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REQUEST TO AMEND THE GLAMORGAN SPRING BAY INTERIM PLANNING SCHEME 2015

and

Request to consider an Application for
reorganisation of boundaries, subdivision and
development of a retirement and aged care facility
at 'Kelvedon', 12371 Tasman Highway, Swansea



Executive Summary

This report has been prepared in support of a Section 43A application for a combined rezoning and subdivision and development of land at 12371 Tasman Highway, Swansea.

Schedule 43A of the *Land Use Planning and Assessment Act* (LUPAA) (former provisions) allows for a request to be made to a planning authority to amend the zoning or use or development of one or more parcels of land specified in a Local Planning Scheme.

The proposed application involves rezoning of the site from 'Significant Agriculture' to 'Particular Purpose Zone 8 – Tempus Village Swansea'.

The Particular Purpose Zone ('PPZ') is intended to facilitate the ultimate development of an integrated retirement and aged care facility to be known as 'Tempus'.

The Tempus proposal is unique in Tasmania in terms of its scale, character and facilities to be provided within a rural context. The concept requires an area of land suitable for the size of development, with sufficient buffers around it to allow for bushfire hazard management and avoid conflict with adjoining land use.

The ultimate development is intended to provide further opportunities for 'ageing-in-place' in Swansea, and will also provide new employment and commercial servicing opportunities for residents of Swansea.

The subdivision proposed will define the area of the PPZ within which the Tempus proposal will be contained.

The PPZ provisions to be inserted in the *Glamorgan Spring Bay Interim Planning Scheme 2015* include a Master Plan as the standard for the envelope of overall development, with individual, precincts identified. Further standards are provided in respect of use, amenity, density of development, height, setbacks etc, as well as staging of the overall proposal.

Use and development will be required to meet these standards, as well as those of the applicable Codes in the planning scheme. The proposed application does not seek to amend any of the Codes.

The proposed scheme amendment has been assessed against the relevant provisions of the *Southern Tasmania Regional Land Use Strategy*, the State Policies, and the objectives of the *Resource Management & Planning System of Tasmania*.

The proposed subdivision has been assessed against the provisions of the Significant Agriculture Zone and the Rural Resource Zone (in the case of the balance of the land), and against the provisions of the proposed PPZ (in the case of the proposed new Tempus lots and the use and development).

Additional detailed design and planning of the development has been undertaken to ensure that the concept can be properly understood, the requirements for infrastructure and servicing can be ascertained, and so that potential impacts on the surrounding locality (particularly visual impact) can be avoided.

The PPZ has been drafted in a format that will enable direct insertion into the Tasmanian Planning Scheme – Glamorgan Spring Bay Local Provisions Schedule.

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1. Introduction

Tempus Village Management Pty Ltd seek to rezone a portion of the 'Kelvedon' property south of Swansea ('the subject site') to enable development of an integrated retirement and aged care facility.

This report has been prepared in support of a proposed rezoning, reorganisation of boundaries, and subdivision, and staging of the proposed use and development, to be lodged with Glamorgan Spring Bay Council for assessment.

The proposed rezoning component includes rezoning the subject site from 'Significant Agriculture' to 'Particular Purpose Zone 8 – Tempus Village Zone Swansea'. The proposed Particular Purpose Zone ('PPZ') provisions reference a Master Plan that sets out the proposed use and development of the subject site on a precinctual basis. Use and development must be carried out in accordance with the Master Plan and a range of appropriate standards.

The reorganisation of boundaries and subdivision involves the creation of two new titles to allow the subject site to be separated from the greater Kelvedon balance.

2. Background

The proponents of Tempus are a group that has recently completed a successful retirement village ('The Arbour') at Berry, 2 hours south of Sydney, of a similar scale to that being proposed on the subject site (Refer TEMPUS Integrated Impact Assessment, p7&8).

Tempus is a new concept in retirement living for Tasmania. Based on the principle of 'ageing in place'¹, it is aimed at those interested in or used to a rural lifestyle, whether they come from the country, or wishing to relocate from the city.

It will cater for those living on the land, who want to continue that lifestyle into their retirement – offering stabling and riding areas for horses, dog-friendly homes, parking for recreational vehicles, and areas for growing fruit and vegetables. It will provide a unique alternative to the limited retirement and aged care facilities on the east coast of Tasmania, as well as providing an alternative to having to relocate to the city for nursing care.

Tempus will incorporate all levels of care from Independent Living Homes, to Assisted Living Units and Nursing Home Suites, including a Dementia Ward. The aged care elements will meet the Commonwealth requirements for an Approved Aged Care facility under the *Aged Care Act 1997* and will meet the new *Aged Care Quality Standards (July 2019)*.

¹ Ageing in place is a term used to describe a person living in the residence of their choice, for as long as they are able, as they age. This includes being able to have any services (or other support) they might need over time as their needs change. (AUSTRALIAN GOVERNMENT: AUSTRALIAN INSTITUTE OF HEALTH & WELFARE, *The desire to age in place amongst older Australians*, 17 April 2013)

Tempus is proposed to have a range of communal facilities, including a theatre & function hall, and a pool & gym, which are intended be made available for local community use.

The operations on the site would use local suppliers and services, where available. Tempus has approached the May Shaw Health Centre in Swansea with regard to becoming the Nursing Home operator.

The size of the built complex and incidental areas requires approximately 7ha, however the concept of the proposal requires additional area for recreation space and buffers to surrounding land. This raises the overall required land area to approximately 18ha. Investigations within the Swansea town area have failed to find suitable land of sufficient area in a single consolidated parcel. Vacant land is either too small, or is fragmented in terms of location and ownership (in the case of General Residential and Rural Living Zoned land), or subject to environmental constraints (in the case of Rural Resource zoned land) (TEMPUS op cit. p9).

Tempus consequently broadened its investigations to the larger land holdings on the fringe of Swansea township, based on size, aspect, amenity, avoidance of land use conflict, and availability.

The proposed site for Tempus is approximately 3.67km from Swansea town centre (the junction of Franklin and Victoria Streets), directly opposite the Piermont Resort. It is based on a low rocky knoll with a predominantly east facing, gentle slope that affords views over Great Oyster Bay to the Freycinet Peninsula.

This site has been assessed as being of little agricultural value, due to the rocky ground & low rainfall (HANCL, R. Agricultural Report, September 2019; and AK CONSULTANTS, Agricultural Assessment, 25 October 2019).

3. Site Location & Context

The subject site is 3.67km south of the Swansea town centre (intersection of Victoria and Franklin Streets) and approximately 1km south of the road sign indicating “Swansea”, at the northern end of the ‘Kelvedon’ property CT 177646/1, incorrectly referred to in the *Land Information System Tasmania* website (‘LIST’) as “Kelverton” (advice from the owner J.Cotton).



Figure 1: location of the subject land in a sub-regional context (base source DPIPWE LISTmap 23/9/19)



Figure 2: location of the subject land showing relative distances and relationship with Swansea (base source DPIPWE LISTmap 23/9/19)

Kelvedon comprises many titles over a large area including the established 'Kelvedon' vineyard approximately 5.5km further south. But the relevant parcel in the case of this proposal is the most northern one being approximately 680ha with frontage to the Tasman Highway, and including the alignment of Mount Pleasant Road within its overall boundaries (see Figure 3 below).

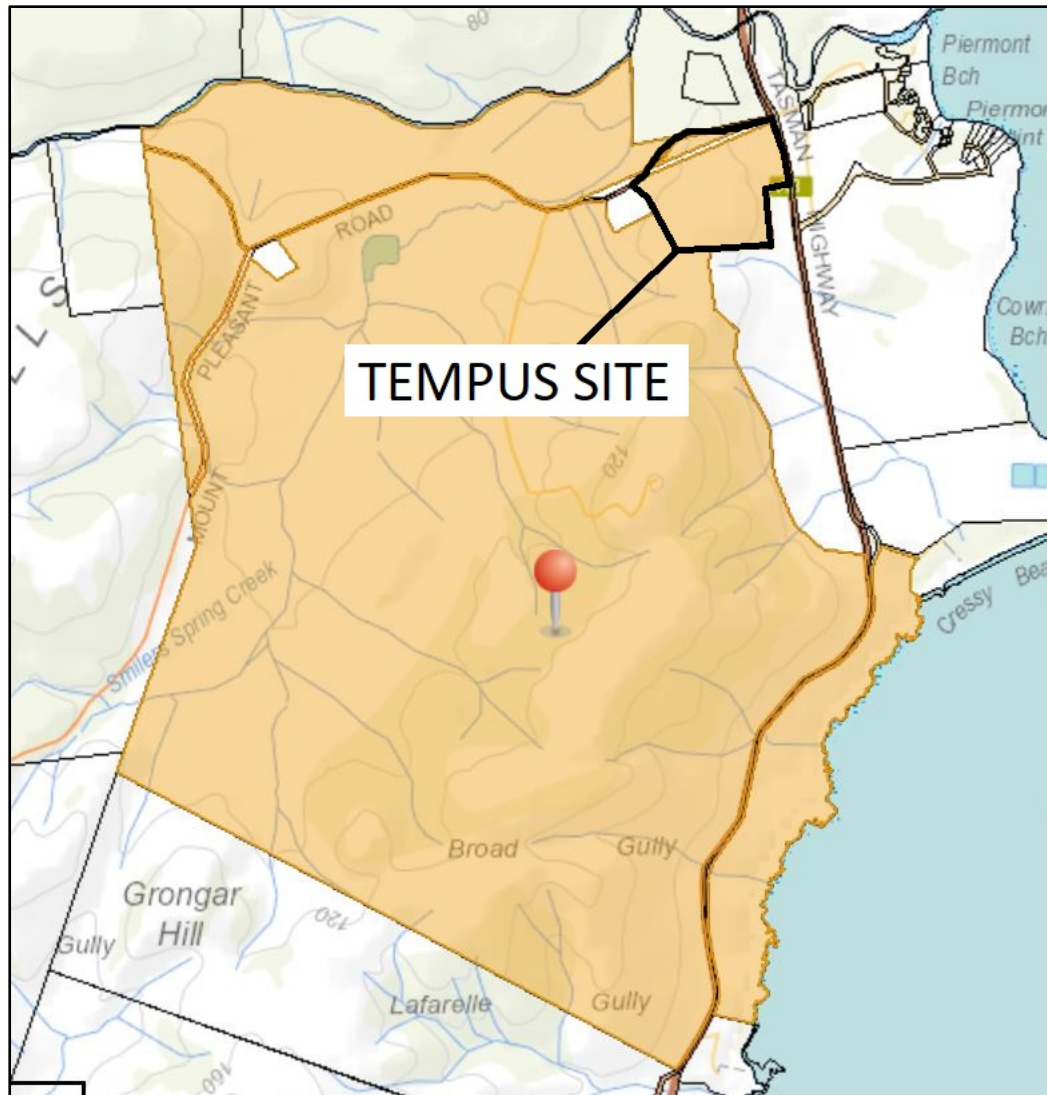


Figure 3: 'Kelvedon' parcel CT 177646/1 . Tempus site outlined in black (base source: DPIPWE LISTmap 25/10/19)

The Tempus site is located on the western side of the Tasman Highway at the intersection with Mount Pleasant Road.

Two-thirds of the site has an easterly aspect, sloping gently up from approximately 25m AHD adjacent to the Tasman Highway, to approximately 55m AHD adjacent to a central knoll (peaking around 60m).



Photo 1: easterly view over the site from the highest point.

The western one-third of the site has a northwesterly aspect, grading gently down to approximately 30m AHD adjacent to Mount Pleasant Road.



Photo 2: westerly view over the site from the highest point.

The subject site is covered with areas of cleared land and areas of light woodlands. The woodland areas consist mainly of Eucalyptus species (i.e. White Gums and Peppermint Gums), Acacia's (i.e. Black Wattles), and weeds such as Gorse and Prickly Box (HANCL, op cit. p.5).

The main soil type on the Tempus site can be considered a shallow red-brown stony clay-loam soil type (i.e. similar to a 'Krasnozems' type soil). However, for most of the site there is a high degree of stone on the soil surface and through the soil profile that makes it impossible to be cultivated (HANCL ibid).

The subject site is located in the Swan Irrigation District but the Scheme does not include a pipeline south of Swansea (TASMANIAN IRRIGATION, 2017). Tasmanian Irrigation has confirmed that there is no plan to extend the Swan Irrigation scheme further south than Mainline 4 (M4) or south of Swansea (ELLERY, P. pers.comm to R HANCL). See Figure 4 below.

Water allocation to the subject Kelvedon title from the Stony River has been diverted to the new Gala Estate vineyard meaning that the Kelvedon title now only has access to the unreliable Smilers Creek system of ephemeral drainage courses and dams.

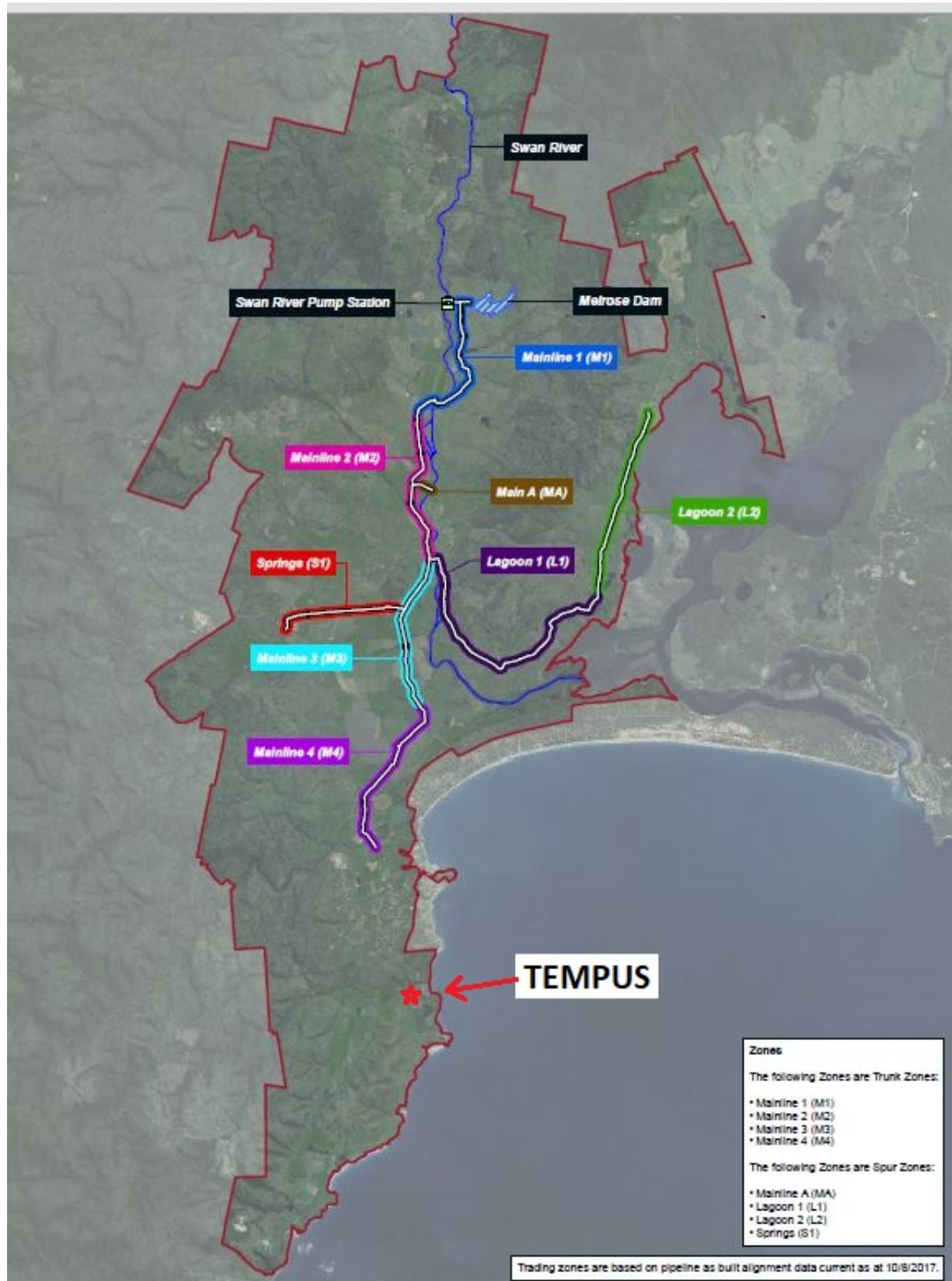


Figure 4: Relationship of Tempus site to the completed Swan Irrigation Scheme (base source TASMANIAN IRRIGATION 29 August 2017)

Figure 2 shows the land use and development surrounding the Tempus site. It is most easily described as follows:

SOUTH: Although part of the Kelvedon property, approximately one quarter of the boundary length is adjacent to a newly established vineyard (Gala Estate). This land is better quality than the Tempus site, being less sloping, less rocky, and having obtained irrigation rights to Stony River to the north.

The land adjacent to the upper three quarters of this boundary is rough grazing land used on a sporadic basis depending on rainfall, to relieve better quality land further to the south and west. The owner of Kelvedon opines that this land is not reliable owing to reduction in annual rainfall and recent drought conditions (COTTON, J. pers. comm to R.HANCL).

It is understood that development of a cellar door sales outlet is being contemplated to be located within the new vineyard (COTTON op cit.).

There is no further cluster of non-rural use or development south of the Tempus/Piermont/Gala Estate land until the residential settlement at Saltworks Beach north of Pontypool approximately 20km south.

WEST: the land immediately to the west of the Tempus site is similar rough grazing as described above. Further to the west, approximately 600m distance, downslope, is improved pasture with access to several small dams based on the ephemeral Smilers Spring Creek.

EAST: the new Gala Estate vineyard wraps around the southeastern corner of the Tempus site, adjacent to the Tasman Highway. The northern half of the land fronting the highway is part of the Tempus site.

On the opposite side of the Tasman Highway is the Piermont Resort complex – a visitor accommodation development with restaurant and reception facilities. Glamorgan Spring Bay Council has approved 392 strata title units on this land (verbal advice from Council: R Bevilacqua 18/10/19), the closest being approximately 75m from the Tasman Highway (scaled from GANDY & ROBERTS, Piermont Country Club Swansea, Stage 1, Overall Plan Dwg C102 Rev A, 13 June 2008).

NORTH: the Tempus site bounds Mount Pleasant Road on the northern side, beyond this, is bushland that forms part of the overall Piermont Estate. The land contains accommodation used by Piermont staff, and some outbuildings.

The area between the Tempus land/Piermont Resort land and the location of the Swansea road sign is used for rural residential purposes and includes Kate's Berry Farm commercial retail outlets and café.

Overall, from a land use and spatial perspective, the locality can be characterised overall as 'rural', although there are non-rural use and activities that are not prevalent any further south. The locality contains a mix of uses, development and activities that militate against a 'rural' stereotype, including:

- Agriculture (vineyard and occasional grazing);
- Bushland;
- Cleared but unused land;
- A number of small dams (but no large-scale irrigation infrastructure other than a new 94ML dam, power, pump and pipelines from Stony Creek servicing the Gala Estate vineyard);
- Residential accommodation;
- Visitor accommodation, restaurant and reception facilities;
- Road infrastructure (Tasman Highway, Mount Pleasant Road, various tracks and accesses, and associated road signage);
- Utilities (power poles and wires; telecom tower);
- Fencing.

With the exception of parts of the Piermont Resort, and the new Gala Estate vineyard, the locality is currently not intensively developed for any particular land use. In general terms this reflects the limited development pressures in the area over many years as a result of reduced rainfall constraining agricultural opportunities, limited access to irrigation, and stagnant population growth (see further comment below). The completion of all approved stages of the Piermont Resort would alter this situation, whereby residential/visitor accommodation would become a more significant part of the character, albeit within a rural setting. Similarly, the introduction of the Gala Estate vine plantings has introduced an additional element into the landscape which was hitherto not present, other than several kilometres south at the Kelvedon Estate plantings. Likewise, if cellar door sales eventuate at the new Gala Estate vineyard, the character of the locality as a development hub/extension of Swansea becomes even further manifest.

A separate assessment of the visual character of the locality has been undertaken to address the Scenic Corridor provisions in the *Glamorgan Spring Bay Interim Planning Scheme 2015*. The assessment concludes:

The Scenic Landscape Corridor adjacent to and surrounding the subject site has a variable character ranging from open grassland interspersed with isolated trees or pockets of vegetation and evident agricultural use in the form of a vineyard to bushland and localised scrub. The immediate topography evidences a gentle slope rising to the west and falling to the coast in the east, and more steeply beyond the confines of the Landscape Corridor.

Intensive agricultural activity is not a key attribute of the traditional rural character of the area, however the land to the south of the Tempus site has been converted to a vineyard which, while a departure from the traditional character, is consistent with the rural nature of the land. (ANCHER CONSULTING. Landscape impact statement for the Tempus development proposal, 22/10/19, pp10-11) (see also TEMPUS op cit. p13).

3.1 The Local Area

The *Swansea Township Structure Plan* (AURECON per Glamorgan Spring Bay Council, April 2016) (the 'Swansea Structure Plan') describes Swansea as:

Swansea is positioned on the western edge of Great Oyster Bay on Tasmania's east coast. The town is predominantly residential in nature and provides small scale facilities for local residents and for those people living within proximity to the town. During the peak summer holiday season Swansea becomes a hub for tourists and tourism activities associated with its location on Great Oyster Bay and its proximity to Freycinet National Park and other popular tourist destinations (op.cit p.15).

The settlement stretches along the coastline in a linear form, with waterfront access along the length of the township providing a direct visual and physical connection with the coast. The linear settlement structure has been influenced by the coastline and predominant road pattern. The orientation of the settlement along the coastline maximises coastal views and outlook towards the water.

Ribbon style residential development is situated along the coast and spreads approximately 4 kilometres from the southern end of Old Spring Bay Road in the south to the Meredith River in the north.

The subdivision pattern, across most of Swansea's residential areas, is generally low density comprising large allotments. Larger rural living style allotments are generally located west of the Tasman Highway and are generally bordered by Catchart Street to the south, Young Street to the west, Maria Street to the north and the Tasman Highway to the east.

Within Swansea there are a number of vacant areas of land within the boundaries of the township that are surrounded by or adjacent to developed land, presenting infill opportunities.

The town centre is located from the intersection of Franklin Street and Victoria Street and extends along Franklin Street for about 350 metres in a north westerly direction. There are limited non-residential activities located in several streets adjacent Franklin Street including Arnol and Noyes Streets.

The town centre contains a mix of commercial, residential and community land uses which are distributed along the street frontages, resulting in a fragmented structure for the town centre (ibid. p.16).

Swansea is serviced by an existing Tassielink bus route along Tasman Highway that connects Hobart to Bicheno.

There is a small private air strip located on the Cambria title, north of the town, and another at 109 Friendly Beaches Road.

A public boat ramp and jetty is located at Jetty Road near the centre of the township.

In the 2016 Census, there were 866 people in Swansea (ABS 2016 Quickstats). The current Swansea statistical area extends approximately 10km south of the centre of the township to include all but the

most southern parcel of the Kelvedon property. The Tempus site is well within this area, and closer relatively to the Swansea town centre than to the boundary of the area.

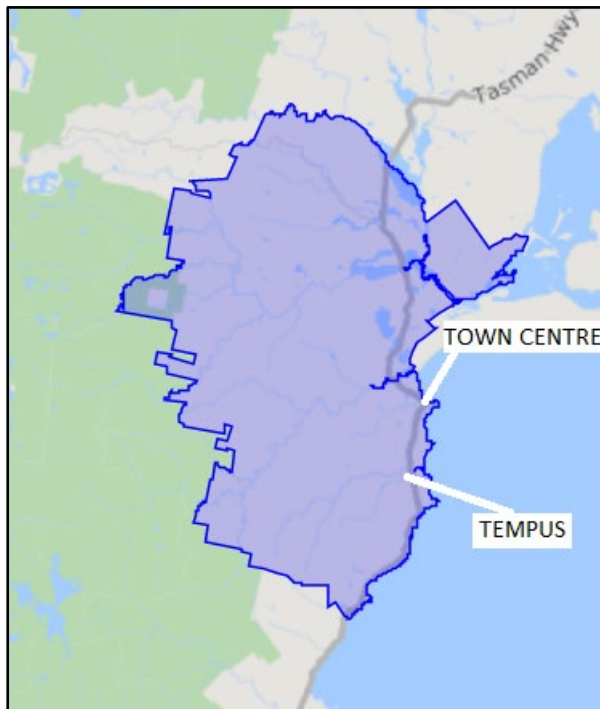


Figure 5: Location of the Tempus site well within the Swansea statistical area [base source: ABS 2016 Quickstats: 2019 MapData Services Pty Ltd (MDS), PSMA Australia Limited]

The median age of the Swansea population in the 2016 census was 62 years compared to 42 years for the state. Children aged 0 - 14 years made up 9.4% of the population compared to 17.7% for the state; and people aged 65 years and over made up 41.8% of the population compared to 19.5% for the state (ibid).

- The Swansea Structure Plan, which was prepared using 2011 census data – although is limited in its defined area to the urbanised part of Swansea - indicated that with a population of 58% over 55 (Australia was 25.5% in 2011) it is one of the most elderly localities in Tasmania. That proportion has increased significantly to 64% in 2016 compared to 33.6% for the state, and 27.6% for the nation.

Overall, therefore, the population of Swansea, like that of the Glamorgan Spring Bay Municipality continues to age at a faster rate than the rest of the state. One of the contributors to this is the attractiveness of the area to retirees.

In the 2016 census there were 312 people who reported being in the labour force in the week before Census night in Swansea. Of these 48.4% were employed full time, 38.5% were employed part-time and 5.1% were unemployed (ibid).

In 2016 there were 363 occupied private dwellings (66%) compared to 86% for the state; and 182 unoccupied private dwellings (33.4%) compared to 14% for the state (ibid). The unoccupied number has reduced from 40% in the 2011 census (AURECON op cit p.22).

The vast majority of dwellings in Swansea are separate houses with between one and two people. There is limited unit or apartment development (ibid p.29).

The May Shaw Health Centre in Swansea provides a respite and palliative care facility, with 50 beds, and a small range of Individual Living Unit rentals.

The Swansea Structure Plan identifies that 31ha of vacant land is zoned for residential use:

Much of this area is constrained by inundation issues, native vegetation, servicing or other limitations. With a yield of approximately 15 lots per ha, the developable land can provide an estimated 218 additional residential lots for the township.

The existing residential lots may also have the capacity to accommodate additional dwellings in the form of dual occupancy or multi-unit developments. Areas of rural residential and farming zoning surrounding the township also has the capacity to accommodate limited new growth (ibid p.50).

Given the existing average household size of Swansea is 2 persons the Structure Plan estimates an additional 62 dwellings will be required over the next 10 years or around 6 dwellings per year (ibid p.51).

A second factor contributing to residential growth is the high percentage of seasonal or unoccupied dwellings in the area. Approximately 40% of the dwellings in Swansea are not a primary place of residence. The Structure Plan estimates that an additional 39 seasonal dwellings will be required by 2021 (ibid).

The conclusion reached by the Structure Plan is that (within the defined urban area) the residential land supply is adequate for the next 10 years to accommodate the predicted 62 new permanent residential dwellings and 39 new seasonal dwellings (ibid). This is an assessment that is based on current trends. The Structure Plan does not discuss demand for aged care facilities, or the potential for alternative forms of retirement accommodation to serve the ageing population of Swansea and the Glamorgan Spring Bay municipal area generally, although it does recognise “the opportunity to capitalise on the retiree market...” (ibid p.45) and makes some broad comments about providing opportunity for future elderly housing options. The Structure Plan does not expand on how this may be achieved.

The Structure Plan is conservative in providing statements regarding the future character of Swansea. On the one hand it recommends:

Further linear development along the coastline should be discouraged focusing growth on a more compact accessible town centre that better caters for the existing residents (ibid p. 65).

whilst also suggesting that:

Any large-scale development should carefully respond to the existing township character while maximising opportunities for additional services, investment and employment into the region and should be supported by the community (ibid).

The Structure Plan does not specifically anticipate or provide for any significant change in residential demand, or any novel or idiosyncratic development. It also does not address the potential conundrum of how (a) the existing physical pattern of Swansea might provide for a large-scale development; and (b) how that should occur without altering the existing town character.

It is the assessment of the Tempus proponents that there is not sufficient consolidated land available within the urbanised area of the township to accommodate their proposal: 7ha is required for the built complex, but approximately 18ha overall is required once recreation space and buffers to surrounding land use are included.

Even if there were sufficient land, the existing character of the town would be compromised by the character and scale of such a proposal, and the supply of vacant land for traditional small-scale residential development would be completely used up and therefore lost to the traditional market. Paradoxically this would lead to pressure to develop the fringes of the urbanised area of the township to meet future housing demand.

4. The Scheme Amendment

4.1 Rezoning

The current zoning of the site is Significant Agriculture (Figure 6 below).

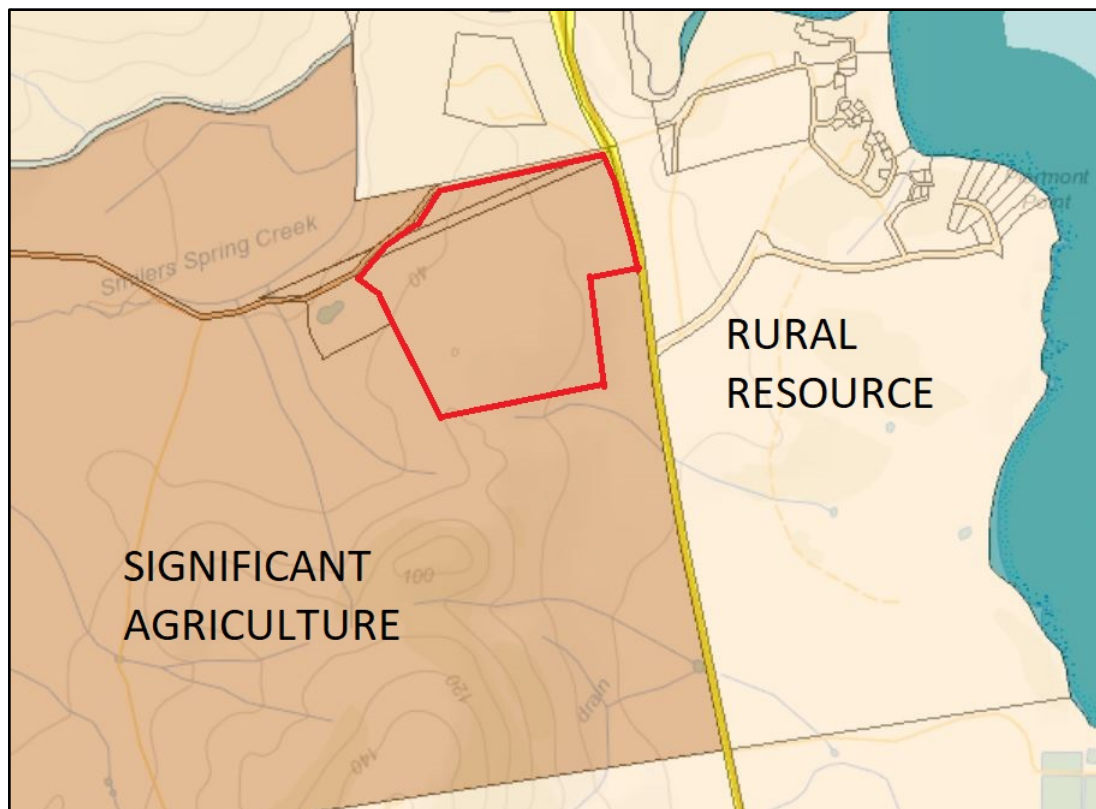


Figure 6: Current zoning. The area to be zoned Particular Purpose is outlined in red (base source: DPIPWE LISTmap 18/9/19)

The proposed amendment involves rezoning the Tempus site (outlined in red above) from ‘Significant Agriculture’ to ‘Particular Purpose Zone 8 – Tempus Village Swansea’. This will affect the *Glamorgan Spring Bay Interim Planning Scheme 2015* (the ‘Interim Planning Scheme’) zoning map.

The zoning will facilitate a reorganisation of boundaries and subdivision to create two new titles and the balance. It will also facilitate the development of an integrated retirement and aged care facility.

The rezoned land will immediately adjoin existing Significant Agriculture zoned land to the south-east, south, west and north-west. Land to the north and east is zoned Rural Resource.

The Scenic Landscape Corridor overlay applies to the land adjacent to the Tasman Highway for a depth of 100m from the highway centreline.

A Bushfire Risk Assessment has been undertaken and Management Plan prepared (TEMPUS op cit p38).

Although the Biodiversity Protection Overlay does not apply to the subject land a Flora and Fauna Study has been undertaken (OSBORNE, A. August 2019) to allow consideration of natural values and the potential for landscaping and future plantings.

Owing to the current zoning and the character of the subject and adjoining land, as well as to address the *State Policy for the Protection of Agricultural Land 2009*, an Agricultural Report has been undertaken, assessing the capability of the land and whether its conversion would be consistent with the PAL policy (HANCL, op cit). Owing to the importance of this aspect of the proposal the Agricultural Report has been independently peer reviewed (AK CONSULTANTS, op cit).

Other supporting reports are provided in the form of:

- An Integrated Impact Assessment, dealing with social, economic and environmental impacts;
- A Visual Landscape Assessment addressing overall visual impacts as well as those within the Scenic Landscape Corridor;
- An Indigenous Archaeology Impact Assessment;
- A Traffic Impact Assessment;
- Civil Engineering infrastructure report and concept plans; and
- An Engineering Services report and concept plans.

In addition, detailed architectural plans are provided to indicate the scope of intended overall development; and photomontages and cross sections have been prepared to assist in understanding the visual impact of the ultimate development.

4.1.1 The need for a planning scheme amendment

The proposed retirement and aged care facility falls within the Residential Use class under the Interim Planning Scheme:

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.

Residential Use is discretionary within the existing Significant Agricultural Zone, provided it complies with the following:

- Only if home-based business or an extension or replacement of an existing dwelling
- Only if a single dwelling necessary to support agricultural use on the property

Based on these qualifications, the proposed use under the existing Significant Agriculture zoning would be prohibited. Therefore, an amendment to the planning scheme is required to permit the proposed use and development on the subject site.

4.1.2 The available alternative planning scheme amendments

The range of available alternative amendments is as follows:

Site-specific qualification

A site-specific qualification would allow for the development of a retirement village/aged persons care facility on the specific title. It would not alter any of the use or development provisions applicable under the existing zoning but would allow a specific development to proceed 'notwithstanding' the zoning.

This provides future existing use rights but limits capacity to change or expand the proposal.

Accordingly, a range of potentially incompatible uses would be allowable, introducing the potential for fundamental land use conflict on the subject site. Further, the applicable standards may not provide sufficient flexibility for the form of proposed development.

More importantly the site-specific qualification would conflict with the purpose of the Significant Agriculture Zone, which is stated as follows:

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.

This option is not considered appropriate.

Rezoning the site to an alternative zone

The site could be rezoned to a zone that allows for the development of a retirement/aged care facility. The relevant use class is Residential. This would change the use and development provisions that currently apply to the site, dependent on which zone is chosen.

Under the *Glamorgan Spring Bay Interim Planning Scheme 2015*, Residential use (for a retirement village/aged care facility) has the following status in the currently used zonings.

ZONE	STATUS	COMMENT
10.0 General Residential	Permitted	<p>This zone would allow residential development that goes far beyond the function, character and density of the subject proposal. The establishment of an area of suburban development that is remote from the urbanised area of Swansea township is not strategically supportable for a variety of reasons.</p> <p>The range of qualifications that would be required to avoid conflict with adjoining zones and land use would potentially be inconsistent with the purpose of the General Residential Zone.</p>
12.0 Low Density Residential	Prohibited	
13.0 Rural Living	Prohibited	
14.0 Environmental Living	Prohibited	
16.0 Village	Discretionary	<p>The Village Zone currently is limited to Buckland. It includes a range of allowable uses that go well beyond the scope of the subject proposal.</p> <p>The Village Zone would allow for the establishment of a new settlement that is remote from the urbanised area of Swansea township and is not strategically supportable for a variety of reasons. It would also introduce the potential for a broad range of land use conflicts.</p>
17.0 Community Purpose	Discretionary only if residential aged care, respite centre or retirement village, or multiple dwellings for the aged or community housing.	<p>The standards and range of allowable uses within the Community Purpose zone are not considered to be compatible with the proposal or its rural location.</p> <p>The proposal is limited in scope, and does not seek to allow for such incompatible and diverse uses as Recycling & Waste Disposal, and Tourist Operation.</p>
18.0 Recreation	Prohibited	
19.0 Open Space	Prohibited	

20.0 Local Business	Permitted or Discretionary depending on physical relationship with other allowable uses	This zone provides a range of allowable uses that go far beyond the scope of the proposal. The establishment of an area of new commercial development that is remote from the urbanised area of the Swansea township is not strategically supportable for a variety of reasons.
24.0 Light Industrial	Prohibited	
25.0 General Industrial	Prohibited	
26.0 Rural Resource	Prohibited	
27.0 Significant Agriculture	Prohibited	
28.0 Utilities	Prohibited	
29.0 Environmental Management	Prohibited	

The potential for introducing a large range of incompatible uses, and strategically inappropriate development means that there are a number of risks and unpredictable factors related to this option.

This option is not considered appropriate.

Special Area Plan

A Special Area Plan ('SAP') could provide for the amendment of the current use qualifications within the Significant Agricultural Zone, to allow residential use - specifically residential retirement village - as a discretionary use within the zone. This option would also provide the ability to apply specific use and development standards that would relate specifically to the land and use within the SAP.

This option would also provide an avenue to amend the requirements of the relevant Codes, if necessary.

SAPs are generally used where the development standards of the underlying zone require variation but the proposed use is predominantly allowable. Where the use or collection of uses, is clearly different to the underlying zone, as in the case of the subject proposal, consideration should be given to a Particular Purpose Zone.

Particular Purpose Zone

A Particular Purpose Zone ('PPZ') may be applied to a particular area of land where the intended planning outcomes cannot be achieved through the application of one or more standard zones, or where the available zones would allow a range of uses that are inappropriate. A PPZ may be applied to land that provides major facilities or sites that require a unique or tailored approach to both use and development standards.

Under the proposed State Planning Provisions, a PPZ (or SAP) enables provisions for a particular area of land to be included in a LPS that provide for:

"...use or development with significant social, economic or environmental benefit to the State, a region or a municipal area" [section 32(4)(a) of the Act' emphasis added].

A PPZ (or SAP) can also include provisions where a particular area of land has unique environmental, economic, social, or spatial qualities [section 32(4)(b) of the Act].

Rezoning the site to a PPZ specific to the site would put in place new provisions that would allow for the site to be used for an integrated retirement village/nursing home and related ancillary uses. This approach allows greater flexibility with use and development provisions which can be tailored specifically to the proposal and its future potential. It also allows incompatible or strategically inappropriate uses to be excluded.

Of the four planning scheme amendment options above, **an amendment creating a PPZ is considered the most appropriate.**

The Glamorgan Spring Bay draft LPS is currently being prepared. It has not been approved at the time of writing this report. Nevertheless, LUPAA provides for amendments commenced under the current planning scheme to be transitioned into the LPS if they are not approved by the time the LPS is finalised.

This means that the option to commence an amendment to the current interim planning scheme should the LPS be delayed, remains open. Given the nature of the amendment is to insert a unique PPZ the 'parent' planning scheme is not a particularly relevant issue.

Planning Scheme Amendment and Development Application (combined)

Under section 43A of LUPAA Council can be requested to amend the planning scheme and consider a development application for the development at the same time as the amendment is considered. This reduces the time taken to process both applications but requires that all development application materials be ready at the same time as the amendment application.

The current proposal includes subdivision to create two new titles and details for Stage 1A for the Tempus development.

Separate future applications will be made for the balance of Stage 1, and of Stage 2 developments identified under the Master Plan that is referenced in the proposed PPZ. Whilst the location of facilities in Stage 2 is identified in the Master Plan and the Stage 1 (A and B) Plan, the detail of those facilities is dependent upon allocation of Bed Licenses by the Federal Government, which can only occur sequentially following the approval of Stage 1 detail and Stage 2 concept.

4.1.3 Land use implications arising from the rezoning

The proposed rezoning will have the following implications for the use of the site:

- a. By allowing for the physical redevelopment of the site, it will guide the use of space for an integrated retirement/aged care facility through adherence to a Master Plan and Staging Plan. The proposal involves a simultaneous reorganisation of boundaries and subdivision to allow for separate titles for the Tempus development. This is a requirement, not just for the current landowner and the proponents, but also to gain Commonwealth approval as an Approved Aged Care facility. The subdivision also provides the benefit of clearly defining the extent of the PPZ.
- b. the amendment will vary the use classes and density of development that is currently allowable on the site.

The differences are highlighted in the following Table:

Use status	Current Zoning	Significant Agriculture	Proposed Particular Purpose Zoning	Comment
No Permit required	Natural and cultural values Resource development* Utilities *	Natural and cultural values	Natural and cultural values Passive recreation Utilities *	Resource development needs to reflect the primary use of the site and be of a suitable scale that does not introduce potential for conflict. The land has been assessed as not being suitable for commercial agriculture. Resource development has therefore been allocated Permitted status (requiring a permit).
Permitted	Educational and occasional care * Residential*		Community meeting & entertainment* Residential * Resource development* Vehicle parking*	The new uses are identified as requiring a permit because they have the potential to be of a larger scale than might be normally expected with a retirement/aged care facility. Community meeting and entertainment is intended to be made available to the broader community. Resource development is restricted to agriculture (see above comment for No Permit Required). Vehicle parking will allow for the on-site storage of residents' recreational vehicles (camper vans, boats, horse boxes etc) in a remote designated parking area on the site.
Discretionary	Educational and occasional care * Extractive industry Food services* General retail & hire* Research & development* Resource development* Resource processing* Residential * Sports and recreation Tourist operation* Visitor accommodation* Utilities *		Sports and recreation Utilities *	The proposal allows for a range of supporting uses and activities, but these must remain incidental to the primary use. They are consequently not identified as separate allowable use classes. The exception is Sports & recreation, where equestrian activities or use of the swimming pool have the potential to be open to the broader community, albeit on a restricted basis, so as not to deprive or inconvenience residents.
Prohibited	All other uses		All other uses	

* with specified qualifications.

The most significant differences to Use if rezoned to PPZ would be that:

- Residential dwellings will be allowable, but only if home-based business, residential aged-care facility, retirement village & related staff accommodation;
- Resource development will remain allowable to reflect the context and character of the development and surrounding area, but will be restricted to agriculture;

- Community meeting and entertainment is identified as a separate use to reflect the intent to embrace the broader community, rather than restricting use of the theatre and function hall to residents of the complex;
- Vehicle parking is identified as a separate use owing to the unusual provision of a separate parking facility for residents' recreational vehicles. The size of this facility is larger than might usually be expected in a traditional aged persons accommodation environment.

These changes reflect the difference in lifestyle and amenity expectations that will prevail within the proposal, as well as the rural context of the development.

As indicated, a range of uses will be incidental to the primary use of the site, owing to their minor scale and/or sporadic operation eg:

- Medical consulting (rooms available for visiting doctors);
- Hospital services (nursing on demand);
- Food services (café/bar and nursing home kitchen facilities);
- General retail and hire (limited to visiting hairdresser and travel agent);
- Emergency helipad (only for medical emergency evacuation to Hobart or Launceston).

Use Standards

The following Use standards are proposed:

- Discretionary Use; and
- Amenity.

Development Standards for Buildings & Works

Development within the proposed PPZ will be subject to the following standards:

- *Site coverage and location of buildings* – permitted site coverage of not more than 30%; and layout in accordance with a Master Plan and Staged Plans;
- *Building Height* – the maximum permitted building height for development is 8.5 m for residential use, and 10m otherwise;
- *Setbacks* – 20m permitted front setback for non-residential buildings, and 100m for residential buildings (noting that the Scenic Landscapes Code applies to the Tasman Highway frontage); 200m permitted setback to the Significant Agriculture Zone and the Rural Resource Zone;
- *Finishes of buildings* – must be non-reflective in muted tones or not detract from the rural landscape;
- *Maximum levels for fill and excavation*;
- *Private open space, adequate solar access and privacy for Independent Living Units*;
- *Staging* – in accordance with the stages outlined in the staging plan;
- *Subdivision* – only if reasonably necessary to facilitate aged care related use, or Commonwealth licencing or approval requirements.

Council will have the discretion to approve variations to these standards subject to meeting alternative performance criteria.

Part E Codes

Future development on the site will also be subject to the following codes:

- Bushfire-Prone Areas Code;
- Road and Railway Assets Code;
- Parking and Access Code;
- Stormwater Management Code;
- Scenic Landscapes Code.

The proposed subdivision and Stage 1A use and development is assessed against the applicable standards and relevant codes later in this report.

5. The Proposed Development

Subdivision

The development application element of the S43A application includes the reorganisation of boundaries and subdivision proposing to create two new lots for two purposes:

- ❖ To define the overall area of the proposal and the corresponding area to which the PPZ will apply; and
- ❖ To meet the Commonwealth approval requirements for the nursing home component (a separate title is required for this element).

The overall area of the proposed PPZ is 17.91ha. That area currently includes a strip of erroneously described 'Crown land' formerly intended for a road. The owner of Kelvedon Estate has made a formal application to the Crown for transfer of that land only to be advised that it is part of a private deceased estate which should have been transferred to the owner of Kelvedon but has not been.

The 'nursing home Lot 100' will be 2.105ha, not including an area of 'Crown land'. Together with the area of 'Crown land' Lot 100 will have approximately 17.2m frontage to Mount Pleasant Road and an area of approx. 2.4ha.

The larger Lot 50 containing the balance of elements of the ultimate development will be 14.84ha (not including the 'Crown land') created through the reorganisation of boundaries from an existing adjoining small title. Together with the 'Crown land' the area will be approx. 15.51ha.

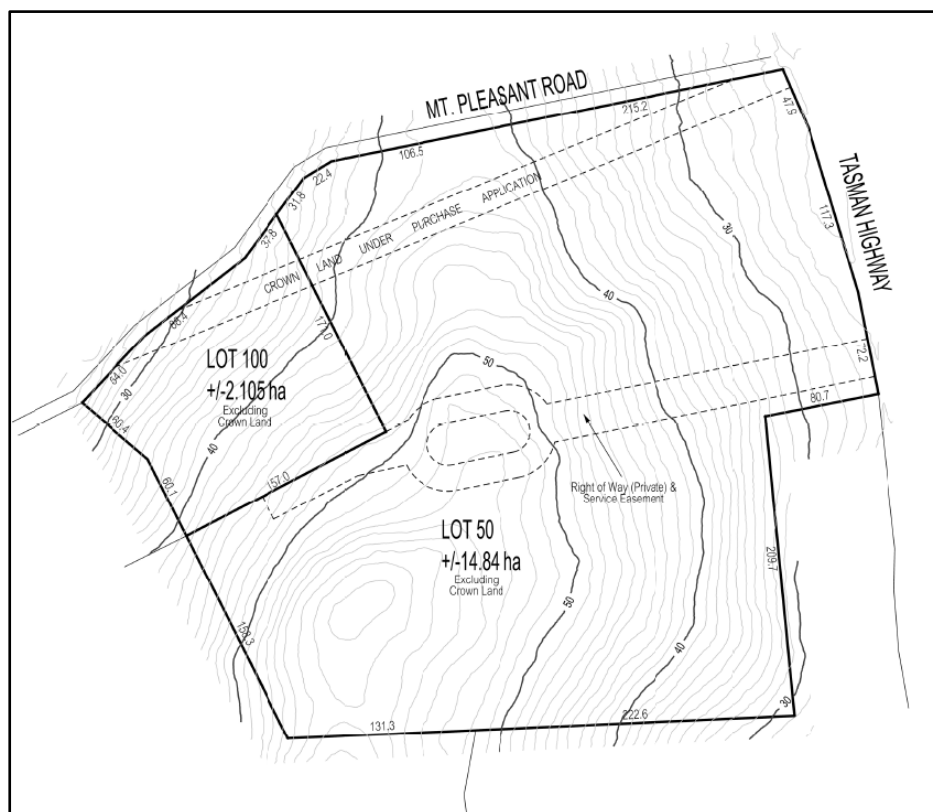


Figure 7: proposed new lots including the erroneously annotated 'Crown Land' (ANDY HAMILTON & ASSOCIATES, 17/10/2019)

An assessment against the proposed provisions of the PPZ is provided under Section 7.3 of this report.

A Bushfire Hazard Management Plan has been incorporated into the subdivision design and provides minimum setback distances from adjoining bushfire prone vegetation.

The Master Plan

The overall site has been master-planned to ensure functionality, reduced visual impact, and suitable buffers to adjoining land.

The Master Plan provides for precincts reflecting their primary function:

1. Residential (Independent Living Units);
2. Main Access & Utilities;
3. Aged Care Facility (Assisted Living & High Care);
4. Workshops & Parking (includes Residents' Private Parking for recreational vehicles);
5. Communal Facilities; and
6. Recreation.

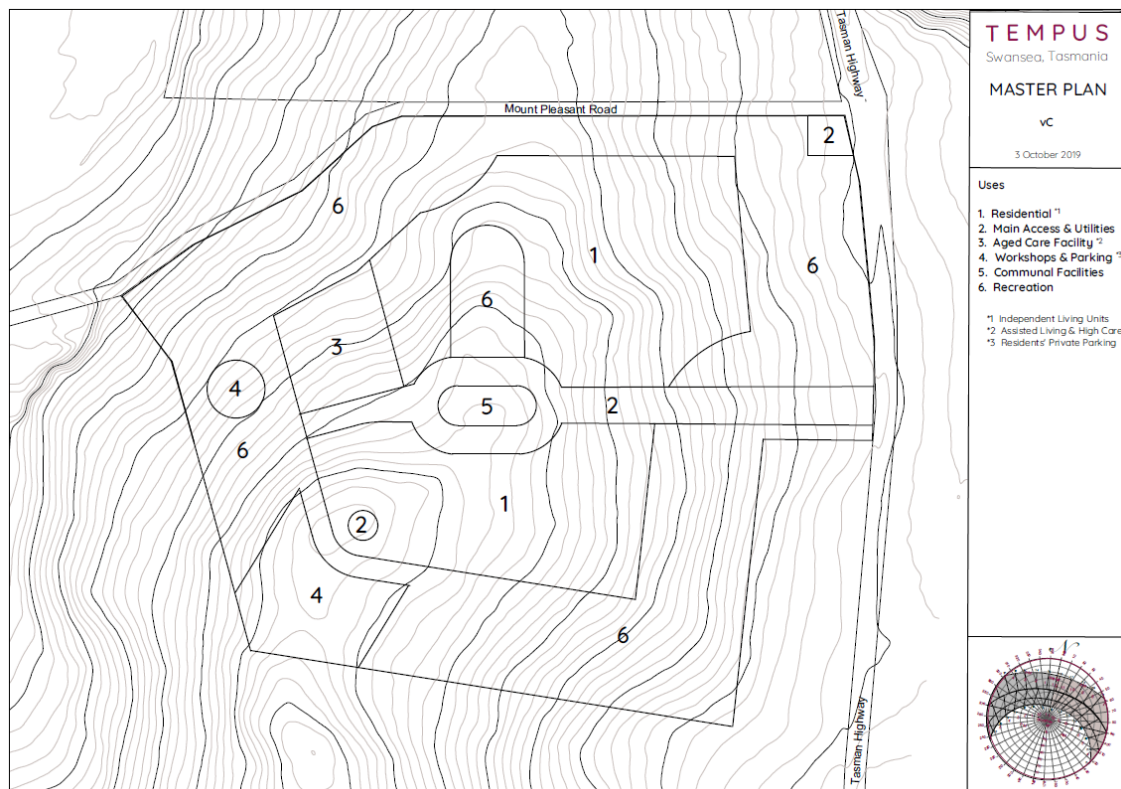


Figure 8: the Tempus Master Plan (3 October 2019)

The Master Plan is referenced in the PPZ provisions as an Acceptable Solution for the location of future buildings and works.

Proposed development elements

The overall development has been planned to some degree of detail, with the intention that it will be implemented in 2 overall stages subject to separate applications to Council for planning permission.

The PPZ provisions allow Council to consider the following elements within the respective precincts:

1. Residential

140 Independent Living Units ('ILUs') in a range of sizes;

2. Main Access & Utilities

Main access driveway;

Bio-sewerage system;

Water supply;

Southern front entrance wall and identification sign

3. Aged Care Facility

30 Assisted Living Units ('ALUs')

44 Nursing Home Suites ('NHS') (including a 12 bed Dementia Ward)

12 Staff Accommodation Units

4. Workshops & Parking

Workshops

Caravan and boat parking

Greenhouse & vegetable garden

Orchard

Medivac Helipad

5. Communal Facilities

Pool

Gymnasium

Theatre

Function Hall

Medical consulting rooms

Visiting hairdresser/travel agent

Café/bar & lounge

Billiards room

Conservatory

Library

Childrens' Playground

6. Recreation

Stables & indoor arena

Dog-leash free areas

Fire-pit & barbeques

Bowling & Croquet Green

Horse paddocks

Stormwater harvesting/detention ponds

All reticulated infrastructure, including power, will be primarily underground.

The Site Plan below illustrates how the detailed elements will be located.

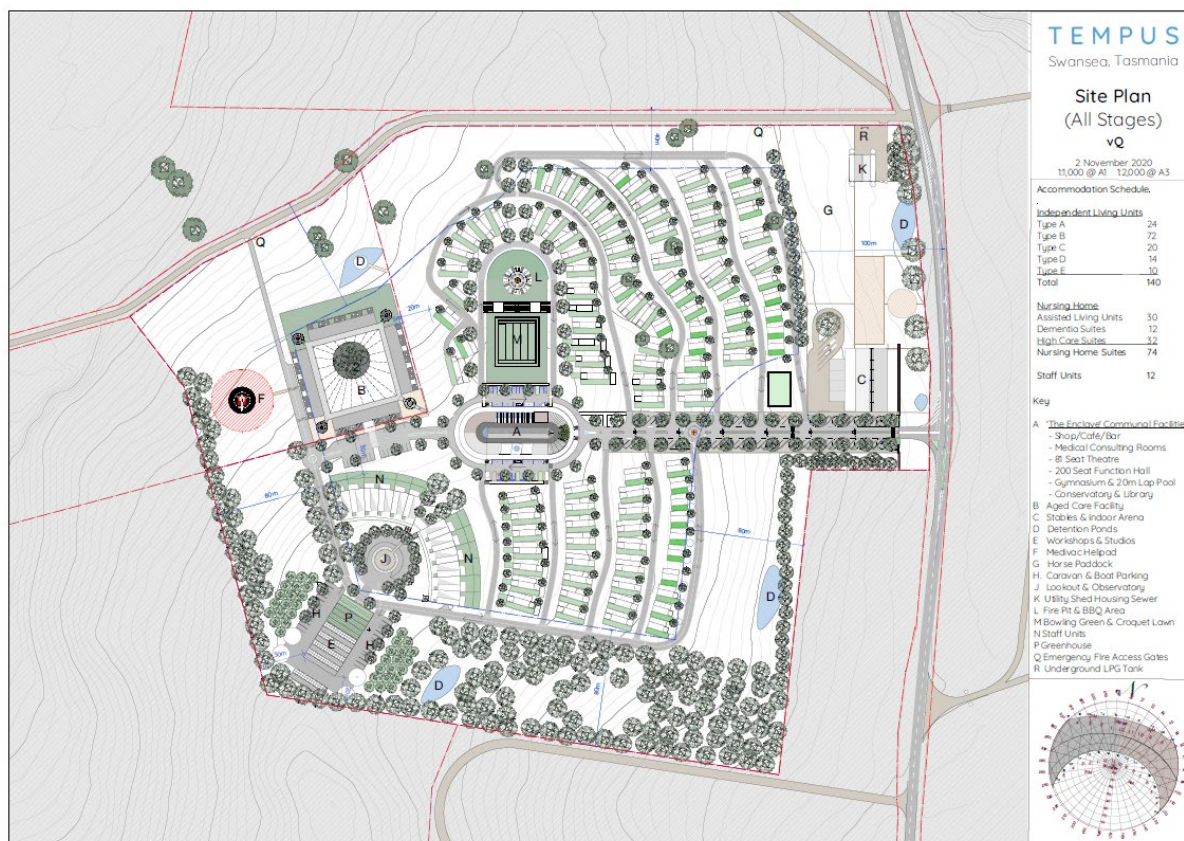


Figure 9: the Tempus overall site development plan (2 November 2020)

Staging of the development

The current proposal includes subdivision to create two new titles and details for Stage 1A for the Tempus development.

Separate future applications will be made for the detail of the balance of Stage 1 and for the Stage 2 developments identified under the Master Plan that is referenced in the proposed PPZ. Whilst it is anticipated that the Nursing Home would be developed as part of Stage 2, its timing is dependent upon the allocation of Bed Licenses by the Federal Government.

Stage 1A that is the subject of this application includes:

- 1 Independent Living Unit (ILU) Type B as a display home;
- Stage 1 of the Communal Centre, including:
 - Café/Bar
 - Conservatory
 - Lobbies
 - Covered playground
 - Lounge
 - Administration
 - Boardroom
 - Interim store & garbage rooms

- Associated utilities including:
 - Detention ponds and rainwater tanks
 - Header tank & Observatory
 - Bio-sewerage system & gas tank
 - Power sub-station
 - Builders' shed (future workshops) & carport
 - Highway access works
 - Southern front entrance wall and identification sign

The balance of *Stage 1* (Stage 1B) includes:

- 83 Independent Living Units (ILUs) of 4 standard design layouts
- 6 Staff Accommodation Units
- The balance of the Communal Centre, including:
 - Medical Consulting Rooms
 - 81 Seat Theatre
 - 200 Seat Function Hall
 - Gymnasium & 20m Lap Pool
 - Library
- Horse Stables
- Workshops & Greenhouse
- Caravan & Boat Parking
- Fire Pit & BBQ Area
- Bowling Green & Croquet Lawn
- Dog Leash-Free Areas
- Storage Barn
- Related siteworks and infrastructure

Detailed designs for the 4 types of ILU, and the other elements that form part of Stage 1 are included in the documentation for this application.

Stage 2 is proposed to include the following:

- Nursing Home, including:
 - 30 Assisted Living Units
 - 32 High Care Suites
 - 12 Dementia Suites
- 56 Independent Living Units (ILUs) of 4 standard design layouts
- A further 6 Staff Accommodation Units

For economic reasons the balance of Stage 1 (Stage 1B) is not included in the current S.43A application. A permit for the balance of Stage 1 will be applied for once Stage 1A has commenced.

Also, as indicated above, the Nursing Home cannot proceed until the necessary Commonwealth Government approvals and licences have been obtained. It is possible that this process may require detailed changes to the Nursing Home elements, and for that reason Stage 2 is not included in the current S.43A application. Accordingly, an overall total of 130 accommodation units of varying levels

of care will not be able to proceed until a) Stage 1 is complete; and b) the necessary Government approvals and licences have been obtained for the Nursing Home component.

The Staging Plans below illustrate how the development will proceed. As with the Master Plan, this Staging Plan is referenced as a requirement in the PPZ.

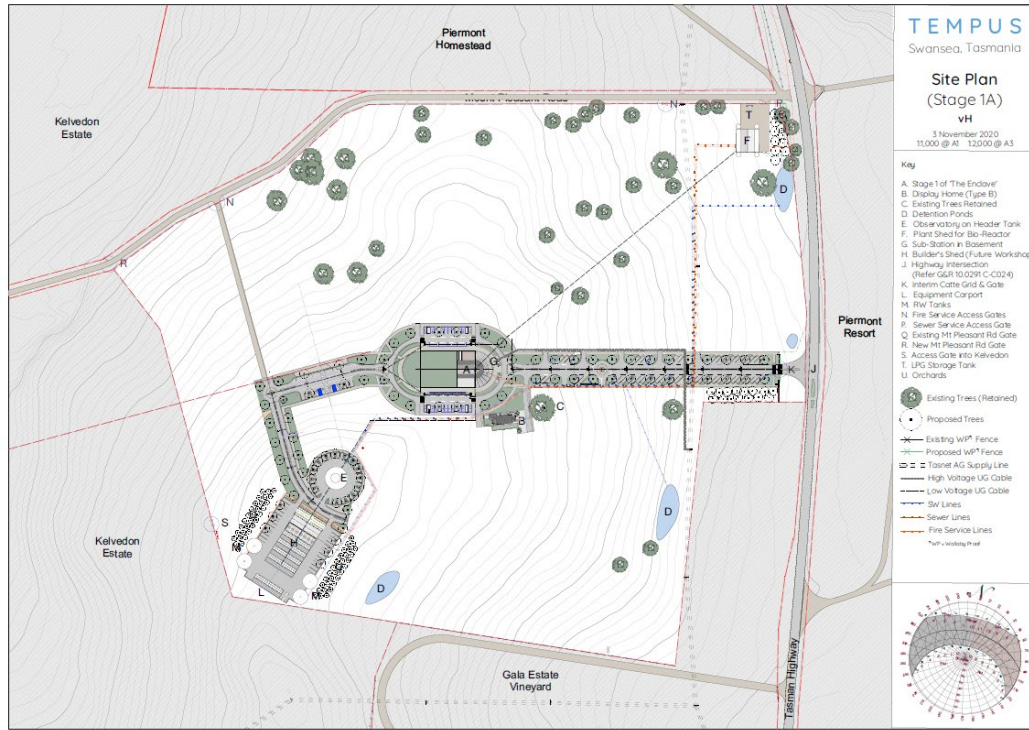


Figure 10: Tempus Stage 1A (3 November 2020)

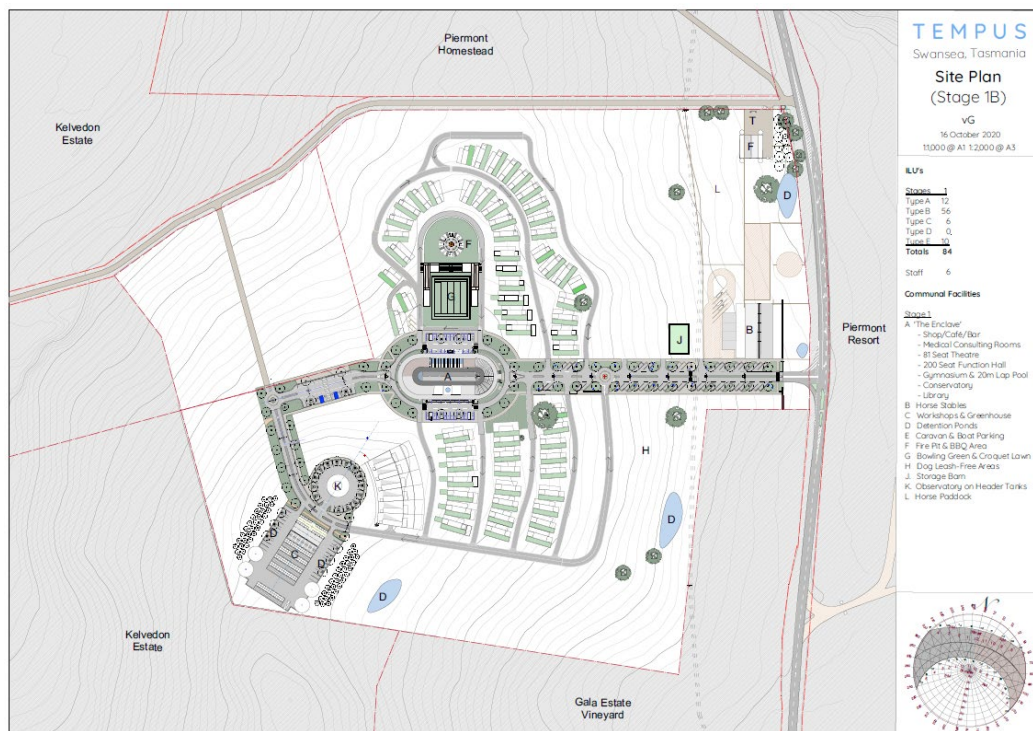


Figure 11: Tempus Stage 1B (including Stage 1A) (13 October 2020)

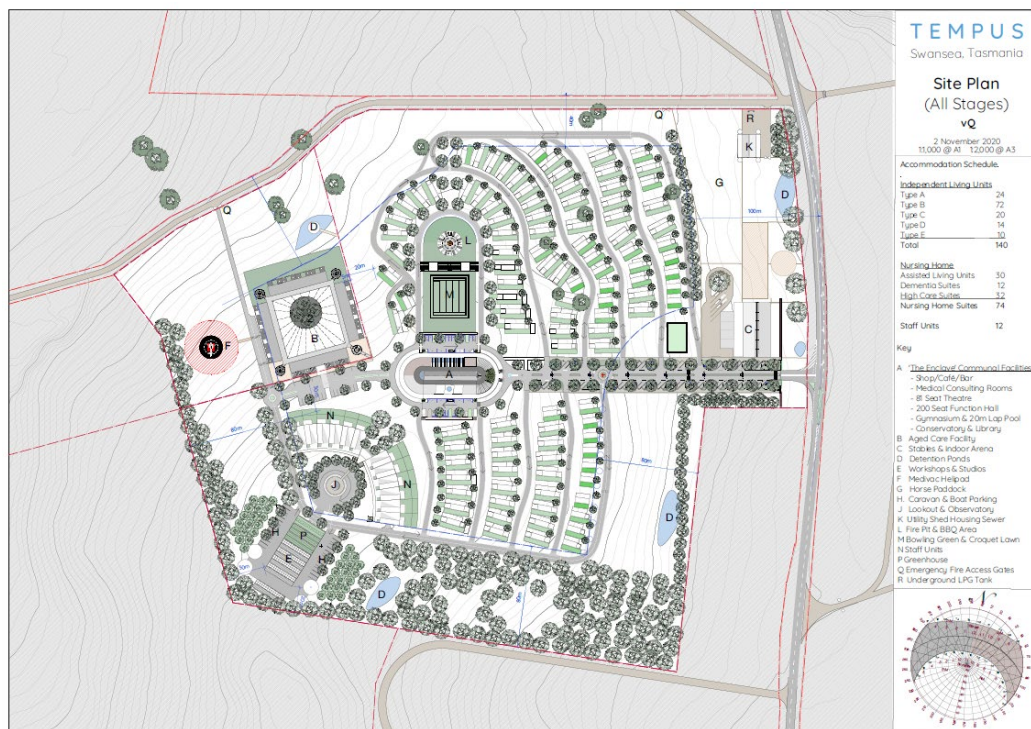


Figure 12: Tempus Stage 2/all stages (including Stage 1A + Stage 1B) (2 November 2020)

6. Policy Assessment

6.1 Land Use Planning and Approvals Act 1993

Pursuant to s.8C and the *Savings and Transitional Provisions* of Schedule 6, this request for amendment to the Scheme is made under the former *Land Use Planning and Approval Act 1993* in accordance with the former Section 32 which requires that amendments to planning scheme 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:

20.(1) (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)

These provisions are considered below:

6.1.1 Land Use conflicts

The rezoning of the subject land from Significant Agriculture to Particular Purpose Zone 8 will not create land use conflict given that:

- The proposed zone relates to a defined area of land within a particular location. It is not a zone to be generally applied throughout the Glamorgan Spring Bay Municipality;
- The defined land that is subject the PPZ has been assessed as not being suitable for sustainable agriculture nor being a significant area of land when taking into account the areas of better quality land elsewhere in the larger Kelvedon Estate (op cit HANCL and AK CONSULTANTS);
- The PPZ includes setbacks to buffer potential impacts to use of adjacent land. These are reinforced by reference to a Master Plan that forms part of the PPZ provisions.
- The PPZ includes use and development standards to ensure that conflicts are avoided. These involve standards relating to visual impact (height, setbacks, location of buildings, finishes, extent of excavation and fill) and potential impact on adjoining non-sensitive use (setbacks and separation distances). The location of use and development within the PPZ is provided for in the Master Plan as an Acceptable Solution. Variations relying on alternative Performance Criteria relate directly to comprehensive Desired Future Character Statements. These statements prioritise visual amenity, avoidance of fettering the use of adjoining agricultural land, and maintaining the amenity of the proposed development within the rural setting.
- The potential impact on the adjoining agricultural use (the new Gala Estate vineyard) and the balance of the Kelvedon land has been assessed by two separate Agricultural reports as sufficiently manageable so as to ensure that agricultural use is not fettered (op cit. HANCL and AK CONSULTANTS). The operations of the vineyard are already constrained by existing and approved (but yet to be developed) sensitive uses on Piermont, and by the Tasman Highway, and these limit some activities.

A list of activities as identified by the owner of the Gala Estate development Adam Greenhill in consultation with John Lewis (Tempus) which have the potential to impact on residential amenity have been identified (Lewis 2019) and mitigation measures considered (see AK CONSULTANTS op.cit, Appendix 1, Table 1). (see also TEMPUS op cit. p20).

Historical land use conflict issues in relation to vineyards have been discussed by AK Consulting (A Ketelaar) with Council officers S. Wells (former Planner, 14/10/19), N. Rogers (Environmental Health Officer, 14/10/19). Vineyard management practices and suitable mitigation measures have been discussed with Fred Peacock (vineyard expert, 11/10/19) and Jack Cotton (vineyard expert, 16/10/19). Appendix 2 of the AK Consulting report) provides a summary of these discussions and the context for AK Consulting's assessment (op.cit).

The proposed setback boundaries on the Tempus block are considered sufficient for mitigating the risk of the sensitive use on the Tempus block constraining any agricultural activity in proximity for all adjacent existing and potential agricultural uses, except bird scaring devices such as gas-guns. However, the use of gas guns on the Gala Estate vineyard is already constrained by the proximity of the approved Piermont development (within 150m) and the Tasman Highway.

The AK Consulting report concludes that:

Gas guns are unlikely to be effective in the long-term and additional re-enforcement such as shooting is required to ensure their ongoing effectiveness. Shooting is not permitted within 250m of the Tasman Highway, hence the long-term effectiveness of gas-guns is questionable (ibid. p. 6).

The Tempus proponents have offered to provide the means for alternative bird-controlling methods, such as netting or electronic devices or a combination. Following from the agricultural assessment, these would appear to be a more effective outcome.

A balanced assessment therefore is that the proposed Tempus development would potentially create land use conflicts with the adjoining Gala Estate vineyard if gas guns or other noisy bird scaring devices were employed by the latter, such that they were to generate complaints from the residents of Tempus.

However, it appears on the available information, that gas guns are already prevented by the proximity of approved development at Piermont, and proximity to the Tasman Highway. Further to this, other methods of bird scaring and crop protection are available.

The AK Consultants' report concludes that:

If gas guns or other noisy bird scaring devices are not permitted, due to their impact on nearby residential amenity, or are not used because they are not effective without supplementary measures such as shooting which is not permitted within 250m of the highway, then all potential conflict issues can be adequately addressed to minimise the risk of the Tempus village constraining adjacent agricultural use...(ibid. p.8).

Consequently, it can be concluded that from a practical perspective, the proposed rezoning will not create land use conflict.

6.1.2 The requirements of s.300

s.300 requires the following:

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. (emphasis added)

(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 rezoning of an area of land. As such it qualifies as a local provision which can be amended under Division 2 or 2A. The amendment will not conflict with any common or overriding local provision.

An assessment against the provisions of the relevant regional land use strategy is provided as follows.

6.1.3 Regional impact

Strategic Directions

The *Southern Tasmanian Regional Land Use Strategy* (STRLUS) provides strategic direction for the Region.

The proposed amendment is considered against the following strategic direction of the STRLUS:

SD1: Adopting a more Integrated Approach to Planning and Infrastructure

Neither the *Glamorgan Spring Bay Interim Planning Scheme 2015*, nor the settlement pattern of the existing urbanised Swansea township provide for the proposed use and development. This is because there is insufficient land in a large-enough consolidated parcel, with an appropriate zoning.

The proposal is also founded on a rural lifestyle context, which is demonstrably and logically not available within the urban area of the township. Notwithstanding the size of the proposal, there are elements, such as the equestrian facilities and the medivac helipad, that are not compatible with the amenity of the built-up area of the township.

The proponents have sought land based on size, aspect, amenity, avoidance of land use conflict, and availability, as close as possible to the centre of the Swansea township: the subject site is 3.67km from the centre of Swansea, and approximately 1km from the signpost identifying the Swansea township. It exists in the same context physical context as the Piermont Resort, and like that development aims to integrate with existing services and business within the town – in fact will depend upon them.

The proposal that will result from the rezoning will not tax the existing infrastructure of Swansea township, but will be largely self-reliant. The proposal will not conflict with adjoining land use.

Instead the rezoning will facilitate a development that will augment the provision of retirement accommodation, and provide state-of-the-art assisted care, whilst remaining within a rural context.

The proposal seeks to provide an integrated approach to planning and infrastructure within the broader settlement of Swansea, and might, on a broad interpretation be considered to be consistent with the general intent of this Strategic Direction: the proposal is not an isolated development, but is based on the settlement of Swansea. Notwithstanding this, the Strategic Direction SD1 does not specifically address the broad issue of aged care or the specific form of integrated retirement housing and aged care facility that is the subject of this proposal.

SD2: Holistically Managing Residential Growth

The instruments that govern the future growth of Swansea (STRLUS, the *Swansea Structure Plan*, and the planning scheme) all provide for a conservative growth pattern based on modest forecasts to be accommodated within the existing urbanised area of the Swansea township, and within the existing zoning framework.

Comparisons of projected growth and the available land and housing stock provided through the Structure Plan and Census statistics (see earlier analysis above) confirm that Swansea has sufficient land to meet the demands forecast by STRLUS and the Structure Plan.

But neither instrument addresses any mechanism for managing retirees or persons requiring care. Both instruments assume that the growth management strategy for residential development in Swansea (consolidation involving traditional residential development within the urbanised area) is sufficient to address the housing needs of an ageing population. No explanation is provided in those documents, nor is any allowance made for the potential for any loss of retired residents owing to incompatible housing, or specific care needs. The concept of 'ageing-in-place' is assumed to be catered for by retirees building new houses, or staying in their existing dwellings.

STRLUS adopts the drafting convention promulgated by *State Planning Directive No.1* (PD 1) that retirement villages and residential aged care facilities be 'lumped in' to the Residential use class without any acknowledgement of the potentially different circumstances and requirements for those types of use. Accordingly, neither STRLUS, the planning scheme or the Structure Plan conceives or provides for a different type of development, such as that proposed at Tempus. The Tempus proposal is unique within the Tasmanian context and planning framework in terms of its mixed and integrated use and activities, and is simply not provided for in STRLUS and the Structure Plan.

The point of a Particular Purpose Zone is to overcome this deficiency, in order to deliver a unique use and development that has not been foreseen or provided for under the existing planning framework.

In order to 'holistically manage residential growth', there needs to be an allowance for new and/or unique alternatives to providing retirement accommodation and aged care.

Moreover, the s.43A process affectively exists to allow consideration of those proposals that are clearly not addressed by the Regional Land Use Strategy structures across Tasmania.

SD3: Creating a Network of Vibrant and Attractive Activity Centres

The proposed rezoning will provide for a significant development that will:

- Allow east coast residents the opportunity to remain in the locality;
- Increase the resident population of Swansea;
- Provide new and additional employment opportunities for the broader area;
- Attract new professional and commercial operators to the area;
- Augment community facilities and activities.

More importantly, the proposal does not involve the creation of a new Activity Centre, but will rely upon commercial and professional servicing from the nearest Activity Centre which is Swansea township. The proposed relationships with existing service providers within the 'Swansea Activity Centre' are expressly outlined in the Integrated Impact Assessment that accompanies this application (TEMPUS op cit.) and are further outlined below. To this end, that reliance will not only boost the sustainability of the existing Swansea Activity Centre, but will create further opportunity for existing and new business.

Accordingly, the existing network of Activity Centres will not be undermined, but rather will be reinforced and reinvigorated by the proposal.

SD8: Supporting Strong and Healthy Communities

The statements under SD8 are broad and are arguably directed to wider societal and community issues than could be addressed solely by a single proposal.

However, the proposal will provide for a more integrated retirement and aged care facility than the current fragmented and limited local provision.

Whilst it does not seek to provide for all retirees and aged care in either Swansea or the East Coast, it will contribute to the range of retirement and care options.

The underlying concept of the rezoning is to provide for a facility that allows 'ageing in place'.

Other than with individual home-owners, or the larger aged care facilities in urban environments, no such facility is provided in rural Tasmania on a large enough scale to ensure sufficient economies of scale to provide for the quality outcomes envisaged.

The proposal will provide not simply high residential amenity, but access to a range of recreational activities that cannot be provided by existing smaller facilities, or in city environments.

The proposal has the potential to contribute significantly to supporting a stronger and healthier community in Swansea and the broader East Coast.

SD9: Making the Region Nationally and Internationally Competitive

Together with the skewed age profile of the Swansea district, a growing trend of interstate and overseas purchasers has had the effect of forcing up house prices generally in Tasmania, including desirable locations like Swansea.

Purchasers from elsewhere in Tasmania are also competing with locals to buy homes on the East Coast for their retirement.

Providing good quality retirement housing together with aged care facilities, will attract economic benefits from these population influxes, without, at the same time, causing the negative effects of worsening the affordability of the stock of existing housing. However, there are no such developments currently in the pipeline.

The proposal will be unique in Tasmania, and will have the potential to not only attract local residents, but also from interstate or overseas. This has been the experience at the proponents' development in Berry, NSW, with which the Tempus development will also be competing.

The proposed rezoning will facilitate a development that will re-invest in Swansea and the Glamorgan Spring Bay municipality by providing retirement housing and aged care opportunities that will be attractive to local, interstate and overseas investors alike.

SD10: Creating Liveable Communities

The proposed rezoning will provide a land use planning response that contributes to making the region 'liveable'. As a result, it will be a key competitive strength for Southern Tasmania into the future in increasing migration, trade and investment, and allowing existing and new residents the option to 'age-in-place' whilst ensuring the sustainability of the Swansea Activity Centre.

Regional Policies

The following Regional Policy statements are also relevant:

Policy	Comment
Social Infrastructure	
<i>SI 1 Provide high quality social and community facilities to meet the education, health and care needs of the community and facilitate healthy, happy and productive lives.</i>	<p>The proposal is specifically intended to meet these outcomes.</p> <p>The proposal will provide for a much larger scale and varied range of residential housing options overall. However, the function of the proposal is not simply to provide retirement homes, but also to provide aged care from minimal dependency up to high level. No other facility on the East Coast of Tasmania provides such a range of care or housing in a single integrated environment.</p> <p>The proposal will also provide direct benefits to the wider community through the provision of additional employment opportunities, the support of local business and services, and the availability of certain facilities for public use (eg theatre, function hall).</p> <p>The Tempus model, similarly to the Berry (NSW) model will also provide cultural opportunities and events for residents that will be open to the broader Swansea community.</p> <p>Overall, the flow-on benefits for the broader community have the potential to be considerable.</p>
<i>SI 1.2 Match location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release.</i>	<p>Residential land release options in Swansea are limited to individual properties, small scale subdivision or ad hoc multiple unit development. There are no large-scale aged persons' options contemplated within the existing planning scheme and settlement framework. None of the relevant planning instruments (STRLUS, Swansea Structure Plan, or the planning scheme) provide for a large-scale integrated facility like Tempus with the associated mixed use nature of activities, within the Residential zones.</p> <p>In terms of STRLUS in particular, the Tempus concept involving an essential residential component (albeit at varying levels of dependent care) is also not provided for outside the Residential zones.</p> <p>In this respect there is a gap in STRLUS.</p> <p>The identification of this 'gap' is not limited to the proposed site, or to Swansea. The 'gap' exists for any other location in the area covered by STRLUS.</p> <p>As stated above, in terms of benefits to the broader community, the scale of the proposal will allow the provision of facilities and opportunities to local business and the wider community, that would not be available through traditional ad hoc fragmented individual smaller scale developments.</p>

	<p>However, it should be acknowledged that whilst the main social and community benefits will flow to Swansea, the proposed catchment for Tempus is much larger than the Swansea area or indeed simply the East Coast of Tasmania.</p> <p>The concept of Tempus, like Berry, will be attractive to people from intrastate, interstate and overseas.</p>
<i>Sl 1.3 Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.</i>	<p>The proposal has been master-planned to provide for services and facilities on-site.</p> <p>Transport will be provided to link with Swansea township, and further integration of servicing (professional and commercial) will be sought, with accompanying benefits for employment and business growth in the Swansea area. Examples are potential management by the May Shaw Health Centre, support from local GPs, hairdressers etc.</p> <p>The development will also provide ongoing employment for local trades eg electrical, plumbing, building etc. together with other service opportunities that will arise from growth in the critical mass of population.</p> <p>The scope of the proposal, as reflected in the detail of the plans and the PPZ provisions, and the commitment of the proponent will ensure that growth in service opportunities are based in Swansea township rather than permanently on-site at Tempus, recognising that the centre of Swansea is only around 5 minutes' drive away.</p>
<i>Sl 1.5 Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.</i>	<p>The proposed development is based on a successful model. However, it will be managed having regard to the needs of the residents and the broader community. An example is the theatre at the Berry development, which was offered to a local chamber music group and has now become their 'home'.</p> <p>Similar opportunities exist with such facilities as the pool, gymnasium, the communal hall, and equestrian centre.</p> <p>Although the purpose of the PPZ is to provide for a specific proposal, it is in the very nature of that proposed development to be able to respond to the emerging needs of its own residents, and to the emerging needs of the broader community over time. The model upon which the Tempus and Berry developments are founded requires engagement with the broader community both for commercial and social reasons. Failure to do so will undermine the long-term sustainability of the project, which is neither in the interests of the residents, the associated service providers, the broader Swansea community or the Tempus shareholders.</p>
<i>Sl 1.8 Provide for the aged to continue living within their communities, and with their families, for as long as possible by providing appropriate options and flexibility within the planning scheme.</i>	<p>The outcome promoted by this strategic direction does not currently occur in Swansea or the east coast generally, except in a very limited capacity.</p>

	<p>Neither STRLUS, the Swansea Structure Plan or the current planning scheme provide a means or a location for this occur.</p> <p>Indeed, in terms of larger scale and varied range of residential options being provided through economies of scale, STRLUS is silent.</p> <p>The proposed PPZ is a response to this 'gap' in STRLUS and other instruments: the PPZ is proposed in the absence of any pragmatic strategic statement provided in STRLUS, State Policies, Tasmanian Planning Policies, State Planning Directives, or State Planning Guidelines.</p> <p>As part of the s.43A application, detail is provided for use and development that will allow not just an option for intrastate and interstate people to retire to the Swansea area, but also for East Coast and Swansea residents to continue living within their communities, and with their families, for as long as possible.</p>
Productive Resources	
PR 1 Support agricultural production on land identified as significant for agricultural use by affording it the highest level of protection from fettering or conversion to non-agricultural uses.	<p>The subject land has been assessed as not being significant for agricultural use (op cit. HANCL and AK CONSULTANTS).</p> <p>Particular care has been taken to include in the PPZ, provisions that will buffer the adjoining vineyard development as well as land within the Rural Resource Zone, having regard to the relevant expert advice (ibid.).</p> <p>Detailed assessment against the provisions of the <i>State Policy for Protection of Agricultural Land 2009</i> is provided in the expert agricultural reports (ibid.) whilst a summary is provided under assessment of State Policies in section 6.1.5 below.</p>
PR 1.1 Utilise the Agriculture Zone (currently the Significant Agriculture Zone) to identify land significant for agricultural production in the planning scheme and manage that land consistently across the region.	<p>The subject land has been assessed as not being significant for agricultural production (op cit. HANCL and AK CONSULTANTS). Adjacent areas have differing characteristics and potential based on a number of factors including access to (sufficient) irrigation, and existing constraints arising from existing and approved activities and infrastructure (see comments regarding Land Use conflict above).</p> <p>In summary, having regard to the expert advice (ibid.) it has been concluded that the land identified for the Tempus proposal is not significant land for agricultural production and has been incorrectly zoned (see also the summary under section 6.1.5 below).</p>
PR 1.2 Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Agriculture Zone, within which the planning scheme is to manage potential for land use conflict.	<p>The potential for fettering of agricultural use on the adjoining land has been assessed in detail, and concluded that the buffers proposed in the PPZ are acceptable subject to conditions (ibid.) (see also the summary under section 6.1.5 below).</p>

<p><i>PR 1.3 Allow for ancillary and/or subservient non-agricultural uses that assist in providing income to support ongoing agricultural production.</i></p>	<p>The residents of the proposed development will either have a farming background, or will be appreciative of the rural context. That is one of the fundamental concepts of the proposal.</p> <p>Whilst the proposal does not specifically aim to become involved in agricultural production the ability has been built into the PPZ. This is for therapeutic/hobby reasons rather than any commercial purpose given the very poor land capability and unsustainable nature of the site for agriculture.</p> <p>Potential may also exist to create alliances between the able-bodied residents of the development and the operators of the adjoining vineyard and other farming operations in the area, eg assisting with bailing, feeding cattle, harvesting, weeding, and any future cellar-door sales ventures.</p>
<p><i>PR 2 Manage and protect the value of non-significant agricultural land in a manner that recognises the potential and characteristics of the land.</i></p>	<p>The subject site is to be managed to avoid further degradation, and overall rehabilitation in areas outside the footprint of buildings, driveways and parking areas.</p> <p>Notably, both grey water and stormwater will be harvested to provide for use on-site.</p>
<p><i>PR 2.1 Utilise the settlement strategy to assess conversion of rural land to residential land through rezoning, rather than the potential viability or otherwise of the land for particular agricultural enterprises.</i></p>	<p>As discussed earlier, the current settlement strategy, insofar as it suggests (implicitly) residential development should be contained within the urban area of Swansea township, does not allow for the scale of the proposed development, or the fundamental rural context that makes it unique.</p> <p>The use of a PPZ in such circumstances is justified, and per se should not be totally dependent on the broad strategic policies of the STRLUS, given the identified deficiencies in that document (see above.)</p> <p>Notwithstanding the assessment of the subject land as not being suitable for agricultural enterprises, an assessment that has regard to the 'settlement strategy' should conclude that a rezoning is appropriate to provide for the proposed use and development, because it cannot be provided for within the urbanised area of the Swansea township.</p> <p>The subject site is not isolated. Like Piermont and Kate's Berry Farm, and the intervening rural residential development, it is based on Swansea, is well within the identified Swansea settlement 'area'; and the development will be integrated with and reliant upon the Swansea community and services.</p>
<p><i>PR 2.4 The introduction of sensitive uses not related to agricultural use, such as dwellings, are only to be allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land.</i></p>	<p>The subject land has been assessed as not being significant for agricultural use (op cit. HANCL, and AK CONSULTANTS).</p> <p>The proposed use and development has also been assessed as not having the potential to fetter agricultural uses on neighbouring land, providing that gas guns are not utilised (ibid.).</p> <p>Particular care has been taken to include in the PPZ, provisions that will buffer the adjoining vineyard</p>

	<p>development as well as land within the Rural Resource Zone, having regard to the relevant expert advice (ibid.).</p> <p>Detailed assessment against the provisions of the <i>State Policy for Protection of Agricultural Land 2009</i> is provided in the expert agricultural reports (ibid.) whilst a summary is provided under assessment of State Policies in section 6.1.5 below.</p>
Land Use and Transport Integration	<p>The Regional Policy statements in this section of STRLUS are limited in application for the Tempus proposal/PPZ, being more generally applicable to the major metropolitan centres and the key transport routes between them.</p>
LUTI 1 <i>Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.</i>	<p>The subject site is adjacent to the Tasman Highway south of the centre of Swansea.</p> <p>The only physical impact on the Highway infrastructure will be the construction of the main access to the Tempus site. Preliminary discussions have been undertaken with the Department of State Growth (DSG), and access design will be in accordance with that department's requirements, so as to ensure minimal impacts on the transport corridor.</p> <p>A Traffic Impact Assessment has been undertaken, again in consultation with DSG to ensure that the road network will not be detrimentally impacted by traffic generated in association with the proposal.</p>
LUTI 1.1 <i>Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.</i>	<p>The proposal is not considered to be urban expansion, but is based on Swansea. Similarly, it does not constitute an Urban satellite or dormitory suburb.</p> <p>Notwithstanding that, it is adjacent to the Tasman Highway and has a direct, relatively short distance to the centre of Swansea.</p>
LUTI 1.2 <i>Allow higher density residential and mixed use developments within 400 metres, and possibly up to 800 metres (subject to topographic and heritage constraints) of integrated transit corridors.</i>	<p>The proposal is not for a higher density residential development, but it will contain a succinct concentration including a mix of associated development.</p> <p>On balance it is considered that this policy statement is not relevant, however as a matter of principle the site is clearly consistent.</p>
LUTI 1.4 <i>Consolidate residential development outside of Greater Hobart into key settlements where the daily and weekly needs of residents are met.</i>	<p>The Tempus site is based on the Swansea settlement. It is not an isolated or remote site.</p> <p>Daily and weekly needs will be met by a combination of on-site provision and services provided at Swansea town centre.</p>
LUTI 1.5 <i>Locate major trip generating activities in close proximity to existing public transport routes and existing higher order activity centres.</i>	<p>The adjacent Tasman Highway corridor provides direct access to activity centres by private vehicle, a small private bus service to be provided by Tempus or by arrangement with a local provider, and public (bus) service.</p>
LUTI 1.7 <i>Protect major regional and urban transport corridors through the planning scheme as identified in Maps 3 & 4.</i>	<p>Preliminary discussions have been undertaken with the Department of State Growth (DSG), and access design will be in accordance with that department's</p>

	<p>requirements, so as to ensure minimal impacts on the transport corridor.</p> <p>A Traffic Impact Assessment has been undertaken, again in consultation with DSG to ensure that the road network will not be detrimentally impacted by traffic generated in association with the proposal.</p>
<i>LUTI 1.8 Apply buffer distances for new development to regional transport corridors identified in Map 4 in accordance with the Road and Railway Assets Code to minimise further land use conflict.</i>	<p>A detailed Traffic Impact Assessment has been prepared in consultation with the Department of State Growth and forms part of the documentation supporting this application (MILAN PRODANOVIC op cit.). The proposed access to the Tasman Highway has been designed with regard to the Department's requirements. (TEMPUS op cit. p17)</p> <p>The TIA has been prepared to meet the requirements of the E5.0 Road & Railway Asset Code.</p>
<i>LUTI 1.11 Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.</i>	<p>The proposed development provides for considerable walking, cycling and horse-riding opportunities within the overall development site, without needing to access public roads.</p> <p>The adjacent Tasman Highway does not provide designated cycling or walking infrastructure, but is nonetheless accessible for such activity in the general sense. Realistically though, it is anticipated that age and health cohort of the residents of Tempus will generally not wish to use the Tasman Highway for recreational purposes. As such it would not be considered sustainable to make specific provision for such infrastructure given the expected limited demand.</p>
<i>LUTI 1.12 Encourage end-of-trip facilities in employment generating developments that support active transport modes.</i>	<p>Appropriate facilities for employees will be provided regardless of their mode of transport.</p>
Settlement & Residential Development	
SRD 1 <i>Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.</i>	<p>The proposal does not affect the primacy of Hobart, or the network of settlements. It is based on the existing township of Swansea, and will exist within the broader spatial context of that settlement.</p> <p>The proposed rezoning will not challenge the existing zoning framework for Swansea as it is unique: a PPZ, not a residential zone.</p> <p>Projected demand for permanent and seasonal residences should not be affected owing to the unique nature of the proposed development that will follow if the rezoning is allowed. The proposal is ultimately for a succinct and contained development, with a specialised function. It is not a greenfield residential subdivision or new settlement.</p> <p>It is tempting to draw parallels with the approved Piermont development in the same locality. However, Piermont serves a more visitor and residential role: it is not an integrated retirement and aged care facility; the approved Piermont development is also of a much larger scale in terms of accommodation units (392); and is spread over a</p>

	<p>far greater area (approx. 95ha on the eastern side of the Tasman Highway).</p> <p>Notwithstanding this, the approved Piermont development on the eastern side of the Tempus site, and the Piermont staff accommodation on the northern side of the Tempus site already provide a development focus in that locality. If the cellar door sales envisaged to accompany the new Gala Estate vineyard eventuates on the southern side of the Tempus site, there will be an added focus on the locality, regardless of whether Tempus proceeds.</p> <p>It is noted that relevance of the Settlement Network is qualified by the following:</p> <p><i>Whilst the Settlement Network provides guidelines as to the typical population and service levels for settlements, <u>this is a guide only and there may be variations and exceptions due to local characteristics</u> (STRLUS p. 86). (emphasis added)</i></p>
<p><i>SRD 1.1 Implement the Regional Settlement Strategy and associated growth management strategies through the planning scheme.</i></p>	<p>The Growth Strategy for Swansea is stated in the STRLUS as being ‘moderate’, ie 10% to 20% increase in the number of potential dwellings across the 25 year period of the regional strategy (ibid, Table 3, p.89).</p> <p>This is to be brought about by consolidation (ibid), ie:</p> <p><i>predominantly from infill development which can involve development of existing subdivided lots, subdivision of existing zoned but vacant or developed residential, construction of additional dwellings on existing developed lots, redeveloping existing developed lots (ibid. p.86).</i></p> <p>However, the Growth Management Strategy for Swansea recognises that it is subject to fluctuations because of seasonal variations related to tourism and temporary holiday residents. There is no recognition in the STRLUS of the retirement market, although there is an acknowledgement that local level structure planning should be employed to manage residential growth (ibid. p.90).</p> <p>The <i>Swansea Structure Plan</i> forecasts a demand for 62 permanent and 39 seasonal dwellings over a 10-year period. It also states that there is sufficient residential zoned land to provide for 218 residential lots. This leaves a spare capacity of 117 lots available once the forecast demand is taken up.</p> <p>If Tempus were to locate within the existing residential zoned area (leaving aside for the moment, the locational, character and amenity requirements of Tempus, as well as the unavailability of sufficient suitable land) the 140 ILUs alone would exhaust the spare capacity, leaving a 23 residential lot deficit.</p>

	<p>If this occurred within a 2-3-year period, even allowing for multiple dwellings on some lots, there would be no spare capacity available for residential growth remaining in Swansea.</p> <p>STRLUS does not envisage or provide for a large retirement facility. Its strategic outlook for residential settlement only deals with incremental subdivision for single and limited multiple dwellings in Swansea.</p> <p>As mentioned above, the proposed location of Tempus, and its unique characteristics, will not challenge the growth management strategy for Swansea. Indeed, it will allow the strategy to continue to be implemented within the existing residential zoned areas.</p>
<p><i>SRD 1.2 Manage residential growth in District Centres, District Towns and Townships through a hierarchy of planning processes as follows:</i></p> <ol style="list-style-type: none"> <i>1. Strategy (regional function & growth scenario);</i> <i>2. Settlement Structure Plans (including identification of settlement boundaries);</i> <i>3. Subdivision Permit;</i> <i>4. Use and Development Permit.</i> 	<p>The area of the Swansea Structure Plan does not extend as far as the Tempus site. It finishes approximately 1km short, and equates only with the urbanised portion of Swansea and not the broader settlement. As such it is silent about strategic development factors and opportunities outside of the defined limit of the area of the Structure Plan.</p> <p>Also, as a consequence of this limitation the Structure Plan does not address the existing use and development or the strategic future for the area to the south that includes rural residential development, Kate's Berry Farm, Piermont and the new Gala Estate vineyard with potential cellar door sales. The Tempus site is within this area, which is clearly related to the Swansea locality and provides a more realistic development edge, given that there is no further non-rural development south for another 20km. Given the surrounding development and the connection with Swansea it arguably qualifies as infill. Notwithstanding this, community consultation during the preparation of the Structure Plan identified a desire for Swansea to focus on becoming a retirement town supported by "high quality, diverse accommodation and community facilities such as a large-scale botanical garden funded by developer contributions" AURECON op cit p. 32). There is no discussion about how or where such facilities might be provided within the defined Structure Plan area.</p> <p>The SWOT analysis accompanying the Structure Plan identifies ribbon style development along the coast as a threat to the compactness of the town, and putting stress on infrastructure and transport (ibid. p.44). The Tempus proposal is not adjacent to the coastline, and is separated from it by the much larger Piermont development. The Tempus site has been chosen deliberately partly because of its low visibility, but also its proximity and connectivity to the overall Swansea settlement.</p> <p>The development has the potential to be self-reliant in terms of water supply, and stormwater and</p>

	<p>sewerage management and transport. Travel times to the centre of Swansea are between 4 minutes.</p> <p>In respect of residential development, the Structure Plan provides for the following consideration:</p> <ul style="list-style-type: none"> • Ensure the provision of adequate residential land supply for future development; • Infill opportunities and the desires of the township to sustain this growth.; • Provision of further aged care facilities and retiree housing (op cit p.52). <p>In terms of community services and urban form the Structure Plan provides a general consideration to "Continue to provide good quality health and aged care services" (ibid. p.54)</p> <p>The PPZ provides a Master Plan that ensures the scope and extent of development.</p> <p>An application for a subdivision permit and Stage 1A development forms part of the overall proposal.</p> <p>Further development of the site will be the subject of applications for planning permit in accordance with the standards prescribed in the PPZ.</p>
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6.1.4 Schedule 1 Objectives

The objectives are considered as follows:

Part 1

Objective	Assessment
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	The proposed amendment relates to an area of land which has been modified and cleared of original native vegetation many years ago. There has been some re-growth but there is also an amount of weed infestation. There has been significant impact on faunal habitat and fauna. As indicated in the Flora and Fauna Study (Osborne op cit.), the proposal will provide for removal of weeds, and rehabilitation of large areas of the subject land.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water: and</i>	The rezoning will provide for the fair, orderly and sustainable development by adding considerable social, economic and environmental value to a relatively small area of poor-quality farmland that currently has little or no potential for sustainable agriculture. The proposal has taken into account the availability of water, and the potential impacts on adjoining land use, and these assessments are included in the documentation lodged with this application. The proposed amendment will facilitate development and use that is respectful of the features of the site and the character of the area. It will be located where it will not impact on the existing character of the Swansea township, whilst allowing the traditional pattern of the settlement to be consolidated.
<i>(c) to encourage public involvement in resources management and planning; and</i>	The process required for the assessment of amendments to planning schemes provides interested parties with an opportunity to make representations during public exhibition as well as attending subsequent hearings. This process additionally provides Council and subsequently the TPC the ability to consider issues raised during their assessment.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	The proposal is aimed at facilitating economic development of an existing parcel of underutilised land in accordance with the objectives (a), (b) and (c) by enabling development and use of a site with suitable site characteristics and location.

	The preparation of a Masterplan has been undertaken to ensure that the site is capable of accommodating the proposed facilities with respect to character of the area and the natural values of the land.
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i>	Assessment of the amendment will occur at local and state level and will include the opportunity for involvement of the community.

Part 2 – Objectives of the Planning Process established by this Act

Objective	Assessment
<i>(a) to require sound strategic planning and coordinated action by State and local government; and</i>	The amendment process requires assessment at local and state levels.
<i>(b) to establish a system of planning instruments to be the principle way of setting objectives, policies and controls for the use, development and protection of land;</i>	LUPAA provides the system whereby planning instruments can be constructed to achieve these objectives.
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;</i>	The amendment has been prepared subsequent to investigations into the environmental values of the land to ensure that there is capacity to accommodate the anticipated use and development. An Integrated Impact Assessment has also provided consideration into social and economic impacts (TEMPUS op cit). Matters relating to the future use and development will be considered in accordance with the provisions of the PPZ.
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;</i>	The proposed amendment involves a zone that is part of the suite of available zones under the current planning system. The request for rezoning is combined with a subdivision and development proposal that considers the existing range of relevant policies at State, regional and municipal levels.
<i>(e) to provide for the consolidation of approvals for land use and development and related matters, and to co-ordinate planning approvals with related approvals;</i>	The s.43A process provided for through the Act allows for the consideration of the development including an application for subdivision and development in conjunction with the proposed amendment. It should be noted that the proposed PPZ is linked directly to a particular outcome, references a Master Plan, and provides for

	appropriate standards. In that respect it fulfils an ideal of the respective objective.
<i>(f) to secure a pleasant, efficient and safe working environment for all Tasmanians and visitors to Tasmania;</i>	The proposed amendment will provide for a state-of-the-art facility not only for retirement and aged care, but also for employees of the development, and service providers. The selected site is in a desirable location and is convenient for the employment of residents of Swansea.
<i>(g) to conserve those buildings and areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;</i>	The proposed amendment acknowledges the natural values and scenic amenity of the site and surrounding locality. The master planning of the site and the selected standards reflect the intent to avoid visual impacts and improve natural values.
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community; and</i>	The proposed development has been prepared in consideration to the utilities that are available to the subject land. To a large extent the ultimate development will be self-reliant, with the exception of water supply. The Master Plan provides for the general location of utilities and services, whilst detailed planning has already been undertaken to support this approach (GANDY & ROBERTS, October 2019; ECOS ENGINEERING, 14/10/19; CES 15/10/19; MILAN PRODANOVIC, TIA, October 2019). Future development will need to comply with relevant standards at the development stage of the application.
<i>(i) to provide a planning framework which fully considers land capability.</i>	The proposed rezoning considers land capability having regard to the existing quality of the subject land and surrounding land use. The conclusions reached are that the land capability and potential for sustainable agriculture currently specified in the planning framework, is not reflected in the reality of the of the condition and quality of the subject site. At the same time the strategic planning framework for Swansea does not provide for a large-scale integrated retirement and aged care facility. Nor is there suitable land within the urban area of the Swansea township to facilitate such a proposal. The PPZ addresses these deficiencies in a succinct site-specific manner that allows the existing settlement and growth strategies for Swansea to continue without negative effect.

6.1.5 State Policies

State Coastal Policy 1996

The *Tasmanian State Coastal Policy 1996* applies to all land within 1km of the high-water mark ('the coastal zone').

The majority of the subject land is located within the coastal zone.

The policy includes principles and desired outcomes, which must be addressed as part of a planning scheme amendment, with the following regarded as the three main principles:

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

The relevant outcomes are considered to be:

1.1. NATURAL RESOURCES AND ECOSYSTEMS

1.1.1. The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.

Comment: the subject site is degraded farming land of poor quality. It does not sit in an area of significant natural processes such as mobile dune systems or riverine systems. Nor is it subject to inundation or sea level rise.

The proposed rezoning will allow for an outcome that will potential improve the levels of biodiversity and habitat in comparison to the current situation.

1.1.2. The coastal zone will be managed to protect ecological, geomorphological and geological coastal features and aquatic environments of conservation value.

Comment: See comments above. The subject land is separated from HWM by the Piermont Resort development and the Tasman Highway. It is not associated with significant ecological, geomorphological or geological coastal features or aquatic environments.

1.1.3. The coastal zone will be managed to conserve the diversity of all native flora and fauna and their habitats, including seagrass and seaweed beds, spawning and breeding areas. Appropriate conservation measures will be adopted for the protection of migratory species and the protection and recovery of rare, vulnerable and endangered species in accordance with this Policy and other relevant Acts and policies.

Comment: the proposed scheme amendment will provide the opportunity to rehabilitate and restore the natural values of the area over parts of the subject site. This will be a significant net improvement over the current degraded situation.

1.1.4. Exotic weeds within the coastal zone will be managed and controlled, where possible, and the use of native flora encouraged.

Comment: the proposal provides the opportunity for a more comprehensive and rigorous weed management regime that is currently possible.

1.1.5. Water quality in the coastal zone will be improved, protected and enhanced to maintain coastal and marine ecosystems, and to support other values and uses, such as contact recreation, fishing and aquaculture in designated areas.

Comment: the subject site is not adjacent to any area of significant coastal or marine ecosystem.

1.1.6. Appropriate monitoring programs and environmental studies will be conducted to improve knowledge, ensure guidelines and standards are met, deal with contaminants or introduced species and generally ensure sustainability of coastal ecosystems and processes and ensure that human health is not threatened.

Comment: The context for the subject site is currently a degraded farming environment with a limited ecosystem. A range of background studies have been undertaken to ensure that the ultimate possible development does not impact on coastal ecosystems and processes.

1.1.7. Representative ecosystems and areas of special conservation value or special aesthetic quality will be identified and protected as appropriate.

Comment: see comments above.

1.1.9. Important coastal wetlands will be identified, protected, repaired and managed so that their full potential for nature conservation and public benefit is realised. Some wetlands will be managed for multiple use, such as recreation and aquaculture, provided conservation values are not compromised.

Comment: Not applicable. No wetlands are involved.

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.

Comment: The subject land is separated from HWM by the Piermont Resort development and the Tasman Highway. It does not involve any new access routes to the foreshore.

All access routes will be contained within the site, other than the main access which will connect directly to the Tasman Highway.

The proposed PPZ contains standards that address issues relating to the existing landscape.

1.1.11. Fire management, for whatever purpose, shall be carried out in a manner which will maintain ecological processes, geomorphological processes and genetic diversity of the natural resources located within the coastal zone.

Comment: a bushfire hazard risk assessment has been undertaken in respect of the conceptual proposal for use and development that is contemplated by the Master Plan and the allowable uses. The layout under the Master Plan reflects this.

The development of allowable elements will all need to be assessed in detail at the time of applying for planning permits, to ensure that the required bushfire management standards will be met.

1.2. CULTURAL AND HISTORIC RESOURCES

1.2.1. Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.

1.2.2. All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation.

Comment: An Aboriginal Heritage Assessment has been undertaken (CULTURAL HERITAGE MANAGEMENT AUSTRALIA, 8/10/19) and it is advised that no Aboriginal heritage sites, suspected features or areas of elevated archaeological potential were identified within or in the immediate surrounds of the Tempus development footprint.

On this basis, the proposed development will have no impacts on known Aboriginal sites, and therefore there are no Aboriginal heritage constraints, or related legal impediments to the project proceeding.

It is also assessed that there is generally a low to very low potential for undetected Aboriginal heritage sites to occur within the Tempus development footprint. However, if, during the course of the proposed development works, previously undetected archaeological sites or objects are located, the processes outlined in the Unanticipated Discovery Plan should be followed (ibid Appendix 1)

1.3. CULTURAL HERITAGE

1.3.1. Places and items of cultural heritage will be identified, legally protected, managed and conserved where appropriate.

Comment: Not applicable. The subject site is not identified as a heritage place.

1.4. COASTAL HAZARDS

1.4.1. Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.

1.4.2. Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.

1.4.3. Policies will be developed to respond to the potential effects of climate change (including sea-level rise) on use and development in the coastal zone.

Comment: Not applicable. The subject site is not subject to any of the circumstances identified above. Hancl (op cit) identifies some potential for erosion if the site were to be subject to ploughing (ibid p.7). This is one of the reasons he gives for concluding that the subject site is not suitable for that form of agriculture.

2.1. COASTAL USES AND DEVELOPMENT

2.1.1. The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are

conservation reserves and other areas within the coastal zone which will not be available for development.

Comment: The subject site is not within a conservation reserve. It is degraded farm land that retains little in the way of natural values or biodiversity.

2.1.2. Development proposals will be subject to environmental impact assessment as and where required by State legislation including the Environmental Management and Pollution Control Act 1994.

Comment: the proposal does not trigger any of the requirements under EMPCA for an EIS. Notwithstanding that, a number of background reports have been undertaken to assess the existing values of the site, and the potential impacts. These reports, culminating in an Integrated Impact Assessment (TEMPUS op cit.) form part of the documentation accompanying the s.43A application.

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.

Comment: The subject land is separated from HWM by the Piermont Resort development and the Tasman Highway. It does not involve any new access routes to the foreshore.

All access routes will be contained within the site, other than the main access which will connect directly to the Tasman Highway.

The proposed PPZ contains standards that address issues relating to the existing landscape and visual aesthetics.

2.1.4. Competing demands for use and development in the coastal zone will be resolved by relevant statutory bodies and processes, in particular the Land Use Planning Review Panel, the Resource Management and Planning Appeal Tribunal and the Marine Farming Planning Review Panel. Planning schemes, marine farming development plans and other statutory plans will provide guidance for resource allocation and development in accordance with this Policy.

Comment: Whilst the STRLUS, the Swansea Structure Plan, and the Glamorgan Spring Bay Interim Planning Scheme 2015 provide a framework for the future use and development of the subject land, none of them address the character and qualities of the land in detail. To that extent they generalise and have been found to a certain extent to be flawed in considering the potential of the lands.

Moreover, none of those instruments conceives of, or provides for an integrated retirement/aged care facility of the character and scale proposed.

The RMPS allows for consideration of rezoning, notably the possibility of using a PPZ where the circumstances are unique. The subject proposal is consistent with the process outlined above.

2.1.5. The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.

Comment: The context for the subject site is currently a degraded farming environment with a limited ecosystem. A range of background studies have been undertaken to ensure that the ultimate possible development does not impact on coastal ecosystems and processes.

the proposed scheme amendment will provide the opportunity to rehabilitate and restore the natural values of the area over parts of the subject site and the proposed ultimate development provides the opportunity for a more comprehensive and rigorous weed management regime that is currently possible.

This will be a significant net improvement over the current degraded situation.

2.1.6. In determining decisions on use and development in the coastal zone, priority will be given to those which are dependent on a coastal location for spatial, social, economic, cultural or environmental reasons.

Comment: the proposed ultimate use and development is not dependent upon a coastal location for functional reasons in the same way that a marina is.

However, it is dependent upon proximity to Swansea township for social, economic and cultural reasons – notably provision of services, employees, general amenities, and the need to integrate with the local community. Swansea is within the coastal zone.

The Tempus proposal is also dependent upon proximity to the Tasman Highway for access. The highway is within the coastal zone

From an environmental perspective the subject site is degraded, and does not have significant potential for agriculture. Locations further inland (outside the coastal zone) raise the potential for land use conflict with better quality agricultural land, as well as environmental and bushfire issues in land that is not cleared of native vegetation. The subject site also provides at grade internal access and circulation, and minimal visual impact from the Scenic Landscape Corridor.

In summary it can be concluded that the proposed use and development is dependent on this coastal location for spatial, social, economic, cultural or environmental reasons.

2.1.13. Whole farm planning and sustainable farming activities will be encouraged on agricultural land in the coastal zone and in coastal catchments in order to minimise problems such as erosion, sedimentation and pollution of coastal waters including surface and ground waters.

Comment: Kelvedon Estate includes a number of agricultural activities that the owner has to manage on a sustainable basis to ensure their success. Pre-eminent amongst these are grape cultivation and sheep grazing. Both of these, and other activities have differing requirements, and so are allocated to different areas of the overall estate.

There are areas that are not suited to grape production, just as there are areas that are not suited to sheep grazing.

The owner has concluded that the subject site is not suited for any farming enterprise, and this has been confirmed through the choice of the Gala Estate to not include the site in their new vineyard.

The site has also been separately assessed by two agricultural experts, as having little potential for agriculture, and no potential for commercial production (HANCL op cit. & AK CONSULTING op cit.).

The opportunity presented by the Tempus proposal will allow a piece of degraded land to be productive in a different way from that contemplated under the current zoning, whilst ensuring that problems such as erosion, sedimentation and pollution of coastal waters including surface and ground waters are managed at a more sustainable level than currently.

2.1.16. Water quality in the coastal zone and in ground water aquifers will accord with the requirements and guidelines established by the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any other relevant State and Commonwealth Policies and statutes.

2.1.17. Waste discharge into the coastal zone, including offshore waters, or likely to affect groundwater aquifers, must comply with provisions of the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any relevant State and Commonwealth Policies.

Comment: Climate constraints mean that an off-site water supply is necessary with the TasWater owned and operated Swansea town water supply being the most suitable source. There are significant opportunities to reduce water demand through rainwater harvesting, stormwater reuse and wastewater recycling for non-potable uses (GANDY & ROBERTS op cit. pp 6-7).

A combination of roof runoff and surface runoff collection is proposed. Priority will be given to using non-potable water (stormwater, rainwater, treated effluent) for irrigation of food plants (garden beds, orchard, plantings etc.) and landscape vegetation (ibid).

Treated effluent from an on-site treatment plant of an appropriate class for reuse may be discharged to the adjacent stormwater holding wetland for storage and non-potable use around the site, or pumped directly to its end use (irrigation or holding tank for reticulation about the site) (ibid. p.11).

Runoff from impervious roof structures is collected for use as rainwater on site. Surface runoff from other areas is collected in vegetated swales and channelled to storage and water quality treatment wetlands across the site. Stored stormwater is pumped to a header tank for reticulation across the site as non-potable water (ibid. p.12).

2.4. URBAN AND RESIDENTIAL DEVELOPMENT

2.4.1. Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.

Comment: the subject site is not an environmentally sensitive area. It is degraded farmland. The Tempus proposal will allow the rehabilitation of large areas of the subject site, to enable increased biodiversity and reinstatement of natural values and habitat.

There is some sensitivity attached to the visual amenity of the Scenic Landscape Corridor adjoining the Tasman Highway. The impact of the Tempus proposal on this amenity has been assessed and is shown to be mostly non-existent (ANCHER op cit.).

As a matter of principle, it needs to be acknowledged that the Tempus proposal, whilst including a residential component, is not urban. The fundamental concept of the proposal is to provide an integrated retirement and aged care facility within a rural context: to allow ageing in place, but also to allow rural activities (on a small scale) to be pursued as part of this. The proposal is for a succinct

and contained development, within the Swansea locality and close enough to the centre of Swansea township to contribute to that community, but separate enough to maintain a rural character and amenity. It is the antithesis of an urban development, and through its key integration with high level aged care, should not be considered a traditional residential development in either the 'urban' or 'suburban' sense.

2.4.2. Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.

Comment: the subject site is located less than 4km from Swansea town centre, and approximately 1km from the southern nominal 'boundary' of the town (if the signage and the Swansea Structure Plan are used as a guide).

The subject site is therefore well within the broader Swansea settlement area and certainly within the immediate catchment.

The subject site is also well within the ABS census district for Swansea, upon which growth forecasts in various strategic documents are based (eg STRLUS, Swansea Structure Plan).

The proposal is based on an established township, albeit on the periphery of that township. The associated development is planned, compact, contained, setback from the highway and the shoreline, and is subject to planning controls that will limit both the density and footprint. The subject site is in a locality that contains the Piermont Resort to the east (and north) and a new vineyard to the south. A cellar door sales element is planned for the latter, and approval for considerably more development exists for the former. Further to the north is 'Kate's Berry Farm'. The locality is already a focus for a cluster of development, and the proposal would not extend this any further south. It is considered that the proposal would not contribute to ribbon development, but is in effect infill.

2.4.3. Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.

Comment: as submitted above, the Tempus proposal should not be considered 'urban and residential development'. It is the antithesis of an urban development, and through its key integration with high level aged care, should not be considered a traditional residential development in either the 'urban' or 'suburban' sense.

The concept of the proposal is unique in terms of its function, scale and character. It cannot be physically accommodated within the existing residential zonings in the urbanised Swansea area, and no appropriate zoning is provided outside that area.

The RMPS allows for consideration of rezoning, notably the possibility of using a PPZ where the circumstances are unique. It is therefore appropriate to consider a PPZ, and assess the rezoning and potential development on its merits. Paradoxically, if the PPZ were approved, it would automatically fulfil the respective outcome, because the PPZ would identify a designated area for an integrated retirement and aged care facility.

State Policy on Water Quality Management 1997

The purpose of this Policy is:

To achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System.

The Policy applies to:

all surface waters, including coastal waters, and groundwaters, other than:

(i) privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public; or

(ii) waters in any tank, pipe or cistern.

The proposal is required to be considered against the relevant objectives of the Policy and consider the sustainable management of surface and ground water resources.

The objectives of this policy are to:

(a) focus water quality management on the achievement of water quality objectives which will maintain or enhance water quality and further the objectives of Tasmania's Resource Management and Planning System;

(b) ensure that diffuse source and point source pollution does not prejudice the achievement of water quality objectives and that pollutants discharged to waterways are reduced as far as is reasonable and practical by the use of best practice environmental management;

(c) ensure that efficient and effective water quality monitoring programs are carried out and that the responsibility for monitoring is shared by those who use and benefit from the resource, including polluters, who should bear an appropriate share of the costs arising from their activities, water resource managers and the community;

(d) facilitate and promote integrated catchment management through the achievement of objectives (a) to (c) above; and

(e) apply the precautionary principle to Part 4 of this Policy.

The amendment proposed is consistent with the policy as it includes the standards normally expected to ensure management of stormwater and wastewater. The mechanisms proposed for the ultimate development include both containment of stormwater and wastewater on site, its treatment and re-use (TEMPUS op cit. p49):

- Grey water harvesting from an on-site bio-sewerage treatment plant reticulated underground in the paddocks around the stables to provide pasture for the residents' horses.
- Storm water harvested into detention ponds around the base of the hill and pumped to holding tanks at the top of the hill, could be used to irrigate small-scale orchards, a greenhouse & meshed-in vegetable garden, which would also utilise the organic output of the waste management system.

- The quality of the harvested storm water would be enhanced by being run down a cascade, along the centre of the entry avenue. This would have the effect of oxygenating the water, thereby allowing it support more fish & amphibian life in the detention ponds.
- Grey water harvested from the shower, basins & kitchen sink of each home could be used to irrigate a small garden at the rear of each house, with a small ornamental tree & ground-cover. (TEMPUS op cit. p.46)

The amendment allows for the detailed consideration of infrastructure as part of future development application processes, in accordance with the respective codes of the planning scheme.

The ultimate development proposal provides for the rehabilitation and revegetation of local species through the precinctual areas designated on the Masterplan.

Most importantly in terms of meeting the Policy objectives, the Tempus proposal will not direct any pollutants into waterways and will not provide any point sources of pollution either to any receiving waters or surrounding lands.

State Policy on the Protection of Agricultural Land 2009

The Tempus proposal involves the conversion of agricultural land. Accordingly, an assessment is required under the *State Policy on the Protection of Agricultural Land 2009*.

The purpose of the Policy is:

To conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

The Objectives of the Policy are:

To enable the sustainable development of agriculture by minimising:

(a) conflict with or interference from other land uses; and

(b) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.

This aspect of the Tempus proposal is so crucial that two agricultural assessments were sought: initially from Rod Hancl (op cit), and additionally from AK Consultants (op cit). The latter included a peer review of the former. Whilst the approaches taken by each varied, the conclusions were similar, ie: that the subject site was not suitable for sustainable agriculture; and that its conversion would not be to the detriment of adjoining lands or regionally.

The key issues are best summarised in the concluding remarks of the AK Consultants' report:

"...the proposed Tempus block does not have viticulture or other horticulture potential which can be developed in an economically viable manner to be able to contribute to a commercial scale enterprise. The most productive and most appropriate agricultural use for this land is sheep grazing currently and in the foreseeable future. Land Capability is predominantly Class 5 with some Class 6 with the majority of the subject land limited by surface and subsurface stone. The land can support approximately 4DSE/ha and this is subject to seasonal variations.

The loss of approximately 18ha of this land is considered insignificant for the Significant Agriculture zone, the current productivity of the farming operation and the region.

Rezoning and any subsequent development on the Tempus block has the potential to constrain the existing vineyard activity. Whilst appropriate mitigation measures can be applied for the majority of the vineyard activities which have the potential to impact on residential amenity, the use of gas guns or noisy bird scaring devices cannot be adequately mitigated.

Whether this use will be allowed even if the Tempus development does not proceed requires further consideration (ibid pp. 7-8)".

The outstanding issue therefore – and a qualification to the overall assessment- is the potential for use of gas guns as bird scarers on the adjoining new Gala Estate vineyard.

From all of the evidence, it appears that the use of gas guns in this location is prevented by proximity to approved development at Piermont Resort, and the Tasman Highway. The proponents of Tempus have openly offered to assist with alternative bird-scaring or avoidance measures, thus providing a solution to the issue.

National Environment Protection Measures (NEPMs)

NEPMs are made under Commonwealth legislation, and given effect in Tasmania through the *State Policies and Projects Act*.

The Codes within the Scheme address the relevant matters (noise and air quality) and the proposed subdivision can be assessed against the appropriate Use and Development Standards.

6.1.6 Tasmanian Planning Scheme – State Planning Provisions

The State Planning Provisions (SPP) will eventually replace the Interim Planning Scheme.

Whilst the SPP's have been in effect since March 2017, they will have no practical effect until the Local Provision Schedule is approved for the respective municipal area.

The proposed 'Particular Purpose' Zone has a similar purpose under the SPP to that under the *Glamorgan Spring Bay Interim Planning Scheme 2015* and has been drafted so as to be directly transferable to the SPP-GSB LPS.

7. Proposed Subdivision

The proposed subdivision involves three parts:

- A. The reorganisation of boundaries to create the overall Tempus property (corresponding with the area of the PPZ).
- B. The creation of a smaller second title by subdivision, within the overall ('parent') Tempus property for the Nursing Home element of the Tempus proposal. This is a necessity in order to meet Commonwealth approvals and licencing requirements.
- C. Roadworks and service connection.

A. Reorganisation of boundaries

It is proposed to rearrange the boundaries of the current Kelvedon title CT 240461/1 to create a lot for the overall Tempus proposal corresponding with the area of the proposed PPZ.

CT 240461/1 is a 1.665ha title adjoining the western boundary of the proposed Tempus site with 107.87m frontage to Mount Pleasant Road. It is one of several fragmented small parcels within the Kelvedon Estate, and serves no particular purpose other than as the site of a small dam and some irrigation and pipeline infrastructure. Accordingly, it contains easements reflecting the existence of an irrigation pipeline and electricity supply. The immediate proximity of CT240461/1 to the Tempus site makes it a logical choice for the reorganisation of boundaries.

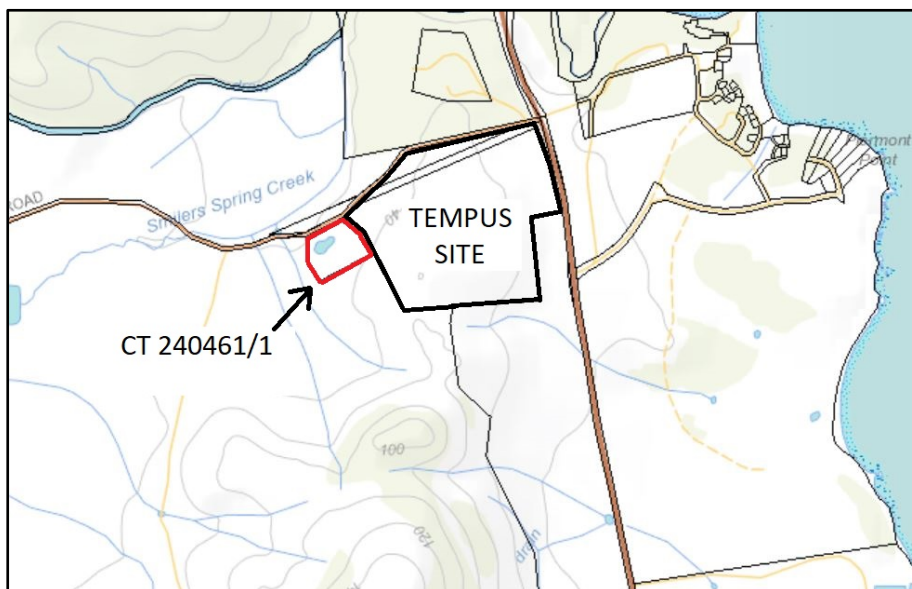


Figure 13: location of CT 240461/1 and the proposed 'parent' Tempus title (base source: DPIPWE LISTmap 25/10/19)

The proposed new 'parent' Tempus lot (shown as Lot 50 below) will have an overall area of 17.91ha, with 237.31m frontage to the Tasman Highway, and 566m frontage to Mount Pleasant Road.

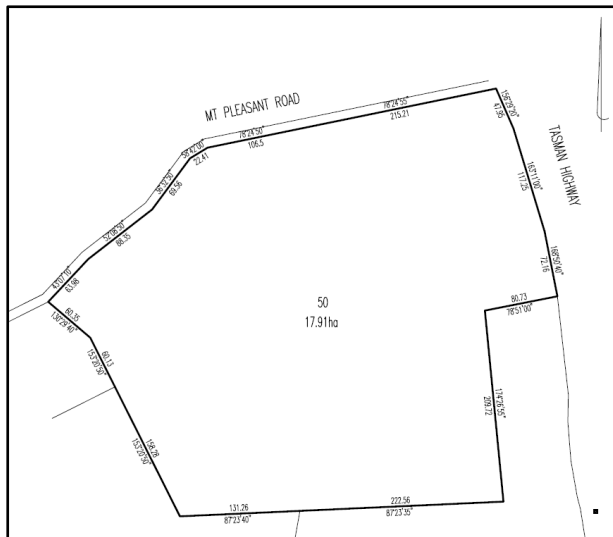


Figure 14: proposed 'parent' Tempus lot (source: HAMILTON, A.S. Proposal Plan, 24/7/19)

The reorganisation of boundaries will result in the absorption of CT 240461/1 into the current 680ha Kelvedon Balance title CT 177646/1 which is shown in Figure 3.

The current Kelvedon Balance title has dual zoning under the Interim Planning Scheme, and the reorganisation of boundaries – as far as it affects the Kelvedon Balance outside of the proposed PPZ - must therefore be considered under the relevant provisions of the Significant Agriculture Zone and the Rural Resource Zone.

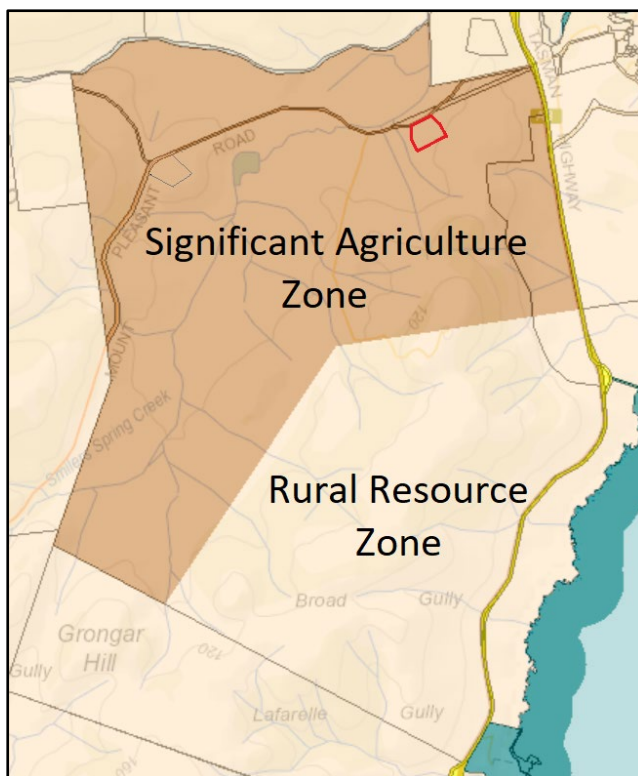


Figure 15: dual zoning of the current Kelvedon Balance land 177646/1 (base source: DPIPWE LISTmap 25/10/19)

B. Subdivision

The second part of the proposal is to subdivide off the area of the land on which the Nursing Home element of Tempus is planned. The creation of this separate title for the Nursing Home is a requirement to meet Commonwealth approval and licensing under the *Aged Care Act 1997*.

The proposed 'Nursing Home lot' is approximately 2.4ha with 190.2m frontage to Mount Pleasant Road.

The balance of the 'parent' Tempus lot will become the new Balance lot (the 'Tempus Balance lot') under the PPZ. It will have an area of approximately 15.51ha. Frontage to the Tasman Highway will not change. Frontage to Mount Pleasant Road will be 375.8m.

Access from the Nursing Home lot will be via a right-of-way over the new Tempus Balance lot to the Tasman Highway.

As noted previously, at the time of preparing this report a strip of erroneously identified 'Crown land' remained on the current title roughly parallel to Mount Pleasant Road. This traverses both the proposed Nursing Home lot and the proposed new Tempus Balance lot. Application has been made by the landowner for transfer of the 'Crown land', however at the time of writing the transfer had not been completed. Once complete, the 'Crown land' will be absorbed into the respective surrounding titles. Accordingly, the proposed subdivision plan (below) shows slightly reduced areas for both lots, reflecting the current existence of the 'Crown land'.

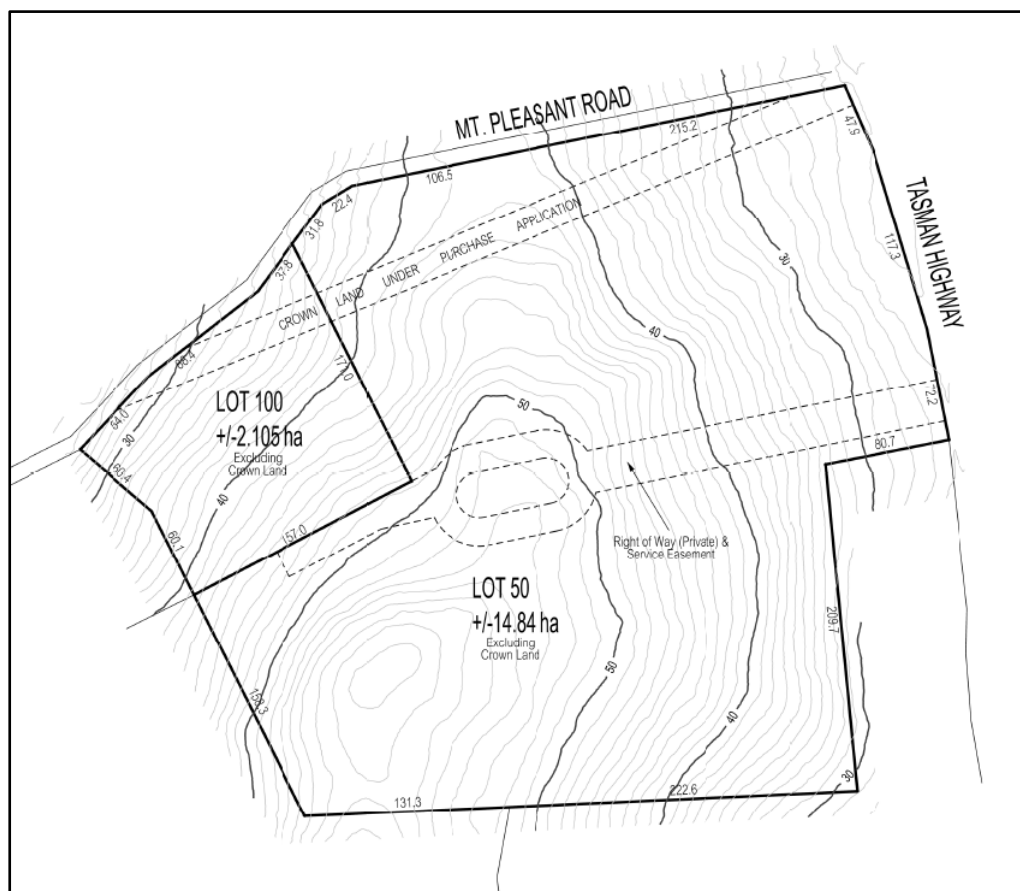


Figure 16: proposed subdivision to create the 'Nursing Home lot' (shown as Lot 100) and the 'Tempus Balance lot' (shown as Lot 50) (source: ANDY HAMILTON & ASSOCIATES. Proposal Plan, File 8190, V3, 17/10/19)

The proposed subdivision creating the Nursing Home lot and Tempus Balance lot will occur within the area of the PPZ, and will therefore be subject to assessment under the proposed provisions pursuant to s.43A of LUPAA.

C. Roadworks and servicing

As with all subdivisions, a certain amount of works are required to provide the necessary connections to services, or new infrastructure to allow future use and development.

In the subject case a new access is required to be constructed to DoSG standards. A connection to TasWater infrastructure for water supply is likely, and the usual electricity and telecommunications connections will be undertaken. All reticulated infrastructure, including power, will be primarily underground.

7.1 Significant Agriculture Zone

An assessment under the provisions of the Significant Agriculture Zone is only relevant to the reorganisation of boundaries that creates the new Kelvedon Estate Balance. The new 'parent' Tempus lot must be assessed under the provisions of the proposed PPZ.

The existing title CT 240461/1 is within the Significant Agriculture Zone. Both the existing Kelvedon Balance and the proposed Kelvedon Balance that will result from the proposed reorganisation of boundaries have a dual zoning of Significant Agriculture and Rural Resource.

Clause 27.5.2 provides the following standards for reorganisation of boundaries within the Significant Agriculture Zone:

27.5.2 Reorganisation of Boundaries

Objective:

To promote the consolidation of rural resource land and to allow for the rearrangement of existing titles, where appropriate, to provide for a better division of land.

The Acceptable Solution A1 is that:

A [lot](#) is for [public open space](#), a riparian or littoral reserve or [utilities](#).

The proposed reorganisation of boundaries is not for any of these purposes. Accordingly, the proposal relies upon the alternative Performance Criteria P1, which are assessed as follows:

Performance Criteria	Assessment
P1 <i>The reorganisation of boundaries must satisfy all of the following:</i> <ul style="list-style-type: none"> <i>(a) all existing lots are adjoining or separated only by a road;</i> <i>(b) no existing lot was formally a crown reserved road or other reserved land;</i> <i>(c) provide for the sustainable commercial operation of the land by either:</i> 	<ul style="list-style-type: none"> (a) The existing title CT 240461/1 and the existing Kelvedon Balance CT 177646/1 are adjoining. (b) Neither existing lot was formally a crown reserved road or other reserved land; (c) (i) the Kelvedon Estate is a successful grape growing, wine making and sheep farming property (amongst other activities). As detailed earlier, it is

<p>(i) encompassing all or most of the agricultural land and key agricultural infrastructure (including the primary dwelling) in one lot, the 'primary agricultural lot', as demonstrated by a whole farm management plan,</p> <p>(ii) encompassing an existing or proposed non-agricultural rural resource use in one lot;</p> <p>(d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 27.4.2;</p> <p>(e) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the primary agricultural lot;</p> <p>(f) a new vacant lot must:</p> <p>(i) contain land surplus to rural resource requirements of the primary agricultural lot;</p> <p>(ii) not result in increased demand for public infrastructure or services;</p> <p>(g) all new lots must comply the following:</p> <p>(i) be no less than 1 ha in size;</p> <p>(ii) have a frontage of no less than 25 m;</p> <p>(iii) be serviced by safe vehicular access arrangements;</p> <p>(h) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.</p>	<p>subject to use, development and management that takes into account the capability of different parts of the estate for the respective agricultural activities, and allocates resources accordingly.</p> <p>The term 'whole farm management plan' is not defined in the planning scheme or in the PAL Policy. However, the agricultural activities on the Kelvedon Estate are managed in such a comprehensive and clinical way as to encompass the 'whole farm'.</p> <p>In the absence of an appropriate definition, recourse to the objective for this standard provides assistance, ie:</p> <p><i>"To promote the consolidation of rural resource land and to allow for the rearrangement of existing titles, where appropriate, to provide for a better division of land."</i></p> <p>The proposed reorganisation will allow the consolidation of an unnecessary separate parcel into the larger Balance. This subject land is more easily developed for agriculture than the Tempus site on account of easier access to irrigation, and better-quality soil. Its continued existence as a separate title is not conducive to meeting the objective for this standard. Its consolidation represents consistency with this criterion.</p> <p>(d) NA: neither lot contains an existing dwelling.</p> <p>(e) NA: neither lot contains an existing dwelling.</p> <p>(f) (i) A single existing lot will be consolidated with an existing balance. The proposal will not create a new vacant rural lot that is surplus to rural requirements. The new Kelvedon Balance lot will continue to be farmed. However, a new 'vacant' lot will be created for the Tempus proposal. That lot falls to be assessed within the PPZ and is not a vacant lot for the purposes of assessment under the Significant Agriculture Zone.</p>
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	<p>(ii) No new service or infrastructure requirements arise The proposal is not inconsistent with the criterion.</p> <p>(g) The new balance meets all of the criteria.</p> <p>(h) There are no Local Area Objectives or Desired Future Character Statements provided for the area.</p>
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It is considered that the proposed new Kelvedon Estate Balance meets the relevant performance criteria for the Significant Agriculture Zone under clause 27.5.2.

7.2 Rural Resource Zone

An assessment under the provisions of the Rural Resource Zone is only relevant to the reorganisation of boundaries that creates the new Kelvedon Estate Balance. The new 'parent' Tempus lot must be assessed under the provisions of the proposed PPZ.

The existing title CT 240461/1 is within the Significant Agriculture Zone. Both the existing Kelvedon Balance and the Kelvedon Balance that will result from the proposed reorganisation of boundaries have a dual zoning of Significant Agriculture and Rural Resource.

Clause 26.5.2 provides the following standards for reorganisation of boundaries within the Rural Resource Zone:

26.5.2 Reorganisation of Boundaries
<p>Objective: <i>To promote the consolidation of rural resource land and to allow for the rearrangement of existing titles, where appropriate, to provide for a better division of land.</i></p>

The Acceptable Solution A1 is that:

A [lot](#) is for [public open space](#), a riparian or littoral reserve or [utilities](#).

The proposed reorganisation of boundaries is not for any of these purposes. Accordingly, the proposal relies upon the alternative Performance Criteria P1, which are assessed as follows:

Performance Criteria	Assessment
<p>P1 <i>The reorganisation of boundaries must satisfy all of the following:</i></p> <p><i>(a) all existing lots are adjoining or separated only by a road;</i></p> <p><i>(b) no existing lot was formally a crown reserved road or other reserved land;</i></p> <p><i>(c) provide for the sustainable commercial operation of the land by either:</i></p>	<p>(a) The existing title CT 240461/1 and the existing Kelvedon Balance CT 177646/1 are adjoining.</p> <p>(b) Neither existing lot was formally a crown reserved road or other reserved land;</p> <p>(c) (i) the Kelvedon Estate is a successful grape growing, wine making and sheep farming property (amongst other</p>

<p>(i) encompassing all or most of the agricultural land and key agricultural infrastructure (including the primary dwelling) in one lot, the 'primary agricultural lot', as demonstrated by a whole farm management plan,</p> <p>(ii) encompassing an existing or proposed non-agricultural rural resource use in one lot;</p> <p>(d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 27.4.2;</p> <p>(e) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the primary agricultural lot;</p> <p>(f) a new vacant lot must:</p> <p>(i) contain land surplus to rural resource requirements of the primary agricultural lot;</p> <p>(ii) contain a building area capable of accommodating residential development satisfying clauses 26.4.2 and 26.4.3</p> <p>(ii) not result in increased demand for public infrastructure or services;</p> <p>(g) all new lots must comply the following:</p> <p>(i) be no less than 1 ha in size;</p> <p>(ii) have a frontage of no less than 6 m;</p> <p>(iii) be serviced by safe vehicular access arrangements;</p> <p>(h) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.</p>	<p>activities). As detailed earlier, it is subject to use, development and management that takes into account the capability of different parts of the estate for the respective agricultural activities, and allocates resources accordingly.</p> <p>The term 'whole farm management plan' is not defined in the planning scheme or in the PAL Policy. However, the agricultural activities on the Kelvedon Estate are managed in such a comprehensive and clinical way as to encompass the 'whole farm'.</p> <p>In the absence of an appropriate definition, recourse to the objective for this standard provides assistance, ie:</p> <p><i>"To promote the consolidation of rural resource land and to allow for the rearrangement of existing titles, where appropriate, to provide for a better division of land."</i></p> <p>The proposed reorganisation will allow the consolidation of an unnecessary separate parcel into the larger Balance. This subject land is more easily developed for agriculture than the Tempus site on account of easier access to irrigation, and better-quality soil. Its continued existence as a separate title is not conducive to meeting the objective for this standard. Its consolidation represents consistency with this criterion.</p> <p>(d) NA: neither lot contains an existing dwelling.</p> <p>(e) NA: neither lot contains an existing dwelling.</p> <p>(f) (i) A single existing lot will be consolidated with an existing balance. The proposal will not create a new vacant rural lot that is surplus to rural requirements. The new Kelvedon Balance lot will continue to be farmed. However, a new 'vacant' lot will be created for the Tempus proposal. That lot falls to be assessed within the PPZ, and is not a vacant lot for the purposes of assessment under the Rural Resource Zone.</p>
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	<p>(ii) NA: the resulting balance lot is not intended for residential use or development.</p> <p>(iii) No new service or infrastructure requirements arise The proposal is not inconsistent with the criterion.</p> <p>(g) The new balance meets all of the criteria.</p> <p>(h) There are no Local Area Objectives or Desired Future Character Statements provided for the area.</p>
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It is considered that the proposed new Kelvedon Estate Balance meets the relevant performance criteria for the Rural Resource Zone under clause 26.5.2.

7.3 Particular Purpose Zone 8 – Tempus Village Swansea

Both the new ‘parent’ Tempus lot and the proposed ‘Nursing Home lot’ form part of the simultaneous development component under s.43A of LUPAA.

Both proposed lots must be assessed under the provisions of the proposed PPZ. At Council’s request the PPZ provisions have been drafted in accordance with the State Planning Scheme (**SPP**) format. If approved the PPZ would become:

- ‘Particular Purpose Zone 8 – Tempus Village Swansea’ under the *Glamorgan Spring Bay Interim Planning Scheme 2015*; or
- ‘GSB-P7.0 Particular Purpose Zone – Tempus Village’ under the *Glamorgan Spring Bay Local Provisions Schedule*.

Part A of the proposed subdivision is the reorganisation of boundaries resulting in the ‘parent’ Tempus Lot 50 in the Proposal Plan shown in Figure 11 above.

Part B of the proposed subdivision is the creation of the ‘Nursing Home lot’ as Lot 100 in the Proposal Plan shown in Figure 13 above. In Part B Lot 50 becomes the Balance Lot for the Tempus land.

The proposed PPZ does not distinguish between reorganisation of boundaries and subdivision.

Clause GSB-P7.7.1 provides the following standards for subdivision within the PPZ:

GSB-P7.7.1 Subdivision
<p>Objective:</p> <p>(a) To achieve the purpose of the zone;</p> <p>(b) To ensure that subdivision only occurs when necessary to facilitate aged care related uses.</p>

The Acceptable Solution A1 is that:

Subdivision is for the purpose of providing lots for utilities, or to meet Commonwealth licencing or approval requirements for aged care facilities.

The 'Nursing Home lot' Lot 100 is a requirement to meet Commonwealth approval and licencing under the *Aged Care Act 1997*. Lot 100 therefore meets the Acceptable Solution A1.

The proposed balance Lot 50, whilst providing certain facilities and infrastructure in support of the Nursing Home, is not for any of these purposes. Accordingly, the proposal relies upon the alternative Performance Criteria P1, which are assessed as follows:

Performance Criteria	Assessment
<p>P1 <i>Each lot must have sufficient useable area and dimensions suitable for its intended use, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the relevant requirements for development of buildings on the lot; and</i> <i>(b) the existing buildings and the location of intended buildings; and</i> <i>(c) the accessibility for vehicles providing for supplies, waste removal and emergency services; and</i> <i>(d) must be reasonably necessary to facilitate the continuation of an existing aged care related use or the development of an approved aged care related use; and</i> <i>(e) must not contain only a dwelling or dwellings.</i> 	<ul style="list-style-type: none"> (a) Lot 50 has been designed to accommodate all of the elements provided for in the Tempus Master Plan which is Figure GSB-7.1 in the PPZ, with the exception of the Nursing Home. It also allows for setback buffers and bushfire management buffers to adjoining land. (b) There are no existing buildings, but Lot 50 is designed to accommodate a range of building elements as designated in the Master Plan (Figure GSB-7.1). (c) Lot 50 provides for a principle access to/from the Tasman Highway, a ROW to Lot 100, so as to avoid use of Mount Pleasant Road, and sufficient space to accommodate internal circulation for all services. (d) Lot 50 will provide for use and development to support the Nursing Home element of the proposal, as well as the retirement accommodation element. (e) As indicated in clause GSB-P7.6.9, and Figures GSB-7.2 and GSB-7.3, communal facilities and utilities will precede the construction of the ILU's, with the exception of the initial ILU that will be used as a Display Home in Stage 1A.

It is considered that the proposed Lot 50 meets the relevant performance criteria for the Particular Purpose Zone under clause GSB-P7.7.1.

8. Proposed Use & Development

The proposed use and development must be assessed under the provisions of the proposed PPZ.

8.1 GSB-7.0 Particular Purpose Zone 8 – Tempus Village

8.1.1 Use Status

The current application is for Stage 1A of the proposal which in summary includes Stage 1 of the Communal Centre (aka. 'The Enclave'), a single ILU (for display purposes), workshop/carport, and ancillary utilities .

Clause GSB-P7.4 provides for the use status within the zone.

The proposed uses are primarily:

- Residential aged care facility; and
- Retirement village.

These uses fall within the Residential Use class, which under the proposed Clause GSB-P7.4 Use Table is a Permitted Use Class subject to the following qualification:

“If for home-based business, residential aged-care facility, retirement village & related staff accommodation”

The proposal for Stage 1A will not include a home-based business or related staff accommodation but will include the other elements of the qualification.

Accordingly, it meets the requirements for a Permitted Use within the zone.

In terms of the overall proposal (all Stages), other elements including the theatre and communal hall are considered ancillary to the primary uses, but in the event that they are considered to be too great a scale or proportion, they fall within the Permitted Use category of Community Meeting & Entertainment.

Similarly, the other potentially large-scale ancillary uses Agriculture and Vehicle Parking are also Permitted in the event that they are considered to be too large.

Likewise, the recreational elements of the proposed use are considered ancillary, however in the case of the equestrian facilities, the Sport and Recreation Use class has been allocated Discretionary status to allow further scrutiny in the event that a future application sought to expand the scale and proportion of that element beyond its currently proposed scale.

8.1.2 Use Standards

Given the assessment above, that all elements of the proposal are Permitted, there are no relevant Discretionary Use standards that apply to Stage 1A.

8.1.3 Development Standards for Buildings and Works

Clause GSB-P7.6.1 Site Coverage and Development Area

The Acceptable Solutions for this standard are:

A1

The location of buildings and works must:

- (a) be consistent with the layout and associated use indicated in Figure GSB-7.1 and Figure GSB-7.2; and*
- (b) site coverage must be not more than 30%*

All elements of Stage 1A of the proposal meet the Acceptable Solution.

Clause GSB-P7.6.2 Building Height

The Acceptable Solutions for building height are:

- (a) 8.5 m if for a residential use;
- (b) 10 m otherwise.

All elements of Stage 1A of the proposal meet the Acceptable Solution except for the Header Tank and Observatory structure which will be 13.8m above natural ground level.

This structure therefore relies upon the alternative performance criteria P1 which are assessed as follows:

Performance Criteria	Assessment
<p>P1 <i>Building height must be compatible with the scenic, environmental and landscape values of the area, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the height, bulk and form of proposed buildings;</i> <i>(b) the height, bulk and form of existing buildings;</i> <i>(c) the topography of the site;</i> <i>(d) the visual impact of the buildings when viewed from roads and public places;</i> <i>(e) the landscape values of the surrounding area; and</i> <i>(f) if for a non-residential use, the height is reasonably necessary for that use.</i> 	<ul style="list-style-type: none"> (a) The Observatory is proposed to be 6.45m at its highest point and to be located on top of a Header Tank, which would be 7.35m above the existing ground level, making the total height 13.8m AGL. Only the Observatory dome would be visible from the public road, which is proposed to be a white hemispherical form, with a radius of 3.6m. (b) There are no existing buildings. (c) The Observatory is on the top of the Header Tank for the Village, which must be on the highest point and 7.35m high in order to provide the water pressure required. (d) The first point from which the Observatory could be seen from the highway is 1.2 kilometres away, at which point it would subtend less than 0.5 degree of arc in the visual field. (Refer to

	<p>photomontages in the IIA). At the closest point it is still 374m from the Highway, where it would occupy 1 degree of the visual field at right angles to the Highway, which is the only public road from which it could be visible.</p> <p>(e) Isolated elements, such as water tanks and telecom towers, are common features of the skyline of the surrounding hills, because of the necessity for them to achieve the required water pressure and greatest coverage, respectively. This small, half-domed element would fit comfortably within the lexicon of these common elements.</p> <p>(f) In order to fulfil its function, the Observatory must have a clear line of sight, unobstructed by any surrounding buildings and trees, which is why it is proposed to be located at the highest point of the village, namely the top of the Header Tank.</p>
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The proposed header tank and observatory are considered to meet the performance criteria under P1.

Clause GSB-P7.6.3 Setback

The Acceptable Solutions for setbacks are as follows:

Acceptable Solutions	Assessment
<p>A1</p> <p><i>Building must have a setback from a frontage not less than:</i></p> <p>(i) 100m for residential buildings;</p> <p>(ii) 20m for non-residential buildings.</p>	<p>All buildings in Stage 1A meet the Acceptable Solution.</p>

<p>A2</p> <p><i>Buildings must have a setback from all boundaries other than a frontage of:</i></p> <p>(a) <i>not less than 5m; or</i></p> <p>(b) <i>if the setback of an existing building is within 5m, not less than the existing building.</i></p>	<p>All buildings in Stage 1A meet the Acceptable Solution.</p>
<p>A3</p> <p><i>Buildings for sensitive use must be separated from an Agriculture or Rural Zone a distance of:</i></p> <p>(a) <i>not less than 200m;</i></p> <p>(b) <i>if the setback of an existing building is within 200m, not less than the existing building.</i></p>	<p>The ILU proposed in Stage 1A is for the purpose of a Display Home and will not be occupied. It is therefore not a sensitive use, and the Acceptable Solution for all buildings in Stage 1A is met.</p> <p>The Display Home will become available for residential use in Stage 1B. Accordingly its consistency with the Acceptable Solution or alternative Performance Criteria will need to be assessed as part of the application for planning permission for Stage 1B.</p> <p>Proposed setbacks for residential development in Stage 1B have been considered as part of the master-planning of the site, taking into account the adjoining zonings and land use. The proposed setbacks are shown in the Integrated Impact Assessment (IIA), and are reproduced below, simply for background information.</p>



Figure 17: proposed setbacks for sensitive uses (TEMPUS, op.cit., p.18)

Clause GSB-P7.6.4 Landscape protection and exterior finishes

The Acceptable Solutions for the standard are assessed as follows:

Acceptable Solutions	Assessment
A1 <i>Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.</i>	<p>Exterior finishes for all buildings will be a mix of tones reflecting a combination of the natural materials on site (ie stone, grassland, soil colour) but also existing rural buildings in the surrounding area. Accordingly, there will be some elements that do not meet the 40% light reflectance value.</p>
A2 <i>Buildings and works must:</i> <i>(a) be an alteration or extension to an existing building providing it is not more than the existing building height; and</i>	<p>(a) There are no existing buildings on the subject site.</p> <p>(b) Cut and fill will not exceed 1m in Stage 1A</p> <p>(c) The top of the Header Tank/Observatory would have an RL of 71.8m and would be viewed against a backdrop of hills with an RL</p>

(b) <i>not include cut and fill greater than 1m; and</i>	of 120m to 140m. Hence, they would be at least 48m below the ridgeline.
(c) <i>be not less than 10m in elevation below a skyline or ridgeline.</i>	

The proposed development in Stage 1A therefore relies upon the alternative Performance Criteria P1, P2 and P1.2, which are assessed as follows:

Performance Criteria	Assessment
<p>P1</p> <p><i>Exterior building finishes must not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area, having regard to:</i></p> <p>(a) <i>the appearance of the building when viewed from roads or public places in the surrounding area;</i></p> <p>(b) <i>any screening vegetation; and</i></p> <p>(c) <i>the nature of the exterior finishes.</i></p>	<p>Exterior finishes for all buildings will be a mix of tones reflecting a combination of the natural materials on site (ie stone, grassland, soil colour) but also existing rural buildings in the surrounding area.</p> <p>(a) The only buildings visible from the public road in Stage 1A would be:</p> <ul style="list-style-type: none"> . The Entry sign, which would be made of stone from the site, with Brass lettering, which would verdigris to a soft fawn, similar to the stone. . The Eastern side of The Enclave, which would have a base of stone from the site, walls of white weatherboard and 'Shale Grey' Matt Colorbond roof, both matching the historic farm sheds on the Kelvedon Estate. . The Display Home, which, would have a similar roof to The Enclave, would have white rendered masonry walls, matching the Kelvedon homestead and stables. . The Header Tank would be clad in stone from the site and would be surmounted by the Observatory, which would be white to match the Kelvedon silos. . The Plant Shed housing the sewerage plant, which is on the NE corner of the site, would have a 'Slate Grey' Matt Colorbond roof & walls. <p>(b) A continuous windrow of casuarinas is proposed to be planted in a line parallel to the highway and set back 100m from it, broken only by the entry road. This would eventually screen all the buildings on site</p>

	<p>along its boundary with the Highway, except for those within 100m of the highway, namely, the entry sign and the Plant Shed. It is also proposed to re-vegetate the southern 80m of the site to its original ecology, including large eucalypts. This vegetation would eventually screen all of the buildings on the site from the southern approach along the Highway, except for the Observatory on the top of the hill.</p> <p>(c) The exterior finishes proposed for Stage 1A are all either from the site (stone, weathered timber), or match the existing, historic buildings.</p>
<p>P2</p> <p><i>Buildings and works must be located to minimize impacts on landscape values, having regard to:</i></p> <p>(a) <i>the topography of the site;</i></p> <p>(b) <i>the size and shape of the site;</i></p> <p>(c) <i>the proposed building height, size and bulk;</i></p> <p>(d) <i>any constraints imposed by existing development;</i></p> <p>(e) <i>visual impact when viewed from roads and public places;</i></p> <p>(f) <i>any vegetation removal required for the construction of the proposal or as a result of a Bushfire Hazard Management Plan; and</i></p> <p>(g) <i>any existing or proposed screening vegetation.</i></p> <p>P2.1</p> <p><i>If the building and works are less than 10m in elevation below a skyline or ridgeline, there are no other suitable building areas.</i></p>	<p>(a) Most of the site consists of a gentle slope facing East towards the magnificent view of the Freycinet Peninsula. As this is the most outstanding feature of the site, most of the buildings in the ultimate development are proposed to be located on 3m terraces of this slope. While this will initially make them visible from the Highway (only the Display Home & The Enclave in Stage 1A), the proposed Casuarina windrow will eventually screen them, and all of the future homes, completely from public view.</p> <p>(b) Of the 17.9Ha of the site, more than half, 10Ha (56%), is proposed to be dedicated to set-backs & buffers to Farming Neighbours, Bushfires & public view. All of the buildings proposed for Stage 1A are well under the height limits, with the only exception being the Observatory.</p> <p>(c) All of the buildings have been articulated and located, so that they do not present any bulky aspects to the public view. The most visible in Stage 1A would be the Plant Shed on the NW corner, housing the sewerage plant. This has been designed to a scale & form to identify it with the typical rural buildings of the East Coast.</p> <p>(d) There is no existing development on the site.</p> <p>(e) The Workshops have been located on a saddle on the SW corner of the site that is</p>

	<p>beneath the sightline, when viewed from the Highway. All other buildings would eventually be screened by planting, except for the Observatory.</p> <p>(f) It is <u>not</u> proposed to remove any trees in Stage 1A. The only vegetation that would be removed would be the existing weeds on the site.</p> <p>(g) All of the buildings proposed in Stage 1A are behind a proposed windrow of Casuarinas, except for the Entry Sign and Plant Shed.</p> <p>P2.1 All of the buildings proposed in Stage 1A are at least 48m below the ridgeline.</p>
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Clause GSB-P7.6.5 Private Open Space for Independent Living Units

The relevant Acceptable Solutions for location, area, slope and solar access of private open space are met for the ILU Display Home in Stage 1A, notwithstanding that it will not function as a dwelling until a Permit is issued for Stage 1B.

The relationship between the Display Home and further adjoining ILUs will need to be addressed in future applications for Planning Permission – ie for Stage 1B and Stage 2. Master planning for the overall development has taken into account the relevant standards, and it is anticipated that the Acceptable Solutions for Private Open Space for ILUs will be met in Stage 1B and Stage 2.

Clause GSB-P7.6.6 Sunlight and Overshadowing for Independent Living Units

The relevant Acceptable Solutions for solar access to habitable rooms are met for the ILU Display Home in Stage 1A, notwithstanding that it will not function as a dwelling until a Permit is issued for Stage 1B.

The relationship between the Display Home and further adjoining ILUs will need to be addressed in future applications for Planning Permission – ie for Stage 1B and Stage 2. Master planning for the overall development has taken into account the relevant standards, and it is anticipated that the Acceptable Solutions for Sunlight and Overshadowing for ILUs will be met in Stage 1B and Stage 2.

Clause GSB-P7.6.7 Privacy for Independent Living Units

The relevant Acceptable Solutions for privacy are met for the ILU Display Home in Stage 1A, notwithstanding that it will not function as a dwelling until a Permit is issued for Stage 1B.

The relationship between the Display Home and further adjoining ILUs will need to be addressed in future applications for Planning Permission – ie for Stage 1B and Stage 2. Master planning for the overall development has taken into account the relevant standards, and it is anticipated that the Acceptable Solutions for Privacy for ILUs will be met in Stage 1B and Stage 2.

Clause GSB-P7.6.8 Waste Storage for Independent Living Units

The relevant Acceptable Solution for provision of a storage area for waste and recycling are met for the ILU Display Home in Stage 1A, notwithstanding that it will not function as a dwelling until a Permit is issued for Stage 1B.

The relationship between the Display Home and further adjoining ILUs will need to be addressed in future applications for Planning Permission – ie for Stage 1B and Stage 2. Master planning for the overall development has taken into account the relevant standards, and it is anticipated that the Acceptable Solutions for Waste Storage for ILUs will be met in Stage 1B and Stage 2.

Clause GSB-P7.6.9 Staging

The Acceptable Solution for Staging of the development is:

A1

Development of the Independent Living Units identified in Stage 2 shall only be permitted on completion of the communal facilities identified in Stage 1A in Figure GSB-7.3 and Stage 1B in Figure GSB-7.4

The current proposal does not include any of the ILU's identified in Stage 2, other than the single Display Home. The current proposal also includes communal facilities, workshop and utilities, all of which are consistent with the Acceptable Solution.

9. Codes

The following Codes remain relevant to the proposed scheme amendment, the subdivision, and the Stage 1A development under the Interim Planning Scheme:

9.1 Bushfire Prone Areas Code

The subject land is not shown on the planning scheme maps as being subject to a Bushfire Prone Area overlay.

However, under clause E1.2.1 the Bushfire-Prone Areas Code applies to:

- (a) subdivision of land that is located within, or partially within, a bushfire-prone area; and
- (b) a use, on land that is located within, or partially within, a bushfire-prone area, that is a vulnerable use or hazardous use

The definition of 'bushfire-prone area' E1.3.1 includes:

where there is no overlay on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1ha.

It is considered that the vegetation conditions that exist, particularly to the west, northwest and north meet this part of the definition.

Residential aged care home and retirement home are considered 'vulnerable use' under clause E1.3.1, and subdivision also requires assessment. As the proposal is integrated, the assessment follows suit.

A separate expert Bushfire Risk Assessment and Hazard Management Plan addresses the requirements of the Code (TEMPUS op cit.p39).

However, there are two criteria under the relevant clause E1.5.1 that require comment from a planning perspective:

- (b) *whether there is an overriding benefit to the community; and*
- (c) *whether there is no suitable alternative lower-risk site.*

Comment: The social, economic and environmental benefits of the proposal are documented elsewhere in this report, and also in greater detail in the IIA (TEMPUS op cit). However, the success of the fundamental concept of the proposal is dependent upon providing a suitable site of suitable size within close proximity of the centre of Swansea township.

Site selection is a cumulative exercise, of which bushfire risk is but one of many elements. As already indicated elsewhere in both this report and the IIA, there are no suitable properties that have the same or similar proximity to the township (as required by the proponent, STRLUS and the Coastal Policy) that have any lower-risk.

It also needs to be noted that proposed PPZ requires use and development beyond the initial subdivision to seek planning permission. At such time Bushfire Risk Assessment and Management Plans will need to be undertaken in detail for each permit application. The Tempus proponents are well aware of this requirement.

To address the potential threats, the following measures are proposed:

- Establish a buffer zone along the northern side of the site, covered with an array of standing sprinklers gravity fed from the 90ML swimming pool on the top of the hill proposed for the balance of Stage 1, with sufficient capacity to saturate the area for at least 2 hours.
 - The buffer would be landscaped with mowed grasslands and dispersed trees, selected for their low flammability, in order to reduce fire hazard to a minimum on this, the most exposed side.
 - Set-up the Communal Facilities Building at the centre of the village as an evacuation centre, with filtered A/C to pressurise the interior to exclude smoke and sprinklers throughout. This would have catering, toilets & comfortable gathering places. It would also have a standby generator and reliable access to potable water from the header tank on the top of the hill.
 - The top floor of the Nursing Home (Stage 2), which would have 4 lifts with the capacity to take residents in beds, is at the same level as the Communal Facilities, so the occupants could be evacuated there by staff without the need to use vehicles.
 - This Evacuation Centre could be accessed directly from the highway, via the main avenue to the east, which would also provide an escape route to the south.
 - Staff would be trained in the Evacuation procedure, including periodic drills, and the staff levels would be increased on days of fire threats, particularly in the Nursing Home & the Communal Facilities.
 - A network of fire-hydrants would be distributed throughout the site, in accordance with the fire regulations, and staff would be trained in the use of dedicated fire appliances, which would be stationed in the Works Area.
- (TEMPUS op cit. pp.36-37)

9.2 Road & Railway Asset Code

A detailed Traffic Impact Assessment has been prepared in consultation with the Department of State Growth and forms part of the documentation supporting this application (MILAN PRODANOVIC op cit.). The proposed access to the Tasman Highway has been designed with regard to the Department's requirements.

The TIA has been prepared to meet the requirements of the E5.0 Road & Railway Asset Code.

9.3 Parking & Access Code

The Traffic Impact Assessment forming part of the documentation supporting this application (MILAN PRODANOVIC op cit.) addresses the requirements of the E6.0 Parking & Access Code.

9.4 Stormwater Management Code

Under clause E7.2.1 of the Interim Planning Scheme the Stormwater Management Code applies to development requiring management of stormwater. This code does not apply to use.

The assessment is therefore initially only applicable to the subdivision and the Stage 1A development, however by itself the subdivision will not impact on stormwater.

Notwithstanding this, the management of stormwater for the ultimate proposed use and development has been considered, and is outlined in the Gandy & Roberts report (op cit.).

The proposed strategy for stormwater management is:

Runoff from impervious roof structures is collected for use as rainwater on site. Surface runoff from other areas is collected in vegetated swales and channelled to storage and water quality treatment wetlands across the site. Stored stormwater is pumped to a header tank for reticulation across the site as non-potable water. Drawing C021 shows the conceptual arrangement of the stormwater collection and treatment network. (ibid p. 11).

The following standards are relevant under the E7.0 Stormwater management Code:

E7.7.1 Stormwater Drainage & Disposal

Objective: To ensure that stormwater quality and quantity is managed appropriately.

Acceptable Solution	Assessment
A1 <i>Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</i>	<p>There is no public stormwater infrastructure in proximity to the subject site.</p> <p>Stormwater is proposed to be harvested and managed on-site, which does not meet the Acceptable Solution.</p>
A2 <i>A stormwater system for a new development must incorporate water sensitive urban design principles^{R1} for the treatment and disposal of stormwater if any of the following apply:</i> <ul style="list-style-type: none"> (a) <i>the size of new impervious area is more than 600 m²;</i> (b) <i>new car parking is provided for more than 6 cars;</i> (c) <i>a subdivision is for more than 5 lots.</i> 	<p>The stormwater system is proposed to incorporate water sensitive urban design techniques. The parameters are provided in the Gandy & Roberts report (ibid. pp11-12). Detailed design will incorporate sufficient WSUD elements to achieve the required water quality targets (ibid).</p> <p>The proposed subdivision and ultimate development are capable of meeting the Acceptable Solution.</p>
A3 <i>A minor stormwater drainage system must be designed to comply with all of the following:</i> <ul style="list-style-type: none"> (a) <i>be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;</i> (b) <i>stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure</i> 	<p>On-site stormwater collection and detention structures will be sized to prevent any additional runoff from discharging to neighbouring properties when compared to the undeveloped site.</p> <p>The proposed subdivision and ultimate development are capable of meeting the Acceptable Solution.</p>
A4 <i>A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.</i>	<ol style="list-style-type: none"> 1. All private stormwater infrastructure shall comply with AS/NZS 3500.3. 2. Existing site drainage is typically in the form of surface sheetflow from the high point at the middle of the development area to a table drain adjacent to the Tasman Highway, or an existing minor stream (Smilers Spring Creek). 3. Post-development site drainage will contain, treat, store, reuse and/or safely discharge stormwater

	collected from the pervious and impervious surfaces across the site. 4. Detailed design of site drainage will include infrastructure typically sized for a 5% AEP storm event, with safe overland flow pathways provided a 1% AEP storm event.
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The proposed stormwater management system will meet all the Acceptable Solutions except A1, and therefore relies upon the alternative Performance Criteria under P1, which are assessed as follows:

Performance Criteria	Assessment
<p>P1 <i>Stormwater from new impervious surfaces must be managed by any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles;</i> <i>(b) collected for re-use on the site;</i> <i>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</i> 	<p>Stormwater is proposed to be harvested and managed on-site, utilising a combination of detention and re-use. The proposal will meet criteria (a) and (b).</p>

It is considered that the proposed subdivision (and the ultimate development) is capable of meeting the relevant performance criteria for the Stormwater Management Code under clause E7.7.1 P1.

9.5 Biodiversity Protection Area Code

Notwithstanding that the Biodiversity Protection Area Overlay does not apply to the subject land, an assessment of existing natural values has been carried out mainly to inform the potential for rehabilitation and new plantings (OSBORNE op cit.) (see also TEMPUS op cit. p20)

The proposed ultimate development is considered to provide opportunities for weed management, plantings and re-establishment of some lost habitat.

9.6 Scenic Landscapes Code

The eastern portion of the subject site within 100m of the centreline of the Tasman Highway is subject to the Scenic Landscape Corridor overlay (shown in green below).

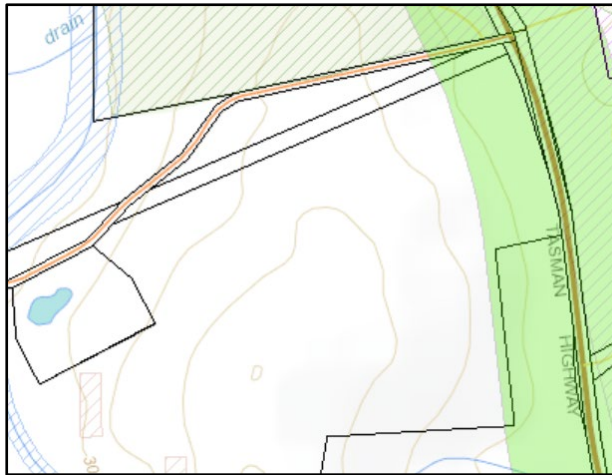


Figure 18: Scenic Landscape Corridor (base source: DPIPWE LISTmap 25/10/19)

The Scenic Landscapes Code E14.0 therefore applies to that part of the subject site (approximately 80m from the Tasman Highway boundary).

‘Scenic Landscape Corridor’ is defined under clause E14.3 as:

means an area of scenic value on either side of a major [road](#), retaining a traditional rural character composed of [agricultural land](#), [bushland](#), mature exotic trees and/or hedgerows, as recognised and shown on the planning scheme maps as a [Scenic Landscape Corridor](#).

The Code does not provide any standards specifically for subdivision within the Scenic Landscape Corridor, dealing only with:

- the removal of vegetation (cl.14.7.3); and
- the appearance of buildings and works (cl.14.7.4).

The subdivision by itself will not involve the removal of vegetation: the proposed access is located in an area where clearance is not required.

The only other development within the Corridor in Stage 1A will be the plant building at the northern end of the area fronting the Highway, and the southern portion of the front wall containing identification signage (‘TEMPUS’) and a ‘quotation panel’. Both of these elements will be setback a minimum 20m from the actual front boundary/frontage with the Highway.

Future development that is proposed within the Scenic Landscape Corridor will be the stables, fencing, and screen planting (balance of Stage 1).

In order to plan for future development a Landscape Impact Statement has been undertaken (ANCHER op cit.) and forms part of the documentation supporting this application (cf TEMPUS op cit.p13).

The following standards are relevant in the Scenic Landscape Corridor under the Code:

E14.7.3 Removal of Bushland and Exotic Vegetation within Scenic Landscape Corridors

Objective: To ensure that removal or [disturbance](#) of [bushland](#) and exotic vegetation does not cause an unreasonable change to, or have an unreasonable adverse effect on, the [scenic landscape value](#) of Scenic Landscape Corridors.

Acceptable Solution	Assessment
A1 Removal or disturbance of bushland , exotic trees with a height more than 10 m or hedgerows must not be visible from the pertinent road .	<p>The location of the proposed access road for the subdivision, the plant building and the southern portion of the frontage wall are located clear of the described vegetation, in areas containing only grassland and weeds.</p> <p>The proposed plant building (Stage 1A), stables/equestrian facilities (balance of Stage 1) will be agricultural in nature and traditionally rural in character, with the latter intended to be largely screened from view by a possible combination of new plantings and rock wall using local plant species and materials (ibid. p11). The former will be predominantly screened by new tree plantings.</p> <p>The current subdivision proposal and Stage 1A development is considered to meet the Acceptable Solution.</p> <p>The proposed future development is considered to be capable of meeting the Acceptable Solution.</p>

E14.7.4 Appearance of Buildings & Works within Scenic Landscape Corridors

Objective: To ensure that buildings and [works](#) do not cause an unreasonable change to, or have an unreasonable adverse effect on, the [scenic landscape value](#) of Scenic Landscape Corridors.

Acceptable Solution	Assessment
A1 Buildings and works must comply with one of the following: <ul style="list-style-type: none"> (a) not be visible from the pertinent road; (b) be an addition or alteration to an existing building that; <ul style="list-style-type: none"> (i) increases the gross floor area by no more than 25%; (ii) does not increase the building height; (iii) provides external finishes the same or similar to existing. 	<p>The proposed subdivision will not be visible until works are initiated.</p> <p>With the exception of the plant building, the proposed buildings in Stage 1A will not be visible, however, the proposed access and front wall/signage will be. It therefore does not meet the Acceptable Solution.</p> <p>At this time it is not possible to determine whether the proposed future equestrian facilities will meet the Acceptable Solution.</p>

The proposed subdivision therefore relies upon the alternative Performance Criteria under P1, which are assessed as follows:

Performance Criteria	Assessment
<p>P1 <i>Buildings and works visible from the pertinent road must maintain scenic landscape value through satisfying one or more of the following, as necessary;</i></p> <ul style="list-style-type: none"> <i>(a) be set back from the pertinent road as far as reasonably practical;</i> <i>(b) be externally coloured using colours commonly applied to buildings within the local rural landscape;</i> <i>(c) be designed to:</i> <ul style="list-style-type: none"> <i>(i) minimise visual impact due to height and bulk;</i> <i>(ii) minimise cut and fill;</i> <i>(d) be located to maintain significant view corridors from the pertinent major road to prominent natural features;</i> <i>(e) be located to take advantage of any existing native or exotic vegetation, or new vegetation, for visual screening purposes;</i> <i>(f) fences are post & wire or other design of a similarly transparent appearance.</i> 	<p>The key element of the current proposal that will be visible will be the access where it connects with the Tasman Highway, the southern front wall and signage, and the plant building.</p> <p>Criteria (a), (b) are not relevant to the access, but in the case of the plant building and the southern wall, each would be set back a minimum of 20m.</p> <p>The plant building will resemble a typical small rural building – a shed. It would eventually be screened from the Highway by a copse of Casuarinas, which would be planted amongst the existing Eucalypts along the boundary line. In the interim, its dark shading and rural form would allow it to sit comfortably in the rural landscape.</p> <p>The wall would be constructed of locally sourced stone reflecting other existing bridges, walls and buildings in the area. A concrete lintel will tie the 3 elements of the wall (southern long portion, pedestrian entrance portal, and northern short portion) together. The wall will provide a firm statement of identification for the Tempus development, as occurs elsewhere in the area. However the use of local provenance, the relatively short overall length of the wall (18.9m) including articulation to break up its potential bulk, and the considerable setback from the road frontage (20m) will still allow the primary view corridor to prevail</p> <p>It considered that the proposal will meet criteria (c) and (d) and will provide scope for future development to meet (e) and (f).</p> <p>Future elements of the ultimate development will need to address the criteria in P1 if the Acceptable Solution A1 cannot be met. Such consideration is likely to be limited to the proposed equestrian facility in the Stage 1 balance.</p>

9.7 Signs Code

The proposed 'Tempus' identification lettering and the Quotation panel require assessment under the E17.0 Signs Code.

The 'Tempus' Sign involves individual metal (brass) letters, each 1.545m high over a length of 8.055m (see Figure 19 below).

The Quotation panel located on the shorter portion of the wall (on the right in Figure 19) is a metal (brass) plate 4.465m long by 900mm high. It would contain the following Dylan Thomas quotation:

*"Do not go gentle into that good night,
Old age should burn and rage at close of day;
Rage, rage against the dying of the light."*



Figure 19: Southern entrance wall and signage (JOHN LEWIS ARCHITECT, Tempus Entry Sign Images, 14 August 2020)

Neither sign meets the exemptions under clause E17.4 of the Code

Tempus sign

The 'Tempus' sign is considered to most closely 'fit' the definition of a Wall sign under clause E17.3.2:

"means a sign painted on or attached parallel to the wall of a building or fence surrounding a building".

Wall signs are predominantly Permitted in the Particular Purpose Zones existing under the Interim Planning Scheme (with the exception of PPZ 3), however the 'Tempus' sign would trigger discretions in any event owing to it exceeding the Acceptable Solution for a Wall sign under Table E17.2 (maximum 2m² area). It is therefore considered that the 'Tempus' sign should be considered under the Performance Criteria P1 in the Development Standards under clause E17.7.1.

Quotation panel

The Quotation panel is considered to most closely 'fit' the definition of an Interpretive sign under clause E17.3.2:

“means a sign providing information for the public, such as plans, historic information, location of services, features and businesses, and includes artworks that convey meaning. This type of sign can be private (i.e. placed by and for the benefit of a private business) or public (i.e. placed by an agency in the public interest).” (emphasis added)

Interpretive signs are Discretionary in all the Particular Purpose Zones existing under the Interim Planning Scheme. It is considered that the proposed sign in this instance should be treated no differently.

It is therefore considered that the Quotation panel should be considered under the Performance Criteria P1 in the Development Standards under clause E17.7.1

Both signs meet the Acceptable Solutions under A2, A3 and A4 but do not meet A1. The following performance criteria are therefore relevant under P1:

E17.7.1 Standards for signs

Objective: To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.

Performance Criteria	Assessment
<p>P1 A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape; (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located; (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times; (d) not result in loss of amenity to neighbouring properties; (e) not involve the repetition of messages or information on the same street frontage; (f) not contribute to or exacerbate visual clutter; (g) not cause a safety hazard. 	<p>(a) & (b) The Tempus sign, whilst relatively large in dimensions, is minimalist in design and in proportion to the overall wall which will remain the primary element. The Quotation panel is a relatively minor element that would proportionately have an appearance not dissimilar to a professional wall plate. Both signs are tasteful and high-quality designs and finishes and have been conceived to be integrated into the design of the wall. They will be setback a minimum 20m from the Highway frontage and will only be fleetingly visible when passing vehicles are parallel to the wall. Accordingly, the signs will not dominate the streetscape or the respective premises.</p> <p>(c) Both signs will be constructed of solid brass which will be lacquered to maintain its original appearance.</p> <p>(d) Neither sign will be visible from neighbouring properties and will therefore have no impact on their amenity.</p> <p>(e) The signs provide different ‘messages’ and serve a different purpose. The Quotation panel is more an artistic element, whilst the Tempus sign is an identification element.</p>

	<p>(f) As integrated parts of the wall, set back 20m from the Highway frontage, the proposed signage will not be individually prominent or distinct from either the wall or the range of other elements that will be developed over time. The overall impression of both the signs and the associated wall is that they will recede into the landscape rather than being prominent.</p> <p>(g) the signs do not have any moving or illuminated parts and will be set back a minimum 20m from the Highway frontage, well within the Tempus site. It is considered that they will not cause any safety hazards</p>
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APPENDIX A: APPLICATION FORMS



Application for Planning Approval

OFFICE USE ONLY	
DATE RECEIVED:	PID:
FEE	RECEIPT No:
DA:	PROPERTY FILE:

Advice:

Use this form for all no permit required, permitted and discretionary planning applications including subdivision as well as for planning scheme amendment & minor amendments to permits.

If you are applying for a change of use to visitor accommodation in the General Residential, Low Density Residential, Rural Living, Environmental Living or Village Zone, the *Visitor Accommodation Use in Existing Habitable Buildings Standard Application Package* must be used. This is available on the Council website.

Completing this form in full will help ensure that all necessary information is provided and avoid any delay. The planning scheme provides details of what other information may be required at clause 8.1 and in each applicable Code.

Please provide the relevant details in each applicable section by providing the information or circling Yes or No as appropriate. If relevant details are provided on plans or documents please refer to the drawing number or other documents in this form.

Often, it is beneficial to provide a separate written submission explaining in general terms what is proposed and why and to justify the proposal against any applicable performance criteria.

If you have any queries with the form or what information is required please contact the office.

Details of Applicant & Owner

Applicant:	Tempus Village Management Pty Ltd c/- Neil Shephard & Associates				
Contact person: (if different from applicant)	Neil Shephard				
Address:	PO Box 273			Phone	
	Sandy Bay	TAS	7006	Fax:	
Email:				Mobile:	0417250232
Do you wish for all correspondence to be sent solely by email?				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Owner: (if different from applicant)	Julian (Jack) Cotton				
Address:	Kelvedon, 12371 Tasman Hwy			Phone:	6265 0688
	Swansea	TAS	7190	Fax:	
Email:	kelvedonestate@bigpond.com			Mobile:	0428387747

Application for Planning Approval

Details of Site and Application

Please note, if your application is discretionary the following will be placed on public exhibition.

Site Details

Address / Location of Proposal:			
12371 Tasman Hwy			
Swansea	Suburb	Post Code	7190
Size of site	m ²	or	Ha approx. 620ha & 1.665ha
Certificate of Title(s):	CT 177646/1; CT 240461/1		
Current use of site:	Sheep grazing		

General Application Details

Complete for All Applications

<input checked="" type="checkbox"/>	New Dwelling	<input checked="" type="checkbox"/>	Change of use
<input type="checkbox"/>	Additions / Alterations to Dwelling	<input type="checkbox"/>	Intensification or modification of use
<input type="checkbox"/>	New Outbuilding or Addition	<input checked="" type="checkbox"/>	Subdivision or boundary adjustment
<input type="checkbox"/>	New Agricultural Building	<input type="checkbox"/>	Minor amendment to existing permit DA /
<input type="checkbox"/>	Commercial / Industrial Building	<input checked="" type="checkbox"/>	Planning Scheme Amendment

Estimated value of works (design & construction)	\$8 million
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Describe the order and timing of any staged works:	The application is for a simultaneous rezoning and subdivision in two(2) parts (including reorganisation of boundaries) and Stage 1A of development or N/A
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General Background Information

Please state the name of any Council officers that you have discussed this proposal with:	Officer's name : S.Wells, C Schroeder, N Nettlefold, L Wighton, M. Purves or N/A	
Is the site listed on the Tasmanian Heritage Register?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Have any potentially contaminating activities ever occurred on the site? <i>If yes, please provide a separate written description of those activities.</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the proposal consistent with any restrictive covenants or Part 5 agreements that apply to the site?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Application for Planning Approval

Does the proposal involve any of the following?		
Type of development		Brief written description if not clearly shown on the plans:
Partial or full demolition	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Fencing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	initial modification to existing fencing will be required to enable the new access.
New or upgraded vehicle / pedestrian access	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	refer to accompanying documentation
New or modified water, sewer, electrical or telecommunications connection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	refer to accompanying documentation
Retaining walls	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	refer to accompanying documentation
Cut or fill	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	refer to accompanying documentation
Signage	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
New car parking	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	refer to accompanying documentation
Vegetation removal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	some vegetation will need to be removed to allow for the proposed access

Existing floor area 0 . m ²	Proposed floor area 746.m ²
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Number of existing car parking on site 0	Number of proposed car parking on site 12
--	---

Describe the width & surfacing of vehicular access (existing or proposed) and how drainage/runoff is collected and discharged:	refer to accompanying documentation
If vehicular access is from a road sign-posted at more than 60 km/hr, please state the sight distance in both directions:	refer to accompanying documentation or N/A

Please note, if a gravel driveway is proposed from a sealed public road please address the following clause (E6.7.6 P1):

Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:

- (i) the suitability of the surface treatment;
- (ii) the characteristics of the use or development;
- (iii) measures to mitigate mud or dust generation or sediment transport.

Will stormwater from buildings and hardstand areas be managed by: (details should be clearly shown / noted on plans)	Discharge to a main:	Yes <input type="checkbox"/>
	Discharge to kerb & gutter:	Yes <input type="checkbox"/>
	Discharge to roadside table drain:...	Yes <input type="checkbox"/>
	Discharge to natural watercourse: ..	Yes <input type="checkbox"/>
	Retained on site:	Yes <input checked="" type="checkbox"/>

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Materials				
External building material	Walls:	refer to accompanying documentation	Roof:	ditto
External building colours	Walls:	ditto	Roof:	ditto
Fencing materials:	post & wire as existing		Retailing wall materials:	ditto

For all outbuildings

Describe for what purpose the building is to be used:	refer to accompanying documentation
Describe any intended toilet, shower, cooking or heating to be installed:	refer to accompanying documentation
If the building is to be used wholly or partly as a domestic workshop, what type of tools and machines will be used?	NA

For all non-residential applications

Hours of Operation

Current hours of operation	Monday to Friday:	NA	Saturday:	NA	Sunday & Public holidays:	NA
Proposed hours of operation	Monday to Friday:	24hrs/7days per week	Saturday:	24hrs/7days per week	Sunday & Public holidays:	24hrs/7days per week

Number of Employees

Current Employees Total:	0	Maximum at any one time:	0
Proposed Employees Total:	NA (26 in the future)	Maximum at any one time:	NA (30 in the future)

Describe any delivery of goods to and from the site, including the types of vehicles used and the estimated average weekly frequency:	or N/A see TIA
Describe current traffic movements into the site, including the type & timing of heavy vehicle movements & any proposed change:	or N/A see TIA
Describe any hazardous materials to be used or stored on site:	(to be the subject of a future application) or N/A
Describe the type & location of any large plant or machinery used (refrigeration, generators)	(to be the subject of a future application) or N/A
Describe any retail and/or storage of goods or equipment in outdoor areas:	(to be the subject of a future application) or N/A
Describe any external lighting proposed:	or N/A (to be the subject of a future application)

Application for Planning Approval

Personal Information Protection Statement:

The personal information requested is personal information for the purposes of the *Personal Information Protection Act 2004* and will be managed in accordance with that Act. The personal information is being collected by Glamorgan Spring Bay Council for the purposes of managing, assessing, advising on and determining the relevant application in accordance with the *Land Use Planning and Approvals Act 1993* (LUPPA) and other related purposes, including for the purpose of data collection.


The intended recipients of personal information collected by Council may include its officers, agents or contractors or data service providers and contractors engaged by the Council from time to time.

The information may also be made publically available on the Council's website and available for any person to inspect in accordance with LUPAA. The supply of this information is voluntary. However, if you cannot or do not provide the information sought, the Council will be unable to accept and/or process your application.

Declaration:

I/we hereby apply for planning approval to carry out the use or development described in this application and the accompanying documents and declare that: -

- The information in this application is true and correct.
- I/we authorise Council employees or consultants to enter the site in order to assess the application.
- I/we have obtained all copy licences and permission from the copyright owner for the publication, communication and reproduction of the application and reports, plans and materials provided as part of the application and for the purposes of managing, assessing, advising on and determining the application.
- I/we authorise the Council to:
 - Make available the application and any and all information, reports, plans and materials provided with or as part of the application in electronic form on the Council's website and in hard copy at the Council's office and other locations for public exhibition if and as required;
 - Make such copies of the application and any and all information, reports, plans and materials provided with or as part of the application which are, in the Council's opinion, necessary to facilitate a consideration of the application; and
 - Publish and or reproduce the application and any and all information, reports, plans and materials provided with or as part of the application in Council agendas, for representors, referral agencies and other persons interested in the application.
- You indemnify the Council for any claim or action taken against the Council for breach of copyright in respect of the application and any and all information, report, plan and material provided with or as part of the application.
- I/we authorise Council to provide a copy of any documents relating to this application to any person for the purpose of assessment or public consultation and agree to arrange for the permission of the copyright owner of any part of this application to be obtained.
- I/We declare that the Owner has been notified of the intention to make this application in accordance with section 52(1) of the *Land Use Planning and Approvals Act 1993*.

Signature:		Date:	11/5/20
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If applicant is not the owner

If the applicant is not the owner, please list all persons who were notified of this application pursuant to section 52 of the *Land Use Planning and Approvals Act 1993*.

Name:	Method of notification:	Date of notification:
Julian (Jack) Cotton	phone and email	11/5/20

If application is on or affect Council or Crown owned or administered land

If land affected by this application is owned or administered by the Crown or Council then the written permission of the relevant Minister (or their delegate) and/or the General Manager must be provided and that person must also sign this application form below:

I _____ being responsible for the administration of land at _____
declare that I have given permission for the making of this application by _____ for use
and/or development involving _____

Signature:

Date:

It is the applicant's responsibility to obtain any consent prior to lodgement. Written requests for Council consent are via the General Manager. Request for Ministerial consent should be directed to the relevant department.

Application for Planning Approval

CHECKLIST OF APPLICATION DOCUMENTS Taken from Section 8 of the Planning Scheme

An application must include:

- (a) details of the location of the proposed use or development;
- (b) a copy of the current certificate of title for the site to which the permit sought is to relate, including the title plan and any schedule of easements;
- (c) a full description of the proposed use or development; and
- (d) a description of the manner in which the proposed use or development will operate.

In addition to the above Council may, in order to enable it to consider an application, request such further or additional information as considered necessary or desirable to satisfy Council that the proposal will comply with any relevant standards, including:

- (a) a site analysis and site plan at an acceptable scale showing:
 - (i) the existing and proposed use(s) on the site;
 - (ii) the boundaries and dimensions of the site;
 - (iii) topography including contours showing AHD levels and major site features;
 - (iv) natural drainage lines, watercourses and wetlands on or adjacent to the site;
 - (v) soil type;
 - (vi) vegetation types and distribution, and trees and vegetation to be removed;
 - (vii) the location and capacity of any existing services or easements on the site or connected to the site;
 - (viii) existing pedestrian and vehicle access to the site;
 - (ix) the location of existing and proposed buildings on the site;
 - (x) the location of existing adjoining properties, adjacent buildings and their uses;
 - (xi) any natural hazards that may affect use or development on the site;
 - (xii) proposed roads, driveways, car parking areas and footpaths within the site;
 - (xiii) any proposed open space, communal space, or facilities on the site;
 - (xiv) main utility service connection points and easements;
 - (xv) proposed subdivision lot boundaries, where applicable.
- (b) where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 showing:
 - (i) the internal layout of each building on the site;
 - (ii) the private open space for each dwelling;
 - (iii) external storage spaces;
 - (iv) car parking space location and layout;
 - (v) major elevations of every building to be erected;
 - (vi) the relationship of the elevations to natural ground level, showing any proposed cut or fill;
 - (vii) shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites;
 - (viii) materials and colours to be used on roofs and external walls.
- (c) where it is proposed to erect buildings, a plan of the proposed landscaping:
 - (i) planting concept;
 - (ii) paving materials and drainage treatments and lighting for vehicle areas and footpaths; and
 - (iii) plantings proposed for screening from adjacent sites or public places.

Application for Planning Approval

GUIDELINES FOR DEVELOPMENT IN AREAS WITHIN THE GLAMORGAN SPRING BAY COUNCIL (GSBC) BIODIVERSITY PROTECTION AREA OR IN AREAS CONTAINING NATIVE VEGETATION

Who should read these guidelines?

If you are planning to build or undertake a development on a property within the GSBC 'Biodiversity Protection Area' (see below for definition) or land containing **any** native vegetation, AND your development requires the clearing of **any** native vegetation (including for driveways and outbuildings), then these guidelines are for you.

What is the GSBC Biodiversity Protection Area?

The GSBC Biodiversity Protection Area (BPA) incorporates land that is also zoned for a variety of uses, for example, 'rural living' and 'rural resource'. The BPA contains native vegetation and consequently supports 'biodiversity' (or 'natural') values. These values can be classified as high priority, medium priority or low priority depending on the type of vegetation or the species of plants and animals and their habitat that occur on the land.

The purpose of these guidelines

The purpose of these guidelines is to provide advice in order to save you any unexpected delays in your development – and probably save you time and money in the long run. These guidelines should be considered prior to submitting any Development Application to Council.

Background

The GSB Municipality is renowned for its unique biodiversity (short for biological diversity) and within it there are many 'hotspots' for threatened species, or in other words, those species that are at risk of extinction. Threatened species include both plants and animals (or flora and fauna). The Municipality also contains a number of vegetation types (or vegetation communities) that are also threatened with risk of extinction. Threatened flora, threatened fauna (including their 'core' habitat) and threatened vegetation communities are protected under various State and/or National legislation.

Requirements for a Development Application

If your property contains, or is likely to contain, any threatened species or communities that may be impacted by your development, or if you want to clear a substantial area of non-threatened native vegetation, then you are likely to be required to submit to Council a 'Natural Values Survey Report' (also known as an 'Ecological Assessment' or 'Flora and Fauna Report') along with your Development Application.

However, just because your property contains threatened species or communities, or you wish to clear any native vegetation, this does **not** necessarily mean that you cannot undertake the development.

The purpose of a 'Natural Values Survey Report' is to determine the species and communities present in relation to the location of your proposed development and to provide recommendations including:

- How any potential impacts on natural values can be avoided, minimised or remedied on site,
- If the above is not feasible, then how potential impacts can be mitigated and how any residual impacts can be offset,
- Advises whether you will require permits under various legislation.

Application for Planning Approval

Determining if you need a 'Natural Values Survey Report'

Step 1:

Contact the Natural Resource Management (NRM) Department at GSBC, providing your PID (Property Identification Number) and a broad description of your proposed development.

The NRM Department will make a determination as to whether or not a 'Natural Values Survey Report' will be required. This decision will in no way be an arbitrary decision but will be based on the best current scientific knowledge available through various Government databases. This knowledge is also available to the general public such as through the following links:

www.naturalvaluesatlas.tas.gov.au
www.thelist.tas.gov.au
www.threatenedspecieslink.tas.gov.au

If a 'Natural Values Survey Report' is not required then proceed with your Development Application.

Step 2:

If a 'Natural Values Survey Report' is required then contact a reputable environmental consultant to undertake a survey and provide you with a report.

Any reputable consultant will know that they are required to provide a report that is consistent with DPIWE's 'Guidelines for Natural Values Surveys – Terrestrial Development Proposals', which can be found at:

<http://dpiuwe.tas.gov.au/Documents/Guidelines%20for%20Natural%20Values%20Surveys%20related%20to%20Development%20Proposals.pdf>

Appropriate consultants are listed in the yellow pages under Environmental Consultants or can be found on the web. It is advisable to ask for quotes from two or more consultants.

Step 3:

Fill out your Development Application with consideration to the recommendations provided in your 'Natural Values Survey Report'.

Step 4:

Submit your Development Application together with your 'Natural Values Survey Report' to Council.

Relevant legislation

Threatened species are protected under one or both of the following pieces of legislation:

- *Tasmanian Threatened Species Protection Act 1995.*
- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999.*

Threatened vegetation communities are protected under the:

- *Tasmanian Nature Conservation Act 2002.*

Other legislation relevant to the protection and management of native forest:

- *Tasmanian Forest Practices Act 1985.*

Legislation relating to noxious weeds and their impact on native vegetation:

- *Tasmanian Weed Management Act 1999.*

For questions relating to any other aspect of the Development Application process contact the Council's Planning Department on 6256 4777

APPENDIX B: CERTIFICATES OF TITLE

SEARCH OF TORRENS TITLE

VOLUME 177646	FOLIO 1
EDITION 1	DATE OF ISSUE 15-Oct-2019

SEARCH DATE : 21-Oct-2019

SEARCH TIME : 05.30 PM

DESCRIPTION OF LAND

Parish of KELVEDON Land District of GLAMORGAN
 Lot 1 on Plan 177646
 Being the land described in Conveyance 38/9716 and the land
 fourthly described in Conveyance No.36/8491
 Excepting thereout Notification 48/7720, Lot 1, (100/48 D.O.)
 929M2, Conveyance No.61/8246, Conveyance No.55/0613, Conveyance
 No.55/6991, Folios of the Register Volume 4066 Folios 46 & 47,
 Conveyance No.55/0615, Lots 1 & 2 (P162612) 2307m2 & Lot 1
 (SP177474) 29.50ha
 Derivation : Part of 970 Acres Gtd. to F. Cotton
 Prior CTs 102376/1 and 162941/1

SCHEDULE 1

C168847 TRANSFER to JULIAN JAMES COTTON Registered
 30-Nov-1999 at 12.04 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP177474 BURDENING EASEMENT: a dam site easement (appurtenant
 to Lot 1 on Sealed Plan 177474) over the land marked
 Water Storage Easement (SP177474) on Plan 177646
 SP177474 BURDENING EASEMENT: a pipeline easement (appurtenant
 to Lot 1 on Sealed Plan 177474) over the lands marked
 Services Easement 4.00 wide and variable width 'A'
 (SP177474) & Services Easement 4.00 wide and variable
 width 'B' (SP177474) on Plan 177646
 SP177474 BURDENING EASEMENT: an electricity supply easement
 (appurtenant to Lot 1 on Sealed Plan 177474) over the
 land marked Services Easement 4.00 wide and variable
 width 'A' (SP177474) on Plan 177646
 C673255 MORTGAGE to Rabobank Australia Limited (of that part
 of the said land within described formerly comprised
 in folio of the Register Volume 102376 Folio 1)
 Registered 08-Sep-2005 at noon
 E8294 MORTGAGE to Rabobank Australia Limited (of that part
 of the said land within described formerly comprised

in folio of the Register Volume 162941 Folio 1)
Registered 26-Nov-2015 at 12.01 PM
E167971 ADHESION ORDER under Section 110 of the Local
Government (Building and Miscellaneous Provisions)
Act 1993 Registered 15-Oct-2019 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

<p>OWNER <i>JULIAN JAMES COTTON</i></p> <p>FOLIO REFERENCE <i>C.T. 102376-1</i> <i>C.T. 162941-1</i></p> <p>GRANTEE <i>PART 9700c GTO TO F. COTTON</i></p>		<p>PLAN OF TITLE</p> <p>LOCATION <i>LAND DISTRICT GLAMORGAN</i> <i>PARTSH KELVEDON</i></p> <p>FIRST SURVEY PLAN No.</p> <p>COMPILED BY <i>A.S. HAMILTON</i></p> <p>SCALE 1: <i>NOT TO SCALE</i> LENGTHS IN METRES</p>		<p>REGISTERED NUMBER P177646</p> <p>APPROVED <i>15 OCT 2019</i> <i>Ren</i> Recorder of Titles</p>	
MAPSHEET MUNICIPAL CODE No. 112	LAST UPI No.	LAST PLAN No. <i>P.162941</i>	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		

SKETCH BY WAY OF ILLUSTRATION ONLY BALANCE PLAN

"EXCEPTED LANDS"
 LOT 1, (D.44797), CONV. 61/8246
 6.00ha, (P.5502 L.O.), CONV. 55/0613
 2674m², (P.5502 L.O.), CONV. 55/6991
 LOT 101 & 102, (P. 20133), C.T. 4066-46
 LOT 103, (P. 20132), C.T. 4066-47
 LOT 1, (P. 5421 L.O.), CONV. 55/0615
 LOTS 1 & 2 (P162612) 2307m²
 Not 487720.
 LOT 1, (100/48 D.O.) 929m²
 LOT 1, (SP177474) 29.50ha

(AO E167971)

SEARCH OF TORRENS TITLE

VOLUME 240461	FOLIO 1
EDITION 4	DATE OF ISSUE 15-Oct-2019

SEARCH DATE : 25-Oct-2019

SEARCH TIME : 11.42 AM

DESCRIPTION OF LAND

Parish of KELVEDON, Land District of GLAMORGAN

Lot 1 on Plan 240461

Derivation : Whole of Lot 37950 Gtd. to Cotton & Co. Pty. Ltd.

Prior CT 3789/57

SCHEDULE 1

C168847 TRANSFER to JULIAN JAMES COTTON Registered
30-Nov-1999 at 12.04 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP177474 BURDENING EASEMENT: a pipeline easement (appurtenant
to Lot 1 on Sealed Plan 177474) over the land marked
Service Easement 4.00 wide and variable width 'A'
(SP177474) on Plan 240461

SP177474 BURDENING EASEMENT: an electricity supply easement
(appurtenant to Lot 1 on Sealed Plan 177474) over the
land marked Service Easement 4.00 wide and variable
width 'A' (SP177474) on Plan 240461

C673255 MORTGAGE to Rabobank Australia Limited Registered
08-Sep-2005 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OS D 435

ANNEXURE TO CERTIFICATE OF TITLE

VOL.

FOL.

3789 57

ACTING

Recorder of Titles



REGISTERED NUMBER

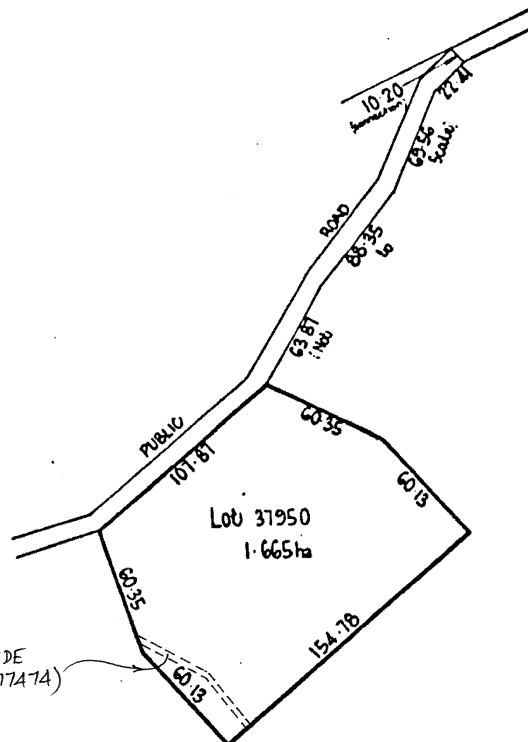
240461

Lot 1 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register.

Whole of Lot 37950 Gld. to
Colburn & Co. Pty Ltd
Meas. by Metres

PH. KELVEDON

110.5ha

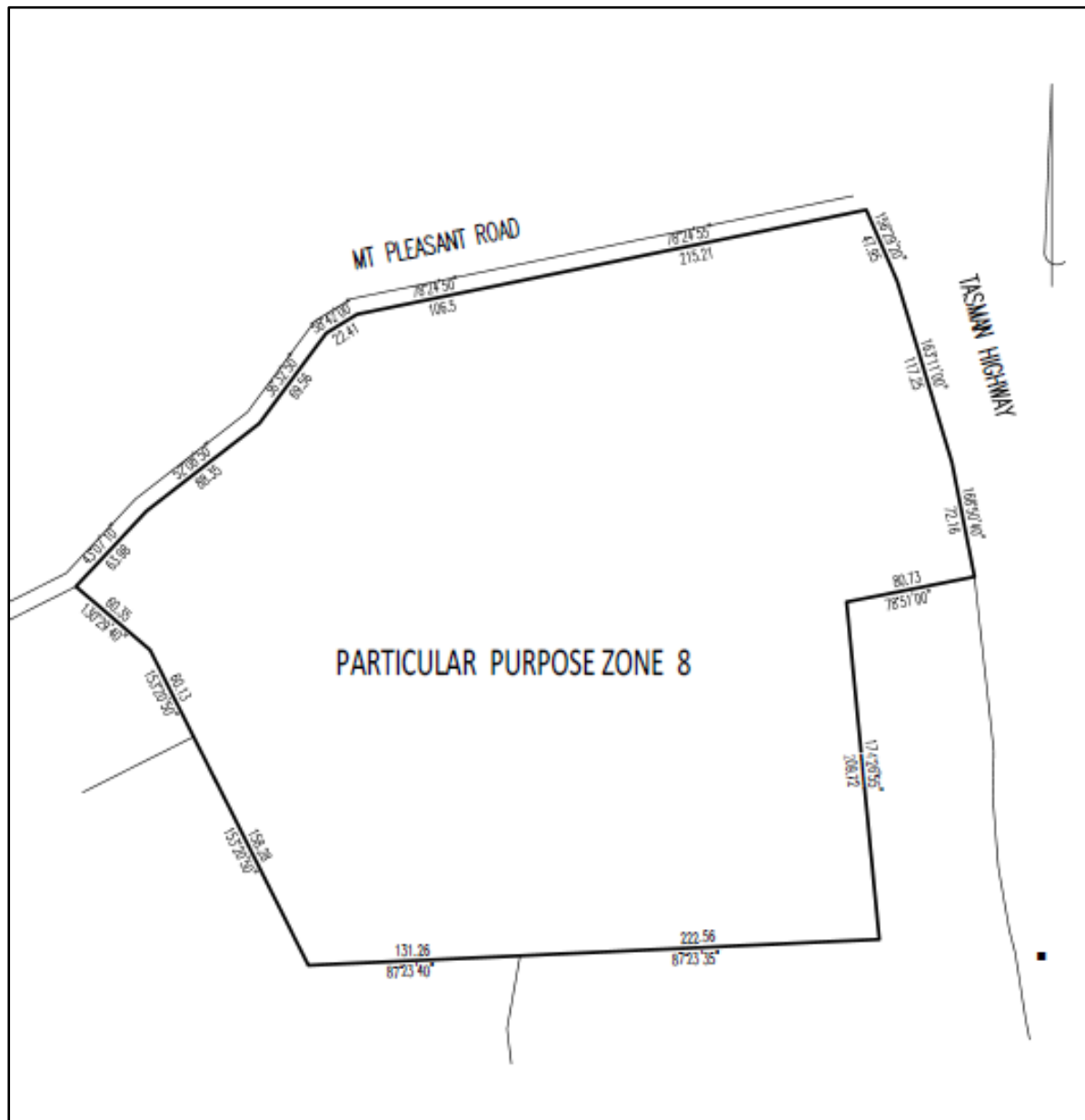


SERVICE EASEMENT 4.00 WIDE
AND VARIABLE WIDTH 'A' (SP177474)

Part of 309.8ha

APPENDIX C: PROPOSED REZONING PLAN

Proposed Particular Purpose Zone 8 – Tempus Village Swansea



29/10/19

APPENDIX D: PROPOSED PPZ PROVISIONS

GSB-P7.0 Particular Purpose Zone – Tempus Village

GSB-P7.1 Zone Purpose

The purpose of the Particular Purpose Zone – Tempus Village is:

- GSB-P7.1.1 To provide for the use and development of integrated aged care facilities within the Tempus Village.
- GSB-P7.1.2 To provide for incidental rural and agricultural use that does not adversely impact on residential amenity within the Tempus Village.
- GSB-P7.1.3 To manage impacts on the scenic, environmental and landscape values of the rural character of the area, surrounding the Tempus Village.
- GSB-P7.1.4 To avoid land use conflict with adjacent land in other zonings, by providing adequate buffer areas.

GSB-P7.2 Local Area Objectives

This clause is not used in this particular purpose zone.

GSB-P7.3 Definition of Terms

GSB-P7.3.1 In this particular purpose zone, unless the contrary intention appears:

Term	Definition
independent living unit	means one, two- or three-bedroom accommodation in a detached or semi-detached building, in a village environment, for older people who are actively independent and able to care for themselves
residential aged care facility	means use of land for accommodation and personal or nursing care for the aged. It includes recreational, health or laundry facilities and services for residents of the facility.

GSB-P7.4 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities.
Permitted	
Community Meeting and	

Entertainment	If for a theatre or community hall primarily intended to serve residents within the zone.
Residential	If for home-based business, residential aged-care facility, retirement village & related staff accommodation.
Resource Development	If for agricultural use.
Vehicle Parking	If for residents of the complex.
Discretionary	
Sports and Recreation	If primarily intended to serve residents within the zone
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

GSB-P7.5 Use Standards

GSB-P7.5.1 Discretionary uses

Objective:	That Discretionary uses: (a) complement the residential aged-care facility and retirement village use of the zone. (b) do not cause conflict or interfere with uses in the adjacent lands.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 Discretionary uses must: <ul style="list-style-type: none"> (a) complement residential aged-care and retirement village related uses in the zone by providing supporting or related services; (b) be primarily intended to serve residents within the zone; (c) not compromise the operational efficiency of the zone; (d) not be the dominant use within the zone; and (e) not cause conflict with use of adjacent land in the Rural and Agriculture Zones.

GSB-P7.5.2 Amenity

Objective:	That non-residential uses do not detrimentally affect the scenic and landscape values of the area, and the residential amenity of nearby residential properties.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Non-residential uses and utilities (other than minor utilities) must not be visible from a public road or from residential development on adjoining lots in different ownership.</p>	<p>P1</p> <p>The use is of a scale and intensity consistent with the character of the area, and does not cause unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> (a) the Zone Purpose; (b) the topography of the site; (c) visual impacts caused by the apparent scale, bulk or form of buildings when viewed from an adjoining property and public places; and (d) the need to protect streetscape and landscape values.

GSB-P7.6 Development Standards for Buildings and Works

GSB-P7.6.1 Site Coverage and Development Area

Objective:	That the site coverage is compatible with the retirement village and residential aged care use of the site, and the protection and management of the scenic, landscape and rural use values of the surrounding area.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The location of buildings and works must:</p> <ul style="list-style-type: none"> (a) be consistent with the layout and associated use indicated in Figure GSB-7.1 and Figure GSB-7.2; and (b) site coverage must be not more than 30%; 	<p>P1</p> <p>The location of buildings and works must have regard to:</p> <ul style="list-style-type: none"> (a) The Zone Purpose; (b) The topography of the site; (c) the height, bulk and form of existing and proposed buildings; (d) any required bushfire protection measures; and (e) the retention of vegetation.

GSB-P7.6.2 Building Height

Objective:	That building height does not result in an unreasonable impact on residential amenity or on the scenic and landscape values of the surrounding area.	
Acceptable Solutions		Performance Criteria
A1 (a) For buildings shown in Figure GSB-7.2, building height must be not more than: (i) 8.5m for a residential use; (ii) 10m otherwise. (b) For buildings not shown in Figure GSB-7.2, there is no acceptable solution.		P1 Building height must be compatible with the scenic, environmental and landscape values of the area, having regard to: (a) the height, bulk and form of proposed buildings; (b) the height, bulk and form of existing buildings; (c) the topography of the site; (d) the visual impact of the buildings when viewed from roads and public places; (e) the landscape values of the surrounding area; and (f) if for a non-residential use, the height is reasonably necessary for that use.

GSB-P7.6.3 Setback

Objective:	That the siting of buildings: (a) minimises potential conflict with use on adjoining sites; (b) protects the scenic landscape values of the Tasman Highway scenic corridor.	
Acceptable Solutions		Performance Criteria
A1 Building must have a setback from a frontage not less than: (i) 100m for residential buildings; (ii) 20m for non-residential buildings.		P1 Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to: (a) the bulk and form of the building; (b) the nature of existing use on the adjoining properties; (c) separation from existing use on the adjoining properties; (d) any buffers created by natural or other features; (e) any existing or proposed screening; and (f) the impact on views from the Tasman Highway.

<p>A2</p> <p>Buildings must have a setback from all boundaries other than a frontage of:</p> <p>(a) not less than 5m; or</p> <p>(b) if the setback of an existing building is within 5m, not less than the existing building.</p>	<p>P2</p> <p>Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to:</p> <p>(a) the bulk and form of the building;</p> <p>(b) the nature of existing use on the adjoining properties;</p> <p>(c) separation from existing use on the adjoining properties; and</p> <p>(d) any buffers created by natural or other features</p>
<p>A3</p> <p>Buildings for sensitive use must be separated from an Agriculture or Rural Zone a distance of:</p> <p>(a) not less than 200m;</p> <p>(b) if the setback of an existing building is within 200m, not less than the existing building.</p>	<p>P3</p> <p>Buildings for a sensitive use must be sited so as to not conflict or interfere with uses in the Agriculture Zone or Rural Zone, having regard to:</p> <p>(a) the size, shape and topography of the site;</p> <p>(b) the separation of any existing buildings for sensitive uses on adjoining properties;</p> <p>(c) the existing and potential use of adjoining properties;</p> <p>(d) any proposed attenuation measures; and</p> <p>(e) any buffers created by natural or other features.</p>

GSB-P7.6.4 Landscape protection and exterior finishes

Objective:	That the landscape values of the site and surrounding area are protected or managed to minimise adverse impacts.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.</p>		<p>P1</p> <p>Exterior building finishes must not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area, having regard to:</p> <p>(a) the appearance of the building when viewed from roads or public places in the surrounding area;</p> <p>(b) any screening vegetation; and</p> <p>(c) the nature of the exterior finishes.</p>

<p>A2</p> <p>Buildings and works must:</p> <ul style="list-style-type: none"> (a) be an alteration or extension to an existing building providing it is not more than the existing building height; and (b) not include cut and fill greater than 1m; and (c) be not less than 10m in elevation below a skyline or ridgeline. 	<p>P2</p> <p>Buildings and works must be located to minimize impacts on landscape values, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size and shape of the site; (c) the proposed building height, size and bulk; (d) any constraints imposed by existing development; (e) visual impact when viewed from roads and public places; (f) any vegetation removal required for the construction of the proposal or as a result of a Bushfire Hazard Management Plan; and (g) any existing or proposed screening vegetation. <p>P2.1</p> <p>If the building and works are less than 10m in elevation below a skyline or ridgeline, there are no other suitable building areas.</p>
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GSB-P7.6.5 Private Open Space for Independent Living Units

Objective:	<p>That Independent Living Units provide:</p> <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight. 	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>Independent Living Units must have private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is: <ul style="list-style-type: none"> (i) not less than 60m²; (ii) not less than 3.6m horizontal dimension; (iii) not greater than 1 in 10 slope; and (iv) is located immediately adjacent to a living area of the Independent Living Unit. 		<p>P1</p> <p>An Independent Living Unit must have private open space that includes an area capable of serving as an extension of the Independent Living Unit for outdoor relaxation, dining and entertaining, and is:</p> <ul style="list-style-type: none"> (a) conveniently located in relation to a living area of the Independent Living Unit; (b) orientated to take advantage of sunlight; and (c) capable of providing for operational needs such as clothes drying and storage.
<p>A2</p> <p>50% of the private open space of an Independent Living Unit determined according to A1 or P1 of this clause must receive not less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June.</p>		<p>P2</p> <p>The private open space of an Independent Living Unit determined according to A1 or P1 of this clause must be designed and sited to not cause an unreasonable loss of amenity by overshadowing from another Independent Living Unit.</p>

GSB-P7.6.6 Sunlight and Overshadowing for Independent Living Units

Objective:	To provide the opportunity for sunlight to enter habitable rooms (other than bedrooms) of Independent Living Units.	
Acceptable Solutions		Performance Criteria
A1 An Independent Living Unit must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west and 30 degrees east of north.		P1 An Independent Living Unit must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).
A2 An Independent Living Unit that is to the north of a window of a habitable room (other than a bedroom) of another dwelling which window faces between 30 degrees west of north and 30 degrees east of north, must not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21 st June.		P2 An Independent Living Unit must be designed and sited to not cause unreasonable loss of amenity by overshadowing a window of a habitable room (other than a bedroom), of another dwelling that faces between 30 degrees west of north and 30 degrees east of north.

GSB-P7.6.7 Privacy for Independent Living Units

Objective:	To reduce the potential for loss of privacy for Independent Living Units.	
Acceptable Solutions		Performance Criteria
A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the Independent Dwelling Unit) that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing an adjoining Independent Living Unit, unless the balcony, deck, roof terrace, parking space, or carport is		P1 A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the Independent Living Unit) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of an adjoining Independent Living Unit or its private open space.

<p>at least 6 m:</p> <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other Independent Living Unit ; or (ii) from a balcony, deck, roof terrace or the private open space, of the other Independent Living Unit. 	
<p>A2</p> <p>A window or glazed door, to a habitable room, of an Independent Living Unit, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be at least 6 m from a window or glazed door, to a habitable room, of an adjoining Independent Living Unit; and (ii) is to be at least 6 m from the private open space of an adjoining Independent Living Unit. <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of an adjoining Independent Living Unit; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%. 	<p>P2</p> <p>A window or glazed door, to a habitable room of an Independent Living Unit, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> (a) a window or glazed door, to a habitable room of another Independent Living Unit; and (b) the private open space of another Independent Living Unit.
<p>A3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that Independent Living Unit) must be separated from a window, or glazed door, to a habitable room of an Independent Living Unit by a horizontal distance of at least:</p>	<p>P3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that Independent Living Unit) must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of an adjoining Independent Living Unit.</p>

<p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.</p>	
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GSB-P7.6.8 Waste Storage for Independent Living Units

Objective:	To provide for the storage of garbage and recycling bins for all Independent Living Units.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>An Independent Living Unit must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per Unit and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each Independent Living Unit, excluding the area in front of the main entrance of an Independent Living Unit.</p>		<p>P1</p> <p>Provision must be made for storage, for waste and recycling bins, that is:</p> <p>(a) capable of storing the number of bins required for the Independent Living Units; and</p> <p>(b) screened from the frontage of the site and from individual Independent Living Units; and</p> <p>(c) if the storage area is a communal storage area, separated from Independent Living Units on the site to minimise impacts caused by odours and noise.</p>

GSB-P7.6.9 Staging

Objective:	<p>(a) To achieve the purpose of the zone; and</p> <p>(b) To ensure the timely provision of the required services and infrastructure to facilitate aged care related uses.</p>	
Acceptable Solutions		Performance Criteria
A1	Development of the Independent Living Units identified in Stage 2 shall only be permitted on completion of the communal facilities identified in Stage 1A in Figure GSB-7.3 and Stage 1B in Figure GSB-7.4	<p>P1</p> <p>No performance criteria.</p>

GSB-P7.7 Development Standards for Subdivision

GSB-P7.7.1 Subdivision

Objective:	<p>(a) To achieve the purpose of the zone; and</p> <p>(b) To ensure that subdivision only occurs when necessary to facilitate aged care related uses.</p>	
Acceptable Solutions		Performance Criteria
A1	Subdivision is for the purpose of providing lots for utilities, or to meet Commonwealth licencing or approval requirements for aged care facilities.	<p>P1</p> <p>Each lot must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lot; and (b) the existing buildings and the location of intended buildings; and (c) the accessibility for vehicles providing for supplies, waste removal and emergency services; and (d) must be reasonably necessary to facilitate the continuation of an existing aged care related use or the development of an

	<p>approved aged care related use; and</p> <p>(e) must not contain only a dwelling or dwellings.</p>
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GSB-P7.8 Tables

This sub-clause is not used in this particular purpose zone.

GSB-P7.9 Figures

Figure GSB-7.1 Tempus Master Plan

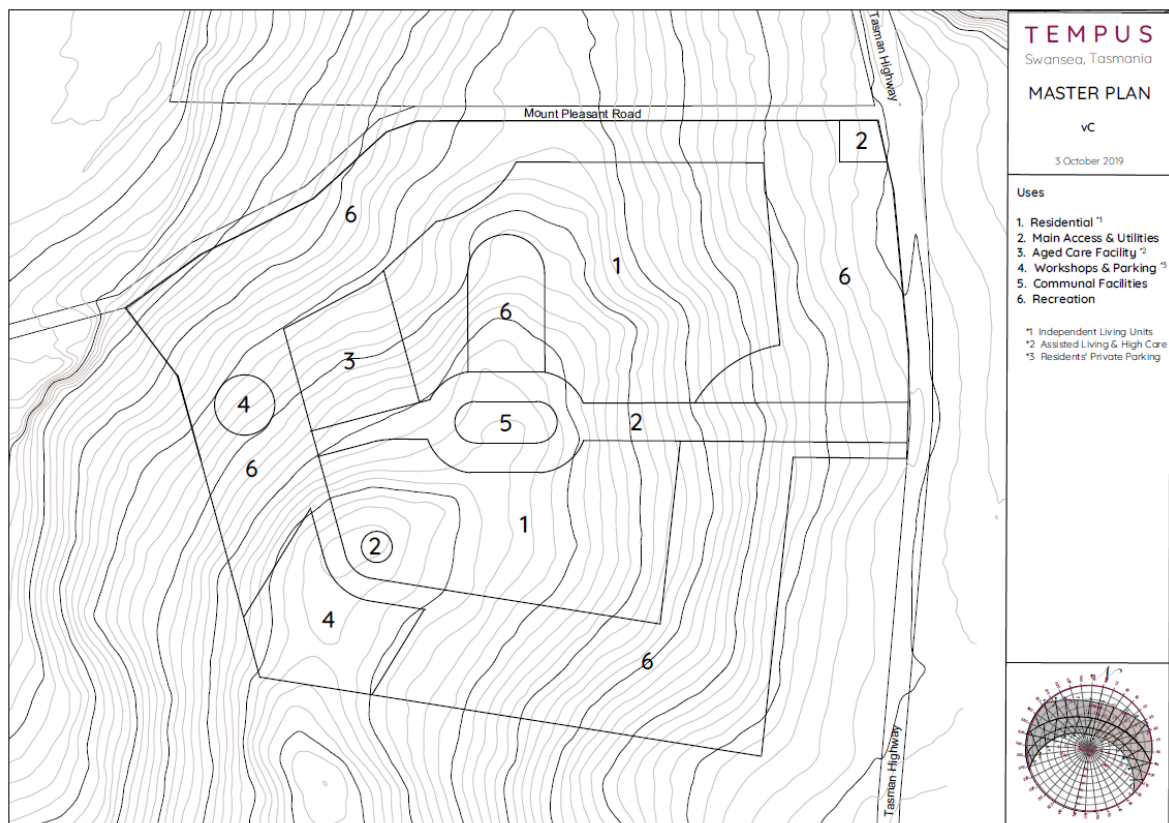


Figure GSB-7.2 Tempus Site Plan

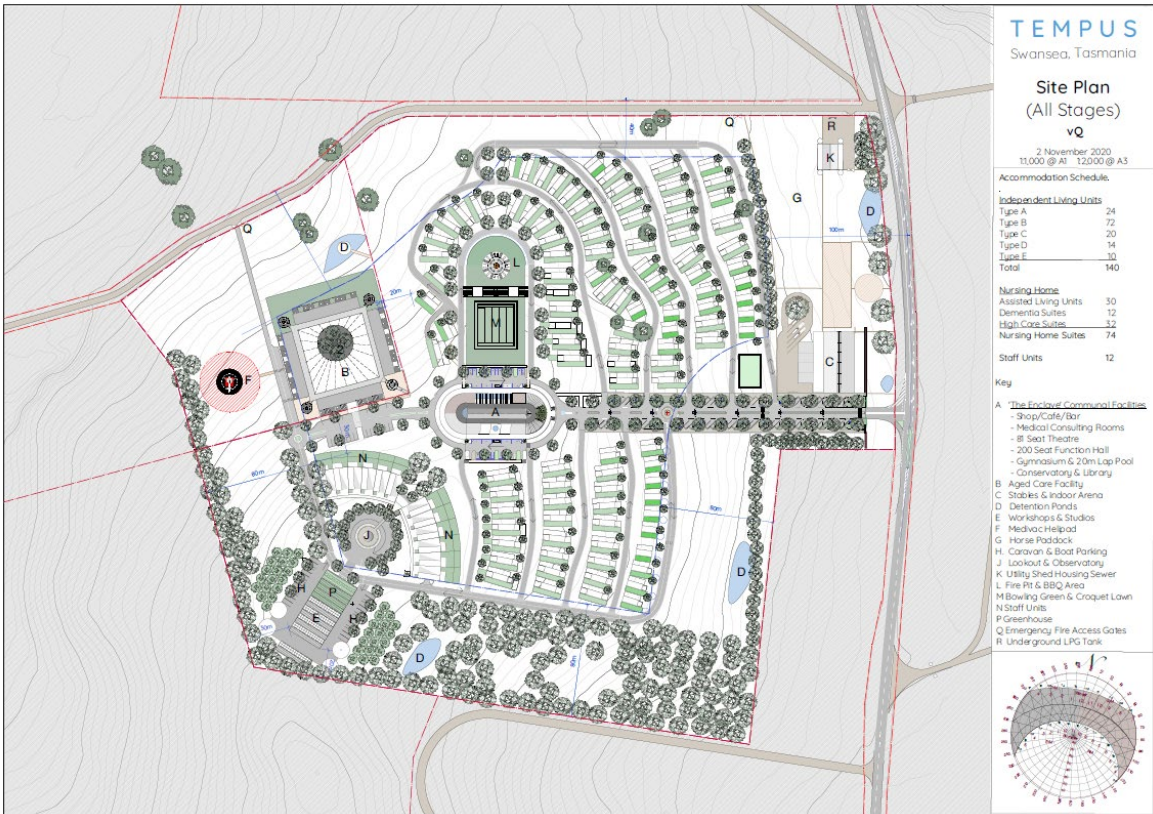


Figure GSB-7.3 Tempus Stage 1A Plan

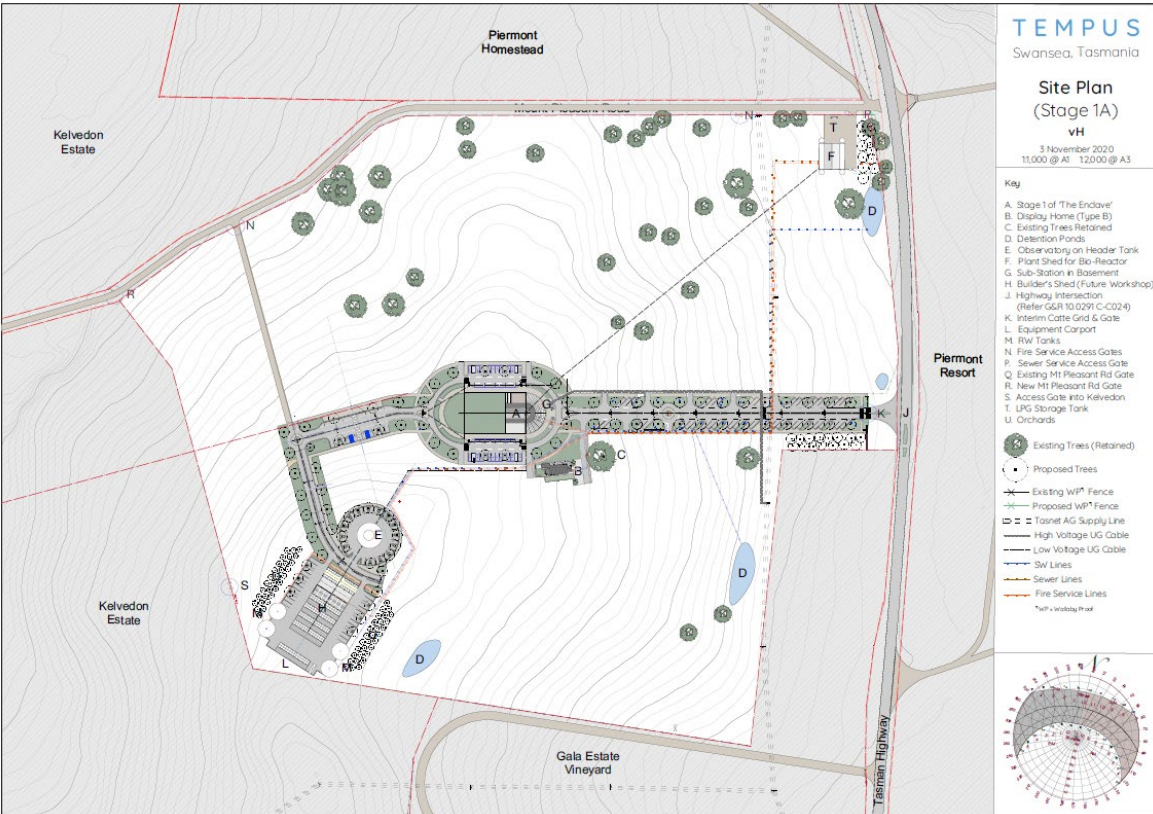
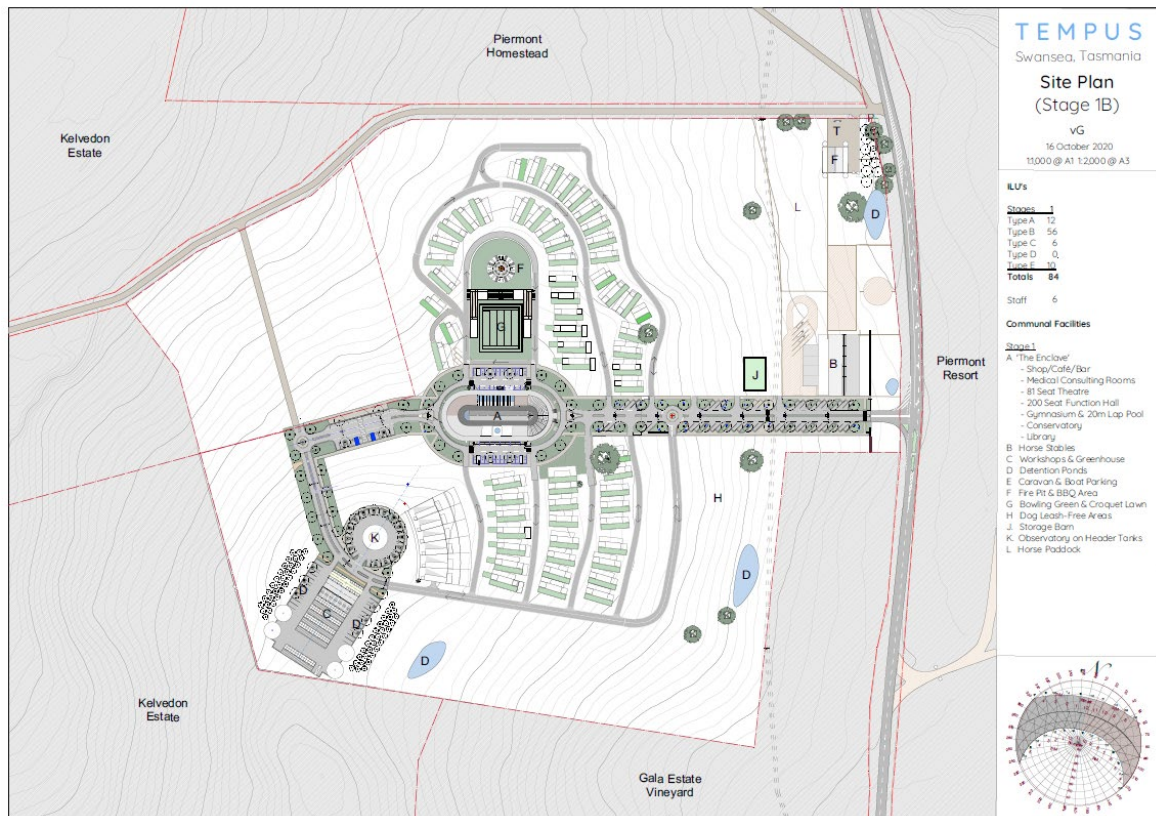


Figure GSB-7.4 Tempus Stage 1B Plan (including Stage 1A)



Particular Purpose Zone 8 - Tempus Village Swansea

39.1 Zone Purpose

39.1.1 Zone Purpose Statements

39.1.1.1 To provide for the development of integrated aged care facilities that is in keeping with the rural character of the area, which includes high levels of privacy and residential amenity, including views, and recreational opportunities;

39.1.1.2 To provide access to local support services and facilities to meet the needs of the complex;

39.1.1.3 To ensure development is surrounded by high quality public spaces throughout the complex by way of provision of landscaping, recreation facilities and pedestrian linkages;

39.1.1.4 To ensure that development has a positive relationship to the Tasman Highway through provision of landscaping buffers and screening.

39.1.1.5 To provide for incidental rural and agricultural use that does not adversely impact on residential amenity.

39.1.1.6 To avoid land use conflict with adjacent land in other zonings, by providing adequate buffer areas.

39.1.2 Local Area Objectives

There are no Local Area Objectives for this zone.

39.1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation strategy
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<p>The zone is to be developed as an integrated retirement and aged care facility in a rural setting.</p> <p>The primary uses in the zone should be residential in the form of a residential aged care facility and retirement village supported by services and recreational facilities intended to serve the residents.</p> <p>Amenity is to be founded upon high levels of privacy, high quality views, and recreational space that allows easy access for traditional passive and active rural recreational pursuits.</p> <p>Communal facilities intended to primarily serve the residents should be open to the public where possible in order to encourage integration with the existing community.</p> <p>Buildings should be setback from the Tasman Highway to ensure that residents are not adversely impacted by noise emissions from the Highway.</p> <p>Use and development shall be suitably buffered from the Tasman Highway to ensure that visual impact on the scenic landscape value of the Scenic Landscape Corridor reflects the rural context.</p> <p>All use and development within the zone is to be suitably buffered from land use in adjoining zones to ensure that the use of agricultural land within those zones is not fettered.</p> <p>Overall design of development including site coverage, placement and separation of buildings, height, and setbacks shall reflect the natural landform by ensuring that the views and amenity of residents are protected from overlooking and impacts on view.</p>	<ul style="list-style-type: none"> (a) Implementation of an approved master plan; (b) Implementation of an approved staging plan; and (c) Use and development standards.
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39.2 Definition of Terms

39.2.1

In this Particular Purpose Zone, unless the contrary intention appears:

Term	Definition
Independent Living Unit	means: one, two- or three-bedroom accommodation in a detached or semi-detached building, in a village environment, for older people who are actively independent and able to care for themselves
residential aged care facility	means use of land for accommodation and personal or nursing care for the aged. It includes recreational, health or laundry facilities and services for residents of the facility.

39.3 Use Table

Use Class	Qualification
No Permit required	
Natural and cultural values management	
Passive recreation	
Utilities	Only if minor utilities
Permitted	
Community meeting & entertainment	Only if a theatre or community hall primarily intended to serve residents within the zone
Residential	Only if home-based business, residential aged-care facility, retirement village & related staff accommodation
Resource development	Only if for agricultural use
Vehicle parking	Only for residents of the complex
Discretionary	

Sports and recreation	Must be primarily intended to serve residents within the zone
Utilities	Except if no permit required
Prohibited	
All other uses	

39.4 Use Standards

39.4.1 Discretionary Use

Objective:	
To ensure that discretionary uses complement the residential aged-care facility and retirement village use of the zone.	
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution	P1 Discretionary uses must satisfy all of the following: <ul style="list-style-type: none"> (a) complement residential aged-care and retirement village related uses in the area by providing supporting or related services; (b) be primarily intended to serve residents within the zone; (c) not compromise the operational efficiency of the zone; and (d) not be the dominant use within the zone.

39.4.2 Amenity

Objective:	
To ensure that non-residential uses do not detrimentally affect the character of the setting and the <u>residential amenity</u> of nearby residential properties.	
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>Non-residential uses and utilities (other than minor utilities) must not be visible from a public road or from residential development on adjoining lots in different ownership</p>	<p>P1</p> <p>The use is of a scale and intensity consistent with the desired future character statements for the zone, the character of the area, and does not cause unreasonable loss of residential amenity.</p>
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39.5 Development Standards for Buildings and Works

39.5.1 Building Height

<p>Objective:</p> <p>To ensure that <u>building height</u> does not result in an unreasonable impact on <u>residential amenity</u> or on the surrounding rural landscape.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>(a) For buildings shown in Figure 39.5.4, building height must be no more than:</p> <p>(i) 8.5m for a residential use; (ii) 10m otherwise.</p> <p>(b) For buildings not shown in Figure 39.5.4, there is no acceptable solution.</p>	<p>P1</p> <p>Building height must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining residential uses by overlooking and loss of privacy;</p> <p>(c) if for a non-residential use, the height is reasonably necessary for that use.</p>

39.5.2 Setback

Objective:	
<p>(a) To minimise land use conflict and fettering of use of rural land from residential use, maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Significant Agriculture and Rural Resource;</p> <p>(b) To ensure that buildings are sufficiently setback from the Tasman Highway to protect the scenic landscape values</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building setback from frontage must be no less than:</p> <ul style="list-style-type: none"> (i) 100m for residential buildings; (ii) 20m for non-residential buildings. 	<p>P1</p> <p>Building setback from frontage must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be consistent with any Desired Future Character Statements provided for the area; (b) minimise adverse impact on the rural landscape as viewed from the road; <p>_____</p>

<p>A2</p> <p>Building setback for buildings for sensitive use must comply with all of the following:</p> <p>(a) be sufficient to provide a separation distance from land zoned Significant Agriculture of 200m;</p> <p>(b) be sufficient to provide a separation distance from land zoned Rural Resource of 100 m.</p>	<p>P2</p> <p>Building setback for buildings for sensitive use must satisfy all of the following:</p> <p>(a) be sufficient to prevent potential for land use conflict that would unreasonably fetter non-sensitive use of adjoining land;</p> <p>(b) be sufficient to provide a separation distance no less than:</p> <p>(i) 80 m from land zoned Significant Agriculture or if there is an existing building for a sensitive use with a separation distance less than this distance, the separation distance must not be less than the existing building;</p> <p>(ii) 40 m from land zoned Rural Resource or if there is an existing building for a sensitive use with a separation distance less than this distance, the separation distance must not be less than the existing building</p>
<p>A3</p> <p>Building setback for buildings for non-sensitive use must comply with all of the following:</p> <p>(a) be sufficient to provide a separation distance from land zoned Significant Agriculture or Rural Resource of 5m; or</p> <p>(b) if the setback of an existing building is within 5m, not less than the existing building.</p>	<p>P3</p> <p>Building setback for buildings for non-sensitive use must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to:</p> <p>(a) the bulk and form of the building;</p> <p>(b) the nature of existing use on the adjoining properties;</p> <p>(c) separation from existing use on the adjoining properties; and</p> <p>(d) any buffers created by natural or other features.</p>

39.5.3 Design and Site coverage

Objective:	
To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape and scenic corridor.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The location of buildings and <u>works</u> must comply with all of the following:</p> <p>(a) Be consistent with the layout and associated use indicated in Figure 39.5.3 and Figure 39.5.4;</p> <p>(b) The proportion of the site covered by roofed buildings must not exceed 30%;</p> <p>_____</p>	<p>P1</p> <p>The location of buildings and works must have regard to:</p> <p>(a) The Zone Purpose;</p> <p>(b) Any Desired Future Character Statements provided for the Zone;</p> <p>(c) The topography of the site;</p> <p>(d) the height, bulk and form of existing and proposed buildings;</p> <p>(e) any required bushfire protection measures;</p> <p>(f) the avoidance of potential for land use conflict that would fetter non-sensitive use of adjoining land; and</p> <p>(g) the retention of vegetation.</p>
<p>A2</p> <p>Buildings must have external finishes that are non-reflective and coloured to blend with the rural landscape.</p>	<p>P2</p> <p>Buildings must have external finishes that complement the predominant finishes occurring in the area.</p>

<p>A3</p> <p>The depth of any fill or excavation must be no more than 2 m from <u>natural ground level</u>, except where required for <u>building</u> foundations.</p>	<p>P3</p> <p>The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <ul style="list-style-type: none"> (a) does not have significant impact on the rural landscape of the area; (b) does not unreasonably impact upon the privacy of adjoining dwellings or their own private open space; (c) does not affect land stability on the lot or adjoining areas; and (d) does not unreasonably impact on the amenity of adjoining dwellings through overshadowing of private open space or reduction of sunlight to habitable rooms.
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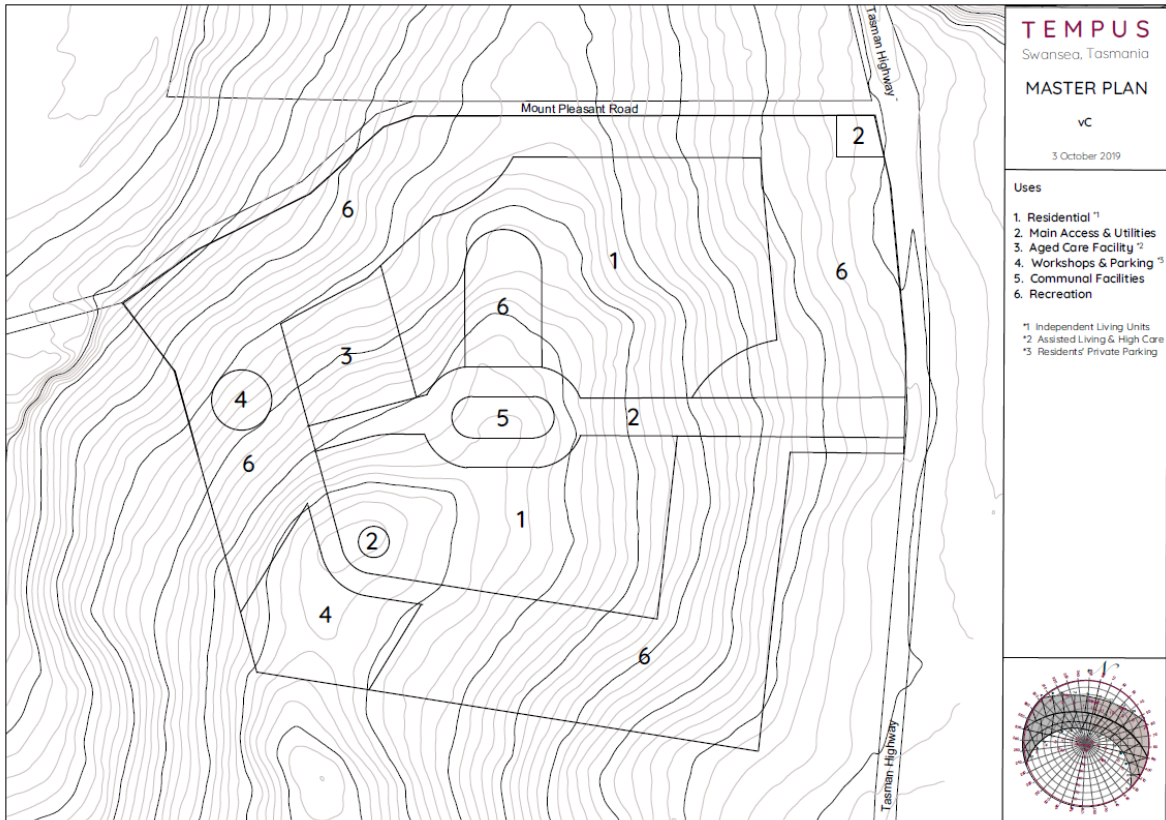


Figure 39.5.3 – Tempus Master Plan

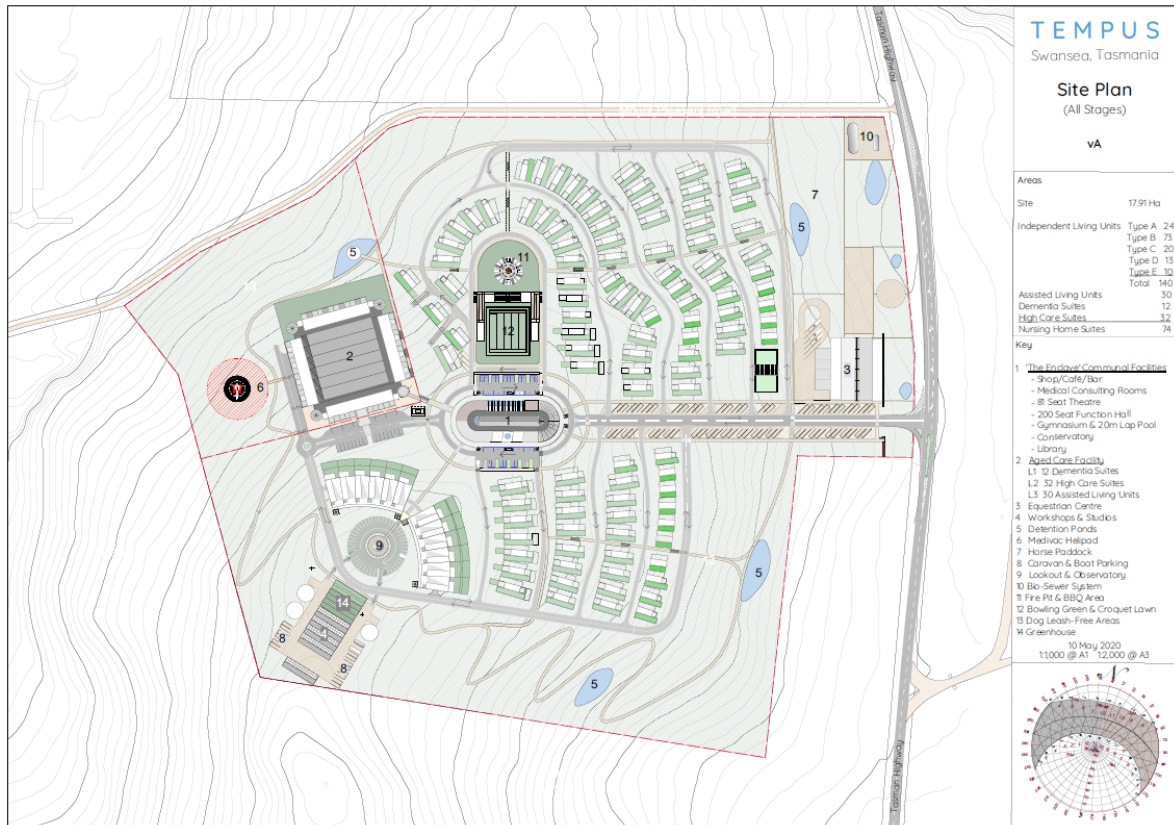


Figure 39.5.4 – Tempus Site Plan

39.5.4 Private Open Space for Independent Living Units

Objective:	
<p>That Independent Living Units provide:</p> <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has <u>access</u> to sunlight. 	
Acceptable Solutions	Performance Criteria
A1 <p>Private open space is:</p> <ul style="list-style-type: none"> (i) not less than 60m² for any dwelling; with (ii) a minimum 3.6m horizontal dimension; and (iii) a gradient not steeper than 1 in 10; and (iv) is located immediately adjacent to a living area of the dwelling 	P1 <p>Private open space for any dwelling must be:</p> <ul style="list-style-type: none"> (a) capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertaining; and (b) is conveniently located in relation to a living area of the dwelling; and (c) of a size and with dimensions that are appropriate for the size of the dwelling taking into account any common open space provided for this purpose within the development; and (d) reasonable space for the planting of gardens and landscaping.
A2 <p>50% of the private open space of a dwelling determined according to A1 or P1 of this clause must not receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June.</p>	P2 <p>The private open space of a dwelling determined according to A1 or P1 of this clause must be designed and sited to not cause an unreasonable loss of amenity by overshadowing from another dwelling.</p>

39.5.5 Sunlight and Overshadowing for Independent Living Units

Objective:	
To provide the opportunity for sunlight to enter habitable rooms (other than bedrooms) of Independent Living Units.	
Acceptable Solutions	Performance Criteria
A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west and 30 degrees east of north.	P1 A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).
A2 A dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling which window faces between 30 degrees west of north and 30 degrees east of north, must not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21 st June.	P2 A dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing a window of a habitable room (other than a bedroom), of another dwelling that faces between 30 degrees west of north and 30 degrees east of north.

39.5.6 Privacy for Independent Living Units

Objective:	
To reduce the potential for loss of privacy for Independent Living Units.	
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing an adjoining dwelling , unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m:</p> <ul style="list-style-type: none"> (i)from a window or glazed door, to a habitable room of the other dwelling ; or (ii)from a balcony, deck, roof terrace or the private open space, of the other dwelling. 	<p>P1</p> <p>A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of an adjoining dwelling or its private open space.</p>
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<p>A2</p> <p>A window or glazed door, to a <u>habitable room</u>, of a <u>dwelling</u>, that has a floor level more than 1 m above the <u>natural ground level</u>, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be at least 6 m from a window or glazed door, to a habitable room, of an adjoining dwelling; and (ii) is to be at least 6 m from the private open space of an adjoining dwelling. <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of an adjoining dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%. 	<p>P2</p> <p>A window or glazed door, to a habitable room of a dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> (a) a window or glazed door, to a habitable room of another dwelling; and (b) the private open space of another dwelling.
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<p>A3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <ul style="list-style-type: none"> (i) it is separated by a screen of at least 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level. 	<p>P3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of an adjoining dwelling.</p>
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39.5.7 Waste Storage for dwellings

<p>Objective:</p> <p>To provide for the storage of garbage and recycling bins for all dwellings.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>

<p>A1</p> <p>A dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the main entrance of a dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <ul style="list-style-type: none"> (i) has a setback of at least 2 m from an access driveway; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the access driveway and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area. 	<p>P1</p> <p>Provision must be made for storage, for waste and recycling bins, that is:</p> <ul style="list-style-type: none"> (a) capable of storing the number of bins required for the dwellings; and (b) screened from the frontage of the site and from individual dwellings; and (c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.
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39.5.8 Staging

<p>Objective:</p> <ul style="list-style-type: none"> (a) To achieve the purpose of the zone; (b) To achieve the Desired Future Character Statements of the zone.; (c) To ensure the timely provision of the required services and infrastructure to facilitate aged care related uses. 	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>

<p>A1</p> <p>Development of the Independent Living Units identified in Stage 2 in shall only be permitted on completion of the communal facilities identified in Stage 1A in Figure 39.5.5 and Stage 1B in Figure 39.5.6</p>	<p>P1</p> <p>No performance criteria.</p>
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Figure 39.5.5 – Tempus Stage 1A Plan

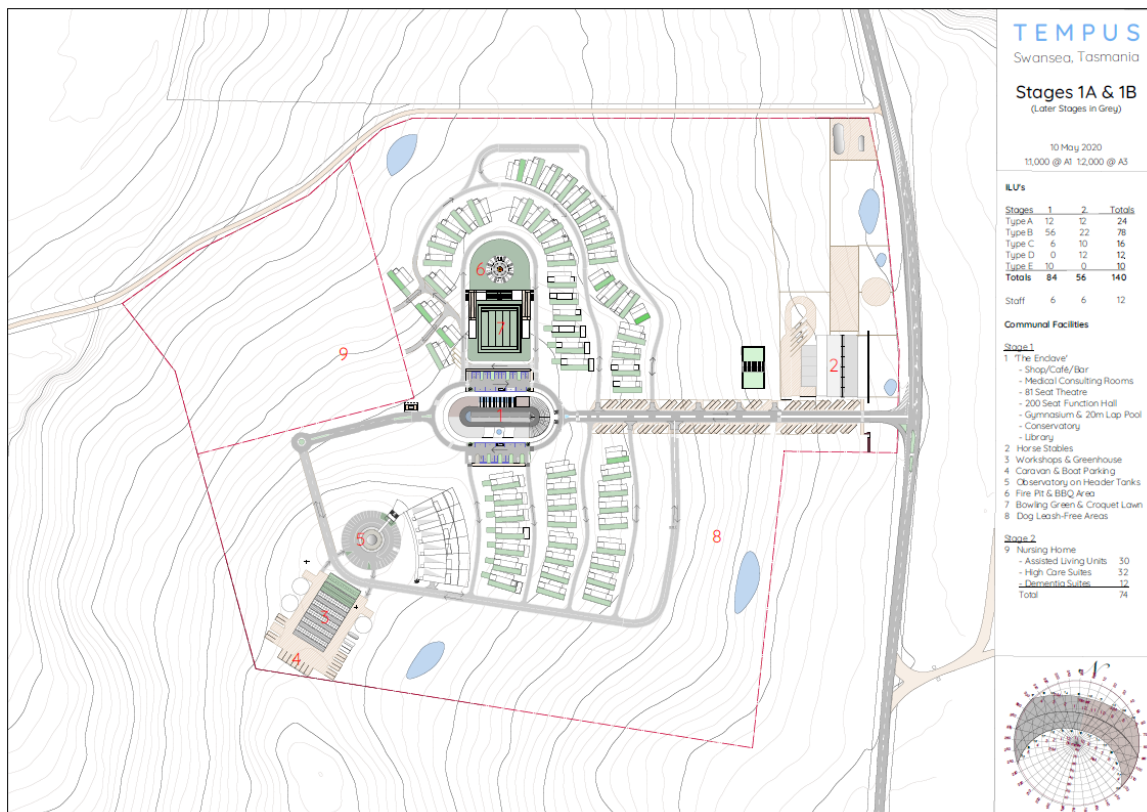


Figure 39.5.6 – Tempus Stages 1A and 1B Plan

39.6 Subdivision

39.6.1 Lot Design

Objective:

- (a) To achieve the purpose of the zone;
- (b) To achieve the Desired Future Character Statements of the zone.;
- (c) To provide for lot sizes suitable for the allowable uses of the zone;
- (d) To ensure that subdivision only occurs when necessary to facilitate aged care related uses.

Acceptable Solutions

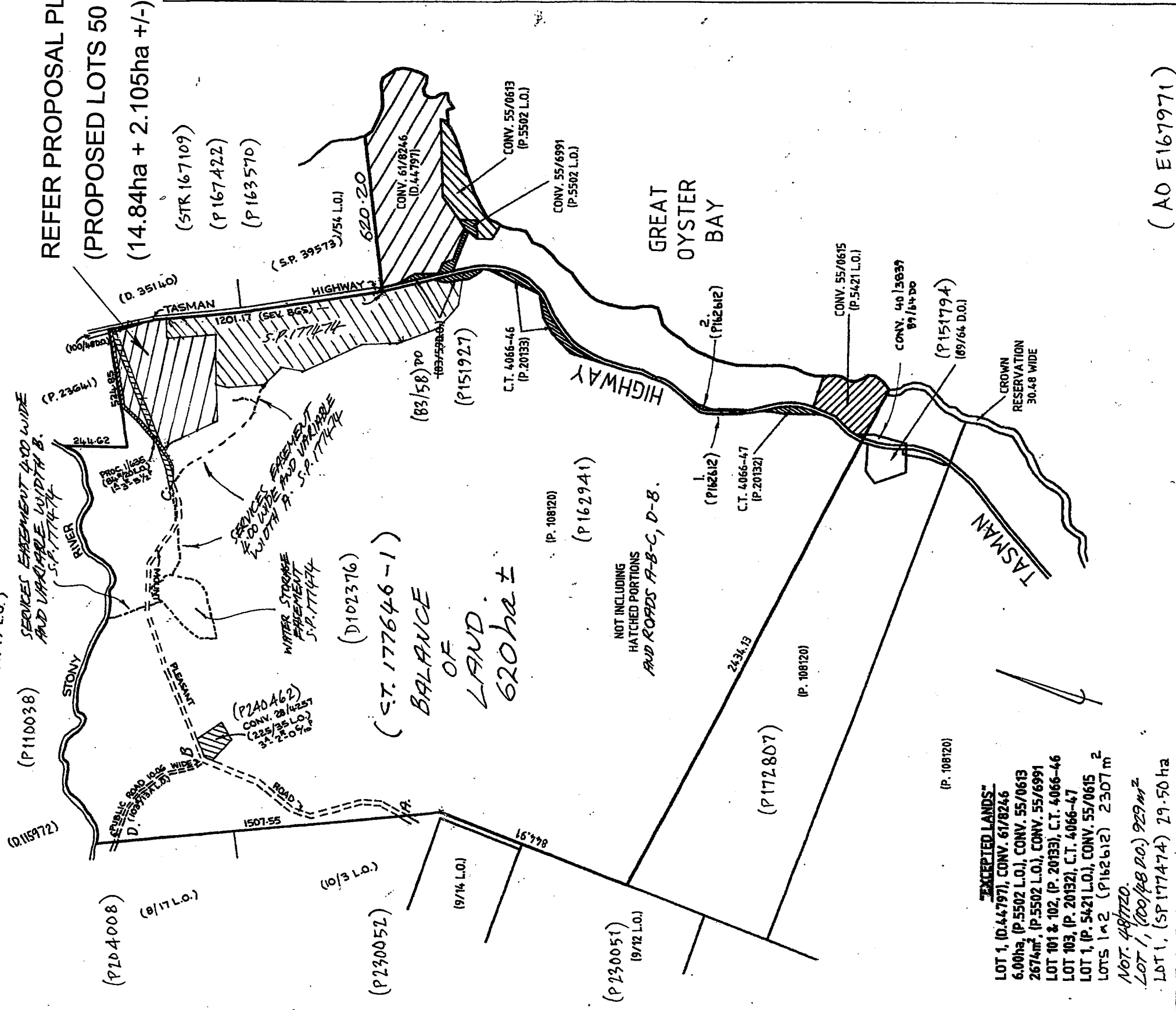
Performance Criteria

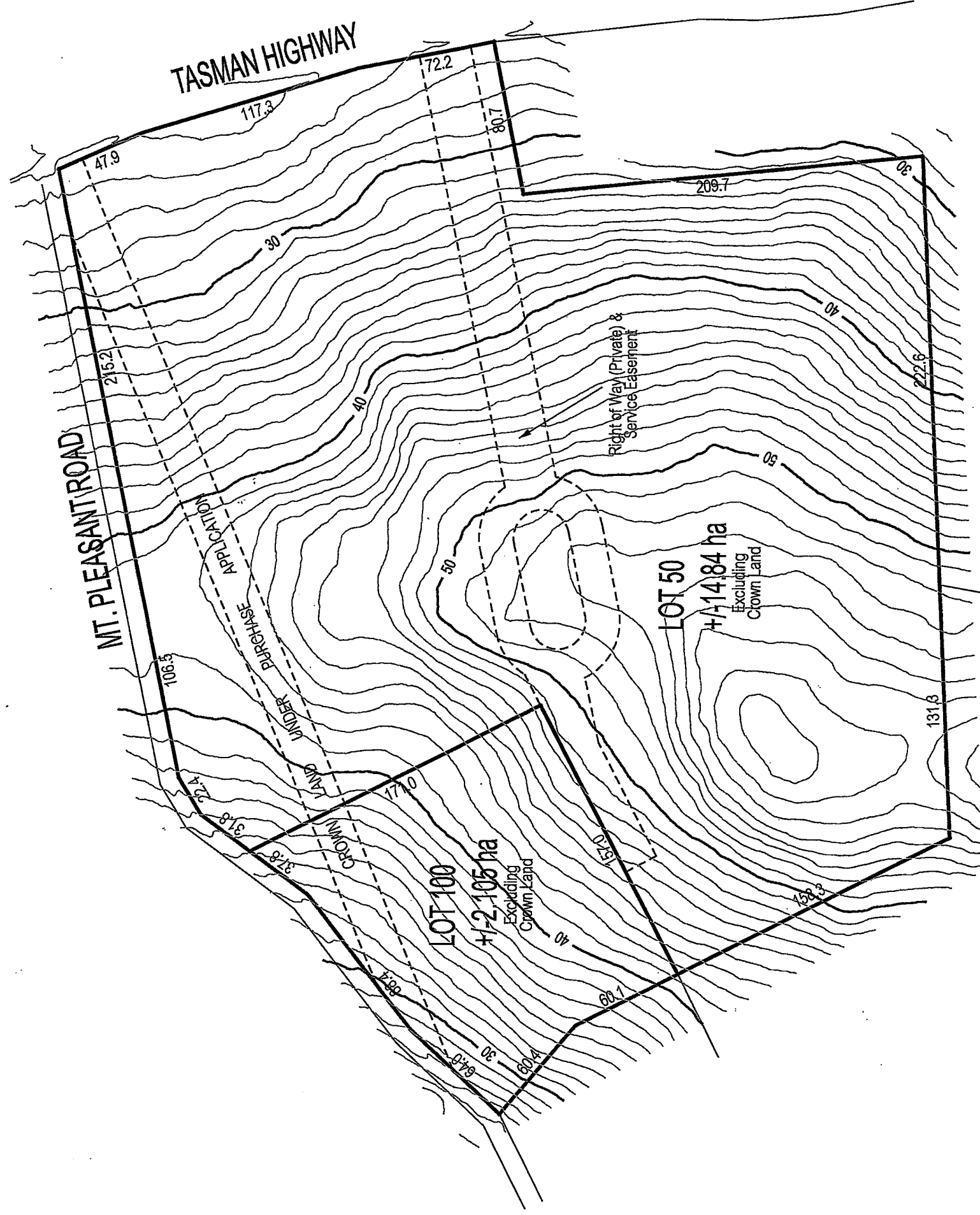
<p>A1</p> <p>Subdivision is for the purpose of providing lots for public open space, a riparian or littoral reserve, utilities, or to meet Commonwealth licencing or approval requirements for aged care facilities.</p>	<p>P1</p> <p>Each lot must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lot; and (b) the existing buildings and the location of intended buildings; and (c) the accessibility for vehicles providing for supplies, waste removal and emergency services; and (d) must be reasonably necessary to facilitate the continuation of an existing aged care related use or the development of an approved aged care related use; and (e) must not contain only a dwelling or dwellings
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APPENDIX E: PROPOSED SUBDIVISION PLANS

BALANCE PLAN

REFER PROPOSAL PLAN
(PROPOSED LOTS 50 AND
(14.84ha + 2.105ha +/-)





REFER BALANCE PLAN
BALANCE COMPRISED FROM BALANCE OF
CT 177646/1 AND CT 240641-1

NOTES

All distances and areas are approximate only and subject to final survey.
Cadastral courtesy of LIST (TASMAP) - State of Tasmania / Detail Survey A/Hamilton & Assoc.
Background Aerial Image - ESRI layer from LIST Website.
Contours derived from processing the following LIDAR data;
The LIDAR dataset was collected as part of the Swansea Irrigation 2014 - LIDAR data;
a project commissioned by Forestry Tasmania and delivered by AAM.
Data was sourced from Geoscience Australia

ANDY HAMILTON & ASSOCIATES - CONSULTING LAND SURVEYORS
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E: ashassoc@bigpond.com

Scale 1:2500 (A3)
Datum: Horizontal - GDA94
Vertical - AHD
Contour Interval: 1.0m
Registered Surveyor 17/10/2019 (V3)

PROPOSAL PLAN

Tasman Highway / Mt Pleasant Road SWANSEA

