



Supporting Report

Local Provisions Schedule

November 2020

Revised April 2021

Revised by:





Note on reading this document:

The notice issued by the Tasmanian Planning Commission under Section 35(5)(b) of LUPAA required modification of various parts of this document and the draft LPS.

In many cases, these changes resulted from queries by the Commission and were supported by Council, as reflected in the LPS and Zoning Strategy adopted by Council in March 2021.

There were other cases where these changes depart from the Council strategies for the future of the Furneaux Group. In particular, Council strategy for use of the Rural zone over the Agriculture zone to facilitate diversification of the Rural economy was subject to substantive changes. Areas where the zoning was changed by the Commission include:

- Palana Road, Killiecrankie (refer Direction 6.5.3);
- Melrose Road, Woods Road, Palana Road, Fairhaven Road, Memana/Emita (refer Direction 6.5.5);
- Palana Road, Blundstones Road, Memana Road, Lady Barron Road, Butter Factory Road and Lackrana Road, Whitemark/Lackrana (refer Direction 6.5.6).

In these areas, this report discusses use of the Rural zone as identified in Council Strategy established through this document and the following documents that support the LPS:

- *Flinders Structure Plan (draft 2016);*
- *LPS and Zoning Strategy (January 2021);*
- *FLI LPS Discussion Paper - Identifying Dwelling Demand paper Jan 21;*
- *FLI LPS Discussion Paper - truwana outer islands Jan 21;*
- *FLI LPS Discussion Paper – Identifying potential lot and dwelling yields Jan 21;*
- *FLI LPS Discussion Paper – Outcomes of RMCG review Jan 21.*

Version	Date	Details
1	12 April 2019	Endorsement at the ordinary meeting of the Council
2	April 2021	Revision in response to TPC S.35(5)(B) notice under LUPAA



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Acronyms

The following acronyms are used within this report:

ALAct	<i>Aboriginal Land Act 1995</i>
ALCT	Aboriginal Land Council of Tasmania
CBIAA	Cape Barren Island Aboriginal Association
Council	Flinders Council Flinders Council as a Planning Authority under LUPAA
EACPP	Environmental and Cultural Protection Precinct
FIAAI	Flinders Island Aboriginal Association Incorporated
Guideline No.1	<i>Guideline No.1 - Local Provisions Schedule Zone and Code Application</i>
Interim Scheme	Draft Flinders Interim Planning Scheme (not brought into operation)
LGA	Local Government Area
LPS	Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act
NTRLUS	Northern Tasmania Regional Land Use Strategy
PAL Policy	State Policy for the Protection of Agricultural Land 2000
PPZ	Particular Purpose Zone
RAMSAR	Wetlands identified under the <i>Convention on Wetlands of International Importance especially as Waterfowl Habitat</i>
SAP	Specific Area Plan
SEIFA	Socio-Economic Indexes for Areas
SPPs	State Planning Provisions
SSQ	Site Specific Qualification
Structure Plan	Flinders Structure Plan 2016 (draft)
2000 Scheme	Flinders Planning Scheme 2000



1.0 Introduction

This report was prepared to support the submission of the Flinders Local Provisions Schedule (LPS) of the Tasmanian Planning Scheme (TPS). The local provisions include the allocation of zones, 4 specific area plans, 13 site specific qualifications and a Particular Purpose Zone (PPZ) for truwana-Cape Barren Island.

Flinders Local Government Area encompasses the 52 Islands of the Furneaux Group. As a group of islands, the LGA has characteristics not shared by other Tasmanian councils. This is acknowledged in the Northern Tasmania Regional Land Use Strategy (NTRLUS) with specific reference to economic development and settlement strategies.

The Council recognises that diversifying the local economy will be vital to retaining and attracting a sustainable population that supports essential services such as the school and medical facility as well as a robust community.

It is clear that land not utilised for broad acre livestock production needs to be diversified to address key concerns: affordable housing, particularly long-term rentals, and encouraging home business, local manufacturing and processing and tourism related products; all within the local context of a low rate base, extra costs related to freight and communications gaps or underperformance.

Agriculture is the foundation of the Flinders economy. In 2015 the values of agricultural production were slaughtered animals, \$20 million; livestock products, \$2.2 million and pasture crops cut for hay, \$0.1 million. This reflects a key distinction between Flinders and other Tasmanian Councils: agricultural commodities are exclusively based on livestock production. Grazing at a viable industry level is characterised by broad scale farming, as reflected by the Agriculture zone on the East Coast, and Rural and other zones along the west coast.

The LPS zones land primarily on the west coast to contribute to affordable land supply at island specific lot sizes. Lifestyle areas are established adjacent to settlements where small-scale activities can be launched that contribute to a local economy and provide an income stream for the specific demographic cohorts Council seeks to attract and retain. To address the affordability issues, the Whitemark Rural Living Specific Area Plan (SAP) establishes multiple housing in parts of the zone to potentially broaden the type and tenure of housing. Land has been identified for development both within and adjacent to Whitemark and Lady Barron townships. Under the LPS, Lady Barron can be intensified to increase village scale activity

Formal reserves are critically important for conserving biodiversity and natural processes within the Furneaux group of islands and the LPS zones formal reserves for Environmental Management. The Flinders Council area is within the Flinders bioregion which extends to the north east corner of (mainland) Tasmania. Within the Flinders bioregion 23.9% of the land is in some form of reserve, but only 8.4% is in dedicated reserves with the highest standard of protection for nature. This is considerably lower than the state-wide reservation average of 40.3% (with 26.4% in strict reserves).

Biodiversity is a crucial land use issue on Flinders Island. It represents another differentiation between Flinders and other Tasmanian local government areas because the maintenance of resilient ecosystems cannot rely on adjacent council areas. In modified landscapes, especially broadacre land use patterns,



ecological connectivity is both at risk and essential for environmental services including amenity, aesthetics, maintenance of soil microbes, the abundance of beneficial insects, shelter and protection of watercourses. Remnant vegetation risks declining in isolation as a number of factors play out, including loss of viable populations of native fauna, invasion by weeds, hydrological changes and access by cattle.

The LPS acknowledges that remnant vegetation will be key to sustaining environmental services for agriculture and liveability and that a pervasive agricultural zone will not achieve the requirement to be consistent with schedule 1 of the *Land Use Planning and Approvals Act 1993* (LUPAA) in terms of environmental and social sustainability. Therefore, the LPS allocates some land outside of reserves on Flinders Island for the Landscape Conservation Zone. On truwana-Cape Barren Island and the outer Aboriginal islands, a key focus of the proposed PPZ is the management of the islands to preserve the environmental values that underpin cultural practice and ecological sustainability.

The preservation of remaining biodiversity will also be essential to the maintenance and growth of a nature-based tourism sector. The LPS specifically addresses coastal areas of Flinders Island with a specific area plan to protect landform and biodiversity that are requisite for visitor and local recreation and for scenic quality. The scenic protection overlay is expanded from the current planning scheme extent to protect key visitor destinations. The SPP zones allow visitor accommodation throughout.

The consolidation of settlements and the establishment of a Rural Living Zone at Blue Rocks assists in guiding development to areas that can capitalise on existing road infrastructure. The Flinders Island Airport and the Lady Barron Port are crucial infrastructure. The Lady Barron port specific area plan is intended to reinforce the core functions related to transport of freight and livestock that are the basis of the Flinders Island economy. The Flinders Island Airport operations are protected through the Utilities Zone and the Safeguarding of Airports Code. Land adjacent to the airport is set aside for the first Light Industry Zone.

The autonomy of the truwana-Cape Barren Island community is recognised in a PPZ that encompasses all 6 of the Aboriginal Islands. The focus is on providing for a sustainable level of development at The Corner and adjacent rural land while reserving environmental protection areas as a focus for reconnection with the land and for other cultural associations.

The LPS offers minor adjustments to the SPPs to deliver local strategy based on the Council Strategic Plan, Flinders Structure Plan and LPS and zoning strategy.

However, the unique characteristics of the Flinders Council area are also the foundations of its sustainability. Ongoing awareness and vigilance will be required to protect these characteristics that are so vital to social capital, sense of place, environmental sustainability, development of a robust local economy and maintenance of sustainable primary production. A strong appreciation of these unique attributes and their importance informed development of the LPS, as reflected through the Flinders Structure Plan and LPS & Zoning Strategy.

This report demonstrates the draft LPS meets the relevant requirements and supports the submission of the LPS under section 35(1) of LUPAA, LPS to the Tasmanian Planning Commission (TPC) for assessment.



2.0 LPS Criteria –LUPAA Section 34

2.1 State Planning Provisions

Section 34(2) of LUPAA requires that the LPS must contain all of the provisions that the SPP's specify must be included. Section LP1.0 of the SPP's outlines requirements and includes:

- Zone Maps;
- Local Area Objectives;
- Particular Purpose Zones;
- Specific Area Plans;
- Site Specific Qualifications;
- Code Overlay Maps for the:
 - Parking and Sustainable Transport Code showing parking precinct plans ;
 - Road and Railway Asset Code showing future roads/railways and/or a road attenuation area;
 - Electricity Transmission Infrastructure Protection Code (not applicable on Flinders);
 - Local Historic Heritage Code showing listed places or precincts;
 - Natural Assets Code showing waterway & coastal protection and priority vegetation areas;
 - Scenic Protection Code showing scenic protection areas or scenic road corridors;
 - Attenuation Code showing attenuation areas;
 - Coastal Erosion Hazard and Coastal Inundation Hazard codes showing coastal hazard areas;
 - Flood Prone Areas Hazard Code showing flood prone areas;
 - Bushfire Prone Areas Code showing the bushfire prone area;
 - Landslip Hazard Code showing landslip hazard areas;
 - Potentially Contaminated Land Code showing potentially contaminated land;
 - Safeguarding of Airports Code showing noise exposure contours and obstacle limitation surfaces;
- Code lists for the Local Historic Heritage Code, Scenic Protection Code and Coastal Inundation Hazard Code.

Not all of these components are mandatory for inclusion in the LPS. The mandatory components include the:

- zoning of land;
- code overlay map for electricity transmission infrastructure prepared by Tas Networks
- code overlay map for waterway protection areas
- code overlay map the priority vegetation area
- code overlay map for coastal hazard areas prepared by the State government
- code overlay map for landslip hazard areas prepared by the State government
- code overlay map for noise exposure contours and the obstacle limitation surfaces for airports if they exist.



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

2.2 Contents of LPS's – Section 32 of LUPAA – s.32(2)

2.2.1 Municipal Area – s 32(2)(a)

The LPS specifies that it applies to the Flinders municipal area in accordance with the SPP template.

2.2.2 Mandatory requirements s32(2)(b)

The mandatory requirements are adopted in full where applicable. The Tas Networks code overlay shows no infrastructure relevant to the municipality. The State mapping of the Coastal Inundation Hazard Area is restricted to Whitemark and Lady Barron. Investigation areas are nominated elsewhere where relevant.

2.2.3 Spatial Application of the State Planning Provisions s(32)(2)(c)

Section 32(2)(c) requires that an LPS must contain maps, overlays, lists or other provisions that provide for the spatial application of the SPPs. Section LP1.0 of the SPPs outlines the way the spatial application of the SPPs is to be presented.

The draft LPS is prepared in accordance with:

- the application and drafting instructions included in the SPPs;
- *Guideline No.1 - Local Provisions Schedule Zone and Code Application* (Guideline No.1); and
- *Practice Notes 5,6, 7 and 8.*

2.2.4 Matters that a planning scheme may regulate ss 11 & 12 & s32(2)(d) & (f)

Sections 11 establishes content of the TPS and prescribes the extent of regulation.

Section 12 recognises the continuing use and development rights for uses and developments in existence or granted a permit for development that has not been completed when the new planning scheme provisions take effect.

The draft LPS does not seek to regulate matters outside of those prescribed in Sections 11 and 12 of LUPAA. It is noted that the legal protections for existing uses inform decisions about the application of zones.

2.2.5 Use of Overlays & Lists – s32(2)(e)

The SPPs include a number of Codes that are only given effect through maps or lists in the LPS. Section 5.0 of this report provides more detail on Code overlays and lists.

2.2.6 Land Reserved for Public Purposes - 32(2)(g)

Other than Authority land the LPS does not expressly designate land for public purposes, however it does zone public land in accordance with Guideline No.1. and the SPP zone purpose statements.

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

The LPS applies zones and overlays consistent with Guideline No.1.



2.2.8 Overriding provisions – s32(2)(i)

The draft LPS contains overriding provisions through the use of PPZs, SAPs and SSQs to substitute or modify the SPPs. The *Flinders Planning Scheme 2000* (2000 Scheme) does not include any PPZs, SAPs or SSQs that can be included as transitional provisions.

The draft LPS contains one PPZ, four specific area plans and 13 site specific qualifications, to:

- enable compliance with the Objectives in Schedule 1 of LUPAA;
- ensure consistency with the Northern Tasmania Regional Land Use Strategy (NTRLUS);
- reflect land use strategy endorsed by Flinders Council in 2015, 2016 and 2019; and
- reflect the LPS and Zoning Strategy endorsed by Council in March 2021.

Each of the overriding provisions and the rationale required by Section 32(4) to support the local provisions based on the unique location, site circumstances, social, economic or environmental benefit is described in Section 6.0 of this report.

2.2.9 Modification of Application of SPPs – s.32(2)(j)

The draft LPS does not seek to modify application of the SPP's. The SPP's are applied to land, use and development in accordance with the directions prescribed in Section LP1.0 of the SPP's and in consideration of Guideline No.1 .

2.2.10 Limitations of LPS – s32(2) (k) & (l)

The provisions at 32(2)(k) & (l) require the LPS to exclude provisions that:

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

It is submitted that the draft LPS is compliant with these requirements.

2.2.11 LPS may include – s32(3), (4) & (5)

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

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

The LPS includes one PPZ for Cape Barren Island and five outer islands held by the Aboriginal Land Council of Tasmania. While part of the Flinders Municipality, these islands have social and cultural qualities that are unique to the area of land and satisfy s32(4) (b). The PPZ is discussed in section 6.1 of this report.

The LPS includes 4 specific area plans:



- Coastal Settlements Low Density Residential Zone SAP
- Whitemark Rural Living Zone SAP
- Coastal Areas SAP
- Lady Barron port SAP

The rationale for the introduction of these SAPs is described in Section 6.2 of this report.

The LPS includes 13 site specific qualifications which are introduced under s32(4)(b) and which are largely due to the gap between the current 2000 Scheme and the application of the SPPs. The SSQs are listed and explained in section 6.3.

The LPS conforms to the structure for a LPS as specified in the SPPs.

2.3 LUPAA- Schedule 1- Objectives

The SPPs provide the purpose of the Tasmanian Planning Scheme in 2.1. The purpose is to further the objectives of the Tasmanian Resource Management and Planning System and the planning process set out in Parts 1 and 2 of schedule 1 of LUPAA. The key objective of Part 1 relates to promoting sustainable development while maintaining ecological processes and genetic diversity.

Sustainable development is defined as *“managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:*

- *Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and*
- *Safeguarding the life supporting capacity of air, water, soil and ecosystems; and*
- *Avoiding, remedying or mitigating any adverse effects of activities on the environment.”*

Part 2 of schedule 1 nominates further objectives including (a) to require sound strategic planning and co-ordinated action by State and local government; and (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land and (i) to provide a planning framework which fully considers land capability.

The table below provides an analysis of the LPS against the Schedule 1 objectives, highlighting those areas where the SPPs and the objectives are in tension. A detailed discussion of the proposed PPZs, SAPs and SSQs against the criteria of section 32(4) is provided in Section 6.0 of this report.



Table 1 - Schedule 1 Objectives

PART 1
<p><i>(a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.</i></p>
<p>Comment:</p> <p>The NTRLUS acknowledges that within the Furneaux Group there are unique circumstances pertaining only to remote island communities¹. One of the key factors contributing to this ‘uniqueness’ directly relates to the sustainability of natural resources and ecological processes. As a group of islands, ecological processes cannot rely on migration of species and ecological communities from adjacent local government areas to reinstate ecological banks. Maintaining a critical mass of species and communities as ‘refuge’ populations will be important to maintaining genetic diversity of the globally significant bird species, threatened species and the specific habitat conditions in remnant ecological communities. This is likely to become even more important as some communities may be slow to adapt to changes in climate and water cycles.</p> <p>The specific circumstances of Flinders Island provide a tension between sustainable development of natural resources and the ability to retain them. This is due in part to the fact that the singular agricultural commodity (grazing) requires large tracts of pasture. A broadacre pasture landscape must ideally be supported by corridors and patches of biodiverse environments that can supply environmental services for sustainable production. The broadacre landscapes of the eastern coastal plains are sandwiched between the north/ south coastal lagoon system and the Darling Range Conservation Reserve which provide environmental services for production. This land is typified by large allotments and large holdings. On the southern coastal plains between the Strzelecki National Park and the coast near Lady Barron the landscape is a mosaic of large allotments, some smaller holdings and tracts of remnant threatened vegetation communities vulnerable to the ‘edge effect’ resulting from access to cattle. The Natural Assets Code does not apply in the Agriculture Zone and in any case does not apply to ‘use’. Large scale clearance for pasture establishment is administered through the Forest Practices Authority.</p> <p>The LPS must be drafted so that the implementation of the SPPs will encourage sustainable development. To satisfy objective (a), the LPS proposes that land fitting the criteria in Guideline No.1 for the Landscape Conservation Zone, be thus zoned. Such land is characterised by intact vegetation, often with topographical and land capability constraints for agriculture. Noting that not all species and communities are represented in reserved land and that only a small portion of all reserved land on Flinders Island is for conservation, the introduction of a Landscape Conservation Zone is an important contribution to the sustainability of natural and physical resources and to genetic diversity and ecological processes. It changes land currently zoned Rural, at the same time is consistent with the current planning scheme principles for use and development, also with council strategy, including strategies for promoting nature-based tourism and improving liveability. The NTRLUS regional economic policy ED-P11 specifically states: <i>Provide for the opportunity in planning schemes to identify, protect and enhance distinctive local characteristics and landscapes.</i></p> <p>The draft LPS includes a map overlay for vegetation protection through the Natural Assets Code, based on the Regional Ecosystem Model. (Refer Section 4.1.1 and Appendix A). Recent high resolution aerial photography ²</p>

¹ Northern Tasmania Regional Land Use Strategy 2018 pp22

² DPIWE 2018



will provide a baseline for ongoing substantiation. The draft LPS proposes to amplify the application of the Code in locations where intact vegetation and/or natural landform contribute to significant local ecological characteristics. Much of the coastal landform is vulnerable to inundation and erosion, coastal heath communities are important for maintaining genetic diversity both as migration corridors and refuge habitat. The Coastal Areas specific area plan encourages the sustainable development of natural and physical resources by providing stronger standards for excavation and fill and site coverage to reduce physical impacts on coastal ecological communities and processes.

The LPS promotes sustainable development of the islands' granite plutons, significant fossil areas, and other local and state significant geo conservation sites through the application of the Scenic Protection overlay. The Coastal Areas specific area plan applies to most of the Planter Beach Barrier Dune system and Foochow Beach Parallel Dune system: both systems are of State significance and zoned Environmental Management. The coastal areas specific area plan and the natural assets code protect the features of the State significant Kiliiecrankie Topaz Locality and the district importance of the Palana Sand Blow subfossil Site is, like the Marshall Bay mobile dunes, converted to the Landscape Conservation Zone acknowledging vulnerability to erosion and natural values.

The natural landform and biodiversity provide the attraction to the nature-based tourism sector, to environmental services, to the maintenance of communities and species and genetic diversity. The LPS proposes the Landscape Conservation Zone, the natural assets overlay, the scenic protection overlay and the coastal area specific area plan to address the local significance of the Flinders Bioregion's natural and physical resources.

Locally important sources of sand and gravel quarries can be exploited in the Rural, Agricultural and Environmental Management Zones applied to Flinders Island.

The PPZ for the Aboriginal islands reflects current management plans prepared on behalf of the Aboriginal Land Council of Tasmania. The primary objective is to provide an integrated approach to protecting natural values while recognising opportunities for development. The maintenance of natural values will be critical to the objective for traditional owners to reconnect with the land.

The PPZ provides for management of use and development of resources and land through specific controls that were developed in consultation with and to reflect the development expectations of the local community and statutory management agency. It is considered by the statutory agency and the planning authority that the PPZ will sustainably manage development within the zone.

The imposition of SPP zones will create development and subdivision opportunities that are not consistent with the process or possible outcomes established under the Cape Barren Island and other Management Plans established under the *Aboriginal Land Act 1995*. Establishment of such a conflict is not considered to provide sustainable outcomes.

The SAP's and SSQ's were similarly developed in response to extensive consultation process with the Flinders community and provide for local provisions that deal with significant issues within the Furneaux that seek to improve the sustainability of development outcomes that consider impacts to natural and physical resources and provide consideration of impacts on ecological processes and genetic diversity in specific locations. Responses range from the general (locating subdivision and more intensive development in close proximity to existing modified areas and infrastructure) to the specific (regulating vegetation removal and cover on sensitive landforms and locations, allowing specific uses on a single property).



(b) to provide for the fair, orderly and sustainable use and development of air, land and water.

Comment:

The LPS is guided by and consistent with, Guideline No.1. The LPS is informed by strategic analysis based on extensive research and consultation and is congruent with the NTRLUS . It underpins an orderly approach to development by:

- consolidating settlement areas
- identifying and protecting land suitable for grazing enterprises
- safeguarding the physical and natural environments
- establishing potential for smaller rural allotments to encourage island lifestyle and affordable land

Through the implementation of the *Tasmanian Planning Scheme*, the municipality will update twenty five years of land use planning. The key change is diversifying rural land on Flinders Island. The current planning scheme includes approximately 75,000 ha of freehold land in the Rural Zone. The LPS proposes to convert land currently included this pervasive Rural Zone to the SPP Agriculture Zone (53,349ha (37.2%), Landscape Conservation (15,756ha (11%) and Rural Living Zones 813ha (0.6%) as the basis of sustainable future development. These changes are compliant with Guideline No.1 but also represent a strategic and orderly approach achieving Council objectives for sustainable futures.

The current comprehensive Rural Zone requires a minimum lot size of 40 hectares. The introduction of the SPP Landscape Conservation Zone increases the lot size through the Acceptable Solution, and the Performance criteria provide for an area lower than is current. The establishment of a Rural Living Zone allows further subdivision to address affordable land supply. In the current planning scheme, a single dwelling is a discretionary use in the Rural Zone. Diversification of the Rural Zone maintains the right for a single dwelling and provides for orderly development through subdivision potential in the Rural Living Zone. As it applies to the conversion to Rural Living Zone the proposed zoning reflects the unique characteristics of the Furneaux Islands. The NTRLUS acknowledges these characteristics.³

The PPZ provides standards for use and development that reflect the expectations of the local community and statutory land manager in accordance with the approved Management Plan. The provisions will provide for the management and protection of cultural locations that cannot be reflected through the structure of the zones and codes within the SPP's. A PPZ is therefore the only suitable mechanism to provide for the fair, orderly and sustainable regulation of use and development of significant cultural values that are no otherwise reflected within the SPP's.

Further, the SPP zones all provide development opportunities and subdivision entitlements based on private or crown ownership, which is neither culturally appropriate nor legally consistent with the requirements of the *Aboriginal Lands Act 1995*. Establishing an enshrined conflict for the purpose of compliance with SPP provisions, when a more suitable and functionally competent option is provided, is not considered to provide for fair, orderly or sustainable outcomes.

The SAP's provide similar opportunity at the local level. The Coastal Settlements SAP through specific site coverage and lot size controls to reflect the local environment; Whitemark Rural Living SAP through enabling

³ NTRLUSRegional Settlement Network RSN-P3



higher density development in close proximity to the main urban settlement and by making use of existing infrastructure; Coastal Areas SAP by regulating a series of development issues that potentially have significant impacts on the scenic and biodiverse qualities of the local area; Lay Barron SAP by refining the SPP controls to better consider land use conflict and development issues of a critical and highly constrained activity.

The SSQ's provide similar opportunity on specific sites and provide a mechanism to tailor the SPP's to provide for fair, orderly and sustainable land use in response to existing land use or issues identified within the Strategic and Structure Plans for Flinders.

(c) to encourage public involvement in resources management and planning.

Comment:

The public consultation on the Structure Plan tested objectives and strategic direction for Flinders Island and verified previous work conducted for a draft Interim Planning Scheme, itself the basis of significant public consultation in 2012. The strategic directions endorsed during consultation were incorporated into the draft LPS zoning decisions. Informal public consultation was also conducted during September 2018 and February 2019.

The PPZ for Truwana/Cape Barren Island was developed through extended consultation with the local community, Flinders community and Aboriginal Land Council Tasmania. Traditional notions of public involvement in development opportunity for private lands are not relevant to Aboriginal lands: access is only by prior consent; ownership is via a communal statutory agency and development entitlements are subject to a separate assessment process under the Aboriginal Lands Act 1993 that requires consultation with the local population and groups.

The Local Provisions Schedule and Supporting Report will be subject to a statutory notification period of 60 days in accordance with Section 35(c) of LUPAA and as directed by the Tasmanian Planning Commission.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).

Comment:

On Flinders Island, public consultation acknowledged a need to pursue economic development by facilitating an environment where small business can flourish and contribute to a robust, locally based economy, underpinned by, but distinct from the agricultural economy. Consultation recommended two streams as appropriate to Flinders Island; nature based tourism and small scale manufacturing and processing. The diversification of some land currently zoned Rural for new areas of SPP Rural Living Zone, the establishment of a Light Industry Zone and the conversion of some Rural zoned land for inclusion in the Landscape Conservation Zone, respond to these economic development aims for Flinders Island.

The value of the Flinders Municipality agriculture industry at the 2015 census was \$22.3 million of which approximately \$20 million was slaughtered animals; the remainder wool and hay. This represents the total



agricultural product. The 2019 Agriculture Profile⁴ indicates that i) cattle will remain the principal commodity ii) 51 holdings have what is considered to be a viable EVAO⁵ and iii) irrigation is unlikely in the foreseeable future.

89% of all land on Flinders Island is class 5. Only 4% is class 4. Significantly, there is no Class 1,2, 3 agricultural land. To comply with the objective “to facilitate economic development” means the LPS must also protect agricultural land. The focus on grazing production means that appropriate land is readily identified. Since there are constraints to establishing viable enterprises based on grazing outside of the identified areas, land can be made available for alternative intentions, including for landscape and biodiversity conservation that supports growth of a nature based tourism industry, rural lifestyle land sufficient to conduct rural activity at a lower level of EVAO and a Rural Living Zone to establish home based business. This hierarchy of activity addresses the objective to facilitate economic development that protects natural values and resources, provides a fair and orderly basis for an emerging local economy while supporting the basis of the municipal economy through the application of the Agriculture Zone to protect the pastoral industry.

The zoning decisions for the Flinders LPS seek to facilitate opportunities for home based rural and accommodation businesses on smaller allotments, broadening the number of people who can be involved in these activities. The Rural Living Zone is modified to allow multiple dwellings near Whitemark to facilitate smaller allotments on affordable land and to encourage a variety of affordable dwelling options, close to services. These elements are submitted as fair, orderly and sustainable.

A PPZ for truwana-Cape Barren Island and outer islands⁶ provides discrete precincts in accordance with consultation on the local land use priorities including economic development for the island.

It is noted that on remote islands, the additional costs imposed by SPP and Code requirements for consulting services may undermine sustainability of economic objectives. The costs of construction are amplified by freight and labour costs and sustainable development of housing including for employment housing, is constrained by under-provision of finance. The LPS seeks to provide wide ranging choices of land area and location to provide affordable land for development.

The PPZ, SAP’s and SSQ’s make provision for use and development that was identified as appropriate following consultation with the local community and for the PPZ, the relevant agency of State. The provisions in each reflect strategic goals for economic development of the local communities. The PPZ also establishes the only statutory mechanism to reconcile conflicts between the land use planning processes and requirements of the relevant Management Plan and approved under the Aboriginal Lands Act 1995 and administered by the Aboriginal Land Council Tasmania.

The PPZ, SAP’s and SSQ’s are therefore considered to facilitate fair, orderly and sustainable economic development as a result of and in response to public involvement within the planning process.

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

⁴ AK Consultants 2019 Agriculture Profile

⁵ EVAO is Estimated Value of Agricultural Operations: An estimation of agricultural activity undertaken by an agricultural establishment. Three year average weighted prices are applied to livestock turn -off and livestock numbers on the farm. The resultant aggregation of these commodity values is the EVAO, but it is not an indicator of the value receipts of individual farms. It is an indicator of the extent of agricultural activity.

⁶ Great Dog, Badger, Mt Chappell, Clarke and Babel



Comment:

The policy informing SPPs has identified overlap with other jurisdictions. The Natural Assets Code avoids duplication with other regulatory processes, for example, the code exempts works in accordance with a certified Forest Practices Plan. The draft LPS does not seek to undermine this policy in any of the local overriding provisions.⁷

Development of the PPZ, SAP's and SSQ's were completed over an extended timeframe and in response to successive planning reform programs of State, to identify the reasonable expectations for the future development of the area, together with the Flinders and Cape Barren Island Aboriginal Associations, the Aboriginal Land Council of Tasmania, the local and wider community, the Council, the Aboriginal Land Council of Tasmania, Tasmanian Heritage Council, Crown Lands, TasFire and local industry. The PPZ, SAP's and SSQ's were endorsed at all of the identified sectors through owner, stakeholder, agency and then community consultation and for the PPZ, reconcile conflicting land use legislation.

- 2. In clause 1 (a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –*

Comment:

The LPS provides for regulation of use and development within the structure of the zones and codes of the TPP's. The LPS provides the only available mechanism under the SPP's to recognise the cultural needs and well-being of the local community. SPP zones all provide for private or public development opportunities and subdivision requirements, which do not reflect Aboriginal ownership and the prohibition on private sale and subdivision under the *Aboriginal Lands Act 1995*. Imposition of the standard SPP values and development entitlements is not sustainable for the local community and consolidates fundamental conflicts with statutory management regimes. A PPZ is provided to address this conflict.

The SAP's provide for the management of physical and natural resources in response to local needs and on a basis that will maintain the environmental, natural, cultural, social and economic well being into the future across a range of issues.

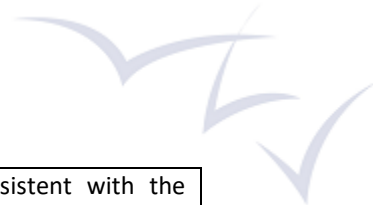
The SSQ's similarly provide for environmental, social and economic outcomes in response to local needs and on a basis that will maintain the environmental, natural, cultural, social and economic well being into the future across a range of issues.

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and*

Comment:

The PPZ directly relates to the cultural protection of natural and physical resources that the PPZ and Cape Barren Island Management Plan seek to conserve for future generations, as provided under the *Aboriginal Lands Act 1995*.

⁷ There were no approved Forest Practices Plans for Flinders Island at time of writing.



The suite of SPP zones create unrealistic development opportunities that are not consistent with the opportunities identified under Cape Barren Island Management Plan and enable freehold subdivision entitlements that are not possible under the Aboriginal Lands Act 1995. The SPP zones do not recognise the cultural practices of aboriginal peoples and thus, fail to manage the natural and physical resources to meet the identified needs of current and future generations.

The SAP's similarly provide specific responses to sustaining natural and physical issues (housing diversity and increasing affordability, scenic values, vegetation cover, vulnerable land forms, visual and scenic impacts of development, land use conflict and proximity to 'urban' areas for new residential areas) that were identified in consultation with the local communities while allowing growth in the local community to improve the future sustainability of local population and economy.

The SSQ's provide for social and environmental outcomes that are expected to minimise detrimental impacts to future generations.

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

Comment:

Life supporting capacities are managed through the SPP codes, which are not impacted by the PPZ.

Similarly, the provisions of some SAP's seek to augment the code provisions to improve the sustainability of soil and ecosystems at the local level. This is achieved principally through standards for site coverage (and by association vegetation removal), lot size and alterations to the landform. Selected SSQ's either maintain or allow detailed consideration of maintenance of impacts to air, water, soil and ecosystems for future generations.

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

Comment:

As with the previous objective, the impacts identified in this criterion are predominantly managed through the SPP codes.

The PPZ provides the only satisfactory mechanism to address the fundamental conflict between the cultural appreciation of what constitutes the environment. The SAP's provide development standards that require more detailed consideration than the SPP's for impacts to the local natural, scenic, visual, cultural, social and economic environment.

Selected SSQ's were proposed to avoid or mitigate adverse impacts on the environment.



PART 2 - Objectives of the Planning Process Established by LUPAA

(a) to require sound strategic planning and co-ordinated action by State and local government.

Comment:

The LPS is informed by and consistent with the NTRLUS, developed by the 7 northern region councils and declared by the Minister for Planning. On Flinders Island, the preparation of the LPS is informed by a comprehensive assessment of individual allotments and the tabulation of site characteristics, current development and use, natural hazards, physical constraints and potential for development. These tables represent a comprehensive study of Flinders Island at allotment level. Subsequent analysis integrated landscape factors such as scenic values, biodiversity imperatives and agricultural profile before Council's strategic objectives could be aligned with land use zones. Zoning decisions are also consistent with the NTRLUS and the Guideline No.1.

Development of the PPZ follows a decade of strategic planning by Flinders in how to deal with the unique circumstances of Aboriginal lands within the Furneaux Group, as recognised in the Regional Land Use Strategy. The PPZ provisions are the result of coordinated action between Flinders Council, the Aboriginal Land Council of Tasmania and the local community, representing coordinated action identified in this criterion. The consistency of the PPZ response since its early development, through successive planning reform programs and multiple planners for Council, confirms the strategic basis of the response by local government and the relevant State agency.

SAP's and SSQ's result from strategic assessment and identification of land use and development issues that affect the Furneaux Islands and require a local response that differs from the SPP regulator regime. This is consistent with both the intent and operation of the SPP's and therefore actions by local and State governments.

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and

Comment:

The TPS aims to achieve consistency in the objectives, policies and controls for the use and development of land by prescribing common content. Objectives and provisions contained in local overriding provisions do not undermine this aim. They are prepared to emphasise local characteristics while remaining consistent with the SPP drafting conventions and zone purpose statements. Local provisions aim to further the objectives of schedule 1 of LUPAA and are justified by local significance; consistent with the particular qualities test of Section 32(4)(b) of LUPAA.

Delivery of the pending SPP's and LPS largely provides for achievement of this criterion. The fundamental conflict between the regulatory system under this Act and that within the Aboriginal Land Act 1993 is recognised by the PPZ, but cannot be addressed through this process. The SAP's and SSQ's provide for local input to delivery of sustainable development outcomes for the local community and economy.



(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.

Comment:

Within the Municipality the extraordinary physical and visual environment is integral to social, cultural and economic functions and sustainability. The rate of change is relatively low which to date has maintained environmental services and visual amenity. However, incremental effects of development are a potential threat to sense of place, cultural practices and tourism. Landscape character varies greatly and it is important that this diversity is enhanced in statutory decision making. Landscapes are a fundamental part of history and cultural heritage. They are valuable for their intrinsic qualities, the quality of life and enjoyment of people and for the economic benefits they bring. The maintenance of biodiverse environments is inextricably linked to recreational activity, residents' relationship to the islands and with economic success.

The LPS includes overlays for natural hazards to be considered in design and siting of development and to avoid negative social and economic effects.

The LPS also considers impacts on unprotected⁸ remnant vegetation and the stifling social and economic effects of 'blanket application' of the Agriculture Zone and seeks to apply the zone only where it will effectively protect broadacre primary production. Despite State mapping for land potentially suitable for inclusion in the Agricultural Zone, on the west coast, alternative zones are applied where there is a need to diversify the economic base, to provide for the lifestyle/social expectations of the community and to protect ecological communities for environmental services, economic development and their inherent value.

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation, and resource management policies at State, regional and municipal levels.

Comment:

The LPS is drafted to be consistent with State Policies for the Coast and Water Quality and invokes clause 7 of the Policy for Agricultural land to reflect local conditions in the application of the Agricultural Zone. The LPS is consistent with the NTRLUS, declared by the Minister to be consistent with State Policies.

Delivery of the current interim and pending SPP's and LPS largely provides for achievement of this criterion. The fundamental conflict between the regulatory system under this Act and that within the Aboriginal Land Act 1993 is recognised by the PPZ, but cannot be addressed through this process. The SAP's and SSQ's provide for local input to delivery of sustainable development outcomes for the local community and economy.

⁸ Remnant and threatened vegetation communities in the Agriculture Zone are not protected from access by cattle and subsequent edge effect and long term destruction processes. The Natural Assets Code does not apply in the Zone and does not apply to use.



(e) to provide for the consolidation of approvals for land use and development and related matters, and to co-ordinate planning approvals with related approvals.

Comment:

The approvals process is prescribed by LUPAA. The planning scheme regulates the uses that can be permitted in the zones and provides standards for development control. The scheme excludes consideration of matters addressed by the EPA and the FPA.

The LPS provides for this criterion as best possible by inclusion of the PPZ to minimise conflicts between approval pathways under requirements of the Land Use Planning and Approvals and the Aboriginal Lands Acts.

Delivery of this criterion is otherwise beyond the current proposal.

(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.

Comment:

The LPS provides for the wellbeing of Tasmanian's by providing controls that reflect and conserves the local populations values. The PPZ seeks to minimise conflict between the *Aboriginal Lands Act 1995* and opportunities and entitlements provided under the SPP/LPS regime. The SAP's and SSQ's provide delivery of local strategy and issues that were identified as a priority for sustaining pleasant and safe environments for worker, resident and visitor populations within the Furneaux Islands.

The expansion of zones available under the SPPs aims to improve the employment, housing and lifestyle opportunities within the municipality. The application of the natural hazard codes and the explicit objectives and associated development controls in the LPS are intended to maintain the amenity and recreational environment for locals, visitors and tourists to Tasmania.

(g) to conserve those buildings and areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

Comment:

The LPS was prepared to protect land that is recognised within the local communities to have special historical or cultural values.

The PPZ protects land that is of special cultural value to the local people and Aboriginal culture, in addition to the general population due to the nature and age of the Aboriginal culture generally and specifically on Flinders. SAP's and SSQ's were used to conserve identified scenic, landscape, lifestyle and specific development related issues that reflect the cultural values of the population identified through consultation and strategic analyses.

Conservation of historic buildings heritage is otherwise managed through the Tasmanian Heritage Council and development associated with places listed on the Register has a statutory referral process for assessment by the Tasmanian Heritage Council. Deal Island Light Station and Goose Island are the only State listed areas within the municipality.

The LPS includes the current planning scheme table in Schedule 2- Heritage Places, as subject to the transitional provisions under Schedule 6, Clause 8D(2) of LUPAA for application through the LPS as the Local Heritage Places list for the SPP Local Heritage Code.



(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.

Comment:

Public infrastructure is protected by the application of the Utilities Zone or the Community Purpose Zone and the Safeguarding of Airports Code. The Lady Barron Port is the highest priority in protecting the Flinders Island economy. Transportation of livestock occurs very regularly and freight is conveyed at all hours of the day and night. The port area is relatively small and there is limited opportunity for expansion. There are no standards included in the Port and Marine Zone by which to assess discretionary uses. The Lady Barron Port specific area plan seeks to protect the future operations of the port by reducing the opportunity for conflict of uses, in particular those potentially sensitive to interaction with operational aspects of livestock transportation.

Public infrastructure formed the basis of zoning proposals to maximise selected development opportunities at specific locations to make use of existing infrastructure and minimise ongoing infrastructure costs to the population through both zoning of land and status of use within the PPZ, SAP's and SSQ's.

(i) to provide a planning framework which fully considers land capability.

Comment:

Strategic investigations for converting land mapped as suitable for inclusion in the Agriculture Zone to an alternative zone highlights unique features of the Furneaux Islands. The single agricultural commodity is grazing animals. This reflects land capability. The Flinders Council area has no prime agricultural land. Areas of land with a capability of 6-7, a classification known to be unsuitable for grazing, have previously been included in the Rural Zone but are generally more appropriate for inclusion in the SPP Landscape Conservation Zone where consistent with the application of the Guideline No.1.

The proposed division between the Agriculture and Rural Zones more accurately reflects the land most capable of supporting the grazing industry. Notwithstanding, Resource Development/grazing, is a use available in all zones converted from the current Rural zone, including the SPP Landscape Conservation Zone.

The provisions in the Coastal Areas specific area plan are designed to reinforce the objective to minimise impacts on vulnerable natural landform in the coastal locations where the majority of class 6-7 land occurs.

2.4 State Policies

Section 34(2)(d) of LUPAA requires that the LPS be consistent with each State Policy. State Policies are made under Section 11 of the *State Policies and Projects Act 1993*, to articulate the State's strategic policy direction on matters of state significance. While State Policies do not override legislation, they are statutory instruments designed to guide the provisions of local government planning schemes and a range of other mechanisms identified in the suite of legislation comprising the Resource Management and Planning System (RMPS). State policies must seek to further the objectives of the RMPS.

Under section 5(1) of the State Policies and Projects Act, all state and local government bodies are required to give effect to a State Policy to ensure a consistent and coordinated approach is maintained throughout the State. The current policies are:



- State Coastal Policy 1996
- State Policy on Water Management 1997
- State Policy on Protection of Agricultural Land 2009

In addition, National Environment Protection Measures (NEPMs) are automatically adopted as State Policies pursuant to section 12A of the relevant Act.

2.4.1 Tasmanian State Coastal Policy 1996

Planning authorities are specifically required to implement the State Coastal Policy, enforced through the provisions of section 14(1) of the State Policies and Projects Act. The State Coastal Policy applies to all Tasmania including all islands except for Macquarie Island. The policy defines a 'Coastal Zone' as being land within 1km of the high water mark of State waters.

The policy guidance is derived from three main principles which should be read in conjunction:

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

Overall the LPS addresses State Policy through:

- Strategic application of the Environmental Management Zone and Landscape Conservation Zone where there are existing coastal values
- Mapping an overlay area for the Natural Assets Code which provides for assessment of development within waterway and coastal protection areas and future coastal refugia areas.
- Specifically addressing 2.1.3 of the State Policy⁹ through a Coastal Areas specific area plan.

The LPS addresses the outcomes of the policy as set out below:

1. Protection of Natural and Cultural Values of the Coastal Zone

- 1.1 The East Coast of Flinders Island is largely Crown reserved land. The Environmental Management Zone offers limited opportunity for permitted development and use although discretionary uses and development is significantly increased compared to the Environment and Recreation Zone in the current scheme. The objective for the SPP Environmental Management Zone on the east coast is to protect the significant lagoon system including the RAMSAR listed Logan Lagoon. Four freehold titles 'marooned' within the reserve are zoned Landscape Conservation.
- 1.2 The Landscape Conservation Zone is applied to coastal allotments with intact native vegetation in northern and western localities: North East River, Palana, Killiecrankie, Boat Harbour and West End/Leeka. This zone is expected to contribute to the protection of significant ecosystems and natural processes by encouraging considered design and siting of buildings, structures, access

⁹ Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.



routes and other works, within coastal landscapes and ecosystems. The application of the Natural Assets Code reinforces the precedence of natural values in these coastal localities and the proposed Coastal Areas specific area plan emphasises standards for development with regard to impacts on landform and vegetation. The requirements of the Bushfire Code may be mitigated by more thoughtful site selection and design as prompted by the specific area plan.

- 1.3 Behind the foredunes of Marshall Bay, important coastal wetlands, significant species and representative ecosystems are identified. A part of the area between Palana Road and the coast is currently grazed despite the high risk of erosion of the class 6-7 soils derived from ancient dune systems. Substitution of the current Rural Zone with the Landscape Conservation Zone and the Natural Assets Code and Coastal Areas specific area plan overlays seeks to protect and manage the area so that the full potential for nature conservation can be realised into the future.
- 1.4 It is also proposed that the Landscape Conservation Zone be substituted for the Rural Zone at Loccota, Long Point, Settlement Point, and east of Lady Barron in order to protect coastal vegetation, habitat, ecosystems and species including the RAMSAR wetland of Logan Lagoon. The Natural Assets Code and Coastal Areas specific area plan are proposed in these areas.
- 1.5 The Outer Islands are zoned Environmental Management while recognizing the existing grazing uses on allotments leased from the Crown.
- 1.6 The east coast of Cape Barren Island is a series of very significant RAMSAR wetlands that have been zoned for environmental protection under the PPZ for CBI. The environmental and cultural protection precinct of the truwana-Cape Barren Island PPZ includes the outer aboriginal islands and is designed to protect cultural locations along the coast.
- 1.7 Protecting public access to the coast has been identified and confirmed by public consultation. It is a key social objective on Flinders Island. The Aboriginal Land Council of Tasmania also expressed the importance of retaining the opportunity for boat ramps within the cultural and environmental precinct.
- 1.8 Large parts of Flinders Island are mapped as 'unclassified presently mobile land forms'. State mapping has identified coastal erosion hazard bands and areas where further for inundation investigations are warranted. The 'Storm Tide' layer on the LIST Map indicates that some of these investigation areas are potentially vulnerable to storm surge. Low and medium landslip hazard occurs on coastal freehold land mainly at Palana NE River and Leeka. The application of the Coastal Inundation Code and Coastal Erosion Code are expected to implement the coastal hazards clauses of the State policy.

2.0 Sustainable Development of Coastal Areas and Resources

- 2.1 The competing demands for development and use in the coastal zone are resolved largely through the application of 4 zones across the coastline of Flinders Island outside of the settlements. The Landscape Conservation and Environmental Management Zones are applied to protect coastal values and other natural assets, the Rural zone provides for existing uses mainly on the western side of the island and a relatively small amount of Rural Living Zone provides for coastal lifestyle



- choices and more intensive visitor accommodation on appropriately sized allotments at Blue Rocks.
- 2.2 Due to lack of infrastructure services, on shore aquaculture support facilities are envisaged only within the rural zone adjacent to the west coast and within the Port and Marine Zone at Lady Barron.
 - 2.3 Strategic analysis has identified (and tested during public consultation), 3 localities on Flinders Island as suitable for large scale tourism developments; on the Limestone Bay south west of Palana, at Big River on the south coast and at Killiecrankie on the north west coast. The ex-forestry site at North East River may also be considered for single building, large scale tourist operation. Wherever they are proposed, large scale tourism developments will be subject to provisions of the relevant Zone, the Natural Assets Code, Coastal Hazards Codes and the Coastal Areas specific area plan.
 - 2.4 Future residential development within the main township of Whitemark is constrained by coastal inundation and overland flooding. Land within the township is prioritised for administrative and community functions including some multiple dwellings and a potential site for retirement units or assisted living facility. To reserve the limited land within the township for these purposes, some land comprising the 'Whitemark surrounds' has been identified for Rural Living A, B C and D to accommodate growth near the main township but outside of the influences of the coastal zone.
 - 2.5 Settlements around Flinders Island are consolidated in the LPS. The Cooma rural living area provides for a slight increase in density, but the total area has not been expanded. A new settlement is proposed at Blue Rocks some of which includes coastal land. Some land at Lady Barron encompassed by the State Policy coastal zone, is also proposed in the Rural Living Zone. Explanation of these changes is in section 3.0. This serves the identified need to provide some coastal land for development and reflects the expectations of residents and council to attract population growth.
 - 2.6 The public's common right of access to and along the coast will be preserved where possible through SPP subdivision provisions. Fragile coastal environments are intended to remain accessible by single tracks or pedestrians only.
 - 2.7 Transport infrastructure planned within the Port and Marine Zone is consistent with State Coastal Policy. A planned project for a 'safe harbour' development at Lady Barron is a discretionary use in the Environmental Management Zone.
 - 2.8 No new coast hugging roads are planned. Palana Road at Emita extends northward providing a significant vista across Marshall Bay from Emita. The Landscape Conservation Zone is applied to land adjacent to Marshall Bay, the SPP Scenic Protection Code is applied for protection of scenic values. Existing sand quarries will be relied on to implement rehabilitation as required by mining leases.
 - 2.9 The efficient and safe use of the Lady Barron port facilities is a key priority given the limited opportunity for expansion. Incursion by sensitive uses is not envisaged There are no standards in the Port and Marine Zone for Discretionary uses. A specific area plan is proposed at Lady Barron port to modify the Use Table to delete potentially conflicting uses in the zone. At Whitemark, the



TasPorts wharf area is zoned Port and Marine but is rarely used for marine vessels. Access is retained for occasional barges commissioned by Council for road products. Adjacent to the wharf a multi-use shed on leased land is under construction as a tourist hub.

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

The purpose of the State Policy is to *“conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land”*. The sustainable development of agriculture is to be achieved by minimising:

- (a) *conflict with or interference from other land uses; and*
- (b) *non-agricultural use or development on agricultural land that precludes the return of that land to an agricultural use”*.

The eleven principles that inform the policy relate to the identification of valuable land resources and the matters that can be regulated by planning schemes. The SPP Rural and Agriculture Zone provisions were developed having regard to these principles. Applying these zones requires some analysis to determine which zone is more appropriate to the council area’s rural land resources in the Flinders Island context.

Guideline No.1 notes that land proposed for the Agriculture Zone should be based on the land identified in the LIST map layer: ‘Land potentially suitable for inclusion in the Agriculture Zone’. When applying this zone, a planning authority may *“also have regard to any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:*

- 1) *Incorporates more recent or detailed analysis or mapping*
- 2) *Better aligns with on-ground features; or*
- 3) *Addresses any anomalies or inaccuracies in the “land potentially suitable for inclusion in the Agriculture Zone layer.*

Further local analysis of the Agricultural land layer was undertaken for the draft LPS to determine land that should be included in the Agriculture Zone and the Rural Zone. Flinders Council also commissioned AK Consultants to undertake analysis.

The application of the Rural and Agriculture Zone split is discussed further in Section 4.0 ‘Zoning of Land’. Under the unique circumstances attached to a singular agricultural use (grazing animals), the need for broadacre large holdings for viable farms and the need to diversify some land to achieve economic, environmental and social objectives, the LPS protects and conserves most class 4 and 5 agricultural land for the continuance of a sustainable grazing industry unencumbered by conflicting uses or demand for fragmentation of large holdings. Notwithstanding, the Agriculture Zone allows a wide range of uses that appear more appropriate to more diverse forms of agriculture than can be achieved on the non-prime agricultural land available on Flinders Island. The clear demarcation of the Agriculture and Rural Zones on Flinders Island indicates the areas where such uses are more appropriate to be located in the Rural Zone in order to preserve the broadacre pasture land required for the local primary production industry.

2.4.3 State Policy on Water Quality Management 1997



The *State Policy on Water Quality Management 1997* regulates water quality management of all surface waters, including coastal waters and groundwaters.¹⁰ The policy aims to achieve water quality objectives that further the objectives of the Tasmanian Resource Management and Planning System, manage sources of water pollution, ensure efficient monitoring programs are conducted and facilitate integrated catchment management.

Part 4 of the policy specifies outcomes to achieve water quality objectives under the following divisions:

- 1) Measures to achieve policy objectives
- 2) Management of point sources of pollution
- 3) Management of diffuse sources of pollution

The current Flinders Planning Scheme incorporates the policy objective for “*sustainable management of Tasmania’s surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania’s Resource Management and Planning System*” through special area provisions for the Shorelines, Waterbodies and Watercourses overlay with objectives and standards in Part 7 of the scheme. A key provision is a 40m setback from permanent watercourses.

The SPP’s require the mandatory inclusion in the LPS of the State mapped waterway protection areas in the overlay that applies through the Natural Assets Code. The prescribed buffer distances contained in the definition (and shown in the overlay map), trigger assessment of development that occurs within those mapped areas. The SPP’s assume compliance with the State Policy in applying the overlay map with associated assessment provisions. The LPS also rezones land (CT 51470/1) known to be important to groundwater from Environment and Recreation Zone to the Landscape Conservation Zone to recognise and maintain protection of groundwater resources.

2.4.4 National Environmental Protection Measures

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

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

The NEPMS are not directly implemented through planning schemes, with some matters being outside the jurisdiction prescribed by the Land Use Planning and Approvals Act. However, some aspects are

¹⁰ excluding privately owned waters that are not accessible to the public and are not connected to waters that are accessible to the public and waters in any tank, pipe or cistern



addressed through various SPP provisions relating to matters such as amenity impacts on residential uses due to noise emissions and site contamination assessment.

2.5 Northern Tasmania Regional Land Use Strategy

Following review and revision to ensure consistency with the SPPs, NTRLUS came into operation 27 June 2018. The State Government recognizes the important role of regional land use strategies and Local Provisions Schedules should be consistent with the NTRLUS.

The NTRLUS proposes a vision for northern Tasmania and sets out planning objectives derived from 9 Principal Understandings¹¹. Of particular relevance to Flinders Council Area are:

- *Economic competitiveness will depend on the region's ability to attract and retain a population and workforce with valuable knowledge and entrepreneurial skills*
- *Promoting and protecting the Region's unique natural environment and resources will be key to sustainable development and future liveability*
- *Liveable communities offering a high quality of life and that support health and wellbeing will help attract investment, support a skilled workforce, and strengthen social inclusion and community wellbeing*
- *Regional sustainable growth will need better management of resources consumption and waste production to reduce impacts on the environment*

Regional challenges such as distance from markets and a small population that “*contributes to comparatively small local domestic markets*” is acknowledged in the NTRLUS as being an issue that is “*particularly acute for the Furneaux Group of Islands*”. Other regional challenges such as an aged health care and housing and attracting a skilled workforce are also exacerbated by the Furneaux Group's small population, low rate base and isolation.

Economic goals such as integrating land use and infrastructure planning are problematic for the Council given existing demand for infrastructure in the form of roads and maintenance of the airport facility in the context of a low rate base. Grant funding for projects usually requires a matched contribution and ongoing maintenance costs for the completed infrastructure. The LPS maximises future use of current infrastructure by providing rural living within proximity to the Whitemark service centre and by consolidating existing settlements. An understanding of industry needs underpins the application of the Agriculture Zone to support the primary production economy and by providing for development of tourism products including accommodation in the rural living area at Blue Rocks, the LPS serves to facilitate economic development and productivity in line with regional goals.

The NTRLUS seeks to promote liveability measures for social and community development. The LPS seeks to promote local character by protecting the landscape and coastal features that are the basis of sense of place in the Furneaux Islands. Significant cultural heritage is protected at Wybalenna and Cape Barren

¹¹ Northern Tasmania Regional Land Use Strategy 2018 pp.8



Island and land is facilitated for affordable residential development. With respect to the regional goal to promote greater sustainability and develop stronger community resilience to social and environmental change, the LPS establishes for the first time, a zone (the Landscape Conservation Zone) with the purpose to protect environmental assets and values. A Coastal Areas specific area plan acknowledges the particular significance of coastal values. Promotion of a nature-based tourism sector may assist in the evolution of a perception of exploitation of environmental values to an appreciation of the need to maintain the integrity of those values in order to sustain the services they provide.

The NTRLUS notes that “an established rural residential area is *“Land with limited potential for efficient or practical agricultural or rural resource use on a commercial basis and where the land use pattern is characterised by:*

- *Predominantly residential land use, including lifestyle blocks, hobby farms and /or low density residential subdivision;*
- *Fragmentation of the cadastral base and property ownership and may include;*
- *Topographical constraints to rural resource use.*

The LPS provides for new rural living areas in recognition that the expectation of many residents is for lifestyle and hobby farm allotments. The current rural residential area at Cooma represents 0.01% of available land. The LPS rural living areas provide in total 0.06% of land on Flinders Island. The fact that the LPS identifies *new* areas for Rural Living status is anticipated by the NTRLUS:

“While the region can be generally categorised into settlement and activity centre hierarchy, this system recognises and responds to the interactions that take place throughout the region that are not reflected in the Furneaux Group of Islands. Due to the isolated function of the island, the demands placed on settlement and activity centres (and relationship with lifestyle land use patterns) are different to the typical functions of other levels of settlement. As such, planning for the islands and creation of demand to support economic objectives for population retention and visitation is dependent on local strategy.”¹²

APPENDIX 1 tabulates Flinders LPS consistency with regional land use policies.

2.6 Flinders Council Strategic Plan September 2015

The NTRLUS provides overarching strategic direction for northern councils addressing regional issues in a coordinated way. However, the NTRLUS does acknowledge the importance of subregional and local strategies, in particular it acknowledges the unique circumstances of the Furneaux group of islands and recognises that the Flinders LPS needs to be informed by local strategies. These local strategies include,

1. Flinders Council Strategic Plan 2015;
2. Flinders Structure Plan 2016;

¹² Ibid pp 22.



3. 2010 Flinders Island Nature Based Tourism Market Feasibility Study;
4. Furneaux Natural Resources Management Strategy 2007;
5. Flinders Municipality Agricultural Profiles 2010 and 2019 (and Comparison Report); and
6. LPS and Zoning Strategy 2021.

The Flinders Structure Plan 2016¹³ consulted on 4 strategic outcomes for a future LPS:

1. Primary production land is protected for future pastoral use
2. Population growth achieved through rural land diversification
3. Land use planning contributes to nature based tourism
4. Planning maintains and enhances liveability

The Flinders Council Strategic Plan 2015 is the current strategy for Flinders Council. The stated vision is:

To retain our lifestyle and unique landscapes through positive leadership that encourages innovation, population growth, asset attraction, partnerships and improved health and wellbeing for our community.

The plan nominates five strategic focus areas to contribute to this vision:

1. *Population Growth*: Focusing on strategies projects and policy initiatives that support the community, economic development and investment attraction
2. *Infrastructure and Services*: An islands' specific approach to planning and delivery to ensure community and environmental values are maintained
3. *Access and Connectivity*: Work with service providers and other relevant stakeholders to improve security, reliability and cost effectiveness
4. *Strategic, Efficient and Effective Organisation*: Responding to (corporate) risks and opportunities
5. *Liveability*: Protect, improve and promote health and wellbeing of the islands' communities

The Plan acknowledges that council has a limited resource base and that strategic thinking will need to drive decision making. The key strategies for incorporation into the preparation of the LPS are tabled below with the land use planning response.

Table 2- Flinders Council Strategy and LPS Response

Council Strategy	Land use planning response
Increase supply of affordable housing	It is clear that the unique circumstances of remote islands contribute to market failure with regard to the supply of affordable housing. The cost of construction is increased significantly by cost of freight and labour and even the costs involved in obtaining development approval are increased through extra expenses of flying in surveyors, bushfire, waste water and other consultants. Even before the latest restrictions introduced by banks, achieving finance was more difficult than elsewhere due to the slow rate of turnover and the subsequent requirements for large deposits. The yield on long term rental properties is low and the number of available properties for employment

¹³ Structure Plan



Council Strategy	Land use planning response
	housing is negatively affected by the tourist market for short term accommodation. The LPS cannot address these market issues. What the LPS does do is to make land available for smaller lot sizes by establishing rural living areas where lots are flat and already cleared. These areas are generally close to services and adjacent to sealed roads (almost all roads on Flinders Island are gravel; there is one sealed State road outside of settlements). Most of the land on Flinders island is currently zoned Rural with a minimum lot size of 40 hectares. By creating lots of 1,2,5 and 10 hectares the LPS simultaneously provides land for the 'returnee' cohort nominated in the Strategic Plan and lifestyle allotments for retirees. The Whitemark Rural Living specific area plan modifies the use table to include the opportunity to develop multiple dwellings in the Rural Living Zone at Whitemark, making land available for potential employment housing; a necessary precursor to achieving council's strategy to <i>Increase the working age population</i> .
Value Add to local commodities and foster entrepreneurial activity	The establishment of rural living areas also addresses these strategies. The preferred lifestyle land choice on Flinders Island is for larger lot sizes which offer opportunities for small business associated with producing and value adding to the local economy and fostering entrepreneurial activity. It also provides for non-grazing types of primary production and/or supplementary grazing income. Land is earmarked in the LPS for a Light Industry Zone adjacent to the airport to provide opportunities for manufacturing activity to be co located. This is the first time a dedicated zone has been included in the scheme.
Protect and enhance high quality natural values and environmental assets	There is no reticulated sewerage on Flinders Island. The LPS provides a specific area plan to increase the lot size in the Low Density Residential Zone to ensure continuation of local character in coastal settlements. This will also serve to enable efficient onsite waste water and stormwater management. Land identified for inclusion in the Rural Living Zone at Lady Barron is subject to site specific qualification to ensure stormwater management at the land division stage due to the amplified requirements of the location at the base of Vinegar Hill.
Plan deliver and operate community infrastructure to provide levels of service that align with community needs and demand	The cost effective delivery of road maintenance is a key issue. The 312 km of gravel roads (only 73kms are sealed) means that the LPS reflects the need to utilise existing roads and limit requirements for new roads. (for comparison: King Island has 90km of State Road and Flinders has 27km). The low rate base impacts on Council's ability to provide community infrastructure but the LPS identifies growth areas close to existing facilities at Whitemark and the Flinders Island Airport. The Lady Barron Port is recognised as critical infrastructure and the modification of the Port and Marine Zone is designed to protect Port functions, especially the transport of livestock.
Land use planning conserves natural and cultural values and addresses natural hazards and climate change	Liveability encompasses social capital, health and wellbeing objectives but can also be measured by scenic amenity, environmental services and building form and scale. The LPS seeks to preserve these aspects of liveability which significantly contribute to the wellbeing of residents and visitors, to the agricultural economy through water management, soil biota, shelter and beneficial insects and to social connectiveness through maintenance of historic recreational activities based on the coast and wetland systems. The establishment of a Landscape Conservation Zone and extra regulation for the protection of the coast through the Natural Assets Code and the Coastal Areas specific area plan address the strategy to conserve environmental values. The SPP Codes address natural hazards and the predicted impacts of climate change are considered through the relevant coastal Codes and the decision to modify the mapping for land suitable for inclusion in the agriculture zone by extracting appropriate land for inclusion in the Landscape Conservation Zone.

Through a detailed process of strategic analysis, including assessment of the current situation at Flinders Island and public consultation to develop an awareness of where the community aspires to be, the



following four strategic outcomes emerged to provide guidance for the ongoing growth and diversification of the Island, to be further influenced and guided by the land use zoning to be applied in the forthcoming planning scheme:

- To protect the grazing industry;
- To encourage diversification in agriculture on rural land not being grazed;
- To support and encourage sustainable tourism growth; and
- To maintain and enhance the Flinders Island quality of life.

The influence and relevance of these four strategic outcomes, and consistency with the Structure Plan, is seen clearly in the zone recommendations of the LPS. The separation of rural and agricultural zoned land specifically sought to protect the consolidated larger holdings of the east coast plains and the southern coastal plain for broad acre grazing which is the dominant agricultural activity on the Island, whilst the rural zone, applied to the smaller holdings, mainly in the west and often constrained by topography and ecological values, provides opportunity for rural diversification. This may include a mix of rural industry and tourism activities, providing benefits such as residential, employment and population growth, without ad hoc subdivision and incursion into scenic or ecologically valuable areas.

Strategic Directions (DS) identified under each Strategic Focus Area (SFA) are discussed in the following tables, with the land use planning response through the LPS identified for each strategic component.

SFA1 – Population growth

Output	Land Use implications	LPS response
SD1 - Increase the supply of affordable housing.		
Land use planning policy that provides an enabling environment for housing and investments.	Rural enterprise areas linked with housing provision Identifying existing and projected demand allocations Facilitating multiple dwellings.	Identifying lifestyle and enterprise areas for use of zones that accommodate houses and multiple dwellings Use of Rural and Rural Living zones for rural lifestyle and enterprise activities identified in Structure Plan Use of SAP to allow multiple dwellings in the Rural Living zone and to better reflect Flinders land use patterns within Low Density Residential zone.
A strategy and action plan that identifies affordable housing options.	Increasing opportunity for housing and range of housing types	Use of Low Density Residential zone for 'urban' development in major settlements. Use of Rural Living and Rural zones to accommodate lifestyle and enterprise areas identified in draft Structure Plan. Use of SAP to allow multiple dwelling options in Rural Living zone and better reflect land use patterns/lifestyle factors on Flinders.
SD2 - Increase "the working age" population		
Services and activities for young people that also aim	Use of zoning regime to accommodate community	Use of Community Purposes and Local Business zones for major commercial areas;



Output	Land Use implications	LPS response
to attract and retain young families to the Islands.	and commercial activities, and promote rural lifestyle and enterprise activities	<p>Use of Rural zone for enterprise areas, particularly:</p> <ul style="list-style-type: none"> • Lackrana, around Whitemark, from the golf course around towards Blue Rocks; • Palana (North East River Road area); • Killiecrankie; • Palana (north of Five Mile Jim Rd); and • Emita. <p>Use of Rural Living zones for lifestyle areas, particularly at:</p> <ul style="list-style-type: none"> • Palana Road, Whitemark; • Lady Barron/Thule Roads, Whitemark; and • Blue Rocks.
An islands specific population growth strategy.	Strategy not completed.	<p>Aspirational use of zones that allow for further residential developments in response to Strategic and Structure Plans.</p> <p>Review of projected dwelling demand rates based on available information for LPS.</p> <p>Review of likely subdivision potential of zoning regimes under LPS for creation of additional lots.</p> <p>Use of Rural Living and Rural zones for additional houses and diversification for rural enterprise.</p>
Study the existing constraints to increasing the level of the locally based population.	Housing study commissioned through OCG	<p>Report completed but not released.</p> <p>Use of identified issues and suggested responses in development of LPS.</p> <p>Increased use of Rural Living Zone to accommodate lifestyle areas and enterprise activities.</p> <p>SAP for Whitemark to increase availability of multiple dwellings.</p> <p>Recognition of holiday houses as part of dwelling stocks</p> <p>Increased use of Rural and Rural Living zone to accommodate dwellings.</p>
A banking model that supports community aspirations.	Not applicable,	Not applicable.
SD3 - Value-add to local commodities		
Opportunities for value-adding of local commodities are identified and promoted.	Suitable zoning for rural enterprise activities.	<p>Use of Rural zone to provide for rural enterprise opportunities.</p> <p>Restricted use of Agriculture zone along western side of Flinders.</p>



Output	Land Use implications	LPS response
		Use of Rural Living zones in selected areas to promote lifestyle clusters and associated boutique agriculture.
Support the growth of local sustainable fishing and aquaculture enterprises.	Provision of suitably zoned lands	Use of Rural, Agriculture and Rural Living zones as suggested in Structure Plan. Use of Port and Marine zone for port and wharf sites.
Promote Flinders Island as a high quality food producing region with a clean, green image.	Supporting rural enterprise development. Providing local controls for management of key components	Use of Rural zone to western side of Island to accommodate wider use options for business establishment and development. Use of SAP for significant development components, including: <ul style="list-style-type: none"> development impacts within the coastal fringe; minimum lot size requirements of the Low Density Residential zone at key locations; use of Landscape Conservation zone for management of key landscape areas; increasing options for multiple dwelling construction within selected areas
Productive and sustainable agricultural sector.	Use of suitable zones to allow support agricultural economy and support development of rural enterprise activities	Use of Agriculture zone to protect agricultural lands and grazing economy. Use of Rural, Agriculture and Rural Living zones to accommodate residential / enterprise activities.
A strong Flinders Island Brand that underpins growth and development of local value-added commodities.	Not applicable.	Not applicable.
SD4 - Foster and support entrepreneurial activity		
Promotion of the region's natural and cultural environment.	Use of available SPP tools for management of natural and cultural characteristics	Use of PPZ for Cape Barren Island, as developed with the local community and ALCT, to reflect cultural practices and different lifestyle to that which underpins the SPP expectations. Use of SAP to manage development impacts to coastal environs, as identified in the Structure Plan, to mitigate development impacts on natural (biodiversity, vegetation cover) and cultural (visual impacts, lifestyle patterns). Use of SAP to reflect Flinders culture for low density and rural lifestyle options in close proximity to Whitemark. Use of SAP & SSQ to manage development impacts on sensitive landscape and natural environments.
A place-based strategy developed around housing,	Use of tools under SPP's to reflect island life, providing	Use of Rural Living and Rural zones to the western side of the island to promote lifestyle and enterprise activities



Output	Land Use implications	LPS response
living and niche non grazing types of primary production and lifestyle development.	zoning options that allow for lifestyle and enterprise development	
Tourism and development is promoted through a focus on high quality food production, niche enterprises and clean, green image and sustainable farming practices associated with Flinders Island.	Use of tools under SPP's to reflect island life, providing zoning options that allow for lifestyle and enterprise development.	Use of Rural Living and Rural zones to the western side of the island to promote lifestyle and enterprise activities; Use of Agriculture zone to eastern side of the island to protect agricultural activities. Use of SSQ to allow for tourism and supporting operations to expand on specific sites.
Streamlined and customer focused development application and assessment processes, including pre-lodgement information and advisory services.	Not applicable.	Not applicable.
Build local entrepreneurial capability.	Not applicable.	Not applicable.
Employment opportunities are enhanced through development of projects and initiatives with education service providers and employers.	Not applicable.	Not applicable.
SD5 - A Planning Scheme that facilitates all of the above		
Planning scheme provides facilitating environment for population growth.	Structure Plan to identify LPS strategies	Expansion of zoning for residential development around Whitemark and Lady Barron. Promotion of Rural/Rural Living zones for enterprise areas, particularly over western side of the island. Rezoning of lifestyle precincts. SAP's for multiple dwellings within Rural Living zone and reflecting land use patterns on Flinders.

SFA2: Infrastructure and Services

Output	Land Use implications	LPS response
SD 6 - Protect and enhance high quality natural values and environmental assets		
Parks and Wildlife Services (PWS) and Council	Not applicable	Not applicable.



Output	Land Use implications	LPS response
cooperatively operate and maintain relevant facilities (toilets, camp grounds, picnic areas etc.).		
Planning scheme supports visual amenity and open space, contributing to recreation and tourism experiences.	Use of SPP controls and local provisions for scenic and coastal management issues	<p>PPZ for truwana/Cape Barren Island to provide for cultural differences for land use and management of indigenous owners.</p> <p>Coastal Settlements SAP to manage site coverage and minimum lot sizes for subdivision.</p> <p>Whitemark Rural Living SAP to address multiple dwelling density.</p> <p>Coastal Areas SAP to address development in environmentally and visually sensitive areas.</p> <p>SSQ FLI-22.1 prohibition of subdivision of 154 Big River Road, Loccota due to scenic/environmental values and location adjacent Trousers Point and Strzelecki National Park.</p> <p>SSQ's FLI-22.2 and 22.3 by requiring public access to Vinegar Hill through subdivision processes.</p>
A plan for the expansion of the walking trails network on Flinders Island.	Not applicable.	Not applicable.
Advocacy for higher levels of maintenance and funding for walking trails and associated assets.	Not applicable.	Not applicable.

SFA 3: Access and Connectivity

Output	Land Use implications	LPS response
SD 7 - Maintain or better the standard of sea access to the Islands		
Advocacy for improved port and freighting operations.	Not applicable	Not Applicable.
Economic viability of developing an all-weather recreational and leisure vessel harbour investigated.	Appropriate zoning	Use of SPP zone in accordance with Guideline 1.
SD 8 - Maintain air access to the Island and improve performance of the airport		



Improved operation and financial performance of airport.	Suitable zoning Possible alternative complimentary uses	Use of Utilities zone under Guideline 1 Inclusion of Light Industrial zoning over unused land for complimentary uses. SSQ FLI-26.1 to allow fuel sales at the Airport site
SD 9 - Improved telecommunications for the benefit of local community and economy		Not applicable.

SFA 4: Strategic, Efficient and Effective Organisation

Output	Land Use implications	LPS response
SD 10 – Remain actively engaged with internal and external stakeholders providing regional leadership		
The Furneaux Islands' unique circumstances, isolated community and specific financial needs are understood by key external stakeholders.	Land use zoning Housing study Structure Plan	<p>Use of SPP zones for implementation of Strategic and Structure Plan outcomes, key features including:</p> <ul style="list-style-type: none"> • Use of Low Density Residential, Rural Living, Rural and Agriculture zones; • Promotion of Rural and Rural Living zones west of the Darling Range to accommodate population growth through rural lifestyle and enterprise areas; • Use of Agriculture zone east of the Darling Range to protect agricultural activities; • Delivery of housing options for lifestyle and enterprise options; • Increasing the availability of multiple dwelling options through zone allocation and other regulatory tools; • Promotion of Landscape Conservation zoning and Environmental Management zones to prominent and sensitive locations. • Use of SAP's for: • Site coverage and subdivision patterns in defined Low density residential areas; • Increasing availability of multiple dwelling typologies within selected Low Density Residential and Rural Living areas; • Recognising land use limitations for Lady Barron Port. • Use of SSQ's for: • Stormwater management with subdivision of defined land parcels; • Management of lot-density to address local land use patterns for the Low Density Residential zones in selected areas;



Output	Land Use implications	LPS response
		<ul style="list-style-type: none"> Obtaining unrestricted access to selected scenic sites through subdivision of identified properties; and Management of development impacts in prominent and sensitive locations.
Cooperative and coordinated delivery of Indigenous community services.	Management of Cape Barren Island and Wyballena site	Use of PPZ for truwana/Cape Barren Island to reconcile conflicting statutory land use legislation and different cultural / land use practices. Implemented through consultation protocols for LPS development.
SD 11 - Support processes, reporting and project delivery through transparent reporting		Not applicable.
SD 12 - Ensure Council meets its statutory obligations and manages corporate and community risk		Not applicable.
SD 13 - Drive continuous improvement through a focus on customer service, community engagement, efficient systems and processes, innovation, capacity building and workforce development		Not applicable.
SD 14 - Build financial and organisational resilience and maximise returns from Council's capital resources		Not applicable.

SFA 5: Liveability

Output	Land Use implications	LPS response
SD 15 - Improve the health and wellbeing of the Island communities through leadership and co-ordination		Use of the available tools under the SPP regime to facilitate business and economic development provides strategic and economic leadership through the SPP/LPS process.
SD 16 - Support cultural activities and events that foster social engagement, inclusion and emotional wellbeing and provide opportunities for creative expression.		Not applicable.
SD 17 - Land use planning conserves natural and cultural values and addresses natural hazards and climate adaption	Zoning regime SPP codes SAP's for specific issues	Avoidance of natural hazards in zone selection, particularly for expansion of Whitemark. Use of relevant SPP codes. Whitemark Rural Living SAP promoting multiple dwellings; Coastal Areas SAP limiting development impacts in sensitive coastal locations. SSQ's for specific sites.
Municipal climate change strategy	Not completed.	Coastal Areas SAP provides standards to maintain vegetation cover and require assessment of site coverage and excavation/fill in biodiverse areas that are particularly



Output	Land Use implications	LPS response
		sensitive to intervention from land clearing and development.
Hazard management and climate adaption integrated into specific area plans.	Hazard management delivered through SPP Codes. Use of SAP's for sensitive locations.	Reflected through SPP Codes and SAP provisions managing site excavation and fill, vegetation cover/removal, site coverage and lot design.
Biosecurity risks identified and a program to address those risks developed.	Not applicable.	Not applicable.
Planning scheme enhances liveability and protects distinctive local characteristics.	Recognising coastal, scenic resources Identifying physical aspects of island lifestyle that contribute to liveability	Reflected through LPS: <ul style="list-style-type: none"> • PPZ for Cape Barren Island, • SAP for management of interface of private lands with the coastal environs; • SAP to alter lot sizes for Low Density Residential zone to reflect Flinders lifestyle, existing land use patterns and environmental limitations of areas where the zone is used; • SAP to manage subdivision requirements and multiple dwelling availability within the rural living zone near Whitemark; • Use of the Rural Living and Rural zone to accommodate Rural enterprise and lifestyle activities west of the Darling Range; • SSQ's to reflect local circumstances such as providing formal access to Vinegar Hill through subdivision, reflecting use entitlements for the Whitemark Wharf and facilitating planned developments outside the SPP's without requiring planning scheme amendments.

2.7 Flinders Island Structure Plan

The draft *Flinders Island Structure Plan* provides a framework for growth of the Island over the strategic planning period to establish a sustainable population and diversity the economic base.

The overarching strategic aim for the Flinders LGA is to increase the population to a level that can sustain local economies and create jobs. At the 2016 Census, the population of the municipality was 906, Council proposed an aspirational population target of 1200 over the life of the new planning scheme. This is consistent with the *Tasmanian Government Population Growth Strategy (2015)*, which sets a population target of 650,000 people by 2050 based on three pillars of job creation and workforce development, migration and liveability.



The Structure Plan was developed following analysis of the unique circumstances of the Flinders LGA and a review of the earlier strategic work and public consultation supporting the draft *Flinders Interim Scheme in 2012*. In 2016, Council consulted the draft Structure Plan. The consultation confirmed four key strategic outcomes:

1. Primary production land is protected for future pastoral use:
 - Maintain the pattern of large, connected allotments;
 - Retain and enhance environmental services provided by biodiversity;
 - Provide for clustering of associated uses within rural activity precincts;
 - Address commercial forestry and biosecurity.
2. Population growth achieved through rural land diversification:
 - Diversify rural land uses on land not required for primary production;
 - Facilitate a range of lot sizes;
 - Encourage residential use in association with small business and value adding;
 - Encourage clustering of dwellings.
3. Land use planning contributes to nature-based tourism:
 - Identify land for visitor accommodation;
 - Integrate networks of walking, cycling and 4wd tracks;
 - Minimise impact of development and use on the natural assets making the island unique.
4. Planning maintains and enhances liveability:
 - Employ principles of sustainable design and siting;
 - Establish a public access network;
 - Integrate biodiversity into decision making;
 - Manage and facilitate resilience to climate change and natural hazards.

The response from the community was supportive of the four key outcomes.

The public feedback indicated a strong desire to maintain and enhance access to the Island. Key drivers for development of the Structure Plan and LSP included:

- Diversification of the rural economy was significant;
- Maintaining the local values for biodiversity, open space, and the coast was critical;
- Locals identified the need to protect coastal areas from development and use that may compromise the scenic and natural values of those areas;
- Commercial forestry should be excluded;
- Providing for the clustering of development outside the major urban areas through the LPS; and
- Design guidelines were required in key zones to encourage respectful development.

The Structure Plan provides detailed discussion of the required outcomes at section 4. While some of these outcomes are now very difficult to achieve through the SPP program, others are addressed through the LPS provisions.

The Structure Plan is consistent with the RLUS and provides extensive local responses to the unique circumstances that the RLUS recognises, as detailed in the Supporting Report.

This section of the Strategy examines the land use and LPS implications of those outcomes.



The Structure Plan identifies key zoning initiatives that informed use of the SPP Rural, Agriculture and Rural Living zones under the LPS. These initiatives were described best in Appendix 1, which is reproduced at Figure 1 and produced the following LPS outcomes:

- East coast area - Primary Production Area 1 – Agriculture zone was selected
- Southern coastal plain - Primary Production Area 2 – Agriculture zone south and east of Whitemark, Rural zone surrounding and north of Whitemark;
- Blue Rocks precinct – Rural / Environmental Management zone south of Blue Rocks to PPA2 interface, Rural Living to Blue Rocks / Sawyers Bay;
- Lifestyle precincts – use of Rural Living zone at Blue Rocks, Cooma/Badger Corner, Trousers Point, Emita and Lady Barron

The following section provides a summary of the LPS response to issues raised within the Structure Plan.

2.7.1 Outcome 1 –Primary Production land for future pastoral use

East Coast Primary Production Area 1

Output	Land Use implications	LPS response
Minimum lot size 100 ha	minimum lot size	Generally suited to Agriculture zone. Proclamation of SPP's curtailed such use limitations. SPP's mandate discretion for minimum lot size. Structure of SPP's does not allow local overriding provisions based on zone provisions.
Use limited to directly supporting primary production	Resource development as permitted Animal husbandry discretionary Plantation forestry prohibited	Generally suited to Agriculture zone. Proclamation of SPP's curtailed such use limitations. Structure of SPP's does not allow local overriding provisions based on zone provisions. Forestry prohibition not possible without substantive economic supporting information and likely reform to structure of SPP's.
	Farm stay visitor accommodation discretionary	Agriculture zone provides discretionary status to all visitor accommodation.
Limiting dwellings to 1 per holding	Residential use status	Agriculture zone provides Discretionary status for new dwellings with tests at 23.3.1 P4. Does not prohibit new dwellings not linked to primary industry but does prohibit multiple dwellings. Suggested limitation by holding is not possible under legislative basis of planning system, which recognises titles rather than holdings. Ability to vary SPP's in this way considered impossible given State position on zone and associated mapping.



Output	Land Use implications	LPS response
Use of smaller lots linked to compatibility with adjacent allotments	SPP use Table and use standards	Agriculture provides use table allocations and use standards. Ability to vary SPP's considered impossible given State position on SPP's, zone provisions and associated mapping.
Activity precincts for affiliated uses / clustering	Permitted status in identified precincts	Activity centre precinct concept constrained by structure of SPP controls and requirements for application of zones under zone purpose statements and Guideline 1. Activity centre concepts restricted to major settlements of Whitemark and Lady Barron.

Southern Plains Primary Production Area 2

Output	Land Use implications	LPS response
Minimum lot size 40 ha	Subdivision controls.	Consistent with both Rural and Agriculture zones.
Topographic and vegetative character to area, linked to biodiverse qualities	Conservation of land and vegetation holdings to maintain soil and ground water quality	Areas identified as suitable for Agriculture zones under State mapping, which prevents use of Priority Vegetation overlay. Variations to SPP's considered impossible. Rural zoned areas allow use of Priority Vegetation overlay.
Inclusion of west coast settlements	Lot size and land management implications	Provided through allocation of Low Density, Rural Living, Rural and Environmental Management zones.
Use status to promote Resource Development	Use table and qualifications	Generally consistent with the Agriculture and Rural zones. Identified qualifications not provided for in SPP's. Local variations not considered possible.

Plantation Forestry

Output	Land Use implications	LPS response
Plantation forestry - management of subsequent land use impacts	Post use rehabilitation of sites Off plantation contamination by seedlings and weeds	The structure of the SPP zones and codes do not allow these types of controls to be inserted. While likely adverse impacts from forestry were identified, it remains an agricultural use under the terms of the relevant State Policy and the structure of the SPP's.
Biosecurity	Management of plant and weeds	The type of local provisions required for this intervention are not possible under the structure of the SPP/LPS regime and associated policy/guidelines.
Biodiversity	Management of threatened vegetation communities to maintain biodiverse functions within the landscape	Provided through use of Landscape Conservation zone, Priority Vegetation and scenic overlays and FLI-S3 Coastal Areas SAP. Limited responses possible under the structure of the SPP/LPS regime and associated policy/guidelines.



		Some controls were included in identified areas to maintain vegetation cover in defined settlements.
Land Capability	Application of zones, particularly Rural and Agriculture zones	Addressed through LPS zoning regime and review by RCMG Consulting.

2.7.2 Outcome 2- Population growth through rural land diversification

The Structure Plan recognises that rural residential style development will need to be expanded beyond the existing offerings at Cooma. It identifies the Cooma/Trousers Point area, Emita, Palana and Lady Barron as suitable locations with the following objectives:

1. *Concentrating planning/place-making in the Blue Rocks locality to maximise proximity to services and consolidate potential development*
2. *Facilitating small holdings that can provide land for development of niche market products and adding value to primary products, a wide variety of land based production and processing businesses and for arts and craft uses*
3. *Providing larger parcels of land for countryside living*
4. *Providing for residential and visitor accommodation uses where impacts on environmental and scenic values can be mitigated.*

Output	Land Use implications	LPS response
Blue Rocks	Existing cadastral base and fragment ownership supports residential and small rural enterprise use on 5-10 ha lots	Rural and Rural living zone selected for range of uses and ability to limit subdivision. Smaller lot areas and use support Rural Living C and D zone to defined lifestyle/enterprise precinct as identified in Plan at Appendix 3. Identified natural hazards to west of Palana Road require caution with further subdivision, as identified through the SPP hazard codes.
	Clustering of development to minimise access points	Not possible through SPP & LPS provisions.
	Native vegetation screening to Palana Road. Materials reflectivity, colours, visibility, minimise vegetation clearance and low building forms	Majority of suggested controls are not compatible with zone purpose and Guideline 1 requirements. Limited capacity to provide local controls, managed through the Coastal Areas SAP.
	Design controls to minimise visibility above 100m contour	Affects limited lots in area, mostly within Landscape Conservation zone.



Output	Land Use implications	LPS response
Cooma/Badger Corner	Subdivision and use to enable 5 ha lots and value adding uses	Rural Living zone used consistent with 5 ha minimum lot size and appropriate range of uses.
Trousers Point	Detailed subdivision concept reflecting lot size and exposure to natural hazards	Landscape Conservation zone used in response to range of issues presented and particularly, scenic values. SPP controls augmented by SSQ FLI-22.1 to limit further subdivision. Uses generally consistent with identified outcomes.
	Development controls addressing impacts	Coastal environs subject to Scenic Protection areas and Coastal Areas SAP to allow consideration of development and built form impacts relative to significant natural landscape and scenic values.
Emita	Southern expansion linked to extension of Woods Road	Not proposed in LPS as dependent upon provision of second road access.
Lady Barron	Rezoning of 2 allotments east of town, with grading of density of lots hearing further east	The 2 allotments were allocated Rural Living A zone based on the Structure Plan. SPP controls do not allow such grading of density outside of A, B, C & D categories.
	Limitations on subdivision to southern side of main roads	Limited SPP zones allow an ambit prohibition, aside. Environmental Management zone used to achieve this.

2.7.3 Outcome 3-Contributing to Nature Based Tourism

The SPP/LPS provides for identification of specific sites for tourist operations with application of the Major Tourism zone. Given the available research and information, this zone was not used in the Flinders LPS. It was determined that the range of zones provide for tourist operation and visitor accommodation as permitted and discretionary uses within the SPP's was appropriate. Few other specific interventions were determined as required.

Output	Land Use implications	LPS response
Identification of tourism sites	Zoning of land	Key aspects of potential sites were identified. SPP use provisions allow for Visitor Accommodation and Tourist Operation in most zones. Major Tourism zone not allocated on initial LPS development, absent specific proposals that meet the requirements of Guideline 1. The existing recreation site at North East River Road located within the Open Space zone, consistent with future expectations for the site.



		Use of SSQ's to provide recreation and scenic assets at Vinegar Hill and function centre on existing hospitality site at Badger Corner.
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The Structure Plan identifies the contribution that the natural landscapes and general lack of development provide for the tourism experience and identify that these should be maintained. This builds on ED-P11 of the RLUS, which provides

ED-P11 Ensure planning schemes provide opportunity to identify, protect and enhance distinctive local characteristics and landscapes.¹⁴

Output	Land Use implications	LPS response
Minimising visual and physical impacts of development	Design and siting guidelines to minimise impacts	Rural and Rural living zone selected for range of uses and ability to limit subdivision. Smaller lot areas and use support Rural Living C and D zone to defined lifestyle/enterprise precinct as identified in the Structure Plan Appendices.
	Managing rate of change / impacts of development	SPP's provide some measures through Scenic Protection Code, though standards and exemptions undermine assessments. Controls on scale and intensity of tourism development, infrastructure and parking areas very difficult to support under structure and requirements of SPP & LPS. Limited regulatory response provided in coastal areas through Coastal Areas SAP. Suggested controls for design excellence not possible through SPP/LPS structure as local overriding provisions are not possible. Scenic Areas code augmented by additional standards in coastal areas SAP.
	Heritage	Heritage managed through Provided through heritage list in LPS, which was reviewed through development of the Structure Plan.

2.7.4 Outcome 4-Maintaining and enhancing liveability

The Structure Plan provides a set of objectives aimed at maintaining the Flinders lifestyle through future development and improving the social, economic and wellness of the Island and its communities. The overarching objectives for this are:

¹⁴ P46, NTRLUS



- *maintain and enhance opportunities for public access and use of natural areas, including the coast*
- *safeguard the ecological integrity of natural landscapes to improve resilience to climate variability*
- *protect areas of high scenic quality and important vistas that contribute to sense of place*
- *protect existing or known planned infrastructure from development or restrictions that could compromise safe operation or service delivery in the future*
- *encourage development that is sustainable in terms of natural hazards, water and energy.*

The LSP responses to these issues follow.

Output	Land Use implications	LPS response
Open space	Access to key sites	SSQ's provided at FLI-22.1, 2, 3 to obtain dedicated public access to Vinegar Hill.
	Walkable trail network projects	No LPS response provided.
	Council policy for quality of open space contributions	No LPS response provided.
	Clustering of buildings of lifestyle and rural buildings	Not possible through SPP & LPS provisions.
Building Resilience	Management development impacts on and protections of sensitive ecosystems	<p>Largely delivered through natural hazard provisions of SPP's, including NH-P01 Guidelines.</p> <p>Avoidance of undeveloped sensitive coastal and hazard areas for residential development and expansion;</p> <p>Avoiding known areas of flood and other risks for future residential expansion of Whitemark;</p> <p>Use of SAP to limit development footprints, modification of natural landforms, and vegetation removal in sensitive coastal locations;</p> <p>Risk avoidance strategy not consistent with SPP provisions;</p>
Biodiversity	<p>Vegetation management requirements, including prevention of further clearing</p> <p>Decision protocols to establish priority of natural values in key locations over other considerations;</p> <p>Support for the use of Biodiversity offsets to minimise impacts.</p>	<p>The structure of SPP provisions limit consideration of whether a proposal should occur on a site, focussing on how it occurs as part of the assessment.</p> <p>The conflict with regional policy outcomes is noted.</p> <p>Site coverage provisions included for FLI-S1 Coastal Settlement and FLI-S3 Coastal Areas SAP's. Vegetation character recognised through scenic management values and management objectives under Scenic Protection Code.</p> <p>Biodiversity offsets provided under Priority Vegetation provisions in the SPP Natural Assets Code, but lack broader application outside the Code and policy/operational support within the SPP's and</p>



Output	Land Use implications	LPS response
		supporting documents. These provisions are subject to s.35G Notices from other Councils. Local policy required pending reform of SPP's.
Bushfire	The need to balance bushfire hazard management and biodiversity outcomes. Consideration of specific issues through development.	Bushfire hazard management is limited under the SPP's and associated planning directives to sensitive/vulnerable use and subdivision. No further response is possible under the Planning Directive and SPP's.
Water conservation through design	Assessment of impacts to surface and underground water resources	Limited capacity exists for consideration of these issues through the SPP's, despite a relevant State Policy. Assessments under <i>Building Act 2016</i> cannot be impacted by planning process (s.9). Modifications to the SPP's are not possible on these issues.
Asbestos	Council strategy	Regulated under separate legislation by Workplace Safety Tas. Not a relevant issue to the operation of the LPS.
Dwellings and Holiday houses	Accommodating future holiday and affordable housing sectors.	Holiday house components considered in dwelling projections and zone allocation. Affordable housing provisions through use of Low Density Residential and Rural Living zones and multiple dwelling provisions in the Whitemark Rural Living SAP

2.7.5 Industrial Land

The LPS uses the light industrial zone at the Airport and Council depot, both at Whitemark, which was queried by the Commission.

As noted in the response to other matters, Lady Barron Port maintains uses that are consistent with an industrial zone but is effectively at capacity of the current site and cannot accommodate further expansion without the acquisition of additional lands. A SAP was provided to deal with land use and conflict issues on that basis. Port and Marine zone is used at Lady Barron Port to accommodate the uses on the site. Whitemark Port was also zoned Port and Marine, but appears to be transitioning from maritime to tourism based uses.

Whitemark Airport was identified for establishment of an industrial precinct under the *Flinders Airport Masterplan 2012*, with section 6.5 clearly identifying a precinct of approximately 11.5 hectares. As noted in the response to Attachment 2 from the Commission, the proposed estate is sized at 11.7 hectares. The marginal increase in area allows for clear identification of the zone boundary in accordance with the requirements of Practice Note 4.



The Structure Plan supported development of the industrial estate at the Airport in the maps for the overall and Whitemark area at Appendix 3, through implementation of the Masterplan.

The current scheme has no equivalent for industrial zoning, which precludes examination/ extrapolation of uptake rates. As a result, Flinders has no industrial zone under the current planning scheme. The Structure Plan made no other provision for industrial lands and provides no further guidance.

The RLUS identifies specific policies and actions for industrial lands at section E Regional Planning Policies and provides the following. Use of the Light Industrial zone under the LPS complies with the RLUS, as follows:

- ED-P1 encourages innovation within locally relevant economic sectors and diversity of logistics in freight and port capacity, which the Airport location is expected to deliver. Use of the Light Industrial zone in this manner will facilitate economic development identified under A1 and the Structure Plan provides for delivery of economic development initiatives identified in A2;
- ED-P2 is consistent with multiple outcomes of the Structure Plan and LPS that promote diversification of the local economy. Provision of Light Industrial zoned land is expected to provide for businesses and activities that facilitate those changes over time;
- The LPS proposes Light Industrial zoned land that is expected to meet the immediate and short term demands identified in the *Northern Tasmania Industrial Land Study*, complying with ED-P3, A3 and A4.

The *Northern Tasmania Industrial Land Study* includes the Flinders area, recognizes Lady Barron Port as a key site, identifies an expected shortfall of land for local service industries¹⁵ and that some land should be provided for small lots¹⁶ as a locally significant precinct. The Study also recognises the benefits of co-location with key transport infrastructure such as airports (multiple references to Tanslink precinct adjacent Launceston Airport) and key infrastructure.

Further discussion on compliance with the RLUS is provided elsewhere in this report.

Use of the Light Industrial Zone at both the Whitemark Council Depot and adjacent the Whitemark Airport is consistent with these findings.

The identification of demand to 2040 under ED-A4 is problematic, given the lack of existing comparable zoning and supporting statistics to determine demand. Logically, the existing economic base supports a range of businesses that could use an industrial precinct, such as vehicle repairs, service industries, private civil construction, the range of trades involved in the building industry and landscape supplies. In addition, zoning a specific location may relocate existing activities from Whitemark over time, which would allow other uses to occupy those lands.

The LPS allocations for the Light Industrial zone are considered a reasonable step towards delivering the requirements of the RLUS for industrial lands.

¹⁵ p5, *Northern Tasmania Industrial Land Study*

¹⁶ p39, *Northern Tasmania Industrial Land Study*



Use of the Light Industrial zone within the LPS is therefore considered to be consistent with the RLUS.

2.8 Adjacent Municipal Areas

Flinders Council does not share a boundary with any other municipal area. Some of the implications of this isolation are listed in **APPENDIX 2** which tabulates some of the factors contributing to the ‘uniqueness’ acknowledged in the NTRLUS.

2.9 Gas Pipelines Act 2000

The LPS is to have regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*. LUPAA includes a declared statutory notification corridor for use and development within proximity to the pipeline to ensure its safety and protection.

There is no declared corridor within the Flinders Council area.



3.0 Variation from Current Scheme

The 2000 Scheme is not an Interim Scheme. It is referenced here to provide some context for the conversion of the scheme to the SPP zones.

The intent of the current Planning Scheme is set out in section 2.2 of the scheme.

“It is the Intent of this Scheme to:

- 1. encourage orderly and efficient use and management of resources in the Planning Area;*
- 2. promote and safeguard the health, safety and welfare of the community;*
- 3. maintain and diversify the economic base of the Planning Area;*
- 4. foster the social and economic wellbeing of the community;*
- 5. encourage the efficient and effective use of facilities and services;*
- 6. protect and enhance the “pure environment” image of the Planning Area;*
- 7. ensure that future changes and use or development respect the inherent qualities of the natural environment and avoid undesirable environmental and social impacts;*
- 8. provide for the recreational and open space needs of residents and visitors;*
- 9. ensure that appropriate use or development types are catered for and promote the opportunity for the development of recreation and tourist facilities;*
- 10. encourage the proper use and maintenance of rural land consistent with the purpose for which it is zoned;*
- 11. protect elements of special value;*
- 12. ensure that the sustainable objectives of Schedule 1 of the Land Use Planning and Approvals Act 1993 and the Environmental Management and Pollution Control Act 1994 and relevant State Policies are addressed.*

These policy directions remain valid and consistent with the schedule 1 objectives of LUPAA, Council’s Strategic Plan and the NTRLUS.

3.1 Comparison of current provisions and SPPs

The 2000 Scheme was prepared in 1994 and updated in 2000. It contains 10 zones which do not generally correlate with the SPP zones. The SPP’s provide 22 zones, combined with use and development zone standards that are more comprehensive than the current scheme but do not contain the clarity of planning principles evident in the current scheme.

At a basic level, Table 3 provides a simplified translation of the zoning regime from the 2000 Scheme to the SPP format.

Zone choices were informed by the mandated requirements for reticulated sewer services, as established through Guideline No.1, subdivision requirements lots under the SPP’s and as negotiated through the preliminary assessment process.



Table 3 - Zone translation summary

2000 Scheme	SPP's / LPS translation	
Residential	Low Density Residential	
Low Density Residential	Low Density Residential	Rural Living
Rural Residential	Rural Living	
Commercial	Local Business	Light industrial
Village	Village	Low Density Residential
Port	Port & Marine	
Rural	Rural Landscape Conservation	Agriculture Rural Living A B C D
Public Purpose	Community Purpose	
Environmental Management & recreation	Environmental Management Landscape Conservation	Open Space Recreation
(no equivalent)	Utilities	
(no equivalent)	Particular Purpose (Cape Barren Island)	
	SPP Zones not used: General Residential, Inner Residential, Urban Mixed Use, General Business, Central Business, Commercial, General Industrial, Major Tourism, Future Urban.	

The 2000 Scheme has very limited zone standards (typically height and setback distance) and relies on statements of intent and desired character as the basis for assessment. Use and Development Principles are provided for use, character, amenity, environment, access and parking, services, social interest and administration. In Part 7 the scheme provides Special Area Provisions for areas subject to special area overlays. The scheme relies more on the interpretation of this guidance than on prescriptive standards for development and use.

On the other hand, the SPPs nominate quantitative Acceptable Solutions but allow discretion and attendant subjectivity in generic Performance Criteria. The level of discretion available in statutory assessment suggests that locally focussed statutory services will be necessary to appreciate and integrate the context of the unique island circumstances.

Definitions vary between the current scheme and the SPPs, for example, in the current scheme Tourist Operation includes accommodation. Several definitions refer to repealed legislation. A key difference



between the SPPs and the 2000 Scheme is that the Ecological Special Areas overlay in the current scheme applies to use as well as development. Conversely, the SPP Natural Assets Code does not apply to use (nor does it apply in the Agriculture Zone). This is a crucial difference largely because all agriculture on Flinders Island is pasture based. Grazing is a permitted use in the majority of SPP zones applied to Flinders Municipality. The application of the Natural Assets Code is therefore ineffectual to support any strategy to preserve biodiversity where the threat is from farmed grazing animals.

The present Shorelines and Waterbodies Overlay applies a setback from coastal shorelines of 100m. The SPP Natural Assets Code for coastal protection areas applies a 40m setback. Overriding provisions in a Coastal Areas specific area plan apply to land 100m inland from a boundary with the Crown coastal reserve. This better aligns the LPS with the current provisions for highly valued coastal areas and assists in implementing State Coastal Policy.

The current scheme applies a pervasive Rural Zone outside of settlements. Conservation and recreation are confined to public land only. The mapping for identifying land suitable for inclusion in the Agriculture Zone essentially mirrors the extent of the current Rural Zone. In the Flinders Municipality, before the Tasmanian Planning Scheme can comply with the objectives of schedule 1 of LUPAA, some rural land diversification is necessary for social, environmental and economic sustainability. Providing a wider variety of zones outside of settlements is a fundamental variation from the current scheme reflecting changed farming pattern, social and economic imperatives since the scheme was declared in 1994.

3.2 Translation Strategy

The Structure Plan provides the framework for development of the zoning regime, which is highlighted in Figure 1, particularly for enterprise, rural and agriculture areas. Other practicalities effectively simplified zoning issues:

- the significance of population and economic growth to address the low and ageing population base;
- the isolation from the rest of Tasmanian and Australia;
- the difficulty attracting young and skilled residents;
- the scale of existing allotments on the Island;
- the different nature of on island 'urban' areas
- limitations imposed by the lack of reticulated sewer services and provision of those services by lack of population;
- the limited range of existing economic drivers on the island;
- constraints on expansion of Whitemark and Lady Barron by natural and environmental barriers; and
- the need to accommodate onsite wastewater management systems.

While Table 3 provides a general summary of the translation of the zoning regime from the 2000 Scheme to the SPP format, further information was required by the Commission to demonstrate compliance with the relevant statutory and strategic documents. Zone choices were informed by the mandated requirements for reticulated sewer services, as established through the Section 8A Guidelines and subdivision requirements for new lots under the SPP's.



While Table 3 provides the general summary, the detailed responses to the Strategic and Structure Plan within this report and the LPS and Zoning Strategy provide specific instruction on development of the zoning and provisions within LPS.

Review of mapping available for the outcomes against the LPS zoning clearly identifies a high correlation between the two. This is principally due to the composition of the economy and the resultant land use patterns. This is highlighted by comparison of the major land use areas against the zoning regime in Figure 1.

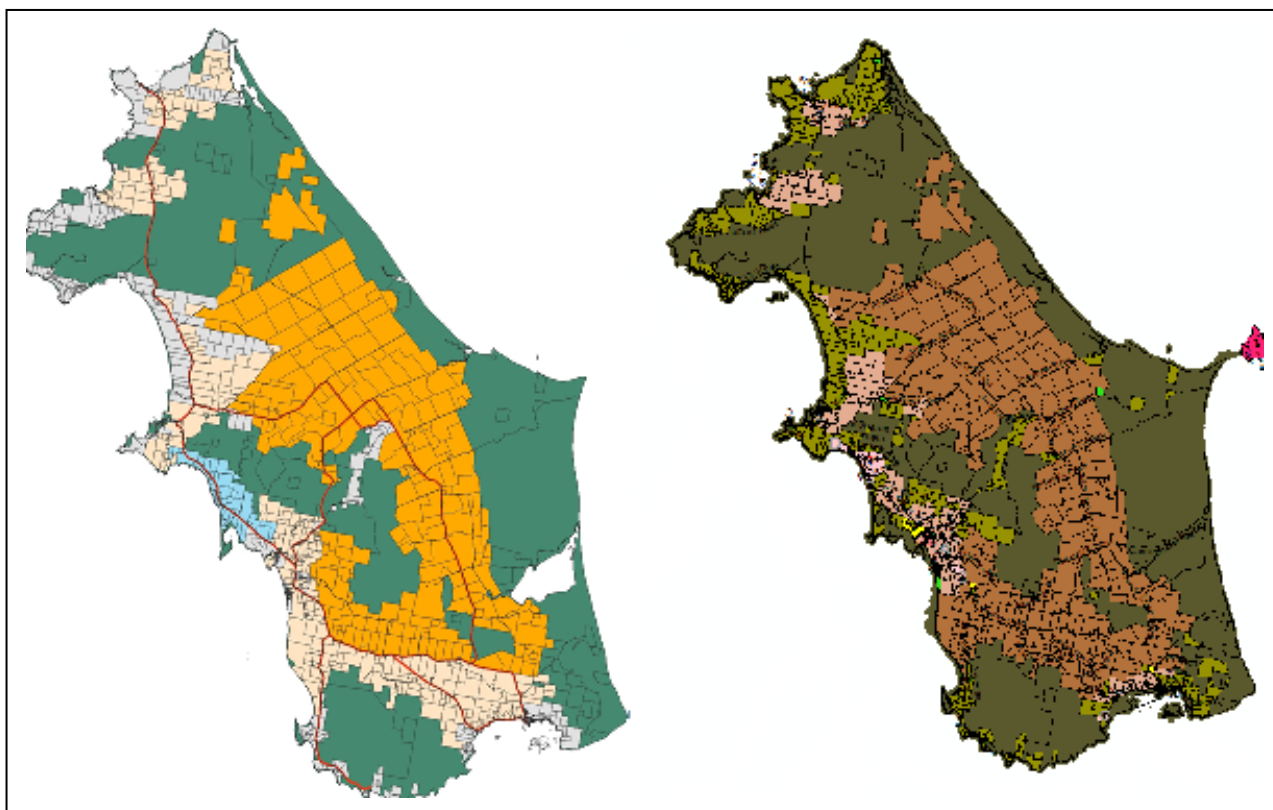


Figure 1 - Comparative diagrams, Structure Plan (left) to LPS zoning regime (right)

The consistency between the precincts on the left and zoning on the right in Figure 1 highlights the links between reserved land with environmental management zone, and primary production areas use of the rural and agriculture zones.

Key departures from this approach include the following:

- a. use of Rural, Landscape Conservation and Rural Living zones around Whitemark, based on the need for 'urban' expansion and rural enterprise activities in close proximity to Whitemark and with existing services, consistent with AZ6(a), RZ1, LCZ1 and 2, LDRZ1-4
- b. use of Rural Living zone at Blue Rocks / Emita, adjacent Sawyers Bay, in response to lifestyle and rural enterprise options identified the Structure Plan and guidelines AZ3(e) and RLZ1 and 3;



- c. use of Low Density Residential zone at Emita and Palana, based on the existing land uses and environmental, infrastructure and environmental constraints that limit the density of development under guideline LDRZ1, criteria a to c;
- d. use of environmental management zone to potential agricultural land fronting Marshall Bay, due to the vulnerable land forms and sensitivity to vegetation clearance. This allows the Natural Assets code to apply and is supported on environmental grounds under guidelines AZ3(e)¹⁷, AZ4(d), AZ6(c), LCZ1 and LCZ2(b);
- e. use of environmental management zone at Leeka. This allows the Natural Assets code to apply and is supported on environmental grounds under guidelines AZ3(e)¹⁸ AZ6(c) and (e), LCZ1 and LCZ2(b);
- f. use of landscape conservation zone south west of Killiecrankie Bay, based on significant landscape values of the area, its vegetated cover and relatively undeveloped nature. This allows the Natural Assets code to apply and is supported on environmental grounds under guidelines AZ6(c) and LCZ1;
- g. zoning of land for lifestyle subdivision at Palana under Rural Living B, based on compliance with AZ3(e) and 7(a), and RLZ2(a);
- h. zoning Council land in North East River Road Open Space to reflect its current use as an informal camp ground, under guidelines OSX 1 to 3;
- i. zoning the southern arm of the Primary Production Area 2 Agriculture rather than Rural, consistent with the existing land use, ownership pattern and guidelines AZ(1) and (3); and
- j. use of a PPZ for Cape Barren Island, in response to the social, cultural and environmental considerations that require a tailored approach to use and development on the Island.

This discussion provided an overview of the response LPS response to the relevant strategic documents. A detailed discussion and response to the specific requirements and triggers provided within the Strategic and Structure Plans is provided in the LPS and Zoning Strategy.

3.3 Current planning scheme Rural Zone

Under the current planning scheme, land within the Rural Zone represents 38.5 % of the total land within the Municipality. The area of Rural Zone is 75,338 hectares of which 73,667 hectares¹⁹ are private holdings²⁰. Within the Flinders Municipality there is no prime agricultural land. 79% of land on Flinders Island is class 5. There are small pockets of class 4 land representing 4% of the total of Flinders Island. Class 6 or 7 land represents 16%. The land capability and nominal irrigation potential reinforces broad acre grazing enterprises as the highest agricultural use on Flinders Island. This is supported by the value of agricultural commodities for the Flinders Municipality in the year ended 2016²¹ : slaughtered livestock

¹⁷ Refer RMCG review and Outcomes Report

¹⁸ Refer RMCG review and Outcomes Report

¹⁹ AK Consultants 2019 Agricultural Profile Flinders Municipality

²⁰ Remainder is land on outer islands leased from the Crown.

²¹ AK Consultants 2019 Agricultural Profile Flinders Municipality



represented 89% of the \$22,371,148 total agricultural product. The remainder was wool and hay for animal production.

The SPP Agriculture and Rural Zones are consistent with *State Policy on the Protection of Rural Land 2009* (PAL Policy). Clause 7 of the PAL Policy states that *“The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.”*

The demarcation of large scale grazing land and other rural zoned land is relatively easy to identify on Flinders Island and has been tested during public consultation on the Structure Plan 2016 and consultation on the draft zone maps during February and March 2019. The land on the west coast is generally considered to be isolated from the main primary production areas and/or have other characteristics which may make it available for a variation in zoning.

Consistent with the NTRLUS expectation that *“..the Furneaux Group are more reliant on local strategies for Rural Residential Areas and the protection of agricultural land that respond to the complexities of remote area economics and the need to retain or increase population and visitation”*,²² the proposal on Flinders Island is to convert some non-prime agricultural land from the current Rural Zone to one of four main SPP zones.

The overarching rationale is shown in Table 2 below. To diversify some rural land, the conversion relies on the characteristics of the land, the appropriateness of the Zone Purpose, local strategy (supported by NTRLUS) and Guideline No.1. Zone conversions are discussed by locality in section 4.0. Table 3 represents a broader level rationale for variation from the current scheme Rural Zone. Table 4 provides a comparison of the extent of zones in the current scheme and zone area of the SPPs.

Table 4- Conversion of the current Rural Zone to SPP zones

Current Zone	SPP Zone	Overarching Rationale
Rural	Agriculture	viable pastoral areas satisfying Agricultural Land mapping project, PAL Policy, Local Strategy to protect primary production land.
Rural	Rural	larger holdings isolated from main pastoral areas (usually on the west coast) supplementary grazing areas with land use constraints satisfying guideline AZ6 and consistent with PAL policy clause 7
Rural	Landscape Conservation	areas with intact natural /landscape values satisfying guidelines LCZ and AZ6, schedule 1 objectives. Consistent with PAL policy clause 7 and intent of current scheme, local and NTRLUS.
Rural	Rural Living	adjacent to current settlement + establishment of lifestyle opportunities at Blue Rocks satisfying local strategy and the RLUS and facilitates compliance with schedule 1 objectives for sustainable development

²² NTRLUS 2018 RSN-P25, pp26



Table 5- Comparison of area of current and SPP zones

Area	Current scheme	LPS	Percentage of land in each SPP zone
Flinders Island		143,475ha	100%
Crown Land		70,101ha	48.9% All type=Authority land
Rural Zone (All)	75,338	8,121ha	5.7%
Agriculture Zone (All)	N/A	53,349ha	37.2%
Landscape Cons ⁿ	N/A	15756 ha	11%
Rural Living (All)	40 ha	813ha	0.6%
Environmental Management Zone		64,764ha	45.1%

The intent of the SPP Agriculture Zone is entirely focussed on providing land for agricultural use and protecting agricultural land by minimising conflict of use and/or conversion of agricultural land to other uses.

The intent of the SPP Rural Zone is to provide for use and development in a rural location where agriculture is limited or marginal and to minimise conversion of agricultural land for non- agricultural use.

The intent of the current scheme's Rural Zone is *"to maintain the existing rural character of the island typified by a pattern of areas of open farmland, typically with shelter belts of remnant vegetation, interspersed with irregular areas of native vegetation and substantial unspoiled land form. On other islands within the Planning Area the zone is intended to preserve the existing character which displays minimal signs of European occupation."*

The pattern described in the Intent of the current planning scheme Rural Zone is more appropriate to the smaller scale grazing operations existing when the planning scheme was drafted in 1994. The broadacre commercial pastoral activity included in the SPP Agriculture Zone generally does not sustain this character. To maintain environmental sustainability, it is also necessary to provide an alternative zone for land exhibiting natural values in order to maintain the environmental services provided to primary production land and to social/ liveability sustainability.

Criteria 2-7, 10 and 11 of the Intent of the current scheme are all compromised or eclipsed by conversion of current Rural Zone to the SPP Agriculture or Rural Zones. Some land has therefore been made available for alternative zoning where it fits Guideline No.1.

The section 8A Guideline provides for land identified in the Land Potentially Suitable for Agriculture Zone mapping layer to be considered for alternate zoning if 1 of 5 criteria apply. AZ7 of Guideline No.1 also provides for land identified as constrained for inclusion in the Agriculture Zone to be included in the Agriculture Zone if 1 of 4 criteria apply



3.4 Conversions to the SPP Landscape Conservation Zone

The current scheme relies on the Environment and Recreation Zone to protect land with natural values. The zone only applies to Crown land. The assumption appears to be that either all natural values are represented on reserved land and/or the Rural Zone can be implemented in a way that preserves natural values. This is not the case.

While the current scheme applies an Ecologically Sensitive Areas overlay, other than at Marshall Bay, the extent of the overlay is largely confined to reserved land. A significant amount (more than half) of the island's biodiversity occurring on freehold land has been cleared²³. In places, vegetation has regrown although the diversity of regrowth is often compromised. Roadside vegetation is frequently cleared, mainly weed species, or burned, chopped or otherwise degraded. The interconnectivity required for ecosystem and habitat health and renewal is under threat. Longstanding practices with regard to biodiversity need to be re-examined and re-evaluated.

Remnant vegetation in agricultural landscapes is known to increase the abundance of beneficial insects, provide shelter and protect watercourses from degradation and dams from evaporation. Remnant vegetation in agricultural landscapes on Flinders Island risks decline in isolation as a number of factors evolve including climate variations, loss of viable populations of native fauna, invasion by weeds and changes to hydrology and natural disturbance regimes. Due to the island specific 'mono use' of grazing animals as the only agricultural industry, the SPP Agriculture Zone cannot achieve maintenance of ecological processes and genetic diversity. The Natural Assets Code does not apply in the Agriculture Zone and in any case does not apply to use. Grazing is an allowable use in most SPP zones.

Retaining biodiversity is identified as the single most important land use issue on Flinders Island and it is absolutely integral to the achievement of multiple objectives. As well as environmental services to the agriculture industry, biodiverse environments underpin Council's liveability strategies to support the existing community and attracting new residents, social capital in relation to recreational activities and sense of place, and the tourism narrative of wild, undeveloped islands. The inherent value of the natural environment is based on the unique and globally significant species, often the northern most extent of some Tasmanian species and the southernmost of mainland species as well as several found only within the Flinders Bioregion. However, it is not single species that are the focus of land use strategy but rather the integrated genetic diversity of the bioregion.

In order to satisfy the objectives of LUPAA and the NTRLUS, 11% of land on Flinders Island is proposed to be converted from the current Rural Zone to the SPP Landscape Conservation Zone.

3.5 Conversion to SPP Rural Living Zone

The Intent of the current Flinders Planning Scheme includes to:

1. maintain and diversify the economic base of the Planning Area

²³ Pers Com Forest Practices Authority



2. foster the social and economic wellbeing of the community
3. encourage the efficient and effective use of facilities and services
4. ensure appropriate use and development types are catered for and promote the opportunity for the development of recreation and tourist facilities.

Drafted in 1994, these criteria remain consistent with the 2015 Flinders Council Strategic Plan aim to increase the population to a sustainable level. A sustainable level is one at which public services such as the school and health service remain viable. To attract and retain residents, Flinders Island requires viable infrastructure, services and affordable housing. The latter is a critical issue on Flinders Island currently exacerbated by market failure to provide long term rental accommodation, tourism demand for short stay accommodation and amplification of the longstanding difficulty with accessing finance for dwellings.

The current planning scheme regulates 12 rural residential allotments at Cooma, SW of Lady Barron. This total of 43 hectares is the only land designated for the purpose and represents 0.01% of land on Flinders Island.

The purpose of the SPP Rural Living Zone is to provide for residential use or development in a rural setting where services are limited. Guideline No.1 allows for the SPP Rural Living Zone to be applied to *residential areas* with larger lots or land currently in a Rural Living Zone within an interim planning scheme. Flinders cannot comply with the first criterion (other than at Cooma) and the municipality does not administer an Interim Scheme so cannot meet the second criterion. Guideline RLZ 4 (c) states that the Rural Living Zone should not be applied to land that is identified in the land potentially Suitable for Agriculture Zone. Flinders cannot meet this criterion since most of the land on Flinders Island outside of settlements is mapped for inclusion in the Agriculture Zone.

However, local analysis identified rural land near Whitemark and Blue Rocks where a range of allotment sizes on cleared land near services can be potentially made available for lifestyle, home business and affordable housing choice. This contributes to the land use component of the Flinders Council Strategy to attract a sustainable population and encourage affordable housing.

Twenty hectares of land at the outskirts of Palana is proposed as Rural Living B to potentially provide allotments for retiree lifestyle and holiday residences in an historic recreational area of the island. With topographical constraints limiting the low-density allotments available at Palana settlement, this cleared and gently sloping site offers unique characteristics and expands the variety of land for future dwellings.

At Lady Barron, the intensification of residential land within the township is achieved through application of the Village and Low-Density Residential Zones. Some land currently zoned Residential is converted to the SPP Landscape Conservation Zone to limit ribbon development on Pot Boil Road east of the township. Approximately 1.7 hectares of Crown land at the eastern end of Barr Street is identified as an alternative for expansion of for future residential supply but is zoned environmental management. Given the low level of current development it is for developers to create the opportunities for future development. CT 250865/1 PID 7664221 (7 hectares) and 156090/1 PID2921081 (2.7ha) have been identified for Rural Living A with site specific qualifications adding stormwater provisions to subdivision standards. The establishment of a Rural Living Zone provides for a land offering at Lady Barron that is currently



unavailable. These proposed Rural Living Zones are consistent with the exception for Flinders highlighted in the NTRLUS:

“While the region can generally be categorised into settlement and activity centre hierarchy, this system recognises and responds to the interactions that take place throughout the region that are not reflected in the Furneaux Group of Islands. Due to the isolated function of the islands, the demands placed on settlement and activity centres (and the relationship with lifestyle land use patterns) are different to the typical functions of other levels of settlement. As such planning for the islands and the creation of demand to support economic objectives for population retention and visitation is dependent on local strategy.”²⁴

Furthermore, the proposed rural residential land aligns with the criteria set out in RLUS Action RSN-A26.²⁵

The pervasive application of a single rural zone in the current planning scheme has resulted in random subdivision at sub minimal lot size and ad hoc residential use across the island (with the exception of the eastern coastal plain grazing area). The local strategy is to alleviate the pressure to randomly subdivide Rural zoned land by consolidating rural residential land use at the periphery of Whitemark, Lady Barron and Palana settlements and by establishing rural residential uses at Blue Rocks within close range to the Whitemark centre, the airport and sealed main road. The existing Cooma lifestyle settlement is slightly consolidated recognising the coastal inundation hazard potentially affecting the Badger Corner Road.

Section 4 below describes the application of Guideline No.1 to zone conversion decisions. Due to most land outside of settlements on Flinders Island being mapped for inclusion in the Agriculture Zone, it also provides a description of the mapping project and explains how:

1. some land that was identified as constrained for agriculture has been zoned
2. the Agriculture Zone has been applied on Flinders Island
3. how the agricultural mapping has been modified to provide for alternative zones

APPENDIX 3 tabulates a comparison between the provisions of the current Flinders Planning Scheme zones and the provisions of the proposed SPP Zones.

²⁴ RLUS pp. 22 E.2.1

²⁵ RSN-A26 pp26 Consolidation and growth of rural residential areas is to be directed to areas identified in local strategy that align with (10) criteria.



4.0 Zoning of Land

Guideline No 1 was issued by the Tasmanian Planning Commission under Section 8A of LUPAA in October 2017. The purpose is to provide guidance for the application of all zones and codes when preparing a draft LPS in accordance with LP 1.0 of the SPP (LPS requirements).

In Section LP 1.2 of the SPPs, there is a requirement for each LPS to contain a map that provides for the spatial application of the zones to land in the municipal area. The LPS zone map must differentiate between Rural Living Zone A, B, C & D and any PPZs. The Flinders LPS includes Rural Living Area in Palana (B), Blue Rocks (B and C), Whitemark (A, B, C and D), Lady Barron (A) and Cooma (C and D).

A key direction of the Guideline No.1 is that the “*primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible*”. Council’s strategic intent for land is tested against the zone purpose as the first step in deciding an appropriate zone. The application of the Guideline No.1 criteria confirm the choice of zone. Thus, in most cases to council’s strategic objectives are reflected in the zone.

4.1 Flinders Planning Scheme – SPPs Zone Conversion using Guideline No.1

In preparing the Flinders LPS, conversion to the SPP Zones relies on Guideline No.1 to identify the most appropriate zone. Guideline No.1 based conversions are generally consistent with local and NTRLUS. Nonetheless there are instances where, despite matching the zone purpose of the SPPs, the associated standards of the zone are unlikely to result in sustainable outcomes in the island context. This conflicts with the section 34 (2)(c) requirement to be consistent with the objectives of LUPAA and in some cases State Coastal Policy. Where inconsistency with s34(2)(c) occurs, specific area plans and site-specific qualifications are included in the LPS. These are discussed in section 6.0.

The mapping of land suitable for inclusion in the Agriculture Zone is very similar to the extent of the Rural Zone in the current scheme and produces a comprehensive ‘mono zone’ and numerous anomalies mainly based on physical characteristics of the land. It is submitted that such comprehensive application of the Agriculture Zone will constrain economic development and that it is possible to protect the primary production sector while diversifying some rural land. This highlights a “unique” economic characteristic of the Furneaux Islands: agriculture on Flinders Island equates with grazing livestock which, due to various factors is expected to remain unchanged.²⁶

4.2 State wide Agricultural Land Mapping

In 2016, the State Government commissioned a statewide mapping project with the aim of identifying Tasmania’s existing and potential agricultural land to provide guidance to Local Government on the spatial application of the Agriculture Zone. The project identified a problem related to the two rural land zones in Tasmanian Interim Planning Schemes.

²⁶ AK Consultants 2019 Agricultural Profile 2010-2019 Comparison Flinders Municipality



Flinders Council does not administer an Interim Scheme. Under the current Flinders Planning Scheme, the Rural Zone applies to 75,338 hectares or 94.1% of all freehold and Crown lease land within the local government area. There is no distinction between high productivity agricultural land and other rural land within the current Flinders Planning Scheme. Furthermore, the absence of irrigation opportunities and the fact that most rural land is classified as Class 5 or higher means that in the Flinders local government area, broadacre grazing is the highest use of agricultural land.

AK Consultants compared Flinders agricultural profiles for 2010 and 2019²⁷. Noting that irrigation resources have declined²⁸ and that there are no high value horticultural enterprises, the report concluded *“that the key agricultural enterprises that need to be protected by correct agricultural zoning are commercial scale grazing operations”*. Such operations occur mainly on the eastern coastal plain and the southern area of Flinders Island. These areas have been identified in previous consultation on the Structure Plan 2016 as the grazing lands where further fragmentation of rural land should be avoided.

The SPP Agriculture Zone is intended to provide a broad scope for identifying and protecting agricultural land in Tasmania, with priority given to agricultural uses. The SPP Rural Zone provides for the remaining rural land where there is limited or no potential for agriculture. Both the SPP Agriculture and Rural Zones provide for all agricultural uses to occur in conjunction with a range of rural businesses and industries.

In the Flinders local government area, the default application of the SPP Rural Zone to land identified as constrained for the Agriculture Zone will mean that no land outside of Reserves can be zoned for natural values or for lifestyle allotments. In addition, local circumstances suggest that facilitating small businesses and industries on rural land requires a range of smaller allotment sizes than the current (and SPP) 40-hectare minimum lot size in the Rural Zone. Introducing a Rural Living Zone with a range of 1, 3, 5 and 10 hectare lot sizes responds to local imperatives and assists the SSPs to achieve consistency with the Objectives of LUPAA.

The Guideline No.1 AZ1 instructs that *“The spatial application of the Agriculture Zone should be based on the land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer on the LIST...”* while also having regard to local or regional level analysis that:

1. Incorporates more recent or detailed analysis or mapping
2. Better aligns with on ground features; or
3. Addresses any anomalies or inaccuracies in the layer.

Guideline AZ6 provides for consideration of alternative zoning for land mapped as suitable for Agriculture Zone if further analysis has identified any of the following:

1. Strategically important naturally occurring resources
2. Protection of significant natural values such as priority vegetation areas
3. Strategically important uses

²⁷ ibid

²⁸ from 999ML in 2010-677ML in 2019



4. The land has limited or no potential for agricultural use

Local analysis is based on Flinders Island research of each title's physical characteristics, current use and development, constraints such as natural hazards and opportunities for development. This information was then evaluated within the context of information on landscape level issues such as interconnected biodiversity, water and coastal management, regional and local strategy. This analysis ground-truthed the State's Agricultural Land mapping.

The following factors also contributed to local analysis of land suitability for application of the Agriculture Zone:

1. Land capability
2. Size and tenure of holdings
3. Physical features/topography
4. Intact vegetation
5. Distance to other agricultural land
6. Present or anticipated non-agricultural uses

The Guideline No.1 was then applied to determine an alternative zone.

This represents the decision making for application of the Agriculture Zone on Flinders Island and explains how modifications to the mapping project extent of the Zone were processed. On outer islands where some grazing leases still exist, all Crown land with or without leases is proposed as Environmental Management Zone. Those leases remaining in operation retain existing use rights. On the Aboriginal Islands, the PPZ was prepared in conjunction with the CBIAA and AALCT to align zoning with the management plans for the area.

The Agricultural land mapping project mapped some allotments as constrained for application of the Agriculture Zone. Section 4.3 below tabulates titles mapped as constrained and shows a proposed alternative zone. For reasons outlined above, constrained allotments have not automatically been assigned to the Rural Zone.

Conversion of land identified as unconstrained/suitable for inclusion in the Agriculture Zone, is discussed by locality section 4.4.

4.3 Land Identified as Constrained for Inclusion in the Agriculture Zone

The agricultural land mapping project produced two mapping layers available on the LIST website:

1. Potential Agricultural Land Analysis (Layer 1)
2. Land Potentially Suitable for Agriculture (Layer 2)

Layer 2 included a constraints analysis using three Criteria (2A, 2B and 3).



Table 6 - Agricultural land constraints analysis

Unconstrained	Potentially Constrained (Criteria 2A)	Potentially Constrained (Criteria 2B)	Potentially Constrained (Criteria 3)
<ul style="list-style-type: none"> an area greater than the Criteria 1 size thresholds; or an area less than the Criteria 1 thresholds, but adjoining another title with an area greater than the Criteria 1 size thresholds and a capital value of less than \$50,000/ha. 	<ul style="list-style-type: none"> an area less than the Criteria 1 size thresholds; a capital value of greater than \$50,000/ha; and not adjoining a residential zone. 	<ul style="list-style-type: none"> an area less than the Criteria 1 size thresholds; a capital value of less than \$50,000/ha; not adjoining a title with an area greater than the Criteria 1 size thresholds; and not adjoining a residential zone. 	<ul style="list-style-type: none"> an area less than the Criteria 1 size thresholds; a capital value of less than \$50,000/ha, or not adjoining a title with an area greater than the Criteria 1 size thresholds; and adjoining a residential zone.

The following tables 7 to 18 show the titles in each locality identified as constrained for agriculture by the Agricultural Land Mapping Project and the proposed alternative SPP zone. The application of the alternative zones are consistent with the Guideline No.1. The locality maps align with the Map Book of the ordinance.

Palana/NE River (Map 7)

Within the Palana and North East River locality, all but nine allotments have been mapped as potentially suitable for agriculture. In the 2000 Scheme all freehold allotments in the locality are zoned Rural (other than the settlement zoned Village).

The proposed zoning for each of the constrained allotments is based on Guideline No.1, specifically LCZ1 and LCZ2 (a) and (b). In the 2000 scheme, the Visually Sensitive Overlay applies to most allotments proposed to be zoned SPP Landscape Conservation Zone. This overlay is a transitional provision.

The two allotments proposed for the SPP Rural Zone are cleared but have permanent creeks. The Natural Assets Code applies to the SPP Rural Zone. Two other allotments are proposed for the Landscape Conservation Zone based on local knowledge of extensive sand blows on class 6+7 land which make them wholly constrained for grazing/agriculture. Another allotment is constrained by a conservation covenant and proposed to be zoned Landscape Conservation Zone. Council held land is zoned Recreation to allow for Council's intention to develop a management plan for camping facilities. The schedule 8 development plan for the site in the current scheme will not be transitioned.

Table 7- Land Constrained for Agriculture Palana

Palana North East River Map 7	Constrained criterion	Proposed zone
CT131138/1 PID 1891757	3	Landscape Conservation
CT205520/1 PID2563376	2B	Rural +NA Code over watercourse
CT49033/2 PID2563376	2B	Rural +NA Code over watercourse
CT208873/5 PID6423389	2B	Landscape Conservation
CT208928/6 PID6423397	2B	Landscape Conservation



Palana North East River Map 7	Constrained criterion	Proposed zone
CT227398/2 PID6423354	2A	Landscape Conservation
CT207451/3 PID6423354	2A	Landscape Conservation
CT 207449/4 PID6423370	2A	Landscape Conservation
CT167469/1 PID3308385	2A	Landscape Conservation
CT127060/1 PID1762525	Excluded from mapping	Open Space (LG Land)
CT197699/1 PID7098231	Mapped for Agriculture but has conservation covenant	Landscape Conservation
CT49033/1 PID 2563368	Mapped for Agriculture but has sand-blow on class 7 land	Landscape Conservation
CT235577/1 PID6423469	Mapped for Agriculture but has sand-blow on class 7 land	Landscape Conservation

Killiecrankie/Boat Harbour (Map 8)

Within the Killiecrankie /Boat Harbour locality, six allotments have been mapped as constrained for Agriculture. Crown land is proposed as Environmental Management. An additional allotment is mapped for agriculture but included here as constrained due to a Conservation Covenant. Consistent with Guideline No.1, the Landscape Conservation Zone is applied using LCZ1 and LCZ 2(a).

Table 8- Land Constrained for Agriculture Killiecrankie /Boat Harbour

Killiecrankie/Boat Harbour	Constrained criterion	Proposed zone
Crown Land Killiecrankie Road	2A	Environmental Management
CT19915/1 PID 1507866	2A	Landscape Conservation
CT 39422/3 PID 2797703	3 (part of a larger allotment in the settlement so split zoned)	Landscape Conservation
CT103388/7 PID 1458291	3 (part of a larger allotment in the settlement so split zoned)	Landscape Conservation
CT240450/1 PID 1506820	Mapped for Agriculture but has Conservation Covenant	Landscape Conservation
CT127107/3 PID7305149	2B	Landscape Conservation
CT127017/2 PID7452608	2B	Landscape Conservation
CT51470/1 PID2609880	Listed as residual habitat/species management area associated with underground water (currently zoned Environmental Management and Recreation)	Landscape Conservation



Wingaroo (Map 9)

There are no titles mapped as constrained for agriculture on this map.

Leeka/Marshall Bay (Map 10)

At Leeka the distinction between land mapped as constrained for Agriculture and the adjacent land is not clear. All constrained lots are proposed as Landscape Conservation Zone, consistent with the application of Guidelines LCZ1 and LCZ (2) (a) and (b). The Visually Sensitive Overlay in the current scheme applies to all lots on western side of Tanners Bay. The Overlay is a transitional provision.

Table 9- Land Constrained for Agriculture Leeka/Marshall Bay

LEEKA Map 10	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT 133491/5 PID1967125	2B	Landscape Conservation
CT 133491/3 PID 1967109	2B	Landscape Conservation
CT157341/1 PID 2983418	2A	Landscape Conservation
CT 172878/1 PID 3522269	2A	Landscape Conservation
CT 172878/3 PID 3522250	2B	Landscape Conservation
CT208981/1 PID 7680475	2B	Landscape Conservation
CT243037/1 PID7165481	2B	Landscape Conservation
CT243036/1 PID7165502	2A	Landscape Conservation
CT244347/1 PID 7452640	2A	Landscape Conservation
CT225581/1 PID 6433595	2B	Landscape Conservation
CT 242033/1 PID 6433894	2B	Landscape Conservation
CT228091/1 PID 7305085	2B	Landscape Conservation
CT210887/1 PID 7557741	Excluded from mapping Conservation Covenant	Landscape Conservation

Lughrata/Wingaroo Map 11

Allotments mapped as constrained include three Crown Land allotments. Two other Crown land allotments are mapped as suitable for agriculture. In the LPS all Crown land is proposed for the Environmental Management Zone. A freehold allotment mapped as suitable has been listed here as constrained due to a Conservation Covenant. Two titles held by the Local Government Authority for quarrying use were excluded from mapping but listed here as constrained for agriculture and proposed for the Rural Zone. Three other constrained titles are proposed for the Landscape Conservation Zone. All land west of Palana Road and adjacent to Marshall Bay is covered by the Ecologically Sensitive Overlay and the Shorelines and Waterbodies overlay in the current planning scheme. These are not transitional provisions; however, the Natural Assets Code is proposed.



Table 10- Land Constrained for Agriculture Lughrata/Wingaroo

Lughrata Map 11	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT6561/1 PID 6424584	2A	Landscape Conservation
CT6561/2 PID 6424576	2A	Landscape Conservation
Crown Land	2A or mapped as suitable for agriculture	Environmental Management
CT243297/1 PID6424437	2A	Landscape Conservation
CT201846/13 PID6424453	Mapped as suitable for agriculture	Landscape Conservation due to conservation covenant CPR5780
CT169273/3 and CT169273/2 PID3410910	Excluded from mapping LGA Quarry	Rural Zone

Sellars Point/Patriarch Inlet Map 12

There are no titles mapped as constrained for agriculture on this map.

Emita/ Blue Rocks Map 13

Note: The notice issued by the Tasmanian Planning Commission under section 35 of LUPAA required modification of the zoning of the following titles from Rural to Agriculture and remove the Priority Vegetation Overlay (where applicable):

251684/1, 198023/1, 245388/1, 204616/1, 51961/1, 85154/1, 66075/1, 178769/2, 249744/1, 178769/1, 237046/1, 175212/1, 175212/2, 239241/1, 208872/1, 222022/1, 146202/2, 151152/3, 22367/1, 48870/1, 146202/1, 151152/4, 151152/5, 143367/1, and unidentified Crown land (2 parcels between FRs 222022/1 and 239241/1 (refer TPC S.35(5)(b) Direction 6.5.5)

The following discussion refers to Council strategy and was not revised to reflect the requirements of the Section 35(5)(b) notice.

CT175212/1 and CT139803/1 are the 'house paddocks' for the surrounding grazing properties. They have been zoned Rural to match the proposed zoning of the surrounding land. CT85154/1 and CT 66075/1: the proposed Rural zoning is consistent with current Rural Zone applied to these residences. Allotments proposed for Low Density Residential are identified for inclusion in the settlement of Emita. The application of the Rural Living Zone is discussed in section 3.5.

Table 11- Land Constrained for Agriculture Emita/Blue Rocks

Emita /Blue Rocks Map 13	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT 175212/1 PID 3588970	2A	Rural
CT 85154/1 PID6424226	2A	Rural
CT66075/1 PID6424234	2A	Rural
CT139803/1 PID3470964	2A	Rural



Emita /Blue Rocks Map 13	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT51961/1 PID7821928	2A	Utilities (Telstra Transmitter Station)
CT 237342/1 PID6424795	2A	Landscape Conservation
CT46256/6 PID7777541	2A	Landscape Conservation
CT46256/8 PID7716036	2A	Landscape Conservation
CT46257/5 PID7664176	2A	Low Density Residential
CT46257/4 PID7840168	2A	Low Density Residential
CT46257/2 PID7851780	2A	Low Density Residential
CT46257/3 PID7851780	2A	Low Density Residential
CT46257/1 PID 1741812	2A	Low Density Residential
CT153423/1 PID2838843	2A	Rural Living C
CT153423/4 PID2838886	2B	Rural Living C
CT205958/1 PID6428913	2A	Rural Living C
CT122559/1 PID2087576	2B	Rural Living C
CT205541/1 PID2087541	2B	Rural Living C
CT65089/1 PID6428841	2A	Rural Living C
CT65089/2 PID6428833	2A	Rural Living C
CT65089/3 PID6428825	2B	Rural Living C
CT65089/4 PID6428817	2B	Rural Living C
CT65089/5 PID2800992	2A	Rural Living C
CT65089/6 PID2800992	2A	Rural Living C
CT65089/7 PID6428788	2A	Rural Living C
CT65089/8 PID6428761	2A	Rural Living C
CT65089/9 PID6428753	2B	Rural Living C
CT65089/10 PID6428745	2A	Rural Living C
CT65089/11 PID7777584	2A	Rural Living C
CT65089/12 PID7777592	2B	Rural Living C

Memana Map 14

PID 2565072, CT212005/1 is an elevated allotment exhibiting intact Threatened Vegetation Community *E. viminalis* (also a priority habitat species) and numerous rare threatened flora species. It is adjacent to Environmental Management Zone reserved land and marks the boundary of conservation land with the Agriculture Zone north of the Summer Camp Road track. Two allotments mapped as unconstrained are listed here due to constraints related to a conservation covenant and the Furneaux Field and Game clubrooms and trail.

Table 12- Land Constrained for Agriculture Memana

Map 14	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT170704/1 PID3414997	Mapped as unconstrained	Recreation: Furneaux Field and Game clubrooms and facilities
CT251815/1 PID 6432971	Mapped as unconstrained	Landscape Conservation due to Private Perpetual Reserve



CT165958/1	PID 3256415	2A	Agriculture
CT66369/1	PID 6425536	2A	Agriculture
CT135313/1	PID2023361	2A	Agriculture
CT212004/1	PID 2565064	2B	Landscape Conservation
CT86143/1	PID6424963	2A	Landscape Conservation based on natural hazard associated with large amount of asbestos and with surrounding land being zoned Environmental Management or Landscape Conservation
Crown Reserve	Mapped as unconstrained	EMZ “: Part of Darling Range Conservation Area	
Crown land Summercamp Road	2A	EMZ Adjacent to Darling Range Conservation	

Map 15 Whitemark Surrounds

Note: The notice issued by the Tasmanian Planning Commission under section 35(5)(b) of LUPAA required modification of the zoning of the following titles from Rural to Agriculture and remove the Priority Vegetation Overlay (where applicable):

213669/1, 173164/1, 238796/1, 141190/3, 245335/1, 225625/1, 225623/1, 225624/1, 156154/1, 220373/1, 249830/2, 212657/1, 14670/1, 155427/1, 9508/1, 252433/1, 213527/1, 39638/1, 105685/2, 177194/1, 177194/2, 27823/1, 244481/1, 142131/1, 249792/1, 9254/1, 68563/1, 141953/1, 237967/1, 10923/1, 7488/2, 64802/1, 7488/1, 10155/1, 197484/1, 248142/1, 198675/1, 131267/1, 86961/1 (refer TPC S.35(5)(b) Direction 6.5.6).

Council resolved to support the Rural zone for this area, as detailed in this report and the LPS Zoning Strategy. The Commission did not support the Council position on this area and directed that it be rezoned.

Land around Whitemark township that is mapped as constrained for Agriculture is proposed for the Landscape Conservation Zone under Guideline LCZ 1 and/or LCZ 2 (b). The Rural Zone is applied consistent with Guideline RZ 1.

The Rural Living Zone is applied as per NTRLUS which acknowledges the Furneaux group of islands as having unique characteristics that require a local approach to settlement strategy and rural living in particular. The Low Density Residential Zone is proposed for land consistent with the existing Low Density Residential settlement at Bluff Road. The Landscape Conservation zone is applied to land constrained by intact natural values consistent with Guideline LCZ 1.

Table 13- Land Constrained for Agriculture Whitemark Surrounds

Map 15	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT164904/1	PID3240157	2B
CT164904/2	PID3240165	2B
CT159964/1	PID3040884	3
CT159840/4	PID3040876	3
CT159840/3	PID3040868	2A



Map 15	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT159840/2 PID3040841	2A	Low Density Residential
CT159840/1 PID3040833	2A	Low Density Residential
CT245015/1 PID7525344	2B	Rural
CT174212/2 PID6427531	2B & 3	Rural
CT174212/1 PID6427531	2B & 3	Landscape Conservation
CT11110/1 PID6427742	2A	Rural
CT30953/1 PID7362071	2A	Rural
CT245132/1 PID6428198	2B	Rural
CT238094/1 PID6428163	2A	Rural
CT36224/1 PID 2035565	2A	Rural
CT36224/2 PID2039363	2A	Rural
CT250237/1 PID6427769	2A	Rural Living A
CT39516/1 PID7629485	2A	Rural Living B
CT212757/1 PID6428964	2A	Rural
CT15860/2 PID7098434	2A	Landscape Conservation
CT15860/1 PID7098426	3	Landscape Conservation
CT128758/2 PID1909670	3	Landscape Conservation
CT240746/1 PID6427814	2A	Rural
CT9254/1 PID6427830	2A	Rural
CT141953/1 PID2553485	2A	Rural
CT27823/1 PID7305341	2A	Rural
CT197484/1 PID6427670	2A	Rural
CT10155/1 PID6427662	2A	Rural
CT7488/2 PID6427611	2A	Rural
CT10923/1 PID6427590	2A	Rural

Table 14 - Whitemark Township Map 5 of 7

Map 5 of 7	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT15860/2 PID7098434	2A	Landscape Conservation
CT150860/1 PID7098426	3	Landscape Conservation
CT128758/1 PID1909670	3	Landscape Conservation
CT105684/2 PID2607893	3	Rural
CT109166/1 PID2563982	3	Rural
CT136355/4 & 3 PID3013106	3	LDR Split with Rural
CT159877/1 PID3026716		Rural

Lackrana Map 16

Titles identified as constrained are smaller lots that may not be associated with broader farmland that surrounds. In each case a dwelling is established as an existing use; they are proposed to be zoned Agriculture to avoid spot zoning while retaining existing use rights.



Table 15- Land Constrained for Agriculture Lackrana

Map 16 Lackrana	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT139814/1 PID2214336	2A	Agriculture
CT137217/1 PID2099358	2A	Agriculture
CT141995/1 PID2637849	2A	Agriculture
CT135312/1 PID2023361	2A	Agriculture

Loccota Map 17

The two titles in the north of the Loccota locality excluded from the suitable for agriculture map have underlying high value karst but are cleared and part of a working farm. They have been zoned for agriculture. One small allotment on the east side of Trousers Point Road at the entry to the Mount Strzelecki walking track is denoted as constrained (criteria2A). This is a Crown allotment and is zoned Environmental Management. Further south CT210023/1 is, like the surrounding allotments, integral to the National Park characteristics and is zoned for Landscape Conservation.

Of the allotments at Trousers Point that have single dwellings, only one has been marked as constrained (criteria 2B). Consistent with the very significant natural and scenic values of the area this title is zoned Landscape Conservation, as are the similar titles surrounding it. The two titles on map 20 at Big River are clearly constrained by area, location on rocky headland and isolation from agricultural land and are nominated under the Guideline LCZ1 and 2 for the important scenic values.

Table 16 - Land Constrained for Agriculture Loccota

Map 17 Loccota	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT209239/1 PID6429203	Excluded from mapping	Agriculture
CT224492/1 PID6429203	Excluded from mapping	Agriculture
CT210023/1 PID6429289	2A	Landscape Conservation
CT208142/1 PID6429377	2B	Landscape Conservation
CT234933/1 PID6427347 BIG RIVER Map20	2B	Landscape Conservation
CT234934/1 PID6427355map 20	2A	Landscape Conservation

Lady Barron Surrounds Map 18

Note: The notice issued by the Tasmanian Planning Commission under section 35(5)(b) of LUPAA required modification of the zoning of the following titles from Rural to Agriculture and remove the Priority Vegetation Overlay (where applicable):

204218/1, 209407/1, 36449/1, 229223/1, 113866/1, 207512/1, 210233/1, 18201/5, 18201/6, 73421/3, 210716/1, 73421/1, 230815/1, 218667/1, 73421/2, 73421/4, 177061/1, 211956/1, 25190/1, 211534/1, 229476/1 and 134868/3.



Use of the Rural zone for the listed titles was queried by the Commission and subject to review by RMCG, who concluded that the titles should be zoned Agriculture. Council supported this revision to the LPS at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy.

The first 6 titles in the table are on the eastern side of Lady Barron township adjacent to the coast at White and Yellow Beaches or on Pot Boil Road. CT 11112/1 is on Vinegar Hill. These lots are all constrained by residential uses and due to location have natural and scenic values. CT 153145/2 is mapped for investigation for coastal inundation. These are proposed as Landscape Conservation based on Guideline LCZ1; while they are vegetated, they have important scenic values and LCZ 2 constraints attached to coastal refugia or priority vegetation in the Natural Assets Code.

The following titles in the chart, mapped as constrained but zoned Rural follow the Coast Road around Petrification Bay as far as Darts Road. These allotments are small and most are constrained by a residence. They are zoned Rural which preserves the status quo and avoids spot zoning. This is consistent with the application of Guideline RZ1: land in non-urban areas with limited potential for agriculture since they are of insufficient size for broadacre grazing, in various ownerships and isolated from agricultural land. CT 163285/1 is constrained by natural values being covered in *M. ericifolia* Threatened Vegetation Community and a locally significant geo conservation site and is zoned Landscape Conservation under LCZ1 and LCZ 2 (a) and (b).

Cooma rural residential settlement is excluded from the mapping but CT244024/1 and CT214745/1 at the southern edge of the settlement are mapped covered by intact vegetation and share values of the coast and the adjacent National Park. They are proposed as Landscape Conservation Zone based on LCZ1 and LCZ2 (a) and (b).

On Lady Barron Road CT 16198/1 PID6431194 is a residential dwelling on a small allotment. It is zoned agriculture to avoid spot zoning but preserves the existing residential use rights.

Table 17 - Land Constrained for Agriculture Lady Barron Surrounds

Map 18 Lady Barron Surrounds	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT153145/2 PID6431979	2A	Landscape Conservation
CT169316/1 PID3359414	2A	Landscape Conservation
CT40531/1 PID7664213	2A	Landscape Conservation
CT114787/1 PID2230256	2A	Landscape Conservation
CT166715/1 PID6431901	3	Landscape Conservation
CT11112/1 PID6429676	2A	Landscape Conservation
CT23118/1 PID7305181	2A	Rural
CT218667/1 PID3033721	2B	Rural
CT73421/1, PID3033721, CT73421/4, CT 73421/3	2B	Rural
CT73421/2 PID2571771	2B	Rural
CT210233/1 PID3033721	2B	Rural
CT25190/1 PID7305309	2B	Rural
CT 7866/1 PID 9334026		Landscape Conservation



Map 18 Lady Barron Surrounds	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
CT214745/1 PID 6430677		Landscape Conservation
CT163285/1 PID3177397	2A	Rural
CT13765/1 PID6430853	2A	Rural
CT214745/1 PID6430677	3	Landscape Conservation
CT244024/1 PID6430685	3	Landscape Conservation
CT16198/1 PID 6431194	2A	Agriculture

Lady Barron Township Map 6 of 7

The Vinegar Hill estate is a residential anomaly outside of the township on the western slopes of Vinegar Hill. The proximity of Vinegar Hill vegetation mean that some allotments will require materials or design to reduce the BAL fire safety rating. The subdivision pattern is clearly residential despite the location and lot size ranging from 4000m² to 2000m². Currently zoned Rural with some lots mapped as constrained for agriculture and the remainder excluded, the proposal is to apply the Low Density Residential Zone, acknowledging the existing subdivision pattern, existing dwellings and conformity with Guideline LDRZ1 (a) (ii).

Table 18 - Land Constrained for Agriculture Lady Barron township

Map 18 Lady Barron Surrounds	Constrained criterion	Proposed zone (alternative to Agriculture Zone)
Vinegar Hill estate		
CT26907/28 PID 1505115	2A	Low Density Residential
CT26907/27 PID 7362186 CT 26907/26	2A	Low Density Residential
CT26907/25 PID 1505131	2A	Low Density Residential
CT26907/24 PID 1505158	2A	Low Density Residential
CT26907/21 PID 1505182	2A	Low Density Residential
CT26907/20 PID1505190	2A	Low Density Residential
CT26907/19 PID 1505203	2A	Low Density Residential
CT26907/8 PID1505000	2A	Low Density Residential
CT26907/9 PID7603111	2A	Low Density Residential
Crown Land Gunter & Henwood Sts	3	Village
Crown Land Gunter St	3	Low Density Residential

4.4 Land proposed for an Alternative Zone to Agriculture Zone

In addition to rezoning land mapped as constrained, alternative zones are proposed for some land mapped as suitable for inclusion in the Agriculture Zone. They are set out by locality in section 4.5 of this report. All modifications are based on the application of Guideline No.1.

Where land mapped as suitable for the Agriculture Zone is proposed for the Rural Living Zone, local and regional strategy is used to ensure compliance with section 34(2)(c) of LUPAA. Guideline AZ6 is met and



justifies exclusion from the Agriculture Zone. The local strategy has been endorsed by Flinders Council as part of the LPS process²⁹.

On Flinders Island all land outside of actual settlements is currently designated as either reserved or rural. Rural areas have been comprehensively included in the Agriculture mapping layer but they also have social, cultural, scenic and recreational values that offer significant opportunities for the economic development of the council area. On Flinders Island, where an alternative zone to the Agriculture Zone is proposed, the range of values in each locality are generally classified in the table below.

Table 19 - General Values by Locality

Locality currently zoned Rural and mapped for inclusion in Agriculture Zone	Values	Proposed zoning departure
Palana	Natural, Social, Scenic	Landscape Conservation Low Density Residential
NE River	Natural, Recreational, Scenic	Landscape Conservation
Killiecrankie	Natural, Social, Recreational, Scenic	Landscape Conservation Rural
Leeka	Natural, Scenic	Landscape Conservation
Marshall Bay	Natural, Scenic	Landscape Conservation
Emita	Natural, Social, Recreational, Cultural	Landscape Conservation Low Density Residential
Sawyers Bay /Blue Rocks	Natural, Social, Scenic, Recreational	Landscape Conservation, Rural Living
Whitemark	Social, Economic	Rural Living
Loccota	Natural, Social, Scenic	Landscape Conservation
Lady Barron	Natural, Social, Scenic, Recreational	Landscape Conservation Low Density Residential Rural Living

4.5 Zone Conversion by Locality

The conversion of the Flinders Planning Scheme to the SPP Zones has been achieved by use of Guideline No.1 and is explained below by locality. Each locality refers to the Ordinance Map Book.

²⁹ Council Workshop 5 March 2019. Council Meeting 16 April 2019



Outer Islands Maps 1-6 and CBI maps

The outer islands of the Furneaux Group are held by either the Aboriginal Land Council of Tasmania (ALCT) or the Crown. Outer islands held by the Crown are zoned SPP Environmental Management Zone, reflecting the need to conserve the many unique natural values of the Furneaux Group while existing crown leases for grazing remain unaffected. The intention for the 5 Aboriginal outer islands: Babel, Clarke, Great Dog, Mt Chappell and Badger, is the restoration and preservation of natural values. They are included in a PPZ for Aboriginal land that also includes truwana /Cape Barren Island. The PPZ is discussed in section 6.0.

The current scheme attributes the Environmental Management and Recreation Zone to all land other than the Crown leased areas of outer islands which are currently zoned Rural. The Environmental Management Zone Purpose statement 23.1.1 is applicable and EMZ 1 (e) underpins the decision to uniformly apply the zone. The Crown and Aboriginal Land Council Tasmania land is excluded from the Agriculture Zone mapping. A single freehold title on Vansittart Island CT 201495/1, PID 6433202, is also proposed as Landscape Conservation, as a result of use limitations imposed by the SPP's (refer TPC S.35(5)(b) Direction 6.5.16). Guideline AZ6 (e) applies since the title is not integral to the management of a larger farm holding and the Agriculture Zone is not appropriate given the isolation from other agricultural land and the location between Cape Barren and Flinders Islands.

Freehold allotments on Little Green Island (CT's 138641/1 and 214292/1) in Adelaide Bay are also proposed as Landscape Conservation Zone since they are 'marooned' in the Little Green Island Conservation Area (refer TPC S.35(5)(b) Direction 6.5.15).

A single freehold allotment on Long Island (CT242244/1) is also proposed for Landscape Conservation on this basis (refer TPC S.35(5)(b) Direction 6.5.17).

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.

³⁰ BNV-A01 Apply appropriate zoning and/or overlays through planning schemes to protect areas of native vegetation



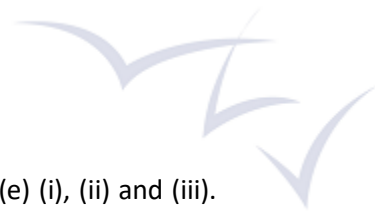
At the north western end of Flinders Island, the land west of Palana Road encompassing Blyth and Sheoak Points extending to the locality's southern extent at the Dock is currently zoned Rural with Visually Sensitive and Shorelines and Waterbodies overlays; it is proposed as Landscape Conservation Zone. 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. 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.

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).

There are six allotments west of Palana Road where land has been cleared. The Rural Zone is proposed for these allotments as they comply with Zone Purpose Statement 20.1.1 (a) *"where agriculture is limited or marginal due to topographical, environmental or other site or regional characteristics"* and Guideline RZ3 (a) *(not integral to the management of a larger farm holding that will be in the Agriculture Zone)*. They are excluded from the Agriculture Zone based on the isolation from agricultural land, individual tenure, lack of irrigation water and class 6 land capability which criteria are consistent with Guideline AZ6(e) (i), (ii) and (iii).

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

³¹ Grosse, CJ ed 1999 Land Capability Handbook Guidelines for the classification of agricultural land in Tasmania DPIPW



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.*”

There are also 11 allotments already cleared on Class 5 land where the Rural Zone is proposed due to constraints consistent with Guideline AZ3, related to land classification (class 5 is grazing land only if managed), lack of irrigation, multiple tenures, current use and isolation/distance from agricultural land. The Rural Zone is applied to maintain the status quo using Guideline RZ 1, RZ 2 and RZ 3 (a) and (b). This preserves the current ability to apply for a dwelling that is not attached to an agricultural use on the land. The Shorelines and Waterbodies overlay will be replaced with the Natural Assets Code for riparian values.

At the eastern side of the locality at North East River, CT 127060/1 is excluded from the agricultural land mapping and currently zoned Environmental Management and Recreation. This allotment is held by the Council and proposed to be zoned Open Space. In the current scheme this land is subject to extra provisions of a Schedule 8 Development Plan (AmRZ02/02 25/3/03). Council intends to prepare a management plan for the area to accommodate camping facilities and the current arrangements will not be transitional provisions in the LPS.

Allotments at North East River are held in individual tenure and with the exception of the ex- forestry site CT 237440/1 and CT 159958/1 (PID 3068115), have intact vegetation some of which is mapped as priority vegetation overlay. The intact vegetation preserves the exceptionally high scenic value of the North East River locality and contributes economic as well as environmental benefit through maintenance of tourist and recreational appeal. The density of future development is intended as very low which is consistent with the bushfire hazard.

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).

Palana Settlement Map 1 of 7

Currently zoned Village, the Palana settlement is a well -established holiday destination for island residents and a current destination for visitors to the island despite its lack of services and distance from



the main service centre. It is a linear strip comprised of older modest dwellings with several more recent larger dwellings either setback from the shoreline or located on the elevated slopes to the west of the road.

The Shorelines and Waterbodies overlay currently applies to the foreshore which is mapped for investigation for coastal inundation. The slopes are steep, vegetated and subject to medium to low landslip hazard. Other than CT 164144/1, PID 7629434 which offers cleared land on a mainly gentle slope, there is no land available for expansion within the settlement. CT 164144/1 is split zoned to allow for subdivision for low density residential development contiguous with the current linear pattern and landscape conservation on the elevated section. The Palana settlement is proposed to be excluded from Village zoning and converted to Low Density Residential based on Guidelines VZ 4 and LDRZ 1 (a) (i) and (ii).

Given the attraction of the location, CT 44146/1 PID 7664133 located outside the settlement on the intersection of Palana and Edens Roads offers 20 hectares of mainly cleared land. It is proposed to convert this allotment to Rural Living B, potentially providing 10 x 2 hectare allotments. The allotment provides for expansion of the settlement on larger allotments without compromising the natural values of the coast or the landslip hazard of the elevated areas and outside of coastal hazards associated with the estuary of Edens Creek. It is unsuitable for agriculture due to isolation from agricultural land, tenure, lack of irrigation water and class 6 land capability.

Based on recognition of the attraction of the location and the absence of lifestyle allotments in the north of the island, Guideline RLZ 4 (c) applies since the decision to provide for rural living at Palana is consistent with the NTRLUS, previous consultation³², endorsed by council in 2019 as a strategy for attracting retirees and holiday visitors to the island, all of which were confirmed in the LPS and Zoning Strategy 2021.

It is excluded from the Agriculture Zone based on Guideline AZ 6 (a) (e) (i) and (ii). The conversion is justified under RLZ 1(a) and the purpose of the Rural Living Zone.

Killiecrankie/ Boat Harbour/Map 8

Note: The notice issued by the Tasmanian Planning Commission under section 35(5)(b) of LUPAA required modification of the zoning of the following titles from Rural to Agriculture and remove the Priority Vegetation Overlay (where applicable):

237359/1, 237358/1 210877/1, 79383/1, 116032/2, 112854/1, 170037/1, 170037/2, 170037/3, 170037/4 170037/5, 170037/6, 170037/7, 170037/8, 170038/1, 170038/2, 30983/1, 7923/1, 245121/1, 210876/1, and 229222/1(refer TPC S.35(5)(b) Direction 6.5.3)

The Commission queried the zoning of this area and Council took advice from RMCG that proposed the subject titles be rezoned from Rural to Agriculture and have the Priority Vegetation Overlay removed from them.

³² Consultation on the draft IPS 2012, the Structure Plan. Consistent with NTRLUS E2.1 and D2.2.4 as it satisfies “appropriate location criteria” listed in D2.2.2.



Council determined to support its local strategy, as reflected in the Regional Land Use Strategy and retain the Rural zoning of these properties at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy and Outcomes of RMCG Review.

As with the Palana locality, local analysis confirms that in addition to the six allotments identified as constrained for agriculture, there are other allotments that are not suitable for inclusion in the Agriculture Zone. The largest proportion are contained within the Quoin holding which is a singular grazing property proposed as (mostly) Rural Zone reflecting the isolation from other agricultural land (RZ 1), its identification for an alternative use/development³³ appropriately located in the rural zone (RZ 3 (d) and excluded under AZ6(a) based on a 2016 application for an extensive tourism operation/accommodation. This application indicates that the land holder considers the land to be limited for agricultural uses (Guideline AZ6 (e) (i)) and that council agreed the proposal is consistent with Guideline AZ 6(d). Despite the current grazing use the holding is proposed to be zoned Rural, consistent with Zone Purpose statement 20.1.1, Guideline RZ 3(d) and council strategy to demarcate the Agriculture and Rural Zones between east and west coasts respectively. The previous application indicates that the Rural Zone is appropriate while providing for a future tourist operation consistent with the NTRLUS ED-P10.³⁴ The strategy to allow for large scale tourist development on the Quoin property was tested in the Structure Plan and endorsed by Council during consultation on the LPS and again through adoption of the LPS and Zoning Strategy.

The transitional visually sensitive overlay and the threatened vegetation communities on the coastal land will be subject to transitional provisions for the Scenic Protection Code and the SPP Natural Assets Code (which is not transitional provisions) satisfying AZ 6 (c). The Coastal Areas specific area plan protects landform and vegetation clearance.

On the coast of Killiecrankie Bay, on the northern edge of the site on the slopes of Mt Killiecrankie, CT242997/1 PID3368046 has the highest concentration of threatened vegetation species remaining on Flinders Island outside of reserved land. It is also entirely covered by the Natural Assets overlay for priority vegetation and contains the 'Killiecrankie Topaz Locality' geo-conservation site which is of State significance. The land capability classification is class 6/7. This allotment and a small lot CT 19915/1 adjacent to it, are clearly constrained for Agriculture and are proposed as Landscape Conservation Zone under LCZ1 LCZ 2 (a) (b) and (c) and excluded from Agriculture Zone under AZ6(c), (d) and (e) (i), (ii) and (iii).

The other title straddling Mt Killiecrankie, CT17037/4 PID 3368046 has land capability of 6+7, intact vegetation and its position as part of the mountain invokes the Landscape Conservation Zone to protect the values of the broader visual landscape as well as those contained entirely on the allotment as per LCZ2 (a) and (b). The mountain is highly visible from the Killiecrankie Road, the foreshore and coastal waters

³³ Large scale tourist operation was approved on the property in 2016 and later refused by the Tribunal, however the opportunity exists to modify the original application.

³⁴ Support the development of the tourism sector by ensuring land use planning policies and principles do not unnecessarily restrict tourism use and development.



and these two allotments that are part of the lower slopes are integral to the scenic integrity of this very highly valued destination (Killiecrankie). This is consistent with LCZ1, and the NTRLUS. The Scenic Protection Code transitions from the current Visually Sensitive Area Overlay and so LCZ2(b) also applies.

Titles CTs 170037/3, 170037/2, CT112854/1 are adjacent to the coast and have been split zoned. Guideline LCZ2 (a) and (b) apply and LCZ (1) applies due to the very significant coastal values that contribute to the scenic quality of the broader landscape of Killiecrankie Bay³⁵. AZ6(c) applies to the exclusion from the Agriculture Zone. CT112854/1 also encompasses the northern side of the estuary of the Killiecrankie Creek. The split is with the Rural Zone which is subject to the Natural Assets Code.

CT 170037/6, CT 170038/1, CT 201876/1, 229222/1, CT 7923/1, CT 177037/7, CT 170037/8, CT 116032/2, CT170037/1, CT 170037/5, CT 1700372 are Zoned Rural to preserve the status quo and for the application of the Natural Assets Code where relevant, consistent with AZ6(c).

Two allotments on Mt Blyth are classified land capability of Class 6/7. CT214852/1 and CT 214853/1 are proposed to be zoned Landscape Conservation under 22.1.1 *To provide for the protection, conservation and management of landscape values* and LCZ2 (a) and (b) although it is noted that Resource Development is a use in the Landscape Conservation Zone. The exemption from the Agriculture Zone is based on the class 6+7 land classification, shared characteristics with the adjacent (in the case of CT 214853/1 on 3 sides) Wingaroo Nature reserve, and elevation 160-210m which is mapped as low to medium landslip. Dry Eucalypt forest and woodland is the vegetation cover. They are excluded from the Agriculture Zone under AZ6(c).

South of Mt Blyth CT 210877/1, CT 237358/1, and CT 237359/1, all PID 6424621 are cleared for grazing although the natural Assets Code applies to the waterways on the latter. They are zoned Rural consistent with the adjacent allotments in the same holding.

At the intersection of Killiecrankie and Palana Road is CT 51470/1, currently zoned Environmental Management and Recreation. It is excluded from the mapping for land suitable for inclusion in the Agriculture Zone. This exclusion from the Agriculture Zone is based on AZ 6(c) and AZ 6 (e) (i) (ii) and iii). It is proposed to be zoned Landscape Conservation Zone, invoking LCZ 1 and LCZ (c), although the current zone is not an IPS zone but has the same intent.

All other allotments north of Killiecrankie Road are proposed to be zoned Rural, reflecting the status quo and justified under Rural Zone RZ 1 RZ 2 since the land has multiple tenures and is isolated from other agriculture land and the current ability to support a single dwelling is maintained. It is excluded from the Agriculture Zone based on AZ 6 (e) ii). The Crown allotment approximately 1 km from the intersection of Killiecrankie and Palana Roads on the northern side, is zoned Environmental Management reflecting its tenure.

All land within the locality located south of Killiecrankie Road is proposed to be zoned Landscape Conservation under LCZ 1. The area is contiguous with the extensive Crown reserve and 10 allotments

³⁵ See photograph on cover of this document of intact coastal vegetation in this location.



are adjacent to the coast. The area exhibits intact vegetation, including TVC and is serviced by single gravel track; there are multiple land holders. It is remote from other agriculture land and has important scenic values that remain undeveloped and which are contiguous with the natural values extending to Boat Harbour and Mount Tanner Reserve. Most of this area is covered by the Visually Sensitive overlay in the current scheme, the objectives of which are to retain the natural appearance of each area to which the overlay applies, to minimise the visual impact of use and development and to retain and restore where possible the natural vegetation cover. Visual impact includes the impact of buildings, clearing, excavation, access, construction, fences, fire breaks or the deposition of fill and whether development is proposed to be located on skylines or ridgelines. Most of these impacts relate in some way to the impact of clearance of vegetation in an otherwise intact vegetated area. As well as being consistent with the NTRLUS and Zone Purpose Statement 22.1.1 and Guideline LCZ1, the modification of Agriculture zoning is justified under AZ6 (c) and (e).

Killiecrankie Settlement Map 2 of 7

The settlement of Killiecrankie is currently zoned Village and proposed as Low Density Residential based on LDRZ 1 (a) (i) and (ii), LDRZ 1 (b) and (c). It is excluded from translation of the Village Zone by Guideline VZ 4 (it is not intended for mixed use).

It is noted that the LIST map incorrectly shows the extent of the Village and Rural Zones on allotment CT 52021/2 PID 1506855. This allotment was subject to an amendment of the scheme AM1/2009 rezoning an axed shaped portion to Village, leaving the remainder as Rural Zone. On this allotment the Village Zone portion is converted to Low Density Residential in keeping with the rest of the settlement and the Rural Zone is converted to Rural based on the rationale for broader locality Rural Zone discussed above and avoiding 'spot zoning'.

Wingaroo Map 9

Note: *The notice issued by the Tasmanian Planning Commission under section 35(5)(b) of LUPAA required modification of the zoning of the following titles to Rural and apply the Priority Vegetation Overlay (where applicable):*

121581/1, 247225/1, 247225/2, 247225/3 and 247225/4, the Crown land within the Foochow Conservation Area as identified with the blue line in the diagram (PID 6423899), and the reserved road between folios of the Register 247225/3, 247225/4 (refer TPC S.35(5)(b) Direction 6.5.8)

The Commission queried the zoning of this area and Council took advice from RMCG that proposed the subject title be rezoned to Rural and have the Priority Vegetation Overlay established over them. Council supported this change at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy and Outcomes of RMCG Review.

The Wingaroo Map is comprised of mainly conservation reserve and agricultural land within one agribusiness holding. CT247225/2 PID 6423928 is part of this holding but is not contiguous with other parcels; it is completely surrounded by the Conservation Reserve and supports 3 TVCs; E. ovata forest, wetlands and E. viminalis woodland, also locally significant habitat. The Wingaroo complexes are highly significant and substantially fragmented and reduced by grazing on freehold parcels. The single isolated



allotment is proposed for Environmental Management Zone to maintain the current natural values that contribute to environmental services provided to nearby agricultural land and to support the integrity of remnant threatened communities of the Wingaroo Conservation Reserve area. The Environmental Management Zone is proposed based on EMZ 1(f) and excluded from the Agriculture Zone by Guidelines AZ6 (b),(c) and (e) (i) (ii) and (iii).

CT237762/1 Palana Road, was zoned Landscape Conservation as a result of its private ownership (TPC Direction s.35(5)(b) 6.5.14).

Leeka/Marshall Bay/ Map 10

Despite its current Rural zoning and comprehensive transition of the visually sensitive overlay to the Scenic Protection Code under the SPP's, the Leeka locality has been relatively recently settled as a 'lifestyle recreation' area and over half of the twenty five allotments have dwellings/holiday houses. The 'confused' land division pattern reflects ad hoc approval of subminimal lots in the area. Contiguous with the Mount Tanner Reserve to the north and the coast to the south, this is a linear, very low density settlement covering approximately 5 kms from Egg Beach in the west to Pine Scrub in the east.

Despite some clearance on allotments at the West End beach area, the isolation from agricultural land, topography, natural values, access, mostly class 6 land, multiple tenures and the cost of land indicate that the locality is entirely limited for agriculture consistent with exclusion from the Agriculture Zone under AZ 6I al(e) (i), (ii) and (iii). The Landscape Conservation Zone is applied using LCZ1 and LCZ2 (a) and (b). The area is visible from Emita and the scenic overlay from the current planning scheme is a transitional provision.

The area west of Palana Road extending the full length of Marshall Bay is proposed as Landscape Conservation Zone after reappraisal of the mapping for the Agriculture Zone which nominates only two freehold allotments as constrained. The Marshall Bay area is subject to the Ecological Sensitive overlay in the current Scheme. This is not transitioned but the objectives remain relevant:

- (a) *to promote the maintenance of ecological processes and genetic diversity;*
- (b) *to protect and enhance ecosystems, habitats and biological communities which enable the survival of indigenous flora and fauna and assist to maintain biodiversity;*
- (c) *to identify and protect habitats which support threatened, rare or endangered species;*
- (d) *to ensure planning decisions incorporate consideration of the ecological impacts of Use or Development; and*
- (e) *to encourage land management practices, based on expert advice, that will sustain the natural and ecological values of the land.*

The rationale for Marshall Bay is clear cut and based on its physical features and natural values. Established by westerly winds blowing sand and shell fragments inland, the Lughrata soils are characterised by a matrix of dunes with extreme erosion risk and land classifications of 6 - 7. Class 6 land has severe limitations for grazing and Class 7 land exhibits very severe to extreme limitations which make it unsuitable for agricultural use. The presently mobile dunes have low productivity, extreme risk of erosion, low natural fertility. Salt laden westerly prevailing winds are another constraint. Ideally this land



should be retained under its natural vegetation cover. The need to retain vegetation for either threatened species/communities (heath land on coastal substrates, wetlands and *Allocasurina littoralis* forest) or to prevent erosion, directly conflicts with the current Rural zoning despite the application of the Ecologically Sensitive Overlay which, unlike the SPP Code Natural Assets, applies to use as well as development and is not in any case a transitional provision.

The entire area is mapped as ‘unclassified presently mobile dunes’. Several patches of sand drift have commenced. Given the prevailing wind and proximity to a coastline vulnerable to beach recession, such mobile areas are likely to continue to increase in size and affect. Fire hazard management requirements under the Bushfire Code provide another potentially threatening process in this fragile locality. The land is of similar construction to the Palana dunes where serious blow out and erosion has occurred to a very significant extent. The full extent of Marshall Bay is proposed as Landscape Conservation Zone based on Zone Purpose “to provide for the protection, conservation and management of landscape values” and Guidelines LCZ 1 and LCZ 2(b). The modification of the mapping for Agricultural land complies with Guidelines AZ 6 (a) (b) (c) (d) and (e).

Lughrata Memana/Map 11

Allotments in the area on map 11 include land in the vicinity of Five Mile Jim Road in the north, Fairhaven Road in the east and Palana Road in the west. Most allotments retain substantial amounts of mapped priority vegetation. Nevertheless, the Agriculture Zone has been applied to allotments in the vicinity of Five Mile Road since they are integral to a larger holding (the Markarna Park Agribusiness) within the Agriculture Zone.

Immediately north of Five Mile Road, CT 153467/1 (PID 2861437) is currently used as a rural living allotment, this lot and CT 153467/2 PID 2861445 and the adjacent CT 10265/2 PID 2048913 are cleared. All are proposed to be zoned Rural acknowledging the individual ownership and the current Rural zoning which allows a single dwelling as an unqualified discretionary use and consistent with Guidelines AZ6(3)(i) and RZ 20.1.1(a) and RZ1.

There are twelve allotments south of Five Mile Jim Road proposed as Landscape Conservation Zone based on Guidelines LCZ 1 and LCZ2(a) and (b). They are elevated with underlying high value karst, almost entirely covered by priority vegetation; the current use is natural values. Guideline RZ 1 applies. The zone is also supported under RZ 3(a). Exclusion from the Agriculture Zone on the basis of Guideline AZ6 (c).

Consultation on the Structure Plan concurred with land management/conservation intent. The Landscape Conservation Zone is considered to be consistent with the Guidelines LCZ 1 and LCZ2(b). Any existing or future grazing activity is not inhibited by the proposed zoning but would compromise the conservation intent.

Further south, consistent with previous consultation, three partially cleared allotments, CT 160313/1 PID 7362004; CT42907/1 PID 6424429; CT169273/1 PID3356053 and two allotments held by Council for quarrying purposes CT 169273/2 and CT 169273/3 are proposed to be zoned Rural acknowledging the current use, individual land holders, the isolation from other agricultural land; consistent with Guideline AZ1(a)ii. The assignment of the Rural Zone permits remaining priority vegetation to be considered by the



application of the Natural Assets Code. It is submitted that this is consistent with Guideline AZ6(c) despite the proposal for Rural Zone rather than Landscape Conservation Zone or Environmental Management Zone.

Patriarch Inlet/ Sellars Point Map 12

The two freehold allotments at Sellars Point CT203297/1 PID6430765 and CT211381/1 PID6430757, are completely isolated from agricultural land, have intact vegetation and are surrounded by Patriarchs Conservation Reserve which is protected by the Ecologically Sensitive Overlay in the current scheme. PID6430765 is adjacent to the coast and entirely within a geo-conservation site of State significance: “Foochow Beach Parallel Dune System”, and immediately adjacent to another listed geo-conservation site of State significance: “Sellars Point Cupsate Foreland (and Submarine Tombolo)”. Title PID 6430765, CT 203297/1 is also an investigation area for coastal inundation. The title PID 6430757, CT211381/1 is completely surrounded by reserved EMZ conservation land and is essentially part of the extensive east coast wetland system that supports very significant populations of birds including migratory bird species subject to international agreements.

These allotments are also subject to investigation for coastal inundation and clearly satisfy Guidelines LCZ1 and LCZ2(a) and (b). The land capability of both allotments is class 6-7 and they are part of unclassified presently mobile dune system. They are isolated from agricultural land and unavailable for sustainable agriculture. The significant natural values satisfy Guideline AZ6 (c). Guidelines AZ6 (e) (i), (ii), (iii) also apply. Previous consultation supported application of the Environmental Management Zone for these sites under the former draft Interim Planning Scheme.

Closer to Patriarch Inlet there are 3 freehold titles, also surrounded by the Patriarch’s Conservation Reserve.

CT 122320/1 PID 1777719 was excluded from the Agricultural land mapping and is proposed for the Landscape Conservation zone under Guidelines LCZ1 and LCZ 3. It is excluded from the Agriculture Zone on the grounds of its size, isolation and location as well as natural values integral to the surrounding conservation reserve, consistent with Guidelines AZ(6)(e) (i),(ii),(iii).

CT128310/1 PID6425130 is approximately 8 hectares with an established residential use. Most of the allotment retains intact priority vegetation and the northern part is subject to the Shorelines and Watercourses Overlay in the current scheme due to the shared boundary with the Patriarch River and the Foo Chow Conservation Area. The Landscape Conservation zone is proposed under LCZ2 (b). The substitution is justified under Guideline AZ6(c) due to the Priority Vegetation mapping for the Natural Assets Code.

The adjacent freehold title CT166792/1 PID 3283771 borders approximately 1.2km of the Patriarch River/Foo Chow Conservation Area and 1km of the Patriarchs Conservation Area. These conservation areas are subject to the Ecologically Sensitive overlay and the Shorelines and Waterbodies Overlay in the current scheme and coastal refugia under the LPS. The property retains a significant amount of intact threatened vegetation communities on the western half and large tracts along the river and in the south



eastern third which is confirmed³⁶ as priority habitat. It is apparent that the remaining land has been cleared to a state consistent with agricultural land to the south and east. There are no approved Forest Practices Plans currently approved for Flinders Island³⁷. To protect the remaining priority *E. viminalis* TVC (which is also a priority habitat of high local significance) and to protect the Patriarch River natural values, which is a coastal refugia area, it is proposed zone the allotment Landscape Conservation, consistent with AZ 2, AZ 5, AZ1(a)(2) and LCZ 2 (b).

Emita Map 13

Note: *The notice issued by the Tasmanian Planning Commission under section 35(5)(b) of LUPAA required modification of the zoning of the following titles to Rural and apply the Priority Vegetation Overlay (where applicable):*

251684/1, 198023/1, 245388/1, 204616/1, 51961/1, 85154/1, 66075/1, 178769/2, 249744/1, 178769/1, 237046/1, 175212/1, 175212/2, 239241/1, 208872/1, 222022/1, 146202/2, 151152/3, 22367/1, 48870/1, 146202/1, 151152/4, 151152/5, 143367/1, and unidentified Crown land (2 parcels between FRs 222022/1 and 239241/1 (refer TPC S.35(5)(b) Direction 6.5.5)

The Commission queried the zoning of this area and Council took advice from RMCG that proposed the subject titles be rezoned to Agriculture and have the Priority Vegetation Overlay removed from them.

Council determined to support its local strategy, as reflected in the Regional Land Use Strategy and retain the Rural zoning of these properties at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy and Outcomes of RMCG Review.

Map 13 shows the Emita locality from Fairhaven Road in the north to Blue Rocks in the south. The locality includes Pea Jacket Hill, Settlement Point and Wybalenna where Aboriginal survivors of the Black Line were transported, establishing the Wybalenna settlement around 1834. The Wybalenna site is Aboriginal land. The site is 138 hectares taking in most of the peninsular between Cave Beach in the north and Settlement Beach in the south. Settlement Point Cemetery protrudes into the neighbouring lot and covers a further 4074m². The area is cleared and the Wybalenna chapel on its own title is one of only two buildings, although foundations of the original settlement remain visible.

The intention is to retain the undeveloped nature of the site³⁸. The site was excluded from the mapping for Agriculture Zone. It is proposed as Landscape Conservation Zone based on the cultural values attached to the landscape, the heritage significance of the site and the fact that it is Aboriginal land and the Environmental Management Zone is inappropriate given the Use Table qualifications for Crown consent.

Settlement Point is freehold land CT227527/1 PID 6424859 covered by the Heritage Places overlay in the current scheme, which is transitioned to the LPS. The cultural heritage significance of Settlement Point and the large area of threatened vegetation community heath on calcareous substrates suggests the

³⁶ Fitzgerald, N 2016 Mapping Priority Habitat for Flinders Municipality. UTAS

³⁷ Pers Com FPA 2019

³⁸ Pers Com ALCT 2016



allotment be zoned landscape Conservation under Guidelines LC1 LC2(a) and (b). In the current scheme the Rural Zone applies (with heritage overlay). This site is isolated from agricultural land, is very significant from a heritage perspective, is entirely covered by priority vegetation and scenically very important both from the coast, Settlement Beach and the Wybalenna site. Despite being mapped as suitable for agriculture this allotment is proposed to be zoned Landscape Conservation under LCZ1 and LCZ2(a) and (b). It is excluded from the Agriculture zone under Guideline AZ6 (c) (e)(i) (ii) and (iii). As well as having very high local and State significance, the land capability is class 6 unsuitable for agriculture/grazing and entirely isolated from agricultural land.

North of CT 227527/1 west and adjacent to the Wybalenna site is the Settlement Point Conservation Area Shearwater rookeries also covered by the Heritage overlay in the current scheme and proposed to be zoned EMZ under EMZ1(a).

Two freehold allotments north of and visible from the Wybalenna site, CT46256/7 PID7840141, CT 46256/9 PID 7840133, are currently zoned Rural, used for residential purpose but proposed to be zoned Landscape Conservation zone under Guidelines LCZ2 (b) and LCZ1 due to the importance of the scenic values associated with the Wybalenna significant heritage site. They are included in the Constrained for Agriculture table in section 3.3.

CT46256/7 PID 7840141 is mapped as suitable for inclusion in the Agriculture Zone. Alternative zoning is proposed under Guideline AZ6 (e) (iii) due to isolation from agricultural land, unsuitability for agriculture due to land capability of Class 6-7. CT 46256/9 is mapped as constrained under criteria 2B and proposed for the Landscape Conservation Zone for under Guidelines LCZ 1 and LCZ 2 (b).

The lots on Wireless Hill and adjoining the coast are inappropriate for inclusion in the Agriculture Zone. The summit slopes of Wireless Hill exhibit a medium landslip hazard and are class 6-7 land capability (not suitable for grazing purposes). CT245387/1 (the allotment sharing a boundary with Wybalenna) is mapped for investigation for coastal inundation to 250m inland to where the elevation of Wireless Hill commences. CT 245384/1 is mapped for 650 metres inland from the coast and CTs 245385/1 and 245386/1 are mapped almost in their entirety. A high erosion hazard applies to Settlement Beach with a medium erosion hazard band extending a further 50m inland. They are proposed as Landscape Conservation Zone under Guidelines LCZ1 and LCZ2(a).

To the east of Wybalenna chapel, a small pocket of land, the Wybalenna cemetery, protrudes into the adjacent eastern allotment CT245387/1 PID6424832. This parcel is part of a larger holding of 15 allotments ranging in size from 120 hectares to 4 hectares which encompass most of Wireless Hill and the coast at Lillies Bay and Sawyers Bay. The holding is held by an absentee Trust, currently grazed by native animals and some cattle. The Landscape Conservation Zone is proposed which will retain the grazing status quo. The intention is to minimise the uses applicable to the area given the significance of the Wybalenna site in relation to adjoining allotments CT 204617/1 and CT 245384/1 and to the significant scenic quality associated with the summit of Wireless Hill and the views from Sawyers and Lillies Bays. The Natural Assets Code can apply to the priority vegetation remaining on the most elevated areas of Wireless Hill where the land capability classification is 6-7 which is unsuitable for agriculture. The scenic



values of the Sawyers Bay and Wybalenna areas are based on coastal values including geology and an absence of development.

Three other allotments within the holding (CT198023/1, CT 245388/1 (excluded from agriculture mapping) and CT 204616/1: all PID 6424218) that are contiguous with the proposed LCZ allotments (all are south of Woods Road) are proposed to be zoned Rural to permit any pastoral based development to be located away from the heritage and scenic management areas and reflecting the small pocket of (rare on Flinders island) class 4 land. The Rural Zone is considered more appropriate due to the isolation from the broadacre agricultural land of the main primary production areas. The Rural Zone purpose statement 20.1.2 applies insofar as the application of the Rural Zone in this location minimises conversion of (mapped) agricultural land for non-agricultural use. The proposed Rural Zone is justified under Guideline RZ3 (b). It is excluded from the Agriculture Zone on the grounds of Guideline AZ6(d) and (e) (iii). The Rural zone was supported during consultation on the Structure Plan and is consistent with local strategy to demarcate between broad acre pastoral land and 'other' rural land on the west coast to be made available for lifestyle and diversification of the local economy. The 2018 elected council endorsed this strategy prior to consultation on the LPS zones during February 2019. This concept was supporting in the LPS & Zoning Strategy 2021.

Four freehold allotments CTs 230523/1, CT 148463/1, CT 148163/2 and CT 247507/2 in individual ownership on the key tourist route of Sawyers Bay Road are proposed as Landscape Conservation Zone based on LCZ1 recognizing priority vegetation and the importance of scenic values in the area and excluded from the Agriculture Zone under AZ6(c).

South of and adjacent to Sawyers Bay Road CT 234726/1, PID 6424832 is currently zoned Rural and is grazed. The proposal is for the Landscape Conservation Zone to be applied under LCZ1 based on the very significant scenic values attached to its location at Sawyers Bay Beach which attracts tourists and locals to the sheltered pocket beaches, fascinating rock formations and views to Mt Strzelecki. This allotment is mapped for agriculture, but substituted zoning is justified under AZ6 e(i) and AZ6 (a). The local strategy to protect the values of Sawyer Bay as a visitor and (local) attraction that supports the local economy³⁹. The current grazing use is unaffected by the proposed zone.

The Structure Plan tested a revised intent for this land and consultation supported the intent of land management for most land south of a line from Woods Road to the coast and south to Sawyers Bay to preserve scenic values from impacts of development. Council endorsed this strategy prior to initiation of the LPS⁴⁰ and adoption of the LPS & Zoning Strategy 2021.

North of Woods Road existing small holdings are currently zoned Rural and apart from constrained allotments identified in section 3.3, are mapped for inclusion in the Rural Zone consistent with the local analysis. The grazing land at Emita is excluded from Agriculture Zone under Guideline AZ6(a) supported by local strategy to protect pastoral land from fragmentation by demarcating between the key farming

³⁹ Strategic Plan Strategic Direction: Protect and enhance high quality natural values and environmental assets; Output: "Planning Scheme supports visual amenity and open space contributing to recreation and tourism experiences".

⁴⁰ 5 March 2019.



areas of the east and south coast and the rural land of the west coast⁴¹. The Structure Plan tested 4 key outcomes; Outcome 1 was protecting primary production land and Outcome 2 was diversifying rural land not required for the pastoral industry. Consultation concurred with this approach.⁴²

CT158840/1 PID 3588989 is a large allotment adjacent to the northern extent of Emita settlement and the southern extent of the Marshall Bay mobile dune system. It is underlaid with high value karst and there are several existing sand blows. Hays Creek crosses the allotment before entering the sea on part of the 1.2km of coastal frontage. The allotment is subject to the Ecologically Sensitive overlay in the current scheme. Two of the objectives of the special provisions for this overlay are to 7.3.4 (d) ensure planning decisions incorporate consideration of the ecological impacts of use or development and (3) to encourage land management practices based on expert advice, that will sustain the natural and ecological values of the land. The allotment is part of a larger sheep run, the remainder of which is entirely located on the eastern side of Palana Road. The subject allotment is class 6-7 land which class necessitates retention of a vegetative cover, particularly in the face of the persistent prevailing wind.

It is critical to the maintenance of the scenic quality of the view of Marshall Bay from north facing Emita allotments and from the Emita Lookout on the north side of Pickford Hill. It is proposed to include the subject allotment in the Landscape Conservation Zone to limit the uses that can be achieved in this ecologically sensitive area and to protect the landform, waterway, coastal and scenic values. The Natural Assets Code also applies to priority vegetation. The zoning is consistent with Guidelines LCZ1 and LCZ2 (b). Its exclusion from the Agriculture Zone is based on Guideline AZ6 (c) and (e)(ii). Grazing activity is unaffected.

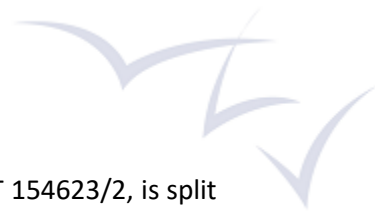
At the northern extent of the locality, north of and adjacent to Fairhaven Road, land zoned Rural in the current scheme is proposed to be zoned SPP Rural acknowledging the individual ownership, priority vegetation and Council strategy ⁴³to apply the Rural Zone to land on the west coast. This is consistent with consultation on the Structure Plan 2016 and Guideline RZ1 applies. The Natural Assets Code applies to remnant priority vegetation and suggests the Rural Zone rather than the Agriculture Zone since the Code does not apply in the latter.

At the intersection of Fairhaven and Melrose Roads an informal Crown reserve and the adjacent CT 86048/1, PID 6425157 are excluded from Agriculture Zone mapping and are proposed to be zoned Recreation. The site includes the Emita sports field and recently renovated Emita Community Hall. On the northern side of Melrose Road CT 251684/1 PID 6425237 is proposed to be zoned Rural under Guideline RZ3 (a). The land is in individual ownership, is not integral to larger farm holding has established residential and veterinary uses that preclude potential for agriculture. Three titles across the road (CT 154623/2 PID 2872865), CT 154623/1 PID2872857 and CT 154623/3 are also proposed as Rural under the

⁴¹ Council endorsed the local strategy that demarcated Agricultural Land and Rural land for public consultation on the Structure Plan and on the LPS Feb 2019.

⁴² Structure Plan p.14

⁴³ ibid



same Guideline RZ3 (a) due to current uses, individual ownership and in the case of CT 154623/2, is split zoned with Landscape Conservation due to a conservation covenant.

Three allotments across the road from Emita Hall, on the opposite side of Melrose Road are mapped for agriculture but proposed to be zoned Landscape Conservation under Guidelines LCZ 1 and 2(b). CTs 127260/1 and 127260/2 are south of these allotments, surrounded by the Darling Ranges Conservation Reserve, extremely steep, classified as class 6 and covered in priority vegetation. They are proposed as Landscape Conservation Zone under Guidelines LCZ1 and LCZ 2(a). These allotments are excluded from the Agriculture Zone under Guidelines AZ (c) and (e) (i), (ii) and (iii). The same proposed zoning and justifications apply to CT 241549/1 PID 6424103.

CT 210431/1 PID6425229 encompasses the summit of Mulligans Hill and is currently zoned Rural. It is extremely steep and surrounded on all sides by Darling Range Conservation Reserve. The allotment is subject to a Conservation Covenant and the land capability is class 6 making it unsuitable for grazing. Despite being mapped as suitable for Agriculture Zone it is proposed as Landscape Conservation Zone under Guideline LCZ1. It is excluded from Agriculture Zone under Guidelines AZ (c) and (e) (i), (ii) and (iii).

CT 155687/1 is adjacent to Palana Road and held by the Council. This allotment is currently zoned Environmental Management and Recreation and is excluded from the study area for the Agriculture Zone. It is covered in priority vegetation and Pickford Creek is dammed (probably because it was used in the past as a 'stock resting reserve'). The Landscape Conservation Zone is proposed under Guideline LCZ (2).

Emita settlement Map 3 of 7

All lots within the settlement are excluded from mapping for the Agriculture Zone, currently zoned Village and proposed as Low Density Residential, consistent with the former draft Interim Scheme. The SPP Low Density Residential Zone is appropriate to residential settlement where there are constraints that limit density and zone purpose statements 10.1.1. Guideline LDRZ1(a) (b) and (c) apply. Emita is a residential settlement: no mixed use characteristics exist and there is no intention to facilitate mixed uses, with the exception of the Furneaux Museum and a local bistro/café. Guidelines VZ1 and VZ4 are relevant to the decision not to translate the Village Zone.

Blue Rocks Map 13

Discussion regarding the conversion of land currently zoned Rural to the SPP Rural Living Zone is in section 4.3 above. Despite being an island, there are not many options to sustainably provide multiple allotments of coastal land on Flinders Island at a density and location that does not stretch existing infrastructure or ecological processes. At Blue Rocks/ Arthurs Bay there is an opportunity to provide coastal allotments near Whitemark town services (11kms) and airport (7kms). The land use pattern in the south of Blue Rocks is potentially replicated through the application of the Rural Living Zone to facilitate a consolidated settlement that utilises the existing sealed road.

While the NTRLUS notes that rural residential areas should only expand adjacent to existing rural living, it also acknowledges that Flinders municipality has unique economic drivers for the attracting residents and



visitors⁴⁴. Council's key strategic aim is to attract a sustainable population to live and visit the island with access to holiday houses that contribute to the rate base. This is consistent with regional strategic direction G2.2 Plan for socio-demographic change. Council's strategic plan calls for diversification of rural land to activate a more diverse economic base and this is consistent with NTRLUS policies ED-P5, ED-P9, ED-⁴⁵. The zone is applied under Guideline RLZ1(a).

CT 210411/1 PID 6424197 on Sawyers Bay is proposed as Rural Living D under Guidelines RLZ 2(a) and RLZ 4(c). There is an opportunity to develop a tourism operation or larger scale visitor accommodation at this Sawyers Bay location while preserving the scenic quality of the spectacular geology, seascape and panoramas to the Strzelecki range from this site. Following the coast to the south the Rural Living Zone C is proposed which could provide a similar subdivision pattern as exists on lots at the southern end of the zone. The Investigation area for coastal inundation hazard band applies but the lots are typically 200-400m *in depth with opportunities to build outside of the investigation area or to an expert determined height above AHD. Unlike existing residences, the coastal areas specific area plan will regulate dwellings within 100m of the border with the Crown coastal reserve.

On the eastern side of Palana Road, the Rural Living D Zone is applied, indicative of future smaller lot size dependent on growth, but also to provide elevated sites with sea views. This zone is split with the Landscape Conservation Zone above the 40m elevation to preserve the scenic and ecological values of the higher slopes.

Memana Map 14

Map 14 shows a large part of the key agricultural land on Flinders Island. Given that all agricultural land is class 5 or above and only supports grazing, Memana is the key grazing area on the island and not surprisingly has been mapped as suitable for inclusion in the Agriculture Zone. Characterised by a pattern of large lots and large connected holdings, the locality is sandwiched between the east coast wetland system and the Darling Ranges Conservation Area which provide environmental services for broadacre grazing.

Two Crown land allotments on the Furneaux Lookout Road at the eastern end of Summer Camp Road are the site of a rehabilitating quarry. These lots were excluded from the Agricultural land mapping project. One of the two allotments is identified as an 'informal reserve, the other is the "Summer Camp Conservation Area". These adjacent Crown reserves are proposed for the Environmental Management Zone.

Lot 1 Summer Camp Road (CT 212005/1) and 2 unidentified adjoining crown land parcels were proposed for the Landscape Conservation zone (S.35(5)(b) Direction 6.5.18).

⁴⁴ RSN-P25 Recognise that the Furneaux Group of Islands are more reliant on local strategies for Rural Residential Areas and the protection of agricultural land that respond to the complexities of remote area economics and the need to retain or increase population or visitation.

⁴⁵ ED-P9 Support tourism development that is guided by research and economic strategies that develop projects and initiatives to enhance the range of tourism and visitor experiences in the Region E5.3 Economic development Strategies: Pursue a range of new and innovative investment and product development opportunities and locations and sectors not previously targeted and resourced. ED -P1Promote increased innovation within the Northern Tasmanian economy and encourage: food and wine innovation



At the western end of Summer Camp Road an allotment that is reserved land and part of the Darling Range Conservation Area is mapped as unconstrained for Agriculture. As a Conservation Reserve the Agriculture zone is not appropriate under Guideline AZ6(c). The Environmental Management Zone is proposed under Guideline EMZ1 (a). A smaller Crown allotment in the same location is proposed as Environmental Management Zone since it is contiguous with the Reserved land and identified on the Priority Vegetation mapping, satisfying Guideline EMZ 1(e).

CT 242178/1 PID6425413 is large and elevated (approx. 200m). The land is integral to the adjacent Darling Range Conservation Area. The allotment is steep and fully vegetated with priority vegetation. Despite its proximity to the main agricultural land north of Summer Camp Road and east of Lackrana Road, the land is topographically constrained for grazing and the physical values fit with the Reserved land rather than the Agricultural land. CT 242178/1 is proposed as Landscape Conservation with the Natural Assets Overlay. This allotment is proposed to be included in the Landscape Conservation Zone invoking Guidelines LCZ1 and LCZ2 (a) and (b). The substitution of the Agriculture Zone is based on Guideline AZ6(c) and (e)ii.

CT 239474/1 PID 6425448 is mapped as unconstrained for agriculture but local analysis identifies the land is more appropriate to inclusion in the Darling Ranges Conservation Area. It is constrained for agriculture due to topographical characteristics (slopes from 280m to 190m over 1km) and priority vegetation. It is the source of two tributaries to Leventhorpe Creek. It is proposed as Landscape Conservation Zone under Guidelines LCZ1 and LCZ2 (a) and (b). The substitution of the Agriculture Zone is based on Guideline AZ6(c) and (e)ii.

Further into the Darling Ranges towards the summit of Lucks Hill CT 128643/1 PID1851042 and CT141041/1 PID 1506257 are, like the two allotments outlined above, physically part of the Darling Ranges Conservation Area. They are surrounded by the reserved land, are elevated, steep and accessed by a fire track. They are highly visible from both the Furneaux and Walkers Lookouts and are considered to be constrained for agriculture by the location, topography, multiple owners and isolation from agricultural land. They are proposed as Landscape Conservation Zone based on Guidelines LCZ1 and LCZ2 (a) and (b). The substitution of the Agriculture Zone is based on Guideline AZ6(c) and (e)ii.

On Lackrana Road CT 169253/1 PID 3379626 is an excised house allotment mapped as unconstrained for Agriculture. Two adjacent vacant lots CT238426/1 (PID 6425472) and CT 238427/1PID 6425480, clearly share characteristics with the Conservation Park to the west and the waterway protection area is mapped on the elevated area of CT 238426/1 at around 160m. None of these lots have similar characteristics to the agricultural land in the vicinity. The intact vegetation and the proximity of the conservation reserve, the size of the allotments and the elevated character suggest the Landscape Conservation Zone as most appropriate for all three lots based on Guideline LCZ 1 and excluded from the Agriculture Zone under Guideline AZ 6 (e)(i).

On Lees Road the long-established Furneaux Field and Game Club have developed a highly regarded facility on CT 170704/1, PID 3414997. Mapped as suitable for Agriculture Zone the Recreation Zone is applied using consistency with the purpose of the zone 28.1.1 and Guideline Rec Z 1 (a). It is excluded from the Agriculture Zone under Guideline AZ 6 (e) (i) (ii) and (iii).



Whitemark Map 15

Note: *The notice issued by the Tasmanian Planning Commission under section 35(5)(b) of LUPAA required modification of the zoning of the following titles to Rural and apply the Priority Vegetation Overlay (where applicable):*

213669/1, 173164/1, 238796/1, 141190/3, 245335/1, 225625/1, 225623/1, 225624/1, 156154/1, 220373/1, 249830/2, 212657/1, 14670/1, 155427/1, 9508/1, 252433/1, 213527/1, 39638/1, 105685/2, 177194/1, 177194/2, 27823/1, 244481/1, 142131/1, 249792/1, 9254/1, 68563/1, 141953/1, 237967/1, 10923/1, 7488/2, 64802/1, 7488/1, 10155/1, 197484/1, 248142/1, 198675/1, 131267/1, 86961/1 (refer TPC S.35(5)(b) Direction 6.5.6)

The Commission queried the zoning of this area and Council took advice from RMCG that proposed the subject titles be rezoned to Agriculture and have the Priority Vegetation Overlay removed from them.

Council determined to support its local strategy, as reflected in the Regional Land Use Strategy and retain the Rural zoning of these properties at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy and Outcomes of RMCG Review.

Whitemark surrounds are currently zoned Rural with the exception of the established low density residential area at Bluff Road, approximately 10 kilometres north of the town. The existing linear residential area is approximately 40 hectares with a further 50 hectares of vacant adjacent land available for future low density residential dwellings. With a general lot size of approximately 4000+ m², this area adjacent to the Whitemark airport provides what is, on Flinders Island, high density development. The Coastal Settlements specific area plan seeks to maintain this allotment size to ensure onsite effluent disposal can remain efficient (this is particularly pertinent to the Bluff Road area) and for the island style of 'urban' development to continue. The current attenuation buffer in the 2000 Scheme applies to parts of Bluff Road settlement but the planning scheme affords an exception under Clause 3.19.4 for a dwelling to be erected. The Safeguarding Airports Code obstacle limitation does not apply to the Bluff Road settlement and there is no noise restriction applied in the LPS, given the airport operates a limited service of small planes.

CT 220316/1 (PID 6427734) is the former Commonwealth Air Services beacon and is zoned Rural (pursuant to TPC S.35(5)(b) Direction 6.5.12). Opposite the Bluff Road area is CT 236421/1 PID 64277726 which is the Sports Ground on land held by council and zoned Recreation.

The remaining area on the Whitemark Surrounds map15 is currently zoned rural with much of it mapped as suitable for inclusion in the Agriculture Zone. As discussed in previous sections, the local strategy is to diversify some rural land for the purpose of establishing opportunities for small scale manufacture and processing, arts and crafts uses, value adding to rural products and provision of affordable lifestyle opportunities. The potential to intensify activities and add more diversity to income streams is the basis of council strategy to attract and retain a sustainable population and to increase the rate base.

The strategy is implemented mainly in this area to take advantage of the proximity to services, relatively flat and cleared land and individual ownership that may improve the realisation of subdivision opportunities. In addition to providing more opportunities economic development, the land at



Whitemark is earmarked for expansion of lifestyle opportunities based on land characteristics (flat, cleared) and proximity to services that make land more affordable. This also recognises the natural hazard constraints⁴⁶ applicable to land immediately adjacent to the otherwise logical extension of the Whitemark township on the eastern side. Land immediately adjacent to the eastern side of the town is zoned Rural which preserves the status quo and recognises the inundation hazard, numerous landholders, smaller lot sizes and residential uses along Butter Factory Road. This land is zoned Rural under Guideline RZ3 (a) since none is integral to the management of a larger farm holding. Large farm holdings to the south of the Golf Course and along Thule Road are zoned for Agriculture. Immediately north of the town, CT 53171/5, CT 15860/1 and CT15860/2 are zoned Landscape Conservation in recognition of the coastal vegetation and landform values (Guidelines LCZ1 and LCZ2 (a)). CT 60768/6 and CT 128758/2 are split zoned with the Low Density Residential Zone, the latter Low Density Residential zoned land identified as a priority location for an assisted living development with the Landscape Conservation zoned land subject to coastal inundation hazard.

Consistent with the NTRLUS acknowledgement of the particular circumstances applying to economic development and settlement hierarchies within the municipality. *"...due to the isolated function of the islands, the demands placed on settlement and activity centres (and the relationship with lifestyle land use patterns) are different to the typical functions of other levels of settlement. As such planning for the islands and the creation of demand to support economic objectives for population retention (and) visitation are dependent on local strategy."*⁴⁷, the Rural Living Zone is applied at Baileys Lane and along Palana Road north of the town.

In the vicinity of Baileys Lane, approximately 1.5kms from Whitemark township, 15 ha of cleared gently sloping land is nominated for Rural Living C on CTs 27542/3 and CT 27542/1 (PID7275787) and on CT 212109/1 west of Baileys Lane (and Rural Living zone D on the 40 hectare part of the title, east of Baileys Lane). These titles are consistent with Guidelines RZZ 1(a) and RLZ 3(b). Council currently acknowledges approximately 200m of Baileys lane as a council road from Lady Barron Road to an existing residence. While the policy is to avoid taking on more road infrastructure obligations, a further 200m obtained through subdivision could provide a link to the reserved road adjacent to CT 226215/1 and thence to Thule Road at the school. CT 226215/1 is Department of Education land requested to be made available for subdivision to facilitate more options for employment related dwellings for school staff. The land is proposed as Rural Living C Zone and is a further example of a local response to a locally specific dilemma under Guidelines RLZ 1(a) and RLZ3 (b).

North of the town a cluster of allotments is zoned Rural Living as the land use response to the need for more diverse offerings of lot sizes and potential tenures. CT 53171/1 (PID 2607949) and part of CT 252518/1 (PID 6427750) are zoned Rural Living A with an SSQ providing for multiple dwellings. This is a local strategic response to the current dearth of affordable long term rental properties and RLZ3(b) applies

⁴⁶ See Coastal Inundation Code Overlay

⁴⁷ Northern Tasmania Regional Land Use Strategy pp22



and is consistent with the NTRLUS. CTs 39516/2 (PID 7629493) CT 39516/1 (PID 7629485) and CT 5317/1 are zoned Rural Living C and CT 31072/1 and CT 16064/1 are Rural Living D to provide a consolidated area for future subdivision as close a possible to the Whitemark Service Centre on appropriate land with maximum services.

The zoning for Whitemark Surrounds thus converts land currently zoned Rural to the SPP Rural Zone, SPP Landscape Conservation Zone and SPP Rural Living Zone. The airport is split zoned to Utilities and Light Industry. The current scheme does not have a Light Industry Zone. The latter zone is applied to part of Council held land adjacent to the airport based on the lack of a light industry zone in the current planning scheme and the strategic intent to provide leased lots for purposes such as concrete batching. The airport is protected through the application of the obstacles map produced for the Safeguarding Airports Code. In the Whitemark surrounds key power, water and communications infrastructure are zoned Utilities. Bluff Road retains the current Low Density Residential Zone.

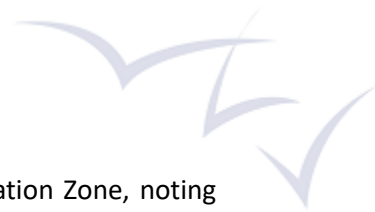
Whitemark Township Map 5 of 7

In the current planning scheme, the business area of Whitemark is zoned Commercial. This zone is intended as the principal location of commercial, administrative and civil functions; in Whitemark new development is intended to reflect a commercial character and be of the scale of existing buildings. The Commercial Zone has no minimum lot size but adds the qualification that lots must be large enough to accommodate on site effluent disposal.

The Whitemark township is the key centre for the Council Area. It is identified in the NTRLUS as a District Services Centre⁴⁸. As such, the General Business Zone should apply. However, the General Business Zone 15.5.2 A2 requires that each lot or proposed lot in a plan of subdivision must have a connection to a reticulated sewerage system, effectively cancelling subdivision potential within the business area of Whitemark which has no reticulated sewerage service. The Local Business Zone allows for on- site effluent disposal and is more closely aligned with the scale of business activity despite the regional strategy designation as a District Service Centre. Whitemark is significantly smaller in size and services than Regional District Centres such as Scottsdale or Deloraine. The extent of the proposed Local Business Zone slightly increases the extent of the current Commercial Zone to allow for future expansion of the business area. Intensification of uses is preferred in order to establish finer grain and increased activity.

The residential areas to the north and south of the business area are proposed to translate from Residential Zone to Low Density Residential Zone for the same reason the Local Business Zone is proposed, i.e. the absence of reticulated sewerage. The hospital and health centre is proposed to translate from the current Public Purpose Zone to Community Purpose. Other uses currently denoted as Public Purpose; Council office, child care centre, hall and library are proposed to be zoned Local Business. The Parks and Wildlife Service depot in Patrick St (CT 145116/2) is translated from the current residential zone to Low Density Residential with an SSQ to modify the Use table to include storage as a permitted use and ensure its current function. The Golf Course, Bowls Green and Clubrooms at the southern end of the town

⁴⁸ Northern Tasmania Regional Land Use Strategy 2018 pp27



currently zoned Environmental Management and Recreation are proposed as Recreation Zone, noting that an amendment to the scheme may be required for future development on the site. The Council Depot CT 155685/1, PID 2985085 and CT155688/1, PID 6426598 is currently zoned Public Purpose. The proposed zone is Light Industry, noting that the land is currently used for council depot uses and also concrete batching. CT 155685/1 is partly prone to coastal inundation and large scale uses are inappropriate and should be located in the newly established Light Industry Zone adjacent to Whitemark Airport.

The Whitemark wharf area is owned by TasPorts and zoned Port and Marine. Part of the land area adjacent to the wharf has been leased with the current scheme amended (AMD01-17 (27/12/17) to accommodate Restaurant, Community Building (for function centre), Local Shop and Tourist Operation. An SSQ preserves the intent of the current scheme amendment.

‘Bluff Road’ Map 4 of 7

The well-established residential area of ‘Bluff Road’ located across the river from the Flinders Island Airport is currently zoned Low Density Residential. The Attenuation Buffer applies due to the airport function. The attenuation buffer generally prohibits a “dwelling unit” (but clause 3.19.1 exempts Bluff Road from this prohibition; a House or a House and Ancillary apartment may be erected in accordance with clause 3.5 (discretionary uses) on existing lots zoned Low Density Residential.

The full extent of the Bluff Road Low Density Residential Zone is maintained in the translation to SPP Low Density Residential Zone. The area provides a residential area for the township of Whitemark at a uniform density pattern of around 4400m² or above. Lot size reflects the soil drainage capacity and the need for onsite wastewater disposal. An allotment of approximately 53 hectares adjacent to the current residential area (also zoned Low Density Residential in the current scheme) was recently subdivided. Due to constraints on the expansion of the Whitemark residential area, Bluff Road is the preferred exclusively residential option for the Whitemark area and despite the recent lost opportunity, a higher density pattern adjacent to the existing residences could still be achieved.

The Low Density Residential Zone is proposed based on the existing settlement, complying with Guideline LRRZ 1(b) and (c). This area was exempted from the mapping for the Agriculture Zone. On Boyes Road several allotments were denoted as constrained for inclusion in the Agriculture Zone. These are referenced in the relevant table in section 4.3; essentially, the smaller allotments are proposed as Low Density Residential and the larger allotments, currently zoned Rural, retain the status quo and are proposed as Rural Zone, reflecting current small scale grazing use, the allotment size and tenure, the location isolated from agricultural land and satisfy Guideline AZ 6 (e) (i), (ii and (iii). The Rural Zone is applied using Guidelines RZ1 and RZ2 and consistent with the Purpose of the Rural Zone. CT 159964/1 PID 3040884, adjacent to the Pats River denoted as potentially constrained for agriculture under criteria 3 and subject to low-medium coastal erosion hazard due to the Pats River estuary, is zoned Landscape Conservation under Guideline LCZ 1 as it has intact vegetation and acts as a vegetative buffer to the river and adjacent airport while suitable for compatible use or development such as a single dwelling.



Lackrana/ Map 16

Note: *The notice issued by the Tasmanian Planning Commission under section 35(5)(b) of LUPAA required modification of the zoning of the following titles from Agriculture to Rural and establish the Priority Vegetation Overlay (where applicable):*

243672/1 and 242211/1, and the reserved road within 242211/1 (refer TPC S.35(5)(b) Direction 6.5.9); and

243139/1, 244779/1, and 198036/1 1 (refer TPC S.35(5)(b) Direction 6.5.10); and

The Commission queried the zoning of these areas and Council took advice from RMCG that proposed the subject titles be rezoned to Rural and have the Priority Vegetation Overlay established over them. Council supported these changes at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy and Outcomes of RMCG Review.

Lackrana is the continuation of the Memana pastoral area travelling south between the Darling Range Conservation Area in the west and the Sellars Lagoon Game Reserve and the Lackrana Conservation Reserve in the east.

West of Golden Mile Road intersection with Lackrana Road, a single allotment CT 242773/1 PID 6429107 is isolated from agricultural land by its location in the centre of the Shag Lagoon Conservation Area. Encircled by reserved land on all sides, this allotment is indistinguishable with the adjoining conservation area and shares physical characteristics of elevation and intact vegetation, some of which is mapped as priority vegetation. This allotment is proposed to modify the Agricultural land mapping and become Landscape Conservation zone under Guidelines LCZ1 and LCZ2 (a) and (b). The substitution is justified under Guideline AZ6 (c) and (e). CT 200838/1 PID 6429115 is approximately 2 hectares. It shares 2 boundaries with the Agriculture Zone and two with the Environmental Management Zone with which it is indistinguishable. It is proposed as Landscape Conservation Zone under Guideline LCZ1 due to the intact vegetation and the substitution is justified under Guideline AZ 6 (3) (iii) on the grounds that it is 2 hectares, individual tenure and is for all intents and purposes part of the adjacent reserved land.

Further west CT 208472/1 PID 6429035 is an allotment on the corner of Manns Road and Thule Road, held by the Council and the site of a rehabilitating minor gravel quarry. This allotment was excluded from the mapping of land suitable for the Agriculture Zone. The allotment is approximately 198 hectares in total, very steep and includes priority Threatened Vegetation Community and significant natural values, particularly in conjunction with Chew Tobacco Creek. It is essentially part of the Darling Range Conservation Area and both the local and regional Parks and Wildlife Services acknowledge its importance and have provided in principle support for the return of the allotment to the Crown for incorporation into the Reserve⁴⁹. The allotment is thus zoned Environmental Management Zone under Guideline EMZ1(e),

⁴⁹ Correspondence Regional Manager PWS 26November 2018.



being consistent with the Zone Purpose statement 23.1.1 to provide protection conservation and management of land with significant ecological and scenic value.

CT 200838/1 (PID 6429115) is an anomalous 1.5 ha allotment on Chew Tobacco Creek, in individual ownership, adjacent to and sharing characteristics with Parks and Wildlife Land. It is mapped as unconstrained for Agriculture Zone but is consistent with Guideline LCZ 1 and is proposed as Landscape Conservation Zone based on intact vegetation, size, natural values of an important creek and characteristics shared with reserved land.

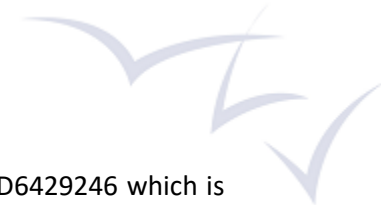
Loccota/ Map 17

The Loccota area is a narrow linear locality squeezed between the Strzelecki National Park and the sea travelling south on Trousers Point Road to the beach of the same name south of the Point and Fotheringate Beach, north of the Point. The single line of allotments on the eastern side of the road that share a boundary with the National Park are mapped for inclusion in the Agriculture Zone. For these allotments the Landscape Conservation Zone is substituted since Zone Purpose statement 22.1.1, applies *“To provide protection conservation and management of landscape values”*.

Guideline LCZ1 is appropriate since the area is one of the key tourist destinations based on the significant scenic quality of the granite mountains of the National Park which are a listed geo-conservation site. The steeply rising land to the east of the road is integral to preserving the scenic quality. Much of this strip is classified as Class 6; unsuitable for grazing, the topography and natural values also constrain viable grazing. The allotments are small and individual tenure. Guidelines AZ6(e)(i),(ii) and (iii) apply, in addition to AZ6 (d) on the grounds that protection of the strategically important tourist attraction justifies an alternative zone.

On the western side of the Trousers Point Road, a current grazing property CT 211031/1 (PID 6429246), is proposed to be split zoned between Agriculture and Landscape Conservation Zones. This acknowledges the fragile coastal values of Fotheringate Bay including the wetland areas of the dunes to which the coastal refugia overlay applies. The proposed split follows a drainage line; incorporated in the Landscape Conservation Zone are the mobile dunes that have been mapped as an ‘investigation area’ for coastal inundation. The dunes are also receding, and the proposed Landscape Conservation Zone displays medium and high erosion hazard bands along the frontal dunes. The split zone is justified on the basis of the coastal land being unsustainable for agriculture although this is indicative only since the zone does not exclude grazing. Essentially, the status quo is maintained.

At Trousers Point, all of the current allotments are zoned Rural and most are mapped as unconstrained for agriculture. Given the extremely significant values attached to the National Park mountains and the two beaches separated by National Park headland and the Fotheringate Creek estuary, the protection of natural and scenic values is the key issue. The conversion to the Landscape Conservation Zone acknowledges the need to protect the surrounding land on those sites that may not otherwise exhibit characteristics that qualify for protection. Guideline LCZ 1 allows for protection and conservation of areas of important scenic values, where some small scale use or development may be appropriate. This accurately describes the Loccota locality as a whole and is why the Landscape Conservation Zone is



proposed for the entire locality other than the previously mentioned CT211031/1 PID6429246 which is currently grazed land.

At the northern extent of the locality on the eastern side of the road, CT234419/1 PID 6429238 is separated from agricultural land by National Park Reserve. Indicative of the area, this title remains unsuited to agriculture based on the size and isolation of the allotment (surrounded on 3 sides by National Park), the coverage of priority vegetation *E. viminalis* and listed geo-conservation for the granite razorback geomorphology. It is also noted as medium landslip hazard.

The linear nature of the locality, separate land holders, relatively small allotments and land capability class 6 (unsuited to grazing) are significant constraints to inclusion in the Agriculture Zone and satisfy Guidelines AZ 6 (c), (e) (i), (ii) and (iii) and AZ 6 (d) strategically identified as a key scenic management area for tourism objectives. However, the key reason for proposing the Landscape Conservation Zone complies with Guideline LCZ1: *the need to provide protection and conservation of areas of important scenic values*, and LCZ2(b), *land that has significant constraints for development through the application of the Natural Assets Code or Scenic Protection Code* for the visual and natural values that underpin this key attraction of the tourist economy.

CT202756/1 PID1506222 is the Trousers Point Beach and LCZ1 applies to the Threatened Vegetation Community *Melaleuca ericifolia* as well as to the highly significant scenic quality of the views from the beach towards Strzelecki National Park. Currently zoned Rural with a minimum lot size of 40 ha, the approximately 30 ha allotment is Landscape Conservation Zone with a SSQ prohibiting further subdivision in order to guarantee the maintenance of exceptional coastal and scenic values.

Land south of Trousers Point, known as the Big River locality, shares the same characteristics as the Trousers Point land insofar as it is a slim strip of freehold land between the National Park and the coast. The current zoning is Rural despite the topography and land capability of Class 6. The Interim Scheme denoted this area as Environmental Living. The proposed zone is Landscape Conservation based on Guidelines LCZ 1 and LCZ 2 (a), (b) and (c) to the extent that the Interim Scheme was consulted in draft form but not declared. It is substituted for the Agriculture Zone based on Guideline AZ 6 ((a), (c) (d) and (e) (i), (ii) and (iii)).

Lady Barron Surrounds Map 18

Note: *The notice issued by the Tasmanian Planning Commission under section 35(5)(b) of LUPAA required modification of the zoning of the following areas:*

1. *Rezoning from Rural to Agriculture and removing the Priority Vegetation Overlay (where applicable): 204218/1, 209407/1, 36449/1, 229223/1, 113866/1, 207512/1, 210233/1, 18201/5, 18201/6, 73421/3, 210716/1, 73421/1, 230815/1, 218667/1, 73421/2, 73421/4, 177061/1, 211956/1, 25190/1, 211534/1, 229476/1 and 134868/3 (refer TPC S.35(5)(b) Direction 6.5.7);*

The Commission queried the zoning of these areas and Council took advice from RMCG that proposed the subject titles were suitable for the Agriculture zone, but supported retention of the Rural and Priority Vegetation Overlay based on local strategy. Council supported these changes at its meeting on 16 March



2021, as detailed in the LPS Zoning Strategy and Outcomes of RMCG Review. The Commission did not support this change and directed that the zoning be altered.

2. *Rezoning from Agriculture to Rural and establish the Priority Vegetation Overlay (where applicable): 213113/1, 171036/2, 171036/3, 112033/1, 226815/1, 171036/1, and PID 7098370, and unidentified Crown land in Wallanippi Road adjoining the southern boundary of FR 251690/1 to the Rural Zone; and split-zone 224492/1, 210391/1, 201833/1, 168347/2, 209299/1, 161996/1, 213676/1, and 202887/1 Rural Zone and Agriculture Zone (refer TPC S.35(5)(b) Direction 6.5.11);*

The Commission queried the zoning of these areas and Council took advice from RMCG that proposed the subject titles be rezoned to Rural and have the Priority Vegetation Overlay established over them. Council supported these changes at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy and Outcomes of RMCG Review.

Taking advantage of the views to the Strzelecki Ranges, the Vinegar Hill Estate is an anomalous 10 hectare residential cluster of 32 allotments approximately 500m north of the township boundary and separated from the Lady Barron township by the cemetery, fire station and Crown land. This residential estate is zoned Rural under the current scheme and is an example of subminimal lot sizes within the zone. The pattern of subdivision and the small lot size exclude this zoning under the SPPs. The location on the western slopes of Vinegar Hill means that achieving bushfire mitigation may be problematic for some allotments, particularly the half acre lots on the estate's eastern boundary. Nevertheless, this estate is proposed to be zoned Low Density Residential based on the current pattern of development and the absence of reticulated sewerage. The zone is justified under Guidelines LDRZ1 (a) (i) & (ii) and LDRZ 1 (c). Ten allotments within the estate have been identified as constrained for agriculture. These are dealt with in Table in section 4.3 above. The remaining allotments were excluded from the study.

At the western edge of the township, two allotments were also excluded from the agricultural land study. Currently zoned Rural with a Shorelines and Waterbodies overlay extending 70m inland from the road, CT 24967/1 PID 7305245 and CT250043/1 PID7305237 are proposed to be zoned Rural maintaining the status quo. They are subject to an investigation area for Coastal Erosion Hazard band and both allotments were excluded from the mapping of Agricultural land. While they are within the township boundary and are used for residential purposes, they are anomalous when considered alongside of the pattern of development west of Lady Barron Road.

With the exception of CT 250865/1 zoned Rural Residential and the eastern section of Franklin Parade zoned Low Density Residential all land to the east of the town and adjacent to the foreshore is proposed to be converted to the Landscape Conservation Zone under Guideline LCZ 1 in acknowledgement of the scenic amenity of the foreshore and the application of Natural Assets Code (refer Guideline LCZ 2(b)). Of these allotments CTs16939/1, /2, and /3 are currently zoned Low Density Residential with a Shorelines and Waterbodies overlay. CT 114787/1 PID 2230256 is currently zoned Rural and entirely covered with Shorelines and Waterbodies overlay with two approved dwellings one of which is construction. It is mapped as constrained for Agriculture. Further east at the northern extent of White Beach, coastal allotments CT 40531/1 PID7664213 and CT169316/1 PID3359414 are currently zoned Rural with the Shorelines and Waterbodies overlay. They are mapped as constrained for Agriculture and proposed as



Landscape Conservation based on the scenic value of the location and the application of the Natural Assets Code and Guidelines LCZ 1 and LCZ2 (b).

Located between the coast and Crown Reserve Land CT153145/2 PID 6431979, CT 153145/3 PID 1950059, 153145/4 PID1950067, CT153145/5 PID7148673 and CT247800/1 PID 6432007 encompass the length of north /south White Beach and the point denoting the southern end of the east coast of Flinders Island near Dick Davey Shoal. The Shorelines and Watercourses overlay currently applies within 100m of the high water mark. The investigation area for coastal inundation applies to the entire peninsular and current recession indicates impacts of storm surge. The area is adjacent to the Logan Lagoon Conservation Area with an Ecological Overlay under the current scheme relating to the Logans Lagoon RAMSAR wetland. Most is intact vegetation and the coastal areas are class 6 land. CT 247800/1 is covered in *Eucalyptus nitida* Furneaux Forest. The southern area is habitat for the Vulnerable Hooded Plover. The individual tenure, current land use (natural values), distance from agricultural land, topography (which includes coastal erosion and sand blows) satisfy AZ6 (e) (i), (ii) and (iii) and the land is proposed as Landscape Conservation Zone on the basis of Guideline LCZ 1 important scenic values (White Beach) and large areas of native vegetation and Guideline LCZ 2 based on the proximity of the globally significant RAMSAR wetland.

CT 135186/1 PID 2032006 is completely surrounded by Logan Lagoon Conservation Reserve and Logan Lagoon State reserve and excluded from agriculture zone mapping. All other freehold allotments east of Lady Barron township boundary (17 in addition to those described above) are excluded from the Agricultural Zone based on being contiguous large areas of intact bushland, most of which is *Eucalyptus nitida* Furneaux Forest. This satisfies Guidelines LCZ1 and LCZ 2 (a). Combined with Crown land allotments zoned Environmental Management, the locality is a barrier dune system listed as of State significance which serves as a buffer to the RAMSAR wetland stretching approximately 7 kilometres down the east coast qualifying as a strategically important use requiring an alternative zone to the Agriculture Zone. The freehold allotments proposed for the Landscape Conservation Zone are in individual ownership and separated from Agriculture Zoned land by the Crown Environmental Management Zoned land. Guideline AZ6 (d) and (e)(i), (ii) &(iii) are the basis for substitution of the Agricultural land mapping.

North of the township, Vinegar Hill is currently zoned Rural and largely mapped for the Agriculture Zone. The area is steep and covered in priority vegetation and threatened flora and proposed for the Landscape Conservation Zone zoned based on Guideline LCZ 2(b). Each of the two allotments comprising Vinegar Hill are subject to a Site-Specific Qualification for future subdivision to provide for public access to the summit which affords spectacular views of Adelaide Bay, Cape Barren and other islands and the east coast lagoon system. Council recognises the potential for formalising this important adjunct to visitor experience of Lady Barron. The substitution of the Agriculture Zone mapping is proposed based on Guideline AZ6(c) and (e).

West of the Lady Barron Township, rural allotments along Coast Road have been subdivided to less than the minimum lot size for the Rural Zone and most are within a range of 5-20 hectares. These allotments (and a few larger ones immediately north of them, have been designated as Rural Zone since the cluster of smaller lots means the land is already converted from Agricultural (broadacre) scale to almost a domestic (for Flinders Island) scale. The multiple tenure and small lot sizes provide rural opportunities for



medium to large scale enterprises with single dwellings without risking loss of the agricultural resource of the broadacre land further north. The area is excluded from the Agriculture Zone based on Guideline AZ 6 (e) (iii) (acknowledging that agricultural land on Flinders island is only for grazing at a broadacre pattern) and the Rural zone is applied to maintain the status quo consistent with Zone Purpose statements 20.1.1 (b) (c) and (d) and Guideline RZ 3(a).

At Cooma, west of the Samphire River, the existing Rural Living area is not expanded but some intensification of allotments is proposed to allow for modest growth in this southern gateway to the Strzelecki National Park. A SSQ applies to CT 160220/3 PID 6430626 which is an existing guest house, to permit unqualified food services and a function centre. Council is satisfied the uses will be an adjunct to the island's tourism offering by providing cooking school, trattoria, food related events and other services currently not available. This is consistent with the NTRLUS ED-P1, ED-P10⁵⁰ and E.5.1⁵¹. Remaining allotments in this existing rural residential cluster are zoned Rural Living C and D providing nominal intensification.

Private land on Little Green Island (CT's 138641/1 and 214292/1) was zoned Landscape Conservation as a result of its private ownership (TPC Direction s.35(5)(b) 6.5.15).

Lady Barron Township Map 6 of 7

The implications for conversion of land from the various zones for Lady Barron in the current Planning Scheme to the SPP zones is outlined in Zone Comparison Table APPENDIX 3. The township is currently split between the Residential Zone, Public Purpose zone applied to Housing Commission land, the cemetery and fire station; Commercial zone applied to the general store 'precinct', the Tavern, a church, the Flinders Island Aboriginal Association building and a triangle of land bordered by West Street, Lady Barron Road the Esplanade and Lady Barron Hall. The Low Density Residential zone applies to a triangle of land on a promontory to the east of the town on Franklin Parade. The Residential Zone extends outside of the town boundary to dwellings on Franklin Parade and as ribbon development on vacant land along Pot Boil Road where historical titles exist that are a subminimal size for achieving waste water disposal and adjacent to high coastal erosion areas based on high potential for 'storm bite'.

The strategy for Lady Barron township tested at public consultation in September 2018 and March 2019 is to consolidate the township by preventing ribbon development and application of the Village Zone. There is currently no 'centre' although there are activity 'nodes'; Flinders Island Aboriginal Association (FIAA) and the Lady Barron Hall/ gym on West Street, the General Store on Henwood St and the Lady Barron tavern on the foreshore. The viability of a pleasure boat facility adjacent to Tas Ports land east of the port is being investigated. These 'nodes' provide options for future development within walking distance. A cultural centre on CT 230968/15 is being explored by FIAA and is an exciting possibility that could provide an important attractor for visitors and focal point for local activities. The development of

⁵⁰ Pp 43 and 44

⁵¹ The Furneaux group of Islands do not experience the same economic conditions as the balance of the region due to their remoteness. As such, the Furneaux Group relies on local strategies to capitalise on its unique attributes and to further economic objectives.



multiple dwellings on FIAA and Housing Commission land is maximising residential opportunities in the town. An Assisted Living/Retirement Village on Barr Street (CT 50143/1, CT 50142/1) would significantly add to the town's residential offerings.

Within the town, conversion from Residential to Low Density Residential is required due to the lack of reticulated sewerage LDR Z 1(b). Conversion from Residential to Village relies on Guidelines VZ1 VZ 2 and VZ 3 (b). The conversion from Commercial to Village Zone reflects the present residential scale of the settlement and the inappropriate nature of the SPP Commercial Zone when applied to the township; this zone is excluded on the basis of Guideline CZ1 (a) and (b). The Village Zone is used based on the centre hierarchy for the island and the intention to maintain Whitemark as the main service centre for the island. Whitemark business area is proposed for the Local Business Zone and so application of this zone to Lady Barron would distort the local activity centre hierarchy.

Open Space Zone was applied to both the Holloway Reserve and adjoining crown land (PID6429553) under the requirements of Guideline OSZ1. Former discussions for the area had identified the crown land for Local Business zoning and specific controls to allow a car wash or commercial laundry, plans for these projects had not been developed and did not meet the tests under Guideline No. 1 for use of the zoning or supporting the specific controls. These matters can be progressed as a separate planning scheme amendment at a future time and pending progress on the individual projects.

At the northern extent of the township is the Lady Barron Cemetery CT 1155693/1 PID6430263 and two vacant allotments PID 7905259 and PID 6430298 are held by the Crown. On the corner of Gunter St and Lady Barron Road, CT107087/1 PID 7525432 is the Lady Barron Fire Station. These allotments are currently zoned Public Purpose. The cemetery and fire station are proposed to be zoned Community Purpose based on Guidelines CPZ1 (a) and CPZ 1(c) respectively. The Crown Land was (decades ago) a rubbish tip. These two allotments are zoned Landscape Conservation under Guidelines LCZ 1 and also LCZ2(a) since the vegetation is contiguous with large tracts of bushland on adjacent Vinegar Hill and is locally important for scenic amenity at the entrance to the town, notwithstanding recent destruction for fuel reduction.

To the west of Main St, allotment CT 250577/1 PID 6430538 is held by Flinders Island Aboriginal Association and currently split zoned Residential (accommodating fourteen dwellings) and Environmental Management and Recreation which is open space land with an existing dwelling and separate outbuilding. The proposal is to rezone most of the allotment to Low Density Residential given the current residential uses and the absence of natural values on the site. The remaining section adjacent to the FIAA Administrative Centre is proposed to be zoned Village, contiguous with Village zoning along West Street. The Open Space Zone is not applied to the vacant section since it is not identified as being for passive recreation or landscape amenity.

The current Port Zone is directly translated to the full extent of the Lady Barron Port area and to the TasPorts diesel storage tanks located on the coast to the east of the port which is consistent with the purpose of the Port and Marine Zone and PMZ 1. Given the critical importance of the working port in relation to weekly supply of goods and ongoing transport of cattle and the limited ability to expand, the port at Lady Barron is recognised as single use. While compatible uses may be established on Crown land



in adjacent sheds, a specific area plan is proposed to modify the Use Table to delete Visitor Accommodation and to restrict Tourist Operations and Food Services to a gross floor area of 100m². It is noted that while the SPP Zone allows these uses as discretionary, the zone provides no standards for assessment of discretionary uses. The specific area plan address this by including standards for discretionary uses. The objective is to protect the port operations which support the \$22million agriculture Industry and all decisions to zone land for Agriculture.

Three foreshore Crown allotments PID 6429748 are proposed as Environmental Management Zone, consistent with other Crown land coastal reserve. The land has been identified for a potential safe harbour project. Pleasure Boat Facility is a discretionary use in the zone, consistent with the purpose of the zone 23.1.2.



5.0 Codes

The SPPs section LP1.7 provides the requirements for how Code mapping should be applied in each municipal area with additional guidance from Guideline No.1. Section LP1.8 of the SPPs provides the requirements for how Code lists in tables are to be populated.

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

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

5.1 C2.0 Parking and Sustainable Transport Code

The Parking and Sustainable Transport Code and associated Guidelines enable the identification of two overlays:

- Parking Precinct Plan, and
- Pedestrian Priority Streets

The draft Flinders LPS identifies an optional overlay for a parking precinct plan. A draft Whitemark Parking Plan is included as a separate attachment. The Whitemark streetscape is very well spaced with exceptionally wide road spaces, generous footpaths and ample on-street parking. There are unique conditions on Flinders Island in relation to amount of economic activity in the Whitemark town centre, the volume of traffic and the slow rate of development within the local business area. This means that the application of the Parking Code is likely to distort the achievement of orderly development and place unnecessary parking provisions that may slow an already glacial rate of growth. The draft parking precinct plan is expected to be adopted after the exhibition of the LPS and is intended to be a Council submission.

The Lady Barron Port specific area plan FLI-S4.6.2 is in addition to the Port and Marine Zone clause 25.3 and is in substitution for the Parking and Sustainable Transport Code.

5.2 C3.0 Road and Railway Assets Code

The Code allows for an overlay map to be provided over areas which are reserved for future major road or a future railway. Flinders Council has one State road. This overlay is not included in the Flinders LPS.

5.3 E4.0 Electricity Transmission Infrastructure Protection Code

There are no mapped Infrastructure Protection Areas to be included in an overlay for Flinders or Cape Barren Islands.

5.4 E6.0 Local Historic Heritage Code

Guideline No.1 overview states that “The Local Historic Heritage Code aims to recognise and protect the local historic heritage significance of local heritage places, heritage precincts, historic landscape precincts and places or precincts of archaeological potential and significant trees by regulating development that may impact on their values, features and characteristics.



The Local Historic Heritage Code applies to development only. The Local Historic Heritage Code does not apply to a registered place entered on the Tasmanian Heritage Register (THR). Some sites may have dual listings for mutually exclusive parts of the same lot or lots, therefore, the code does not apply to that part of the site listed on the Tasmanian Heritage Register. Deal Island Light Station (including ruins, store and Keepers Quarters) and the Goose Island Historic precinct are currently listed on the Tasmanian Heritage Register.

Guideline No.1 notes: Inclusion of Tasmanian Heritage places in the LPS local heritage places list provides for the automatic application of the Local Historic Heritage Code to such places if they are de-listed from the Tasmanian Heritage Register in the future. The Local Historic Heritage Code will not apply to any Tasmanian Heritage Register places if they are included on the LPS code list while they remain listed on the Tasmanian Heritage Register.

The 2000 Scheme includes a list of local Heritage Places. The table to Schedule 2 of the planning scheme titled *Heritage Places* is subject to the transitional provisions under Schedule 6, Clause 8D (2) of LUPAA for application through the LPS as the Local Heritage Places list for the SPP Local Heritage Code.

This is possible since Table to Schedule 2 Heritage Place is populated from the Local Heritage Place list in the SPP Local Historic Heritage Code. There is no associated statement of local heritage significance accompanying the Table in the current scheme. However, the Minister may declare that council is not required to prepare a statement of local historic heritage significance if such a statement is not currently available for the listed places.

Local Heritage Landscape Precincts include Wybalenna. The LPS must include an overlay map showing the extent of the precinct. The local historic landscape precinct is mapped and includes Settlement Point and land adjacent to Wybalenna. CTs 227527/1, CT 46256/9, CT 46256/7, CT 245387/1 and the Wybalenna allotments CT 131903/1, 2 and 3.

The transitional status of the heritage listings means that the following were not used in the LPS:

- Local Heritage Precinct
- Place or precinct or archaeological potential
- Significant trees

5.5 C7.0 Natural Assets Code

Section LP1.7.5 of the SPPs specifies the requirements for the Natural Assets Code and each of the respective overlays.

The Natural Assets Code is comprised of three mapped overlays:

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

5.5.1 Waterway and Coastal Protection Area

The waterway and coastal protection overlay map was derived from the LIST's 'Waterway and Coastal Protection Area Guidance Map' and at this time remains unmodified.



Areas within the Low Density Residential, Village, and Port and Marine zones had the buffer reduced to a width of 10m or removed (refer TPC S.35(5)(b) Direction 7.6.2).

5.5.2 Future Coastal Refugia Area

The future coastal refugia area overlay is applied to land identified for the protection of land for the landward retreat of coastal habitats, such as saltmarshes and tidal wetlands, which have been identified as at risk from predicted sea level rise.

A 'Future Coastal Refugia Area Guidance Map' (guidance map) has been prepared and published on the LIST to provide guidance for preparing the future coastal refugia area overlay.

The guidance map provides guidance for mapping the future coastal refugia area overlay by identifying potential future coastal saltmarsh and tidal wetland areas based on the Department of Premier and Cabinet (DPAC) predicted sea level rise and 1% AEP storm surge height mapping for 2100, including areas with and without LiDAR coverage.

The guidance map categorises the land in accordance with the current interim planning schemes (IPS) for the purposes of mapping the future coastal refugia overlay. The Guidelines detail which zones are compatible, incompatible or need further consideration.

Future coastal refugia area overlay map was prepared in accordance with Guidelines as detailed in the decision tree below:

Table 20 - Coastal Refugia Compatible zone conversion

Zone Category & Associated Zones	Refugia in LPS	Comment/Rationale
Compatible Zones: Environmental Management and Recreation Zone Rural Zone	Yes	The refugia identified on the State's Future Refugia Guidance Map has been included in circumstances where the land is zoned with one of the 'Compatible Zones'. These zones provide for less intensive use and development than other zones. The presence of future refugia on these typically large lots is unlikely to prevent the land from being used and developed consistently with the identified zone purposes and will in any case redirect development to less hazardous areas.
Special Consideration Zones: Rural Living Zone	Yes	The refugia identified on the State's Future Refugia Guidance map has been included on land zoned Rural Living at Blue Rocks where only very limited area of relevant titles is affected
Case by Case Consideration Zones: Utilities Public Purpose Zone	Yes	There is no public purpose zoned land included within the coastal refugia overlay The refugia identified on the State guidance map is applied to the Pats River estuary on the southern boundary of the Flinders island Airport which is zoned Utilities. Only a very minor area is affected and is outside of runway or development areas.



Incompatible Zones: Residential Low Density Residential Zone Village Zone Commercial Zone Port Zone	Yes	The refugia identified on the State's Future Refugia Guidance Map has been included in circumstances where the land is zoned Low Density Residential at the eastern edge of Whitemark township. The rationale is that while most land is developed; the inclusion of the overlay emphasises the constraint associated with overland flows and implications of coastal inundation in the area.
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5.5.3 Priority vegetation area

Section LP1.7.5(c) of the SPP requires that each LPS must contain an overlay map showing priority vegetation areas that:

- include threatened native vegetation communities as identified on TASVEG Version 3 published by DPIPW;
- are derived from threatened flora data from the Natural Values Atlas published by DPIPW;
- are derived from threatened fauna data from the Natural Values Atlas for the identification of significant habitat for threatened fauna species, published by DPIPW.
- SPP clause LP1.7.5(d) allows a planning authority to modify the priority vegetation area derived from the above listed datasets, if field verification, analysis or mapping undertaken at a local or regional level by the planning authority, or a suitably qualified person on behalf of the planning authority:
 - finds any anomalies or inaccuracies in the State data,
 - provides more recent or detailed local assessment of the mapping and data; or
 - identifies native vegetation or habitat of local importance.
- The planning authorities across the Southern, Northern & North-West Region commissioned analysis based on the 'Regional Ecosystem Model' (REM) to prepare the priority vegetation areas maps for inclusion in the LPSs. An explanation of the REM and how it relates to the priority vegetation overlay is provided in Appendix 5.
- The REM layers biodiversity values to define areas of importance. The model:
 - integrates spatial data on the distribution of the major components of biodiversity, and the factors affecting them;
 - Models key biodiversity attributes that derive from multiple inputs;
 - Analyses the relationships among the components of biodiversity and the environment; and
 - Spatially identifies areas which have immediate or potential conservation concerns, and provides indicators of their relative importance, to inform approaches and priorities for management.

This approach provides modelling consistency for the Code across all council areas regardless of local priorities and circumstances including the amount of remnant communities or species on the island as a proportion of the community or species across other council areas. This is particularly relevant to a small island ecology.



The Flinders bioregion is of particular importance given its isolation from other ecological communities and the large number of endemic species unique to the Flinders Bioregion. The region is inherently different circumstances to priority vegetation communities on the larger Tasmania where destruction of communities in one municipality may be ‘compensated’ by a community in an adjoining LGA.

In addition to the REM data, Flinders Council commissioned mapping for Priority Habitat for the council area. The aim was to identify areas of significance for biodiversity conservation and management outside of existing formal reserves. The spatial analysis preferentially selects sites with values which are irreplaceable coincident, under-represented in reserves and in a coherent spatial configuration (clumped, buffered, connected). An explanation of the method is Appendix 5.

5.6 C8.0 Scenic Protection Code

Section LP1.7.6 of the SPPs specifies the mapping requirements for the Scenic Protection Code. Clause C8.1.1 of Guideline No.1 sets out guidance for applying the Scenic Protection Overlays.

The Code limits the application of the scenic protection area or scenic road corridor to development in the following zones:

- Rural Living Zone;
- Rural Zone;
- Agriculture Zone;
- Landscape Conservation Zone;
- Environmental Management Zone; and
- Open Space Zone.

The purpose of the Scenic Protection Code is to recognize and protect landscapes that are identified as important for their scenic values. The current planning scheme applies the Visually Sensitive Areas overlay to key scenic landscapes, particularly in the north of the island and the extent of the current overlay is a transitional provision. The LPS overlay map expands the application of the Scenic Protection Area. The proposed additional areas are discussed below.

The ‘commons’ on Flinders Island is substantially related to the scenic quality/aesthetic value of the landscape. Natural landscapes are omnipresent, and islanders are used to large open spaces, large skies, forested mountains and glorious and varying seascapes. This is a “uniqueness “factor and partially explains the islander expectation for lifestyle allotments. The commons in terms of landscape value is strongly related to sense of place, cultural identity and social activity as well as being the fundamental element of economic development for both ‘nature based’ tourism and environmental services supporting primary industry. Photographs of key scenic areas are included [Appendix 6](#).

North East River

The transitional visually sensitive overlay currently applies to land at North East River above the 40m contour. The overlay is proposed to be extended downslope from the 40m contour to the River where the current ecologically sensitive overlay commences (The Ecologically Sensitive Overlay is not a transitional provision). The justification for extending the scenic overlay is based on the visibility from the river mouth and the importance of the North East River area to both locals and visitors. The view looking



south from the river mouth at Holloway Point is panoramic; a natural landscape containing coastal features and habitats including estuary and wetlands, beaches, sand dunes and native vegetation. The estuary has high value for numerous bird species some of which are listed under international agreements. The area where the overlay is proposed to be extended has high 'relief' value since the land increases in elevation from the coast to over 100m. While the ex-forestry site is regenerating with mixed vegetation and still provides a significant contrast, there is generally a visual congruence in the land cover with only 2 developments that are visible but relatively inconspicuous due to small scale and minimal clearance of vegetation.

The absence of visible development provides an environment free of 'overlooking' and contributes to a sense of remoteness at the river mouth. The local significance is social and relates to use by locals for recreational and camping uses. The economic significance is associated with visitation by tourists and the preservation of the remote feeling which is marketed as a tourist attraction and is clearly a diminishing resource. The extension of the overlay will also help to conserve the views from the hillsides *towards* the river mouth which encompass the estuary and coast and is remarkable in expansiveness, diversity and naturalness of river and coastal features. The entire North East River area is unlikely to be subject to a 'development boom', however, the potential impact of a single development in this landscape is underscored by the absence of other visible buildings or structures.

South of the North East River and Palana areas, the existing Visually Sensitive overlay encompasses land west of Palana Road to the Limestone Bay coast, Mount Killiecrankie on private and public land, excludes the Killiecrankie settlement and then encompasses most of the Mount Tanner Nature Recreation Reserve and the loose arrangement of dwellings at Leeka/West End. These landscapes have been accepted as part of the transitional arrangement for the Visually Sensitive overlay.

Marshall Bay

The Scenic Management Overlay is proposed to be extended to encompass the area west of Palana Road that follows the coastline of Marshall Bay. The area joins the current extent of the overlay at Leeka, extends east to encompass seven freehold allotments west of Palana Road and then all allotments west of Palana Road south to where the current visually sensitive overlay recommences on Crown land north of Emita township. The scenic quality of this area is evident from the views from the Emita lookout and from north facing allotments on Port Davies Road.

The components of the view relate to the uniting and harmonising effect of the intact vegetation, the high degree of naturalism that this provides and the contrast and compatibility of the long wide stretch of sandy beach and fore dunes around the wide expanse of the bay. There is, from the vantage of the lookout, no human effect on the landscape. Minimal clearance for development and non-reflective materials including for rooves will be critical to the maintenance of the scenic quality, particularly from the tourist lookout and Port Davies Road. Clearance of vegetation in this highly erosion sensitive environment has the capacity to significantly modify the integrity of the current scenic quality.



Emita

The transitional provisions include the mapping of the scenic management overlay on Crown land adjacent to the foreshore at Emita and to freehold land at Settlement Point a key heritage conservation area. There is one extra freehold title included in the scenic Protection overlay; it is CT 245387/1 adjacent to the Wybalenna Heritage area. As such the scenic values of CT 245387/1 are amplified in the context of the Heritage area.

The Emita Settlement is zoned Low Density Residential. The Code does not apply in this zone.

Loccota

The transitional provisions include the existing visually sensitive overlay as it currently applies to Crown land at Loccota and extends the scenic management overlay to include CT 202756/1, the allotment adjacent to Trousers Point Beach, CTs 154535/1 and 175135/2 adjoining Fotheringate Bay.

The additional allotments at Fotheringate Bay and Trousers Point Beach were included because of the views from the public beaches and the complexity of the vistas. Both views are rated extremely high value based on an exceptional degree of topographic variation: turquoise water with large boulders, long curve of sandy beach, vegetated foredunes, vegetated foothills rising steeply to vegetated slopes and granite outcrops of the National Park. The diversity and richness of these contrasting elements provides a rare combination of high integrity and is universally appreciated by locals and visitors alike. The vegetation and habitat values and the ephemeral effects of light emphasise the natural as well as scenic qualities of these two undeveloped coastal locations.

The transitional provisions apply to land south of Trousers Point Beach along the Big River Road, around the southern extent of the Strzelecki National Park to the southern boundary of (but not including) Cooma.

Lady Barron

The current visually sensitive overlay includes parts of Vinegar Hill. The overlay applies special area provisions over the least viewed aspect of the Hill i.e. the eastern slopes. The Scenic Protection overlay is proposed to be extended to cover all land above the 40m contour to the summit of Vinegar Hill and including the west southern and south western slopes. The extension of the current overlay is based on the significant visibility of the hill in the wider landscape and valuable intact vegetation that adds considerable scenic amenity to the township of Lady Barron. The overlay excludes the Vinegar Hill Estate but includes land proposed for Rural Living A in the east of the town.

The Scenic Protection Overlay is proposed to be extended to include White Beach which runs north south at the eastern extent of the Lady Barron locality. Of shore of this pristine white sand beach is a well-used mooring area and the beach is visible from the town. It is integrated with the broader landscape and seascape of near islands all of which exhibit an entirely natural state. The protection for visual quality is designed to retain this naturalness and to avoid visual impacts of development when viewed from the town and the offshore areas.



Darling Ranges

Parts of the Darling Range Conservation Area, Brougham Sugarloaf Conservation Area and Mulligans Hill Conservation Area are currently within the Visually Sensitive overlay and will be transitioned. In addition, the remaining areas of these reserve areas are proposed to be included in the Scenic Protection overlay. Overall 'the granite' is a solid constant in the landscape affected by ephemeral influences such as pink light at sunset and waterfalls during weather events. The range and complexity of vistas from multiple vantage points, the topographic variation and the lack of development are critical to the collective island identity, sense of place and economic sustainability. Where they are clearly integral with the topography of the ranges, freehold allotments are included in the scenic protection overlay. These titles are listed in Table 21.

Table 21 - Private allotments in Scenic Protection Overlay - darling Ranges

Darling Range Conservation Area	+ CTs	Brougham Sugarloaf and Mulligans Hill Conservation Areas	+ CTs
	200410/1		175239/1
	214183/1		141190/3
	2141832/1		121593/1
	197402/1		210431/1
	197504/1		127260/2
	239474/1		127260/1
	242178/1		143336/1
	128643/1		243851/1
	239247/1		143335/1
	141041/1		241549/1
	239193/1		PID 6424189 Crown
	238598/1		205540/1
	208472/1		
	242211/1		
	243672/1		
	251051/44		
	238427/1		

The required Table C8.1 Scenic Protection Area is included in section 6.0.

5.7 C9.0 Attenuation Code

The LPS does not contain an Attenuation Code Overlay Map. The Code will apply through the attenuation distances specified in the SPP ordinance`.

5.8 C10.0 Coastal Erosion Hazard Code

The Flinders LPS incorporates the C10.0 Coastal Erosion Hazard Code. The overlay mapping is based on work commissioned by the Department of Premier and Cabinet which produced a state wide model of the Tasmanian coastline. The coastal erosion hazard area overlay in the LPS has not been modified from the layer published on the LIST.



5.9 C11.0 Coastal Inundation Code

Clause LP1.7.9 of the SPP requires each LPS to contain an overlay map produced by the Department of Premier and Cabinet, showing the following areas for the application of the Coastal Inundation Hazard Code :

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

Guideline CIHC 1 requires the coastal inundation hazard area overlay to include the three coastal inundation hazard bands and the coastal inundation investigation area as depicted in the 'Coastal Erosion Hazard Area Bands 20161201' layer published on the LIST.

The coastal inundation hazard area overlay in the LPS has not been modified from the layer published on the LIST. Guideline CIHC 2 requires the LPS to include the AHD levels for the coastal inundation hazard bands and the defined flood level for the relevant localities as a list for the Coastal Inundation Hazard Code in accordance with the AHD levels published on the DPAC website. The AHD levels have been included in the Coastal Inundation Hazard Bands AHD Levels Table in the draft LPS without modification.

The required Coastal Inundation Hazard Bands AHD Levels Table is included in section 7.0.

5.10 C12.0 Flood-Prone Hazard Code

Clause LP1.7.10 requires the LPS to contain an overlay showing the areas for the application of the Flood-Prone Areas Hazard Code if a planning authority has flood-prone areas in the municipal area.

No transitional provisions under Schedule 6, Clause 8D (2) of LUPAA apply to this code and no Flood-Prone Hazard Area overlay for the SPP Flood-Prone Areas Hazard Code have been identified.

5.11 C12.0 Bushfire Prone Areas Code

The draft LPS incorporates a bushfire-prone area overlay provided by the Tasmanian Fire Service. The supporting report from the TFS is provided in [Appendix 7](#).

5.12 C14.0 Potentially Contaminated Land Code

The Potentially Contaminated Land Code provides identification of potentially contaminated land via a potentially contaminated land overlay. The Code Application clauses at C14.2 provide alternative ways of identifying potentially contaminated land, which is what Council will rely on to "call in" land that is not within the absence of an overlay.

Council does not currently hold a database of all potentially contaminated land. Council acknowledge that it needs to provide a comprehensive list of potentially contaminated land and an overlay in the future.

5.13 C15.0 Landslip Hazard Code

Clause LP1.7.12 of the SPP requires the LPS to contain an overlay map produced by the Department of Premier and Cabinet, showing landslip hazard areas for the application of the Landslip Hazard Code.



Guideline LHC 1 requires the landslip hazard area overlay must include the four landslip hazard bands as depicted in the 'Landslide Planning Map – Hazard Bands 20131022' layer published on the LIST, unless modified.

The LPS utilises the C15.0 Landslip hazard Area Code. Overlay mapping is derived from the landslip hazard bands depicted on the Landslip Planning Map-Hazard Bands 20311022 layer published on the LIST.

5.14 C16.0 Safeguarding Airports Code

The LPS utilises the C16.0 Safeguarding of Airports Code. An Obstacles Area overlay has been prepared using data provided by Airport Survey which informs the Flinders Island Airport Master Plan. Due to the scale and use of the Flinders Island Airport, the scheduled flights and limitations on the size of aircraft landing, noise is not considered to be an appropriate regulation for the immediate area. A noise attenuation overlay has therefore been excluded from the overlay as the provisions are an unnecessary limitation for buildings (including sensitive uses) in the area around the airport.



6.0 Local Overriding Provisions

While noting that the TPS will deliver a consistent approach to planning controls, the Minister stated that it “...will also provide the necessary flexibility to ensure that local planning matters can be adequately catered for and that an appropriate balance between consistency and meeting local planning needs can be achieved.”⁵²

The local planning matters are to be dealt with through the inclusion of the LPS of the TPS. Section 32 of LUPAA sets out the contents of a LPS.

As previously identified, an LPS may include a PPZ, a specific area plan (SAP) or a site- specific qualification (SSQ). A Local Provisions Schedule must conform to the requirements set out in LP1.0 of the SPPs. Practice Note 8 provides technical advice on drafting and formatting the written part of the LPS to ensure consistency. Practice Note 5 gives guidance on drafting conventions.

A new PPZ, SAP or SSQ may be only be included if they are capable of meeting the requirements of s32(4) of LUPAA:

An LPS may only include a provision referred to in subsection (3) in relation to an area of land if-

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

The Flinders LPS proposes the following:

- A PPZ for Cape Barren Island and Outer Islands
- four specific area plans for Flinders Island
- nine site specific qualifications for Flinders Island

The justification of the PPZ, SAPs and SSQs required by s32(4) are provided below.

6.1 Particular Purpose Zone- truwana (Cape Barren Island) and Outer Islands

Note: The s.35(5)(b) notice issued by the Tasmanian Planning Commission required modification of the justification for the PPZ under the LPS and other modifications in response to previous queries about the need for and operation of the PPZ (refer Direction 1a).

The Commission queried the need for and justification of the PPZ under the LPS. Council determined to support its local strategy, as reflected in the Regional Land Use Strategy and retain the PPZ at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy .

⁵² Hon P. Gutwein 2015 2nd Reading Speech (Tasmanian Planning Scheme Bill), Hansard



The supporting report, *truwana and outer islands Discussion Paper*, was prepared by Plan Place and provides a review of the PPZ. This report provided a detailed examination, justification and assessment of the PPZ. It also provided alterations to the use table, provisions and zoning regime, in part to reconcile conflicting regulatory land use systems.

The draft LPS introduces a PPZ for truwana and the outer islands (PPZ), acknowledging Aboriginal land and applying a 'whole of island' approach to integrated land use management within the Flinders Council municipal area (refer to Figure 2). The PPZ provides a tailored set of use and development standards to support the islands' population and protect cultural and natural landscapes.

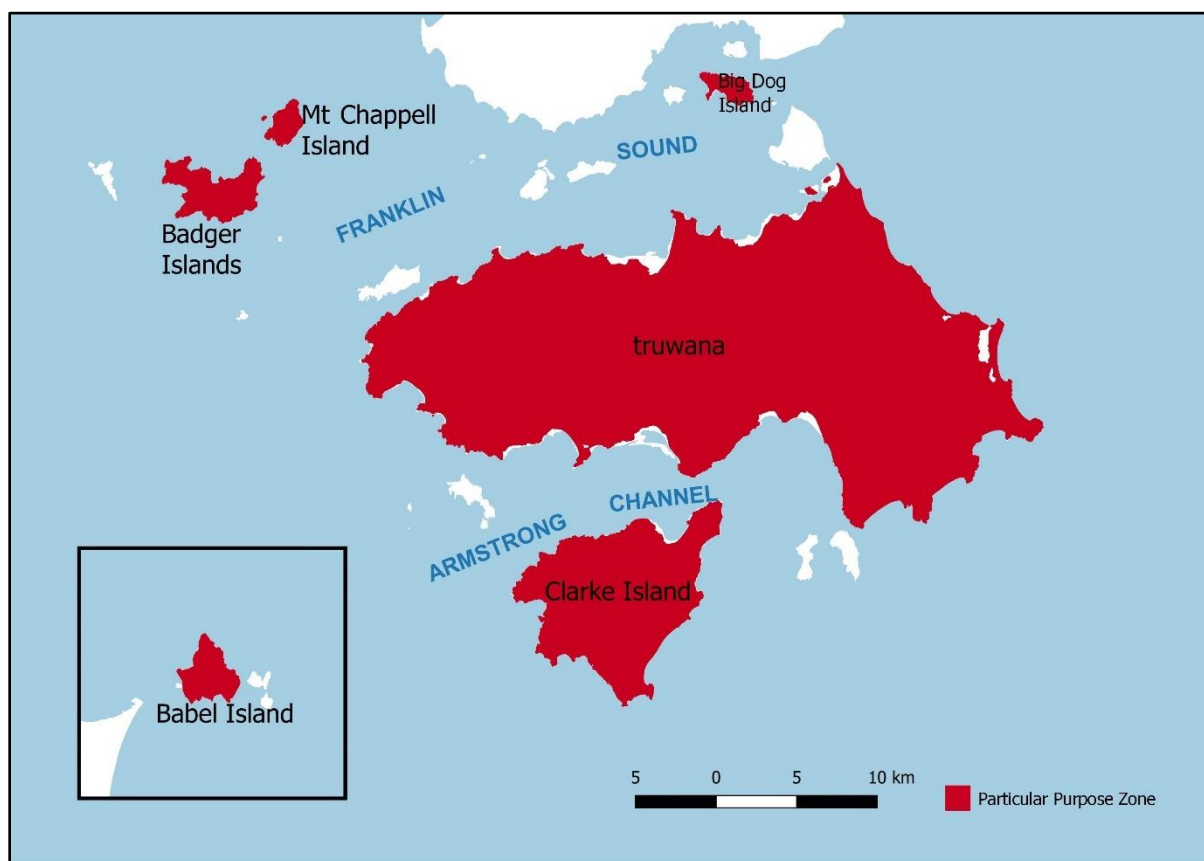


Figure 2- Particular Purpose Zone – truwana and Outer Islands

While the PPZ may seem inappropriate at first, it is necessary to recognise that the PPZ is applied to land returned to the Aboriginal people, although some land remains in private freehold ownership. The planning authority, through the LPS is seeking to provide an appropriate regulatory regime for use and development control that is complementary to the statutory powers bestowed to the Aboriginal people for the sustainable management of Aboriginal land under the *Aboriginal Land Act 1995 (ALAct)*.

The Flinders Council spent the last ten (10) years developing provisions in consultation with the local community and the ALCT. The PPZ reflects this work and consultation undertaken by the Flinders Council, most recently from 2019 to 2020.

The consultation identified several key cultural differences with the standard basis of planning scheme controls:



- unlike other lands within Tasmania, all use and development must be per the Management plans established under the ALAct, which restricts ownership to leases and licenses for periods up to 3 years, prohibits mortgaging of lands, and provides statutory recognition of the cultural connection to the country by Aboriginal people;
- decisions affecting land must be consulted with local communities and must be assessed against regulated criteria that consider impacts to connection with the land and the historical, social, and cultural impacts for the nation, rather than western concepts of use and development entitlements resulting from individual ownership of land; and
- the cultural connection to land creates a fundamentally different expectation for land use that must then be considered through decision-making processes.

It is beyond this document's scope to detail the inherent conflict between the imposition of the SPP's/LPS and the self-determination provided under the ALAct. However, the conflict needs to be recognised to allow culturally appropriate controls to be established under the LPS. The standards developed in consultation with the local community and ALCT are considered the only culturally appropriate regulatory regime.

The PPZ provides the only mechanism to reconcile conflicts between the development entitlements provided under the SPP zones and the ability for self-determination on aboriginal lands; subdivision, ownership, approval and consultation requirements of the Aboriginal Lands Act 1993; and use and development obligations under development standards.

The Discussion Paper on this PPZ by Plan Place provided information requested by the Commission following initial assessment: information on ALCT processes, supporting information and consultation; operation of the PPZ and consideration of SPP provisions; detailed assessment against the requirements of section 32(4) of LUPAA.

The detailed assessment of the SPP's within that report confirmed the need for the PPZ under the LPS and provided substantive justification of the provisions within it. The detailed arguments within that report are summarised as follows:

- Four precincts are established
 - Corner Precinct applies to the main urban settlement, with the Local Area Objectives and Use Table structures to reflect the diversity of land use and cultural entitlements of the area;
 - Environmental and Cultural Precinct applies to Aboriginal Land only with the Local Area Objectives and Use Table providing status that reflects the Management Plan and statutory consents that can be provided under that document;
 - Rural Precinct applies to land in private and Aboriginal ownership, with the Local Area Objectives and Use Table structured to reflect this for land outside of the other precincts;
 - Airport Precinct applies to the airstrip south of the Corner, with the Use Table preferring transport based uses to reflect the significance of this facility to truwana Cape Barren Island;
- Five defined terms are provided to reflect the different precincts that are established and the Management Plans under the Aboriginal Land Act 1995.
- Use standards were provided for discretionary uses, largely to reflect the consents under the Aboriginal Lands Act and various Management Plans;
- Development standards were provided for Building heights, building setbacks, building footprint and location and setbacks from the coast in the rural precinct;



- Setbacks to coast were considered appropriate in light of the nature of the landform and cultural values (including scenic and landscape);
- Subdivision was provided with a permit pathway, subject to discretion and reflecting the different nature of each precinct, with standards reflecting other statutory requirements for frontage and access;
- The Codes under the SPP's were examined for use within the PPZ and was determined that their operation remained relevant to the PPZ

A full description of the provisions and reasoning for the PPZ is provided within the Discussion Paper and LPS & Zoning Strategy.

Section 32(4) assessment

The SAP seeks approval under 34(2)(b) of LUPAA:

- b) The area of land has particular environmental, economic, social or spatial qualities that require provisions that are unique to the area of land, to apply to land in substitution for, or in addition to, or modification of, the provisions of the SPPs*

Section 32(4) (b) applies due to the particular environmental, social, or spatial qualities of truwana and the surrounding islands and the need for unique provisions to apply to the subject lands in the substitution of the SPP's suite of zones.

The SPP's zones provide substantive recognition of private and public (state/local government, state agencies, and statutory authorities) that do not recognise the Aboriginal ownership of the subject lands or statutory authority of the ALCT in managing Aboriginal lands. Further, the SPP's provisions establish use and approval pathways that are inconsistent with or in direct conflict with the development opportunities provided by the management plans established under the *Aboriginal Lands Act 1995* and the desires of the owners.

The PPZ was developed with the local community and ALCT over an extensive time to deal with local issues and avoid the conflict between apparent entitlements provided under SPP's standards and the limitations created by the approval requirements of the *Aboriginal Lands Act 1995*, ALCT, and consultation/consent requirements with the local community.

Common issues that arise include:

- the lack of recognition of the ALCT and local community consultation requirements in use and development standards;
- the inability to consider the statutory management plans under the *Aboriginal Land Act 1995* within the SPP's provisions;
- the inapplicability of the SPP's heritage provisions to aboriginal heritage considerations under C6.1.2 of the C6 Local Historic Heritage Code;
- lack of water and sewer services rendering many SPP's zones unsuitable by reliance on connection to reticulated water and sewerage services for subdivision;
- SPP's use standards

Environmental Factors

A large proportion of the land area across the islands is retained within the Environmental and Cultural Protection Precinct, mostly to protect, manage and conserve the natural values of the islands by limiting use and development opportunities through the regulation of tight controls, in conjunction with processes



under the *Aboriginal Lands Act 1995*. The Environmental and Cultural Precinct is an expansive land area providing opportunity for the effective management and retention of a well -connected ecological system as recognised in and advocated by the individual management plans.

While vegetation retention is paramount on the islands, the vegetation across the Rural Precinct, Airport Precinct, and The Corner Precinct have a high proportion of heavily vegetated non-eucalyptus forest and woodland interspersed with heathland and coastal complexes. These are Threatened vegetation Communities. The non-eucalyptus forest and woodland are currently thriving on the island. Given the intact nature of biodiversity in the Environmental and Cultural Protection Precinct, the Airport Precinct and Corner Precinct are excluded from the priority habitat overlay map. The removal will not impact truwana's environmental factors and is necessary for the continued function of the airstrip and future development of the settlement. This satisfies Schedule 1 objective for sustainable development.

Under predicted future climate pressures, buildings require careful placement to limit their impact on the natural values. The PPZ provides a positive influence in this regard by requiring more in depth assessment for any development located within 100m of any coastal title.

Further, the cultural connection to place and land establishes a strong connection to the conservation of the environmental condition of land that is inconsistent with the basis of the SPP's's.

Social Factors

The coastlines of the islands are vital for the Tasmanian Aboriginal community as it is not only a place for social interaction but also an opportunity for people to connect with the land and engage in longstanding cultural practices. A significant proportion of the land area and coastlines of the islands is contained within the Environmental and Cultural Protection Precinct (EACPP), providing an integrated approach for managing, protecting, and conserving the natural values, landscapes, and the Aboriginal heritage of the islands.

The EACPP, held by the ALCT, is mostly free from any notable buildings or structures, although there are a few exceptions across the islands, such as Clarke Island. In consultation with ALCT, there has been an expressed desire for use and development controls to be relaxed to allow consideration and construction of low impact structures, boat ramps, or jetties. There has also been a suggestion for the use of established buildings to be used as Visitor Accommodation. The purpose of relaxing these controls is to support recreation and continuation of longstanding cultural activities and the traditional landowners to reconnect with their country. Improving connection to country is a critical social and cultural outcome that is fundamental to the ALCT. While the ECPP is intended to achieve this social and cultural objective, regulation guarantees that buildings will remain subservient to the natural values and scenic landscapes associated with the islands, thus preserving the cultural affiliation.

truwana-Cape Barren Island is home to approximately 73 permanent residents and is the only island with a formal settlement. The Corner Precinct comprises a mix of residential uses supported by a wharf, store, post office, church, hall, school, and health services. The continuation of non-residential uses within this precinct is vital for population retention and to sustain a vibrant community.

The airstrip also provides the opportunity for residents to travel on and off the island. It is a critical service contributing to the wellbeing of the on island community by providing opportunity to connect with family and friends off island but also giving the ability to access a range of services otherwise unavailable. The importance of maintaining the function of the airstrip is a significant social factor that will be protected through the Airport Precinct of the Zone.

These choices are also recognised in part through the RLUS, which recognises the need for local strategy to drive strategic and development outcomes within the Furneaux Group of islands.

Economic

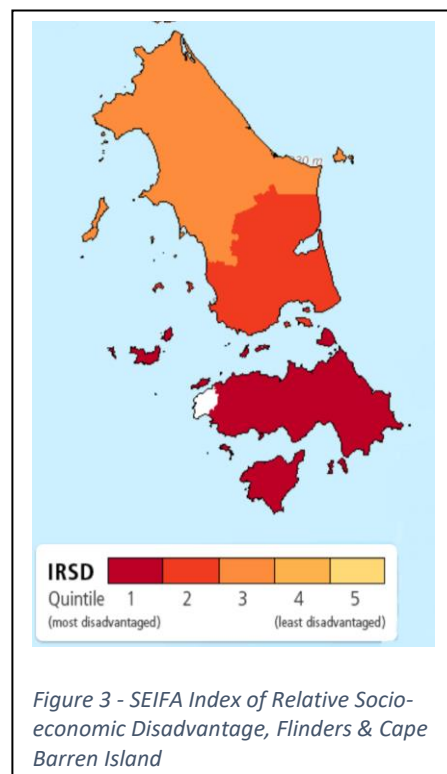
The PPZ applies to land that is more remote than Flinders Island and subject to substantially different cultural practices and economic restrictions that practically renders the SPP's zones inoperable in such a location. The Socio-Economic Indexes for Areas, Index of Relative Socio-economic Disadvantage, identifies that Cape Barren Island is within the highest areas of social-economic disadvantage within Australia⁵³.

Cape Barren Island residents also suffer significant economic disadvantage to the remainder of Flinders Island and other areas within Tasmania. Figure 3 provides 2016 SEIFA data for Flinders and Cape Barren Island, confirming the relative disadvantage residents suffer, which is confirmed by 2016 census data that identified significantly lower average personal and household incomes for residents (\$395 and \$537 respectively against the Flinders figures of \$575 and \$1021⁵⁴).

This suggests that construction of the use provisions for the PPZ ought to maximise the opportunity for new uses to establish by using the no permit required status for applications.

Difficulties experienced by the population of Flinders Island are further exacerbated by the lack of income and access limitations. This means that it is difficult for the local population to gain access to the expertise required to support the normal planning application processes. In addition to this, the ALAct requires consultation within the local community to obtain the consent required under the Management Plan.

In recognition of this, use tables make extensive provision for No Permit Required uses on the basis that limited supporting information is required for these proposals, to reflect the land use components of the



⁵³

<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2033.0.55.001~2016~Main%20Features~IRSD%20Interactive%20Map~15>

⁵⁴

https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/602031099?opendocument



Management Plan and to reflect the limited economic means of the population. Permitted status is not used, as the formal application process incurs costs and obligations that can be addressed through the no-permit status, while the formal application/permit process acts as a disincentive to establishing new ventures. Discretionary status is for uses that are less critical to the daily operation and cultural activities that occur.

The cultural practice of birding is locally significant and provides economic opportunity across the islands. The PPZ supports the continuation of this longstanding cultural practice and also provides consideration of new cultural endeavours. However, the facilitating and growing of a tourism based economy is not in any way intended.

Accessible by air and water, truwana- will continue to be the focus for future use and development across the Aboriginal islands. The wharf and airstrip provide the capacity to import food, building supplies, fuel, bulky goods, and a range of other goods. The continued supply of power, potable water, and capacity for sewerage treatment are important for continued economic prosperity.

The Rural Precinct provides opportunity for continued grazing and farming activities which can contribute to the local economy of the island although it is noted to have declined in recent years. There is a locally significant imperative that new development within the Rural precinct can facilitate new economic opportunities.

Conclusion

The PPZ provides the only mechanism to reconcile conflicts between the development entitlements provided under the SPP's zones and the ability for self-determination on Aboriginal lands under the *ALCT*; ownership, approval and consultation requirements of the *ALAct*, and use and development obligations under development standards.

Use of the PPZ to deliver these outcomes is consistent with the requirements of LUPAA and strategic outcomes identified within the NTRLUS and local strategy. The proposed SAP is therefore considered to have the following:

- Environmental significance at the local and regional levels by provision of a specific precinct that requires consideration of environmental, spatial, social and cultural impacts of development proposals not provided for within the range of SPP's zones;
- social significance at the municipal, regional and State level in terms of reflecting the Aboriginal culture, lifestyle and deep connections to place and land and in doing so, provide some consistency in land use regulation between the systems established under both the *ALAct* and LPUAA;
- economic significance at the local and municipal level in terms of facilitating development at the local level that considers local economic limitations and then at the State level by supporting and facilitating the Aboriginal culture;



6.2 Specific Area Plans

The LPS includes 4 specific area plans for Flinders Island based on unique characteristics of the land and unique social and economic characteristics noted in the Council Strategic Plan and the NTRLUS. Section 32(4) (b) is addressed below.

6.2.1 FLI-S1.0 Coastal Settlement specific area plan

Note: *The S.35(5)(b) notice issued by the Tasmanian Planning Commission required modification of the justification for this SAP under the LPS (refer Direction 1a).*

The Commission queried the need for and justification of the PPZ under the LPS. Council determined to support its local strategy, as reflected in the Regional Land Use Strategy and retain the PPZ at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy.

The coastal settlements of Palana, Killiecrankie, Emita and Bluff Road provide a different development density than is provided by the SPP's, exhibiting an average lot size of 4,000m² with substantive space for outdoor recreation.

Island life creates a different demand for use of space in settlements, as documented within the Structure Plan. The specific low density development pattern is a feature of Flinders Island where space for outdoor activities, outbuildings, boat and trailer storage are common. In addition, there are no reticulated sewerage services and onsite management of waste and stormwaters is necessary. These coastal settlements are not adjacent to any higher density centres.

This combination creates a particular lifestyle amenity that forms an important part of the island identity in these settlements. Council's Strategic Plan recognises that this lifestyle is a significant contributor to the desirability of the Island as a place to live permanently and for second dwellings. The Draft Structure Plan recognises the need to conserve the character of coastal settlements. This SAP forms part of this response.

The SPP's do not provide for this combination of circumstances. Guideline No.1 clearly identifies that the Low Density Residential zone is the appropriate zone at LDRZ 1, however the lack of reticulated sewer and stormwater services combine with topographic and geological properties of the island to frustrate the provision of sustainable sewer and stormwater services at densities promoted by the SPP's.

The minimum lot size for the Low Density Residential zone under the SPP's is 1,500m² under acceptable solution and down to 1200m² under performance criteria. This subdivision density will create a character more akin to larger lot urban residential than the character for which smaller settlements are known for on Flinders.

The SPP character is appropriate for urban areas such as Whitemark and parts of Lady Barron, which supports use of the SPP Low Density Residential zone in this manner. This character is not suitable for Palana, Killiecrankie, Emita and Bluff Road and the residential lifestyles that they support.

Use of the alternative Rural Living zone does not achieve a suitable outcome, as the minimum density possible under discretion is 8,000m² lots. This is inconsistent with the character of the area and will frustrate recognised strategies for increasing the Island population under the Strategic Plan, Structure



Plan and other strategies of Council. Use of the Rural Living zone with a local provision is not considered appropriate, as the identified settlements do not have a rural character, sustain rural use, nor are they within a *rural* setting. As such, use of the Rural Living zone is not consistent under clause 11.1 of the SPP's and inconsistent with the Guidelines at RLZ1 and RLZ4(a).

Use of the Low Density Residential zone with a SAP remains the only way to manage land use and maintain the existing character of the area.

The aim of FLI-S1.0 is to maintain the current pattern of development in the existing coastal settlements by substituting a larger minimum lot size. Increasing the minimum lot size means that a consequential change to the site coverage is also required to preserve the current residential amenity.

The SPP site coverage provisions at 10.4.4 allow 30% coverage, or an equivalent to 450m² for the SPP minimum lot area. The increased lot size would raise this to 1,200m², while 15% of the increased lot size will provide a marginal increase to 600m² under the SAP. An alternative performance criterion provides assessment of the specific issues for the subject settlements and increased lot size. These provisions are considered to provide a reasonable balance between the expectations for development and the lifestyle outcomes of the Island.

It is expected that these substitutions will deliver the intention to maintain the current low density pattern of development for land use character and environmental health outcomes.

Section 32(4) assessment

The SAP seeks approval under 34(2)(b) of LUPAA:

- b) *The area of land has particular environmental, economic, social or spatial qualities that require provisions that are unique to the area of land, to apply to land in substitution for, or in addition to, or modification of, the provisions of the SPPs*

Section 32(4) (b) applies due to the particular qualities applying to Flinders Island: i) absence of reticulated services in all settlements and ii) the pattern of development acknowledged in the NTRLUS as dependent on local strategy and typified by lower than usual density of development across residential settlements.

Environmental Factors

Environmental health advice is that lots in the subject areas at the minimum SPP standards of 1500/1200m² (AS/PC) are expected to experience onsite wastewater and stormwater disposal problems. The provisions are based on the observations of the Council Environmental Health Officer in dealing with the installation and ongoing maintenance of onsite wastewater and stormwater systems on the Islands.

The SPP provisions for site coverage provided no demonstration of purpose for these functions through the available information on their consultation or assessment prior to becoming effective. Any such considerations appear to have occurred at the most abstract levels. Schedule 1 Objectives require a coordinated regulatory system, which the FLI-S1 provides through requiring applicants to obtain advice when developing in sensitive areas.



At the three northern settlements, the land is sloping to steep and there is a risk attached to higher density development associated with onsite storm and waste water disposal on sloping soils, in addition to creating potential mobility of those soils as a result of development. At Bluff Road the soil type significantly restricts on-site drainage and larger lot sizes are required to ensure effective disposal can be attained

In all cases, the modification of lot size is intended to ensure that the Low Density Residential Zone Development Standards for Subdivision 10.6.3 objective (a) can be achieved: *That each lot (a) has an area and dimensions appropriate to use and development in the zone.*

Economic

As previously noted, the density of subdivision in the subject settlements and resulting development opportunity are significant components in the desirability of the Flinders lifestyle. As such, it is important that Flinders maintains the key aspects of desirability of the area.

Construction and accommodation/food services are equal fifth largest employment sector on Flinders, representing a combined total of 12.8% of local employment, which supports the economic value of the lifestyle expectations to the economy. This is in part recognised in the RLUS, which provides for local strategy to determine land use outcomes for the Furneaux group of islands.

Social Factors

The high level of residential amenity provided in the subject settlements aligns with expectations of island residents for low density living and visitors/new residents in seeking a sea change. An alternative zone such as the Rural Living Zone can deliver larger lot sizes but is not consistent with the exclusively residential uses in the low density residential settlements.

These are linear settlements; the larger lot sizes assist in achieving a 'non-urban' separation between buildings that significantly contributes to residential amenity and maintains a dispersed character that is the preferred choice of island residents.

These choices are also recognised in part through the RLUS, which recognises the need for local strategy to drive strategic and development outcomes within the Furneaux Group of islands.

Conclusion

The retention of the existing land use character through subdivision density and consequential alteration of the site coverage provisions represents a significant environmental, economic and social outcome for the resident and visitor populations. Use of the SAP to deliver these outcomes through the Low Density Residential zone of the SPP's is consistent with the requirements of LUPAA and RLUS.

Pursuant to Section 34(2)(b) of LUPAA, the Coastal Settlement SAP is therefore considered to have the following:

- environmental significance at the municipal level in terms of delivering the sustainable installation and ongoing management of onsite wastewater and stormwater systems in smaller settlements;



- economic significance at the municipal level in terms of facilitation increasing housing choices and providing more affordable housing options to support population growth and the resultant economic impacts. Potential economic impacts at the regional and state levels, given the gross regional product values of Flinders;
- socially significant at the municipal level in terms of facilitating housing options that provide for the Flinders lifestyle, increase population levels to sustain critical services and increase the availability of affordable housing on Flinders.

6.2.2 FLI-S2.0 Whitemark Rural Living specific area plan

Note: *The notice issued by the Tasmanian Planning Commission under section 35 of LUPAA required modification of the justification for the SAP under the LPS did not support the expanded Cann's Hill Rural Living Precinct and wider use of the SAP, and minor alterations to the wording of the provisions (refer Direction 1a).*

The Commission queried the need for and justification of the PPZ under the LPS. Council determined to support its local strategy, as reflected in the Regional Land Use Strategy and retain the PPZ at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy.

Council's Strategic and Structure Plans identify and promote the need for delivery of affordable housing on Flinders in response to economic and social needs.

The aim of FLI-S2.0 is to contribute to council's strategy to facilitate affordable housing by making provision for multiple dwellings in the Rural Living Zone in areas proximate to Whitemark. The draft Structure Plan identifies this as a means of expanding the opportunities for long term rental accommodation and alternative tenure types within proximity to the service centre of Whitemark. A key component of this strategy is the delivery of housing options within a rural lifestyle.

While an affordable housing strategy has not been completed for Flinders, the Structure Plan identifies measures that can be implemented regardless and as provided for within the SAP. The Demand assessment identified that the affordable sector relates to provision of housing for social/cultural, worker/employee and resident housing generally, in addition to a major . Analysis of available information was provided in the demand assessment.

Key to this strategy is the provision of multiple dwellings in a rural location to deliver alternative housing options while maintaining rural lifestyle options in close proximity to Whitemark and while avoiding known natural values/hazards that surround Whitemark.

The SPP Low Density Residential zone provides for multiple dwellings at densities down to 2,000m² and subdivision lots down to 1,200m². This outcome is consistent with the character and expectations for development within the settlements of Whitemark and Lady Barron, as the major settlements on Flinders. The SPP Low Density Residential zone is not capable of providing the rural lifestyle or rural character identified in the Strategic and Structure Plans through the site area and density of dwellings on a site. Thus, the Low Density Residential zone does not provide the resulting development character that is consistent with the intent of the SAP.

The SPP Rural Living zone provides purpose statements that are consistent with the intent of the SAP and specifically, guideline RLZ1(a).

Substitution of 11.2 Use Table was required to designate discretionary status for Residential use for multiple dwellings in the Rural Living Zone at Whitemark, with the Supporting Report identifying CT's 53171/3, 39516/2, 39516/1, 31072/1, 16064/1 and part of CT252518/1.

In response to the Demand and Yield assessments, the area was expanded to include CT's 31072/3, 31072/4, 155692/1, 245132/1, 30953/1, 245492/1 and additional area within CT252518/1. The SAP operation was expanded to include the A category on CT's 252581/1 and 155692/1.

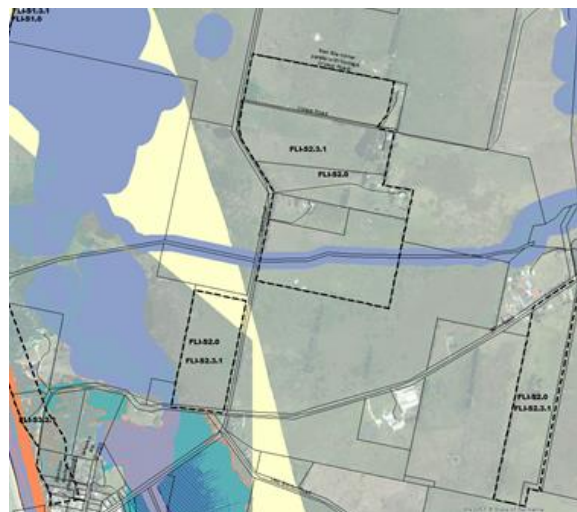


Figure 4 - natural and environmental hazards around Whitemark Rural Living zone

FLI-S2.7 applies in addition to SPP clauses at 11.4 for Site coverage and height, setback, siting.

In response to Commission concerns, the standards were revised to provide a structured response to unit entitlements under the standards.

The SAP is spatially defined on the planning scheme maps and avoids land subject to significant environmental or natural hazards for waterways, flooding, inundation and erosion, as shown in Figure 4.

Section 32(4) assessment

The SAP seeks approval under 34(2)(b) of LUPAA:

- b) *The area of land has particular environmental, economic, social or spatial qualities that require provisions that are unique to the area of land, to apply to land in substitution for, or in addition to, or modification of, the provisions of the SPPs*

Section 32(4) (b) applies as special provisions that allow multiple dwellings within the Rural Living zone are required address unique economic and social conditions cited in the NTRLUS. The NTRLUS acknowledges that the Rural Living Zone as applied to Flinders municipality will be motivated by circumstances unique among northern councils⁵⁵.

As noted in previous responses, the Flinders Tasmanian Gross Regional Product represents approximately 30% of the Tasmanian figure⁵⁶. Population growth is critical to the future economic and social sustainability of the Island and growth of its economic profile.

⁵⁵ NTRLUS 2018 RSN-P3 and RSN-P25 pp24-25

⁵⁶ Flinders Council ID Economic Profile, <http://economy.id.com.au/flinders-island/gross-product>



The SAP is therefore considered to be of regional and local significance.

Spatial definition

The extent of the land is shown on Map FLI-S2.2.1. The SAP is applied to land around Whitemark to provide relatively flat, cleared land for residential development in close proximity to Whitemark and making use of existing services. This facilitates allotments that are more affordable to develop. Affordability is a critical issue within the municipality. Land supply is only one, albeit critical element.

Due to flood risk within and surrounding Whitemark, there is little, if any land for residential expansion. Further, the Structure Plan determined that available land within Whitemark is earmarked for mainly business and service centre uses.

The nature of the SAP allows identification of land by title boundaries and impact of known natural hazards.

Economic Factors

Alteration of the SPP's to allow additional areas to accommodate multiple dwellings within the Rural Living zone forms a critical part of the land use planning response to the social, economic and spatial qualities of the subject lands. The provision of additional and affordable housing is critical to establish the target population threshold and to support diversification of the rural economy.

Establishment of a local, value adding economy for local product was identified in the Structure Plan as a key driver of economic growth on Flinders. Increasing Gross Regional Product value is expected to have significant benefits locally, within the region and at the State level in terms of the Gross Regional Product.

In addition, key Council strategies drive population growth to build critical mass for sustainable development and service delivery. The resultant economic activities will deliver significant economic activity at the Municipal level and within the local communities. These interventions require a sustainable population base.

Employment prospects for would-be residents is linked to the ability to procure long term housing and employment. Lack of housing availability presently forms a very severe limitation due to a range of market factors. It is imperative for the establishment and growth of a local economy to be able to attract people who can contribute to that economy through regular employment and /or artistic or niche product development.

The SPP structure limits these options, particularly given the lack of reticulated sewer services on Flinders. An alternative approach is therefore required to balance housing options with lifestyle demands of the area. The proposed SAP provides more affordable land options at a range of lot sizes, which the Structure Plan identifies will facilitate a wider range of housing options than are currently available.

Without an intervention to increase the range of housing options, the ability to attract a more diverse range of people is compromised and likely to continue to constrict economic growth on Flinders.

While this situation may be exacerbated by the remote island conditions, this factor also supports the intervention through the SAP. The procurement of finance may be more difficult everywhere at the



present time, the additional costs of building materials and labour and the low return on rental properties is Flinders specific and exacerbates economic disincentives.

The need to respond under the Tasmanian Planning Scheme is essential to deliver residential development options identified under the NTRLUS and Structure Plan.

Provision of land for residential development in close proximity to Whitemark is critical for population growth and the resultant economic activity it will generate.

Social Factors

The availability of a rural lifestyle and associated activities was identified as a key component in the response to the desirability of the Flinders lifestyle, as reflected in the Strategic and Structure Plans of Council.

The lack of housing availability was identified in both documents as a key problem with increasing permanent, worker and visitor population sectors. A range of reasons were identified, including a lack of supply, lack of suitable zoning options under the current scheme, a combination of financial limitations associated with the remote location and increased cost of developing and significant use of dwellings for second homes or visitor accommodation.

Similarly, maintenance of the desirable Flinders lifestyle was identified as a key social and cultural attractor for required and desirable population cohorts that are necessary to deliver the identified growth for economic purposes. The combination of multiple dwellings within the Rural Living zone was identified as a key strategy for increasing housing stocks while maintaining key aspects of the Flinders lifestyle.

The provision of alternative housing styles and tenures will increase the opportunity to attract and retain residents that do not conform to the dominant retiree or 'family' demographics, including employees seeking longer term rental accommodation. It may also provide an opportunity for several people/families to join together to achieve affordable housing through self and community build projects on common land.

Conclusion

Pursuant to Section 34(2)(b) of LUPAA, the Whitemark Rural Living SAP is therefore considered to have the following:

- economic significance at the municipal level in terms of facilitation increasing housing choices and providing more affordable housing options to support population growth and the resultant economic impacts;
- potential economic significance at the regional and state levels, given the gross regional product values of Flinders; and
- social significance at the municipal level in terms of facilitating housing options that provide for the Flinders lifestyle, increase population levels to sustain critical services and increase the availability of affordable housing on Flinders.



6.2.3 FLI-S3.0 Coastal Areas Specific Area Plan

Note: *The notice issued by the Tasmanian Planning Commission under section 35 of LUPAA required modification of the justification for the SAP under the LPS(refer Direction 1a).*

The Commission queried the need for and justification of the PPZ under the LPS. Council determined to support its local strategy, as reflected in the Regional Land Use Strategy and retain the PPZ at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy.

The natural and scenic values of coastal areas on Flinders form an overwhelming component in the perception of the scenic (environmental) and social values of Flinders Island to its residents and iconic tourism sectors.

In addition to the undeveloped and varied nature of its features, the coast, foreshore and proximate outer islands are integral to the social and cultural life of the island communities. The fundamental element of the scenic quality is the absence or paucity of built environment. In addition to sense of place, the scenic quality contributes to a sense of remoteness and ‘wildness’ that is the basis of the appeal to the tourism market.

The aim of FLI-S3.0 is to guide development near the coast to by encouraging sympathetic and thoughtful design that respects the integrity of the landform and biodiversity. In this way scenic quality and public value of the coastline and foreshore may be maintained.

The specific area plan addresses the key issues in relation to maintaining a landscape of inconspicuous development; site coverage/clearance of vegetation, excavation and/or fill, materials and scale. It seeks to reinforce the standards available in the SPPs.

The visual quality can be expressed in terms of distinctive coastal features; rocky shorelines, pocket beaches, lichen covered boulders in conjunction with coastal vegetation and an absence of conspicuous development. The slow rate of change has to date largely protected the coastal character, but the risk of incremental and/or wholesale change is ever present; there is an imperative to retain at least the level of protection provided by the current scheme through the Shorelines and Waterbodies overlay.

The zoning structure of the SPP’s is defined by land use and does not provide for management of scenic resources, such as proposed with the SAP. While the Landscape Conservation zone provides a degree of suitability for consideration of these matters, the zone purpose statements and Guidelines prevent its use to the extent necessary to manage the scenic qualities of the area. The SPP’s also provide a range of controls under the respective zones, not all of which are capable of being consistent with the long-term management of the subject issues. Similarly, the structure of the zones does not allow for identification of the respective values through the zoning regime.

The SPP’s also provide codes to deal with matters outside of the zoning regime, specifically, a scenic protection code. The subject code cannot be applied across the range of zones necessary to manage the identified area. Specifically, it cannot be used in the Low Density Residential, Utilities, Local Business, Port and Marine, Recreation, Village or PPZ’s pursuant to clause C8.2.1 of the SPP’s. It is noted that critical review of the Scenic Protection code elsewhere in the State identified critical concerns over the ability of the code to deliver its stated intent through the regulatory process.



SPP zones and codes do not adequately provide for the required management of sensitive coastal areas, nor adequately discourage development that has unsustainable outcomes in visually and environmentally sensitive areas. Development proximate to the coast is highly desirable. The 100m 'buffer' provides a measure to minimise development and manage impacts in highly sensitive coastal environments. For example, fragile ecosystems and landforms that rely on vegetation cover to maintain integrity adjacent Marshall Beach.

Given the significance of the scenic values of the coastal environs to the social and economic capacity of Flinders, a response is required through the LPS. Under these circumstances, FLI-S3 Coastal Areas Specific Area Plan is proposed to meet this requirement.

The SAP was applied across all relevant zones under the LPS. Local Area Objectives, defined terms, use status, use standards, subdivision standards and tables were not considered to be relevant for the proposed intent of the SAP. No standards were provided for these.

The following development standards were determined to be relevant to delivering the objectives of the code:

- Building Height: in substitution for all zones across the SAP. The 5-metre limit was set to limit visual impact. Performance criteria were not considered appropriate for the provisions.
- Site coverage: in substitution for existing zone-based controls and in addition to zones where it was not assessed. Performance criteria were not considered appropriate for the provisions.
- Building appearance: in addition, for all affected zones. Requirements for eaves, pergolas or verandas will break up the massing of buildings, with performance criteria to consider impacts to visual and scenic values from proposals.
- Exterior finishes: controls on colour and light reflectance were established in substitution of existing SPP controls and addition to zones that did not have these controls. Standards are based on SPP controls, but objectives for the standards are specific to the SAP to enable conditioning under the terms of LUPAA.
- Site excavation and fill: controls were established in substitution of existing SPP controls and addition to zones that did not have these controls. Standards were determined to minimise landscape impacts, with specific objectives for the standards to inform the assessment of discretion and enable conditioning under the terms of LUPAA.

The structure of the standards was developed to allow tailored consideration of specific issues rather than an ambit discretion that then requires a broad response to encourage better development outcomes and better manage the required inputs to preparing applications through compliance with acceptable solutions. This reduces the risk of specific considerations being dismissed through the bundling of assessment.

Spatial definition

The extent of the land to which this specific area plan applies is shown on map FLI-S3.2.1



The specific area plan proposes to include all land within any zone on Flinders Island, 100m inland of a boundary with the Crown coastal reserve. Aboriginal land at Wybalenna is excluded since the coastal reserve does not apply. The townships of Whitemark and Lady Barron are also excluded as they are already transformed localities. As such the application of extra provisions is unnecessary as they will do little to achieve the specific objectives for the overriding provisions.

The overlay under the current planning scheme applies to land within 100m of the high-water mark but this overlay is was refused transitional status. The spatial extent of the coastal protection areas in the Natural Assets Code is 40m from the high-water mark, which, when applied in most cases will only affect Crown land due to the Crown coastal reserve of varying width around the entire coast line of Flinders Island (with the exception of Aboriginal land around Settlement Point).

There is general support for retention of the 100-metre control over the coastal environment, based on the provisions of the current planning scheme and views of the community expressed through consultation on the LPS, Structure Plan and Strategic Plan.

As the SPP's do not provide a suitable mechanism to manage these issues, the SAP was proposed to apply to all land within 100 metres of the high-water mark.

Section 32(4) assessment

The SAP seeks approval under 34(2)(b) of LUPAA:

- b) The area of land has particular environmental, economic, social or spatial qualities that require provisions that are unique to the area of land, to apply to land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

The specific area plan is principally sought using section 32(4)(b) since the major factor is protection of the unique and locally significant coastal habitat, ecosystems and landscapes from which social and economic benefits are derived.

Section 32(4) (b) applies as the SAP addresses unique conditions that are recognised in the NTRLUS, which provides for local strategy to determine the appropriate response to circumstances that are unique among northern councils.⁵⁷

As noted in previous responses, the Flinders GRP represents approximately 30% of the Tasmanian Gross Regional Product⁵⁸. Population growth is critical to the future environmental, economic and social sustainability of the Island and growth of its economic profile. The SAP is therefore considered to be of regional and local significance.

Environmental Factors

Environmental significance of the SAP relates principally to the ecological values of the coastal areas.

⁵⁷ NTRLUS 2018 RSN-P3 and RSN-P25 pp24-25

⁵⁸ Flinders Council ID Economic Profile, <http://economy.id.com.au/flinders-island/gross-product>



The west and northern coastlines are subject to strong prevailing winds and vegetation is frequently distorted reflecting the impact of the persistent salt laden westerlies. The importance of retaining a vegetation cover and undisturbed landform is accentuated by this single climatic factor.

In the Killiecrankie and Limestone Bay areas in particular, the *heath on calcareous substrates* is a Threatened Vegetation Community, dunes are actively mobile, and disturbances can cascade to erosion and loss of key habitat and genetic diversity. In high wind coastal environments, retention of vegetation is substantially preferable than relying on screening by plants, simply because re-establishment of vegetation cover after clearance is notoriously difficult due to wind and native animal grazing pressures. For a council area made up of a group of islands, the coast and marine areas are of critical importance for biodiversity and ecosystem sustainability.

Under predicted future climate pressures, environmental ‘services’ provided by biodiverse environments need to be conserved and effectively and equitably managed, so that ecologically representative and well-connected systems remain integrated into the wider land and seascapes. At the present time more than half of the vegetation on freehold land has been cleared, further losses coupled with the predicted effects of climate change could result in unacceptable species loss, especially Furneaux subspecies.

Development can diminish the integrity of vegetation and the effect is not limited to bushfire mitigation for a single dwelling; the cascading impacts associated with clearance for access and service easements, outbuildings and water tanks substantially alter the connectivity of intact vegetation on exposed coastal sites. Other negative environmental impacts are associated with runoff, erosion and siltation, particularly in coastal areas.

Social factors

As an island, the social importance of the coast cannot be overstated. The use of the coast and offshore environment is an integral component of Island life. The visual impact of development from the foreshore and offshore areas is as important as visibility from roads and land based public places.

The uniqueness of a local government area made up of over 50 islands is based on coastal features, remoteness and maritime activities. Retaining the coastal environment in a natural and recognisable state is paramount to sense of place and identity as well as liveability factors related to recreational pursuits and visual amenity. The regulation of development, particularly in relation to the clearance of vegetation and proximity to the shared public space of the Crown Reserve is a high priority and needed to support the social and cultural foundations of island life.

Minimising the extent of development within the coastal areas also has the potential to reduce impacts on Aboriginal heritage. The coastal areas are known to be important localities for Aboriginal cultural heritage. Although Aboriginal heritage is administered under a different Act, the Specific area plan will incidentally support positive affect due to the objective to reduce the scale of buildings and works.

The Coastal Areas specific area plan is included to augment the existing SPP standards in the relevant zones and the Natural Assets Code. This is considered necessary due to the elevated significance of the coast on small islands and groups of islands, the impact that development in the coastal areas has on



perception of the islands by locals and visitors and the significant cultural appreciation of the coastal environment identified through community consultation.

By addressing disturbance to landform and vegetation, the specific area plan highlights that design elements are crucial to achieving unobtrusive built form. Managing and minimising the impacts of development is considered a key component of the perceptions of *naturalness* and *wildness*, which in themselves form a critical part of the tourism narrative.

The interpretation of the scheme in isolation to the strategic matters referenced above (preservation of the basis of the tourism economy, sense of place and ecological integrity) has been shown to, at worst distort and at best compromise the desired outcome. The specific area plan seeks to highlight those elements that are critical to achieving thoughtful design in the coastal areas and to emphasise their importance in the assessment process.

Economic Factors

The tourism economy is based on the narrative of a pristine, remote wilderness where there is the opportunity to escape to the unhurried, simpler island lifestyle. The implications of coastal development are therefore economically significant. Without the pristine perceptions of an undeveloped coast, the island becomes just like anywhere else. Without careful management of development within the coast areas, it will become diluted through the appearance of dwellings and other built features.

The unique status afforded by an absence of visible development is easily undermined, indeed, sometimes the visibility of a single dwelling can have more significant impacts than a seaside town with multiple dwellings. The impact of a single building on an otherwise undeveloped coastline is magnified or reduced by the way in which the overall development fits within the landscape. Coastal areas abound where the visual and scenic impacts of dwellings are not considered.

The ability of Flinders to attract visitors to an environment that is unique in its naturalness and does not just duplicate more easily accessible mainland coastal places. Protection of the scenic values that underpin the tourism resources that make Flinders a different or special place are critical to the future of the tourism industry.

Conclusion

Pursuant to Section 34(2)(b) of LUPAA, the Coastal Areas SAP is therefore considered to have the following:

- environmental significance in terms of maintenance of critical biodiversity systems within the coastal environments and other areas on the island;
- economic significance at the regional level in terms of scenic landscapes and potential impacts to the tourism industry;
- social significance at the municipal level as a component of the island life and at the State/National level in terms of the identity associated with indigenous cultures and perceptions of the natural environment



6.2.4 FLI-S4.0 Lady Barron Port specific area plan

Note: *The S.35(5)(b) notice issued by the Tasmanian Planning Commission required modification of the justification for this SAP under the LPS (refer Direction 1a).*

The Commission queried the need for and justification of the PPZ under the LPS. Council determined to support its local strategy, as reflected in the Regional Land Use Strategy and retain the PPZ at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy.

The purpose of the specific area plan for the Lady Barron port is to acknowledge and protect the operation of this critical island infrastructure.

Lady Barron port facilitates trips to and from Bridport, for delivery of freight, stock, materials and supplies that islander and visitor populations rely on for all types of food including perishables as well as all freight for farm and building supplies, home, garden, business, mechanical, medical and most other freight of any other kind to and from Flinders. It also provides port berths, slip yard, recreational and community wharf facilities.

The Tasports website identifies Lady Barron as a cargo port that is not identified for major projects under their master-planning process. Parking within the port site is managed by the operator, an arrangement which Council continues to support given the critical nature of the port to Island life and existing limitations on operations.

The movement of livestock requires yarding of stock sometimes for days and regular loading onto the ferry at various hours to accommodate weather and other considerations. Noise and smell are integral to these movements which can occur across a 24 hour timeframe on any day of the week. The SPP zone was developed to reflect larger port facilities where impacts can be more effectively managed through separation. Lady Barron port relies on a fixed extent of land in close proximity to a range of existing uses. Incursions created by a sensitive use such as visitor accommodation at a small area port such as at Lady Barron, risks future demands to modify the odour and noise that is a fundamental component of the operations.

Already constrained for expansion, it is vital to the economic and social wellbeing of *all* islanders that the port can continue to function without hindrance. The supply vessel leaves Bridport on the tide and so arrives at Lady Barron at a range of times within a 24 hour period. It is common for a metal on metal chorus to be accompanied by the 'beep' of forklifts during the night and in the early hours of the morning.

The Lady Barron Port operations focus on freight activities that support the Flinders Island economy. The operators advise that the existing operational requirements of the port and its limited extent do not allow for the provision of car parking within the site without compromising operations of the site.

Any limitation to the operations of the port through land use conflict or loss of land to parking requirements will therefore have significant impacts for the local resident and visitor populations. The port is indeed the lifeblood of the island.

Guideline No.1 provides the following advice for Lady Barron Port:



- Light industrial zone is not appropriate due to established emissions from the site and the diversity of uses available under the SPP's.
- General Industrial zone is not appropriate due to the lack of reticulated sewer, diversity of uses allowed under the SPP's and the relatively small, if critical, nature of the Lady Barron Port.
- Port and Marine zone is consistent with guidelines PMZ 1 and 2, while Lady Barron port does not qualify for the exemption established at PZ3.

The SPP zone provides for discretionary uses in the Port and Marine Zone but does not provide any standards by which to assess such uses. The SAP proposes additional use controls to manage potential use conflict. Those standards do not exist in the Port and Marine zone of the SPP's and therefore, the use conflicts are not managed. Further, the zone and code structure of the SPP's do not provide a suitable alternative zoning that allows management of potential use conflicts in a location such as this. The specific area plan provides for a limited food services that could be oriented away from the working port and for a small-scale tourist operation within the existing Crown leased shed. In this way the specific area plan adjusts those parts of the SPP zone which potentially have unintended consequences on the operation of the port, while still allowing community development that can contribute to a local economy.

Codes under the SPP's do not provide any mechanism to deal with the subject issues. Use of a SAP for the Lady Barron Port is consistent with those strategies and policies, as much as is reasonably possible within the constraints of the SPP's.

The municipal significance attributed to the Lady Barron port means that it is vital to limit the potential for use conflict within the zone. The specific area plan seeks to address the absence of standards and to amend the use table to delete visitor accommodation and to qualify food services and tourist operation. It is proposed under section 32(4) (a) due to the extreme importance of the port in relation to sustainable economic activity.

The operation of Clause FLI-S4.6.2 was revised so that it operates in addition to the car parking requirements established under SPP clause C2.5.1. This overcomes issues with other provisions within the code identified by the Commission.

Spatial definition

The SAP is including all land within the Port and Marine zone adjoining Lady Barron port.

These titles were selected on the following basis as they represent a translation of the existing Port zone under the 2000 Scheme and include the Port lands and adjoining lands under separate title or lease that can impact the operations of the Port.

Section 32(4) assessment

The SAP seeks approval under 34(2)(a) of LUPAA:

- a) A use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*



Lady Barron Port provides the only deep water port access to Flinders Island and is recognised by its owner, Tasports, as the only cargo point on Flinders Island.

Minimising use conflicts for the Lady Barron port and maintenance of its operational capacity is of critical economic significance to the Flinders municipality, region and State economy.

Economic

The SPP's provide specific recognition of the significance of port facilities through a designated zone, and car parking requirements through a specific code to consider such issues. This significance is not contested: rather, the economic structure of Flinders Island is at a different point to many other parts of Tasmania as reflected by the recognition of local strategy for the Furneaux Islands in the NTRLUS.

While formal statistics are not available, it is understood that the overwhelming majority of imports and exports for Flinders are moved through this facility. The transport of livestock comprises the key use and the commodity is worth \$22million per annum. Seven of the top eight largest employment sectors (agriculture/fishing/forestry, health care, public administration, construction, accommodation/food, retail and transport and 59.4% total island employment) rely on mass transit of goods and products to and from Flinders Island.

IDcommunity identifies the gross regional product of Flinders Island as between 26 to 28% of the Tasmanian total⁵⁹, representing between \$68M to \$84M since 2011. This demonstrates the economic significance of the facility to the municipality and region, likely also including the State given the large representation of the state value.

The significance of Lady Barron Port to the Flinders Island and Tasmanian economies is therefore evident, without considering the social and cultural aspects of this criterion.

Social

It is difficult to capture the social significance that the Port has to island residents.

The social significance of Lady Barron port is intrinsically linked to the economic health of Flinders and the resultant impact of social and mental wellbeing of residents. The Port sustains their employment and delivery of practically all consumer and essential goods, in addition to providing an alternative way off the island to flying. This significance is reflected in the need to manage use conflicts under the SAP and provide limitations to the normal requirements for car parking under the SPP's.

Environmental

Lady Barron provides the only deep water port facilities on Flinders Island that allows for bulk transport of goods and materials. All goods required for environmental remediation, from landscaping supplies through to transport of heavy machinery, go through Lady Barron port.

⁵⁹ Flinders Council IDcommunity profile, <http://economy.id.com.au/flinders-island/gross-product>



Limitations established on the port operations through land use conflict will impact the ability of the Island to deliver the full range of environmental outcomes. The SAP is therefore considered to be of critical significance at the municipal level for its involvement in delivery of environmental projects and outcomes.

Conclusion

Pursuant to Section 34(2)(b) of LUPAA, the proposed Lady Barron Port SAP is therefore considered to have the following:

- economic significance at the municipal and state levels in terms of its critical role in the import and export of goods and services to the Flinders economy, the gross regional product and impact on employment;
- social significance at the municipal level in terms of the provision of critical transport links to Tasmania and the reliance for goods and services that underpin employment and commerce;
- environmental significance at the municipal level in terms of the provision of all goods and services for environmental programs on Flinders.
- The PPZ is therefore considered to meet the requirements of LUPAA.

6.3 Site Specific Qualifications

The LPS contains 13 site specific qualifications, which are examined through this section of the report.

Note: *The commission requested further information about how the SSQ's comply with the statutory tests established under LUPAA, RLUS and Strategic/Structure Plans. The S.35(5)(b) notice issued by the Tasmanian Planning Commission required modification of the justification for this SAP under the LPS (refer Direction 1a).*

The Commission queried the need for and justification of the PPZ under the LPS. Council determined to support its local strategy, as reflected in the Regional Land Use Strategy and retain the PPZ at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy.

FLI-10.1 - 17 Patrick Street, Whitemark

CT156090/1

The site has been the depot for Parks and Wildlife on Flinders for 20+ years. Office space is provided remote to this site at the Service Tasmania Building. All materials and equipment storage and workshop operations are provided at this site.

Two permanent staff are based on island, the ranger and field officer. Other staff visit on occasion as work or projects require. There are no available records to suggest land use conflict has occurred.

An additional qualification was provided to the permitted use category to clarify the intended function of the SSQ.

Parks land comprises a significant component of the landmass of Flinders and outer islands, as shown on Figure 5. As a result of its use for tourism, recreation and natural values management, it is understood to have significant social and financial impacts for the island. The deport is also used for responses to emergency management situations.

Management and subsequent use of Parks land with the Furneaux Islands has significant impacts for resident, tourist and employment/industry on the Islands.

The property is zoned Residential under the 2000 planning scheme. There have been few dealings with the site over the recent past.

Clause 7.2 of the SPP's applies to discretionary use as defined in an applicable use table. The defined use Storage includes the specific category of contractors yard, which is the most applicable term to the subject site and is prohibited under the use table at 10.2.

Clause 7.2 does not apply to existing non-conforming uses identified at 7.1. The SSQ remains relevant to the operation of the site.

Section 32(4) assessment

The management of Parks and Crown land provides significant resource for local and visitor populations across the landmass of the Furneaux Group. As a result, FLI-10.1 is considered to provide for significant social, economic and environmental benefits to the Furneaux Islands, the northern region and the State.

FLI-10.1 is considered to meet the requirements of section 32(4)(a) of LUPAA.

[FLI-11.1 - Palana Road, Palana CT44146/1, CT44146/1, PID7664133](#)

[FLI-11.3 - Part of 57 Franklin Parade, Lady Barron CT250865/1](#)

[FLI-11.4 - 29 Barr Street, Lady Barron CT156090/1](#)

The Commission requested further technical reasons explaining why the standards are required and clarifying why the provisions of the SPPs/*Urban Drainage Act* are not suitable.

The subject standards all require consideration of stormwater for subdivision within the Rural Living zone. Lot size is addressed at 11.5.1, with A1 setting a minimum requirement and P1 consideration for variations. P1 does not list onsite stormwater disposal as a consideration under discretion. Connections to water supply and sewerage systems are required at SPP clause 11.5.3. No standards are provided for consideration of stormwater. The SPP's do not deal with this issue.



Figure 5 - Parks land on Flinders



The Urban *Drainage Act* administers public storm water systems within Urban areas that are managed by a public authority. This Act does not provide for the consideration of onsite stormwater management through the subdivision or subsequent development process.

Further, consideration of onsite stormwater systems under the *Building Act 2016* cannot be applied to the assessment of subdivisions and therefore, provides no consideration of the onsite disposal of stormwater. Inability to apply to provision stems from both inapplicability of that statutory regime to the subdivision process and the limitations established on planning controls under section 9 of the *Building Act 2016*.

Council contends to that the subject SSQ's are necessary to improve the sustainability of outcomes that have been observed under existing regulatory regimes and subdivisions. This results from the development of particular lands where the specific combination of topography, geology and minimum lot size combine to create specific issues at the three subject sites.

The SSQ is therefore considered to provide essential consideration of stormwater management through the subdivision process and therefore, significant environmental outcomes through the assessment of outcomes through the planning application assessment process and in accordance with requirements and outcomes of the *State Policy for Water Quality Management*.

The SSQ's are consistent with RLUS requirements for managing environmental impacts and managing water quality through D222, D2.2.4, E2.3, RSN-A25, A26, E4.3, CW-A10.

The area was identified for development through the Structure Plan and provides for improved development outcomes described through both the Strategic and Structure Plans.

Section 32(4) assessment

The consideration of onsite stormwater disposal through the subdivision process on Flinders is considered to deliver significant economic and environmental benefits.

This is considered to occur at the local and municipal levels, through providing a safe environment to live and work within and providing a measure of coordination of separate regulatory processes through consideration of subdivisions. A regional economic benefit is also delivered through the provision of professional advice regarding onsite stormwater disposal through subdivision applications.

The SSQ's are considered to meet the requirements of section 32(4)(a) of LUPAA.

FLI-11.2 - 180 Badger Corner Road, Lady Barron

180 Badger Corner Road Cooma CT 177522/2

CT160220/3FLI-11.2 seeks to allow a function centre within the Community Meeting and Entertainment use class.

The Commission sought additional information about the existing activities on site and available plans for future expansion.



The site contains Flinders Island Gourmet Retreat at Cooma House, which offers boutique accommodation and a cooking school⁶⁰. Existing improvements on the property include 5 guest rooms for accommodation, a commercial kitchen and dining room for guests. The 2000 Scheme does not allow food services as a separate use, which prevents the dining room functioning as a restaurant for the public.

SPP provisions at 11.2 do not allow a function centre and limit food services to 200 m² gross floor area.

FLI-11.2 allows for a function centre as a variation to the SPP use qualification. Discussions with the owner identified that current and SPP limitations preclude the hosting of catered events and functions. Function centre is defined by the SPP's as *use of land, by arrangement, to cater for functions, and in which food and drink by be served. It includes entertainment and dancing*. SPP exemptions at Table 4.1 identify that occasional events are exempt, but this arguably precludes use of the exemption for repeated if infrequent commercial events at 180 Badger Corner Road, or any other specific site.

FLI-11.2 is considered appropriate given the strategic identification of strategic growth and expansion of the food economy on Flinders in the Strategic and Structure Plans and NTRLUS.

Discussions with the owner identified that the floor area limitation under the SPP's is likely adequate to accommodate expected activities. Previous proposals for removing the 200m² limitation for food services under the SPP's were removed following queries by the Commission and discussions with the owner of the subject lands (refer LPS and Zoning Strategy for further information).

Plans for the expected proposal are conceptual and have not been documented. As such, it is not possible to determine exactly what detail within the SPP's would require modification to allow the proposal to proceed.

The RLUS recognises the need for local strategy to identify the needs when planning for activity centres and associated lifestyle land use areas under Guideline E2.1. The Structure Plan provides the local strategic basis for this SSQ. Further, the RLUS seeks to promote opportunities to economically support rural land uses by allowing diversification through tourism use and development at Guideline ED-17 and then by encouraging small tourism business by allowing flexible locations and minimising regulation to encourage from home and farm gate tourism opportunities at Guideline ED-18. The SSQ provides for these opportunities by allowing an existing local business to expand and improve its ability to deliver quality tourism experiences. Guideline ED-A19 supports use of the LPS process to assist tourism proposals. As a result, the SSQ provides for delivery of with Guidelines ED-P9 through to P12.

FLI-11.2 complies with multiple outcomes of the Strategic Plan to provide for improvement of local business and improving the resilience of the local economy by diversifying local businesses. The SSQ specifically provides for the value adding of local agricultural commodities and providing opportunity for delivering high quality food for consumption by locals and tourists, as identified in SD3, SD4 and SD5.

Outcome 2 of the Structure Plan recognises the iconic nature of the Badger Corner location for tourism opportunities and identifies the opportunity for food services in this area and associated tourism uses that

⁶⁰ <https://flindersislandgourmetretreat.com.au/>



do not distort the economic base of the main settlements⁶¹. The provision of a function centre and large area restaurant at 180 Badger Corner Road are consistent with this, while providing value adding opportunities for local produce and the rural industry on Flinders and increasing the offerings from an existing business.

Section 32(4) assessment

FLI-11.2 will provide for a specific tourist offering that is not available in the local area and as such, is expected to have significant social and economic impacts at the local, municipal, regional and state levels.

Locally, there will be additional economic activity on the site and in the area from the operation of a restaurant and function centre and the increased visitation it would create. The boutique nature of the operation is also likely to draw on a different market sector than would be expected and in doing so, deliver on multiple strategic goals of the council to increase economic resilience of the rural and tourism sectors.

The operation is expected to augment existing tourism offerings of this style elsewhere on Flinders, delivering impacts at the municipal level. Impacts are also expected at the State level, given the high value of the local agricultural economy and opportunity for market specific tourism within the wider region.

As a result, FLI-11.2 is considered to provide for significant social, economic and environmental benefits to the Furneaux Islands, the northern region and the State.

FLI-11.2 is considered to meet the requirements of section 32(4)(b) of LUPAA.

FLI-22.1 - 154 Big River Road, Loccota

Trousers Point Beach; 154 Trousers Point Road Loccota. CT 202756/1, PID1506222

The Commission requested additional information on improvements on the site and the significance of Trouser's Point as a tourist destination

Available information confirms this property does not contain a house. An adjoining title in the same ownership contains a house.

The Parks website identifies Trousers Point as a gateway to Strezlecki National Park that provides access to walks within the local area and national park, and has barbeque, camping, parking, picnic and toilet facilities and opportunities for swimming, snorkelling, fishing and kayaking. While formal visitation data is not available, the location is well established and it is expected that visitation rates are high, as reflected by the facilities that are provided. Parks claim it is the most photographed beach on Flinders⁶².

The property has dual frontages to both Big River and Trousers Point Roads, at the eastern and western sides of the existing title. The LCZ provides for subdivision under PC assessment to 20 ha, which provides the property with opportunity for 2 lots (overall area 45.5 ha).

⁶¹ p25

⁶² <https://parks.tas.gov.au/explore-our-parks/strezelecki-national-park/trousers-point>



Boundary adjustment is provided under clause 7.3 of the SPP's independent of the zone provisions, which FLI-22.1 will not alter. Subdivision of the land can occur without triggering assessment under the Scenic Protection Code, as it regulates activities that will occur following the subdivision rather than the subdivision itself.

The Priority Vegetation overlay applies to part of the property, which allows subdivision to occur under C7.7.2 A1(d). The Scenic Protection and Natural Assets codes are not capable of providing the intended outcome to prohibit further subdivision.

FLI-22.1 specifically provides for outcomes of the Structure Plan that identified the Trousers Point area for protection and conservation of the scenic and visual qualities of the landscape. This specifically complies with ED-P11, which requires the identification, protection and enhancement of distinctive local characteristics and landscapes. FLI-22.1 also delivers outcomes for protecting visual integrity of coastal landscapes at CW-P04, the importance of coastal landscapes and natural values to tourism and economic development at LSA-P01 and the protection of natural features and skylines/prominent hillsides from the impact of development. The Trousers Point area is one such area within the landscape.

The Structure Plan identifies a key outcome to protect the scenic values of Trousers and Holt's Points, and multiple areas under Outcome 3 for nature based tourism and minimising the visual and physical impacts of development. Outcome 4 also requires the protecting areas of high scenic quality and important vistas that contribute to sense of place, such as Trousers point.

FLI-22.1 complies with requirements to improve management of visual and scenic resources that support natural and environmental values and the recreation and scenic values that locals and tourists enjoy. This is consistent with the following Strategic Directions and outcomes identified in the Strategic Plan:SD4, SD5, SD6, SD10 and SD17.

Section 32(4) assessment

FLI-22.1 directly provides for the conservation and management of the unique environmental qualities of the property through preventing further subdivision an environmentally sensitive area with very high tourism and scenic values.

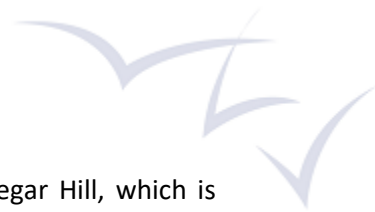
It is expected that FLI-22.1 will provide both direct and indirect economic and social outcomes for residents and visitors to Flinders. This is considered to meet the tests of section 32(4)(b) as the management of Parks and Crown land provides significant resource for local and visitor populations across the landmass of the Furneaux Group. As a result, FLI-22.1 is considered to provide for significant social, economic and environmental benefits to the Furneaux Islands, the northern region and the State.

FLI-22.1 is considered to meet the requirements of section 32(4)(b) of LUPAA.

FLI-22.2, 22.3 - Lot 1 Pot Boil Road and Lady Barron Road, Lady Barron

CT165275/1

The SSQ's seek to require public access to Vinegar Hill through subdivision of specific lands. The Commission sought clarification on compliance with the requirements of LUPAA, RLUS and Structure Plan.



FLI-22.2 and 22.3 relate to two specific parcels of land that include and adjoin Vinegar Hill, which is understood to have been identified through public consultation as a key recreation site for locals and tourists. Recreation values are understood to include access to and through the site on existing tracks and roads, and the vista obtained from the peak of Vinegar Hill. In addition, the subject titles include extensive areas of Priority Vegetation.

FLI-22.2 and 22.3 propose that specific access has regard to the existing track, which allows consideration of the proposal without forcing access to follow the existing track. Other routes may provide for a better outcome on this standard.

Access to the land is by existing gravel tracks and roads over private lands. The road is described on LISTmap as a DPIPWE access road over public lands, and changes to a private access road once on private lands. The status over all lands is open and it serves the Telstra tower. It is understood that most visitors to the area have been referred to the road as a result of the spectacular views from the site for quite some time. Traffic data is not available.

The provision of significant recreation facilities is consistent with multiple parks of the Strategic Plan, specifically SFA2, SD6, SFA5 and SD17. This is supported by strategic outcomes 3 and 4 of the Structure Plan and outcome 3, by the strategic identification and provision for a site with the opportunity for significant tourism impacts. Outcome 4 also identifies provision of access to key sites, as provided by FLI-22.2 and 22.3.

Public access and open space on Vinegar Hill were identified outcomes for development ⁶³

Use of FLI-22.2 and 22.3 in this manner provides for a specific delivery of ED-P11 within the RLUS, for the identification and protection of distinctive local characteristics and landscapes. Without such provision, it will be difficult to provide a scenic lookout over Adelaide Bay against the commercial interests of speculative land developers. FLI-22.2 and 22.3 also deliver outcomes for protecting visual integrity of coastal landscapes at CW-P04 and the importance of coastal landscapes and natural values to tourism and economic development at LSA-P01 and the protection of natural features and skylines/prominent hillsides from the impact of development.

Section 32(4) assessment

FLI-22.2 and 22.3 directly provides for the conservation and management of the unique environmental qualities of Vinegar Hill through requiring public access to the summit in an environmentally sensitive area with very high tourism and scenic values.

It is expected that FLI-22.2 and 22.3 will provide both direct and indirect economic and social outcomes for residents and visitors to Flinders. This is considered to meet the tests of section 32(4)(b) as public access to the summit of Vinegar Hill will provide a significant resource for local and visitor populations to

⁶³ P20, Lady Barron Structure Plan and Lady Barron Surrounds Structure Plan



Lady Barron. As a result, the SSQ is considered to provide for significant social, economic and environmental benefits to the Furneaux Islands, the northern region and the State.

FLI-22.2 and 22.3 are considered to meet the requirements of section 32(4)(b) of LUPAA.

FLI-26.1 - Flinders Island Airport

CT227191/1, PID 6428462

The Commission sought information about future plans for the site and planned uses.

The *Flinders Airport Masterplan 2012* was prepared to provide for the sustainable operation of the airport for the next 20 years. The Masterplan included establishment of a commercial development area adjacent Palana Road, for commercial opportunities such as undercover car parking, boat storage, bus operator shed and rental car depot.

Figure 6 provides an extract of the detailed image referred to within the masterplan as Appendix 5 and provided as Appendix 6 to the Plan. The provision of vehicle fuel sales is expected to complement the concept of the Commercial Development Area.

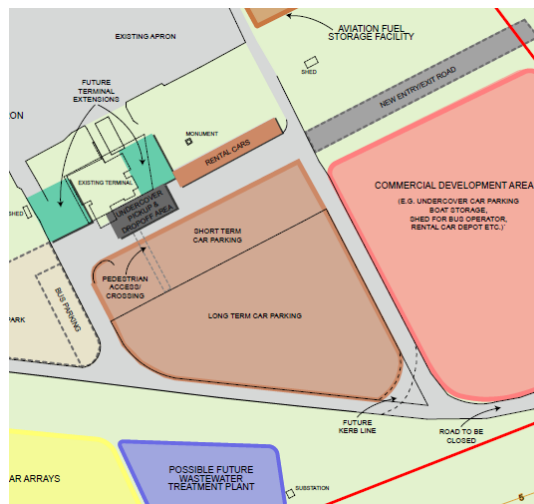


Figure 6 - Airport Masterplan Appendix 6 extract

Further information on the reasoning for the zoning proposal is provided in response to item 10, Attachment 2. A business plan has not been developed for the site.

Service station/fuel sales is provided for within the Light Industrial zone and is consistent with the types of uses identified in the Flinders Airport Masterplan 2012 for the commercial development area. Co-location of this use with car rental and vehicle parking facilities is considered to be a complimentary use. The many reasons supporting a light industrial precinct adjoining the airport identified in the Zoning Strategy also apply to allowing Vehicle Fuel Sales and Service at the airport site (refer response to item 10 in Attachment 2 for further information).

For similar reasons suggested in that report, FLI-26.1 is expected to provide for significant economic benefits to the municipality, and therefore comply with the tests at 32(4)(a). There is also a very strong argument that suggests the SSQ relies on the location at the Airport site

The Structure Plan provides for implementation of the Airport Masterplan as part of the maps at Appendix 3 as part of the overall and Whitemark surrounds Structure Plans.

The RLUS provides for local strategy to meet growth requirements for activity centres and settlements on Flinders at RSN-P3 and specifically for industrial purposes at RSN-A4. The proposal is consistent with the NTRLUS.



Section 32(4) assessment

FLI-26.1 provides for a use at the Airport that will service resident and tourist populations to the island at a key location for access to and from Flinders. As such, FLI-26.1 is expected to allow a use to establish that will provide an economic return to the airport operation in a location where it can be reasonable expected to occur.

Any improvement in the financial sustainability of the airport operations will deliver significant social and economic benefits to the residents of and tourists to Flinders Island as a result of its location at the Airport.

FLI-26.1 is considered to meet the requirements of section 32(4)(b) of LUPAA.

FLI-29.1 - Holloway Park (deleted)

PID 6429553

The Commission requested further information regarding the existing use of the site, the nature and need for the proposed uses and whether they could function as a subservient component of another use.

Holloway Park contains an existing building and cleared area that is used for local events and provides informal camping opportunities within Lady Barron settlement. The building provides storage for local groups and canteen facilities. Toilets are also located onsite.

A business plan has not been prepared for the site or the uses proposed under FLI29.1.

Based on the available information, there is no clear basis to support the establishment of a laundromat or car wash on the subject site and outside of the existing commercial areas within Lady Barron as a separate commercial use, outside the terms of SPP clause 6.2.2 (subservient use test).

FLI29.1 was deleted from the LPS (refer TPC S.35(5)(b) Direction 7.6.5 and LPS and Zoning Strategy).

6.4 Flinders Planning Scheme – permitted alterations

Note: *The S.35(5)(b) notice issued by the Tasmanian Planning Commission required modification of the justification for this SAP under the LPS (refer Direction 1a).*

The Commission requested information regarding future plans for the Whitemark Wharf and alternatives available under the SPP's. The following section of this report was revised to reflect further submissions to the Commission. Council determined to support its local strategy, as reflected in the Regional Land Use Strategy and retain the PPZ at its meeting on 16 March 2021, as detailed in the LPS Zoning Strategy.

FLI-25.1 and FLI-25.2 - Part of 16 Esplanade, Whitemark

Part of 16 Esplanade Whitemark shown on map FLI-25.1

The LPS contains two site specific qualifications that were afforded transitional status by the Commission under LUPAA. FLI-25.1 and 25.2 are afforded transitional status under the declaration of the LPS.

An amendment was completed in 2017 to insert the following to the 2000 Scheme:



5.7.1 Zone Intent

Use or development for tourism/hospitality related purposes is supported in association with Whitemark Wharf.

5.7.5 Table of Use or Development

Note (b): Notwithstanding the provisions of Clause 5.7.5, on the land at 16 Esplanade, Whitemark (Certificate of Title Volume 1129006 Folio 1), to the extent shown on Figure 5.7.1, the following uses and development will be discretionary:

- *Restaurant;*
- *Community Building;*
- *Local Shop; and*
- *Tourist Operation.*

For a range of reasons, the impact of this amendment will be lost under the structure of the SPP's. This outcome is addressed in the following ways:

Zone Intent – an additional zone purpose statement is established that achieves the same intent is provided as FLI-25.1, reworded for consistency with the SPP format;

Restaurant – Food services is the comparable SPP use class, but includes take-away operations. A use qualification is provided in FLI-25.2 to reflect this limitation under the original amendment;

Community Building – Community Meeting and Entertainment is the comparable SPP use class, which is prohibited in the SPP Port and Marine zone. FLI-25.2 establishes the use as discretionary within the zone;

Local Shop – General Retail and Hire is the comparable SPP use class, which is subject to a qualification under the SPP's that limits operations to chandlers, shipping and transport related goods. FLI-25.2 establishes an additional qualification that allows the broader use to operate up to 150m², which is the comparable use entitlement under the policies and structure of the SPP's in other zones; and

Tourist Operation – is a discretionary use in the Port and Marine zone and requires no response through the SSQ.

Information regarding Tasport plans for the future of the Whitemark Wharf have not been forthcoming.

The site hosts the Flinders Wharf development, which hosts a wide range of activities including a restaurant, the Furneaux distillery and a meeting/consulting room. It is understood that accommodation and other facilities will be available in the future. A central component of the facilities is the coastal/wharf location.

Other zones such as Local Business introduce a wide range of use and development entitlements that are not considered appropriate to the coastal location of the site absent additional strategic work

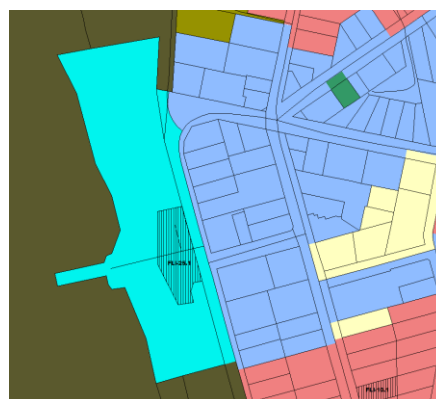


Figure 7 - Whitemark Wharf SAP relative to title and zoning



and extend beyond the current lease in place for commercial operations at the Whitemark Wharf. This is shown in **Error! Reference source not found.**

Absent the development of a strategic basis for rezoning the area on such a basis, the SSQ are considered the most appropriate way to implement the SSP's for this site while delivering the objectives of both the SSP's and the planning system within Tasmania.

The area is identified as part of the Waterfront Activities Precinct in the Whitemark Detail Structure Plan at Attachment 3. No further information is provided within the document. A business plan for the precinct has not been developed yet.

Use of the SSQ in this manner is consistent with the identification of tourism sites under Outcome 3 of the Structure Plan. It is also consistent with Outcome 1 to promote diversification of the food economy and promotes quality food tourism experiences, in support of the agricultural sector and diversification of economic activity on Flinders under Outcome 4 to build resilience within the local economy.

The support of high-quality food and drink businesses was identified in the Strategic and Structure Plans as key initiatives to building economic resilience and diversification of the food and tourism components of the economy under SD3 and SD4. Use of a SSQ in this manner is directly supported under SD5, SD15 of the Strategic Plan

The RLUS recognises the need for local strategy to identify the needs when planning for activity centres and associated lifestyle land use areas under E2.1. The Structure Plan provides the local strategic basis for this SSQ. Further, the RLUS seeks to promote opportunities to economically support rural land uses by allowing diversification through tourism use and development at ED-17 and then by encouraging small tourism business by allowing flexible locations and minimising regulation to encourage from home and food tourism opportunities at ED-18. The SSQ provides for these opportunities by providing for an existing local business to deliver quality tourism experiences. ED-A19 supports use of the LPS process to assist tourism proposals. As a result, FLI-25.1 and 25.2 provide for delivery of with ED-P9 through to P12.



7.0 Appendices

- 7.1 Table: LPS Consistency with NRLUS
- 7.2 Table 'Uniqueness factors'
- 7.3 Table: Comparison of current and SPP Zones
- 7.4 Priority Vegetation Mapping explanation of method
- 7.5 Photographs of key scenic management areas
- 7.6 Tas Fire Bushfire Prone Areas Report & Extract
- 7.7 Separate Attachments
 - a. Flinders Local Provisions Schedule
 - b. Flinders Council Strategic Plan 2015
 - c. Flinders Structure Plan (draft for consultation) 2016
 - d. Draft Whitemark Parking Precinct Plan
 - e. Cape Barren Island Management Plan
 - f. Flinders LPS & Zoning Strategy 2021
 - g. Flinders LPS Discussion Papers:
 - Identifying Dwelling Demand paper Jan 21
 - Outcomes of the RMCG zoning review Jan 21
 - Truwana-Cape Barren Island and outer islands Jan 21
 - Identifying Potential Lot and Dwelling Yields Jan 21
 - h. RMCG Review of Identified Areas proposed for Tasmanian Planning Scheme Zoning v2



Appendix 7.1 LPS Consistency with Regional Land Use Policies

Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
RSN-P3	Recognize the isolated relationship of the Furneaux Group of islands to the settlement system of the region and that settlement and activity centre planning will be dependent on local strategies to support sustainable outcomes.	<p>Local strategy acknowledges the physical constraints to expansion of the main centre on Flinders Island (Whitemark) and the strategy to provide very low density rural residential allotments as a way of attracting permanent residents and of diversifying the local economy. The creation of Rural Living allotments adjacent to Whitemark and at Blue Rocks and Lady Barron directs future low density development and is designed to retard the ad hoc fragmentation of rural land. The settlement pattern aligns with community expectations for lifestyle allotments that can support activities for a diversified local economy.</p> <p>Local strategy also recognises that reticulated services are rare or absent on Flinders Island and that residential areas in existing settlements are constrained. The high and unsatisfied demand long term rental stock is recognised as a constraint to future development. To counter the market failure, the LPS proposes multiple dwellings be considered in Rural Living Zone at Whitemark.</p>
Housing dwellings and densities		
RSN-P4	Provide a planning framework for new and upgraded infrastructure and facilities to support a growing and ageing population and provide housing choice through a range and mix of dwelling types, size and locations in new residential developments	The LPS uses SPP Rural Living Zone to provide housing choice, at the same time consolidating currently dispersed rural dwelling patterns and concentrating lifestyle allotments near existing facilities. Within the Low Density Residential Zone land has been identified as appropriate for assisted living at Whitemark and in the Village Zone at Lady Barron. The residential zones utilise existing road infrastructure and capitalise on the reticulated water available in the existing townships.



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
RSN-P5	Encourage a higher proportion of development at high and medium density to maximise infrastructure capacity. This will include an increased proportion of multiple dwellings at infill and redevelopment locations across the region's Urban Growth Areas to meet residential demand	<p>To support a growing aging population, multiple dwellings are permitted in the Low Density Zone in the towns of Whitemark and Lady Barron. A Whitemark Rural Living Area Specific Area Plan modifies the Use table to add multiple dwellings as a discretionary use in the Rural Zone.</p> <p>Where possible to achieve onsite effluent and stormwater disposal, multiple dwellings for aged care and community living are encouraged in the Village Zone at Lady Barron and the Low Density Residential Zone off Walker Street Whitemark.</p>
RSN-P6	Focus higher density residential and mixed-use development in and around regional activity centres and public transport nodes and corridors	To the extent that this strategy applies to the islands, the LPS seeks to direct development around the retail and administrative centre of Whitemark and the port settlement at Lady Barron. At Palana, Rural Living land is established adjacent to existing settlement.
RSN-P7	In new development areas include a diversity in land uses, employment opportunities and housing types at densities that support walkable communities, shorter vehicle trips and efficient public transport services.	<p>To the extent that this strategy applies to the islands, the LPS seeks to implement Council's aim to provide more job opportunities, facilitate affordable housing and facilitate the expansion of housing types and tenures.</p> <p>It does this by increasing the density of development at Lady Barron, establishing Rural Living land for lifestyle and home business and Rural zoned land for small scale manufacturing and processing while reserving key grazing areas for inclusion in the Agriculture Zone.</p>
Integrated Land use and Transport		
RSN-P8	New development is to utilise existing infrastructure or be provided with timely transport infrastructure community services and employment	The proposed new development area of Blue Rocks is adjacent to the sealed road and energy infrastructure. The proximity to the main town centre and the airport satisfy RSN-P8 to the extent it applies. Flinders Council has no



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
		<p>reticulated sewerage and reticulated water is limited to Whitemark and Lady Barron areas. There is no public transport infrastructure.</p> <p>On truwana-Cape Barren Island housing is encouraged in The Corner precinct where multiple detached dwellings can be constructed at a density determined appropriate by the island residents.</p>
RSN-P9_RSN-P14	All relate to public transport infrastructure and are not applicable to the Furneaux Islands	N/A
Residential Design		
RSN-P15	In established urban areas where an existing urban or heritage character study has been undertaken and adopted by Council, ensure that development is consistent with that study and reinforces and enhances the strengths and character of the area in which it is set	Flinders Council has no current character or heritage studies. A Master Plan for Whitemark has been commissioned. If adopted by Council, the plan should be made available to developers, so the study can be considered at the conceptual and design stages.
RSN-P16	Achieve high quality design outcomes for all new prominent buildings and public spaces in the Launceston Central Business District, regional activity centres and transit communities.	N/A
RSN-P17	Provide accessible and high- quality public open space in all new 'Greenfield' and infill development by creating well-designed public places.	<p>It is noted that the SPPs do not include any provision for public open space in subdivision and it is not a matter that is provided for in the SPPs that can be included in a LPS, unless by demonstration of a specific local value under s.32(4). The provisions of the Local Government (Building & Miscellaneous Provisions) Act (LGBMP) are extremely limited in their jurisdiction over requirements for public open space.</p> <p>In effect, this policy cannot be implemented unless greenfield and infill development is subject to a SAP.</p>



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
Housing Affordability		
RSN-P20	Provide a variety of housing options to meet diverse community needs and achieve housing choice and affordability	Housing affordability is a critical issue on Flinders Island linked to difficulties in achieving finance, extra costs of transport, the cost of development approvals and low rental yields. The local strategy to assist in addressing market failure is to facilitate a more diverse range of allotment sizes and to consolidate development in and around local settlements where access to services is available. This translates to the establishment of Rural Living Zones as the most appropriate to island lifestyle and affordability. The provision for multiple housing in the Rural Living Zone is designed to allow a variety of tenure and housing options.
Rural and Environmental Living Development		
RSN-P21	Rural and environmental lifestyle opportunities will be provided outside urban areas	Modifications to the mapping of land suitable for inclusion in the Agriculture Zone mean that in the LPS, the key primary production areas are protected and remaining rural land zoned to enable rural and rural living opportunities. Where landscape values have been identified, discretionary opportunities for a single dwelling in the Landscape Conservation Zone are provided by the SPPs.
RSN-P22	Rural and environmental lifestyle opportunities will reflect established Rural Residential Areas.	The minimal extent (43 hectares in total) and physical constraints of the Rural Residential Zone in the current planning scheme exclude expansion of the current rural residential area. Consolidation is proposed with a slight increase in density. The Natural Assets Code is intended to minimise impacts on priority vegetation and lot size is expected to reflect the existing visual and spatial character.
RSN-P23	Growth opportunities will be provided in strategically preferred locations for rural living and environmental living based on sustainability criteria and will limit further fragmentation of rural lands.	New Rural living opportunities at Whitemark, Blue Rocks, Palana and Lady Barron consolidate lifestyle development in discrete areas that do not compromise agricultural land.



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
RSN-P24	Growth opportunities for rural living will maximise the efficiency of existing services and infrastructure.	Growth areas at Whitemark, Lady Barron and Blue Rocks maximise efficiency of sealed roads and provision of electricity. Other services are not available outside of Whitemark/Bluff Road and Lady Barron. On site management of stormwater will be important at Lady Barron. Efficiency may be managed through the inclusion of stormwater retention in subdivision plans.
RSN-P25	Recognise that the Furneaux group of islands are more reliant on local strategies for Rural Residential Areas and the protection of agricultural land that respond to the complexities of remote area economics and the need to retain or increase population or visitation.	<p>Local strategy in relation to rural residential areas varies from regional network and settlement strategies mainly by establishing new rural residential and lifestyle allotments. These have been outlined above. Notwithstanding, the LPS is underpinned by local strategies that align with regional strategies as follows:</p> <ul style="list-style-type: none"> i) Proximity to existing settlements containing social services: ii) Access to road infrastructure with capacity: iii) On site waste water suitability: iv) Consideration of the impact on natural values or potential land use limitations as a result of natural values: v) minimisation of impacts on agricultural land and land conversion: vi) Minimisation of impacts on water supply required for ag and enviro purposes: vii) Consideration of hazard management: viii) Existing supply within the region: ix) The ability to achieve positive environmental outcomes through re-zoning
Regional Activity Network centres RAC-P1	Maintain and consolidate the Regional Activity Centres Network to ensure future urban development consolidates and reinforces the spatial hierarchy of existing centres. This will be achieved through the reuse and redevelopment of existing buildings and land to integrate a mix of land uses including the	The minimal activity centre hierarchy on Flinders Island refers to Whitemark as the key District Services Centre, Lady Barron as a Neighbourhood Centre. To preserve the predominance of these centres, other settlement areas are identified as residential with the capacity for a local shop or food services. Whitemark more closely aligns with the Local Business Zone and expands the



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
	coordinated provision of residential development, retail, commercial, business, administration, social and community facilities, public and active transport provision and associated infrastructure.	business area. At Lady Barron Village Zone to encourage residential scale retail cultural and tourist activity.
RAC-P2, RAC-P3 RAC-P4 RAC-P5 RAC-P6 RAC-P7		Not relevant to development within the municipality
RAC-P8	<p>Provide high quality urban design and pedestrian amenity within regional activity centres by acknowledging the significance of place making, activity diversity and the improvement of amenity. Coordinated urban design and planning are necessary elements in the development and management of attractive, sustainable and socially responsive regional activity centres.</p> <p>The desired urban design outcomes include:</p> <ul style="list-style-type: none"> • improvements in the presentation, safety and amenity of the public realm and built environment; and • provision of outdoor urban spaces and streetscape environments (shopfronts, etc.) that create a diversity of land use activities and maximise public and private investments. 	<p>Council has commissioned a consultant to prepare a Master Plan for Whitemark. Application of the Village Zone in Lady Barron seeks to capture local character and culture with opportunities to include these in built design and streetscape.</p> <p>Existing sports and community open space is zoned Recreation.</p>



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
RAC-P9	<p>Discourage 'out-of-centre' development and provide for new use and development that supports the Regional Activity Centres Network and the integrated transport system.</p> <p>Development applications that are 'out of centre' will only be considered if all of the following criteria are adequately addressed:</p> <ul style="list-style-type: none"> ▪ Community need; ▪ No adverse impact on existing activity centres; and ▪ Synergy with existing employment hubs (i.e. health, education, research). 	<p>The application of SPP zones discourages out of centre development. The exceptions are</p> <ul style="list-style-type: none"> • providing opportunities for light industry to establish on council held land adjacent to the airport. • Rural zoned land between Lady Barron and Cooma appropriate for light industry in the south <p>The agrarian character and small population of Flinders Island supports the consolidation of the main centre at Whitemark. Despite the availability of most uses in most zones, the LPS reflects council strategy to retain Whitemark as the retail, administrative and health service centre.</p>
RAC-P10	Provide for a range of land uses to be incorporated into activity centres appropriate to their role and function within the Activity Centres Hierarchy.	The Local Business Zone at Whitemark and the Village Zone at Lady Barron satisfy this strategy. The response to RSN-P7 above outlines the local activity hierarchy.
RAC-P11	Develop activity centres with street frontage retail layouts instead of parking lot dominant retailing, with the exception of Specialist Activity Centres where the defined character or purpose requires otherwise.	A precinct plan for Whitemark Parking is incorporated into the LPS
RAC-P12	Regional Activity centres should encourage local employment. In most instances this will consist of small scale businesses servicing the local or district areas	Local Business and Village Zoning allow for expansion of business and employment opportunities
RAC-P13	Support effective access to a hierarchy of social facilities and amenities	Flinders Island public halls at Emita, Lady Barron and Whitemark are zoned Recreation, Village and Community Purpose reflecting the amenities provided and valued by the community.



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
RAC-P14	Investigate capital improvements works to improve pedestrian safety and access to activity centres and precincts. Progressively implement capital works improvements to the region's activity centres.	The future Master Plan for Whitemark will investigate pedestrian safety
RAC-P15	Coordinate joint agreements on the range of future needs for community, social and recreation facilities and amenities with relevant providers and state agencies.	Not incorporated into planning scheme.
Regional Infrastructure Network Policy	Integrate infrastructure, transport and land use planning to complement State infrastructure plans and policies. Advance efficient, cost effective and sustainable forms of urban development that support the Regional Settlement Network	
RIN-P1	Coordinate, prioritise and sequence the supply of infrastructure throughout the region to match the settlement framework.	Essential infrastructure is basically the road network. The LPS consolidates development around existing settlements to maximise access to services. Future community infrastructure will be determined by relevant corporate providers or Council. The allocation of LPS zones allows public infrastructure.
RIN-P2	Identify infrastructure capacity, need and gaps in current provision to meet requirements for projected population and economic activity	The slow rate of growth has assisted in matching future need with local government capacity to provide infrastructure services. Capacity relates to the low rate base for the council area. The key priorities are identified as waste management and the Flinders Island Airport. Land for the former is provided in the existing facilities. The LPS applies the Airport Protection Code. The LPS establishes a Light Industry zone provides a dedicated area to cater for potential growth in economic activity. West Coast land zoned Rural



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
		<p>provides opportunities for small scale manufacturing and processing and Rural Living land provides opportunities for home business and local commodities.</p> <p>The LPS includes provisions to protect the ecological and visual amenity of the islands' unspoilt natural values. The 'wild and free' tourism narrative and associated economic activity will depend on development that respects the natural landform, biodiversity and sea and landscapes.</p>
RIN-P3	Direct new development towards settlement areas that have been identified as having spare infrastructure capacity.	New development is directed to Blue Rocks and Whitemark where access to sealed road is provided.
RIN P-4	Recognise the Department of State Growth Road Hierarchy and protect the operation of major road and rail corridors (existing and planned) from development that will preclude or have an adverse effect upon the existing and future operations	Only one State road on Flinders Island- Lady Barron to Airport
RIN P-5	Recognise and protect the region's port, airport and other intermodal facilities (existing & planned), including operations, and protect from development that will preclude or have an adverse impact upon the existing and future operations.	<p>Lady Barron Port and immediate surrounds is zoned Port and Marine to preserve future expansion opportunities.</p> <p>Flinders Island Airport obstacle limitations mapping applies to the Airport Protection Code and the overlay is included in the LPS</p>
Regional Economic Development Policy	Advance a nationally and internationally competitive region that applies innovation and infrastructure investment to advance economic development in a broad range of sectors.	



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
ED-P1	<p>ED-P1 Promote increased innovation within the Northern Tasmanian economy, and encourage:</p> <ul style="list-style-type: none"> Increased agricultural potential by investment in irrigation schemes and irrigated lands; Innovation, which utilises and captures the region's water resources; Food and wine innovation; <p>A diversity of logistics in freight and port capacity.</p>	<p>On the islands, agriculture is equated with grazing animals. Irrigation is generally not suited to Flinders Island soils and predicted to not increase⁶⁴ Land capability and climate/wind factors exclude some crop based "innovation". Flinders is constrained by cost of freight.</p> <p>Food based tourism offerings currently contribute to the development of a local economy and the broader Tasmanian tourist market. Generally, this strategy is outside of the scope of a planning scheme.</p>
ED-P2	<p>Provide for land use planning networks to support the development of:</p> <ul style="list-style-type: none"> High value agriculture and food products Digital (including the NBN). Vibrant, creative and innovative activity centres as places of employment and lifestyle; and Diverse tourism opportunities. 	<p>Zoning allows for development (where possible) of the full range of agricultural products. Constraints and future trend noted in the Agricultural Profiles of 2010 and 2019 is for grazing animals to remain the dominant commodity. Notwithstanding, small scale local products are creating a robust value adding sector.</p> <p>Digital remoteness has improved with satellite NBN. Reliable communications are key to supporting emergent businesses.</p> <p>The LPS establishes new Rural Living Areas provide opportunities for home based business and tourism opportunities. Strategic analysis and public consultation identified sites at Limestone Bay, Killiecrankie and Big River Road as appropriate for large scale tourism development. The Local Business Zone at Whitemark and Village zones provide opportunities for cultural and social activities supporting social capital and tourism experiences.</p>
ED-P3	<p>Provide a 10 year supply of industrially zoned and serviced land in strategic locations</p>	<p>Current scheme has no land specifically zoned for industry.</p>

⁶⁴ AK Consultants 2019 Profile Agricultural Land



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
		LPS provides for Light industry zone adjacent to the airport which is considered to be more than 10 years supply given that the Rural Zone also provides for light industrial uses. The Light Industry Zone is also applied to the Council Works Depot in Whitemark.
ED-P4	<p>Provide suitable training and education opportunities in response to identified regional challenges, including those concerned with:</p> <ul style="list-style-type: none"> ▪ An ageing population; ▪ Out-migration of young people; ▪ Low literacy/education/skilled workers; ▪ Lack of diversity in the economy; ▪ Lack of support and training facilities; and ▪ Availability of affordable housing. 	Training and Education opportunities are beyond the scope of the LPS.
ED-P5	Support initiatives that provide Northern Tasmanians with an economic capacity to improve their lifestyle and engaged in fulltime or part-time employment to promote standards of living and access to basic services	Outside of scope of the LPS
ED-P6	Encourage sustainable and appropriate land use planning practices that seek to manage development and use of the region's natural resources	The LPS introduces a Landscape Conservation Zone to manage development in intact vegetation or areas of local significance, such as the coast. The extra provisions of the Coastal Areas and Elevated Areas specific area plans respond to the local priority to protect natural landform and biodiversity in order to encourage sustainable management for objectives related to liveability, environmental services, cultural traditions and the tourism market.
ED-P7	Prevent the loss of future rural production including agriculture, mineral extraction, forestry	The extent of Agriculture Zone reflects the requirements of broadacre pastoral enterprises. There is nominal farm forestry and no commercial plantations on the islands. Quarries are an existing use or located in the Rural Zone.



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
ED-P8	Manage the regions natural economic resources to sustainably and efficiently meet the needs of existing and future communities	Zone decisions for the LPS reflect the strategy to protect agricultural industry while diversifying some rural land to promote alternative uses. Strategy to diversify some rural land are designed to facilitate emergent local economies and a vibrant, island specific tourist offering. Combined with provision of some cleared, flat land near services for affordable housing, and a Specific area plan to allow multiple housing in the Rural Living Zone at Whitemark, the LPS provides a foundation for future communities.
ED- P9	Support tourism development that is guided by research and economic strategies that develop projects and initiatives to enhance the range of tourism and visitor experiences in the region.	Tourism research and projects are beyond the scope of the LPS. The LPS does provide for tourism development in most zones.
ED-10	Support the development of the tourism sector by ensuring land use planning policies and principles do not unnecessarily restrict tourism use and development	SPPs do not hinder visitor accommodation or tourism operations. The LPS protects values that support the tourism industry.
ED-11	Provide for the opportunity in planning schemes to identify, protect and enhance distinctive local characteristics and landscapes.	The LPS contains Local Area Objectives, The objectives of the 2 specific area plans are drafted to protect and enhance distinctive local characteristics and landscapes such as the coast and mountains.
ED-P12	Avoid unnecessary restrictions on new tourism sector innovation in planning schemes and acknowledge that planning schemes cannot always predict future tourist sites/developments.	Restrictions on innovation are beyond the scope of the LPS. Strategic planning consultation identified areas appropriate for larger scale tourism sites and SPPs allow for visitor accommodation in all zones.
Social Infrastructure and Community Policy	Shape resilient, liveable and prosperous communities supported by high quality community infrastructure and living environments to meet communities particular social, education, healthcare and living needs	On Flinders Island community infrastructure will only be adequately met if there is a sustainable level of population. The LPS supports council's population attraction objectives through provision of lifestyle allotments in a range of sizes on flat cleared (affordable) land. The LPS attempts to preserve



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
		<p>natural values that underpin liveability of living environments by diversifying some rural land for landscape conservation and the sustainability of environmental services.</p> <p>LPS establishes a rural living area on land held by the Department of Education land as requested by the Flinders District High School to enable private tenure and residences for teaching staff. This is an example of the unique circumstances of Flinders Island, noted in the NTRLUS, and highlighting the near absence of available long term rental accommodation for essential service providers.</p> <p>The LPS rezones land north of Lagoon Road to Low Density Residential to facilitate the availability of land suitable for retirement style detached dwellings.</p> <p>The Village Zone at Lady Barron allows multiple dwellings limited in area by on site effluent disposal. There is an opportunity for retirement style accommodation on large allotments in the Village Zone.</p>
SI-P01	Co-ordinate planning for social infrastructure with residential development.	Outside the scope of the LPS
SI-P02	Provide social infrastructure that is accessible and well located to residential development, public transport services, employment and educational opportunities.	Proposed new rural living areas are strategically located close to services.
SI-P03	Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.	SAP for Rural Living areas at Whitemark provides for multiple housing to enable opportunities for different types and tenure of housing. The opportunity is provided for cooperative approaches to construction and management of common land. The Flinders island Airport and Lady Barron Port areas are critical social infrastructure and the LPS supports protection of fundamental transport and freight uses. The Airport protection Code applies



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
		to the airport and the purpose of the Port and Marine Zone is to minimise conflict of use.
SI-P04	Allow for a greater choice in housing types.	The specific area plan for rural living at Whitemark provides for multiple housing to enable opportunities for different types and tenure of housing. The SPPs allow for a dwelling to be a No Permit Required use in the Low Density Residential Zone and a Permitted use in the Rural Living Zone. This may encourage a greater choice in housing types.
SI-P05	Protect the operation of existing and planned education/training facilities from conflicting land uses.	The land surrounding the Flinders Island District High School is zoned rural. This preserves the status quo. Grazing is considered to be the ongoing use of agricultural land.
Cultural Heritage		
CH-P01	Recognise, retain and protect cultural heritage values in the region for their character, culture, sense of place, contribution to our understanding of history	The Coastal Areas SAP is intended to protect the culturally important foreshore and coastal waters that contribute to sense of place and an island identity.
CH-P02	Recognise and manage archaeological values throughout the region to preserve their key values.	The coastal areas SAP has provisions to limit excavation and fill which will assist in reducing destruction of aboriginal heritage coastal values/sites The PPZ for CBI and Outer Islands provide for culturally appropriate future development.
CH-P03	Standardise statutory heritage management at the local level as much as possible.	State listed heritage sites for Deal Island and Goose Island are managed through the State Heritage Council. These are Crown reserved land. The Local Historic Heritage Code applies to local heritage areas.
Regional Environment Policy	Apply a consistent approach to environmental management to: <ul style="list-style-type: none">▪ Protect and conserve the natural environment;▪ Provide for the management and use of	



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
	<p>productive resources including agricultural lands, natural resources, water resources and coastal environments; and</p> <p>Plan for natural hazards and climate change adaption responses.</p>	
BNV-P01	Implement a consistent regional approach to regional biodiversity management, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping.	<p>The SPPs include the Natural Assets Code and prescribes the data content of mapping to be included in the planning scheme for watercourses and the 'Priority Vegetation Area'.</p> <p>The Northern Region has engaged Natural Resource Planning Pty Ltd to implement the Regional Ecosystem Model across the region, based on the requirements outlined in the Local Provisions Schedule Requirements (LP1.0) of the SPPs. An explanation is provided in Appendix 5.</p>
BNV-P02	Except where planning scheme provisions provide for exemptions, restrict land clearing and disturbance of intact natural habitat and vegetation areas of forest and non forest communities declared under the Nature Conservation Act, coastal wetlands and remnant and remnant and appropriate cultural vegetation within settlement areas.	Site coverage provisions of the Landscape Conservation Zone, the Scenic Management Code and the coastal areas specific areas plan is expected to assist in restricting land clearing of significant vegetation.
BNV- P03	Land Use Planning is to minimise the spread and impact of environmental weeds.	The omnipresence of the natural environment means it is difficult for land use planning to restrict interfaces where spread of domestic weeds are likely developments.
BNV-P04	Land use Planning Strategies are to be consistent with any applicable conservation area management plans or natural resource management strategy.	Land use strategies for Flinders Island are consistent with existing Management Plans for reserved areas. The PPZ for truwana- Cape Barren Island is based on management plans reflected in the delineation of precincts.
Open Space and Recreation		



Strategy Reference	Regional Planning Policy	Flinders Council LPS consistency
OSR-P01	To provide for an integrated open space and recreation system that contributes to social inclusion, community health and wellbeing, amenity, environmental sustainability and the economy.	The LPS protects coastal areas that contribute to social recreational activities, community wellbeing and the tourism economy.
OSR-P02	Improve open space outcomes through the delivery of a consistent regional approach that responds to the community's needs and avoids unnecessary duplication of facilities	The LPS zones relevant Authority land for Open Space
Natural Hazards		
NH- P01	Future land use and urban development is to minimise the risk to people and property resulting from land instability by adopting a risk -managed based approach consistent with Practice note Guidelines for Landslide Risk Management 2007 and (AGS (2007a) Guideline for landslides Susceptibility, Hazard and Risk Zoning for Land use Planning: AGS (2007e) Australian Geo Guidelines for Slope Management and Maintenance.	The Landslip Hazard Code applies to the Municipal area.
NH-P02	Future Land use and development is to minimise risk to people and property resulting from flooding	The Coastal Inundation Code maps flood prone areas in Whitemark and Lady Barron. Elsewhere the layer identifies areas for investigation.
NH-P03	Future Land use and development is to minimise risk to people and property resulting from bushfire	The Bushfire Prone Areas Code is included in the LPS
NH-P04	Where avoidance of hazards is not possible, or the level of risk is deemed acceptable best practice construction and design techniques and management practices are to be implemented	This is beyond the scope of the LPS



Climate Change Adaption		
CCA-P1	Encourage energy efficient building use and design	This is beyond the scope of the LPS
CCA-P2	Protect investment in new infrastructure from the impacts of climate change	The Coastal Inundation Code and the Bushfire Prone Areas Code will apply to new infrastructure
Coasts and Waterways		
CW-P01	Protect and improve the ecological integrity of coastal environments	The Coastal Areas SAP aims to retain coastal landforms and genetic diversity both of which contribute to ecological integrity.
CW-P02	Limit the expansion of urban development within the coastal zone to avoid encroachment into areas of intact coastal environments	The Coastal Areas specific area plan is drafted to restrict the impact of development on intact coastal environments.
CW-P03	Minimise or avoid development in areas subject to high coastal hazard	The Coastal Inundation Code and Coastal Erosion Hazard Code will apply to areas of high coastal hazard and assist in avoiding areas of high coastal hazard
CW-P04	Protect the visual integrity of coastal landscapes	The application of the Scenic Protection Code
CW-P05	Protect and manage the ecological health and environmental values of surface and groundwater	A known groundwater area is zoned Landscape Conservation at Killiecrankie. The Natural Assets Code applies to class 4 watercourses, estuaries and coastal environments.
CW-P06	Where appropriate development in new or redevelopment areas is to adopt best practice Water Sensitive Urban Design (WSUD) principles	Three site specific qualifications seek to address stormwater on large allotments zoned for rural living at Palana and Lady Barron.
Coasts and Waterways		
CW-P07	Protect the water quality of the regions waterways and wetlands including key water supply catchments	The Natural Assets Code applies to class 4 watercourses, estuaries and coastal environments.
CW-P08	Recognise the benefit of non-land use planning based organisations and their strategies and policies in managing protecting and enhancing natural values.	The diversification of some currently zoned Rural land to the SPP Landscape Conservation Zone is informed by work on priority habitat commissioned of



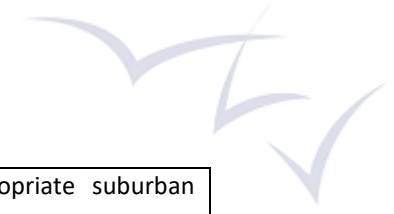
		the University of Tasmania and the Furneaux Natural Resources Management Strategy 2007. Ongoing land management is beyond the scope of the LPS
Landscape and Scenic Amenity		
LSA-P01	Consider the value of protecting the scenic and landscape amenity of key regional tourism routes having regard to the routes identified in Map 3E and local circumstances as well as the:	There are no scenic road corridors identified in the LPS although scenic protection is applied to locally significant scenic areas.
LSA-P02	Protect Specific topographic or natural features of significant scenic /landscape significance	The Scenic Protection Code overlay is extended to the granite mountain range that forms the spine of the island.

Appendix 7.2 Contributing factors to unique circumstances acknowledged in the NTRLUS

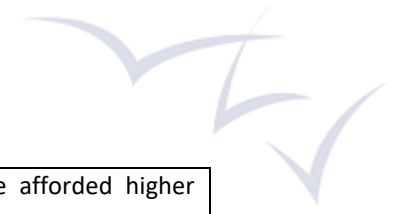
Uniqueness factor	Description/ issue	opportunities
Geographic Isolation Islands have no shared boundaries	<p>Sense of isolation. Need to be flown out in an emergency (weather permitting).</p> <p>Development costs exacerbated by need to fly experts in to complete soil, waste water, bushfire etc reports.</p> <p>Shared resources do not work in some LG business areas e.g. Works and Services and Planning.</p> <p>Resilience of ecosystems in face of climate change predictions</p>	<p>Opportunities for innovative and approaches due to necessity and based on existing characteristics of resourcefulness and autonomy</p> <p>Opportunities to improve effectiveness of planning processes through training and maintaining a local presence that can provide pre lodgement guidance.</p> <p>Shared resources do work in some LG business areas for example Building and Human Resources</p> <p>Opportunity to acknowledge that destruction of ecosystems cannot be offset by reliance on neighbouring</p>



		systems in adjacent local government areas and a critical mass of resilient ecosystem must be retained on island
Dominance of pastoral industry	Loss of commercial fishing industry in late C20 th , failure of managed investment forest schemes and land suitability means primary production is exclusively broad acre grazing	Opportunity to diversify some smaller lot or otherwise constrained rural land to encourage strategically placed smaller rural lifestyle allotments for production of value added and tourism offerings.
Cultural Perspectives	Self-reliant attitude can result in rejection of advice from 'away' that impose constraints on longstanding practices and autonomous island lifestyle; potential for insularity to reject useful practices or updated information.	Island life encompasses a wider sense of place than in cities where the sense of place is closer to the family house site. The Island as a whole is a broader perspective of 'home'. Higher social capital based on this broader and shared sense of place.
Rate of Development	<p>Rate of change is slow compared to some other areas due to unavailability of finance, at least 30% extra costs of construction, lack of employment opportunities.</p> <p>Marketing for tourism can potentially accelerate development implications such as demands on infrastructure and availability of long term rental properties.</p>	<p>Opportunity for establishing consistent pre-lodgement advice regarding appropriate design and siting through statutory assessment service that is island focussed.</p> <p>Opportunities to streamline development processes for a localised service that responds to on island factors e.g. inspections schedules, consultants reports.</p> <p>Opportunities for tourism to relate to the island culture/nature based and return visits rather than mass single visitation. Opportunity to ensure development does not make demands for new road infrastructure by consolidating settlement centres. Opportunity for land use planning to facilitate local entrepreneurial activities that focus development on local priorities and a local economy that also 'feeds' a tourism sector.</p> <p>Opportunities for an island vernacular in housing style that doesn't distinguish between absentee owners and</p>



	Individual developers from elsewhere do not necessarily understand local sense of place and apply suburban housing to undeveloped and/or environmental intact / coastal or elevated areas.	local residents or introduce inappropriate suburban design.
Social cohesiveness Strong history of community participation	Most involved demographic is aging. Decline in volunteering and participation in some community organisations. Same people volunteer without upcoming 'changing of the guard'.	Recent trend for island born younger people to return with their own families. Reinforces cultural and social practices and sense of place. Strengthens child based volunteering Increases demand for rural lots for innovative value adding and manufacturing for strengthening local economy Opportunities for setting up educational based possibilities on island campus links to educational facilities.
Social Behaviour	Waste disposal best practice difficult with low rate base. Long term practices such as wood collection, vegetation clearance, Crown land as a resource are highly valued but unsustainable if translated to larger population. Fauna and habitat undervalued. Informal local access to coast is a particular land use issue; basis of recreational activity and social cohesion	Awareness raising as population from off island localities increases Opportunities to improve practices Opportunity to retain local access in subdivision
Ecosystem uniqueness	Northern or southernmost point of Tasmanian or Mainland species respectively Bird species especially diverse. RAMSAR wetlands on Flinders and Cape Barren Islands. Not all highly distinctive ecosystems occur on Reserved land. Loss of habitat is critical issue for environmental services to residents, farmers and tourists, threatened and non- threatened species and ecological communities soil biota and beneficial insects Endemic ecosystems threatened by ongoing vegetation clearance. Other values threatened by ill-conceived development, development	Opportunity to develop a local vernacular dwelling type(s) that respond to bushfire requirements through design, siting and materials and avoid generic clearance of vegetation.



	requirements such as automatic clearance for bushfire hazard and broad scale grazing	Opportunity for natural values to be afforded higher priority for tourism economy.
Scenic quality	Incremental loss of landscape elements will mean the islands can no longer offer a sense of isolation, wildness or relaxation that appeals to high end tourism market	Scenic quality considered subjective but can be logically evaluated if using aggregate parts of a landscape Topography, geology, intact vegetation, coastal and foreshore components

Appendix 7.3 Comparison of current and SPP Zones

Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Residential	General Residential						
Comments There is no direct conversion of the residential zone since the SPP zone requires full infrastructure services to be available. Whitemark/Lady Barron do not have reticulated sewerage or stormwater services. Low Density Residential provides alternative zone. Gen Res zone is not used.							The minimum lot size in the SPP Gen Res zone (450m ²) does not reflect the pattern of development nor the need to accommodate effluent /storm water disposal



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Residential	Low Density Residential		(+) General provision for all discretionary uses (+) noise level standard (managed by hours of operation)	(-8.0m) (+8.5m)	(-) comply with 1994 Building Regs. (+)8m frontage (+)5m side and rear	(+) site coverage (+) multiple dwellings site area 2500m ² (-) car parking located to rear of dwelling and substantially screened (-) Landscaping provision	(-) Lot size capable of onsite effluent disposal (+) must have sufficient useable area and dimensions for intended use (+) min 1200m ²
<i>Comments:</i> Guideline No.1 applies: Intent of current scheme Residential Zone matches Zone purpose of SPP LDRZ Applies to Current Residential Zone at Lady Barron & Whitemark						Absence of landscaping and location of outbuildings may compromise visual amenity and be inconsistent with current township pattern	Intended (residential) use taken to include onsite effluent disposal on case by case basis.
Low Density Residential	Low Density Residential	(+) Emergency Services (+) food services (excluding a take-away) (+) Multiple dwellings (+) qualification for Sport & Rec uses	(+) General provision for all discretionary uses (+) noise level standard (managed by hours of operation) (+) General clause for Visitor Accom ⁿ	(-) 8.0m (+) 8.5m	Front setback decreased from 10m to 8m Rear /side setback decreased from 15m to 5m	(+) residential density for multiple dwellings of, 2500m ² if unserviced with discretion to 2000m ² (+) Site Coverage 30%	Decrease in min lot size from 4000m ² to 1500m ² and no maximum lot size. Min. building area reduced from 15m x 20m to 10m x 15m.
Low Density Residential	Low Density Residential						



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
			(+) Scale standard for Visitor Accom ⁿ (+) Standard for residential density for multiple dwellings				Min. frontage increased from 3.6m to 20m
<p>Comments: Applies to Bluff Road currently zoned LDR.</p> <p>SAP applies to Bluff Road LDR area proposes 4000m² min lot size to maintain current pattern of development and ensure on site waste water management in known poor drainage area.</p>		<p>+ Multiple dwellings is consistent with council strategy to diversify housing types to facilitate affordable housing.</p> <p>+ Food Services is consistent with Council strategy to allow bistro/café /cantina at key tourist destinations and to facilitate community liveability aims but not intended at Bluff Road</p>	<p>Other than density, no multiple dwelling standards. Side and rear setbacks are substantially less. Risk of 'crowding'/overlooking and solar interference Potentially compromises visual amenity through prominent placement of outbuildings and service facilities</p>			<p>Non serviced land provides for more space to avoid overshadowing etc. but reduced setbacks for side and rear reduce this advantage</p>	<p>Much reduced lot size may not be adequate for effluent disposal plus outbuildings in some locations.</p>



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Village	Low Density Residential	(-) single dwelling (-) Single dwelling and Ancillary Apartment as permitted (+)Single dwelling as NPR	(+) All non-residential uses standard	(-) 8m (+) 8.5m	(-) Dwelling setbacks shall comply with the provisions of the Building Code of Australia and the Building Regulations 1994. (+)8.0m frontage setback (+) 5m side and rear setback	(-) energy efficiency provision (-) onsite parking located behind or level with buildings & not dominate the streetscape (-) advertising signs provision (+)Max site coverage not more than 30% (+) multiple dwellings min site area 2500m ² (Qualified) (+) Fencing Standard (+) outdoor storage areas standard (+) setback for air con, compressors, refrigeration systems (+) Visitor accommodation scale standard	(-) Min lot frontage 3.6m (+) min lot frontage not less than 20m (-) min lot size sufficient for use/devt and for onsite effluent disposal (+) min lot size 1200m ² (+) access provision
Village	Low Density Residential	(-) Visitor Accom ⁿ as Discretionary (+) Visitor Accom ⁿ as Permitted (-)Agriculture (-) Animal Keeping (-) Aquaculture as discretionary (+) Emergency Services (+) food services (excluding a take-away) (+) Multiple dwellings (+) qualification for Sport & Rec uses					



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Applies to rural settlements at Emta, Killiecrankie and Palana Guideline No.1 applies: Purpose statement for LDR consistent with current pattern & use						No excavation/fill standards potentially jeopardize views and scenic amenity	SAP for min lot size 4000m ²
Rural	Rural Living	(+) All Resource Development other than grazing is Discretionary (-) on farm resource processing (not the handling or packing nor the retailing of produce) as NPR (=) resource processing Discretionary (Qualified) (+) Single dwelling NPR (-) Single Dwelling (-) Single Dwelling & Ancillary Apartment as Discretionary (if on class 4,5,6 or 7 land) Amendment RZ02/01A 19/11/01	(-) use or development only approved where...compatible with any existing or potential agricultural use of that land or surrounding lands Amendment RZ02/01A 2001 (+) Discretionary Uses Standard (+) Visitor Accom ⁿ standard	(-) 8m (qualified) (+) 8.5m	(-) 20m from all boundaries (-) Buildings set back 100m from HWM and 40m from perennial watercourse (Qualified) (+) front setback 20m (no change) (+) Side and Rear setback 10m	(-) Materials and colour provision (+) Site coverage 400m ² (-) siting and design for solar gain/if not possible heat pumps insulation or double glazing to be considered. (-) house assessment to take into account topography, water catchments, neighbouring agriculture pursuits, buffers created by natural features	(-) min lot size 40 hectares (with qualifications) (+) Minimum lot sizes 1 hectare, 2 hectares, 5 hectares or 10 hectares (or not less than 20% less than stated min lot size) Lot frontage not less than 3.6m (+) Access standard



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Rural	Rural Living	(-) Private Landing ground as discretionary (-) visitor accom ⁿ Discretionary (+) Visitor accom ⁿ Permitted (-)Motor Sport (-) Contractors Depot (-)Extractive Industry (-) General Industry (-) Rural industry (not defined) (-) Timber Mill (-) Transport Depot (-) Warehouse (-) Woodyard (-) Animal Keeping (-)Forestry (-) Intensive Animal Husbandry as Discretionary				Resource sustainability PAL policy Amendment RZ02/01A 19/11/01	
Applies to: School allotment CT226215/1 PID 7525336 Whitemark Surrounds see Map 15		Removal of Uses is consistent with Zone Purpose Statement and Intent of Zone		Absence of out-building standards may result	Requires NA Code for Coast and waterbodies	No excavation/fill standards potentially jeopardize views and scenic amenity	Existing qualifications for subdivision relate to not fragmenting Ag land, not



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Blue Rocks Map 13		(residential uses) and avoids conflict of use The absence of shared accommodation restricts provision of multiple housing types and tenures. Local strategy recommends the rural living zone close to centres and as alternative housing types and tenures Single dwelling is NPR absence of design standards potentially compromises scenic amenity Coastal Areas SAP compensates at Blue Rocks west of Palana Road		in out-buildings dominating the landscape.		Absence of design standards potentially compromises scenic amenity	resulting in ribbon coastal devt. Not causing impact on flora fauna, coastal waters & skylines and Not likely to result in conflict of use. NB not always successfully implemented to date
Rural Residential Zone	Rural Living Zone	Grazing is NPR rather than Permitted. All other Resource Development Discretionary	(+) Amenity Use standard (+) discretionary uses standard	Increases from 8 to 8.5m	Side and front setback no change	(+) Site coverage 400m ²	(-) 5000m ² Min. lot size dependent on adoption by Council of a Development Plan for the locality



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
		(+) Single dwelling No Permit required (-) House and House & Ancillary apartment Permitted (+) Single Dwelling NPR (-) Shared Accommodation as discretionary (+) Visitor accommodation ⁿ Permitted (-) visitor accommodation ⁿ Discretionary (-) Garden centre Road side Stall as Permitted (+) primary produce sales, sales related to Res Devt, (+) child care centre, primary school (+) food services up to 200m ² (+) local shop (+) Vehicle sales & service			(-) Rear setback from 30m to 10m (+) 200m setback from Agriculture Zone for sensitive uses (-) setback 100m from HWM and 40m from perennial watercourse		(+) 5ha and 10 ha (+) 5ha & 10ha lot size (+) PC allows 20% smaller than min. lot size. (-) lots shall be appropriately dimensioned so that average length does not exceed 4x average width (+) Minimum building area 15m x 20m. (+) 40m frontage



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
<p><i>Rural Residential to Rural Living Comments:</i> Guideline No.1 applies to the conversion of existing rural living area at Cooma (43hectares)</p> <p>RLZ Areas C & D that have a bushland character have no mechanism to reduce vegetation clearance. This may have visual amenity implications.</p>		Grazing as a Use is not covered by NA Code so no protection for Priority Vegetation. Single dwelling is NPR absence of design standards potentially compromises scenic amenity			Requires application of NA Code shoreline/water-courses	No excavation/fill or materials standards or any standard for service areas and outbuildings potentially jeopardize views and scenic amenity	SPP zone better reflects rural living requirements on Flinders Island where very low density is exhibited and preferred.
No equivalent	Landscape Conservation						
Current scheme has character statements in all zones applying to freehold land. EMgt and Rec Zone applies to Crown land							
Commercial Zone	Village Zone	(+) single dwelling /home based business as NPR	GFA for non-residential 250m ² . (+) Landscaping	(+) building height increased	(+) side setback 3m	(+) multiple dwelling density standard	(+)Min Frontage 10m (-) no min lot size



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
		More uses permitted rather than Discretionary: Business & professional services; Community Meeting & entertainment; All Educational & Occasional Care uses; Emergency Services; Food Services; General Retail & Hire; Residential (other than single dwelling) Service Industry (qualified); Sports & Recreation; Storage (qualifications); Visitor Accommodation (all uses)	(+) Fencing	from 8.0m to 8.5m	(+) frontage setback 4.5m (-) no setbacks	(+) site coverage standard of 50% (+) fencing (+) Outdoor storage areas	(+) able to accommodate on site waste water treatment system and (+) on site storm water mgt.
Village zone more appropriate to creating a town centre while retaining residential amenity		The expansion of permitted and discretionary uses is consistent with Guideline No.1:				Absence of design and landscaping standards may compromise the attractiveness of the Village areas.	12.5.3 Services A2 reticulated sewerage means that all applications



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
		responding to the need to provide for more diverse uses within Lady Barron					will be discretionary
Public Purpose Zone	Community Purpose Zone	All uses in CPZ are new. The current zone has no uses other than what is “shown on the zoning plan”	All use standards are new	(+)12m height standard (+) within 10m of LDRZ height standard is 8.5m	(+) frontage setback 5m (+) other boundary setbacks 3m or half the wall height whichever is greater (+) 10m setback for refrigeration systems, generators, compressors etc from LDRZ	Establishes standards for fencing and outdoor storage	(-) lot size to suit intended use (+)min. lot size 600m ² (+) lot frontage of 20m
Comments: Applies to Lady Barron cemetery, Lady Barron fire station. Furneaux Field and Game Club site		Open space use is used at Lady Barron for state agency land to “quarantine” it and retain status quo of no uses					Requirement for new lots to have reticulated sewerage system affects ability to subdivide Community



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
MPC Whitemark, Cemetery Whitemark, Emergency Services Centre Whitemark, Flinders Community Hall Whitemark,							Purpose land since there are no reticulated services on FI. This is one reason school land has been zoned RLZ
Environment and Recreation	Environmental Management	tourist operation visitor accommodation changing from discretionary to permitted (+) all uses are new	No current standards (only character statement and zone intent) (+) discretionary uses standard (+) development area standard	(+)6m	(+)10m all boundaries (+) Buildings for sensitive use setback no less than 200m from AZ	(+) exterior finishes (+) vegetation management	(-) NFS (+) suitable for intended use (+)3.6m Lot frontage (+) provision for vehicle access to a road (+) appropriate for waste water disposal
Comments: Current desired future character statements indicate mgt goals for clearing burning and grazing in order to protect landforms, landscapes, habitats. No equivalent in SPP zone		Environmental Management zoned land is public land and public input on all development should be encouraged but is not available for the 13 permitted uses.				Absence of fill standards compromises outcomes since most EMGT land is sloping land where retention of landform is critical to maintenance of visual amenity and biodiversity	Lot frontage is ridiculously low for FI reserved land



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Environment Management and Recreation Zone	Recreation	(+) all new uses Change to permitted use for tourist operation, and visitor accommodation (-) agriculture (-) aquaculture	(+) major sporting facility standards	(+)10m	(+)10m		(+) Lot frontage 3.6m (+) able to accommodate stormwater and waste water on site (+) must be connected to reticulated water
Comments: Council land at							
Rural	Open Space Zone	(-) residential as a use (-) Agriculture as NPR changed to discretionary (+) crematoria and cemeteries (+) Emergency services (+) general retail and hire (+) Pleasure boat facility (+) vehicle parking	(+) flood lighting	Increases from 8.0m to 10m	Decreased from 20m to 5m frontage and 3m other boundaries	(-) landscaping	(+) frontage 15m
Comments: fits with Guideline No.1							



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Applies to Council land at Whitemark, Killiecrankie & Lady Barron							
Rural	Recreation	(+) crematoria and cemeteries (+) Emergency services (+) general retail and hire (+) Pleasure boat facility (+) vehicle parking					
Applies to Emita Hall & Sports ground/ Furneaux Field & Game & Council Land at NE River		Visitor accommodation remains a discretionary use but has qualification: If for camping and caravan park or overnight camping					
Commercial	Local Business	NPR status for: (+) Business & professional services (+) Food services (+) General Retail & Hire (+) Natural & Cultural Values Management	(+) amenity use standards (+) general discretionary use standards (+) retail impact standard	No change 8m	(+) 4 m setback or half the wall height No change to no frontage setback	(+) design standards (+) fencing (+) outdoor storage (+) dwelling	Min. lot size changed from none to 100m ² No change to requirement for area adequate to



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
		(+) home based business (no change) Passive Recreation Permitted status for: (+) Bulky goods (+) Emergency Services (+) Hotel Industry (+) boat ramp (+) Residential if above ground floor or if not listed as permitter (+) visitor accommodation if above ground floor (-) Licensed Establishment Discretionary status for: (+) Equipment Machinery Sales & Hire (+) Manufacturing & Processing (+) Food and beverage distribution (+) Service Industry (-) Light Industry					contain effluent disposal (+) stormwater disposal on site



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Comments: Applies to Whitemark only, includes land previously public purpose i.e. Library and child minding centre Whitemark and one allotment currently zoned residential but used as Lions Clubroom/ community gym CT 204648/1		The creep of industrial type uses into the Discretionary use class may result in location of uses in the zone that are inappropriate to Whitemark particularly in the use of finite land supply this zone.				Parking Precinct Plan Applies instead of the Parking Code	
No current light industry zone.	Light Industrial Zone	Permitted Use Status: (+) Emergency Services (+) Equipment and Machinery Sales & Hire (+) Port & Shipping (+) Research & Development (+) Transport Depot (+) Vehicle fuel sales Discretionary Use Status: (+) Crematoria & cemeteries (+) Vehicle parking	(+) Discretionary use standards	(+)10m	(+) Front setback 5.5m (+) Setback to residential zone 4m.	(+) Landscaping standards	
No current Light Industry Zone	Light Industrial	Discretionary uses duplicated in other more suitable zones. They seem					



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Comments		inappropriate to Light Industrial zone, particularly when this will be the 1 st proposed LIZ on the island and is intended to direct light industry closer to services and away from rural land					
Rural	Rural (a zone where 'agricultural use is limited or marginal')	(-) Discretionary: Animal keeping, Aquaculture, Forestry, Horticulture, Intensive animal husbandry (including packing handling, storing and dispatching) (+) all above uses to NPR (-) as Discretionary to (+) Permitted Uses abattoir, fuel depot, veterinary establishment, Contractor's Depot, Timber Mill, Public Utility(major), Single Dwelling, Kennels	(+) general discretionary use standards	Increased from 8m to 12m	All setbacks currently 20m (qualified to 100m from HWM and 40m from perennial watercourse) reduced to 5m.	(-) colours, material reflectivity, siting for solar gain (+) access for new dwellings	(+) 40ha min. lot size as AS rather than qualified provision. (+) no absolute min. lot size in PC, rather determined by use and development. (-) reorganisation of boundaries
Rural	Rural						



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
		Permitted Use status (+) Business & professional services (qualified: agribusiness consultant) (+) Educational & Occasional Care (qualified) (+) Emergency Services (-) Restaurant (+) Food services (qualified) (+) General retail & hire (+) Manufacturing & Processing (qualified) (+) boat ramp (+) Research & development (+) Resource Processing (-) General Industry (-) Rural Industry					



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
		Discretionary Use Status: (+) Custodial Facility					
Comments		Extensive use table does not fit with FI situation insofar as it potentially scatters uses rather than consolidating them near services. Application of the zone will assist in directing to West side of island where they will not compete with broadacre grazing on eastern and southern coastal plains.			Reduction of setback distances is not supported.	Removal of materials and colour standards will potentially have a very significant impact on visual amenity of rural areas Scenic MGT Code?	Can you subdivide less than 40 ha for a res use?
Rural	Agriculture (Note: A new zone for all agricultural use.)	Permitted use status: (+) Food services (ancillary to ag) (+) General Retail & Hire (ancillary to ag) (+) boat ramp Discretionary use status:	(+) discretionary use standard ensuring use is requires rural location for operation reasons (+) discretionary use standard addressing	Increased from 10m to 12	Reduced from 20m for frontage and 100m for side and rear to 5m for all boundaries.	(+) access for new dwellings (-) design (-) plantation forestry.	Minimum lot size reduced from no subdivision of any kind to no minimum lot size if further purpose of zone (+) new provision to excise existing uses



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
		(+) Bulky goods sales (ancillary to ag) (+) Domestic Animal Breeding, Boarding & Training (+) Emergency Services (+) Manufacturing & Processing (ancillary to ag) (+) Storage (if ancillary to ag) (+) Transport Depot & Distribution (ancillary to ag).	protection of agricultural land (+) discretionary use standard for prime agricultural land - not applicable (-) sensitive use standard (+) discretionary use standard for residential use - more restrictive				
Comments Applies to eastern and southern coastal plains broad acre grazing areas up to Happy Valley and		The AZ is applied in accordance with Guideline No.1. The zone is anomalous on FI where all ag use is grazing only. Expansion of uses is inappropriate for broadacre pastoral			The 200m setback from residential zones boundary with AZ is not relevant to grazing as	No standards for clearance of vegetation. Non applicability of NA Code means no protection from clearance or destruction by cattle of priority vegetation. Subsequent need to	



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Thule at Whitemark including		land and encourages fragmentation Presently able to build dwelling on Rural zoned land if doesn't constrain Ag. New; no dwelling unless supporting agriculture			the only ag use.	apply other zones , particularly LCZ	
Rural	Utilities	(-) Home occupation (+) recycling and waste disposal (+) Transport Depot (+) Vehicle Parking as Permitted (-) Abattoir (-) Animal Stockyard or Animal Saleyard (-) Consulting Rooms/Health Centre (-) Garden Centre (-)Hospital (-) Plant Sales (-) Restaurant (-) Timber Yard (-) Veterinary Establishment (-) Extractive Industry (-) General Industry	(+) Use Standard	(-) 8.0m (+)10m or 15m if for pole, tower or similar. (qualified)	(-) 20m (+) 5m (setback provision for compressors , air con etc from residential zone boundaries	(+) Fencing (+) Outdoor storage areas standards	(+) Min lot frontage 3.6m (+) Each lot capable of on-site effluent and stormwater disposal



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Rural	Utilities	(-) Rural Industry (-) Timber Mill (-) Transport Depot (-) Community Building (-) Civic Building (-) Public Utility (major) (-) Single Dwelling (-) Animal Keeping (-) Aquaculture (-) Forestry (-) Horticulture (-) Kennels (-) Private Landing Ground (-) Intensive Animal Husbandry (-) Visitor Accom ⁿ as discretionary uses.					
Comments: Applies to Whitemark Tip Telstra Infrastructure Sites Water Treatment Plants Airport signal site Waste Transfer station at Lady Barron		Intent of zone more precisely aligned with Uses					
Port	Port and Marine	(+) permitted uses (+) Bus & professional (Qualified)		From 8m to 20m	(-) "setbacks as necessary to achieve	(-) desired character and zone guidelines (+) nothing	Min Lot size AS 1000m ² (+) Frontage 6m



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Port	Port and Marine	(+) Education and Occasional care (+) Emergency services (+) Equipment machinery sales and hire (+) General Retail and Hire (Qualified) (+) Manufacturing (Qualified) (+) Passive recreation (+) Pleasure boat facility (+) Research and development (+) Service Industry (qualified) (+) Major Utilities (+) Vehicle fuel sales and service (+) Discretionary Uses (+) Food Services (+) resource Processing (qualified) (+) Sports and recreation (Qualified) (+) Storage (qualified) Tourist Operation (+) Vehicle Parking (+) Visitor Accommodation			zone intent and [protect the character and amenity of the surrounding area and to protect the amenity of surrounding properties" (+) none		(+) vehicle access (+) must have reticulated water (+) capable of accommodating stormwater and effluent disposal on site



Flinders Planning Scheme Zone	SPP Zone	Use Table	Use Standard	Height	Setback	Other Development Standards	Subdivision
Comments: Applies to TasPorts land at Whitemark and to Port area at Lady Barron including Diesel storage tanks		Uses at Whitemark accommodate TAS Ports land leased for tourism operation					
Comments	Does the use table include stockyards? Is there a need to?	The Port Zone at Lady Barron is constrained by lack of land for expansion and the diversity of uses potentially further constrains the amount of land available for the singularly important freight and shipping use that is vital to the island's economy and community.			Lady Barron SAP required to avoid potential conflict with livestock transport	No standards to assess discretionary uses. Not appropriate to small working port loading livestock Requires Lady Barron SAP	



Appendix 7.4 Priority vegetation mapping – explanation of method

The starting point for the mapping was the generation of a ‘modelled overlay’, which was created by applying a 100m buffer to all TASVEG 3.0 vegetation communities, excluding those types deemed to be ‘low threat’ and exclusions as specified under AS 3959-2009.

The mapping provided in TASVEG 3.0 provides high-level guidance with respect to vegetation distribution and as such, its accuracy is limited when applying it to individual properties. The modelled overlay was therefore based on imperfect spatial data and it was important to verify the boundaries that were produced and adjust accordingly.

An initial desktop assessment was undertaken to identify obvious discrepancies and ascertain any key areas that required closer examination. Verification of specific areas was completed through physical inspection and/or enquiries into the development status and management regime of particular properties where necessary. As discussed previously, bushfire impact is not uniform across all situations and in some cases, relaxation of the standard 100m buffer has been adopted where site characteristics will effectively limit fire intensity, spread and subsequent impact on surrounding development. Relevant factors include the total area, type and location of vegetation, fire run potential, effective slope, prevailing wind and the use, development or land management status of the property.

The overlay was then aligned with cadastral title boundaries. This was necessary to ensure that application of the overlay to specific properties and future developments can be easily determined. For urban lots in particular there is little merit in mapping a property as partially bushfire-prone, hence this has been avoided as far as possible. For lots 2,000sqm (or less) in area the overlay was aligned to include the entire title if an area of 15% (or greater) was affected. For these lots, it is considered increasingly unlikely that a future development on the site would be able to wholly avoid the overlay and - as vegetation communities are not static - the actual separations from hazardous vegetation should be verified at the time a development is proposed. Where the overlay covered less than 15% of an urban title, the title was generally excluded entirely from the overlay, as it is considered increasingly likely that future development will be 100m or further from the hazard source.



Appendix 7.5 Photographs of key scenic management areas



1.0 Killiecrankie Bay looking south from Mount Killiecrankie.



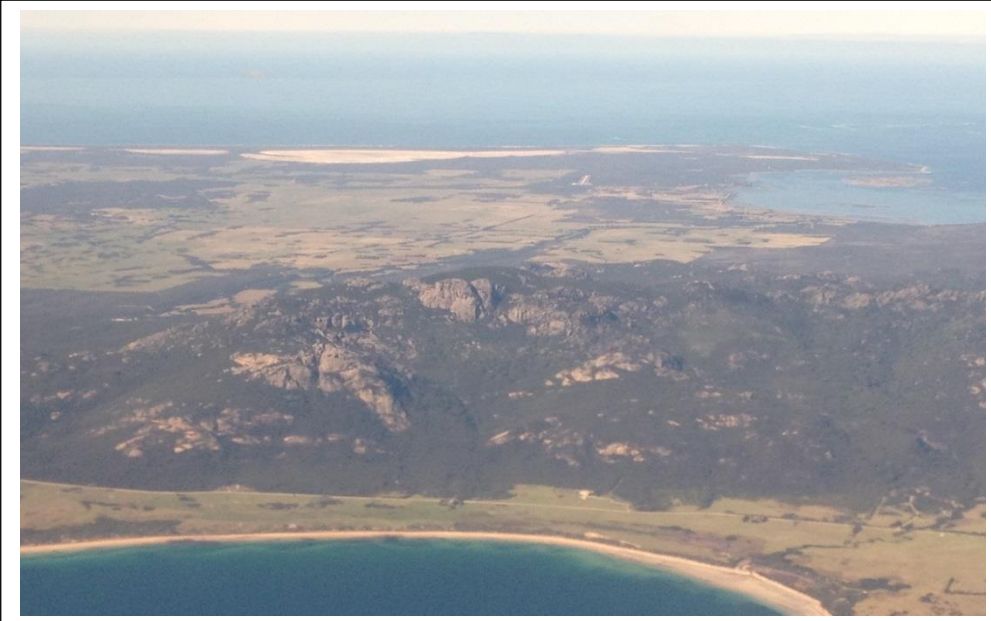
2.0 Limestone Bay looking north from Mt Killiecrankie



4.0 Strzelecki Ranges from Trousers Point Beach



5.0 Wireless Hill Adjacent to Wybalenna



6.0 Strzelecki Ranges Fotheringate Bay and Trousers Point Road in foreground



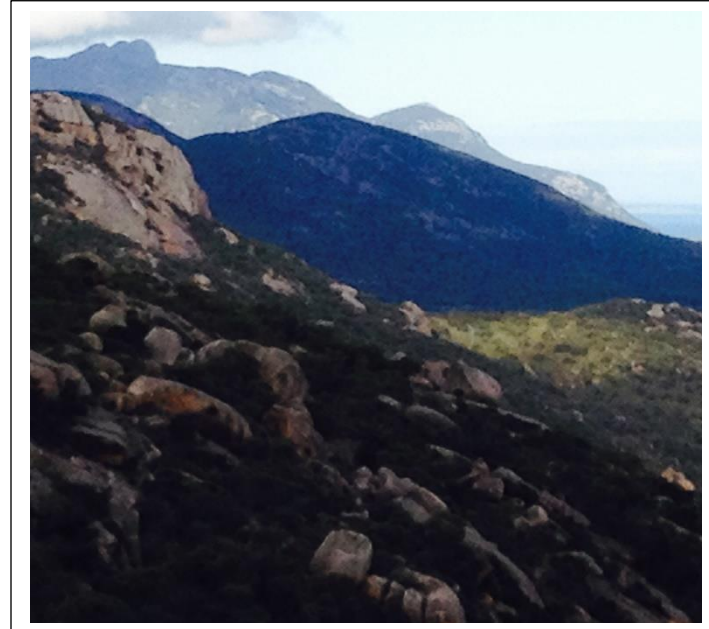
7.0 Erita foreshore



8.0 Marshall Bay
Looking north from Emita



9.0 Darling Ranges





Appendix 7.6 Tas Fire Bushfire Prone overlay report & Extract

Tas Fire has developed a bushfire prone areas overlay for the Flinders LGA by applying a 100m buffer to existing data of mapped vegetation including pasture. The overlay thus applies to most of Flinders Island with minor exceptions within the townships of Whitemark and Lady Barron.

The full report of Tas Fire on the development of the Flinders Bushfire Prone overlay is available from TasFire or the Flinders Council website. The section relevant to the Local Provisions Schedule is reproduced below.

Requirements for TPS Local Provision Schedules

It is anticipated that the overlay will be included as part of Council's Local Provision Schedules. At that time, the overlay will need to be considered in the context of s.34 (2) of the Land Use Planning & Approvals Act 1993 (current provisions).

S.34 (2) states:

34. LPS criteria

(1) ...

(2) The LPS criteria to be met by a relevant planning instrument are that the instrument –

(a) contains all the provisions that the SPPs specify must be contained in an LPS; and

(b) is in accordance with section 32 ; and

(c) furthers the objectives set out in Schedule 1 ; and

(d) is consistent with each State policy; and

(e) 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; and



(f) is consistent with 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; and

(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 .

(3) ...

Incorporating the mapping as an overlay is consistent with the relevant provisions of the State Planning Provisions (specifically clause 1.2.3 and the definition of ‘bushfire-prone area’ in clause C13.3.1). The overlay is therefore consistent with s.34(2)(a).

Relevant to s.32, the map overlay will provide for the spatial application of the State Planning Provisions to particular land and is accordingly consistent with s.34(2)(b).

With respect to the strategic considerations referred to in s.34(2)(c),(d),(e) and (f):

Bushfire-Prone Areas Overlay Flinders 11

- The Schedule 1 Objectives of LUPAA are considered in section 6.2.1 of this report;*
- The State policies are considered in section 6.2.2 of this report;*
- The Regional Land Use Strategy is considered in section 6.2.3 of this report; and*
- Council’s Strategic Plan is considered in section 6.2.4 of this report.*

The overlay has been designed to integrate with the draft mapping completed for adjoining LGAs. The overlay accordingly satisfies s.34(2)(g).

The overlay will not introduce any new development standards, rather it will support the application of an existing Code. As such, it is not considered to be in conflict with the Gas Pipelines Act 2000 and therefore satisfies s.34(2)(h).

The overlay will not introduce any new development standards, rather it will support the application of an existing Code. As such, it is not considered to be in conflict with the Gas Pipelines Act 2000 and therefore satisfies s.34(2)(h).