes that removal of the overlay from areas, such as the Open Space adjacent to Pioneer Drive, would need to be supported by evidence from a suitably qualified person.

Commission decision

453. The Commission considers that no modifications are required.

Natural Assets Code – Reedy Marsh

454. **Representation to originally exhibited draft LPS:** The Environment Association Inc (14).
455. In response to the representations to the originally exhibited draft LPS the Commission directed substantial modifications¹³.

¹³ The decision and reasons to substantially modify part of the Meander Valley draft LPS made on 24 February 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on

456. In the exhibited Meander Valley draft LPS substantially modified part, this matter is referred to as:
- 4.3. Insert Priority vegetation area overlay to parts of folios of the Register 101704/1, 122546/1, 122547/1, 208552/1, 227697/1 and adjoining Crown land at Wadleys Road, Reedy Marsh, shown below (a map showing the overlay to be inserted was exhibited).
- 4.4. Insert Priority vegetation area overlay to parts of folio of the Register 137648/1 and adjoining Crown land at Kellys Road, Reedy Marsh, shown below (a map showing the overlay inserted was exhibited).
457. **Representations to substantially modified part:** Leigh Wasserfall (4), Kerry Miller (5), The Environment Association Inc (the TEA) (6).
458. The TEA supports application of the priority vegetation overlay to the properties at Wadleys Road and Kellys Road, Reedy Marsh based on evidence in the Cullen report submitted during consideration of the originally exhibited draft LPS.
459. Mr Wasserfall and Mr Miller object to application of the priority vegetation overlay to their properties at Wadleys Road. The reasons include:
- the area was previously cleared and worked for farming, which may explain why TASVEG 3 classifies the area as Agricultural Land (FAG), the current regrowth vegetation is about 60 years old;
 - an on-site survey is the only way to classify the area, part of the property mapped in the Cullen report is not visible from the road, even with binoculars, and digital imagery would be incomplete and inaccurate;
 - the photographic evidence submitted suggests that the extent of the vegetation is substantially less than captured by the priority vegetation area overlay map, or in fact is non-existent; and
 - there are Eucalyptus ovata trees present on the property but it is not the dominant tree so disputes the typing of the vegetation community in the Cullen report is accurate due to it being determined through aerial photographs and roadside observations.
460. In the section 35F report, the planning authority recommended that the priority vegetation overlay be deleted from to the properties at Wadleys Road and Kellys Road, Reedy Marsh. The reasons include:
- there is uncertainty about the actual extent of priority vegetation communities as demonstrated by the evidence submitted in the representations by land owners at Wadleys Road; and
 - additional land should not be included in the priority vegetation area overlay without qualified, on-site verification.
461. At the hearing it was recognised that there are inaccuracies in the available TASVEG Version 3 mapping data available on theLIST that is referred to in Guideline No. 1, specifically NAC 7, for application of the priority vegetation overlay.
462. The planning authority explained, on ground assessment by a suitably qualified person of some properties in Reedy Marsh has identified a Eucalyptus ovata community that is not shown on the TASVEG map. The planning authority submitted that on ground assessment by a suitably qualified person is required for accurately mapping the overlay. Also that an application for

the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

clearance of native vegetation can be dealt with through the forest practices system, which would require an expert on-site assessment of natural values.

463. Mr Wasserfall and Mr Miller submitted that the proposed overlay mapping is inaccurate because it covers an area of grass and a dam on the property, and a proposed change to the overlay map should not be based on inaccuracies.

Commission consideration of substantially modified part

464. The Commission notes there is agreement that *Eucalyptus ovata* is present on the properties at Reedy Marsh, however there are contending views from the property owners about the extent and classification of the *Eucalyptus ovata* forest type.
465. The Commission accepts the planning authority's recommendation and reasons in the section 35F report that the exhibited priority vegetation overlay be deleted from the properties at Wadleys Road and Kellys Road, Reedy Marsh.

Commission decision on substantially modified part

466. The Commission considers the substantially modified part concerning application of the priority vegetation overlay to properties at Wadsleys Road and Kellys Road, Reedy Marsh is not appropriate.
467. Therefore, no modifications are required to the priority vegetation overlay in the originally exhibited draft LPS.

Scenic Protection Code

468. **Representation to originally exhibited draft LPS:** The Environment Association Inc (14).
469. The representor requested that 31 scenic management areas be applied and also requested scenic road corridors be applied to all scenic routes, to a 50m width, in addition to the 100m widths proposed in the draft LPS. The reasons included:
- that Meander Valley is an attractive place, especially the hillier Western parts;
 - scenic value should be afforded protection under the draft LPS;
 - a 2002 Meander Valley Scenic Management Strategy, by Inspiring Place, has not been adopted by Council;
 - not including scenic management areas is inconsistent with the 2005 Meander Valley Council Land Use and Development Strategy;
 - prominent scenic features, such as hawthorn hedges, windbreaks, and the like, are identified in the 2006 Meander Valley Heritage Study, by Paul Davies Pty Ltd;
 - the 2003 partnership agreement between the council and State government, includes visual amenity as a key issue of importance to the community and for planning;
 - the Schedule 2 objectives of the RMPS, particularly objective (f) and (g), commits to the broader notion of the public interest in scenic values; and
 - the regional strategy, includes aesthetics and scenic value as important and specific considerations.
470. In the section 35F report, the planning authority recommended no change to the scenic protection area overlay or list. The reasons included:
- the draft LPS was consistent with regional strategy policies LSA-P01 and LSA-P02;
 - the draft LPS includes scenic road corridors over major highways as tourist routes and has included the prominent Blackstone Hills due to it being a 'gateway' feature to Launceston that is subject development pressure;

- the road corridor routes continue through adjoining municipalities to provide for consistency across adjoining council areas within the region;
 - it does not consider that it is practical to include all prominent features due to the prolific nature of prominent topographical features in Meander Valley, particularly the Great Western Tiers and foothills, and the lack of development pressure on agricultural, forestry and environmental reserve landscapes; and
 - it maintains its position that the areas included in the draft LPS are sufficient to address the policies and actions of the regional strategy, noting that other councils may choose to include more.
471. During the hearing the planning authority submitted that:
- it considered the 2002 scenic management study in relation to the draft LPS and determined that it captured too large an area and didn't align with council policy position; and
 - the current scenic road corridors were applied in a regionally consistent manner, consistent with the regional strategy's policies and actions.
472. During the hearing the representor submitted the regional strategy policies LSA-P01 and LSA-P02 require the protection of scenic landscapes, and specific natural and topographic features. The planning authority contended, the regional strategy did not mandate the application of the Scenic Management Code to achieve these outcomes.
473. During the hearing the Commission noted that the relevant action for these policies being referenced by both representor and planning authority appeared to be LSA-A04 and that the action used the terms 'planning schemes may identify visually significant topographic...' (emphasis added).
474. The representor in a submission at the hearing identified the approximate boundary of 20 proposed scenic management areas based on the boundary for the feature name.
475. During the hearing both the planning authority and representor acknowledged to add additional scenic management areas (or scenic road corridors) additional work would be required to complete the description of the sites, scenic values and management objectives, in compliance with the LPS requirements of the SPPs.
476. In a submission following the hearing the representor provided a short commentary and a draft of a description, scenic values and management objectives for a proposed 38 scenic management areas.
477. In a response submission the planning authority contended that large portions or types of development were exempt from the application of the Scenic Protection Code, such as:
- the majority of areas proposed by the representor were forested, and the predominant visual impact upon those are likely to be forestry operations, would require a certified forest practices plan that is exempt under clause 4.4.1 of the SPPs;
 - vegetation management in State-reserved land, under clause 4.4.2 of the SPPs;
 - development subject to the Telecommunications Code; and
 - most agricultural buildings and works in the Agriculture Zone or Rural Zone.
478. The planning authority further submitted, it did not dispute the many features described by the representor as being integral to the scenic character, rather it considered that the scenic values, particularly for State-reserved land are reasonably protected and do not require intervention of the code.

Commission consideration

479. The Commission notes:

- that there are undoubtedly areas of significant scenic value in the municipality and that the proposals advanced by the representor provide an indication of some of those areas
- the planning authority has met the LPS requirements of the SPPs in clauses LP1.7.6 and LP1.8.1 by mapping and completing the code lists for scenic road corridors and a scenic protection area;
- the limited applicability of the scenic protection code, considering the exemptions noted by the planning authority; and
- underlying zones provide for consideration of scenic values, such as, the Environmental Management Zone.

480. The Commission accepts the planning authority evidence that:

- the regional strategy does not require the inclusion of additional scenic road corridors or scenic protection areas; and
- regional strategy policies LSA-P01 and LSA-P02 are achieved through a combination of zoning and application of the Scenic Protection Code.

481. The Commission considers that regional strategy actions LSA-A01, LSA-A02, LSA-A03 and LSA-A04 are met by the application of scenic road corridor overlays and scenic protection area overlays and their consequent scenic values and management objectives in the code lists.

482. Further the Commission acknowledges that the Tasmanian Planning Scheme, requires mandatory application of some matters by local planning authorities and in other matters, local application of the SPPs is a matter for decision by planning authorities.

Commission decision

483. The Commission considers that no modifications are required.

Scenic Protection Code - electricity infrastructure

484. **Representation to originally exhibited draft LPS:** TasNetworks (2).

485. The representor requested that the scenic road corridor be removed from transmission corridors. The reasons included the purpose of the code is inconsistent with the purpose of the Electricity Transmission Infrastructure Protection Code.

486. In the section 35F report, the planning authority recommended no change to the scenic road corridor or scenic protection area overlay. The reasons included that maintenance works within the transmission corridor are exempt from the Tasmanian Planning Scheme.

487. At the hearing the Commission noted that:

- Schedule 6 of the Act required the scenic road corridor and scenic protection area overlay to transition in accordance with the Minister's declaration; and
- modifying a code-applying provision is limited to purposes set out in Schedule 6 clause 8D(8) of the Act.

488. The planning authority submitted that some modification to the scenic protection area overlay over the transmission line corridor, could be considered a modification under Schedule 6 clause 8D(8) if there was any overlap between the Travellers Rest Scenic protection area and the inner protection area overlay, as the scenic protection area overlay was not intended to apply to the transmission line easement.

Commission consideration

489. The Commission notes the scenic protection area overlay at Travellers Rest does not overlap with the inner protection area overlay which is understood to have the same extent as the TasNetwork easement.
490. The Commission considers that modifying the transitioning scenic protection area overlay, for the reasons provided by the representor, would not be a purpose provided for under Schedule 6, clause 8D(8) of the Act.

Commission decision

491. The Commission considers that no modifications are required.

Other matters

Representations in support of originally exhibited draft LPS

492. **Representation:** GHD for Kilpatrick's Joinery Pty Ltd (41).
493. The representor supported the Westbury Road Specific Area Plan and site-specific qualification MEA-15.2.
494. In the section 35F report the planning authority recommended no change to the SAP or SSQ.

Commission consideration

495. The Commission notes the representation is in support.

Commission decision

496. The Commission considers that no modifications are required.

Zoning for tourism accommodation purposes - Johnstones Road, Deloraine

497. **Representation:** The Environment Association Inc (14).
498. The representor requested part of one property at Johnstones Road, Deloraine, be zoned to provide for tourism accommodation purposes. The reasons included:
- while good quality, the land has significant constraints for agriculture; and
 - the site is strategically located close to Deloraine, with an adjacent road network and views of the Great Western Tiers escarpment.
499. In the section 35F report, the planning authority recommended that there be no change to the zoning. The reasons included that the land is part of a larger farm holding and opportunities such as tourism can be explored when they arise.
500. No new information or evidence was obtained at the hearing.

Commission consideration

501. The Commission notes that:
- the applicable Agriculture Zone lists Visitor Accommodation and Tourist Operation Use Classes as Discretionary in the Use Table;
 - the zone provides for consideration of future use and development within the zone; and
 - the Agriculture Zone has been applied in accordance with Guideline No. 1.

Commission decision

502. The Commission considers that no modifications are required.

Matters taken not to be a representation to the originally exhibited draft LPS

503. **Representations:** TasNetworks (2), State Emergency Service (5), Local Government Association of Tasmania (7), Buston (11), The Environment Association Inc (14), A Woodward (30) and A Ricketts (32).
504. Representors raised matters including:
- the SPPs should include certain provisions or otherwise be revised;
 - the SPPs failed to consider matters or otherwise provided too much or too little discretion;
 - querying how the LPS and/or SPP provisions should be interpreted or how discretion in provisions should be exercised in relation to the future implementation of the Tasmanian Planning Scheme;
 - that the Act, should/should not include certain clauses, processes, outcomes or otherwise be revised;
 - that the format or provisions permitted to be included in the LPS by the SPPs should be changed or otherwise revised;
 - that other legislation, such as the *Building Act 2016* and the *Forest Practices Act 1985*, was ineffective or otherwise unsatisfactory; and
 - that the regional strategy was not valid or otherwise should be revised.
505. In the section 35F report, the planning authority made no recommendations on these matters and in some cases provided comments or included matters in a notice to the Commission under section 35G.

Commission consideration

506. The Commission notes that:
- section 35E of the Act sets out the matters not to be taken to be a representation;
 - other matters not subject to Part 3A of the Act cannot be considered as part of its consideration under section 35J; and
 - during its consideration has sought to establish how all raised matters relate to the draft LPS and if the matter can be included within the draft LPS in accordance with section 32 of the Act.
507. The Commission considers that the parts of representations listed above are outside the considerations under section 35J.

Commission decision

508. The Commission considers that it does not have jurisdiction to assess these matters.

Matters taken not to be a representation to the substantially modified part

509. **Representations:** The Environment Association Inc (the TEA) (6), WRAP (9), Emma and Martin Hamilton (10)
510. Representors and Gwenda Sheridan made numerous comments including about the State Planning Provisions, regional strategy, and aspects of the Meander Valley draft LPS that are not the substantially modified part.
511. In the section 35F report the planning authority made no specific recommendations on these matters, clarifying that according to the Act it cannot consider representations on matters not directly related to the exhibited substantially modified parts.

Commission consideration

512. The Commission notes that:

- section 35E of the Act sets out the matters not to be taken to be a representation;
- other matters not subject to Part 3A of the Act cannot be considered as part of its consideration under section 35J; and
- during its consideration it has sought to establish how all raised matters relate to the draft LPS and if the matter can be included within the draft LPS in accordance with section 32 of the Act.

513. The Commission considers that the parts of representations listed above are outside the considerations under section 35J.

Commission decision

514. The Commission considers that it does not have jurisdiction to assess these matters.

Matters of a technical nature or relevant to implementation

515. The Commission notes the draft LPS contains matters that are relevant to section 35J(2) of the Act:

- minor numbering and typographical errors in the draft LPS;
- instances where the draft LPS, or proposed modifications, do not apply the writing style and conventions set out in Practice Note 5: Tasmanian Planning Scheme drafting conventions or Practice Note 8: Draft LPS written document - technical advice;
- instances where the draft LPS zone and overlay maps or Geographic Information System (GIS) datasets contain overlaps, gaps and errors, or do not apply the technical advice or conventions set out in Practice Note 7 - Draft LPS mapping; technical advice;
- instances where the spatial representation of the cadastral parcels dataset have changed after the production of the PDF maps for exhibition that result in minor misalignment between cadastral parcel boundaries and zones or code overlays based on those boundaries;
- instances where the draft LPS zone and overlay maps or Geographic Information System (GIS) datasets apply outside the municipal area; and
- instances where a modification to the draft LPS written document or draft LPS maps and overlays requires a consequent modification to the other.

516. The Commission further notes that Division 1 – Electronic database and documents of Part 6 of the Act, requires the Commission to maintain a database containing an electronic planning map.

Commission consideration of the originally exhibited draft LPS

517. The Commission considers that the draft LPS should:

- minimise numbering and typographical errors and be consistent with the conventions set out in the Commission practice notes; and
- contain zone and overlay maps that reflect current cadastral parcel boundaries, and the municipal area according to the Central Plan Register (CPR) map (including notes); and
- be free from anomalies such as gaps and overlaps; and
- be provided in a form suitable for being made under section 35L of the Act and inclusion in an electronic database.

Commission consideration of substantially modified part

518. The Commission notes the Meander Valley draft LPS substantially modified part itself does not contain any matters that are relevant to section 35J(2) of the Act, however there are instances where modifications to include the draft LPS substantially modified parts, with the further modifications to these parts decided by the Commission above, within the originally exhibited draft LPS require a consequent modification to the originally exhibited draft LPS written document and maps.
519. The Commission considers that modifications of a technical nature consequential to inclusion of the draft LPS substantially modified parts in the originally exhibited draft LPS or relevant to the implementation of the Local Provisions Schedule if the Local Provisions Schedule were approved under section 35L of the Act should be directed with other technical modifications to the draft LPS in a combined notice under section 35K(1)(a).

Commission decision on originally exhibited draft LPS

520. Modification:

- revise the draft LPS to include the technical modifications identified in Annexure A of Attachment 2 to:
 - reflect modifications consequential to modifications made to the draft LPS to include the Meander Valley draft LPS substantially modified parts with the further modifications to these parts decided by the Commission;
 - meet the LPS requirements of the SPPs;
 - correct references to relevant provisions;
 - provide for the effective operation of the provisions; and
 - reflect the terminology used in the SPPs; and
 - revise the draft LPS zone and overlay maps to:
 - reflect modifications consequential to modifications made to the draft LPS to include the Meander Valley draft LPS substantially modified parts with the further modifications to these parts decided by the Commission;
 - reflect modifications consequential to modifications made to the draft LPS written document, such as deletion of local area objectives;
 - fill any unzoned gaps in the zoning layer;
 - remove any overlaps between adjoining zones;
 - remove any overlaps between features in the same overlay layers that have different categories (excluding for transitioning local area objectives of SAPs and PPZ);
 - aggregate adjoining one or overlay polygons sharing the same category, such as, zone type, landslip hazard band, and aggregate adjoining overlay polygons that have no required category, such as, priority vegetation area;
 - align the boundaries of zones and parcel dependant overlays with parcel boundaries, based on the most recent version of the cadastral parcels dataset available from theLIST;
 - remove any zone or overlay shown outside the municipal area according to the Central Plan Register (CPR) map (including notes); and
 - present all GIS data in the recommended Geodatabase format provided to council by the Commission.
521. Reason: to make modifications of a technical nature or relevant to the implementation of the Local Provisions Schedule if the Local Provisions Schedule were approved under section 35L of the Act.

Attachments

1. Attachment 1 – List of Representations
2. Attachment 2 – Notice under section 35K(1)(a) to modify draft LPS
3. Attachment 2, Annexure A – Modifications to Meander Valley draft LPS written document

List of Representations

Representations to the originally exhibited draft LPS

No.	Name
1.	Hydro Tasmania
2.	TasNetworks
3.	Department of State Growth
4.	Tasmanian Fire Service
5.	State Emergency Service
6.	TasWater
7.	Local Government Association of Tasmania
8.	Meander Valley Council
9.	J Dent and D Watton
10.	D Pyke
11.	M Butson
12.	K Grigson
13.	G Sheridan
14.	The Environment Association Inc (TEA)
15.	D Badcock
16.	A Harris for Blackhills Developments Pty Ltd
17.	J Carins
18.	PDA Surveyors
19.	B Murray
20.	S Hartam
21.	M Cresswell
22.	D Smink and M Cresswell
23.	J Donaldson
24.	M Burns
25.	G and S Sackley
26.	J and R Hawkins
27.	Woolcott Surveys for Entally Lodge Pty Ltd
28.	R Hilder
29.	PDA Surveyors for A Winnell
30.	A Woodward
31.	S Westley

32. A Ricketts
33. D Masters
34. A Andrews
35. S Andrews
36. C Andrews
37. PDA Surveyors for D Steer
38. K and C Gleich
39. Veris Australia for M Schrepfer
40. Rebecca Green and Associates for Tasbuilt Manufactured Homes and Cabins Pty
41. GHD for Kilpatrick's Joinery Pty Ltd

Representations to the substantially modified part of the draft LPS

No. Name

1. Department of State Growth
2. Department of Police, Fire and Emergency Management
3. TasRail
4. Leigh Wasserfall
5. Kerry Miller
6. The Environment Association Inc (TEA)
7. Peter Elkin
8. Graham and Sandra Sackley
9. Westbury Region against the Prison (WRAP)
10. Emma and Martin Hamilton
11. Woolcott Surveys
12. Rutherglen Residential Club
13. Rod and Joy Willey
14. Bjorg Leitch
15. Vanessa Cooper
16. Susan Judge
17. Frances Mowling
18. Ken Partridge
- 14
25. Stratatas

¹⁴ Representation numbers 19 – 24 are signatories to the representation of Susan Judge (16) without a separate representation under their own name. They were numbered in the planning authority's section 35F report as: R Girvin (19), M Carpenter (20), J and J Northeast (21), N and D Wall (22), J Brierley (23), M Chevara (24).

26. Peter Sanders
27. Craig and Kylie Anderson
28. N P Dunning (J Whitehall, Cain and Dylan Dunning)
29. Fiona Hannafin
30. PDA for Mr S Steer
31. KPR Pty Ltd
32. Jessica Cowan and Tristan Claridge
33. Bernard and Suzanne Atkinson
34. David Gibson
35. Gareth John and Tanya Bailey
36. Grant Boxhall
37. Ian and Megan Parr
38. Jonathan and Kim Dane
39. Julian and Karina Johnstone
40. Kenneth and Helen Walker
41. Neville Scott
42. Athle Ankin
43. Pam Swain
44. Pak Wong and Ann Deller
45. Peter and Lynette O’Borne
46. Peter and Glen Claxton
47. Peter and Lynette Allan
48. Richard and Julian Stamford
49. Robert and Elizabeth Sackley
50. Robert and Sharon Woodland
51. Ryan Robinson
52. Scott and Margaret Woodroffe
53. Thomas and Kathleen Locklart
54. Tony and Mary King
55. Wallace and Helen Ritter
56. Jessie Scott
57. Judith Fellows
58. Kevin and Karen Lattin
59. S Williams
60. Jennifer Blackett
61. Kevin and Barbara Olds
62. Stephen and Bronwyn Walker

63. John and Jennifer Johnston
64. Grant and Meagen Woolley
65. EMEF Investments Pty Ltd
66. M Fahy
67. Rosemary Collins and Neville Willis
68. Blackhills Developments Pty Ltd
69. Abbie-Rose Foley and Brendan Theodore
70. Rosemary Lindsay
71. Jillian Cox
72. Brian Mitchelson
73. Gary, Gail, Jessica and Jaqualyn Cullen
74. Yvette Jory
75. Dale Burns
76. Mitchell Houghton and Tameka Bayliss
77. Jean Pursey and Sonia Pickering
78. Tammy Clark and Andrew Clay
79. Martin and Kaye Wilson
80. Dennis and Derris Tucker
81. Jane Cresswell
82. David Pitman
83. Karen Murray
84. Beryl Murray
85. Peter Wright
86. Harley and Marilyn Nicholls
87. Frank Collins
88. Jonathon and Judith Nelson
89. Hardern Grazing Co Pty Ltd
90. Janette Clark
91. Susan Hartam
92. Getrudis and Caroline Stoffelen
93. Gregory and Frances Agrez
94. Leanne and Steven Hudson
95. Mark and Shelley Bennic
96. Robert Gray and Sandra Stening
97. Alan Lee
98. Sterling and Margaret Clarke
99. Michael Evans

100. Joanne Mitchelson
101. Kerin Booth
102. Maryann Cresswell and David Smink

Land Use Planning and Approvals Act 1993

Notice to modify under section 35K(1)(a)

Meander Valley Draft LPS

23 February 2021

The Tasmanian Planning Commission (the Commission) directs that the Meander Valley planning authority modify the Meander Valley draft Local Provisions Schedule (draft LPS) in accordance with the following:

1.0 Particular Purpose Zone

- 1.1 Revise the name of the MEA-P1.0 Particular Purpose Zone - Larcombes Road to MEA-P1.0 Particular Purpose Zone – Natural Living (Larcombes Road) and make consequential revisions for all references to the zone name in the draft LPS to reflect the revised name, as set out in Annexure A.

Reason: The name change is not inconsistent with drafting advice published by the Commission or the LPS requirements of the SPPs.

- 1.2 Revise MEA-P1.2 Use Table to make the Residential Use Class, No Permit Required with the qualification 'If for a single dwelling or home-based business', as set out in Annexure A.

Reason: To implement the zone purpose in the relevant provisions of the zone.

2.0 Specific Area Plans

- 2.1 MEA-S1.0 Birralelee Industrial Precinct Specific Area Plan

Revise MEA-S1.0 Birralelee Road Industrial Precinct Specific Area Plan to include:

- (a) a Performance Criterion for clause MEA-S1.7.2 Setback to a frontage;
 - (b) a revised tree height replacing '20m' with '15m' in clause MEA-S1.7.5 A1(b);
 - (c) a Performance Criterion for clause MEA-S1.8.1 Lot design, P3; and
 - (d) reference to building areas in the objective for MEA-S1.8.3 Subdivision within the bushfire-prone area,
- as set out in Annexure A.

Reason: To achieve the specific area plan purpose.

- 2.2 MEA-S5.0 Karst Specific Area Plan

Revise MEA-S5.0 Karst Specific Area Plan to insert a definition of karst, as set out in Annexure A.

Reason: To clarify terminology used in the LPS and achieve the effect intended by the transitional provisions.

2.3 Specific Area Plans – various - subdivision provisions for Utilities

Revise the following specific area plans to include an acceptable solution for subdivision for Utilities, or where required for public use by the crown, council or State authority, as set out in Annexure A.

- MEA-S1.0 Birralea Road Industrial Precinct Specific Area Plan;
- MEA-S12.0 Pumicestone Ridge Specific Area Plan;
- MEA-S13.0 Jackey’s Marsh Specific Area Plan;
- MEA-S15.0 Upper Golden Valley Specific Area Plan;
- MEA-S16.0 Weegenah Specific Area Plan; and
- MEA-S17.0 Western Creek Specific Area Plan.

Reason: To achieve the effect intended by the purpose and objectives of the specific area plan.

2.4 MEA-S15.0 Upper Golden Valley Specific Area Plan

Revise the plan purpose and MEA-S15.8.1 to provide for subdivision where it does not require access to Highland Lakes Road, as set out in Annexure A.

Reason: To implement particular spatial qualities of the specific area in the plan purpose and in the relevant provisions.

2.5 MEA-S18.0 Travellers Rest Specific Area Plan

Revise the provisions of MEA-S18.0 Travellers Rest Specific Area Plan to include additional plan purpose statements, Use Standards, Development Standards for Building and Works and Development Standards for subdivision, as set out in Annexure A.

Reason: To implement particular environmental and scenic qualities of the area into the plan purpose and in the relevant provisions.

2.6 MEA-S8.0 Deloraine Specific Area Plan

Revise the MEA-S8.0 Deloraine Specific Area Plan to provide for subdivision at increased densities where sites can connect to reticulated water supply, sewer and stormwater services or adequately manage disposal, as set out in Annexure A.

Reason: To achieve the effect intended by the purpose and objectives of the specific area plan.

2.7 Specific area plans – various - prohibition of multiple dwellings in the Low Density Residential Zone

Revise the Use Tables of the following specific area plans to prohibit multiple dwellings, as set out in Annexure A:

- MEA-S6.0 Chudleigh;
- MEA-S7.0 Davis Road;
- MEA-S8.0 Deloraine;
- MEA-S9.0 Elizabeth Town;
- MEA-S10.0 Meander;
- MEA-S11.0 Westbury; and
- MEA-S12.0 Pumicestone Ridge; and

Revise the above specific area plans by deleting local area objectives and making corresponding modifications to include their intent in plan purpose statements, as set out in Annexure A.

Reason: To remove inconsistencies with the plan purpose and provide for the effective operation of the provisions.

2.8 MEA-S14.0 Kimberley Specific Area Plan

Delete MEA-S14.0 Kimberley Specific Area Plan, as set out in Annexure A.

Reason: To be as far as practicable, consistent with the regional strategy.

2.9 MEA-S11.0 Westbury Specific Area Plan

Revise the MEA-S11.0 Westbury Specific Area Plan to provide for setback and lot design provisions consistent with the character of this part of Westbury, as set out in Annexure A.

Reason: To achieve the plan purpose and provide for the effective operation of the provisions.

3.0 Specific Area Plans - new

3.1 Insert MEA-S14.0 Reedy Marsh Specific Area Plan, as set out in Annexure A.

Reason: The land within the Rural Living Zone at Reedy Marsh has particular spatial qualities that require unique provisions.

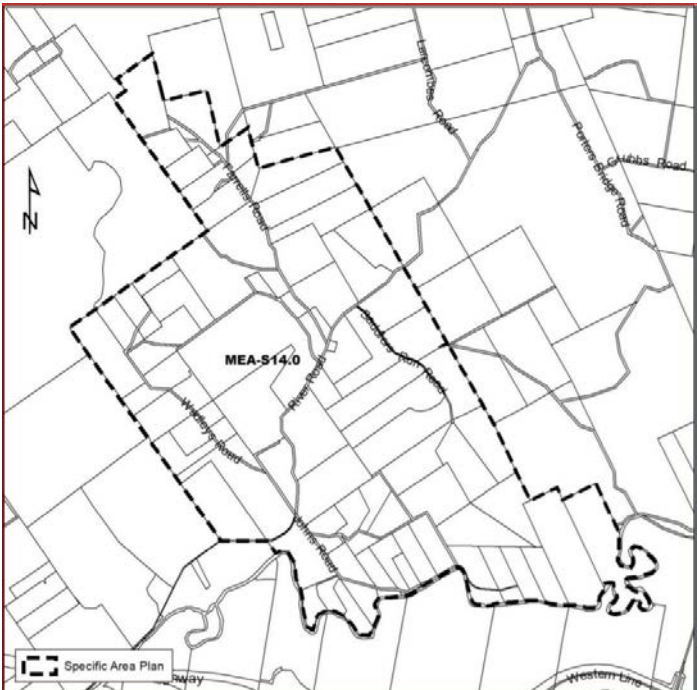
3.2 Insert MEA-S20.0 Entally Lodge Specific Area Plan, as set out in Annexure A.

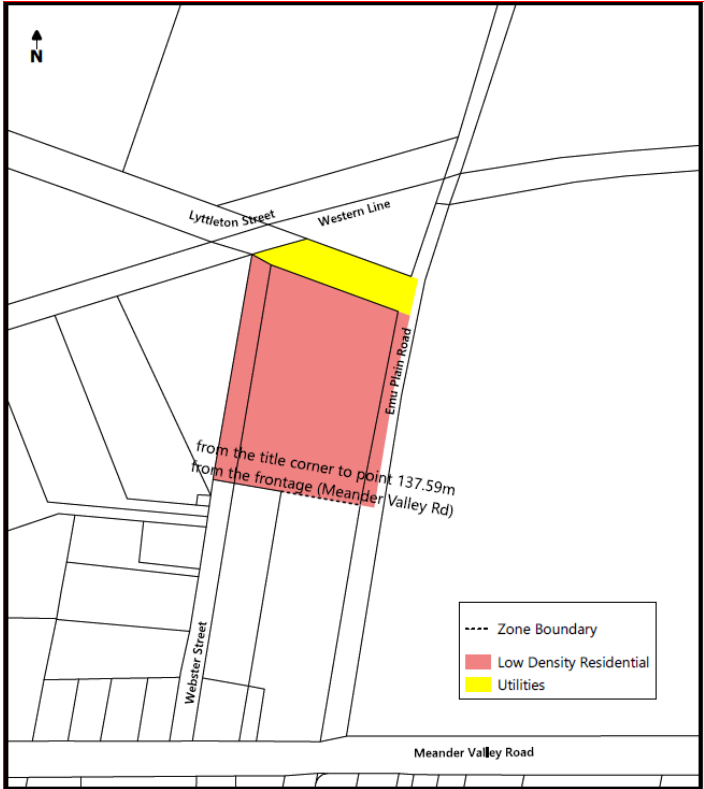
Reason: The proposed Entally Lodge Specific Area Plan primarily relates to use and development of the land for livable housing that has a significant social benefit to part of the municipal area.

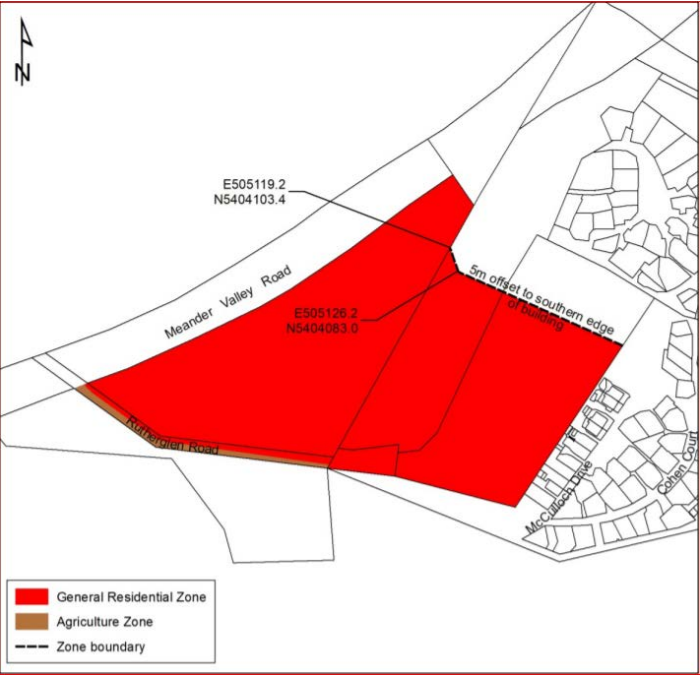

4.0 Zone maps and overlays

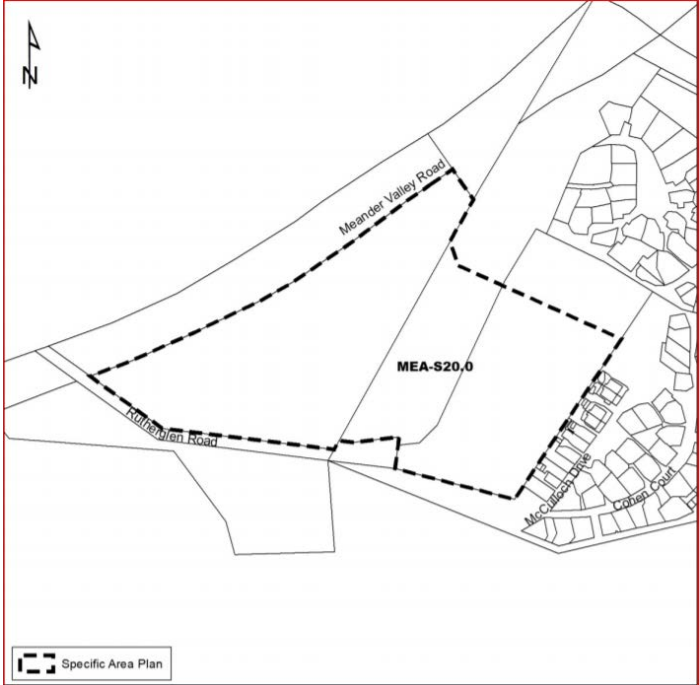

No.	Description	Direction and Reason
3.1	folio of the Register 16399/3	<ul style="list-style-type: none"> Revise to the Rural Living Zone C. Apply the priority vegetation area overlay to FR 16399/3 consistent with the extent of priority vegetation area mapping available during exhibition of the draft LPS. <p><i>Reason: To be as far as practicable, consistent with the regional strategy and to meet the Local Provisions Schedule requirements of the SPPs.</i></p>
3.2	folio of the Register 223679/1, north of Den Road, and property identifier 7287876	<p>Revise to the Rural Zone.</p> <p><i>Reason: To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
3.3	folio of the Register 223679/1 and property identifier 7287876	<p>Excluding the quarry and land retained in the Agriculture Zone, apply the priority vegetation area overlay to folio of the Register 223679/1 and property identifier 7287876 consistent with the extent of priority vegetation area mapping available during exhibition of the draft LPS.</p> <p><i>Reason: To apply the priority vegetation area overlay consistent with Guideline No. 1 and to meet the Local Provisions Schedule requirements of the SPPs.</i></p>
3.4	Electricity infrastructure – various locations	<ul style="list-style-type: none"> Revise the following sites to the Utilities Zone, consistent with the boundaries shown in Attachment A

No.	Description	Direction and Reason
		<p>of the Hydro Tasmania representation dated 19 December 2018:</p> <ul style="list-style-type: none"> – Rowallan Dam and Power Station; – Lemonthyme Power Station and Penstock; – Fisher Power Station and Penstock; – Parangana Dam and Power Station; – Lake Mackenzie Dam and Fisher Canal; – Trevallyn Dam; and – Western Bluff Communications Site. <ul style="list-style-type: none"> • Revise the following communication sites to the Utilities Zone: <ul style="list-style-type: none"> – Cobblers Hill, Wandilla Road, Quamby Brook, Property ID 3012277; and – Martha Creek Hill, Mersey Forest Road, Mersey Forest, Property ID 2531227. • Apply the Utilities Zone to a 20m radius circle around the Western Bluff communications site located at GDA94 E:112184 and N:5387800. <p><i>Reason: To apply the Utilities Zone to major utilities consistent with Guideline No. 1.</i></p>
3.5	Highland Lakes Road	<p>Revise Highland Lakes Road to the Utilities Zone consistent with the boundary of the State Road Casement layer available in theLIST.</p> <p><i>Reason: To apply the Utilities Zone to category 5 roads defined in the Tasmanian State Road Hierarchy consistent with Guideline No. 1.</i></p>
3.6	folios of the Register 173792/1; 167684/1; 23068/8; 135041/1; and 165355/1.	<p>Revise to the Utilities Zone.</p> <p><i>Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
3.7	folio of the Register 117059/4	<p>Revise to the Community Purpose Zone.</p> <p><i>Reason: To apply the Community Purpose Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
3.8	Chudleigh – various properties	<p>Revise various properties at Chudleigh as follows:</p> <ul style="list-style-type: none"> • lot 1 on draft subdivision plan by D J McCulloch Surveying dated 19/05/2019, in a submission dated 22 May 2019, to the Low Density Residential Zone;

No.	Description	Direction and Reason
		<ul style="list-style-type: none"> lot 2 on draft subdivision plan by D J McCulloch Surveying dated 19/05/2019, in a submission dated 22 May 2019, to the Open Space Zone; folio of the Register 34768/1 to the Village Zone. <p><i>Reason: To apply the Low Density Residential Zone, Village Zone and Open Space Zone consistent with Guideline No. 1.</i></p>
3.9	Part of folio of the Register 2209894/1	<p>Revise a 34.04ha portion of the property to the Particular Purpose Zone – Larcombes Road, consistent with the plan provided by S Westley in a submission dated 18 June 2019.</p> <p><i>Reason: To apply the particular purpose zone to land that has the natural and landscape values consistent with the remainder of the zone.</i></p>
3.10	Fisher Forebay Lake, Mackenzie Road; Rowallan Power Station, Mersey Main Road; and Lake Mackenzie Dam, Lake Mackenzie Road	<p>Delete the communications station buffer area overlay.</p> <p><i>Reason: To modify the maps to address a mapping anomaly.</i></p>
3.11	Kimberley – various properties	<p>Revise the Rural Living Zone D at Kimberley, located to the east of Railton Road, to the Rural Living Zone B.</p> <p><i>Reason: To be as far as practicable, consistent with the regional strategy.</i></p>
3.12	Reedy Marsh – various properties	<p>Insert MEA-S14.0 Reedy Marsh Specific Area Plan overlay to all properties or parts of properties in the Rural Living Zone at Reedy Marsh, as shown below:</p> 

No.	Description	Direction and Reason
		<p><i>Reason: The land within the Rural Living Zone at Reedy Marsh has particular spatial qualities that require unique provisions.</i></p> <p><i>To meet the LPS requirements of the SPPs and the technical requirements of Practice Note 7 – Draft LPS mapping: technical advice.</i></p>
3.13	Part of 1 Meander Valley Road, Westbury and adjoining properties	<ul style="list-style-type: none"> • Revise the zoning of the northern part of 1 Meander Valley Road, Westbury (folio of the Register 42629/1) and adjoining untitled strip of land to the west, to the Low Density Residential Zone, as shown below; • Annotate the split zone boundary at 1 Meander Valley Road according to the planning authority's submission of 21 December 2020, as shown below; and • Revise the zoning of part of an untitled road reserve, between the triangular lot forming part of the rail network (folio of the Register 235357/1) and 1 Meander Valley Road (folio of the Register 42629/1), to the Utilities Zone, as shown below:  <p><i>Reason: To be as far as practicable, consistent with the regional strategy.</i></p> <p><i>To meet technical requirements consistent with Practice Note 7 - Draft LPS mapping: technical advice.</i></p>
3.14	Rutherglen Road, Hadspen	<ul style="list-style-type: none"> • Revise the zoning of parts of folios of the Register 127277/1, 111014/2 and 20627/2 and the adjoining

No.	Description	Direction and Reason
		<p>portions of Rutherglen Road, Hadspen, to apply the General Residential Zone and Agriculture Zone, as shown below:</p>  <ul style="list-style-type: none"> Revise the transitioning scenic road corridor overlay by deleting the overlay from part of folio of the Register 127277/1 and adjoining Rutherglen Road, shown outlined in red in the figure below:  <p><i>Reason: To be as far as practicable consistent with the regional strategy.</i></p> <p><i>To be consistent with provisions of the State Planning Provisions, in the application of the scenic road corridor.</i></p>

No.	Description	Direction and Reason
3.15	MEA-S20.0 Entally Lodge Specific Area Plan	<p>Insert MEA-S20.0 Entally Lodge Specific Area Plan overlay to all properties or parts of properties at Hadspen (parts of folio of the Register 127277/1, 111014/2 and 20627/2), as shown below:</p>  <p><i>Reason: To meet the LPS requirements of the SPPs and the technical requirements of Practice Note 7 – Draft LPS mapping: technical advice.</i></p>
3.16	Kimberley	<p>Delete MEA-S14.0 Kimberley Specific Area Plan from the area outlined in black dash in the figure below:</p> 

No.	Description	Direction and Reason
		<i>Reason: To be as far as practicable, consistent with the regional strategy.</i>

5.0 Consequential and technical implementation

5.1 Revise the draft LPS to include the technical modifications identified in Annexure A to:

- (a) reflect modifications consequential to modifications made to the draft LPS to include the Meander Valley draft LPS substantially modified parts with the further modifications to these parts decided by the Commission;
- (b) meet the LPS requirements of the SPPs;
- (c) correct references to relevant provisions;
- (d) provide for the effective operation of the provisions; and
- (e) reflect the terminology used in the SPPs; and

5.2 Revise the substantially modified parts of the draft LPS zone and overlay maps to :

- (a) reflect modifications consequential to modifications made to the draft LPS to include the Meander Valley draft LPS substantially modified parts with the further modifications to these parts decided by the Commission;
- (b) reflect modifications consequential to modifications made to the draft LPS written document, such as deletion of local area objectives;
- (c) fill any unzoned gaps in the zoning layer;
- (d) remove any overlaps between adjoining zones;
- (e) remove any overlaps between features in the same overlay layers that have different categories (excluding for transitioning local area objectives of SAPs and PPZ);
- (f) aggregate adjoining one or overlay polygons sharing the same category, such as, zone type, landslip hazard band, and aggregate adjoining overlay polygons that have no required category, such as, priority vegetation area;
- (g) align the boundaries of zones and parcel dependant overlays with parcel boundaries, based on the most recent version of the cadastral parcels dataset available from theLIST;
- (h) remove any zone or overlay shown outside the municipal area according to the Central Plan Register (CPR) map (including notes), current low water mark map on theLIST, and any areas described by section 35J(2) of the Act; and
- (i) present all GIS data in the recommended Geodatabase format provided to council by the Commission.

Reason: To make modifications of a consequential and technical nature or relevant to the implementation of the Local Provisions Schedule if the Local Provisions Schedule were approved under section 35L of the Act.

Annexure A

Modifications to Meander Valley draft LPS written document

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MEA-Local Provisions Schedule Title

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MEA-S2.0 Hadspen Specific Area Plan

MEA-S3.0 Carrick Specific Area Plan

MEA-S4.0 Harley Parade Specific Area Plan

MEA-S5.0 Karst Management Area Specific Area Plan

MEA-S6.0 Chudleigh Specific Area Plan

MEA-S7.0 Davis Road Specific Area Plan

MEA-S8.0 Deloraine Specific Area Plan

MEA-S9.0 Elizabeth Town Specific Area Plan

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MEA-S11.0 Westbury Specific Area Plan

MEA-S12.0 Pumicestone Ridge Specific Area Plan

MEA-S13.0 Jackey’s Marsh Specific Area Plan

MEA-S14.0 Reedy Marsh Specific Area Plan

MEA-S15.0 Upper Golden Valley Specific Area Plan

MEA-S16.0 Weeena Specific Area Plan

MEA-S17.0 Western Creek Specific Area Plan

MEA-S18.0 Travellers Rest Specific Area Plan

MEA-S19.0 Westbury Road Specific Area Plan

MEA-S20.0 Entally Lodge Specific Area Plan

MEA-Site-specific Qualifications

MEA-Code Lists

MEA-Applied, Adopted and Incorporated Documents

Meander Valley Local Provisions Schedule

MEA-Local Provisions Schedule Title

MEA-1.1 This Local Provisions Schedule is called the Meander Valley Local Provisions Schedule and comprises all the land within the municipal area.

MEA-Effective Date

MEA-1.2 The effective date for this Local Provisions Schedule is <insert date>.

MEA-Local Area Objectives

This clause is not used in this Local Provisions Schedule.

MEA-P1.0 Particular Purpose Zone – Natural Living (Larcombes Road)

MEA-P1.1 Zone Purpose

The purpose of the Particular Purpose Zone – Natural Living (Larcombes Road) is:

- MEA-P1.1.1 To provide for residential use or development in the Larcombes Road area at a very low density, consistent with the natural and local landscape values of the zone.
- MEA-P1.1.2 To provide for compatible, non-residential use that is low impact and does not cause an unreasonable loss of amenity through scale, intensity, noise, traffic generation and movement, or other off site impacts.
- MEA-P1.1.3 To maintain a very low level of impact of use and development through avoidance of areas of natural values, and unobtrusive siting and design.
- MEA-P1.1.4 To provide for the privacy of residents through the maintenance of vegetation and the screening of views between properties and into properties from the road.

MEA-P1.2 Local Area Objectives

This sub-clause is not used in this particular purpose zone.

		(a)

MEA-P1.3 Definition of Terms

MEA-P1.3.1 In this Particular Purpose Zone, unless the contrary intention appears:

Terms	Definition
hazard management area	means the area, between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for fire fighting, which is maintained in a minimum fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.

MEA-P1.4 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling or home-based business.
Permitted	
Utilities	If for minor utilities located underground.
Visitor Accommodation	
Discretionary	
Resource Development	If not for intensive animal husbandry or forest operations.
Utilities	If not listed as Permitted.
Prohibited	

All other uses	
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MEA-P1.5 Use Standards

MEA-P1.5.1 Discretionary uses

Objective:	That Discretionary uses do not cause an unreasonable loss of residential amenity within the zone.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 A use listed as Discretionary must not cause an unreasonable loss of residential amenity within the zone, having regard to: <ul style="list-style-type: none"> (a) the intensity and scale of the use; (b) the emissions generated by the use; (c) the type and intensity of traffic generated by the use; (d) the safety and efficiency of the local road network; and (e) the impact on the character of the area.

MEA-P1.5.2 Visitor Accommodation

Objective:	That Visitor Accommodation: <ul style="list-style-type: none"> (a) is of a scale that is compatible with the natural and local landscape values of the site and zone; (b) does not cause an unreasonable loss of privacy; and (c) does not impact the safety and efficiency of local roads or rights of carriageway. 	
Acceptable Solutions		Performance Criteria
A1 Visitor Accommodation: <ul style="list-style-type: none"> (a) guests are accommodated in existing buildings; and (b) has a total combined gross floor area on the site of not more than 300m². 		P1 Visitor Accommodation must: <ul style="list-style-type: none"> (a) not cause an unreasonable loss of privacy to adjoining properties; (b) be of a scale that does not cause an unreasonable impact on the natural and local landscape values of the site and zone; (c) not adversely impact the safety and efficiency of the local road network; and (d) not unreasonably disadvantage owners and users of rights of carriageway.

MEA-P1.6 Development Standards for Buildings and Works

MEA-P1.6.1 Building height, setback, siting and location of works

Objective:	That building height, setback, siting, and location of works responds appropriately to: <ul style="list-style-type: none"> (a) the natural and local landscape values of the site and zone; (b) causes minimal disturbance to the environment; and (c) provides residential amenity and privacy for residents.
Acceptable Solutions	Performance Criteria
A1 Building height must be not more than 8.5m.	P1 Building height must be compatible with the natural and local landscape values of the site and zone, and not cause an unreasonable loss of residential amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> (a) the topography of the site and zone; (b) the extent to which views between properties are screened by vegetation; (c) the height, bulk and form of existing buildings on the site and adjoining properties; (d) the bulk and form of proposed buildings; (e) sunlight to habitable rooms and private open space in adjoining properties; and (f) any overshadowing of adjoining properties.
A2 Buildings must have a setback from a frontage of: <ul style="list-style-type: none"> (a) not less than 50m; or (b) if the setback of an existing building is less than 50m, not less than the existing building. 	P2 Buildings must be sited to be compatible with the natural and local landscape values of the site and zone, having regard to: <ul style="list-style-type: none"> (a) the topography of the site and zone; (b) the area available for development and required hazard management areas; (c) the height, bulk and form of existing and proposed buildings; (d) the appearance when viewed from roads; and (e) the retention of vegetation.
A3 Buildings must have a setback from side and rear boundaries of: <ul style="list-style-type: none"> (a) not less than 25m; or (b) if the setback of an existing building is less than 25m, not less than the existing building. 	P3 Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> (a) the topography of the site and zone; (b) the area available for development and required hazard management areas; (c) the size, shape and orientation of the site; (d) the setbacks of adjoining buildings; (e) the height, bulk and form of existing and proposed buildings; (f) the extent to which views between properties are screened by vegetation; (g) the character of the development existing on established properties in the area; and (h) any overshadowing of adjoining properties.

<p>A4</p> <p>Buildings for a sensitive use must be separated from the boundary of an adjoining Agriculture Zone or Rural Zone a distance of:</p> <ul style="list-style-type: none"> (a) not less than 200m; or (b) if the setback of an existing building is within 200m, not less than the existing building. 	<p>P4</p> <p>Buildings for a sensitive use must be sited so as to not conflict or interfere with uses in the Agriculture Zone or Rural Zone, having regard to:</p> <ul style="list-style-type: none"> (a) the size, shape and topography of the site; (b) the separation from those zones of any existing buildings for sensitive uses on adjoining properties; (c) the existing and potential use of land in the adjoining zones; (d) any proposed attenuation measures; and (e) any buffers created by natural or other features.
<p>A5</p> <p>Buildings and works do not require removal of vegetation, unless:</p> <ul style="list-style-type: none"> (a) located within the domestic zone or miscellaneous zone of a conservation covenant or an area excluded from a conservation covenant on the site; and (b) not less than 25m from a boundary. 	<p>P5</p> <p>Buildings and works must be located to minimise vegetation removal, having regard to:</p> <ul style="list-style-type: none"> (a) required hazard management areas; (b) the provision of access and utilities to development areas; and (c) the degree to which views between properties and from the road are screened by vegetation or topography.

MEA-P1.7 Development Standards for Subdivision

MEA-P1.7.1 Lot design

Objective:	<p>That:</p> <ul style="list-style-type: none"> (a) subdivision provides for development at a very low density; and (b) each lot: <ul style="list-style-type: none"> (i) has an area and dimensions appropriate for use and development in the zone; and (ii) Is located to be compatible with the natural and local landscape values of the site and zone, and any conservation covenant on the site.
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 20ha and: <ul style="list-style-type: none"> (i) contain a domestic zone or miscellaneous zone of a conservation covenant or an area excluded from a conservation covenant; and (ii) existing buildings are consistent with the setback required by clause MEA-P1.6.1 A2 and A3; (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 have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements of any conservation covenant on the lot; (b) the area available for development and required hazard management areas; (c) the topography of the site; (d) any natural or local landscape values; (e) the size, shape and orientation of the site; (f) the setbacks of adjoining buildings; (g) the extent to which views between properties are screened by vegetation; and (h) the zone purpose.

MEA-S1.0 Birralelee Road Industrial Precinct Specific Area Plan

MEA-S1.1 Plan Purpose

The purpose of the Birralelee Road Industrial Precinct Specific Area Plan is:

MEA-S1.1.1 To provide for the use and development within the Birralelee Road Industrial Precinct, particular to its unique characteristics.

MEA-S1.2 Application of this Plan

MEA-S1.2.1 The specific area plan applies to the area of land designated as Birralelee Road Industrial Precinct Specific Area Plan on the overlay maps and in Figure S1.1.

MEA-S1.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of:

- (a) General Industrial Zone;
- (b) Road and Railway Assets Code;
- (c) Bushfire-Prone Areas Code;

as specified in the relevant provision.

MEA-S1.3 Local Area Objectives

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

MEA-S1.4 Definition of Terms

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

MEA-S1.5 Use Table

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

MEA-S1.6 Use Standards

MEA-S1.6.1 Access to Birralelee Road and side roads

This clause is in substitution for Road and Railway Assets Code – clause C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction.

Objective:	To provide safe and efficient access to the Birralelee Road Industrial Precinct and to protect the function of Birralelee Road within the State road hierarchy.
Acceptable Solutions	Performance Criteria
A1 The use must not have direct access to Birralelee Road except if: <ul style="list-style-type: none"> (a) the existing accesses to folio of the Register 160990/1 are intensified by no more than an additional 20 vehicle movements per day; (b) access to the fuel depot located on folio of the Register 103017/1 is not intensified; and (c) for existing accesses other than those described in the above sub-clauses, any intensification of the use of the access is in accordance with the written advice of the road authority. 	P1 Vehicular traffic to and from the site must minimise any adverse effects on the function and safety of Birralelee Road, having regard to: <ul style="list-style-type: none"> (a) the level of increase in traffic; (b) the nature of the traffic generated by the use; (c) the speed limit and traffic flow of Birralelee Road; (d) the location of the access on Birralelee Road; (e) the ability to achieve an alternate access to an existing or future side road; (f) any traffic impact assessment; and (g) any advice received from the road authority.
A2 Access on side roads is to be not less than 50m from any junction with Birralelee Road.	P2 No Performance Criterion.

MEA-S1.7 Development Standards for Buildings and Works

MEA-S1.7.1 Building Height

This clause is in substitution for General Industrial Zone – clause 19.4.1 Building height

Objective:	To provide for building heights within the Birralelee Road Industrial Precinct that are appropriate to large industrial developments.
Acceptable Solutions	Performance Criteria
A1 Building height must be not more than: <ul style="list-style-type: none"> (a) 20m; or (b) 30m if for a structure, such as a tower, stack or similar. 	P1 Building height must be necessary for the operation of the use and minimise visual impact as much as practical, having regard to: <ul style="list-style-type: none"> (a) the industrial processes that require the height of the building or structure; (b) the height, bulk and form of existing buildings; (c) the height, bulk and form of the proposed building; (d) the location of the building within the precinct; (e) the prominence of the building when viewed from the Bass Highway, Birralelee Road and the settlement of Westbury; and (f) any measures to mitigate the visual impact of the building.

MEA-S1.7.2 Setback to a frontage

This clause is in substitution for General Industrial Zone – clause 19.4.2 Setback

Objective:	To provide for appropriate building setbacks to roads.	
Acceptable Solutions		Performance Criteria
A1 Buildings must have a setback from a frontage of not less than: <ul style="list-style-type: none"> (a) 15m to a Birralelee Road frontage; (b) 8m to a primary frontage on all other roads; and (c) 3m to all other frontages. 		P1 Buildings must have a setback from a frontage that provides adequate space for vehicle access, parking and landscaping, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the setback of buildings on adjacent properties; and (c) the safety of road users..

MEA-S1.7.3 Setback to side and rear boundaries

This clause is in substitution for General Industrial Zone – clause 19.4.2 Development Standards for Buildings and Works

Objective:	To provide for setbacks to side and rear boundaries appropriate to the site.	
Acceptable Solutions		Performance Criteria
A1 Buildings must have a setback from: <ul style="list-style-type: none"> (a) side boundaries not less than 3m; and (b) rear boundaries not less than 6m. 		P1 Buildings must be sited to appropriately provide for industrial activities, having regard to: <ul style="list-style-type: none"> (a) vehicle access to the site; (b) building location and vehicle manoeuvrability on the site; (c) the area and dimensions of the site; (d) the topography of the site; and (e) the inclusion of any retaining walls.

MEA-S1.7.4 Exterior Finishes

This clause is in addition to General Industrial Zone – clause 19.4 Development Standards for Buildings and Works

Objective:	To minimise the visual and glare impacts of larger building elements.	
Acceptable Solutions		Performance Criteria
A1 Exterior building finishes, excluding structures such as towers, masts, tanks and similar, must have a light reflectance value of not more than 40%.		P1 Exterior building finishes, excluding structures such as towers, masts, tanks and similar, must not cause an unreasonable visual and glare impact on adjoining properties or surrounding area, having regard to: <ul style="list-style-type: none"> (a) the appearance of the building when viewed from properties and roads in the surrounding area; (b) any screening vegetation; (c) the nature of the exterior finishes; and (d) any measures available to mitigate visual and glare impacts.

MEA-S1.7.5 Landscaping

This clause is in substitution for General Industrial Zone – clause 19.4.3 Landscaping

Objective:	That: (a) the visual appearance of the precinct along the Birralelee Road is enhanced; and (b) the visual impact of development is reduced and the precinct is integrated within the surrounding rural landscape.
Acceptable Solutions	Performance Criteria
A1 Landscaping buffer areas: (a) adjoining the frontage of Birralelee Road in Figure S1.1, must have: (i) a width of not less than 15m and not be developed for buildings; (ii) no less than a single row of trees that will achieve a height of not less than 12m; and (iii) no less than 20% of the area planted with shrubs and groundcover plants; and (b) not adjoining the frontage of Birralelee Road in Figure S1.1, must have no less than a single row of trees that will achieve a height of not less than 15m.	P1 No Performance Criterion.

MEA-S1.8 Development Standards for Subdivision

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: (a) the orderly and efficient release of land; and (b) lot design and a road network that is appropriate to large facilities and heavy vehicle traffic.
Acceptable Solutions	Performance Criteria
A1 Each lot, or lot proposed in a plan of subdivision, must: (a) be in accordance with the Outline Development Plan in Figure S1.1; (b) provide for a minimum lot size of 5,000m ² 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; (c) be required for public use by the Crown, a council or a State authority; or (d) be required for the provision of Utilities.	P1 Each lot, or lot proposed in a plan of subdivision, must have sufficient useable area and dimensions, having regard to: (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 manoeuvrability 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 2000</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>

MEA-S1.8.2 Services

This clause is in substitution for General Industrial Zone – clause 19.5.2 Services

Objective:	That the subdivision of land provides services for the future use and development of the land.	
Acceptable Solutions		Performance Criteria
A1	Each lot, or lot proposed in a plan of subdivision, excluding for Utilities or a drainage reserve, must be connected to a full water supply service.	P1 No Performance Criterion.
A2	Each lot, or a lot proposed in a plan of subdivision, excluding for Utilities or a drainage reserve or Utilities, must have a connection to a reticulated sewerage system.	P2 No Performance Criterion.
A3	Each lot, or a lot proposed in a plan of subdivision, excluding for Utilities or a drainage reserve, must be capable of connecting to a public stormwater system.	P3 No Performance Criterion.

MEA-S1.8.3 Subdivision within the bushfire-prone area

This clause is in substitution for Bushfire-Prone Areas Code – clause C13.6.1 Provision of hazard management areas, C13.6.2 Public and fire fighting access and C13.6.3 Provision of water supply for fire fighting purposes.

Objective:	That subdivision within the Birralelee Road Industrial Precinct is designed to provide appropriate building areas, road access and water supply to enable protection of life and property from bushfire.	
Acceptable Solutions		Performance Criteria
A1	Each lot, or a lot proposed in a plan of subdivision: (a) has access to a road with a carriageway width of no less than 10m; and (b) is connected to the reticulated water supply.	P1 No Performance Criterion.
A2	Each lot, or a lot proposed in a plan of subdivision has a building area that is no less than 10m from the boundary of an Agriculture Zone.	P2 No Performance Criterion.

[illegible]

MEA-S2.0 Hadspen Specific Area Plan

MEA-S2.1 Plan Purpose

The purpose of the Hadspen Specific Area Plan is:

MEA-S2.1.1 To provide for the development of the area consistent with the local area objectives.

MEA-S2.1.2 To provide for the coordinated subdivision of land.

MEA-S2.1.3 To coordinate the provision of infrastructure and public open space.

MEA-S2.2 Application of this Plan

MEA-S2.2.1 The specific area plan applies to the area of land designated as MEA-S2.0 Hadspen Specific Area Plan on the overlay maps and in Figure S2.1.

MEA-S2.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of:

- (a) General Residential Zone;
 - (b) Low Density Residential Zone;
 - (c) Rural Living Zone;
 - (d) Urban Mixed Use Zone;
 - (e) Local Business Zone;
 - (f) Utilities Zone; and
 - (g) Open Space Zone,
- as specified in the relevant provision.

MEA-S2.3 Local Area Objectives

MEA-S2.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
MEA-S2.3.1.1	Local Business Zone within the area shown on an overlay map as MEA-S2.3.1.1 and in Figure S2.1.	<p>The local area objectives for the Local Business Zone within the Hadspen Specific Area Plan are:</p> <ul style="list-style-type: none">(a) to protect the function of the Local Business Zone town centre as the local retail and service centre by principally providing for local service uses, allowing for some visitor attraction uses;(b) to protect the principal purpose of the Local Business Zone to provide for a supermarket, supported by specialty shops and services;(c) to prioritise active, pedestrian focused street fronts and meeting places over vehicle parking and support the activity centre through centralised parking;(d) to provide a highly visible, town centre junction that provides a clear focus of activity upon approach and serves to integrate the existing centre with new development into a restructured central precinct;(e) to provide an activity centre that has a compact, higher density urban form that is well integrated with the existing centre across Meander Valley Road through the use of landscaping treatment, traffic calming and other urban design features that clearly indicate pedestrian and vehicular connectivity;

Sub-clause	Area Description	Local Area Objectives
		<p>(f) to provide a town centre that has a high quality, urban environment integrating the design and layout of buildings and connecting public spaces through the use of hard and soft landscape architecture; and</p> <p>(g) to provide a highly visible, focal public space in the town centre that connects to the broader network of pedestrian, bicycle and recreational trails.</p>
MEA-S2.3.1.2	Urban Mixed Use Zone within the area shown on an overlay map as MEA-S2.3.1.2 and in Figure S2.1.	<p>The local area objectives for the Urban Mixed Use Zone within the Hadspen Specific Area Plan are:</p> <p>(a) to protect the function of the town centre through commercial and retail uses that are smaller in scale and specialist in service, interspersed with, or in combination with, community service uses and higher density residential uses;</p> <p>(b) to support multiple use facilities;</p> <p>(c) to protect the Education Site for the purpose of a school by supporting other uses on the Education Site where they are integral to the development of a community service hub that combines with a school. An application for discretionary use must show how that use will co-locate with a school through a development plan;</p> <p>(d) to provide for a transitional area with an 'urban village' character, between the commercial focus of the town centre and the suburban residential area, through the management of the density of development and smaller scale mix of uses;</p> <p>(e) to provide for development around the secondary junctions with Meander Valley Road that is of an appropriate scale and nature to complement the 'urban village' character and local service nature of the town centre;</p> <p>(f) to provide for active street frontages where it interfaces with the town centre by locating buildings and pedestrian access toward street frontages and generally directing vehicular access and parking to the rear of sites;</p> <p>(g) to prioritise higher density development to maximise opportunities for walking and cycling to services; and</p> <p>(h) to generally limit development height to two storeys.</p>
MEA-S2.3.1.3	General Residential Zone within the area shown on an overlay map as MEA-S2.3.1.3 and in Figure S2.1.	<p>The local area objectives for the General Residential Zone within the Hadspen Specific Area Plan are:</p> <p>(a) to provide for the standard range of uses in the zone;</p> <p>(b) to protect the function of the town centre by limiting commercial uses that draw local service activities away from the centre; and</p> <p>(c) to provide for standard densities and types of suburban residential development, integrated with the preferred network of public open space, vegetated amenity corridors and roads.</p>

Sub-clause	Area Description	Local Area Objectives
MEA-S2.3.1.4	Low Density Residential Zone within the area shown on an overlay map as MEA-S2.3.1.4 and in Figure S2.1.	<p>The local area objectives for the Low Density Residential Zone within the Hadspen Specific Area Plan are:</p> <ul style="list-style-type: none"> (a) to provide for the standard range of uses in the zone; (b) to allow for a range of lot sizes to provide for the efficient use of land while protecting natural and landscape values; (c) to protect the function of the town centre by limiting commercial uses that draw local service activities away from the centre; (d) to provide for a graduated visual impact of development toward the bush reserve and the higher, elevated slopes and in transitioning to the adjoining Rural Living Zone through either individually, or a combination of: <ul style="list-style-type: none"> (i) developing at lower densities than the General Residential Zone; (ii) subdivision design that will protect natural and landscape values while providing for a high level of residential amenity; (iii) encouraging smaller lots where appropriate to facilitate the efficient use of land; and (iv) minimising the amount of vegetation clearance for hazard management areas; and (e) to provide widened, vegetated amenity corridors along contours and alongside roads that visually and functionally integrates with public recreation trails and key water sensitive urban design lines.
MEA-S2.3.1.5	Rural Living Zone within the area shown on an overlay map as MEA-S2.3.1.5 and in Figure S2.1.	<p>The local area objectives for the Rural Living Zone within Hadspen Specific Area Plan are:</p> <ul style="list-style-type: none"> (a) to provide for the standard range of uses in the zone; (b) to protect the function of the town centre by limiting commercial uses that draw local service activities away from the centre; and (c) to provide a very low density to graduate the visual impact of the edge of the settlement toward rural land, the Bass Highway and nearby rural residential areas at Travellers Rest and Pateena Road.
MEA-S2.3.1.6	Utilities Zone within the area shown on an overlay map as MEA-S2.3.1.6 and in Figure S2.1.	<p>The local area objectives for the Utilities Zone within the Hadspen Specific Area Plan are:</p> <ul style="list-style-type: none"> (a) to provide for coordinated, multiple functions within the Meander Valley Road reserve, including: <ul style="list-style-type: none"> (i) the principal, central traffic corridor; (ii) utilities; (iii) pedestrian and bicycle connectivity to the activity centre; and (iv) recreational amenity; (b) to provide for the expansion of water supply infrastructure;

Sub-clause	Area Description	Local Area Objectives
		<p>(c) to provide for a central connectivity corridor along Meander Valley Road, utilising its additional verge width for shared use paths and low key parklands in combination with the location of services; and</p> <p>(d) to provide infrastructure that will not visually detract from the bushland setting or landscape values associated with the location.</p>
MEA-S2.3.1.7	Open Space Zone within the area shown on an overlay map as MEA-S2.3.1.7 and in Figure S2.1.	<p>The local area objectives for the Open Space Zone with the Hadspen Specific Area Plan are:</p> <p>(a) to reserve bushland for public open space which is to be part of a connected network of recreation trails; and</p> <p>(b) to provide for facilities that support the use of the site for passive recreation.</p>
MEA-S2.3.1.8	Area shown on an overlay map as MEA-S2.0 and in Figure S2.1.	<p>The local are objectives for the Hadspen Specific Area Plan are:</p> <p>(a) to provide for a co-ordinated network of roads, pedestrian and bicycle paths that connect the activity centre, mixed use and residential areas and public open space;</p> <p>(b) to provide key recreational trails for walking or cycling as a recreational pursuit through a looping network that links with the river, town centre and the existing township;</p> <p>(c) to design and maintain public open space areas to further the principles for Community Protection Through Environmental Design (CPTED) incorporating passive surveillance and visibility throughout the open space areas and when viewed from public vantage points;</p> <p>(d) to provide recreational trails with a natural appearance linking with, and complementary to, the bushland reserve and provide clear legibility as a network through layout and design; and</p> <p>(e) to design public open space that is complementary to its dual function with the water sensitive urban design treatment of stormwater.</p>

MEA-S2.4 Definition of Terms

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

MEA-S2.5 Use Table

MEA-S2.5.1 Use Table – Local Business Zone

This clause is in substitution for Local Business Zone – clause 14.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Permitted	
Business and Professional Services	If co-located with a supermarket.
Food Services	If co-located with a supermarket.
General Retail and Hire	If for a supermarket or specialty shops co-located with a supermarket.
Utilities	If for minor utilities.
Discretionary	
Business and Professional Services	If not listed as Permitted.
Community Meeting and Entertainment	
Educational and Occasional Care	
Emergency Services	
Food Services	If not listed as Permitted.
General Retail and Hire	If not: (a) listed as Permitted; or (b) a department store.
Manufacturing and Processing	
Residential	
Service Industry	
Utilities	If not listed as Permitted.
Visitor Accommodation	
Prohibited	
All other uses	

MEA-S2.5.2 Use Table – Urban Mixed Use Zone

This clause is in substitution for Urban Mixed Use Zone – clause 13.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Permitted	
Business and Professional Services	If not located on the Education Site shown in Figure S2.1.
Educational and Occasional Care	If: (a) for a school located on the Education Site shown in Figure S2.1; or (b) co-located with a school.
Food Services	If not located on the Education Site.
Residential	If : (a) for multiple dwellings, communal residence, aged care home, respite centre, or retirement village; (b) for a single dwelling on a lots of 450m ² or less; (c) for a home-based business; and (d) not located on the Education Site shown in Figure S2.1.
Utilities	If for minor utilities.
Discretionary	
Bulky Goods Sales	
Business and Professional Services	If not listed as Permitted.
Community Meeting and Entertainment	
Educational and Occasional Care	If not listed as Permitted.
Emergency Services	
General Retail and Hire	
Hotel Industry	
Manufacturing and Processing	
Recreation	
Recycling and Waste Disposal	
Research and Development	
Residential	If not listed as Permitted.
Storage	

Use Class	Qualification
Tourist Operation	
Transport Depot and Distribution	If for a bus terminal or taxi stand.
Utilities	If not listed as Permitted.
Vehicle Parking	
Visitor Accommodation	
Prohibited	
All other uses	

MEA-S2.5.3 Use Table – Utilities Zone

This clause is in substitution for Utilities Zone – clause 26.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Transport Depot and Distribution	If for a bus terminal or taxi stand.
Utilities	If not located on folio of the Register 17137/1.
Vehicle Parking	
Permitted	
Utilities	If for a reservoir on folio of the Register 17137/1.
Discretionary	
No uses	
Prohibited	
All other uses	

MEA-S2.6 Use Standards

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

MEA-S2.7 Development Standards for Buildings and Works

MEA-S2.7.1 Urban Mixed Use Zone – Density

This clause is in addition to Urban Mixed Use Zone – clause 13.4 Development Standards for Buildings and Works.

Objective:	To provide for residential densities that are consistent with the local area objectives for land within the Hadspen Specific Area Plan.	
Acceptable Solutions		Performance Criteria
A1 (a) Dwellings must have a site area per dwelling of: (i) not less than 225m ² ; and (ii) not more than 450m ² ; and (b) The development is for multiple dwellings on single or adjoining properties or single dwellings on properties not more than 450m ² .		P1 The density of residential development is to appropriately support the objectives for higher densities in the zone and the intended character of the area, having regard to: (a) topographical constraints; (b) infrastructure or servicing constraints; (c) the density of the surrounding area; (d) proximity to services and public transport; and (e) whether the development provides for a significant social or community housing benefit.

MEA-S2.7.2 Urban Mixed Use Zone – Site coverage

This clause is in addition to Urban Mixed Use Zone – clause 13.4 Development Standards for Buildings and Works and in substitution for clause 13.4.6 Dwellings.

Objective:	<ul style="list-style-type: none"> (a) That the siting and design of development is consistent with the local area objectives for land within the Hadspen Specific Area Plan. (b) To protect residential amenity through appropriate height, setbacks, siting and design of buildings and management of stormwater to provide adequate privacy, separation, open space and sunlight for residents. (c) To provide for private open space that is appropriate to a higher density residential environment.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Site coverage must be not more than 60%.</p>	<p>P1.1</p> <p>Site coverage must protect residential amenity on the site and adjoining properties, having regard to:</p> <ul style="list-style-type: none"> (a) the existing site coverage and any constraints imposed by existing development or the features of the site; (b) the site coverage of adjacent properties; (c) the effect of the visual bulk of the building and whether it is consistent with the local area objectives. <p>P1.2</p> <p>Dwellings must have private open space that is of a size and dimensions that are appropriate for the size of the dwelling, having regard to:</p> <ul style="list-style-type: none"> (a) the provision of outdoor recreational space consistent with the projected requirements of the occupants; (b) any common open space or nearby public open space; and (c) operational needs, such as clothes drying and storage.

MEA-S2.7.3 Urban Mixed Use Zone – Building height

This clause is in substitution for Urban Mixed Use Zone – clause 13.4.1 Building height.

Objective:	That: (a) design of development is consistent with the local area objectives for land within the Hadspen Specific Area Plan; and (b) residential amenity is protected by providing adequate separation, open space, privacy and sunlight for residents.
Acceptable Solutions	Performance Criteria
A1 Building height must be not more than 8.5m.	P1 Building height must not cause an unreasonable loss of amenity to adjoining properties, having regard to: (a) sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (b) overshadowing of private open space of a dwelling on an adjoining property; (c) overshadowing of adjoining vacant property; (d) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; (e) overlooking of habitable room windows or private open space of an adjoining dwelling; and (f) the intended or prevailing character of the surrounding area.

MEA-S2.7.4 Urban Mixed Use Zone – Building setback

This clause is in substitution for Urban Mixed Use Zone – clause 13.4.2 Setback, A1 and P1.

Objective:	That the siting of development is consistent with the local area objectives for land within the Hadspen Specific Area Plan.
Acceptable Solutions	Performance Criteria
A1 Buildings must have a setback from a frontage of not less than 3m.	P1 A building must have a setback from a frontage that is compatible with the intended or prevailing character of the surrounding area, having regard to: (a) any topographical constraints; (b) the function of the road; and (c) the visual impact of the building when viewed from the road or pedestrian pathways.

MEA-S2.7.5 Local Business Zone – Public plaza space

This clause is in addition to Local Business Zone – clause 14.4 Development Standards for Buildings and Works.

Objective:	That development of the town centre is to be consistent with the local area objectives through the inclusion of a plaza or similar space that serves as a public gathering place.	
Acceptable Solutions		Performance Criteria
A1 Development includes the provision of a minimum of 250m ² dedicated public plaza that is not a pedestrian thoroughfare.	P1 Suitable public gathering areas are to be provided, having regard to: <ul style="list-style-type: none">(a) the nature of the proposed uses;(b) the interface with outdoor pedestrian areas and other public open space;(c) the visibility of the space;(d) the interface with roads and vehicular access ways; and(e) the public amenity of the space.	

MEA-S2.8 Development Standards for Subdivision

MEA-S2.8.1 Infrastructure contribution

This clause is in addition to General Residential Zone - clause 8.6 Development Standards for Subdivision, Low Density Residential Zone - clause 10.6 Development Standards for Subdivision, Rural Living Zone – clause 11.5 Development Standards for Subdivision, Urban Mixed Use Zone - clause 13.5 Development Standards for Subdivision, Local Business Zone - clause 14.5 Development Standards for Subdivision and Open Space Zone clause 29.5 Development Standards for Subdivision.

Objective:	To provide for a Part 5 agreement, prior to the subdivision of land, to ensure that developer contributions are made towards the establishment costs of shared infrastructure.	
Acceptable Solutions		Performance Criteria
A1 An agreement under 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 Criterion.	

MEA-S2.8.2 Lot design

This clause is in substitution for General Residential Zone - clause 8.6.1 Lot design A1 and P1, Low Density Residential Zone - clause 10.6.1 Lot design A1 and P1, Rural Living Zone – clause 11.5.1 Lot design A1 and P1, Urban Mixed Use Zone - clause 13.5.1 Lot design A1 and P1, Local Business Zone - clause 14.4.1 Lot design A1 and P1 and Open Space Zone clause 29.5.1, Lot design A1 and P1.

Objective:	To provide for lot sizes that are consistent with the Plan Purpose and local area objectives of the Hadspen Specific Area Plan.
Acceptable Solutions	Performance Criteria
<p>A1.1</p> <p>Each lot, or a lot proposed on a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) have a minimum area in accordance with Table MEA-S2.9.1; or (b) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or (c) be for the provision of utilities; or (d) be for the consolidation of a lot with another lot with no additional titles created; or (e) be to align existing titles with zone boundaries and no additional lots area created. <p>A1.2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have new boundaries setback from existing buildings that are consistent with the setback required by clause:</p> <ul style="list-style-type: none"> (a) 8.4.2 A1, A2 and A3 in the General Residential Zone; (b) 10.4.3 A1 and A2 in the Low Density Residential Zone; (c) 11.4.2 A2 and A3 in the Rural Living Zone; (d) 13.4.2 A1, A2 and A3 in the Urban Mixed Use Zone; (e) 14.4.2 A1, A2 and A3 in the Local Business Zone; or (f) 29.4.1 A2, A3 and A4 in the Open Space Zone 	<p>P1</p> <p>Each lot, or a lot proposed on a plan of subdivision, must provide sufficient useable area and dimensions, consistent with the specific area plan purpose and local area objectives, to allow for:</p> <ul style="list-style-type: none"> (a) buildings to be erected in a hazard free location; (b) on-site parking and manoeuvrability; (c) adequate private open space; and (d) reasonable vehicular access from the carriageway of the road to a building area on the lot.

MEA-S2.8.3 Water and sewer services

This clause is in substitution for General Residential Zone - clause 8.6.3 Services A1, A2 and P1, P2, Low Density Residential Zone - clause 10.6.3 Services A1, A2 and P1, P2, Rural Living Zone - clause 11.5.3 Services A1, A2 and P1, P2, Urban Mixed Use Zone - clause 13.5.2 Services, Local Business Zone - clause 14.5.2 Services A1, A2 and P1, P2.

Objective:	That subdivision: <ul style="list-style-type: none"> (a) provides for the connection of lots within the local business, urban mixed use and general residential zones to a reticulated sewer; (b) provides for the connection of lots within the local business, urban mixed use and general residential zones to a reticulated water supply; and (c) provides for the connection of lots within the low density residential and rural living zones to reticulated water and sewer services where capable.
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian reserve or Utilities, must be connected to a: <ul style="list-style-type: none"> (a) full water supply service; and (b) reticulated sewerage system. 	P1 Each lot, or a lot proposed in a plan of subdivision, must be: <ul style="list-style-type: none"> (a) in a locality for which reticulated services are not available or capable of being connected; and (b) capable of accommodating an on-site waste water management system adequate for the future use and development of the land.

MEA-S2.8.4 Stormwater services

This clause is in substitution for General Residential Zone - clause 8.6.3 Services A3 and P3, Low Density Residential Zone - clause 10.6.3 Services A3 and P3, Urban Mixed Use Zone – clause 13.5.2 Services A3 and P3, Local Business Zone - clause 14.5.2 Services A3 and P3; and is in addition to Rural Living Zone - clause 11.5.3 Services.

Objective:	That subdivision: <ul style="list-style-type: none"> (a) provides for stormwater treatment through the principles of water sensitive urban design and principally directing stormwater to the identified Key WSUD Stormwater Lines and Wetland Dispersal Area in Figure S2.1; (b) provides for a stormwater system designed to accommodate peak storm events and avoid flooding of development areas; (c) provides for water sensitive urban design stormwater system, designed to appropriately integrate into public open space and the road network by enhancing the 'natural environment' visual amenity of the public areas and taking public safety into account; and (d) provides for a water sensitive urban design stormwater system designed to minimise the long term maintenance obligations for public open space.
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 The stormwater system is to be designed to accommodate the peak stormwater loads from lots and roads through a combination of infrastructure and water sensitive urban design elements, having regard to: <ul style="list-style-type: none"> (a) the design of an open swale network that can appropriately accommodate stormwater volumes and velocity; (b) the inclusion of vegetation planting to slow and filter stormwater;

	<ul style="list-style-type: none"> (c) the inclusion of constructed baffles to slow stormwater and prevent erosion; (d) the inclusion of detention basins to slow and gradually release stormwater resulting from higher impact storm events; and (e) the design of an underground pipe network and connection to the water sensitive urban design elements.
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MEA-S2.8.5 Road network

This clause is in substitution for General Residential Zone - clause 8.6.2 Roads, Low Density Residential Zone - clause 10.6.2 Roads, and Rural Living Zone - clause 11.5.2 Roads; and is in addition to Urban Mixed Use Zone – clause 13.5 Development Standards for Subdivision, and Local Business Zone - clause 14.5 Development Standards for Subdivision.

Objective:	<p>That subdivision:</p> <ul style="list-style-type: none"> (a) provides for key junctions with Meander Valley Road consistent with Figure S2.1; (b) provides for the Main Town Centre Junction in Figure S2.1 as the principal junction that is the focal point of the town centre and forms the principal link to the existing township; (c) provides for the secondary Junctions in Figure S2.1 as a limited number of collector road junctions from the development areas that distribute traffic to Meander Valley Road; (d) provides a principal alignment of the road network in a north-east to south-west and north-west to south-east direction to align with the contours of the land; (e) provides for a hierarchy of local roads and collector roads in a connected, looping layout that maximises permeability and access to the town centre and Meander Valley Road; (f) provides a road network that includes for shared use with bicycles and pedestrians; (g) includes clear visual elements and traffic calming measures where public open space and recreation trails cross roads to indicate a slower traffic speed environment and pedestrian crossings; and (h) provides for a road network at an appropriate standard to accommodate accessible buses and bus stops.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>The road network is to be designed to provide an accessible and safe neighbourhood road system consistent with the specific area plan purpose and local area objectives, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the land; (b) a hierarchy of anticipated traffic volumes on local, collector and arterial roads; (c) the location and treatment of road junctions; (d) integration with pedestrian, bicycle and recreation routes; (e) an appropriate speed environment and any traffic calming that may be warranted; and (f) standards for accessible public transport and emergency service vehicles.

MEA-S2.8.6 Public open space

This clause is in addition to General Residential Zone - clause 8.6 Development Standards for Subdivision, Low Density Residential Zone - clause 10.6 Development Standards for Subdivision, Rural Living Zone – clause 11.5 Development Standards for Subdivision, Urban Mixed Use Zone - clause 13.5 Development Standards for Subdivision, Local Business Zone - clause 14.5 Development Standards for Subdivision and Open Space Zone clause 29.5 Development Standards for Subdivision.

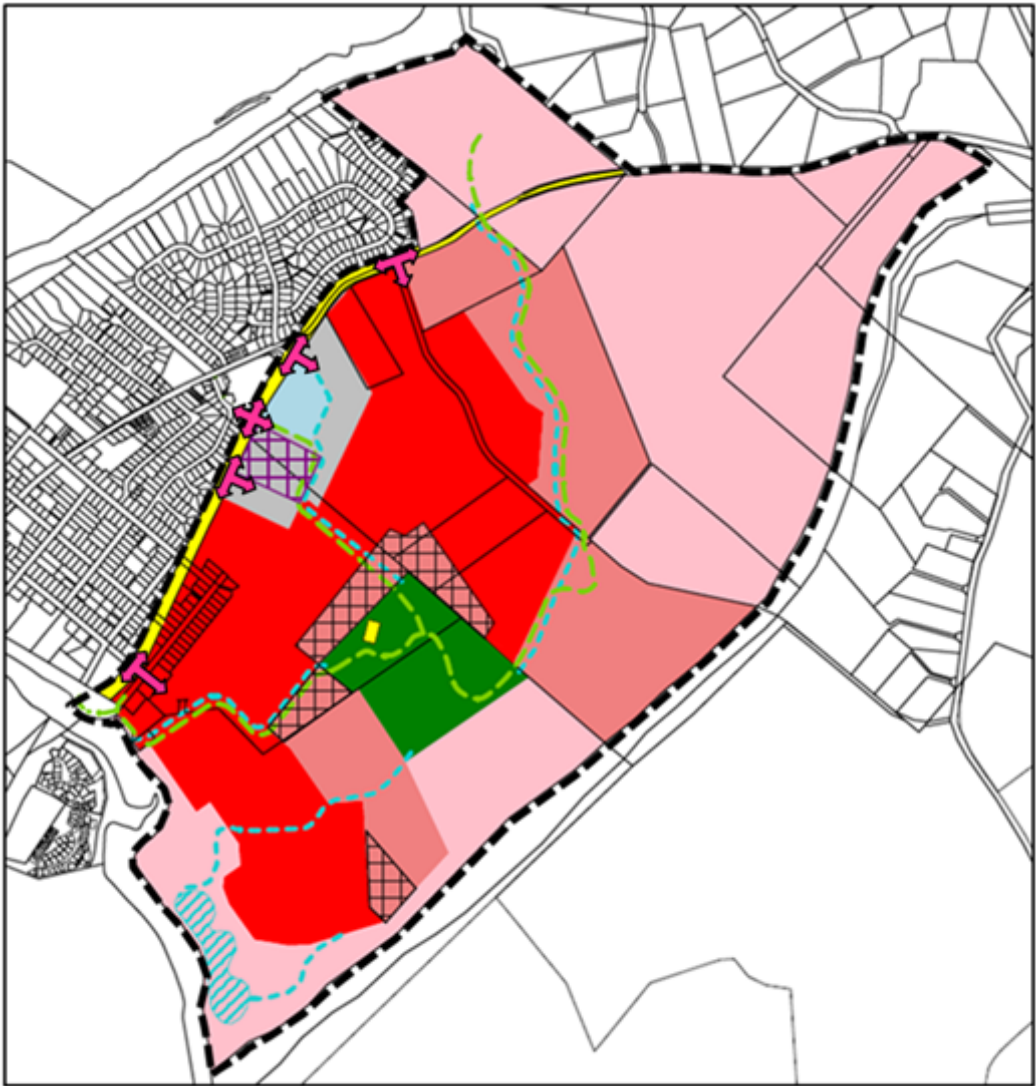
Objective:	Subdivision is to provide for a network of public open space that is consistent with the local area objectives of the Hadspen Specific Area Plan.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 The public open space network is to be designed to provide a high level of amenity and connectivity, consistent with specific area plan purpose and local area objectives, having regard to: <ul style="list-style-type: none">(a) the topography of the land;(b) requirements for vegetated amenity corridors;(c) integration of shared use for pedestrians and bicycles;(d) integration of Water Sensitive Urban Design stormwater requirements;(e) public safety; and(f) provision of clear legibility at road crossings.

MEA-S2.9 Tables
















MEA-S2.9.1 Minimum Lot Area

Zone	Minimum lot area or density
Local Business Zone	No minimum lot size
Urban Mixed Use Zone	450m ²
General Residential Zone	700m ²
Low Density Residential Zone	5,000m ²
Low Density Residential Zone (Area A) (as identified in Figure S2.1)	1,600m ² with an average lot density of 1 per 3,000m ²
Rural Living Zone	2ha
Open Space Zone	No minimum lot size

Figure S2.1



Legend

- | | | | |
|---|---------------------------|---|----------------------------------|
|  | Main Town Centre Junction |  | General Residential Zone |
|  | Secondary Junction |  | Low Density Residential Zone |
|  | Key Recreation Trail |  | Rural living Zone |
|  | Key WSUD Stormwater Line |  | Open Space Zone |
|  | WSUD Wetland Easement |  | Local Business Zone |
|  | Education Site |  | Urban Mixed Use Zone |
|  | SAP Boundary |  | Utilities Zone |
| | |  | Low Density Residential (Area A) |

MEA-S3.0 Carrick Specific Area Plan

MEA-S3.1 Plan Purpose

The purpose of the Carrick Specific Area Plan is:

MEA-S3.1.1 to provide for the co-ordinated subdivision of land; and

MEA-S3.1.2 to provide for the subdivision of land consistent with the local area objectives.

MEA-S3.2 Application of this Plan

MEA-S3.2.1 The specific area plan applies to the area of land designated as Carrick Specific Area Plan on the overlay maps and in Figure S3.1.

MEA-S3.2.2 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 Rural Living Zone, as specified in the relevant provision.

MEA-S3.3 Local Area Objectives

MEA-S3.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
MEA-S3.3.1.1	Area shown on an overlay map as MEA-S3.3.1.1 and in Figure S3.1	<p>The local area objectives for the Carrick Specific Area Plan are:</p> <ul style="list-style-type: none">(a) to provide diversity in the size of lots and optimising lot yield by graduating the density of lots through smaller lots located at the settlement periphery, moving to larger lots where protection of threatened vegetation and larger setbacks to the Liffey River, Bass Highway or other features are preferred;(b) to maintain the vegetation and woodland landscape character to the eastern side of Bishopsbourne Road;(c) to configure subdivision incorporating the native vegetation to the eastern side of Bishopsbourne Road to provide for bushfire hazard management areas and accesses that minimise the removal of standing vegetation and provide for substantial separation distances between building areas; and(d) to configure subdivision incorporating the open landscape toward between the Liffey River and Bishopsbourne Road to be consistent with the character objective for a graduated density toward the south, with dimensions to allow for appropriate separation between buildings, separation between buildings and adjoining access ways and to accommodate bushfire hazard management areas within each lot.

MEA-S3.4 Definition of Terms

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

MEA-S3.5 Use Table

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

MEA-S3.6 Use Standards

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

MEA-S3.7 Development Standards for Buildings and Works

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

MEA-S3.8 Development Standards for Subdivision

MEA-S3.8.1 Lot design

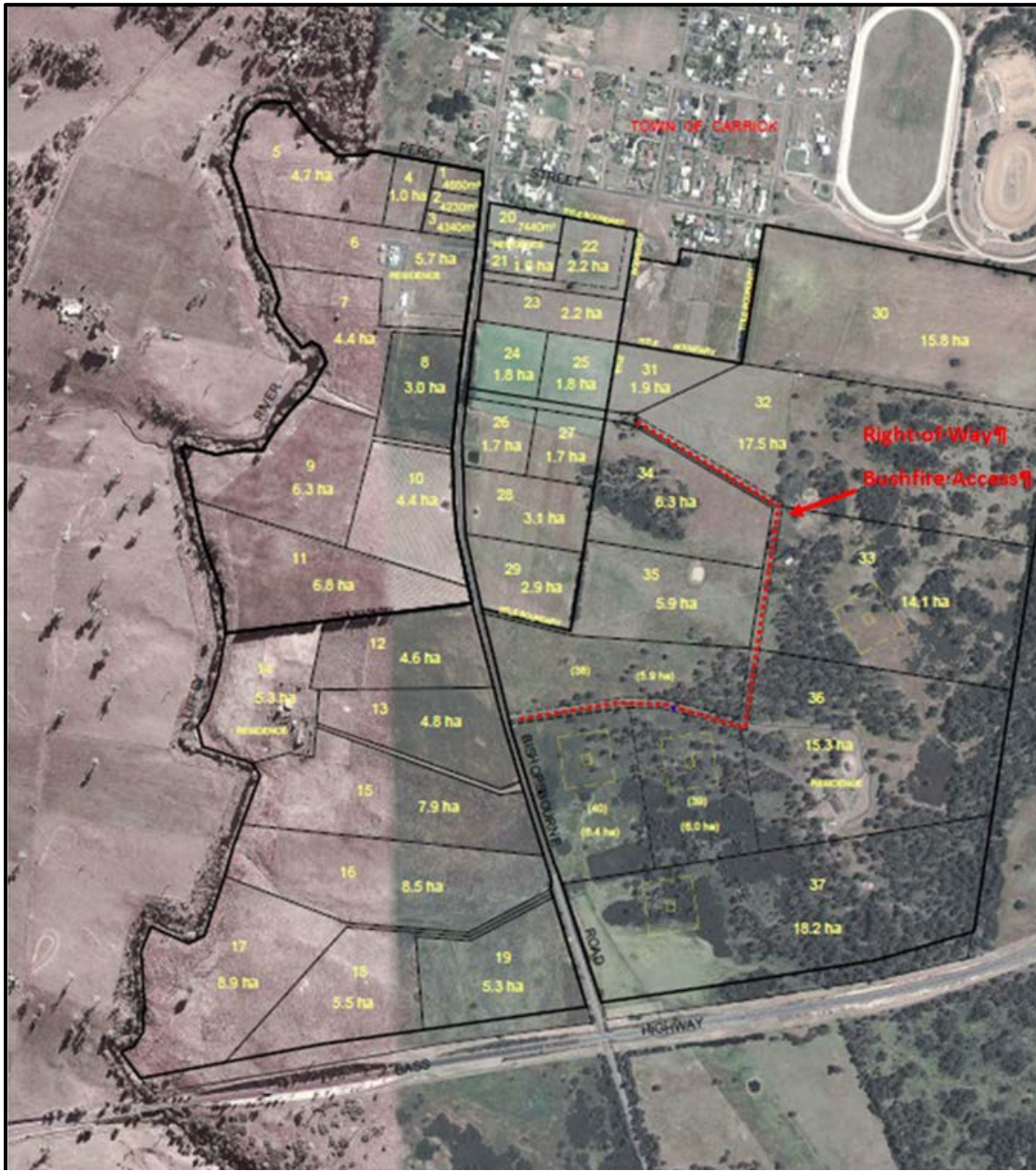
This clause is in substitution for Rural Living Zone – clause 11.5.1 Lot design.

Objective:	That subdivision: <ul style="list-style-type: none">(a) locates lots in an arrangement that is consistent with the local area objectives;(b) provides area and dimensions of lots that are appropriate for the purpose of the Rural Living Zone and is consistent with the local area objectives;(c) provides for appropriate waste water disposal and stormwater management in consideration of the characteristics of the land; and(d) provides frontage and access to a road in locations that do not adversely affect the function of Bishopsbourne Road, in particular aggregating access points or establishing a new road and junction appropriate for the degree of use.
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must be in accordance with the Plan and include the building areas and right of way shown in Figure S3.1.	P1 Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none">(a) provide for each lot, sufficient useable area and dimensions to allow for:<ul style="list-style-type: none">(i) a dwelling to be erected in a convenient, appropriate and hazard free location;(ii) appropriate disposal of waste water;(iii) on-site parking and manoeuvrability;(iv) adequate private open space; and(v) reasonable frontage and vehicular access from the carriageway of the road to a building area on the lot, if any; and(b) be consistent with the local area objectives, having regard to:<ul style="list-style-type: none">(i) the topographical or natural features of the site; and(ii) the ability of vegetation to provide buffering; and(iii) any features of natural or cultural significance; and(iv) the presence of any natural hazards.

MEA-S3.9 Tables

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

Figure S3.1 Plan



MEA-S4.0 Harley Parade Specific Area Plan

MEA-S4.1 Plan Purpose

The purpose of the Harley Parade Specific Area Plan is:

MEA-S4.1.1 To provide detailed requirements for subdivision development within the General Residential Zone at 1 Harley Parade, Prospect Vale.

MEA-S4.2 Application of this Plan

MEA-S4.2.1 The specific area plan applies to the area of land designated as Harley Parade Specific Area Plan on the overlay maps and in Figure S4.1.

MEA-S4.2.2 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 General Residential Zone, as specified in the relevant provision.

MEA-S4.3 Local Area Objectives

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

MEA-S4.4 Definition of Terms

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

MEA-S4.5 Use Table

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

MEA-S4.6 Use Standards

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

MEA-S4.7 Development Standards for Buildings and Works

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

MEA-S4.8 Development Standards for Subdivision

MEA-S4.8.1 Lot design

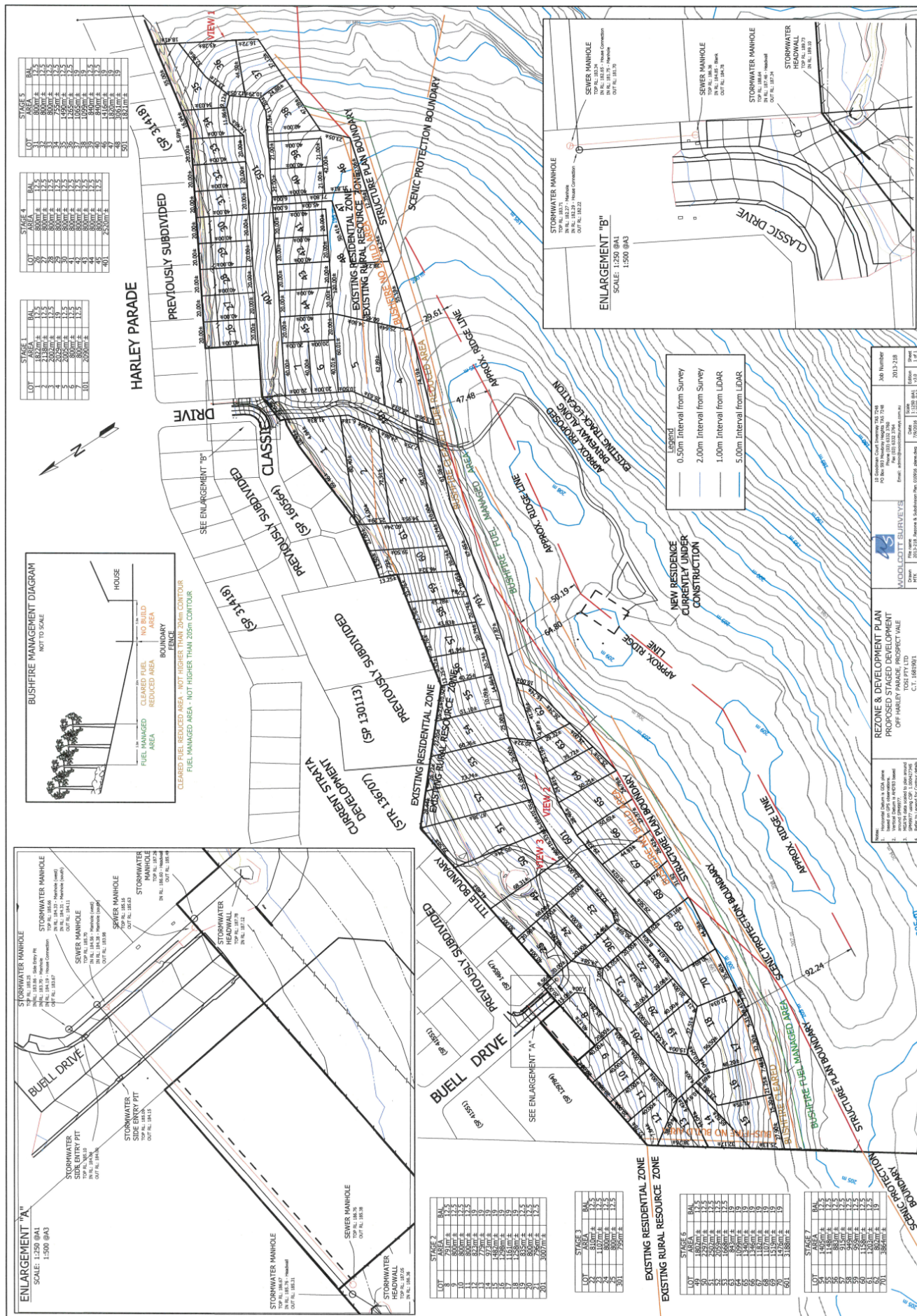
This clause is in substitution for General Residential Zone – clause 8.6.1 Lot design.

Objective:	To provide for the subdivision of land in accordance with the Development Plan.
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must be in accordance with the Development Plan in Figure S4.1.	P1 Each lot, or a lot proposed in a plan of subdivision is generally consistent with the Development Plan in Figure S4.1, having regard to: <ul style="list-style-type: none">(a) the relevant requirements for development of buildings on the lots;(b) the topography of the site;(c) the presence of any natural hazards;(d) the functionality and useability of the frontage;(e) the nature of the road and traffic;(f) the ability for emergency services to access the site; and(g) the requirements for the installation of services and utilities, and maintains a public road connection between Buell Drive and Classic Drive.

MEA-S4.9 Tables

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

Figure S4.1 Development Plan



MEA-S5.0 Karst Management Area Specific Area Plan

MEA-S5.1 Plan Purpose

The purpose of the Karst Management Area Specific Area Plan is:

MEA-S5.1.1 To minimise adverse impacts of development on groundwater dependent ecosystems.

MEA-S5.1.2 To provide for appropriate protection of sensitive karst features.

MEA-S5.1.3 To manage erosion of sediments within the karst area to minimise adverse impacts on karst features and the karst system.

MEA-S5.2 Application of this Plan

MEA-S5.2.1 The specific area plan applies to the area of land designated as Karst Management Area Specific Area Plan on the overlay maps.

MEA-S5.2.2 The specific area plan does not apply to agricultural use, excluding plantation forestry.

MEA-S5.2.3 In the area of land to which this plan applies, the provisions of the specific area plan are in addition to the zone and code provisions of the State Planning Provisions.

MEA-S5.3 Local Area Objectives

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

MEA-S5.4 Definition of Terms

MEA-S5.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
cave	means a natural cavity within rock that may be water filled. It may also be blocked partly or fully by sediment.
exposed karst	means carbonate bedrock outcrops fully exposed or with soil or unconsolidated sediment cover of less than 500mm.
high sensitivity karst area	means land shown on an overlay map as within a high sensitivity karst area.
karren	means the presence of rounded fluting in the carbonate bedrock which results from corrosional processes, indicating a higher susceptibility to erosion.
karst	means a topography formed from the dissolution of soluble rock, such as, limestone, dolomite, and gypsum. It is characterized by underground drainage systems with caves and surface expression in sinkholes, sinking streams and springs
karst feature	means a cave, exposed karst, karren, sinkhole, sinking stream or stream.
karst management area	means land shown on an overlay map as within a: (a) high sensitivity karst area; or (b) low sensitivity karst area.
low sensitivity karst area	means land shown on an overlay map as within a low sensitivity karst area.
sinkhole	means a closed depression in karst areas which are usually circular in outline. They may be produced by solution of rock close to the surface or by the roof of a cave collapsing. Streams may sink underground through sinkholes. Water drains from sinkholes to underground systems.
sinking stream	means a drainage depression that carries overland water flow that descends at a point into the ground to enter the subterranean stream system.
stream	means a drainage depression that carries overland water flow.

MEA-S5.5 Use Table

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

MEA-S5.6 Use Standards

MEA-S5.6.1 Use

Objective:	To minimise adverse impacts on the karst system through the management of use	
Acceptable Solutions		Performance Criteria
A1 Plantation forestry in accordance with a forest practices plan.	P1 No Performance Criterion.	
A2 Within the karst management area, waste water disposal fields must be separated from a sinkhole or cave not less than the following distances: (a) up slope <5° 40m; 5°-10° 50m; 10°-15° 60m; 15°-20° 70m; and Add 10m for every additional 5° of slope; and (b) down slope All slopes 40m	P2 Within the karst management area, waste water disposal fields must be located at a suitable distance from sinkholes and caves to: (a) avoid an increase in potential for ground surface or land instability; (b) avoid pollution of subterranean waterways as a result of runoff directly entering the karst system.	
A3 Use must not facilitate access to a cave within the karst management area.	P3 A Management Plan is to be submitted that demonstrates how karst natural values will be protected within the karst management area.	
A4 Hard waste must not be disposed of on-site within the karst management area.	P4 Disposal of waste is to be in a manner that ensures protection of the environmental values of the karst system within the karst management area from pollutants and foreign materials.	
A5 Use does not involve the abstraction of water within the karst management area.	P5 The abstraction of water must not adversely affect the environmental values of the karst system within the karst management area through the lowering of the water table.	

MEA-S5.7 Development Standards for Buildings and Works

MEA-S5.7.1 Sedimentation and pollution

Objective:	To manage the impacts of development to minimise erosion and to prevent sediment and pollution entering the karst system.	
Acceptable Solutions		Performance Criteria
A1 Plantation forestry in accordance with a forest practices plan.		P1 No Performance Criterion.
A2.1 Excavation, buildings, access and subsurface drainage, excluding for plantation forestry, must be located not less than 100m from a karst feature. A2.2 Runoff from access ways, excluding for plantation forestry, must not concentrate water flows into the groundwater system.		P2 Sediment and pollutant loss into the karst system is to be minimised through: (a) the use of sediment control measures; (b) the avoidance of karst features and subterranean cavities in the construction of subsurface infrastructure; (c) vegetation retention or permanent perennial ground cover between the development and karst features; (d) improvement of vegetation cover in critical areas for soil conservation, such as steep slopes, unstable soils and riparian areas; (e) directing on-site effluent disposal away from karst features; (f) the use of specialised, lower impact on-site effluent disposal systems.
A3 Vegetation must be retained, excluding for plantation forestry, surrounding a sinkhole, sinking stream or cave not less than the following distances: (a) up slope <5 ⁰ 40m 5 ⁰ -10 ⁰ 50m 10 ⁰ -15 ⁰ 60m 15 ⁰ -20 ⁰ 70m Add 10m for every additional 5 ⁰ of slope (b) down slope All slopes 40m		P3 Clearance of vegetation must not result in an increase of sediments entering the karst system or increased instability of a karst feature, having regard to: (a) the type of vegetation on the site; (b) the type of soil on the site; (c) the existing structure of the sinkhole; and (d) the proposed treatment of the cleared area including replacement vegetation.
A4 Development must not fill a cave or sinkhole.		P4 No Performance Criterion.

MEA-S5.7.2 High Sensitivity Karst Area

Objective:	To protect the environmental values of the high sensitivity karst area through the appropriate location and treatment of development.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>(a) Development for building and works in a high sensitivity karst area must be for plantation forestry in accordance with a forest practices plan; or</p> <p>(b) The area for development must not:</p> <ul style="list-style-type: none"> (i) contain karren, caves and sinking streams; or (ii) have less than 500mm soil coverage. 	<p>P1</p> <p>A report prepared by a suitably qualified person must demonstrate that the development does not result in the following impacts:</p> <ul style="list-style-type: none"> (a) damage to sites of scientific significance; (b) damage to a karst feature; (c) blockage of a sinkhole or cave; (d) induce unacceptable levels of surface soil erosion and sedimentation into the karst system; (e) creation of a safety hazard; (f) increase potential for ground surface or land instability; (g) pollution of surface or subterranean waterways; (h) adversely lower the water table; (i) adversely increase subterranean water flow; (j) significant alteration of the surface hydrology. <p>The report is to include any measures for the location of development or treatment of development that will mitigate adverse impacts on the karst system.</p>

MEA-5.8 Development Standards for Subdivision

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

MEA-S5.9 Tables

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

MEA-S6.0 Chudleigh Specific Area Plan

MEA-S6.1 Plan Purpose

The purpose of the Chudleigh Specific Area Plan is:

MEA-S6.1.1 To provide for additional lot yield without diminishing the historic, low density character of the peripheral areas of the Chudleigh settlement.

MEA-S6.1.2 To maintain the distinction in density between the village centre and the peripheral low density residential area.

MEA-S6.2 Application of this Plan

MEA-S6.2.1 The specific area plan applies to the area of land designated as Chudleigh Specific Area Plan on the overlay maps.

MEA-S6.2.2 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 Low Density Residential Zone, as specified in the relevant provision.

MEA-S6.3 Local Area Objectives

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

MEA-S6.4 Definition of Terms

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

MEA-S6.5 Use Table

This clause is in substitution for Low Density Residential Zone – clause 10.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Utilities	If for minor utilities.
Permitted	
Residential	If for a home-based business.
Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
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.

Use Class	Qualification
General Retail and Hire	If for a local shop.
Residential	If not: (a) for multiple dwellings; or (b) listed as No Permit Required or Permitted.
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

MEA-S6.6 Use Standards

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

MEA-S6.7 Development Standards for Buildings and Works

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

MEA-S6.8 Development Standards for Subdivision

MEA-S6.8.1 Lot design

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

Objective:	To provide for: <ul style="list-style-type: none">(a) density and dimensions of lots consistent with the character of the historic lot pattern and sizes adjacent to the village centre of Chudleigh; and(b) area and dimensions of lots that are appropriate to accommodate a dwelling and associated on-site drainage and wastewater requirements.
Acceptable Solutions	Performance Criteria
A1 <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 5000m² and:<ul style="list-style-type: none">(i) be able to contain a 40m 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;(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.	P1 <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 plan purpose;(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 existing lots or development existing on established properties in the area; and(h) any constraints to development.

MEA-S6.9 Tables

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

MEA-S7.0 Davis Road Specific Area Plan

MEA-S7.1 Plan Purpose

The purpose of the Davis Road Specific Area Plan is:

MEA-S7.1.1 To provide for additional lot yield consistent with the existing larger lot character for the low density area at Davis Road.

MEA-S7.1.2 To provide for subdivision that facilitates separation distances between future dwellings, consistent with the existing character of the area.

MEA-S7.2 Application of this Plan

MEA-S7.2.1 The specific area plan applies to the area of land designated as Davis Road Specific Area Plan on the overlay maps.

MEA-S7.2.2 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 Low Density Residential Zone, as specified in the relevant provision.

MEA-S7.3 Local Area Objectives

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

MEA-S7.4 Definition of Terms

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

MEA-S7.5 Use Table

This clause is in substitution for Low Density Residential Zone – clause 10.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Utilities	If for minor utilities.
Permitted	
Residential	If for a home-based business.
Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
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.

Use Class	Qualification
General Retail and Hire	If for a local shop.
Residential	If not: (a) for multiple dwellings; or (b) listed as No Permit Required or Permitted.
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

MEA-S7.6 Use Standards

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

MEA-S7.7 Development Standards for Buildings and Works

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

MEA-S7.8 Development Standards for Subdivision

MEA-S7.8.1 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) density and dimensions of lots consistent with the intended character of the Davis Road area; (b) dimensions of lots that enable building areas that are substantially separated or can be screened; and (c) area and dimensions of lots that are appropriate to accommodate a dwelling and associated on-site drainage and on-site wastewater requirements.
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 1ha and: <ul style="list-style-type: none"> (i) be able to contain a 100m 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; (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 have sufficient useable area and dimensions suitable for its intended use and the intended character, having regard to:</p> <ul style="list-style-type: none"> (a) the plan purpose; (b) the relevant requirements for development of buildings on the lots; (c) the intended location of buildings on the lots and whether the lots can achieve 50m separation between new building areas and between new and existing building areas; (d) the topography of the site; (e) features that may screen visibility between building areas; (f) adequate provision of private open space; (g) adequate provision of drainage and wastewater disposal; (h) the pattern of development existing on established properties in the area; and (i) any constraints to development.

MEA-S7.9 Tables

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

MEA-S8.0 Deloraine Specific Area Plan

MEA-S8.1 Plan Purpose

The purpose of the Deloraine Specific Area Plan is:

MEA-S8.1.1 To provide for additional lot yield appropriate to the constraints on services and the capability of the land to accommodate building development, drainage and wastewater disposal for the Deloraine settlement.

MEA-S8.2 Application of this Plan

MEA-S8.2.1 The specific area plan applies to the area of land designated as Deloraine Specific Area Plan on the overlay maps.

MEA-S8.2.2 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 Low Density Residential Zone, as specified in the relevant provision.

MEA-S8.3 Local Area Objectives

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

MEA-S8.4 Definition of Terms

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

MEA-S8.5 Use Table

This clause is in substitution for Low Density Residential Zone – clause 10.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Utilities	If for minor utilities.
Permitted	
Residential	If for a home-based business.
Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
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.

Use Class	Qualification
General Retail and Hire	If for a local shop.
Residential	If not: (a) for multiple dwellings; or (b) listed as No Permit Required or Permitted.
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

MEA-S8.6 Use Standards

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

MEA-S8.7 Development Standards for Buildings and Works

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

MEA-S8.8 Development Standards for Subdivision

MEA-S8.8.1 Lot design

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

Objective:	To provide for density and dimensions of lots that are appropriate to accommodate development for a dwelling and any associated on-site drainage and wastewater requirements, without adversely impacting on adjoining land.
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 5000m² and: <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; (b) where the lot can connect to reticulated water supply, sewer and stormwater services, have an area of not less than 1500m² and: <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; (c) be required for public use by the Crown, a council or a State authority; (d) be required for the provision of Utilities; or (e) 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 have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the plan purpose; (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 and wastewater disposal; (g) the potential for cumulative impacts of on-site wastewater disposal on slope stability; (h) the pattern of development existing on established properties in the area; (i) any constraints to development, <p>and must have an area not less than 1200m².</p>

MEA-S8.9 Tables

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

MEA-S9.0 Elizabeth Town Specific Area Plan

MEA-S9.1 Plan Purpose

The purpose of the Elizabeth Town Specific Area Plan is:

MEA-S9.1.1 To provide for an additional lot yield without diminishing the character of the historic, low density arrangement of lots for the Elizabeth Town settlement.

MEA-S9.1.2 To provide for subdivision that facilitates separation distances between future dwellings, consistent with the existing character of the area.

MEA-S9.2 Application of this Plan

MEA-S9.2.1 The specific area plan applies to the area of land designated as Elizabeth Town Specific Area Plan on the overlay maps.

MEA-S9.2.2 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 Low Density Residential Zone, as specified in the relevant provision.

MEA-S9.3 Local Area Objectives

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

MEA-S9.4 Definition of Terms

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

MEA-S9.5 Use Table

This clause is in substitution for Low Density Residential Zone – clause 10.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Utilities	If for minor utilities.
Permitted	
Residential	If for a home-based business.
Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
Educational and Occasional Care	If not for a tertiary institution.
Emergency Services	

Use Class	Qualification
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 not: (a) for multiple dwellings; or (b) listed as No Permit Required or Permitted.
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

MEA-S9.6 Use Standards

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

MEA-S9.7 Development Standards for Buildings and Works

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

MEA-S9.8 Development Standards for Subdivision

MEA-S9.8.1 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:</p> <ul style="list-style-type: none"> (a) density and dimensions of lots consistent with the character of the historic lot pattern and sizes within the Elizabeth Town settlement; (b) dimensions of lots that enables building areas that are substantially separated or can be screened; and (c) area and dimensions of lots that are appropriate to accommodate a dwelling and associated on-site drainage and on-site wastewater requirements.
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 1ha 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; (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 have sufficient useable area and dimensions suitable for its intended use and the intended character, having regard to:</p> <ul style="list-style-type: none"> (a) the plan purpose; (b) the relevant requirements for development of buildings on the lots; (c) the intended location of buildings on the lots and whether the lots can achieve 50m separation between new building areas and existing building areas; (d) the topography of the site; (e) features that may screen visibility between building areas; (f) adequate provision of private open space; (g) adequate provision of drainage and wastewater disposal; (h) the pattern of development existing on established properties in the area; and (i) any constraints to development.

MEA-S9.9 Tables

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

MEA-S10.0 Meander Specific Area Plan

MEA-S10.1 Plan Purpose

The purpose of the Meander Specific Area Plan is:

MEA-S10.1.1 To provide for additional lot yield, consistent with the existing, larger lot character, for the Meander settlement.

MEA-S10.1.2 To provide for subdivision that facilitates separation distances between future dwellings, consistent with the existing character of the area.

MEA-S10.2 Application of this Plan

MEA-S10.2.1 The specific area plan applies to the area of land designated as Meander Specific Area Plan on the overlay maps.

MEA-S10.2.2 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 Low Density Residential Zone, as specified in the relevant provision.

MEA-S10.3 Local Area Objectives

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

MEA-S10.4 Definition of Terms

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

MEA-S10.5 Use Table

This clause is in substitution for Low Density Residential Zone – clause 10.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Utilities	If for minor utilities.
Permitted	
Residential	If for a home-based business.
Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
Educational and Occasional Care	If not for a tertiary institution.
Emergency Services	

Use Class	Qualification
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 not: (a) for multiple dwellings; or (b) listed as No Permit Required or Permitted.
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

MEA-S10.6 Use Standards

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

MEA-S10.7 Development Standards for Buildings and Works

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

MEA-S10.8 Development Standards for Subdivision

MEA-S10.8.1 Lot design

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

Objective:	To provide for: <ul style="list-style-type: none">(a) density and dimensions of lots consistent with the intended character of the Meander low density area;(b) dimensions of lots that enables building areas that are substantially separated or can be screened; and(c) area and dimensions of lots that are appropriate to accommodate a dwelling and associated on-site drainage and on-site wastewater requirements.
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none">(a) have an area not less than 1ha 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;(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.	P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use and the intended character, having regard to: <ul style="list-style-type: none">(a) the plan purpose;(b) the relevant requirements for development of buildings on the lots;(c) the intended location of buildings on the lots and whether the lots can achieve 50m separation between new building areas and between new and existing building areas;(d) the topography of the site;(e) features that may screen visibility between building area;(f) adequate provision of private open space;(g) adequate provision of drainage and on-site wastewater disposal;(h) the pattern of development existing on established properties in the area; and(i) any constraints to development.

MEA-S10.9 Tables

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

MEA-S11.0 Westbury Specific Area Plan

MEA-S11.1 Plan Purpose

The purpose of the Westbury Specific Area Plan is:

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

MEA-S11.1.2 To provide for additional lot yield without diminishing the historic, low density grid arrangement of lots and roads.

MEA-S11.1.3 To provide for subdivision that facilitates separation distances between dwellings, consistent with the existing dwelling separation character.

MEA-S11.1.4 To locate and design development to reinforce the low density character of the streetscape through building separation and minimizing, or mitigating, viewing opportunities from the road.

MEA-S11.1.5 To locate and design development to reinforce the low density residential character of the area through separation of buildings, and minimizing, or mitigating, viewing opportunities between habitable rooms and views of development from adjoining properties or recreational pathways.

MEA-S11.2 Application of this Plan

MEA-S11.2.1 The specific area plan applies to the area of land designated as Westbury Specific Area Plan on the overlay maps.

MEA-S11.2.2 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 Low Density Residential Zone, as specified in the relevant provision.

MEA-S11.3 Local Area Objectives

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

MEA-S11.4 Definition of Terms

MEA-S11.4.1 In this specific area plan unless the contrary intention appears:

Terms	Definition
recreational pathways	means the unmade Crown road reserve land that is maintained by the State or Council and is utilised for pedestrian movement between roads.

MEA-S11.5 Use Table

This clause is in substitution for Low Density Residential Zone – clause 10.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Utilities	If for minor utilities.
Permitted	
Residential	If for a home-based business.

Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
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 not: (a) for multiple dwellings; or (b) listed as No Permit Required or Permitted.
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

MEA-S11.6 Use Standards

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

MEA-S11.7 Development Standards for Buildings and Works

MEA-S11.7.1 Setback

This clause is in substitution for Low Density Residential Zone – clause 10.4.3

Objective:	That the siting of development provides for setbacks between dwellings, and between dwellings and other buildings that is compatible with the greater separation distances that make up the low density character of the land within the Westbury Specific Area Plan.
Acceptable Solutions	Performance Criteria
A1 Buildings must have a setback from a frontage of: (a) not less than 15m; or (b) not less than existing buildings, excluding outbuildings, on the site.	P1 The siting of a building must be compatible with the streetscape and character of development existing on established properties in the area, having regard to: (a) the topography of the site; (b) the setbacks of surrounding buildings; (c) the height, bulk and form of existing and proposed buildings; (d) the appearance when viewed from roads; (e) mitigation of visual impacts through the retention of any vegetation; (f) the ability to screen or offset view lines between dwellings; and

Objective:	That the siting of development provides for setbacks between dwellings, and between dwellings and other buildings that is compatible with the greater separation distances that make up the low density character of the land within the Westbury Specific Area Plan.
	(g) the safety of road users.
A2 Buildings must have a setback from side and rear boundaries: <ul style="list-style-type: none"> (a) not less than 15m; or (b) not less than existing buildings, excluding outbuildings, on the site. 	P2 The siting of a building must provide for separation distances compatible with the low density character of development existing on established properties in the area, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the setbacks of surrounding buildings; (c) the height, bulk and form of existing and proposed buildings; (d) impacts on sunlight to private open space and windows of habitable rooms on adjoining properties; (e) the appearance when viewed from roads or recreational pathways; (f) the ability to screen or offset view lines between dwellings for privacy or visual impacts; and (g) mitigation of visual impacts through the retention of any vegetation.

MEA-S11.8 Development Standards for Subdivision

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:	To provide for: <ul style="list-style-type: none"> (a) density and dimensions of lots in an arrangement consistent with the low density grid arrangement of the area; (b) dimensions of lots that enables building to be separated; (c) lot areas and dimensions of lots that are appropriate to accommodate a dwelling and associated on-site drainage and on-site wastewater requirements; and (d) access to lots that minimises the number of driveway crossovers.
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"> (a) have an area not less than 1ha 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 MEA-S11.7.1 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 	P1 Subdivision must only be from an area of land not less than 2ha and: <ul style="list-style-type: none"> (a) provide not more than 3 lots for each 2ha; (b) provide 1 lot that has an area of not less than 1ha; and (c) each lot, or lot proposed in a plan of subdivision must: <ul style="list-style-type: none"> (i) be capable of containing a circle of not less than 60m diameter; (ii) have an area not less than 5000m²; and (iii) have sufficient useable area and dimensions suitable for its intended use,

Objective:	<p>To provide for:</p> <ul style="list-style-type: none"> (a) density and dimensions of lots in an arrangement consistent with the low density grid arrangement of the area; (b) dimensions of lots that enables building to be separated; (c) lot areas and dimensions of lots that are appropriate to accommodate a dwelling and associated on-site drainage and on-site wastewater requirements; and (d) access to lots that minimises the number of driveway crossovers. 	
	provided each lot is within the same zone.	<p>having regard to:</p> <ul style="list-style-type: none"> a. the plan purpose; b. the relevant requirements for development of buildings on the lots; c. the potential or intended location of buildings; d. distances between new building areas and new building areas and existing buildings; e. the topography of the site; f. adequate provision of drainage and on-site wastewater disposal; g. the ability to screen development through retention of existing hedgerows or other vegetation, or the planting of new vegetation screening; h. whether the location of access driveways and crossovers minimises vegetation clearance and viewing opportunities; i. the use of adjoining land as a recreational pathway; and j. any constraints to development.

MEA-S11.9 Tables

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

MEA-S12.0 Pumicestone Ridge Specific Area Plan

MEA-S12.1 Plan Purpose

The purpose of the Pumicestone Ridge Specific Area Plan is:

MEA-S12.1.1 To prohibit the creation of additional lots, excluding for public use or Utilities, at Pumicestone Ridge.

MEA-S12.1.2 To maintain dwelling density, consistent with the existing character of the area.

MEA-S12.2 Application of this Plan

MEA-S12.2.1 The specific area plan applies to the area of land designated as Pumicestone Ridge Specific Area Plan on the overlay maps.

MEA-S12.2.2 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 Low Density Residential Zone, as specified in the relevant provision.

MEA-S12.3 Local Area Objectives

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

MEA-S12.4 Definition of Terms

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

MEA-S12.5 Use Table

This clause is in substitution for Low Density Residential Zone – clause 10.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Utilities	If for minor utilities.
Permitted	
Residential	If for a home-based business.
Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
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.

Use Class	Qualification
Residential	If not: (a) for multiple dwellings; or (b) listed as No Permit Required or Permitted.
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

MEA-S12.6 Use Standards

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

MEA-S12.7 Development Standards for Buildings and Works

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

MEA-S12.8 Development Standards for Subdivision

MEA-S12.8.1 New lot prohibition

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

Objective:	To prohibit the creation of additional lots, excluding for public use or Utilities, at Pumicestone Ridge.	
Acceptable Solutions		Performance Criteria
A1 (a) Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"> (i) be required for public use by the Crown, a council or a State authority; or (ii) be required for the provision of Utilities; or (b) Subdivision must not create additional lots.		P1 No Performance Criterion.

MEA-S12.9 Tables

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

MEA-S13.0 Jackey's Marsh Specific Area Plan

MEA-S13.1 Plan Purpose

The purpose of the Jackey's Marsh Specific Area Plan is:

MEA-S13.1.1 To prohibit the creation of additional lots at Jackey's Marsh.

MEA-S13.2 Application of this Plan

MEA-S13.2.1 The specific area plan applies to the area of land designated as Jackey's Marsh Specific Area Plan on the overlay maps.

MEA-S13.2.2 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 Rural Living Zone, as specified in the relevant provision.

MEA-S13.3 Local Area Objectives

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

MEA-S13.4 Definition of Terms

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

MEA-S13.5 Use Table

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

MEA-S13.6 Use Standards

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

MEA-S13.7 Development Standards for Buildings and Works

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

MEA-S13.8 Development Standards for Subdivision

MEA-S13.8.1 New lot prohibition

This clause is in substitution for Rural Living Zone – clause 11.5.1 Lot design A1 and P1.

Objective:	To prohibit the creation of additional lots at Jackey's Marsh.	
Acceptable Solutions		Performance Criteria
A1 (a) Each lot, or a lot proposed in a plan of subdivision, must: (i) be required for public use by the Crown, a council or a State authority; or (ii) be required for the provision of Utilities; or (b) Subdivision must not create additional lots.		P1 No Performance Criterion.

MEA-S13.9 Tables

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

MEA-S14.0 Reedy Marsh Specific Area Plan

MEA-S14.1 Plan Purpose

The purpose of the Reedy Marsh Specific Area Plan is:

MEA-S14.1.1 To protect the vegetated landscape character of frontages in Reedy Marsh.

MEA-S14.1.2 To minimise the visual impact of development when viewed from roads.

MEA-S14.1.3 To provide for subdivision appropriate to the character of the area.

MEA-S14.2 Application of this Plan

MEA-S14.2.1 The specific area plan applies to the area of land designated as Reedy Marsh Specific Area Plan on the overlay maps.

MEA-S14.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for and in addition to the provisions of the Rural Living Zone, as specified in the relevant provision.

MEA-S14.3 Local Area Objectives

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

MEA-S14.4 Definition of Terms

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

MEA-S14.5 Use Table

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

MEA-S14.6 Use Standards

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

MEA-S14.7 Development Standards for Buildings and Works

MEA-S14.7.1 Landscape amenity

This clause is in substitution to Rural Living Zone – clause 11.4.2 Building height, setback and siting A2 and P2, and in addition to clause 11.4.2 Development Standards for Building and Works.

Objective:	That the vegetated landscape character of frontages in Reedy Marsh are protected or managed to minimise the visual impact of development when viewed from roads.	
Acceptable Solutions		Performance Criteria
A1 Buildings must have a setback from a frontage of not less than 35m.		P1 Buildings must be sited to be compatible with the vegetated landscape character of the area, having regard to: (a) the topography of the site; (b) the size and shape of the site; (c) the proposed building height, bulk and form of proposed buildings; (d) the location of existing development; (e) requirements for hazard management areas; (f) visual impact when viewed from roads; and

Objective:	That the vegetated landscape character of frontages in Reedy Marsh are protected or managed to minimise the visual impact of development when viewed from roads.
	(g) retention of vegetation to provide screening.

<p>A2</p> <p>Native vegetation is retained within 15m of the frontage, excluding for the provision of access.</p>	<p>P2</p> <p>The removal of native vegetation must be compatible with the vegetated landscape character of the area, 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) views into the site from roads; (d) the visibility of proposed buildings from roads; (e) the location of existing development; (f) requirements for hazard management areas defined in the Bushfire-Prone Areas Code clause C13.3; (g) retention of vegetation to provide screening.
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MEA-S14.8 Development Standards for Subdivision

MEA-S14.8.1 Lot design

This clause is in substitution for Rural Living Zone – clause 11.5.1 Lot design A1 and P1.

Objective:	That each lot: <ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in the Specific Area Plan; and (b) maintains the vegetated landscape character of the area.
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 15ha and: <ul style="list-style-type: none"> (i) be able to contain a minimum area of 15m x 20m clear of: <ul style="list-style-type: none"> a. all setbacks required by clauses MEA-S14.7.1 A1 and 11.4.2 A3; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clauses MEA-S14.7.1 A1 and 11.4.2 A3; (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 have sufficient useable area and dimensions suitable for its intended use and maintain the vegetated landscape character, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements for development of existing buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) any natural or landscape values; and (e) the pattern of development existing on established properties in the area, <p>and must have an area not less than 12ha.</p>

MEA-S14.9 Tables

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

MEA-S15.0 Upper Golden Valley Specific Area Plan

MEA-S15.1 Plan Purpose

The purpose of the Upper Golden Valley Specific Area Plan is:

MEA-S15.1.1 To prohibit direct access to the Highland Lakes Road for additional lots at Upper Golden Valley.

MEA-S15.2 Application of this Plan

MEA-S15.2.1 The specific area plan applies to the area of land designated as Upper Golden Valley Specific Area Plan on the overlay maps.

MEA-S15.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in addition to the provisions of the Rural Living Zone, as specified in the relevant provision.

MEA-S15.3 Local Area Objectives

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

MEA-S15.4 Definition of Terms

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

MEA-S15.5 Use Table

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

MEA-S15.6 Use Standards

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

MEA-S15.7 Development Standards for Buildings and Works

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

MEA-S15.8 Development Standards for Subdivision

MEA-S15.8.1 Lot design

This clause is in addition for Rural Living Zone – clause 11.5.1, Lot design.

Objective:	To prohibit access to the Highland Lakes Road for additional lots at Upper Golden Valley.	
Acceptable Solutions		Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must: (c) be provided with access: (i) to an existing road other than Highland Lakes Road; or (ii) to a new road that does not create a new junction with Highland Lakes Road; and (d) not intensify use of an existing access to Highland Lakes Road.		P1 No Performance Criterion.

<p>A2</p> <p>(a) Each lot, or a lot proposed in a plan of subdivision, must:</p> <p style="margin-left: 40px;">(i) be required for public use by the Crown, a council or a State authority; or</p> <p style="margin-left: 40px;">(ii) be required for the provision of Utilities; or</p> <p>(b) Subdivision must not create additional lots.</p>	<p>P2</p> <p>No Performance Criterion.</p>
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MEA-S15.9 Tables

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

MEA-S16.0 Weegen a Specific Area Plan

MEA-S16.1 Plan Purpose

The purpose of the Weegen a Rural Living Specific Area Plan is:

MEA-S16.1.1 To prohibit the creation of additional lots at Weegen a.

MEA-S16.2 Application of this Plan

MEA-S16.2.1 The specific area plan applies to the area of land designated as Weegen a Specific Area Plan on the overlay maps.

MEA-S16.2.2 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 Rural Living Zone, as specified in the relevant provision.

MEA-S16.3 Local Area Objectives

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

MEA-S16.4 Definition of Terms

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

MEA-S16.5 Use Table

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

MEA-S16.6 Use Standards

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

MEA-S16.7 Development Standards for Buildings and Works

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

MEA-S16.8 Development Standards for Subdivision

MEA-S16.8.1 New lot prohibition

This clause is in substitution for Rural Living Zone – clause 11.5.1 Lot design A1 and P1.

Objective:	To prohibit the creation of additional lots at Weegenah.	
Acceptable Solutions		Performance Criteria
A1 (a) Each lot, or a lot proposed in a plan of subdivision, must: (i) be required for public use by the Crown, a council or a State authority; or (ii) be required for the provision of Utilities; or (b) Subdivision must not create additional lots.		P1 No Performance Criterion.

MEA-S16.9 Tables

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

MEA-S17.0 Western Creek Specific Area Plan

MEA-S17.1 Plan Purpose

The purpose of the Western Creek Rural Living Specific Area Plan is:

MEA-S17.1.1 To prohibit the creation of additional lots at Western Creek.

MEA-S17.2 Application of this Plan

MEA-S17.2.1 The specific area plan applies to the area of land designated as Western Creek Specific Area Plan on the overlay maps.

MEA-S17.2.2 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 Rural Living Zone, as specified in the relevant provision.

MEA-S17.3 Local Area Objectives

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

MEA-S17.4 Definition of Terms

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

MEA-S17.5 Use Table

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

MEA-S17.6 Use Standards

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

MEA-S17.7 Development Standards for Buildings and Works

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

MEA-S17.8 Development Standards for Subdivision

MEA-S17.8.1 New lot prohibition

This clause is in substitution for Rural Living Zone – clause 11.5.1 Lot design A1 and P1.

Objective:	To prohibit the creation of additional lots at Western Creek.	
Acceptable Solutions		Performance Criteria
A1 (a) Each lot, or a lot proposed in a plan of subdivision, must: (i) be required for public use by the Crown, a council or a State authority; or (ii) be required for the provision of Utilities; or (b) Subdivision must not create additional lots.		P1 No Performance Criterion.

MEA-S17.9 Tables

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

MEA-S18.0 Travellers Rest Specific Area Plan

MEA-S18.1 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-S18.1.2 To provide for development that is compatible with the landscape values of Travellers Rest.

MEA-S18.1.3 To provide for subdivision for boundary adjustment.

MEA-S18.1.4 To minimise 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.

MEA-S18.1.5 To maintain the visual landscape values of large lot, residential development set amongst mature, native vegetation.

MEA-S18.1.6 To maintain the current lot density and provide for typical residential use and associated development on existing lots.

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

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

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: (a) for minor utilities; or (b) electricity transmission infrastructure located within an electricity

	transmission corridor defined in clause C4.3 of the Electricity Transmission Infrastructure Protection Code.
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 200m².
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 – clause 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 – clause 22.4.2 Building height, siting and exterior finishes.

Objective:	That building height, siting and exterior finishes: <ul style="list-style-type: none"> (a) is compatible with the existing character and landscape values of the area; and (b) does not cause an unreasonable loss of amenity to adjoining properties.
Acceptable Solutions	Performance Criteria
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.

<p>A2</p> <p>Buildings must have a setback from a frontage not less than 10m.</p>	<p>P2</p> <p>Building setback from a frontage must be compatible with the landscape values of the surrounding area, having regard to:</p> <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.
<p>A3</p> <p>Buildings must have a setback from side and rear boundaries not less than 10m.</p>	<p>P3</p> <p>Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties and be compatible with landscape values of the site, having regard to:</p> <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.

MEA-S18.7.3 Landscape protection

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

Objective:	That development is compatible with the landscape values of the site and surrounding area.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>Buildings and works, must:</p> <ul style="list-style-type: none"> (a) be located within a building area, shown on a sealed plan; (b) be for electricity transmission infrastructure in an inner protection area, defined in clause C4.3 of the Electricity Transmission Infrastructure Protection Code; or 		<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;

<ul style="list-style-type: none"> (c) be an alteration or extension to an existing building providing it is not more than the existing building height; and (d) not include cut greater than 3m and fill greater than 1m; and (e) be not less than 50m in elevation below a skyline; (f) 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; (g) limit the clearance of vegetation for non-habitable buildings to 10m; (h) limit the clearance of vegetation for access to no more than 5m with a vertical clearance of 4m. 	<ul style="list-style-type: none"> (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; and <p>P1.2</p> <p>If the building and works are less than 50m in elevation below a skyline, there are no other suitable building areas on the site.</p>
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MEA-S18.7.4 Electricity transmission development

This clause is in addition to Landscape Conservation Zone – clause 22.4 Development Standards for Building and Works

Objective:	To provide for development of electricity transmission infrastructure within the electricity transmission corridor.
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Buildings and works for electricity infrastructure must be located within the inner protection area defined in clause C4.3 of the Electricity Transmission Infrastructure Protection Code.</p>	<p>P1</p> <p>Buildings and works not located within the inner protection area, must not cause an unreasonable loss of visual amenity, having regard to:</p> <ul style="list-style-type: none"> (a) the need to locate the development outside of an existing electricity transmission corridor; (b) the siting and design the development; (c) best practice methods to reduce the visual impact of the development; (d) the need to minimise clearing of vegetation; and (e) functional and safety requirements to establish, operate and maintain the development.

MEA-S18.8 Development Standards for Subdivision

MEA-S18.8.1 Lot design

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.
Acceptable Solutions	Performance Criteria
A1 (a) Each lot, or a lot proposed in a plan of subdivision, must: (i) be required for public use by the Crown, a council or a State authority; or (ii) be required for the provision of Utilities.	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: (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.

MEA-S19.0 Westbury Road Specific Area Plan

MEA-S19.1 Plan Purpose

The purpose of the Westbury Road Specific Area Plan is:

MEA-S19.1.1 To establish a community focal point by providing a centrally located area for passive recreation that is complemented by a mix of use and development on separate lots;

MEA-S19.1.2 To consolidate the provision of car parking within the site;

MEA-S19.1.3 To manage vehicular access to and from Westbury Road and the circulation of vehicles and pedestrians within the site; and

MEA-S19.1.4 To provide for the subdivision of lots on the site in accordance with Figure S19.1 Westbury Road Development Plan.

MEA-S19.2 Application of this Plan

MEA-S19.2.1 The specific area plan applies to the area of land designated as Westbury Road Specific Area Plan on the overlay maps and in Figure S19.1.

MEA-S19.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for and are in addition to, the provisions of:

- (a) General Business Zone;
- (b) Parking and Sustainable Transport Code;
- (c) Road and Railway Assets Code,

as specified in the relevant provision.

MEA-S19.3 Local Area Objectives

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

MEA-S19.4 Definition of Terms

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

MEA-S19.5 Use Table

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

MEA-S19.6 Use Standards

MEA-S19.6.1 Discretionary uses

This clause is in substitution of General Business Zone – clause 15.3.1, All uses A1 and P1 and clause 15.3.2, Discretionary uses.

Objective:	That Discretionary uses support the establishment of a community focal point for a mix of uses that encourages visitation and activity.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 A use listed as Discretionary supports the establishment of a community focal point, having regard to: <ul style="list-style-type: none"> (a) the type of use and whether it encourages visitation and activity; (b) the scale and intensity of the proposed use; (c) the vehicle access requirements and traffic movements associated with the proposed use; (d) the location of the proposed use and its relationship to an area for passive recreation and the street.

MEA-S19.6.2 Sensitive uses

This clause is in addition to General Business Zone – Clause 15.3 Use Standards

Objective:	That the use of land for sensitive uses does not adversely impact on the operation of existing industrial activities on adjacent land.	
Acceptable Solutions		Performance Criteria
A1 Sensitive uses must be: <ul style="list-style-type: none"> (a) separated from the boundary of a Light Industrial Zone; and (b) have a setback from folios of the Register 32077/2 and 32077/3, a distance of not less than 40m. 		P1 Sensitive uses: <ul style="list-style-type: none"> (a) are sited so that emissions from adjoining industrial activities will not adversely impact on the amenity of the sensitive use; or (b) include measures to mitigate potential adverse impacts from adjoining industrial activities, on the sensitive use.

MEA-S19.6.3 Layout of Uses

This clause is in addition to General Business Zone – clause 15.3 Use Standards

Objective:	That the area shown in Figure S19.1 is developed to accommodate a mix of uses at a scale that supports the area's role as a community focal point.	
Acceptable Solutions		Performance Criteria
A1 Lots 1, 2, 4, 5, 6, 7 and 8 shown in Figure S19.1 are developed for separate uses.		P1 The area shown in Figure S19.1 is developed to accommodate a mix of uses at a scale that supports the area's role as a community focal point, having regard to: <ul style="list-style-type: none"> (a) the type of use and whether it encourages visitation and activity; (b) the scale and intensity of the proposed use; (c) the relationship of the proposed use to other uses and an area for passive recreation; and

	(d) the vehicular access requirements and traffic movements associated with the proposed use.
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MEA-S19.6.4 Lot 3 – Car parking

This clause is in substitution of Parking and Sustainable Transport Code – clause C2.5.1 Car parking numbers, clause C2.5.2 Bicycle parking numbers, and clause C2.5.3 Motorcycle parking numbers.

Objective:	To provide an adequate number of car parking spaces that are primarily located in a shared on-site car parking area.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Lot 3 provides car parking spaces to service uses on Lots 1,2,4,5,6,7 and 8 on Figure S19.1 at a rate of 1 space per 30m² of floor area, until the area of Lot 3 is fully developed.</p>	<p>P1</p> <p>The number of car parking spaces must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on the streetscape; and (h) any assessment by a suitably qualified person of the actual car parking demand, determined having regard to the scale and nature of the use and development.

MEA-S19.7 Development Standards for Buildings and Works

MEA-S19.7.1 Lot 8 – Passive Recreation

This clause is in addition to General Business Zone, clause 15.4 Development Standards for Buildings and Works.

Objective:	To provide an area used for passive recreation that assists to establish a community focal point.	
Acceptable Solutions		Performance Criteria
A1 Lot 8 in Figure S19.1 is to be for passive recreation and site coverage must not be more than 30% of the area of Lot 8.		P1 A suitable area is to be provided for passive recreation, having regard to: <ul style="list-style-type: none">(a) the location and orientation of other publicly accessible areas within the area shown in Figure S19.1;(b) its proximity or frontage to Westbury Road and opportunities for landscaping and works that complement the streetscape;(c) visibility from public streets to provide for passive surveillance; and(d) pedestrian accessibility from a public street or car parking area.

MEA-S19.8 Development Standards for Subdivision

MEA-S19.8.1 Development Plan

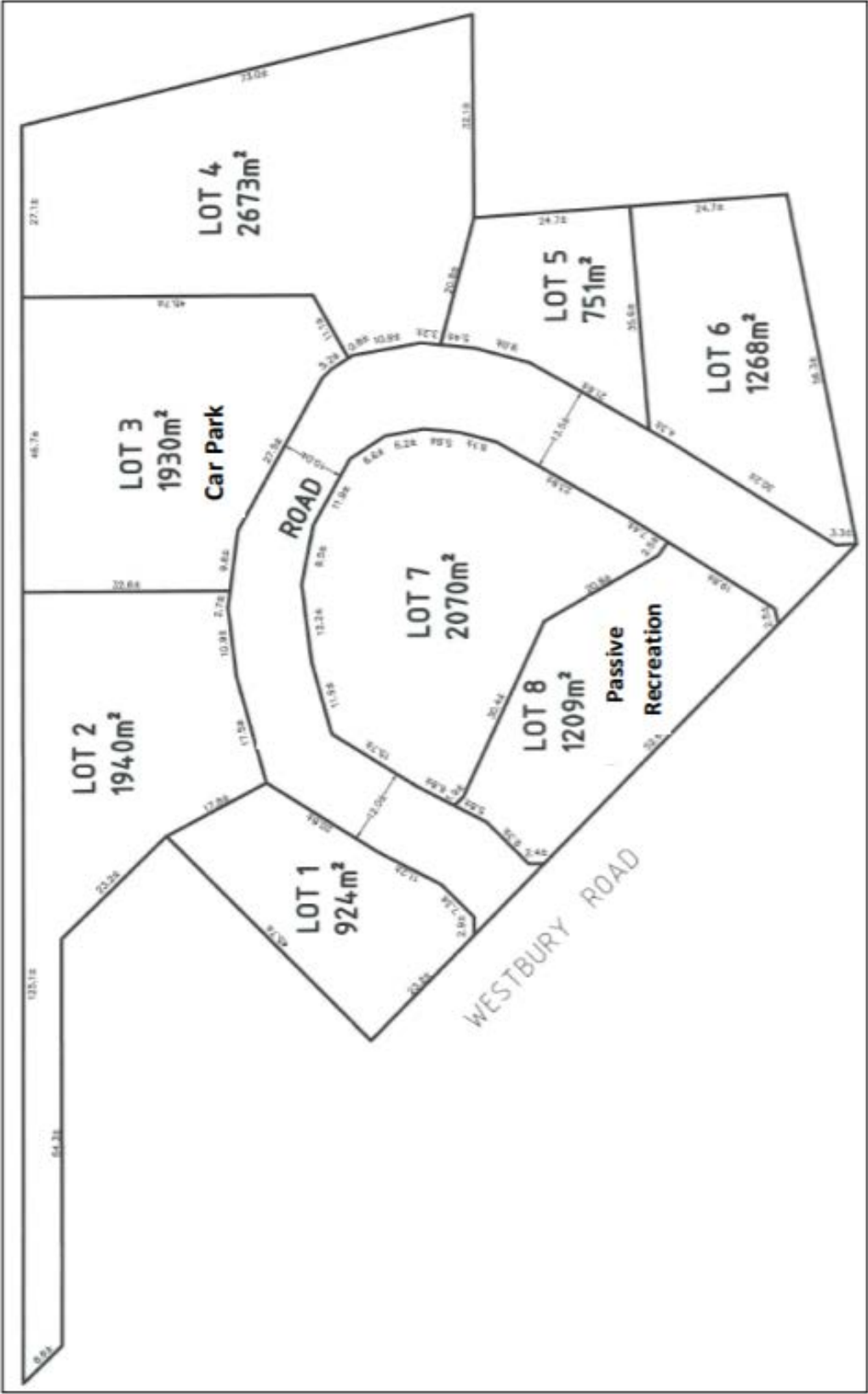
This clause is in addition to General Business Zone, clause 15.5 Development Standards for Subdivision.

Objective:	To provide for subdivision that allows for vehicular access to and from Westbury Road and within the site; separate lots for a mix of use and development; and centrally located areas for car parking and passive recreation.
Acceptable Solutions	Performance Criteria
A1 The size and layout of subdivision of a lot, or lot proposed in a plan of subdivision must be generally in accordance with the lot layout shown in Figure S19.1.	P1 The size and layout of subdivision of a lot, or lots in a plan of subdivision, allows for: vehicular access to and from Westbury Road; separate lots for a mix of use and development; and centrally located areas for car parking and Passive Recreation, having regard to: (a) the floor area and outdoor spatial requirements for future use and development; (b) the scale of future development including building height and setback; (c) orientation of future development to Westbury Road; (d) the safety of interaction between pedestrians and vehicles; (e) the provision for car parking and Passive Recreation within the site; (f) the safety of vehicular access to and from Westbury Road; (g) pedestrian circulation within the site, including access to public transport.

MEA-S19.9 Tables

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

Figure S19.1 Westbury Road Development Plan



MEA-S20.0 Entally Lodge Specific Area Plan

MEA-S20.1 Plan Purpose

The purpose of the Entally Lodge Specific Area Plan is:

MEA-S20.1.1 To provide for diverse housing outcomes that promote Livable Housing.

MEA-S20.1.2 To provide for non-residential use and development that is compatible with higher density residential development.

MEA-S20.1.3 To provide for a landscape recreation corridor and landscape buffer in accordance with the layout shown in Figure MEA-S20.1.

MEA-S20.1.4 To coordinate the provision of water and sewer infrastructure for development.

MEA-S20.2 Application of this Plan

MEA-S20.2.1 The specific area plan applies to the area of land designated as MEA-S20.0 Entally Lodge Specific Area Plan on the overlay maps and in Figure S20.1.

MEA-S20.2.2 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 and the Parking and Sustainable Transport Code, as specified in the relevant provision.

MEA-S20.3 Local Area Objectives

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

MEA-S20.4 Definition of Terms

MEA-S20.4.1 In this Specific Area Plan, unless the contrary intention appears:

Term	Definition
livable housing	<p>means a housing development design that provides for the needs of residents during the whole of their life or can be adapted to meet the needs of those with impaired mobility and other special needs. Livable housing must include the following elements:¹⁵</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;(b) Entrance to dwellings:<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;(c) Internal Layout:<ul style="list-style-type: none">(i) is on one level (transition tolerance of 5mm);

¹⁵ Livable Housing Design Guidelines 2nd Ed published by Livable Housing Australia, 2012

	<ul style="list-style-type: none"> (ii) doors have a clear opening of 820mm; (iii) corridors have a clear width of 1m; <p>(d) Toilet:¹⁶</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>(e) Shower:</p> <ul style="list-style-type: none"> (i) slip resistant surface; (ii) is hob-less or step free; (iii) may include removable fixtures (iv) Kitchen and Laundry (v) Minimum 1.2m clearances
shared water and sewer infrastructure	means water and sewer infrastructure that is required to be upgraded to accommodate development and which will also provide infrastructure capacity to more than one landowner.

¹⁶ AS1428.1 Design for Access and Mobility AMDT Nov 2010

MEA-S20.5 Use Table

MEA-S20.5.1 Use Table.

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	
No Permitted uses.	
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, 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 not listed as No Permit Required
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-S20.6 Use Standards

MEA-S20.6.1 Discretionary Uses

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

Objective:	That Discretionary uses are integrated in a manner that does not compromise the amenity of higher density housing for livable housing, assisted housing and communal dwellings.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.	P1 Discretionary uses must: (a) be located to protect the privacy of livable housing, assisted housing and communal dwellings; and (b) be of a scale that is compatible with, and supports, the priority use of the site for livable housing.	

MEA-S20.7 Development Standards for Buildings and Works

MEA-S20.7.1 Development plan

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

Objective:	That development: (a) enhances the visual amenity of the site when viewed from Meander Valley Road through a landscaped frontage; (b) provides recreational amenity for residents through a landscaped recreation corridor; and (c) provides visual amenity at the boundary with adjoining Residential use.	
Acceptable Solutions		Performance Criteria
A1 Development must not be within the landscaped recreation corridor in Figure MEA-S20.1.	P1 Development is to provide for visual and recreational amenity through landscaping and common open space having regard to: (a) topographical constraints; (b) infrastructure and servicing; (c) proposed and future pedestrian access and mobility through the site; (d) any particular needs of residents; (e) access to common facilities; and (f) visual amenity of the site when viewed from Meander Valley Road.	

A2 Development within the 10m wide landscape buffer in Figure MEA-S20.1 must: <ul style="list-style-type: none"> (a) not be for buildings; and (b) be a landscaping treatment, including trees or shrubs that will achieve a mature height of not less than 5m, located at a rate of not less than 1 tree per 6m in the landscape buffer. 	P2 No Performance Criterion.
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MEA-S20.7.2 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: <ul style="list-style-type: none"> (a) makes efficient use of land for diverse types of housing; and (b) provides amenity for the differing needs of residents.
Acceptable Solutions	Performance Criteria
A1 Multiple dwellings, communal dwellings or assisted housing must have a site area per dwelling: <ul style="list-style-type: none"> (a) not less than 225m² for livable housing; or (b) not less than 325m². 	P1 Density of residential development makes efficient use of land for diverse types of housing and amenity of residents, having regard to: <ul style="list-style-type: none"> (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 common open space.

MEA-S20.7.3 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:	<p>That site coverage protects residential amenity through appropriate siting and design of development to provide adequate:</p> <ul style="list-style-type: none"> (a) privacy and separation between dwellings; (b) separation of dwellings from vehicular traffic and common open space; and (c) sunlight to habitable rooms.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Dwellings must have a site coverage of:</p> <ul style="list-style-type: none"> (a) not more than 60% if the development includes 50% or greater portion of livable housing; or (b) not more than 50%. 	<p>P1</p> <p>Dwellings must have a site coverage that protects residential amenity, having regard to:</p> <ul style="list-style-type: none"> (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; (g) the provision of private open space or common open space; and (h) access to sunlight for habitable rooms.

MEA-S20.7.4 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: for outdoor recreation and the operational needs particular to residents; and that has reasonable 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; (c) has a gradient not steeper than 1:10; and (d) provides for sunlight: <ul style="list-style-type: none"> (i) to 50% of the area for 3 hours between 9.00am and 3.00pm on the 21st June, or (ii) 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"> a. at a distance of 3m from the northern edge of the private open space, and b. 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) reasonable recreation or domestic needs of the residents; and (b) access to common open space that provides for outdoor activities; and (c) has reasonable access to sunlight.

MEA-S20.7.5 Car parking

This clause is in addition to C2.0 Parking and Sustainable Transport Code.

Objective:	To provide car parking appropriate to the needs of residents of livable housing.
Acceptable Solutions	Performance Criteria
A1 Car parking for livable housing must provide a minimum of one car parking space adjacent to each dwelling: <ul style="list-style-type: none"> (a) with dimensions not less than 3.2m width and a 5.4m length; (b) with a gradient not steeper than 1:33; and (c) treated in a slip resistant surface. 	P1 No Performance Criterion.

MEA-S20.7.6 Infrastructure Contribution

This clause is in addition to General Residential Zone - clause 8.4 Development Standards for Dwellings and clause 8.5 Development Standards for Non-dwellings.

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 water and sewer infrastructure.
Acceptable Solutions	Performance Criteria
A1 Where development relies on shared water and sewer infrastructure, 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 water and sewer infrastructure.	P1 No Performance Criterion.

MEA-S20.7.7 Rutherglen Road

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Dwellings, clause 8.5 Development Standards for Non-dwellings, and C3.0 Road and Railway Assets Code.

Objective:	To provide for development of a footpath along Rutherglen Road and works to upgrade the junction of Rutherglen Road and Meander Valley Road.
Acceptable Solutions	Performance Criteria
A1 Any development for Residential use must include the written consent of the road authority for: <ul style="list-style-type: none"> (a) the location and construction specifications of a footpath along Rutherglen Road, from the Rutherglen Road turning head to the junction of Rutherglen Road and Meander Valley Road; and (b) the upgrade and staging of works to the junction of Rutherglen Road and Meander Valley Road. 	P1 No Performance Criterion.

MEA-S20.8 Development Standards for Subdivision

MEA-S20.8.1 Infrastructure Contribution

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

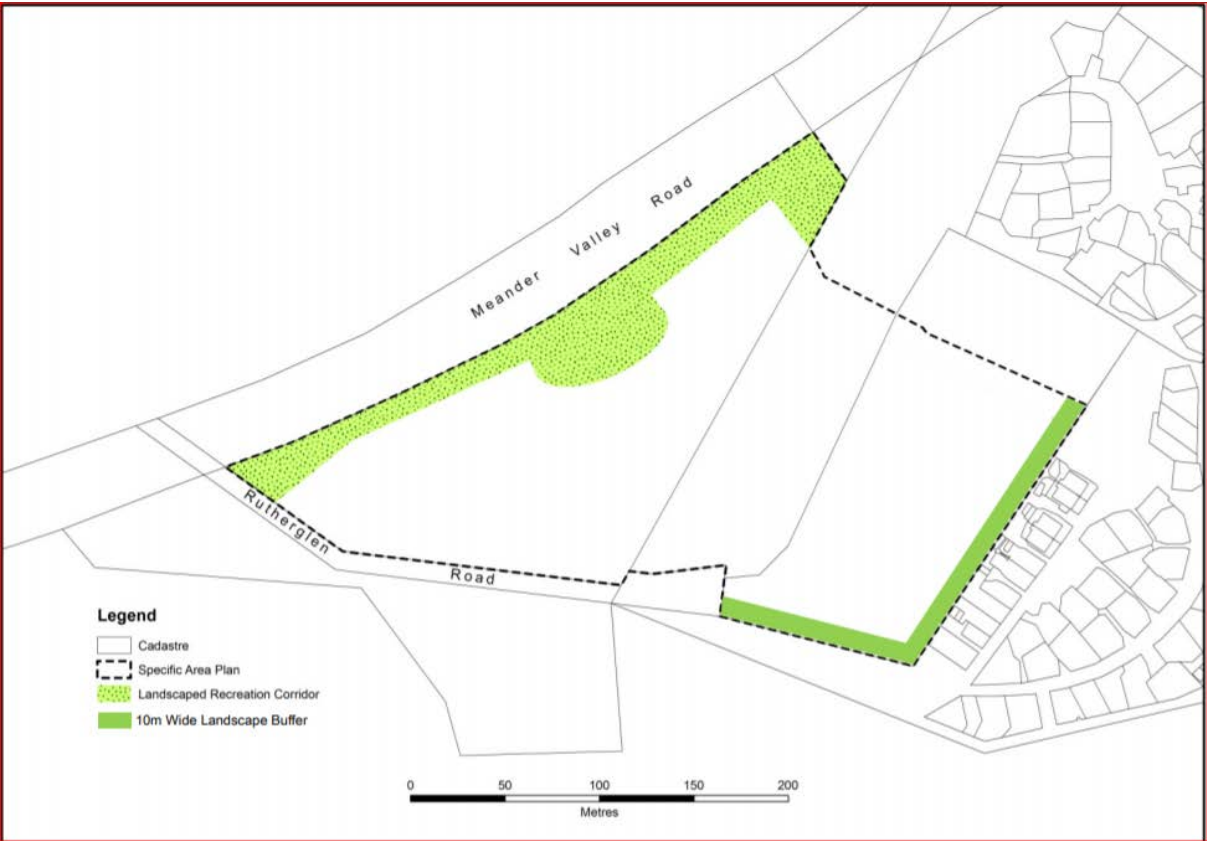
Objective:	To provide for a Part 5 agreement, prior to the development of land, to ensure that developer contributions are made towards the establishment costs of shared water and sewer infrastructure.
Acceptable Solutions	Performance Criteria
A1 An agreement pursuant to Part 5 – section 71 of the Act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

MEA-S20.8.2 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
A1 Each lot, or a lot proposed in a plan of subdivision, must: <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. 	P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use and provide for an arrangement that facilitates a mix of housing types, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) access and vehicular manoeuvrability and parking; (c) internal pedestrian mobility through the site to resident services and facilities for existing or future development; and (d) the location of any common open space, and have an area of not less than 450m².

Figure MEA-S20.1 – Plan



MEA-Site-specific Qualifications

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
MEA-8.1	27 Tower Hill Street, Deloraine	15085/1	Additional Discretionary Use Classes for this site are: (a) Bulky Goods Sales; (b) Equipment and Machinery Sales and Hire; (c) Service Industry; and (d) Storage.	General Residential Zone – 8.2 Use Table
MEA-8.2	35-37 West Church Street, Deloraine	162428/1	An additional Permitted Use Class for this site is: Education and Occasional Care	General Residential Zone – 8.2 Use Table
MEA-15.1	Part of 350-364 Westbury Road, Prospect Vale shown on an overlay map as MEA-15.1	Part of 169734/1	An additional Acceptable Solution and Performance Criterion for this site is: A3 Development on land is limited to an extension of the existing shopping complex building and has a gross floor area no greater than 1000m ² . P3 No Performance Criterion.	General Business Zone – 15.4.3 Design
MEA-15.2	367 Westbury Road, Prospect Vale	32077/2 32077/3	An additional Permitted Use Class for this site is: Manufacturing and Processing with the qualification “If for a joinery factory.”	General Business Zone – 15.2 Use Table
MEA-18.1	36, 38 and 40 Landsdowne Place, Deloraine	55310/1 171861/1 60860/1	An additional Permitted Use Class for this site is: Residential with the qualification “If for additions, alterations or outbuildings, associated with an existing dwelling, that do not contain any additional habitable rooms.”	Light Industrial Zone - 18.2 Use Table
MEA-19.1	42 Landsdowne Place, Deloraine	75279/1	An additional Permitted Use Class for this site is: Residential with the qualification “If for additions, alterations or outbuildings, associated with an existing dwelling, that do not contain any additional habitable rooms.”	General Industrial Zone - 19.2 Use Table

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
MEA-19.2	165 Mole Creek Road, Deloraine	30003/1	An additional Permitted Use Class for this sites is: Residential with the qualification “If for additions, alterations or outbuildings, associated with an existing dwelling, that do not contain any additional habitable rooms.”	General Industrial Zone - 19.2 Use Table
MEA-27.1	2512 Meander Valley Road, Hagley	199375/1 211662/1 199011/1	An additional Permitted Use Class for this site is: Residential with the qualification “If for a single dwelling.”	Community Purpose Zone – 27.2 Use Table
MEA-27.2	Ashley School 4260 Meander Valley Road, Deloraine	Not applicable	An additional Permitted Use Class for this site is: Custodial Facility.	Community Purpose Zone – 27.2 Use Table
MEA-28.1	Quercus Park 415 Oaks Road, Carrick	135734/3	An additional No Permit Required Use Class for this site is: Community Meeting and Entertainment.	Recreation Zone – 28.2 Use Table
MEA-28.2	Carrick Racecourse and Speedway 35 East Street, Carrick	150110/1	An additional Permitted Use Class for this site is: Motor Racing Facility with the qualification “If for extensions and alterations to existing buildings.”	Recreation Zone – 28.2 Use Table

MEA-Code Lists

MEA-Table C3.1 Other Major Roads

Road	From	To
This table is not used in this Local Provisions Schedule.		

MEA-Table C6.1 Local Heritage Places

Reference Number	Town/Locality	Street Number	Street / Location	Property Name	Folio of the Register	Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values
This table is not used in this Local Provisions Schedule.						

MEA-Table C6.2 Local Heritage Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
This table is not used in this Local Provisions Schedule.			

MEA-Table C6.3 Local Historic Landscape Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
This table is not used in this Local Provisions Schedule.			

MEA-Table C6.4 Places or Precincts of Archaeological Potential

Reference Number	Town/Locality	Property Name / Address/ Name of Precinct	Folio of the Register	Description, Specific Extent and Archaeological Potential
This table is not used in this Local Provisions Schedule.				

MEA-Table C6.5 Significant Trees

Reference Number	Town/Locality	Folio of the Register	Description / Specific Extent	Botanical Name	Common Name	No. of trees
This table is not used in this Local Provisions Schedule.						

MEA-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
MEA-C8.1.1	Travellers Rest	The prominent topography of the Blackstone Hills and Strahan's Hill	<p>(a) The prominent, vegetated, hill-faces border the urban edge of Prospect Vale and provide a natural outlook feature to that suburb and from Hadspen to west.</p> <p>(b) The range is a prominent natural feature when viewed from the Bass Highway on the approach to Launceston.</p>	<p>(a) To avoid significant landscape change on hill faces of visual prominence when viewed from Prospect Vale, Hadspen and the Bass Highway.</p> <p>(b) To locate and design development to blend with the landscape and not be obtrusive.</p>

MEA-Table C8.2 Scenic Road Corridors

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
MEA-C8.2.1	Bass Highway: Westbury Road off-ramp to eastern Elizabeth Town boundary; Junction at Parkham Road to northern municipal boundary.	(a) Native vegetation and exotic vegetation of historic cultural value (such as hedgerows and feature trees) along the highway corridor provides visual amenity to the traveller experience. (b) Views to the diverse landscapes of the Great Western Tiers, bushland hills and farm lands are an important element in providing visual amenity to the traveller experience.	(a) To avoid the need for vegetation clearance adjacent to the highway by setting development back from the road. (b) To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.
MEA-C8.2.2	Meander Valley Road: Bass Highway at Travellers Rest to eastern boundary of Hadsden Low Density Residential Zone; South Esk River bridge to eastern edge Carrick township; Western edge Carrick township to eastern edge Hagley township; Western edge Hagley township to Emu Plains Road, Westbury; Lonsdale Promenade, Westbury to eastern edge Exton township; Western edge Exton Township to eastern edge Deloraine township.	(a) Native vegetation and exotic vegetation of historic cultural value (such as hedgerows and feature trees) along the highway corridor provides visual amenity to the traveller experience. (b) Views to the diverse landscapes of the Great Western Tiers, bushland hills and farm lands are an important element in providing visual amenity to the traveller experience. (c) As an historic highway, the Meander Valley Highway is a gateway that frames the entry to each of the settlements.	(a) To avoid the need for vegetation clearance adjacent to the highway by setting development back from the road. (b) To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road. (c) To maintain natural or constructed features that contribute to visual aesthetic values at the entrances to townships such as trees, hedgerows, historic fences and walls and the like.
MEA-C8.2.3	Illawarra Road: Meander Valley Road junction to municipal boundary.	Views to the diverse landscapes of the Great Western Tiers, remnant bushland and farm lands are an important element in providing visual amenity to the traveller experience.	To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
MEA-C8.2.4	Highland Lakes Road: East Moriarty Street to municipal boundary.	<p>(a) Native vegetation along the road corridor provides visual amenity to the traveller experience.</p> <p>(b) Captured views to the diverse landscapes of the Great Western Tiers and bushland hills are an important element in providing visual amenity to the traveller experience.</p>	<p>(a) To avoid the need for vegetation clearance adjacent to the road by setting development back from the road.</p> <p>(b) To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.</p>
MEA-C8.2.5	Mole Creek Road: Emu Bay Road junction to eastern edge Chudleigh township; Northern edge Chudleigh township to eastern edge Mole Creek township.	<p>(a) Views to the diverse landscapes of the Great Western Tiers, Gog Range, bushland hills and farm lands are an important element in providing visual amenity to the traveller experience.</p> <p>(b) As an historic highway, the Mole Creek Road is a gateway that frames the entry to the settlements of Chudleigh and Mole Creek.</p>	<p>(a) To avoid the need for vegetation clearance adjacent to the road by setting development back from the road.</p> <p>(b) To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.</p> <p>(c) To maintain natural or constructed features that contribute to visual aesthetic values at the entrances to townships such as trees, hedgerows, historic fences and walls and the like.</p>

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
MEA-C8.2.6	Liena Road: Western edge Mole Creek township to Mersey Forest Road.	(a) Native vegetation along the road corridor provides visual amenity to the traveller experience. (b) Views to the diverse landscapes of the Great Western Tiers, Gog Range, bushland hills and farm lands are an important element in providing visual amenity to the traveller experience.	(a) To avoid the need for vegetation clearance adjacent to the road by setting development back from the road. (b) To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.
MEA-C8.2.7	Mersey Forest Road/Olivers Road	(a) Native vegetation along the road corridor provides visual amenity to the traveller experience. (b) Captured views of the dramatic landscapes as the road ascends the Great Western Tiers to the Cradle Valley Plateau are an important element in providing visual amenity to the traveller experience.	(a) To avoid the need for vegetation clearance adjacent to the road by setting development back from the road. (b) To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.

MEA-Table C11.1 Coastal Inundation Hazard Bands AHD Levels

Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)
	Sea Level Rise 2050	1% annual exceedance probability 2050 with freeboard	1% annual exceedance probability 2100 (design flood level) with freeboard	1% annual exceedance probability 2100
This table is not used in this Local Provisions Schedule.				

MEA-Applied, Adopted or Incorporated Documents

Document Title	Publication Details	Relevant Clause in the LPS
This table is not used in this Local Provisions Schedule.		