



Discussion Paper

Local Provisions Schedule Outcomes of RMCG zoning review

22 January 2021

Prepared by:





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Abbreviations:

Act	<i>Land Use Planning and Approvals Act 1993</i>
Attachment 2	<i>Attachment 2 Flinders LPS – Zone Clarifications Table</i> as issued by Tasmanian Planning Commission
Council	Flinders Council, Flinders Council in its role as a Planning Authority under <i>Land Use Planning and Approvals Act 1993</i>
Commission	Tasmanian Planning Commission
LPS	Local Provisions Schedule
RMCG	formerly AK Consultants
RMCG Report	Review of Identified Areas Proposed for Tasmanian Planning Scheme Zoning
SPP	Tasmanian Planning Provisions, State Planning Provisions
Supporting Report	LPS supporting report...
2000 Scheme	Flinders Planning Scheme 2000

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Introduction

The purpose of this paper is to provide Council with information to consider the impacts of the outcomes of the RMCG report.

The Flinders Local Provisions Schedule (LPS) was lodged with the Tasmanian Planning Commission (Commission), who completed the initial assessment to determine whether the LPS could commence statutory exhibition.

The Commission issued a series of documents and queries to Council, many of which related to the translation of the Rural zone under the Flinders Planning Scheme 2000 to the Rural Living, Rural and Agriculture zones under the State Planning Provisions (SPP's).

Council engaged RMCG Consulting, formerly AK Consulting, to review the use of the identified zones in areas identified by the Commission.

The outcomes of this paper will determine the zoning response to the queries of the Commission.



RMCG Report

RMCG (formerly AK Consulting) were engaged to review allocation of the Rural Living, Rural and Agriculture zones in areas identified in the Commission document *Attachment 2 Flinders LPS – Zone Clarifications Table* of the LPS zoning regime for consistency with the requirements of the Guidelines. The process used for the review by RMCG is summarised in the following extract from their report:

AK Consultants (now RMCG) has been engaged to assess the most appropriate zone (Agriculture, Rural or Rural Living) for the land identified within each area. Decision Rules have been developed that are consistent with the purpose statements for the Agriculture and Rural zones as well as with the TPC's Guideline No 1, Local Provisions Schedule (LPS): zone and code application (LPS Guidelines).

For the areas proposed to be zoned Rural Living, AK Consultants (now RMCG), have considered the agricultural potential of the titles and considered whether the title would be more appropriate in either the Rural or Agricultural Zone. It has also been considered, if zoning these titles Rural Living will result in productive land lost to the agricultural estate within the municipality. ...

The mapping process in the Agricultural Land Mapping Project utilises generic decision rules and desktop GIS analysis of datasets some anomalies are evident in the end product. There are also areas within the proposed Agricultural zone which have a degree of constraint for agricultural use...

For the areas proposed to be zoned Rural Living, AK Consultants (now RMCG), have considered the agricultural potential of the titles and considered whether the title would be more appropriate in either the Rural or Agricultural Zone. It has also been considered, if zoning these titles Rural Living will result in productive land lost to the agricultural estate within the municipality.¹

The detailed description of the methodology and decision criteria are provided at section 2 of the RMCG report. Review of that section confirms the veracity of the assessment process and outcomes of the project.

The purpose of this paper is to consider the outcomes of the areas that were reviewed and determine whether changes ought to be made to the LPS zoning regime.

The RMCG Report was provided as a separate document to this report.

¹ P1, RMCG



Consideration of outcomes

The following discussion is organised by the identified locations in the Commission document *Attachment 2 Flinders LPS – Zone Clarifications Table*. The RMCG outcomes are summarised and a discussion is provided of the wider planning issues for Council to consider the most appropriate zoning regime.

It is noted that the RMCG work provides an assessment of suitability for the relevant zone and does not consider other strategic work. As noted in many Council documents, Council needs the LPS to deliver broader strategic outcomes to facilitate population growth and appropriate diversification of the local economy.

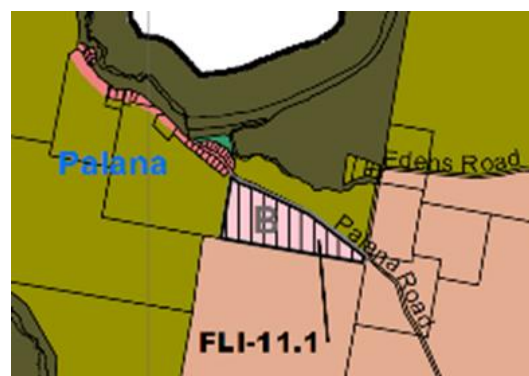
A recommendation is then provided.

3. Palana, Palana Road FR 44146/1 LPS proposal – Rural Living B zone.

RMCG concluded that the proposed Rural Living B zone was appropriate to the land and provided suitable tests between development on the subject lot and adjoining lots in the Rural zone.

The Supporting Report identified that the land should be placed within the Rural Living zone in compliance with Guideline RLZ4(c). The RMCG Review supports that outcome.

Recommendation: Retain Rural Living zone.

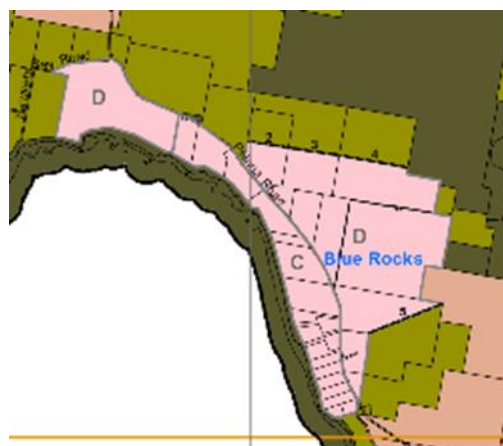


4. Emita/Blue Rocks, Palana Road LPS Proposal – Rural Living C and D zone.

RCMG concluded that the area was severely constrained for agricultural use (based on the native vegetation that had been retained on the lands), the land was likely worse than the mapped class 5 category suggested and that the area had a lifestyle or hobby scale character that was unlikely to be able support agricultural enterprise at a commercially viable scale.

This is consistent with the statements within the Supporting Report, which identified compliance with Guidelines RPZ 1, 2 and 4, the Regional Land Use Strategy, Councils Strategic Plan and the draft Structure Plan.

Recommendation: Retain Rural Living C and D zone



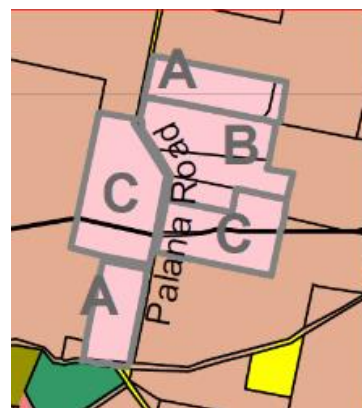
5. Whitemark, Palana Road

LPS proposal: Rural Living A, B, C zone

FLI-S2 Whitemark Rural Living SAP

RCMG concluded that this precinct was part of the rural estate and that it should be subject to the Rural zone, based on the capacity of the lands.

As noted at the start of this report, RMCG did not consider strategic arguments for rezoning of this land for residential and lifestyle purposes.



The Supporting Report identifies that this land should be rezoned to accommodate residential use, for reasons including:

- further expansion of Whitemark is severely constrained by natural hazards relating to flooding and current/future coastal processes and natural values;
- the area is close to Whitemark and has existing services available, including roads, telecoms, electricity and water (note, reticulated sewer services are not available on Flinders);
- Diversification of some rural lands for rural enterprise and provision of affordable lifestyle opportunities.²

Following review of the Structure Plan and workshops with Council, the arguments for conversion of this land in the Supporting Report are considered to satisfy the requirements of the RLUS.

The RMCG review supported the Rural zone over this land, which confirms that it is not significant agricultural land under the terms of the *State Policy for the Protection of Agricultural Lands*. The Guidelines provide no specific assessment requirement for the Rural zone in RZ1-3, however some guidance can be inferred from AZ6, where criteria (a) and (d) recognise the need for conversion of land recognised in local or regional strategic analysis consistent with the RLUS.

Conversion of this land for residential and lifestyle purposes was specifically identified in the Structure Plan and provides for delivery of the following RLUS tests:

D.2.2.4 – reliance on local strategies for rural residential areas and protection of agricultural lands;

RSN-P3 – providing for local planning strategies to deal with expansion of settlements;

RSN-A4 – providing for the long term future supply of urban (within the context of Flinders Island) residential land that matches existing infrastructure capacity to meet urban (Flinders context) development growth;

RSN-A5 – providing diversified housing choices that are affordable and accessible;

RSN-A6 – encouraging urban (flinders context) in and around the major activity centre to maximise proximity to employment, services and use of existing infrastructure;

² Pp66-68 Supporting Report



RSN-P5/A10 – encouraging a higher proportion of medium density housing (local context, multiple dwellings) to support diversity in dwelling types and sizes in appropriate locations (in conjunction with SAP);

RSN-P8 – promoting new development to utilise existing infrastructure;

RSN-P16 – managing car dependency by proximity to Whitemark and co-location with the School;

RSN-P20/A19 – increasing housing diversity options in response to the Structure Plan;

RSN-P21, P23, P24 – the location was strategically identified for future growth for rural lifestyles outside existing urban areas that would limit fragmentation of rural lands while maximising efficiency of existing services and infrastructure

RSN-P25 – the proposal was identified in the Structure Plan, which provides for the identified local strategy for the Furneaux Group of islands;

RSN-A20 – the Rural Living zone provides for residential land use on large lots in rural settings;

RSN-A22 – the area delivers the zoning outcome identified in the local strategy or Structure Plan;

RSN-A24/A25 – the area does not impact the Urban Growth Areas or compromise environmental values; and

RSN-A26 – the area was identified in the local strategy/Structure Plan and meets 9 of the 10 sustainability criteria under this action.

Compliance with the requirements and tests established under the RLUS is therefore considered to be met.

Criterion (d) recognises the need for conversion of land for strategically important uses that require an alternative zone. As noted in the previous assessment, conversion to accommodate residential purposes was strategically identified and cannot be delivered under a rural or agricultural zoning. A zone that prioritises residential use is required for this purpose, in this case the Rural Living zone is proposed for this purpose.

As a result, the need to rezone this land for lifestyle purposes is considered to take precedence over the need to protect agricultural lands. Combined with area 6, this forms a selective approach to maintain significant agricultural activities in the area.

The Accommodation Study confirms problems with the delivery of housing on Flinders and the Structure Plan provides a strategic argument for zoning of the lands for rural and lifestyle purposes. Absent population growth and the delivery of increased housing options, it is not possible for Flinders to reach the projected population target for economic, social and cultural sustainability purposes.

Further detailed discussion of the wider area is provided in response to the assessment of area 16 in the RMCG report.

Recommendation:

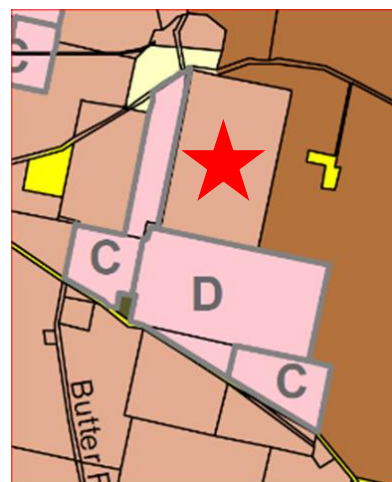
- Retain in the Rural Living zone and FLI-S2.0 Whitemark Rural Living SAP;
- See further discussion under area 16.

6. Whitemark, Lady Barron Road and Thule Road

LPS proposal:- Rural Living C & D zone

RCMG concluded that this precinct was part of the rural estate and that it should be subject to the Rural zone, based on the capacity of the lands. Discussion with RMCG identified that the Agriculture zone could also be used for this land. It is noted that under area 16, RMCG propose most of this land is recommended to be zoned Rural.

CT 226215/1, was excluded from the assessment as it is out of agricultural use. Existing uses of this title include housing and other activities related to its ownership with the School. Rural Living is to be retained for this title, based on arguments within the supporting report.



As noted in response to Area 5 and for the same reasons, the Supporting Report identifies that this land should be rezoned to accommodate residential use. This area is subject to the same assessment against the tests established in the Guidelines, specifically at AZ6, and complies on the same basis as area 5.

Given the RMCG assessment to retain agricultural use of the lands and the proximity to adjoining agricultural zones, it is considered appropriate to apply the Agriculture zone to CT208401/1, shown above with the red star.

Further detailed discussion of the wider area is provided in response to the assessment of area 16 in the RMCG report.

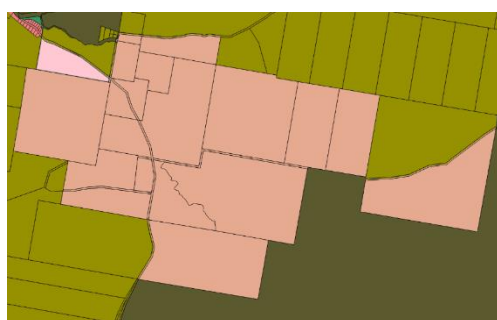
Recommendation:

- Retain in the Rural Living zone and FLI-S2.0 Whitemark Rural Living SAP;
- Rezone CT208401/1 to agriculture zone.
- See further discussion under area 16.

11. Palana

LPS proposal: Rural zone.

RCMG concluded that while the lands had grazing capacity, they were constrained by fragmented ownership, isolation from the remainder of the agricultural estate and that native vegetation retention suggested that the land was worse than the mapped class 5 suggested.



RCMG concluded that the Rural zone was most appropriate and provided additional vegetation protections through application of the Natural Assets Code. This supports arguments provided for the zoning of land in the Supporting Report.

Recommendation: retain Rural zone.

12. Killiecrankie

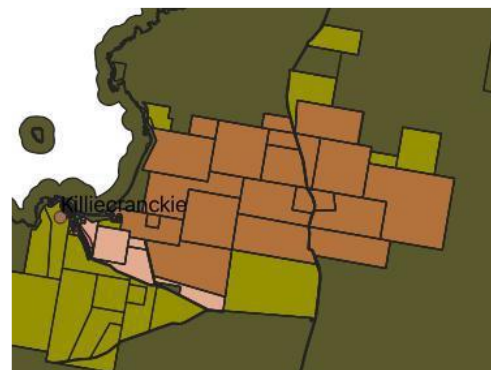
LPS proposal: Rural zone.

RCMG concluded that the majority of this land was a valuable part of the agricultural estate and should be within the Agriculture zone, excepting 3 titles that may be suitable for Landscape Conservation (CT 170037/3, CT 170037/2 & CT 170037/4).



The Supporting Report identifies that the land should be zoned predominantly Rural with some Landscape Conservation zone adjoining the coast, as follows;

- the lands have limited agricultural potential, based on isolation from other agricultural lands, identification of parts of the site for tourism proposals, limitations to grazing operations based on discussions with the owners;
- better consistency with the purpose statements of the Rural zone and Council Strategy to demarcate Agriculture and Rural zones between the East and West coasts respectively.
- the provisions of the Scenic Protection, and Natural Assets codes are required to apply to manage natural values, the latter of which cannot operate under the Agriculture zone; and
- the SPP Rural zone provides the best translation of the Rural zone under the 2000 Scheme.



The outcomes of both assessments are consistent in terms of the Landscape Conservation zone, and should be zoned accordingly.

The Guidelines allow alternative zoning of land potentially at AZ6. The Supporting report identifies that use of the Rural zone in this location is consistent with AZ6(c) and (e).

It is also noted that use of the Rural zone is consistent with local strategic documents endorsed by the Council, as the draft Structure Plan was endorsed as a supporting document for the submission of the LPS. In addition, the Zoning Strategy supports a preference for the Rural zone to apply on the western side of the Island. This is consistent with AZ6(a).

It is (again) noted that the RMCG review does not consider other strategic documents. The reasons within the Supporting Report are noted and preferred for consistency with local strategy and, as a result, the Regional Land Use Strategy.

Recommendation: Rezone CT 170037/3, CT 170037/2 & CT 170037/4 Landscape Conservation; and otherwise retain Rural zone

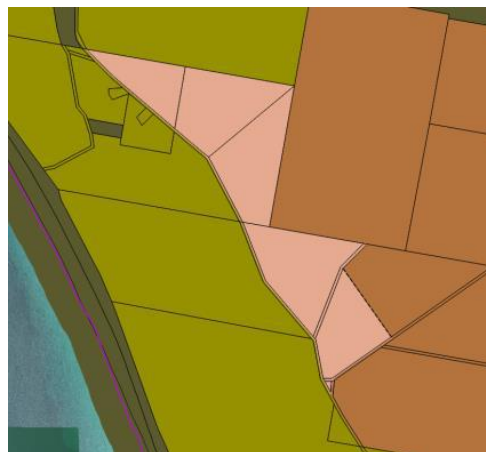
13. Palana

LPS proposal: Rural and Agriculture

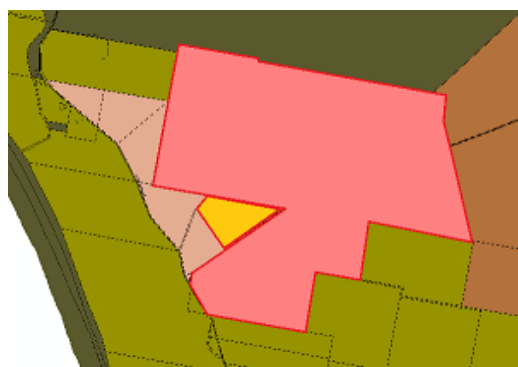
RCMG concluded that the Rural titles were constrained, fragmented and that the Rural zoning was appropriate.

RCMG also identified the following:

- additional titles to the east were of limited agricultural use and should be zoned Rural, being CT 210063/1, CT 200482/, CT 6375/1 & CT 236447/1; and
- CT 236447/1, CT 244094/1 & CT 200101/1 should be zoned Rural, as well as split zone CT 111540/1 Ag and Rural (assumed split reflects existing vegetation over the title).



As a result of these changes, the split zoning of CT200102/1 no longer makes sense and the entire title should revert to the Rural zone for the same reasons. These titles are shown by the pink shading within the red boundary shown right, with the split zone title shown with yellow hatching.



These alterations are consistent with guidelines RZ3 (a) & (b), AZ3 and AZ6(e)(ii). Being based on expert assessment, they are considered to comply with the RLUS and the State Policy for the Protection of Agricultural Land.

Recommendation: Retain rural zoning, except as follows:

Rezone CT 210063/1, CT 200482/, CT 6375/1 & CT 236447/1, CT 244094/1, CT 200101/1, & CT200102/1 Rural; and

Rezone zone CT 111540/1 Ag and Rural, to reflect existing native vegetation.

14. Emita

LPS proposal: Rural zone

RCMG concluded that the Rural zoned precinct in this area required revision, with areas reverting to Landscape Conservation and Agriculture. The areas subject to change are summarised as follows:

Area	Comments	Proposed changes
CT 158840/1 Landscape Conservation	appears to be used with CT 175212/2 for grazing enterprise with commercial scale characteristics.	CT 158840/1 may be more appropriate as Agriculture
CT 198023/1 Ag Zone	based on Land Capability, this title may be more appropriately split zoned Ag and LSC to provide a consistent zoning pattern.	Split zoning with Rural/Agriculture and landscape Conservation

Titles in the north west	covered in native vegetation are more suited to the Rural Zone, including 2 Council owned titles that have an existing mining lease associated with them	Retain Rural zone
eastern cluster of titles	are individually owned, with 3 of the 4 titles having existing dwellings. The titles are a mix of Class 5 and 6 land and are partially covered in native vegetation.	The Rural Zone is appropriate for the 3 titles south of Melrose Rd, however the title to the north of Melrose Rd (CT 251684/1) should be zoned Ag

These changes are identified in the following images.



The two images highlight the recommended changes, as follows:

- Red with white – Rural zone recommended for Agriculture zoning
- Red with blue - CT158840/1 potentially rezone to agriculture
- Red with purple - CT198023/1 potentially split zoning with Landscape Conservation

CT158840/1 – Potential Agriculture zone

The lot is identified with blue colouring on the previous image. The Supporting Report relevantly provided the following commentary on this property:

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 Emitta allotments and from the Emitta 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 LCZ1 and LCZ2 (b). Its exclusion from the Agriculture Zone is based on AZ6 (c) and (e)(iii). Grazing activity is unaffected.³

The environmental sensitivities of this area are noted and the need to protect coastal vegetation on this landform is recognised under FLI-S3.0 Coastal Areas SAP. The Priority Vegetation overlay was applied to parts of the title, which is not possible under the Agriculture zone.

As noted in the supporting report, the existing grazing activities retain use rights regardless of the changing zone and discretionary status is afforded for any new resource development activities not subject to the permitted status afforded for existing use at clause 7.2 of the SPP's. It is expected that the majority of activities would fall under the scope of clause 7.2 of the SPP's.

It is not considered wise to apply the Agriculture zone to the entire property given these limitations, however there is no clear basis for identifying a split between zone boundaries as required under section 2.4 of *Practice Note 7: Draft LPS mapping: technical advice*.

The RCMG report provided discretion on the rezoning to Agriculture and the assessment within the Supporting Report against Guidelines AZ6, LCZ1 and LCZ2 is supported.

Recommendation: retain Landscape Conservation zoning.

CT198023/1 potentially split zoning with Landscape Conservation

The lot is identified with purple colouring on the previous image. The Supporting Report provided the following commentary on the subject lot:

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 proposed Rural Zone purpose 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 RZ3 (b). It is excluded from the Agriculture Zone on the grounds of AZ6(d) and (e) (iii). The Rural zone was supported during consultation on the Structure Plan 2016 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 2019.⁴

The RCMG review provided qualified arguments that contest the agricultural value of land in this area and its proposed zoning.

It is noted that the subject titles are the only component of a larger landholding comprising 16 titles that is not within the Landscape Conservation zone (approx. 73 of 471 ha). It is considered that use of the Agriculture zone to this land can be considered in light of the original Supporting Report and wider Council strategies.

The Supporting Report applied the Rural zone to provide an area to development outside of the Landscape Conservation zone to focus on-farm developments based on compliance with

³ P61, supporting report

⁴ P60, Supporting Report



AZ6(d), (e) and RZ3(b). The logic of this argument remains and is consistent with the zoning program established under the Structure Plan, which provides further compliance with AZ6(a) for use of an alternative zone to Agriculture.

Part of the title has Priority Vegetation overlay proposed. This overlay cannot be used within the Agriculture zone. Boundaries for a split zoning with Landscape Conservation can be readily defined by titles and alignment of Palana Road, consistent with section 2.4 of *Practice Note 7: Draft LPS mapping: technical advice*.

On balance of these issues, the arguments provided in the Supporting Report for compliance with Guidelines RZ3(b) and AZ6 and delivery of local strategy are preferred and inform the recommendation.

Recommendation: retain submitted zoning.

16. Lackrana

LPS proposal: Rural

RCMG concluded that overall areas within this precinct were supported for Rural zone, based on the decision criteria. RCMG also noted that many of these titles would be suitable for niche or enterprise based activities.

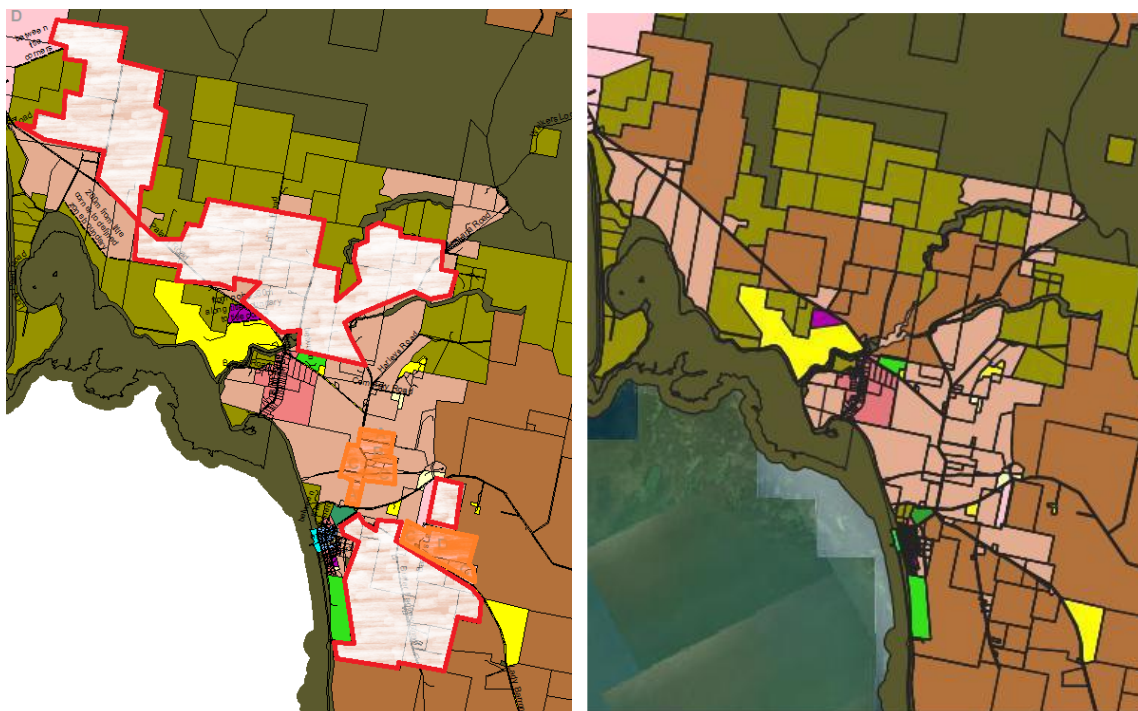
These two images show the changes that are recommended, as follows:

- Red with white hatching – Rural zone recommended for Agriculture zoning
- Orange with orange hatching – Rural Living recommended for Rural zoning

This area contains the rural living precincts identified in the Structure Plan to accommodate additional single and multiple dwellings. These areas were necessitated by the flooding limitations around the existing Whitemark settlement, that prevent its use for further residential expansion.

Support for the Rural zone was not universal, with RMCG identifying the following areas for departure from the Rural zone:

- areas of a commercial scale for agricultural use at the northern and southern areas, recommended for Agriculture zone;
- CT 236417/1 and CT 243335/1 should be considered for Landscape Conservation;
- CT 212657/1 should be considered for the Agriculture zone, based on consistency;
- Land on CT 156154/1, CT 14670/1 and 155427/1 that is associated with the Pats River and the South Pats River would be more appropriately zoned Environmental Management through split zoning.



The RMCG work suggests the following:

- Areas north of the Airport and South Pat's River area make sense for application of the Agriculture zone on initial review, given the available lot sizes, common ownership and general suitability for a range of rural and agricultural operations. The RMCG assessment takes no account of the strategic arguments of Council for zoning this area Rural.
- Land south of Lady Barron Road was also recommended for the Agriculture zone. As with the previous point, the RMCG work makes no recognition of local strategies for population growth and diversification of the rural economy and enterprise to improve sustainability of the local population and industries.
- FIAAI title in Thule Road adjoining the School title was recommended for Agriculture zoning. The nature of this land and its common ownership and use with adjoining farmlands to the east support this outcome.
- Land north of Whitemark was recommended for the Rural zone, which includes the area previously discussed under Area 5 in this report. This alternation is not supported, as previously discussed.
- Land between Lady Barron and Thule Roads was recommended for Rural zoning, as discussed under Area 6 in this report. This alternation is not supported, as previously discussed.

The supporting report provided the following commentary for this area:

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.

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 and is consistent with the Regional Land Use Strategy. 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 as possible to the Whitemark Service Centre on appropriate land with maximum services.

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 RLD on the 40 hectare part of the title, east of Baileys Lane). These titles are consistent with 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 and is zoned RLZ 1(a) and RLZ3 (b).⁵

Use of the Rural zone was identified in the Structure Plan as a significant response to the identified needs to deliver lands to accommodate rural lifestyle and enterprise markets through the Rural zone across this area and local pockets of the Rural Living zone, in support of the strategic position of Council.

As previously noted, further expansion of Whitemark is prevented by natural hazards and biodiversity values. The 8 existing vacant titles for housing in Whitemark can *not* accommodate the existing or projected demands for the area.

As noted in the papers on dwelling demands and potential lot yields from the LPS, the original zoning regime is projected to create 307 dwellings, leaving a shortfall of 40% of 209 dwellings. As a result, an additional 122 hectares of land was identified for Rural Living zoning adjacent Area 5 in this report to accommodate approximately 67 additional dwellings, as shown in Figure 1.

The Guidelines provide guidance for conversion of land from the Agriculture zone and by inference, the Rural zone at AZ6, where criteria (a) and (d) recognise the need for conversion of land recognised in local or regional strategic analysis consistent with the RLUS.

Conversion of this land for residential and lifestyle purposes was specifically identified in the Structure Plan and provides for delivery of the following RLUS tests:

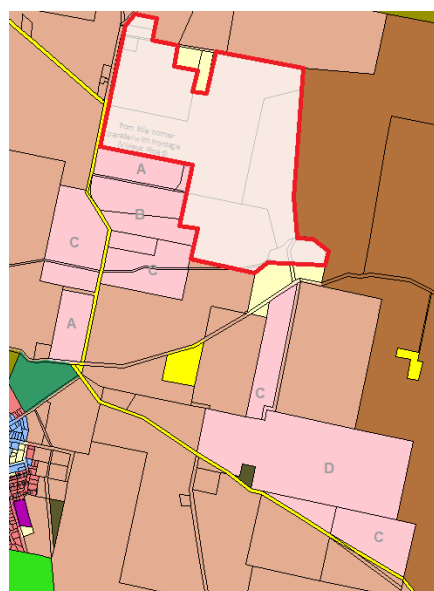


Figure 1 - Expanded Cann's Hill area against LPS zoning regime

⁵ PP65-66 Supporting Report



D.2.2.4 – reliance on local strategies for rural residential areas and protection of agricultural lands;

RSN-P3 – providing for local planning strategies to deal with expansion of settlements;

RSN-A4 – providing for the long term future supply of urban (within the context of Flinders Island) residential land that matches existing infrastructure capacity to meet urban (Flinders context) development growth;

RSN-A5 – providing diversified housing choices that are affordable and accessible;

RSN-A6 – encouraging urban (flinders context) in and around the major activity centre to maximise proximity to employment, services and use of existing infrastructure;

RSN-P5/A10 – encouraging a higher proportion of medium density housing in the Rural Living zone (based on local context) to support diversity in dwelling types and sizes in appropriate locations (through the SAP);

RSN-P8 – promoting new development to utilise existing infrastructure;

RSN-P16 – managing car dependency by encouraging development through the zoning of land in close proximity to Whitemark and for the Rural Living zone, close and co-location with the School;

RSN-P20/A19 – increasing housing diversity options in response to the Structure Plan;

RSN-P21, P23, P24 – the location was strategically identified for future growth for rural lifestyles outside existing urban areas that would limit fragmentation of rural lands while maximising efficiency of existing services and infrastructure

RSN-P25 – use of the Rural zone to the western side of the Island and Rural Living zone in selected areas was identified in the Structure Plan, which provides for the identified local strategy for the Furneaux Group of islands;

RSN-A20 – the Rural Living zone provides for residential land use on large lots in rural settings;

RSN-A22 – the area delivers the zoning outcome identified in the local strategy or Structure Plan;

RSN-A24/A25 – the area does not impact the Urban Growth Areas or compromise environmental values; and

RSN-A26 – the area was identified in the local strategy/Structure Plan and meets 9 of the 10 sustainability criteria under this action.

Compliance with the requirements and tests established under the RLUS is therefore considered to be met.

Criterion (d) recognises the need for conversion of land for strategically important uses that require an alternative zone. As previously noted, conversion to accommodate residential and rural enterprise purposes was strategically identified and cannot be delivered under an agricultural zoning. A zone that provides for residential use is required for this purpose, in this case the Rural and Rural Living zones are proposed for this purpose.

Review of the Structure Plan proposals and LPS response confirm the validity of this response and conformity with the requirements of the RLUS.

As a result, the need to rezone this land for lifestyle and rural enterprise purposes is considered to take precedence over the need to protect agricultural lands through use of the Agriculture zone. Use of the Rural and Rural Living zones forms a selective approach to maintain agricultural and rural activities within the area.

Further, the paper on projected dwelling requirements identify that the LPS zoning regime will not reasonably provide for the projected dwelling demands and that additional land will need to be zoned Rural Living to satisfy requirements over the life of the LPS.

Absent population growth and the delivery of increased housing options, it is not possible for Flinders to reach the projected population target for economic, social and cultural sustainability purposes.

The conclusion of this assessment is that the LPS zoning proposal has merit, meets the requirements of the Guidelines and RLUS and can be retained, with expansion of the Rural Living zone to include more land at Cann's Hill, as shown in Figure 2 to accommodate projected demands.

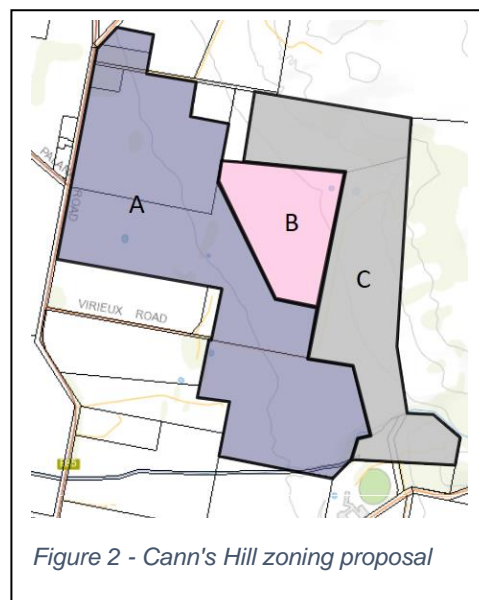


Figure 2 - Cann's Hill zoning proposal

The remaining issues from this section of the report provide a simpler response

- *CT 236417/1 and CT 243335/1 should be considered for Landscape Conservation;*

CT 236417/1 is identified as predominantly covered with the priority vegetation overlay under the LPS mapping. It has an area of 12.6 ha and the property report identifies that it already contains a shed.

Available aerial photography identifies that approximately 1/3 of the title appears to have been cleared, though vegetation remains to Palana Road (which is not within a Scenic Road Corridor overlay). Landscape Conservation provides an extension of the zone from the southern side of Palana Road and appears to be consistent with the Guidelines LCZ1 and 2(b).

CT 243335/1 relates to a property on King Island and is not relevant to the Flinders LPS.

- *CT 212657/1 should be considered for the Agriculture zone, based on consistency;*

As noted in the previous discussion, Rural zone was retained for the surrounding area. Use of the Rural zone in this area is consistent with the surrounding zoning pattern and does not require any alteration.

- *Land on CT 156154/1, CT 14670/1 and 155427/1 that is associated with the Pats River and the South Pats River would be more appropriately zoned Environmental Management through split zoning.*

While the respective merits of this approach are evident, it is noted that the rivers are identified with the waterway overlay under the LPS and there is a relatively small patch of Priority Vegetation in the area. CT 156154/1 contains approximately 19 ha of vegetated

land that may be appropriate for the zone, while CT's 14670/1 and 155427/1 contain 1.3 and 3.75 ha respectively. No discussion is provided on these titles in the supporting report.

The Environmental Management zone displays considerable bias in the function of acceptable solutions that suggests it was designed for public, or non-private lands. Further, identified values of this area do not suggest compliance with Guideline EMZ1(f) as there are few significant values identified for protection or conservation through priority vegetation overlays, identified threatened species values recorded on the Listmap or conservation covenants.

It is noted that the original preparation of the LPS suggests a strong environmental management ethos was applied, which did not identify these areas as requiring a split zoning. The preference to avoid split zoning also requires consideration. On balance of these matters, it is considered appropriate that the Rural zone remain in this area.

Recommendation: retain Rural and Rural Living zones, except as follows:

- a. Rezone CT 236417/1 Landscape Conservation; and
- b. Expand the Palana Road Rural Living zone to include the Cann's Hill precinct, as follows:

Ref	PID	CT	address	Comment
a.	7362098	245492/1	50 Memana Rd Whitemark	Rural Living A, whole title
b.	7362071	30953/1	44 Memana Rd Whitemark	Rural Living A, whole title
c.	6428198	245132/1	6 Cemetery Rd Whitemark	Rural Living A, whole title
d.	6428219	155692/1	Memana Rd Whitemark	Rural Living A, whole title
e.	6427750	252518/1	Palana Rd Whitemark	Rural Living A, B, C
f.	1934665	31072/4	60 Virieux Rd Whitemark	Rural Living C, whole title
g.	7275752	31072/3	58 Virieux Rd Whitemark	Rural Living A, whole title
h.	1993462	31072/9	143 Thule Rd Whitemark	Rural Living C, whole title

16. Lady Barron

LPS proposal: Rural

RMCG concluded that while the area had a fragmented cadastral base, it was largely within limited ownership that retained agricultural capacity.

Overall, this area was recommended to be within the Agriculture zone of the Scheme, with limited pockets of Rural zoning. CT 204218/1 was recommended for split zoning with Landscape Conservation to protect natural values on the site.





The Supporting Report provides the following justification:

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 on the basis of 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 the Purpose of the Rural Zone 20.1.1 (b) (c) and (d) and RZ 3(a).

Guideline AZ6(e)(iii) provides that an alternative zone may be used where it can be demonstrated that *the Agriculture zone is otherwise not appropriate for the land*. The supporting report argues that the fragmented cadastral base demonstrates that the Agriculture zone is not otherwise appropriate for the land.

The RMCG review disputes that contention, based on long-established practices for assessment of rural activities, as follows:

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

Review of property ownership confirms the veracity of the RCMG conclusions. There may be potential for use of the Rural zone for smaller titles fronting Coast Road in separate ownership between Lady Barron and Maynard's Road. There are few other justifications that support use of the Rural zone through this section under the Guidelines.

Recommendation: Rezone to Agriculture as recommended, excepting the following:

- CT's 134868/3 PID 2017893
- CT 208493/1, PID 6431100
- CT 23118/1 PID 7305181
- CT 243893/1, PID 7305202

Conclusions

Consideration of the RMCG paper identified the following outcomes in response to the Commission questions:

Area	Recommendation		
3. Palana, Palana Road	Retain Rural Living zone		
4. Emita/Blue Rocks, Palana Road	Retain Rural Living C and D zone		
5. Whitemark, Palana Road	Retain in the Rural Living zone & FLI-S2		
6. Whitemark, Lady Barron Road and Thule Road	Rezone CT208401/1 to agriculture zone, otherwise retain Rural Living zone and SAP.		
11. Palana	retain Rural zone		
12. Killiecrankie	Rezone CT 170037/3, CT 170037/2 & CT 170037/4 Landscape Conservation; and Otherwise retain Rural zone		
13. Palana	Retain rural zoning, except as follows: Rezone CT 210063/1, CT 200482/, CT 6375/1 & CT 236447/1, CT 244094/1 & CT 200101/1 Rural; and Rezone zone CT 111540/1 Ag and Rural, to reflect existing native vegetation		
14. Emita	Retain Rural zone		
16. Lackrana			
Agriculture zone for northern and southern areas, including CT 212657/1	Retain Rural zone based on local strategy		
Landscape Conservation zoning for CT 236417/1 and CT 243335/1	Rezone CT 236417/1 Landscape Conservation		
Environmental Management zone for land on CT 243335/1, CT 14670/1 and CT 156154/1, that is associated with the Pats River and the South Pats River	Retain Rural zone.		
Rezone to Rural Living to accommodate projected demands and expand the Palana Road/Cann's Hill precinct	PID	CT	Zone
50 Memana Rd Whitemark	7362098	245492/1	Rural Living A
44 Memana Rd Whitemark	7362071	30953/1	Rural Living A
6 Cemetery Rd Whitemark	6428198	245132/1	Rural Living A
Memana Rd Whitemark	6428219	155692/1	Rural Living A
Palana Rd Whitemark	6427750	252518/1	Rural Living A B C
60 Virieux Rd Whitemark	1934665	31072/4	Rural Living C
58 Virieux Rd Whitemark	7275752	31072/3	Rural Living A
143 Thule Rd Whitemark	1993462	31072/9	Rural Living C
16. Lady Barron	Rezone to Agriculture as recommended, excepting the following: a. CT's 134868/3 PID 2017893 b. CT 208493/1, PID 6431100 c. CT 23118/1 PID 7305181 d. CT 243893/1, PID 7305202		