

8 November 2022

6ty Pty Ltd  
ABN 27 014 609 900

General Manager  
George Town Council  
PO Box 161  
George Town TAS 7253

**Postal Address**  
PO Box 63  
Riverside  
Tasmania 7250  
**W 6ty.com.au**  
**E admin@6ty.com.au**

Tamar Suite 103  
The Charles  
287 Charles Street  
Launceston 7250  
**P (03) 6332 3300**

By Email: [planning@georgetown.tas.gov.au](mailto:planning@georgetown.tas.gov.au)

57 Best Street  
PO Box 1202  
Devonport 7310  
**P (03) 6424 7161**

Dear Sir,

**LPS-GEO-TPS – REPRESENTATION IN RELATION TO PART OF THE  
LAND AT 135 BELL BAY ROAD, BELL BAY**

6ty° Pty Ltd has been engaged by Bell Bay Aluminium, registered owner of the land at 135 Bell Bay Road, to prepare the following representation to the George Town draft Local Provisions Schedule (“LPS”).

We submit that the application of the Agriculture Zone to the part of the land that is subject of this representation is inconsistent with Guideline No. 1<sup>1</sup>. Having regard to strategic location of the subject land, the preferred alternate zoning includes a combination of Rural, Light Industrial and General Industrial.

**1. Subject Land**

Rio Tinto Aluminium (Bell Bay) Limited (“Bell Bay Aluminium”) owns an extensive area of land at Bell Bay. This is held in a single title (Folio of the Register 154929/1). The land within the title contains its aluminium smelter and predominantly undeveloped areas. It is mostly zoned General Industrial at present, which is translated to the same zone in the George Town draft Local Provisions Schedule (“LPS”).

The land within the western part of the title is predominantly undeveloped. It includes an area of 172ha that is located between the Bell Bay Line and George Town urban area. This is the subject land for the purposes of this representation.

The subject land shares a boundary with the wharf and cargo handling areas owned by TasPorts at Port of Bell Bay which are located to the south, a range of heavy and general industrial uses to the east of the State rail network, River Tamar to the south-west and the George Town light industrial area to the north-east. A realignment of the Bell Bay Line through the southern part of the subject land is planned to improve rail access through to the port, including for potential future larger industries in this area.

---

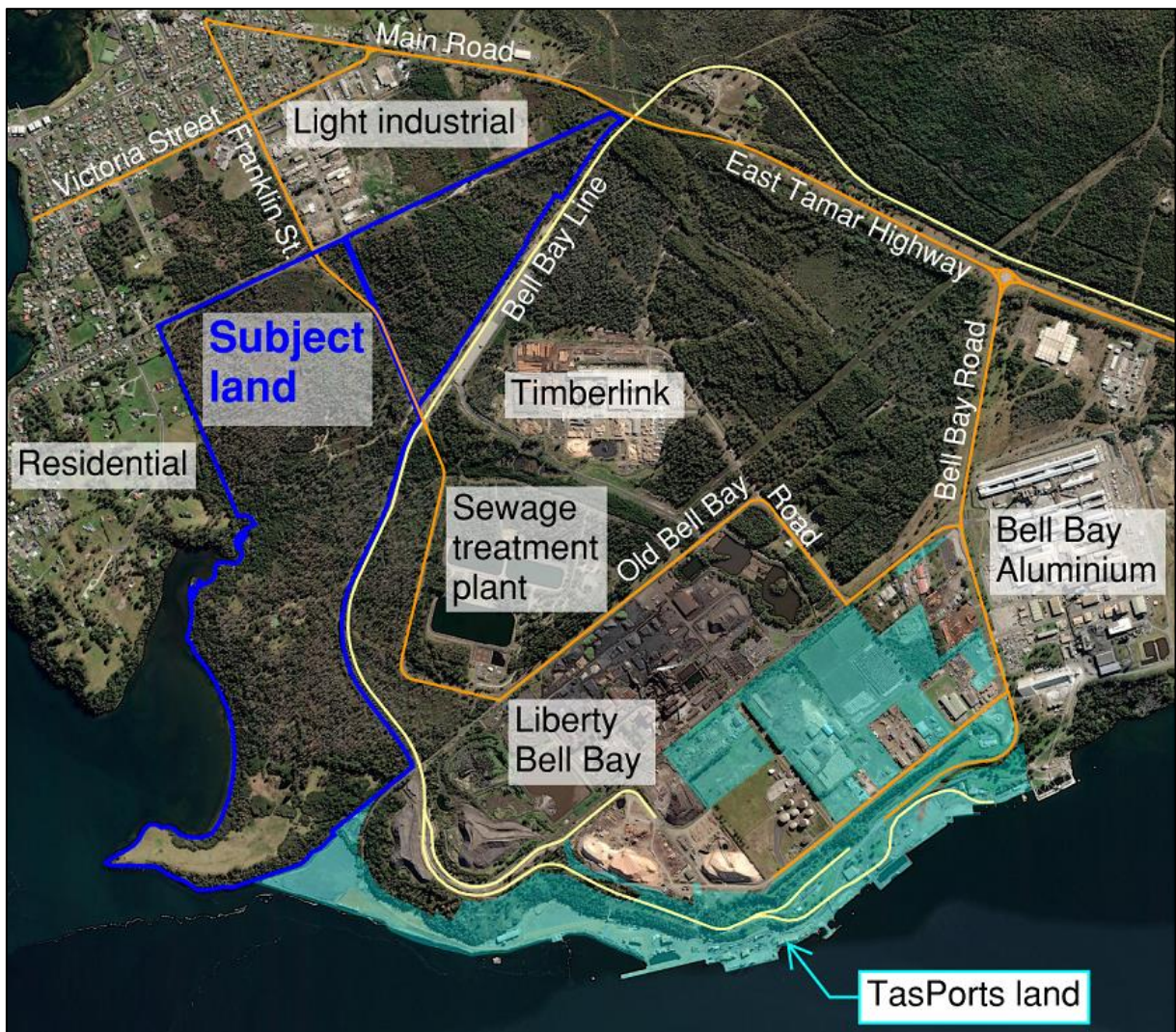
<sup>1</sup> *Guideline No. 1 Local Provisions Schedule (LPS): zone and code application*, Tasmanian Planning Commission, June 2018.

The existing industrial areas to the north-east and south-east of the subject land form part of the Bell Bay Advanced Manufacturing Zone ("BBAMZ"). This is the largest industry precinct in Tasmania. It produces 59% of all manufactured exports from the State<sup>2</sup>.

BBAMZ was established in 2015 and transitioned out of Bell Bay Aluminium's community consultative committee. It is an industry based economic development group working in collaboration with government and community to support growth, investment and business diversification<sup>3</sup>. The Office of the Coordinator-General is in the process of preparing a master plan for the precinct (Bell Bay Regional Master Plan), including areas within the subject land.

The north-west part of the subject shares a boundary with a residential area to the west. The subject land provides a buffer between the heavy industrial and residential areas, which is an important function that needs to be considered in reviewing zoning and development opportunities associated with the subject land.

**Figure 1 – Location of the Subject Land and Surrounds**



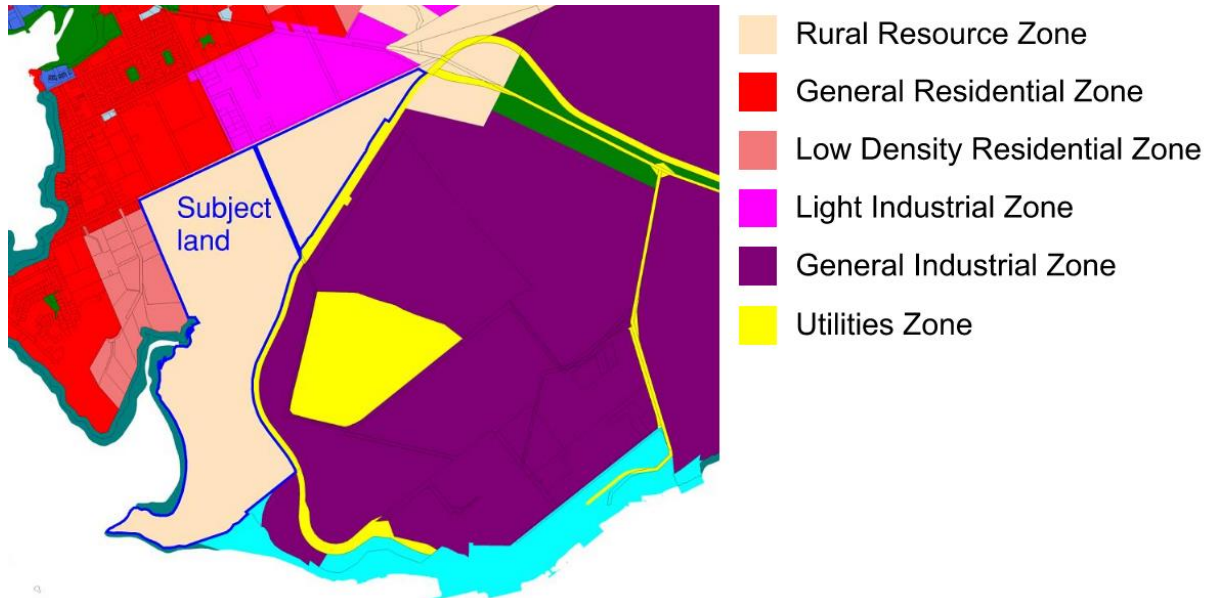
<sup>2</sup> Northern Tasmania Industrial Land Study, SGS Economics & Planning, August 2014.

<sup>3</sup> The Bell Bay Advanced Manufacturing Zone Story, <https://bbamz.com.au/the-bell-bay-story>, Accessed 3/11/2022.



The subject land is zoned Rural Resource under the *George Town Interim Planning scheme 2013* (see Figure 2). The zoning of the surrounding land is broadly reflective of the range of uses that exist.

**Figure 2 – Existing Zoning of the Subject Land and Surrounds**



## 2. Draft LPS

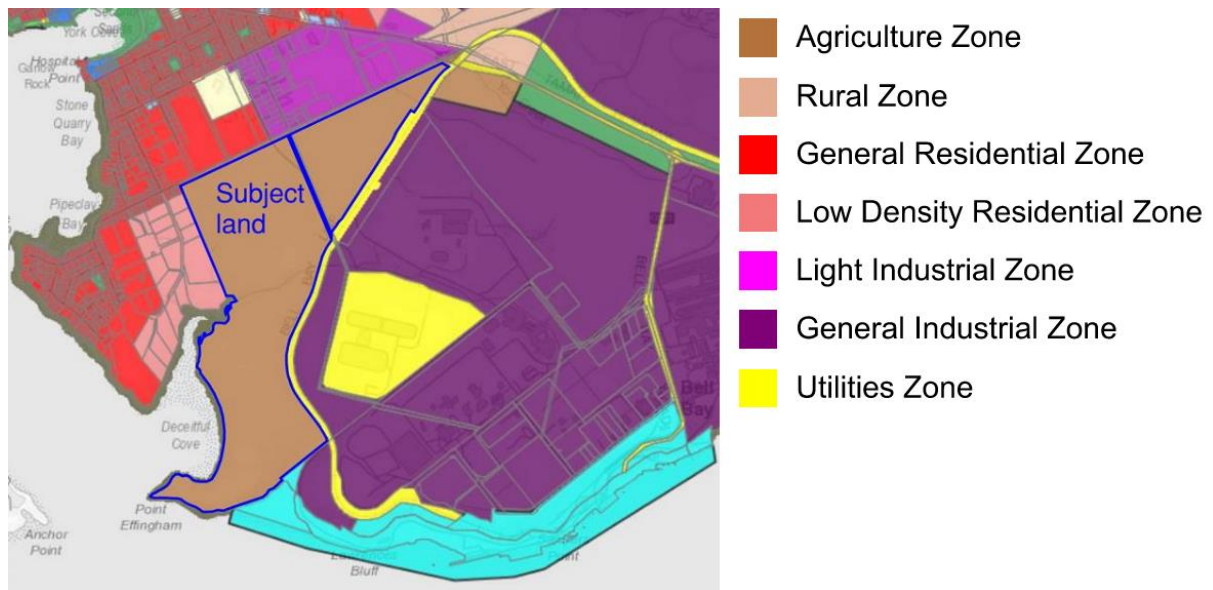
The subject land is translated to the Agriculture Zone in the draft LPS (see Figure 3). The relevant surrounding land is mostly translated to the equivalent zones that exist under the State Planning Provisions. The Port and Marine Zone associated with the port area is extended partly into the water.

Consistent with Zone Application Guideline AZ 1 within the Guideline No. 1 document, Council's draft LPS supporting report<sup>4</sup> identifies that it relied on Land Potentially Suitable for Agriculture Zone layer published on TheLIST database in deciding whether to translate existing Rural Resource zoned land to the Agriculture Zone or Rural Zone. This mapping layer was created using the methodology outlined in the Agricultural Land Mapping Project<sup>5</sup>, which identifies the property as potentially unconstrained.

The supporting report outlines 74 lots identified as potentially unconstrained that have been included in a Rural Zone rather than an Agriculture Zone. This was mostly due to the relevant lot being within a private timber reserve, which constrains the type of agricultural use that can occur. In other instances, it was also undertaken for lots subject of a mining lease or that are already otherwise permanently converted from agricultural use, entirely surrounded by non-agricultural lots or identified in a local strategy for future conversion to a different zoning (e.g. Rural Living).

<sup>4</sup> *George Town Council – Supporting Report – Draft LPS 2022.*

<sup>5</sup> *Agricultural Land Mapping Project – Background Report*, Department of Justice, Planning Policy Unit in conjunction with Macquarie Franklin and Esk Mapping and GIS, May 2017.

**Figure 3 – Draft LPS Zoning of the Subject Land and Surrounds**

### 3. Guideline No. 1 – AZ 6

Zone Application Guideline AZ 6 within the Guideline No. 1 document is relevant to considering alternate zoning for land identified in the Land Potentially Suitable for Agriculture Zone layer. It states:

**AZ 6** *Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*

- (a) *local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;*
- (b) *for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;*
- (c) *for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;*
- (d) *for the identification, provision or protection of strategically important uses that require an alternate zone; or*
- (e) *it can be demonstrated that:*
  - (i) *the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
  - (ii) *there are significant constraints to agricultural use occurring on the land; or*
  - (iii) *the Agriculture Zone is otherwise not appropriate for the land.*

Each of these matters is considered below.

- (a) The subject land is simply identified as “Rural” on Map D.2 (Regional Framework Plan: George Town & Bell Bay) in the Northern Tasmania Regional Strategy (“NTRLUS”).

It is identified as forming part of a Transitional Area in the George Town Area Structure Plan<sup>6</sup> (“Structure Plan”), together with an area of land located to the east of the urban area and north of Main Road / East Tamar Highway.

The Structure Plan, which was endorsed by Council on 27 July 2021, is focussed on the George Town and Low Head urban areas. It provides for sustainable growth of residential areas and associated liveability improvements. Part of the south-eastern boundary of the Structure Plan Area corresponds with the eastern boundary of the subject land (shared with the Bell Bay Line).

The Principles and Recommended Actions for Transitional Area are identified on page 47 of the document.

The relevant Planning Principle states:

***Agriculture***

*P7. Protect agricultural land from inappropriate development and prevent land holdings from being fragmented.*

The agricultural area is identified as being to the east of the Structure Plan Area. A limitation on residential development to the east of the urban area and north of Main Road / East Tamar Highway is intended to manage potential conflict with agricultural activities.

The subject land is therefore not identified as being part of an agricultural area in the Structure Plan.

- (b) The subject land does not include any areas within a private timber reserve or mining lease. Additionally, the Mineral Occurrences layer on the TheLIST database does not record any resources. It identifies the existence of gravel/aggregate on land within the Light Industrial Zone to the north-east. However, the deposit size is very small and, from an operational perspective, is abandoned. The subject land therefore does not contain any identified naturally occurring resource that is strategically important.
- (c) In accordance with Code Application Guideline NAC 13 within the Guideline No. 1 document, the priority vegetation area is not shown for land within the Agriculture Zone. The overlay is therefore not shown within the boundaries of the subject land in the draft LPS.

However, the overlay is shown partly on adjoining land within a relevant zone including Bell Bay Line to the east, the River Tamar / Deceitful Cove tidal zone to the south-west and the residential area to the west.

---

<sup>6</sup> George Town Area Structure Plan 2021, Plan Place Pty Ltd and Niche Planning Studio Pty Ltd.

The overlay is also not shown for land within the General Industrial Zone, Port and Marine Zone and Light Industrial Zone (in accordance with NAC 13). Therefore, it is not shown on adjoining land containing industrial uses or wharf and cargo handling areas.

According to the TASVEG 4.0 layer on TheLIST database, the vegetation within subject land includes a combination of dry eucalypt forest and woodland, scrub, heathland and coastal complexes and modified land including cleared areas and hardwood plantation. There are no vegetation communities within the subject land that are listed as threatened under Tasmania's *Nature Conservation Act 2002*.

According to the relevant Natural Values Atlas layers on TheLIST database, there are records of threatened flora species (pretty heath, greenberry nightshade, soft bushpea and mossy woodruff) in the south-west part of the subject land on sloping areas rising from the River Tamar / Deceitful Cove shoreline. There is also a record of a threatened fauna species (Tasmanian devil) in the north-western part of the site adjacent to Old Bell Bay Road.

There are recorded threatened native vegetation communities (in relatively small patches) and threatened flora and fauna observations within the General Industrial zoned area to the east of the subject land. Potential impacts on threatened species are managed under the Tasmanian *Threatened Species Protection Act 1995* and potentially the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The existence of native vegetation within the subject land and records of threatened species is therefore not considered to necessitate a zoning such as Landscape Conservation or Environmental Management.

It is noted that, as identified Council's draft LPS supporting report, the Landscape Conservation Zone has only been applied to land containing conservation covenants impacting the majority of the relevant title area. The Environmental Management Zone has only been applied to the coastal foreshore and other land managed by the Parks and Wildlife Service.

- (d) The subject land is surrounded by a range of heavy and general industrial uses to the east, the George Town light industrial to the north-east and a residential area to the west.

The other relevant Planning Principle for the Transitional Area in the George Town Area Structure Plan states:

***Industry***

*P5. Retain appropriate separation between residential uses and potentially emitting activities to mitigate land use conflicts with sensitive uses.*

The protection for the Bell Bay Advanced Manufacturing Zone is intended by retaining appropriate separation from residential uses and limiting the future intensification of residential use and development in the south-west part of the urban area.

It specifically identifies the potential for expansion of the light industrial area into the north-east part of the subject land, provided that emissions are appropriately managed and the established buffer is not compromised.

The Office of the Coordinator-General is in the process of preparing a master plan for the precinct (Bell Bay Regional Master Plan), including areas within the subject land. It is understood this will take account of the realignment of the Bell Bay Line through the southern part of the subject land to improve rail access through to the port, and associated development opportunities. Retaining a buffer to the residential area to the west will be an important consideration.

- (e) "Agricultural use" is defined in the State Planning Provisions as:

*means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry.*

Parts of the subject land have previously been subject of plantation forestry activities and there is a small area (8.2ha) on the peninsular extending into River Tamar on the south-west part of the land that comprises cleared grassland.

Notwithstanding, there are significant constraints to agricultural use occurring on the subject land. The Land Capability layer on TheLIST database identifies most of the land as Class 5. A relatively small area in the south-west part of the subject land, including most of the abovementioned cleared area on the peninsular, is Class 6 land.

The relevant descriptions for these classes in the Land Capability Handbook<sup>7</sup> are:

**Class 5**

*This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use.*

**Class 6**

*Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use.*

Additionally, the subject land is separate from the agricultural land to the east of George Town. It is separated from this land by Main Road / East Tamar Highway and other uses within the urban area.

---

<sup>7</sup> Grose, CJ 1999, *Land Capability Handbook, Guidelines for the Classification of Agricultural Land in Tasmania*, Second Edition, DPIWE, Tasmania.



Given the significant constraints to agricultural use occurring on the subject land, as evidenced by its location outside the identified agricultural area in the George Town Area Structure Plan, the application of the Agriculture Zone is not considered to be appropriate for the land.

Additionally, the proximity of the subject land to the Bell Bay Advanced Manufacturing Zone, and planned improvements to rail access through to the port, create opportunities for potential strategically important non-agricultural uses.

Consideration of an alternate zoning is therefore supported by the Zone Application Guideline AZ 6.

#### **4. Alternate Zoning**

The potential alternate zonings that have been identified are considered below.

##### **4.1 Rural Zone**

The Zone Application Guidelines within the Guideline No. 1 document that are of particular relevance are RZ 1 and RZ 3, which are reproduced and considered below.

*RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*

As identified in relation to AZ 6(c), the application of a Landscape Conservation Zone or Environmental Management Zone to the subject land would not be appropriate.

*RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:*

- (a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
- (b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;*
- (c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;*
- (d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or*
- (e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.*

As identified in relation to AZ 6(e), there are significant constraints to agricultural use occurring on the subject land. The application of the Rural Zone to some or all of the land would therefore be appropriate.



## 4.2 Light Industrial Zone

Zone Application Guideline LIZ 1 within the Guideline No. 1 document states:

*RZ 1 The Light Industrial Zone should be applied to land where there are likely to be minimal off site impacts..*

LIZ 2 identifies that the zone should not be applied to individual, isolated industrial uses and LIZ 3 identifies that it should not be applied to areas that primarily accommodate, or are strategically intended to accommodate, large-scale, medium or high impact manufacturing, processing, storage, or transport activities.

The George Town Area Structure Plan specifically identifies the potential for expansion of the light industrial area into the land in the north-east part of the subject land, provided that emissions are appropriately managed and the established buffer is not compromised.

This expansion into this part of the subject land is not intended to provide for an individual, isolated industrial use and would instead be contiguous with the existing George Town light industrial area.

The relevant part of the subject land is further away from existing sensitive uses within the George Town urban area than the existing light industrial zone. Further, the zone purpose statement in the State Planning Provisions identifies that the Light Industrial Zone provides for industrial activities where off site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.

It is therefore considered that application of the Light Industrial to the land in the north-east part of the subject land would be consistent with the abovementioned Zone Application Guidelines.

## 4.3 General Industrial Zone

The Zone Application Guidelines within the Guideline No. 1 document that are of relevance are reproduced and considered below.

*GIZ 1 The General Industrial Zone should be applied to land that provides, or is intended to provide, for a range of larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses. These are likely to include large industrial operations with actual or potential nearby off site impacts. These may be located in areas remote from land designated for other uses, such as residential use, in order to avoid land use conflicts.*

The land in the south-west part of the subject land is contiguous with existing General Industrial zoned land to further to the east and could provide a similar types of uses.

*GIZ 2 The General Industrial Zone should not directly adjoin land zoned for residential purposes unless:*

- (a) separated by physical buffers such as a major road; or*
- (b) for existing industrial areas that provide for larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses.*

The land in the south-west part of the subject land is separated from the residential area to the west by Deceitful Cove. Its western portion comprises a slope which rises from the shoreline at a gradient generally greater than 10%. The northern portion comprises a slope which rises from a tributary of the River Tamar that extends through the subject land. These areas are therefore generally unsuitable for industrial use and development, which will assist with buffering.

*GIZ 3 The General Industrial Zone should have access to freight transport routes and other utility infrastructure and services (e.g. electricity, water, sewerage) that is appropriate for the intended industrial use.*

The land in the south-west part of the subject land has access to freight transport routes, including close proximity to road, rail and port infrastructure. Electricity and water supply and sewerage infrastructure is also located within the Bell Bay area.

*GIZ 5 The General Industrial Zone may be applied to port and marine facilities that are directly linked to specific higher impact manufacturing, processing, repair, servicing or storage uses.*

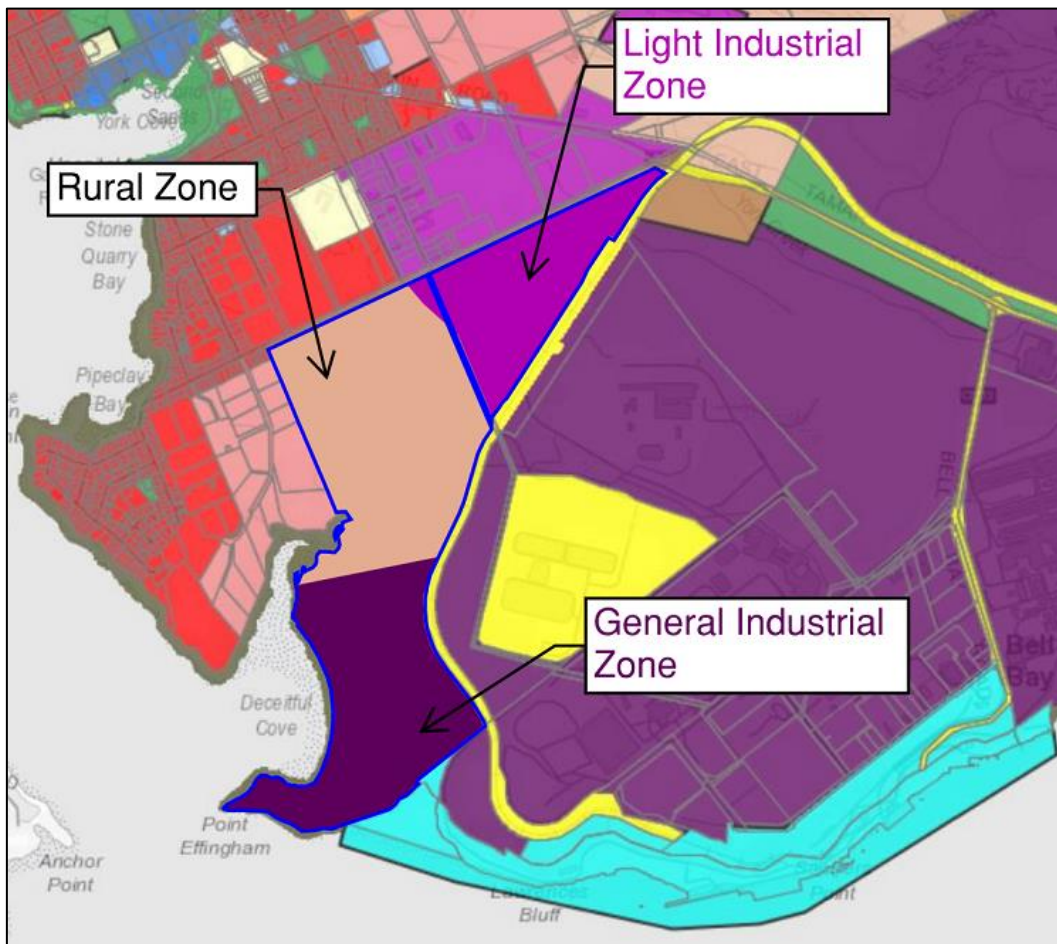
The extension of the zone across the sloping land extending to the River Tamar / Deceitful Cove shoreline is intended to provide opportunities to provide associated port and marine facilities, directly related to industrial uses, on the peninsular extending into River Tamar on the south-west part of the subject land.

## **5. Proposed Zoning**

It is requested that the zoned identified in Figure 4 be applied to the subject land.

The land in the north-east part of the subject land is shown within a Light Industrial one to form an extension of the adjoining light industrial area. The land in the north-west corner is shown within a Rural Zone.

The land in the south-west corner is shown within a General Industrial Zone. The northern boundary of this zone is intended to align with the top of the slope that descends to the tributary of the River Tamar that extends through the subject land.

**Figure 4 – Proposed Alternate Zoning**

The application of zones to land is also required to be consistent with the Northern Tasmania Regional Land Use Strategy.

The Specific Policies and Actions in Part 3 of the NTRLUS that are relevant to Industrial Land are reproduced below.

**ED-P3**

*Provide a 10 year supply of industrially zoned and serviced land in strategic locations*

**ED-A3**

*Identify suitably located land within planning schemes to be zoned for industrial and employment purposes, consistent with the Northern Tasmania Industrial Land Study (2014) and provide for the region to be well placed to capture economic opportunities.*

**ED-A4**

*Analyse industrial land demand to 2040 and provide a sufficient supply of land zoned for industrial purposes, supported by adequate infrastructure and network requirements (transport, water, sewerage and energy).*

The Northern Tasmania Industrial Land Study<sup>8</sup> ("NTILS") identifies the significance of the Bell Bay industrial precinct, and that it is the only major industrial site in Tasmania with room to expand given the amount of undeveloped land available.

The NTILS refers to planned improvements to the road-rail-port connections at Bell Bay, which has the potential to create development opportunities for export orientated industries.

A realignment of the Bell Bay Line through the southern part of the subject land is planned to improve rail access through to the port. The Office of the Coordinator-General is in the process of preparing a master plan for the precinct to capture economic opportunities associated with these improvements. The relevant part of the subject land is well placed to provide for such opportunities given its close proximity to the State rail network and Bell Bay port.

Additionally, the NTILS identifies that the George Town light industrial area is well suited for local service industries, together with smaller industries that service or supply those at Bell Bay. It is intended that expansion of this areas, into the north-east part of the subject land, would provide such uses.

## **6. Conclusion**

The site is subject to significant constraints that prevent agricultural use and the application of the Agriculture Zone in Council's draft LPS is therefore not consistent with Zone Application Guideline AZ 6 within the Guideline No. 1 document.

Following a review of alternate zoning, it is requested that the land in north-east part of the subject land is zoned Light Industrial to form an extension of the light industrial area in George Town. The land in the north-west corner should be zoned Rural to reflect the site characteristics and to retain a transition to the residential area to the west. The land in the south-west corner of the subject land should be zoned General Industrial to provide for future industries that will benefit from the close proximity of this area to rail and port infrastructure.

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

---

<sup>8</sup> *Northern Tasmania Industrial Land Study*, SGS Economics & Planning, August 2014.