

To the General Manager  
Flinders Council  
RE: PLANNING EXHIBITION REPRESENTATION - PID 7098434  
From: Jana Monnone & Raoul Harper  
Date: 2<sup>nd</sup> August 2021

This representation submission to the Flinders Council is in response to the *Draft Flinders Local Provisions Schedule* (LPS) regarding zoning of Property 15860/2, PID 7098434 Esplanade, Whitemark.

Currently, PID 7098434 is zoned Rural however the Flinders LPS recommends that the zone should change to Landscape Conservation, providing no effective justification for the zone determination. This submission aims to propose that if the zone is to change from Rural, that the zoning of this lot is in keeping with the Rural Living Zone or indeed Low Density Residential.

Within 500m of Whitemark, the main settlement of Flinders Island, a number of vacant lots including one residential property are located adjacent and to the north of the township. These lots include PID's 7098434, 6427216, 1909670, 7098426, 1909689 (Council owned), and 1727092. The zoning of the lots adjoining these properties are the Local Business Zone, Low Density Residential and Rural.



Given Council's previous support for developments such as the Flinders Wharf on the foreshore, the argument as to why this lot and those adjoining it should be zoned as Landscape Conservation seems at odds with the approach allowed for commercial development on the foreshore effectively adjacent and far more visually prominent than PID 7098434.

The proposed zoning does not provide a consistency of land use patterns with PID 7098434 (and others) being directly connected and adjacent to the township of Whitemark. The lot(s) have been spot zoned and their inclusion as Landscape Conservation lots is in conflict with the residential nature of the lot(s) in question, their lack of rural potential, insignificance to the overall agricultural and rural values of the island and potential to add needed residential yield directly adjacent to the main township.

A report commissioned by Flinders Council states the following:

*Table 2-1: Zoning Principles*

## CHARACTERISTIC      DESCRIPTION

*Consistency of land use patterns: Titles that have characteristics that are suitable for either the Rural or Ag Zone (based on State – Zone Application Framework Criteria) should be zoned based on surrounding titles with the primary aim of providing a consistent land use pattern. **For planning purposes, a consistent zoning pattern is preferable to fragmented zoning patterns.***

*Adjacent titles owned by same entity to be included in the same zone when possible: Adjacent titles under same ownership are most likely farmed in conjunction. By zoning these titles under the same zone, land holders will have consistency of Planning Scheme permitted uses. However, current land use practices should also be considered as there may be instances where titles under same ownership are utilised for differing land uses which are more appropriately zoned differently. This will also potentially be the case for larger titles where split zoning might be appropriate. Plantations on land farmed in conjunction with mixed farming operations are more likely to be converted to an alternative agricultural use. Hence if the majority of the holding is in the Ag Zone then the preference would be for the title supporting plantation to also be in the Ag Zone.*

Furthermore, AK Consultants (now RMCG) was engaged by Flinders Council to assess a number of titles that should be considered to be zoned Rural Living (as opposed to Rural or Agricultural). Titles have been recommended for the Rural Living Zone if:

- The titles do not display characteristics more suited for the Agriculture or Rural Zone
- If the loss of the land to the agricultural estate of the municipal area is considered negligible
- Rural Living zoning will not constrain adjacent productive land.

The Consultants outline a methodology to inform the assessment criteria:

- Step 1 – Title and area characterisation
- Step 2 – Reviewing Council’s proposed Zoning
- Step 3 – Applying the Decision Rules
- Step 4 – Appropriate zone determination.

PID 7098434 does not display characteristics of land suited to the intent or characteristics of the Agriculture or Rural Zoning. Being only 0.8829 Hectares its loss from the rural or agricultural land available on the island would be negligible and given the lot abuts crown land and an existing residential use lot combined with the poor quality of nearby rural land, a Rural Living Zoning would not constrain adjacent productive land.

There appears to be no justification for land that is adjacent to the main township of Whitemark, sharing similar environmental qualities and rural land capability to be zoned differently to the other lots that have been recommended for the Rural Living Zone and/ or Rural Zone.

The Landscape Conservation Zone appears to be used on a small number of lots, inclusive of PID 7098434, as a “spot zoning” that is not consistent with the zoning methodology applied across similar lots throughout the municipality.

The Local Provisions Schedule states:

The Landscape Conservation Zone should be applied to land with landscape values that are 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.

The Landscape Conservation Zone may be applied to:

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

The purpose of the Landscape Conservation Zone is:

- To provide for the protection, conservation and management of landscape values.
- To provide for compatible use or development that does not adversely impact on the protection, conservation and management of landscape values.

In response to the Landscape Conservation Zone, Zone Application Guidelines, PID 7098434 does not contain large areas of bushland or large areas of threatened native vegetation. Indeed, the owners have gone to great lengths to remove and monitor weeds of national significance such as bridal creeper found over the entire site. Furthermore, PID 7098434 does not have 'important scenic values' as it is bordered on the western side by the Bluff Track Fitness Trail and has no water views. The mountain views to the east and south are no different to the views experienced by properties in and around Whitemark.

***The Landscape Conservation Zone should not be applied to land where the priority is for residential use and development (see Rural Living Zone).***

Furthermore, zoning these lots to the north and directly adjacent to the township as Landscape Conservation will effectively see a band of vegetation zoned for protection directly within the known high risk fire corridor (see Tas Fire BRAM modelling) increasing bush fire risk 500m from the main township of Whitemark. So, in effect, by seeking to spot zone this area as Landscape Conservation, Council would increase the potential risk of bushfire impacting the township itself.

Flinders Council has gone to significant lengths to justify the need to rezone existing rural land to a rural living zoning to support development and population growth of the islands. Much of this land recommended for rezoning from Rural to Rural Living has far greater potential for Rural and/ or Agricultural type usage that PID 7098434.

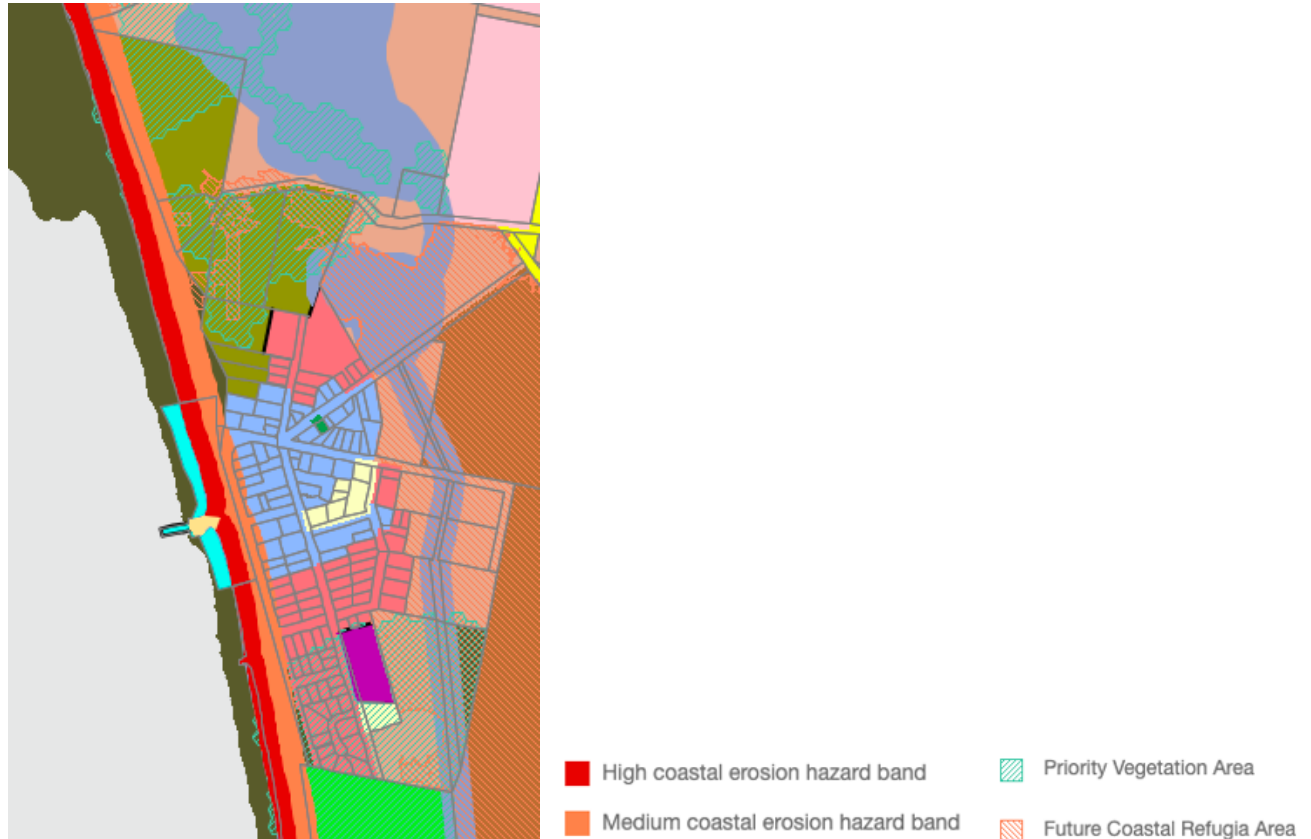
Moreover, the Bluff Track Fitness Trail currently encroaches PID 7098434 and is regularly used by residents in Bluff Road to access the township of Whitemark and return, highlighting the lot's connectivity and proximity to the main township. The Bluff Road precinct, to the north of the lot(s) in question, is a residential area categorised by larger than average lot sizes and family scale dwellings. Between these two residential areas is poor quality fragmented rural land.

Applying the Rural Living Zone to PID 7098434 is consistent with the Flinders Council's Structure Plan's aim to:

- encourage residential use in association with small business and product value adding.
- encourage a clustering of dwellings within each locale connected where possible by a walking path network and open space.

Furthermore, by accessing the following overlays from the online mapping tool for the township of Whitemark:

- Scenic Protection Area
- Coastal erosion Hazard Code
- Natural Assets Code – overlays of Priority Vegetation & Coastal Refugia Areas



These overlays do not display any greater characteristics or priority than titles within Whitemark that are zoned both Local Business Zone and Low Density Residential.

It is evident that PID 7098434 (and the other associated properties) are a natural extension to the north of the main township of Flinders Island linking to the Bluff Road residential area. The Rural Living Zone provides for areas where residential development is the priority, and the variety of minimum lot sizes is appropriate to provide for the range of existing situations. The Landscape Conservation Zone instead provides a clear priority for the protection of landscape values with residential development largely being discretionary.

**The purpose of the Rural Living Zone is:**

- To provide for residential use or development in a rural setting where services are limited; or existing natural and landscape values are to be retained.
- To provide for compatible agricultural use and development that does not adversely impact on residential amenity.
- To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.
- To provide for Visitor Accommodation that is compatible with residential character.

The Rural Living Zone should be applied to residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g., hobby farming), but priority is given to the protection of residential amenity.

Zoning PID 7098434 (and the associated other lots) to the Rural Living Zone or Low Density Residential should be applied as it is consistent with the relevant regional land use strategies and can be supported by the more detailed local strategic analysis.

This analysis has already been undertaken by the planning consultants in the justifications provided in the Whitemark Rural Living Specific Area Plan. Indeed, the inclusion of PID 7098434 (and the associated other lots) in the Specific Area Plan for Whitemark is consistent with the Plan's purpose:

- To provide for a broader range of housing options in the rural living area near Whitemark.
- To increase dwelling density and to provide for a range of housing styles without diminishing the rural character of the land.

Given PID 7098434's:

- Proximity to the township of Whitemark and within close proximity to other titles zoned Local Business Zone and Low Density Residential;
- Not displaying characteristics more suited for the Agriculture or Rural Zone;
- The loss of the land to the agricultural estate of the municipal area is considered negligible
- Rural Living zoning will not constrain adjacent productive land.

The zone applied to PID 7098434's should encourage residential development, and the other zone purposes of the Rural Living zone and be consistent with zonings applied across the island as either Rural Living or Low Density Residential.

If Rural Living or Low Density Residential is not supported, then we request consideration of the lot to be maintained as the Rural zone.