



Draft Amendment 1/2020 was initiated and certified by Meander Valley Council at its Ordinary Meeting on 9 September 2020.

The hearing of the Tasmanian Planning Commission (TPC) into the draft amendment was conducted on the 29 April 2021.

The Tasmanian Planning Scheme came into effect in Meander Valley on 19 April 2021. Pursuant to Schedule 6 – Savings and Transitional Provisions of the *Land Use Planning and Approvals Act 1993*, the draft amendment is now considered as an amendment to the Meander Valley Local Provisions Schedule. As the draft amendment includes a proposed Specific Area Plan (SAP), the provisions of section 32(4) are applicable.

The TPC has requested a further submission from the Planning Authority as follows:

*The Commission directs the planning authority to provide a further submission on how the Specific Area Plan that forms part of the draft amendment addresses section 32(4) of the current provisions of the Land Use Planning and Approvals Act 1993. The submission should include reference to the matters recommended to be included in the SAP following exhibition of the draft amendment.*

In response, Meander Valley Council submits the following:

Section 32(4) of the *Land Use Planning and Approvals Act 1993* provides that a Local Provisions Schedule may only include a particular purpose zone, specific area plan or a site specific qualification if:

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

Council submits that criteria (a) relating to significance of a use or development to the State, region or municipal area is not relevant to the proposed draft amendment to include a SAP.

The SAP responds to the particular social and spatial qualities of the land by applying unique provisions that result in improved development outcomes on the ground, as enabled by criteria (b).

These qualities are described below:

## **Social Qualities**

The land that is proposed for urban expansion sits within a context of the settlement extent of the Westbury township. Through representations to Draft Amendment 1/2020 and also to the Draft Meander Valley Local Provisions Schedule for the Tasmanian Planning Scheme, it is apparent that the spatial character of the township is valued by the local community and warrants specific provisions that continue this spatial character for new development.

This is a different consideration to the traditional notions of heritage fabric that are typically contained in precincts with specific controls relating to built-form to protect character. The numerous submissions from Westbury residents have related to the 'feel' of the town and the amenity that is associated with this concept. Apart from the obvious aesthetic values associated with heritage buildings and parklands, the characteristics of 'feel' also largely relate to spatial patterns associated with density of dwellings, the nature of that density relative to topography (is the land flat or sloping?), distances between buildings and other amenity features such as trees and gardens on both public and private land, including streetscape enhancement.

The local community of Westbury recognises and articulates that the town's character is made up of various styles of development over a long period of time, much of it being 20<sup>th</sup> Century building forms. The issue at heart, being addressed by the recommendation in Council's report under section 39 of LUPAA for the inclusion of a standard in the SAP that applies a 700m<sup>2</sup> lot size, is the perception of density by the local community as an integral, contributing factor to the amenity of the townscape, irrespective of the period of built development.

Community submissions to date, reflect concerns that the provisions of the Tasmanian Planning Scheme (TPS), which provides for a much higher density of subdivision development in the General Residential Zone with a 450m<sup>2</sup> lot size as an Acceptable Solution, is a significant departure from the prevailing density character of the township, irrespective of whether existing lots are developed with heritage or modern buildings. Particularly, the community representations note that there is no occurrence of individual lots as small as the allowable 450m<sup>2</sup> in the TPS.

The Westbury community is accepting of additional modern development, however considers that the distinct, visual density values of the township should be carried forward into new development, wherever it is to be located. This is a view that is consistent with Council's Community & Strategic Plan 2014 - 2024 where Strategic Outcome 1.2 for a *'sustainable natural and built environment'* is for ... *"Liveable townships, urban and rural areas across the local government area with individual character"*.

## **Spatial Qualities**

Lot Character:

Westbury is a settlement that has evolved through nearly two centuries of development. The building fabric of the town varies from Colonial and Victorian periods, through to Twentieth

Century and recent contemporary building styles. Whilst there are some distinct historic precincts, the building fabric and lot sizes are diverse throughout the extent of the settlement. The smallest lot sizes are in the order of 650m<sup>2</sup> – 800m<sup>2</sup>, graduating up to 1000m<sup>2</sup> or greater, within the General Residential and Village zones. Westbury has a largely flat to gently sloping terrain, which encourages walking and cycling to services such as shops, cafés and school and for recreation.

This 'on-ground' interaction within the settlement tends to accentuate the spatial characteristics of lot arrangement and the spatial relationships between the built fabric, reinforcing the visual character of the streetscapes throughout the town and townscape more generally.

The land identified for urban expansion adjoins the current urban extent of Westbury and has a clear relationship to the existing fabric of the town, both historic and Twentieth Century. Council's Community & Strategic Plan 2014 – 2024 - Strategic Outcome 1.2 for a *'sustainable natural and built environment'* is for ... *"Liveable townships, urban and rural areas across the local government area with individual character"*. Protection of the individual spatial character of the Westbury Township is best supported by subdivision provisions in the planning scheme that reinforce the existing lot character for larger areas of new urban development. This will avoid incongruous 'pockets' of the very small lots that are enabled by the Tasmanian Planning Scheme that will be an obvious inconsistency when viewed in the context of adjoining, long-existing built fabric (some heritage listed).

The spatial circumstances of a historic, rural township such as Westbury are different to those of a larger metropolitan city. The zoning has the same intent, however it's physical manifestation can also be viewed through a regional lens, where regional strategy supports the application of zoning *'that provides for the flexibility of settlements or precincts within a settlement and the ability to restructure underutilised land'*. In the context of the State Planning Provisions, 'zoning' must also be considered in the context of its ability to work in conjunction with specific area provisions that respect the foundational intent of the zone, yet deliver a better strategic outcome.

Local and regional policies and strategies support recognition of local values, where the purpose of the land use allocation is not distorted. The proposed SAP provision for a 700m<sup>2</sup> lot size over the areas of urban expansion appropriately responds to the location and the protection of township character, whilst enabling a mixture of housing types in single and multiple dwellings (readily accommodating the standards for multiple dwellings) that is typical throughout the Westbury settlement.

#### Road and Rail Network:

The land bound by Lyttleton, Waterloo, Taylor and William Streets is affected by the location of the rail level crossing over William St, as it is immediately adjacent to Waterloo Street. This creates a constraint on the use of Waterloo Street and the levels of traffic movement that can be accommodated before a significant re-configuration of the Waterloo Street junction is required.

The Traffic Impact Assessment analysed the current configuration of the Waterloo Street/William Street junction against the Austroads safety standards for anticipated right

turning traffic from William Street into Waterloo Street. The projected traffic turning movements relating to the fully developed area gaining access to William Street via Waterloo Street, resulted in an exceedance of the vehicle queuing requirement that would compromise the safety of the rail level crossing. However limiting traffic to that generated by William Street and Taylor Street frontages only, remained within the standard threshold for safety.

The particular spatial arrangements of the road and rail infrastructure at this junction warrants the intervention of specific provisions for subdivision, that directs the majority of traffic movements for the new development area to Lyttleton Street, which has existing junctions that are constructed to the appropriate standard to accommodate anticipated traffic volumes. The development area can readily accommodate the requirement for new roads to provide junctions only to Lyttleton Street without compromising subdivision efficiency, with pedestrian connectivity still being incorporated through to William Street.

#### Visual Impact and Amenity:

The land bound by Waterloo, William, Lyttleton and Taylor Streets includes an existing large, property at 41 Waterloo Street that has prominent established gardens and historic hedgerows at the boundaries. This property, particularly the historic hedgerows, is a prominent visual feature in the townscape as shown in Photo 1 below, which contributes to the broader spatial amenity of the area. The protection and maintenance of the hedgerow and the management of the interface along the eastern boundary of No.41 is ensured by incorporating a strip of land as part of the public open space contribution, to serve as a pedestrian connection from the internal areas of the land through to William Street (refer to traffic discussion above). The land and hedgerow maintenance along the public interface will then be managed by Council in perpetuity.

Incorporating the requirement for the strip of public open space between the existing property at 41 Waterloo Street into the Specific Area Plan provides certainty in the outcomes for protection of the visual spatial qualities as well as for neighbour and public amenity.

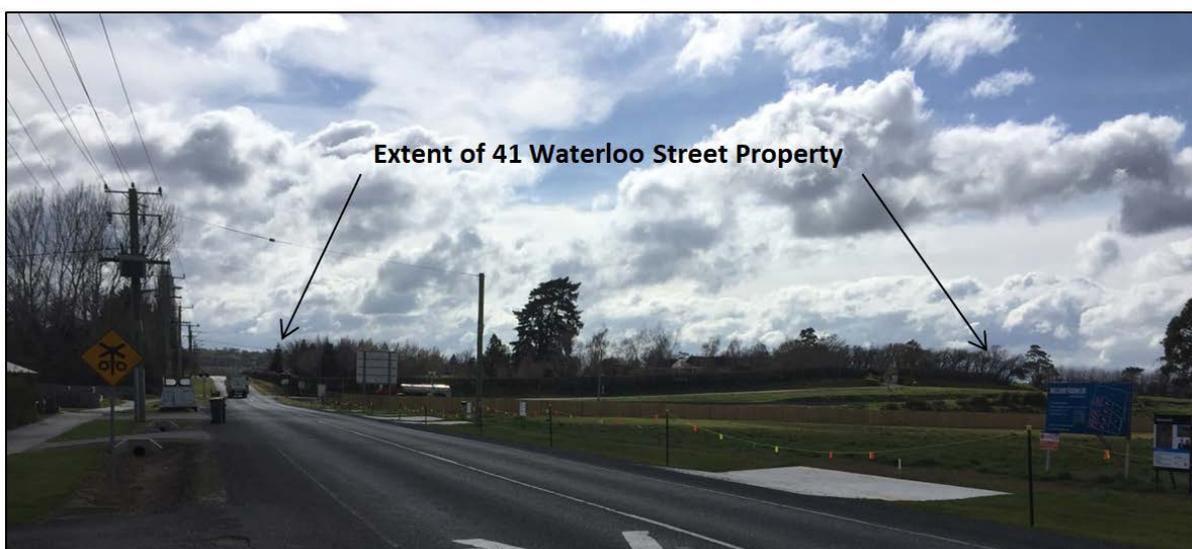


Photo 1: View north to 41 Waterloo Street from William Street.