



Council Office: 9 Melbourne Street, Triabunna
PO Box 6, Triabunna, Tas, 7190
Telephone: (03) 6256 4777
Fax: (03) 6256 4774
Email: admin@freycinet.tas.gov.au
Website: www.gsbc.tas.gov.au

Enquiries: Planning Department
Planning ref: DA 2020 / 80
Property file: 3-3500-356

16 June 2021

Tasmanian Planning Commission

Email to: Karen.Fyfe@planning.tas.gov.au

DOCUMENT SUBMISSION
DEVELOPMENT APPLICATION - Retirement & Aged Care Facility - Change of Use & Planning
Scheme Amendment
RA12371 Tasman Highway, Swansea

Dear Ms Fyfe

Thank you for your email of 4 June 2021. The requested documents are available from the following link:

https://www.dropbox.com/sh/juktdg9fogmroge/AACPazm_aSZXJAh0hLfCNyg9a?dl=0.

Payment of the required fee has been arranged and will be made within the next few days and will include the reference AM2021-01.

If you wish to discuss this response, please contact me on 0418 597 997 or by return email.

Yours sincerely

Mick Purves
Senior Planning Consultant

Attachments:

1. Adjoining Owner letters.pdf
2. draft Certified Amendment AM 2021 01 Tempus.doc
3. DSG Referral response.pdf
4. GSBC extract Attachments-25-May-2021.pdf
5. GSBC Minutes 25 May 2021 extract - Tempus Section 39 report.pdf
6. Taswater referral - confirmation of response.pdf
7. Taswater SPAN 2020-706 Tempus.pdf
8. Tempus draft planning permit – GSBC.pdf
9. Tempus REPRESENTATIONS COMBINED - 1 to 45.pdf
10. TempusPPZ ZoneBdy.zip
11. TempusPPZ.png
12. The Mercury - Saturday March 6, 2021.pfd
13. The Mercury - Wednesday, March 3, 2021,.pdf
14. TWDA 2020-706 Tempus SPAN.pdf



ORDINARY COUNCIL MEETING - 25 MAY 2021

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Attachment 1 - Consideration of Representations to Draft Amendment AMD 2021/01

Issues

Compliance with the Southern Tasmania Regional Land Use Strategy

Many representations raised compliance with the *Southern Tasmania Regional Land Use Strategy* (RLUS).

As noted in the original assessment report, the RLUS was prepared on data from the late 2000's, in the post global financial crisis period and is an aspirational, strategic document. It was not expected to specifically identify and locate every proposal that would occur over its 25-year life and was expected to be subject to ongoing maintenance over that time. The RLUS does not appear to have identified the economic and cultural impacts of the previous 10 years, nor does it appear to have been maintained in the manner identified within the document.

The assessment report identifies that the proposal is considered to be consistent with the requirements of the RLUS. There are internal contradictions within the RLUS, most notably between the strategic objectives for making the region and towns more liveable, with the policies providing for flexible responses for ageing in place and the lack of detailed requirements for aged care options and identification of where they should be provided within the community.

Many representations argue that the proposal must be located within urban Swansea and must be refused on that basis. This is not consistent with the requirement of SI1.7 for facilities to be close to an activity centre with access to public transport. Tempus complies with these requirements. SI1.7 also requires flexibility for aged care facilities, with Tempus providing a different offering based on a rural lifestyle rather than the traditional urban offerings provided within Tasmania. SI1.8 promotes the ageing population living within their communities, which Tempus will clearly provide.

The Assessment Report identified addressed the relevant requirements and determined that the proposal was consistent with the requirements of the RLUS. While the representations raised specific concerns, particularly with the location outside of urban Swansea, no information was presented that alters the original assessment.

Compliance with the RLUS is a relevant planning issue that has merit under the current process. The representations raised no information that requires modification of the Amendment.

Recommendation

- a. compliance with the Regional Land Use Strategy is considered to have merit as a relevant planning issue for the current assessment;
- b. no alterations are required to the amendment as a result of the representations; and
- c. Regional Land Use Strategy and Swansea Structure Plan are not expected to impact the operation of the amendment.

Compliance with the Swansea Structure Plan

Many representations raised compliance with the *Swansea Structure Plan* (Structure Plan). Specific concerns included linear sprawl and by reference within many representations, the project location outside the Structure Plan area.

The Structure Plan was based on the RLUS and is an aspirational, strategic document. As noted in the Assessment report, the application was assessed as compliant with the Structure Plan. Key points include:

1. the provision of further aged care facilities and retiree housing as a consideration for the Structure Plan (p52);
2. the significance of land fronting the Tasman Highway on the southern side of the township to the Residential Land Use Objectives (p59); and
3. the need for a gradual uptake of available land within the township for subdivision and residential developments (p60).

As identified in the assessment report, the project location was not without precedent in the area and was considered as infill given the location of Piermont opposite the site. It is accepted that the site is at the southern edge of the greater township area. While the views of the representors are noted, this assessment is not altered by the submissions.

It is also accepted that the project is located outside the study area for the Structure Plan, as identified most clearly in representation 23, the Integrated Impact Assessment for All Stages and reproduced in Figure 1.

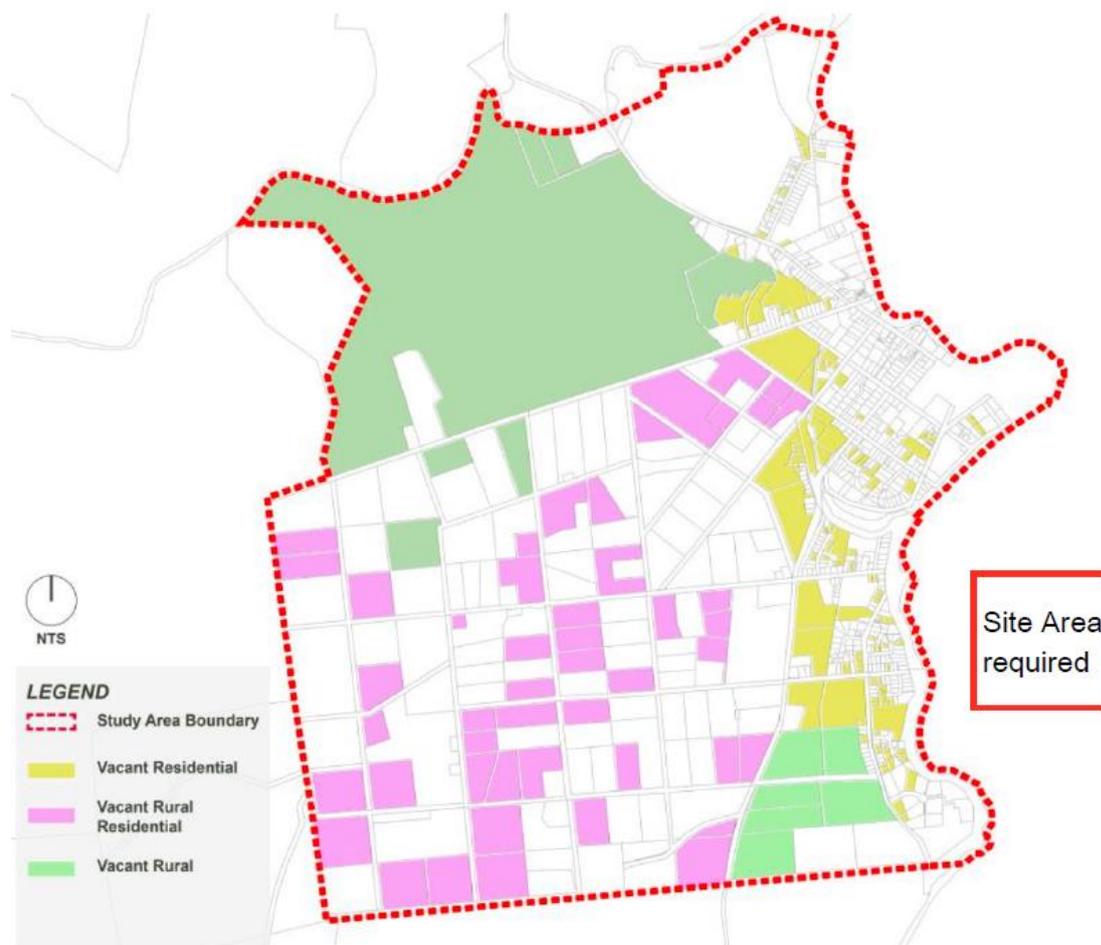


Figure 1 - Swansea Structure Plan area
(reproduced from Integrated Assessment Report for All Stages, p9)

Arguments within the representations suggest that the vacant land in Figure 1 should be used for the project. Simple visual analysis confirms that the available vacant residential and rural residential lands are not large enough to support the project, nor are identified rural parcels to the southern side of Swansea.

As identified by Representor 23, this leaves the land north of Maria St. This land adjoins the Swansea Sewerage Treatment Plant to the west and Meredith River to the north. Saltwater Creek is located just south of Maria Street. Initial discussions with Council's stormwater officer identified this land is subject to flooding, though there is limited verifiable data to confirm the extent of this pending completion of the State Flooding Project. A site inspection and aerial photography also confirm that part of this land is under pivot irrigation with other lands used for grazing, which suggests that it has a supports a higher agricultural use than the proposed site.

Both these issues raise questions regarding the suitability of the suggested land for the project, particularly considering the buffers that apply to and odour impacts that would be likely from the Sewerage Treatment Plant. This confirms the conclusion of the original assessment that location of

the project within the Structure Plan area is not a realistic proposition and would create ongoing supply problems for future residential development.

It must also be noted that while the Structure Plan identifies the need for large scale projects, retirement lifestyle and aged care facilities, no guidance is provided on where they might be located.

Compliance with the Structure Plan is a relevant planning issue that has merit under the current process.

Recommendation

- a. compliance with the Swansea Structure Plan is considered to have merit as a relevant planning issue for the current assessment;
- b. no alterations are required to the amendment as a result of the representations; and
- c. Swansea Structure Plan is not expected to impact the operation of the amendment.

Scale and associated issues

Multiple representations identified that Tempus would create an isolated residential and aged care complex and contest the gateway concept identified within the Assessment Report. The *Neil Shepard Report* and the Assessment Report identify that the proposal is considered to be at the southern edge of the area that contains a mix of uses surrounding Swansea Township. The location of the site opposite Piermont supports this position and the gateway description.

In terms of the isolated population, the *Integrated Impact Assessment for All Stages* identifies that the project will provide a similar population to the visitor accommodation sector (page 10), which is scattered throughout the Swansea township and surrounding area. The Piermont site has approval to develop 329 strata sites, which would periodically provide for a population that was equal to or greater than the Tempus project and has a significant impact on the proportion of residents to visitors within Swansea.

The project location is not considered to be without precedent in terms of location or scale. The issue is considered to be a relevant planning consideration. No alterations are proposed to the amendment as a result of representations raising this issue.

Recommendation

- a. scale and location are considered to have merit as a relevant planning issue for the current assessment;
- b. no alterations are required to the amendment as a result of this issue; and
- c. scale and location are not expected to impact the operation of the amendment.

Suitable medical facilities

Suitability of medical facilities within Swansea was identified in numerous representations.

The Integrated Impact Assessment for all stages identifies that the proposal was discussed the existing medical practice, who were supportive and suggested expansion of their services as a result of the project. It is also noted that May Shaw (representation 44) were supportive of the likely impacts Tempus would have on the medical services and resources within Swansea. The proposal documents also identify that a range of medical facilities will be provided on the site to service the local population within the project and surrounding area.

The alternative position is to require appropriate medical facilities prior to establishment of retirement lifestyle and aged care facilities within the Swansea area. As noted in response to Representation 17, this is unlikely to be commercially viable for providers and could have the adverse impact where aged care and medical services are effectively stopped from expansion locally.

Representation 28 expressed concern over the ability of the proposal to obtain staff, which was countered by the support for the proposal provided within Representation 44 on this issue. In both cases, it is a matter for the operators to resolve how they obtain staff, which is not a planning an issue for consideration within this process.

Delivery of on ground medical resources is not within the control of the land use planning system. While this issue is relevant to the operation of the proposal, it is not relevant to land use planning considerations under the current process.

Recommendation

- a. available medical facilities are not considered to have merit as a relevant planning issue for the current assessment;
- b. no alterations are required to the amendment as a result of the representations; and
- c. this issue is not expected to impact the operation of the amendment.

Town Boundary

Multiple representations raised the site location outside of the Swansea Town Boundary as a reason for refusal of the project.

Town boundaries are a historical concept that were linked to prior legislation for building and then planning schemes that applied to key towns and their surrounding urban areas.

Introduction of the *Land Use Planning and Approvals Act* in 1993/4 established a requirement that planning schemes apply to the entire municipal area. Urban and rural zones became the principal land use management tools and universal zoning effectively sidelined the use of town boundaries within a land use planning context.

Further planning reforms consolidated those changes, concluding in the Regional Land Use Strategies and zoning regimes under the Interim and Tasmanian Planning Schemes.

Review of the Locality Boundary information on LISTmap identifies that the current description of Swansea includes the township, the Tempus site and large swathes of lifestyle and rural lands, as shown in Figure 2 to the right. Figure 3 shows that the existing zoning of the Swansea township extends beyond the proclaimed town boundary. Both Figures show that Swansea has grown beyond the proclaimed town boundary that is shown on the Tasmaps series on LISTmap. Further information is available on this issue in response to Representation 23.

The town boundary is not relevant to the current planning system or consideration of this proposal. This issue is not considered to have merit and no alterations are proposed to the amendment in response to this issue.

Recommendation

- a. the proclaimed town boundary is not considered to have merit as a relevant planning issue for the current assessment;
- b. no alterations are required to the amendment on this issue; and
- c. the proclaimed town boundary is not expected to impact the operation of the amendment.

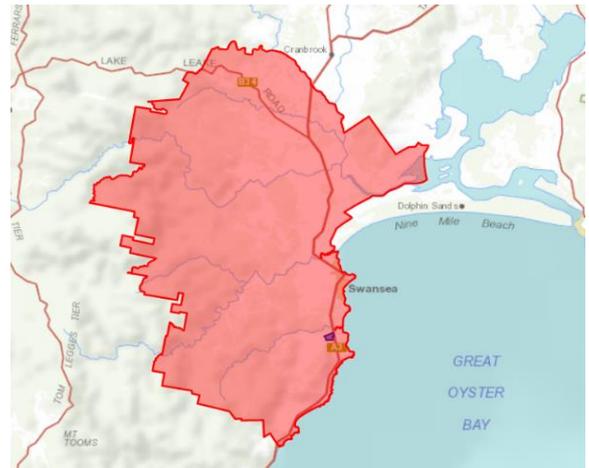


Figure 2 - Swansea location boundary

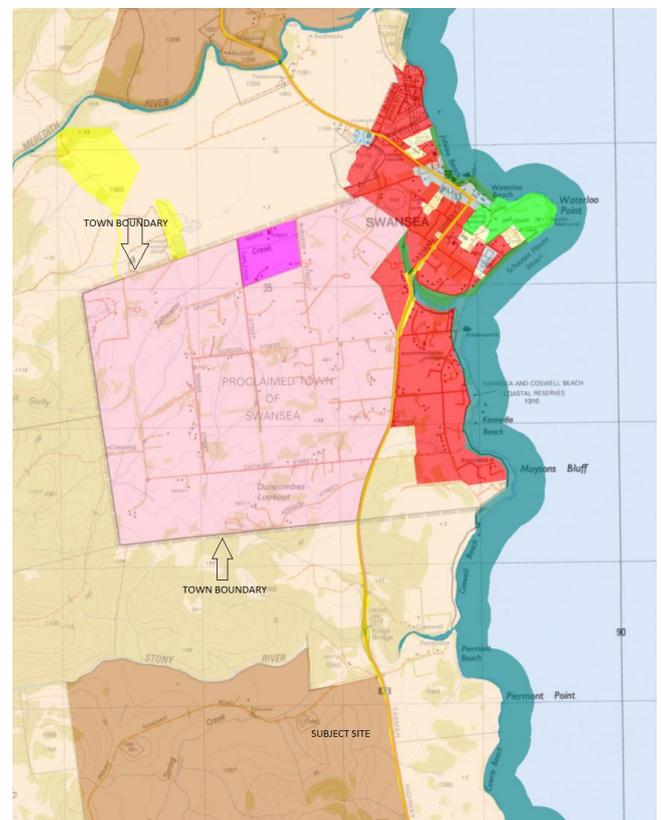


Figure 3 - Town boundary with Interim Scheme zoning

Agricultural Land

Many representations raised the loss of valuable agricultural land, compliance with the *State Policy for the Protection of Agricultural Land* and land use conflict between Tempus and the adjoining Gala Estate vineyard. Some representations provided comments from experienced or qualified parties that both support and contradict the findings of the Agricultural Reports that accompanied the application. Those statements concern:

- the potential for and the ability to manage land use conflicts around spraying, noise, competing demands and fettering; and
- the nature of the soils on the Tempus site and their ability to sustain viticulture and therefore, their value as agricultural lands.

There is no simple way to resolve the conflicting expertise and statements within the representations though this process.

Additional expert analysis will be required to address these claims and determine the factual outcome of the competing statements. This body of work will then inform the assessment of the application and subsequent decision.

Representation 35 identified the lack of setback requirements under the proposed Particular Purpose zone, which fails to recognise the controls at GSB-P7.6.3 A3/P3. Review of that standard concluded that A3(b) should be clarified to recognise existing buildings for sensitive use only under this standard.

The issue has merit for consideration of the current application and is supported under the current process. Additional information will be required before the conflicting information and advice can be resolved and it can be determined whether modifications are required to the amendment.

Recommendation

- a. compliance with the State Policy and consideration of potential impacts on agricultural operations are relevant to the current amendment and the representations are considered to have merit;
- b. it is premature to determine whether alterations will be required to the amendment as a result of the conflicting information and advice within the representations, it was identified that the wording of GSB-P7.6.3 A3 should be modified to refer to setbacks for dwellings and habitable buildings; and
- c. impacts of this issue on the operation of the amendment cannot be determined at this time.

Tempus creating precedent for Cambria

Many representations raised concern that Tempus would create a precedent for approval of the re-activated Cambria Green Amendment.

Planning Scheme amendments are required to be considered by the Planning Authority and then the Commission on their own merits. Decisions on amendments can vary widely depending upon a range of matters including the nature of the proposal, the supporting information provided, nature of representations received and compliance with the relevant strategic and statutory documents. The Commission is the ultimate decision maker and operates as an independent statutory authority to maintain the integrity of its decisions.

While this concern is noted, the two applications are substantially different. This concern is not supported from a planning perspective.

The precedent of Tempus for Cambria Green is not considered to have merit as a relevant planning issue for the current assessment and no alterations are proposed to the amendment as a result.

Recommendation

- a. precedent of Tempus for Cambria Green is not considered to have merit as a relevant planning issue for the current assessment;
- b. no alterations are required to the amendment as a result of the representations; and
- c. precedent is not expected to impact the operation of the amendment.

Lack of Road owner consent

As noted in the Neil Sheppard Report and the Assessment Report, the title described as *Crown land* within the site is in private ownership. Consent from the Trustees of the Estate of the owner was provided as part of the application documents.

The application documents address the requirement for owners' consent and no further information is required for the application.

Recommendation:

- a. owners' consent is a relevant consideration to the current process that was addressed in the application documents; therefore the issue is not considered to have merit to the current process;
- b. no alterations are required to the amendment in response to this issue; and
- c. the issue of owner's consent is not expected to impact the operation of the Amendment.

Infrastructure

Review of the representations identified significant concern over the provision and funding of infrastructure of the project, availability of reticulated water to the site and impact on the water supply for the rest of Swansea.

Infrastructure provision remains the obligation of the proponents for the project. Council may wish to add a condition to the permit clarifying that the proponent is responsible for funding infrastructure required for the project.

The Submission to Planning Authority Notice with TWDA 2020/00706-GSB provided consent and requirements for servicing the project and advised that Taswater did not wish to appear at the hearings. It is noted that many representors expressed concern regarding the capacity of the Swansea service to meet the current and future urban and agricultural supply requirements.

Concerns over the capacity of the reticulated water network need to be considered by Taswater and should be referred to them for consideration. The provision of potable water supply for the proposal is fundamental to the suitability of the site for the application and as a result, support for the project.

It is noted that stormwater infrastructure is addressed at conditions 45 and 46 of the permit, but do not include a requirement that discharge from the site to the public stormwater system is maintained at pre-development levels. The application was referred to State Growth for owners' consent and comment as part of the preliminary assessment. Both were provided, though neither made specific comment about stormwater issues.

A condition limiting stormwater discharges is consistent with the requirements of Section 84(1)(c) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and will limit any long-term liabilities for stormwater discharges. A new condition 47 is recommended on this basis.

The provision of infrastructure generally for the project is addressed by the existing assessment process and not considered to require any alteration of the amendment.

The capacity for the reticulated water supply service to meet the existing and future demands of the Swansea area and consequential stormwater issues related to the subdivision and development process are considered to have merit and relevance to the current process. Further information will be required from Taswater before a final recommendation can be provided on potential alterations to the amendment resulting from these issues.

It is suggested that further information be obtained to demonstrate that the project will not detrimentally impact minimum service levels for existing urban and rural services.

Recommendation:

- a. infrastructure issues for stormwater management and reticulated water system capacity are relevant to the current consideration and are therefore considered to have merit to the current process;

- b. alterations are proposed to:
 - i. includes a new condition 47 is added to the permit that requires stormwater discharges from the site to be limited to pre-development levels;
 - ii. request Taswater to confirm capacity and impacts for the existing urban and agricultural services in the area; and
- c. a response to b.ii. is required before potential impacts to the operation of the Amendment can be determined.

Visual / scenic impacts – rep 8

Many representors expressed concern that the project will have detrimental impacts to the scenic qualities of the area and consequentially, the tourism economy.

The application documents identify that the buildings are not expected to have significant impacts within the local landscape, as detailed in the response to Representor 8.

The Landscape Impact Assessment provided with the application details the potential impacts of the proposal. The Integrated Impact Assessment provides a response to visual impact at section 2.3 states that the buildings were designed to minimize visual impact and provides the following photo to support this position:



This is supported by the photomontages provided as part of the application documents, which includes an additional 4 images portraying the proposal. This includes the following:



These images suggest that the overall impact of the tallest structure on the site will not be significant, though it is noted that the images provide a cloudy background that downplays the impact of the white capped header tanks/observatory buildings within the landscape.

The supporting documents and assessment report identified that most of the buildings were designed and located to minimise visual impacts, however some of the finishes and colours are likely to have a high contrast with the surrounding landscape during the daytime and at night (through direct and indirect lighting). Specific impacts are considered likely for the Observatory and stables/indoor arena buildings, due to their location and white finishes to the observatory components of the structure.

It was identified that additional imagery should be provided to confirm the impacts of these buildings and the overall project within the wider landscape so that the colours and finishes could be reviewed and considered. Alternative colours may be required to minimise visual contrast and impacts.

While information was provided on the value of tourism to the Tasmanian and local economies, no evidence was provided on the suggested detrimental economic impacts to tourism resulting from visual impacts.

Visual impacts of the project are considered to have merit and further information will be required to determine potential impacts and any response that might be required to address those concerns. The outcome of that information will inform the degree of any issue and whether alterations are required to the amendment as a result of this issue.

Recommendation:

- a. visual impacts of the project are a relevant consideration to the current process and therefore have merit to the current process;
- b. additional photomontages are required to determine and resolve the potential contrasts and visual impacts of the colours and finishes of buildings within the wider day and nighttime landscapes; and
- c. pending response to b, visual impacts are not expected to impact the operation of the Amendment.

Light Impacts / Pollution

Representation 8 expressed concern at the impact of the project on the east coast dark sky and was supported by the majority of other representations against the proposal.

Dark Sky impacts are not recognised under the Tasmanian Planning System as yet, though it is noted that Glamorgan Spring Bay Council included this issue in its Section 35G Notice to the Commission following exhibition of its Local Provisions Schedule.

It is noted that the Piermont complex has approval for 392 strata sites directly opposite Tempus, or below if viewed from across Great Oyster Bay. This will compromise the integrity of the dark sky concept within the immediate area.

Noting this, Council identified that lighting should be baffled to minimise impacts within the project generally and to require additional information to determine likely lighting impacts of building finishes at night.

Recommendation:

- a. lighting impacts from the project are a relevant consideration to the current process and considered to have merit;
- b. the amendment should be modified to provide:
 - i. additional information on potential lighting and visual impacts of the colours and finishes of buildings within the nighttime landscapes; and
 - ii. a new condition that requires lighting to be baffled to minimise off site and night-time impacts
- c. pending response to b, visual impacts are not expected to impact the operation of the Amendment.

Community access to facilities

Concern was expressed at the vague language used in the Assessment report for community access to the facilities provided on the Tempus site.

The Integrated Impact Assessment is much clearer in committing that virtually all the social and recreational facilities would be available to the local community (most clearly stated at page 31).

The basis of the application was that Tempus will provide social and aged infrastructure for the local community and this commitment supports its compliance with multiple aspects of the Regional Land Use Strategy. As such, a condition should be imposed to reflect this statement.

Recommendation:

- a. community access to facilities within the Tempus proposal are considered have merit;

- b. the amendment should be modified to include a condition to ensure community access to the facilities, consistent with the proposal documents; and
- c. community access to facilities is not expected to impact the operation of the Amendment.

Use for Visitor Accommodation

Use of the site for visitor accommodation is not possible under the terms of the Particular Purpose zone. Such a use cannot occur and would require a planning scheme amendment to be allowed within the zone.

Recommendation:

- a. use of Tempus for visitor accommodation is not possible under the Particular Purpose zone and therefore is not considered have merit;
- b. the amendment does not require any modification as a result of this issue; and
- c. use of Tempus for visitor accommodation will not impact the operation of the Amendment.

Ability to complete the project

Representor 29 identifies concern at the staged nature of the proposal and risk for a lower quality development to be provided, while other representors suggested similar concerns. Conditions were requested for completion of the project within 5 years, or the site should effectively be reinstated to pre-development conditions.

Staging of approvals is a common process within the development process, which can be achieved through successive applications or staging of a single approval. The information provided by proponents as part of consultation outside the statutory exhibition process is not relevant to the current assessment.

The Act provides substantive options for commencement of projects within six years of approval but makes no provision for completion of projects or their abandonment.

Recommendation:

- a. submissions regarding staging and completion of Tempus are not considered have merit;
- b. the amendment does not require any modification as a result of these issues; and
- c. staging and completion of the project are not impact the operation of the Amendment.

Detailed assessment of representations

1. R&B Dart

The representation provides support for the provision of retirement options within the Swansea area. The representation does not raise any planning issues that require further consideration under this process.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit but raises no planning issues that require consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

2. Deborah Fleming OAM

The representation expresses support for the project, particularly its progressive nature, high quality offerings and example provided by the Arbour project at Berry, NSW. The representation does not raise any planning issues that require further consideration under this process.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit but raises no planning issues that require consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

3. David Mitchell

The representation expresses support for the project and its appealing nature. The representation does not raise any planning issues that require further consideration under this process.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit but raises no planning issues that require consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

4. East Coast Alliance

The representation expresses concern regarding compliance with relevant strategic documents, potential for land use conflict and the loss of agricultural lands. Particular concern is expressed for the precedent that this project may establish for other large-scale projects on the east coast.

The representation expresses concern regarding compliance with the RLUS, particularly the creation of what is argued as a large multiple dwelling estate outside of Swansea, this being outside the growth allocated under the RLUS; and the potential for Tempus to undermine existing facilities provided within Swansea township.

While the concerns of the representor are noted, no new information is provided that affects the assessment of compliance with the RLUS in the assessment documents.

The issue has merit for consideration under this process but does not require changes to the amendment or impact its operation.

The representation submits that the proposal represents leapfrogging, should not be considered on the basis that the RLUS and Structure Plan are outdated and does not comply with the requirements of the Scenic Road Corridor.

The proposal was assessed against the requirements of the Act, RLUS and Structure Plan and determined to be consistent with each, despite being outside the concepts that underpin the latter documents.

Neither the RLUS nor the Structure Plan present as rigid documents that were prepared to identify every possible project that would arise during their operation. Both support an approach to use

processes within the Act to deal with matters outside their terms, which the current application seeks to do. Planning Scheme amendments provide a process to consider such proposals, while this application includes tightly defined planning provisions to consider the proposal, along with the planning application for the first stage of the overall project. This is considered to be consistent with the nature of the planning system, RLU and Structure Plan.

The proposal was assessed against the requirement of the Scenic Road Corridor and determined to comply.

These grounds raise valid planning issues for consideration under this process. No alterations are proposed, and the grounds are not expected to impact the amendment as a whole.

Concerns are expressed at the scale of the project in context of the Swansea settlement and limited availability of/impact upon medical facilities in the area.

The scale of the project is noted and was addressed in the original assessment reports and is not unprecedented in the immediate area. Piermont has approval for 325 units, directly opposite the subject site.

Availability of health services was considered by the proponents in the Integrated Impact Assessment for All Stages (page 12), who have discussed expansion of medical facilities with local health and aged care providers. The concepts for the Aged Care facility include a helipad for medical evacuations.

The statements have merit but have not presented any additional information that requires the original assessment of this issue to be revised. There are no alternations required to the original recommendation and this concern has no impact on the operation of the amendment.

The representation submits that Piermont should not be used as a precedent for the project, given that it was approved many years ago under a different suite of planning documents.

The Piermont approval was issued in 1992 and provides for 392 units on site, with other facilities. This approval represents part of the existing land use pattern throughout the area and has an impact on the potential for land use conflict in the area.

While the intent of the statement is understandable, it is not supported from a planning perspective. No changes are proposed as a result of this ground and it is not considered to impact operation of the amendment.

The representation submits that the proposal has the potential to fetter adjoining land uses within the Significant Agricultural zone. No evidence is provided to counter the information provided with the application within this representation, however other representations provide statements from adjoining landowners and other people with relevant experience in the area. It goes on to submit that the agricultural assessments appear questionable, given establishment of the adjoining Gala Estate vineyard in recent times.

Both Agricultural Assessments provided with the application included site inspections and/or surveys and conclude that the 18-hectare Tempus site has no viable capacity for commercial agricultural operations, providing extensive discussions to support those conclusions.

While this representation does not provide any supporting evidence for their claims, other representations provide experience or advice that contradicts a range of conclusions within the applicant's agronomist reports and from the current landowner.

There is sufficient information on this issue to raise questions over the ability of the proposal to create land use conflict and then the ability of the operators of each site to manage potential conflict on an ongoing basis.

This concern raises a valid planning issue for consideration under the current process and supports the proponent providing additional detailed information to investigate and determine these concerns.

The representation raises issues that requires additional assessment of the potential for land use conflicts. This information should be provided by the applicant for consideration of the Commission and Council. The need and extent of any changes to the amendment and its operation cannot be determined absent that additional information.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, with the agricultural issue identified elsewhere are requiring further evidence to resolve;
- b. pending resolution of the agricultural issues identified in this and other representations, the amendment does not otherwise require modification from this representation; and
- c. pending resolution of the agricultural issues identified in this and other representations, the representation has no impact on the amendment as a whole.

5. Spring Vale Wines

The representation raises concern with various aspects of the proposal as a wine and spirit producer within the area.

The first issue relates to the ability of Taswater to provide reticulated water services for the project and to service irrigation licenses sourced from the same infrastructure.

Taswater provided consent for the project through the required regulatory process for the amendment and planning application. It is noted that this and other representations question the ability of the reticulated service to meet the current and future demands of urban and agricultural users. As noted in the opening discussion, Taswater should provide additional information regarding this issue.

The Cambria proposal was 'stalled' as the Commission determined that owner's consent was not provided. This decision was then challenged to and overturned by the Supreme Court, following the submission of additional evidence to address the required consent. The Cambria Green amendment was then referred back to the Commission for assessment. Hearings for the proposal re-commenced on 2 March 2021. The Commission is yet to complete that assessment.

Spray drift is a recognised factor for land use conflict, which requires assessment through this process. There is conflicting information about the potential for spray drift impacts from the agronomist reports provided with the application, the current landowner and other relevant representations.

This concern provides a relevant perspective that supports questions raised in other representations. Representation 35 provides support to this representation with advice from a viticulturalist that claims the site appears capable of sustaining 5 hectares of grapes, which contradict a range of conclusions within the applicant's agronomist reports and from the current landowner.

There is sufficient information on this issue to raise valid questions over the ability of the proposal to create land use conflict and then the ability of the operators of each site to manage potential conflict on an ongoing basis.

This concern raises a valid planning issue for consideration under the current process and supports the proponent providing additional detailed information to address these concerns.

As noted in the assessment of representation 4, additional information will be required from the applicant to determine these issues. While the concerns are understood, each planning scheme amendment is assessed on its own merits.

In terms of the assessment against the requirements of the Act:

- a. the representation raises valid issues for consideration in terms of water supply and potential agricultural impacts resulting from the proposal that have merit;
- b. further evidence will be required on the water supply and agricultural issues identified in this and other representations to determine if the amendment requires modification; and

- c. it is premature to determine the impacts of the representation on the operation of the amendment pending resolution of the water supply and agricultural issues identified in this and other representations.

6. M Ibbott

The representation expresses support for the project, particularly the range of design features provided by the site, architecture, and layout of the proposal. It does not raise any planning issues that require further consideration under this process.

In terms of the assessment against the requirements of the Act:

- a. no planning issues were raised that require consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

7. Jack Cotton

The representation was made as the current landowner and provides three sets of points in support of the proposal.

1. The subject 18 ha is not productive agricultural land, and its loss has no significant impact on the operations of Kelvedon:
 - The area has shallow soils and exposed bedrock;
 - Historic use for grazing ranges from 1 to 4 sheep/hectare from drought to good years;
 - Sale of the land will facilitate irrigation investment in other areas of Kelvedon to improve grazing and viticulture operations.
2. Tempus site and proximity to Gala Vineyard is of limited impact for the following:
 - through provision of a buffer;
 - prevailing weather conditions during spraying season (October to late February) being NW to NE and send spray drift away from the site and the requirement to avoid spraying during windy conditions;
 - improving technology to manage spray drift;
 - the limited long-term effectiveness of gas guns and noise deterrents over time;
 - bird management being best managed through netting, with new options being developed such as lasers and drones.
3. Employment potential resulting from Tempus in the Swansea region, including across horticulture / viticulture and including opportunities for grape harvesting and pruning

The comments are noted and are consequential to the issues under consideration as part of this process.

The representation expresses support for the project and provides an interesting perspective and experience that counters many of the other representations that claim Tempus will detrimentally impact agricultural activities on the adjoining site.

The comments within this representation are consistent with those provided within the agronomist reports as part of the application. They are not consistent with submissions from other representors who either have or provide expert advice on this issue, which is addressed in response to those representations. It is noted that additional information will be required from the applicant on those issues in response to other representations.

In terms of the assessment against the requirements of the Act:

- a. the issue of land use conflict is subject to an information request arising from this and a number of other representations that requires further consideration;

- b. agricultural issues identified in this and other representations will require resolution to determine if the amendment will require modification from this representation; and
- c. the impacts of the representation on the amendment as a whole cannot be determined pending review of the additional information identified within this report.

8. Freycinet Action Network / Underwood

The representation opposes the proposal, based on eight main points as follows.

1. Inconsistent with Southern Tasmania Regional Land Use Strategy 2010 – 2035;
2. Linear Sprawl is inconsistent with the Swansea Structure Plan 2016;
3. No Consent Obtained re Public Road making the application invalid;
4. Permanent loss of productive agricultural land and land use Conflict inconsistent with the State Policy on Protection of Agricultural Land 2009;
5. No clarity on who will pay for the essential infrastructure;
6. Visual impact on the Great Eastern Drive and Undermining the regional economy;
7. Light Pollution – erosion of the east coast's dark sky; and
8. The erosion of Scenic Landscape Values due to Ribbon Development or Linear Sprawl down the East Coast.

Detailed examination of the issues follows.

1. Inconsistent with Southern Tasmania Regional Land Use Strategy 2010 – 2035;

The representation identifies that the proposal is outside the moderate growth strategy and consolidation scenario identified for Swansea in the RLUS.

This issue was examined in the original assessment materials and determined to comply with the RLUS as a project of this type was outside the scope of the development concepts that underpin the document. Further, the applicant's documentation identifies that the development options identified by the representor were not consistent with the rural lifestyle concept and were not able to accommodate the spatial requirements for the project within the township without creating significant problems by taking most of the available land supply and growth allocation for Swansea under the RLUS.

The representation identifies that the project will create an isolated population of 300 people, with no connection to the Swansea township that is dependent upon cars for access. These statements assume that all aged care facilities must be in an urban location and ignore the rural lifestyle basis of the proposal. Unit residents will have access to personal and facility-based transport options and residents of the future home will have access to facility-based transport options, much like facilities located in urban areas. The dispersed nature of Tasmanian settlements suggests that employees are likely to be drawn from a large area, which would rely on private transport to attend shifts regardless of the location of the facility.

While this issue raised valid planning matters for consideration, the detailed assessment did not identify any matters that were not considered in the original assessment. As a result, the original assessment does not require modification and is not expected to impact the amendment as a whole.

2. Linear Sprawl is inconsistent with the Swansea Structure Plan 2016;

The representation suggests that the proposal represents linear sprawl, which is inconsistent with the Structure Plan. The original assessment report examined compliance with the Structure Plan at section 6.2. The subject site is outside the scope of the Structure Plan. Assessment of the Amendment identified the following:

While the Structure Plan does not go on to identify where retirees might live, it does recognise the following:

1. *the provision of further aged care facilities and retiree housing as a consideration for the structure plan (p.52);*

2. *the significance of land fronting the Tasman Highway on the southern side of the township to the Residential Land Use Objectives (p59); and*
3. *the need for a gradual uptake of available land within the township for subdivision and residential developments (p60)*

As stated in previous sections, strategic documents cannot be expected to identify and address all future development opportunities that might arise in response to growing trends and changing community expectations.

It was also identified that while the Structure Plan made statements about accommodating large projects, it did not provide any direction on where such projects might be located. The conclusion of the original assessment was that while the Structure Plan was of limited use in assessing the proposal, it was consistent with the residential objectives and actions for residential development and provision of aged care within the area.

As noted in the original assessment, the site is adjacent the Piermont Estate and represents the southern extent of the Swansea township.

The issue raises a valid issue for consideration with the proposal but did not present any evidence that suggests this aspect of the original assessment should be altered. As a result, no modifications are recommended to the amendment on this issue and the amendment is not expected to be affected as a whole.

3. No Consent Obtained re Public Road making the application invalid;

The representation raises the lack of crown consent for the amendment as it includes a crown reserve and submits the application is invalid.

As noted in the assessment report on the Amendment, the consent of the landowners was provided for the application. The subject road reservation identifies as crown land on the LISTmap but was researched by the Crown and the applicants and determined to be in the estate of a former owner.

The applicant's documentation addressed this matter and Council took legal advice prior to accepting lodgment of the application.

The subject land is not in crown ownership and the consent of the trustees of the estate was provided for the application.

This ground is not supported. No changes are required to the amendment as a result of this issue, and it will not impact the operation of the amendment as a whole.

4. Permanent loss of productive agricultural land and land use Conflict inconsistent with the State Policy on Protection of Agricultural Land 2009;

The representation claims the proposal is contrary to the Policy and that condition 3 of the proposed permit recognizes this.

The application was supported by a report from Rod Hancl of Roberts and peer reviewed by AK Consulting. No evidence was provided to counter the evidence provided within these reports and support the claims within this representation. Compliance with the Policy was addressed in the applicant's documents and at section 7 of the Assessment Report for the Amendment.

The representation identifies that condition 3 of the permit is potentially unlawful and requires future residents to accept something that may or may not be true. The adjoining land uses to the south and west are evident and based on the facts of the site. The condition does not attempt to remove or curtail third party rights, but simply recognize the location of the proposal and adjoining land uses.

The potential for land use conflict is one of the required assessment criteria for the Commission to consider and remains relevant to the proposal. GSB-P8.6.3 of the Particular Purpose zone provides standards at A3 and P3 that specifically require consideration of impacts to adjoining rural and

agricultural operations within 200 metres. Those standards are based on the Tasmanian Planning Provisions within the Agriculture zone, which were determined to provide suitable consideration of the potential impacts to nearby agricultural operations by the Commission.

It is noted that additional information is being sought from the applicant on land use conflict based on the information provided within other representations. No specific response is required to the concerns in this representation on this issue. Impacts on the operation of the amendment as a whole cannot be determined until the additional information is considered.

5. No clarity on who will pay for the essential infrastructure;

Major infrastructure providers require that the proponent pays for infrastructure that is required for a project. That principle applies to this project and permit. Conditions for the project require the work to be completed to the requirements of the relevant authority.

In terms of the examples provided:

- reticulated water services are regulated by Taswater, who issued consent for the project to connect to the reticulated water service for Swansea (refer SPAN TWDA 2020/00706-GSB);
- wastewater infrastructure will be provided by the proponent on their site and at their cost to establish and then maintain;
- Tasman Highway upgrades are subject to a separate assessment process under the *Roads and Jetties Act 1935* and administered through State Growth (refer condition 26 of the recommended approval).

Council may wish to impose an additional condition to clarify these requirements are to be funded by the developer as part of the recommended approval (potentially as a new condition 34).

6. Visual impact on the Great Eastern Drive and Undermining the regional economy;

The representation claims that the project will have a detrimental impact on the scenic qualities of the Great Eastern Drive and its detrimental impacts to its economic value. While references are made to the value of the tourism economy to the region, no evidence is provided to support the claim within the representation.

The Landscape Impact Assessment provided with the application details the potential impacts of the proposal. The Integrated Impact Assessment provides a response to visual impact at section 2.3 states that the buildings were designed to minimize visual impact and provides the following photo to support this position:



This is supported by the photomontages provided as part of the application documents, which includes an additional 4 images portraying the proposal. This includes the following:



These images suggest that the overall impact of the tallest structure on the site will not be significant, though it is noted that the images provide a cloudy background that downplays the impact of the white capped header tanks/observatory buildings within the landscape.

The site plans and sections for stage 1A identify that the header tank and observatory building will be located on the highest point of the site, while their elevations identify that the structure will have stone walls for the header tank and the observatory will have white rendered walls and a white fiberglass dome. The stone walls are not likely to create a significant visual contrast and impact. The white rendered walls and fiberglass dome are likely to have a higher contrast with the surrounding landscape. The imagery supplied suggests this will not be as dramatic as the white colour suggests. It is noted that the imagery provides a cloudy sky, which minimises contrast with the white elements.

A darker colour would reduce those impacts when viewed from the Tasman Highway and also from and across Great Oyster Bay.

The image of the site entrance identifies that the entrance wall, indoor stables and arena will have a more significant impact:



No imagery is provided that shows the impact of the site travelling south from Swansea or within the wider landscape.

While the veracity of the application documents is not questioned, this and other representations highlight that additional photomontages would confirm those statements in a more visually understandable manner and inform the need for any changes to the colour scheme for the project.

It is recommended that the colours of the rendered walls and dome for the Observatory are changed to a muted colour to minimize visual impact of this structure within the landscape.

Additional imagery should be provided to confirm the colour for the Observatory and impacts of the proposal when travelling south from Swansea for consideration as part of the hearing process.

Visual impacts are a valid planning issue for consideration and additional materials should be required from the applicant to confirm the visual impact to the Tasman Highway. It would be premature to conclusively determine the impacts of this issue on the operation of the amendment absent the identified additional materials.

7. Light Pollution – erosion of the east coast's dark sky; and

The representation identifies the expected impacts of the proposal on the dark sky of the area. The Dark Sky concept is not reflected within the planning assessment and regulation frameworks established under the Act, Interim Scheme, or the Tasmanian Planning Provisions.

It is noted that the Council supported review of the Tasmanian Planning Provisions to reflect this concept in its section 35G Notice to the Commission on submissions received to its Local Provisions Schedule. Until the section 35G Notice is addressed, the Dark Skies concept is outside of the assessment criteria for this process.

This ground of the representation does not raise any planning issues that can be considered at this time. The amendment should be modified to require additional information on this issue and include an appropriate condition to reflect this. The operation of the amendment will not be affected.

8. The erosion of Scenic Landscape Values due to Ribbon Development or Linear Sprawl down the East Coast.

The issues within this ground of the representation were largely assessed in response to grounds 2 and 6. A set of additional points were provided within this ground but are not part of the Council or regional strategic framework. A planning response to the identified issues follows:

- As noted, neither the RLUS nor Structure Plan provided for this type of project. The rural lifestyle nature of the concept relies on such a location, which is not available within the urban settlement of Swansea;
- The subject site forms the southern extend of the greater Swansea area and is adjacent the Piermont Retreat site. It is acknowledged this is the southern extent of the settlement, however this location is considered to be consistent with the restrictions for ribbon development and the associated sprawl within the State Coastal Policy. The proposed site will maintain an eight-kilometre separation to the south to *Hamptons on the Bay*. This is unlikely to compromise the separation of settlements and non-urban use along this section of the Tasman Highway.
- The proposal was assessed against the Scenic Road Corridor of the Interim Scheme and determined to comply. Comparisons to the Landscape Conservation zone of the Local Provisions Code are not appropriate, as neither the subject nor surrounding sites are proposed for that zone under the Local Provisions Schedule.
- The visual landscape, environmental, agricultural and recreation qualities were examined in response to previous issues and through the original application and assessment documents and are not altered by this representation.
- As noted in response to previous issues, the proposal will maintain a significant settlement between the project and land in other lifestyle land uses to the south.

It is noted that the response to issues within this and other representations will require additional information from the applicant to confirm the visual impacts of the proposal. The potential for land use conflict on a range of grounds was subject to other representations and raised within this submission.

In terms of the assessment against the requirements of the Act:

- a. the representation raised issues that have merit for consideration under this process, particularly relating to visual impacts, land use conflict and provision of infrastructure;
- b. it is premature to determine whether the amendment needs to be modified as a result of the representation absent the additional information; and
- c. it is premature to determine the impact of the representation on the amendment as a whole.

9. Joan von Bibra

The issues raised within this representation are substantially the same as the previous representation from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

10. Sharon Moore

The issues raised within this representation are substantially the same as the previous representation from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

11. Susan Eade

The issues raised within this representation are substantially the same as the previous representation from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

12. Felicity Hargraves

The issues raised within this representation are substantially the same as the previous representation from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

13. Sally Curry

The issues raised within this representation are substantially the same as the previous representation from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

14. Joanna de Burgh

The representation expresses concern with the proposal and the issues raised within this representation are substantially the same as the previous representation from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

15. Bob Holderness-Roddam

The representation opposes the proposal by reference to Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

16 Liz Swain

The representation provides support for the proposal. The representation does not raise any planning issues that require further consideration under this process.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit but no raises no planning issues that require consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

17. Dr Georgie Stilwell

The representation opposes the proposal.

Many of the issues raised within this representation are substantially the same as the previous representations from Freycinet Action Network and others. The response to that representation applies to these concerns.

It is noted that the representor provides further opinion on the provision of health services. The RLUS and Structure Plan recognise the need to provide retirement living options in local communities and improvement of medical facilities. The land use planning process and health system are separate and there is little opportunity for coordination between them. This application cannot reconcile that situation.

The alternative position is to require appropriate medical facilities prior to establishment of retirement lifestyle and aged care facilities within rural and remote communities. This is unlikely to be commercially viable for providers and could have the adverse impact where aged care and medical services are effectively stopped from expansion locally. Consequentially, there is likely to be little improvement in locally available retirement or health facilities.

This approach is not consistent with the intent or requirements of the RLUS or the Structure Plan. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

18. Robyn Moore

The representation opposes the proposal and raises three main areas of concern.

The representation raises concern over the provision of water for the project through Taswater infrastructure, citing existing problems within the township. The representor requests additional information about the capacity of the reticulated water system to service existing demands and the proposal. It requests further information on greywater reuse and rainwater capture to minimise potable water use.

As noted by the representor and in the assessment reports, Taswater provided no comment for the proposal and issued their Submission to Planning Authority Notice with TWDA 2020/00706-GSB, dated 25/05/2020. This consent includes provision of water mains by the proponent to ensure water service for the site, subject to Taswater requirements and standards.

While this consent deals with the physical infrastructure for the water service, multiple representations cite existing supply problems and concern with the ability of the service to provide the water to the site. Council noted this was a long-standing concern within urban Swansea.

It is suggested that the Commission require Taswater to demonstrate that the project will not detrimentally impact minimum service levels for existing services.

The representor cites a lack of compliance with Clause GSB- P7.6.2 A1 – Building Height for the observatory and reflective finishes (Clause GSB- P7.6.4 A1 – Exterior Building Finish) for multiple buildings including their reflectivity. It suggests that the Observatory structure should be relocated to comply with the height limit.

This issue was discussed in response to Representation 4/8. The imagery from that discussion is repeated here for clarity and identifies that the observatory does not have a marked impact on the scenic landscapes when travelling north. No imagery is provided showing the site when travelling south.



This concern supports the questions posted in response to the earlier representation, whether the observatory should be required to have a darker cladding to make the structure recede into the landscape.

Colours and visual impact of the structures were discussed in response to representations 4 and 8, including recommended changes to the proposal to minimize the visual impacts of this portion of the project.

Elevation below a skyline or ridgeline was also identified by the representor, in response to Clause GSB- P7.6.4 A2 – New Buildings.

The site plans and sections for stage 1A identify that the header tank and observatory will be located on the highest point of the site. Relocation of the structure is not considered appropriate, given the operational requirements for the header tank. The very nature of this structure provides the justification required for compliance with clause P2.1 of this standard.

Similarly, the Arena and Stables building is located on a flatter section of the site due to operational requirements. It is noted that this area is not located on or within 10 metres of a skyline or ridgeline.

Further information is required to determine the visual impacts of the proposal within the wider landscape, impacts resulting from the materials and finishes proposed and impact to the day and nighttime landscapes from the project.

The representation raises concern at the equivocal language used within the assessment report when describing aspects of the project to be made available to the local community. Examples such as costs for access to the pool and hall are cited.

The basis of the application was that Tempus will provide social and aged infrastructure for the local community and this commitment supports its compliance with multiple aspects of the Regional Land Use Strategy. As such, a condition should be imposed to reflect this statement.

Compliance with components of the RLUS is also questioned, particularly around SD8 and AC1.3 of the Activity Centre Network.

SD8 was examined in the Neil Sheppard and assessment reports and the proposal was found to comply. AC1.3 seeks to *discourage out of centre development by only providing for in-centre development within planning schemes*. Use class for the proposal was determined to as Residential by reference to the defined types of *residential aged care facility* and *retirement village*. The communal facilities that are subject to this concern are primarily provided for residents of the facility and included as part of definitions of the respective use types. It is considered that these meet the requirements for a subservient use provided at clause 8.2.2 of the Scheme, as follows:

A use or development that is directly associated with and a subservient part of another use on the same site must be categorised into the same use class as that other use.

The assessment report noted that the RLUS does not identify Swansea as part of the Activity Centre Network map at page 83, or as part of the examples provided in Table 1 at pages 76-79. The listing of facilities provided under the residential and community infrastructure sections of this table do not address retirement or aged care components. SI 1.6, 1.7 and 1.8 of the RLUS relate the retirement and aged care services and were determined to comply as part of the assessment report, in addition to a range of other aspects and requirements of the Strategy.

The nature of the RLUS requires that a wholistic approach to interpretation is taken. Using the example cited of AC1.3, strict interpretation would prohibit all restaurants and shops on farms outside of activity centres, as they disperse the commercial and retail activity across the area and potentially undermine the operation of activity centres. The modern economic reality is different to this scenario, and arguably has been found to increase the experience, diversity and resilience of the activity centre networks within the region.

While the concerns of the representor are noted, no additional response is recommended as a result of this assessment.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, planning issues were raised that require further consideration about water supply for the project and a condition to ensure the site facilities are available for the community to use;
- b. at this point, the amendment will require modification to include a condition for community access to the proposed facilities as a result of the representation; and
- c. pending resolution of the water supply issue, the representation is not expected to have significant impacts the amendment as a whole.

19. Daniel Panek

The issues raised within this representation are substantially the same as Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

20. Stephanie Gleeson

The representation opposes the proposal and supports the issues raised within Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

21. Angela Nichols

The representation expresses concern at the size of the proposal, impacts to the scenic beauty of the area and availability of information.

Concerns over the scale and size of the project and scenic/visual impacts were addressed in response to previous representations.

The information that is available for the Council to assess the application is required to be made available to the Community as part of the statutory exhibition process. In addition, the Council determined to exhibit the application for 6 weeks rather than the minimum 4-week period, given the volume and complexity of the supporting information. While the representors concern in this regard is acknowledged, it is not supported.

In terms of the assessment against the requirements of the Act:

- a. no planning issues were raised that require further consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

22. Dr Lewis Garnham

The issues raised within this representation are substantially the same as representations 8 and 17. The response to those representations applies to these concerns.

Additional matters raised include the source of the population for the facility, suitability of the intended activities for residents and availability of medical services. Feasibility of the project and intended activities provided onsite is a matter for the proponents and operators to resolve. Availability of medical facilities was addressed in the Integrated Impact Assessment for the overall project that

accompanied the application. The IIA cites discussions with the local medical practice and planned employment of additional doctors to deal with the additional workload (page 12).

Use of the site for visitor accommodation is not possible under the terms of the Particular Purpose zone. Such a use cannot occur and would require a planning scheme amendment to be allowed within the zone. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

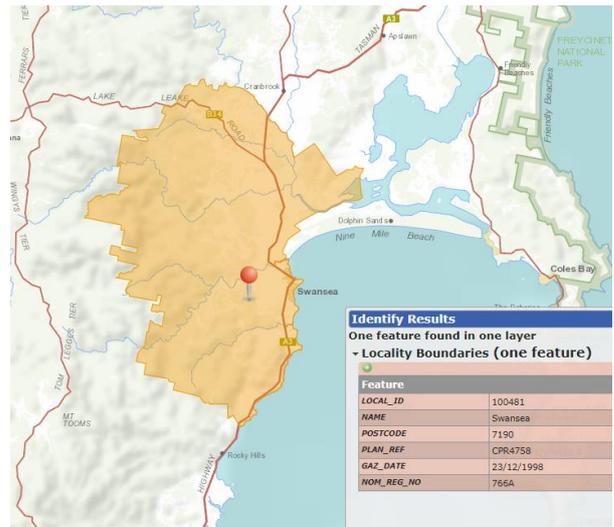
- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

23. Ross Irving

The representation expresses concern regarding a number of aspects of the proposal.

Concern is raised at the scale of the project and its location outside the town boundary.

Town boundaries are a relic of former town planning regimes and have little reference to current considerations. They were replaced by planning schemes that covered the entire Council area and zoning maps. Town boundaries are shown in a thick dashed grey line on Tasmaps under LISTmap and are shown with the zoning regime of the Interim Scheme overlaid on the image on the following page. This clearly shows that Swansea has already expanded north of the town boundary (red area) and most of the land within the town boundary is within the Rural Living zone (pale pink). This highlighted by the current locality boundary for Swansea (refer right) and supports their lack of relevance to current considerations.

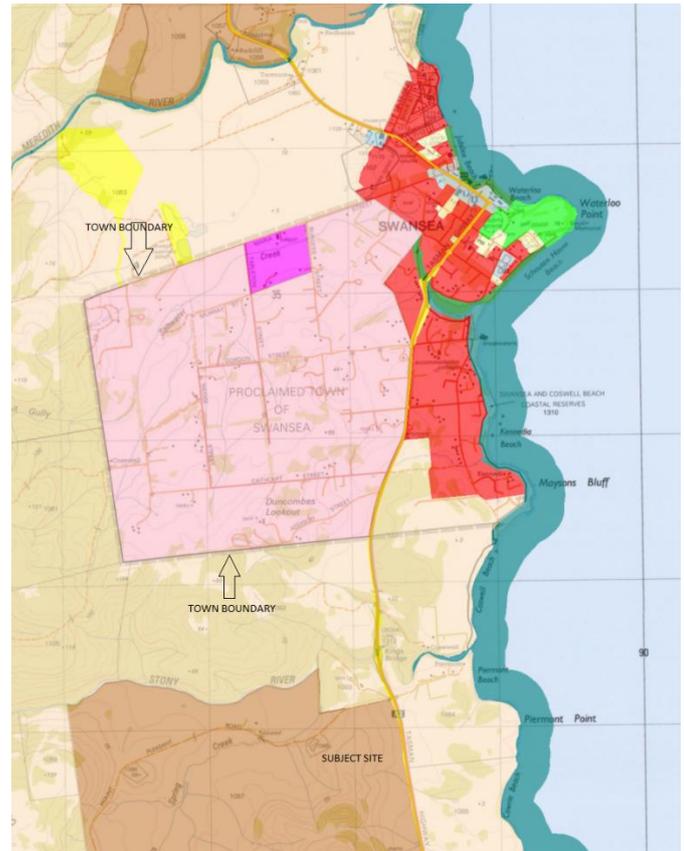


In terms of population, the IIA for the whole identifies that the population of the project will be comparable to the tourist population that the Swansea supports.

Mobility issues and suitability of the site for future residents is not a planning issue for consideration under the assessment process and is a matter for the proponents to satisfy themselves upon.

The representor claims there is an alternative site to the north of Swansea of approximately 150 hectares. Review of this site identifies that it is subject to limitations from the adjoining sewerage treatment plant. The following image displays this land with the overlays under the Interim Scheme and identifies a potential area of some 85 hectares, considering overlays and buffers under the planning scheme (green area and blue circles around sewerage treatment plant). Other potential sites are also identified but were not large enough to contain the proposal.

The subject lands would still require a process similar to the current site and were not selected by the proponents. While such sites may have potential to accommodate large scale uses, they are outside the current application and do not affect the previous assessment.



The representor takes an alternative view on the location of the site as a marker for the transition from rural uses to tourism, lifestyle and urban around Swansea. This is noted but does not alter the initial assessment.

The representor questions compliance with the Structure Plan and Regional Land Use Strategy on similar grounds to previous representations. As noted in response to those previous representations, the perspective provided does not alter the original assessment.

Issues regarding owner consent for the road reservation within the site were addressed in response to previous representations.

The representor identifies that establishment of the nursing home relies on the issue of bed licenses by the Federal Government and raises concern about creating an isolated residential estate if those licenses are not issued. This is similar to concerns about completion of the project raised within other representations.

In terms of the assessment against the requirements of the Act:

- a. planning issues were raised that have merit in the representation;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

24. Daniel Steiner

The issues raised within this representation are substantially the same as Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns.

The representation also raises concern about the location of the project outside an existing community. As noted in response to previous representations, the project aims to provide an alternative to traditional aged lifestyle facilities with a rural lifestyle component. The proponents have completed a similar project in NSW and consider that the feasibility of the project is sound. While the representors concern is acknowledged, it is also recognised that the provision of housing within

remote communities with the aged care sector is limited for a wide range of reasons. An offering such as Tempus is different to historical models and suggests that the retirement living sector is responding to demands from the sector. No change to the assessment is proposed as a result of this concern.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

25. Michael Travalia

The representation opposes the proposal by reference to the same issues raised within Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

26. Ellen France

The representor opposes the project, provides support for strong support for Representation 8 and identifies concern that the project is not consistent with the Land Use Strategy, which was completed with community consultation. It is unclear whether the representor means the Regional Land Use Strategy or the Structure Plan.

As noted in the original assessment report and for other representations, the project was not identified in either document as a specific outcome, though both provided extensive recommendations for the provision of retirement living and aged care opportunities within the local communities throughout the Southern Region and the Swansea area. As noted in the initial assessment report, the project is consistent with the policies and outcomes of both documents. While the project may not comply with every specific statement, few things ever would and both documents are required to be interpreted in a holistic manner. While the representors concern is noted, the original assessment on this issue is not altered.

The representors comments regarding light impacts on viewing of the night sky within the region are noted and were addressed in response to this issue under Representation 8.

The remaining issues raised within this representation are substantially the same as Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns.

No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

27. E & C Dingemans

The representation provides support for Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

28. Lynn Carswell

The representor supports the content of Representation 8 from the Freycinet Action Network. The response to that representation applies to these concerns and requires no further discussion.

In addition, the representor raises concern regarding the ability to obtain staff across a range of areas for the proposal and the ability of the local area to house those staff and the limited provision on site for housing workers. Securing the range and numbers of employees for the site is an operational requirement for the site manager and not a planning issue for consideration under this process.

It is noted that the existing aged care provider within Swansea supported the proposal and likely improvements for sourcing and maintaining staff (refer representation 44).

Housing the workers required for the project is likely to occur across a wider area than just Swansea, though it is accepted in both the application and assessment documents that the project is likely to result in increased demand for services and housing within Swansea and the wider area as the project is developed and then maintained. It is likely that review of growth over the last decade will identify that projections within the RLUS were conservative and that many areas within Glamorgan Spring Bay, the southern region and the rest of the State have experienced development that far exceeds the identified projections. Notwithstanding this, the location of the proposal maintains allocations and land in proximity to urban Swansea for a variety of housing developments in response to future pressures.

2016 ABS data within the Glamorgan Spring Bay area identifies that 81.5% of workers went to work in a car (as driver or passenger and up from the State average of 71.1%), which is consistent with the highly dispersed settlement pattern and limited nature of transport options in the area. This reliance on private vehicles suggests a high degree of flexibility for the population in their workplace location, which in turn suggests that workers are likely to be available to work in the proposal. Many industries appear to be experiencing a worker shortfall.

These are much larger issues than can be resolved within the Tempus proposal. No changes are proposed to Tempus because of these concerns within the representation.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, the additional planning issues raised within the representation are beyond the scope of the Tempus proposal to resolve;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

29. Rodger Bartlett

The representation raises a number of concerns with the application.

The perceptions of ribbon development along the Tasman Highway, the gateway concept identified with support for this project and suggests the basis of planning support is as an exemption from relevant strategic planning documents are all questioned.

The first two points are addressed in the original assessment documents and the representor provides a contrasting opinion. It is noted that use of the term exemption is not consistent with the original assessment, which identified that the project was arguably outside the terms of the Regional Land Use Strategy. The nature of the Strategy is aspirational and is not explicit. Such strategic documents cannot explicitly identify and locate every possible project that may occur within their lifespan is contrary to their very nature and suggests that the lack of flexibility that was perceived as supporting the planning system of the 1950's to the 1990's. Reforms since that time have sought to introduce flexibility and allow a project to be treated on its merits. The current application uses such a

process. The Structure Plan identified the potential for large projects within the Swansea area but made no provision for them or retirement living within the Structure Plan. This remains an unresolved aspect of the Structure Plan. No alterations are proposed as a result of these views.

Concern is expressed that the approval sought is not consistent with the consultations provided by the proponents prior to the formal application process, which is not a planning issue for consideration under the current process.

The concern extends to the viability of the project and risk that the *gateway* is sold off and becomes a lesser standard project under subsequent ownership. The representor suggests conditions that require completion of the project within 5 years of commencement and failure of delivery results in removal of Stage 1A. The approval by Council included a requirement in the PPZ that the project be completed in accordance with the concept and details provided by the applicant within the Integrated Impact Assessment report. The developer is therefore bound to deliver the project that Council considered, assuming the proposal and this provision are approved by the Commission.

The lots approved with the application provide for the overall titles for the retirement village and the aged care home. No other lots are approved for sale.

The final item in the representation requests that conditions be imposed for the provision and maintenance of all community facilities and village infrastructure. As noted in response to earlier representations, conditions on the permit require the developer to provide all infrastructure and recommends that an additional condition be imposed that makes this requirement explicit. Similarly, the provision and maintenance of all community facilities is also the developer's obligation. It is not considered necessary to augment this with additional conditions on the permit. While the concerns have some merit, no further alternations are considered necessary to address these concerns.

In terms of the assessment against the requirements of the Act:

- a. no additional planning issues were raised that are considered to have merit under the planning assessment process;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

30. [Tasmanian Conservation Trust \(Peter McGlone\)](#)

The representation expresses concern with the proposal and lists the issues raised within Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

31. [Elizabeth Smith](#)

The representation raises concern with various aspects of the proposal and its potential impacts on the local area.

Concerns are expressed over the complexity of the documents and Councillors being provided sufficient time to consider the proposal. Workshops commenced with the Council approximately 12 months ago while technical aspects of the proposal were being addressed by the proponents. This far exceeds the minimum requirements of the act. In addition, Council determined to exhibit the proposal for 42 days rather than the 28 days required under the former provisions of the Act. No alterations to the amendment are required in response to this concern.

Compliance with the RLUS is questioned, in its entirety, along with the Swansea Structure Plan. As noted in the assessment report and in response to previous representations, the proposal was assessed as complying with both documents.

Similarly, the assessment report addressed compliance with the *State Policy for the Protection of Agricultural Land 2009*. It is noted that other representations have provided conflicting information on the potential for land use conflicts from apparent parties that appear to have significant expertise within the viticulture industry and management of the specific lands. The assessment of those representations suggests that the Commission obtain additional expert information to resolve the conflicting information. No additional response is required on this issue.

Detrimental impacts on scenic values of the area were also addressed in response to previous representations. The representor raises specific concern with the potential impacts to the scenic qualities of Kelvedon Beach. Kelvedon Beach is located some 4.5 km south of the site and separated by orientation and a range of landscape and topographical features. Similarly, Cressy, Cowrie and Piermont Beaches are all proximate to the site and located on the opposite side of Tasman Highway. Impacts on the scenic values of these beaches are more likely from the approvals issued for Piermont site. No responses to this concern are considered necessary.

The provision of infrastructure remains the developer's obligation and was addressed in response to previous representations.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, no planning issues were raised that require further alteration of the amendment or permit;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

32. J & A Reeve, M & F Boutin-Reeve

The representation expresses grave concerns with the proposal and lists issues raised within Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

33. Craig Brown

The representation provides support for the proposal as Senior Project Manager for Tempus.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit but raises no planning issues that require consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

34. E3 Planning for Piermont Estate

The representation opposes the proposal, for the following reasons:

- Piermont does not wish to have a retirement village establish adjacent its property;
- Piermont considers that tourist accommodation provides a substantially different perspective for residents to a retirement community;
- The remote location 3.8 km from Swansea;
- The nature of the use, effectively establishing another urban centre outside of Swansea;
- The proposal will dramatically alter the existing landscape, which it cited as part of the appeal of Piermont to visitors and tourists.

The objection is noted. It is common for tourist accommodation and various types of residential accommodation to be located in close proximity to each other without any real opportunity for land use conflict. This is likely to occur here, with both sites providing a landscaped portion of the site to the Tasman Highway frontage.

The remaining concerns were addressed in consideration of previous representations.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

35. E3 Planning for Gala Estate Vineyard

The representation provides extensive opposition to the proposal, as follows.

The high potential for viticultural use of the subject lands – with significant contributions to produce and economic outputs for vineyard operations at Gala Estate, including advice from a viticulturalist on the output expected from the site.

Fettering agricultural use from land use conflict - The representor cites condition 3 of the permit as being unlawful. As the representor would be aware, a planning permit or agreement cannot remove the rights of parties to make complaints and seek remedy under legislated process and the condition does not seek to do this. As noted in response to previous representations, condition 3 simply seeks residents to accept the location of the site and existing adjoining land use that exist. No other specific response is required to this issue.

Spray Drift - The representor raises concern at the potential for land use conflict from spray drift and provides detailed data from existing operations on the Gala Vineyard and the use of mandatory 200m + buffers in other areas to address this issue.

Noise - The representor raises concern regarding the impact of noise conflicts from the use of gas guns. The comments of the representor conflict with those provided within the Agronomist Reports that accompany the application and will require further professional advice to investigate and resolve.

Electric Fence - The representor contends that Tempus would require removal of the electric fence which would have significant impacts. Aerial photography suggests that there is sufficient space to allow the fence to be relocated within the boundary of the property, negating this issue.

It is noted that this and other representations provide expert advice and experience that contradicts the agronomist reports provided with the application. Spray drift is one issue that will require further evidence from the parties.

Compliance with the State Policy for Agricultural Land, Southern Tasmanian Regional Land Use Strategy and Swansea Structure Plan was addressed in the assessment reports. Noting the response to the previous issues, no additional information was provided that impacts the original assessment.

The representor raises concern that introduction of the Local Provisions Schedule under the Tasmanian Planning Scheme will render the application void. This argument presents the inevitable chicken and egg scenario and suggests that all amendments should stop pending approval of a Local Provisions Schedule within Glamorgan Spring Bay. Arrangements are provided within the Act and legislated amendments to address this situation, should it occur. It is also likely that the application could be determined prior to introduction of the Local Provisions Schedule.

Comments regarding various statements in the Integrated Impact Assessment will require further expert evidence and assessment to resolve, as identified in response to previous representations – excepting point 3.

Point 3 suggests that there is no setback requirement under the Particular Purpose zone, which is untrue. GSB-P7.6.3 A3 requires a 200-metre setback to a rural or agriculture zone, which the Gala

Estate Vineyard would have. P3 for this standard requires consideration of impacts to adjoining agricultural activities and replicates the standard from the Agriculture zone of the Tasmanian Planning Scheme. The assessment process for the Tasmanian Planning Scheme suggests that the subject provision has some degree of technical competence in management of potential land use conflict. It is unclear how this standard cannot be considered to impose a setback to vineyard operations and allow development to the common boundary, as the representation suggests.

It is noted that A3 reads as though the setback requirement within this standard is intended to apply to other buildings for sensitive use on the site under criterion (b). This could be argued and should be clarified while the opportunity exists.

It is recommended that GSB-P7.6.3 A3 is altered to recognise setbacks of existing buildings for sensitive use under this standard.

Section 7 of the representation identifies issues with the agronomist reports that support the application. As noted in response to previous representations, further expert evidence will be required to reconcile the technical contentions between the application and representors. No further response is considered necessary on this issue.

Issues raised that require attention and further advice within this submission were identified in the analysis of previous representations and goes further to provide expert viticultural advice suggesting that impacts on the proposal will be more extensive than identified in the application documents and that the land subject to the proposal is suitable for viticultural use and therefore has agricultural value.

It is premature to try to resolve these matters without submission and analysis of further expert evidence.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit and raised issues that will require further evidence and consideration;
- b. it is recommended that the amendment is modified to alter GSB-P7.6.3 A3 to recognise setbacks of existing buildings for sensitive use, in addition to further expert assessment of claims within this and other representations; and
- c. the impact of the representation on the amendment as a whole cannot be determined without consideration of the further information.

36. Lorna Robertson

The representation opposes the proposal based on scenic/landscape impacts, linear development, sprawl, compliance with the development plan (assumed to be the Swansea Structure Plan) and the conversion of agricultural lands. The representor identifies the proposal as inappropriate and requests that it be rejected.

These issues were identified in analysis of many previous representations and provide no new matters for consideration under this process.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment will not require modification as a result of the representation; and
- c. the representation is not expected to impact the amendment as a whole.

37. Leanne Groves

The representor strongly opposes the proposal and attached Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns.

The representor asks that the submission not be ignored as *just another one*. The purpose of this process is to consider the merits of planning issues raised within representations and then then

impacts this may have on the proposal and the amendment. The analysis of previous representations hopefully demonstrates this assessment has been completed on that basis.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

38. Christine Valentine

The representor endorses Representation 8 by Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

39. Andrea J Ross

The representor opposes the proposal and endorses the submission and issues raised within Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

40. Donnalee Young

The representation appears to support the concept of Tempus but not the location of the project, citing the benefits of an urban location for such facilities. The representation then lists issues that were raised in Representation 8 from Freycinet Action Network.

The issues within this representation are subject to the same response as previous representations. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

41. Georgina Davis

The representor provides support to the issues raised within Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

42. Marg D

The representation contains no message and includes a copy of the Freycinet Action Network submission (refer Representation 8).

The issues raised within this representation are substantially the same as the previous representation from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

43. Joanna Baker

The representation opposes the project on the subject site, citing detrimental impacts to the scenic landscape quality of the area and location on rich soils and prime agricultural lands. Both issues were raised and responded to in previous representations.

It must be noted that *prime agricultural land* is a defined term under the Tasmanian Planning system. Glamorgan Spring Bay Council area does not contain any soils that comply with the definition of the term.

The issues raised within this representation are substantially the same as Representation 8 from Freycinet Action Network. The response to that representation applies to these concerns. No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

44. May Shaw

The representation provides support for the proposal, particularly:

- the opportunity to work cooperatively with the developers and operators of the proposed facility;
- the opportunity to attract permanent residents to the area and potential for improved employment opportunities in the health care sector to be available; and
- the expected positive impact it will have on medical facilities and other retail services in the area.

The support provided for the project in the representation is noted. The representation does not raise any issues that will require alteration of the Amendment or permit.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no planning issues were raised that require consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

45. David Walker

The issues raised within this representation are substantially the same as the previous representation from Freycinet Action Network. The response to that representation applies to these concerns.

No additional planning issues are raised for consideration.

In terms of the assessment against the requirements of the Act:

- a. the representation has merit, however no additional planning issues were raised that require further consideration;
- b. the amendment does not need to be modified as a result of the representation; and
- c. the representation has no impact on the amendment as a whole.

4.1 Report on Representations to Planning Scheme Amendment and Planning Approval – 12371 Tasman Highway, Swansea (part of)

Author: Senior Planning Consultant (Mr Mick Purves)

Responsible Officer: Senior Planning Consultant (Mr Mick Purves)

The purpose of this report is to consider the representations that were received during the statutory exhibition of an application for a planning scheme amendment and planning applications submitted for the Tempus proposal.

ATTACHMENT/S

Attachment 1 - Consideration of Representations to Draft Amendment AMD 2021/01

EXECUTIVE SUMMARY

An application was lodged under sections 33(3) and 43(A) of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act) for a combined planning scheme amendment and a development application for a subdivision and the development of stage 1A of the Tempus Retirement Village and nursing home proposal, which included:

- Establishing a new Particular Purpose zone in the Glamorgan Spring Bay Interim Planning Scheme 2015;
- Rezoning approximately 17 hectares of land to the newly established Particular Purpose zone;
- Subdivision of land to create two new land titles for the Tempus proposal;
- Determination of the planning application for stage 1A of the proposal.

Council initiated the amendment at its February 2021 meeting and the application was placed on public exhibition for a period of 42 days in accordance with the requirements of the Act.

45 representation were received during the exhibition period both for and against the application.

Copies of the representations were provided under separate cover to this report.

STATUTORY IMPLICATIONS

The process to amend a planning scheme is established at Schedule 6 of the Act until a local provisions schedule is declared within a municipal area and the Tasmanian Planning Scheme becomes effective.

Schedule 6 reinstates the process established under the former division 2 of the Act (the former provisions). Section 39 of the Former Provisions requires that the Planning Authority consider the representations that were received, as follows:

39. *Representations in respect of draft amendments*

- (1) *Where a draft amendment of a planning scheme is placed on public exhibition by a planning authority in accordance with [section 38](#), representations in relation to that draft amendment may be submitted to the authority by any person before the expiration of the exhibition period referred to in [section 38\(1\)\(a\)](#).*
- (2) *The planning authority must, not later than the expiration of 35 days after the exhibition period referred to in [section 38\(1\)\(a\)](#) or such further period as the Commission allows, forward to the Commission a report comprising-*
 - (a) *a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and*

- (b) *a statement of its opinion as to the merit of each such representation, including, in particular, its views as to-*
- (i) *the need for modification of the draft amendment in the light of that representation; and*
 - (ii) *the impact of that representation on the draft amendment as a whole; and*
- (c) *such recommendations in relation to the draft amendment as the authority considers necessary.*

The 35-day timeline established under s.39(2) expires on 28 May 2021. Copies of the representations that were received during the exhibition period were provided under separate cover to this report.

The balance of this report provides statements on the merit of each representation, the need to modify the amendment, a statement on the impact of each representation on the operation of the amendment and recommendations in relation to the draft amendment.

BUDGET IMPLICATIONS

Budget implications of the subject process form part of Council's operational costs and statutory obligations as a planning authority.

RISK CONSIDERATIONS

Identified risks are considered to be addressed by the Planning Authority observing the statutory process. This includes the assessment of economic, environmental and social impacts as established through the statutory assessment process.

Planning Scheme amendments are assessed by the Tasmanian Planning Commission, which includes compliance with the STRLUS. There is a risk that the Commission will take a conservative interpretation of the Southern Tasmania Regional Land Use Strategy. If that occurs, the application is likely to be refused.

A recommendation is provided to deal with these matters and provide delegations for operational functions of the decision and subsequent process for the hearings.

DISCUSSION

As previously noted, the representations raised a range of relevant planning issues and other matters. Relevant matters for consideration include the following:

- compliance with the RLUS and Swansea Structure Plan;
- scale and location of the site;
- medical facilities;
- the town boundary;
- compliance with the *State Policy for the Protection of Agricultural Land 2009* and conversion of agricultural land;
- Tempus creating precedent for the Cambria Green amendment;
- 'road' owner consent;
- provision of services and infrastructure;
- visual impacts of the proposal;
- light pollution and impacts
- community access to the facilities within the proposal;
- use for visitor accommodation;
- project staging and completion; and
- subdivision of land;

A discussion of the issues and detailed response to each representation is provided in Attachment 1.

Recommendation

That the Council:

1. Endorse Attachment 1: Consideration of Representations to Draft Amendment AMD 2021/01 as its report in response to the representations in accordance with Section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993; and
2. Recommend to the Tasmanian Planning Commission the following modifications to Draft Amendment AMD 2021/01 – Tempus Particular Purpose zone as detailed in Attachment 1:
 - a. obtain further expert analysis from the applicant to investigate and advise on the conflicting statements by qualified or experienced parties within representations regarding conflicting statements and impacts on:
 - i. the potential for and the ability to manage land use conflicts around spraying, noise, competing demands and fettering; and
 - ii. the nature of the soils on the Tempus site and their ability to sustain viticulture and therefore, their value as agricultural lands; and
 - b. revise criterion GSB-P7.6.3 A3(b) to recognise existing setbacks for sensitive use;
 - c. refers concerns regarding water service capacity for existing and future urban and rural customers to Taswater for response; and
 - d. obtains expert analysis from the applicant to identify visual impacts of the proposal within the wider landscape and determine alterations to the finishes and colours for the project to minimise visual contrast with the surrounding day and nighttime landscape; and
3. Recommend to the Tasmanian Planning Commission the following modifications to Draft Planning Permit DA2020/080 as detailed in Attachment 1:
 - a. insert a new condition to the permit that limits stormwater discharges to the public system from the site to pre-development volumes; and
 - b. insert a new condition to the permit that requires materials, colours and finishes to minimise visual impacts to the surrounding landscape; and
 - c. insert a new condition to the permit that requires lighting to be baffled to minimise lighting impacts to the area and night sky; and
 - d. insert a new condition to the permit that ensures access for the wider community to the facilities within Tempus.

DECISION 77/21

Moved Clr Keith Breheny, seconded Clr Cheryl Arnol that the Council:

1. Endorse Attachment 1: Consideration of Representations to Draft Amendment AMD 2021/01 as its report in response to the representations in accordance with Section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993; and
2. Recommend to the Tasmanian Planning Commission the following modifications to Draft Amendment AMD 2021/01 – Tempus Particular Purpose zone as detailed in Attachment 1:
 - a. obtain further expert analysis from the applicant to investigate and advise on the conflicting statements by qualified or experienced parties within representations regarding conflicting statements and impacts on:
 - i. the potential for and the ability to manage land use conflicts around spraying, noise, competing demands and fettering; and
 - ii. the nature of the soils on the Tempus site and their ability to sustain viticulture and therefore, their value as agricultural lands; and
 - b. revise criterion GSB-P7.6.3 A3(b) to recognise existing setbacks for sensitive use;
 - c. refers concerns regarding water service capacity for existing and future urban and rural customers to Taswater for response; and
 - d. obtains expert analysis from the applicant to identify visual impacts of the proposal within the wider landscape and determine alterations to the finishes and colours for the project to minimise visual contrast with the surrounding day and nighttime landscape; and
3. Recommend to the Tasmanian Planning Commission the following modifications to Draft Planning Permit DA2020/080 as detailed in Attachment 1:
 - a. insert a new condition to the permit that limits stormwater discharges to the public system from the site to pre-development volumes; and
 - b. insert a new condition to the permit that requires materials, colours and finishes to minimise visual impacts to the surrounding landscape; and
 - c. insert a new condition to the permit that requires lighting to be baffled to minimise lighting impacts to the area and night sky; and
 - d. insert a new condition to the permit that ensures access for the wider community to the facilities within Tempus.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Clr Cheryl Arnol,
Clr Keith Breheny, Clr Annie Browning, Clr Grant Robinson,
Clr Michael Symons

Against: Nil

Clr Rob Churchill returned to the meeting at 2.20pm

The Mayor advised Clr Rob Churchill of the outcome of Council's decision in respect to Agenda Item 4.1.

Senior Planner, Mr Mick Purves left the meeting at 2.20pm