

TASMANIAN PLANNING COMMISSION



DECISION

Local Provisions Schedule

Circular Head

Date of decision

25 March 2021

Under section 35K(1)(a) of *Land Use Planning and Approvals Act 1993* (the Act), the Commission directs the planning authority to modify the draft LPS in accordance with the notice at Attachment 2.

When the directed modifications have been undertaken under section 35K(2), the Commission is satisfied that the LPS meets the LPS criteria and is in order for approval under section 35L(1).

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Ann Cunningham
Delegate (Chair)

A handwritten signature in black ink, appearing to read 'Roger Howlett'.

Roger Howlett
Delegate

REASONS FOR DECISION

Background

The Circular Head Planning Authority (the planning authority) exhibited the Circular Head draft Local Provisions Schedule (the draft LPS), under section 35D of *Land Use Planning and Approvals Act 1993* (the Act), from Friday 7 February 2020 until Friday 27 March 2020 when the planning authority office closed due to the COVID-19 shutdown. The exhibition period was continued from 22 June 2020 to 5 July 2020.

On 23 October 2020, the planning authority provided the Tasmanian Planning Commission (the Commission) with a report under section 35F(1) into 33 representations received on the draft LPS. A list of representations is at Attachment 1.

In addition, a submission by the State Emergency Service (SES) during the hearing process was accepted by the Commission. The planning authority was provided an opportunity to respond to the submission.

Date and place of hearing

The Commission must hold a hearing in relation to representations to the draft LPS under section 35H of the Act.

A hearing were held at the Circular Head Council, 33 Goldie Street, Smithton on 1 and 2 December 2020.

Consideration of the draft LPS

1. Under section 35J(1) of the Act the Commission must consider:
 - the planning authority section 35F(1) report and the draft LPS to which it relates;
 - the information obtained at the hearings;
 - whether it is satisfied that the draft LPS meets the LPS criteria under section 34; and
 - whether modifications ought to be made to the draft LPS.
2. Under section 35J(2) of the Act, the Commission may also consider whether there are any matters that relate to issues of a technical nature or may be relevant to the implementation of the LPS if the LPS were approved.
3. The LPS criteria to be met by the draft LPS are:
 - (a) contains all the provisions that the State Planning Provisions (SPPs) specify must be contained in an LPS;
 - (b) is in accordance with section 32 of the Act;
 - (c) furthers the objectives set out in Schedule 1 of the Act;
 - (d) is consistent with each State policy;
 - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;

- (f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates;
 - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
 - (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*.
4. The relevant regional land use strategy is the Cradle Coast Regional Land Use Planning Framework 2010-2030 (regional strategy), declared in 2011.
 5. In addition to the LPS criteria, the Commission has considered Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application (Guideline No. 1) issued under section 8A of the Act.
 6. The requirements for making modifications to the draft LPS are set out under section 35K of the Act. The modifications can be broadly categorised as modifications [section 35K(1)(a) and (b)] or substantial modifications [section 35K(1)(c)(ii)].
 7. The Commission may also reject the draft LPS and request that the planning authority prepare a substitute [section 35K(c)(i)].
 8. Where the Commission has determined modifications ought be made, these are set out in a notice under section 35K(1)(a) of the Act (see Attachment 2).

Issues raised in the representations

General Residential Zone – 21 Flowery Flats Lane, Smithton

Representation: EnviroPlan (27)

9. The representor requested that the zoning of the land consisting of two properties at 21 Flowery Flats Lane, Smithton be revised from the Rural Zone to the General Residential Zone.
10. The reasons include:
 - to enable the land to be utilised for future residential use and development;
 - the land has limited rural resource capacity;
 - water and sewerage reticulation infrastructure is available on the site; and
 - the site contains an existing dwelling and outbuildings.
11. In the section 35F report, the planning authority considered that the requests constitute strategic rezoning and recommended no modifications to the draft LPS.
12. The reasons include:
 - this is a strategic rezoning as it has the potential to change potential lot-yield, or alter settlement patterns
 - proposed strategic rezoning will be considered in the development of Council's Settlement Strategy and recommendations from this strategy will be incorporated into a future draft amendment.

13. At the hearing, Mr Wells from EnviroPlan submitted that the land is fully serviced and suitable for residential development. The planning authority restated this is a strategic rezoning that will be considered as part of the settlement strategy which is likely to be prepared next year.

Commission consideration

14. The Commission accepts the planning authority's submission that this is a strategic rezoning, and considers there is insufficient evidence to determine whether the proposal meets the LPS criteria such as whether the proposed zoning to the General Residential Zone for both properties is as far as practicable consistent with the regional strategy.

Commission decision

15. The Commission considers that no modifications are required.

Rural Living Zone– 19931 Bass Hwy, Hellyer and across the municipality

Representations: Tony Maguire (8), Stanley Chamber of Commerce (11), Paul Arnold (20), and Tammy Tuxworth (33).

16. The representors requested that more land across the municipality be zoned to provide for residential development and Mr Maguire also requests that 19931 Bass Highway, folio of the register 153990/2, Hellyer be zoned to allow for future residential development.
17. The reasons include:
 - 19931 Bass Highway, Hellyer is part of the future of the Hellyer/Rocky Cape locality with poor soils, but stunning views;
 - there is insufficient land zoned to allow for building homes;
 - the proposed Agriculture Zone will prevent the development of hobby farms and prevent the population increasing in the area;
 - no consideration has been given to rezoning land to the north of Smithton to allow for residential expansion;
 - Stanley has a huge demand for residential living; and
 - the expansion of small coastal and farming communities in the Environmental Living zone and Village zones around Arthur River, Irishtown, Forest, Marrawah and Montagu has not been considered.
18. In the section 35F report, the planning authority considered that the requests constitute strategic rezoning and recommended no modifications be made to the draft LPS.
19. The reasons include:
 - the application of the Agriculture Zone is considered to be consistent with the Guideline No 1 and with Council's Decision Rules;
 - the land at 19931 Bass Highway, Hellyer is mapped as 'unconstrained';
 - the request constitutes a strategic re-zoning as it has the potential to change potential lot-yield, or alter settlement patterns;
 - any proposed strategic rezoning will be considered in the development of Council's Settlement Strategy and recommendations from this strategy will be incorporated into a future draft amendment; and

- the drafting of the SPPs, particularly the operation of the zones, are not a subject of this review though the matter is raised for further consideration by the Commission.
20. At the hearing, the planning authority submitted that whilst they understand the views of the representors, the state land potentially suitable for agriculture map shows the area at 19931 Bass Highway, Hellyer as unconstrained. The planning authority further stated that as the land is unconstrained, changing the zoning to Rural Living is inconsistent with the regional strategy and Guideline No.1.
 21. Mr Maguire submitted that Circular Head has a need for more executive land for building houses on. The planning authority responded that the settlement strategy to be developed next year will address these issues.

Commission consideration

22. The Commission accepts the planning authority's evidence, and considers there is insufficient evidence to determine whether the proposal meets the LPS criteria such as whether the proposed zoning to General Residential or Rural Living both across the municipality and at 19931 Bass Highway, Hellyer is as far as practicable consistent with the regional strategy or Guideline No. 1, noting also that the planning authority has also committed to developing a settlement strategy.

Commission decision

23. The Commission considers that no modifications are required.

Rural Living C - Blanksbys Rd and Coburn Lane Area

Representations: Circular Head Council (12)

24. The representors requested that the zoning of the land at 24 and 26 Blanksbys Road, 5 and 9 Coburn Lane, and 80 and 82 Montagu Rd be revised to Rural Living Zone C.
25. The reasons include:
 - all of lots are mapped as Potentially Constrained '3' and contain established residential uses; and
 - Rural Living Zone C would prevent subdivision potential and subsequent additional lot yield.
26. In the section 35F report, the planning authority recommended the land be revised from the Agriculture Zone to the Rural Living Zone C as requested by the representation.
27. The reasons include:
 - the properties in the area are fully developed in the form and density of a Rural Living Zone; and
 - all of the lots mapped are Potentially Constrained '3' and contain established residential uses.
28. At the hearing, the planning authority submitted that the sites at Blanksbys Road and Coburn Lane were intended to be proposed as Rural Living Zone C in the exhibited draft LPS. The planning authority further submitted that the land is shown as constrained on the Land Potentially Suitable for Agriculture layer and are all currently developed with residences. The Rural Living Zone C will not allow any further subdivision of these properties. At the request of the delegates, the planning authority contacted all landowners seeking their views on the proposed zoning to Rural Living Zone C and the planning authority later submitted that

all landowners consented to the proposed zone change. One of the owners requested that an additional property at 8 Coburn Lane also be included in the proposed zone change to Rural Living Zone C.

Commission consideration

29. The Commission accepts the planning authority's evidence, that the lots are existing Rural Living lots and the Rural Living Zone C will not allow any further subdivision. The Commission does not agree to include the additional property at 8 Coburn Lane, as this property is mapped as unconstrained in the Land Potentially Suitable for Agriculture layer, is not currently developed for rural living purposes.

Commission decision

30. Modification:
 - revise the zoning of 24 and 26 Blanksbys Road, 5 and 9 Coburn Lane, and 80 and 82 Montagu Rd (folios of the Register 11613/5, 11613/2, 252720/1, 135700/2, 243585/1 and 205120/1) to the Rural Living Zone C.
31. Reason: Application of the Rural Living Zone is consistent with the purpose of the zone and RLZ 1 of Guideline No. 1.

Rural Living Zone— 19479 Bass Highway Detention and Rocky Cape Road

Representations: John and Janet Popowski (18), and EnviroPlan (25)

32. The representors requested that the zoning of land at 19479 Bass Highway, Detention (folio of the Register 224558/1) and Rocky Cape Road, Rocky Cape (folio of the Register 131433/1) be revised from the Rural Zone to the Rural Living Zone.
33. The reasons include:
 - the site at 19479 Bass Highway, Detention River is more suited to residential uses due to its proximity to services, businesses and other residences;
 - the site at Rocky Cape Road, Rocky Cape will accommodate the expansion of Rural Living use and development consistent with the established settlement pattern; and
 - the site at Rocky Cape Road, Rocky Cape has no rural resource development capacity due to size, surrounding land use and land capability.
34. In the section 35F report, the planning authority considers that the requests constitute strategic rezoning and do not require modifications to the draft LPS.
35. The reasons include:
 - the request constitutes a strategic rezoning as it has the potential to change potential lot-yield, or alter settlement patterns; and
 - the proposed strategic rezoning will be considered in the development of Council's Settlement Strategy and recommendations from this strategy will be incorporated into a future draft amendment.
36. At the hearing, the planning authority submitted that the change to the Rural Living Zone for both properties constitutes a strategic rezoning and is not consistent with the Guideline No. 1.
37. Mr Wells submitted that the property at Rocky Cape Road, Rocky Cape is constrained agricultural land and that the site is the only land without a house.

Commission consideration

38. The Commission accepts the planning authority's section 35F report that the proposed zoning to the Rural Living Zone for both properties is a strategic rezoning and considers that there is insufficient evidence that the LPS criteria are met, noting that the planning authority has committed to developing a settlement strategy.

Commission decision

39. The Commission considers that no modifications are required.

General Industrial Zone – Port Latta Jetty

Representations: Department of State Growth (10)

40. The representor requested that the zoning of Port Latta Jetty be revised to retain the General Industrial Zone.
41. The reasons include:
- Port Latta Jetty is a major private port facility.
42. In the section 35F report, the planning authority recommended that the zoning of the land be retained in the General Industrial Zone as requested in the representation.
43. The reasons include:
- a mapping error resulted in this area being proposed as the Environmental Management Zone.
44. At the hearing, the planning authority submitted that the zoning of the Port Latta jetty was an error and the most suitable translation of the interim planning scheme zoning is General Industrial. Ms Thorne, representing the Department of State Growth, agreed.

Commission consideration

45. The Commission agrees with the planning authority and the representor, that the zoning of the Port Latta jetty is an error.

Commission decision

46. Modification:
- revise the zoning of the Port Latta jetty from the Environmental Management Zone to the General Industrial Zone as described in the planning authority's section 35F report on page 18.
47. Reason: Application of the General Industrial Zone is consistent with the purpose of the zone and GIZ5 of Guideline No. 1.

Rural Zone - small titles in Wiltshire area adjoining the Bass Highway

Representations: Circular Head Council (12)

48. The representor requested that the zoning of the land in the Wiltshire area adjoining the Bass Highway be revised from the Agriculture Zone to the Rural Zone for 21229 Bass Highway, Wiltshire (folio of the Register 118625/1); 21225 Bass Highway, Wiltshire (folio of the Register 235443/1); 21223 Bass Highway, Wiltshire (folio of the Register 118625/2); 7 Myrtle Grove Road, Wiltshire (folio of the Register 108682/1); 21189 Bass Highway, Wiltshire (folio of the Register 41529/1); and PID 1854251, Bass Highway, Wiltshire (folio of the Register 128604/1).

49. The reasons include:
 - these lots are substantially constrained and their translation to the Rural Zone would retain the diversity of use rights available under the interim planning scheme; and
 - the rezoning is consistent with other lots for which the Rural Zone is applied to further south-west.
50. In the section 35F report, the planning authority recommended that the zoning of the land be revised from the Agriculture Zone to the Rural Zone.
51. The reasons include:
 - these lots are substantially constrained and their translation to the Rural Zone would retain the diversity of use rights available under the interim planning scheme; and
 - this would be consistent with Council's Decision Rules (LPS Supporting Report, Appendix B.
52. At the hearing, the planning authority submitted that the Agriculture Zone seems an unnecessary impost for land already zoned for residential forms of development and that the sites were intended to be included in the Rural Zone as they are constrained by the surrounding Bass Highway. At the request of the delegates, the planning authority contacted all landowners seeking their views on the proposed zoning to the Rural Zone and submitted that all landowners agreed to the Rural Zone.

Commission consideration

53. The Commission accepts the planning authority's view that the land is constrained by the Bass Highway and agrees that the Rural Zone is the most suitable zone.

Commission decision

54. Modification:
 - revise the zoning of 21229 Bass Highway, Wiltshire (folio of the Register 118625/1); 21225 Bass Highway, Wiltshire (folio of the Register 235443/1); 21223 Bass Highway, Wiltshire (folio of the Register 118625/2); 7 Myrtle Grove Road, Wiltshire (folio of the Register 108682/1); 21189 Bass Highway, Wiltshire (folio of the Register 41529/1); and PID 1854251, Bass Highway, Wiltshire (folio of the Register 128604/1) to the Rural Zone.
55. Reason: To apply the Rural Zone in a manner consistent with the purpose of the zone and Guideline No. 1.

Rural Zone and use of Landscape Conservation Zone – across the municipality

Representations: Paul Arnold (20), Tarkine Coast Progress Group (21), John McNab (24), and Greenham Tasmanian Pty Ltd (29)

56. The representors requested reconsideration of the Agriculture Zone across the municipality and use of the Rural Zone instead. Reconsideration of the Landscape Conservation Zone was also requested.
57. The reasons include:
 - the Rural Zone is less restrictive for small communities than the Agriculture Zone, and provides more opportunities where there are a mix of uses including for future residential use and development;
 - the Landscape Conservation Zone has been introduced without adequate consultation;

- the draft LPS appears to compromise the potential of maintaining and developing regional resources /economy; and
 - the population strategy and need for more agricultural land improvement and development should be a consideration of the draft LPS, but it is silent on both.
58. In the section 35F report, the planning authority considered that the requests constitute strategic rezoning and did not warrant modifications to the draft LPS.
59. The reasons include:
- except for a small number of cases, the Guidelines specify that the 'Land Potentially Suitable for Agriculture Zone' direct the use of the Agriculture Zone;
 - a set of Decision Rules (LPS Submission, Appendix B) were also used to assist with the differentiation of the Agriculture, Rural, and Landscape Conservation zones;
 - the Landscape Conservation Zone was used very sparingly with consultation with landowners involved;
 - the operation of the Agriculture and Rural zones constitutes an issue with the operation of the SPPs, which is not a subject of this review; and
 - proposed strategic rezoning will be considered in the development of Council's Settlement Strategy and recommendations from this strategy will be incorporated into a future draft amendment.
60. At the hearing, the planning authority submitted that they had followed Guideline No. 1 in the application of the Rural and Agriculture zones. The representors submitted that the Circular Head region is one of the most productive in Tasmania and that the proposed Agriculture Zone will constrain the use of activities unless they are clearly linked to agricultural uses.

Commission consideration

61. The Commission acknowledges that Circular Head is a productive area with a large amount of industrial uses and notes the representors concerns with the application of the Agriculture Zone and the general process. However, the Commission accepts the planning authority's evidence, that the proposed Agriculture zoning is consistent with Guideline No. 1.

Commission decision

62. The Commission considers that no modifications are required.

Rural Zone – Havelock Street quarry and adjoining properties

Representation: Department of State Growth (10)

63. The representor requested that the zoning of land in the vicinity of Havelock Street quarry be retained in the Rural Zone.
64. The reasons include:
- a higher degree of residential amenity may be expected by owners upon the land being rezoned thereby impacting on nearby activities at the mine.
65. In the section 35F report, the planning authority recommended that the zoning of the land be included in the Rural Zone as requested in the representation.

66. The reasons include:
- the zone translation to the Rural Living Zone will not increase the lot yield and the Attenuation Code will apply to existing sensitive uses;
 - the quarry land is located within the Duck River Conservation area which, as a formal reserve area, would be eligible for Environmental Management Zone; and
 - as a large section of the land contains a quarry it is considered appropriate that the Rural Zone be used, which still affords protection to the priority vegetation present on the land.
67. At the hearing, Ms Thorne for the Department of State Growth submitted that they accepted the planning authority's response in the section 35F report. The planning authority submitted that no modifications are required, and the proposed Environmental Management Zone provides a buffer to industrial uses.

Commission consideration

68. The Commission accepts the planning authority's evidence, that both the proposed Rural Living and Environmental Management zoned areas in and adjoining the Duck River Conservation Area are consistent with Guideline No. 1.

Commission decision

69. The Commission considers that no modifications are required.

Rural Zone – Private Timber Reserves (PTRs)

Representations: Department of State Growth (10)

70. The representor requested that the zoning of land containing Private Timber Reserves (PTRs) at various locations be revised to the Rural Zone.
71. The reasons include:
- forest operations are exempt from the Act, however the position of the Department of State Growth is that the Rural Zone is still better suited to land set aside for a forestry purpose such as Permanent Timber Production Zone land (PTPZ) and PTRs.
72. In the section 35F report, the planning authority recommended that the zoning of a number of titles be revised to the Rural Zone as requested in the representation except for where there will be no impact on forestry operations which are exempt under the scheme provisions. The titles supported by the planning authority for a change to the Rural Zone include: folios of the Register: 242182/1, 213455/1, 16843/3, 204707/1, 237586/1, 239858/1, 118910/1, 53198/3, 53198/1, 151769/1, 150197/2, 38158/9, 13895/4, 236207/1, 238317/1, 1441104/2, 144104/1, 241762/1, 241761/1, 243759/1, 238473/1, 107322/1, 119038/1, 50158/1, 107322/3 and 236336/13.
73. The reasons include:
- the use of the Rural Zone where adjacent other clusters of Rural Zones is supported as the zoning will still be sufficiently consistent with the Guideline No. 1 and the Decision Rules (LPS Supporting Report, Appendix B); and
 - if the PTR land is isolated however, resulting zones may not be contiguous with surrounding zones and would therefore not be in keeping with the Decision Rules.

74. At the hearing, it was agreed that there was insufficient information on the surrounding zoning of the PTRs proposed for the Rural Zone. At the direction of the Commission, the planning authority provided a further submission with maps of the PTRs supported in the section 35F report for a change of zone to the Rural Zone, including the surrounding zoning.

Commission consideration

75. The Commission accepts the submission of the Department of State Growth and the planning authority, that changing the zoning of the proposed PTRs is consistent with the purpose of the Rural Zone.

Commission decision

76. Modification:
- revise the zoning of the following properties from the Agriculture Zone to the Rural Zone: folios of the Register: 242182/1, 213455/1, 16843/3, 204707/1, 237586/1, 239858/1, 118910/1, 53198/3, 53198/1, 151769/1, 150197/2, 38158/9, 13895/4, 236207/1, 238317/1, 1441104/2, 144104/1, 241762/1, 241761/1, 243759/1, 238473/1, 107322/1, 119038/1, 50158/1, 107322/3 and 236336/13.
77. Reason: To apply the Rural Zone in a manner consistent with the purpose of the zone and Guideline No. 1.

Landscape Conservation Zone - Conservation Covenants

Representations: Lynne Hosking (1), Mary J Horder (2), Tasmanian Land Conservancy (15), and Conservation Landholders Tasmania (32)

78. The representors requested that the zoning of land with conservation covenants proposed for the Rural or Agriculture Zones be revised to the Landscape Conservation Zone. The reasons include:
- land is entirely under a conservation covenant;
 - the properties contain threatened species as defined in Schedule 3A of the *Nature Conservation Act 2002*;
 - designating covenanted properties within either the Rural or Agriculture Zone will allow for, and facilitate, use and development that is contrary to the covenanted values of the property, most particularly, the fragmentation or clearing and conversion of native vegetation; and
 - the Rural or Agriculture Zone would not properly reflect fair and orderly use and development of the land.
79. In the section 35F report, the planning authority recognised the merit in the representations, but recommended no modifications be made to the draft LPS.
80. The reasons include:
- the covenant provides the natural values adequate protection from inappropriate development;
 - the Rural zoning proposed allows all components of the Natural Assets Code to apply; and
 - rezoning to the Landscape Conservation Zone would require substantial strategic analysis that is beyond the scope of this largely transitional process.

81. Prior to the hearing the Conservation Landholders Tasmania (CLT) provided a further submission identifying six properties that CLT considers as more appropriately zoned as Landscape Conservation. The properties are as follows:
- 273 Mawbanna Rd, Black River (folios of the Register 161750/1 - proposed in draft LPS as Agriculture;
 - 26588 Bass Highway, Redpa (folio of the Register 114976/1) - proposed in draft LPS as Agriculture;
 - 205 Arthur River Rd, Marrawah (folio of the Register 245124/1) - proposed in draft LPS as Rural;
 - Croles Rd, Trowutta (folio of the Register 241538/1 and 213266/1) - proposed in draft LPS as Rural;
 - 913 Sumac Road, Roger River (folio of the Register 237812/1) - proposed in draft LPS as Rural; and
 - Sandy Cape Track, Temma (folio of the Register 236792/1) - proposed in draft LPS as Rural.
82. Of the above properties, two of the owners, Lynne Hosking (Crowles Rd, Trowutta) and Mary Horder (Sandy Cape Track, Temma) submitted representations requesting the Landscape Conservation Zone. The owners of the other properties did not submit representations.
83. At the hearing, the representors submitted that the lots have highly significant natural values and that, whilst they have protection from clearance and other activities under the conservation covenant, the Landscape Conservation Zone would afford additional protection. It was submitted that the use of the Landscape Conservation Zone is consistent with Guideline No. 1 (in particular LCZ 2), as the purpose of the conservation covenant is to protect the natural values on the properties in perpetuity.

Commission consideration

84. The Commission is satisfied that there is evidence of bushland areas and large areas of native vegetation on the land identified in the representations from Lynne Hosking and Mary Holder. It accepts that the planning authority sees merit in the use of the Landscape Conservation Zone for these properties.
85. The Commission also considers that that application of the Landscape Conservation Zone in these instances is consistent with LC22 of Guideline No.1.
86. In relation to the other properties proposed by the CLT, the Commission did not have sufficient evidence to support any modification to zoning proposed in the draft LPS.

Commission decision

87. Modification:
- Revise the zoning of the following properties to the Landscape Conservation Zone:
 - Croles Rd, Trowutta (folios of the Register 241538/1 and 213266/1); and
 - Sandy Cape Track, Temma (folio of the Register 236792/1).
88. Reason: Application of the Landscape Conservation Zone is consistent with the purpose of the zone and LC22 in Guideline No. 1.

Landscape Conservation Zone – 52 Tipunah Road, Mengah and across the municipality

Representations: Simon Roberts (23), and Cassie Thomas and Grant Samperi (30)

89. Representor 23 requested that more land be zoned Landscape Conservation Zone across the municipality and representor 30 requested zoning of 52 Tipunah Road, Mengah to the Landscape Conservation Zone. The reasons include:
 - priority vegetation mapping is widespread over most of the municipality and a number of significant wetlands and reserves are present;
 - to ensure that compatible use or development does not adversely impact on the protection, conservation and management of landscape values; and
 - the property at 52 Tipunah Road has identifiable conservation values such as habitat for threatened species and areas of important scenic value.
90. In the section 35F report, while the planning authority recognised the merit in the representations, it recommended no modifications be made to the draft LPS.
91. The reasons include:
 - a set of Decision Rules (LPS Submission, Appendix B) were used to assist with the differentiation of the Agriculture, Rural, and Landscape Conservation Zones;
 - the Rural Zone was used in some cases to ensure the priority vegetation overlay applied to afford protection of significant tracts of vegetation in the landscape; and
 - applying the Landscape Conservation Zone to land currently not under any protection would not be in accordance with any local strategic analysis that suggests the areas of priority vegetation are of higher value than the agricultural resource.
92. At the hearing, the planning authority submitted that the Landscape Conservation Zone, as a new zone in the Tasmanian Planning Scheme, was difficult to roll out across the municipality as part of the development of the draft LPS. The planning authority submitted that it is likely that there are hundreds of lots across the municipality that may meet the criteria for the Landscape Conservation Zone, noting also though that the Natural Assets Code provides additional protection for protection of natural values.
93. In relation to the property at 52 Tipunah Road, Mengah, the planning authority submitted that it had no issue if the Commission delegates determined to apply the Landscape Conservation Zone. Ms Samperi submitted that the property was largely forested with Smithton Peppermint, endemic to Tasmania and has landscape values. She submitted that her property is an important refuge for native wildlife in an area where surrounding properties were being logged. She submitted that she would like to see the important natural values on the property protected into the future.

Commission consideration

94. The Commission is satisfied that there is evidence of bushland and landscape values on that land identified in the representation by Cassie Thomas and Grant Samperi (30). It accepts that the planning authority sees merit in the use of the Landscape Conservation Zone.
95. It further considers that for this land application of the Landscape Conservation Zone is consistent with LCZ2 of Guideline No.1.
96. In relation to representation 23, the Commission accepts the evidence of the planning authority, that there may be merit in further consideration of the Landscape Conservation Zone across the municipality but that this requires a more strategic approach.

Commission decision

97. Modification:

- revise the zoning of 52 Tipunah Road, Mengah (folio of the Register 129395/3) to the Landscape Conservation Zone:

98. Reason: Application of the Landscape Conservation Zone is consistent with the purpose of the zone and LCZ2 in Guideline No. 1.

Landscape Conservation Zone/Environmental Management Zone - Robbins Island**Representations:** Circular Head Coastal Awareness Network (4) and Bob Brown Foundation (7)

99. The representors requested that the zoning of the land at Robbins Island be revised to the Landscape Conservation Zone and/or Environmental Management Zone. The reasons include:

- Robbins Island is an incredibly biodiverse area and home to many endangered and threatened fauna including the Wedge Tailed Eagle, the White Bellied Sea Eagle and Tasmanian Devil;
- the area contains a large tract of predominately intact coastal heathland of high conservation value and a tract of remnant *Eucalyptus brookerina* forest, a threatened species under the *Natural Conservation Act 1993* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC), and the vulnerable Northern Leek orchid and Mauve tufted orchid;
- the close proximity of the island to the Montagu area with dominating views renders the island extremely visible to the public;
- the area has diverse and locally important native vegetation; and
- the Landscape Conservation Zone might be considered for the western half of Robbins and all of Walkers Island if the land owner of Robbins Island consents to its use.

100. In the section 35F report, the planning authority recognised the merit in the representations, and suggested that the Landscape Conservation Zone be considered for the western part of Robbins and all of Walkers Island. However as the landowner had not been consulted, it recommended no modifications be made to the draft LPS.

101. The reasons include:

- the portion of Robbins Island that contains a significant area of native vegetation (approximately 5,000ha compared to approximately 3,200ha of agricultural land) does not feature a large mapped 'priority vegetation' area; and
- the Landscape Conservation Zone might be considered for the western half of Robbins and all of Walkers Island if the land owner of Robbins Island consents to its use.

102. At the hearing, the planning authority agreed that Robbins Island contains significant natural, geological and landscape values and submitted that the planning authority would consider split zoning Robbins Island between the Landscape Conservation Zone and the Rural Zone, but they would require the landowner's views on this. The planning authority submitted that whilst Robbins Island is within the land potentially suitable for agriculture layer, it is proposed for the Rural Zone to ensure that the natural values are protected by the Natural Assets Code.

103. Mr Jordan submitted that as Robbins Island has well documented natural values it should be zoned Environmental Management or Landscape Conservation Zone consistent with protecting these values, as stated in Guideline No. 1, in particular LCZ1 and LCZ2. He submitted that Robbins Island is one of Tasmania's most important sites of natural values

and has been nominated as a RAMSAR site to ensure ongoing protection of the migratory birds, shorebirds and threatened ecological communities including wetlands. He submitted that the island has very significant landscape values and is visible from large areas of the municipality. Ms Brown and Ms Anderson submitted that they would agree to a split zoning and agreed with Mr Jordan that Robbins Island has well documented significant conservation values, and that it is one of the biggest parcels of this kind of vegetation in the area.

Commission consideration

104. The Commission is satisfied that there is evidence of significant conservation values on Robbins Island, and notes the submission from Ms Anderson and the report by Mr Woehler that Robbins Island is an important site for migratory and shore birds, threatened ecological communities and natural coastal values.
105. The Commission also agrees that there are landscape values, but did not find sufficient evidence to determine the boundaries of where these occur. The Commission notes that the planning authority sees merit in the use of the Landscape Conservation Zone or the Environmental Management Zone, but has used the Rural Zone in conjunction with the waterway and coastal protection overlay, the priority vegetation overlay and the future coastal refugia overlay of the Natural Assets Code in order to protect the natural values of Robbins Island.
106. The Commission notes that the Rural Zone when used along with these overlays from the Natural Assets Code achieves similar protection for natural values to application of the Landscape Conservation Zone. Importantly, despite being in the Land Potentially Suitable for Agriculture layer, Robbins Island has not been zoned Agriculture for strategic reasons, in which case the Natural Assets Code does not apply.
107. As described in the section on the Scenic Protection below, the planning authority submitted that further work on scenic protection values in the municipality has already commenced, and this work will be important in identifying landscape values for any future amendments to the LPS. The Commission is satisfied that the natural values on Robbins Island are protected through the proposed zoning and when landscape values are further clarified, that future amendments will progress.

Commission decision

108. The Commission considers that no modifications are required.

Environmental Management or Landscape Conservation Zone - takanya/Tarkine

Representations: Bob Brown Foundation (7)

109. The representor requested that the zoning of the land at takanya/Tarkine be revised to either the Landscape Conservation Zone or the Environmental Management Zone.
110. The reasons include:
 - the Australian Heritage Council national heritage values assessment in 2012 found that the heritage values of the Tarkine met criteria A, B and D of the *Environment Protection and Biodiversity Conservation Act 1999* and in particular, the Tarkine has outstanding heritage value as:
 - a relict of ancient vegetation and for its demonstration of Gondwanic flora;
 - one of the most important Tertiary fossil flora sites in Australia and for the evidence it provides of the evolution of Australian flora; and
 - the single largest tract of cool temperate rainforest in Australia;

- in 2002, the Australian Heritage Commission placed 350,000ha of the Tarkine on the Register of the National Estate and although the National Estate no longer applies, the statement of significance records a range of highly important criteria including:
 - biogeographic values present in the Tarkine are endemic flora, flora and fauna at the limit of their range and refugia from past processes and primitive and relictural fauna;
 - contemporary refugia for communities strongly associated/likely to be impacted by climate change;
 - old growth forest communities; and
 - type localities for rare and threatened fauna;
 - the land is identified in the Independent Verification Group (IVG) Report on the Tasmanian Forests Intergovernmental Agreement, March 2017 as having outstanding natural values and substantial values of global (World Heritage) significance;
 - the IVG Forest Conservation Report 2A identifies the Future Potential Production Forest (FPPF) land from the Frankland River to the Dip Range has very high conservation values and the report recommends that the Environmental Management Zone should be applied because the FPPF land is a very important proposed reserve and is a core reserve for the Azure Kingfisher and Grey Goshawk and makes a significant contribution to the hollow using birds including the Swift Parrot and Masked Owl, and the area east of Temma abutting the Arthur Pieman Conservation Area is also known habitat of the *Oreisplanus munionga subsp. Larana* Marrawah Skipper (endangered on the *Threatened Species Protection Act 1995* and Vulnerable under the EPBC Act); and
 - the parcels of land encompassed by the PTPZ, and the FPPF within the municipal boundary and south of the Arthur River contain values and attributes that meet the application guidelines requirements of Guideline No. 1.
111. In the section 35F report, the planning authority recognised the merit in the representations, but considered that no modifications to the draft LPS are required.
112. The reasons include:
- the argument for FPPF land to be zoned Landscape Conservation or Environmental Management is not without merit, given that it features Crown ownership, (as opposed to being owned by Sustainable Timbers Tasmania for permanent timber production), and have a reserve status generally not oriented toward use as a timber resource;
 - zoning to Landscape Conservation based on that value would require substantial strategic analysis that is beyond the scope of this largely transitional process; and
 - the Decision Rules (LPS Submission, Appendix B) have been applied which outline that State forest reserves are to be zoned Rural.
113. At the hearing, Mr Jordan for the Bob Brown Foundation articulated the significant natural values of the Tarkine, and submitted that these are provided in detail in the National Estate listing before it was overtaken by the National Heritage listing. Mr Jordan submitted that the Tarkine meets seven of the World Heritage Area criteria. He submitted that the FPPF within the Tarkine should be zoned Environmental Management. The planning authority supported the use of the Environmental Management Zone for the FPPF within the Tarkine. The representor's view is that as FPPF, the land is in effect managed for its natural values and that the zoning (Environmental Management Zone or Landscape Conservation Zone) should reflect that. Only in the event that the land is changed to PTPZ, should alternative zones be considered.

114. At the direction of the Commission, the planning authority provided a map showing the FPPF within the Tarkine.
115. On 28 January 2021, the Commission wrote to the Secretary of the Department of Primary Industries, Parks, Water and Environment (DPIPWE) seeking comment on the representation made by the Bob Brown Foundation.
116. DPIPWE provided a response to the Commission on 18 February 2021 which submitted that FPPF on reserved land is more appropriately zoned Environmental Management Zone. FPPL that has no reserved land status is most appropriately zoned Rural Land.
117. The Commission invited response submissions on the DPIPWE submission on 23 February 2021.
118. Mr Jordan provided a further submission disagreeing with Mr Baker's position that 'protections for such values (threatened species and threatened forest communities) are built into approval systems for development including forestry operation. Mr Jordan submits that:

the purpose of the *Land Use Planning and Approvals Act 1993* is to determine appropriate land use and planning regulation, including the correct zoning of areas of land and the types of appropriate development that can occur within each zone.
119. Mr Jordan also submits that Mr Baker has misrepresented the zone application guidelines. He submits that the Environmental Management or Landscape Conservation Zone guidelines fit more closely with the uses and values of the FPPF land and PTPZ land, and notes also that neither council or DPIPWE contest the values of the FPPF and PTPZ land. Mr Jordan also submits that the PTPZ lands are subject to a myriad of riparian reserves in the form of informal reserves, with the primary purpose of protection and conservation.
120. Mr Roberts provided a further submission supporting the use of the Environmental Management Zone in all areas of FPPF land within the Tasmanian Wilderness World Heritage Area. Mr Jordan submits that both FPPF land and PTPZ land are generally large areas of native vegetation which contain threatened native vegetation communities, threatened species and important scenic values consistent with zone purpose and application guidelines of the Landscape Conservation or Environmental Management Zone. Mr Jordan also submits that DPIPWE have requested the Rural Zone for the FPPF land outside of the World Heritage Area, but has provided no information to support this view based on the LPS process, the zone purpose or the Rural Zone application guidelines.
121. Mr McNab provided a further submission agreeing with the submission from DPIPWE.

Commission consideration

122. The Commission sought a submission from DPIPWE, as the Department responsible for administering FPPF land. In its submission the Department supported the approach to zoning in a draft LPS where the FPPF land within the Tasmanian Wilderness World Heritage Area is in an Environmental Management Zone and the land outside is in a Rural Zone. The Department noted the approach is in keeping with Government policy objectives for management of natural resources for the management of the FPPF land to secure a 'wood bank' to provide for future sustainable forestry.
123. The Commission notes:
 - the *Forestry (Rebuilding the Forest Industry) Act 2014*, provides for special species timber harvesting in FPPF land that, under clause 4.4.1 of the SPPs, is largely exempt where in conformity with a forest practices plan; and

- the management objectives for FPPF land, under Schedule 3 of the *Forestry (Rebuilding the Forest Industry) Act 2014*, are broad ranging and include to: conserve natural biological diversity, geological diversity, water quality, and the like; encourage education, research, tourism, recreational use, and the like; provide for activities such as the taking of game species, the controlled use of natural resources, exploration activities and utilisation of mineral resources; and allow for private, commercial or industrial uses.
124. It is important to note that if the land is included in the Rural Zone, the Natural Assets Code applies and biodiversity values will be protected by way of the standards in the code. For example, if any new Tourist Operation or Visitor Accommodation is proposed, this will be a discretionary use in both the Rural and the Environmental Management Zones and the code will also apply.
125. Irrespective of which zone is applied, forestry activities are exempt from the Natural Assets Code and will be regulated by way of a Forest Practices Plan approved under the *Forest Practices Act 1985*.
126. The Commission prefers the advice of DPIPWE.

Commission decision

127. The Commission considers that no modifications are required.

Landscape Conservation Zone and proposed site-specific qualification – 21096 Bass Highway, Wiltshire and 486 Marcus River Road, Marrawah

Representations: Kim and Leanne Marsh (9), and Philip and Audrey Critchlow (16)

128. The representors requested that the zoning of the land at 21096 Bass Highway and 486 Marcus River Road be revised to apply a site-specific qualification (SSQ) in the Landscape Conservation Zone.
129. The reasons include:
- the property at 21096 Bass Highway, Wiltshire requires a unique zoning due to its natural qualities and existing and potential uses; and
 - the property at 486 Marcus River Road, Marrawah has significant natural values and the owners also wish to continue commercial opportunities that complement and enhance the unique and largely intact remnant natural and cultural landscapes.
130. In the section 35F report, the planning authority recommended that the zoning of the land be revised to Landscape Conservation Zone with a Site Specific Qualification (SSQ) as requested in the representation.
131. The reasons include:
- the land is considered to have unique environmental, economic, and social qualities that require specific treatment to provide benefit to the greater region; and
 - there are significant Aboriginal heritage, large tracts of high-quality remnant coastal bushland, and farmland within a highly visible portion of the northern coastline
132. At the hearing, the planning authority submitted that both properties have been proposed for the Landscape Conservation Zone as they have significant Aboriginal heritage and large areas of threatened species along the coastline. The planning authority also submitted that the Marsh's property at 21096 Bass Highway, Wiltshire has a wide range of vegetation; saltmarsh, rainforest and dry forest, all of which are untouched. Both properties have unique geological

features. In terms of the landscape values, both properties are significant sites and readily viewable by the public. Mr Marsh submitted that the property has a permit for cabins and an interpretive centre and they wish to maintain the values of the property as the natural values are highly valued. Ms Critchlow submitted that she intends to maintain the natural values on the property but also wishes to use it for business purposes including cattle agistment and harvesting native foods.

133. At the direction of the Commission, the planning authority provided a further response submitting that the owners of 486 Marcus River Road have notified the planning authority that they no longer wish to pursue the Landscape Conservation Zone. The planning authority submits that where a landowner is not in favour of using the Landscape Conservation Zone, the alternative zone would be the Rural Zone.
134. The planning authority further submits that the owners and planning authority both support the use of the Landscape Conservation Zone with a SSQ at 21096 Bass Highway, Wiltshire and wish to ensure the protection of the natural values. The planning authority submits that the requirements of section 32(4) of the Act are met, due to the unique environmental values on the property. This property features very high environmental and cultural conservation values, yet also contains functioning agricultural uses, including cattle grazing and capacity for tourism and educational uses.

Commission consideration

135. The Commission accepts the evidence of the planning authority and is satisfied that the section 32(4) requirements of the Act are met.

Commission decision

136. Modifications:
 - revise the zoning of 486 Marcus River Road, Marrawah to the Rural Zone;
 - include a SSQ in the Landscape Conservation Zone Use Table for 21096 Bass Highway, Wiltshire (folio of the Register 137668/1) allowing for:
 - Resource Development to be No Permit Required with a qualification 'if not for intensive animal husbandry or plantation forestry'; and
 - for Educational and Occasional Care, Manufacturing and Processing, Resource Processing, and Tourist Operation to be Permitted, as set out in Annexure A; and
 - insert the CIR-11.7 - CIR-11.8 SSQ overlay into the Specific Area Plan (SAP) overlay map, consistent with the folio of the Register 137668/1 with the relevant annotation consistent with the Commission's Practice Note 7 Draft LPS mapping: technical advice.
137. Reason: Application of the Landscape Conservation Zone is consistent with the purpose of the zone and LCZ2 in Guideline No. 1 and application of the Rural Zone is consistent with the purpose of the zone and RZ1 in Guideline No. 1.

Environmental Management Zone – Parks and Wildlife owned titles with conservation values

Representations: Circular Head (12)

138. The representor requested that the zoning of Crown owned land with environmental values at Redpa be revised from the Agriculture Zone to the Environmental Management Zone.

139. The reasons include:

- the lot is Crown owned and bound by the Rural Zone due to Public Land Classification status as PTPZ land;
- the land doesn't have a reserve status itself, but features native button grass moorland that is of conservation significance in the region; and
- the Environmental Management Zone will reflect the nature of the use, which is effectively a reserve area.

140. In the section 35F report, the planning authority recommended that the zoning of the land be revised from the Agriculture Zone to the Environmental Management Zone.

141. The reasons include:

- the lot is Crown-owned and bounded by land zoned Rural due to Public Land Classification status as PTPZ land;
- applying the Environmental Management Zone will reflect the nature of the use, which is effectively a reserve area, not commercially productive agricultural land or forests; and
- comment from the Parks and Wildlife Service confirmed that the lot had significant ecological value, and that they would accept the zone the planning authority thought was most suitable

142. At the hearing, the planning authority submitted that the site contains buttongrass moorland of high conservation significance in the area, and that the preferred zoning is Environmental Management. The planning authority submitted that the owner, the Crown has agreed that they would be guided by the planning authority regarding the proposed zoning.

Commission consideration

143. The Commission accepts the planning authority's submission that the site has conservation significance in the area, and agrees to zone the site Environmental Management.

Commission decision

144. Modification:

- Zone the Crown Land located between folio of the Register 135682/1 and folio of the Register 136720/1, as described in the planning authority's section 35F report on page 26 to the Environmental Management Zone.

145. Reason: To apply the Environmental Management Zone in a manner consistent with the purpose of the zone and Guideline No. 1.

Environmental Management Zone – Duck River Conservation Area

Representation: Parks and Wildlife Service (26)

146. The representor requested that the zoning of the land at Duck River Conservation Area be revised from the Rural Zone to the Environmental Management Zone.

The reasons include:

- the extractive industry could continue to operate as usual in the Environmental Management Zone; and
- in the event that the mine closed, the proposed Rural Zone could compromise reserve management in the future.

147. In the section 35F report, the planning authority considered that the request in the representations did not warrant modifications to the draft LPS.

148. The reasons include:

- raises an issue of conflict with the advice provided by the Department of State Growth in Representation 10 process; and
- the zoning proposed provides a suitable translation from the interim planning scheme and constitutes a compromise between competing land uses.

149. At the hearing, the planning authority submitted that that the area is a Conservation Area, but also has a mining lease. The Rural Zone was considered most suitable.

Commission consideration

150. The Commission accepts the planning authority's evidence that the Rural Zone is consistent with Guideline No. 1 due to the existing mining lease.

Commission decision

151. The Commission considers that no modifications are required.

Utilities Zone – rail infrastructure

Representation: TasRail (6)

152. The representor requested that the zoning of the land with folio of the Register 235442/1 and all State Rail Network land and rail infrastructure be revised to the Utilities Zone.

153. The reasons include:

- to recognise that the Black River Rail Siding is part of the State Rail Network for which TasRail is the designated Rail Infrastructure Manager and Rail Infrastructure Owner under the *Rail Infrastructure Act 2007* (Tas);
- to ensure that State Rail Network land is managed in accordance with its obligations under the legal and regulatory framework that governs its operations and activities; and
- to limit the potential for proposed development to limit, obstruct or impede future use of rail land and operations.

154. In the section 35F report, the planning authority recommended that the zoning of the land be revised to the Utilities Zone as requested in the representation.

155. The reasons include:

- to be consistent with the zoning of other TasRail Infrastructure.

156. At the hearing, the planning authority submitted that the land in folio of the Register 235442/1 is owned by TasRail and the planning authority agrees to the Utility zone.

Commission consideration

157. The Commission accepts the planning authority's evidence and agrees that zoning the land owned by TasRail to the Utilities Zone is consistent with Guideline No. 1.

Commission decision

158. Modification:
- revise the zoning of the Crown land located at 21003 Bass Highway (folio of the Register 235442/1) to the Utilities Zone.
159. Reason: To apply the Utilities Zone in a manner consistent with the purpose of the zone and Guideline No. 1.

Utilities Zone – water infrastructure

Representation: TasWater (31)

160. The representor requested that the zoning of the land containing TasWater infrastructure be revised to the Utilities Zone. The infrastructure within the land requested to be rezone utilities includes:
- Massey Reservoirs;
 - Irishtown Reservoirs;
 - Court Reservoir; and
 - Wells Reservoir.
161. The reasons include that land containing TasWater infrastructure, specifically water reservoirs, fitting the definition of Utilities should be included in the Utilities Zone.
162. In the section 35F report, the planning authority recommended that the zoning of the land be revised to the Utilities Zone as requested in the representation.
163. The reasons include to be consistent with the Utilities zoning of other TasWater Infrastructure.
164. At the hearing the planning authority submitted that it agreed with the TasWater submission.

Commission consideration

165. The Commission accepts the planning authority's evidence and agrees with the Utilities Zone for the properties owned by TasWater.
166. Modification:
- revise the zoning of the land owned by TasWater (folios of the Register 224149/1, 198870/1, 248409/1, 139834/1 and 23362/1) to the Utilities Zone.
167. Reason: To apply the Utilities Zone in a manner consistent with the purpose of the zone and Guideline No. 1.

Split zone Utilities and Agriculture Zone – 347 Montagu Road, Smithton

Representations: EnviroPlan (19)

168. The representors requested that the zoning of the land at 347 Montagu Road, Smithton be revised to allow subdivision of land into Utilities and Agriculture Zone.
169. The reasons include:
 - the proposed rezoning is consistent with established development pattern, the zoning within the immediate area, and use and development of adjacent land;
 - a split zone (Utilities and Agriculture) will enable efficient use of the site and reduce maintenance cost;
 - the rezoning of the subject land is consistent with the Circular Head Council Corporate Strategic Plan 2017-2027; and
 - rezoning of the subject land accommodates the expansion of established agricultural use and development in the Smithton area that is consistent with an established settlement development pattern.
170. In the section 35F report, the planning authority considered that the requests constitute strategic rezoning and do not warrant modifications to the draft LPS.
171. The reasons include:
 - the request has the potential to change potential lot-yield, or alter settlement patterns;
 - the Minister has outlined that the intention of this process is for the efficient conversion of current interim planning schemes to the LPSs and should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process; and
 - proposed strategic rezoning will be considered in the development of Council's Settlement Strategy.
172. At the hearing, the planning authority submitted that this is considered to be a strategic rezoning, but in principle they have no major concerns. Mr Wells from EnviroPlan submitted that the zoning change is required as the owners wish to diversify their business to include grazing on the site. Ms Thorne, for the Department of State Growth, submitted that there is a covenant on the title requiring the continuation of the airport and the change of zone may conflict with the requirements of the covenant. Ms Thorne submitted that there is also an issue with defining the boundary of the proposed split zone.
173. At the request of the Commission, EnviroPlan provided a further submission submitting that the change of zone is not in conflict with the covenant on title. EnviroPlan submits that an airport is included in the Transport Depot and Distribution use class, which is defined as:

use of land for distributing goods or passengers, or to park or garage vehicles associated with those activities, other than Port and Shipping. Examples include an airport, bus terminal, council depot, heliport, mail centre, railway station, and road or rail freight terminal and taxi depot.
174. EnviroPlan also notes that Transport Depot and Distribution use class is a discretionary use in the SPPs Agriculture Zone, with the qualification 'if for the transport and distribution of agricultural produce and equipment'.

175. EnviroPlan submits that the change of zone cannot conflict with the covenant listed on title that requires the maintenance of the airport. The covenant lists contrary use as:

The owner must not do any act, matter or thing which is contrary to the use of the Land as an Airport without the prior written consent of the Crown, such consent being entirely within the discretion of the Crown.
176. EnviroPlan also provided details on the proposed split zoning, proposing concrete trafficable pads that feature survey points that plot the boundary intersection points which are derived from setbacks from the main runway and taxiway. In a response, the Department of State Growth submitted that it agreed that the proposed rezoning does not appear to interfere with the property's ongoing use as an airport.
177. In the planning authority's response submission, a number of issues were raised with the proposed rezoning, including issues with the boundary of the area involved and how the balance would be managed. It was also submitted that due to the qualification of the Transport and Distribution use class, 'if for transport and distribution of agricultural produce and equipment', an expansion to include a hanger or helipad for the Flying Doctors, or a general transport company would be prohibited. The planning authority proposed a change to the SPPs and suggested it may be appropriate to introduce a SSQ.

Commission consideration

178. The Commission accepts the planning authority's position that the change of zone may increase restrictions on the use of the airport by the inclusion of the qualification 'if for the transport and distribution of agricultural produce and equipment'. The current zoning includes no qualification on the use of the airport. The Commission finds that there may be unintended consequences of the rezoning that may lead to conflict. Further consideration of this matter may be appropriate for another process.

Commission decision

179. The Commission considers that no modifications are required.

Natural Assets Code - priority vegetation area overlay - various areas - Permanent Timber Production Zone Land and Future Potential Production Forest Land

Representation: Bob Brown Foundation (7)

180. The representor seeks application of the priority vegetation area overlay to PTPZ land and FPPF land identified in the IVG report on the Tasmanian Forests Intergovernmental Agreement, March 2017 as having outstanding natural values. Specifically, the representor requested application of the overlay to the properties designated as PTPZ land or FPPF land within the Tarkine.
181. The reasons include that the IVG report establishes that the land contains values and attributes that warrant application of the overlay under Guideline No. 1.
182. In the section 35F report, the planning authority responded that further strategic assessment would be required to support a change to the Environmental Management Zone. The planning authority also stated that the representation does not necessitate a modification to the draft LPS, and that the draft LPS satisfies the criteria at section 34(2) of the Act.

Commission consideration

183. The Commission noted that the priority vegetation area overlay has been applied consistent with the standardised Regional Ecosystem Model methodology developed by Natural Resources Management Pty Ltd for the preparation of the overlay and the zone and code application Guideline No. 1.
184. The Commission accepts the planning authority's view that further local strategic land use planning work outside the draft LPS process is required to determine whether more extensive application of the overlay, and therefore a departure from the standardised Regional Ecosystem Model is warranted. The Commission also accepts that there is insufficient strategic evidence to justify more extensive application of the overlay.

Commission decision

185. The Commission considers that no modifications are required.

Natural Assets Code - future coastal refugia area overlay - 32 Marine Esplanade, Stanley

Representations: Stanley Chamber of Commerce (11), Circular Head Council (12), Wallace and Walters Builders (13), and Doug Machin (28)

186. The representors requested that the zoning of the land at 32 Marine Esplanade, Stanley be revised to allow for future residential development and remove the future coastal refugia area overlay. The reasons include:
- the use of the Landscape Conservation Zone for the old golf course land provided the best 'translation' from the previous Recreation Zone enabling the retention of use and development rights that would have been removed under the Recreation Zone; and
 - the Landscape Conservation Zone was proposed to maintain use rights on the property and retain similar objectives suitable to a coastal setting.
187. In the section 35F report, the planning authority considered that the representations did not warrant modifications to the draft LPS. However, the planning authority has requested and supported the removal of the future coastal refugia area overlay from this property.
188. The reasons include:
- the application of the future coastal refugia area overlay to this property is an error;
 - the Coastal Inundation Hazard and Coastal Erosion Hazard bands, which cover a substantial portion of the property will ensure that any development considers and allows coastal processes to occur without prohibiting development entirely; and
 - the land is located within a substantially developed portion of the Stanley township and careful development on the land would be consistent with the waterfront areas further to the north-east of this property.
189. At the hearing, the planning authority submitted that the site is zoned Recreation in the interim planning scheme zone. The planning authority considers that the future coastal refugia area overlay will preclude all development on the site and submitted that including the overlay in the draft LPS Schedule was an error. Mr Dingemanse who appeared for Doug Machin, submitted that the site is connected to the golf course and the owner agrees with the Landscape Conservation Zone but not with the inclusion of the future coastal refugia area overlay.

Commission consideration

190. The Commission accepts the planning authority's evidence that the inclusion of the future coastal refugia area overlay is an error.

Commission decision

191. Modification:
- remove the future coastal refugia area overlay from 32 Marine Esplanade, Stanley as described in the section 35F report on pages 270-271.
192. Reason: To apply the future coastal refugia area overlay in a manner consistent with Guideline No. 1.

Natural Assets Code - future coastal refugia area overlay - land in the Open Space Zone

Representation: Circular Head Council (12)

193. The representor requested that the future coastal refugia area overlay be removed from the Open Space Zone across the municipality.
194. The reasons include:
- public open spaces within Stanley and Smithton are highly managed/landscaped areas with the potential to host a wider range of commercial uses such as Food Services, Tourist Operations, Community Meeting and Entertainment, and Visitor Accommodation which will not be possible under the proposed future coastal refugia area overlay.
195. In the section 35F report, the planning authority recommended that the future coastal refugia area overlay be removed as requested in the representation.
196. The reasons include:
- small townships are seeking to diversify public and commercial use of the coastal areas to improve livability.
197. At the hearing, the planning authority submitted that under the future coastal refugia area overlay any uses must be dependent on a coastal location, and a number of potential uses may not meet this standard. The planning authority submitted that removing the overlay from the Open Space Zone is consistent with Guideline No. 1 NAC4(c) and NAC6(d).

Commission consideration

198. The Commission accepts the evidence of the planning authority and agrees that the removal of the overlay is consistent with Guideline No. 1 NAC4(c) and NAC6(d).

Commission decision

199. Modification:
- remove the future coastal refugia area overlay from land in the Open Space Zone in Stanley, including PID 2227305, 23A Wharf Road (folio of the Register 168504/3 and 129690/1), 27 Marine Esplanade (folio of the Register 54335/2), 21 Wharf Road (54334/1), 14 Wharf Road (folio of the Register 139841/2) and part of 5 Church St, Stanley (147294/1) and associated roads (folio of the Register 147294/2, 151291/1, and affected parts of 165544/1) as described in the planning authority's section 35F report on page 22.

200. Reason: To apply the future coastal refugia area overlay in a manner consistent with Guideline No. 1.

Removal of planning restrictions for residential development and development of local area objectives

Representations: Wallace and Walters Builders (13), Paul Arnold (20), John McNab (24), and Tarkine Coast Progress Group (21)

201. The representors requested removal of planning restrictions on housing development including the coastal areas in Stanley and the Hellyer/Rocky Cape area within the Rural, Agriculture and Environmental Zones to enable more opportunities for building. The representors requested the use of local area objectives for the greater area and locality.
202. The reasons include:
- provision of new, top quality and build ready land is needed;
 - there are too many restrictive zones around Stanley generally;
 - it is too expensive to buy an existing place around Hellyer/Rocky Cape only to knock it down so a modern and contemporary house can be built; and
 - local area objectives would allow for a greater range of uses for key areas across Circular Head.
203. In the section 35F report, the planning authority recommended no modifications to the draft LPS Schedule.
204. The reasons include:
- proposed strategic rezoning will be considered in the development of the Council's Settlement Strategy and recommendations from this strategy will be incorporated into a future draft amendment; and
 - the use of local area objectives for all zones was not considered necessary for the function of the LPS.
205. At the hearing, the planning authority submitted that the proposed changes are strategic changes and the planning authority is intending to work on a settlement strategy to address some of these issues.

Commission consideration

206. The Commission accepts the planning authority's position that this is a strategic rezoning, and considers that there is insufficient evidence to determine whether the proposal meets the LPS criteria.

Commission decision

207. The Commission considers that no modifications are required.

UPC Renewables - development of local area objectives

Representation: UPC/AC Renewables (17)

208. The representor requested changes that include:

- the specific standards that existing the Rural Resource Zone of the interim planning scheme are retained as a development standard in each of the Rural, Agriculture and Environmental zones to allow up to 20m height for wind power turbines and wind power pumps, and associated performance criteria;
- the Utilities use class be permitted in the Agriculture and Environmental Management zones; and
- a preferred approach to the existing scheme's multi zone, multi code approach is a single regulatory response specific to the detail required to assess the complex technical characteristics of the infrastructure

209. The reasons include:

- the current and draft future provisions do not adequately cater for the assessment of renewable energy projects;
- height standards have not been carried over to the new zones to adequately address new infrastructure project; and
- referral to the EPA draws the State into the assessment process but the determinations are still required to be made at the local level.

210. In the section 35F report, the planning authority considered the representations and recommended no modifications to the draft LPS.

211. The reasons include:

- local area objectives have not been utilised in the Rural, Agriculture and Environmental zones as this was a conscious decision to simplify the operation of the scheme; and
- though the regulation around wind resource development is lacking in the zones, the drafting of the SPPs, particularly their operation, are not a subject of this review though the matter is raised for further consideration by the Commission.

212. At the hearing, the planning authority submitted that the proposed changes are matters for the SPPs, not the LPS.

Commission consideration

213. The Commission accepts the planning authority's position that the proposed changes are outside of the scope of the preparation of the LPS.

Commission decision

214. The Commission considers that no modifications are required.

Scenic Protection Code - scenic road corridor into Stanley

Representation: Greenham Tasmanian (29)

215. The representors requested that the scenic road corridor into Stanley be reconsidered to enhance traffic flow.
216. The reasons include:
- the section of the road carries heavy vehicles that load/unload at the port, and share the road with tourist traffic; and
 - there is a need to protect the Greenham land holding without limiting current activities and enhance their sustainable output in future.
217. In the section 35F report, the planning authority considered that the request in the representations did not warrant modifications to the draft LPS.
218. The reasons include:
- the use of the scenic road corridor over the entry to Stanley will not restrict the flow of traffic into the port in any way as it relates to development to the sides of the highway.
219. At the hearing, the planning authority submitted that a scenic road corridor over the entry to Stanley will not restrict the flow of traffic into the port.

Commission consideration

220. The Commission accepts the planning authority's submission that the use of the scenic road corridor is consistent with Guideline no. 1.

Commission decision

221. The Commission considers that no modifications are required.

TasNetworks issues

Representation: TasNetworks (14)

222. The representor made the following request:
- revise the zoning of the Landscape Conservation Zone to the Rural Zone where the Transmission Line applies (on folio of the Register 137057/2 and a portion of the untitled Crown land adjacent Speedwell Road) and remove the local area objective which applies to the Landscape Conservation Zone in this area;
 - remove the priority vegetation area overlay from folio of the Register 238145/1 containing the Port Latta substation;
 - removal of the communication station buffer area from the folio of the Register 198870/1 containing the Massey Reservoirs as the communication component of this site has been de-commissioned; and
 - revise the local area objective CIR-22.3 Rocky Cape.
223. The reasons include:
- the zoning of the Landscape Conservation Zone at 415 Speedwell Road, Crayfish Creek is inconsistent with the TasNetworks policy position that the Landscape Conservation Zone does not apply to the Electricity Transmission Corridor and it conflicts with the existing use of the land for electricity transmission;

- the Natural Assets Code priority vegetation area overlay has been applied to the Port Latta Substation site which is inconsistent with the requirement of assets to be cleared for safety and maintenance;
 - the communications station buffer area at Massey Reservoir is not required;
 - the local area objectives CIR-22.3 Rocky Cape are drafted in a manner that does not acknowledge the existing infrastructure on Line 415 Burnie to Smithton; and
 - application of the Scenic Protection Code to new electricity transmission use and development within an existing Electricity Transmission Corridor has a number of impacts in conflict with the continued use of the corridor.
224. In the section 35F report, the planning authority recommended that the LPS be modified as requested, and noted that some issues cannot be dealt with as they are issues with the SPPs.
225. At the hearing, the planning authority submitted that the Port Latta substation contains no native vegetation and agreed with the proposal to remove the priority vegetation area overlay.
226. The planning authority agreed with removing the communications station buffer area from the decommissioned Massey Reservoir.
227. The planning authority also agreed to the revised zoning from Landscape Conservation Zone to Rural Zone for the small area where the Electricity Transmission Infrastructure Code applies on folio of the Register 137057/2 and a portion of the untitled Crown land adjacent Speedwell Road. At the direction of the Commission, the planning authority provided a further submission confirming that the owner of the land, the Crown has no comments on the proposed rezoning of 137057/2 and the part of the adjoining title to the south.

Commission consideration

228. The Commission accepts the planning authority's evidence that the representors proposed changes to the Scenic Protection Code and local area objectives are matters for the SPPs. The Commission accepts that the planning authority's evidence in relation to removing the priority vegetation overlay from the Port Latta substation, removing Communications Station Buffer area from the decommissioned Massey Reservoir and the revising the zoning on folio of the Register 137057/2 and the portion of untitled Crown land to the south.

Commission decision

229. Modifications:
- remove the communication station buffer area from folio of the Register 198870/1 containing the Massey Reservoirs;
 - remove the priority vegetation area overlay from the Port Latta Substation (folio of the Register 238145/1); and
 - revise the zoning of 137057/2 and the adjoining title to the south from the Landscape Conservation Zone to the Rural Zone.
230. Reason: To apply the Rural Zone, the priority vegetation area overlay and the communications station buffer area in a manner consistent with Guideline No. 1.

Scenic Protection Code - takayna/Tarkine Region and Robbins Island

Representations: Circular Head Coastal Awareness Network (4), Audrey Critchlow (5), and Bob Brown Foundation (7)

231. The representors requested that the Scenic Protection Code be applied to the Nut and the whole Stanley Peninsula, Marrawah to Mount Cameron and the offshore islands (including Walker, Robbins and Three Hummock). The reasons include:
- Robbins Island is incredibly exposed to the mainland and highly visible to the greater public, the view of the island and Robbins passage is enjoyed by locals and forms part of the identity of the area;
 - the existing rationale for part of the Stanley Green Hills is relevant and adds weight to the use of the overlay over the entire peninsula;
 - scenic corridors are warranted at the Marcus River Road/Western Montagu Junction and West Montagu Road from the junction of West Montagu and Marcus Road due to the incredible views; and
 - Circular Head has many areas of outstanding scenic beauty and significant sites that are iconic in the eyes of Circular Head locals, Tasmanians and visitors alike.
232. In the section 35F report, the planning authority recognised the merit in the representations, but do not support any changes as it is considering assessment of scenic values and protection measures available under the Tasmanian Planning Scheme as a separate process.
233. The reasons include:
- there has been significant interest in the use of the Scenic Protection Code but its use requires significant strategic work to implement it properly;
 - the planning authority is currently considering undertaking a strategic assessment of scenic values and protection measures available under the Tasmanian Planning Scheme as a separate process;
 - the Landscape Conservation Zone and Scenic Protection Code might be considered for the western half of Robbins and all of Walkers Island if the land owner of Robbins Island consents to its use;
 - any such project would rely heavily on community input, which was not considered appropriate to be included in this planning scheme transition process; and
 - any additional work will be subject to a future planning scheme amendment, so as not to delay the adoption of the LPS.
234. At the hearing, the planning authority submitted this is a new code for the planning authority to consider and requires more strategic work. The planning authority also submitted that the existing Rural Resource Zone has a discretion for properties on ridge lines via the Acceptable Solution for clause 26.4.2 Location and configuration of development as follows:
- A3.1
- A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –
- (a) not project above an elevation 15m below the closest ridgeline,

235. The planning authority submitted that this existing standard provides more protection for scenic values than the State Planning Scheme and that this is a concern. To progress this issue, further strategic work on this has already commenced and is intended to identify areas with landscape and scenic values for protection through the Scenic Protection Code which will be the subject of a future amendment to the LPS.
236. The representors submitted that the Scenic Protection Code should have been applied to Robbins Island and other areas in the municipality including the Tarkine. The representors submitted that Circular Head has many areas of outstanding natural beauty which is what attracts visitors and locals to the area and is an important part of Circular Head's identity. Montague campground is an example of a tourist location that looks onto Robbins Island. A petition for increased scenic protection areas on Robbins Island Coastline was submitted.

Commission consideration

237. The Commission accepts that Robbins Island, the Tarkine and a number of additional areas within Circular Head have important scenic values valued by the community and agrees with the approach being undertaken by the planning authority. The Commission does not consider there is sufficient evidence to make modifications at this stage and is satisfied that the planning authority will be undertaking further work identifying new scenic areas within the municipality and these will be progressed as amendments to the LPS when the work has been undertaken.

Commission decision

238. The Commission considers that no modifications are required.

Various zones - Stanley Peninsula

Representation: Robert Smith (3)

239. The representors requested that the zoning of the entire peninsula of Stanley should remain as it is.
240. The reasons include:
- tourists visit this area to see the historic and tourist town; and
 - tourists come to enjoy in its 'original' state not with large wind turbines spoiling.
241. In the section 35F report, the planning authority stated that this representation was unreadable.
242. At the hearing the planning authority submitted that nothing further had been received from the representor.

Commission consideration

243. The Commission accepts the planning authority's response that the submission was incomplete.

Commission decision

244. The Commission considers that no modifications are required.

Other matters

Submission accepted by the Commission at the hearing: State Emergency Service (SES)

245. The SES provided a submission noting that the Flood-Prone Areas 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. The SES submitted that the absence of a flood-prone hazard area overlay in the LPS does not preclude the implementation of the Flood-Prone Areas Hazard Code.
246. At the hearing, the planning authority submitted that they accepted the advice of the SES and Mr Irvine on behalf of SES who explained the submission in detail and submitted that no changes were requested.

Commission consideration

247. The Commission accepts the advice of the SES and the planning authority's response.

Commission decision

248. The Commission considers that no modifications are required.

Matters taken not to be a representation

Representations: Circular Head Council (12), TasNetworks (14), and UPC Renewables (17)

249. Representors raised matters including:
- the SPPs should include certain provisions or otherwise be revised including:
 - the written instrument of the LPS should be revised to insert an addendum to the which outlines that under Section C9.4 Use or Development Exempt from this Code as requested in the representation;
 - wording is inserted into the Rural, Agriculture and Environmental zones to reflect air as a resource; and
 - amend the Scenic Protection Code so it does not apply to electricity transmission use and development.
 - the SPPs failed to consider matters or otherwise provided too much or too little discretion;
 - querying how the LPS and/or SPP provisions should be interpreted or how discretion in provisions should be exercised in relation to the future implementation of the Tasmanian Planning Scheme;
 - that the format or provisions permitted to be included in the LPS by the SPPs should be changed or otherwise revised; and
 - that the regional strategy was not valid or otherwise should be revised.
250. In the section 35F report the planning authority made no recommendations on these matters.

Commission consideration

251. The Commission notes that:

- section 35E of the Act sets out the matters not to be taken to be a representation;
- other matters not subject to Part 3A of the Act cannot be considered as part of its consideration under section 35J; and
- during its consideration, it has sought to establish how all raised matters relate to the draft LPS and if the matter can be included within the draft LPS under section 32 of the Act.

252. The Commission considers that the parts of representations listed above are outside the considerations under section 35J.

Commission decision

253. The Commission considers that it does not have jurisdiction to assess these matters.

Matters of a technical nature or relevant to implementation

254. The Commission notes the draft LPS contains matters that are relevant to section 35J(2) of the Act, including:

- minor numbering and typographical errors in the draft LPS; and
- instances where the draft LPS zone and overlay maps or Geographic Information System (GIS) datasets contain overlaps, gaps and errors, or do not apply the technical advice or conventions set out in Practice Note 7 - Draft LPS mapping: technical advice.

255. The Commission further notes that Division 1 – Electronic database and documents of Part 6 of the Act, requires the Commission to maintain a database containing an electronic planning map.

Commission consideration

256. The Commission considers that the draft LPS should:

- be consistent with the conventions set out in the Commission practice notes; and
- contain zone and overlay maps that reflect current cadastral parcel boundaries, be free from technical anomalies such as gaps and overlaps and be provided in a form suitable for being made under section 35L of the Act and inclusion in an electronic database.

Commission decision

257. Modifications:

- revise the draft LPS zone and overlay maps to:
 - align zoning and overlays, based on the cadastral parcels dataset, with the most recent version of the cadastral parcels dataset available from theLIST;
 - remove the Environmental Management Zone and the Airport Obstacle Limitation Surfaces overlay from land outside the municipal area according to the Central Plan Register map (including notes), current low water mark map on theLIST;
 - apply the schema set out in Appendix B of Practice Note 7 to each relevant GIS dataset; and

- present all GIS data in the recommended Geodatabase format provided to council by the Commission.

258. Reason: To make modifications of a technical nature or relevant to the implementation of the Local Provisions Schedule if the Local Provisions Schedule were approved under section 35L of the Act.

Attachment 1**List of Representations**

| No | Name |
|-----------|---|
| 1. | Lynne Hosking |
| 2. | Mary J Horder |
| 3. | Robert Smith |
| 4. | Kimberley Brown and Kim Anderson obo Circular Head Coastal Awareness Network Inc. |
| 5. | Audrey Critchlow |
| 6. | Tasrail |
| 7. | Bob Brown Foundation |
| 8. | Tony Maguire |
| 9. | Kim and Leanne Marsh |
| 10. | Department of State Growth |
| 11. | Stanley Chamber of Commerce |
| 12. | Circular Head Council |
| 13. | Wallace and Walters Builders |
| 14. | TasNetworks |
| 15. | Tasmanian Land Conservancy |
| 16. | Phillip and Audrey Critchlow |
| 17. | David Pollington |
| 18. | John & Janet Popowski |
| 19. | Enviroplan |
| 20. | Paul Arnold |
| 21. | Tarkine Coast Progress Group |
| 22. | Venice and Bruce Morgan French |
| 23. | Simon Roberts |
| 24. | John McNab |
| 25. | Enviroplan |
| 26. | Tasmanian Parks and Wildlife Service |
| 27. | Enviroplan |
| 28. | Doug Machin |
| 29. | Greenham Tasmania |
| 30. | Cassie Thomas and Grant Samperi |
| 31. | TasWater |

- 32. Conservation Landholders Tasmania
- 33. Tammy Tuxworth

Submission from parties accepted by the Commission during the hearing process

State Emergency Service

Attachment 2**Land Use Planning and Approvals Act 1993****Notice to modify under section 35K(1)(a)****Circular Head Draft LPS**

26 March 2021

The Tasmanian Planning Commission (the Commission) directs that the Circular Head planning authority modify the Circular Head draft Local Provisions Schedule (draft LPS) as follows:

1. New Site-specific Qualification - 21096 Bass Highway, Wiltshire

- include a site-specific qualification in the Landscape Conservation Zone Use Table for 21096 Bass Highway, Wiltshire (folio of the Register 137668/1) allowing for:
 - Resource Development to be No Permit Required with a qualification 'if not for intensive animal husbandry or plantation forestry'; and
 - Educational and Occasional Care, Manufacturing and Processing, Resource Processing, and Tourist Operation to be Permitted, as set out in Annexure A; and
- insert the CIR-11.7 - CIR-11.8 site-specific qualification overlay into the SAP overlay map, consistent with the folio of the Register 137668/1 with the relevant annotation consistent with the Commission's Practice Note 7 Draft LPS mapping: technical advice.

Reason: Application of the Landscape Conservation Zone is consistent with the purpose of the zone and LCZ 2 in Guideline No. 1 and application of the Rural Zone is consistent with the purpose of the zone and RZ 1 in Guideline No. 1

2. Zone maps and overlays

| No. | Description | Direction and Reason |
|-----|---|---|
| 2.1 | Blanksbys Rd & Coburn Lane Area | Revise the zoning of 24 and 26 Blanksbys Road, 5 and 9 Coburn Lane, and 80 and 82 Montagu Rd (folios of the Register 11613/5, 11613/2, 252720/1, 135700/2, 243585/1 and 205120/1,) to the Rural Living Zone C. <i>Reason: Application of the Rural Living Zone is consistent with the purpose of the zone and RLZ 1 of Guideline No.1.</i> |
| 2.2 | Port Latta Jetty | Revise the zoning of the Port Latta jetty from the Environmental Management Zone to the General Industrial Zone as described in the planning authority's section 35F report on page 18. <i>Reason: Application of the General Industrial Zone is consistent with the purpose of the zone and GIZ5 of Guideline No. 1.</i> |
| 2.3 | Small titles in Wiltshire area adjoining the Bass Highway | Revise the zoning of 21229 Bass Highway Wiltshire (folio of the Register 118625/1), 21225 Bass Highway Wiltshire (folio |

| | | |
|-----|---|--|
| | | <p>of the Register 235443/1), 21223 Bass highway Wiltshire (folio of the Register 118625/2), 7 Myrtle Grove Road, Wiltshire (folio of the Register 108682/1), 21189 Bass Highway, Wiltshire (folio of the Register 41529/1), and PID 1854251, Bass Highway (folio of the Register 128604/1) to the Rural Zone</p> <p><i>Reason: To apply the Rural Zone in a manner consistent with the purpose of the zone and Guideline No. 1.</i></p> |
| 2.4 | Private Timber Reserves | <p>Revise the zoning of the following properties from the Agriculture Zone to the Rural Zone: folios of the Register 242182/1, 213455/1, 16843/3, 204707/1, 237586/1, 239858/1, 118910/1, 53198/3, 53198/1, 151769/1, 150197/2, 38158/9, 13895/4, 236207/1, 238317/1, 1441104/2, 144104/1, 241762/1, 241761/1, 243759/1, 238473/1, 107322/1, 119038/1, 50158/1, 107322/3 and 236336/13.</p> <p><i>Reason: To apply the Rural Zone in a manner consistent with the purpose of the zone and Guideline No. 1.</i></p> |
| 2.5 | Landscape Conservation Zone - conservation covenants | <p>Revise the zoning of the following properties to the Landscape Conservation Zone:</p> <ul style="list-style-type: none"> • Croles Rd Trowutta (folio of the Register 241538/1 & 213266/1); and • Sandy Cape Track Temma (folio of the Register 236792/1). <p><i>Reason: Application of the Landscape Conservation Zone is consistent with the purpose of the zone and LCZ 2 in Guideline No. 1.</i></p> |
| 2.6 | Landscape Conservation Zone – 52 Tipunah Road, Mengah | <p>Revise the zoning of 52 Tipunah Road, Mengah (folio of the Register 129395/3) to the Landscape Conservation Zone.</p> <p><i>Reason: Application of the Landscape Conservation Zone is consistent with the purpose of the zone and LCZ 2 in Guideline No. 1.</i></p> |
| 2.7 | 486 Marcus River Road, Marrawah | <p>Revise the zoning of 486 Marcus River Road, Marrawah to the Rural Zone.</p> <p><i>Reason: Application of the Rural Zone is consistent with the purpose of the zone and RZ1 in Guideline No. 1.</i></p> |
| 2.8 | Parks and Wildlife land | <p>Revise the zoning of the Crown Land located between folio of the Register 135682/1 and folio of the Register 136720/1, as described in the planning authority's section 35F report on page 26, to the Environmental Management Zone.</p> <p><i>Reason: To apply the Environmental Management Zone in a manner consistent with the purpose of the zone and Guideline No. 1.</i></p> |

| | | |
|------|--|---|
| 2.9 | TasRail land | <p>Revise the zoning of the Crown Land located at 21003 Bass Highway (folio of the Register 235442/1) to the Utilities Zone.</p> <p><i>Reason: To apply the Utility Zone in a manner consistent with the purpose of the zone and Guideline No. 1.</i></p> |
| 2.10 | TasWater infrastructure | <p>Revise the zoning of the land owned by TasWater (folios of the Register 224149/1, 198870/1, 248409/1, 139834/1 and 23362/1) to the Utilities Zone.</p> <p><i>Reason: To apply the Utilities Zone in a manner consistent with the purpose of the zone and Guideline No. 1.</i></p> |
| 2.11 | Natural Assets Code - future coastal refugia area overlay - 32 Marine Esplanade, Stanley | <p>Remove the future coastal refugia area overlay from 32 Marine Esplanade as described in the s35F report on page 270 -271.</p> <p><i>Reason: To apply the future coastal refugia area overlay in a manner consistent with Guideline No. 1.</i></p> |
| 2.12 | Natural Assets Code - future coastal refugia area overlay – land in Open Space Zone | <p>Remove the future coastal refugia area overlay from land zone in the Open Space Zone in Stanley, including PID 2227305, 23A Wharf Road (folio of the Register 168504/3 and 129690/1), 27 Marine Esplanade (folio of the Register 54335/2), 21 Wharf Road (folio of the Register 54335/254334/1), 14 Wharf Road (folio of the Register 139841/2) and part of 5 Church St, Stanley (folio of the Register 54335/2147294/1) and associated roads (folio of the Register 147294/2, 151291/1, and affected parts of 165544/1) as described in the planning authority's section 35F report on page 22.</p> <p><i>Reason: To apply the future coastal refugia area overlay in a manner consistent with Guideline No. 1.</i></p> |
| 2.13 | TasNetworks assets | <p>Remove the communication station buffer area from folio of the Register 198870/1 containing the Massey Reservoirs.</p> <p>Remove the priority vegetation are overlay from the Port Latta Substation (folio of the Register 238145/1).</p> <p>Revise the zoning of 137057/2 and the adjoining title to the south from the Landscape Conservation Zone to the Rural Zone.</p> <p><i>Reason: To apply the Rural Zone, the priority vegetation are overlay and the communications station buffer area in a manner consistent with Guideline No. 1.</i></p> |

3.0 Consequential and technical implementation

3.1 Revise the draft LPS zone and overlay maps to:

- (a) align zoning and overlays, based on the cadastral parcels dataset, with the most recent version of the cadastral parcels dataset available from theLIST;
- (b) remove the Environmental Management Zone and the Airport Obstacle Limitation Surfaces overlay from land outside the municipal area according to the Central Plan Register map (including notes), current low water mark map on theLIST; and
- (c) apply the schema set out in Appendix B of Practice Note 7 to each relevant GIS dataset;
- (d) present all GIS data in the recommended Geodatabase format provided to council by the Commission.

Reason: To make modifications of a technical nature or relevant to the implementation of the Local Provisions Schedule if approved under section 35L of the Act.

Attachments:

Annexure A: Modified Circular Head Local Provisions Schedule Written Document

Annexure A

Modifications to Circular Head draft LPS written document

TABLE OF CONTENTS

CIR-Local Provisions Schedule Title

CIR-Effective Date

CIR-Local Area Objectives

Particular Purpose Zones

Nil

Specific Area Plans

Nil

CIR-Site-specific Qualifications

CIR-Code Lists

CIR-Applied, Adopted and Incorporated Documents

Circular Head Local Provisions Schedule

CIR-Local Provisions Schedule Title

CIR1.1 This Local Provisions Schedule is called the Circular Head Local Provisions Schedule and comprises all the land within the municipal area.

CIR-Effective Date

CIR-1.2 The effective date for this Local Provisions Schedule is <insert date>.

CIR-Local Area Objectives

CIR-10.0 Low Density Residential Zone Local Area Objectives

| Reference Number | Area Description | Local Area Objectives |
|------------------|--|---|
| CIR-10.1 | Cowrie Point, Crayfish Creek, Edgcumbe Beach, and Hellyer, shown on an overlay map as CIR-10.1 | <p>(a) To recognise the unique coastal settlements and encourage uses that support the area's coastal lifestyle.</p> <p>(b) To support uses which benefit from efficient access to the Bass Highway and subsequent ability to commute to Wynyard, Burnie and Smithton.</p> <p>(c) To encourage sustainable growth that supports the transition of land in this area from a vacation settlement to a residential settlement.</p> |

CIR-12.0 Village Zone Local Area Objectives

| Reference Number | Area Description | Local Area Objectives |
|------------------|--|---|
| CIR-12.1 | Forest, shown on an overlay map as CIR-12.1 | To recognise the unique qualities of the village which is located in an area of prime agricultural land, and encourage diverse and innovative uses that support primary industries. |
| CIR-12.2 | Irishtown, shown on an overlay map as CIR-12.2 | To recognise the unique qualities of the village which is located in close proximity to Smithton, and encourage |

| | | |
|----------|---|--|
| | | diverse and innovative uses that support the primary industry sector. |
| CIR-12.3 | Marrawah and Arthur River, shown on an overlay map as CIR-12.3. | To encourage the servicing of a rural, coastal and visitor population, with a significant focus on providing for tourism based around the natural resources of the region. |

CIR-22.0 Landscape Conservation Zone Local Area Objectives

| Reference Number | Area Description | Local Area Objectives |
|------------------|---|---|
| CIR-22.1 | Wiltshire, shown on an overlay map as CIR-22.1 | To support a coastal lifestyle and commercial opportunities that complement and enhance the unique and largely in-tact remnant natural and cultural landscapes. |
| CIR-22.2 | Marrawah, Arthur River, Temma, Nelson Bay, and Couta Rocks, shown on an overlay map as CIR-22.2 | To support coastal lifestyle and commercial opportunities that complement and enhance the unique and largely in-tact remnant natural and cultural landscapes. |
| CIR-22.3 | Rocky Cape, Port Latta, and Crayfish Creek, shown on an overlay map as CIR-22.3 | <p>(a) To recognise the proximity to, and importance of the Rocky Cape National Park in encouraging uses that support the area's coastal lifestyle.</p> <p>(b) To encourage uses which benefit from efficient access to the Bass Highway and subsequent ability to commute to Wynyard, Burnie and Smithton.</p> <p>(c) To encourage uses that support the transition of land in this area from a vacation settlement to a residential settlement.</p> |

CIR-Particular Purpose Zones

There are no particular purpose zones in this Local Provisions Schedule.

CIR-Specific Area Plans

There are no specific area plans in this Local Provisions Schedule.

CIR-Site-specific Qualifications

| Reference Number | Site reference | Folio of the Register | Description (modification, substitution or addition) | Relevant Clause in State Planning Provisions |
|------------------|---------------------------------------|-----------------------|---|--|
| CIR-8.1 | Main Road, Stanley | 36739/1 | An additional Permitted Use Class for this site is: Tourist Operation. | General Residential Zone - Clause 8.2 Use Table |
| CIR-10.2 | 9 Rifle Range Road, Smithton | 156873/2 | A modification to Acceptable Solution A1(a) for this site is: delete “1500” and replace with “5000m ² ” | Low Density Residential Zone – Clause 10.6.1 Lot design |
| CIR-11.1 | 21 Rifle Range Road, Smithton | 120922/1 | A modification to Acceptable Solution A1(a) for this site is: delete “specified in Table 11.1” and replace with “5000m ² ” | Rural Living Zone - clause 11.5.1 Lot design |
| CIR-11.2 | 23 Rifle Range Road, Smithton | 169569/3 | A modification to Acceptable Solution A1(a) for this site is: delete “specified in Table 11.1” and replace with “5000m ² ” | Rural Living Zone - clause 11.5.1 Lot design |
| CIR-11.3 | 25 Rifle Range Road, Smithton | 169569/1 | A modification to Acceptable Solution A1(a) for this site is: delete “specified in Table 11.1” and replace with “5000m ² ” | Rural Living Zone - clause 11.5.1 Lot design |
| CIR-11.4 | 27 Rifle Range Road, Smithton | 169569/2 | A modification to Acceptable Solution A1(a) for this site is: delete “specified in Table 11.1” and replace with “5000m ² ” | Rural Living Zone - clause 11.5.1 Lot design |
| CIR-11.5 | 29 Rifle Range Road, Smithton | 120922/5 | A modification to Acceptable Solution A1(a) for this site is: delete “specified in Table 11.1” and replace with “5000m ² ” | Rural Living Zone - clause 11.5.1 Lot design |
| CIR-11.6 | 269 Upper Scotchtown Road, Scotchtown | 173399/5 | A modification to Acceptable Solution A1(a) for this site is: delete “specified in Table 11.1” and replace with “5000m ² ” | Rural Living Zone - clause 11.5.1 Lot design |
| CIR – 11.7 | 21096 Bass Highway, Wiltshire | 137668/1 | An additional No Permit Required Use Class for this site is: Resource Development with the qualification “if not for intensive animal husbandry or plantation forestry.” | Landscape Conservation Zone - Clause 22.2 Use Table |

| | | | | |
|------------|-------------------------------|----------|--|---|
| CIR – 11.8 | 21096 Bass Highway, Wiltshire | 137668/1 | <p>Additional Permitted Use Classes for this site are:</p> <ul style="list-style-type: none"> (a) Educational and Occasional Care; (b) Manufacturing and Processing; (c) Resource Processing; and (d) Tourist Operation. | Landscape Conservation Zone - Clause 22.2 Use Table |
|------------|-------------------------------|----------|--|---|

CIR-Code Lists

CIR-Table C3.1 Other Major Roads

| Road | From | To |
|---|------|----|
| This table is not used in this Local Provisions Schedule. | | |

CIR-Table C6.1 Local Heritage Places

| Reference Number | THR Number | Town/Locality | Street address | Property Name | Folio of the Register | Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values |
|------------------|------------|---------------|-----------------------------------|-------------------|------------------------------|--|
| CIR-C6.1.1 | | Stanley | Church Street & Alexander Terrace | | Part 165544/1 (Road Reserve) | Stone retaining wall |
| CIR-C6.1.2 | | Stanley | 10 Rougemont Street | Leale's Cottage | 140091/1 | House - Leale's Cottage |
| CIR-C6.1.3 | | Stanley | Green Hills Road | | Road Reserve & 34309/1 | Stone road Culvert |
| CIR-C6.1.4 | | Woolnorth | 648 West Montagu Road | Cookhouse Cottage | 135794/1 | House – Cookhouse Cottage. |

CIR-Table C6.2 Local Heritage Precincts

| Reference Number | Town/Locality | Name of Precinct | Historic heritage values, features, and characteristics of the Local Heritage Precinct |
|------------------|---------------|---------------------------|--|
| CIR-C6.2.1 | Stanley | Stanley Conservation Area | <p>The specific extent of the Stanley Conservation Area is shown on the map as "Stanley Conservation Area" CIR-C6.2.1.</p> <p>The Stanley Conservation Area applies to that part of Stanley within which there is a distinct and intact urban form and existing built environment from the original and sequential development for the period from the early 19th century to the early 20th century.</p> <p>The area has a high level of built and visual cohesion and a strong sense of historic place as a settlement in a remote, isolated and spectacular location where it was necessary for settlers to evidence a high standard of self reliance and relationship to the natural and cultivated resources of the locality.</p> <p>General Design Criteria:</p> |

| | | | |
|--|--|--|---|
| | | | <p>Use and development in the Stanley Conservation Area is to protect and conserve the established urban form and built environment so as to:</p> <ul style="list-style-type: none"> (a) retain the established layout of roads and lots; (b) retain the fabric and context of original buildings that contribute to the historic character of Stanley through stabilisation, repair, reconstruction, or replacement to: <ul style="list-style-type: none"> (i) use construction materials and finishes compatible with the original; (ii) retain original built form, including roof pitch, fenestration, minor protrusions such as porches and verandahs, and architectural detail in elements such as fascias, barge boards, finials, gutters, rainheads, down pipes and fencing; (iii) retain or reinstate windows, doors, awnings, porches and verandahs in commercial and civic buildings with frontage to Church Street; (iv) exclude use of contemporary or incompatible building forms, materials, architectural detail and treatments; (v) avoid creation of new doors, windows and other penetrations in the external fabric of a building if visible from a public place; (vi) make alterations and additions that are consistent with the location, form, mass, proportion, height and construction of the original building and any adjacent building; (vii) require new minor protrusions, including chimneys and vents, aerials, solar panels, switch boards, gas tanks, and air handling systems be located so as not to be visible from a public place; (viii) retain garden spaces and plantings; and (ix) minimise creation of hardstand areas, including vehicle parking spaces, within the frontage setback; (c) provide for new buildings of contemporary architectural style and construction compatible with retention of the historic character of Stanley if: <ul style="list-style-type: none"> (i) located within a site, in terms of frontage and boundary setbacks, consistent with any adjacent original buildings; or (ii) frontages are setback not less than 3m if there is no original building to guide setback; and (iii) aligned at 90° to the frontage; (iv) setbacks from side boundaries are not less than 2m to maintain separation from adjacent buildings; and (v) form, scale, mass, proportion and height is consistent with original buildings provided that new buildings do not replicate or mimic the original architectural style or construction of buildings that contribute to the historic character of Stanley; (d) provide for outbuildings and ancillary structures if: <ul style="list-style-type: none"> (i) located to the rear of an original building; (ii) separated from the original building by a recess, change of material or glazing strip; |
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| | | | <ul style="list-style-type: none"> (iii) not incorporated within the structure of the original building; and (iv) of form, scale and finish consistent with the original building; (e) provide for signs if: <ul style="list-style-type: none"> (i) for retention or reinstatement of an original sign; (ii) in a location traditionally used for signage; (iii) a small freestanding structure; or (iv) obviously contemporary if avoiding mimicry of traditional signage and conforming to the traditional scale, form, finishes and colour of original signage; and (v) not painted on a previously unpainted masonry wall. |
| CIR-C6.2.2 | Stanley | Stanley Conservation Area - Precinct A | <p>Description:</p> <p>The northern portion of the Stanley Conservation Area as shown on the planning scheme map and characterised by:</p> <ul style="list-style-type: none"> (a) a slightly undulating topography gently sloping up toward 'the Nut' with flatter outer lying areas around the waterfront to Bass Strait; (b) a flat, grid like pattern of subdivision and layout of development; (c) a predominantly low density residential area of single storey detached dwellings on large open lots, creating an open holiday or sea side feel; and (d) a mix of architectural styles and periods but with a cohesive heritage character provided by weatherboard dwellings set close to the street with small traditional style front gardens. <p>Statement of Local Historic Heritage Significance:</p> <p>This is the original linear retail, business and civic centre of Stanley and provides a highly intact curvilinear alignment of relatively intact original commercial, civic, and occasional residential buildings along both sides of Church Street.</p> <p>Buildings are built onto the frontage and feature windows and doors opening directly onto the street.</p> <p>Specific Design Criteria:</p> <p>Development is to:</p> <ul style="list-style-type: none"> (a) retain or restore original shop fronts; including awnings, porches and verandas; (b) retain or restore original architectural detail; and (c) avoid introduction of contemporary commercial architectural detail and promotion or convenience elements, including automatic sliding doors, display windows, lighting, and signs. |
| CIR-C6.2.3 | Stanley | Stanley Conservation Area - Precinct B | <p>Description:</p> <p>The commercial centre of Stanley aligned to Church Street as shown on the planning scheme map; and characterised by:</p> <ul style="list-style-type: none"> (a) buildings located onto the frontage; (b) active frontages directly accessed at street level and providing a lively public domain; |

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| | | | (c) a mix of small, single fronted weatherboard buildings interspersed by larger masonry buildings; (d) architectural detailing such as awnings, verandas and porches; and (e) signage as a subservient feature. General Design Criteria: As per C6.2.1 |
| CIR-C6.2.4 | Stanley | Stanley Conservation Area - Precinct C | Description: A narrow linear residential area aligned at the base of the Nut as shown on the planning scheme map and characterised by: (a) development in a linear fashion against the vertical backdrop of the Nut to create a unique urban form and streetscape; (b) narrow road construction cut into the hill side; (c) single storey, detached weatherboard dwellings; and (d) small frontage setbacks and small traditional front gardens. General Design Criteria: As per C6.2.1 |

CIR-Table C6.3 Local Historic Landscape Precincts

| Reference Number | Town/Locality | Name of Precinct | Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy |
|---|---------------|------------------|--|
| This table is not used in this Local Provisions Schedule. | | | |

CIR-Table C6.4 Places or Precincts of Archaeological Potential

| Reference Number | Town/Locality | Property Name / Address/ Name of Precinct | Folio of the Register | Description, Specific Extent and Archaeological Potential |
|---|---------------|---|-----------------------|---|
| This table is not used in this Local Provisions Schedule. | | | | |

CIR-Table C6.5 Significant Trees

| Reference Number | Town/ Locality | Property Name and Street Address | Folio of the Register | Description / Specific Extent | Botanical Name | Common Name | No. of trees |
|------------------|----------------|--|---------------------------|--|-------------------------------|---------------------|------------------------|
| CIR-C6.5.1 | Scotchtown | Trowutta Road road reserve | South-west of 231308/1 | Circa 145yrs old. Located on Trowutta Road verge approx. 3.35km from Bass Hwy. | <i>Quercus robur</i> | English Oak | 1 |
| CIR - C6.5.2 | Smithton | East Esplanade road reserve | Adjacent (west) of 9174/1 | Circa 60yrs old – Located on Road reserve at intersection of East Esplanade and King Street. | <i>Quercus robur</i> | English Oak | 1 |
| CIR - C6.5.3 | Stanley | Not applicable | 165544/1 | Circa 90yrs old - Located on southern side of Main Road between Albert Street and Cripps Street. | <i>Araucaria heterophylla</i> | Norfolk Island Pine | 9 |
| CIR - C6.5.4 | Stanley | Tatloes Beach Reserve, Wharf Road | PID 2227305 | Circa 75yrs old - Located at Wharf Road entrance to Tatloes Beach Reserve. | <i>Araucaria heterophylla</i> | Norfolk Island Pine | 2 |
| CIR - C6.5.5 | Smithton | Smithton Gospel Hall, 36 King St | 232342/1 | Circa 90yrs old in prominent streetscape location. | <i>Araucaria heterophylla</i> | Norfolk Island Pine | 1 |
| CIR - C6.5.6 | Stanley | Kings Park, 40 Church Street | 34315/1; and 34309/1 | Circa 70yrs old (some replaced). | <i>Araucaria heterophylla</i> | Norfolk Island Pine | All trees within park. |
| CIR - C6.5.7 | Stanley | Kings Park, 40 Church Street | 34315/1 | Age unknown. | <i>Cupressus macrocarpa</i> | Macrocarpa | 1 |
| CIR - C6.5.8 | Stanley | Stanley Cabin and Tourist Park, 23A Wharf Road | 168504/3 | Large, established gums at entrance to Caravan Park. | <i>Eucalyptus globulus</i> | Blue Gums | 3 |
| CIR - C6.5.9 | Stanley | Stanley Cabin and Tourist Park, 23A | 129690/1 | Large, established gums within Caravan Park. | <i>Eucalyptus globulus</i> | Blue Gums | 4 |

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| | | Wharf Road | | | | | |
| CIR - C6.5.10 | Stanley | Stanley Cemetery | Not applicable | Circa 70yrs old. | <i>Araucaria heterophylla</i> | Norfolk Island Pine | 6 |
| CIR - C6.5.12 | Smithton | TAFE Smithton Campus, 13 Montagu Road | PID 6231934 | Circa 70yrs old. | <i>Quercus robur</i> | English Oak | 2 |
| CIR - C6.5.13 | Smithton | Boat Ramp Road off East Esplanade | Not applicable | Last remaining large, established gum adjacent waterfront. | <i>Eucalyptus viminalis</i> | White Gum | 1 |
| CIR - C6.5.14 | Smithton | Massey Street | 155616/1 | Large remnant gums in a prominent landscape position. | <i>Eucalyptus obliqua</i> | Gums | 3 |
| CIR - C6.5.15 | Smithton | Road reserve adjacent to 43 Smith Street | On Smith Street road reserve adjoining 157845/1 | Circa 30yrs & 50yrs old. Mature trees with significant contribution to streetscape quality within the CBD. | <i>Acer psuedoplan</i> | Sycamore | 2 |
| CIR - C6.5.16 | Smithton | Road reserve adjacent to 37, 41, 43, and 45A Smith Street | On Smith Street road reserve adjoining 157845/1; 44042/1; 221313/3; and 220515/8 | Circa 80yrs old. Mature trees with significant contribution to streetscape quality within the CBD. | <i>Platanus x acerifolia</i> | London Plane | 4 |
| CIR - C6.5.17 | Smithton | Emmertons Park, 2 Upper Grant Street | 234576/1 | Circa 25-40yrs old. Mature trees with significant contribution to streetscape quality at entrance to town. | <i>Acacia melanoxylon</i> | Blackwood | 4 |
| CIR - C6.5.18 | Smithton | Smithton District Hospital, 74 Brittons Road | 129612/1 | Circa 40-60yrs old. Mature group of trees within public hospital grounds provide significant landscape value for surrounds. | <i>Ulmus, Fraxinus excelsior, Populus (hybrid)</i> | Elm, Ash, Poplar | 3 |
| CIR - C6.5.19 | Smithton | Smithton District | 129612/1 | Circa 80-100yrs old. | <i>Quercus robur</i> | English Oak | 1 |

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|------------------|----------|--|--|--|--|---|----------------------------------|
| | | Hospital, 74 Brittons Road | | Mature tree within public hospital grounds provide significant cultural and landscape value for surrounds. | | | |
| CIR - C6.5.20 | Smithton | Smithton District Hospital, 74 Brittons Road | 129612/1 | Approx. 50yrs old. Mature tree with significant landscape value for surrounds. | <i>Populus nigra</i> | Lombardi Poplar | 1 |
| CIR - C6.5.21 | Smithton | Smithton District Hospital, 74 Brittons Road | 129612/1 | Circa 40- 60yrs old. Large remnant gums within public hospital grounds provide significant landscape value for surrounds. | <i>Eucalyptus viminalis</i> | White Gum | All trees within stand. |
| CIR - C6.5.22 | Smithton | Smithton District Hospital, 74 Brittons Road | 129612/1 | Circa 60yrs old. Mature trees within public hospital grounds provide significant landscape value for surrounds. | <i>Fraxinus (hybrid)</i> | Ash | 2 |
| CIR - C6.5.23 | Smithton | 1 Brittons Road | On road reserve adjoining 13385/1 | Circa 50yrs old – Mature trees with signifcant contribution to streetscape quality at entrance to town. | <i>Eucalyptus nitida (x2)</i> <i>Acacia melanoxydon</i> | Smithton Peppermint Blackwood | 3 |

CIR-Table C8.1 Scenic Protection Areas

| Reference Number | Scenic Protection Area Name | Description | Scenic Value | Management Objectives |
|------------------|-----------------------------|---|---|--|
| CIR-C8.1.1 | Green Hills, Stanley | Includes the area of hills above the AHD 40m elevation as shown on the overlay map. | Rolling pastures which frame the western skyline surrounding the township of Stanley. | To maintain rolling hills as the dominant landscape feature. |

CIR-Table C8.2 Scenic Road Corridors

| Reference Number | Scenic Road Corridor Description | Scenic Value | Management Objectives |
|------------------|--|---|---|
| CIR-C8.2.1 | Green Point Road, Marrawah. Commences 0.34km from intersection with Comeback Road and extends for 1km as shown on the overlay map. | A wide vista of the western coastline framed by remnant vegetation when viewed on the descent of Green Point Road. | To maintain the broad views of the coastline free of development which might detract from the natural landscape. |
| CIR-C8.2.2 | Harcus River Road, Marrawah. Commences 0.2km from the intersection with Comeback Road and extends 2.5km as shown on the overlay map. | High conservation value remnant vegetation to both sides of the road with glimpses of the coastline from Preminghana through to Cape Grim. | To maintain the broad views of the coastline free of development which might detract from the natural landscape. |
| CIR-C8.2.3 | Stanley Highway. Commencing 1.3km north of the intersection with East Inlet road and extends 1.45km to the south-western edge of the General Residential Zone as shown on the overlay map. | Progressively broadening views of Sawyer Bay from the foot of the Green Hills. The outlook includes the Stanley 'Nut' across to Rocky Cape on the approach to, and when leaving the Stanley Township. | To maintain the broad views of the coastline from 'The Nut' through to Rocky Cape free of development which might detract from the natural landscape. |

CIR-Table C11.1 Coastal Inundation Hazard Bands AHD Levels

| Locality | High Hazard Band (m AHD) | Medium Hazard Band (m AHD) | Low Hazard Band (m AHD) | Defined Flood Level (m AHD) |
|---------------------|--------------------------|--|---|---------------------------------------|
| | Sea Level Rise 2050 | 1% annual exceedance probability 2050 with freeboard | 1% annual exceedance probability 2100 (design flood level) with freeboard | 1% annual exceedance probability 2100 |
| Arthur River | 0.8 | 1.8 | 2.4 | 2.1 |
| Cowrie Point | 1.8 | 2.6 | 3.2 | 2.9 |
| Edgcumbe Beach | 1.8 | 2.6 | 3.2 | 2.9 |
| Hellyer | 1.8 | 2.6 | 3.2 | 2.9 |
| Marawah | 0.8 | 1.8 | 2.4 | 2.1 |
| Nelson Bay | 0.8 | 1.8 | 2.4 | 2.1 |
| Rocky Cape | 1.8 | 2.6 | 3.2 | 2.9 |
| Smithton | 1.8 | 2.6 | 3.2 | 2.9 |
| Stanley | 1.8 | 2.6 | 3.2 | 2.9 |
| Temma | 0.8 | 1.8 | 2.4 | 2.1 |
| All other locations | 1.8 | 2.6 | 3.2 | 2.9 |

CIR-Applied, Adopted or Incorporated Documents

| Document Title | Publication Details | Relevant Clause in the LPS |
|---|---------------------|----------------------------|
| This table is not used in this Local Provisions Schedule. | | |