

In the Tasmanian Planning Commission

Glamorgan Spring Bay Interim Planning Scheme 2015 – Draft Amendment 2018/07(a) and permit SA 2017/04, rezone CT 149641/2, Rheban Road, Orford from Rural Resource to General Residential, and 91 lot subdivision

And

Draft amendment AM 2018/07(b), rezone CT 149641/1 and CT 117058/150, Rheban Road, Orford from Rural Resource to General Residential

SUBMISSION IN RESPONSE TO PLANNING AUTHORITY'S SUBMISSION DATED 25 JUNE 2019 and IN REPLY TO LETTER DATED 11 JUNE FROM GARY PLANNING TO THE COMMISSION ON BEHALF OF THE APPLICANT

Response to planning authority's submission dated 25 June 2019

1. By paragraph 1(a) of the letter dated 19 June 2019, the Commission directed the planning authority to provide, for all the land in the vicinity of Holkham Court within a residential zone, a plan showing the lots that have been rezoned since the regional strategy was declared (25 October 2011) and the potential number of dwellings facilitated by the rezoning.
2. The planning authority's submission dated 25 June does not show the lots rezoned since 25 October 2011 (and as a consequence does not show the potential number of dwellings facilitated by such rezoning). It is submitted that the planning authority has therefore failed to comply with direction 1(a).
3. The plan shown as Figure 1 on the planning authority's submission dated 25 June 2019 does not go to the information it was directed to provide.
4. To the extent that Figure 1 purports to provide any information at all it is deficient and vague. For example, the submission purports to say that Figure 1 shows the 1994 Planning Scheme zoning, yet this information is not marked clearly on the plan. It goes on to say "the lot density residential area is a horizontal red hatched area" on the plan. It is unclear whether this area relates to the 1994 Planning Scheme rezoning. It is also unclear what the reference to "lot density" means.
5. Further to paragraph 4 above, the submission states that "Figure 1 shows the existence of a number of lots in the area with subdivision potential under the former scheme that was not taken up". No reference is made to how this is marked on the plan. This statement is therefore vague. In

addition, the submission refers at length to a 9.7 ha parcel of land, yet this area is not marked on the plan.

6. The planning authority purports to clarify the statement made in paragraph 1.8 of its submission dated 20 May 2019 as to a potential lot yield of 150 in relation to the land in the vicinity of Holkham Court. The submission purports to change that yield assessment to 63 without proper explanation.
7. The planning authority's submission states that the 9.7 ha parcel has potential for 63 lots assuming a density of 6.5 lots per hectare, as per the application on foot in relation to 66 Alma Road. It is submitted that this assumption is not correct. The planning authority should assess potential lot yield based on what is permitted under the planning scheme rather than base its assessment on irrelevant considerations.
8. By paragraph 2 of the letter dated 19 June 2019, the Commission directed the planning authority to provide, if there are constraints to further development of the area in the vicinity of Holkham Court, evidence and detail of those constraints including for storm water, water supply, sewerage infrastructure and any off site impacts (such as engineering report or advice. It is submitted that the planning authority has failed to comply with this direction for the reasons set out below.
9. The planning authority purports to rely on a Brighton Council document headed "Holkham Court Stormwater Assessment". The document is undated. It also notes that it is "for review" on 2 October 2018 and therefore does not appear to be current (in fact it appears to be a draft document – see paragraph 10 below). Furthermore, no qualifications are provided as to the expertise of the author of the document. It is submitted that the document is therefore not a reliable expert report or advice for the purposes of direction 2.
10. Even if the Commission were to find that the "Holkham Court Stormwater Assessment" constitutes expert evidence or advice, it is submitted that the document does not indicate that the land is constrained. On the contrary, it concludes "in any event some issues can be managed by relatively small infrastructure projects and some may be moderated by larger projects as recommended..."
11. The planning authority's submission states that "a series of works has been costed based on the recommendations and further review of the draft report. Such works have been costed at \$800,000". No evidence is provided to support this contention. Further the extent of the proposed "series of works" is vague. Of further concern is the reference to the "further review of the draft report". This would indicate the "Holkham Court Stormwater Assessment" is not a final document and therefore I submit is unacceptable as evidence to support direction 2.
12. In conclusion, for the reasons set out above, I submit that the planning authority has not sufficiently addressed the Commission's

request for further information pursuant to directions 1 and 2 of the letter dated 19 June 2019.

Response to letter dated 11 June filed on behalf of the Applicant

13. At paragraph 1, the applicant states that the assertion at paragraph 12 of my submission that the rezoning is not consistent with the consolidation growth scenario is considered to be incorrect for the reason that while the STRLUS refers to growth being “predominantly” from infill developments it is not conclusive. As exhaustively set out in my submission of 4 June, it is apparent that there is currently ample potential number of dwellings to satisfy allowed growth under the STRLUS. Resorting to rezoning a Greenfield site is in the circumstances therefore not consistent with the consolidation strategy.
14. Further, at paragraph 1, the applicant states that “it is also reasonable to consider the subject site as an infill opportunity given the surrounding pattern of development and the location to the north of Rheban Road. I dispute this contention. As to the surrounding pattern of development, as set out in my submission dated 4 June, the rural land in question is bounded by very substantial rural lots. This is completely at odds with a 91 lot subdivision with some lots as small as some 437sqm. Further, the comment that it is reasonable to consider the site an infill opportunity due to its location to the north of rheban road is vague and irrelevant. The applicant’s comments in this regard are therefore incorrect.
15. At paragraph 2, the applicant disagrees with my submission at paragraph 19 that there is no basis to relax the low growth/consolidation strategy for Orford and suggests STRLUS identifies difficulties associated in determining between holiday and permanent residences and seeks to ensure that consideration is given to infrastructure, environmental and social issues. The applicant further suggests the STRLUS identifies settlements which are subject to seasonal fluctuations in population and which require more detailed local level structure planning. In my submission this point does not assist the applicant in the relaxation of the standard, but only serves to emphasise the need for prudent monitoring and planning of residential supply, which appears to have been absent in this case. A point made at length in my submission dated 4 June 2019.
16. The applicant states the ability to service the proposed subdivision with reticulated infrastructure has been established and the environmental concerns are able to be dealt with by way of a condition of the draft permit to protect vegetation within the public open space. In my submission these matters are not relevant to the rezoning issue in question.
17. The applicant states “a recent push for tourism as a focus in Tasmania and relaxation of the rules and regulations associated with

Airbnb, the impact of tourism on Orford may be seen to increase. Another important consideration is to ensure that sufficient residential dwelling supply is provided to attract permanent residents to work within, and support the town itself, to provide and appropriate level of servicing”. In my submission these are vague and generalized comments that do not advance the applicants case. Consideration of visitor accommodation and dwelling supply and demand within Orford are matters that should be routinely undertaken by the planning authority as part of prudent structure planning and monitoring. There is no evidence that any such monitoring and planning supports the rezoning.

18. The applicant concludes by suggesting the requirement for the specified detailed local level structure planning is already in place through the TOSP in support of the proposal. This is a vague and generalized comment with no reference to any specific supporting sections of the TOSP. In my submission, as set out in my submission of 5 June, the rezoning is inconsistent with the TOSP.

FILED BY THE REPRESENTOR

Alison Westwood

3 July 2019