

Rep 7

Representation concerning Glamorgan Spring Bay draft planning scheme amendments AM 2023-01 & Draft Planning Permit SA 2022/046

To: the General Manager
Glamorgan Spring Bay Council

By email: planning@freycinet.tas.gov.au

I refer to the above draft planning scheme amendment and subdivision application seeking to rezone CT 149641/2 being a significant 10.26ha parcel of farm land located between East Shelly Beach Road and Rheban Road, Orford ('the Land'), from 'Future Urban' Zone to 'General Residential' Zone and to subdivide the Land into 90 lots.

Consistency of draft amendment with Regional Strategy

The Land (together with a neighbouring parcel of land) was previously the subject of a substantially similar combined rezoning and subdivision application (draft amendments AM 2018-08(a) and (b) and permit SA 2017-04) which was considered at length and rejected by the Tasmanian Planning Commission ('TPC') in their reasons for decision dated 24 July 2019 (the 'Decision').

In that Decision the previous draft amendments were found to be not, as far as is practicable, consistent with Regional Settlement Strategy under the Regional Strategy, being the Southern Tasmanian Land Use Strategy ('STRLUS'), in that they were not consistent with the growth strategy and growth scenario for Orford; and did not further Objective (b) of the Resource Management and Planning System in Schedule 1 because they did not represent an orderly release of land.

There has been no change to the Regional Settlement Strategy specified under STRLUS regarding the growth strategy and growth scenario for Orford since previous draft amendments 2018-08(a) and (b) concerning the Land were rejected in 2019.

I note that since the rejection of that draft amendment, regional policy SRD 1.1A has been inserted into the Settlement and Residential Development Strategy under STRLUS to enable the consideration of contemporary residential supply and demand information for rezoning proposals in towns defined as, amongst other things, Townships, such as Orford.

However it is incumbent on the planning authority under STRLUS to show that it has carried out the requisite strategic planning investigation and analysis to support such a proposal for further growth.

This is consistent with the existing requirements under regional planning policies for prudent monitoring and planning in respect to supply and demand of residential land to be carried out at a local level before any further rezoning of land takes place. Further rezonings should only occur when such monitoring and evaluation shows that available residential land has dropped below a 15 year supply. This monitoring and planning should have been done by the planning authority itself and referenced in the rezoning assessment.

It is therefore not sufficient and indeed inconsistent with STRLUS for the planning authority to accept wholesale and without independent evaluation, the data presented by the proponent of a subdivision, much less to annex it as an addendum to its local structure plan without such evaluation (or indeed community consultation), as has been the case in relation to this draft amendment.

The draft amendment (like it's previous iteration under AM2018-08(a) and (b)) is therefore not consistent with Regional Settlement Strategy under STRLUS, in that it is not consistent with the growth strategy and growth scenario for Orford and does not further Objective (b) of the Resource Management and Planning System in Schedule 1 because it does not represent an orderly release of land.

Failure to take into account Solis and Holkham Court

The question of whether or not the extensive Solis and Holkham Court subdivisions ought be taken into account when calculating existing residential land supply in Orford pursuant to the low growth strategy under STRLUS has already been decided in relation to the previous rejected draft amendments AM2018-08(a) and (b). It was then put to the Commission by the proponents that there were constraints on the development of those subdivisions and they should not be taken into account in that calculation. However in the Decision it was found that while unfortunate, the zoning of additional land for residential development could result in an over supply of infrastructure if constraints are quickly resolved (see paragraph 51 of the Decision).

It is doubtful that the planning report in support of the latest draft amendment has taken into account the very large Solis and Holkham subdivisions in determining existing residential land supply in Orford. The Solis estate alone comprises 300 available lots and a potential for a further 500 lots.

If these subdivisions have not been taken into account, the draft amendment does not further Objective (b) of the Resource Management and Planning System in Schedule 1 because it does not represent an orderly release of land.

Further, it is submitted that amendments to the Triabunna-Orford Structure Plan to reference the constraints on the Solis and Holkham Court subdivision are for the above reason contrary to the earlier findings of the Tasmanian Planning Commission and ought be removed.

General Residential Zoning and density of subdivision proposal

Aside from the above threshold issues going to the draft rezoning amendment, I am very concerned about the density of the proposed subdivision.

As the owner/occupier of property nearby at 37 East Shelly Road, my family and I will be affected the rezoning of the Land and subsequent subdivision. I have had a strong connection to the area for over 45 years and I care passionately about ensuring the areas unique shack/holiday character and rural/seaside landscape is respected and preserved.

This proposed high density subdivision is out of character with the allotments surrounding the Land on East Shelly Road and Jetty Road. Despite being under a 'General Residential' zoning these surrounding parcels are in effect low density allotments in common with the 'low density' zoning of the land which is directly to the east of the Land at Pine Hills Court and into Spring Beach. I believe any future development of the Land should maintain that low density. Indeed under the Regional Settlement Strategy, Orford/Spring Beach is categorised as a shack/holiday community. It is therefore inconsistent with STRLUS for a subdivision on the proposed scale and density to be approved.

Traffic Congestion and pedestrian and cyclist safety

The surrounding roads around the land in question (Rheban, Jetty and East Shelly Roads) are single-carriageway lacking in either footpaths or bike paths. They already face significant congestion and speed challenges with the number of vehicles, pedestrians and bikes all using the roads. In particular there are numerous children on bikes using Rheban Road going between Spring Beach and town/Shelly Beach during busy holiday times.

The situation is already dangerous and even if the rezoning of further residential land was found to comply with Regional Strategies as set out above (which is disputed) the creation of new subdivisions with single entry on to Rheban Road will only add unduly to this pressure. The rezoning therefore does not represent fair and orderly planning in accordance with State planning policies.

Non-compliance with performance criteria

The proposed subdivision does not accord with stringent planning performance criteria. For example, under the planning scheme requirements cul-de-sacs and

other terminal roads are not to be created or their use in road layout is to be kept to a minimum in favour of interconnected grid-like roads.

Yet this best practice requirement has not been followed, instead the two sides of the proposed subdivision do not connect by road. One side relies on a cul-de-sac design with a single access off Rheban Road and the other uses a loop design having a single access of Rheban Road. This layout would be a poor design outcome.

Also, under planning scheme requirements internal lots are to be avoided, yet the planning assessment in fact has required the creation of 9 additional internal lots (this is up from 3 in the previous 2017 application).

Native Vegetation

The mapping clearly indicates that some native vegetation will be removed to make way for the proposed subdivision, particularly on the north-western boundary. Council has not addressed this issue and should do so prior to any approval being granted.

Conclusion

I respectfully request that that this representation be submitted to the Tasmanian Planning Commission for its consideration in relation to the draft amendment and associated subdivision application.

I look forward to receiving an acknowledgement of receipt of my representation. [L] [SEP]

Yours faithfully, [L] [SEP]

[L] [SEP] Alison Westwood [L] [SEP]

37 East Shelly Road, Orford [L] [SEP] [L] [SEP]