



LPS and Zoning Strategy

Local Provisions Schedule

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Prepared by:





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Abbreviations:

Act	Land Use Planning and Approvals Act 1993
ALCT	Aboriginal Land Council Tasmania
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
Guidelines	Guideline No. 1, Local Provisions Schedule (LPS): zone and code application
LPS	Local Provisions Schedule
PPZ	Particular Purpose Zone
RLUS	Northern Tasmania Regional Land Use Strategy
SPP	Tasmanian Planning Provisions, Tasmanian Planning Scheme, State Planning Provisions
Structure Plan	Flinders Island Structure Plan, draft
Supporting Report	Flinders Council, Local Provisions Schedule Supporting Report, April 2019
2000 Scheme	Flinders Planning Scheme 2000

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Introduction

The purpose of this report is to identify how the Flinders Strategic Plan (Strategic Plan) and draft Flinders Structure Plan (Structure Plan) that informed development of the Local Provisions Schedule (LPS).

The Northern Tasmania Regional Land Use Strategy (RLUS) provides extensive recognition to the highly individual circumstances, opportunities and challenges that exist within the Furneaux Islands¹, and need to respond to local strategy in the preparation of planning provisions and the LPS.

Queries to the initial assessment of the LPS identified that the Structure Plan had not been endorsed by Council. This was identified as problematic as the Structure Plan did not provide local strategies to support the LPS that were identified in the RLUS. The Structure Plan provided a significant input to development of the LPS documents. The status of the document was therefore problematic to demonstrating compliance with the requirements of the RLUS and therefore, consideration of the LPS.

While development of this report followed that of the LPS, this provided an unusual opportunity to review the relevant strategies and identify how the SPP's and various provisions within the LPS responded to the local issues and concerns of the Flinders community.

Documents considered within this report are the Flinders Strategic Plan and Flinders Structure Plan.

¹ B.3, d.2.2.4, E.2.1, RSN-P3, RSN-P25, E.5.1,



Approach

Unlike every other Council in Tasmania, Flinders does not have an interim planning scheme to provide a basis for applying the SPP's to the Island.

The Council Strategic Plan forms a statutory basis to inform development of a planning scheme under the *Land Use Planning and Approvals Act 1993* (Act). The Structure Plan was prepared to develop the strategic basis of the new planning scheme and provide opportunity for community consultation through that process. Despite being substantially completed and undergoing community consultation, the draft Structure Plan was not completed but remains the most significant contributor to development of the Flinders LPS.

In considering how to approach development of the suite of LPS documents, Council determined that the intent of the *Flinders Planning Scheme 2000* (2000 Scheme) remained relevant to the Island, delivery of the Strategic and Structure Plans and delivery of the future identified in these documents. As a result, the following statements underpinned the development of the zoning regime and LPS controls:

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 were used to inform application of the Section 8A Guidelines and Practice Notes issued by the Commission. Further discussion on the comparison of current provisions to the SPP's is provided at Section 3.1 of the Supporting Report.



Zoning

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 waste water management systems.

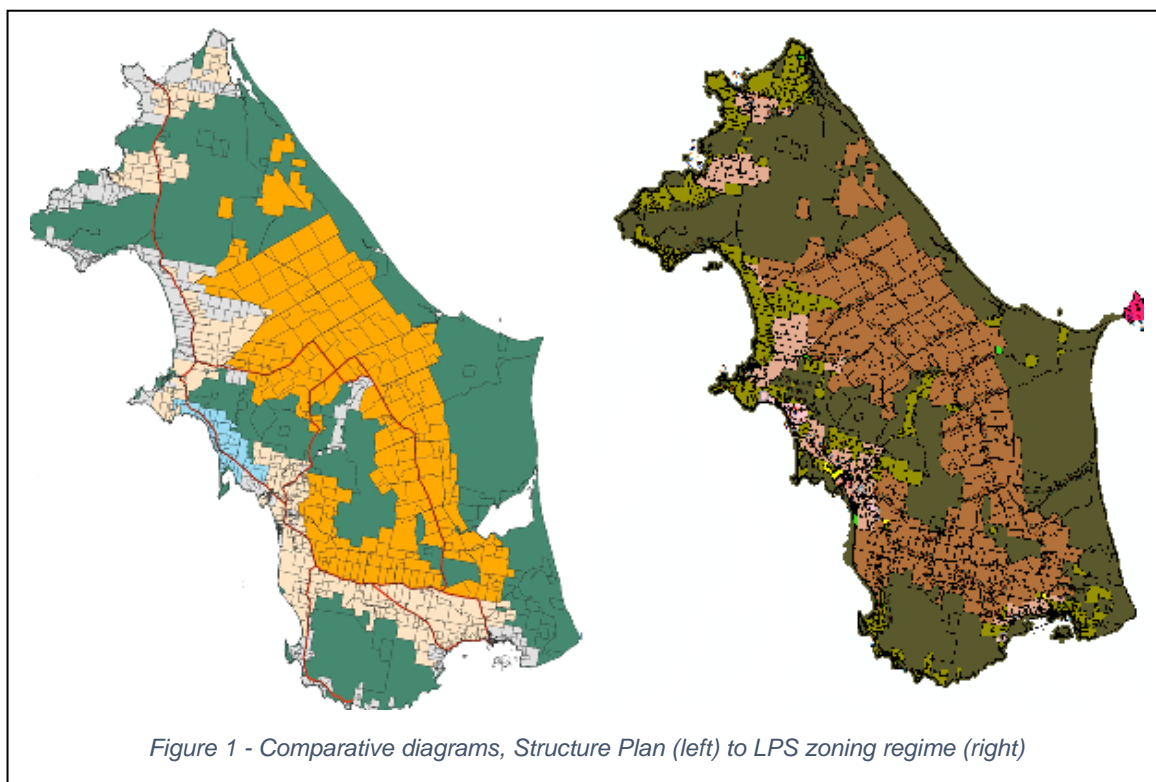
Table 1 provides a general summary of the translation of the zoning regime from the 2000 to the SPP format. Zone choices were informed by the mandated requirements for reticulated sewer services, as established through the Section 8A Guidelines and subdivision requirements for new lots under the SPP's.

2000 Scheme	New Scheme	
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
	Utilities	
	Particular Purpose (Cape Barren Island)	

Table 1 - zone translation

While Table 1 provides the general summary, the detailed responses to the Strategic and Structure Plan provides 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.



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 with 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)², 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)³ 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 Particular Purpose zone 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.

Further discussion of these responses and other specific departures from this approach are provided within the relevant sections of the report.

² Refer RMCG review and associated report

³ Refer RMCG review and associated report



Strategic Plan

The Flinders Council Strategic Plan was adopted in September 2015 and revised in July 2018. This Plan provides five Strategic Focus Areas:

- *Population growth – focusing on strategies, projects and policy initiatives that support the community, economic development and investment attraction.*
- *Infrastructure and Services – An Island’s specific approach to planning and delivery to ensure community and environmental values are maintained.*
- *Access and Connectivity – Work with service providers and other relevant stakeholders to improve security, reliability and cost effectiveness.*
- *Strategic, Efficient and Effective Organisation – Responding to risks and opportunities.*
- *Liveability – Protect, improve and promote the health and wellbeing of the Islands communities.*

These strategic focus areas support the vision statement:

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.

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.		
<i>Land use planning policy that provides an enabling environment for housing and investments.</i>	Rural enterprise areas linked with housing provision Identifying existing and projected demand allocations Facilitating multiple dwellings.	<ul style="list-style-type: none"> 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
<i>A strategy and action plan that identifies affordable housing options.</i>	Increasing opportunity for housing and range of housing types	<ul style="list-style-type: none"> 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		
<i>Services and activities for young people that also aim to attract and retain young families to the Islands.</i>	Use of zoning regime to accommodate community and commercial activities, and promote rural lifestyle and enterprise activities	<ul style="list-style-type: none"> Use of Community Purposes and Local Business zones for major commercial areas; Use of Rural zone for enterprise areas, particularly: <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. Use of Rural Living zones for lifestyle areas, particularly at: <ul style="list-style-type: none"> Palana Road, Whitemark; Lady Barron/Thule Roads, Whitemark; and Blue Rocks.
<i>An islands specific population growth strategy.</i>	Strategy not completed.	<ul style="list-style-type: none"> Aspirational use of zones that allow for further residential developments in response to Strategic and Structure Plans; Review of projected dwelling demand rates based on available information for LPS Review of likely subdivision potential of zoning regimes under LPS for creation of additional lots Use of Rural Living and Rural zones for additional houses and diversification for rural enterprise.
<i>Study the existing constraints to increasing the level of</i>	Housing study commissioned through OCG	<ul style="list-style-type: none"> Report completed but not released Use of identified issues and suggested responses in development of LPS

<i>the locally based population.</i>		<ul style="list-style-type: none"> Increased use of Rural Living Zone to accommodate lifestyle areas and enterprise activities; SAP for Whitemark to increase availability of multiple dwellings; Recognition of holiday houses as part of dwelling stocks Increased use of Rural and Rural Living zone to accommodate dwellings
<i>A banking model that supports community aspirations.</i>	Not applicable,	Not applicable.
SD3 - Value-add to local commodities		
<i>Opportunities for value-adding of local commodities are identified and promoted.</i>	Suitable zoning for rural enterprise activities.	<ul style="list-style-type: none"> Use of Rural zone to provide for rural enterprise opportunities. Restricted use of Agriculture zone along western side of Flinders; Use of Rural Living zones in selected areas to promote lifestyle clusters and associated boutique agriculture.
<i>Support the growth of local sustainable fishing and aquaculture enterprises.</i>	Provision of suitably zoned lands	<ul style="list-style-type: none"> Use of Rural, Agriculture and Rural Living zones as suggested in Structure Plan Use of Port and Marine zone for port and wharf sites.
<i>Promote Flinders Island as a high quality food producing region with a clean, green image.</i>	Supporting rural enterprise development. Providing local controls for management of key components	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Use of Agriculture zone to protect agricultural lands and grazing economy; Use of Rural, Agriculture and Rural Living zones to accommodate residential / enterprise activities.
<i>A strong Flinders Island Brand that underpins growth and development of local value-added commodities.</i>	Not applicable.	Not applicable.
SD4 - Foster and support entrepreneurial activity		
<i>Promotion of the region's natural and cultural environment.</i>	Use of available SPP tools for management of natural and cultural characteristics	<ul style="list-style-type: none"> 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;

		<ul style="list-style-type: none"> • 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
<i>A place-based strategy developed around housing, living and niche non grazing types of primary production and lifestyle development.</i>	Use of tools under SPP's to reflect island life, providing zoning options that allow for lifestyle and enterprise development	<ul style="list-style-type: none"> • Use of Rural Living and Rural zones to the western side of the island to promote lifestyle and enterprise activities
<i>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.</i>	Use of tools under SPP's to reflect island life, providing zoning options that allow for lifestyle and enterprise development.	<ul style="list-style-type: none"> • 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.
<i>Streamlined and customer focused development application and assessment processes, including pre-lodgement information and advisory services.</i>	Not applicable.	Not applicable.
<i>Build local entrepreneurial capability.</i>	Not applicable.	Not applicable.
<i>Employment opportunities are enhanced through development of projects and initiatives with education service providers and employers.</i>	Not applicable.	Not applicable.
SD5 - A Planning Scheme that facilitates all of the above		
<i>Planning scheme provides facilitating environment for population growth.</i>	Structure Plan to identify LPS strategies	<ul style="list-style-type: none"> • 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



		<ul style="list-style-type: none"> SAP's for multiple dwellings within Rural Living zone and reflecting land use patterns on Flinders
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SFA2: Infrastructure and Services

Output	Land Use implications	LPS response
SD 6 - Protect and enhance high quality natural values and environmental assets		
<i>Parks and Wildlife Services (PWS) and Council cooperatively operate and maintain relevant facilities (toilets, camp grounds, picnic areas etc.).</i>	Not applicable	Not applicable.
<i>Planning scheme supports visual amenity and open space, contributing to recreation and tourism experiences.</i>	Use of SPP controls and local provisions for scenic and coastal management issues	<ul style="list-style-type: none"> PPZ for truwana/Cape Barren Island to provide for cultural differences for land use and management of indigenous owners. Coastal Settlements SAP to manage site coverage and minimum lot sizes for subdivision Whitemark Rural Living SAP to address multiple dwelling density. Coastal Areas SAP to address development in environmentally and visually sensitive areas. 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 SSQ's FLI-22.2 and 22.3 by requiring public access to Vinegar Hill through subdivision processes
<i>A plan for the expansion of the walking trails network on Flinders Island.</i>	Not applicable.	Not applicable.
<i>Advocacy for higher levels of maintenance and funding for walking trails and associated assets.</i>	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		
<i>Advocacy for improved port and freighting operations.</i>	Not applicable	Not Applicable.
<i>Economic viability of developing an all-weather recreational</i>	Appropriate zoning	<ul style="list-style-type: none"> Use of SPP zone in accordance with Guideline 1.



<i>and leisure vessel harbour investigated.</i>		
SD 8 - Maintain air access to the Island and improve performance of the airport		
<i>Improved operation and financial performance of airport.</i>	Suitable zoning Possible alternative complimentary uses	<ul style="list-style-type: none"> • 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		
<i>The Furneaux Islands' unique circumstances, isolated community and specific financial needs are understood by key external stakeholders.</i>	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. <p>Use of SAP's for:</p> <ul style="list-style-type: none"> • 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. <p>Use of SSQ's for:</p> <ul style="list-style-type: none"> • 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; • Obtaining unrestricted access to selected scenic sites through subdivision of identified properties; and • Management of development impacts in prominent and sensitive locations.

<i>Cooperative and coordinated delivery of Indigenous community services.</i>	Management of Cape Barren Island and Wyballena site	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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
<i>Municipal climate change strategy</i>	Not completed.	<ul style="list-style-type: none"> • Coastal Areas SAP provides standards to maintain vegetation cover and require assessment of site coverage and excavation/fill in biodiverse areas that are particularly sensitive to intervention from land clearing and development.
<i>Hazard management and climate adaption integrated into specific area plans.</i>	Hazard management delivered through SPP Codes. Use of SAP's for sensitive locations.	<ul style="list-style-type: none"> • Reflected through SPP Codes and SAP provisions managing site excavation and fill, vegetation cover/removal, site coverage and lot design.
<i>Biosecurity risks identified and a program to address those risks developed.</i>	Not applicable.	Not applicable.



<p><i>Planning scheme enhances liveability and protects distinctive local characteristics.</i></p>	<p>Recognising coastal, scenic resources Identifying physical aspects of island lifestyle that contribute to liveability</p>	<p>Reflected through LPS:</p> <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.
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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 of 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.

4.1 Outcome 1 –Primary Production land is protected for future pastoral use

Safeguarding primary production land

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.
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.
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4.2 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.
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.

4.3 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.

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.⁴

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.

⁴ P46, NTRLUS

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.

4.4 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:

- *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	Largely delivered through natural hazard provisions of SPP's , including NH-P01 Guidelines. Avoidance of undeveloped sensitive coastal and hazard areas for residential development and expansion; Avoiding known areas of flood and other risks for future residential expansion of Whitemark; Use of SAP to limit development footprints, modification of natura landforms, and vegetation removal in sensitive coastal locations;



		Risk avoidance strategy not consistent with SPP provisions;
Biodiversity	Vegetation management requirements, including prevention of further clearing Decision protocols to establish priority of natural values in key locations over other considerations; Support for the use of Biodiversity offsets to minimise impacts.	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. The conflict with regional policy outcomes is noted. 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. 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 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



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 industries⁵ and that some land should be provided for small lots⁶ 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 in the response to item 10 in Attachment 2.

⁵ Industrial p5

⁶ Industrial p39



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.

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



truwana/Cape Barren Island

The supporting report, *truwana and outer islands Discussion Paper*, was prepared by Plan Place and provides a review of the PPZ. This report provides a detailed examination, justification and assessment of the PPZ.

While this may seem inappropriate at first, it is necessary to recognise that the PPZ was applied to land that was returned to the aboriginal people and remains under their statutory control. While there are substantive arguments supporting separate planning schemes for these lands, this is not a debate that is allowed under the SPP/LPS or other planning processes over the last decade. The LPS must therefore provide an 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 report 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 the Act.

Conclusion

In addition to reconciling conflicting statutory land use regimes under different legislation, the PPZ provides a detailed response to significant environmental, social and economic issues at the local municipal, regional, state and arguably national levels.

Use of the PPZ to deliver these outcomes is consistent with the requirements of Section 32(4) (b) of the Act and strategic outcomes identified within the RLUS and local strategy.

The PPZ is therefore supported for inclusion in the LPS.



Specific Area Plans

As noted in the previous discussions, 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 Northern Tasmania Regional Land Use Strategy.

The Commission questioned compliance with the requirements of section 32(4). This section of the strategy provides a response to those issues.

6.2.1 FLI-S1.0 Coastal Settlement Specific Area Plan

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. The Guidelines identify 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 the Act:

- 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 Regional Land Use Strategy 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 the Act and RLUS.

Pursuant to Section 34(2)(b) of the Act, 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

Councils 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.

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



Figure 2 - natural and environmental hazards around Whitemark Rural Living zone



significant environmental or natural hazards for waterways, flooding, inundation and erosion, as shown in Figure 2.

Section 32(4) assessment

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

- 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 regional land use strategy. The Northern Tasmania Regional Land Use Strategy acknowledges that the Rural Living Zone as applied to Flinders municipality will be motivated by circumstances unique among northern councils.⁷

As noted in previous responses, the Flinders GRP represents approximately 30% of the Tasmanian Gross Regional Product⁸. Population growth is critical to the future 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.

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 a 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 in GRP terms, at the State level.

In addition, key Council strategies drive population growth to build critical mass for sustainable development and service delivery. The resultant economic activities will deliver

⁷ NTRLUS 2018 RSN-P3 and RSN-P25 pp24-25

⁸ Flinders Council ID Economic Profile, <http://economy.id.com.au/flinders-island/gross-product>



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 Regional Land Use Strategy 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 the Act, 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

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 land form 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 Particular Purpose zones 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 veranda's 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 the Act.
- 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 the Act.

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 the Act:

- 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 Northern Tasmania Regional Land Use Strategy, which provides for local strategy to determine the appropriate response to circumstances that are unique among northern councils.⁹

As noted in previous responses, the Flinders GRP represents approximately 30% of the Tasmanian Gross Regional Product¹⁰. 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.

⁹ NTRLUS 2018 RSN-P3 and RSN-P25 pp24-25

¹⁰ 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 the Act, 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

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.

The Guidelines provide 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 fo 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 Flinders Planning Scheme 2000 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 the Act:

- 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 Regional Land Use Strategy.

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 total¹¹, representing between \$68M to \$84M since 2011. This demonstrates

¹¹ Flinders Council IDcommunity profile, <http://economy.id.com.au/flinders-island/gross-product>



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.

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 the Act, 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 the Act.

Conclusions

Review of each of the proposed SAP's identified compliance with the statutory tests established under section 32 the Act for local provisions and can be supported.



Site Specific Qualifications

The commission requested further information about how the SSQ's comply with the statutory tests established under the Act, RLUS and Strategic/Structure Plans.

FLI-10.1 - 17 Patrick Street, Whitemark

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 3. 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 depot 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 the Act.



Figure 3 - Parks land on Flinders



FLI-11.1 Palana Road, Palana

FLI-11.4 Part of 57 Franklin Parade, Lady Barron

FLI-11.5 29 Barr Street, Lady Barron

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.

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 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 the Act.



FLI-11.2 and FLI-11.3 - 180 Badger Corner Road, Lady Barron

FLI-11.2 seeks to allow a function centre within the Community Meeting and Entertainment use class, which FLI-11.3 seeks to remove the 200m² floor area limitation for food services.

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 school¹². 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 RLUS.

Discussions with the owner identified that the floor area limitation under the SPP's is likely adequate to accommodate expected activities. Absent specific plans it is difficult to justify the basis of FLI-11.3. FLI11.3 can therefore be deleted.

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 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 farm gate tourism opportunities at 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. ED-A19 supports use of the LPS process to assist tourism proposals. As a result, the SSQ provides for delivery of with 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.

¹² <https://flindersislandgourmetretreat.com.au/>



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 do not distort the economic base of the main settlements¹³. 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 are considered to meet the requirements of section 32(4)(b) of the Act.

FLI-22.1 - 154 Big River Road, Loccota

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 Flinders¹⁴.

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).

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

¹³ P25

¹⁴ <https://parks.tas.gov.au/explore-our-parks/strezlecki-national-park/trousers-point>



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 the Act.

FLI-22.2, 22.3 Lot 1 Pot Boil Road and Lady Barron Road, Lady Barron

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 the Act, 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 ¹⁵

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 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 the Act.

FLI-25.1 and FLI-25.2 - Part of 16 Esplanade, Whitemark

The Commission requested information regarding future plans for the Whitemark Wharf and alternatives available under the SPP's. It is understood that FLI-25.1 and 25.2 are afforded transitional status under the declaration of the LPS.

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

¹⁵ P20, Lady Barron Structure Plan and Lady Barron Surrounds Structure Plan

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 and extend beyond the current lease in place for commercial operations at the Whitemark Wharf. This is shown in Figure 4.

Absent the development of a strategic basis for rezoning the area on such a basis, the SSQ is 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.

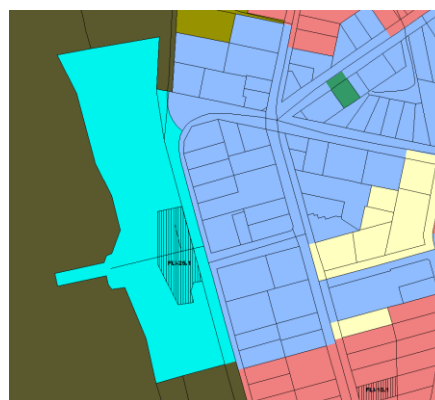


Figure 4 - Whitemark Wharf SAP relative to title and zoning

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 a SSQ in this manner is consistent with the identification of tourism sites under Outcome 3.

Outcome 1 promotes 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.

Section 32(4) assessment

It is understood that the use of SSQ's in this form is consistent with the Notice of Declaration Attachment 2 and therefore afforded transitional status.

The Flinders Wharf provides significant economic outputs for the Flinders and Tasmanian economies by providing tourism, food and accommodation services. This was provided through a previous planning scheme amendment for the specific site is consistent with the tests for the site providing significant economic and spatial qualities that meet the tests established at section 32(4)(b) of the Act.

FLI-25.1 and 25.2 are considered to meet the requirements of section 32(4)(b) of the Act.

FLI-26.1 - Flinders Island Airport

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 5 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.

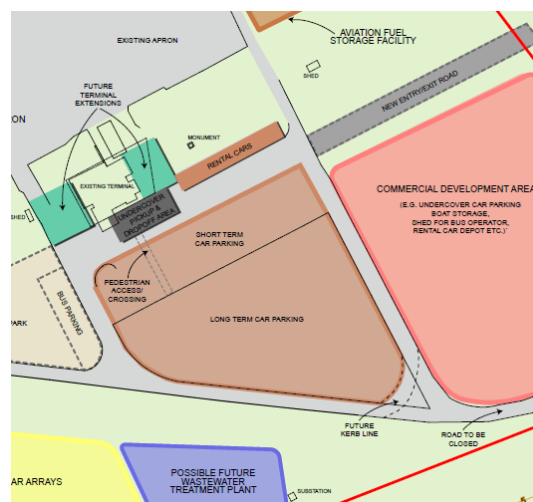


Figure 5 - Airport Masterplan Appendix 6 extract

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 RLUS.

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 the Act.



FLI-29.1 - Holloway Park

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).

It is recommended that FLI29.1 be deleted from the LPS.



Response to Schedule 1 objectives

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

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; and*

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 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 resource management and planning; and*

The PPZ were 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 SAP's and SSQ's were developed following extensive consultation for the Structure Plan and LPS itself, including the coordination of SPP zones to improve sustainability outcomes from the future use and development of land by considering complex relationships in development and then operation of the SPP's and LPS.

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

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.*

Development of the PPZ, SAP's and SSQ's were completed over an extended timeframe in response to successive planning reform programs of State, to identify the reasonable expectations for the future development of the area, together with the local people, the local and wider community, the Council, the Aboriginal Land Council of Tasmania 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 –*

The PPZ provides the only available mechanism under the SPP's to recognise the cultural needs and well-being of the local community within the LPS. 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.

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*

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*.

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*

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.*

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 this Act

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

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

The LPS provides the outcome of extensive reform programs by State government, as implemented by local government in consultation with the local communities.

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*

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.

- (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*

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, but cannot be addressed through this process. The SAP's and selected SSQ's provide for specific consideration of local issues that are not addressed within the structure of the SPP's.

- (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; and*

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 minimised as best possible through the PPZ, but cannot be addressed through this process. SAP's and SSQ's provide implementation of regional and municipal policy and actions established under the Strategic and Structure Plans and RLUS.

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

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 promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and*

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.

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

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.

- (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; and*

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.*

Land capability is reflected in the PPZ by the inclusion of Resource Development and Resource Processing as no permit required uses within the Rural Precinct. The majority of truwana was excluded from the Agricultural projects completed by State, confirming land capability is not relevant to the location or operation of most of the PPZ.



Land capability was addressed in the zoning of land, and requires no specific consideration for the subject SAP's and SSQ's.



Implementation

As previously noted, this strategy was prepared to support the LPS and provide a review and explanation of the response to the Strategic and Structure Plans of Council, detail compliance with the RLUS for specific issues identified by the Commission. A detailed justification was provided for the local provisions under the specific area plans and site specific qualifications. An overview was provided for the particular purpose zone for truwana / Cape Barren Island, which was subject to a separate report.

The review provided opportunity to consider responses through the LPS, which were supported in the majority of cases. A few items were not supported and recommended for deletion.

Implementation of this report will be through the assessment of the LPS by the Commission and public exhibition of the documents.