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REQUEST TO AMEND THE TASMANIAN PLANNING SCHEME - GLAMORGAN SPRING BAY

and

Request to consider an Application for subdivision at 155 Rheban Road, Orford



Executive Summary

This report has been prepared in support of a combined rezoning and the subdivision of land at 155 Rheban Road, Orford.

Section 40T of the *Land Use Planning and Assessment Act 1993* (the **Act**) allows a person to request the planning authority to consider a request to amend the LPS and an application for a planning permit at the same time.

The proposed application involves rezoning of 155 Rheban Road, Orford from 'Future Urban' to 'General Residential'.

The proposed General Residential zoning is intended to facilitate the development of a 90 lot residential subdivision, roads and public open space.

The *Triabunna/Orford Structure Plan 2014* (the **Structure Plan**) identified the subject land for rezoning to 'Residential' "...in the long term" (p.63).

Council in August 2021 decided to amend the *Triabunna Orford Structure Plan 2014 Final Report* (Structure Plan) to reflect higher than expected activity and demand for development within the Orford area and to rezone (the subject) land south of Orford to 'Residential' in the short term rather than the longer term.

At the same time Council resolved to submit a request to the Minister for Planning to amend the *Southern Tasmania Regional Land Use Strategy (2010-2035)* (**STRLUS**) Growth Strategy from LOW to HIGH; and the Growth Scenario from CONSOLIDATION to MIXED.

Council's decisions in respect of the Structure Plan and STRLUS were supported by an analysis by SGS Economics and Planning: *Orford Residential Capacity and Demand Analysis, final*, January 2021.

On the 13 July 2022 the Minister amended STRLUS to include a new policy at SRD 1.1A of the settlement strategy to consider residential growth for Major District Centres, District Towns and Townships – specifically where contemporary analysis demonstrates that more residential land should be made available to accommodate growth. Orford is identified as a Township under STRLUS.

The proposed scheme amendment (rezoning) has been assessed against the relevant provisions of the Act, STRLUS, the State Policies, and the objectives of the *Resource Management & Planning System of Tasmania*.

The proposed subdivision has been assessed against the provisions of the proposed General Residential Zone and the relevant Codes under the *Tasmanian Planning Scheme – Glamorgan Spring Bay*.

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ACCOMPANYING REPORTS AND DOCUMENTS

- ALDANMARK CONSULTING ENGINEERS, Civil Drawings, Sheets C001, C101 to C105, C301, C302, C401 to 403, and C501 Rev C, 23/9/22
- HUBBLE TRAFFIC, TIA, August 2022
- NORTH BARKER, Bushfire Hazard Assessment, September 2022
- SEAM, Review of Environmental Impacts at the Orford Sewage Treatment Plant for Subdivision at Rheban Rd (version 1, August 2022)
- SGS ECONOMICS AND PLANNING: *Orford Residential Capacity and Demand Analysis, final*, January 2021.

1. Introduction

Rheban Rd Pty Ltd seek to rezone the property at 155 Rheban Road, Orford (the **subject site**) to enable development of a serviced residential subdivision.

This report has been prepared in support of a proposed rezoning and subdivision, to be lodged with Glamorgan Spring Bay Council for assessment.

The proposed rezoning component includes rezoning the subject site from 'Future Urban' to 'General Residential'. The proposed subdivision and any future use and development of the subject site must be carried out in accordance with the standards under the General Residential Zone and applicable Codes under the *Tasmanian Planning Scheme – Glamorgan Spring Bay*.

The subdivision involves the creation of 90 new titles, roads, public open space and incidental infrastructure.

2. Background

2.1 The 2017 Application

The land subject to this request was part of a 2017 application for combined rezoning of 3 titles from Rural Resource to General Residential and subdivision (AM 2018-07(a) and (b), and SA 2017-04).

That proposal was supported by Council but was refused by the Tasmanian Planning Commission (TPC). Reasons cited for the refusal by the TPC (the **TPC decision**) included the following:

- a lack of demonstrated demand for the rezoning and proposed lots;
- the proposal was not consistent with the low growth scenario established for Orford within the STRLUS;
- the proposal was not considered to represent infill development, as required by the consolidation growth scenario established scenario established for Orford within the STRLUS;
- concerns that the proposal would result in an oversupply of land zoned for residential purposes; and
- as a consequence of these findings, the proposal was considered not consistent with the objectives of the *Land Use Planning and Approvals Act 1993* and *Resource Management Planning System* for the orderly release of land.

The lands subject to that decision are outlined in blue in Figure 1 below. The land subject to the new application (the subject site) is outlined in red.

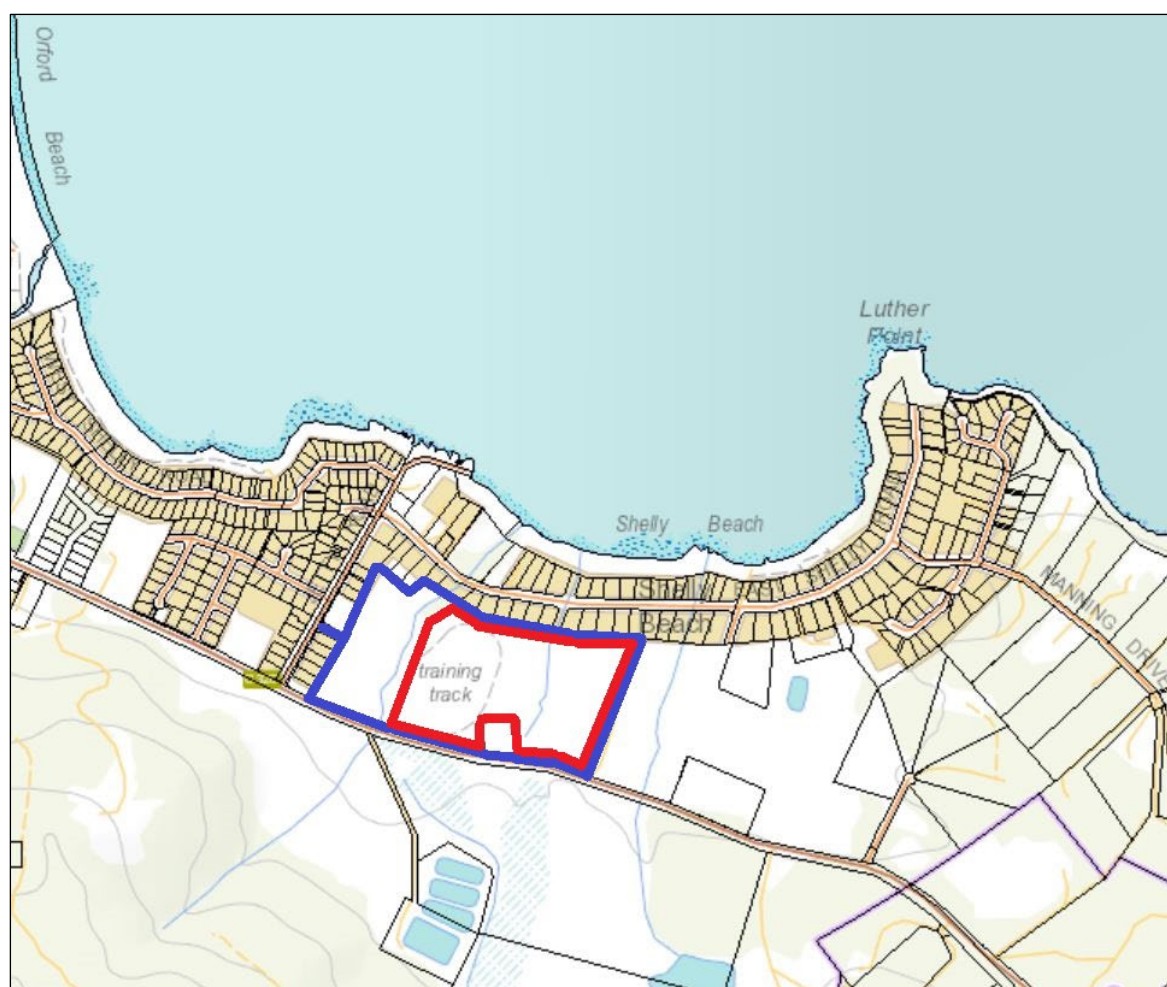


Figure 1: location of the 2017 proposal (blue) and the new proposal (red) (base source: TheLIST 187/9/22)

The subject site was zoned Rural Resource under the *Glamorgan Spring Bay Interim Planning Scheme* 2015 (the **Interim Scheme**) but is now zoned Future Urban under the recently introduced *Tasmanian Planning Scheme – Glamorgan Spring Bay* (the **planning scheme**).

2.2 Current growth strategies under STRLUS

Three Regional Land Use Strategies operate across Tasmania and establish a broad strategic land use planning policy framework within each region that guide future development of each region over a 25-year horizon. The Strategies were originally declared by the Minister for Planning in 2011, with the most recently amended Southern strategy (STRLUS) approved in July 2022. Notwithstanding that, the Strategies have not been subject to either a major or minor overall review since their declaration. Revisions have been completed to the strategies to deal with local and specific issues identified by Councils within the region.

Table 3 Growth Management Strategies of the STRLUS classifies Orford as a Township, with a 'Low' Growth Strategy and 'Consolidation' Growth Scenario (op.cit p89) (see Figure 2 below).

TABLE 3: GROWTH MANAGEMENT STRATEGIES FOR SETTLEMENTS

SETTLEMENT	PROPOSED REGIONAL FUNCTION	GROWTH STRATEGY ^a	GROWTH SCENARIO
Greater Hobart	Primary urban centre for the region, providing for significant housing and employment opportunities for the broader region.		
Sorell	Major Satellite of Greater Hobart	See Map 10	See Map 10
Brighton			
Margate			
Lauderdale			
Midway Point	Minor Satellite of Greater Hobart		
Seven Mile Beach			
Snug			
Collinsvale, Fern Tree, Dodges Ferry	Dormitory Suburb	Low	Consolidation
Carlton Beach, Clifton, Cremorne, Lewisham, Primrose Sands, Opossum Bay, South Arm,	Dormitory Suburb	Very Low	Consolidation
New Norfolk	Major District Centre	High	Mixed
Huonville	Major District Centre	High	Mixed
Oatlands	District Town	Moderate	Consolidation
Triabunna	District Town	Moderate	Consolidation
Bicheno	Township	Moderate	Consolidation
Bothwell	Township	Moderate	Consolidation
Alannah	Township	Moderate	Consolidation
Cygnat	Township	Moderate	Mixed
Dover	Township	Low	Consolidation
Franklin	Township	Low	Consolidation
Kempton	Township	Low	Consolidation
Geeveston	Township	Low	Consolidation
Nubeena	Township	Moderate	Mixed
Orford	Township	Low	Consolidation
Swansea	Township	Moderate	Consolidation
Ouse	Township	Low	Consolidation
Hamilton	Township	Low	Consolidation
Richmond	Township	Moderate	Consolidation
Dunalley	Township	Low	Consolidation
Adventure Bay, Alannah, Bagdad, Buckland, Campania, Colebrook, Coles Bay, Eaglehawk Neck, Ellendale, Gretna, Kettering, Maydena, Miena, Murdunna, Pontville, Port Arthur, Taranna, Tarraleah, Westerway, Woodbridge	Village	Low	Mixed
All other settlements	Other Small Settlements or Locality	Very Low	Consolidation

^aFor all settlements categorised as 'township' or lesser, the growth strategy indicated does not preclude growth possible under existing capacity

Figure 2: Table 3 Growth Management Strategies of the STRLUS, p.89

The TPC decision gave determining weight to the stated growth strategy and growth scenario for Orford in Table 3 of STRLUS.

2.3 The role of the Triabunna/Orford Structure Plan 2014

Future growth of Orford was considered in the *Triabunna/Orford Structure Plan*, originally completed in 2011 and updated in June 2014 (the **2014 Structure Plan**).

The Structure Plan was originally prepared based on growth projections from the State Demographic Change Advisory Council developed in 2008, which provided for a conservative growth scenario of

population growth from 518 permanent residents in 2011 to 600 permanent residents in 2030 at Table 15, representing a growth rate of 0.8% (see Figure 3 below):

Table 15 – Triabunna and Orford dwelling projections – place of usual residence			
	Triabunna	Orford	Total
Average household size	2.4	2.1	
Projected population growth 2011-2030	122	82	204
Projected new dwellings required for place of usual residence by 2030	51	39	90

Figure 3: Table 15 from the 2014 Structure Plan

The 2014 Structure Plan provided recommendations for the future residential growth of Orford at section 9.2, identifying that a 15-year supply was required to meet projected demands. The 2014 Structure Plan also included recommendations for the Orford settlement under a map identified as 'Proposed Settlement Limits and Zonal Recommendations' (op.cit p. 60), which graphically clarified the recommendations made at section 9.2.2 (ibid p. 63), as follows:

9.2.2 Recommended Actions

The recommended actions relating to residential land uses are as follows:

- *Rezone land to the east of Triabunna to residential (refer to Zonal Recommendations map).*
- *Rezone land to the east and north of Triabunna to rural living (refer to Zonal Recommendations map).*
- *Rezone land south of Orford to residential in the long term (refer to Zonal Recommendations map).*
- *Rezone land in the north of Orford to rural living or low density residential in the long term (refer to Zonal Recommendations map).*
- *Rezone land in the south of Orford to rural living in the long term (refer to Zonal Recommendations map).*

The Proposed Settlement Limits and Zonal Recommendations map clearly identified that the subject and adjoining land should be rezoned for Residential development (see Figure 4 below).

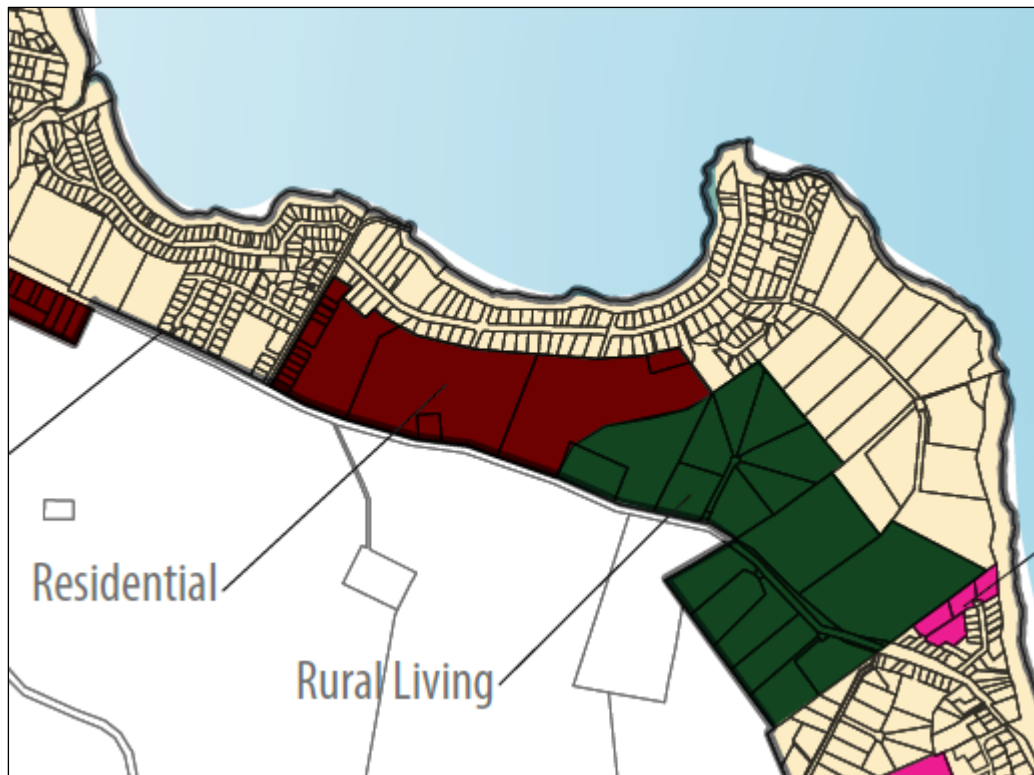


Figure 4: Excerpt of the Proposed Settlement Limits and Zonal Recommendations (source: Triabunna/Orford Structure Plan 2014)

Notwithstanding the 2014 Structure Plan's recommendation that the subject land should be zoned Residential, and the Council's subsequent support of the combined rezoning and subdivision, the TPC appeared to give weight to the third recommendation under 9.2.2, ie:

- *Rezone land south of Orford to residential in the long term* (my emphasis added)

This nuance in the 2014 Structure Plan was conflated by the TPC with the growth strategy and growth scenario in the STRLUS in order to refuse the 2017 application.

2.4 Review of Orford growth and supply

In late 2020 Rheban Rd Pty Ltd under the umbrella Tempo Group commissioned SGS Economics to undertake an analysis of residential capacity and demand in Orford. The result is the *Orford Residential Capacity and Demand Analysis dated January 2021* (the **SGS report**).

The SGS Report, assessed take up, demand and supply statistics and identified the following:

- the low growth strategy allocated under the RLUS reflected a 0.4% growth rate for the life of the document;
- actual demand exceeded the Structure Plan projections from 2012 to 2016 based on ABS data and projections for permanent residents at 2.4% in the 10-years to 2016;

- holiday houses continue to remain a significant factor in dwelling uptake, with 2016 census data identifying that 68% of dwellings were unoccupied against the Tasmanian average of 14%;
- while the Structure Plan recognised holiday houses as a significant housing factor, the document predated the online platforms that emerged over the previous decade;
- resident and visitor populations form part of the dwelling projections for their work;
- future projections allocated a 2% growth rate over 25 years, including dwellings for both permanent and visitor populations;
- there is an expected short fall of available lots in the short to medium term if the subject land is not rezoned; and
- rezoning the subject land will meet the 15-year supply identified in the Structure Plan, with between a one-to-five-year buffer.

Figure 2 of the SGS report (Figure 5 below) compares population growth forecasts with the reality:

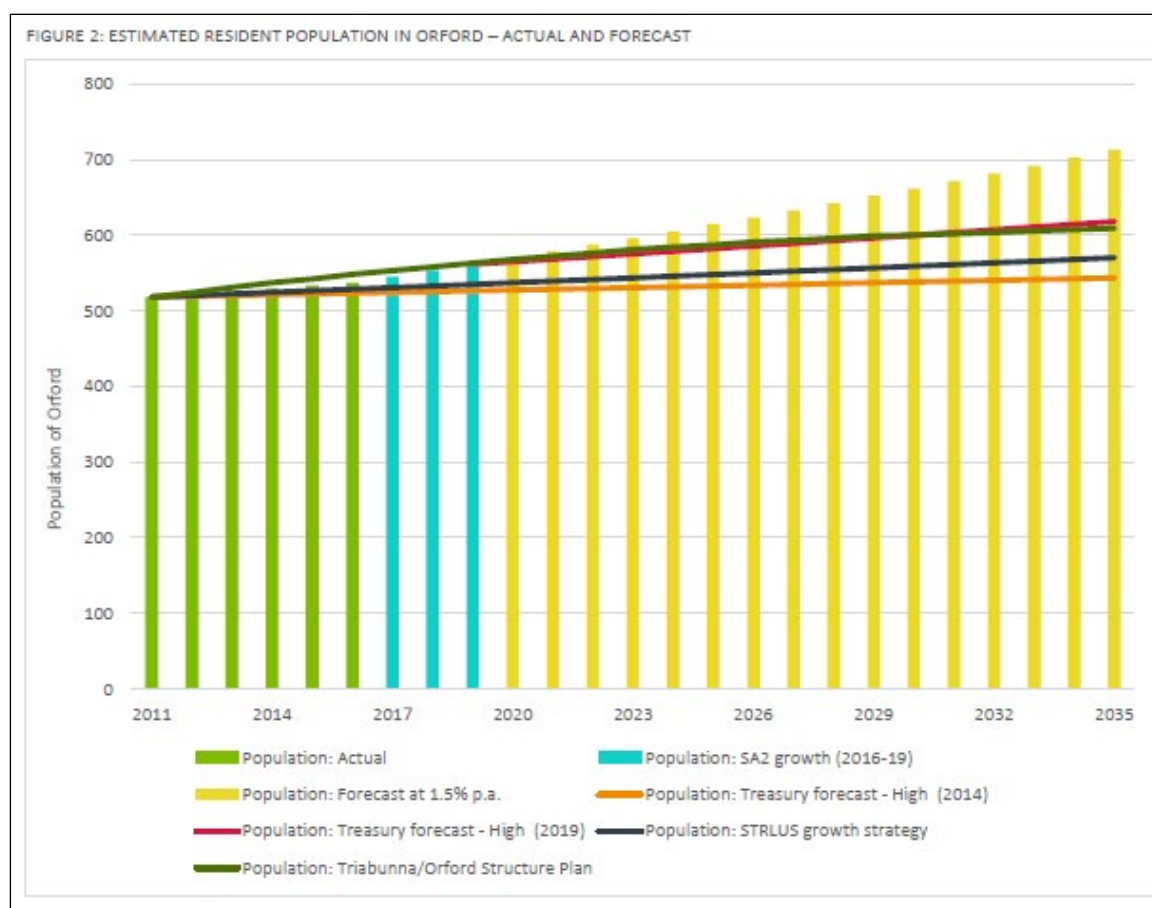


Figure 5: Figure 2 from the SGS report (*op.cit* p.8)

At page 19 of the SGS report the following summary of findings is provided:

A 10 per cent increase over 25 years (the length of the STRLUS) corresponds to an annual average growth rate of 0.4 per cent per annum for Orford. The number of dwellings at the start date was 716. Therefore, the regional strategy provides for a maximum of 71 new dwellings from 2010 to 2035. As explored in the Housing Demand chapter, this is well below the recent and current experience in Orford. This means that more growth will be needed to be accommodated in Orford than outlined in the STRLUS.

...

Even so, residential demand in Orford is well beyond what was anticipated in STRLUS and freeing up more land within the suburb boundary prevents growth spilling over into productive agricultural land, further along the coast and in natural living areas around Orford. This enables the town to retain its character in a natural landscape while improving the towns economic sustainability by adding more residents.

The SGS report makes the following relevant conclusions:

The (subject proposal for rezoning and subdivision) is also supported by strategic planning objectives. This includes the intent to consolidate growth into existing towns (urban consolidation) and prevent the continued spread of dwelling growth along the coast and on to productive agricultural land (fragmentation of productive land). It also encourages growth of the permanent population to improve the economic sustainability and vibrancy of Orford.

We observe that residential demand since 2011 has outstripped the assumed growth as described in STRLUS. SGS Economics and Planning recommends that the STRLUS is updated to reflect higher observed growth and related projections, in Orford and other parts of southern Tasmania. Population growth, the success of the Tasmanian tourism industry and the advent of short-term rental accommodation are more prominent factors in driving demand than recognised in STRLUS. (ibid.p22)

2.5 Amendments to the Structure Plan and STRLUS

2.5.1 Council amendment to Triabunna Orford Structure Plan 2014

Council at its meeting on 24 August 2021 decided to amend the Structure Plan in the following manner:

- a) *insert a new Attachment 1, being the 14 July 2021 Statement - Addendum to Triabunna/Orford Structure Plan 2014 and the associated document Orford Residential Capacity and Demand Analysis, final, January 2021, SGS Economics and Planning*
- b) *on page 74 – include additional reference: SGS Economics and Planning 2021, Orford Residential Capacity and Demand Analysis, final, January 2021*
- c) *on page 63 – revise recommended action 9.2.2 point 3 to support rezoning land south of Orford to Residential in the short term rather than long term; and*
- d) *on page iii – include Attachment 1 Statement and Orford Residential Capacity and Demand Analysis, final, January 2021, SGS Economics and Planning;*

- e) *include a new endorsement to the Inner Cover: Amendment 1, August 2021 – insert Attachment 1 and associated document Orford Residential Capacity and Demand Analysis, final, January 2021, SGS Economics and Planning.*

The *Addendum to Triabunna/Orford Structure Plan 2014 (14 July 2021)* (the Addendum) specifically addresses land supply and demand issues in Orford and makes a distinction between Orford and other areas in the Structure Plan. More particularly the Addendum identifies constraints that arise in respect of areas considered in the 2014 Structure Plan to be available for residential development in the short term (North Orford land centred around Holkham Court, and the Solis Estate) and makes the following statement:

The Rheban Road land has existing service capacity, is located adjacent existing urban residential land and represents a suitable strategic option to address the projected short term demands for residential development. (Ordinary Council Meeting Agenda – 24 August 2021 - Attachment 1 to Orford Structure Plan – Agenda Item 4.3)

2.5.2 Council seeking amendment to the STRLUS

Council at its meeting on 24 August 2021 also decided to:

...request to the Minister for Planning to amend the Southern Tasmania Regional Land Use Strategy (2010-2035) under 5A of the Land Use Planning and Approvals Act 1993 by making the following changes to Table 3 Growth Management Strategies at page 89 for Orford:

- i. Growth Strategy be changed from LOW to HIGH;*
- ii. Growth Scenario be changed from CONSOLIDATION to MIXED; and*
- iii. Add a new footnote to Orford: Note 1: refer to the Triabunna/Orford Structure Plan 2014 and 2021 addendum. (Ordinary Council Meeting Agenda – 24 August 2021 - Attachment 1 to Orford Structure Plan – Agenda Item 4.2)*

2.5.3 Minister's amendments to STRLUS

On the 13 July 2022 the Minister amended STRLUS to include a new policy at SRD 1.1A of the settlement strategy to consider residential growth for Major District Centres, District Towns and Townships – specifically where contemporary analysis demonstrates that more residential land should be made available to accommodate growth. Orford is identified as a Township under STRLUS.

The amendment to STRLUS allows Council and the TPC to consider the rezoning and subdivision of the subject site within the context of a contemporary analysis that demonstrates that more residential land should be made available to accommodate growth in Orford (ie the SGS report).

3. Site Location & Context

3.1 Location

The subject site is on the south-eastern fringe of the Orford township on the northern side of Rheban Road between Jetty Road to the east and Pine Hills Court to the west, in the area known as Shelly Beach.

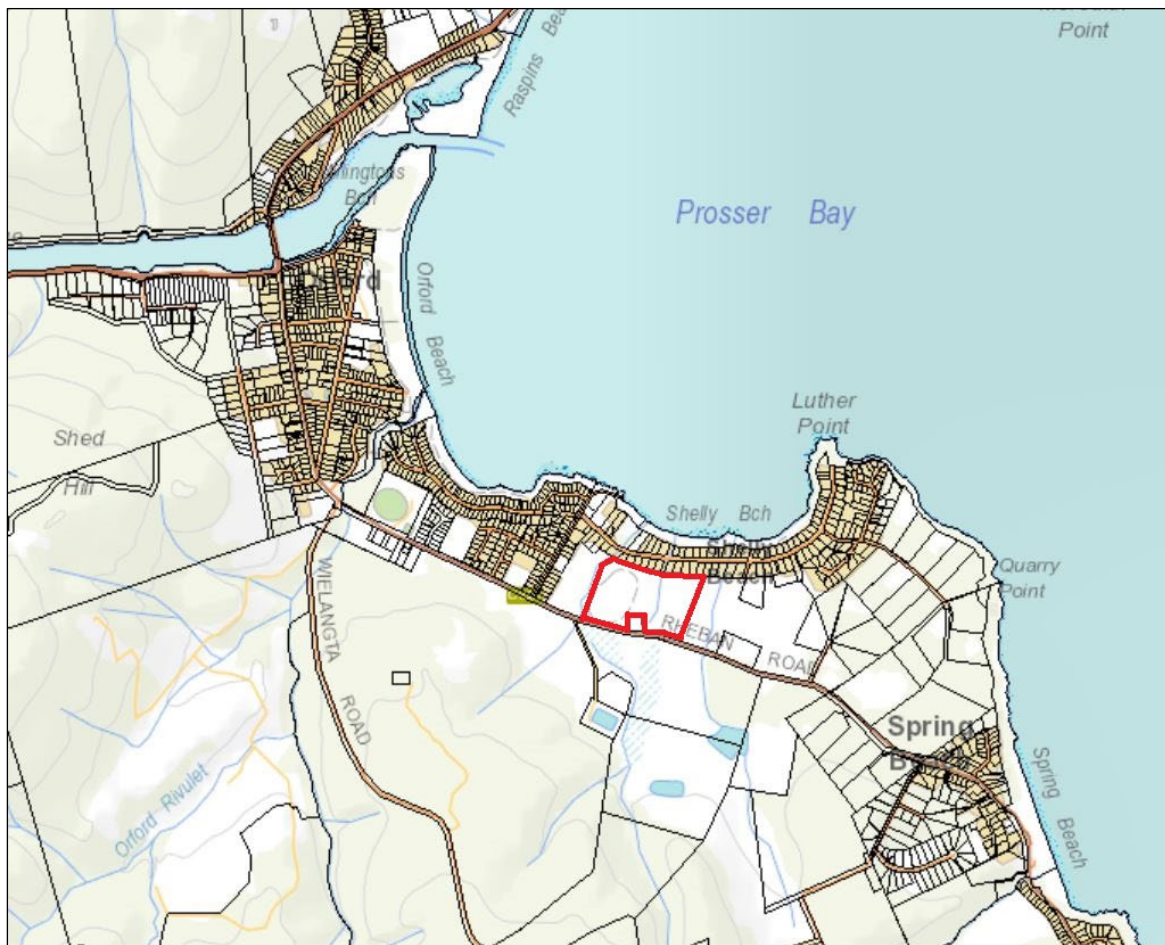


Figure 6: location of the subject site in the context of Orford township (base source: TheLIST 18/9/22)

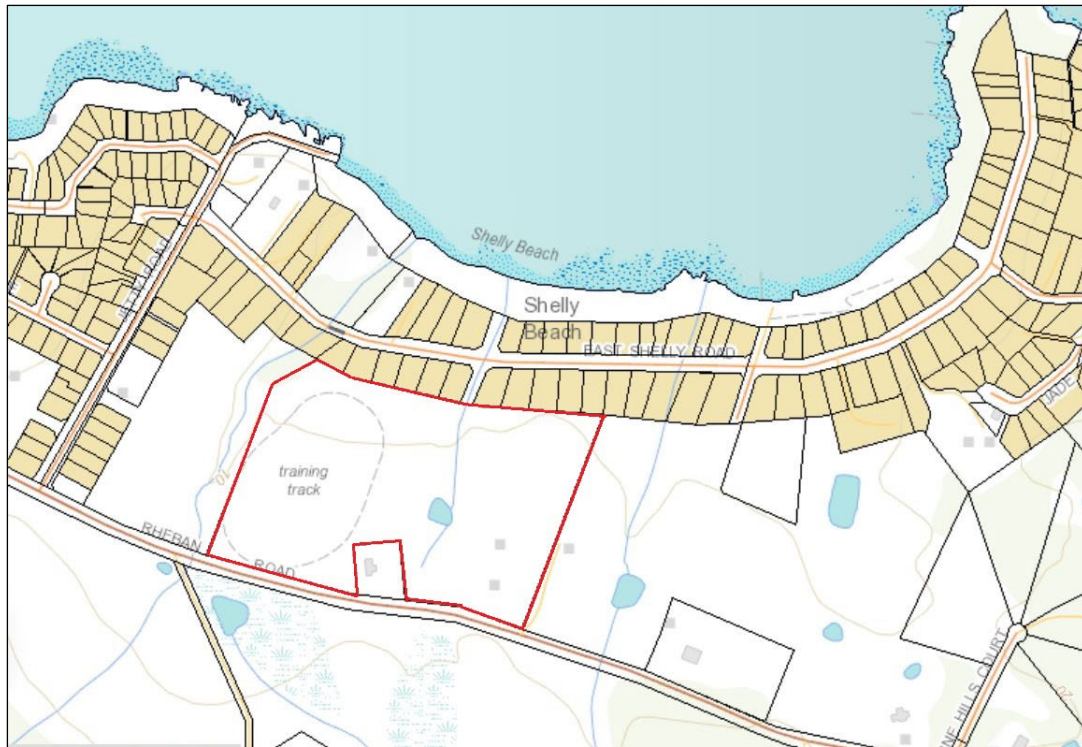


Figure 7: closer detail of the location of the subject site (base source: TheLIST 18/9/22)

The subject site is Certificate of Title 149641/2 with an area of 10.20ha and frontage of 350.12m to Rheban Road and approximately 10.45m to East Shelly Road. Other than a pipeline easement the title is unencumbered. An excerpt of the Folio Plan of the title is provided in Figure 8 below.

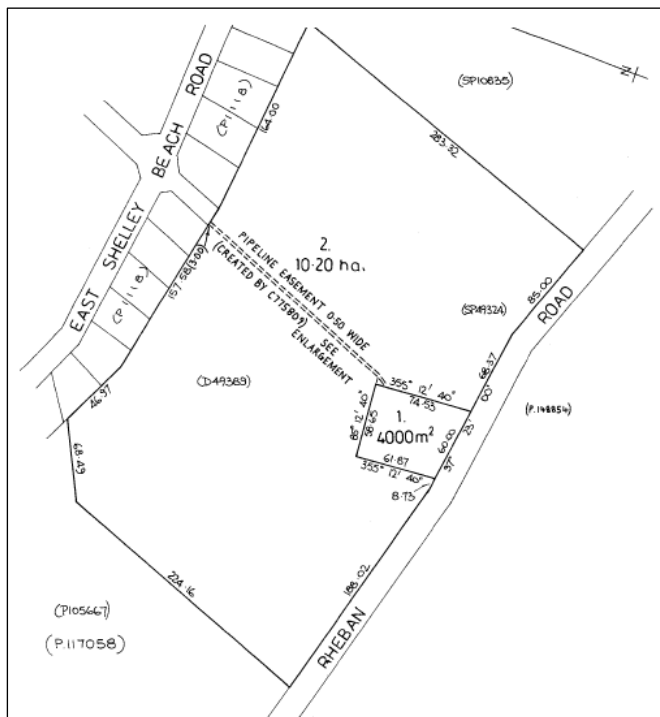


Figure 8: excerpt of Folio Plan CT 149641/2

3.2 Character

The subject site is essentially cleared pasture that has been used for grazing and training horses. The only buildings are scattered farm sheds on the eastern side. Whilst very small remnant patches of White Gum (*E viminalis*) and Black Gum (*E ovata*) are found in the lower section of the central drainage line, there is otherwise no native vegetation on site.



Figure 9: aerial photo showing site character and surrounding context (source: TheLIST 18/9/22)

The subject site has an overall north to north-easterly aspect with a very slight slope ('nearly level').

The subject site is currently accessed off Rheban Road. An unconstructed road reserve extends to the middle low point of CT 149641/2 off East Shelly Road. Rheban Road is a rural standard sealed road maintained by Council.

3.3 Context

Land to the north is urban residential centred on East Shelly Road. Immediately to the west is rural residential land and beyond that further urban residential. Land to the east is rural residential in character. A minimum 230m to the south on the opposite side of Rheban Road is a sewerage treatment plant (see Figures 6 and 7 above).

The character of the land is former rural grazing land within the context of urban fringe transitioning to residential use (see Figure 9 above and Figure 10 below).



Figure 10: panorama taken from the eastern side of the subject site (source: Town & Country Planning 20/12/16)

3.4 Infrastructure

Power supply is provided along Rheban Road and also East Shelly Road together with Telstra services. Reticulated water and sewer are available in the immediate area.

Stormwater drainage is currently generally directed towards East Shelly Road via the existing unnamed water course.

3.5 Facilities

The following services and facilities are provided within 1.7km:

- Orford Primary School;
- Supermarket/convenience store;
- Police station;
- Lawn bowling club/rink;
- Recreation reserve and oval.

4. The Scheme Amendment

4.1 Rezoning

It is proposed to rezone the subject site from Future Urban to General Residential.

This will affect the *Glamorgan Spring Bay Local Provisions Schedule* (the **LPS**) zoning map as shown below.

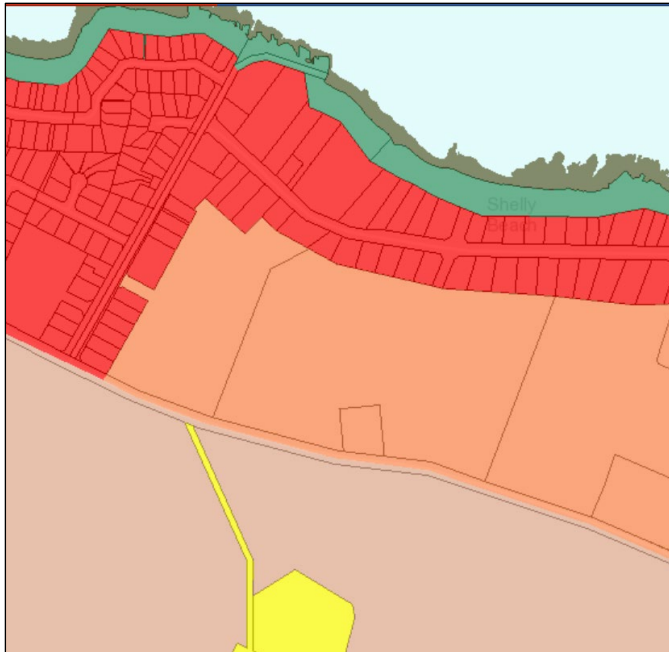


Figure 11: Current Future Urban Zone under the Tasmanian Planning Scheme – Glamorgan Spring Bay

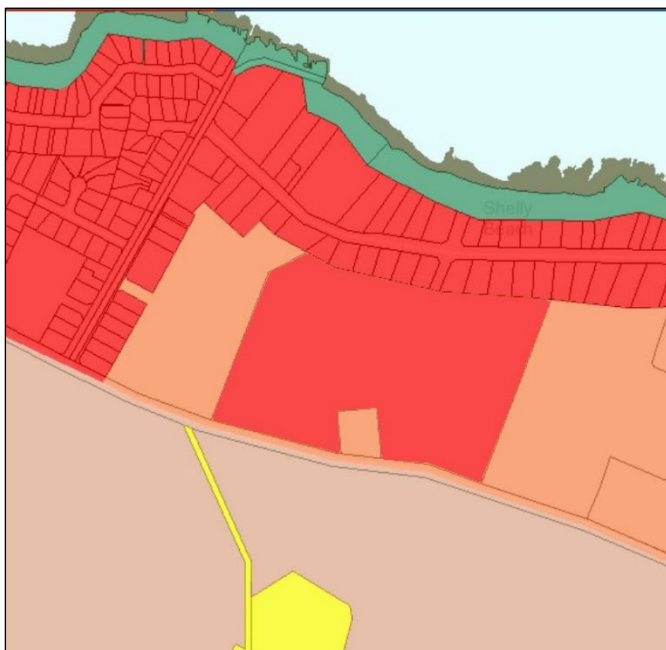


Figure 12: Proposed General Residential Zone under the Tasmanian Planning Scheme – Glamorgan Spring Bay

The new zoning will facilitate a subdivision to create 90 new residential titles, public open space and related roads.

The rezoned land will immediately adjoin existing General Residential zoned land to the north, with land immediately to the west and east, as well as a small parcel on the southern boundary in other ownership remaining zoned Future Urban for the time being.

The subject site will remain affected by the Bushfire Prone Areas overlay which covers the whole existing title, as well as the Waterway and Coastal Protection overlay which covers an existing dam and the drainage course to the northern boundary with East Shelly Road (see Figure 13 below).

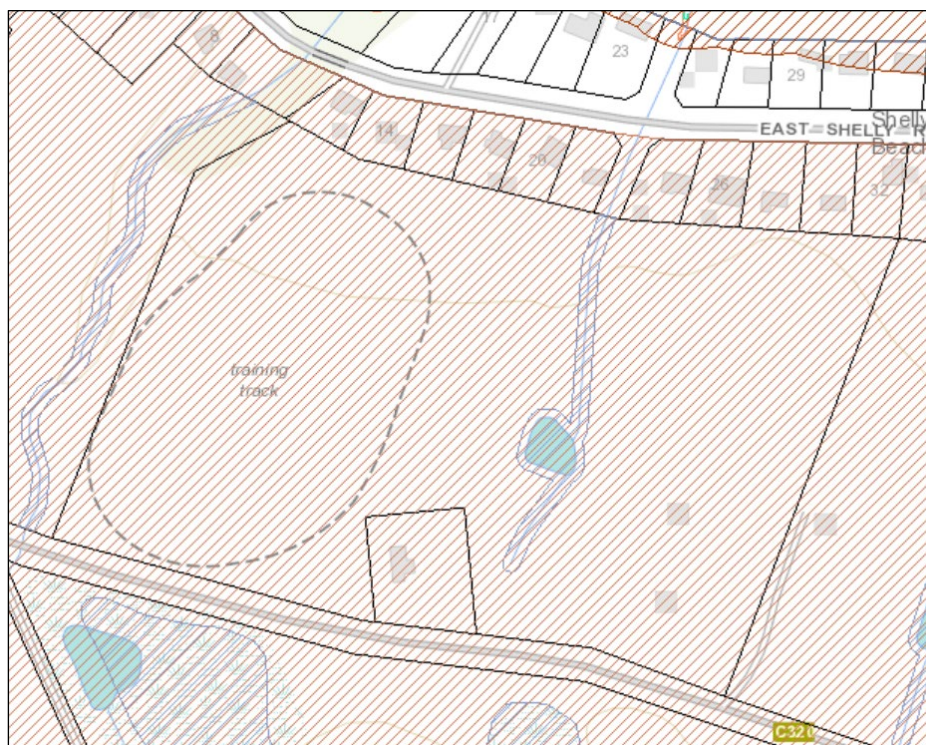


Figure 13: Existing Bushfire Prone Area overlay (brown hatching) and Waterway and Coastal Protection overlay (blue hatching) (source: TheLIST 18/9/22)

A Bushfire Risk Assessment and Management Plan has been prepared and accompanies the application.

The existing dam and watercourse will remain and be located centrally within the public open space proposed in the subdivision. The area of the proposed residential subdivision is entirely outside the buffer applicable to the watercourse.

Part of the southern portion of the subject site is within the attenuation distance for the Sewerage Treatment Plant to the south of Rheban Road. Accordingly, a specific assessment has been undertaken to address the relevant requirements of the C9.0 Attenuation Code under the planning scheme. This assessment accompanies the application.

4.1.1 The need for a planning scheme amendment

The Applicant seeks to subdivide the subject site for the purposes of residential development at urban density.

The standards for subdivision under the current Future Urban zoning of the subject site are as follows:

Clause 30.5.1 – Lot Design

Objective:	That subdivision of land not in accordance with a specific area plan does not prejudice the efficient future utilisation of land for urban development.	
Acceptable Solutions		Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must be: <ul style="list-style-type: none"> (a) required for public use by the Crown, a council or a State authority; (b) be required for the provision of Utilities; or (c) be for the consolidation of a lot with another lot provided each lot is within the same zone. 		P1 Each lot, or a lot proposed in a plan of subdivision, must be for the excision of an existing dwelling provided that the lot design and layout does not preclude or hinder the effective and efficient future subdivision and development of the land to urban densities, having regard to: <ul style="list-style-type: none"> (a) any existing access arrangements; and (b) the location of any services.

The proposed subdivision does not meet any of the the Acceptable Solutions under A1.

The proposed subdivision is not for the excision of an existing dwelling and therefore cannot meet the alternative Performance Criterion under P1.

Accordingly, the proposed subdivision cannot be considered without a change to an appropriate zone that is capable of allowing such a development.

4.1.2 The available alternative planning scheme amendments

As indicated earlier the 2014 Structure Plan identifies the subject site as being suitable for residential development. The 2021 Amendment to the Structure Plan confirms the future of the subject site for residential development.

The LPS has zoned the subject site Future Urban. Under clause 30.1 of the planning scheme the purpose of the Future Urban Zone is:

30.1.1 To identify land intended for future urban use and development.

30.1.2 To ensure that development does not compromise the potential for future urban use and development of the land.

30.1.3 To support the planned rezoning of land for urban use and development in sequence with the planned expansion of infrastructure.

The intent for the subject land is therefore nothing less than urban density and urban character. Therefore the 'residential' zones that involve a lower density than urban densities or promote a

character that is not urban are excluded, ie Rural Living, Village, Rural, Landscape Conservation, Environmental Management.

Similarly, given the general character and proximity of residential development of the land nearby and adjoining the subject site, the range of commercial and industrial zonings would not be appropriate.

It is submitted that the range of available alternative amendments is as follows:

- Inner Residential;
- General Residential; and
- Low Density Residential.

Inner Residential Zone

Under clause 9.1 of the planning scheme the purpose of the Inner Residential Zone is:

9.1.1 To provide for a variety of residential use or development that accommodates a range of dwelling types at higher densities.

9.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.

9.1.3 To provide for non-residential use that:

(a) primarily serves the local community; and

(b) does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off-site impacts.

9.1.4 To provide for Visitor Accommodation that is compatible with residential character.

There is nothing amongst these statements that would discount the application of the Inner Residential Zone (**IR zone**) to the subject site. However, a number of other factors combine to negate the IR zone from consideration:

- The IR zone is a high-density residential zone. Pursuant to the Guidelines issued by the TPC under section 8A of the *Land Use Planning and Approvals Act 1993* the IR zone is intended to be limited in its application to areas that have been identified for higher density development where any of the following conditions exist:

(a) characterised by higher dwelling density with greater presence of non-housing activity;

(b) proximity to activity centres with a range of services and facilities; or

(c) located along high frequency public transport corridors. (op.cit IRZ 1, p.4)

The subject site does not meet these criteria.

- The Structure Plan does not identify or recommend the use of a high-density residential zone anywhere within the Triabunna/Orford area;
- The IR zone is not utilised anywhere in the Orford or surrounding areas, and if applied would be unique if not an anomaly;
- The adjoining and nearby residential development in the Shelly Beach area is zoned General Residential with a commensurate density and character (11 to 15 dwellings/ha under STRLUS).

The density and character that would result from an IR zoning would be inconsistent with the prevailing character and amenity (34 dwellings/ha under STRLUS).

The IR zone is not considered to be appropriate for the subject site.

Low Density Residential Zone

Under clause 10.1 of the planning scheme the purpose of the Low Density Residential Zone is:

10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.

10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off-site impacts.

10.1.3 To provide for Visitor Accommodation that is compatible with residential character.

There are no infrastructure or environmental constraints that limit the density, location or form of development of the subject site.

The standards for minimum lot size in the Low Density Residential Zone (the **LDR zone**) are 1500m² Acceptable Solution and 1200m² alternative subject to Performance Criteria. These lot sizes are at least double those in the adjoining General Residential (the **Gen Res** zone) zone and are intended to provide for a much lower density 10 dwellings/ha under STRLUS).

The far lower density and larger lots than in the Gen Res zone allow development and activities that may be inconsistent with the character and amenity of the Gen Res zone, eg very large houses, large outbuildings, grazing of animals.

In addition, given that the subject site can be fully serviced, the application of the LDR zone would not be an efficient use of infrastructure and public resources. The Structure Plan does not recommend use of the LDR zone in the Orford/Shelly Beach area but limits its application to infill and greenfield sites further south at Spring Beach (see Figure 14 below).

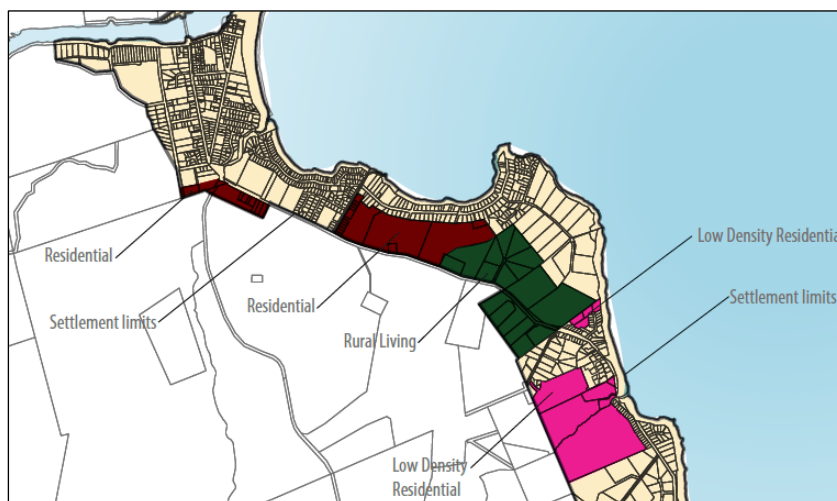


Figure 14: Excerpt of the Zonal Recommendations in the Triabunna/Orford Structure Plan 2014

The LDR zone is not considered to be appropriate for the subject site.

General Residential Zone

Under clause 8.1 of the planning scheme the purpose of the General Residential Zone is:

8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.

8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.

8.1.3 To provide for non-residential use that:

(a) primarily serves the local community; and

(b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

The GR zone will provide for residential development that is consistent with the density, character and amenity of existing adjoining development and that prevailing in the area. A range of dwelling types will be possible as evidenced through the range of lot design and sizes included in the subdivision proposal that accompanies this request for rezoning.

Importantly the GR zone will provide for the most efficient and effective use of the available services.

Planning Scheme Amendment and Development Application (combined)

Under section 40T of the *Land Use Planning and Approvals Act 1993* Council can be requested to amend the planning scheme and consider an application for the development at the same time as the amendment is considered. This reduces the time taken to process both applications but requires that all development application materials be ready at the same time as the amendment application.

The current proposal includes subdivision to create 90 new titles, public open space and associated roads.

4.1.3 Land use implications arising from the rezoning

The proposed rezoning will have the following implications for the use of the site:

- a. By allowing for the physical redevelopment of the site, it will guide the use of space for an integrated residential development through adherence to an overall design and Staging Plan.
- b. the amendment will vary the use classes and density of development that is currently allowable on the site.

The differences are highlighted in the following Table:

Use status	Current Future Urban Zoning	Proposed General Residential Zoning	Comment
No Permit required	Natural and cultural values management Passive Recreation	Natural and cultural values management Passive recreation Residential* Utilities *	The obvious change is the introduction of Single Dwellings and minor Utilities reflecting the intent of the Gen Res zone.
Permitted	Residential* Resource Development* Utilities*	Residential * Visitor Accommodation	Multiple Dwellings and Visitor Accommodation become allowable as Permitted Use. Resource Development becomes Prohibited owing to incompatibility with the intent of the Gen Res zone.
Discretionary	Utilities*	Business and Professional Services* Community Meeting and Entertainment* Education and Occasional Care* Emergency Services Food Services* General Retail and Hire* Sports and recreation* Utilities *	The proposal allows for a range of supporting uses and activities, generally considered compatible with the Residential intent of the Gen Res zone. However, each of the Uses other than Emergency Services is qualified to contain the scale of use to being compatible with the intent of the Gen Res zone.
Prohibited	All other uses	All other uses	

* with specified qualifications.

These changes reflect the difference in lifestyle and amenity expectations that will prevail within the proposed zoning.

Use Standards

It is not proposed to vary the existing Use standards under the Gen Res zone.

Development Standards for Buildings & Works

It is not proposed to vary the existing Use standards under the Gen Res zone.

Part E Codes

Development on the subject site will also be subject to the following codes:

C2.0 Parking and Sustainable Transport Code

C3.0 Road and Railway Assets Code

C7.0 Natural Assets Code

C9.0 Attenuation Code

C13.0 Bushfire-Prone Areas Code

The proposed subdivision is assessed against the applicable standards and relevant codes later in this report.

5. Legislative & Policy Context

5.1 The Request

The purpose of this report is to request Council as the relevant planning authority (the **Planning Authority**) to approve a combined permit and an amendment to the *Tasmanian Planning Scheme – Glamorgan Spring Bay Local Provisions Schedule* (the **LPS**).

The combined permit and amendment request is made under section 37(1) and 40T(1) of the *Land Use Planning and Approvals Act 1993* (the **Act**). Section 37(1) allows a person to request a planning authority to amend an LPS. Section 40T allows a person to concurrently make an application for a permit which could not be issued unless the LPS were amended as requested.

This report submits reasons for the Planning Authority to support the request. The Planning Authority is not bound to adopt the submissions in this report. The Planning Authority can either: (1) support the request; or (2), vary the request by adding, modifying, or removing submitted reasons and conditions or replacing an approval with a refusal (or vice versa).

5.2 Planning Assessment – Draft Amendment of LPS Requirements of the Act

After receiving a request under section 37(1) of the Act, the Planning Authority must prepare and certify a draft amendment of an LPS within 42 days, if it decides under section 38(2) to prepare a draft amendment to an LPS:

40D. Preparation of draft amendments

A planning authority –

(a) must prepare a draft amendment of an LPS, and certify it under [section 40F](#), within 42 days after receiving the request under [section 37\(1\)](#) to which the amendment relates, if –

(i) it decides under [section 38\(2\)](#) to prepare a draft amendment of an LPS; or

(ii) after reconsidering, in accordance with a direction under [section 40B\(4\)\(a\)](#), a request under [section 37\(1\)](#) whether to prepare a draft amendment of an LPS, it decides to prepare such an amendment; or

(b) may, of its own motion, prepare a draft amendment of an LPS; or

(c) must, if it receives under [section 40C\(1\)](#) a direction to do so, prepare a draft amendment of an LPS and submit it to the Commission within the period specified in the direction or a longer period allowed by the Commission.

Section 40F (1) of the Act requires that, where a planning authority has prepared a draft amendment of an LPS (under Section 40D(b)), it must be satisfied the draft amendment of an LPS meets the LPS criteria under Section 34 of the Act.

40F. Certification of draft amendments

(1) *A planning authority that has prepared a draft amendment of an LPS must consider whether it is satisfied that the draft amendment of an LPS meets the LPS criteria.*

(2) *If a planning authority determines that -*

(a) it is satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must certify the draft as meeting the requirements of this Act; or

(b) it is not satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must modify the draft so that it meets the requirements and then certify the draft as meeting those requirements.

(3) *The certification of a draft amendment of an LPS under [subsection \(2\)](#) is to be by instrument in writing affixed with the common seal of the planning authority.*

(4) *A planning authority, within 7 days of certifying a draft amendment of an LPS under [subsection \(2\)](#), must provide to the Commission a copy of the draft and the certificate.*

The LPS criteria is provided under Section 34 of the Act, and Section 34(2) is addressed below where relevant to the proposed amendment.

5.2.1 Assessment of Section 34 (2) of the Act.

Consideration of the relevant parts of Section 34(2) are provided below.

The LPS criteria to be met by a relevant planning instrument are that the instrument
—

(a) contains all the provisions that the SPPs specify must be contained in an LPS; ...

Response: the amendment applies all of the provisions that must be contained in an LPS. It does not seek to vary or omit any provisions.

(b) is in accordance with [section 32](#); ...

Response: Section 32 of the Act sets out the contents of the LPSs. The draft amendment is in the form of a rezoning that seeks to apply the General Residential Zone as provided for in the State Planning Provisions, to a specific parcel of land. The draft amendment does not seek to vary or omit any of the State Planning Provisions.

(c) furthers the objectives set out in [Schedule 1](#); ...

Response: The objectives of the Resource Management and Planning System (RMPS) as set out in Schedule 1 of the Act must be furthered by the rezoning request and are addressed in the following table:

Schedule 1 Objective	Response
Part 1 1.(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and	<p>The proposed amendment relates to an area of land which was modified and cleared of original native vegetation many years ago.</p> <p>There will be no significant impact from the proposed rezoning on natural and physical resources or ecological processes.</p>
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and	<p>The land has been identified in the relevant Structure Plan as suitable for residential development since 2011.</p> <p>More recently (in 2021) following an analysis of demand and supply (the SGS report) Council recognised the significant growth in Orford as well as the constraints that impact on some lands identified for future development in the broader Triabunna/Orford area. Accordingly, Council amended the Structure Plan to recognise the changed growth circumstances for Orford, and to prioritise the subject site.</p> <p>Council's strategic decision recognises not only the changes to the growth scenario in Orford, but also the availability of services to the subject site and lack of environmental issues.</p> <p>As such the proposed amendment is considered to provide a fair, orderly and sustainable use and development of air, land and water within the re-evaluated growth context of Orford.</p> <p>It should also be noted that the July 2022</p>

	amendment to the STRLUS allows Council and the TPC to consider the rezoning and subdivision of the subject site within the context of a contemporary analysis that demonstrates that more residential land should be made available to accommodate growth in Orford. As submitted earlier in this report, the SGS report provides that basis.
<i>(c) to encourage public involvement in resource management and planning; and</i>	The process required for the assessment of amendments to planning schemes provides interested parties with an opportunity to make representations during public exhibition as well as attending subsequent hearings. This process additionally provides Council and subsequently the TPC the ability to consider issues raised during their assessment.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a) (b) and (c); and</i>	The proposal is aimed at facilitating economic development of an existing parcel of underutilised land in accordance with the objectives (a), (b) and (c) by enabling development and use of a site with suitable site characteristics and location for urban development.
<i>(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.</i>	Assessment of the amendment will occur at local and state level and will include the opportunity for involvement of the community.
Part 2 <i>(a) to require sound strategic planning and co-ordinated action by State and local government; and</i>	The Structure Plan has in the past been considered to be in broad alignment with the STRLUS (op.cit the TPC decision p. 9). In fact, the STRLUS anticipates that local structure planning will be required to implement the regional growth strategy. It is expressly referred to in considering seasonal fluctuations in population on p 90, stating that settlements, identified in Table 4 Growth Management Strategies for Settlements, 'require more detailed local level structure planning to ensure both residential and tourism related growth is managed appropriately having

	<p>regard to infrastructure, environmental and social issues’.</p> <p>The LPS recognised the strategic importance of the subject site for future residential development by rezoning it from Rural Resource to Future Urban. Whilst that change reflected the recommendations included in the 2014 Structure Plan, it did not (because of timing) take into account the ‘more detailed local level structure planning’ that has taken place through the SGS report.</p> <p>Similarly, whilst the Structure Plan has been updated through the August 2021 Amendment, the STRLUS growth strategies have not. Council sought to address this pro-actively in 2021 by requesting the Minister to amend both the growth strategy and growth scenario for Orford in the STRLUS to reflect the SGS report analysis and the Amended Structure Plan.</p> <p>Subsequently, in recognition that the growth strategies and scenarios identified in 2011 might be out-of-date in 2022, the Minister amended STRLUS to include a new policy at SRD 1.1A of the settlement strategy to consider residential growth for Major District Centres, District Towns and Townships – specifically where contemporary analysis demonstrates that more residential land should be made available to accommodate growth. Orford is identified as a Township under STRLUS.</p> <p>The amendment to STRLUS allows Council and the TPC to consider the rezoning and subdivision of the subject site within the context of a contemporary analysis that demonstrates that more residential land should be made available to accommodate growth in Orford (the SGS report).</p>
<p><i>(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</i></p>	<p>The Act provides the system whereby planning instruments can be provided to achieve these objectives.</p>

<p><i>(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</i></p>	<p>There are no direct effects caused through the proposed rezoning.</p> <p>Matters relating to the future use and development will be considered in accordance with the provisions of the Scheme as part of any applications for use and development.</p>
<p><i>(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 level; and</i></p>	<p>The proposed amendment involves a zone that is part of the suite of available zones under the SPPs.</p> <p>The request for rezoning is combined with a subdivision proposal that together consider the existing range of relevant policies at State, regional and municipal levels.</p>
<p><i>(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</i></p>	<p>The benefit of the combined process of rezoning and subdivision is that the ultimate use and layout of development is considered concurrently with the zoning process, establishing that orderly development of the site is possible.</p>
<p><i>(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</i></p>	<p>The proposed amendment will not raise any issues in respect of this objective. The rezoning will provide for a residential subdivision that will allow a well-planned, pleasant, efficient and safe environment for living and recreation.</p>
<p><i>(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</i></p>	<p>No issues have been identified in respect of. Aboriginal cultural or European cultural heritage. There are no matters of scientific, architectural or aesthetic interest.</p>
<p><i>(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></p>	<p>No issues have been identified. The site is ideally suited with regards to aspect, location, slope and access to facilities in Orford.</p>
<p><i>(i) to provide a planning framework which fully considers land capability.</i></p>	<p>The proposal considers land capability within the future urban context provided by both the Structure Plan and the LPS.</p>

(d) Consistent with each State Policy

Response:

- State Coastal Policy 1996

The *State Coastal Policy* applies as the subject site is within 1km of the coast. However, in practical terms it is more distant from the foreshore than the existing settlement and has been identified as being suitable for residential development through its Future Urban zoning under the LPS.

Pursuant to section 2.4.3. of the *State Coastal Policy*:

any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.

The proposed amendment is consistent with this requirement and therefore considered to be consistent with the *State Coastal Policy*.

- State Policy on the Protection of Agricultural Land 2009

The subject site has been identified as being suitable for residential development through its Future Urban zoning under the LPS. Accordingly, the *State Policy on the Protection of Agricultural Land* is not applicable.

- State Policy on Water Quality Management 1997

The subject site contains an existing dam and drainage line (watercourse). Development will take place well outside of the buffer established under the Natural Assets Code for this watercourse and be subject to Council assessment of the concept services (stormwater) proposed and included in the civil engineering plans accompanying the subdivision documentation.

Ultimately, water quality management can be addressed via permit conditions.

- National Environmental Protection Measures

The *National Environmental Protection Measures* (NEPMs) have been adopted as State Policies. They relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled pollutant inventory.

It is considered that the proposal does not trigger any requirement for assessment under the NEPMs.

(da) satisfies the relevant criteria in relation to the TPPs

Response: There are currently no Tasmanian Planning Policies in effect.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;

Response: In southern Tasmania, the relevant regional land use strategy is the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS). The policies that are relevant to the amendment are addressed below:

STRLUS: Strategic Directions

The *Southern Tasmanian Regional Land Use Strategy* (STRLUS) provides strategic direction for the Region.

The proposed amendment is considered against the following strategic direction of the STRLUS:

SD1: Adopting a more Integrated Approach to Planning and Infrastructure

Response: The LPS provides for the proposed rezoning use and development through the strategic allocation of the Future Urban Zone to the subject site. This is in recognition of the availability of services and the identification of the site in the 2014 Structure Plan as suitable for residential development.

The proposal that will result from the rezoning will not tax the existing infrastructure of Orford township. The proposal will not conflict with adjoining land use.

The rezoning will facilitate a development that will augment the provision of a range of residential accommodation, whilst remaining within the local lifestyle context.

The proposal is not an isolated development but is based on the settlement of Orford.

SD2: Holistically Managing Residential Growth

Response: STRLUS currently provides for a conservative growth pattern based on modest forecasts that have long been exceeded.

Comparisons of projected growth and the available land and housing stock provided through the SGS report confirm that the projections for Orford that were provided in STRLUS were effectively taken up within 4 years of its declaration.

The SGS report also establishes that the projections for the 15-year horizon established under the 2014 Structure Plan are expected to continue at a higher rate of 2% and that there is a shortfall in the land available for development and subdivision to accommodate that growth.

Council has amended the Structure Plan to reflect the change in demand and supply, specifically considering the constraints and lack of infrastructure provision that have hampered some of the land identified for residential growth in the 2014 Structure Plan (ie Solis and North Orford). This holistic

assessment supports a changing prioritisation for the subject site, in turn supporting the proposed draft amendment.

Moreover, the combined amendment and planning permit process affectively exists to allow consideration of such proposals in a holistic way to ensure the intended outcome.

SD3: Creating a Network of Vibrant and Attractive Activity Centres

Response: The proposed rezoning will provide for a development that will add to the critical mass available to support local business, services and the provision of community facilities and activities.

Accordingly, the existing network of Activity Centres will not be undermined, but rather will be reinforced and invigorated by the proposal.

SD8: Supporting Strong and Healthy Communities

Response: The statements under SD8 are broad and are arguably directed to wider societal and community issues than could be addressed solely by a single residential and rezoning proposal.

Overall, the proposal has the potential to contribute to supporting a stronger community and provision of complementary facilities in Orford.

SD9: Making the Region Nationally and Internationally Competitive

Response: A growing trend of interstate and overseas purchasers has had the effect of forcing up house prices generally in Tasmania, including desirable locations like Orford.

Purchasers from elsewhere in Tasmania are also competing with locals to buy homes on the East Coast of Tasmania for their retirement.

Providing a range of housing options will attract economic benefits from these population influxes, without, at the same time, causing the negative effects of worsening the affordability of the stock of existing housing. However, there are no such developments currently in the pipeline.

The proposed rezoning will facilitate a development that will in practical terms re-invest in Orford and the Glamorgan Spring Bay municipality by providing new housing opportunities that will be attractive to local, interstate and overseas investors alike.

SD10: Creating Liveable Communities

Response: The proposed rezoning will provide a land use planning response that contributes to making the region 'liveable'. As a result, it will be a key competitive strength for Southern Tasmania into the future in increasing migration, trade and investment, and allowing existing and new residents the option to invest and reside in Orford whilst ensuring the sustainability of local services and facilities.

STRLUS: Regional Policies

The following Regional Policy statements are also relevant:

Policy	Comment
Settlement & Residential Development	
SRD 1 <i>Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.</i>	<p>The proposal does not affect the primacy of Hobart, or the network of settlements. It is based on the existing township of Orford and will exist within the broader spatial context of that settlement.</p> <p>The proposed rezoning will not challenge the existing zoning framework for Orford as it is based on the strategic direction provided by the Structure Plan and the LPS.</p> <p>The SGS report establishes that the projections for the 15-year horizon established under the 2014 Structure Plan are expected to continue at a higher rate of 2% and that there is a shortfall in the land available for development and subdivision to accommodate that growth. The proposal responds to the revised projected growth.</p>
SRD 1.1 <i>Implement the Regional Settlement Strategy and associated growth management strategies through the planning scheme.</i>	<p>The Growth Strategy for Orford is stated in the STRLUS as being '<u>low</u>', ie less than 10% increase in the number of potential dwellings across the 25 year period of the regional strategy (ibid, Table 3, p.89). This corresponds to an annual average growth rate of 0.4 per cent per annum for Orford. The number of dwellings at the start date was 716. Therefore, the regional strategy provides for a maximum of 71 new dwellings from 2010 to 2035. As explored in the Housing Demand chapter of the SGS report (ibid.p.6), this is well below the recent and current experience in Orford. This means that more growth will be needed to be accommodated in Orford than outlined in the STRLUS.</p> <p>SGS assessed that between 2006 and 2016, in the 2011 UC/L boundary area (Orford + northern Spring Beach) the number of dwellings grew from 625 to 795, at an average annual growth rate of 2.4 %. Adjusting this to allow for other factors beyond simply relying on historical trends which don't take account of changing economic and societal patterns, a more conservative growth rate of 2% is considered to be a 'robust assumption' (SGS response to State Planning Office comments on the SGS report, 1/1/21).</p> <p>SGS analysis therefore indicates a 50% increase in dwellings over the 25-year period which is a '<u>high</u>' growth rather than the 'low' growth strategy provided for Orford in STRLUS.</p>

	<p>Currently under STRLUS the 'low' growth strategy is to be brought about by consolidation (ibid), ie:</p> <p><i>predominantly from infill development which can involve development of existing subdivided lots, subdivision of existing zoned but vacant or developed residential, construction of additional dwellings on existing developed lots, redeveloping existing developed lots (ibid. p.86).</i></p> <p>Infill development is also separately defined in STRLUS as:</p> <p><i>Development within existing urban areas through:</i></p> <ul style="list-style-type: none"> <i>a. Small scale subdivision or unit development on existing residential lots; or</i> <i>b. Redevelopment of brownfield or greyfield sites. May involve increases in density. (ibid. p. 103)</i> <p>The TPC in its July 2019 decision considered that the 2017 proposal did not meet the definition of 'infill' and that 'considerably more infill development would need to occur in Orford before it could be said that growth was predominantly from infill' (op cit p. 8).</p> <p>The TPC went on to find that the draft permit for 91 residential lots was greater than the maximum number of new dwellings (assuming at least 1:1 lots to dwellings) allowed for in STRLUS to 2035.</p> <p>The Commission concluded that the draft amendments were not consistent with the low growth strategy applicable to Orford under STRLUS (ibid).</p> <p>The SGS report argues that the growth scenario for Orford under STRLUS does not actually capture the recent experience in the town (op.cit p.20).</p> <p>In considering the application for the rezoning, the Commission was not convinced by submissions that there is not sufficient zoned land for a 15-year supply of land in Orford and therefore considers that the draft amendments are premature. However, SGS's analysis found that there is likely insufficient land for a 15-year supply if recent trends in dwelling growth continues. SGS has found that based on recent analysis that additional residential land within the Orford suburb boundary needs to be released to meet the objective of a 15-year supply (ibid.p.21).</p> <p>It is submitted that the current 'consolidation' growth scenario for Orford simply reflects the</p>
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	<p>rationale that nothing greater is required to meet a 'low' growth strategy. Clearly, in a revised situation where growth has leaped from a forecast 'low' (less than 10%) to an evidence-based 'high' (50%) reliance on infill and redevelopment of greyfield and brownfield sites is not practicable where the available sites have been used up, are constrained, or are not available.</p> <p>Whilst Council through its 2021 Amendment to the Structure Plan, has identified the subject site as a strategic priority to meet demand, the TPC has rejected the subject site being considered as infill.</p> <p>Logically therefore, in order to allow the subject site to contribute to a revised 'high' growth strategy, the growth scenario for Orford under STRLUS also needs to be re-considered. There is currently no option under STRLUS other than a 'mixed growth scenario' which is defined as:</p> <p><i>A mixed growth scenario indicates that residential growth should come from a mix of both greenfield and infill circumstances and that expansion of the residential zone may be required dependent upon an assessment of the yield capacity and vacancy of existing zoned land. (Op.cit. p. 86)</i></p> <p>Council at its meeting in August 2021, following consideration of the SGS report and amendment to the Structure Plan, decided to request the Minister to amend the Growth strategy for Orford to 'high' and the growth scenario for Orford to 'mixed'.</p>
<p><i>SRD 1.1A Notwithstanding the growth strategies or growth scenarios listed in Table 3, where a contemporary land supply and demand analysis of residential growth patterns for a settlement which is a Major District Centre, District Town or Township, indicates that more residential land should be made available to accommodate additional residential growth, the growth strategy or growth scenario listed in Table 3 for that settlement may be varied where the additional residential growth:</i></p> <p><i>(a)supports urban consolidation or contiguous development;</i></p> <p><i>(b)does not significantly alter the intended relative growth between the settlements in the region and their proposed regional function listed in Table 3;</i></p> <p><i>(c)will service the shortage of residential land within the settlement identified in the land supply and demand analysis;</i></p>	<p>The SGS report is a contemporary land supply and demand analysis of residential growth patterns for a Township of Orford. It indicates that more residential land should be made available to accommodate additional residential growth.</p> <p>Accordingly, it is considered that the growth strategy and growth scenario listed in Table 3 for Orford should be varied. The relevant criteria for implementation are considered as follows:</p> <p>(a) the subject site is contiguous with residentially zoned land to the north. Further areas zoned residential occur in the immediate vicinity to the west and east, making the subject site a spatially logical one for residential development.</p> <p>(b) The proposal will occur within the existing overall footprint of Orford and will not extend beyond the broader settlement</p>

<p><i>(d) is identified in a contemporary land use strategy for the municipality endorsed by the planning authority;</i></p> <p><i>(e) is documented in a settlement structure plan approved by the planning authority which provides for the additional residential growth;</i></p> <p><i>(f) can be supplied with reticulated water, sewerage and stormwater services; and</i></p> <p><i>(g) is aligned with the capacity of transport and road infrastructure and minimises impacts on the efficiency and safety and road and rail networks.</i></p> <p><i>The settlement structure plan in (e) should include, where relevant, indicative subdivision plans, potential staging, key movement paths, open space networks, buffers for relevant constraints, plans or proposals for the protection of cultural and natural values, and, with demonstrated consultation with State agencies and relevant infrastructure providers, plans or proposals for:</i></p> <ul style="list-style-type: none"> <i>• the provision of reticulated services;</i> <i>• the management of waste or stormwater; and</i> <i>• the delivery of social infrastructure (such as health and educational facilities) to match proposed residential growth, public transport and road infrastructure considerations.</i> <p><i>The provision of additional residential growth in Major District Centres, District Towns or Townships should be considered in the context of any available regional or sub-regional contemporary supply and demand analysis or settlement strategy.</i></p>	<p>boundaries. Further to this, the proposal will not alter the regional function of Orford as a Township, or its hierarchical place as an activity centre.</p> <p>(c) The proposal will facilitate the provision of 90 new residential lots, which will assist in meeting the shortfall of residential land identified by the SGS report for the timeframes provided for in the Structure Plan and STRLUS.</p> <p>(d) Glamorgan Spring Bay Council (the planning authority) in August 2021 endorsed the SGS report and consequently amended the Structure Plan to reflect the findings, as well as appending the SGS report to the Amended Structure Plan.</p> <p>(e) The Structure Plan identifies the subject site as being suitable for residential development. This has been consequently reflected in the current Future Urban zoning of the subject site in the LPS.</p> <p>(f) The subject site is capable of being supplied with reticulated water, sewerage and stormwater services.</p> <p>(g) The documentation submitted with the proposal includes an assessment of the road network and impact of the proposal on its efficiency and safety. The respective report concludes that:</p> <p style="padding-left: 40px;"><i>From a traffic engineering and road safety perspective, additional traffic generated from this development site is not expected to create any adverse safety, amenity, or traffic efficiency issues. (HUBBLE TRAFFIC, TIA, August 2022, p.22)</i></p> <p>The Structure Plan together with the proposed subdivision design provide the necessary detail to address:</p> <ul style="list-style-type: none"> • Subdivision design; • Potential staging; • Movement paths and open space network; • Buffers to watercourses, and setbacks for bushfire management. <p>In preparing the proposal, consultation has taken place with Council and TasWater, being the relevant principal infrastructure providers.</p>
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	<p>At the time of preparing this application, no regional or sub-regional contemporary supply and demand analysis or settlement strategy was available other than the existing STRLUS and the <i>Vision East 2030</i> report.</p> <p>The latter is a land use framework for the east coast Councils from Sorell to Break O' Day prepared in 2009. It identifies Orford as a village with medium growth potential and has clearly been overtaken by STRLUS and the Amended Structure Plan in terms of characterising the existing population and growth of Orford.</p>
<p><i>SRD 1.2 Manage residential growth in District Centres, District Towns and Townships through a hierarchy of planning processes as follows:</i></p> <ol style="list-style-type: none"> 1. <i>Strategy (regional function & growth scenario);</i> 2. <i>Settlement Structure Plans (including identification of settlement boundaries);</i> 3. <i>Subdivision Permit;</i> 4. <i>Use and Development Permit.</i> 	<p>The proposal includes the following relevant elements:</p> <ol style="list-style-type: none"> 1. A variation to the current growth strategy and growth scenario for Orford based on a contemporary residential land use supply and demand analysis is proposed. The proposal will not alter the regional function of Orford from that of a Township. 2. A Structure Plan exists that has since its adoption, identified the subject site for residential development. The subject site is within the settlement boundaries identified under the Structure Plan. An amendment to the Structure Plan has prioritised the development of the subject site for residential development. 3. The proposal is combined with an application for a subdivision permit for the subject site. 4. Use and Development permits will be subject to future applications as required under the proposed General Residential zoning of the subject site, and other Codes under the planning scheme as may be applicable at the time of application.
<p><i>SRD 1.5 Encourage land zoned General Residential to be developed at a minimum of 15 dwellings per hectare (net density).</i></p>	<p>Although this policy is worded in an aspirational sense, it is necessary to consider the methodology that would allow it's intent to be achieved on the subject site.</p> <p>The overall area of the subject site is 10.2ha. However, the net area available for development is reduced by the watercourse and its surrounding buffer area. From a practical perspective and given the serendipitous alignment of the watercourse with the East Shelly Road connection, this area makes logical sense as a provision of public open space (POS).</p>

	<p>The net available area for development once the POS and area for roads is subtracted is 7.5366ha.</p> <p>The net density of dwellings proposed in the subdivision, assuming 1 dwelling per lot would therefore be 8.8 dwellings/ha.</p> <p>28 of the proposed lots are less than 650m² in area, meaning that they will be limited to single dwellings. 59 lots will be greater than 650m² and less than 975m² allowing potential for up to 2 dwellings per lot (117 dwellings in total). 3 lots will be greater than 975m² allowing potential for 3 dwellings per lot.</p> <p>In total therefore, there is a maximum potential for the subdivision to yield up to 156 dwellings or 20.69 dwellings/ha.</p> <p>It is unlikely that the subdivision will ultimately yield either the minimum or maximum number of dwellings, but rather something in between as some lots will be developed for large single dwellings and others for multiple dwellings. It is therefore quite likely that the ultimate net density for the subject site under the General Residential zone will be in the vicinity of the aspirational 15dwellings/ha.</p>
SRD 1.6 Utilise the Low Density Residential Zone only where it is necessary to manage land constraints in settlements or to acknowledge existing areas.	There are no such constraints as warrant utilisation of the LDR Zone for the subject site. As described above, allowance has been made for the watercourse protection through its allocation as POS and the net area is capable of being efficiently developed to a density consistent with adjoining and nearby General Residential zoned land in the vicinity.

(f) *has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates;*

Response: The *Glamorgan Spring Bay Strategic Plan 2020-2029* does not provide for any specific strategies affecting development, however the proposed draft amendment is considered to be consistent with the following broad statements:

- *Encouraging investment from individuals and businesses in development that fits with the values and character of our region (p.9);*
- *We will see steady growth in the permanent population and residential housing (p.10);*
- *Attract and welcome people of all backgrounds, cultures and ages to live in our region (p.11);*
- *Take an East Coast perspective but also acknowledge the differing needs and priorities of each town or area (p.11);*
- *Review and update existing Council strategies and plans (p.16);*
- *Refresh and update Council policies, strategies and plans (p.17).*

- (g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates*

Response: The proposed amendment will affect a small part of a single Township to the LPS applies and will have no impact on the LPS of adjacent municipal areas. The amendment has been assessed as being consistent with the STRLUS as recently amended.

- (h) *has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019*

Response: The subject land is not affected by the Gas Pipeline. Accordingly, there are no issues of gas pipeline safety associated with the draft amendment.

The proposed amendment is therefore considered to be consistent with the requirements under Section 34 (2) of the Act.

6. The Permit Application: Proposed Subdivision

The proposed subdivision involves three integrated elements:

- A. The creation of 90 residential lots ranging in size from 475m² to 1217m².
- B. The creation of 17,726m² of centrally located POS (17% of the total area).
- C. Roadworks and service connections.

The subdivision layout is shown as below in Figure 15.

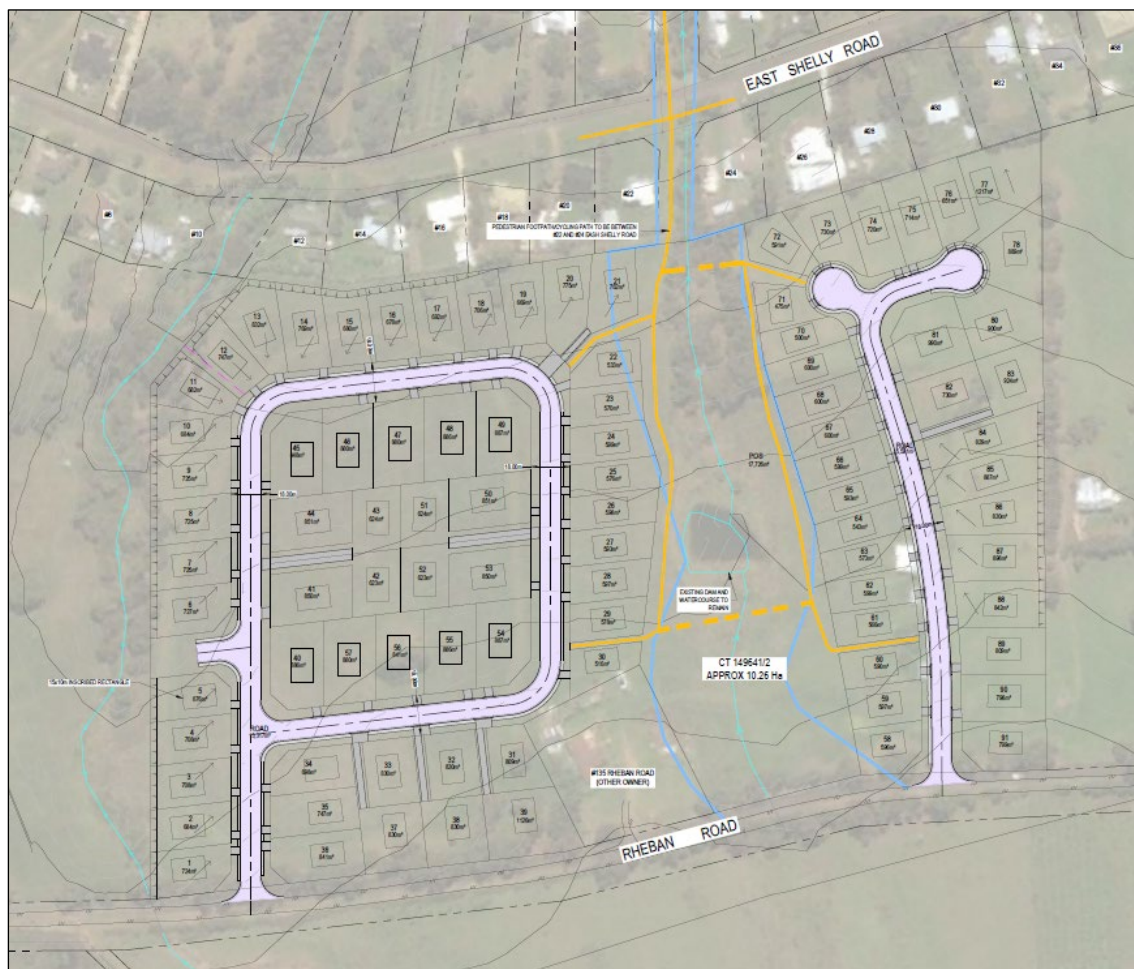


Figure 15: proposed subdivision (source: ALDANMARK CONSULTING ENGINEERS. Site Lot Plan, Sheet C101 Rev C, 23/9/22)

The subdivision is essentially divided into 2 portions by the proposed POS. Access to each portion will be via separate single access points off Rheban Road.

It can be seen that the western portion provides the greater number of lots, arranged around a road circuit. Future access to the land in separate ownership to the west is provided between Lots 5 and 6. At Council officer's recommendation a cul-de-sac head that was originally proposed in the north-eastern corner to provide frontage to Lots 20 and 12 has been removed, with those lots now proposed

to rely on fee-simple frontage and access. Similarly, Lots 42, 43, 51 and 52 that previously relied upon public road frontage and access via laneways, have been converted into internal 'battleaxe' lots with fee-simple strip frontage and shared ROW access. These changes will reduce initial development costs as well as Council management costs into the future.

In the eastern portion 2 lots in the north-eastern cul-de-sac were combined to make 1 larger lot consistent with a Condition on the original permit. The overall result is that there is one less lot proposed in the current application (ie 90 lots) compared to the originally approved proposal (91 lots).

The opportunity has also been taken to refine access from the new subdivision to the proposed POS by adjusting the alignment and shape consistent with 'Crime Prevention Through Environmental Design' (CPTED) principles.

Concept services plans are provided along with relevant road sections and services alignment sections.

As requested by Council officers a concept design for the proposed pedestrian/cycle bridge and associated pathway at the northern end of the POS is also provided.

6.1 General Residential Zone

An assessment under the provisions of the General Residential Zone in the planning scheme is required in respect of the proposed subdivision as if the draft amendment has been fulfilled.

Clause 8.6.1 provides the following standards for lot design within the General Residential Zone:

8.6.1 Lot Design

Objective

That each lot:

- (a) has an area and dimensions appropriate for use and development in the zone;*
- (b) is provided with appropriate access to a road;*
- (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and*
- (d) is orientated to provide solar access for future dwellings.*

The Acceptable Solution **A1** is that:

Each lot, or a lot proposed in a plan of subdivision, must:

(a) have an area of not less than 450m² and:

(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:

a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and

b. easements or other title restrictions that limit or restrict development; and

(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;

(b) be required for public use by the Crown, a council or a State authority;

(c) be required for the provision of Utilities; or

(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.

It is considered that the proposed subdivision meets the relevant performance criteria **A1** under clause 8.6.1.

In the alternative, should Council not consider that the Acceptable Solution is met in respect of criteria (b), (c) and (d), assessment is made against the alternative Performance Criteria **P1**, as follows:

Performance Criteria	Assessment
<p>P1</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</i></p> <p><i>(a) the relevant requirements for development of buildings on the lots;</i></p> <p><i>(b) the intended location of buildings on the lots;</i></p> <p><i>(c) the topography of the site;</i></p> <p><i>(d) the presence of any natural hazards;</i></p> <p><i>(e) adequate provision of private open space; and</i></p> <p><i>(f) the pattern of development existing on established properties in the area.</i></p>	<p>(a)&(b) The proposal plans demonstrate that each lot has an area greater than the minimum Acceptable Solution and that 10 X 15m minimum areas can be contained within each lot clear of required setbacks and any easements (of which there are currently none except in relation to the central pipeline easement within the proposed POS).</p> <p>(c) The topography of the overall site and each proposed lot is very slightly sloping if not virtually level and presents no difficulties to potential buildability.</p> <p>(d) There are no natural hazards. The existing watercourse will be contained with the POS. All new residential lots will be located a considerable distance outside the buffer area prescribed under the Natural Assets Code.</p> <p>(e) Each lot has sufficient potential area to allow the adequate provision of private open space for future individual developments. However, such provision will need to be assessed on a case-by-case basis at such time as development of residences are proposed.</p> <p>(f) The pattern of development is not inconsistent with established properties within the adjacent and nearby areas zoned General Residential. However, the proposed pattern of development does represent the refined standards that now prevail with the zone under the TPS.</p>

The Acceptable Solution **A2** is that:

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.

The proposed residential lots 11, 13, 20, 21, 22, 42, 43, 51, 52, 72, 76, 77 and 83 do not meet the Acceptable Solution. Accordingly, the proposal relies upon the alternative Performance Criteria **P2**, which are assessed as follows:

Performance Criteria	Assessment
<p>P2</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</i></p> <p><i>(a) the width of frontage proposed, if any;</i></p> <p><i>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</i></p> <p><i>(c) the topography of the site;</i></p> <p><i>(d) the functionality and useability of the frontage;</i></p> <p><i>(e) the ability to manoeuvre vehicles on the site; and</i></p> <p><i>(f) the pattern of development existing on established properties in the area,</i></p> <p><i>and is not less than 3.6m wide.</i></p>	<p>The variation to the Acceptable Solution occurs on corner lots on the inside radius of the road/cul-de-sac alignment, of which there are 8, and with internal lots of which there are 5.</p> <p>The internal lots all have frontage in excess of 3.6m, whilst the other lots exceed 6.4m. All of these frontages provide sufficient dimensions for adequate future access, whilst the main bodies of each lot meet the standards for buildability, future provision of private open space, and on-site manoeuvring of vehicles.</p> <p>The topography of the overall site and each proposed lot is very slightly sloping if not virtually level and presents no difficulties to access, manoeuvring potential buildability.</p> <p>The pattern of development is not inconsistent with established properties within the adjacent and nearby areas zoned General Residential. However, the proposed pattern of development does represent the refined standards that now prevail with the zone under the TPS.</p> <p>All frontages exceed 3.6m.</p>

It is considered that the proposed subdivision meets the relevant performance criteria P2 under clause 8.6.1.

The Acceptable Solution **A3** is that:

Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.

The plans prepared by Aldanmark (op.cit.) demonstrate that the Acceptable Solution **A3** is met.

The Acceptable Solution **A4** is that:

Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.

The following lots have the long axis between 60 degrees and 90 degrees west of true north or east of true north:

1 to 11, 22 to 30, 34 to 36, 41, 44, 50, 53, 58 to 72, 77, 80, 82, and 84 to 91.

These lots do not meet the Acceptable Solution under A4 and therefore rely on the alternative Performance Criteria under **P4**, which are assessed as follows:

Performance Criteria	Assessment
<p>P4 <i>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</i></p> <p><i>(a) the size, shape and orientation of the lots;</i></p> <p><i>(b) the topography of the site;</i></p> <p><i>(c) the extent of overshadowing from adjoining properties;</i></p> <p><i>(d) any development on the site;</i></p> <p><i>(e) the location of roads and access to lots; and</i></p> <p><i>(f) the existing pattern of subdivision in the area.</i></p>	<p>(a) Each lot is of sufficient size and of generally rectangular shape to allow for practical variations in location of buildings to ensure solar access to habitable rooms and private open space. Lot 71, which is the smallest lot demonstrates that whilst the long axis of the lot does not meet the Acceptable Solution, a compliant 10 X 15m area can still be located, thus providing ample scope for solar access.</p> <p>(b) The topography of the site with an overall north to north-westerly aspect and a very slight slope increases the opportunity to optimise solar access for future dwellings.</p> <p>(c) The lots relying on P4 are not overshadowed by existing adjoining properties. Future development of these lots will have the ability to take into account the location of any future residential development and make adjustments in their design and location to ensure adequate access.</p> <p>(d) There are no existing developments on the subject site.</p> <p>(e) The shape and size of the 2 parcels of the subject site that are available for development essentially dictate the configuration of the most efficient road design and lot layout. It can be seen</p>

	<p>graphically on the proposal plans that it is inevitable that there would be lots that would not meet the Acceptable Solution.</p> <p>(f) The existing pattern of subdivision within the General Residential Zone on adjoining and nearby land is also a mix of size and orientation, albeit that the proposed subdivision responds to the standards under the TPS and is a far more efficient use of the land.</p>
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It is considered that the proposed subdivision meets the relevant performance criteria **P4** under clause 8.6.1.

Clause 8.6.2 provides the following standards for roads within the General Residential Zone:

8.6.2 Roads
<p><i>Objective</i></p> <p><i>That the arrangement of new roads within a subdivision provides for:</i></p> <p><i>(a) safe, convenient and efficient connections to assist accessibility and mobility of the community;</i></p> <p><i>(b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and</i></p> <p><i>(c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.</i></p>

The Acceptable Solution **A1** is that:

The subdivision includes no new roads.

The proposal does not meet the Acceptable Solution under A1 and therefore relies on the alternative Performance Criteria under P1, which are assessed as follows:

Performance Criteria	Assessment
<p>P1</p> <p><i>The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:</i></p> <p><i>(a) any road network plan adopted by the council;</i></p> <p><i>(b) the existing and proposed road hierarchy;</i></p> <p><i>(c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with</i></p>	<p>There is no road network plan for the subject site adopted by the Council. However, Council did endorse a similar layout for the site when approving the previous (2017) proposal.</p> <p>The road layout meets the needs for a connected road layout and limits culs –de –sac as far as practicable. Due to the drainage line within the POS there is no reasonable way to connect the two precincts within the subdivision together. Such links would fragment the proposed open space and complicate if not compromise the existing drainage system. Bicycle network provision</p>

<p><i>adjoining land, to facilitate future subdivision potential;</i></p> <p><i>(d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;</i></p> <p><i>(e) minimising the travel distance between key destinations such as shops and services and public transport routes;</i></p> <p><i>(f) access to public transport;</i></p> <p><i>(g) the efficient and safe movement of pedestrians, cyclists and public transport;</i></p> <p><i>(h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016;</i></p> <p><i>(i) the topography of the site; and</i></p> <p><i>(j) the future subdivision potential of any balance lots on adjoining or adjacent land.</i></p>	<p>within the road layout can be achieved, noting road reservation widths, whilst the proposed connecting bridge is intended to provide for cyclists as well as pedestrians. Road connectivity with adjoining land to the west is provided.</p> <p>Investigations reveal there are no formalised public transport services in Orford south of the Tasman Highway.</p> <p>The subject site is within the following distances of various facilities:</p> <ul style="list-style-type: none"> • Shelly Beach 150m • Orford Bowls Club and Recreation Ground 830m • Orford Primary School 1.6km • Local shops, Police Station etc 1.9km
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It is considered that the proposed subdivision meets the relevant performance criteria P1 under clause 8.6.2.

Clause 8.6.3 provides the following standards for services within the General Residential Zone:

8.6.3 Services
<p><i>Objective</i></p> <p><i>That the subdivision of land provides services for the future use and development of the land.</i></p>

The Acceptable Solution **A1** is that:

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.

All residential lots within the proposed subdivision are intended to have a connection to a full water supply service.

The plans prepared by Aldanmark (op.cit.) demonstrate that the Acceptable Solution is met.

The Acceptable Solution **A2** is that:

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.

All residential lots within the proposed subdivision are intended to have a connection to a reticulated sewerage system.

The plans prepared by Aldanmark (op.cit.) demonstrate that the Acceptable Solution is met.

The Acceptable Solution **A3** is that:

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.

The plans prepared by Aldanmark (op.cit.) demonstrate that the Acceptable Solution is met.

6.2 Codes

The following Codes are relevant to the proposed scheme amendment and the subdivision, under the *Tasmanian Planning Scheme – Glamorgan Spring Bay*:

C2.0 Parking and Sustainable Transport Code

C3.0 Road and Railway Assets Code

C7.0 Natural Assets Code

C9.0 Attenuation Code

C13.0 Bushfire-Prone Areas Code

6.2.1 – C2.0 Parking and Sustainable Transport Code

The Code is addressed in the TIA (Hubble op.cit. p.21) where it is considered that the Acceptable Solutions for the relevant standards are met.

6.2.2 - C3.0 Road and Railway Assets Code

The Code is addressed in the TIA (ibid. pp20-21).

The proposed subdivision includes the creation of two new junctions onto Rheban Road requiring assessment under the Performance Criteria **P1** of clause C3.7.1, demonstrating the accesses can operate safely and efficiently.

The TIA concludes that the Performance Criteria under P1 are met (ibid. pp20-21, 22).

6.2.3 - C7.0 Natural Assets Code

Assessment under the Code is triggered by virtue of a Waterway and Coastal Protection Area overlaid on the existing watercourse and dam.

The watercourse and dam are deemed to be classified as a Class 4 watercourse pursuant to Table C7.3 of the Code, ie:

(b) Any watercourse, including the tidal waters of any river, creek or stream, within or adjoining the following zones is deemed to be a Class 4 watercourse:

(ii) General Residential Zone;

...

(xiii) Future Urban Zone.

The width of the overlay area is also defined in Table C7.3 as being:

(a)(ii) in the case of watercourses or wetlands, the waterway and coastal protection area includes the waterway or wetland itself, being (10m) between the top of the banks on either side.

No works are proposed within the overlay area other than the proposed pedestrian/cycle bridge which will include sewer and water pipes suspended beneath the bridge deck.

Clause C7.6.1 provides standards for buildings and works within a waterway and coastal protection area.

<i>C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area</i>

<i>Objective</i>

<i>That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.</i>

The Acceptable Solution **A1** is that:

Buildings and works within a waterway and coastal protection area must:

(a) be within a building area on a sealed plan approved under this planning scheme;

(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or

(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.

A conceptual plan of the bridge has been provided at the request of Council officers. The bridge width is shown as approximately 1.5m, and therefore the Acceptable Solution A1(b) is met.

The Acceptable Solution **A2** is not relevant to a waterway and coastal protection area.

The Acceptable Solution **A3** is that:

Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.

The proposed bridge will not involve a new stormwater point discharge. However, the concept plan proposed for stormwater management from the subdivision overall currently includes several discharge points into the watercourse at its northern end next to the East Shelly Road property boundary. Technically therefore, the proposed discharge points do not meet the Acceptable Solution and rely on the alternative Performance Criteria under **P3**, which are assessed as follows:

Performance Criteria	Assessment
<p>P3 <i>Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:</i></p> <p><i>(a) the need to minimise impacts on water quality; and</i></p> <p><i>(b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff.</i></p>	<p>It is considered that the detailed management of stormwater impacts on the watercourse are capable of being determined by way of appropriate permit conditions.</p>

It is considered that the relevant performance criteria P3 under clause C7.6.1 are capable of being met through appropriate permit conditions.

The Acceptable Solution **A4** is that:

Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.

No dredging is proposed. Accordingly the Acceptable Solution under A4 of clause C7.6.1 is met.

The Acceptable Solution **A5** is that:

Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and coastal protection area or a future coastal refugia area.

No watercourse erosion or inundation protection works are indicated as being necessary, nor are any proposed. Accordingly, the Acceptable Solution under A5 of clause C7.6.1 is met.

Clause C7.7.1 provides standards for subdivision within a waterway and coastal protection area.

C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

Objective

That:

*(a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and
(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.*

The Acceptable Solution **A1** is that:

Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:

(a) be for the creation of separate lots for existing buildings;

(b) be required for public use by the Crown, a council, or a State authority;

(c) be required for the provision of Utilities;

(d) be for the consolidation of a lot; or

(e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.

The waterway and coastal protection area will be located entirely within the proposed POS lot which will become Council land available for public use. The POS lot will also provide, to a minor extent for Utilities which are allowable uses within both the current Future Urban Zone and the proposed General Residential Zone.

It is considered that the proposal meets the Acceptable Solution A1 (b) if not also (c) under clause C7.7.1.

6.2.4 - C9.0 Attenuation Code

The proposed subdivision will partly be within an Attenuation Area that applies to the Orford Sewage Treatment Plant (**STP**).

A separate assessment of the Code requirements has been undertaken by SEAM (J Wood, August 2022) (the **SEAM report**) and is part of the documentation accompanying this application. The SEAM report addresses the standards under clause C9.5.2 and clause C9.6.1 and concludes that the relevant Performance Criteria are met.

The SEAM report included a peer review of an earlier report undertaken by Environmental Dynamics (2018) in respect of the previous 2017 proposal for the subject site, and states in particular:

...that the visual impact and the impact from noise will be negligible. The issue of odour has been well addressed by Environmental Dynamics and their assessment based on reputable

modelling concludes that when the STP is operating well, there will not be detectable odour from the STP by residents of the subdivision. (SEAM op.cit. p.16)

The SEAM report recommends the planting of a vegetation screen along the Rheban Road boundary of the subdivision. Although the SEAM report acknowledges that the visual impact of the STP ponds is low, given the lagoons are 20m elevated and have a berm wall around them and that odour detection is very unlikely, 'vegetation screening does assist in abating odour dispersal' (ibid. p.15) and visual screening will assist in mitigating perception.

6.2.5 – C12.0 Flood-Prone Areas Code

The requirements of the Code are addressed under separate cover by Flussig Engineers and Aldanmark Consulting Engineers.

6.2.6 - C13.0 Bushfire-Prone Areas Code

The subject site is entirely covered by a Bushfire-Prone Area overlay. Accordingly, an assessment against the standards of the Code is required.

This is provided under separate cover as part of the documentation accompanying the application (North Barker op.cit. September 2022).

7. Council as Landowner's Consent to Lodge

Pursuant to section 52 of the Act, the General Manager of Council's consent is required to lodge the application. This will be sought under separate cover.

It is acknowledged that if received the General Manager's consent does not infer or pre-empt Council as Planning Authority's consent to the draft amendment and/or draft permit.

REFERENCES

- *Addendum to Triabunna/Orford Structure Plan 2014 (14 July 2021)*
- ALDANMARK CONSULTING ENGINEERS, Civil Drawings, Sheets C001, C101 to C105, C301, C302, C401 to 403, and C501 Rev C, 23/9/22
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- Certificate of Title 149641/2
- ENVIRONMENTAL DYNAMICS, Orford Sewage Treatment Plant Odour assessment prepared for M & H Lawrence & Others, 2018
- *Gas Safety Act 2019*
- GLAMORGAN SPRING BAY COUNCIL, Ordinary Council Meeting Agenda – 24 August 2021
- GLAMORGAN SPRING BAY COUNCIL, Ordinary Council Meeting Minutes – 24 August 2021
- *Glamorgan Spring Bay Interim Planning Scheme 2015*
- *Glamorgan Spring Bay Interim Planning Scheme 2015 AM 2018-07(a) and (b), and SA 2017-04*
- *Glamorgan Spring Bay Strategic Plan 2020-2029*
- HUBBLE TRAFFIC, TIA, August 2022
- *Land Use Planning and Assessment Act 1993*
- *Local Government Act 1993*
- *National Environmental Protection Measures*
- NORTH BARKER, Bushfire Hazard Assessment, September 2022
- QUEENSLAND GOVERNMENT, Crime Prevention Through Environmental Design, 2007
- SEAM, Review of Environmental Impacts at the Orford Sewage Treatment Plant for Subdivision at Rheban Rd (version 1, August 2022)
- SGS ECONOMICS AND PLANNING: *Orford Residential Capacity and Demand Analysis, final*, January 2021.
- *Southern Tasmania Regional Land Use Strategy (2010-2035)*
- *State Coastal Policy 1996*
- *State Policy on the Protection of Agricultural Land 2009*
- *State Policy on Water Quality Management 1997*
- *Tasmanian Planning Scheme – Glamorgan Spring Bay*
- TheLIST: ListMap 18/9/22
- TOWN & COUNTRY PLANNING, Proposed Rezoning and Subdivision to rezone CT 149641 folios 1 and 2, Rheban Road Orford from Rural Resource to General Residential - M and H Lawrence and others, 20/12/16
- *Triabunna/Orford Structure Plan 2014*