

Flinders Island Council
Email: development.services@flinders.tas.gov.au

FLINDERS COUNCIL
DRAFT LPS
REPRESENTATION

NUMBER: 34

2 August 2021

RE: Flinders Island Draft Local Provisions Schedule (Draft LPS)

Please see attached my representation regarding the [Flinders Island Draft Local Provisions Schedule](#) (Draft LPS).

I am writing on behalf of 16 landholders, of which I am one, who own the property "The Dock" located immediately north of Mount Killiecrankie Reserve on Flinders Island.

We collectively bought the land at The Dock in 1995 to preserve it for future generations.

I would please like the opportunity to present at any Draft LPS hearings.

Could you please confirm that you have received our representation.

Yours sincerely,

Sophie Underwood
On Behalf of The Dock shareholders
sophie_underwood@hotmail.com
0407 501 999

Introduction

Thank you for the opportunity to comment on the Flinders Island Draft Local Provisions Schedule (Draft LPS). I have reviewed the Draft LPS, including the Flinders Island Supporting Report.

The review conducted of the Draft LPS has specifically focussed on the zone and overlay provisions as they apply to The Dock and adjoining land areas and its regional context.

This area is considered in the context of:

- the unique scenic values surrounding The Dock and surrounding landscape and the important spatial relationship the area has to Mount Killiecrankie; and the
- scenic landscape values and protecting the natural attributes of one of the most loved areas on Flinders Island.

In consideration of the matters raised in this representation, we urge the Flinders Island Council and (subsequently the Tasmanian Planning Commission) to support the following:

- spatially applying the 22.0 Landscape Conservation Zone to The Dock;
- spatially applying the 22.0 Landscape Conservation Zone to all areas proposed to be Landscape Conservation Zone within the Draft LPS located between The Dock and North East River; and
- spatially applying the C8.0 Scenic Protection Code to the areas identified in the Flinders Local Provisions Schedule - Scenic Protection Overlay – Maps 3 and 4 of 20.

These points are considered in further detail below.

The Dock - Location

Our land, known as *The Dock* is approximately 24.19 hectares of land located at “The Dock” on the north west coast of Flinders Island, about 4km north west of Killiecrankie (Figure 1 and 2). The land grades from about 100m above sea level in the south eastern corner to less than 10m above sea level on the western boundary. The land contains three beaches.



Figure 1: The Dock location.



Figure 2: The Dock.

The Dock - Geology/Topography

The substrate on the land varies from granite along the eastern and southern boundaries to alkaline sands through the central part of the land and tertiary limestone (calcarenite) along the coastal margins.

The main topographic features are a relatively steep granite slope in the south east corner, a circular dune rising 30m above sea level in the north east corner and an ephemeral creek-line passing through the south west corner.

The Dock – Vegetation and Conservation Status

The entire land area at The Dock is covered with contiguous native vegetation that is in very good condition. The land supports five main vegetation communities; drooping she-oak (*Allocasuarina verticillata*) forest (not threatened), heath on calcarenite (Rare, Vulnerable), dry scrub (not threatened); coastal scrub on alkaline sands (not threatened) and coastal grass and herbfield (not threatened).

The Dock – Conservation Covenant

A conservation covenant was placed over the land in September 2009.

The *Nature Conservation Plan for The Dock* (April 2009) must be read in conjunction with the Conservation Covenant.

The *Nature Conservation Plan for The Dock* outlines the following general and specific objectives that apply to the management of the land all of which concur with the proposed Landscape Conservation Zone:

General management objectives:

- Protection and conservation of the natural systems and features in the Land, including the diversity of species, habitats and communities;

- Protection of significant vegetation communities and populations of threatened and/or priority plant and animal species; and
- Protection of the Land from damage by introduced plants and animals, disease and inappropriate management regimes.

Specific management objectives for the natural values:

- To maintain the structure of vegetation community and allow for regeneration of native species under the proposed management regime; To implement appropriate fire regimes;
- To protect the habitat of threatened and/or priority species; and
- To eradicate or control weeds and feral animals and prevent any further introduction(s) of exotic species

Landscape Conservation Zone

The Landscape Conservation Zone (LCZ) of the SPPs is a new zone that was not previously available to the interim planning schemes. The LCV is usually applied to private land with conservation values.

We commend the Flinders Council for applying the LCZ to land identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.

We support our land at The Dock (Figure 4 and 5) being zoned LCZ. Given the conservation status of The Dock, its landscape context, its outstanding scenic values large areas of native vegetation and the fact it is subject to a conservation covenant, it is an appropriate zoning.

We also support all the land north of The Dock to North East River (Figure 3, 4 and 5) being zoned LCZ due to its landscape context, its outstanding scenic values and large areas of native vegetation.

This is in accordance with LCZ 1, LCZ 3 and LCZ 4 of *Guideline No.1, Local Provisions Schedule (LPS): zone and code application*.

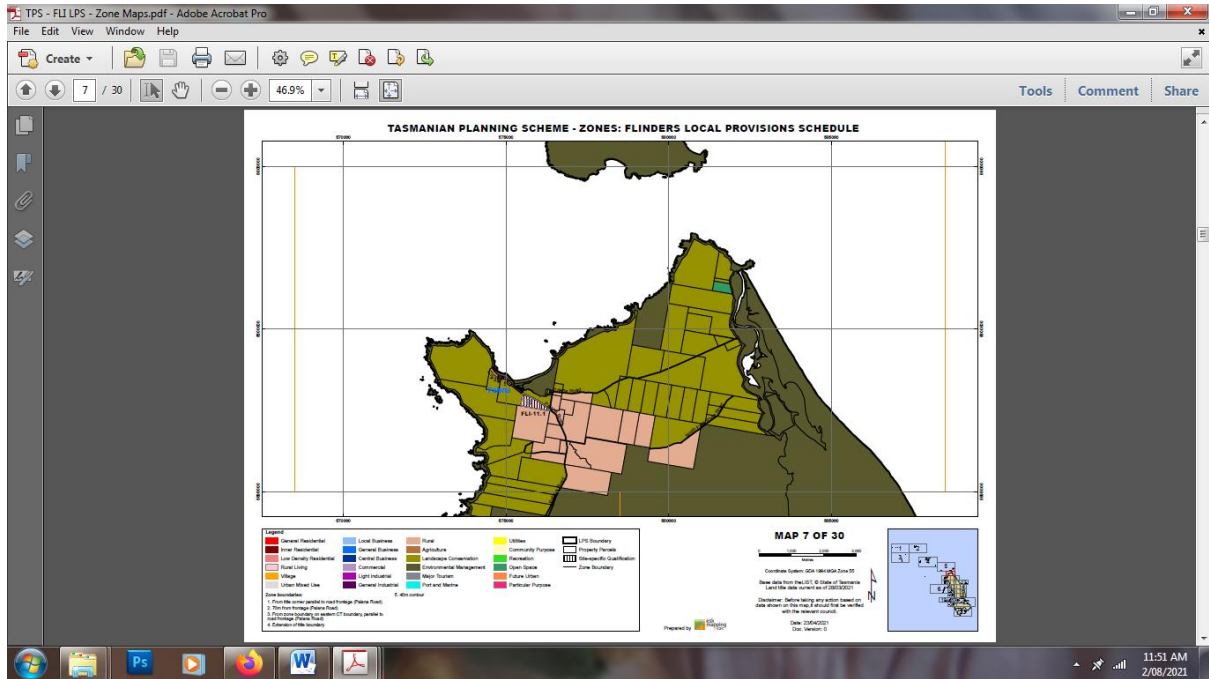


Figure 3: TASMANIAN PLANNING SCHEME - ZONES: FLINDERS LOCAL PROVISIONS SCHEDULE, Map 7.

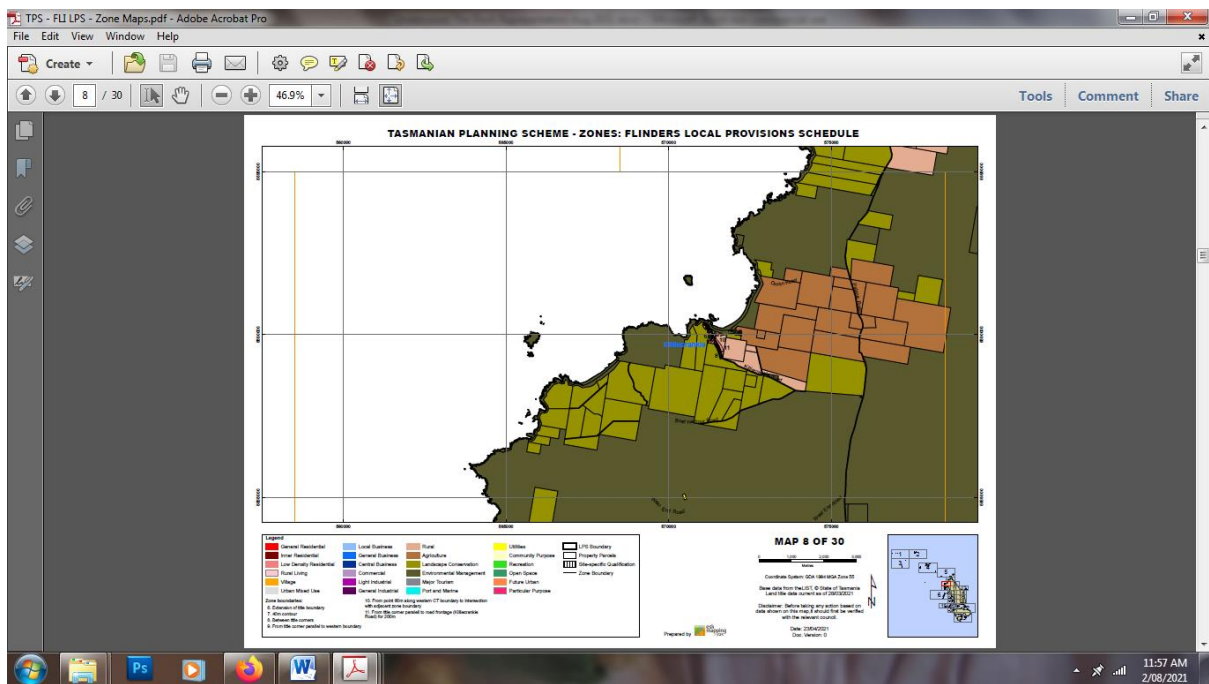


Figure 4: Figure 3: TASMANIAN PLANNING SCHEME - ZONES: FLINDERS LOCAL PROVISIONS SCHEDULE, Map 8.

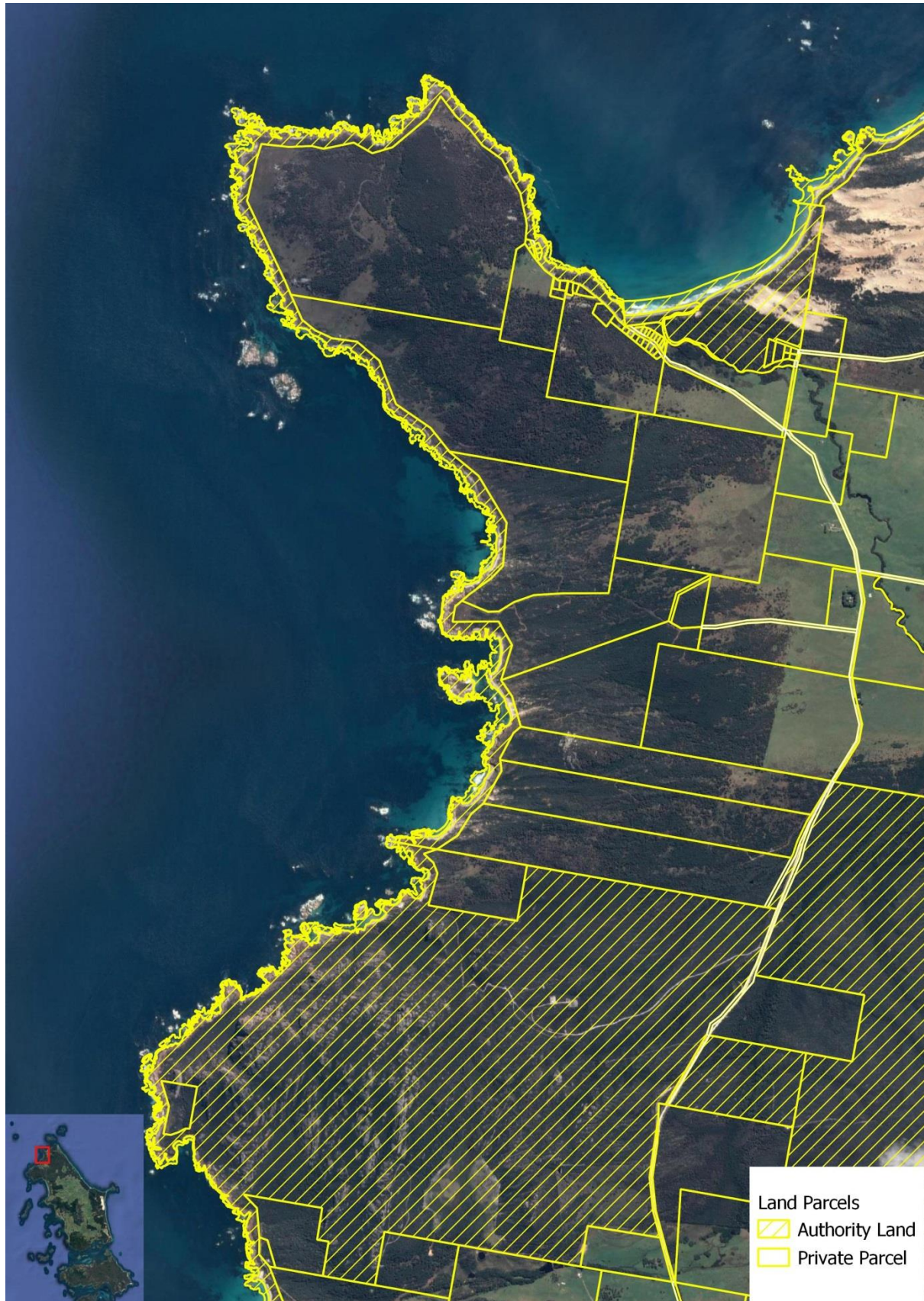


Figure 5: Demonstrates the landscape context and the extensive areas of native vegetation of The Dock and the land adjoining The Dock to the north (also known as the Limestone Bay area).

Section 4.5 Zone Conversion by Locality

We agree with parts of the section entitled *Palana /North East River/Map 7 Section 4.5 Zone Conversion by Locality* outlined in the [Flinders Island Council Supporting Report](#), November 2020. The parts that we agree with have been included below under the heading '*Palana /North East River/Map 7*'.

However, we do not agree with this statement of *Palana /North East River/Map 7 Section 4.5 Zone Conversion by Locality*:

'The Structure Plan and LPS and Zoning Strategy identified this area as one of four on Flinders Island to locate larger scale tourist facilities in the Limestone Bay area (outside of coastal vegetation). Submissions were received objecting to one of the four sites however, the Limestone Bay area CT 174257/1 and CT 3152018 did not raise any objections during the 3-month consultation period. More recently this area was endorsed by Council in the consultation on the draft LPS as a potential site for integrated eco style development to allow for larger scale visitor accommodation offerings on the island.'

On the 6 September 2016, on behalf of The Dock shareholders, I commented on the Flinders Island Structure Plan. My comments, which are also attached, were emailed to Robyn Cox the Strategic Planner for Flinders Island Council. In our comments, we specifically stated the following with regard to the area north of The Dock (also known as the Limestone Bay area) '*The private land to the north of The Dock, all the way to Palana and beyond should be zoned to protect the natural, cultural and scenic landscape values. The private land should be managed to protect the visual coastal amenity/ landscape, any future developments should be low lying, sympathetic to the surrounding and not visible from the sea or the beach. Only single dwellings should be allowed on these coastal private land blocks. Maintaining the visual amenity on private would also be appealing to those walking the Flinders Island Trail.*'

"Palana /North East River/Map 7

The Palana and North East River locality is zoned Rural under the current planning scheme with the exception of the Palana settlement, zoned Village. Almost all, including the settlement, is subject to either the Visually Sensitive or Shorelines and Waterbodies Special Areas Overlays.

With the exception of the Palana settlement and nine adjacent allotments deemed constrained, the entire locality is mapped as potentially suitable for inclusion in the Agriculture Zone. The application of Guideline No.1 and local analysis concludes that none of the Palana/North East River locality is suitable for application of the Agriculture Zone. This is consistent with the 2012 consultation on the draft Interim Planning Scheme, consultation on the 2016 Structure Plan, council endorsement of the 2019 Strategy and addresses the sustainable development obligation under the Schedule 1 objectives of LUPAA. It is also consistent with NTRLUS, regional biodiversity action BNV-A01³⁰.

At the north western end of Flinders Island, the land west of Palana Road encompassing Blyth and Sheoak Points extending to the locality's southern extent at

the Dock is currently zoned Rural with Visually Sensitive and Shorelines and Waterbodies overlays; it is proposed as Landscape Conservation Zone. Much of this northern and western Palana locality is steep and uniformly covered with priority vegetation including the Threatened Vegetation Community Heathland on Calcareous Substrates. This area is classified as Class 6 land capability: "unsuitable for agriculture where vegetation cover should be retained"³¹. 'Bush block' grazing of class 6 land on calcareous substrates with a westerly prevailing wind is likely to be unsustainable. Multiple tenures and distance to other agricultural land are constraints to use for primary production. Absence of irrigation further constrains the use of the land for either soil or non-soil-based agriculture uses.

In the current scheme the Shorelines and Water Bodies overlay applies. This is not a transitional provision, and the Natural Assets Code is applicable to achieve protection of the coastal values. The coastal areas specific area plan proposes extra regulation for protection of landform and coastal vegetation. Allotments west of Palana Road and including land between Sheoak and Blyth Points are excluded from the Agriculture Zone based on AZ6 (e) (i), (ii), (iii) and Az6 (c) and included in the Landscape Conservation Zone under LCZ1 LCZ2 (b) and (c).

East of Palana Road the same approach has been applied. CT49033/1 (PID 2563368) is mapped as unconstrained for Agriculture but is class 7 land and includes a large area of sand blow contiguous with the adjacent allotment CT235577/1 PID 6423469 (also class 7 but mapped for agriculture) where the sand-blow is currently approx. 70 hectares, and Crown reserve land where the sand-blow is approx. 10 hectares in extent. The Crown land is proposed as Environmental Management Zone and the two private allotments as Landscape Conservation Zone since the land has significant constraints on development including priority vegetation (although the overlay excludes the area of the sand-blow which, by definition, is without vegetation). The Landscape Conservation Zone is applied based on Guidelines LCZ 1 and LCZ 2(b). It is proposed to be excluded from the Agriculture Zone based on AZ 6(e) (i), (ii) and (iii). The application of the Landscape Conservation Zone is consistent with the zone purpose 22.1.1 To provide for the protection, conservation and management of landscape values. These landscape values are currently recognised by the application of the Visually Sensitive overlay which notes "important elements in their selection (for the overlay) ... include (a) visual prominence when seen from public roads, foreshores and coastal waters, (b) undisturbed landforms and natural vegetation and (c) minimal visible evidence of human activity in the form of buildings, structures or works."

The Natural Assets Code also applies to allotments adjacent the North East River Road, mapped for coastal refugia. Apart from Crown allotments zoned as Environmental Management Zone under Guideline EMZ 1(e), land at North East River with intact vegetation is nominated for the Landscape Conservation Zone on the basis of LCZ 1 and LCZ 2(a). It is excluded from the Agriculture Zone based on AZ 6 (c) and (e) (i) and (ii).

Most of the Palana /North East River area is subject to the Visually Sensitive overlay in the current scheme which is a transitional provision. At North East River the overlay includes land above the 40m contour. The proposal for the application of the SPP

Scenic Protection overlay is to extend the current extent of the visually sensitive area to encompass land below the 40m contour down to the NE River Road (see section 5.0 Codes)."

Scenic Protection Code

The C8.0 Scenic Protection Code of the SPPs, provides that a scenic protection area overlay, or a scenic road corridor can be applied to land identified at the local or regional level as important for protection of scenic values as per SPC 1 of *Guideline No.1, Local Provisions Schedule (LPS): zone and code application*.

We support the Scenic Protection Code be applied to the areas identified in the *Flinders Local Provisions Schedule - Scenic protection Overlay – Maps 3 and 4 of 20* (Figures 6 and 7).

Additionally, this representation calls for the provisions embedded within the C8.0 Scenic Protection Code of the SPPs to be reviewed, fine-tuning the use and development controls (including exemptions) with respect to assessment development to areas where this Code applies, especially if it is to be an effective planning tool to manage landscape values.

We express sincere concern that there is an inability to deliver the objectives through this Code as there are certain exemptions afforded to use and development that allows for detrimental impact on landscape values. This of course extends beyond the municipal boundaries and requires careful consideration at a State level to support and protect the natural assets that underpin the tourism economy and our precious natural/cultural landscapes.

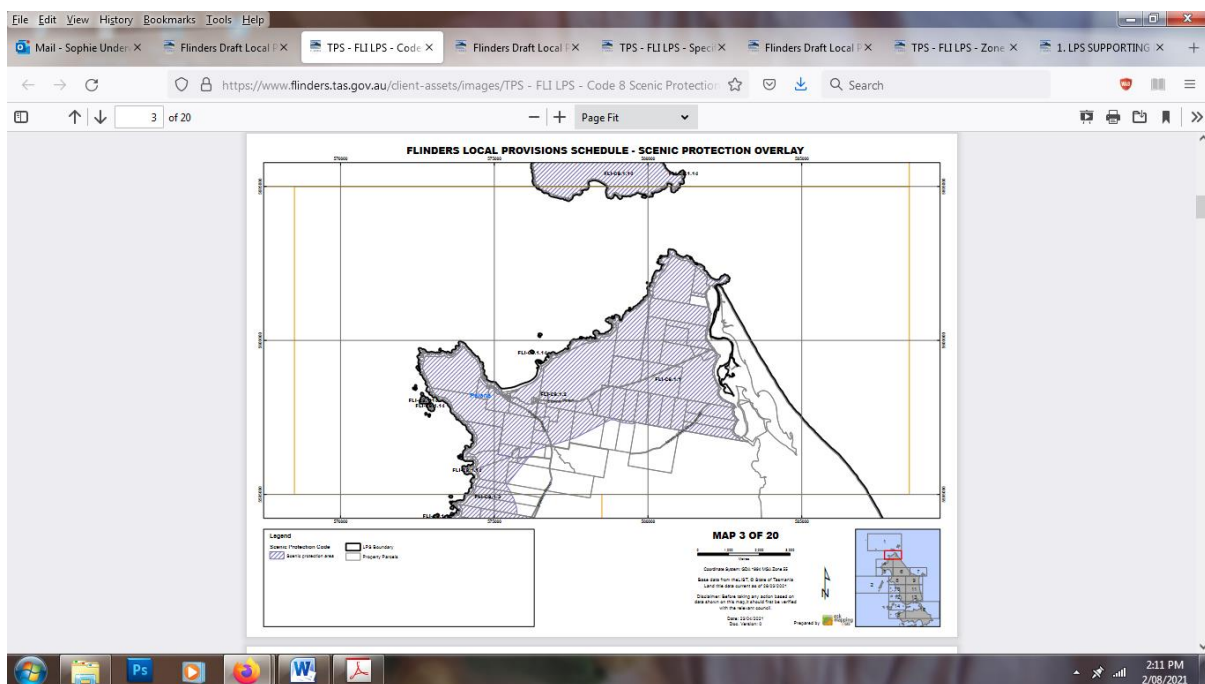


Figure 6: FLINDERS LOCAL PROVISIONS SCHEDULE - SCENIC PROTECTION OVERLAY – Map 3 of 20.

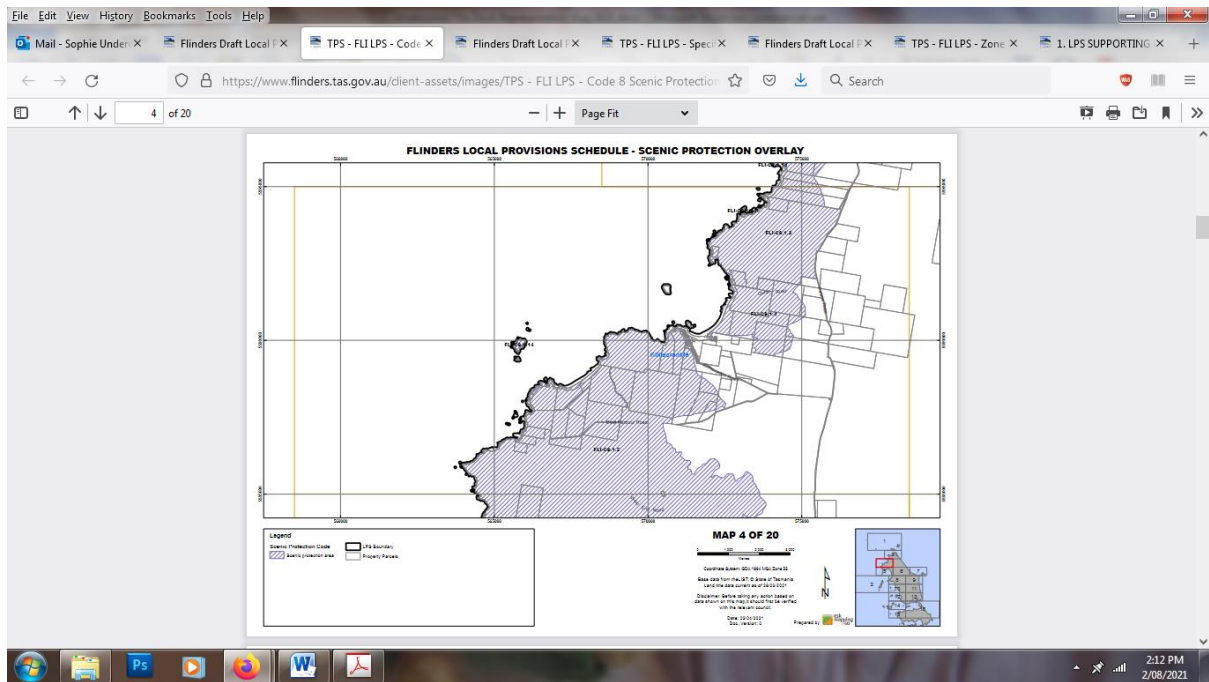


Figure 7: FLINDERS LOCAL PROVISIONS SCHEDULE - SCENIC PROTECTION OVERLAY – Map 4 of 20.

Environmental Management Zone

The purpose of the Environmental Management Zone is:

- To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.
- To allow for compatible use or development where it is consistent with: (a) the protection, conservation and management of the values of the land; and (b) applicable reserved land management objectives and objectives of reserve management plans.

Additionally, this representation calls for the Environmental Management Zone of the SPPs to be reviewed on the basis that for example that Tourist Operation is a Permitted use. This means that for example commercial tourism development can be approved in most national parks and reserves without guarantee of public consultation, and with no rights to appeal. This means that the public has no guarantee of public comment and no appeal rights over public land on almost 50% of the State.

Built tourist operations should be a prohibited use in our national Parks and reserves, or at minimum a discretionary use.

Robyn Cox
Strategic Planner
Flinders Island Council
4 Davies Street
WHITEMARK TAS 7255
By planner@flinders.tas.gov.au

6 September 2016

Dear Robyn,

RE: Comment on the Flinders Island Structure Plan

I am writing on behalf of 16 landholders who own the property “The Dock” located near Mount Killiecrankie on Flinders Island.

We are particularly interested in the Structure Plan as the final Structure Plan will form the basis for the Flinders Planning Scheme.

The Structure Plan will provide the strategic direction for the choices made when applying the State Planning Scheme template to Flinders Island.

We bought *The Dock* in 1995 with the fundamental aim to protect and conserve the natural values of the land.

Please see our attached comments below.

Yours Sincerely,

Sophie Underwood

On Behalf of The Dock shareholders

The Dock

“The Dock” is located near Killiecrankie on the north west coast of Flinders Island (Map 1).



Map 1 - Location (hatched area) of The Dock near Killiecrankie, Flinders Island.

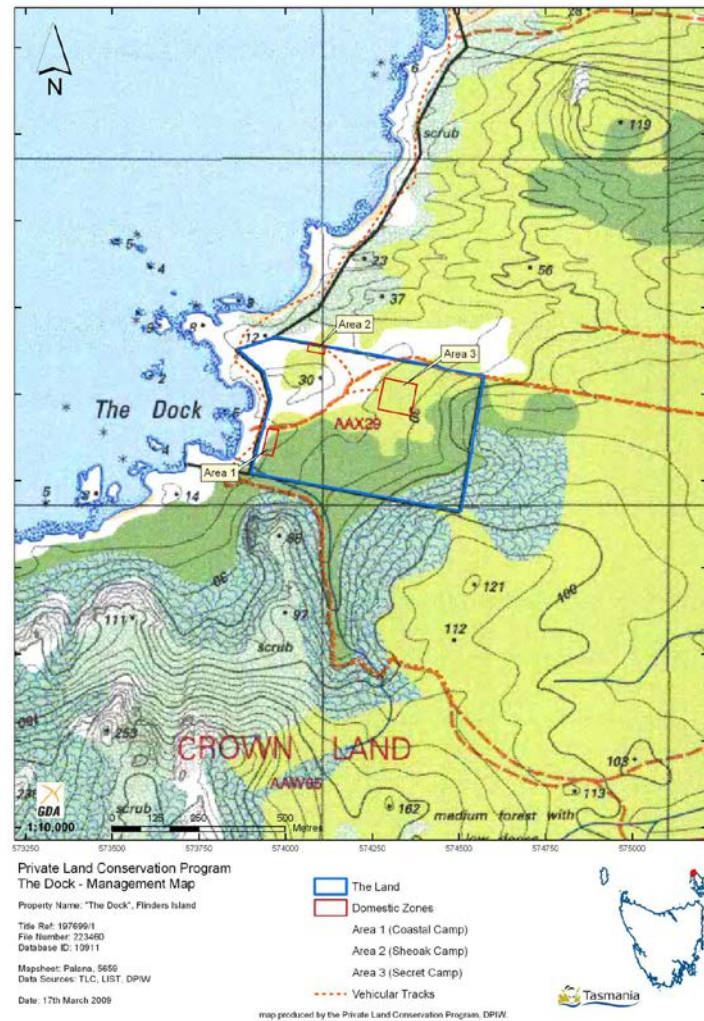
Protected in Perpetuity

A Conservation Covenant was registered on The Dock title in September 2009. The Conservation Covenant protects the land in perpetuity. The Conservation Covenant protects 95% of the title, with the remaining 5% made up of the Domestic Zone (Table 1 and Map 2). The Domestic Zone has essentially been set aside for camping. The covenant allows for the construction of a single dwelling.

Table 1 – The Dock Statistics.

Area Name	Acres	Hectare	M ²	%
Total area of The Dock		24.813		100
Total area protected		23.573		95
Total area in Domestic Zone		1.24		5
Domestic Zone				
Coastal Camp	0.593	0.240	2398	
Sheoak Camp	0.292	0.118	1182	
Secret Camp	2.179	0.882	8820	
Total	3.064	1.24	12400	

Statistics sourced from GIS Data analyzed by Matt Dell, cartographer.



Map 2 – The Dock, covenanted area.

Natural Values on the Land

Vegetation Communities & Threatened and/or priority species

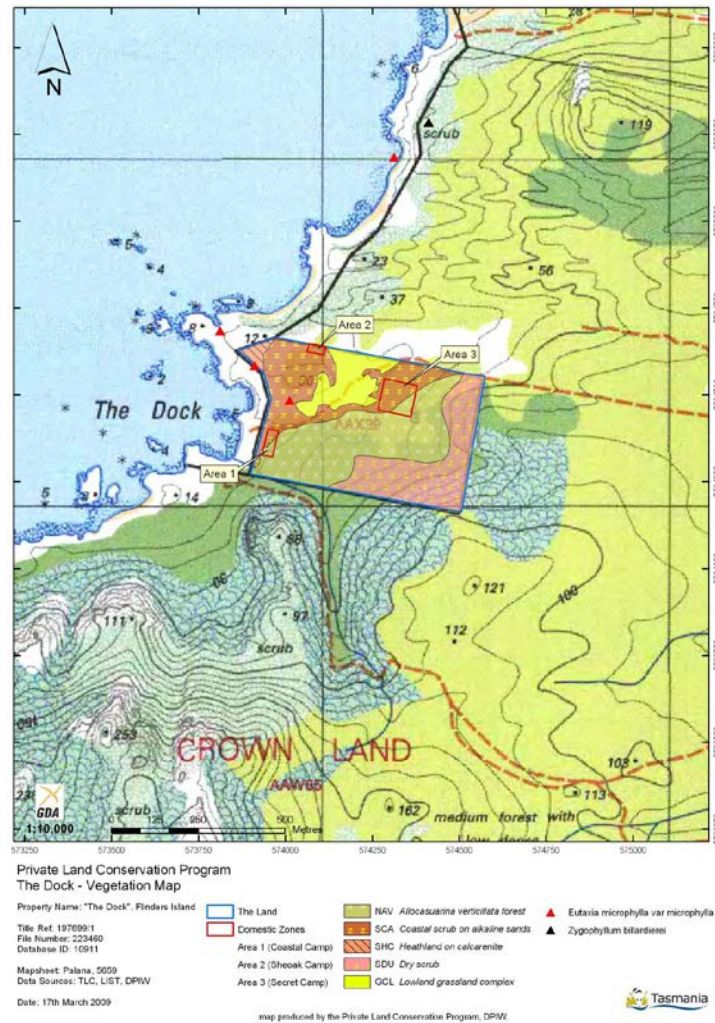
The Dock supports five vegetation communities of which one community is threatened (Table 2, Map 3).

Two species listed on Tasmania's *Threatened Species Protection Act 1995* have been recorded: at The Dock: the rare *Eutaxia microphylla* var. *microphylla* (spiny bushpea) and the rare *Zygophyllum billardiarei* (Coastal twin leaf) (Map 3).

Table 2 - Vegetation communities, areal extent and priority.

Vegetation community	TASVEG 1.0 Code	Approx. area (ha)	Community status
Drooping she-oak (<i>Allocasuarina verticillata</i>) forest	NAV	8.7	Not Threatened
Heath on Calcarenite	SHC	0.9	Rare, Vulnerable
Dry scrub	SDU	6	Not Threatened
Coastal scrub on alkaline sands	SCA	6	Not Threatened
Coastal grass and herbfield	GHC	2.5	Not Threatened

Note: these were mapped in around 2009. Some changes may have occurred.



Map 3 – Vegetation map.

Fauna Values

No formal fauna surveys have been conducted at The Dock.

Land Management Objectives

The general land management objectives are to protect and conserve the natural systems and features in the land, including the diversity of species, habitats and communities; protect significant vegetation communities and populations of threatened and/or priority plant and animal species; protect the land from damage by introduced plants and animals, disease and inappropriate management regimes.

Adjoining Land

The Dock adjoins Killiecrankie Nature Recreation Area to the south and private land to the north.

Killiecrankie Nature Recreation Area to the South

The Killiecrankie Nature Recreation Area covers 844.3 hectares. The Reserve is not covered by a statutory or non-statutory management plan, site plan, walking track management strategy and or an evaluation report.

We would like to see the area continued to be protected and used for recreation only. We would not like to see any built tourism infrastructure within the Reserve. The area has significant natural, cultural and scenic landscape values which must be protected. Undeveloped places, such as Killiecrankie Nature Recreation Area, are becoming increasingly rare globally. Stunning and iconic coastal landscapes will draw people to the island.

It is recommended that Killiecrankie Nature Recreation Area be zoned to protect it's ecological, scenic and landscape values.

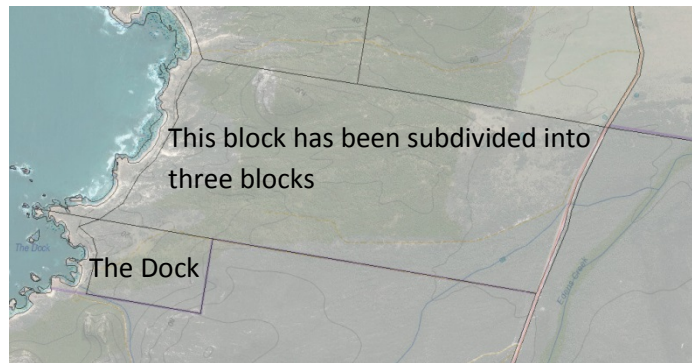
The Draft Statewide Planning Provisions will make a number of significant changes to the way that use and development is assessed in Tasmania. For example, local councils will have no opportunity to refuse development in National Parks and Reserves that has been approved by the Parks and Wildlife Service, and the public will not be given a chance to comment and/or appeal against many significant tourism developments.

For example, under the Draft Statewide Planning Provisions significant tourism developments within Tasmanian National Parks and Reserves will be approved by a Reserve Activity Assessment – an internal government process that does not guarantee opportunities for public comment, and which is not subject to rights of appeal.

Thus for the Dock shareholders, even as adjoining land-owners to the Reserve there will be no ability to make public comment, and even if public comment were allowed, there will be no legal requirement to take account of comments. We would also have no appeal rights.

Private Land to the North

In October 2015, Nick Griggs & Co. Land Surveyors submitted a subdivision application for the land adjoining *The Dock* to the north (Map 4). The adjoining title has been approved for a three lot subdivision (67 ha, 67 ha and 67.59ha) but the individual titles are yet to be registered with the titles office. Nick Griggs & Co. Land Surveyors are not the land owner. The land is owned by Dr Magdalena Steffens-Bartrim who runs a global environmental groundwater and air consultancy (www.egc.com.au).



Map 4 – The private land to the north of The Dock which has just been approved for subdivision into three lots (67 ha, 67 ha and 67.59ha).

The private land to the north of The Dock, all the way to Palana and beyond should be zoned to protect the natural, cultural and scenic landscape values.

The private land should be managed to protect the visual coastal amenity/ landscape, any future developments should be low lying, sympathetic to the surrounding and not visible from the sea or the beach. Only single dwellings should be allowed on these coastal private land blocks. Maintaining the visual amenity on private would also be appealing to those walking the Flinders Island Trail.

Specific Comments – Structure Plan

Please see specific comments regarding the Flinders Island Structure Plan.

Discussion point 1.1

3. Contributing to Nature Based Tourism

The Structure Plan supports nature based tourism destination by:

Minimizing the impacts of development and use on the natural assets that underpin unique island experiences.

Comment:

The Dock shareholders strongly agree with the aim of minimising impacts of development and use on both private and public land. The point of difference for Flinders Island will be the careful management of its natural and cultural assets. Population increase will place further development pressure on mainland Tasmania and Australia. Flinders Island could be a place where people go to experience wild nature and beauty. In the words of Olegas Truchanas 'Tasmania [Flinders Island] can be a shining beacon in a dull, uniform and largely artificial world.'

4. Maintaining and enhancing liveability

The Structure Plan seeks to contribute to quality of life by:

- integrating biodiversity into development decision making
- employing principles of sustainable design and siting

Comment:

The Dock shareholders strongly agree with integrating biodiversity into development decision making and employing principles of sustainable design and siting. If Flinders Island is to be a brand leader then all decisions needs to be based on the best available science. Decision making must place biodiversity and landscape conservation at its core. Flinders Island needs to be authentic to its brand.

Discussion Point 2.0 Land Use Principles

2.1 The Dock shareholders agree with these principles.

2.2 The Dock shareholders would like to see community consultation and appeal rights included for significant developments as part of the standard planning process. What constitutes a significant development needs to be carefully defined.

LSA-P01 seeks to recognise the importance of:

- scenic landscapes as viewed from major roads and tourist routes/destinations as contributing to economic basis of the tourism industry as well as local visual amenity;
- specific topographic or natural features of significant scenic/landscape significance
- protecting skylines and prominent hillsides from obtrusive development/works

Comment:

The Dock shareholders agree with the dot points that LSA – PO1 seeks to recognise. Further to these points there should be some recognition of the importance of scenic/visual amenity from the beaches and sea.