

The Concept Masterplan has found that there is potential to facilitate the following development of the land.

- Cambria Homestead Precinct - 139 villas and units, and wedding and function facilities.
- Along the river - 161 villas and units
- Hills Resort Precinct - 80 unit health retreat (near sky resort)
- 20 accommodation units on golf range
- Resort - 150 rooms
- Golf course 18 hole plus 9 hole par 3

This report is part of an application to amend the current planning scheme, a separate development application will be required subsequent to approval of the amendment.

## 5. PLANNING SCHEME PROVISIONS

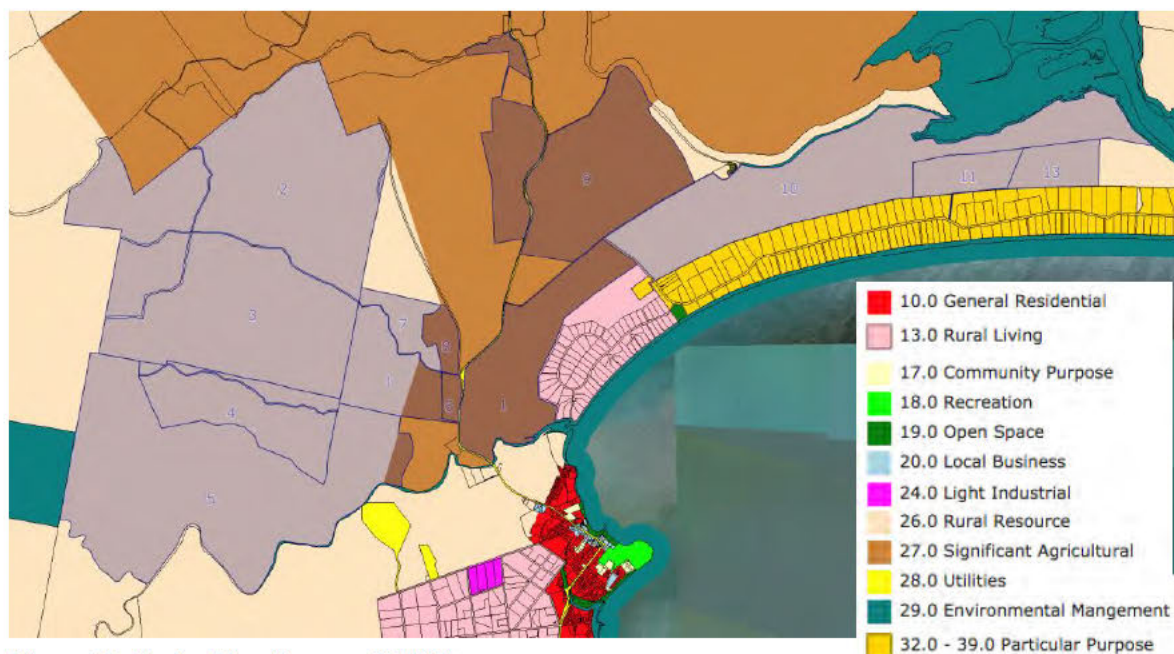
The *Glamorgan - Spring Bay Interim Planning Scheme 2015* applies to the sites. The following is a consideration of the proposed development against the scheme provisions, highlighting areas of concern or further investigation.

### 5.2 ZONING

The following figure illustrates the zoning of the subject land and its surrounds.

The land around Tasman Highway and on the northern edge is Significant Agriculture. The western hills and land along the Dolphin Sands spit is within the Rural Resource Zone.

The site adjoins the Rural Living and Particular Purpose 3 - Dolphin Sands Zones, of Dolphin Sands. The adjoining Ramsar wetlands around Moulting Lagoon to the east are in the Environmental Management Zone, as is a parcel of Parks and Wildlife Services land on the western edge of the site. Meredith River on the southern edge is also largely zoned Environmental Management, with the adjoining bank zoned Rural Resource. There are also various surrounding parcels that are in the Rural Resource Zone.



### 5.3 PROPOSED DEVELOPMENT & USE CLASSIFICATIONS

The following are some of the respective uses that are proposed as part of the Masterplan for the subject land, and their associated use classes as defined by the planning scheme.

## Agriculture - Organic Farming

Pasture, grazing, vineyards, crops and orchards, these are all consistent with the definition 'Agricultural Use', which falls into the use class 'Resource Development':

**Agricultural Use** - means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture, intensive tree farming and plantation forestry.

**Resource Development** - use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fishstock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.

**Resource processing:** use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery and sawmilling.

## Landscape Management

Inclusive of vegetation protection areas, and further vegetation:

**Natural and cultural values management:** use of land to protect, conserve or manage ecological systems, habitat, species, cultural sites or landscapes.

## Recreation activities

Works for walking trails are more likely to be reasonably informal and would fall within the following definition.

**Passive recreation:** use of land for informal leisure and recreation activities principally conducted in the open. Examples include public parks, gardens and playgrounds, and foreshore and riparian reserves.

Mountain bike trails used relatively informally would fall within this definition too, however if further infrastructure is required or it is to be used for organised or competitive recreation then it would fall within the following definition, as would a golf course.

**Sports and recreation:** use of land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, public swimming pool, race course and sports ground.

Where the following is relevant:

**Outdoor recreation facility;** means use of land for outdoor leisure, recreation, or sport.

## Tourism Development

Development options include the following tourism development; a resort with minor retail, motel, administrative facilities, health retreat, and some residential development with potential use as accommodation. These uses would predominantly fall into the following use definition:

**Visitor Accommodation** - use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers

*hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.*

Any dwellings not to be used for visitor accommodation would fall within the following if not ancillary to other uses:

**Residential** - use of land for self contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.

If the above dwelling units were anticipated to provide for visitors and tourists, then they would be classified as 'Visitor Accommodation' above.

Any administration facilities associated with the Visitor Accommodation would be ancillary to that use, and hence classified under that use definition.

Further uses that are likely to be necessary for proposed tourism facilities includes restaurants, some retail, and potential meeting/conference facilities; which would fall within the following definitions:

**General Retail & Hire** - use of land for selling goods or services, or hiring goods. Examples include an adult sex product shop, amusement parlour, beauty salon, betting agency, commercial art gallery, department store, hairdresser, market, primary produce sales, shop, shop front dry cleaner, supermarket and video shop.

**Food Services** - use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a cafe, restaurant and take-away food premises.

**Community meeting and entertainment:** use of land for social, religious and cultural activities, entertainment and meetings. Examples include an art and craft centre, church, cinema, civic centre, function centre, library, museum, public art gallery, public hall and theatre.

Tour operations and their facilities would fall within the following definition:

**Tourist operation:** use of land specifically to attract tourists, other than for accommodation. Examples include a theme park, visitors centre, wildlife park and zoo.

### **Air Strip**

The development of a landing strip and associated facilities for scenic flights and emergency medical services would be classed in the following to Tourist operation as per above or the following:

**Emergency services:** use of land for police, fire, ambulance and other emergency services including storage and deployment of emergency vehicles and equipment. Examples include ambulance station, fire station and police station.

If the air strip is used as a landing strip to bring visitors who were then proceeding elsewhere, it could be classified as ancillary or as the following:

**Transport Depot and Distribution** - use of land for distributing goods or passengers, or to park or garage vehicles associated with those activities, other than Port and shipping. Examples include an airport, bus terminal, council depot, heliport, mail centre, railway station, road or rail freight terminal and taxi depot.

### 5.3.1 Comparative Use Table

Appendix B includes a comparative use table of the anticipated and existing uses and their status within the respective zones. Some changes are necessary to facilitate the uses from the underlying zones, and some uses are not consistent with the surrounds or the qualities of the Cambria land. Comments have been included within the table with regard to the proposed changes that are necessary to the use status and qualification.

### 5.3.2 Special Provisions for Use

The Special Provisions of the scheme includes the following clauses that are relevant to the categorisation of use.

In terms of access to a site the scheme disregards the use in accordance with the following:

#### *9.6 Access Across Land In Another Zone*

*9.6.1 If an application for use of land includes access that runs through a different zone to the land upon which the use is proposed to take place, the use status of the application is to be determined disregarding the use status of the access in the different zone.*

The scheme also makes allowances for the facilitation of the continued use of heritage buildings in the following standards:

*9.5.1 An application for a use of a Heritage Place listed in the Historic Heritage Code or a place on the Tasmanian Heritage Register that would otherwise be prohibited is discretionary.*

*9.5.2 The planning authority may approve such an application if it would facilitate the restoration, conservation and future maintenance of the historic cultural heritage significance of the place.*

General Provisions within the SPP include comparable clauses.

## 5.4 SIGNIFICANT AGRICULTURAL ZONE

Land around the Tasman Highway is zoned in the Significant Agricultural Zone, this includes the Cambria Homestead, a shed, and the dwelling in the north. The mapping of the zone is relatively consistent with the opportunities identified in the Agricultural assessment as illustrated in Figure 18, except that land protected by conservation covenants is included, as is some land on the western side of Tasman Highway that has limited agricultural potential.

The Cambria Homestead is identified in the Ag Logic report as having good agricultural opportunities, however the special provisions enable use that facilitates the restoration, conservation and future maintenance of the historic place (refer section 5.3.2). As such, the maintenance of heritage values of the site takes precedence over the Zone, although the agricultural activities are integral to these heritage values.

#### *27.1.1 Zone Purpose Statements*

*27.1.1.1 To provide for the use or development of land for higher productivity value agriculture dependent on soil as a growth medium.*

*27.1.1.2 To protect the most productive agricultural land and ensure that non-agricultural use or development does not adversely affect the use or development of that land for agriculture.*

*27.1.1.3 To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*



*27.1.1.4 To provide for limited non-agricultural uses that support the continued use of the land for agricultural use.*

*27.1.1.5 To protect regionally significant areas of significant agricultural land identified in the Regional Land Use Strategy, including areas subject to existing or proposed irrigation schemes, from conversion to non-agricultural use.*

*27.1.1.6 To protect areas used for reuse water irrigation.*

*27.1.1.7 To ensure that new residential use is only established where necessary to facilitate the management of the land for agricultural purposes and does not fetter existing or potential agricultural use on other land.*

It is anticipated that land within the Significant Agricultural Zone will be translated to the Agricultural Zone under the SPP.

#### 5.4.1 Use Standards

The GSBIPS 2015 has a number of use standards that are primarily concerned with preventing fettering of agricultural activities. These controls are consistent with the requirements of the Protection of Agricultural Land Policy.

#### 5.4.2 Development Standards

The development standards from the GSBIPS vary substantially from the SPP, particularly with respect to setbacks. Building heights are lesser, and absolute values are provided for setbacks in the current scheme. The setback standards would locate development within useable paddock space reducing the efficiency of agricultural activities, or completely prohibiting the ability to develop smaller or awkward shaped titles. The existing scheme also includes design standards to minimise impact on the rural landscape; and for Plantation forestry, these are removed under the SPP.

#### 5.4.3 Subdivision Standards

Subdivision standards under the SPP are more rigorous than the existing scheme. Both are drafted consistent with the Agricultural policy to prevent the fragmentation and fettering of agricultural land. Further discussion on subdivision is made in section 5.5.3.

### 5.5 RURAL RESOURCE ZONE

#### 26.1.1 Zone Purpose Statements

*26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.*

*26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.*

*26.1.1.3 To provide for non-agricultural use or development, such as recreation, conservation, tourism and retailing, where it supports existing agriculture, aquaculture, forestry, mining and other primary industries.*

*26.1.1.4 To allow for residential uses not necessary to support agriculture, aquaculture and other primary industries provided that such uses do not:*

- a) fetter existing or potential rural resource use and development on other land;*
- b) add to the need to provide services or infrastructure or to upgrade existing infrastructure;*

*c) contribute to the incremental loss of productive rural resources.*

*26.1.1.5 To provide for protection of rural land so future resource development opportunities are no lost.*

It is anticipated that land within the Rural Resource Zone will be within the Rural Zone under the SPP.

#### 5.5.1 Use Standards

The Rural Resource Zone has Use Standards for Sensitive Use, Visitor Accommodation, and discretionary use, which are concerned with protection of land resource activities. The standards have been altered somewhat within the SPP, which deals specifically with Discretionary use.

#### 5.5.2 Development standards

The development standards from the GSBIPS vary from the SPP, particularly with respect to setbacks. Building heights are lesser, and substantial boundary setbacks are required in the current scheme. Setbacks also include controls for the protection of Significant Agricultural and Environmental Management land. The existing scheme also includes design standards to minimise adverse impact on the rural landscape; and for Plantation forestry, these are removed under the SPP.

#### 5.5.3 Subdivision Standards

The current standards for subdivision in the Rural Resource Zone has a discretionary minimum lot size of 80ha, and includes a range of further Performance Criteria to prevent the fragmentation and fettering of rural land. Likewise, the SPP have controls to prevent fragmentation.

It is not anticipated that subdivision will be necessary as part of the Masterplan, however the configuration of lots, existing subminimum lots (5 in total of 12 lots), location of roads and accesses, and heritage listings mean that it is possible that further adjustment of boundaries, consolidation of lots, or subdivision may occur in the future.

Minor changes for boundary adjustments are dealt with in the special provisions of the scheme (clause 9.3). Substantial change would need to be considered with respect to the Performance Criteria of the zone.

The subdivision standards also include provisions to enable subdivision of a heritage place (clause 26.5.3). With the significance of the Cambria Homestead, it may be reasonable for the land to be subdivided into the future.

### 5.6 BUSHFIRE PRONE AREAS CODE

Much if not all of the site would fall within the definition of a Bushfire Prone Area. The provisions of the code only apply where an application is to be made for subdivision, of for a vulnerable use. A vulnerable use is defined as follows in the code:

*means a use that is within one of the following Use Classes:*

- (a) Custodial Facility;*
- (b) Educational and Occasional Care;*
- (c) Hospital Services;*
- (d) Residential if for respite centre, residential aged care home, retirement home, and group home.*

There is potential under the Masterplan that we would be required to be assessed as a Vulnerable Use. An application would be dealt with under the following mandatory discretion under *E1.5.1 Vulnerable Use P1*:

*A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:*

- (a) the location, characteristics, nature and scale of the use;*
- (b) whether there is an overriding benefit to the community;*
- (c) whether there is no suitable alternative lower-risk site;*
- (d) the emergency management strategy and bushfire hazard management plan; and*
- (e) other advice, if any, from the TFS.*

This would need to be assessed at DA stage, however mapping on the The LIST shows that there are few sites along the East Coast that are not subject to risk of bushfire.

Any development would need to be designed with careful consideration of the risk in order to satisfy further building requirements at building application stage. Planning for hazard management areas, fire fighting access, water supply, and BAL rating will need to be integrated with flora and fauna and traffic considerations prior to making a permit application.

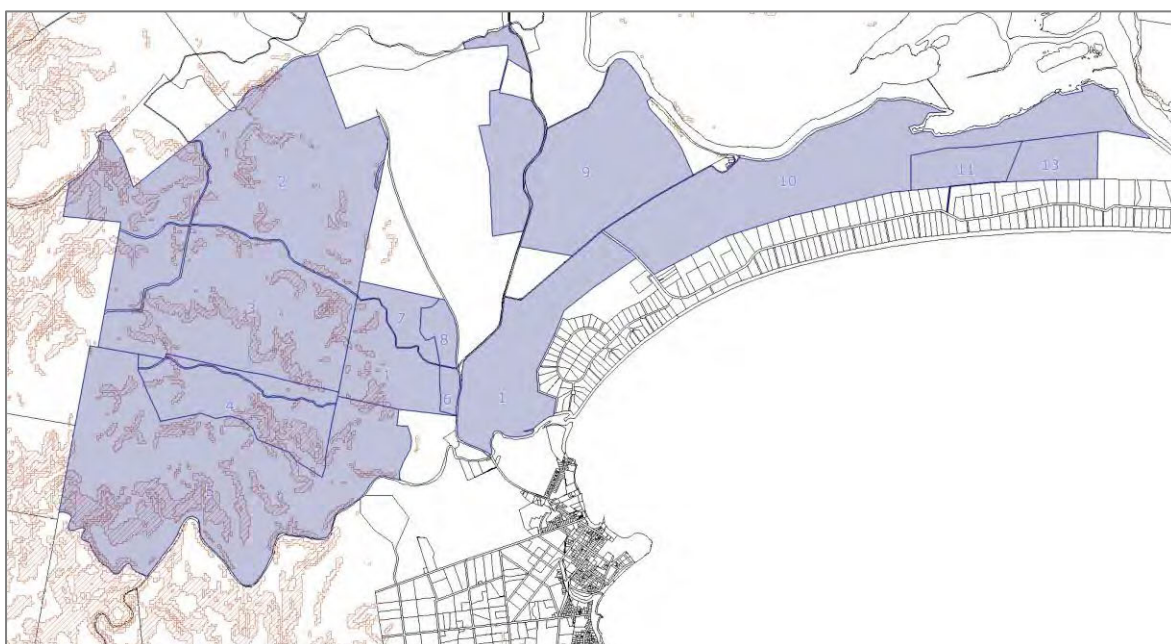
## 5.7 POTENTIALLY CONTAMINATED LAND CODE

There is potential that some of the intended activities may require assessment at Development Application stage for Potentially Contaminating Activities. The code includes *Petroleum product or oil storage*, and *Spray storage and mixing sites (eg for orchards)*, as potentially contaminating activities. These would be designed and contained in accordance with scheme requirements in isolated locations at Development Application stage.

## 5.8 LANDSLIDE CODE

As illustrated in the following figure some of the western extents of the site are mapped within Landslide Hazard Areas. Masterplan concepts for development generally avoids these areas as it is also preferable for ease of construction, and to avoid code requirements for Vulnerable Uses. The location of development relative to Hazardous areas is capable of being assessed with respect to scheme standards at Development Application stage.





**Figure 30: Landslide Hazard Areas (source: The LIST)**

## 5.9 ROAD AND RAILWAY ASSETS CODE, & PARKING AND ACCESS CODE

As part of the initial investigations for concepts for the site a Traffic Impact Assessment (TIA) was undertaken and has been summarised in Section 3.9.6 of this report. The detail of new accesses and/or substantial intensification of use of an access will need to be assessed at Development Application stage, however it is evident from the TIA that concepts from the Masterplan are capable of being implemented in accordance with the provisions of the Code.

The detailed design and configuration of movement networks will be established at Development Application stage to ensure that it is in accordance with the purpose of the Parking and Access Code.

## 5.10 STORMWATER MANAGEMENT CODE

The purpose of the Stormwater Management Code is as follows:

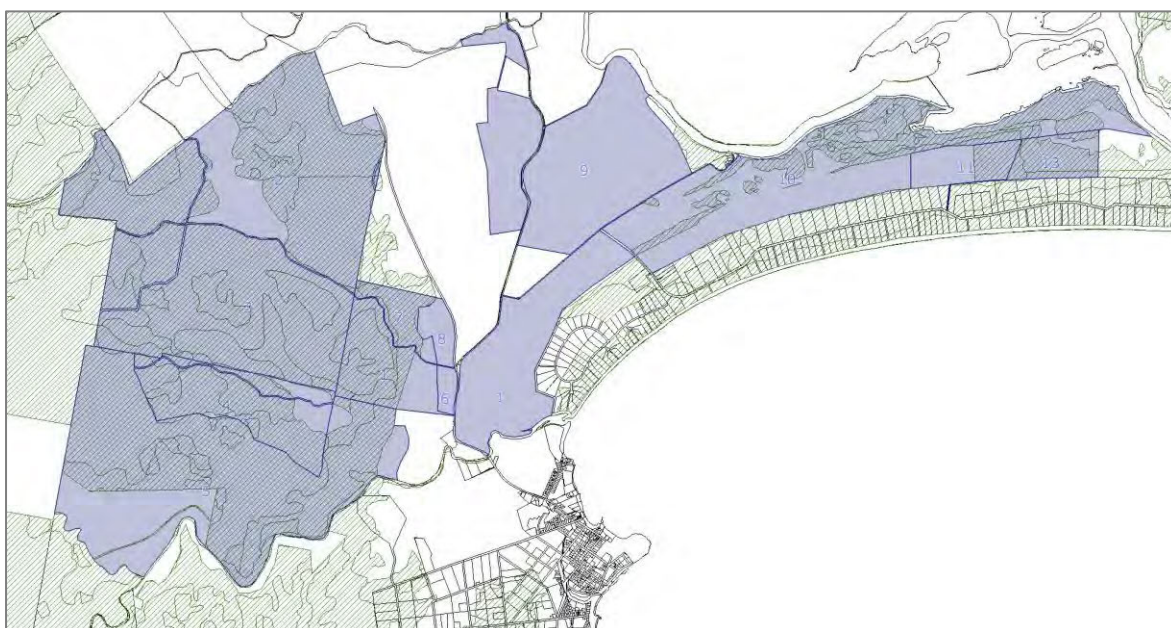
*E7.1.1 The purpose of this provision is to ensure that stormwater disposal is managed in a way that furthers the objectives of the State Stormwater Strategy.*

As discussed in section 3.4 of this report, as much of the site is not connected to water mains initiatives will need to be explored in order to harvest as much stormwater on site as possible in order to provide for any proposed uses. The subsequent management of any overflows will be detailed at Development Application stage and is capable of meeting with the requirements of the Planning Scheme.

## 5.11 BIODIVERSITY CODE

Large areas of the site are subject to the provisions of the Biodiversity Code, further to this there are areas that are further protected through the application of conservation covenants as illustrated in section 3.1.2 of this report. The areas where the covenants apply have not been mapped within the Biodiversity Overlay, and the respective zoning is consecutive with the surrounding Significant Agricultural, and Rural Resource Zoning.

*E10.2.1 This code applies to development involving clearance and conversion or disturbance of native vegetation within a Biodiversity Protection Area.*



**Figure 31: Biodiversity Protection Area (Source: The LIST)**

The Concept Masterplan has been prepared with respect to the intensive survey work that has been undertaken by EcoTAS, and has been designed in order to protect and enhance natural values, while still facilitating development. It is recognised that any development will need to proceed in accordance with the recommendations that have also been summarised in section 3.6 of this report.

Subsequently a review has been undertaken of the Masterplan concept by to ensure that the outcomes would be capable of meeting with scheme requirements as well as relevant state and national legislation for the protection of threatened species.

## 5.12 WATERWAY AND COASTAL PROTECTION CODE

As can be seen in the figure below, large areas of the site are subject to the Waterway and Coastal Protection Code, the Purpose of which is as follows:

*E11.1.1 The purpose of this provision is to manage vegetation and soil disturbance in the vicinity of wetlands, watercourses and the coastline in order to:*

- (a) minimise impact on water quality, natural values including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes;*
- (b) minimise impact on coastal and foreshore values, native littoral vegetation, natural coastal processes and the natural ecological function of the coast;*
- (c) protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.*
- (d) minimise impact on water quality in potable water supply catchment areas.*

Standards for works, development and subdivision located in mapped areas will be required, and are more than likely result in a mandatory discretion so that they will not have an unnecessary or unacceptable impact on natural values. The concept Masterplan has been prepared with respect to the mapped areas, and further to this with respect to identified natural values in excess of those identified in the Biodiversity Code.

Development proposed by the Concept Masterplan is generally located where it will be capable of minimising works within the Code, with the exception of those in the northeastern corner of the site. Concepts include the golf course, wetland area, and tourism operation; any commercial development for these uses have a vested interest in ensuring that they retain any identified values, and will be subject to assessment when a development application is lodged.

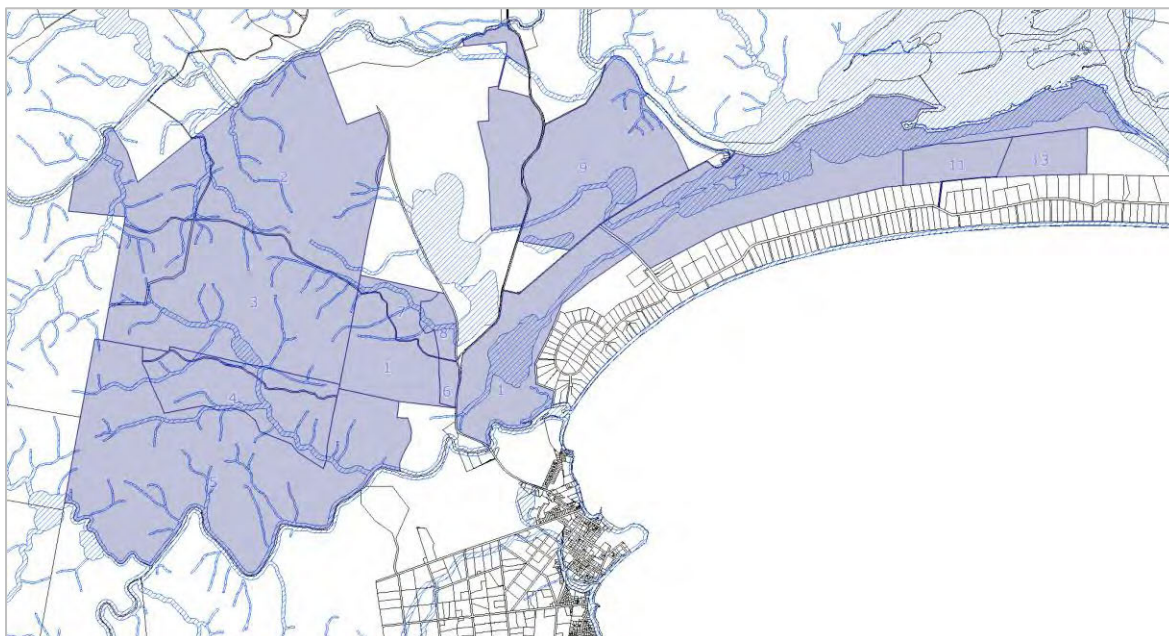


Figure 32: Waterway and Coastal Protection Areas (Source: The LIST)

### 5.13 HISTORIC HERITAGE CODE

The Historic Heritage Code includes the entry in *Table E13.1 Heritage Places*, below that applies to the subject site.

Ref no.	Name, Location and/or Address	C.T.	Specific Extent
59	Belmont 14106 Tasman Highway Swansea	CT100096/1	Tasmanian Heritage Register ID 1558
60	Cambria 13566 Tasman Highway Swansea	CT111628/1	Tasmanian Heritage Register ID 1559

The entry for Belmont is inaccurate, and should be located at CT149053/50, which is not part of the subject land. The entry for Cambria is also inaccurate as the title reference should be CT148001/1. The mapped areas of the Scheme are incorrect as shown in the following figure, although the Application of the Code in E13.2 does not have provisions to recognise the mapped areas as being Heritage Places. Both highlighted titles are the incorrect referenced titles included within Table 13.1.

As discussed in section 3.3.1 the land that is of greatest significance is the Cambria Homestead centrally located to the east of Tasman Highway.



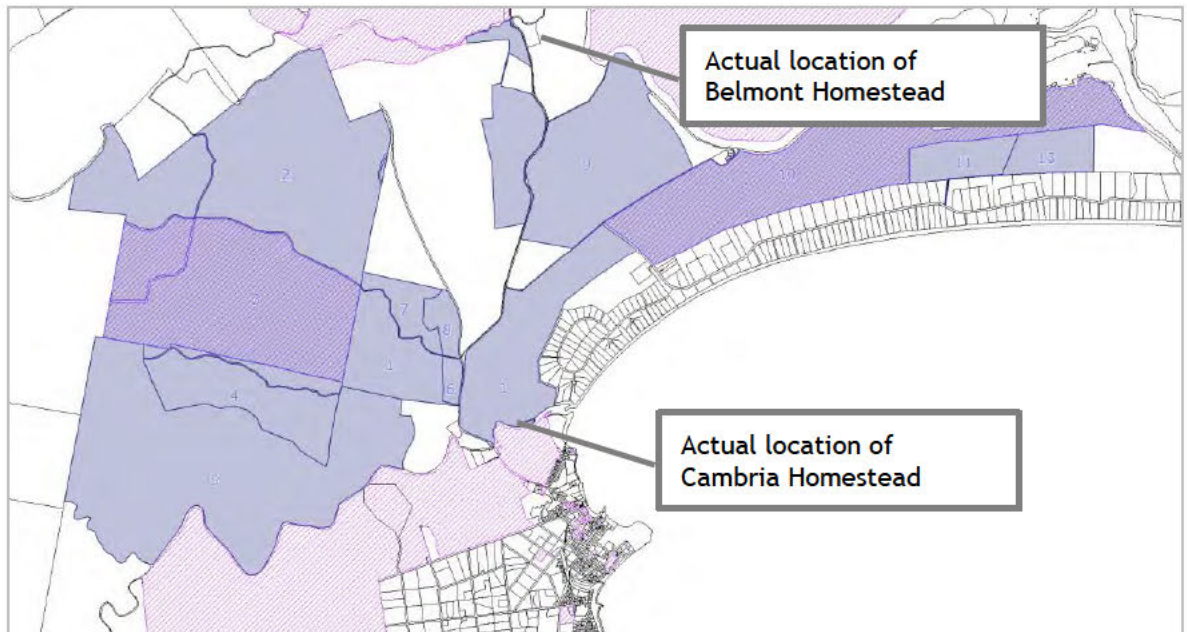


Figure 33: Historic Heritage Code (Source: The LIST)

The SPP includes a Local Historic Heritage Code, which does not apply to a place on the Tasmanian Heritage Register, as such development would be assessed by Heritage Tasmania in accordance with the *Historic Cultural Heritage Act 1995*.

A conservation management plan has been prepared for that part of the site that is recognised as having heritage values, and how they should be managed. The Concept Masterplan has been prepared in accordance with the recommendations. Future buildings and works would be assessed in accordance with the development standards of the Code at the time of making a development application.

#### 5.14 SCENIC LANDSCAPES CODE

Development within approximately 100m of Tasman Highway is subject to the Scenic Landscapes Code that has the following purpose:

*E14.1.1 The purpose of this provision is to recognise and protect landscapes that are important for their scenic values.*

The Code has controls with regard to the removal of bushland, and the appearance of buildings and work to protect the landscape values of the Scenic Landscape Corridor.

The Concept Masterplan minimises works within proximity to the Highway as this is also within the significant agricultural areas. The landscaped area around the Cambria Homestead has the most significant values that have been researched as part of the Landscape Conservation Management Plan as they also contribute to the Historic Cultural Heritage Values of the site. Any development within this area would also be discretionary with respect to the heritage values; which from the accompanying investigations, has include the importance of the landscape.



Figure 34: Scenic Landscape Corridor along Tasman Highway (Source: The LIST)

### 5.15 INUNDATION PRONE AREAS CODE

Parts of the eastern side of the site are subject to the risk of inundation of varying levels between low-high.

Use standards of the code require that habitable rooms of buildings be above the height where they are at risk of inundation. High Risk areas are required to demonstrate that they are 'development dependent on a coastal location', which is defined as:

*means buildings and works for which there is a demonstrated need to be located at a coastal location, including boat sales and storage, marine farming shore facilities, marine-related public open space & recreation facilities, pleasure boat facilities, roads & other utilities and wharves.*

*Dwellings, except for a caretakers dwelling associated with any of the above, are not included.*

Detailed investigations have been undertaken to confirm the levels and hazard risk relative to the subject land; these include LIDAR mapping that includes some variations to the areas mapped in the planning scheme. Figure 6 of the accompanying Coastal assessment include areas on the north eastern tip of the site, and a connection between inundation areas on the eastern side of the site and the area at risk to the north of the Cambria Homestead.

The Concept Masterplan has been prepared with respect to detailed topographical investigations and minimises habitable development from areas at risk of inundation, or in the case of development adjoining Moulting Lagoon it would be dependent on its coastal location. The site is of a sufficient scale that any clubhouse facilities for the potential golf course is capable of being located where that risk of inundation is capable of being minimised. Areas at risk of inundation in proximity to the Cambria Homestead have been identified as opportunities for revegetation works.

Controls within the existing planning scheme are sufficient to manage potential risk if mapping were updated to match current areas that are unmapped.



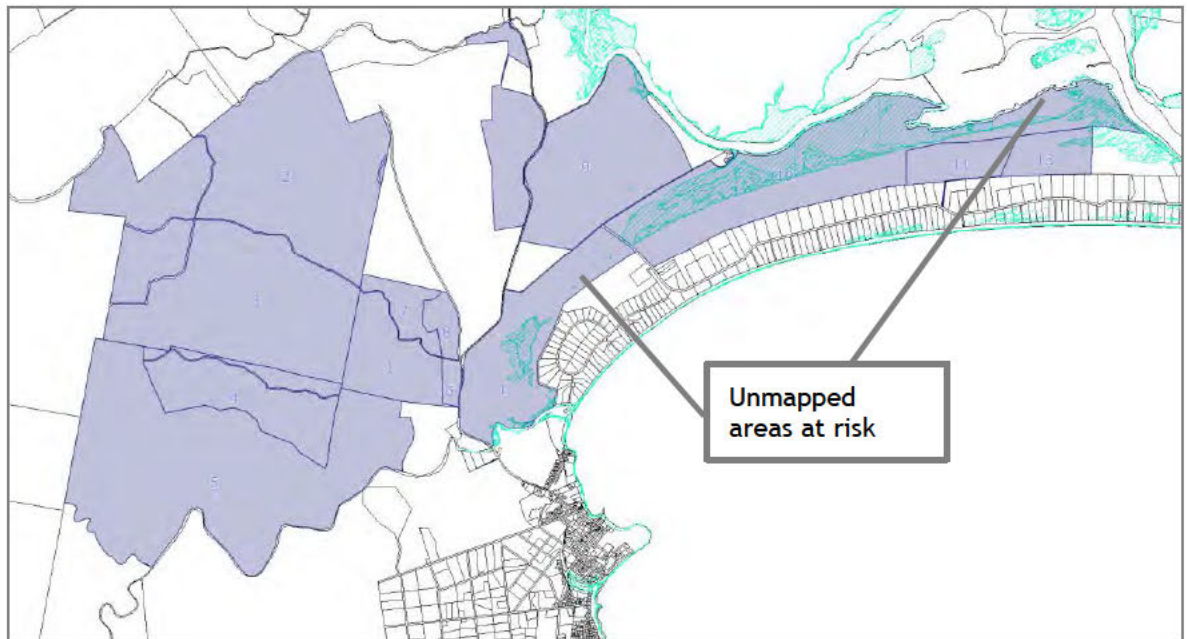


Figure 35: Inundation Hazard Areas (Source: The LIST)

## 5.16 COASTAL EROSION HAZARD CODE

Coastal edges of the property along Moulting Lagoon and Meredith River down stream of the Tasman Highway bridge are mapped as being subject to Coastal Erosion Hazard. The code deals with land that is vulnerable to erosion, recession, and/or wave run-up. The areas at risk are generally similar to those that have been identified as high inundation risk and there are parallels in the respective planning controls.

Detailed investigations as illustrated in Figure 7 of the accompanying coastal assessment have found that the boundaries of the erosion risk areas vary from those mapped under the scheme. As these are also areas subject to inundation significant the Concept Masterplan has responded similarly to the Inundation Prone Areas Code as described in the section above.

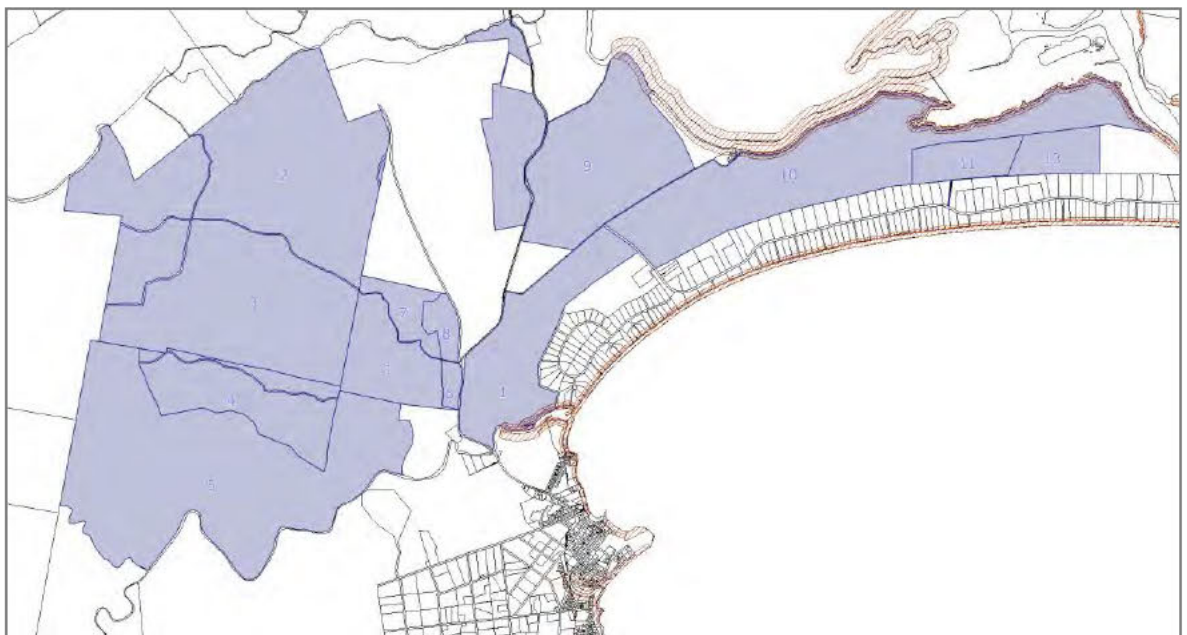


Figure 36: Coastal Erosion Hazard Area (Source: The LIST)



## 5.17 FURTHER CODES

The Signs Code, and Wind and Solar Energy Code, may be applicable to future development of the subject land. The Use and Development standards of these codes are consistent with the anticipated future development of the subject land.

The Coastal Development Code is not currently applicable to the subject land but applies to neighbouring land within the Rural Living Zone that adjoins the coast or adjoins crown land on the coast. The provision is to protect the visual amenity and established character near the coast and provides alternative building height and setback standards. The standards would only be applicable to those Rural Living lots neighbouring the site that have frontage to the Meredith River. The Concept Masterplan has located little development within proximity to lots affected by the Code, consistent with the CMP.

## 6. PROPOSED AMENDMENT

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### 6.2 INTENT OF THE AMENDMENT

It is intended to amend the current *Glamorgan Spring Bay Interim Planning Scheme 2015* to improve the consistency of the planning scheme with intensive investigations into the qualities of the subject land and to apply the Specific Area Plan (SAP).

The primary intent of the amendment is to facilitate future development of the land to improve the capacity and experience for tourism activities within the region, and improve economic and employment opportunities without diminishing existing commercial establishments. The suggested wording for the plan purpose to achieve these outcomes is as outlined in the following points, further to this specific Local Area Objectives have been included within the amendment to respond to the specific qualities of the precincts of the site.

1. Provide for use and development of the site that utilises the agricultural, natural, and historic heritage assets as the basis for regionally significant economic development.
2. Identify precincts that recognise the specific land characteristics and manages use and development that is appropriate to the features of the landscape.
3. Reinstate the importance of the Cambria Homestead as a focal point for the community and visitors.
4. Protect the most productive agricultural land and ensure that adjoining land uses conflicts are minimised or integrated with agricultural activities.

The proposed amendments also improve the accuracy and efficacy of mapping for natural values, hazards, and heritage values.

#### 6.2.1 Application of the SAP

In order to implement an integrated vision for the future of Cambria it is considered that a Specific Area Plan would ensure the most consistency, whilst recognising the specific conditions of the land. The use of a precinct plan enables identification of the qualities of the various parts of the site and allowing for more specific regulation than is managed through the existing zone provisions.

The SAP changes the scope of uses from the underlying zones while applying the plan purpose and local area objectives that will provide a framework for the anticipated activities on the site. The precincts have been established based on the landscape qualities of the site with respect to the various constraints and opportunities that have been identified within the extensive site analysis that has been undertaken. The precincts that have been identified include the following:

1. Cambria Homestead
2. Golf and Conservation

3. Agricultural Precinct
4. Hills Resort

The objectives of the precincts have been stated within the Local Area Objectives of the SAP.

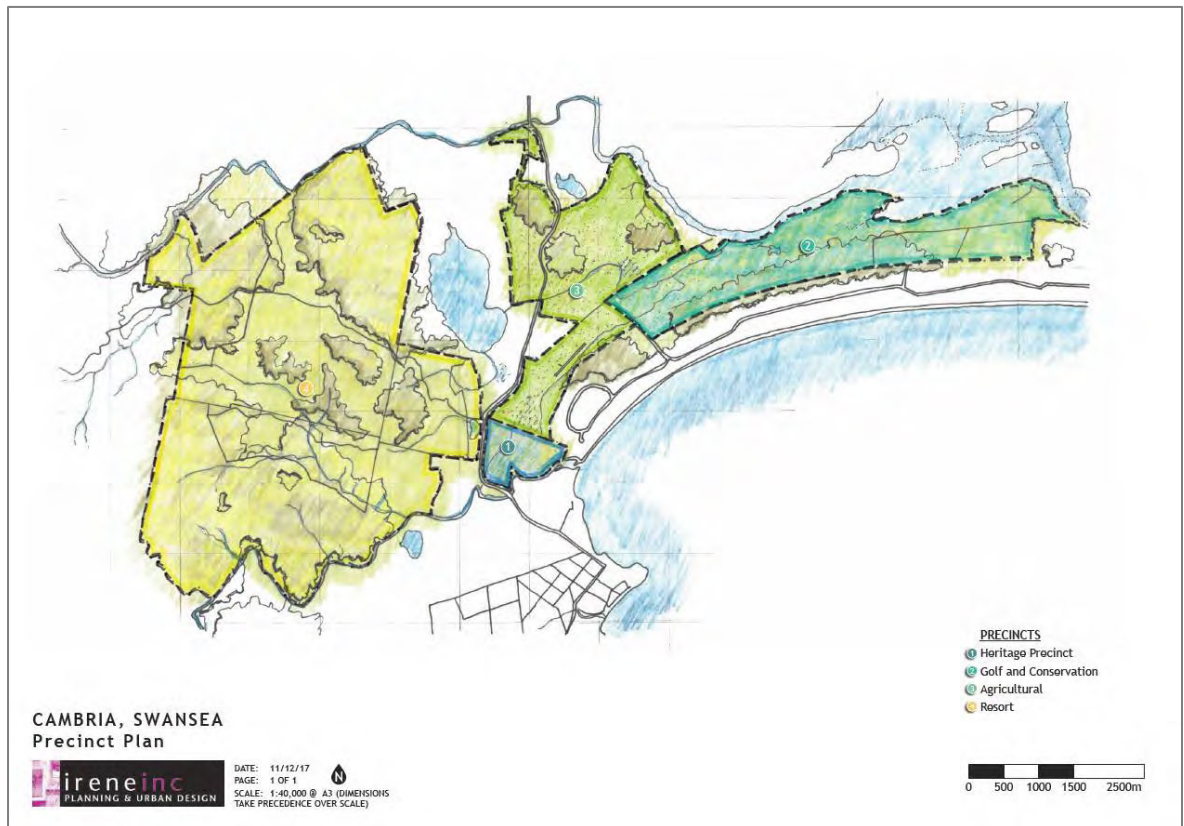


Figure 37: Precincts of Cambria

### 6.2.2 Zoning

The Special Provisions of the scheme places use that ‘facilitates the restoration, conservation and future maintenance of a heritage place’ (GBSBIPS 2015 clause 9.5.2) as of greater importance than any other underlying zone requirement. It is proposed to rezone the land that forms part of the Cambria Homestead from the Significant Agricultural Zone to Rural Resource Zone so that the agricultural values of the land do not overshadow the continued focus on the importance of Cambria within the region as a focal point for its cultural heritage values.

The site is subject to a number of conservation covenants, which are either in the Rural Resource, or Agricultural Zone, and are not necessarily subject to the Biodiversity Code. Subject to the Natural Values Assessment that has been undertaken as part of this assessment it is proposed that the Covenant Land (Plan Reverence CPR6351, and CPR5890), in proximity to the Tasman Highway, and in Dolphin Sands is rezoned to Environmental Management Zone. While the land will still be subject to the SAP the land will be recognisable as significant for its environmental values. Additionally, controls regarding setbacks from development within the Environmental Management Zone will be capable of being included which will enable improved buffers from the existing condition of the planning scheme.

The land on the western side of the site that is subject to covenants is not proposed to be rezoned as vegetation mapping is inconsistent with established mapping, access to these areas is limited, the biodiversity code provides controls for any potential use and development, and greater protection of values than is existing is not considered necessary.

### 6.2.3 Uses

Appendix B includes a Comparative Use Table that outlines the existing use status of all current uses within respective zones, and the anticipated uses as part of the concept Masterplan. Detailed comments have been included that clarify the rationale for changes or retention to the use status.

Of importance to changes to the status of uses within the SAP is the application of the plan purpose, the local area objectives, and the discretionary use standards.

The use table of the SAP has included qualifications to specify the status within the respective precinct. Use standards have also been drafted with respect to existing the standards within the rural and agricultural zones, of the GSBIPS2015 and the SPP.

### 6.2.4 Development and Subdivision Standards

Development standards have been drafted with respect to the GSBIPS and the SPP of the respective zones, while incorporating reference to the plan purpose and the local area objectives. The development standards have been drafted to facilitate development in accordance with the Masterplan, while still recognising the importance of agricultural activities of the land, and providing improved buffers for those areas of significant environmental values. The subdivision standards also recognises that subdivision should retain the historic heritage values of 'Cambria'.

### 6.2.5 Heritage

Changes have been proposed to the Historic Heritage Code to improve the accuracy of listed properties. This includes inaccuracies with the listed property 'Belmont'. This land is outside the scope of this application, and has not been included. However, it is recommended that Council consider initiating amendments to this land as part of the application.

That part of the Cambria Homestead that has been identified as of heritage significance has been located within a specific precinct within the SAP. The applicable title is of substantially greater size and any application would be subject to a discretionary application under the provisions of the Historic Heritage Code. As Cambria is listed on the Tasmanian Heritage register it will be subject to assessment by Heritage Tasmania in accordance with the HCHA. This listing will also mean that under the SPP the heritage code will not apply (clause C6.2.3), and the heritage values will only be assessed by Heritage Tasmania.

### 6.2.6 Mapping

Changes are proposed to the mapping of the Heritage Areas, Inundation Hazard Areas, and Biodiversity Protection areas to improve the accuracy and bring them into greater conformity with investigations that have been undertaken.

## 6.3 FORMAT OF THE AMENDMENT

The proposed amendment is to amend the *Glamorgan Spring Bay Interim Planning Scheme 2015* as outlined.

### 6.3.1 Ordinance

#### Specific Area Plan

In Part F Specific Area Plans include:

- the Cambria Specific Area Plan accompanying this report, with numbering to correspond with the planning scheme.

#### Historic Heritage Code

The following changes are proposed to *Table E13.1 Heritage Places*:

Ref no.	Name, Location and/or Address	C.T.	Specific Extent
60	Cambria 13566 Tasman Highway Swansea	<del>CT111628/1</del> <u>CT148001/1</u>	Tasmanian Heritage Register ID 1559

It is suggested that Council initiate the following changes to the table, however this listing is respective of land outside of the scope of this amendment, and does not form part of this request.

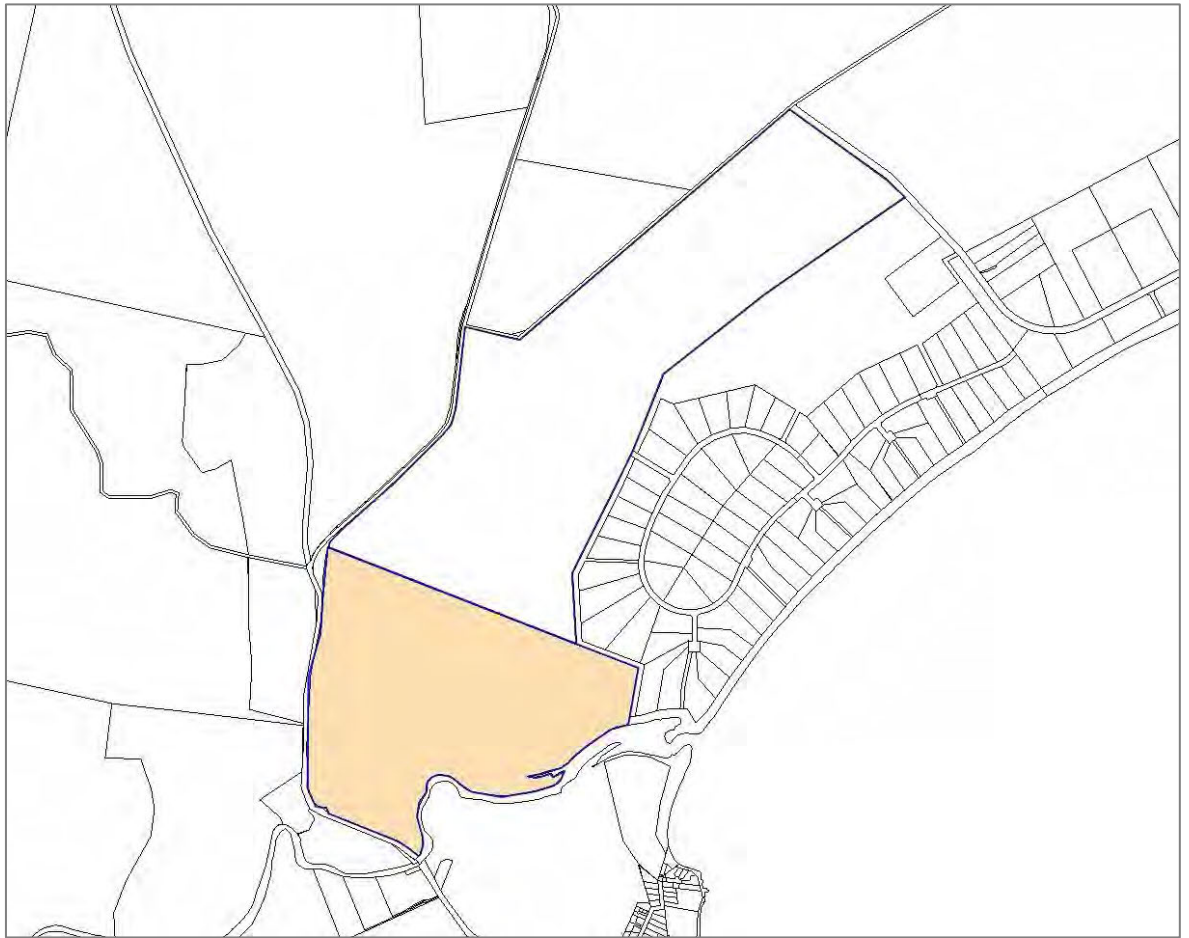
Ref no.	Name, Location and/or Address	C.T.	Specific Extent
59	Belmont 14106 Tasman Highway Swansea	<del>CT100096/1</del> <u>CT149053/50</u>	Tasmanian Heritage Register ID 1558

### 6.3.2 Mapping

#### Zoning

Amend the Zoning mapping as follows:

- Partially Rezone CT148001/1 from Significant Agriculture Zone to Rural Resource Zone as illustrated in Figure 38.



**Figure 38: Proposed Rezoning of CT148001/1 (Source: The LIST)**

- Those areas that are subject to Conservation covenants (CT 149607/1, 111628/1, and 23216/3) are rezoned to the Environmental Management Zone.



### Specific Area Plan

Map the following titles as being included within the Cambria Specific Area Plan:



- 148001/1
- 100097/1
- 100096/1
- 233262/1
- 251306/1
- 148927/1
- 115706/1
- 115706/2
- 149607/1
- 111628/1
- 23216/3
- 23216/2

### Heritage Areas

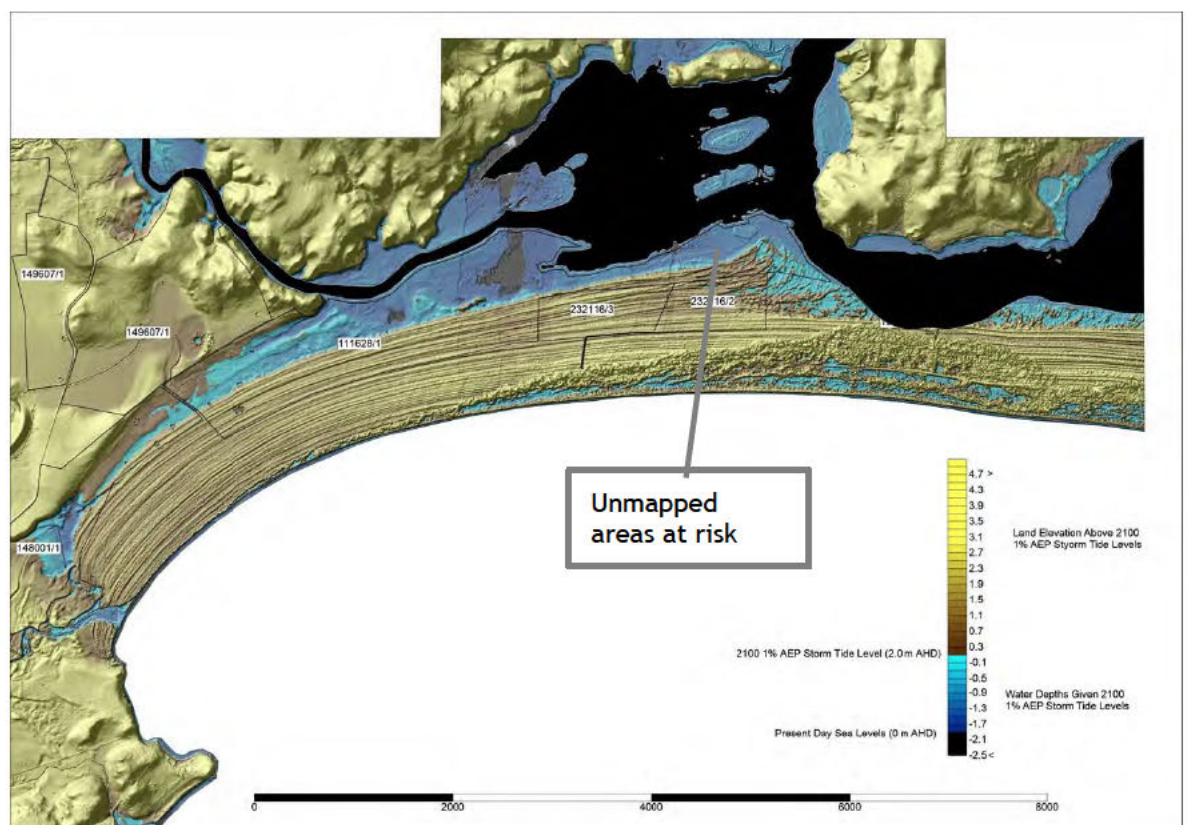
Make the following changes to the Heritage Areas mapping:

- Remove CT100096/1 and CT111628/1
- Include CT148001/1

It is suggested that Council include CT149053/50, however this land is outside the scope of this amendment, and does not form part of this request.

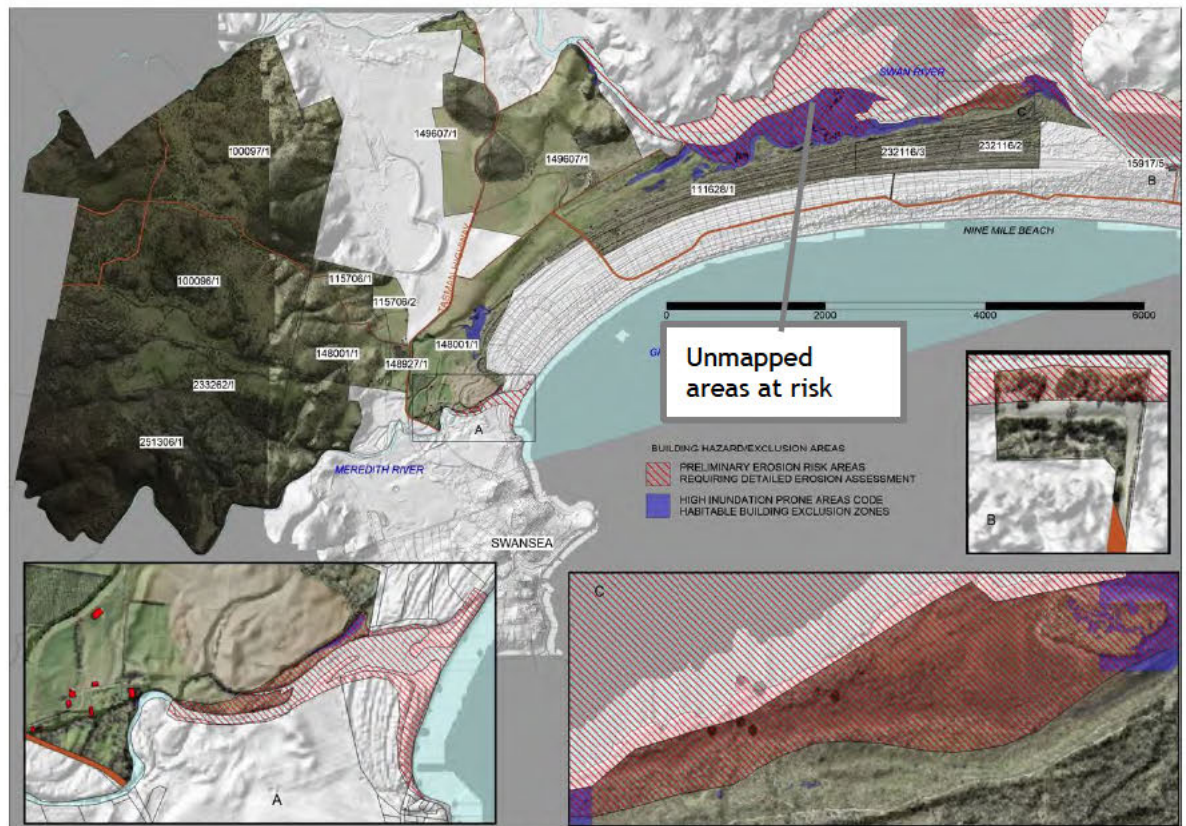
### Inundation Prone Areas Code

Mapping of Inundation Hazard Areas should be updated to include areas that are at risk of inundation in the northern eastern part of CT111628/1.



## Coastal Erosion Hazard Code

Mapping of Inundation Hazard Areas should be updated to include areas that are at risk.



## Biodiversity Protection Area

Mapping should include those areas that are subject to Conservation covenants (CT 149607/1, 111628/1, and 23216/3)

## 7. ASSESSMENT UNDER THE LAND USE PLANNING AND APPROVALS ACT

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Section 32 of the *Land Use Planning and Approvals Act 1993* (The Act) requires amendments to planning schemes meet and be considered against the following:

*(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) -*

*(a) . . . . .*

*(b) . . . . .*

*(c) . . . . .*

*(d) . . . . .*

*(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*

*(ea) must not conflict with the requirements of section 300 ; and*

*(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

*(2) The provisions of section 20 (2) , (3) , (4) , (5) , (6) , (7) , (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.*

Section 20 also includes the following:

*(a) seek to further the objectives set out in Schedule 1 within the area covered by the scheme; and*

*(b) prepare the scheme in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993 ; and*

*(c) . . . . .*

The above provisions are considered in the following sections.

### 7.2 LAND USE CONFLICTS WITH ADJACENT USES - 32.1.E

The following is an assessment of the various zones that adjoin the proposed amendment area. Detail of the proposed changes to use status comparative to the existing underlying zones is illustrated in the Comparative Use Table in Appendix B.

### **Rural Living Zone**

There is an area of Rural Living to the east of the Cambria Homestead. The Zone has no permit required for single dwellings, natural and cultural values management, and minor utilities; and permitted uses include resource development, and visitor accommodation.

The proposal would facilitate further development within the Cambria Precinct for visitor accommodation, tourism related uses and residential development. This is considered to be consistent with the Rural Living Zone. The existing landing ground is located 100m to the north of the zone, substantial intensification of the use would be subject to a discretionary application.

### **Particular Purpose Zone 3 - Dolphin Sands**

Precinct 2 of the proposed SAP is located to the north of the PPZ. No permit required uses include natural and natural values management, and utilities; permitted uses include passive recreation and residential use.

The proposed activities are consistent with the purpose of the PPZ. The precinct is anticipated to facilitate a golf course development that would be desirable within proximity to dwellings in the zone. Restrictions from hazards and natural values management, and the recognition of these would result in improved controls from existing standards of the Rural Resource Zone.

### **Significant Agricultural Zone**

The subject land adjoins the Significant Agricultural zone surrounding precinct 3 and parts of the northern and southern boundary of precinct 4. The Zone has no permit required for natural and cultural values management, Resource development for agricultural use; and is permitted for a home based childcare or residential home based-business.

Precinct 2 has retained use qualifications that are relatively consistent with the Significant Agricultural Zone as it is identified as having the greatest agricultural potential; it also shares the most extensive boundaries with land in the zone that is being used for agricultural use. The potential impact on fettering of agricultural land is further discussed in relation to the Rural Resource Zone as the issues are similar.

### **Rural Resource Zone**

Much of the site borders on to varying size parcels of land within the Rural Resource Zone. No permit required uses in this zone include Natural and cultural values management, passive recreation, resource development, and utilities; and permitted uses are home-based child care, or business.

The site is currently either zoned Rural Resource, or Significant Agricultural so that the site investigations, and subsequent masterplan have been prepared with a clear understanding of the agricultural assets of the land. The subsequent plan purpose and local area objectives of the SAP have been drafted in consideration of the underlying zoning in order to be consistent with the *State Policy on the Protection of Agricultural land Policy 2009*. Changes proposed to the setback provisions for sensitive use provide suitable separation to minimise any potential conflict with neighbouring land within either zone.

### **Environmental Management Zone**

Moulting Lagoon adjoining Precinct 2; Meredith River along the southern boundary; and a parcel of land on the western boundary are in the Environmental Management Zone. The land on the western boundary neighbours that part of the site that is subject to a conservation covenant. No



Permit required uses in these zones include Natural and cultural values management, and passive recreation; Permitted uses are to be in accordance with a reserve management plan. Moulting Lagoon is subject to the *Moulting Lagoon Game Reserve Ramsar Site: Management Plan 2003*.

The proposed amendment increases the area of land within the Environmental Management Zone and retains setbacks from the zone in order to protect the natural values of the area. The amendment is considered to have improved outcomes for environmental values for the land that forms part of the site and the neighbouring land.

### 7.3 REQUIREMENTS OF SECTION 30(O)

Section 30(0) provides as follows:

*30(0). Amendments under Divisions 2 and 2A of interim planning schemes*

- (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A) ,practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.*
- (2) An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if -*
  - (a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA , or an overriding local provision; and*
  - (b) the amendment does not revoke or amend an overriding local provision; and*
  - (c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*
- (3) Subject to section 30EA , an amendment may be made to a local provision if -*
  - (a) the amendment is to the effect that a common provision is not to apply to an area of land; and*
  - (b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*
- (4) An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.*
- (5) Subject to section 30EA , an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of -*
  - (a) taking an optional common provision out of the scheme; or*
  - (b) taking the provision out of the scheme and replacing it with another optional common provision.*

The amendment proposed is a Specific Area Plan to encompass all titles listed in section 6.3.2 of this report, and changes to the mapping on those titles. As such this is a local provision, which can be amended under Division 2 or 2A.