

Special Council Meeting - 30 August 2022 Attachments

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CAMBRIA GREEN SPECIFIC AREA PLAN.....2

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Briefing Report
AM2018-03 Cambria Green
Revised Amendment
Applicant's post hearing submission



Prepared by: Senior Planning Consultant

11 August 2022

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Overview

The applicant submitted a revised Amendment on 22 July (Revised Amendment) following the conclusion of the hearings that reflected the evidence that was heard (refer Attachment 1). It is comprised of three parts:

- Part A – revised Specific Area Plan (SAP);
- Part B – a new scenic protection area over prominent parts of the Hills Resort Precinct;
- Part C – rezoning of the Hills Resort Precinct from Agriculture to Rural; and
- Part D – establishing the Priority Vegetation Area Overlay within the Hills Resort precinct.

The following is understood for this revision:

- the remaining parts of the certified amendment are no longer supported;
- the underlying zone provisions of the agriculture and rural zones would remain;
- The Cambria Homestead and Agriculture Precincts will remain zoned Agriculture;
- Rezoning lands subject to Conservation Covenants to Environmental Management and inclusion in the Priority Vegetation Area were abandoned;
- The Coastal Inundation High Hazard and Coast Erosion High Hazard Area amendments were abandoned, following the Local Provisions Schedule; and

The amendment is based on:

- the Revised Amendment (refer Attachment 1);
- the revised form that was published by the Commission that translated the certified amendment to the LPS format (refer Attachment 2);
- the revised use table published by the Commission (refer Attachment 3);
- the evidence presented within the hearings and cross-examination of experts and parties; and
- the Commission Directions(refer Attachment 4).

The key issues for response under the direction are reproduced for convenience:

- *Review the Use Table such that there is consistency in the categorisation of uses in precincts and remove any allowable uses as discussed;*
- *Consideration of whether the standard in relation to sea-eagles should include wedge-tailed eagles;*
- *Review the area covered by the overlay proposed for the Scenic Protection Area;*
- *Provide an overlay for priority vegetation if the land in Precinct 4 was to be zoned Rural;*
- *Consideration of a new acceptable solution and performance criteria for the discretionary use standard to ensure that there will be no new buildings (other than associated with existing buildings) including for Visitor Accommodation in the Cambria Homestead Precinct; and*
- *Review the final boundary for Precinct 1 in reference to the area defined by the place listed on the Tasmanian Heritage Register. Clarify the standards applying to Precinct 1 should the Precinct 1 boundaries extend beyond those for the heritage listed place.*

This report provides a discussion of the revised amendment.

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Background

The Planning Authority will recall that the application for planning scheme amendment AM2018-03 was lodged and initiated in 2018. Exhibition received over 600 representations and the Section 39 Report (S.39 Report) was considered at the Council meeting in November 2018.

The amendment was then considered by the Tasmanian Planning Commission (Commission) and determined to be invalid in November 2019. The applicants successfully challenged that decision to the Supreme Court (following submission of additional documents) and the matter was returned to the Commission the complete assessment.

The Commission required changes to the amendment to reflect implementation of the Tasmanian Planning Scheme – Glamorgan Spring Bay on 30 March 2022. The changes translated the certified amendment to meet the requirements of the TPS/LPS structure and were submitted to the Commission. The Commission reviewed the document prior to its publication to ensure the requirements of Schedule 6 of the Act were satisfied with the revised document. Changes that were published by the Commission included the following:

- the numbering of clauses and headings;
- the application section of the SAP;
- removal of definitions;
- insertion of application clauses to each standard to establish the basis of operation;
- rewording of acceptable solutions and performance criteria for consistency with the TPS requirements;
- updating precinct references within standards; and
- removal of parts of the amendment that were made obsolete by the LPS.

These changes were identified in the version of the amendment published on the Commission website dated 24 May 2022 and contained in Attachment 2 of this report.

Following an extensive process, hearings were held by the Commission over June and July 2022 to consider evidence on the amendment. Following the hearings, the applicant submitted a revised amendment that was subject to a hearing on 15 July and directions that were issued on 19 July 2022 that required a response to specified matters as follows:

1. *In response to the applicant's request to make further changes to the revised draft amendment they are proposing for the Commission's assessment, the revised draft is to be provided to the Commission by 4pm on 22 July 2022. The changes to revised draft amendment will address the following matters as raised at the reconvened hearing:*
 - *review the land uses named in the local area objectives for each precinct in reference to how they relate to the allowable uses in the Use Table;*
 - *review the Use Table such that there is consistency in the categorisation of uses in precincts and remove any allowable uses as discussed;*
 - *consideration of whether the standard in relation to sea-eagles should include wedge-tailed eagles;*
 - *review the area covered by the overlay proposed for the Scenic Protection Area;*
 - *provide an overlay for priority vegetation if the land in Precinct 4 was to be zoned Rural;*
 - *consideration of a new acceptable solution and performance criteria for the discretionary use standard to ensure that there will be no new buildings (other than associated with existing buildings) including for Visitor Accommodation in the Cambria Homestead Precinct; and*

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- *review the final boundary for Precinct 1 in reference to the area defined by the place listed on the Tasmanian Heritage Register. Clarify the standards applying to Precinct 1 should the Precinct 1 boundaries extend beyond those for the heritage listed place.*

Additional directions were issued regarding response submissions by 12 August and future hearing dates (to be determined following response submissions). The full directions were available from the Commission website [here](#).

The Planning Authority will recall that a workshop was held with Abetz Curtis Lawyers to discuss the requirements for the Council in its role as a Planning Authority, to consider any substantive changes to the amendment that may result from evidence and submissions resulting from the hearings. The legal advice that was workshopped with the Councillors on 7 June remains relevant to the consideration of the Revised Amendment (previously provided to Councillors). Sections 2 and 3 of that advice address revisions to the amendment documents and attention is directed to section 3 of the advice, as follows:

3. *Consideration of submissions and preparation of Response Submission by the planning authority*
 - 3.1 *Similar to the Revised Working Draft, the Response Submission requested by the Commission should also be endorsed by Council before being provided to the Commission. This is because the directions expressly seek the view of the planning authority on substantive issues. If the Response Submission is not put to Council before being submitted, it cannot be said to reflect that view.*
 - 3.2 *Having said that, the councillors do not need to review all 900-odd pages of representations and expert proofs in detail. It would be sufficient for this to be done in the same manner as the s. 39 report or an application for planning permit – that is, by having a report which summarises the representations being responded to, and a proposed Response Submission prepared by yourself put to the Council for review and endorsement.*

As the Revised Amendment provide a different set of amendments to those previously considered, the Planning Authority is required to make decisions on the changes.

This report provides the advice identified in paragraphs 3.1 and 3.2 for the Planning Authority to consider and form its opinions on the Revised Amendment.

Abbreviations

The following abbreviations and references are commonly used through this report:

Act	<i>Land Use Planning and Approvals Act 1993</i>
Agricultural Policy	<i>State Policy for the Protection of Agricultural Land 2009</i>
Applicant	Ireneinc for Cambria
Commission	Tasmanian Planning Commission
Council	Glamorgan Spring Bay Council
Guidelines	Guideline No.1 Local Provisions Schedules (LPS) zone and code application
Interim Scheme	Glamorgan Spring Bay Interim Planning Scheme 2015
LPS	Local Provisions Schedule
Planning Authority	Glamorgan Spring Bay Council
Revised Amendment	Applicants 22 July Submissions, revised amendment
RMPS	Resource Management and Planning System
SAP	Specific Area Plan
S.39 Report	Section 39 Report on Representations
TPS	Tasmanian Planning Provisions

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Detailed assessment

The amendment itself is different to the certified document that was considered by the Planning Authority through this process.

It is clear that the Revised Amendment result from the full extent of evidence and submissions that were provided through the hearings. Ms Billet, acting for the applicant, identified that it is within the powers of the Commission to consider the full extent of the changes and the detail of each change to the form and regulatory framework of the amendment.

Following the legal advice previously provided to the Planning Authority, each section of the Revised Amendment was assessed as follows.

GSB-S5.1 Plan Purpose Statements

The four statements in the certified amendment were retained.

Two new statements were added to GSB-S5.1 Plan Purpose Statements as 5 & 6 to set a basis for non-agricultural uses and reflect landscape values, as follows:

GSB-S5.1.5 To provide for use or development that supports the use of the land for agricultural use.

GSB-S5.1.6 To provide for the protection, conservation and management of landscape values and to provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

GSB-S5.1.5 provides for use and development that supports the use of the land for agricultural use. This is expected to provide an additional filter for the assessment of discretionary uses, following clause 6.10.2 of the TPS.

GSB-S5.1.6 provides for the protection, conservation and management of landscape values and compatible use or development that does not adversely impact on the protection, conservation and management of landscape values.

While a change to the amendment was proposed to include a scenic protection overlay, the revised SAP does not address the issues within this statement through dedicated standards under the revised SAP or specific assessments under performance criteria.

The S.39 Report recommended design standards to consider relevant matters, which are recommended to be retained through the revised SAP (see later section in this report). The statement can remain if the additional standards are retained in the amendment, If the Commission does not retain the standards, then GSB-S5.1.6 should be deleted.

Generally, the statements require rewording to reflect their ongoing operation under a SAP and ensure consistency with the requirements of the Commission. For example, GSB-S5.1.2 seeks to identify precincts that recognise specific matters. If the amendment is successful, then the precincts will have been identified and established, so this statement will need to address the ongoing management of specific issues rather than establishment of controls. These matters can be addressed through the process if the amendment is supported for approval by the Commission.

The additional statements were not previously considered by the Planning Authority.

RECOMMENDATION 1: Support revised statements and reword as discussed.

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GSB-S5.2 Application of Plan

The two numbered clauses are the same as published by the Commission in the LPS translation of the SAP.

A summary of how the specific provisions apply was provided under clause 2. This is not required as the TPS and LPS require this to be addressed for each specific standard, and can be deleted.

For the sake of clarity and as discussed later in this report, the Planning Authority may wish to establish a clause that requires specialist assessments are provided for all applications to establish where eagle nests are and enable assessment with the relevant development standard (GSB-S5.6.2). This would be best established under the application section of the SAP, as follows:

GSB-S5.2.3 For the purposes of this Specific Area Plan, an assessment report is required for all development and works to establish the location and status of Wedge-Tailed and White-Bellied Sea Eagle nests and demonstrate compliance with GSB-S5.7.2 Wedge-tail and White-Bellied Sea Eagles.

While the S.39 Report identified the better management of natural resources as an outcome of that assessment, this specific provision was not considered by the Planning Authority as it follows the evidence and examination established through the hearings by the respective experts.

While GSB-S5.2.1 and GSB-S5.2.2 were approved under delegation in translation of the amendment to the TPS/LPS format, the proposed summary of provisions and new clause GSB-S5.2.3 were not previously considered by the Planning Authority.

RECOMMENDATION 2: Support deletion of summary and insert new clause GSB-S5.2.3.

GSB-S5.3 Local Area Objectives

Local Area objectives were revised as follows:

- S5.3.1.1 c was revised to better reflect heritage reuse of existing buildings
- S5.3.1.2 reference to a skills training centre was removed;
- S5.3.1.3 no longer reflects non-agricultural uses;
- S5.3.1.4 was revised to reflect the main intent of the precinct to allow other uses within a rural setting.

A new statement was included in S5.3.1.1 c) to discourage new free standing buildings for visitor accommodation, which appears to be a response to the Commission direction 1.6 from 22 July and works in association with revised use qualifications (discussed later).

Local Area Objectives must be considered in the exercise of discretion for discretionary use, unless directly referenced in development standards (TPS clause 6.10.2).

GSB-S5.7.1 P1 requires consideration of the Local Area Objectives through the opening statement, which makes the revised statement relevant to both the use standards and the specific development standard at GSB-S5.7.1 P1.

The remaining Local Area Objectives are not referred to through development standards and function in the consideration of discretionary use only. They include various statements that relate to development issues ought to be removed.

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The revised statements were not previously considered by the Planning Authority. The revised statements can otherwise be supported.

RECOMMENDATION 3: Support revised statements with revisions as discussed.

GSB-S5.4 Definitions

The revisions discussed within this report do not require any definitions to be included within the SAP. This change to the amendment resulted from translation to the TPS/LPS format and was approved by the General Manager under delegation.

RECOMMENDATION 4: Note revised provisions.

GSB-S5.5 Use Table

The use table was revised to reflect the evidence and agreed version published by the Commission and can generally be supported. The following requires consideration:

No Permit Required

- Natural & Cultural Values Management, Passive Recreation and Utilities (Minor) were retained across all precincts;
- Resource Development was qualified to the Agricultural Precinct. The S.39 Report identified this should be prioritised. Evidence from Duckett in the hearings identified a primary intent was to retain agricultural use within the Hills Resort Precinct. Permitted status was provided in the Hills Resort precinct.

Permitted

- Educational & Occasional Care was retained in all precincts for home-based child-care;
- Resource Development and Resource Processing qualifications were removed, which is less likely to be problematic now that use standards rely on the underlying zones (note, discretionary status was deleted). Permitted status within the Homestead precinct requires applications to be referred to Heritage Tasmania for assessment and specialist consideration of the heritage impacts of proposals and is supported; and
- Visitor Accommodation in the Cambria Homestead precinct was restricted to existing buildings.

Discretionary

- Community Meeting & Entertainment was expanded to the Golf & Conservation precinct were associated with a Golf Course, which can be supported on that basis;
- Crematoria & Cemeteries was deleted in previous submissions;
- Educational & Occasional Care was deleted in Revised Amendment;
- Emergency Services was an unqualified use following the request of the Tasmanian Fire Service, which was supported by all parties;
- Extractive Industries was deleted;
- Food Services was qualified to limit how it occurs in the Agriculture and Hills Resort and Golf and Conservation Precincts;
- General Retail and Hire was limited to the Cambria and Agricultural precincts and associated with the rural use of the land;
- Hospital Services was deleted following the applicant's prior submissions;

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- Pleasure Boat Facility was retained as certified;
- Research and Development was retained as certified;
- Residential was restricted to the Agriculture precinct for a single house associated with resource development use;
- Resource Development and Resource Processing were deleted;
- Sports and Recreation was limited to the Golf and Conservation precinct (for golf) and Hills Resort precinct (for walking a cycling trails);
- Tourist Operation was limited to the Cambria Homestead and Agriculture precincts, with limitations on use for both and unrestricted in the Hills Resort and Golf and Conservation precincts;
- Transport Depot and Distribution was limited to the Agriculture precinct for the airstrip, which removes opportunity in the Hills Resort and Golf and Conservation precincts under the certified amendment;
- Utilities were included for consistency with the underlying zones; and
- Visitor Accommodation was allowed in the Hills Resort and Cambria Homestead precincts, and Agriculture precinct for workers accommodation.

All other uses are prohibited.

The following is noted:

Residential use - The discretionary qualification does not pick up limitations established under the TPS to reflect agreements on newly subdivided lots, which is now appropriate as the zone provisions govern subdivision. This should be revised as follows;

If for a single dwelling and:

- (a) located in the Agriculture precinct; and
- (b) restricted by an existing agreement under section 71 of the Act.

Visitor Accommodation in Cambria Homestead precinct – the 19 July Commission directions required a prohibition on new buildings within the Cambria Homestead precinct for this use. The discretionary use qualification was revised to reflect this requirement in the latest draft of the SAP. The discretionary qualification is understood to allow the extension of existing buildings or reconstruction of former buildings, though the latter is not clearly stated. The following is suggested for this:

- (a) If in the Cambria Homestead Precinct and for the adaption, extension or repurposing of existing buildings, **or reconstruction of a former building on the site;**

These revisions are recommended for the use table. There are also minor drafting matters that will need to be addressed if the Commission supports the amendment.

The S.39 Report made extensive changes to the use table for the amendment. The following provides a commentary on the revised use table by comparison to the changes identified in the S.39 Report:

No Permit Required:

- Resource development was limited to the Agriculture precinct by qualification

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Permitted:

- Resource development and processing were permitted without qualification, which expands the opportunity for this use under the SAP to the s.39 Report recommendations;
- Educational & Occasional care was changed to permitted but qualified to home-based childcare;
- Visitor Accommodation qualification was revised to reflect heritage advice;

Discretionary

- Many uses were qualified to limit which precincts they could occur in or the extent of the use class that was available;
- Community meeting & entertainment was limited to a function centre and by location; and
- Crematoria & cemeteries, educational & occasional care, extractive industries, manufacturing and processing and storage uses were deleted.

The changes proposed in the Revised Amendment are consistent with the use table identified in the s.39 Report. The revised use table could be considered as a significant change by comparison to the certified amendment.

Following the Abetz Curtis advice, the Revised Amendment will require consideration by the Planning Authority to determine both the changes proposed by the applicant and the revisions discussed within this report.

RECOMMENDATION 5: Support revised Use Table with changes identified.

GSB-S5.6 Use Standards

The Revised Amendment seek to discard the previous use standards and provide a single new standard at GSB-S5.6.1 Discretionary Use. This standard applies to the Rural zone for new discretionary use.

The evidence in the hearings was considerable regarding the use standards. As a result, the applicant revised the SAP so that it relies on the underlying use standards for implementation of the use table, except for the location test within the Rural zone (20.3.1 A1/P1). It now includes reference to the masterplan (provided as Figure GSB-S5.2). These changes are supported as they provide what was accepted as a high standard for non-rural uses to establish.

The remainder of the Rural zone standards and all of the Agriculture zone provisions under the TPS for the conversion of land and the location of discretionary uses remain. All use standards remain from the TPS Agriculture zone. This arrangement is expected to work well and addresses concerns identified by The Planning Authority, representors through the process and Commission Delegates in the hearings.

Noting this, GSB-S5.6.1 P1 does not recognise rural or agricultural uses that exist on the property should the Cambria concepts no be developed (in part of in full). P1 should be revised to reflect this possibility rather than forcing reliance on tourism based uses under the Cambria Masterplan. This issue was identified in the S.39 Report and through the hearings by multiple parties and reflects that this clause operates in place of the underlying zone provision. The following is suggested for the opening statement to P1:

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A use listed as discretionary, excluding Residential, **must require a rural location for operational reasons**, or be consistent with the Plan Purpose statements and Local Area Objectives of the Cambria Specific Area Plan, having regard to:

A new standard (A2/P2) was proposed to establish maximum accommodation limits within the Hills Resort precinct under performance criteria. The standard proposed is a simple test based on maximum numbers and provides no functional exercise of discretion. It should be constructed as an acceptable solution with no performance criterion. This would simplify operation of the standard, while removing an expectation within various aspects of the community for input and meaningful assessment.

GSB-S5.6.2 was included for the existing airstrip in addition to the zone provisions, as outlined in the applicant's representation. The S.39 Report identified that a standard should deal with increased use or relocation for planes and helicopters. Application to helipads is not clear, and some performance should be clarified. Assessment should also be retained for any relocation of the airstrip for future proposals.

The following is suggested:

GSB-S5.6.2 Operation of an airstrip or helipad

This sub-clause is in addition to the Rural Zone – clause 20.3.1 Discretionary Use and Agriculture zone clause 21.3.1 Discretionary Use

Objective:	The use of airstrip or helipad does not cause an unreasonable loss of amenity to sensitive use.	
Acceptable Solution	Performance Criteria	
A1 The use of an airstrip, or use of a helipad must: a) be for Emergency Services; or b) not increase the number of flights or hours of operation, as at the effective date.	P1 Use for an airstrip, landing strip or a helipad must not cause an unreasonable impact on amenity of nearby sensitive uses, having regard to: (a) the existing flight activities as at the effective date; (b) the types of aircraft proposed; (c) the number and frequency of proposed flights; (d) the proposed flight paths; (e) the proposed hours of operation; (f) noise emissions, exposure and intrusion as detailed in an acoustic report from a suitably qualified person; (g) any noise attenuation requirements under Section 3 of the Australian Standard AS 2021 - 2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction; (h) operational and safety consideration of the aviation facilities; and (i) any requirements of the airport regulator or Air Services Australia.	

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The 19 July Directions from the Commission required consideration of an additional standard for ensure there will be no new buildings for visitor accommodation within the Cambria Homestead precinct. The direction was addressed through qualifications to the use table, which cannot be varied. A specific use standard is not required on that basis.

The changes to the use standards are different to the certified amendment and S.39 Report, though are consistent with many of the identified issues. They will require consideration by the Planning Authority to determine both the changes proposed by the applicant and the revisions discussed within this report.

RECOMMENDATION 6: Support revised Standards for Use with changes identified.

GSB-S5.7 Development Standards

The Revised Amendment seek to discard the previous development standards and provide three new standards for the Cambria Homestead precinct, eagles nests and setback to adjoining land within the Hills Resort precinct.

GSB-S5.7.1 Homestead development zones

S5.7.1 was proposed to apply within the Cambria Homestead precinct, in addition to the Agriculture zone standards and requires development to be located within the area identified in the Conservation Management Plan (refer Figure 1 and Figure 2 in this document or Figure GSB-S5.3 on the attached SAP). The original precinct boundary is approximated by the red line on Figure 2. Discretion was provided for other proposals outside this area.

Both the precinct plan and detail area for development under the acceptable solution were revised to reflect the new Tasmanian Heritage Register listing for the Cambria property, as shown in Figure 2. This revision removes potential conflicts between assessment regimes under the SAP and through the Tasmanian Heritage Register processes that existed under previous versions of the SAP.

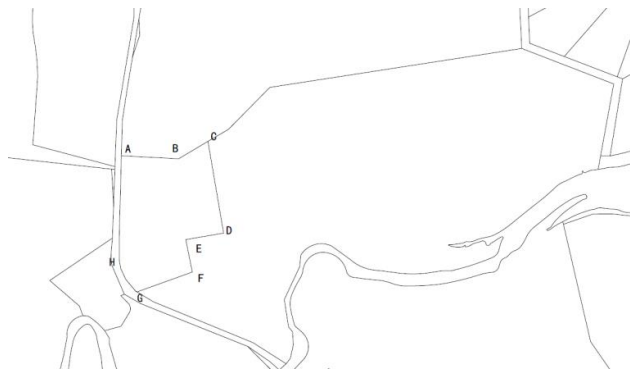


Figure 1 - permitted development area under GSB-S5.7.4 A1

While this revision departs from the detailed assessments by Trethowan and Nichols that were provided with the application, it is based on expert advice and provides consistency with the *Historic Cultural Heritage Act*.

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Figure 2 - LISTmap extract showing Cambria Tasmanian Heritage Register entry

Under both the Act and the *Historic Cultural Heritage Act*, any applications within the area of the Tasmanian Heritage Register entry (shown in Figure 2) must be either determined as minor or approved by the Heritage Tasmania before any planning application can be determined. The Precinct boundary was revised to reflect the Tasmanian Heritage Register entry for the property.

The Tasmanian Heritage Register listing for Cambria covers all of the Cambria Homestead precinct and identifies both the Conservation Management Plan by Trethowan and Landscape Conservation Management Plan by McLeod in the registration document and in the bibliography.

This process will provide for the detailed specialist assessment of heritage issues under the statutory expert assessment process. This approach is supported. No further provisions are required on that basis. GSB-S5.7.1 can be supported.

GSB-S5.7.2 White Bellied Sea Eagles

S5.7.2 was proposed to apply to all development within 1,000 metres of identified nests of Wedge-tail and White Bellied Sea Eagles within the Rural and Agriculture zones (across the entire SAP). P1 requires development and works to be located and designed to avoid adverse impacts on eagles and sets an absolute minimum buffer of 200 metres.

The objective of the standard refers to works and requires nests are protected. Both development and works are defined terms under the Act, so the objective needs to be expanded to include development.

Expansion of this standard to both Wedge-Tail and White Bellied Sea Eagles was consistent with the evidence provided by both Mr Wapstra and Mr North during the hearings. The change was affected in response to the Commission directions on 19 July 2022. It is understood that both State and Federal legislation may establish approval requirements for proposals that may impact the species.

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A1 needs to include development. It is understood that the 1km test under A1 addresses the requirements within the management issues section of the Wapstra and North reports. This standard can be supported.

P1 requires development and works to be *located and designed to avoid adverse impacts*, with regard to the listed criteria. This statement is supported

P1(a) requires the advice of a suitably qualified person in the assessment of any discretions on this standard, which the applicant must provide. Under the Act, The Planning Authority is entitled to have a peer review of the required report to ensure it satisfies the subject standard. The application process allows for this to be submitted with the application, or in response to a request for additional information under Section 54 of the Act.

P1(b) provides consideration of measures to avoid, minimise or mitigate impacts, while P1(c) establishes a 200 metre mandatory minimum buffer.

Both Wapstra and North identified an expectation that advice would be sought from the regulatory agencies and used to inform a decision. The Act does not allow for referral of applications, so provisions must be included to achieve that outcome. The significance of Wapstra's detailed management criteria (p12 Addendum 1 Sea-eagle nest) was reinforced through the hearings. While the suggested criterion can address those matters, it is preferred they are provided for specific consideration through any development process.

The evidence also identified that nests were relatively common through the area, were either active (in reserve or under active use) or abandoned. Revision of the mandatory setback should reflect that (though terminology may need to be revised).

The Local Area Objectives established at GSB-S3.1.2 provide statements about natural values. They should be referred to in this standard or deleted from the Local Area Objective.

These provisions are considered adequate but require reformatting to reflect the TPS drafting conventions and revisions discussed in this section. A revised version of GSB-S5.7.2 was provided for consideration, with a revised heading:

GSB-S5.7.2 Wedge-tail and White-Bellied Sea Eagles

Objective:	That development and works protect nesting habitat of wedge-tailed eagles and white-bellied sea eagles.	
Acceptable Solution		Performance Criteria
A1 Development and works must be located a minimum of 1km from nests of wedge-tailed eagles or white-bellied sea eagles.		P1 Development and works must be located and designed to avoid adverse impacts on wedge-tailed eagle and white-bellied sea eagle nests, having regard to; a) the location and proximity of development and works to nests; b) the provision of reserves to nests; c) impacts during construction; d) any long-term disturbance; e) direct disturbance; f) any measures to avoid, minimise or mitigate impacts on nests; g) the advice of a suitably qualified person;

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	<p>h) any advice received from the department of Natural Resources (Tasmania) and Environment or Environment Australia;</p> <p>i) Local area objectives at GSB-S5.3.2.1; and</p> <p>be no closer than 200m from identified nests that have not been abandoned.</p>
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Further to these, an additional application clause was recommended to ensure that all applications include a survey to identify active and abandoned nests to determine application of this clause (refer to earlier discussion and recommendation).

These revisions address the evidence and submissions raised through the process and matters identified in the Commission directions of 19 July. While considered by the Planning Authority in the S.39 Report, they were not addressed in this form. A decision is considered necessary by the Planning Authority to determine their support for the response to natural values management and this specific regulatory response under the SAP.

GSB- S5.7.3 Setbacks

S5.7.3 proposed to establish an absolute minimum setback of 300 metres for sensitive use and visitor accommodation to the boundary of the SAP within the Hills Resort precinct, without performance criteria. This standard was in response to evidence from the representors regarding the potential for land use conflict and adverse impacts and applies to sensitive use and visitor accommodation.

Other potential use conflicts both outside this precinct and for development associated with other land uses will be managed through the provisions within the underlying zones in the TPS. This was expected to manage the potential conflicts with development for other uses.

This standard is more restrictive than similar provisions within the Agriculture zone of the TPS. The standard requires reformatting to meet TPS drafting requirements.

GSB-S5.7.3 was proposed to manage potential land use conflict. The evidence of Mr Jones and Mr Burling for Stahmann was that other conflicts occur as a result of tourist operations, citing existing access and biosecurity problems from visitor accommodation issues on adjoining properties. As noted later in this report, a separate standard was proposed to regulate the location of accesses and potential impacts to adjoining agricultural operations. As previously noted, the use tests under the TPS are expected to manage other potential conflicts. These revisions are expected to address the evidence and submissions raised through the process and matters identified in the Commission directions of 19 July.

While this issue was considered in the S.39 Report, it was not addressed in this form. A decision is necessary by the Planning Authority to determine their support for the response to natural values management and this specific regulatory response under the SAP.

RECOMMENDATION 7: Support revised Standards for Development with changes identified.

GSB-S5.8 Subdivision

Subdivision standards under the SAP were abandoned and will be managed through the TPS zone provisions. This approach is supported, but the use table will require modification

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to address prohibitions established on residential use under the TSP (as addressed previously in this report).

RECOMMENDATION 8: Support removal of subdivision standards.

Figures

Figure GSB-S5.1 provides the Local Areas Map to establish the precincts within the SAP, as shown in Figure 3.

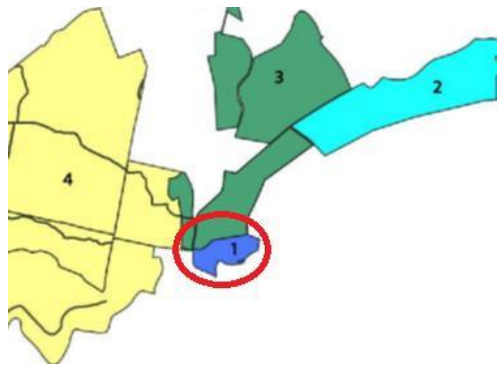


Figure 3 - extract - revised SAP Precincts Plan

The Precinct Plan was revised so that the Cambria Homestead precinct reflects the revised Tasmanian Heritage Register listing for the property, highlighted in red on Figure 2. This addresses the final point under section 1 of the Commission Directions of 19 July.

Section 2.4 of Practice Note 7 provides guidance on establishing zones that do not reflect cadastral boundaries, as follows:

Where use of other zone boundaries is necessary for planning reasons, the zone boundaries must be based on features that are identifiable on the ground. Avoid using datasets with variable spatial accuracy, currency or attribute accuracy to underpin zone boundaries (such as geology, Tasveg, threatened species, etc).

The listing data for Cambria under the Tasmanian Heritage Register was made through a Central Plan Registry entry (CPR11184). This provides a suitable base to establish the Precinct boundary under the SAP. This revision to the precincts plan at Figure GSB-S5.1 removes the need to assume boundary locations and can be supported.

Figure GSB-S5.2 provides the Cambria Green Concept Masterplan as part of the SAP. The masterplan locates the types of uses and number of visitor accommodation rooms, which is then referred to in GSB-S5.6.1 P1 for assessment.

This revision can be supported.

Figure GSB-S5.3 establishes the development area identified in the Conservation Management Plan for use under GSB-S5.7.4 A1.

The area that establishes permitted status for new developments under GSB-S5.7.4 A1 was revised to reflect the changes to the precinct boundaries previously discussed and the Central Plan Registry entry for the Tasmanian Heritage Register entry for the Cambria property.

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The area ABCDEFGH appears to be consistent with Development Zone 2, which was identified in the Conservation Management Plan by Trethowan as the preferred area for more intensive development (ref section 3.6, p15, identified as DZ2 at Figure 4). As previously noted and shown in Figure 2, the area is within the Tasmanian Heritage Register entry and will require assessment by the Tasmanian Heritage Council of any planning applications within this precinct.

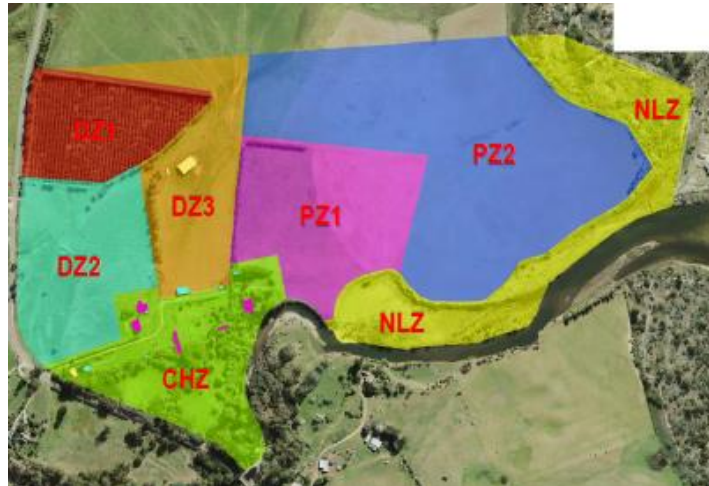


Figure 4 – extract Conservation zones – Conservation Management Plan

While the area is established at Figure GSB-S5.3, the boundary locations must be verified by reference to defined points to enable identification of the boundary. This needs to be resolved any may require mapping on the GIS and LISTmap service as a *defined area*. The applicant will need to provide this information to the Commission if the amendment is supported.

As previously discussed, this can be supported.

RECOMMENDATION 9: Support changes to Figures for the SAP.

Part B – Scenic Protection Overlay

The revised amendment seeks to establish a new Scenic Protection Area overlay. Ms Duckett identified the overlay was derived from the applicant's work and Mr Rodger Bartlett's submissions on this issue. This change to the amendment will provide for better management of impacts of development and can be supported.

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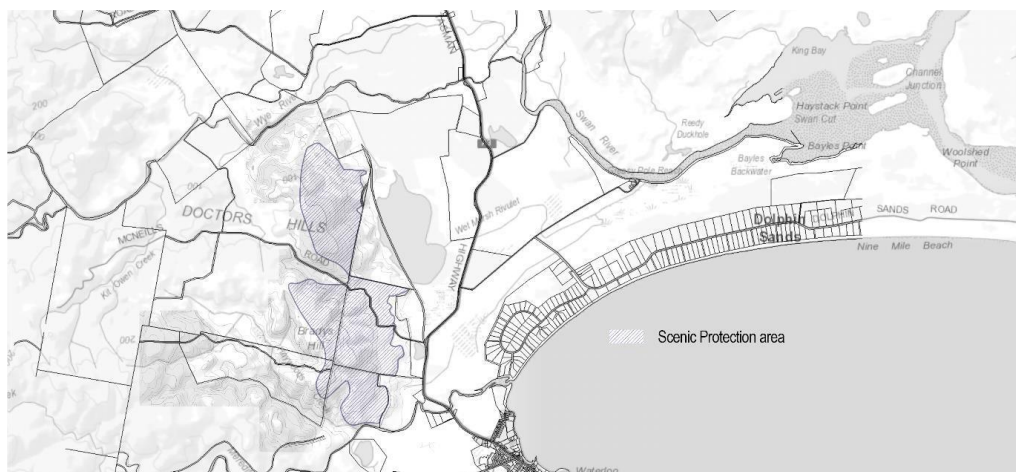


Figure 5 - Scenic Protection Overlay proposal

Part B of the proposal identified the overlay to be applied (refer Figure 5) and listing criteria that inform assessment of applications (refer Table 1).

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
GSB-C8.1.5	Cambria	Rocky hill with sparse cover of native vegetation that provides a backdrop to Swansea township	The hill forms a rural backdrop when viewed from the Swansea township	New development should be designed and located to ensure that it is not visually prominent from public viewpoints. Buildings should not be located so as to protrude above a skyline or ridgeline.

Table 1 – proposed Scenic Protection listing criteria for Hills Resort precinct

The Commission and Emma Riley identified that part of the original proposal was on land not owned by the proponents. This appears to have been addressed in the applicant's submissions of 22 July and as shown in Figure 5 (also refer recommendation).

Scenic Protection controls are a new consideration resulting from the hearings. The Planning Authority needs to be satisfied that they are appropriate and reflect the values of the area.

Much of the land that comprises the valley floor below the subject area is in other ownership and the Agriculture zone. This area is outside the scope of this amendment.

Establishing a new scenic protection area over the Agriculture precinct is not supported at this time. The Scenic Road corridor runs along the Tasman Highway through this area and the balance of the precinct is part of a working agricultural landscape.

Representors provided extensive evidence on the need to protect the wider cultural landscape through the hearings, comprising much of the valley around the amendment.

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Cultural landscapes are not managed under the TPS. The Planning Authority and Planning Authority may wish to consider this as a separate issue in the review of the LPS.

Table C8.1 Scenic Protection Areas describes the specific area and identifies the scenic values and management objectives that inform assessment. Practice Note 8 provides the following guidance for completion of this table:

Description: These columns provide for the description of the physical context of the scenic values. The area or corridor may be divided into separate areas where the scenic values or management objectives vary.

Scenic Values: Identify the specific characteristics or features of the landscape that collectively contribute scenic values of the area or corridor. Management Objectives Insert the specific management objectives for the area or corridor.

The management objectives may be consistent across separate areas set out in the description, or individually, or both. Management objectives must be:

- (a) consistent with the purpose of the code or the objectives in the development standards; and*
- (b) drafted to provide as much clarity as possible to assist assessing discretionary applications, e.g. 'maintain vegetation as the dominant form, visible along skylines'*

It is not clear that the proposed entry is consistent with these requirements. The following is provided as an example of how the three key sections could be completed.

Description	Scenic Value	Management Objectives
The landform rises from the valley floor become part of the backdrop to Swansea and the wider valley. Native vegetation provides a sparse cover to the landform.	<ul style="list-style-type: none"> the expansive views of the hills when viewed within the wider landscape, the Tasman Highway and from within Swansea; the largely natural appearance of the hills; the pattern of native vegetation cover and the screening it provides; and the lack of visible development. 	To: <ul style="list-style-type: none"> a) retain the natural appearance of native vegetation and undisturbed landform, when viewed from public roads and from within Swansea; b) minimise visual the impact of development and works on native vegetation, the landform and the scenic values of the area, c) avoiding designs or locations where development impacts on skylines or prominent ridgelines; d) minimise the footprint of development and works; e) minimise the impacts of development and works to the integrity of the wider landscape through the use of external building materials of a colour and reflectivity that minimise contrast with the natural environment.

Table 2 - alternative Scenic Protection listing criteria for Hills Resort precinct

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The revised scenic protection area listing data identified in Table 2 is preferred.

Use of the scenic protection area was not previously considered by the Planning Authority and is a new measure proposed by the applicant in response to evidence and submissions within the hearings. A decision of the Planning Authority is required on the use of the Scenic Protection Area and the criteria for the listing under the LPS Table C8.1.

RECOMMENDATION 10: Support use of scenic protection area overlay, subject to revised listing data for GSB-C8.1.5 Cambria in Table 2 and application to land within the Cambria holdings.

Part C – Rezone Hills Resort Precinct to Rural

The revised amendment seeks to reinstate the Rural zone to the Hills Resort precinct, rather than the Agriculture zone established through the LPS process.

Guidance for this request was provided by the Section 8A publication, *Guideline No. 1 Local Provisions Schedule (LPS): zone and code application* (Guideline No.1). Specific provisions were provided for the removal of land from the Agriculture zone under Guideline AZ6.

- AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*
- (a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;*

The original assessment documents and S.39 Report provided local strategic analysis that included consideration against the Southern Tasmanian Regional Land Use Strategy and other relevant documents. Those assessments were endorsed by the Planning Authority in initiation and certification of the amendment and then the decision on the S.39 Report.

- (b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;*

Evidence presented within the hearings identified that the mining leases that existed at the commencement of the application having since lapsed. While natural values were identified, it is understood they are not what was intended by this clause. There was little evidence presented in the hearings that the site contained naturally occurring resources. This criterion is not considered relevant.

- (c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;*

Mr North and Mr Wapstra agreed that there were significant natural values known within the precinct, with additional values likely to be identified subject to detailed survey. Both Mr North and Wapstra agreed that application of the Priority Vegetation Overlay was justified on the lands (as addressed in this report). Examples of suitable zones cited in the guideline do not preclude use of the Rural zone, which is consistent with decisions that were made to reflect natural values on lands through the LPS assessment process.

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- (d) *for the identification, provision or protection of strategically important uses that require an alternate zone; or*

The amendment seeks to provide for the transfer of uses to preferred sites within a larger holding while maintaining the best agricultural lands for that purpose. Use of the Rural zone within the Hills Resort precinct provides for a better reflection of the intended uses and outcomes while allowing management of the known and expected natural values within the precinct under the TPS regime.

- (e) *it can be demonstrated that:*
(i) *the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*

The evidence of Mr Wells clearly identified that the Hills Resort precinct has limits on agricultural use and that irrigation would not improve the limitations on soil (varying from sheet rock to clays that were likely to become waterlogged if irrigated). Mr Lynch identified that while land within the precinct was convenient to management of the larger holding, it was not integral.

- (ii) *there are significant constraints to agricultural use occurring on the land; or*

Mr Wells provided significant evidence regarding the constraints of the land, particularly around the nature of the soils and suitability for irrigation. Mr Lynch conceded there were limitations on the use of the land, including natural values.

Mr North and Mr Wapstra agreed that there were significant natural values known within the precinct, with additional values likely to be identified subject to detailed survey. Both Mr North and Wapstra agreed that management of the vegetation and other values within the Hills Resort and Golf and Conservation precincts was appropriate, with the latter also supporting eagles nests and both supporting conservation covenants. Both Wapstra and North agreed that application of the Priority Vegetation Overlay was justified on the lands.

Significant evidence was also provided by the applicant and representors on the significance of a wide range of heritage values associated with the property and specifically the Cambria Homestead precinct. The precincts established to accommodate non-agricultural uses are considered to have significant constraints to agricultural use, unlike the agricultural precinct.

- (iii) *the Agriculture Zone is otherwise not appropriate for the land.*

On balance of the discussion on the criteria under AZ6, most specifically criteria (c) and the significance of future management of natural values to the delivery of the RMPS objectives, the Agriculture zone is not considered appropriate for the Hills Resort precinct under the amendment.

The Rural zone was proposed for the Hills Resort precinct and is informed by the RZ series within Guideline No.1, as follows.

- RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the*

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Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

As noted in previous responses, the experts established that land in the Hills Resort precinct has limitations to unfettered agricultural uses and contains extensive natural values that are better managed under the Priority Vegetation Overlay.

RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.

As noted through the hearings, the natural values and limitations to agricultural use do not support use of the Agriculture zone on the subject lands.

- RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:*
- (a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
 - (b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;*
 - (c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;*
 - (d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or*
 - (e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.*

The requirements of RZ3 were addressed in the previous response to AZ6. Use of the Rural zone for the Hills Resort precinct is consistent with the RZ series under Guideline No.1.

Use of the Rural zone for the Hills Resort Precinct was not previously considered by the Planning Authority and is a new measure proposed by the applicant in response to the revised TPS/LPS requirements and evidence and submissions within the hearings.

A decision of the Planning Authority is required on the use of the Rural zone for the Hills Resort Precinct.

RECOMMENDATION 11: Support rezoning Hills Resort precinct Rural, subject to establishment of the Priority Vegetation Overlay on the lands.

Part D – Priority Vegetation Area Overlay

The Revised Amendment propose application of the Overlay in accordance with the Regional Ecosystem Model that supported the LPS. Rezoning the Hills Resort precinct Rural will address this for a significant extent of the SAP.

The S.39 Report identified that the Priority Vegetation controls should be extended across the SAP. The reasons for this recommendation have not changed and remain relevant.

During the hearings, Mr Wapstra agreed that there was some but limited knowledge of the natural values of the site, but considered that biodiversity outcomes could be significantly

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improved if specific assessments were required for each project. Mr North generally agreed with that approach.

This would be a significant alteration to the policy position within the TPS but reflects the expert advice from both the applicant and representors on management of natural values within the SAP. This is consistent with the recommended alterations to provisions for the White Bellied Sea Eagles under GSB-S5.7.2.

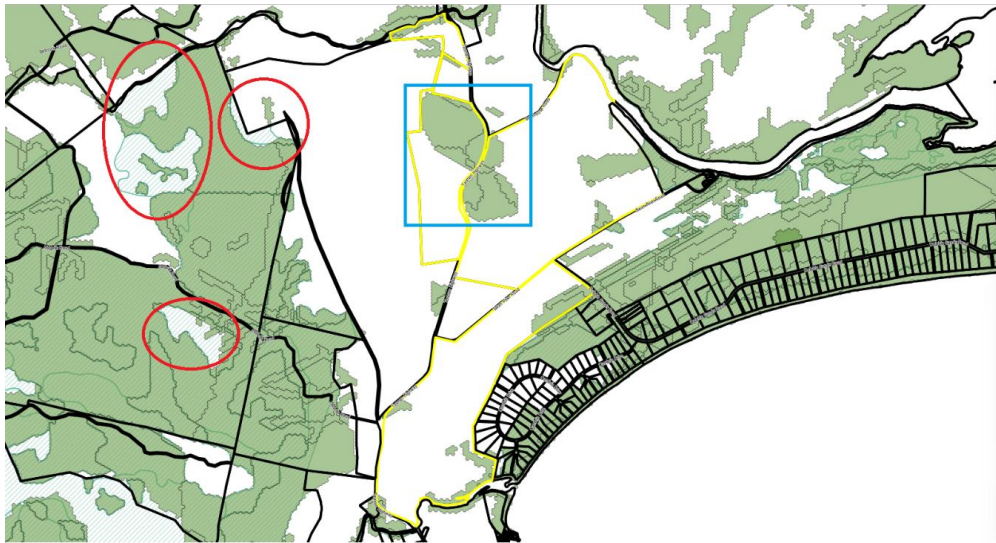


Figure 6 - Biodiversity overlays and Regional Ecosystem modelling with Agriculture precinct (yellow border)

Both Mr North and Mr Wapstra identified the change in regulatory approach for biodiversity/priority vegetation from the Interim Scheme to the TPS. Both regarded this as a less than ideal outcome. The following is noted:

- expansion of the priority vegetation overlay mapping within the Hills Resort precinct to match the Biodiversity Protection Area mapping under the Glamorgan Spring Bay Interim Planning Scheme would address mapping issues and can be addressed by establishment of the overlay (refer red highlighted sections on Figure 6);
- expansion of the overlay to address all native vegetation removal would require specific standards to be included within the SAP, as a SAP cannot override the application of a Code under the TPS;
- inclusion of the Agricultural precinct within the overlay would include some areas subject to conservation covenants, but otherwise a relatively small amount of vegetation (refer yellow highlight for Agriculture precinct and blue highlight for conservation covenanted vegetation on Figure 6); and
- the overlays within the Golf and Conservation precinct have very little difference between the Interim Scheme and LPS and already apply.

Expansion of the priority vegetation overlay mapping within the Hills Resort precinct in this manner is consistent with the requirements of Guidelines NAC 11(b) and 12, as follows:

NAC 11 The priority vegetation area overlay may be based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority to:

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- (a) *address any anomalies or inaccuracies in the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above; or*
- (b) *provide more recent or detailed local assessment of the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above.*

NAC 12 The priority vegetation area overlay may include areas of native vegetation which have been identified as being of local importance based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority. Identification of these areas may be assisted by datasets or spatial products identified by DPIPW.

Ms Riley made substantive arguments on the policy basis for exclusion of the Priority Vegetation overlay from the Agriculture zone. Given the comparatively small extent of vegetation that is not protected by Conservation Covenant within the Agriculture precinct, expansion of the overlay and provisions to the Agriculture zone through the SAP is not supported. As a consequence, dedicated provisions are not required to address this matter in the SAP.

The S.39 Report recommended that the Priority Vegetation Overlay be applied across the entire SAP. The hearings examined whether the overlay should be applied to all native vegetation removal. SAP's cannot override the application clauses of a Code, so specific provisions would be required within the SAP to enable this assessment. Given the extent of coverage proposed within this report and the specific controls for eagles nests, it is preferred that the Priority Vegetation Overlay relies on the provisions within the TPS. It is not clear that the additional provisions would deliver real benefits that would justify their expansion, as identified in the S.39 Report.

Based on the evidence, application of an expanded Priority Vegetation Area Overlay (to include areas identified in both the Regional Ecosystem Model and Biodiversity Protection Area Overlay under the Interim Scheme) is supported.

Use of the Biodiversity Protection Area across the entire SAP was previously considered and supported by the Planning Authority in the S.39 Report. The Priority Vegetation Area provides the equivalent under the TPS regime, but is proposed on a limited basis in response to evidence and submissions within the hearings. A decision of the Planning Authority is required on the use of the Priority Vegetation Area in this way.

RECOMMENDATION 12: application of an expanded Priority Vegetation Area overlay within the Hills Resort Precinct is supported.

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Other matters

There were a range of other standards that were identified in the S.39 Report and were not supported by the applicant. The following provides a discussion on those matters.

Height

The height standards in the certified amendment were abandoned by the applicant.

The S.39 Report identified a reduced 8-metre height proposed for non-agricultural buildings was identified in response to representations. Given the visual prominence of parts of the site and the representations on this issue, loss of this standard has the potential to generate adverse outcomes by allowing building heights of 12 metres or more.

While some of the impacts of height will be considered under the proposed Scenic Protection Area, height has the potential for significant impacts. Retaining a separate discretion in its own right ensures consideration of those impacts.

A revised standard could allow the identified 8 metre limit for non-agricultural use within the SAP that operates in addition to the TPS zone provisions, as follows.

Objective:	That building height contributes positively to the rural landscape.
Acceptable Solution	Performance Criteria
A1 Building height for non-agricultural buildings must be no greater than 8m.	P1.1 Building height must: a) not cause an unreasonable impact on adjoining properties having regard to: (i.) the topography and constraints of the site; (ii.) the separation from existing uses on adjoining properties; (iii.) the bulk and form of the building; and (iv.) any buffers created by natural or other features; and b) be compatible with the values of the site, having regard to: (i.) the height, bulk, and form of proposed buildings; (ii.) the height, bulk, and form of existing buildings; (iii.) the topography of the site; (iv.) the visual impact of the buildings when viewed from the Tasman Highway; (v.) the landscape values of the surrounding area; and (vi.) the plan purpose and the local area objectives.

The suggested standard is consistent with the proposal within the S.39 Report. It is noted that the policy context of the provision has changed through the Scenic Protection Area

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Overlay. A decision of the Planning Authority is not required on this issue following the S.39 Report.

RECOMMENDATION 13: retain reduced height limit for non-agricultural buildings, as discussed.

Setbacks – Dolphin Sands

Setbacks were proposed to be managed under the TPS zone provisions, except for the 300-metre SAP boundary provision. Setbacks to Dolphin Sands were subject to extensive representation and recommendations in the S.39 Report.

The TPS requires a 5-metre setback within the Rural and Agriculture zones, unless a sensitive use is proposed (200m setback on the subject site), with performance criteria. These standards prevail under the revised SAP.

The new SAP relies on the TPS provisions, which will simplify how setbacks should be regulated. The opportunity for land use conflict exists as a result of historical land use decisions.

Setbacks to the Rural Living or Dolphin Sands Particular Purpose zones could be retained in a simplified form as additional provisions to GSB-S5.7.1 Setbacks to address the representor concerns, as follows:

Acceptable Solution	Performance Criteria
A2 Buildings must have a setback to a Rural Living Zone or Dolphin Sands Particular Purpose Zone of not less than 50m, or be for a utilities use.	P2 No performance criteria.

Much of the relevant area is under conservation covenants, which will limit the ability to establish any development that would be subject to this provision. Areas adjacent Cambria Drive and the eastern extent of the holdings require some management to address potential land use conflict. The standard would need to apply within the Agriculture zone.

The standard is consistent with the decision under the S.39 Report, but the removal of performance criteria varies the context and could be considered as a significant alteration.

A decision of the Planning Authority is required to support this departure from the S.39 Report.

RECOMMENDATION 14: support S.39 Report standard for setbacks to Dolphin Sands as discussed.

Site Coverage

The revised proposal did not include site coverage standards to control footprint of buildings or uses. The intensity of use will be regulated through the TPS standards under the zones.

From a planning perspective, this is logical as the TPS provisions provide a clear position on alternative uses from the State perspective. Other revisions within this report to the

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Amendment provide measures to control the intensity of use, particularly through the revised listing criteria for the Scenic Protection Overlay.

The Site Coverage standard was identified in the S.39 Report to manage the intensity of use. The TPS standards were identified as an intentional and very high test for non-agricultural uses though the hearings. While retention of this standard would provide an additional measure to control the ultimate intensity of use on the site, it is not clear that this is required and can be removed from the SAP.

A decision of the Planning Authority is required to support this change to the previous decisions in the S.39 Report.

RECOMMENDATION 15: support removal of this standard.

Design

The design standards included in the certified amendment were not supported in the revised amendment by the applicant.

The Rural and Agriculture zones of the TPS do not contain any similar standards. The proposed Scenic Protection Area will likely address some relevant matters, but not all.

This standard should be retained, in addition to the zone standards under the TPS, as follows:

Objective:	That the location and appearance of buildings and works minimises adverse impacts on the landscape.	
Acceptable Solution	Performance Criteria	
<p>A1</p> <p>The location of buildings and works must:</p> <ul style="list-style-type: none"> a) be within a building area, if provided on the title; or b) be an addition or alteration to an existing building; and c) be located in an area not requiring the clearing of native vegetation. 	<p>P1</p> <p>The location of buildings and works must not have detrimental impacts on the landscape character of the site, and having regard to:</p> <ul style="list-style-type: none"> a) the existing landscape character and appearance of the site; b) any previous use of the site and specific location; c) the setting of the site within the precinct and Plan; d) the suitability and impacts of proposed landscaping; e) the rural character and built form, of the area <p>and as demonstrated through a Landscape Management Plan prepared by a suitably qualified person.</p>	

While the revised standard is consistent with the decision in the S.39 Report, the change in approach was not considered by the Planning Authority.

A decision of the Planning Authority is required to support this change to the previous decisions in the Initiation and S.39 Reports.

RECOMMENDATION 16: Retain proposed design standard, as discussed.

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Landscape Management Plan

Landscape Management Plans were identified in the S.39 Report to manage multiple matters. Many of the issues that generated this requirement were addressed by the proposed rezoning and establishment of the Scenic Protection Area.

The remaining issue that would have been addressed by these provisions is building materials. The Fisheries is another sensitive area within Glamorgan Spring Bay that has specific controls that regulate building finishes with a maximum light reflectance value of 10% and dark natural colours.

A similar requirement could be included as an additional set of standards under the Design heading that would address the remaining issue from the S.39 Report, as follows.

A2 Exterior building finishes must have a light reflectance value not more than 20%, in dark natural tones of black, grey, green or brown.	P2 No performance criterion.
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While this issue was partly addressed under the Scenic Protection Area overlay, inclusion of this standard would enable application and assessment across the entire SAP and is preferred.

This provides a change to the way this issue is addressed under the SAP. A decision of the Planning Authority is required to support this change to the previous decisions in the S.39 Report.

RECOMMENDATION 17: Support additional standard for building finishes.

Stormwater Management

The S.39 Report identified discretionary uses should be required to comply with the *State Stormwater Strategy 2010*.

Standards of this nature were removed from planning schemes as part of the TPS. It is understood that the Local Government Sector is addressing this issue through an industry based response outside of this process.

The standard is no longer required and can be removed from the SAP. A decision of the Planning Authority is required to support this change to the previous decisions in the S.39 Report.

RECOMMENDATION 18: Remove support for stormwater standards within the SAP.

Road Access for Discretionary Uses

Standards were proposed to prefer access off the Tasman Highway and dedicated roads. While land use conflict is proposed to be managed under the TPS controls, the issues that generated this requirement remain relevant.

The standards could be retained, in addition to the underlying zone requirements. While land use conflict generally reverts to the regulatory regime established under the TPS, the opportunity for land use conflict from traffic and biosecurity issues to the adjoining walnut orchards were clearly identified for Stahmann Properties.

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A 300-metre setback was proposed under GSB-s5.7.3, however this standard relates to development and not use. The TPS provides the following performance criteria for consideration of impacts to adjoining land uses at clause 20.3.1 Discretionary use:

- P2 A use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to:*
- (a) the location of the proposed use;*
 - (b) the nature, scale and intensity of the use;*
 - (c) the likelihood and nature of any adverse impacts on adjoining uses;*
 - (d) whether the proposed use is required to support a use for security or operational reasons; and*
 - (e) any off site impacts from adjoining uses.*

The wording requires consideration of impacts identified in the S.39 Report on this issue. While specific consideration is not explicitly stated, P2 allows consideration of these issues through the use standards of the Rural zone.

The standard is no longer required and can be removed from the SAP. A decision of the Planning Authority is required to support this change to the previous decisions in the S.39 Report.

RECOMMENDATION 19: support removal of standard from the SAP.

Golf Course development standard

Standards were proposed in the S.39 Report to address the potential environmental impacts of a golf course in the sensitive location and adjacent Moulting Lagoon and the Ramsar Wetlands. The circumstances that generated these requirements have not altered.

The evidence of Mr Mogford on golf course design, Mr North and Mr Wapstra on natural values, and Mr Cromer on water systems support retention of this standard.

While discussion within the hearings focussed on establishment of a Links style course under the SAP, there are no provisions to require this outcome. Based on Mr Mogford's evidence, a Parkland style course could be proposed, even if unlikely.

The regulation of development impacts under this standard remains relevant to the amendment and is considered to be key to the sustainable establishment of any golf course under the SAP and consistency with the *Tasmanian State Coastal Policy* and *State Policy on Water Quality Management*. The evidence of Mr Huys and Ms McConnell support expansion to include consideration of aboriginal heritage sites.

A suggested wording follows to reflect these matters.

Objective:	That development and works for golf courses does not impact the surrounding environment	
Acceptable Solution		Performance Criteria
A1 Development and works for a golf course must comply with a Golf Course Management Plan approved within an effective planning permit approved under this Plan.		P1.1 Development and works for a golf course must demonstrate that the establishment and ongoing operation of the golf course will not have detrimental impacts on the natural

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	<p>values of the site and surrounding area, having regard to:</p> <ul style="list-style-type: none"> (a) Aboriginal heritage; (b) habitat protection and/or restoration; (c) sediment management; (d) access to and through the site, (e) construction impacts and management, (f) use of water and irrigation; (g) use of fertilizers or pesticides, (h) weed management; (i) management of runoff affecting the subject and adjoining sites; (j) advice of suitably qualified persons, and <p>the ongoing management of these matters through implementation of a Golf Course Management Plan.</p>
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While this issue was identified by the Planning Authority in the S.39 Report, a specific standard was not provided in the working draft. The criteria were also developed in response to the evidence and submissions through the hearing process.

A decision of the Planning Authority is required on this standard.

RECOMMENDATION 20: support revised standards within the SAP.

Briefing Report – Cambria AM2018-03
Applicant's Revised Amendment following hearings



Conclusion

While many of the changes within the Revised Amendment appear relatively minor, the basis of the amendment changed from completely replacing the underlying planning scheme provisions within the zones, to operating in addition to those under the TPS/LPS. Examples include:

- relying on the underlying zone standards for change of use, except for discretionary use in the Rural zone as noted in GSB-S5.6.1; and
- relying on the underlying zone standards for development, except for management of development in the Cambria precinct, in proximity to eagle's nests and for setbacks as noted under the standards in clause GSB-S5.7; and
- abandoning parts of the amendment, including Environmental Management rezonings, rezoning the Cambria Homestead precinct Rural, the revised heritage listing and changes to the hazard overlays for coastal inundation, coastal erosion and establishing the Priority Vegetation Overlay within the Agriculture zone.

These represent a significant change to the operation of the SAP and nature of the amendment.

The Revised Amendment also identify a number of changes that were not previously considered by the Planning Authority, even if they are seeking changes that re-establish a zoning and overlay provisions that are similar to those under the Interim Scheme. Examples include the following:

- seeking Rural zoning for the Hills Resort precinct to reinstate the zoning under the Interim Scheme; and
- establishing the Priority Vegetation Overlay within the Hills Resort precinct.

The combination of these matters create an amendment that could be considered as different to what was originally considered by the Planning Authority, even if it remains consistent with the intent of the decisions on certification and the S.39 Report.

The various changes identified within the revised amendment and through assessment within this report require determination by the Planning Authority.

RECOMMENDATION: that the Planning Authority considers the revised amendment and SAP.

Attachment 1 - Applicant Submissions

GSB S5.0 Cambria Specific Area Plan

GSB-S5.1 Plan Purpose

The purpose of the Cambria Specific Area Plan is:

- | | |
|------------|--|
| GSB-S5.1.1 | To provide for use and development of the site that utilises the agricultural, natural, and historic heritage assets as the basis for regionally significant tourism development. |
| GSB-S5.1.2 | To identify precincts that recognise the specific land characteristics and manages use and development that is appropriate to the features of the landscape. |
| GSB-S5.1.3 | To reinstate the importance of the Cambria Homestead as a focal point for the community and visitors. |
| GSB-S5.1.4 | To protect the most productive agricultural land and ensure that adjoining land uses conflicts are minimised or integrated with agricultural activities. |
| GSB-S5.1.5 | To provide for use or development that supports the use of the land for agricultural use. |
| GSB-S5.1.6 | To provide for the protection, conservation and management of landscape values and to provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values. |

GSB-S5.2 Application of this Plan

- | | |
|------------|--|
| GSB-S5.2.1 | This specific area plan applies to the area of land designated as the Cambria Specific Area Plan on the overlay maps and in Figure GSB-S5.1. |
| GSB-S5.2.2 | <p>In the area of land to which this plan applies, the provisions of the specific area plan are in substitution, modification, or addition to the provisions of the Rural Zone, Agriculture Zone, as specified in the relevant provision.</p> <ul style="list-style-type: none">• GSB – S5.1 Plan Purpose is in substitution for 21.1 Zone Purpose & 20.1 Zone Purpose• GSB-5.3 Local Area Objectives are in addition to the Rural Zone and Agricultural Zone• GSB-S5.5 Use Table is in substitution for 21.2 Use Table and 20.2 Use Table• GSB-S5.6.1 Discretionary Use is in substitution of Clause 20.3.1 A1/P1 of the Rural Zone• GSB-S5.6.2 Use standards for airstrip is in addition to the 21.3 Use Standards of the Agricultural Zone• GSB-S5.7.1 Cambria Homestead Precinct Development Zones is in addition to 21.4 Development Standards for Buildings and Works |

- GSB-S5.7.2 Setback from nesting habitat of the white bellied sea-eagle is in addition to 21.4 Development Standards for Buildings and Works and 20.4 Development Standards for Buildings and Works
- GSB-S5.7.3 Setbacks for sensitive use and visitor accommodation is in substitution to the Rural zone 20.4.2 Development Standards for Buildings and Works A2/P2

GSB-S5.3 Local Area Objectives

GSB-S5.3.1 Local Area Objectives

Sub-Clause	Area Description	Local Area Objectives
GSB-S5.3.1.1	Cambria Homestead Precinct within the area shown on an overlay map as GSB-S5.3.1.1 and shown as 1 in Figure GSB-S5.1	<p>The local area objectives for the Cambria Homestead Precinct are to:</p> <ul style="list-style-type: none"> a) recognise and protect the cultural heritage values of the buildings and landscape. b) facilitate development that is sympathetic to the cultural heritage values of the place. c) provide facilities for visitors to the region, particularly event facilities, and visitor accommodation through adaptive reuse of existing buildings. New free-standing buildings for visitor accommodation is not supported. d) encourage vibrant and diverse agricultural activities that benefit both local residents and visitors e) minimise fettering of adjacent agricultural land. f) enable innovation and integration between tourism operations and agricultural activities.
GSB-S5.3.1.2	Golf and Conservation Precinct within the area shown on an overlay map as GSB-S5.3.1.2 and shown as 2 in Figure GSB-S5.1.	<p>The Local Area Objectives for the Golf and Conservation Precinct are to:</p> <ul style="list-style-type: none"> a) Provide for a golf course, and clubrooms. b) protect and enhance the identified natural values of the place. c) Accommodate uses that foster an appreciation for the unique

		<p>environmental values of the land and surrounds.</p> <p>d) Respond to coastal inundation and biodiversity with appropriately sited use and development.</p>
GSB-S5.3.1.3	Agricultural Precinct, shown within the area shown on an overlay map as GSB-S5.3.1.3 and as 3 in Figure GSB-S5.1.	<p>The Local Area Objectives for the Agricultural Precinct are to:</p> <p>a) To provide for use and development that supports the use of the land for agricultural use.</p>
GSB-S5.3.1.4	Hills Resort Precinct, shown within the area shown on an overlay map as GSB-S5.3.1.4 and as 4 in Figure GSB-S5.1.	<p>The Local Area Objectives for the Hills Resort Precinct are to:</p> <p>a) Provide for resort accommodation, central facilities and clusters of smaller villas within a rural setting.</p> <p>b) Provide spa, event facilities and accommodation for visitors to the region.</p> <p>c) Retain native vegetation where possible.</p> <p>d) Facilitate a network of mountain bike and walking trails and associated infrastructure.</p>

GSB-S5.4 Definition of Terms

This sub clause is not used in this specific area plan.

GSB-S5.5 Use Table

This table is in substitution of 20.2 Rural Zone Use Table, and 21.2 Agriculture Zone Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Resource Development	If in Agricultural Precinct and for agriculture use, except controlled environment agriculture, intensive animal husbandry, tree farming and plantation forestry.

Utilities	If for minor utilities
Permitted	
Educational and Occasional Care	If for home-based child care in accordance with a licence under the Child Care Act 2001
Residential	If for home-based business or extension or replacement of existing dwelling.
Resource Development	
Resource Processing	
Visitor Accommodation	If in Cambria Homestead Precinct and if within existing buildings.
Discretionary	
Community Meeting and Entertainment	<p>If:</p> <ul style="list-style-type: none"> a) in Cambria Homestead or Hills Resort Precincts and if for function centre; or b) in Golf and Conservation Precinct, for a function centre and associated with a golf course.
Emergency Services	
Food Services	<p>If:</p> <ul style="list-style-type: none"> a) in Cambria Homestead Precinct; b) in Agricultural Precinct and associated with Resource Development or Resource Processing; or c) in Golf and Conservation and Hills Resort Precincts and associated with Visitor Accommodation or Golf Course.
General Retail and Hire	If in Cambria Homestead or Agricultural Precincts and associated with Resource Development or Resource Processing.
Pleasure Boat Facility	If in Golf and Conservation Precinct
Research and Development	If in Agricultural Precinct and associated with Resource Development or Resource Processing.
Residential	If in Agricultural Precinct and if single dwelling associated with Resource Development use.
Sports and Recreation	<p>If:</p> <ul style="list-style-type: none"> a) in Golf and Conservation Precinct and if for golf course and associated facilities; or

	b) In Hills Resort Precinct and if for walking or mountain bike trails.
Tourist Operation	If: a) in Cambria Homestead Precinct and if for visitor centre; b) in Agricultural Precinct and: i) for airstrip; or ii) associated with Resource Development or Resource Processing; or c) in Hills Resort and Golf and Conservation Precincts.
Transport Depot and Distribution	If in Agricultural Precinct and for airstrip.
Utilities	If not listed as No Permit Required
Visitor Accommodation	If: a) In Cambria Homestead Precinct and if for adaption, extension, addition to, or repurposing of existing buildings; b) In Agricultural Precinct and for seasonal workers accommodation; or c) In Hills Resort Precinct.
Prohibited	
All other uses	

GSB-S5.6 Use Standards

GSB-S5.6.1 Discretionary Use

This sub-clause is in substitution of Rural zone clause 20.3.1 Discretionary Use A1/P1.

Objective:	That the location, scale and intensity of a use listed as Discretionary: (a) is consistent with the SAP objectives; (b) does not unreasonably confine or restrain the operation of uses on adjoining properties; (c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and (d) is appropriate for a rural location and does not compromise the function of surrounding settlements.
Acceptable Solution	Performance Criteria
A1 No acceptable solution	P1 A use listed as Discretionary, excluding Residential, must be consistent with the objectives of the Cambria Green Specific Area Plan, having regard to: (a) the nature, scale and intensity of the use;

	(b) the importance or significance of the proposed use for the local community; (c) whether the use supports an existing agricultural use; (d) whether the use requires close proximity to infrastructure or natural resources; (e) whether the use requires separation from other uses to minimise impact; and (f) The indicative location and distribution of uses as shown in Figure GSB-S5.2 Cambria Green Concept Masterplan.
A2 No acceptable solution	P2 Within the Hills Resort Precinct, Visitor Accommodation must ensure that the total intensity of the use across the precinct does not exceed the following: (a) 139 villa units; (b) 80 room health retreat; and (c) 150 room resort

GSB-S5.6.2 Use standards for airstrip

This sub-clause is in addition to the 21.3 Use Standards of the Agricultural Zone

Objective:	To ensure that the operation of the airstrip does not impact on the amenity of adjoining residential areas	
Acceptable Solution		Performance Criteria
A1 The use of the airstrip must be: (a) for emergency services; or (b) does not result in an increase in the existing number of flights per day or hours of operation of flights	P1 An application for use that increases the number of flights or hours of operations of flights must not result in unreasonable impacts on sensitive uses in the surrounding area, having regard to: (a) the existing flight activities; (b) number and frequency of flights; (c) flight paths; (d) hours of operation; (e) noise emissions; (f) operational and safety considerations of the aviation facilities; and (g) types of aircraft.	

GSB-S5.7 Development Standards

GSB-S5.7.1 Cambria Homestead Precinct Development Zones

The sub-clause is in addition to 21.4 Development Standards for Buildings and Works

Objective	To ensure that building and works within the Cambria Homestead Precinct are appropriately located on the site.	
Acceptable Solution		Performance Criteria

<p>A1</p> <p>In the Cambria Homestead Precinct, buildings and works must be:</p> <p>(a) located within the area shown in Figure 2 as ABCDEFGH; or</p> <p>(b) for maintenance and repair, or minor alterations to existing buildings</p>	<p>P1</p> <p>The siting of buildings must be compatible with the character of Cambria Homestead Precinct, the plan purpose and local area objectives, having regard to:</p> <p>(a) The landscape values of the precinct as identified by a suitably qualified person;</p> <p>(b) the character and appearance of the existing buildings, structures, landscaping or place; and</p> <p>(c) the setbacks of other buildings in the surrounding area.</p>
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GSB-S5.7.2 Setback from nesting habitat of the white bellied sea-eagle

This sub-clause is in addition to the 21.4 Development Standards for Buildings and Works and 20.4 Development Standards for Buildings and Works

Objective:	To ensure that works protect nesting habitat of the wedge-tailed eagle or white-bellied sea-eagle
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Building and works must be located a minimum of 1km from identified nests of wedge-tailed eagle or whitebellied sea-eagle.</p>	<p>P1</p> <p>Development and works must be located and designed to avoid adverse impacts on the wedge-tailed eagle or white-bellied sea-eagle, having regard to:</p> <p>(a) advice from a suitably qualified person;</p> <p>(b) any measures to avoid, minimise or mitigate impacts on the wedge-tailed eagle or white-bellied sea-eagle and</p> <p>(c) be no closer than 200m from identified active nests of the wedge-tailed eagle or white bellied sea-eagle.</p>

GSB-S5.7.3 Setbacks

This sub-clause is in substitution to the Rural zone 20.4.2 Development Standards for Buildings and Works A2/P2

Objective:	That the siting of buildings minimises potential conflict with use on adjoining properties.
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Within the Hills Resort Precinct, buildings for a sensitive use or visitor accommodation must have a setback from the boundaries of land designated as the Cambria Specific Area Plan of</p> <p>(a) not less than 300m.</p>	<p>P1</p> <p>No Performance Criteria</p>

GSB-S5.8 Development Standards for Subdivision

This sub clause is not used in this specific area plan.

Figure GSB-S5.1 Local Areas Map as required by clause GSB-S5.3.1 Local Area Objectives, clause GSB-S5.5 Use Table

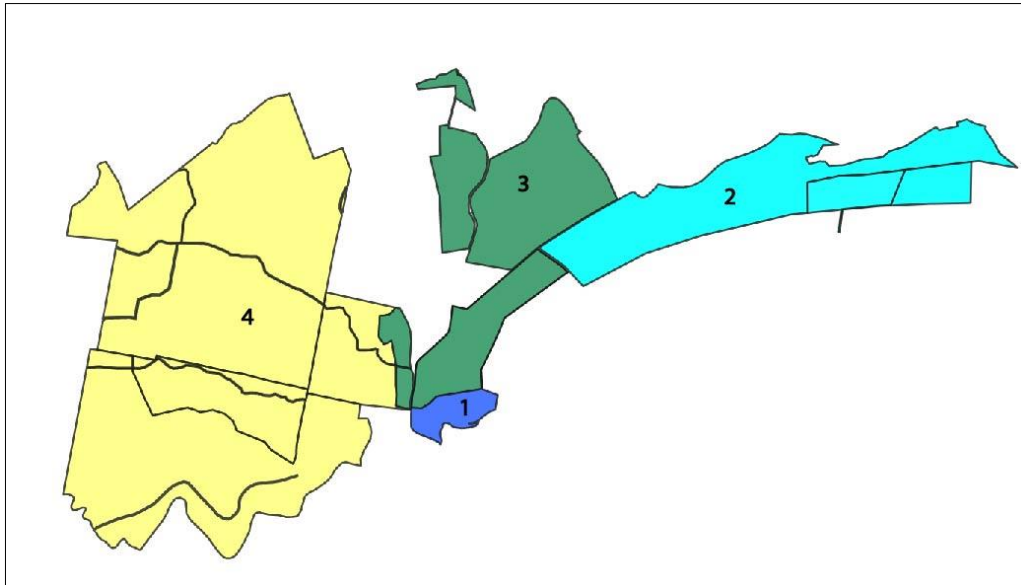


Figure GSB-S5.2 Cambria Green Concept Masterplan

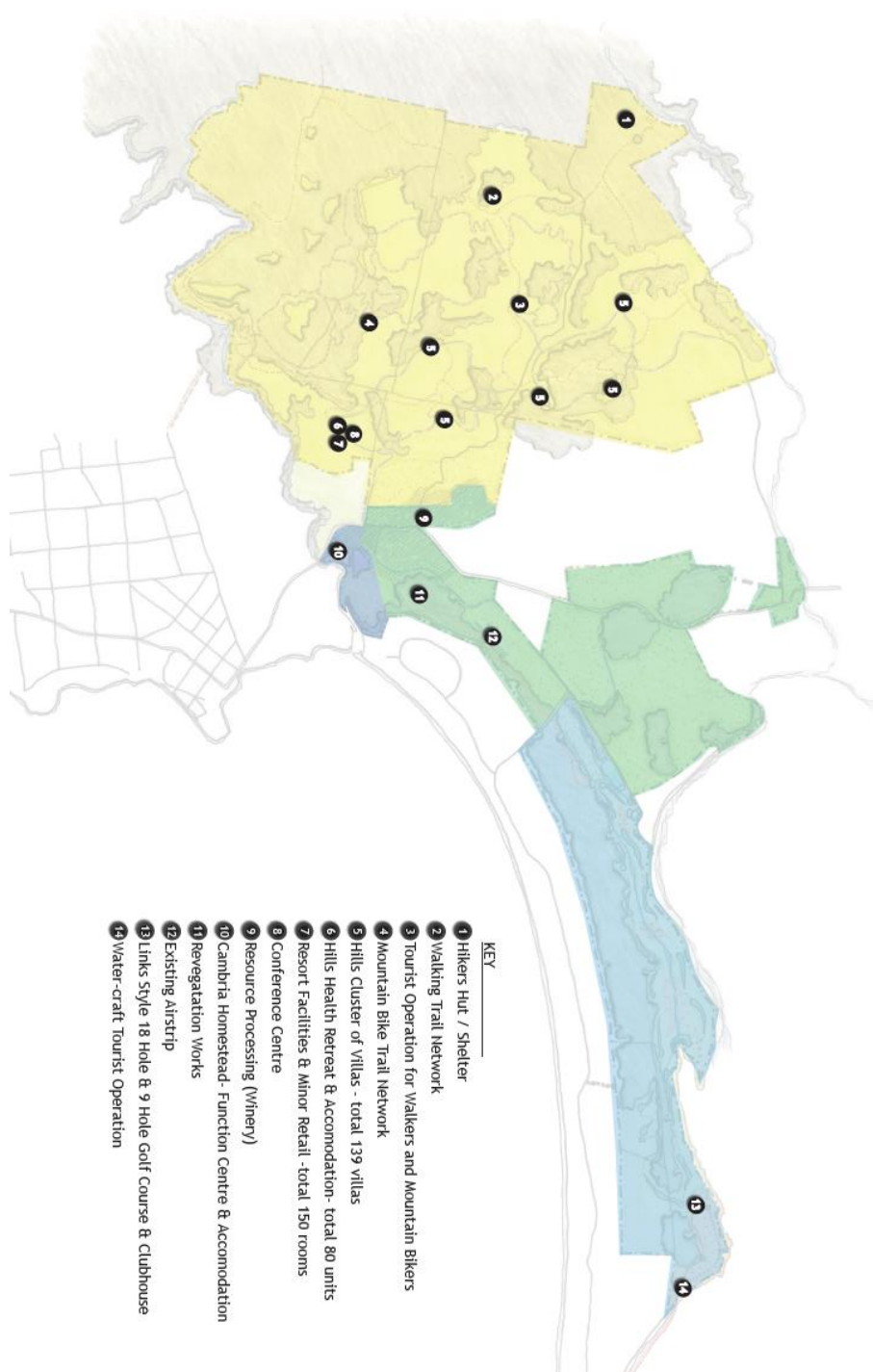
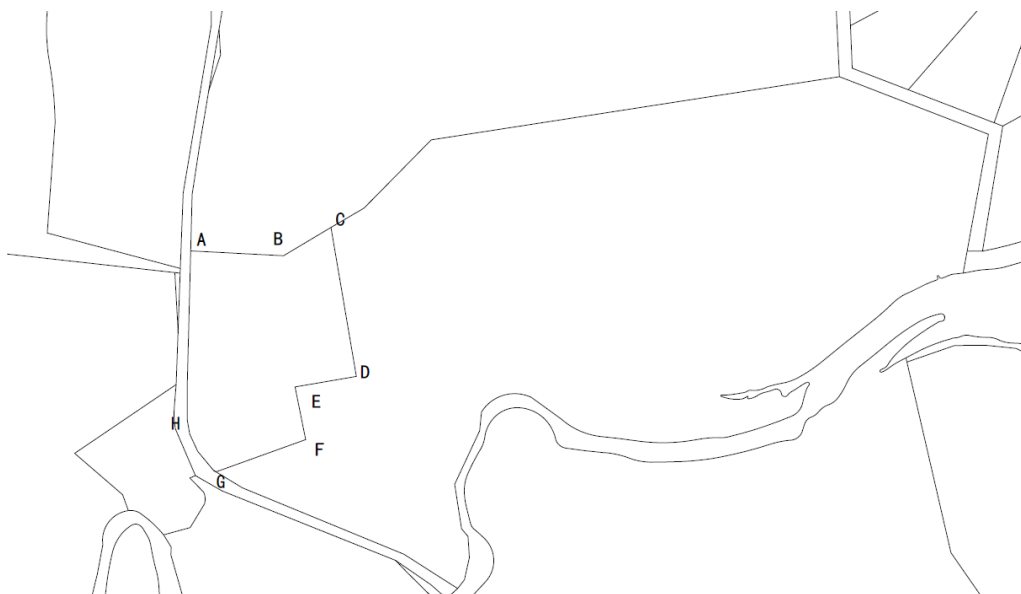


Figure GSB-S5.3 Permitted development area required by clause GSB-S5.7.4 Cambria Homestead Precinct Development Zones



GSB-S5.9 Tables

This sub-clause is not used in this specific area plan.

PART B - Scenic Protection Code

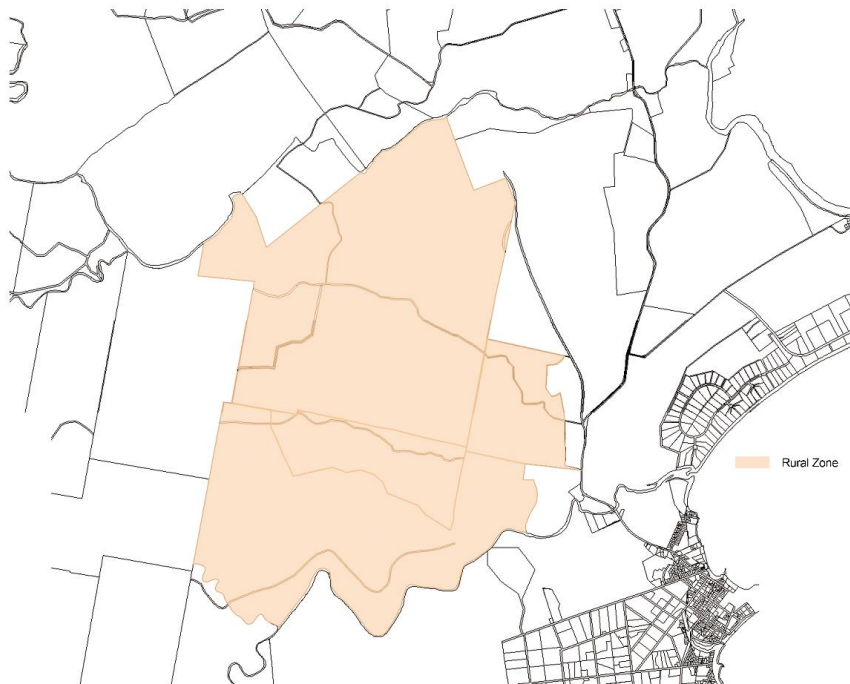
Pursuant to C8.0, the following area shown in the below figure is to be inserted as a Scenic Protection Area



Figure 1: Scenic Protection Area

PART C -

Partially rezone the land west of the Tasman Highway relating to CT 148001/1 and rezone CT 115706/1, CT 100097/1, CT 100096/1, CT 233262/1 and 251306/1 to Rural Zone as described below:



PART D -

Apply priority vegetation overlay in accordance with the Regional Ecosystem Model [map to be adopted from/supplied by the planning authority, consistent with Hearing submission C1 - Planning authority 9 June 2022, page 15.]

**Glamorgan Spring Bay ~~Interim Planning Scheme 2015~~ Local
Provisions Schedule**

Amendment AM 2018/03

Location: Cambria Estate, which is generally located to the north of the Meredith River, Swansea and on both sides of the Tasman Highway and with boundaries to the Meredith, Wye and Swan Rivers and frontage to Swan River Road, Dolphin Sands Road, Boathouse Road and McNeill's Road, and specifically including:

- a. "Cambria" – 13566 Tasman Highway, Swansea (CT148001/1);
- b. CT 111628/1 located south of Swan River Road and generally north of 485 Dolphin Sands Road;
- c. 485 Dolphin Sands Road, Dolphin Sands (CT 23216/3);
- d. CT 23216/2 located east of 485 Dolphin Sands Road, Dolphin Sands;
- e. 14079 Tasman Highway, Swansea (CT 149607/1);
- f. CT 251306/1 located north of Meredith River and west of 13593 Tasman Highway, Swansea;
- g. CT 100096/1 located south of McNeill's Road, Swansea;
- h. CT 233262/1 located between part f and part g above;
- i. CT148927/1 located near intersection of Tasman Highway and McNeill's Road, Swansea;
- j. CT 115706/1 located north of McNeill's Road, Swansea;
- k. CT 100097/1 located north of McNeill's Road, Swansea; and
- l. CT115706/2 located north of McNeill's Road, Swansea;

Amendment: Comprised PART A to PART H detailed below

PART A:

Insert GSB-S5.0 Cambria Specific Area Plan ~~at Clause~~ into the Local Provisions Schedule F6.6 in the following format follows:

GSB-SF5.0 Cambria Specific Area Plan

F5-GSB-S5.1 Purpose of Specific Area Plan Purpose

~~F5.1.1~~ The purpose of the Cambria Specific Area Plan is to:

- (a) GSB-S5.1.1 To provide for use and development of the site that utilises the agricultural, natural, and historic heritage assets as the basis for regionally significant economic tourism development.
- (b) GSB-S5.1.2 To identify precincts that recognise the specific land characteristics and manages use and development that is appropriate to the features of the landscape.
- (c) GSB-S5.1.3 To reinstate the importance of the Cambria Homestead as a focal point for the community and visitors.
- (d) GSB-S5.1.4 To protect the most productive agricultural land and ensure that adjoining land uses conflicts are minimised or integrated with agricultural activities.

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GSB-SF5.2 Application of this Plan

GSB-SF5.2.1 This specific area plan applies to the area of land designated as the Cambria Specific Area Plan on the overlay maps and in Figure GSB-F5.1.

GSB-S5.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for and in addition to the provisions of the Rural zone, Agriculture Zone or Environmental Management zone, as specified in the relevant provision.

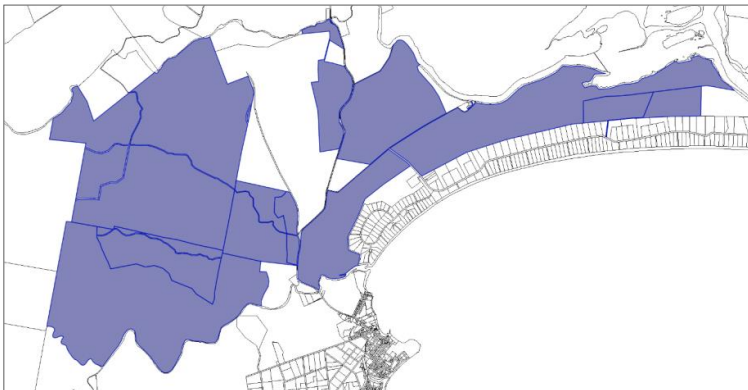


Figure GSB-S5.1: Cambria Specific Area Plan

GSB-SF5.3 Local Area Objectives**GSB-SF5.3.1 Local Area Objectives**

Reference Number	Area Description	Local Area Objectives
GSB-SF5.3.1.1	Cambria Homestead Precinct shown in Figure GSB-S5.2 Local Area Map as 1	The local area objectives for the Cambria Homestead Precinct are to: <ol style="list-style-type: none"> recognise and protect the cultural heritage values of the buildings and landscape. facilitate development that is sympathetic to the cultural heritage values of the place. provide facilities for visitors to the region, particularly event facilities and accommodation. encourage vibrant and diverse agricultural activities that benefit both local residents and visitors minimise fettering of adjacent agricultural land. enable innovation and integration between tourism operations and agricultural activities.
GSB-SF5.3.1.2	Golf and Conservation Precinct shown in Figure GSB-S5.2 Local Area Map as 2	The Local Area Objectives for the Golf and Conservation Precinct are to: <ol style="list-style-type: none"> Provide for a golf course and clubrooms. protect and enhance the identified natural values of the place. Accommodate uses that foster an appreciation for the unique environmental values of the land and surrounds. Provide a skills training centre and accommodation for Cambria staff that would also benefit other activities in the region. Recognise the limitations from inundation and biodiversity with appropriate use and development.
GSB-SF5.3.1.3	Agricultural Precinct, shown in Figure GSB-S5.2 Local Area Map as 3	The Local Area Objectives for the Agricultural Precinct are to: <ol style="list-style-type: none"> Maintain use of the land for agricultural activities. Facilitate the development of an airstrip for tourism and emergency purposes. Improve connectivity to Swan River Road.
GSB-SF5.3.1.4	Hills Resort Precinct, shown in Figure GSB-S5.2 Local Area Map as 4	The Local Area Objectives for the Hills Resort Precinct are to: <ol style="list-style-type: none"> Provide for resort accommodation, central facilities and clusters of smaller villas within a landscaped setting. provide facilities for visitors to the region, particularly event facilities and accommodation. Retain native vegetation where possible. Facilitate a network of cycle and walking trails and associated tourism infrastructure.

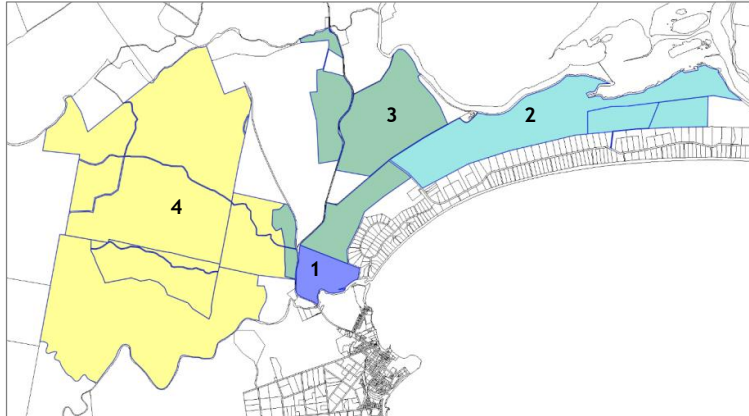


Figure GSB-S5.2: Local Areas Map as required by clause GSB-S5.3.1 Local Area Objectives, clause GSB-S5.5 Use Table, clause GSB-S5.7.1 Building Height, clause GSB-S5.7.2 Setbacks for Precincts, clause GSB-S5.7.3 Design, clause GSB-S5.7.4 Development in Golf and Conservation Precinct and clause GSB-S5.8.1 New Lots.

GSB-SF5.4 Definition of Terms

~~This sub clause is not used in this specific area plan.~~ 4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definitions
Suitably-qualified person	means a person who can adequately demonstrate relevant tertiary qualifications (or equivalent) and experience in a recognised field of knowledge, expertise or practice with direct relevance to the matter under consideration.

GSB-SF5.5 Use Table

~~This sub-clause is in substitution to the Rural Zone – clause 20.2 Use Table and Agriculture zone – clause 21.2 Use Table Use and Environmental Management zone – clause 23.2 Use Table.~~

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	If in <u>Cambria Homestead, Golf and Conservation or Hills Resort</u> Precinct 1, 2, or 4.

Resource Development	If in <u>Agricultural</u> Precinct-3; only if: for agriculture use, except controlled environment agriculture, forest operations, intensive animal husbandry, tree farming and plantation forestry. If in <u>Cambria Homestead, Golf and Conservation or Hills Resort</u> Precinct-1, 2 or 4; only if agriculture, bee keeping, crop production, forest operations in accordance with a Forest Practices Plan, horse stud or tree farming and plantation forestry in accordance with a Forest Practices Plan.
Utilities	Only If minor utilities
Permitted	
Educational and Occasional Care	Only If for home-based child care in accordance with a licence under the Child Care Act 2001
Residential	Only If home-based business or an extension or replacement of an existing dwelling.
Resource Development	Except where No Permit Required or Discretionary If in <u>Cambria Homestead</u> Precinct-4; except where no permit required, and Intensive Animal Husbandry.
Resource Processing	If in <u>Cambria Homestead</u> Precinct-4; only if for Winery.
Visitor Accommodation	Only If in <u>Cambria Homestead</u> Precinct-4.
Discretionary	
Community meeting and entertainment	Only If in <u>Cambria Homestead or Hills Resort</u> Precinct 1 or 4.
Crematoria and cemeteries	Only If in <u>Cambria Homestead</u> Precinct-4.
Educational and Occasional Care	
Emergency Services	If in <u>Agricultural</u> Precinct 3-only if associated with the use of the airstrip.
Extractive Industry	
Food Services	If in <u>Agricultural</u> Precinct 3-only if for serving of agricultural produce primarily from the site.
General Retail and Hire	If in <u>Agricultural</u> Precinct 3-only for the sale of agricultural produce primarily from the site.
Hospital Services	If for palliative care
Pleasure Boat Facility	Only If in <u>Golf and Conservation</u> Precinct 2
Research and Development	If in <u>Agricultural</u> Precinct 3-only if for agricultural purposes
Residential	If in <u>Agricultural</u> Precinct 3-only if a single dwelling necessary to support agricultural use of the property.
Resource Development	If for Intensive animal husbandry
Resource Processing	If in <u>Agricultural</u> Precinct 3-only if for the treating, processing and packing of produce from the area.
Sports and Recreation	
Tourist Operation	If in <u>Agricultural</u> Precinct 3-only if associated with agricultural use on the site, or associated with the airstrip.
Transport depot and Distribution	Only If in <u>Agricultural</u> Precinct 3-and associated with the airstrip.

	Only If in <u>Golf and Conservation or Hills Resort</u> Precinct 2 or 4, and for transport and distribution of rural equipment and products. Otherwise prohibited.
Tourist Operation	If in <u>Agricultural</u> Precinct 3 only if associated with agricultural use on the site, or associated with the airstrip.
Visitor Accommodation	If in <u>Agricultural</u> Precinct 3 only if backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, overnight camping area or seasonal workers accommodation.
Prohibited	
All other uses	

GSB-SF5.6 Use StandardsGSB-SF5.6.1 Discretionary Use

This sub-clause is in substitution to the Rural Zone – clause 20.3.1 Discretionary Use and Agriculture zone – clause 21.3.1 Discretionary Use and Environmental Management zone – clause 23.3.1 Discretionary Use.

Objective:	To ensure that Use is consistent with the Plan Purpose	
Acceptable Solution	Performance Criteria	
A1 No Acceptable Solution.	<p>P1 Discretionary General Retail and Hire or Food Services use must be of a scale and intensity that is appropriate to its location, with <u>having</u> regard to the following:</p> <ul style="list-style-type: none"> a) an intensification of an existing approved discretionary use; or b) consistency with the Plan purpose and the Local Area Objectives; and c) maintains the existing retail hierarchy of the region. 	
A2 No Acceptable Solution	<p>P2 A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <ul style="list-style-type: none"> a) the characteristics of the proposed non-agricultural use; b) the characteristics of the existing or likely agricultural use; c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use; d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the 	

	adverse impacts on amenity from existing or likely agricultural use; and e) consistency with the Plan purpose and the Local Area Objectives.
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GSB-SF5.7 Development Standards

GSB-SF5.7.1 Building Height

This sub-clause is in substitution to the Rural Zone – clause 20.4.1 Building Height and Agriculture zone – clause 21.4.1 Building Height and Environmental Management zone – clause 23.4.2 Building height, siting and setback.

Objective:	To ensure that building height contributes positively to the rural landscape.	
Acceptable Solution	Performance Criteria	
A1 Building height must be: (a) no more than 12m, (b) If in Precinct 1 no greater than 10m.	P1 Building height must satisfy the following : a) not have unreasonable impact on adjoining properties having regard to the following; (i.) the topography and constraints of the site; (ii.) the separation from existing uses on adjoining properties; (iii.) the bulk and form of the building; (iv.) not result in adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy; and (v.) any buffers created by natural or other features; b) the visual impact when seen from Tasman Highway; c) if in <u>Cambria Homestead</u> Precinct, <u>4</u> the height must be compatible with the historic heritage significance of the place with regard to a statement prepared by a suitably qualified person; and d) be consistent with the Plan Purpose and relevant Local Area Objectives.	

GSB-SF5.7.2 Setback provisions for relevant Precincts

This sub-clause is in substitution to the Rural Zone – clause 20.4.2 Setbacks and Agriculture zone 21.4.2 Setbacks and Environmental Management zone – clause 23.3.2 Building height, siting and setback.

Objective:	The siting of buildings should minimise land use conflict with use of adjoining properties.	
Acceptable Solution		Performance Criteria
A1 Buildings must have a setback from all boundaries of: <ul style="list-style-type: none"> a) not less than 5m; or b) if the setback of an existing building is within 5m, not less than the existing building. 		P1 Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to: <ul style="list-style-type: none"> a) the bulk and form of the building; b) the nature of existing use on the adjoining properties; c) separation from existing use on the adjoining properties; d) any buffers created by natural or other features; and e) the Plan Purpose and relevant Local Area Objectives.
A2 Building setback for buildings for a sensitive use including visitor accommodation must comply with one of the following: <ul style="list-style-type: none"> a) not less than 200m from adjoining land in the Significant Agriculture zone; b) not less than 100m from adjoining land in the Rural Resource zone; or c) If an existing building for a sensitive use on the site, not less than the existing building. 		P2 Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use of land, having regard to: <ul style="list-style-type: none"> a) the size, shape and topography of the site; b) the setbacks of any existing buildings for sensitive uses on adjoining properties; c) the location of existing buildings on the site; d) the nature of existing use on adjoining properties; e) any proposed attenuation measures; f) any buffers created by natural or other features; and g) the Plan Purpose and relevant Local Area Objectives.

GSB-SF5.7.3 Design

This sub-clause is in addition to the Rural Zone – clause 20.4. Development Standards for Buildings and Works and Agriculture zone - clause 21.4. .Development Standards for Buildings and Works and Environmental Management zone - clause 23.4. .Development Standards for Buildings and Works.

Objective:	To ensure that the location and appearance of buildings and works minimises adverse impacts on the rural landscape.	
Acceptable Solution		Performance Criteria
A1 The location of buildings and works must comply with any of the following: <ul style="list-style-type: none"> a) be located within a building area, if provided on the title; 		P1 The location of buildings and works is to must demonstrate that it is appropriate for the location having regard to:

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<ul style="list-style-type: none"> b) be an addition or alteration to an existing building; c) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline. 	<ul style="list-style-type: none"> a) the plan purpose and relevant local area objectives. b) where there is clearance of vegetation or they are located on a skyline or ridgeline: <ul style="list-style-type: none"> (i.) the availability of sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure; (ii.) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures; and (iii.) an assessment by a suitably qualified person of the visual impact when seen from Tasman Highway.
<p>A2 Development for Tourism or Visitor Accommodation related purposes, or in <u>Cambria Homestead</u> Precinct-4, must be in accordance with an approved Landscape Management Plan.</p>	<p>P2 A landscaping plan, prepared by a suitably qualified landscape architect demonstrates to the satisfaction of the planning authority that landscape character is identified, and plantings are sympathetic to the rural character, heritage significance, or biodiversity values of the area.</p>

GSB-SF5.7.4 Development in Golf and Conservation Precinct 2

This sub-clause is in addition to the Rural Zone – clause 20.4. Development Standards for Buildings and Works and the Environmental Management zone - clause 23.4. Development Standards for Buildings and Works.

Objective:	To ensure that works protect nesting habitat of the white-bellied sea-eagle
Acceptable Solution	Performance Criteria
<p>A1 Development in <u>Golf and Conservation</u> Precinct 2 should be located a minimum of 200m from identified nests of the white-bellied sea-eagle.</p>	<p>A2 An application for Development should be accompanied by advice from a suitably qualified person that demonstrates buildings and works will not have an unacceptable level of impact on the white-bellied sea-eagle.</p>

GSB-SF5.8 Development Standards for Subdivision

F5GSB-S5.8.1 New Lots/Lot design

This sub-clause is in substitution to the Rural Zone – clause 20.5.1 A1 and P1 Development Standards for Subdivision and the Agriculture Zone – clause 21.5.1 A1 and P1 Development

Standards for Subdivision A1 and P1 and the Environmental Management Zone – clause 23.5, A1 and P1 Development Standards for Subdivision.

Objective:	That subdivision of land: a) Is for public use, irrigation or utilities; b) Protects the long term productive capacity of agricultural land; c) Allows for the preservation of the Cambria Homestead and its historic cultural heritage values.
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Each lot, or a lot in a plan of subdivision must:</p> <ul style="list-style-type: none"> a) be for the purpose of providing lots for public open space, a riparian or littoral reserves or utilities; b) be for the consolidation of a lot with another lot; or c) be in <u>the Golf and Conservation or Hills Resort precinct 2 or 4</u>, and be not less than 40ha with a frontage no less than 25m. 	<p>P1</p> <p>Each lot, <u>or a lot in a plan of subdivision</u> must <u>satisfy all of the following</u>:</p> <ul style="list-style-type: none"> a) if inclusive of the historic heritage place 'Cambria', subdivision must be in accordance with the historic values of the place identified by a suitably qualified person; b) have sufficient useable area and dimensions for the intended purpose; c) be provided with safe vehicular access; d) if containing an existing dwelling provide to new boundaries satisfy clause 0; e) Be consistent with the specific area plan purpose and applicable local area objectives.

GSB-S5.9 Tables

This sub-clause is not used in this specific area plan

PART B:

~~At Ref. no. 60 in Table E13.1 of the Historic Heritage Code delete “CT111628/1” and insert “CT148001/1”. Deleted (ref clause TPS C6.2.3).~~

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PART C:

Partially rezone CT148001/1 from ~~Significant~~ Agriculture Zone to Rural ~~Resource~~ Zone.

Note: proposed zone boundary for CT148001/1
follows -prolongation of the common boundary with
122591/1 from point 588306E, 5337588N cadastral
boundary to the Northern most corner ~~is~~ located at
587,402.85E; 5,337,973.95N

Insert map

= Rural ~~Resource~~-zone

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PART D:

Partially rezone CT 111628/1 & 23216/3 from Rural ~~Resource~~-Zone to Environmental Management Zone as depicted below.

Note: For CT 111628/1, northern boundary of proposed zone follows conservation covenant boundaries and all other boundaries follow cadastre.

Note: for CT 23216/3, eastern boundary of proposed zone follows conservation covenant & all other boundaries follow cadastre excluding the access strip from Dolphin Sands Road.

= Environmental Management zone

Insert map

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PART E:

Partially rezone CT 149607/1 from ~~Significant~~ Agriculture Zone to Environmental Management Zone as depicted below.

Note: boundary of proposed zone follows
conservation covenant.

= Environmental Management zone

Insert map

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PART F: ~~(deleted due to LPS overlay)~~

~~Amend the Coastal Inundation High Hazard Area to include an area near Swan Nook.~~

~~Note: Northern boundary follows "Coastal Erosion Hazard
Band 20161201" data available at www.thelist.tas.gov.au.~~

~~Note: southern boundary follows Glamorgan Spring Bay
Interim Planning Scheme 2015 Coastal Inundation Hazard
Area "Medium" Band.~~

~~Insert map~~

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PART G:

Amend the Coastal Erosion ~~High~~ Hazard Area Overlay to include an area near Swan Nook.

Note: Northern boundary follows "Coastal Erosion Hazard Band 20161201" data available at www.thelist.tas.gov.au.

Note: southern boundary follows Glamorgan Spring Bay Interim Planning Scheme 2015 Coastal Inundation Hazard Area "Medium" Band.

Insert map

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PART H:

- a. ~~Amend-Insert~~ the ~~Biodiversity Protection Area~~Priority Vegetation Area Overlay to include the conservation covenants that apply to CT 111628/1, 23216/3 & 149607/1.

Insert map

Note: boundaries for the Priority Vegetation Overlay
on CT 111628/1, 23216/3 & 149607/1 follow outer
extent of each conservation covenant.

= ~~Biodiversity Protection Area~~Priority
Vegetation Area Overlay

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The Common Seal of the Glamorgan
Spring Bay Council is affixed below
Pursuant to Council's resolution of the
24th April 2018 in the presence of:

..... Mayor

..... General Manager

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CAMBRIA HEARING

Working Document Only – Tracked Annotation Notes to Use Table Qualifications

Noted from hearing discussions on 9 June 2022 on SAP Version V1.2 20 May 2022

Circulated by TPC on 17 June 2022

For further consideration at the Hearing scheduled for Wednesday 29 June 2022

Glamorgan Spring Bay Local Provisions Schedule

Amendment AM 2018/03

- Location: Cambria Estate, which is generally located to the north of the Meredith River, Swansea and on both sides of the Tasman Highway and with boundaries to the Meredith, Wye and Swan Rivers and frontage to Swan River Road, Dolphin Sands Road, Boathouse Road and McNeill's Road, and specifically including:
- a. "Cambria" – 13566 Tasman Highway, Swansea (CT148001/1);
 - b. CT 111628/1 located south of Swan River Road and generally north of 485 Dolphin Sands Road;
 - c. 485 Dolphin Sands Road, Dolphin Sands (CT 23216/3);
 - d. CT 23216/2 located east of 485 Dolphin Sands Road, Dolphin Sands;
 - e. 14079 Tasman Highway, Swansea (CT 149607/1);
 - f. CT 251306/1 located north of Meredith River and west of 13593 Tasman Highway, Swansea;
 - g. CT 100096/1 located south of McNeill's Road, Swansea;
 - h. CT 233262/1 located between part f and part g above;
 - i. CT148927/1 located near intersection of Tasman Highway and McNeill's Road, Swansea;
 - j. CT 115706/1 located north of McNeill's Road, Swansea;
 - k. CT 100097/1 located north of McNeill's Road, Swansea; and
 - l. CT115706/2 located north of McNeill's Road, Swansea;

Amendment: Comprised PART A to PART H detailed below

PART A:

Insert GSB-S5.0 Cambria Specific Area Plan into the Local Provisions Schedule as follows:

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GSB S5.0 Cambria Specific Area Plan

GSB-S5.1 Plan Purpose

The purpose of the Cambria Specific Area Plan is to:

- GSB-S5.1.1 To provide for use and development of the site that utilises the agricultural, natural, and historic heritage assets as the basis for regionally significant economic tourism development.
- GSB-S5.1.2 To identify precincts that recognise the specific land characteristics and manages use and development that is appropriate to the features of the landscape.
- GSB-S5.1.3 To reinstate the importance of the Cambria Homestead as a focal point for the community and visitors.
- GSB-S5.1.4 To protect the most productive agricultural land and ensure that adjoining land uses conflicts are minimised or integrated with agricultural activities.

GSB-S5.2 Application of this Plan

- GSB-S5.2.1 This specific area plan applies to the area of land designated as the Cambria Specific Area Plan on the overlay maps and in Figure GSB-F5.1.
- GSB-S5.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for and in addition to the provisions of the Rural zone, Agriculture Zone or Environmental Management zone, as specified in the relevant provision.

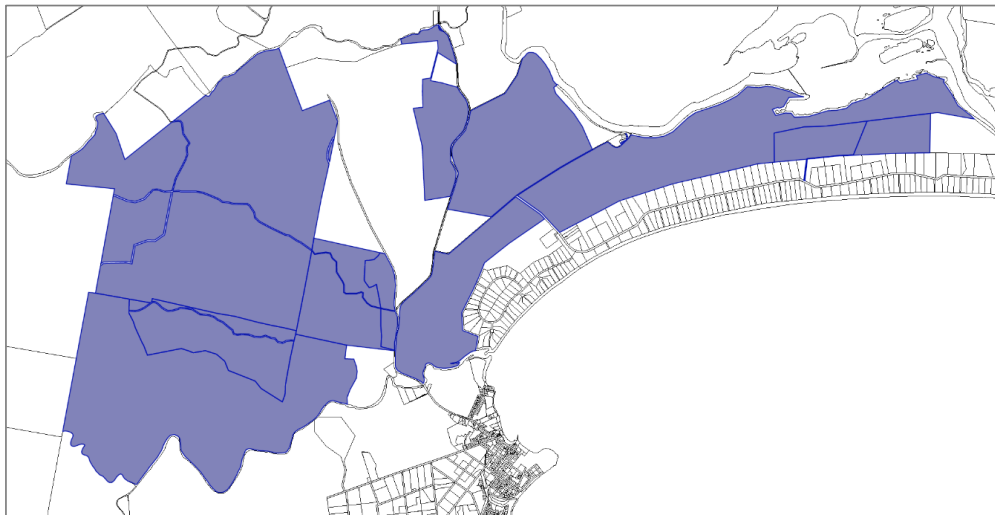


Figure GSB-S5.1: Cambria Specific Area Plan

GSB-S5.3 Local Area Objectives

GSB-S5.3.1 Local Area Objectives

Reference Number	Area Description	Local Area Objectives
GSB-S5.3.1.1	Cambria Homestead Precinct shown in Figure GSB-S5.2 Local Area Map as 1	<p>The local area objectives for the Cambria Homestead Precinct are to:</p> <ul style="list-style-type: none"> a) recognise and protect the cultural heritage values of the buildings and landscape. b) facilitate development that is sympathetic to the cultural heritage values of the place. c) provide facilities for visitors to the region, particularly event facilities and accommodation. d) encourage vibrant and diverse agricultural activities that benefit both local residents and visitors e) minimise fettering of adjacent agricultural land. f) enable innovation and integration between tourism operations and agricultural activities.
GSB-S5.3.1.2	Golf and Conservation Precinct shown in Figure GSB-S5.2 Local Area Map as 2	<p>The Local Area Objectives for the Golf and Conservation Precinct are to:</p> <ul style="list-style-type: none"> a) Provide for a golf course and clubrooms. b) protect and enhance the identified natural values of the place. c) Accommodate uses that foster an appreciation for the unique environmental values of the land and surrounds. d) Provide a skills training centre and accommodation for Cambria staff that would also benefit other activities in the region. e) Recognise the limitations from inundation and biodiversity with appropriate use and development.
GSB-S5.3.1.3	Agricultural Precinct, shown in Figure GSB-S5.2 Local Area Map as 3	<p>The Local Area Objectives for the Agricultural Precinct are to:</p> <ul style="list-style-type: none"> a) Maintain use of the land for agricultural activities. b) Facilitate the development of an airstrip for tourism and emergency purposes. c) Improve connectivity to Swan River Road.
GSB-S5.3.1.4	Hills Resort Precinct, shown in Figure GSB-S5.2 Local Area Map as 4	<p>The Local Area Objectives for the Hills Resort Precinct are to:</p> <ul style="list-style-type: none"> a) Provide for resort accommodation, central facilities and clusters of smaller villas within a landscaped

		<p>setting.</p> <p>b) provide facilities for visitors to the region, particularly event facilities and accommodation.</p> <p>c) Retain native vegetation where possible.</p> <p>d) Facilitate a network of cycle and walking trails and associated tourism infrastructure.</p>
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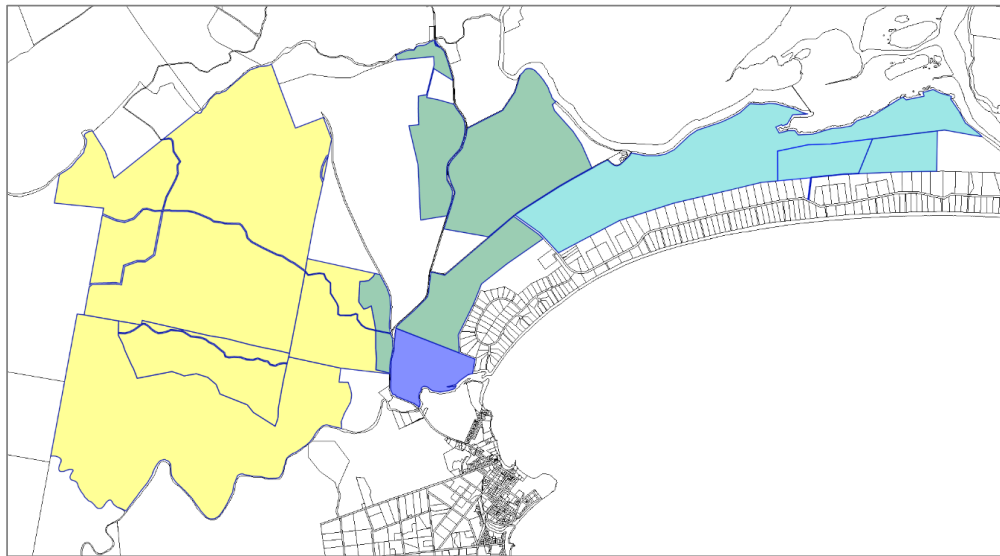


Figure GSB-S5.2: Local Areas Map as required by clause GSB-S5.3.1 Local Area Objectives, clause GSB-S5.5 Use Table, clause GSB-S5.7.1 Building Height, clause GSB-S5.7.2 Setbacks for Precincts, clause GSB-S5.7.3 Design, clause GSB-S5.7.4 Development in Golf and Conservation Precinct and clause GSB-S5.8.1 New Lots.

GSB-S5.4 Definition of Terms

This sub clause is not used in this specific area plan.

GSB-S5.5 Use Table

This sub-clause is in substitution to the Rural Zone – clause 20.2 Use Table and Agriculture zone – clause 21.2 Use Table Use and Environmental Management zone – clause 23.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	<u>All precincts</u>
Passive Recreation	If in Cambria Homestead, Golf and Conservation or Hills Resort Precinct.

	<u>Cambria Homestead, Golf and Conservation or Hills Resort Precincts.</u> <u>Not Agricultural Precinct</u>
Resource Development	<p>If in Agricultural Precinct; only if: for agriculture use, except controlled environment agriculture, forest operations, intensive animal husbandry, tree farming and plantation forestry.</p> <p>If in Cambria Homestead, Golf and Conservation or Hills Resort Precinct only if agriculture, bee keeping, crop production, forest operations in accordance with a Forest Practices Plan, horse stud or tree farming and plantation forestry in accordance with a Forest Practices Plan.</p> <p><u>Agricultural Precinct with the following qualification:</u> <u>Only if agriculture use, except controlled environment agriculture, forest operations, intensive animal husbandry, tree farming and plantation forestry.</u></p> <p><u>Cambria Homestead, Golf and Conservation and Hills Resort with the following qualification:</u> <u>Only if agriculture, bee keeping, crop production, forest operations in accordance with a Forest Practices Plan, horse stud or tree farming and plantation forestry in accordance with a Forest Practices Plan</u></p>
Utilities	<p>Only If minor utilities</p> <p><u>All precincts with the following qualification:</u> <u>Only for minor utilities</u></p>
Permitted	
Educational and Occasional Care	<p>Only If for home-based child care in accordance with a licence under the Child Care Act 2001</p> <p><u>All precincts with the following qualification:</u> <u>Only If for home-based child care in accordance with a licence under the Child Care Act 2001</u></p>
Residential	<p>Only If home-based business or an extension or replacement of an existing dwelling.</p> <p><u>All precincts with the following qualification:</u> <u>Only If home-based business or an extension or replacement of an existing dwelling.</u></p>
Resource Development	<p>Except where No Permit Required or Discretionary</p> <p>If in Cambria Homestead Precinct; except where no permit required, and Intensive Animal Husbandry.</p> <p><u>Golf and Conservation, Hills Resort and Agricultural Precincts – no qualification</u></p> <p><u>Cambria Homestead Precinct with the following qualification:</u> <u>Except Intensive Animal Husbandry</u></p>
Resource Processing	<p>If in Cambria Homestead Precinct; only if for Winery.</p> <p><u>Cambria Homestead Precinct with the following qualification:</u></p>

	<u>Only if a winery</u> <u>No other precincts</u>
Visitor Accommodation	Only If in Cambria Homestead Precinct. <u>Cambria Homestead Precinct</u> <u>No other precincts</u>
Discretionary	
Community meeting and entertainment	Only If in Cambria Homestead or Hills Resort Precinct . <u>Cambria Homestead or Hill Precincts</u> <u>No other precincts</u>
Crematoria and cemeteries	Only If in Cambria Homestead Precinct. <u>Cambria Homestead Precinct</u> <u>No other precincts</u>
Educational and Occasional Care	<u>All precincts</u>
Emergency Services	If in Agricultural Precinct only if associated with the use of the airstrip. <u>Agricultural Precinct with the following qualification:</u> <u>Only if associated with the use of the airstrip.</u> <u>No other precincts</u>
Extractive Industry	<u>All precincts</u>
Food Services	If in Agricultural Precinct only if for serving of agricultural produce primarily from the site. <u>Hills Resort, Cambria Homestead, Golf and Conversation Precincts – no qualification.</u> <u>Agricultural Precinct with the following qualification:</u> <u>Only if for serving of agricultural produce primarily from the site.</u>
General Retail and Hire	If in Agricultural Precinct only for the sale of agricultural produce primarily from the site. <u>Hills Resort, Cambria Homestead, Golf and Conversation Precincts – no qualification.</u> <u>Agricultural Precinct with the following qualification:</u> <u>Only if for the sale of agricultural produce primarily from the site.</u>
Hospital Services	If for palliative care <u>All precincts with the following qualification:</u> <u>Only for palliative care.</u>
Pleasure Boat Facility	Only If in Golf and Conservation Precinct <u>Golf and Conservation Precinct</u> <u>No other precincts</u>
Research and Development	If in Agricultural Precinct only if for agricultural purposes

	<u>Hills Resort, Cambria Homestead, Golf and Conversation Precincts – no qualification.</u> <u>Agricultural Precinct with the following qualification:</u> <u>Only if for agricultural purposes</u>
Residential	If in Agricultural Precinct only if a single dwelling necessary to support agricultural use of the property. <u>Agricultural Precinct with the following qualification:</u> <u>Only if a single dwelling necessary to support agricultural use of the property.</u> <u>No other precincts</u>
Resource Development	If for Intensive animal husbandry <u>Cambria Homestead Precinct with the following qualification:</u> <u>Only if Intensive Animal Husbandry</u>
Resource Processing	If in Agricultural Precinct only if for the treating, processing and packing of produce from the area. <u>Hills Resort, Cambria Homestead, Golf and Conversation Precincts – no qualification.</u> <u>Agricultural Precinct with the following qualification:</u> <u>Only if for the treating, processing and packing of produce from the area.</u>
Sports and Recreation	<u>All precincts</u>
Tourist Operation	If in Agricultural Precinct only if associated with agricultural use on the site, or associated with the airstrip. <u>Hills Resort, Cambria Homestead, Golf and Conversation Precincts – no qualification.</u> <u>Agricultural Precinct with the following qualification:</u> <u>Only if associated with agricultural use of the site, or associated with the airstrip.</u>
Transport depot and Distribution	Only If in Agricultural Precinct and associated with the airstrip. Only If in Golf and Conservation or Hills Resort Precinct , and for transport and distribution of rural equipment and products. Otherwise prohibited. <u>Agricultural Precinct with following qualification:</u> <u>Only if associated with the airstrip.</u> <u>Golf and Conservation, and Hills Resort Precincts with following qualification:</u> <u>Only if for the transport and distribution of rural equipment and products.</u> <u>Not Cambria Homestead Precinct.</u>
Tourist Operation	If in Agricultural Precinct only if associated with agricultural use on the site, or associated with the airstrip.

Visitor Accommodation	<p>If in Agricultural Precinct 3 only if backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, overnight camping area or seasonal workers accommodation.</p> <p><u>Golf and Conservation, and Hills Resort – no qualification</u></p> <p><u>Agriculture Precinct with the following qualification:</u></p> <p><u>Only if a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, overnight camping area or seasonal workers accommodation</u></p>
Prohibited	
All other uses	

GSB-S5.6 Use Standards

GSB-S5.6.1 Discretionary Use

This sub-clause is in substitution to the Rural Zone – clause 20.3.1 Discretionary Use and Agriculture zone – clause 21.3.1 Discretionary Use and Environmental Management zone – clause 23.3.1 Discretionary Use.

Objective:	To ensure that Use is consistent with the Plan Purpose	
Acceptable Solution	Performance Criteria	
A1 No Acceptable Solution.	<p>P1</p> <p>Discretionary General Retail and Hire or Food Services use must be of a scale and intensity that is appropriate to its location, having regard to :</p> <ul style="list-style-type: none"> a) an intensification of an existing approved discretionary use; or b) consistency with the Plan purpose and the Local Area Objectives; and c) maintains the existing retail hierarchy of the region. 	
A2 No Acceptable Solution	<p>P2</p> <p>A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to:</p> <ul style="list-style-type: none"> a) the characteristics of the proposed non-agricultural use; b) the characteristics of the existing or likely agricultural use; c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use; 	

	<p>d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use; and</p> <p>e) consistency with the Plan purpose and the Local Area Objectives.</p>
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GSB-S5.7 Development Standards

GSB-S5.7.1 Building Height

This sub-clause is in substitution to the Rural Zone – clause 20.4.1 Building Height and Agriculture zone – clause 21.4.1 Building Height and Environmental Management zone – clause 23.4.2 [A1 and P1](#) Building height, siting and setback.

Objective:	To ensure that building height contributes positively to the rural landscape.	
Acceptable Solution	Performance Criteria	
<p>A1</p> <p>Building height must be:</p> <p>(a) no more than 12m,</p> <p>(b) If in Precinct 1 no greater than 10m.</p>	<p>P1</p> <p>Building height must:</p> <p>a) not have unreasonable impact on adjoining properties having regard to the following;</p> <p>(i.) the topography and constraints of the site;</p> <p>(ii.) the separation from existing uses on adjoining properties;</p> <p>(iii.) the bulk and form of the building;</p> <p>(iv.) not result in adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy; and</p> <p>(v.) any buffers created by natural or other features;</p> <p>b) the visual impact when seen from Tasman Highway;</p> <p>c) if in Cambria Homestead Precinct, the height must be compatible with the historic heritage significance of the place with regard to a statement prepared by a suitably qualified person; and</p> <p>d) be consistent with the Plan Purpose and relevant Local Area Objectives.</p>	

GSB-S5.7.2 Setback provisions for relevant Precincts

This sub-clause is in substitution to the Rural Zone – clause 20.4.2 Setbacks and Agriculture zone 21.4.2 Setbacks and Environmental Management zone – clause 23.3.2 [A2 & P2 and A3 & P3](#) Building height, siting and setback.

Objective:	The siting of buildings should minimise land use conflict with use of adjoining properties.	
Acceptable Solution	Performance Criteria	
<p>A1</p> <p>Buildings must have a setback from all boundaries of:</p> <ul style="list-style-type: none"> a) not less than 5m; or b) if the setback of an existing building is within 5m, not less than the existing building. 	<p>P1</p> <p>Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to:</p> <ul style="list-style-type: none"> a) the bulk and form of the building; b) the nature of existing use on the adjoining properties; c) separation from existing use on the adjoining properties; d) any buffers created by natural or other features; and e) the Plan Purpose and relevant Local Area Objectives. 	
<p>A2</p> <p>Building setback for buildings for a sensitive use including visitor accommodation must ::</p> <ul style="list-style-type: none"> a) not less than 200m from adjoining land in the Agriculture zone; b) not less than 100m from adjoining land in the Rural zone; or c) If an existing building for a sensitive use on the site, not less than the existing building. 	<p>P2</p> <p>Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use of land, having regard to:</p> <ul style="list-style-type: none"> a) the size, shape and topography of the site; b) the setbacks of any existing buildings for sensitive uses on adjoining properties; c) the location of existing buildings on the site; d) the nature of existing use on adjoining properties; e) any proposed attenuation measures; f) any buffers created by natural or other features; and g) the Plan Purpose and relevant Local Area Objectives. 	

GSB-S5.7.3 Design

This sub-clause is in addition to the Rural Zone – clause 20.4. Development Standards for Buildings and Works and Agriculture zone - clause 21.4. .Development Standards for Buildings and Works and Environmental Management zone - clause 23.4. .Development Standards for Buildings and Works.

Objective:	To ensure that the location and appearance of buildings and works minimises adverse impacts on the rural landscape.	
Acceptable Solution	Performance Criteria	
<p>A1</p> <p>The location of buildings and works must:</p> <ul style="list-style-type: none"> a) be located within a building area, if provided on the title; b) be an addition or alteration to an existing building; c) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline. 	<p>P1</p> <p>The location of buildings and works must demonstrate that it is appropriate for the location having regard to:</p> <ul style="list-style-type: none"> a) the plan purpose and relevant local area objectives. b) where there is clearance of vegetation or they are located on a skyline or ridgeline: <ul style="list-style-type: none"> (i.) the availability of sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure; (ii.) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures; and (iii.) an assessment by a suitably qualified person of the visual impact when seen from Tasman Highway. 	
<p>A2</p> <p>Development for Tourism or Visitor Accommodation related purposes, or in Cambria Homestead Precinct, must be in accordance with an approved Landscape Management Plan.</p>	<p>P2</p> <p>A landscaping plan, prepared by a suitably qualified landscape architect demonstrates to the satisfaction of the planning authority that landscape character is identified, and plantings are sympathetic to the rural character, heritage significance, or biodiversity values of the area.</p>	

GSB-S5.7.4 Development in Golf and Conservation Precinct

This sub-clause is in addition to the Rural Zone – clause 20.4. Development Standards for Buildings and Works, ~~and~~ the Environmental Management zone - clause 23.4. Development Standards for Buildings and Works and clauses C7.6.2 and C7.7.2 of the Natural Assets Code-

Objective:	To ensure that works protect nesting habitat of the white-bellied sea-eagle
Acceptable Solution	Performance Criteria
A1 Development in Golf and Conservation Precinct should be located a minimum of 200m from identified nests of the white-bellied sea-eagle.	A2 An application for Development should be accompanied by advice from a suitably qualified person that demonstrates buildings and works will not have an unacceptable level of impact on the white-bellied sea-eagle.

GSB-S5.8 Development Standards for Subdivision

GSB-S5.8.1 Lot design

This sub-clause is in substitution to the Rural Zone – clause 20.5.1 A1 and P1 Development Standards for Subdivision and the Agriculture Zone – clause 21.5.1 A1 and P1 Development Standards for Subdivision A1 and P1 and the Environmental Management Zone – clause 23.5.1 A1 and P1 Development Standards for Subdivision.

Objective:	That subdivision of land: a) Is for public use, irrigation or utilities; b) Protects the long term productive capacity of agricultural land; c) Allows for the preservation of the Cambria Homestead and its historic cultural heritage values.
Acceptable Solution	Performance Criteria
A1 Each lot, or a lot in a plan of subdivision must: a) be for the purpose of providing lots for public open space, a riparian or littoral reserves or utilities; b) be for the consolidation of a lot with another lot; or c) be in the Golf and Conservation or Hills Resort precinct, and be not less than 40ha with a frontage no less than 25m.	P1 Each lot, or a lot in a plan of subdivision must: a) if inclusive of the historic heritage place 'Cambria', subdivision must be in accordance with the historic values of the place identified by a suitably qualified person; b) have sufficient useable area and dimensions for the intended purpose; c) be provided with safe vehicular access; d) if containing an existing dwelling provide to new boundaries satisfy clause 0; e) Be consistent with the specific area plan purpose and applicable local area objectives.

GSB-S5.9 Tables

This sub-clause is not used in this specific area plan

PART B:

Deleted (ref clause TPS C6.2.3).

V1.2 20 May 2022

PART C:

Partially rezone CT148001/1 from Agriculture Zone to Rural Zone.

Note: proposed zone boundary for CT148001/1 follows prolongation of the common boundary with 122591/1 from point 588306E, 5337588N cadastral boundary to the Northern most corner located at 587,402.85E; 5,337,973.95N

Insert map

= Rural zone

PART D:

Partially rezone CT 111628/1 & 23216/3 from Rural Zone to Environmental Management Zone as depicted below.

Note: For CT 111628/1, northern boundary of proposed zone follows conservation covenant boundaries and all other boundaries follow cadastre.

Note: for CT 23216/3, eastern boundary of proposed zone follows conservation covenant & all other boundaries follow cadastre excluding the access strip from Dolphin Sands Road.

= Environmental Management zone

Insert map

V1.2 20 May 2022

PART E:

Partially rezone CT 149607/1 from Agriculture Zone to Environmental Management Zone as depicted below.

Note: boundary of proposed zone follows conservation covenant.

= Environmental Management zone

Insert map

PART F: (deleted due to LPS overlay)

V1.2 20 May 2022

PART G:

Amend the Coastal Erosion Hazard Area Overlay to include an area near Swan Nook.

Note: Northern boundary follows “Coastal Erosion Hazard Band 20161201” data available at www.thelist.tas.gov.au.

Note: southern boundary follows Glamorgan Spring Bay Interim Planning Scheme 2015 Coastal Inundation Hazard Area “Medium” Band.

Insert map

PART H:

- a. Insert the Priority Vegetation Area Overlay to include the conservation covenants that apply to CT 111628/1, 23216/3 & 149607/1.

Insert map

Note: boundaries for the Priority Vegetation Overlay on CT 111628/1, 23216/3 & 149607/1 follow outer extent of each conservation covenant.

= Priority Vegetation Area Overlay

TASMANIAN PLANNING COMMISSION

Our ref: DOC/22/76422
Officer: Lauren O'Brien
Phone: 6165 6813
Email: tpc@planning.tas.gov.au

19 July 2022

Attachment 4 - Commission Directions

All parties

By email

Dear parties

Glamorgan Spring Bay Local Provisions Schedule Draft amendment AM 2018-03 Cambria Estate, Swansea

I refer to the above draft amendment and to the reconvened hearing held at the Commission's office in Hobart on 15 July 2022.

The Commission gives the following directions:

1. In response to the applicant's request to make further changes to the revised draft amendment they are proposing for the Commission's assessment, the revised draft is to be provided to the Commission by **4pm on 22 July 2022**. The changes to revised draft amendment will address the following matters as raised at the reconvened hearing:
 - review the land uses named in the local area objectives for each precinct in reference to how they relate to the allowable uses in the Use Table;
 - review the Use Table such that there is consistency in the categorisation of uses in precincts and remove any allowable uses as discussed;
 - consideration of whether the standard in relation to sea-eagles should include wedge-tailed eagles;
 - review the area covered by the overlay proposed for the Scenic Protection Area;
 - provide an overlay for priority vegetation if the land in Precinct 4 was to be zoned Rural;
 - consideration of a new acceptable solution and performance criteria for the discretionary use standard to ensure that there will be no new buildings (other than associated with existing buildings) including for Visitor Accommodation in the Cambria Homestead Precinct; and
 - review the final boundary for Precinct 1 in reference to the area defined by the place listed on the Tasmanian Heritage Register. Clarify the standards applying to Precinct 1 should the Precinct 1 boundaries extend beyond those for the heritage listed place.
2. That any response submissions be provided to the Commission by **5pm on 12 August 2022**.
3. The Commission will consider the scheduling of further hearings and their purpose in light of its consideration to the revised draft amendment and the response submissions.

Level 3, 144 Macquarie Street Hobart Tasmania GPO Box 1691 Hobart TAS 7001
Ph: 03 6165 6828 Email: tpc@planning.tas.gov.au
www.planning.tas.gov.au

Submissions must be made by email to tpc@planning.tas.gov.au. Once received, the submissions referred to above will be made available under the [relevant assessment](#)¹ on the Commission's website.

Please note that submissions will be published in full, without redaction.

The Commission confirms that the hearing day scheduled for closing submissions on 28 July 2022 is abandoned. The Commission will advise all parties of the new hearing date for closing submissions once scheduled and will publish a notice.

If you require further information please contact Lauren O'Brien on 6165 6813 or Karen Fyfe on 6165 6808.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Ramsay', with a stylized flourish at the end.

John Ramsay
Delegate (Chair)

¹ <https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/am-gla-am2018-03>