

STATE POLICY CONSIDERATIONS

A.1 IMPLEMENTATION OF STATE COASTAL POLICY

Where the Planning Authority determines that a proposed use or development would be inconsistent with the State Coastal Policy, that use or development is, unless prohibited by this scheme and notwithstanding any other provision of the scheme, a use or development which the Planning Authority has discretion to refuse or permit.

A.2 IMPLEMENTATION OF STATE POLICY ON WATER QUALITY MANAGEMENT

An application for a permit for the use or development of land shall be accompanied by sufficient information to demonstrate that it will not result in the transport of sediments into surface waters such that environmental harm might be caused either during the carrying out of works, or the subsequent use of the land.

The Planning Authority shall consider the information supplied with the application and determine whether:

- (a) The capability of the land is sufficient to support the use or development without giving rise to sediment transport; and
- (b) If there is a risk of sediment transport into surface waters, the measures proposed to reduce such a risk are adequate.

The Planning Authority may impose conditions on any permit to minimise the potential for erosion or water quality degradation.

For the purpose of this clause:

“surface waters” means all waters on the land surface, including both fresh and marine waters e.g. streams, lakes, estuaries and coastal waters (State Policy on Water Quality Management 1997).

“environmental harm” means any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance (Environmental Management and Pollution Control Act 1994).

“capability of the land” means the capability of the land as determined by the geological stability and slope of the land, erodibility of the soil and extent and type of vegetation cover, to sustain use or development.

PART A – PRELIMINARY

1 BASIS OF THE SCHEME

- 1.1 The Sullivans Cove Planning Scheme has been prepared in accordance with the provisions of the Land Use Planning and Approvals Act 1993.
- 1.2 The Scheme applies to all land and water within the Scheme Boundary on “Figure 4” of the Sullivans Cove Planning Scheme 1997, referred to in this Scheme as ‘The Planning Area’.
- 1.3 The requirements of the Scheme are:
1. The Scheme should recognise that Sullivans Cove:
 - (a) Contains the principal port in Southern Tasmania which should continue to operate as a port with all necessary port facilities and infrastructure including viable transport access; and
 - (b) Contains buildings, monuments, structures and spaces reflecting the history and development of Tasmania and establishing a unique precinct which must be developed, enhanced or preserved in a manner consistent with its historical character; and
 - (c) Should provide recreational and commercial opportunities for the Tasmanian community and visitors to Hobart which should be maintained, enhanced or developed.
 2. The Scheme must have regard to existing use rights as defined by s.20(3) of the Land Use Planning and Approvals Act 1993 and in particular rights relating to port activities under s.20(10) and s.20(11) of the Land Use Planning and Approvals Act 1993.
 3. The Planning Scheme must:
 - (a) Have regard to the different requirements of each Zone; and
 - (b) Have regard to the objectives and principles of:
 - (i) The Sullivans Cove Planning Review published in 1991 by the Sullivans Cove Development Authority as existing before the commencement of this Act; and
 - (ii) The Wapping Outline Development Plan published in 1993 by that Authority; and
 - (iii) The Sullivans Cove Traffic and Parking Management Strategy published in 1995 by that Authority.

2 CONTENTS OF THIS PLANNING SCHEME

- 2.1 This Scheme comprises Parts A – G and consists of the following:
- A **strategic framework** which includes a statement of preferred futures for Sullivans Cove, a Strategy Plan and a series of planning principles for guiding future use and development within Sullivans Cove.

- Planning Scheme provisions which provide guidelines for the sound and proper use and development of land within the Planning Area.
- A series of figures (plans) identifying the Activity Areas within the Planning Area, as well as a range of specific controls affecting use and development in Sullivans Cove.

2.2 The overall strategic planning direction for the sustainable development of the Sullivans Cove Planning Area is derived from a number of sources.

2.3 This Scheme may be supported by any local planning policies, Outline Development Plans, Site Development Plans, Management Plans and Local Area Plans approved by the Planning Authority from time to time by resolution.

2.4 From time to time the Planning Authority may seek to incorporate by amendment to the Scheme, Local Area Plans, Site Development Plans, or Management Plans.

3 THE APPROACH UNDERLYING THIS SCHEME

3.1 Background – The Existing Strategic Planning Basis

The objectives and principles of this Scheme are derived from a broad range of existing Planning strategies, management plans and studies prepared for the Sullivans Cove. In particular, the following documents are of primary relevance to the approach taken in this Scheme:

- The Sullivans Cove Planning Review (1991).
- The Wapping Outline Development Plan (1993).
- The Sullivans Cove Traffic and Parking Management Study (1994).
- The Sullivans Cove Traffic and Parking Implementation Study (1995).
- Queens Domain Management Plan (1996).
- Australian Model Code for Residential Development AMCORD (1995).
- The Conservation Plan, J.S. Kerr National Trust 1996.
- Burra Charter: The Charter for the Conservation of Places of Cultural Significance (including Guidelines) as adopted by the Australian National Committee of the International Council on Monuments and Sites (Australia ICOMOS) on 23 April 1988.

3.2 Resource Management Planning

The emerging directions of Tasmania's Resource Management and Planning System also significantly influenced the approach to management of activities in Sullivans Cove. The approach of the Scheme in respect to resource management in the Cove is shown in Figure 1.

The approach taken in the preparation of the Scheme involved the following steps:

- (i) Assessment of the State, regional and local strategic planning context.
- (ii) Definition of the resource base for Sullivans Cove (Air, Water, Land, Biota, Structure and Infrastructure).
- (iii) Definition of the values derived from the resource base.
- (iv) Preparation of a strategic planning framework for the management of

activities in the Cove.

- (v) Preparation of a set of land use controls which support the strategic principles for resource management in the Cove ('The Scheme').

3.3 Performance Based Planning

This Scheme is based in part on a 'performance' approach to development control. This approach recognises that there are in many cases a number of ways in which land use and development can satisfy desired environmental, social and economic standards. In this approach, presenting **what** desired standards need to be met is considered as important as prescribing **how** such standards must be met.

In some cases use and development is 'permitted' subject to specific 'deemed to comply' provisions being satisfied.

Performance criteria are established to provide a means by which the objectives of the scheme may be satisfactorily met.

A number of development controls in the Scheme are prescriptive in nature. Prescriptive controls are used where the development or use being regulated is best managed through the application of a more rigid set of controls. Examples include controls covering signs and commercial and community use of roads and other public spaces.

Figure 1: Approach to using The Scheme

