

S.39 Report

Cambria Estate, Swansea

Planning Scheme Amendment

Attachment A

Exhibited Planning Scheme Amendment

Attachment B

Working Draft Specific Area Plan incorporating most recommendations of the section 39 report

Attachment C

Referrals

Attachment D

Representations (provided under separate cover)

Attachment E

Planning Authority Statement of Opinion as to the Merit of Each Representation

Attachment F

Further Correspondence from Proponent dated 24 October 2018

Summary

Following public exhibition of the Cambria amendment, the Planning Authority must forward a report to the Tasmanian Planning Commission (TPC) that: (a) contains all Representations received; (b) provides its opinion on each Representation and the impact of the Representation on the amendment as a whole (i.e., should the amendment be approved or refused) or the need to modify the amendment and (c) any other recommendation considered necessary.

Broadly, the Planning Authority can form any opinion on a representation and may receive, note, refute or endorse. If the Planning Authority considers modifications are necessary it may propose modifications to the amendment or outline the nature of amendments sought. The Planning Authority must resolve to make a decision.

The TPC will hold public hearing prior to making any decision. The TPC can approve or refuse the amendment in its exhibited form or in a modified form and may require a modified amendment to be re-exhibited.

The officer recommendation is to make significant modifications to the Amendment principally due to insufficient detail to justify that the full scope of the exhibited Amendment fully complies with the Regional Land Use Strategy and in response to some of the Representations received. The certified SAP proposes a framework to guide future use and development but presently lacks Standards that are specifically tailored to the character of the site and the type of use and development envisaged.

Overview of the Exhibited Amendment

The Exhibited Amendment (see Attachment A) has multiple parts, the most important being the proposed Specific Area Plan (SAP). The SAP seeks to:

- Set-aside and replace the provisions of current Rural Resource Zone (RRZ) and Significant Agriculture Zone (SAZ);
- Retain all existing Codes and their associated overlays;
- Provide site specific Use Table, Use Standards and Development Standards that are tied to four precincts and a set of Local Area Objectives for each precinct;
- The four precincts, with approximate areas, are Hills Resort Precinct (2,000ha), Golf and Conservation Precinct (540ha), Homestead Precinct (82ha) and Agricultural Precinct (450ha);
- The Use Table would prohibit some uses that can be considered now and would make some currently prohibited uses discretionary. The uses that would change from prohibited to discretionary include¹:
 - Community Meeting and Entertainment (art galleries, hall, etc);
 - Crematoria and Cemeteries;
 - Hospital Services (palliative care);
 - Transport Depot and Distribution; and
 - the full array Food Services, General Retail and Hire and Visitor Accommodation uses. In relation to Visitor Accommodation, use qualifications in the Significant Agricultural Zone now preclude a motel, serviced apartment and holiday unit.
- The Use Table would make almost all uses discretionary. As such, future applications will be subject to public notification processes and exposed to third party appeal processes.
- The Use Standards proposed are broadly similar to those contained in the zones. The main exception of the Visitor Accommodation use Standard which now applies to the RRZ and SAZ. The SAP does not provide an equivalent or replacement Visitor Accommodation use Standard. The SAP also proposes a commercial competition type clause that seeks to avoid duplication with existing Swansea based businesses.
- The Development Standards for Buildings and Works are based on State Planning Provision clauses (for setback and height) and the Rural Resource Zone for siting to avoid native vegetation and skylines.
- The Development Standards for Subdivision are unique to the site.

The Purpose Statements and Local Area Objectives (LAO) are key to the future implementation of the SAP. They are to be referred to in considering all future applications for discretionary use or the Performance Criteria for the majority of development standards. All Use Standards in the SAP require the LAO to be to be furthered.

The Amendment also includes three separate rezonings for parts of the site, proposes that additional areas be included in the Biodiversity Protection Area and coastal hazard areas, and to amend the heritage listing of the Cambria Homestead.

¹ This is not a complete list; the two zones and the level of detail of use qualifications are complex in the detail.

The request to Council includes a concept master plan, and other background information including the client brief and potential scope of use. The master plan does not form part of the Amendment or SAP and should be afforded lesser, and arguably nil, weighting in any decision making.

Structure of the Report

The Report outlines recommended modifications to the amendment, either by outlining the issue and response required or by providing specific clauses. The report then revisits key regional and local strategies prior to summarising the Representations received. Certain Representations are discussed individually whilst others considered as common issues and themes presented.

The report addresses land use planning matters.

Many Representations raise issues that are not relevant land use matters, which the Planning Authority can only receive and note. All Representations have been received and noted where they raise matters outside of scope.

Attachment E provides a Statement of Opinion as to the merit of each Representation which outlines the officer's view of each Representation.

Recommended Modifications

A working draft SAP is included in Attachment B that incorporates some of the recommended modifications outlined in this report. The working draft is not complete nor final and is not in a form suitable for inclusion in an Amendment; it is intended as the basis for discussion during the hearing process. It is acknowledged that should the direction of the working draft be supported that further drafting work would be necessary.

Some, but not all, of the modifications contained in the working draft are described below.

Plan Purpose

Add additional purpose statements relating to biodiversity, scenic landscapes, roads and design.

Plan Precincts

Reduce the extent of the Homestead Precinct to the zones identified in the Heritage Design Guidelines.

Local Area Objectives

Modify a number of Local Area Objectives, including to delete 1.3.1.2 (d) (skills training centre), 1.3.1.3 (b) (airstrip) and 1.3.1.3 (c) (connectivity to Swan River Road).

Include scenic landscape objective for the Agricultural Precinct for non-agricultural use and to the Hills Resort Precinct.

Use Table

Adopt the following:

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Resource Development	
Utilities	If for minor utilities
Permitted	
Food Services	Only if for the serving of agricultural produce primarily from the region.
General Retail and Hire	Only if for the sale of agricultural produce primarily from the property.
Residential	If for: (a) a home-based business in an existing dwelling; or (b) alterations or extensions to an existing dwelling.
Resource Processing	
Visitor Accommodation	If in Precinct 1
Discretionary	
Community Meeting and Entertainment	
Crematoria and Cemeteries	
Educational and Occasional Care	
Emergency Services	

Extractive Industries	
Food Services	Except where Permitted
General Retail and Hire	Except where Permitted If not for adult sex product shop, amusement parlour, betting agency, bottle shop, department store, local shop, pharmacy or supermarket.
Manufacturing and Processing	If for: (a) the manufacturing of agricultural equipment; or (b) the processing of materials from Extractive Industry.
Pleasure Boat Facility	
Research and Development	
Residential	If for (a) a single dwelling; (b) a home-based business; or (c) staff accommodation.
Sports and Recreation	
Storage	If for: (a) a contractors yard; (b) freezing and cooling storage; (c) a liquid, solid or gas fuel depot; or (d) a woodyard.
Tourist Operation	
Transport Depot and Distribution	
Utilities	
Visitor Accommodation	If not listed as Permitted.

Use Standards

Include a use Standard for airstrip and helipads to control hours of operation

Modify the use Standard relating to retail impact (together with additional use qualification).

Development Standards

Include a Gross Floor Area (GFA) Standard for individual buildings and for all buildings in each Precinct. The GFA Standard is necessary in the absence of detailed plans but is inherently difficult to propose in the absence of such plans. It is considered that such a Standard is necessary but what is proposed in the Working Draft may not necessarily be the appropriate outcome.

Under the Standard proposed in the Working Draft, each Precinct would have a GFA Acceptable Solution of less than 1% of the Precinct and approximately 0.001% of the plan area, and 3.2ha across the plan area (and no more than 5.9 under the Performance Criteria). In relation to other nearby development, the GFA across Cambria Drive and Dolphin Sands Road would be just under 5ha assuming 150m² of buildings per lot. The approved, but not fully developed, Piermont would be approximately 3.2ha within 120m² buildings.

Reduce the Acceptable Solution for height to 8m if for non-agricultural and non-rural use. Delete F5.7.1 P1 (c) and (d) from the Performance Criteria.

Modify the setback Standard including an absolute minimum setback in the Performance Criteria to ensure ongoing protection of adjoining land.

Re-draft the design Standard relating to a landscape management plan to remove the Acceptable Solution.

Include a new Standard that adopts provisions of the Stormwater Code to ensure that future buildings and works meet with quality and quantity targets of the State Stormwater Strategy.

Include a new Standard that preferences the use of existing roads above existing farm accesses and rights of way.

Subdivision Standards

Remove the Subdivision Standard and rely on the Subdivision Standard in the underlying zone.

General Drafting

Adopt most recent TPC advice on draft SAP and state whether each Standard in the SAP acts to modify, substitute or add to any Standard in any underlying Zone or Code.

Adopt application requirements or use Standard outlining the need to prepare and submit a golf course management plan in any application addressing matters such as application of fertilizers or pesticides, access through the site, habitat protection, habitat restoration, use of water, management of runoff.

Adopt a SAP application clause that requires any use or development to be assessed against any Code contained within a Planning Scheme that addresses any matter such as biodiversity. This is to ensure that Priority Vegetation Area of the future Local Provisions Schedule continues to apply. The form proposed in the working draft would effectively extend the overlay to 100% of the site but have effect only if native vegetation is impacted.

Ensure SAP clauses do not conflict with or override clauses in the Local Heritage Code.

Zone Changes

Remove Part C, D and E of the Amendment and make no zone changes.

Heritage Code changes

Modify the Specific Extent Column for Cambria Homestead to match the precincts identified in the Heritage Design Guideline.

Further Recommendations

That Council requests the Tasmanian Heritage Council, as a matter of priority, reviews the heritage listings in response to the matters raised by the representors.

That Council writes to the Planning Minister requesting that each of the 'example' use given in the Visitor Accommodation Use Class be defined and given meaning.

Government Policies

T21 is a partnership agreement between the Tasmanian Government and the Tasmanian tourism industry represented by the Tourism Industry Council Tasmania (TICT).

The strategy's target is to grow annual visitor numbers to Tasmania to 1.5 million by 2020, and so generate visitor expenditure of around \$2.5 billion a year, greater capital investment and more jobs. This strategy describes how the Tasmanian Government, in partnership with Tasmania's tourism industry, is working to achieve the vision.

T21 recognises the opportunities to drive increased tourism through attractions and activities that build upon our natural environment, cultural heritage, creative industries, high quality produce and access to sport and recreation, including walking, cycling and golf. These values form the core of various marketing and visitor engagement strategies adopted by Tourism Tasmania. For instance, Tourism Tasmania Asia Engagement Marketing Strategy focuses on high yield, affluent visitors that seek experience of nature, wildlife, produce and people.

The most recent Tasmanian Visitor Survey shows that for the year ending March 2018 1.28 million visitors travelled to Tasmania, up 2% from the previous year. The survey also showed that expenditure by visitors increased by 7% to a total of \$2.37 billion.

The proponents note at section 2.2 of the Ireneinc Report a 19% growth in international tourism numbers between 2012 and 2015, include a 281.6% growth from China. For all tourists, an 8% increase in 2017 compared to 2016 to Tasmania as a whole occurred with a 10% increase to the East Coast (377,600 in total).

From 2012 to 2017, visitations to GSBC has had a 13.4% average annual growth rate

Currently, some 30% of visitors to Tasmania visit the East Coast, and this proportion is expected to rise. Thus, the East Coast must manage both the increase in Tasmanian tourism and its position as a growing attraction.

Achieving the Tourism Tasmania T21 visitation target would require a annual growth rate of approximately 5% of the life of T21. Recent figures provided by Tourism Tasmania suggest that the growth rate is around 2% per annum.

Accommodation Supply Analysis for the East Coast (<https://www.cg.tas.gov.au>) shows a broad relationship between visitors and accommodation demand of 1 to 2. This means 200,000 rooms nights are required per 100,000 visitors. The analysis as at 2016 shows:

- GSBC has 260 properties, 1401 rooms and 5237 person capacity, of which 35% is at Coles Bay.
- St Helens and surrounds has a total of 180 properties, 1003 rooms and 2934 capacity.
- Private rentals including Airbnb make up 79 per cent of total properties and 52 per cent of rooms on the East Coast.
- Occupancy rates reach up to 95 per cent for hotels/motels and 99 per cent for rentals during peak periods.

- To meet the T21 goal of 1.5 million visitors in 2020 an addition 223 rooms will be required in GSBC and 59 rooms in BODC.

The Accommodation Supply Analysis also notes current accommodation pool is unable to meet the needs of visitors with a lack of dining option identified as significant. This supply is unlikely to be delivered based on current developments notwithstanding the additional supply brought about from the sharing economy policies of the Tasmanian Government. In part, this is because past preferences indicate a demand for hotels/motels for which there is a current undersupply.

There are no State level policies regarding how land use planning ought to respond to visitor increases or deliver appropriate use or development that protects and enhances the Tasmanian brand. In part this reflects the need for regional and local planning to identify values and characteristics of areas that attract tourism and may also be at risk of tourism. For instance, the 2017 Queensland document 'Next Generation Tourism Planning: A guideline for planners in Queensland' notes:

Tourism development is not a 'one size fits all' and nor is it a 'free for all'. But there's a type of tourism for every type of place. Thinking about tourism activity and tourism development in terms of place makes it easier to understand the appropriateness of tourism proposals, and is recommended as a means of planning strategically for tourism.

Regional Policies

The Southern Tasmanian Regional Land Use Strategy (RLUS) is some 10 years old and does not anticipate the current visitor numbers. On tourism, the RLUS policies express the need to protect regional landscapes and authentic and local features that create a sense of place for visitors and residents. The RLUS also recognises the need for tourism in rural and agricultural where it supports primary production.

The RLUS also recognises that some forms of tourism are innovative and responsive and therefore should be dealt with through non-planning scheme processes, namely by way of planning scheme amendments and s43A processes (combined application and amendments). No other industry is dealt with in this way and the RLUS offers little positive guidance on assessing s43A proposals other than describing what impacts should be avoided. Arguably, the RLUS should do more to guide tourism rather than rely on s43A or other planning scheme amendment processes. The full tourism policies of the RLUS are as below:

- T 1.1 Protect and enhance authentic and distinctive local features and landscapes throughout the region.*
- T 1.2 Identify and protect regional landscapes, which contribute to the region's sense of place, through planning schemes.*
- T 1.3 Allow for tourism use in the rural and significant agriculture zones where it supports the use of the land for primary production.*
- T 1.4 Provide flexibility for the use of holiday homes (a residential use) for occasional short-term accommodation.*
- T 1.5 Provide flexibility within commercial and business zones for mixed use developments incorporating tourism related use and development.*
- T 1.6 Recognise, planning schemes may not always be able to accommodate the proposed tourism use and development due to its innovative and responsive nature.*
- T 1.7 Allow for objective site suitability assessment of proposed tourism use and development through existing non-planning scheme based approval processes (43A application).*

In this case the s43A combined amendment and application process is not possible due to an oversight in the *Historic Cultural Heritage Act 1995* which prevents the Tasmanian Heritage Council from assessing such permits. Therefore, this avenue is not currently available to the proponent. Heritage Tasmania recently released a discussion paper on amendments to this legislation which would, if passed, address this.

Other than T 1.7, the amendment is capable of furthering each policy. The amendment is supported by detailed assessment of heritage, agriculture and natural values, which are regulated by existing Code provisions or proposed SAP provisions. However, to provide certainty modifications are necessary to the SAP to broaden its scope and provide greater certainty and clarity. In response to the RLUS it is considered that:

- The lack of control over building scale could see buildings detract from the landscape. There are extensive areas of the site in which development will not be visible from outside of the site, however these are not identified in the Amendment. The Scenic Road Corridor would apply 100m either side of the road however this arbitrary provision is insufficient for the site in light of the envisaged use. View corridors through the site from the Great Eastern Drive do run for hundreds of metres in some locations as evident by an existing +10m high dwelling on neighbouring land that is visible for some 4km. The proponent should provide a visual assessment identifying potential view corridors and either incorporate Standards that site buildings outside those corridors or provide suitable mitigation measures. In lieu of that, all buildings visible from Great Eastern Drive should be discretionary with appropriate Performance Criteria in place. Although the site does not have landscape qualities that warrant a specific zone, it is considered that the State Planning Provisions Landscape Conservation Zone provides a useful starting point to base any SAP Standard on.
- The No Permit Required status for Agriculture in the Zones and in the SAP is somewhat problematic for furthering T 1.3. The SAP does provide for Agricultural use but should be modified to ensure that non-agricultural uses in the plan do in fact follow new investment in agriculture and enhanced productivity.
- The Amendment is not a S43A process and does not provide any development. There is a technicality in the *Historic Cultural Heritage Act 1995* that prevents a s43A process on a heritage listed site. Nevertheless, a significant concern was the absence of any detailed plans on what is intended. This absence makes evaluating the potential impacts on the landscape values of the site difficult, particularly in light of the scale of use envisaged. Standards need to be included in the SAP to put bounds around the scale and siting of use and development to provide certainty that all possible outcomes will be adequately addressed through the provisions of the planning scheme. The Planning Authority function is to assess built form rather than propose built form. In the absence of this a Site Coverage Standard is proposed with Performance Criteria derived from the SPP Landscape Conservation Zone.

The above are considered appropriate modifications pursuant to section 39 (c) of LUPAA.

Local Policies

The 2015 document *Planning for Sustainable Tourism on Tasmania's East Coast* generally offers a critique of current land use planning in delivering tourism product and delivering protection of key values. It argues that existing planning schemes are inflexible, noting:

To provide maximum flexibility for tourism uses to flourish, it is important to provide a high level of discretion, so that new and sometimes innovative proposals can be considered on their planning merits.

The document also sets out three key strategic issues for tourism in rural areas of the East Coast, that are not adequately dealt with in current planning schemes. These issues are:

1. The desirable locations for tourist developments;
2. The degree of clustering or separation of tourism uses through the region;
3. The cumulative impact of tourism proposals over time.

Swansea Structure Plan – April 2016

The Cambria Estate is outside the Structure Plan study area. Thus, the Structure Plan does not envisage or address this form of tourism development. It does however outline many important principles for Swansea and the management of the tourism industry within the town. These are relevant given the interaction and proximity between the town and site.

Section 6.1 of the Structure Plan provides a detailed SWOT analysis. The following lists those that are relevant to Cambria Estate proposal.

Strengths	Weakness
Environmental	
Proximity to Freycinet National Park, Moulting Lagoon Ramsar site and other national and state recognised natural features.	Limited access into the Eastern Tiers and the Tom Legges Tier forests to the west of the township.
Beaches, estuaries and rocky foreshore features hosting a range of ecosystems.	The neighbouring forests and scrubland present a bushfire hazard around built up areas.
Impressive views across Great Oyster Bay to the Freycinet Peninsula and Nine Mile Beach.	Rising topography to the west and the shoreline to the east may limit growth in the long term.
A range of ecosystems providing natural abundance of birds, mammals, aquatic life and flora.	Underutilised bush land areas in the Rural Living areas to the west of town.
Nearby access to a number of walking tracks and lookouts.	
Land Use, Settlement and Access	
Large numbers of summer tourist and holiday home owners should be capitalised on to ensure existing residents receive service and economic	A number of commercial buildings shop frontages are undesirable and underutilised.

benefits.	Disconnected town centre.
Services and Facilities	
<p>The seaside village feel of the township and nearby tourist attractions provide a key attractor for the region.</p> <p>The town is well serviced by local facilities including the primary school, library, emergency services, regional level health care services and facility, supermarkets and clubs.</p> <p>Tourist accommodation is well serviced with holiday parks, backpacker lodge, hotels, villas and B&B's all centrally located.</p>	<p>Pressure on existing village character from tourism growth with resort residential areas scattered throughout town.</p> <p>Some tourist facilities are aging and a lack of new offerings may affect appeal of Swansea as a tourist destination.</p> <p>Does not have a strong identity and lacks "anchor" attractions that draw people to the town.</p>
South Swansea	
Adequate land for urban growth and densification.	
Opportunities	Threats
Environmental	
<p>Retain and improve on visual vistas both towards Great Oyster Bay and into the bush and farmland to the west.</p> <p>Establish better connections with beaches, Meredith River and parks to the north and south of town.</p> <p>Strengthen tourism focus on natural features and look at building more day trip style activities using Swansea as an accommodation and service base.</p>	<p>Further development into natural areas such as along Saltwater Creek and the Meredith River estuary could damage natural environment.</p> <p>Increased population in the town may increase conflicts with natural environment with effects such as litter, waste pollution, noise and light pollution and additional vehicles/boats disrupting and threatening wildlife.</p>
Land Use, Settlement and Access	
<p>Opportunities to attract a conference facility as a point of difference to other east coast towns including areas for business and hospitality training facilities.</p> <p>Large areas of undeveloped land appropriately zoned for residential and rural residential development.</p> <p>A key commercial centre along Franklin Street that has the opportunity to grow along Maria, Noyes and Victoria Streets.</p> <p>The township has a number of existing pockets of undeveloped residential infill land ready for immediate development.</p> <p>Reduce signage clutter and a clear gateway and</p>	<p>Existing planning controls and zoning areas may lead to inappropriate development and settlement structure.</p> <p>Lack of developable commercial land may lead to a fragmentation of the Town Centre.</p> <p>The existing development trend is a gradually developing township. Further developments and subdivisions must be consistent with this to ensure that an abundance of vacant lots are not left throughout the town.</p> <p>The influx of tourists and seasonal residents may detract from the seaside village feeling of the township and leave the area undesirable and empty during off seasons.</p>

<p>vegetation planting strategy for the township entrances will improve the attractiveness of the town.</p> <p>Increased permanent and seasonal populations will secure the viability of town services.</p>	
Cultural	
	<p>Excessive tourism or residential development may lose the existing community culture of the township.</p>

Summary

The Amendment is based on detailed assessment of the sites values and a framework is proposed in the SAP through which these values can be considered and protected. Ultimately the issue to be determined is how well the SAP considers these values.

It is considered that all key policy matters, be it infrastructure, coastal, traffic, biodiversity or heritage can be considered and protected in any future use or development. However in response to Representations various modifications are proposed to provide greater clarity and certainty around use and development outcomes.

The Amendment is considered to be compatible with the Structure Plan. The scale of use could not and should not occur within the town but will have positive benefits through additional construction and ongoing employment generated and by increasing the capability for visitors to spend more time in the locality. The Amendment will create the potential for increased permanent population which will improve the long-term viability of any businesses and community services as well as create new opportunities. The modifications recommended will better protect the surrounding landscapes and the values that they hold for the settlement.

Cambria has a number of qualities that make it suitable for a large scale tourism venture. These include proximity to Swansea and a potential workforce, access from the Great Eastern Drive and the large and growing number of passing visitors, the size of the property and its diversity of landform, its existing agricultural, heritage and environmental values and the potential to improve those values through investment. Further, the concept is dependent upon a large rural holding. The scale cannot be accommodated within any existing East Coast settlement and nor would a settlement location assist in meeting the preferences of the targeted consumers.

It is difficult to predict the best or viable locations for tourism development in rural areas. Development potential is subject to consumer preferences, investor preferences, ownership, capital, access to staff and qualities of the land such as natural values, proximity to the coast, proximity to settlements (which is positive or negative depending on an experienced-based or general venture and target market), proximity to destinations, and other factors. No current planning scheme in Tasmania provides any relevant guidance on these matters. There is also no particularly useful regional or local strategies that provide positive guidance on these matters; instead the focus on strategies is impact mitigation.

With the above issues left to the market, a pragmatic approach must be taken to any and all investments with a focus upon impact mitigation. The Amendment is supported by detailed analysis

of heritage, environmental and agricultural values. There is an in-depth understanding of what those values are and how they should be protected, to which the SAP does albeit subject to a number of modifications.

Referrals Received

TasWater

Attachment R1 – 29 March 2018

TasWater do not raise any issue but note the intended provision of dams to meet future water demand and future consultation regarding extending sewer.

Heritage Tasmania

Attachment R2 – 28 March 2018

Heritage Tasmania note that with no development application no assessment of notice of interest is required. They note that the heritage provisions will override any planning scheme provisions triggering a discretionary application process in the future.

Department of State Growth

Representation 236 including referral response 13 April 2018

The referral comments are attached to correspondence from the Department which is treated as a representation and discussed later in this report.

Policy Conservation and Assessment Branch

Attachment R3 – 10 September 2018

PCAB provide comments in response to the material provided by the proponent and in response to a separate report provided by Council's NRM staff.

Key PCAB comments are:

- Support the NRM staff recommendations;
- Suggest further investigation of red capped plover habitat ;
- Suggest investigation of geoconservation values near Bayles Point;
- Support the ECOTas reports and note the need for further reports in response to specific development proposals;
- That further work is required on the proposed 200m buffer around the Eagles Nest, noting that 500m (or 1km line of sight) is the typical buffer;
- Further consideration of suggested offsets is required although noting the merit of the concepts; and
- Despite the degraded condition of the saltmarsh, protection may be appropriate.

The above comments are directly relevant to any future for a golf course in the proposed Golf Course precinct. They are not fundamentally at odds with the proposed SAP but do reiterate the environmental values in that part of the site and which are recognised in the amendment and supporting material.

GSBC Natural Resource Management comments

Attachment R4 – received 11 September 2018

NRM comments incorporate the ECOTas recommendations but also address some representation issues. The recommendations include additional formal conservation covenants and implementation of management plans on water quality, sea-eagle nest, weed and hygiene and rehabilitation.

It is also suggested that the concept design for the golf course (which the proponent provided after the Amendment was certified) should be modified to better protect the identified values.

There are sufficient controls in the planning scheme to address all of these matters during future application.

Aboriginal Heritage Tasmania

Attachment R5 – Undated

Aboriginal Heritage Tasmania note that the site does contain known sites that will need to be considered and protected as part of any future development.

Representations Received

This section presents some descriptive statistics on the representations received, before discussing issues that are categorised against the Schedule 1 Objectives. Lastly, certain select representations are responded to specifically.

Summary

623 Representations are considered within this report. This includes a small number of Representations received only 2-3 days after the public exhibition closed. Representations have been continually received since that time but are not considered.

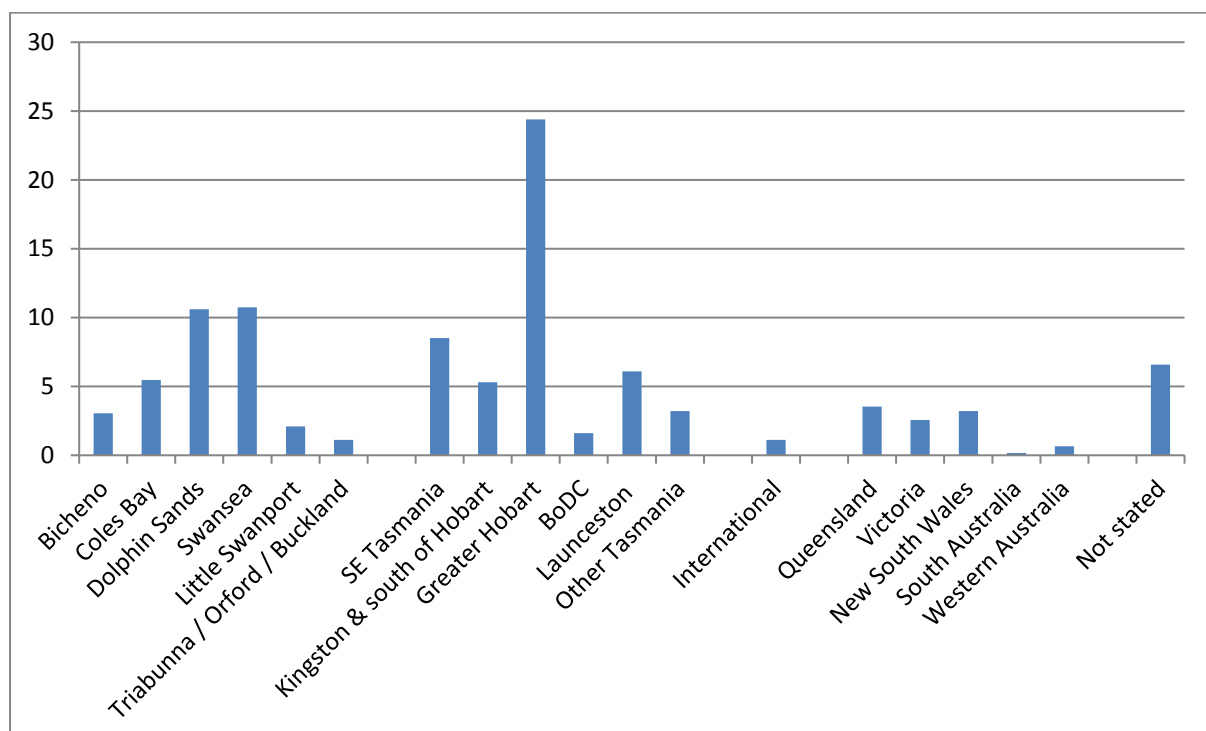
Of the 623 Representations, 485 are considered unique to particular households. That is, 485 Representations were received after removing multiple representations with the same physical or email address. This is not a fully accurate picture due to variable levels of personal information provided by representors.

Approximately half of all Representations received were either a standard submission document or a variation of a standard submission that was circulated.

186 ratepayers have been identified of which 60 are associated with holiday homes.

The vast majority of Representations oppose the proposal.

The proportion of representor locations is shown below.



Issues relevant to Schedule 1 Objectives raised in Representations

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

Natural Values

Potential impacts to flora and fauna was a common theme throughout the Representations, with both general and specific issues raised. Issues include:

- 1) the level of specie level prescription contained in the ecological assessments;
- 2) securing permanent wildlife corridors;
- 3) EPBC referral and approval;
- 4) boat or aircraft impact to birdlife;
- 5) nutrient loading and sedimentation to Moulting Lagoon and to groundwater from buildings and modified agricultural practices;
- 6) changed environmental flows;
- 7) compound existing levels of degradation to Moulting Lagoon such as reduced fish numbers, increased salinity, and reduced flushing through dams;
- 8) loss of nesting habitat near Meredith River;
- 9) loss of habitat of Masked Owl, migratory birds and other fauna;
- 10) conflict with and impact to habitat from increased visitors;
- 11) impacts and harm due to sensitive environment and species from increased visitors;
- 12) impact to low lying land which is frog breeding area;
- 13) impact to fauna from increased vehicle traffic;
- 14) insufficient separation from eagle nest;
- 15) a golf course is incompatible with the identified values of Bayles Backwater & insufficient assessment of impact provided;
- 16) risk of *phytophthora cinnamomi*;
- 17) that conservation covenants will be removed;
- 18) impact to wilderness values;
- 19) biosecurity risk of tourists;
- 20) serrated tussock quarantining will be impacted;
- 21) F5.7.3 does not adequately protect vegetation; and
- 22) F5.7.4 does not reflect all ECOTas recommendations.

The ecological assessments detail the values that exist throughout the site. Clearly, in some areas there are very high values and in others lesser, and further assessment required in certain areas if development occurs. Approvals outside the land use planning system may also be required if development occurs in certain areas, including under the *Threatened Species Protection Act 1995* or *Environment Protection and Biodiversity Protection Act 1999*.

Cambria Estate is an agricultural holding. Like all other East Coast estates, agricultural and rural activities occur alongside significant natural values which are regulated in various ways. Agricultural activities are regulated by the State through the *Threatened Species Protection Act 1995*, the *Forest Practices Act 1985* and associated codes and regulation, the *Water Management Act 1999* and by

the *Tasmanian Permanent Native Forest Estate Policy*. The *Federal Environment Protection and Biodiversity Protection Act 1999* may also apply.

Non-agricultural activities are principally regulated by the planning scheme but some of the above legislation may also apply.

At a strategic level, the allowable uses in the SAP are not necessarily capable of having a greater impact to natural values than agricultural uses or the non-agricultural uses currently provided for by the existing RRZ and SAZ. Rather, the issue is how well the natural values will be regulated through any future application.

The planning scheme currently provides a Biodiversity Protection Area (BPA). The BPA was prepared on the fly as GSBC had proposed that the associated Biodiversity Code apply on a case by case impact-dependant basis rather than a mapped overlay. The BPA simply reflects all TASVEG 3.0 mapped areas of native vegetation and thus incorporates all data quality issues associated with TASVEG.

Moving ahead, the BPA will be replaced by a Priority Vegetation Area (PVA) in the GSBC Local Provisions Schedule (LPS). The PVA has an entirely different methodology which is clarified in the supporting material associated with the LPS and available on Council's website. The methodology is more accurate and practical but again relies on best available TASVEG 3.0 mapping.

The PVA will not apply to the future Agriculture Zone.

The ecological assessments and other known data on Cambria Estate necessitate the need for planning regulation on natural values. As such, the SAP requires modification to ensure that the PVA applies under a future LPS.

The BPA applies to much of the Hills Precinct, to Bayles Backwater and smaller patches elsewhere (1,943ha). The PVA applies to similar areas but over a larger extent (2,084ha).

The planning scheme regulations address the direct impact of clearing and conversion. Many issues raised relate to broader impacts within and outside the site which are not regulated by the planning scheme, such as cumulative impacts and change to waterways, strike impact from vehicles, or impact of increased visitors walking through breeding habitat in the surrounding area. The extent to which these matters are likely to arise and their potential for harm is not established.

Impact to Moulting Lagoon can be controlled under the planning scheme through the assessment of any golf course and under the *Building Act 2016* through regulation of wastewater and stormwater. The NSW document "Improving the Environmental Management of New South Wales Golf Courses" appears to be the most relevant guideline for future consideration of the golf course. Impacts to waterways from agricultural practices are not regulated through the planning scheme.

Agricultural land

The Representations raised a number of issues that include the loss of agricultural land and concern that tourism and agriculture are not complementary land uses. The

proposal was seen by some representors as undermining the Swan River Irrigation Scheme and public investment in that infrastructure. Impact to adjoining agricultural operations, was also raised. Finally, the zoning of land to Rural Resource is 85ha and well beyond the heritage footprint was raised as a concern particularly with respect to the level of justification provided.

The request has a focus on agricultural use. The Amendment would see the conversion of some agricultural land for non-agricultural land with investment to increase agricultural output in net terms. The extent of conversion is minor, particularly with recommended modifications.

Tourism and agricultural are complementary activities as demonstrated by numerous examples through Tasmania's regions. Visitors create a demand for product in their own right and provide alternative revenue streams that facilitate cash flow and equity for investment to meet that demand. Conflict may arise at the boundary between different owners and ventures, which can be mitigated through appropriate planning and modifications suggested to the SAP.

Cambria Estate has access to the Swan River Irrigation Scheme and other water resources as outlined in the request and proponents representation. The Amendment compliments that public investment.

As noted elsewhere, Webster's have made representation as the main neighbouring property. Webster representation should be afforded a high weighting in making any decision given the length of common boundary and the degree of investment and economic activity that flows from Webster's holding. Modifications have been suggested to mitigate potential fettering.

The proposed rezoning around the homestead is not supported. It is not necessary and would be inconsistent with the agricultural potential of that land as documented in the request. This, however, does not imply that non-residential uses as provided for in that precinct may not be appropriate.

Agricultural Practices / Permaculture

A representation stated that the development provides an opportunity to adopt permaculture practices to restore the agricultural environment of Belmont and Cambria and the environment near Dolphin Sands. The representation argues that the presence of weeds, limited tree regeneration and dry conditions are indicators of a system under stress which can be corrected by permaculture practices to 're-green' the landscape. The representation notes that physical buildings, tree planting, dam and swale construction can all assist in retaining water in the landscape to improve soil health, particularly bacterial and fungi activity, leading to environmental gain.

One representation stated that Council's gorse spraying practices will be ineffectual and create an ongoing cycle (detailed at 2.2.1). Gorse is acting as a pioneer specie that is restoring soil permeability and moisture, and will disappear once that role is complete and secondary species including Eucalypts establish.

Noted. Land management responses are not regulated by the planning scheme. Agricultural is a No Permit Required use and Council has no ability to implement these practices other than by making the proponent aware of the representors view.

The comments with respect to Council's practices have been passed on to Council's NRM unit.

Aquifer

Representations raised issues regarding the use of aquifer water, that this would restrict other use of that water and that the development would degrade aquifer water quality through development of land and use of golf course, including through activation of acid sulphate soils and lack of detail on future sewage treatment and siting of such infrastructure.

The proponent has advised that they have no need or desire for aquifer water. Groundwater use is regulated by DPIPW and the inclusion of any SAP clause on this point would be inappropriate notwithstanding that the fact that it would resolve some of the concerns.

Non-residential uses will generate wastewater and stormwater. Wastewater systems require detailed design and approval processes under the Building Act 2016, including regular maintenance and are unlikely to impact the aquifer or cause other issue.

Stormwater is regulated under the *Building Act 2016* and under the Stormwater Code in the planning scheme. No Stormwater Code is provided in the SPP given the existing provisions in the *Building Act 2016*. There is certainly contention as to whether the *Building Act 2016* adequately controls the matters contained in the Stormwater Code as the *Building Act 2016* has limited scope to consider off-site effects.

Given the site, stormwater harvesting and re-use is a likely scenario. This would protect the receiving environment from nutrient or sediment loading but may have a minor impact on eflows to receiving waters, which some representors have raised concern.

The SAP should be amended to require all buildings and works to meet the stormwater quality and quantity targets of the State Stormwater Strategy.

Water

Issues raised in Representations include uncertainty over how much water will be required for agricultural and tourism development and where it will be sourced from. These concerns are in the context of low and variable rainfall patterns in the locality.

Cambria Estate has access to a significant amount of water storages and water licences. These water rights operate on a winter-take basis and therefore do not have any impact during periods of low rainfall.

Water licences are granted under the Water Management Act 1999 and are not a land use matter. Any extension of TasWater reticulated system would also not require planning permit due to exemptions benefitting TasWater.

Coastal Policy

Issues raised in Representations include a concern that project is contrary to the State Coastal Policy 1996.

The *State Coastal Policy 1996* (SCP) applies to the site as it is within 1 km of the high water mark.

The SCP three main guiding principles are:

- Natural and cultural values of the coast shall be protected.
- The coast shall be used and developed in a sustainable manner.
- Integrated management and protection of the coastal zone is a shared responsibility.

The SCP incorporates a number of themes, all of which have associated policy statements, including:

- Natural Resources & Ecosystems
- Cultural & Historic Resources
- Cultural Heritage
- Coastal Hazards
- Coastal Uses & Development
- Marine Farming
- Tourism
- Urban & Residential Development
- Transport
- Public Access & Safety
- Public Land
- Recreation

Many of these themes are addressed in equivalent terms in other strategic documents including the STRLUS and the Structure Plan.

There are considered sufficient controls in the Amendment and in the planning schemes Code to ensure that these values are appropriately considered and protected.

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

Historic Cultural Heritage

Representations noted issues related to heritage that were generally in terms of impact to heritage values or inadequate consideration of heritage matters being had, and therefore potentially unknown impacts. Concerns include:

- 1) The scale of activities envisaged in the homestead precinct is excessive with no precise detail on scale, siting, design or density and which will undermine the benefits of adaptive re-use of Cambria;*
- 2) The proposal will remove the link between Cambria and its agricultural holdings and detract from the integrity of this historic farm estate which is rare on a national basis, and will impact on the garden layout;*
- 3) Height in the heritage precinct is too high;*
- 4) Recommended management measures should be implemented as a priority;*
- 5) Buildings should maintain line of sight from homestead through building separation and plantings;*
- 6) Heritage assessments do not meet best practice & are not integrated;*
- 7) Insufficient consideration of heritage, other than the homestead, with omission of archaeological potential and values across the entire site and Cambria's significance as a relatively intact early land grant and a farm estate that evolved in size over various owners and retains much of its scale, land use(s) and integrity as a farm estate;*
- 8) Landscape Management Plan is inadequate, pre-dates other development proposal information & assessment, is too plant focused and with insufficient consideration of place, land use over time & available planting records;*
- 9) Independent assessment by heritage expert is required;*
- 10) The Tasmanian Heritage Register listing should apply to the entire property;*
- 11) Council should refer Cambria for National Heritage Listing;*
- 12) Council is not doing a good job managing heritage.*

Some representors that raised the above issues consented to their Representation being forwarded to the proponent so that their experts could review the concerns raised (a response to which is not yet provided). The criticisms of the heritage assessments provided is not a matter that can be resolved through the s.39 process. This will be a matter of evidence presented to the TPC.

Cambria Estate is listed on the Tasmanian Heritage Register and in the Local Heritage Code. The extent of both listings is limited to 20m around the homestead and three other buildings only.

As noted earlier, Heritage Tasmania have not commented in detail on the Amendment.

The reports provided by the proponent, notwithstanding certain criticisms in some Representations, suggest that the heritage significance and values are not adequately captured by the extent of the formal listings. In light of this, Council should write to the Tasmanian Heritage Council and request that the heritage listing for Cambria be reviewed as a matter of urgency. THC should also be requested to provide their view on if the estate has national significance. A modification to the Amendment should also be made to 'specific extent' column of the listing in the Local Heritage Code

to incorporate the zones identified and assessment in the Heritage Design Guidelines. Both recommendations will ensure that all heritage matters are considered in any future development.

Aboriginal heritage

Representations raised issues including the degree of consultation with traditional landowners and limited consideration of Aboriginal Heritage in the supporting material.

Aboriginal Heritage is protected under separate legislation that sits outside the planning scheme framework. It is likely that values exist within the site, which may or may not directly interact with future development.

Scale

A number of representations included criticisms of the scale of use set out in the supporting material as being inappropriate for the character & amenity of the area. This criticism was raised in relation to potential impacts to pristine East Coast environments, impact to the natural beauty of the site and surrounds, the absence of or limitations of infrastructure, and lastly too much, too soon and precedent establishing. The scale was seen as a direct threat to the collective values that attract visitors and residents to the area. Concern was also raised that existing use standards for visitor accommodation would not apply and future development had no upper limit.

Other East Coast tourism ventures in rural areas include:

- 235 units (80 permanent dwellings), restaurant, swimming pool, tennis court, marina and golf practice range approved at Piermont, Swansea over 93 hectares (2.5 buildings per hectare);
- 18482 Tasman Highway, Bicheno approved restaurant, managers residence at 16 units over 34 hectares (0.5 buildings per hectare);
- White Sands Estate, Ironhouse Point, 29 units, restaurant, conference facilities, cinema, tennis court, over 90 hectares (0.3 buildings per hectare);
- Bicheno Golf Club, 61 residential lots north of Bicheno Golf Course and extended 18 hole golf course over 95ha (0.6 buildings per hectare);

The Planning Scheme includes Particular Purpose Zones for Saffire and Spring Bay Mill. The Saffire PPZ has no control over scale. The Spring Bay Mill PPZ includes a 5% site coverage Acceptable Solution which equates to approximately 2.1ha of buildings.

The current RRZ and SAZ include a use Standard for visitor accommodation. The Objective of the use Standard is to *ensure visitor accommodation is of a scale that accords with the rural character and use of the area*. Associated Performance Criteria include that visitor accommodation use:

- *be of an intensity that respects the character of use of the area;*
- *be located on the property's poorer quality agricultural land or within the farm homestead buildings precinct;*
- *not fetter the rural resource use of the property or adjoining land.*

The phrase *be of an intensity that respects the character of use of the area* applies in most zones.

With a large-scale proposal envisaged, the SAP proposes to set-aside and not replace the visitor accommodation use Standard of the RRZ and SAZ. This is the key aspect of the SAP. The use Standard of the RRZ and SAZ requires a case by case establishment of what the relevant area is, what the character of that area is and what is an appropriate intensity of use in light of that character. The relevant RRZ and SAZ clauses, or minor variations of, have been tested in two RMPAT appeal processes; both in Kingborough and both in the Environmental Living Zone and one being the recent Villa Howden decision.

The guiding principle for determining the relevant area is from *M Drury v Hobart City Council and Ors* (TASRMPAT 18), which notes that the area:

“must be sufficiently large to enable an assessment of the prevailing characteristics but not so large as to dilute the character of the area around the development and alongside which the development will sit”

In terms of area, the Villa Howden, *R & R Pearshouse and Anor v Kingborough Council and Anor* [2018] RMPAT 24 case entailed three separate planning experts presenting alternative ways of determining the relevant area with the preferred opinion being imprecise on the relevant area for establishing character. The preferred opinion also stated (at paragraph 43 of the decision):

“Scale is a concept that is relative to the surrounding environment, such as a development that is appropriate in one environment might be inappropriate in another depending on the character of the environment. In a suburban environment, it is relatively easy to identify and appropriate an appropriate scale by reference to the surrounding development. However, in a non-urban environment it is more problematic owing to larger space, greater separation, and factors such as topography and vegetation come into play. It might be possible to have development of varying scale that owing to the factors above, does not represent the character of the area. The Sapphire Development at Coles Bay is an example of that.

In the subject case the proposed development is of a different scale to every other development in the surrounding area, however as there is no characteristic scale, I cannot conclude that it is disrespectful.”

Across all precincts there are areas in which development could occur that would be screened from public view by topography and vegetation. Arguably, internalised development not visible outside the plan area is an intensity that is respectful of character as external impacts such as traffic may not be significant. The Tribunal noted in the Villa Howden case:

... the Tribunal finds that the attributes of the design, the site and its surroundings are such that the appearance of the Proposal will not be dominant from the adjoining land or from Howden Road. Its impacts would be largely limited to within the site of the Proposal. The proposal would be subservient to the dominating landscape within the area of the site. The intensity of the use of the site would be unremarkable as the site is removed and largely obscured from its neighbours and from the road by existing vegetation on and around the site. The impacts arising from its intensify would be limited to traffic coming and going from the development

The above is not presented to argue that the envisaged use or development is compatible with the character of the area but rather to show that determining an appropriate scale for a rural character over a particular area using the current zone provisions is not a simple exercise or one that has known outcomes.

Many Representations argue that the scale of use should be capped and be capped at less than what is outlined in the supporting report. Scale of use is relevant to considerations of infrastructure and amenity, particularly from patrons coming to and from the site, to consideration of landscape values and built form and to economic considerations such as supply and demand for rooms.

In response to these concerns, a Gross Floor Area Standard is considered to be an appropriate response to these issues and it is recommended that a Standard be included in the SAP. A Gross Floor Area provides greater certainty and addresses the built form elements that are considered more relevant than use alone in maintaining rural character.

The GFA Standard is necessary in the absence of detailed plans but is inherently difficult to propose in the absence of such plans. It is considered that such a Standard is necessary but what is proposed in the Working Draft may not necessarily be the appropriate outcome.

Under the Standard proposed in the Working Draft, each Precinct would have a GFA Acceptable Solution of less than 1% of the Precinct and approximately 0.001% of the plan area, and 3.2ha across the plan area (and no more than 5.9 under the Performance Criteria). In relation to other nearby development, the GFA across Cambria Drive and Dolphin Sands Road would be just under 5ha assuming 150m² of buildings per lot. The approved, but not fully developed, Piermont would be approximately 3.2ha within 120m² buildings.

As a final point on the existing planning scheme, visitor accommodation is a discretionary use in the RRZ with no qualifications and is a discretionary use in the SAZ with the following qualification “Only if backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, overnight camping area or seasonal workers accommodation”. Unhelpfully, most of these terms are not defined; they clearly should be. The term holiday cabin was originally defined in 1978 Tourism Determinations issued by the State. However, there is no longer any definition of a holiday cabin. Consequently, there is uncertainty about what use can and cannot be considered in the SAZ.

Visual amenity

Issues raised relate to the potential visual impact of the proposal. Concerns include the scale of the development, the height of buildings allowed under the SAP, that development will be visible from the coastline and Great Eastern Drive and the degree to which impacts can be mitigated.

These concerns overlap to a degree with scale. It is considered that the recommendations made in the above section will address some of the concerns raised.

The flat plains either side of the Great Eastern Drive and the hills to the west mean that much of Cambria is visible from public vantage points. Conversely, the majority of the Hills Precinct is not visible as is a large proportion of the Agricultural Precinct. Arguably the scenic qualities of Cambria are not significant relative to other East Coast locations. The Cambria Homestead is not prominent

to passive vehicles or Nine Mile Beach. Conversely, there is clear evidence in the landscape that high structures can be visible over great distance and can be too prominent over shorter distances. Poorly sited or large building bulk will have an unreasonable impact to visual amenity of the area with adverse impacts to visitors and residence. There is a capacity within the site to locate buildings with no to little prominence from public places and to also ensure design mitigates potential adverse impacts on buildings sited within viewlines.

Uncertainty

The lack of a firm planning application was a common concern. It was generally considered that too much is unknown and the request too light on detail. Related issues include inconsistency in the documentation and interpretation of discretionary uses in the SAP in light of statements made in the supporting documentation. Concerns include:

- 1) The SAP is too general for a proposal of this scale leading to positive, negative and as yet undefined impacts and has no link to the proponents master plan;*
- 2) Without detailed plans, impacts cannot be identified, quantified, managed or mitigated. Proponent statements that less than half the master plan would be implemented;*
- 3) Difficulty in navigating 'planner speak' and the various documents and how they related to the Specific Area Plan;*
- 4) The master plan was not exhibited;*
- 5) Developer not bound to the SAP. Council has too little control over future applications;*
- 6) Lack of coherent strategic purpose and focus;*
- 7) A Specific Area Plan is not warranted. Cambria Homestead can be developed under the current planning scheme and the proposal is not a significant economic tourism development.*

The outline of future development given in the master plan and supporting report is separate to the SAP and Amendment. The content of the amendment and specifically the SAP must form the basis of the assessment.

A number of modifications to the SAP are recommended to be made which will address some of issues raised.

Development Standards of SAP

Some Representations raised concerns with respect to the detail of the SAP including:

- 1) Heights, with concerns raised that height would increase from 5 metres on Dolphin Sands Road and 8.5 metres/2 storeys in Cambria to 12 metres/4 storeys on most development precincts, including the golf course;*
- 2) Setback, with concerns raised the any building would have a 5m setback compared 20m to 50m now;*
- 3) Subdivision, with additional subdivision potentially and smaller lots sizes proposed, including potential for residential lots;*
- 4) Scale of use, with concerns raised that there is no limit to what could occur;*

- 5) *Use, with concerns raised that some uses are inappropriate for the area or maybe inappropriate dependent on their future scale;*
- 6) *That the covenanted area should be excluded from the SAP;*
- 7) *That the SAP has no distinction between terms villa, apartment and unit;*
- 8) *Limits on residential use are warranted and residential should not be allowed;*
- 9) *The Dolphin Sands PPZ should apply to the site; and*
- 10) *Subdivision in Precinct 2 should be prevented.*

A number of modifications to the SAP are recommended to be made which will address the majority of issues raised.

The covenants apply irrespective of the planning scheme. There may be conflict between the planning scheme and a covenant (by zoning covenanted land for agriculture) but in practice this is of no consequence. A covenant is enforceable by legal action and is not a relevant planning consideration. The covenants within Cambria are with the State of Tasmania.

Traffic

Concern was raised within Representations that the additional traffic would reduce existing safety and efficiency of road users, particularly with respect to tourist traffic. Other concerns raised include expectations that the project would require or create a demand for a bridge crossing between Dolphin Sands and Swanwick. Concern was raised that existing farm accesses off the Tasman Highway and off Dolphin Sands Road would be used for the tourism development which would give rise to significant amenity concerns.

The Great Eastern Drive is clearly the major means by which visitors access the East Coast, and is administered by the Department of State Growth (DSG). Tasmanian Government submissions to the Legislative Council inquiry on short stay accommodation states the branding of the Great Eastern Drive has increased visitations by 20% / 62,800.

The representation from DSG does not outline any concern with traffic safety or efficient. DSG have several current upgrade works to the Great Eastern Drive but otherwise have no (known) strategy for future upgrade works to the Great Eastern Drive.

In terms of the site, it is unclear to what extent future development will directly generate increased visitations or capture visitations that are driven by existing conditions and enhanced by Government marketing. The proposal would clearly increase use of existing local roads and the TIA outlines the likely upgrades that would be required at the junction of these roads with the Great Eastern Drive. The TIA does not adequately address the likely need for upgrades to local roads, such as their widening or sealing. The TIA provides information and background and not a final position on any traffic matter.

The Road and Rail Assets Code will apply to all future application and provides the basis for Council and DSG to assess traffic generation.

Cambria Estate has a number of access points and rights of way through other titles, but has good connectivity via McNeils Road and Swan River Road and to a lesser extent Boathouse Road. The SAP

should be amended so that any increased traffic generation for non-agricultural activities is via existing public roads (as an Acceptable Solution) with a Performance Criteria to consider and protect amenity and biosecurity considerations of adjoining land.

A bridge crossing to Swanwick is not proposed and is unlikely to be financially or environmentally viable to either a private proponent or government.

Airstrip

Issues raised in Representations include:

- 1) *impact to residential amenity of flights and traffic;*
- 2) *the need for medical flight services;*
- 3) *increased flights over Freycinet;*
- 4) *safety due to cross winds;*
- 5) *is more for tourists than medical purposes;*
- 6) *helicopter flights;*
- 7) *extent of upgrades required and degree of compliance as an agricultural landing strip;*
- 8) *existing status of airstrip;*
- 9) *lack of Royal Flying Doctors Service awareness of concept;*
- 10) *harm to vegetation from oil and other residue under flight path;*
- 11) *support for the airstrip and*
- 12) *limited planning laws in Tasmania*

The SAP requires modification to give greater direction for any future upgrade of the existing airstrip or development of airstrip or helipad elsewhere on the site. This must be limited to direct amenity consideration of adjoining land.

Relevant contested planning appeal cases on similar scaled airstrips are few. Those that are relevant have placed significant weighting on noise exposure of aircraft to surrounding sensitive receivers in a manner not dissimilar to assessing industrial activities.

Palliative care

Concern was raised in Representations regarding the palliative care component, including insufficient medical practitioners to serve the development, which will take doctors from existing practices and further stress the health system or undermine May Shaw. Uncertainty also existed as to what specifically was proposed and how a compliant service could be provided outside a settlement. The peak body Palliative Care Tasmania has offered to brief Council on these matters.

The potential to provide and sustain a private palliative care facility is limited. Facilities are provided at Swansea via May Shaw. It is recommended that this use be removed from the SAP.

Natural Hazards & Risk

Concern was raised in Representations that flood and bushfire risk were not considered and that increased visitors would strain existing volunteer emergency services. The TFS note their willingness to participate in TPC hearings.

Parts of the site are subject to a natural of natural hazards and risks. The planning scheme provides a number of Code that address these matters as part of any future applications.

Property Values

Representations considered that the proposal would both reduce and increase property values in the area.

These claims can only be confirmed by independent property valuations that would be based on certain assumptions as to future use or development on the land, and which cannot truly anticipate the actual value that is settled during any transaction. Given the matters that are taken into account in land valuation it is doubtful that development of land has a negative impact on adjoining valuations.

The modifications recommended will address some of the amenity considerations that representors consider will impact market value.

Council's Strategic Plan

Concern was raised in Representations that a development of the scale envisaged and located in areas of known natural values is contrary to Council's Strategic Plan.

Council's Strategic Plan is relevant to the consideration of the amendment but is considered to have a relatively low weighting in any decision making. The Strategic Plan is to inform Councils operational planning not to regulate land use matters.

(c) to encourage public involvement in resource management and planning; and

This is a procedural objective that is delivered through the established legislative process for consultation.

(d) to facilitate economic development in accordance with the objectives set out in paragraph (a), (b) and (c);

Economic Impacts

Some Representations expressed support for the project for the potential local economic gain and job creation. These benefits would sustain permanent population and existing community services and businesses, reduced pressure for accommodation in Coles Bay. Support was received for event facilities and airstrip.

Some Representations expressed concern for the negative impact to Swansea and existing businesses. Specific concerns include:

- 1) that F5.6.1 of the SAP is insufficient in light of description of the Cambria village at page 49 of the master plan;*
- 2) statements that existing business are not setup to cater for foreign tourists and therefore will not see any benefits;*
- 3) that tourism jobs do not best meet the needs of youths;*
- 4) that the proposal creates a new, larger town that is not economically or socially viable, or that will be gated and exclusive;*
- 5) that economic benefits will be minimal or negative and that local or Tasmanian people will not be employed for construction or operation;*
- 6) no need for a golf course as Swansea already has a golf course - limited golfing tourism;*
- 7) support for golf course;*
- 8) conflict with Tasmanian Brand & existing operators; and*
- 9) caters for a small percentage of Tasmanian visitors (4%).*

Clause F5.6.1 provides an appropriate level of protection for existing businesses and services in Swansea. Nevertheless, it is recommended that a number of modifications be made to the SAP to reduce the range of use that can be considered to those that are reasonably associated with tourism.

Infrastructure

Issues raised include uncertainty over what infrastructure will be required and how this will be funded. In long-term, rate-payers will pay for infrastructure expansion and maintenance. Developer should be required to pay a bond to ensure works are to standard.

The full extent of public infrastructure needs is not known. The documentation identifies potential highway junction upgrades and there is a potential to provide TasWater services. Upgrades to the local road network may also be required.

Public infrastructure upgrades will be developer funded and GSBC, TasWater and Department of State Growth all have procedures in place to verify the quality of work.

Issues outside the Schedule 1 Objectives

Process

Council was secretive, rushed, non-consultative and with questionable probity. Lack of transparency in State and Local Government.

Ownership

Various commentary was given on ownership and specific concerns raised relating to:

- 1) the public announcement of Cambrian Culture and Art Town;
- 2) Who are the proponents, what are their credentials, can they deliver?;
- 3) Allegations that Council and other parties have change and or broken Australian corporate law to suit the developer or the law has otherwise been breached;
- 4) The ownership of associated corporate entities, the land owner consent granted and allegations of subterfuge;
- 5) Loss of local identity and social fabric;
- 6) "Already another east coast farm has been purchased with the intention of developing it when the Cambria test case has cleared the way. Another coastal property owner has been approached to sell" and similar statements;

Other

- 1) "Public right of way to access reserves etc: Again no information supplied, will this be explored and addresses";
- 2) Concern that the Alliance group are opposing the proposal for opposition sake;
- 3) Strong NIMBY element - Dolphin Sands was once part of Cambria;
- 4) Dolphin Sands subdivision subject to tight restrictions to preserve environment & these apply to the development site;
- 5) Council website cannot be accessed in France;
- 6) Commentary on DSRA submission / or commentary on DSRA;
- 7) Should be a Project of State Significance;
- 8) There is a lack of project costings;
- 9) The amendment simply seeks windfall profits for the owner;
- 10) Cambria is not referenced in PWS Freycinet Master Plan - will increase demands on the National Park;
- 11) Potential health effects of pesticide use;
- 12) Allegation that the existing zoning described by Ireneinc is contrary to the actual approved zoning shown on the list;
- 13) Question as to whether Crown land was transferred to the owners in 2015;
- 14) Allegations of lack of transparency and good governance directed at the State Government;
- 15) That there are 11, 12 or 13 titles within the site depending on which piece of information is sourced;
- 16) Removal of fencing along 483 Dolphin Sands Road for an access road;
- 17) "If I had known this development was being considered I would never have invested all my savings in ... two years ago";
- 18) locking up land for the privilege few while we have a housing crisis.

Select Representations

Department of State Growth

- 1) *Without certainty of associated DA, concerned by scale and scope of what could eventuate – including residential subdivision - under broad scope of SAP from a traffic and tourism industry perspective.*

Modifications are recommended to the SAP.

- 2) *Land owner consent for Crown land.*

The Council minutes confirm that the amendment was initiated only for private land and not Crown road reservations, and that the initiation was made under s34(1)(a) (i.e., in response to a request). Council can nevertheless initiate an amendment under s34(1)(b) to any land without any land owner consent.

The certified SAP does not apply to Crown land. It must be noted that at the scale presented the narrow road reserves are not visible.

- 3) *Meaningful comment on the TIA cannot be made as does not reflect activities described in the planning report, is out of date and refers to 4 accesses only, whereas DSG state there are 10.*

Noted. The TIA provides background information. Any future application will be subject to the Road and Rail Assets Code which will require a new TIA for any significant traffic generating use and must have regard to the specific use or development.

- 4) *Utilities ought to be discretionary.*

Agree.

- 5) *Master plan does not enable public transport. Visitors, residents and staff will be entirely reliant on private vehicles.*

There is no bus service within Swansea. DSG note that from 2019 there will be a daily return bus service from Bicheno to Hobart and a school service from Swansea to Hobart. It would appear that both services will run along the Great Eastern Drive only, and therefore not enter Cambria Estate.

It is common place in rural areas for people to drive to, or be driven to, bus services.

It is self-evident that visitors to the East Coast are car dependant, this is central to the Great Eastern Drive marketing platform.

- 6) *Inconsistent with PAL policy and loss of agricultural land.*

DSG principle concern is that any extensive development of the land would reduce land that could be used for agriculture.

The SAP prioritises agricultural use on the better quality areas of the site. It is recommended that the part of the Amendment to rezone land to Rural Resource Zone around the homestead be removed. It is also recommended that setbacks be increased to remove any potential for fettering.

The request is consistent with the PAL policy and the recommended modifications will enhance this.

7) *Tourism supply.*

DSG consider there to be too much uncertainty to comment on what affect the amendment will have on tourism.

This can only be noted.

8) *There is an active clay mine lease owned by TasWater, and two others leases, on PID 3016155 which are subject to the Attenuation Code.*

Noted.

9) *Inconsistent with Structure Plan and potential to create a new community.*

DSG provide little detail to explain or justify this concern. The SAP does not propose a residential settlement. As noted elsewhere modifications are recommended to restrict commercial use above that already provided for by the use Standard in the SAP.

10) *Contrary to State Coastal Policy 1996 in that the requirement to avoid actively mobile landform has not been considered.*

An actively mobile dune is not sufficiently defined in the *State Coastal Policy 1996*.

The Coastal Erosion Hazard Code in the planning scheme was prepared by Department of Premier and Cabinet and endorsed by the TPC. It does allow for development, subject to detailed design, in areas currently eroding or anticipated to erode by 2100 or sooner but do not allow development on an actively mobile landform. Irrespective of the Amendment, the Code will apply to any development.

11) *Suggested improvements to SAP, including:*

- *Clarifying use qualifications*
- *Including agriculture as an objective in each precinct;*
- *Making utilities a discretionary use;*
- *Providing for storage use to recognise this as an ancillary use to agriculture.*

Agreed.

12) *Uses such as crematoria use creates attenuation buffers in close proximity to potential sensitive uses.*

Noted.

13) *Previous DSG comments not included in initiation report.*

The comments were received after the report was prepared. The comments essentially note that the developer could submit a s43A combined application, but as noted earlier, a s43A is not possible due to the sites heritage listing. The comments also note that the TIA is 2 years old and does not reflect any specific development which was also understood.

E3 Planning obo Websters Limited

- 1) *The masterplan should be ignored for the purposes of assessment. Only the development potential created by the SAP is relevant.*

Agreed

- 2) *No development is proposed. Even if it were there is no guarantee in the SAP that a permit would be implement and other proposal could be developed in the future. The overall development potential of the SAP is nothing less than massive with insufficient controls on subdivision, residential and visitor accommodation.*

It is clear no development is proposed at this stage. The background material does present a large, broad vision for the future of the site which is likely to naturally evolve over time as markets are tested and as visitor and other demands change overtime. The SAP needs to balance flexibility and mitigation of potential impacts and to this end requires various modifications to provide such balance.

- 3) *Lack of an integrated master plan, leading to potential for parts of the site to be sold separately and potential developed in ways inconsistent with the SAP.*

Whilst this is speculative, the SAP purpose statements and LAO to provide a significant degree of integration between agriculture and tourism. In this context, the rationale and objective of the proposed subdivision controls are not properly established and should be removed.

- 4) *Subdivision and residential development at urban densities is possible*

Disagree. Such proposals would be contrary to the objective for the Standard (which the representation omits) and the plan purpose statements. In any case it is recommended that the subdivision Standard of the SAP is removed. The amendment is not for a residential development.

- 5) *No scale on visitor accommodation, particularly where permitted in the Homestead Precinct.*

Agreed. A Gross Floor Area provision is proposed.

- 6) *Building height of 12m is unacceptable for visitor accommodation use and out of character with the surrounding area.*

Agree. Whilst the height Standard is based on the State Planning Provisions height limit it should be reduced to 8m for non-agricultural uses.

- 7) *The SAP would convert 3,000ha of agricultural land.*

Disagree. The amendment does however require modification to better reflect the current use of the site should tourism related development not occur or happen at a smaller scale. This requires modification throughout the document but particularly to ensure that the SAP does not prohibit any rural or agricultural use otherwise provided by the zone and which may be appropriate in the future.

8) Potential to fetter surrounding use.

The SAP does provide a use Standard that addresses this potential and adopts large setbacks for sensitive uses. Nevertheless a modification is necessary to provide absolute minimum setbacks. This removes any potential for sensitive use in close proximity, and reflects the large size of the site and the flexibility available for building siting.

9) Inconsistency with STRLUS by increased demand on infrastructure with pressure on GSBC to fund infrastructure include roads, electricity, water and waste disposal and collection and creation of a new regional centre, urban expansion, and loss of agricultural land.

The argument is that under increasing visitor numbers a demand would be generated to provide water, sewer, stormwater and other services to the site and to Dolphin Sands and to which Council would fund.

Water and sewer reticulated could be provided to the site or part of the site at the developers cost and in consultation with TasWater. It is unclear what role Council would or could ever have in facilitate such service extensions.

Stormwater is a Council function however such developers typically provide a private system. For instance, Piermont will be developed with a series of large scale private stormwater mains and other services at developers cost.

A residential development is not proposed. The settlement strategies of the STRLUS are not relevant. Activity centre considerations are relevant but will be resolved through the proposed modifications. Loss of agricultural land considerations are discussed elsewhere.

10) Inconsistency with Schedule 1 Objectives of LUPAA

Disagree. Subject to appropriate modifications the amendment can be made consistent with the Schedule 1 Objectives.

E3 Planning obo Piermont Pty Ltd

1) Proposal is contrary to what brings visitors to the area, being uniqueness, small scale and undeveloped. The proposal provides an unfettered conversion of 3,100 ha with nil or limited planning controls on building height or density and will place demand on GSBC to fund infrastructure upgrades. It provides for another settlement principally for foreign nationals.

It is agreed that additional controls are necessary with respect to the SAP.

More broadly, the concern raised is one of personal opinion. Piermont is a large-scale development with a mix of visitor accommodation and residential development. The development envisaged by the Amendment and provided for by the SAP is not considered fundamentally different or larger than the Piermont complex.

Emma Riley and Associates obo East Coast Alliance

- 1) *The draft amendment is unnecessary as the appropriate scale of tourism related use and development can be accommodated by existing planning provisions.*

This issue cannot be resolved by way of modification. The issue represents a fundamental opposition to Amendment. The issue can only be tested and resolved before the Tasmanian Planning Commission.

- 2) *Structure and Drafting of the SAP – does SAP override zones.*

Agreed. The SAP should specify if each clause is an addition to, modification of, or substitution of any clause in any Zone or Code.

- 3) *Structure and Drafting of the SAP – a Particular Purpose Zone should be adopted if SAP is to override zones.*

Disagree. The SAP does provide a different future for the site but retains the core agricultural focus of the existing zones. The SAP modifies the existing strategic approach rather than fundamentally change it, which would be the appropriate test for a Particular Purpose Zone (PPZ).

It should also be noted that Solis is provided for by a SAP rather than a PPZ, whereas Saffire, Spring Bay Mill, and the Gulch each have a PPZ.

- 4) *Structure and Drafting of the SAP – use qualifications appear to prohibit uses which the background material seeks to be discretionary, which if so would require re-exhibition.*

Noted. There are discrepancies between the SAP and the background material. These issues can only be resolved through the hearing process. The extent of modifications recommended in this s.39 report would, if adopted by the Tasmanian Planning Commission, likely meet the tests of substantial modifications and require re-exhibition.

- 5) *Rezoning to Rural Resource Zone for heritage reasons is not supported.*

Agreed.

- 6) *Extent of conversion of agricultural land to non-agricultural use and adequacy of SAP as a means to refuse any non-agricultural use, including residential and visitor accommodation.*

Overall, the SAP proposed increased agricultural output and tourism related uses that, notwithstanding their scale, support agricultural use.

It is accepted that the SAP does not recognise agricultural potential of the homestead precinct and should by way of reducing the extent of the homestead precinct to those areas with identified heritage significance. The Heritage Design Guidelines do identify sub-precincts around the Homestead that are to be maintained for agriculture. The SAP also removes an agricultural focus from the Hills Resort Precinct and the Golf and Conservation Precinct which represents the limited agricultural potential of those areas.

Whilst the Hills Resort Precinct is identified in the draft LPS as being within the Agriculture Zone it has limited agriculture potential. The basis for the Agriculture Zone is mapping of Agriculture Estate provided by the State Government and which identifies substantial hectares of land of less obvious agricultural potential. For instance, the recent subdivision off Crossins Road by the Tasmanian Land Conservancy is identified as having agricultural potential.

7) Rezoning of Conservation Covenant areas to Environmental Management is not necessary.

Agreed. The zoning of land subject to a Conservation Covenant is of no consequence as the covenant is a legal agreement with the State of Tasmania that significantly constrains what an owner may do. Consequently, they are irrelevant to determining the zoning of land.

The three covenants on Cambria vary; some allow grazing whilst others don't.

8) Potential residential subdivision.

The Amendment does not propose a residential development. The SAP should be modified to prohibit most forms of residential use.

9) Extent of visitor accommodation use possible far exceeds demand projections and is an unreasonable large level of unconstrained growth. It amounts to a new settlement albeit one primarily for visitors.

The background material references some 500 visitor accommodation rooms. Clearly, should that occur at once that supply would far outstrip demand but self-evidently that supply will not occur at once.

10) No economic analysis done on the impact of the proposal on the surrounding settlements or East Coast visitor economy. Ideally, visitor accommodation would occur across the region as a whole, not in one specific location.

As noted elsewhere in the report there is no relevant or useful regional plan guiding where, how and at what numbers visitor accommodation rooms should be provided.

Clearly the proponent recognises the locational advantages of Swansea and seeks to leverage the sites heritage and agricultural values to capture visitations.

It is also highly unlikely that accommodation would be provided at a rate that far exceeds demand in a manner that would crowd out investment by other potential providers. However, without any long-term projections or strategies and without any firm development application, comprehensively evaluating that issue will be challenging. Any future adverse impact is also dependent to a large degree upon the circumstances of individual businesses, their particular market segments and

marketing and how they respond to greater competition. The continued prevalence of AirBnB and the regulatory response to the sharing economy will also be important factors for supply at the site and across the region.

11) Retail uses.

The concerns raised are generally accepted and a number of modifications to the SAP are recommended.

12) Hospital services (palliative care) is inappropriate.

Agree.

13) Proposed airstrip would rival other regional airstrip, is too close to existing dwellings and claims that it is necessary for emergency services are misleading.

Modifications to this part of the SAP are recommended.

14) Traffic impacts are not properly considered and are outdated.

See response to Department of State Growth

15) Infrastructure, lack of detail on wastewater management.

Noted. Such detail is for future processes.

16) Inconsistent with State Coastal Policy 1996, ribbon development and excessive scale.

The amendment is considered consistent with the State Coastal Policy.

17) Lack of justification for the golf course and concern for impact to native vegetation and Moulting Lagoon.

It is agreed that there is insufficient justification for a golf course to be afforded the level of certainty that is proposed in the LAO.

A golf course could well be an ideal land use for areas of limited agricultural potential, subject to any application meeting the necessary planning scheme tests and applicable legislation. As no application has been made no determination can be made on this one way or the other. Existing planning provisions are well suited to considering direct impacts of habitat removal, etc. There is however no direct provisions for operational matters associated with a golf course. The SAP ought to be modified to introduce an application requirement for a golf course management plan that address all other potential environmental impacts that do not form part of any Code.

IreneInc

1) Swansea has locational advantages to capture economic benefits of increased visitations with economic growth strongly supported by Federal, State and local policies.

Noted.

- 2) *The SAP includes provisions such that General Retail and Hire and Food Services uses do not complete.*

Noted.

- 3) *Suggest adoption of a new Standard in the SAP to prohibit use of aquifer water. Details provided of existing (50ML), approved (462ML) and concept (at least 1196ML) dam storages and existing water rights totalling 1692ML.*

The SAP should be modified to include the suggested standard. The TPC will need to determine if the use is for a proper planning purpose given existing regulation.

- 4) *Suggest adoption of new Standard for the airstrip.*

The SAP should be modified to adopt the suggested standard. A specific noise level may also be appropriate. A standard for helipads should also be included in a modified SAP.

- 5) *Suggest a 50m Acceptable Solution setback from Dolphin Sands residences other than for the Homestead Precinct as the heritage design guidelines override and prevent building in proximity.*

Noted. Similar but different modifications have been recommended.

- 6) *Scale.*

The representation states that the master plan provides for development to cover approximately 0.2% of the entire estate with less than 6.5ha of total developable footprint (being inclusive of access, car parking, separate between buildings, etc). The representation also states that “[w]e are continuing to explore an appropriate planning mechanism that could be included, for example either through site coverage for the precincts, or number of rooms”.

It is considered appropriate that the SAP be modified to include a Gross Floor Area Standard to provide some ultimate control over scale and takes into account topography, view lines, bulk, massing, materials and the like.