



Agenda Special Council Meeting

25 January 2022



CERTIFICATION

"I certify that with respect to all advice, information or recommendation provided to Council with this agenda:

1. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and;
2. Where any advice is given directly to Council by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person."

Note:

S65(1) of the Local Government Act 1993 requires the General Manager to ensure that any advice, information or recommendation given to the Council (or a Council Committee) is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation. S65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.

Dated this 20th day of January 2022.



Warren Groves
GENERAL MANAGER

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Flinders Council Special Meeting - Agenda

Tuesday 25 January 2022

Venue	Furneaux Arts and Entertainment Centre, Whitemark
Commencing	1.00 pm
Attendees – Councillors	Mayor Annie Revie Deputy Mayor David Williams Sharon Blyth Aaron Burke Vanessa Grace Peter Rhodes Rachel Summers
Apologies	Nil
Attendees – Staff	Warren Groves General Manager Chris Wilson Infrastructure and Airport Manager Jacci Smith Development Services Coordinator Vicki Warden Executive Officer (Minute Taker)

1 Acknowledgment of Country

The Mayor will begin by acknowledging the Traditional Owners of the land on which we meet today, the palawa people of the trawulwai Nation. She will recognise their continuing connection to the land, waters and culture of this island, and pay respects to Elders past, present and emerging.

2 Declaration of Pecuniary Interest

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015, Councillors are required to declare any pecuniary interest that they, or any of their close associates, may have in any matter appearing on the agenda, or any supplementary item to the agenda, before any discussion on that matter.

3 Conflict of Interest

In accordance with the Part 2, paragraph 6 of the Local Government (Model Code of Conduct) Order 2016, Councillors are required to declare any conflict of interest, be in actual, perceived or potential, that they may have regarding any matter appearing on the agenda, or any supplementary item to the agenda before any discussion on that matter commences.

4 DEVELOPMENT SERVICES

Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015 the Council will now act as a Planning Authority under the Land Use Planning and Approvals Act 1993.

4.1 Planning Authority Report – Rural Enterprise work for Local Provisions Schedule

Action	Decision
Proponent	Council Officer
Officer	Mick Purves Strategic Planning Consultant
File Reference	PLN/0101
Annexures	4.1.1 Addendum to Section 35F Report – Rural Enterprise Concept (v2) 4.1.2 RMCG Flinders LPS Rural Enterprise Concept Report 4.1.3 RMCG Enterprise Scale

INTRODUCTION

This report provides a discussion paper on changes to the Local Provisions Schedule (LPS) as a result of background work provided in two reports by RMCG, following the previous decision on the Section 35F Report on Representations that were lodged to the exhibition of the LPS.

A recommendation is provided for the Planning Authority to endorse the Discussion Paper and two RMCG Reports that support it.

PREVIOUS COUNCIL CONSIDERATION

218.11.2021 16 November 2021 Council Meeting – Section 35F Report on Representations to LPS

PREVIOUS COUNCIL DISCUSSION

6 July 2021 Councillor workshop
20 July 2021 Councillor workshop
7 September 2021 Councillor workshop
5 October 2021 Councillor workshop

OFFICER'S REPORT

Council endorsed the Section 35F Report on Representation to the draft LPS at its ordinary meeting of November 2021 and submitted to the Tasmanian Planning Commission (Commission).

The Section 35F Report contained recommendations that, amongst other matters, supported use of the Rural Zone under the LPS to reflect local strategies that would enable expansion of local industry for what was identified as Rural Enterprise activities. This provided a significant component for delivering local strategies for population attraction, building a sustainable population base and diversification of the economic base for Flinders Island.

The Discussion Paper and supporting reports were expected as part of the Section 35F Report on Representations for the LPS, however their delivery was frustrated by financial and business constraints. This meant that some of the recommendations within the Section 35F report were not supported by the relevant expert advice. Notwithstanding this lack of expert

reports, recommendations were provided within the Section 35F Report based on local strategy, pending the expert advice.

Translation of the Flinders Planning Scheme 2000 (2000 Scheme) to the required format and zones under the Tasmanian Planning Scheme (TPS) required extensive rezoning of areas from Rural to Agriculture, based on the requirements of the TPS itself and Guideline No.1 Local Provisions Schedule (LPS): zone and code application (Guideline No.1).

The draft *Flinders Structure Plan 2016* (Structure Plan) was endorsed by Council to support the LPS and identified that the Rural zone should be used through Primary Production Area 2 to enable diversification of the rural economy and establishment of boutique enterprises for rural and tourism operations. This followed the *Northern Tasmanian Regional Land Use Strategy* providing extensive recognition for local strategy to drive population, settlement, economic and zoning regimes within the Furneaux Islands.

The Tasmanian Planning Commission (Commission) placed a higher value on the *Agricultural Land Mapping Project* than Council's local strategy and the recognition within the *Northern Tasmanian Regional Land Use Strategy* and directed Council to use the Agriculture zone in selected locations for exhibition of the LPS.

A brief was won by RMCG to essentially test and develop up the rural enterprise concept and resulted in two being produced. The Enterprise Scale Report developed previous work by RMCG to define appropriate scales of agricultural and rural operations as Commercial, Small, Lifestyle and Hobby scales. In simple terms, Commercial and Small-scale operations are more profit-driven in intent, while Lifestyle and Hobby scale operations tend to be driven by a range of factors. Rural Enterprise Concept Report examined a range of factors and determined that while small, lifestyle and hobby scales have opportunity to expand on Flinders, the economic significance of commercial scale grazing operations will remain the primary economic driver and must be supported. As a result, the decision rules that informed selection of the Rural and Agriculture zones were revised and seven key areas within Primary Production Area 2 were reviewed.

Together, these reports identify that the Rural Enterprise concept within the Structure Plan has merit and can be expected to provide reasonable opportunity for its intended purpose. RMCG note that there are limitations on the available data to inform their reports and that a number of projects are currently underway that are likely to provide significant information that is relevant to the rural enterprise concept in the short to medium term. The implications of this situation are beyond the current LPS assessment process and will require separate consideration once the LPS is operational.

The outcomes of the Rural Enterprise Concept Report were then reviewed in the *Addendum to Section 35F Report – Rural Enterprise Concept*, with recommended actions provided based on three options:

1. areas that were recommended for rezoning that were identified in the Section 35F Report were supported;
2. areas that were recommended for rezoning that were not identified in the Section 35F Report but were consistent with its strategy or decisions, were supported; and
3. areas that were recommended for rezoning that were not identified in the Section 35F Report and were not consistent with the Strategy or decisions in it, were not supported.

The Addendum to the Section 35F Report, Rural Enterprise Concept Report and Enterprise Scale Report were provided as Annexures to this report. The Addendum provides a detailed examination of the areas reviewed by RMCG and provides recommended actions from them.

STATUTORY REQUIREMENT

Land Use Planning and Approvals Act 1993

Following public exhibition of the Draft LPS, Section 35F of the Act requires the planning authority to prepare a report containing:

- a copy of each representation made under s.35E(1);
- a statement of the planning authority's opinion as to the merit of each representation made, in particular as to:
 - whether the draft LPS should be modified; and
 - if recommended to be modified, the effect on the draft LPS as a whole;
- a statement as to whether the planning authority is satisfied that the draft LPS meets the LPS criteria; and
- the recommendation of the planning authority in relation to the draft LPS.

Council considered representations to the LPS at its meeting in November 2021 and determined under Section 35F that Council strategy for use of the Rural zone within Primary Production Area 2 be pursued through the LPS assessment process with the Commission.

This report, and the subsequent decision of the planning authority, includes recommendations that provide further information to the planning authority's previous decision under Section 35F of the Act.

POLICY/STRATEGIC IMPLICATIONS

The Addendum and supporting documents align with Council's Strategic Plan objectives to grow a sustainable population, improve housing affordability, enhance, maintain and protect the Island's agricultural economy, diversify and support a local economy and preserve the natural environment. Strategic Plan focus areas include:

1. Liveability – To protect and build upon our islands' way of life.
 - 1.1.1 Encourage and support an increased supply of affordable accommodation for long-term residential rental and purchase.
 - 1.3.1 Finalise and promote the Flinders Council Local Provisions Schedule and Zone Strategy as part of the Tasmanian Planning Scheme to ensure sensible and sustainable development.
 2. Accessibility/Infrastructure – Quality infrastructure and services for community benefit.
 - 2.3.1 Develop and implement a Council Land Strategy to ensure land is utilised effectively.
 4. Good Governance – Effective, efficient and transparent management and operations.
 - 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.
- AP1920-23 Advance the completion of the Flinders Planning Scheme.

BUDGET AND FINANCIAL IMPLICATIONS

Budget implications of the current process form part of Council's operational costs and statutory obligations as a planning authority.

RISK/LIABILITY

Identified risks are considered to be addressed by the Planning Authority observing the statutory process.

A recommendation is provided to deal with changes to the Section 35F Report.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Planning Authority endorse Annexure 15.2.1 '*Addendum to Section 35F, Rural Enterprise Concept, Local Provisions Schedule*' Annexure 15.2.2 '*RMCG Flinders LPS Rural Enterprise Concept Report*' and Annexure 15.2.3 '*RMCG Enterprise Scale Report*' and submit to the Tasmanian Planning Commission.

Council concludes its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015.

Meeting Closed
