



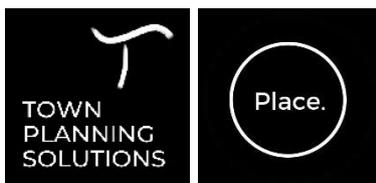
# Discussion Paper

## Local Provisions Schedule

### Particular Purpose Zone – truwana – Cape Barren Island and Outer Islands

January 2021

Prepared by:



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## Document Issue Status

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## Abbreviations:

ALAct	<i>Aboriginal Lands Act 1995</i>
ALCT	Aboriginal Land Council of Tasmania
Act	<i>Land Use Planning and Approvals Act 1993</i>
CBIMP	Cape Barren Island Management Plan
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
Guideline 1	<i>Guideline No 1 – Local Provisions Schedule (LPS) - zone and code application.</i> The TPC has issued this under section 8A of the Land Use Planning and Approvals Act 1993.
LPS	Local Provisions Schedule
PPZ	Particular Purpose Zone - truwana – Cape Barren Island and Outer Islands
SPP's	State Planning Provisions, Tasmanian Planning Scheme
Supporting Report	Flinders Council, Local Provisions Schedule Supporting Report, April 2019
TPS	Tasmanian Planning Scheme
truwana	truwana – Cape Barren Island
2000 Scheme	Flinders Planning Scheme 2000

## Introduction

The draft LPS introduces a Particular Purpose Zone for truwana and the outer islands (PPZ), acknowledging Aboriginal land and applying a ‘whole of island’ approach to integrated land use management within the Flinders Council municipal area (refer to Figure 1). The PPZ provides a tailored set of use and development standards to support the islands' population and protect cultural and natural landscapes.

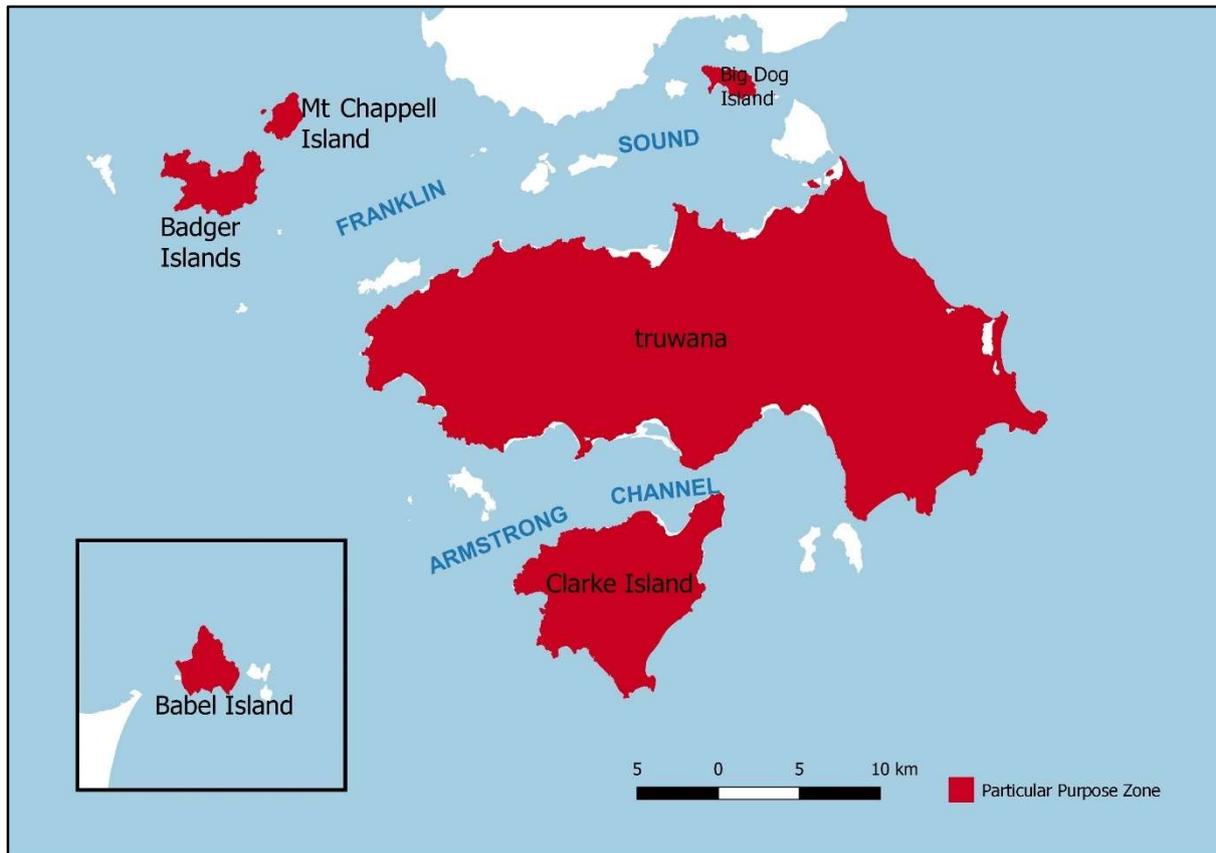


Figure 1: Particular Purpose Zone – truwana and Outer Islands

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

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

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

- unlike other lands within Tasmania, all use and development must be per the Management plans established under the *ALAct*, which restricts ownership to leases and licenses for periods up to 3 years, prohibits mortgaging of lands, and provides statutory recognition of the cultural connection to the country by Aboriginal people;

- decisions affecting land must be consulted with local communities and must be assessed against regulated criteria that consider impacts to connection with the land and the historical, social, and cultural impacts for the nation, rather than western concepts of use and development entitlements resulting from individual ownership of land; and
- the cultural connection to land creates a fundamentally different expectation for land use that must then be considered through decision-making processes.

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

The Act establishes the LPS criteria and respective requirements for a particular purpose zone that must be complied with to be approved. The LPS criteria is set out under section 34(2) of the Act. *Section 32 of the Act*, as referred to under section 34 (2)(b), sets out the contents of the LPSs. Section 32(3) provides that a particular purpose zone can be inserted in an LPS if permitted to do so by the SPP's.

An LPS can only include a particular purpose zone applied to an area if it can satisfy Section 32(4) (a) or (b). Section 32(4) (a) and (b) is reproduced below.

*An LPS may only include a provision referred to in [subsection\(3\)](#) in relation to an area of land if–*

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

The Commission identified that additional work was required to examine why the relevant provisions could not be accommodated within the structure of the SPP's and, more particularly, how the proposed regulatory PPZ fitted the CBIMP and other management plans into the regulatory regime of planning schemes.

Therefore, the Discussion Paper addresses:

- (a) Background on Aboriginal Land Council processes, supporting documents and community consultation;
- (b) Operation of the proposed PPZ standards and consideration of alternative zonings/SAP; and;
- (c) Section 32(4) justification, including consideration of the SPP's zones;

## Land Tenure, Aboriginal Land, and Private Freehold Land

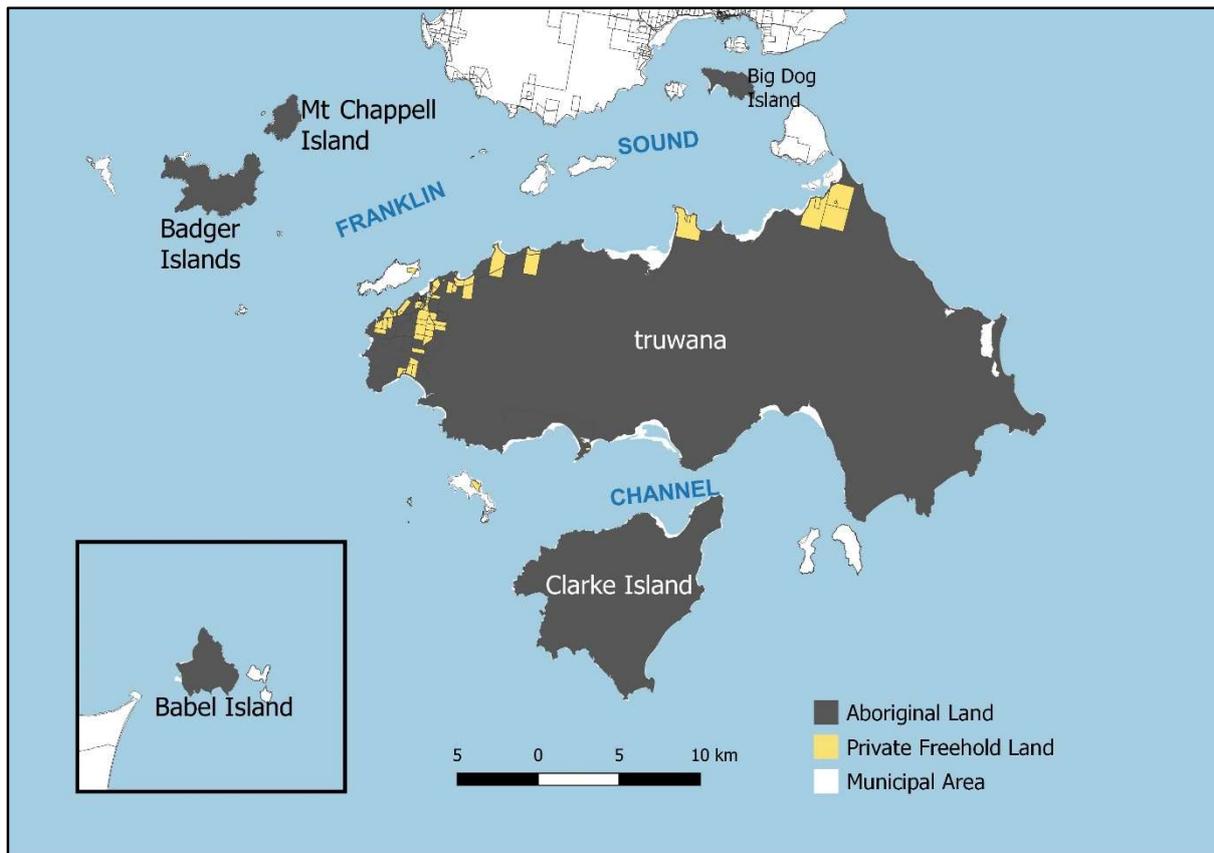


Figure 2: Aboriginal land and Private Freehold land

truwana and the outer islands subject to the PPZ comprises a land area of approximately 573km<sup>2</sup>. Aboriginal land applies to around 96% of the PPZ spatial area (refer to Figure 1). The balance land (refer to Figures 2 and 3) comprises:

- 136 Certificate of Titles in private freehold land (excluding road reserves);
- three (3) titles in the ownership of Housing Tasmania; and
- four (4) titles owned by the Flinders Council.

The titles owned by Housing Tasmania and the Flinders Council are within The Corner precinct.

A right of access over all roads and vehicular tracks at the commencement of the *Aboriginal Land Amendment Act 2004* is reserved for the use by the public at all times. The roads on truwana were handed to ALCT and are responsible for the management, maintenance of roads on truwana.

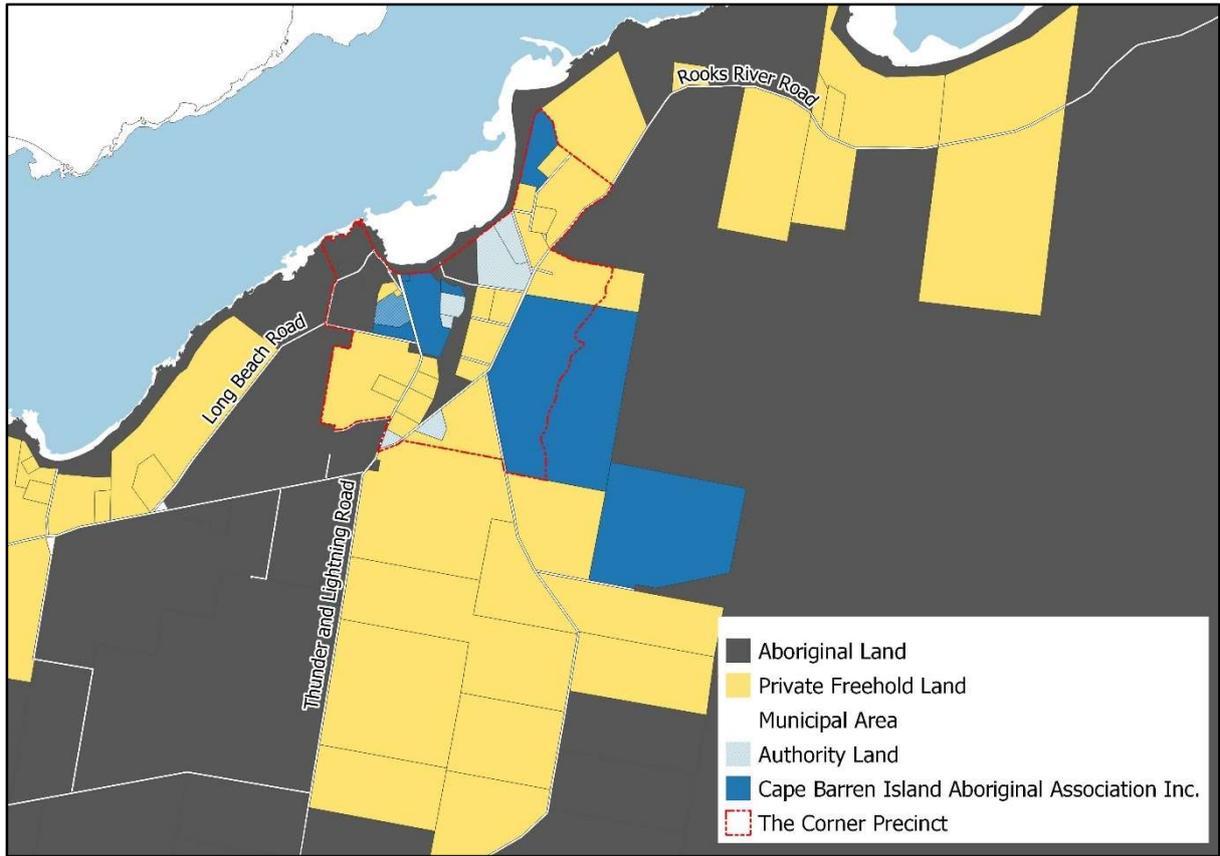


Figure 3: Land tenure at The Corner and Rural Precinct

## Aboriginal Land Act 1995 and Land Management Plans

The ALAct provides for the election, function, and power of the ALCT. The ALAct bestows the responsibility to the ALCT to manage and hold Aboriginal land for the benefit of all Aboriginal people of Tasmania. The functions and powers of the ALCT are set out of section 18 of the ALAct and is reproduced below -

### 18. Functions and powers of Council

- (1) The Council has the following functions:
  - (a) to use and sustainably manage Aboriginal land and its natural resources for the benefit of all Aboriginal persons;
  - (b) to exercise, for the benefit of all Aboriginal persons, the Council's powers as owner of Aboriginal land;
  - (c) to prepare management plans in respect of Aboriginal land;
  - (d) to use and sustainably manage any other land in which the Council acquires an interest;
  - (e) such other functions as are imposed on it by or under this Act or any other Act.
- (2) The Council must perform its functions for the benefit of all Aboriginal persons and in the interests of reconciliation with the broader Tasmanian community.
- (3) In its use and management of Aboriginal land and its natural resources, the Council is to have regard to the interests of local Aboriginal communities.
- (4) The Council may do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of its functions and, in particular, has power, subject to this Act, to acquire, hold, dispose of and otherwise deal with property, both real and personal.
- (5) The Council may, in respect of any area of Aboriginal land, nominate a local Aboriginal group for that area.
- (6) The Council may delegate any of its functions or powers in respect of the use and management of Aboriginal land or other land in which the Council acquires an interest to any Aboriginal group which, or Aboriginal person who, the Council considers appropriate.

### Land Vested to the ALCT

Schedule 3 of ALAct lists the general description of land vested in ALCT. Badger Island, Babel Island, Great (Big) Dog Island, Cape Barren Island (part), and Clarke Island, subject to the PPZ, is land vested to the ALCT. Schedule 3 is reproduced below -

#### SCHEDULE 3 - Land Vested in the Council

Section 27

COLUMN 1 Item No.	COLUMN 2 General description of land	COLUMN 3 Registered plans Central Plan Register reference
1	Oyster Cove	3468
2	Mount Cameron West	3467
3	Mount Chappell Island	3469
4	Steep (Head) Island	3470
5	Kutikina Cave	3471
6	Ballawinne Cave	3472
7	Wargata Mina Cave	3473
8	Badger Island	3469
9	Babel Island	3475
10	Great (Big) Dog Island	3474
11	Risdon Cove	3466
12	Cape Barren Island (part)	3486
13	Wybalenna	4807
14	Cape Barren Island	6457
15	Clarke Island	5135

## ALCT and Use and Development of Aboriginal Land

Through its powers and functions, the ALCT, an elected body, requires any person wishing to use or develop Aboriginal land to enter into a Land Use Agreement and be approved with a formal lease or license as set out under section 28 of the ALAct.

The ALCT administers the process set out under the ALAct. If the ALCT refuses a Land Use Agreement, an appeal can be made by a person aggrieved by the decision to the Tasmanian Planning Commission. The Tasmanian Planning Commission has the power to overturn the decision made.

An overview of the process is provided in Table 1 below.

1	A person makes application to the ALCT for a Land Use Agreement (refer to Appendix A) for use and development of Aboriginal land. Please note that a Land Use Agreement cannot be formed for more than 5ha of land and is subject to review at the conclusion of the approved period.
2	The appointed Manager of the ALCT (the Manager), on behalf of the ALCT elected body, assesses if the application made is consistent with the function and purpose of the use of land as per section 18 of ALAct and has regard to the relevant management plan as per section 32.of ALAct.
3	The Manager arranges for a notice to be displayed in the Administrative Centre on truwana inviting any person to make a submission on the proposed Land Use Agreement (Lease or Licence). A submission must be provided within fourteen days to the Manger of the ALCT.
4	Upon completing the fourteen day period, the Manager considers any comments or concerns raised by the community. Negotiation or mediation occurs by the Manager concerning any relevant issues raised.
5	If the concerns raised are resolved, the Land Use Agreement is signed off under delegation. The ALCT board is notified of such action.
6	If the concerns cannot be resolved, the application is considered by the ALCT Board.
7	The ALCT Board considers the advice from the Manager with respect to the proposed Land Use Agreement. The ALCT Board is bound by the functions and powers of s18 of ALAct. The ALCT Board makes a decision. If an application is approved, a Land Use Agreement (Lease and Licence) is formed. An application must be refused where a proposal is not in accordance with ALAct.
8	If a Land Use Agreement (Lease or Licence) is refused, the aggrieved person can appeal to the Tasmanian Planning Commission with respect to the decision made in the ALAct.

## Overview of the Islands – Management Plans

The ALCT oversees all aspects of managing Aboriginal land, including use and development, and is charged, amongst other specific functions, with preparing management plans. Section 32 of ALAct sets out the process for the preparation of these plans. Section 32 is reproduced below -

### 32. Management plans

- (1) The Council or a local Aboriginal group may prepare draft management plans in respect of Aboriginal land.
- (2) Where a local Aboriginal group prepares a draft management plan, the local Aboriginal group must forward the draft management plan to the Council.
- (3) Where the Council receives a draft management plan from a local Aboriginal group, it must consider the draft management plan and –
  - (a) may approve the draft management plan; or
  - (b) may make such amendments to it as the Council considers necessary.
- (4) Where the Council prepares a draft management plan or makes amendments to a draft management plan forwarded to it by a local Aboriginal group, the Council is to give the draft management plan to the local Aboriginal group and to any local Aboriginal person who the Council considers appropriate.
- (5) The local Aboriginal group or person may, within 28 days of receiving the draft management plan, make such representations to the Council in respect of the draft management plan as it thinks fit.
- (6) After considering any representations received in respect of a draft management plan, the Council may approve the draft management plan.
- (7) The draft management plan comes into operation as a management plan on such date as is specified in it.
- (8) If the Council has approved a draft management plan in respect of an area of Aboriginal land, any other management plan, in force immediately before the approval of the draft management plan, is of no effect in so far as it relates to that area.

In accordance with the requirements of the ALAct, the ALCT has prepared the following management plans:

1. Cape Barren Island Management Plan, July 2008,
2. Babel Island Management Plan, January 2008,
3. Badger Island Management Plan, 1999;
4. Chappell Island Management Plan 1999;
5. Great (Big) Dog Island Management Plan; and
6. Clarke Island Management Plan June 1999.

The management plans form the basis for the PPZ and are considered in further detail below.

### Cape Barren Island Management Plan, July 2008,

The Cape Barren Island Management Plan (CBIMP) was prepared for the Aboriginal Land Council of Tasmania in 2008. The CBIMP is in response to the handover of truwana to the local Aboriginal community on 10 May 2005 by the Tasmanian Government.

It is understood from the CBIMP that the ongoing management of truwana intends to provide for the cultural direction of local indigenous practices and sustainable land use management. The CBIMP was provided by the Council in support of the LPS when lodged with the Commission.

### Application of the CBIMP

The CBIMP is an overall plan for truwana and considers Aboriginal land and private freehold land.

### Island Features

Topographical descriptions do not identify any particular issues that require consideration against the provisions of the TPS.

Geological descriptions do not identify any particular matters that require consideration against the provisions of the TPS.

Soils identify that those on the island do not have particularly good agricultural potential and are therefore of very limited benefit to the island or the region for agricultural purposes.

Geodiversity identifies 12 geoconservation sites on truwana. The majority of the sites identified can be managed through Codes within the TPS, though it is noted that this will need to be balanced with the ongoing cultural practices of the local people. An assessment will be required of the ability to operate such regulatory provisions in such a remote location. Council is not proposing to list these sites in the Heritage Code of the LPS. Given the complex issues surrounding the location and heritage of the islands generally, this is supported for the foreseeable future.

Landscape issues were identified based on both European and contemporary values. The LPS does not propose application of the Scenic Management Code to these areas and there are no specific mechanisms in the proposed PPZ to manage this issue.

Climate does not present any specific issues for consideration within the terms of the CBIMP or the PPZ.

Aboriginal sites are managed through a separate statutory application process and do not form part of the TPS or LPS.

European heritage has fourteen (14) sites listed within the truwana group, of a total 60 listed in the complete LPS. This is consistent with the TPS structure and provisions.

Flora and fauna issues were identified on the island. These can be managed through the Priority Vegetation overlay under the C7.0 Natural Values Code. Exotic fauna issues are not managed through the planning scheme.

Wetlands and Waterways issues are managed through the Wetland and Waterway Code of the TPS. Wilderness issues are addressed through the relevant codes in the TPS.

Coastal values relate to cultural practices, scenic values and coastal landscape forms. The CBIMP identifies that coastal views of truwana and other islands in the group are exceptional. This may have implications for use of the Scenic Management Code.

### Environmental management issues

The history is noted and has few implications for the LPS.

Land degradation issues resulting from vegetation clearance will be managed through the operation of the general controls in the LPS. Vegetation clearance constitutes works, which is regulated through the exemptions and regulatory processes under the zones and codes. Fires and vehicle use are not regulated through the planning scheme.

### Management Areas

The CBIMP proposes a series of land management areas to deal with significant issues at section 3.4, as follows:

- Airport – for protection of the airport and its ongoing use (description determined from report and not provided as part of the summary on page 41)
- Cultural protection – areas around all Aboriginal site identified in Section 2.6 to prevent damage to them.
- Commercial – an area at The Corner for business and administration.
- Community – areas set aside for general community use including the coastal strip from Rooks River Beach west around the coast past The Corner and down to Thunder and Lightning Bay and along Battery Bay.
- Environmental protection – all remaining lands, to be managed as a protected resource for the community, providing securing for the diversity of flora, fauna and surface features of the island.
- Industrial – a small area around the wind generator site set aside for power generation and any future light industry.
- Recreation – the oval, for general sporting use.
- Residential – the existing community housing area at The Corner and nearby.
- Rural – all existing agricultural land to be used for farming or firewood production.

The question of higher order protection for the internationally significant Ramsar Wetlands at the eastern end of the island, to safeguard the migratory birds was identified in this summary. The suggested zoning regime for the Corner was prepared by the Office of Aboriginal Affairs and provided as Appendix 4 of the CBIMP, and reproduced in Figure 4.

This structure has implications for the zoning regime under the SPP's. The SPP's moved away from the approach of providing zones for every separate use towards a more inclusionary zoning regime. This is reflected by the structure of the zone tables under the SPP's and LPS.

It will be necessary to provide for a range of uses at the Corner, which will require a different response to the majority of the island.

Aboriginal heritage sites were examined but remain outside of the LPS process and managed under the Aboriginal Heritage Act 1975.

Post-Invasion history identified sites at the Sealing Station, Battery Bay and Kent Bay. None are listed in FLI-Table C6.1 – Local Heritage Places. Nor do they appear on the Tasmanian Heritage Register.

Flora Management identify the presence of *Phytophthora cinnamomic*, fire management practices and tree decline. These issues are not able to be managed through a planning scheme.

Wetland and Waterway issues identify cattle grazing as a weed management issue for the Ramsar Wetlands. The Wetlands are protected under the EPBCA and various tools under the Natural Assets Code of the SPP's.

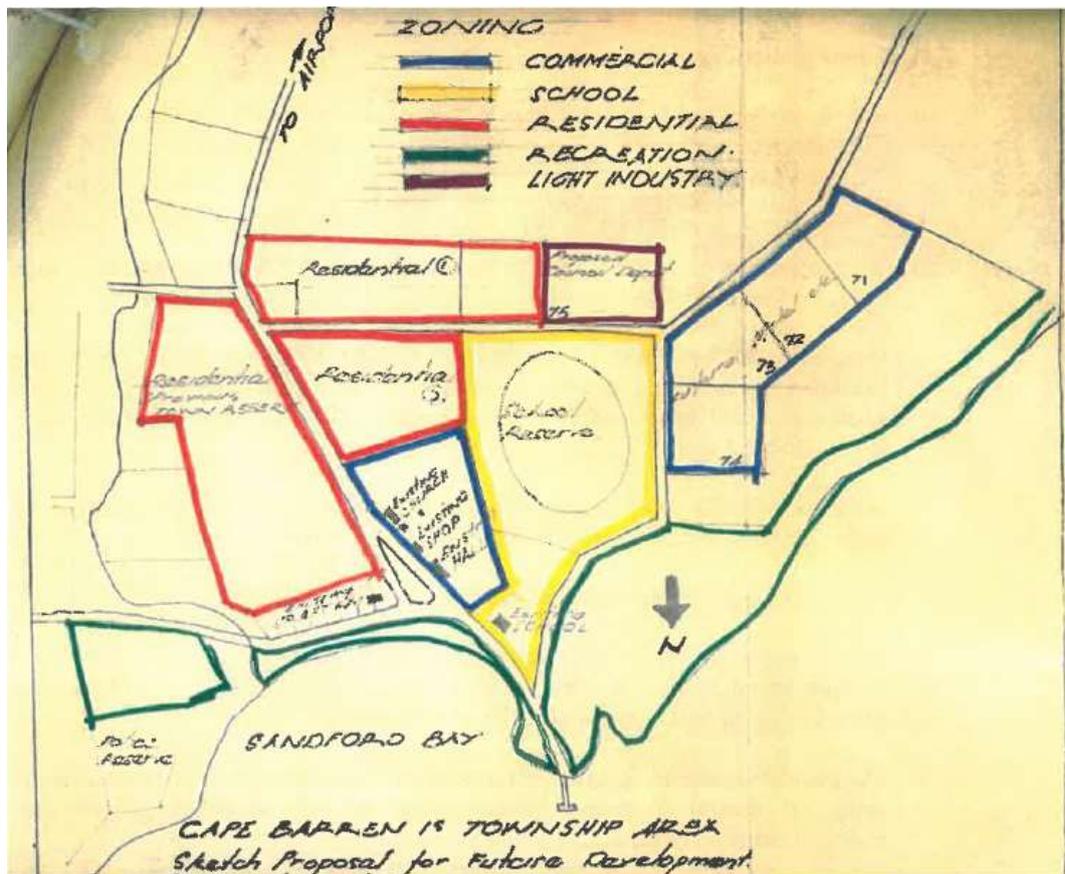


Figure 4: Proposed zoning regime for The Corner

Phytophthora is not an issue that can be managed through a planning scheme.

Weed management is a recognised threat to the island biodiversity. This issue cannot be effectively managed through a planning scheme.

Fauna management issues are addressed through the Natural Assets Code of the SPP's.

Fire management is not an issue for the planning scheme to manage.

#### Management of Coastal Values

Vegetation clearance was identified as a cause of significant impacts from vegetation clearance and resultant erosion. Mapping for the C7.0 Natural Assets Code identifies that a significant majority of truwana and the coastal sections is covered by the Priority Vegetation overlay. This is considered to be sufficient to manage vegetation removal impacts identified in this section of the CBIMP.

#### Further Land Use Issues

Planning and development supports the use of a set of specialised planning controls for truwana to deal with the specific issues. Adjustment to the approach will be required to reflect the SPP's structure.

Airstrip - No guidance is provided for the airstrip. It is understood that the airstrip is not subject to the formal management mechanisms of ANEF and Obstacle Limitation Elevation Contours. Zoning is likely to be the only issue requiring management under the LPS.

Roads, Tracks and Machinery raise no issues for management under the LPS.

Water storage issues are subject to limited guidance under the LPS. The SPP's contain no measures to manage water collection catchments and suggest that water storage areas themselves be located in the Environmental Management zone.

Energy supply identifies no issues that require special consideration under the SPP's or LPS.

Harvesting and hunting issues focussed on the ongoing management of firewood gathering, which are subject to the exemptions within the SPP's and existing use rights under section 12 of LUPAA. Given the historic issue, it would be impossible to determine new activity from existing practices and therefore determine issues that may require approval. No additional measures are proposed in light of this. Hunting is subject to a similar situation.

Modder River Station – the CBIMP does not identify any particular requirements that require a specific response under the LPS.

Recreational activities identify impacts from trail and quad bikes. These cannot be managed through the LPS and SPP's.

Leases and agistment reflect existing use rights and do not require a specific response under the LPS.

Waste management identifies specific management responses that do not require specialised responses under the LPS or SPP's. The zoning of this infrastructure may require consideration.

Quarantine is not a matter that can be regulated through planning schemes.

Nomenclature is managed by the State and not through planning schemes.

### Other Management Plans

The following management plans that apply to the PPZ are:

1. Babel Island Management Plan, January 2008,
2. Badger Island Management Plan, 1999;
3. Chapell Island Management Plan 1999;
4. Great (Big) Dog Island Management Plan; and
5. Clarke Island Management Plan June 1999.

The remaining management plans were also prepared for the ALCT. It is understood that this was also in response, to the handover of the outer islands to the local Aboriginal community.

It is understood from above management plans that the ongoing management of the outer islands, like the CBIMP, intends to provide for the cultural direction of local indigenous practices and sustainable land use management.

Copies of the management plans are attached in Appendix B.

Future use and development on the island is intended to be very minimal other than using the existing buildings on Clarke Island, Great Dog Island and perhaps building small shelters adjacent to walking trails or tracks or the construction of a new jetty. The use and development controls proposed are tailored to the outer islands, consistent with the management plans.

There is no specific guidance for the airstrip on Clarke Island. It is understood that the airstrip is also not subject to the formal management mechanisms of ANEF and Obstacle Limitation Elevation Contours. Zoning is likely to be the only issue requiring management under the LPS.

Roads, Tracks and Machinery raise no issues for management under the LPS.

Flora and fauna issues were identified across the outer islands. These can be managed through the Priority Vegetation overlay under the C7.0 Natural Values Code.

Any Aboriginal sites on the outer islands are managed through a separate statutory application process and do not form part of the TPS or LPS.

Landscape issues were identified based on both European and contemporary values. The LPS does not propose application of the Scenic Management Code to these areas and there are no specific mechanisms in the proposed PPZ to manage this issue for the outer islands.

## Proposed Particular Purpose Zone (PPZ)

The LPS proposes to:

1. incorporate the 'Particular Purpose Zone – truwana and Outer Islands' into the written document of the LPS (refer to Appendix C); and
2. spatially apply the Particular Purpose Zone – truwana and Outer Islands to:
  - truwana (Cape Barren Island);
  - Clarke Island;
  - Big Dog Island;
  - Babel Island;
  - Badger Island; and
  - Mt Chappell Island.

The PPZ is proposed to apply to the land area identified in Figure 5.

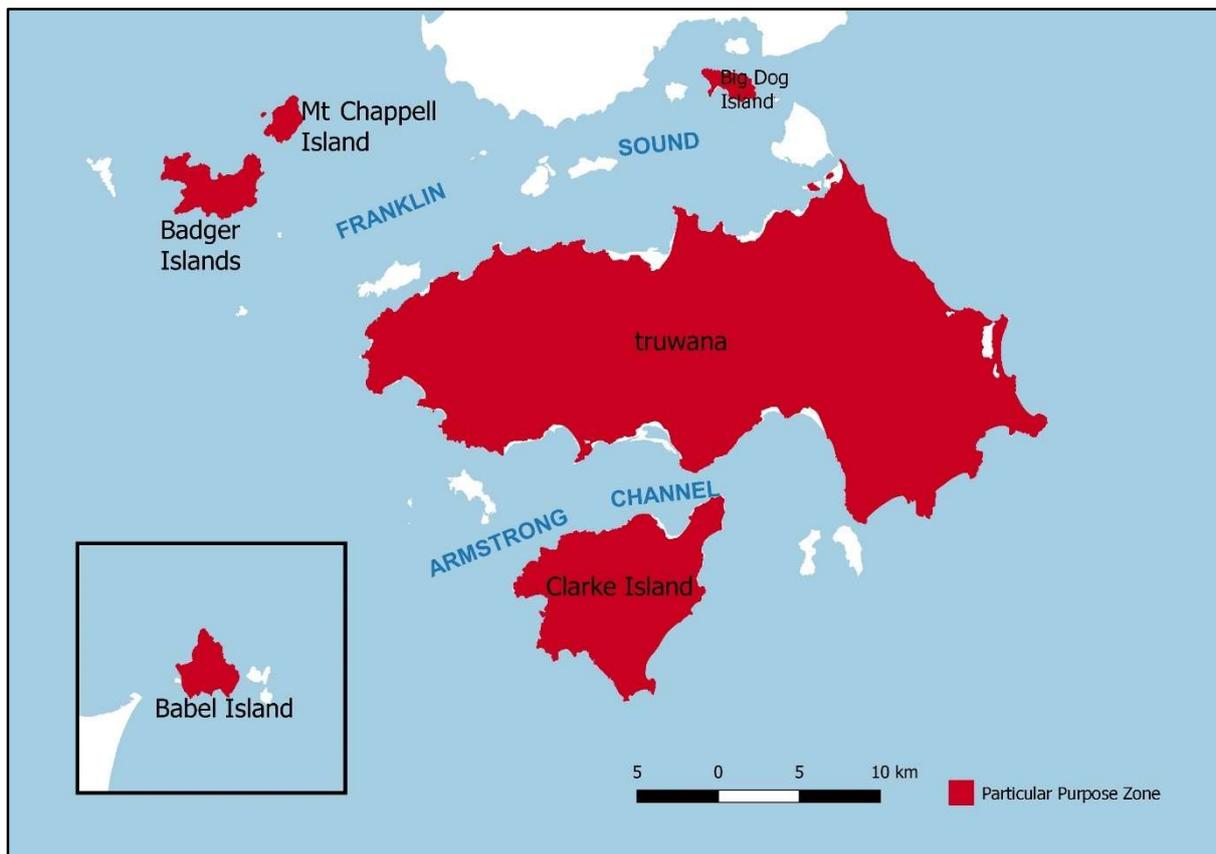


Figure 5: Spatial application of the PPZ

PPZ 1 in Guideline 1 provides guidance with respect to application of a particular purpose zone and states:

*A Particular Purpose Zone (PPZ) may be applied to a particular area of land where the intended planning outcomes cannot be achieved through the application of one or more State*

*Planning Provision zones. It may be applied to land that provides major facilities or sites which require a unique or tailored approach to both use and development standards, such as a university campus, or major hospital site.*

The proceeding discussion considers:

- The Flinders Island Structure Plan;
- Flinders Planning Scheme 2000;
- Suitability of SPP's Zones;
- Drafting of the PPZ and Consultation; and
- Operation of the PPZ and SPP's Codes.

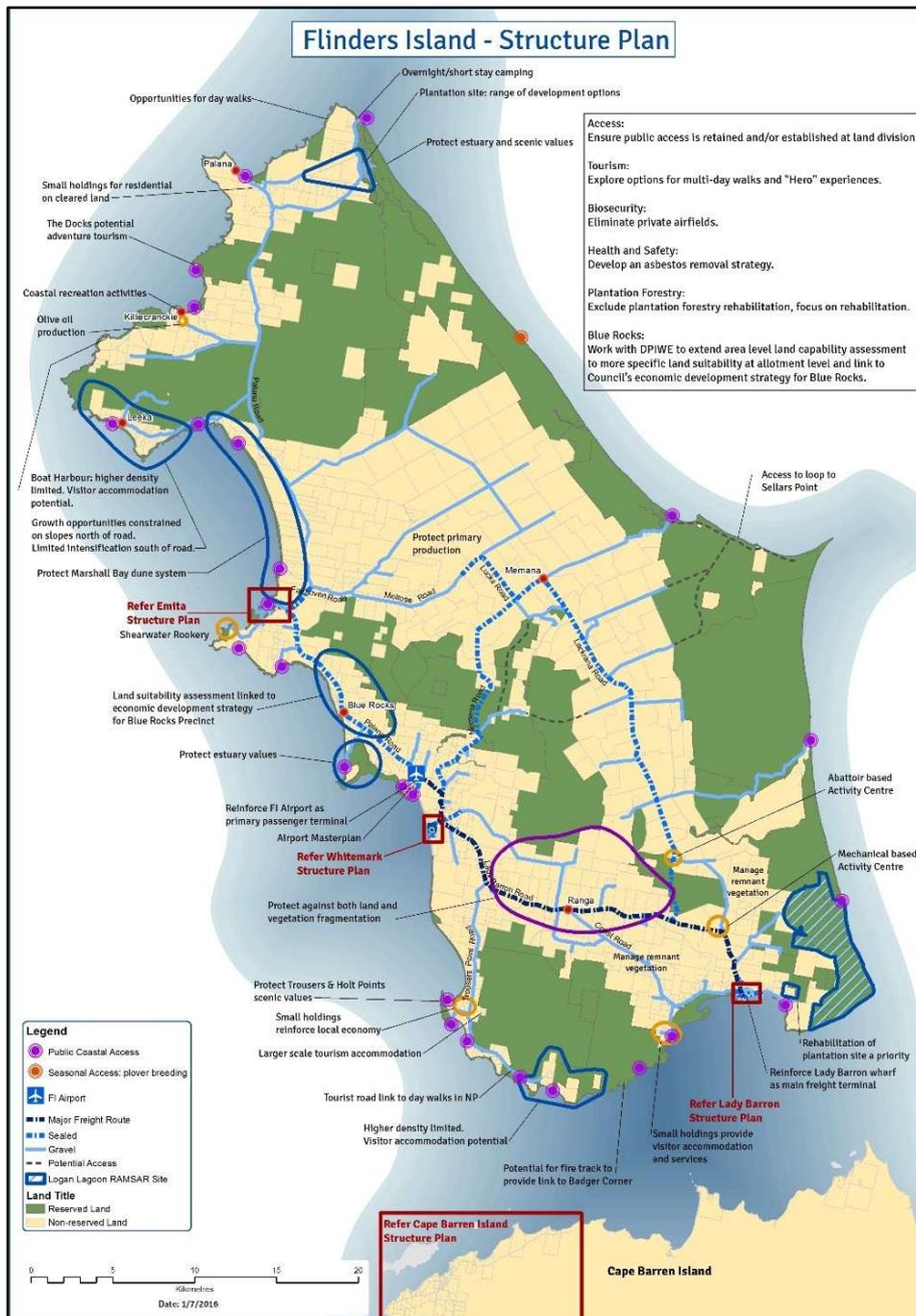


Figure 6: Map 1, Flinders Island – Structure Plan

### Draft Flinders Structure Plan and Management Plans

In the draft Flinders Structure Plan a future Cape Barren Island Structure Plan is identified. Reference to the Cape Barren Island Structure Plan is made on the overall Flinders Island - Structure Plan Map 1 (refer Figure 6), however, this was not completed.

Other references are made through the document with respect to area and population numbers, phone and internet, and environmental assets listed include eastern truwana wetlands. In absence of any reference in the Flinders Island – Structure Plan, the management plans for each of the islands forms the basis for the PPZ and as such are equivalent to a local strategy.

### Flinders Planning Scheme 2000

The 2000 Scheme applies the following zones to Cape Barren Island (refer to Figure 7):

- Village Zone;
- Public Purpose Zone;
- Environmental Recreation Zone; and
- Rural Zone.

All the outer islands as identified in this Discussion Paper are zoned Environmental Recreation.



Figure 7: Flinders Planning Scheme zones and special areas

The Flinders Special Areas - Shoreline Waterbody, Visually Sensitive, Ecological Sensitive areas apply to truwana and the outer islands. The Shoreline Waterbody applies a buffer around the edge of the land area of truwana and each of the outer islands. The Special Areas Overlay - Ecological Sensitive is spatially applied to around two-thirds of the land area zoned Environmental Recreation. The Flinders Special Areas – Visually Sensitive is also applied to the land areas zoned Environmental Recreation and partially to the area zoned Rural.

### Suitability of SPP's Zones

The 2000 Scheme zones as they currently apply to truwana and the outer islands could apply a like-for-like translation and spatially apply the equivalent zones in the LPS available under the SPP's. The equivalent zones are:

- 12.0 Village Zone;
- 20.0 Rural Zone;
- 23.0 Environmental Management Zone;
- 26.0 Utilities Zone.

The application of these zones, however, provide challenges with the lack of expression within the written document of the SPP's with respect to the cultural sensitivities associated with Aboriginal land and the statutory powers afforded to the ALCT. The range of use classes available in the above listed SPP's zones, along with the use and development standards, would provide for planning permit pathways that are not congruent with the individual management plans prepared under ALAct.

To aid in resolving the conflict between the two sets of legislation, the zones could be applied with a specific area plan overlaid to modify the outcomes of each of the above zones. While in principle this is a reasonable and logical approach, a drafted specific area plan is likely to override most, if not all, the use tables, and the use, development, and subdivision standards in each of the zones. The modifications made by a specific area plan are likely to be severe but necessary to ensure that the outcomes of each zone are consistent with the individual management plans of the islands. The approach is inefficient and does not achieve the desired integrated 'whole of island approach' for Aboriginal land.

Additionally, there is no crown land on truwana or the outer islands. The 23.0 Environmental Management Zone may be applied to both public and private land. However, the construction of the Use Table in the 23.0 Environmental Management Zone is structured to require approval from an authority under the *National Parks and Reserved Land Regulation 2009* or approved by the Director- General of Lands under the Crown Lands Act 1976.

The Zone excludes any reference or acknowledgment of Aboriginal land or the ALAct. The qualifications in the Use Table, other than the use classes Natural and Cultural Values Management and Passive Recreation, will require a discretionary permit for use and development (such as Visitor Accommodation).

The standards in the zone allow a development area of 500m<sup>2</sup> to be established, and building height is 6m at the acceptable solution. The Use Table in combination with the development standards, do not achieve the intended outcomes of the Environmental and Cultural Protection Precinct. A discretionary permit would also be open to an appeal involving Aboriginal land.

The spatial application of SPP's zones creates an inherent conflict with the processes established under ALAct to manage Aboriginal land. The application of the SPP's zones, if applied, would result in inconsistencies with the objectives of the *Resource Management and Planning System* as set out in Schedule 1 of the Act. The PPZ provides a regulatory regime that enables an assessment framework under the TPS that complements the ALAct and the functions and role of the ALCT. For these reasons it is determined that the spatial application of the above SPP's zones and a specific area plan are not appropriate.

### Drafting of the PPZ and Consultation

Direct consultation was undertaken with the former Manager of the ALCT and was conducted from the time drafting of the LPS commenced. The drafting of the PPZ was derived from the

earlier work undertaken when the draft Flinders Interim Planning Scheme (IPS) was being prepared. The draft IPS proposed tailored provisions for truwana and the outer islands. The previous work was utilised as a starting point for the drafting of the proposed PPZ

The consultation over the last few years mostly involved one on one consultation with the Manager of the ALCT. Additionally, consultation was undertaken on truwana with the Cape Barren Islanders Community Inc., in January and February 2019. The discussions with the Cape Barren Islanders Community Inc. highlighted the issues associated with infrastructure capacity of the islands, protecting the cultural values and the natural environment, and retaining a settlement that is reflective of the rural character on truwana.

Discussions throughout the two days concentrated on infrastructure capacity and its limitations which is equally expressed as an issue by all the management plans prepared. Setting aside the significant cultural and natural values of the islands, the intensification of use and development, in particular opportunity for subdivision must be reflective of the islands' infrastructure capabilities. The use and development in the Corner Precinct should be directed towards servicing or being of benefit to the local community.

It is imperative that land use planning controls set parameters for subdivision and intensification of development balanced with providing a permit pathway for use and development intended to service the local population.

Another matter conveyed on numerous occasions during both visits to the island was the desire to protect the islands from opening to the general visitor economy, although it was conveyed that opportunity for small huts, shelters or development that supports connection to country by Aboriginal people is a high priority.

The discussions with the ALCT occurred on numerous occasions over the time period with the intent of seeking clarification of the issues and matters raised in the CBIMP as well as the management plans for the other outer islands. The CBIMP was drafted in 2008 and infrastructure has expanded to service a larger area of the settlement. The spatial application of the Corner Precinct is adjusted to reflect the increased capacity.

To allow for new residential development opportunities for Aboriginal people, The Corner Precinct from the CBIMP is modified to include the land area that can be serviced on truwana.

#### Operation of the PPZ

The PPZ provides a tailored set of controls to regulate future use and development in the zone in accordance with the management plans prepared by the ALCT. The management plans apply to both Aboriginal land and private freehold property and call for a unique set of standards to achieve the intended outcomes that cannot be achieved by the spatial application of the zones in the SPP's.

Table 2 examines the components of the PPZ, providing the rationale for the drafting of the specific controls to be inserted into the written document of the LPS. The codes of the SPP's will also be applied to the assessment of future use and development. The relationship between the codes and the PPZ are assessed in Table 3.

**Table 2: Particular Purpose Zone – truwana – Cape Barren Island and Outer Islands****FLI-P1.1 Zone Purpose**

The purpose of the Particular Purpose Zone – truwana - Cape Barren Island and Outer Islands is:

- |            |  |
|------------|--|
| FLI-P1.1.1 | To implement a 'whole of island' approach for the integrated management of Aboriginal and private freehold land.                     |
| FLI-P1.1.2 | To protect the environmental, cultural and social values unique to the islands.  |
| FLI-P1.1.3 | To provide for sustainable use and development that serves the long term interests of the community and protects cultural resources. |

**Comment**

The PPZ seeks to apply an integrated approach to the use and management of land to truwana and the outer islands as discussed throughout this Discussion Paper.

**FLI-P1.2 Local Area Objectives**

Reference Number	Area Description	Local Area Objectives
FLI-P1.2.1	The Corner Precinct – shown on the overlay maps as FLI-P1.2.1	<p>The local area objectives for the Corner Precinct are:</p> <ul style="list-style-type: none"> <li>(a) to support the effective functioning of the settlement and the efficient use of existing services;</li> <li>(b) to focus residential, community, industrial and recreational use and development within the precinct;</li> <li>(c) to mitigate impacts from noise, light or other emissions from non-residential uses;</li> <li>(d) to provide for use and development that does not exceed the capacity of the existing infrastructure in the precinct such as, water, sewer and energy supply; and</li> <li>(e) to manage use and development to make efficient use of existing roads, tracks and other infrastructure.</li> </ul>

**Comment**

The Corner Precinct is the location servicing the day-to-day needs of the residents of truwana, providing the opportunity to purchase food and supplies from the general store, access to health professionals visiting the island, education, and supporting services.

truwana and the outer islands fluctuate in population, and it is estimated that around 70 persons live on truwana (although 2016 ABS statistics indicate a population of 63 persons resided in the Post Code Area 7257).

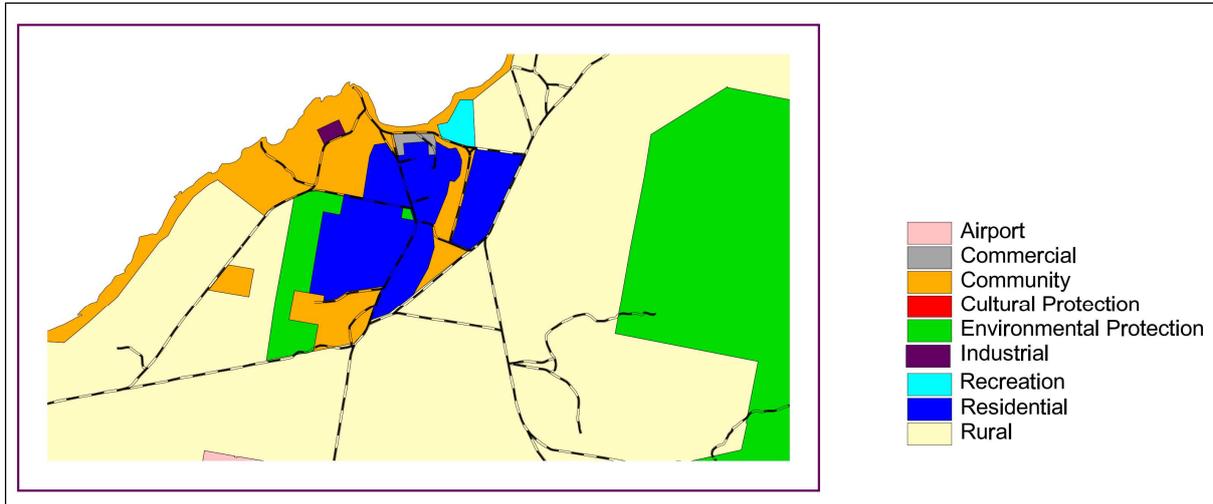


Figure 8: Management area of The Corner in the CBIMP

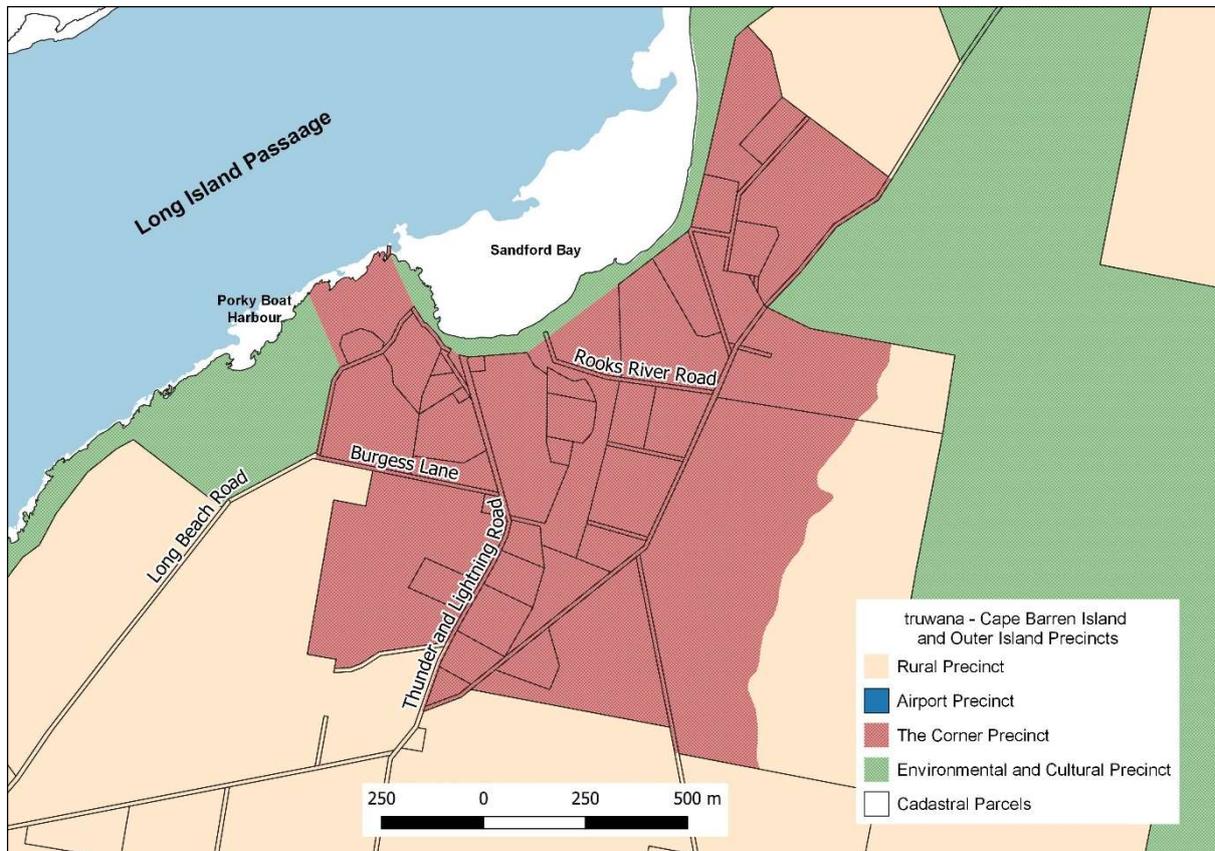


Figure 9: The Corner Precinct, PPZ

Access to the island is limited via a small plane service that locals rely on to visit friends and family or access services off-island. There is also reliance on this air service for delivery of goods and services to truwana, including Australia Post. Bulky goods such as food, fuel supplies, building materials, and the like are delivered to truwana via boat, which sails at least once a month or as required. The tidal port (Property ID 1507970) is included in The Corner Precinct as this infrastructure is critical for goods to be delivered to truwana.

The Corner Precinct reflects the CBIMP but with some changes. The deviation from the Management Area in the CBIMP was after consultation with the Aboriginal community on truwana.

The improvements to infrastructure over time to electricity generation has increased the land area which can be serviced on the island. After consultation with the truwana community, The Corner Precinct area was enlarged to include all land serviced by power generated from the property at CT:143716/1.

The property (CT: 168159/3) to the east of the settlement is identified for potential future housing on the island. The land is in the ownership of the Cape Barren Island Aboriginal Association Inc. The entire parcel of land is not for inclusion in the precinct due to the property being subject to a low and medium Landslide Risk Hazard Band (Hazard Band). Therefore, the area subject to the Hazard Band, east of the 60m contour, is retained in the Environmental and Cultural Protection Precinct.

Additionally, the precinct is extended to the north of the current power generation station located at Thunder and Lightning Road (CT:143716/1). The included land area is to enable expansion and provision of power generation infrastructure on the island. The precinct was adjusted after the consultation process with the truwana community.

The local area objectives reflect established use and development and convey that the precinct is the primary location for housing and services in the PPZ area

<p>FLI-P1.2.2</p>	<p>The Environmental and Cultural Protection Precinct – shown on the overlay maps as FLI-P1.2.2</p>	<p>The local area objectives for the Environmental Precinct are:</p> <ul style="list-style-type: none"> <li>(a) to protect places or landscapes of cultural significance;</li> <li>(b) to conserve the diversity of flora and fauna;</li> <li>(c) to protect sites of environmental significance such as the Ramsar Wetland, Cloud Forest on Mount Munro, and other areas with priority vegetation or natural values of importance;</li> <li>(d) to maintain and protect natural processes, unstable or fragile landforms and areas of scenic importance;</li> </ul>
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		<p>(e) to provide for use and development that supports cultural operations and activities such as gathering and preparing of food or birding;</p> <p>(f) to promote natural and cultural understanding of the islands with interpretive signage; and</p> <p>(g) to allow for small scale development integrated with the surrounding seascapes and landscapes.</p>
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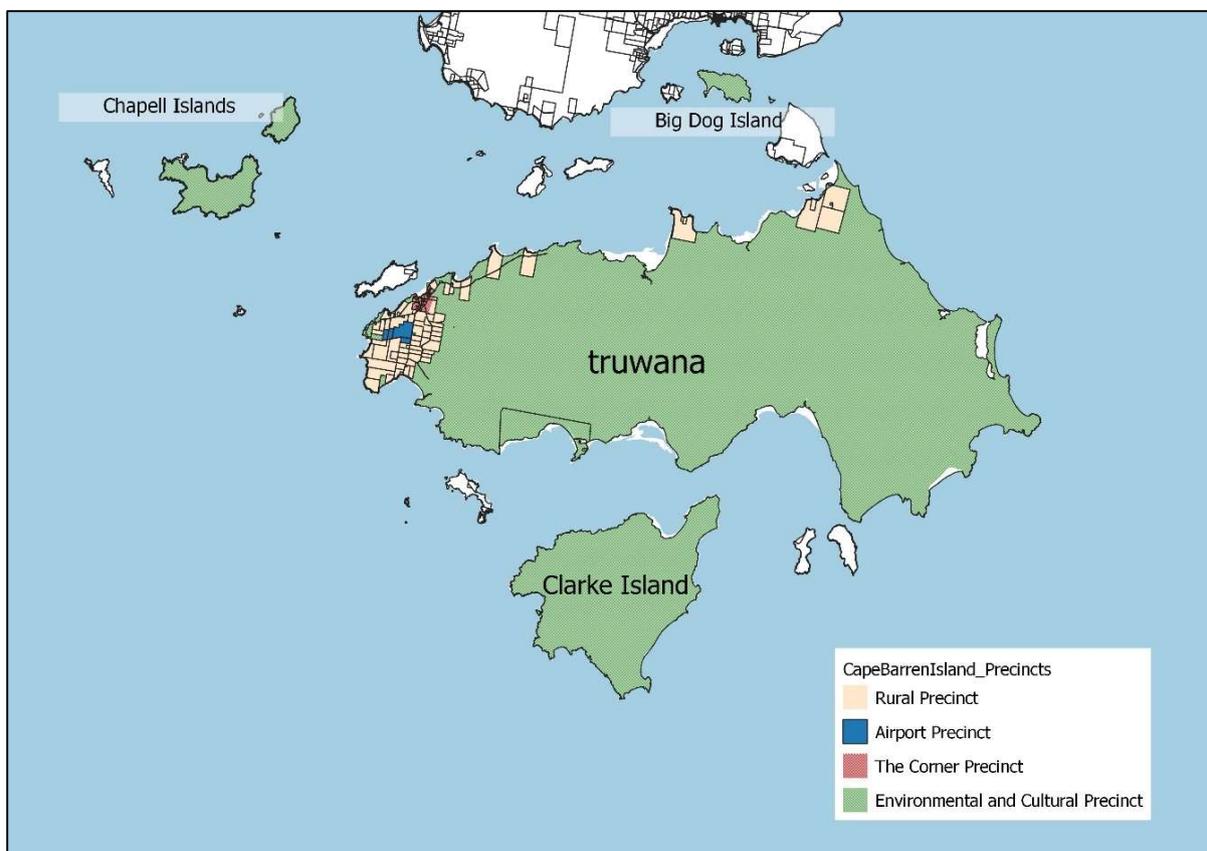


Figure 10: Environmental and Cultural Precinct (Babel Island not shown)

The Environmental and Cultural Precinct's local area objectives provide the outcomes for protecting the attributes and values consistent with the applicable management plans.

<p>FLI-P1.2.3</p>	<p>The Rural Precinct – shown on the overlay maps as FLI-P1.2.3</p>	<p>The local area objectives for the Rural Precinct are:</p> <ul style="list-style-type: none"> <li>(a) to provide for the sustainable and ongoing use of land for agriculture; and</li> <li>(b) to provide for non-agricultural uses required to locate outside of the Corner Precinct.</li> </ul>
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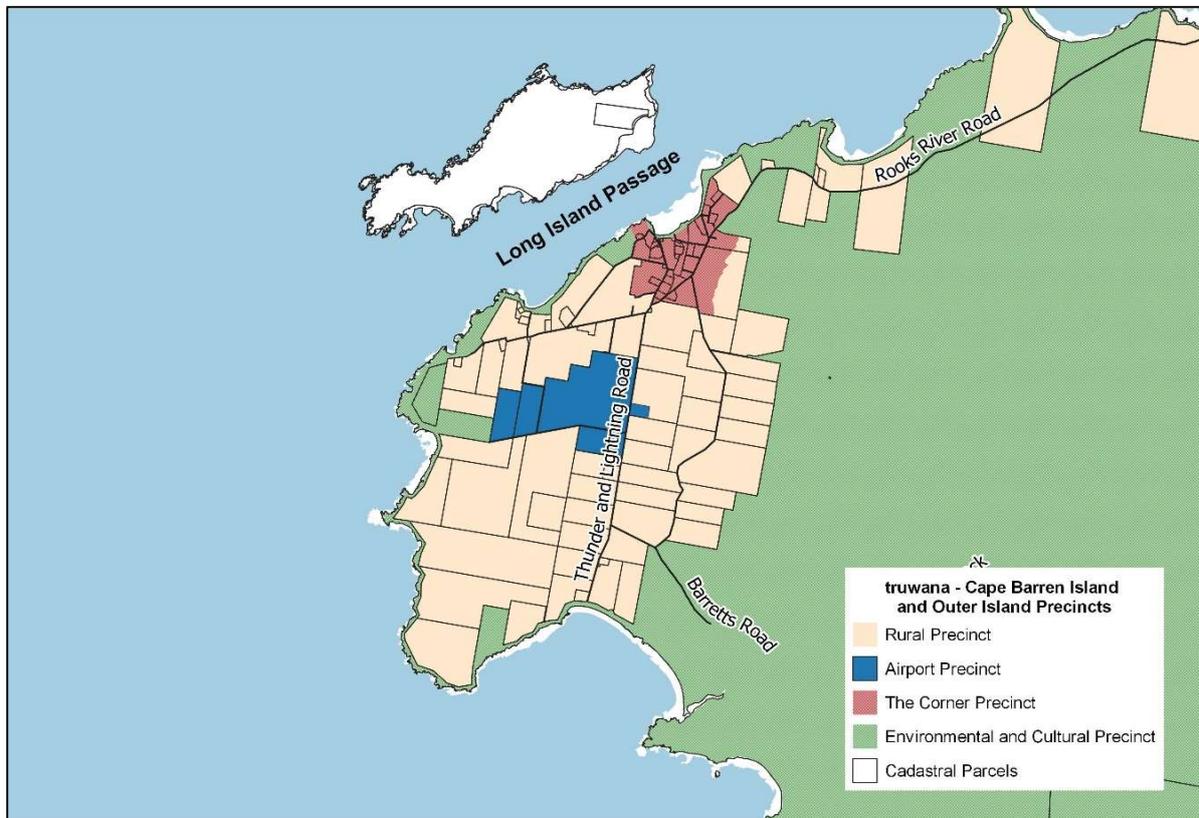


Figure 11: Precincts on the western side of truwana

The Rural Precinct's local area objectives provide the outcomes for diversifying some use and development that cannot be located within The Corner Precinct. Examples include the cemetery, waste disposal site, and golf course. The Rural Precinct also recognises the farming activities on truwana. The local area objectives are consistent with the CBIMP.

<p>FLI-P1.2.4</p>	<p>The Airport Precinct – shown on the overlay maps as FLI-P1.2.4</p>	<p>The local area objectives for the Airport Precinct are:</p> <ul style="list-style-type: none"> <li>(a) to provide for continued use of the precinct as an airport; and</li> </ul>
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		(b) to provide new use and development compatible with the function and role of the airport.
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The Airport Precinct is defined on the land area required for the airstrip's function, which is reflected by the local area objectives. The precinct is mostly on Aboriginal land. However, a small portion of private freehold property (CT: 241559/1) is required to manage the airstrip (refer to Figure 12).



Figure 12: Airstrip management on adjoining land.

**FLI-P1.3 Definition of Terms**

FLI-P1.3.1 In this particular purpose zone, unless the contrary intention appears:

Term	Definition
The Corner Precinct	means the area of the zone identified in Figure FLI-P1.3.1
Environmental and Cultural Protection Precinct	means the area of the zone identified in Figures FLI-P1.3.1, FLI-P1.3.2, FLI-P1.3.3 and FLI-P1.3.4.
Rural Precinct	means the area of the zone identified in Figures FLI-P1.3.1, FLI-P1.3.2 and FLI-P1.3.3.
Airport Precinct	means the body of water identified in Figure FLI-P1.3.2.
Management plans	means a Management plans prepared under the Aboriginal Land Act 1995.

**Comment**

Definitions at Clause FLI-P1.3.1 are introduced to assist with the interpretation of terms within the PPZ.

**FLI-P1.4.1 Use Table – The Corner Precinct**

Use Class	Qualification
<b>No Permit Required</b>	
Business and Professional Services	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Community Meeting and Entertainment	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Educational and Occasional Care	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Emergency Services	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Food Services	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
General Retail and Hire	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Natural and Cultural Values Management	
Passive Recreation	
Port and Shipping	If an authority under the <i>Marine and Safety Act 1997</i> is granted by the Marine Safety Authority.
Research and Development	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Residential	If: <ul style="list-style-type: none"> <li>(a) If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>; or</li> <li>(b) for a single dwelling.</li> </ul>
Sports and Recreation	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Storage	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>

Utilities	If for minor utilities.
Visitor Accommodation	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> .
<b>Permitted</b>	
No used in this precinct.	
<b>Discretionary</b>	
Business and Professional Services	If not listed as No Permit Required.
Community Meeting and Entertainment	If not listed as No Permit Required.
Educational and Occasional Care	If not listed as No Permit Required.
Emergency Services	If not listed as No Permit Required.
Equipment and Machinery Sales and Hire	
Food Services	If not listed as No Permit Required.
General Retail and Hire	If not listed as No Permit Required.
Hospital Services	
Manufacturing and Processing	If not listed as No Permit Required.
Research and Development	If not listed as No Permit Required.
Residential	If not listed as No Permit Required.
Service Industry	
Sports and Recreation	If not listed as No Permit Required.
Utilities	If not listed as No Permit Required.
Vehicle Fuel Sales and Service	
<b>Prohibited</b>	
All other uses	

### **Comment**

The FLI-P1.4.1 Use Table essentially provides No Permit Required use classes on Aboriginal land. The permit pathway is offered to eliminate the conflict with decisions made by the ALCT under the ALAct. The use classes Residential (single dwelling), Natural and Cultural Management, Passive Recreation and Utilities (minor) are also listed as No Permit Required for private freehold land.

The land use composition of The Corner is shown in Figure 13. The use and development applications granted over the last few years at The Corner have mostly comprised dwelling additions and infrastructure upgrades.



Figure 13: Land use composition at The Corner Precinct (green tags - non-residential uses; blue tag - residential uses)

There are approximately 20 private freehold properties within The Corner Precinct. Listing the use class Residential as No Permit Required is consistent with the established land use patterns. It provides private landholders the opportunity to establish a single dwelling, extend an existing dwelling, or construct an outbuilding providing use and development can comply with all the applicable acceptable solutions.

The use class Visitor Accommodation is prohibited for private freehold land. The primary purpose is to prevent truwana from opening up to the broader visitor economy. The intention expressed by the ALCT is to allow some visitor accommodation for Aboriginal people that wish to connect with country or to provide a place for young Aboriginal people to stay on the islands.

A discretionary permit pathway is provided to allow consideration of non-residential uses by the planning authority that are likely to cause emissions or impacts on the character of The Corner. These uses are important to allow diversification of economic development on truwana.

**FLI-P1.4.2 Use Table – Environmental and Cultural Protection Precinct**

<b>Use Class</b>	<b>Qualification</b>
<b>No Permit Required</b>	
Natural and Cultural Values Management	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Passive Recreation	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Pleasure Boat Facility	If: <ul style="list-style-type: none"> <li>(a) for a boat ramp or jetty; and</li> <li>(b) If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i></li> </ul>
Research and Development	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Residential	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Resource Development	If: <ul style="list-style-type: none"> <li>a) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council;</i></li> <li>b) located on Clarke Island</li> </ul>
Transport Depot and Distribution	If: <ul style="list-style-type: none"> <li>(a) for an airstrip located on Clarke Island; and</li> <li>(b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i></li> </ul>
Utilities	If: <ul style="list-style-type: none"> <li>(a) for a water treatment plant or dam; and</li> <li>(b) If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i></li> </ul>
Visitor Accommodation	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
<b>Permitted</b>	
No used in this precinct.	
<b>Discretionary</b>	
Utilities	If: <ul style="list-style-type: none"> <li>(a) not listed as No Permit Required; and</li> </ul>

	(b) If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
<b>Prohibited</b>	
All other uses	

**Comment**

The Environmental and Cultural Protection Precinct is applied to Aboriginal land only. The use classes listed were undertaken in consultation with the truwana community are considered consistent with the management plans.

**FLI-P1.4.3 Use Table – Rural Precinct**

Use Class	Qualification
<b>No Permit Required</b>	
Community Meeting and Entertainment	If: (a) for a function centre; and (b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Crematoria and Cemeteries	If: (a) for a cemetery; and (b) If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Emergency Services	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Natural and Cultural Values Management	
Passive Recreation	
Residential	If: (a) for a single dwelling or (b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Resource Development	
Resource Processing	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Sport and Recreation	If: (a) for a golf course; (b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>

Storage	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a <i>Land Use Agreement</i> is approved by the <i>Aboriginal Land Council</i> .
Recycling and Waste Disposal	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a <i>Land Use Agreement</i> is approved by the <i>Aboriginal Land Council</i> .
Utilities	If for minor utilities.
<b>Permitted</b>	
Not used in this precinct.	
<b>Discretionary</b>	
Crematoria and Cemeteries	If not listed as No Permit Required.
Domestic Animal Breeding, Boarding or Training	
Equipment and Machinery Sales and Hire	
Manufacturing and Processing	
Recycling and Waste Disposal	If not listed as No Permit Required.
Research and Development	
Resource Processing	If not listed as No Permit Required
Service Industry	
Sport and Recreation	If not listed as No Permit Required.
Utilities	If not listed as No Permit Required.
<b>Prohibited</b>	
All other uses	

### Comment

The use classes in the Rural Precinct are listed to provide for flexibility for use and development that cannot reasonably be located in The Corner Precinct. The FLI-P1.4.3 Use Table is structured to reflect the large proportion of Aboriginal land in this precinct and consistent with the CBIMP.

### FLI-P1.4.4 Use Table – Airport Precinct

Use Class	Qualification
<b>No Permit Required</b>	
Emergency Services	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a <i>Land Use Agreement</i> is approved by the <i>Aboriginal Land Council</i> .

Natural and Cultural Values Management	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Storage	If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
Transport Depot and Distribution	If: (a) for an airstrip; and (b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council; or</i> (c) for an airstrip on CT 241559/1.
Utilities	If: (a) for minor utilities; and (b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
<b>Permitted</b>	
Not used in this precinct	
<b>Discretionary</b>	
Utilities	If: (a) not listed as No Permit Required; and (b) If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995 and a Land Use Agreement is approved by the Aboriginal Land Council.</i>
<b>Prohibited</b>	
All other uses	

### Comment

The use classes listed are considered appropriate to support the function of the airstrip. The use class Transport Depot and Distribution is qualified to include the portion of private freehold land.

## FLI-P1.5 Use Standards

### FLI- P1.5.1 Discretionary uses

Objective:	That Discretionary uses: (a) are of an appropriate scale and location to support the Local Area Objectives for the islands; and (b) do not cause an unreasonable loss of amenity to adjacent sensitive uses.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<b>A1</b>	<b>P1</b>	

<p>No Acceptable Solution.</p>	<p>A use listed as Discretionary must be of a scale and intensity that is compatible with the character of the applicable precinct and must not cause an unreasonable impact on adjacent sensitive uses, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the local area objectives;</li> <li>(b) a management plan for an island;</li> <li>(c) emissions generated by the use;</li> <li>(d) compatibility with the character of the area; and</li> <li>(e) the impact on residential amenity of adjoining or adjacent properties.</li> </ul>
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**Comment**

The test will apply to discretionary uses in all precincts and seeks to reduce impacts and achieve outcomes consistent with the local area objectives and management plans.

**FLI-P1.6 Development Standards for Buildings and Works**

**FLI-P1.6.1 Building height**

<p>Objective:</p>	<p>That building height:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the character of the applicable precinct;</li> <li>(b) does not cause unreasonable loss of amenity to adjacent uses; and</li> <li>(c) minimises the impact on the natural values of the applicable precinct.</li> </ul>
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p><b>A1</b></p> <p>Building height must be no more than 8m, excluding:</p> <ul style="list-style-type: none"> <li>(a) Any development for residential use within the Corner Precinct where the building height must be not more than 6m; and</li> <li>(b) Any development within the Environment &amp; Cultural Protection Precinct where the building height must be not more than 4m.</li> </ul>	<p><b>P1</b></p> <p>Building height must be compatible with the character of the applicable precinct and not cause unreasonable loss of amenity having regard to:</p> <ul style="list-style-type: none"> <li>(a) the local area objectives;</li> <li>(b) any screening provided by the topography;</li> <li>(c) the height, bulk and form of an existing building on the same site and the adjoining property;</li> <li>(d) the height, bulk and form of the proposed building or buildings;</li> <li>(e) sunlight to habitable rooms and private open spaces of dwellings on the same site and adjoining properties; and</li> </ul>

	(f) the visual prominence of buildings when viewed from public areas including roads and foreshores.
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### FLI-P1.6.2 Building setback

Objective:	That the setback, separation and siting of buildings: <ul style="list-style-type: none"> <li>(a) is compatible with the character of the applicable precinct;</li> <li>(b) does not cause unreasonable loss of amenity to sensitive uses on the same site or an adjoining property;</li> <li>(c) makes efficient use of existing services, roads and tracks</li> <li>(d) provides for safe vehicle access; and</li> <li>(e) minimises impact on the natural values of the area.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1.1</b></p> <p>Buildings must have a setback of 6m from any boundary.</p> <p><b>A1.2</b></p> <p>Buildings in the Corner Precinct, excluding an outbuilding or a carport, must be separated a minimum distance of 10m from another building on the same site or adjoining property.</p> <p><b>A1.3</b></p> <p>Non-residential buildings in the Corner Precinct must be separated a minimum distance of 10m from an existing sensitive use.</p>	<p><b>P1</b></p> <p>Buildings must be sited to be compatible with the character of the applicable precinct and must not cause unreasonable loss of amenity to a sensitive use on the same site or the adjoining property, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the applicable local area objectives;</li> <li>(b) the size, shape and orientation of the site;</li> <li>(c) setbacks of an existing building;</li> <li>(d) the separation between existing buildings;</li> <li>(e) access to sunlight for habitable rooms and private open space of dwellings;</li> <li>(f) the visual prominence of buildings when viewed from public areas including roads and foreshores; and</li> <li>(g) the safety of the road network and its users.</li> </ul>

### FLI-P1.6.3 Building footprint and location in the Environmental and Cultural Protection Precinct

Objective:	That building footprint and location provides for: <ul style="list-style-type: none"> <li>(a) preservation of the natural character and areas of scenic importance; and</li> <li>(b) low impact development that supports the use of land for recreation and cultural activities.</li> </ul>
Acceptable Solutions	Performance Criteria
<b>A1.1</b>	<b>P1</b>

<p>The gross floor area of a building must be not more than 20m<sup>2</sup>.</p> <p><b>A1.2</b></p> <p>Buildings must have a setback from the Mean High Water Mark of 100m.</p>	<p>Buildings must be sited and designed to minimise visual impact on the landscape, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the local area objectives;</li> <li>(b) any management plan for the islands;</li> <li>(c) any screening provided by the topography;</li> <li>(d) the impact of the development on the natural and cultural values of the site and the adjacent areas;</li> <li>(e) the design, scale, siting and type of building proposed;</li> <li>(f) the visual prominence of buildings when viewed from public areas including roads and foreshores; and</li> <li>(g) any screening proposed.</li> </ul>
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Figure 14: Example of multiple dwelling separation on the same lot or adjoining lots

**Comment**

Building heights and setbacks are imposed, reflecting the current pattern and height of development in The Corner Precinct. Figure 14 shows the pattern of development typically found on a site in The Corner Precinct. The building height and setbacks for future use and development are likely to comply with the acceptable solutions and not trigger a discretionary assessment.

Building height in the Environmental and Cultural Protection Precinct is limited for new buildings. The height limit and gross floor area imposed by the proposed standards ensure that buildings retain a low profile in the islands' environmentally sensitive landscapes.

**FLI-P1.6.4 Setback from the coastal title in the Rural Precinct**

Objective:	That building setback from coastlines minimises the visual impact of development on the coastal landscape when viewed from public areas including roads and foreshores.
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Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Buildings must have a setback from the Mean High Water Mark of 100m.</p>	<p><b>P1</b></p> <p>Buildings must be sited and designed to minimise visual impact on the landscape, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the local area objectives;</li> <li>(b) any screening provided by the topography;</li> <li>(c) the impact of the development on the natural and cultural values of the site and the adjacent areas;</li> <li>(d) the design, scale, siting and type of building proposed;</li> <li>(e) the visual prominence of buildings when viewed from public areas including roads and foreshores; and</li> <li>(f) any screening proposed.</li> </ul>

## FLI-P1.7 Development Standards for Subdivision

### FLI-P1.7.1 Subdivision

Objective:	<p>That each lot:</p> <ul style="list-style-type: none"> <li>(a) has an area and dimensions appropriate for use and development in the zone; and</li> <li>(b) is provided with appropriate access to a road.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot, or lot proposed in a plan of subdivision in The Corner Precinct, must:</p> <ul style="list-style-type: none"> <li>(a) be required for public use by a council or the Aboriginal Land Council of Tasmania;</li> <li>(b) be required for the provision of Utilities; or</li> <li>(c) be for the consolidation of a lot with another lot providing it is within the same precinct.</li> </ul>	<p><b>P1</b></p> <p>Each lot, or a proposed lot in a plan of subdivision in The Corner Precinct must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the local area objectives;</li> <li>(b) any management plan;</li> <li>(c) the relevant requirements for development of buildings on the lots;</li> <li>(d) the intended location of buildings on the lots;</li> <li>(e) the topography of the site;</li> <li>(f) the capacity to connect to reticulated infrastructures services such as sewerage, water and electricity.</li> <li>(g) adequate provision for storm water retention and drainage;</li> <li>(h) the pattern of existing lots or development</li> </ul>

	<p>existing on established properties in the area; and</p> <p>(i) any constraints to development.</p>
<p><b>A2</b></p> <p>Each lot, or lot proposed in a plan of subdivision in the Environmental and Cultural Precinct and the Airport Precinct, must:</p> <p>(a) be required for public use by a council or the Aboriginal Land Council of Tasmania;</p> <p>(b) be required for the provision of Utilities; or</p> <p>(c) be for the consolidation of a lot with another lot providing it is within the same precinct.</p>	<p><b>P2</b></p> <p><b>No performance criteria.</b></p>
<p><b>A3</b></p> <p>Each lot, or lot proposed in a plan of subdivision in the Rural Precinct , must:</p> <p>(a) be required for public use by a council or the Aboriginal Land Council of Tasmania;</p> <p>(b) be required for the provision of Utilities; or</p> <p>(c) be for the consolidation of a lot with another lot providing it is within the same precinct.</p>	<p><b>P3</b></p> <p>Each lot, or a proposed lot in a plan of subdivision in The Corner Precinct must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the applicable local area objectives;</p> <p>(b) the relevant requirements for development of buildings on the lots;</p> <p>(c) the intended location of buildings on the lots;</p> <p>(d) the topography of the site;</p> <p>(e) the capacity to be serviced by on-site wastewater management system;</p> <p>(f) adequate provision for storm water retention and drainage;</p> <p>(g) the pattern of existing lots or development existing on established properties in the area;</p> <p>(h) any constraints to development.</p>
<p><b>A4</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 20m.</p>	<p><b>P4</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable frontage, sufficient to accommodate development consistent with the Zone Purpose and the requirements of the Road Authority.</p>
<p><b>A4</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p><b>P4</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <p>(a) the topography of the site;</p>

	<ul style="list-style-type: none"> <li>(b) the distance between the lot or building area and the carriageway;</li> <li>(c) the nature of the road and the traffic;</li> <li>(d) the anticipated nature of vehicles likely to access the site; and</li> <li>(e) the ability for emergency services to access the site.</li> </ul>
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**Comment**

A planning permit pathway is provided for subdivision at The Corner and the Rural Precinct, which is available to Aboriginal land and private freehold property. The test for the creation of a new lot is therefore subject to a discretionary test to allow only for the subdivision of land where it is consistent with the CBIMP and the local area objectives.

Subdivision of land in the Environmental and Cultural Precinct or the Airport Precinct is only available where serves a community interest or function or is on Aboriginal land.

The land in both mentioned precincts is held in the ownership of the ALCT and there is no private freehold land. Therefore, the use and development standards allow subdivision in the interest and benefit of Aboriginal people. The standard is proposed to prevent fragmentation of land in these precincts.

## SPP's Codes and Particular Purpose Zone

Code	
<b>C1.0</b>	<b>Signs Code</b>
<b>Comment</b>	
<p>Signs are not prevalent at The Corner or generally on the island. Applications for signs are not anticipated. However, any application for a sign that cannot meet the exemptions listed at C1.4 will require an application.</p>	
<b>C2.0</b>	<b>Parking and Sustainable Transport Code</b>
<b>Comment</b>	
<p>The Code applies to all use and development.</p> <p>Flinders Island and truwana have a combined population of approximately 906 persons, of which an estimated 7% (or around 70 persons) of the population resides on truwana<sup>1</sup>.</p> <p>truwana has an average household size of 1.5 persons, which compares to 1.9 for the municipal area.</p> <p>ABS data<sup>1</sup> shows that in 2016 there were a total of 30 motor vehicles on truwana. Therefore based on the average household size, it is determined that there is an estimated 0.85 of a motor vehicles for every household on truwana. The average is much lower than the municipal area (average 1.9 motor vehicles per household) and mainland Tasmania (average 2.3 motor vehicles per household). The lower figure indicates the isolated nature</p>	

1

[https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/602031099?opendocument](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/602031099?opendocument)

of the island with limited connection to mainland Tasmania and reflects the island's relative socio-economic disadvantage.



*Figure 15: Rocks and River Road, The Corner*

Clause C2.5.1 Car parking numbers requires that all use and development, if not exempt, must provide the number of parking spaces as prescribed in Table C2.1. In examining Table C2.1 Parking Space Requirements, would require the provision and construction of parking that well exceeds the demand on the island given the limited number of vehicles.

The nature of roads and parking on the island associated with non-residential uses, is very informal, with dirt roads and no defined kerb and channel as typically found in an urban area. There are also no defined on-street parking bays or a car park.

Use and development on the island are most likely to occur within The Corner Precinct or the Rural Precinct. The Use Table in the PPZ is constructed to limit use and development outside these two precincts. Removing the requirement for the provision of parking will not compromise road safety or result in noticeable on-road parking.

The road reserves have sufficient carriageway to comfortably accommodate vehicle parking on the shoulders of a road reserve. The lot areas demonstrate within The Corner Precinct that parking can comfortably be accommodated on a site where it is required. Additionally, it is detrimental to the coastal environment and setting to provide formal parking on the island. The ALCT is responsible for the management and maintenance of all roads on truwana.

If the PPZ does not address application of the Code, all uses, with the exception of a few, will trigger a discretion. A parking precinct plan will be applied at Clause C2.7.1 not to require additional parking on truwana or the outer islands.



*Figure 16: Thunder and Lighting Road looking towards Burgess Road*



*Figure 17: Thunder and Lighting Road, Rural Precinct, looking in the direction of The Corner*



*Figure 18: Informal parking in front of the Administration Centre at The Corner*

<b>C3.0</b>	<b>Road and Railway Asset Code</b>
<b>Comment</b>	
<p>The Code will not be applicable in most instances. It is most likely that an application for subdivision will trigger assessment against the Code.</p>	
<b>C4.0</b>	<b>Electricity Transmission Infrastructure Protection Code</b>
<b>Comment</b>	
<p>The Code does not apply to any assessment of use and development proposed on truwana or the outer islands as an electricity transmission corridor does not traverse any of the land area subject to the spatial application of the PPZ.</p>	
<b>C5.0</b>	<b>Telecommunications Code</b>
<b>Comment</b>	
<p>Telecommunication infrastructure was approved in The Corner Precinct and was approved on 20 March 2020. Telecommunication infrastructure is categorised in the use class 'Utilities'. Utilities is listed as a No Permit Required Use. The use class, however, is qualified limiting a No Required Permit pathway to minor utilities only.</p> <p>Minor utilities is defined in Table 3.1 of the SPP's as,</p> <p><i>means use of land for utilities for local distribution or reticulation of services and associated infrastructure such as a footpath, cycle path, stormwater channel, water and sewer pipes, retention basin, telecommunication lines, gas pipelines or electricity substations and power lines up to but not exceeding 110kV.</i></p> <p>Irrespective of whether the PPZ lists Utilities in the Use Table as a No Permit Required, Permitted, or Discretionary, The PPZ does not provide a specific standard that concerns telecommunication facilities. The Code applies to all development for telecommunication facilities on truwana or the outer islands. Clause 5.6.1 Visual amenity does not provide an acceptable solution, and use and development must be assessed against the corresponding P1.1 and P1.2, subjecting any proposal to a discretionary permit pathway.</p> <p>Additionally, a building height of a tower is limited to 20m in a particular purpose zone. If the building height exceeds 20m, an application would be subject to the assessment against the performance criteria at P2.</p> <p>A discretionary permit pathway is considered appropriate for assessment against the Code.</p>	
<b>C6.0</b>	<b>Local Historic Heritage Code</b>
<b>Comment</b>	
<p>Under clause C6.2.1(a)(i), the Code applies to use and development concerning a local heritage place. The islands are not included in a local heritage precinct, local historic or landscape precinct.</p> <p>There are fourteen (14) items listed in Table FLI-Table C6.1 – Local Heritage Places (see excerpt of FLI-Table C6.1) in the written document of the LPS, therefore development, including demolition of a heritage place, will trigger an assessment against the provisions of the Code.</p>	

truwana, Babel Island, Badger Island, Big Dog Island, Mt Chappell Island (excluding Goose Island, Little Badger Island and Beagle Island) all contained local heritage places with most of the places being on land vested to the ALCT under ALAct.

There are no items listed on the Tasmanian Heritage Register other than the Goose Island Historic Precinct on Goose Island. Goose Island is not land vested under ALAct to the ALCT. The PPZ is not spatially applied to Goose Island in the LPS.

The PPZ is not subject to any Tasmanian Heritage Register item in the land area defined by the PPZ and will not require an application made under the Act to be sent under section 39(3) of the *Historic Cultural and Heritage Act 1995* to the Heritage Council.

However, if use and development is proposed with respect to any of the places listed, a discretionary application pursuant to s57 of the Act will be required unless the exemptions detailed in Table C6.4.1 applies. Accordingly, a local heritage place will require a permit to be granted by the planning authority.

### FLI-Table C6.1 Local Heritage Places

Reference Number	THR Number	Town/Locality	Street address	Property Name	Folio of the Register	Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values
FLI-C6.1-1		Babel Island				Muttonbird Reserve
FLI-C6.1-2		Badger Island				Cave at northern point of island
FLI-C6.1-3		Badger Island				Grave and headstone of Lucy Beedon
FLI-C6.1-4		Badger Island				Lucy Beedons Cottage (1860-1880's)
FLI-C6.1-5		Badger Island				Stone hut for Goose Island lightkeepers (ruin), Western Beach, 1840's
FLI-C6.1-6		Big Dog Island				Site and ways of S.S.Linda, Linda Beach, 1885-87
FLI-C6.1-7		Big Dog Island				Water Rock, south of farm house
FLI-C6.1-8		Big Dog Island				William Taylors muttonbird digester and its bed of stones, foreshore in front of farmhouse, 1890's
FLI-C6.1-9		Cape Barren Island				Miss Madge Mansell's cottage, probably 1860's

FLI-C6.1-10		Cape Barren Island				Old Township Boathoour, Old Township Cove, probably pre 1860's.
FLI-C6.1-11		Cape Barren Island				Site of Captain Charles Bishop's sealing camp, Kents Bay, 1798
FLI-C6.1-12		Cape Barren Island				Site of victualling office, south-eastern inlet of Whittling Office Point, probably 1820's.
FLI-C6.1-13		Chappell Island				Shag Boatharbour anchorage and birding sites
FLI-C6.1-14		Chappell Island				Water roack, north of Shag Boathoour

### C7.0 Natural Assets Code

#### **Comment**

The waterway and protection area of the Code applies to the perimeter of the coastline. Use and development can be sited not to trigger assessment against the Code (refer to Figure 19).

Precinct and The Corner Precinct are excluded from the priority habitat overlay map. The removal will not impact the island's environmental factors and is necessary for the continued function of the airstrip and future development of the settlement.

Native vegetation and habitat retention are paramount on the islands. The vegetation across the Rural Precinct, Airport Precinct, and The Corner Precinct have a high proportion of heavily vegetated non-eucalyptus forest and woodland interspersed with heathland and coastal complexes. These are Threatened Vegetation Communities.

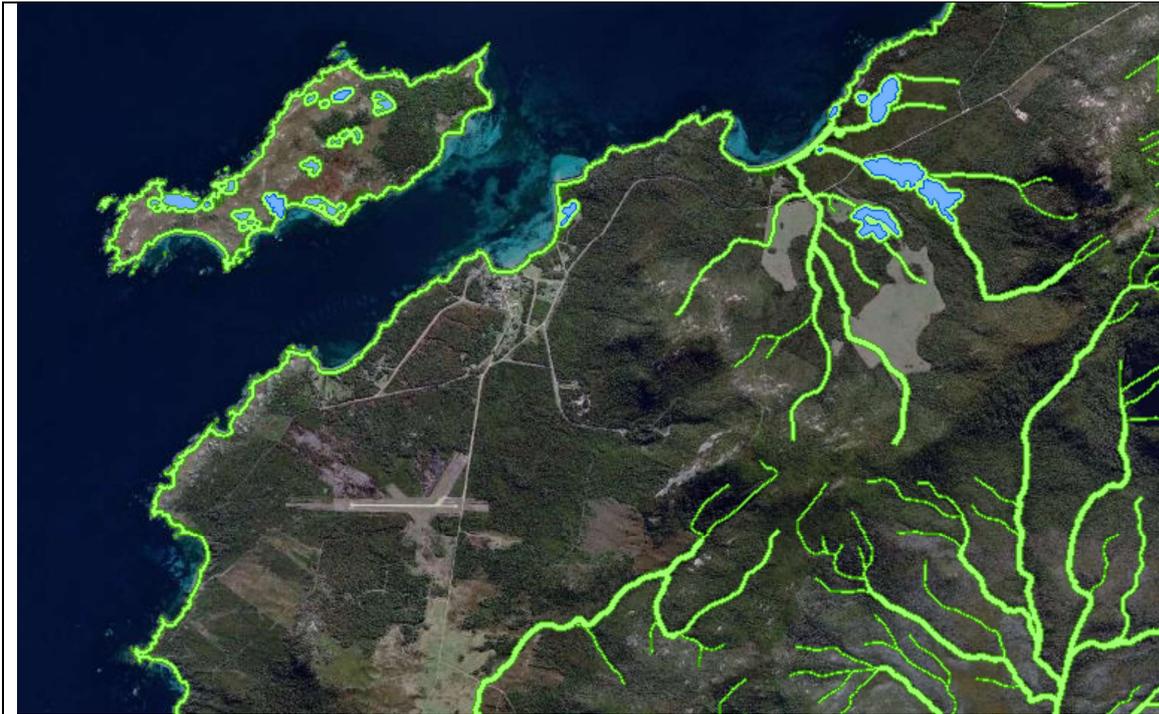


Figure 19: Waterways and Coastal Protection Area on land adjacent to The Corner Precinct

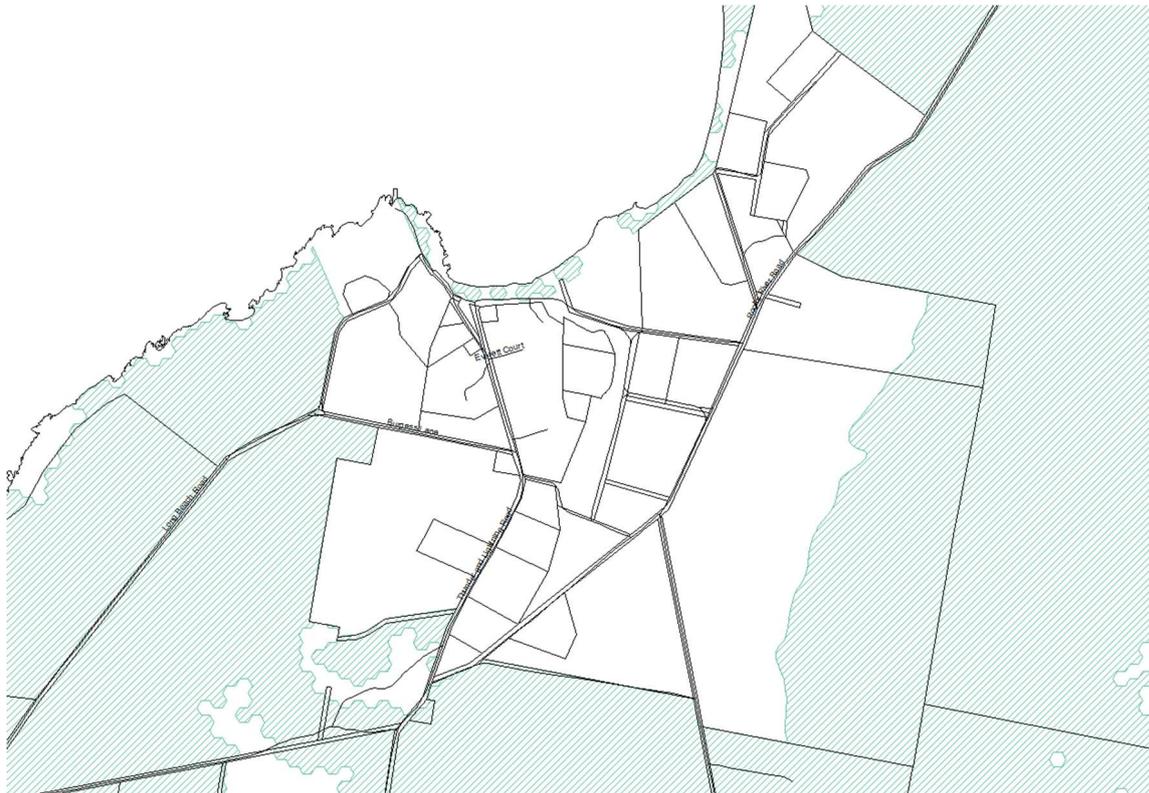


Figure 20: Priority habitat, LPS Overlay Maps removed from The Corner Precinct

The non-eucalyptus forest and woodland are currently thriving on the island. Given the intact nature of biodiversity in the Environmental and Cultural Protection Precinct, the Airport

The Code also applies to any area identified in the future coastal refugia area. The future coastal refugia area mostly extends around the perimeter of the coastline of the islands. Use and development can be sited to be outside of this area. The Code is not likely to apply.

<b>C8.0</b>	<b>Scenic Protection Code</b>
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**Comment**

There is no scenic protection area identified for truwana or the outer islands. The Code is not applicable.

<b>C9.0</b>	<b>Attenuation Code</b>
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**Comment**



Figure 21: Power generation is located at Long Beach Road.

A sensitive use proposed within the attenuation distances of a wind turbine, sewerage treatment, or a waste depot will trigger assessment against the Code. There are wind turbines located on land at Long Beach Road. A sensitive use located within the attenuation area of the sewerage treatment ponds at Rooks and River.

The intensification of any of the activities listed above is likely to have sensitive uses in the attenuation area, an application listed as No Permit Required use would lose its status and be subject to a discretionary permit. For example additional land at The Corner (refer to Figure 21) is set aside to expand infrastructure for power generation. Intensification of power generation facilities is very likely to trigger assessment against the Code if a sensitive use is located within the attenuation area.

<b>C10.0</b>	<b>Coastal Erosion Hazard Code</b>
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**Comment**



Figure 22: Power generation is located at Long Beach Road.

The coastlines of truwana and outer islands, in part, are subject to the coastal erosion hazard band. The coastal erosion hazard bands are located within the Cultural and Environmental Protection Precinct and are mostly on land vested to the ALCT under ALAct. The coastline north of The Corner Precinct is within the high coastal erosion hazard band and is contained entirely within the Cultural and Environmental Protection Precinct.

The Cultural and Environment Protection Precinct is Aboriginal land and does not include any private freehold titles. The FLI-P14.2 Use Table applies to the precinct and lists uses and development as No Permit Required. Future use and development anticipated in the precinct are for small scale development, including huts, shelter, a boat ramp, a walking trail which are associated with cultural practices, and connection to country for Aboriginal people. Limited access to the majority of the coastline within the hazard band will be by foot, and placement of structures can be appropriately managed to be located outside of the erosion hazard bands.

If use and development are to be located within any of the hazard band areas, use and development will require a discretionary permit and assessment against the Code.

<b>C11.0</b>	<b>Coastal Inundation Hazard Code</b>
<b>Comment</b>	



Figure 23: Investigation area, Coastal Inundation Hazard Band

Use and development proposed on any land subject to coastal inundation will trigger assessment against the Code. The administration centre, post office, general store, and works depot, along with the sewerage treatment ponds, are within the investigation area.

Therefore, use and development in this location will require assessment against the Code and likely to require a discretionary permit.

C12.0	Flood-Prone Areas Hazard Code
<b>Comment</b>	
A flood-prone hazard area is not identified for truwana or the outer islands. The Code will not be applicable.	
C13.0	Bushfire-Prone Areas Code
<b>Comment</b>	
truwana and the outer islands are in a Bushfire-Prone Area. It unlikely for a hazardous or vulnerable use to locate on any of the islands. The Code would not be applicable in the assessment of use and development, although the exception is subdivision. If subdivision is proposed, assessment against the Code will be necessary.	
C14.0	Potentially Contaminated Land Code
<b>Comment</b>	
There is no known land contamination on the islands. The Code is not likely to apply in the assessment of use or development.	
C15.0	Landslip Hazard Code
<b>Comment</b>	

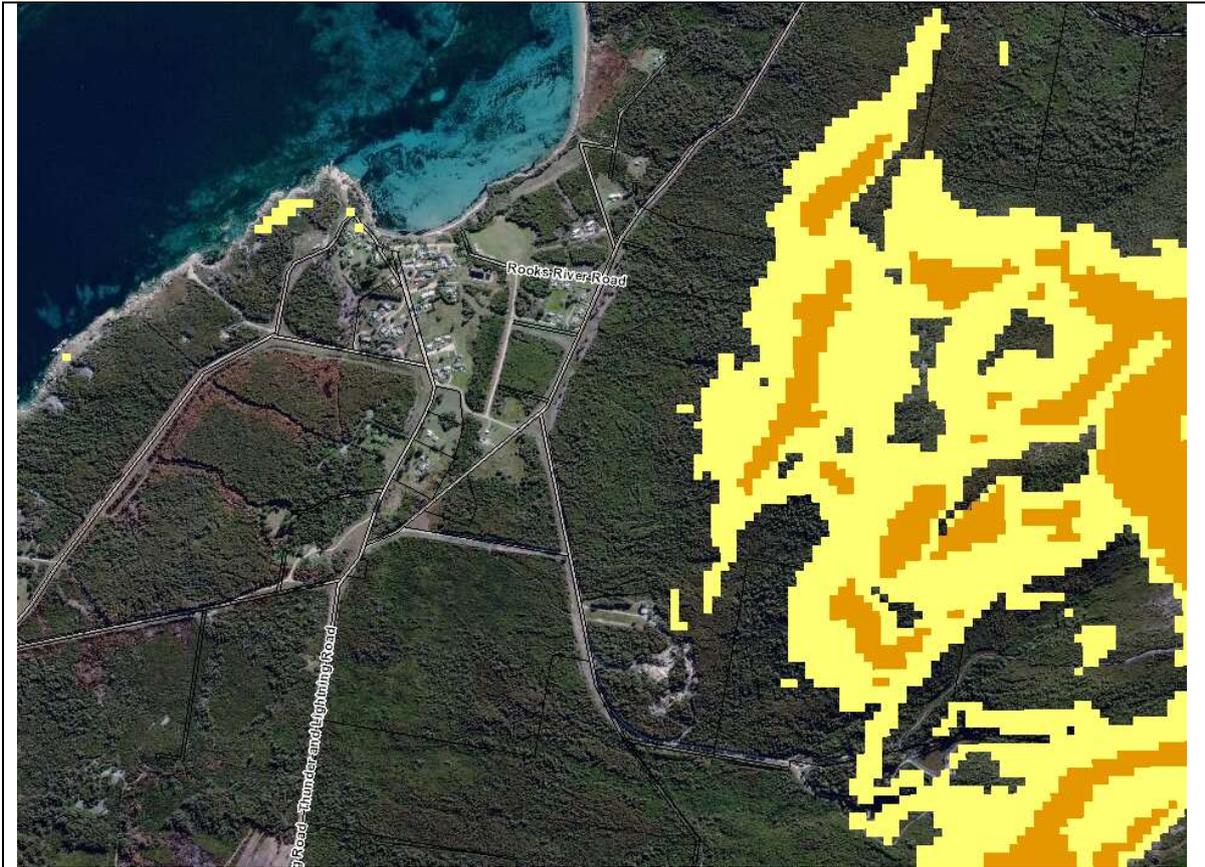


Figure 24: Landslide risk in relation to The Corner



Figure 25: Water supply servicing truwana is located within the Hazard Bands.

Low and medium risk Landslide Planning Hazard Bands (the Hazard Band) are shown for truwana and the outer island. Most of the land area is outside of The Corner Precinct. However, there are areas in the Rural Precinct and the Environmental and Cultural Precinct that are within the Hazard Band. Use and development in the Environmental and Cultural Precinct are most likely for small shelters and walking trails. It is anticipated that use and development of this nature can be sited to be outside of a Hazard Band. The Code in this instance would not apply.

The water supply within the Environmental and Cultural Precinct is within the Hazard Band. Any major works undertaken in conjunction with the water supply is likely to trigger assessment against the Code.

The use class Resource Development is a No Permit Required use in the Rural Precinct. The use class is also exempt at Clause 15.4.1(c) of the Code. Any new buildings in this precinct can be sited to be outside of a Hazard Band.

The Corner Precinct is defined to remain outside of the Landslide Planning Hazard Bands.

The Code is unlikely to apply to most use and development except the dam within the Environmental and Cultural Precinct.

<b>C16.0</b>	<b>Safeguarding of Airports Code</b>
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**Comment**



*Figure 26: Airstrip south of The Corner Precinct*

The Code applies to:

- (a) a sensitive use within an airport noise exposure area; and
- (b) development within an airport obstacle limitation area.

There are two main airstrips, one south of The Corner (refer to Figure 26) and an airstrip on Clarke Island. An overlay map showing the abovementioned areas for the mentioned airstrips will not be included in the LPS. The Code will therefore not apply to use and development on truwana or the outer islands.

## Section 32(4)

The PPZ 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 SPP's*

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

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

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

Common issues that arise include:

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

### Environmental Factors

A large proportion of the land area across the islands is retained within the Environmental and Cultural Protection Precinct, mostly to protect, manage and conserve the natural values of the islands by limiting use and development opportunities through the regulation of tight controls, in conjunction with processes under the *Aboriginal Lands Act 1995*. The Environmental and Cultural Precinct is an expansive land area providing opportunity for the effective management and retention of a well -connected ecological system as recognised in and advocated by the individual management plans.

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

is necessary for the continued function of the airstrip and future development of the settlement. This satisfies Schedule 1 objective for sustainable development.

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

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

### Social Factors

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

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

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

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

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

### Economic

The PPZ applies to land that is more remote than Flinders Island and subject to substantially different cultural practices and economic restrictions that practically renders the SPP's zones inoperable in such a location. The Socio-Economic Indexes for Areas, Index of Relative Socio-economic Disadvantage, identifies that Cape Barren Island is within the highest areas of social-economic disadvantage within Australia<sup>3</sup>.

Cape Barren Island residents also suffer significant economic disadvantage to the remainder of Flinders Island and other areas within Tasmania. Figure 1 provides 2016 SEIFA data for Flinders and Cape Barren Island, confirming the relative disadvantage residents suffer, which is confirmed by 2016 census data that identified significantly lower average personal and household incomes for residents (\$395 and \$537 respectively against the Flinders figures of \$575 and \$1021<sup>4</sup>).

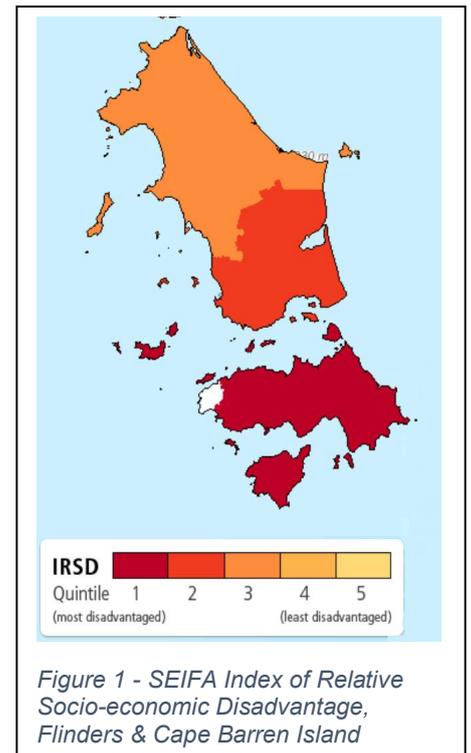
This suggests that construction of the use provisions for the PPZ ought to maximise the opportunity for new uses to establish by using the no permit required status for applications.

Difficulties experienced by the population of Flinders Island are further exacerbated by the lack of income and access limitations. This means that it is difficult for the local population to gain access to the expertise required to support the normal planning application processes. In addition to this, the *Aboriginal Lands Act 1993* requires consultation within the local community to obtain the consent required under the Management Plan.

In recognition of this, use tables make extensive provision for No Permit required uses on the basis that limited supporting information is required for these proposals, to reflect the land use components of the Management Plan and to reflect the limited economic means of the population. Permitted status is not used, as the formal application process incurs costs and obligations that can be addressed through the no-permit status, while the formal application/permit process acts as a disincentive to establishing new ventures. Discretionary status is for uses that are less critical to the daily operation and cultural activities that occur.

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

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



<sup>3</sup>

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

<sup>4</sup>

[https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/602031099?opendocument](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/602031099?opendocument)

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

## Conclusion

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

Use of the PPZ to deliver these outcomes is consistent with the requirements of the Act and strategic outcomes identified within the RLUS and local strategy. .

The proposed SAP is therefore considered to have the following:

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

## Appendix A – Land Use Agreement

## Appendix B – Management Plans

