Note: To Whom it may concern, this submission has been written in cooperation with other concerned residents of Turners Beach. Please take care not to disregard similar submissions on the grounds they are duplicates. Instead, view these duplicate / similar submissions as an illustration of shared sentiment rather than clerical error.

Signed: Isobel Horniblow - 7/01/2024

This is a submission in response to the recent report amending the Turners Beach Specific Area Plan (SAP) as part of a wider review of all SAP's within the Central Coast Local Provisions Schedule. Having read through the document I am pleased to see that Council has dedicated a significant amount of time and effort towards the preservation of what makes Turners Beach a unique and desirable place to live. The revision of Plan Purpose CCO-S5.1.1, in addition to the new purposes CCO-S5.1.2 and CCO-S5.1.3 sets a stronger framework through which development and use outcomes can be achieved within Turners Beach.

With that said, there are two (2) proposed changes that will substantially undermine the character of Turners Beach if Council supports the new Specific Area Plan without rejecting these amendments.

The amendments are as follows;

1. Remove Local Area Objective (f) which reads: "provide for new residential development in waterfront locations of a scale and appearance to nestle within the landscape"

2. Increase the Performance Criteria P1.2 from "and is not more than 7.5m" to, "and is not more than 8.5m"

Note: As Council has not exhibited any documents proposing amendments to performance criteria P2.2 within the Turners Beach Specific Area Plan, it is assumed no changes will be made to this performance criteria as this would be in breach of Council's legislated requirements for community consultation.

Council should retain Local Area Objective (f), "provide for new residential development in waterfront locations of a scale and appearance to nestle within the landscape", and retain Performance Criteria P1.2 & P2.2 for building height, "and is not more than 7.5m", whilst accepting all other proposed amendments to the Turners Beach SAP.

Doing so would provide clarity to Council in relation to development outcomes, facilitate the protection of native vegetation and the local dune, whilst ensuring the unique character of Turners Beach is protected as the area continues to develop.

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Extended Response:

Subject: Local Area Objective (f), “provide for new residential development in waterfront locations of a scale and appearance to nestle within the landscape”

Council Amendment: Removed.

Rationale: In conflict with TBSAP setback and height standards (existing and proposed).

Submission Response: The SAP’s objective to ensure that natural amenity is prioritized over residential development is required to ensure that new residential development, reliant on performance criteria P1.2 and / or P2.2 are designed appropriately for the natural setting of Turners Beach, particularly when viewed from the coast. It provides a crucial link between the considerations under the performance criteria to the overall Local Area Objectives. Objective (f) provides design considerations for developers not dissimilar to considerations (c), (d), (e) & (f) under Performance Criteria P1.2 and P2.2, as listed below.

> (c) the relationship between appearance and design characteristics of the buildings and any buildings on adjacent land;
>
> (d) the apparent building height when viewed from a frontage road and adjacent land in another zone;
>
> (e) the effect of the slope and orientation of the site and adjacent land on apparent building height;
>
> (f) the effect and durability of screening to attenuate impact of the building to view from a frontage road or from adjacent land in another zone;

Each of these considerations requires that development, both residential and non-residential, looking to build above 5.5m up to a building height of 7.5m (current max), take into account their visual impact upon surrounding properties and land. Council clearly recognises the importance of these considerations, as all four have remained in the proposed TBSAP. Why then would Council take out the only objective that requires the protection of natural amenity in a similar manner?

Note: To demonstrate the importance of protecting coastal amenity, not only in Tasmania but around Australia, the following section includes 28 instances where the protection of coastal amenity is a clear objective in a State Government endorsed document from either Victoria, New South Wales, Queensland or Tasmania. Given more time to review State Government Documentation, this list would likely include every coastal State or Territory in Australia.

Council’s reasoning to remove objective (f) on the grounds it is “in conflict with TBSAP setback and height standards”, indicates that the current setback and height performance standards are already putting the coastal amenity at risk. Rather than remove the objective and forsake the

protection of the Turners Beach coastline, Council should be looking to strengthen the development controls that ensure its protection.

Any amendments made to the Turners Beach SAP that weaken the protection of coastline amenity (such as removing objective (f) and increasing the acceptable height under P1.2 or P2.2 to 8.5m) would be in conflict with the directives given by each of the State Governments referenced in the following section and Council's obligation to protect coastal amenity.

Protecting Coastal Amenity as a Design Principal around Australia:

Victoria: Siting and Design Guidelines for Structures on Victorian Coast.[1]

- "New structures should minimize their footprint, including their height. The height and scale of any structure should be designed to be appropriate to its context" p. 13
- "Is the form and line of the proposed structure sympathetic to the surrounding landscape and context?" p. 19
- "Is the structure appropriate in scale, relative to the line of the landscape?" p. 19
- "Does the structure enrich and not impede views to and from the coast?" p.21
- "Does the structure maintain important public views, vistas and sightlines?" p.21
- "Does the structure blend with and complement the local coastal character?" p.21
- "Ocean and beach views greatly enrich our coastal experience and connection with nature. It is important to frame, maintain and optimize existing views of unique features through careful siting and design that does not involve the removal of vegetation or intrusion into existing or potential view lines." p.50

NSW: Coastal Design Guidelines.[2]

- Outcome B: "Ensure the built environment is appropriate for the coast and local context" p. 32
- Outcome B1: "Respond to and protect elements that make the place special" p.32
- Outcome B1a: "Integrate development within the natural topography of the site and ensure land use, building scale and height respond sympathetically to coastal landforms." p.32
- Outcome B1d: "Ensure that lot sizes, building heights and density are appropriate for the coastal settlement, and complement the existing or desired local character, supported by place-based strategies." p.32
- Outcome B2c: "Consider effects on scenic values and maintain publicly accessible views to significant landmarks." p.32
- Outcome B2d: "Ensure that building heights consider the effect on views from different vantage points." p.32
- Outcome B2e: "Retain or create views from public spaces. Prioritize this over creating views from private property" p.32
- Outcome C3: "Protect public amenity"

[1] Siting and Design Guidelines For Structures on Victorian Coast
[2] NSW Coastal Design Guidelines 2023

- Outcome C3a: “Avoid development that will overshadow the beach, foreshore or public domain. Apply the standard that there must be no overshadowing before 4 pm (midwinter) and 7 pm (Eastern Daylight Saving Time).” p.35
- Outcome C3b: “Protect the amenity of public spaces from buildings, structures or land uses that may be visually and/or acoustically intrusive or create wind funnels.”
- 4.31a: “Use building type, scale, height and aspect to ensure development integrates with, and does not dominate, coastal landforms and other elements of the coastal environment (for example, keep building mass below tree canopy and ridge lines).” p.47
- 4.31c: “Protect and enhance view corridors to and from the foreshore, water bodies and natural features.” p.47
- 4.21d: “Locate and design development to limit the visual intrusion of buildings when viewed from public spaces, and the overshadowing of beaches, foreshores and the public domain before 4 pm (midwinter) and 7 pm (Eastern Daylight Saving Time).” p.47

Queensland Coastal Plan 2011 (7. Buildings and structures on State coastal land)[3]

- 7.2: “Buildings and structures are to be located, designed, constructed and operated to complement the landscape characteristics of the natural environment, and in particular:
    - a) not alter the amenity and character of the area” p.14
- 4.1 “The dominance of the natural character of the coast is to be maintained or enhanced when viewed from the foreshore” p.51
- “Where the existing scenic amenity values of the coast draw heavily on a predominantly natural undeveloped landscape character, new development should be undertaken in a manner which maintains or enhances the dominance of this character. Such development is to be located and designed to minimize significant losses of natural character when viewed from the foreshore.” p.51

FACT SHEET 3 - TASMANIAN PLANNING SCHEME – RESIDENTIAL DEVELOPMENT[4]

- “Local character will also be protected through the Tasmanian Planning Scheme through the application of the Local Historic Heritage Code and local area objectives. There are also opportunities for ***specific area plans*** to manage the unique areas of the State.” p.2

State Coastal Policy 1996 (Tasmania)[5]

Natural and cultural values of the coast shall be protected

- “That the natural character of the coastal zone is of special cultural value to Tasmanians and to visitors from elsewhere” p.5

The coast shall be used and developed in a sustainable manner

- “that the coastal environment is being affected by activities, uses and development occurring outside the coastal zone.” p.6

[3] Queensland Coastal Plan 2011
[4] Fact Sheet 3 - Tasmanian Planning Scheme - Residential Development
[5] State Coastal Policy 1996

- “1.1.10. The design and siting of buildings, engineering works and other infrastructure, including access routes in the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.” p.9

- “2.1.3. Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.” p.9

Furthering the argument that the retention of objective (f) is critical to the protection of coastal amenity, (even before considering the additional amendment to raise the performance solution building height, which will only exacerbate the problem), design considerations (d), (e) & (f) under Performance Criteria P1.2 and P2.2 have been unsuccessful in protecting the amenity of Turners Beach.

There are now multiple dwellings protruding above the dune vegetation as viewed from the beach and therefore fail to meet considerations (d), (e) & (f). Turners Beach is “adjacent land” consistent with the specifications in each of these three clauses and building above 5.5m (the current acceptable solutions building height) to a height visible from the beach should not have been permitted as the structures would have been in conflict with each of these clauses.

This is additional evidence that the current development controls are not strong enough to protect the amenity of Turners Beach and should not be weakened through the removal of objective (f) and a 1m increase to performance solution building height under P1.2 & P2.2.

To be consistent with nationwide coastal design principles, Council must retain objective (f) to require the consideration of the coastal amenity in performance based development approvals.

Subject: Clause CCO-S5.7.1-(P1.2) “and is not more than 7.5m”

Note: The following information also applies to any changes to performance criteria P2.2

Council Amendment: Increase from “and is not more than 7.5m” to, “and is not more than 8.5m” (1m increase).

Rationale: The height is proposed to be changed to 8.5m (1m increase) under the Performance Criteria, which would be the mandatory allowable height. This increase would make the potential final height of buildings more in line with the Acceptable Solution height under the General Residential Zone and in line with existing heights of several other properties built prior to the introduction of the TBSAP.

Submission Response: Council’s rationale to increase the building height of the Turners Beach SAP to bring it more in line with the acceptable solution for the General Residential Zone entirely defeats the purpose of having a specific area plan. These considerations are by

definition supposed to be specific, not general. Making this change to bring Turners Beach in line with other areas will eliminate much of the character that makes it unique.

Supplementary to this claim, Council also stated that;

> "This increase would make the potential final height of buildings more in line . . . with existing heights of several other properties built prior to the introduction of the TBSAP." [6]

While it may be the case that there are some buildings throughout Turners Beach that were built before the TBSAP, this statement does not provide any planning rationale for an amendment to building height. The fact that these houses were built to a level that was later considered unacceptable in Turners Beach, indicates that Council should continue to restrict development above 7.5m, rather than aggravate the problem by increasing the height elsewhere to match these unfortunate transgressions.

Best practice in planning and development is continually updated and improved (as indicated by the 28 contemporary coastal design guidelines referenced earlier). Council should be using this new information to enforce increasingly intelligent controls for the protection of the coast. Instead, it appears that Council is giving in to pressure from developers and trying to increase building height because of the few houses built above the current SAP height allowance.

Moving forward Council needs to recognise that the houses built above 7.5m and visible from should not have been permitted, but given the limited planning controls at the time they were unavoidable. What is important now is that Council does not do anything to weaken the planning controls (such as increase the performance height from 7.5m to 8.5m) and instead strengthen the ways in which coastal amenity is protected.

To ensure the ongoing protection of the coastal amenity of Turners Beach, Council should retain a maximum height on development under clause P1.2 and P2.2 at 7.5m

Subject: *Access to consultation information.*

The report to Council amending the Turners Beach SAP referenced various community consultation sessions and an online survey[7] as evidence that the proposed changes "would reflect the general aspirations of the Turners Beach community".

Upon requesting evidence (redacted for anonymity if required) in the form of survey results or notes from the community consultation sessions, I was informed by Daryl Connelly on the 22nd December 2023 that the changes were "based on the views of staff and elected members, and

[6] Draft Amendment LPS2023002 TO THE TASMANIAN PLANNING SCHEME - CENTRAL COAST p. 48-50
[7] Draft Amendment LPS2023002 TO THE TASMANIAN PLANNING SCHEME - CENTRAL COAST p. 46

consideration of anecdotal feedback received from the community. We are not suggesting that the proposed changes are reliant on empirical evidence."

Following this statement no notes from any community consultation were provided to support Council's claim.

Instead it was stated that Council "was unable to locate any notes the former Manager made during the consultation sessions." [8] In relation to the sharing of survey results to justify Council's claim, Council stated that "Dozens of hard copy and electronic surveys were completed, however as we have no way of providing and excluding duplicates, they can't be relied on for any quantitative analysis."

The only reference to community consultation that Council was able to provide were notes from the Community Representatives Committee Meetings held on the 26 August 2021 and 25 November 2021. Given that these are over 2 years old and the minutes contain no information to suggest there was any substantial discussion on the proposed amendments to the TBSAP, there appears to be no evidence that the proposed changes will be in line with community aspirations whatsoever and is reason enough to refuse any amendments to building height controls.

This does not instill confidence that Council is acting in line with the "general aspirations" of the community. Council has been unable to present any evidence of consultation, either from community sessions or a survey. The last reference made on the Turners Beach Specific Area Plan was over 2 years ago. How then can Council in good faith make amendments to something as controversial as building height controls and the weakening of coastal amenity with no proof that the community supports these changes?

Conclusion:

The proposed amendments to the Turners Beach Specific Area Plan (SAP) present both commendable improvements and potential risks to the unique character of Turners Beach. While the dedication of time and effort by the Council towards preserving the area's native vegetation and dune is evident, caution must be exercised to avoid harm.

The proposed removal of Local Area Objective (f) and the increase in Performance Criteria P1.2 from 7.5m to 8.5m are two changes that should not be made. Objective (f) plays a crucial role in guiding development in harmony with the natural landscape, and its removal would compromise the protection of coastal amenity. Furthermore, the proposed height increase would increase the likelihood of structures overlooking the dune, further eroding the amenity of the natural coastline. Furthermore, the rationale that the changes would bring Turners Beach in line with other general residential areas contradicts the specificity intended for the Turners Beach SAP, diluting its character for the sake of alignment with broader standards.

[8] Email from Daryl Connelly dated 3rd January 2024.

The argument for retaining objective (f) is its alignment with national coastal design principles and the responsibility of Council in protecting coastal amenity. The supporting evidence from other Australian states reinforces the importance of considering environmental context in development decisions, and Turners Beach should be no exception.

Regarding the building height amendment, maintaining the current limit of 7.5m under Performance Criteria P1.2 and P2.2 is required to uphold the unique identity of Turners Beach, reduce the risk of development imposing on the visual amenity of the coastline, and prevent the area from conforming to general standards that compromise its character.

In conjunction with these issues, concerns surrounding the transparency and legitimacy of the consultation process are significant. Council has been unable to provide any evidence to suggest that proposed changes are in line with community aspirations. Council has admitted that the results from the survey “can’t be relied on” and that they were “unable to locate any notes the former Manager made during the consultation sessions.”

In light of these considerations, Council should retain Local Area Objective (f) and uphold the current building height limit of 7.5m, whilst accepting all other controls that enhance the protection of the natural environment. This will not only preserve the character of Turners Beach but will ensure best practice in coastal development and exemplify a commitment to responsible and community-informed decision-making in the Central Coast.