



Bayport:

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15 February 2020

Mick Purves
Senior Planning Consultant
Glamorgan Spring Bay Council
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Dear Mr. Purves

**RE: Glamorgan Spring Bay Draft Local Provision
Schedule Documents**

Bayport acts on behalf of Spring Bay (Tasmania) Pty Ltd, (the land owner) in it's capacity as Development Manager of the Spring Bay Project (formerly Solis)

Spring Bay (Tasmania) engaged the services of JMG Engineers and Planners to make representation in relation to the currently exhibited documents on a planning technical basis. In addition to points raised by JMG letter dated 14 February 2020 we make the following submission for additional consideration by Council and the Planning Commission regarding the exhibited documents:

Figure GSB3.2 Application of this Plan.

Figure GSB-SB-1 reflects the precinct plan as appears within the Glamorgan Spring Bay Interim Planning Scheme 2015.

On 24 January 2007 Glamorgan Spring Bay Council granted planning permit SU07001 – Precinct Subdivision. The permit granted in favour of the subject land was for the creation of Precinct Subdivision Boundaries. Subsequent to the permit being issued Council sealed and delivered the Precinct Plan back to the land owner. Whilst the boundaries on the sealed plan are similar we note that they are not exactly in line with the Precinct Plan contained in the current scheme.

The land owner contends that having received approval and benefit of the Planning Permit SU07001, the precinct boundaries reflected in the Precinct Plan should now be updated to reflect those shown in the sealed plan and that figure GSB3.1 should be substituted to

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Quality Management – ISO 9001
OHS Management – AS/NZS 4801
Environmental Management – ISO 14001



achieve the effect intended by the relevant Sealed Plan and other permits issued by council which remain on foot.

GSB-3.2.2 The current version on exhibition has omitted clause F3.2.3 of the currently approved SAP contained in the Glamorgan Spring Bay Interim Planning Scheme which states the following:

“F3.2.3 Any use or development which does not comply with the above precinct or area boundaries shall be considered as a discretionary application pursuant to Section 57 of the Act and must satisfy the following:

- a. Be consistent with the Desired Future Character Statements for the specific area plan.*
- b. Be, in the context of the Specific Area Plan, only a minor departure from the precinct and specific area provisions.*

In our opinion it is important that the above text is carried over to allow Council Officers to continue to use their discretion into the future, as was done when it issued Planning Permit SU07001.

Any omission of such text would put into question, or even remove, council’s ability to continue using this discretion. It may also unintentional call into questions a number of permits which have already been issued and are current on the subject site.

Council officers must be able to continue using the their discretion to ensure the original intent of the development is fulfilled.

GSB-S3.2.3 (a) and (b)

We understand that the above clauses are intended to replace clause 3.4.1 of the current planning scheme. From a drafting perspective it is viewed that GSB-S3.2.3(a) and (b) would be better fitted under the subheading of “*Site Specific Qualifications*” in accordance with practice note 8.

We suggest that clause GSB-S3.2.3 (a) and (b) are moved under the new sub heading “*Site Specific Qualification*” positioned after “*Use Standards*” section.



GSB-S3.4 Definition of Terms

Landscaping plan definition should be moved and merged with clause GSB-S3.2.3 (a) and (b) under the new sub section "Site Specific Qualifications".

GSB-S3.5 Use Table

It is noted that whilst the local area objectives for the Residential Precinct contain reference to "provide a retirement village" the use table does not contain same references.

For the purposes of clarifying intent of the local area objective we recommend that Retirement Living is added to table under Permitted uses with the residential land.

In addition to above it is noted that the "Discretionary" uses as currently shown in the exhibited document appears to limit council discretion as currently allowed and raised in our second point of this letter.

Conclusion:

Overall we have some concern that there is some detail missing. With regards to future applications we want to ensure that the original intent for the development is not lost in the transition of the Specific Area Plan, and that Council discretion to evaluate each application is maintained.

Should you have any further questions please do not hesitate to contact me.

Yours sincerely,

Daniel Petroni
Development Manager