

Contract GSBC Planner
Glamorgan Spring Bay Council
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15 February 2020

RE: Glamorgan Spring Bay draft Local Provisions Schedule (GSB draft LPS)

Please see attached our representation regarding the Glamorgan Spring Bay draft Local Provisions Schedule (GSB draft LPS).

Our representation has been prepared with expert planning input. We would please like the opportunity to present at any GSBC draft LPS hearings.

Could you please confirm that you have received our representation.

Yours sincerely,

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Introduction

Thank you for the opportunity to comment on the Glamorgan Spring Bay draft Local Provisions Schedule (draft LPS). Members of the Freycinet Action Network have reviewed the draft LPS, including the Glamorgan Spring Bay Local Provisions Schedule Supporting Report (Supporting Report).

The review conducted of the draft LPS has focussed on the zone and overlay provisions as they apply to the Freycinet Peninsula and are considered in the context of:

- fostering health and well-being of residents and visitors at Coles Bay, Swanwick and the Fisheries;
- the unique scenic values surrounding the Fisheries and the important spatial relationship the settlement has to the Hazards; and
- scenic landscape values and protecting the natural attributes of one of the most visited locations in Tasmania.

In consideration of the matters raised in this representation, we urge the Glamorgan Spring Bay Council and (subsequently the Tasmanian Planning Commission) to consider the following amendments to the draft LPS:

- remove the GBS-S4.0 Coles Bay and Swanwick Specific Area Plan from the draft LPS instrument and mapbooks;
- introduce a Specific Area Plan over the Low Density Residential Zone at The Fisheries, reinstating the previous subdivision provisions of the Glamorgan Spring Bay Planning Scheme 1994;
- spatially applying the 22.0 Landscape Conservation Zone to additional properties to protect important landscape values within the municipal area that have not been captured by the draft LPS; and
- applying the C8.0 Scenic Protection Code to the Freycinet Peninsula, and other areas across the Glamorgan Spring Bay Municipality, including identification of a scenic protection area on the overlay maps.

Each of these points is considered in further detail below.

Coles Bay and Swanwick Specific Area Plan

The 'GBS-4.0 Coles Bay and Swanwick Specific Area Plan' (SAP) introduces new local provisions to spatial areas at Coles Bay and Swanwick (refer to Figures 1 and 2). This will substitute provisions of the underlying Low Density Residential Zone (refer to Maps 7 and 9, Zone Mapbooks) to facilitate a broader range of non-residential use and development.



Figure 1: Spatial area (bold dashed line) the GBS -4.0 Coles Bay and Swanwick SAP as it applies to Swanwick (source: Mapbook, Specific Area Plan, GBS draft LPS)



Figure 2: Spatial area (bold dashed line) the GBS -4.0 Coles Bay and Swanwick SAP as it applies to Coles Bay (source: Mapbook, Specific Area Plan, GBS draft LPS)

Coles Bay and Swanwick Character

The Freycinet Peninsula has three main local settlements:

- Coles Bay;
- Swanwick; and
- The Fisheries.

The SAP only applies to Coles Bay and Swanwick. The Fisheries is discussed in further detail below.



Figure 3: Settlements of the Freycinet Peninsula.

At the 2016 Australian Bureau of Statistics Census (ABS Census), there were 353 people in the Coles Bay area (which includes Swanwick, Coles Bay and the immediate surrounds) with a median age of 53.

The number of private dwellings was recorded as 476, of which 80 per cent were recorded as unoccupied at time of the ABS census. This reflects the seasonal holiday nature of the area, with the unoccupied dwellings largely being attributed to their use as short-term rental accommodation or dwellings being utilised by owners for weekend or summer homes.

Most of the private dwellings as referred to above are in the Low Density Residential of the SPPs which are spatially applied to Coles Bay, Swanwick and The Fisheries in the draft LPS.

The character of the Low Density Residential Zone at Coles Bay is predominantly defined by single detached dwellings (refer to Figure 4) on single titles. Other than visitor accommodation, non-residential uses are generally absent from the residential area of Coles Bay and are confined to two areas where the Local Business Zone of the SPPs is spatially applied in the draft LPS (refer to Maps 7 and 9, Zone Mapbooks).

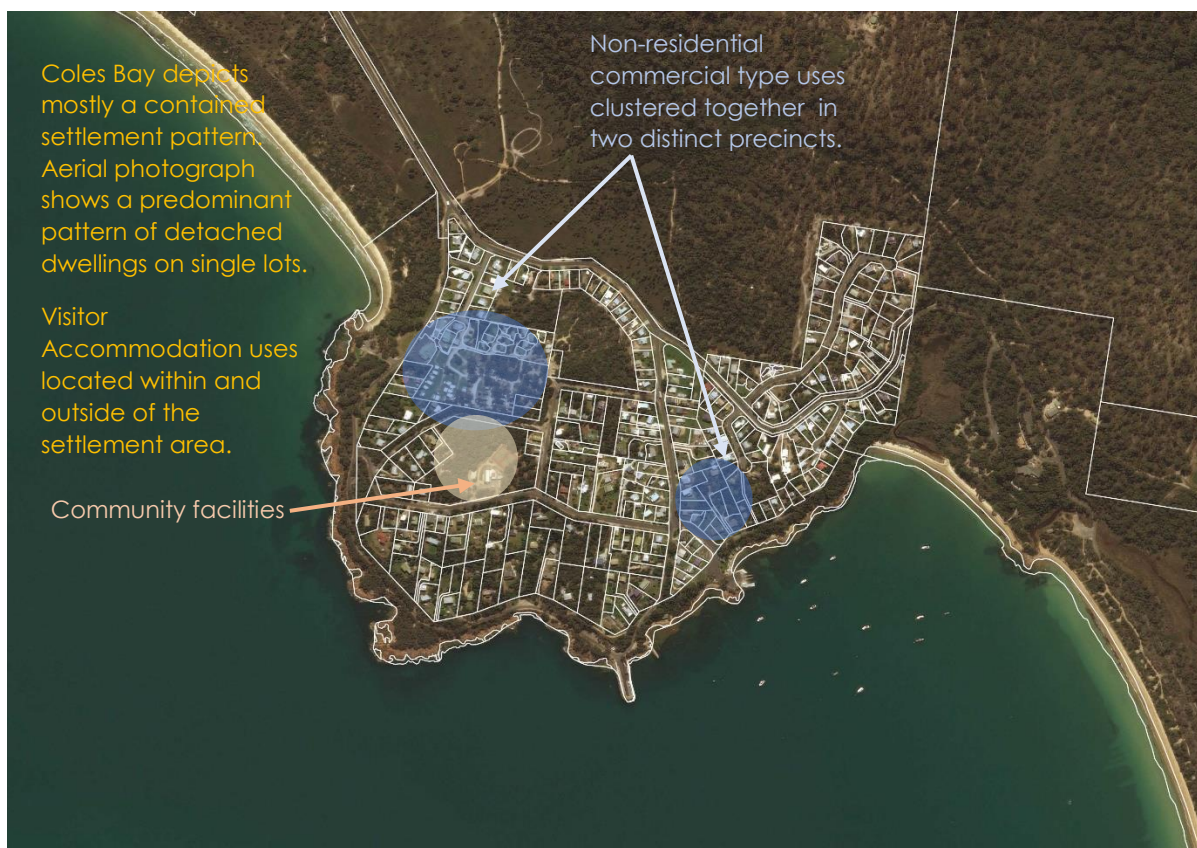


Figure 4: Cadastral parcels at Coles Bay.

The character of the Low Density Residential Zone at Swanwick is also predominantly defined by single detached dwellings (refer to Figure 5) on individual titles. There are

also a number of lots within the Low Density Residential Zone that are vacant, due to the recent subdivision of this land. The Freycinet Golf Course separates the residential area from Coles Bay Road and the Coles Bay Conservation Area and is outside of the spatial area of the Low Density Residential Zone. Other than visitor accommodation, non-residential uses are also generally absent from the residential area of Swanwick. Generally, commercial/business uses are encouraged to the area where the Local Business Zone of the SPPs is applied.



Figure 5: Cadastral parcels at Swanwick

Specific Area Plan - Impact on Character and Residential Amenity

The SAP substitutes the Use Table at Clause 10.3 and the Use Standard at Clause 10.3.1. If the draft LPS is adopted without modification, the SAP provides planning

permit pathways for non-residential uses that would otherwise be prohibited on land zoned Low Density Residential.

It is noted that the Use Standard at Clause GSB-S4.6.1 is the same structure and format of Clause 10.3.1 in the 10.0 Low Density Residential Zone of the SPPs. The Clause GSB-S4.6.1, however, substitutes Clause 10.3.1 modifying the acceptable solutions for non-residential Discretionary Uses allowing:

- increased hours of operation during weekdays and weekends;
- increased hours for commercial vehicle movements for weekdays and weekends;
- a gross floor area of not more than 250m² for a non-residential Discretionary use before it enlivens the corresponding performance criterion.

Where an application demonstrates compliance with all of the acceptable solutions of Clause GSB-S4.6.1, the performance criteria are not enlivened, and no further assessment is required by the planning authority with respect to the impact non-residential Discretionary uses have on residential amenity.

The Supporting Report is devoid of evidence with respect to giving explanation for the proposed Use Standards particularly with respect to the introduction of a gross floor area of no more than 250m² as an acceptable solution and how this is consistent with the objective of Clause GSB-S4.6.1.

The implementation of these provisions has a lack of regard to the predominantly established residential character of Coles Bay and Swanwick (as described above) and could facilitate an undesirable mixed use settlement pattern, which:

- diminishes the residential amenity;
- undermines the established residential character by facilitating greater mix of non-residential development such as 'Transport Depot and Distribution';
- could facilitate the take up of vacant lots for non-residential uses detracting from the recently approved Local Business Zone at Swanwick;
- advocates an ad hoc approach to use and development; and
- potentially fragments commercial development and undermines the purpose of the spatial application of the Local Business Zone in the draft LPS.

To simply state that the Village Zone of the SPPs provides for a similar Use Standard is not sufficient. VZ 1 of *Guideline No.1, Local Provisions Schedule (LPS): zone and code application* advises the Village Zone should only be applied where there is an unstructured mix of residential, commercial and community services and there is a strategic intent to maintain a mix. This is not demonstrated for either Coles Bay or Swanwick.

Additionally, the rationale provided in the Supporting Report (page 58) is primarily attributed to the growth in the visitor economy and that this has resulted in an:

- increase in partial change of use from dwelling to Visitor Accommodation;
- parking congestion around the boat ramp and walking track entrance;
- increase support services such as businesses to manage rental properties;

- shortage of long-term affordable accommodation for employees working in the tourism industry.

These points are also not substantiated with any data or evidence. Furthermore, the Supporting Report states that the purpose of the SAP is also to align the LPS with the [Freycinet Peninsula Master Plan \(June 2019\)](#).

The Supporting Report does not demonstrate compliance with the LPS criteria of the Act. This is discussed in further detail below.

Coles Bay Township Structure Plan

The Glamorgan Spring Bay Council resolved to endorse the [Coles Bay Township Structure Plan](#) (Structure Plan) at its meeting held on 26 April 2016. The Structure Plan is intended to guide use and development over the next 20 years until 2035.

The vision for Coles Bay at page 47 as articulated by the Structure Plan..."aims to balance the existing character with future opportunities to improve the liveability and amenity for both residents and visitors. It should continue to undertake key capital works projects upgrading infrastructure and services for local residents and visitors with a focus on walking links and open spaces while protecting the natural and coastal features".

The Structure Plan at page 48 provides that the vision for Swanwick includes: "...to retain the existing seaside village characteristics while continuing to improve and gradually develop the town for local and seasonal residents, retirees and the holiday market...

A small local business precinct should be encouraged and designed to fit in with the local character, catering for residents and the holiday market however should not detract from the existing tourism market in Coles Bay."

The vision statements provided in conjunction with the recommendations and actions contained within Structure Plan recognises the importance of responding to the visitor economy. However, it does not promote a mixed use approach to either settlement. While the Structure Plan may need review particularly with respect to Coles Bay and its future role, it is concluded that the introduction of the SAP in the draft LPS is premature.

Freycinet Peninsula Master Plan

The [Freycinet Peninsula Master Plan](#) (Master Plan) was released by the Tasmania Government in June 2019. The Plan is a 20-year plan with most initiatives completed within the first five to ten years.

The Master Plan is a non-statutory document but has been signed off by the Tasmanian Government and the Glamorgan Spring Bay Council (GSBC) and is relied upon in the Supporting Report for the justification of the SAP.

There is no justification to introduce non-residential uses to Coles Bay and Swanwick, especially when considering the findings of the Master Plan.

One of the main findings of the Master Plan, (although note with much community opposition), is the construction of a new Visitor Gateway hub north of Coles Bay. The Coles Bay Road will be realigned, so that all tourist traffic is re-directed to the hub.

The Visitor Gateway is proposed to be the largest and main visitor centre on Freycinet Peninsula with: full service visitor information, tourist operator ticketing, transport interchange, food and retail, potential accommodation, toilets and showers, RV camping, connection to Coles Bay precincts and new short walks.

The report does not conclude to create more commercial activities and or non-residential uses in Coles Bay or Swanwick. Instead, the report proposes a new commercial hub be created north of Coles Bay. The SAP introduces provisions that are contrary to this report.

Requirements of the Land Use Planning and Approvals Act 1993

The introduction of the proposed SAP must demonstrate that it is compliant with Section 32(4)(b) and Section 34 of the Act. The proposed SAP has not demonstrated this required compliance (refer to table below) and therefore must be removed from the draft LPS instrument and relevant mapping.

LPS Criteria	
Section 32(4)(b) (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs	
The Supporting Report does not identify clearly the particular environmental, social or spatial qualities to substantiate the rationale for substitution of the Low Density Residential Zone provisions of the SPPs.	
Section 34(2) (c) furthers the objectives set out in Schedule 1	
The Supporting Report does not provide a response to the objectives in context of the proposed SAP it only makes a general statement that it upholds the objectives set out in Schedule 1.	
The proposed SAP will give rise to ad hoc use and development in residential areas without any of the assessment of the likely impacts on character or amenity that may result. The proposed SAP is not considered to represent orderly use and development or a coordinated strategic approach and therefore does not further the objectives set out in Schedule 1.	
(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates	
Section 5.0 addresses compliance with the LPS criteria. Attachment 7 of the Supporting Report assesses the draft LPS against the policies of the Southern Tasmania Regional Land Use Strategy 2010-2035 (RLUS).	
The policies particularly relevant to the SAP are as follows:	

Physical Infrastructure 2.1 Use infrastructure to delivery planned growth and encourage compact urban form.

Activity Centre 2.4 – Encourage structure and economic development planning for all activity centres; and

Settlement and Residential Development 1.2 – manage growth through hierarchy of strategy, structure plans, subdivision control and development control.

These policies are addressed generally in context of the proposed SAP but does not consider them in any extensive detail.

The RLUS places a reliance on local structure plans to manage growth and development. It is demonstrated that the Coles Bay Township Structure Plan does not articulate a mixed use approach for either Coles Bay or Swanwick as intended by the proposed SAP.

While the Coles Bay Township Structure Plan may require review in light of more recent investigations, the proposed SAP is not considered to be as far as practical consistent with the RLUS.

(f) has regard to the strategic plan, prepared under [section 66](#) of the [Local Government Act 1993](#) , that applies in relation to the land to which the relevant planning instrument relates;

The Glamorgan Spring Bay Community Strategic Plan is prepared under section 66 of the Local Government Act 1993. It is acknowledged that this strategic plan provides broad strategic direction across the municipal area.

There are six Future Directions articulated within the document. Direction 3 seeks to grow the economy and employment opportunities. Direction 4 is focussed on protecting and promoting the natural beauty and environment. One of the strategic outcomes seeks for villages and towns in the municipal area to grow but not at the expense of their individual character and identity.

The relaxation of the provisions in the Low Density Residential Zone are such that impacts could negatively impact on the character and identity of Coles Bay and Swanwick

The introduction of this new local provision is not substantiated against the LPS criteria of section 34(b) of the *Act for the following reasons:*

- The Supporting Report does not provide any evidence for the particular economic, environmental or social reasons for requiring the substitution of the provisions of the 10.0 Low Density Residential Zone.
- Introduces local provisions contrary to the strategic intent for Swanwick and Coles Bay as articulated in the Coles Bay Township Structure Plan, the Community Strategic Plan, and the Southern Tasmania Regional Land Use Strategy; and

- Provides for use and development that is contrary to the fundamental purpose of the underlying 10.0 Low Density Residential Zone which is to protect residential amenity from unreasonable impacts in an area where there is no mixed use pattern;
- Undermines the provisions of the spatial application of the 14.0 Local Business Zone of Coles Bay and Swanwick, especially the recent approved amendment AM2018-05 (19 March 2019) to the Glamorgan Spring Bay Interim Planning Scheme 2015 by the Tasmanian Planning Commission.

For the reasons stated above, it is considered that the draft LPS must be amended to remove the introduction of this new local provision.

The Fisheries

The Glamorgan Spring Bay draft Local Provisions Schedule should reinstate the provisions for subdivision to the spatial area known as 'The Fisheries' (Figure 6), which existed in the Glamorgan Spring Bay Planning Scheme 1994 (the former Scheme).



Figure 6: Cadastral parcels of the area known as "The Fisheries".

Clause 8.1.3 of the former Scheme regulated use and development at the 'The Fisheries'. Subclause (b) listed subdivision as discretionary within the zone. However subclause (c) excluded 'The Fisheries', therefore prohibiting subdivision.

Without the community being aware, this prohibition was lifted when the 'Low Density Residential Zone' was applied to 'The Fisheries' in the Glamorgan Spring Bay Interim Planning Scheme 2015 (Interim Scheme).

The draft LPS has applied the equivalent zone from the Interim Scheme in accordance with LDRZ 1 of Guideline 1. Additionally, the draft LPS instrument does not propose to substitute the provisions of Clause 10.6 of the Low Density Residential Zone of the SPPs. The concern is that the unmodified provisions of the Low Density Residential Zone of the SPPs will continue to place undue pressure on large lots in this area to be subdivided (refer to Figure 6).

For example, the Low Density Residential Zone of the SPPs provides for a permit pathway to create new residential lots with areas ranging between 1200m² and 1500m². While the Development Standards for Subdivision at Clause 10.6 of the Low Density Residential Zone provide opportunity for further subdivision, it is acknowledged that there are several practical interactions between the landslide risk/geotechnical limitations, wastewater location, bushfire requirements, biodiversity protection, drainage and stormwater management that present challenges with respect to creating new lots. However, it is not to say that these challenges could not be overcome and place the planning authority in a position where they must grant a permit for subdivision.

Additionally, the visual prominence of 'The Fisheries' (refer to Figure 7) in the landscape further emphasises the importance of retaining the traditional shack-like character of this settlement. If intensification of use and development is allowed, then the underlying shack character could be undermined by the opportunity of new dwellings or visitor accommodation. This in turn is likely to result in further clearance of vegetation to manage bushfire risk and consequently increase the dominance of buildings and structures in this iconic landscape.



Figure 7: Visual perspective of "The Fisheries" in context of the Hazards.

The challenges and the visual prominence of 'The Fisheries' reinforces that there is a need to impose tighter use and development controls. Therefore it is recommended that the prohibition of subdivision be reinstated in the draft LPS instrument by introducing a Specific Area Plan which substitutes Clause 10.6 of the Low Density Residential Zone of the SPPs.

The introduction of this local provision is also considered to be consistent with the principles articulated by the Tasmanian State Coastal Policy in that:

- the natural and cultural values of the coast will be protected; and
- the focus of Coles Bay and Swanwick to remain the key settlements servicing the Freycinet Peninsula will be retained.

Furthermore this approach is aligned with the RLUS, the Glamorgan Community Spring Bay Community Strategic Plan and the Objectives set out at Schedule 1 of the Act.

The SAP would be compliant with Section 32(4) and Section 34 of the Act and can be supported.

Landscape Conservation Zone

The Landscape Conservation Zone of the SPPs is a new zone that was not previously available to the interim planning schemes. We commend the Council for applying the Landscape Conservation Zone to land identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate. We support all areas (fourteen titles) proposed to be zoned Landscape Conservation.

In addition, we recommend that all titles within Glamorgan Spring Bay Council Municipality, with a conservation covenant be zoned Landscape Conservation.

This is in accordance with LCZ 1, LCZ 3 and LCZ 4 of *Guideline No.1, Local Provisions Schedule (LPS): zone and code application*.

We recommend that the draft LPS apply the Landscape Conservation Zone to additional titles on the Freycinet Peninsula. These are detailed below.

The following properties are proposed to be in the Rural Zone:

Property 1

Property Address Lot 1 FLACKS RD COLES BAY TAS 7215

Property ID 3321029

Title Reference 167856/1

Property 2

Property Address: FLACKS RD COLES BAY TAS 7215

Property ID: 2074855

Title Reference: 52694/7

Property 3

Property Address: 65 FLACKS RD COLES BAY TAS 7215

Property ID: 5290246

Title Reference: 13015/4

Property 4

Property Address: COLES BAY RD COLES BAY TAS 7215

Property ID: 2046408

Title Reference: 108848/2

These are subject to conservation covenants and it is recommended that these properties be in the Landscape Conservation Zone.

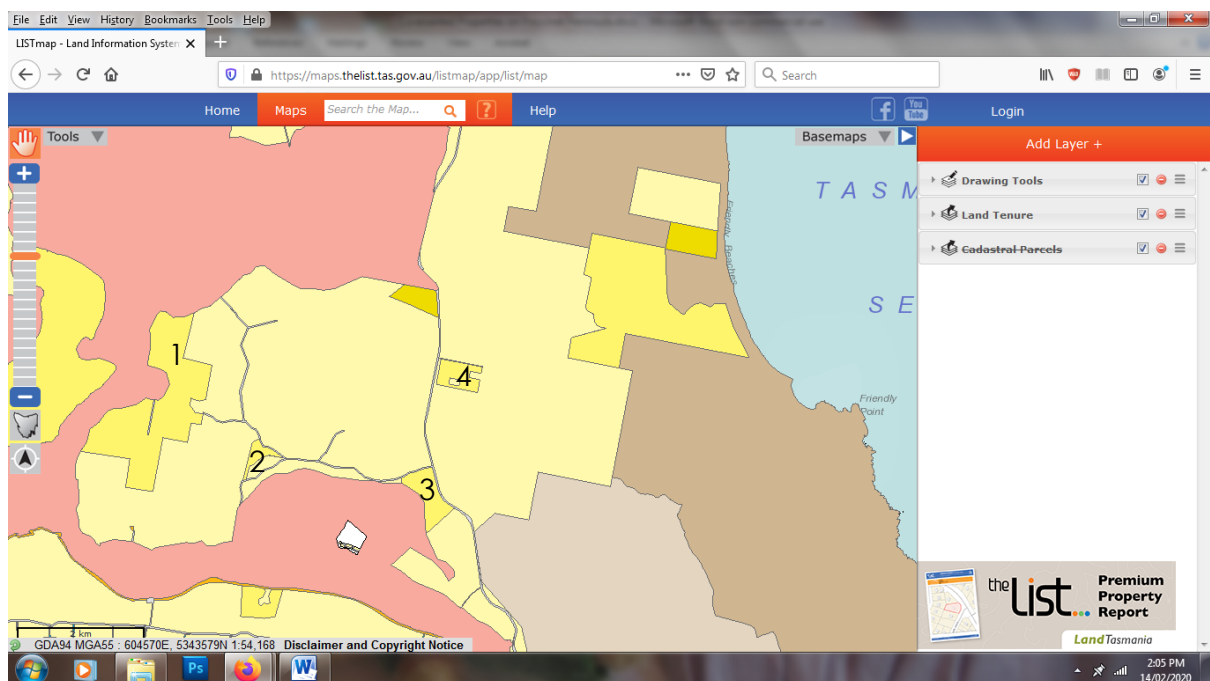


Figure 8 – Conservation covenanted properties 1 to 4.

Property 5

Property Address: 477 COLES BAY RD FRIENDLY BEACHES TAS 7215

Property ID 1892282

Title Reference: 40678/1

(note check title/covenant boundary over river)

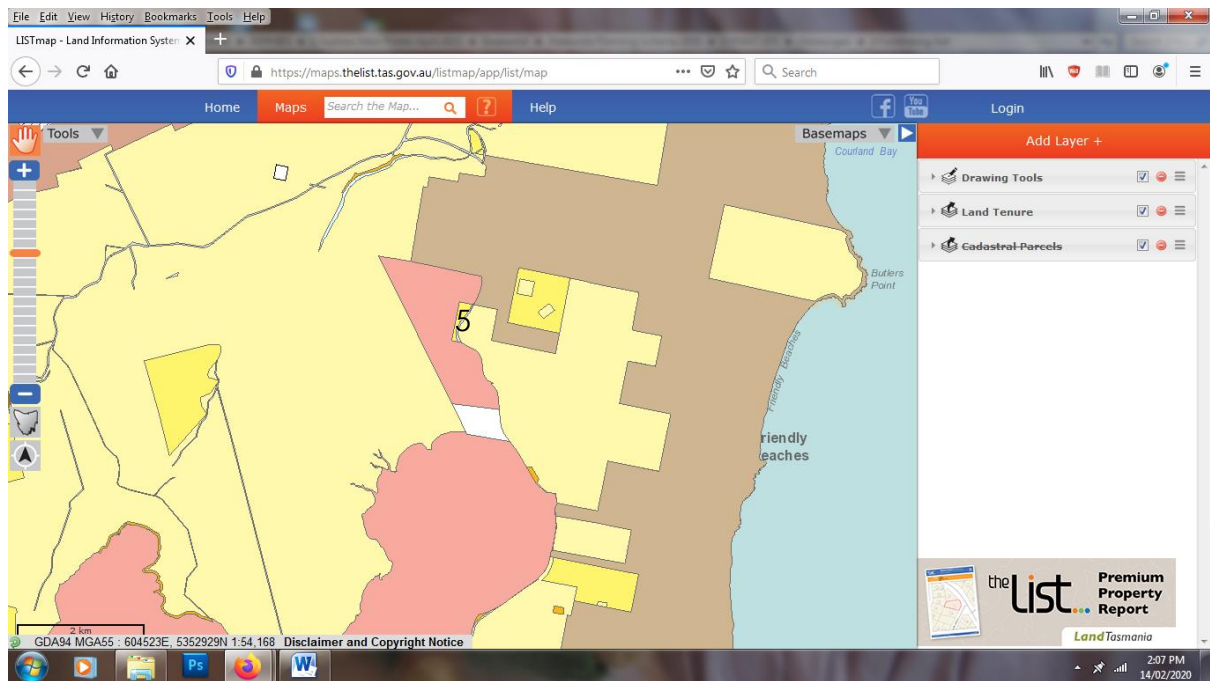


Figure 9 – Conservation covenanted property 5.

Other Vegetated Land

We recommend that all land on Freycinet Peninsula, and Glamorgan Spring Bay Municipality more broadly, with high natural and scenic values, be zoned Landscape Conservation Zone. This may require split zoning.

In particular we recommend that vegetated areas, adjoining the internationally significant Moulting Lagoon Game Reserve Ramsar Site be zoned Landscape Conservation Zone.

As per the [Moulting Lagoon Game Reserve \(Ramsar Site\) Management Plan 2003](#), 'Moulting Lagoon Game Reserve is one of 10 Ramsar sites (wetlands of international importance) listed in Tasmania. Moulting Lagoon is on this list because it supports a large number of waterbirds, particularly black swans and Australian shelducks, at key stages of their lifecycles. It provides year-round habitat for about 8000 black swans and is a critical late-summer staging area for shelducks, chestnut teal, and several shorebird species. The largest Tasmanian flock of greenshank also occurs at the lagoon. Thirteen plant species found in the Moulting Lagoon area are of particular importance for conservation because of their threatened status. Moulting Lagoon/Great Oyster Bay is a site of geoconservation significance, and the spit at Nine Mile Beach is one of only two mid-bay spits in Tasmania.'

More specifically, we recommend that all vegetated land west of the Coles Bay Road, (highlighted in Figure 10), which forms an important part of the catchment of Moulting Lagoon, be Landscape Conservation Zone.

This area provides a critical buffer and helps maintain the integrity of Moulting Lagoon Game Reserve Ramsar Site. Any changes in land use, especially if zoned Rural, which is currently proposed for this entire area, will negatively impact this sensitive wetland. Changes in land use will potentially create pollutants e.g. rural pollution. There is also increasing pressure from tourism, which could be overwhelming for the lagoon, and for the maintenance of natural values.

The area highlighted in Figure 10 contains significant values:

- areas of conservation covenants. Some of this covenanted land is owned and managed as Permanent Reserves by the Tasmanian Land Conservancy, such as the [Big Punchbowl Reserve](#);
- revolving properties. The Tasmanian Land Conservancy revolves properties – that is they buy, covenant and sell properties with high conservation values. An example of this is [The Croft](#), located at 65 Flacks Road;
- areas of Land for Wildlife;
- The Tasmanian Devil conservation reserve;
- large areas of native vegetation;
- areas of important scenic values (especially as seen from Moulting Lagoon and the Coles Bay Road);
- threatened native vegetation communities;
- threatened species;

- habitat and or refuge for threatened species;
- important corridor habitat;
- links to existing reserves;
- natural areas that are stepping stones and/or refuge for wildlife; and
- lagoon river frontage.



Figure 10 – vegetated land adjoining Moulting Lagoon, should be zoned LCZ.

5.0 Scenic Protection Code

The Coles Bay Conservation Area covers a total of 2297 hectares and immediately adjoins Freycinet National Park (Figure 1). The draft LPS has spatially applied the Environmental Management Zone of the SPPs to both these areas.



Figure 11: Coles Bay Conservation Area and spatial relationship to the Freycinet National Park1 - Coles Bay Conservation Area.

The C8.0 Scenic Protection Code of the SPPs, provides that a scenic protection area overlay, or a scenic road corridor can be applied to land identified at the local or regional level as important for protection of scenic values as per SPC 1 of *Guideline No.1, Local Provisions Schedule (LPS): zone and code application*. The Scenic Protection Code of the SPPs can be applied to land zoned Environmental Management Zone if it can be demonstrated that it contains native vegetation with scenic values or identified as having significant scenic views.

One such area is the Coles Bay Conservation Area. However, scenic protection area overlay is not applied to this area and is not shown on any of the Code overlay maps. Although it is noted that a scenic road corridor is shown for Coles Bay Road which runs immediately to the west of Coles Bay Conservation Area.

The overlay maps only identify scenic protection areas for small geographic areas adjacent to Swanwick and Coles Bay in this location.

It is appreciated that in review of the Supporting Report and in particular Attachment 4 that the application of the C8.0 Scenic Protection Code has been duly considered. Nevertheless, the lack of application of a scenic protection area to the all-important Freycinet National Park and adjoining Coles Bay Conservation Area fails to recognise the importance of protecting the scenic landscape values that should be afforded to these prominent locations.

Therefore the request is made for the inclusion of a scenic protection area to be shown on the Scenic Protection Code overlay maps in the draft LPS for the Coles Bay Conservation Area and the adjoining Freycinet National Park.

The Scenic Protection Code should also be placed over all areas seen from the [Great Eastern Drive](#). The Great Eastern Drive extends for around 176 kms between Orford and St Helens on Tasmania's east coast.

As stated by www.greateasterndrive.com.au as "Experience one of Australia's greatest road trips on the Great Eastern Drive. This is a true journey of discovery that will lead you to the best-loved places and experiences of Tasmania's east coast region. Here, every turn unveils a new view to take your breath away, and a new invitation to stop and explore. In this road trip itinerary we show you what's on offer from south to north, or if you prefer from north to south. Just choose and shape an adventure to suit you."

Much of the [Great Eastern Drive](#) is located within the boundaries of Glamorgan Spring Bay Municipality.

Additionally, this representation calls for the provisions embedded within the C8.0 Scenic Protection Code of the SPPs to be reviewed, fine-tuning the use and development controls (including exemptions) with respect to assessment development to areas where this Code applies, especially if it is to be an effective planning tool to manage landscape values.

We express sincere concern that there is an inability to deliver the objectives through this Code as there are certain exemptions afforded to use and development that allows for detrimental impact on landscape values. This of course extends beyond the municipal boundaries and requires careful consideration at a State level to support and protect the natural assets that underpin the tourism economy and our precious natural/cultural landscapes.