



I AM SORRY THAT RECENT WEEKS HAVE SEEN SO MANY CONCERNS EXPRESSED BY OUR COMMUNITY

Over recent weeks, Facebook saw many concerns expressed over a planning development application for a residence proposed for White Beach. The Facebook Community Page was flooded with anti-council rhetoric. I understand this and stress that Councillors are also very unhappy that this house, proposed for Lady Barron, and totally out of sync with Island dwellings generally, has been approved.

SOME KEY DECISIONS REGARDING THIS PLANNING APPLICATION HAD BEEN TAKEN IN CLOSED COUNCIL

For this reason, I was unable to disclose details to the Community. However, at last week's Council meeting, the confidentiality clause was rescinded and no longer applies. I know that the explanation offered here does not resolve community concerns, but I hope it goes some way to help you understand the predicament Council found itself in.

WHEN COUNCIL ACTS AS A PLANNING AUTHORITY its purpose is to make decisions according to the Planning Framework only.

This is a legal requirement.

THIS PARTICULAR PLANNING APPLICATION GOES BACK TO SEPTEMBER 2019

Council, acting as Planning Authority, sat in judgement on the development application for the White Beach proposal. Council's planner recommended that approval be granted. The application was for a dwelling of three storeys, approximately 22 metres high in total, including the large earthen platform on which it was to be

built. In addition, there were horizontal and vertical wind turbines above that.

Council did not approve the application on the grounds that the building was to be more than double the maximum height allowed in the planning regulations Without demonstrated justification.

BUT EVEN THIS IS COMPLEX

The key clause in the planning framework reads as follows:

"5.8.4 (a) The maximum height of buildings is 8.0 metres unless it can be satisfactorily demonstrated that a higher structure is required for operations, topographical or other justified purpose."

Councillors, in a conference telephone call, asked the planner to justify the recommended approval. The planner's justification did not satisfy Councillors, who unanimously moved to deny approval.

THE APPLICANT TOOK HIS CASE TO THE TRIBUNAL

The applicant's justification for the height was that the dwelling:

- Would be off grid;
- Would have vertical and horizontal wind generation units;
- Needed over-regulation height to enable optimum operation of the wind units.

LEGAL ADVICE RECOMMENDED that it would be very difficult for Council to successfully challenge the applicant's justification on that last dot point, especially when the specialised equipment in question was to be sourced from Europe and was little known in Australia.

AGAIN, COUNCIL'S JUDGEMENT WAS TO DENY APPROVAL

Council sought further legal advice, this time from a Senior Counsel. The advice was the same as the first.

Both legal opinions recommended that the potential to win this case is low. If Council were to proceed, the likely cost would be upwards of \$50,000 and Council would be unlikely to win the case.

This time Council agreed to dispose of the appeal by executing a consent memorandum that substituted Council's original refusal with an approval.

I AM AWARE THAT SOME COMMUNITY MEMBERS BELIEVE THAT WE SHOULD HAVE PURSUED THE CASE JUST TO PROVE A POINT

Council tried everything within its power to reject planning approval for this building. However, Council would not go beyond its principles – it would not risk spending upward of \$50,000 in order to gain essentially nothing.

PRECEDENT OR NOT?

Council has also examined this. A house such as this could understandably be perceived as setting a precedent regarding buildings on Flinders Island. However, there is no such thing as setting a legal precedent in the context of the Planning Framework. Every case is decided on its own circumstances.

EMAIL LIST FOR DAs

I've had several requests from community members for Council to use a variety of platforms to notify the Community when Development Applications have been advertised. If you would like to be notified via email, please send an email to sammi.gowthorp@flinders.tas.gov.au and you will be added to Council's database. Council will only use your email address to distribute council information, as per our Personal Information Protection Policy.

THE SAFE HARBOUR PROJECT

Over eighteen months ago, Council approved a motion that it would facilitate the safe harbour project but could not afford to own it because of probable over-budget costs as well as ongoing depreciation and maintenance costs.

In the last Island News, I wrote that TasPorts had offered to build a safe harbour within the Lady Barron Port area.

At the Council meeting on the 22nd September, it was obvious from questions asked and statements offered, that strong community opinion opposed the TasPorts proposal for many reasons, including concerns that:

- Wind and weather in the Port location would detract from safety;
- It may not be safe to use the Lady Barron Port for a marina as well as for livestock;
- There may not be enough shelter for a boat ramp in that location.

As a result, Council held a Special Council Meeting on the 29th September and voted to:

- *Continue with the application for Federal Funding of \$3m to construct stage one of the original Flinders Island Marine Access*

and Safe Harbour Project, being a breakwater (and additional associated structures, if money allows) at the originally identified site at Lady Barron (slipway).

- *Continue to advocate for external management and control of the infrastructure.*

The above motion was unanimously approved.

FRIDAY 25TH SEPTEMBER SAW A SUCCESSFUL LAUNCH OF THE TELSTRA UPGRADE

There is no doubt that most people in the municipality have good quality phone and internet reception. I do hear, though, that some still have reception that is not so good. We spoke with TELSTRA's management re this and have their blessing to invite feedback from the Community:

If your telephone and / or internet connection is low grade and drops out a lot, please send an email to me or to Council reception.

We will pass feedback to TELSTRA and see if anything can be done. However, it is true to say that things can never be high quality for everyone, unfortunately, as this depends on line-of-sight. If there are mountains / hills between you and the source of the signal, reception may never be good quality.

ANNIE REVIE

MAYOR

Tel: 0477 557 338

Email: annie.revie@flinders.tas.gov.au

SAFETY AND WORKS

Now the weather is warming up, our Council Road Crew will be out and about on island roads, patching, sealing and pot holing!!

Please observe all Road Work speed signs, and keep our workers safe 😊

Angela Harley

Safety and Works Admin Officer

WHITEMARK TIP OPENING HOURS

SUN, MON, FRI	1.30pm - 4.30pm
TUES +THURS	7.00am -10.00am
WEDNESDAYS	8.30am - 11.30am

TASMANIAN WEEDS ACTION FUND

Applications are now open for the next round of the Tasmanian Weeds Action Fund!

Grants of up to \$10,000 are available to farmers, community organisations, land managers, industry and other entities to undertake best practice, long-term and effective actions on priority weeds.

A total of \$200,000 in small grants is available for distribution. Another grant round for larger, more complex weed projects will be released later in the 2020/21 financial year.

Eligible activities include on-ground management of weeds, weed education and extension activities, and critical weed management planning to underpin the effective management of priority weeds.

Please visit www.nrmnorth.org.au to read more, download the guidelines, application form and priority weed list.

Applications close 11 pm, Sunday, 1 November 2020.

POLICIES TO BE ADOPTED

Council's Policy Manual is an important document of Council as it provides direction to Staff, Management and Councillors. Many of the policies are required by, or relate to, legislation and in most instances help manage Council's exposure to risk.

Council resolved at the 22 September 2020 Ordinary Council Meeting to approve the Uniform Policy, Flying of Flags at Council Property Policy and the Employee External Employment Policy.

These policies will lie on the table for public comment until 22 October 2020. They are available to download from the Council Website www.flinders.tas.gov.au/policies and hardcopies are available from the Council Office.

Should you wish to comment on a policy, please address relative correspondence to:

Warren Groves
General Manager

ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Meeting of Flinders Council will be held at the Flinders Arts and Entertainment Centre, Whitemark, Flinders Island on:

Tuesday 20 October 2020 at 9.30am.

Public Question Time will be held between 9.30 – 10.00am.

The Agenda will be available for perusal from Thursday 15 October 2020 on the Council Website www.flinders.tas.gov.au.

Warren Groves | **GENERAL MANAGER**