



Planning Scheme Amendment

Supporting Report

Part of 4 Arnol Street, Swansea (CT 113141/1) containing former SES building and town hall

Rezone from Community Purpose Zone to Local Business Zone

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1.0 Summary

The report is in support of a rezoning of the former SES building and town hall at 4 Arnol Street, Franklin. Both properties are currently within the Community Purpose Zone. It is proposed that they both be rezoned to the Local Business Zone.

The rezoning is proposed for two main reasons:

1. Council has disposed of the former SES building and the site is no longer in public ownership and no longer serves any function as a public asset. The SES operations have relocated to Maria Street in purpose built accommodation. The Community Purpose Zone is no longer fair or orderly.
2. Retaining the Community Purpose Zone for the hall would provide a 'spot' or isolated zone which can be avoided by the proposed rezoning. The rezoning has no practical consequence in terms of the ongoing use of the hall. There are no proposed changes of any kind to the operation of the public hall. There is no intention to commercialise the building in any way, dispose of the building or land or make any alterations to the building.

2.0 Background

2.1 Site & Surrounds

2.1.1 Site

The site consists of two buildings:

- A. The former State Emergency Services (SES) building at 4 Arnol Street, Swansea
- B. The Swansea Town Hall, also at 4 Arnol Street, Swansea.

The two buildings are contained on the one title (CT 113141/1). The property – 4 Arnol Street – consists of two titles, CT 113141/1 & 39528/1. A subdivision has been approved to create a separate title for each building and reconfigure two other parcels of land at 2 & 4 Arnol Street, Swansea. The buildings and the subdivision are shown in images on the following pages.

CT 113141/1 is a 1900m² (approx.) lot with frontage to Franklin Street and Arnol Street. The town hall is built across the full Franklin Street frontage and practical vehicle access is only via Arnol Street. The existing access from Arnol Street leads to a large sealed informal car parking area.

The subdivision reconfigures a number of existing titles. It creates the following titles:

- Lot 100: an irregular shaped 476m² lot with frontage to Arnol Street and access via a right of way over lot 102.
- Lot 101: a regular shaped 432m² lot fronting Arnol Street
- Lot 102: an irregular shaped 1331m² lot containing the former SES building and sealed access / car parking. Lot 102 is burdened by a right of way which provides access to lot 100 and 103 and to the rear of 14 Franklin Street, Swansea (CT 30441/1)
- Lot 103: a regular shaped 740m² lot containing the town hall.



Figure 1. Swansea Town Hall



Figure 2. Former SES building and Arnol Street properties including in subdivision.



Figure 3. Former SES building with town hall in background.

The land is fully serviced. Easements will be created via the subdivision process for existing and reconfigured water, sewer and stormwater infrastructure.

Vehicular access to the rear of the hall and 14 Franklin Street will be via a right of way from Arnol Street. That right of way may also be utilised to access the SES lot and the rear of lot 100 in the subdivision.

The land contains no native vegetation and has a consistent gradient across the site.

The State Emergency Services (SES) is located in a new, purpose built facility at 76 Maria Street, Swansea.



Figure 4. New SES facilities.



Figure 5. Subdivision Plan

2.1.2 Location & Zoning

The site is centrally located within the commercial strip of Swansea.

Glamorgan Spring Bay Interim Planning Scheme 2015.

The Glamorgan Spring Bay Interim Planning Scheme 2015 (the interim scheme) applies.

The site subject to the proposed rezoning is within the Community Purpose Zone. The current zoning of the area is shown below. The site adjoins the Local Business Zone to the west and east, the Utilities Zone to Franklin Street and the General Residential Zone to the south and east.

Adjoining land uses include a take-away at 14 Franklin Street, the two vacant Council owned parcels at 2 & 4 Arnol Street, a vacant internal lot at 10C Franklin Street and residences nearby the former SES building.



Figure 6. Current Zones: General Residential – Red; Local Business – Blue; Community Purpose – Light Yellow; and Utilities – Yellow.

There are no Overlays applicable to the site.

10B & 10C Franklin Street are heritage listed. 10C Franklin Street is the vacant lot adjoining to the east which was formerly part of 10B Franklin Street which is heritage listed as the Oyster Bay Holiday Lodge.

Glamorgan Spring Bay Planning Scheme 1994.

The zoning of the site and surrounds under the Glamorgan Spring Bay Planning Scheme 1994 (the 1994 scheme) is similar to the existing. Under that scheme, the subject site was zoned Special Use, the adjoining commercial properties zoned Commercial and the adjoining residential properties zoned Residential, with identical zone boundaries to the current planning scheme.

3.0 Description of Proposed Amendment

The proposed amendment is to rezone that part of 4 Arnol Street, Swansea contained within certificate of title CT 113141/1 from the Community Purpose Zone to the Local Business Zone.



Figure 7. Proposed Rezoning from Community Purpose Zone to Local Business Zone

The rationale for the rezoning is the disposal of the Council owned former SES building to private ownership. This disposal occurred following the construction of purpose built SES facilities in the Light Industrial Zone at 76 Maria Street and the lack of any alternative public use for the former SES building.

As a consequence of the need to rezone the former SES building, the town hall is also to be rezoned to avoid a spot Community Purpose Zone. The town hall will be retained in public ownership, will not be commercialised and will maintain its current function and purpose. Although that purpose is community based, the facility is not of a scale – such as a school or hospital – that warrants the use of the Community Purpose Zone.

The Local Business Zone is the preferred zone given:

- The zone applies either side of the subject site;
- The former SES building is not capable of converting to residential use;
- The former SES building is capable of conversion to a number of commercial uses whilst its demolition is not a viable commercial proposition in order to gain additional residential land;
- The Local Business Zone is an appropriate zone for town halls;
- Alternative zones, such as the Light Industrial Zone – which is appropriate for a SES depot – is not appropriate for centre of Swansea given the potential to impact amenity of businesses and residences; and
- The zone is consistent with the Swansea Structure Plan.

4.0 Justification for the amendment

4.1 Southern Tasmanian Regional Land Use Strategy (STRLUS)

The following discusses a number of relevant strategies from the STRLUS.

The site is within the Swansea Activity Centre. The STRLUS states:

Activity Centres provide the focus for services, employment, and social interaction in cities and towns. They provide a broader function than just retail and commercial centres. They are also community meeting places, centres of community and government services, locations for education and employment, settings for recreation, leisure and entertainment activities, and places for living through new forms of higher density housing with good levels of amenity, in mixed land use settings. The Regional Land Use Strategy promotes the development of multifunctional, accessible Activity Centres.

Strategies from the Activity Centre section that are relevant include:

AC 1.2 Utilise the Central Business, General Business, Local Business Zones to deliver the activity centre network through planning schemes, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.

AC 1.11 Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within planning schemes.

The proposed rezoning specifically implements AC 1.2 by using the Local Business Zone. From the above description of activities centres it is evident that they provide a range of services which should be catered for by a single zone that is appropriate to the function of the activity centre, which in this case is the Local Business Zone.

Table 1 provides a comparison of use tables from relevant zones. A town hall is a permitted use in the proposed Local Business Zone.

In terms of AC 1.11, the current extent of Local Business Zone essentially matches that of the 1994 planning scheme. The exceptions to this are the following properties which are now in the Local Business Zone:

- 1 & 3 Maria Street which were formally Resort Residential
- the former Council chambers at 4 Noyes Street, which was formally special use,
- and the Swansea museum on the corner of Noyes and Franklin Street, which was formally special use.

Of these properties, 1 Maria Street is a dwelling and the inclusion of that site in the Local Business Zone represents the only expansion of commercial zoning undertaken at Swansea since the 1994 planning scheme was approved.

As discussed later, the Swansea Structure Plan recommends additional Local Business Zone land than is currently provided for. This rezoning is considered to represent a sound, albeit minor, contribution to furthering AC 1.11.

Elements of the STRLUS that relate to natural hazards or natural values are not applicable to the site. Provisions of the STRLUS that relate to physical or social infrastructure and transport are relevant however the proposed rezoning represents a change to one parcel of land only and will not place any significant demand for new infrastructure.

The Coast section of the STRLUS is relevant given the site is within 1km of the coast and subject to the *State Coastal Policy 1996*. The most relevant parts of The Coast section is C 1.2.

C 1.2 Maximise growth within existing settlement boundaries through local area or structure planning for settlements in coastal areas.

As noted in following sections, the rezoning is consistent with the Swansea Structure Plan.

4.2 Swansea Structure Plan 2016

In the Swansea Structure Plan 2016 (www.gsbc.tas.gov.au) the site is identified in Appendix A as part of the existing commercial area. Although a number of areas to expand the commercial area is identified in the Swansea Structure Plan 2016 these are not currently being pursued and no assessment if current retail supply (see page 52) has occurred. Given the rezoning represents one additional lot for commercial purposes (with the ongoing public ownership of the town hall) such analysis is not considered necessary at this stage. The Swansea Structure Plan 2016 urban design recommendations are not expressly applicable to Arnol Street properties or to the former SES site.

Section 9.4 recommends that existing industrial uses relocate from the centre of town. This recommendation is largely a reference to the Morey bros. site adjacent the Bark Mill but is nevertheless applicable to a ex SES depot. The rezoning proposed is appropriate in this regard.

4.3 Use Table Comparison

Table 1 provides a comparison of permitted and discretionary uses across a number of zones. It includes reference to the future statewide planning scheme and in this regard it should be noted that the informal exhibition of Council's Local Provisions Schedule does include the subject site as being within the Local Business Zone. Uses shown in bold are uses that cannot be considered under the current zone.

Under the 1994 planning scheme, the former SES building would have been classified as a civic building which is the equipment of the Community Meeting and Entertainment Use Class.

Under the rezoning the following uses would become available for consideration:

- Residential
- Service Industry
- Bulky Goods Sales
- Hotel
- Transport Depot
- Vehicle Fuel Sales and Services
- Equipment Machinery Sales and Hire

- Visitor Accommodation

Some of these uses are unlikely for a site in this location and size – such as hotel and bulky goods sales. Some uses could have amenity impacts to adjoining land – such as service industry – however the Local Business Zone does include a number of amenity use standards to address these issues. Looking to the statewide planning scheme, the version of the Local Business Zone included in the Statewide Planning Provisions (www.planningreform.tas.gov.au) includes a number of additional amenity considerations and would provide further protection to the adjoining residences.

Table 1. Use Table Comparison.

| 1994 Special Use – using current scheme terms | Interim Community Purpose | Interim Local Business | Statewide Local Business |
|---|-------------------------------------|--|--|
| Community meeting and entertainment | Community Meeting and Entertainment | Community Meeting and Entertainment – most forms | Community Meeting and Entertainment |
| | Passive Recreation | Passive recreation | Passive recreation |
| Education establishment | Education and occasional care | | Education and occasional care |
| Hospital | Hospital | | |
| Minor utility | Minor utility | Minor utility | Minor utility |
| Consulting Rooms | | Consulting rooms | Business and professional services |
| | | General retail and hire | General retail and hire |
| | | Residential – above ground level | Residential – above ground level |
| | | Food services | Food services |
| Public art gallery / museum | Sports and recreation | Home based child care | Bulky Goods Sales |
| | | | Emergency Services |
| | | | Hotel |
| | | | Visitor accommodation – above ground level |
| Tourist Operation | Tourist Operation | Tourist Operation | Tourist Operation |
| Sports and recreation | | Sports and recreation | Sports and recreation |
| | | Service Industry | Service Industry |
| Transport Depot | | Transport Depot | Transport Depot - limited |
| | Vehicle parking | Vehicle parking | Vehicle parking |
| | | Vehicle fuel sales and services | Vehicle fuel sales and services |
| | | Equipment machinery sales and hire | Equipment machinery sales and hire |
| | Business and professional services | Business and professional services | Storage |
| Passive recreation | Social housing / aged care | Education and occasional care | Manufacturing and processing |
| Caravan Park | General retail and hire | Hotel | Food and Beverage production |
| | Food services | Visitor accommodation | |
| | Emergency Services | Emergency Services | |

4.4 State Policies

The *State Coastal Policy 1996* (SCP) applies to the site as it is within 1 km of the high water mark.

The SCP three main guiding principles are:

- Natural and cultural values of the coast shall be protected.
- The coast shall be used and developed in a sustainable manner.
- Integrated management and protection of the coastal zone is a shared responsibility.

The SCP incorporates a number of themes, all of which have associated policy statements, including:

- Natural Resources & Ecosystems
- Cultural & Historic Resources
- Cultural Heritage
- Coastal Hazards
- Coastal Uses & Development
- Marine Farming
- Tourism
- Urban & Residential Development
- Transport
- Public Access & Safety
- Public Land
- Recreation

Many of these themes are addressed in equivalent terms in other strategic documents including the STRLUS Plan.

The following clause is considered relevant to the matter at hand.

| | |
|--|---|
| <p>2.4.2. Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.</p> | <p>The site is contained within the existing Swansea settlement and the proposal consolidates the Local Business Zone.</p> <p>This policy is consistent with C 1.2 of the STRLUS:</p> <p><i>C1.2 Maximise growth within existing settlement boundaries through local area or structure planning for settlements in coastal areas.</i></p> |
|--|---|

The *State Policy on the Protection of Agricultural Land 2009* does not apply given the current zoning of the land.

The *State Policy on Water Quality Management 1997* applies. The policy is considered to be principally implemented by individual developments and furthered by way of design and permit conditions detailed later in the report. Policy WR 1.1 of the STRLUS also states the following which can be reflected in any permit granted for future use or development:

Ensure use and development is undertaken in accordance with the State Policy on Water Quality Management.

National Environmental Protection Measures have the effect of being a State Policy and include:

- National Environment Protection (Air Toxics) Measure
- National Environment Protection (Ambient Air Quality) Measure
- National Environment Protection (Assessment of Site Contamination) Measure
- National Environment Protection (Diesel Vehicle Emissions) Measure
- National Environment Protection (Movement of Controlled Waste between States and Territories) Measure
- National Environment Protection (National Pollutant Inventory) Measure
- National Environment Protection (Used Packaging Materials) Measure

The measures have been reviewed and are not considered directly relevant to amendment or permit. Air emissions or diesel emissions are not significant and there is no known site contamination.

4.5 Guidelines for application of the Community Purpose Zone

The Community Purpose Zone in the current planning scheme is similar in purpose to the Community Purpose Zone included in the Statewide Planning Provisions.

The use of zones under the future statewide planning scheme is informed by Guideline No 1: Local Provisions Schedule (LPS) zone and code application. It is considered that the guidelines provide a contemporary and relevant indication of how the Community Purpose Zone should be applied.

For the Community Purpose Zone, these guidelines state two guiding rules:

CPZ 1 The Community Purpose Zone should be applied to land that provides, or is intended to provide, for key community facilities and services, including:

(a) schools, tertiary institutions or other education facilities;

(b) medical centres, hospital services or other care-based facilities;

(c) emergency services facilities; or

(d) large community halls, places of worship or other key community or cultural facilities.

CPZ 2 Some community facilities and services may be zoned the same as the surrounding zone, such as a residential or business zone, if the zone is appropriate for the nature or scale of the intended use, such as a small scale place of worship, public hall, community centre or neighbourhood centre.

Note: Major community facilities and services, such as tertiary educational facilities and hospital services, with unique characteristics may be more appropriately located within a Particular Purpose Zone.

Essentially, the Community Purpose Zone will apply to large community facilities. It is considered that the town hall is not sufficiently large in scale as to warrant this zoning and there is no

justification for privately owned property with commercial potential to be included in the Community Purpose Zone.

4.2 Infrastructure & Access

4.2.1 Water & Sewer

The land is serviced by reticulated water and sewer. TasWater will be a referral body during public exhibition.

4.2.2. Stormwater

Reticulated stormwater is provided to the site.

The planning scheme includes E7.0 Stormwater Management Code which requires compliance with quantity and quality targets in the State Stormwater Strategy.

4.2.3 Traffic

Road access to the site is via Arnol Street which is an urban street with a 50 km/hr speed limit.

The existing subdivision permit provides a shared access to the former SES building and town hall.

The planning scheme includes Code E6.0 Parking and Access Code which regulates the provision of car parking and access to any future use and development applications. Code E5.0 Road and Rail Assets Code may also apply to future use and development.

Having regard to the size of land subject to the rezoning, the proposed Local Business Zone and what uses will be possible, the retention of the town hall in Council ownership, traffic generation from future use and development is unlikely to exceed the local road network.

4.3 Potential Land Use Conflict

The proposed rezoning will affect the potential for land use conflict with respect to the former SES building. The town hall is to be retained as a Council owned hall with no alteration to its current use and in any event the proposed Local Business Zone is identical to the land abutting the town hall.

In terms of the former SES building, that operated on an irregular, as needed basis with 24 hour operations potential. It did not cause conflict because of the infrequent nature of the use. Under the Local Business Zone land use will become consistent but with a reduced potential for 24 hour operations.

The former SES building essentially backs on to the adjoining residential properties to the south and east with all external building openings focused towards Arnol Street. If the building is retained – which is considered likely – this existing design will assist to minimise the potential for conflict. More importantly, the Local Business Zone provides use standards for hours, commercial vehicles, noise and external lighting in order to protect residential amenity at the zone boundary. These standards will be enhanced under the version of the Local Business Zone included in the State Planning Provisions. On this basis, any potential land use conflict can be mitigated through the planning process.

4.4 Natural and Cultural Values

4.4.1 Terrestrial Flora & Fauna

The site is cleared on all native vegetation and no flora and fauna values exist.

4.4.2 Aboriginal Cultural Heritage

There are no known values on the site. During the public exhibition process, the proposal will be referred to Aboriginal Heritage Tasmania. The *Aboriginal Relics Act 1975* will apply to the construction stage.

4.4.3 Historic Cultural Heritage

There are no historic cultural heritage values on the site. Adjoining land at 10B & 10C is listed on the Tasmanian Heritage Register however any impact to that property and its values is considered minimal as it adjoins the public hall.

5.0 Land Use Planning and Approvals Act 1993

5.1 Part 1 and Part 2 objectives

The objectives of the Resource Management and Planning System must be furthered by the rezoning request.

| <i>Objectives – Part 1</i> | <i>Comment</i> |
|--|---|
| <i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;</i> | The site is centrally located within Swansea, is developed and contains no natural features. |
| <i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i> | As the former SES building is no longer in public ownership, the retention of the Community Purpose Zone would be neither fair nor orderly. The proposed Local Business Zone is considered a fair and orderly zone for the site given the sites location within the commercial strip along Franklin Street. |
| <i>(c) to encourage public involvement in resource management and planning; and</i> | The public will be involved in the draft planning scheme amendment through opportunity to make representation and attend public hearings. The public have also had the opportunity to provide input in to the Structure Plan. |
| <i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i> | The draft amendment will facilitate economic development in the area. |
| <i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i> | The proposed amendment will require the approval of the Tasmanian Planning Commission following community consultation. |
| <i>Objectives – Part 2</i> | <i>Comment</i> |
| <i>(a) to require sound</i> | The proposed amendment is consistent with the STRLUS and |

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| <p><i>strategic planning and co-ordinated action by State and local government;</i></p> | <p>the Swansea Structure Plan 2016.</p> |
| <p><i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.</i></p> | <p>The proposal has been submitted in accordance with Section 34 of the Act and is consistent with all relevant legislation. The proposed amendment will form part of the Planning Scheme, which controls the use, development and protection of land.</p> |
| <p><i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and</i></p> | <p>No adverse social or economic effects have been identified and none are likely given the proposed rezoning applies to one previously developed site that is centrally located within Swansea.</p> |
| <p><i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i></p> | <p>The proposed amendment supports this objective and is consistent with State, regional and local planning policies and strategies.</p> |
| <p><i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i></p> | <p>This objective is provided for by the legislative processes in place.</p> |
| <p><i>(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and</i></p> | <p>The proposal essentially provides one additional lot for commercial purposes in a location that is suitable for commercial activity. No adverse effects have been identified. It is considered that this objective is furthered by the proposal.</p> |

| | |
|--|---|
| <p>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</p> | <p>The site is not known to contain any items or places of scientific, aesthetic, architectural or historic interest. Adjoining land is heritage listed, with the item of heritage value adjacent to the town hall on the subject site. As the hall will be retained in Council ownership there is unlikely to be any change or impact to the adjoining property through this rezoning.</p> <p>If any Aboriginal heritage sites are discovered during potential future works then the <i>Aboriginal Relics Act 1975</i> will apply for reporting and management purposes.</p> |
| <p>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;</p> | <p>All necessary public infrastructure is currently provided to the site.</p> |
| <p>(i) to provide a planning framework which fully considers land capability.</p> | <p>The land cannot support agricultural use to any significant extent.</p> |

5.2 Other sections

LUPPA requires the planning authority, for the purposes of planning scheme amendment requests, to consider section 32 as well as any representations received under section 30I on the interim planning scheme and Councils section 30J report on representations received on the interim planning scheme.

No representations received and no part of Councils 30J report relate to the amendment request.

Section 32, as provided below, requires that the planning authority be satisfied that the planning scheme amendment meets certain criteria:

(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A):

...

(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

(ea) must not conflict with the requirements of section 300; and

(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

(2) The provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.

Section 30(O) requires an amendment to be consistent with the regional land use strategy and all mandatory provisions of the planning scheme. The extent of compliance with the Southern Tasmanian Regional Land Use Strategy is discussed earlier and the rezoning is considered in compliance.

The potential for land use conflict with other existing or permissible uses is minimal. Adjacent land is foreshore which has limited development potential other than for passive recreation purposes.

In terms of the region, the amendment is considered to be of no consequence as it applies to a discrete part of the municipal area.

The Gas Pipelines Act 2000 is not applicable.