

Planning Authority Report

*Section 35F of the Land Use Planning and Approvals Act 1993
– Consideration of Representations to the draft Glamorgan
Spring Bay Local Provisions Schedule'*



GLAMORGAN SPRING BAY
COUNCIL

Glamorgan Spring Bay Council

Senior Planning Consultant

13 August 2021

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Abbreviations

The following abbreviations and references are commonly used through this report:

Act	<i>Land Use Planning and Approvals Act 1993</i>
Commission	Tasmanian Planning Commission
Council	Glamorgan Spring Bay Council
Exhibition period	19 May to Wednesday 19 July 2021
Guidelines	Guideline No.1 Local Provisions Schedules (LPS) zone and code application
Interim Scheme	Glamorgan Spring Bay Interim Planning Scheme 2015
LPS	Local Provisions Schedule
Owner	owner of land subject to the representation
Planning Authority	Glamorgan Spring Bay Council
PPZ	Particular Purpose Zone
Representor	author of the subject representation
RMPS	Resource Management and Planning System
SAP	Specific Area Plan
TPS	Tasmanian Planning Scheme
Supporting Report	Glamorgan Spring Bay Council Local Provisions Schedule Supporting Report, December 2019
Transitional provisions	provisions that were carried over from the Interim Scheme to the LPS under a notice issued by the Minister for Planning
35F report	report that assesses the representations received during the exhibition period and provides a recommendation for consideration by the Commission.
1994 Scheme	Glamorgan Spring Bay Planning Scheme 1994

Process

The exhibition of *Local Provisions Schedule* (LPS) and the process to make and assess representations is established under Part 3A of the *Land Use Planning and Approvals Act 1993* (Act).

The Tasmanian Planning Commission (Commission) directed Council to make substantial modifications to the draft LPS on 5 May 2021 and exhibit those modifications.

The subject modifications were to:

- a. remove the GSB-S4.0 Coles Bay and Swanwick Specific Area Plan; and
- b. insert GSB-P6.0 Particular Purpose Zone – The Fisheries.

That exhibition was completed from 19 May to Wednesday 19 July 2021 and two representations were lodged with Council.

The Directions issued by the Commission contains specific provision on a number of matters that representations can and cannot contain.

Relevant to this report, representations can only be made to the relevant exhibition documents that were subject to the Direction issued by the Commission under section 35E of the Act.

Representations about the remainder of the LPS, the TPS or other matters cannot be considered as part of this process following Section 35E (5) of the Act.

Assessment of representations

Full copies of the representations were provided as a separate attachment to this report.

The assessment of each representation provides a general discussion and response before providing the recommendation required under section 35F (2) of the Act, which requires a decision under each of the following categories.

- Recommendation for draft LPS:
- Effect on Draft LPS as a whole
- LPS Criteria

The report provides this at the end of each representation.

1. Freycinet Action Network

Received: 19 July 2021

The representation supports inclusion of the PPZ and raises various matters for consideration.

Impact Assessment Area

The representation identifies that the assessment area established at GSB-P6.3.1 is inadequate, as summarised in the representation:

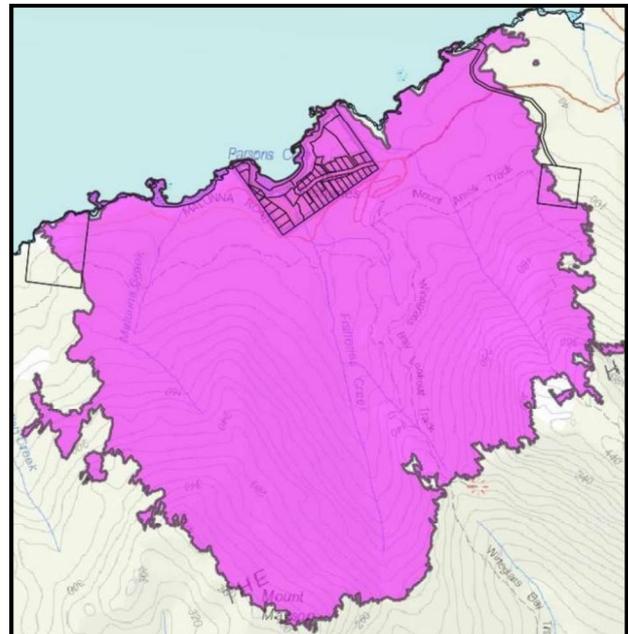
The exhibited Impact Assessment Area will be focussed on assessing development from a downward perspective captured from a higher elevation point on the Wine Glass Bay Track, Mount Mayson or Mount Amos. Additionally the Impact Assessment Area considers the visual impacts when viewed by motorists or walkers from Freycinet Drive (public roads and places outside of the GSB-P6.0 Particular Purpose Zone – The Fisheries).

Considering development only from these perspectives means that it fails to assess any view fields from Coles Bay or Hepburn Point. The assessment may be distorted if development on a site is limited to a person looking from a point higher in elevation looking downward towards The Fisheries. A downward viewing angle also means that the assessment is focussed on roofs rather than the visual appearance of apparent elevation, bulk or scale of a building that may be seen from the horizontal plane from Coles Bay or Hepburn Point.

Council was directed by the Commission to change the Impact Assessment Area for exhibition of the substantial changes as shown in the diagram to the right.

The area in this image represents part of the overall area that was previously endorsed by Council.

Council made submissions to the Commission that the expanded area should be used for the exhibition process, as this would enable the extent of the area to be considered at the subsequent hearings prior to determination. The Commission directed that the area be modified to reflect the reduced area against the wishes of the Council.



The representation argues that the limited assessment area significantly restricts the assessment of actual impacts of development, as follows:

The exhibited Impact Assessment Area will be focussed on assessing development from a downward perspective captured from a higher elevation point on the Wine Glass Bay Track, Mount Mayson or Mount Amos. Additionally the Impact Assessment Area considers the visual impacts when viewed by motorists or walkers

from Freycinet Drive (public roads and places outside of the GSB-P6.0 Particular Purpose Zone – The Fisheries).

Considering development only from these perspectives means that it fails to assess any view fields from Coles Bay or Hepburn Point. The assessment may be distorted if development on a site is limited to a person looking from a point higher in elevation looking downward towards The Fisheries. A downward viewing angle also means that the assessment is focussed on roofs rather than the visual appearance of apparent elevation, bulk or scale of a building that may be seen from the horizontal plane from Coles Bay or Hepburn Point.

These concerns are supported.

Considering development only from these perspectives means that it fails to assess any view fields from Coles Bay or Hepburn Point. The assessment may be distorted if development on a site is limited to a person looking from a point higher in elevation looking downward towards The Fisheries. A downward viewing angle also means that the assessment is focussed on roofs rather than the visual appearance of apparent elevation, bulk or scale of a building that may be seen from the horizontal plane from Coles Bay or Hepburn Point.

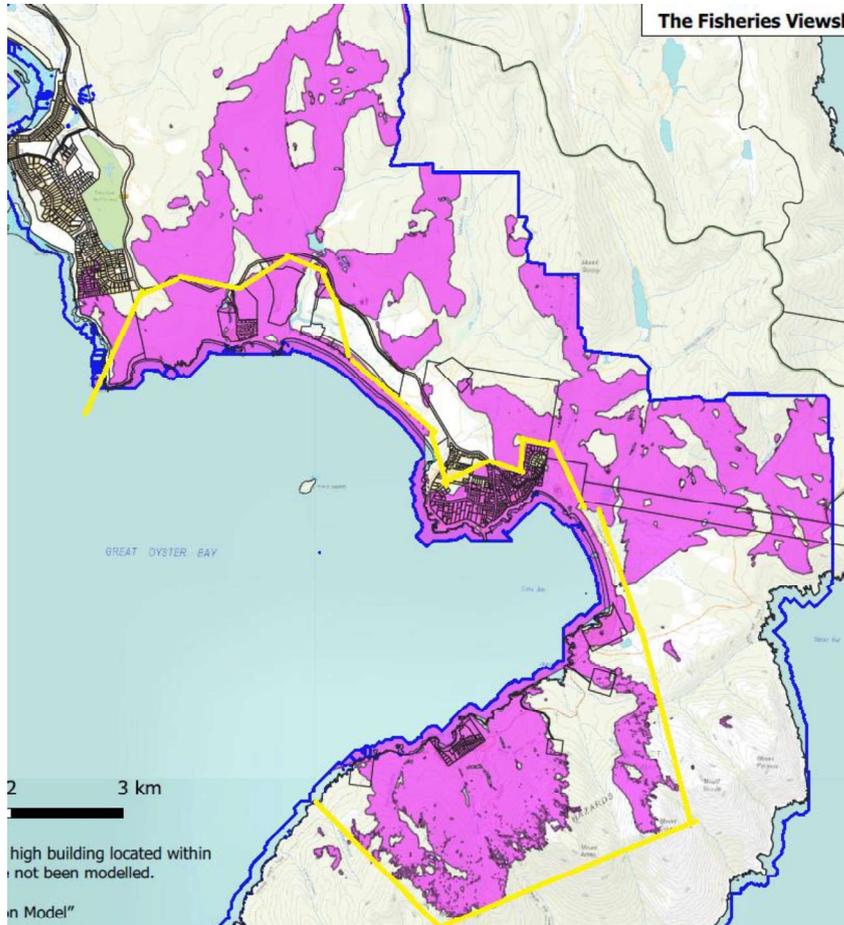
Further, the elevation of the landscape suggests that the representors concerns have merit and are likely to preclude assessment of impacts from areas within the wider landscape that overlook The Fisheries, as shown in the representors image 1, reproduced for convenience:



The representation seeks an alternative Impact Assessment Area to be introduced, which is consistent with the previously adopted Council position on this issue.

This would allow assessment of impacts within the wider landscape and reflects the agreed positions that was developed with the representor following the previous hearings.

This is shown in the following image. The purple area represents a viewshed analysis prepared by GIS modelling. The area adjoining Great Oyster Bay and within the yellow line, represents the Impact Assessment Area that was adopted by Council for the substantial modifications to the LPS and sought by the representor.



The representation argues *the revised Impact Assessment Area ... would ensure that any visual impact assessment be carried out from the most viewed areas by locals and visitors including from the Coles Bay Road, Coles Bay, Richardson's Beach, Hepburn Point and Saffire Freycinet.*

These comments are supported.

It is noted that the previous Commission Direction to reduce the Impact Assessment Area for the exhibition process has likely created procedural problems for further expansion of the Area as part of the hearing process.

Recommendation:

- a. **the Impact Assessment Area be revised to reflect the adopted position of Council and the representor; and**
- b. **If that is not possible, that key public viewing points such as the Hepburn Point Foreshore area, are retained within the Impact Assessment Area.**

Visitor Accommodation

The representation supports the acceptable solution and performance criteria at GSB-P6.5.1.

The support is noted.

Recommendation: no change.

GSB-P6.5.2 External Lighting

The representation does not support the hours that are specified for the unrestricted use of external lighting and suggests that sunrise and sunset are more appropriate thresholds for winter periods. The representor cites the example of the Freycinet Lodge redevelopment, which addressed light pollution, later in the representation.

If successful, the PPZ will replace the underlying zone within the LPS. The Fisheries is an existing area and has had a range of zones since it was established.

Controls over lighting would be a new regime, if supported by Council and then approved by the Commission.

The representor's request is considered to have merit and provide a reasonable solution to deal with external night lighting impacts.

Recommendation: that GSB-P6.5.2 External lighting A1(a) be revised to replace 10.00pm and 6.00am with dusk to daylight.

GSB-P6.6.1 Site Coverage and Development Area

The representation seeks reduction of the site coverage from 250 m² to 200 m² in A1 for consistency with the existing built form.

Site coverage is defined as the proportion of a site covered by roofed buildings. This standard works in conjunction with A2, which establishes a development area of 400 m² (defined as the proportion of a site covered by buildings and their curtilage). The representation does not seek to change the development area.

The Interim Scheme sets these thresholds at 25% and 75% respectively, while the TPS sets site coverage at 30% and does not address development area.

Preliminary review of available aerial photography suggests that the representor's claim is correct, and that the footprint of most buildings is 200m² or less. Reduction of this acceptable solution is likely to limit building footprint and therefore impacts. Larger buildings would still be possible, subject to assessment against the performance criteria.

The following is also noted:

- the representor agreed to the 250 m² site coverage during consultation that developed the Particular Purpose zone prior to its adoption by Council; and

- the requested change results in a reduction of the development potential within the zone and as such, is likely trigger natural justice issues resulting from the reduced development potential within the zone; and
- as a result of the last, the Commission is unlikely to be able to consider the change.

Recommendation: no change.

GSB-P6.6.2 Building height, siting and exterior finishes

A1 to A4 for height and setback are supported, though increased rear setback for larger lots under A4 was requested.

The 10-metre rear setback proposed at A4 is a substantial increase over the 4-metres required under the Low Density Residential zone of the current Interim Scheme and the 5 metres required under the equivalent zone of the Tasmanian Planning Scheme.

It must also be noted that development in The Fisheries is subject to management regimes for bushfire hazard under the Building Act that will impact rear setback.

The following is also noted:

- the representor agreed to the 10-metre setback during consultation that developed the Particular Purpose zone prior to its adoption by Council;
- the requested change results in a reduction of the development potential within the zone and as such, is likely trigger natural justice issues resulting from the reduced development potential within the zone; and
- as a result of the last, the Commission is unlikely to be able to consider the change.

Given this, and the fact that The Fisheries is an existing subdivision with associated development rights, the requested increase is not supported.

Recommendation: No change.

A5 establishes colours and light reflectance values, which the representor wishes to have changed to:

- remove reference to blue as it is not a colour found within the bush environment of the surrounding area and national park; and
- reduce the LRV to 10%, citing the precent set by the recent RAC Coastal Pavilions project.

As noted in the report that recommended inserting the Particular Purpose zone, the scenic qualities of the area are significant and the potential impacts from inappropriate development. The requested changes are consistent with those scenic qualities.

Blue was included in the range of acceptable colours within the Particular Purpose zone for consistency with the existing controls for Dolphin Sands. Removal of this colour is not expected to impact operation of the zone and the representor's observations about the lack of blue in the local landscape are supported.

The requested changes will impact new controls that do not operate under the existing Interim Scheme.

Recommendation: GSB-P6.6.2 Building height, siting and exterior finishes A5 be revised to remove blue and reduce the light reflectance value from 20% to 10%.

GSB-P6.7 Development standards for subdivision

The representation supports the proposed subdivision controls established under the PPZ. This support is noted.

Recommendation: no change.

GSB-S4.1 Coles Bay and Swanwick Specific Area Plan

The representation supports removal of this SAP from the LPS. This support is noted.

Recommendation: no change.

Summary

The representation raises a range of matters with recommended changes.

Recommendation for draft LPS: the following be changed as a result of the representation:

- a. the Impact Assessment Area be revised to reflect the adopted position of Council and the representor; and if that is not possible, that key public viewing points such as the Hepburn Point Foreshore area, are retained within the Impact Assessment Area.
- b. that GSB-P6.5.2 External lighting A1(a) be revised to replace 10.00pm and 6.00am with dusk to daylight.
- c. that GSB-P6.6.2 Building height, siting and exterior finishes A5 be revised to remove blue and reduce the light reflectance value from 20% to 10%.

Effect on Draft LPS as a whole: no effect on the LPS as a whole.

LPS Criteria: The recommendation provides effect to the policies of the zone purpose statements in the Guidelines and the PPZ. The Planning Authority is satisfied that the recommendation meets the LPS criteria under the Act.

2. Police Fire & Emergency Management/SES

Received: 5 June 2021

The representation raises matters about the proposed PPZ for The Fisheries and the flood prone Area Hazard Overlay.

Comments relating to the PPZ are about its relationship to the Coastal Erosion Hazard Overlay relate to the operation of the Tasmanian Planning Scheme and are noted.

Comments relating to the operation of the Flood-Prone Area Hazard Overlay do not relate to the substantial modifications that were on exhibition and cannot be considered through this process.

The representation contains no matters that require further consideration.

Recommendation for draft LPS: no change as a result of the representation.

Effect on Draft LPS as a whole: no effect on the LPS as a whole.

LPS Criteria: The recommendation provides effect to the policies of the zone purpose statements in the Guidelines and the PPZ. The Planning Authority is satisfied that the recommendation meets the LPS criteria under the Act.

Substantially modified part of the Glamorgan Spring Bay draft Local Provisions Schedule

The Tasmanian Planning Commission (the Commission) has directed the Glamorgan Spring Bay planning authority to substantially modify part of the Glamorgan Spring Bay draft Local Provisions Schedule (draft LPS) as follows:

1. Deletions from the Glamorgan Spring Bay draft LPS

- 1.1 The provisions of GSB-S4.0 Coles Bay and Swanwick Specific Area Plan are deleted from the draft LPS.
- 1.2 The GSB-S4.0 Coles Bay and Swanwick Specific Area Plan overlay and associated annotations, shown in figure 1, below, are deleted from the draft LPS.

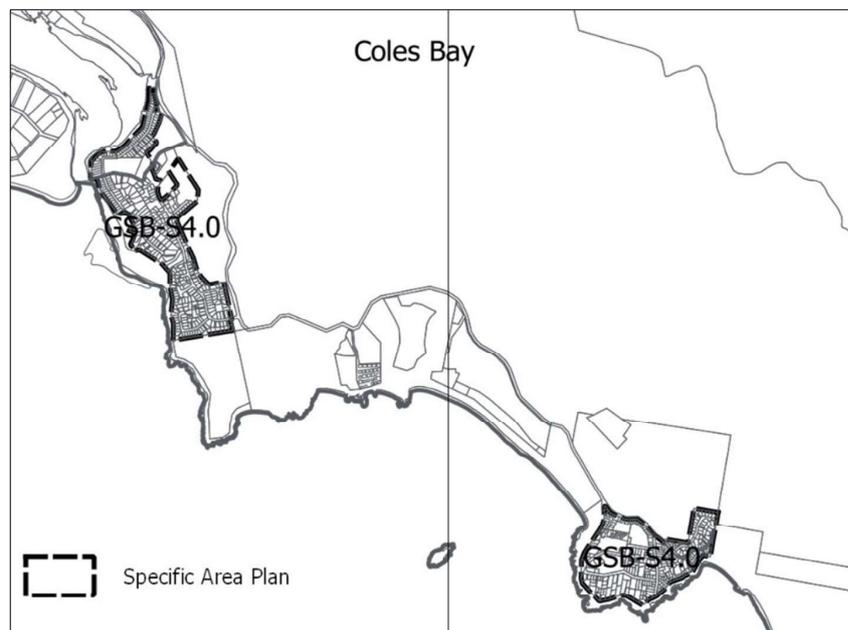


Figure 1 - GSB-S4.0 Coles Bay and Swanwick Specific Area Plan overlay

2. Substantially modified parts of the Glamorgan Spring Bay draft LPS written document

- 2.1 The following provisions are inserted into the draft LPS written document :
 - 2.2.1 GSB-P6.0 Particular Purpose Zone – The Fisheries, as set out below:

GSB-P6.0 Particular Purpose Zone – The Fisheries

GSB-P6.1 Zone Purpose

The purpose of the Particular Purpose Zone – The Fisheries is:

- GSB-P6.1.1 To provide for residential use within the Fisheries that minimises impact on the scenic, environmental and landscape values.
- GSB-P6.1.2 To provide for compatible use and development that is of a scale and intensity that minimises impact on the scenic, environmental and landscape values of the Fisheries and the Freycinet National Park.

GSB-P6.2 Local Area Objectives

GSB-P6.3.1 In this particular purpose zone, unless the contrary intention appears:

Term	Definition
Freycinet National Park	means the dedicated formal reserve managed under the <i>National Parks and Reserves Management Act 2002</i> .
Impact Assessment Area	means the area identified in Figure GSB-P6.3.1.

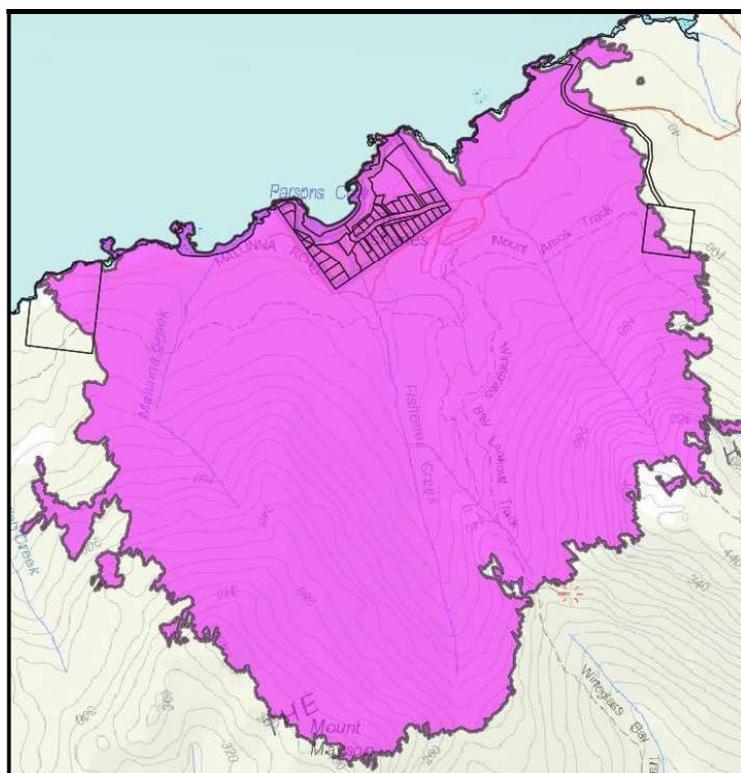


Figure GSB-P6.3.1: Impact Assessment Area

GSB-P6.3 Definition of Terms

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

GSB-P6.4 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for single dwelling.
Utilities	If for minor utilities.
Permitted	
Residential	If for home-based business.
Utilities	If not listed as No Permit Required.
Visitor Accommodation	
Discretionary	
No uses	
Prohibited	
All other uses	

GSB-P6.5 Use Standards

GSB-P6.5.1 Visitor Accommodation

Objective:	That Visitor Accommodation is of a scale that: <ul style="list-style-type: none"> (a) is compatible with the scenic, environmental and landscape values of the site; (b) does not cause an unreasonable loss of residential amenity; and (c) does not impact the safety and efficiency of local roads or private rights of way. 	
Acceptable Solutions		Performance Criteria
A1 Visitor Accommodation guests are accommodated in existing buildings.		P1 Visitor Accommodation must minimise impacts on the scenic, environmental and landscape values of the zone and not cause an unreasonable loss of residential amenity in the zone, having regard to:

	<ul style="list-style-type: none"> (a) the nature, scale and extent of accommodation uses; (b) the impact of the use on the scenic, environmental and landscape values of the site; (c) any adverse impacts on the safety and efficiency of the local road network or owners and users of rights of carriageway; and (d) measures to minimise or mitigate impacts.
<p>A2</p> <p>Visitor Accommodation must be accommodated in one building and there are no other existing habitable buildings on the site.</p>	<p>P2</p> <p>No Performance Criterion.</p>

GSB-P6.5.2 External lighting

Objective:	That external lighting does not have an unreasonable impact on the landscape and scenic values of the site and the surrounding area.	
Acceptable Solutions		Performance Criteria
A1	<p>External lighting must comply with all of the following:</p> <ul style="list-style-type: none"> (a) be turned off between 10:00pm and 6:00am, except for security lighting; and (b) security lighting must be baffled to ensure that direct light does not extend beyond the property boundary. 	<p>P1</p> <p>External lighting must not be obtrusive on the scenic, environmental and landscape values of the site and surrounding area, having regard to:</p> <ul style="list-style-type: none"> (a) the number of proposed light sources and their intensity; (b) the location of the proposed light sources; (c) the topography of the site; and (d) any existing light sources.

GSB-P6.6 Development Standards for Buildings and Works

GSB-P6.6.1 Site coverage and development area

Objective:	That the site coverage and development area is compatible with the protection, conservation and management of the scenic, environmental and landscape values of the site, the surrounding area and the Impact Assessment Area.	
Acceptable Solutions		Performance Criteria
A1	Site coverage must not be more than 250m ² .	<p>P1</p> <p>Site coverage must not obtrude on the scenic, environmental and landscape values of the site, the</p>

	<p>surrounding area and the Impact Assessment Area, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the area of the site required to absorb run-off and wastewater; (c) the size and shape of the site; (d) the existing buildings and any constraints imposed by existing development; (e) the need to remove vegetation; (f) the location of development in relation to cleared areas; (g) the location of development in relation to natural hazards; (h) the appearance of buildings when viewed from walking trails, public roads and other public places in the Impact Assessment Area.
<p>A2</p> <p>Development area must be not more than 400m².</p>	<p>P2</p> <p>The development area must not cause an unreasonable impact on the scenic, environmental and landscape values of the site, the surrounding area and the Impact Assessment Area, having regard to:</p> <ul style="list-style-type: none"> (a) the design, siting, scale and type of development; (b) the operation of the use; (c) the need for the development to be located on the site; (d) how any significant values on the site are managed; (e) any protection, conservation, remediation or mitigation works; and (f) the impact of the development area on the scenic and landscape values of the area when viewed from walking trails, public roads and places in the Impact Assessment Area.

GSB-P6.6.2 Building height, siting and exterior finishes

Objective:	<p>That building height, siting and exterior finishes:</p> <ul style="list-style-type: none"> (a) protects the amenity of adjoining properties; and (b) minimises the impact on the scenic, environmental and landscape values of the site, the surrounding area, the Impact Assessment Area, and the Freycinet National Park.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building height must be not more than 5m.</p>	<p>P1</p> <p>Building height must be compatible with the scenic, environmental and landscape values of the site, the surrounding area and the Impact Assessment Area, having regard to:</p> <ul style="list-style-type: none"> (a) the height, bulk and form of existing and proposed buildings; (b) the topography of the site; (c) minimising cut and fill; (d) the appearance when viewed from roads and public places in the zone; (e) the visual impact of buildings on the scenic and landscape values of the area when viewed from walking trails, public roads and places in the Impact Assessment Area; and (f) the landscape values of the surrounding area.
<p>A2</p> <p>Buildings must have a setback from a frontage not less than 8m.</p>	<p>P2</p> <p>Building setback from a frontage must be compatible with the scenic, environmental and landscape values of the site, the surrounding area, the Impact Assessment Area, and the Freycinet National Park, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the frontage setbacks of adjacent buildings; (c) the height, bulk and form of existing and proposed buildings; (d) the appearance of buildings when viewed from walking trails, public roads and places in the Impact Assessment Area; (e) the safety of road users; and (f) the retention of vegetation.
<p>A3</p>	<p>P3</p>

<p>Buildings must have a setback from side boundaries not less than 5m.</p>	<p>Buildings must be sited to not cause an unreasonable loss of amenity, or obtrude on the scenic, environmental and landscape values of the site, the surrounding area, the Impact Assessment Area, and the Freycinet National Park, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size, shape and orientation of the site; (c) the side and rear setbacks of adjacent buildings; (d) the height, bulk and form of existing and proposed buildings; (e) the need to remove vegetation as part of the development; and (f) the appearance of buildings when viewed from walking trails, public roads and places in the Impact Assessment Area.
<p>A4</p> <p>Buildings must have a setback from rear boundaries not less than 10m.</p>	<p>P4</p> <p>Buildings must be sited to not cause an unreasonable loss of amenity, or obtrude on the scenic, environmental and landscape values of the site, the surrounding area, the Impact Assessment Area, and the Freycinet National Park, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size, shape and orientation of the site; (c) the side and rear setbacks of adjacent buildings; (d) the height, bulk and form of existing and proposed buildings; (e) the need to remove vegetation as part of the development; (f) and (g) the appearance of buildings when viewed from walking trails, public roads and places in the Impact Assessment Area.
<p>A5</p> <p>Exterior building finishes must have a light reflectance value not more than 20%, in dark natural tones of black, blue, grey, green or brown.</p>	<p>P5</p> <p>No Performance Criterion.</p>

GSB-P6.6.3 Access to a road

Objective:	That new dwellings are provided with appropriate vehicular access to a road maintained by a road authority.	
Acceptable Solutions	Performance Criteria	
A1 New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.	P1 New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is sufficient for the intended use, having regard to: (a) the number of users of the access; (b) the length of the access; (c) the suitability of the access for use by the occupants of the dwelling; (d) the suitability of the access for emergency services vehicles; (e) the topography of the site; (f) the construction and maintenance of the access; and (g) the construction, maintenance and usage of the road.	

GSB-P6.6.4 Landscape protection

Objective:	That the landscape values of the site, the surrounding area and the Impact Assessment Area are protected or managed to minimise adverse impacts.	
Acceptable Solutions	Performance Criteria	
A1 Buildings and works must: (a) be an alteration or extension to an existing building providing it is not more than the existing building height; and (b) not include cut and fill greater than 1m.	P1 Buildings and works must be located to minimise impacts on landscape values, having regard to: (a) the topography of the site; (b) the size and shape of the site; (c) the proposed building height, size and bulk; (d) any constraints imposed by existing development; (e) the visual impact when viewed from walking trails, public roads and other public places in the Impact Assessment Area;	

	<p>(f) any vegetation removal required for the construction of the proposal or as a result of a Bushfire Hazard Management Plan; and</p> <p>(g) any existing or proposed screening vegetation.</p>
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GSB-P6.6.5 Frontage fences

Objective:	That fencing does not detract from the appearance of the site or the surrounding area and provides for passive surveillance.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>No Acceptable Solution.¹</p>	<p>P1</p> <p>Fencing (including a free-standing wall) within 4.5m of a frontage must not have an obtrusive impact on the scenic, environmental and landscape values of the site, the surrounding area and the streetscape, having regard to:</p> <p>(a) the location and extent of the fence;</p> <p>(b) the height of the fence;</p> <p>(c) the degree of transparency of the fence;</p> <p>(d) the design, material, and colour of the fence and its method of construction; and</p> <p>(e) the requirements of the use,</p> <p>and is not less than 80% transparent.</p>	

GSB-P6.7 Development Standards for Subdivision

GSB-P6.7.1 Subdivision

Objective:	That subdivision is for the creation of lots for public purposes.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) be required for public use by the Crown, a council or a State authority;</p> <p>(b) be required for the provision of Utilities; or</p>	<p>P1</p> <p>No Performance Criterion.</p>	

¹ An exemption applies for fences in this zone – see Table 4.6.

<p>(c) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 20m.</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable frontage, sufficient to accommodate the intended use and associated development consistent with the Zone Purpose and the requirements of the road authority.</p>
<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot, or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the anticipated nature of vehicles likely to access the site; and (e) the ability for emergency services to access the site.

GSB-P6.8 Tables

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

3. Substantially modified parts of the Glamorgan Spring Bay draft LPS zone maps

3.1 Apply the Particular Purpose Zone – The Fisheries to land at The Fisheries, Coles Bay, shown in figure 2 below:

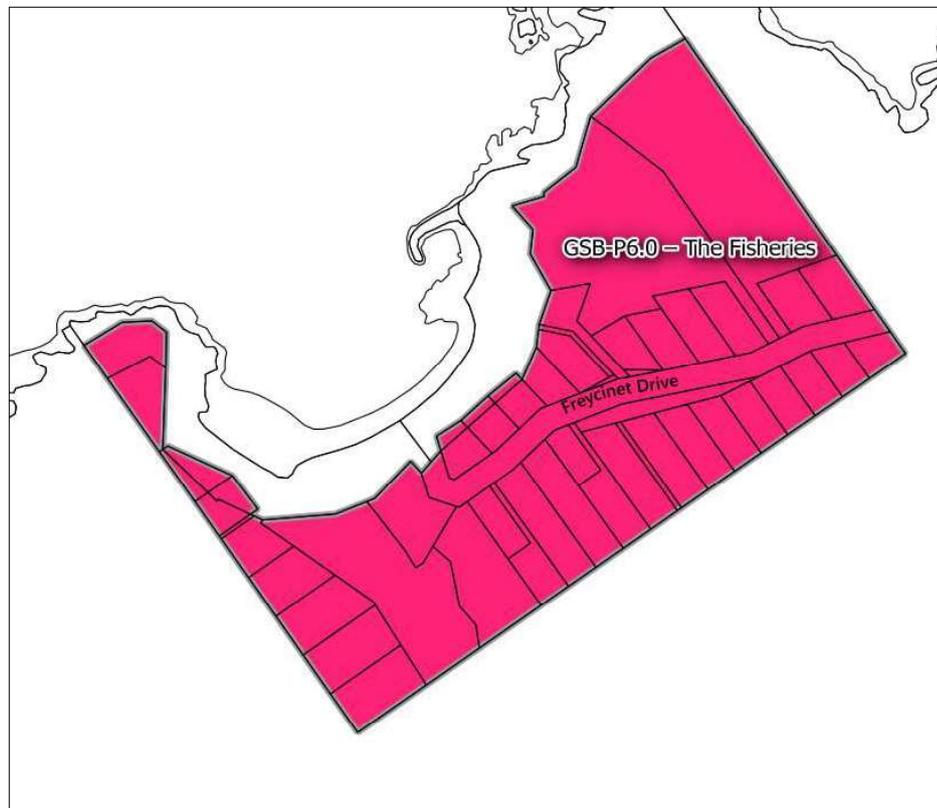


Figure 2 - Particular Purpose Zone – The Fisheries

TASMANIAN PLANNING COMMISSION



Our ref: DOC/21/48993
Officer: Samuel McCrossen
Phone: 03 6165 6833
Email: tpc@planning.tas.gov.au

5 May 2021

Mr Greg Ingham
General Manager
Glamorgan Spring Bay Council
PO Box 6
TRIUBUNNA TAS 7190

By email: admin@freycinet.tas.gov.au
cc mick.purves@freycinet.tas.gov.au

Dear Mr Ingham,

Substantially Modified Part of the Glamorgan Spring Bay Draft Local Provisions Schedule Direction under section 35B(4) – Public Exhibition

I refer to the substantially modified part of the Glamorgan Spring Bay draft Local Provisions Schedule (LPS), submitted to the Tasmanian Planning Commission (the Commission) under section 35(6) of *the Land Use Planning and Approvals Act 1993* (the Act) on 4 May 2021.

The Commission considers the submitted substantially modified part of the draft LPS is in accordance with its direction under 35K(1)(c), meets the LPS Criteria and is suitable for exhibition.

Under section 35B(4) of the Act, the Commission directs the planning authority to publicly exhibit, the substantially modified part of the draft LPS in accordance with the requirements of sections 35C and 35D of the Act, within 21 days of the date of this letter.

While it is a matter for the planning authority to determine, Commission's Practice Note 11 enclosed as Attachment A, provides guidance on the exhibition of draft LPSs. Appendix C of the Practice Note includes a template exhibition notice that planning authorities may adapt as considered appropriate to discharge their exhibition obligations under the Act.

Please keep the Commission advised if there are any changes in exhibition arrangements that impact on meeting the requirements under section 35D of the Act.

Under section 35B(5), the Commission considers the State Service Agencies and State authorities specified in Attachment B may have an interest in the draft LPS. Notice must be given to these agencies in accordance with section 35C(1) of the Act.

The template notification letter provided in Appendix D of Practice Note 11 may also be adapted as appropriate to notify the specified State Service Agencies and State authorities, along with planning authorities in the regional area or those adjoining the municipal area, as required by section 35C(1).

Thank you for your advice that the planning authority will endeavour to commence public exhibition on Wednesday 19 May 2021. As the Commission is required to make the substantially modified part of the draft LPS available on its website during the exhibition period, we would appreciate your earliest advice if the exhibition cannot commence on this date.

If you need clarification on the listed matters, please contact Samuel McCrossen, Planning Adviser, on 6165 6833 or email samuel.mccrossen@planning.tas.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "John Ramsay". The signature is written in a cursive style with a large initial 'J' and a long, sweeping tail on the 'y'.

John Ramsay
Delegate (Chair)

Encl: Attachment A – Tasmanian Planning Commission Practice Note 11,
 Substantial Modification of part of draft Local Provisions Schedules (LPSs)
 Attachment B – Specified State Service Agencies and State Authorities



General Manager
Glamorgan Spring Bay Council
Email: planning@freycinet.tas.gov.au

19 July 2021

Dear General Manager,

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

The Tasmanian Planning Commission (TPC), after holding a hearing and considering matters under section 35J of the *Land Use Planning and Approvals Act 1993*, has determined that substantial modifications are required to part of the GSB Draft LPS.

The substantially modified part is on public exhibition from Wednesday 19 May 2021 to Monday 19 July 2021.

Please see attached our submission regarding the GSB Draft LPS substantial modifications.

Our submission has been prepared with expert planning advice. We would welcome the opportunity to present at a further hearing held by the TPC concerning the GSBC Draft LPS.

Could you please confirm that you have received our submission.

Yours sincerely,

Sophie Underwood

Freycinet Action Network – Convenor

sophie_underwood@hotmail.com

0407 501 999

Alvaro Ascui

Coles Bay

ajascui@gmail.com

0418 993 743



Substantial Modifications

The TPC directed the Glamorgan Spring Bay planning authority to substantially modify the Glamorgan Spring Bay draft Local Provisions Schedule (draft LPS) as follows:

1.0 Particular Purpose Zone

1.1 GSB-P6.0 Particular Purpose Zone – The Fisheries

Insert GSB-P6.0 Particular Purpose Zone – The Fisheries into the draft LPS, as set out in Annexure A.

Reason:

The proposed Particular Purpose Zone – The Fisheries provides planning controls to a unique area of land.

To meet the LPS requirements of the State Planning Provisions (SPPs) and the technical requirements of Practice Note 7 – Draft LPS mapping: technical advice.

2.0 Specific Area Plans

2.1 GSB-S4.0 Coles Bay and Swanwick Specific Area Plan

Delete GSB-S4.0 Coles Bay and Swanwick Specific Area Plan from the draft LPS.

Reason:

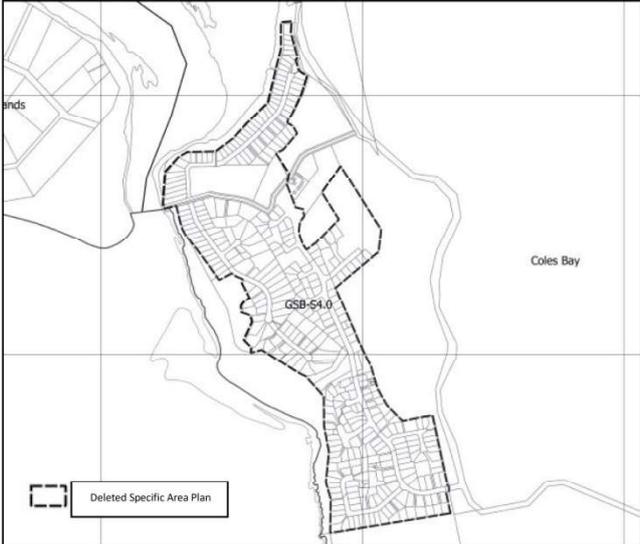
To ensure consideration of appropriate planning controls to provide controls for use and development in small townships.

To meet the LPS requirements of the SPPs.

3.0 Zone maps and overlays

See below.

3.0 Zone maps and overlays

No.	Description	Direction and Reason
1.1	Revise the zoning of The Fisheries, Coles Bay	<p>Revise the zoning of the land at The Fisheries, Coles Bay to apply the Particular Purpose Zone – The Fisheries, as shown in Figure 1 below:</p>  <p><i>Figure 1 - GSB-P6.0 Particular Purpose Zone – The Fisheries</i></p>
1.2	Revise the overlay maps to delete GSB-S4.0 Coles Bay and Swanwick Specific Area Plan	<p>Revise the overlay maps to delete GSB-S4.0 Coles Bay and Swanwick Specific Area Plan overlay and all associated annotations, from the draft LPS, as shown in Figure 2 below:</p>  <p><i>Figure 2 - GSB-S4.0 Coles Bay and Swanwick Specific Area Plan overlay</i></p>



Particular Purpose Zone

We support inserting GSB-P6.0 Particular Purpose Zone – The Fisheries into the GSB draft LPS, as set out in Annexure A.

However, on review of exhibited GSB-P6.0 Particular Purpose Zone – The Fisheries (as contained Annexure A), there are parts which raise concern and, further modifications are sought. The concerns and proposed modifications for consideration by the TPC are outlined below.

Note that where an application for use and development has a ‘No Permit Required’ or ‘Permitted’ status under the planning scheme and complies with all of the applicable ‘**Acceptable Solutions**’, the application is not required to be advertised for public comment. A permit must be granted by the planning authority and the decision cannot be challenged by an appeal.

An application for use and development that relies on ‘**Performance Criteria**’, even if the proposed use class is ‘No Permit Required’ or ‘Permitted’, an application will be subject to a Discretionary process and must be advertised for public comment. A decision by the planning authority can be subject to a third party appeal.

GSB-P6.2 Local Area Objectives

The Impact Assessment Area, as identified in Figure GSB-P6.3.1, is too narrow and should be expanded to include view fields from further across the Freycinet Peninsula as set out in Figure 2. The Fisheries is visually prominent (Figure 1) within the iconic Hazards landscape especially from Coles Bay, and Hepburn Point (locally known as Black Point). The visual prominence of ‘The Fisheries’ when viewed by these two locations, reinforces that there is a need to increase the spatial area of the Impact Assessment Area to which a planning authority must have regard to in determining compliance with performance criteria. The spatial relationship between Coles Bay, Hepburn Point and The Fisheries was expressed at the hearing held by the TPC on the 8 December 2020.

As per Figure GSB-P6.3.1, the Impact Assessment Area would only require the planning authority, in its assessment of development, to be from The Hazards themselves and an area immediately east and west of The Fisheries. This is too narrow as it disregards visual relationship between Coles Bay and Hepburn Point with the Fisheries.

The increase in the spatial area considered in an assessment will improve achieving the stated objective of a Development Standard which is to protect the Hazards landscape from obtrusive development. Protection of the landscape and scenic values is not afforded if the view field is narrow and excludes all consideration of the horizontal sight lines from Coles Bay and Hepburn Point to The Fisheries. Coles Bay sits at the same elevation as The Fisheries.



The exhibited Impact Assessment Area will be focussed on assessing development from a downward perspective captured from a higher elevation point on the Wine Glass Bay Track, Mount Mayson or Mount Amos. Additionally the Impact Assessment Area considers the visual impacts when viewed by motorists or walkers from Freycinet Drive (public roads and places outside of the GSB-P6.0 Particular Purpose Zone – The Fisheries).

Considering development only from these perspectives means that it fails to assess any view fields from Coles Bay or Hepburn Point. The assessment may be distorted if development on a site is limited to a person looking from a point higher in elevation looking downward towards The Fisheries. A downward viewing angle also means that the assessment is focussed on roofs rather than the visual appearance of apparent elevation, bulk or scale of a building that may be seen from the horizontal plane from Coles Bay or Hepburn Point.

For these reasons, it is proposed that a revised Impact Assessment Area as set out in Figure 2 is included instead of the current figure shown in Figure GSB-P6.3.1.

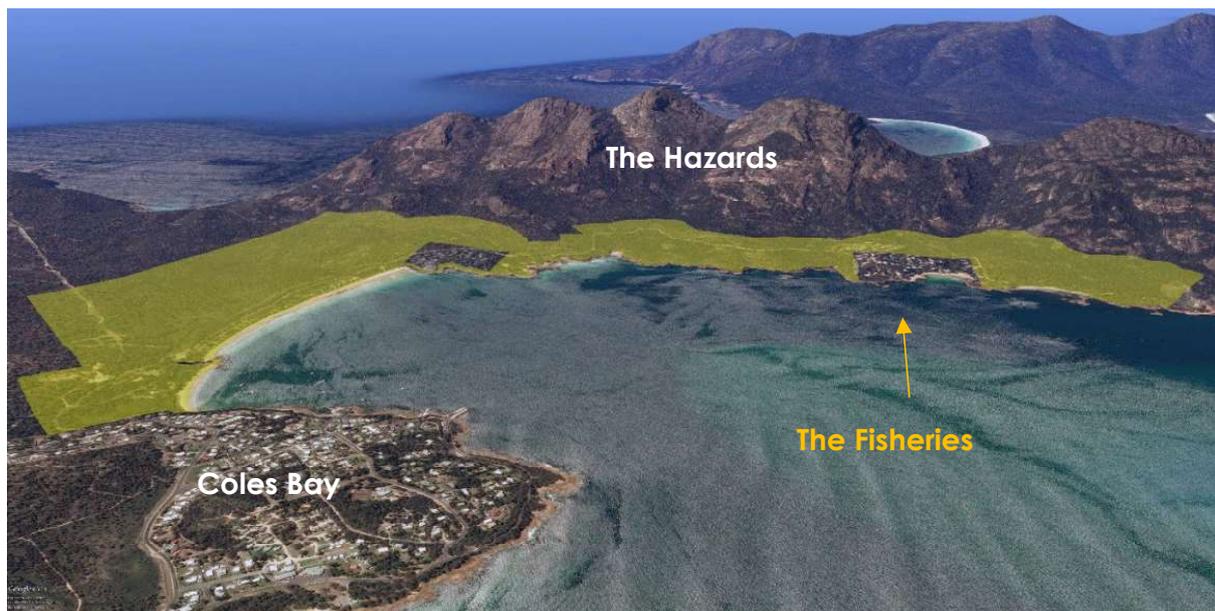


Figure 1: Visual perspective of “The Fisheries” in context of the Hazards.

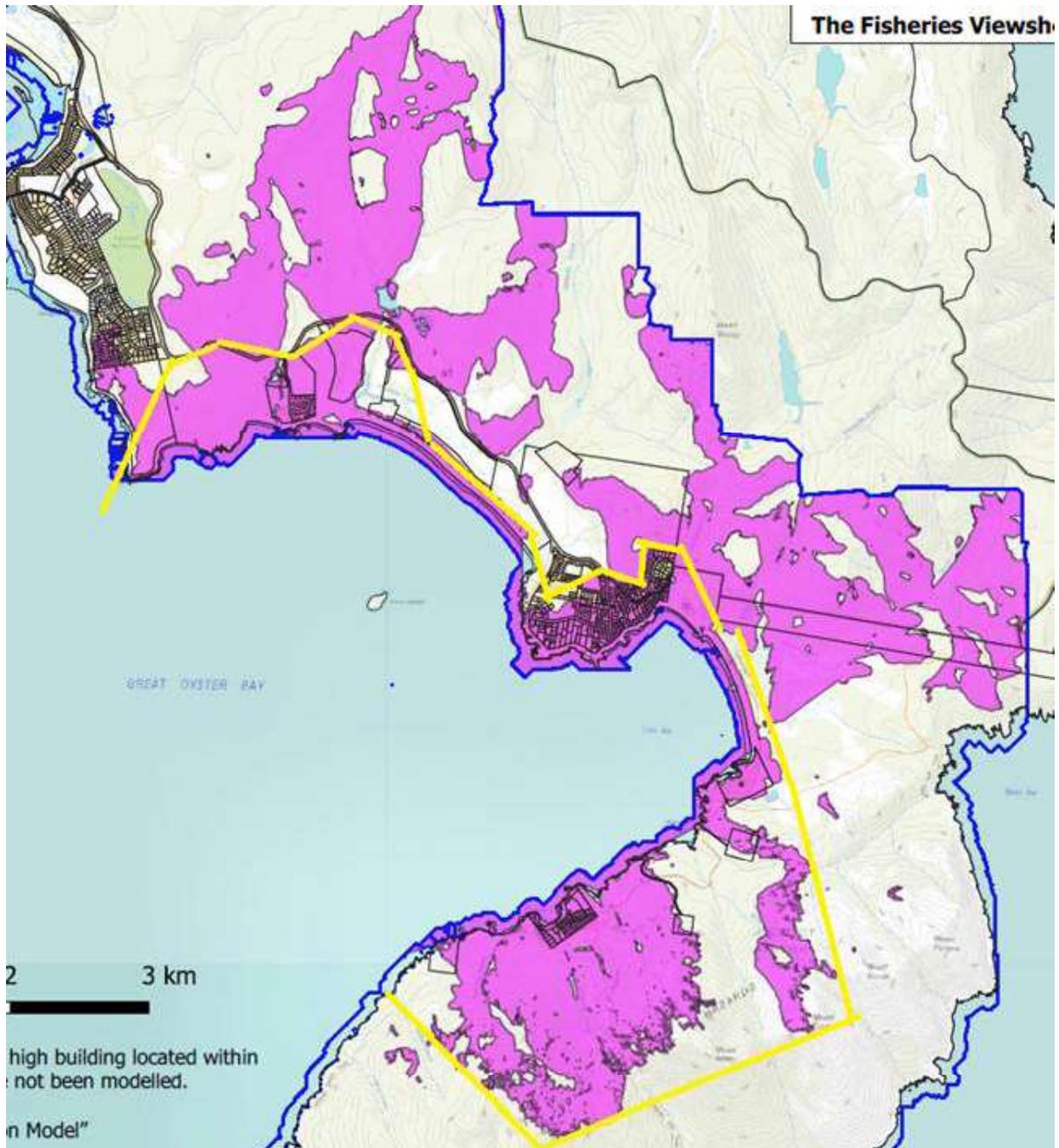


Figure 2 – Revised Impact Assessment Area.

The revised Impact Assessment Area, as set out in Figure 2, would ensure that any visual impact assessment be carried out from the most viewed areas by locals and visitors including from the Coles Bay Road, Coles Bay, Richardsons Beach, Hepburn Point and [Saffire Freycinet](#).



GSB-P6.5 Use Standards

GSB-P6.5.1 Visitor Accommodation

- We support that Visitor Accommodation guests are accommodated in one building (existing or new) providing that there are no other existing habitable buildings on the site. We support the Performance Criteria that if a new building is constructed that for the use class Visitor Accommodation it would have to minimise impacts on the scenic, environmental and landscape values of the zone and not cause an unreasonable loss of residential amenity in the zone.

GSB-P6.5.2 External lighting

- Well-designed outdoor lighting promotes safety and security but avoids light spillage onto nearby properties. It reduces the incidence of glare nuisance, conserves energy, saves money, preserves the night sky, leads to less wildlife disruption and supports positive neighbourly relations. Also, the experience of watching the sunrise or sunset over the Hazards spectacular landscape must be preserved.
- **We do not support the hours that that external lighting must be turned off between (i.e. between 10 pm and 6 am). We propose that external lighting (except for security lighting) should be turned off between sunset and sunrise (as defined for example by www.timeanddate.com).** During winter, around the time of the June Solstice or the shortest day the sun sets at around 4:49 pm and rises around 7.42 am. **This would mean, based on the exhibited hours, external lighting would be allowed to be shining around five hours after sunset and around 2 hours before sunrise.** Only requiring external lighting be turned off between 10 pm and 6 am would defeat the benefits of the Acceptable Solution.
- We support that security lighting must be baffled to ensure that direct light does not extend beyond the property boundary.

GSB-P6.6 Development Standards for Buildings and Works

With regard to the Development Standardds for Builidngs and Works we are generally supportive of the intent and controls being imposed by the Acceptable solutions and Performance criteria. However, we seek adjustments to the Acceptable Solutions and Performance Criteria in some instances. These are outlined below.

GSB-P6.6.1 Site coverage and development area

- A1 Site coverage must not be more than 250m². **The site coverage area should be reduced to 200 m² as most dwellings in The Fisheries have a footprint of this size.**
- P1 -Site coverage must not obtrude on the scenic, environmental and landscape values of the site, the surrounding area and the Impact Assessment Area, having regard to: - see a)



to h). We support the wording of this clause but would welcome further discussion if required.

GSB-P6.6.2 Building height, siting and exterior finishes

- A1 - Building height must be not more than 5m. This means that a dwelling can only be higher than 5 m's if it meets the Performance Criteria. A1 is supported.
- A2, A3, A4 –Setback lengths - front is 8m, both sides is 5m and rear is 10m. A2, A3 and A4 are supported although the setback from rear boundaries could potentially be increased for the large lots within the zone.
- A5 - Exterior building finishes must have a light reflectance value not more than 20%, in dark natural tones of black, blue, grey, green or brown. **The colour 'blue' should be deleted from the allowed exterior building finishes.** Blue is not a colour that is found as part of the wider bush environment both within The Fisheries and the adjoining and surrounding Freycinet National Park. **We would also like to change the Light Reflectance Value (LRV) from 20% to not more than 10%.** The light reflectance value measures the percentage of light a paint color reflects. According to [Diamond Vogel Architectural Coatings](#), 'the LRV is measured on a scale that ranges from zero (absolute black, absorbing all light and heat) to 100 percent (pure white, reflecting all light). Building and design professionals (everyone from architects and engineers to interior designers and color consultants) use these measurements as guidelines to predict how light or dark a color will appear.' See Figure 3 below pictorially demonstrates the the LRV scale.

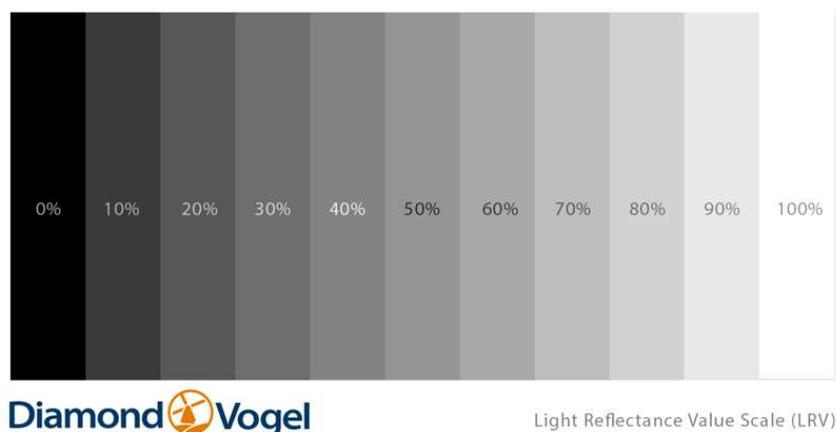


Figure 3 – Light Reflectance Value scale.

The Freycinet Lodge recently constructed Coastal Pavillions, within Freycinet National Park, offer a benchmark in what LRV to apply. Due to strong community pressure (459 representations were received against RACT expanding into Freycinet National Park and 136 RACT members mobilised to call a Special General Meeting to discuss Freycinet National Park expansion), RACT agreed to the following building parameters: dark in



colour, low in height, non-reflective materials, stay within existing footprint of the RACT lease and no light pollution.

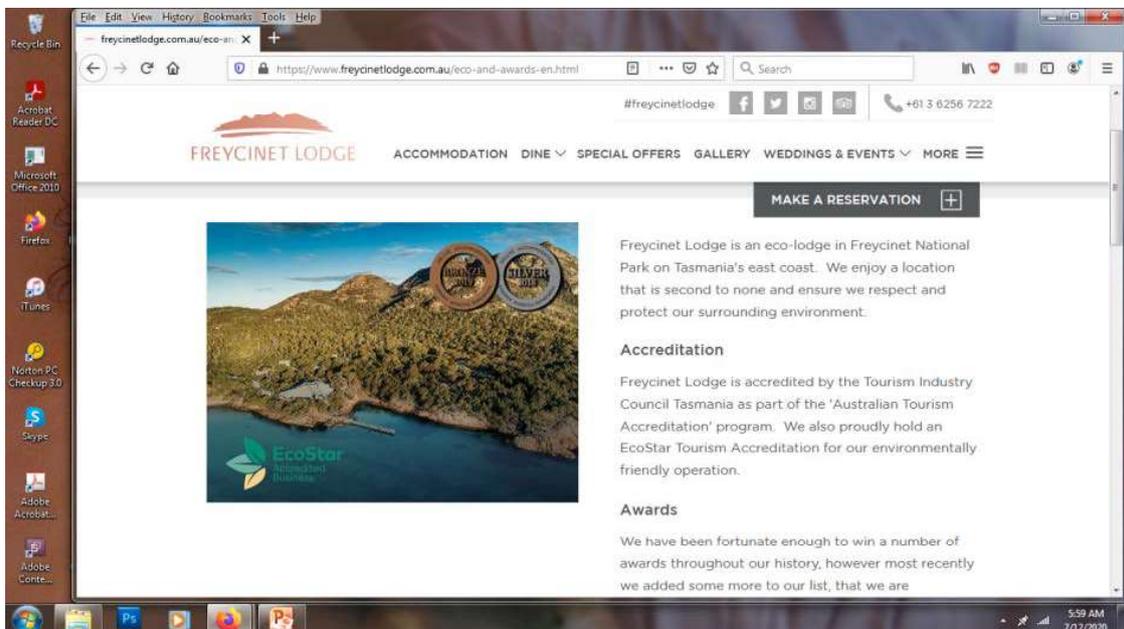
As the images demonstrate below and this video [here](#), the buildings are black, including the rooves, which are assumed to have an LRV of between 0% and 10% (FAN has contacted the architects to confirm the LRV percentage).

The redevelopment of Freycinet Ldge has also won a long list of awards, including for its design.

Coastal Pavilion Awards

- 2018 Tasmanian Tourism Awards - Silver - Deluxe Accommodation
- 2018 Great Eastern Drivers – Winner - Food, Wine and Retail provider on Tasmania's east coast
- 2018 Australian Hotels Association Awards – Finalist - Australia’s Best Accommodation Restaurant
- 2018 Eat Drink Design Awards - High commendation - Best Hotel Design - Coastal Pavilions
- 2018 Dezeen Architecture Awards - Finalist - Coastal Pavilions
- 2018 World Architecture Festival Awards - Finalist - Coastal Pavilions
- 2018 International Design Awards - Two bronze medals for both the New Commercial Building and Sustainable Living/Green categories - Coastal Pavilions
- 2018 International Architecture MasterPrize - Winner of Small Architecture and Hospitality Architecture - Coastal Pavilions
- 2019 Australian Interior Design Awards - Winner - Best of State, Commercial Design - Coastal Pavilions
- 2019 INDE Awards - Shortlisted - The Building - Coastal Pavilions
- 2019 Great Eastern Driver Awards (East Coast Tasmania Tourism Awards) - Winner - Best Accommodation - Freycinet Lodge
- 2019 Spice News - Winner - Best Lodge in Australia - Freycinet Lodge
- 2019 Tasmanian Architecture Awards - Winner - Commercial Architecture The Colin Philp Award- Coastal Pavilions
- 2019 HM Awards for Hotel and Accommodation Excellence - Finalist - Australian Lodges.
- 2019 Tasmanian Hospitality Association and Dysdale - Tourism Awards for Excellence - Winner - Best New Tourism Initiative and Best Bar Presentation and Service.
- 2019 Star Ratings - Gold List of Australian Accommodation
- 2019 Tasmanian Tourism Awards - Bronze - Deluxe Accommodation
- 2020 Tasmanian Bride Choice Awards - Winner - Venue and Accommodation





GSB-P6.7 Development Standards for Subdivision

- Objective: That subdivision is for the creation of lots for public purposes. This means that mean there is to be no private land subdivisions but there could be subdivision on public land for public use. The use and development controls proposed are supported.

Specific Area Plans

We support deleting the GSB-S4.0 Coles Bay and Swanwick Specific Area Plan from the draft LPS.



Zone maps and overlays

We concur with the zone maps and overlays with regards to the revised zoning of The Fisheries, Coles Bay. We also concur with the revised overlay maps to delete GSB-S4.0 Coles Bay and Swanwick Specific Area Plan.



Department of Police, Fire and Emergency Management
STATE EMERGENCY SERVICE
GPO Box 1290 HOBART TAS 7001
Phone (03) 6173 2700
Email ses@ses.tas.gov.au Web www.ses.tas.gov.au



Our ref: A21/100116

27 May 2021

Mr Greg Ingram
General Manager
Glamorgan Spring Bay Council
PO Box 6
TRIABUNNA TAS 7190

Dear Mr Ingram,

Representation – Substantial Modifications – Glamorgan Spring Bay Draft Local Provisions Schedule

Thank you for the opportunity to make a representation on the substantial modifications to the Glamorgan – Spring Bay Draft Local Provisions Schedule (LPS). This representation raises matters related to:

- Inclusion of Particular Purpose Zone – The Fisheries; and
- Flood-Prone Area Hazard Overlay.

Inclusion of Particular Purpose Zone (PPZ) – The Fisheries

SES notes the inclusion of the Particular Purpose Zone – Fisheries with the following objectives, to:

- *provide for residential use within the Fisheries that minimises impact on the scenic, environmental and landscape values; and*
- *provide for compatible use and development that is of a scale and intensity that minimises impact on the scenic, environmental and landscape values of the Fisheries and the Freycinet National Park.*

There is land included within the PPZ that is within the Coastal Erosion Hazard Overlay. In accordance with the requirements of the SPP clause 5.2.6, the PPZ is not permitted to override the provisions in a Code. SES note that the Planning Authority would apply the Coastal Erosion Hazard Code in the assessment of development applications in the PPZ that are located within the coastal hazard overlays.

Flood-Prone Area Hazard Overlay

SES notes the substantial modifications exhibited do not introduce a Flood-Prone Areas Hazard Overlay into the LPS.

In the absence of a Flood-Prone Areas Hazard Overlay, the SES recommend that if the Planning Authority receives a development application in an area that the authority reasonably believes is subject to risk from flood, or, if the development proposed has the

potential to cause increased risk from flood, then clause C12.2.4 of the Flood-Prone Areas Hazard Code, be applied by the planning authority to require a flood hazard report. This includes land within the 1% AEP extent from the *Saltwater Creek Flood Study 2018* commissioned by Glamorgan – Spring Bay Council.

These comments and recommendations are consistent with the matters raised by the SES in previous representations and at hearings associated with the Glamorgan Spring Bay Draft LPS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Lea', written in a cursive style.

Andrew Lea ESM
Director

4.4 Report on Representations to Substantial Modifications of the Draft Glamorgan Spring Bay Council Local Provisions Schedule

Author: Senior Planning Consultant (Mr Mick Purves)

Responsible Officer: Senior Planning Consultant (Mr Mick Purves)

ATTACHMENTS

1. Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 - Consideration of Representations to the draft Glamorgan Spring Bay Local Provisions Schedule, August 2021
2. Substantially Modified Part of the Glamorgan Spring Bay Draft Local Provisions Schedule Direction under section 35B(4) - Public Exhibition
3. Substantially modified part of the Glamorgan Spring Bay draft Local Provisions Schedule
4. Representation 1
5. Representation 2

PURPOSE

The purpose of this report is to consider issues raised in representations that were submitted to the exhibition the substantial modifications of the Local Provisions Schedule (LPS) and provide recommendations to the Tasmanian Planning Commission (Commission) pursuant to section 35F and 35G of the *Land Use Planning and Approvals Act 1993* (Act).

BACKGROUND / OVERVIEW

Council endorsed the draft LPS, which was exhibited and received 58 representations. Those representations were considered by the Council and then the Commission, who held public hearings in December 2020.

As a result of those decisions and discussions, the Commission determined that the proposals to remove the Coles Bay/Swanwick Specific Area Plan and insert a new Particular Purpose Zone for The Fisheries were substantial modifications then directed the Council to complete exhibition of those changes. A copy of the directions issued by the Commission and the substantially modified provisions for the LPS were provided as separate attachments to this report.

The substantial modifications to the LPS were notified in accordance with the Act from Wednesday 19 May to Wednesday 19 July 2021.

During this period, two representations were received. Copies of the representations were provided as a separate attachment to this report.

STATUTORY IMPLICATIONS

The substantial modifications were submitted to the Commission following directions issued by the Commission under Section 35K of the Act.

The Commission then directed Council to exhibit the substantial modifications to draft LPS under section 35B(4), which required the following:

- it is on exhibition for a period of 60 days (19 May to Wednesday 19 July 2021);
- a notice was placed in the local papers on 19 and 22 May 2021;
- the draft LPS and substantial modifications were available from Council and Commission websites; and
- Copies of the draft LPS and substantial modifications were available for viewing at the Council office in Triabunna.

As with the original exhibition of the LPS, Section 35F of the Act requires the planning authority to prepare a report on the representations containing:

- a copy of each representation made under s.35E(1);
- a statement of the planning authority's opinion as to the merit of each representation made, in particular as to:
 - whether the draft LPS should be modified; and
 - if recommended to be modified, the effect on the draft LPS as a whole;

- a statement as to whether the planning authority is satisfied that the draft LPS meets the LPS criteria; and
- the recommendation of the planning authority in relation to the draft LPS.

Following receipt of the planning authority report under Section 35F, the TPC will hold hearings into the representations made.

The Commission will then seek the agreement of the Minister for Planning for the final form of the Glamorgan Spring Bay LPS before it is approved and commences operation.

It is possible the LPS and Tasmanian Planning Scheme may be operational prior to 2022.

The existing delegations provided to staff for this process following the previous exhibition process remain in force and will assist with the current process.

BUDGET IMPLICATIONS

Budget implications of the current 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.

A recommendation is provided to deal with the assessment of the representations, serve notice on the Commission for changes to the SPP's and provide delegations for operational functions of the decision and subsequent process for the hearings.

DISCUSSION

The two representations that were lodged against the substantial modifications to the LPS raised a range of matters, some of which were supported. The report that assessed these representations in detail was provided as Attachment 1 to this report.

The key issue in representation 1 from Freycinet Action Network relates to the reduction in the Impact Assessment Area that the Commission directed the Council to exhibit. Consistent with the Council's previous decisions on this issue, the recommendation for this concern is that the original area be reinstated and if this is not possible, then key viewing locations with public access be provided within the Impact Assessment Area. Other issues that were supported in this representation included revisions to the Acceptable Solution for colours and finishes, and night lighting.

Representation 2 raised matters that relate to the operation of Codes under the TPS and did not raise any specific issues that related to the substantial modifications. Pursuant to the restrictions provided under the Act, these issues could not be considered under this process.

A recommendation was provided to support the assessment of the representation provided as Attachment 1 to this report.

RECOMMENDATION

That the Planning Authority endorse Attachment 1 '*Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 - Consideration of Representations to the draft Glamorgan Spring Bay Local Provisions Schedule, August 2021*' as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.

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