

Our Ref: AMD2022002

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22 November 2023

Mr Michael Hogan
Delegate (Chair)
Tasmanian Planning Commission

tpc@planning.tas.gov.au

Dear Mr Hogan

**Response to Directions – Draft Amendment AMD02/2022
Rezone various lots from the Environmental Management Zone**

I refer to your letter of 9 November 2023 and the request for additional information.

I enclose a response to the directions issued.

If you would like to discuss this matter further please contact me on 6323 9300 or via email at michelle.riley@wtc.tas.gov.au.

Yours faithfully



**Michelle Riley
A/DIRECTOR PLANNING AND DEVELOPMENT**

Response to Directions

Draft amendment 13 of 02/22

Address	Title reference	PID	Area
162 Gravelly Beach Road, Blackwall	CT 206558/1	6066596	4660m ²
164 Gravelly Beach Road, Blackwall	CT 214689/1	6066588	4890m ²
180 Gravelly Beach Road, Blackwall	CT 63791/2	6066561	3437m ²
188 Gravelly Beach Road, Blackwall	CT 221346/1	6066553	5295m ²



The Draft amendment proposes to include the properties in the Low Density Residential Zone and apply the Residential Supply and Density Specific Area Plan (SAP).

Under section 32(4) of the Act, an LPS may only include a particular purpose zone, specific area plan or site specific qualification if:

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

Qualities of the land

Environmental qualities

The environmental qualities of the land are related to their coastal location rather than any identified natural features, such as priority vegetation or threatened vegetation.

The land is highly modified with some coastal vegetation remaining on the river banks. There are high scenic qualities, due to their coastal location and views over and from the properties.

There is existing mature vegetation however the land is not identified within the priority vegetation area or as containing threatened vegetation communities.

The properties are affected by the Coastal Erosion Hazard, Coastal Inundation Hazard, Future Coastal Refugia and Waterways and Coastal Protection Area overlays – see Figure 2 below. The coastal hazards will impact future development opportunities.



Coastal Erosion Hazard Area (investigation)



Coastal Inundation Hazard Area

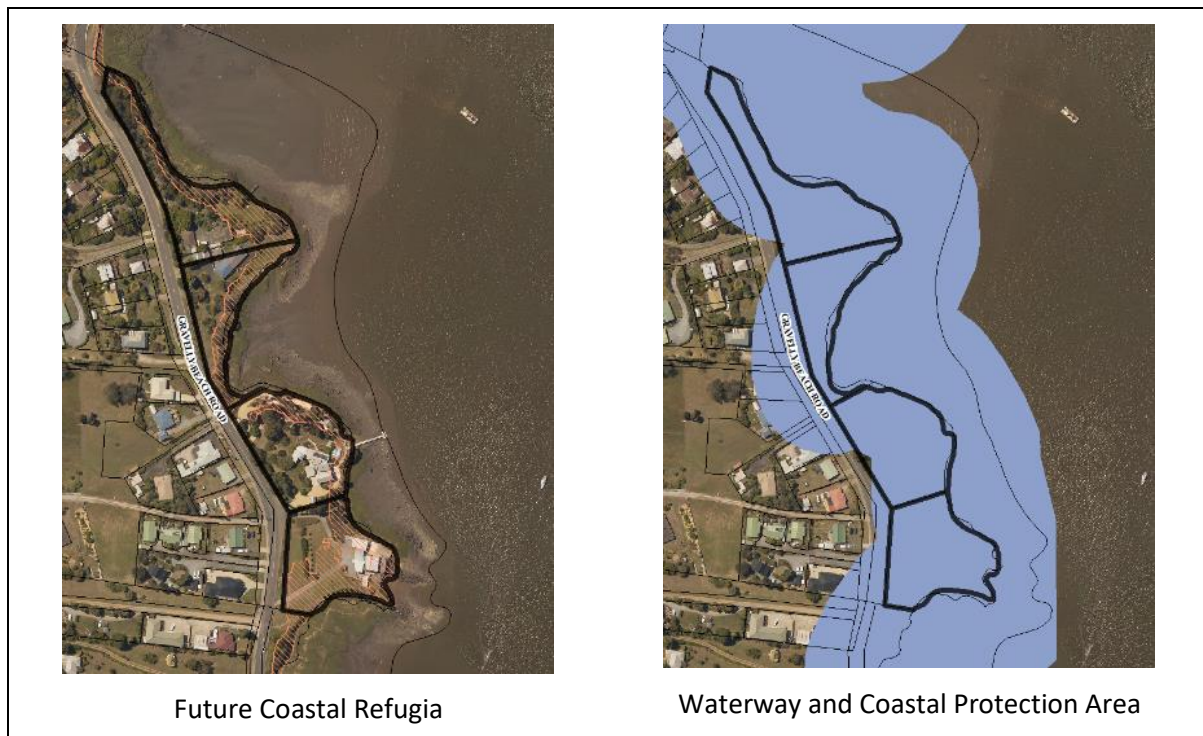


Figure 2 – Overlays affecting the land

Social or economic qualities

There are no particular social or economic qualities of the land.

Spatial qualities

The large residential lots between 3 437m² and 5 295m² in area have established dwellings and associated gardens.

The land is part of the urban settlement of Blackwall/Exeter and are the only residential properties on the eastern side of Gravelly Beach Road in this locality. All properties are connected to, or capable of being connected to reticulated water and sewerage.

The distinct character of the land due to its coastal location and low density nature contributes to coastal character of the locality. From the road and properties on the western side of Gravelly Beach Road, the existing dwellings are barely visible. The potential coastal hazards that may affect the properties including coastal inundation and erosion hazards are also particular qualities of the land that, due to these qualities, warrant an alternative approach for the overall housing density provided under the Low Density Residential Zone.

Operation and purpose of the Residential Supply and Density Specific Area Plan (SAP)

The purpose of the SAP is:

- WTA-S3.1.1 To provide for residential use and development in residential areas where there are infrastructure constraints that necessitate a limit on the density of development.
- WTA-S3.1.2 To provide for subdivision of lots at a density appropriate to the infrastructure constraints in low density residential areas at Beaconsfield, Beauty Point, Blackwall, Rosevears, Deviot, Exeter, Gravelly Beach, Grindelwald, Legana (North and South), Riverside, and Swan Point.

The SAP, as adopted, limits development, particularly subdivision and multiple dwellings, in locations where there are infrastructure constraints that necessitate a limit on the density of development. It does this by varying the use table prohibiting multiple dwellings and the development standards for subdivision by applying a minimum lot size of 5000m².

If the SAP were not applied, each lot would be capable of subdivision and could theoretically be subdivided into 10 lots (6 additional lots). However, assessment against the coastal hazards overlays would need to consider whether a useable building area could be accommodated which would likely limit subdivision potential.

Applying the SAP to the land is proposed to limit future development in recognition of the environmental and spatial qualities detailed above and will retain the distinct character of the land as low density residential development in a coastal location.

Visitor Accommodation

Visitor Accommodation is permitted in the Low Density Residential Zone which is a reflection of previous planning directives. With the existing buildings on site, any new structures for visitor accommodation would trigger a discretionary assessment as the gross floor area will exceed 200m² per lot.

Visitor Accommodation in the Environmental Management Zone is discretionary however there are no specific criteria in the zone provisions about Visitor Accommodation. The use standards for discretionary uses refer to the values of the land and the development standards for buildings and work allow a development area up to 500m².

In the absence of identified natural values on the land, the combination of the Low Density Residential Zone provisions and the hazards codes are considered to appropriately manage impacts that may result from Visitor Accommodation without further modifying the SAP.

Modifications to the SAP

As the purpose of the SAP is currently linked only to infrastructure constraints, a minor modification to the purpose statement is proposed to ensure the SAP is appropriately applied to the land.

It is recommended that the purpose of the SAP be modified as follows:

The purpose of the SAP is:

- WTA-S3.1.1 To provide for residential use and development in residential areas where there are infrastructure constraints **or environmental or spatial values** that necessitate a limit on the density of development.
- WTA-S3.1.2 To provide for subdivision of lots at a density appropriate to the infrastructure constraints **or environmental or spatial values** in low density residential areas at Beaconsfield, Beauty Point, Blackwall, Rosevears, Deviot, Exeter, Gravelly Beach, Grindelwald, Legana (North and South), Riverside, and Swan Point.

Draft amendment 17 of 02/22 – 93 Reatta Road, Trevallyn

Address	Title reference	PID	Area
93 Reatta Road, Trevallyn	CT 142349/2	2081350	1.57ha

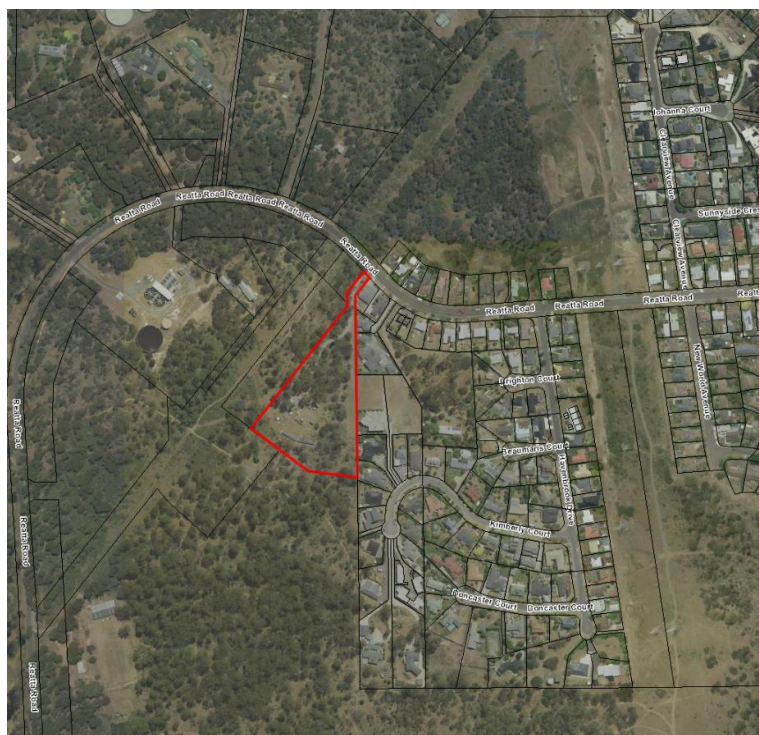


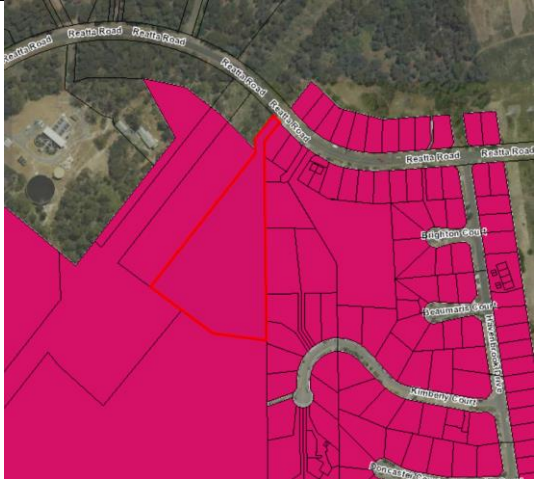

Figure 3 – location of 93 Reatta Road, Trevallyn

Below is an assessment of the section 8A Guideline No. 1 Zone Application Guidelines for the General Residential Zone which finds that the land meets the criteria for inclusion in the General Residential Zone.

An assessment of the vehicle access requirements of the Parking and Sustainable Transport Code is included as Attachment 1.

Assessment against Guideline No. 1

Guideline No. 1 Zone Application Guidelines	Assessment
GRZ 1 The General Residential Zone should be applied to the main urban residential areas within each municipal area which: (a) are not targeted for higher densities (see Inner Residential Zone); and (b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.	93 Reatta Road is within the main urban residential area of Trevallyn. It is not targeted for higher densities. The site is within the sewer serviced area as shown below. The site is not within the current water serviced area but has an existing water connection. Development of the site would be subject to TasWater requirements to appropriately upgrade infrastructure to accommodate the additional development.

Guideline No. 1 Zone Application Guidelines	Assessment
	 <p data-bbox="831 725 1134 752">TasWater Sewer Serviced Land</p>  <p data-bbox="831 1254 1134 1281">TasWater Water Serviced land</p>
<p data-bbox="204 1303 807 1473">GRZ 2 The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</p> <ul data-bbox="284 1480 807 1977" style="list-style-type: none"> (a) within the General Residential Zone in an interim planning scheme; (b) within an equivalent zone under a section 29 planning scheme; or (c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and (d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system, <p data-bbox="323 1984 770 2007">Note: The Future Urban Zone may be</p>	<p data-bbox="831 1303 1366 1406">The site is within the Priority Consolidation Area under the Northern Tasmania Regional Land Use Strategy (RLUS).</p> <p data-bbox="831 1429 1366 1599">Under section D.2.1.2 of the RLUS, the Priority Consolidation Area will <i>‘support a range of urban use and development that provides improved access, services, amenity and liveability’</i>.</p> <p data-bbox="831 1621 1366 1688">In response to the Key Principles for urban growth areas:</p> <ul data-bbox="831 1711 1366 1998" style="list-style-type: none"> • is physically suitable and has appropriate infrastructure to support urban development; • There is no evidence that natural hazards (being bushfire hazard) would result in an unacceptable risk; • Significant biodiversity values have not been identified;

Guideline No. 1 Zone Application Guidelines	Assessment
<p>used for future urban land for residential use and development where the intention is to prepare detailed structure/precinct plans to guide future development.</p>	<ul style="list-style-type: none"> • There are no incompatible land uses with existing urban residential development to the north and east, and crown reserve to the south and west; and • is a logical (and minor) expansion of an existing urban area. <p>Inclusion of the site in the general Residential Zone is consistent with the RLUS.</p>
<p>GRZ 3 The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.</p>	<p>While the land is in the Bushfire-prone Area, this is not considered to result in the land being highly constrained. Any applications for subdivision would be required to address the Bushfire-Prone Area code and a proposal for multiple dwellings would need to meet the building standards for bushfire. Given the site is located adjacent to Crown land, all bushfire requirements will need to be accommodated within the site (for example a bushfire management area)</p> <p>The site is included in the Priority Vegetation Area overlay but is not identified as containing threatened vegetation communities. It would be a reasonable expectation that development of the site as anticipated by the General Residential Zone would result in the removal of most of the vegetation. A natural values assessment has not been undertaken for the site.</p> <p>The Safeguarding Airports overlay affects the property, however development consistent with General Residential zone provisions acceptable solutions 8.5m height limit would not impact on the overlay.</p> <p>There are no other known impediments to development in accordance with the General Residential Zone.</p>

Draft amendment 4 of 02/22 – particular York Town properties

Address	Title Reference	PID
Greens Beach Road, York Town	CT 108420/1	6107554
Greens Beach Rd, York Town	CT 238403/1	2085060
586 Greens Beach Rd, York Town	CT 95989/10	7690470
600 Greens Beach Rd, York Town	CT 239527/1	6107546
604 Greens Beach Rd, York Town	CT 240277/1	7690489
Greens Beach Rd, York Town	CT 238402/1	2056681
614 Greens Beach Rd, York Town	CT 37493/1	7599474
616 Greens Beach Rd, York Town	CT 38736/5	7599466
630 Greens Beach Rd, York Town	CT 38736/4	7599458
638 Greens Beach Rd, York Town	CT 51252/1	6107503
652 Greens Beach Rd, York Town	CT 38737/1	2012662
652 Greens Beach Rd, York Town	CT 38737/2	2012662
60 Bowens Rd, York Town	CT 110797/1	6096509
Bowens Road, York Town	CT 15059/1	2732248*
Bowens Road, York Town	CT 39763/1	3364723*
Bowens Road, York Town	CT 39763/3	3364723*
Bowens Road, York Town	CT 208911/1	3364723*
Lot 2 Bowens Road, York Town	CT 39763/2	3364715*



Figure 4 – York Town properties subject to this direction

An assessment against the zone application guidelines contained in Guideline No. 1 is included below which demonstrates that including the properties in the Rural Living Zone could meet the relevant criteria.

For properties north of Bowen Street, It is unclear of the benefits or intended outcomes of including only these properties in the Rural Living Zone, and not those to the north (along Aldridge Street) or on the southern side of Bowen Street. A consistent approach to the zoning that allows low scale development and provides a reasonable opportunity for all landowners to seek to develop their properties is preferred. Either the Rural Living Zone or the Landscape Conservation Zone, applied consistently would achieve this outcome while the planning and building assessment processes would ensure the risks from natural hazards would be appropriately considered.

Land to the north is included in the Rural Living Zone D, noting that the selection of properties subject to this direction excludes land south of Aldridge Street. Inclusion in the Rural Living Zone for all properties in York Town (with the exception of 637 Greens Beach Road) could provide a continuous area of the same zoning. The Priority Vegetation Area Overlay applies in the Rural Living Zone so assessment of the removal of native vegetation would be applicable to future development, noting that the considerations around vegetation removal would be based on biodiversity values rather than broader landscape values.

For those properties subject to the Heritage listing, landscape values would be considered in the assessment against the *Historic Cultural Heritage Act 1995*, however for other properties, inclusion in the Rural Living Zone will mean the Priority Vegetation Area overlay and Natural Asset Code provisions will be relied on to preserve the landscape character of the area and this should be considered in determining the most appropriate zone. Given the long term protection of the landscape values and regulation of the scale of the development in the area, the Landscape Conservation Zone is considered to provide an appropriate balance for future development outcomes and a reasonable opportunity for landowners to apply for a residential use.

It would be Council's preference for a consistent approach to be applied across the York Town Properties subject to the amendment whether that be the Landscape Conservation Zone or the Rural Living Zone.

Assessment against Guideline No. 1

Guideline No. 1 Zone Application Guidelines	Assessment
<p>RLZ1</p> <p>The Rural Living Zone should be applied to:</p> <p>(a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or</p> <p>(b) land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme, unless RLZ 4 below applies.</p>	<p>Not in a Rural Living Zone under the Interim Planning Scheme.</p> <p>In essence, York Town does comprise larger residential lots, however they are not intended for, or appropriate for lower order rural activities.</p> <p>The properties have been included in the Environmental Management Zone since the commencement of the 2008 planning scheme which does not support a priority for residential development – noting that a dwelling was not prohibited and small scale development was supported subject to consideration of the environmental values.</p>

Guideline No. 1 Zone Application Guidelines	Assessment
<p>RLZ2</p> <p>The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</p> <p>(a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or</p> <p>(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.</p>	<p>The RLUS supports the allocation of the Rural Living Zone to established Rural Residential Areas. Section D.2.2.2 of the RLUS describes established rural residential areas as follows</p> <p><i>An established Rural Residential Area is land with limited potential for efficient or practical agricultural or rural resource use on a commercial basis, and where the land use pattern:</i></p> <ul style="list-style-type: none"> <i>Is predominantly residential land use, including lifestyle blocks, hobby farms and/or low density residential subdivision; and</i> <i>Is characterized by fragmentation of the cadastral base and property ownership; and</i> <i>May include topographical constraints resulting in physical impediments to rural resource use or connectivity, including biodiversity protection and/or conservation.</i> <p>The York Town properties subject to this amendment (not just those identified in the current Directions) meet this criteria.</p> <p>As the West Tamar Interim Planning Scheme did not apply an Environmental Living Zone but rather utilised the Environmental Management Zone to similar effect, RLZ2(b) could also be considered to be met.</p>
<p>RLZ3</p> <p>The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on :</p> <p>(a) a reflection of the existing pattern and density of development within the rural living area; or</p> <p>(b) further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</p>	<p>If it were included in the Rural Living Zone, Rural Living B would be the most appropriate and would not permit further subdivision.</p> <p>As the properties to the north of Aldridge Street are included in the Rural Living Zone D it could be considered reasonable and appropriate to include all the properties in York Town proposed to be included in the Landscape Conservation Zone in the Rural Living Zone D.</p>

Guideline No. 1 Zone Application Guidelines	Assessment
<p>RLZ4</p> <p>The Rural Living Zone should not be applied to land that:</p> <p>(a) is suitable and targeted for future greenfield urban development;</p> <p>(b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or</p> <p>(c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</p>	<p>Land is not targeted for future greenfield urban development.</p> <p>The area does contain bushland, however the Priority Vegetation Area overlay applies to the Rural Living Zone providing regulation of vegetation clearing.</p> <p>Residential for a single dwelling, Resource Development for grazing and minor utilities are no permit required and Home-based business and Visitor Accommodation are permitted in the Rural Living Zone.</p> <p>The area is not identified as land potentially suitable for agriculture.</p>

Attachment 1 – 93 Reatta Road - assessment of access requirements

93 Reatta Road, Trevallyn – Access assessment for possible development

Existing access

The existing access onto Reatta Road is unsealed and has a grade of approximately 12% from the back of the crossover, and then transitions up to 16% soon after.

Sight distance from the existing access is approximately 120m looking right and 65m looking left. Sight distance to the right is compliant for an intersection and private access driveway. Looking left is compliant for only a private access driveway.

If some trees and vegetation were cleared from the road reserve, then 95m of sight distance would be possible looking left. To achieve the required 105m for an intersection, some excavation of the roadside batter would be required. The batter may need to extend into the Crown Land to ensure a retaining wall isn't necessary. A detailed site survey is recommended to be certain of the extent of any works to increase sight distance looking left from the access and ensure a retaining wall isn't required.

The lot has a frontage width of approximately 10m and this extends 50m into the site before the width increases.

Development density

The site has an area of approximately 15,760m². It has been suggested that this area could accommodate 45 multiple dwellings or 26 residential lots if the site were to be rezoned to General Residential. From the RTA Guide to Traffic Generating Developments, a development at that density could create 270vpd and 27vph for the multiple dwellings; and 234vpd and 22vph for standard residential lots.

Private Access Driveway – compliance with C2.0 Parking and Sustainable Transport Code

C2.0 Parking and Sustainable Transport Code lists dimensions for private access driveways. From Table C2.1, 102 car parking spaces are required for 45 multiple dwellings (including visitor parking spaces).

From Table C2.2, an internal access width of at least 5.5m is required. The site frontage has sufficient width to allow pedestrian access in accordance with C2.6.5: a 1m wide footpath separated by at least 2.5 from the access way.

Intersection onto new Council-maintained Road

A minimum road reserve width of 15m is required for a new Council road. 18m is preferred.

The current access is steep and would need to be excavated to reduce the grade at the new intersection. The existing grade of the internal driveway is already more than the maximum desirable grade of 14% from the Tasmanian Subdivision Guidelines. Significant earthworks will be required to achieve recommended grades at the intersection.

The 10m wide internal access strip to the site is located in a Tunnel Easement. Any land used from the neighbouring property to the North West to achieve a minimum road reserve width will be further into the Tunnel Easement. The Responsible Authority should be consulted to confirm any requirements.

Recommendations

The predominant traffic movement from a developed site would be left in, right-out. 45 multiple dwellings or 26 residential lots should have a negligible effect on the immediate road network. Existing trees and vegetation in the road reserve should be removed as part of a future development regardless of whether it be multiple dwellings or residential lots.

The adjoining land to the North West will need to be included as part of any residential subdivision to achieve a minimum road reserve width of 15m. Given that a cul-de-sac road will likely be longer than 150m, and the extent of excavation required as part of subdivision works, a road reserve width of 18m is recommended.

The existing frontage width of 10m offers adequate space to support a multiple dwelling development and provide sufficient access, a separated pedestrian path and meet relevant acceptable solutions in C2.0 Parking and Sustainable Transport Code.

Having regard to the existing frontage width, longitudinal grade of the site and available sight distances, a multiple dwelling development is preferred at the site rather than a typical residential subdivision with new public road onto Reatta Road.

Ben Longo

Council Engineer

20/11/23