

# APPENDIX 21: WESTERN HILLSIDE SAP PROJECT REPORT

Author	Reviewer	Date
Marilyn Burns, Urban Design Planner	Claire Fawdry, Senior Town Planner	05 August 2019

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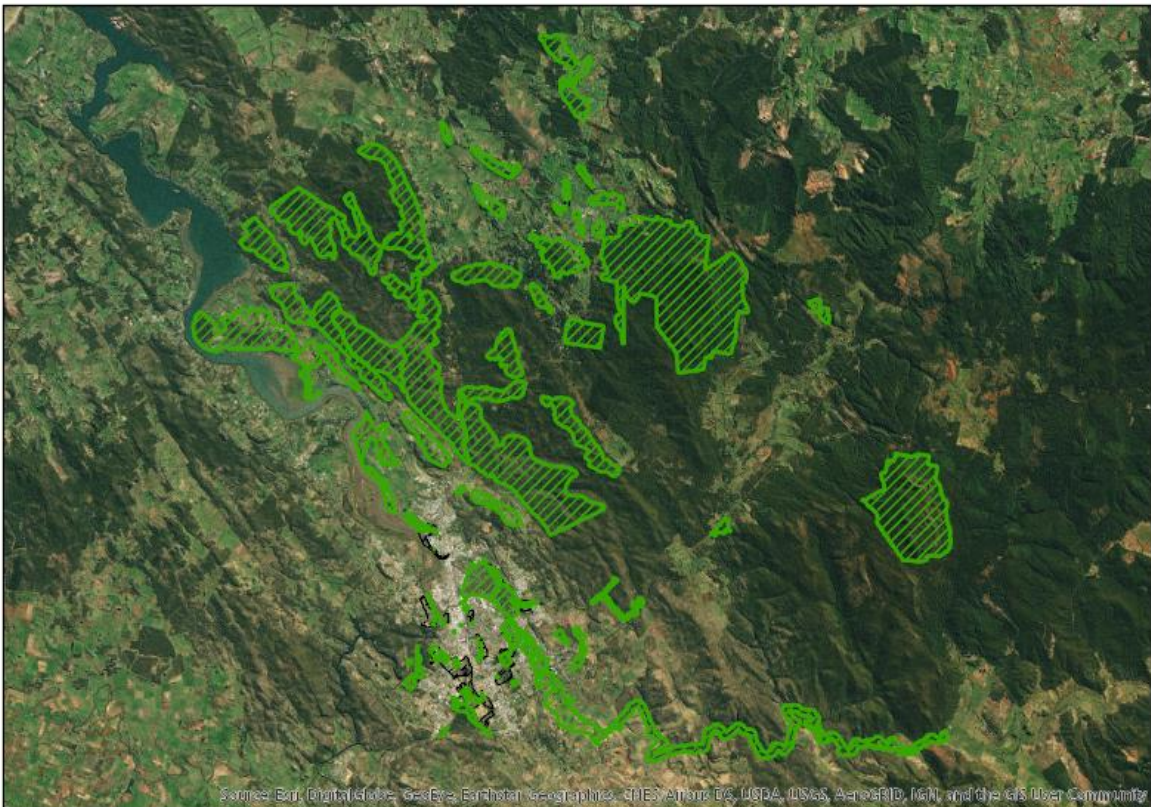
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# 1 Introduction

It is the Tasmanian government's policy for a single planning scheme for Tasmania, known as the Tasmanian Planning Scheme (TPS) to provide consistent state-wide provisions. The TPS consists of State Planning Provisions (SPPs) which were endorsed by the Minister of Planning and Local Government on the 22 February 2017. Local councils are required to prepare their Local Provision Schedules (LPSs) in accordance with Guideline No. 1 Local Provisions Schedule (LPS): zone and code application.

Part of the LPS includes the provision of Specific Area Plans (SAP) to cover individual features of specific locations. This report provides analysis on the creation of a new SAP to protect the visual amenity and unique character of Launceston's western hillside, as well as recommendations as to how proposals will be assessed.

## 2 Existing Provisions



Map A: Applicable zones in the existing SMC precincts.

Currently the Scenic Management Code (SMC) applies to all zones, allowing scenic areas that are valued by the community to be appropriately managed. In contrast, the Scenic Protection Code (SPC) in the SPPs is limited to the following zones:

- (a) Rural Living Zone;
- (b) Rural Zone;
- (c) Agriculture Zone;
- (d) Landscape Conservation Zone;
- (e) Environmental Management Zone; or
- (f) Open Space Zone.

Where applicable, the existing SMC precincts have been translated into Scenic Protection Areas in the new code (attached as Appendix 16 to Supporting Report). However, certain precincts are composed of sites that have incompatible zones (see Fig. 1). A spatial analysis of these identified areas has been undertaken. Overall, it is considered that the exclusion of the identified areas from the SPC will not pose a significant threat to existing character in terms of scenic amenity and landscape value. However, the Western Hillside Precinct is considered an exception. This area is extremely significant in terms of its contribution to the natural and visual amenity of Launceston.

### 2.1 Assessment of SMC Western Hillside Precinct

The precinct is comprised of mostly General Residential and Low Density Residential zoned land. It has a dominant presence in the landscape and forms the principal south-western backdrop of Launceston. The hillside contributes significantly to the scenic, visual and natural amenity of the properties that form the hillside and to the greater Launceston area (see Fig. 2). The exclusion of this area will significantly compromise the integrity of Launceston's scenic amenity and will deny the community the opportunity to protect local scenic assets that have been identified as significant.



Figure 2: View of central section of the West Launceston Hillside looking west.

The precinct generally contributes to the middle ground and skyline views within and around the city. These residential areas are considered to be critical given their presence in the landscape and contribution to providing primarily treed vistas to the central Launceston area (see Fig. 3). There is a limited ability for the residential zones to control the density of future subdivision, or the bulk of new dwellings in these areas. There are no controls to appropriately manage vegetation removal and replanting, or manage inappropriate development in regards to design and materiality.





Figure 3: Map of applicable zones in the SMC Western Hillside Precinct.

It is therefore considered that removing the scenic management overlay from this area will have significant detrimental impacts on the Launceston context and the local community through:

1. The inability to control and manage inappropriate development such as design and materiality;
2. The inability to manage vegetation removal and vegetation succession within the area; and
3. The inability to control the density and building envelopes associated with future subdivision.

As such, it is proposed that a new SAP be created to cover the area along the West Launceston hillside that is considered by the City of Launceston and the community to require continued protection in relation to scenic and landscape values.

## **3 Proposal**

### **3.1 Methodology**

The existing SMC precincts were assessed in relation to the excluded zones, in terms of existing scenic value and the potential risk of inappropriate development. This involved discussions as to the qualities that were valued and how they could be protected, while also allowing for inevident development through permitted pathways. Standards for similar codes in existing schemes were reviewed for language and terminology.

Initial desktop analysis was conducted through the use of 3D modelling and consideration of standards of the associated zones and overlays. Photographic studies of each area were conducted by boat, car and foot. Following this, draft standards were produced. Internal and external peer reviews assisted with refinement and justification of the SAP.

The initial proposal covered the entirety of the Western Hillside Precinct contained in the existing SMC. The boundaries of the SAP were then reviewed and refined based on the visibility of the area from major roads, public places and key viewpoints. During the final mapping of the area, consideration was given for the ease of boundary determination. Where it was considered possible, the scenic protection areas align with title boundaries to prevent confusion. However, it is acknowledge that landscape character does not abide by straight and regular boundaries. Therefore boundaries for the areas were also considered in relation to zoning boundaries and contours. Refinement of the standards also allowed for the areas to be clearly defined without requiring discretionary applications for development considered unobtrusive.

### **3.2 Western Hillside SAP**

The proposed SAP covers approximately 157ha, and extends approximately 2.2km from the north to the south (see Fig. 4). The area has a varied topographical range from approximately 26m AHD at the eastern end of Heather Street to approximately 202m AHD to the southwest of Juliana Street. The skyline is predominately situated between 170m and 180m AHD to the north and south of the highest point of the hillside.

The ridgeline of West Launceston are characterised by residential development of mixed character. Development is set amongst a vegetated setting and interspersed with bands of vegetation and a treed skyline. These areas are heavily vegetated with mature native trees, particularly within the stepper sections and less developed areas. They are a dominant presence in the landscape and form the principal south-western backdrop of Launceston and Kings Meadows. The south-west area is predominately zoned Low Density and comprises a large number of lots that have the capacity to be subdivided. Other areas are fully developed with a mixture of single and multiple dwellings interspersed with large mature native tree species.

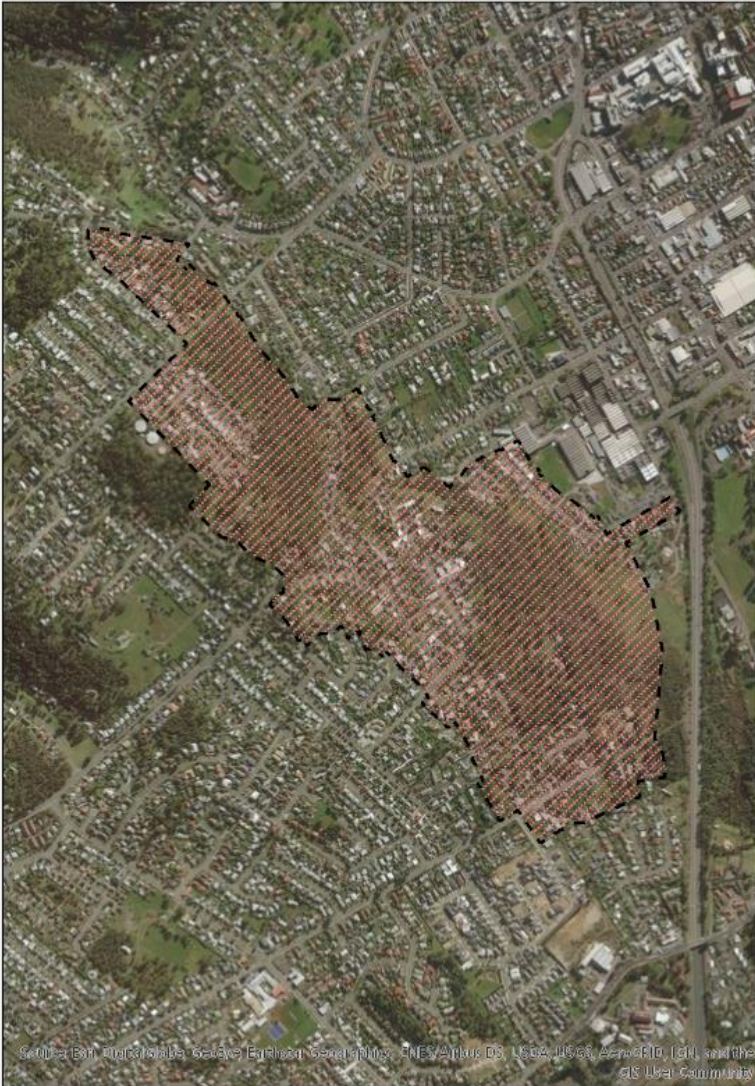


Figure 4: Map of proposed Western Hillside SAP.

### 3.3 Standards

It is acknowledged that a key priority of the Tasmanian Planning Scheme is to reduce bureaucratic processes by creating as many 'permitted' pathways for use and development through the planning scheme. However, it is imperative that this priority does not come at a cost to the scenic and visual amenity and landscape qualities that are inherent to the liveability and identity of local places.

#### 3.3.1 Visual Impact

Even in areas of significant scenic value, existing provisions under the SMC are overly restrictive. Currently, all development (that is not exempt from the planning scheme) within one of the precincts is subject to a discretionary development application.

This is despite the fact that low-scale and minor development to established buildings is largely inevent when observed from medium to long distance vantages. These development applications are more often than not, approved, with little weight given to the development standards of the SMC.





Figure 5: View of the northern end of the West Launceston Hillside looking north-west.

In capturing the majority of development within the SMC standards, the code has grouped inevident and intrusive proposals as equally contentious in the landscape (see Fig.5). This has limited the desire or inclination for developers to consider changing an existing development proposal to reduce impact. It has also limited the ability of planners to promote suitable development outcomes.

The provision of permitted pathways in the SAP would provide guidance to developers and planners on what is appropriate development. Therefore it is proposed that the standards for visual impact include acceptable solutions, to provide a permitted pathway for minor or inevident development.

### **3.3.2 Vegetation**

Currently, any vegetation removal in the SMC requires an exemption or a discretionary planning application. This often requires the applicant to obtain a report from a suitably qualified arborist that identifies the health of the tree and the justification for its removal. This enables officers to determine whether the removal of the tree is necessary and if so, enables suitable conditions to be applied requiring replacement species to be planted in order to protect the character of the area. Outside of the SMC there are limited provisions in relation to the removal of significant vegetation.

However, the SMC standards includes the removal of plants that residents have previously planted themselves that are not visible from public spaces or roads. This is overly burdensome and creates a view that there is equal value in large mature trees and small garden shrubs.



It is therefore proposed that standards regarding vegetation focus on the protection of prominent trees as per a definition in the SAP, and provide a 'permitted' pathway for removal of smaller trees and shrubs.

### 3.3.3 Subdivision

Subdivision standards are considered to be a critical component of scenic management in terms of influencing dwelling density and the retention of remnant vegetation. This is particularly important in areas such as the Western Hillside where there is the opportunity for future subdivision of existing lots. If the size of lots and location of title boundaries are not carefully considered, there is a risk of the lots produced being unable to protect the existing character of the area due to size, slope and orientation. Similarly, vegetation may need to be removed due to blocking the construction of a fence or being too close to a proposed dwelling. Previously the SMC included standards relating to subdivisions. Due to the possible variance in subdivision solutions, it is proposed that subdivisions remain discretionary (in the absence of an acceptable solution) in the new SAP, with the wording of the performance criteria drawing reference from the SMC.



Figure 6: View of the southern end of the West Launceston Hillside looking west.

## 4 Analysis and Recommendations

In relation to the creation of a new SAP, Section 32(3(b) and 4) of LUPPA states that:

### 32. Content of LPSs

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

*(b) a specific area plan, being a plan consisting of –*

*(i) a map or overlay that delineates a particular area of land; and*

*(ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs;*

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

*(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*

*(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

It is well documented that Tasmania benefits socially and economically from a "clean and green" image. This is not limited to the landscape character protected in national parks or reserves. Tasmania's popularity as a tourist destination is also a result of the variety and abundance of scenic landscapes that extend into its rural and urban areas.

For example, Launceston is classified as a city, but has the benefit of being in close proximity to natural and rural landscapes. It is becoming increasingly rare in Australia and across the world that residents can have access to urban facilities while enjoying natural amenities. The presence of the established vegetation contributes to the skylines and ridgelines of topographically prominent areas, in addition to softening development where vegetation is interspersed throughout the hillside and broader landscape. However, the hills surrounding Launceston have slowly been developed over time, reducing the vegetated bands between residential strips. This can be clearly seen in the Trevallyn hillside and the Kings Meadows Ridgeline.

The western hillside has in part been protected by the SMC, landslip overlays and Low Density Residential zoning. The area has unique environmental and spatial qualities, being one of the few remaining residential hillsides in Launceston that presents a treed urban setting, and therefore requires specific provisions that are unique to this area, which are in addition to the provisions in the SPPs as provided for under s.32(4)(b) of LUPAA. The undeveloped sloping land at the edge of the Midland Highway is particularly distinct, and is seen as the link between the urban edges and the rural landscape to the south. Initial consultation in 2017 has indicated that the community

value the character and landscape qualities of the existing SMC precincts. Additionally, letters were sent out to affected residents in July 2019 to advise them of the proposed SAP. Responses have largely been focused on whether the existing vegetated character of the area would remain protected.

The availability of desirable residential land in Launceston is decreasing. This has seen an increase in pressure to develop in areas previously unconsidered. There has already been a slow degradation of the treed ridgeline along the hills. Extensive development involving the removal of trees, or the subdivision of paddocks alongside the highway, could irreversibly alter the character of the western hillside if not carefully considered.

Furthermore, as the third oldest city in Australia, Launceston is recognised a historic city of national significance. The existing built and landscape character enjoyed by residents and visitors has the potential to be undermined if intrusive development is allowed in key vistas. As such, the preservation and management of vegetation within key scenic and landscape areas is critical.

#### **4.1 Schedule 1 Objectives of LUPAA**

Part 1 of the Schedule 1 lists the objectives of the Resource Management and Planning System of Tasmania as:

- a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- b) to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- c) to encourage public involvement in resource management and planning; and*
- d) to facilitate economic development in accordance with the objectives set out in paragraphs (a) , (b) and (c) ; and*
- e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

The proposed SAP provides permitted pathways for minor development and promotes the retention of significant trees, in accordance with (a) and (b). This provides certainty to developers, which enables and encourages the potential for economic development in accordance with (d). The provision of performance criteria, particularly in relation to subdivisions, provides the opportunity for the community to provide input on proposals in relation to (c) and (e).

Part 2 of the Schedule 1 lists the objectives of the Planning Process established by this act as:

- a) to require sound strategic planning and co-ordinated action by State and local government; and*
- b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and*



- c) *to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*
- d) *to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*
- e) *to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*
- f) *to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and*
- g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*
- h) *to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*
- i) *to provide a planning framework which fully considers land capability.*

The proposed SAP provides a clear set of permitted and discretionary pathways for development in a prominent visual location, in accordance with (b) and (i). It encourages suitable development through allowances for minor additions. The standard relating to visual impact encourages invident development, while the standard relating to vegetation encourages development that protects prominent trees. This is considered to be in accordance with (c), (f) and (g). The SAP takes guidance from the existing SMC and the proposed SPC in regards to location and provisions. It is considered to work in conjunction with the TPS in accordance with (a) and (d).

## **4.2 Northern Regional Land Use Strategy (NRLUS)**

The Regional Environment Policy in the NRLUS is relevant to consideration of the creation and application of the new SAP. Policy LSA-P01 states that there needs to be consideration of the scenic and landscape amenity qualities of key tourism routes and local surrounds, and lists three main areas of focus. The first is on the importance of scenic landscapes when viewed from major roads and tourist destinations, due to their contribution to economic basis of the tourism industry as well as local visual amenity. The second is on the importance of native vegetation in contributing to scenic values of rural and coastal areas in general. The final is on the protection of skylines and prominent hillsides from obtrusive development. Policy LSA-P02 states the need to protect topographical or natural features of significant scenic or landscape value.

The corresponding actions relevant to the proposed SAP are LSA-A03 and LSA-A04. LSA-A03 requires that performance criteria for the development within scenic overlays consider the following:

- a) *the impact of development on skylines, ridgelines and prominent locations;*
- b) *the establishment and/or retention of existing vegetation to provide screening in combination with other requirements for hazard management;*

- c) *the bulk and form of buildings and earthworks and the ability of development to blend with the landscape;*
- d) *the impact of materials, finishes and colours of buildings on the landscape setting; and*
- e) *whether existing native or significant exotic vegetation within the corridor is managed to retain the visual values of the tourism route.*

All of the proposed performance criteria in the SAP provide reference to the management, establishment and retention of existing vegetation, in relation to (b) and (e). Performance criteria P1 and P2 for the first standard refer to the impact of development on prominent locations, the bulk, form and materiality of proposed buildings and the extent of proposed earthworks, in relation to (a), (c) and (d).

LSA-A04 states the planning schemes may identify visually significant topographic, natural features and landscapes in an overlay. This may include objectives and performance criteria that relate to the visual impact of potential use and development. The proposed SAP's objectives are to protect the visual amenity of the West Launceston hillside.

### **4.3 Existing Uses**

The proposed SAP does not prevent the continuation of any existing use or development on a site, as required under section 12 of the Act.

## **5 Conclusion**

The consideration for a Western Hillside SAP has been undertaken in accordance with Guideline No 1, issued by the Tasmanian Planning Commission, considering the existing character, land constraints, existing and desired density and provision of services within the area. The spatial distribution of the SAP has been applied across the City of Launceston based on the analysis within this report.

## 6 References

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