



# Confirmed Minutes Special Council Meeting

25 January 2022



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# Flinders Council Special Meeting – Confirmed Minutes

## Tuesday 25 January 2022

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<b>Venue</b>	Flinders Arts and Entertainment Centre, Whitemark
<b>Commencing</b>	1.01 pm
<b>Attendees – Councillors</b>	Mayor Annie Revie Deputy Mayor David Williams Sharon Blyth Vanessa Grace Peter Rhodes Rachel Summers
<b>Apologies</b>	Aaron Burke
<b>Attendees – Staff</b>	Warren Groves   General Manager (1.01 – 1.06pm) Jacci Smith   Development Services Coordinator (1.00 – 1.06pm) Rowena Gill   Administrative Services Officer (Minute Taker) (1.00 – 1.06pm)
<b>Consultants</b>	Mick Purves   Strategic Planning Consultant

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### **1 Acknowledgment of Country**

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

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### **2 Declaration of Pecuniary Interest**

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Nil

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### **3 Conflict of Interest**

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Nil

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## 4 Development Services

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***Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015, at 1.02 pm, the Mayor announced that 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

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	Council Officer
<b>Officer</b>	Mick Purves   Strategic Planning Consultant
<b>File Reference</b>	PLN/0101
<b>Annexures</b>	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.

## DECISION

**21.01.2022 Moved: Cr P Rhodes**

**Seconded: Deputy Mayor D Williams**

**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.**

## CARRIED UNANIMOUSLY (6-0)

**For: Mayor A Revie, Deputy Mayor D Williams, Cr S Blyth, Cr V Grace, and Cr P Rhodes, Cr R Summers.**

*Note: Councillor Peter Rhodes*

*Thanked the Council staff, and planners for their work. It has been a massive consultation over the last ten years, and we can be proud of what Council has achieved.*

*Note: Deputy Mayor David Williams*

*Adopting a Local Provisions Schedule for the Furneaux Group has been a long and difficult process to understand, and it is clear from the responses that many rate payers, as well, have found the process challenging to understand. Council has been hamstrung by the Tasmanian Planning Commission in many respects and this has caused difficulties, the process can continue for individuals, through the proper channels. To have reached this point, is to be commended.*

*Note: Mayor Annie Revie*

*Thank you to Mick Purves for all the work he has done with Council, Thank you to Jacci Smith and Councillors for persevering throughout the process.*

**Council concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015 at 1.06 pm.**

*The Mayor declared the meeting closed at 1.06pm.*

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**Meeting Closed 1.06 pm**

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