

PLANNING SCHEME AMENDMENT

APPLICATION NUMBER:	PLAM-24/01
PROPOSAL	To allow a Tourist Operation through the Cadbury Visitor Experience Specific Area Plan
LOCATION:	100 Cadbury Road, Claremont
ADVERTISING START DATE:	04 February 2025
ADVERTISING EXPIRY DATE:	04 March 2025

The decision to prepare the amendment was made at the 28 January 2025 Glenorchy Planning Authority meeting and can be accessed here:

https://glenorchy.infocouncil.biz/Open/2025/01/PA_28012025_AGN.PDF

The Planning Scheme Amendment documentation is available for inspection at Council's Offices, located at 374 Main Road, Glenorchy between 8.30 am and 5.00 pm, Monday to Friday (excluding public holidays) and on the Glenorchy City Council's website (www.gcc.tas.gov.au) until **04 March 2025**.

Any person may make a representation either for or against the proposed amendment. Representations must be in writing and addressed to the General Manager, Glenorchy City Council, PO Box 103, Glenorchy 7010 or by email to gccmail@gcc.tas.gov.au.

Representations must be received by no later than 11.59 pm on **04 March 2025**.

6. PLANNING SCHEME AMENDMENT REQUEST TO ALLOW A TOURIST OPERATION AT 100 CADBURY ROAD CLAREMONT

Author: Strategic Planner (Darshini Bangaru Hyde)
 Qualified Person: Strategic Planner (Darshini Bangaru Hyde)
 Property ID: 2245343

REPORT SUMMARY

Application No.:	PLAM-24/01
Applicant:	ERA Planning & Environment
Owner:	Cadbury Schweppes Pty Ltd
Existing Zoning:	General Industrial, Light Industrial, Environment Management and Open Space Zones
Existing Land Use:	Manufacturing and Processing
Proposal in Brief:	Request for Site Specific Qualification for a Tourist Operation, Community Meeting and Entertainment, and General Retail and Hire at 100 Cadbury Road, Claremont
Representations:	Advertising occurs after amendment is prepared
Recommendation:	Prepare and certify modified planning scheme amendment for the Cadbury Visitor Experience Specific Area Plan, and exhibit for 28 days.

REPORT IN DETAIL

Council has received a planning scheme amendment request to introduce a Site-Specific Qualification to permit a Tourist Operation and associated ancillary uses (Community Meeting and Entertainment, and General Retail and Hire associated with the Tourist Operation) at 100 Cadbury Road, Claremont (the subject site). This site is home to the iconic Cadbury chocolate factory, renowned for its local heritage significance. The proposed uses by the applicant are currently prohibited under the existing zones. The applicant’s amendment aims to enable the future use and development of the site as the ‘Cadbury Visitor Experience’ Tourist operation leveraging the historic factory’s unique social, industrial, and environmental heritage. The applicant’s documentation indicates that the project is anticipated to be a significant \$150 million project attracting over 500,000 visitors to the site annually.

While Council officers support the overall vision of the project, it is considered that the proposed planning mechanism is not appropriate for achieving the desired outcomes or protecting community amenity and values. The applicant's amendment seeks to simply allow these additional uses on the site yet gives no consideration to the potential impacts which would result from this significant future use and development. The planning scheme is not designed to cater for these proposed uses (as they are currently prohibited in the zone) and therefore lacks sufficient provisions relating to these proposed uses. Key site-specific considerations, such as the potential impact on adjoining residential amenity and the protection of the site's significant heritage values must be considered and assessed. These values are fundamental given the site's local and historical importance. It is considered the amendment, in its current form, does not meet the legislative requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA), particularly the need to further Schedule 1 Objectives part 1(b), which requires "fair, orderly, and sustainable use and development of air, land, and water," part 2(f) "to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation" and part 2(g) "to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value."

Further, relying solely on the development provisions of the Local Historic Heritage Code in the planning scheme for the subject proposal, may be insufficient to address the site's unique qualities comprehensively.

To address these issues, Council officers recommend a modified planning scheme amendment in the form of the Cadbury Visitor Experience Specific Area Plan. This revised approach would still achieve the intended project outcomes while establishing a more comprehensive and coherent planning control. The Specific Area Plan aims to set clear guidelines and parameters to facilitate future use and development and ensure orderly planning.

Without these recommended controls, there is a significant risk of adverse impacts, including loss of residential amenity for nearby residents, diminished heritage values, and challenges in approving future development within the heritage-significant landscaped gardens.

The draft amendment, as modified by Council officers, aligns with the requirements of the LUPAA, and its preparation is recommended.

The social, economic and environmental benefits of the officer modified amendment will facilitate future use and development that could:

- Establish an iconic tourist destination within the municipality, with the potential to draw significant visitor numbers;
- Create additional jobs for residents of Glenorchy and Greater Hobart;
- Generate increased revenue for both Council and State through the operation of a major tourism facility; and
- Lead to a future ferry service for patrons as part of the experience, which could reduce car dependency and contribute to environmental sustainability.

The social, economic and environmental consequences of the proposal are:

- The substantial scale of a potential tourist operation could impact the amenity of the adjoining residential zone;
- Potential negative impacts to the historical significance of the Cadbury Industrial Estate and Factory which is listed as a local heritage place, including its landscape qualities and views of the distinctive Cadbury peninsula;
- Potential future increased ferry services could contribute to environmental impacts on the River Derwent (noting that this is a possible future outcome of the proposal and is not a consideration under the amendment per se).

It is considered that Council officer modifications to the draft amendment enables possible negative impacts to be fully assessed, and careful consideration of a future use and development proposal's potential challenges given, and ensure a balanced and sustainable outcome for the community and environment. It is recommended that the planning authority prepare the amendment in its modified form.

If prepared, the following two outcomes must occur:

- The amendment is exhibited for 28 days.
- The Tasmanian Planning Commission (the Commission) will decide whether to approve the amendment, approve the amendment with modifications or reject the amendment.

Any representations to the amendment will be considered at a future Glenorchy Planning Authority meeting, where further modifications can be recommended. In response to the representations, the Planning Authority could also recommend that the Commission does not approve the amendment.

If no representations are received, the senior planning staff have delegation to forward a report to that effect to the Commission.

The Commission will assess and decide on the amendment, based on the issues raised in the representations and the outcomes of any hearings it may hold.

Report Structure

The report is set out as follows:

1. Background

- Site and locality
- Planning Scheme Operation
 - What is a Site-Specific Qualification vs Specific Area Plan
 - Definitions of uses discussed under this application
- Informal Public Consultation undertaken by the applicant

2. Applicant's Proposal

- Applicant's proposed planning scheme amendment request
- Intended future use and development of the site as the Cadbury Visitor Experience

3. Assessment

- Issues with the applicant's proposed planning scheme amendment
- Council Officer's recommendation: a modified planning scheme amendment
- Feedback from the applicant about the recommended amendment and Council officer's response

4. Strategic outcomes and assessment of modified amendment

- Local Strategy, Policy and Impacts
- Regional Strategy and Policy
- State Strategy and Policy
- Statutory considerations

5. Conclusion

1. BACKGROUND

Site and Locality

The land subject to the proposed planning scheme amendment is identified as Certificate of Title 139355/2 and PID 2245343. The site is currently occupied by the operational Cadbury chocolate factory, which is listed as a heritage place of local significance. The eastern portion of the site contains numerous industrial buildings and associated infrastructure, while the western portion is developed as a garden, recognised for its ‘factory in a garden’ heritage values as part of the ‘garden city movement,’ of which Cadbury is an iconic example.

The subject site is situated within the ‘Cadbury Peninsula,’ a prominent landform in the northern part of the Glenorchy municipality. It is approximately 350m east of the Claremont activity centre, bordered by the Derwent Estuary to the south and facing Windermere Bay to the west and the Claremont Golf Course to the east. Figures 1 and 2 below provide aerial imagery showing the site’s location and its immediate context.

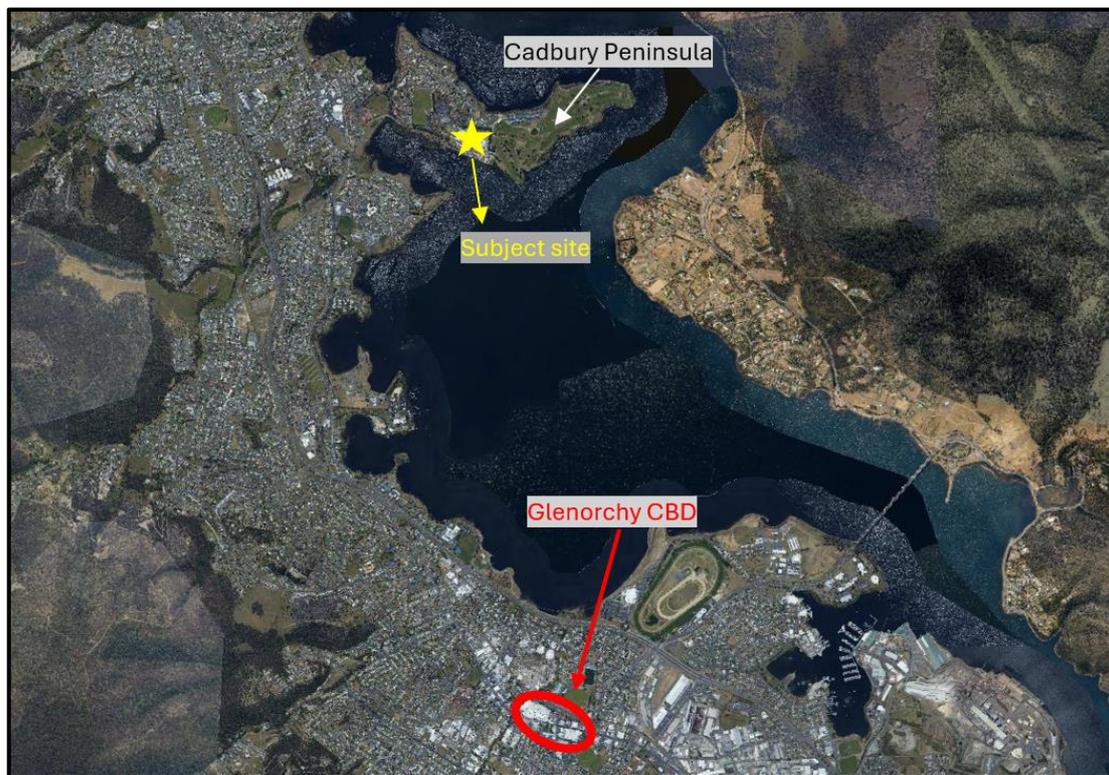


Figure 1: Aerial image showing the location of the site on the Cadbury Peninsula



Figure 2: Aerial image of the site within the surrounding context

Site characteristics and adjoining land

Zoning: The site comprises an irregularly shaped lot, consisting of three parcels of land (all under a single title) separated by Cadbury Road and Bournville Crescent. It is subject to split zoning, with the following distribution: 63% General Industrial Zone, 11% Light Industrial Zone, 15% Environmental Management Zone, and 11% Open Space Zone. A zoning map of the area is provided below in Figure 3. Surrounding the site, to the north are residential properties within the General Residential Zone and land zoned for Recreation, featuring the Claremont Oval, while to the west is the Claremont foreshore reserve adjacent to a large block at 36 Cadbury Road, Claremont, which is zoned Inner Residential. To the east, the site borders the Claremont Golf Course.



Figure 3: Zoning map of the site and surrounding area with legend

Topography: The site features relatively flat topography where the factory buildings are situated, but slopes steeply towards the Derwent Estuary. Contours rise to 26m to the northwest and east, above the estuary, with a distinct 18m saddle near the Windermere Bay edge. A contour map of the site is provided below in Figure 4. When viewed from Knights Point, located to the south of the site (as shown in Figure 2 above), the peninsula rises up from the Derwent Estuary with the factory buildings, silos, and chimneys prominently positioned atop the ridge, as depicted in Figure 5 below. Further analysis on landform and views are discussed in the Visual Qualities assessment under **Attachment 1**.

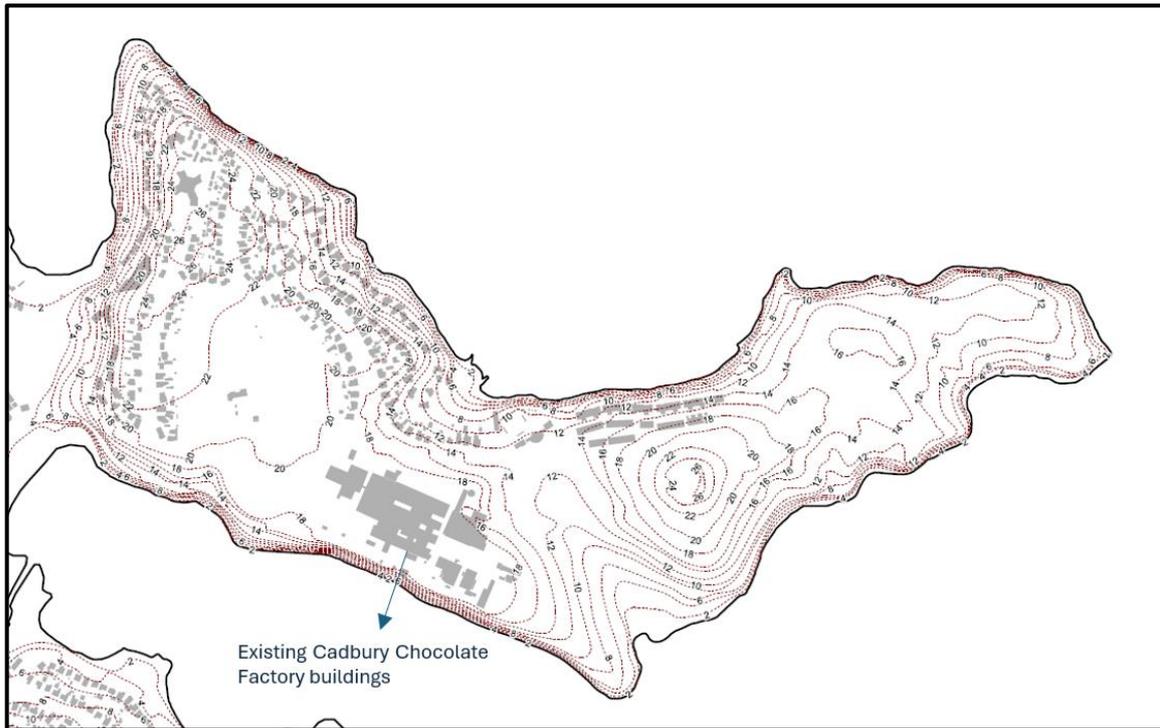


Figure 4: Topography of the Cadbury peninsula



Figure 5: View of the Cadbury Chocolate Factory from across the Derwent estuary from Knights Point (Source: Cadbury Industrial Estate- Visual Qualities Review, Leigh Wooley)

Code Overlays: The site is subject to a number of Code overlays under the Tasmanian Planning Scheme – Glenorchy (TPS-G) as follows.

- Coastal Erosion Hazard Code (low and medium hazard bands);
- Coastal Inundation Hazard Code (low, medium and high hazard bands);
- Flood-prone Hazard Areas Code;
- Landslip Hazard Code (medium hazard band);
- Local Historical Heritage Code; and
- Natural Assets Code (waterway and coastal protection areas, priority vegetation areas and future coastal refugia areas).

These areas are shown in Figure 6 below.



Figure 6: Applicable Code overlays over the site (Source: ERA Planning Submission, 4 Nov 2024)

Existing use and development

The current use of the site is approved as a 'Manufacturing and Processing' use, and the site is an EPA (Environment Protection Authority) regulated premises. The site comprises industrial buildings located to the east, within the General Industrial zoned area; the factory car park to the north, within the Light Industrial zoned area; and an open space garden setting to the west of the factory buildings. An aerial image of the site, showing its existing development and landscaped gardens, is provided below in Figure 7. While the site does not have any formal public tracks or trails, there are two existing, unsealed walking tracks within the property, as well as a shared-use bike and walking track that connects to public paths to the south. These have historically been used by the local community, although the tracks traverse private land.



Figure 7: Aerial image of the site showing existing development and landscaped gardens

Heritage Values

Historic Heritage: The site is listed as a local heritage place GLE-C6.1.24 – Cadbury Industrial Estate – Factory under GLE-Table C6.1 Local Heritage Places within the TPS - G. The heritage features of the site include its locally listed factory and associated picturesque garden setting, landscaped tree-lined approaches and boundaries including the former Cadbury branch line rail formation. The heritage place serves as a landmark and played a key role in the development of Claremont. In a broader context, the site is surrounded by heritage dwellings including the former Cadbury spur-line rail formation, and the former primary school site at 36 Cadbury Road which mark the entrance to the Cadbury estate.

The Statement of Local Historic Heritage Significance and Historic Heritage Values for the place under GLE-C6.1.24 provides further details about the site's significance and

key features including the emphasis on the ‘industry in the garden setting’. Further details regarding heritage are discussed in the referral from Council’s Heritage Officer under **Attachment 1**. Some of the heritage elements are highlighted under Figure 8, and Photos 1 – 6 show images of these features.



Figure 8: Key (not limited to) heritage attributes within the subject site



Photo 1 and 2: Cadbury factory buildings

Photo 3: Clock tower



Photo 4: Check lodge at the historical main entry

Photo 5: Tree lined avenue to the historical main entry to the factory, also showing the walking/ bicycle tracks used by the community



Photo 6: View of the factory buildings from the Windermere Bay foreshore playground (Source: Cadbury Industrial Estate- Visual Qualities Review, Leigh Wooley, Oct 2024)

Aboriginal Heritage: A search of the Aboriginal Heritage Tasmania (AHT) website indicates the potential presence of registered Aboriginal relics at the subject site. The AHT referral further notes that several Aboriginal heritage sites are recorded within the area. Additionally, the broader Derwent Estuary is recognised for its cultural significance, with Aboriginal heritage recorded along the foreshore and surrounding areas, both in disturbed and undisturbed contexts.

Environmental values

The subject land is largely modified from its natural state and is classified as modified land under the TASVEG 4.0 database. There are no threatened native vegetation communities, or no recorded instances of threatened fauna or flora species on the subject land. The site however contains code overlays such as the Priority Vegetation overlay, and consists of other vegetation that reflect European heritage and are integral to the site's historical significance.

Social and Economic Values

The site holds significant social and cultural value due to its heritage and the application of "garden city principles." The gardens, including walking and bicycle tracks, are also used by the local community which add social values to the site. For further details on its social and cultural significance, please refer to Heritage Referral response in **Attachment 1**.

Additionally, the site is of considerable economic value, primarily due to its industrial role in manufacturing Cadbury chocolate, and it provides significant employment.

Infrastructure

The site is fully serviced by TasWater for reticulated water and sewerage. It includes three existing vehicle access points along Cadbury Road and Bournville Crescent. While the site lies within the Urban Growth Boundary, it is outside of areas designated for densification as defined under the Southern Tasmanian Regional Land Use Strategy (STRLUS). A Metro bus stop is conveniently located near the main vehicular entrance to the site. Additionally, there are two unsealed public walking tracks within the property, along with a shared-use bike and walking track.

Planning Scheme Operation

What is a Site-specific Qualification vs Specific Area Plan

The planning scheme includes different types of planning tools, which operate in different ways.

The applicant has proposed a Site-Specific Qualification (SSQ), while Council officers are recommending a Specific Area Plan (SAP). The reasons for this in relation to this project are explained in more detail later in this report. This section provides a brief generic explanation of what these two different types of controls are and how they operate in general.

Both SSQs and SAPs allow for provisions that apply to a particular area of land. Both controls are required to satisfy the same legislative requirements in order to be approved for inclusion in a Local Provisions Schedule (LPS) the local part of a planning scheme.

An SSQ applies to an individual site and provides a separate row in a table (see Figure 9) for each separate modification being sought to a zone or code applying to the site. Typically, an SSQ is used for a single change such as allowing an additional use that would otherwise not be allowed in the zone. SSQs are generally suited to simple scheme changes that do not include the application of several standards to the one site.

GLE-Site-specific Qualifications				
Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
GLE-8.1	625 Main Road, Berriedale	61255/2	An additional Discretionary Use Class for this site is: Vehicle Fuel Sales and Service.	General Residential Zone – Clause 8.2 Use Table
GLE-8.2	52 Creek Road, Moonah	29605/1	An additional Discretionary use for this site is: Hotel Industry	General Residential Zone – Clause 8.2 Use Table
GLE-9.1	8-10 Main Road, Claremont	64165/1	Additional Discretionary Use Classes for this site are: (a) Service Industry if for motor repairs; and (b) Vehicle Fuel Sales and Service.	Inner Residential Zone – Clause 9.2 Use Table

Figure 9 - Format of SSQs in the TPS – G

A SAP on the other hand provides a more sophisticated planning control that allows for use and development standards that modify or replace the zone and/ or code standards, as well as allowing for different uses to be included. A SAP includes a Plan Purpose, details of how it applies, and allows for use standards, and development standards and subdivision standards, as well as other provisions such as definitions. A SAP is appropriate where the additional use and associated development may entail additional impacts that are not accounted for in the underlying zone or code provisions. The format of a SAP allows for several standards to be introduced for that specific area and for these controls to be read wholistically.

<prefix>-<S-number>-0 <name> Specific Area Plan

<prefix>-<S-number>-1 Plan Purpose

The purpose of the <name> Specific Area Plan is:

<prefix>-<S-number>-1.1 <purpose statement>

<prefix>-<S-number>-1.2 <purpose statement>

<prefix>-<S-number>-2 Application of this Plan

<prefix>-<S-number>-2.1 The specific area plan applies to the area of land designated as Specific Area Plan on the overlay maps [and in Figure S.1].

<prefix>-<S-number>-3 Local Area Objectives

<prefix>-<S-number>-3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives

<prefix>-<S-number>-4 Definition of Terms

<prefix>-<S-number>-4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition

<prefix>-<S-number>-5 Use Standards

<prefix>-<S-number>-5.1 <Title>

Objective:		
Acceptable Solutions	Performance Criteria	
A1	P1	

<prefix>-<S-number>-7 Development Standards for Buildings and Works

<prefix>-<S-number>-7.1 <Title>

Objective:		
Acceptable Solutions	Performance Criteria	
A1	P1	

<prefix>-<S-number>-8 Development Standards for Subdivision

<prefix>-<S-number>-8.1 <Title>

Objective:		
Acceptable Solutions	Performance Criteria	
A1	A2	

<prefix>-<S-number>-9 Tables

Figure 10 - Format of SAPs in the TPS (Source: State Planning Provisions – LP1.0 Local Provisions Schedule Requirements)

Definitions of uses discussed under this application

Under Clause 6.2, the TPS-G defines the uses proposed in this planning scheme amendment request as follows:

Tourist Operation	Means use of land specifically to attract tourists, other than for accommodation. Examples include a theme park, visitor centre or interpretation centre, wildlife park and zoo.
Community Meeting and Entertainment	Means use of land for social, religious and cultural activities, entertainment and meetings. Examples include an art and craft centre, place of worship, cinema, civic centre, function centre, library, museum, public art gallery, public hall and theatre, community centre and neighbourhood centre.
General Retail and Hire	Means use of land for selling goods or services or hiring goods. Examples include an adult sex product shop, amusement parlour, beauty salon, betting agency, bottle shop, cellar door sales, commercial art gallery, department store, hairdresser, market, primary produce sales, local shop, shop, shop front dry cleaner and supermarket.

Informal Public Consultation undertaken by the applicant

The proponent conducted their own informal community consultation with the local community on 9 December 2024, which is above the requirements for a planning scheme amendment request. Consultation information has been included in the application package under **Attachment 4**. The consultation information provides further details on the discussion summary, highlighting the community's general support for the project. However, some community members raised concerns about issues such as noise impacts, traffic and existing road infrastructure, and public access to the parklands.

It should be noted that, should the Glenorchy Planning Authority decide to prepare this planning scheme amendment, the consultation information will be forwarded to the Commission along with the application package; however, a formal statutory advertising period of 28 days will also be required. Any stakeholder wishing to make a formal representation would need to submit a separate representation during the advertising period for consideration by the GPA and the Commission.

2. APPLICANT'S PROPOSAL

Applicant's proposed planning scheme amendment request

The amendment proposed by the applicant seeks to add a Site-Specific Qualification (SSQ) to the Glenorchy Local Provisions Schedule (Glenorchy LPS), as shown in the extract under Figure 11. The proposal is to facilitate a future Cadbury Visitor Experience at the site. As such it seeks to allow the following additional uses, which are otherwise prohibited in the respective zones:

- Tourist Operation, Community Meeting and Entertainment, and General Retail and Hire uses as additional discretionary uses within the General Industrial Zone (GIZ) with the qualification “where part of a visitor experience associated with the Cadbury chocolate factory”; and
- Tourist Operation and General Retail and Hire uses as additional discretionary uses within the Light Industrial Zone (LIZ) with the qualification “where providing for car parking as part of a visitor experience associated with the Cadbury chocolate factory”.

Reference Number	Site reference	Folio of the register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
GLE-C19.2	100 Cadbury Road, Claremont	39355/2	Additional Discretionary use classes for this site are:	General Industrial Zone – clause 19.2 Use Table
			<ul style="list-style-type: none"> Community Meeting and Entertainment; General Retail and Hire; and Tourist Operation: With the qualification of “where part of a visitor experience associated with the Cadbury chocolate factory” 	
			Additional Discretionary use classes for this site are:	Light Industrial Zone – clause 18.2 Use Table
			<ul style="list-style-type: none"> General Retail and Hire; and Tourist Operation: With the qualification of “where providing for car parking as part of a visitor experience associated with the Cadbury chocolate factory” 	

Figure 11: Proposed amendment by the applicant to include a SSQ in the Glenorchy Local Provisions (Source: ERA Planning Submission, 4 Nov 2024)

Note: The format used by the applicant to present the SSQ (as shown in Figure 11 above) does not align with the required format for inclusion in the LPS. The correct format would involve creating a new row, GLE-18.1, for the Light Industrial Zone, followed by another row GLE-19.2 for the General Industrial Zone.

Intended future use and development of the site as the Cadbury Visitor Experience

The Planning Submission by the applicant, included as **Attachment 4**, outlines the intended future use and development of the Cadbury Visitor Experience. The proposal is conceptual only at this stage, as no application for use or development is included in the current planning scheme amendment application.

Mondelēz Australia, who has owned and operated the Cadbury factory in Claremont since the 1920s, intend to reestablish a visitor experience at the site—a location that was once a major Tasmanian tourist attraction. Public tours of the factory, which were subservient to the ‘Manufacturing and Processing’ use of the factory ceased in 2008 due to safety regulations, and the integrated visitor centre (which was part of the factory buildings complex) closed in 2016. At its peak, the factory drew 150,000

visitors annually, contributing to Tasmania’s visitor economy. The visitor tours happened within the existing factory buildings.

The proposed Cadbury Visitor Experience, which would be a separate development (including new buildings), would feature a “boutique chocolate production line” and “immersive attractions”, including:

- A time tunnel showcasing Cadbury’s century-long heritage.
- An arboretum with live cocoa trees.
- A “Chocolate Lab” offering hands-on tastings and quality control experiences.
- A build-your-own chocolate bar experience.
- Unique dining and shopping opportunities.
- Additional retail areas, playgrounds, gardens, and other visitor amenities.

The proposal indicates that visitors are expected to primarily arrive via a 25-minute ferry ride from Hobart, with plans for a new visitor experience building, an upgraded jetty, and a connecting walkway. Community events and scenic parkland activities are also envisioned in the gardens. The described use fits under the definition of *Tourist Operation* as defined under the TPS-G.

While no formal concept plans for development have been submitted as part of this planning scheme amendment request, conceptual images are available to the public online and through social media platforms. The project seeks to balance tourism with factory operations, preserving the site’s historical and cultural significance. Some images available online are below which demonstrate the vision of the project, noting that these images are currently conceptual only.



Figure 12: Aerial image of the site indicating the area being considered (highlighted in blue) for the future visitor experience excluding associated jetty infrastructure (Source: Response to further information statement, ERA, 4 Nov 2024). Note, the proposed amendment would apply to the whole site.



Factory Control Room



Chocolate Lab



Chocolate Studio



Chocolate Central



Chocolate Lounge



Chocolate Emporium



Time Tunnel



Parkland Playground

Figure 13: Conceptual images of the vision for the Cadbury Visitor Experience
(Source: <https://www.chocolateexperienceatcadbury.com.au/>)

3. ASSESSMENT

Issues with the applicant's proposed planning scheme amendment

Council officers support the overall intent of the amendment and the future use and development it is seeking to facilitate at the site. However, the applicant's proposal to simply introduce new uses on the site through a Site-Specific Qualification (SSQ) does not enable the appropriate assessment and management of the potential impacts of what could be a significant use and development on the site.

Council officers have questioned why three use classes need to be introduced, given the proposed qualification, when Tourist Operation would be an effective 'umbrella' use class for the subservient uses (based on the applicant's proposed qualification). It is also considered the amendment, in the form proposed by the applicant, does not meet the legislative requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA), particularly the need to further Schedule 1 Objectives part 1(b), which requires "fair, orderly, and sustainable use and development of air, land, and water," part 2(f) "to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation" and part 2(g) "to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value."

These concerns with the proposed planning scheme amendment are discussed below.

Subservient Uses:

The applicant's Planning Submission (**Attachment 4**) outlines the proposed visitor experience as primarily aligning with the definition of the 'Tourist Operation' use class. The submission highlights that the retail component is reasonably considered 'ancillary and subservient' to the *Tourist Operation* use class. The submission also notes that parts of the facility would be available for private bookings as a function centre and for community events or social activities. Accordingly, the applicant proposes the *General Retail and Hire* and *Community Meeting and Entertainment* uses have the qualification: "where part of a visitor experience associated with the *Cadbury chocolate factory*." The submission claims that, to avoid ambiguity around what constitutes subservient use and to minimise future approval risks, it is preferable to seek qualified discretionary use status for these additional uses. The proposed use qualification — "where part of a visitor experience associated with the *Cadbury chocolate factory*" — is intended to minimise approval risks, align with the factory's operations, and ensure flexibility while addressing potential uncertainties.

While Council officers support the primary *Tourist Operation* use proposed for the site, it is considered that any associated retail activities, events, or social activities should remain subservient to the main *Tourist Operation* use. As such, these components would be categorised within the same use class as the *Tourist Operation* as stipulated under Clause 6.2.2 of the TPS-G which states "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." Therefore, the additional *General Retail and Hire* and *Community Meeting and Entertainment* uses are not supported as permissible standalone uses as part of this amendment.

Instead, Council officers recommend that the Plan Purpose statement within the Cadbury Visitor Experience SAP under proposed GLE-S15.1 clearly establish that the SAP facilitates the *Tourist Operation* use and all ancillary and subservient uses within the SAP area.

Use & Development:

The applicant has stated that the proposed amendment focuses solely on introducing new allowable uses within the industrial zones and does not propose any changes to existing development standards. The applicant advised that no development is currently proposed, and therefore there is no reasonable basis for Council to reconsider the development standards applying to the site. The applicant claims that the land remains primarily zoned General Industrial, accommodating a major 24-hour industrial operation, with provisions already in place that allow large-scale industrial development.

Essentially, the applicant's proposed amendment seeks to introduce a new use that has no controls with respect to hours of operation, lighting or vehicle movement.

Therefore, while the applicant's request pertains specifically to allowing a new use, any associated development implications arising from the new use must also be considered in determining whether the change to the planning scheme is appropriate and whether the change will result in 'fair, orderly and sustainable' planning, promote a pleasant living environment and consider places of heritage value, as required under the objectives of LUPAA.

Additionally, if the proposal solely aims to facilitate a use prohibited within the zone, Clause 7.4 of the TPS-G, *Change of Use of a Place Listed on the Tasmanian Heritage Register or a Local Heritage Place*, permits such a use to be considered as discretionary. This applies to places listed as Local Heritage Places and subject to the Local Historic Heritage Code, such as the subject site. The documentation provided clearly indicates that the proposed new use is intended to enable future development associated with it.

The modified control, recommended by Council officers, the Cadbury Visitor Experience SAP incorporates both use and development standards. The use standards are designed to assess and mitigate any amenity impacts caused by the new *Tourist Operation* use on the adjacent residential zone and ensure the primary industrial focus of the site is retained. The development standards focus on managing the implications of non-industrial development within the factory's garden, particularly in relation to heritage values which are heavily focused on the principles of "industry in a garden" philosophy.

Standards needed to protect residential amenity

Council's Environmental Health Officer indicated broad support for the proposal; however, concerns were raised about protecting residential amenity due to conflicting zoning (industrial abutting residential), insufficient control mechanisms, and potential new emissions. The Environmental Health Officer advised that to manage the additional uses not typically seen in the General Industrial Zone, a management mechanism is required. The Environmental Health Officer recommended the inclusion of new use standards for the *Tourist Operation* use which could be adopted from zones

like the *Major Tourism Zone* to manage impacts on nearby residential areas, such as hours of operation, lighting, and vehicle movements. The detailed Environmental Health referral response is in **Attachment 1**.

Ideally a General Industrial Zone would not border a General Residential Zone; however, this site is unique due to its historical association with the Cadbury factory. It is reasonable to assume that the surrounding area and residents are accustomed to emissions from the long-established factory. This is also mitigated in part by the expansive garden setting of the factory, and in part through the factory's regulation by the Environment Protection Authority¹, outside of the planning scheme.

A new use within the footprint of the garden setting could potentially undermine the role of the garden in mitigating the factory use. Further, a Tourist Operation use would not form a Level 2 Activity and as such, would not be subject to regulation by the Environment Protection Authority.

It is also noted that concerns about noise and other amenity impacts were raised by the community during the applicant's informal consultation event.

An argument can be made that the site could have other industrial uses allowed in the zone that cause greater amenity impacts to the adjacent residential zone. However, C9.0 Attenuation Code in the TPS-G would be applied to industrial uses where sensitive uses are in close proximity, to enable assessment of potential emissions from industrial developments within the General Industrial Zone and their impacts on residential amenity and vice versa. However, Code C9.0 would not be applicable for the *Tourist Operation* use (or the proposed *Community Meeting and Entertainment* and *General Retail and Hire* uses), which could introduce new challenges not covered by the current planning scheme. Given that the new use(s) would also not be regulated as a Level 2 activity by the EPA, this leaves a gap for considering amenity impacts to the residential area that is in close proximity to the new use(s).

As the applicant is seeking to change Council's Local Provisions Schedule there is a need to ensure that any planning scheme amendment promotes the *health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation* in line with the objectives of LUPAA.

Therefore, it is recommended that the amendment be modified to include additional standards to address amenity impacts to balance the ability of the new use to function within the General Industrial Zone while safeguarding adjacent residential amenity.

Standards needed to address siting of buildings, structures and landscape elements

Council's Heritage Officer emphasised the unique historical and cultural significance of the Cadbury industrial estate, which exemplifies the 'garden-city principles' and the 'industry in the garden' philosophy, as outlined in the Statement of Local Historic Heritage Significance and Historic Heritage Values for the site under GLE-C6.1.24 of the TPS-G. The statement clearly highlights the critical importance of the site's

¹ The factory is a Level 2 Activity subject to an Environmental Protection Notice (EPN) issued under the *Environmental Management and Pollution Control Act 1994*. The EPN includes conditions relating to noise emissions, as well as other matters.

landscape and garden values, where the future development is anticipated to be located. The Heritage Officer referral is included in **Attachment 1**.

There are potential limitations in relying solely on the C6.0 Local Historic Heritage Code of the TPS-G for assessing a future development application, particularly concerning the siting and setting of new structures within the landscaped areas that have historic value. To address this, a new control has been recommended by the Heritage Officer, to establish clear parameters for the Cadbury Visitor Experience future development. The recommended control aims to improve the project's chances of success by addressing potential conflicts with some existing SPP provisions in the Heritage Code that may impede a coherent assessment or approval process. This is further discussed in the referral response under **Attachment 1**. The new control would ensure alignment with the estate's heritage values, protects its iconic open space and views, and provides greater clarity and certainty for future development.

Referrals

Detailed Referral responses, including a notice of no objection from TasWater, were received from relevant stakeholders and are included in **Attachment 1**. While the key elements of the Environmental Health Officer and Heritage Officer referrals have been discussed above, the remaining referrals are summarised below.

Internal referrals: The proposal was also considered by Council's Senior Transport Engineer who indicated support for the proposed planning scheme amendment. They advised that the existing controls under the SPPs are sufficient to assess any future development application. Under the C3.0 Road and Railway Assets Code of the TPS-G, if the current car park usage increases by more than 20%, then the road authority can request further information on how pedestrians will cross the road and consider possible upgrades required. The SPPs include controls to consider all other traffic, access and parking requirements.

External referrals: Responses primarily relate to the future development and would need to be further considered as part of any future planning application.

It is worth noting that the Derwent Estuary Program (DEP) emphasised that infrastructure and natural values within the Windermere Bay require careful consideration in future development. DEP advised that future development must consider the ferry activity and potential implications on sensitive seagrass and saltmarsh ecosystems, risk of erosion along bay's soft foreshore which could be exacerbated by continuous ferry activity, and the need for future boardwalk infrastructure through the saltmarsh to be resilient to ferry wake impacts. As such DEP advised that future development must carefully consider ferry access and jetty depth, avoid dredging due to environmental risks, and ensure ferry vessel design minimises wake energy and its environmental effects.

Council Officers' recommendation: A modified planning scheme amendment

To address concerns about impacts on residential amenity and heritage values and ensure the amendment clearly furthers the Schedule 1 objectives, Council officers have proposed a modified draft amendment incorporating the Cadbury Visitor Experience Specific Area Plan (Cadbury Visitor Experience SAP) which is under **Attachment 3**. This alternative control achieves the applicant's intended outcomes for

the site while introducing clear and robust parameters to safeguard surrounding residential amenity and protect the site's heritage significance. Details of this recommendation and reasoning are outlined below.

Elements of the Cadbury Visitor Experience SAP

The key components of the Cadbury Visitor Experience SAP are:

- **Applicability:** The SAP would apply to the entirety of the lot at 100 Cadbury Road, Claremont (CT 139355/2).
- **Tourist Operation Use:** The SAP proposes to introduce the *Tourist Operation* use, including *ancillary uses directly associated with and subservient to the Tourist Operation* use, as a discretionary use within the General Industrial-zoned land with the qualification "associated with the Cadbury Chocolate Factory." Additionally, car parking for the *Tourist Operation* use is provided for within the Light Industrial-zoned portion of the site.
- **Excluded Uses:** The SAP does not allow *Community Meeting and Entertainment* or *General Retail and Hire* as standalone uses within the zones. Instead, such uses will be considered ancillary and directly associated with the *Tourist Operation* use when part of the visitor experience.
- **Existing Permissible Uses:** The SAP does not alter existing qualifications or controls for uses currently permissible within the General Industrial or Light Industrial zones.
- **Environmental Management and Open Space Zones:** The SAP does not introduce or modify controls for land within the Environmental Management or Open Space zones on the site.
- **New Use Standards:** The SAP introduces use standards specific to the *Tourist Operation* use within the General Industrial Zone to address potential impacts on the residential zone within 50 metres of the site. These include controls on operating hours, external lighting, and commercial vehicle movements, aligning with similar controls in zones where such a use is permissible.

The SAP also includes a new use standard to ensure that the *Tourist Operation* use does not adversely impact the site's primary industrial function for which it is zoned. While the Discretionary Uses standard under the Clause 19.3.1 of the General Industrial Zone includes consideration of whether a discretionary use may compromise the industrial activities on the surrounding properties, it does not include consideration of how a non-industrial use may impact on an existing industrial activity within the site.

- **Heritage Considerations:** The SAP replaces the existing heritage provision related to the siting of buildings and structures under the Heritage Code with a tailored control. This control specifically addresses the key heritage elements relevant to the site.

The recommended draft planning controls are in **Attachment 3**.

Feedback from the applicant about the recommended amendment and Council officer's response

The proponent and applicant consulted with Council prior to lodging the application, receiving preliminary feedback in September 2023 that raised concerns about the proposed planning tool (the simple SSQ to introduce a new use) to achieve the intended outcome. The planning scheme amendment request was then formally lodged in September 2024, at which point Council officers issued a Request for Further Information, reiterating concerns about the applicant’s proposed planning tool for the future use and development. The applicant responded to the request (response included in **Attachment 4**) with minimal changes to the proposed amendment.

While Council officers are not opposed to the proposed concept, there are concerns that the applicant’s amendment request does not adequately manage the introduction of the new use with respect to residential amenity impact and how the future project is likely to be assessed with respect to heritage impacts. A modified planning control (the draft Cadbury Visitor Experience SAP) was prepared to address these concerns shared with applicant. The applicant was given the opportunity to collaborate with Council officers to refine an appropriate SAP that aligns with the future vision while addressing the raised concerns. Further refinements were made based on the feedback received, but Council officers maintain that the modified amendment offers a more robust planning control. A summary of the issues raised, and Council officers' responses is provided below

	Issues raised by applicant	Council Officer’s response
1.	Concerned about replacing the proposed SSQ with a SAP, as the original request aimed to keep the amendment narrow and limited to what was necessary to override the SPPs.	While allowing a new use not permitted in the underlying zones may offer regional economic benefits, it is essential to balance this with the potential impacts the future Tourist Operation could have on local community amenity and heritage values. In determining whether a change to Council’s local control are appropriate, the full and future impacts of the proposal must be considered and appropriate controls included to ensure an adequate level of assessment (as occurs all other use and development under the planning scheme).
2.	Applicant’s original request has been effectively denied, with Council instead proposing its own amendment. This approach appears inconsistent with S38 of LUPAA, adding unnecessary delays and increasing the risk of an	The applicant's original request has not been denied. Section 40F(2)(b) of LUPPA provides that if a planning authority determines that it is not satisfied that the draft amendment does not meet the LPS Criteria, then it must modify the draft so that it

	unfavourable outcome before the Commission.	meets the requirements and then certify it. Council officers have raised concerns that the submitted application did not sufficiently address the LPS criteria with respect to Schedule 1 objectives of LUPAA relating to residential amenity and heritage. Council officers support the future vision for the site and are therefore recommending a modified planning control that allows for the realisation of that vision while ensuring a thorough assessment of any future development proposal to minimise potential impacts.
3.	Concerned that Council's proposed amendment is inconsistent with the LPS criteria, particularly section 32(4) of LUPAA.	A detailed explanation on how the recommended modified amendment meets S32(4) is included in Attachment 2 .
4.	Concerns that the proposed discretionary use status with qualifications for the Community Meeting and Entertainment, and General Retail and Hire use classes is not supported. While these uses could be considered ancillary to the Tourist Operation use class, this approach risks parts of the proposal being deemed prohibited later. There is no planning issue with including these use classes as discretionary with the requested qualifications, and Council's rigid approach fails to account for the importance of minimising risks for the proponent.	As the applicant notes, the additional uses of Community Meeting and Entertainment, and General Retail and Hire associated with the visitor centre would be subservient uses (as discussed in the above 'Subservient Uses' section of this report). Therefore, it is recommended that only the Use Class of Tourist Operation is included in the amendment.
5.	Concerned about the inclusion of the 'heritage' standard, as it could prohibit the proposal and the requirement for a Conservation Management Plan (CMP) exceeds the scope of the intended proposal. A CMP evaluates the entire site, imposing management obligations beyond the proposal, including the factory. This approach is	Council's Heritage Officer has advised that the existing special (Heritage) provisions applicable for a use of a Local Heritage Place that would otherwise be Prohibited [General Provisions - Clause 7.4.3 (d)] state that the planning authority must have regard to any conservation plan prepared by a suitably qualified person. The

	<p>unnecessary, as the existing code already requires a Heritage Impact Statement at the DA stage. A link to what is a 'Conservation Management Plan and Heritage Impact Statement' was provided.</p>	<p>reason for this is that any development arising from a use that is prohibited must demonstrate that it is appropriately responsive to the heritage values of the Place (and not the other way around). Translation of that requirement to the proposed new SAP control is, therefore, entirely consistent with 'bar' set in relation to prohibited use of a heritage place in the SPPs as currently set out. Given the unique nature of the Cadbury Industrial Estate, it is entirely reasonable and appropriate to expect that any and all proposed use and development associated with the Cadbury Chocolate Experience is designed so as to be appropriately and positively responsive to the open space setting of the Cadbury Factory and the key attributes contained therein, including but not necessarily limited to those shown in Figure 8 above. Reference to third party interpretations of when conservation plans/conservation management plans are to be applied, including those in other jurisdictions (WA), is considered unnecessary and irrelevant in this context since the basis for imposition of this requirement exists in a parallel standard in the SPPs. In objective consideration of the applicant's concerns expressed in response to the draft control, the initial wording of the control referencing a conservation management plan has been re-phrased to make it specific to the area earmarked for the proposed use and development thereby removing any confusion in relation</p>
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		<p>to the extent or scope of work required.</p> <p>A Heritage Impact Statement is not a mandatory requirement of the Local Historic Heritage Code and in fact rarely forms the subject of additional information requests issued by Council because this level of review is routinely performed by the Heritage Officer when assessing Planning Applications against the applicable standards for heritage in the SPPs.</p>
<p>6.</p>	<p>Conflation of heritage and landscape matters, and Council not having undertaken prior strategic work to demonstrate the existence of landscape values through an independent process. Instead, Council has taken an ad hoc response from a consultant, which specifically targeted this development. This is particularly concerning given the leading nature of the brief provided to the consultant.</p>	<p>While Council officers acknowledge the lack of previous strategic work to address landforms and landscape values comprehensively, opportunities like this—when significant proposals are presented—are used to identify and protect key values. In this case, officers recognise the importance of the site and its key views, which is why the consultant brief was drafted accordingly and subsequently confirmed by the consultant. The views of the estate are particularly significant due to their heritage values and alignment with Cadbury’s ‘industry by mountain and sea’ philosophy. Given the overlap in criteria for assessing heritage and visual values, a single control addressing both matters is considered the most appropriate approach.</p>

4. STRATEGIC OUTCOMES AND ASSESSMENT OF MODIFIED AMENDMENT

The following assessment is based on the modified amendment as recommended by Council officers.

Local Strategy, Policy and Impacts:

Strategy and Policy

City of Glenorchy Community Plan 2015 – 2040

The draft amendment also aligns with key goals of the City of Glenorchy Community Plan, adopted by Council in 2015, as follows:

- *Building Image and Pride*: Showcasing the city's pride and ensuring it is recognised by others.
- *Making Lives Better*: Fostering a safe, inclusive, active, healthy, and vibrant community, with a focus on becoming a hub for multiculturalism, arts, and culture.
- *Valuing Our Environment*: Enhancing and valuing both the natural and built environment.
- *Open for Business*: Building a strong economy and creating jobs for the future by encouraging business diversity, innovation, and new technologies. This will stimulate creativity, collaboration, and growth, making Glenorchy a place where businesses can establish, thrive, and flourish.

Strategic Plan

The municipal strategic plan, Glenorchy Strategic Plan 2023–2032, guides the City's vision and objectives. The draft amendment aligns with several of the objectives within the Strategic Plan and supports its vision by fostering a forward-thinking approach that encourages investment and job creation while ensuring the protection of the site's iconic heritage values. This site represents a significant cultural and historical asset, fostering a strong sense of belonging within the municipality and across Tasmania. The draft amendment ensures these values are appropriately safeguarded for the future. **Attachment 2** includes an assessment against the *Glenorchy Strategic Plan 2023-2032*.

Infrastructure Impacts

The subject land is fully serviced, with any necessary upgrades to existing infrastructure to be addressed as part of future development at the planning permit application stage, should the amendment be approved. Referrals to relevant authorities, including TasWater and TasNetworks, will be undertaken as required during the planning permit assessment process, and any conditions imposed by these agencies will be incorporated into the planning permit.

Traffic increases and potential impacts on the local road network from increased visitor activity will also be assessed during the planning permit application stage. This will be done in accordance with the applicable standards within the planning scheme for any future development proposal.

Environmental Impacts

The officer modified draft amendment per se is not expected to result in any negative environmental impacts. The site is subject to code overlays that ensure consideration of potential impacts on relevant environmental features, including natural values, the coastal environment, and any hazards.

Amenity Impacts

The officer modified draft amendment incorporates specific provisions to safeguard the surrounding residential amenity. It also ensures that the new *Tourist Operation* use will not interfere with or negatively impact the site's primary industrial use, consistent with its zoning.

Social and economic impacts

The officer modified draft amendment includes controls to ensure the site's heritage values are appropriately preserved, safeguarding an iconic local heritage place that holds deep cultural significance and evokes fond memories for many. This preservation reinforces the site's role in fostering a strong sense of belonging and cultural identity.

Facilitating the development of the site as a *Tourist Operation* is anticipated to deliver substantial social and economic benefits. It will create numerous job opportunities during both the construction and operational phases while contributing significantly to the economy of Greater Hobart and strengthening Tasmania's tourism industry.

Regional Strategy and Policy

For the amendment to be approved, compliance with the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS) must be demonstrated. **Attachment 2** provides a detailed assessment of the draft amendment against the relevant STRLUS policies.

The amendment aligns with the STRLUS in the following ways:

- It supports the introduction of a new tourism use while safeguarding and enhancing the distinctive local features and character of the subject land.
- It offers a tailored approach to protecting the site's cultural values, specifically designed to preserve its unique heritage elements. This approach contributes to maintaining the site's character, cultural significance, sense of place, historical context, and its broader regional importance.
- It minimises potential impacts caused by the new use on both the existing use and surrounding land uses, ensuring a harmonious integration within the area.

State Strategy and Policy

The officer modified draft amendment furthers the objectives in Schedule 1 of LUPAA, by promoting sustainable and orderly development of a significant tourism use to fit in within an industrial site and the surrounding residential area. **Attachment 2** includes an assessment against the objectives of Schedule 1 of LUPAA and the State Policies.

While the amendment will not result in any direct impacts on water quality, any future development applications that are submitted to Council can be conditioned to manage water quality during development and promote consistency with the *State Policy on Water Quality Management 1997*.

The subject site is within the coastal zone and subject to the *State Coastal Policy 1996*. However, there are mechanisms in place within the TPS-G which enable consideration and regulation of development within the coast via the code overlays. The officer modified draft amendment retains all existing planning controls for the coast, ensuring ongoing compliance with the objectives, principles, and outcomes of the *State Coastal Policy 1996*. Additionally, existing regulatory mechanisms governing ferry and boat transport in the Derwent Estuary administered by other authorities will continue to apply. The amendment is therefore considered consistent with this Policy.

The draft amendment permits a new *Tourist Operation* use at the site, which is not considered sensitive. However, any contamination issues will be addressed under the C14.0 Potentially Contaminated Land Code. Relevant regulations, including stormwater provisions, the Natural Assets Code, Attenuation Code, and environmental legislation, will continue to apply to manage air and water quality impacts. The proposal aligns with the National Environmental Protection Measures.

Statutory considerations

Section 32 of LUPAA provides for the contents of a Local Provisions Schedules (LPS), and Section 34 outlines the LPS Criteria. **Attachment 2** provides a detailed assessment of the officer modified draft amendment against the requirements of these provisions. The officer modified draft amendment is considered to satisfy all the listed considerations and meet the LPS Criteria.

Section 32(4) LPS Criteria

The officer modified draft amendment must satisfy the requirements under Section 32(4) of LUPAA as it proposes the introduction of SAP to the Glenorchy LPS. It is considered that the recommended amendment for the new Cadbury Visitor Experience SAP will fulfill both Section 32(4)(a) and (b), as outlined in **Attachment 2**. In brief, the draft amendment will enable the development of a significant *Tourist Operation*, expected to generate considerable economic benefits, create jobs, and attract over 500,000 visitors annually, contributing \$120 million to the State's and regional economy. As such, it is deemed to provide substantial social and economic benefits to the State, region, and municipality, thereby satisfying Section 32(4)(a).

The site is unique, being in a General Industrial Zone (GIZ) immediately adjoining a residential area, with a prominent position on the Cadbury Peninsula overlooking the River Derwent, with significant local heritage value. Given these factors, additional provisions beyond the standard SPPs are required to protect the site's character and adjoining uses, visual prominence, and historical significance, fulfilling the criteria of Section 32(4)(b).

CONCLUSIONS ON THE AMENDMENT

The applicant's proposed planning scheme amendment seeks to introduce a new SSQ to allow a *Tourist Operation, Community Meeting and Entertainment Use, and General Retail and Hire* uses within the Light and General Industrial Zones at 100 Cadbury Road, Claremont, home to the iconic Cadbury Chocolate Factory. It seeks to facilitate a future use and development proposal to reinstate the Cadbury visitor tours previously conducted within the factory, though the new proposal is of a larger scale, and intended to occur outside the factory within the heritage-listed landscaped gardens. The potential future development is expected to generate significant economic benefits, create jobs, and contribute to the State's tourism economy.

While the overall intent of the project is supported by Council officers, modification of the amendment to introduce additional controls is recommended to address potential amenity impacts on the adjacent residential zone and to better protect the heritage values of the site. Further, the proposed *Community Meeting and Entertainment* and *General Retail and Hire* uses are seen as ancillary to the primary *Tourist Operation* and

do not need to be specified within the control. To ensure orderly and well-considered development, council officers have prepared a modified amendment comprising the draft Cadbury Visitor Experience Specific Area Plan.

It is assessed that the amendment recommended by Council officers is consistent with the objectives and other requirements of the *Land Use Planning and Approvals Act 1993*, the tenor of the Tasmanian Planning Scheme - Glenorchy and is consistent with the Southern Tasmanian Regional Land Use Strategy and State policies.

Recommendation:

1. That pursuant to Section 40D (a)(i) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority agrees to prepare planning scheme amendment PLAM-24/01 to the Glenorchy Local Provisions Schedule to introduce the Cadbury Visitor Experience Specific Area Plan for the site at 100 Cadbury Road, Claremont as shown in **Attachment 3**, which includes the following modifications to the applicant's request:
 - (a) Deletion of use classes of General Retail and Hire, and Community Meeting and Entertainment.
 - (b) Conversion of the planning control from a Site-Specific Qualification into a Specific Area Plan.
 - (c) Inclusion of use standards relating to residential amenity and protection of industrial uses on the site.
 - (d) Inclusion of a development standard relating to heritage to consider the siting of buildings, structures and landscape elements.
2. That having decided to prepare the amendment, the Planning Authority certifies pursuant to Section 40F of the *Land Use Planning and Approvals Act 1993* that the draft amendment meets Section 34 LPS Criteria of the *Land Use Planning and Approvals Act 1993*.
3. That, in accordance with Section 40G of the *Land Use Planning and Approvals Act 1993*, the Planning Authority places the amendment on public exhibition for a period of 28 days.

Attachments/Annexures

- 1 Attachment 1 – Internal & External Referrals
[⇒](#)
- 2 Attachment 2 – Statutory assessment -PLAM-24-01
[⇒](#)
- 3 Attachment 3 – Amendment documents
[⇒](#)

4 Attachment 4 – Applicant s application package



ATTACHMENT 1
PLANNING SCHEME AMENDMENT PLAM-24/01
INTERNAL & EXTERNAL REFFERAL RESPONSES

INTERNAL REFERRALS

Environmental Health Officer Referral Response

Concerns

The site-specific qualifications (SSQ) proposed are intended to allow for the following additional uses, Community Meeting and Entertainment, General Retail and Hire & Tourist Operation With the qualification of “where part of a visitor experience associated with the Cadbury chocolate factory” for the General Industrial Zone and additional Discretionary use classes General Retail and Hire; and Tourist Operation with the qualification of “where providing for car parking as part of a visitor experience associated with the Cadbury chocolate factory” for the Light Industrial Zone (current carpark. The use-classes mentioned are not those that are seen in the industrial zones therefore there are limited control mechanisms for Council to utilise to protect residential amenity.

While the intent and potential future development of a visitor experience for Cadburys is seen as a positive for the community and business there are concerns regarding ‘new’ emissions from the additional use classes. The concerns are related to residential amenity and the lack of control mechanisms within the General Industrial zone.

The conflicting zoning present, general industrial in close proximity of general residential, is understood as the Cadbury chocolate factory is significant to the area and the Cadbury area has been developed around the factory. The community in this area has a level of tolerance for the factory and the general emissions emitted from the normal operations of the factory.

The applicant has stated “Hours of operation, lighting and vehicle movements are also in my opinion matters that can be reasonably regulated through conditions imposed under Clause 6.11 of the SPPs, particularly given that the uses remain discretionary.” However, advice from Councils Senior Statutory Planner and Acting Senior Strategic Planner concluded Council cannot rely on the discretionary use standard within the General Industrial zone to mitigate/manage amenity concerns as it is not there to protect residential amenity but more so reverse-amenity to ensure industrial uses are not impacted by a discretionary use. For example, if a food services business moved in next door to a general industrial use and tried restricting the use of an established general industrial use. Nor can Council use clause 6.11 of the Scheme to implement conditions such as hours of operation.

Due to the lack of adequate control avenues to protect residential amenity from future development resulting as a part of the proposed SSQ, some means of protection is recommended to be added.

A management mechanism for the additional uses that are not currently allowed within the general industrial zone is recommended to be implemented. This may be similar to the use standards in the Light Industrial zone or the Major Tourism zone. Both of the before mentioned zones have a mechanism to mitigate impacts where residential properties are located within 50m of the site and the hours of operation fall outside of the acceptable solution. The hours of operation within the acceptable solutions are the same for both the Light Industrial zone and Major Tourism zone. Community Meeting and Entertainment, General Retail and Hire & Tourist Operation are all permitted use class within the Major Tourism zone therefore, the use class standards are recommended to be pulled from this zone as it fits the use classes proposed to be added as discretionary.

The recommended use standards proposed are not intended to impede or discourage future development on the site. The use standards are proposed to allow for a level of protection of sensitive use within the direct area. There is the ability to comply with an Acceptable Solution or Performance Criteria.

Commonly, an alternate mechanism to protect sensitive use located in close proximity to a general industrial zone is the Attenuation Code of the Planning Scheme (noted: only used for specific activities that are generally best suited in an industrial zone). Within other zones that are generally likely to present near residential zones (generally within 50m of the site) use standards are present that allow for some protection of residential amenity in relation to hours of operation, external lighting and commercial vehicle movements. However, the proposed use classes do not trigger the Attenuation Code therefore this tool can not be used.

Conditions:

Use Standards to be included in a SAP (pulled from Major Tourism Zone 24.3.1 – All Uses)

Objective:	That uses do not cause an unreasonable loss of amenity to residential zones	
Acceptable Solutions	Performance Criteria	
A1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation, Residential, Utilities or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential or Rural Living Zone, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.	P1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation, Residential, Utilities or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones having regard to: (a) the timing, duration or extent of vehicle movements; and (b) noise, lighting or other emissions.	
A2 External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must: (a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and (b) if for security lighting, be baffled so that direct light does not extend into the adjoining property.	P2 External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to: (a) the level of illumination and duration of lighting; (b) the distance to habitable rooms of an adjacent dwelling.	
A3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency	P3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency	

<p>Services, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of:</p> <p>(a) 7.00am to 9.00pm Monday to Saturday; and</p> <p>(b) 8.00am to 9.00pm Sunday and public holidays.</p>	<p>Services, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) manoeuvring required by the commercial vehicles, including the amount of reversing and associated warning noise;</p> <p>(e) any noise mitigation measures between the vehicle movement areas and the residential area; and</p> <p>(f) potential conflicts with other traffic.</p>
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Heritage Officer Referral Response

1.0 CONTEXT – THE CADBURY FACTORY: A UNIQUE SITE

The Cadbury estate falls within the category of Australian garden-city inspired developments built in conjunction with a particular factory or industry (Young, D, 2015; p18).

Historian, Dr David Young cites four notable entities in this category. Sunshine on the western outskirts of Melbourne, Yallourn near Morwell in Victoria along with two Tasmanian examples; the Electrolytic Zinc Company and Cadbury Estate, both in the Glenorchy municipality (Young, D, 2015; p19).

The site at Claremont ultimately selected by the Commission sent to scope Australia locations in preference to three sites in Sydney, two in Melbourne and other sites locally (Young, D, 2015; p22). The defining attributes being the size of the land and price point, and its sheer physical beauty on a promontory jutting into the River Derwent (Young, D, 2015; pp22 & 24).

In the national context, Robert Freestone, in his seminal work *Model Communities: The Garden City Movement in Australia*, regards Cadbury's peninsular estate at Claremont in Tasmania – referred to in company circles as the factory 'by mountain and sea - as having 'perhaps the best garden city credentials in Australia' (Freestone, R, 1989; p150).

An antipodean counterpart to Cadbury's Bournville flagship 'factory in a garden' (Freestone, R, 1989; p154).



Cadbury Company graphic referencing the factory 'by mountain and sea' (Source: Colin Dennison collection).

Distinctive, and certainly unique in the Tasmanian context, the locally heritage-listed factory and its landscape setting retains its integrity as:

- An exemplar of garden-city inspired industrial development;
- a local landmark and catalyst for the development of Claremont as a suburb and service centre;



The Cadbury factory post 1950 viewed from the south showing its prominence on the peninsula and expansive open space to the west (Source: Colin Dennison collection).



The site in 2023, the original entrance lodge indicated by the 'pin' and showing the surviving integrity of the tree-lined open space approaches to the west (Source: GCC Spectrum GIS).

- The centrepiece of the Cadbury estate, half the listed area comprising the historical rail, vehicular and pedestrian approaches to the main entrance and check lodge (the listing complemented by surrounding – associated – listed heritage houses, the former Cadbury spur-line rail formation, and the former primary school site at 36 Cadbury Road marking what was effectively the entrance to the estate).



Cadbury Factory listing extent represented by the darker shade of green (Source: GCC Spectrum GIS).

2.0 STATEMENT OF SIGNIFICANCE: LOCAL PROVISIONS SCHEDULE GLE-Table C6.1

Reference No.	Street Address/Extent	Property Name	Description, Specific Extent & Statement of Local Historic Heritage Significance
GLE-C6.1.24	100 Cadbury Road	Cadbury Industrial Estate - Factory	<p><i>Description</i></p> <p>Cadbury factory complex and associated picturesque garden setting including landscaped tree-lined approaches and boundaries, and the former Cadbury Branch Line rail formation.</p> <p><i>Specific Extent</i></p> <p>All of 139355/2.</p> <p><i>Statement of Local Historic Heritage Significance and Historic Heritage Values</i></p> <p>The setting and design of the Cadbury Industrial complex exhibits garden city ideals and the high engineering and architectural design standards historically underpinning buildings and plant includes elements considered innovative in the context of the global confectionary industry. The place has strong community and inter-generational associations arising from the long-time involvement of Cadbury (and its various parent entities) both as a major employer and supporter of local initiatives.</p> <p><i>Identified in the Local Provisions Schedule because of:</i></p> <p>(a) Its role in, representation of, or potential for contributing to the understanding of:</p> <p>(a)(i) Local history including – as a major socially orientated enterprise</p>

		<p>in the post-WW1 industrialisation of the municipality/City of Glenorchy.</p> <p>(a)(ii) Creative or technical achievements including - its adherence to 'garden city movement' principles in its presentation and its demonstration of technical proficiency including but not limited to the use of reinforced concrete applied by Edward Giles Stone in the initial phase of construction and Sir Victor Burley's innovative (world first) Continuous Crumb Plant.</p> <p>(a)(iii) A class of building or place that exhibits - the principal characteristics of an established industrial plant. Significant attributes include but are not necessarily limited to: Inter-War Functionalist and Post-War International style buildings in a mature designed landscape setting.</p> <p>(a)(iv) Aesthetic characteristics – imparted through 'Garden city' type design principles in creating a picturesque setting and architectural design aesthetic and that dovetails with the adjoining 'garden suburb' and associated civic spaces.</p> <p>(b) Its association with:</p> <p>(b)(i) A particular community or cultural group for social or spiritual reasons being - employees past and present of the Cadbury Company (and its derivatives) many with inter-generational associations, and the Society of Friends (or Quaker) movement which provided the</p>
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			<p>philosophical basis for this benevolent approach.</p> <p>(b)(ii) The life or works of - celebrated Tasmanian engineer [Sir] Victor George Burley over a period of 40 years; Tasmanian architectural firms Hutchinson & Walker, and, Wilkinson & Bolt.</p>
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3.0 THE CADBURY VISITOR EXPERIENCE PROPOSAL

The area being considered for the future Cadbury Visitor Experience submitted by the Applicant and reflecting the extent of the agreement with Mondelez corresponds to the [historical and heritage listed] frontage of the factory comprising the open space setting vehicular, rail and pedestrian tree-lined approaches to the check lodge and main gates.

The point is made that the Use will reprise tours that were highly popular from the 1950s until cessation in 2008. This is correct, to a point, but if we consider what we know of the concept in greater detail, it is clear that the proposition is to develop a stand-alone commercial tourism development with ferry-in-ferry-out terminal, riverside access way, a new building that will offer a variety of functions, insights to Cadbury’s chocolate-making lineage offering other products for sale along with amenities including arboretum and playground. A marked change in scale of operation from the original company-run in-factory tours.



Area Mondelez have made available for future development to the proponents of the Cadbury Visitor (Chocolate) Experience highlighted 'blue' (Source: 4.11.2024 - Applicant response to GCC request for additional information)

3.1 The Applicant's position in relation to heritage

The Applicant's position expressed by way of response to matters flagged in Council's request for additional information and in their final report is that:

- A Site Specific Qualification is the appropriate means of enabling the Use,
- and;
- Any Application for future development and works arising from the proposed use can and should be assessed against the Local Historic Heritage Code, C6.0 (Heritage Code) in the State Planning Provisions. That is, without the need for additional standards.

4.0 HERITAGE OFFICER ASSESSMENT

The Applicant is proposing a Tourism Operation use that is prohibited in the context of the current zonings.

In making this request of Council, the Applicant contends that the Use can be simply accommodated/enabled through the addition of a Site Specific Qualification.

In-so-far as heritage is concerned, the Applicant is of the view that the Heritage Code is the appropriate assessment tool for assessment of any future Application for development and works arising from the proposed Use forming the subject of this Application.

In ordinary circumstances it is agreed the Heritage Code is an adequate tool for assessment of any development arising from the proposed Use.

However, the Cadbury factory complex and associated picturesque garden setting, landscaped tree-lined approaches and boundaries including the former Cadbury branch line rail formation is no ordinary place.

It is unique.

Unique, historically, as an enterprise that was the catalyst for the development of the suburb of Claremont, along with Glenorchy and Moonah, one of the main activity areas in the northern suburbs.

Unique in its configuration that, through Cadbury's deeply entrenched and pioneering adherence to garden-city principles, has achieved the rare feat of enabling industry to co-exist with the community in a distinctive setting characterised by abundant open space.

There is no other listed industrial Heritage Place like it in the City of Glenorchy, nor the region or the State.

Its closest parallel, the Electrolytic Zinc Company (now Nyrstar) factory down the road in Lutana (albeit not heritage listed) is perhaps more fully developed in terms of its two worker estates (each subject to extensive individual heritage listings) but these are geographically distant from the zinc refinery which eschewed aesthetic ideals in favour of pragmatism and functional priorities.

4.1 Why the Heritage Code alone is an inadequate tool for assessment and the critical importance of siting and location

In the order of operations, siting and location is a primary consideration when assessing development proposing new buildings and structures. As logic dictates, the first – fundamental – question posed in the regulatory assessor’s checklist; is the development appropriately sited?

In the State Planning Provisions, Clause C6.6.4 of the Heritage Code is the standard for assessing the siting of buildings and structures. There is no Acceptable Solution in the standard, therefore, reliance is placed upon satisfaction of Performance Criteria. P1 of the standard is heavily weighted to ensuring the front, side and rear setbacks of a building are compatible with the local historic heritage significance of the place. No element of the P1 Performance Criteria, as it stands, relates to an assessment of setting.

In the majority of instances Clause C6.6.4 is an adequate standard for assessment. This is because the majority of Applications are residential in scale and proposed new developments are invariably situated to the rear or set behind the building line of the principal heritage item, typically a dwelling.

Based on what little we know, any proposed development arising from the Tourism Operation Use sought by the Applicant will be situated in front of the factory, in its riverside, open space setting demonstrative of Cadbury’s careful site selection by ‘mountain and sea’ along with key approaches.

Immediately, the risk proposed to the project proposing - as it must - development in what amounts to the frontage of the factory is evident, or at least it should be. The absence of any reference to setting in the Performance Criteria – given the significance of the factory grounds – is a flaw in the Heritage Code that mostly doesn’t manifest itself in issues for the reasons explained above.

Council officers’ reservations in this regard have been conveyed to the Applicant.

In response the Applicant points to Clause 6.6.3 of the Heritage Code the standard for the assessment of the height and bulk of buildings and that does reference setting in P1 (d) as a matter for consideration, seemingly in ignorance of the fact that, in the order of operations, the setting consideration belongs – fundamentally and firstly – in the standard for siting and location, where it is demonstrably absent.

5.0 HERITAGE RECOMMENDATION

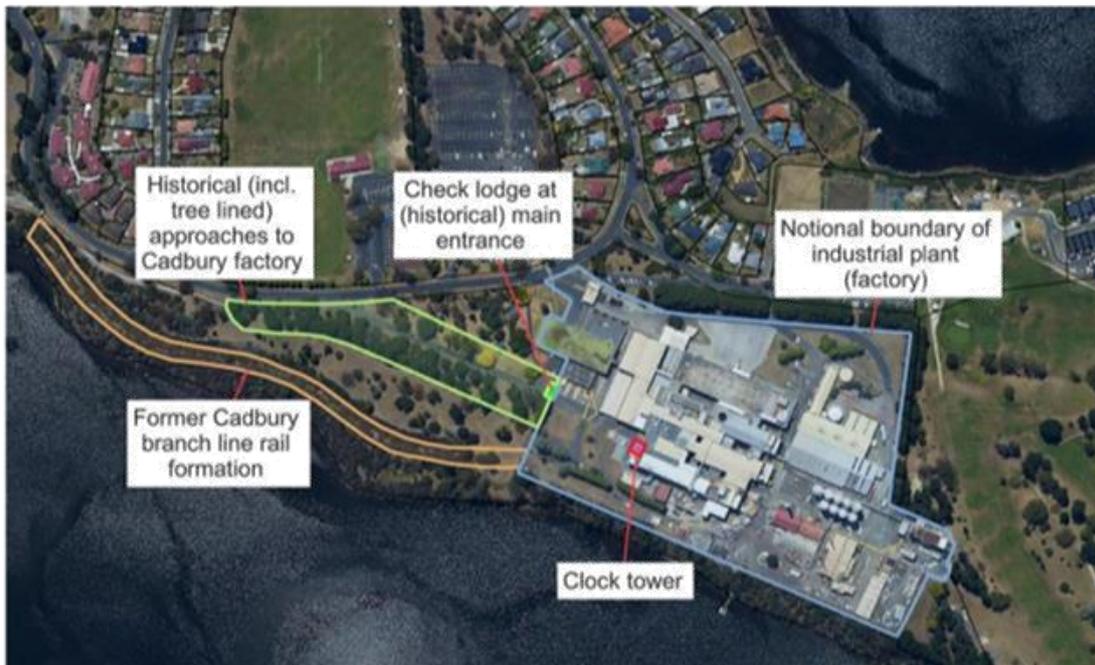
Given the unique characteristics of the site, a simple and expedient Site Specific Qualification sought by the Applicant in proposing what will ultimately be development in the open space frontage of the factory fails to recognise the unique characteristics of the heritage listed Cadbury industrial estate and its setting.

The recommendation is for creation of a Planning Scheme Amendment founded on a Specific Area Plan (SAP) that provides clear potential – and arguably greater certainty - for the future development of the Cadbury Visitor Experience through naming-up of clear heritage parameters in an explicit standard for siting of buildings, structures and landscape elements replacing Clause C6.6.4 of the Heritage Code (only), as follows:

Objective:	<p>That the siting of buildings, works and landscaping for a Tourist Operation use:</p> <ul style="list-style-type: none"> (a) is compatible with the local historic heritage significance and setting of the Cadbury Industrial Estate – Factory local heritage place; (b) retains key views of the Cadbury Industrial Estate – Factory local heritage place; and (c) aligns with a coordinated approach to managing the conservation of the site’s heritage values.
Acceptable Solution	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>The siting of buildings, works and landscaping for a Tourist Operation use must be designed to be compatible with the local historic heritage significance of the Cadbury Industrial Estate – Factory local heritage place, having regard to:</p> <ul style="list-style-type: none"> (a) the historic heritage values of the local heritage place as identified in GLE-Table C6.1 Local Heritage Places; (b) retention of the clear connection between the Cadbury Factory its extensive, uncluttered open space frontage and setting west of the industrial buildings and plant including historical vehicular, pedestrian and tree-lined approaches to the Check Lodge and views though to the clock tower and industrial plant beyond, as shown in Figure GLE-S15.2; (c) the legibility of the former Cadbury Branch Line rail formation, as shown in Figure GLE-S15.2, in the landscape; (d) retention of key views of the local historic heritage place, including: <ul style="list-style-type: none"> (i) from vantage points shown in Figure GLE-S15.3; and

	<p>(ii) as set out in the recommendations of a visual impact assessment prepared by a suitably qualified person;</p> <p>(e) the size, shape, topography and orientation of the lot;</p> <p>(f) the siting of existing development on the lot; and</p> <p>(g) the recommendations of a heritage conservation management plan focussed on the riverside setting, landscaped/open space frontage, approaches and connections to the Cadbury factory (but not of the individual elements of the factory complex itself) prepared by a suitably qualified person specifically in response to the proposed use and development and with reference to the <i>Articles of the Australia ICOMOS Burra Charter</i>.</p>
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Figure GLE-S15.2 Aerial map of the site showing selected heritage attributes



Senior Transport Engineer Referral Response

My view is there should be enough controls in the planning scheme to allow us to assess the application.

Upgrades to Cadbury Road between car park and site - as you pointed out when we caught up, if C3.5.1 A1.4 is not triggered for the car park driveway then this means it will be low usage and upgrades to the road for pedestrians to cross not required. If the parking in the car park increases by more than 20%, then under the performance criteria the road authority can request information on how pedestrians will cross the road and possible upgrades required.

If the parking occurs in a new car park next to the site, a new driveway crossover required and the issue of pedestrian crossing the road removed. Under C3.5.1 A1.2 for a new crossing this needs to be issued by the road authority so we have power here to capture anything the planning scheme misses.

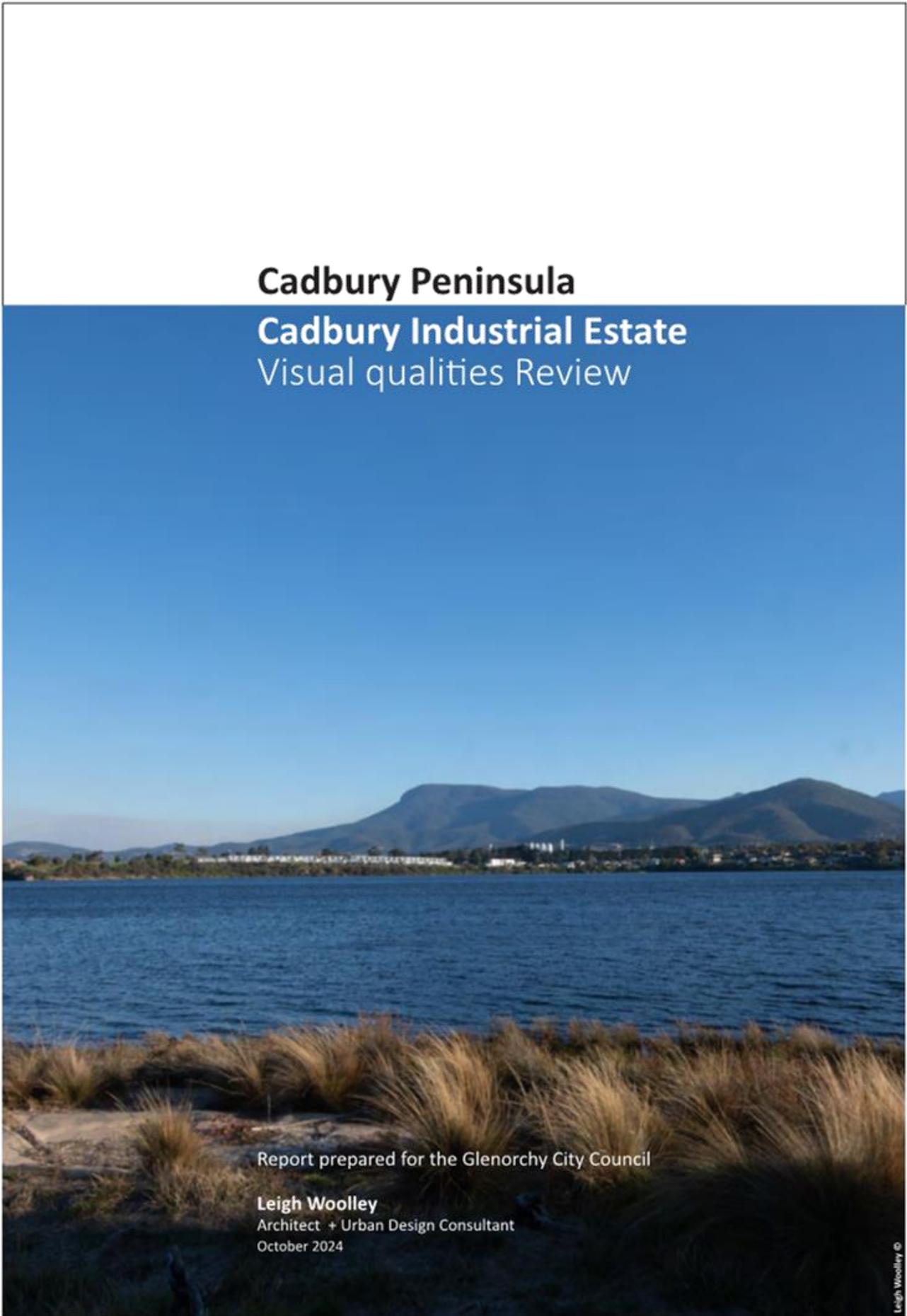
Thus I do not think we could justify additional controls in the SAP.

Urban Designer Referral Response

Cadbury Peninsula

Cadbury Industrial Estate

Visual qualities Review



Cadbury Industrial Estate Visual qualities Review

In late September 2024 Leigh Woolley Architect was asked by the Glenorchy City Council to provide advice regarding the Cadbury Industrial Estate.

Specifically :

1. 'Whether, based on the Historic context, Cadbury design philosophy, and how the factory presents itself on the peninsula, if you think there should be a requirement to consider visual quality of (the) new development and its potential impact on the factory from key view fields from afar ?'
2. If so, where are the key public view vantage points across to the factory from afar ?'

Leigh Woolley
Architect + Urban Design Consultant
224 Murray Street Hobart Tasmania
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October 10 2024

Photography : Leigh Woolley
Historic imagery : Tasmanian Archives and
Heritage Office (TAHO)

Report structure

In response to the brief, the report is divided into two parts : # 1. Establishing context, and # 2. Identifying key public viewing points.

Accordingly it initially identifies the role of the river valley location of the Derwent Estuary in focussing the visual significance of the peninsula.

As a pronounced landform it is experienced within the natural 'amphitheatre' of the Derwent Estuary and the Glenorchy Municipality more broadly.

The report then gestures to the spatial changes on the peninsula over time. In this way it seeks to provide a context for a future visual assessment, that includes the Cadbury factory.



Though generally chronological, the report is not a history. Moreover it simply gestures to the evolving visual character of the peninsula, and particularly the precinct of the Cadbury factory buildings, that includes its vegetation.

The landforms of the city region provide both the physical foundation to the city and also its inherent structure. The report seeks to convey that the spatial form of the peninsula and the Cadbury factory itself are now broadly synonymous within the city region.

The characteristics of the location of the peninsula, being a low lying promontory within the middle reaches of the Derwent Estuary, ensure that it is both viewed 'down to', and viewed 'across to'.

Given its location and landform character, it is highly visible within the 'urban amphitheatre' of the dwelling region.

The chronology of imagery indicates it has previously been densely vegetated, then denuded and variously re-vegetated in response to settlement, as well as the Garden City intentions for the Cadbury Estate, and subsequent adjacent residential and recreational uses.

It is my firm opinion that there should be a requirement to consider the visual quality of any new development *, and its potential impact on the factory from key viewing points. Accordingly these are identified at the end of the report.

Leigh Woolley
Architect
10 October 2024

* Best practice guidelines for visual simulation are identified within a recent New Zealand Institute of Landscape Architects publication : Visual Simulations BPG 10.2 (http://www.vissim_bpg102_lowfinal.pdf)

Leigh Woolley_Architect + Urban Design Consultant_Oct. 2024

Geo Morphology : the foundation of a distinct regional landform



The Derwent River system is the dominant river system within South East Tasmania. It drains the greater portion of the Central Plateau and enters Storm Bay through its flooded lower valley, referred to as the Derwent Estuary.

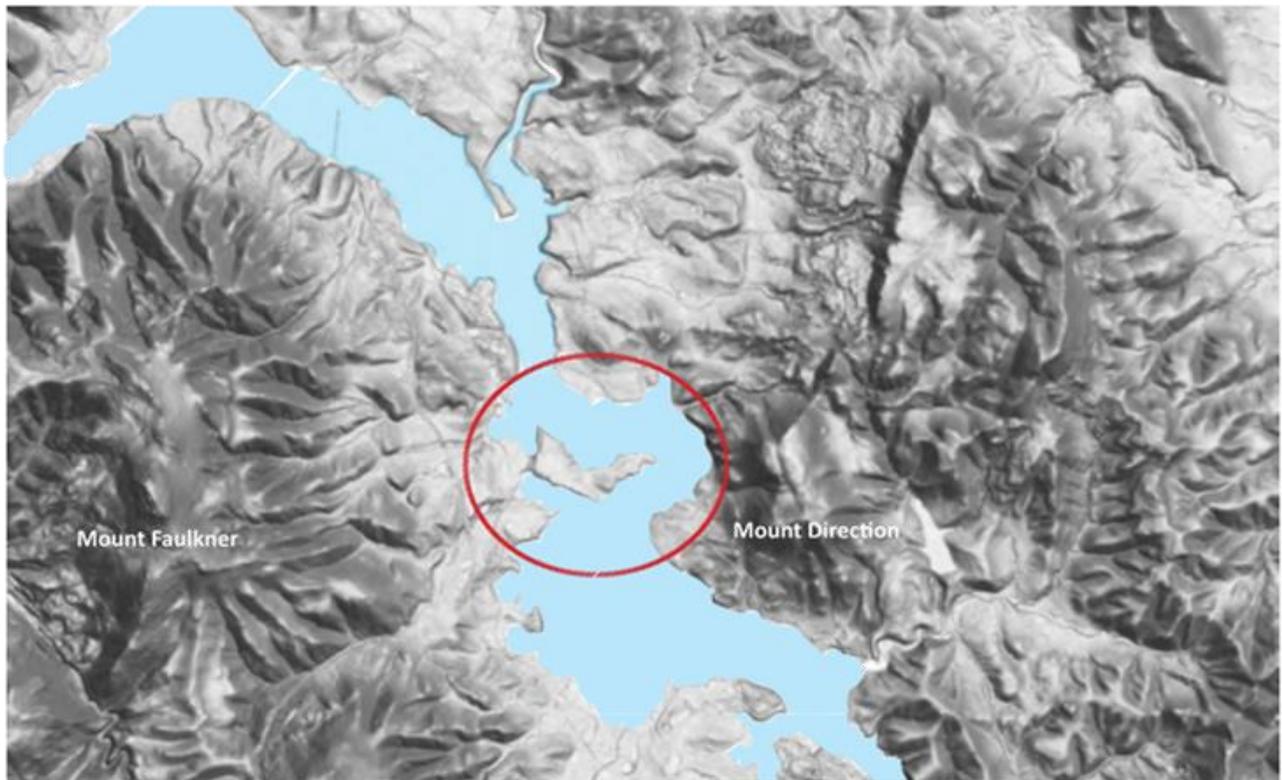
The river has cut into the underlying (Triassic) sedimentary rock and the (Jurassic) dolerite. Incised meanders are present in the valley of the Derwent. The physiography of the Derwent is to a marked degree controlled by the drowning of the estuary - as a result the banks are irregular. Dolerite forms a resistant capping in many areas around the state.

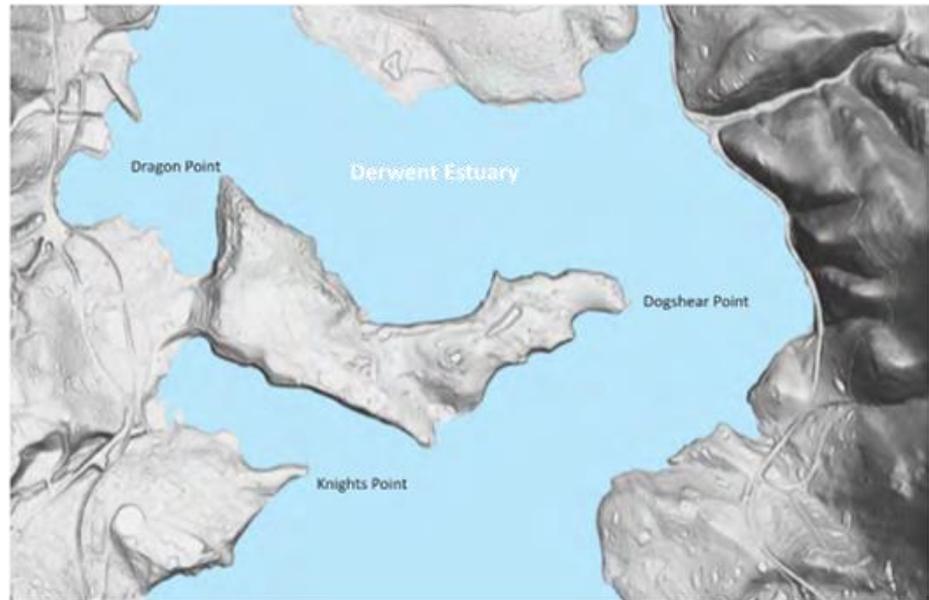
Hills in existence before the post glacial increase in sea level are now headlands, and the small tributary valleys are now indentations in the coastline.

Notes from :
Behind the Scenery: Tasmania's landforms and geology. 1990



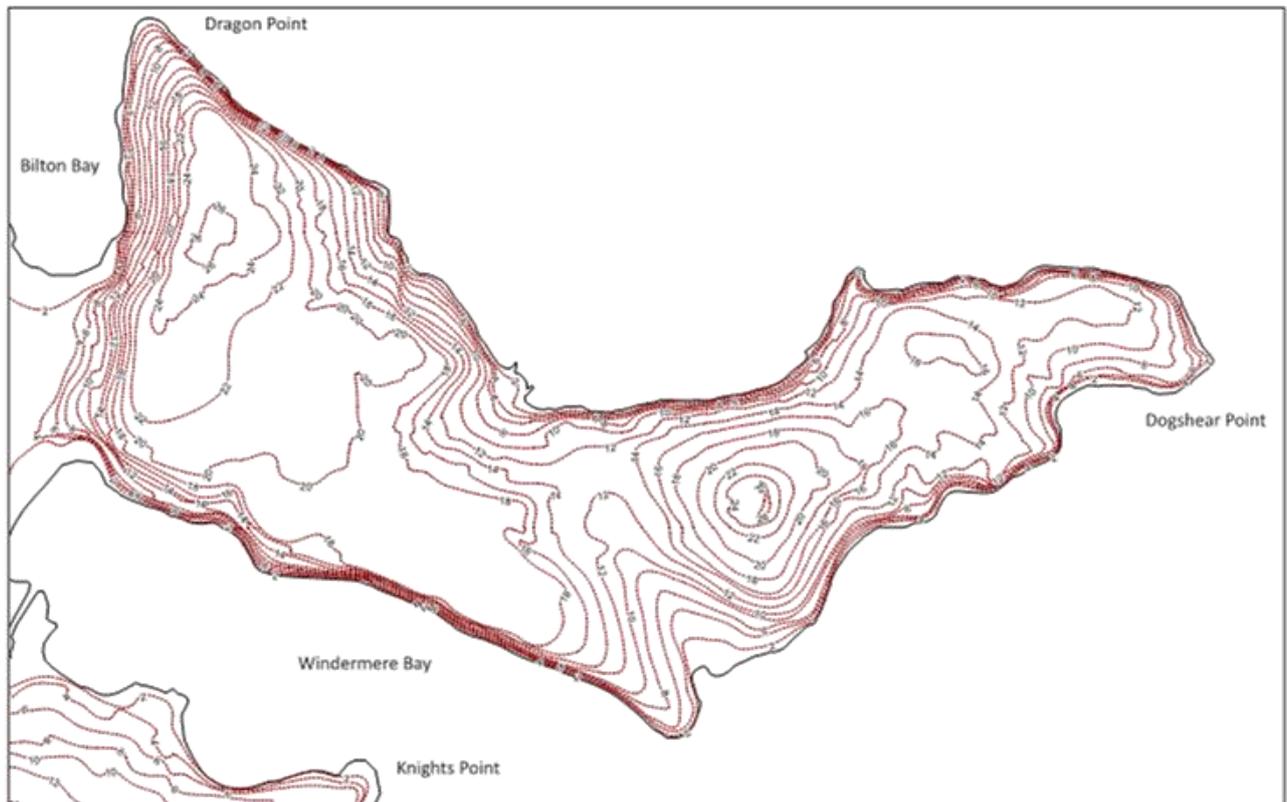
Above right: Derwent Estuary - 'Cadbury Peninsula circled (white). Satellite aerial.
Above: Underlying dolerite (orange) is more impervious to weathering.
(Detail: Geological Atlas, Hobart)
Below: Topography : Middle Derwent. Peninsula circled (red). (TopMap base)





Right : The location of the peninsula within the estuary accentuates its regional presence. It's low lying form ensures it is viewed down to, from the surrounding rising ground, and also viewed across the wide adjacent waterplanes.

Below : Contours rise to 26m to the north west and east above the estuary datum, with a distinct 18 m saddle towards the Windermere Bay edge. (Base : GCC)



Leigh Woolley_Architect + Urban Design Consultant_Oct. 2024

Urban Morphology : Settlement transforms the peninsula



The Peninsula formed part of the island landscape of lutrawita, home to the palawa for over 40,000 years. The muwinina who lived on the western shore likely managed the peninsula for millenia, as 'even from the sea, the land approaching Hobart advertised how carefully it was made'.

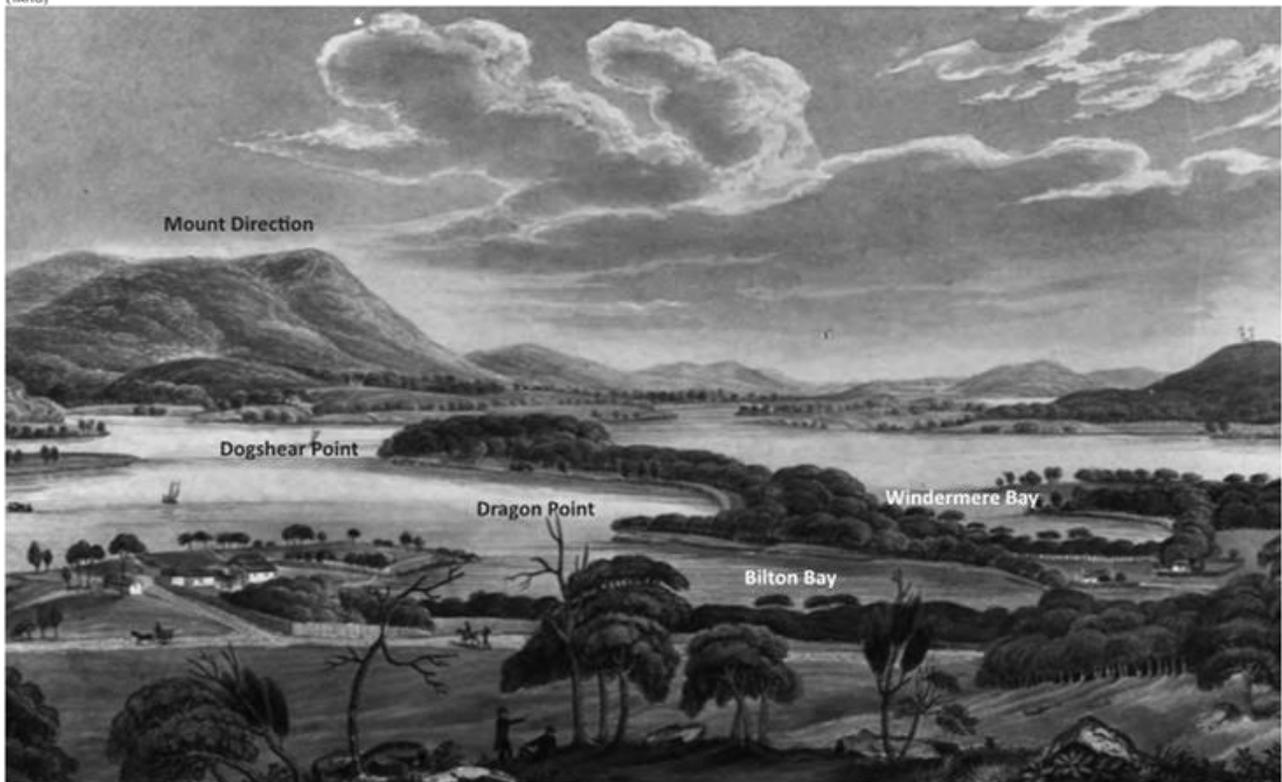
(Gammage p.247)

Colonisation rapidly changed the landscape and as Lycett's 1824 lithograph shows, the nearby land has been fenced with pastoral activities emerging. The character of the peninsula is by contrast densely vegetated. Whether re-growth from abandoned fire managed First Nations practices or not, its cover at this time is extensive.

As Lycett's accurate work also attests, the peninsula is a visually apparent and identifiable landform, being located within the widest expanse of the Derwent Estuary upstream of the harbour.

Right and below : Joseph Lycett. 1824
'Roseneath Ferry, near Hobart Town, VDL.'
(TAHO)

The location of the peninsula within the estuarine valley ensures it is highly visible. The water-plane provides a uniform datum between the rising ground (of Mount Direction) and the containment offered by its landform horizons.



Leigh Woolley_Architect + Urban Design Consultant_Oct. 2024

Military station at Claremont



NS 4785-1-3

Right and below : The breadth and length of the peninsula provided sufficient space for military training and facilities. The focus of the camp was located on the broad 'saddle' toward the centre of the peninsula.

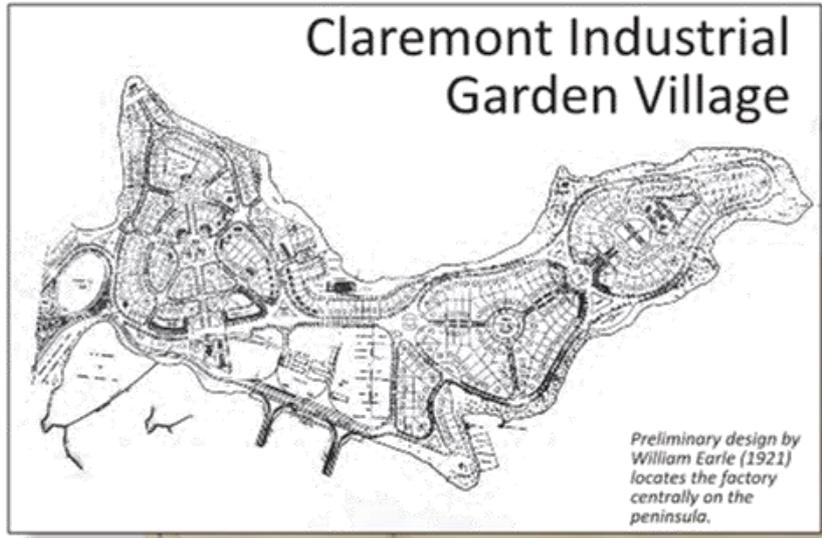
As a detached low-lying tongue of land, the peninsula readily lent itself to use by the Department of Defense as a Remount (horse) Depot, from 1911. With the start of the First

World War the area developed rapidly as a training ground. Already largely denuded of trees by earlier grazing, the width, openness and comparative flatness served the military purpose until 1918.



NS 8695-1-30

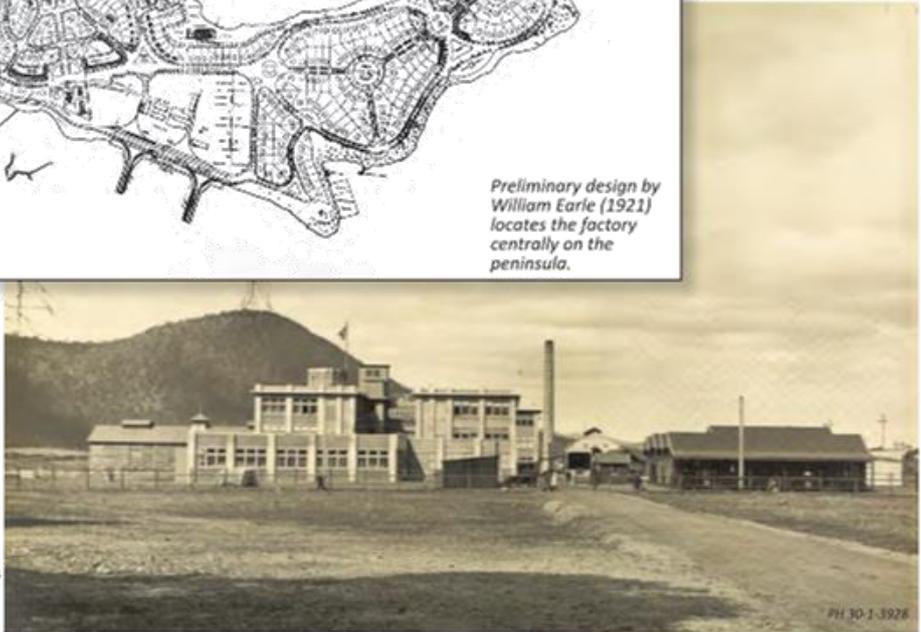
Leigh Woolley _Architect + Urban Design Consultant_ Oct. 2024



Preliminary design by William Earle (1921) locates the factory centrally on the peninsula.

Australia was selected for the first overseas country by Quaker company Cadbury's for their expansion after the First World War. In Jan. 1920 they secured an option for the entire promontory, previously the Claremont Camp. To be developed 'on the lines of Bournville' with sufficient land for every cottage of the workers to have a garden. A 'grandiose' plan was submitted by William Earle in late 1921, before construction of a scaled back plan began the following year.

Right and below : The initial factory buildings and housing built on the then sparsely vegetated peninsula.



PH 30-1-3928



PH 30-1-3926

‘Perhaps the best garden city credentials of any in Australia’ R.Freestone



PH 30.1.3940

Right : The first houses built along Bourneville Crescent retained the former hospital building from Claremont Camp.

Below : The distinctive rectilinear form and horizontal scale of the main factory building, viewing along Bourneville Crescent.

In early 1920 with the remains of the Camp largely removed, the Cadbury brothers inspected the area as a site for their new chocolate factory. Close to rail and shipping services and with a picturesque location, it offered the opportunity to develop housing for their managers and employees nearby. This fitted well with Cadbury’s ethos of setting up a model community with homes, services

and recreational facilities. Although the full extent of Earle’s grand plan was not realised, some 20 homes designed by Bernard Walker, were completed during 1923, the factory having already opened in 1922. The chimney stack, rising to 36 metres, along with the extensive horizontal form of the factory building, identified Cadbury’s rapid progress on the peninsula.



NS 4028-1-1711

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‘..business efficiency and the welfare of employees are but different sides of the same coin..’ George Cadbury



The scale of the factory on the peninsula was most evident prior to the extensive landscaping (and re-vegetation) that was to follow.

Right: Bourneville’s ‘factory in a garden’ now had an antipodean counterpart ‘the factory by mountain and sea’.

Below: In the late 1920’s and 30’s areas surrounding the peninsula included orchards, prior to suburbanisation.

The peninsula was now identified as ‘Cadbury’s’ - an integral part of the Tasmanian manufacturing landscape. Being removed from the more densely settled areas of the

city region, including other industrial headlands down stream, the location ‘by mountain and sea’ was marketed as a distinct advantage.



PH 30-1-3925

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Factory within an 'extended' garden



Right top : Cadbury's 'by mountain and sea' - Harry Kelly's image of the factory in its setting provided an international image for the Clarendon peninsula.

Right and below : The grounds and their (quite formal) landscaping provided an extended amenity for workers and the public.

The formal avenue and border planting to the factory and surrounds, together with the creation of the Clarendon Golf Club from 1928, ensured that the envisaged 'garden village' image was to a large degree achieved. New buildings extended the characteristic forms, including in 1938 Block 7, being 340 feet (103m) in length, constructed from reinforced concrete with blue metal coming from quarries created on the company's golf course. (Architects: Hutchison and Walker.)



NS 1714-1-34



Many of the monolithic concrete buildings that comprised the factory, were designed with flat roofs, originally intended to be flooded with water to provide insulation. This contributed to the distinctive planar horizontal forms and rectilinear character.

By 1953 Cadbury's claimed to be the worlds largest maufacturer of chocolate and cocoa, with the Claremont factory an integral part of its global empire.

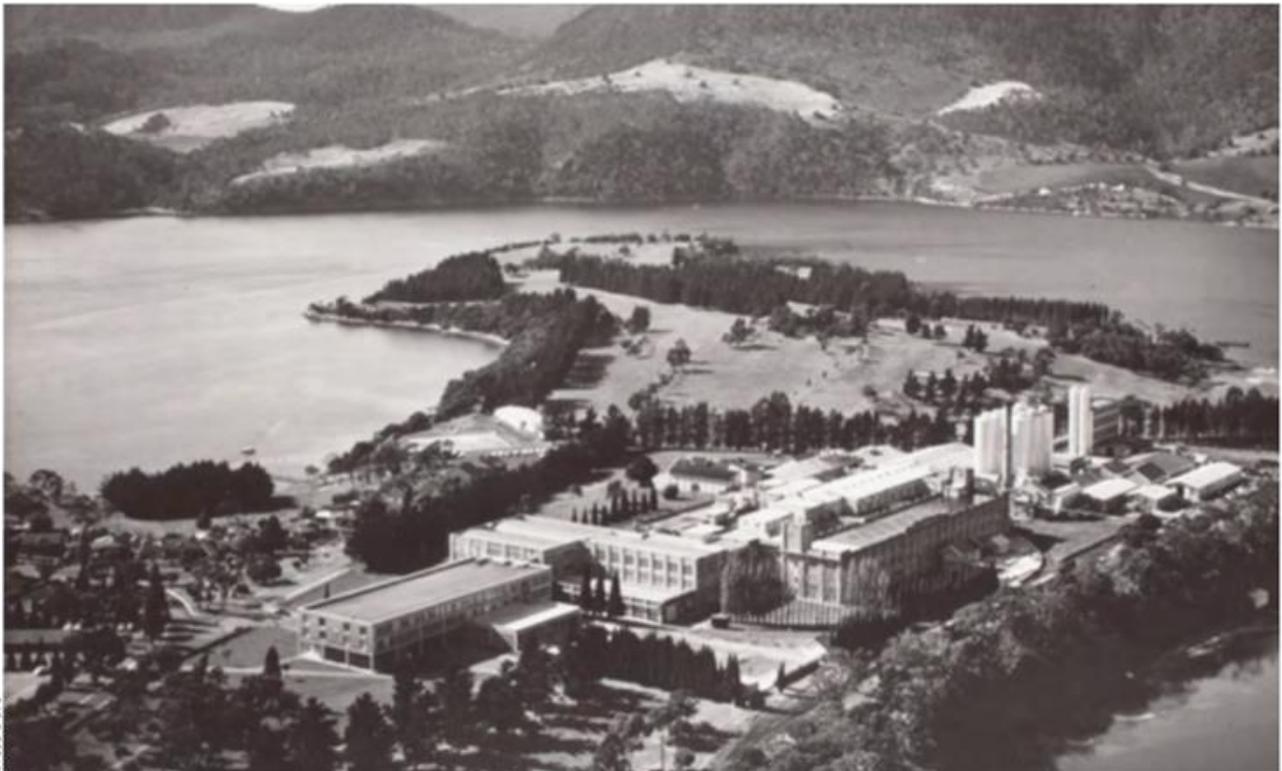
In the 1950's tours of the Claremont factory were initiated. By the 1960's as many as 20,000 visitors per year were shown around the factory. Reputed to be one of the most modern factories in the world, and the largest in the southern hemisphere, it continued to expand.

Substantial new silos were completed by 1964 together with a new office block and canteen. (Architects: Hartley Wilson and Dirk Bolt).

Right above : The factory prided itself on being among the most modern in the world in the 1960's.

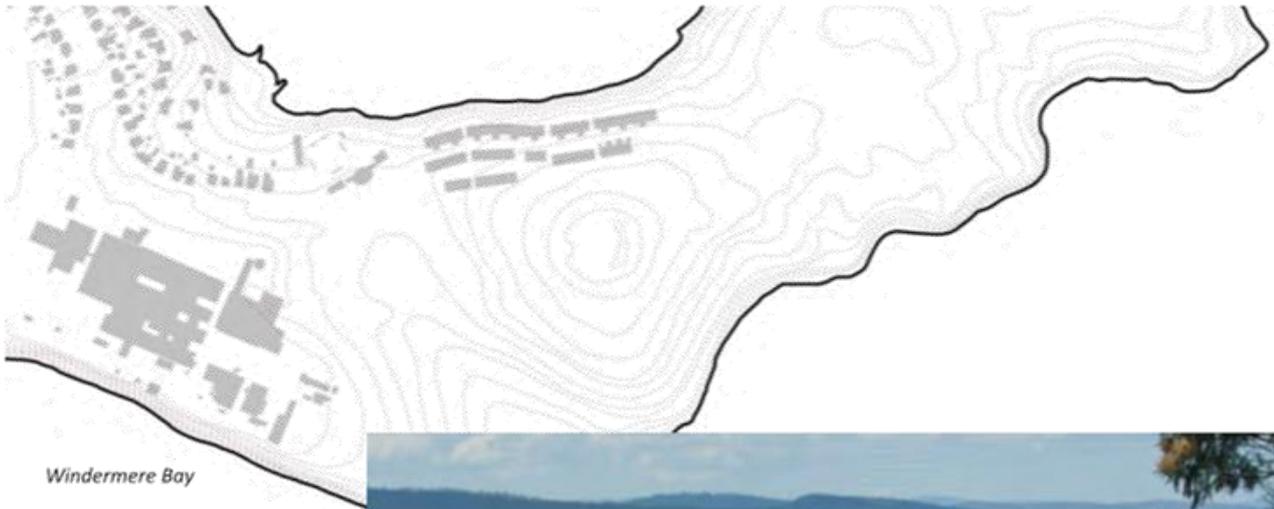
Right : A rail spur was incorporated as part of the original vision and provided direct access for visitors and workers alike. Photo: early 1970's.

Below: Expansions in the 1950's and 1960's gave rise to the current distinctive scale and form of the factory. The golf course was expanded to 18 holes in 1959 before being sold to the Claremont Golf Club in 1973.



44_1031-1-570

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Windermere Bay

Top : The factory is located on a saddle at the south eastern edge of the peninsula facing Windermere Bay. (2 m contours shown - GCC base)



Right : The factory complex viewing south east down the estuary from Poimena Reserve (2011)

Below: Viewing from Old Beach, 2023. Land was sold to the Claremont Golf Club who have replaced the club house and since built new housing fronting Bilton Bay.

The garden village on the peninsula owned by Cadbury-Fry-Pascal continued to grow. By 1971 it comprised eighty two houses, when the company offered them for sale to their tenants. The golf course had already been sold to the Claremont Golf Club, and a new club house constructed in 1982 (Architect : Michael Viney)

Since that time land on the north facing shore of the peninsula has been sold for housing by the club to secure its financial future. Factory tours were discontinued for OHS reasons in 2008, when there were a record 164,000 visitors. The chocolate factory remains the largest in the southern hemisphere.



Leigh Woolley _Architect + Urban Design Consultant _Oct. 2024

Key public vantage points :



The Derwent Estuary is contained in part by the rising and high ground of Mount Faulkner to the west, and Mount Direction to the east and south - east.

Within the Glenorchy Municipality the 'Cadbury' peninsula accentuates the meander of the river, and also defines the expanse of Montrose Bay.



Viewpoint 1

Cadbury Factory Entry / Carpark

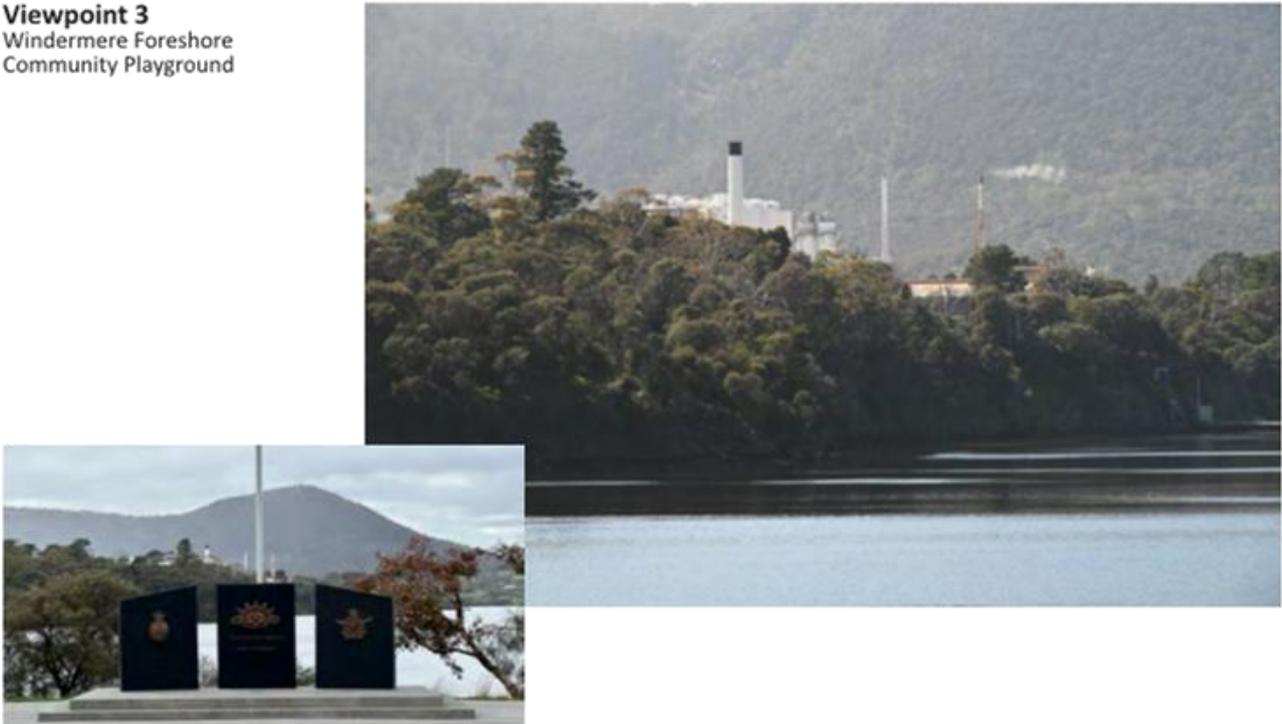


Viewpoint 2

Cadbury Factory waterside
Entry / Avenue



Viewpoint 3
Windermere Foreshore
Community Playground



Viewpoint 4
Curlew Parade / Foreshore



Viewpoint 5
Knights Point / Reserve



Viewpoint 6
Montrose Bay Reserve /
Elwick Bay



Viewpoint 7
Dowsings Point



Viewpoint 8
Woodville Bay



Viewpoint 9
East Derwent Highway



Viewpoint 10 Old Beach Foreshore



Viewpoint 10a Old Beach hillside



Summary

References:

Young, David
The Cadbury Factory Claremont - a history
2015

Freestone, Robert
Model Communities
The Garden City Movement in Australia
1989

McNeill, Barry, / Woolley, Leigh
Architecture from the Edge
The Twentieth Century in Tasmania
2002

Yaxley et al
Behind the Scenery
Tasmania's Landforms and geology
1990

Wadsley, John
A Town of Tents
A history of Claremont Camp and the
Cadbury Peninsula
2023

The factory is located centrally on the peninsula at approximately the 18 m contour, generally aligned north west/ south east along an extended saddle / shelf. The factory 'amplifies' the natural topography with a structure that extends along and reinforces the natural grade with a distinctive horizontal scale, offset by slender chimneys and pronounced cylindrical silos.

The contrast between robust, horizontal and vertical elements of differing shape but uniform tone, identifies this as a factory, set within mature vegetation of the peninsula. Its location and form also reinforces the promontory as a pronounced landform in the estuary. Viewed from each side of the estuary across the waterplane of the harbour, the factory is generally experienced as an elongated form above its formal planting. From some locations it is foreshortened with only the silos and chimneys evident.

The phrase 'by mountain and sea' is both a response to the view of the factory in its historical advertising (based on its location on the peninsula), but also a reference to the horizontal character of the waterplane (harbour / sea) counterposed with the vertical scale of the regional landforms (mountain). Part of the reason that the factory is 'successful' in its setting is that both horizontal and vertical elements of the design are located midway along the peninsula without dominating the whole landform.

The scale of the peninsula itself is diverse, being 1.75 kms long and up to 500 metres wide. Rising to around 25m at its highest, the low lying character within the estuary reinforces both the landform and the built form of the factory as familiar within the city region.

ADVICE FROM EXTERNAL REFERRAL AGENCIES

Derwent Estuary Program Referral Response

Important things to consider for development:

- Ferry access and jetty upgrades; The bay is very shallow, maximum of 2.5m depth near the Windermere Bay jetty. The report does not specify which jetty it plans to use for ferry operation, does the council know if it is the Windermere Bay jetty indicated in the attached map? Does the proposed new ferry plan to dredge to increase the depth of this jetty for ferry access? The Derwent Estuary Program does not recommend dredging due to the risk of remobilising metals in sediment and have published dredging and land reclamation guidelines (DEP 2013).
- Ferry vessel design; Boat wake (energy) and its potential impact is strongly influenced by vessel length, water depth and boat speed (Sorensen, 1973; Glamore, 2008; Gabel et al., 2017). The interactions between these components are complex and have been studied in great depth (Macfarlane et al., 2012). Understanding these interactions is required to understand the environmental impact of vessel wake. The DEP has received multiple anecdotal reports that the MONA ferry has caused significant infrastructure and habitat damage due to speed and frequency of operation. It is critical that boat design and speed of operation be carefully investigated to ensure their appropriateness for the Derwent Estuary prior to commencement of future ferry services.

Important infrastructure and natural values in Windermere Bay with comments:

- Water sensitive urban design (WSUD); The Derwent Estuary Program in collaboration with Glenorchy City Council with support from the Australian Governments Caring for Our Country Program made significant investment to build a passive stormwater treatment wetland in Windermere Bay. The organisation views this as best practice infrastructure for dealing with stormwater treatment in the Derwent Estuary and would highly recommend that this type of design be considered for any stormwater upgrades that are required as part of this proposed development.
- Beach watch Program; During summer months (December – March) the DEP coordinates testing the water quality of swimming sites in the Derwent Estuary, including Windermere Beach. Windermere Beach has continually remained in the Good water quality classification for the past several years. This classification means that the water is safe for swimming, boating, and other recreational activities, providing peace of mind for families and individuals looking to enjoy the beach. A detailed report on the recreational water quality in the Derwent Estuary can be found on our website - [Derwent Estuary RWQ Report 2023-24.pdf \(derwentestuary.org.au\)](#).
- Seagrass; Seagrass meadows are found to occur in Windermere Bay, generally around the shallow, sheltered areas of the bay (please see attached map of likely seagrass extent in Windermere Bay based on a survey conducted by the DEP in the bay in September 2024). A dense seagrass meadow was previously found to occur off Windermere Beach, which was used as a reference site by IMAS PhD student Kelsie Fractal for their seagrass restoration project in Ralphs Bay. However, was found to be no longer present when visited in early 2024 highlighting the dynamic nature of these communities. Increased nutrient loads in coastal waters can promote excessive epiphyte growth which can smother seagrasses (Bulthuis & Woelkerling, 1983; Twilley et al., 1985). At elevated levels

nutrients can suppress net productivity and result in sudden die-offs of seagrass meadows (Connell et al., 2017). Seagrasses are also vulnerable to increased sedimentation and erosion (Cabaco et al., 2008), which would likely be increased with regular ferry operation in the bay (Gabel et al., 2017; Bilkovic et al., 2019). Light limitation due to elevated turbidity is a likely risk in Windermere Bay where ferry wake has potential to resuspend soft sediments/silt sediment present in the bay (Lucieer et al. 2007)

- Saltmarsh communities; Fringing saltmarsh communities are found in the south western corner of Windermere bay. These contain nationally vulnerable 'Temperate Coastal Saltmarsh' vegetation communities. The Derwent Estuary Program in collaboration with the Glenorchy City Council are currently undertaking a saltmarsh restoration project in the bay. These low-lying areas are particularly vulnerable to changes in hydrodynamics. Studies have found that commercial vessel operation can result in increased sediment transport out of low-lying marsh areas (Osborne & Boak, 1999; Davis et al., 2009), making them extremely vulnerable to erosion at the fringes of the marsh area exposed to boat wake. This is particularly concerning for fringing saltmarsh on the southern bank of Windermere Bay, which due to their small area and steep bank means they could be eroded away entirely.
- New boardwalk; The Glenorchy City Council have planning approval to upgrade and extend the boardwalk through the Windermere Bay saltmarsh and over Faulkners Rivulet, which was identified as a priority area in the council-wide Paths, Tracks and Trails Survey. Given the proximity of this boardwalk to the waters edge, need to ensure that this infrastructure can withstand regular commercial boat wake, which was not included in the coastal vulnerability assessment of the site for this project (GES, 2020).
- Coastal erosion; Windermere Bay and Windermere Beach have stretches of [soft, muddy foreshore](#) that are susceptible to erosion (Lacey, 2016). Boat wake waves are a well-established cause of shoreline erosion in estuarine waters and have previously been observed in places such as the Gordon River estuary, Tasmania (Bradbury, 2007). Field observations by the DEP show that coastal erosion and foreshore retreat are already significant issues in Windermere Bay and more broadly throughout the Derwent Estuary (Sharples, 2022). Continuous ferry operations in Windermere Bay are likely to exacerbate issues associated with foreshore erosion.

Advice from Aboriginal Heritage Tasmania (AHT)

Please be aware a number of Aboriginal heritage sites have been recorded within the project area. Additionally, the wider Derwent Estuary is known to be culturally rich with Aboriginal heritage recorded along the foreshore and surrounds, in both disturbed and undisturbed contexts. Our records suggest the project area has not been comprehensively assessed, and therefore additional unrecorded Aboriginal heritage may be present. On reviewing the planning scheme amendment application, we note that the concept design for the proposed development is still in the very early stages, and an Aboriginal heritage assessment is proposed to be carried out to inform this design. Once AHT have had the opportunity to review and comment on the Aboriginal heritage assessment report, we will be in a position to provide comment on the proposal. The proponent should be aware that all Aboriginal heritage assessments throughout Tasmania must meet the Aboriginal Heritage Standards and Procedures. Further relevant information about the Aboriginal heritage assessment process may be found on our website <https://www.aboriginalheritage.tas.gov.au/assessment-process>."

Advice from TasNetworks

The proponent is advised to contact TasNetworks Early Engagement team at early.engagement@tasnetworks.com.au when looking to progress the future development if an upgrade to the electricity supply is required.”

Advice from TasWater

TasWater does not object to the proposed amendment to the Planning Scheme as mentioned above and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings as stated in the attached amended SPAN.

Advice from TasGas

Tas Gas Network (TGN) holds no objections regarding the planning application PLAM/24/01 at 100 Cadbury Road, Claremont.

ATTACHMENT 2
PLANNING SCHEME AMENDMENT PLAM-24/01 –
STATUTORY ASSESSMENT AGAINST LUPAA REQUIREMENTS

Statutory Assessment – Response to criteria requirements for Local Provisions Schedule under LUPAA

The following is an assessment of the *modified amendment recommended by Council officers* against the legislative requirements of LUPAA.

Section 34(2) of LUPAA requires a relevant planning instrument to meet all of the following criteria:

(a) contains all the provisions that the SPPs specify must be contained in an LPS

The recommended planning scheme amendment (draft amendment) applies to land at 100 Cadbury Road, Claremont (the subject site). The draft amendment seeks to apply the Cadbury Visitor Experience Specific Area Plan (SAP), which complies with the SPP requirements for an LPS as set out in Clause LP1.0 and Appendix A of the SPPs.

(b) is in accordance with [section 32](#)

This section identifies the technical aspects of a Local Provisions Schedule (LPS) such as inclusion of zone maps and overlay, and what additional local provisions can be included if permitted to do so under the State Planning Provisions (SPPs), to add to or override the SPPs. The draft amendment accords with the content requirements of the LPS under S32.

Section 32(4) identifies that a LPS may only include these additional local provisions where:

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area;
or
- (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 draft amendment includes:

- a new specific area plan in the Glenorchy LPS known as the Cadbury Visitor Experience Specific Area Plan;
- a map overlay that provides for the spatial application of the Cadbury Visitor Experience SAP;
- provisions in the Cadbury Visitor Experience SAP that override and modify provisions of the SPPs; and

- provisions in the Cadbury Visitor Experience SAP that are not a provision of the SPPs, but are permitted by the SPPs to be included in an LPS.

The Cadbury Visitor Experience SAP seeks to facilitate the Tourist Operation use, which is prohibited in the General and Light Industrial Zones. This proposal is designed to complement the existing Cadbury Chocolate Factory, which is listed as local heritage place GLE-C6.1.24 – Cadbury Industrial Estate – Factory under the Glenorchy LPS. The SAP includes use controls to ensure that the new use does not interfere with the factory’s primary industrial function or adversely impact nearby residential areas in terms of noise, hours of operation, lighting, or scale. The SAP also includes controls to ensure that any development respects the specific heritage significance, setting, and landscape qualities of the Cadbury Industrial Estate, a local heritage site. It is considered the recommendation to introduce a new Cadbury Visitor Experience SAP to the Glenorchy LPS will meet both Section 32(4) (a) and (b) of LUPAA as discussed below.

Compliance with S32(4)(a):

The proposed amendment supports a significant potential development to introduce a new Cadbury visitor experience at Tasmania’s historic Cadbury factory which has significant social, industrial, and heritage values. According to the application documents, the anticipated project is expected to generate substantial economic benefits, including job creation during construction and operation, and attract over 500,000 visitors annually, contributing \$120 million to the Tourism economy each year. The potential development would have a positive social and economic impact on both the Glenorchy municipality and the broader Greater Hobart area. Therefore, it is considered the draft amendment meets S32(4)(a) of LUPAA.

Compliance with S32(4)(b):

The Cadbury factory site’s particular spatial qualities necessitate unique provisions beyond the standard SPPs. These qualities include:

- **Proximity to Residential Zone:** The site borders a General Residential Zone (GRZ), which is atypical for a General Industrial Zone (GIZ). Ordinarily, separation between GIZ and residential land means that most industrial uses within the GIZ are not required to take measures to mitigate amenity impacts on nearby residential areas. Instead, the C9.0 Attenuation Code considers loss of residential amenity from potential emissions when more impactful industrial uses are near sensitive uses and vice versa. Some industrial uses – including the Cadbury factory – are also regulated as Level 2 activities by the Environmental Protection Authority (EPA). As such, the GIZ has no separate use standards to consider amenity impacts on residential zones. Typically a Tourist Operation use, when allowed in other zones, includes consideration of impacts on amenity to nearby residential zones. Given the potential scale of the future use, its non-industrial character within GIZ, and the lack of amenity controls within the underlying zone, additional controls are needed to address the potential impact on the nearby residential zones.

- **Heritage Significance:** The Cadbury Industrial Estate – Factory is identified as a local heritage place and is a significant example of Australian garden-city inspired industrial development, uniquely integrating a factory with a carefully planned landscape, as described in the Statement of Local Historic Heritage Significance under GLE-C6.1.24. The estate reflects the principles of the garden city movement, similar to Cadbury’s Bournville estate in the UK. The estate retains significant historical features additional to the historically significant buildings, including the factory’s landscape setting, historical rail, vehicular, and pedestrian approaches to the main entrance. A tailored control is required to replace the generic control in the C6.0 Local Historic Heritage Code, to allow for consideration of a non-industrial development anticipated to be located within the highly significant riverside, open space setting, which are central elements to its heritage value, noting the significance of the place relates to “an *industry* in a garden”. The generic C6.6.4 control under the SPPs for siting of buildings and structures relates only to setbacks, and doesn’t include consideration of the relationship between landscaping, works and buildings within the site, or explicit consideration of setting. These considerations are pivotal to the Cadbury estate’s heritage significance. Without a new control that explicitly considers “setting” at the siting and location stage, there is a clear risk of inappropriate development compromising the unique heritage character and significance of the Cadbury estate.
- **Prominent Location:** Historically, the site was chosen for its unique and large land size, affordability, and prominent location overlooking the Derwent Estuary, as part of Cadbury’s ‘factory by mountain and sea’ philosophy.

The Cadbury Peninsula is unique due to its prominent location within the Derwent Estuary, where its low-lying, elongated form is highly visible and distinct. As a pronounced landform, the peninsula is experienced both "down to" from surrounding elevated areas and "across to" over the waterplane, creating a natural amphitheatre that accentuates its visual prominence. The central siting of the Cadbury factory enhances the peninsula's distinctive character, with its horizontal scale and vertical elements—such as silos and chimneys—amplifying the natural topography without overwhelming the landform. This combination of location, form, and integration with the surrounding landscape makes it a regionally significant and visually iconic site, which is an integral part of the ‘Garden city’ design principles underpinning the site’s heritage values¹. While there are several landforms jutting into the Derwent River within Glenorchy, the existence of the historic Cadbury ‘factory by mountain and sea’ is unique and as such, warrants additional controls to consider key visual aspects of the site.

For the above reasons, it is considered the site is unique and requires specific provisions, and therefore meets S32(4)(b) of LUPAA.

(c) furthers the objectives set out in Schedule 1 of LUPAA

Assessment of the amendment against the Schedule 1 objectives is provided in the following table.

¹ Cadbury Industrial Estate, Visual Qualities Review, October 2024 found in Attachment 1 – Internal and External Referrals

Part 1 Objectives	Comment
<p>(a) <i>to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i></p>	<p>The proposal allows for economic growth in an urban location with no threatened species or vegetation communities on or near the subject land. While the River Derwent plays a key ecological role, it is also heavily used for recreation and ferry transport and has a history of contamination from industrial activities. The recommended SAP will not harm the environment, provided that adequate assessment measures are applied to future development, as ensured by the existing code overlays within the SPPs. Additionally, should the amendment be approved and any development seeks to include a ferry terminal, existing regulatory mechanisms governing ferry and boat transport administered by other authorities will continue to apply.</p> <p>Accordingly, the amendment is considered to further Objective (a) of Part 1</p>
<p>(b) <i>to provide for the fair, orderly and sustainable use and development of air, land and water</i></p>	<p>There are no use operation controls within a General Industrial Zone – with industries primarily being managed through C9.0 Attenuation Code and via permits issued by the Environmental Protection Authority (EPA). This means that the introduction of a new use such as the proposed Tourist Operation could, for example, operate 24 hours 7 days a week with no ability under the planning scheme to assess and manage impacts as C9.0 Attenuation Code would not apply and the use would not trigger assessment by the EPA. The amendment seeks to include standards that enable the proposed Tourist Operation to be considered in terms of its impact on residential amenity, and consequently promotes fair and orderly planning.</p> <p>Additionally, the controls in the Light and General Industrial Zones to protect the operation of industrial activities (standards 18.3.2 and 19.21) only apply to discretionary uses on surrounding land – not uses on the same site. The amendment seeks to include standards</p>

	<p>that ensure sustainable use and development of the existing factory and minimise potential for the proposed Tourist Operation to compromise the industrial use of the site.</p> <p>The standards proposed in the recommended SAP will ensure fair, orderly and sustainable use and development of air, land and water.</p> <p>Accordingly, the amendment is considered to further Objective (b) of Part 1</p>
<i>(c) to encourage public involvement in resource management and planning</i>	<p>The applicant has proactively undertaken informal public consultation; however, this is outside of the formal planning scheme amendment processes. The statutory process for assessment of planning scheme amendments involves a public notification period. Any representations received will be considered by the Planning Authority. The Planning Authority is required to report on any representations to the Tasmanian Planning Commission, which in turn may hold public hearings into representations.</p> <p>Accordingly, the amendment is considered to further Objective (c) of Part 1</p>
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	<p>The anticipated use and development is expected to generate substantial economic benefits, including job creation during construction and operation, and attract over 500,000 visitors annually, contributing \$120 million to the local economy each year. With the standards in the SAP to consider residential amenity impacts, reduce potential for the Tourist Operation to compromise existing Cadbury Factory operations and ensure heritage values of the site are protected, the economic opportunities presented by the proposal are considered to align with the objectives of (a), (b) and (c).</p> <p>Accordingly, the amendment is considered to further Objective (d) of Part 1</p>

<p>(e) <i>to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i></p>	<p>Community, industry and other government agencies will have the opportunity to comment on the amendment controls during the exhibition process. The proposed controls address amenity impacts that are not otherwise regulated by the EPA.</p> <p>Accordingly, the amendment is considered to further Objective (e) of Part 1</p>
<p>Part 2 Objectives</p>	
<p>(a) <i>to require sound strategic planning and co-ordinated action by State and local government</i></p>	<p>The amendment aligns with strategic planning in the region and municipality, coordinated through the Southern Tasmania Regional Land Use Strategy (STRLUS) and the Glenorchy Strategic Plan 2023-2032. It supports and contributes to tourism, which is a key regional policy in STRLUS, and therefore benefits the Tasmanian economy, and encourages business growth and tourism in the local area, as per the Glenorchy Strategic Plan. The standards in the draft amendment to ensure residential amenity and heritage and landscape values of the site are protected, also reflect a holistic approach to the consideration of the proposed Tourist Operation at 100 Cadbury Road – facilitating the ability for the new use to operate in harmony with surrounding residential land, existing Cadbury Factory and significant heritage values of the site.</p> <p>Accordingly, the amendment is considered to further Objective (a) of Part 2</p>
<p>(b) <i>to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land</i></p>	<p>The proposed amendment includes a new specific area plan which sets the plan purpose and includes specific planning controls to ensure the land is developed efficiently and appropriately.</p> <p>Accordingly, the amendment is considered to further Objective (b) of Part 2</p>
<p>(c) <i>to ensure that the effects on the environment are considered and provide for explicit consideration of</i></p>	<p>The future development of the land will benefit the area's economic and social aspects without causing unmitigated environmental impacts. Existing planning scheme provisions</p>

<p><i>social and economic effects when decisions are made about the use and development of land</i></p>	<p>within the TPS-G would be sufficient to manage the environmental impacts of future development, and no additional further provisions are needed in this respect.</p> <p>The standards under the SAP to consider residential amenity ensure explicit consideration is given to social effects – noting that without these standards the impacts on the amenity of residential zones would not be considered under the current planning scheme. The standards also give explicit consideration to economic impacts by enabling assessment of the impact of the new Tourist Operation use on the operations of the existing factory on site, to ensure it is not compromised.</p> <p>In addition, the social and economic benefits of the proposed amendment are significant, given the opportunity for increased economic benefit and jobs both during the construction phase and continued through the operational phase.</p> <p>Accordingly, the amendment is considered to further Objective (c) of Part 2</p>
<p>(d) <i>to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels</i></p>	<p>The draft amendment aligns with the environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.</p> <p>Accordingly, the amendment is considered to further Objective (d) of Part 2</p>
<p>(e) <i>to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals</i></p>	<p>No combined planning application is included with the proposed amendment. The draft amendment ensures coordinated future development by providing clarity on the additional permissible use and associated use and development standards. Further, the draft amendment does not interfere with the coordination of planning approvals and related approvals that may be required in the future (such as TasWater and TasNetworks approvals).</p>

	Accordingly, the amendment is considered to further Objective (e) of Part 2
(f) <i>to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation</i>	<p>The draft amendment will support job creation, boost the tourism economy, and offer a unique experience for both Tasmanians and visitors.</p> <p>The standards under the SAP to consider residential amenity (noting that without these standards the impacts on the amenity of residential zones would not be considered under the current planning scheme) and to tailor heritage protection for the specific values of the site will ensure the amendment can achieve a pleasant and safe living environment for existing residents and visitors.</p> <p>Accordingly, the amendment is considered to further Objective (f) of Part 2</p>
(g) <i>to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	<p>The subject site is recognised as a local heritage place GLE-C6.1.24 – Cadbury Industrial Estate – Factory. The recommended amendment will enable development that respects and aligns with the site's historical significance. Heritage elements will be protected through the application of the C6.0 Local Historic Heritage Code within the SPPs and the recommended SAP.</p> <p>Preliminary investigations have identified known Aboriginal heritage sites, along with the potential for additional sites. Further investigation and consultation with Aboriginal Heritage Tasmania (AHT) will be required prior to commencing any development at the future stage. The subject request was referred to AHT, and any future planning application involving works will also be referred to AHT for noting. However, it is to be noted that Aboriginal Heritage conservation is outside of the scope of LUPAA.</p> <p>Accordingly, the amendment is considered to further Objective (g) of Part 2.</p>

<p>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community</p>	<p>The draft amendment will not unreasonably affect the efficient and coordinated provision of public utilities and facilities.</p> <p>Further assessments will be required at the future development application stage to ensure the proposed development does not negatively impact public infrastructure or assets. Depending on the scale and intensity of future development, road infrastructure upgrades may be required to enhance network efficiency. Any such upgrades would require relevant approvals from Council, both as the landowner and infrastructure provider, to ensure proper coordination and delivery of utilities.</p> <p>Accordingly, the amendment is considered to further Objective (h) of Part 2</p>
<p>(i) to provide a planning framework which fully considers land capability.</p>	<p>It is considered the recommended SAP (which enables assessment of future development in respect to residential amenity impact, impacts on heritage values and impacts on industrial use of the site) along with all the applicable controls within the TPS-G, provide a planning framework which fully considers land capability.</p> <p>Accordingly, the amendment is considered to further Objective (i) of Part 2.</p>

(d) is consistent with each State policy;

Assessment of the amendment against the various policies is provided in the following table

State Policy	Comment
State Policy on the Protection of Agricultural Land 2000.	The proposal does not involve the conversion of any agricultural land to non-agricultural use.

<p><i>State Policy on Water Quality Management 1997</i></p> <p>Specific outcomes to achieve water quality objectives are specified under the following divisions:</p> <ul style="list-style-type: none"> ▪ Division 1 – Measure to achieve policy objectives ▪ Division 2 – Management of point sources of pollution ▪ Division 3- Management of diffuse sources of pollution. 	<p>The proposed amendment per se would not result in an increase in sediment transport to surface waters, and does not increase the potential extent of sediment transport from future development.</p> <p>Any future planning permits issued for developments in the subject site will require that appropriate water quality management measures are put in place at the time of works.</p> <p>The proposal is considered to align with the <i>State Policy on Water Quality Management 1997</i>.</p>
<p><i>State Coastal Policy 1996.</i></p> <p>The key principles are:</p> <ul style="list-style-type: none"> ▪ Natural and Cultural values of the coast shall be protected ▪ The coast shall be used and developed in a sustainable manner ▪ Integrated management and protection of the coastal zone is a shared responsibility. 	<p>The proposed Tourist Operation use and potential associated development facilitated by the amendment would be situated within the coastal zone as the subject site immediately adjoins the Derwent Estuary to the south. Future use and development enabled by the draft amendment, potentially including ferry-based water access, may rely on existing infrastructure, such as the current jetty adjoining the site. It is also important to note the urban character of this coastal area.</p> <p>While some potential negative impacts to the Derwent Estuary may be anticipated due to ferry operations (should this be proposed), these may be balanced by broader benefits such as reduced road congestion, lower vehicle emissions, and decreased reliance on cars. All future use and development, including ferry-based transport and associated infrastructure, will remain subject to relevant planning controls. Any proposals will be assessed against planning scheme zones and codes to ensure the protection of coastal values during the planning permit assessment process.</p> <p>The amendment retains all existing planning controls for the coast, ensuring ongoing compliance with the objectives, principles, and outcomes of the <i>State Coastal Policy 1996</i>. Additionally, existing regulatory mechanisms governing ferry and boat transport administered by other authorities will continue to apply.</p>

	The proposal is considered to align with the <i>State Coastal Policy 1996</i> .
<p><i>National Environmental Protection Measures</i></p> <p>National Environment Protection Measures (NEPM) are automatically adopted as State Policies under section 12A of the <i>State Policies and Projects Act 1993</i> and are administered by the Environment Protection Authority.</p> <p>The NEPMs relate to:</p> <ul style="list-style-type: none"> ▪ ambient air quality ▪ ambient marine, estuarine and fresh water quality ▪ the protection of amenity in relation to noise (but only if differences in markets for goods and services) ▪ general guidelines for the assessment of site contamination ▪ environmental impacts associated with hazardous wastes ▪ the re-use and recycling of used materials. <p>Principle 5 of the NEPMs states that planning authorities <i>'that consent to developments, or changes in land use, should ensure a site that is being considered for development or a change in land use, and that the authorities ought reasonably know if it has a history of use that is indicative of potential contamination, is suitable for its intended use.</i></p>	<p>The draft amendment allows for a new use at the site being Tourist Operation, which is not a sensitive use. Given the industrial nature of the site, any contamination issues that are identified would be addressed under C14.0 Potentially Contaminated Land Code.</p> <p>In relation to air and water quality, the SPP stormwater provisions, the Natural Assets Code and Attenuation Code, the <i>Urban Drainage Act 2013</i> and the <i>Environmental Management and Pollution Control Act 1994</i> will continue to apply, addressing impacts of potential future development in the SAP area.</p> <p>The proposal is considered to align with the <i>National Environmental Protection Measures</i>.</p>

(da) satisfies the relevant criteria in relation to the TPPs;

The Tasmanian Planning Polices have not been implemented.

(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;

The regional land use strategy for Glenorchy is the *Southern Tasmanian Regional Land Use Policy 2010-2035* (STRLUS). Comments against the relevant STRLUS strategies are provided below:

Relevant STRLUS strategies	Comment
<p>Biodiversity and Geodiversity</p> <p>BNV 1: Maintain and manage the region’s biodiversity and ecosystems and their resilience to the impacts of climate change</p> <p>BNV 1.2: recognise and protect biodiversity values deemed significant at the local level and ensure that the planning schemes:</p> <p>(a) specify the spatial area I which biodiversity values are to be recognised and protected; and</p> <p>(b) implement an ‘avoid, minimise, mitigate’ hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.</p>	<p>The subject site has been significantly altered from its natural state and is classified as modified land under the TASVEG 4.0 database. There are no threatened native vegetation communities, nor are there any recorded instances of threatened fauna or flora species on the site. The relevant Code overlays related to Natural Values will remain in effect for the assessment of any future planning permit applications. As such, the draft amendment is consistent with this strategy.</p>
<p>Water resources</p> <p>WR 1: Protect and manage the ecological health, environmental values and water quality of surface and groundwater, including waterways, wetlands and estuaries.</p>	<p>While future use and development enabled by the draft amendment may include ferry-based water access, the amendment retains all existing planning controls for the coast, ensuring the continued protection of the coastline and the Derwent Estuary. Furthermore, existing regulatory mechanisms governing ferry and boat transport, as administered by</p>

<p>WR 1.3: Include buffer requirements in the planning scheme to protect riparian areas relevant to their classification under the Forest Practices System.</p> <p>WR 2 Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values.</p> <p>WR 2.3 Minimise clearance of native riparian vegetation</p>	<p>other authorities, will remain in place. As such, the draft amendment is consistent with this strategy.</p>
<p>The Coast</p> <p>C 1: Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast.</p> <p>C 1.1: Use and development is to avoid or minimise clearance of coastal native vegetation.</p>	<p>The draft amendment retains all existing planning controls for the coast, ensuring continued protection and consideration of any potential impacts on the coastline and its environmental values. It will also strengthen the protection of European heritage values through the introduction of a new, tailored control to guide development response to the specific heritage values of the site. Additionally, the amendment will not affect the protection of Aboriginal heritage, which will be addressed at any future development application stage by Aboriginal Heritage Tasmania. As a result, the draft amendment is consistent with this strategy.</p>
<p>Managing Risks and Hazards</p> <p>MRH 2: Minimise the risk of loss of life and property from flooding.</p> <p>MRH 2.2: Include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to manage residual risk.</p> <p>MRH 3: Protect life and property from possible effects of land instability.</p>	<p>The subject site is subject to landslip, coastal erosion and flood hazard overlays. However, the draft amendment retains all existing planning controls for hazards, ensuring continued protection and the consideration of necessary mitigation measures during any future planning permit application stage. As such, the draft amendment is consistent with this strategy.</p>
<p>Cultural Values</p> <p>CV 2 Recognise, retain and protect historic cultural heritage values within the region for their character, culture, sense of</p>	<p>The subject site is recognised as Heritage Place GLE-C6.1.24 – Cadbury Industrial Estate – Factory. The draft amendment introduces a new control within the SAP that replaces a general heritage consideration with a more tailored approach, specifically designed to</p>

<p>place, contribution to our understanding history and contribution to the region's competitive advantage.</p> <p>CV 2.5 Base heritage management upon the Burra Charter and the HERCON Criteria, with heritage code provisions in planning schemes drafted to conform with relevant principles therein.</p>	<p>protect the unique heritage elements of this site. These elements contribute to preserving the site's character, cultural significance, sense of place, historical understanding, and its regional context. As such, the draft amendment is consistent with this strategy.</p>
<p>Recreation & Open Space</p> <p>ROS 1 Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and wellbeing, amenity, environmental sustainability and the economy.</p>	<p>Although part of the site is zoned Open Space and the factory gardens are informally used by the public for walking and cycling, connecting to nearby public open spaces, the land is still part of a private lot entitlement. However, the applicant has indicated that public access to the landscaped and open areas will be preserved in future stages when the anticipated visitor experience is operational. As such, the draft amendment is consistent with this strategy.</p>
<p>Tourism</p> <p>T 1 Provide for innovative and sustainable tourism for the region</p> <p>T1.1 Protect and enhance authentic and distinctive local features and landscapes throughout the region.</p> <p>T1.2 Identify and protect regional landscapes, which contribute to the region's sense of place, through planning schemes.</p> <p>T1.6 Recognise, planning schemes may not always be able to accommodate the proposed tourism use and development due to its innovative and responsive nature.</p> <p>T1.7 Allow for objective site suitability assessment of proposed tourism use and development through existing</p>	<p>The draft amendment supports a new tourism use while ensuring the protection and enhancement of the distinctive local features and character of the subject land. These features will be safeguarded through both existing planning scheme provisions and the proposed additional controls. As such, the draft amendment is consistent with this strategy.</p>

non-planning scheme based approval processes (43A application).	
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(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 municipal strategic plan is the *Glenorchy Strategic Plan 2023-2032*. The amendment is consistent with the following objectives:

- Making lives better
We champion greater opportunities for our community.
- Building Image and Pride
We nurture and celebrate our proud and vibrant City with its strong sense of belonging.
- Open for Business
We value our community by delivering positive experiences.
- Valuing our Environment
We protect and manage our City's natural environment and special places now and for the future.

The draft amendment aligns with the Strategic Plan and its objectives by fostering a progressive approach that promotes investment and job creation while safeguarding the iconic heritage place. This site holds a deep sense of culture and belonging, not only within the municipality but also across Tasmania as a whole, and the draft amendment protects these values appropriately.

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;

Brighton and Clarence are the only two 'adjacent' municipal areas to Glenorchy that operate under the Tasmanian Planning Scheme. (Noting Derwent Valley, Huon Valley, Hobart and Kingborough are yet to implement their state planning schemes.) However, both these municipalities are across the Derwent River, nearly a kilometre away, and the impacts of this proposed planning scheme amendment are primarily local. As the amendment seeks to facilitate a new

Tourist Operation use within the site with tailored controls applicable to the new use and associated development, it is considered that there is no practical or strategic advantage in seeking to co-ordinate the controls with the LPS controls across the river, and the amendment can be considered to satisfy this requirement.

(h) has regard to the safety requirements set out in the standards prescribed under the [Gas Safety Act 2019](#).

The site is located at least 300m away from the gas secondary distributor pipeline, as shown under Figure 1 below.



Figure 1: Aerial image showing location of TasGas Declared Gas Pipeline Corridor in relation to the subject site (Source: LIST maps, Extracted 18 December 2024)

ATTACHMENT 3
PLANNING SCHEME AMENDMENT PLAM-24/01
RECOMMENDED MODIFIED AMENDMENT DOCUMENTS

GLENORCHY CITY COUNCIL

**CERTIFICATION OF DRAFT AMENDMENT UNDER SECTION 40F LAND USE PLANNING
AND APPROVALS ACT 1993**

The Planning Authority has prepared the attached draft amendment, Amendment PLAM-24/01, to the Glenorchy Local Provisions Schedule.

The Planning Authority:

- has determined that it is satisfied that the draft amendment meets the LPS Criteria specified in Section 34 of the Land Use Planning and Approvals Act 1993; and
- in accordance with Section 40F (2) of the Land Use Planning and Approvals Act 1993 certifies that the draft amendment so meets those requirements.

**In witness where of the common seal of
Glenorchy City Council has been affixed on the**

28th day of *JANUARY* 20*25*

as authorised by Council in the presence of:



Council Delegate



**GLENORCHY LOCAL PROVISIONS SCHEDULE
AMENDMENT PLAM-24/01**

The Glenorchy Local Provisions Schedule is amended as follows:

Land affected by this amendment:

100 Cadbury Road, Claremont

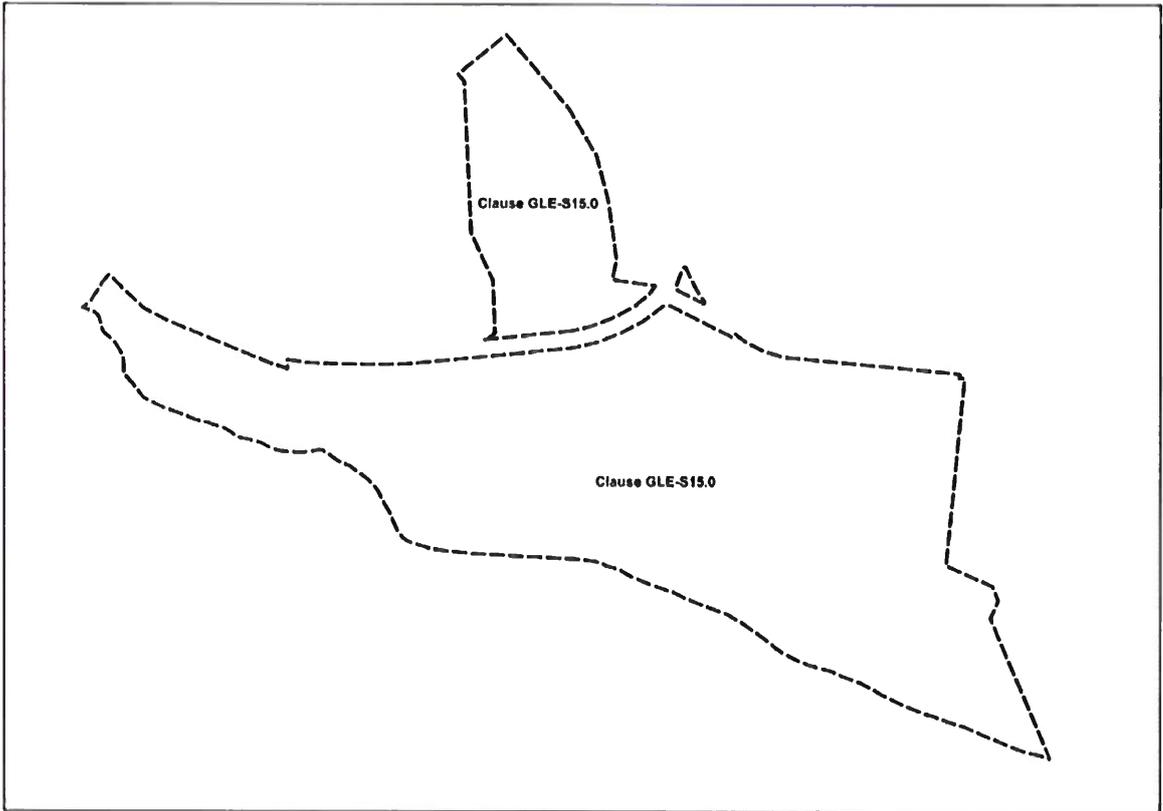
The Planning Scheme ordinance is amended as follows:

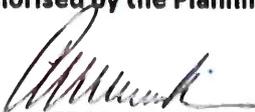
1. Insert GLE-S15.0 Cadbury Visitor Experience Specific Area Plan, as shown in Annexure 1.
2. Insert a new row into the GLE-Applied, Adopted or Incorporated Documents as shown below, with associated document in Annexure 2.

Document Title	Publication Details	Relevant Clauses in the LPS
<i>The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013</i>	Australia ICOMOS Incorporated, Burwood, VIC, 2013	GLE-S15.7.1 P1.

The Planning Scheme maps are amended as follows:

1. Insert the specific area plan extent overlay for GLE-S15.0 Cadbury Visitor Experience Specific Area Plan on the land at 100 Cadbury Road, Claremont, as shown below.



The common seal of the Glenorchy City Council has been
affixed on the
28th JANUARY 2025 (date)
as authorised by the Planning Authority in the presence of:


Council Delegate



Annexure 1

GLE-S15.0 Cadbury Visitor Experience Specific Area Plan

GLE-S15.1 Plan Purpose

The purpose of the Cadbury Visitor Experience Specific Area Plan is:

GLE-S15.1.1 To allow for the use and development of a Cadbury Visitor Experience, associated with the Cadbury Chocolate Factory, as a Tourist Operation use including ancillary uses directly associated with and subservient to that use.

GLE-S15.1.2 To ensure that the Tourist Operation use does not interfere with or undermine the primary industrial use of the site.

GLE-S15.1.4 To ensure that the Tourist Operation does not cause an unreasonable loss of residential amenity in the adjacent residential zone, through scale, intensity, noise, lighting, hours of operation, commercial vehicle movement, or other off-site impacts.

GLE-S15.1.5 To ensure that development for the Tourist Operation is designed to respect the heritage significance of the Cadbury Industrial Estate – Factory local heritage place, its setting, and key views of the place, while being responsive to the site's landform and landscape qualities.

GLE-S15.2 Application of this Plan

GLE-S15.2.1 This specific area plan applies to the area of land designated as GLE-S15.0 Cadbury Visitor Experience Specific Area Plan on the overlay maps and in Figure GLE-S15.1.

GLE-S15.2.2 In the area of land this plan applies to, the provisions of the Specific Area Plan are in addition to and in substitution for the provisions of:

- (a) Light Industrial Zone;
 - (b) General Industrial Zone; and
 - (c) Local Historic Heritage Code,
- as specified in the relevant provision.

GLE-S15.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

GLE-S15.4 Definition of Terms

This sub-clause is not used in this specific area plan.

GLE-S15.5 Use Table

This sub- clause is in substitution for the Light Industrial Zone – Clause 18.2 Use Table and General Industrial Zone – Clause 19.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities.
Permitted	
Emergency Services	
Equipment and Machinery Sales and Hire	
Manufacturing and Processing	
Port and Shipping	
Recycling and Waste Disposal	If in the General Industrial Zone.
Research and Development	
Resource Processing	If in the General Industrial Zone.
Service Industry	
Storage	
Transport Depot and Distribution	
Utilities	If not listed as No Permit Required in the General Industrial Zone.
Vehicle Fuel Sales and Service	
Discretionary	
Bulky Goods Sales	If for:

	<p>(a) a supplier for Extractive Industry, Resource Development or Resource Processing;</p> <p>(b) a garden and landscaping materials, trade or hardware supplier; or</p> <p>(c) a timber yard.</p>
Community Meeting and Entertainment	If in the Light Industrial Zone.
Crematoria and Cemeteries	<p>If:</p> <p>(a) in the Light Industrial Zone; or</p> <p>(b) crematorium in the General Industrial Zone.</p>
Domestic Animal Breeding, Boarding or Training	If in the Light Industrial Zone.
Educational and Occasional Care	<p>If for:</p> <p>(a) alterations or extensions to existing Educational and Occasional Care in the Light Industrial Zone; or</p> <p>(b) for an employment training centre in the General Industrial Zone.</p>
Food Services	
General Retail and Hire	If for alterations or extensions to existing General Retail and Hire in the Light Industrial Zone.
Motor Racing Facility	If in the General Industrial Zone.
Recycling and Waste Disposal	If for a scrap yard or waste transfer station in the Light Industrial Zone.
Resource Processing	If in the Light Industrial Zone.
Sports and Recreation	
Tourist Operation	If for:

	<p>(a) Tourist Operation associated with the Cadbury Chocolate Factory in the General Industrial Zone; and</p> <p>(a) Car parking for the Tourist Operation associated with the Cadbury Chocolate Factory in the Light Industrial Zone.</p>
Utilities	If not listed as No Permit Required in the Light Industrial Zone.
Vehicle Parking	
Prohibited	
All other uses	

GLE-S15.6 Use Standards

GLE-S15.6.1 Tourist Operation impact

This sub-clause is in addition to the provisions of the General Industrial Zone – Clause 19.3 Use Standards.

Objective:	<p>That Tourist Operation use:</p> <p>(a) does not cause an unreasonable loss of residential amenity to residential zones; and</p> <p>(b) does not compromise the industrial use of the site.</p>	
A1	<p>Hours of operation of a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of:</p> <p>(a) 7.00am to 9.00pm Monday to Saturday; and</p> <p>(b) 8.00am to 9.00pm Sunday and public holidays.</p>	P1
		<p>Hours of operation of a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zone, having regard to:</p> <p>(a) the timing, duration or extent of vehicle movements; and</p> <p>(b) noise, lighting or other emissions.</p>
A2	<p>External lighting for a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must:</p>	P2
		<p>External lighting for a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must</p>

<p>(a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and</p> <p>(b) if for security lighting, be baffled so that direct light does not extend into the adjoining property.</p>	<p>not cause an unreasonable loss of amenity to the residential zone, having regard to:</p> <p>(a) the level of illumination and duration of lighting; and</p> <p>(b) the distance to habitable rooms of an adjacent dwelling.</p>
<p>A3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of:</p> <p>(a) 7.00am to 9.00pm Monday to Saturday; and</p> <p>(b) 8.00am to 9.00pm Sunday and public holidays.</p>	<p>P3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zone, having regard to:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) manoeuvring required by the commercial vehicles, including the amount of reversing and associated warning noise;</p> <p>(e) any noise mitigation measures between the vehicle movement areas and the adjoining residential area; and</p> <p>(f) potential conflicts with other traffic.</p>
<p>A4</p> <p>No Acceptable Solution.</p>	<p>P4</p> <p>A Tourist Operation use must not compromise the industrial use of the site having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the size, scale and location of the proposed use; and</p> <p>(c) the industrial functions of the site.</p>

GLE-S15.7.1 Siting of buildings, structures and landscape elements

This subclause is in substitution to the provisions of the Local Historic Heritage Code— Clause C6.6.4 Siting of buildings and structures

Objective:	<p>That the siting of buildings, works and landscaping for a Tourist Operation use:</p> <ul style="list-style-type: none"> (a) is compatible with the local historic heritage significance and setting of the Cadbury Industrial Estate – Factory local heritage place; (b) retains key views of the Cadbury Industrial Estate – Factory local heritage place; and (c) aligns with a coordinated approach to managing the conservation of the site’s heritage values.
Acceptable Solution	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>The siting of buildings, works and landscaping for a Tourist Operation use must be designed to be compatible with the local historic heritage significance of the Cadbury Industrial Estate – Factory local heritage place, having regard to:</p> <ul style="list-style-type: none"> (a) the historic heritage values of the local heritage place as identified in GLE-Table C6.1 Local Heritage Places; (b) retention of the clear connection between the Cadbury Factory its extensive, uncluttered open space frontage and setting west of the industrial buildings and plant including historical vehicular, pedestrian and tree-lined approaches to the Check Lodge and views though to the clock tower and industrial plant beyond, as shown in Figure GLE-S15.2; (c) the legibility of the former Cadbury Branch Line rail formation, as shown in Figure GLE-S15.2, in the landscape; (d) retention of key views of the local historic heritage place, including: <ul style="list-style-type: none"> (i) from vantage points shown in Figure GLE-S15.3; and

	<p>(ii) as set out in the recommendations of a visual impact assessment prepared by a suitably qualified person;</p> <p>(e) the size, shape, topography and orientation of the lot;</p> <p>(f) the siting of existing development on the lot; and</p> <p>(g) the recommendations of a heritage conservation management plan focussed on the riverside setting, landscaped/open space frontage, approaches and connections to the Cadbury factory (but not of the individual elements of the factory complex itself) prepared by a suitably qualified person specifically in response to the proposed use and development and with reference to the <i>Articles of the Australia ICOMOS Burra Charter</i>.</p>
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Figure GLE-S15.1 Cadbury Visitor Experience Specific Area Plan



Figure GLE-S15.2 Aerial map of the site showing selected heritage attributes

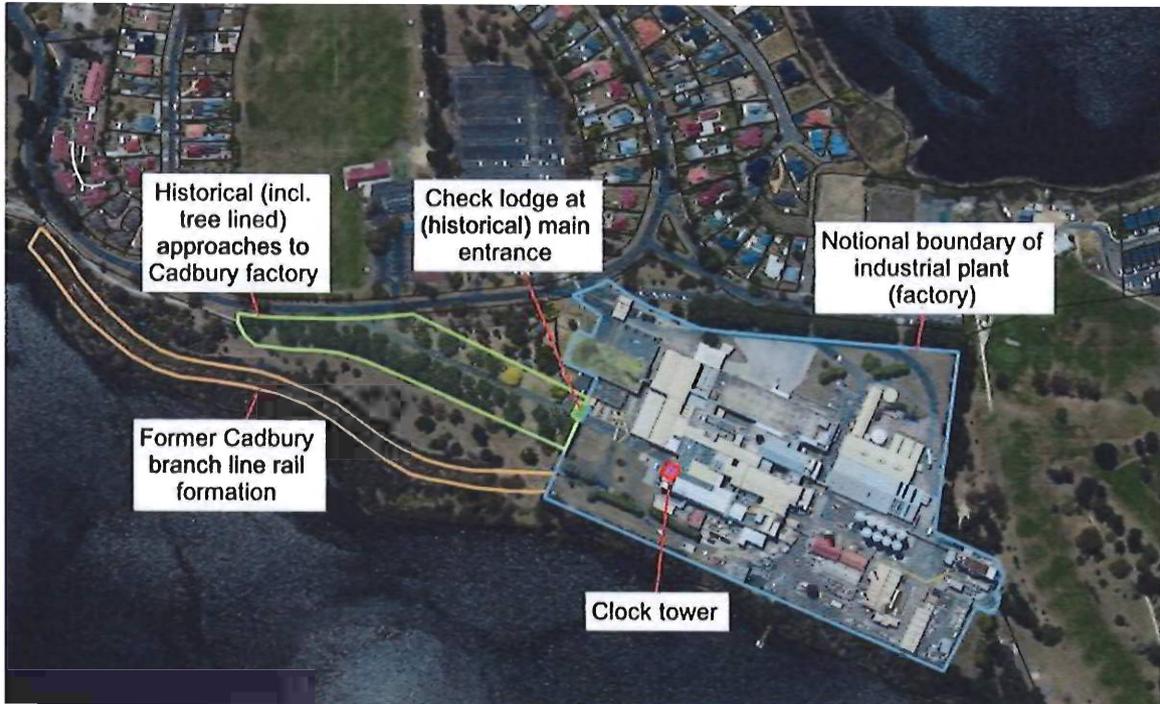
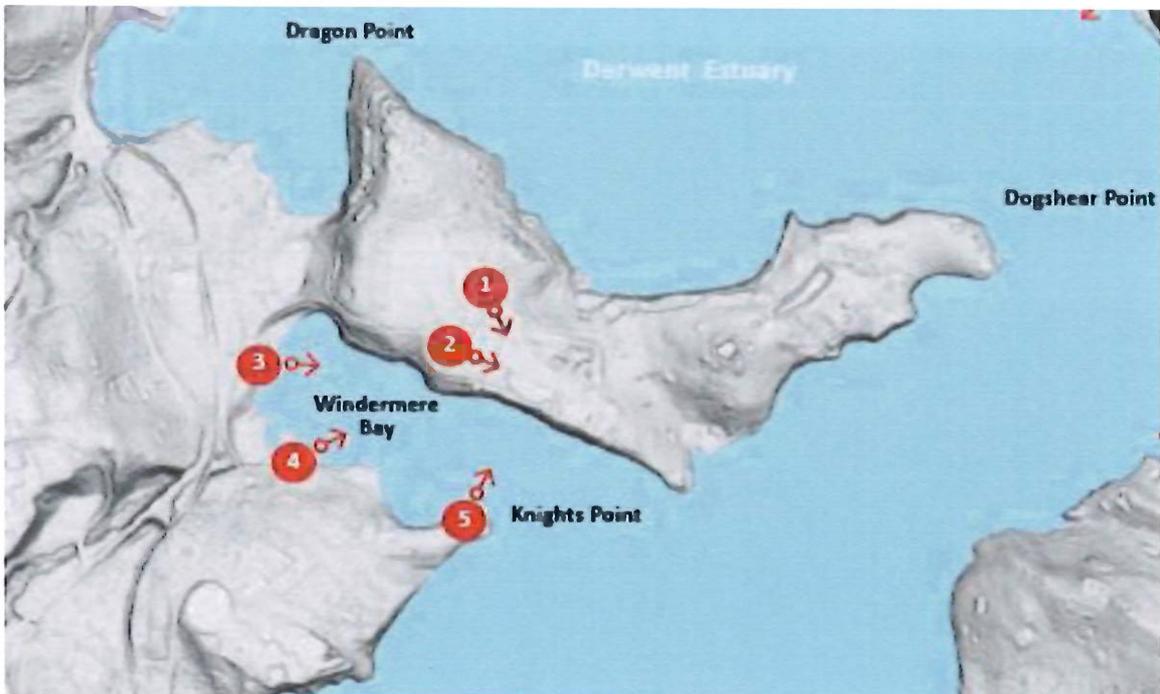


Figure GLE-S15.3 Key public views to the Cadbury Industrial Estate – Factory



Annexure 2: The Burra Charter

THE BURRA CHARTER

The Australia ICOMOS Charter for
Places of Cultural Significance 2013



Australia ICOMOS Incorporated
International Council on Monuments and Sites

ICOMOS

ICOMOS (International Council on Monuments and Sites) is a non-governmental professional organisation formed in 1965, with headquarters in Paris. ICOMOS is primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation. It is closely linked to UNESCO, particularly in its role under the World Heritage Convention 1972 as UNESCO's principal adviser on cultural matters related to World Heritage. The 11,000 members of ICOMOS include architects, town planners, demographers, archaeologists, geographers, historians, conservators, anthropologists, scientists, engineers and heritage administrators. Members in the 103 countries belonging to ICOMOS are formed into National Committees and participate in a range of conservation projects, research work, intercultural exchanges and cooperative activities. ICOMOS also has 27 International Scientific Committees that focus on particular aspects of the conservation field. ICOMOS members meet triennially in a General Assembly.

Australia ICOMOS

The Australian National Committee of ICOMOS (Australia ICOMOS) was formed in 1976. It elects an Executive Committee of 15 members, which is responsible for carrying out national programs and participating in decisions of ICOMOS as an international organisation. It provides expert advice as required by ICOMOS, especially in its relationship with the World Heritage Committee. Australia ICOMOS acts as a national and international link between public authorities, institutions and individuals involved in the study and conservation of all places of cultural significance. Australia ICOMOS members participate in a range of conservation activities including site visits, training, conferences and meetings.

Revision of the Burra Charter

The Burra Charter was first adopted in 1979 at the historic South Australian mining town of Burra. Minor revisions were made in 1981 and 1988, with more substantial changes in 1999.

Following a review this version was adopted by Australia ICOMOS in October 2013.

The review process included replacement of the 1988 Guidelines to the Burra Charter with Practice Notes which are available at: australia.icomos.org

Australia ICOMOS documents are periodically reviewed and we welcome any comments.

Citing the Burra Charter

The full reference is *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*. Initial textual references should be in the form of the *Australia ICOMOS Burra Charter, 2013* and later references in the short form (*Burra Charter*).

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The Burra Charter consists of the Preamble, Articles, Explanatory Notes and the flow chart.

This publication may be reproduced, but only in its entirety including the front cover and this page. Formatting must remain unaltered. Parts of the Burra Charter may be quoted with appropriate citing and acknowledgement.

Cover photograph by Ian Stapleton.

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The Burra Charter

(The Australia ICOMOS Charter for Places of Cultural Significance, 2013)

Preamble

Considering the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1964), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988, 26 November 1999 and 31 October 2013.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

Who is the Charter for?

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Using the Charter

The Charter should be read as a whole. Many articles are interdependent.

The Charter consists of:

- Definitions Article 1
- Conservation Principles Articles 2–13
- Conservation Processes Articles 14–25
- Conservation Practices Articles 26–34
- The Burra Charter Process flow chart.

The key concepts are included in the Conservation Principles section and these are further developed in the Conservation Processes and Conservation Practice sections. The flow chart explains the Burra Charter Process (Article 6) and is an integral part of

the Charter. Explanatory Notes also form part of the Charter.

The Charter is self-contained, but aspects of its use and application are further explained, in a series of Australia ICOMOS Practice Notes, in *The Illustrated Burra Charter*, and in other guiding documents available from the Australia ICOMOS web site: australia.icomos.org.

What places does the Charter apply to?

The Charter can be applied to all types of places of cultural significance including natural, Indigenous and historic places with cultural values.

The standards of other organisations may also be relevant. These include the *Australian Natural Heritage Charter*, *Ask First: a guide to respecting Indigenous heritage places and values* and *Significance 2.0: a guide to assessing the significance of collections*.

National and international charters and other doctrine may be relevant. See australia.icomos.org.

Why conserve?

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations in accordance with the principle of inter-generational equity.

The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

Articles

Article 1. Definitions

For the purposes of this Charter:

- 1.1 *Place* means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- 1.2 *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, records, *related places* and *related objects*.

Places may have a range of values for different individuals or groups.
- 1.3 *Fabric* means all the physical material of the *place* including elements, fixtures, contents and objects.
- 1.4 *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.
- 1.5 *Maintenance* means the continuous protective care of a *place*, and its *setting*.

Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.
- 1.6 *Preservation* means maintaining a *place* in its existing state and retarding deterioration.
- 1.7 *Restoration* means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
- 1.8 *Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.
- 1.9 *Adaptation* means changing a *place* to suit the existing *use* or a proposed use.
- 1.10 *Use* means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Explanatory Notes

Place has a broad scope and includes natural and cultural features. Place can be large or small: for example, a memorial, a tree, an individual building or group of buildings, the location of an historical event, an urban area or town, a cultural landscape, a garden, an industrial plant, a shipwreck, a site with in situ remains, a stone arrangement, a road or travel route, a community meeting place, a site with spiritual or religious connections.

The term cultural significance is synonymous with cultural heritage significance and cultural heritage value.

Cultural significance may change over time and with use.

Understanding of cultural significance may change as a result of new information.

Fabric includes building interiors and sub-surface remains, as well as excavated material.

Natural elements of a place may also constitute fabric. For example the rocks that signify a Dreaming place.

Fabric may define spaces and views and these may be part of the significance of the place.

See also Article 14.

Examples of protective care include:

- maintenance — regular inspection and cleaning of a place, e.g. mowing and pruning in a garden;
- repair involving restoration — returning dislodged or relocated fabric to its original location e.g. loose roof gutters on a building or displaced rocks in a stone bora ring;
- repair involving reconstruction — replacing decayed fabric with new fabric

It is recognised that all places and their elements change over time at varying rates.

New material may include recycled material salvaged from other places. This should not be to the detriment of any place of cultural significance.

Use includes for example cultural practices commonly associated with Indigenous peoples such as ceremonies, hunting and fishing, and fulfillment of traditional obligations. Exercising a right of access may be a use.

Articles

- 1.11 *Compatible use* means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.
- 1.12 *Setting* means the immediate and extended environment of a *place* that is part of or contributes to its *cultural significance* and distinctive character.
- 1.13 *Related place* means a *place* that contributes to the *cultural significance* of another place.
- 1.14 *Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.
- 1.15 *Associations* mean the connections that exist between people and a *place*.
- 1.16 *Meanings* denote what a *place* signifies, indicates, evokes or expresses to people.
- 1.17 *Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

Conservation Principles

Article 2. Conservation and management

- 2.1 *Places of cultural significance* should be conserved.
- 2.2 The aim of *conservation* is to retain the *cultural significance* of a *place*.
- 2.3 *Conservation* is an integral part of good management of *places of cultural significance*.
- 2.4 *Places of cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

Article 3. Cautious approach

- 3.1 *Conservation* is based on a respect for the existing *fabric, use, associations* and *meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.
- 3.2 Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

Article 4. Knowledge, skills and techniques

- 4.1 *Conservation* should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the *place*.

Explanatory Notes

Setting may include: structures, spaces, land, water and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.

Objects at a place are encompassed by the definition of place, and may or may not contribute to its cultural significance.

Associations may include social or spiritual values and cultural responsibilities for a place.

Meanings generally relate to intangible dimensions such as symbolic qualities and memories.

Interpretation may be a combination of the treatment of the fabric (e.g. maintenance, restoration, reconstruction); the use of and activities at the place; and the use of introduced explanatory material.

The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.

Articles

- 4.2 Traditional techniques and materials are preferred for the *conservation* of significant *fabric*. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.

Article 5. Values

- 5.1 *Conservation* of a *place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.
- 5.2 Relative degrees of *cultural significance* may lead to different *conservation* actions at a place.

Article 6. Burra Charter Process

- 6.1 The *cultural significance* of a *place* and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy. This is the Burra Charter Process.
- 6.2 Policy for managing a *place* must be based on an understanding of its *cultural significance*.
- 6.3 Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.
- 6.4 In developing an effective policy, different ways to retain *cultural significance* and address other factors may need to be explored.
- 6.5 Changes in circumstances, or new information or perspectives, may require reiteration of part or all of the Burra Charter Process.

Article 7. Use

- 7.1 Where the *use* of a *place* is of *cultural significance* it should be retained.
- 7.2 A *place* should have a *compatible use*.

Explanatory Notes

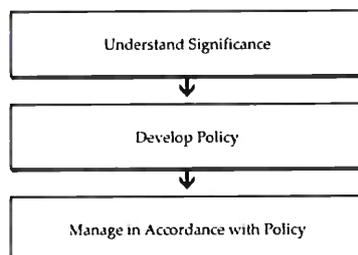
The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.

Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biodiversity and geodiversity for their existence value or for present or future generations, in terms of their scientific, social, aesthetic and life-support value.

In some cultures, natural and cultural values are indivisible.

A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to justify actions which do not retain cultural significance.

The Burra Charter Process, or sequence of investigations, decisions and actions, is illustrated below and in more detail in the accompanying flow chart which forms part of the Charter.



Options considered may include a range of uses and changes (e.g. adaptation) to a place.

The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of activities and practices which contribute to the cultural significance of the place.

Articles

Article 8. Setting

Conservation requires the retention of an appropriate *setting*. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the *cultural significance* of the *place*.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Article 9. Location

- 9.1 The physical location of a *place* is part of its *cultural significance*. A building, work or other element of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
- 9.2 Some buildings, works or other elements of *places* were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other elements do not have significant links with their present location, removal may be appropriate.
- 9.3 If any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate *use*. Such action should not be to the detriment of any *place* of *cultural significance*.

Article 10. Contents

Contents, fixtures and objects which contribute to the *cultural significance* of a *place* should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and *preservation*; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.

Article 11. Related places and objects

The contribution which *related places* and *related objects* make to the *cultural significance* of the *place* should be retained.

Article 12. Participation

Conservation, *interpretation* and management of a *place* should provide for the participation of people for whom the place has significant *associations* and *meanings*, or who have social, spiritual or other cultural responsibilities for the place.

Article 13. Co-existence of cultural values

Co-existence of cultural values should always be recognised, respected and encouraged. This is especially important in cases where they conflict.

Explanatory Notes

Setting is explained in Article 1.12.

For example, the repatriation (returning) of an object or element to a place may be important to Indigenous cultures, and may be essential to the retention of its cultural significance.

Article 28 covers the circumstances where significant fabric might be disturbed, for example, during archaeological excavation.

Article 33 deals with significant fabric that has been removed from a place.

For some places, conflicting cultural values may affect policy development and management decisions. In Article 13, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance.

Conservation Processes

Article 14. Conservation processes

Conservation may, according to circumstance, include the processes of: retention or reintroduction of a *use*; retention of *associations* and *meanings*; *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation* and *interpretation*; and will commonly include a combination of more than one of these. Conservation may also include retention of the contribution that *related places* and *related objects* make to the *cultural significance* of a *place*.

Article 15. Change

15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. The amount of change to a *place* and its *use* should be guided by the *cultural significance* of the *place* and its appropriate *interpretation*.

15.2 Changes which reduce *cultural significance* should be reversible, and be reversed when circumstances permit.

15.3 Demolition of significant *fabric* of a *place* is generally not acceptable. However, in some cases minor demolition may be appropriate as part of *conservation*. Removed significant fabric should be reinstated when circumstances permit.

15.4 The contributions of all aspects of *cultural significance* of a *place* should be respected. If a *place* includes *fabric*, *uses*, *associations* or *meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

Article 16. Maintenance

Maintenance is fundamental to *conservation*. Maintenance should be undertaken where *fabric* is of *cultural significance* and its maintenance is necessary to retain that *cultural significance*.

Article 17. Preservation

Preservation is appropriate where the existing *fabric* or its condition constitutes evidence of *cultural significance*, or where insufficient evidence is available to allow other *conservation* processes to be carried out.

Conservation normally seeks to slow deterioration unless the significance of the place dictates otherwise. There may be circumstances where no action is required to achieve conservation.

When change is being considered, including for a temporary use, a range of options should be explored to seek the option which minimises any reduction to its cultural significance.

It may be appropriate to change a place where this reflects a change in cultural meanings or practices at the place, but the significance of the place should always be respected.

Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action.

Maintaining a place may be important to the fulfilment of traditional laws and customs in some Indigenous communities and other cultural groups.

Preservation protects fabric without obscuring evidence of its construction and use. The process should always be applied:

- where the evidence of the fabric is of such significance that it should not be altered; or
- where insufficient investigation has been carried out to permit policy decisions to be taken in accord with Articles 26 to 28.

New work (e.g. stabilisation) may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 22.

Articles

Article 18. Restoration and reconstruction

Restoration and reconstruction should reveal culturally significant aspects of the *place*.

Article 19. Restoration

Restoration is appropriate only if there is sufficient evidence of an earlier state of the *fabric*.

Article 20. Reconstruction

20.1 *Reconstruction* is appropriate only where a *place* is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the *fabric*. In some cases, reconstruction may also be appropriate as part of a *use* or practice that retains the *cultural significance* of the place.

20.2 *Reconstruction* should be identifiable on close inspection or through additional *interpretation*.

Article 21. Adaptation

21.1 *Adaptation* is acceptable only where the adaptation has minimal impact on the *cultural significance* of the *place*.

21.2 *Adaptation* should involve minimal change to significant *fabric*, achieved only after considering alternatives.

Article 22. New work

22.1 New work such as additions or other changes to the *place* may be acceptable where it respects and does not distort or obscure the *cultural significance* of the place, or detract from its *interpretation* and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the *cultural significance* of the *place*.

Article 23. Retaining or reintroducing use

Retaining, modifying or reintroducing a significant *use* may be appropriate and preferred forms of *conservation*.

Article 24. Retaining associations and meanings

24.1 Significant *associations* between people and a *place* should be respected, retained and not obscured. Opportunities for the *interpretation*, commemoration and celebration of these associations should be investigated and implemented.

24.2 Significant *meanings*, including spiritual values, of a *place* should be respected. Opportunities for the continuation or revival of these meanings should be investigated and implemented.

Explanatory Notes

Places with social or spiritual value may warrant reconstruction, even though very little may remain (e.g. only building footings or tree stumps following fire, flood or storm). The requirement for sufficient evidence to reproduce an earlier state still applies.

Adaptation may involve additions to the place, the introduction of new services, or a new use, or changes to safeguard the place. Adaptation of a place for a new use is often referred to as 'adaptive re-use' and should be consistent with Article 7.2.

New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

New work should be consistent with Articles 3, 5, 8, 15, 21 and 22.1.

These may require changes to significant fabric but they should be minimised. In some cases, continuing a significant use, activity or practice may involve substantial new work.

For many places associations will be linked to aspects of use, including activities and practices.

Some associations and meanings may not be apparent and will require research.

Articles

Article 25. Interpretation

The *cultural significance* of many *places* is not readily apparent, and should be explained by *interpretation*. Interpretation should enhance understanding and engagement, and be culturally appropriate.

Conservation Practice

Article 26. Applying the Burra Charter Process

26.1 Work on a *place* should be preceded by studies to understand the *place* which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.

26.2 Written statements of *cultural significance* and policy for the *place* should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the *place*.

26.3 Groups and individuals with *associations* with the *place* as well as those involved in its management should be provided with opportunities to contribute to and participate in identifying and understanding the *cultural significance* of the *place*. Where appropriate they should also have opportunities to participate in its *conservation* and management.

26.4 Statements of *cultural significance* and policy for the *place* should be periodically reviewed, and actions and their consequences monitored to ensure continuing appropriateness and effectiveness.

Article 27. Managing change

27.1 The impact of proposed changes, including incremental changes, on the *cultural significance* of a *place* should be assessed with reference to the statement of significance and the policy for managing the *place*. It may be necessary to modify proposed changes to better retain cultural significance.

27.2 Existing *fabric*, *use*, *associations* and *meanings* should be adequately recorded before and after any changes are made to the *place*.

Article 28. Disturbance of fabric

28.1 Disturbance of significant *fabric* for study, or to obtain evidence, should be minimised. Study of a *place* by any disturbance of the *fabric*, including archaeological excavation, should only be undertaken to provide data essential for decisions on the *conservation* of the *place*, or to obtain important evidence about to be lost or made inaccessible.

Explanatory Notes

In some circumstances any form of interpretation may be culturally inappropriate.

The results of studies should be kept up to date, regularly reviewed and revised as necessary.

Policy should address all relevant issues, e.g. use, interpretation, management and change.

A management plan is a useful document for recording the Burra Charter Process, i.e. the steps in planning for and managing a *place* of cultural significance (Article 6.1 and flow chart). Such plans are often called conservation management plans and sometimes have other names.

The management plan may deal with other matters related to the management of the *place*.

Monitor actions taken in case there are also unintended consequences.

Articles

28.2 Investigation of a *place* which requires disturbance of the *fabric*, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

Article 29. Responsibility

The organisations and individuals responsible for management and decisions should be named and specific responsibility taken for each decision.

Article 30. Direction, supervision and implementation

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

Article 31. Keeping a log

New evidence may come to light while implementing policy or a plan for a *place*. Other factors may arise and require new decisions. A log of new evidence and additional decisions should be kept.

Article 32. Records

32.1 The records associated with the *conservation* of a *place* should be placed in a permanent archive and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

32.2 Records about the history of a *place* should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

Article 33. Removed fabric

Significant *fabric* which has been removed from a *place* including contents, fixtures and objects, should be catalogued, and protected in accordance with its *cultural significance*.

Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

Article 34. Resources

Adequate resources should be provided for *conservation*.

Words in italics are defined in Article 1.

Explanatory Notes

New decisions should respect and have minimal impact on the cultural significance of the place.

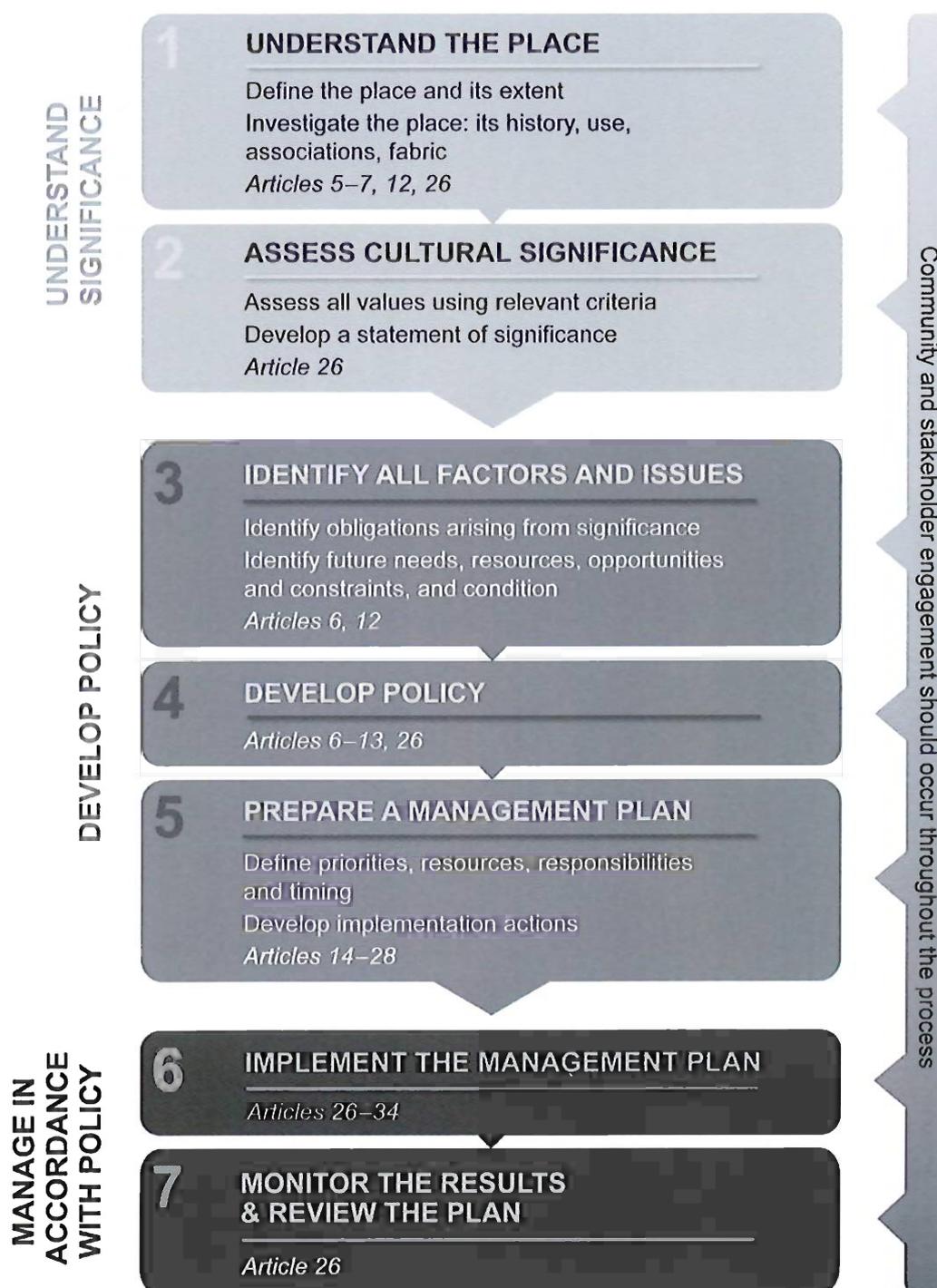
The best conservation often involves the least work and can be inexpensive.

The Burra Charter Process

Steps in planning for and managing a place of cultural significance

The Burra Charter should be read as a whole.

Key articles relevant to each step are shown in the boxes. Article 6 summarises the Burra Charter Process.



ATTACHMENT 4
PLANNING SCHEME AMENDMENT PLAM-24/01
APPLICANT'S APPLICATION PACKAGE



100 Cadbury Road,
Claremont
Planning Submission

FINAL | 4 November 2024

Aboriginal acknowledgement

ERA Planning and Environment acknowledge *palawa* as the Traditional Owners of *lutruwita* (Tasmania).

They are the original custodians of our land, sky and waters. We respect their unique ability to care for country and deep spiritual connection to it.

We honour and pay our respect to Elders past and present, whose knowledge and wisdom has and will ensure the continuation of culture and traditional practices.

We acknowledge that their sovereignty has never been ceded.

Always was, always will be.

ERA Planning Pty Ltd trading as ERA Planning and Environment

ABN 67 141 991 004

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Job Number: 2122-093

Document Status

Document Version	Date	Author	Reviewer
Final	21 August 2024	Emma Riley	Mark O'Brien
Final_V2	4 November 2024	Emma Riley	Clare Hester

Submission overview

Submission details

Applicant	ERA Planning and Environment obo Simon Currant and Associates
Owner	Cadbury Schweppes Pty Limited (Mondelez Australia)
Address	'Cadbury Factory' 100 Cadbury Road, Claremont
Lot description	Folio of the Register 139355, Lot 2
Description of proposal	Amendment to the Glenorchy Local Provisions Schedule to include a site-specific qualification for Community Meeting and Entertainment, General Retail and Hire, and Tourist Operation use at 100 Cadbury Road, Claremont.

Relevant Planning Provisions

Applicable planning scheme	Tasmanian Planning Scheme - Glenorchy
Zone(s)	General Industrial Light Industrial Environmental Management Open Space
Applicable Overlays	Local heritage place Future coastal refugia area Priority vegetation area Waterway and coastal protection area Coastal erosion hazard (low and medium) Coastal inundation hazard (low, medium, and high) Flood-prone area Landslip hazard (medium)

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1 Introduction

1.1 Purpose of this report

ERA Planning and Environment (ERA) have been engaged by Simon Current and Associates to request an amendment to the Local Provisions Schedule of the *Tasmanian Planning Scheme – Glenorchy* (the planning scheme) pursuant to Section 37 of the *Land Use Planning and Approvals Act 1993* (the Act). This proposal relates to land at 100 Cadbury Road, Claremont (the subject land).

This report forms the basis of the application and has been prepared considering the provisions of the planning scheme, the relevant requirements of the Act and other relevant strategic documents.

Enquiries relating to this request can be directed to:

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1.2 Background

Mondelēz Australia owns and operates the Cadbury factory at 100 Cadbury Road, Claremont. The factory commenced operations on the site in the 1920s and has continued operations since then. The Cadbury factory has been an iconic industrial use sited on the banks of the River Derwent and has social, cultural and economic significance in the Tasmanian context, including the establishment of 'Cadbury's Estate' on land adjacent to the factory site.

Visitor tours of the factory commenced in 1948, allowing the public to experience the chocolate making process and taste products. Due to food and workplace safety requirements tours through the factory ceased in 2008. A dedicated visitor centre remained open until 2016, when it was closed due to operational requirements. At its peak the Cadbury factory site attracted 150,000 visitors annually and was one of the most visited sites in Tasmania, providing an important attraction in supporting the Tasmanian visitor economy. The visitor economy is a major industry sector contributing over 6% to the Gross State Product and over 12% of Tasmanian jobs¹.

Simon Currant and Associates, through a joint venture with Mondelēz Australia now proposed to re-establish a visitor experience at the Cadbury factory site a . The re-imagined visitor experience will be leverage off the existing factory, by providing for a new boutique premium chocolate manufacturing line. This will enable a tour-like experience, but in a manner that maintains Mondelez's operational requirement and separation between industrial and visitor experience areas.

The Project is intended to deliver a unique Tasmanian chocolate experience described by the proponent as:

"Commencing their adventure, visitors embark on a 25-minute ferry ride from Hobart's waterfront to the Factory. An all-sensory immersion into the tantalizing realm of chocolate awaits, where visitors are instantly transported into a world of pure indulgence."

Stepping into the mesmerizing realm of "Chocolate Central" and being captivated by the sight and irresistible aroma emanating from the world's tallest "glass and a half chocolate fountain." They will

¹ 2030 Tasmanian Visitor Economy.

witness the harmonious fusion of rich Tasmanian dairy milk into delectable chocolate, creating a sensory experience that will leave them spellbound."

Key elements of the visitor experience will include the:

- Time tunnel – where a century of chocolate heritage and accomplishments in Tasmania come to life.
- Arboretum of live cocoa trees where cacao pods can be observed at different growth stages while learning about the cultivation and harvesting process.
- The taste kitchen – a small scale chocolate production line used to develop and test new flavours and seasonal offerings in partnership with Tasmanian growers.
- Factory control room – granting exclusive access to the main factory.
- Chocolate Lab – where visitors can participate in real time taste testing and quality control.
- Building your own bar experience – where visitors can create their own unique chocolate bar to take home with them.
- Mass ingredient barn – where visitor can discover the various ingredients used in chocolate production including Tasmanian milk and its transformation into 'crumb', which is the base milk and sugar product used to create dairy milk chocolate.
- Chocolate lounge – a unique culinary experience for visitors' with chocolate inspired dishes intertwined with other Tasmanian ingredients.
- Chocolate emporium – a place where visitor can purchase a wide and vast variety of delicious, exclusively made chocolates as well as the Cadbury favourites.
- Playground nestled in the scenic parkland along with a café providing a more casual eating experience.

Community events, to bring in surrounding residents and the community and connect them to the experience and site are also envisaged. On these community days, the parkland will be the centrepiece.

In practical terms, the Project is likely to involve:

- Construction of a new building to house the visitor experience.
- Upgrade of the existing jetty into Windermere Bay.
- Construction of a new walkway connecting the upgraded jetty to the new visitor experience building.

It is expected that visitors will primarily arrive by water which will be managed through the ticketing and arrival process. Some car parking will be required for visitors and employees, but these needs can be accommodated in the existing Cadbury factory employee car park. A new access to Cadbury Road may be required to facilitate deliveries as well.

Concept design work is in the very early stages, however, to support investment certainty on the site, it has been determined to progress with the planning scheme amendment ahead of a permit application.

1.3 Proposed amendment

The proposal is for a planning scheme amendment to add a site-specific qualification (SSQ) to the Local Provisions Schedule of the planning scheme.

The proposal does not include any physical works occurring on the subject land.

The SSQ is intended to allow for the following additional uses, which are currently prohibited due to the zoning of the subject land:

- Community Meeting and Entertainment

- General Retail and Hire
- Tourist Operation

Specifically, it is proposed to include a new SSQ as shown in Table 1.

Table 1 Proposed amendment to the Glenorchy LPS

Reference Number	Site reference	Folio of the register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
GLE-C192	100 Cadbury Road, Claremont	39355/2	Additional Discretionary use classes for this site are: <ul style="list-style-type: none"> • Community Meeting and Entertainment; • General Retail and Hire; and • Tourist Operation: With the qualification of "where part of a visitor experience associated with the Cadbury chocolate factory"	General Industrial Zone – clause 19.2 Use Table
			Additional Discretionary use classes for this site are: <ul style="list-style-type: none"> • General Retail and Hire; and • Tourist Operation: With the qualification of "where providing for car parking as part of a visitor experience associated with the Cadbury chocolate factory"	Light Industrial Zone – clause 18.2 Use Table

While the proposed visitor experience primarily fits within the 'Tourist Operation' use class, the proposed amendment seeks to introduce 'Community Meeting and Entertainment' and 'General Retail and Hire' for the following reasons:

- As outlined in section 1.2, the project is intended to have retail offerings in the form of a 'Chocolate emporium'. In its previous iteration, the shop component at the Cadbury factory was popular. While the retail component reasonably falls within the concept of 'ancillary and subservient' to the Tourism Operation use class, to avoid any doubt and future approval risk, it is preferred to seek a qualified discretionary use status for retail components of the proposed experience.

- It is envisaged that the facility or parts of the facility, such as the Chocolate lounge will be available for private bookings. It is possible that use of the facility for private bookings can be viewed as a function centre falling under the Community Meeting and Entertainment use class. In addition, community days or events are envisaged, which may also be considered to fall under the 'Community Meeting and Entertainment' use class as social and cultural activities. Again, to avoid any doubt and future approval risk, it is preferred to seek a qualified discretionary use status for these uses.
- The proposed use qualifications are considered sufficient to avoid creating potential for General Retail and Hire and Community Meeting and Entertainment uses unrelated to the chocolate factory to occur.

The other potential separately defined use class of Food Services is already discretionary in both the Light Industrial and General Industrial Zone. All potential use classes are also already discretionary in the Environmental Management Zone.

It is important to understand that mitigating the potential risk that a component of the Project may be considered prohibited in the future, is a risk to the vision for the Project being implemented.

As the parameters of when an application is considered ancillary and subservient to a primary use, can at times be unclear, having confidence in the allowable uses on the site is an important part confidently preparing a full development application.

While it may be the case that the current opinion is that these are sufficiently ancillary and subservient to the Tourist Operation, we have experienced across Planning Authorities situations where opinions alter over time and between planners, particularly if raised in representations. Moreover, the Project details and design are still being resolved.

It is highlighted that if there is disagreement on whether the use is subservient or in its own use class, the application would need to be determined through a full hearing process at the Tribunal considerably lengthening the approval process and increasing the risk of the Project not going ahead.

2 Site and Surrounds

2.1 Subject land

The land subject to the proposed amendment (the subject land) relates to a single, private freehold title identified in Table 2 and shown in Figure 1. The subject land is developed with the existing Cadbury factory including numerous buildings and associated infrastructure in the eastern portion. The western portion of the subject land is developed as a garden with European heritage values.

Title documentation is attached at Appendix A and owner's consent is provided in Appendix B.

Table 2: Title information

Address	Owner	Title Reference	Land Area
'Cadbury Factory' 100 Cadbury Road, Claremont, Tasmania	Schweppes Pty Limited	139355/2	17.21 hectares

The subject land is located in the eastern most part of the Glenorchy municipality, on the northern edge of Windermere Bay and west of the Claremont Golf Course. The land has been partially developed with the existing Cadbury factory. The subject land is generally located adjacent to residential land use and public open space. The foreshore area of the subject land forms a natural extension of the existing public open space land to the west.

2.2 Servicing and access

The subject land is serviced by reticulated water and sewerage. A TasGas distribution pipe is located within the subject land.

The existing factory on the subject land houses three Australian Communications and Media Authority communication sites.

The subject land includes three existing vehicle access points along Cadbury Road and Bournville Crescent.

The subject land is serviced by the Metro Tasmania bus route number 717, with a bus stop located near the vehicular entrance to the land. There are two existing unsealed public access walking tracks within the subject land and one shared use bike and walking track.

2.3 Natural values

The subject land is largely modified from its natural state and is classified as modified land under the TASVEG 4.0 database. There are no threatened native vegetation communities on the subject land. There are no recorded instances of threatened fauna or flora species on the subject land based on a database search of LISTmap.

2.4 Heritage values

The subject land is listed as a local heritage place under the Local Historical Heritage Code of the LPS. The values of the place are described as:

Cadbury factory complex and associated picturesque garden setting including landscaped tree-lined approaches and boundaries, and the former Cadbury Branch Line rail formation.

Specific Extent All of 139355/2.

Statement of Local Historic Heritage Significance and Historic Heritage Values

The setting and design of the Cadbury Industrial complex exhibits garden city ideals and the high engineering and architectural design standards historically underpinning buildings and plant includes elements considered innovative in the context of the global confectionary industry. The place has strong community and inter-generational associations arising from the long-time involvement of Cadbury (and its various parent entities) both as a major employer and supporter of local initiatives.

Identified in the Local Provisions Schedule because of:

(a) Its role in, representation of, or potential for contributing to the understanding of:

(a)(i) Local history including – as a major socially orientated enterprise in the post-WWI industrialisation of the municipality/City of Glenorchy.

(a)(ii) Creative or technical achievements including - its adherence to ‘garden city movement’ principles in its presentation and its demonstration of technical proficiency including but not limited to the use of reinforced concrete applied by Edward Giles Stone in the initial phase of construction and Sir Victor Burley’s innovative (world first) Continuous Crumb Plant.

(a)(iii) A class of building or place that exhibits – the principal characteristics of an established industrial plant. Significant attributes include but are not necessarily limited to: Inter-War Functionalist and Post-War International style buildings in a mature designed landscape setting.

(a)(iv) Aesthetic characteristics - imparted through ‘Garden city’ type design principles in creating a picturesque setting and architectural design aesthetic and that dovetails with the adjoining ‘garden suburb’ and associated civic spaces.

(b) Its association with:

(b)(i) A particular community for social or spiritual reasons being - employees past and present of the Cadbury Company (and its derivatives) many with inter-generational associations, and the Society of Friends (or Quaker) movement which provided the philosophical basis for this benevolent approach.

(b)(ii) The life or works of - celebrated Tasmanian engineer [Sir] Victor George Burley over a period of 40 years; Tasmanian architectural firms Hutchinson & Walker, and, Wilkinson & Bolt.

Future use and development will require careful assessment of the heritage values and should be designed to protect and incorporate these values as required. This will be done through the application of the Local Historic Heritage Code of the TPS.

Preliminary investigation identified known Aboriginal heritage artifacts that will require further investigation during the planning process. As the subject land is adjacent to the River Derwent there is a reasonable likelihood of additional Aboriginal heritage sites being present. If Aboriginal heritage sites are identified, they either need to be retained in situ or if disturbance is proposed in the future a permit is required under the *Aboriginal Heritage Act 1975*. Appropriate assessment of cultural heritage values will be undertaken as part of the planning permit assessment process.

2.5 Hazards

The subject land has been identified as being at risk from coastal inundation, coastal erosion, landslip hazard and flood risk. These hazards are generally restricted to the portion of the land within about 30 m of the coastline. The small pockets of flood-prone land are located within the footprint of the existing buildings and structures on the subject land. The location and siting of any future development would need to consider these risks in greater detail to ensure appropriate development can occur. Future use and development will require assessment of the potential risks against the relevant Codes of the TPS.

2.6 Zoning and overlays

The subject land is split zoned across four zones, as shown in Figure 1:

- General Industrial Zone
- Light Industrial Zone
- Environmental Management Zone
- Open Space Zone

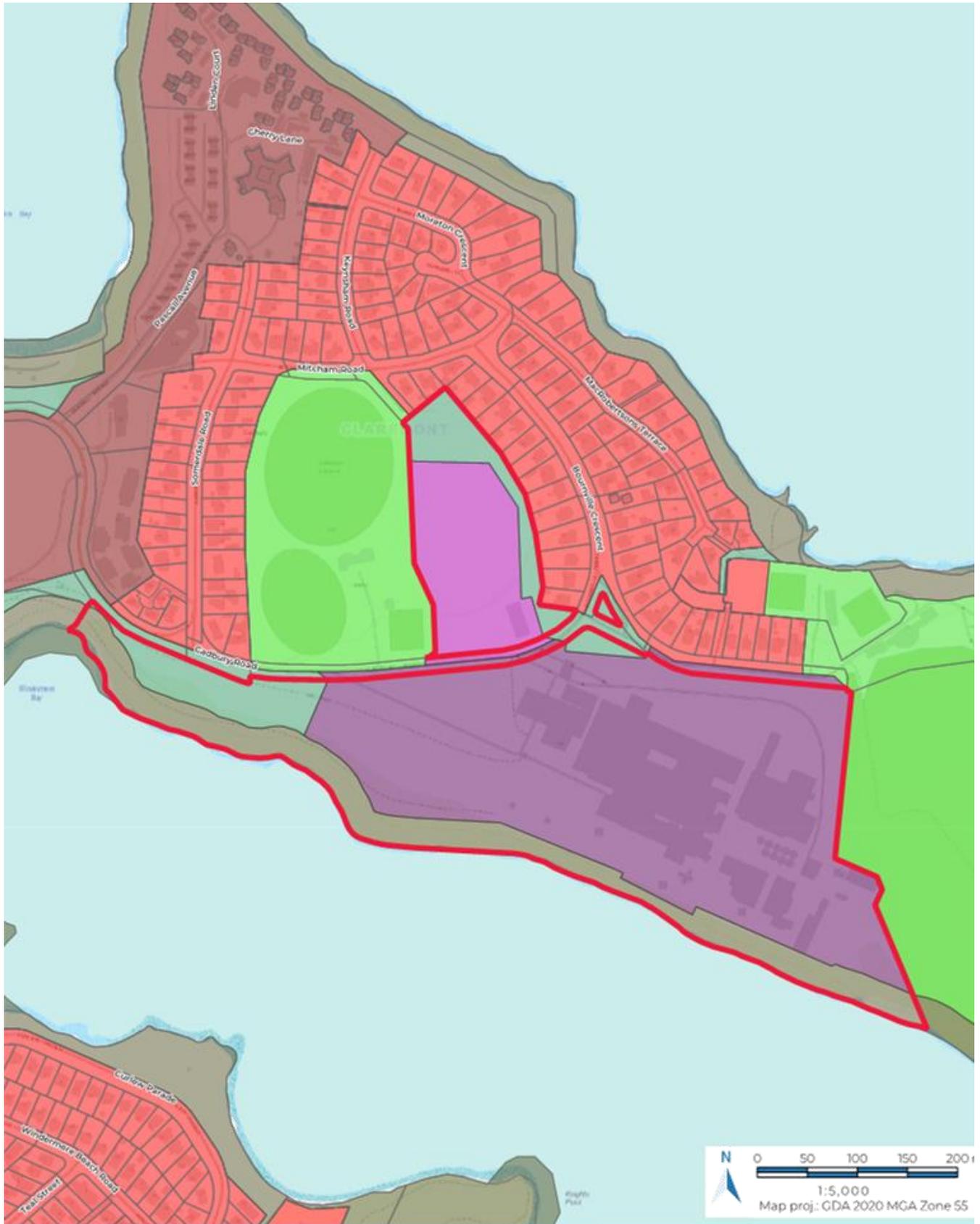
The subject land is also subject to several different code overlays (Figure 2). The applicable codes for future use and development are expected to be:

- Parking and Sustainable Transport Code (applies to all applications)
- Road and Railway Assets Code (applies to intensification of the existing road access or a new access²)
- Local Historic Heritage Code (entire Cadbury Factory site is listed)
- Natural Assets Code (applies to relevant overlay areas)
- Attenuation Code
- Coastal Erosion Hazard Code (applies to coastal erosion hazard area)
- Coastal Inundation Hazard Code (applies to coastal inundation hazard area)
- Potentially Contaminated Land Code
- Landslip Hazard Code (applies to landslide hazard area).

The requirements of these codes will be maintained under the proposed amendment. As a result, the planning scheme will continue to provide sufficient safeguards in a future permit application in regard to:

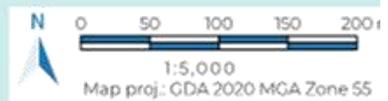
- Traffic and road impacts
- Protection of local historic heritage and Aboriginal cultural heritage values
- Protection of marine and riparian values
- Protection of residential amenity
- Land use conflicts
- Management of potential site contamination and other land hazards.

² While it is expected that most visitors will arrive by ferry, there will be an increased in vehicle movements as some visitor will arrive by car as well as employees and deliveries. A new vehicular access to facilitate some deliveries to the site may also be required.



- The site
 - Cadastral parcels
- TASMANIAN PLANNING SCHEME**
- Zones**
- General Residential
 - Inner Residential

- General Industrial
- Environmental Management
- Recreation
- Open Space



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Figure 1
 The subject sit
 with existing
 zoning



- The site
- Cadastral parcels
- ASMANIAN PLANNING SCHEME Code Overlay**
- Future coastal refugia area
- Priority vegetation area
- Flood-prone areas
- Waterway and coastal protection area
- LANDSLIP HAZARD**
- Medium risk

- COASTAL INUNDATION HAZARD**
- High risk
- Medium risk
- Low risk
- COASTAL EROSION HAZARD**
- Medium risk
- Low risk



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Revision V.3
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Figure 2
 The subject sit
 with planning
 scheme overla

3 Assessment of planning scheme amendment

3.1 Supporting analysis

The proposed amendment request is made under Section 37 of the *Land Use Planning and Approvals Act 1993* (the Act). The assessment process has considered alternative approaches to allow for the additional uses, including the merits of rezoning the land.

The future use of the subject land is intended to provide for a visitor experience based around chocolate production as described in section 13. The proposed visitor experience is expected to fall under the following use classes:

- Community Meeting and Entertainment
- Food Services
- General Retail and Hire
- Resource Processing
- Tourist Operation

The proposed visitor experience would largely be located on land currently zoned General Industrial, although the employee car park which will be used for car parking associated with the visitor experience is zoned Light Industrial.

The existing General Industrial zone and Light Industrial zone do not support all these uses as shown in Table 3, below. Specifically, Community Meeting and Entertainment, General Retail and Hire, and Tourist Operation are prohibited in the General Industrial zone.

Consideration of other zones has been considered as part of the assessment process. The permissibility of the use in each relevant zone is also included in Table 3.

It should be noted that while some parts of the visitor experience are intended to be located in the Environmental Management zone (jetty and walkway), Tourist Operation is already a discretionary use in this zone. No other uses would be in the land zoned Environmental Management. Therefore, no changes to the Environmental Management Zone are required as part of this planning scheme amendment request

Table 3. Permitted use

Use	Community Meeting and Entertainment	Food Services	General Retail and Hire	Resource Processing	Tourist Operation
Zone					
Urban Mixed Use	Permitted	Permitted	Permitted	Discretionary	Permitted
Light Industrial	Discretionary	Discretionary	Discretionary*	Discretionary	Prohibited
General Industrial	Prohibited	Discretionary	Prohibited	Permitted	Prohibited
Environmental Management	Permitted**	Permitted**	Permitted**	Discretionary	Permitted**
Major Tourism	Permitted	Permitted	Discretionary	Discretionary	Permitted
Open Space	Permitted	Permitted	Discretionary	Prohibited	Discretionary

*Only for alterations or extensions to existing Educational and Occasional Care.

**If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.

3.1.1 Rezoning option

The most appropriate form of amendment for the subject land would ensure that the intended use is permitted, or at a minimum, discretionary. There are alternative zones that could be applied to the subject land in order to facilitate the future use of the subject land. The purpose and use table of relevant zones has been considered in the determination of the most appropriate form of amendment. Tourist Operation is expected to be the primary use for the future development of the subject land. Relevant zones where Tourist Operation is listed as permitted have been considered.

13.0 Urban Mixed Use Zone

13.1 Zone Purpose

The purpose of the Urban Mixed Use Zone is:

13.1.1 To provide for a mix of residential, retail, community services and commercial activities in urban locations.

13.1.2 To provide for a diverse range of use or development that are of a type and scale that support and do not compromise or distort the role of surrounding activity centres in the activity centre hierarchy.

The proposed use is considered to be consistent with the Urban Mixed Use Zone Purpose as it contributes to the diverse range of use and development intended for the zone. Future use and development needs to be compatible with the existing use and sympathetic to the heritage values of the subject land.

The Urban Mixed Use zone allows for the proposed use; however, it also allows for incompatible use such as residential use, visitor accommodation, and custodial facility. The intent of the amendment is to allow for additional uses that are compatible and sympathetic to the existing use and heritage values of the subject land.

Rezoning the subject land to Urban Mixed Use zone would allow for non-compatible use rather than limiting the amendment to allowing specific, compatible use and is therefore considered inappropriate.

24.0 Major Tourism Zone

24.1 Zone Purpose

The purpose of the Major Tourism Zone is:

24.1.1 To provide for large scale tourist facilities which include a range of use and development.

24.1.2 To provide for compatible use and development that complements or enhances the tourist facilities on the site.

24.1.3 To provide for development that does not unreasonably impact on surrounding areas.

24.1.4 To ensure that any commercial uses support the tourist purpose of the site and do not compromise or distort the role of existing activity centres.

The Major Tourism Zone is the most logical choice for a rezoning to allow for Tourist Operation use in most contexts. The proposed use is consistent with the Zone Purpose. However, the industrial nature of the subject land, and the associated heritage values, mean that broader tourism activities on the subject land may not be a desired outcome. Future use and development needs to be compatible with the existing use and sympathetic to the heritage values of the subject land.

The Major Tourism zone would allow for non-compatible use such as residential use and visitor accommodation, rather than limiting the amendment to allowing specific, compatible use. Given the

inherent need to link future Tourist Operation use with the existing values of the subject land, the Major Tourism zone is considered inappropriate.

3.1.2 Site-specific qualification

site-specific qualifications means a provision, or provisions, in a planning scheme, that –

(a) are referred to in the planning scheme as site-specific qualifications; and

(b) only apply in relation to a particular area of land specified in the planning scheme; and

(c) modify, are in substitution for, or are in addition to, the requirements of the planning scheme that would otherwise apply in relation to the land;

A site-specific qualification is the preferred form of amendment sought for this application. A site-specific qualification allows for additional uses otherwise not permitted in the applicable zone on a particular area of land.

It is considered preferable over a Specific Area Plan or Particular Purpose Zone mechanism as the only change required to the planning scheme to facilitate the proposal is to the use status. Existing zone and code standards that would be applicable to the proposal have been analysed and are considered capable of being met by the proposal. In regard to code standards there is no new technical information or overriding strategic reasons to replace the code requirements where they apply to the site.

The benefit of a site-specific qualification, in this instance, is that there is an existing association between the existing industrial use and the proposed additional uses. Were the subject land to be rezoned, this would broaden the scope of tourism use that could occur on the subject land, rather than curtailing the use to one that makes sense for the context of the subject land. Rezoning would also introduce other uses considered incompatible with the existing use of the subject land. The site-specific qualification gives the local government more control over the form of development that would be permitted on the subject land than rezoning the subject land to Major Tourism or Urban Mixed Use. The association between the existing and future development and the relationship of this to the heritage values of the subject land further supports limiting the amendment to a site-specific qualification.

The proposed amendment is for a site-specific qualification to allow additional compatible uses that are otherwise prohibited in the zone. The proposed amendment is assessed herein to ensure that the LPS criteria specified in Section 34 of the Act have been met.

3.2 Potential land use conflict

The subject land includes the existing operational Cadbury factory, which is an industrial use. The use of this facility is considered a Level 2 activity under the *Environmental Management and Pollution Control Act 1994* (EMPCA). Therefore, the potential impacts of this facility are already managed to an acceptable standard for the adjacent residential use. On the basis that the facility is acceptable to allow for nearby residential use, it is considered unlikely that the facility would have unacceptable impact on the proposed additional uses. Reciprocally, any future additional uses would be required to comply with established requirements for hours of operation, noise and light emissions, and other use and development standards. The proposed additional uses are likely to have less risk of land use conflict with the adjoining land uses as the current industrial use, given the existing range of allowable uses.

The Cadbury factory is an existing industrial use that has been in operation for over 100 years. Tours of the factory were open to the public for many years and enjoyed by visitors and locals. The proposed amendment would enable the recommencement of a visitor experience on the subject land. The placement of the future visitor experience would be outside the existing factory to manage food and workplace health and safety requirements.

3.3 Requirements of the Act

This planning scheme amendment application is made under Section 37 of the Land Use Planning and Approvals Act 1993 (the Act). It requires:

- (1) A person may request a planning authority to amend an LPS that applies to the municipal area of the planning authority.
- (2) A request under subsection (1) is to be in a form approved by the planning authority or, if a form has been approved by the Commission, is to be in that form.
- (3) A request under subsection (1) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land –
 - (a) be signed by each owner of the land; or
 - (b) be accompanied by the written permission of each owner of the land to the making of the request.

Consent of the landowners has been provided in accordance with the requirements of the Act and is available at Appendix B.

Section 34(2) of the Act is relevant for a planning scheme amendment as it stipulates the assessment criteria to be met. The criteria are that the proposal:

- (a) contains all the provisions that the SPPs specify must be contained in an LPS; and
- (b) is in accordance with section 32; and
- (c) furthers the objectives set out in Schedule 1; and
- (d) is consistent with each State policy; and
- (da) satisfies the relevant criteria in relation to the TPPs; and
- (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; and
- (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; and
- (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
- (h) has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.

The following sections address the matters that are covered by the above-mentioned legislative requirements.

3.4 Assessment against Section 34(2)(a)

Section 34(2)(a) requires that the amendment result in a planning scheme instrument which contains all the provisions that the SPPs specify must be contained in an LPS.

3.4.1 Content of an LPS

The *Tasmanian Planning Scheme* came into effect for the Glenorchy local government area on 18 August 2021 and replaced the former *Glenorchy Interim Planning Scheme 2015*. The *Tasmanian Planning Scheme* (TPS) sets out requirements for the use or development of land in accordance with the *Land Use Planning*

and Approvals Act 1993 (the Act). The TPS consists of two parts: the State Planning Provisions (SPPs) and a Local Provisions Schedule (LPS) for each municipal area in Tasmania. The SPPs include administration clauses, general provisions, use and development standards for zones and codes and LPS requirements.

The LPS includes the zone maps, overlay maps, local area objectives, particular purpose zones, specific area plans, site-specific qualifications, and code lists for each municipal area in Tasmania.

The proposed amendment seeks to introduce a site-specific qualification to allow for additional uses on the subject land, specifically, Community Meeting and Entertainment, General Retail and Hire, and Tourist Operation. The proposal will not override existing provisions and will rely on the zone and code provisions in the SPPs. This criterion is met.

3.5 Assessment against Section 34(2)(b)

Section 34(2)(b) requires that the amendment is in accordance with Section 32, which prescribes the content requirements for local provisions schedules. The proposed amendment accords with the content requirements of the LPS under section 32 for the reasons outlined

Table 4 Response to requirements of section 32 of the Act

Section 32 requirement	Response
<i>(1) An LPS is to consist of provisions that apply only to a single municipal area specified in the LPS.</i>	The proposed amendment relates only to the municipal area of Glenorchy.
<i>(2) An LPS –</i>	<p>The proposed amendment does not alter the municipal area to which is currently relates to. The LPS already includes provisions that the SPPs require to be included in an LPS and the proposed amendment does not alter these.</p> <p>The proposed amendment is considered to be consistent with section 11 and 12 of LUPAA the Act. In particular, the proposed amendment does not:</p> <ul style="list-style-type: none"> • prevent the continuance or completion of any lawful use or development • prevent the reconstruction or restoration of buildings or works unintentionally destroyed or damaged • extend or transfer a use from one part of a parcel of land to another part • affect forestry operations, mineral exploration, fishing or marine farming. <p>No land is being designated for public purposes as part of this amendment.</p> <p>No alteration to the SPPs is proposed.</p> <p>The proposed provision is also in a form specified by the SPPs</p>
<i>(a) must specify the municipal area to which its provisions apply; and</i>	
<i>(b) must contain a provision that the SPPs require to be included in an LPS; and</i>	
<i>(c) must contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land, if required to do so by the SPPs; and</i>	
<i>(d) may, subject to this Act, contain any provision in relation to the municipal area that may, under section 11 or 12, be included in the Tasmanian Planning Scheme; and</i>	
<i>(e) may contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to particular land; and</i>	
<i>(f) must not contain a provision that is inconsistent with a provision of section 11 or 12; and</i>	
<i>(g) may designate land as being reserved for public purposes; and</i>	
<i>(h) may, if permitted to do so by the SPPs, provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and</i>	
<i>(i) may, if permitted to do so by the SPPs, override a provision of the SPPs; and</i>	
<i>(j) may, if permitted to do so by the SPPs, modify, in relation to a part of the municipal area, the application of a provision of the SPPs; and</i>	
<i>(k) may, subject to this Act, include any other provision that –</i>	
<i>(i) is not a provision of the SPPs or inconsistent with a provision of the SPPs; and</i>	

Section 32 requirement	Response
<p>(ii) is permitted by the SPPs to be included in an LPS; and</p> <p>(l) must not contain a provision that the SPPs specify must not be contained in an LPS.</p>	
<p>(3) Without limiting subsection (2) but subject to subsection (4), an LPS may, if permitted to do so by the SPPs, include –</p> <p>(a) a particular purpose zone, being a group of provisions consisting of –</p> <p>(i) a zone that is particular to an area of land; and</p> <p>(ii) the provisions that are to apply in relation to that zone; or</p> <p>(b) a specific area plan, being a plan consisting of –</p> <p>(i) a map or overlay that delineates a particular area of land; and</p> <p>(ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs; or</p> <p>(c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.</p>	<p>The proposed amendment is to include an SSQ consistent with section 32(3)(c).</p>
<p>(4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –</p> <p>(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or</p> <p>(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.</p>	<p>The proposed amendment is considered to satisfy both subclauses under section 32(4). It seeks to facilitate a significant development with positive social and economic impacts not only to the City of Glenorchy but the broader Graeter Hobart area. In addition, the subject land is considered to have environmental, social and spatial qualities that are unique to the area of land, given it is the only major chocolate making facility in Tasmania with important social and industrial heritage values.</p> <p>The historic Cadbury factory opened in 1922 and is strongly connected with the history of Glenorchy. The factory has a long-standing legacy in Tasmania and contributes to the economic and social fabric of the area through employment and the sourcing of local ingredients. The factory held tours for visitors from 1958 to 2016, employing many Tasmanians and creating a unique visitor experience for locals and visitors. Tours ceased due to requirements related to food and workplace safety. The proposed amendment seeks to facilitate recommencement of a visitor experience on the site in a way that protects the operational requirements of Mondelez and responds to current visitor expectations.</p> <p>The subject land also provides unique environmental and spatial qualities due to its location on the River Derwent. The existing jetty associated with the Cadbury factory provides an opportunity for ferry-based transport to the site, reducing the traffic impact of the future use, and allowing for a unique experience that builds on the legacy of the previous visitor experience of the factory tours.</p> <p>The re-establishment of a visitor experience associated with the Cadbury factory draws on unique environmental,</p>

Section 32 requirement	Response
	<p>social, and spatial qualities associated with the subject land, requiring modification to the LPS through an SSQ.</p> <p>A visitor experience cannot be facilitated through the existing zone provisions, as the applicable uses are prohibited in the General and Light Industrial zoning. Alternatives to the inclusion of a site-specific qualification have been considered and are not considered appropriate to the site (see section 3.1.1).</p> <p>As outlined in Appendix C, the project represents a \$150 million investment with significant employment generation during both the construction and operational phases. It is estimated the experience will attract over 500,000 visitors annually, contributing a further \$120 million in visitor spending in the local economy each year: the equivalent of two-thirds of all current visitors to the Hobart region³.</p>
<i>(5) An LPS must be in accordance with the structure, if any, that is indicated, or specified, in the SPPs to be the structure to which an LPS is to conform.</i>	The LPS is already in accordance with the structures specified in the SPPs and the proposed amendment does not alter this.
<i>(6) A provision of an LPS must be in the form, if any, that the SPPs indicate a provision of an LPS is to take.</i>	It is proposed that the site-specific qualification be added to the GLE-Site-specific Qualifications table in the Glenorchy LPS consistent with the structure set out in the SPPs.
<i>(7) A provision of an LPS in relation to a municipal area is not to be taken to have failed to comply with this section, or to be inconsistent with a provision of the SPPs, by reason only that it is inconsistent with a provision of the SPPs that has not come into effect in relation to the municipal area</i>	Not applicable.

3.6 Assessment against Section 34(2)(c)

Section 34(2)(c) requires that the amendment furthers the objectives of the resource management and planning system set out in Schedule 1 of the Act. An assessment of the proposal against these objectives is provided in Table 4 below.

Table 5: Assessment against objectives of Schedule 1 of the Act

Part 1 Objective	Response
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	<p>No threatened species or threatened vegetation communities have been identified on or in proximity to the subject land.</p> <p>The River Derwent, while providing important ecological functions is also well used for a range of recreational and ferry movements and has a history of contamination from industrial uses.</p> <p>A SSQ will not impact negatively on the environment subject to adequate assessment measures being applied to future development, which are achieved through the existing code overlays</p>

³ As of the year ending March 2024, the Tasmanian Visitor Survey identified that there were a total of 779,000 visitor to attractions in Hobart.

Part 1 Objective	Response
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	<p>The land is part of a limited area of industrial land in an area more generally reserved for residential and recreational uses. The proposed amendment provides for additional uses associated with the existing industrial use on the subject land. The land is unlikely to be used for any other use as it is land retained by Mondelez as part of the broader Cadbury factory site.</p> <p>The proposed amendment provides an orderly development opportunity that maximises the sustainable use of existing land through complementary activities and allowing more efficient use of existing infrastructure and resources.</p>
(c) to encourage public involvement in resource management and planning	<p>The draft amendment will be placed on public exhibition for a formal comment period. Representors will be provided the opportunity to provide additional input during a public hearing process. Any subsequent development of the subject land similarly will be placed on public exhibition.</p>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) an (c)	<p>The proposed amendment will facilitate additional uses on the subject land including Community Meeting and Entertainment, General Retail and Hire, and Tourist Operation. As outlined in section 1.3 the SSQ would facilitate a new visitor experience on the site in a manner that aligns with Mondelez's food and workplace safety requirements as well as contemporary visitor expectations to Tasmania, but building on the long standing and popular Cadbury factory tours that ceased in 2016, experiencing up to 150,000 visitor per year.</p> <p>Taking into account the responses provided to (a), (b) and (c) above, development to enable such uses can occur in sustainable manner that does not involve impact on natural values and contributes positively towards social and economic development in the region and state. It is expected that the new visitor experience facilitated by the SSQ will contribute to the Tasmanian visitor economy.</p>
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State	<p>The proposed amendment represents a process of shared responsibility between State government, local government, the land development industry and the community. All relevant bodies will be consulted as part of the planning approval process.</p>
Part 2 Objective	Response
(a) to require sound strategic planning and co-ordinated action by State and local government	<p>The amendment implements sound strategic planning that has been undertaken for the region and municipality. Strategic planning for the region and local government area has been coordinated through the <i>Southern Tasmania Regional Land Use Strategy (STRLUS)</i> and the <i>Glenorchy City Council Strategic Plan 2016-25 (GSP)</i>, respectively.</p> <p>Tourism is a key regional policy of the STRLUS that would be supported by the proposed amendment.</p> <p>The GSP encourages business growth and tourism in the local government area.</p>

Part 1 Objective	Response
	Furthermore, the amendment will enable use that contributes positively to tourism and the Tasmanian economy.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land	The proposed amendment will modify the requirements of the <i>Tasmanian Planning Scheme – Glenorchy</i> to facilitate and control use and development on the subject land; it will allow for the future development of the land to be considered against the provisions of the planning scheme.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land	This assessment has given due consideration to environmental, social and economic effects. As indicated in the responses to Part 1 (a) and (d) above, future development of the subject land will contribute positively to the economic and social fabric of the area without introducing unmitigated environmental impacts. The existing provisions of the planning scheme ensure this can be achieved during subsequent development stages. No further provisions are considered necessary.
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	The proposed amendment does not affect the attainment of this objective.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	The assessment of the proposed amendment will enable the coordination of future development approval by facilitating certainty of the additional allowed uses.
(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	The proposed amendment would facilitate future use and development that will provide jobs, increase the tourism economy, and provide a unique experience for Tasmanians and visitors to Tasmania.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	<p>The subject land is listed as heritage place GLE-C6124 – Cadbury Industrial Estate – Factory. The amendment will facilitate development that is consistent with the history of the site. Heritage elements of the subject land will be safeguarded through the application of the Local Historic Heritage Code.</p> <p>Preliminary investigations have identified known Aboriginal heritage sites and the potential for additional Aboriginal heritage sites that will require further investigation during the assessment of any proposed use or development.</p>
(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.	<p>The proposed amendment will support the orderly provision of and coordination of public utilities and other facilities.</p> <p>Expert assessment of future development would be undertaken to ensure it would not adversely impact on public infrastructure and other assets. Subject to the scale and intensity of future development, minor road infrastructure upgrades may be recommended to improve the efficiency of the network. Such upgrades would be subject to approval from Council as landowner and infrastructure provider to ensure the orderly provision and coordination of utilities.</p>

Part 1 Objective	Response
	Overall, there are adequate safeguards through the planning, building and plumbing permit application processes to protect public infrastructure in proximity to the subject land.
(i) to provide a planning framework which fully considers land capability.	The proposed amendment does not affect the attainment of this objective.

3.7 Assessment against Section 34(2)(d)

Section 34(2)(d) requires that the amendment be consistent with each State Policy. There are currently three state policies operational in Tasmania that articulate the government's strategic policy direction. Additionally, the National Environmental Protection Measures (NEPMs) are taken to be State Policies.

The relevance of these policies to the proposed scheme amendment is addressed below.

3.7.1 State Coastal Policy 1996

The subject land is located within 1 km of the high water mark and is therefore subject to the *State Coastal Policy 1996*. Future development will need to be designed in accordance with the requirements of the *State Coastal Policy 1996*. The consistency of the proposed scheme amendment with the relevant outcomes of the *State Coastal Policy 1996* are addressed in Table 5 below.

Table 6 Compatibility with the State Coastal Policy 1996

Outcomes	Consistency
1.1.10. The design and siting of buildings, engineering works and other infrastructure, including access routes in the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.	The proposed amendment retains all relevant planning controls associated with the use and development of the coastal zone.
1.2.1. Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.	The proposed amendment makes no change to the assessment and protection processes established for Aboriginal site and relics.
1.2.2. All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation.	The proposed amendment makes no change to the assessment and protection processes established for Aboriginal site and relics.
2.1.1. The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.	The proposed amendment makes no changes to the requirement for use and development to occur in accordance with the objectives, principles and outcomes of the <i>State Coastal Policy 1996</i> .
2.1.2. Development proposals will be subject to environmental impact assessment as and where required by State legislation including the Environmental Management and Pollution Control Act 1994.	The proposed amendment makes no changes to requirements for development proposals to be subject to environmental impact assessment, noting that it is highly unlikely that the visitor experience facilitated by the SSQ will require environmental impact assessment by the EPA.
2.1.3. Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be	The proposed amendment will have no impact on the outcome.

Outcomes	Consistency
sensitive to the natural and aesthetic qualities of the coastal environment.	
2.1.5. The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.	The proposed amendment will have no impact on the outcome.
2.1.6. In determining decisions on use and development in the coastal zone, priority will be given to those which are dependent on a coastal location for spatial, social, economic, cultural or environmental reasons.	The proposed amendment will have no impact on the outcome.
2.1.9. Every effort will be made to prevent the introduction of foreign marine organisms and species. Relevant Commonwealth provisions for quarantine and ballast water or other ship discharges shall apply.	The proposed amendment will have no impact on the outcome.
2.3.1. Tourism use and development in the coastal zone, including visitor accommodation and other facilities, will be directed to suitable locations based on the objectives, principles and outcomes of this Policy and subject to planning controls.	The proposed additional uses will be in the coastal zone. The location has been considered against the objectives, principles and outcomes of this policy and is considered suitable, particularly given the urban nature of the coastal area in this location. Future use and development will be subject to planning controls.
2.3.2. Tourism development proposals in the coastal zone will be subject to environmental impact assessment as required by State legislation including a water safety assessment to indicate the level and type of lifesaving facilities and personnel required to protect people.	Future development will be subject to all applicable provisions and standards under state and federal legislation.
2.3.3. Opportunities for tourism development will be identified wherever strategic planning occurs for the coastal zone or any part of it.	This strategic planning proposal seeks to provide opportunity for future tourism development.
2.3.4. Tourism development will be located where there is environmental capacity and where it does not significantly conflict with the natural and aesthetic qualities of the coastal zone.	Future use and development will be assessed to determine whether there is sufficient environmental capacity and ensure that proposals do not significantly conflict with natural and aesthetic values.
2.5.1. All transport infrastructure and associated services will be planned, developed and maintained consistent with the State Coastal Policy.	No transport infrastructure is proposed as part of this scheme amendment.
2.5.4. Marine structures will be designed, sited, constructed and managed in accordance with best practice environmental management and subject to environmental impact assessment having regard to statutory requirements.	No marine structures are proposed as part of this scheme amendment. It is acknowledged that future use and development facilitated by the SSQ is likely to involve water access to the site, but existing infrastructure will be used to support this, and assessment will be required against existing planning scheme codes which safeguard coastal values at the permit assessment stage.

3.7.2 State Policy on the Protection of Agricultural Land 2009

The subject land is not considered agricultural land for the purposes of the *State Policy on the Protection of Agricultural Land 2009*.

3.7.3 State Policy on Water Quality Management 1997

The subject land is serviced with reticulated services including stormwater. It is anticipated that any future development will be required to connect to the existing infrastructure. Therefore, it is considered unlikely that there would be a direct impact on water quality arising from the proposed amendment subject to appropriate details of water management at the planning, plumbing, and building permit application stage.

3.7.4 National Environment Protection Measures

National Environmental Protection Measures (NEPMs) are statutory instruments given effect through the National Environment Protection Council (Tasmania) Act 1995. NEPMs specify national standards for various environmental issues. NEPMs are considered to be State Policies in Tasmania under Section 12A of the State Policies and Projects Act 1993.

Seven NEPMs have been made to date that deal with:

- Ambient air quality;
- Air Toxins;
- Assessment of Site Contamination;
- Diesel Vehicle Emissions;
- Movement of Controlled Waste Between States and Territories;
- National Pollutant Inventory; and
- Used Packaging Materials.

The subject land has an industrial history and formally had an active underground petroleum tank, which has now been decommissioned. Due to the site history, there is the potential for contamination, The requirements of the NEPM for Assessment of Site Contamination would be addressed through the application of the Potentially Contaminated Land Code of the TPS at the planning permit application stage. Future use and development will be assessed against any relevant NEPMs once specific details are available.

3.8 Assessment against Section 34(2)(da)

Section 34(2)(da) requires the amendment to satisfy the relevant criteria of the Tasmanian Planning Policies (TPPs). There are no TPPs currently in effect. Therefore, this section of the Act is not applicable to the proposal.

3.9 Assessment against Section 34(2)(e)

Section 34(2)(e) requires the amendment, as far as practicable, to be consistent with the regional land use strategy that applies to the area, being the *Southern Tasmania Regional Land Use Strategy* (STRLUS). The STRLUS sets out the policy basis to facilitate and manage change, growth and development to 2035. A suite of goals, strategic directions and regional policies provide a framework to achieve this intention.

3.9.1 Strategic directions

The tourism industry in Tasmania provides direct and indirect employment. Growth in visitor numbers and expenditure is forecast to 2035 with tourism continuing to be an important economic driver for the southern region of Tasmania. The use will occur alongside an existing thriving industry providing confidence in the longevity of the future development.

Future development will need to occur in a way that values and protects the existing heritage values of the subject land.

The integration of a site-specific tourism use alongside the existing industrial use allows for the efficient use of industrial land that would be unlikely to be used for any other purpose given the proximity of the subject land to incompatible zones.

The proposed use will build on the existing legacy of the Cadbury Factory and add a regionally competitive tourism experience.

3.9.2 Regional policies

It is considered that there are limited implications in relation to regional policies under the STRLUS. This is because the proposed amendment seeks to facilitate a specific tourism outcome through modifying the use status of specific uses on the Cadbury factory site, without changing broader planning requirements.

Policies considered relevant are addressed below.

3.9.2.1 Tourism

The STRLUS includes the following relevant policies in relation to tourism:

T1.1 Protect and enhance authentic and distinctive local features and landscapes throughout the region.

T1.6 Recognise, planning schemes may not always be able to accommodate the proposed tourism use and development due to its innovative and responsive nature.

T1.7 Allow for objective site suitability assessment of proposed tourism use and development through existing non-planning scheme based approval processes (43A application).

The STRLUS includes a key regional policy on tourism that describes how the planning system can respond to the tourism industry and provide flexibility for innovative tourism use. The proposed amendment would facilitate a new tourism use in a way that can protect and enhance the distinctive local features and character of the subject land, which are safeguarded through existing planning scheme provisions.

3.10 Assessment against Section 34(2)(f)

Section 34(2)(f) requires an amendment to the LPS to have regard to strategic plans prepared under section 66 of the *Local Government Act 1993*, that apply to the local government area.

The *Glenorchy City Council Strategic Plan 2023-2032* (GSP) documents the community goals, objectives and strategies that are envisioned for the Glenorchy community.

The GSP documents 5 community goals:

- Making lives better
- Building image and pride
- Open for business
- Leading the community
- Valuing our environment

Unlike the previous strategic plan, the current GSP has minimal direction relevant to the proposed amendment. That said, the Project aligns with the strategy of maintaining a progressive approach that encourages investment and jobs associated with 'We encourage responsible growth for our City' under the open for business community goal.

The proposed amendment does not otherwise jeopardise the attainment of the GSP.

3.11 Assessment against Section 34(2)(g)

At the time of writing this report, one adjoining municipality has an LPS that is in effect, being Brighton. The Derwent Valley, Hobart, and Huon Valley local government areas also adjoin the Glenorchy municipal area, but they do not currently have an LPS in force. The proposed amendment seeks to amend the use permitted on the subject land, which will have no impact on the operation of an LPS in effect in an adjoining municipal area.

3.12 Assessment against Section 34(2)(h)

Section 34(2)(h) requires the amendment to have regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*. The amendment has no impact on the ability to achieve these safety requirements. The subject land contains a TasGas distribution pipe. Future use and development would be required to meet the requirements of the *Gas Pipelines Act 2000* are not applicable.

4 Conclusion

This application seeks an amendment to the Tasmanian Planning Scheme, specifically the Glenorchy Local Provisions Schedule, pursuant to Section 37 of the *Land Use Planning and Approvals Act 1993* (the Act).

ERA Planning and Environment on behalf of Simon Currant and Associates have presented this request to allow for a site-specific qualification at 100 Cadbury Road, Claremont to facilitate the construction and ongoing operation of new visitor experience associated with the Cadbury Factory site. The SSQ specifically provides for Community Meeting and Entertainment, General Retail and Hire, and Tourist Operation use as additional allowable uses.

The subject land is the site of the Cadbury factory, which is a unique industrial site in Tasmania, with a long social and cultural history including visitor experiences which ran from the site from 1948 through to 2016. Previous factory tours on the site were ceased due to operational requirements of Mondelez in terms and food and workplace safety. The new visitor experience being located on the same site, but technically outside of the factory area, is an opportunity to build on the site's history and provide the opportunity for visitors to once again experience the Cadbury chocolate making in Tasmania, in a manner that maintains Mondelez's operational requirements and builds on the nature of the Tasmanian visitor economy.

Providing for Community Meeting and Entertainment, General Retail and Hire, and Tourist Operation as additional uses that are associated with the existing Cadbury factory would draw on the site's unique values and be developed in a way that is integrated with, and sympathetic to, the existing use. Desktop assessment has been undertaken for natural values found no identifiable values on the subject land which would be affected by its future development. Aboriginal heritage sites have been identified within the site and cultural heritage assessment would be required as part of the planning permit process. Other existing planning scheme provisions would remain in place so at the permit application stage there can be appropriate assessment of suitability of the use and development in relation to amenity impacts, land use conflict, heritage and natural values.

While the SSQ represents a departure from the State Planning Provisions, the requirements of section 32(4) of the Act apply as the land has unique qualities which require this departure. As an operational factory site, it is important that the zoning remains General Industrial, but there is a long-standing history of visitors experiencing chocolate making on the site and well documented desire amongst the community for this to recommence. There is no other site in Tasmania that has similar characteristics and potential.

The land is within a serviced area and is considered an appropriate location to facilitate tourism land use. The proposed amendment strongly aligns with the Tourism policy within the STRLUS and is consistent with Council's strategic plan, relevant state policies and the objectives of the RMPS.

The proposed amendment is considered to satisfy the legislative requirements as an amendment to the Glenorchy Local Provisions Schedule. The proposal is therefore recommended for initiation and certification.

Appendix A Title Documentation



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 139355	FOLIO 2
EDITION 2	DATE OF ISSUE 11-Jun-2008

SEARCH DATE : 22-Aug-2024

SEARCH TIME : 11.32 AM

DESCRIPTION OF LAND

City of GLENORCHY

Lot 2 on Sealed Plan 139355

Derivation : Part of Lot 1, 1.052 ha Vested in The Australian National Railways Commission and Part of 246A-OR-0Ps Gtd to C. S. Clerk and Whole of Lot 30360 Gtd to Cadbury Fry Pascall Pty Ltd

Prior CTs 116248/1 and 121433/1

SCHEDULE 1

A383136 & B433446 CADBURY SCHWEPPEES PTY LIMITED

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
68006, 69935/6, 103173 & 118693/4 CONDITIONS in Transfer

SP 139355 EASEMENTS in Schedule of Easements

C815755 BURDENING ELECTRICITY INFRASTRUCTURE EASEMENT with
the benefit of a restriction as to user of land in
favour of Aurora Energy Pty Ltd over the Electricity
Infrastructure Easement 'A' 2.00 wide on Sealed Plan
139355 (Subject to Provisions) Registered
11-Jun-2008 at noon

UNREGISTERED DEALINGS AND NOTATIONS

160435 Plan - Pending Lodged by SIMMONS WOLFHAGEN on
22-Sep-2010 BP: 160435

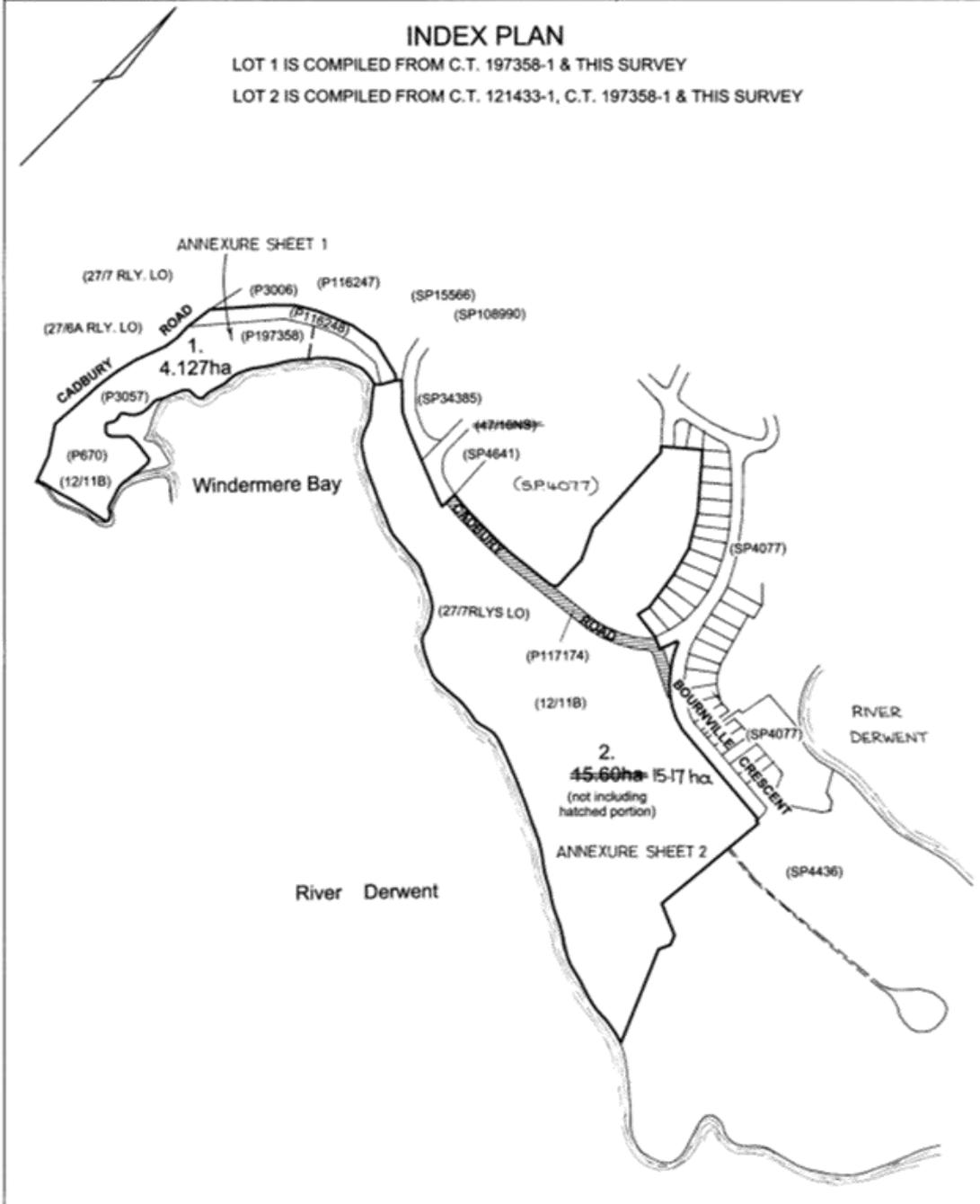


RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



OWNER CADBURY SCHWEPES PTY LTD GLENORCHY CITY COUNCIL FOLIO REFERENCE C.T. 116248-1, C.T. 197358-1 C.T. 121433-1 GRANTEE PART OF 246 ACRES GRANTED TO CLAUDE SEPTIMUS CLERK. PART OF 1.052ha VESTED IN THE AUSTRALIAN NATIONAL RAILWAY COMMISSION	PLAN OF SURVEY BY SURVEYOR A. R. HILDER LOCATION CITY OF GLENORCHY SCALE 1: 5000 LENGTHS IN METRES		REGISTERED NUMBER SP 139355 - 4 NOV 2003 APPROVED EFFECTIVE FROM <i>Alice Kawa</i> Recorder of Titles.
	MAPSHEET MUNICIPAL CODE No. 113 (5226-41,51)	LAST UP1 No. 1702034 FAB97	LAST PLAN P116248, No. P197358, P121433



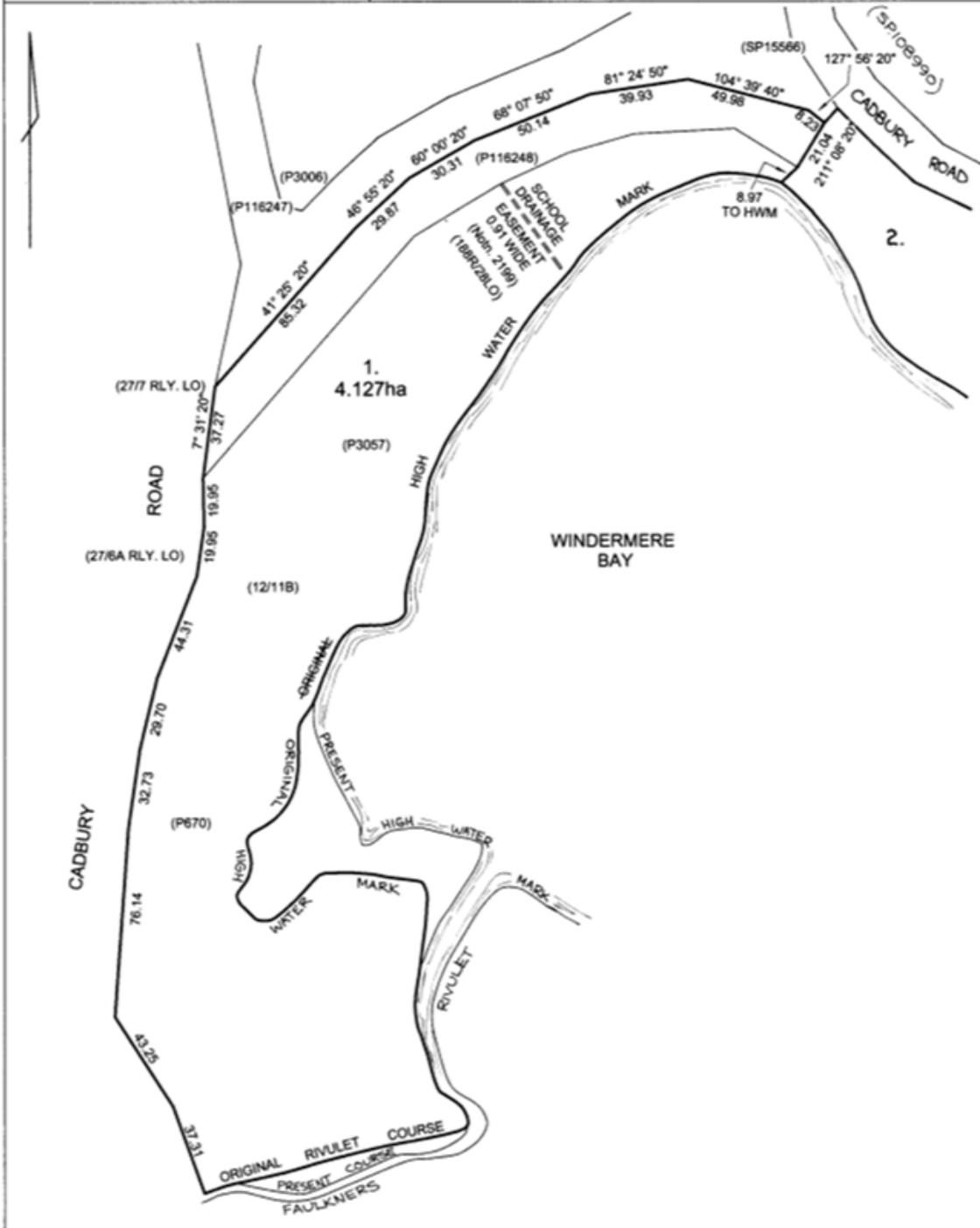


RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p>PLAN OF SURVEY ANNEXURE SHEET SHEET 1 OF 2 SHEETS</p>	<p>OWNER: CADBURY SCHWEPPES PTY LTD. GLENORCHY CITY COUNCIL FOLIO REFERENCE: C.T. 116248-1, C.T. 197358-1, C.T. 121433-1 SCALE 1: 1500 LENGTHS IN METRES</p>	<p>Registered Number SP139355</p>
<p>SIGNED FOR IDENTIFICATION PURPOSES Council General Manager</p>	<p>THIS ANNEXURE SHEET FORMS PART OF THE ATTACHED PLAN. THE SURVEYOR'S CERTIFICATE EXTENDS TO THE DETAILS ON THIS SHEET Registered Surveyor Date: 27 August 2001</p>	



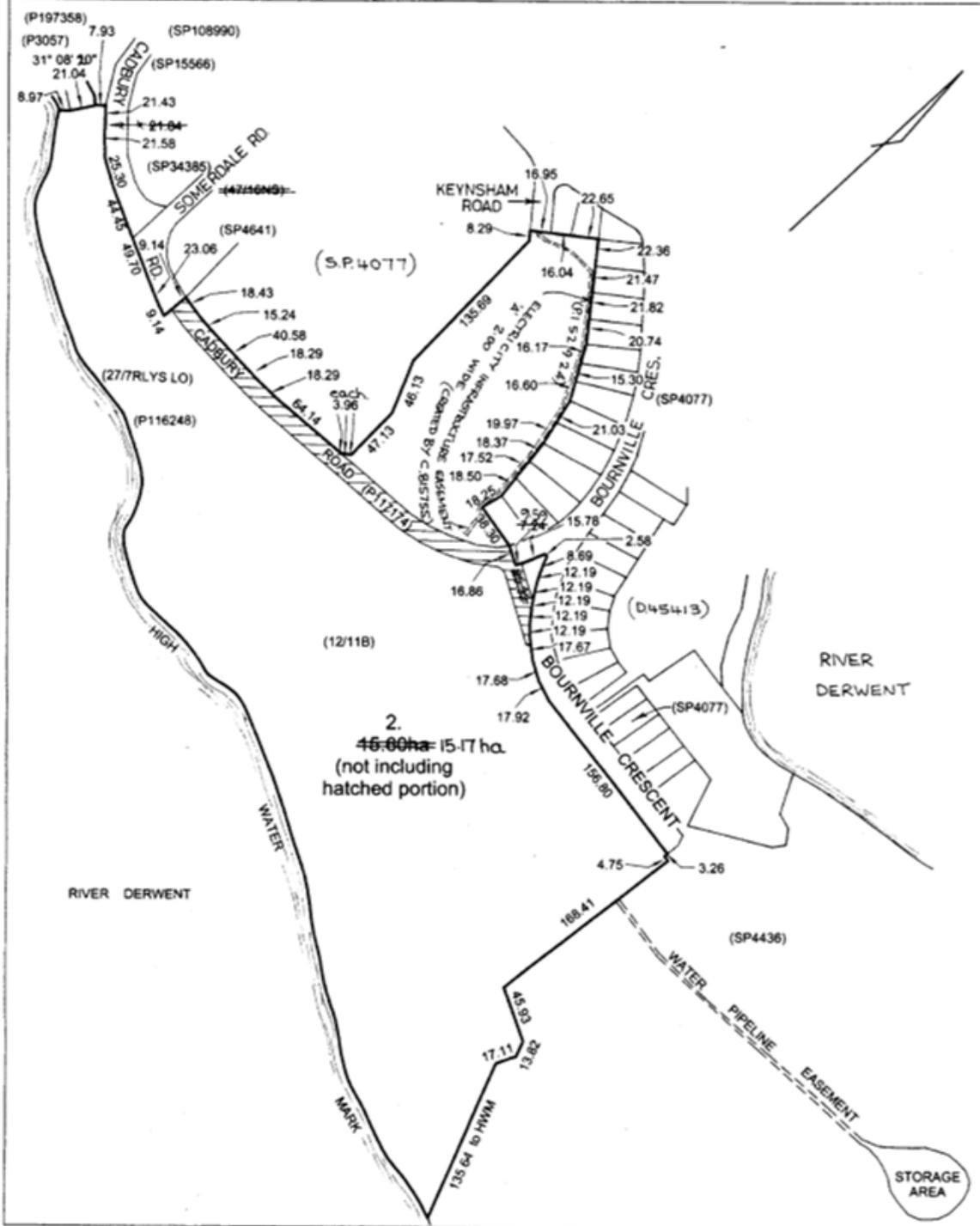


RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p>PLAN OF SURVEY ANNEXURE SHEET</p> <p>SHEET 28 OF 28 SHEETS</p>	<p>OWNER: CADBURY SCHWEPPE'S PTY LTD, GLENORCHY CITY COUNCIL FOLIO REFERENCE: C.T. 116248-1, C.T. 197358-1, C.T. 121433-1</p> <p>SCALE 1: 3000 LENGTHS IN METRES</p>	<p>Registered Number SP139355</p>
<p>SIGNED FOR IDENTIFICATION PURPOSES</p> <p><i>[Signature]</i> Council General Manager</p>	<p>THIS ANNEXURE SHEET FORMS PART OF THE ATTACHED PLAN. THE SURVEYOR'S CERTIFICATE EXTENDS TO THE DETAILS ON THIS SHEET</p> <p>Registered Surveyor <i>[Signature]</i> Date: 27 August 2001</p>	





RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



"A"

SCHEDULE OF EASEMENTS	Registered Number
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP 139355

PAGE 1 OF 3 PAGE/S
3

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

1. Lot 1 on the plan is subject to the full and free right of drainage for The Crown as acquired by Notification No. 2199 for the purposes of drainage of Claremont School including the right to connect with any existing drain for The Crown and the owner or occupier for the time being of 3A-3R-34.6/10Ps of the land known as the Claremont School and as appurtenant thereto together with all other persons having the like right in over or under the strip of land marked "School Drainage Easement" on Lot 1 on the plan with power at any time upon giving previous reasonable notice to enter upon the said strip of land for the purpose of constructing laying repairing cleansing and maintaining any pipes or drains the person or persons entering to make good any damage to the surface of the said land within described occasioned thereby.

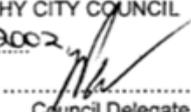
- ~~2. Lot 2 on the plan is subject to the benefiting and burdening easements set forth in Instrument B443320.~~

Easements continued on page 3.

- Lots 1 and 2 on the plan are subject to the Conditions in Transfers 68006, 69935/6, 103173 and 118693/4.

Dated this 12 day of December 2002.

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: GLENORCHY CITY COUNCIL CADBURY SCHWEPPES PTY LTD FOLIO REF: vol. 197358 folio 1, vol. 116248 folio 1, vol. 121433 folio 1 SOLICITOR & REFERENCE: DOBSON MITCHELL & ALLPORT ref: Dayne Johnson	PLAN SEALED BY: GLENORCHY CITY COUNCIL DATE: 12 December 2002 DA 87-01 REF NO.
 Council Delegate	
NOTE: The Council Delegate must sign the Certificate for the purposes of identification.	



RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 3 PAGES	Registered Number SP 139355
SUBDIVIDER: GLENORCHY CITY COUNCIL CADBURY SCHWEPPEES PTY LTD FOLIO REFERENCE: vol. 197358 folio 1, vol. 116248 folio 1, vol. 121433 folio 1	

The COMMON SEAL of
THE GLENORCHY CITY COUNCIL
fixed in the presence of:

[Handwritten signature]
.....
.....



The COMMON SEAL of
CADBURY SCHWEPPEES PTY LTD
fixed in the presence of:

[Handwritten signature]
.....
(Director)
[Handwritten signature]
.....
(Director/Secretary)



NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 3 PAGE/S	Registered Number SP 139355
SUBDIVIDER: GLENORCHY CITY COUNCIL & CADBURY SCHWEPPE PTY LTD FOLIO REFERENCE: 121433/1, 197358/1 & 121433/1	

EASEMENTS (Continued):

That portion of Lot 2 on the plan formerly comprised in Lot 1 on Plan No. 121433 is:

TOGETHER WITH the full and free right for the registered proprietor of such lot or other the owners and occupiers for the time being of any portion of the said lot of making and laying sewers and drains and of using all sewers and drains now or hereafter to be made in under or over Lots 4, 6, 8, 10, 11, 12 and 13 on Diagram No. 47/10 NS (herein called "the said lots") and 5 2/10 perches of land shown on Diagram No. 188/12 or any part thereof for the benefit of any existing or future buildings on any other portion of such lot with power at any time upon giving previous reasonable notice to enter upon the said lots and the said 5 2/10 perches of land to make lay repair cleanse and maintain any sewers or drains the persons or the said registered proprietor entering to make good any damage to the surface occasioned thereby PROVIDED THAT the above reservation should not be construed to impose any liability upon the said registered proprietor to make or lay any drain or sewer.

TOGETHER WITH (appurtenant to each and every part of such lot with which such rights shall be capable of enjoyment)

- (i) a right to pump or carry water to or from the area marked "Storage Easement" on the plan over or under the land marked "Water Pipeline Easement" on the plan and through all sewers drains and pipes which may hereafter be made or passing under through and along the last mentioned land the the right for the owner or owners of the lot and his surveyors and workmen from time to time and at all times hereafter if he or they should think fit to enter into upon the last mentioned land and to inspect repair cleanse and amend any such sewer drain or pipe without doing unnecessary damage to the said land
- (ii) a right to store water in the excavation existing within the "Storage Area" on the plan
- (iii) a right to enter the land marked "Storage Area" on the plan and to erect thereon such walls dams and other constructions as are necessary to contain the water stored therein.

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Appendix B Owner's Consent

Form No. 1

Owners' consent

Requests for amendments of a planning scheme or Local Provisions Schedule and applications for combined permits require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

1. Request made by:

Name(s):

Emma Riley, ERA Planning and Environment

Email address

emma@eraplanning.com.au

Contact number:

0409 787 715

2. Site address:

Address:

'Cadbury Factory', 100 Cadbury Road, Claremont

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

CT 139355/2
PID 2245343

DocuSign Envelope ID: E28526D5-BF8D-4265-9589-BECA69B7E513

3. Consent of registered land owner(s):

Every owner, joint or part owner of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner :

Cadbury Schweppes Pty Ltd
know known as Mondelez Australia Pty Ltd

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

CT 139355/2
PID 224 5343

Position
(if applicable):

Company Director

Signature:

DocuSigned by:
Keir Dixon
Keir Dixon
ECCC210204AE4F3...

Date:

July 16, 2024

Registered owner
(please print):

[Empty box for printed name]

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

CT 139355/2
PID 224 5343

Position
(if applicable):

[Empty box for position]

Signature:

[Empty box for signature]

Date:

[Empty box for date]

Registered owner
(please print):

[Empty box for printed name]

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

[Empty box for property identifier]

Position
(if applicable):

[Empty box for position]

Signature:

[Empty box for signature]

Date:

[Empty box for date]

NOTES:**a. When is owners' consent required?**

Owners' consent is required for:

- amendments to an interim planning scheme or to a Local Provisions Schedule¹; or
- combined permits and amendments².

Owners' consent must be provided before the planning authority determines to initiate, certify or prepare the amendment.

b. Who can sign as owner?

Where an owner is a natural person they must generally sign the owner's consent form personally.

Where an owner is not a natural person then the signatory must be a person with legal authority to sign, for example company director or company secretary.

If the person is acting on behalf of the owner under a legal authority, then they must identify their position, for example trustee or under a power of attorney. Documentary evidence of that authority must also be given, such as a full copy of the relevant Trust Deed, Power of Attorney, Grant of Probate; Grant of Letters of Administration; Delegation etc.

Please attach additional pages or separate written authority as required.

c. Strata title lots

Permission must be provided for any affected lot owner and for common property for land under a strata title under the *Strata Titles Act 1998*. For common property, permission can be provided in one of the following ways:

- i. a letter affixed with the body corporate's common seal, witnessed by at least two members of the body corporate (unless there is only one member, in which case the seal must be witnessed by that member) and which cites the date on which the body corporate or its committee of management met and resolved to give its consent to the application; or,
- ii. the consent of each owner of each lot on the strata plan.

d. Companies

If the land is owned by a company the form is to be signed by a person with authority in accordance with the *Corporations Act 2001 (Cwth)*.

e. Associations

If the land is owned by an incorporated association the form is to be signed by a person with authority in accordance with the rules of the association.

f. Council or the Crown

If the land is owned by a council or the Crown then form is to be signed by a person authorised by the relevant council or, for Crown land, by the Minister responsible for the Crown land, or a duly authorised delegate.

The name and positions of those signing must be provided.

Effective Date: September 2021

¹ under section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* or section 31 of the current provisions.

² under section 43A of the former provisions or section 40T of the current provisions of the Act.

Appendix C Statement of community benefits

Chocolate Experience at Cadbury Statement of Community Benefits

The new Chocolate Experience at Cadbury in Claremont, Tasmania, will deliver transformative benefits to the State's economy and community.

The Project with all its elements has a total investment in excess of \$150 million with 95% provided by non-Government capital sources. With a \$120 million boost to annual economic activity, the project will generate 300 construction jobs and provide 200 permanent positions for Tasmanians, creating a major lasting economic impact.

The Chocolate Experience will attract 533,000 visitors annually becoming Tasmania's top tourist attraction and contributing an additional 34,000 visitors to the state and \$120 million in visitor spending each year (informed by market research). The project includes the construction of two new ferries and a ferry terminal at the Claremont waterfront parklands, thus adding to the states shipbuilding industry and ferry services. It will also activate the existing Parklands into a vibrant community events destination. These parklands will be transformed into a beautiful gathering space, free and open for local use and iconic events year round, enriching the community's cultural life.

A feature of the new attraction is the development of a state-of-the-art boutique chocolate manufacturing line within the new Premium Chocolate Studio and Centre for Innovation. This investment will make Tasmania a hub for cutting-edge chocolate innovation. This will further enhance Tasmania's reputation as a leader in premium chocolate market and support the development of a new range of Tasmanian-branded bespoke chocolates, using ingredients sourced from local growers and producers. The potential market value of this new product line is significant and will benefit local agriculture, including expansion of the dairy industry in North West Tasmania.

Education and youth inspiration are key components of the project. The Premium Chocolate Studio and Centre for Innovation will offer education partnerships, career pathways, and school work experience opportunities inspiring 10,000 students annually with free entry. This focus on youth education will help nurture the next generation of Tasmanian talent, fostering a deep connection to the state's heritage and industry.



The project is committed to sustainability and environmentally friendly practices, ensuring that the Chocolate Experience is not only a world-class attraction but also a model of responsible development. By embracing the latest approaches to sustainable design, construction, and operation, the project aligns with Tasmania's values of environmental stewardship and community well-being.

The Chocolate Experience at Claremont will be a source of pride for Tasmanians, offering a uniquely Tasmanian experience that showcases the state's produce, excellence, and heritage. It will foster a strong sense of ownership and connection among the community, as they share the world's #1 chocolate experience with visitors from around the globe.

This project is more than just an attraction; it is a celebration of Tasmania's rich history and a testament to its bright future.



Contact us

ERA Planning & Environment
Level 1, 125A Elizabeth St *nipaluna* (Hobart) 7000
☎ (03) 6165 0443
✉ enquiries@eraplanning.com.au

eraplanning.com.au



a Level 1, 125A Elizabeth St nipaluna (Hobart) 7000
p (03) 6165 0443
e enquiries@eraplanning.com.au
abn 67 141 991 004

4 November 2024
Reference: 2122-093

Darshini Bangaru Hyde
Strategic Planning
Glenorchy City Council
374 Main Road
GLENORCHY TAS 7010

By email: gccmail@gcc.tas.gov.au

Dear Darshini,

**PLANNING SCHEME AMENDMENT REQUEST PLAM 24/01
100 CADBURY ROAD, CLAREMONT**

I refer to your request for further information in relation to PLAN-24/01 dated 17 October 2024 and provide the following responses.

RFI 1.1

The planning report has been amended to provide additional explanation of why the uses classes being proposed as discretionary in the General Industrial Zone are being sought. As outlined in the planning report, the proposed uses are strictly limited through the proposed use qualification to avoid uses that do not relate to a chocolate experience. Therefore, in my opinion there is limited risk in undermining the relevant objectives of the Tasmanian Planning Scheme (TPS), with the approach that has been adopted, compared with allowing for General Retail and Hire and Community Meeting and Entertainment without qualification.

These uses were proposed in the submission provided to Council and therefore have already been considered in section 3 of the report which addresses the LPS criteria under section 34 of the *Land Use Planning and Approvals Act 1993* (the LUPA Act).

RFI 1.2

The planning report has been amended to address the current Glenorchy Strategic Plan 2023-2032.

Consideration matter 2.3

The proposed amendment has been updated in the planning report to seek aligned discretionary use status in the Light Industrial Zone to accommodate ancillary and subservient car parking for the visitor experience.

Consideration matter 2.4

The Statement of Community Benefits has been reworded to provide additional clarity. The intention of the previous wording was to indicate that the use of ferries to transport people to site would in a broad sense support the shipbuilding and ferry industry rather than the ferry terminal being available for general public transport use. For example, a commercial ferry operator is likely to be contracted to provide the specific service and this would provide additional income for that business.

Additional standard associated with heritage and visual qualities

We have reviewed the concerns and rationale for suggested additional controls and do not accept that these are required. My reasons for this conclusion are as follows:

- As Council is aware 'use' and 'development' are separate and different concepts under the LUPA Act. The proposed amendment seeks to introduce new allowable 'uses' in the industrial zones. No changes to existing standard relating to 'development' are proposed.
- There is nothing in the proposed amendment application that reasonably should have triggered Council to reconsider development standards that apply to the land subject to the proposed amendment. No development is proposed at this point. The site is currently primarily zoned General Industrial and is used for a major industrial activity operating 24 hours a day. New industrial development of considerable scale is entirely possible on the site under an acceptable solution pathway through existing planning controls.
- If Council are of the view that the Cadbury Peninsula has specific spatial and landscape qualities, then this should be dealt with through a thorough strategic planning exercise that involved independent analysis as well as appropriate community and stakeholder engagement to identify agreed values. This type of exercise would also consider how these should be protected through the planning scheme, including consideration of options under the application of the State Planning Provisions (SPPs). Put simply, Council's concerns and rationale appear to be reactionary rather than strategic.
- Council's concerns and rationale interchangeably talks to the heritage values of the factory site, the heritage values of the Cadbury precinct including residential areas, the visual landscape values of the peninsula, and its overall spatial qualities. As evident from the SPPs there are well recognised concepts around heritage places, heritage precincts and historic landscape precincts in the Local Historic Heritage Code as well as scenic protection areas under the Scenic Protection Code.

It is appreciated that this lack of clarity may reflect the complexity of potential values, however, this is precisely why an appropriate strategic planning project that involves thorough analysis, testing and community engagement is required and is directed through CV4 of the Southern Tasmanian Regional Land Use Strategy (STRLUS).

- The land subject to the proposed amendment is already identified as a heritage place. The boundaries of this heritage place include the open space to the north-west of the factory as this is within the title boundaries and comprises the visual context in which the factory is viewed from Windermere Bay and from hillslopes down to the peninsula. Theoretically these setting values can be considered and are specifically a have regard to matter at Clause C6.6.3 P1(d) of the SPPs.

Given the nature of Council's justification for heritage values and the absence of an appropriate analysis and study through which the values have been identified and tested, we do not agree that there is inadequate consideration under s34(2)(c) and (e) of the LUPA Act. These values have not been identified in any previous strategic planning document or study. Council officers' conclusion, that the additional controls around landscape and heritage protections are required to offer the project the best chance of success is not supported, and in my view is likely to considerably complicate and confuse the process. This suggested approach brings in a broad discussion around development of the area for a planning scheme amendment that entirely relates to use only.

We also draw Council's attention to the requirements under s32(4) of the LUPA Act. Even if the suggested changes are proven to be appropriate through a strategic process, the appropriate response may not be unique local provisions in the form of a specific area plan. CV2 under the STRLUS clearly directs solutions towards application of relevant standards in the SPPs, while CV4 directs management through the application of zones. Furthermore, it is also important to acknowledge the implementation statement at the front of the STRLUS which states "*in the event of a conflict or inconsistency between the State Planning Provisions and any substantially similar policy statements in this Strategy, the State Planning Provisions prevail*".

In relation to the reference to *Historic Cultural Heritage Act 1995* at section 2.4 of the planning report, this has now been corrected.

Additional amenity standards

We have reviewed the concerns and rational expressed by the Environmental Health Officer and do not accept that additional amenity provisions are required.

It is agreed future tourism use on the site would not be covered by the Attenuation Code. The site, however, only adjoins the General Residential Zone in one location being to the north of the factory along the entrance road to the existing golf course. There is physically no capacity for a future visitor experience to be in this area because operational requirements of Mondelez would be compromised.

The intention is to facilitate the visitor experience in an area not currently regulated by the EPA as part of the 'the land' under EPN 7093/4 (see Figure 1). The available area for any future visitor experience (see Figure 2) has separation from the General Residential Zone through existing areas zoned Open Space and Recreation. The separation is at least 100 metres and likely further due to the future visitor experience being located closer to the factory site.

This physical separation is considered sufficient to protect the amenity of the General Residential Zone given that the type of uses being facilitated are not significant emission generating activities and are like what happens in a range of mixed use and business zones across the urban area. This was recognised in previous interim planning schemes where use standards referenced a 100 metre distance.

Hours of operation, lighting and vehicle movements are also in my opinion matters that can be reasonably regulated through conditions imposed under Clause 6.11 of the SPPs, particularly given that the uses remain discretionary. As determined by the Supreme Court of Tasmania in *Gillard v Launceston City Council [2024] TASSC 37 (19 July 2024)* there remains a residual use discretion for the Planning Authority to exercise even if use standards are not applicable or are met.

I also note that the proximity of the General Industrial Zone to the General Residential Zone are demonstrated in this application is not an unusual situation. A review of the application of these two zones across municipal areas that have transitioned to the Tasmanian Planning Scheme shows similar proximity including at Derwent Park, Lutana, Mornington, Cambridge Park, Youngtown, Burnie, Somerset and Wynyard.

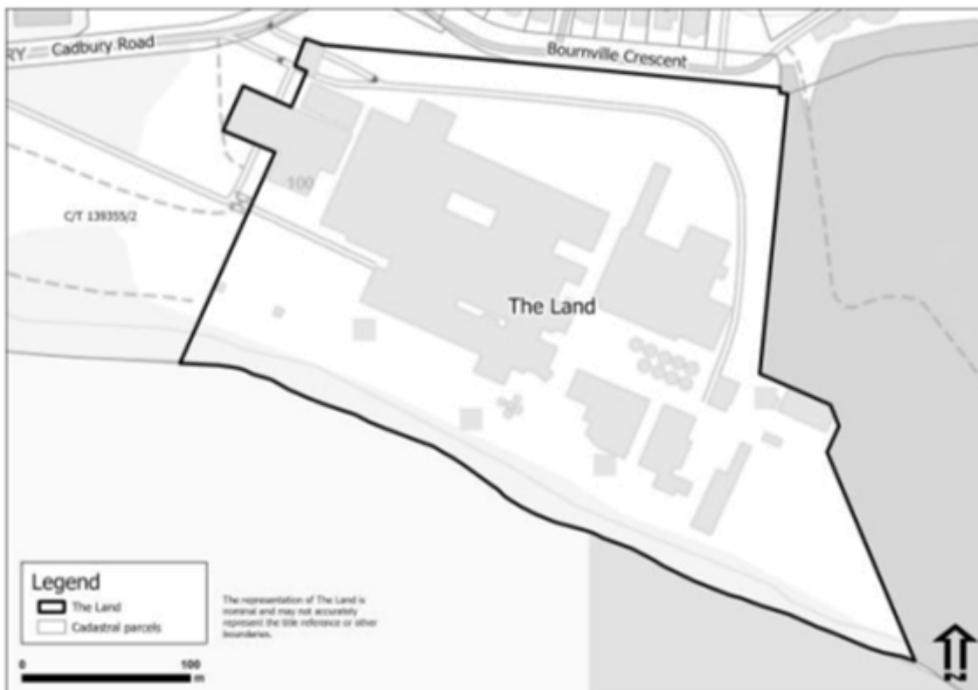


Figure 1 The area of the site subject to regulation by the EPA as shown in Attachment 1 to EPN No 7093/4 (source: www.thelist.tas.gov.au)



Figure 2 Area being considered for the future visitor experience excluding associated jetty infrastructure as agreed with Mondelez Australia

Additional traffic controls

We have reviewed the concerns and rational expressed by Council's engineers and do not accept that additional access provisions are required.

Access and parking issues are dealt with in the Parking and Sustainable Transport Code and the Road and Railway Assets Code under the SPPs. The Parking and Sustainable Transport Code applies to all use and development and will therefore undoubtedly be applicable.

The Road and Railway Assets Code applies to where there is an increase in vehicle traffic using an existing vehicle crossing or where a new vehicle crossing is required. While it is anticipated most visitors will arrive by ferry, there will be an increase in vehicles accessing the existing employee car park off Cadbury Road as some visitors will arrive by car as well as the new employees. In addition, a new vehicle access off Cadbury Road is likely to facilitate deliveries as well as potential buses transporting visitors. It is considered highly likely that the Road and Railway Assets Code would apply to the future permit application for the visitor experience.

We appreciate that Council has concerns regarding pedestrian access from the car park area across Cadbury Road, however there are no unique spatial qualities relevant to this issue that require local provisions and therefore it would be difficult to demonstrate that section 32(4) of the LUPA Act is met through this suggestion.

Concerns regarding the adequacy of the SPPs are not matters that can be dealt with through individual scheme amendment requests.

We note that any event these issues raised in relation to road crossings and traffic management are reasonably matters that could be addressed by way of condition in accordance with clause 6.11.2 (f) of the TPS – Glenorchy.

Advice

Thank you for the provision of advice from referral agencies, this information will be considered as the design process progresses following the scheme amendment process.

We trust that this addresses your further information request. Should you have any further queries please do not hesitate to contact me at emma@eraplanning.com.au or on 0409 787 715.

Yours sincerely,



Emma Riley, RPIA (Fellow), GAICD
Director

Attachments

Planning Submission dated 29 October 2024



a Level 1, 125A Elizabeth St nipaluna (Hobart) 7000

p (03) 6165 0443

e enquiries@eraplanning.com.au

abn 67 141 991 004

18 December 2024

Reference: 2122-093

Darshini Bangaru Hyde
Strategic Planning
Glenorchy City Council
374 Main Road
GLENORCHY TAS 7010

By email: gccmail@gcc.tas.gov.au

Dear Darshini,

CADBURY VISITOR EXPERIENCE COMMUNITY INFORMATION SESSION

As you are aware ERA Planning and Environment (ERA) have been engaged by Simon Currant and Associates to request an amendment to the Local Provisions Schedule of the *Tasmanian Planning Scheme – Glenorchy* (the planning scheme) pursuant to Section 37 of the *Land Use Planning and Approvals Act 1993* (the Act).

The amendment relates to land at 100 Cadbury Road, Claremont and seeks to add a site-specific qualification (SSQ) to support the proposed development of a visitor experience at the Cadbury factory site.

As part of the overall development program, our client is progressing a community engagement program which has recently commenced. In light of recent community engagement, we thought it may assist Council in their consideration of the planning scheme amendment to be aware of engagement outcomes to date.

1. Community information session

Overview

The Cadbury Visitor Experience project team are committed to undertaking genuine and transparent engagement with the local Claremont community throughout the project lifecycle. This commenced with an open invitation community information session held from 4pm to 6pm on Monday 9 December 2024 at the Cadbury site, Claremont.

Prior to the session, the project team completed a letterbox drop to approximately 300 residences on the Cadbury peninsula, inviting residents to attend the information session to meet the team, learn about the project, the approvals process, and ask any questions they may have. A total of 22 residents RSVP'd, and a total of 65 residents attended the information session.

The project team provided a presentation outlining the proposed development and its features. This was followed by a Q&A session which has been summarised below.

Discussion summary

The community sentiment throughout the information session was broadly positive, with many residents excited about the opportunities the proposal will provide the local area, and the Tasmanian visitor economy. Among the attendees were several former Cadbury employees who felt a strong sense of pride and loyalty to the company and were highly supportive of the project.

A summary of the Q&A portion of the session is provided in Table 1 below.

Table 1 – Summary of discussion

Topic	Discussion
Approval process	<p>One attendee asked who the approval authority was.</p> <p>The project team advised that the planning scheme amendment would be firstly considered by the GCC but determined by the TPC, and the DA would be assessed and determined by GCC. The community was assured that public exhibition would form part of both processes.</p> <p>Another attendee asked about the timeframe for approval, construction and estimated commencement of operations. The project team advised that the project team were aiming to be operational in 2027.</p>
Community engagement	<p>One attendee asked whether the community information session was a legal obligation of the approval process.</p> <p>The project team advised that engagement was not a legal obligation but was instead being conducted as a best practice approach to development. The objective of the session was to provide residents with the opportunity to establish a relationship with the project team and identify any concerns they may have about the development.</p>
Extent of unpaid/paid access to the development	<p>One attendee asked about the extent to which members of the local community could access the experience for free/without a ticket.</p> <p>The project team advised that there would be aspects of the experience which could be accessible for free.</p>
Funding	<p>One attendee asked where funding for the project was being sourced.</p> <p>The project team advised that the project was being funded by Simon Currant and Associates, various investors and venture capital partners with grant support from the Tasmanian Government and Mondelez.</p>
Noise	<p>One attendee asked about potential noise impacts resulting from the development.</p> <p>The project team advised that the noise will be at the scale of a commercial operation, not of an industrial operation, and that any noise will be attenuated within the building.</p>
Public land	<p>Attendees asked about the extent to which public access to the existing parkland would be impacted, and whether this parkland would undergo any upgrades.</p> <p>The project team advised that the majority of the parkland will remain be open and accessible to the public, and that upgrades to the parkland directly surrounding the site would form part of the broader development.</p>
Traffic and existing road infrastructure	<p>Attendees asked about how the project would impact traffic in the area. Concerns, particularly from two residents located on Cadbury Road, included capacity of the existing road for existing and future heavy vehicles such as coaches and trucks, noise and vibration, congestion, speed limits, parking and driveway access. Other residents who noted that in the past traffic along Cadbury Road was greater than the current situation with higher numbers of employees and the majority of factory tours visitors arriving by road.</p> <p>The project team advised that a traffic impact assessment would form part of the development application (DA) package with a commitment for ongoing engagement with specific land owners.</p>
Water	<p>One attendee asked about the capacity of existing water infrastructure on the Cadbury peninsula to support the project, and whether local residential water supply would be impacted in terms of pressure and availability.</p> <p>The project team advised that there is no indication of significant constraints, with local connections and capacity to be reviewed as part of the DA referral process.</p>

2. Key stakeholder engagement

In addition to the community information session, the project proponent also attended a family day for Cadbury Employees on the 7 December 2024 and held one-on-one meetings with the Claremont Bowls Club on 4 December 2024 and Claremont Golf Club on 9 December 2024.

The Claremont Bowls Club representatives were supportive of the project and advised members ahead of the community information session on 9 November that they could attend. A further presentation to the full committee is planned for January 2025.

The Claremont Golf Club board were positive and see the new visitor attraction as an opportunity to strengthen the golf club. They asked about ferry access and if this would impact golfers. Once they understood the ferry water pathways it was determined no impact.

3. Conclusion

Community feedback received during this initial community engagement program was positive, with many residents excited about the opportunities presented by the proposal. Any issues raised have been recorded by the project team and will be inform the future stages of the project.

The project team intend to host future information sessions to maintain open and transparent communication with residents of the Cadbury peninsula as the project evolves.

Should you wish to discuss the contents of this letter or other details related to the information sessions, please contact me on 0409 787 715 or emma@eraplanning.com.au

Yours sincerely,



Emma Riley
Director

Darshini Bangaru Hyde

From:
Sent:
To:
Cc:
Subject:



Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: External email.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Darshini

Thank you for sending through the draft SAP.

Our client remains significantly concerned with the replacement of the proposed site-specific qualification with a specific area plan.

We submitted a request for a site-specific qualification with a clear intention to keep the scope of the amendment and associated assessment narrow and limited to what was necessary to override the State Planning Provisions.

Our original request has effectively been denied and Council's proposed response is a new amendment that is of its own motion. It is hard to see that this approach is consistent with the requirements under section 38 of the *Land Use Planning and Approvals Act 1993* (the Act). Council is in our opinion adding significant time to the assessment process as well as increasing the risk associated with a successful outcome before the Tasmanian Planning Commission.

We reiterate the concerns raised in a further information response letter of 4 November 2024 and continue to be concerned that the amendment being proposed by Council is not consistent with the LPS criteria and in particular section 32(4) of the Act.

We are particularly concerned that Council has not accepted the part of our request that seeks a discretionary use status, albeit with limitation through use qualifications for the Community Meeting and Entertainment and General Retail and Hire use classes. While it is possible that there is a reasonable argument that all proposed components of the visitor experience are ancillary and subservient to the Tourist Operation use class, we are not prepared to support something that increases the risk that a determination may be made that parts of what are intended would be later considered prohibited.

In our view there is no planning issue with including the General Retail and Hire and Community Meeting and Entertainment as discretionary uses classes with the qualification as requested. The discretion is limited, and the approach being taken by Council's planner is a 'purist' view that does not recognise the importance of de-risking the application process for the proponent.

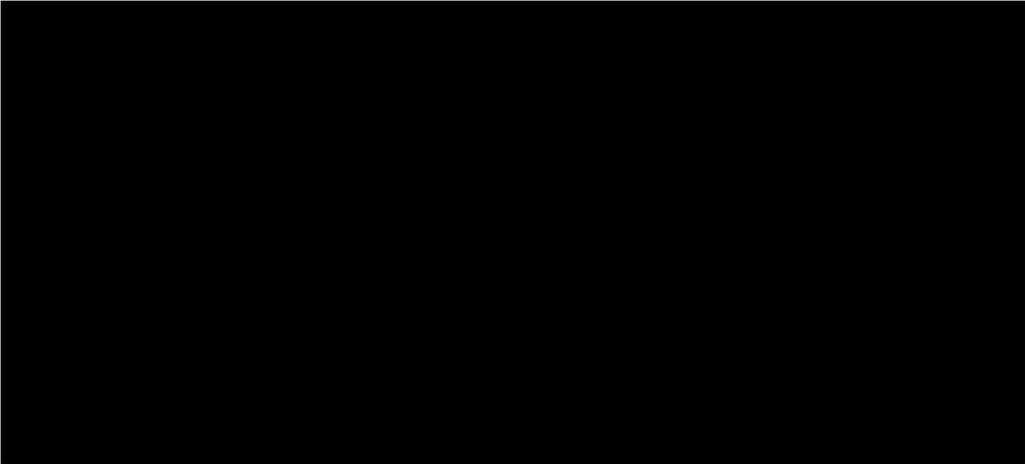
The inclusion of the 'heritage' standard is highly concerning, potentially prohibiting the proposal and through the Conservation Management Plan request goes well beyond the scope of a response to the intended proposal. A conservation management plan examines the entire site and would impose management requirements across the entire area including the factory. A CMP does not respond to a proposal as evident from information provided by the Tasmanian Heritage Council and the existing code already requires that a Heritage Impact Statement is prepared at the DA stage:

<https://heritage.tas.gov.au/works-and-development/getting-approval/conservation-management-plans-and-heritage-impact-statements>

Council also in our opinion to confuse heritage and landscape matters, and we reiterate that Council has not sufficiently demonstrated the existence of those landscape values through an appropriately independent or rigorous process. It has relied on an ad hoc response commissioned by Council to an Urban Designer/Architect that specifically targets the concept of this development. It is particularly concerning given that the brief provided to consultant was leading in nature.

We will await Council's formal consideration and address our detailed concerns through a representation.

Regards



We acknowledge and respect palawa as the Traditional Owners of lutruwita (Tasmania). They are the original custodians of our land, sky and waters. We respect their unique ability to care for country and deep spiritual cor. We honour Elders past and present, whose knowledge and wisdom has and will ensure the continuation of culture and traditional pro



I hope this email finds you well.

As discussed last week, please find attached the draft recommended control we intend to put up to the Glenorchy Planning Authority.

We'd like to provide you with the opportunity to review the draft and share any feedback or comments before we finalise the recommendation. Could you please review the document and send through any comments by **COB 23 December 2024**?

As mentioned during our phone conversation, we believe these controls establish clear parameters and help eliminate uncertainties around future development approvals, particularly regarding heritage considerations.

Please don't hesitate to reach out if you'd like to discuss this further.

Kind regards,

DARSHINI BANGARU HYDE
Senior Strategic Planner



(03) 6216 6329 | www.gcc.tas.gov.au
darshinibangaru.hyde@gcc.tas.gov.au | 374 Main Road, Glenorchy

Glenorchy City Council acknowledges the Muwinina people as the traditional owners of this Land. We recognise all Tasmanian Aboriginal people as the original owners and continuing custodians of the land and waters of this island, lutruwita. We pay our respect to Aboriginal Elders, past and present. We commit to working for a City that welcomes and respects all Aboriginal and Torres Strait Islander people.

How did we do for you today? (Click on one of the icons below to let us know)



This communication and any files transmitted with it are intended for the named addressee, are confidential in nature and may contain legally privileged information. The copying or distribution of this communication or any information it contains, by anyone other than the addressee or the person responsible for delivering this communication to the intended addressee, is prohibited. If you receive this communication in error, please advise us by reply email or telephone on +61 3 6216 6800, then delete the communication. You will be reimbursed for reasonable costs incurred in notifying us.

GLENORCHY CITY COUNCIL

**CERTIFICATION OF DRAFT AMENDMENT UNDER SECTION 40F LAND USE PLANNING
AND APPROVALS ACT 1993**

The Planning Authority has prepared the attached draft amendment, Amendment PLAM-24/01, to the Glenorchy Local Provisions Schedule.

The Planning Authority:

- has determined that it is satisfied that the draft amendment meets the LPS Criteria specified in Section 34 of the Land Use Planning and Approvals Act 1993; and
- in accordance with Section 40F (2) of the Land Use Planning and Approvals Act 1993 certifies that the draft amendment so meets those requirements.

**In witness where of the common seal of
Glenorchy City Council has been affixed on the**

28th day of *JANUARY* 20*25*

as authorised by Council in the presence of:



Council Delegate



**GLENORCHY LOCAL PROVISIONS SCHEDULE
AMENDMENT PLAM-24/01**

The Glenorchy Local Provisions Schedule is amended as follows:

Land affected by this amendment:

100 Cadbury Road, Claremont

The Planning Scheme ordinance is amended as follows:

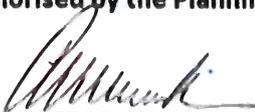
1. Insert GLE-S15.0 Cadbury Visitor Experience Specific Area Plan, as shown in Annexure 1.
2. Insert a new row into the GLE-Applied, Adopted or Incorporated Documents as shown below, with associated document in Annexure 2.

Document Title	Publication Details	Relevant Clauses in the LPS
<i>The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013</i>	Australia ICOMOS Incorporated, Burwood, VIC, 2013	GLE-S15.7.1 P1.

The Planning Scheme maps are amended as follows:

1. Insert the specific area plan extent overlay for GLE-S15.0 Cadbury Visitor Experience Specific Area Plan on the land at 100 Cadbury Road, Claremont, as shown below.



The common seal of the Glenorchy City Council has been
affixed on the
28th JANUARY 2025 (date)
as authorised by the Planning Authority in the presence of:


Council Delegate



Annexure 1

GLE-S15.0 Cadbury Visitor Experience Specific Area Plan

GLE-S15.1 Plan Purpose

The purpose of the Cadbury Visitor Experience Specific Area Plan is:

GLE-S15.1.1 To allow for the use and development of a Cadbury Visitor Experience, associated with the Cadbury Chocolate Factory, as a Tourist Operation use including ancillary uses directly associated with and subservient to that use.

GLE-S15.1.2 To ensure that the Tourist Operation use does not interfere with or undermine the primary industrial use of the site.

GLE-S15.1.4 To ensure that the Tourist Operation does not cause an unreasonable loss of residential amenity in the adjacent residential zone, through scale, intensity, noise, lighting, hours of operation, commercial vehicle movement, or other off-site impacts.

GLE-S15.1.5 To ensure that development for the Tourist Operation is designed to respect the heritage significance of the Cadbury Industrial Estate – Factory local heritage place, its setting, and key views of the place, while being responsive to the site's landform and landscape qualities.

GLE-S15.2 Application of this Plan

GLE-S15.2.1 This specific area plan applies to the area of land designated as GLE-S15.0 Cadbury Visitor Experience Specific Area Plan on the overlay maps and in Figure GLE-S15.1.

GLE-S15.2.2 In the area of land this plan applies to, the provisions of the Specific Area Plan are in addition to and in substitution for the provisions of:

- (a) Light Industrial Zone;
 - (b) General Industrial Zone; and
 - (c) Local Historic Heritage Code,
- as specified in the relevant provision.

GLE-S15.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

GLE-S15.4 Definition of Terms

This sub-clause is not used in this specific area plan.

GLE-S15.5 Use Table

This sub- clause is in substitution for the Light Industrial Zone – Clause 18.2 Use Table and General Industrial Zone – Clause 19.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities.
Permitted	
Emergency Services	
Equipment and Machinery Sales and Hire	
Manufacturing and Processing	
Port and Shipping	
Recycling and Waste Disposal	If in the General Industrial Zone.
Research and Development	
Resource Processing	If in the General Industrial Zone.
Service Industry	
Storage	
Transport Depot and Distribution	
Utilities	If not listed as No Permit Required in the General Industrial Zone.
Vehicle Fuel Sales and Service	
Discretionary	
Bulky Goods Sales	If for:

	<p>(a) a supplier for Extractive Industry, Resource Development or Resource Processing;</p> <p>(b) a garden and landscaping materials, trade or hardware supplier; or</p> <p>(c) a timber yard.</p>
Community Meeting and Entertainment	If in the Light Industrial Zone.
Crematoria and Cemeteries	<p>If:</p> <p>(a) in the Light Industrial Zone; or</p> <p>(b) crematorium in the General Industrial Zone.</p>
Domestic Animal Breeding, Boarding or Training	If in the Light Industrial Zone.
Educational and Occasional Care	<p>If for:</p> <p>(a) alterations or extensions to existing Educational and Occasional Care in the Light Industrial Zone; or</p> <p>(b) for an employment training centre in the General Industrial Zone.</p>
Food Services	
General Retail and Hire	If for alterations or extensions to existing General Retail and Hire in the Light Industrial Zone.
Motor Racing Facility	If in the General Industrial Zone.
Recycling and Waste Disposal	If for a scrap yard or waste transfer station in the Light Industrial Zone.
Resource Processing	If in the Light Industrial Zone.
Sports and Recreation	
Tourist Operation	If for:

	<p>(a) Tourist Operation associated with the Cadbury Chocolate Factory in the General Industrial Zone; and</p> <p>(a) Car parking for the Tourist Operation associated with the Cadbury Chocolate Factory in the Light Industrial Zone.</p>
Utilities	If not listed as No Permit Required in the Light Industrial Zone.
Vehicle Parking	
Prohibited	
All other uses	

GLE-S15.6 Use Standards

GLE-S15.6.1 Tourist Operation impact

This sub-clause is in addition to the provisions of the General Industrial Zone – Clause 19.3 Use Standards.

Objective:	<p>That Tourist Operation use:</p> <p>(a) does not cause an unreasonable loss of residential amenity to residential zones; and</p> <p>(b) does not compromise the industrial use of the site.</p>	
A1	<p>Hours of operation of a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of:</p> <p>(a) 7.00am to 9.00pm Monday to Saturday; and</p> <p>(b) 8.00am to 9.00pm Sunday and public holidays.</p>	P1
A2	<p>External lighting for a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must:</p>	<p>Hours of operation of a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zone, having regard to:</p> <p>(a) the timing, duration or extent of vehicle movements; and</p> <p>(b) noise, lighting or other emissions.</p>
		P2
		<p>External lighting for a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must</p>

<p>(a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and</p> <p>(b) if for security lighting, be baffled so that direct light does not extend into the adjoining property.</p>	<p>not cause an unreasonable loss of amenity to the residential zone, having regard to:</p> <p>(a) the level of illumination and duration of lighting; and</p> <p>(b) the distance to habitable rooms of an adjacent dwelling.</p>
<p>A3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of:</p> <p>(a) 7.00am to 9.00pm Monday to Saturday; and</p> <p>(b) 8.00am to 9.00pm Sunday and public holidays.</p>	<p>P3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a Tourist Operation use on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zone, having regard to:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) manoeuvring required by the commercial vehicles, including the amount of reversing and associated warning noise;</p> <p>(e) any noise mitigation measures between the vehicle movement areas and the adjoining residential area; and</p> <p>(f) potential conflicts with other traffic.</p>
<p>A4</p> <p>No Acceptable Solution.</p>	<p>P4</p> <p>A Tourist Operation use must not compromise the industrial use of the site having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the size, scale and location of the proposed use; and</p> <p>(c) the industrial functions of the site.</p>

GLE-S15.7.1 Siting of buildings, structures and landscape elements

This subclause is in substitution to the provisions of the Local Historic Heritage Code— Clause C6.6.4 Siting of buildings and structures

Objective:	<p>That the siting of buildings, works and landscaping for a Tourist Operation use:</p> <ul style="list-style-type: none"> (a) is compatible with the local historic heritage significance and setting of the Cadbury Industrial Estate – Factory local heritage place; (b) retains key views of the Cadbury Industrial Estate – Factory local heritage place; and (c) aligns with a coordinated approach to managing the conservation of the site’s heritage values.
Acceptable Solution	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>The siting of buildings, works and landscaping for a Tourist Operation use must be designed to be compatible with the local historic heritage significance of the Cadbury Industrial Estate – Factory local heritage place, having regard to:</p> <ul style="list-style-type: none"> (a) the historic heritage values of the local heritage place as identified in GLE-Table C6.1 Local Heritage Places; (b) retention of the clear connection between the Cadbury Factory its extensive, uncluttered open space frontage and setting west of the industrial buildings and plant including historical vehicular, pedestrian and tree-lined approaches to the Check Lodge and views through to the clock tower and industrial plant beyond, as shown in Figure GLE-S15.2; (c) the legibility of the former Cadbury Branch Line rail formation, as shown in Figure GLE-S15.2, in the landscape; (d) retention of key views of the local historic heritage place, including: <ul style="list-style-type: none"> (i) from vantage points shown in Figure GLE-S15.3; and

	<p>(ii) as set out in the recommendations of a visual impact assessment prepared by a suitably qualified person;</p> <p>(e) the size, shape, topography and orientation of the lot;</p> <p>(f) the siting of existing development on the lot; and</p> <p>(g) the recommendations of a heritage conservation management plan focussed on the riverside setting, landscaped/open space frontage, approaches and connections to the Cadbury factory (but not of the individual elements of the factory complex itself) prepared by a suitably qualified person specifically in response to the proposed use and development and with reference to the <i>Articles of the Australia ICOMOS Burra Charter</i>.</p>
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Figure GLE-S15.1 Cadbury Visitor Experience Specific Area Plan



Figure GLE-S15.2 Aerial map of the site showing selected heritage attributes

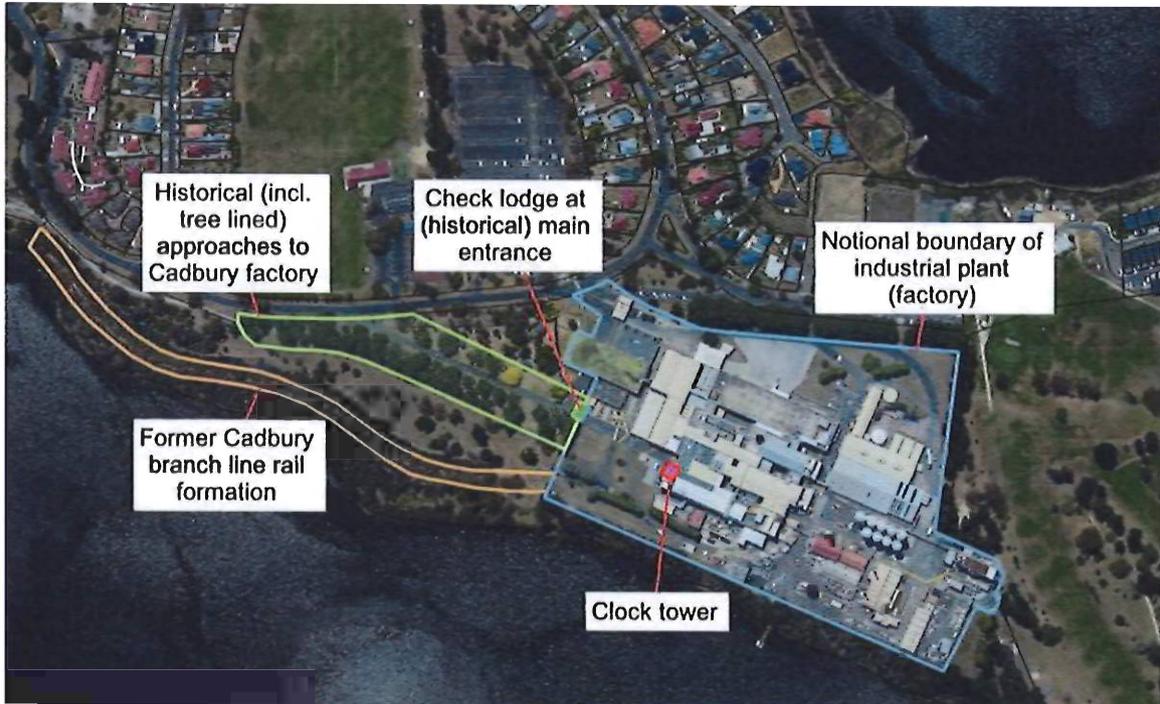
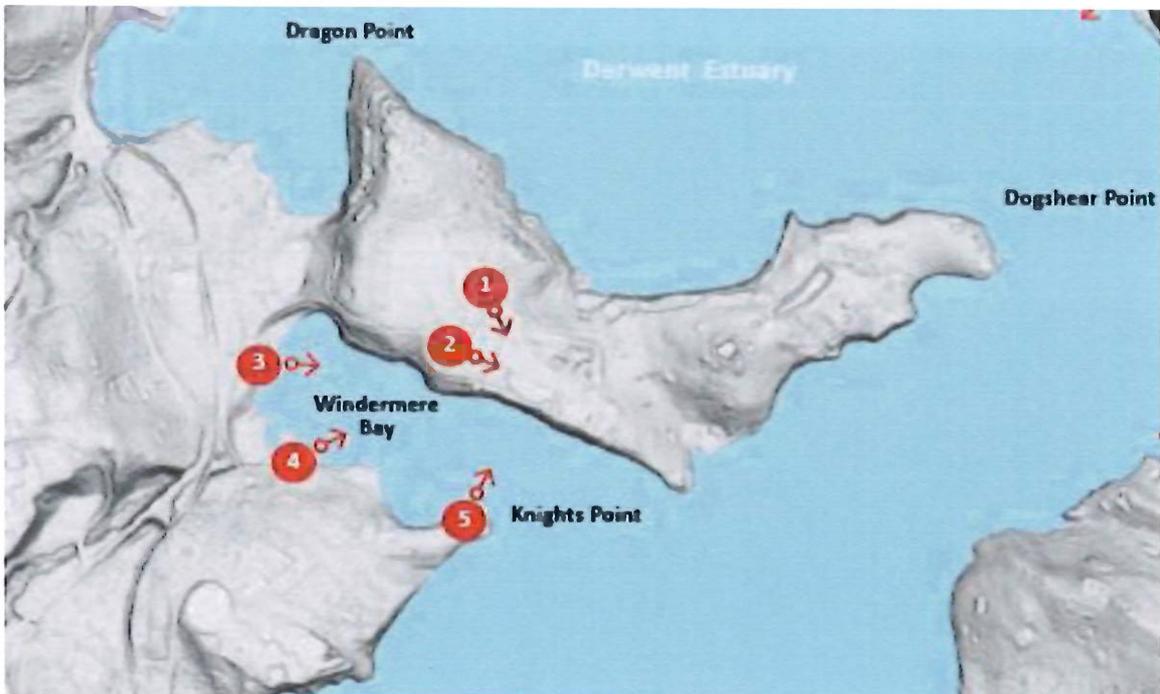


Figure GLE-S15.3 Key public views to the Cadbury Industrial Estate – Factory



Annexure 2: The Burra Charter

THE BURRA CHARTER

The Australia ICOMOS Charter for
Places of Cultural Significance 2013



Australia ICOMOS Incorporated
International Council on Monuments and Sites

ICOMOS

ICOMOS (International Council on Monuments and Sites) is a non-governmental professional organisation formed in 1965, with headquarters in Paris. ICOMOS is primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation. It is closely linked to UNESCO, particularly in its role under the World Heritage Convention 1972 as UNESCO's principal adviser on cultural matters related to World Heritage. The 11,000 members of ICOMOS include architects, town planners, demographers, archaeologists, geographers, historians, conservators, anthropologists, scientists, engineers and heritage administrators. Members in the 103 countries belonging to ICOMOS are formed into National Committees and participate in a range of conservation projects, research work, intercultural exchanges and cooperative activities. ICOMOS also has 27 International Scientific Committees that focus on particular aspects of the conservation field. ICOMOS members meet triennially in a General Assembly.

Australia ICOMOS

The Australian National Committee of ICOMOS (Australia ICOMOS) was formed in 1976. It elects an Executive Committee of 15 members, which is responsible for carrying out national programs and participating in decisions of ICOMOS as an international organisation. It provides expert advice as required by ICOMOS, especially in its relationship with the World Heritage Committee. Australia ICOMOS acts as a national and international link between public authorities, institutions and individuals involved in the study and conservation of all places of cultural significance. Australia ICOMOS members participate in a range of conservation activities including site visits, training, conferences and meetings.

Revision of the Burra Charter

The Burra Charter was first adopted in 1979 at the historic South Australian mining town of Burra. Minor revisions were made in 1981 and 1988, with more substantial changes in 1999.

Following a review this version was adopted by Australia ICOMOS in October 2013.

The review process included replacement of the 1988 Guidelines to the Burra Charter with Practice Notes which are available at: australia.icomos.org

Australia ICOMOS documents are periodically reviewed and we welcome any comments.

Citing the Burra Charter

The full reference is *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*. Initial textual references should be in the form of the *Australia ICOMOS Burra Charter, 2013* and later references in the short form (*Burra Charter*).

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The Burra Charter consists of the Preamble, Articles, Explanatory Notes and the flow chart.

This publication may be reproduced, but only in its entirety including the front cover and this page. Formatting must remain unaltered. Parts of the Burra Charter may be quoted with appropriate citing and acknowledgement.

Cover photograph by Ian Stapleton.

Australia ICOMOS Incorporated [ARBN 155 731 025]
Secretariat: c/o Faculty of Arts
Deakin University
Burwood, VIC 3125
Australia

<http://australia.icomos.org/>

ISBN 0 9578528 4 3

The Burra Charter

(The Australia ICOMOS Charter for Places of Cultural Significance, 2013)

Preamble

Considering the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1964), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988, 26 November 1999 and 31 October 2013.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

Who is the Charter for?

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Using the Charter

The Charter should be read as a whole. Many articles are interdependent.

The Charter consists of:

- Definitions Article 1
- Conservation Principles Articles 2–13
- Conservation Processes Articles 14–25
- Conservation Practices Articles 26–34
- The Burra Charter Process flow chart.

The key concepts are included in the Conservation Principles section and these are further developed in the Conservation Processes and Conservation Practice sections. The flow chart explains the Burra Charter Process (Article 6) and is an integral part of

the Charter. Explanatory Notes also form part of the Charter.

The Charter is self-contained, but aspects of its use and application are further explained, in a series of Australia ICOMOS Practice Notes, in *The Illustrated Burra Charter*, and in other guiding documents available from the Australia ICOMOS web site: australia.icomos.org.

What places does the Charter apply to?

The Charter can be applied to all types of places of cultural significance including natural, Indigenous and historic places with cultural values.

The standards of other organisations may also be relevant. These include the *Australian Natural Heritage Charter*, *Ask First: a guide to respecting Indigenous heritage places and values* and *Significance 2.0: a guide to assessing the significance of collections*.

National and international charters and other doctrine may be relevant. See australia.icomos.org.

Why conserve?

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations in accordance with the principle of inter-generational equity.

The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

Articles

Article 1. Definitions

For the purposes of this Charter:

- 1.1 *Place* means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- 1.2 *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, records, *related places* and *related objects*.

Places may have a range of values for different individuals or groups.
- 1.3 *Fabric* means all the physical material of the *place* including elements, fixtures, contents and objects.
- 1.4 *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.
- 1.5 *Maintenance* means the continuous protective care of a *place*, and its *setting*.

Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.
- 1.6 *Preservation* means maintaining a *place* in its existing state and retarding deterioration.
- 1.7 *Restoration* means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
- 1.8 *Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.
- 1.9 *Adaptation* means changing a *place* to suit the existing *use* or a proposed use.
- 1.10 *Use* means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Explanatory Notes

Place has a broad scope and includes natural and cultural features. Place can be large or small: for example, a memorial, a tree, an individual building or group of buildings, the location of an historical event, an urban area or town, a cultural landscape, a garden, an industrial plant, a shipwreck, a site with in situ remains, a stone arrangement, a road or travel route, a community meeting place, a site with spiritual or religious connections.

The term cultural significance is synonymous with cultural heritage significance and cultural heritage value.

Cultural significance may change over time and with use.

Understanding of cultural significance may change as a result of new information.

Fabric includes building interiors and sub-surface remains, as well as excavated material.

Natural elements of a place may also constitute fabric. For example the rocks that signify a Dreaming place.

Fabric may define spaces and views and these may be part of the significance of the place.

See also Article 14.

Examples of protective care include:

- maintenance — regular inspection and cleaning of a place, e.g. mowing and pruning in a garden;
- repair involving restoration — returning dislodged or relocated fabric to its original location e.g. loose roof gutters on a building or displaced rocks in a stone bora ring;
- repair involving reconstruction — replacing decayed fabric with new fabric

It is recognised that all places and their elements change over time at varying rates.

New material may include recycled material salvaged from other places. This should not be to the detriment of any place of cultural significance.

Use includes for example cultural practices commonly associated with Indigenous peoples such as ceremonies, hunting and fishing, and fulfillment of traditional obligations. Exercising a right of access may be a use.

Articles

- 1.11 *Compatible use* means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.
- 1.12 *Setting* means the immediate and extended environment of a *place* that is part of or contributes to its *cultural significance* and distinctive character.
- 1.13 *Related place* means a *place* that contributes to the *cultural significance* of another place.
- 1.14 *Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.
- 1.15 *Associations* mean the connections that exist between people and a *place*.
- 1.16 *Meanings* denote what a *place* signifies, indicates, evokes or expresses to people.
- 1.17 *Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

Conservation Principles

Article 2. Conservation and management

- 2.1 *Places of cultural significance* should be conserved.
- 2.2 The aim of *conservation* is to retain the *cultural significance* of a *place*.
- 2.3 *Conservation* is an integral part of good management of *places of cultural significance*.
- 2.4 *Places of cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

Article 3. Cautious approach

- 3.1 *Conservation* is based on a respect for the existing *fabric, use, associations* and *meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.
- 3.2 Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

Article 4. Knowledge, skills and techniques

- 4.1 *Conservation* should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the *place*.

Explanatory Notes

Setting may include: structures, spaces, land, water and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.

Objects at a place are encompassed by the definition of place, and may or may not contribute to its cultural significance.

Associations may include social or spiritual values and cultural responsibilities for a place.

Meanings generally relate to intangible dimensions such as symbolic qualities and memories.

Interpretation may be a combination of the treatment of the fabric (e.g. maintenance, restoration, reconstruction); the use of and activities at the place; and the use of introduced explanatory material.

The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.

Articles

- 4.2 Traditional techniques and materials are preferred for the *conservation* of significant *fabric*. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.

Article 5. Values

- 5.1 *Conservation* of a *place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.
- 5.2 Relative degrees of *cultural significance* may lead to different *conservation* actions at a place.

Article 6. Burra Charter Process

- 6.1 The *cultural significance* of a *place* and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy. This is the Burra Charter Process.
- 6.2 Policy for managing a *place* must be based on an understanding of its *cultural significance*.
- 6.3 Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.
- 6.4 In developing an effective policy, different ways to retain *cultural significance* and address other factors may need to be explored.
- 6.5 Changes in circumstances, or new information or perspectives, may require reiteration of part or all of the Burra Charter Process.

Article 7. Use

- 7.1 Where the *use* of a *place* is of *cultural significance* it should be retained.
- 7.2 A *place* should have a *compatible use*.

Explanatory Notes

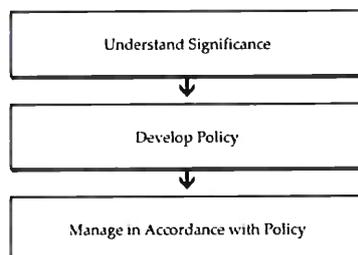
The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.

Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biodiversity and geodiversity for their existence value or for present or future generations, in terms of their scientific, social, aesthetic and life-support value.

In some cultures, natural and cultural values are indivisible.

A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to justify actions which do not retain cultural significance.

The Burra Charter Process, or sequence of investigations, decisions and actions, is illustrated below and in more detail in the accompanying flow chart which forms part of the Charter.



Options considered may include a range of uses and changes (e.g. adaptation) to a place.

The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of activities and practices which contribute to the cultural significance of the place.

Articles

Article 8. Setting

Conservation requires the retention of an appropriate *setting*. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the *cultural significance* of the *place*.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Article 9. Location

- 9.1 The physical location of a *place* is part of its *cultural significance*. A building, work or other element of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
- 9.2 Some buildings, works or other elements of *places* were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other elements do not have significant links with their present location, removal may be appropriate.
- 9.3 If any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate *use*. Such action should not be to the detriment of any *place* of *cultural significance*.

Article 10. Contents

Contents, fixtures and objects which contribute to the *cultural significance* of a *place* should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and *preservation*; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.

Article 11. Related places and objects

The contribution which *related places* and *related objects* make to the *cultural significance* of the *place* should be retained.

Article 12. Participation

Conservation, *interpretation* and management of a *place* should provide for the participation of people for whom the place has significant *associations* and *meanings*, or who have social, spiritual or other cultural responsibilities for the place.

Article 13. Co-existence of cultural values

Co-existence of cultural values should always be recognised, respected and encouraged. This is especially important in cases where they conflict.

Explanatory Notes

Setting is explained in Article 1.12.

For example, the repatriation (returning) of an object or element to a place may be important to Indigenous cultures, and may be essential to the retention of its cultural significance.

Article 28 covers the circumstances where significant fabric might be disturbed, for example, during archaeological excavation.

Article 33 deals with significant fabric that has been removed from a place.

For some places, conflicting cultural values may affect policy development and management decisions. In Article 13, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance.

Conservation Processes

Article 14. Conservation processes

Conservation may, according to circumstance, include the processes of: retention or reintroduction of a *use*; retention of *associations* and *meanings*; *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation* and *interpretation*; and will commonly include a combination of more than one of these. Conservation may also include retention of the contribution that *related places* and *related objects* make to the *cultural significance* of a *place*.

Article 15. Change

15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. The amount of change to a *place* and its *use* should be guided by the *cultural significance* of the *place* and its appropriate *interpretation*.

15.2 Changes which reduce *cultural significance* should be reversible, and be reversed when circumstances permit.

15.3 Demolition of significant *fabric* of a *place* is generally not acceptable. However, in some cases minor demolition may be appropriate as part of *conservation*. Removed significant fabric should be reinstated when circumstances permit.

15.4 The contributions of all aspects of *cultural significance* of a *place* should be respected. If a *place* includes *fabric*, *uses*, *associations* or *meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

Article 16. Maintenance

Maintenance is fundamental to *conservation*. Maintenance should be undertaken where *fabric* is of *cultural significance* and its maintenance is necessary to retain that *cultural significance*.

Article 17. Preservation

Preservation is appropriate where the existing *fabric* or its condition constitutes evidence of *cultural significance*, or where insufficient evidence is available to allow other *conservation* processes to be carried out.

Conservation normally seeks to slow deterioration unless the significance of the place dictates otherwise. There may be circumstances where no action is required to achieve conservation.

When change is being considered, including for a temporary use, a range of options should be explored to seek the option which minimises any reduction to its cultural significance.

It may be appropriate to change a place where this reflects a change in cultural meanings or practices at the place, but the significance of the place should always be respected.

Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action.

Maintaining a place may be important to the fulfilment of traditional laws and customs in some Indigenous communities and other cultural groups.

Preservation protects fabric without obscuring evidence of its construction and use. The process should always be applied:

- where the evidence of the fabric is of such significance that it should not be altered; or
- where insufficient investigation has been carried out to permit policy decisions to be taken in accord with Articles 26 to 28.

New work (e.g. stabilisation) may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 22.

Articles

Article 18. Restoration and reconstruction

Restoration and reconstruction should reveal culturally significant aspects of the *place*.

Article 19. Restoration

Restoration is appropriate only if there is sufficient evidence of an earlier state of the *fabric*.

Article 20. Reconstruction

20.1 *Reconstruction* is appropriate only where a *place* is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the *fabric*. In some cases, reconstruction may also be appropriate as part of a *use* or practice that retains the *cultural significance* of the place.

20.2 *Reconstruction* should be identifiable on close inspection or through additional *interpretation*.

Article 21. Adaptation

21.1 *Adaptation* is acceptable only where the adaptation has minimal impact on the *cultural significance* of the *place*.

21.2 *Adaptation* should involve minimal change to significant *fabric*, achieved only after considering alternatives.

Article 22. New work

22.1 New work such as additions or other changes to the *place* may be acceptable where it respects and does not distort or obscure the *cultural significance* of the place, or detract from its *interpretation* and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the *cultural significance* of the *place*.

Article 23. Retaining or reintroducing use

Retaining, modifying or reintroducing a significant *use* may be appropriate and preferred forms of *conservation*.

Article 24. Retaining associations and meanings

24.1 Significant *associations* between people and a *place* should be respected, retained and not obscured. Opportunities for the *interpretation*, commemoration and celebration of these associations should be investigated and implemented.

24.2 Significant *meanings*, including spiritual values, of a *place* should be respected. Opportunities for the continuation or revival of these meanings should be investigated and implemented.

Explanatory Notes

Places with social or spiritual value may warrant reconstruction, even though very little may remain (e.g. only building footings or tree stumps following fire, flood or storm). The requirement for sufficient evidence to reproduce an earlier state still applies.

Adaptation may involve additions to the place, the introduction of new services, or a new use, or changes to safeguard the place. Adaptation of a place for a new use is often referred to as 'adaptive re-use' and should be consistent with Article 7.2.

New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

New work should be consistent with Articles 3, 5, 8, 15, 21 and 22.1.

These may require changes to significant fabric but they should be minimised. In some cases, continuing a significant use, activity or practice may involve substantial new work.

For many places associations will be linked to aspects of use, including activities and practices.

Some associations and meanings may not be apparent and will require research.

Articles

Article 25. Interpretation

The *cultural significance* of many *places* is not readily apparent, and should be explained by *interpretation*. Interpretation should enhance understanding and engagement, and be culturally appropriate.

Conservation Practice

Article 26. Applying the Burra Charter Process

26.1 Work on a *place* should be preceded by studies to understand the *place* which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.

26.2 Written statements of *cultural significance* and policy for the *place* should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the *place*.

26.3 Groups and individuals with *associations* with the *place* as well as those involved in its management should be provided with opportunities to contribute to and participate in identifying and understanding the *cultural significance* of the *place*. Where appropriate they should also have opportunities to participate in its *conservation* and management.

26.4 Statements of *cultural significance* and policy for the *place* should be periodically reviewed, and actions and their consequences monitored to ensure continuing appropriateness and effectiveness.

Article 27. Managing change

27.1 The impact of proposed changes, including incremental changes, on the *cultural significance* of a *place* should be assessed with reference to the statement of significance and the policy for managing the *place*. It may be necessary to modify proposed changes to better retain cultural significance.

27.2 Existing *fabric*, *use*, *associations* and *meanings* should be adequately recorded before and after any changes are made to the *place*.

Article 28. Disturbance of fabric

28.1 Disturbance of significant *fabric* for study, or to obtain evidence, should be minimised. Study of a *place* by any disturbance of the *fabric*, including archaeological excavation, should only be undertaken to provide data essential for decisions on the *conservation* of the *place*, or to obtain important evidence about to be lost or made inaccessible.

Explanatory Notes

In some circumstances any form of interpretation may be culturally inappropriate.

The results of studies should be kept up to date, regularly reviewed and revised as necessary.

Policy should address all relevant issues, e.g. use, interpretation, management and change.

A management plan is a useful document for recording the Burra Charter Process, i.e. the steps in planning for and managing a *place* of cultural significance (Article 6.1 and flow chart). Such plans are often called conservation management plans and sometimes have other names.

The management plan may deal with other matters related to the management of the *place*.

Monitor actions taken in case there are also unintended consequences.

Articles

28.2 Investigation of a *place* which requires disturbance of the *fabric*, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

Article 29. Responsibility

The organisations and individuals responsible for management and decisions should be named and specific responsibility taken for each decision.

Article 30. Direction, supervision and implementation

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

Article 31. Keeping a log

New evidence may come to light while implementing policy or a plan for a *place*. Other factors may arise and require new decisions. A log of new evidence and additional decisions should be kept.

Article 32. Records

32.1 The records associated with the *conservation* of a *place* should be placed in a permanent archive and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

32.2 Records about the history of a *place* should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

Article 33. Removed fabric

Significant *fabric* which has been removed from a *place* including contents, fixtures and objects, should be catalogued, and protected in accordance with its *cultural significance*.

Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

Article 34. Resources

Adequate resources should be provided for *conservation*.

Words in italics are defined in Article 1.

Explanatory Notes

New decisions should respect and have minimal impact on the cultural significance of the place.

The best conservation often involves the least work and can be inexpensive.

The Burra Charter Process

Steps in planning for and managing a place of cultural significance

The Burra Charter should be read as a whole.

Key articles relevant to each step are shown in the boxes. Article 6 summarises the Burra Charter Process.

