



Planning Scheme Amendment

Supporting Report

Bicheno Corrections – Sunrise Drive, Foster Street, Fraser Street

Rezoning of land to the General Residential Zone

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1.0 Summary

The report is in support of a planning scheme amendment that has the following components:

- (a) rezone part of Sunrise Drive, Bicheno from Particular Purpose Zone 1 – Urban Growth Zone to General Residential Zone;
- (b) rezone part of Fraser Street, Bicheno and Foster Street, Bicheno from Local Business Zone to General Residential Zone;

All parts of the planning scheme amendment are considered to correct various issues with the current zoning.

The affected land at Sunrise Drive, Bicheno is a mixture of existing and approved subdivision lots. The subdivision (2005/08) was approved for subdivision of what was then a Future Urban Zone parcel of land under the 1994 Planning Scheme. That zoning has been translated into the current Interim Planning Scheme framework as Particular Purpose Zone 1 – Urban Growth Zone (PPZ1). However, the 1994 Future Urban Zone allowed for subdivision and development, whereas the current PPZ1 has a number of limitations. It is considered that the PPZ1 zoning is in error and that the approved subdivision lots should be included in a residential zone.

The affected land at Fraser Street, Bicheno was part of the Bicheno by the Bay site. The affected land has been subdivided from the Bicheno by the Bay site and future owners intend to use the land for residential purposes. Under the 1994 Planning Scheme, Bicheno by the Bay was included in the Resort Residential Zone. The interim planning scheme framework had no equivalent zone and the Resort Residential Zone was converted to either a Local Business Zone or a residential zone. This need to find zoning to convert the Resort Residential Zone is the sole reason that Bicheno by the Bay is within the Local Business Zone despite being outside the commercial core of Bicheno. In terms of the planning scheme amendment, the affected land is no longer part of the operation and the retention of the Local Business Zone serves no strategic or practical purposes.

2.0 Background

2.1 Site & Surrounds

2.1.1 Sunrise Drive

The land subject to the amendment consists of one existing lot with house at 10 Sunrise Drive, one vacant lot at 8 Sunrise Drive and three approved lots adjacent to number 10. The lots are approved and all subdivision works are complete, however titles have not yet been issued.

The current zoning is shown in Figure 1, below, in which 10 Sunrise Drive and 9 Burgess Street are within the PPZ1 (yellow). Sunrise Drive and Lodi Court were created through the approved subdivision and have established houses. Sunrise Drive, Lodi Court and the former nursery site are within the General Residential Zone (red). The crown foreshore is within the Open Space Zone (green) whilst the southern area is a small section of Light Industrial Zone. Council at its January 2019 meeting previously resolved to consider a report on the appropriateness of this Light Industrial Zone. Figure 2 shows the area in more detail. The amendment effectively applies to all land on either side of the as constructed road. The land is fully serviced.

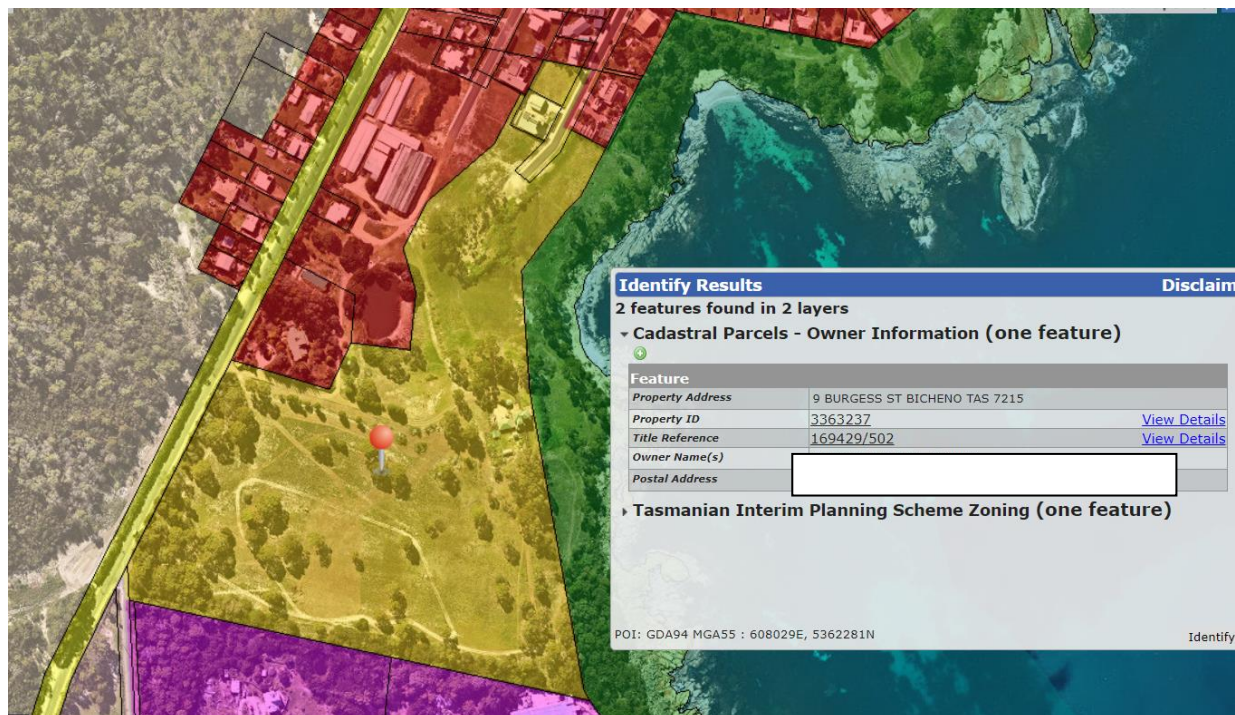


Figure 1. Sunrise Drive zoning.



Figure 2. Area subject to planning scheme amendment.

The land is subject to overlays for coastal inundation, coastal erosion and biodiversity protection as shown in Figure 3. The biodiversity protection area (green) is no longer relevant as the land is cleared. The amendment therefore seeks to remove this consideration. The coastal inundation overlay (blue) is based on older, pre-LiDAR mapping in which the overlay is drawn from mean high water mark to the 10m high contour elevation. More recent modelling of inundation shows no actual risk. The coastal erosion overlay (red) is classified as a high risk area. The modelling classifies the shoreline as open sandy shore backed by bedrock. Whilst Rice Beach is nearby the extent of sandy shoreline is minimal and this is an apparent data quality issue in the modelling that will be raised with the relevant State Government department.

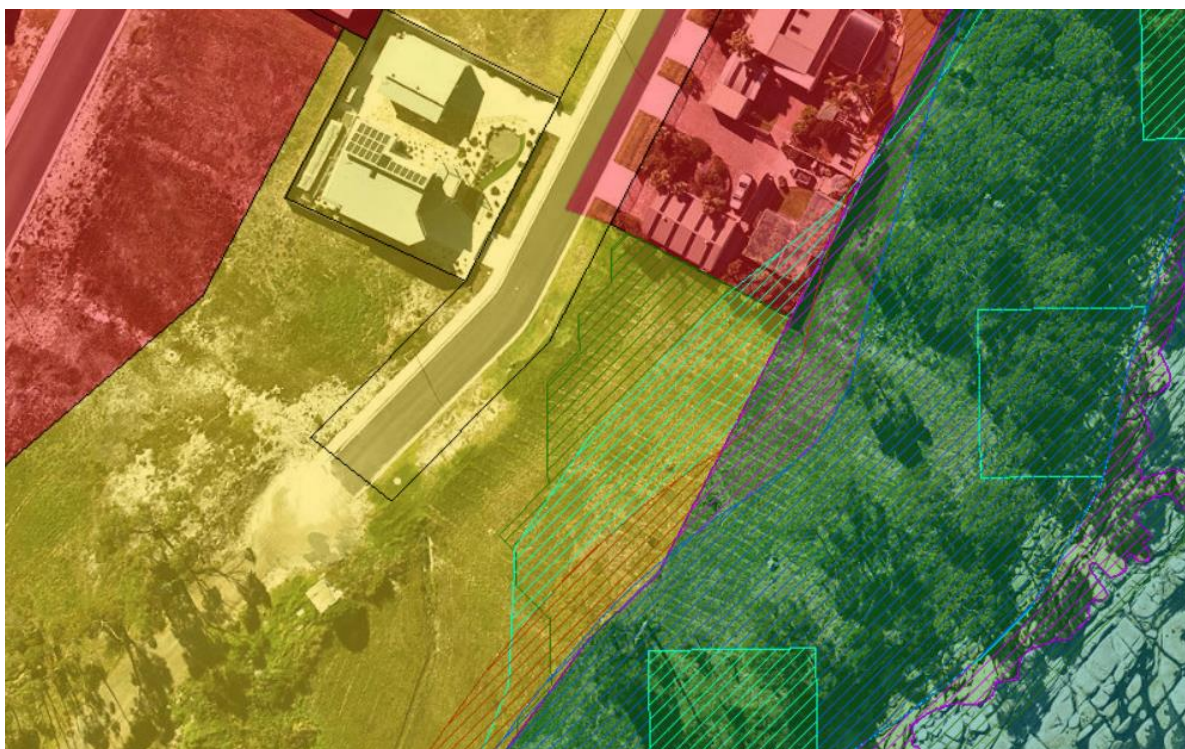


Figure 3. Sunrise Drive Overlays.

2.1.2 Fraser Street

The subdivision of Bicheno by the Bay created six lots (refer to attachment); three fronting Fraser Street, two fronting Foster Street and one fronting Esplanade. The land subject to the amendment consists of 5 of the 6 lots. It does not apply to the Esplanade fronting lot given it is an otherwise isolated parcel and located within the Bicheno by the Bay.

The current zoning is shown in Figure 4, below. The Local Business Zone is blue in colour and applies to the full extent of Bicheno by the Bay prior to the recent subdivision. The surrounding land is either within the General Residential Zone (red), Open Space Zone (green) which applies to the foreshore and crown reserve or Environmental Management Zone which applies to the lookout reserve. The land is fully serviced. Figure 5 shows the affected area in more detail and it must be noted that the small pond has been reconstructed fully within the new Bicheno by the Bay title. No overlays apply to the area subject to the rezoning.



Figure 4. Surrounding area.



Figure 5. Area affected by amendment.

3.0 Description of Proposed Amendment

The proposed amendment is to rezone the following titles to the General Residential Zone:

- 8 Sunrise Drive, Bicheno (CT 162790/83)
- 10 Sunrise Drive, Bicheno (CT 162790/82)
- Part of 9 Burgess Street, Bicheno (CT 169429, 502)

(refer Figure 6)

- Lot 200, Fraser Street (CT 174883/200) located generally opposite 13 to 21 Fraser Street, Bicheno
- 2 Foster Street, Bicheno (CT 174883/6)
- 4 Foster Street, Bicheno (CT 174883/5)

(Refer Figure 7)

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

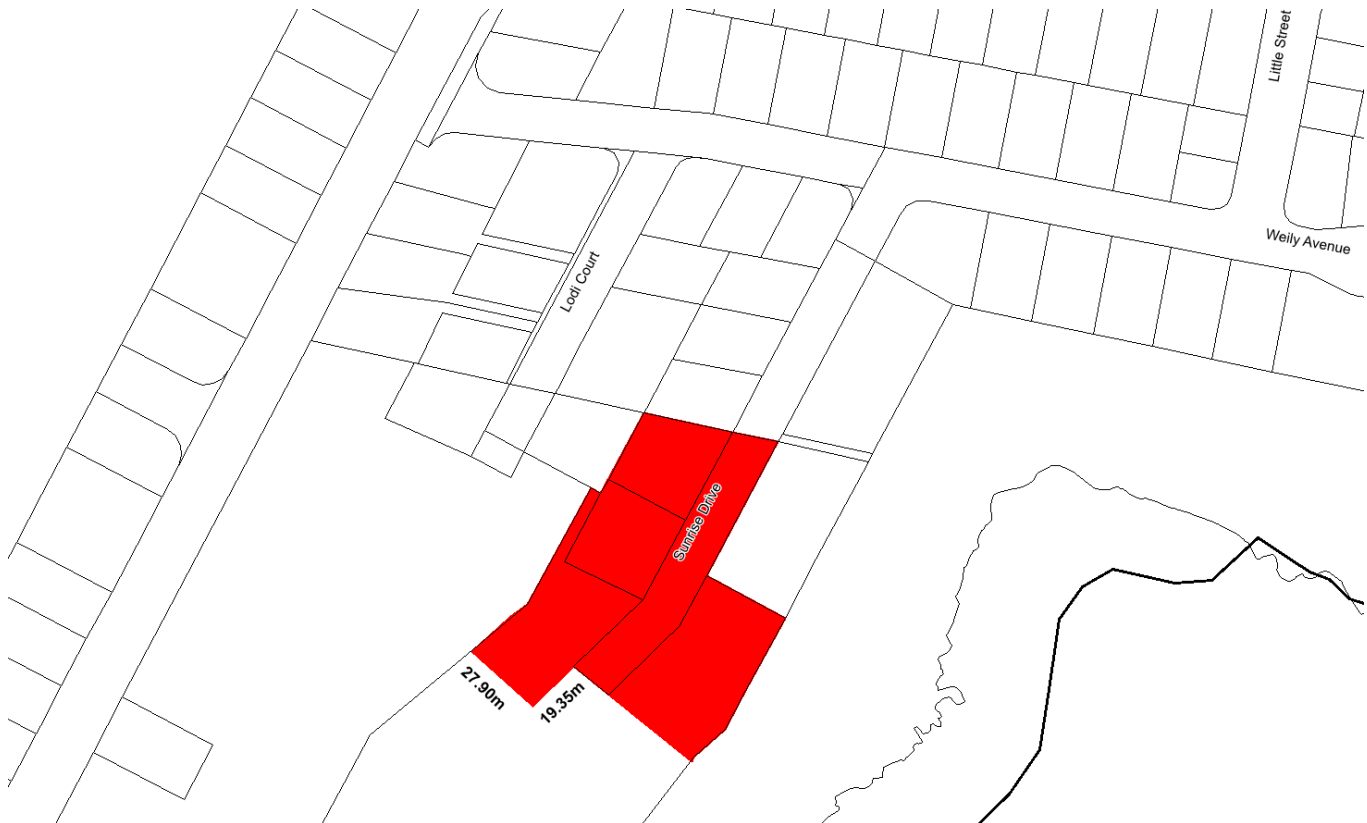


Figure 6. Proposed Rezoning from Particular Purpose Zone 1 – Urban Growth Zone to General Residential Zone.

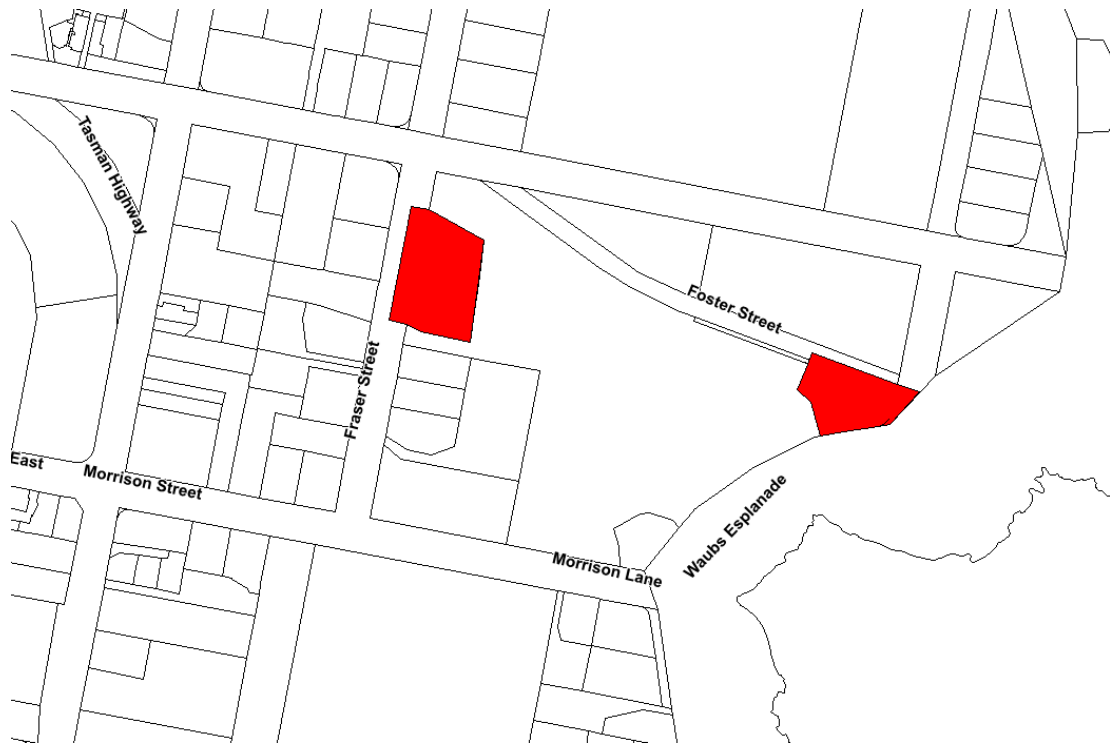


Figure 7. Proposed Rezoning from Local Business Zone to General Residential Zone.

The General Residential Zone is the preferred zone in each of the above instances given:

- The General Residential Zone adjoins each area;
- The land is fully serviced and the General Residential Zone is the most widely used from the template of zones provided by Planning Directive No. 1 The Format and Structure of Planning Schemes;
- The General Residential Zone reflects the intent of known purchasers and land owners; and
- There are no identified site constraints that warrant any other possible zone.

4.0 Justification for the amendment

4.1 Southern Tasmanian Regional Land Use Strategy (STRLUS)

The STRLUS categorises Bicheno as a Township with a moderate growth strategy with a consolidation growth scenario. 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. There is practically limited effect on land supply or demand by the proposed amendments. The affected areas all have approved subdivisions and all approved lots can consider residential use. Moreover the extent of affected area is small. The amendment will provide a more logical and correct zone.

Elements of the STRLUS that relate to natural hazards or natural values are applicable to the site by virtue of the existing overlays at Sunrise Drive. Policy C2 provides:

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 extent of coastal hazard risk is identified as high and provisions of the planning scheme and Building Act 2016 will apply. The lots affected at Sunrise Drive are approved and the overlay applies to part of the lots only and is unlikely to impede use and development. As noted earlier, the risk classification appears erroneous given the extensive rock foreshore adjoining and clarification should be sought separately from the relevant State Government agency.

Provisions of the STRLUS that relate to physical or social infrastructure and transport are relevant however the proposed rezoning represents a small zone change and will not place any additional demand on 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 Bicheno Structure Plan

The Bicheno Structure Plan (www.gsbc.tas.gov.au) provides few directly relevant recommendations for the affected land. The Structure Plan does recommend that the entire area of PPZ1 zoning be included in a residential zone to ensure a consolidated town form along with a green highway buffer to maintain amenity. The timing of the rezoning is subject to land demand. At 9.2 the Structure Plan recommends that the timing of any rezoning should ensure that a 15 year supply of zoned land exists to meet projected demand. Between 2014 and 2030 the Structure Plan estimated that 102 additional houses would be required. This may be an underestimation given the growth in visitations and the expansion of short-stay accommodation platforms. Recent subdivision approvals in Bicheno have been limited to small 2 to 4 lot proposals. Table 1 details recent approval trends in Bicheno, excluding outlying rural living and rural areas.

Table 1. Recent approval figures for Bicheno.

	2014	2015	2016	2017	2018
Dwellings approved	12	19	10	14	16
Visitor accommodation units approved	0	3	2	4	0
Visitor accommodation change of use approved	3	5	9	9	11
New subdivision lots approved	1	15	7	6	2

Clearly, demand for land has outpaced new supply of land in Bicheno. Additionally, the projections of the Structure Plan are also underestimated based on the past five years. The projection of 102 additional dwellings to 2030 equates to roughly 7 per year. The average over the past five years has been double that with the lowest number of dwelling approvals being 10 in 2016.

The capacity for further infill development has reduced over time. Relatively large vacant residential lots do exist either side of the William Street subdivision and any subdivision of those parcels dependent upon the owners desire and capacity. As a separate matter Council should progress with an amendment to rezone the balance of the PPZ1 to General Residential.

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 Supporting Report - Page **11** of **21**

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 Bicheno 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>
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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 Infrastructure & Access

4.5.1 Water & Sewer

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

4.5.2. Stormwater

Reticulated stormwater is provided to the site.

The planning scheme includes E7.0 Stormwater Management Code which requires compliance with Supporting Report - Page **12** of **21**

quantity and quality targets in the State Stormwater Strategy.

4.5.3 Traffic

Road access to both sections of the amendment are via sealed Council maintained road. The scale of the amendment is unlikely to generate any new demand on road or have any effect on traffic. Both are urban streets with a 50 km/hr speed limit.

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.

4.6 Potential Land Use Conflict

No land use conflicts have been identified.

4.7 Natural and Cultural Values

4.7.1 Terrestrial Flora & Fauna

The sites are cleared of all native vegetation and no flora and fauna values exist. The residual Biodiversity Protection Area reflects native vegetation previously removed and the age and reliability of the underlying TASVEG mapping.

4.7.2 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.

4.7.3 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 sites are centrally located within Bicheno, 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 affected areas all have approved subdivisions or existing lots the retention of the current zones is not logical and is neither fair nor orderly. The proposed General Residential 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 into 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 through future residential construction.
<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

<i>strategic planning and co-ordinated action by State and local government;</i>	the Bicheno Structure Plan.
<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.

(g) <i>to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i>	<p>The site is not known to contain any items or places of scientific, aesthetic, architectural or historic interest.</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>
(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 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 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.

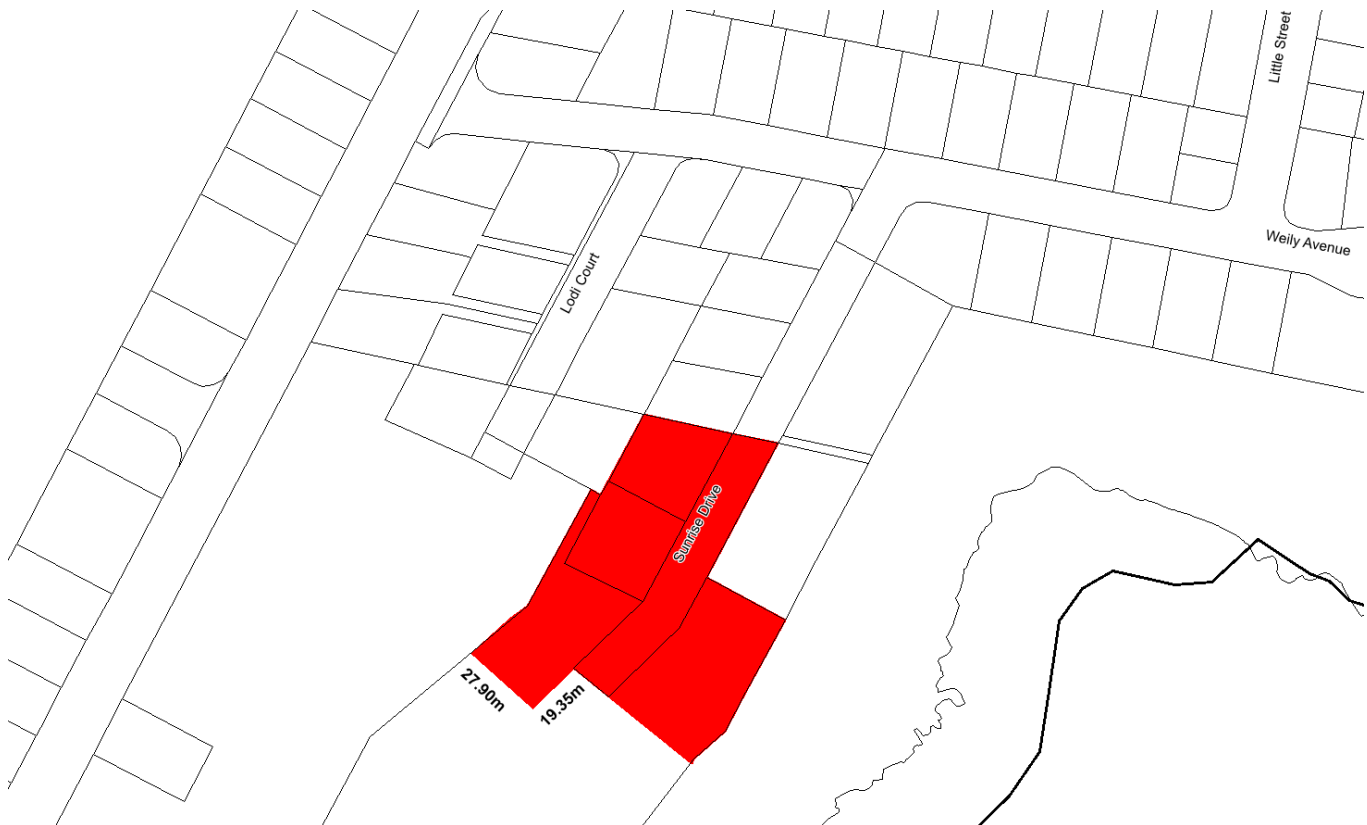
The Gas Pipelines Act 2000 is not applicable.

Attachment 1 – Draft Amendment

Part A

Rezone the following from Particular Purpose Zone 1 – Urban Growth Zone to General Residential Zone:

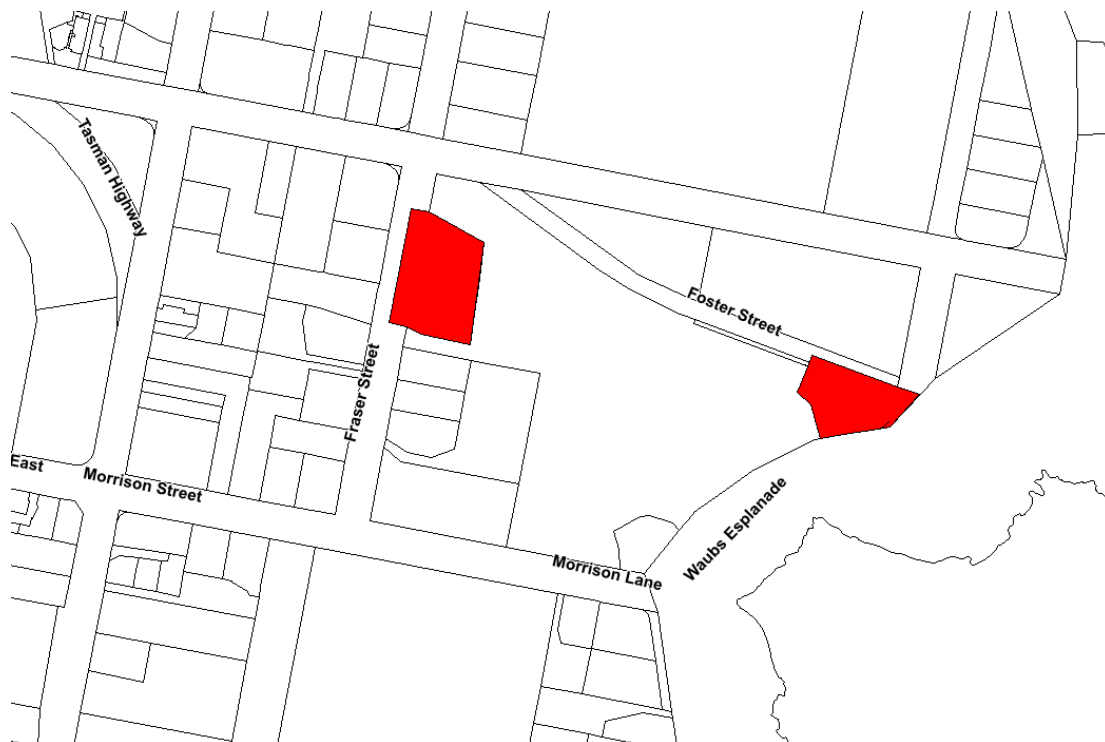
- 8 Sunrise Drive, Bicheno (CT 162790/83)
- 10 Sunrise Drive, Bicheno (CT 162790/82)
- Part of 9 Burgess Street, Bicheno (CT 169429, 502), and
- Adjoining road reservation.



Part B

Rezone the following from Local Business Zone to General Residential Zone.

- Lot 200, Fraser Street (CT 174883/200) located generally opposite 13 to 21 Fraser Street, Bicheno
- 2 Foster Street, Bicheno (CT 174883/6)
- 4 Foster Street, Bicheno (CT 174883/5), and
- Adjoining road reservations.



Attachment 2 – Existing Titles

Attachment 3 – Approved Subdivision