



Agenda Ordinary Council Meeting

22 February 2023



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 17th day of February 2023.



Warren Groves
GENERAL MANAGER

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FLINDERS COUNCIL ORDINARY MEETING – AGENDA

WEDNESDAY 22 FEBRUARY 2023

Venue	Flinders Island Arts and Entertainment Centre
Commencing	1.00 pm
Attendees – Councillors	Mayor Rachel Summers Deputy Mayor Vanessa Grace Garry Blenkhorn Aaron Burke Carol Cox Peter Rhodes Ken Stockton
Apologies	Nil
Attendees- Staff	Warren Groves General Manager Kyra Newman Executive Assistant (minute taker) Jacci Smith Development Services Coordinator Chris Wilson Infrastructure and Airport Manager

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes from the Ordinary and Closed Council Meetings held 25 January 2023 be confirmed.

3. PUBLIC QUESTION TIME

In accordance with Section 31 (1) of the Local Government (Meeting Procedures) Regulations 2015 and the Flinders Council Public Question Time – Council Meeting Procedure, the following are to be adhered to at public question time.

Public Question Time is permitted 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 required.*

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.*

4. COUNCILLORS' 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.

5. LATE AGENDA ITEMS

6. DECLARATION OF PECUNIARY INTEREST

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

7. CONFLICT OF INTEREST

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

8. WORKSHOPS & INFORMATION FORUMS

File No. COU/0205

Council Workshop – 25 January 2023

Council held a workshop on the following subjects:

- Item 1 Planning Authority Report
- Item 2 Whitemark Tennis Court Options
- Item 3 Flinders Island Show Date
- Item 4 Islander Way Update
- Item 5 General Manager Update

- Item 6 Whitemark Footpaths

Councillors	In Attendance
Mayor Rachel Summers	Yes
Deputy Mayor Vanessa Grace	Yes
Councillor Aaron Burke	Yes
Councillor Garry Blenkhorn	Yes
Councillor Carol Cox	Yes
Councillor Peter Rhodes	Yes
Councillor Ken Stockton	Yes (items 4-6)

Staff and Consultants	In Attendance
Warren Groves General Manager	Yes
Kyra Newman Executive Assistant	Yes
Chris Wilson Infrastructure Manager	Yes
Jacci Smith Development Services Coordinator	Items 1 & 2
Sammi Gowthorp Community Services Coordinator	Item 3
Dianne Dredge The Tourism CoLab	Item 3
Sarah Lebski The Tourism CoLab	Item 3 (via Zoom)
Vicki Warden Executive Officer	Items 6 & 7

Council Workshop – 8 February 2023

Council held a workshop on the following subjects:

- Item 1 General Manager Update
- Item 2 SharePoint Discussion
- Item 3 ½ Yearly Budget Review
- Item 4 Safe Harbour Project
- Item 5 Strategic Plan Review

Councillors	In Attendance
Mayor Rachel Summers	Yes
Deputy Mayor Vanessa Grace	Yes
Councillor Aaron Burke	Yes
Councillor Garry Blenkhorn	Yes
Councillor Carol Cox	Apology
Councillor Peter Rhodes	No
Councillor Ken Stockton	Yes

Staff and Consultants	In Attendance
Warren Groves General Manager	Yes (items 1-5)
Kyra Newman Executive Assistant	Yes (items 1-5)
Chris Wilson Infrastructure Manager	Yes (items 1-5)
Sammi Gowthorp Community Services Coordinator	Items 2 & 5

Council Workshop – 15 February 2023

Council held a workshop on the following subjects:

- Item 1 General Manager Update
- Item 2 Budget Discussion

Councillor	In Attendance
Mayor Rachel Summers	Yes (via Zoom)
Deputy Mayor Vanessa Grace	Yes
Councillor Aaron Burke	No
Councillor Gary Blenkhorn	Apology
Councillor Carol Cox	Yes
Councillor Ken Stockton	Apology
Councillor Peter Rhodes	Yes

Staff and Consultants	In Attendance
Warren Groves General Manager	Yes (items 1 – 2)
Kyra Newman Executive Assistant	Yes (items 1 – 2)
Chris Wilson Infrastructure Manager	Yes (items 1 – 2)
Jade Boyes Corporate Services Coordinator	Part of item 2
Sammi Gowthorp Community Services Coordinator	Part of item 2
Jacci Smith Development Services Coordinator	Part of item 2
Marissa Walters Consultant Accountant	Part of item 2

RECOMMENDATION

That the Council Workshops held on 25 January 2023, 8 and 15 February 2023 be noted.

9. PUBLICATIONS AND REPORTS TABLED FOR COUNCIL INFORMATION

10. REPORTS TO BE RECEIVED

10.1 FLINDERS BOATING SPECIAL COMMITTEE

File Reference COM/0404
Annexures 10.1.1 Flinders Boating Special Committee Meeting 31 January 2023
Unconfirmed Minutes

OFFICER'S REPORT (Warren Groves | General Manager):

The unconfirmed minutes of the Flinders Boating Special Committee meeting held Tuesday 31 January 2023 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

RECOMMENDATION

That the unconfirmed minutes of the Flinders Boating Special Committee meeting held 31 January 2023 be noted.

10.2 FURNEAUX GROUP SHIPPING SPECIAL COMMITTEE

File Reference COM/0404
Annexures 10.2.1 Furneaux Group Shipping Special Committee Meeting 14
February 2023 Unconfirmed Minutes

OFFICER'S REPORT (Warren Groves | General Manager):

The unconfirmed minutes of the Furneaux Group Shipping Special Committee meeting held Tuesday 14 February 2023 have been provided for consideration. The minutes outline what the Committee has been working on to date and can now be noted by Council.

RECOMMENDATION

That the unconfirmed minutes of the Furneaux Group Shipping Special Committee meeting held 14 February 2023 be noted.

11. MAYOR'S REPORT

Action	Information
Proponent	Mayor R Summers
File Reference	COU/0600
Annexures	Nil

APPOINTMENTS

DATE	ACTIVITY
18/01/2023	Councillor Workshop
22/01	Furneaux Islands Festival Community Barbeque
30/01	Meeting with Minister Ferguson and Councillors
30/01	Meeting with Minister Ferguson and Community Members
31/01	Meeting with Flinders Island Show Society Committee Members
31/01	Flinders Boating Special Committee Meeting
02/02	Meeting with Richard Broome – Housing
06/02	Municipal Emergency Management Committee meeting
07/02	Meeting with Inspector Luke Manhood, Tasmania Police
10/02	Meeting with Minister of Local Government, Nic Street
13/02	Whitemark Community Gym Special Committee meeting
14/02	Local Government Review – Office of Local Government
14/02	Furneaux Group Shipping Special Committee Meeting
15/02	Councillor Workshop

MAIL IN

DATE	FROM	SUBJECT
24/01/2023	Luke Edmonds MLC	Introduction Letter
25/01	Dermot Barry - TasFire	Tasmania Fire and Emergency Services Reform
06/02	Paul Lay	Council Rates Notice

MAIL OUT

DATE	TO	SUBJECT
26/01/2023	Dr Alice Morris – WorkSafe Tasmania	Flinders Island Show Change of Date
06/02	Paul Lay	Council Rates Notice
15/02	Grant Hall	Letter of appreciation for time on the Furneaux Group Special Shipping Committee

EMAIL

DATE	FROM	SUBJECT
12/12/2022	Amina Keygan – Tasmanian Labour Advisor	Arrangement of Council Meeting with Labour's Economic Team
18/01/2023	Allison Anderson – Northern Tasmanian Development Corporation	Regional Economic Development Cooperation
20/01	Edward Beswick – Thrive Group	Education and Care
20/01	Libby Smith	Emailed Rates Notice
20/01	Michael Ferguson MP	Invitation to Meeting

20/01	Dion Lester – Local Government Association of Tasmania	Local Government Engagement Review
23/01	Glenda Ballantyne – Swinburne University	Invitation to the Making Connections: Multiculturalism and interculturalism in Australia Conference
24/01	Alison Demuth – Department of Premier and Cabinet	January 2023 Meeting Confirmation
27/01	Dr Alice Morris – WorkSafe Tasmania	Flinders Island Show Change of Date
30/01	Denise Hook – President of the Flinders Island Show Society	Flinders Council response to the change of the Flinders Island Show Date
31/01	Denise Hook - President of the Flinders Island Show Society	Flinders Island Show Society Change of Date Documents
31/01	Sarah Sackville – Volunteering Tasmania	Expression of Interest for Emergency Volunteer Management Workshops
03/02	Nikita Heazlewood – TasWater	TasWater Key Representatives
07/02	Rachel Busbridge – Australian Catholic University	Furneaux Islands Festival Research Project
09/02	Matt Balfe – TasWater	Henderson Dam Official Opening Invitation

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Mayor's report be received.

12. DEVELOPMENT SERVICES

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

12.1 DEVELOPMENT APPLICATION

Action	Decision
Proponent	Prime Design
Officer	Consultant Planner
File Reference	DA2022059
Annexures	12.1.1 Title 12.1.2 Plans 12.1.3 Geoton Waste Disposal Report 12.1.4 Representation

INTRODUCTION

Council acts as a Planning Authority for the assessment of this application under Section 57 of the *Land Use Planning and Approvals Act 1993* (the Act). Council as the Planning Authority must determine the application for a permit pursuant to Section 51(2) of the Act and 6.10 of the *Tasmanian Planning Scheme – Flinders Island Local Provisions Schedule* (the Scheme).

In determining an application, the Planning Authority must take into consideration:

- (a) *“all applicable standards and requirements in this planning scheme; and*
- (b) *any representations received pursuant to and in conformity with section 57(5) of the Act,*

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.”

Compliance with the applicable standards (a) consists of complying with the Acceptable Solution or satisfying the Performance Criteria. The use of ‘or’ is to be read plainly in that if an application satisfies the Acceptable Solution, no consideration of the Performance Criteria is required.

The purpose of this report is for Council to consider a proposal for a single dwelling, outbuilding and associated onsite services at 14 Gunter Street, Lady Barron.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

POLICY/STRATEGIC IMPLICATIONS

1. Liveability - To protect and build upon our islands’ way of life.
 - 1.1. A viable population that enables the necessary services and activities required for the Community to prosper.
 - 1.1.1. Encourage and support an increased supply of affordable accommodation for long-term residential rental and purchase.

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 REPORT – PLANNING ASSESSMENT

Development application	DA2022059
Location	14 Gunter Street, Lady Barron
Planning Instrument	Tasmanian Planning Scheme – Flinders Local Provisions Schedule (The Scheme)
Use	Residential

State Planning Policy ZONING

10.0 Low Density Residential Zone

10.1 Zone Purpose

The purpose of the Low Density Residential Zone is:

- 10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.
- 10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.
- 10.1.3 To provide for Visitor Accommodation that is compatible with residential character.

10.2 Use Table

The Use Class Table for this Zone nominates residential as No Permit Required but the application details rely on Performance Criteria within the development standards of the Zone and therefore the application is deemed to be Discretionary.

10.3 Use Standards – Not applicable

10.4 Development Standards for Dwellings

10.4.1 Residential density for multiple dwellings – Not applicable.

10.4.2 Building height

Objective:	That the height of dwellings is compatible with the streetscape and do not cause an unreasonable loss of amenity for adjoining properties.	
Acceptable Solutions	Performance Criteria	
A1 A dwelling must have a building height not more than 8.5m.	P1 The height of dwellings must be compatible with the streetscape and not cause an unreasonable loss of amenity to adjoining properties having regard to: (a) the topography of the site; (b) the height of buildings on the site and adjacent properties;	

	<ul style="list-style-type: none"> (c) the bulk and form of existing and proposed buildings; (d) sunlight to habitable rooms and private open space of dwellings; and (e) any overshadowing of adjoining properties.
<p>Officer assessment: Proposed dwelling height 4.7m and proposed outbuilding height 4.1m. Both structures meet the acceptable solution.</p>	

10.4.3 Setback

Objective:	That the siting of dwellings is compatible with the streetscape and does not cause an unreasonable loss of amenity for adjoining properties.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>Dwellings, excluding protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage not less than 8m.</p>	<p>P1</p> <p>The siting of a dwelling must be compatible with the streetscape and character of development existing on established properties in the area, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the setbacks of surrounding buildings; (c) the height, bulk and form of existing and proposed buildings; (d) the appearance when viewed from roads and public open space adjacent to the site; and (e) the safety of road users. 	
<p>Officer assessment:</p> <p>The proposed outbuilding is setback 7.5m from the front boundary and has a peak height of 4.1m with a skillion roof to 3.6m along the western elevation. The position of the outbuilding is between the building line of the buildings (dwelling and outbuilding) on the adjoining sites. A number of the developed sites within the neighbourhood (Gunter Street and Holloway Street) have outbuildings in front of the dwelling and similarly many existing dwellings are closer to the front boundary than 8m. Therefore, the proposed development is compatible with the streetscape and character of development in the area.</p> <p>When viewed from the road the single story building is in keeping with the character of the area with regard to bulk and form. The front portion of the outbuilding is the carport, which is open on 3 sides, and is therefore not a bulky, prominent structure that would dominate the streetscape.</p> <p>The proposal satisfies the performance criteria.</p>		

<p>A2</p> <p>Dwellings, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally from the building, must have a setback from side and rear boundaries of not less than 5m.</p>	<p>P2</p> <p>The siting of a dwelling must not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size, shape and orientation of the site; (c) the setbacks of surrounding buildings; (d) the height, bulk and form of existing and proposed buildings; (e) the existing buildings and private open space areas on the site; (f) sunlight to private open space and windows of habitable rooms on adjoining properties; and (g) the character of development existing on established properties in the area.
<p>Officer assessment:</p> <p>The subject site is 20m wide which leaves a 10m strip in the centre that is developable (through acceptable solutions) for a dwelling and onsite services. The size, shape and orientation of the site is common within the subdivision and so variations to one or both side boundary setbacks is common in the neighbourhood.</p> <p>The proposed 1-1.5m setback of the dwelling and outbuilding along the western boundary and eastern boundary and the 0.39m retaining wall setback is consistent with c), d) and g) above. There will be minimal to no loss of amenity to the adjoining land as there is over 8m separation between the dwelling at 12 Gunter and the proposed outbuilding. Likewise, there is over 13m separation between the outbuilding and the dwelling at 16 Gunter Street.</p> <p>While the proposed dwelling may cause some overshadowing of the neighbouring lots in the morning or afternoon, more than 50% of the POS of these lots will be free from shadow for more than 3 hours on the winter solstice which is the acceptable industry standard. The retaining wall has a maximum height of 600mm and therefore the bulk and form will not impact amenity and will not overshadow any neighbouring property unreasonably.</p> <p>The proposal will not cause an unreasonable loss of amenity to adjoining properties having regard to a) through g) above. Therefore, the proposal satisfies the performance criteria.</p>	

10.4.4 Site coverage

Objective:	That site coverage: (a) is consistent with the character of existing development in the area; (b) provides sufficient area for private open space and landscaping; and (c) assists with the management of stormwater runoff.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>Dwellings must have a site coverage of not more than 30%.</p>	<p>P1</p> <p>The site coverage of dwellings must be consistent with that existing on established properties in the area, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the capacity of the site to absorb runoff; (c) the size and shape of the site; (d) the existing buildings and any constraints imposed by existing development; (e) the provision for landscaping and private open space; (f) the need to remove vegetation; and (g) the site coverage of adjacent properties. 	
<p>Officer assessment:</p> <p>Site coverage calculates to <30% (~25.6%) and meets the Acceptable Solution.</p>		

10.4.5 Frontage fences for all dwellings

Objective:	That the height and transparency of frontage fences: <ul style="list-style-type: none"> (a) provides adequate privacy and security for residents; (b) allows the potential for mutual passive surveillance between the road and the dwelling; and (c) is reasonably consistent with fences in the street. 	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>No Acceptable Solution.¹</p>	<p>P1</p> <p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <ul style="list-style-type: none"> (a) provide for security and privacy, while allowing for passive surveillance of the road; and (b) be consistent with the height and transparency of fences in the street, having regard to: <ul style="list-style-type: none"> (i) the topography of the site; and (ii) traffic volumes on the adjoining road. 	
<p>Officer assessment:</p> <p>Not applicable. No front fence details provided, no front fence proposed.</p>		

10.5 Development Standards for Non-dwellings – Not applicable

10.6 Development Standards for Subdivision – Not applicable



Figure 1 looking west to 12 Gunter



Figure 2 looking east to 16 Gunter

¹ An exemption applies for fences in this zone – see Table 4.6.

CODES

CODES	Applicable	Not Applicable
C1 Signs	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C2 Parking and Sustainable Transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C3 Road and Railway Asset	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C4 Electricity Transmission Infrastructure Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C5 Telecommunications	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C6 Local Historic Heritage	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C7 Natural Assets	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C8 Scenic Protection Code	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C9 Attenuation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C10 Coastal Erosion	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C11 Coastal Inundation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C12 Flood-Prone Areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C13 Bushfire Prone Areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C14 Potentially Contaminated Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C15 Landslip Hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C16 Safeguarding of Airports	<input type="checkbox"/>	<input checked="" type="checkbox"/>

C2 Parking and Sustainable Transport

C2.5 Use Standards

C2.5.1 Car parking numbers

Objective:	That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p>	<p>P1.1</p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p>	

<p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p>$N = A + (C - B)$</p> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on-site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>
<p>Officer assessment:</p> <p>Per Table C2.1, 2 spaces per 3 bedrooms has been provided on site. One will be in the outbuilding and the other will be tandem in the driveway. This complies with the Acceptable Solution.</p>	

C2.5.2 Bicycle parking numbers – Not applicable

C2.5.3 Motorcycle parking numbers – Not applicable

C2.5.4 Loading Bays – Not applicable

C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone – Not applicable

C2.6 Development Standards for Buildings and Works

C2.6.1 Construction of parking areas

Objective:	That parking areas are constructed to an appropriate standard.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p>P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <p>(a) the nature of the use;</p> <p>(b) the topography of the land;</p> <p>(c) the drainage system available;</p> <p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing.</p>	
<p>Officer assessment:</p> <p>The proposed parking area will be all weather pavement (hard-packed gravel) and drained to the public stormwater system. As the driveway surface is not sealed it must be assessed against the Performance Criteria.</p> <p>The hardstand material of the driveway makes the parking, access, circulation and manoeuvring spaces readily identifiable and will be capable of being used in all weather conditions. Low vehicle numbers are expected in and out of the site, being a single dwelling and therefore dust generation and sediment transporting is not expected to be detrimental or create a disturbance to the road network. The driveway material allows minimal infiltration of stormwater into the soil, but, drainage of stormwater from the site will be directed to the public system in Gunter Street. The proposal satisfies the performance criteria.</p>		

C2.6.2 Design and layout of parking areas

Objective:	That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solutions	Performance Criteria	
<p>A1.1</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> (i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i>.</p> <p>A1.2</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <ul style="list-style-type: none"> (a) be located as close as practicable to the main entry point to the building; (b) be incorporated into the overall car park design; and 	<p>P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety; (e) the nature and use of the development; (f) the expected number and type of vehicles; (g) the likely use of the parking areas by persons with a disability; (h) the nature of traffic in the surrounding area; (i) the proposed means of parking delineation; and (j) the provisions of <i>Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking</i> and <i>AS 2890.2 - 2002 Parking facilities, Part 2: Off-street commercial vehicle facilities</i>. 	

(c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.</i> ²	
Officer assessment: The proposed parking layout complies with AS2890 with regard to parking and manoeuvring gradient, access width and clearance and parking dimensions. This complies with A1.1 (b). A1.2 is not applicable.	

C2.6.3 Number of accesses for vehicles

Objective:	That: (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses; (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and (c) the number of accesses minimise impacts on the streetscape.
Acceptable Solutions	Performance Criteria
A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater.	P1 The number of accesses for each frontage must be minimised, having regard to: (a) any loss of on-street parking; and (b) pedestrian safety and amenity; (c) traffic safety; (d) residential amenity on adjoining land; and (e) the impact on the streetscape.
Officer assessment: One access onto Gunter Street proposed.	
A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.	P2 Within the Central Business Zone or in a pedestrian priority street, any new accesses must: (a) not have an adverse impact on:

² Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

	(i) pedestrian safety and amenity; or (ii) traffic safety; and (b) be compatible with the streetscape.
Officer assessment: Not applicable.	

C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone – Not applicable

C2.6.5 Pedestrian access – Not applicable

C2.6.6 Loading bays – Not applicable

C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone – Not applicable

C2.6.8 Siting of parking and turning areas – Not applicable

C2.7 Parking Precinct Plan – Not applicable

Local Provisions Schedule PARTICULAR PURPOSE ZONE

PPZ	Applicable	Not Applicable
FLI-P1.0 Particular Purpose Zone – truwana - Cape Barren Island and Outer Islands	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SPECIFIC AREA PLANS

SAP	Applicable	Not Applicable
FLI-S1.0 Coastal Settlement Specific Area Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-S2.0 Whitemark Rural Living Specific Area Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-S3.0 Coastal Areas Specific Area Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-S4.0 Lady Barron Port Specific Area Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SITE SPECIFIC QUALIFICATIONS

SSQ	Applicable	Not Applicable
FLI-10.1 17 Patrick Street Whitemark	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-11.1 Palana Road, Palana	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-11.2 180 Badger Corner Road, Lady Barron	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-11.3 Part of 57 Franklin Parade, Lady Barron	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-11.4 Part of Pot Boil Road, Lady Barron	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-22.1 154 Big River Road, Loccota	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-25.1 Part of 16 Esplanade, Whitemark shown on an overlay map as FLI-25.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-25.2 Part of 16 Esplanade, Whitemark shown on an overlay map as FLI-25.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FLI-26.1 Flinders Island Airport – 351-355 Palana Road, Whitemark	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REFERRAL

The proposal was referred to EHO and Infrastructure Manager. No objections were raised.

NOTIFICATION

The application was notified for the required 14 day period in accordance with the Act. Full copies of the representations received during the public exhibition period were provided as Attachment 3 to this report. Consideration of any representation is a requirement under both the Scheme and the Act.

The number of representations received during this time was one.

Issued raised	Officer comments
<p>The plans, which show a real property interest, are not certified, signed nor endorsed by a registered land surveyor or someone working under their supervision. This is not in compliance with the advice the State Government has provided to Councils.</p>	<p>The letter referenced by the representor was from the Office of the Surveyor General and read:</p> <p>“...unless a person is a registered land surveyor, or acting under the direct supervision of a registered land surveyor, they must not show title boundaries or legal real property interests in relation to other site features on any document or plan prepared to show the result of the survey....My advice relates specifically to survey work where boundary or title and other legal property interests are depicted on electronic or hard copy documents or plans produced to show the result of the survey...”</p> <p>This statement was later clarified by the author and was to be interpreted as; Councils and/or developers who rely on</p>

publicly available data sets (such as found on LISTmap to show conceptual site arrangements) are **not** in conflict with the *Surveyors Act 2002*.

Where conceptual plans show offsets to site boundaries this is **not** in conflict with the *Surveyors Act 2022*, unless there has been site work undertaken to determine the boundary. Such site work (surveying) can only be done by a registered surveyor.

The conceptual plans drawn by Prime Design are not in contravention of the *Surveyors Act 2002* and it has been confirmed with the applicant that the site was surveyed by a registered surveyor (Michael Rose of Whitemark).

OFFICER'S RECOMMENDATION

That the application for a single dwelling and outbuilding in the Low Density Zone by Prime Design for land located at 14 Gunter Street, Lady Barron (Lot 17 on Plan 213391) be **APPROVED** subject to the following conditions:

ENDORSED PLANS

1. The use and/or development must be carried out as shown on the Endorsed plans by Prime Design dated 16.01.2023 Project no: PD22250 and described in the endorsed documents to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

OUTBUILDINGS

2. The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.

SOIL, WATER AND DUST CONTROL

3. Soil, water and dust must be managed on the site during construction to:
 - a) prevent the escape of soil and sediments beyond site boundaries; and
 - b) direct water runoff to a lawful point of discharge without causing nuisance for neighbours.

Commenced development stop

Where development has commenced on site and then stops for two weeks or more, interim stormwater, erosion and dust control measures must:

- a) be installed and maintained on site to the satisfaction of the Infrastructure Manager;
- b) ensure that overland flows do not become a nuisance to adjoining properties or Councils infrastructure; and
- c) be maintained until work recommences on site.

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

12.2 DEVELOPMENT APPLICATION REPORT

Action	Information
Proponent	Council Officer
Officer	Jacci Smith Development Services Coordinator
File Reference	PLN/0105
Annexures	12.2.1 Development Applications Report – January 2023

INTRODUCTION

This report provides Councillors with an overview of the applications for the current period as per motion 249.09.2015, passed at the 24 September 2015 Council Meeting when Council requested monthly data from the West Tamar Council planning consultancy service. As of July 2020, Flinders Council now generates the data and prepares the Development Applications Report monthly.

Permitted applications are assessed under section 58 of the *Land Use Planning and Approvals Act 1993* (the Act) and are not advertised. If applications classified as Permitted meet all development and use standards, they must be granted a permit, with or without conditions.

Discretionary applications are assessed under section 57 of the Act and are exhibited for a two-week period during which submissions may be received from the public. If a submission is received, the planner's report for that application is considered by Council. Discretionary applications where no submissions are received, as well as applications with a Permitted pathway, are approved under delegation to the General Manager.

The numbering of applications relates to the electronic filing system. Numbers are allocated to Planning (DA), Building (BA) and Plumbing (PA) applications as they are received. This may mean that planning numbers are not sequential, if for example, a development requires a building application but is exempt from a planning application.

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 12.2.1 Development Applications Report – January 2023.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Development Applications Report – January 2023 be received.

13. INFRASTRUCTURE

13.1 INFRASTRUCTURE MANAGER'S REPORT – FEBRUARY 2023

Action	Information
Proponent	Council Officer
Officer	Chris Wilson Infrastructure Manager
File References	WOR/3000
Annexures	13.1.1 Infrastructure Manager's Report – February 2023

INTRODUCTION

The purpose of this report is to provide Councillors with an update of monthly activities undertaken by the Works and Services and Airport departments.

OFFICER'S REPORT

This report is provided on a monthly basis at the request of Council.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Infrastructure Manager's Report – February 2023 be received and accepted by Council.

14. NOTICE OF MOTION

14.1 NOTICE OF MOTION – RECOMMENDATION FROM FLINDERS BOATING SPECIAL COMMITTEE – UPGRADES TO WHITEMARK BOAT RAMP

Action	Decision
Proponent	Mayor Rachel Summers
Officer	Warren Groves
File Reference	COM/0404
Annexures	10.1.1 Flinders Boating Special Committee Meeting 31 January 2023 Unconfirmed Minutes

NOTICE OF MOTION

That the following work be undertaken at the Whitemark boat ramp:

- Extension of additional fenders to 300mm off the seabed;
- Extra fender, if not two, and one ladder on the end of the jetty;
- Access ladder on the boat ramp side of the jetty and handrail included;
- White rubber strips on all the fenders;
- An appropriate life saving device; and
- Rubbers on all of the jetty, with fittings to be stainless steel.

COUNCILLOR'S REPORT

As part of the 2021 State Election, the Liberal Government included an investment of \$120,000 to upgrade existing boat ramps on Flinders Island. The Flinders Boating Special Committee was appointed to provide recommendations to Flinders Council regarding boating matters and associated infrastructure.

After almost two years since the election, the Committee is keen to progress some initial works that they feel are critical.

At the 18 October 2022 council meeting, Council appointed four new community members to the Committee and resolved to defer any decision on the Committee's recommendations relating to structural changes to the Whitemark Boat Ramp, until the matter could be re-considered by the expanded Committee. It was also considered more appropriate that any decisions were deliberated by the new Council.

At the meeting of the 31 January 2023, after considerable debate had occurred, the Committee passed the following motion:

"Moved: Dennis Cooper

Seconded: Robin Walker

A recommendation be made to Council that the following work is undertaken at the Whitemark boat ramp:

- *Extension of additional fenders to 300mm of the seabed;*
- *Extra fender, if not two, and one ladder on the end of the jetty;*
- *Access ladder on the boat ramp side of the jetty and handrail included;*
- *White rubber strips on all the fenders;*
- *An appropriate life saving device; and*
- *Rubbers on all of the jetty, with fittings to be stainless steel.*

CARRIED".

PREVIOUS COUNCIL CONSIDERATION

200.10.2022 18 October 2020

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

The purpose of the Flinders Boating Special Committee is stated within the Terms of Reference (TOR) as follows, "The purpose of the Flinders Boating Special Committee (hereafter referred to as 'the Committee') is to provide recommendations to Flinders Council regarding boating matters and associated infrastructure, as they apply to the Flinders Municipality."

At section 1.5 of the TOR, it states in part that "Council may, from time to time: vary the number of members".

At section 1.11 of the TOR, it states that, "All recommendations are to be moved and seconded and recorded in the minutes. The Chair is to take all recommendations to Council for consideration via a Notice of Motion."

Accordingly, the minuted recommendation subject of this Notice of Motion is within the TOR of the Flinders Boating Special Committee and open to Councillors for consideration.

STATUTORY REQUIREMENTS

Nil

POLICY/STRATEGIC IMPLICATIONS

2. Accessibility/Infrastructure and Services - Quality infrastructure and services for community benefit.
 - 2.2 Safe and reliable air and sea access to the islands.
 - 2.2.2 Engage with key stakeholders to support and improve commercial and community sea access.
- AP-11 Support the Flinders Boating Special Committee to improve the Whitemark Boat Ramp.

BUDGET AND FINANCIAL IMPLICATIONS

The recommended works are within the scope of the funding agreement available for this project.

RISK/LIABILITY

The recommended works will create improved usability and a safer boat ramp for recreational boating users of the facility.

VOTING REQUIREMENTS

Simple Majority

MOTION

Mayor Rachel Summers

That the following work be undertaken at the Whitemark boat ramp, funded by the grant received from the State Government:

- Extension of additional fenders to 300mm of the seabed;
- Extra two fenders and one ladder on the end of the jetty;
- Access ladder on the boat ramp side of the jetty and handrail included;
- White rubber strips on all the fenders;
- An appropriate life saving device; and
- Rubbers on all of the jetty, with fittings to be stainless steel.

15. GOVERNANCE

15.1 HOUSING WORKING GROUP REPORT – FEBRUARY 2023

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/1102
Annexures	Nil

INTRODUCTION

At the 25 January 2023 council meeting, council resolved to form a Housing Working Group with the membership being D/Mayor Vanessa Grace, Cr Garry Blenkhorn, Cr Peter Rhodes, Cr Ken Stockton, the General Manager and the Development Services Coordinator. At this meeting, Council also requested a monthly report from the working group.

PREVIOUS COUNCIL CONSIDERATION

18.01.2023 25 January 2023
A report will be presented monthly.

PREVIOUS COUNCIL DISCUSSION

Council Workshop 25 January 2023

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

1. Liveability - To protect and build upon our island's way of life.
 - 1.1 A viable population that enables the necessary services and activities required for the Community to prosper.
 - 1.1.1 Encourage and support an increased supply of affordable accommodation for long-term residential rental and purchase.
- AP-3 Identify Council land/assets for potential sale and improved land utilisation.

OFFICER'S REPORT

The first meeting of the Housing Working Group will be held on Friday 17 February 2023, after the release of this agenda.

Accordingly, the first report to Council of a meeting of the Working Group will be presented at the 22 March 2023 Council Meeting. During the first meeting, a Chair will be elected along with priorities and governance of the group.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Housing Working Group Report - February 2023 be noted.

15.2 COUNCILLOR RESOLUTION REPORT

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/0300
Annexures	15.2.1 Councillor Resolution Report February 2023

INTRODUCTION

The Councillor Resolution Report identifies resolutions passed by elected members and the actions taken to implement the decisions.

PREVIOUS COUNCIL CONSIDERATION

The Report is presented on a monthly basis.

OFFICER'S REPORT

Please read Annexure 15.2.1 – Councillor Resolution Report February 2023.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Councillor Resolution Report February 2023 be noted.

16. CLOSED COUNCIL

16.1 DISPOSAL OF SURPLUS COUNCIL EQUIPMENT

16.2 ROAD STABILISATION TENDER

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager

REASON FOR CLOSED COUNCIL

16.1 is **CONFIDENTIAL** in accordance with Section 15(2)(b) of the Local Government (Meeting Procedures) Regulations 2015.

16.2 is **CONFIDENTIAL** in accordance with Section 15(2)(d) of the Local Government (Meeting Procedures) Regulations 2015.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council moves into Closed Council.

MEETING CLOSED
