

SELS POINT-

REVIEW OF ZONING UNDER THE CITY OF HOBART PLANNING SCHEME 1982

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1. INTRODUCTION

- 1.1. The purpose of this report is to document the findings of the review of the zoning of the Selfs Point area under the City of Hobart Planning Scheme 1982 and recommends appropriate provisions for inclusion in the new City of Hobart Planning Scheme based on the Common Key Elements Template introduced by the Resource Planning and Development Commission under Planning Directive No. 1.

2. SITE DESCRIPTION

- 2.1. Selfs Point is located between Cornelian and New Town Bays on the western side of the River Derwent. (See aerial photo - *Attachment 1*) Apart from cliffs along part of the foreshore most of the area is relatively flat with slopes of between 0 and 10 degrees. The flattest areas along the northern and eastern parts are mostly reclaimed land.

3. EXISTING LAND USE

- 3.1. The primary use of Selfs Point, outside of the area occupied by the Rugby Park Recreation Ground and the Cornelian Bay Cemetery, is the storage and transfer of gas and petroleum products. The use of the area for this purpose commenced in the 1950's with most subsequent development taking place in the 1960's and 1970's.
- 3.2. The pattern of land use in the area under consideration is shown in *Attachment 2*. One site is occupied by the Hobart City Council sewage treatment plant and one site by a Council depot. There are 5 sites associated with oil and gas storage. Of these one is also used as a processing plant for the commercial production of bitumen. Another of the sites is used for oil recycling purposes. The tanker berth and wharf also occupies a separate site (refer Site 8 *Attachment 2*).
- 3.3. A multi storey residential development (Stainforth Court) is located adjacent to the Brooker Avenue.



Oil Storage Tanks (Site 9)



Bitumen Processing Plant (Site 6)



Gas Storage area (Site 10)

4. CURRENT PLANNING SCHEME PROVISIONS

- 4.1. Under the current City of Hobart Planning Scheme 1982 Selfs Point is zoned 'Recreation'. The objective of the 'Recreation' Zone is:

“To continue to provide areas of natural bushland and facilities for the passive and visual recreation and enjoyment of residents, workforce and visitors to Hobart, and to accommodate various utility services where necessary, by eventual public ownership”.

- 4.2. The area was zoned 'Recreation' in the City of Hobart Planning Scheme 1982 due to the desire to avoid creating a general industrial zone in the location but recognising the uses there. Recognition was given to the existing uses through the use table in Schedule A which allowed for industrial uses in the Recreation Zone.

- 4.3. Schedule A specifies the status of use in the Recreation Zone as follows:

Use Group		Status
I	the development of land for a house, ancillary flat, home occupation.	Prohibited
II	the development of land for a flat, elderly persons unit.	Prohibited
III	the development of land for a multiple dwelling.	Prohibited
IV	the development of land for a domestic business	Prohibited

V	the development of land for consulting rooms, a community centre, place of worship.	Prohibited
VI	the development of land for a hospital, a welfare institution.	Prohibited
VII	the development of land for an educational establishment.	Prohibited
VIII	the development of land for an office.	Prohibited
IX	the development of land for a shop, supermarket, take-away food shop, a bank.	Discretionary
X	the development of land for self contained visitor accommodation, a hotel, a motel, a club, a cinema, a theatre, a restaurant, drive-through take-away, a discotheque, bed and breakfast accommodation, backpacker accommodation.	Discretionary
XI	the development of land for active recreation.	Discretionary
XII	the development of land for an amusement machine centre, a health studio.	Discretionary
XIII	the development of land for a service industry, a showroom, car hire premises.	Prohibited
XIV	the development of land for a light industry, a warehouse, a saleyard.	Discretionary
XV	the development of land for a transport depot, a timber yard, an industry.	Discretionary
XVI	the development of land for a local shop.	Discretionary
XVII	the development of land for passive recreation.	Permitted

- 4.4. The Planning Scheme does not specify density, plot ratio or boundary setbacks controls for the Recreation Zone. The maximum permitted height of development is 4.8m. Buildings or structures higher than this would be discretionary.

5. RELEVANT LEGISLATION

Selfs Point Land Act 1951

- 5.1. The Selfs Point Land Act 1951 is an Act to provide for the resumption and reclamation of land at Selfs Point on the River Derwent and for its future use.
- 5.2. The Act specifies in Section 4(1) that the land reclaimed or covered by the Act shall only be used for one or more of the following purposes:
- Roads, railways, sidings, paths, drainage, sewers, transmission lines, and such like things;
 - Oil storage installations;
 - The packaging of oil and the manufacture of substances from, or containing, oil, and the erection, installation, and use of buildings and equipment for any of those purposes;
 - Municipal sewage disposal works; and
 - Wharves and other purposes of the Hobart Marine Board.

- 5.3. The Act also contains provisions relating to the provision of wharves, roads, railway, water and sewage treatment. A copy is provided in *Attachment 3* along with a plan showing the area covered by the Act in relation to this review study area.
- 5.4. The provisions of this Act would take precedence over any conflicting provisions in the City of Hobart planning Scheme 1982.

Environmental Management and Pollution Control Act 1994

- 5.5. Under the Environmental Management and Pollution Control Act 1994 development of oil and gas storage facilities would be classified as a Level 2 Activity and would need to be referred to the Board of Environmental Management and Pollution Control for assessment.

6. LAND OWNERSHIP

- 6.1. Most of the sites used in relation to the oil and gas storage facilities are owned by the Crown. The one exception to this is the site occupied by Australian Petroleum Pty Ltd, which was sold to that company by the Crown in 1996. (Land ownership is shown on *Attachment 2*)
- 6.2. The sites are leased by the Crown to the various companies mostly for a 21 or 50 year period and these leases would usually be renewed on expiry except in exceptional circumstances. Several of the 50 year leases expire in 2019 or 2021.
- 6.3. Crown Land Services do not have a policy or strategy regarding the future ownership of the land and would consider applications to purchase any of the sites on their merits.
- 6.4. The sewage treatment plant and adjacent depot site is owned by the Hobart City Council and the tanker berth and wharf is owned and operated by the Hobart Ports Corporation.
- 6.5. The Cornelian Bay Cemetery is owned by Southern Regional Cemetery Trust.
- 6.6. The Stainforth Court residential units located on a site between Queens Walk and Brooker Avenue are owned by the Crown and managed by Housing Tasmania (Department of Health and Human Services).

7. ISSUES

Environmental impact

- 7.1. In 1998 a brief environmental assessment of the area was conducted by the then Council Environmental Planner, as part of the Cornelian Bay Planning Study. This concluded that the main issues of environmental concern related to the use of the area for oil and gas storage and distribution purposes are;
- soil and groundwater contamination;
 - stormwater management; and
 - odour and noise pollution.
- 7.2. The main conclusions in regard to these specific issues were as follows:
- 7.3. *Soil and Groundwater Contamination* - It is likely that all surface soil at Selfs Point, except where specifically remediated, is contaminated with zinc, cadmium and lead from historic Pasminco emissions. In the vicinity of the oil depots, it is also possible that soil is contaminated with heavy hydrocarbons and additional lead from evaporated petrol. There is a corresponding likelihood of groundwater contamination.
- 7.4. A study commissioned of the former Ampol site (Site 7) by the Department of Primary Industry Water and Environment in 1998 found significant levels of contamination. Hydrocarbons were leaching directly into the Derwent River and decontamination works were subsequently commissioned. These involved the installation of subsoil drainage and a large collection tank to trap the leachate. The material was then pumped out until the total part hydrocarbons were lowered to an acceptable level.
- 7.5. Assessment of levels of contamination would be necessary on other sites before a change of use is approved particularly if a non industrial use was proposed. An assessment would also be desirable prior to a change in ownership. Assessments would be undertaken in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999.
- 7.6. *Stormwater Management* - Although most of the oil depots probably have stormwater interceptors installed, it has been suggested that some may be incorrectly positioned or ill-maintained. It is possible then, that polluted stormwater is being discharged into the Derwent. Given the additional risk of groundwater contamination, it seems likely that some quantity of pollutants is entering the River from the oil depots. While this issue can be managed it may require further investigation.

- 7.7. *Odour / Noise* - The incidence of problems associated with these two factors has not been high. The present level of noise and odour is reasonable given the nature of the activities and there is no recorded history of complaints.

Visual assessment

- 7.8. The fuel storage tanks at Self Point are large structures , mostly painted white, which can be seen from a significant distance. The main residential areas from which they can be viewed are Lindisfarne and Geilston Bay in Clarence and Lutana in Glenorchy. These however are mainly distant views. Closer views are available from the eastern end of the Cornelian Bay Cemetery and from boats on the River Derwent.



View of the facility from Lutana

- 7.9. Whilst the storage tanks are a conspicuous part of the landscape along the River they are a well established part of that landscape, having been in place for over 40 years. Such industrial elements in the River landscape are not necessarily incongruous. Several industrial type uses such as slipyards, wharfs, sewage treatment plants, shipping container storage and zinc smelter (Pasminco EZ established 1917) can be found along the River Derwent.
- 7.10. Given the size and location of the storage tanks screening with vegetation is not practical and not necessarily desirable because of fire risk.
- 7.11. The Cornelian Bay Cemetery can be viewed from many parts of the surrounding area and is a significant part of the cultural landscape having been established in 1872. The Cemetery and adjacent sports grounds also provide a significant ‘green belt’ buffer between residential areas and the oil storage facilities.

Risk Assessment

- 7.12. A risk assessment and safety audit of the area was completed in 1992 by ICI Australia Engineering Pty Ltd on behalf of the then Department of Environment and Planning. This concluded that the Selfs Point facilities are appropriately located, designed and managed

to minimise the potential for adverse effects on the community they serve. Residential areas are sufficiently distant from the facilities such that the risk of fatality in the event of an accident is extremely remote.

- 7.13. The risk assessment also found that the risk of oil pollution of the River Derwent from the facilities was low with the exception of the wharf where there was potential for pollution from the transfer pipelines. A number of recommendations were made to reduce this risk.
- 7.14. Ships serving the facility do need to pass under the Tasman Bridge and the 1992 Risk Assessment did not examine the risks associated with a tanker ship colliding with the Tasman Bridge. The risks of collision are managed to some extent by the navigation rules of the Hobart Ports Corporation which require a pilot for vessels in the port area and traffic is prevented from using the Bridge while a vessel is passing under.
- 7.15. A Special Plan under the Emergency Services Act 1976 was issued for the Selfs Point Oil and Gas Storage Area by the Director of Emergency Services in 1986 to be used in the event of any emergency. The City of Hobart Emergency Management Plan 1999 would also be brought into play in the event of any major incident at the Selfs Point facilities.
- 7.16. In 2001 the Hobart Ports Corporation undertook a detailed hazardous operations audit at the Selfs Point tanker berth facility to ensure it satisfied Australian emergency response capability standards. An action plan was developed to address the issues identified.

Road access and traffic

- 7.17. The Selfs Point facilities are well situated to gain easy access to the regional arterial road network. They are located about 1km from Brooker Avenue and tankers do not need to travel through any major residential areas in order to access that road. There is a 5t load limit on Queens Walk between Selfs Point Road and the Domain Highway so tankers are not permitted to use that route and thereby avoid the Cornelian Bay recreation area and the railway level crossing.
- 7.18. The condition of the road into Selfs Point, which is used by tanker traffic to gain access to the Brooker Avenue via Queens Walk and Risdon Road, has been the subject of some concern over the years and Council has upgraded and maintained the road as necessary. The road reservation is of sufficient width to allow for further upgrading if necessary.
- 7.19. Concern has also been raised in the past about the intersection of Selfs Point Road and Queens Walk, which is fairly open in nature and can

result in driver confusion particularly with the access road to the Cemetery in close proximity. The Manager Traffic Engineering has advised that the design of this intersection is to be reviewed.



View down Selfs Point Road

Economic

- 7.20. A considerable amount of money has been invested in the oil and gas storage facilities at Self Point. Based on the 2002 Valuer General's assessment the value of the capital investment in the facilities is in the order of \$5 million.
- 7.21. To relocate the facilities to another site in the southern region, even if one could be found would also require a very significant capital investment and depending on the location, result in increased transport costs. On the other hand the potential economic costs of another ship colliding with the Tasman Bridge is also a factor to be considered.
- 7.22. It is beyond the scope of this review however to carry out a detailed cost benefit analysis of the most appropriate location for fuel storage facilities in the southern region of Tasmania. This review is essentially predicated on the facilities remaining. Any other approach involves open ended time frames and uncertainties.

8. CONSULTATION

- 8.1. The various companies with an interest in the area as well as the Hobart Ports Corporation, Marine and Safety Tasmania, Department of Health and Human Services and Department of Infrastructure Energy and Resources were provided with the opportunity to provide their comments as part of this review. 3 agencies provided a response but no comments were received from any of the private companies with an interest in the area.

8.2. The views expressed were as follows:

- 8.2.1. Hobart Ports Corporation consider that the oil and gas facilities will be located at Selfs Point for the foreseeable future and the planning scheme zoning should recognise this. An appropriate zone should also cover the wharf facilities.
- 8.2.2. The Housing Division (Department of Health and Human Services) advised that the Stainforth Court units will continue to be used for residential accommodation for the foreseeable future. In the event that the units no longer meet their clients needs, the likely outcome is that they would be sold for continued residential use. A preference was expressed for the site to be zoned 'residential'.
- 8.2.3. Department of Infrastructure Energy and Resources has advised that the present location of the facility should remain for the foreseeable future and that an industrial zoning for the oil and gas facilities would be appropriate.

9. DISCUSSION

Fuel Storage Facilities

- 9.1. The decision to locate Hobart's fuel storage facilities at Selfs Point was first taken in the late 1940's and implemented through the Selfs Point Land Act 1951. Since that time the appropriateness of the location has been the subject of several reviews by the State Government.
- 9.2. In 1975 an inter-departmental committee was set up to consider all aspects of the existing and future use of Selfs Point as an oil storage farm. A report to Cabinet in April 1976 recommended that:
 - due to the hazardous nature of the location significant expansion of storage should not be permitted;
 - an alternative site in the south east corner of North West Bay should be set aside; and
 - Macquarie No.4 berth should be connected by pipeline to the farm as an interim measure.
- 9.3. A further report from an inter-departmental committee on LP Gas to Cabinet in 1980 stated that due to the limit on LP Gas storage and the danger to transport under the Tasman Bridge, the Selfs Point complex would ideally be best located to another site. This was seen however as neither necessary nor practicable in the short term.

- 9.4. Subsequent meetings with the heads of responsible agencies considered that provided that the supply of water for fire fighting was adequate, the retention of the oil and gas storage facilities at Selfs Point was an acceptable risk and preferable to re-locating the complex south of Hobart. Such a move would introduce increased hazards in the transportation of fuels and gas through the City of Hobart.
- 9.5. The fire fighting system was subsequently upgraded and the risk assessment and safety audit of the facilities in 1992 by (ICI Australia Engineering Pty Ltd) concluded that the Selfs Point facilities are appropriately located, designed and managed to minimise the potential for adverse effects on the community they serve.
- 9.6. It appears from the information collected for this review that Selfs Point oil and gas storage facilities will remain at their present site for the foreseeable future. It also appears that the environmental impacts can be managed and that the risks associated with the facility are acceptable and can be minimised by appropriate management.
- 9.7. There is no evidence to suggest that an alternative site with significantly fewer risks will be or could be found in the southern region.
- 9.8. The approach of zoning the area 'Recreation' and allowing industrial development to be considered as a discretionary application, was taken primarily in order to maintain the 'status quo' and ensure that Selfs Point did not develop into a general industrial area. Several applications related to the oil and gas storage facilities at Selfs Point have been approved under the provisions of the Recreation Zone.
- 9.9. The Recreation Zone however does not reflect the long term use of the area and the area could not be used for recreational purposes without decontamination, extensive rehabilitation and a change to the Selfs Point Land Act 1951.

10. RECOMMENDATIONS

Oil and Gas Storage Facilities

- 10.1. It is appropriate that the planning scheme recognise that the oil and gas facilities including the wharf will remain in the long term by an appropriate zoning such as the 'Strategic Industrial' zone in the Common Key Elements Template.

- 10.2. The purpose of this zone is: *“To provide for the manufacturing, processing, repair, storage and distribution of goods and materials that is strategically reliant on a particular location, such as proximity to major transport infrastructure or raw materials. Industries that are not reliant on the strategic characteristics of the zone should not locate in this zone.”*
- 10.3. This zone is appropriate as the oil and gas facilities are reliant on their strategic location adjacent to the River Derwent. The other option would be the ‘Industrial’ zone however this would allow for a wider range of uses which were not necessarily reliant on a location adjacent to the River Derwent.
- 10.4. The list of zones provided by the Common Key Elements Template and their purpose is provided in ***Attachment 6***.
- 10.5. It is not appropriate for the area covered by the Selfs Point Land Act 1951 to develop for more general industrial purposes not associated with the oil and gas facilities and the planning scheme should ensure that the area is only used for the purposes set out in that Act 1951. Appropriate planning provisions and zoning should also be put in place to prevent incompatible uses being developed in the vicinity.

Recommendation

- 10.6. That the oil and gas facilities be zoned ‘Strategic Industrial’.

Sewage Treatment Plant and HCC Depot

- 10.7. The Hobart City Council sewage treatment plant in Selfs Point Road is a significant part of the sewage treatment infrastructure and will continue in use for the foreseeable future. The site is also zoned Recreation and the objective of the Zone provides for the accommodation of various utility services.
- 10.8. The Hobart City Council depot adjoining the sewerage treatment plant was developed as a depot in 1985 and has been used by Council or the Southern Regional Cemetery Trust for industrial purposes since that time.
- 10.9. The continued use of these sites for utility services or industrial purposes is appropriate given the existing uses and the buffer that they provide between the oil and gas storage facilities and the adjoining recreational area.
- 10.10. The ‘strategic industrial’ zone is not the most appropriate for these 2 sites as the sewage treatment plant and depot are not strategically reliant on their location adjacent to the River Derwent and it would not be desirable to encourage the location of oil and gas storage facilities further west towards recreational and residential areas.

- 10.11. The appropriate zoning under the Common Key Elements Template is considered to be the 'Industrial' zone. The purpose of this zone is: *“To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be off-site impacts that affect the amenity of other uses.”*

Recommendation

- 10.12. That the sewage treatment plant and adjoining depot site be zoned 'Industrial'.

Residential Use

- 10.13. The only residential development (Stainforth Court) in the area is located on a 1.6ha site between Queens Walk and Brooker Avenue. It is also zoned Recreation and flats or houses are a prohibited use in this zone. The development is therefore a non-conforming use and any alterations would need to be dealt with under Principle 4 of the Planning Scheme (See *Attachment 4.*)
- 10.14. Occupants of the site are not at high risk of injury or fatality in the event of a major incident at the oil and gas storage facilities and do not suffer loss of amenity as a result of the operation of those facilities, with the possible exception of tanker movements along Self's Point Road and Queens Walk. These would however be insignificant compared to the traffic movements along the adjacent Brooker Avenue.
- 10.15. Despite being adjacent to a major arterial road the Stainforth Court flats do provide residential accommodation in a location close to open space and recreational facilities and adjacent to a bus route within a relatively short distance of central Hobart.

Recommendation

- 10.16. The residential use of this site is likely to continue for the foreseeable future and it is appropriate that the planning scheme recognise this through its zoning as Residential.

Cemetery

- 10.17. The Cornelian Bay Cemetery occupies an area of 31.8ha and has been in use since 1872. It still has burial sites sufficient to last for many decades. It also contains a crematorium and chapel facilities.
- 10.18. 'Cemetery' is an undefined use under the Planning Scheme and is therefore a discretionary use in the Recreation Zone.

Recommendation

- 10.19. Given the largely open nature of the cemetery and the passive nature of the use it is considered that the Recreation Zone is an appropriate zone for this site. The Cemetery also provides a buffer between the oil and gas storage facilities and more intensive development to the west.

Recreation

- 10.20. The area under review contains recreation grounds known as Rugby Park and a walking track along the eastern side of Cornelian Bay.

Recommendation

- 10.21. It is appropriate that these recreation facilities remain zoned Recreation.

11. CONCLUSION

- 11.1. The purpose of this report is to document the findings of the review of the zoning of the Selfs Point area under the City of Hobart Planning Scheme 1982 and recommend appropriate provisions for inclusion in the new City of Hobart Planning Scheme.
- 11.2. The primary use of Selfs Point, outside of the area occupied by the Rugby Park Recreation Ground and the Cornelian Bay Cemetery, is the storage and transfer of gas and petroleum products. One site is occupied by the Hobart City Council sewage treatment plant. The whole of the area is currently zoned 'Recreation'.
- 11.3. The decision to locate Hobart's fuel storage facilities at Selfs Point was first taken in the late 1940's and implemented through the Selfs Point Land Act 1951. Since that time the appropriateness of the location has been the subject of several reviews by the State Government.
- 11.4. It appears from the information collected for this review that Selfs Point oil and gas storage facilities will remain at their present site for the foreseeable future. It also appears that the environmental impacts can be managed and that the risks associated with the facility are acceptable and can be minimised by appropriate management.
- 11.5. A risk assessment and safety audit of the area was completed in 1992 by ICI Australia Engineering Pty Ltd on behalf of the Department of Environment and Planning. This concluded that the Selfs Point facilities are appropriately located, designed and managed to minimise the potential for adverse effects on the community they serve.

- 11.6. As a result of the review it is recommended that the oil and gas storage facilities be zoned 'Strategic Industrial', the sewage treatment plant and depot be zoned 'Industrial', the Stainforth Court flats be zoned 'Residential' and the remainder of the area be zoned 'Recreation'.

12. RECOMMENDATION

That

- 12.1. Report :jm (s:\projects\selfs point\selfs point review report.doc) be received and noted.**
- 12.2. The oil and gas storage facilities at Selfs Point be zoned 'Strategic Industrial';**
- 12.3. The sewage treatment plant and Council depot be zoned 'Industrial';**
- 12.4. Stainforth Court flats be zoned 'Residential' and the remainder of the area be zoned 'Recreation' in the new City of Hobart Planning Scheme as shown on Attachment 5.**
- 12.5. Appropriate Scheme provisions prevent incompatible uses being developed in the vicinity of the Selfs Point oil and gas storage facilities and ensure that the area is only used for purposes consistent with the Selfs Point Land Act 1951.**

(James McIlhenny)

SENIOR DEVELOPMENT PLANNER

April 2005

Attachments

- 1 Aerial Photo of Selfs Point.
- 2 Plan showing land use and ownership.
- 3 Selfs Point Land Act 1951.
- 4 Extract from City of Hobart Planning Scheme 1982 – Principle 4.
- 5 Recommended zoning under new planning scheme.
- 6 Common Key Elements Template Zones

References:

- King, C. & Griffiths, D. 1992 Risk Assessment and Safety Audit of Selfs Point Oil and Gas Storages, ICI Australia Engineering, Melbourne.
- SEMF 1998 Contamination Assessment Report: Former Ampol Depot, Property Tasmania, Hobart.
- Scripps, L. 1995 Sandy Bay / Selfs Point Sewerage Project Historical Research Unpublished report for the Hobart City Council.
- Hobart City Council, 1999, Hobart Emergency Management Plan.
- Hobart City Council Selfs Point Road property files.
- Property Information Sheets, Valuer General Tasmania, Land Information Services.
- Special Plan - Selfs Point Oil and Gas Storage Area, 1986 Director of Emergency Services.

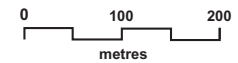


SELS POINT PLANNING REVIEW

Boundary of Study Area



Approximate high water
mark as indicated in
Sels Point Land Act 1951
(PWD No. 6565 - Plan 162
Hobart - 30/04/1951)



Date of aerial photography: January 2001

Attachment 1

SELS POINT AERIAL PHOTO





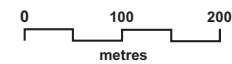
SELS POINT PLANNING REVIEW

Ownership and Landuse Details

- Land owned by Hobart City Council
- Land owned by Crown
- Land owned by Southern Regional Cemetery Trust
- Land owned by Hobart Ports Corporation
- Land owned by Australian Petroleum P/L

1. Residential
2. Rugby Park playing fields
3. Sewage treatment plant
4. Shell fuel depot
5. Mobil fuel depot
6. BP fuel depot & bitumen plant
7. Oil recycling plant
8. Tanker berth & wharf
9. Caltex fuel depot
10. Origin gas depot
11. Open space
12. Recreation
13. Cemetery
14. Playing fields
15. HCC depot

Boundary of Study Area



Date of aerial photography: January 2001

Attachment 2

LAND USE & OWNERSHIP





Print Page



Find Component



Find Legislation



History ON

Self's Point Land Act 1951 (No. 32 of 1951)

Requested: 29 Oct 2008

Consolidated as at: 29 Oct 2008



TASMANIA

Self's Point Land Act 1951

An Act to provide for the resumption and reclamation of land at Self's Point on the River Derwent and for its future use

[Royal Assent 18 May 1951]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title and construction

(1) This Act may be cited as the *Self's Point Land Act 1951*.

(2) This Act shall be read and construed as one with the *Crown Lands Act 1935*, herein called the Principal Act.

2. Resumption of land

(1) The vesting in the Lord Mayor, Aldermen, and Citizens of the City of Hobart of the lands described in Part II of the seventh schedule to the *Hobart Corporation Act 1947* is repealed so far as it includes any of the lands coloured red on Plan No. 162, Hobart, lodged in the office of the Surveyor-General.

(2) The trustees of the Hobart Public Cemetery are hereby divested of any of the land coloured red on the said plan which was vested in them at the commencement of this Act.

(3) The said corporation and the said trustees shall be entitled to receive, out of money borrowed for the purposes of this Act, compensation for all improvements on the lands of which they are hereby divested, the amount of which compensation, if not agreed upon between the Minister and the claimant, shall be determined as a disputed claim for compensation under the *Land Acquisition Act 1993*.

(4) The whole of the land coloured red on the said plan shall be deemed to be Crown land subject to the *Principal Act* and at the commencement of this Act free from any reservation, duty, trust, or interest whatsoever.

3. Reclamation of land

(1) The Governor may reclaim from the River Derwent the land coloured green on the said plan.

(2) The Governor may, before commencing to reclaim any part of that land, by proclamation extinguish the public rights of navigation and fishing and any other public rights therein and thereover.

(3) Upon any such reclamation the boundary of the City of Hobart shall extend to the new high-water mark so created.

4. Disposal of land

(1) The land coloured red or green on the said plan shall be dealt with only under section seven of the Principal Act, and shall be used only for one or more of the following purposes:

(a) Roads, railways, sidings, paths, drainage, sewers, transmission lines, and such like things;

(b) Oil storage installations;

(ba) The packaging of oil and the manufacture of substances from, or containing, oil, and the erection, installation, and use of buildings and equipment for any of those purposes;

(c) Municipal sewage disposal works; and

(d) Wharves and other purposes of the Tasmanian Ports Corporation Pty. Ltd. (ACN 114 161 938).

(2) Any part of the land reserved for municipal sewage disposal works may be sold under the Principal Act to the Lord Mayor, Aldermen, and Citizens of the City of Hobart.

(3) In this section –

"manufacture" includes the carrying out of any process with a view to the production of a substance by that process or by that process in conjunction with any other process, and (without prejudice to the generality of the foregoing provisions of this definition) includes –

(a) the production of a substance by any process of separation, distillation, refining, remaking, or reconditioning, or by the mixing together of two or more kinds of oil or other substances; and

(b) the breaking up or sorting out of a substance;

"oil" means oil of any description, and includes –

(a) spirit produced from oil;

(b) coal tar; and

(c) a mixture of oil with any other substance;

"packaging", used in relation to oil, means the operation of filling containers with oil.

5.

6. Roads

So much of the road in the City of Hobart running from Queen's Walk round the Hobart Public Cemetery back to Queen's Walk as lies outside the lands coloured red on the said plan is declared to be a highway, and may be diverted or widened by the council over its adjoining lands notwithstanding anything to the contrary in the *Hobart Corporation Act 1947*.

7. Railway

(1) The Transport Commission shall, when required by the Minister, construct a line of railway from the Main Line near New Town Station into the lands coloured red or green on the said plan, and such lines, points, sidings, and other works thereon as the Minister requires.

(2) The Transport Commission shall be entitled to be paid the cost of all works constructed under this section out of moneys borrowed under section nine of this Act.

8. Water and sewerage

(1) The Hobart City Council shall provide a supply of water and a system of sewerage for the lands coloured red or green on the said plan upon terms to be mutually agreed with the Minister.

(2) Any payments which the Minister agrees to make under this section, and which the Treasurer determines not to have the nature of revenue expenditure, shall be made out of moneys borrowed under section nine of this Act.

9. Borrowing

The Treasurer may borrow the sum of \$50 000 and such other sums as Parliament may hereafter approve and may apply the same for the purpose of meeting –

(a) compensation payable under section two and other costs of and incidental to the resumption thereby provided;

(b) the cost of and incidental to the reclamation of land under section three;

(c) the cost of preparing the land for use as provided in section four, including the initial cost of roads, paths, drains, and similar things required for the proper use of the land;

(d) sums payable to the Transport Commission under section seven; and

(e) payments out of borrowed moneys under section eight.

Table Of Amendments

Act	Number and year	Date of commencement
Self's Point Land Act 1951	No. 32 of 1951	18.5.1951
Self's Point Land Act 1963	No. 78 of 1963	3.12.1963
Statute Law Revision Act 1994	No. 68 of 1994	25.11.1994
Tasmanian Ports Corporation Act 2005	No. 41 of 2005	31.12.2005

Extract from City of Hobart Planning Scheme 1982

Principle 4

P.4 Council has a discretion to permit:

- (a) the expansion of an existing use;
- (b) the extension of an existing building and/or;
- (c) the change of use of any land or building;



for the purposes of facilitating:

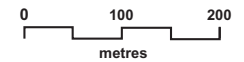
- (i) the preservation of the character of land and/or building or works of heritage significance, or
- (ii) the continuance of a lawful activity.

provided it can be demonstrated by the proponent that the proposed use or development is compatible with the Objectives in Schedule 1 of the Land Use Planning and Approvals Act 1993



SELFS POINT PLANNING REVIEW

- Boundary of Study Area 
- Boundary of area covered by Selfs Point Land Act 1951 



Date of aerial photography: January 2001

Attachment 3

AREA COVERED BY
SELFS POINT LAND ACT 1951



Common Key Elements Template – Zones

6.0 Residential Zone

6.1 Purpose of Residential Zone

- 6.1.1 To provide for residential use or development that accommodates a range of dwelling types and densities where full infrastructure services are available, including access to educational, recreational, transport and community services.

7.0 Low Density Residential Zone

7.1 Purpose of Low Density Residential Zone

- 7.1.1 To provide for residential development on larger lots (with or without infrastructure services) where there are constraints to development at higher densities.

8.0 Mixed Use Zone

8.1 Purpose of Mixed Use Zone

- 8.1.1 To provide for a range of residential, commercial, industrial and other uses that complement the function of a township, settlement or a locality where a mix of uses has established and it is desirable for a mix to be maintained.

9.0 Rural Living Zone

9.1 Purpose of Rural Living Zone

- 9.1.1 To provide for residential development on large lots in a non-urban setting where it can be expected that infrastructure services may be limited and residential amenity will be influenced by the rural character of the area.

10.0 Light Industrial Zone

10.1 Purpose of Light Industrial Zone

- 10.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.

11.0 Industrial Zone

11.1 Purpose of the Industrial Zone

- 11.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be off-site impacts that affect the amenity of other uses.

12.0 Strategic Industrial Zone

12.1 Purpose of Strategic Industrial Zone

- 12.1.1 To provide for the manufacturing, processing, repair, storage and distribution of goods and materials that is strategically reliant on a particular location, such as proximity to major transport infrastructure or raw materials. Industries that are not reliant on the strategic characteristics of the zone should not locate in this zone.

13.0 Local Business Zone

13.1 Purpose of Local Business Zone

13.1.1 To provide for retailing, offices and community services serving the local area.

14.0 Business Zone

14.1 Purpose of Business Zone

14.1.1 To provide for retailing, offices and community services in a concentrated area.

15.0 Central Business Zone

15.1 Purpose of Central Business Zone

15.1.1 To provide for retailing, offices, entertainment, and community services concentrated in a major centre.

16.0 Commercial Zone

16.1 Purpose of Commercial Zone

16.1.1 To provide for large floor area retailing and service industries.

17.0 Environmental Management Zone

17.1 Purpose of Environmental Management Zone

17.1.1 To provide for the protection and management of areas of environmental value such as cultural landscapes, remnant vegetation, fragile landforms, water catchments and areas of recreational value, allowing for complementary use or development where consistent with any strategies for protection and management.

18.0 Rural Resource Zone

18.1 Purpose of Rural Resource Zone

18.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries.

19.0 Recreation Zone

19.1 Purpose of Recreation Zone

19.1.1 To provide for a range of recreational use or development in predominantly urban settings, allowing for complementary uses where they do not impact adversely on recreational amenity.

20.0 Utilities Zone

20.1 Purpose of Utilities Zone

20.1.1 To provide for major infrastructure use or development and other compatible uses where the viability and operation of the infrastructure is not affected.