

**From:** Daniel Wild  
**Sent:** 17 Nov 2020 08:50:06 +1100  
**To:** Planning @ Meander Valley Council  
**Subject:** Representation in opposition to Amendment 3/2020 to ?Meander Valley Interim Planning Scheme 2013 - Daniel & Bronwyn Wild  
**Attachments:** Representation Daniel and Bronwyn Wild.pdf

Hi Jo,

I spoke to you on the phone last week (I'm at 24 Canopus Drive, Blackstone Heights) regarding leniency with the submission deadline as we missed much of the time to respond while in hospital with our newborn.

Please find attached my draft representation.

I'm still in the process of obtaining expert advice and hope to get any further amendments to my submission over to you within the next week if possible (or potentially no further updates failing this).

An acknowledgement of receipt would be much appreciated.

Thanks again,

Dan Wild

## Introduction

I am writing to voice my strong opposition to the high density rezoning proposed for Blackstone Heights by way of Amendment 3/2020 to the *Meander Valley Interim Planning Scheme 2013*.

My position is based on a number of issues with this proposal, many of which stand in direct conflict with the requirements the amendment is specifically required to satisfy; namely the amendment *must*:

- Seek to further the objectives set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993*;
- Has regard to the strategic plan of a council referred to in Division 2 of Part 7 of the *Local Government Act 1993* as adopted by the council at the time the planning scheme is prepared;
- As far as practicable, avoids the potential for land use conflicts with use and development permissible under the planning scheme **applying to the adjacent area**;
- Has regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms;
- Is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies; and
- Is in accordance with in accordance with State Policies made under section 11 of the *State Policies and Projects Act 1993*

## High density is what the developer wants, not the community

Low density and rural properties within close proximity to Launceston are becoming increasingly hard to find (with additional demand for low density and rural properties in regional areas growing following the COVID-19 pandemic). My wife and I spent over 12 months trying to secure a suitably quiet space to escape the city to start a family. We finally found a peaceful home in Blackstone Heights, and moved in just a few weeks ago. This proposal would see 14 new dwellings constructed directly on our property boundary, which we understood at time of purchase to be low density (the primary reason many residents choose to live here).

The introduction of a high density 'private community' represents a radical departure from the original vision for Blackstone Heights, and in fact Tasmania more widely - what additional scrutiny or process is being applied to this proposal given its significant divergence from previously agreed strategies?

Excerpt from the Executive Summary of the *Blackstone Heights Specific Area Plan Supporting Report*:

*“...clusters of higher density development within large areas of open space and native vegetation.”*

This statement appears somewhat in conflict with the supporting area plan, with much of the high density clusters are positioned directly adjacent existing residents. As mentioned - under the proposal, 24 Canopus Drive (Title ref: 37177/12) would have 14 new properties built directly against its boundary. Exactly how does this high density node sit “within” open space? It seems more likely that the SAP seeks to exploit the amenity of existing low-density areas with little consideration of impact to existing land owners.

The “open” space included in this Specific Area Plan (SAP) offers no public benefit as it remains private land. I suggest if the high density rezoning were to be approved - it should be under the caveat that any subsequent development is limited to the center of the site, with open spaces such as native bushland and olive groves placed around the *exterior* boundary as buffer zones to reduce impact to existing residents.

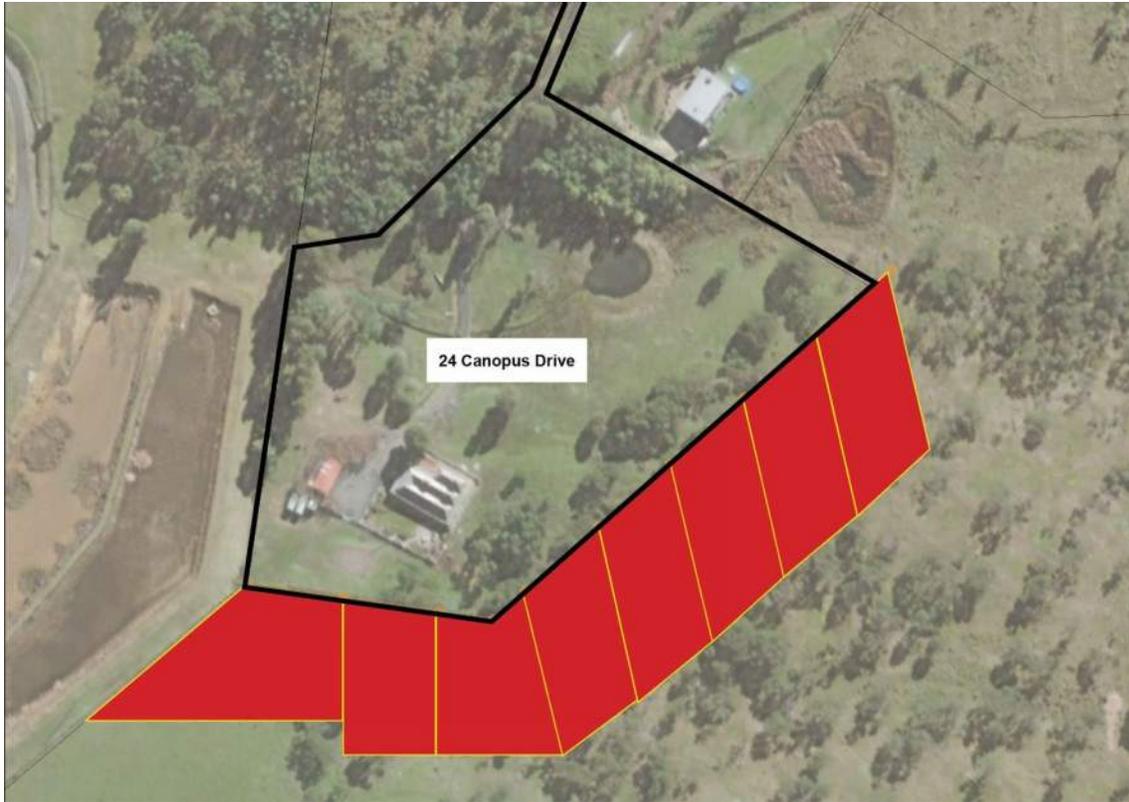
**Excerpt from *Meander Valley Interim Planning Scheme 2013*; section: 12.1.3 *Desired Future Character Statements*:**

*“Blackstone Heights is characterised by large, prominent single dwellings and outbuildings on larger lots. This character is to be maintained with due consideration to the mitigation of building bulk through landscaping and the minimization of cut and fill works where development is viewed from public open space.”*

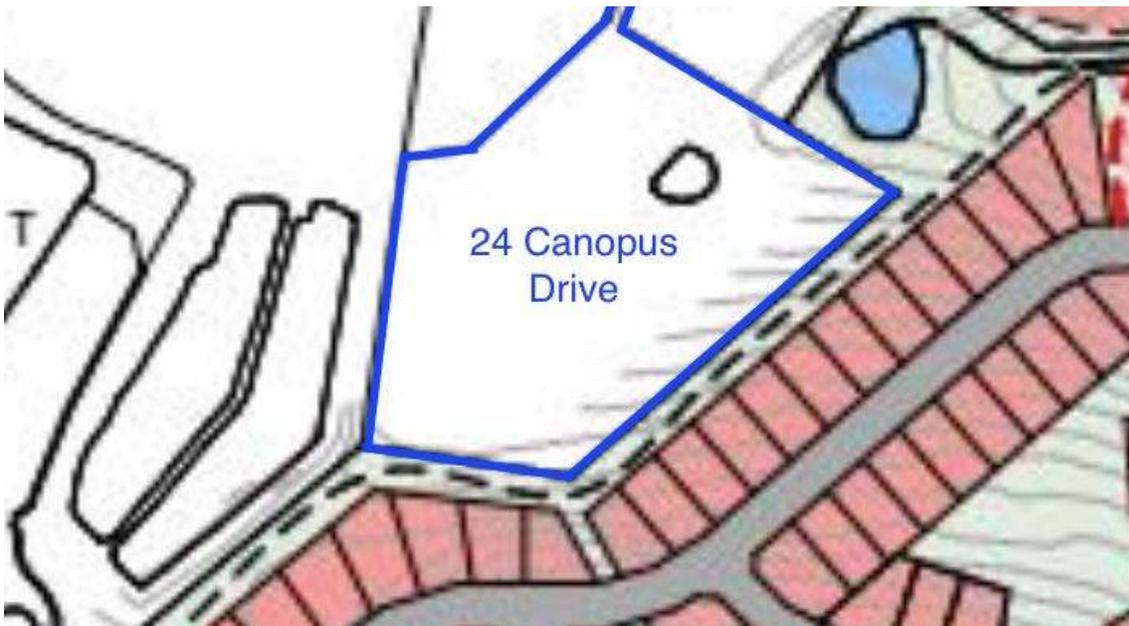
At time of writing the minimum block size for development on this land is 1600m<sup>2</sup> (according to *Meander Valley Interim Planning Scheme 2013*, Table 12.4.3.1). The proposed development would introduce blocks as small as 600-450m<sup>2</sup>, this is a significant deviation from the plan (smaller blocks than the city).

This change represents a clear conflict with the *Desired Future Character* of Blackstone Heights.

The rezoning to high density clusters would see an almost *two-fold* increase in the number of adjoining properties permitted on my boundary (from 8, to 14), this stands as a concrete example of deviation from *Desired Future Character*.



**Figure 1:** Example development under existing low density zoning, eight adjoining properties (assuming worst case minimum of 1500m).



**Figure 2:** Proposed development under high density cluster zoning, fourteen adjoining properties.

The proposed amendment states:

*“The future Tasmanian Planning Scheme Low Density Residential Zone subdivision standards provide for a minimum lot size of 1500m with **discretion** to reduce the lot size to no less than 1200m . Allowing for approximately 100 hectares of the land that is reasonably capable of development, this would equate to approximately 660 lots at 1200m<sup>2</sup> lot size, allowing for approximately 20% of the land area that would be required for roads and services.”*

I note 1500m is the minimum as defined by the scheme, with 1200m lot sizes intended as a *discretionary* threshold intended to be used as an absolute minimum where necessary, not a recommendation to justify sweeping changes. The amendment appears to employ this figure to justify the SAP’s cap of 650 dwellings.

If using the actual minimum of 1500m, the number of dwellings would be reduced by 132 to approximately 528. I also note that lifestyle residents of low density areas who value wildlife and naive vegetation typically seek out lots *above* the minimum threshold.

### ***Meander Valley Interim Planning Scheme 2013; section 12.1.1.3***

*“To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views”*

Exactly how are impacts to public views being mitigated? Significant portions of the SAP are on hillside/top, dramatically degrading the low density/rural skyline for a large number of residents.

## **Conservation of natural values**

The proposed amendment and SAP shows little respect for the land or conservation values - in fact (and somewhat ironically), the SAP seeks to remove (or otherwise disturb) the nests of an endangered species to build *Eco Cabins* (wedge tailed eagles are endangered species, the nesting sites I refer to are formally documented with DPIPWE).

By the wildlife assessors own admission - the wildlife assessment was flawed:

- It was (somewhat curiously) performed at a time of year when it was not possible to conclusively identify the presence of various native species.
- Only a small subset of land was surveyed

It is quite clear that both the time and space that the survey was performed was selected to achieve a favorable outcome for the developer, not to provide an accurate assessment.

What steps are being taken to ensure the validity and accuracy of information used to support the decision making process.

Additionally - we regularly hear owls at night (we are close to Hoo Hoo hut, of their namesake), what consideration of impact has been given to their habitat under a high density development (I'm no expert, but I doubt they nest in olive trees - as proposed in the SAP).

## Lack of community engagement

Community consultation for planning was undertaken in 2014/2015.

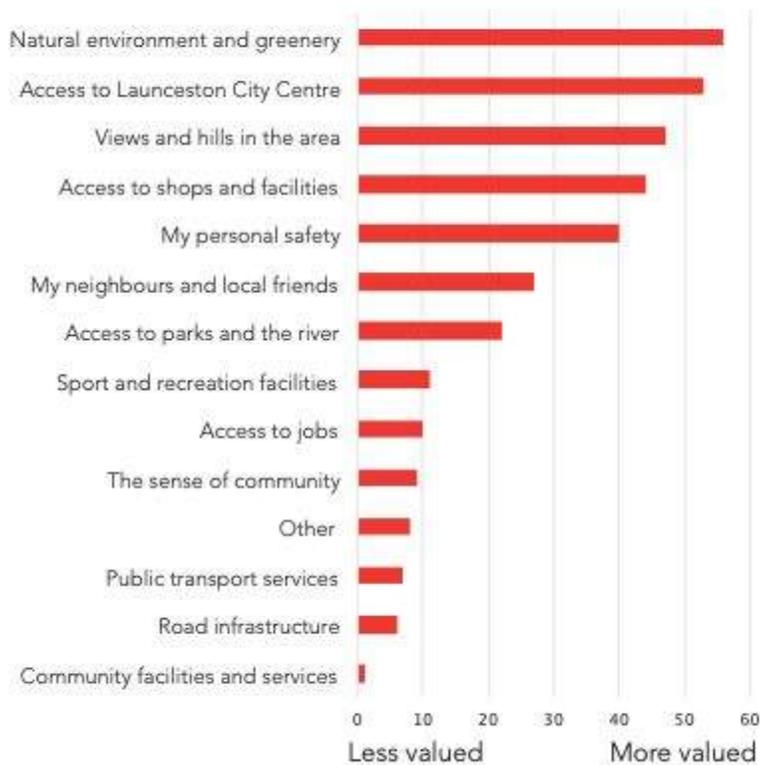
### ***Prospect Vale-Blackstone Heights Structure Plan 2015:***

*“Consultation was undertaken with key stakeholders and the wider community over two stages in March and June 2014. Over 300 people actively participated in workshops, surveys, drop-in sessions and one-to-one interviews, highlighting community priorities”*

This proposed amendment and SAP seeks to introduce radical change for the community. In 2016 there were just 478 dwellings, this development will introduce an additional 650 (on top of other works approved for Panorama Rd) .

Given the magnitude of the proposed deviation from previously agreed upon plans - why have no such surveys or workshops been undertaken to inform the direction of this proposal?

In the below figure from *Prospect Vale-Blackstone Heights Structure Plan 2015*, we see that “Natural environment and greenery” & “Views and hills in the area” were ranked in the top 3 features valued by the community.



**Figure 3:** Community priorities, *Prospect Vale-Blackstone Heights Structure Plan 2015* (Figure 5)

Other values noted by the community in *Prospect Vale-Blackstone Heights Structure Plan 2015*:

***Value of the natural environment***

*There is a strong value of the local natural amenity and environment, including open space, Lake Trevallyn, views and hills in the area.*

***Traffic issues***

*Many community members noted traffic issues at particular ‘pinch points’ including Mount Leslie Road near where it meets Westbury Road.*

***Access risks in Blackstone Heights***

*There was high awareness of the safety issues associated with having a single road access into Blackstone Heights, especially during emergencies such as bush fires.*

The proposed high density development stands in direct conflict with these community values - high density development will destroy views of hills and wildlife habitats. Long standing traffic issues and risks due to limited access points have still not been addressed.

## Traffic and Access

Much like the wildlife assessment, the traffic assessment appears to have been executed in a way that would provide results to support the development, with little regard for accurately capturing typical road use. Surveys were performed on Thursday 3rd January 2019 - this is a holiday period, which avoids school traffic and typical peak work traffic while many residents are still on holiday.

As this assessment is not representative of typical traffic movements, it is unsuitable for decision making. Therefore it should not be accepted to support this amendment or the SAP.

Further investigation is justified prior to approval.

While congestion is an obvious issue with the rapid expansion of Blackstone Heights, there is also little consideration given to access, and how it will be mitigated:

- single access in/out of Blackstone Heights puts community at risk
- as per current strategy, use or development of cul de sacs is discouraged, however the SAP is almost entirely comprised internally of cul de sacs, and additionally seeks to develop the Canopus Drive cul de sac for through traffic
  - Within one week of living in Blackstone Heights I was involved in a near head-on collision on Canopus Drive while meeting a vehicle on the crest near Zenith Ct (where the road takes a turn over crest, those unfamiliar with the road often stray into the oncoming lane). This issue is particularly concerning with the proposal introducing tourist traffic to the Canopus Drive cul de sac

### ***Meander Valley Interim Planning Scheme 2013; E1.6.2 Subdivision: Public and fire fighting access***

***(a) allow safe access and egress for residents, fire fighters and emergency service personnel;***

***(b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;***

***(c) are designed and constructed to allow for fire appliances to be manoeuvred;***

***(d) provide access to water supplies for fire appliances; and***

***(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.***

## Construction and privacy

If approved this development will generate considerable disturbance to the community - much of this development will be uphill, overlooking my property. Heavy machinery and construction

noise and vibrations will likely be a major issue for at least 12-18 months. The area adjacent to my boundary to be developed consists largely of granite outcrops, likely requiring smashing and blasting rock, creating a notable disturbance with potential negative impacts to mental wellbeing.

Will this development be limited to business hours, or will this disturbance also be permitted on weekends?

## Conflicts with *Northern Tasmania Regional Land Use Strategy*

From: <https://planningreform.tas.gov.au/the-strategies>

*“these regional land use strategies must be considered in the preparation of draft Local Provisions Schedules and when a planning authority decides to amend their Local Provisions Schedules or current interim planning schemes, such as rezoning of land”*

### **Relevant excerpts from *D.2.2.2 Rural Residential Areas:***

*Intensification must balance a range of matters including:*

- *Impact on the agricultural and environmental values of the land and surrounding areas;*
- *Access to road infrastructure with capacity to support an intensified land use*
- *On-site waste water system suitability;*
- *Impact on natural values or the potential land use limitations as a result of natural values;*
- *The ability to achieve positive environmental outcomes through rezoning*

In response to the above:

- As noted previously - impacts to environmental and natural values have been poorly assessed to date and requires further investigation, e.g. wildlife assessment, workshops & community consultation on values to inform planning decisions
- Demand for road infrastructure has been poorly assessed and requires further investigation, many issues not yet addressed
- Blackstone Heights initially zoned low density due to limitations on service infrastructure (i.e. waste water), proposal attempts to discount this issue by claiming to be self sufficient, however this is not a formal requirement under rezoning - is the service infrastructure suitable to support high density clusters?

### **Relevant excerpts from *D.2.2.4 Key Planning Principles for Rural Areas:***

*Planning for Rural Areas should consider the way in which it can:*

- *Encourage the participation of rural communities in determining planning outcomes and identifying the benefits of regional growth;*
- *Recognise rural living use as a legitimate residential lifestyle subject to appropriate location criteria;*

In response to the above:

- There has been a distinct lack of opportunity for community participation in determining planning outcomes related to this significant development
- Lifestyles of existing residents do not seem to have been considered
  - E.g. if high density rezoning must go ahead, appropriate buffer zones should be established to preserve the legitimate residential lifestyles of existing residents. I fail to see any mitigation strategies for these issues present in the SAP.

## REGIONAL PLANNING POLICIES - Specific Policies and Actions

### From: *Housing Dwellings and Densities*

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

This development is not in an activity center.  
 This area has exiting traffic issues as outlined previously.

### Residential Design

Policy	Action
<b>RSN-P17</b> Provide accessible and high quality public open space in all new 'Greenfield' and infill development by creating well-designed public places.	

This amendment and supporting SAP specifically stands in conflict by preventing public access to open spaces in the development.

**From: *Rural and Environmental Living Development***

<b>Policy</b>	<b>Action</b>
<b>RSN-P21</b> Rural and environmental lifestyle opportunities will be provided outside urban areas.	<b>RSN-A20</b> Rural living land use patterns will be identified based on a predominance of residential land use on large lots in rural settings with limited service capacity.

This amendment and supporting SAP specifically reduces the number residential lifestyle opportunities available in Northern Tasmania, in favour of high density dwellings.

**SOCIAL INFRASTRUCTURE AND COMMUNITY POLICY - Specific Policies and Actions**

**From: *Social Infrastructure***

<b>Policy</b>	<b>Action</b>
<b>SI-PO1</b> Coordinate planning for social infrastructure with residential development.	<b>SI-A02</b> Provide for the use and development of community gardens within residential areas in planning schemes

This amendment and supporting SAP offers no public space within the residential area, and no development of community gardens.

**REGIONAL ENVIRONMENT POLICY - Specific Policies and Actions**

**From: *Biodiversity and Native Vegetation***

<b>Policy</b>	<b>Action</b>
<b>BNV-P01</b> Implement a consistent regional approach to regional biodiversity management, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping.	<b>BNV-A01</b> Apply appropriate zoning and/or overlays through planning schemes to protect areas of native vegetation.  <b>BNV-A02</b>

	<p>Implement a planning assessment approach consistent with the 'avoid, minimise, mitigate, offset' hierarchy.</p> <p><b>BNV-A03</b>                  Provide for environmental assessments through planning schemes for development proposals with the potential to impact on the habitats of native species of local importance.</p>
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This amendment and supporting SAP:

- offers little to no wildlife corridors
- would clear native vegetation to plant an olive grove, which does not promote native habitats
- offers only a deeply flawed wildlife assessment to support its development goals
  - E.g. formally documented endangered species present, however no mitigation strategy has been provided

**From: *Open Space and Recreation***

<b>Policy</b>	<b>Action</b>
<p><b>OSR-P01</b>                      To provide for an integrated open space and recreation system that contributes to social inclusion, community health and well-being, amenity, environmental sustainability and the economy</p> <p><b>OSR-P02</b>                      Improve open space planning outcomes through the delivery of a consistent regional approach that responds to the community's needs and avoids unnecessary duplication of facilities.</p>	<p><b>OSR-A01</b>                      Prepare an open space strategy is consistent with the Tasmanian Open Space Policy and Planning Framework 2010.</p> <p><b>OSR-A02</b>                      Prepare municipal audits and plans for open space supply in accordance with the process provided in the Tasmanian Open Space Policy and Planning Framework 2010.</p> <p><b>OSR-A03</b>                      Provide for a regional network of multi-use trails.</p>

This amendment and supporting SAP suggests the polar opposite of integrated open space. It seeks to create a space that is predominantly closed to the public, creating a *segregated* community.

**From: *Landscape and Scenic Amenity***

<b>Policy</b>	<b>Action</b>

<p><b>LSA-PO1</b> Consider the value of protecting the scenic and landscape amenity of key regional tourism routes having regard to the routes identified in Map E3 and local circumstances, as well as the:</p> <ul style="list-style-type: none"><li>● Importance of scenic landscapes as viewed from major roads and tourist routes/destinations as contributing to economic basis of the tourism industry as well as local visual amenity;</li><li>● Importance of natural/native vegetation in contributing to scenic values of rural and coastal areas generally, with particular emphasis on prominent topographical features; and</li><li>● Need to protect skylines and prominent hillsides from obtrusive development/works.</li></ul> <p><b>LSA-PO2</b> Protect specific topographic or natural features of significant scenic/landscape significance.</p>	<p><b>LSA-A04</b> Planning schemes may identify visually significant topographic, natural features and landscapes (e.g. Cataract Gorge) in an overlay, including objectives and discretionary criteria relating to the visual impact of use and development.</p>
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The rezoning from low density to high density will have significant negative impact on the scenic amenity of skylines and hillsides proximal to South Esk River and Trevallyn Nature Recreation Area.

## Conclusion

In summary:

- The proposed amendment and supporting SAP stands in conflict with existing strategies, e.g. *Northern Tasmania Regional Land Use Strategy*, *Meander Valley Interim Planning Scheme 2013*, and *Prospect Vale-Blackstone Heights Structure Plan 2015*, *Land Use Planning and Approvals Act 1993*
- The supporting Specific Area Plan is informed by biased and incomplete information
- There has been a lack of community consultation (e.g. surveys, workshops) to support such a radical departure from existing land use strategies, particularly when combined with population growth of this magnitude (and when considering concurrent developments in Blackstone Heights)

It is my view that the proposed amendment should be rejected.

Failing an outright rejection, the points raised above should be addressed with a level of scrutiny that is congruous to the magnitude of proposed change to our community.