



Agenda
Ordinary Council Meeting
18th August 2016



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 12th day of August 2016.



Sophie Pitchford
ACTING GENERAL MANAGER

FLINDERS COUNCIL ORDINARY MEETING

AGENDA

DATE: Thursday 18th August 2016
VENUE: Furneaux Arts and Entertainment Centre, Whitemark
COMMENCING: 1.00 pm

PRESENT

Mayor Carol Cox
Deputy Mayor Marc Cobham
Cr Chris Rhodes
Cr Ken Stockton
Cr David Williams
Cr Gerald Willis

APOLOGIES

Cr Peter Rhodes

STAFF IN ATTENDANCE

Sophie Pitchford - Acting General Manager
Jacci Viney - Development Services Coordinator
Vicki Warden - Executive Officer

CONFIRMATION OF MINUTES

That the Minutes from the Ordinary Council Meeting and the Closed Council Meeting held on the 14th July 2016 be confirmed.

That the Minutes from the Special Council Meeting and the Special Closed Council Meeting held on the 1st and 4th August 2016 be confirmed.

PUBLIC QUESTION TIME

In accordance with Section 31 (1) of the Local Government (Meeting Procedures) Regulations 2015 and the Flinders Council Policy the following procedures be adhered to at public question time:-

It is the policy of the Flinders Council to allow a 'Question Time' at Ordinary Council Meetings, during which members of the public may ask questions of the Council relating to Flinders Council matters.

The basis on which questions may be asked is:

- 1. All questions will be addressed through the Chair (being the Mayor in normal circumstances) who will answer them as she/he sees fit. Under no circumstances will members of the gallery be permitted to address or*

question either elected members or officers of the Council. The Chair may delegate answers to the appropriate Councillor or staff member if appropriate.

- 2. Persons addressing the Chair must pay the respect due to that office. Failure to do so may mean their address is terminated without notice.*
- 3. Where the answer cannot be provided immediately, it will be provided in writing within 14 days and tabled at the following Ordinary Council Meeting.*
- 4. All questioners are encouraged to register their intent to question with the General Manager before the meeting. Preference will be given to those who have so registered.*
- 5. Question time shall not extend longer than 30 minutes and may be divided into two 15 minute sessions.*
- 6. The actual timing of the session(s) is to be immediately after the opening of the meeting and advertised with the notice of meeting.*

RESPONSE TO PUBLIC QUESTIONS

14th July 2016 Council Meeting

Questions from Jude Cazaly:

Question 1: What efforts were made by Council during the time of the General Manager's employment to reconcile any differences, real or perceived, between any aggrieved Councillors and the General Manager? What was the result of those efforts if any were made?

Response: The General Manager, over his term of employment, has worked with several different sets of Councillors with differing expectations. The group that employed Raoul was very different to the currently elected group, and thus the expectations also differ. Council Policy on the protection of confidentiality prevents my publically divulging information relating to a person's employment however I can advise that all Councillors were involved in the General Manager's performance reviews.

Question 2: If Council has erred in law and attracts financial penalties to be paid to any aggrieved party what funds will these payments come from? Will it come from ratepayer's money or will it come from any personal indemnity fund or pockets of the Councillor's responsible?"

Response: Council rejects the suggestion that it has erred in law. Council's position is that it has at all times acted in accordance with its statutory powers, functions and obligations and it will continue to do so. Council's insurance provider has been briefed as a precaution against any claim that may arise.

Question 3: What guarantees do the Community have that this is not and has not been a personal vendetta against the General Manager by the majority of

Councillors and that all Council employees current and future will be treated with fairness, with regard for the law, will be free from personal vendettas by Councillors and respect for their contribution to the workplace and the Flinders Community regardless of their social connection with any Councillors?

Response: The elected members of a Council, have the responsibility “to appoint and monitor the performance of the general manager” as per *the Local Government Act 1993*. In this instance Council has approved the separation of Raoul as their employee for reasons that have not been made public. Again Council Policy on the protection of confidentiality prevents my publically divulging information relating to a person’s employment.

Councillors have no jurisdiction over the staff as their employment is the responsibility of the person employed as the General Manager, or in the absence of a General Manager, the Acting General Manager. Management of staff is governed by the Employee Code of Conduct and other policies Council has in place. The employment of all employees is also governed by the Fair Work Act.

Question 4: What training has been undertaken by the 7 Councillors currently in office? When was this done and who was trained?

Response: The seven Councillors currently in office have held their “office” for varying amounts of time, from twenty one months to eleven years and each has been exposed to differing amounts of training over their time as elected members.

Question from Chris Chen:

Is there a precedent or Council regulation which can be cited in support of the actions of Councillors in reference to the recent dismissal of the General Manager?

Response: In explanation, the general manager of a council is appointed by the elected members as per the *Local Government Act 1993* which legislates that one of the functions of Councillors is “to appoint and monitor the performance of the general manager” (Section 28(d)).

As under the *Local Government Act 1993* Council has the responsibility of employing the General Manager, Council also has the ability to dismiss a General Manager. In this case the Council, that is the elected members, by a vote of absolute majority, agreed to the separation of Raoul Harper from the position of General Manager to the Flinders Council.

An absolute majority is a majority of the elected members whether in attendance at a meeting or not, which for Flinders Council is 4 or more.

Under that same section of the Act, Council is now undertaking the process of engaging a General Manager.

Questions from Joanna Klug:

Question 1: The elected members who voted to terminate the General Manager's contract, what, if any, action was taken prior to addressing your concerns?

Response: Council Policy on the protection of confidentiality prevents my publically divulging information relating to a person's employment.

Question 2: When the Community has lost faith in the four elected Councillors, can their term be shortened?

Response: No. There is a statutory Code of Conduct for Councillors, that sets the standard of conduct and deals with complaints of elected members' actions that fall outside that standard. The Code of Conduct is on Council's website.

Question 3: At any time did the four elected Councillors discuss or consider with the Council staff their working environment & satisfaction of the General Manager? The sacking of the General Manager has surely affected the working environment for the present staff.

Response: Councillors have no jurisdiction over Council staff, however we do commend the skilled and dedicated staff team for getting on with business as usual and continuing to deliver the programs that Council has put in place.

Question 4: The Community would be more than supportive of Sophie Pitchford remaining as Acting General Manager. How can we assure that these elected four Councillors don't continue to fire senior staff?"

Response: Sophie Pitchford is the appointed Acting General Manager and Council is starting the process of engaging a new General Manager with a special meeting being held to consider the appointment of a management recruitment company to assist Council with this process.

LATE AGENDA ITEMS

Nil

DECLARATION OF PECUNIARY INTEREST

In accordance with Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2015.

LEAVE OF ABSENCE

Nil

PETITIONS

Nil

WORKSHOPS & INFORMATION FORUMS File No: COU/0205

Council Workshop held on 4th August 2016

Council held a Workshop on the following subjects:

- Item 1: Update on action being taken regarding management of the airport
- Item 2: Review of General Manager's position description and remuneration
- Item 3: Governor's Visit
- Item 4: Biosecurity and Veterinary Services Update
- Item 5: Review of Policies

Councillors Present:

Mayor Carol Cox, Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Ken Stockton, Cr Gerald Willis, and Cr David Williams.

Apologies:

Cr Peter Rhodes

Staff and Consultants Present:

Sophie Pitchford (Acting General Manager), Vicki Warden (Executive Officer) and Jacqui Viney (Development Services Coordinator) (Items 4 & 5 only).

As workshops and information sessions are for information and discussion purposes only, no decisions are made or foreshadowed at these proceedings.

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION:

That the Council Workshop held on 4th August 2016 be noted.

DECISION:

PUBLIC MEETINGS

Nil

COUNCILLOR'S QUESTIONS ON NOTICE

Nil

COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Regulation 29 of the Local Government (Meeting Procedures) Regulations 2015 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question. The Chairperson must not permit any debate of a Question without Notice or its answer.

PUBLICATIONS/REPORTS TABLED FOR COUNCIL INFORMATION

Nil

REPORTS TO BE RECEIVED

Flinders Council Audit Panel

File No: FIN/1300

Annexure 1: *Flinders Council Audit Panel 26th July 2016 Unconfirmed Minutes*

OFFICER'S REPORT (Sophie Pitchford, Acting General Manager):

The unconfirmed minutes of the Flinders Council Audit Panel meeting held on Tuesday 26th July 2016 have been provided for consideration. The minutes outline what the panel has been working on to date and can now be noted by Council.

OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Flinders Council Audit Panel meeting held on Tuesday 26th July 2016 be noted.

DECISION:

COUNCILLORS' REPORTS

No reports were received for this reporting period.

MAYOR'S REPORT:

ACTION	Information
PROPONENT	Mayor C Cox
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	Nil

REPORT:**APPOINTMENTS:**

13/07/16	Met with the Deputy Mayor and Acting General Manager re Special Meeting outcomes
14/07/16	Council Meeting
19/07/16	Local Government Association of Tasmania (LGAT) Planning Forum
20/07/16	Mayors' meeting re proposed changes to the Local Government Act
20/07/16	LGAT Annual General Meeting
20/07/16	LGAT General Meeting
20/07/16	Met with the Minister for Local Government, the Hon Peter Gutwein MP
20/07/16	Government House Reception
21/07/16	LGAT Conference
21/07/16	LGAT Dinner
22/07/16	LGAT Conference
25/07/16	Met with Cr C Rhodes
27/07/16	Rural Primary Health Services public consultation
27/07/16	Met with John Loudon, Multi-Purpose Centre
27/07/16	Met with Michael Buck, President of Flinders Island Tourism and Business Incorporated
01/08/16	Special Council Meeting
04/08/16	Special Council Meeting continued
04/08/16	Council Workshop
05/08/16	Met with the Member for Bass, Ross Hart MP
05/08/16	Opening of exhibition, Fruit & Flowers at the community gallery
06/08/16	Junior Football

Targeted Review of the Local Government Act:

The period for public consultation closed in June. The information received is now under consideration and will be converted to amendments to the Local Government Act. It is expected this will be introduced to Parliament by May 2017.

Local Government Association of Tasmania (LGAT) Annual General Meeting and General Meeting:

The minutes of the Annual General Meeting will appear on the LGAT website in due course. The draft General Meeting minutes are available on the website now.

LGAT Conference:

I was accompanied at the conference by Cr Chris Rhodes and the Acting General Manager, Sophie Pitchford.

The Minister's address was delivered in very strong terms and included the following points in summary:

- Local Government is very much at the point of metamorphosis.
- Transformation is not a process of a tentative step towards change and a retreat back to the status quo.
- It takes leadership and commitment for change to occur, and I repeat the challenge I made earlier for you to have the courage to consider meaningfully and positively the outcomes of the voluntary amalgamation and resource sharing studies.
- Governance models for local government too are set for a change. The Targeted Review of the Act will generate proposals for reform that are clearly overdue.
- Furthermore, tackling the challenges in Tasmania's water and sewerage sector is going to require us to work together to find a solution that enables the investment that is needed to take place whilst ensuring that price increases are modest and affordable.
- As we work together through these issues, I remain firmly of the view that as elected representatives, we must govern always with our constituents' best interests in mind.
- You must be prepared to embrace change if that is in your constituents' best interests and provides better outcomes for them, even though it may not necessarily always suit your own self interests.
- I commend you for your conference theme 'Metamorphosis – A Time for Change and Transformation' and look forward to embracing these challenges with you.

The conference, in a new venue, was very conducive to networking and accessing the trade stalls. I want to especially note the generosity of many of the General Managers in offering our Acting General Manager their assistance should she need it.

Copies of the speakers' presentations can be accessed by Councillors by logging onto the LGAT extranet.

General Manager's Position:

At the Special Meeting earlier in August, Council appointed Searchlight Group as the recruitment management company to assist it in finding a new General Manager. Council is meeting with the representative from Searchlight Group prior to this Council Meeting and an Agenda Item to consider the position description, advertising etc. is included in this Council Meeting.

Member for Bass:

The Acting General Manager, Sophie Pitchford and I, met with Ross Hart MP, the newly elected Member for Bass, and had broad discussions on the issues affecting Flinders and the Furneaux Group. Ross has advised he is willing to take up the issues that concern us and work on them to achieve desired outcomes.

Ross is planning to repeat the meeting on a quarterly basis and would also like to schedule two meetings with the full Council annually.

NBN:

At the LGAT conference Sophie and I met with the nbn representatives with the outcome that they are planning on bringing a demonstration vehicle fitted out with a satellite disc and the nbn connectivity equipment to the Flinders Island show in October.

Satellite nbn connections though Sky Muster are now being made on the Island.

CORRESPONDENCE IN:

DATE	WHO	SUBJECT
07/07/16	P Gutwein	Termination of general manager's contract request for explanation
08/07/16	Lynne Blake, Learning Services Southern Region	Invitation to attend opening and awards presentation for Young Archies competition
11/07/16	B Grutzner	Copy of letter to P Gutwein re dismissal of General Manager
12/07/16	Stephanie Commons	Tasmanian Community Achievement Awards - One month to go
13/07/16	M Cobham	Relinquishing duty of Acting Mayor
13 and 22/07/16	I James	Dismissal of General Manager
13/07/16	J Cazaly	Dismissal of General Manager

13/07/16	J Cazaly	Copy of email from K Stockton in response to J Cazaly's email
14/07/16	H Barnewall	Feedback on Council Meeting
14/07/16	P Hoysted	Retirement of Director of Local Government
14/07/16	D Scott, Tasmanian Audit Office	Financial Audit Strategy for year ended 30 June 2016
15/07/16	M Evans, Mayor, Derwent Valley Council	TasWater, Disposal of Shareholding
18/07/16	Australia Asphalt Pavement Association (AAPA)	AAPA National Workshop series
18/07/16	P Gutwein	Findings from Local Government financial audits
19/07/16	D Scott, Tasmanian Audit Office	Interim Management Audit Report
19/07/16	Local Government Association of Tasmania (LGAT)	Media Release - Councils Work to Ensure Fair and Equitable Rating
20/07/16	Pedestrian Council of Australia	Requesting support for Cancer Council NSW 7 Bridges Walk
20/07/16	K Stephenson, LGAT	Minister's address to the LGAT General Meeting 20 July
22/07/16	Launceston General Hospital	Certificate of Currency Tasmanian Health Service
22/07/16	G Chapman, Australian Bureau of Statistics	Request for support for 2016 Census
25/07/16	F Henwood	Confidentiality in Council
26/07/16	K Stephenson, LGAT	Review of the Local Government Act
26/07/16	J Rockliff, Deputy Premier	Fact Sheet on proposal to lower the starting school age
26/07/16	Dianne	Lowering of the school starting age
26/07/16	P Gutwein	No basis for ministerial intervention re GM dismissal, recommend using independent person on selection panel
27/07/16	Stephanie Commons	Tasmanian Community Achievement Awards - Nominations closing soon
26/07/16	University of Tasmania	Invite to attend Northern Community Reception (apology sent)
01/08/16	M Patterson	Update on Stronger Regions funding application

01/08/16	Cr P Rhodes	Request to attend Special Meeting by phone
03/08/16	Biosecurity Tasmania	Biosecurity Advisory 17/2016 - Green snail detection
03/08/16	Northern Tasmania Development	Invitation to Local Government Committee meeting
04/08/16	Biosecurity Tasmania	Biosecurity Advisory 18/2016 - WA strawberry imports halted
05/08/16	M Edwards, PageSeager	Employment of new general manager will fall outside retainer agreement
05/08/16	Australian Bureau of Statistics	Census update
10/08/16	Early Childhood Tasmania	Review of Education Act 2016

CORRESPONDENCE OUT:

DATE	WHO	SUBJECT
13/07/16	Crs Rhodes, Cr Stockton, Cr Willis, Cr Williams	Letter re public disclosure from Deputy Mayor & Mayor
19/07/16	P Hoysted	Retirement of Director of Local Government
19/07/16	H Barnewall	Thank you for feedback on meeting
21/07/16	I James	Dismissal of General Manager
28/07/16	D Gray	Response to letter re Quoin development
01/08/16	P Rhodes	Local Government Act does not allow attendance at council meeting by phone
01/08/16	M Patterson	Progress on Stronger Regions funding application
04/08/16	M Edwards, PageSeager	Will recruitment of new general manager fall within retainer agreement
04/08/16	J Cazaly	Answers to public questions
04/08/16	C Chen	Answer to public question
04/08/16	J Klug	Answers to public questions
04/08/16	M Cobham	Answer to question without notice
05/08/16	Facebook	Flinders Structure Plan for comment
09/08/16	Governor of Tasmania	Offer of Civic Reception
11/08/16	F Henwood	Confidentiality in Council

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION:

That the Mayor's report be received.

DECISION:

OPERATIONAL BUSINESS OF COUNCIL

A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS

Item A1: Development Application – (A. Jones)

File No: DA2016/008

Annexure 2: Display Details

Annexure 3: Folio Plan

Annexure 4: Folio Text

Item A2: Development Application – (J. & T. Youl)

File No: DA2016/017

Annexure 5: Site Plan and Elevations

Annexure 6: Planning Application

Annexure 7: Civil and Hydraulic Requirements Report

Item A3: Development Application – (G. Grace)

File No: DA2016/018

Annexure 8: Plans

Item A4: Development Application Report

File No: DSV/0300

Annexure 9: Planner's Information Report – July 2016

B. NOTICE OF MOTIONS

Item B1: Notice of Motion from Deputy Mayor Marc Cobham -
General Manager Recruitment

File No: PER/0602

Annexure 10: General Manager Position Description

C. ENVIRONMENTAL HEALTH OFFICER

Item C1: Dog Management Policy

File No: ANI/0204

Annexure 11: DRAFT Dog Management Policy

Annexure 12: DRAFT Code for Responsible Dog Ownership

D. GOVERNANCE

Item D1: Review of Instrument of Delegation

File No: PUB/0300

Annexure 13: DRAFT Instrument of Delegation – revised August 2016

Item D2: Councillor Resolution Report
File No: COU/0600
Annexure 14: Councillor Resolution Report August 2016

E. CLOSED COUNCIL

Item E1: Closed Council Item - General Manager's Separation from
Council
File No: LEG/001
Annexure 15 & 16: For Elected Members only

Meeting Closed

A. DEVELOPMENT SERVICES AND PLANNING APPLICATIONS
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Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2005 the Council will now act as a Planning Authority under the Land Use Planning and Approvals Act 1993.

Item A1: Development Application – (A. Jones)

ACTION	Decision
APPLICANT	A. Jones
OFFICER	James Ireland (consultant town planner)
APPROVED BY	Karin Van Straten (senior consultant town planner)
FILE REFERENCE	DA2016/008
ASSOCIATED PAPERS	<i>Annexure 2: Display Details Annexure 3: Folio Plan Annexure 4: Folio Text</i>

Proposal: Shed (horticulture use)

Location: 601 Boat Harbour Road, Killiecrankie (CT: 167763/4)

Zoning: Rural Zone

Special Areas: Visually sensitive and shorelines waterbodies and watercourses.

Representations: None - application was called in by Councillors.

Statutory Date Received: 13/7/16

Timeframes: Advertised: 20/7/16

Closing date for representations: 3/8/16

Request for further information: not required

Decision due: 24/8/16

INTRODUCTION:

Subject Site

The subject site is a 40.22 ha lot on the south side of Boat Harbour Road (a right of way at this point), approximately 750m from Boat Harbour Beach itself. The lot is mostly cleared with eucalypt forest in the south eastern part. It slopes down 40m to the east and is vacant. In all directions are large rural lots, generally also vacant.



OFFICER'S REPORT:

The Proposal

The site will be used for horticulture (growing limes). Buildings and structures will comprise:

- A 90m² Colorbond shed (10m by 9m and 4.4m high), setback 200m from the nearest boundary, and:
- Two 60m² polytunnels (each 10m by 6m and 3.2m high) 75m from Boat Harbour Road and 65m from the west boundary.

Assessment Against the Planning Scheme

The Flinders Island planning scheme is organised into seven parts. Assessment is required under the following parts:

- Part 3 – Consideration of Applications for Planning Permits (3.10)
- Part 6 – Use and Development Principles
- Part 7 – Special Areas

Part 3 – Consideration of Applications for Planning Permits (3.10)

Council shall take into consideration the following:

1. *the objectives, the intent of the zone, use and development principles, any development plan affecting the land and any relevant development standards or other relevant requirements of the Scheme;*

An assessment is provided below. Note that there is no applicable development plan:

5.8.1 Zone Intent

- (a) *The Rural Zone on Flinders Island is intended to maintain the existing rural character of the island which is typified by a pattern of areas of open farmland, typically with shelter belts of remnant vegetation, interspersed with regular areas of native vegetation and substantial unspoiled landform. On other islands within the Planning Area the zone is intended to preserve the existing character which displays minimal signs of European occupation.*
- (b) *Use and development in the Rural Zone is intended to accommodate agricultural uses and development predominantly, with some compatible non-agricultural uses and development in appropriate circumstances, including tourist operation and rural industries. Forest plantations may be appropriate where they do not adversely affect the character of an area or detract from important views.*

COMMENT: The subject site is characterised in part by ‘*open farmland*’ and in part by ‘*irregular areas of native vegetation and substantial unspoiled landform*’. All the proposed buildings are within the farmland area and will maintain this character.

5.8.2 Desired Zone Character and Zone Guidelines

- (a) *The use or development of small existing rural lots for the purpose of residential living shall only be approved where such use or development is compatible with any existing or potential agricultural use of that land or surrounding lands.*
- (b) *Use or development should enhance the rural character of the zone. Buildings should be substantial distances from the road frontage and apart, unless inappropriate for operational or topographical reasons. Where land clearance is undertaken it should be visually sympathetic; important trees (or stands of trees) should be retained, important hilltop locations should not be cleared and location of trees and shrubs along fence lines, property boundaries, watercourses and at property entrances is encouraged. Buildings and structures for aquaculture should be sited with regard to the protection of coastal scenery and compatibility with recreational use of the coastline.*
- (c) *Land use or development and management practices shall be environmentally appropriate and shall avoid contamination or*

despoliation of the land, ground water, water courses, shore-lines, lagoons and marshes. Sand-dunes and coastal vegetation and ecologically important areas shall be protected from degradation.

- (d) Forestry activities in the zone shall be in accordance with the Forest Practices Code*

COMMENT: Criteria (a) and (d) are not applicable. In relation to (b), and in addition to the discussion under the zone intent section, buildings are setback further than the development standard for the zone and are located amongst tall scrub which further shields them. In relation to (c), horticulture is an environmentally appropriate use, provided it is appropriately managed (via processes outside the planning system).

5.8.4 Development Standards

- (a) The maximum height of buildings is 8.0 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographic or other justified purposes.*
- (b) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double glazing, should be considered.*
- (c) Buildings shall be setback a minimum distance of 20 metres from all boundaries.*
- (d) Regardless of the foregoing minimum setbacks, buildings shall be set back not less than a horizontal distance of 100m from high water mark and 40 m from a perennial watercourse.*
- (e) Council may relax the setback requirement of the above clause pursuant to the provisions of Clause 3.5 of this Scheme and after giving consideration to:*
- i. The particular size, shape, contours or slope of the land and the adjoining land;*
 - ii. The adjoining land and uses and zones*
 - iii. The position of existing buildings and setbacks in the immediate area;*
 - iv. Consideration of any representations received as a result of the notification under Section 57 of the Act.*
- (f) The external walls, roof, paving and other large surface areas of buildings shall be finished with non-reflective materials and*

colours that harmonise with the natural landscape or shall be substantially screened by landscaping.

(g) A house on any lot which contains only class 4, 5, 6 or 7 land is discretionary and may only be approved if any existing or potential development and use of agricultural land in the vicinity is likely to receive no impact, or only minor impact from the establishment of the residence taking into account:

- (a) The topography of the land;*
- (b) The location of water catchments;*
- (c) The location of neighbouring agricultural pursuits;*
- (d) Buffers created by natural features;*
- (e) Resource sustainability given the objective of the State Protection of Agricultural Land Policy.*

COMMENT: The proposal meets requirements a), c), d) and f) and g). Criterion b) is not applicable as it is not a habitable building. Criterion e) is not required as it meets c) and d).

2. any relevant proposals, reports or requirements of any public authorities;

Not applicable. None were received by Council.

3. any representations received following public notification where required under the Act;

None received.

4. whether any part of the land is subject to:

(a) landslip, soil instability, or erosion;

No mapped landslip or stability issues at the sites of the proposal.

(b) excessive slope;

Not applicable.

(c) ponding or flooding;

None known at the sites of the proposal.

(d) bush fire hazard;

Not applicable.

(e) a Protected Catchment District under Water Management Act 1999;

No.

(f) *any Special Area Provisions in Part 7;*

The site is within the visually sensitive special area and part of it is within the shorelines, waterbodies and watercourses special area (centred on Boat Harbour Creek). An assessment against these is provided at Part 7 of this report.

(g) *pollution; and*

None known.

(h) *other hazards to safety or health.*

None known.

5. *whether the proposed use or development is satisfactory in terms of its siting, size or appearance and levels of emissions in relation to:*

(a) *existing site features;*

Existing site features where the proposal is located are limited to the topography.

(b) *adjoining land;*

The proposal is setback 65m from the nearest boundary and is located amongst tall scrub which further shields it. On this basis it is satisfactory in terms of its siting. The small scale of development (a 90m², 4.4m high shed and two 60m², 3.2m high polytunnels) is satisfactory in its sighting and appearance. No emissions will be generated.

(c) *the streetscape and/or landscape;*

The proposal is setback from the road 75m and shielded by tall scrub. It has a very limited impact in the streetscape.

(d) *the natural environment;*

The natural environment is taken here as the flora and fauna on the site. The proposal will not affect any threatened communities. Vegetation removal will be very limited.

(e) *items of historic, architectural or scientific interest;*

None known

(f) *buffer zones, attenuation areas*

None applicable.

(g) *easements;*

None applicable.

(h) a water supply for fire-fighting purposes;

Not applicable.

(i) any received pollution;

None known.

(j) the escape of pollutants into storm drains and watercourses: and

The proposal will not generate pollution.

(k) isolation, separation from other lands.

Please refer to (b).

6. whether the proposed use or development will be supplied with an adequate level of infrastructure and services, and if there is any necessity to improve deficient access, roads or road junctions, water, sewerage, electricity or transport services and the like, without detriment to existing users;

No improvement needs to be made to any roads, road junctions or water, sewerage, electricity or transportation services. This part of the island is not supplied with water or sewerage infrastructure and the proposal is designed to be self-sufficient. It is therefore concluded that the proposal will be supplied with an adequate level of infrastructure and services.

7. whether the proposed use or development would adversely affect the existing and possible future use or development of adjacent land, and vice versa;

The proposal will not have an adverse effect on the use of the adjacent land.

8. the provision of adequate landscaping, amenity facilities and illumination, and the treatment of the site generally;

It is the intent of the proposal to sit within the existing natural vegetation and to minimise removal of it or changes to it. No additional landscaping is proposed. Illumination will be limited to normal farm lighting.

9. the sight distances available to and from proposed point(s) of access, together with an estimate of the speed of passing traffic;

Access will be via Boat Harbour Road, which has a speed limit of 80km/h. Based on a desktop review only, it is understood that sight distances are suitable.

10. the design and siting of the proposal to enable reduction in energy consumption through alternative energy use or reduction in demand; and

No specific effort has been made to reduce energy use, but that said, it is expected that energy use will be very low.

11. the safety and well-being of the general public.

The proposal is a private undertaking - it does not pose a risk to the safety or well-being of the public.

12. Any other matter which Council is of the opinion is relevant to the particular application.

None stated.

In conclusion, the proposal is consistent with the consideration clauses 1-12 under Part 3.10.

Part 6 – Use and Development Principles

This part of the planning scheme provides general principles that development must be consistent with. Some of them are clearly not relevant to this application (for example those concerned with subdivision or quarrying) so these have been omitted for brevity. Furthermore, most have been addressed in more specific parts of this report. They are included here for completeness, but the comment will often refer to the part of the report where they are assessed in detail.

6.0 Use and development shall be consistent with the following principles:

6.1 Use

(a) Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land.

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.2 Character

(a) Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.

- (c) *Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.*
- (e) *Where trees are an important element in the character of an area they should be retained.*

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.4 Environment

- (a) *Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.*
- (b) *Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.*
- (c) *Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslide). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular:*
 - i. *Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and*
 - ii. *Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and*
 - iii. *Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.*

- (f) *Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.*

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.6 Access and Parking

- (b) *All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.*
- (c) *Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.*
- (d) *Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.*
- (h) *New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development*
- (i) *New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.*
- (k) *New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.*

COMMENT: Complies. Ample car parking is available on the site for the use.

6.7 Services

- (a) *Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle*

requirements of people, the nature of the location, and the ability of the community to provide.

- (c) In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer*
- (d) Use or Development in the bushfire prone areas will provide fire protection features and water supplies which comply with Schedule 7.*
- (e) Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewer, water and irrigation channels/pipelines). Buildings shall not be erected over any service main or within any easement providing for same whether utilised or not.*
- (f) Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.*
- (g) Use or Development shall optimise efficiency in the use of energy and resources. In particular, land should be subdivided on a generally sequential basis (ie. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.*

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.8 Social Interest

- 1. Use or Development should demonstrate how it suits the community interest.*
- 2. Use or Development shall have adequate and appropriate types and levels of access to social facilities and services (eg. shops, government agencies, telecommunication, health services and educational facilities).*

COMMENT: In relation to 1., this is a private undertaking and has no direct effect on the community interest. In relation to 2., the proposal does not involve permanent residential accommodation so the servicing level is appropriate.

6.9 Administration

- (b) *Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.*
- (c) *In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.*

COMMENT: In relation to (b), this is a privately financed undertaking, with no cost to the public. In relation to (c), the application was notified under the statutory process.

Part 7 Special Area Provisions

7.2 Visually Sensitive Special Area

The objectives of the Visually Significant Areas are:

- (a) *To retain the natural appearance of each Area;*
- (b) *To minimise the visual impact of Use or Development;*
- (c) *To retain and restore where possible the natural vegetation cover.*

In considering an application for Use or development within the Visually Sensitive areas and whether to impose conditions Council shall consider the following matters:

- (a) *The objectives listed in Clause 7.2.2*
- (b) *The siting, orientation, setbacks, bulk, form, height, scale and external finishes of buildings and structures*
- (c) *The visual impact of buildings, clearing, excavation, access, construction, fences, firebreaks or the deposition of fill;*
- (d) *The adequacy of proposed landscaping and whether any special works or practices are required to protect the scenic values of the site;*
- (e) *Whether development is proposed to be located on skylines or ridgelines.*

COMMENT: In relation to the objectives at Clause 7.2.2, it should be noted that the visually sensitive special area is not a prohibition on all development. Nor does it require that development be completely invisible. Objective (a) is to retain the natural appearance of each area when development takes place, and objective (b) is to minimise the impact of that development. In relation to (c), the natural vegetation cover should be retained and restored where possible.

The small scale of development (a 90m², 4.4m high shed and two 60m², 3.2m high polytunnels) enables the natural appearance of the area (farmland in this part of the site) to be retained, a). The shed is 200m from the nearest boundary and vegetation removal is not required, which minimises the impact of the development, b) and c).

7.5 Shorelines, Water Bodies and Watercourses

In considering an application for Use or Development in Shorelines, Water Bodies and Watercourses and whether to impose conditions Council shall consider the following matters:

- a) *The siting, orientation, setback, bulk, form, height, scale, materials and external finishes of buildings and structures*
- b) *The impact upon water quality, foreshore or streamside vegetation and wildlife habitat of building, clearing, excavation, effluent disposal, access construction, fences, firebreaks or the deposition of fill;*
- c) *Whether land should be acquired by Council as a condition of subdivision or otherwise, to protect the items listed in Schedule 3;*
- d) *Whether additional fencing or any other special works or practices are required to protect the items listed in Schedule 3;*
- e) *The design, content and location of signage and interpretative displays.*

COMMENTS: The site of the proposal is more than 100m from this area. For this reason, it is not considered that any conditions are required.

STATUTORY REQUIREMENT:

The application was advertised for 14 days in accordance with the Act.

POLICY/STRATEGIC IMPLICATIONS:

In the *Flinders Council Strategic Plan 2015*, Strategic Focus Area 1: Population Growth is most relevant. It is summarised as: "*Focusing on strategies, projects and policy initiatives that support the community, economic development, innovation and investment attraction.*"

COMMENT: The proposal is consistent with this focus area. The proposal is a project initiative that supports economic development and investment attraction.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

OFFICER'S RECOMMENDATION:

That the application for a shed (horticultural use) in the rural zone (visually sensitive and shorelines waterbodies and watercourses special areas) **BY A Jones at Boat Harbour Road, Killiecrankie (CT: 167763/4) be APPROVED** generally in accordance with the endorsed plans and subject to the following conditions:

ENDORSED PLANS

1. The use and/or development must be carried out as shown on the endorsed plans by the applicant undated (site plan) and by Ranbuild undated (LAUNC3-6317) to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

SHED COLOUR

2. Prior to the commencement of the development, the proposed shed colour must be approved by the General Manager. The colour must be a natural, subdued tone. Either a standard Colorbond colour can be specified, or a sample of the colour itself must be provided.

Permit Notes

- A. This permit was issued based on the proposal documents submitted for DA2016/008. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit takes effect after:
 - a) the 14 day appeal period expires; or
 - b) any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or
 - c) any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or
 - d) any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received within 6 months after the expiration date.

Other Approvals

- D. This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:
- a) Building permit
 - b) Plumbing permit

Restrictive Covenants

- E. The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is effected, restricted or prohibited by any such covenant. If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

Appeal Provisions

- F. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au

Permit Commencement

- G. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

DECISION:

Item A2: Development Application – (J. & T. Youl)

ACTION	Decision
PROPONENT	J. & T. Youl
OFFICER	James Ireland (Consultant Town Planner)
APPROVED BY	Karin Van Straten (Senior Consultant Town Planner)
FILE REFERENCE	DA2016/017
ASSOCIATED PAPERS	<i>Annexure 5: Site plan and elevations Annexure 6: Planning Application Annexure 7: Civil and Hydraulic requirements report</i>

Proposal: House and maintenance shed (visually sensitive area), stables (animal keeping) - vary side boundary setback and change of use of existing bunkhouse to tourism (holiday cabin). Associated water tanks, wastewater disposal and internal roads. All in the rural zone.

Location: 'Quoin' 3951 Palana Road, Killiecrankie (CT: 170037/2, 3, 6 & 170038/1)

Applicant: J. & T. Youl

Zoning: Rural Zone

Special Areas: Visually Sensitive Area

Representations: None - application was called in by Councillors.

INTRODUCTION:

Subject Site

The subject site is the 'Quoin' pastoral property which comprises fourteen titles totaling 904 ha of land between the Killiecrankie township, Killiecrankie Bay, Mount Killiecrankie and Palana Road. Only four of these fourteen titles are affected by this proposal. The land runs down from high points in the north and the centre of the site to sea level at the coastal reserve on Killiecrankie Bay. Killiecrankie Creek runs across the very south western corner of the site. The property is partly pasture and partly vegetated. The current land use is cattle grazing (approx. 200 head) and the property is farmed by the owners who live on property – the house and a number of outbuildings and dams are located in

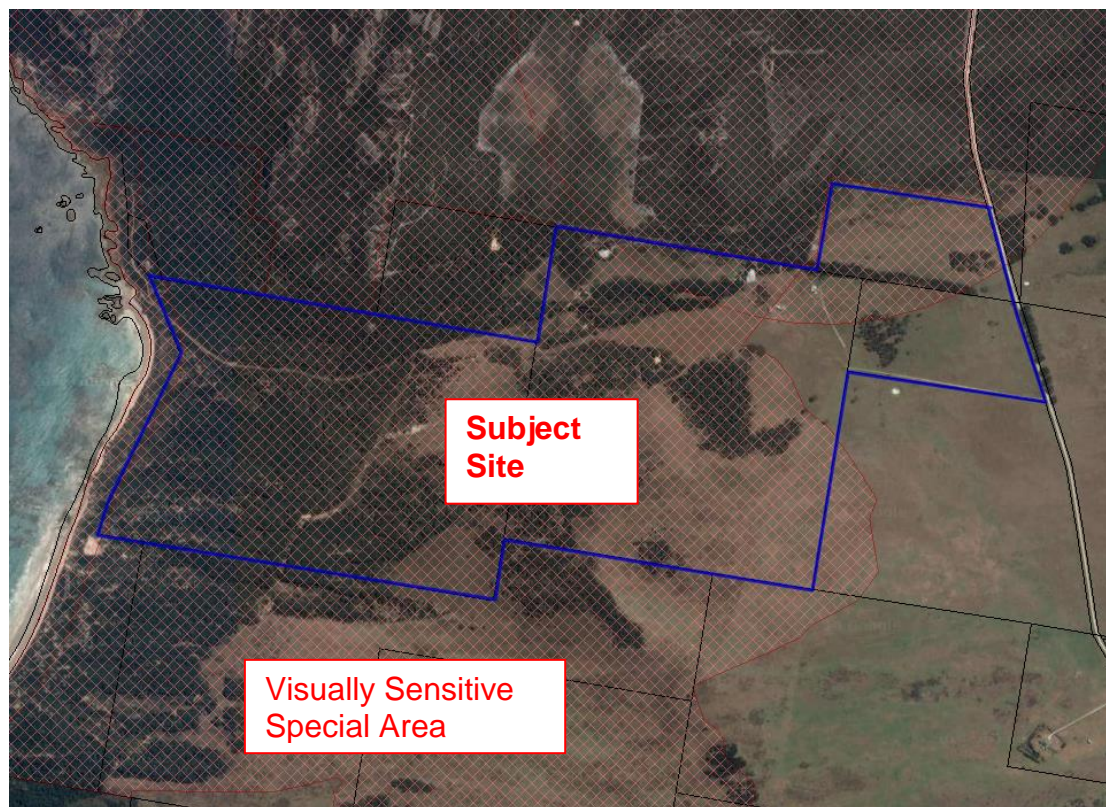
the north east part and accessed from Palana Road. A second access is available over a road reserve from the south (Killiecrankie Road). To the west and north is the Killiecrankie Nature Reserve Area. To the south west and east across Palana Road are more pastoral properties and to the south is the Killiecrankie Airstrip.

Zoning

The subject property is located within the Rural Zone, pursuant to the *Flinders Planning Scheme 2000* (hereafter, the planning scheme).

Special Areas

A large part of the site is affected by the visually sensitive special area, including the site of most of the proposal (see map below).



Statutory Timeframes

Date Received: 21/6/16

Request for further information: not required

Advertised: 29/6/16

Closing date for representations: 13/7/16

Extension of time granted: 9/7/16

Decision due: 19/8/16

OFFICER'S REPORT:

The Proposal

Owners' House

The four bedroom, single storey owners house is located close to the central high point on the site. The modern, skillion roof design is arranged as an 'H' shape. It measures 326m² with 106m² of decks. Cladding is primarily timber, with either a natural or dark stained finish.

Maintenance Shed

Between the owners' house and the northern site boundary will be a new 624m² Colorbond maintenance shed with a 30.48m by 14.48m enclosed area (height 4.96m) and a 6m deep open area along the long (north) side.

Horse Shed / Stables

In the northern most part of the site adjacent to the existing outdoor arena, a 109m² horse shed is proposed. It has a 12m by 6m enclosed area (height 4.18m) and a 3.075m deep open area along the long (eastern) side. Setback 5m from the side boundary.

Change of use of bunkhouse to tourist accommodation

The bunkhouse is an existing building on the site, close to the existing outdoor arena. It will be used for farm stay type accommodation. This will involve refurbishment of the bunkhouse, limited to minor external changes, internal re-arrangement and new decking.

Assessment Against the Planning Scheme

The Flinders Island planning scheme is organised into seven parts. Assessment is required under the following parts:

- Part 3 – Consideration of Applications for Planning Permits (3.10)
- Part 6 – Use and Development Principles
- Part 7 – Special Areas

Part 3 – Consideration of Applications for Planning Permits (3.10)

Council shall take into consideration the following:

1. *the objectives, the intent of the zone, use and development principles, any development plan affecting the land and any relevant development standards or other relevant requirements of the Scheme;*

An assessment is provided below. Note that there is no applicable development plan:

5.8.1 Zone Intent

- (c) *The Rural Zone on Flinders Island is intended to maintain the existing rural character of the island which is typified by a pattern of areas of open farmland, typically with shelter belts of remnant vegetation, interspersed with irregular areas of native vegetation and substantial unspoiled landform. On other islands within the Planning Area the zone is intended to preserve the existing character which displays minimal signs of European occupation.*
- (d) *Use and development in the Rural Zone is intended to accommodate agricultural uses and development predominantly, with some compatible non-agricultural uses and development in appropriate circumstances, including tourist operation and rural industries. Forest plantations may be appropriate where they do not adversely affect the character of an area or detract from important views.*

COMMENT: The subject site is characterised in part by *'open farmland'* and in part by *'irregular areas of native vegetation and substantial unspoiled landform'*. All the proposed buildings are within the farmland area and maintain this character.

5.8.2 Desired Zone Character and Zone Guidelines

- (a) *The use or development of small existing rural lots for the purpose of residential living shall only be approved where such use or development is compatible with any existing or potential agricultural use of that land or surrounding lands.*
- (b) *Use or development should enhance the rural character of the zone. Buildings should be substantial distances from the road frontage and apart, unless inappropriate for operational or topographical reasons. Where land clearance is undertaken it should be visually sympathetic; important trees (or stands of trees) should be retained, important hilltop locations should not be cleared and location of trees and shrubs along fence lines, property boundaries, watercourses and at property entrances is encouraged. Buildings and structures for aquaculture should be*

sited with regard to the protection of coastal scenery and compatibility with recreational use of the coastline.

- (c) Land use or development and management practices shall be environmentally appropriate and shall avoid contamination or despoliation of the land, ground water, water courses, shore-lines, lagoons and marshes. Sand-dunes and coastal vegetation and ecologically important areas shall be protected from degradation.*
- (d) Forestry activities in the zone shall be in accordance with the Forest Practices Code*

COMMENT: Criteria (a) and (d) are not applicable. In relation to (b), and in addition to the discussion under the zone intent section, buildings are a substantial distance from road frontages. The horse shed is the closest at 585m from Palana Road and all other new buildings are more than 1.5km from any road frontage. In relation to (c) the proposal is environmentally appropriate and is designed to avoid contamination and/or despoliation of the land. All buildings are located at least 1.5km from the shoreline. Wastewater disposal is via septic tanks. Water supply will be via rainwater collection. Criteria (d) is not applicable.

5.8.4 Development Standards

- (a) The maximum height of buildings is 8.0 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographic or other justified purposes.*
- (b) Habitable buildings should be sited and designed to achieve the best solar gain or orientation that the site can provide. Where such design or orientation is not feasible other energy efficient practices, such as insulation, heat pumps or double glazing, should be considered.*
- (c) Buildings shall be setback a minimum distance of 20 metres from all boundaries.*
- (d) Regardless of the foregoing minimum setbacks, buildings shall be set back not less than a horizontal distance of 100m from high water mark and 40 m from a perennial watercourse.*
- (e) Council may relax the setback requirement of the above clause pursuant to the provisions of Clause 3.5 of this Scheme and after giving consideration to:*
 - i. The particular size, shape, contours or slope of the land and the adjoining land;*
 - ii. The adjoining land and uses and zones*

- iii. *The position of existing buildings and setbacks in the immediate area;*
 - iv. *Consideration of any representations received as a result of the notification under Section 57 of the Act.*
- (f) *The external walls, roof, paving and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially screened by landscaping.*
- (g) *A house on any lot which contains only class 4, 5, 6 or 7 land is discretionary and may only be approved if any existing or potential development and use of agricultural land in the vicinity is likely to receive no impact, or only minor impact from the establishment of the residence taking into account:*
- (a) *The topography of the land;*
 - (b) *The location of water catchments;*
 - (c) *The location of neighbouring agricultural pursuits;*
 - (d) *Buffers created by natural features;*
 - (e) *Resource sustainability given the objective of the State Protection of Agricultural Land Policy.*

COMMENT: The proposal complies with (a), (b) and (d).

In relation to (c), the horse shed is setback 5m from the northern boundary. Therefore criteria (e) applies. In relation to i), both the subject site and the land to the north are large lots. The horse shed is located on the basis of operational considerations and is in the farm part of the site.

In relation to ii), the adjoining land is the Killiecrankie Nature Recreation Area administered by the Parks and Wildlife Service. It is zoned environmental management and recreation. In relation to iii), there is no pattern of setbacks here. The horse shed is located proximate to the existing dwelling and dressage arena. In relation to iv), no representations were received. In relation to (f), buildings are finished in non-reflective materials and are substantially screened by existing vegetation. Colours harmonise with the natural landscape and are predominantly natural and dark stained timber, rock gabions, dark grey Colorbond with smaller sections of black and dark grey texture-painted cladding. In relation to (g), the lot containing the owner's house is not wholly Class 4, 5, 6 or 7 so this clause does not apply.

2. *any relevant proposals, reports or requirements of any public authorities;*

Not applicable. None were received by Council.

3. *any representations received following public notification where required under the Act;*

None received.

4. *whether any part of the land is subject to:*

- (a) *landslip, soil instability, or erosion;*

No mapped landslip or stability issues at the sites of the proposal. The proposal is a minimum of 1.5km from the coast.

- (b) *excessive slope;*

Not at the sites of the proposal.

- (c) *ponding or flooding;*

None known at the sites of the proposal.

- (d) *bush fire hazard;*

Not applicable.

- (e) *a Protected Catchment District under Water Management Act 1999;*

No.

- (f) *any Special Area Provisions in Part 7;*

Part of the proposal is within the Visually Sensitive Special Area. An assessment against this is provided at Part 7 of this report.

- (g) *pollution; and*

None known.

- (h) *other hazards to safety or health.*

None known.

5. *whether the proposed use or development is satisfactory in terms of its siting, size or appearance and levels of emissions in relation to:*

- (a) *existing site features;*

Existing site features where the proposal is located are limited to the topography, the coastline and vegetation.

- (b) *adjoining land;*

The closest adjoining land is the Killiecrankie Nature Recreation Area which lies to the north (Mount Killiecrankie) and west (Killiecrankie Bay). The horse shed is setback 5m from the boundary

with this land. It is part of the group of farm buildings and adjacent to a less sensitive and less accessible area of adjoining land. The building locations have been chosen to utilise the topography and vegetation to minimise the visual impact. The design and finishes of the buildings also contribute to this.

(c) *the streetscape and/or landscape;*

Buildings are a substantial distance from road frontages. The horse shed is the closest at 585m from Palana Road and all other new buildings are more than 1.5km from any road frontage.

(d) *the natural environment;*

The natural environment is taken here as the flora and fauna on the site. The proposal will not affect any threatened communities. Vegetation removal will be minimised.

(e) *items of historic, architectural or scientific interest;*

An Aboriginal Heritage Assessment was submitted with a application. No Aboriginal sites were located on the subject site.

(f) *buffer zones, attenuation areas*

None applicable.

(g) *easements;*

None applicable.

(h) *a water supply for firefighting purposes;*

Not applicable.

(i) *any received pollution;*

None known.

(j) *the escape of pollutants into storm drains and watercourses: and*

Stormwater is collected and used. Wastewater is managed through septic systems whose design and installation will be subject to a special plumbing permit.

(k) *isolation, separation from other lands.*

Please refer to (b).

6. *whether the proposed use or development will be supplied with an adequate level of infrastructure and services, and if there is any necessity to improve deficient access, roads or road junctions, water, sewerage, electricity or transport services and the like, without detriment to existing users;*

No improvement needs to be made to any roads, road junctions or water, sewerage, electricity or transportation services. This part of the island is not supplied with water or sewerage infrastructure and the proposal is designed to be self-sufficient. It is therefore concluded that the proposal will be supplied with an adequate level of infrastructure and services.

7. *whether the proposed use or development would adversely effect the existing and possible future use or development of adjacent land, and vice versa;*

The proposal is associated with the continued farming of the land, except for the accommodation which is in an existing building. Neither will have an adverse effect on the use of the adjacent land.

8. *the provision of adequate landscaping, amenity facilities and illumination, and the treatment of the site generally;*

It is the intent of the proposal to sit within the existing natural vegetation and to minimise removal of it or changes to it. No additional landscaping is proposed. Illumination will be limited to normal domestic/farm lighting.

9. *the sight distances available to and from proposed point(s) of access, together with an estimate of the speed of passing traffic;*

The existing 'Quoin Road' access will remain.

10. *the design and siting of the proposal to enable reduction in energy consumption through alternative energy use or reduction in demand; and*

The proposal is a modern, energy efficient design. The buildings are oriented north and west to maximize solar gain. All new buildings are required to achieve a six star energy rating by the National Construction Code.

13. *the safety and well-being of the general public.*

The proposal is a private undertaking - it does not pose a risk to the safety or well being of the public.

14. Any other matter which Council is of the opinion is relevant to the particular application.

None stated.

In conclusion, the proposal is consistent with the consideration clauses 1-12 under Part 3.10.

Part 6 – Use and Development Principles

This part of the planning scheme provides general principles that development must be consistent with. Some of them are clearly not relevant to this application (for example those concerned with subdivision or quarrying) so these have been omitted for brevity. Furthermore, most have been addressed in more specific parts of this report. They are included here for completeness, but the comment will often refer to the part of the report where they are assessed in detail.

6.0 Use and development shall be consistent with the following principles:

6.1 Use

- (a) Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land.*

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.2 Character

- (a) Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.*
- (c) Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.*
- (e) Where trees are an important element in the character of an area they should be retained.*

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.4 Environment

- (b) Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.*

- (b) *Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.*
- (c) *Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.*
 - i. *Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and*
 - ii. *Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and*
 - iii. *Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.*
- (f) *Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.*

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.6 Access and Parking

- (b) *All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.*
- (c) *Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.*

- (d) *Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.*
- (h) *New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development*
- (i) *New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.*
- (k) *New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.*

COMMENT: Complies. Ample car parking is available for the accommodation use and the private house.

6.7 Services

- (a) *Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.*
- (c) *In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer*
- (d) *Use or Development in the bushfire prone areas will provide fire protection features and water supplies which comply with Schedule 7.*
- (e) *Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewer, water and irrigation channels/pipelines). Buildings shall not be erected over any service main or within any easement providing for same whether utilised or not.*

- (f) *Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.*
- (g) *Use or Development shall optimise efficiency in the use of energy and resources. In particular, land should be subdivided on a generally sequential basis (ie. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.*

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.8 Social Interest

1. *Use or Development should demonstrate how it suits the community interest.*
2. *Use or Development shall have adequate and appropriate types and levels of access to social facilities and services (eg. shops, government agencies, telecommunication, health services and educational facilities).*

COMMENT: In relation to 1., this is a private undertaking and has no effect on the community interest. In relation to 2., the proposal is intended to be located distant from social services. However, services such as health services are clearly vital in emergency situations. The proposal is approximately 40km from Whitemark by road which is considered appropriate.

6.9 Administration

- (b) *Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.*
- (c) *In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.*

COMMENT: In relation to (b), this is a privately financed undertaking, with no cost to the public. In relation to (c), the application was notified under the statutory process.

Part 7 Special Area Provisions

7.2 Visually Sensitive Special Area

The objectives of the Visually Significant Areas are:

- (a) To retain the natural appearance of each Area;*
- (b) To minimise the visual impact of Use or Development;*
- (c) To retain and restore where possible the natural vegetation cover.*

In considering an application for Use or development within the Visually Sensitive areas and whether to impose conditions Council shall consider the following matters:

- (a) The objectives listed in Clause 7.2.2*
- (b) The siting, orientation, setbacks, bulk, form, height, scale and external finishes of buildings and structures*
- (c) The visual impact of buildings, clearing, excavation, access, construction, fences, firebreaks or the deposition of fill;*
- (d) The adequacy of proposed landscaping and whether any special works or practices are required to protect the scenic values of the site;*
- (e) Whether development is proposed to be located on skylines or ridgelines.*

COMMENT: The farm shed and the owner's house are in the special area. The bunkhouse and the horse shed are not.

In relation to the objectives at Clause 7.2.2, it should be noted that the visually sensitive special area is not a prohibition on all development. Nor does it require that development be completely invisible. Objective (a) is to retain the natural appearance of each area when development takes place, and objective (b) is to minimise the impact of that development. In relation to (c), the natural vegetation cover is to be retained and restored where possible. Only small areas of vegetation are to be removed to accommodate the house and farm shed.

The farm shed is 1.05km from the west boundary at a height of 110m above sea level, behind a 120m ridge and obscured by tall vegetation. It's height is 4.96m and it is clad in dark Colorbond.

The owner's house is located on a ridgeline running down to the west from the top of the 160m high hill. It is obscured by tall vegetation with a closed south façade clad in wood. It's height is 7.7m. Cladding is primarily timber, with either a natural or dark stained finish.

No landscaping is proposed, except minor sections to re-vegetate cut areas. The existing vegetation is to be retained outside building and road footprints.

In relation to skylines and ridgelines, due to the shape of the site, they are limited to those on the 160m high hill in the centre of the farm. The only building located here is the owner's house (refer to assessment above).

In conclusion, the proposal is consistent with the consideration clauses of Part 7.

STATUTORY REQUIREMENT:

The application was advertised for 14 days in accordance with the Act.

POLICY/STRATEGIC IMPLICATIONS:

In the *Flinders Council Strategic Plan 2015*, Strategic Focus Area 1: Population Growth is most relevant. It is summarised as: "*Focusing on strategies, projects and policy initiatives that support the community, economic development, innovation and investment attraction.*"

COMMENT: The proposal is consistent with this focus area. The proposal is a project initiative that supports the community, economic development, innovation and investment attraction.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

OFFICER'S RECOMMENDATION

That the application for a house and maintenance shed (visually sensitive area), stables (animal keeping) - vary side boundary setback and change of use of existing bunkhouse to tourism (holiday cabin). Associated water tanks, wastewater disposal and internal roads. All in the rural zone **BY J. & T. Youl AT 'Quoin' 3951 Palana Road, Killiecrankie (CT: 170037/2,3, 6 & 170038/1) BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

ENDORSED PLANS

1. Except as modified by this permit, the use and/or development must be carried out as shown on endorsed plans by S Group dated 9/5/16 (Project 14.27), Planning Report undated and Development Application Report (site civil & hydraulic infrastructure requirements) by Engineering Edge dated June 2016 (Ref: DAR 07915 v.2) to the satisfaction of Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

Notes:

1. This permit was issued based on the proposal documents submitted for (DA2016/017). You should contact Council with any other use or developments, as they may require the separate approval of Council.

2. Council will undertake periodic reviews of approved developments to ensure compliance with Planning Permit conditions.
3. This permit is granted pursuant to the Land Use Planning and Approvals Act 1993 and does not constitute any other approval required under any other Act or Regulation.
4. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced.
5. Where any other approvals under this Act or any other Act are required for the proposed use or development to which this permit relates, the permit does not take effect until those approvals have been granted.
6. This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

DECISION:

Item A3: Development Application – (G. Grace)

ACTION	Decision
PROPONENT	G. Grace
OFFICER	James Ireland (Consultant Town Planner)
APPROVED BY	Karin Van Straten (Senior Consultant Town Planner)
FILE REFERENCE	DA2016/018
ASSOCIATED PAPERS	<i>Annexure 8: Plans</i>

Proposal: Store

Location: Main Street, Lady Barron (CT: 86322/1)

Applicant: G. Grace

Zoning: Port Zone

Special Areas: Shorelines, water bodies and watercourses

Representations: None - application was called in by Councillors

INTRODUCTION:

Subject Site

The subject site is an irregular 385m² lot to the east of the Lady Barron tennis pavilion/park and to the north of the Lady Barron port. Access is from Main Street, over Crown land and across a neighbouring private lot via a roadway easement.

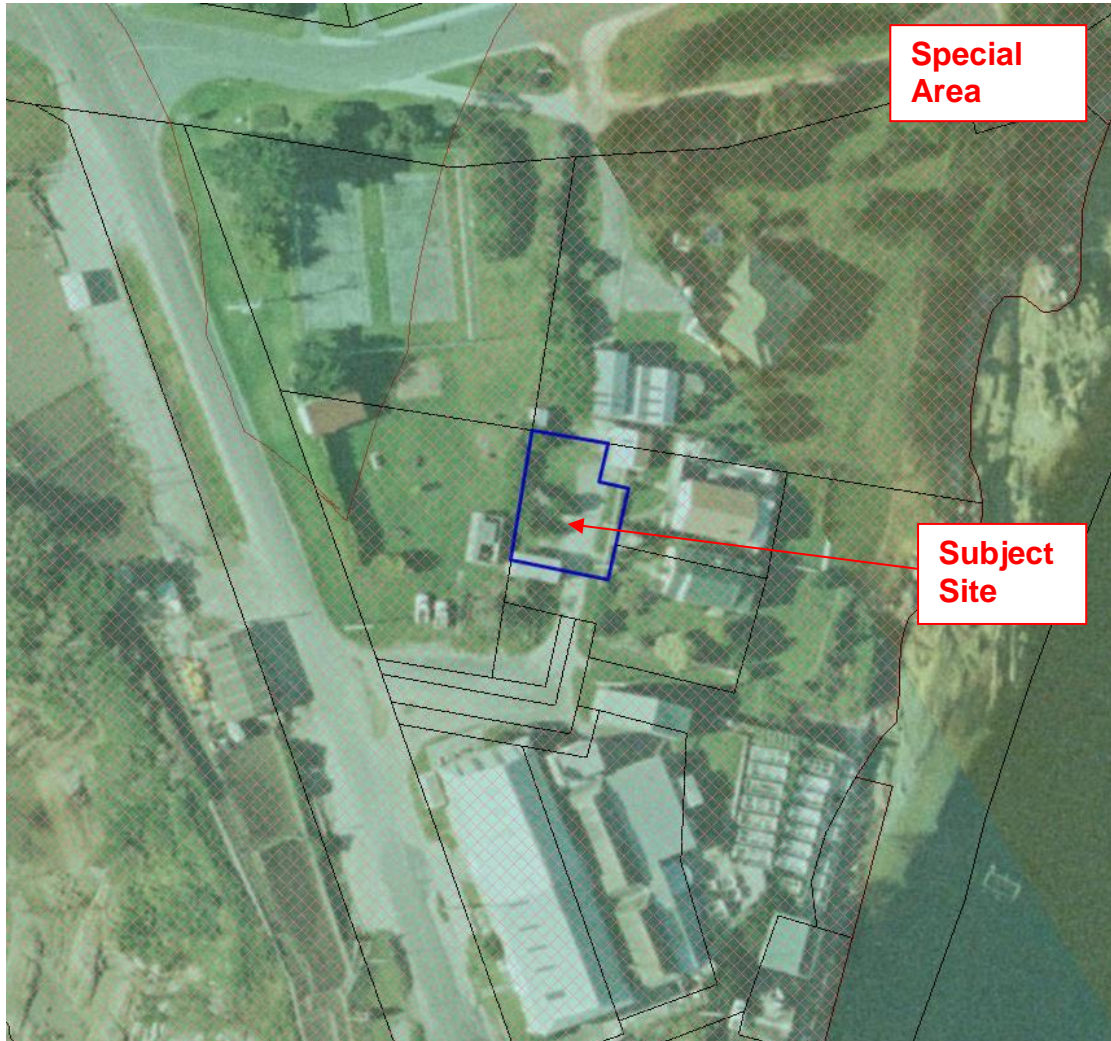
To the north, south and east are single dwellings. To the west is the Lady Barron tennis pavilion/park.

Zoning

The subject property is located within the Port Zone, pursuant to the *Flinders Planning Scheme 2000*.

Special Areas

The part of the site shown in the map below is affected by the Shorelines, water bodies and watercourses special area:



Statutory Timeframes

Date Received: 21/6/16
Request for further information: not required.
Advertised: 29/6/16
Closing date for representations: 13/7/16
Extension of time granted: 13/7/16
Decision due: 19/8/16

OFFICER'S REPORT:

The Proposal

A 165m² gable roof Colorbond shed is proposed, for storage. It is understood that the nature of the storage is domestic only, associated with the house to the east which is under the same ownership. The shed measures 22m by 7.5m with an apex height of 4.4m and wall height of 3.7m. It is built up to the north and

west boundaries of the site. It has five roller doors, a personnel door and a window in the eastern façade.

Use Definition 'Store'

It is understood that the proposed shed will be used to store domestic items (for example cars, boats, caravan etc.) that belong to the owner of the neighbouring house (they also own the subject site). This would suggest a residential use. However, this cannot be the case as the proposed shed and the house it 'serves' are on different (albeit neighbouring) titles. Residential use is also prohibited in the port zone (the houses in the zone have existing use rights).

The planning scheme defines 'store' as:

the use or development of land for the storage of goods predominantly in the open where no trade (whether retail or wholesale) or industry is carried on, but does not include a Fuel Depot, Warehouse or a Scrap Yard.

Whilst it is clear that this storage does not take predominantly in the open, 'store' is the closest suitable definition. It is clear that the proposal cannot entertain the possibility of any trade being conducted (this is specifically excluded from the definition above), nor can it involve the regular movement of goods into and out of the site as this would be a transport depot which is a different use.

It is submitted that defining the proposed use as 'store' enables the intended use to take place, whilst preventing any 'use creep' which would have a higher amenity impact.

Part 3 – Consideration of Applications for Planning Permits (3.10)

Council shall take into consideration the following:

- 1. the objectives, the intent of the zone, use and development principles, any development plan affecting the land and any relevant development standards or other relevant requirements of the Scheme;*

An assessment is made below:

5.7.1 Zone Intent

The areas under this zone are intended for development of uses directly related to the operation of Whitemark and Lady Barron as

ports. Appropriate use or development include storage, warehousing, marine-related office and sales outlets, marine maintenance and repair facilities and holding yards.

COMMENT: Storage is listed as an appropriate use. Whilst this proposal is not directly related to the operation of the port, this area is in fact a residential enclave not compatible with the port (although it is *in* the port zone). The proposal does not inhibit the port from expanding into this enclave if required – the proposed building is perfectly suited to future, port related uses.

5.7.2 *Desired Zone Character and Zone Guidelines*

- (a) While acknowledging the design requirements of different port-related uses, development should nevertheless take all reasonable measures to limit conflict with the character of the surrounding area (including that under other zoning) and other uses.*
- (b) Use or development should be of modest scale and use traditional design elements and orientation to the street, where appropriate. Pitched roofs and broken form are preferred and long, high and continuous walls are not appropriate.*
- (c) Advertising signs may be colourful but should be restrained in their overall impact. Typically, signs should be located on the building face or fence or in a low position if free standing. Large signs and those which are out of scale with the area or the building or structure on which they are located or relate to, as well as those above roof height, are inappropriate.*
- (d) Security fencing shall be kept to a minimum. Where required its visual impact should be minimised through such measures as use of dark coloured/finished wire mesh and screening vegetation, and where possible located behind the line of the building facade.*

COMMENT: In relation to (a), surrounding uses are not port related (three houses and the Lady Barron tennis pavilion/park) but are in the port zone. It is understood that the nature of the storage is domestic only, associated with the house to the east which is under the same ownership. This would limit the amenity impact. The ‘store’ use itself has limited amenity impact as no trade can take place (like a warehouse) nor can goods be moved into and out of the site on a regular basis (this would be a transport depot). Notwithstanding this, permit conditions should be imposed to restrict operating hours and lighting, in order to protect the amenity of neighbouring properties. In relation to (b), the proposal does not address the street, which reduces the importance of this criterion. It will be visible from the park. The proposal is plainly a rectangular

shed, but its height is modest and it has a gable roof. In relation to (c) and (d), neither advertising signs nor security fencing is proposed.

5.7.3 *Subdivision Standards*

COMMENT: These do not apply as subdivision is not proposed.

5.7.4 *Development Standards*

- (a) *The maximum height of buildings is 8.0 metres.*
- (b) *There are no minimum setback requirements except those necessary to meet the zone intent, protect the character of the surrounding area and protect the amenity of neighbouring properties.*

COMMENT: The proposal complies with (a) and (b). The height is 4.4m. The smallest setbacks (in this case, built to the boundary) are of blank walls, with the 'active' side facing into the site and away from the park. This protects the character of the surrounding area and the amenity of neighbouring properties.

2. *any relevant proposals, reports or requirements of any public authorities;*

None received.

3. *any representations received following public notification where required under the Act;*

None received.

4. *whether any part of the land is subject to:*

(i) *landslip, soil instability, or erosion;*

no mapped landslip or stability issues at the site of the proposal. The subject site is 50m (and the building 60m) from the coast and separated from it by houses. For this reason, erosion is not an issue.

(j) *excessive slope;*

not applicable.

(k) *ponding or flooding;*

none known on the site.

(l) *bush fire hazard;*

not applicable. The planning scheme only sets standards for bushfire hazard in relation to subdivision applications.

(m) a Protected Catchment District under Water Management Act 1999;

no.

(n) any Special Area Provisions in Part 7;

the proposal is within the Shorelines, water bodies and watercourses special area. An assessment against this is provided at Part 7 of this report.

(o) pollution; and

none known.

(p) other hazards to safety or health.

none known.

5. *whether the proposed use or development is satisfactory in terms of its siting, size or appearance and levels of emissions in relation to:*

(l) existing site features;

existing site features are limited to a couple of trees and an existing hardstand area. The trees are not protected in the planning scheme or as part of a threatened community and the hardstand suggests this location for the shed.

(m) adjoining land;

the proposal is satisfactory.

(n) the streetscape and/or landscape;

the proposal does not address the street, which reduces the importance of this criteria. It will be visible from the park. The proposal is plainly a rectangular shed, but its height is modest (4.4m) and it has a gable roof.

(o) the natural environment;

the proposal is satisfactory in relation to the natural environment.

(p) items of historic, architectural or scientific interest;

none identified on the site.

(q) buffer zones, attenuation areas

none applicable.

(r) easements;

none applicable.

- (s) *a water supply for fire-fighting purposes;*
the planning scheme only sets standards for bushfire hazard in relation to subdivision applications.
- (t) *any received pollution;*
none known.
- (u) *the escape of pollutants into storm drains and watercourses: and*
the proposal is satisfactory. This is further addressed at plumbing permit stage.
- (v) *isolation, separation from other lands.*

the proposal is satisfactory.

- 6. *whether the proposed use or development will be supplied with an adequate level of infrastructure and services, and if there is any necessity to improve deficient access, roads or road junctions, water, sewerage, electricity or transport services and the like, without detriment to existing users;*

The proposal will be supplied with an adequate level of infrastructure and services.

- 7. *whether the proposed use or development would adversely affect the existing and possible future use or development of adjacent land, and vice versa;*

The proposed use will not adversely affect the existing and possible future use of adjacent land. The use definition and conditions imposed ensure the off-site amenity impact is limited. The design of the building is suitable for future port-related uses if the port expands.

- 8. *the provision of adequate landscaping, amenity facilities and illumination, and the treatment of the site generally;*

The proposal is satisfactory. Illumination will be controlled by a permit condition.

- 9. *the sight distances available to and from proposed point(s) of access, together with an estimate of the speed of passing traffic;*

The proposal is satisfactory.

- 10. *the design and siting of the proposal to enable reduction in energy consumption through alternative energy use or reduction in demand; and*

The proposal doesn't include anything that enables a reduction in energy consumption through alternative energy use or reduction in demand. That said, the use is unlikely to use very much energy.

15. the safety and well-being of the general public.

Generally this is the role of the National Construction Code and health and safety requirements. The proposal does not appear to pose an unacceptable risk to the safety or well-being of the public.

16. Any other matter which Council is of the opinion is relevant to the particular application.

None stated.

In conclusion, the proposal is consistent with the consideration clauses 1-12 under Part 3.10.

Part 6 – Use and Development Principles

This part of the planning scheme provides general principles that development must be consistent with. Some of them are not relevant to this application (for example those concerned with subdivision or quarrying) so these have been omitted for brevity. Furthermore, most have been addressed in more specific parts of this report. They are included here for completeness, but the comment will often refer to the part of the report where they are assessed in detail.

6.0 Use and development shall be consistent with the following principles:

6.1 Use

(a) Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land.

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.2 Character

(a) Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.

(b) Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring

use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.4 Environment

- (c) Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.*

- (b) Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.*
- (c) Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.*
 - iv. Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and*

 - v. Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and*

 - vi. Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.*

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.6 Access and Parking

- (b) All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.*

- (h) New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development*
- (i) New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.*

COMMENT: Complies.

6.7 Services

- (a) Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.*
- (c) In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer*
- (e) Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewer, water and irrigation channels/pipelines). Buildings shall not be erected over any service main or within any easement providing for same whether utilised or not.*
- (f) Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.*

COMMENT: Complies. For more detail refer to Part 3 assessment.

6.8 Social Interest

- 2. Use or Development should demonstrate how it suits the community interest.*
- 2. Use or Development shall have adequate and appropriate types and levels of access to social facilities and services (eg. shops,*

government agencies, telecommunication, health services and educational facilities).

COMMENT: Complies.

6.9 Administration

- (b) Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.*
- (c) In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.*

COMMENT: In relation to (b), this is a privately financed undertaking. Clause (c) was not relevant to this application.

Part 7 Special Area Provisions

7.5 Shorelines, Water Bodies and Watercourses

In considering an application for Use or Development in Shorelines, Water Bodies and Watercourses and whether to impose conditions Council shall consider the following matters:

- a) The siting, orientation, setback, bulk, form, height, scale, materials and external finishes of buildings and structures*
- b) The impact upon water quality, foreshore or streamside vegetation and wildlife habitat of building, clearing, excavation, effluent disposal, access construction, fences, firebreaks or the deposition of fill;*
- c) Whether land should be acquired by Council as a condition of subdivision or otherwise, to protect the items listed in Schedule 3;*
- d) Whether additional fencing or any other special works or practices are required to protect the items listed in Schedule 3;*
- e) The design, content and location of signage and interpretative displays.*

COMMENTS: The subject site is 50m (and the building 60m) from the coast and separated from it by houses. For this reason, it is not considered that any conditions are required.

CONCLUSION

The proposal meets the requirements of the planning scheme. No representations were received. It should be supported.

STATUTORY REQUIREMENT:

The application was advertised for 14 days in accordance with the Act.

POLICY/STRATEGIC IMPLICATIONS:

The proposal is consistent with the following strategic focus areas in the *Flinders Council Strategic Plan 2015*:

Strategic Focus Area 1: Population Growth

Focusing on strategies, projects and policy initiatives that support the community, economic development, innovation and investment attraction.

Strategic Focus Area 2: Infrastructure and Services

An Islands' specific approach to planning and delivery to ensure community and environmental values are maintained.

BUDGET AND FINANCIAL IMPLICATIONS:

Financial impacts are normally limited to the application process and any appeal that may be lodged against the planning authority's decision, provided statutory obligations are met.

OFFICER'S RECOMMENDATION:

That the application for storage, by G. Grace at Main Street, Lady Barron (CT:86322/1) be **APPROVED** subject to the following conditions:

ENDORSED PLANS

1. Except as modified by this permit, the use and development must be carried out as shown on the endorsed plans dated June 2016 to the satisfaction of Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

EXTERIOR LIGHTING

2. Any external lighting must be designed and baffled to minimise light overspill beyond the property boundaries.

OPERATING HOURS

3. Vehicles and goods must only go into and come out of the building between 6am and midnight seven days a week.

Permit Notes:

- a. This permit was issued based on the proposal documents submitted for (DA2016/018). You should contact Council with any other use or developments, as they may require the separate approval of Council.

- b. Council will undertake periodic reviews of approved developments to ensure compliance with Planning Permit conditions.
- c. This permit is granted pursuant to the *Land Use Planning and Approvals Act 1993* and does not constitute any other approval required under any other Act or Regulation.
- d. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced.
- e. Where any other approvals under this Act or any other Act are required for the proposed use or development to which this permit relates, the permit does not take effect until those approvals have been granted.
- f. This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

DECISION:

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

Item A4: Development Application Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Jacci Viney, Development Services Coordinator
FILE REFERENCE	DSV/0300
ASSOCIATED PAPERS	<i>Annexure 9: Planner's Information Report – July 2016</i>

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of the applications which have been dealt with by the Planning Department for the month of July as per the council motion 249.09.2015, passed at the 24th September 2015 Council Meeting.

Council has requested that the planning consultancy service (West Tamar Council) provide this detail to Council on a monthly basis.

PREVIOUS COUNCIL CONSIDERATION:

Some items may have been considered at meetings of Council while the remainder have been approved under delegation by the General Manager.

OFFICER'S REPORT:

Refer to Annexure 9 Planner's Information Report – July 2016, provided by West Tamar Council.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the report be received.

DECISION:

B. NOTICE OF MOTIONS

Item B1: Notice of Motion from Deputy Mayor Marc Cobham - General Manager Recruitment

ACTION	Decision
PROPONENT	Deputy Mayor Marc Cobham
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	PER/0602
ASSOCIATED PAPERS	<i>Annexure 10: General Manager Position Description</i>

NOTICE OF MOTION:

That Council considers the information provided as Annexure 10 to this agenda item and received from discussion with Jason Vuddamalay of Searchlight Group with a view to, at this meeting, approving:

1. A position description for the General Manager's Position;
 2. Advertising format, content and distribution;
- and considering:
3. Any other issue arising from the meeting with Searchlight Group.

COUNCILLOR'S REPORT:

At a Special Meeting of Flinders Council held on the 1st and 4th of August, Council approved the appointment of Searchlight Group to assist Council to undertake the appointment of a General Manager.

Council now needs to approve the Position Description to define the responsibilities and skills that are required for the position.

A draft Position Description (Annexure 10) has been developed by Councillors through initial consideration at the 4th August workshop and ensuing email discussion. Searchlight Group has also been provided with a copy of the draft Position Description and it will have been discussed at a meeting between Searchlight Group and Councillors prior to this the August Ordinary Meeting of Council. It is now necessary to incorporate any agreed changes into the draft Position Description and approve it for the recruitment process to move forward.

Similarly Councillors need to consider the advice ensuing from the meeting with Searchlight Group and approve advertising content and range. An initial draft of advertising content has been circulated to Councillors to inform discussion between Councillors and Searchlight Group prior to the Council meeting.

Formal approval for advertising will enable the recruitment process to move forward.

The recruitment of a General Manager is an important process for Council and having a Position Description that outlines Council's expectations is paramount to the process, as is advertising content in attracting the attention of candidates.

Councillors should also keep in mind that the Minister for Planning and Local Government, in his response to Council's explanation of the event, has advised that he encourages Council to use an open and accountable selection process in appointing a General Manager and that Council considers using at least one independent member from outside of the direct community. The full response from the Minister has previously been circulated to Councillors.

Point three of the motion enables Council to discuss and decide the other processes and requirements around the recruitment process.

PREVIOUS COUNCIL CONSIDERATION:

Councillor Workshop	4 th August 2016
Special Council Meeting	1 st and 4 th August 2016

OFFICER'S REPORT:

Council needs to present Searchlight Group with a position description for the appointment of a new General Manager that defines the required role and meets the expectations and needs of Councillors and the broader community.

The advertisement for the position will describe the role and the characteristics of the individual Council wishes to attract to fill the position as outlined in the position description.

The Minister for Planning and Local Government has outlined in his letter of recommendation the importance of conducting an open and accountable selection process. By accepting the recommendation, Council will be relaying an important message to the Community, who have an indirect interest in the appointment of a new general manager.

STATUTORY REQUIREMENTS:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

No policy exists for this matter.

BUDGET AND FINANCIAL IMPLICATIONS:

A budget allocation has been made in the 2016-17 Budget.

RISK/LIABILITY:

High

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

The motion as written.

DECISION:

C. ENVIRONMENTAL HEALTH OFFICER

Item C1: Dog Management Policy

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Jacci Viney, Development Services Coordinator
FILE REFERENCE	ANI/0204
ASSOCIATED PAPERS	<i>Annexure 11: DRAFT Dog Management Policy</i> <i>Annexure 12: DRAFT Code for Responsible Dog Ownership</i>

INTRODUCTION:

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.

PREVIOUS COUNCIL CONSIDERATION:

15 th May 2008	218.05.08
21 st February 2013	446.02.2013

OFFICER'S REPORT:

Council has a policy that states that policies should be reviewed at least every four (4) years by the then elected members.

The Dog Management Policy has been reviewed and has been significantly reduced to contain only the elements of a policy. The 'Code for Responsible Dog Ownership' required by the Act has been drafted as a separate document and is also presented for consideration.

STATUTORY REQUIREMENT:

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS:

4. Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

4.3.9 Maintain Council's Policy Manual and Instrument of Delegation.

RISK/LIABILITY:

Adoption of this policy and ensuring that Management, Staff and Councillors are aware of and follow this policy will help to reduce Council's exposure to risk in this area.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopts the Dog Management Policy and Code of Responsible Dog Ownership and allows the documents to lay on the table for 28 days for public comment.

DECISION:

D. GOVERNANCE

Item D1: Review of Instrument of Delegation

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	PUB/0300
ASSOCIATED PAPERS	<i>Annexure 13: DRAFT Instrument of Delegation - revised August 2016</i>

INTRODUCTION:

The purpose of this report is to update Council's Instrument of Delegation as per the *Local Government Act 1993*.

PREVIOUS COUNCIL CONSIDERATION:

027.01.2009 20th January 2009
375.11.2010 18th November 2010
087.03.2011 17th March 2011
365.12.2012 13th December 2012
612.08.2013 15th August 2013
740.02.2014 13th February 2014
807.05.2014 15th May 2014
53.02.2015 19th February 2015
Councilor Workshop 4th February 2016

OFFICER'S REPORT:

The purpose of the Instrument of Delegation is to ensure that the General Manager and Officers of Council have the delegation to undertake their roles and responsibilities in accordance with the *Local Government Act 1993*.

A detailed legal review has been undertaken on the document before being presented to Council. The review found a series of improvements that could be made and these have been incorporated into the revised document presented for Council consideration.

STATUTORY REQUIREMENT:

Local Government Act 1993, Local Government (Building and Miscellaneous Provisions) Act 1993; Building Act 2000; Public Health Act 1997; Food Act 2003; Environmental Management and Pollution Control Act 1994; Local Government (Highways) Act 1982; and Land Use Planning and Approvals Act 1993.

POLICY/STRATEGIC IMPLICATIONS:

4.0 Strategic, Efficient and Effective Organisation - Responding to risks and opportunities.

4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.

4.3.9 Maintain Council's Policy Manual and Instrument of Delegation.

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

RISK/LIABILITY:

Adoption of the Instrument of Delegation and ensuring that Management, Staff and Councillors are aware of and follow this instrument will help to reduce Council's exposure to risk in this area.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council adopts the Instrument of Delegation - revised August 2016.

DECISION:

Item D2: Councillor Resolution Report

ACTION	Information
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	COU/0600
ASSOCIATED PAPERS	<i>Annexure 14: Councillor Resolution Report August 2016</i>

INTRODUCTION:

This report identifies the actions taken and actual costs associated with implementing resolutions passed by elected members up to August 2016.

PREVIOUS COUNCIL CONSIDERATION:

The report is presented on a monthly basis.

OFFICER'S REPORT:

Please read Annexure 14 – Councillor Resolution Report August 2016.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Councillor Resolution Report August 2016 be noted.

DECISION:

E. CLOSED COUNCIL

Item E1: Closed Council Items

ACTION	Decision
PROPONENT	Council Officer
OFFICER	Sophie Pitchford, Acting General Manager
FILE REFERENCE	LEG/001
ASSOCIATED PAPERS	<i>Annexures 15 & 16: For Elected Members only</i>

PREVIOUS COUNCIL CONSIDERATION:

Special Council Meeting 27th & 4th July 2016
Special Council Meeting 1st and 4th August 2016

REASON FOR CLOSED COUNCIL:

Item E1, General Manager's Separation from Council, is **CONFIDENTIAL** in accordance with Section 15(2) (a) and (i) of the Local Government (Meeting Procedures) Regulations 2015.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council move into Closed Council.

DECISION:

CONFIDENTIALITY RECOMMENDATION:

Meeting Closed