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**Sent:** Monday, 19 September 2022 1:43 PM  
**To:** Planning  
**Subject:** George Town Draft LPS - Representation in relation to Lot 1 Bellbuoy Beach Road, Low Head  
**Attachments:** George Town draft LPS Representation - Lot 1 Bellbuoy Beach Road, Low Head.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Planning,

Further to recent discussions, please find attached a late representation to the George Town draft Local Provisions Schedule.

Please do not hesitate to contact me should any clarification be required.

Regards,  
Ashley



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19 September 2022

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**LPS-GEO-TPS – REPRESENTATION IN RELATION TO LOT 1 BELLBUOY BEACH ROAD, LOW HEAD**

6ty° Pty Ltd has been engaged by Dennis Patrick Lawrence, registered owner of the land at Lot 1 Bellbuoy Beach Road Low Head, to prepare the following representation to the George Town draft Local Provisions Schedule (“LPS”).

**1. Basis for the Representation**

Council’s draft LPS supporting report<sup>1</sup> identifies that:

*“Council had originally proposed a Bell Buoy Beach Specific Area Plan, which required new lots to connect to the reticulated sewerage system in Bell Buoy Beach. There was also a reduced lot size, given that lots were not required to manage their sewerage onsite.*

*“An argument was made to the Commission in relation to section 32(4) of the Act, however the Commission ultimately determined the SAP did not comply with the legislative tests, and directed the SAP be removed from the LPS”.*

We submit that the draft Bell Buoy Beach Specific Area Plan (“SAP”) satisfies Section 32(4) of the *Land Use Planning and Approvals Act 1993* (the “Act”). This is supported by the following information included in this representation.

**2. Lot 1 Bellbuoy Beach Road, Low Head**

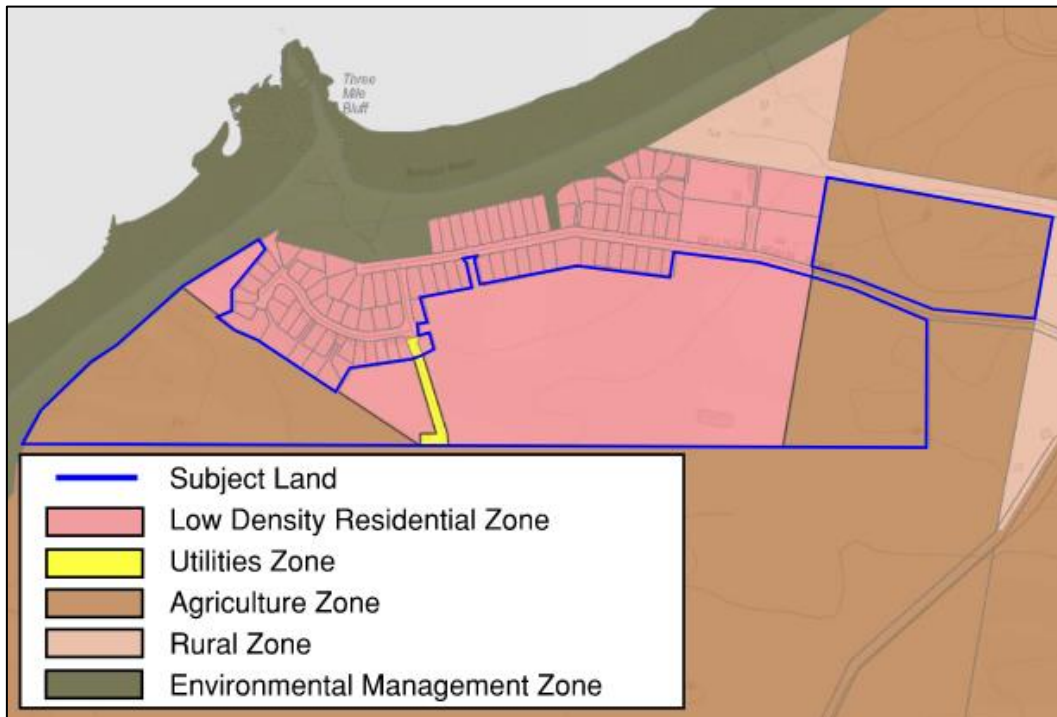
The land at Lot 1 Bellbuoy Beach Road Low Head, which would have been subject of the SAP, is comprised in Folio of the Register 180385/1. It includes an area that is zoned Village under the *George Town Interim Planning Scheme 2013*. This area is translated to a Low Density Residential in the draft LPS, as shown in Figure 1.

The land is the balance of a parent property that has progressively been subdivided since the original approval to establish a small settlement at Bellbuoy Beach in 1992. The lots within the settlement that are zoned Village / Low Density Residential, excluding the subject land and those in public ownership, range between 992m<sup>2</sup> to 1.05ha in area.

The land within the settlement that is identified in the Low Density Residential Zone in the draft LPS, including the relevant portion of the subject land, was also proposed to be subject of the draft SAP.

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<sup>1</sup> *George Town Council – Supporting Report – Draft LPS 2022.*

**Figure 1 – Draft Low Density Residential Zoning and Bellbuoy Beach**

The existing lots within the settlement include 38 lots to the west, along Lord Liverpool Drive, that have been progressively subdivided until recently under the terms of a planning permit originally issued in 2004. This subdivision included the development of a low pressure sewerage system comprising a small sewage treatment plant ("STP"), in a Utilities Zone to the south, and associated rising main infrastructure within the settlement. The system was commissioned in 2006 and was subsequently transferred to Council, and has ultimately become a TasWater asset.

The lots within the abovementioned subdivision have a connection to the low pressure system. Additionally, the rising main infrastructure was extended by Council and provides connection for a further 14 lots within the broader settlement.

Further, a 22-lot subdivision involving a 3ha portion of the subject land was approved by Council in 2021 and is in the process of being developed. All of these lots will be serviced by a connection to the low pressure system. The approved lots range between 1000m<sup>2</sup> to 1204m<sup>2</sup> in area. Their creation will reduce the area of the subject land to approximately 52ha. The Village / Low Density Residential zoned portion will have an approximately area to 22.5ha. This portion is intended for future subdivision development.

The low pressure system was originally designed by 6ty° Pty Ltd. A relatively small number of lots have been serviced by the system since it was commissioned, and it has therefore not operated as efficiently and effectively as was designed. It was originally designed to provide recycled water to lot owners at Bellbuoy Beach however such a scheme does not currently exist. Water is currently pumped regularly from a holding tank at the STP and transported to the George Town STP.

## **2. Draft Bellbuoy Beach Road Specific Area Plan**

Bellbuoy Beach is the small only coastal settlement in the local government area (excluding George Town township and Low Head) that has a sewerage system administered by TasWater. The rationale for the proposed draft SAP was to make it mandatory to connect into the existing low pressure sewerage system to increase its efficiency and effectiveness. Consequently, there would be no need to designate land within lots for on-site wastewater treatment and disposal, or for the lots to be suitably sized to enable this to occur.

A mandatory minimum lot size of 1000m<sup>2</sup> was included in the proposed draft SAP by Council although 800m<sup>2</sup> would be preferred by Mr Lawrence to increase the efficient utilisation of the subject land.

The requirements in the proposed draft SAP, which would be in substitution for the equivalent standards (dealing with lot size and sewerage disposal) in the Low Density Residential Zone provisions of the State Planning Provisions, are summarised below.

- A lot size requirement comprising:
  - An acceptable solution requiring a minimum of 1200m<sup>2</sup> together with an ability to appropriately contain a 10m x 15m building area; and
  - A performance criteria requiring demonstration that lots will have sufficient useable area and dimensions for their intended use, and a mandatory minimum of 1000m<sup>2</sup>.
- A mandatory requirement to connect into the reticulated sewerage system.

The equivalent standards for the Low Density Residential Zone are a lot size requirement comprising an acceptable solution minimum of 1500m<sup>2</sup> and a performance criteria minimum of 1200m<sup>2</sup>. The acceptable solution requirement for sewerage disposal is identical to the above. However, an associated performance criteria requires for the creation of lots without a sewerage connection that where it is demonstrated that they are capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

Additionally, the proposed draft SAP included reduced boundary setback requirements taking account of the reduced minimum lot size requirements.

## **3. Section 32(4) of the Act**

Section 32(3) of the Act identifies that an LPS may include a specific area plan.

Section 32(4)(b) states:

- (4) *An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –*
  - (b) *the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

The Low Density Residential Zone provisions provide for the creation of lots in areas with servicing constraints, including where a reticulated sewerage system may or may not be available. Bellbuoy Beach has a low pressure sewerage system and there is an intention to require new lots to be connected to the system to increase its efficiency and effectiveness. The proposed draft SAP would make it a requirement for this to occur.

It would be beneficial to the environment to enable the entire treatment process to occur at the Bellbuoy Beach STP, as originally designed, particularly if it avoids the need for water to be transported to the George Town STP. Additionally, it has the potential to enable the establishment of the originally planned recycled water scheme.

The reduction in the minimum lot size in the proposed draft SAP is because there would be no need to designate land within new lots for on-site wastewater treatment and disposal, which is unlike other areas that the Low Density Residential Zone is applied to in the local government area.

Therefore, the Bellbuoy Beach area has particular environmental qualities that are relatively unique and warrant the introduction of the planning provisions contained in the proposed draft SAP.

#### **4. Conclusion**

It is requested that the proposed draft SAP be reinstated in Council's LPS. Consideration should also be given to further reducing the mandatory minimum lot size under the proposed draft SAP to 800m<sup>2</sup> to increase the efficient use and development of the subject land.

We look forward to discussing this representation further with Council and the Tasmanian Planning Commission in considering the matters raised.

Yours faithfully

**6ty° Pty Ltd**



Ashley Brook  
Planning Consultant