



CIRCULAR HEAD COUNCIL



# LOCAL PROVISIONS SCHEDULE SUPPORTING REPORT



March 2019 – Revised December 2019

# TABLE OF CONTENTS

<b>1.0 - INTRODUCTION .....</b>	<b>2</b>
<b>2.0 - ASSESSMENT AGAINST LPS CRITERIA .....</b>	<b>2</b>
2.1 - STATE PLANNING PROVISIONS .....	2
2.2 – CONTENTS OF LPS’S .....	2
2.3 – SCHEDULE 1 OBJECTIVES.....	2
2.4 –STATE POLICIES .....	6
2.4.1 – STATE POLICY ON THE PROTECTION OF AGRICULTURE LAND .....	6
2.4.2 – TASMANIAN STATE COASTAL POLICY .....	7
2.4.3 –STATE POLICY ON WATER QUALITY MANAGEMENT .....	8
2.4.4 –NATIONAL ENVIRONMENTAL PROTECTION MEASURES .....	9
2.5 –REGIONAL LAND USE STRATEGY .....	9
2.6 –COUNCIL’S STRATEGIC PLAN.....	10
2.7 –ADJACENT MUNICIPAL AREAS .....	12
2.8 –GAS PIPELINE ACT 2000 .....	12
<b>3.0 - ZONES.....</b>	<b>13</b>
<b>4.0 - CODES.....</b>	<b>37</b>
<b>5.0 – LOCAL OVERRIDING PROVISIONS .....</b>	<b>49</b>
5.2 – MINISTERS DECLARATION .....	49
5.2 – LOCAL AREA OBJECTIVES .....	49
<b>6.0 – LUPAA MANDATORY REQUIREMENTS .....</b>	<b>50</b>
6.1 – SPATIAL APPLICATION OF THE SPP’S.....	50
6.2 – SECTION 11 & 12 OF LUPAA.....	50
6.3 – USE OF OVERLAYS AND LISTS.....	51
6.4 – LAND RESERVED FOR PUBLIC PURPOSES .....	51
6.5 – APPLICATION OF THE SPP’S.....	51
6.6 – OVERRIDING PROVISIONS .....	51
6.7 – MODIFICATION OF APPLICATION OF THE SPP’S .....	51
6.8 – LIMITATION OF LPS .....	52
6.9 – LPS INCLUSIONS .....	52

## **1.0 INTRODUCTION**

This report supports the submission of the Circular Head Draft Local Provisions Schedule (LPS) prepared and submitted to the Commission under section 35(1) of the Land Use Planning and Approvals Act 1993 (the Act) for assessment as to whether it is suitable for approval by the Minister for exhibition, under section 35(b) of the Act. The report demonstrates that the draft LPS meets the LPS criteria as required by section 34(2) of the Act.

## **2.0 ASSESSMENT AGAINST LPS CRITERIA - Section 34 of the Act**

### **2.1 State Planning Provisions (SPP's)**

Section 34(2)(a) of LUPAA requires that a LPS must contain all of the provisions that the SPP's specify must be included. Section LPI.0 of the SPP's outlines requirements for the content of the SPP's and includes:

- Zone Maps;
- Local Area Objectives;
- Particular Purpose Zones (PPZ);
- Specific Area Plans (SAP);
- Site Specific Qualifications (SSQ);
- Code Overlay Maps; and
- Code Lists in Tables.

The Circular Head LPS contains all the mandatory requirements of the SPP's. Each of the mandatory and optional components is discussed below under the relevant heading.

### **2.2 Contents of LPSs – Section 32 of the Act**

*See Section 6.0 of this report.*

### **2.3 Schedule 1 Objectives**

Schedule 1 of the Act prescribes the Objectives of the Resource Management and Planning System of Tasmania (Part 1) and the Objectives of the Planning Process (Part 2).

The table below provides an analysis of the LPS against the Schedule 1 Objectives:

<b>PART 1</b>
---------------

<i>(a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.</i>
<p>Within the framework provided by the SPP's and the TPS, the draft LPS seeks to ensure that the municipality promotes and enables best practice in the sustainable development of its resources which assist in the maintenance of ecological processes and genetic diversity.</p> <p>The mechanisms to achieve this are through the application of zones and codes which reflect the potential and constraints on a given parcel of land. Where possible a zone will reflect an established land use, though in a number of cases it has been necessary to convert the zone to an alternate zone which enables the preservation of one or more natural features without compromising existing land uses. In this process it is most evident in the use of the Rural zone, Environmental Management zone, and the Landscape Conservation zone to allow for consideration of areas identified as 'priority vegetation' areas through a state mapping project, which under the default Agriculture zone carry little weight.</p> <p>These decisions are discussed in more detail in Section 3.0</p>
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water.</i>
<p>In every possible way, the LPS aims to ensure that existing land use practices are maintained, and likely future land uses are facilitated where sustainability is not compromised.</p>
<i>(c) to encourage public involvement in resources management and planning.</i>
<p>When directed to do so, the draft LPS will be exhibited and subject to the 60 day statutory notification period in accordance with Section 35(c) of LUPAA. In addition to providing the public with the mandatory hard copy maps and documentation, Council will provide an online map viewer to enable users to view all areas of interest with greater ease.</p>
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).</i>
<p>Through the application of zones which aim to reflect existing and appropriate future land uses, it is deemed that the LPS facilitates economic development to the best of its ability while meeting the objectives listed above.</p>
<i>(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.</i>
<p>The SPP's provided represent a significant cooperation between the different spheres of Government to achieve a series of zones and codes which reflect the state policies and intended strategic direction. Though the Planning Authority will have less flexibility to manage development, the LPS's further the State Government's broader strategy by requiring the community and industry to</p>

consider a greater number of factors when developing land in order to achieve a sustainable outcome.
<b>PART 2</b>
<i>(a) to require sound strategic planning and co-ordinated action by State and local government.</i>
The LPS as proposed is considered to be consistent with the CCRLUS which is the north-west region's coordinated approach to strategic planning as discussed in Section 2.5 of this report. Additionally, the methods used to develop each LPS were established through regional working groups in an attempt to achieve consistency in the application of the zones and codes wherever possible.
<i>(b) to establish a system of planning instruments to be the principle way of setting objectives, policies and controls for the use, development and protection of land;</i>
The TPS provides a new system of planning instrument which provides a much more extensive and consistent approach to the use, development and protection of land.
<i>(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;</i>
It is considered that the LPS as proposed has balanced environmental consideration with subsequent social and economic effects. In particular, the process has attempted to identify at-risk vegetation communities or landscapes and provide protection where the impact on production capacity of agricultural land is negligible.  Some instances where this is demonstrated is through the application of the Landscape Conservation zone and the Rural zone which as discussed in Section 3.0 of this report.
<i>(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;</i>
The SPP's have been produced at a State level with consideration of environmental, social, economic, conservation, and resource management policies. The LPS as proposed is considered to be consistent with the guidelines provided by the State and The Act.
<i>(e) to provide for the consolidation of approvals for land use and development and related matters, and to co-ordinate planning approvals with related approvals;</i>
The approvals process is prescribed by The Act. The planning scheme regulates the use permissibility and level of use and development control. The approval of the TPS and associated LPS will not compromise this objective.
<i>(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania;</i>



<p>The application of the zones and codes provided by the SPP's aim to protect the amenity and limit exposure to expected risks of residents and visitors.</p> <p>In addition to the environmental and hazard based codes, the LPS as proposed utilises several of the non-mandatory codes to achieve protection of scenic landscapes of local and regional significance to maintain a pleasant and attractive environment for residents and visitors. These are discussed in Section 4.0.</p>
<p><i>(g) to conserve those buildings and areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;</i></p>
<p>The LPS as proposed will carry forward the use of heritage precincts in Stanley as used in the CHIPS under the Local Heritage Code. The Significant Tree component of the Local Historic Heritage Code will also be utilised to provide formal protection and recognition of trees which play a significant role in the cultural and amenity values of regional centres. These are discussed in Section 4.0.</p> <p>The SPPs Agricultural zone does not provide any protection of ridgelines nor consideration of landscapes as the current Rural Resource Zone does to some extent. As such, the Scenic Protection Code will be adopted to provide consideration of some of the region's significant landscapes. These are discussed in Section 3.0.</p> <p>Though not considered in the SPP's, areas of Aboriginal heritage significance maintain a level of protection through the Aboriginal Heritage Act 1975 which is administered outside of the LUPAA (the Act) process.</p>
<p><i>(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;</i></p>
<p>Public infrastructure is protected through the use of the SPP's Utilities Zone, Community Purpose Zone, Open Space Zone, Recreation Zone, the Road and Rail Assets Code, Electricity Transmission Infrastructure Protection Code, and the Safeguarding of Airports Code. The use of the listed codes is mandatory, though several zone changes have been proposed to address any inconsistencies with current zoning of public land which restrict the intended uses.</p>
<p><i>(i) to provide a planning framework which fully considers land capability.</i></p>
<p>The application of the Agriculture, Rural, and Landscape Conservation Zone in the LPS as proposed is largely informed by the extensive State Agricultural Land Mapping Project that produced the 'Land potentially suitable for agriculture' layer. On a local level additional constraints to land use have also been considered and this is discussed in detail in Sections 3.0 in relation to the above zones &amp; the associated Appendix A, B &amp; C.</p>

## 2.4 STATE POLICIES

Section 34(2)(d) of LUPAA requires that an LPS is consistent with each State Policy. State Policies are made under Section 11 of the *State Policies and Practices Act 1993*.

Currently there are three State Policies made and the Act also incorporates National Environment Protection Measures (NEPM's) as State Policies.

### 2.4.1 State Policy on the Protection of Agricultural Land (PAL) 2009

The purpose of the State Policy is to:

*'conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.'*

The stated objectives of the policy are:

*to enable the sustainable development of agriculture by minimising:*

*a) conflict with or interference from other land uses; and*

*b) non-agricultural use or development on agricultural land that precludes the return of that land to a agricultural use".*

The eleven principles that support the policy relate to the identification of valuable land resources and the matters that can be regulated by planning schemes.

The SPP's were examined against the principles of the PAL Policy in the development of the Rural and Agriculture Zone provision.

The Guidelines require land to be included in the Agriculture Zone should be based on the State-mapped 'Land Potentially Suitable for Agriculture Zone'. The guidelines state that in applying the zone, a planning authority may:

*also have regard to any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:*

*c) incorporates more recent or detailed analysis or mapping;*

*d) better aligns with on-ground features; or*

*(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer.*

Further local analysis of the results of the State layer was undertaken for the draft LPS to

determine application of the Agriculture Zone and is discussed further in Section 3 with the use of decision rules largely created by the Meander Valley Council but adopted by Circular Head Council in our methodology.

#### **2.4.2 *Tasmanian State Coastal Policy (SCP) 1996***

The SCP applies to all land adjacent the sea and to all land a distance of 1km inland from the high-water mark.

The SCP's three main guiding principles are:

- *Natural and cultural values of the coast shall be protected.*
- *The coast shall be used and developed in a sustainable manner.*
- *Integrated management and protection of the coastal zone is a shared responsibility.*

The Policy provides a series of outcomes that embody the principles under the following four sections, each of which is discussed in further detail below:

- a) Protection of Natural and Cultural Values of the Coastal Zone;
- b) Sustainable Development of Coastal Areas and Resources;
- c) Shared Responsibility for Integrated Management of Coastal Areas and Resources;
- d) Implementation, Evaluation and Review.

The SCP incorporates a number of themes, all of which have associated policy statements, including:

- Natural Resources & Ecosystems
- Cultural & Historic Resources
- Cultural Heritage
- Coastal Hazards
- Coastal Uses & Development
- Marine Farming
- Tourism
- Urban & Residential Development
- Transport
- Public Access & Safety
- Public Land
- Recreation



Many of these themes are addressed in equivalent terms in other strategic documents including the CCRLUS.

The SCP is principally implemented via the use of zones and the use and development control provisions within the SPP zones. Public reserves and foreshore reserves are in the Environmental Management Zone or Open Space Zone. Some zone conversions have been proposed under the LPS which seeks the outcomes listed in the SCP and are discussed further in this report.

The SPP's provide for the protection of natural resources and major ecosystems and natural processes through the following mandatory Codes and application of the LPS mapping:

- The Natural Asset Code (NAC), recognises and protects important biodiversity values along the coast (and more broadly), watercourses and wetlands including future coastal refugia areas;
- The Coastal Erosion Hazard Code, which recognises areas at risk of coastal erosion; and
- The Coastal Inundation Hazard Code, which recognises areas at risk of coastal Inundation.

For these reasons the LPS as proposed is considered to be consistent with the SCP.

### **2.4.3 State Policy on Water Quality Management 1997**

The purpose of the *State Policy on Water Quality Management 1997* is to:

*achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System.*

The *State Policy on Water Quality Management 1997* applies to all surface waters, including coastal waters, and ground waters excluding privately owned waters that are not accessible to the public and are not connected to waters that are accessible to the public and waters in any tank, pipe or cistern.

Currently under the CHIPS, the water quality objectives outlined in the policy are largely managed through the Water and Waterways Code, with permit conditions relating to sediment control being applied to development where risk to water quality is possible.

In addition to the SPP codes relating to waterway protection, Clause 6.11.2 (g) of the SPP clarifies the Planning Authority's ability to apply permit conditions which relate to "erosion, and stormwater volume and quality controls".

#### **2.4.4 National Environmental Protection Measures**

The current National Environmental Protections (NEPM) relate to the following:

- Ambient air quality;
- Ambient marine, estuarine and fresh water quality;
- The protection of amenity in relation to noise;
- General guidelines for assessment of site contamination;
- Environmental impacts associated with hazardous wastes; and
- The re-use and recycling of used materials.

The NEPMS are not directly implemented through planning schemes, with some matters being outside the jurisdiction prescribed by LUPAA. However, some aspects are addressed through various SPP provisions relating to matters such as water quality, amenity impacts on residential uses due to noise emissions and site contamination assessment.

### **2.5 REGIONAL LAND USE STRATEGY (RLUS)**

Section 34(2)(e) of LUPAA requires an LPS to be consistent with the regions relevant Regional Land Use Strategy. The *Cradle Coast Regional Land Use Strategy 2010-2030* (CCRLUS) was declared by the Minister for Planning in October 2012 and covers the region which include Wynyard-Waratah, West Coast, Burnie, Devonport, Kentish, King Island, Latrobe, Central Coast, and Circular Head. The CHIPS2013 was originally assessed against and found to be consistent with the CCRLUS in its final iteration. In general, the LPS as proposed is a 'like for like' conversion of the existing CHIPS2013 provisions into the new TPS format with regard to the SPP provisions and LPS zone and code application. As such, it is considered that only the departures from the 'like for like' conversions require further assessment against the CCRLUS.

The strategic outcomes of the CCRLUS are listed below:

- *Promotes regional land use policies that respect the natural environment, facilitate a robust and successful regional economy, provide liveable communities and a sustainable pattern of settlement, and guide new use and development toward a secure and prosperous future*
- *Consolidates and aligns land use planning with related strategies for economic, social, environmental, conservation and resource management applying for the Cradle Coast Region and places them into an overall context of an integrated regional land use strategy*

- *Provides a basis for the coordination of future actions and initiatives related to the growth and development of the Region and promotes arrangements which optimise benefit for regional communities*
- *Initiates a regional land use planning process to provide a strategic regional perspective and a coordinate framework for consistent regulatory action*

These strategic outcomes have been central themes in the drafting of the LPS. Where departures from the 'like for like' conversion has occurred, the relevant components of the CCRLUS are referenced and discussed in more detail further in the report.

Full consideration of the LPS against the Part C of the CCRLUS is included in Appendix D.

## 2.6 COUNCIL'S STRATEGIC PLAN

Section 34(2)(f) of LUPAA requires that an LPS be consistent with the Council's Strategic Plan. Adopted in 2008, the *Circular Head Corporate Strategic Plan 2017-2027* is Council's most recent strategic document.

Of most relevance to this process are the seven themes and associated goals and these are listed below with comments in relation the proposed LPS:

<b>Theme</b>	<b>Goal</b>	<b>Comment</b>
<b><i>Leadership and Governance</i></b>	<i>Circular Head Council will ensure efficient, effective and cohesive leadership through a business excellence framework in which strategy and direction drive evidence-based decision making.</i>	The development of the LPS has demonstrated that Council is taking a lead role in achieving the best possible outcome for the municipality.
<b><i>Organisational Support</i></b>	<i>Circular Head Council will support a positive and innovative culture, enabling best practice delivery that is customer focused. Its strong leadership will enable the development and empowerment of its people.</i>	The development of the LPS will not compromise this goal.
<b><i>Connected Communities</i></b>	<i>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 development of the LPS will incorporate Local Area Objectives which aim recognise the role of the smaller coastal and rural communities, and provide strategic intent for their development.

<b>Community Recreation and Wellbeing</b>	<i>Circular Head will be a place where services, facilities and open space provide opportunities for individuals and groups of all ages and abilities to participate in recreational activities that encourage health and wellbeing.</i>	The development of the LPS aims to recognise the potential of public land use and apply appropriate zones to enable public activities to occur which encourages the health and wellbeing of all.
<b>Economic Prosperity</b>	<i>Circular Head will benefit from a vibrant and diverse economy built on competitive advantage, resource advantage and evidence-based leadership.</i>	The development of the LPS aims to promote the sustainable use of land where required.
<b>Transport and Access</b>	<i>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 development of the LPS will not compromise this goal.
<b>Environment</b>	<i>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>	A large component of in developing the LPS has been identifying land which is eligible for additional protection through re-zoning to a more suitable zone, or in some cases a zone in which natural assets can be considered to a much greater extent. Additionally, it involved the identification of land which is to be protected for the primary use of Agriculture. These aspects are discussed further in the report.

## 2.7 ADJACENT MUNICIPAL AREAS

Section 34(2)(g) of the LPS Criteria requires that the planning scheme “as far as practicable, is consistent with and coordinated with any LPS’s that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates”.

The adjacent municipal areas to Circular Head are West Coast to the south, and Waratah-Wynyard Council to the east (see Figure 2.0). The review of their respective regional strategies for consistency with the SPP’s is not yet complete though no conflicts are anticipated as the boundary areas are generally a mix of forestry and reserve land where the possible zoning options are limited.



FIGURE 2.0 – Adjacent municipal areas.

## 2.8 GAS PIPELINE ACT 2000

The LPS is to have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000. The Act and regulations provide for safety requirements, however these do not have any direct relationship to a planning scheme. More relevantly the Act includes a declared statutory notification corridor for use and development within proximity to the pipeline to ensure its safety and protection. Given that Sections 70C and 70D of the Act require the planning authority to give notice to the pipeline licensee for development within the corridor. The licensee may provide advice to the planning authority as to safety conditions that are to be included on any permit issued. Further a planning authority cannot include on a permit conditions which conflict with any

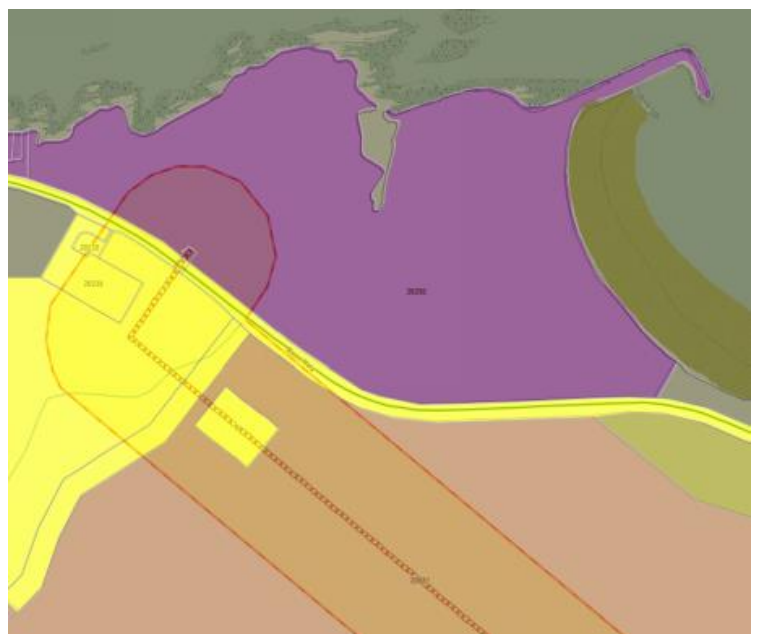


FIGURE 2.1 – Gas pipeline terminating at Port Latta General Industry zone

condition contained in the safety and operating plan for the affected pipeline.

The 'Northern Pipeline Extension' traverses a small eastern portion of the municipality (see figure 2.2). Figure 2.1 shows the pipeline passing through a terminal which is zoned Utilities, and then terminating at Port Latta where an iron ore processing facility utilises the gas. The function of the statutory notification corridor will not be altered through the implementation

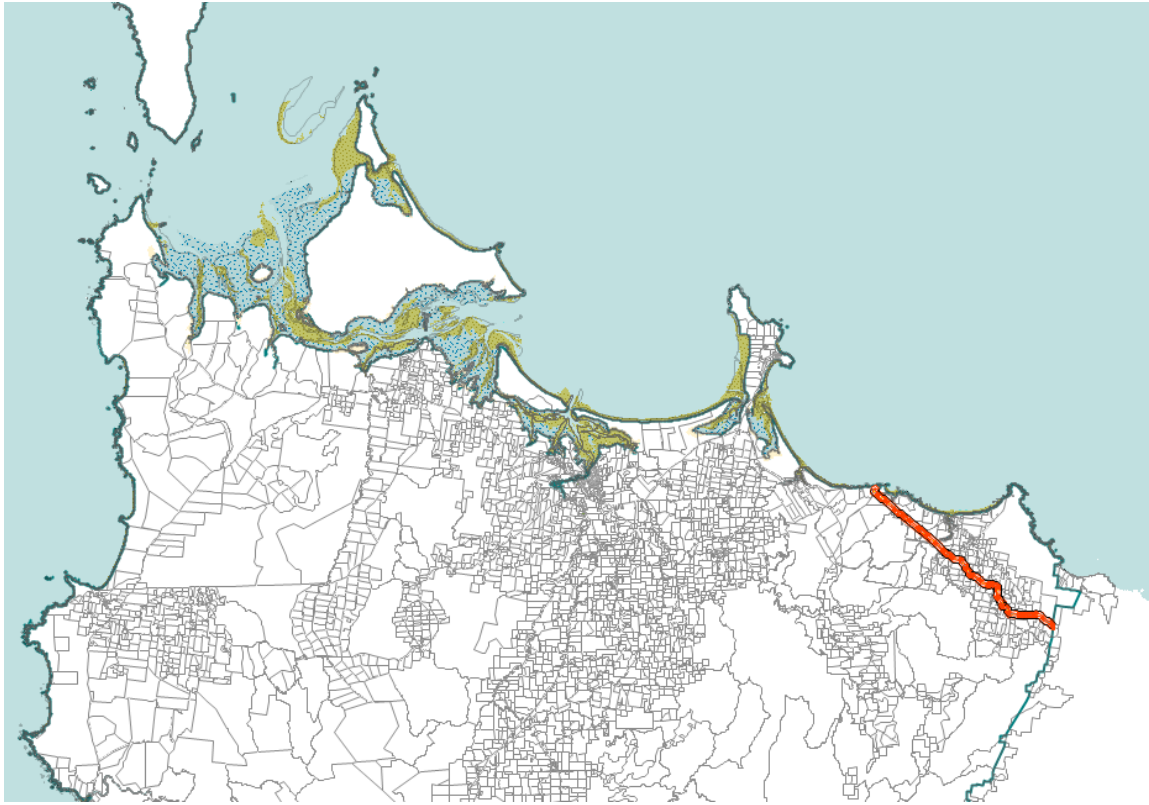


FIGURE 2.2 – Gas pipeline crossing far north-eastern portion of municipality

of the proposed LPS.

### 3.0 ZONES

The application of the SPP's in Circular Head through the Draft LPS has generally been a simple like-for-like transition to a zone of the same name, though some zoning changes are proposed resulting from:

- the statements/requirements specified in the Guidelines and changes to zone objectives and permissible uses;
- changes in public land classification;
- input from State Authorities (Parks and Wildlife Service etc.)
- the inability to apply the Natural Asset Code in the Agriculture Zone;
- the introduction of the Landscape Conservation Zone;
- the removal of the Environmental Living Zone;

- the State's mapping of 'Land Potentially Suitable for Agriculture Zone;
- correction of local anomalies; and
- strategic planning and relevant studies undertaken previous to, and during, the drafting of the LPS.

The sections below discuss these zone changes in more detail. Variations to the like-for-like transition are assessed against Guideline No.1 - Local Provisions Schedule Zone and Code Application (the "Guidelines") as issued by the TPC, and where more significant changes are proposed the requirements of the CCRLUS and the Act are also addressed.

### ***General Residential Zone 8.0***

The spatial application of the General Residential Zone will be in the most case a like-for-like transition from the Interim Planning Scheme. Strategic planning through the Central Area Development Strategies (Report for Waratah-Wynyard and Circular Head Councils, GHD, 2018) has identified a small extension of the General Residential Zone (GRZ) and conversely a reduction of the General Business Zone (GBZ) in an effort to consolidate the sparse CBD of Smithton. This is discussed in further detail below, under the General Business Zone section.

### ***Inner Residential Zone 9.0***

This zone is not used in the CHLPS.

### ***Low Density Residential Zone 10.0***

The spatial application of the Low Density Residential Zone will be a like-for-like transition from the Interim Planning Scheme.

### ***Rural Living Zone 11.0 A, B, C, D - Transition from Rural Living Zone***

The spatial application of the Rural Living Zone requires categorising the existing and any new application of the zone into A, B, C, or D. These categories determine the minimum lot sizes of 1ha, 2ha, 5ha, and 10ha respectively, and have been applied to most closely reflect the current land use pattern in accordance with the RLZ 3 of Guideline No.1. Appendix A indicates where this occurs.

### ***Rural Living Zone 11.0 A, B, C, D – Conversion from Rural Resource Zone***

Several clusters of lots have been identified as being suitable for conversion to Rural Living Zone from Rural Resource where the existing land use indicates a strong settlement pattern and the mapping 'Land Potentially Suitable for Agriculture Zone' indicates that the land is highly constrained for agriculture. Potential for further land use conflict has also



been considered. These areas are presented in the figures below and these areas are listed and described in Appendix A.

The extension of the Rural Living Zone in these areas is deemed consistent with the following CCRLUS in that it does not propose additional greenfield development and does not create additional demand for servicing as they are already fully developed with Residential uses.

The CCRLUS identifies that supply of currently zoned Rural Living zone exceeds demand in our region, however the effective zone conversions are of lots that are already fully developed in the form of a Rural Living settlement and therefore do not require further servicing or infrastructure to be provided. A subcategory A-D has been chosen for each site to reflect the lot sizes and discourage (prevent in most cases) any further subdivision. As such, the settlement pattern will not change in the immediate vicinity nor in the wider

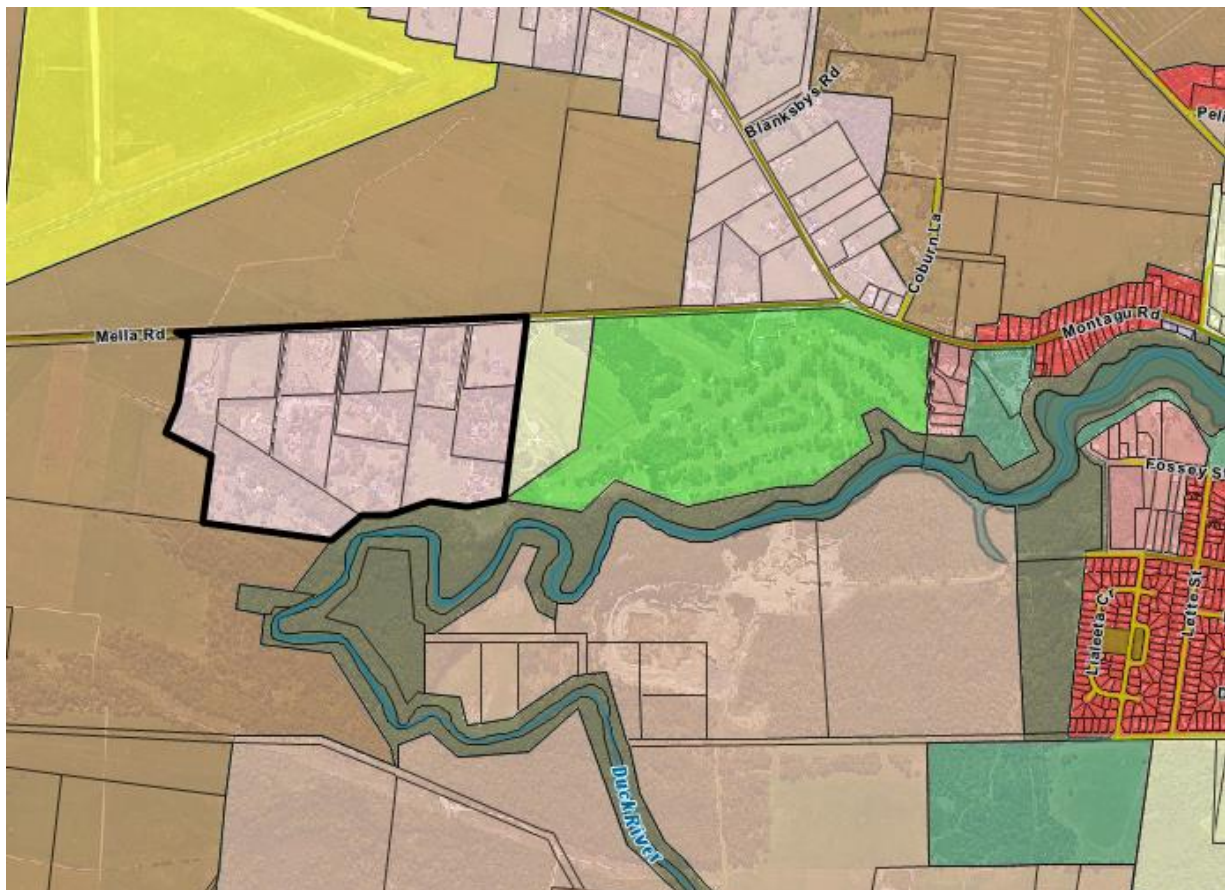


FIGURE 3.1 – Proposed Rural Living conversion of 13 lots to RLZ C – Mella Road, Smithton

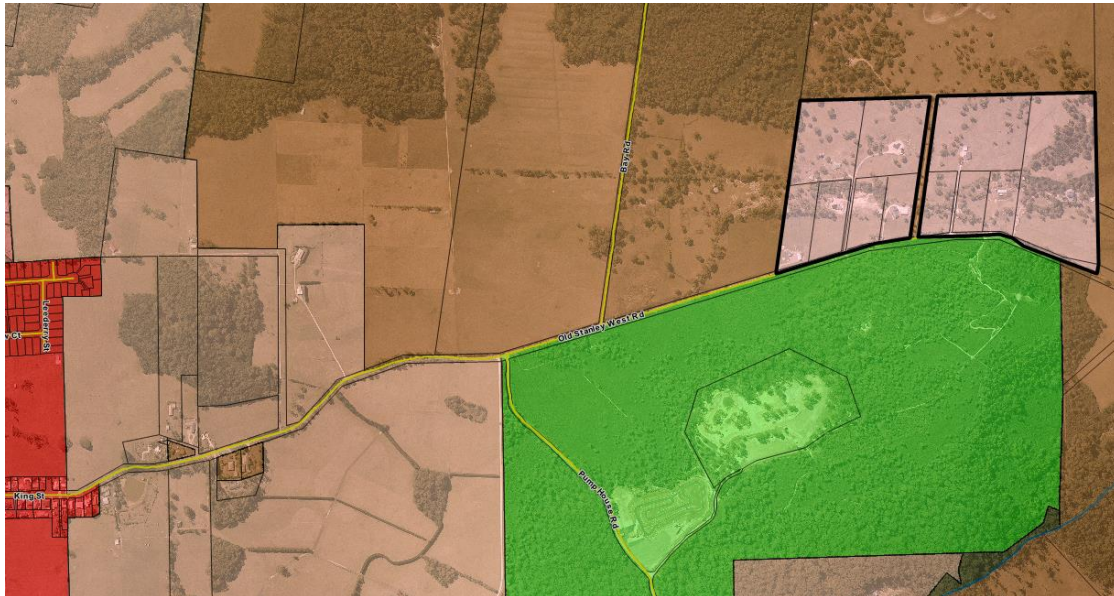


FIGURE 3.2 – Proposed Rural Living conversion of 11 lots to RLZ D – Old Stanley Road, Smithton

area as the sites are in close proximity to (or adjoining) other Rural Living or Residential settlements.

The possible alternative zones, Agriculture and Rural, are not considered appropriate as the existing residential uses are not consistent with the purpose of these zones, which is to facilitate uses which require a rural location, and to protect agricultural land from non-agricultural uses. The use of the Rural Living zone instead would allow for development of the existing established residential uses whilst reducing unnecessary costs for compliance which is key strategic outcome of the CCRLUS.

### ***Mella Rd & Old Stanley Rd Clusters***

Section 4.3.2 of CCRLUS (Part 3) outlines that rural land is diverse and is found to be intermixed with residential clusters. Both of these clusters are within very close proximity of the CBD (less than 2km) and are not separated by intensive agricultural or industrial processes. They are also both located within the same land use patterns as other RLZ clusters and strips are found within the region.

Section 4.7 of CCRLUS (Part 3) outlines suitable conditions for housing within rural land. These include where there is no adverse effect on access to agricultural land, and no adverse effect on natural resources (biodiversity and aesthetics). Although these clusters do not represent housing required for rural resource use, the clusters meet these criteria as they already contain Residential development and very little or no intensification is possible. There will be no new sensitive uses, therefore no net increase for potential land use conflict.

The Mella Road and Old Stanley Road clusters (see Figure 3.1 & 3.2) are subject to attenuation areas caused by a quarry and a motor racing facility respectively (see figure 3.5). It is considered that the impact is negligible due to residential development, considered the most sensitive of possible use classes, already established on the lots.

Also noted is that approximately 80% of the residential lots of Smithton are located within one or more of these attenuation areas.

### **Green Point Rd & Trowutta Rd Clusters**

The Green Point Road and Trowutta Road clusters (see Figure 3.3 & 3.4) are both a direct extension of an existing RLZ with all lots already containing established Residential uses. The impact on the adjoining agricultural land is negligible due to the lots already being developed with the most sensitive of the allowable uses in the RLZ.

The clusters are proposed to be zoned RLZ A which does require potentially emitting farm operations (such as dairies) to be located at least 300m away from the zone boundary. In the case of Green Point Road, the cluster is located at the base of a steep croft which is unsuitable for most farm operations and therefore a 300m setback would not be onerous. In the case of Trowutta Road, the cluster is directly between two existing much larger clusters to the west and south-east which would have setback implications, so the impact on a setback of 300m to the boundary of the proposed cluster would negligible for the adjoining rural land owner. The attenuation zone created by this area would be overlaid on top of the existing attenuation zones.

Subsequently no further impact on agricultural land is anticipated which satisfies Section 4.7(h) of CCRLUS (Part 3).

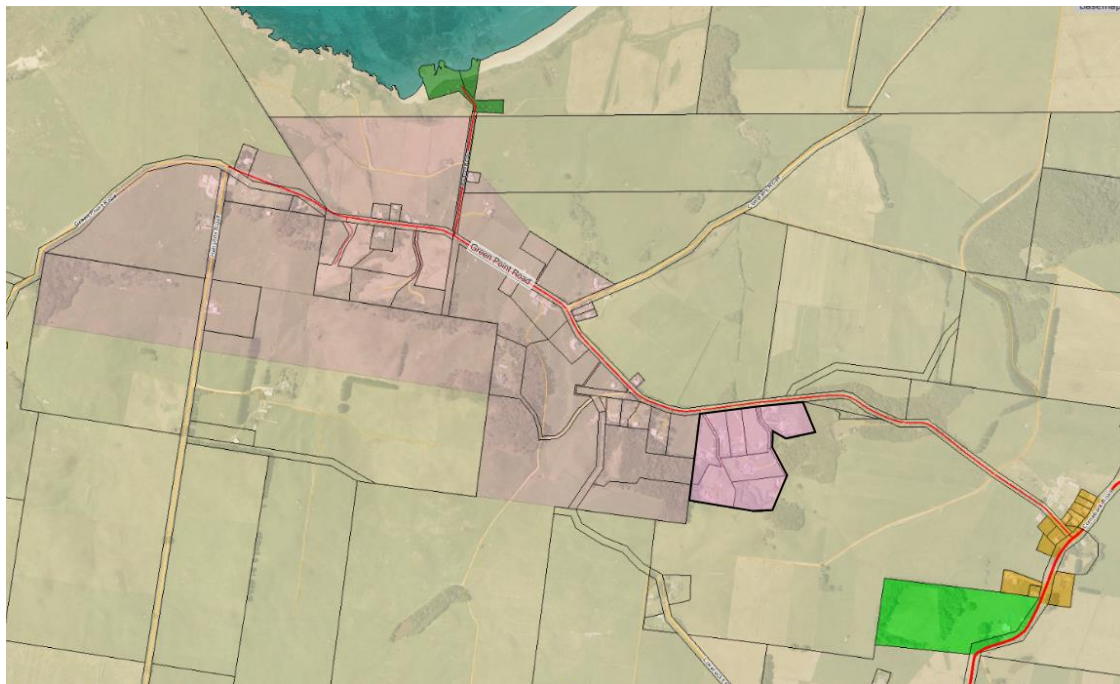


FIGURE 3.3 – Proposed Rural Living conversion of 8 lots to RLZ A - Green Point Road, Marrawah



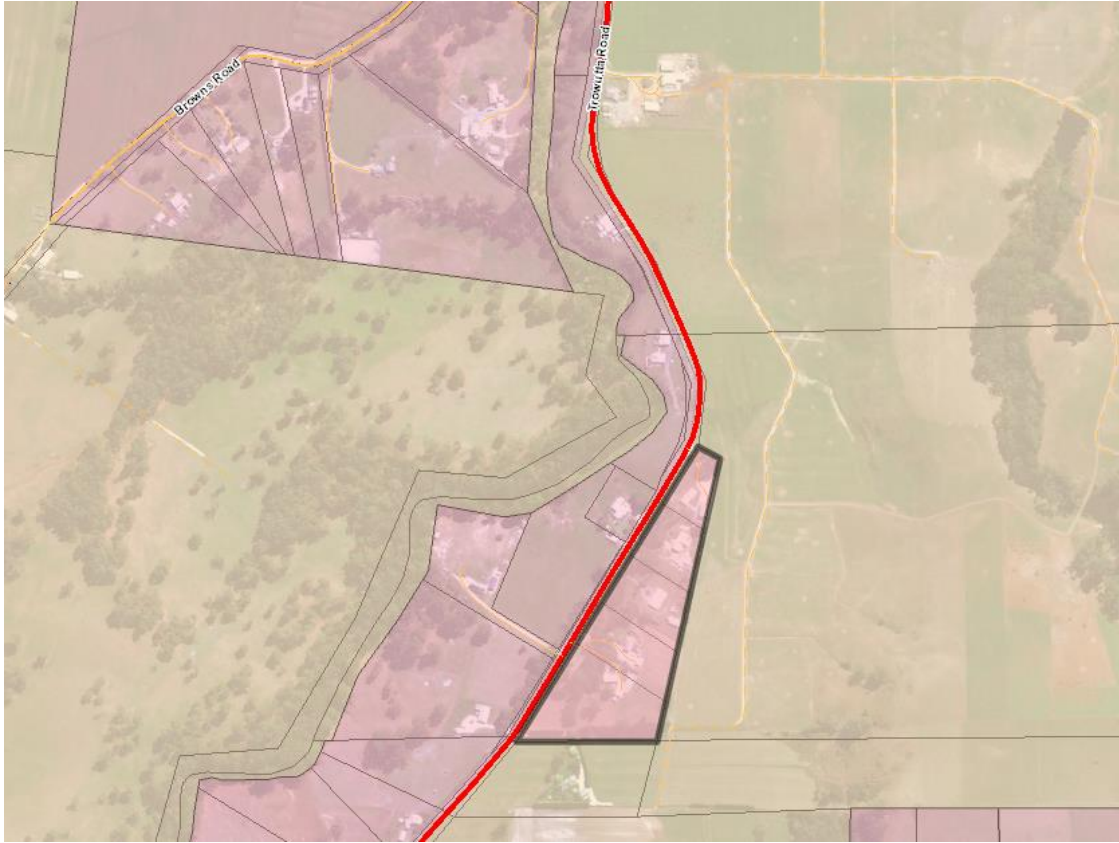


FIGURE 3.4 – Proposed Rural Living conversion of 5 lots to RLZ A – Trowutta Road, Scotchtown

### **Leesville Road**

The Leesville Road cluster (see Figure 3.6) is proposed for the RLZ B as the dominant use of the land is residential. The most suitable alternative zone would be the Rural Zone and this would be considered ineffective as the lots are very small, located between residential development (on RLZ) and the Lees Point Conservation reserve, and isolated from any other significant rural areas.

The zoning of the land as RLZ, including possible residential development of the single vacant lot, would not have any adverse effect on access or use of rural land nearby which satisfies Section 4.7(h) of CCRLUS (Part 3). It would also contribute to consistency in zoning in the area, reflecting the immediate land use and zone pattern.



FIGURE 3.5 – Mella Road and Old Stanley Road proposed Rural Living zones in relation to table C9.1 Attenuation distances from nearby activities.

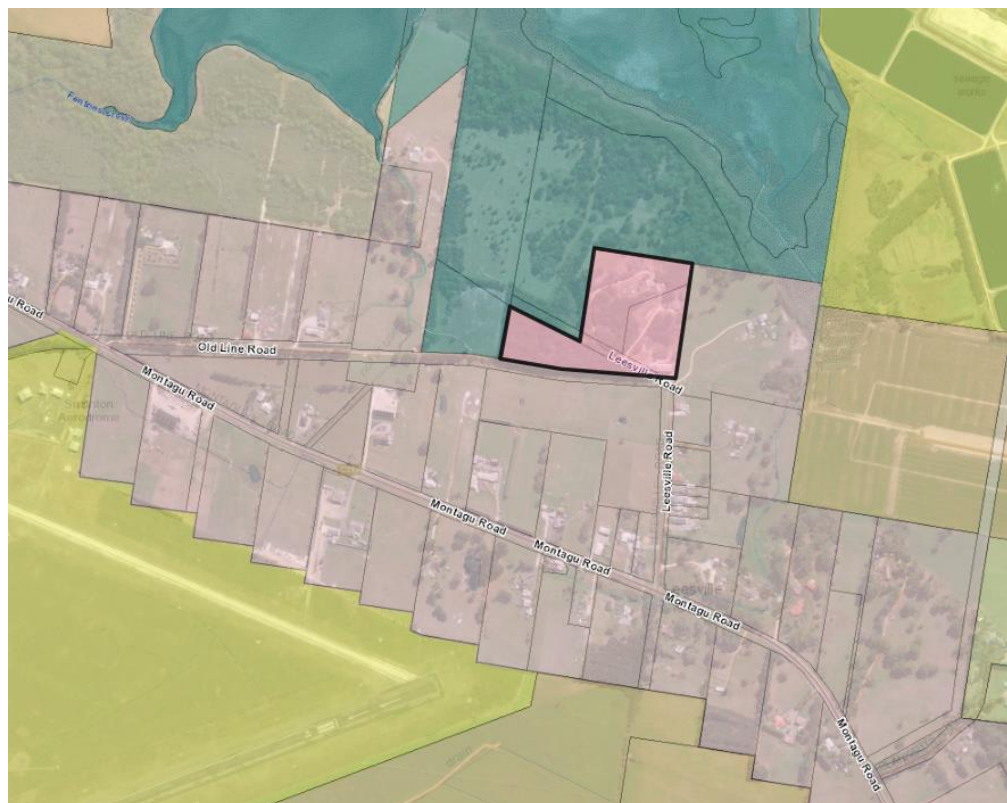


FIGURE 3.6 – Proposed Rural Living conversion of 3 isolated lots to RLZ B – Leesville Road, Smithton

### ***Village Zone 12.0***

The spatial application of the Village Zone will be a like-for-like transition from the Interim Planning Scheme.

### ***Urban Mixed-Use Zone 13.0***

This zone is not used in the CHLPS.

### ***Local Business Zone 14.0***

The spatial application of the Local Business Zone will be a like-for-like transition from the Interim Planning Scheme.

### ***General Business Zone 15.0***

The spatial application of the General Business Zone will be a like-for-like transition from the Interim Planning Scheme except for the conversion proposed below.

### ***Commercial Zone 15.0 & General Residential Zone 8.0 – Conversion from General Business Zone***

Council is currently considering the draft report *Central Area Development Strategies – Report for Waratah Wynyard and Circular Head Councils (CADS)* and is likely to be adopted toward the end of 2019. The report has provided several strategic zoning suggestions to address the large and poorly defined Smithton CBD. The proposed changes involve re-zoning the land to reflect the existing the distinctly residential (see images 1 & 4) and commercial (see images 2 & 3) land uses more accurately. This will enable them to be considered and developed further under zone controls more suited to their current and expected future uses. Figure 3.8 shows the recommended changes and an extract of the rationale provided, plus the location of where the included images were taken from.

The recommended changes were supporting by a background paper to the CADS which assessed market demand for housing, retail, commercial and hospitality floorspace supply and requirements. The paper outlined that the main streets of the CBD, Smith and Emmett, would benefit from an intensification of retail and commercial activity. It also stated that the quantity of General Business zone was considered excessive for Smithton's anticipated future needs over a 25 year forecast horizon. Consequently, it suggested a contraction of the General Business zone to only include the commercial core of the CBD, and rezoning the residual area to Commercial, would be beneficial.


These changes are further supported by Section 3.3.9 of CCRLUS (Part 3) which outlines

that Business and Commercial activity:

- d. promote integration of neighbourhood retail and service provision into residential areas at a scale, location and disposition suitable to service local need*
- e. maintain the integrity, viability and vitality of established centres by locating new business and commercial development onto land within or immediately contiguous with existing town centres and commercial zones*
- f. promote increased mix of land use, including for housing, within accessible business centres to encourage viability and vitality*
- h. prevent leakage of commercial and retail activities from preferred locations by restricting retail sales in other land use areas*
- i. provide designated locations for bulky goods and large format retailing, including for vehicle, building and trade supply, and home improvement goods*
- j. restrict sale of food, clothing and carry away consumables through bulky goods and large format retail outlets located outside town centres*

In accordance with the above requirements, the use of the Residential zone allows the formal integration of existing residential uses into the fringe of the CBD to increase viability and vitality without creating any significant additional residential lot yield (lots already developed). The use of the Commercial zone as shown provides a designated location for large format retailing, transport depots and other uses requiring larger operational footprints. This also formalizes the separation between the smaller retail oriented CBD and the surrounding residential and commercial uses and prevents dilution of the core CBD function into surrounding areas.



Zoning interventions	Strategic Rationale	Properties Impacted
<b>Zoning in vicinity of Gibson Street</b>	<p>As above, the large buildings and related site footprints, suggest that areas south of Smith Street perform an important function in the provision of services and business to the rural hinterland. As noted previously, ease of access for large vehicles and display space for equipment is a characteristic of the development pattern observed, and is consistent with the strategic importance of Smithton as a remote and self-reliant town. The area also contains a number of residential properties which limits the number of zones that can be considered if a change is contemplated from General Business. A detailed assessment of existing use and development in the area suggests that an expansion of the General Residential Zone is warranted as highlighted in yellow. Introduction of a small pocket of Commercial zoning to accommodate a number of large footprint commercial/light industrial uses is also warranted as highlighted in pink, with the balance of the General Business Zone retained.</p> <p><b>Recommendation</b></p> <p>Properties south of Smith Street, including those fronting Gibson Street, be rezoned General Business and Commercial as shown.</p>	

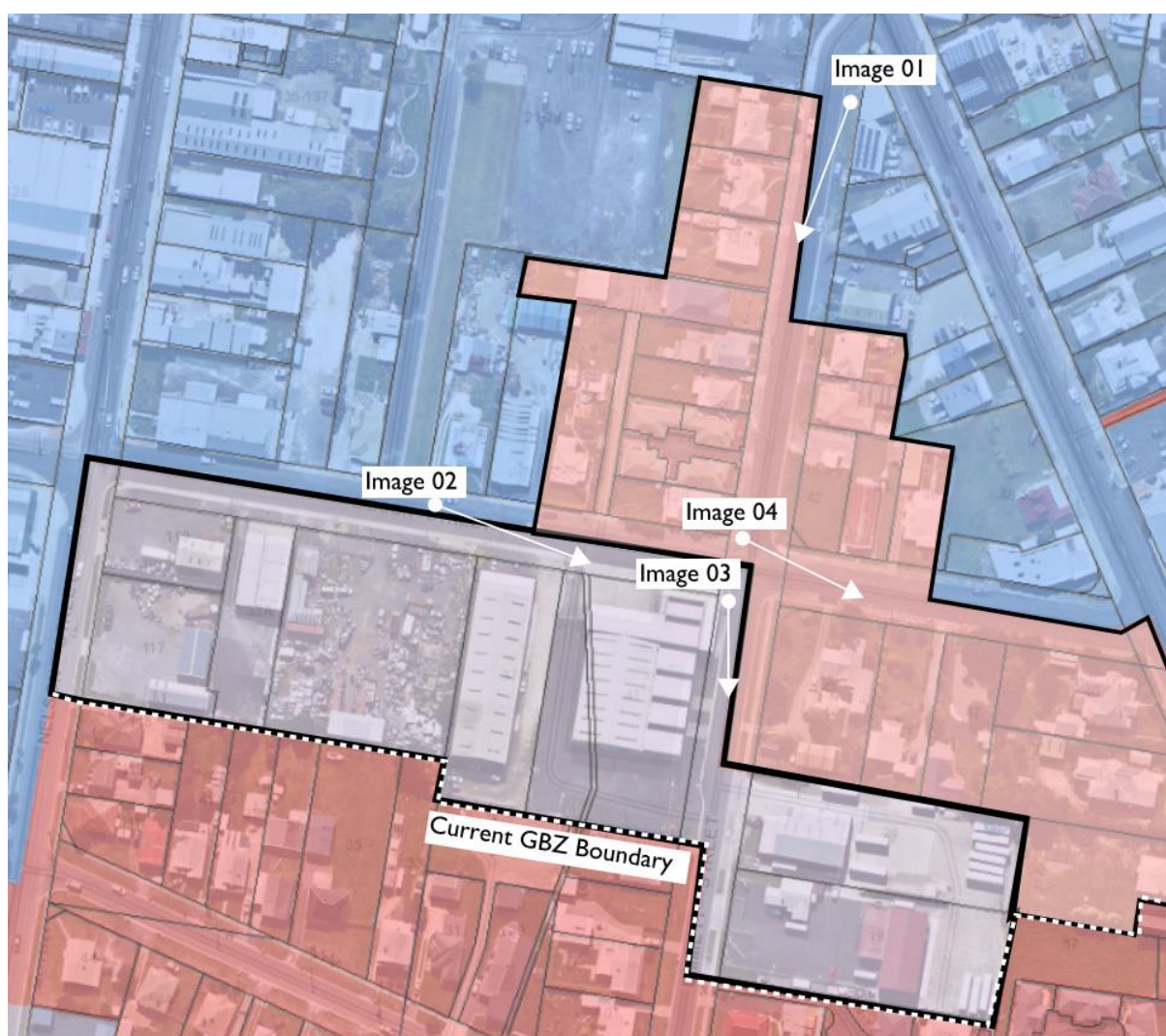


FIGURE 3.8 – Strategic re-zoning recommended in *Central Area Development Strategies – Report for Waratah Wynyard and Circular Head Councils* by GHD, 2018





**Image 1**



**Image 2**



**Image 3**



**Image 4**

**IMAGES 1 – 4 – Gibson and Emmett Street**

### ***Central Business Zone 16.0***

This zone is not used in the CHLPS.

### ***Commercial Zone 17.0***

The spatial application of the Commercial Zone will be a like-for-like transition from the Interim Planning Scheme except for the small addition as described above

### ***Light Industrial Zone 18.0***

The spatial application of the Light Industry Zone will be a like-for-like transition from the Interim Planning Scheme.

### ***General Industrial Zone 19.0***

The spatial application of the General Industry Zone will be a like-for-like transition from the Interim Planning Scheme except for the correction of a mapping anomaly on Trowutta Road in Edith Creek where a small lot of land (0.45Ha) associated with and adjoining a large milk processing factory (zoned General Industry). It appears that the land was originally part of a road reserve but was purchased and adhered to the larger lot containing the factory in 2005/6. The lot has since been developed with an office and parking area associated with the milk processing factory (Resource Processing) rendering it useless for farming. The re-zoning of this small strip of land to General Industry would reflect the existing use of the land, not conflict with surrounding uses, and not affect the hierarchy of land use in the area or the General Industry zone in Smithton.

### ***Rural Zone 20.0 & Agriculture Zone 21.0 – Transition from Rural Resource Zone***

As per other councils in the Cradle Coast region, Circular Head did not adopt the use of the Significant Agriculture Zone in the Interim Scheme and therefore currently only use the Rural Resource Zone for rural and non-urban areas. Its application is widespread, covering approximately 66 % (4017 of a possible 8471 parcels) of the municipality. As such, the process in determining the appropriate transition to the Rural or Agriculture zone required a significant amount of input beyond the criteria outlined in the Section 8A Guideline No.1 and the Statewide Agricultural Mapping project.

The Guidelines provide the following criteria:

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

*RZ 2 - The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.*

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

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

To assist with the zone transition process, Meander Valley Council, in conjunction with Agricultural consultants, developed a series of assessment criteria for the most common scenarios in which the Rural or Agriculture zone might be applied. This document was adopted by Circular Head and subsequently simplified for easier comprehension. Its use has been extensive, particularly in determining the zoning of large tracts of Private Timber Reserves (PTR's). A copy of this document is included in Appendix B and includes the basic rules applied and their rationale.

In general, the Agriculture Zone has been applied unless a reasonable case can be made otherwise. It should be noted that although the purpose of the Rural zone is aimed at uses that are 'compatible' with agriculture uses and on land which might be of marginal agricultural use, the use tables and associated Use Standards and Development Standards for both zones do not feature significant differences for the most common forms of development that are likely to occur. Of relevance to most landholders is the ability to develop rural land for Residential purposes, and this use is only marginally less constrained in the Rural zone.



By far the largest portion translated to the Rural Zone is land classified as Permanent Timber Production Zone under the ownership of Sustainable Timbers Tasmania (previously Forestry Tasmania). Another significant portion of landed subject to the conversion to the Rural Zone is land under Private Timber Reserve. Private timber reserves can include native forests or, as is more common in Circular Head, plantation forestry. Although plantation forestry is considered a form of agriculture, the Agriculture Zone specifically distinguishes it from other forms listed under the definition of Resource Development by listing it as a Discretionary use on land classed as ‘Prime Agriculture’ (Class 1- 3). As such, it is generally considered that plantation forestry is not the preferred use in the Agriculture Zone and subsequently supports the application of the Rural Zone.

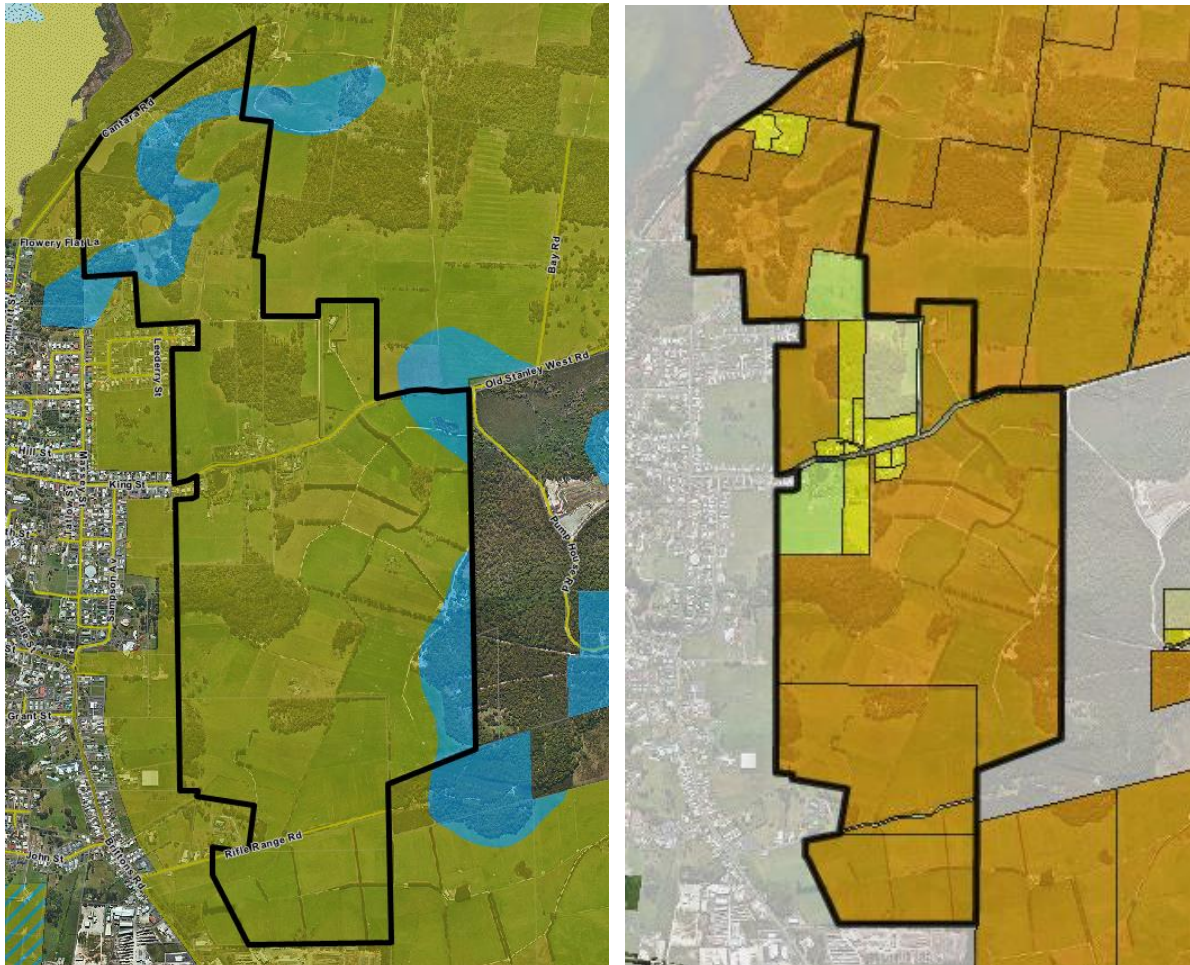


FIGURE 3.7 – Proposed Rural Zone translation east of Smithton township –Land capability is shown on the image to the left (majority class 5 with pockets of class 6). Agricultural Constraints shown on image to the right (Agricultural Land Mapping Project).

Though the zone decisions mentioned above and in the Decision Rules of Appendix A are beyond the scope of the Guidelines, it is considered that these are consistent with the Section 34 (2) of LUPAA, in particular part (d) which refers to the State Policy on the Protection of Agricultural Land. The differentiation of land described is driven by the aim of protecting the most productive agricultural land and recognising the demand for less intensive uses such as plantation forestry in Private Timber Reserves.



In other instances the Rural Zone has been applied due to established non-agricultural land uses causing significant constraints to the land. Extractive industries fall into this category and are consistent with RZ3 (a) & (b) of the Guidelines. Additionally, Circular Head contains a number of clusters of dwellings on small lots within largely agricultural landscapes and also fall into this category. These clusters are highlighted in the Statewide Agricultural Mapping Project and are referenced in the table shown in Appendix A. In determining whether the Rural or Agriculture Zone is more appropriate, the Decision Rules of Appendix B were used and a brief summary provided for each conversion in the table shown in Appendix A.

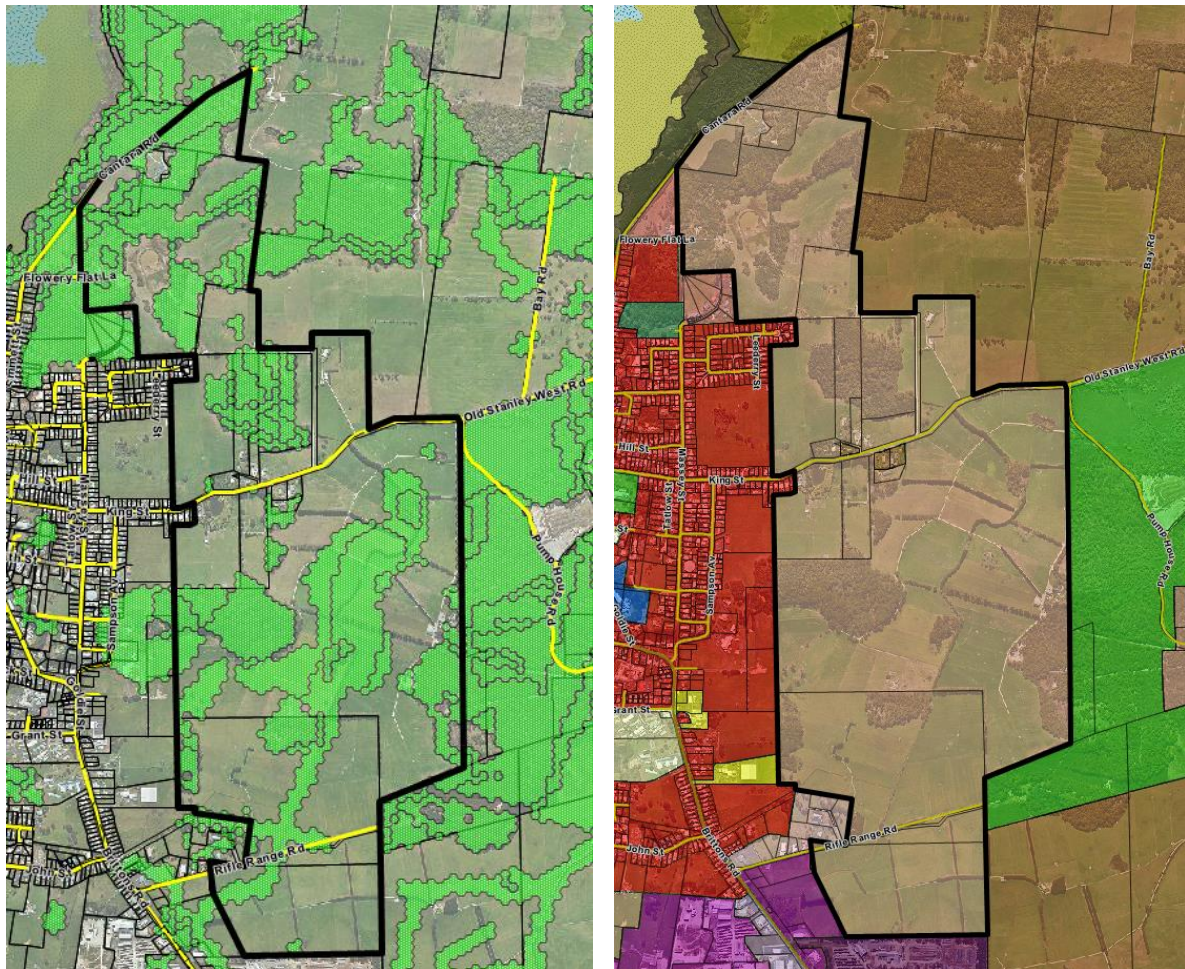


FIGURE 3.8 – Proposed Rural Zone translation east of Smithton township – Extent of Priority Vegetation shown on image to the left. Proximity to adjoining Residential and Recreation zones shown on image to the right.

### **Smithton**

As can be seen in Figure 3.7 and Figure 3.8 a significant portion of constrained rural land was also identified to the eastern border of Smithton's General Residential Zone and is proposed for transition to the Rural Zone. This land contains numerous lots mapped as 'constrained' under the State Agricultural Land Mapping Project and features a land capability class of 5 and 6, which suggests limited intensive agricultural potential. It also features several large tracts of high conservation value remnant bushland containing threatened flora and fauna communities, which provide a distinct perimeter and character to the town centre. These factors, and the proximity to the Residential, Industrial and Recreation zones suggest that this tract of land is highly constrained and subsequently the Agriculture zone is not an

appropriate zone as per the Guidelines RZ 3-(b) & (c).

### **Wiltshire**

A change to two properties where the criteria of the Decision Rules outlined in Appendix B were not able to be fully met is at the intersection of Stanley Highway and Bass Highway. As seen in Figure 3.9, the properties are located on opposite sides of the Stanley Highway at its intersection with the Bass Highway, with one lot occupied by a service station (Vehicle Fuel Sales and Service), and the other a helicopter operations base (Transport Depot and Distribution). They have both been operating for 20-30 years and effectively prevent the use of the balance of the lots for substantial agricultural ventures. The uses are prohibited in the alternative and surrounding Agriculture Zone, which would be the outcome of a direct zone translation. Their conversion to Rural Zone will allow a permitted use status for the established Transport Depot, and would rely on existing use rights for the Vehicle Fuel Sales and Service, but would also enable a broader range of uses which compliment the unique location. The possible uses in the Rural zone do not provide for sensitive uses that would be likely to conflict with the surrounding agricultural use.

The lots area considered to require a zone conversion to Rural Zone to better reflect current and future land uses. The change is supported by the Guidelines for the Rural Zone which outline that it is appropriate to utilise the zone when there is limited capacity for agriculture, and when mapped as 'Constrained' under the State Agricultural Land Mapping Project. It is considered that the zone conversion described is supported by the CCRLUS *Strategic Outcomes to Support Economic Activity*. In particular, this states that land use planning –

- *facilitates regional business through arrangements for the allocation, disposition and regulation of land use which promote diversification, innovation and entrepreneurship and avoid unnecessary restraint on competition and cost for compliance*

Though isolated from other Rural zone clusters, their position on the intersection of the Stanley Highway and Bass Highway provides ease of access, visibility and access to passing traffic, which is essential for both businesses. This zone conversion would allow for diversification and development of the existing established businesses.





FIGURE 3.9 – Proposed Rural Zone translation of 2 Lots - Bass Highway & Stanley Highway, Wiltshire.

### ***Landscape Conservation Zone 22.0 - Conversion from Rural Resource Zone***

This type of zone has not been used previously in Circular Head. There have been no mechanisms to protect landscape values other than by default through the skyline development standards within the Rural Resource zone. Its proposed use aims to reflect existing land uses, and to identify and protect the natural and scenic values of a number of parcels of land. The Guidelines have provided the following criteria:

*LCZ 2 The Landscape Conservation Zone may be applied to:*

- (a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;*
- (b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or*
- (c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.*

*LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.*

17 properties in 7 locations have been identified as suitable for conversion to Landscape Conservation Zone. These largely involve rural properties that due to changing farming practices are no longer required for any intensive forms of agriculture, properties which have deliberately preserved large areas of remnant vegetation, or in some cases properties which are now private nature reserves. Greater detail of their natural values are provided in Appendix C.

Appendix B outlines that when a property contains a significant proportion of high conservation value vegetation it may be more suited to a Rural or Landscape Conservation zone where these factors can be given much greater consideration. A number of properties were identified using the priority vegetation mapping and land use analysis which exhibited these features and the landowners were consulted to determine what their existing and possible future uses might be. Where priority to the landowner was retaining agricultural development rights, or reorienting the land toward agriculture, or where the impact of potential development on the site would not be significant when viewed from public areas, the Rural zone has been applied. The remaining particularly sensitive or prominent locations were then considered suitable for the Landscape Conservation zone.

### ***Landscape Conservation Zone 22.0 - Transition from Environmental Living Zone***

Circular Head has 105 lots on the west coast and at Rocky Cape currently zoned Environmental Living, with this zone becoming defunct. The lots all contain residential development in the form of holiday shacks and many permanent residences. Possible alternative zones are the Landscape Conservation Zone, Rural Living Zone, or a specifically drafted Special Area Plan. It is deemed however, that the Rural Living Zone does not provide for sufficient consideration for environmental factors given that they are all located within the sensitive natural and cultural conservation areas of the Arthur Pieman Conservation Area, and the Rocky Cape National Park. As such, the Landscape Conservation Zone is considered the most appropriate zone conversion, as it contains development standards which relate to context within the landscape and also permits Residential and Resource Development uses (aquaculture operations undertaken on several west coast properties) which make up all of the established uses.

The guidelines provided the following criteria:

*LCZ 3 - The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.*

*LCZ 4 - The Landscape Conservation Zone should not be applied to:*

*(a) land where the priority is for residential use and development (see Rural Living Zone)*

All of the shack sites (including permanent residences) are below the minimum of 40ha lot size for LCZ which is acceptable as per LCZ 3, though LCZ 4 states that the zone is not appropriate where the priority is for residential use. Nonetheless, Residential use is a Discretionary Use in the LCZ and all of the lots in consideration already contain Residential uses, including a dwelling and associated outbuildings. The intent of using the zone is not to facilitate further development, but to preserve the natural and cultural elements of the respective areas.

### ***Environmental Management Zone 23.0***

The spatial application of the Environmental Management Zone will be a like-for-like transition from the Interim Planning Scheme.

#### ***Environmental Management Zone 23.0 - Conversion from Rural Resource Zone***

The general spatial application of the Environmental Management Zone will be a like-for-like transition from the Interim Planning Scheme although a significant number of lots are to be added. During the Interim Planning Scheme process a large portion of Circular Head was zoned Rural Resource by default. Part EMZ 1 of the Guidelines outline that land is to be zoned Environmental Management as follows:

*EMZ 1 - The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:*

- (a) land reserved under the Nature Conservation Act 2002;*
- (b) land within the Tasmanian Wilderness World Heritage Area;*
- (c) riparian, littoral or coastal reserves;*
- (d) Ramsar sites;*
- (e) any other public land where the primary purpose is for the protection and conservation of such values; or*
- (f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.*

Since the Interim Planning Scheme was enacted, many parcels of Crown land have been listed as statutory reserves under the Nature Conservation Act 2002 and as a result now qualify for the Environmental Management Zone. Additionally, many riparian and littoral reserves created under the Crown Lands Act 1976 have also been included. Parcels of Crown land which have been given reserve status but not conservation status have been referred to DPIPWE for comment and their recommendations followed.

A small number of lots have been converted to Environmental Management Zone that are not listed as reserves, but have a high conservation value and may complement adjacent lot zoned Environmental Management.

The zone has been applied in accordance with the Guidelines, with the exception of EMZ 1-(f) 'any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.'. Land under private conservation covenants would fall into this category. However it is deemed that in zoning them Environmental Management, it restricts the possible uses of the land substantially beyond the current Rural Resource Zone. If zoned Rural, the Natural Assets Code provisions, particularly those relating to the Priority Vegetation Area, apply in full and would reflect the land management values of a lot subject to a natural assets based covenant.

A small number of lots have been converted to Environmental Management Zone that are not listed as reserves, but have a high conservation value and may complement adjacent lot zoned Environmental Management. The Circular Head Lawn Cemetery consists of 4 lots adjacent the West Inlet and incorporates a burial reserve area that is partially utilised by a neighboring property for grazing cattle, and a large tract of remnant coastal vegetation bordering 1.8km of shoreline. As shown in Figure 3.10 the lots containing the cemetery have been converted to Community Purpose Zone in accordance with the Guidelines, and the other two lots have been zoned Environmental Management and Agriculture to suit the current agricultural and reserve uses and future impact of coastal refugia. A split zone is proposed on the larger lot (CT 156318/4) based on a 100m wide buffer from the current

high water mark which will be zoned Environmental Management. This is to allow for coastal refugia and the retreat of the bushland landwards. As the land is owned by Council, this will not impact on the agricultural capacity of a private landowner and facilitates land management consistent with a council reserve management plan (Circular Head Lawn Cemetery Coastal Buffer Management Plan 2017). The use of the Environmental Management Zone in this way



FIGURE 3.10 – Proposed zone conversions of Council land incorporating the municipal cemetery and anticipated coastal refugia area.

is consistent with the desired outcomes of the State Coastal Policy relating to accommodating natural processes, and meets the regional policies outlined in Section 2, Part C of the CCRLUS relating to managing land use in a changing climate.

See appendix A which provides a table of all properties proposed for conversion and justification against the Guidelines

### ***Major Tourism Zone 24.0***

This zone is not used in the CHLPS.

### ***Port and Marine Zone 25.0***

The spatial application of the Port and Marine Zone will be a like-for-like transition from the Interim Planning Scheme.

### ***Utilities Zone 26.0***

The spatial application of the Utilities Zone will be largely a like for like transition from the Interim Planning Scheme. In the Port Latta area, some additional lots have been converted to Utilities from Rural Resource where a mix of infrastructure is located in conjunction with a landfill site, recreation reserve, and a region of high value remnant bushland. The modifications proposed are to reflect the established uses and are described in more detail in Appendix A.

*The Guidelines UZ1 and UZ2 require that the Utilities Zone be applied to roads within the 'State Road Casement'. Currently the Bass Highway and Stanley Highway are zoned Utilities but the zone does not extend west of the Duck River. The proposed LPS will include the remainder in the of the Bass Highway Utilities Zone to where it terminates at Arthur River Road on the West Coast.*

*The rail corridor which extends from Burnie through to Wiltshire in Circular Head will remain within the Utilities zone.*

### ***Community Purpose Zone 27.0***

The spatial application of the Community Purpose Zone will be a like-for-like transition from the Interim Planning Scheme.

Additionally, several rural community halls, though small, have been converted to Community Purpose Zone instead of their surrounding zone, which would be Agriculture. Several Recreation Zoned lots have also been converted to Community Purpose Zone to reflect a broad community use as opposed to organized recreational purposes as is described further below. These changes are detailed in Appendix A.

## **Recreation Zone 28.0**

The spatial application of the Recreation Zone will be generally a like-for-like transition from the Interim Planning Scheme except for several small changes. The TPS Recreation Zone has a much narrower range of allowable uses and the Guidelines provide the following criteria for its use:

- RecZ 1 - The Recreation Zone should be applied to land that is, or is intended to be, used for active or organised recreational purposes, including:
- (a) sporting grounds and facilities;
  - (b) golf courses;
  - (c) racecourses; and
  - (d) major sporting facilities.

A number of community halls have been zoned Recreation under CHIPS 2013 though they do not feature active or organized events or contain few recreational facilities. As such, in several cases the Community Purpose or Environmental Management zone have been utilised as these zones permit mixed uses (including emergency services). These changes are detailed in Appendix A

In addition to the effect on public land uses, the changes to the Recreation Zone use table will significantly affect private commercial uses. The properties shown in Figure 3.11 is owned by and adjacent to an existing golf course and both are zoned Recreation. As a key example, under the CHIPS 2013 the landowner may apply for Visitor Accommodation if it is associated with sports or recreation on the site. Under the new zone however, Visitor Accommodation is prohibited unless it is a caravan park or campground for overnight camping. This is considered an unnecessarily onerous restriction on the landowners and an alternate zone is proposed.

The Landscape Conservation Zone, features a very similar use table to the CHIPS 2013 Recreation Zone and would therefore be a suitable and simple conversion. The lots contain substantial natural coastal values such as vegetated sand dunes and coastal scrub and are bound by conservation reserve areas. The lots are also subject to significant environmental constraints in the form of coastal erosion and coastal inundation. This zoning is consistent with and complimentary to the Conservation Area (Environmental Management) immediately to the south-west, and the Crown (Environmental management) and Council-owned coastal reserve areas (Open Space) to the north-east. These changes are detailed in Appendix A.



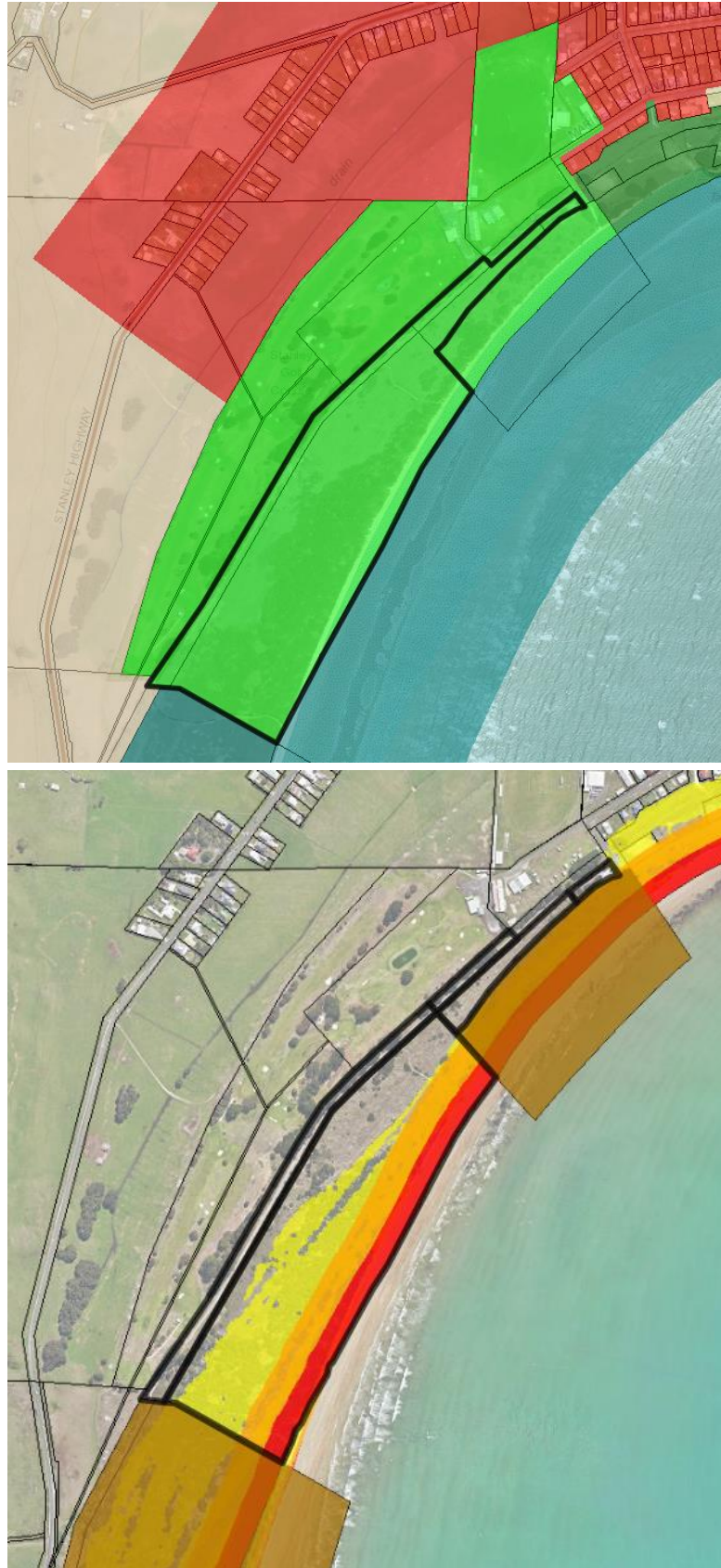


FIGURE 3.11 – Stanley Golf Club, Stanley – Vacant land highlighted for proposed conversion from Recreation to Landscape Conservation Zone. Top image shows extent of CHIPS 2013 Recreation zone. Bottom image shows conservation areas to south-west and north-east, plus extent of Coastal Erosion and Inundation hazard bands.

### ***Open Space Zone 29.0***

The spatial application of the Open Space Zone will be a like-for-like transition from the Interim Planning Scheme, except for several small changes to public land such as a beach access and reserve area currently zoned Rural Resource under the CHIPS 2013. These changes are detailed in Appendix A.

### ***Future Urban Zone 24.0***

This zone is not used in the CHLPS.

## **4.0 CODES**

Section LPI.7 of the LPS provides the requirements for how Code mapping should be applied in each municipal area with additional direction from the Guidelines.

Section LPI.8 provides the requirements for where Code lists in Tables are to be populated.

The following Codes are not mentioned in the sections below as they have no requirement for mapping or other opportunities for input in the LPS:

- C1.0 Signs Code
- C5.0 Telecommunications Code

### ***C2.0 Parking and Sustainable Transport Code***

#### ***Parking Precinct Plan***

The Code allows for a parking precinct plan overlay map which can be applied to land (activity centres and streets) where the intention is to reduce the amount of parking required by new development. At this stage, it will not be used in the LPS.

#### ***Pedestrian Priority Street***

A pedestrian priority street overlay map may be applied to a road where pedestrian movement and activity are to take priority over vehicle parking and access to facilitate active street frontages. At this stage, it will not be used in the LPS.

### ***C3.0 Road and Railway Assets Code***

#### ***Future road or railway***

The Road and Railway Assets Code allows for an overlay map to be provided over areas which are reserved for a future major road or a future railway. An overlay will not be used unless TasRail or the Department of State Growth (DSG) provide comment requesting otherwise during the exhibition period.

#### ***Road and railway attenuation***

Each LPS may contain an overlay map showing a road or railway attenuation area for the application of the Road and Railway Assets Code. Guideline RRAC I states “a road or railway attenuation overlay should only be applied as an alternative to the 50m attenuation area specified in the definition to account for local details.” As such, the road or railways attenuation area overlay map is not shown along the road and railway corridors, as there is no justification to vary the 50m attenuation area.

### ***C4.0 Electricity Transmission Infrastructure Protection Code***

The Code provides for the protection of transmission infrastructure such as the transmission line that runs from the Smithton substation to the Burnie substation. The LPS includes a mapped overlay based on data supplied by TasNetworks as required by Guideline ETIPC I. The overlay essentially provides a buffer area around transmission lines and substations and any use or development within that area must satisfy standards introduced to protect the infrastructure. No changes are proposed.

### ***C6.0 Local Historic Heritage Code***

The Local Historic Heritage Code aims to recognise and protect the local historic heritage significance of local heritage places, heritage precincts, historic landscape precincts and places or precincts of archaeological potential, as well as significant trees, by regulating development that may impact on their values, features and characteristics.

#### ***Heritage places***

The CHIPS 2013 has an existing list of Heritage Places and the PPU has identified that Table E5.1 of CHIPS 2013 can be transitioned in accordance with the code-applying provisions that are subject to Schedule 6, Clause 8D(2) of LUPAA.

An error in the CHIPS 2013 where a property ‘VDL cookhouse’ is listed as being located

in 'Stanley' when it should read 'Woolnorth' has been amended accordingly. This change is justified as the title reference in the CHIPS 2013 indicated the VDL Co. land at Woolnorth, and there is no other building referred to as the Cookhouse Cottage in the municipality.

Another error in the CHIPS 2013 was amended where an historic cottage in Rougemont Street has changed address following subdivision and address changes to the lot containing the cottage. The changes to the property in recent history are tabled below.

Year	PID	Property Address
1996	6212098	12-14 Rougemont Street
2002	6212098	12-14 Rougemont Street <i>(subjected to 2 lot subdivision)</i>
2004	2237001	12 Rougemont Street
2007	2237001	10 Rougemont Street

The Local Historic Heritage Code does not apply to a registered place entered on the Tasmanian Heritage Register (THR).

### ***Local Heritage Precinct***

The CHIPS 2013 contains the Stanley Conservation Area which applies to the central area of the township of Stanley. The PPU identified that it can be directly transitioned into the Local Heritage Precinct table, subject to slight formatting changes to allow effective operation in accordance with Schedule 6, Clause 8D(2) of LUPAA. Table C6.2 of the Local Provisions Schedule Structure outlines the three precincts and their associated Description and Design Criteria and a map which will also be transitioned.

### ***Local heritage landscape precincts***

This component is not used the CHLPS.

### ***Place or precinct or archaeological potential***

This component is not used the CHLPS.

### ***Significant trees***

Table C6.5 of the Local Provisions Schedule Structure contains a number of trees deemed suitable for nomination under Guideline LHHC 4.

There are no specific criteria provided in the Guidelines for the application of a Significant Trees overlay. As such CHC have used the opportunity to provide additional consideration of its locally significant trees located on Council or Crown land. Several of the trees represent deliberate streetscaping efforts from early settlement period which have significant local

connections, others are early street plantings, whereas others represent remnant trees which contribute significantly to the local streetscape.

The criteria used for selecting the trees was based around the preservation of trees which if removed would be to the substantial detriment to a public landscape. Given the urban streets of the municipality are relatively void of established trees, the value of existing vegetation is much higher than might usually be the case. Some notes of specific features/significance have been provided in Appendix H.

Except for two examples, only trees which were located on Crown or Council-owned land within Smithton and Stanley were considered to reduce complications around reliance on private land-owner cooperation. Additionally, trees which were within a managed parkland were not normally considered, as these are maintained within municipal plans already, and are less likely to be affected by development.

### ***C7.0 Natural Assets Code***

The Natural Assets Code is comprised of three mapped overlays:

- Waterway and coastal protection area;
- Future coastal refugia area; and
- Priority vegetation area.

The LPS Requirements at Section LPI.7.5 of the SPP's, specifies the requirements for the Natural Assets Code and each other respective overlay.

#### ***Waterway and coastal protection area***

The waterway and coastal protection overlay map was derived from the LIST's 'Waterway and Coastal Protection Area Guidance Map'. Guideline NAC 3 provides for the modification of the map to address any anomalies or inaccuracies in the guidance map. A significant anomaly identified, which would create unnecessarily onerous situations for rural land-owners, is the mapping of farm drainage lines, and in particular those of the 'hump and hollow' type. To reduce this impact, the proposed buffer lines created around these artificial drainage 'watercourses' has been limited to the main trunks of the drainage courses only. The result is a watercourse which more accurately reflects the natural drainage paths of a traditional paddock.

The two images in Figure 4.I provide an example of a before and after image of the edited mapping layer in a 'hump and hollow' paddock.

Additionally, during the mapping process, it was identified that a portion of the Montagu River which passes through Togari was not mapped in the LIST's 'Waterway and Coastal Protection Area Guidance Map'. This is presumably because the portion of the river has had its course altered to drain the surrounding farmland and has the appearance of a canal. As



such, the modification to the overlay as shown in Figure 4.2 will be applied to reflect the normal buffer area required for a river of this size.

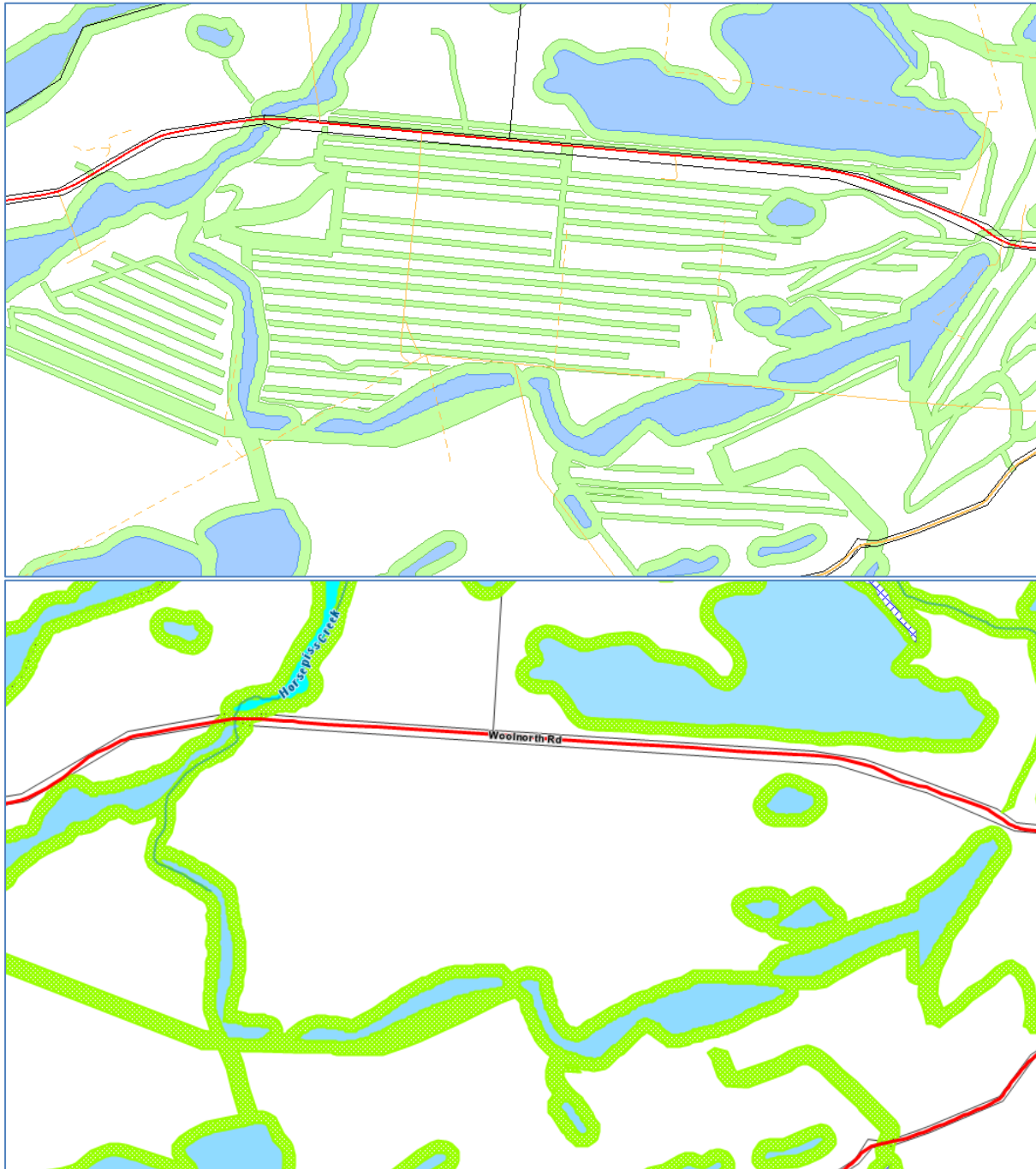


FIGURE 4.1 – Example of proposed modifications to the Waterway and Coastal Protection Area map (original at top)



FIGURE 4.2 – Proposed modifications to the Waterway and Coastal Protection Area map showing inserted river buffer for Montagu River

### ***Future coastal refugia area***

The future coastal refugia area overlay is applied to land identified for protection due to the landward retreat of the tidal zone. A 'Future Coastal Refugia Area Guidance Map' (guidance map) has been prepared and published on the LIST to provide guidance for preparing the future coastal refugia area overlay.

The Guidelines outline zones in which the overlay will apply and for which zones its application requires special consideration, and those which require a case by case consideration. Justification for its application to codes relevant to this municipality is provided in the table below:

<b>Zone Category</b>	<b>Zone</b>	<b>Comments</b>
Case by Case Consideration	- Recreation	The refugia area identified will be applied to the Recreation zone in all areas. This is in accordance with Guideline NAC 6(c)(ii) as the areas affected in Stanley and Smithton are largely used/developed for passive recreation and will not be significantly impacted by the application of the overlay.

Given the substantial impact a landward retreat of the tidal zone will have on the agricultural production of low-lying coastal properties in the future, the coastal refugia area has been used to influence the zoning of several areas. Most notably are Port Road in Montagu (Rural Zone), the east and west arms of Seven Mile Beach (Rural Zone and Landscape Conservation Zone respectively), and the Black River Farm (Landscape Conservation Zone). These zones changes are detailed above in Section 3.0 and in Appendix A. By applying these zone changes the LPS is consistent with the State Coastal Policy in its recognition of coastal processes, and the CCRLUS in meeting strategic outcomes relating to addressing Climate Change by protecting ecological values of the foreshore and wetlands.

### ***Priority vegetation area***

Section LPI.7.5(b) requires that each LPS must contain an overlay map showing priority vegetation areas that:

- includes threatened native vegetation communities as identified on TASVEG Version 3 published by DPIPWVE;
- are derived from threatened flora data from the Natural Values Atlas published by DPIPWVE;
- are derived from threatened fauna data from the Natural Values Atlas for the

identification of significant habitat for threatened fauna species, published by DPIPW.

A planning authority may modify the priority vegetation area derived from the above listed datasets, if field verification, analysis or mapping undertaken at a local or regional level by the planning authority, or a suitably qualified person on behalf of the planning authority:

- finds any anomalies or inaccuracies in the State data;
- provides more recent or detailed local assessment of the mapping and data; or
- identifies native vegetation or habitat of local importance.

The data prescribed for inclusion by the SPP's is very broad and not easily dissected or mapped in an effective way. As a result the planning authorities across the Southern, Northern & Cradle Coast Region engaged Rod Knight of Natural Resource Management Pty Ltd to undertake an analysis based on his 'Regional Ecosystem Model' (REM) and prepare the priority vegetation areas to be mapped as part of the LPS's which meets the requirements of the guidelines.

This approach provides for consistency across all municipal areas that is well-informed and directly comparable when assessing not only the LPS's, but also when assessing future development applications.

The REM is a complex layering of biodiversity values that refines the focus on areas of importance. A detailed description of the REM and how it relates to the priority vegetation overlay is provided in Appendix E. In summary however, the model:

- Integrates spatial data on the distribution of the major components of biodiversity, and the factors affecting them;
- Models key biodiversity attributes that derive from multiple inputs;
- Analyses the relationships among the components of biodiversity and the environment; and
- Spatially identifies areas which have immediate or potential conservation concerns, and provides indicators of their relative importance, to inform approaches and priorities for management.

The priority vegetation areas produced by the mapping have influenced the application of the Agriculture Zone, in particular. The Priority Vegetation development controls or mapping cannot be applied in this zone and as such, value judgements have been necessary given competing priorities between agriculture and vegetation preservation. Alternative zones such as the Landscape Conservation Zone and the Rural Zone, which allow existing agricultural practices to occur whilst recognising high conservation vegetation, have been used in a number of areas as a compromise. These aspects are referenced in more detail in individual cases in Appendix A.

## **C8.0 Scenic Protection Code**



Clause LPI.7.6 of the SPP allows each LPS to contain an overlay map showing attenuation areas for the spatial application of the Scenic Protection Code. The code provides for specific scenic values and management objectives to be identified. The Guidelines SPC 1 and SPC 2 outline that the Scenic Protection Area overlay or the Scenic Road Corridor may be applied where there are significant scenic values or views, and it can be justified that inappropriate development may diminish those values.

The municipality contains several scenic areas which are of high importance to the identity and tourism value of the region. Of particular importance to the visitor economy of Circular Head is the township of Stanley and the rural settlements of Woolnorth, Marrawah, and Arthur River, which are the primary attractions of the far north-west of Tasmania. These areas are frequented by holiday makers and day trippers alike. These areas are largely zoned Agriculture in which agricultural buildings are exempt from the provisions of this code, though consideration is still required for development of other uses and the removal of native vegetation.

### ***Scenic Protection Area***

A large proportion of the Green Hills, which frame the western skyline in Stanley, are to be zoned Agriculture in which the only visual controls relate to height and not the context or skyline. The Rural Resource Zone under the CHIPS 2013 currently requires consideration of nearby ridgelines, though this requirement does not feature in the Agriculture zone. Without additional controls the Green Hills are at risk of inappropriate development diminishing these values. For this area a Scenic Protection Area is proposed as per Figure 4.2 below. It is to be defined by an elevation height below the ridgeline and displayed as an overlay.

The 40m contour was chosen as it relates to the height at which the ridgeline meets the coastal road (Green Hills Road) adjacent Highfield Historic Site located on the eastern end of the Green Hills. The area above this contour height includes much of the area of the Greenhills which, if developed without careful consideration, could have a negative impact on the landscape values of the hills when viewed from the majority of the Stanley township. Development below this elevation is less likely to have a negative impact on the landscape values as they are below the ridgeline areas where silhouetting is possible.

### ***Scenic Road Corridor***

The road approaches to the west coast in Marrawah and the 'Nut' in Stanley represent two iconic drives within Circular Head Municipality. In Marrawah, Green Point Road and the Marcus River Road branch off Comeback Road towards the west and north-west and provide the first glimpses of the spectacular western coastline through to the north-western tip of Tasmania. Though the terrain is relatively steep in these sections and not easily developed in close proximity to the road, it is considered important that their significance to the identity of this

region is recognised. For this reason a Scenic Road Corridor of 1.0km on Green Point Road, and 2.5km on Marcus River Road has been applied and can be seen in Figure 4.3 below.

The approach to the township of Stanley along the Stanley Highway provides a broad vista of Sawyer Bay and the Nut. At approximately 3km from the town centre the road rises from the

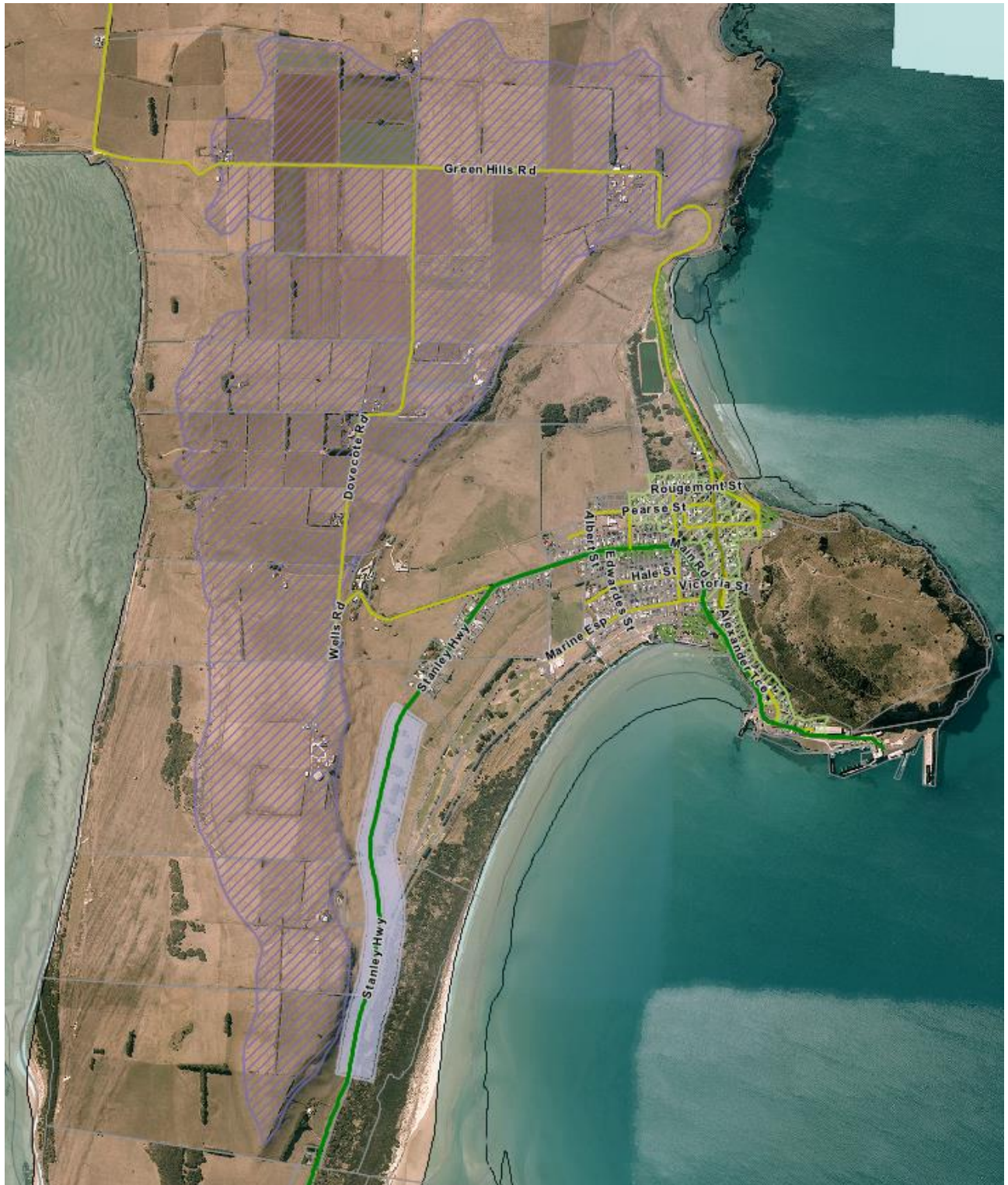


FIGURE 4.2 – Proposed application of a Scenic Protection area of the Stanley Green Hills, and Scenic Road Corridor to the approach to Stanley.



low-lying peninsula and the setting of the Nut becomes apparent. Shortly after this point is the location of a highly visited lookout. To recognize and protect this important vista, it is proposed that a stretch of approximately 1.5km be applied from just before the lookout to the boundary of the General Residential Zone. This can be seen in Figure 4.2.



FIGURE 4.3 – Proposed application of the Scenic Road Corridor to the top sections of Green Point Road, and Marcus River Road, Marawah.

### **C9.0 Attenuation Code**

Clause LPI.7.7 of the SPP allows each LPS to contain an overlay map showing attenuation areas for the spatial application of the Attenuation Code. No overlay map is proposed and therefore the attenuation distances will be as per those provided in Table C9.1 and C9.2 in the SPP's.

### **C11.0 Coastal Inundation Hazard Code**

Clause LPI.7.9 of the SPP requires each LPS to contain an overlay map produced by the Department of Premier and Cabinet, showing:

- (i) coastal inundation hazard areas; and
- (ii) coastal inundation investigation areas,

for the application of the Coastal Inundation Hazard Code.

Guideline CIHC I requires the coastal inundation hazard area overlay to include the three coastal inundation hazard bands and the coastal inundation investigation area as depicted in the 'Coastal Erosion Hazard Area Bands 20161201' layer published on the LIST.

The coastal inundation hazard area overlay in the LPS has not been modified from the layer published on the LIST.

### ***C12.0 Flood-Prone Hazard Code***

The Flood-Prone Hazard Code is not used in the LPS as the rivers which pass through the populated parts of the region have not been subject to flood risk mapping suitable for inclusion in the LPS.

### ***C13.0 Bushfire-Prone Areas Code***

The LPS incorporates a bushfire-prone area overlay which has been provided by the Tasmanian Fire Service. The supporting report from the TFS is provided at Appendix F.

### ***C15.0 Landslip Hazard Code***

Clause LPI.7.12 of the SPP requires the LPS to contain an overlay map produced by the Department of Premier and Cabinet, showing landslip hazard areas for the application of the Landslip Hazard Code. Guideline LHC I requires the landslip hazard area overlay must include the four landslip hazard bands as depicted in the 'Landslide Planning Map – Hazard Bands 20131022' layer published on the LIST, unless modified. No modification is proposed.

### ***C16.0 Safeguarding of Airports Code***

Clause LPI.7.14 of the SPP requires the LPS to contain an overlay map which indicates the airport obstacle limitation area based on the Obstacle Limitation Surfaces (OLS) for a specific airport. Circular Head features a small airport near Smithton and the current OLS map (of which the heights are based on the Australian Height Datum) will be carried over to the LPS.



## 5.0 LOCAL OVERRIDING PROVISIONS

### 5.1 MINISTERS DECLARATION as per Section 87C & Schedule 6.

See Appendix G for the Ministers declaration and associated documents.

### 5.2 LOCAL AREA OBJECTIVES

The CHIPS 2013 does not contain any Local Area Objectives and consequently the only statutory description of the local areas have been through the CCRLUS, which applies very broad brush objectives to regions and focuses on the role of towns and local centres such as Smithton and Stanley. Coastal hamlets such as Crayfish Creek, Edgcumbe Beach, Hellyer Beach, Rocky Cape, Marrawah and Arthur River are referenced as shack site clusters and given little further consideration except identifying that they shared places of social interaction such as local shops or recreational facilities. Consequently, these coastal hamlets and some smaller rural centres do not have strategic direction provided for their development.

In March 2018 CHC adopted the Open Space, Sport and Recreation Plan in which part of the assessment of Circular Head involved the grouping of settlements based on shared social, recreation and economic spaces as opposed to localities based on administrative boundaries alone.

Area Description
<b>Forest</b> – Includes localities Forest, South Forest, Mengha, Wiltshire & Alcomie.
<b>Irishtown</b> – Includes localities Irishtown, Edith Creek, Trowutta, Roger River, Nabageena & Lileah.
<b>Marrawah</b> – Includes localities Marrawah, Redpa, Arthur River, Woolnorth, Montagu, Togari & Brittons Swamp, Temma, Nelson Bay, Couta Rocks & Christmas Hills
<b>Rocky Cape</b> - Includes localities Rocky Cape, Montumana, Mawbanna, Black River, Hellyer Beach, Crayfish Creek, Peggs Beach, Port Latta, Cowrie Point, Edgcumbe Beach & Detention River
<b>Smithton</b> – Includes Smithton Mella, West Montagu, Scopus, Broadmeadows & Scotchtown
<b>Stanley</b> – Includes Stanley and Green Hills

Except for Smithton and Stanley, which are sufficiently addressed in the CCRLUS, these areas are proposed for use as the areas in the Local Area Objectives as described in the tables CIR-10.0, CIR-12.0, and CIR-22.0 in the Local Provisions Schedule Structure.

By providing each area with a Local Area Objective, the council is recognizing that these are occupied areas that have a role and identity within the greater community. Council's *Circular Head Corporate Strategic Plan 2017-2027* outlines that as a key goal for 'Connected Communities' it will be '*inclusive and resilient with a strong sense of belonging*'. The proposed LAOs identify unique or changing aspects of the area which will determine appropriate forms of future development. This includes factors such as the transition of coastal hamlets from being largely vacation settlements to permanent resident settlements which affects servicing and infrastructure needs.

## **6.0 LUPAA MANDATORY REQUIREMENTS s32(2)(b)**

The mandatory requirements are adopted in full as follows:

### **6.1 Spatial Application of the State Planning Provisions s(32)(2)(c) & (e)**

Section 32(2)(c) and (e) requires that an LPS must contain maps, overlays, lists or other provisions that provide for the spatial application of the SPP's. Section LPI.0 of the SPP's outlines the way the spatial application of the SPP's is to be presented.

The draft LPS is prepared in accordance with the application and drafting instructions included in the SPP's and in Guideline No.1 - Local Provisions Schedule Zone and Code Application (the "Guidelines") issued by the TPC.

### **6.2 Sections 11 & 12 of LUPAA – s32(2)(d) & (f)**

Formerly Section 20 of LUPAA, Sections 11 and 12 of the Act prescribe the contents of planning schemes and refer to the TPS. In particular, the sections outline the matters that a planning scheme may, or may not, regulate.

Section 12 recognises the continuing use and development rights for those uses and developments that were in existence before new planning scheme provisions take effect, or that have been granted a permit but have not yet been completed.

The draft LPS does not seek to regulate matters outside the jurisdiction prescribed in

Sections 11 and 12 of the Act. It is noted that the legal protections for existing uses informs decisions about the applications of zones to land.

### **6.3 Use of overlays & Lists – s32(2)(e)**

The SPP includes a number of Codes that are only given effect through maps or lists in the LPS. See section 4 for more detail.

### **6.4 Land Reserved for Public Purposes - 32(2)(g)**

The LPS does not expressly designate land for public purposes, however it does zone public land appropriately.

### **6.5 Application of the detail of the SPP to a particular place or matter - s32(2)(h)**

The LPS applies to SPP via zones and overlays consistent with the Guidelines issued by the TPC.

### **6.6 Overriding provisions – s32(2)(i)**

The LPS contains overriding provisions in that the contents of PPZ's, SAP's and SSQ's override some provisions of the SPP's where those provisions modify or are in substitution for the SPP's.

Most overriding provisions are protected under transitional arrangements in which PPZ's, SAP's and SSQ's that exist at December 2015 can automatically carry forward with the consent of the Minister.

The LPS aims to achieve as much consistency as possible with the SPP's and only seeks to include overriding provisions where the Act requirements for compliance with the Schedule 1 Objectives of LUPAA or the CCRLUS cannot be met without local provisions.

### **6.7 Modification of Application of SPP's – s.32(2)(j)**

The LPS does not seek to modify application of the SPP's. The SPP's are applied to land, use and development in accordance with the directions prescribed in Section LPI.0 of the SPP's and in consideration of the Guidelines

The requirements for the application of the SPP's does however influence the proposal for the inclusion of overriding local provisions in the PPZs, SPP's and SSQ's.

## **6.8 Limitations of LPS – s32(2)(k)&(l)**

The provisions at 32(2)(k) & (l) require a LPS to not include provisions that:

- 6.8.1.1 the SPP specifies cannot be included in an LPS;
- 6.8.1.2 otherwise exist in the SPP; and
- 6.8.1.3 are inconsistent with the SPP.

It is considered that the draft LPS is compliant with these limitations.

## **6.9 LPS may include – s32(3),(4) & (5)**

The LPS may include PPZs, SAPs and SSQs only if:

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
- (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

The LPS includes a number of SSQ's which are currently contained in the CHIPS 2013 and are protected by transitional arrangements under Schedule 6, Clause 8 of LUPAA. These are outlined in Appendix G which contain the Ministers declaration of transitional components from the CHIPS 2013.

A modification to the Minister's Declaration was required in order to transition the CHIPS 2013 SSQ for 9 Rifle Range Road as it was established that the SSQ still had a function under the LPS (others not transitioned had been made redundant by LPS requirements).