
From: Tony Ibbott <tonyibbott@gmail.com>
Sent: Tuesday, 14 May 2019 10:14 AM
To: TPC Enquiry (DoJ)
Subject: Rheban Road Rezoning Supplementary Submission
Attachments: Rheban Road Rezoning Supplementary Submission.docx

Importance: High

Attention: Marietta Wong and Claire Armstrong

RE: GSBC Rheban Road Rezoning Hearing

We have reviewed all the material provided by the applicant and Council and remain concerned that the rezoning and development do not satisfy even the basic requirements for good planning and do not satisfy the purpose, objectives and requirements of the Act and Scheme. We have provided comment on what we consider to be some of the more obvious flaws in the proposal and would also request the Commission to consider these matters carefully in making its decisions.

Kind Regards,

Tony and Margaret Ibbott

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Marietta Wong

Delegate(Chair)

Tasmanian Planning Commission

Re: Glamorgan Spring Bay Interim Planning Scheme 2015 – Draft Planning Scheme Amendment 2018/07a and 2018/07b - Supplementary Submission from Margaret and Tony Ibbott, 28 East Shelly Beach Road.

Purpose and objectives of the Scheme

The purpose and objectives of a planning scheme are important matters when making strategic decisions about land use - particularly the rezoning of land. In this case the issue of whether or not the proposed rezoning and subsequent development further the purpose of the Scheme and satisfy the Scheme objectives has not been addressed. The planning report provided by the applicant does not refer to either the Scheme purpose or the scheme objectives.

Council's report on which its decision was based does not refer to the purpose of the Scheme (i.e. *to further the objectives of the Act*) and how that purpose is achieved. The objectives of the Act are dealt with serially, but only in the most cursory way. For example, Objective 1 (a) states

“to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity”

The response given in Council's report is:

“the site is part of a modified area with limited natural and physical resources”

This statement is both incorrect and irrelevant. It provides no guidance to decision makers about whether or not to allow the land to be used more intensively and directly affect natural and physical resources (some of which are nationally important) or maintain ecological processes.

Each of the objectives is dealt with in this manner. There is no indication how s.32 of the Act is satisfied, and, consequently, a well documented justification for changing the zoning does not exist.

Council's response states that “no adverse environmental, social or economic effects have been identified”. This is probably not surprising as there is no evidence of an attempt to analyse potential effects.

Purpose of the rezoning

The clear purpose of the proposed rezoning is to allow a subdivision of 91 residential lots. This is justified without any substantive analysis of the need for and appropriateness of the proposed subdivision. Orford is primarily a retirement/holiday/recreational locality with an increasing tourism function. The focus of the past development has been on the lower Prosser River estuary and beaches to the north and south. In recent years there has been a number of opportunistic subdivisions of land behind the coastal strip and to the south of the township. These have been mainly standard urban residential subdivisions with no specific relationship to the established function of Orford, nor to the character of the wider locality. The justification for the development provided in Council's report and the applicant's planning report in support of the application does not examine in any detail or rigour the need for this type of development. This development is nothing more than a standard urban subdivision that meets minimum standards for design, layout, use of the land and recognition of its coastal location. It is not interconnected with existing development, particularly the housing and recreation developments on East Shelley Beach.

Council has also failed to recognise that residential development in Orford should reflect the character and amenity of the area. For example the objective for residential growth is:

“to manage growth holistically”

and the Desired Outcome for residential growth is:

“Efficient and attractive areas and orderly growth that supports the corresponding town and village centres.”

The purpose of the proposed rezoning is to allow a development that does not reflect these objectives.

It is not surprising that this fails to properly inform the decision makers as there is no detailed site analysis as required under Clause 8.1.3 of the Scheme, but rather a collection of descriptive statements.

Need for the rezoning

The applicant’s planning report and Council’s response attempt to justify the rezoning and subdivision in the context of wider strategic planning and some simplistic demand assumptions.

In the applicant’s supporting planning report reference is made to growth and demand figures for housing. These rely on 2011 Census figures (2016 data has not been used), and dwelling approval figures between 2000 and 2013. Using these figures and a number of assumptions the report concludes that an additional 91 lots can be justified. However, the report fails to justify the location of these lots at the site of the proposed subdivision. There is no analysis of land supply within the existing general residential zone. The report bases demand estimates on the proposition that there is a high demand for holiday homes. What it doesn’t do is show that the location proposed for the subdivision is appropriate for holiday homes nor whether a standard urban subdivision with no water frontage and located away from services and amenities is an appropriate way to meet this demand. Council’s report refers to the regional land use strategy and the local land use strategy and concludes that the “rezoning is consistent with all elements of the structure plan”. This conclusion is based on a cursory analysis of dwelling approvals numbers and some matters in the strategy and plan. Interestingly, the dwelling approval numbers show a significant decline in the last two years, a decline which is not referred to. There are many factors at play in demand and supply for housing (e.g. cost of land and housing, financial considerations, the make up of the market segments, changes in the wider market, cost of money, etc.) and the analysis on the report does not refer to the effect that these factors may have on demand for this type of speculative residential subdivision.

Both reports are silent on the Solis development at Spring Bay. Whilst this development has not yet been realised, it would provide for 600+ residential lots and would have a significant impact on demand for and supply of land and housing throughout the region. It is noted that this development is focused on the holiday/retirement market and would directly impact on the supply and demand for residential lots in the region.

Overall design and layout

The layout and design of the subdivision can only be described as a “standard urban subdivision”. It makes no concession to its coastal location, nor to its potential for innovative design or incorporation of environmental and landscape elements into the design and layout. It is more appropriate to residential development on the fringes of larger urban settlements throughout Tasmania. As noted below it eschews the opportunity to include an open space network or to incorporate water and open space management as an integral element. It takes no account of the needs of different market segments (e.g. holiday home and retirement), it makes no concession to lot orientation that could improve solar access and relies on standard engineering design solutions.

Council’s response states that “no adverse environmental, social or economic effects have been identified”. This response fails to identify a number of potential impacts and how these might be addressed. These impacts include a lack of an open space network, access to services for residents (particularly retirees), total dependence on private

vehicles for residents (there are inadequate pedestrian paths linking the development with the rest of Orford), the longer term impact on protected vegetation and the habitats of critically endangered fauna in the open land between the two parts of the subdivision and the longer terms costs to the community as demand for better services evolves.

Water Sensitive Urban Design (WSUD)

As a result of representations Council has imposed a condition as follows:

“Stormwater treatment utilising Water Sensitive Urban Design Principles: These will be in accordance with Water Sensitive Urban Design Principles in Southern Tasmania and to the satisfaction of Councils’s Municipal Engineer”

However, Council’s s.39 response rejects outright a number of suggestions that reflect WSUD principles such as on site retention of stormwater, use of drainage swales, reductions in impervious surfaces and use of adjoining open spaces as integrated stormwater management and open space facilities. It is an example of a fundamental failure to require the applicant to produce a development that reflects objectives of the Act, the Scheme and zones. Implementation of WSUD principles in other parts of Tasmania has reduced demand for water through less demand for non-potable use (e.g. gardens, lawns, waste water) and improved environmental quality in streams, watercourses and wetlands. Elsewhere in Australia the use of WSUD has reduced demand for water by almost 40% in the Sydney region over the last 10 yrs. In a climate as dry as that in SE Tasmania such outcomes could produce significant economic and environmental benefits. Merely placing a meaningless condition on the permit represents a significant lost opportunity in an area of low rainfall.

Open space

A number of representations raised issues of storm water management, and open space - particularly the drainage channel between the two portions of the subdivision.. Council’s s.39 response was to reject all of these and say no changes were required. The open area is part of the subdivision. Any reasonable plan for subdivision of this land would have incorporated it as an integral part of the use and development of the land. It is interesting to note that Council’s NRM staff identified habitat trees for two critically endangered bird species in the area (forty spotted pardalote and swift parrot). Also, Eucalyptus Ovata is a protected species under the Threatened Species Act. Rehabilitation and management of the area as part of the development so as to protect and enhance that habitat would have provided a positive and wider benefit from the rezoning and subdivision. It would have gone some way to showing that the development is consistent with the objectives of the Act. There are many good examples of this approach throughout Australia and recent research in Tasmania has shown that habitats can be created and managed with local community support within close proximity to urban development. The current development plan for the land will inevitably result in the degradation of many remaining environmental values (through changes to water availability, spread of weeds and feral animals, firewood collection and lack of management and will represent the loss of a significant opportunity for better environmental outcomes.

By integrating this area into the subdivision it would also provide the opportunity to create a high quality access to East Shelly Beach through an area of rehabilitated woodland and grassland. Such areas can also provide critical areas for stormwater management at times of high flow. It could become a community asset rather than a piece of waste land that will place a further cost burden on Council and the community.

Traffic

Council has accepted the report from the traffic consultant that there will be little or no impact as a result of increased traffic generated by the subdivision. However, that report does not provide reliable advice on this matter.

The traffic report suggests that the traffic generated by the development will be of the order of 3 vehicle trips/dwelling/day (vtpd). This conclusion is reached by a series of assumptions with no evidence to support them. The estimated traffic generation for the development starts with the Roads and Traffic Authority (NSW) standard of 7.4

vehicle trips per day for regional areas in NSW (This is a measure used widely throughout Australia for residential subdivisions). The estimated trips per day are then reduced to 3 vtpd (270 in total). This figure is then used to conclude that there will be no “operational or efficiency problems”.

This conclusion relies almost entirely on guesswork. The RTA figure is for external trips from a residential subdivision with local facilities (shop, schools, open space) available internally. They do not include trips made internally in a subdivision. As all trips these things will be outside the subdivision the figure of 7.4 trips should be increased by 25% to 10 trips/ dwelling/ day (as recommended in the RTA advice). It is also assumed that there will be less permanent residents (there is no evidence provided to support this assumption), and thus less traffic.

The report then makes other untested assumptions - for example that trip generation at places like Snug and Koonya provide a basis for Orford. Even when the report recognises that some allowance should be made for increased generation from “multiple dwellings” (not quantified) the number trips generated from the subdivision does not change. The traffic report is not a sufficient basis on which to draw conclusions about traffic volumes generated from the development and the consequent need for road or junction upgrades or other traffic management measures.

The report also fails to recognise that there are no pedestrian or cycle links between the development and Orford. It is interesting to note that the report relies on some traffic data from Snug - a locality where Kingborough Council has recently spent over \$1 million providing pedestrian and cycle paths that were not provided as part of the development of small subdivisions over the last decade.

The report provides an inadequate basis on which to make decisions about transport requirements (not just private vehicle requirements) for the future occupants of the subdivision.