

24 October 2018

Shane Wells
Glamorgan Spring Bay Council
PO Box 6
Triabunna TAS 7190
by email: admin@freycinet.tas.gov.au



Dear Mr Wells,

FURTHER INFORMATION - CAMBRIA ESTATE, SWANSEA

As the applicant, on behalf of our client Cambria Green Agriculture and Tourism Management Pty Ltd, I am writing to provide further information about the Draft Amendment - AM 2018/03, for Cambria Estate.

The information has been prepared in response to your letter of the 4 September 2018 and specific representations; and to consolidate our representation provided during the public advertising period. Detail is provided in the accompanying pages, and a consolidated revised version of the Cambria SAP has been provided.

We have continued community consultation during this timeframe, including an information session with representatives of the East Coast Alliance on the 20 September. Furthermore, The Mercury published an article by the client's representative Ronald Hu, *Seeking East Coast Harmony* (21 August 18, p 16-17).

If you have any queries in relation to the application please contact me on 6234 9281.

Yours sincerely,

Jen Welch
Senior Planner
Ireneinc Planning & Urban Design

RESPONSE TO COUNCIL LETTER 04/09/18

The following addresses specific issues raised in Council's letter.

1. Response to the criticisms of the supporting reports provided with the request undertaken as outlined in the representations forwarded to you with the representors consent.

On heritage these matters include the suggestion of National Heritage Trust listing, the degree of interaction between the various reports, what the appropriate curtilage around Cambria should be, that the reports are too focused on the homestead and the relationship between heritage values and historic land use.

On agricultural matters, these criticisms include the extent to which the hills precinct downplays agricultural potential, fettering and loss of land within the estate.

Natural Values

Further comments are provided with input from Mark Wapstra of EcoTas in response to representations specifically related to natural values.

Heritage Values

Please refer to accompanying letters prepared by Sam Nichols in response to representations (no. 323 & 64).

The Cambria Homestead is listed on the Tasmanian Heritage Register and any works to the place will continue to require a discretionary application in accordance with the *Historic Cultural Heritage Act 1995*. The preparation of the Conservation Management Plan and the Landscape Conservation Management Plan that accompany the application not only improves knowledge and understanding of the sites heritage but also contributes to the communities understanding of the local and regional history.

Discretionary use and development is subject to consideration of the Plan Purpose and Local Area Objectives. The Plan Purpose continues to emphasise the importance of continued agricultural use of the land. A comparison of the Discretionary Use standards in the SAP with those in the GSBPS demonstrates concerns related to the fettering of agricultural land continue to be addressed. As demonstrated in the Comparative Use Table (Appendix E, Planning Report) the proposed SAP does not substantially modify existing use status and qualifications for the Precinct 4 - Hills Resort Precinct.

The standards of the SAP have been prepared based on the assessment of the agricultural potential of the land as addressed in the Agronomic Suitability Report for the land and as discussed in section 3.7 of the planning report. The agricultural potential of the land should also be considered with respect to the natural values within the western hills that are largely mapped as subject to the Biodiversity Code.

Rep 236 - Stategrowth

A S43A application under LUPA has not been sought for a number of reasons; current provisions of the HCHA do not allow for S43A applications for Heritage places; and a S43A application requires the development to be otherwise prohibited within the scheme.

The application does not seek to include roads within the application area and therefore Landowner consent is not required. Issues related to the use and intensity of future development on the roads are addressed with the application of the Road and Railway Asset Code that control use and development impacting on state roads.

A number of other issues raised in the representation will be assessed when a development application is made to Council or are managed through recommended changes to the SAP.

As identified in the representation, the Swansea Structure plan does not include Cambria Estate as an option for relocation of the golf course. The reasoning is that Cambria land is on the northern edge of the

boundary of the Swansea Structure Plan and was outside the scope of the plan. The location of the subject land has the potential to address some of the issues within the Structure plan and influence the future of the township, without being specifically investigated and referenced. Likewise, the Structure Plan is indicative of a potential site for the Golf Course without prescribing that this is a mandatory location for it.

As mapped below there are a number of leases for extractive industries that impact on the subject land. As illustrated below, the resulting buffers from the Attenuation Code demonstrate that they will not unreasonably constrain future development of the subject land.

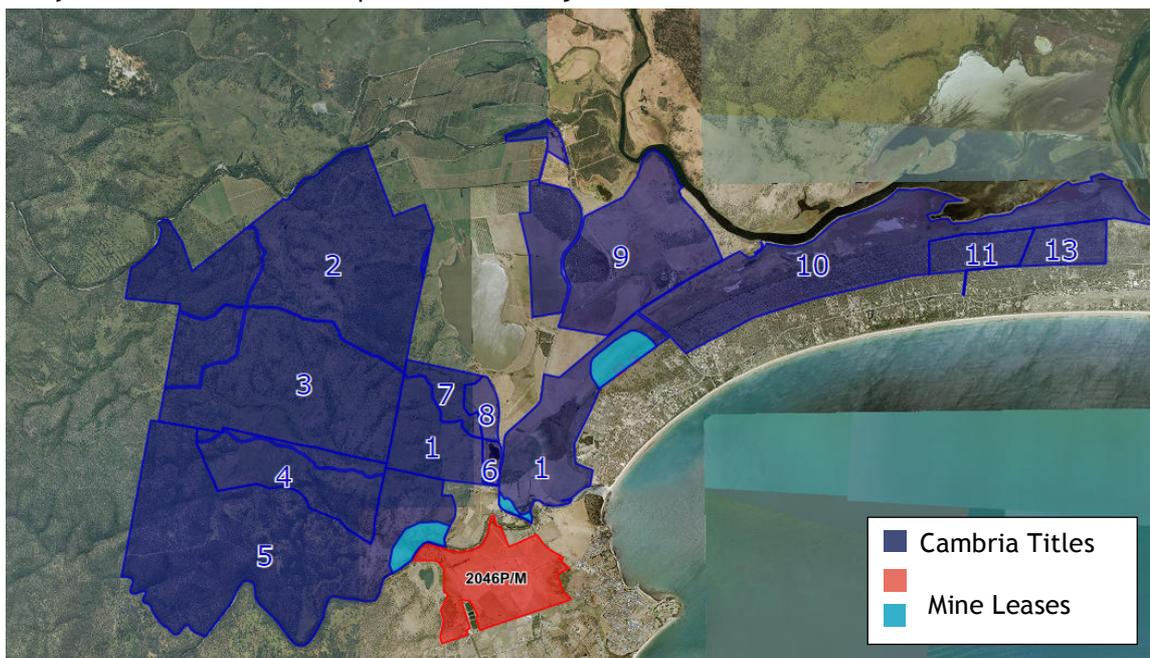


Figure 1: Mining leases and respective attenuation areas

Scale of Development

As discussed in our representation it is recognised that there are concerns with the scale of the proposed development. The following recommended standards illustrate the extent of development anticipated within the different precincts, and is a means to manage potential impacts unique to the precincts should development be required to be assessed in respect of the Performance Criteria. It is recommended the following are included within the Development Standards:

___ Scale of Development

Objective: That the scale of development is to be have regard to the rural and/or coastal character of the respective precincts.	
Acceptable Solution	Performance Criteria
A1 The total portion of the site located within Precinct 1 covered with roofed buildings must not exceed 2Ha.	P1 The site coverage of development must not unreasonably impact on adjoining land having regard to the following: a) The bulk and form of the building when seen from adjoining dwellings and public vantage points; b) The impact and proximity to places of historic cultural significance.

	<ul style="list-style-type: none"> c) The continued operation of agricultural use of the land; d) If necessary for functional requirements of permitted or no permit required uses; e) Any buffers created by natural or other features; and f) The Plan Purpose and relevant Local Area Objectives.
<p>A2 The total portion of the site located within Precinct 2 covered with roofed buildings must not exceed 5,000m².</p>	<p>P2 The site coverage of development must not unreasonably impact on adjoining land having regard to the following:</p> <ul style="list-style-type: none"> a) The bulk and form of the building when seen from adjoining dwellings and public vantage points, including from coastal locations; b) Building materials, colours and finishes; c) If necessary for functional requirements of permitted or no permit required uses; d) Any buffers created by natural or other features; and e) The Plan Purpose and relevant Local Area Objectives.
<p>A3 The total portion of the site located within Precinct 4 covered with roofed buildings must comply with either of the following:</p> <ul style="list-style-type: none"> a) Not exceed 2 ha of the extent of the lot mapped within the precinct. b) Is necessary for the functional requirements of permitted or no permit required uses. 	<p>P3 The site coverage of development must not unreasonably impact on adjoining land having regard to the following:</p> <ul style="list-style-type: none"> a) The bulk and form of the building when seen from adjoining dwellings and public vantage points; b) The continued operation of agricultural use of the land; c) Building materials, colours and finishes; d) Offsets or other agreements for offsets; within the precinct; e) Any buffers created by natural or other features; and f) The Plan Purpose and relevant Local Area Objectives.

The SAP results in limited development potential for Precinct 3, Agricultural Precinct and it is not considered necessary to include controls.

The potential offsets in scale standards for Precinct 4 (P3 (d)) above are intended so that each lot has permitted right to development if they are developed separately in the future. The Performance Criteria has been included to enable variations where, in addition to other criterion, there is scope for agreements to be entered to minimise development on other lots. An agreement could enable an intensification of development on one lot where it is agreed that a Part V would restrict further development on another lot or area of land.

2. Suggested design provisions to guide, as may be appropriate, building materials, architectural style, bulk, relationship to topography and the like, and visual protection when viewed from the Great Eastern Drive or coastline.

The visual qualities of the site have informed the process of developing the SAP as illustrated in Section 3.8 of the planning report. The titles as part of this application have limited coastal frontage that would result in impacts on visual impacts from public vantage points. Coastal edge setbacks will be further consolidated with the requirements from various Codes including coastal erosion hazard, inundation, and waterway and coastal protection. The immediate surrounds of the Great Eastern Drive on Tasman Highway are subject to the standards of the Scenic Landscape Corridor.

That part of the site that is seen from the junction of the Meredith River and Nine Mile Beach is a heritage listed place. Future design development will be carried out in accordance with the recommendations of the *Heritage Design Guidelines* (p. 3), which identifies potential development zones that are not within proximity or visually connected to the coast.

The coastal part of the site that is in proximity to Moulting Lagoon is only visible from a few public vantage points; the end of Boathouse Road, Swan River Road, and Yellow Sandbanks Road (1km); and from the Swan River itself. Boathouse Road is on the boundary of Precinct 3, where development is to be restricted to protect agricultural use of the land.

Proposed standards for design are based on existing standards within the Rural Resource Zone acknowledging that there are no Design Standards within the respective zones of the SPP. Further to Scenic Landscape Corridor standards the SAP proposes to include a number of Performance Criteria standards that have regard to visual impacts when seen from Tasman Highway. The SAP enables consideration of long views to the site, including hillsides to be considered in terms of visual impact in greater detail than exists under current provisions. Visual qualities of development from coast locations are considered to be appropriately managed through Performance Criteria and Local Area Objectives.

3. Rationale for the size of the homestead precinct vs the sub-precinct parcels identified in the heritage assessments.



Figure 2: (left) Local Areas Map, (right) Location plan of precinct (Source: Figure 1 Heritage Design Guidelines)

It is recognised that there are distinct differences between Precinct 1 and 3 and that greater refinement is capable of being undertaken to determine the spatial extents of the boundary between the two.

Clarification has been sought from Sam Nichols on the boundaries proposed in the Heritage Design Guidelines, and it is understood that the extents of the plan is the recommended curtilage to retain those aspects of the landscape that demonstrate the historic pattern of farming of the estate.

4. The capacity or appropriateness to review the Tasmanian Heritage Register listing, nothing that the IPS applies only to the specific extent of the THR listing and which is much smaller than the areas of value identified thus far.

This application does not seek to change the Tasmanian Heritage Register (THR) listing. The amendment to the ordinance for the Historic Heritage Code as detailed in 6.3.1 of the planning report seeks to rectify errors as identified in section 5.13. It is also recommended that mapping be updated as per recommendations of 2.5 of the Heritage Design Guidelines.

As identified in communications from Sam Nichols the THR listing applies to the entirety of certificate of title 148001/1. Further exclusion areas attached to the THR data sheet as an appendix to the Conservation Management Plan do not reference and are not related to the subject land.

Investigations into the landscape and built heritage of the place have substantially increased the knowledge and understanding of the heritage values of the place. Subsequent to the approval of the SAP, the CMP and Heritage Design Guidelines will be forwarded to the Tasmanian Heritage Council to be endorsed and to inform a revised listing of the values in order to progress future works on the site, and to recognise the extents of the values on the site.

5. How the SAP may address the future SPP scenario where the priority vegetation areas is excluded from the agriculture Zone.

The proposed amendment was prepared on the basis of existing zoning, where the Significant Agricultural Zone only applies to land adjoining the Tasman Highway (as shown below). The inclusion of land subject to Conservation covenants within the Environmental Management Zone as part of the amendment (as illustrated on p 70 of the planning report) clearly identifies that those areas should be retained for their natural values. No other changes are proposed in the SAP to vegetation mapping or zoning that would change the way in which the exclusion of priority vegetation would be addressed within the Agricultural Zone.

Changes proposed by Council in the draft LPP for Rural Resource Zone areas to be in the Agricultural Zone are not supported. Proposed changes by Council are inconsistent with identified agricultural potential for the land, and with mapped natural values; particularly within the precinct of the hills resort. The current drafting of the SPP that does not apply the Natural Assets Code to the Agricultural Zone (clause: C7.2.1(c)) is inconsistent with the natural values that have been identified on the site.

As can be seen in Figure 4, much of the western hills are mapped as priority vegetation. This vegetation would not be protected by the Natural Assets Code under current standards of the SPP and based on zoning changes recommended in the draft LPP.



Figure 3: Existing Zoning (Source: GSBIPS from figure 29 of the planning report)



Figure 4: Draft LPS zone mapping proposed by Council¹ (source: GSBC)

6. *The appropriateness of building setback standards.*

As described in our representation from the 14/06/18, following community consultation increased setback provisions have been recommended to allow for an increased setback from Residential areas. Setbacks are otherwise prepared for consistency with State Planning Provisions. Setbacks from Tasman

¹ Glamorgan Spring Bay Council, 2018, accessed at <<http://gsbc.tas.gov.au/services-facilities/regulatory-services/>>

Highway are managed through the standards of the Scenic Landscape Corridor, setbacks from waterway and coastal areas will managed through the relevant code standards.

7. Review the SAP clauses for residential use across the four precincts.

Existing use status GSBIPS 2015:

- Significant Agriculture Zone - Discretionary, Only if a single dwelling necessary to support agricultural use on the property. Permitted if home-based business or an extension or replacement of an existing dwelling.

Use Standards 27.3.1 Sensitive Use (including residential use) A1 and P1, and 27.3.3 Discretionary Use P1, are applicable.

- Rural Resource Zone - Discretionary. Permitted if home-based business or an extension or replacement of an existing dwelling.

Use Standards 26.3.1 Sensitive Use (including residential use) A1 and P1, and 26.3.3 Discretionary Use P1 are applicable.

Proposed Use Status Cambria SAP:

- Precinct 3, Agricultural Precinct: Permitted if home-based business or an extension or replacement of an existing dwelling. Otherwise prohibited.
- All other precincts: Discretionary.

Use Standard 1.6.1 Discretionary Use P2 would be applicable.

The Cambria SAP Use Standards for Discretionary Use are consistent with those of the respective zones in the current scheme, with the exclusion of providing a specific standard for sensitive use, as current standards are considered repetitive and achieve the same outcome. Removal of sensitive uses is also consistent with the SPP standards for the Rural Zone. Discretionary use standards of the SAP are further consolidated with the requirement to have regard to the Plan Purpose and the Local Area Objectives.

There is an existing dwelling in Precinct 3 and given the importance of sustaining the high value agricultural potential land the SAP does not support further residential development, therefore qualifications have been included in the Use Table to restrict residential development consistent with the Significant Agricultural Zone.

8. Justification for the proposed subdivision standards and how they relate to the SAP LAO's.

Subdivision standards have been included in the SAP to facilitate the potential subdivision of the Cambria Homestead as described in section 6.2.4 of the Planning report, consistent with the subdivision potential enabled through 26.5.3 *Historic Heritage Places*.

Subdivision standards of the underlying zones change to varying degrees for both the underlying zones between the current scheme and the SPP. Subdivision of the land is not an essential component of the proposed SAP. It is recommended that the Development Standards for Subdivision be removed from the SAP. Subsequently, any application for subdivision would be subject to the underlying zone standards.

RESPONSE TO REP 13 - TASMANIAN LAND CONSERVANCY

The following comments have been prepared in consultation with Mark Wapstra of ECOtas whom prepared ecological assessments that accompanied the application to Council.

The ecological assessments undertaken by ECOtas (2016, 2017a, 2017b, 2018) identify that...

This statement is concerning in that it identifies that TLC has apparent access to not only the baseline ecological assessment of the whole Cambria property (ECOtas 2016) but also the various addenda produced to address specific issues. The concern is that latter parts of their submission seem to suggest that the addenda have not been examined in detail because they specifically address several of their items.

...identify that numerous threatened species and vegetation communities of state, national and international significance occur on the property subject to the Draft Planning Scheme Amendment.

It is unsurprising that a property the size of Cambria supports threatened flora, fauna and vegetation communities, although ECOtas (2016) identified that at least several of the threatened flora species are of relatively low conservation significance (i.e. listed as rare with locally abundant populations, widespread distributions and high tolerance to disturbance). Furthermore, ECOtas identified that the threatened fauna values can be appropriately managed through provisions of existing legislation and policy to achieve a satisfactory conservation outcome. Most of the identified vegetation communities with conservation significance are already formally reserved in conservation covenants, or are otherwise subject to existing legislation and policy that appropriately deals with the management of these communities.

Its location on the shores of several river systems and bordering the Moulting Lagoon Ramsar site signifies its critical ecological role in the region's surrounding natural values matrix.

The ECOtas report includes substantial commentary on the context of the property including its position between Moulting Lagoon and the forested hills to the west, and specifically identified drainage systems and assessed their broad ecological values. The property is one of the older agricultural ventures on the east coast with a long history of primary production, vegetation clearing, forestry, sand-mining, and an airstrip. It is considered that well-designed development is able to be undertaken in balance with the identified ecological values.

A large scale tourism based development comprising health retreat, agriculture, events, golf course, resort and accommodation has the potential to impact on these values and warrants detailed and lengthy consideration by Council and the community and also referral under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

It is recognised that there is potential for development and use of the site to impact on natural values, which is why a detailed assessment was undertaken in the conceptual stages of the project.

ECOtas (2016 p 90) includes lengthy discussion and consideration of the implications of the findings under various legislative and policy instruments, including the EPBCA. The subsequent addenda further considered the EPBCA in relation to threatened flora and fauna. Subsequent planning assessment and preparation of the amendment has been prepared in accordance with the recommendations of the ecological assessment.

We urge the Council to seek more detailed information from the proponent (as suggested in the Attachment to this letter), to ensure the property's natural values are better defined, measures are identified for their permanent protection and that the natural values of the surrounding area,

including the TLC's current landholdings are not impacted by immediate or future activities contemplated in the proposal.

The ecological assessment was in full compliance with DPIPWE's *Guidelines for Natural Values Assessments - Terrestrial Development Proposals*, and included field assessments, follow-up timed-targeted assessments, engagement with specialists and additional surveys and reporting, and discussions with officers of DPIPWE.

It is beyond the scope and unnecessary as part of this application to seek 'permanent protection' of further parts of the Cambria Estate. This statement makes no reference to the existing network of permanent reserves on the estate capturing a wide range of vegetation types, threatened flora and fauna. It is not our role to identify areas for permanent protection and it is presumptive of TLC to push for "permanent protection" of further parts of the Cambria property. Such a statement makes no reference to the existing network of permanent reserves already established on the property. It is "easy" for TLC to suggest permanent reservation but such an action by a landowner should be entirely voluntary and in response to identified values warranting such inclusion in the reserve system.

It is not clear that TLC has any properties immediately adjacent to the Cambria property or in the vicinity such that the development would impact on the identified conservation values of their reserves (e.g. Long Point and the Big Punchbowl, both on the shores of Moulting Lagoon).

The report ECOtas (2016). Ecological Assessment of Cambria Property, Swansea-Dolphin Sands, Tasmania. Report by Environmental Consulting Options Tasmania (ECOtas) for Cambria Green Agriculture & Tourism Management Pty Ltd, indicates that an ecological assessment was undertaken over a one month winter period (27 May 2016 and 26 June 2016). It is suggested that this assessment is inadequate to fully address the range of significant conservation issues occurring on the subject land, and that more detailed seasonal surveys are appropriate. We recommend expanded ecological assessments are undertaken particularly for the following state and nationally listed threatened species and communities:

As discussed previously, the ecological assessment was in full compliance with DPIPWE's *Guidelines for Natural Values Assessments - Terrestrial Development Proposals*, and included field assessments, follow-up timed-targeted assessments, engagement with specialists and additional surveys and reporting, and discussions with officers of DPIPWE. The comments by TLC seem to imply that the only surveys were between 27 May 2016 and 26 June 2016. However, in accordance with the initial assessment and initial findings (see main section of ECOtas (2016)), follow up surveys were undertaken on a further three occasions, specifically targeting threatened flora with a seasonal flowering period and timed mammal surveys to coincide with the most appropriate activity period.

Fauna: detailed and targeted species surveys in the appropriate season for swift Eagle nest protection zones to be secured.

ECOtas (p. 70) have undertaken a detailed desktop and field assessment to determine the presence of fauna with commentary on particular priority species, with subsequent targeted assessments (see addenda). The proposed amendment includes standards for the protection of sea-eagle nesting sites, not currently afforded under the planning scheme.

If there are further issues with the impact on species then this can be clarified and addressed at the time of making a development application.

Flora: expanded and targeted surveys in the appropriate season for Carex...

Vegetation Communities - detailed mapping and prescriptions for protection and restoration of Eucalyptus

Similar to the response to additional surveys for fauna above, the ecological assessment and addenda provided as part of this application have been prepared that address the listed species and communities where necessary and in detail.

No further surveys or mapping is necessary as part of the application for an amendment. The detail of investigations undertaken greatly contributes to the understanding of the ecology of the estate that is of benefit to the landowners and to the community in general.

Detailed assessment of the range of unique topographical features named on the subject land and their contribution to conservation at a landscape scale.

The ecological assessment identified natural values of significance on the site and included recommendations for their management, in consideration of the topographic features as outlined (p. 12). There are no statutory requirements that would warrant a more detailed assessment of the topography.

New Reserves Recommended and Improved Protection for Existing Reserves Recommended.

More detailed information is recommended on new protection zones for threatened species (e.g. Pterostylis ziegeleri grassland greenhood) and securing a network of permanent wildlife corridors and landscape linkages facilitating movement of species across the subject land and the surrounding area. Management actions be undertaken for the three private reserves (Meredith River-Dry Creek Reserve, Bayles Backwater White Gum Reserve, Didos Hill Peppermint Reserve) identified on the subject land to address gorse and weed removal and expanded where necessary to give additional resilience to the values they contain under a regime of changing land use.

More detailed information has been provided in the addendum to the ecological assessment. The site is already the subject of a number of conservation covenants as discussed (p, 14), that are subject to property management plans. Areas subject to covenants are informally linked through the informal reserves of the river systems that are managed through the Waterway and Coastal Protection Code. Recognition should also be given to the historical agricultural use of the property and that appropriately located buildings within the landscape is able to retain existing linkages, and would be a desirable attraction for the development.

Detailed assessment of water use, discharge and potential impact on wetlands, saltmarsh and the Moulting Lagoon Ramsar Site...

More detailed analysis is recommended on immediate and future water usage and protection measures related to run-off into Moulting Lagoon and the associated natural values integral to this internationally significant site.

The proposed SAP does not change any applicable standards of the Scheme in relation to water management, other than recommended standards preventing the use of water from the aquifer. Future development will be in accordance with relevant codes for water management. Further information has been provided on the availability of water resources as part of our submission on the 14 June.