

24 September 2026

Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001
Via: tpc@planning.tas.gov.au

Dear Mr Ramsay

Tasmanian Planning Scheme - Flinders
Draft amendment FLI-AM-2025-01 Response to September 2026 Directions

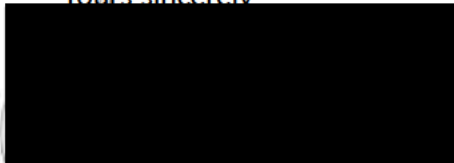
Please see the following response to the directions issued for the above application by the Commission on 16 September 2026.

We note the conflict the Chair identified between part 2 of AM2025-01 and the operational requirements for SAP's in the State Planning Provisions. We suggest that the issue with application of the site area control could be clarified through use of an application clause rather than insertion of a definition. This is consistent with the structure and use of this section within the Codes under the SPP.

The following document provides the detailed response to the two directions.

If you require any clarification or additional information on this response, please contact me via return email or Michael Purves, Strategic Planner at: mick.purves@flinders.tas.gov.au.

Yours sincerely



Development Services Manager

Response to directions

Response to section 32(4) of the Act - contents of LPS's

- *whether the substantially modified draft amendment changes the planning policy inherent in the SAP in such a way that causes the SAP to no longer meet section 32(4) of the Land Use Planning and Approvals Act 1993;*

The 15 April 2026 Commission decision on the original application for AM2025-01 accepted the Council submissions on compliance with Section 32(4) of the *Land Use Planning and Approvals Act 1993* (Act) for removal of FLI-S3.0 Coastal Areas Specific Area Plan (SAP) under AM2025-01 (refer paragraph 32).

As a result, the following response to the first direction for parts 1 through 4 of AM2025-01.

Part 1 of AM2025-01 establishes a definition for site coverage following the Commission Directions. It relates to how site coverage is measured within the area of SAP and the technical application of the SAP provisions. Noting the Commission observations and potential changes regarding compliance with clause 5.3.3 of the SPP, it is submitted that this is an operational provision and incidental to the wider application of the SAP provisions. The policy intent and operation of the term is clear.

Part 2 of AM2025-01 makes revisions to the objective for FLI-S3.7.2 Site Coverage to better reflect the intent and consideration of the provisions within the specific clause.

Part 3 of AM2025-01 establishes the performance criterion P1 for clause FLI-S3.7.2 Site coverage.

Parts 1-3 of AM2025-01 relate to the operation of the SAP. Application of the subject clauses will be limited to an area of land within the SAP overlay that was previously determined by the Commission to have specific environment, economic, social or spatial qualities that required protection in addition to the provisions of the SPP.

Compliance with section 32(4)(b) of the Act can be accepted.

Part 4 of AM2025-01 remains compliant with section 32(4) of the Act as the removal was addressed in the submissions prior to the 16 April 2026 Decision by the Commission and found to comply with those requirements.

It is submitted that parts 1 through 4 of AM2025-01 comply with the tests at section 32(4)(b) of the Act.

Parts 1 through 3 of AM2025-01 change the regulatory settings within the SAP by enabling merits based assessment of the impact of site coverage for proposals, where that option did not exist under the previous version of the controls prior to the 15 April 2026 decision.

The base conditions for establishment of the SAP through the LPS process remain relevant to Flinders Island:

- an extensive coast line with a largely undeveloped character,
- the natural and scenic values of the coastal fringe of Flinders Island, contrasting with limited areas with any significant areas of development impacts,
- historically low pressure for development in coastal locations,
- the value placed on the character of the coastal fringe, the potential impacts of development and the value this has to the local community,
- the need for a local management tool to manage the identified issues across different zones, which was not possible under the SPP.

There were also fundamental questions over the ability of the Scenic Protection Code to deliver its stated intent from within the planning and local government sectors. Little if any work was completed on the policy and strategy framework and implementation tools for landscape management under the Scenic Protection Code since declaration of the SPP and the Flinders LPS. Similarly, the review of the SPP to implement section 2.4 Landscape Values of the TPP has not been completed.

Various representors suggested that the underlying zones can deliver the required assessment to manage the same issues as the SAP. Each of the underlying zones enable a range of use and developments based on the zone purpose statements established through the SPP (residential, lifestyle, industrial, commercial, agricultural, rural). None of the zones applied to private lands on Flinders Island provide a primary intent for consistent management of the visual impacts of development within the coastal fringe in a sensitive location such as Flinders Island.

Suggestions that the planning policies within the SAP can be delivered through the suite of SPP zones are not supported.

As a result, the planning policies and regulatory framework that informed development, assessment and implementation of the SAP remains unchanged. Compliance with the requirements of section 32(4) of the Act therefore remains intact, if altered through the changed regulatory assessment process enabled by parts 1-3 of AM2025-01.

The limitations of the statutory exhibition process for planning scheme amendments were arguably recognised by all parties at the recent hearing, in particular the limited scope for meaningful engagement and discussion with the wider community within the statutory process to inform such considerations.

The SAP was developed following community engagement and consultation. No evidence was provided of a comparable degree of engagement or consultation having been completed, nor documented by any of the parties demanding the changes under Parts 1 to 3 of AM2025-01.

We suggest that any further, substantive modifications to the SAP without a structured community engagement process would be contrary to the Schedule 1 Objectives of both the Act and the Process.

As a result, it is submitted that the substantial modifications to AM2025-01 represent a modification to the regulatory response within the SAP and do not result in such a significant modification that the SAP itself no longer complies with the statutory tests under section 32(4) of the Act.

- *whether the substantially modified draft amendment changes the planning policy inherent in the SAP in such a way that causes the SAP to no longer meet section 32(4) of the Land Use Planning and Approvals Act 1993;*

Response to identified Tasmanian Planning Policies

The second Commission Direction issued provides the following:

- *whether there are any specific matters in policies 2.2 Waterways, wetlands and estuaries, 2.4 Landscape values, and 2.5 Coasts of the Tasmanian Planning Policies that the Commission should take into account in its consideration of clause FLI-S3.7.2 Site coverage.*

The following submissions are made in response to this direction.

Both the original and the modified versions of AMD2025-01 were certified and submitted to the Commission prior to the commencement of the Tasmanian Planning Policies (TPP).

The Council made the following submissions to the original assessment process:

- the TPP should be given minimal weight in the assessment as a result of certification and the commencement date of the TPP,

- notwithstanding that, the Amendment was consistent with the TPP in so far as they should be applied.

The Commission's 15 April 2026 decision accepted those responses (refer paragraph 30, dot point 6).

It is understood that the draft *Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026* (the Bill) was passed by the Legislative Council last week, with amendments. This Bill amends the Act to clarify that a draft LPS amendment that was certified prior to the 1 July 2026 does not require assessment against the TPP's.

As a consequence of the passing of the Bill, it is submitted that the TPP's (both generally and the specifically for the identified sections) have no impact on the assessment of AM2025-01.

Noting that the direction was issued, the following response was provided.

2.2 Wetlands, Waterways and Estuaries

2.2.3 Strategies

1. Identify areas that support natural systems within waterways, wetlands and estuaries, including their riparian zones and groundwater recharge areas.
2. Avoid designating land in, or around, waterways, wetlands and estuaries for use and development that has the potential to cause point source or diffuse pollution or would require considerable disturbance of riparian or foreshore vegetation and soil, unless the use and development:
 - a) relies specifically on being located within close proximity to aquatic environments;
 - b) is for flood mitigation measures; or
 - c) has considerable social, economic and environmental benefits;and can demonstrate that the risk of environmental harm can be managed.
3. Encourage the protection of waterways by retaining, creating or improving vegetated riparian zones to maintain their natural drainage function and minimise unnatural or accelerated erosion of stream banks while providing riparian habitat corridors and protecting landscape values.
4. Use and development located on land in, or around, waterways, wetlands and estuaries will:
 - a) minimise the clearance of native vegetation;
 - b) promote the retention and restoration of, and linkages between, terrestrial and aquatic habitats;
 - c) protect the natural form and process of the landform assemblage, including aquatic areas;
 - d) avoid land disturbance or manage soil erosion and changes in sediment loads entering the water caused by land disturbance;
 - e) not significantly change the rate and quantity of stormwater (such as by utilising water sensitive urban design techniques) or increase pollutants entering the water; and
 - f) be designed and sited to maintain or enhance significant views and landscape values.
5. Promote the collaboration and coordination of catchment management across the State and the implementation of integrated catchment management that considers the

downstream impacts of land use and development on water quantity and quality, and freshwater, coastal and marine environments.

6. Promote the protection of the ecological health and environmental values of surface and groundwater to prevent water quality degradation due to construction activities, point source pollution, diffuse land use impacts, or chemical reactions such as acidification.
7. Provide for the availability of clean, high-quality drinking water by promoting the protection of water catchments and water supply facilities.
8. Promote and encourage the efficient and effective use of water resources.

Response

The tools for management of the identified areas, values and resources were established through codes and overlays under the SPP, with Local Provisions Schedule (LPS) mapping prepared to identify the subject areas based on data and protocols developed and mapped by the State, as identified through the Commission publication *Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application*.

AM2025-01 does not seek to alter the SPP regime for management or mapping of natural values of environmental values proximate to the coast.

The designation of use and/or development opportunity and rights for land subject to AM2025-01 occurred with subdivision and development of the land. AM2025-01 seeks to manage the impacts of development on the visual qualities of land proximate to the coast.

The strategies under Section 2.2.3 of the TPP rely on State action to identify health and environmental values to enable implementation and assessment.

It is understood that the review of the SPP by the State Planning Office is yet to address the identified issues.

Given the broad nature of the issues identified in this section of the TPP and the need for application of consistent mapping and controls across Tasmania, the following submissions are made:

- The strategies at section 2.2.3 of the TPP require a consistent response across the State, which can only be delivered through the SPP.
- Any impacts of AM2025-01 on the listed strategies is incidental rather than intentional.
- Implementation of Section 2.2.3 of the TPP is beyond scope of AMD2025-01.
- Implementation of section 2.2.3 of the TPP is beyond scope of Local Government to deliver through an LPS amendment process.

2.4 Landscape Values

2.4.3 Strategies

1. Identify and map the extent of significant cultural, ecological, geological and aesthetic landscapes, scenic areas and scenic corridors and determine their specific features and values.
2. Promote the protection of significant landscapes, scenic areas and scenic corridors by recognising their individual scenic values and develop measures to encourage use and development that respects, and is sensitive to, the character and quality of those scenic values.
3. Avoid land use and development that causes the fragmentation of significant landscapes, scenic areas and scenic corridors, unless the use and development:
 - a) relies specifically on being located within a significant landscape; or

- b) has overriding social, economic or environmental benefits;
and includes specific measures to minimise the impact on the significant landscape.
- 4. Promote the retention and natural revegetation of degraded sites that will contribute to the overall improvement of the scenic quality of a significant landscape, scenic area or scenic corridor, where vegetation cover is an element of the scenic quality.

Response

It is understood that the State is yet to engage with the Local Government sector or the wider community to develop protocols or procedures to enable implementation of strategies to manage landscape values under Section 2.4.3 of the TPP. AM25-01 is consistent with strategies in so far as they can be applied to AM2025-01 and the SAP.

Modifications under AM25-01 follows identification of issues with operation of SAP and removal from selected areas that ought not have been included in the first place based on their location proximate to the coast, or otherwise.

The tools for management of the identified areas and values need to be established on a consistent basis around the State to enable implementation of this section of the TPP and the subject provisions of the SPP. Mapping must also be prepared to reflect the subject areas based on data and protocols developed and mapped by the State, as identified through the Commission publication *Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application*.

AM2025-01 does not seek to alter the SPP regime for management or mapping of landscape values. AM2025-01 seeks to manage the impacts of development on the visual qualities of land proximate to the coast on Flinders Island.

It is understood that the review of the SPP by the State Planning Office is yet to address implementation of the Strategies for Landscape Values at section 2.4.3 of the TPP.

Given the broad nature of the issues identified in this section of the TPP and the need for application of consistent mapping and controls across Tasmania, the following submissions are made:

- The strategies at section 2.4.3 of the TPP require a consistent response across the State, which can only be effectively delivered through the SPP.
- Any impacts of AM2025-01 on the listed strategies is incidental and local, rather than intentional and requiring assessment against State developed criteria and mechanisms.
- Implementation of Section 2.4.3 of the TPP are beyond scope of AMD2025-01.
- Implementation of section 2.4.3 of the TPP is beyond scope of Local Government to deliver through an LPS amendment process.

2.5 Coasts

2.5.3 Strategies

1. Protect natural coastal processes and coastal landforms from use and development that will prevent natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise, unless engineering or remediation works are required to protect land, property, infrastructure and human life.
2. Strengthen the resilience of coastal processes to climate change by reducing threats and protecting the natural coastal environment, such as wetlands, estuaries, marine-protected areas, intertidal areas, sand dunes, cliff tops, beaches, native vegetation, and other important habitats.

3. Identify coastal areas that can support the sustainable use and development of recreation, tourism, boating infrastructure (such as jetties and wharfs), marine industries, ports and other land use that explicitly rely on a coastal location where the impact on the coastal values and coastal processes are minimal or can be appropriately managed.
4. Support the location of use and development on the coast that:
 - a) promotes the maintenance of biodiversity, ecological functions, natural coastal processes and coastal resources; and
 - b) complements or enhances the coastal environment in terms of its landscape, amenity and cultural values

Response

The tools and controls for management of natural processes and values within coastal environments were established in the codes and overlays of the SPP.

It is understood that the State is yet to engage with the Local Government sector or the wider community to develop protocols or procedures to enable implementation of strategies to manage landscape values under Section 2.5.3 of the TPP.

AM2025-01 does not seek to alter the operation or application of those controls.

Modifications under AM2025-01 followed identification of issues with operation of SAP and removal from selected areas based on their location proximate to the coast, or otherwise.

The consideration of coastal issues under the SAP and AM2025-01 is incidental rather than intentional, even with establishment of P1 for FLI-S3.7.2 Site coverage.

Given the broad nature of coastal issues identified within the SPP and the lack of action on their implementation, the need for their management through the SPP, and the need for application of consistent mapping and controls across Tasmania, the following submissions are made:

- The strategies at section 2.5.3 of the TPP require a consistent response across the State, which can only be effectively delivered through the SPP.
- Any impacts of AM2025-01 on the strategies at section 2.5 Coasts of the TPP is incidental and local, rather than intentional and requiring assessment against State developed criteria and mechanisms.
- Implementation of Section 2.5.3 of the TPP are beyond scope of AMD2025-01.
- Implementation of section 2.5.3 of the TPP is beyond scope of Local Government to deliver through an LPS amendment process.