



# Response to Directions

## Post hearing Directions Feb 2022

March 2022

Prepared by:



## Contents

|  |           |
|--|-----------|
| <i>Abbreviations</i> .....                                 | <i>ii</i> |
| <i>Introduction</i> .....                                  | <i>1</i>  |
| <i>Directions</i> .....                                    | <i>1</i>  |
| Direction 1  | 1         |
| Direction 2  | 3         |
| Direction 5  | 6         |
| Direction 6  | 7         |
| Direction 8  | 7         |
| Direction 9  | 9         |
| Direction 12   | 9         |
| Direction 13   | 10        |
| Direction 14   | 11        |
| Direction 15   | 12        |
| Direction 16   | 16        |
| Direction 17   | 17        |
| Direction 18   | 18        |
| Direction 19   | 19        |
| Direction 20   | 20        |
| Direction 21   | 22        |
| <i>Annexure 1 – Revised Specific Area Plan</i> .....       | <i>24</i> |
| <i>Annexure 2 – FLI-P1.0 Particular Purpose Zone</i> ..... | <i>27</i> |

## Abbreviations:

|                |  |
|----------------|--|
| Act            | <i>Land Use Planning and Approvals Act 1993</i>  |
| Commission     | Tasmanian Planning Commission  |
| Council        | Flinders Council<br><br>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  |

### Document Issue Status

| Ver. | Issue Date   | Description     | Originator |  | Checked |  | Approved |  |
|------|--------------|-----------------|------------|--|---------|--|----------|--|
| 0.1  | 7 March 2022 | Councillor Copy | MP         |  | MP      |  |          |  |
| 0.2  | 9 March 2022 | Council agenda  | MP         |  | JS      |  |          |  |
|      |              |                 |            |  |         |  |          |  |

## Introduction

The Tasmanian Planning Commission (Commission) held hearings into the Flinders Local Provisions Schedule (LPS) on Flinders Island on 8, 9, and 10 February 2022.

Following closure of the hearings, the Commission issued directions on 21 February 2022. Those directions were numbered for clarity of response.

This report provides a response to those directions that require a response from the Planning Authority (Council).

## Directions

The Commission issued 21 directions for Council action following the hearings into the LPS and representations that were received. These are summarised as follows:

Directions 3, 4, 5, 6, 7, 8, 9, 10, 11, 16 and 17 include procedural matters such as obtaining owner consent on behalf of the Commission. These did not require a decision from Council.

Directions 1, 2, 5, 6, 8, 9, 12, 13, 14, 15, 16, 17 and 18 require decisions from Council as a consequence of matters raised in the hearings,

Directions 19, 20 and 21 require a response from Council as late submissions to the process that were accepted by the Commission during the hearing process.

Directions 23 to 25 do not require a response from Council.

Responses to Directions for Council are discussed as follows.

### Direction 1

Direction 1 relates to Representation 8 and provides the following:

*Submit a revised version of the Urban Development Specific Area Plan, including the following:*

- *revised Specific Area Plan title incorporating 'Lady Barron' and 'Whitemark';*
- *revised Specific Area Plan Purpose with reference to 'Whitemark Rural Living Specific Area Plan' removed;*
- *revised objective for the use standard at clause FLI-S5.7.1 to clarify what is meant by 'nature of the zone';*
- *revised clause FLI-S5.7.1 P1.1 to clarify what is meant by 'existing development density' to ensure that it would provide for the intended density and comparison.*
- *consideration of whether there should be a maximum density specified in FLI-S5.7.1 P1.1;*
- *consideration of whether FLI-S5.7.1 P1.1(c) should be revised to clarify how it would operate (the development provides a specific accommodation need with significant social or community benefit);*
- *revised clause FLI-S5.7.1 P1.2 with reference to reticulated sewerage system removed; and*
- *revised Specific Area Plan mapping that includes application of the Specific Area Plan to the Crown land in Barr Street and Gunter Street that is the subject of representations 7 and 10, and the area of the Specific Area Plan otherwise reduced to the Low Density Residential Zone.*

A revised copy of the Specific Area Plan was prepared in accordance with the directions and is provided as Annexure 1 to this report. to identify where the SAP applies.

The SAP is proposed to apply to the Low Density Residential zone within the urban extents of Whitemark and Lady Barron, as shown within the red borders in Figure 1 and Figure 2.

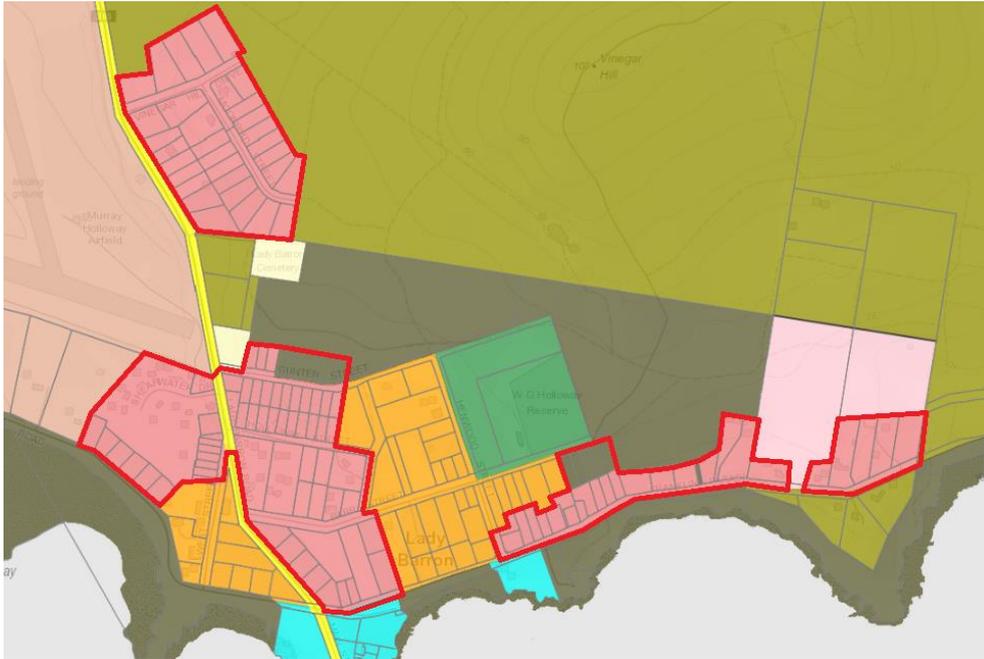


Figure 1 - SAP application - Lady Barron

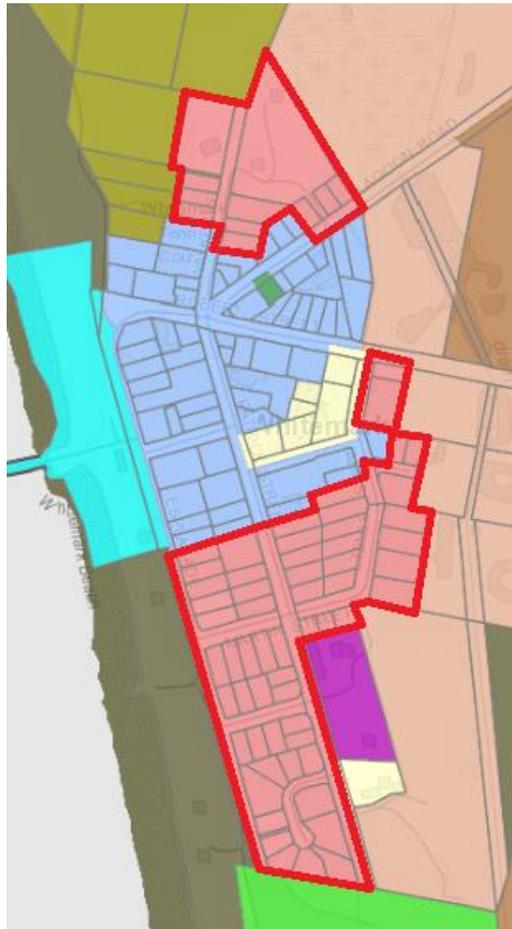


Figure 2 - SAP application - Whitemark

**Recommendation:** that FLI-S5 Whitemark and Lady Barron Urban Development Specific Area Plan provided in Annexure 1, be adopted and applied to the Low Density Residential zone in Whitemark and Lady Barron identified in Figure 1 and Figure 2.

### Direction 2

Direction 2 relates to Representation 8 and provides the following:

*Provide a further response to the proposed Rural Living Zone at Pot Boil Road, Lady Barron that is the subject of Representation 8. If the Planning Authority supports the Zone, comment on what Rural Living sub-zone should apply and whether subdivision would be possible. Furthermore, provide a statement that outlines how the Zone and the use and development potential it provides for is consistent with the State Coastal Policy. The submission must also provide an opinion on whether the Site-specific Qualification proposed for the land should apply to land zoned Rural Living.*

The properties subject to the Direction relate to lots that were approved under a 1961 subdivision that were in the process of being released to separate titles. The Council decision in the Section 35F Report was to rezone the smaller titles to Pot Boil Road Low Density Residential and retain the exhibited Landscape Conservation zone over the larger lots to the rear.

Since that decision, Council resolved to construct a road over a reservation it owned. The subject lands and road reservation are identified in Figure 3.

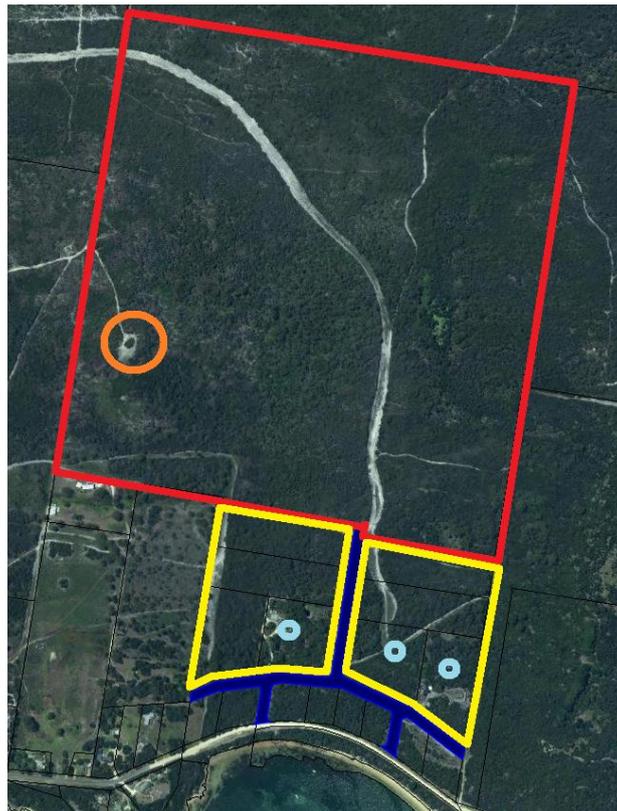


Figure 3 - Lands subject to representation 8 and Direction 2

### Zoning

The subject area contains 5 titles in common ownership that were the subject of representation 8, and three titles in separate ownership.

The representor submitted at the hearings that Rural Living Zone category A was sought to allow further subdivision potential of their titles within the yellow border, which will most likely allow each title to be subdivided into two lots.

Following Council's decision to construct a road to service the individual lots, the suitability of the Landscape Conservation zone was questioned. Arguments for zoning the subject lots within the Supporting Report are no longer relevant, given release of the titles by State<sup>1</sup>.

The area in red was exhibited in the Landscape Conservation zone, which was not contested. The Vinegar Hill Lookout is highlighted by the orange circle and is contained within the subject lands.

The areas highlighted by yellow are the lands where the zoning is contested. It is noted that the owners of the three titles in separate ownership (identified by light blue circles) did not make representation to the LPS. Any rezoning of the titles under Representation 8 must also address the zoning of these additional three titles. The statutory process for a substantive alteration to the LPS can address these matters.

The following table provides a comparison between the requested Rural Living and exhibited Landscape Conservation zones.

| <b>Issue</b>                 | <b>Rural Living</b>   | <b>Landscape Conservation</b>   |
|------------------------------|---|---|
| <b>Use standards</b>         |   |   |
| Residential use              | No permit required for single dwelling, permitted for home business | Discretionary *   |
| Use tests                    | Operating hours<br>External lighting<br>Commercial vehicles         | Operating hours   |
| Discretionary use            | NA  | Discretion on suitability for the zone  |
| Visitor Accommodation        | Permitted, plus additional use tests                                | Discretionary, plus additional use tests  |
| <b>Development Standards</b> |   |   |
| Site coverage                | 400 m <sup>2</sup> or discretionary                                 | 400 m <sup>2</sup> or discretionary   |
| Building height              | 8.5m or discretionary   | 6m or discretionary   |
| Front setback                | 20m or discretionary  | 10m or discretionary  |
| Side/rear setbacks           | 10m or discretionary  | 20m or discretionary  |
| Rural/Ag zone setbacks       | 200m or existing  | 200m or existing  |
| Exterior finishes            | NA  | 40% light reflectance value and dark colours or discretionary   |
| Access to Road               | NA  | Required for new dwellings, or discretionary  |
| Landscape protection         | NA  | In building area or discretion on suitability   |
| Landscape Values             | NA  | In building area or discretion on: <ul style="list-style-type: none"> <li>• Suitability;</li> <li>• Cut, fill and visibility</li> </ul> |
| <b>Subdivision</b>           |   |   |
| Minimum lot sizes            | 1, 2 5 or 10 ha or discretion (up to 20% reduction)                 | 50 ha, discretion down to 20 ha   |

<sup>1</sup> P 56 Supporting Report

| <b>Issue</b> | <b>Rural Living</b>                  | <b>Landscape Conservation</b> |
|--------------|--------------------------------------|-------------------------------|
| Frontage     | 40m or discretionary                 | 40m or discretionary          |
| Access       | By road or discretionary             | By road or discretionary      |
| Roads        | New roads discretionary              | NA                            |
| Water        | Connection required                  | NA                            |
| Sewer        | Connection required or discretionary | Onsite by discretion          |

\* permitted if on lots with a building area, which none of the subject lots have under the 1961 subdivision.

*Table 1 - Comparison LPS Rural Living and Landscape Conservation zones*

Lands to the west were addressed at section 3.5 of the Supporting Report, where Rural Living zone was supported for parts of the adjoining title to provide an offering that is currently unavailable.

The direction also seeks a response on how the zoning proposed is consistent with the State Coastal Policy (Coastal Policy). The Coastal Policy seeks to prevent inappropriate development in and provide for sustainable management of coastal environments.

The overwhelming majority of matters under the State Coastal Policy were effectively removed from any meaningful consideration through subdivision of the lands in 1961 and then the recent release of the lots by the Recorder of Titles. The 1961 subdivision is a legacy issue that the Council is forced to deal with through the LPS process.

Creation of the lots restricts assessment of potential impacts of future development to zone selection. Given housing known issues on Flinders, Rural Living is preferred as it provides a permitted pathway for housing on the lots. While the Landscape Conservation zone may provide for better consideration of development impacts, the nature and layout of the approved lots in this location are not considered to be consistent with the purpose of that zone.

Discussion with Council identified a desire to limit intensification of development through re-subdivision of the existing lots, which is consistent with the strategies and consultation supporting the LPS and the intended outcomes of the Coastal Policy. Rural Living B zone is therefore appropriate.

### **Site Specific Qualification**

Direction 15 also seeks advice on retention of SSQ to the subject lands. FLI-22.2 provides an additional performance criterion assessment for any subdivision of the subject lands as follows:

*Subdivision of the site must provide public access to the summit of Vinegar Hill, having regard to the location of the existing track*

The provision of access to Vinegar Hill lookout was identified through the Structure Plan process as a significant outcome for the community and addressed through a site-specific qualification in the LPS for the two relevant properties.

Legal advice was sought over the implications of using a SSQ in this manner through a planning scheme. Issues were identified in terms of the ability to develop a legally functional statement for the qualification and likely complications that would result from the opportunity for compensation under the *Land Use Planning and Approvals Act 1993* and the public open space provisions under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

As a result, FLI-22.2 is no longer supported for the subject title.

**Recommendation:** modify the LPS by:

- 2.1 rezoning the following titles from Landscape Conservation zone to Rural Living B: CT 181695, folios 1, 2, 3 and FR 181696, folios 1 and 2; and
- 2.2 As a consequence of that change, the privately owned titles (FR's 166714/1, 95501/29 and 166715/1) within this area should also be rezoned from Landscape Conservation to Rural Living B; and
- 2.3 Delete SSQ – FLI-22.2.

#### Direction 5

Direction 5 provides the following for Council response:

*Provide a diagram showing how the Priority Vegetation Area overlay would be applied to the following properties in the event that the land is zoned Rural and in each instance confirm that the owner of the land agrees with application of the overlay:*

- 901 Coast Road, Lady Barron FR 209407/1; and
- 927 Coast Road, Lady Barron FR 25190/1.

Council resolved that the subject properties be zoned rural, with the Priority Vegetation Overlay applying in accordance with the Regional Ecosystem Model as part of its original submission of the LPS to the Commission for assessment.

This is shown in Figure 4, with the subject properties identified by the red border.



Figure 4 - Priority Vegetation overlay for 901 & 927 Coast Road

No information is available to suggest that the Priority Vegetation overlay should be modified from those original submissions. GIS data for this overlay was previously submitted to the Commission as part of the original submissions.

Owners consent was addressed as a procedural matter.

**Recommendation:** Council support application of the Priority Vegetation Overlay as originally submitted to the Commission.

## Direction 6

Direction 6 provides the following for Council response:

*Provide a diagram showing how the Priority Vegetation Area overlay would be applied to the following properties in the event that the is zoned Rural or Rural Living:*

- 250 Lady Barron Road, Whitemark FR 27823/1.

Council resolved that the subject properties be zoned rural, with the Priority Vegetation Overlay applying in accordance with the Regional Ecosystem Model as part of its original submission of the LPS to the Commission for assessment. This is shown in Figure 5, with the subject property highlighted in red.

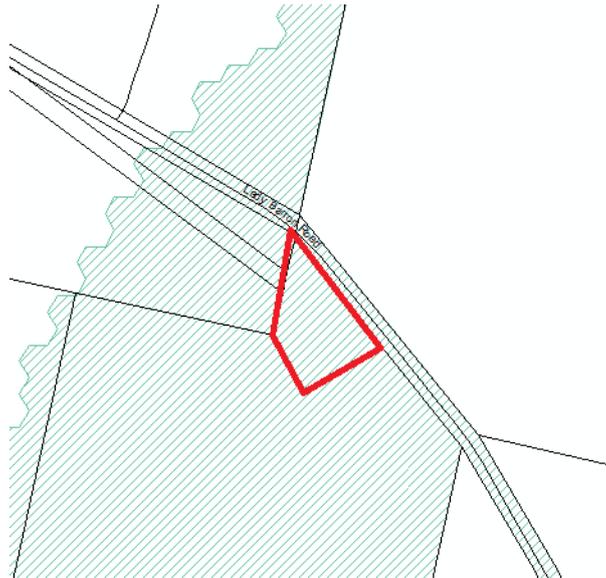


Figure 5 - Priority Vegetation Overlay for 250 Lady Barron Road

The submissions that were provided during the hearings from the property owner identify that the site was cleared when purchased, the vegetation identified on the property was largely planted by the current owner and that as such, it is unlikely to meet the definition of *native vegetation* provided within the TPS for these purposes.

As such, it is questionable whether the vegetation in question is eligible for inclusion within the Priority Vegetation Overlay.

In this respect, Council supports application of the overlay if it is eligible for inclusion within the defined term Native Vegetation.

**Recommendation:** Council support application of the Priority Vegetation Overlay as originally submitted to the Commission, where the subject vegetation complies with the defined term Native Vegetation, established at Table 3.1 of the TPS.

## Direction 8

Direction 8 provides the following for Council response:

*Provide a diagram showing how the Priority Vegetation Area overlay would be applied to the following properties in the event that the land is zoned Rural and in each instance confirm that the owner of the land agrees with application of the overlay:*

- 127 Memana Road, Whitemark FR 14670/1;
- 251 Memana Road, Whitemark FR 155427/1;

- 89 Blundstone Road, Whitemark FR 156154/1, FR 225623/1, FR 225624/1, FR 225625/1, and FR 220373/1;
- 159 Blundstone Road, Whitemark FR 212657/1;
- Blundstone Road, Whitemark FR 245335/1; and
- Palana Road, Whitemark FR 213669/1 and FR 173164/1.

Council resolved that the subject properties be zoned rural, with the Priority Vegetation Overlay applying in accordance with the Regional Ecosystem Model as part of its original submission of the LPS to the Commission for assessment. This is shown in Figure 6, with the subject properties identified by the red border.

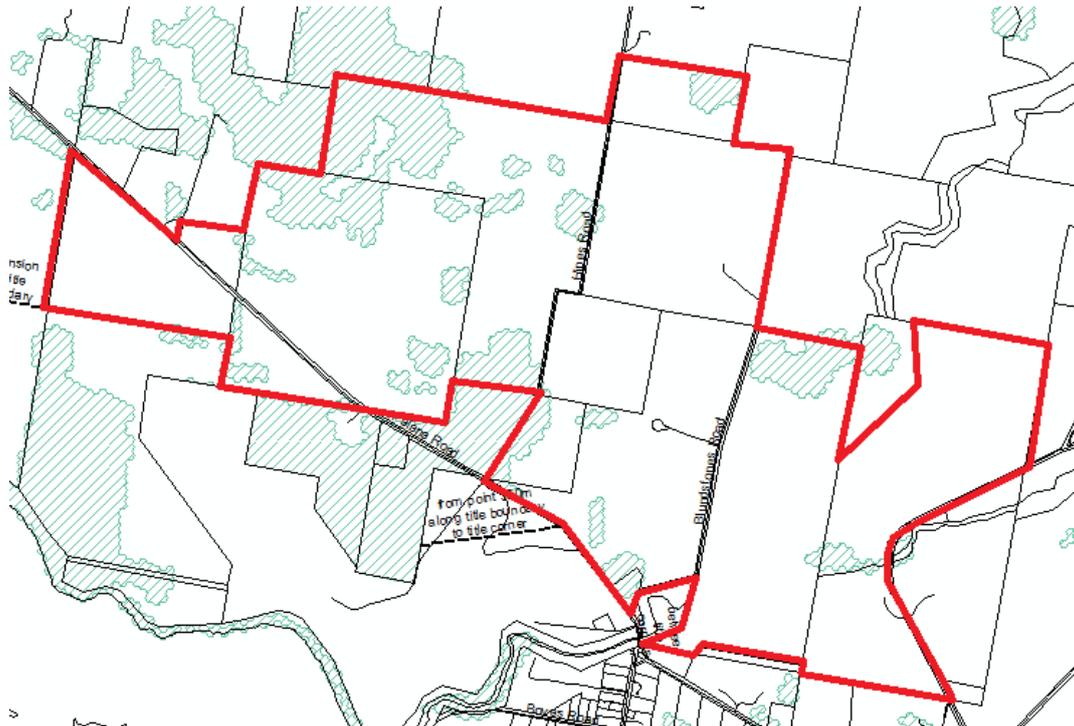


Figure 6 - Priority Vegetation Overlay north of Whitemark

No information is available to suggest that the Priority Vegetation overlay should be modified from those original submissions. GIS data for this overlay was previously submitted to the Commission as part of the original submissions.

Owners consent was addressed as a procedural matter.

**Recommendation:** Council support application of the Priority Vegetation Overlay on the following properties as originally submitted to the Commission:

- 127 Memana Road, Whitemark FR 14670/1;
- 251 Memana Road, Whitemark FR 155427/1;
- 89 Blundstone Road, Whitemark FR 156154/1, FR 225623/1, FR 225624/1, FR 225625/1, and FR 220373/1;
- 159 Blundstone Road, Whitemark FR 212657/1;
- Blundstone Road, Whitemark FR 245335/1; and
- Palana Road, Whitemark FR 213669/1 and FR 173164/1.

## Direction 9

Direction 9 provides the following for Council response:

*Provide a diagram showing how the Priority Vegetation Area overlay would be applied to the following properties and adjacent roads in the event that the land is zoned Rural:*

- 3 Butter Factory Road, Whitemark FR 9254/1;
- 13 Butter Factory Road, Whitemark FR 68563/1;
- 101 Butter Factory Road, Whitemark FR 237967/1; and
- 103 Butter Factory Road, Whitemark FR 10923/1.

Council resolved that the subject properties be zoned rural, with the Priority Vegetation Overlay applying in accordance with the Regional Ecosystem Model as part of its original submission of the LPS to the Commission for assessment. This is shown in Figure 7, with the subject properties identified by the red border.

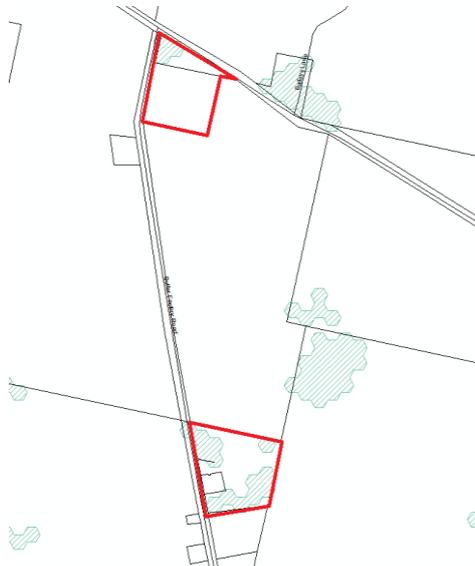


Figure 7 - Priority Vegetation Overlay in Butter Factory Road area

No information is available to suggest that the Priority Vegetation overlay should be modified from those original submissions. GIS data for this overlay was previously submitted to the Commission as part of the original submissions.

**Recommendation:** Council support application of the Priority Vegetation Overlay on the following properties as originally submitted to the Commission:

- 3 Butter Factory Road, Whitemark FR 9254/1;
- 13 Butter Factory Road, Whitemark FR 68563/1;
- 101 Butter Factory Road, Whitemark FR 237967/1; and
- 103 Butter Factory Road, Whitemark FR 10923/1.

## Direction 12

Direction 12 provides the following for Council response:

*Provide any other information, such as a legal opinion, about the exemption in section 11 of the Land Use Planning and Approvals Act 1993 as it relates to mineral exploration and mining leases.*

A review of the relevant provisions of the Act identify that the representors submissions appear to be valid, in that Section 11 protects exploration but not extraction of materials, as follows:

11. *Contents of planning schemes and Tasmanian Planning Scheme (3) Nothing in a planning scheme or the Tasmanian Planning Scheme affects –*
- (b) *the undertaking of mineral exploration in accordance with a mining lease, an exploration licence, a special exploration licence, or a retention licence, issued under the Mineral Resources Development Act 1995, provided that any mineral exploration carried out is consistent with the standards specified in the Mineral Exploration Code of Practice, published by Mineral Resources Tasmania, as in force from time to time; or...*

Council took legal advice on interpretation of this provision and notes the following:

- the plain language in s.11(3) confines the exception to ‘mineral exploration’ carried out in a manner consistent with *Mineral Exploration Code of Practice*, published by Mineral Resources Tasmania; and
- the provision does not use a term such as ‘mining’ or ‘mining operations’.

The conclusion of that advice is s.11(3)(b) is confined to ‘*mineral exploration*’ only and this term cannot properly be read as extending to or including ‘mining’ or ‘mining operations’.

**Recommendation:** Council notes that the exemption at Section 11(3)(b) of the *Land Use Planning and Approvals Act 1993* is confined to ‘mineral exploration’ only and does not include ‘mining’ or ‘mining operations’.

### Direction 13

Direction 13 provides the following for Council response:

*Provide a copy of the planning permit and any other relevant approvals for the mining operation and associated crushing of materials at Palana Road, Whitemark FR 252518/1. The submission must also comment on how the use would be classified if crushing material as a separate use outside of the mining lease area.*

Copies of the relevant approvals were provided to the Commission as a procedural matter.

Classification of a crushing activity on the lands may occur three ways.

Low levels of crushing may be incidental to another use pursuant to clause 6.2.2 of the TPS, such as resource development, where they are won, processed and used on the subject property.

Any crushing activities that are part of an extractive industry operation that served materials won from a site would be incidental pursuant to clause 6.2.2 and the definitions contained in Table 6.2 of the TPS. The defined use of Extractive Industry would apply to both level 1 and 2 activities under the *Environmental Management and Pollution Control Act 1994*.

Crushing activities that were not related to an extractive industry would fall within the defined use of Manufacturing and Processing, which is a permitted use in the Rural zone of the TPS for materials from Extractive Industry.

Advice from council is that mining lease 2032PM does not include approval for crushing activities and that while the former lease 1939PM did include crushing activities, that lease was rescinded and that site has commenced rehabilitation.

Council records also confirm there is no permit in place over the subject land for crushing activities to occur outside of a mining lease or a separate use.

**Recommendation:** crushing activities outside a mining lease would be classified as either incidental to other lawful activities on a site, or as the defined use class of Manufacturing and Processing under the TPS.

#### Direction 14

Direction 14 provides the following for Council response:

*Provide a map that shows how the Attenuation Area overlay could be applied around the mining lease at Palana Road, Whitemark FR 252518/1. The width of the buffer area must be consistent with the buffer areas specified for the activities applicable to a quarry or extractive pit specified in Table C9.1 of the State Planning Provisions.*

The Commission will note that under the definitions provided at clause C9.3.1, attenuation areas must be taken from the respective title boundaries and do not relate to the subject activities or relevant mining lease.

The following is noted for the respective extractive industries on the site.

Mining Lease 1939PM – Council records identify that Mineral Resources rescinded the mining lease on this activity following its closure as an extraction site and commencement of rehabilitation. Approval records are understood to have included crushing as an approved process on the site.

Mining Lease 2032PM – provides for gravel extraction. The approval documents do not identify crushing, screening or blasting under the processes to be used, which means the applicable buffer under Table C9.1 of the TPS is 300 metres for both level 1 and level 2 activities. Further, advice from Council identifies the following:

- that the materials won from 2032PM have almost expired and that they will not be able to extract materials from the site that are fit for purpose; and
- Council will be seeking to have lease 2032PM removed within the next 12 months and commence rehabilitation of the site.

Mapping the buffer for the mining lease was identified as an option to address issues that result from the size of the subject property. The buffer from mining lease 2032PM is 300 metres under Table C9.1 of the TPS, however there was no buffer mapped as part of the *Flinders Planning Scheme 2000* (2000 Scheme). Review of the mapped buffers under the 2000 Scheme identifies no correlation between buffers and title boundaries, as occurs with the TPS.

Figure 8 shows the mining lease 2032PM, the 300m buffer identified for lease 2032PM under the TPS, and the land subject to the requested Rural Living zone bordered in red.

Figure 8 highlights the change in regulatory regimes from the 200/Interim planning schemes to the TPS, which requires that the buffer be taken from the subject title boundaries. The difference in regulatory impact is significant.

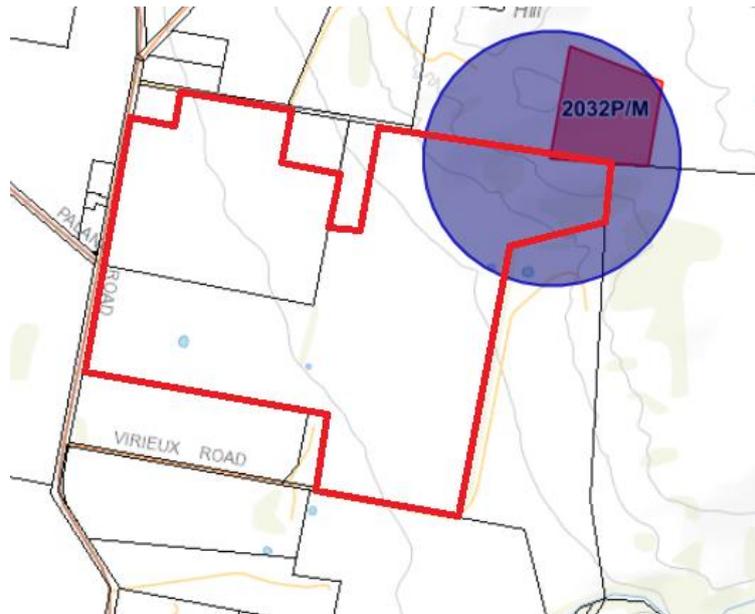


Figure 8 - Buffers for mining lease 2032PM at Cann's Hill

The current status of leases 1939PM and 2032PM identify that it is not appropriate to establish buffers on the subject lands as part of the LPS given the rehabilitation of the former and pending closure of activities for the latter.

Regardless of the status of the current activities, the time consuming and expensive process for planning scheme amendments do not support mapping a buffer for the subject property. Establishing mapped buffers would require planning scheme amendments to deal with changes that have already been identified for removal of the subject activities and consequently, any mapped buffers under the planning scheme.

**Recommendation:** buffers for the mining lease at Palana Road, Whitemark FR 252518/1 are not shown as an attenuation area overlay under the LPS.

#### Direction 15

Direction 15 provides the following for Council response:

*Provide a map that shows the zones (and sub-zones) proposed to replace the Landscape Conservation Zone at the following properties:*

- Esplanade, Whitemark of the FR 15860/1;
- Esplanade, Whitemark of the FR 15860/2;
- 3 Esplanade, Whitemark of the FR 67128/3;
- 1A Palana Road, Whitemark FR 53171/5;
- Walker Street, Whitemark FR 128758/2;
- 9 Walker Street, Whitemark FR 60768/1 and FR 60768/5; and
- 17 Walker Street, Whitemark FR 60768/6.

*Provide a statement that outlines the reasons why the zones and sub-zones are proposed.*

*Submit written evidence that all registered owners of each of the properties support the application of the proposed zones and sub-zones.*

Council will recall that the area known as the Cattle Track was subject to representations during exhibition of the LPS in 2021. Representations 24, 27 and 29 all questioned use of the Landscape Conservation zone in this area. As a result of those recommendations, Council resolved to seek the Rural Living D zone for the subject titles. Part of the supporting

discussion for those representations identified that the area would require future review as a result of those changes.

The titles that comprise the wider area are highlighted in blue to the right and are subject to Direction 15 from the Commission. This area is split between the Residential and Rural zones under the Flinders Planning Scheme 2000, as shown in Figure 9. Properties that were subject to representations are identified by black dots.

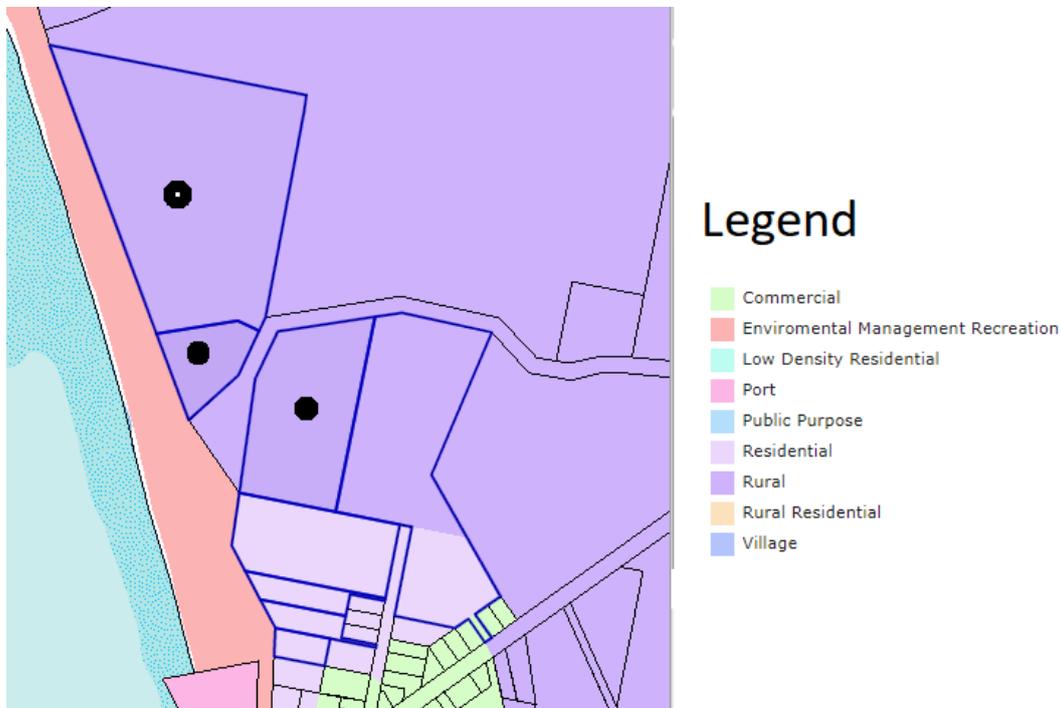


Figure 9 - zoning for area under Flinders Planning Scheme 2000

All of the properties identified by the Commission were proposed and exhibited for the Landscape Conservation zone. The Supporting Report provides the following response to zoning of this area:

*Immediately north of the town, CT 53171/5, CT 15860/1 and CT15860/2 are zoned Landscape Conservation in recognition of the coastal vegetation and landform values (Guidelines LCZ1 and LCZ2 (a)). CT 60768/6 and CT 128758/2 are split zoned with the Low Density Residential Zone, the latter Low Density Residential zoned land identified as a priority location for an assisted living development with the Landscape Conservation zoned land subject to coastal inundation hazard.2*

The properties within the yellow border were supported for the Rural Living D zone in the Section 35F Report. The properties within the red and blue borders require further discussion.

The exhibited zoning of this area under the LPS is identified in Figure 10.

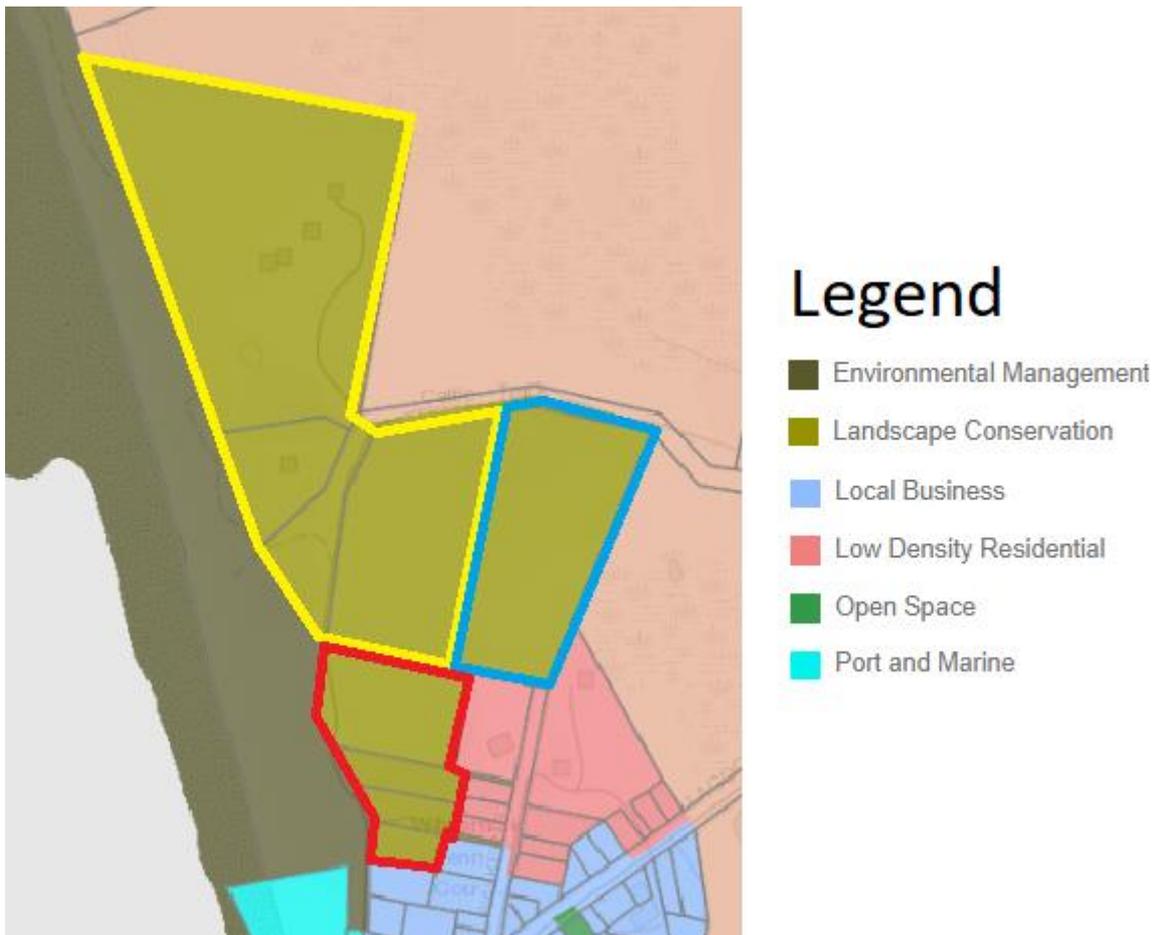


Figure 10 - exhibited zoning for area under Local Provisions Schedule

Notwithstanding the natural values strategies that identified the subject area should be in the Landscape Conservation zone, use of the Rural Living zone in this area would arguably be consistent with the wider strategic aims identified in through the LSP process to facilitate residential development close to Whitemark and the surrounding area.

Natural values of the area can be managed through the respective Codes of the TPS and LPS. This is consistent with Guidelines RLZ2 and RLZ3.

### **Blue Border**

The single title in the blue area has a split zoning, with areas fronting Walker Street exhibited in the Low-Density Residential zone and the balance of the titles in Landscape Conservation.

It is proposed that the Landscape Conservation portion of the title is changed to Rural Living D zone. Further subdivision will not be possible until future strategic work is completed on the individual titles or the overall area.

Notwithstanding the natural values strategies that identified the subject area should be in the Landscape Conservation zone, use of the Rural Living zone in this area would arguably be consistent with the wider strategic aims identified in through the LSP process to facilitate residential development close to Whitemark and the surrounding area. Initial review of the Guidelines suggests the Low Density Residential zone is not appropriate at this time, given the subdivision potential it would create and service limitations to the area. Further work would be required to examine the suitability for any further intensification within the area.

Rural Living D would provide better recognition of the proximity of the lands to urban Whitemark, while preventing further subdivision while further strategic work is completed. Natural values of the area can be managed through the respective Codes of the TPS and LPS. This is consistent with Guidelines RLZ2 and RLZ3.

This is a variation to the exhibited LPS but provides for a more strategic outcome when considered against the recommendations provided for representations 24, 27 and 29.

Other alterations within the Section 35 F Report for removal of the priority vegetation overlay and FLI-S3 Coastal Areas Specific Area Plan are not relevant to the proposed Rural Living D zone.

### **Red Border**

The four titles within the red border are within the Residential zone of the Flinders Planning Scheme 2000. It is proposed to change the zoning from Landscape Conservation to Low Density Residential and remove the split zoning over 17 Walker St.

Two of the titles are already developed for residential purposes, with the third being undeveloped and covered with native vegetation and the largest a combination of these. The titles range from approximately 2,300 m<sup>2</sup> to 1.86 hectares and currently exist as separate legal entities.

The Supporting Report identifies the translation of the Residential zone to Low Density Residential, based on the lack of reticulated sewer services, at sections 3.2, 4.5 and Appendix 7.3 Comparison of current and SPP Zones (refer pages 165-166). That assessment applies to the subject lands.

Given issues associated with the future growth of the Whitemark township, the Low-Density Residential zone is preferred for these four titles as a translation of the existing Residential zone and notwithstanding the reasoning for their original zoning under the LPS.

As a further consequence of the proposed change to Low Density Residential, it is noted that other Council decisions in the Section 35F Report relate to the following changes that require consideration for the subject lots.

Priority Vegetation Overlay – this was proposed for removal from lots that have no subdivision potential within the urban settlements of Whitemark and Lady Barron. This alteration is relevant to the subject lots, as they are at the northern extents of the urban area of Whitemark. For consistency, it is proposed to remove the Priority Vegetation Overlay from the subject lots.

FLI-S3 Coastal Areas Specific Area Plan – this was proposed for removal from the urban extents of Whitemark and Lady Barron from the assessment of representations and potential for FLI-S3 to frustrate the focus for urban development to occur these settlements. The response within the Section 35F Reports is relevant to the subject lands and it is proposed to remove FLI-S3 Coastal Areas Specific Area Plan from the subject lots for consistency.

### **Recommendation: modify the LPS as follows:**

15.1 rezone the following titles from Landscape Conservation to Rural Living D:

- a) Esplanade, Whitemark of the FR 15860/1;
- b) Esplanade, Whitemark of the FR 15860/2;

- c) 1A Palana Road, Whitemark FR 53171/5; and
- d) Walker Street, Whitemark FR 128758/2 (part).

15.2: rezone the following titles Low Density Residential, and remove FLI-S3 Coastal Areas Specific Area Plan and the Priority Vegetation Overlay:

- a) 9 Walker Street, Whitemark FR 60768/1 and FR 60768/5; and
- b) 3 Esplanade, Whitemark of the FR 67128/3; and

15.3: rezone the 17 Walker Street, Whitemark FR 60768/6 Low Density Residential and remove FLI-S3 Coastal Areas Specific Area Plan.

**Direction 16**

Direction 16 provides the following for Council response:

*Provide further information about the application of the Scenic Protection Area overlay applied to 368 Five Mile Jim Road, Memana FR 120064/1, FR 215120/1, and FR 130282/1 and/or advise if the overlay should be removed from the land.*

Review of the mapping for the 2000 Scheme and the LPS confirms that the Scenic Protection Area was extended under the LPS, as shown in Figure 11.



Figure 11 - Scenic protections under the 2000 Scheme (left) and LPS (right)

The representations to the LPS identified relatively broad support for use of the Scenic Protection Overlay within the LPS and particularly in coastal environments. Very limited representation was received that objected to this issue.

The Supporting Report provides the following in terms of the Scenic Protection Overlay at Marshall Bay:

*Marshall Bay*

*The Scenic Management Overlay is proposed to be extended to encompass the area west of Palana Road that follows the coastline of Marshall Bay. The area joins the current extent of the overlay at Leeka, extends east to encompass seven freehold allotments west of Palana Road and then all allotments west of Palana Road south to where the current visually sensitive overlay recommences on*

Crown land north of Emita township. The scenic quality of this area is evident from the views from the Emita lookout and from north facing allotments on Port Davies Road.

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

Aside from the protestations of limited representors, there is little information available that suggests the original decision of Council should be altered for use of the Scenic Protection Overlay adjacent Marshall Bay.

**Recommendation:** that the Scenic Protection Overlay be retained in the Marshall Bay area in the LPS as exhibited and specifically on 368 Five Mile Jim Road, Memana FR 120064/1, FR 215120/1, and FR 130282/1.

#### Direction 17

Direction 17 provides the following for Council response:

*Provide a map/diagram with dimensions showing where the Rural Precinct boundaries would be located around the gravel pit, and include written evidence that the Aboriginal Land Council of Tasmania supports the location of the boundary.*

Following discussions with the representor, it was determined that the Rural Precinct boundary should be altered by extending it 200m east from the exhibited boundary with CT207077/1, terminating at Rooks River Road. This was considered to reflect the likely extent of the activity on the island and provide suitable reference points in accordance with the Guidelines and Practice Notes issued by the Commission for mapping functions under the LPS. This is shown in Figure 12.

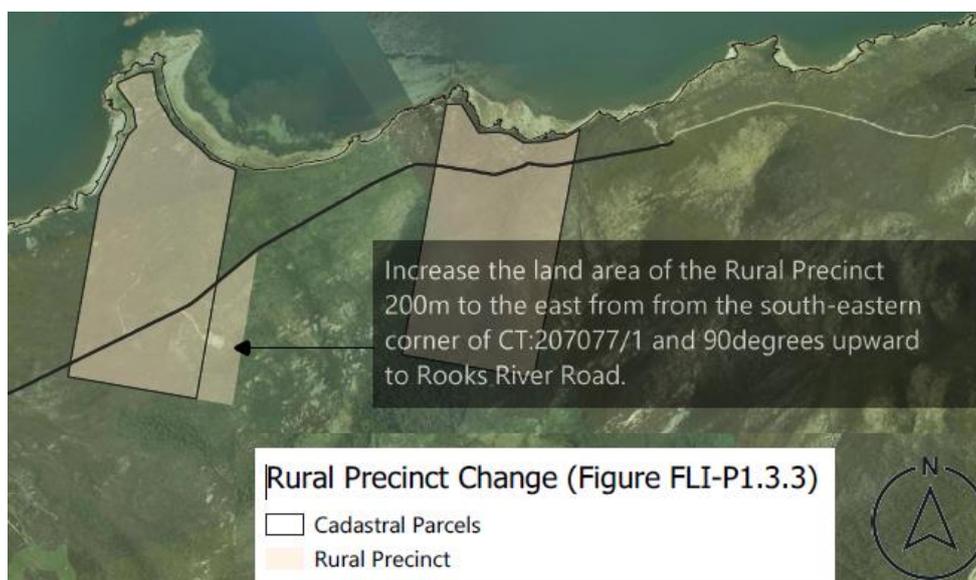


Figure 12 - proposed alterations to Rural Precinct boundary for gravel pit

Owner consent was addressed as a procedural matter.

**Recommendation:** that the Rural Precinct under Figure FLI-P1.3.2 be extended 200m east from the exhibited boundary with CT207077/1, terminating at Rooks River Road.

#### Direction 18

Direction 18 provides the following for Council response:

*Submit a copy of the revised truwana - Cape Barren Island and Outer Islands Particular Purpose Zone and provide a statement that explains the changes.*

A copy of the revised Particular Purpose zone was provided as Annexure 2 to this report.

Following the consultation period and consideration of the PPZ by the Commission, it became clear that the standards within the zone would not address the scope of development that would be available under the PPZ.

One of the significant matters identified by the representor just prior to the hearings was the ability to consider the visual impacts of proposals from the air, as the primary mode of transport to and from Flinders Island and the first opportunity that most travellers have to experience

The following alterations were prepared to address the identified outcomes.

FLI-P21.2.3 – local area objectives were revised to better reflect values.

Figure FLI-P1.3.2 Rural precinct revised to reflect quarry site to reflect agreed outcomes for ongoing use of the resource on truwana Cape Barren Island, as identified in the Section 35F Report.

FLI-P1.4.1 Use Table – Corner Precinct - residential use qualification revised to allow home based business as a no permit use for consistency with the role of the Corner as the main settlement.

FLI-P1.4.3 Use Table – Rural Precinct – Extractive Industry added as a No Permit Required use to reflect Section 35F Report. Residential use qualifications were revised to allow home based businesses as no permit use and single dwelling was removed for private lands. Discretionary status was provided to Extractive Industry and single dwellings on lands in private ownership for consistency with the use entitlements under the Rural and Landscape Conservation zones under the TPS and the Rural zone of the 2000 Scheme.

FLI- P1.5.1 Discretionary uses – the objective and P1 criteria were revised to better reflect assessment of proposals and likely impacts of use.

FLI-P1.6.1 Building height – A1 revised to establish a 6 metre building height in the Rural Precinct, given the location and prominence of the precinct for coastal locations and the impacts of development, combined with the loss of the Visually Sensitive Areas Special Area/Scenic Protection Overlay.

FLI-P1.6.2 Building setback - A1.1 revised to clarify the setback is to be applied to all boundaries.

FLI-1.6.3 Building footprint in Environmental Management and Cultural Precinct – standards revised to reflect values on truwana and impacts in coastal locations.

FLI-P1.6.4 Setback from the coastal title in the Rural Precinct – Objective and P1 revised to better reflect the values on truwana and provide consideration for the impact of materials when assessing the location of buildings within the coastal setback.

FLI-P1.6.5 Site and landscape impacts in the Rural Precinct – new standards were inserted to allow consideration of the impacts of larger proposals. This is in part a response to the removal of the Visually Sensitive Areas Special Area and opportunities for development that result from recent improvements to the property market and expectations for development within a culturally sensitive landscape.

A1 requires assessment of the full range of development through both structures and modifications of the landscape., The 400m<sup>2</sup> threshold provides consistency with the TPS provisions in the Landscape Conservation zone that would otherwise apply to much of the land. P1 criteria allows consideration of the impacts of materials within a culturally sensitive landscape, with consideration from key locations (consistent with translation of the Visually Sensitive Special Area under the 200 Scheme and as proposed under the Scenic Values and Management Objectives for the Scenic Protection code).

FLI-P1.6.5 External lighting in the Rural Precinct – a standard was included to allow consideration of the impacts of external lighting following the concerns raised within representations to the LPS and support for such issues in sensitive locations, given the inability to use the Scenic Protection Code under the TPS within the PPZ.

The LPS represents a significant change to the regulatory requirements and assessment process than exists under the 2000 Scheme. This includes the removal of the Visually Sensitive Special Areas under the 200 Scheme and the prohibition on use of the Scenic Protection Code under the TPS.

It is necessary to ensure that the provisions within the PPZ can reasonably handle the scale and nature of planning proposals that are expected to be proposed on truwana. The substantial modifications process within the Act allows consideration of these changes, which are appropriate to the current process and formulation of the LPS.

One issue remains unresolved with the representor, in the way that scenic and visual impacts are assessed under the PPZ when viewed from the air. This relates to performance criteria in the following standards: FLI-P1.5.1, 1.6.2, 1.6.3, 1.6.4, 1.6.5 and 1.6.6. The PPZ is provided as a working draft pending resolution of this matter with the representor. This matter can be approved by the Council or the delegation provided to the General Manager, so the working draft can be submitted to the Commission as part of this response.

**Recommendation:** that work continue to resolve the visual impact assessment issue and that FLI-P1.6 truwana Cape Barren Island Particular Purpose Zone is provided as a working draft as provided in Annexure 2.

#### Direction 19

Direction 19 provides the following for Council response:

*Provide a response of the submission made by Van Diemen Consulting for Gary and Nola Morrison. The response must specifically address the proposed removal or amendment of Site-specific Qualification FLI-22.3 and include a legal opinion on that matter if necessary. If the clause is proposed to be retained, clarify whether it, and Site-specific Qualification FLI-22.2, should be revised to ensure the provisions can be appropriately applied to assessment of an application for subdivision.*

The provision of access to Vinegar Hill lookout was identified through the Structure Plan process as a significant outcome for the community and addressed through a site-specific qualification in the LPS for the two relevant properties.

Verbal advice was sought over the implications of using a SSQ in this manner through a planning scheme. Issues were identified in terms of the ability to develop a legally functional statement within the qualification and likely complications that would result from compensation under the *Land Use Planning and Approvals Act 1993* and the public open space provisions under the *Local Government (Building and Miscellaneous Provisions) Act 1993*. As a result, FLI-22.3 is no longer supported for the subject title.

**Recommendation:** delete SSQ – FLI-22.3.

## Direction 20

Direction 20 provides the following for Council response:

*Provide a response to the submissions made by Alex and Jenny John dated 26 January 2022 and 9 February 2022. In particular, provide a response to proposed Site-specific Qualification and the associated section 32(4) justification under the Land Use Planning and Approvals Act 1993 detailed in the Terra Firma Town Planning letter attached to the 9 February submission.*

The representation and supporting reports by Terra Firma seek site specific qualifications to allow specific activities to occur on the subject lands, largely as a result of the change from the Rural zone of the 2000 Scheme to the Landscape Conservation zone under the LPS.

| Reference Number | Site reference              | Folio of the Register           | Description (modification, substitution or addition)  | Relevant Clause in State Planning Provisions        |
|------------------|-----------------------------|---------------------------------|---|---|
| FLI-22.4         | 768 Big River Road, Loccota | 164303/1, 164303/2 and 164303/3 | Additional Discretionary uses for this site are:<br>(a) Resource Processing if associated with Resource Development on 164303/1, 164303/2 and 164303/3; and<br>(b) General Retail and Hire if associated with:<br>(i) Resource Development on 164303/1, 164303/2 and 164303/3; or<br>(ii) art and craft products. | Landscape Conservation Zone - Clause 22.2 Use Table |

*Table 2 - requested Site-Specific Qualifications*

The requested site-specific qualifications provide specific alterations to the use opportunities within the zone and proposes to maintain existing use opportunities that are available within the Rural zone of the 2000 Scheme.

Resource Processing is proposed as discretionary and tied to the use of the subject titles. Some of the activities identified by the representors relate to the processing of materials sourced off the subject site, either in part or in total (distillery). It is also noted that while a winery can include the display and sale of products, distilleries and oil processing operations arguably cannot under the defined uses.

Some guidance is provided by the TPS Rural and Agriculture zones, both of which provide comparable qualifications to use within the Agriculture and Rural zones.

The Agriculture zone provides one of the more restrictive use regimes under the TPS to protect agricultural land for future generations. General Retail and Hire is required to be associated to resource development or resource processing, but not on a specific site. Both are subject to other use tests within the zone. *Associated* was examined as a planning term in *S & A Harwood v Central Coast Council and Lindsay Deegan Marine [2004] TASRMPAT 35 (23 Feb 2004)*, which confirms the intended use in this instance.

Arts & Crafts Centre remains discretionary, which would include retail sale of products within the defined use term. The term includes both an art and craft centre and public art gallery, definitions for which are unclear but include the retail sale of crafts and goods as part of the operations.

Commercial art galleries fall within the defined use General Retail and Hire under the TPS. The qualification identified in the Terra Firma documents supporting the representation through use of the terms *associated with* and *art and craft products*.

The Structure Plan provides identifies visitor accommodation as a potential use for the subject area at lower densities. The TPS Landscape Conservation zone effectively provides for that outcome through the opportunity and regulation of use and development.

Given the examples provided by the other Rural and Agriculture zones in the TPS, the requested site specific qualifications are supported.

Terra Firma provide a detailed response to both of the statutory criteria for site specific qualifications at section 32(4) of the Act. That assessment is supported.

In addition, submissions by A&J Johns provided verbal submissions at the hearings that are consistent with the Rural Enterprise work by RMCG Consultants that support the LPS and was adopted by Council at its meeting of 25 January 2022.

It is clear that the requested site-specific qualifications comply with the statutory criteria on economic, spatial/environmental and economic terms.

In addition, Post Hearing Submissions from Terra Firma provide arguments that the SSQ's must be addressed through the LPS process to maintain the strategic integrity to the zoning of the area or the rezoning itself must be contested. Those statements are supported.

**Recommendation:** the LPS be modified through the LPS process to introduce the following site-specific qualifications:

| Reference Number | Site reference              | Folio of the Register           | Description (modification, substitution or addition)  | Relevant Clause in SPP                              |
|------------------|-----------------------------|---------------------------------|---|---|
| FLI-22.4         | 768 Big River Road, Loccota | 164303/1, 164303/2 and 164303/3 | Additional Discretionary uses for this site are:<br>(a) Resource Processing if associated with Resource Development on 164303/1, 164303/2 and 164303/3; and<br>(b) General Retail and Hire if associated with:<br>(i) Resource Development on 164303/1, 164303/2 and 164303/3; or<br>(ii) art and craft products. | Landscape Conservation Zone - Clause 22.2 Use Table |

## Direction 21

Direction 21 provides the following for Council response:

*Provide a response to the submission made by Mr. Mick Rose dated 7 February 2022.*

The submission relates to land at 270 Palana Road, Whitemark (CT 220316/1) and seeks the Low Density Residential zone in place of the exhibited Rural zone.

The Council sought the Rural Living A zone for the subject lands for 270 Palana Road, Whitemark in response to queries from the Commission prior to exhibition of the LPS (refer Response to Attachment 2 – Zone clarification table). That response is reproduced for convenience:

*The site contains the former Air Services Beacon for the Flinders Airport.*

*The site was sold from public ownership in September 2020 and can be considered for rezoning. It has an area of 1.48 hectares, is cleared with grass cover and is not in common ownership with any adjoining lands. The lot exists with freehold rights and cannot reasonably be required to consolidate with any adjoining land holdings.*

*As further subdivision to the northern side of Palana Road is not appropriate, Rural Living A zone is considered appropriate. Use of this zone is consistent with guidelines RLZ1(a) and RLZ3(a).*

**Recommendation: rezone to Rural Living A**

The Commission directed Council to exhibit the LPS with the subject property zoned Rural (refer Direction 5.12, Attachment A, Notice under Section 35(5)(b) and Schedule 6 clauses 8(5)(a) and 8D(9)(a)). The zoning of the subject area that was exhibited following that direction is provided in Figure 13.



Figure 13 - exhibited LPS zoning, 270 Palana Road

The subject land represents a legacy issue as a result of its transfer from public to private ownership.

Council's position remains that the subject property is not appropriate to the Rural zone. Following the Rose submission, Low Density Residential needs to be considered

Guideline No.1 provides guidance for use of the following for Low Density Residential zone, as follows:

LDRZ1 The subject land complies with criterion a, and in terms of land opposite on Palana Road, criterion c.

LDRZ2 The subject land was not within the Low Density zone of the 2000 Scheme, not applicable.

LDRZ3 The subject land has no identified important natural or landscape values, not applicable.

LDRZ4 The subject land is not of a size or location that makes it an appropriate target for green field development for urban purposes, not applicable.

Further to these considerations, land to the southern-west on Palana Road and is within FLI-S1 Coastal Settlement Specific Area Plan. This effectively provides additional consideration to site coverage and limits further subdivision to 4,000m<sup>2</sup> or 2,500m<sup>2</sup> (under performance criteria).

Use of the Low Density Residential zone should extend the SAP over the subject lands.

As a result of the representation, Low Density Residential zone is supported.

**Recommendation:** zone 270 Palana Road, Whitemark (CT 220316/1) Low Density Residential and apply FLI-S1 Coastal Settlement Specific Area Plan

## Annexure 1 – Revised Specific Area Plan

### FLI-S5.0 Whitemark and Lady Barron Urban Development Specific Area Plan

#### FLI-S5.1 Plan Purpose

The purpose of the Urban Development (Whitemark and Lady Barron) Specific Area Plan is:

- FLI-S5.1.1 To provide for multiple dwellings at a density that is appropriate to the urban nature of Whitemark and Lady Barron.
- FLI-S5.1.2 To provide for discretion on minimum lot size through subdivision that is appropriate to the urban nature 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

|   |   |  |
|---|---|--|
| Objective:  | That the density of multiple dwellings is appropriate to the urban development patterns of Whitemark and Lady Barron. |  |
| <b>Acceptable Solutions</b>   |   | <b>Performance Criteria</b>  |
| <b>A1</b><br>Multiple dwellings must have:<br>(a) a site area per dwelling of not less than 600m <sup>2</sup> ; and |   | P1.1<br>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>(b) a connection to a reticulated stormwater and full water supply service.</p> | <p>(a) does not exceed the capacity of the reticulated infrastructure services; and</p> <p>(b) are sufficient for on-site wastewater and stormwater disposal and water supply; and</p> <p>(c) are consistent with the pattern of development on established properties in the area; or</p> <p>(d) the development provides a specific accommodation need with significant social or community benefit; or</p> <p>(e) makes adequate provisions for private open space; or</p> <p>(f) are consistent with any constraints on development, and must have a minimum site area per dwelling of 400m<sup>2</sup>.</p> |
|--|--|

## 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 within the urban locations of the main settlements at Whitemark and Lady Barron.;</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 style="margin-left: 20px;">(ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2;</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>(f) the pattern of development existing on established properties in the area.</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> |  |
|--|--|

[FLI-S5.9 Tables](#)

This subclause is not used in this specific area plan.

## Annexure 2 – FLI-P1.0 Particular Purpose Zone

### FLI-P1.0 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 indigenous 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 for the future.

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

| Reference Number | Area Description  | Local Area Objectives   |
|------------------|---|---|
| FLI-P1.2.1       | The Corner Precinct, shown in Figures FLI-P1.3.1, FLI-P1.3.2 and FLI-P1.3.3 and 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 on truwana such as, water 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> |
| FLI-P1.2.2       | The Environmental and Cultural Protection Precinct, shown in Figures FLI-P1.3.1, FLI-P1.3.2, FLI-P1.3.3 and       | The local area objectives for the Environmental Precinct are:   |

|            |   |   |
|------------|---|---|
|            | FLI-P1.3.4 and on the overlay maps as FLI-P1.2.2  | <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> <li>(e) to provide for use and development that supports cultural operations and activities such as gathering and preparing of food or birding; and</li> <li>(f) to allow for small scale development compatible with the conservation and management of cultural values and scenic values of the landscape.</li> </ul> |
| FLI-P1.2.3 | The Rural Precinct, shown in Figures FLI-P1.3.1, FLI-P1.3.1, FLI-P1.3.2, FLI-P1.3.3 and on the overlay maps as FLI-P1.2.3 | <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 rural purposes;</li> <li>(b) to allow for development compatible with the conservation and management of cultural values and scenic values of the landscape; and</li> <li>(c) to provide for non-agricultural uses required to locate outside of the Corner Precinct.</li> </ul>   |
| FLI-P1.2.4 | The Airport Precinct, shown in Figures FLI-P1.3.2, FLI-P1.3.3 and on the overlay maps as FLI-P1.2.4                       | <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>  |

|  |  |  |
|--|--|--|
|  |  | (b) to provide new use and development compatible with the function and role of the airport. |
|--|--|--|

### 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 shown in Figures FLI-P1.3.1, FLI-P1.3.2 and FLI-P1.3.3 and on the overlay maps as FLI-P1.2.1.             |
| Environmental and Cultural Protection Precinct | means the area of the zone shown in Figures FLI-P1.3.1, FLI-P1.3.2, FLI-P1.3.3 and FLI-P1.3.4 and on the overlay maps as FLI-P1.2.2. |
| Rural Precinct                                 | means the area of the zone shown in Figures FLI-P1.3.1, FLI-P1.3.1, FLI-P1.3.2, FLI-P1.3.3 and on the overlay maps as FLI-P1.2.3.    |
| Airport Precinct                               | means the area of the zone shown in Figures FLI-P1.3.2, FLI-P1.3.3 and on the overlay maps as FLI-P1.2.4.                            |
| Management Plan                                | mean a management plan prepared under the <i>Aboriginal Land Act 1995</i> .  |

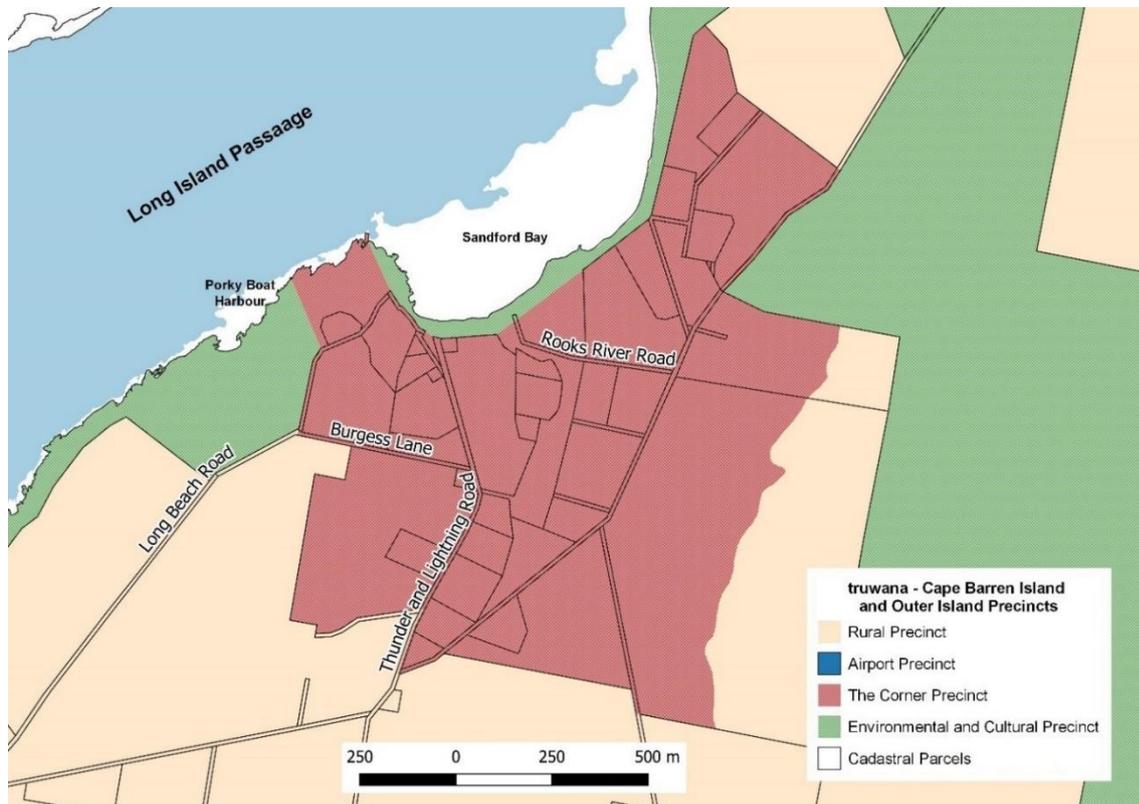


Figure FLI-P1.3.1 Precincts as required by clause FLI-P1.2, clause FLI-P1.5.1 P1, clause FLI-P1.6.1, clause FLI-P1.6.2, clause FLI-P1.6.3, clause FLI-P1.6.4, clause FLI-P1.7.1 A1 and P1, clause FLI-P1.7.1 A2, and clause FLI-P1.7.1 A3 and P3

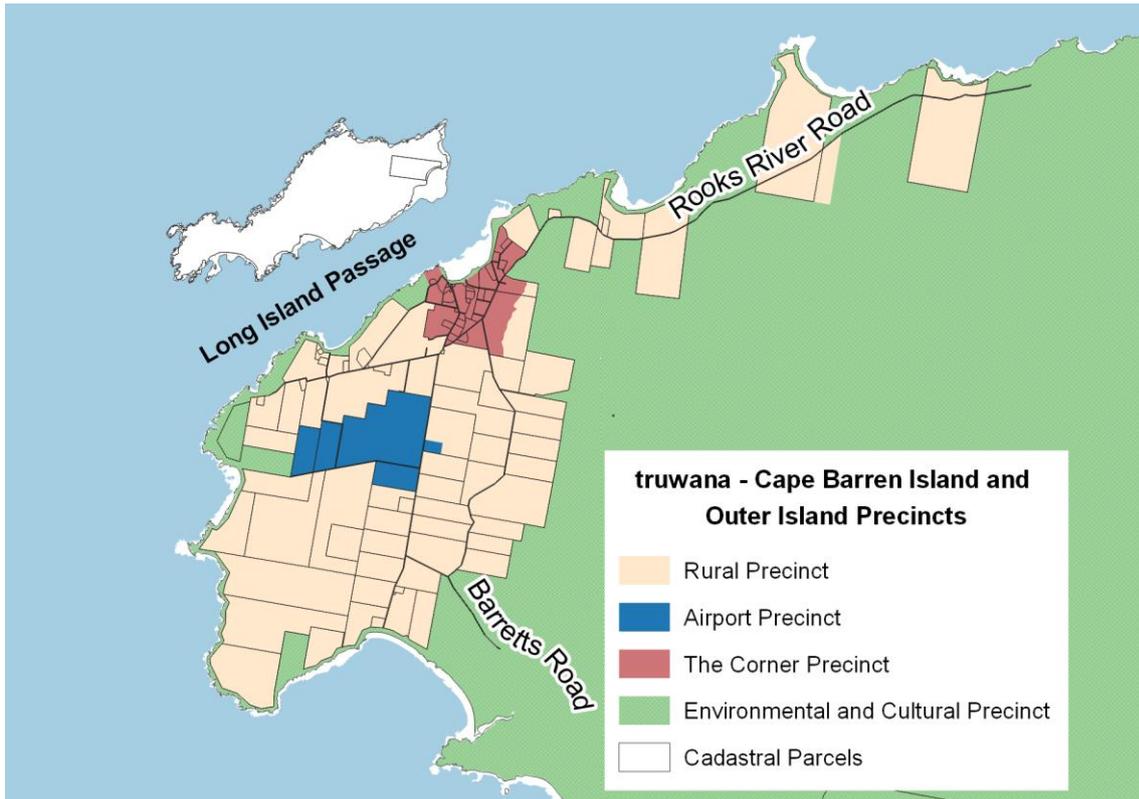


Figure FLI-P1.3.2 Precincts as referred to in clause FLI-P1.2, clause FLI-P1.5.1 P1, clause FLI-P1.6.1, clause FLI-P1.6.2, clause FLI-P1.6.3, clause FLI-P1.6.4, clause FLI-P1.7.1 A1 and P1, clause FLI-P1.7.1 A2, and clause FLI-P1.7.1 A3 and P3

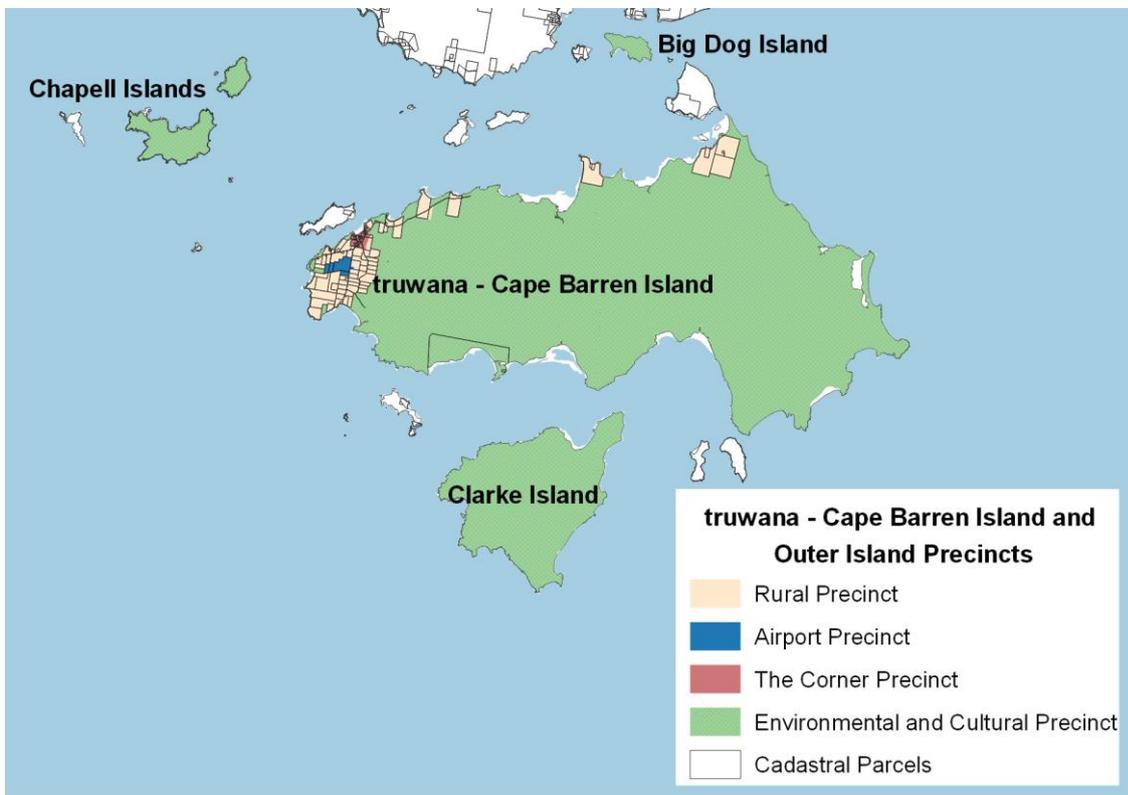


Figure FLI-P1.3.3 Precincts as referred to in clause FLI-P1.2, clause FLI-P1.5.1 P1, clause FLI-P1.6.1, clause FLI-P1.6.2, clause FLI-P1.6.3, clause FLI-P1.6.4, clause FLI-P1.7.1 A1 and P1, clause FLI-P1.7.1 A2, and clause FLI-P1.7.1 A3 and P3



Figure FLI-P1.3.4 Precincts as referred to in clause FLI-P1.2, clause FLI-P1.5.1 P1, clause FLI-P1.6.1, clause FLI-P1.6.3, and clause FLI-P1.7.1 A2

## FLI-P1.4 Use Table

### 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</i> and a Land Use Agreement is approved by the Aboriginal Land Council. |
| Community Meeting and Entertainment | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council. |
| Educational and Occasional Care     | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council. |
| Emergency Services                  | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council. |
| Food Services                       | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council. |

| <b>Use Class</b>                       | <b>Qualification</b>  |
|--|---|
| General Retail and Hire                | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| 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</i> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| Residential                            | If:<br>(a) for a single dwelling;<br>(b) for a home based business; or<br>(c) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council. |
| Sports and Recreation                  | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| Storage                                | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| 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 uses                                |   |
| <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. |
| <b>Use Class</b>               | <b>Qualification</b>                 |
| Hospital Services              |                                      |
| Manufacturing and Processing   |                                      |
| 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                 |                                      |

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</i> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| Passive Recreation                     | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| Pleasure Boat Facility                 | If:<br>(a) for a boat ramp or jetty; and<br>(b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council. |
| Research and Development               | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| Residential                            | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| Resource Development                   | If:<br>(a) located on Clarke Island; and<br>(b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council. |

| Use Class                        | Qualification  |
|----------------------------------|--|
| 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</i> and a Land Use Agreement is approved by the Aboriginal Land Council.</li> </ul> |
| Utilities                        | If: <ul style="list-style-type: none"> <li>(a) for a water treatment plant or dam; and</li> <li>(b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.</li> </ul>       |
| Visitor Accommodation            | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.   |
| <b>Permitted</b>                 |  |
| No uses                          |  |
| <b>Discretionary</b>             |  |
| Utilities                        | If: <ul style="list-style-type: none"> <li>(a) not listed as No Permit Required; and</li> <li>(b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.</li> </ul>         |
| <b>Prohibited</b>                |  |
| All other uses                   |  |

FLI-P1.4.3 Use Table – Rural Precinct

| Use Class                           | Qualification   |
|-------------------------------------|---|
| <b>No Permit Required</b>           |   |
| Community Meeting and Entertainment | If: <ul style="list-style-type: none"> <li>(a) for a function centre; and</li> <li>(b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.</li> </ul> |
| Crematoria and Cemeteries           | If: <ul style="list-style-type: none"> <li>(a) for a cemetery; and</li> <li>(b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.</li> </ul>        |

| <b>Use Class</b>                               | <b>Qualification</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 Land Use Agreement is approved by the Aboriginal Land Council.  |
| Extractive Industry                            | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| Natural and Cultural Values Management         |   |
| Passive Recreation                             |   |
| Residential                                    | If:<br>(a) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council; or<br>(b) a home-based business in an existing dwelling. |
| Resource Development                           |   |
| Resource Processing                            | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| Sport and Recreation                           | If:<br>(a) for a golf course; and<br>(b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.                            |
| Storage  | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| 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 Land Use Agreement is approved by the Aboriginal Land Council.  |
| 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> and a Land Use Agreement is approved by the Aboriginal Land Council.  |
| <b>Permitted</b>                               |   |
| No uses  |   |
| <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         |   |

|                              |                                      |
|------------------------------|--------------------------------------|
| Extractive Industry          | If not listed as No Permit Required. |
| Manufacturing and Processing |                                      |
| Recycling and Waste Disposal | If not listed as No Permit Required. |
| Research and Development     |                                      |
| Residential                  | If for a single dwelling.            |
| <b>Use Class</b>             | <b>Qualification</b>                 |
| 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               |                                      |

FLI-P1.4.4 Use Table – Airport Precinct

| <b>Use Class</b>                       | <b>Qualification</b>   |
|--|--|
| <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 Land Use Agreement is approved by the Aboriginal Land Council.   |
| Natural and Cultural Values Management | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.   |
| Storage                                | If on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.   |
| Transport Depot and Distribution       | If:<br>(a) for an airstrip; and<br>(b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.     |
| Utilities                              | If:<br>(a) for minor utilities; and<br>(b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council. |
| <b>Permitted</b>                       |  |
| No uses                                |  |

| Discretionary  |  |
|----------------|--|
| Utilities      | <p>If:</p> <p>(a) not listed as No Permit Required; and</p> <p>(b) on Aboriginal land vested to the Aboriginal Land Council of Tasmania under the <i>Aboriginal Land Act 1995</i> and a Land Use Agreement is approved by the Aboriginal Land Council.</p> |
| Use Class      | Qualification  |
| Prohibited     |  |
| All other uses |  |

## FLI-P1.5 Use Standards

### FLI- P1.5.1 Discretionary uses

| Objective:                                      | <p>That Discretionary uses:</p> <p>(a) are of an appropriate scale and location to support the local area objectives for the islands; and</p> <p>(b) do not cause an unreasonable loss of amenity to surrounding sensitive uses.</p>  |
|---|---|
| Acceptable Solutions                            | Performance Criteria  |
| <p><b>A1</b></p> <p>No Acceptable Solution.</p> | <p><b>P1</b></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 existing uses of the site and adjoining properties having regard to:</p> <p>(a) any relevant local area objectives;</p> <p>(b) the Management Plan for an island;</p> <p>(c) emissions generated by the use;</p> <p>(d) compatibility with the character of the area; and</p> <p>(e) the impact on residential amenity of surrounding sensitive uses from noise, dust, odour or other emissions.</p> |

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

### FLI-P1.6.1 Building height

| Objective:   | That building height: <ul style="list-style-type: none"> <li>(a) is compatible with the character of the applicable precinct;</li> <li>(b) does not cause an unreasonable loss of amenity to surrounding uses; and</li> <li>(c) minimises the visual impact of development on the cultural values and the coastal landscape when viewed from public areas including roads, foreshores and the air.</li> </ul>  |
|--|--|
| Acceptable Solutions   | Performance Criteria   |
| <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 Rural Precinct where building height must be not more than 6m;</li> <li>(c) any development within the Environment and 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 an unreasonable loss of amenity, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any relevant local area objectives;</li> <li>(b) any screening provided by the topography;</li> <li>(c) the height, bulk and form of existing surrounding buildings;</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 an existing dwelling on the site <b>and</b> adjoining property; and</li> <li>(f) the visual prominence of buildings when viewed from public areas including roads and foreshores.</li> </ul> |

### 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 an 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 not less than 6m from all boundaries.</p> <p><b>A1.2</b></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 an unreasonable loss of amenity to an existing</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>sensitive use on the site or surrounding land, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any relevant 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, foreshores and by passengers on a plane flying over the islands; 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

| <p>Objective:</p>  | <p>That building footprint and location provides for:</p> <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>   |
|--|---|
| <p><b>Acceptable Solutions</b></p>   | <p><b>Performance Criteria</b></p>  |
| <p><b>A1.1</b></p> <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><b>P1</b></p> <p>Buildings must be sited and designed to be compatible with the management of cultural values of and minimise visual impact of the coastal landscape, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any relevant 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 surrounding land;</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 foreshores and by passengers on a plane flying over the islands; and</li> <li>(g) any screening proposed.</li> </ul> |

## 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 and is compatible with the conservation and management of cultural values when viewed from public areas including roads, foreshores and the air.  |
|--|---|
| 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 be compatible with the management of cultural values of and minimise the visual impact of development on the the coastal landscape having regard to:</p> <ul style="list-style-type: none"> <li>(a) any relevant 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 surrounding land;</li> <li>(e) the design, scale, siting, materials and type of building proposed;</li> <li>(f) the visual prominence of buildings when viewed from public areas including roads, foreshores and by passengers on a plane flying over the islands; and</li> <li>(g) any screening proposed.</li> </ul> |

## FLI-P1.6.5 Site and landscape impacts in the Rural Precinct

| Objective:  | That development is compatible with the conservation and management of cultural values and the coastal landscape when viewed from public areas including roads, foreshores and the air.  |
|---|--|
| Acceptable Solutions  | Performance Criteria   |
| <p><b>A1</b></p> <p>Site coverage must not be more than 250m<sup>2</sup>.</p> | <p><b>P1</b></p> <p>Site coverage must be compatible with the cultural, scenic and coastal landscape values of the site and surrounding area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any relevant local area objectives;</li> <li>(b) any management plan for the islands;</li> <li>(c) the topography, size and shape of the site;</li> </ul> |

|   |  |
|---|--|
|   | <ul style="list-style-type: none"> <li>(d) the location of development and works in relation to existing buildings, cleared areas and natural features of the site;</li> <li>(e) the impact of the development on the natural and cultural values of the site and surrounding land;</li> <li>(f) the design, scale, siting, materials and type of buildings or works proposed;</li> <li>(g) the visual prominence of buildings and works when viewed from public areas including roads, foreshores and by passengers on a plane flying over the islands;</li> <li>(h) the extent and impacts of vegetation removal;</li> <li>(i) any remediation or mitigation measures proposed; and</li> <li>(j) the ability of the site and vegetation type/community to accommodate the vegetation removal and remediation.</li> </ul>   |
| <p><b>A2</b></p> <p>Development area must be not more than 400 m<sup>2</sup>.</p> | <p><b>P2</b></p> <p>The development area must not cause an unreasonable impact on the scenic, cultural and coastal landscape values of the site and surrounding area, having regard to:</p> <ul style="list-style-type: none"> <li>(k) any relevant local area objectives;</li> <li>(l) the topography, size and shape of the site;</li> <li>(m) any management plan for the islands;</li> <li>(n) the location of development and works in relation to existing buildings, cleared areas and natural features of the site;</li> <li>(o) the impact of the development on the natural and cultural values of the site and surrounding land;</li> <li>(p) the design, scale, siting, materials and type of buildings or works proposed;</li> <li>(q) the visual prominence of buildings and works when viewed from public areas including roads, foreshores and by passengers on a plane flying over the islands;</li> <li>(r) the extent and impacts of vegetation removal;</li> <li>(s) any remediation or mitigation measures proposed; and</li> </ul> |

|   |   |
|---|---|
|   | (t) the ability of the site and vegetation type/community to accommodate the vegetation removal and remediation.  |
| <p><b>A3</b></p> <p>Exterior building finishes must have a light reflectance value not more than 10%, in dark natural tones of black, grey, green or brown.</p> | <p><b>P3</b></p> <p>Exterior building finishes of buildings must be designed to minimise impact on the scenic values and coastal landscape of the site and surrounding area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any relevant 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 surrounding land;</li> <li>(d) the design, scale, siting, materials and type of building proposed;</li> <li>(e) the visual prominence of buildings when viewed from public areas including roads, foreshores and by passengers on a plane flying over the islands; and</li> <li>(f) any screening proposed.</li> </ul> |

FLI-P1.6.6 External lighting in the Rural Precinct

|   |   |  |
|---|---|--|
| Objective:  | That external lighting does not have an unreasonable impact on the scenic and cultural values of the coastal landscape when viewed from public areas including roads, foreshores, and the air.  |  |
| <b>Acceptable Solutions</b>   | <b>Performance Criteria</b>   |  |
| <p><b>A1</b></p> <p>External lighting must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) be turned off between 10:00pm and 6:00am, except for security lighting; and</li> <li>(b) security lighting must be baffled to ensure that direct light does not extend beyond the property boundary.</li> </ul> | <p><b>P1</b></p> <p>External lighting must not be obtrusive on the landscape, scenic and cultural values of the site and surrounding area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any relevant local area objectives;</li> <li>(b) the number of proposed light sources and their intensity;</li> <li>(c) the location of the proposed light sources;</li> <li>(d) the topography of the site;</li> <li>(e) any existing light sources; and</li> <li>(f) the impact of the light when viewed from public areas including roads, foreshores and by passengers on a plane flying over the islands.</li> </ul> |  |

## FLI-P1.7 Development Standards for Subdivision

### FLI-P1.7.1 Subdivision

| Objective:  | That each lot:<br>(a) has an area and dimensions appropriate for use and development in the zone; and<br>(b) is provided with appropriate access to a road.   |
|---|---|
| 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 or development, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any relevant local area objectives;</li> <li>(b) the relevant requirements for development of buildings on the lots;</li> <li>(c) the intended location of buildings on the lots;</li> <li>(d) the topography of the site;</li> <li>(e) adequate provision of infrastructures services;</li> <li>(f) adequate provision for storm water retention and drainage;</li> <li>(g) the pattern of existing lots or development existing on established properties in the area; and</li> <li>(h) any constraints to development.</li> </ul> |
| <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> <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>P2</b></p> <p>No Performance Criterion.</p>   |
| <p><b>A3</b></p> <p>Each lot, or lot proposed in a plan of subdivision in the Rural Precinct, must:</p>   | <p><b>P3</b></p> <p>Each lot, or a proposed lot in a plan of subdivision in the Rural Precinct must have sufficient useable area and dimensions suitable for its intended use or development, having regard to:</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> | <ul style="list-style-type: none"> <li>(a) any relevant local area objectives;</li> <li>(b) the relevant requirements for development of buildings on the lots;</li> <li>(c) the intended location of buildings on the lots;</li> <li>(d) the topography of the site;</li> <li>(e) the capacity to be serviced by on-site wastewater management system;</li> <li>(f) adequate provision for storm water retention and drainage;</li> <li>(g) the pattern of existing lots or development existing on established properties in the area; and</li> <li>(h) any constraints to development.</li> </ul> |
| <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>A5</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>P5</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> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <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>              |

## FLI-P1.8 Tables

This sub-clause is not used in this particular purpose zone.