



# **Addendum to Section 35F Report**

## **Urban Development Specific Area Plan**

### **Local Provisions Schedule**

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## Abbreviations:

Act	<i>Land Use Planning and Approvals Act 1993</i>
Commission	Tasmanian Planning Commission
Council	Flinders Council  Flinders Council in its role as a Planning Authority under <i>Land Use Planning and Approvals Act 1993</i>
Guideline No.1	<i>Guideline No.1 - Local Provisions Schedule Zone and Code Application</i>
LGA	Local Government Area
LPS	Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act
NTRLUS	Northern Tasmania Regional Land Use Strategy
SAP	Specific Area Plan
Structure Plan	Flinders Structure Plan 2016 (draft)
TPS	Tasmanian Planning Scheme
2000 Scheme	Flinders Planning Scheme 2000

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## Introduction

Review of representations 7 and 10 to the Local Provisions Schedule (LPS) and Flinders Planning Scheme 2000 (2000 Scheme) identified that the translation from the Residential zone of the 2000 Scheme into the Low-Density Residential zone of the Tasmanian Planning Scheme (TPS) in the LPS had created unanticipated complications for unit developments and subdivision within the main urban settlements of Whitemark and Lady Barron.

Two key issues were identified in the representations for future urban development as a result of the zoning requirements for the TPS:

- Use of the low-density residential zone prohibited units at a density consistent with the urban nature of the settlements and the opportunities provided under the 2000 Scheme; and
- The prohibition on subdivision of new lots less than 1200m<sup>2</sup> was inconsistent with the existing development pattern through parts of these areas and the nature of the subject settlements.

This situation resulted from the TPS prohibition on use of the General Residential zone due to a lack of reticulated sewerage services on Flinders.

It is recognised that there are location and infrastructure issues that impact development in Whitemark and Lady Barron. The assessment under the Section 35F Report on representations to the LPS supported the contentions within the representations and that a response should be developed that included all of the subject towns, as the resultant prohibitions were not a tenure-based issue and had significant opportunity to compromise wider strategic goals for social economic and population growth. It was concluded that a Specific Area Plan should be developed to address the subject issues.

Existing Council strategies recognise housing availability and affordability issues on Flinders and inform a large part of the response to development of the LPS for Council. While there is little independent data that documents this issue, policy responses to increase the available land for housing informed development of successive strategic documents for Council. Key amongst those, the Strategic Plan and draft Flinders Structure Plan.

The prohibition on use of the General Residential zone under the TPS mandated use of the next available zone, Low Density Residential, for the urban residential areas within the main settlements of Whitemark and Lady Barron. The limitations established under the Low Density Residential zone created unidentified complications for development of units/multiple dwellings and subdivision of new lots as noted in the representations and supported by Council in its Section 35F report on the LPS.

The absolute minimum site area for multiple dwellings of 2000m<sup>2</sup> and minimum lot area of 1200m<sup>2</sup> within the main urban settlements highlights the policy failure in this instance, both within the operation of the zone itself and then in application to remote urban areas such as Whitemark and Lady Barron.

Multiple dwellings and subdivision have allowed development to occur at urban densities over the life of the 2000 Scheme without significant failures being identified. Imposition of ultimate thresholds as a result of the drafting requirements of the TPS will effectively terminate those options.

The provisions of the Low Density Residential zone present a conundrum that highlights the special nature of this situation, in that multiple dwellings must have a minimum site area per dwelling of 2000m<sup>2</sup> while subdivision allows new lots to be created down to 1200m<sup>2</sup>. Thus, subdivision of freehold

lots, each with their own onsite infrastructure, allows significantly more intensive development than is possible through multiple dwellings, which typically have shared infrastructure and limitations on development. The policy basis for this is not clear within the TPS supporting documents and the benefits of this regulatory outcome are unclear.

These restrictions under the TPS results from the administrative requirements for use of the General Residential zone. They will have significant and negative impacts for Flinders.

## Urban Development Specific Area Plan

The plan purpose statements are specific to the subject issues and location, to limit potential adverse or unintended consequences of their function.

### Application

The Plan is applied to the urban areas of each settlement, which was informed by the respective zoning and location within the Water Serviced Land available on LISTmap, as identified within the respective overlay.

### Whitemark

Within Whitemark, zones for development of the SAP are based around Low Density Residential, Local Business, Community Purpose and Light Industrial zones under the LPS, which comprise the main urban area of the township.

This information was reviewed against the Water Serviced Land layer for provision of reticulated water services. These respective information sets are shown in Figure 3.

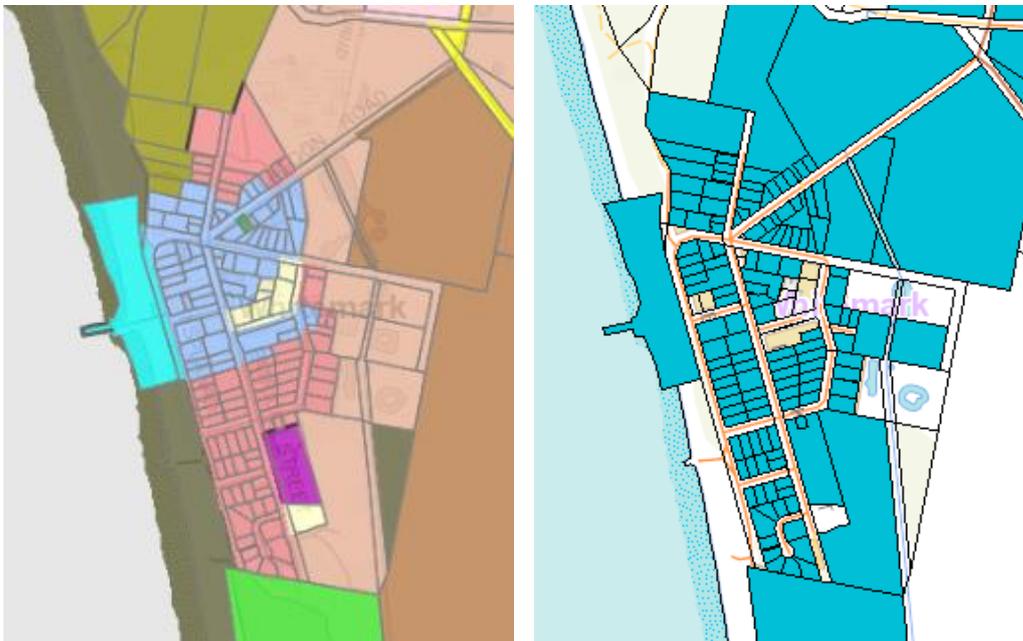


Figure 1 - LPS zoning regime (Left) and Water Serviced Land (right)

Lands within the Port and Marine, Industrial and Environmental Management zone on the exhibited LPS were not included in the zone, as they were not intended for urban and residential development or subdivision for those purposes.



*Figure 2 – Proposed SAP Boundary at Whitemark (red outline) with LPS zoning regime*

#### Lady Barron

Within Lady Barron, zones for development of the SAP are based around the Low Density Residential and Village zones under the LPS, which comprise the main urban area of the township.

Lands that are not intended for urban and residential development or subdivision were excluded from the SAP, which includes the Port and Marine zone and the Murray Holloway Airfield. It also includes lands proposed for the Rural Living zone, due to the density for subdivision and nature of intended use within that zone.

This information was reviewed against the Water Served Land layer for provision of reticulated water services. These respective information sets are shown in Figure 3.

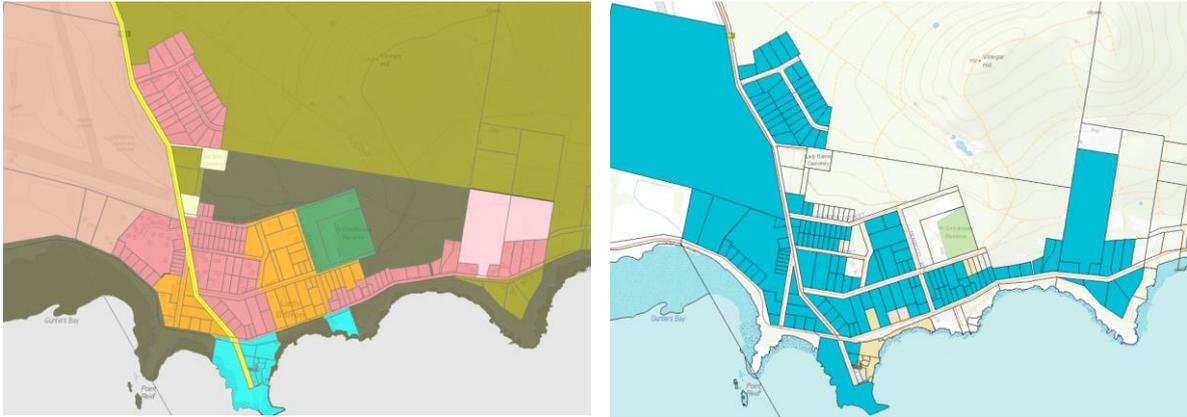


Figure 3 - LPS zoning regime (Left) and Water Serviced Land (right)

The SAP is identified by the red line on Figure 4, which includes Crown Land titles that are proposed for the Low-Density Residential zone and urban development under the Section 35F Report.

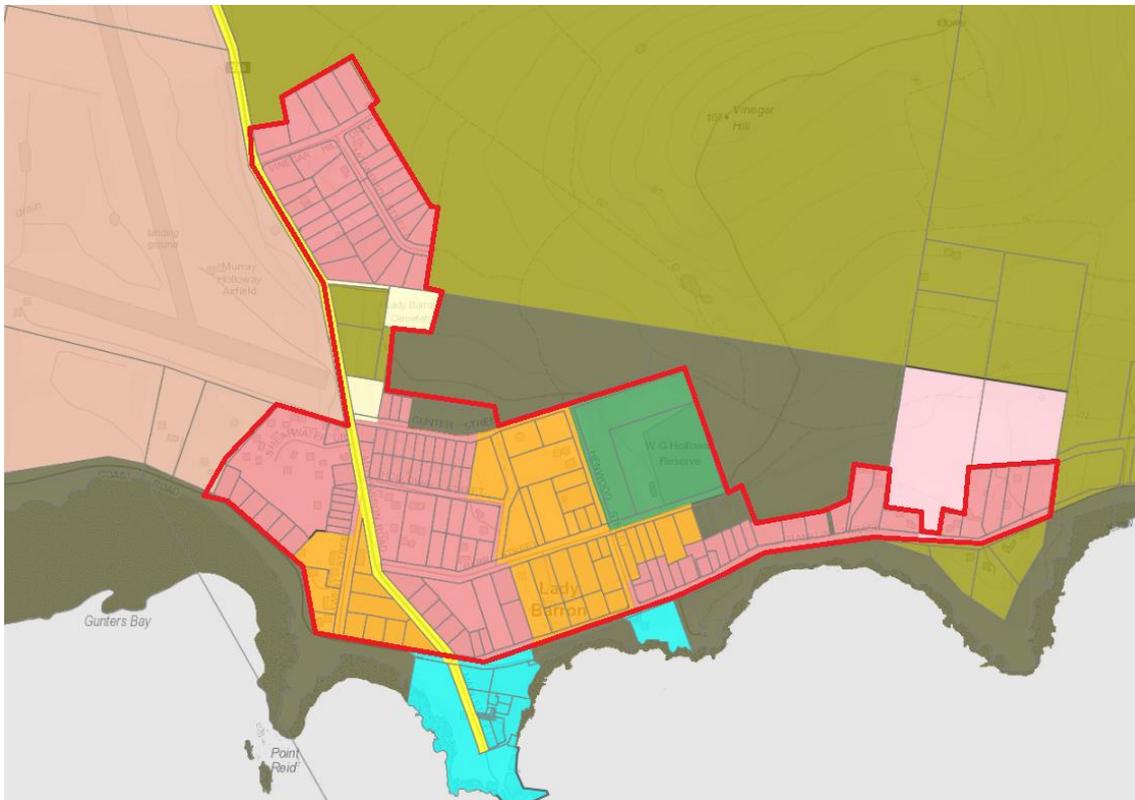


Figure 4 - boundary of proposed FLI-S5.0 Urban Development Specific Area Plan (Lady Barron)

Local area objectives, definitions specific to the SAP, together with provisions relating to use entitlements and standards are not used in the SAP as they do not relate to the specific issues under consideration.

### Development Standards for Buildings and Works

The SAP proposes one development standard for density for multiple dwellings.

FLIU-S5.7.1 proposes to use the acceptable solution and performance criteria from the equivalent standards at 12.4.1 of the Village Zone of the TPS. This standard will apply in substitution for A1 and P1 of clause 10.4.1 Residential density for multiple dwellings.

The Village zone was developed to apply across a range of areas with a mix of uses, as reflected in under Guideline No.1 at VZ1 to VZ4. This includes settlements of a similar nature that do not always have reticulated sewer services.

It is submitted that the limited services for Whitemark and Lady Barron create a situation that is better suited to this set of standards from the TPS. Failure to address this situation will result in further restrictions on the provision of housing in a market already suffering restrictions on supply, availability and affordability.

### Development Standards for Subdivision

The SAP proposes one development standard for density of lot design through subdivision.

FLIU-S5.8.1 proposes to use the acceptable solution and performance criteria from the equivalent standards at 12.5.1 of the Village Zone of the TPS. This clause will apply in substitution for A1 and P1 of clause 10.6.1 Lot design within the Low Density Residential Zone.

The Village zone was developed to apply across a range of areas with a mix of uses, as reflected in under Guideline No.1 at VZ1 to VZ4. This includes settlements of a similar nature that do not always have reticulated sewer services.

It is submitted that the limited services for Whitemark and Lady Barron create a situation that is better suited to this set of standards from the TPS. Failure to address this situation will result in further restrictions on the subdivision of additional lots for housing in a market already suffering restrictions on supply, availability and affordability.

## Assessment against the Act

The Act requires that local provisions meet a range of tests, specifically including the following at section 32(4):

- (4) *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 SPPs.*

While both criteria arguably apply to the operation of the SAP, Section 32(4) (b) is considered the most appropriate due to the particular qualities applying to Flinders Island:

- i) absence of reticulated services in all settlements; and
- ii) the pattern of development acknowledged in the NTRLUS as dependent on local strategy and typified by lower than usual density of development across residential settlements.

### **Economic**

Whitemark and Lady Barron provides the only opportunities for urban style housing and communities on Flinders.

The small and isolated nature of the existing settlements resulted in a lack of reticulated sewerage services. Attempts to have Taswater provide reticulated sewerage services have been unsuccessful to date.

It is understood that the small populations of the settlements make such a service infeasible to establish and then operate. The cost imposition to the Council and local community is outside what is possible without significant external funding commitments, which have not been provided to date. Council is unable to address the requirements of the Taswater *Water and Sewerage Network and Charges Policy* to enable reticulation networks to be established.

The requirements of the TPS and Guideline No.1 then prohibit use of the General Residential zone as Whitemark and Lady Barron do not have reticulated sewerage. Taswater advise there is no timeframe for their delivery in the known future.

Development opportunities that are then provided through planning schemes for multiple dwellings and subdivision within urban areas are then significantly curtailed under the transition to the TPS.

The provision of housing for resident, worker and visitor populations forms a significant issue for strategic development of the local economy, as recognised through local strategy and reflected at various points in the RLUS.

Within Tasmania and Australia, ABS statistics identify that subdivision and multiple dwellings provide significant economic influence on local and regional economies and increasing opportunities to deliver housing options in a more economically sustainable manner that improves use of existing social, cultural, infrastructure and economic resources that urban development provides. This is reflected

by the intervention of the Tasmanian Government to standardise requirements on both issues through planning schemes and then maintain those controls through successive planning reforms.

Alteration of the TPS to allow opportunity for multiple dwellings and subdivision within the urban settlements forms a critical part of the land use planning response to the social, economic and spatial qualities of the subject lands. The provision of additional and affordable housing is critical to establish the target population threshold and to support diversification of the rural economy.

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

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

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

The sterilisation of multiple dwelling and subdivision opportunities on Flinders through a prohibition on use of the General Residential zone under the TPS will have a significant impact on the local development economy and the ability of Flinders Island to be able to provide housing for all aspects of the residential and accommodation markets.

Failure to address anomaly this will, in turn, present an ongoing constraint on the ability of the local economy to function and grow into the future through an artificial restriction for subdivision and multiple dwellings in an already constrained location.

As noted in the Supporting Report, the Flinders Tasmanian Gross Regional Product represents approximately 30% of the Tasmanian figure<sup>1</sup>. Population growth is critical to the future economic and social sustainability of the Island and growth of its economic profile.

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

The need to respond to restrictions on multiple dwellings and subdivision under the TPS is essential to deliver residential development options identified under the NTRLUS and Structure Plan.

Provision of land for residential development within Whitemark and Lady Barron is critical for population growth and the resultant economic activity it will generate.

<sup>1</sup> Flinders Council ID Economic Profile, <http://economy.id.com.au/flinders-island/gross-product>

The SAP is therefore considered to be significant at the regional and local economic levels, and potentially the State level given impacts to Gross Regional Product.

### ***Social Factors***

The high level of residential amenity provided within Whitemark and Lady Barron aligns with strategic expectations for delivery of housing and concentration of development within existing settlements established within the TPS, NTRLUS, Structure Plan and Supporting Report.

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

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

The representation from Communities Tasmania identified a critical requirement for the provision of social and community housing options on Flinders that will be prohibited under the restrictions within the TPS. The proposed SAP is the only reasonable way to ensure that social, community and affordable housing can be delivered in an affordable way within a remote community.

Enabling more housing styles and tenures will increase the opportunity to attract and retain residents that do not conform to the dominant retiree or 'family' demographics, including employees seeking longer term rental accommodation. It may also provide an opportunity for alternative ownership and delivery models to achieve affordable housing through self and community build projects on common land.

Multiple dwellings and subdivision are consistent with the NTRLUS that identify the need for local strategy on Flinders to drive strategic and development outcomes within the Furneaux Group of islands.

The SAP is therefore considered to be recognised as significant at the regional and local levels.

### ***Spatial definition***

The SAP is proposed for the urban extents of Whitemark and Lady Barron and makes use of existing infrastructure and services. This facilitates allotments that are more affordable to develop. Affordability is a critical issue within the municipality. Land supply and the ability to develop multiple dwellings are two critical elements. This is considered to be consistent with expectations for delivery of housing and concentration of development within existing settlements established within the TPS, NTRLUS, Structure Plan and Supporting Report.

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

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

The SAP is therefore considered to be spatially significant at the regional and local level.

### Conclusion

The concentration of reasonable expectations for urban development through subdivision and multiple dwellings within Whitemark and Lady Barron represents a significant economic, social and spatial outcome for resident, worker and visitor populations on Flinders. Use of the SAP to deliver these outcomes through substitution of the TPS controls of the relevant controls for those from a similar zone within the TPS is consistent with the requirements of local strategy, LUPAA and RLUS.

Pursuant to Section 34(2)(b) of LUPAA, FLI-S5.0 Urban Development Specific Area Plan is therefore considered to have the following:

- economic significance at the municipal level in terms of facilitation increasing subdivision and housing choices and providing more affordable housing options to support population growth and the resultant economic impacts. Potential economic impacts at the regional and state levels, given the gross regional product values of Flinders;
- social significant at the municipal level in terms of facilitating housing options that provide for the urban housing options, increase population levels to sustain critical services and increase the availability of affordable housing on Flinders; and
- spatial significance at the municipal level in terms of providing reasonable development opportunities that are consistent with the nature of Whitemark and Lady Barron and expectations of the local community.

## FLI-S5.0 Urban Development Specific Area Plan

### FLI-S5.1 Plan Purpose

The purpose of the Whitemark Rural Living Specific Area Plan is:

- FLI-S5.1.1 To provide appropriate discretion for the density of multiple dwellings within urban areas of Whitemark and Lady Barron.
- FLI-S5.1.2 To provide for appropriate discretion on minimum lot size through subdivision within urban areas of Whitemark and Lady Barron.

### FLI-S5.2 Application of this Plan

- FLI-S5.2.1 The specific area plan applies to the area of land designated as Urban Development Specific Area Plan on the overlay maps.
- FLI-S5.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for the provisions of the Low Density Residential Zone, as specified in the relevant provision.

### FLI-S5.3 Local Area Objectives

This subclause is not used in this specific area plan.

### FLI-S5.4 Definition of Terms

This subclause is not used in this specific area plan.

### FLI-S5.5 Use Table

This subclause is not used in this specific area plan.

### FLI-S5.6 Use Standards

This subclause is not used in this specific area plan.

### FLI-S5.7 Development Standards for Buildings and Works

FLI-S5.7.1 Residential density for multiple dwellings

This sub-clause is in substitution for Low Density Residential Zone – clause 10.4.1 Residential density for multiple dwellings A1 and P1

That the density of multiple dwellings is appropriate for the nature of the zone.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Multiple dwellings must have:</p> <p>(a) a site area per dwelling of not less than 600m<sup>2</sup>; and</p>	<p><b>P1.1</b></p> <p>For a site that has a connection to or is capable of being connected to a reticulated stormwater and full water supply service, multiple dwellings must only have a site area per dwelling that is less than 600m<sup>2</sup> if the number of dwellings:</p>

<p>(b) a connection to a reticulated stormwater and full water supply service.</p>	<p>(a) have a site area per dwelling that does not exceed the capacity of the reticulated infrastructure services; and</p> <p>(b) are consistent with the density existing on established properties in the area; or</p> <p>(c) the development provides a specific accommodation need with significant social or community benefit.</p> <p><b>P1.2</b></p> <p>For a site that is not capable of being connected to a reticulated sewerage, stormwater or full water supply service, multiple dwellings must have a site area that:</p> <p>(a) is sufficient for on-site wastewater and stormwater disposal and water supply; and</p> <p>(b) a regulated entity has provided written advice stating that the site is unable to be connected to a full water supply service or a reticulated sewerage system.</p>
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## FLI-S5.8 Development Standards for Subdivision

### FLI-S5.8.1 Lot Design

This sub-clause is in substitution for Low Density Residential Zone – clause 10.6.1 Lot design A1 and P1

<p>Objective:</p>	<p>That each lot:</p> <p>(a) has an area and dimensions appropriate for use and development in the zone;</p> <p>(b) is provided with appropriate access to a road; and</p> <p>(c) contains areas which are suitable for residential development.</p>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 1500m<sup>2</sup> and:</p> <p style="margin-left: 20px;">(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p style="margin-left: 40px;">a. all setbacks required by clause 10.4.3 A1 and A2; and</p> <p style="margin-left: 40px;">b. easements or other title restrictions that limit or restrict development; and</p>	<p><b>P1</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 sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of existing buildings on the lots;</p> <p>(b) the intended location of buildings on the lots;</p> <p>(c) the topography of the site;</p> <p>(d) the presence of any natural hazards;</p> <p>(e) adequate provision of private open space; and</p>

<p>(ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>(f) the pattern of development existing on established properties in the area.</p>
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### **FLI-S5.9 Tables**

This subclause is not used in this specific area plan.