

GLENORCHY PLANNING AUTHORITY
ATTACHMENTS
MONDAY, 14 APRIL 2025



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PLANNING

5. REPORT ON REPRESENTATIONS – TO ALLOW A TOURIST OPERATION AT 100 CADBURY ROAD, CLAREMONT PLAM-24/01

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- 2: Summary of Representations and officer responses with appendix
- 3: Amended SAP with track changes

ATTACHMENT 1

PLANNING SCHEME AMENDMENT

PLAM24/01 - CERTIFIED AND EXIBITED AMENDMENT

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

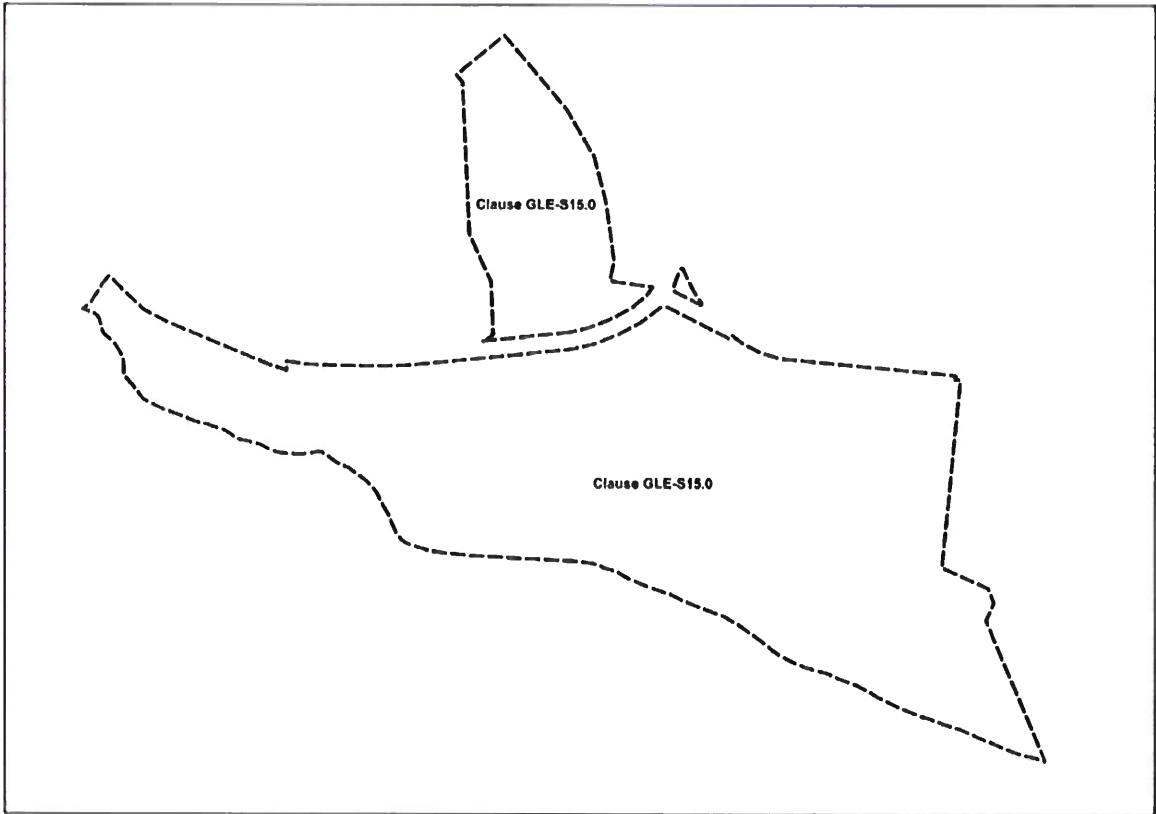
The Planning Scheme ordinance is amended as follows:

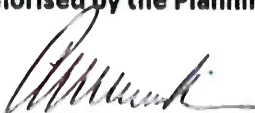
1. Insert GLE-S15.0 Cadbury Visitor Experience Specific Area Plan, as shown in Annexure 1.
2. Insert a new row into the GLE-Applied, Adopted or Incorporated Documents as shown below, with associated document in Annexure 2.

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 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

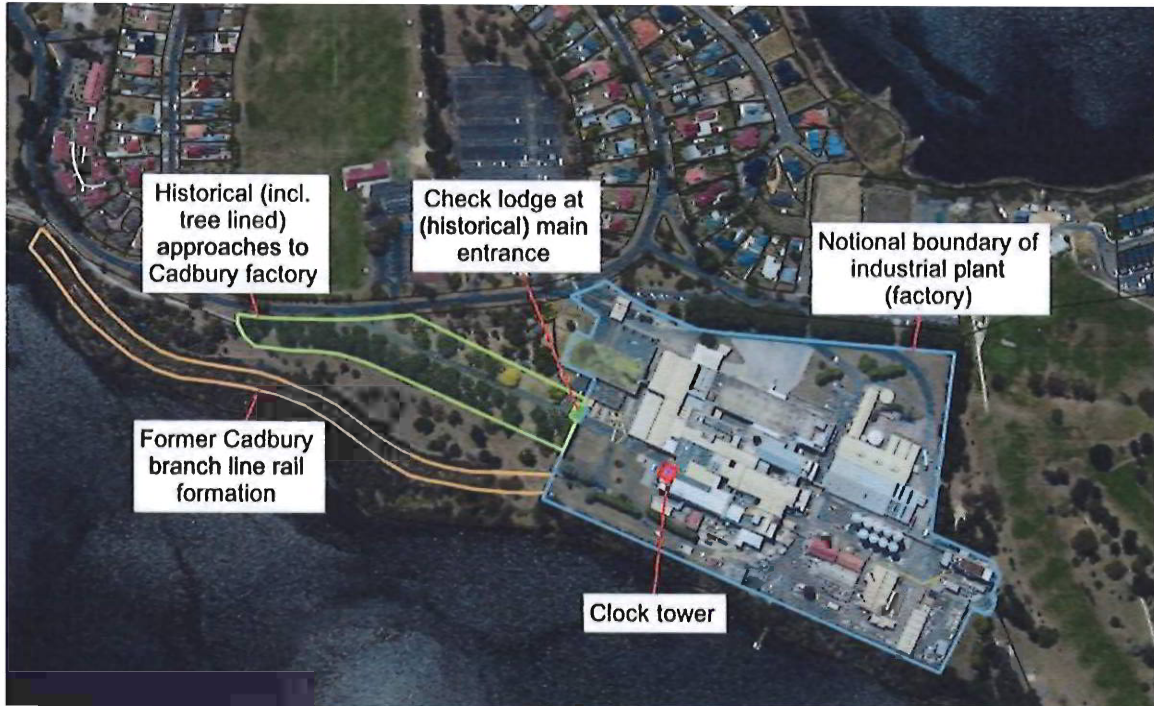
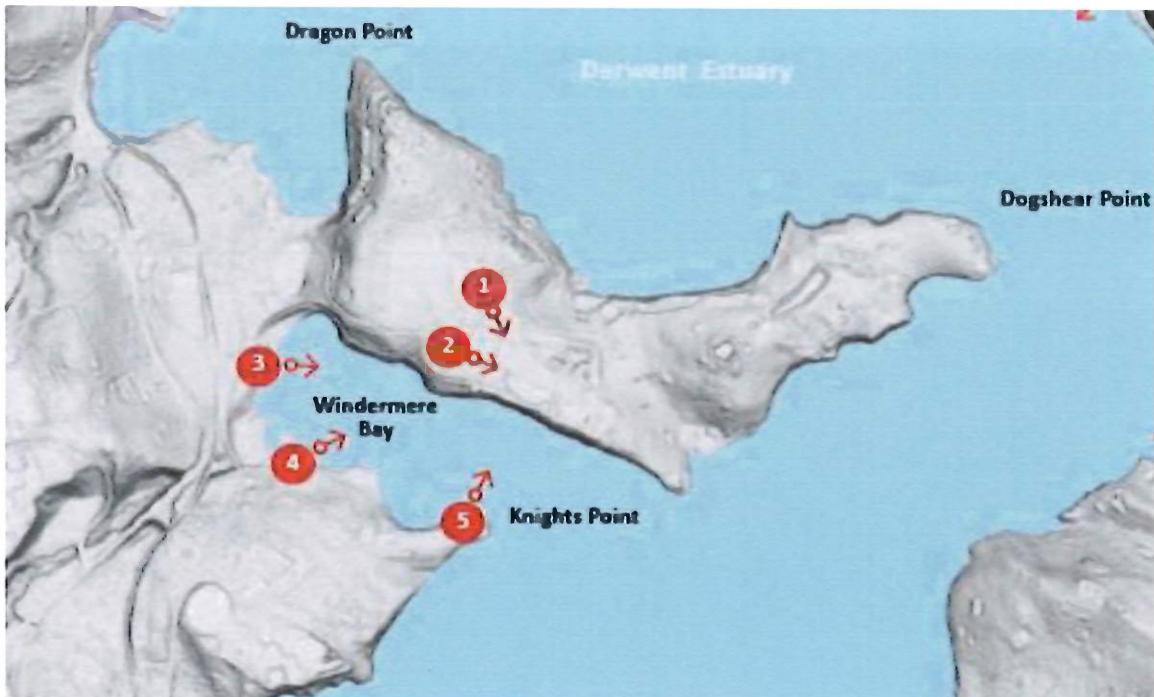


Figure GLE-S15.3 Key public views to the Cadbury Industrial Estate – Factory



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.

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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

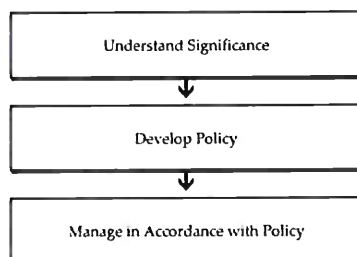
The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.

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.

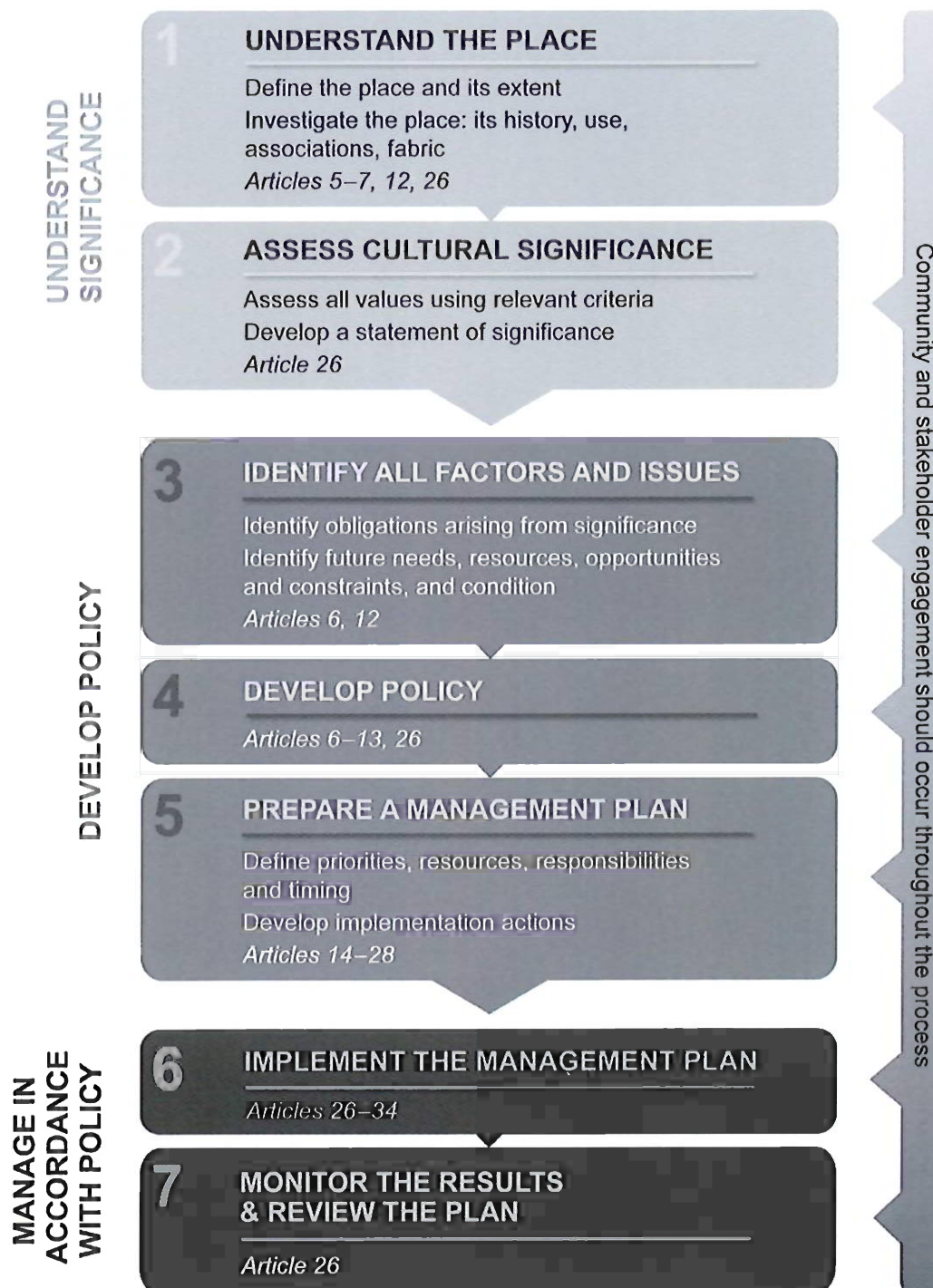
The best conservation often involves the least work and can be inexpensive.

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 2

PLANNING SCHEME AMENDMENT

**PLAM24/01 - SUMMARY OF REPRESENTATIONS AND OFFICER
RESPONSES WITH APPENDIX**

Attachment 1- Summary of Representation issues and responses

PLAM-24/01 – Planning scheme amendment to allow a Tourist Operation at 100 Cadbury Road, Claremont

Public Exhibition 04 February 2025 – 04 March 2025

No.	Supportive / not supportive	Representor's property location	Matters Raised	Council Officer's response
1.	Supporting	Somerdale Rd Claremont 7011	Supports the planning scheme amendment.	Noted.
2.	Supporting	Somerdale Rd Claremont 7011	Supports the planning scheme amendment.	Noted.
3.	Supporting	Bournville Crescent, Claremont	Supports the planning scheme amendment and considers it will be an asset to the local area with improvements to the surrounding parkland. Considers it is an asset to Tasmania in relation to increase in Tourism.	Noted.
4.	Supporting	Bournville Crescent, Claremont	Supports the planning scheme amendment., and confirms they attended the informal consultation undertaken by the applicant.	Noted.
5.	Supporting	Hobart Airport	<ul style="list-style-type: none"> • Support for planning scheme amendment. • Economic and tourism Benefits. • Project supports Airport investment, growth and aligns with Airport goals. • Project encourages a sustainable tourism cycle. 	Noted.
6.	Not supporting	Applicant	a) Covering letter – page 1 - The Specific Area Plan (SAP) approach introduces an unnecessary degree	It is noted that the representator states that they accept the Specific Area Plan (SAP) approach in order to progress the

			<p>of complexity versus being limited to what is required to overcome the current use prohibition.</p>	<p>controls, but they maintain concerns about using a SAP. Therefore, the following response is provided.</p> <p>A planning scheme amendment is not required simply to overcome a use prohibition as this is already allowed under Clause 7.4 of the planning scheme, which makes an application for a use for a local heritage place Discretionary if it would otherwise be Prohibited, subject to a range of heritage considerations. The amendment therefore seeks more than merely overcoming a use prohibition.</p> <p>Use and development standards in the zones relate to the range of uses allowable in the zone. Introducing a new use necessitates consideration of whether additional controls are needed to address the potential impacts of the new use and associated development. In this case, additional controls are warranted as the underlying zone standards do not address the potential amenity impacts for non-industrial uses that are otherwise not allowed in the zone. Additionally, the Heritage Code that applies to this site, does not provide a clear pathway for potential development to meet the code standards given the heritage significance of the “place” as described under GLE-C6.1.24, which in this case, includes both the built form and the curtilage including the <i>garden setting</i>, which is identified as the proposed development site.</p> <p><i>Finding upon review: No merit that warrants a change to the exhibited amendment.</i></p>
			<p>b) Covering letter – page 1 - the overall proposal has limited potential for impact on residential amenity.</p>	<p>It is noted that the representator states that they accept the use standards recommended by Council officers in the exhibited SAP to progress the amendment. However, the following response is provided.</p>

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While the site currently accommodates a 24-hour industrial operation, amenity impacts from the factory are regulated by the Environment Protection Authority (EPA) ¹. Any future industrial uses on the site would similarly be regulated either by the EPA or the C9.0 Attenuation Code under the planning scheme. The Attenuation Code applies where sensitive uses are in close proximity, enabling assessment of potential emissions from industrial activities within the General Industrial Zone and their impacts on residential amenity, and vice versa. However, as the proposed use would not be regulated by the EPA, nor trigger assessment under the Attenuation Code, there is a gap in the planning scheme for considering amenity impacts of the proposed new use (Tourist Operation) on the adjoining residential area. This means Council would not have the ability to assess potential impacts such as noise, external lighting, hours of operation, or commercial vehicle movements. Amenity considerations relating to traffic and signage would, however, be addressed under the relevant Codes of the planning scheme, including C1.0 Signs Code, C2.0 Parking and Sustainable Transport Code, and C3.0 Road and Railway Assets Code.

In addition, the potential for 'reverse amenity' impacts needs to be considered. This is where a non-industrial use could compromise the surrounding industrial activities. To address this, the industrial zones have Discretionary use standards; however, these only apply to the impact of a Discretionary use on *surrounding* properties (not the same site). Given the importance of the industrial operations of the Cadbury factory itself, the proposed SAP allows for this consideration to also be applied to uses on the same site.

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.

c) Covering letter – page 2 - Exclusion of additional uses being the ‘General Retail and Hire’, and ‘Community Meeting and Entertainment’, creates a significant risk of those uses being Prohibited (rather than ancillary/subservient uses) and is likely to prevent the project from proceeding.

Finding upon review: No merit that warrants a change to the exhibited amendment.

The applicant’s submitted proposal sought to include two additional Use Classes with the qualification of “where part of a visitor experience associated with the Cadbury chocolate factory.” This appears to be trying to create a new use status, between a Use Class in its own right, and an ancillary use. This is a concept foreign to the planning scheme. If a use is not ancillary or subservient (Clause 6.2.2), then it needs to be considered in its own right (Clause 6.2.5 - each use that is not directly associated with and subservient to another use on the same site must be individually categorised into a Use Class). It is unclear what would be the parameters that would enable a use to be ‘part of the visitor experience’ without being ancillary or subservient.

The representation states that additional uses were sought so that the “*Chocolate Emporium*” and community events and functions (where part of the visitor experience associated with the Cadbury chocolate factory) could be considered in the future without the risk of being deemed prohibited uses. However, planning staff consider these intended uses would comfortably fall within the scope of *subservient uses* under the primary *Tourist Operation* use category. Furthermore, the proposed qualification “*where part of the visitor experience associated with the Cadbury chocolate factory*” could introduce ambiguity. It raises questions about the extent of what could be considered *part of the visitor experience*. For example, could a standalone or unrelated retail store be established as an attachment or in the basement of the visitor experience, with the argument that it forms ‘part of’ the visitor experience?

d) Covering letter – page 2 - The standard conflates heritage and visual landscape matters and does so in a way that is procedurally unfair and will unnecessarily increase the complexity of a future permit application assessment.

e) Covering letter – page 2 - The development standard relating to heritage does not satisfy section 32(4) of the Act in that this provision is not

In addition, Clause 7.4 allows for consideration of Prohibited uses as if they were Discretionary, as the site is a local heritage place.

Finding upon review: No merit that warrants a change to the exhibited amendment.

Refer to Council Officer’s detailed response to points (m) and (o) below.

To summarise, the site’s listed values as a local heritage place (GLE-C6.1.24) are founded on its ‘garden city’ design principles, ‘creating a picturesque setting’ that ‘dovetails with the adjoining ‘garden suburb’ and associated civic spaces.’ Consideration of the broader streetscape, setting or surrounding area is an appropriate matter for consideration in assessment of a local heritage place, and forms part of most of the code standards pertaining to local heritage places.

A broader strategic planning exercise is unnecessary to facilitate the proposal and would create substantial delays that may undermine its viability. Council’s review of GLE-S15.7.1 (P1)(d) led to proposed amendments, including deleting Figure GLE-S15.3, broadening the consideration of key views, and removing the mandatory Visual Impact Assessment requirement. These revisions ensure key vantage points remain a consideration while aligning with the Glenorchy Local Provisions Schedule (LPS) without affecting its overall integrity.

Finding upon review: No merit that warrants a change to the exhibited amendment.

The Cadbury industrial estate contains significant features additional to the historically significant industrial plant, including the factory’s landscape setting, historical rail, vehicular, and

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required to deal with the unique circumstances of the site, nor does it facilitate the development.

pedestrian approaches to the main entrance (as described in the heritage listing of the place). A tailored control is required to replace the generic control in C6.0, the Local Historic Heritage Code (Heritage Code), to allow for consideration of a non-industrial development (by a new use introduced by the SAP) anticipated to be located within the highly significant riverside, open park-like setting, which are central 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 development 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.

As such it is considered the Cadbury factory site’s particular spatial qualities necessitate unique provisions beyond the standard SPPs, thus satisfying S32(4)(b). Discussion relating to the proposed heritage Standard are further elaborated under Council Officer’s response to points (l) – (r) below. Further details regarding how the amendment meets S32(4) can be found in Attachment 2² of the Planning Report that was advertised.

Finding upon review: No merit that warrants a change to the exhibited amendment.

²Item 6 – Attachment 2 : Statutory assessments PLAM-24/01, Attachments of Glenorchy Planning Authority Meeting - Tuesday, 28 January 2025 here https://glenorchy.infocouncil.biz/Open/2025/01/PA_28012025_ATT.PDF#PAGE=748

			<p>f) Covering letter – page 2 - The proposal seeks only to allow new uses, and development should not be considered.</p>	<p>As discussed previously, an amendment is not required simply to overcome a use prohibition for heritage listed places as this is already allowed under Clause 7.4 of the planning scheme. The amendment, therefore, seeks to achieve more than merely overcoming a use prohibition. In addition, Council officers are concerned that the current provisions of the Heritage Code do not provide a pathway for a potential development approval within the grounds of the site. In contrast, the proposed development Standard provides the framework and opportunity for potential approval subject to satisfaction of clearly defined heritage performance criteria.</p> <p><i>Finding upon review: No merit that warrants a change to the exhibited amendment.</i></p>
			<p>g) Covering letter – page 2- There are no inherent characteristics of a ‘tourism’ use that require a different approach (from a heritage point of view). “It is currently feasible that significant new industrial built form can be applied for as allowable development”.</p>	<p>It is the view of Council officers that any potential development of new buildings (including industrial uses) of “significant” or “considerable” scale, other than minor development, within the garden setting/landscaped approach on the site (i.e. the area where the visitor experience is intended to be located) may prove difficult to meet the standards of the C6.0 Heritage Code, especially in relation to setbacks (C6.6.4). This is because of the primacy of the garden setting and landscaped approach to the factory with its substantial, uninterrupted setbacks, in the site’s listing as a local heritage place. In general terms, any substantial industrial development would be required to occur to the east of the parkland area, within the factory complex rather than in the garden itself, to meet the requirements of Clause C6.6.4.</p> <p>The amendment proposal is to facilitate a Tourist Operation use. The proposed Standard is intended to support a clear approval pathway for development for that use, while protecting the heritage significance of the place.</p>

h) Covering letter – page 2-3 - Council should undertake a broader strategic planning exercise to consider potential listing as heritage precinct and heritage landscape under C6.0 Local Historic Heritage Code or scenic area values under C8.0 Scenic Protection Code involving independent analysis and appropriate community and stakeholder engagement to identify agreed values. The SAP seeks to introduce a new site value and is therefore procedurally unfair. Council’s concerns and rationale appear to be reactionary rather than strategic.

Finding upon review: No merit that warrants a change to the exhibited amendment.

No amendment of the current listing, its site values or its significance is proposed. Also refer to Council Officer’s response to point (m) and (o) below.

A broader strategic planning exercise as a prerequisite for the proposed amendment would not enable Council to support the current amendment application, given the timeframes involved.

Regardless of the potential merits of a broader heritage precinct, landscape or scenic area listing, the existing listing of the site as a local heritage place requires protection of the site’s historic heritage values and significance. These are established in the Glenorchy Local Provisions Schedule and include the garden setting and landscaped approach as a central element, as well as reference to how the ‘garden city’ design principles created a picturesque setting that dovetails with the adjoining suburb and civic spaces. The listing itself therefore incorporates consideration of the site within its broader context. Protecting these values consequently entails taking account of the visibility of the place within that broader context, which is not proscribed by the Code purpose or standards. Rather, virtually all the Code standards pertaining to local heritage places do include consideration of the broader streetscape, setting or surrounding area³.

It is noted that in the planning scheme, ‘streetscape’ includes the view from either side of the same street within 100m of each

³ Specifically: C6.6.1 Demolition P1 (d); C6.6.3 height and bulk of buildings P1 (d); C6.6.4 Siting of buildings and structure P1 (d); C6.6.5 Fences P1 (c), C6.6.6 Roof form and materials P1 (c) and (d), C6.6.7 Building alterations, excluding roof form and materials P1 (c) and (d); C6.6.8 Outbuildings and structures P1 (e); and C6.6.9 Driveways and parking for non-residential purposes P1 (f).

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side boundary of the site; ‘setting’ means ‘the surroundings or environment of a local heritage place’, and is not quantitatively delineated; and ‘surrounding area’ is not a defined term, but is informed by context, and should be ‘sufficiently large, to enable an assessment of the prevailing characteristics, but not so large as to dilute the character of the area around the proposal’⁴. Council officers consider the proposed view/vantage points all fall within either the streetscape, the setting or the surrounding area of the site, and are appropriate considerations for assessment of development on a local heritage place. However, Council officers revised GLE15.7.1 (P1)(d) to update the wording, as shown in the track-changed version in Attachment 3. The amendment broadens the consideration of key views from important vantage points in favour of a more flexible description, replacing the previous focus on specific points in the now-deleted Figure GLE-S15.3.

Furthermore, Council has previously adopted similar approaches when considering proposals to amend local provisions for significant developments in prominent waterfront locations, such as the MONA SAP. However, due to funding and resource constraints, these values tend to be identified reactively rather than through a proactive strategy.

Finding upon review: Alteration recommended to GLE15.7.1 (P1)(d) as shown in track-changed version of the amended SAP at Attachment 3, to delete Figure GLE-S15.3 and update the control to be more generalised in its description of key vantage points.

⁴ Collier v Launceston City Council and Ors [2020] TASRMPAT 31, in which the Tribunal preferred the broadest proposed interpretation of ‘surrounding area,’ extending across North Esk River.

i) Covering letter – page 3- Council had adequate opportunity at the LPS preparation stage to include scenic protection overlays and had the benefit of a specific methodology developed by the region for identified scenic values and chose not to do so.

j) Covering letter – page 3-4 – a requirement for a Conservation Management Plan (CMP) is unreasonable and improperly uses the concept of a CMP. It is not usual practice to prepare one in response to a specific development, which is properly the function of a heritage impact assessment.

The recommended changes to the draft SAP will not have any impact on the Glenorchy LPS as a whole and it is considered that the changes to the SAP will still enable the draft amendment to meet the LPS criteria.

The Scenic Protection Code in the SPPs primarily addresses landscape protection by regulating vegetation removal and impacts on natural skylines. It does not specifically consider visual impacts or the dominance of new buildings on a prominent heritage building.

In considering the application of the Scenic Protection Code in developing the Glenorchy LPS, Council officers considered it was not appropriate to apply it to the subject site.

Finding upon review: No merit that warrants a change to the exhibited amendment.

As noted in the representation, the planning scheme includes a requirement for a Conservation Plan at Clause 7.4, for a change of use of a heritage place. This is also the only place in the planning scheme where a requirement for a Heritage Impact Statement is specified.

In principle, a CMP can also be applied in a development context. In fact, a Conservation Plan (synonymous with a CMP⁵) forms part of the submission requirements for buildings or works under Clause 22.4.3 the *Sullivans Cove Planning Scheme 1997* (currently in effect).

⁵ According to the same guidelines as cited in both the representation and the Sullivans Cove scheme, i.e. *The Conservation Plan*, 7th Edition, J.S Kerr, p.36.

k) Covering letter – page 4 – a requirement for a Visual Impact Assessment is unreasonable

l) Memorandum of Heritage Advice (MoHA), Purcell – page 7/12 - The Local Historic Heritage Code is an adequate standard for assessment in principle’ citing considerations existing in the Code as follows:
Topography (C6.6.2; C6.6.4); Height and bulk of buildings (C6.6.3); Setting (C6.6.3); Bulk, form and

In addition, the planning appeals tribunal has previously found that it is appropriate for a Conservation Plan/CMP to be prepared as part of a specific development proposal⁶.

Finding upon review: No merit that warrants a change to the exhibited amendment

Council officers have reviewed the draft requirement and concur that, while perpetuating key public views remains a key performance criterion (as outlined in response to point (m), below), supply of a Visual Impact Assessment is not necessarily required to satisfy the intent of the proposed Standard.

Finding upon review: Alteration recommended to GLE15.7.1 (P1)(d) to exclude the mandatory requirement for, but not necessarily preclude, the submission of a Visual Impact Assessment – refer to attachment 3

The recommended changes to the draft SAP will not have any impact on the Glenorchy LPS as a whole and it is considered that the changes to the SAP will still enable the draft amendment to meet the LPS criteria.

No variation is proposed to the Heritage Code standards cited by the Heritage Consultant, other than substituting C6.6.4 Siting of buildings and structures. The remaining standards would apply in any assessment of development arising from the proposed use.

⁶ *S Peart and M Kidd v. Sullivans Cove Waterfront Authority and Citta Property Group AND S Peart and M Kidd v. Tasmanian Heritage Council and Citta Property* [2011] TASRMPAT 12 (15 February 2011) [54].

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size (C6.6.8); External materials and finishes (C6.6.8); Visibility of structure from any road or adjoining open space (C6.6.8).

Council’s intention in drafting proposed development standard GLE-S15.7.1 arises from:

- The open space (historical garden front) of the factory is a primary element of its significance. This is identified as the location for the proposed Tourism use and associated development. Clause C6.6.4 (Siting of buildings and structures) considers setbacks but not siting, nor the impact that could have on the site’s values. Clause C6.6.8 deals with siting within a site, but relates only to outbuildings⁷ (such as carports or sheds) and ‘structures’ (which is not a defined term under LUPAA or the planning scheme, and therefore has its ordinary meaning, which is distinct from a ‘building’). Therefore, the Code standards do not address the specific scenario of the location of the proposed use and development being within the area embodying a key, central element of the site’s significance.
- The fundamental importance of siting and location as the first, logical, consideration to be made in the ‘order of operations’ when assessing development on a ‘beacon’ site such as the Cadbury factory.

In addition, Council officers consider that standard C6.6.4 could prove difficult to meet for any new buildings located within the gardens to the west of the factory complex, given the primacy of the approach and setting in the site’s heritage values and significance. Whereas, in contrast, the proposed development Standard provides the framework and opportunity for potential

⁷ ‘Outbuilding means a non-habitable detached building of Class 10a of the *Building Code of Australia* and includes a garage, carport or shed’ (Clause 3.1 of the SPPs).

m) MoHA – pages 8 & 9/12: Question the validity of considering visual landscape values in the context of a Heritage Place, referencing the basis for the Visual Qualities Review prepared for Council by architect and urban design consultant⁸.

Taking the view that garden city principles are embodied by the wider estate and are not sufficiently represented within the individual places listed in GLE-Table C6.1 – Local Heritage Places, at the same time acknowledging the Cadbury factory place “could be characterised as a factory in a garden”.

Only Viewpoint 1 in the Woolley advice/Figure GLE-S15.3 is considered valid from the heritage perspective (the remaining viewpoints relating to scenic values).

Calling into question the reactive nature of Council’s approach in commissioning Woolley’s work (also referenced in the covering letter point h above), flagging the need for a ‘thorough strategic approach’ more appropriately considered in the

approval subject to satisfaction of clearly defined heritage performance criteria.

Finding upon review: No merit that warrants a change to the exhibited amendment.

It is noted that there is mutual agreement regarding the validity of key public view 1 (as identified in Figure GLE-S15.3 that was in the advertised SAP).

Open space is a key tenet of garden city design philosophy.

Over-development or unsympathetic development of the open space approaches to the Cadbury factory would have an adverse/deleterious impact upon, and be incompatible with, the garden city principles embodied by the place as the centrepiece of the Cadbury Industrial Estate. Therefore, there can be no doubt that garden city principles are sufficiently embodied by the site as a local heritage place, irrespective of the value of the broader area that may warrant listing as a heritage precinct, landscape or scenic protection area (although see comments in relation to the latter in response to (i), above).

Garden city principles referenced in the Statement of Significance can reasonably be interpreted as encompassing the visual landscape qualities of the place and this is acknowledged by Purcell in their drawing of parallels between Cadbury’s ‘factory in a garden’ at Bournville and Cadbury at Claremont.

There is clear evidence that Cadbury characterised its plant on the promontory at Claremont as the factory ‘by mountain and sea’ implying a wider aesthetic presence in the landscape and

⁸ Dated October 10, 2024.

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context of a Local Historic Heritage Precinct and Scenic Protection Code.

validating Council’s position in including key public views (shown as key viewpoint 1 – 5 in GLE-S15.3 in the advertised SAP), and therefore as a matter for consideration in the proposed development standard, GLE-S15.7.1. Note, amendment to the drafting of this Standard is now proposed and in the manner described below.

Observations contained in Terry & Davies 2005 assessment of the Cadbury Estate⁹ (Appendix of this document) are instructive in:

- Defining the qualities of the setting; p11 *“...broad landscaped grounds that include the immediate setting of the factory.”*
- Imparting an understanding of the importance of garden city design principles (site, open space) in enabling industry to co-exist with the broader estate without conflict; p11 *“Even though the factory is now of considerable size, its siting and the overall estate design suggest a modest facility.”*
- Demonstrating the importance and qualities of the setting in the context of the factory; p12:

“The [factory] building forms an excellent example of early industrial development where there is a clear pride in the design and the setting as well as the product.”

The particular qualities of the site; p12 *“The setting on the peninsula adds a unique element to the complex with ever-present water forming a backdrop to the precinct.”*

⁹ As set out in Ian Terry & Paul Davies, 2005. Glenorchy Heritage Place Assessment Project – Inventory. Heritage Conservation Areas. Collinsvale, Goodwood, Lutana, Northern Suburbs. Prepared for Glenorchy City Council; pp 10 -15.

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- Acknowledging the significance of the factory as a place; p13 “*A very fine example of inter-war industrial design set within a very fine landscape setting*”, and;
- Highlighting the significance of view fields (i.e., the factory by mountain and sea); p13 “*The strong visual quality of the precinct with its backdrop of Mt Wellington and the River Derwent.*”

This reinforces the primacy of the setting in the listing of the local heritage place itself.

In relation to whether Council’s response was ‘reactive,’ an alternative approach would have been to refuse the application as premature, to enable time to seek the budget and resources necessary to acquit a broader strategic project. Any proponent cognisant of the timeframes involved would likely view such a response as a significant project risk. This was not deemed necessary, given that regardless of the merits of a broader precinct, landscape or scenic area, the listed qualities of the place itself warrant protection.

Council planning reserves the right to inform any assessment it makes as authorised officers in the interests of properly informing the Glenorchy Planning Authority, and the community, of matters pertinent to any proposal or application. In this context, the work commissioned to consider view fields is appropriate in considering the above discussion. There is nothing in the Heritage Code, including the definition of *local historic heritage significance*, that precludes consideration of the prominence of a place, from outside that site. As discussed under the response to point (h), above, virtually all the Code

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standards pertaining to local heritage places do include consideration of the broader streetscape, setting or surrounding area. It is an appropriate factor to include in consideration of development on a local heritage place.

However desirable a broader precinct, local historic landscape or scenic protection listing¹⁰ may or may not be, it is the case that the specific extent of the heritage place being the Cadbury Industrial Estate (Factory), as defined in the Glenorchy Local Provisions Schedule¹¹, is significant in its own right.¹²

Notwithstanding, Council officers reviewed the drafting and proposed a revision to the control under GLE15.7.1 (P1)(d), to update the wording. These changes can be viewed in the track-changed version of the amended Standard at Attachment 3.

This amendment still intends and ensures that key views from important vantage points are actively considered but in a broader context, rather than confinement to specific points as previously outlined in Figure GLE-S15.3 (now deleted). The amendment also removes the mandatory requirement for a Visual Impact Assessment as discussed above, making it optional to the views from the described vantage points.

Finding upon review: Alteration recommended to GLE15.7.1 (P1)(d) as shown in track-changed version of the amended SAP at Attachment 3, to delete Figure GLE-S15.3, update the control to be more generalised in its description of key vantage points, and exclude the requirement for a Visual Impact Assessment.

¹⁰ Refer to Council officer's response to point (i) above regarding the shortcomings of the Scenic Protection Code.

¹¹ GLE-Table C6.1 – Place ref: GLE-C6.1.24

¹² As are numerous similarly listed and thematically related heritage places in the locality

n) MoHA – pages 9& 10/12: Contends that a ‘Tourism’ use is compatible, citing the link between the anticipated Cadbury Experience and the long history of immersive visitor tours of the factory. On this basis it is argued that the proposed SSQ approach is appropriate.

o) MoHA - pages 10 & 11/12: The perceived inability of the Local Historic Heritage Code to address

The recommended changes to the draft SAP will not have any impact on the Glenorchy LPS as a whole and it is considered that the changes to the SAP will still enable the draft amendment to meet the LPS criteria.

The premise of this argument is that the proposed use will reprise tours that were highly popular for many decades.

However, it is clear from the application documentation that the intention is to develop a commercial tourism venture with ferry-in-ferry-out terminal, riverside access way, a new building or buildings that will serve a variety of functions, insights to Cadbury’s chocolate-making lineage, and the offer of other products for sale along with amenities including an arboretum and playground.

This represents a completely different proposition in scope, location, scale and footprint compared to the Cadbury-run, in-factory tours and visitor centre of years past.

As detailed earlier in this response and in the Council Officer’s Planning Assessment report¹³, a SAP is the appropriate planning control to address the potential amenity impacts and site-specific heritage considerations of the proposal.

Finding upon review: No merit that warrants a change to the exhibited amendment

Creation of a heritage precinct would require refusal of the proposed amendment, to enable Council to seek the budget and resources necessary to undertake broader strategic work.

¹³ Item 6 in the Agenda of Glenorchy Planning Authority Meeting - Tuesday, 28 January 2025 here https://glenorchy.infocouncil.biz/Open/2025/01/PA_28012025_AGN.PDF

matters concerning setting is better addressed through creation of a Heritage Precinct.

The representation does not dispute that ‘setting’ is a valid matter for consideration, nor refute the listed values and significance of the local heritage place, in which setting is a central element. The preferred – and recommended – approach to account for the centrality of setting in this specific case is to provide a tailored assessment pathway for the site, by substituting one out of the ten place-based standards in the Local Historic Heritage Code. The proposed standard GLE-S15.7.1 recognises the critical importance of siting beyond consideration of setbacks and seeks to mitigate risk to potential development by articulating the site-specific matters to be addressed.

Finding upon review: No merit that warrants a change to the exhibited amendment

p) MoHA – page 11/12: The requirement for a Conservation Management Plan CMP) is inappropriate and unreasonable, should account for the entire site and consider the wider Cadbury Estate given the stated values of the Garden City and the Garden Suburb.

The proponent has elected not to engage with Clause 7.4, the standard intended to apply to applications for Change of Use of a Local Heritage Place. A Conservation Plan is required at Clause 7.4.3 (d) of that standard. The terms ‘Conservation Plan’ and ‘Conservation Management Plan’ (CMP) are synonymous according to the same guidelines as cited in the representation¹⁴ (the ‘Kerr Guidelines’).

Cites a best practice definition for a CMP as being:

“a document which sets out what is significant in a place and, consequently, what policies are appropriate to enable that significance to be retained in its future use and development. For

As discussed above, a CMP can be applied in a development context; in fact, a Conservation Plan forms part of the submission requirements for buildings or works under clause 22.4.3 the *Sullivans Cover Planning Scheme 1997* (currently in effect). It is acceptable for a Conservation Plan to be prepared as part of a specific development proposal¹⁵. In practice, a

¹⁴ *The Conservation Plan*, 7th Edition, J.S Kerr, p.36.

¹⁵ *S Peart and M Kidd v. Sullivans Cove Waterfront Authority and Citta Property Group AND S Peart and M Kidd v. Tasmanian Heritage Council and Citta Property* [2011] TASRMPAT 12 (15 February 2011) [54].

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most places it deals with the management of change.”

Covering letter page 3 contend that it is not usual practice to prepare a CMP in response to a specific development, this being properly the function of a heritage impact assessment.

Conservation Plan or CMP prepared in response to development is likely to provide more pragmatic and workable heritage policy and guidance than a Conservation Plan written with respect to a change of use without the necessary development detail to hand.

As to whether the scope of a CMP should account for the entire site and the wider Cadbury Estate, the Kerr Guidelines (p. 1) state that the scope of such plans must be flexible, and the structure tailored to resolve relevant issues. Conservation Plans/CMPs can be, and often are, applied to selected parts of a place. For example, in the face of a change in use or development that was restricted to a key significant element of a site complex (a particular building, say), it would be not inappropriate, unreasonable, or unusual to prepare a CMP for that building only.

As noted earlier in the response to this representation, the setting of the factory forms a key element of the values and significance of the site as a local heritage place, irrespective of any broader values beyond the site. Proposed Clause GLE-S15.7.1, P1 (g) limits the required scope to the pertinent matters and explicitly excludes the individual elements of the factory complex itself. The Standard has been drafted to apply to key significant heritage qualities and elements that would potentially be impacted by the anticipated development enabled by the proposed amendment, with broader considerations limited to acknowledgement of key connections.

To require a CMP of the entire Cadbury Factory site, or the entire Garden City (ie, broader Cadbury Estate) as suggested by the Heritage Consultant is a laudable objective but would reasonably be regarded as a disproportionate response to any

q) MoHA -page 11/12: Suggests amendment to the wording of subclause (b) in GLE-S15.7.1 as follows:

‘retention of the connection between the Cadbury Factory, 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.’

proposed development that is limited to the area made available to the proponent by Mondelez.

The best practice definition for a CMP quoted by the Heritage Consultant is precisely the standard required given the unique characteristics of the place.

A Heritage Impact Assessment is not a requirement of the C6.0 Local Historic Heritage Code or the Application Requirements at Clause 6.1 of the planning scheme.

Finding upon review: No merit that warrants a change to the exhibited amendment

The historical, open space, approaches to the factory are uncluttered, i.e. the open parklands are currently not blighted by a collection of elements that could be considered intrusive.

Clutter is anathema to the qualities embodied by the subject location. While the term ‘uncluttered’ may be removed, it is integral to consider visual clutter in the Standard given the significance of open space in the context of this place. Consideration of visual clutter as a planning matter is established under the C1.0 Signs Code in the SPPs. While it is noted that clutter in the context of the Signs Code is a different type of clutter, it is to be noted that this is a word and concept already existing in the SPPs.

As such an amendment to the wording is proposed (as seen in the track-changed version of the SAP under Attachment 3) as follows:

“retention of the clear connection between the Cadbury Factory and its extensive, open parklands and setting west of the

				<p><i>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”; and the element of clutter is proposed to be a separate criterion for clarity as “avoiding unreasonable visual intrusion and clutter”.</i></p> <p>It is considered the proposed amendment to GLE-S5.7.1(P1)(b) and (c) provide more clarity.</p> <p><i>Finding upon review: Alteration recommended to GLE-S5.7.1(P1)(b) and (c) as shown in the track-changed version of the amended SAP at Attachment 3.</i></p> <p><i>The recommended changes to the draft SAP will not have any impact on the Glenorchy LPS as a whole and it is considered that the changes to the SAP will still enable the draft amendment to meet the LPS criteria.</i></p>
			<p>r) MoHA – page 11 & 12/12: [Heritage Consultant asked to comment specifically on the likely potential to achieve compliance with GLE-S15.7.1] Heritage Consultant considers substitution of existing Clause C6.6.4 problematic because its objective is to control tourist operation use, presuming that no clauses would apply for siting of buildings and structures of any other use. Existing clause C6.6.4 more comprehensively accounts for any buildings and structures.</p>	<p>A specific control [in the form of GLE-S15.7.1 and relating to the siting of buildings and structures for a Tourism Use is required because development arising from that use (currently prohibited in the zone) will occupy the open space approaches to the Cadbury Factory that are integral to the unique character of the place.</p> <p>Note that support of an application for substantial factory buildings within the landscaped gardens would also be unlikely due to the gardens' high significance, as outlined in the statement of significance.</p>

				<p>Clause C6.6.4 and any other relevant SPPs for heritage will continue to apply to any other development allied to uses in the zone that are either permitted or discretionary.</p> <p>Proposed SAP standard GLE-S15.7.1 will apply only to development allied to Tourism Use within the specific extent of the Local Historic Heritage Place as set out in GLE-C6.1.24.</p> <p>Clause C6.6.4 is considered potentially problematic for any substantial new development in that location, because it is hard to see how the front, side and rear setbacks of a building could be considered compatible with the local historic heritage significance of the place, given the site selected for the development. In contrast, the proposed development standard provides the framework and opportunity for potential approval subject to satisfaction of clearly defined heritage performance criteria.</p> <p><i>Finding upon review: No merit that warrants a change to the exhibited amendment.</i></p>
7.	Supporting	Tourism Industry Council Tasmania	<ul style="list-style-type: none"> • Supports the amendment. • Project furthers the objectives of Tasmania’s visitor economy strategy, encourages regional dispersal outside of Hobart and into the northern suburbs. • Project will revive the Cadbury Visitor Experience, bringing back a beloved attraction, while also strengthening Tasmania’s visitor economy • Economic benefits including job creation in hospitality, tourism, and supporting industries more broadly. 	Noted.

			<ul style="list-style-type: none"> • Project will support Tasmania’s dairy farmers, growers, and producers by showcasing local ingredients aligned to the Tasmanian brand. 	
8.	Supporting	Destination Southern Tasmania	<ul style="list-style-type: none"> • Strongly supports the amendment. • Project represents a significant investment in Tasmania’s visitor economy. • Project aligns with DST’s mission to enhance Southern Tasmania’s tourism offerings and drive sustainable growth within the sector. • Economic benefits including job creation, increased visitor spending, revenue generation and support for Tasmania’s producers. • Social benefits towards renewed sense of pride in the region’s industrial heritage, community, transport ferry-in and out connection, and Tasmanian Tourism. • The modified planning controls proposed by the Glenorchy City Council help to balance these objectives, ensuring the Cadbury Visitor Experience is developed in a way that safeguards residential amenity and protects the site’s heritage significance. 	Noted, and specifically note support for modified planning controls by Council officers.
9.	Supporting	TasFarmers	<ul style="list-style-type: none"> • Future development will enhance Tasmania’s visitor economy by attracting more tourists and increasing visitor spending. • Project support Tasmania’s dairy farmers, growers, and producers by showcasing local ingredients and producers. Reinforce Tasmania’s reputation for excellence in food, tourism, and agritourism. 	Noted.
10.	Support	Navigators Group	<ul style="list-style-type: none"> • Project compliments Wilkinsons points project. • Enhances Tasmania’s visitor economy. 	Noted.

			<ul style="list-style-type: none"> • Supports Ferry usage rather than increasing pressure on the arterial road network. • Economic benefits. • Supports Tasmania’s dairy farmers, growers, and producers. • Reinforces Tasmania’s reputation for excellence in food, tourism, and agritourism. 	
11.	Support, with concerns raised	Main Road, Claremont	<ul style="list-style-type: none"> • Questioning the omission of images showing the tree lined garden path in the proponent’s submission. • Expressing concern about the extent of re-zoning and future development that has the potential to undermine heritage values and result in loss of a long-held public amenity. • Concerned about of loss of amenity to enjoy the garden, and questions how much of the garden will be lost and what protection is given to the big trees and birdlife- <i>“the entire garden could be for used as a glorified chocolate shop/café by the developers rather than a community asset”</i>. • Supports the Specific Area Plan recommended by Council Officers. • Urging Council to support the development but to restrict the Cadbury Visitor Experience Specific Area to 7 m south of the sealed bike/walking track to ensure protection of the large trees, local heritage place and amenity of the area. 	<p><u>Heritage issues:</u> Many of the qualities of the place referenced in the representation fall within the intentions of garden city philosophy (i.e., the enjoyment of public open space).</p> <p>Council’s recommended heritage controls as set out in GLE-S15.7.1 make reference to the specific historical/heritage qualities referred to by the representor and, in so doing, will require the proponent to consider carefully the siting and location, extent, and form of any development allied to the proposed Tourist use (including in response to conservation policy as set out in a Conservation management Plan). The intention being to achieve sound heritage and [future] development outcomes.</p> <p><u>Concerns about extent of ‘rezoning’ and recommendation for specific restriction on development and impacts to heritage, public amenity and natural values:</u> The proposed new development standard under GLE-S15.7.1 is considered sufficient to protect the site’s key values, making it unnecessary to restrict the SAP area in this instance. In the absence of a masterplan, restricting the SAP area would be challenging, as it remains uncertain whether future development could be accommodated within such limits. The proposed SAP is intended to ensure that any future</p>

				<p>development is appropriately sited, respecting the site’s heritage values—including its parkland setting, significant trees, and longstanding community and intergenerational importance. Therefore, restricting the SAP area is considered unnecessary in this instance.</p> <p>It is also important to note that while the gardens hold significant community value, they remain privately owned. Council has no records of any agreements in place that require the gardens to be open for public use. Therefore, aside from heritage considerations, it is not justified to mandate the maintenance of the parkland for public amenity.</p> <p><i>Finding upon review: No merit that warrants a change to the exhibited amendment.</i></p>
12.	Supporting	Tasmanian Chambers of Commerce and Industry	<ul style="list-style-type: none"> • Supports the planning scheme amendment. • Enhances Tasmania’s visitor economy. • Driving economic growth and job creation. • Supports Tasmania’s dairy farmers, growers, and producers. • Positioning Tasmania as a leader in premium tourism. • Strengthening community and cultural connections. 	Noted.
13.	Notice of no objection	TasWater	N/A	N/A
14.	Support, with concerns raised	Lady Clark Avenue, Claremont	<ul style="list-style-type: none"> • Supports the proposal for a Cadbury Visitor experience Tourism use on the provision that it values and protects the heritage values of the site as defined by GCC officers. • Notes the absence of reference to key significant heritage elements in the proponent’s application, and concerned that the long-established historic 	<p>Noted that the representor supports the modified amendment with a Specific Area Plan to ensure proper assessment of residential amenity impacts and heritage protection.</p> <p>As discussed in the response to Representation no. 11 above, Council’s recommended controls as set out in Specific Area Plan will ensure residential amenity and heritage values of the site will be managed and protected.</p>

			<p>garden settings and walkways will be destroyed in any proposed development unless specifically addressed in any application and approval.</p> <ul style="list-style-type: none"> • Describes the popularity and importance of the parkland to public enjoyment of the place and environs. • Highlights natural values including birdlife. • Expresses concerns that adverse impacts (loss of residential amenity, diminished heritage values and challenges in approving future development) will occur in the absence of the recommended planning controls. • Acknowledges and supports the necessity of a modified planning scheme amendment so that the impact upon residential amenity and protection of the sites significant heritage values can be properly considered. 	<p>The proposed GLE-S15.7.1 make reference to the specific historical/heritage qualities referred to by the representor and, in so doing, will require the proponent to consider carefully the siting and location, extent, and form of any development allied to the proposed Tourist use (including in response to conservation policy as set out in a Conservation Management Plan). The intention being to achieve sound heritage and [future] development outcomes. The proposed SAP is intended to ensure that any future development is appropriately sited, respecting the site’s heritage values—including its parkland setting, significant trees, and longstanding community and intergenerational importance.</p> <p><i>Finding upon review: No merit that warrants a change to the exhibited amendment.</i></p>
15.	Support	Tasmanian Hospitality Association	<ul style="list-style-type: none"> • Supports the planning scheme amendment. • Amendment allows reviving the Cadbury Visitor Experience and bring back a beloved attraction. • Increased visitor spending and driving economic benefits. • Supports Tasmania’s dairy farmers, growers, and producers. • Positioning Tasmania as a leader in premium tourism. 	Noted.
16.	Support	Masters Builders Tasmania	<ul style="list-style-type: none"> • Supports the planning scheme amendment. • Revitalisation of the Cadbury Visitor Experience presents an exciting opportunity for Tasmania’s tourism sector, local economy, and broader community. 	Noted.

			<ul style="list-style-type: none"> • Employment opportunities. • Support the development of the Tasmanian building and construction industry • Supports Tasmania’s dairy farmers, growers, and producers. • Positioning Tasmania as a leader in premium tourism. 	
17.	Not supporting	Bournville Crescent, Claremont	<ul style="list-style-type: none"> • Traffic impacts and congestion. One road leading in and out of the Cadbury estate, which is already relatively busy. • Concerns regarding loss of ‘quietness’ of this area and ability to safely walk around without traffic and number of people proposed to be visiting the Cadbury experience. • Noise impacts due to increased traffic. • Parking impacts on local streets and residences in close proximity to the site. • Potential harm to heritage area. • Loss of privacy. • Waste of taxpayers money, given the state of the health and education system in Tasmania. 	<p><u>Traffic and parking issues:</u> The proposed amendment does not include a combined use or development application. Any future application would be subject to the C2.0 Parking and Sustainable Transport Code and the C3.0 Road and Railway Assets Code, which govern parking and traffic. Any such application would be Discretionary, due to the proposed use status, and the community would have the opportunity to consider the details of the proposal and make a representation through the application assessment process.</p> <p><u>Amenity impacts issues:</u> The proposed use controls under the Specific Area Plan will ensure that the new use does not cause an unreasonable loss of amenity to the adjoining residential zone. Under Section 38 of LUPAA, the Planning Authority must assess the proposed amendment on its merits. As the recommended amendment meets legislative requirements, it cannot be refused solely on the basis of increased traffic impacting the area's “quietness.” As mentioned above, the State Planning Provisions (SPPs) allow traffic and parking considerations at the future planning application stage. Additionally, the standards in the SAP which align with those set by the SPPs for similar zones—covering hours of operation, external lighting, and commercial vehicle movements—will help manage noise and movement frequency, ensuring reasonable levels of impact where acceptable solutions are not met.</p> <p><u>Impacts on Heritage Values:</u></p>

				<p>Council’s recommended heritage controls as set out in GLE-S15.7.1 will require the proponent to consider carefully the siting and location, extent, and form of any development allied to the proposed Tourist use (including in response to conservation policy as set out in a Conservation Management Plan). The intention being to achieve sound heritage and [future] development outcomes.</p> <p><u>Loss of privacy:</u> The factory is already a non-residential use with several employees. While the number of people on-site is expected to increase significantly, existing building setback provisions will remain in place. Additionally, the proposed development standard under the SAP aims to protect the site’s key heritage values, including its garden setting, ensuring a buffer is maintained between the residential and non-residential uses.</p> <p><u>Misuse of Taxpayer Funds:</u> Funding arrangements for the proposal are not a planning matter that can be considered in assessing the proposed amendment.</p> <p><i>Finding upon review: No merit that warrants a change to the exhibited amendment.</i></p>
18.	Not supporting	Cadbury Road, Claremont.	<ul style="list-style-type: none"> • Concern that the amendment will allow unsuitable development in the area. • Loss of a peaceful community space currently used for dog walking, cycling, walking, and family activities. Concern that development will disrupt local recreational use. • Environmental Impact as the area is home to diverse bird species. Development could drive wildlife away and remove significant tree cover, which is vital for habitat and climate resilience. 	<p><u>Loss of community parklands:</u> The proposed SAP seeks to ensure future development respects the site's heritage values, including its parkland setting and strong community connections. While the gardens hold significant community and inter-generational value, it is important to note they remain privately owned. Council has no records of any agreements in place that require the gardens to be open for public use.</p> <p><u>Environmental impacts:</u> While some tree cover will be lost to accommodate the future development of the Cadbury Visitor Experience, the trees—aside</p>

			<ul style="list-style-type: none"> • Concern that development will impact on heritage values including on the historic gates and old railway tracks. • Public consultation undertaken by applicant was limited and the true scale of development is being downplayed. • Development will dominate the area and includes unnecessary duplication of facilities - nearby shops, playgrounds, and recreational facilities already serving the community. • Traffic and transport concerns including concerns that most locals will drive rather than using ferry. Unclear parking solutions for ferry users in the city and at the site. • Questions what new “scenic parkland activities” and “community events” that already don’t happen there. • Alternative locations suggested for the project and concerned that once heritage and environmental assets are lost, they cannot be restored. 	<p>from their heritage value within the garden setting and tree-lined approach—are not listed as significant under the Significant Tree Register or subject to the Natural Values Code in the SPPs. Therefore, imposing additional controls solely for environmental protection would be unjustified. However, from a heritage perspective, the gardens, including a number of trees, will require some level of protection. Additionally, portions of the foreshore area fall within the Environmental Management Zone, where any development would be subject to existing environmental controls in the SPPs.</p> <p><u>Impacts on Heritage Values:</u> Council’s recommended heritage controls as set out in GLE-S15.7.1 will require the proponent to consider carefully the siting and location, extent, and form of any development allied to the proposed Tourist use (including in response to conservation policy as set out in a Conservation Management Plan). The intention being to achieve sound heritage and [future] development outcomes.</p> <p><u>Public consultation concerns:</u> The applicant’s public consultation was non-statutory and exceeded formal requirements by engaging the community through a public information session. The Council has since publicly exhibited the amendment and directly notified adjoining property owners and occupiers, meeting LUPAA’s public exhibition requirements. As the proposed use is Discretionary, any future development application, should the amendment be approved, will undergo further public consultation under Section 57 of LUPAA.</p> <p><u>Duplication of facilities:</u> No development proposal for specific facilities has been received. It is noted that the site is in proximity to the Claremont Activity Centre; however, the Tourist Operation use would provide a unique offering that aligns with broader tourism strategy. Any ancillary uses would need to be directly associated</p>
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				<p>with, and a subservient part of, the Tourist Operation use, i.e. a general retail store would not be allowed. On that basis, the scope for potential duplication and impact to the Activity Centre is considered insubstantial.</p> <p><u>Traffic concerns:</u> Any future application will be assessed under the C2.0 Parking and Sustainable Transport Code and the C3.0 Road and Railway Assets Code, ensuring appropriate parking and traffic management. While ferry usage cannot be mandated through the planning system, traffic and parking considerations will be based on the expected number of patrons and ferry services if provided.</p> <p>Existing SPP standards will ensure sufficient parking and necessary traffic upgrades. A Traffic Impact Assessment will likely be required to identify and recommend mitigation measures for any impacts. As the proposed use is Discretionary, should the amendment be approved, the community will have the opportunity to review the proposal and provide representations during the application assessment process.</p> <p><u>“Scenic parkland activities” and “community events” :</u> Details about what additional “scenic parkland activities” or “community events” are anticipated to be held have not been provided by the applicant. However, Council does not support the inclusion of “Community Meeting and Entertainment” as a separate use class. Subserving uses to the existing factory or any future approved uses on the site, including the Tourist Operation, would continue to be allowable under Clause 6.2.2 of the Scheme.</p> <p><u>Alternate locations:</u> The Planning Authority is required to assess the proposed amendment on its merits under Section 38 of LUPAA and cannot consider alternative sites. The amendment applies to the entire site and does not include a development application. However future development siting will be addressed through the</p>
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				<p>proposed SAP development standard, and impacts on any Environmental values that are protected under scheme will continue to be protected via the various applicable overlays.</p> <p><i>Finding upon review: No merit that warrants a change to the exhibited amendment.</i></p>
19.	Supporting	<p>Landowner 100 Cadbury Road, Claremont</p>	<ul style="list-style-type: none"> • Strong support for the planning scheme amendment. • Revitalisation of the Cadbury Visitor Experience presents an exciting opportunity for Tasmania’s tourism sector, local economy, and broader community. • Local economic benefits through job creation in the northern suburbs and across Tasmania through employment opportunities in hospitality, tourism, and supporting industries. • Supports Tasmania’s dairy farmers, growers, and producers. • Positioning Tasmania as a leader in premium tourism. 	Noted.
20.	Supporting	Tourism Tasmania	<ul style="list-style-type: none"> • Supports the planning scheme amendment. • Positioning Tasmania as a leader in premium tourism. • The immersive experience will showcase local produce, increasing visitor numbers and spending. • local economic benefits through job creation in the northern suburbs and across Tasmania through employment opportunities in hospitality, tourism, and supporting industries. 	Noted.

			<ul style="list-style-type: none"> • Investment that manages future growth that enhance the quality of Tasmania as a holiday destination. • Stimulates private sector investment consistent with Tasmania's brand and industry standards. • Supports development and innovation in products and experiences prioritising artisanal and built heritage. 	
21.	Supporting Late representation	Federal group	<ul style="list-style-type: none"> • Strongly supports the planning scheme amendment. • Bring back Cadbury Visitor Experience, a fond attraction from the past. • Drive local visitor economy. • Significant business in the local area and will stimulate local business activity and job creation. • Supports Tasmania's dairy farmers, growers, and producers. • Positioning Tasmania as a leader in premium tourism. 	Noted.
22.	Supporting Late representation	Pennicott Wilderness Journeys	<ul style="list-style-type: none"> • Supports the planning scheme amendment. • Historically the Cadbury Visitor Experience, a key highlight of a visit to Hobart. Brining back this attraction will revive a memorable experience for visitors and locals. • Creates employment opportunities. • Supports local producers. • Encourages increased visitation and greater visitor spending. • Positioning Tasmania as a leader in premium tourism. 	Noted.

Appendix

CADBURY BOURNEVILLE ESTATE HERITAGE CONSERVATION AREA

History

The Cadbury Bourneville Estate is an industrial estate comprising factory, open space and workers housing constructed by English confectionary firm, Cadbury-Fry-Pascall, on the site of the World War One army camp from 1921. The company was attracted to Claremont by the beautiful site, good transport, a tractable labour force and a mild summer climate suitable for making chocolate.⁹ Around thirty skilled workers were brought to Tasmania from England to work in the factory. They were housed in dwellings built by the company on the Bourneville Estate, which was envisaged as a model garden village based on the Garden City Movement. It aimed to provide imported English workers with adequate facilities for a pleasant life, which, it was envisaged, would make them better employees for the company. Apart from housing facilities provided by the company included a hall, a golf course and recreation ground with oval, tennis courts, etc. This example of welfare capitalism was based on the Quaker company's Bourneville Estate in the United Kingdom. The company soon baulked, however, at the costs involved and the estate never attained all the facilities initially planned for it.¹⁰ Nonetheless, the company made an effort to live up to its reduced vision of ideal factory surroundings and conditions, building a golf course and recreational oval in the village.

Although only twenty-four houses were built in the first stage of the Bourneville Crescent development, the company and estate dominated the area surrounding it. Other houses were gradually added over time, but only to attract tenants in times of labour shortages. New workers flocked in, the population expanded rapidly, and property values and prosperity generally rose. By 1971 some eighty-four houses had been erected, seventy-one of these being sold after the merger with Schweppes.¹¹ Following this 1969 merger, the new company moved its headquarters to Melbourne, sold off its houses to tenants and subsequently threatened to close down the factory, although this was averted and the factory was upgraded from 1985.

Character and Description

The area is dominated by the factory complex with its various layers of development set within broad landscaped grounds that include the immediate setting to the factory with its surround of pine plantings, the golf course with its own landscape setting and the parklands and ovals again with a distinctive landscape character. Even though the factory is now of considerable size, its siting and the overall estate design with separating parkland suggests a modest facility. Similarly, while the housing is clearly related to the factory, the estate design provides a clear separation and a very strong suburban setting with the use of curved road formations, irregular siting of houses within the lots and careful variation in house designs within the setting. This is seen in variations in material, design, decoration, scale and style but all within a clear estate with an overall strong English Edwardian character. Strong Arts and Crafts elements to the buildings are evident in decorative geometric timberwork, splayed brick buttresses, window boxes, roof forms, and

⁹ Alexander & Young, p. 36.

¹⁰ Barton, 1981, p. 34.

¹¹ Barton, 1981, p. 46; Terry, p. 43.

recessed porches in contrast to full verandahs. Cladding materials vary and include feature face brickwork, vertical timber board and shingle; windows utilise small paned casement forms; roof forms are articulated with gables and projecting gable forms; and the timber to porches uses lattice patterns and framed screens.

There is a strong 'garden suburb' character to the estate with the curved street forms, careful arrangement of dwellings to create a planned but informal arrangement of buildings set around a village green. This is one of only several such developments in Tasmania and one of two related to industrial development and staff housing.

The factory building is in strong contrast to the character of the residences with its modernist forms derived from English and European industrial development. The original section of the building complex features strong massing with contrasting vertical and horizontal elements, bands of steel framed fenestration, string courses and carefully arranged windows on the main elevation. Traditional elements are still however found with dentils seen under the upper string course. The building forms an excellent example of early industrial development where there is a clear pride in the design and setting as well as the product.

The setting on the peninsula adds a unique element to the complex with the ever-present water forming a backdrop to the precinct. While some modern development has been inserted around the edges of the area the precinct retains a high level of integrity.



Figure 3. Cadbury Bourneville Estate Heritage Conservation Area.

Heritage Significance

The precinct is significant for:

- 1 The fine collection of predominantly early twentieth century houses that form coherent and intact streetscapes demonstrating the key design features, styles and forms of the 1920 period and in particular the strong Arts and Crafts design ethos that underlies the development. The group provides some of the best examples in the state of the Garden City approach to housing development based on English Garden City Movement principles.
- 2 A rare and very fine example of inter-war staff housing provided by a major company with a clear and well-designed and executed precinct layout.
- 3 Its demonstration of the early twentieth century philosophy of welfare capitalism embodied in the provision of well appointed housing for employees by a major Tasmanian industry.
- 4 The rarity of the overall precinct within the development of housing in Tasmania and to some extent in Australia
- 5 A very fine example of inter-war industrial design set within a very fine landscape setting.
- 6 The strong visual quality of the precinct with its backdrop of Mt Wellington and the River Derwent.
- 7 The continued occupation of the area by the Cadbury Company and their ongoing interest in the overall setting (even though much of the housing is now in private ownership).

Policy

The conservation policy for the precinct aims to:

- retain the predominant Arts and Crafts inter-war residential character of the residential parts of the area
- retain the current scale of development
- retain current lot sizes without further subdivision
- retain the traditional relationship of buildings to streets within garden settings
- provide for new development or alterations and additions to be located so that they do not affect the historic streetscape established by the existing housing
- prohibit carports and garages on the street frontage
- to control the effect of driveways and site works on the streetscape
- retain all housing stock built as part of the Cadbury Estate development
- retain garden settings and significant and mature plantings
- retain original fencing and encourage new fencing to be compatible with traditional fencing forms
- encourage the removal of or alteration to unsympathetic or inappropriate additions and alterations to significant buildings
- retain the broader landscape setting of the parks, factory and residential areas.

- Policy 1 The minimum setback from the street for any new work shall be the greater setback of adjacent properties not including garages or carports.
- Policy 2 Additions and alterations should reflect the existing form of the building. First floor additions are not appropriate to existing single storey buildings unless they are located so that they do not affect the visual or streetscape setting of the building.
- Policy 3 Materials for new work or replacement fabric should match existing materials — for example, corrugated iron roofs should not be replaced with tiled roofs or other non-compatible roof materials.
- Policy 4 Carports and garages should not be erected in front of the existing building line and should not visually dominate the site or setting.
- Policy 5 No building constructed as part of the Cadbury precinct development should be demolished unless Council is satisfied that it does not contribute to the heritage significance of the precinct. Council may require a heritage assessment to be provided demonstrating that the significance of the place has been properly considered.
- Policy 6 New buildings in the precinct should match the pattern of existing development reflecting existing setbacks, siting, roof forms and use of materials. New development should generally be undertaken outside the heritage area.
- Policy 7 Early or significant fences should be retained in their existing form. Intrusive fences should be replaced with compatible forms using traditional materials and scale.
- Policy 8 Porches that are visible from the street should be retained in open form.
- Policy 9 Intrusive additions or changes to materials should be removed over time during future upgrade work to properties.
- Policy 10 A conservation management plan should be prepared for the Cadbury factory site prior to future works being undertaken.

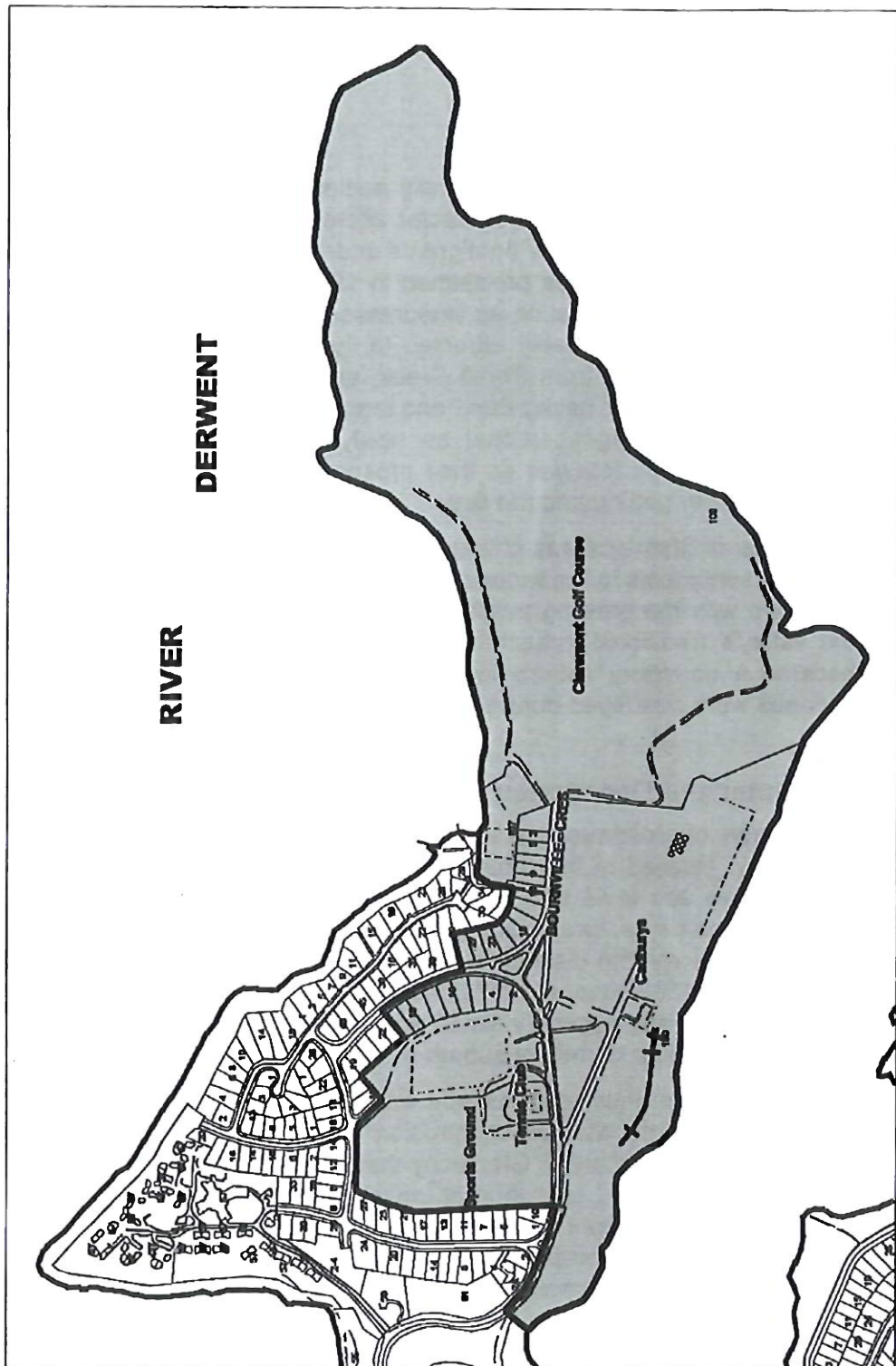


Figure 4. Cadbury Bourneville Estate Heritage Conservation Area

ATTACHMENT 3

PLANNING SCHEME AMENDMENT

PLAM24/01 - AMENDED SAP WITH TRACK CHANGES

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 [its visual prominence, key views of the place, ensuring that any new works are sympathetic to the existing environment, 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:	That Tourist Operation use:	
	<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	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:	P1
	<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>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	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:	P2
		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>(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> <p>(a) is compatible with the local historic heritage significance and setting of the Cadbury Industrial Estate – Factory local heritage place;</p> <p>(a)(b) <u>considers the setting and manages the conservation of the site’s heritage attributes while being sympathetic to the existing environment; and</u></p> <p>(b)(c) <u>retains key views of the Cadbury Industrial Estate – Factory local heritage place from the surrounding area; and</u></p> <p>(c)(d) <u>aligns with a coordinated approach to managing the conservation of the site’s heritage values.</u></p>
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> <p>(a) the historic heritage values of the local heritage place as identified in GLE-Table C6.1 Local Heritage Places;</p> <p>(b) retention of the clear connection between the Cadbury Factory <u>and</u> its extensive, uncluttered open <u>parklands space frontage</u> 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;</p> <p>(b)(c) <u>avoiding unreasonable visual</u></p>

intrusion and clutter;

~~(e)~~(d) the legibility of the former Cadbury Branch Line rail formation, as shown in Figure GLE-S15.2, in the landscape;

~~(d) retention of key~~retention of key views of the local historic heritage place, with consideration of visual impacts when viewed from prominent vantage points, including but not limited to, the tree-lined approach to the heritage place as shown in Figure GLE-S15.2, Windemere Bay Foreshore Reserve and Knights Point Reserve, or as identified through a visual impact assessment prepared by a suitably qualified professional; views of the local historic heritage place, including:

~~— (f) from vantage points shown in Figure GLE-S15.3; and~~

~~(e) (ii) as set out in the recommendations of a visual impact assessment prepared by a suitably qualified person;~~

~~(e)~~(f) the size, shape, topography and orientation of the lot;

~~(f)~~(g) the siting of existing development on the lot; and

~~(g)~~(h) 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 *Articles of the Australia ICOMOS Burra Charter*.

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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

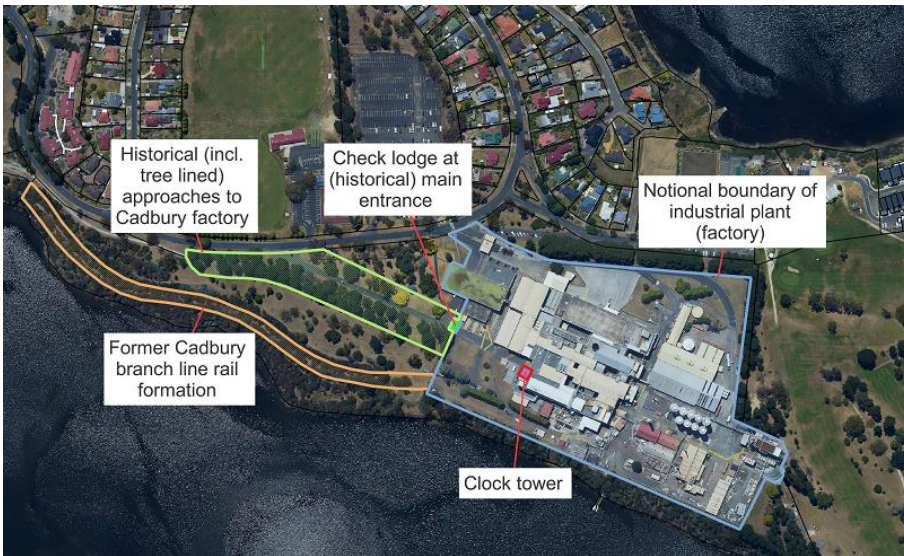


Figure GLE-S15.3 Key public views to the Gadbury Industrial Estate – Factory

