

# **REZONING REPORT TO TASMANIAN PLANNING COMMISSION**

## **Glamorgan Spring Bay Interim Planning Scheme 2015**

### **Amendment 2021-01**

#### **Combined Amendment and DA to:**

- Insert a new Particular Purpose Zone 8 – Tempus village;
- rezone part of 12371 Tasman Highway, Swansea from Significant Agriculture to Particular Purpose Zone 8 – Tempus village; and
  - determine DA 2020/080



**GLAMORGAN SPRING BAY  
COUNCIL**

Glamorgan Spring Bay Council  
Senior Planning Consultant

3 February 2021

## Executive Summary

The development and use of an integrated retirement village and aged care facility (Tempus Village) on a 17.9ha parcel of land located opposite the Piermont Resort complex on the southern outskirts of Swansea is proposed.

The subject site is part of a 680ha title, itself part of the 5500ha Kelvedon agricultural property, and is zoned Significant Agriculture in the Glamorgan Spring Bay Interim Planning Scheme 2015 (the Scheme). The proposed development and use is a prohibited use class in the Significant Agriculture zone.

Consequently, the proponents have made application to amend the scheme to create a new zone, Particular Purpose Zone 7 – Tempus Village, and to apply this zone to the subject 17.91ha site. The application is made pursuant to the transitional provisions at Schedule 6 of *the Land Use Planning and Approvals Act 1993* (the Act). Schedule 6 allows for the continued application of the provisions of the Act in place prior to the Tasmanian Planning Scheme Amendment Act until such time as a Local Planning Scheme comes into effect for the municipal area.

Thus, the application to amend the scheme is made under the former section 33 of the Act and a concurrent application is made under the former s.43A of the Act, for the subdivision to create the site and the development and use of Stage 1A of the Tempus Village proposal.

With regard to the proposed amendment, the Planning Authority must consider the planner's comments, the appended documents, and the recommendations, and make a determination to initiate or not initiate the draft amendment. If the draft amendment is initiated, the Planning Authority must also determine the exhibition period.

This report considers the merits and statutory requirements of the proposed amendment and recommends that it be initiated and exhibited for a period of 28 days.

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## Abbreviations

Act	Land Use Planning and Approvals Act 1993
Applicants	Tempus village Management Pty Ltd C/- Neil Shephard & Associates
Commission	Tasmanian Planning Commission
Council	Glamorgan Spring Bay Council
Ha	hectares
IIA	Tempus Integrated Impact Assessment, Caliban Consulting
Listmap	<a href="http://www.theList.tas.gov.au">www.theList.tas.gov.au</a>
NEPM's	National Environmental Protection Mechanisms
NSA Report	Tempus Retirement & Aged Care, Planning Submission by Neil Sheppard and Associates
Policy	State Policy on the Protection of Agricultural Land 2009
Scheme	Glamorgan Spring Bay Interim Planning Scheme 2015
State Growth	Department of State Growth
Strategic Plan	Glamorgan Spring Bay Council 10-year Strategic Plan 2020-2029
STRLUS	Southern Tasmanian Regional Land Use Strategy
Subject land	part of 12371 Tasman Highway, Swansea
Tempus Village	integrated retirement village and aged care facility
Tempus PPZ	Particular Purposes Zone 8 – Tempus Village

## 1 INTRODUCTION

An application was lodged under the former sections 33 and 43A of *the Land Use Planning and Approvals Act 1993* (the Act) for a combined planning scheme amendment (introduction of the Particular Purposes Zone 8 – Tempus Village) and a development application (for a subdivision to create the zone area and the development of stage 1A of the Tempus Retirement Village and nursing home proposal).

The planning scheme amendment seeks to:

- a. Introduce Particular Purposes Zone 8 – Tempus Village to the Scheme; and
- b. rezone a 17.9 ha portion of 12371 Tasman Highway, Swansea to Particular Purposes Zone 8 – Tempus Village.

The application is supported by extensive documentation and specialist reports, which include a Planning Report by Neil Sheppard and Associates (NSA Report) and the Tempus Integrated Impact Assessment by Caliban Consulting (IIA).

The planning application that accompanies the Amendment is for:

- a. the reorganisation of titles to create two new titles of 17.9 ha for the tempus site and a balance of some 664.5 ha for the Kelvedon property; and
- b. Stage 1A of the Tempus proposal is for the subdivision to create the 17.9ha site for the Particular Purpose zone and to create the two required lots and works including:
  - Highway access and internal road works
  - Part of the community centre building to provide administration facilities
  - One independent living unit – as a display home
  - Workshop buildings
  - Water storage and site infrastructure
  - Landscaping and signage

The merits of the proposed amendment and the retirement village and nursing home development (Tempus) are analysed and discussed at length in the planning submission prepared by Neil Sheppard and Associates along with an assessment of the s.43A application for a permit for stage 1A of Tempus.

The Tempus Integrated Impact Assessment, 19 August 2020, including its appendices, will become an integrated document to the scheme to ensure that future development of the site remains true and consistent to the detail of the current proposal.

## 2 SITE ANALYSIS

The subject site is located on the north eastern corner of the Kelvedon property, south of Swansea and adjoining Mount Pleasant Road.

Kelvedon comprises a mixed farming enterprise of some 5500ha stretching south and west from the Tempus site. The Kelvedon property is a cropping and grazing enterprise that largely runs sheep and grows grapes, with over 1000ha of forest protected by covenant.

The subject site is approximately 17.9ha of the overall property and described in titles CT177646/1 and CT240461/1. Titles were provided as Appendix B to the NSA Report.

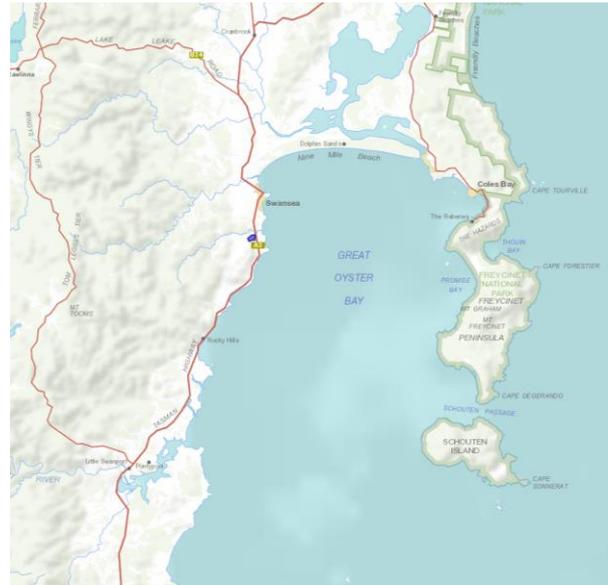


Figure 1 - Location Plan

The subject site is bordered to the south and west by the balance of the Kelvedon property and a vineyard. Land to the north is largely left to bush. The Piermont house is some 200m to the north, accessed off Mount Pleasant Road. Piermont Resort is located east, with its approval for 392 strata titled dwellings, over the Tasman Highway on the falling land to the coast.

The Tasman Highway adjoins some 237m of the subject site's eastern boundary and provides the link between Hobart and Swansea and various towns to the North through to Launceston. Travellers along this Highway are treated to spectacular and changing views featuring striking agricultural landscapes, vineyards, houses and farm buildings, rolling hills, native bushland and expanses of blue ocean.

Notwithstanding the conclusions of both agricultural assessments (Hancl and AK Consulting, attached), the site is currently zoned Significant Agriculture.

### **3 EXISTING SITE CONDITIONS**

#### **3.1 Characteristics**

The site is irregularly shaped, with a depth from the Tasman Highway of some 450m westwards and a similar depth southwards from Mt Pleasant Road forming its northern boundary.

The site climbs some 30m from the Tasman Highway for around two thirds of its depth before falling away further west. The site is generally cleared with some remnant patches of light woodland and weeds (Gorse and Prickly Box).

The agricultural assessments, provided by the proponents, establish that the land is at best class 5/6 with a dry sheep equivalent of only 4/ha. It does not have a reliable water source, with available water rights having been previously diverted to the adjoining Gala Vineyard. Both agricultural reports conclude that the subject land is practically worthless within the scale of the Kelvedon farm.

#### **3.2 Scenic Values**

Whilst partially affected by the Scenic Corridor of the Tasman Highway, the site is not in a scenic protection area and has no particular scenic value identified over it (see the Landscape Impact Statement by Ancher supporting the application).

Visually, the site is prominent to north and south bound traffic on the Tasman Highway. It is expected that a traveller's eye will be attracted to the developing vineyard adjoining the lands and the ocean glimpses to the east.

#### **3.3 Infrastructure**

The site is currently not connected to reticulated water, sewer, and stormwater services.

It has frontage to the Tasman Highway and Mt Pleasant Road, with access from the latter. Listmap identifies the Tasman Highway as a category 3 State Road and Mount Pleasant Road as a Council maintained road.

The Department of State Growth have indicated support for the proponents to undertake the necessary works to provide safe and reliable access to and from the highway for the Tempus Village proposal.

The Piermont Resort, on the eastern side of the highway has a private water line to the TasWater service in Swansea and TasWater advise that there is capacity for the line to be upgraded to service the Tempus development. A consequence of this would be improved supply to Piermont and potentially the Gala vineyard.

Transend power lines run over the subject site and have sufficient capacity to service the proposed development. Solar arrays and battery storage are proposed to provide for internal street lighting.

The proponents have provided expert analysis to support the provision of power and water and the development of stormwater capture and reuse plus the development of a self-contained sewerage system, including treatment lagoons.

#### **3.4 Surrounding Facilities**

The subject site is immediately opposite the Piermont village, with its approval for the development of a further 360 dwellings, and adjoins the recently developed Gala Vineyard. The future development of a Cellar Door sales facility at the vineyard is considered likely given industry practice within the region.

To the north of the site, the area includes a range of commercial tourism facilities including Kate's Berry Farm, a caravan park, visitor accommodation and various rural residential properties. The character of the area becomes increasingly urban approaching the main centre of Swansea. Shopping, administrative and recreational facilities, along with a potential source of both employees and future residents, are available in Swansea

### **3.5 Land Capability**

The application provides a land capability assessment by Rod Hancl and peer reviewed by AK Consulting, now RMCG.

Hancl concludes that the property is comprised of class 5, 5a and 6 land that has significant limitations for agricultural use, is not considered suitable for sustaining any agricultural activities that would define it as significant agricultural land and the conversion of this land for the Tempus proposal is not expected to impact or fetter agricultural operations on the balance of the Kelvedon property. Hancl determined the proposal complied with the State Policy for the Protection of Agricultural Land.

This report was reviewed by AK Consulting (now RMCG) who determined that the land had negligible agricultural potential, the Tempus proposal provided suitable measures that were expected to reasonably mitigate expected impacts on nearby agricultural use and residential uses on adjoining properties (rural residential to the north and Piermont to the east).

### **3.6 Natural and Environmental Hazards**

Listmap identifies that the site is subject to the Bushfire Hazard overlay under the Scheme, but does not identify the site as subject to any overlays for flood, coastal erosion or other hazards, priority vegetation, or landslip.

Parts of the balance title for the Kelvedon property are subject to other overlays for natural and environmental hazards.

### **3.7 Special or significant features**

Neither Listmap, Council records nor the extensive supporting information identify the site contains any known scientific, aesthetic, architectural, historical and cultural values on the land that need consideration with the proposed amendment.

### **3.8 Buildings and other improvements**

Neither Listmap, Council records nor the extensive supporting information identify the site contains any buildings or other improvements that need consideration with the proposed amendment.

## 4 PLANNING CONTROLS

Listmap identifies that the subject land is zoned Significant Agriculture under the Scheme. Adjoining lands to the north, east and south are zoned Rural Resource, as shown in Figure 2, which shows the approximate boundary of the site in red.

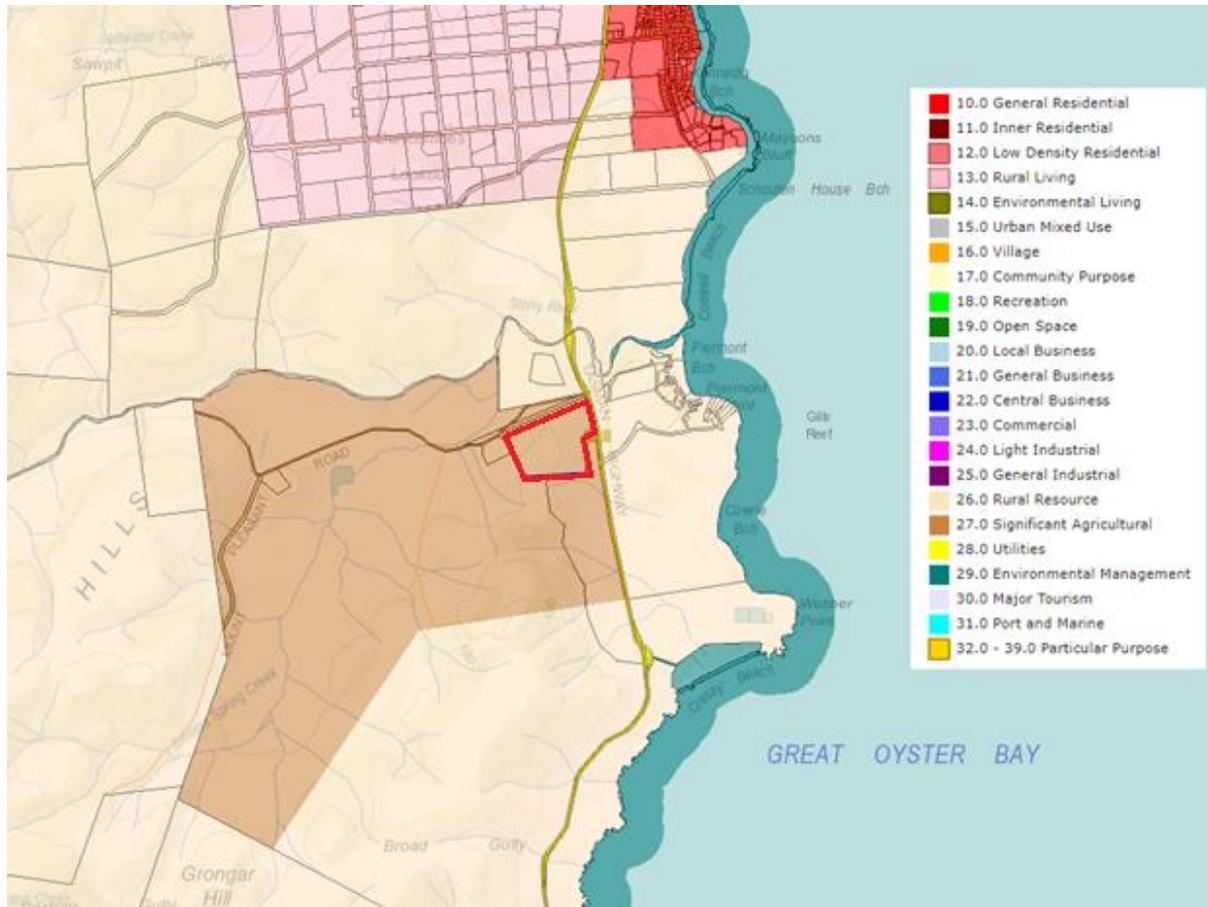


Figure 2 - Extract of Interim Scheme zoning in area

Listmap identifies the whole site as within the Bushfire Prone Area overlay and the Scenic Road Corridor over the front 100 metres adjoining the Tasman Highway.

The balance of the Kelvedon property includes overlays for landslip, waterways. Properties in the area include Biodiversity Protection Area Overlays. These are shown on Figure 3, with the site boundary approximated in red.

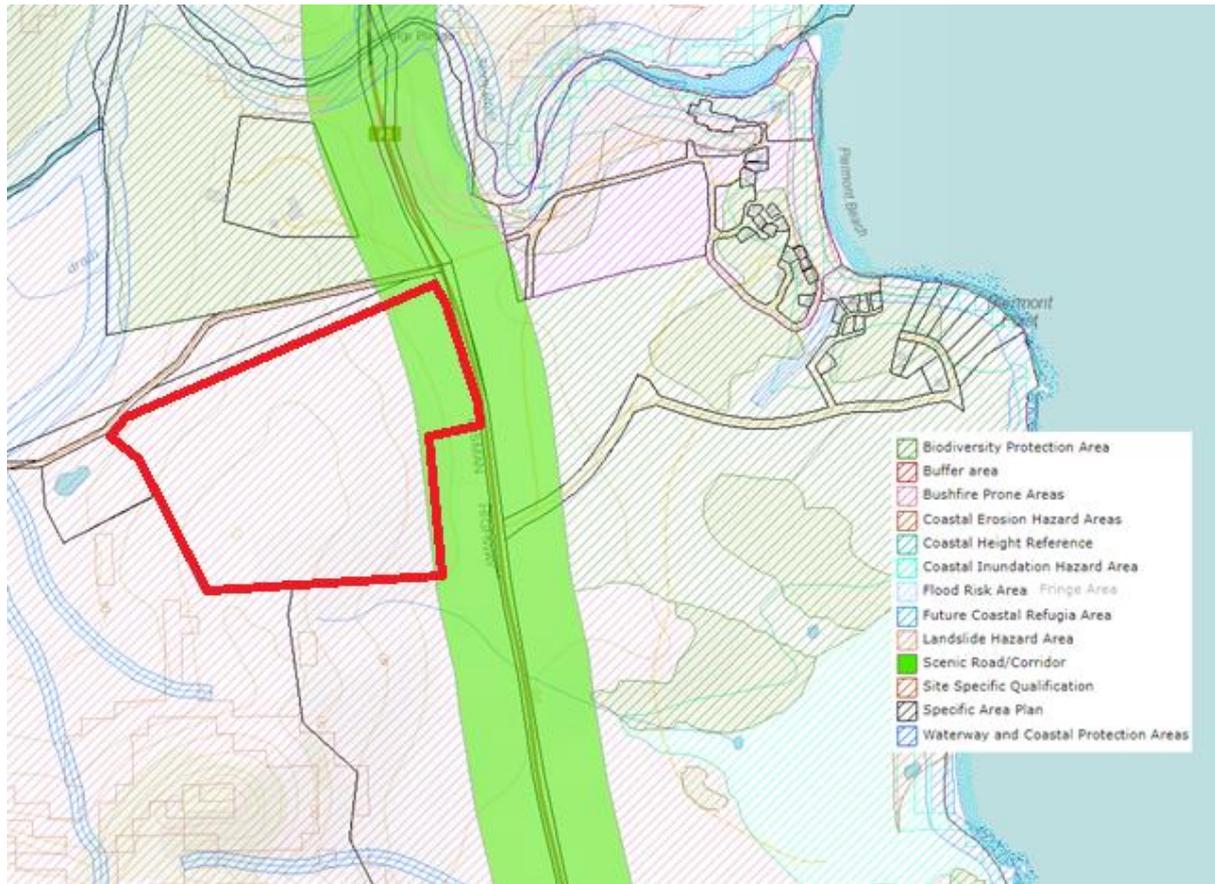


Figure 3 - Extract of Interim Scheme Overlays

The Local Provisions Schedule for Glamorgan Spring Bay is currently under assessment by the Commission and proposes a translation of the existing zoning regime for a zoning of Agriculture, with the Bushfire Prone area and Scenic Corridor overlays. Decisions had not been issued on that process at the time of writing.

## 5 THE PROPOSAL

### 5.1 Brief description

The draft amendment proposes to rezone an area of 17.9ha of marginal rural land from Significant Agriculture to a Particular Purpose zone to provide for the development of the Tempus Village proposal.

Specifically, it is proposed to:

1. Insert the new Particular Purpose Zone 8 – Tempus Village into the scheme at Part D, section 38.0.
2. Apply the Particular Purpose Zone 8 – Tempus Village to the 17.9 ha site.
3. Incorporate the document Tempus Integrated Impact Assessment 19 August 2020 into the scheme.

During the assessment, it was concluded that greater certainty in future outcomes would be gained through the incorporation of the Integrated Impact Assessment and the referenced reports contained in its appendices, with the planning scheme.

### 5.2 Reasons

The Integrated Impact Assessment document and NSA Report provide extensive arguments on various components of the reasons for the proposal.

Discussions with the proponents confirmed that they are seeking to address a sector of the retirement community that is currently not provided for within the Tasmanian context. The basis of the proposal is for the facility to provide an alternative to purely urban retirement communities, with access to aspects of a rural lifestyle. Section 2 of the NSA Report identifies that the proponents have had success with a similar proposal in New South Wales, which generated the interest in another site and resulted in the current application.

The applicant provides extensive arguments in favour of the amendment in the NSA Report and contends that the amendment is necessary because:

- The subject site allows the proposal to occur with minimal impacts to existing agricultural operations and minimal impacts from conversion of the site from agricultural use, as supported by the Roberts (Hancl) Agricultural Report and peer reviewed by AK Consulting (now RMCG);
- The site has significant scenic and landscape values that support the proposed use/development, particularly with views of the Freycinet Peninsula;
- The proposed use, Residential, and category, aged care home and future retirement village, is prohibited under the Significant Agriculture zone;
- Alternative options to allow the proposal create fundamental conflicts with the intent of the Significant Agriculture or Rural Resource zones (site specific qualification, rezoning or Specific Area Plan), both of which would still require significant alteration to the use and development provisions within the zones to allow Tempus to occur;
- The Particular Purpose zone is the only mechanism that allows use and development issues to be addressed over the site and for the proposal in a tailored manner that is consistent with the structure and intent of the Scheme and pending State Planning Provisions and LPS without creating conflicts between the entitlements provided for use/development and the underlying zone provisions;
- The 43A process that combines the amendment with the associated development permit for the Tempus proposal provides a suitable degree of certainty to the proponents, Council and the community; and
- The location opposite Piermont Estate effectively marks the transition from the rural area into the southern fringe of Swansea, where residential, commercial

and tourism uses become more common.

Review of the application and strategic documents identified that the proposal was consistent with the local Swansea Structure Plan, Glamorgan Spring Bay Strategic Plan, Regional Land use Strategy and relevant state policies.

In addition, the proposal provides infrastructure that provides for ageing in place within the local and regional areas.

The assessment therefore concluded that Council could support the proposal.

### **5.3 Request and Supporting Information**

The NSA Report provides the written request for the amendment and extensive supporting information.

#### **5.4 Owners Consent**

Landowner consent was provided by the applicant for the titles.

The subject site includes a Crown road reservation, which the proponents advised they are in the process of purchasing. While identified on various documents, investigations by the proponent identified that the road title had never been transferred to the Crown and was still owned by the estate of a previous land owner. The Estate provided written consent for application.

#### **5.4 Land Use Conflict**

The subject area contains a mix of residential, tourism and agricultural uses.

Both the NSA Report and IIA identify land use conflicts and provide responses that resulted in setbacks to the adjoining vineyard and planting of the boundaries to agricultural use.

The Agricultural reports by Hancl and AK Consulting examined the likely impacts between the proposal and nearby agricultural uses. Both concluded that there was not likely to be any significant increase in limitations on agricultural use due to the nature of the area and restrictions from existing adjoining uses.

It is noted that the proposed conditions for the planning permit include a requirement for an agreement to be registered on the title that obliges owners and operators of the site to recognise the rural nature of the site, its interface with agricultural operations and the resulting impacts that such a location may have on residential amenity. This was included to ensure that purchasers are made aware of and acknowledge the impacts that agriculture may have on the area.

Little conflict is anticipated to the north and east, noting the similarity of the propose uses.

### **5.5 Environmental, Economic and Social impacts**

The following sections of this report provide detailed examination of the environmental, economic and social impacts of the amendment as part of the statutory assessment.

In summary, the proposal has significant opportunity to provide positive environmental, economic and social impacts for Swansea and the regional community.

Environmental impacts relate to weed management on the subject lands, revegetation of site and the

The description of the use provided in the accompanying planning application document identifies that many facilities on the site will be made available for the local community to use and that commuter services for residents will be provided from the site to Swansea township.

It is anticipated that the proposal will have positive ongoing economic and social impacts for the local and regional community, through both initial construction and then the ongoing operation of the facilities and impacts of the residents.

It is also noted that the nature of both the lifestyle village and aged care components of the proposal are likely to generate a broad range of professional, technical and operation positions, creating significant employment in the area and subsequent economic/social benefits.

## **5.6 Referral to Government Agencies and authorities**

The application was referred to TasWater, Tasnetworks and the Department of State Growth.

In its Submission to Planning Authority Notice (SPAN), TWDA2020/00706, dated 25/05/2020, TasWater have provided appropriate conditions concerning the proposed development and state:

*TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.*

Similarly, neither Tasnetworks or the Department of State Growth have raised any concern with the draft amendment, and each have advised that the service capacity exists to support the proposed development.

Conditions were included in the recommendation to reflect their requirements.

## 6 CONSIDERATIONS FOR THE AMENDMENT

### 5.1 Overview

It is recognised that over time the needs and expectations of communities change. It is important that strategic documents, such as planning schemes and regional and local strategies that guide ongoing use and development and promote the sustainable use of air land and water throughout Tasmania, be flexible and open to amendment to maintain relevance.

It is neither reasonable nor legally sound to expect that legislation, or indeed the subservient strategic documents following from that, be of such detail and foresight that every permutation is explicitly provided for or intentionally excluded.

The very nature of such documents, with future horizons, requires interpretation and openness to the concept of amendment. Accepted planning practice and interpretation provides that where a matter is equivocal, preference is given to the applicant rather than bureaucratic conservatism and this is evidenced in the ongoing efforts of successive State Governments to reduce 'red tape' in the planning system.

The objectives of the Act and the planning process contain no statements to the effect that unless specifically provided for all proposals for change must be refused. Rather, these objectives promote sustainable economic development, public involvement, sharing of responsibility, and consideration of environmental, social and economic matters, to provide a pleasant and safe environment for the benefit of the community.

The Act clearly envisages the need for amendment to planning schemes to maintain their relevance to the changing needs and expectations of our communities and sets out the matters to which regard must be given to guide the decision making process.

### 5.1 Consideration of Section 32

#### *32. Requirements for preparation of amendments*

- (1) *A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A)–*
  - (a) - (d) . . . . .
  - (e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
  - (ea) *must not conflict with the requirements of section 300; and*
  - (f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

Comment:

Notwithstanding the assessments by both Hancl and AK Consulting, the subject site is currently zoned Significant Agriculture. As such, in the opinions stated in those agricultural assessments, it can continue to be put to marginal agricultural use, with a productive value of around 4DSE/ha. Alternatively, the Tempus proposal offers a substantially greater use for the site, which whilst principally residential in nature will have its own agricultural buffer to ensure, as far as practicable, the avoidance of land use conflicts with the surrounding agricultural activities.

The surrounding agricultural uses are grazing and the Gala Vineyard. The potential for

conflict between the residential use of Tempus and these agricultural uses is considered at length in the AK Consulting report and it is concluded that the use of gas guns for bird scaring in the vineyard is the only likely source of conflict.

The AK Consulting report dismisses this as a realistic concern given that they are not effective without additional reinforcement such as shooting, and this is not permitted within 250m of the highway. Such activities are already limited over a significant part of the vineyard. Alternatives such as netting are considered far more practical and effective and will not lead to any land use conflict. It is noted that netting of vineyards is a common practice across Tasmania.

Many of the future residents are likely to see the adjoining vineyard as an asset, particularly if the potential for cellar door sales becomes a reality.

The NSA report provides significant arguments at section 6.1.3 in favour of the proposal for the social, cultural and economic development of the local area and region. Review of these discussions is generally supportive. Development and landscaping of the subject area will provide for better weed management and improvement of the biodiversity values that exist on the site.

Introduction of a 270 resident community to the Swansea community will provide significant employment and economic activity across a wide range of positions within the facility and promote economic activity within the region. The flow on effects for the locality and region are expected to be significant on economic and social terms.

The proposal was assessed as compliant with the requirements of section 32 of the Act.

## 5.2 Consideration of Section 300

In regard to sub-section (ea), Section 300 is considered in detail below.

### *300. Amendments under Divisions 2 and 2A of interim planning schemes*

- (1) *An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.*

Comment:

Refer to section 6.1 of this report for an assessment of the Regional Land Use Strategy. The detailed assessment at section 6.1 of this report was that the proposal was consistent with the Regional Land Use Strategy.

- (2) *An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –*
- (a) *the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and*

Comment:

The proposed amendment is the addition of Particular Purpose Zone 8 – Tempus Village to replace the Significant Agriculture zone of the subject site and will not conflict with any

common or overriding local provision of the scheme.

- (b) *the amendment does not revoke or amend an overriding local provision; and*

Comment:

The application is not proposing to revoke or amend an overriding local provision.

- (c) *the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*

Comment:

The proposal will not introduce a conflicting local provision.

- (3) *Subject to section 30EA, an amendment may be made to a local provision if –*
- (a) *the amendment is to the effect that a common provision is not to apply to an area of land; and*
- (b) *a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*

Comment:

This clause is not applicable as the proposed amendment does not impact on a common provision.

The application proposes to create a Particular Purpose zone, to provide for the development of the Tempus Village proposal adjacent to Swansea, compatible with both the surrounding uses and the sustainable growth of the Swansea township. It is consistent with s.30O and the Southern Tasmanian Regional Land Use Strategy (STRLUS).

The outcome of the assessment against this section of the Act was that the application complies with the requirements of Section 30O of the Act and the Regional Land Use Strategy, as far as is practicable.

### **5.3 Consideration against section 43C and the Objectives of the Land Use Planning and Approvals Act 1993**

#### *43C. Applications referred to in section 43A*

- (1) *In determining an application referred to in section 43A, a planning authority, in its opinion –*
- (a) *must seek to further the objectives set out in Schedule 1; and*
- (b) *must take into consideration such of the prescribed matters as are relevant to the use or development subject of the application.*

Section 43C(1) (a) requires the objectives set out in Schedule 1 to be considered.

### **5.3.1 Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania**

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.*

The amendment will allow for the redevelopment of the site to address the growing desire for ageing in place. In this manner, it promotes the sustainable development of physical housing resources on marginalised and degraded rural land and promotes the maintenance of ecological processes and genetic diversity through extensive landscaping and the reuse of stormwater and grey water to improve the capacity of the surrounding buffer for agricultural related growth.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water.*

The location of the Tempus development on this site, rather than completely dominating the available, although relatively unsatisfactory, land in the residential zones of Swansea allows for the continued sustainable development of the township without pressure for ad hoc urban sprawl. The master planned proposal will promote the orderly and sustainable use of limited resources through the reuse of stormwater and grey water, reticulated gas throughout the site and extensive solar arrays and battery storage to maintain lighting throughout the site.

The site selection also consolidates the southern boundary of the Swansea township, located opposite the Piermont Estate and marking the transition into the rural lands further to the south.

- (c) *to encourage public involvement in resource management and planning.*

The nature of the proposal does not readily facilitate the involvement of the public in resource management and planning within the context of this objective. The public will have the opportunity to comment on this proposal during the four week exhibition period following initiation of the amendment. Interested parties have the opportunity to lodge a written representation to the application during the public exhibition period. The Tasmanian Planning Commission may also decide to hold public hearings to deal with the representations if any are received.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)*

The proposed amendment will allow for the development of a retirement village, nursing home and substantial infrastructure, including facilities that may be shared with the wider community. Notwithstanding the significant capital investment in the development of the site, its ongoing use will be closely related to the Swansea community and will create employment opportunities and demand for goods and services and thus facilitate economic development consistent with objectives (a), (b) and (c).

- (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.*

This application was referred to TasWater, Transend, the Department of State Growth who have provided their conditional support. If initiated the amendment will also be advertised for community and industry input and assessed by the Tasmanian Planning Commission and is consistent with this objective.

### **5.3.2 Schedule 1, Part 2 - Objectives of the planning process established by the**

## Act

The objectives of Part 2 must also be considered:

- (a) *to require sound strategic planning and co-ordinated action by State and local government.*

The amendment is consistent with the objectives of the Glamorgan Spring Bay Interim Planning Scheme and the STRLUS and will be assessed at both local and State Government level.

- (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.*

The Act provides the regulatory systems to deliver this objective. The application makes use of the combined planning permit and planning scheme amendment process established under the Act. Consistent with that system, an application made pursuant to Sections 33 and 43A of the Act is considered against the objectives of the Act and the planning system of Tasmania. Having regard to this, the Council then determines to initiate or reject the amendment.

- (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.*

The proposed amendment will promote the development of the site, providing economic benefits to the local and broader community and making a positive contribution to the resolution of growing social and economic inequities raised by the need for ageing persons to leave their community and family to seek suitable accommodation in facilities located in major centres. The Integrated Impact Assessment further addresses this and provides appropriate expert assessment of environmental impacts.

- (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 levels,*

The proposed amendment is consistent and complies with local, regional, and state policies.

- (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.*

The application is made under the former section 43A of the Act and includes a Particular Purpose zone to provide for the ongoing development of the Tempus Village proposal consistent with the incorporated documents exhibited with the draft amendment.

- (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.*

The proposal will allow for appropriate development of an underutilised site to address an apparent shortage in opportunities for ageing in place in a community and state with an ageing population above the national average. It will promote efficiencies in retirement and aged care in the region and improve the opportunities for people to age with dignity in a pleasant and safe environment close to their families. Additional working and recreation opportunities will also become available to the broader Swansea community.

- (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

The subject site has no such buildings, nor is it a place, of scientific, aesthetic, architectural or historic interest. The scenic values of the site are acknowledged and protected through appropriate landscaping and design.

- (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.*

The Tempus proposal addresses the existing public infrastructure and has engaged with appropriate authorities to ensure the availability of supply capacity and the necessary infrastructure development required to minimise reliance on such public infrastructure. The Master Plan for the site includes consideration of supply and service delivery throughout the development.

The necessary upgrading of the current water supply may provide additional benefits to the adjoining Piermont and Gala sites.

- (i) *to provide a planning framework which fully considers land capability.*

Land capability has been fully considered through the two agricultural reports included with the Integrated Impact Assessment. Both reports note that the land capability is class 5/6 and is not compatible with the current Significant Agriculture zone. The proposed reuse of stormwater and grey water throughout the site landscaping and proposed orchards will in effect improve the quality of the land.

Section 43C(1) (b) requires that such of the prescribed matters as are relevant to the use or development subject of the application be taken into consideration.

At the time of writing, there were no prescribed matters for the application that required assessment.

## 6. Planning Strategies

### 6.1 Southern Tasmanian Regional Land Use Strategy

Section 1.1 of the STRLUS starts with the observation:

*This Regional Land Use Strategy is a broad policy document that will facilitate and manage change, growth, and development within Southern Tasmania over the next 25 years ...*

*this document is the first iteration in an ongoing process...*

*the scope and detail of analysis supporting this document will need to be further progressed in the future.*

*(Southern Tasmania Regional Land Use Strategy 2010-2035, amended 19 February 2020, Page 1, Southern Tasmanian Councils Authority)*

The NSA Report has detailed numerous Strategic Directions and Regional Policies of the STRLUS that lend support to the draft amendment and the Tempus proposal at this site. As noted earlier, it cannot reasonably be expected that such a document could possibly hope to specifically support or reject every new proposal or concept that might eventuate over its projected 25 year lifetime.

Nor is it reasonable, under any circumstances, to presume that it was the intent of the

STRLUS, that it be read to preclude any such original thought or novel concept.

Generally, the STRLUS was prepared following the global financial crisis and in a very different social, cultural and economic environment. It was declared in 2011, with minor revisions since then.

The ensuing economic and cultural revolution that hit Tasmania during the following decade could not have been rationally expected in preparation of the STRLUS.

The STRLUS makes some effort to address such limitations, though it is noted that the guiding report, *The Process Forward: Implementing and Monitoring the Regional Land Use Strategy for Southern Tasmania*, is no longer available.

Absent this report, it is submitted that the Strategic Directions at 4.3 of the STRLUS provide a framework for consideration of proposals at the strategic level.

The proponents advise that the model for the Tempus proposal is a similar retirement village and nursing home complex to one they successfully developed recently in Berry, NSW. They further highlight the shortage of facilities for ageing in place in regional areas and the suitability of the east coast of Tasmania for a development based on the Berry concept.

As this is the first such proposal for Tasmania, it is not surprising that it is not specifically provided for in the STRLUS. The integration of a retirement village with agricultural and recreational buffers, designed specifically to meet the desires particularly of those retiring from a rural community, by its very nature requires a land area not readily available in the residential zones within the immediate confines of Hobart or its surrounding cities.

The proponents, through the NSA Report, provide extensive argument demonstrating the compatibility of the Tempus proposal with the various strategic directions and regional policies of the STRLUS.

Whilst it is not intended to repeat the NSA Report here, it is considered relevant to note:

**SD1: Adopting a more Integrated Approach to Planning and Infrastructure**

The NSA report provides a response to this statement that looks within the project and site. This assessment is supported, though it is noted that the response does not consider the approach to the planning system.

The Tempus application makes use of the 43A process in response to an opportunity and proposal that were not considered in the preparation of the STRLUS. In this respect, the combined application and amendment process is the most appropriate mechanism to allow consideration of the relative merits of the proposal. The required planning scheme amendment is supported by the associated planning application, which removes a lot of the uncertainty associated with general planning scheme amendments within the profession and wider community.

Use of the 43A process also allows consideration of the requirements of infrastructure providers in preparation of the application and again through assessment, while also making a range of tools available to the applicant, regulators and service providers to deal with issues associated with the proposal.

In this respect, the current process provides multiple opportunities for the consideration of planning and infrastructure implications of the proposal through an independently assessed forum.

It is considered that this is consistent with the systems and process issues that are identified under SD1 to enable the short, medium and long term consideration of the planning and infrastructure opportunities and requirements provided by the project and

assessment process.

The Tempus proposal seeks to take advantage of the existing power and highway infrastructure and seeks to sustainably contribute to the former through the installation of solar arrays and battery storage. Additionally, the site aims to be self-sufficient regarding stormwater and sewerage services, providing onsite infrastructure for the managed reuse.

The required upgrading of the private water line from the TasWater supply to the site will ensure the long term sustainable supply to the site and potentially to the adjoining Piermont development, the Gala Vineyard, Kates Berry Farm and various dwellings between the site and the existing Swansea reticulated water service.

The proposal makes use of the combined application and amendment process to deal with a site specific opportunity for provision of aged care facilities based on a specific proposal. Existing regulatory frameworks allow for provision of infrastructure to this site.

In this respect, the current process provides multiple opportunities for the consideration of planning and infrastructure implications of the proposal through an independently assessed forum.

It is considered that this is consistent with the systems and process issues that are identified under SD1 to enable the short, medium and long term consideration of the planning and infrastructure opportunities and requirements provided by the project and assessment process

## **SD2: Holistically Managing Residential Growth**

This strategic direction seeks to plan for residential growth at both the local and regional level.

The NSA report responds to this criterion by identifying the intermittent response within the STRLUS and planning scheme for retirement living. The basic argument is that the planning tools and strategies have not reflected changes in the industry within the last 10 or so years.

In real terms, this issue was raised as part of the hearings for the State Planning Provisions by at least two council's following the effective failures of the regulatory system to manage land use conflict between institutional retirement and aged care sites with the residential areas they were inserted into. The STRLUS was not updated to address these issues, and the response within the SPP's was limited to the removal of the word 'aged' from the resultant 'residential care facility' in the description of the Residential use class.

Statements within the NSA report that identify that Tempus is outside of the concepts that underpin the STRLUS and the SPP's are supported for two reasons:

- The STRLUS and SPP's do not deal with aged care in any meaningful way that reflects contemporary requirements of the planning system or industry; and
- The STRLUS and the SPP's use substantially the same language to describe aged care and retirement living as planning scheme have done for decades.

It is considered that the assessment of this proposal through the 43A process is the only option for holistic management of this proposal, due to the inherent limitations of the current land use planning system.

The Swansea Structure Plan identified that there was sufficient residential zoned land within the immediate Swansea township to meet the expected short and medium term growth expectations, and that large scale developments should be sought. This clearly

did not include the possible development of a major retirement village within the east coast region.

However, whilst both the STRLUS and the Swansea Structure Plan recognise the opportunities inherent in the retiree market, neither considered the implications of a retirement village being classed as a residential use and the impacts of such a proposal on the local market. Even assuming that a suitable land parcel could be sourced within the township, a proposal of this scope would absorb all of the available residential land that was identified in these documents. This would leave ad hoc responses for future urban residential development to provide for growth and remove all strategic provision for growth of the area.

The nature of this proposal is arguably outside the analysis or concepts that were identified for both documents. While the Structure Plan identified the need to provide for large development sites, it failed to identify any.

As highlighted earlier, these strategic documents, by their nature, have not attempted to cover all possible options and there is naturally an expectation of flexibility anticipated to allow appropriate consideration of new concepts.

Arguably, both documents were aware of the growth in the retiree market but were not able to envision what form this might take and thus, beyond recognising the growth potential to be addressed, did not seek to confine its development through guesswork.

### **SD3 Creating a Network of Vibrant and Attractive Activity Centres**

The NSA report and application submit that the proposed Tempus development does not seek to create a new activity centre. It clearly sees itself as an interrelated part of Swansea. It is, as a result of the Piermont, Gala and Kate's Berry Farm developments, intrinsically part of the Swansea township. The proponents propose to run their own bus service between Tempus and the town centre, similar to most retirement villages in major urban settlements.

There is an expectation that facilities at Tempus, such as the pool, auditorium and equestrian centre will be open to all members of the community and similarly, many of the Tempus residents will utilise the many services on offer in the centre of Swansea and its surrounds.

Tempus will boost the economic activity in, and the sustainability of, the Swansea town centre and provide employment and retirement opportunities to enable residents to remain within their community.

The proponent's response to this Policy is supported.

### **SD4: Improving our Economic Infrastructure**

The NSA report does not provide a response to this statement. Aside from the support that the increased population within Swansea will provide for economic infrastructure, this statement is not considered to be relevant to the Tempus proposal.

### **SD5 Supporting our Productive Resources**

The NSA report does not respond to this direction.

This strategic direction acknowledges the importance of all agricultural production to the economic and social health of the region. The Tempus site seeks to utilise a small and marginal piece of a significant agricultural enterprise (Kelvedon) for the purpose of allowing long term residents in the area to age in place as well as attracting new residents and investment into the area to bolster the community.

Two agricultural assessments have been undertaken to establish beyond any reasonable doubt that the site can accommodate negligible agricultural activities, its conversion for the Tempus proposal will have a minimal impact on the operations of the Kelvedon property, and that the Tempus proposal can co-exist comfortably with the surrounding agricultural uses in a complimentary rather than conflicting manner.

### **SD6 Increasing Responsiveness to our Natural Environment**

The NSA report does not respond to this direction.

It is well recognised that unplanned residential creep can be detrimental to the natural environment and the values that contribute to an area's attractiveness.,

The proponent's proposition, to develop on an appropriately sized parcel of marginalised land where the natural environmental values have long since been compromised, is in response to a growing demand for retirement opportunities within the retiree's own community. This concept is known as ageing in place. Whilst in some cases it will always be possible for individuals to age at home in the care of family members, this is not the norm in our society. For others, it is necessary to move to more appropriate accommodation and care options. In regional areas, this means a move out of the region or into the town centre.

In the latter cases, this creates competition with new residents and holiday makers and can lead to unplanned early take up of available residential land and thus increased demand to expand the residential zoning into conflict with the natural environment.

The Tempus proposal, on the Kelvedon site, will provide an alternative to this expansion pressure. Alternatively, were it forced into the existing residential zoned land, it would absorb nearly the entire available land and exacerbate growth conflict with the natural environment.

### **SD7 Improving Management of our Water Resources**

The NSA report does not respond to this direction.

The Tempus site currently has no specific water rights, those having been transferred previously to support the development and growth of the Gala Vineyard. With an unreliable water source from rainfall and ephemeral water courses, the land capability of the Tempus site is unlikely to improve on its own.

However, the Tempus proposal includes the capture and reuse of stormwater as well as the reuse of nutrient rich water from the on-site sewerage treatment plant. This water will be used to improve existing pasture cover and to maintain proposed orchards and vegetable gardens adjacent to the workshop area. Combined with the planned replanting of native vegetation to create buffers between the residential and agricultural uses, the Tempus proposal will result in a substantial improvement in the sustainable management of the available water resources.

### **SD8 Supporting Strong and Healthy Communities**

The NSA report argues that Tempus provides a rural lifestyle retirement and aged care option that links housing and lifestyle options that do not exist within Tasmania, and that in doing so, they increase the health and strength of the local and regional community and populations.

Review of these arguments supports the lack of such options within Tasmania.

Further to the submissions in the NSA Report, this strategic direction recognises the complex relationship between providing for a more inclusive society and the competing demands of built and natural environments, infrastructure provision and quality of life

expectations. It also recognises that there are some community sectors facing social and locational disadvantage (STRLUS, p.19).

Clearly, the aged and regional population sectors are one such group and given the skewed age profiles in the region, the impact of such disadvantage is felt strongly in the coastal communities and more particularly, as ageing members are forced to move away for residential, respite or aged care. Tempus will provide increased opportunities for regional residents to age within or closer to their communities and thus significantly reduce their sense of dislocation and disadvantage. In addition, it will attract new residents to the area and a diversity of ideas and expectations to the region and thus facilitate the growth of a strong and healthy community.

### **SD9 Making the Region Nationally and Internationally Competitive**

The NSA report submits that Tempus will deliver this direction by providing increased options for retirement and aged care living within the region.

Whilst the Tempus proposal cannot hope to achieve this direction on its own, it will nevertheless contribute to the region's national and international image.

As Tasmania's reputation continues to shine in both clean green and post Covid environments, the attractiveness of such an integrated retirement village in such a desirable location will undoubtedly attract national and international interest and facilitate ongoing investment and development within the Swansea and Glamorgan Spring Bay region.

### **SD10 Creating Liveable Communities**

The NSA report submits that the proposal will increase the competitive advantages of the region whilst increasing the sustainability of Swansea.

Liveability refers to the ability of a place to meet and support its resident's expectations for quality of life, health and well-being, and is rapidly growing in importance in the decision of where to live.

The provision of suitable and appropriate opportunities to age in place are without doubt relevant components of such assessments. The STRLUS seeks to ensure that our land use planning responses contribute to making the region liveable.

Decisions that force the ageing cohort to move away are unequivocally opposed to this strategic direction.

### **Policy Statements of the STRLUS**

The STRLUS contains many policy statements intended to assist in the interpretation and application of the Strategic Directions. The NSA Report discusses several of these. The responses provided by NSA are generally supported.

Perhaps the most relevant of these are policy statements 1.6, 1.7 and 1.8, under the heading of Social Infrastructure.

#### ***SI 1.6 Co-locate and integrate community facilities and services to improve service delivery and form accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy.***

The NSA Report does not respond to this statement. The STRLUS supports the applicant's contentions that retirement and aged care facilities form part of social and community infrastructure. Application documents identify that Tempus will provide the following:

- a local hub for residents of the village to engage in community activities;
- a bus service linking the site to Swansea township, allowing residents to use local facilities and activities;
- residents of Swansea the opportunity to use site facilities.

As such, the proposal is consistent with this policy outcome.

***SI 1.7 Provide flexibility in planning schemes for the development of aged care and nursing home facilities in areas close to an Activity Centre and with access to public transport.***

NSA does not provide a response to this statement.

The Glamorgan Spring Bay Interim Planning Scheme 2013 and the State Planning Provisions make limited provision for retirement and aged care lifestyle establishments, as previously discussed in the NSA and this report. Use of the 43A process to consider this type of application is consistent with the tools provided within the land use planning system and provides appropriate flexibility.

Map 8 of the STRLUS does not identify Swansea in the Activity Centre network. The closest activity centres are Coles Bay (Specialist Activity Centre) and Sorell (Rural Services Activity Centre) at page 83. Review against the Activity Centre categories defined in Table 1 Activity Centre Network identifies that the Swansea settlement complies with the requirements of a Minor or Neighbourhood Centre. This is supported by inclusion of Triabunna as an example, which has a similar composition.

The STRLUS then identifies that structure and management plans should be prepared to strengthen the function and operation of these centres (p74). The Swansea Structure Plan clearly complies with this requirement, and identifies that retirement and aged living options are appropriate for Swansea as discussed within this and the NSA report.

The alternative construction of this section of the STRLUS (that Swansea does not require retirement or aged care living options) directly conflicts with myriad directions, policy statements, and outcomes throughout the STRULS and makes literal interpretation patently absurd.

The subject site is within 4 kilometres of the town centre and will be provided with local bus service connections to Swansea. Swansea is served by public transport.

***SI 1.8 Provide for the aged to continue living within their communities, and with their families, for as long as possible by providing appropriate options and flexibility within the planning scheme.***

The planning scheme is not an instrument by which business or government address in-home care or the provision of a bus to the library. It is the function of the scheme, in this context, to make provision for the sustainable use and development of facilities such as the Tempus proposal to facilitate the aged remaining in their community and close to their families, rather than having to relocate to city based retirement villages.

In light of this specific regional policy, the lack of a specific statement in the STRLUS or the Swansea Strategic Plan supporting the Tempus proposal, an idea not considered at the time, must not be viewed as a prohibition, rather it should be seen an opportunity to further the sustainable use and development of the region and State.

SI 1.8 provides a clear outcome that is directly linked to the current proposal. A policy context was clearly entertained for establishment of ageing population infrastructure such as Tempus through the policy framework of the STRLUS.

## 6.2 Swansea Structure Plan 2016

The Swansea Structure Plan states its purpose as ‘identifying local needs, values and expectations; in order to establish the key issues that affect the township (p.1).

Like the STRLUS, the Swansea Structure Plan was drafted at a time when a project such as Tempus had not been anticipated. The needs of the community to age in place were identified but no suggestions were provided as to how this might be achieved. The Structure Plan does not see itself as a rigid document, rather it promotes itself as a framework to guide and provide direction.

It seeks to, amongst other things:

- Carry out the recommendations of the STRLUS
- Identify large-scale development opportunities around Swansea
- Highlight gaps in community services and facilities...(p3)

Under this Plan, the vision for the future of Swansea is:

*Swansea will maintain its coastal town feel that balances the towns existing character with future growth ambitions. It will continue to provide affordable and diverse living options for residents and holiday accommodation options for tourists. The town will strive to build on its natural, coastal, community and cultural assets and continue to benefit from its central location on Tasmania’s East Coast and the nearby Freycinet national Park (p5).*

The opportunities and constraints analysis, identified:

*Opportunity to capitalise on the retiree market with proposed developments such as a golf course precinct and marina along with other leisure activities...(p.47)*

While the Structure Plan does not go on to identify where retirees might live, it does recognise the following:

1. the provision of further aged care facilities and retiree housing as a consideration for the structure plan (p.52);
2. the significance of land fronting the Tasman Highway on the southern side of the township to the Residential Land Use Objectives (p59); and
3. the need for a gradual uptake of available land within the township for subdivision and residential developments (p60)

As stated in previous sections, strategic documents cannot be expected to identify and address all future development opportunities that might arise in response to growing trends and changing community expectations.

If the Tempus proposal were to be modified and reduced to fit within the immediate Swansea township, this would substantially limit the rural lifestyle aspect of the proposal whilst also irrevocably altering the coastal town feel of Swansea. Additionally, it would completely undermine the ability of Swansea to provide of affordable and diverse living options for residents and holiday makers within the village.

Tempus takes an alternative approach, selecting a site on the periphery of the township, adjacent to the existing Piermont Resort (with its approval for significant expansion). This approach is consistent with the strategic directions of the STRLUS and provides a large-scale opportunity around Swansea that addresses the growing gap in community services represented by the lack of retirement and aged living options on the east coast.

Tempus will promote the sustainability of Swansea businesses without altering the character of the town or adversely impacting upon the affordability of living options for residents or tourists.

Whilst the Swansea Structure Plan is the closest thing to a relevant local strategy, its usefulness to the current proposal is limited by its own limited scope and, restrained by the nominal developed town boundary. Notwithstanding these limitations, the proposal is clearly consistent with the residential objectives and actions for providing future residential development and ageing lifestyle options within the area.

### **Glamorgan Spring Bay Council Strategic Plan 2020-2030**

The *Glamorgan Spring Bay Council 10-year Strategic Plan 2020-2029* establishes the long term priorities for the organisation and region. The sections on long term vision, guiding principles, key foundations and priorities are considered relevant to the Tempus proposal.

#### **Vision of Long Term Success**

Six descriptors are established for the period to 2022, as follows:

1. *The region's precious visual values (including our magnificent landscapes and seascapes) will be maintained and enhanced.*

The NSA Report and IIA identify that the Tempus proposal was designed to sit within the wider landscape of the area and minimise impacts to the scenic and visual landscapes of the southern Swansea area.

2. *Our economy will be robust and diverse, providing local employment throughout the year.*

Section 6 of the NSA Report provides extensive statements regarding positive impacts of Tempus on the local economy and employment. These statements were reviewed in this report and supported. It is therefore expected that Tempus will have positive short and long term impacts on the economy and employment within Swansea and the Glamorgan area.

3. *We will see steady growth in the permanent population and residential housing.*

The Tempus proposal will provide housing in the retirement living and aged care sectors, increasing housing availability and options within the immediate area and Glamorgan Spring Bay generally.

4. *Infrastructure for which we are responsible will be provided and maintained to high, safe standards.*

While this descriptor relates to public infrastructure, it is noted that Tempus will provide improvements for water reticulation and road infrastructure in the area. Sewerage will be addressed through an onsite system.

5. *The east coast will continue to be an attractive destination for visitors from inside and outside Tasmania.*

The Tempus proposal was located and designed to minimise impacts on the attractiveness of southern Swansea.

6. *Council will be trusted and valued by our local community for what we do and how we operate.*

The combined planning scheme amendment and planning permit process was selected

by Council for this proposal to provide clarity over the purpose and function of the amendment to the local community.

### **Guiding Principles**

The seven guiding principles relate to the way Council will conduct its business and are not relevant to the Tempus proposal.

### **Key Foundations**

Five key foundations are established that relate to the operation of the organisation, of which one is relevant to Tempus.

2. Our Community Health and Wellbeing – identifies advocacy for healthcare providers and professionals. Tempus will assist this through increasing the resident population and employing medical and related professionals for deliver of health care services through the aged care facility and local medical practices in Swansea.

### **Priorities for 2020/2021**

The six priorities are not relevant to the Tempus application.

Tempus is therefore considered to be consistent with the

## 7. State Policies

### **State Policy on the Protection of Agricultural Land 2009**

The purpose of this Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture.

An Agricultural Report was prepared by Rod Hancl of Roberts Rural Supplies, that provides a detailed assessment against the principles of the policy. The Hancl report was then reviewed by AK Consulting (now RMCG).

Both Hancl and AK provided the following conclusions:

- The subject lands are classes 5 and 6 under the Land Classification System promoted by the Policy;
- The land suffers significant limitations to agricultural use that result in an agricultural use that is marginal in its own right and is not suitable for economic or commercial viticulture or grazing operations (the two adjoining agricultural uses);
- The agricultural value of the land is further marginalised when its contribution is considered in light of the balance of the Kelvedon property, of which it is part; and
- The restrictions imposed by existing adjoining land uses mean that the Tempus proposal is unlikely to have any significant detrimental impact on adjoining agricultural uses.
- The proposed Tempus development will not conflict with or constrain the surrounding agricultural uses, principally grazing and the Gala Vineyard; and
- Despite its principal use becoming residential, the water re-use options and anticipated interest from residents is expected to see the agricultural productivity of the buffer areas incorporated into the site increase.

The assessments by Hancl and AK are supported.

Notwithstanding the outcomes of both reports, the site is zoned as Significant Agriculture under the Scheme and proposed for the Agriculture zone under the Local Provisions Schedule, a mapping anomaly which is addressed by Hancl.

### **State Coastal Policy 1996**

The purpose of the policy is to protect the natural and cultural values of the coast, provide for sustainable use and development of the coast, and promote shared responsibility for its integrated management and protection.

The policy has been addressed by the Scheme and does not conflict with this site which is separated from the coastline by the Piermont village site and the Tasman Highway.

The Tempus proposal will not detract from the natural and aesthetic values of the coastline and no stormwater or other pollutants will be discharged off-site.

### **State Policy on Water Quality Management 1997**

The purpose of the policy is to identify and maintain water quality at appropriate levels to the expected use.

The policy has been addressed by the Scheme and does not conflict with this site, which is to be serviced by the public water system and will contain its own sewer and stormwater infrastructure.

## **National Environment Protection Measures**

Section 12A of the *State Policies and Projects Act 1993* states that a National Environment Protection Measure (NEPM) is taken to be a State Policy. The following, therefore, require consideration:

- Ambient air quality 2002
- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999
- Movement of controlled waste between States and Territories 1998
- National pollutant inventory 2000

The NEPM's were addressed by the Scheme and does not conflict with the proposal for this site. None of the NEPMs apply to the subject site or the proposed Tempus development.

## **Gas Pipelines Act 2000**

Not applicable. The pipeline corridor is not in the vicinity of the subject site.

## **9. Conclusion**

It is apparent that the concentration of retirement and aged care facilities within the major residential settlements has resulted in ongoing disadvantage to ageing residents, and their families, in regional areas. The subsequent, and effectively forced, relocation to major settlements of the elderly places further stress on the economic and social sustainability of these regional communities.

Whilst strategic documents such as the STRLUS apply a broad brush to growing issues and opportunities, they are limited by the attitudes, events, and expectations of the time within which they are written. It is acknowledged that there can be no realistic expectation that such strategic documents were ever expected to address every future eventuality.

These documents seek to provide guidance rather than doctrine and this is evidenced in structure of many of the strategic directions and regional policies of the STRLUS which highlight opportunities rather than entrench limitations.

The proposal to rezone an area of 17.9ha of marginal rural land from Significant Agriculture to a Particular Purpose zone to provide for the development of the Tempus Village proposal, as detailed in the Integrated Impact Assessment, seeks to address disadvantage, and promote the ability for people to age within or close to their own community.

As demonstrated above, this is clearly consistent with the objectives and the former s.32 provisions of the Act.

The addition of the incorporation of the proponent's Integrated Impact Assessment document, including its array of professional reports, into the scheme will ensure, as far as reasonably practicable, the ongoing achievement of the intent and purpose of the draft amendment.

Initiation and certification of the draft amendment is supported.