



# **Planning Scheme Amendment**

## **Supporting Report**

**38 Vicary Street, Triabunna (CT 130934/4)**

**Former Council Chambers**

**Rezone from Community Purpose Zone to General  
Residential Zone**

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## **1.0 Summary**

The report is in support of a rezoning of the former Council Chambers at 38 Vicary Street, Triabunna. The site is currently within the Community Purpose Zone. It is proposed to be rezoned to the General Residential Zone.

The land is surplus to Council needs following various Council resolutions to relocate the Council office and chambers to its present location and to dispose of the former chambers. These Council resolutions reflect the fact that the land and buildings is an idle asset. Following the most recent Expressions of Interest for sale of the land, a contract for sale has been entered into with a prospective purchaser. The current use of the asset is limited to occasional use of some office rooms and the hall and use of the tennis courts which can be relocated to the recreation ground.

In light of the above, the rezoning is proposed as Council has resolved to dispose of the land and building which will result in the land no longer being in public ownership or serving any function as a public asset. The current Community Purpose Zone is no longer fair or orderly planning.

## **2.0 Background**

### **2.1 Site & Surrounds**

The site consists of:

- A. The former Council Chambers and office;
- B. Two tennis courts, fencing and small clubroom;
- C. War memorial, and
- D. Car parking for the fire station.

The land is currently contained in one title, which is dissected by Vicary Street. A boundary adjustment has been approved to separate off Vicary Street into a road reservation title and to transfer the car park to the fire station. This results in a 6578m<sup>2</sup> lot in two parts; 5736m<sup>2</sup> of land containing the chambers and tennis courts and 842m<sup>2</sup> of vacant land between Vicary Street and the foreshore reserve. Existing and proposed titles are attached to this report.

The war memorial is to be relocated to the RSL at 1 Vicary Street.

The land has frontage to Vicary Street and Henry Street and adjoins crown foreshore which has a current permit in place for the boatel development associated with the stage 1 marina. The land is fully serviced.

Adjoining land to the west and north is within the General Residential Zone and consists of single dwellings along Henry Street and Vicary Street and Memorial Park at 36 Vicary Street. The adjoining crown foreshore to the south and east is within the Open Space Zone.

The fire station at 35 Vicary Street is within the Community Purpose Zone. No change is proposed to the zoning of that facility.



**Figure 1. Image facing west from above fire station.**



**Figure 2. Aerial Image.**

The land is subject to overlays for coastal inundation, coastal erosion and waterway protection.

The Coastal Inundation Hazard Area applies as the current planning scheme uses outdated and incorrect mapping of inundation hazard. More recent modelling shows that no coastal inundation hazard is forecast to 2100. On the basis that this more recent modelling must be incorporated in the future Local Provisions Scheme by virtue of Ministerial Guideline No. 1, inundation is not considered to be a relevant matter for determining the amendment.

The Coastal Erosion Hazard Area applies to the eastern part of the site and to the fire station site. Any future development of the land will therefore need to satisfy the Performance Criteria of the applicable code and which will generally require an independent assessment of the hazard and available mitigation options.

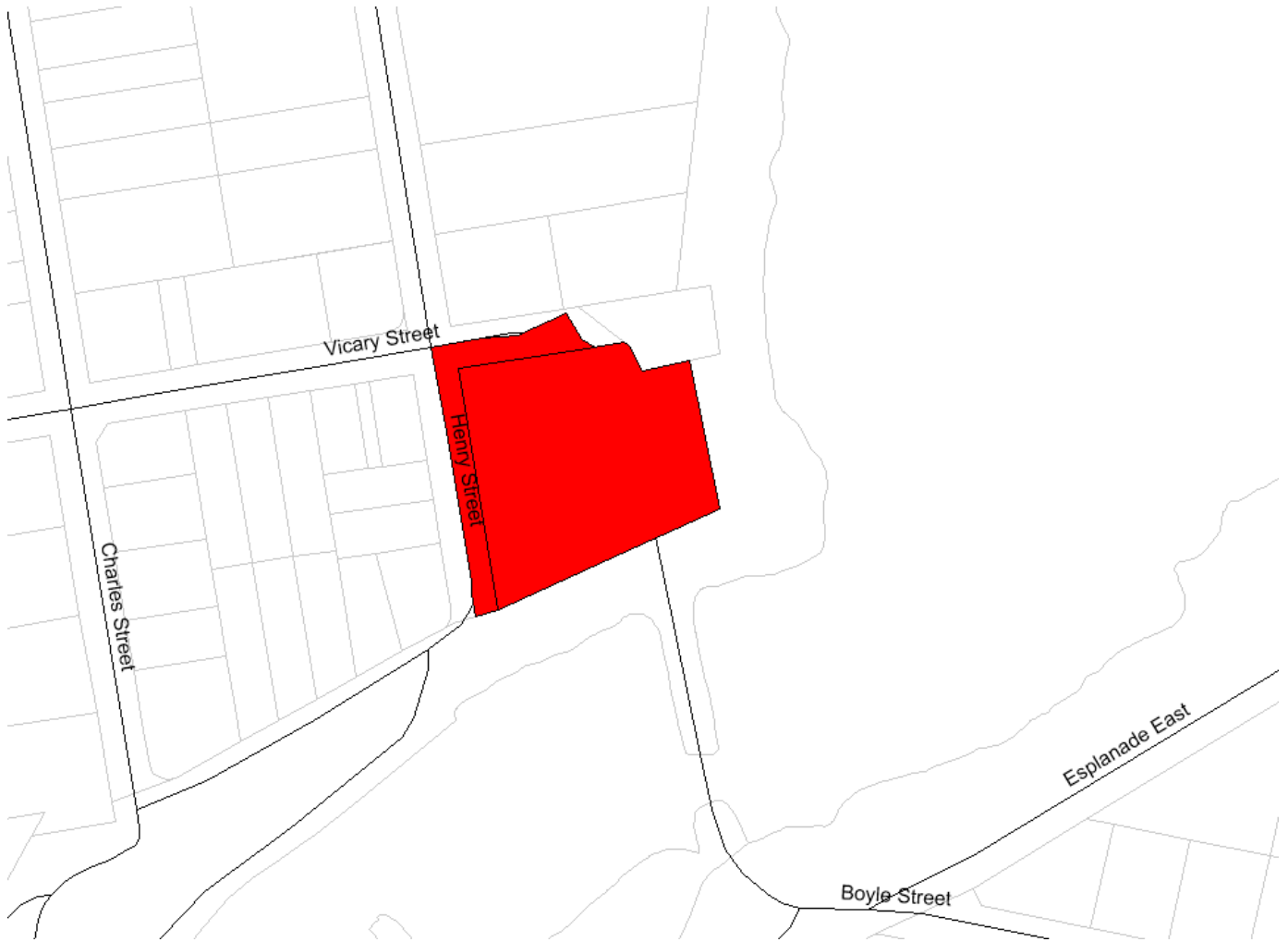
The Waterway and Coastal Protection Area applies to all land within 40m of high water mark. Any future development within that area must satisfy Performance Criteria that address erosion, native vegetation retention and other matters. The land is currently developed and contains no native vegetation and on this basis this is considered to be a minor matter.

### **3.0 Description of Proposed Amendment**

The proposed amendment is to rezone 38 Vicary Street, Triabunna from the Community Purpose Zone to the General Residential Zone.

By convention, road centrelines provide a zone boundary and as such it is necessary to also include sections of the Vicary Street and Henry Street road reservations within the rezoned area.





**Figure 3. Proposed Rezoning from Community Purpose Zone to General Residential Zone.**

The rationale for the rezoning is the disposal of the Council owned former Chambers to private ownership. This disposal is a direct result of Councils acquisition of the current office facilities at Melbourne Street.

The General Residential Zone is the preferred zone given:

- The zone applies to the west and north of the site;
- The zone is suited to residential development;
- The zone maintains a compact local business core to Triabunna but allows some forms of non-residential use that may be appropriate to the location, including Visitor Accommodation and Food Services.

## 4.0 Justification for the amendment

### 4.1 Southern Tasmanian Regional Land Use Strategy (STRLUS)

The STRLUS categorises Triabunna as a District Town with growth to pursue as consolidation strategy. In other words, future residential demand is to be delivered by infill development. The site is within the town and zoning the land for residential purposes is consistent with approach.

The STRLUS is perhaps more relevant for consideration of alternative zones, such as Local Business Zone or Village Zone, and how these meet the activity centre policies of the STRLUS. Under the STRLUS, Activity Centres are defined as:

*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.*

From the above definition, Activity Centres are not zone dependant. The land would have been part of the Triabunna Activity Centre under its former use and arguably remains part of the Activity Centre given its location adjoining the marina, foreshore, and remaining uses.

*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.*

In Triabunna, the commercial areas are within the Local Business Zone, which is approximately 120m west of the site. As there are a number of vacant or under-developed lots, AC 1.11 is considered to be met without need for further Local Business Zoning.

As the land is part of the Activity Centre, has a long history of non-residential use and adjoins the marina and gateway to Maria Island, non-residential use such as visitor accommodation or a distillery, would align with the Activity Centre policies of the STRLUS. A mixture of residential and non-residential use would provide opportunity for recreation, leisure and entertainment and community interaction in a location with excellent amenity due to the marina and foreshore setting.

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 above, the rezoning would facilitate infill residential development.

## **4.2 Triabunna / Orford Structure Plan**

The Triabunna / Orford Structure Plan ([www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au)) recommends that Council continue “to realise the potential of the waterfront areas of Triabunna” (9.3.1) via a Waterfront Tourism Area (9.4.2), the which the site adjoins. At 9.5.2 it states, “investigate relocating the tennis courts to co-locate them with other recreational land uses and utilise the existing site for activities that complement the waterfront”.

Since the Structure Plan was first prepared there has been significant growth in demand for the marina and waterfront activities with fourfold increase in Maria Island visitations projected. Whilst General Residential Zoning is proposed, many of the non-residential uses that are allowable in the General Residential Zone may be well suited to this site. For instance, Food Services are a discretionary use and could be ideal given the size of the land, existing large floor area buildings, proximity to waterfront and capacity to develop the balance of the site for either visitor accommodation or residential use.

## **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 and Structure Plan.

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

|   |   |
|---|---|
| 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>The site is contained within the existing Triabunna settlement.</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.*

It is clear that the Community Purpose Zone will apply to more substantial community facilities and cannot be retained on land that has been determined to be surplus to community needs.

## **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 Henry Street and Vicary Street. Both are urban streets with a 50 km/hr speed limit. Vicary Street is the higher order road whilst Henry Street is narrow and with swale roadside drainage only.

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.

## **4.3 Potential Land Use Conflict**

The proposed amendment will better protect the amenity of the adjoining residential area as this is an explicit purpose of the General Residential Zone.

#### **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 or adjoining land.

## 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 Triabunna, 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 Council chambers is to be disposed of, the retention of the Community Purpose Zone would be neither fair nor orderly. The proposed General Business Zone is considered a fair and orderly zone for the site given the sites location adjoining existing residential areas. |
| <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 strategic planning and</i>   | The proposed amendment is consistent with the STRLUS and the Triabunna / Orford Structure Plan.  |

|   |   |
|---|---|
| <i>co-ordinated action by State and local government;</i>   |   |
| <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>  | 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. |
| <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>            | 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.  |
| <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> | The proposed amendment supports this objective and is consistent with State, regional and local planning policies and strategies.   |
| <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>   | This objective is provided for by the legislative processes in place.   |
| <i>(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and</i>   | No adverse effects have been identified. It is considered that this objective is furthered by the proposal.   |
| <i>(g) to conserve those</i>  | The site is not known to contain any items or places of   |

|  |  |
|--|--|
| <i>buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i>                              | scientific, aesthetic, architectural or historic interest.<br><br>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. |
| (h) <i>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;</i> | All necessary public infrastructure is currently provided to the site.   |
| (i) <i>to provide a planning framework which fully considers land capability.</i>  | The land cannot support agricultural use to any significant extent.  |

## 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 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.*

*(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 STRLUS 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.

## Attachment 1 – Draft Amendment

Rezone 38 Vicary Street, Triabunna and sections of adjoining road reservation in Henry Street and Vicary Street from Community Purpose Zone to General Residential Zone.



## Attachment 2 – Existing Title



### RESULT OF SEARCH

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*



#### SEARCH OF TORRENS TITLE

| VOLUME  | FOLIO         |
|---------|---------------|
| 130934  | 4             |
| EDITION | DATE OF ISSUE |
| 2       | 25-Jun-2015   |

SEARCH DATE : 05-Sep-2018

SEARCH TIME : 01.14 PM

#### DESCRIPTION OF LAND

Town of TRIABUNNA

Lot 4 on Plan 130934

Derivation : Whole of Lot 1, 1A-OR-33Ps, Granted to Charles Meredith, Part of Lot 2, 1A-OR-09Ps, Granted to Edwin Meredith  
Prior CT 33293/1

#### SCHEDULE 1

GLAMORGAN-SPRING BAY COUNCIL

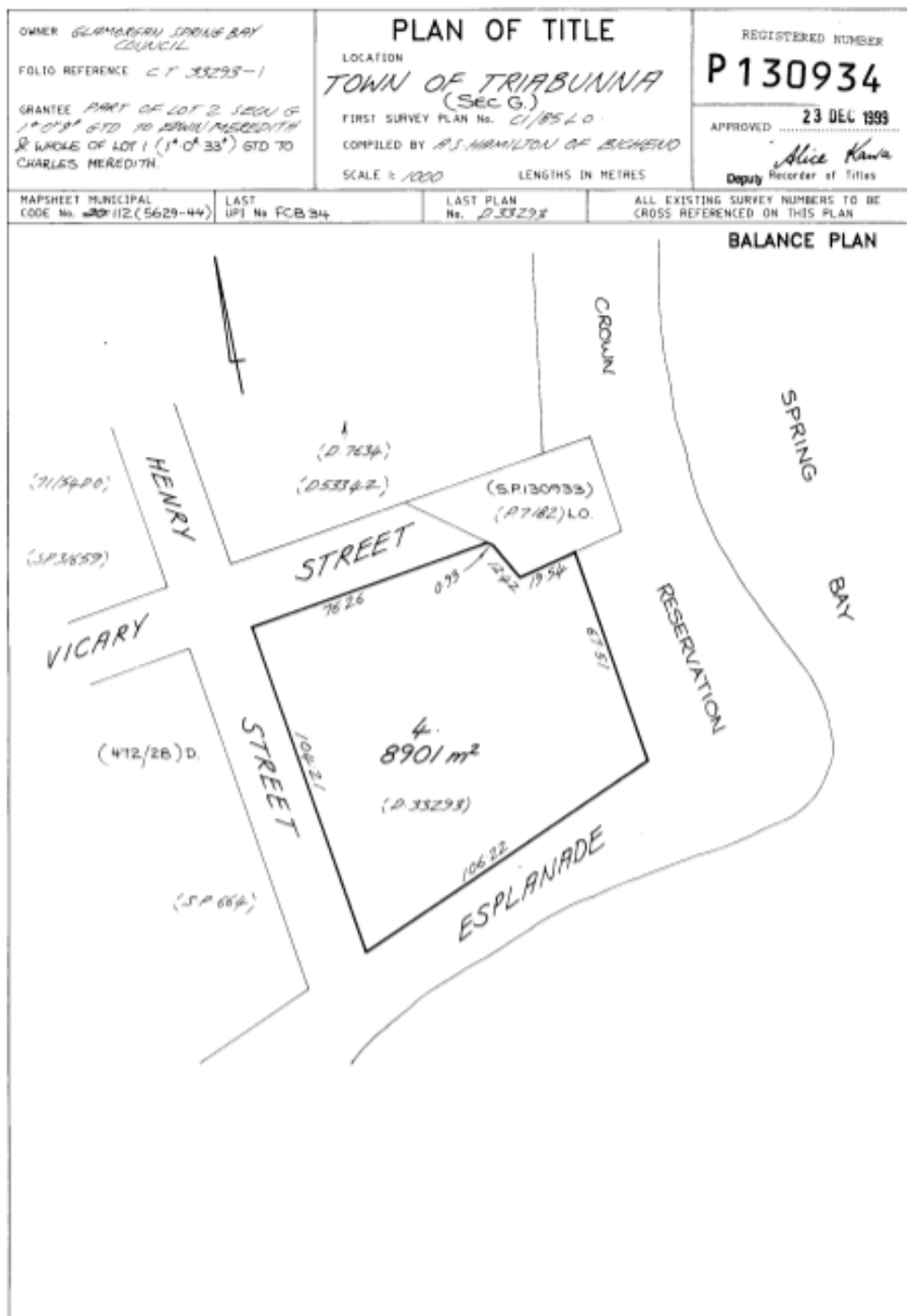
#### SCHEDULE 2

Reservations and conditions in the Crown Grant if any

#### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations





## Attachment 3 – Approved Boundary Adjustment

