

3.4 AM2018/04 – Extend the Spring Bay Industrial Specific Area Plan

Planning Assessment Report

Proposal:	Extend the Spring Bay Industrial Specific Area Plan.
Requested by:	N/A
Location:	11 & 49 Slipway Road, Triabunna and adjoining crown land and road reservation
Planning Document:	Glamorgan Spring Bay Interim Planning Scheme 2015 (Interim Scheme)
Application Date:	N/A
Statutory Date:	N/A
Attachments:	Proposed Amendment
Author:	Shane Wells, Manager Planning and Special Projects

1. Executive Summary

- 1.1. On 12 April 2018, the Tasmanian Planning Commission approved amendment AM 2017/01 which applied to land owned by Spring Bay Seafoods and adjoining Crown land and State Waters. The amendment includes a Spring Bay Industrial Specific Area Plan to allow for Resource Development associated with aquaculture on land in the Light Industrial Zone. Resource Development is otherwise prohibited in the zone.
- 1.2. When AM 2017/01 was initiated, not all of the Light Industrial Zone was included in the Specific Area Plan (SAP). This was because AM 2017/01 was initiated in response to a request by Spring Bay Seafoods with an associated permit application and also because of earlier written submissions against that proposal by the then owner of the neighbouring site.
- 1.3. The amendment seeks to extend the Specific Area Plan over two lots to the north and associated Crown land and road reservations. Light Industrial Zone also applies to the south but the SAP is not proposed here. It is understood that the land is on long-term lease for agricultural purposes.
- 1.4. The final version of the SAP as approved by the TPC was modified from the Council initiated version. The approved version includes only the Resource Development use class as a discretionary use with the qualification 'if for aquaculture or marine farming shore facility'. The Council initiated version sought to give permitted status to Resource Development and Resource Processing given the strategic direction of the Triabunna / Orford Structure Plan for the area to be a focal point for aquaculture. Resource Processing remains a discretionary use under the underlying Light Industrial Zone.

- 1.5. Light Industrial Zone land at Harvey's Farm Road, Bicheno has a similar issue whereby the existing abalone production is a prohibited use, as are a number of existing dwellings. Council officers have written to owners to seek their views of these issues which may lead to a future amendment.
- 1.6. The proposed amendment is considered to represent fair and orderly planning and it is recommended that the Planning Authority, acting on its own motion, initiate the amendment.

2. Legislative & Policy Content

- 2.1. The purpose of this report is to enable the Planning Authority to determine whether or not to initiate the planning scheme amendment.
- 2.2. The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA establish the test of whether a planning scheme amendment is reasonable or not.
- 2.3. This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.
- 2.4. This report has been prepared with appropriate regard to the State Policies that apply under the *State Policies and Projects Act 1993*.

3. Risk & Implications for Council services and assets

- 3.1. Approval or refusal of this application will have no direct financial implications for the Planning Authority.
- 3.2. Implications for Council include general matters related to rate income, asset maintenance and renewal and responding to future building applications.

4. Site Detail

- 4.1. Under the *Glamorgan Spring Bay Interim Planning Scheme 2016* (the scheme), the land is within the Light Industrial Zone.
- 4.2. 49 Slipway Road, Triabunna is the former Seafish site. It has a long history of aquaculture processing. Some buildings on the site extend across Crown land to the west which is leased in association with the Seafish site and has been developed by a groyne and jetty.
- 4.3. 11 Slipway Road, Triabunna contains a small industrial building. The owners of the site were recently awarded a Federal government grant to develop a research and development facility.
- 4.4. The site includes other areas of Crown land, including land leased to the slipway.
- 4.5. The boundaries of the proposed amendment match the zone boundaries and therefore extend into adjoining road reservations and various Crown parcels.

- 4.6. A small section of 'Okehampton' is included that is on the foreshore side of Slipway Road.
- 4.7. The site is subject to overlays for Waterway and Coastal Protection, Coastal Inundation & Coastal Erosion. Part of the Seafish site is considered contaminated land as the Contaminated Land Code would apply. The Bushfire Prone Areas Code also applies. An Attenuation Area applies to the site but not to activities within the Light Industrial Zone.

5. Proposal

- 5.1. The proposal seeks to extend the approved SAP over the above titles and as depicted in the attached.
- 5.2. The effect of the proposal is that Resource Development if for aquaculture or marine farming shore facility would become a discretionary use rather than a prohibited use.

6. Assessment of the planning scheme amendment

- 6.1. Regional land use strategy
 - 6.1.1. Any planning scheme amendment must be, as far as practicable, consistent with regional land use strategies. The Southern Tasmanian Regional Land Use Strategy (the STRLUS) is available at http://stca.tas.gov.au/rpp/wp-content/uploads/2011/05/land_use_strategy_2013_Amended_8thnov_web.pdf
 - 6.1.2. The STRLUS provides a number of strategies and policies across 15 themes. Those most relevant to the request are: *The Coast; Managing Risk and Hazards; Recreation & Open Space; Land Use & Transport Integration; Tourism; Productive Resources; and Industrial Activity.*

Productive Resource

- 6.1.3. On marine farming, the STRLUS acknowledges that marine farming is outside the provisions of LUPAA.

In terms of shore-based facilities the STRLUS provides the following policies for aquaculture:

PR 4 Support the aquaculture industry.

PR 4.1 Ensure appropriately zoned land on the coast is provided in strategic locations, and in accordance with The Coast Regional Policies, for shore based aquaculture facilities necessary to support marine farming.

PR 4.2 Identify key marine farming areas within planning scheme to assist in reducing potential land use conflicts from an increasingly industrialised industry.

The area is well located to provide shore based facilities related to aquaculture given access to safe harbour, proximity to off-shore leases and the level of road infrastructure provided for heavy vehicle movements.

The consolidation of shore based aquaculture facilities should be encouraged in this area to avoid the need to develop greenfield locations elsewhere and to maximise use of existing infrastructure. Consolidation is supported by the Triabunna / Orford Structure Plan.

The Coast

6.1.4. Relevant policies from *The Coast* section of the STRLUS are:

C 1.1 Ensure use and development avoids clearance of coastal native vegetation.

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

C 1.4 Zone existing undeveloped land within the coastal area, Environmental Management, Recreation or Open Space unless:

a. The land is utilised for rural resource purposes; or

b. It is land identified for urban expansion through a strategic planning exercise consistent with this Regional Land Use Strategy.

C 2 Ensure use and development in coastal areas is responsive to effects of climate change including sea level rise, coastal inundation and shoreline recession.

The amendment will have minimal impact to coastal native vegetation. Coastal inundation hazard do apply to the area. The majority of the site is above the minimum floor level for development as required by the associated planning scheme code.

Recreation & Open Space

6.1.5. Policies relating to *Recreation & Open Space* derive from the *Tasmanian Open Space Policy and Planning Framework 2010*.

The framework is available at http://www.dpac.tas.gov.au/_data/assets/pdf_file/0006/234690/Tasmanian_Open_Space_Policy_-_Report.pdf

Of relevance to the request the STRLUS provides:

ROS 1.5 Ensure residential areas, open spaces and other community destinations are well connected with a network of high quality walking and cycling routes

There is no opportunity for public access through the site. The public can access Slipway Road however private land and exclusive leases apply from the end of Slipway Road through to the foreshore edge. The amendment has no effect on this existing scenario.

Managing Risks and Hazards

6.1.6. Policies relating to risks and hazards are largely implemented through development control incorporating through planning scheme codes or building regulations.

Land Use and Transport Integration

6.1.7. Relevant policies are as follows:

LUTI 1.1 Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.

LUTI 1.7 Protect major regional and urban transport corridors through planning schemes as identified in Maps 3 & 4.

The amendment could see increase traffic movements along of Category 2 State Road. Freestone Point Road is underutilised given the closure of the woodchip mill and is therefore well suited to use that generates heavy vehicle movements.

Tourism

6.1.8. Relevant policies for *Tourism* include:

T 1.1 Protect and enhance authentic and distinctive local features and landscapes throughout the region.

T 1.2 Identify and protect regional landscapes, which contribute to the region's sense of place, through planning schemes.

The consideration of tourism is important to this request. Spring Bay is an important landscape feature and the site is located near existing tourism operations at the Eastcoaster Resort and approved developments at Solis and Spring Bay Mill. Further, the site is in proximity to the Triabunna township, the Spring Bay Marina and a proposed marina at the wharf adjacent to Spring Bay Mill.

Tourism was given extensive consideration in AM 2017/01 and ultimately no issues identified. The site is further from Spring Bay Mill and the Eastcoaster Resort.

Industrial Activity

Relevant industrial policies include:

IA 1.4 Provide a 15-year supply of industrial land, zoned for industrial purposes within the new planning schemes - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.

The amendment is consistent with this policy of the STRLUS as it allows the existing Light Industrial Zone land to be used for efficiently for aquaculture purposes building upon existing uses and infrastructure.

6.2. Local land use strategy

6.2.1. Local strategy is provided through the Triabunna / Orford Structure Plan (the Structure Plan) which was revised in 2014. The Structure Plan is available at www.gsbc.tas.gov.au. The Structure Plan recognises the existing industrial area and provides for its ongoing growth associated principally with seafood processing.

For this reason the Structure Plan sought consolidation on industrial uses between the coast and Freestone Point Road which has been given effect through the current planning scheme.

- 6.2.2. The demographic profile outlined in the Structure Plan shows that relative to Tasmanian averages, the local population has a higher proportion of certificate level qualifications, a substantially higher proportion of labourers and machine operators, and a substantially lower proportion of professionals. The unemployment rate of Triabunna was approximately double the Tasmanian-wide rate at the time the Structure Plan was drafted. Further, Triabunna is within the top 9% of most disadvantaged urban locality centres.

Although there are indications of improvements to the local economy, with property prices and transactions up some 30% over 2015 levels, the demographic profile indicates issues in structural unemployment and the structure of labour force that need to be addressed.

- 6.2.3. The Structure Plan recognises the importance of the coast in establishing the amenity and form of Triabunna and Orford. The level of amenity afforded in this specific location is, however, considered lower than most other foreshore area. The existing uses in the area limit the capacity to access the foreshore for passive recreation and provide a modified landscape. The structure plan seeks to retain undeveloped coastal locations as a natural buffer between urban centres and avoid their disturbance by onshore marine farming infrastructure. The proposal is considered to be consistent with these desired outcomes.

6.3. State Policies

- 6.3.1. The *State Coastal Policy 1996* applies to the site as it is within 1 km of the high water mark. This policy makes little direct reference to shore based marine farming. The policy however offers a number of higher level principles of relevance. Importantly, the amendment seeks consolidation of uses within the industrial zones. Natural values are limited due to past development which has modified the shoreline.
- 6.3.2. The *State Policy on the Protection of Agricultural Land 2009* does not apply given the current zoning of the land.
- 6.3.3. The *State Policy on Water Quality Management 1997* applies, but is more relevant to individual developments.

6.4. RMPS Objectives

- 6.4.1. The objectives of the Resource Management and Planning System must be furthered by the amendment.

<i>Objectives – Part 1</i>	Comment
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic	The site is part of a modified area with limited natural and physical resources.

diversity;	
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and	The amendment will expand the range of uses consistent with local structure planning. The proposal provides one additional use consistent with regional and local strategy and given the absence of significant environmental, landscape or public use values it is considered to provide for fair, orderly and sustainable use and development.
(c) to encourage public involvement in resource management and planning; and	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.
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The draft amendment will facilitate economic development in the area.
(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.	The proposed amendment will require the approval of the Tasmanian Planning Commission following community consultation.
Objectives – Part 2	Comment
(a) to require sound strategic planning and co-ordinated action by State and local government;	The proposed amendment is seen as a sound strategic response to the demand for shore based facilities associated with a key Tasmanian industry. AM 2017/01 was proposed, and approved, on the basis of being consistent with the Structure Plan which was prepared via a collaborative and cost-sharing effort between Council and the State government.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The 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.
(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	No adverse environmental, social or economic effects have been identified. Effect on waterways can be appropriately managed through development controls via existing planning scheme controls.
(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	The proposed amendment supports this objective and is consistent with State, regional and local planning policies and strategies.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-	This is a procedural objective.

ordinate planning approvals with related approvals; and	
(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and	The proposal provides for growth and expansion of aquaculture related industries which have co-located overtime within the existing Light Industrial Zone. No adverse effects have been identified. It is considered that this objective is furthered by the proposal.
(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	The site is not known to contain any items or places of scientific, aesthetic, architectural or historic interest. If any Aboriginal heritage sites are discovered during potential future works then the Aboriginal Relics Act 1975 will apply for reporting and management purposes.
(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;	All necessary public infrastructure is currently provided to the site.
(i) to provide a planning framework which fully considers land capability.	The land cannot support agricultural use to any significant extent.

6.5. Land Use Planning and Approvals Act 1993

6.5.1. 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.

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

6.5.3. Section 32 requires that the planning authority be satisfied that the planning scheme amendment:

(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 30O; 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.

6.5.4. Section 30O requires an amendment to be consistent with the regional land use strategy and all mandatory provisions of the planning scheme.

6.5.5. The extent of compliance with the regional land use strategy is discussed earlier in this report. It is considered that the amendment is consistent with the STRLUS.

6.5.6. The potential for land use conflict with other existing or permissible uses within the existing Light Industrial Zone or on adjoining land is minimal. The

modification to the status of uses within the area by the proposed Specific Area Plan will have minimal potential for conflict. With respect to other uses in the Light Industrial Zone, shore based marine farming does not require any level of amenity or have any specific operational constraints that appear inconsistent with industrial uses. With respect to adjoining land uses there is substantial separation from existing land uses.

- 6.5.7. The amendment will provide for shore based facilities in support of marine farming leases. The shore based activities will have minimal adverse effect on the environment whilst supporting use that will make an important economic and social contribution through direct and indirect employment and investment.

7. Referrals

- 7.1. Referrals to TasWater, Department of State Growth (DSG), Crown Land Services, Heritage Tasmania and Aboriginal Heritage Tasmania will occur during the public exhibition of the amendment.

8. Conclusion

- 8.1. The planning scheme amendment consistent with regional and local land use strategy and the requirements of LUPAA.
- 8.2. On this basis it is recommended that Council initiate and certify draft amendment AM 2018/04 to extend the Spring Bay Industrial Specific Area Plan to 11 & 49 Slipway Road, Triabunna and adjoining Crown Land and road reservations.

RECOMMENDATION:

That, as provided for by the provisions of section 3 of schedule 6, of the Land Use Planning and Approvals Act 1993 (LUPPA):

- A.** Pursuant to section 34(1)(b) planning scheme amendment AM 2018/04 be initiated and certified as being in accordance with sections 30(0) and 32 of LUPAA to apply the Spring Bay Industrial Specific Area Plan as shown in Attachment A and to:
1. 49 Slipway Road, Triabunna (CT 137724/2),
 2. 11 Slipway Road, Triabunna (CT 18880/1),
 3. Part of 336 Okehampton Road, Triabunna (CT 121810/1), and
 4. adjoining Crown Land including and adjoining road reservations
- B.** Pursuant to section 38 of LUPAA, AM 2018/04 be placed on public exhibition for no less than 28 days.
- C.** Pursuant to section 39 of LUPAA, if no representations are received during public exhibition, Council directs the General Manager to advise the Tasmanian Planning Commission in writing that no representations have been received.

Decision: /18

Moved Clr Arnol , seconded Clr Fama , that:

- A.** Pursuant to section 34(1)(b) planning scheme amendment AM 2018/04 be initiated and certified as being in accordance with sections 30(0) and 32 of LUPAA to apply the Spring Bay Industrial Specific Area Plan as shown in Attachment A and to:
 - 1. 49 Slipway Road, Triabunna (CT 137724/2),
 - 2. 11 Slipway Road, Triabunna (CT 18880/1),
 - 3. Part of 336 Okehampton Road, Triabunna (CT 121810/1), and
 - 4. adjoining Crown Land including and adjoining road reservations
- B.** Pursuant to section 38 of LUPAA, AM 2018/04 be placed on public exhibition for no less than 28 days.
- C.** Pursuant to section 39 of LUPAA, if no representations are received during public exhibition, Council directs the General Manager to advise the Tasmanian Planning Commission in writing that no representations have been received.

**The motion was put and carried
(6 Votes to 1)**

For: Mayor Michael Kent, Deputy Mayor Cheryl Arnol, Clr Jenifer Crawford, Clr Mick Fama, Clr Richard Parker, Clr Britt Steiner, Clr Jenny Woods.

Against: Clr Crawford

Item 7.1 moved to Planning Authority

Moved Clr Arnol, seconded Clr Steiner agenda Item 7.1 to planning and becomes item 3.5.

Carried unanimously

Attachment A

Glamorgan Spring Bay Interim Planning Scheme 2015

Amendment AM 2018/4

Amendment: Apply the Spring Bay Industrial Specific Area Plan to the Planning Scheme Maps

Location: 49 Slipway Road, Triabunna (CT 137724/2),
11 Slipway Road, Triabunna (CT 18880/1),
Part of 336 Okehampton Road, Triabunna (CT 121810/1), and
adjoining Crown Land including and adjoining road reservations.



Spring Bay Industrial Specific Area Plan

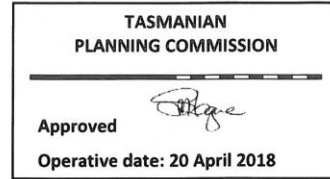
Note: boundaries follow cadastre or Light Industrial Zone.

The Common Seal of the Glamorgan
Spring Bay Council is affixed below
Pursuant to Councils resolution of the
XXth XXXX 2018 in the presence of :

.....Mayor

.....General Manager

Attachment B



TASMANIAN PLANNING COMMISSION

Glamorgan Spring Bay Interim Planning Scheme 2015

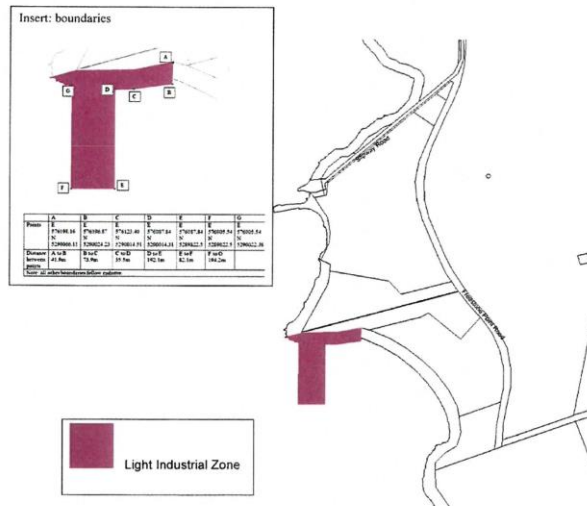
Draft amendment AM 2017-01

Glamorgan Spring Bay Interim Planning Scheme 2015
Amendment AM 2017/1

Part A:

Amendment: Rezone land from the Open Space Zone and from the Environmental Management Zone to Light Industrial Zone

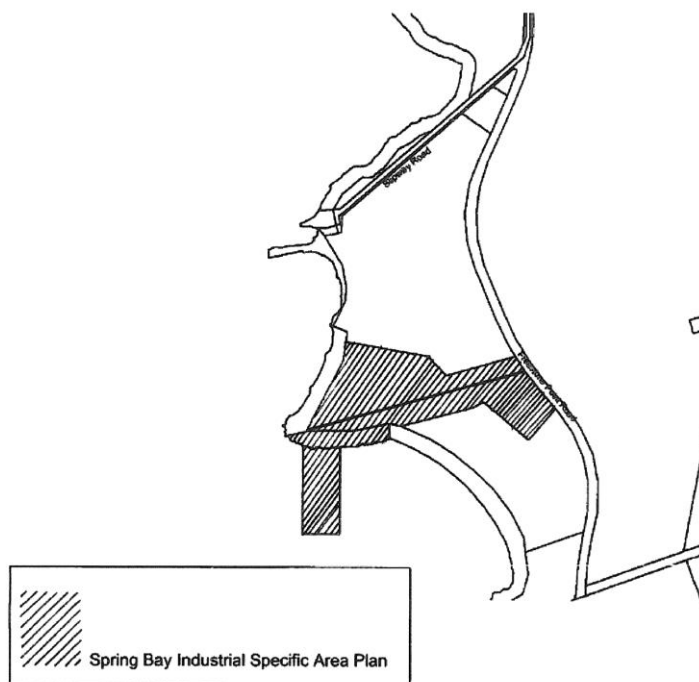
Location: Part of the foreshore and State waters of Spring Bay adjacent to, and generally south of, 496 Freestone Point Road, Triabunna (CT 6464/2)



Part B:

Amendment: Add the Spring Bay Industrial Specific Area Plan to the Planning Scheme Maps

Location: 488 & 496 Freestone Point Road, Triabunna (CT 137724/1; CT 6464/2 and CT 6464/5) and part of the foreshore and State waters adjacent to, and generally south of, 496 Freestone Point Road, Triabunna (CT 6464/2).



Note: non-cadastral boundaries follow area of rezoning in part A.

Amendment: Insert as a new Specific Area Plan at clause F4.0 of the Glamorgan Spring Bay Interim Planning Scheme 2015 the Spring Bay Industrial Zone Specific Area Plan

Location: 488 & 496 Freestone Point Road, Triabunna (CT 137724/1; CT 6464/2 and CT 6464/5) and part of the foreshore and State waters adjacent to, and generally south of, 496 Freestone Point Road, Triabunna (CT 6464/2).

F4.0 Spring Bay Industrial Special Area Plan

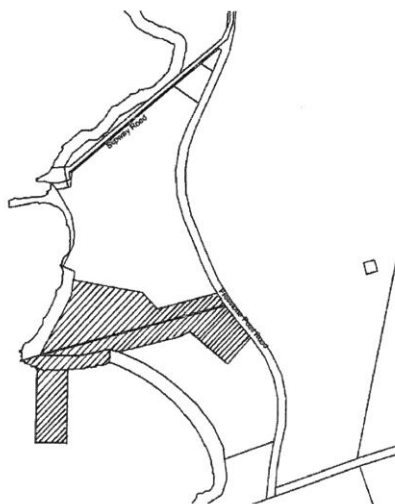
F4.1 Purpose of Specific Area Plan

F4.1.1 The purpose of the Spring Bay Industrial Specific Area Plan is to:

- (a) provide for aquaculture, fish processing, a marine farming shore facility and associated uses;
- (b) minimise potential land use conflicts; and
- (c) make efficient use of existing infrastructure and facilities.

F4.2 Application of the Specific Area Plan

F4.2.1 This Specific Area Plan applies to the area of land shown on the Spring Bay Industrial Specific Area Plan below and as reproduced on the planning scheme maps.



F4.3 Use Table

No Permit Required	
Use Class	Qualification
Permitted	
Use Class	Qualification
Discretionary	
Use Class	Qualification
Resource development	If for aquaculture or marine farming shore facility

F4.4 Use Standards

F4.4.1 There are no use standards in this Specific Area Plan.

F4.5 Development Standards

F4.5.1 There are no development standards in this Specific Area Plan.

Footnote: The Use Table in the Light Industrial Zone continues to apply. Use and development standards for the Light Industrial Zone continue to apply.