



30 April 2021

WEST TAMAR COUNCIL  
PO Box 16  
RIVERSIDE TAS 7250  
c/- wtc@wtc.tas.gov.au

#### REPRESENTATION TO THE DRAFT WEST TAMAR LOCAL PROVISIONS SCHEDULE

Thank you for the opportunity to comment on the draft West Tamar Local Provisions Schedule (LPS) forming part of the Tasmanian Planning Scheme. The property owner, Nicolas Daoud and Co Pty Ltd, has engaged Plan Place Pty Ltd to make a representation on their behalf concerning the proposed zoning of the properties (refer to Figure 1):

1. 38 Bagot Street, Beauty Point (Certificate of Title: 244231/1); and
2. Bagot Street, Beauty Point (Certificate of Title: 207767/1).

The review conducted of the draft LPS has focussed on the zone and overlay provisions as they apply to the two properties shown in Figure 1 at Beauty Point. The representation concerning the proposed spatial application of zones was considered in the context of:

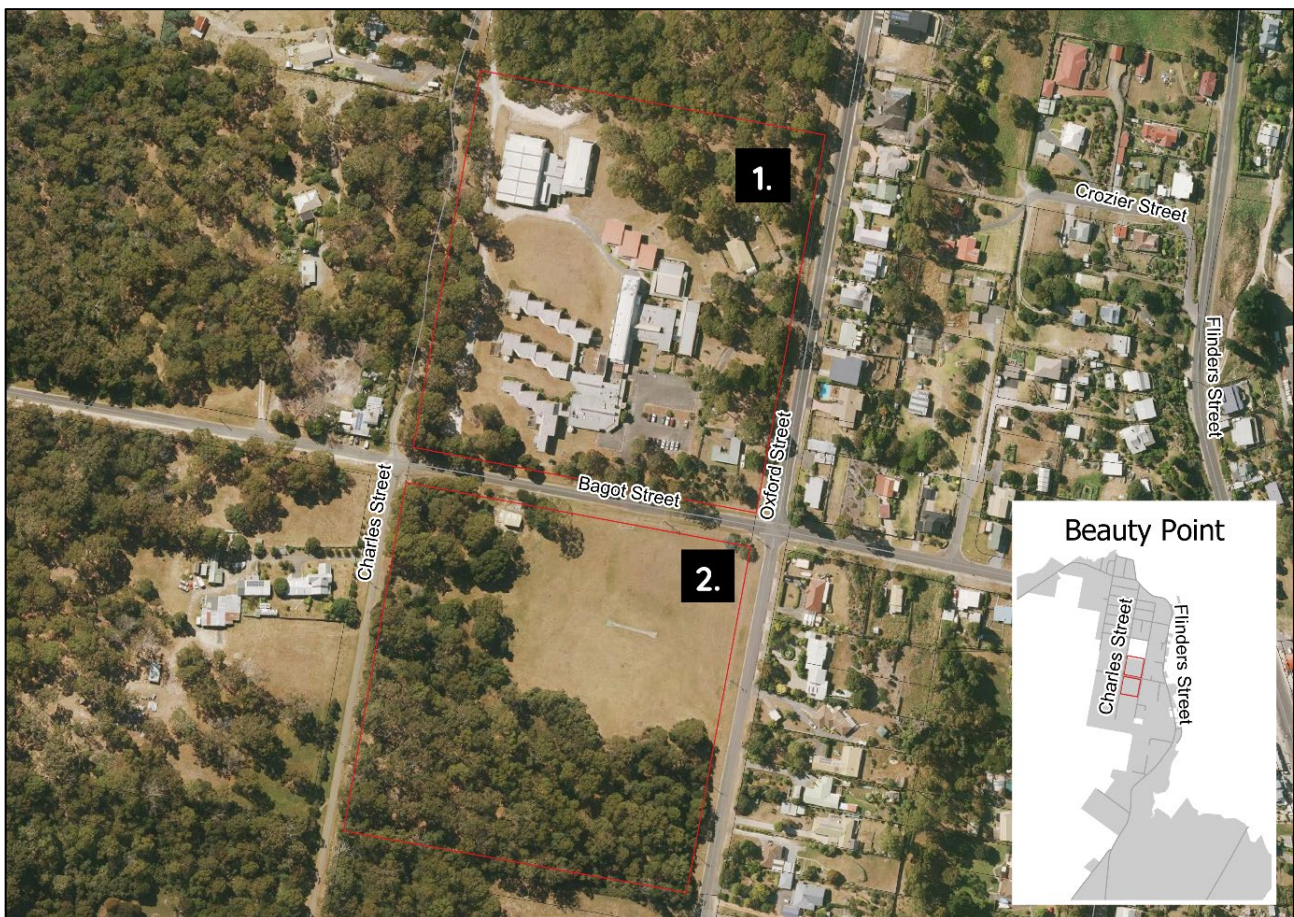
- Council's Vision and Regional Direction as articulated in the West Tamar Council Strategic Plan 2018-2028<sup>1</sup>, which is 'building an inclusive community where people want to live, work and invest'.
- Northern Tasmania Regional Land Use Strategy of Northern Tasmania;<sup>2</sup>

---

<sup>1</sup> West Tamar Council, Strategic Plan 2018-2028.

<sup>2</sup> Declared by the Minister for Planning in accordance with the *Land Use Planning and Approvals Act 1993* on 27 June 2018.

- Guideline No 1.<sup>3</sup>, examining the instructions for spatial application of zones as set out at Clause 5.0; and
- The relevant sections of the *Land Use Planning and Approvals Act 1993* as they apply to the Tasmanian Planning Scheme and the draft LPS.



**Figure 1: Properties subject to the representation**

In consideration of the matters raised in this representation, the property owner urges the West Tamar Council to consider the following amendments to the draft LPS:

- Amend the proposed zoning applied to 38 Bagot Street, Beauty Point from Community Purpose Zone to General Residential Zone; and
- Remove the WTA-S3.0 – Residential Supply and Density Specific Area Plan as it applies to Bagot Street, Beauty Point

The following submission is offered to support the requested amendments.

<sup>3</sup> Guideline No. 1 Local Provisions Schedule (LPS): zone and code application (June 2018), issued by the Tasmanian Planning Commission under section 8A of the Land Use Planning and Approvals Act 1993 with the approval of the Minister for Planning and Local Government.

## PROPERTY 1, 38 BAGOT STREET, BEAUTY POINT

The draft LPS proposes to apply the Community Purpose Zone to 38 Bagot Street, Beauty Point (refer to Figure 2). Under the West Tamar Interim Planning Scheme 2013 (IPS), the property is zoned 12.0 Low Density Residential Zone.

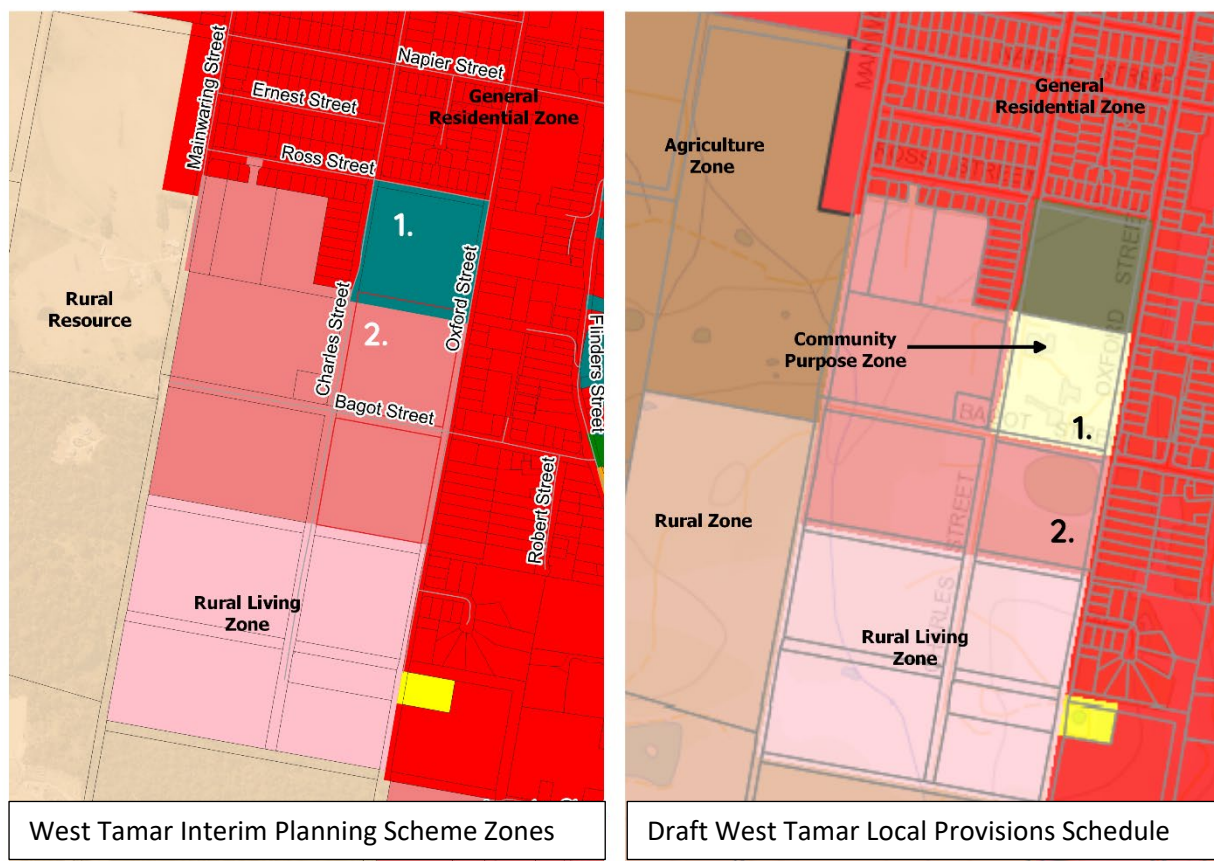


Figure 2: Comparison of the zones, current versus proposed in the draft LPS

### Background

Table 1: 38 Bagot Street, Beauty Point Summary (Property 1)		
Area	4.452ha	
Frontages	Charles Street Oxford Street (East) Bagot Street (South)	
Mains Water	Yes	
Reticulated Sewer	Yes	
Construction Year of Main Building	1980	Refurbishment in 2011 and 2017 (later associated with the change of use to Visitor Accommodation).
Gross Floor Area of Buildings	Hall Administration Accommodation	922.6m <sup>2</sup> 700m <sup>2</sup> 2473m <sup>2</sup>

## Land Use History

The Australian Maritime College (AMC) is a tertiary education institution founded in 1980. The AMC had two campuses, one at Newnham and the other at Beauty Point. In 2007, the College became an institute within the University of Tasmania. Since being incorporated with the University of Tasmania, the use of the Beauty Point campus has ceased. The Newnham campus in Launceston remains in operation.

The property was in the ownership of the University of Tasmania until it changed hands in 2018. The property is privately owned and no longer functions as an educational institution. However, the property has since served as accommodation providing housing for seasonal workers in Tasmania.

Property 1 contains an extensive array of buildings and structures and it is a converted site within the developed area of Beauty Point. Opportunity to adapt the existing buildings and structures or allowing new investment will be paramount for the reuse of Property 1. For example, the existing buildings are also suited for a residential use such multiple dwellings).

## Population & Dwellings

At the 2016 Australian Bureau of Statistics Census (ABS Census), there were 1171 people in the Beauty Point urban locality with a median age of 56.

The ABS Census recorded 663 private dwellings of which 16.1 per cent were recorded as unoccupied on the census night. The percentage of unoccupied dwellings was compared to other coastal localities in Tasmania. It was found that a significantly higher proportion of dwellings were unoccupied on Census night (i.e. Bridport, Coles Bay). . The percentage of unoccupied dwellings for Beauty Point suggests that the population base is more permanent rather than seasonal as commonly found in other equivalent locations.

The residential area is defined by single detached dwellings on a range of different lot sizes.

## Residential Development

Property 1 adjoins Albert Square (refer to Figure 2), a large parcel of undeveloped land within Beauty Point that is vegetated with *Eucalyptus amygdalina coastal forest and woodland*. The vegetation community continues diagonally to the southwest over the property at 117 Charles Street, Beauty Point.

Residential development to the north of Ross Street and south of Flinders Street, between Mainwaring Street, and Oxford Street is mostly traditional sized urban lots with frontages to the local road network. The vegetation cover in this portion of Beauty Point is sparse, with trees and vegetation mostly contained on private property rather than within the streetscapes.

Oxford Street is a local road connecting the northern section of the settlement to the southern developed areas. It has a road carriageway width allowing two-way traffic and wide verges on either side with trees scattered intermittently along the length of the streetscape.

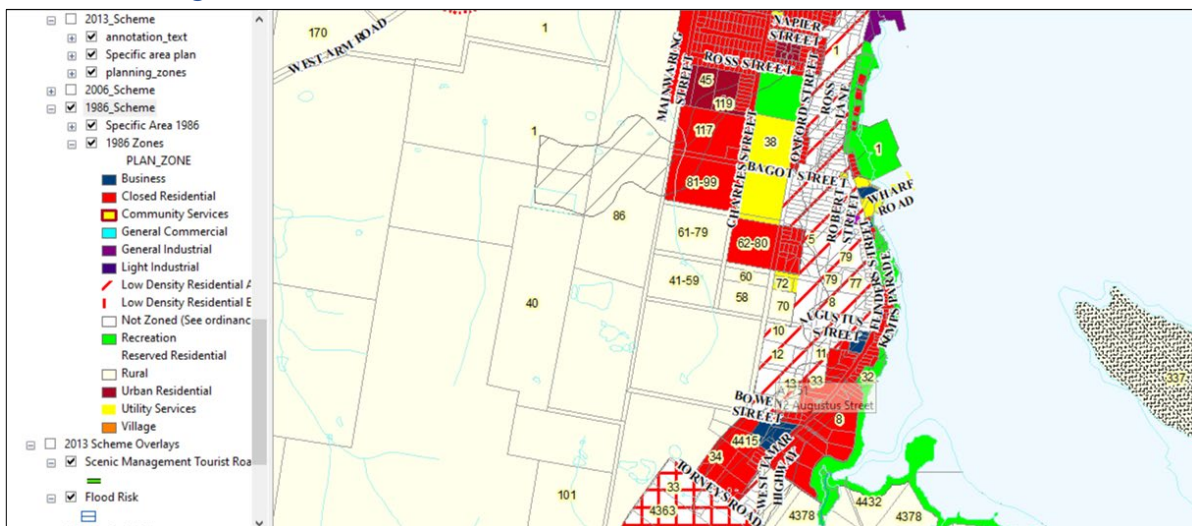
Property 1 part of the developed area of Beauty Point and is sandwiched between residential development on the eastern and western sides.

The land area immediately to the east of Property 1 is proposed to be zoned, General Residential. The established subdivision pattern in this area, between Flinders Street and Oxford Street, is a mix of lot sizes with frontages to a local road. The predominant use is single detached dwellings on individual lots. The lot sizes within this band of development are regular and irregular in shape and vary in area. Development in this band of Beauty Point does not follow a grid pattern as established in the northern section of the settlement and can be perhaps attributed to the proclaimed landslip hazard along the eastern side.

The land area immediately to the west of Property 1, is over 5ha in area, contains *Eucalyptus amygdalina* coastal forest and woodland. The land has development potential, and large lots in this location will provide separation to the Agriculture Zone and the Mining Lease 1904P/M to the southwest.

There are a limited number of vacant properties within the General Residential Zone at Beauty Point. There are some vacant lots with development potential along the eastern band of the settlement. Further subdivision, however, is constrained due to the Proclaimed Landslip Area A.

## Zone History



**Figure 3: West Tamar Planning Scheme 2006 Zones. The site is zoned Utility Services.**

Property 1 was zoned Utility Services under the West Tamar Planning Scheme 2006 (the 2006 Scheme). Under the 2006 Scheme, the adjoining properties were zoned Urban Residential and Rural (refer to Figure 3). The Utility Services Zone reflected the use on Property 1 and Property 2. The Utility Services Zone in the 2006 Scheme held a different meaning and cannot be compared to the Utilities Zone in the IPS and the SPPs of the Tasmanian Planning Scheme. In the 2006 Scheme, the land adjoining the site to the west and east was within the Closed Residential zone.

## Guideline No. 1

The Community Purpose Zone is proposed to be spatially applied to property at 38 Bagot Street. In the State Planning Provisions (SPPs), the purpose of the Community Purpose Zone is:

*27.1.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.*

*27.1.2 To encourage multi-purpose, flexible and adaptable social infrastructure.*

Before the change of ownership, the University of Tasmania operated the site and offered a range of tertiary courses to Tasmanians, Australian and overseas students. The site was specifically designed and used for tertiary education.

The 27.0 Community Purpose Zone application to Property 1 must achieve the zone purpose to the greatest extent possible as articulated by Clause 5.3.1 in Guideline No. 1. In this instance, the purpose of the zone is lost in that Property 1 does not serve an educational use or provide any other social infrastructure to the Beauty Point community.

The 27.0 Community Purpose Zone application does not comply with CPZ 1 (a) or (d) and cannot be applied to Property 1.

### Application of the Low Density Residential Zone

**Property 1** is zoned Low Density Residential under the IPS and therefore the spatial application of the Low Density Residential Zone in the SPPs is considered.

The purpose of the zone is:

- 10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.
- 10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.
- 10.1.3 To provide for Visitor Accommodation that is compatible with residential character.

The reinstatement of the Low Density Residential Zone in the draft LPS cannot achieve the desired land use outcomes of Property 1. The Low Density Residential Zone does not provide a permit pathway to reuse or adapt buildings for multiple dwelling development, although a permitted pathway is provided for visitor accommodation. The application of the zone would fail to acknowledge that Property 1 is connected to a full range of infrastructure services.

In examining Guideline No 1, the spatial application of the Low Density Residential Zone is not appropriate for Property 1 for the following reasons:

1. It can be developed for higher densities and is connected to a full range of reticulated services. Landslide hazard for Property 1 is not identified. Bushfire Hazard Management can be appropriately managed.
2. It forms part of the settlement of Beauty Point and it can be appropriately serviced; and
3. It is not for the protection of important natural or landscape values as it is a developed site.

The spatial application of the zone cannot comply with LDRZ 1 (a) (i) in Guideline No. 1.

## Spatial application of the General Residential Zone

The spatial application of the General Residential Zone to Property 1 is in accordance with the instructions contained within Guideline No. 1.

The use of Property 1 is aligned with the purpose of the General Residential Zone as it is mostly likely to be developed for residential use through the adaptation of existing buildings, or visitor accommodation. Property 1 as previously stated, is connected to a full range of infrastructure services. For these reasons Property 1 achieves the purpose of Clauses 8.1.1 to 8.1.4 of the General Residential Zone in the SPPs. The spatial application of the zone also complies with clause 3.4 of Guideline No. 1.

The spatial application of the General Residential Zone is in accordance with GRZ 1 (a) and (b) in Guideline No. 1 as Property 1:

- is not targeted for higher densities; and
- is connected to reticulated water supply service and a reticulated sewerage system.

Furthermore, the proposed amendment to the draft LPS, upholds the Council's vision and its objectives as stated in the Strategic Plan 2018-2028, which are:

- to encourage the sustainable growth and prosperity of the region;
- to care for and create a balance between the built and natural environment; and
- to ensure the provision and maintenance of an efficient and effective infrastructure network.

The application of the General Residential Zone to Property 1 provides an opportunity for:

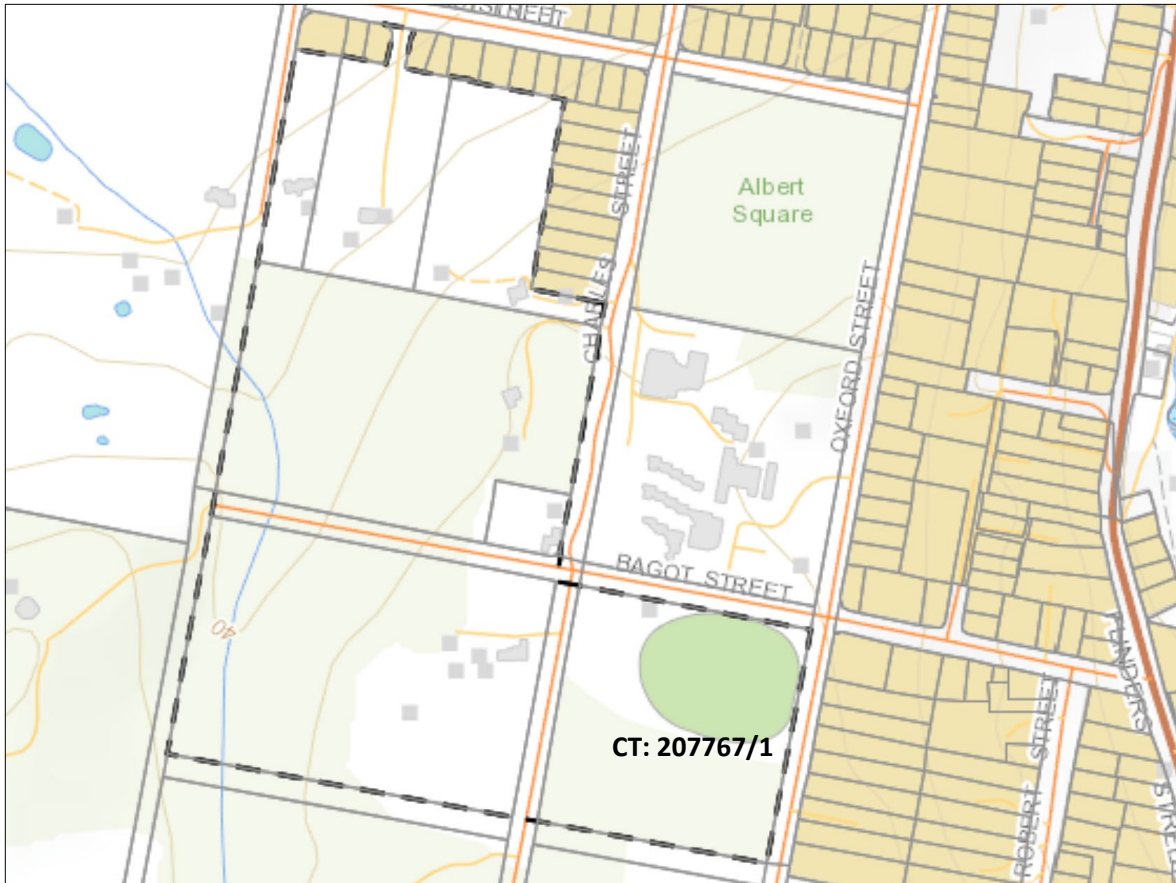
- building and infrastructure reuse and population growth;
- promotes efficient use of established infrastructure; and
- through the priority vegetation overlay and other codes in the SPPs, provides a balance between the built and natural environment.

The proposed amendment to the draft LPS is as far as practicable, consistent with the Northern Tasmania Regional Land Use Strategy as it is contained within an existing settlement with access to a reticulated water supply and mains reticulated sewerage system.

## Conclusion

An amendment to the draft LPS is required for the zoning of Property 1 to comply with the instructions of Guideline No. 1. Therefore the spatial application of the General Residential Zone in the SPPs is recommended to achieve compliance with Guideline No. 1 and all other requirements of Section 34(2) of the *Land Use Planning and Approvals Act 1993*.

## PROPERTY 2, BAGOT STREET, BEAUTY POINT



**Figure 4: WTA-S3.0 – Residential Supply and Density Specific Area Plan as it applies to land identified in Certificate of Title: 207767/1**

The draft LPS proposes the ‘WTA-S3.0 Residential Supply and Density Specific Area Plan’ (WTA-S3.0), introducing new local provisions over land zoned Low Density Residential for Beauty Point and several other locations within the municipality.

The WTA-S3.0 provides specific use and development controls, overriding several clauses of the Low Density Residential Zone of the SPPs. In particular, WTA-S3.0 overrides the Use Table at Clause 10.2. and Clause 10.6.1, Lot design A1 and P1. The latter imposes a minimum lot area of 5000m<sup>2</sup> for subdivision. There is no permit pathway to create lots less than 5000m<sup>2</sup> in the land area subject to WTA-S3.0.

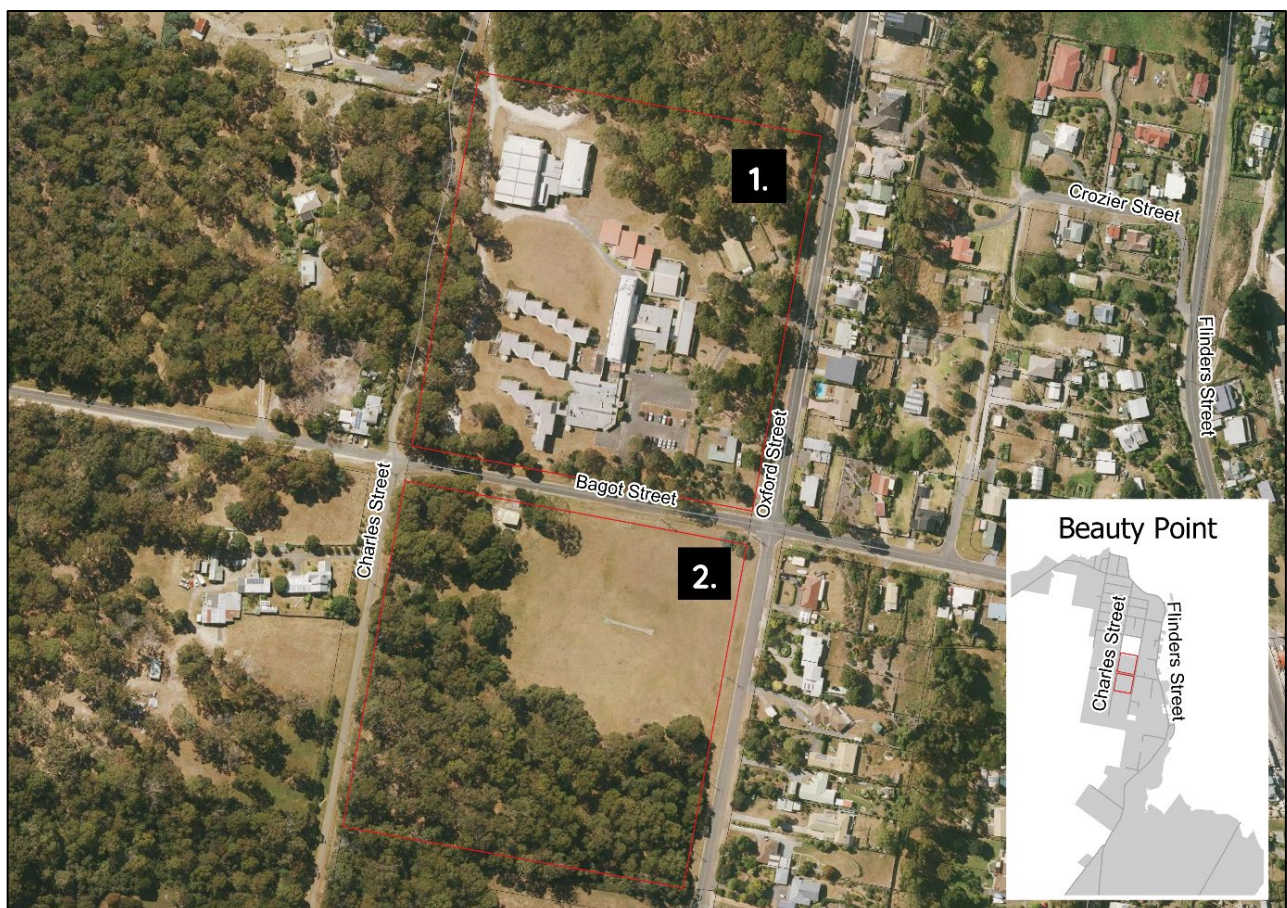
The representations seek to have the WTA-S3.0 removed from Property 2 and that the default provisions of the Low Density Residential Zone of the SPPs apply.

The following information is offered in support of the representation.

## Land Use, Natural Values, Hazards and Services

Table 1: Bagot Street, Beauty Point Summary (Property 2)	
Area	4.11ha
Frontages	Charles Street Bagot Street Oxford Street.
Mains Water	Advice sought from TasWater but further investigations required.
Reticulated Sewer	Advice sought from TasWater but further investigations required.

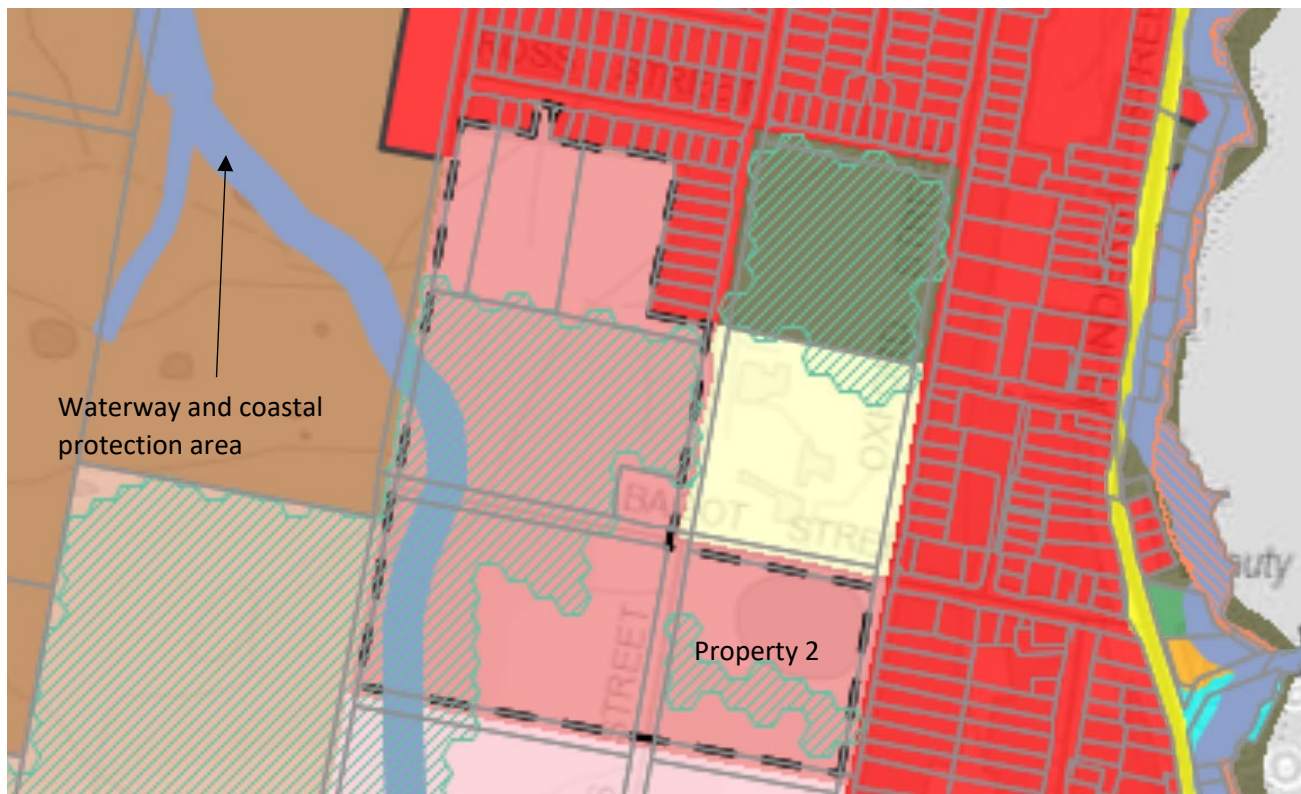
The former AMC campus at Beauty Point incorporated two parcels of land, Property 1 (refer to preceding discussion) and Property 2 (refer to Figure 5). Since 2018, the land is held in private ownership.



**Figure 5: Property 2**

Property 2 has access via the three frontages of Charles Street, Bagot Street and Oxford Street.

There is an oval and building with a gross floor area of approximately 55m<sup>2</sup> located on Property 2. The oval is located in the north-western corner and standing vegetation remains on the southern and western sides of the oval. The vegetation community identified on TasVeg 4.0 is *Eucalyptus amygdalina* coastal forest and woodland.



**Figure 6: Property 2: Priority vegetation area Property 2 – green hatched area (source: Online Mapping Tool)**

Property 2 contains priority vegetation area (refer to Figure 6). The priority vegetation report generated from the online mapping tool exhibited as part of the draft LPS, indicates that the flora species *Brunonia australis* (blue pincushion) is present on the land. The presence of this species will potentially require on-ground field verification if use and development is proposed as advised on the priority vegetation report generated from the online mapping tool. The property owner will engage a suitably qualified person to determine the natural values of Property 2. Once the assessment of natural values is completed, the information will be shared with the Council and the Tasmanian Planning Commission.

A bushfire hazard management plan will be required when future use and development is proposed. It is considered that this hazard can be appropriately managed through the assessment process under the *Land Use and Approvals Act 1993*. The property owner will seek specialised advice on bushfire hazard management concerning Property 2.

The overlay maps prepared as part of the draft LPS indicate that Property 2 is free from all other natural hazards. Property 2 does not contain any waterways and, its topography rises from the north-eastern corner diagonally across to the south-western corner (refer to Figure 7) of the site.

Additionally, TasWater was consulted as the property owner is currently investigating the future subdivision potential of the land. TasWater has confirmed that infrastructure services are available, but further investigations are required to substantiate any upgrades needed. The property owner will seek specialised advice on connecting to an onsite wastewater system and the lot areas needed if the land is subdivided. Once further information is available, it will be shared with the Council and the Tasmanian Planning Commission.



**Figure 7; Topography of Property 2**

## Property 2 and Residential Development

The Exhibited Supporting Report provides a rationale for the WTA-S3.0 to retain a minimum lot size and protect the character of land areas proposed to be zoned Low Density Residential. However, the Exhibited Supporting Report does not consider the subdivision controls in context of Beauty Point.

Property 2 is bounded on three of its side by residential development.

Residential development to the east of Oxford Street, between Bagot Street and 5 Adley Court is in the land area zoned General Residential. The development pattern is single detached dwellings located on mostly long narrow rectangular lots with road frontage to Oxford Street or Roberts Street. There are 23 lots in this location, although there are two properties at 100 Oxford Street and 81 Roberts Street which contain dwellings constructed over the title boundaries. The median lot size of the nine properties fronting Oxford Street in this location is estimated to be 1970m<sup>2</sup>.

Residential development further to the south of 5 Adley Court with frontage onto Oxford Street on land zoned General Residential has a median lot area 792m<sup>2</sup>. The land further south at 70 Oxford Street and 8 Augustus Street, contains large lots with development potential and are identified for inclusion in the General Residential Zone.

The land areas zoned General Residential have a permit pathway for further subdivision. The Acceptable Solution A1 at Clause 8.6.1 of the General Residential Zone in the SPPs allows the Council to consider subdivision with minimum lot areas of 450m<sup>2</sup>. While a permit pathway is provided, the subdivision of land will need to consider the identified medium level of landslide risk. Further specialised advice is required to determine the true subdivision potential of the land. It is also noted that a mining lease boundary (Reference: 1904/M) is less than 350m from the proposed General Residential Zone. Nevertheless, the draft LPS provides a permit pathway for intensification of residential uses without due consideration of the impact this will have on residential character or amenity of Beauty Point.

The land south of Augustus Street is zoned Low Density Residential. There are a mix of regular and irregular shaped lots in this area between Augustus Street and Bowen Street. There are 52 titles proposed to be included in the Low Density Residential Zone. Forty of these titles have land areas less than 4000m<sup>2</sup>. Around 50% of these titles have a land area of less than 1500m<sup>2</sup>. The median lot area is 2072m<sup>2</sup>. The development pattern is not as described in the Exhibited Supporting Report for lot areas.

The mix of lot areas described in this area, suggesting that Property 2 is ideal for intensification of residential use on the land area zoned Low Density Residential Zone. Property 2 is within the central column of the developed area of Beauty Point and is an ideal infill lot that could sustain a higher lot yield than proposed in the draft LPS. The removal of the WTA-S3.0 from application to Property 2 and applying the standard provisions of the Low Density Residential Zone will continue a land use pattern consistent with the established developed area of the Low Density Residential Zone at Beauty Point.

### S32(4) and S34(2) of the Land Use Planning and Approvals Act 1993

The WTA-S3.0 provides specific use and development controls, overriding several clauses of the Low Density Residential Zone of the State Planning Provisions contained in the Tasmanian Planning Scheme.

The WTA-S3.0 as noted in the Exhibited Supporting Report is to regulate lot sizes ensuring that new lots are reflective of the established development pattern and lot sizes of around 8,000m<sup>2</sup> to over 2 hectares on land zoned Low Density Residential.

From the reading of the Exhibited Supporting Report the purpose of the WTA-S3.0 is to:

- ensure onsite wastewater on new lots can be supported;
- protect the natural character of an area; and
- reinforce the implementation strategies of the Council.

The draft LPS proposes to integrate the provisions concerning subdivision for land zoned Low Density Residential under the IPS into the new format. The structure of the Tasmanian Planning Scheme and the SPPs prevents the provisions to be directly integrated with the Low Density Residential Zone of the SPPs and therefore a Specific Area Plan is necessary.

The subdivision controls have been in place since the IPS came into operation. It is acknowledged that the Council continues to seek a consistent development pattern across the municipality on land areas zoned Low Density Residential. The Exhibited Supporting Report, however, does not provide analysis or examine the individual localities to determine if the policy setting achieves the best land use outcomes in all instances.

The preceding discussion demonstrates that at Beauty Point the rationale expressed by the Council may be flawed as the developed area zoned Low Density Residential has occurred at a different intensity than perhaps in other localities. The application of WTA-S3.0 to Property 2 contravenes the efficient use of land resources and established infrastructure within an existing settlement.

To comply with the requirements of the *Land Use Planning and Approvals Act 1993*, section 34(2) and section 32(4) must be considered in every regard of the proposed WTA-S3.0. The rationale provided within the Exhibited Support Report does not specifically address the WTA-S3.0 in context of the Northern Tasmania Regional Land Use Strategy or how it further the Objectives of the Resource Management and Planning System of Tasmania if the WTA-S3.0 is applied to the extensive area across the municipality.

Additionally, the Exhibited Supporting Report alludes that the policy is implementing the directions sought by local strategies. A local area strategy or plan could not be located on Council's website or within any of the exhibited material as part of the draft LPS for Beauty Point to substantiate the statement. There is also an absence of analysis of large lots with subdivision potential considered in the Exhibited Supporting Report.

The capacity to connect infrastructure or specific onsite wastewater management in a local area must be considered before use and development controls are enforced that inhibit the efficient use of land. The blanket approach to applying the WTA-S3.0 does not achieve fair, orderly, and sustainable use and development of land as desired by the Objectives of the Resource

Management and Planning System set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993* for Property 2.

### Conclusion

The LPS criteria of Section 32(4) and Section 34(2) of the Land Use Planning and Approvals Act 1993 is not substantiated sufficiently to demonstrate the inclusion of Property 2 within the bounds of WTA-S3.0. The deviation away from the standard SPPs is not considered in context of the locality of Beauty Point.

The efficient use of land resources is paramount to achieve the objective of sustainable growth as desired by the Council's Strategic Plan 2018-2028 and the Objectives of the Resource Management and Planning System. The preceding discussion demonstrates that the application of WTA-S3.0 to Property 2 compromises efficient use of land in a location that is free from landslide risk.

The application of the default provisions of the Low Density Residential Zone in the SPPs achieve land use outcomes intended for Beauty Point.

The WTA-S3.0 removal from Property 2 can be supported.

Your sincerely



**Heidi Goess**

Urban and Regional Planner  
Plan Place Pty Ltd