



DRAFT PLANNING AMENDMENT REPORT - PSA 2023/1

APPLICATION FOR PLANNING SCHEME AMENDMENT PSA 2023/1 FOR INCLUSION OF SCENIC PROTECTION AREAS – TASMANIAN PLANNING SCHEME – CIRCULAR HEAD – LOCAL PROVISIONS SCHEDULE

To:	Council
Reporting officer:	Town Planner
Responsible officer	Director of Infrastructure and Development Services
Reporting date:	10 October 2023
File reference:	PSA 2023/1
Supporting documents:	1. <i>Circular Head Municipality – Scenic Values Assessment and Management</i> report prepared by Inspiring Place (2022) x 200 pages

RECOMMENDATION

That Council:-

1. In accordance with s40F(2)(a) and (3) of the *Land Use Planning and Approvals Act 1993*, certifies a draft amendment of a Local Provisions Schedules (PSA 2023/1) to:-
 - amend CIR-Table C8.1 Scenic Protection Areas:
 - by removing the existing CIR-C8.1.1 Green Hills, Stanley; and replacing with CIR-C8.1.1 Stanley Peninsula
 - by including CIR-C8.1.2 Marrawah
 - by including CIR-C8.1.3 Coastal Estuaries and Islands
 - by including CIR-C8.1.4 Eastern Gateway
 - by including CIR-C8.1.5 Sumac Lookout
 - remove CIR-Table C8.2 Scenic Road Corridor
 - amend the Scenic Protection Area Code Overlay Map
 - remove the Scenic Road Corridor Code Overlay Maps
2. In accordance with s40F(4) of the *Land Use Planning and Approvals Act 1993*, within seven days of certifying a draft amendment, directs the Director of Infrastructure and Development Services to forward a copy of each of the sealed Instruments of Certification and the draft amendment to the Tasmanian Planning Commission.
3. In accordance with s40FA of the *Land Use Planning and Approvals Act 1993*, before exhibiting a draft amendment of the LPS, directs the Director of Infrastructure and Development Services to notify relevant agencies and State authorities that may have an interest in the draft amendment of the LPS, of the date on which the exhibition period in relation to the draft amendment of the LPS is to begin.



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4. In accordance with s40H of the *Land Use Planning and Approvals Act 1993*, as soon as practicable after providing the Instruments of Certification to the Commission under s40F(4), directs the Director of Infrastructure and Development Services to publicly exhibit draft amendment PSA 2023/1 for a period of 28 days at Council's office and website, including notification in the local newspaper.

PURPOSE

The purpose of this report is to provide an assessment of an application for planning scheme amendment No. PSA 2023/1, which is seeking to:

1. remove the existing Green Hills Scenic Protection Area in Stanley,
2. remove the existing Stanley Highway Scenic Road Corridor,
3. remove the existing Scenic Road Corridors along parts of Marcus Road and Green Point Road in Marrawah, and
4. include five Scenic Protection Areas.

The detail of new Scenic Protection Areas are provided in the documents to be certified, with background information in the supporting documents.

The changes are proposed to amend the Circular Head's Local Provisions Schedule under Tasmanian Planning Scheme – Circular Head.

BACKGROUND

The Circular Head Council commenced operating under the Tasmanian Planning Scheme on 26 May 2021. The Scheme includes a range of zones and codes to help guide future use and development, including a Scenic Protection Code, which was transitioned from the Interim Planning Scheme.

Locations currently identified in the Scenic Protection Code include Green Hills at Stanley and three defined scenic road corridors (Stanley Highway, Marcus River Road and Green Point Road).

During the preparation of the planning scheme, Council identified the need for further strategic assessment and public consultation to help identify and document other areas of high scenic quality. Most other councils in the State have also identified this need, as scenic protection standards have been removed from the zone codes under the Tasmanian Planning Scheme. Pressure for new developments of various scales has also highlighted the importance of having scenic quality information so that Council has the appropriate controls and impact mitigation measures can be identified.

To address this issue, Council engaged Inspiring Place to assess the municipality's scenic quality and to identify management directions arising from the scenic value assessment. The draft Circular Head Council Scenic Values Assessment and Management Report 2021 was



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released for public review and comment during March and April 2022. The community and stakeholders were invited to complete an online survey or to forward written submissions regarding the draft report.

A total of 249 online surveys were received. 137 respondents (55%) indicated that they lived within the Circular Head municipality, of which 42.4% lived in Smithton postcode area, 48.2% in Stanley postcode area and 9.4% in the balance of the municipality.

Key findings from the online survey were:

- there was general consistency in the responses between those that lived within the municipality and all respondents;
- there was majority support for the guiding principles – 3 of the principles received 90-97%, whilst the other principle received 69% with 25% unsure;
- there was majority support for the potential tools for managing scenic values within the municipality – ranging between 76%-91% agreement;
- there was 86%-88% agreement for having a Stanley Peninsula Scenic Protection Area;
- there was 82%-84% agreement for having a Marrawah Scenic Protection Area;
- there was 84%-86% agreement for having a Scenic Protection Area for coastal waterways and wetlands from Woolnorth to Smithton;
- there was 82%-83% agreement for having a Scenic Protection Area for the Western Explorer Road;
- there was 76%-78% agreement for having a Scenic Protection Area for the eastern gateway entry via the Bass Highway into the municipality; and
- there was 81%-85% agreement for having a Scenic Protection Area along the Tarkine Drive.

Six written submissions were received from the Circular Head Tourism Association, UPC/SAC Renewables Australia, Respect Stanley Peninsula – No Wind Turbines Inc and three individuals. These comments reflected the full spectrum of views about managing scenic values with particular reference to the proposed windfarm developments and perceived benefits and impacts on the local community.

Council received the final document of *Circular Head Scenic Values and Management report (SVMR)* and adopted it at the July 2022 Council meeting. Council also determined to proceed to the implementation stage of the report, which is a planning scheme amendment to the Circular Head Local Provisions Schedule.

Prior to commencing the planning scheme amendment process, Council delivered two community information sessions to ensure the landowners within the scenic protection areas were aware of the potential impacts the scenic protection overlay might have upon their land. The first session had 11 attendees, with the second attracting over 70 attendees.



DETAILS

Key findings of the SVMR provide four key guiding principles to manage scenic value in Circular Head:

- **Guiding Principle 1:** The scenery of Circular Head is loved, esteemed and celebrated by locals and visitors alike, values that need to be carefully considered when change is proposed and requires careful consideration if it is to be managed wisely.
- **Guiding Principle 2:** The scenic values of landscapes and their sensitivity to change vary across the municipality and should be assessed accordingly.
- **Guiding Principle 3:** Alterations that permanently or temporarily deviate from the existing character are considered visual impacts which need to be managed.
- **Guiding Principle 4:** There are multiple tools available to manage scenic values that require appropriate application to the task.

Following the assessment, the key recommendations for Council in revising the Tasmanian Planning Scheme – Circular Head are to:

- create a Stanley Peninsula Scenic Protection Area to better manage the whole landscape given the high scenic values of The Nut, Green Hills and the coastline including Stanley Peninsula, Perkins Bay, West Inlet, East Inlet, Black River Inlet, Black River Beach, and Peggs Beach (this would replace the need for the existing Green Hills Scenic Protection Area and Stanley Highway Scenic Road Corridor);
- create a Marrawah Scenic Protection Area to better manage the whole landscape and replace the existing Scenic Road Corridors along parts of Marcus Road and Green Point Road;
- create a new Scenic Protection Area for the viewed area from the Sumac Lookout located off the Tarkine Drive (C218 loop);
- create a new Scenic Protection Area for the coastal estuaries and islands between Cape Grim and Smithton; and
- create a new Scenic Protection Area for the eastern 'gateway' into the municipality located along the Bass Highway near Rocky Cape National Park.
- amend tables CIR-Table C8.1 Scenic Protection Corridors and CIR-Table C8.2 of the Local Provisions Schedule.

The GIS mapping for above areas has been attached from pages 2 to 6.

Under C8.2.1 of Tasmanian Planning Scheme – Circular Head, the application of the Scenic Protection Code on land within a scenic protection area only applies to the following zones:

- Rural Living Zone
- Rural Zone
- Agriculture Zone
- Landscape Conservation Zone
- Environmental Management Zone
- Open Space Zone



Development of land that is subject to a Scenic Protection Area will need to address the Scenic Protection Code. The code applying to a property does not mean that the development is prohibited. It is a safeguard to manage the scenic quality of the area. Development that triggers the code will need to demonstrate how it is minimising impact on the scenic amenity of the area.

However, there are a number of exemptions that apply under the planning scheme concerning certain types of development within a zone do not have to address the Code. For example, agricultural buildings and works within Rural and Agriculture zones can be exempt from the planning scheme. Therefore, the code would not apply. Examples of these exemptions are provided in table 1.

Table 1. Exemptions – Tasmanian Planning Scheme – Circular Head

Exemptions for Outbuildings set out in Section 4.3.8 of the Tasmanian Planning Scheme - Circular Head within the Agriculture Zone and Rural Zone	Outbuildings located in the Rural Living Zone, Rural Zone or Agriculture Zone if: (a) an outbuilding exempt under clause 4.3.7; or (b) the outbuilding is associated with an existing dwelling and the: (i) total gross floor area of all outbuildings on the lot is not more than 108m ² ; (ii) setback is no less than the relevant Acceptable Solution requirement, or located no closer to a property boundary than an existing dwelling or any outbuilding on the site whichever is the lesser; and (iii) building height is not more than 6m and wall height is not more than 4m, unless the Local Historic Heritage Code applies and requires a permit for the use or development.
Exemptions for Agricultural Buildings and Works set out in Section 4.3.9 of the Tasmanian Planning Scheme - Circular Head within in the Agriculture Zone and Rural Zone	Located in the Rural Zone or Agriculture Zone, if: (a) buildings or works, excluding a dwelling, are directly associated with, and a subservient part of, an agricultural use; (b) on prime agricultural land only if not for plantation forestry and:



	<p>(i) it is directly associated with an agricultural use dependent on the soils as a growth medium; or</p> <p>(ii) it is conducted in a manner which does not alter, disturb or damage the existing soil profile or preclude it from future use as a growth medium;</p> <p>(c) individual buildings are not more than 200m² in gross floor area;</p> <p>(d) building height does not exceed 12m; and</p> <p>(e) buildings have a setback of not less than 5m from all property boundaries,</p> <p>unless the Local Historic Heritage Code, or the Scenic Protection Code, applies and requires a permit for the use or development.</p>
Exemptions for Vegetation Removal set out in Section 4.4.1 of the Tasmanian Planning Scheme - Circular Head for all the Zones	<p>If for:</p> <p>(a) clearance and conversion of a threatened native vegetation community, or the disturbance of a vegetation community, in accordance with a forest practices plan certified under the <i>Forest Practices Act 1985</i>, unless for the construction of a building or the carrying out of any associated development;</p> <p>(b) harvesting of timber or the clearing of trees, or the clearance and conversion of a threatened native vegetation community, on any land to enable the construction and maintenance of electricity infrastructure in accordance with the <i>Forest Practices Regulations 2007</i>;</p> <p>(c) fire hazard management in accordance with a bushfire hazard management plan approved as part of a use or development;</p> <p>(d) fire hazard reduction required in accordance with the <i>Fire Service Act 1979</i> or an abatement notice issued under the <i>Local Government Act 1993</i>;</p>



	<ul style="list-style-type: none">(e) fire hazard management works necessary to protect existing assets and ensure public safety in accordance with a plan for fire hazard management endorsed by the Tasmanian Fire Service, Sustainable Timbers Tasmania, the Parks and Wildlife Service, or council;(f) clearance within 2m of lawfully constructed buildings or infrastructure including roads, tracks, footpaths, cycle paths, drains, sewers, power lines, pipelines and telecommunications facilities, for maintenance, repair and protection;(g) safety reasons where the work is required for the removal of dead wood, or treatment of disease, or required to remove an unacceptable risk to public or private safety, or where the vegetation is causing or threatening to cause damage to a substantial structure or building; or(h) within 1.5m of a lot boundary for the purpose of erecting or maintaining a boundary fence, or within 3m of a lot boundary in the Rural Zone and Agriculture Zone.
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PLANNING ASSESSMENT

Legislative requirements

An application for a planning scheme amendment is available under Part 3B of the *Land Use Planning and Approvals Act 1993* (LUPAA). The draft planning scheme amendment is made to the LPS as a component of the Tasmanian Planning Scheme - Circular Head.

The draft amendment of the LPS is prepared under s40D(b) of LUPAA.

Following the preparation of the draft amendment of the LPS, Council should determine if it is satisfied that it meets the LPS criteria and decide to certify the draft amendment of the LPS by instrument in writing affixed with the common seal, under s40F of LUPAA.



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In consideration that the draft amendment of the LPS has been prepared satisfactory, the following LPS criteria under s34 of LUPAA must be addressed:

- (a) contains all the provision that the State Planning Provisions specify must be contained in an LPS; and
- (b) is in accordance with s32; and
- (c) furthers the objectives set out in Schedule 1; and
- (d) is consistent with each State policy;
- (da) satisfies the relevant criteria in relation to the TPPs; and
- (e) as far as practicable, is consistent with the regional land use strategy, for the regional area in which is situated; and
- (f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates; and
- (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
- (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

An assessment of the proposal against the relevant provisions of LUPAA as outlined above is provided in the table below. Reference is made to each subclause, with comments provided underneath.

Section 34(2) of LUPAA	
The LPS criteria to be met by a relevant planning instrument are that the instrument –	
S34(2)(a)	contains all the provisions that the SPPs specify must be contained in an LPS
<p>Planning comments:</p> <p><i>The proposal is consistent with State Planning Provisions. Appendix 2 has been provided for Local Provisions for Scenic Protection Areas. Five maps have been provided, and prepared so as to remove the overlay from non-applicable zones, in accordance with Practice Note 7 and Guideline No.1 issued by Tasmanian Planning Commission.</i></p> <p><i>The relevant zones applied to Scenic Protection Areas are as followings.</i></p> <ul style="list-style-type: none"> <i>a) Rural Living Zone</i> <i>b) Rural Zone</i> <i>c) Agriculture Zone</i> <i>d) Landscape Conservation Zone</i> <i>e) Environmental Management Zone</i> 	
S34(2)(a)	is in accordance with s32
S32	(1) An LPS is to consist of provisions that apply only to a single municipal area specified in the LPS.



	<p>(2) An LPS –</p> <ul style="list-style-type: none">(a) must specify the municipal area to which its provisions apply; and(b) must contain a provision that the SPPs require to be included in an LPS; and(c) must contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land, if required to do so by the SPPs; and(d) may, subject to this Act, contain any provision in relation to the municipal area that may, under section 11 or 12, be included in the Tasmanian Planning Scheme; and(e) may contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to particular land; and(f) must not contain a provision that is inconsistent with a provision of section 11 or 12; and(g) may designate land as being reserved for public purposes; and(h) may, if permitted to do so by the SPPs, provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and(i) may, if permitted to do so by the SPPs, override a provision of the SPPs; and(j) may, if permitted to do so by the SPPs, modify, in relation to a part of the municipal area, the application of a provision of the SPPs; and(k) may, subject to this Act, include any other provision that –<ul style="list-style-type: none">(i) is not a provision of the SPPs or inconsistent with a provision of the SPPs; and(ii) is permitted by the SPPs to be included in an LPS; and(l) must not contain a provision that the SPPs specify must not be contained in an LPS.
<p>Planning comments:</p> <p><i>The proposal includes a new Scenic Protection Areas to LPS of Tasmanian Planning Scheme – Circular Head. They will replace current Scenic Protection Areas and Scenic Road Corridor. The proposal meets s32 of LUPAA in regard to:-</i></p> <ul style="list-style-type: none"><i>(a) has specified the application of Scenic Protection Areas within the Circular Head municipality;</i><i>(b) is consistent with the Scenic Protection Code provision of the planning scheme which specifies the five areas that contains high scenic values in Circular Head municipality, and have clearly described these in the table of the code;</i><i>(c) has included overlay for each area;</i><i>(d) there is no reliance on s11 or s12 of LUPAA;</i><i>(e) the maps do not provide spatial application of the SPPs;</i>	



- (f) does not have any contradictions to s11 or 12;
- (g) does not designate any land as being reserved for public purposes;
- (h) does not include additional standards to the SPPs;
- (i) (j) (l) does not override or contradict to any provision of the SPPs.

S34(2)(c)	further the objectives set out in Schedule 1
Schedule 1 – Part 1	<p>OBJECTIVES OF THE RESOURCE MANAGEMENT AND PLANNING SYSTEM OF TASMANIA</p> <p>1. The objectives of the resource management and planning system of Tasmania are -</p> <ul style="list-style-type: none"> (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and (c) to encourage public involvement in resource management and planning; and (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State. <p>2. In clause 1(a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –</p> <ul style="list-style-type: none"> (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

Planning comment:

The proposal meets the objectives of the Resource Management and Planning System of Tasmania, regarding to:-

- (a) the Scenic Protection Areas will promote the sustainable development of natural and physical resources and the maintenance of ecological diversity in Circular Head by managing natural value from developments that have the potential to affect long-term landscape conservations.*
- (b) the Scenic Protection Areas will provide the fair, orderly, and sustainable use and development of air, land and water by providing guidance on preferred locations for developments that may have a visual impact, or standards to be achieved should alternate locations not be available.*



- (c) *the preparation of Circular Head Scenic Value Assessment and Management report has promoted the public consultation including online survey and community drop-in sessions. In the planning scheme amendment, public consultation will play a key role in the process where the community will have chance to comment during exhibition and hearing period.*
- (d) *the Scenic Protection Areas will not discourage the economic development, but will provide guidance on preferred locations for developments that may have a visual impact, or standards to be achieved should alternate locations not be available.*
- (e) *to promote and conserve scenic value, Scenic Protection Areas will contribute management objectives in the Local Provisions Schedule under the planning scheme. For major project, there is a requirement for Landscape Visual Impact Assessment that consider not only the physical impact but non-visual impacts such as economy, engineering, and environment. The sharing of responsibility between different spheres of Government, community, and industry in the state has been recognised in managing the scenic value of key identified areas. Renewable, Climate, and Future Industries Tasmania (ReCFiT) is coordinating for the Renewable Energy Zone study. The north west of Tasmania will be the first region to be explored in detail for its potential to host the state's first Renewable Energy Zone (REZ). We believe that REZ's have the potential to deliver a range of excellent outcomes for Tasmanian communities.*

**Schedule 1 –
Part 2**

OBJECTIVES OF THE PLANNING PROCESS ESTABLISHED BY THIS ACT

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

- (a) to require sound strategic planning and co-ordinated action by State and local government; and
- (b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and
- (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and
- (d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and
- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and
- (f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and



	<p>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</p> <p>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</p> <p>(i) to provide a planning framework which fully considers land capability.</p>
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Planning comment:

The proposal meets objectives of the planning process established by LUPAA, in support of the objective set out in Part 1 of the objectives of RMPS, having in regard to:-

- (a) the Scenic Protection Areas promote the sound strategic planning and co-ordinated action by State and local government. It provides legislative framework under the planning scheme to local government for managing and assessing developments on land identified as having high scenic values;*
- (b) the Scenic Protection Areas are utilising an available instrument available under the State Planning Provisions;*
- (c) the Scenic Protection Areas will ensure the effects on the visual amenity are considered at appropriate level of economic and social impacts;*
- (d) the Scenic Protection Areas are utilising an available instrument available under the State Planning Provisions;*
- (e) the Scenic Protection Areas are utilising an available instrument available under the State Planning Provisions;*
- (f) the health and wellbeing of all Tasmanians and visitors to Tasmania will be improved with the protection of scenic value and character of Circular Head;*
- (g) the implementation of the Scenic Protection Areas is to conserve and manage potential impact upon areas with identified aesthetic values;*
- (h) the Scenic Protection Areas will not affect current or future public infrastructure or utilities as most of them are exempted under the planning scheme;*
- (i) the Scenic Protection Areas mainly apply to rural zones, exemption exists for resource development and other agricultural uses, so they will not impact to land capacity.*

S34(2)(d) is consistent with each State policy			
State Policy	Policy purpose	Development affected	Where it applies
State Policy on the Protection of Agricultural land 2009	To conserve and protect agricultural land so that it remains available for the sustainable use and development of agriculture, recognising the	Proposed non-agricultural use and development that is 'discretionary 'or 'prohibited' on land zoned either Agriculture or Rural in planning schemes or	All agricultural land in Tasmania zoned either Agriculture or Rural in planning schemes.



	<p>particular importance of prime agricultural land.</p> <p>'Agricultural use' includes 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 agricultural produce for dispatch to processors or markets and controlled environment agriculture and plantation forestry.</p>	land adjoining these zones but with a different zoning.	
<i>State Coastal Policy 1996</i>	To protect the natural and cultural values of the coast, provide for sustainable use and development of the coast, and promote shared responsibility for its integrated management and protection.	Proposed use and development in a coastal area that is 'discretionary' or 'prohibited' under land use zones applying to coastal areas in planning schemes.	Tasmania's coastal area, including all islands except for Macquarie Island. The coastal zone includes State Waters (as defined in the Living Marine Resources Management Act 1995) and all land to a distance of 1km from the high water mark.
<i>State Policy on Water Quality Management 1997</i>	To achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while	Proposed use and development that may impact on surface or ground water quality in Tasmania.	<p>All surface waters, including coastal waters, and groundwaters, other than:</p> <ul style="list-style-type: none"> privately owned waters that are not accessible to the public and are not connected to,



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	allowing for sustainable development in accordance with the objectives of the RMPS.		or flow directly into, waters that are accessible to the public; or <ul style="list-style-type: none"> • waters in any tank, pipe or cistern.
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Planning comments:

It is considered that the proposal does not conflict with either the Tasmanian State Coastal Policy, State Policy on Water Quality Management 1997 or State Policy on Protection of Agricultural Land 2009. It is promoting the protection of water, coastal, and agricultural areas of Circular Head to achieve above State policies.

S34(2)(da)	satisfies the relevant criteria in relation to the TPPs
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Planning comments:

Not applicable, the TPPs are still in draft at the time preparing this planning scheme amendment.

S34(2)(e)	as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates
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Planning comments:

*The relevant regional land use strategies are **Cradle Coast Regional Land Use Strategy 2010-2030 (CCRLUS)** and **Sustainable Murchison 2040 Community Plan Regional Framework Plan (SMCP)**.*

***Living on the Coast – The Cradle Coast Regional Land Use Strategy 2010 – 2030 (CCRLUS)** (Version 2, effected on 11 May 2022), is the relevant strategy for land in the Circular Head municipality. Its purpose is to provide a consistent policy foundation for the regulatory intentions and requirements contained in local planning schemes prepared for each municipal area, rather than serving as a regulatory instrument in its own right. Land use policies within the CCRLUS are separated into four broad categories: Wise Use of Resources, Support for Economic Activity, Places for People and Planned Provision for Infrastructure. The assessment against CCRLUS's criteria are conducted in the table below.*

Relevant land use strategies	Planning response
Part C – Section 2 – Wise use of resources	
2.3 Land use policies for a changing climate	<i>The proposal considers climate change and its impact to the coastal areas by:</i> <ul style="list-style-type: none"> - recognising the coastline is dynamic and that rising sea levels will continue to impact on accessibility, infrastructure and natural scenic values of the coastline;



	<ul style="list-style-type: none"> - understanding that the current infrastructure and any future planning for new infrastructure and development along the coastline must consider the potential impacts of coastal erosion and inundation – this includes managing new developments to help protect natural values, assessing the suitability of a location for any future infrastructure, achieving low maintenance outcomes and having the capacity to protect or repair damage; and - recognising the potential for a coordinated and long-term response to coastal risks and hazards including options for adaptation and managing retreat pathways.
2.4 Land use policies for water management	<i>The proposal will support the management and protection of waterway and water bodies where these form part of the scenic values to be managed.</i>
2.5 Land use policies for land	<i>The proposal has recognised the areas with irreplaceable scenic values within Circular Head municipality and promotes the management of future developments.</i>
2.6 Land use policies for air	<i>The proposal helps to maintain the biodiversity, and priority vegetation by managing and protecting the scenic values identified. Scenic Protection Areas will create the natural buffers of vegetation and landscape characteristics between existing settlement areas.</i>
2.7 Land use policies for conservation	<i>The proposal supports the management of land within or in the vicinity of a declared conservation areas, applying to Rocky Cape National Park, Arthur Pieman Conservation Area, and the Nut Reserve.</i>
2.8 Land use policies for coastal management	<i>The proposal recognises the scenic value attached to coastal locations and formalises the approaches for management. The implementation of the Code is an additional management tool for managing significant coastal wetlands including Robbins Passage.</i>
2.9 Land use policies for cultural and historic heritage	<i>The proposal recognises and respects natural and cultural heritage. It will not overlay the heritage precinct and places but forms a surrounding management area for the scenic values of Stanley.</i>
Part C – Section 3 – Support for Economic Activity	
3.3.1 Economic activity	<i>The economy of the Cradle Coast Region remains strongly connected to resource development in forestry, fisheries, mineral, and agricultural activity for export</i>



	<p><i>into domestic and international markets. Both renewable and non-renewable resources retain significant unrealised potential and can leverage a range of geographical and climate advantages for sustained performance. Tourism and visitor services and renewable energy generation are established and there is evidence of emerging strengths.</i></p> <p><i>The proposal provides certain tools for land use planning in the Circular Head municipality to help identify preferred areas for economic development.</i></p>
3.3.2 Natural Bio-resource production	<p><i>The proposal provides certain tools for land use planning in Circular Head municipality to help identify preferred area for aquaculture, marine farming, and nature-based tourism development.</i></p>
3.3.3 Agricultural production	<p><i>The proposal is consistent with the State Policy on the Protection of Agricultural Land 2009. Most of the agriculture production activities are exempted from the Code.</i></p>
3.3.4 Mineral, construction aggregate and stone resource extraction	<p><i>In the preparation of this proposal, Mineral Resources Tasmania (MRT) has been referred a copy of the draft PSA with a covering letter on 20 July 2023.</i></p> <p><i>Council has received a response from the Director of Mines at MRT on 18 August 2023, indicating concerns including:</i></p> <ul style="list-style-type: none"> <i>- existing and future development of quarry and mine in Robbin Island (EL11/2018), eastern gateway SPA (ML1808P/M), and Sumac Lookout SPA (EL17/2021).</i> <i>- limitation of future mining exploration including the Balfour Strategic Prospectivity Zone identified in the Mining (Strategic Prospectivity Zones) Act 1993</i> <i>- the requirements of Landscape Visual Impact Assessment for major development projects will impose restrictions that make the resource extraction either not economically feasible or impractical.</i> <p><i>A response has been sent to Director of Mines on 29 August 2023 to explain Council's position and the implementation of the Code, including:</i></p>



	<ul style="list-style-type: none"> - The implementation of the Code will give management guidelines for future projects within the overlay, rather than restrictions or prohibiting mining and resource extraction. - There are exemption standards for vegetation removal under Section 4.4.1 of Tasmanian Planning Scheme – Circular Head. - The implementation of the Code will not affect the existing approvals of mining and quarry operations. - The Landscape Visual Impact Assessment (LVIA) is not a compulsory requirement for those projects that are unlikely to have negative impact on scenic values when viewed from public places.
3.3.5 Sustainable tourism	<p><i>Circular Head region is recognised by its magnificent landscape and cultural heritage value. The implementation of Scenic Protection Areas in key tourism locations will help to protect these values that link between a healthy environment and healthy economy.</i></p>
3.3.6 Visitor accommodation	
3.3.7 Energy generation	<p><i>There are local community concerns raised for future windfarms at Robbins Island and North Point. At present, all wind farm proposals are occurring in the absence of an over-arching strategy for the distribution of wind farms at a Statewide, regional or local government level or for the transmission of the power they generate. Further each proposal is being assessed on its individual merits rather than being understood as having a cumulative impact on the scenic values of the region.</i></p> <p><i>The proposed Scenic Protection Areas will provide a planning framework to include a strategic approach to the development of wind farms in the municipality based on potential visual impacts and other possible impacts might consider the advantages of the clustering of windfarms to contain viewing opportunities to a portion or portions of the landscape to</i></p> <ul style="list-style-type: none"> - <i>avoid the random positioning of installation,</i> - <i>take advantage of areas with a high visual absorption capacity, and</i>



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	<ul style="list-style-type: none">- locate installations in areas with low sensitivity (i.e., away from main and tourist roads, urban areas, high value tourism, cultural areas) <p><i>The utilisation of the Code will create suitable areas for renewable energy developments and provide certainty for major development proposals. There is no impact to micro-generation systems.</i></p>
3.3.8 Manufacturing and processing	<i>The implementation of the Code does not apply to industrial land.</i>
3.3.9 Business and commercial activity	<i>The implementation of the Code does not apply to business or commercial zones or areas.</i>
3.3.10 Micro-enterprises	
Part C – Section 4 – Place for People	
4.3.1 Urban settlement areas	<i>The proposal does not affect urban settlement areas. The implementation of the Code will assist in retaining visual breaks between settlement centres.</i>
4.3.2 Rural land	<i>The proposal is consistent with rural land use processes and protects the areas of natural and cultural significance.</i>
4.4 Land use policies for protecting people and property	<i>The proposal recognises the climate change risks and natural hazards. It is consistent with the land use strategy.</i>
4.5 Land use policies for facilitating access to business and community services	<i>The implementation of the Code does not apply to urban zones or areas.</i>
4.7 Land use policies for housing land – place to live	<i>The proposal supports the management of key natural resource values, including the landscape aesthetics identified in SMVR.</i>
4.8 Land use policies for healthy and educated communities	<i>The proposal is consistent with the land use strategy in promoting the conservation of scenic values for recreation.</i>
4.9 Land use policies for active communities	
Part C – Section 5 – Planned Provision for Infrastructure	
5.3 Land use policies for integrated land use and infrastructure planning	<i>The proposal is consistent with this land use strategy in giving guidance for infrastructure services and utilities to locate in areas that minimise adverse impacts on amenity and natural values.</i>
5.4 Land use policies for transport systems – moving freight and people	<i>The proposal does not affect transport networks.</i>
5.4.1 Integrated planning	



5.4.2 Sea transport	
5.4.3 Air transport	
5.4.4 Road transport	
5.4.5 Rail transport	
5.4.5 Active transport	
5.5 Land use policies for energy system – generation, distribution and supply	<i>The proposal is consistent with this land use strategy in regards of facilitating renewable energy generation in both commercial and small scale. The establishment of Scenic Protection Areas will provide guidance to the developers and communities for preferred locations for such developments.</i>
5.6 Land use policies for supply water	<i>The proposal does not affect this land use strategy.</i>
5.7 Land use policies for information technology – moving data, information, knowledge and services	<i>The proposal is consistent with this land use strategy in regards of providing guidance for locating new infrastructure installation. It will not affect the upgrade of the existing infrastructure under the Tasmanian Planning Scheme.</i>
5.8 Land use policies for waste management	<i>The proposal does not affect to this land use strategy.</i>
5.9 Land use policies for community services	

Sustainable Murchison 2040 Community Plan Regional Framework Plan (SMCP) (dated 10 November 2016) has set community visions for (1) rugged natural beauty and productive landscape, (2) thriving, vibrant communities, (3) connected to each other and engaging with the world, and (4) adventures, producers and markers. SMCP describes the community's preferred future; provides analysis of regional resources, community infrastructure and demographic trends; and proposes actions to meet the region's challenges and opportunities.

The SMCP provides a framework of actions through initiatives associated with nine future direction themes of business and industry, tourism, strong communities, transport, natural resource management, health and wellbeing, education, place making and liveability, and governance and working together. The assessment against the SMCP themes is conducted in the table below.

SMCP's Direction Theme	Planning response
Business and Industry	<i>This theme identifies the opportunity to strengthen regional branding of agriculture and tourism. It urges the diversity of the economy in Murchison region. Renewable energy is one</i>



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	<i>of the emergent industries that can take advantages of the natural strengths in Circular Head. The proposal is consistent in promoting what the Circular Head brand has to offer, while managing scenic amenity values.</i>
Tourism	<i>The proposal is consistent with this theme. It will enhance the Murchison's strengths in coastal and heritage activity, and natural based adventure tourism by giving certain conservation approaches to protect scenic values.</i>
Strong Communities	<i>The proposal is consistent in promoting a stronger sense of community by identifying the distinct scenic value of Circular Head.</i>
Transport – access and infrastructure	<i>The proposal is consistent with the direction while bringing more certainty to the development application process in Scenic Protection Areas by scenic value management practice and landscape visual impact assessments for major projects. It does not create any impact to minor and local infrastructure.</i>
Natural Resource Management	<i>The theme has identified the conflicts of natural value and hazards with economic growth in managing natural resources. The proposal provides good approach for natural resource management. Most of the Scenic Protection Areas are coastal lands which are vulnerable to the impacts of a changing climate. The proposal will help protect vulnerable land which have high scenic value and can also protect the cultural landscape vistas of significant natural, tourism and settlement character value.</i>
Health and Wellbeing	<i>The proposal does not impact on this theme, however, in some ways could improve the health and wellbeing of community by promoting nature connection accessibility.</i>
Education	<i>The proposal does not impact on this theme.</i>
Place Making and Liveability	<i>The proposal does not directly impact on this theme. However, in an indirect way, may protect significant landscape and scenic values that are attached to the existing settlement areas (e.g. Stanley township). Overall, it promotes the sense of belonging to the community.</i>
Governance and Working Together	<i>The proposal improves the governance for Council and working together between relevant stakeholders by setting clear scenic value identification and management objectives.</i>
S34(2)(f)	has regard to the strategic plan, prepared under section 66 of the <i>Local Government Act 1993</i>, that applies in relation to the land to which the relevant planning instrument relates



S66 of <i>Local Government Act 1993</i>	Strategic plan: <div><div>(1) A council is to prepare a strategic plan for the municipal area.</div><div>(2) A strategic plan is to be in respect of at least a 10 year period.</div><div>(3) In preparing a proposed strategic plan, a council is to consult with the community in its municipal area and any authorities and bodies it considers appropriate.</div><div>(4) The general manager is to make a copy of a proposed strategic plan available for public inspection at the public office during ordinary office hours.</div></div>	
Planning comment: <i>Circular Head Council – Corporate Strategic Plan 2017 – 2027 (adopted on 17 November 2022).</i> <i>The foundations for the Circular Head Council 10 Year Corporate Strategic Plan were laid in 2015-16 with Sustainable Murchison 2040. It has set up seven following themes and goals as below.</i>		
Theme	Goal	Planning comments
1. Leadership and Governance	Circular Head Council will ensure efficient, effective and cohesive leadership in which strategy drives evidence-based decision making.	<i>The Scenic Protection Areas has been prepared and identified with cohesive leadership and driven by evidence-based decision making.</i>
2. Organisational Support	Circular Head Council will support a positive and innovative culture, enabling best practice delivery that is customer focused. Strong leadership will enable the development and empowerment of our people.	<i>The proposal has resulted from community interest and developed with community input. Very few councils have undertaken a scenic protection assessment to inform the use of the code.</i>
3. Connected Communities	The Circular Head community will be inclusive and resilient with a strong sense of belonging. People will be connected to one other and the world around them. The Circular Head community will be connected to its past and engaged in its present, creating a vibrant shared future.	<i>The identification of Scenic Protection Areas has been driven by the community participation and contribution throughout the process. During the community information sessions in January 2023, there are more than 80 people attended.</i>
4. Community Recreation and Wellbeing	Circular Head will be a place where services, facilities and open space provide opportunities for individuals and groups of all ages	<i>The proposal will promote the community recreation and wellbeing by establishing an</i>



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	and abilities to participate in recreational activities that encourage health and wellbeing.	<i>agreed approach to manage our significant scenic values.</i>
5. Economic Prosperity	Circular Head will benefit from a vibrant and diverse economy built on competitive advantage, resource advantage and evidence-based leadership.	<i>The proposal will contribute to better land use planning that encourages appropriate development and economic growth. These are important goals to be supported for the sustainability of our community.</i>
6. Transport and Access	Circular Head will be a place where a safe, fit-for-purpose and sustainable transport and access network is provided and maintained for present and future community needs.	<i>The proposal will not impact to this theme and goal.</i>
7. Environment	The world class environment of Circular Head will be respected and enhanced. Planning for and promoting its sustainable management and use will ensure a safe, healthy and unique lifestyle.	<i>We understand the unique environment and heritage in Circular Head. The proposal is seeking better land use planning to promote sustainable management for today and tomorrow needs.</i>
S34(2)(g)	as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates	
Planning comment: <i>Circular Head's Local Government Area has long boundary with Waratah-Wynyard LGA to the East and separated with West Coast LGA by the Pieman River to the South. None of those adjoining LGAs have established Scenic Protection Areas in the Local Provisions Schedule.</i>		
S34(2)(h)	has regard to the safety requirements set out in the standards prescribed under the <i>Gas Safety Act 2019</i>	
Safety requirements under <i>Gas Safety Act 2019</i>	S4. Regulated activities (1) For the purposes of this Act, the following are regulated activities: (a) locating, inspecting, testing, operating, maintaining, repairing, altering, adding to, upgrading, replacing, decommissioning or removing gas infrastructure; (b) excavating land in order to carry out work of a kind referred to in paragraph (a);	



	<p>(c) construction of, or alteration to, a pipeline for carrying natural gas or another regulated substance;</p> <p>(d) operating and maintaining a pipeline for carrying natural gas or another regulated substance;</p> <p>(e) construction of, or alteration to, a pipeline facility for processing gas or another regulated substance;</p> <p>(f) operating and maintaining a pipeline facility used for processing gas or another regulated substance;</p> <p>(g) any other activities for which a licence is required under the <i>Gas Industry Act 2019</i>.</p> <p>(2) In this Act, a reference to a regulated activity includes all operations and activities reasonably necessary for, or incidental to, that activity.</p> <p>S5 Application of Act</p> <p>(1) Subject to subsection (2), this Act does not apply to a gas installation, or class of gas installations, used or installed before 17 December 2001.</p> <p>(2) The regulations may provide that a provision of this Act applies to a gas installation, or class of gas installations, used or installed before 17 December 2001 if the gas installation, or class of gas installations, is modified after that day.</p>
<p>Planning comment:</p> <p><i>There is a Gas Pipeline Corridor within the Eastern Gateway Scenic Protection Area. The SMVR report has been referred to Zinfra, the company that maintains the underground gas line from Burnie to Port Latta, while preparing the Draft Amendments to LPS. The Scenic Protection Areas have no impact upon the infrastructure, as most of the gas pipeline is underground. Zinfra will be notified when the Draft Amendment to LPS is in the public notification period.</i></p>	

STATUTORY IMPLICATIONS

The proposal requests to include the five new Scenic Protection Areas, remove the existing Scenic Protection Area, and remove existing Scenic Road Corridors. It requires a planning scheme amendment to the Local Provisions Schedule – Tasmanian Planning Scheme – Circular Head.

For a planning scheme amendment to be initiated (supported), the proposal needs to be assessed as complying with the relevant sections of LUPAA, the objectives of the State Planning Policies, CCRLUS, the Sustainable Murchison Community Plan 2040 and the planning scheme (please refer to legislative requirement above for further detail). It is considered that the proposed amendment as demonstrated in the planning assessment that it is consistent with the legislative documents and should therefore be initiated.

POLICY IMPLICATIONS



Policy frameworks for Renewable Energy

The Commonwealth Government has set a target to deliver net zero emissions by 2050 with the intention to unlock new areas of industry growth and diversify economic activity in the regions under the Long-Term Emissions Reduction Plan. The incoming new Government has set higher targets for net zero reductions in the coming decade.

Infrastructure Australia (IA) has been established by the Australian Government to upgrade the quality of infrastructure planning and delivery throughout Australia. It has identified renewable energy expansion zones, with Tasmania's northwest, including Circular Head municipality, being one of many zones across the nation. The region was recognised as a priority for future connectivity, improved network access to energy storage and renewable energy sources.

In November 2020, the State Government legislated a new Tasmania Renewable Energy Target aimed at increasing the state's renewable energy output by 200% by 2040. The Tasmanian Renewable Energy Action Plan provides a vision and a suite of actions to develop renewable energy generation in Tasmania over the coming twenty years. The Government has also set an interim target of 15,750 GWh of electricity generation from renewable energy sources by 2030 (a target of 150%). The Government has established Renewables Tasmania within State Growth to drive the Government's renewable energy policy agenda. The increased supply of renewable energy is to be derived from investment in a range of projects including renewable hydrogen, Project Marinus, Battery of the Nation (pumped hydro), solar windfarms and other possible renewable energy initiatives.

Local government policy implication

Greatest risk to scenic values is large scale development. Circular Head is experiencing an increase in renewable energy proposals, which escalates the need for tools to assess the scenic amenity impact of a proposal.

Local community concern has been raised in the public media about proposals for future windfarms at Robbins Island and North Point. At present, all wind farm proposals are occurring in the absence of an over-arching strategy for the distribution of wind farms at a Statewide, regional or local government level or for the transmission of the power they generate. Further each proposal is being assessed on its individual merits rather than being understood as having a cumulative impact on the scenic values of the region. A strategic approach to the development of wind farms in the municipality based on potential visual impacts and other possible impacts might consider the advantages of the clustering windfarms to contain viewing opportunities to a portion or portions of the landscape to:

- avoid the random positioning of installations across a widespread geographic area;
- take advantage of areas with a high visual absorption capability; and
- locate installations in areas with low sensitivity (i.e., away from main and tourist roads, urban areas, statutory protected areas, high value tourism, recreation or cultural areas and/or scenic sites or promoted walking tracks).



In the absence of a strategic assessment, the proponent is responsible for identifying prospective sites, largely driven by the economic feasibility and return for private investment. It is recognised that scenic values are only a part of assessing the landscape visual impact of a development, and consequently only a part of any overall economic, environmental and community impact assessments that need to be prepared for major development proposals.

A planning scheme is a policy statement by a planning authority with respect to local requirements for the use, development, conservation and protection of land so as to achieve compliance with the requirements of State legislation and land use strategies.

Council has a statutory duty as a planning authority to ensure local planning controls are appropriate to the provision of a sustainable future for the Circular Head municipality. The planning scheme amendment is consistent with common provisions of the planning scheme. It is therefore recommended that the planning scheme amendment be initiated.

STRATEGIC IMPLICATIONS

The proposal is aligning with *Circular Head Council 10 Year Corporate Strategic Plan*, *Cradle Coast Regional Land Use Strategy 2010-2030* and *Sustainable Murchison 2040 Community Plan Regional Framework Plan*.

FINANCIAL IMPLICATIONS

There may be financial costs associated with a planning scheme amendment application. This includes cost for public exhibitions, expense to represent the interests of the planning authority before the Tasmanian Planning Commission (TPC) if a hearing is required, and costs in preparing the amended planning scheme maps for inclusion in the planning scheme. These are operational costs within the budget considerations of Council.

RISK IMPLICATIONS

Applications for planning scheme amendments are ultimately determined by the Tasmanian Planning Commission (TPC). The Council is required in the first instance to initiate the planning scheme amendment. Should the application for planning scheme amendment be initiated for public exhibition, it is also required to be certified under s35 LUPAA.

The particular risks and mitigation measures have been identified in the table below.

Risks	Risk level	Mitigation measures
The draft amendment is not approved by TPC	Medium	To mitigate the risk of rejection, the draft amendment must address clearly applicable section in the LUPAA, CCRLUS, and SMCP.



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		Every stage of the process should be monitored and responded accordingly with LUPAA.
The draft amendment gets number of objections from landowners	Low	Public consultations were conducted during the process of SVMR. Majority of responders were agreed with the Guiding Principles to manage scenic value in Circular Head. In public exhibition within the process of planning scheme amendment, a clear message must be in place to educate and inform people the benefits of a Scenic Protection Areas.
The draft amendment gets number of objections from other entities	Low	
The risk of unaware stakeholders to the planning scheme amendment process	Medium	In public exhibition period, the interested and affected stakeholders must be identified and engaged. The Governmental agencies should be notified after Council's draft amendment certification. The public consultation must follow the relevant provisions in LUPAA

CONSULTATION PROCESS

Should the planning authority choose to progress with the planning scheme amendment, the next step will be public exhibition for a minimum of 28 days. The exhibition of a draft amendment is to be advertised on at least two separate occasions, in a daily newspaper circulating generally in Circular Head area, with at least one of those occasions to be on Saturday. Another financial cost is for the written notice letters to be sent to relevant landowners within the Scenic Protection Code overlay at the beginning of public exhibition period. The approximated letters to be sent is 410.

At the expiration of the public exhibition period, Council must provide the TPC with its Statement of Opinion including any representations that have been received.

The approval process for the draft amendment to the LPS is briefly demonstrated in the figure below.



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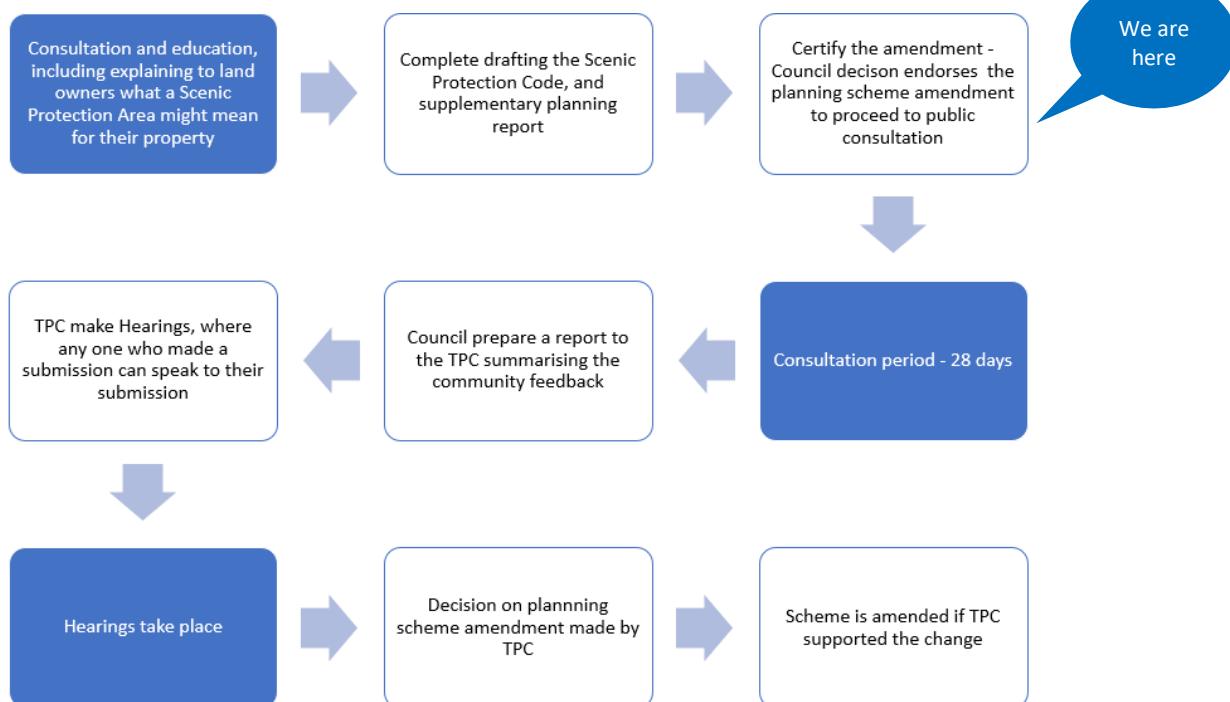


Figure 1. The legislative process of Local Provisions Schedule amendment

CONCLUSION

The proposal is to include the new five Scenic Protection Areas, remove existing Scenic Protection Area, and remove existing Scenic Road Corridors through the planning scheme amendment process to Local Provisions Schedule – Tasmanian Planning Scheme – Circular Head.

As discussed above, the proposal is consistent with the requirements of LUPAA, the CCRLUS, the SMCP and the SPPs. The planning authority can only decide to allow a planning scheme amendment application to progress to exhibition if it does not conflict with, or is in accordance with, the list of provisions stated under S34 of LUPAA. It is therefore recommended that the proposal for including new five Scenic Protection Areas, removing existing Scenic Protection Area, and removing existing Scenic Road Corridors be initiated in accordance with the recommendations at the beginning of this report.

	Name	Date	Signed
Prepared by	Dang Minh Duc Van TOWN PLANNER	29/08/2023	
Reviewed by	Ashley Thornton MANAGER DEVELOPMENT & REGULATORY SERVICES	29/08/2023	



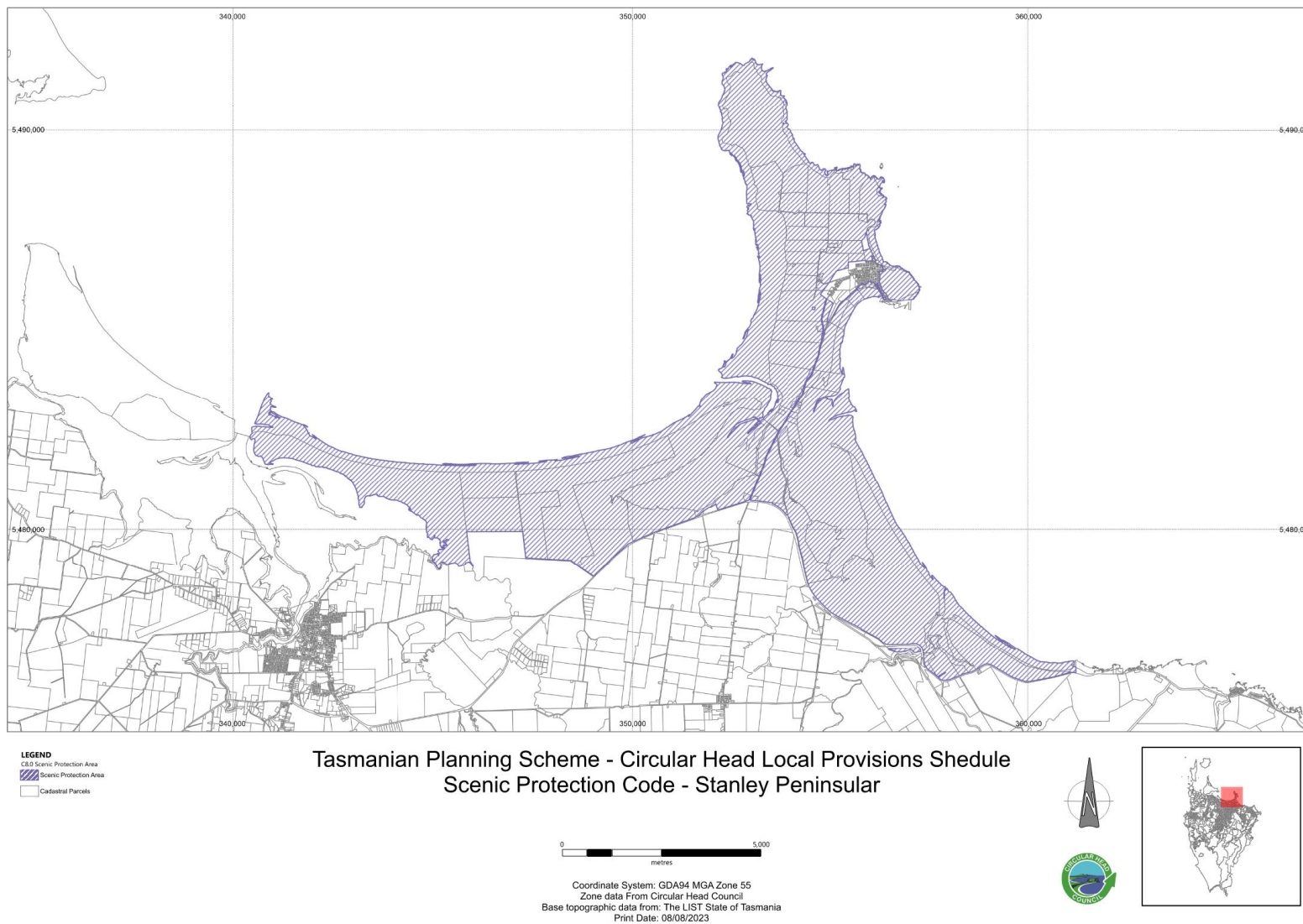
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Endorsed to go to Council Planning Authority Meeting	Phil Loone DIRECTOR OF DEVELOPMENT & INFRASTRUCTURE SERVICES	29/08/2023	
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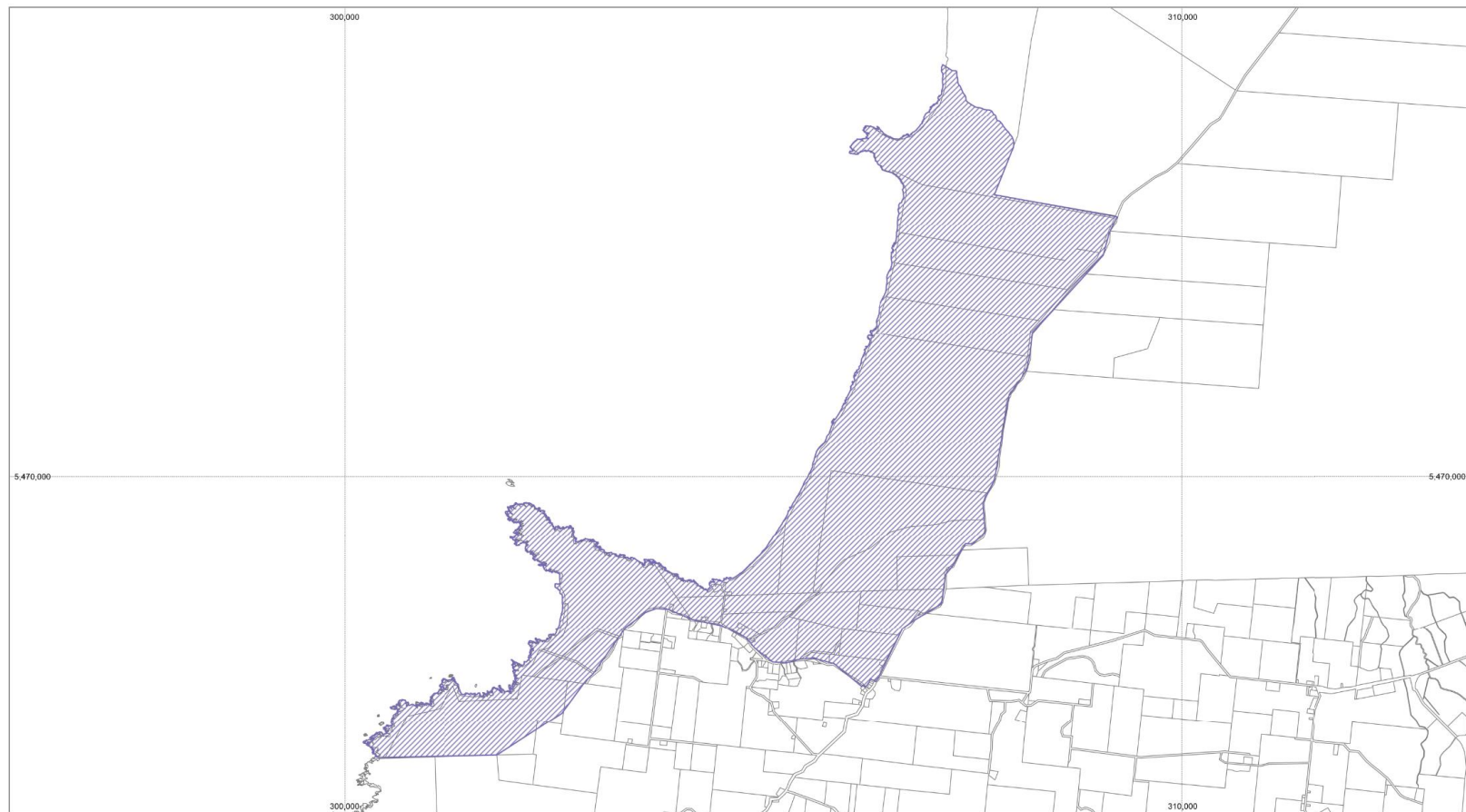
APPENDIX 1 – SCENIC PROTECTION CODE OVERLAY MAPS

Map 1. Scenic Protection code overlays in Stanley Peninsula





Map 2. Scenic Protection code overlays in Marrawah

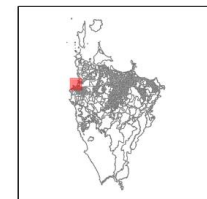


LEGEND
C8.0 Scenic Protection Area
Scenic Protection Area
Cadastral Parcels

Tasmanian Planning Scheme - Circular Head Local Provisions Schedule
Scenic Protection Code - Marrawah

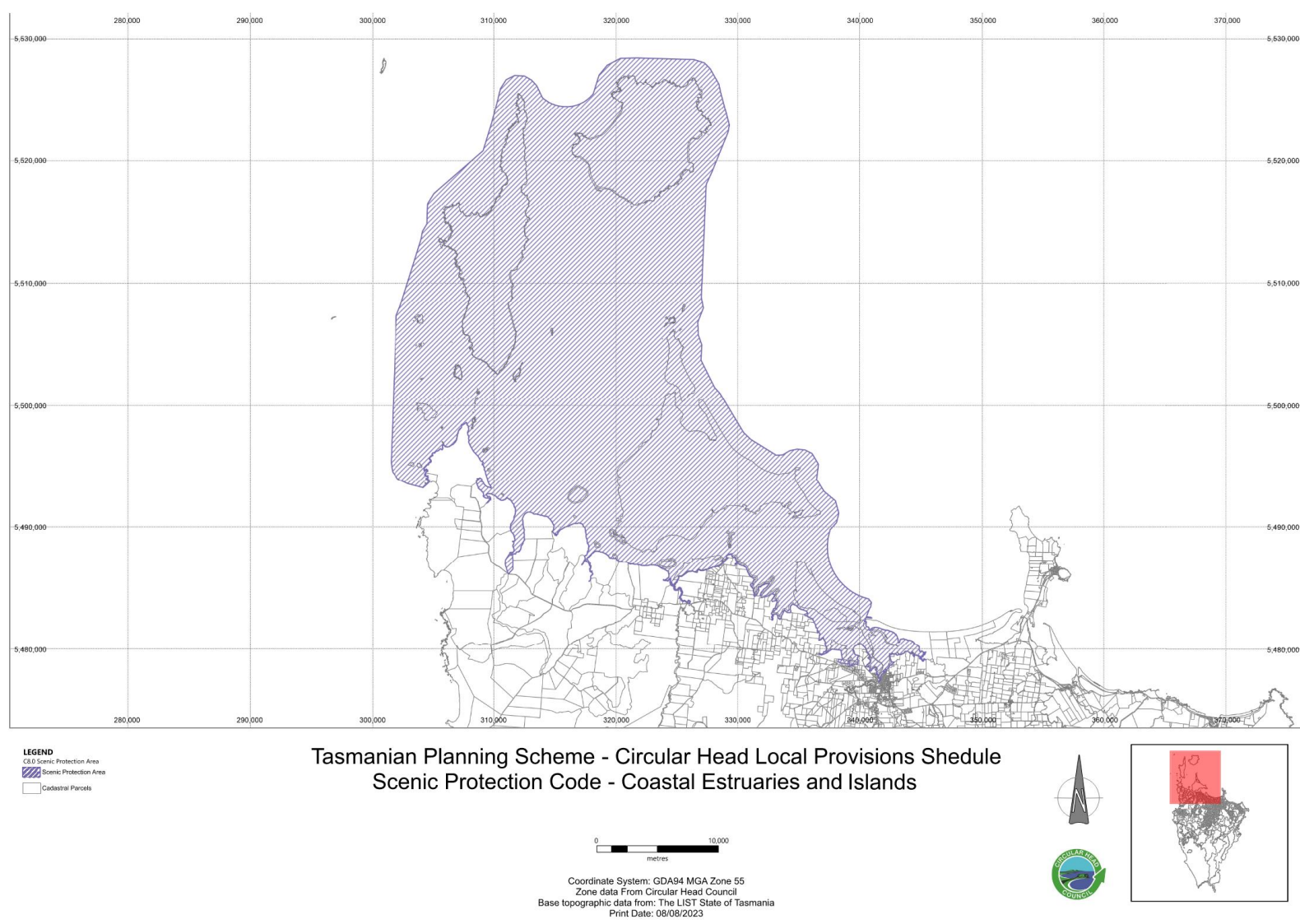
0 2,000
metres

Coordinate System: GDA94 MGA Zone 55
Zone data From Circular Head Council
Base topographic data from: The LIST State of Tasmania
Print Date: 08/08/2023



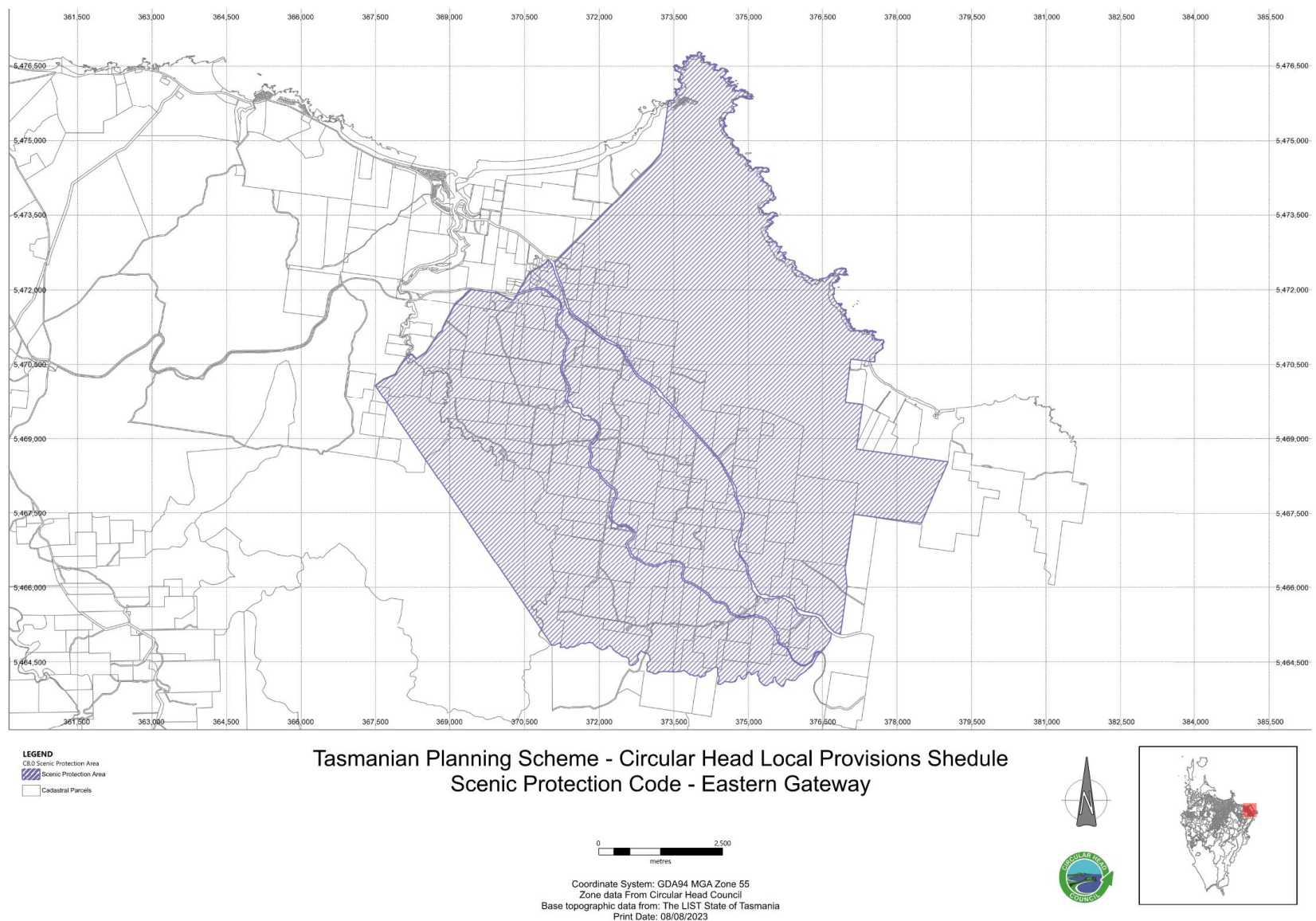


Map 3. Scenic Protection code overlays in Coastal Estuaries and Islands



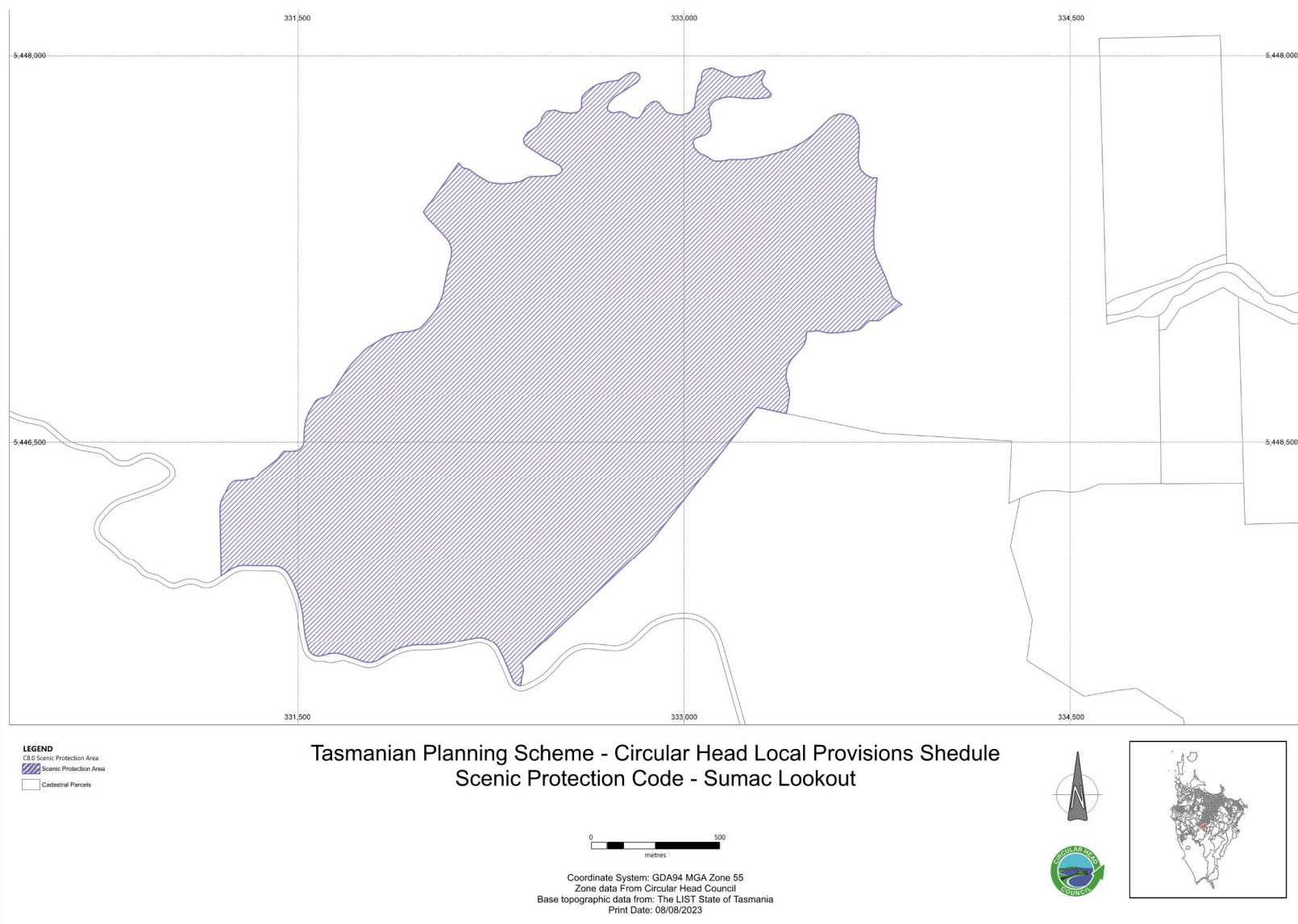


Map 4. Scenic Protection code overlays in Eastern Gateway





Map 5. Scenic Protection code overlays in Sumac Lookout





APPENDIX 2 – SCENIC PROTECTION CODE – LOCAL PROVISIONS FOR SCENIC PROTECTION AREAS

CIR-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
CIR-C8.1.1	Stanley Peninsula	<p>The SPA includes the whole of the Stanley Peninsula to North Point and extends to include the coastline from Eagle Point at Duck Bay in the west to Cowrie Point in the east on the northern side of the Bass Highway to the coastline, except in the west where it follows the zoning boundaries within the Thousand Acre Farm to abut the Coastal Estuaries and Islands SPA.</p> <p>The key scenic features are Anthony Beach, West Inlet, Green Hills, Godfreys Beach, The Nut, East Inlet, Black River Inlet, Black River Beach and Peggs Beach.</p> <p>The village of Stanley is excluded from the SPA as a Local Historical Heritage Code already exists over this area in the Tasmanian Planning Scheme - Circular Head.</p>	<p>The SPA encapsulates multiple high scenic quality characteristics across an extensive area including:</p> <ul style="list-style-type: none"> its highly articulated (West, East and Black River Inlets) and diverse coastline including small sandy beaches enclosed by headlands (Godfreys Beach, Little Peggs Beach and the beach at Brickmakers Bay); dramatic landforms with high sheer cliffs (the Nut), strongly defined patterns of vegetation including saltmarsh, eucalypts, tea-tree scrub and dune vegetation (such as occur along Anthony Beach and the edges of the various inlets); and the distinctive tidal entrances to the inlets and the strong visual influence of the tide on the western coast of the Stanley Peninsula. <p>Stanley Peninsula has very high landscape values arising from its cultural heritage (Aboriginal and European) and its scenic quality, tourism and nature conservation values. The coastline has high scenic quality with many key scenic features including The Nut, inlets, beaches and estuaries. The low-lying land utilised for farming has lower scenic values.</p> <p>The Nut is one of Tasmania's most iconic landscape features and a key landmark to attract visitors to the northwest and the Circular Head Municipality. It is viewed from many points in the municipality and offers 360-degree panoramic views to the coastline.</p> <p>Stanley Peninsula is seen upon entry into the municipality and these long vistas are highly valued by the local community.</p>	<p>To ensure the visual composition of the Stanley Peninsula SPA is retained and protected from visual impacts that would permanently alter or degrade its landscape character.</p> <p>To manage the Stanley Peninsula SPA landscape as viewed from publicly sensitive viewpoints such that the established landscape character is retained, and visual impacts are avoided or mitigated.</p> <p>To protect the sense of identity of The Nut and Stanley Peninsula as prominent landscape features of significant scenic, cultural and social interest.</p> <p>To minimize potential visual impact of new development or works on scenic values.</p>



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CIR-C8.1.2	Marrawah	<p>The SPA includes land west of Marcus River Road to the coastline commencing in the north at the Mount Cameron West Track (inclusive of the 4WD track that runs from the end of the track to reach Mount Cameron Beach then south to Green Point Road including lands north and west of that road to the coast continuing to Periwinkle Beach Road and from that intersection following parcel boundaries (154 and 16 Hansons Road, Marrawah) to the northeast corner of the Arthur-Pieman Conservation Area.</p>	<p>The landscape character is distinguished by views from the road to the coast over rolling, open pastures on low, ancient dune formations with retained native vegetation in patches and along watercourses with few structures.</p> <p>Mount Cameron West and Green Point are significant landmark features and incorporates the village centre of Marrawah.</p> <p>Multiple high scenic quality characteristics include:</p> <ul style="list-style-type: none"> the distinctive form of preminghana/Mount Cameron West as a significant focal point in the coastal landscape; the shoreline at taypalaka/Green Point and the coast southwards and their irregular rocky edges with numerous small pools, sand patches and small sandy beaches backed by colourful, sometimes wind-pruned coastal vegetation; and the frequent wild and windswept surf conditions which typify the coastline of the SPA. 	<p>To ensure the visual composition of the Marrawah SPA is retained and protected from visual impacts that would permanently alter or degrade its landscape character.</p> <p>To manage the Marrawah SPA landscape as viewed from publicly sensitive viewpoints such that the established landscape character is retained, and visual impacts are avoided or mitigated.</p> <p>To protect the sense of remoteness of the wild coast of the area as a feature of significant scenic, cultural and social interest.</p> <p>To minimise potential visual impact of new development or works on scenic values.</p>
CIR-C8.1.3	Coastal Estuaries and Islands	<p>The SPA includes the coastline from koindrim/the Doughboys in the west to the Thousand Acre Farm where it abuts the Stanley Scenic Protection Area including all of the coastal foreshore zoned Environmental Management or Open Space and offshore islands/islets. The SPA excludes Smithton.</p> <p>The SPA includes the coastal estuaries such as Welcome Inlet, Boullanger Bay, Swan Bay, Robbins Passage, Big Bay, Acton Bay, Duck Bay. The islands include Trefoil, The Doughboys, Harbour Islets, Hunter, Three Hummock, Walker, Robbins, Perkins</p>	<p>The landscape character is distinguished by its rocky coastal shores, headlands and prominences, protected coves with sandy beaches and expansive tidal plains all backed by stands of mixed native vegetation or edged by salt marsh. On the larger islands (e.g., Robbins Island), areas of gently rolling topography inland from the coast have been cleared for agriculture.</p> <p>Views are from the land and sea to numerous offshore features and expansive tidal estuaries/passages from a limited number of public open spaces, coastal camping areas, scenic lookouts and roads. Viewing from land to the outermost of the islands is limited given distance and extent of private freehold land.</p> <p>The scenic values are viewed by marine and nature-based tour operators</p>	<p>To ensure the visual composition of the Coastal Estuaries and Islands SPA is retained and protected from visual impacts that would permanently alter or degrade its landscape character.</p> <p>To manage the Coastal Estuaries and Islands SPA landscape as viewed from publicly sensitive viewpoints such that the established landscape character is retained, and visual impacts are avoided or mitigated.</p> <p>To protect the sense of remoteness of the wild coast and offshore features of the area as a locale of significant</p>



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		and many other numerous small islands and islets.	<p>(including light aircraft) and commercial and recreational fishing vessels and private yachts. Community feedback and social media speak to the strong cultural heritage (Aboriginal and European), social and recreational connections associated with the islands.</p> <p>The multiple high scenic quality characteristic include:</p> <ul style="list-style-type: none"> the rocky coastal shores, headlands and prominences, protected coves and small sandy beaches of the coast of mainland Tasmania and parts or all of the offshore islands; the vast tidal estuaries at Robbins Passage, at Duck Bay, Acton, Big Bay and Boullanger Bay and at the mouths of major watercourses (i.e., Welcome River, Swan Creek, Marcus River, Montagu River, Duck River and Deep Creek) and the dramatic nature of change with tidal movements that occurs in these areas on a daily basis; the visual interaction of the unique diversity, complexity and scale of the landforms and coastal features in one location including the: <ul style="list-style-type: none"> diversity of coastal landforms of the mainland and the vast and varied tidal estuaries, the complex of substantive offshore islands including koindrim/The Doughboys, titima/Trefoil Island, Hunter Island, Three Hummock Island, Walker Island, Robbins Island and Perkins Island, and the diverse array of small islands, islets and rock formations including the Harbour Islets and the Petrel Islands. 	<p>scenic, cultural and social interest.</p> <p>To minimise potential visual impact of new development or works on scenic values.</p>
CIR-C8.1.4	Eastern Gateway	The SPA includes lands north of the Bass Highway to the coast and south of it to the visual limits of the	The landscape character is distinguished by the views from the road to rolling, well-managed grassed paddocks with hedgerows in places and	To ensure the visual composition of the Eastern Gateway Scenic Protection Area SPA is retained and



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		<p>seen view from the highway corridor (e.g., the enclosing ridges of the Shakespeare Hills) commencing in the east at the Municipal boundary and ending in the west to join at Yanns Road/Rocky Cape Road.</p>	<p>retained vegetation in patches and along watercourses with natural transitions between clearing and vegetation. The corridor is framed by views to the Sisters Hills and the forested backdrop of the Shakespeare Hills and includes the entirety of Rocky Cape National Park. Rocky Cape National Park is a significant landmark feature as are distant views to the coast and the Stanley Peninsula.</p> <p>Community consultation indicated that many locals consider the views from the Bass Highway, and in particular those views towards Stanley Peninsula, provide them with a sense of 'coming home'. To date, the visual impacts of buildings and works are limited reflecting the low population density, land tenure and primary agricultural use.</p> <p>The multiple high scenic quality characteristics including:</p> <ul style="list-style-type: none"> the distinctive form of the Sisters Hills with its mixed vegetative cover; the distinctive variation and combinations of remnant vegetation and agricultural openings and the visual mosaic these create with seemingly natural transitions between land use types; and the perception of a cared for setting where human activity has left scenic landscape quality (i.e., there is a visual integrity, diversity and contrast and balance and harmony in the resulting effect). 	<p>protected from visual impacts that would permanently alter or degrade its landscape character.</p> <p>To manage the Eastern Gateway Scenic Protection Area SPA landscape as viewed from the Bass Highway and other publicly sensitive viewpoints such that the established landscape character is retained, and visual impacts are avoided or mitigated.</p> <p>To minimise potential visual impact of new development or works on scenic values.</p>
CIR-C8.1.5	Sumac Lookout	<p>The Tarkine Drive is promoted and marketed as a major sightseeing experience for visitors. Sumac Lookout is a popular location for visitors to take a panoramic view of the Arthur River within the natural landscape. It is located within the Trowutta Regional Reserve.</p>	<p>The Tarkine Drive is promoted as a major sightseeing experience for visitors with Sumac lookout being highly promoted for its panoramic views to the Arthur River.</p> <p>The Arthur River is viewed amongst a backdrop of dense natural forest on the slopes and the ridges of the valley. The landscape is natural with no development or man-made alterations evident from the lookout.</p>	<p>To retain the high scenic quality of the natural landscape that are viewed from Sumac lookout and attracts visitors to the Tarkine Drive.</p> <p>To minimise and manage the potential visual impact of any works or development within the natural landscape viewed from Sumac lookout.</p>



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APPENDIX 3 – ORINARY COUNCIL MEETING MINUTES ON 19 OCTOBER 2023

RECOMMENDATION

That Council:

Under the *Land Use Planning and Approvals Act 1993*, as a Planning Authority, resolves at the October Council Meeting to undertake the following actions:

- In accordance with s40F(2)(a) and (3), certifies a draft amendment of a Local Provisions Schedules (LPS) (PSA2023/1).
- In accordance with s40F(4), within seven days of certifying a draft amendment, directs the Director of Infrastructure and Development Services to forward a copy of each of the sealed Instruments of Certification and the draft amendment to the Tasmanian Planning Commission.
- In accordance with s40FA, before exhibiting a draft amendment of the LPS, directs the Director of Infrastructure and Development Services to notify relevant agencies and State authorities that may have an interest in the draft amendment of the LPS, of the date on which the exhibition period in relation to the draft amendment of the LPS is to begin.
- In accordance with s40H, as soon as practicable after providing the Instruments of Certification to the Commission under s40F(4), directs the Director of Infrastructure and Development Services to publicly exhibit draft amendment PSA 2023/1 for a period of 28 days at Council's office and website, including notification in the local newspaper.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR BLIZZARD		CR COLLINS	CR DABNER
		CR OLDAKER	CR PILKINGTON

AGAINST

CR FLOWERS	CR HINE		