



27 March 2022

Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

By email: tpc@planning.tas.gov.au

Attn: Anne Cunningham, Chair Delegated Panel for Flinders Draft LPS

Cc: Flinders Council & Michael Purves obo Flinders Council.

Dear Anne

Flinders Draft Local Provisions Schedule – Response to Council Submission to TPC Direction 20 on behalf of Alex and Jenny John

Council's submissions in regard to the representation by A & J John are noted and appreciated in regard to the consideration of the representation.

There are however some points that need clarification in regard to that submission, to more clearly outline how the activities associated with the various uses provided for by the SSQ should be considered in the operation of the planning scheme.

From the Council submission...

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.

Section 6.2 of the Tasmanian Planning Scheme (TPS) prevails in regard to how uses are categorised. It is, in effect, the first task in assessing an application for use or development (unless specifically excluded from categorisation under section 6.2.6). Section 6.2.2. requires that if a use is *directly associated with and a subservient part of another use on the same site, it must be categorised into the same use class as that other use*'. This task is not diverted by any inconsistencies in the way definitions of use are described in the TPS, noting that some recognise sales and others do not.

In the first instance, as described in the representation, all uses being submitted for draw resources from the subject property. There is no submission that intends to establish any processing type of activity that does not have some relationship to a resource drawn from the site. Indeed that is the point of this exercise. A distillery will source water from Big River which runs through the site, which is considered to be the particular market advantage due to its quality and source in the adjoining National Park, as well as using botanicals grown on the site.

Under section 6.2.2, any retail sales of the processed products (e.g. whiskey, gin, beer, kunzea oil, cosmetic products infused with kunzea oil) will be directly associated and subservient to the Resource Processing use. The test of categorisation will be whether the sales component is 'subservient'. In other words, it cannot be more 'shop' than it is 'processing'. The enterprises envisaged will be broadly marketed as being unique to Flinders Island, but the enterprises will not be dependent on local attendance at the site to purchase the items. Therefore, a sales component on the site for these products will remain subservient to the production and be included in the categorisation for Resource Processing in accordance with section 6.2.2.

I hope this assists the further consideration of the representation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Oliver', with a stylized, cursive script.

Jo Oliver
Director & Planner