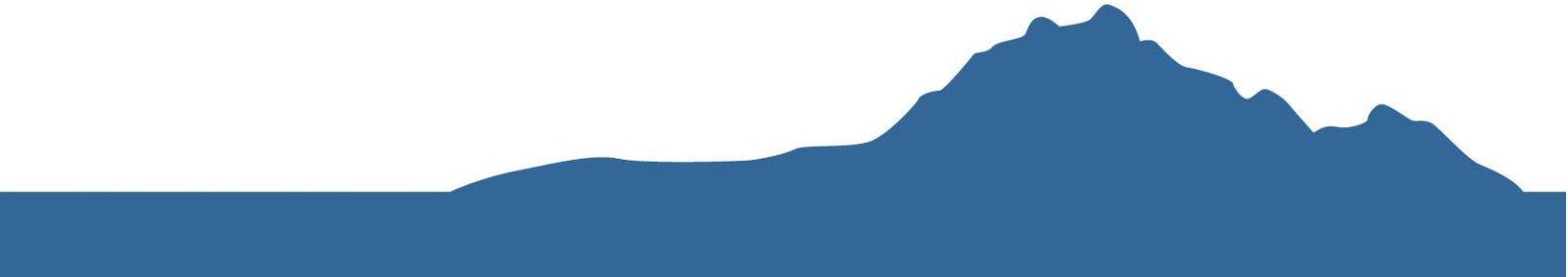




Agenda Ordinary Council Meeting

22 March 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 March 2023.



Warren Groves
GENERAL MANAGER

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FLINDERS COUNCIL ORDINARY MEETING – AGENDA

WEDNESDAY 22 MARCH 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 Chris Wilson Infrastructure Manager Jacci Smith Development Services Coordinator Sammi Gowthorp Community Services Coordinator Rowena Gill Acting Executive Officer Kyra Newman Executive Assistant (minute taker)

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 22 February 2023 and from the Special Council Meeting held 10 March 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. RESPONSES TO PUBLIC QUESTIONS

22 February 2023 Ordinary Council Meeting

Question 1: Chris Rhodes

I would like some clarification on the Mayor's reply to a post of Community Notice Board that was posted on Friday the 10th of February.

- A. What dates did the 2018/2022 councillors view the drawings of the proposed safe boat ramp?
- B. Whom were the key stakeholders that viewed these plans?
- C. Were the public ever going to be advised of the changes to this project?

Mayor's Response

- A. Safe Harbour drawings were presented to Councillors at workshops on 1 June 2021 and 17 May 2022.
- B. The two individuals and two community organisations that have previously been shown the drawings have been contacted about releasing their details publicly. All four have requested that their details not be released.
- C. The public have been aware of the changed focus of the project since the community survey process was conducted in June of 2020. The survey question being "Given the statements that indicate the potential benefits and risks, do you support the construction of a council-owned breakwater (and additional associated structures if money allows) at Lady Barron." You may recall this was supported by the community with an outstanding community participation total response of 482 votes of which 280 voted yes and 202 voted no.

Council has long planned to conduct community consultation for the project, and additionally as part of the Development Application advertising process, subject to final approval of the designs of the funding body per the application process.

RECOMMENDATION

That the response to the public question from the 22 February 2023 Council Meeting be noted.

5. 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.

6. LATE AGENDA ITEMS

7. 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.

8. 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.

9. POLICIES

The following Council policy was adopted at the 14 December 2022 Ordinary Council Meeting and no submissions were received throughout the 28 day public consultation period. As per the requirements of the Council Policy and Procedure Framework, the following policy is now considered to be adopted:

- Roadside and Road Reserve Vegetation Management Policy.

10. WORKSHOPS & INFORMATION FORUMS

File No. COU/0205

Council Workshop – 22 February 2023

Council held a workshop on the following subjects:

- Item 1 General Manager's Update
- Item 2 Late Agenda Item Discussion - Budget
- Item 3 Future of Local Government Review discussion
- Item 4 Asset Disposal
- Item 5 Budget Discussion

Councillors	In Attendance
Mayor Rachel Summers	Yes
Deputy Mayor Vanessa Grace	Yes
Councillor Aaron Burke	Yes
Councillor Carol Cox	Yes
Councillor Garry Blenkhorn	Yes
Councillor Peter Rhodes	Yes
Councillor Ken Stockton	Yes

Staff and Consultants	In Attendance
Warren Groves General Manager	(Items 1 – 5)
Kyra Newman Executive Assistant	(Items 1 – 5)
Chris Wilson Infrastructure Manager	(Items 1 – 5)

Council Workshop – 1 March 2023

Council held a workshop on the following subjects:

- Item 1 Safe Harbour Questions & Answers with Rod Neville from RARE
- Item 2 Catering for Workshops
- Item 3 ANZAC Day 2023
- Item 4 General Manager's Update

Councillors	In Attendance
Mayor Rachel Summers	Yes
Deputy Mayor Vanessa Grace	Yes
Councillor Aaron Burke	Apology
Councillor Carol Cox	Yes
Councillor Garry Blenkhorn	Yes
Councillor Peter Rhodes	Yes
Councillor Ken Stockton	Yes

Staff and Consultants	In Attendance
Warren Groves General Manager	(Items 1 – 5)
Rod Neville RARE Consulting	(Item 1)
Kyra Newman Executive Assistant	(Items 1 – 5)

Council Workshop – 8 March 2023

Council held a workshop on the following subjects:

- Item 1 Visit Northern Tasmania Meet and Greet with Chief Executive Officer Tracey Mallet
- Item 2 Vet Clinic
- Item 3 Public Open Space Policy

- Item 4 Development Applications
- Item 5 Subdivision
- Item 6 Zoning Issue
- Item 7 General Manager's Update

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

Staff and Consultants	In Attendance
Warren Groves General Manager	(Items 1 – 5)
Sammi Gowthorp Community Development Coordinator	(Item 1)
Tracey Mallet Visit Northern Tasmania CEO	(Items 1)
Jacci Smith Development Services Coordinator	(Items 2 – 6)
Vicki Warden Executive Officer	(Items 1 – 7)
Chris Wilson Infrastructure Manager	(Items 1 – 7)

RECOMMENDATION

That the Council Workshop held on 22 February, 1 and 8 March 2023 be noted.

11. PUBLICATIONS AND REPORTS TABLED FOR COUNCIL INFORMATION

12. REPORTS TO BE RECEIVED

12.1 FURNEAUX GROUP AVIATION SPECIAL COMMITTEE

File Reference FIN/0104
Annexures 12.1.1 Furneaux Group Aviation Special Committee meeting 21 February 2023 Unconfirmed Minutes

OFFICER'S REPORT (Warren Groves | General Manager)

The Unconfirmed Minutes of the Furneaux Group Aviation Special Committee meeting 21 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 Aviation Special Committee meeting 21 February 2023 be noted.

12.2 FLINDERS COUNCIL AUDIT PANEL COMMITTEE

File Reference FIN/0401
Annexures 12.2.1 Flinders Council Audit Panel Committee meeting 21 February 2023 Confirmed Minutes

OFFICER'S REPORT (Warren Groves | General Manager)

The Confirmed Minutes of the Flinders Council Audit Panel Committee meeting 21 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 Confirmed Minutes of the Flinders Council Audit Panel Committee meeting 21 February 2023 be noted.

12.3 FLINDERS BOATING SPECIAL COMMITTEE

File Reference COM/0404
Annexures 12.3.1 Flinders Boating Special Committee meeting 1 March 2023 Unconfirmed Minutes

OFFICER'S REPORT (Warren Groves | General Manager)

The Unconfirmed Minutes of the Flinders Boating Special Committee meeting held Wednesday 1 March 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 1 March 2023 be noted.

13. MAYOR'S REPORT

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

APPOINTMENTS

DATE	ACTIVITY
14/02/2023	Local Government Review
14/02/2023	Furneaux Group Shipping Special Committee Meeting
15/02/2023	Flinders Council Workshop
20/02/2023	Meeting with George Theo Chief Executive Officer TasWater
20/02/2023	Bus Tour with the Tasmanian Legislative Council
20/02/2023	The Official Opening of Henderson Dam
20/02/2023	Civic Reception with the Premier and the Tasmanian Legislative Council
20/02/2023	Dinner with the Premier and the Tasmanian Legislative Council
21/02/2023	Furneaux Group Aviation Special Committee Meeting
21/02/2023	Meeting with the TasWater Board
21/02/2023	Flinders Council Audit Panel Meeting
22/02/2023	Flinders Council Workshop
22/02/2023	Ordinary Council Meeting
23/02/2023	Meeting with Bridget Archer
23/02/2023	Meeting with the Local Government Review Board
24/02/2023	Meeting with Bridget Archer and Linda Burney
01/03/2023	Flinders Council Workshop
01/03/2023	General Manager's Performance Review Committee Meeting
01/03/2023	Flinders Boating Special Committee Meeting
06/03/2023	The Tasmanian Waste and Resource Recovery Board Meeting
07/03/2023	State Grant Commission Hearing
10/03/2023	Special Council Meeting
10/03/2023	Meeting with David Harris from Bass Straight Freight
16/03/2023	Local Government Association of Tasmania Mayor's Professional Development

CORRESPONDENCE IN

DATE	FROM	SUBJECT
14/02/2023	Alina Bain – Regional Development Australia	Invitation to the Strategic Regional Plan for Tasmania
14/02/2023	Linda Nicol	Planning Issues
17/02/2023	Department of Premier and Cabinet	Invitation to the Tasmanian Honour Roll of Women Event 2023
17/02/2023	Katrina Sayer - TasWater	Henderson Dam Event Information
19/02/2023	Andrew Thompson	Safe Harbour Project
19/02/2023	Chris Fenner	Safe Harbour Project
19/02/2023	Judy Jacques	Artwork for Civic Reception
22/02/2023	Chris Rhodes	Public Questions for 22 February 2023 Ordinary Council Meeting
22/02/2023	Councillor Ken Stockton	Sharp Airlines Information
23/02/2023	Councillor Ken Stockton	Aircraft Operations Observations
24/02/2023	Christine Domigan	Returned and Services League of Australia Invitation
24/02/2023	Aaron De La Torre – Australian Services Union	Invitation to discussion on the future of the Local Government Review

27/02/2023	Joshua McDonnell – University of Western Australia Research Officer	Invitation to Survey regarding Candidate emergence and compulsory voting in Tasmanian Local Government
27/02/2023	Janie Finlay MP	Childcare on Flinders Island
27/02/2023	Bree Groves on behalf of Bridget Archer MP	Childcare on Flinders Island
28/02/2023	Christine Nyhof	Vinegar Hill Lookout Access
28/02/2023	Ed Beswick – Thrive Group Tasmania	Childcare Service Update
28/02/2023	Henry Austin-Stone – Board Chair of Thrive Group Tasmania	Invitation to Meeting regarding Childcare Issues
28/02/2023	Marianne Moore	Childcare Issues on Flinders Island
2/03/2023	Sarah Richardson – Tasmanian Electoral Commission	Local Government Association of Tasmania – 2023 General Management Committee election
2/03/2023	Janet Saunders – Chief Executive Officer of the Hobart Women’s Shelter	Invitation to Women’s Housing Working Meeting
2/03/2023	Mikaela Finlay – Thrive Group Tasmania	Request for a phone meeting with Ed Beswick from Thrive Group Tasmania
2/03/2023	Malcolm McDonell – Progressive Australia Movement	Climate Change
3/03/2023	Josh Willie MLC	Childcare on Flinders Island
3/03/2023	Dion Lester – Chief Executive Officer of the Local Government Association of Tasmania	Professional Development Event (Planning Authority and Managing Growth) Invitation
6/03/2023	Angie Bell MP	Childcare on Flinders Island
7/03/2023	Dr Alice Morris – WorkSafe Tasmania	Flinders Island Show Date
8/03/2023	Dave Freer	Application for extension of Plumbing Permit
8/03/2023	Nikita Heazlewood - TasWater	Arrangement of presentation to Council
8/03/2023	Sarah Underwood – Planning Matters Alliance Tasmania	Meeting request regarding the future of Local Government

CORRESPONDENCE OUT

DATE	FROM	SUBJECT
24/02/2023	Mick Rose	Letter of appreciation on behalf of the Flinders Boating Special Committee
27/02/2023	Jeremy Rockliff – Premier of Tasmania	Childcare issues on Flinders Island
27/02/2023	Michael Ferguson – Deputy Premier of Tasmania	Childcare issues on Flinders Island
27/02/2023	Nick Duigan MP	Childcare issues on Flinders Island
27/02/2023	Luke Edmonds MP	Childcare issues on Flinders Island
27/02/2023	Craig Ferrell MP	Childcare issues on Flinders Island
27/02/2023	Ruth Forrest MP	Childcare issues on Flinders Island
27/02/2023	Michael Gaffney MP	Childcare issues on Flinders Island
27/02/2023	Dean Harris MP	Childcare issues on Flinders Island

27/02/2023	Leonie Hiscutt MP	Childcare issues on Flinders Island
27/02/2023	Sarah Lovell MP	Childcare issues on Flinders Island
27/02/2023	Jo Palmer MP	Childcare issues on Flinders Island
27/02/2023	Tania Rattray MP	Childcare issues on Flinders Island
27/02/2023	Rob Valentine MP	Childcare issues on Flinders Island
27/02/2023	David Harris – Bass Strait Freight	Refrigerated food transport on the Island
28/02/2023	The Honourable Dr Anne Aly MP	Childcare issues on Flinders Island
28/02/2023	The Honourable Angie Bell MP	Childcare issues on Flinders Island
28/02/2023	The Honourable Jason Clare MP	Childcare issues on Flinders Island
28/02/2023	Senator the Honourable Katy Gallagher	Childcare issues on Flinders Island
28/02/2023	The Honourable Nola Marino MP	Childcare issues on Flinders Island
28/02/2023	The Honourable Roger Jaensch MP	Childcare issues on Flinders Island
2/03/2023	Aronn Daw	Flinders Boating Special Committee Survey
2/03/2023	Marianne Moore	Childcare on Flinders Island
5/03/2023	Andrew Thompson	Safe Harbour Project
7/03/2023	Chris Rhodes	22 February 2023 Ordinary Council Meeting Public Question
9/03/2023	Australian Home Affairs	Authorised Presiding Officer Acknowledgement
16/03/2023	Guy Barnett MP	Units in Whitemark, Tasmania
22/03/2023	Andrew Thompson	Safe Harbour Project

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Mayor's report be received.

14. 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.

14.1 DEVELOPMENT APPLICATION DA2022/029

Action	Decision
Proponent	Gary Morrison
Officer	Jacci Smith Development Services Coordinator
File Reference	DA2022/029
Annexures	14.1.1 DA2022029 Sand extraction pit Lady Barron V2 14.1.2 Scenic and Ecological Assessment Vinegar Hill 14.1.3 Vinegar Hill sand extraction pit and quarry environmental noise assessment R1 14.1.4 Traffic Impact Statement V2 14.1.5 MAP - Mining Lease 2116P M - Morrison G A - Vinegar Hill 14.1.6 Response to Request for Crown Landowner Consent 14.1.7 Representations

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 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 Solutions or satisfying the Performance Criteria. The use of ‘or’ is to be read plainly in that if an application satisfies the Acceptable Solutions, no consideration of the Performance Criteria is required.

The purpose of this report is for Council to consider a proposal for a new extractive industry use on the site (199735/1). Material to be extracted consists of white aeolian sands. Some screening will occur to remove rock or other organic material. The extraction area will be approximately 3.4ha, of which 4,999 cubic meters of material per annum may be extracted and transported from the site. The extractive activities are proposed to occur as described below:

Activity	Day and Hours of Activity
Clearing vegetation, ripping, excavating, loading and carting sand from the pit to the storage yard	<ul style="list-style-type: none">• Monday to Friday, 0700 to 1900 hrs• Saturday, 0800 to 1600 hrs• No activity on Sunday and public holidays (those gazetted state-wide)
Vibratory Screening	<ul style="list-style-type: none">• Monday to Friday, 0900 to 1700 hrs

Loading and carting of product for delivery	<ul style="list-style-type: none"> • Monday to Friday, 0800 to 1700 hrs • Saturday, 0800 to 1600 hrs • No activity on Sunday and public holidays (those gazetted state-wide)
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Council is also required to consider an application for another extractive industry use (gravel – DA2022/031) on the same site however, these activities are not proposed to occur simultaneously. With only two employees proposed to operate the activities on the site either the sand will be extracted, or the gravel, but never both at the same time.

-

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

POLICY/STRATEGIC IMPLICATIONS

3. Economy / Business - An environment where a variety of businesses can thrive and integrate.

3.1 Ongoing opportunities across all business sectors.

3.2 Sustainable and alternative energy opportunities embraced.

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 (Provided by Consultant)

Development application	DA2022 / 029
Location	Vinegar Hill Lady Barron Road, Lady Barron (199735/1)
Planning Instrument	Tasmanian Planning Scheme – Flinders Local Provisions Schedule (The Scheme)

State Planning Provisions

ZONING

20.0 Rural Zone

20.1 Zone Purpose

The purpose of the Rural Zone is:

20.1.1 To provide for a range of use or development in a rural location:

- (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;
- (b) that requires a rural location for operational reasons;
- (c) is compatible with agricultural use if occurring on agricultural land;
- (d) minimises adverse impacts on surrounding uses.

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

20.2 Use Table

The Use Class Table for this Zone nominates Extractive Industry use as Permitted but the application details rely on Performance Criteria within the development standards of the Codes and therefore the application is deemed to be Discretionary.

20.3 Use Standards

Extractive Industry is a permitted use class and so clause 20.3.1 is not applicable.

20.4 Development Standards for Buildings and Works
20.4.1 Building height Not applicable – no buildings are proposed.

20.4.2 Setbacks

Not applicable. The proposed works are not defined as a 'building' and so clause A1/P1 and A2/P2 are not relevant.

20.4.3 Access for new dwellings

Not applicable. The proposed development is not a dwelling. 20.5 Development Standards for Subdivision

These provisions are not applicable to this application.

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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
C9 Attenuation	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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> <ul style="list-style-type: none"> (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; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> (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 (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: $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</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> <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (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; (g) the effect on streetscape; and (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>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use and car parking required; 	

<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>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>
---	--

Officer assessment:

As per Table C2.1 Extractive Industry requires 1 space per 2 employees. The application is proposed to have a maximum of 2 employees and 2 parking spaces have been provided on the site in the storage yard. The proposal complies with A1.

C2.5.2 Bicycle parking numbers

Not applicable as per Table C2.1.

C2.5.3 Motorcycle parking numbers

Not applicable as Extractive Industry is not a listed use class as per C2.2.2.

C2.5.4 Loading Bays

Not applicable as Extractive Industry is not a listed use class as per C2.2.3.

C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone

Not applicable as Extractive Industry is not a listed use class as per C2.2.4.

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>	
Officer comments:		

The proposal complies with A1 as the internal access path is proposed to be constructed of gravel over compacted road base, while the manoeuvring, circulation and parking spaces are proposed to be constructed of compact hard base material suitable for all weather use.

All stormwater will be contained on site in accordance with A1 (b) and the proposal is excluded from (c).

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>	<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>. 	

<p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(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>.¹</p>	
<p>Officer comments:</p> <p>Given the nature of the development and proposed use, the Performance Criteria has been assessed as formal delineation and compliance with the <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i> is not paramount to this application. The Performance Criteria is considered to be satisfied as all parking, access ways, manoeuvring and circulation spaces on the site will be readily identifiable by the compacted hard base material and clear pathway to the storage yard and extraction pit. The parking dimensions and layout of the 2 proposed parking spaces is acceptable and the access and manoeuvring space on site is suitable for the intended use and low traffic volume generated by the employees. The proposed construction material is suitable for all weather use. The relatively low level of activity on the site due to the limitation of the number of proposed employees is conducive to a safe environment for pedestrians and vehicles. The low topography of the site and proposed onsite drainage and detention supports a safe and efficient parking area. Given the nature of the development the site will not be open to the public and only delivery trucks and personal will be permitted entry thus it is unlikely that persons with disability will utilise the site. A single delineated parking space will be located at the storage yard with other informal parking areas identified on the site via signage only.</p>	

C2.6.3 Number of accesses for vehicles

Objective:	<p>That:</p> <p>(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;</p> <p>(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and</p> <p>(c) the number of accesses minimise impacts on the streetscape.</p>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p>	<p>P1</p> <p>The number of accesses for each frontage must be minimised, having regard to:</p> <p>(a) any loss of on-street parking; and</p>

¹ Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

<p>(b) no more than the existing number of accesses, whichever is the greater.</p>	<p>(b) pedestrian safety and amenity; (c) traffic safety; (d) residential amenity on adjoining land; and (e) the impact on the streetscape.</p>
<p>Officer comments: There is one existing access which will be required to be upgraded in accordance with Department of State Growth (DSG) guidelines. This single access complies with A1.</p>	
<p>A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p>P2 Within the Central Business Zone or in a pedestrian priority street, any new accesses must: (a) not have an adverse impact on: (i) pedestrian safety and amenity; or (ii) traffic safety; and (b) be compatible with the streetscape.</p>
<p>Officer comments: Not applicable. The proposal is not within the Central Business Zone or a pedestrian priority street.</p>	

C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone

Not applicable as the subject site is not within the General Business or Central Business Zone.

C2.6.5 Pedestrian access

Not applicable as the use does not require 10 or more car parking spaces and no accessible parking is proposed.

C2.6.6 Loading bays

Not applicable as there is no building area with >1000m² under a single tenancy.

C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone

Not applicable as the subject site is not within the General Business or Central Business Zone.

C2.6.8 Siting of parking and turning areas

Not applicable as the subject site is not within the Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone. C2.7

C2.7.1 Parking precinct plan

Not applicable. Flinders has not adopted a Parking Precinct Plan.

C3.0 Road and Railway Asset Code

C3.5 Use Standards

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Objective:	To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.
Acceptable Solutions	Performance Criteria
<p>A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road. <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.
<p>Officer comments:</p> <p>A1.1 – Not applicable as Lady Barron Road is not a Category 1 Road as per the Department of State Growth (“DSG”) State Road Hierarchy.</p> <p>A1.2 – Written consent from the road authority has not been issued for the new (upgrade) junction. DSG have consented to the lodgement of the application. Therefore the performance criteria is relied upon.</p> <p>A1.3 – Not applicable as there is no rail network on Flinders Island.</p>	

A1.4 – Vehicular traffic to and from the site using the existing access location will increase to 10 truckloads delivered per day (= 20 movements), with an average of 5 truckloads per day. This is more than the amount specified in Table C3.1 and so the performance criteria is relied upon.

A1.5 Lady Barron Road is a major road and traffic can enter/exit in a forward direction.

Vehicular traffic to and from the site generated by the proposed use is considered to have minimal adverse effects on the safety of the junction and efficiency of the road network. The Traffic Impact Statement (TIS) prepared by Van Diemen Consulting considers the impact the proposed development and use will have on the road network. Through this assessment it is considered that the proposal will be of low risk and impact to the road network provided that the recommendations of the report were followed which include, but are not limited to, the upgrade of the existing access, seal spray treatment within the site and installation of signage and a culvert.

The site is accessed from Lady Barron Road, a sealed road. While no sediment is anticipated to leave the site because of the sediment pond that will be installed and maintained throughout the life of the development, a 25m 2 coat spray seal will be applied from the current seal of Lady Barron Road onto the internal access track of the site. Sight lines from the existing access are in excess of 180m and so the anticipated seasonal traffic is unlikely to impact the safety or efficiency of the road network. The existing access will be reconstructed in accordance with DSG guidelines and requirements and Standard Drawing TSD-R05-v2 (truck access to rural properties 'Type A').

The proposed development is considered to comply with the performance criteria (P1).

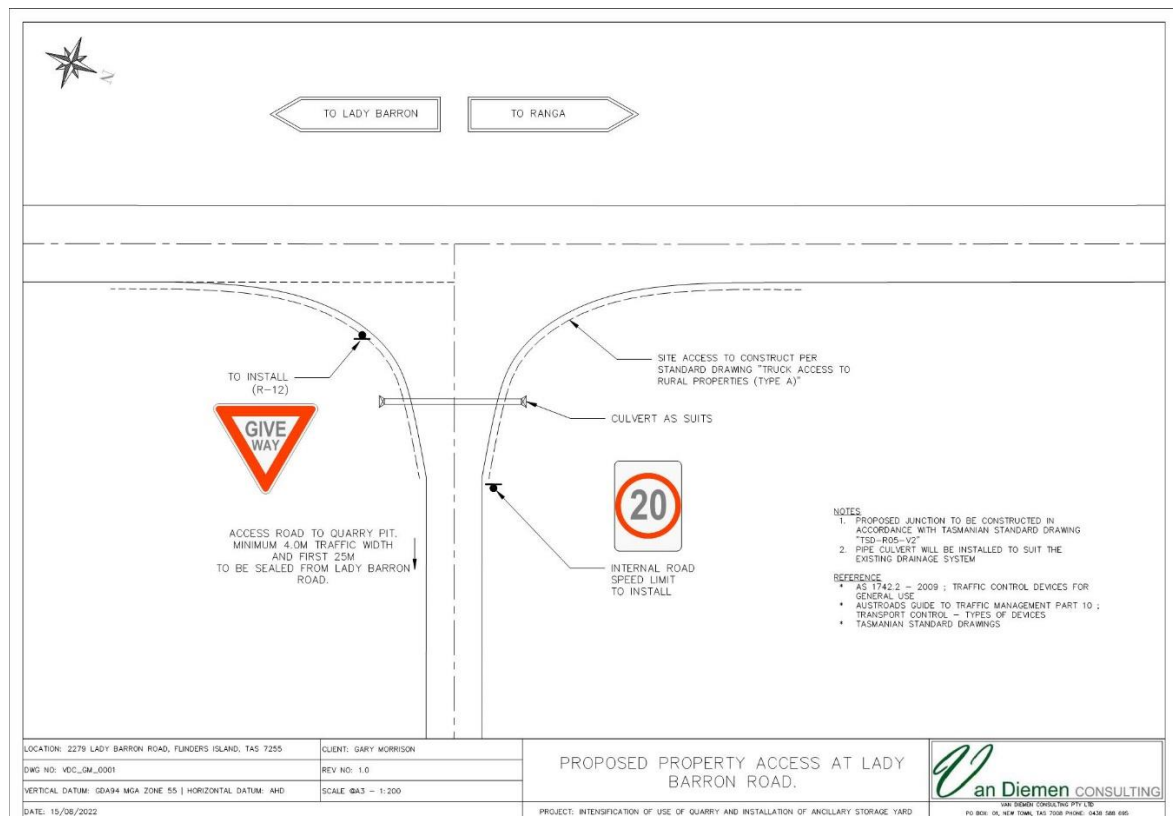


Figure 1 Proposed property access to Lady Barron Road from TIS (page 17)

C3.6 Development Standards for Buildings or Works

C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area

Not applicable as the application is not for a habitable building for sensitive use.

C8.0 Scenic Protection Code

C8.6 Development Standards for Buildings and Works

C8.6.1 Development within a scenic protection area

Objective:	That: <ul style="list-style-type: none"> (a) destruction of vegetation does not cause an unreasonable reduction of the scenic value of a scenic protection area; and (b) buildings and works do not cause an unreasonable reduction of the scenic value of a scenic protection area.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings or works, including destruction of vegetation, within a scenic protection area must:</p> <ul style="list-style-type: none"> (a) be on land not less than 50m in elevation below a skyline; and (b) not total more than 500m² in extent. 	<p>P1.1</p> <p>Destruction of vegetation within a scenic protection area must not cause an unreasonable impact on the scenic value of a scenic protection area, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the vegetation to be removed; (b) the area of vegetation to be removed; (c) the topography of the site; (d) any visual impact on a skyline; (e) the nature of the reduction of the scenic value; and (f) the purpose of any management objectives identified in the relevant Local Provisions Schedule. <p>P1.2</p> <p>Buildings or works within a scenic protection area must not cause an unreasonable reduction of the scenic value of a scenic protection area, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the location of, and materials used in construction of, driveways or access tracks; (c) proposed reflectance and colour of external finishes; (d) design and proposed location of the buildings or works; (e) the extent of any cut or fill required; (f) any visual impact on a skyline; (g) any existing or proposed screening; and

(h) the purpose of any management objectives identified in the relevant Local Provisions Schedule.

Officer comments:

Figure 5B of the supporting information identifies that the area of works for the proposed extractive industry is within the scenic protection area overlay within the Flinders Local Provisions Schedule. Figure 7 of the same document shows that the proposed works (including the destruction of vegetation) are to occur within the overlay will be 55m below skyline and will total an excavated area of approximately 3.4ha. The proposal therefore relies on the performance criteria for compliance.

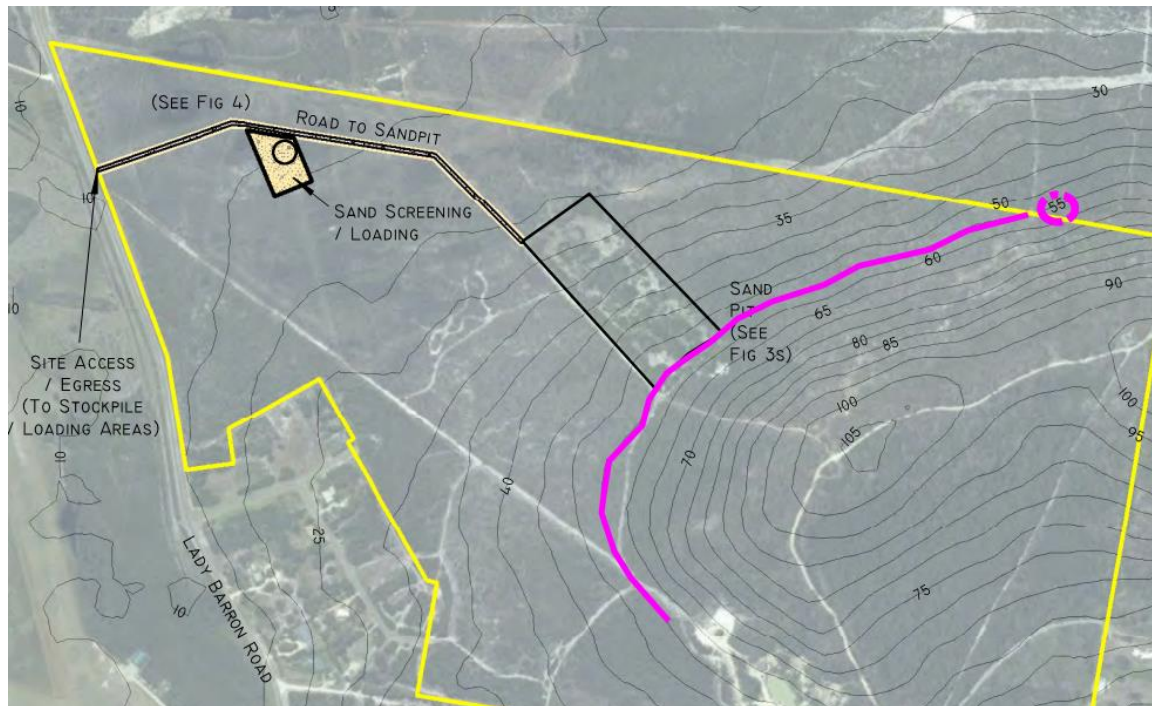


Figure 2 Site elevation from development application supporting information Figure 2 (page 14).

The ecological and scenic values of the site and in particular the area for extraction have been considered in the Scenic and Ecological Assessment prepared by Van Diemen Consulting P/L (“the Assessment”).

The destruction of vegetation and works required to facilitate the extractive industry has been thoroughly considered in the Assessment and will not cause an unreasonable impact on the scenic value of the protection area in accordance with the performance criteria P1.1 and P1.2.

The site contains native forest communities, non-forest communities and non-native land units. One native vegetation community identified in Schedule 3A of the *Nature Conservation Act 2002*, is known to occur on the land: *Eucalyptus viminalis* Furneaux forest and woodland. This community occurs on just over 17ha of land as indicated in Figure B1 of the Assessment. As indicated in the same image, the area of extraction is outside of the threatened community footprint. Additionally, no ecological communities listed under Section 181 of the *Environmental Protection and Biodiversity Conservation Act 1999* occur on the site.

The nature of vegetation to be removed is predominately regrowth (wattle) which stems from the land being previously cleared for an agricultural activity (vineyard). Other species were identified in varying condition as identified in the Assessment. The area of vegetation to be removed is just over 3ha and the values of this area are determined to be low. While clearing is proposed to occur as high as 55AHD no clearing will occur above this level or along the skyline. Due to the topography of the site some vegetation removal will be visible from the road and adjoining land. However, the small scale clearing proposed is considered to be consistent with the objective identified in the Flinders – Local Provisions Schedule: *To maintain the scenic values created by the vegetation cover on the elevated parts of the hill by minimising disturbance of vegetation.* Furthermore, the existing vegetation proposed to remain undisturbed on the site creates a visual barrier form many viewpoints on adjoining land and areas that will be disturbed will be revegetated. The proposal satisfies P1.1 and P1.2.

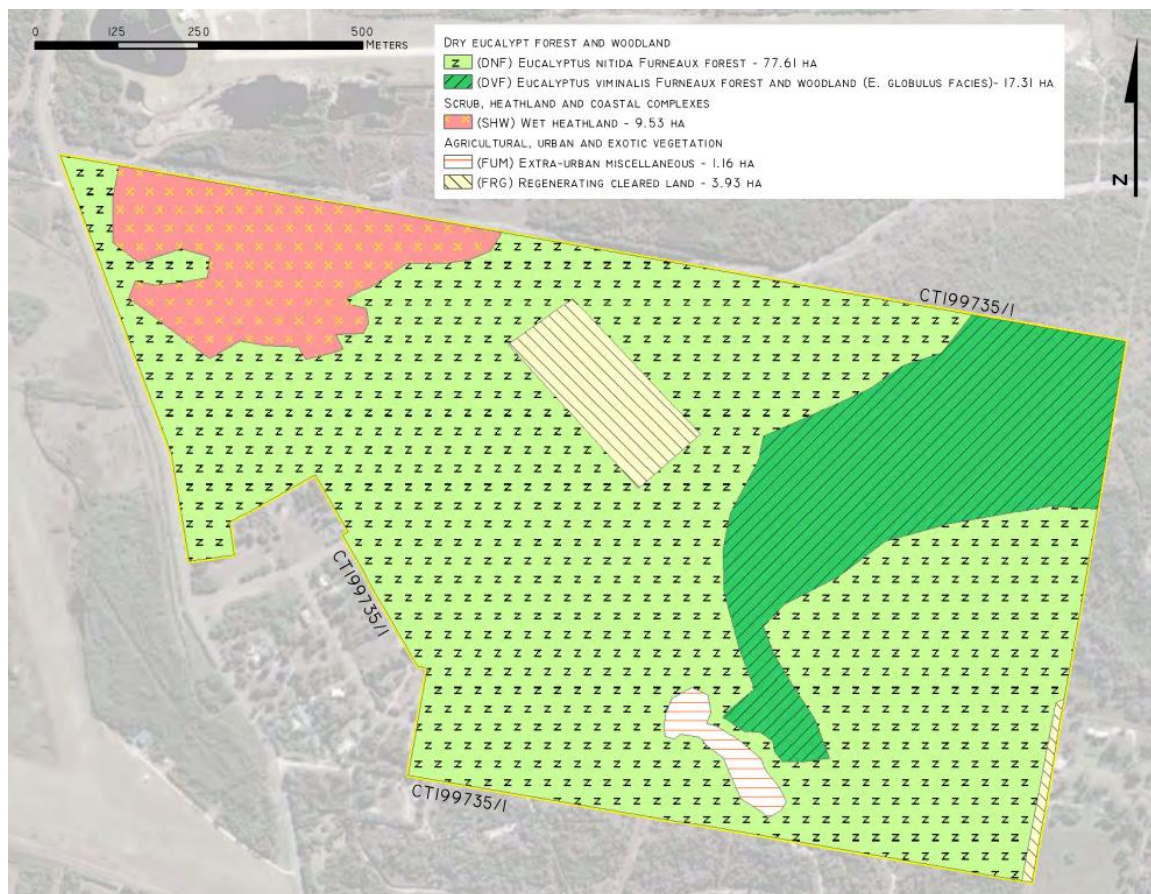


Figure 3 Excerpt of Figure B1 of the Scenic and Ecological Assessment prepared by Van Diemen Consulting P/L

C8.6.2 Development within a scenic road corridor

Not applicable as the site is not within a scenic road corridor.

C9.0 Attenuation Code

C9.5 Use Standards

C9.5.1 Activities with potential to cause emissions

Objective:	That an activity with potential to cause emissions is located so that it does not cause an unreasonable impact on an existing sensitive use.
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Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The attenuation area of an activity listed in Tables C9.1 or C9.2 must not include:</p> <ul style="list-style-type: none"> (a) a site used for a sensitive use which is existing; (b) a site that has a planning permit for a sensitive use; or (c) land within the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone A, Rural Living Zone B, Village Zone or Urban Mixed Use Zone. 	<p>P1</p> <p>An activity listed in Tables C9.1 or C9.2 must not cause:</p> <ul style="list-style-type: none"> (a) an unreasonable loss of amenity or unreasonable impacts on health and safety of a sensitive use which is existing, or has a planning permit; or (b) unreasonable impacts on land within the relevant attenuation area that is in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone A, Rural Living Zone B, Village Zone or Urban Mixed Use Zone, having regard to: <ul style="list-style-type: none"> (i) operational characteristics of the activity; (ii) scale and intensity of the activity; (iii) degree of hazard or pollution that may be emitted from the activity; (iv) hours of operation of the activity; (v) nature of likely emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste; (vi) existing emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste; and (vii) measures to eliminate, mitigate or manage emissions from the activity.
<p>Officer comments:</p> <p>Table C9.1 lists the attenuation area of the extractive industry (Level 1 listed activity: Quarry or extractive pit) as 500m where vibratory screening is proposed to occur. This is to attenuate for emissions such as noise, dust, ground vibrations and shock waves. The proposed activity will be more than 300m from any existing sensitive use. However, attenuation distance is measured as the shortest distance from the boundary of the site on which the activity is located, not the distance from the activity itself. The site adjoins the Low Density Residential Zone and Rural Living Zone A to the south-west and south-east and is within 500m of the Village Zone. Therefore the performance criteria must be relied on.</p> <p>The proposal, while not required to comply with both a and b of the criteria, satisfies both elements as the proposal will not cause unreasonable loss of amenity or unreasonable impacts on health and safety of a sensitive use, or unreasonable impacts on the areas within the Low Density Residential Zone, Rural Living Zone or Village Zone. This conclusion is drawn from the data presented in the Vinegar Hill sand extraction pit and quarry</p>	

environmental noise assessment (“the Noise Assessment”) by Tarkarri Engineering dated August 2022, having regard to elements (i) through (vii) of (b) above.

The Noise Assessment considers the ‘acceptable’ level of noise that can be emitted from quarrying and associated activities to be 45 dB(A) from 0700 to 1900 hours (daytime); 40 dB(A) from 1900 to 2200 hours (evening); and 35 dB(A) from 2200 to 0700 hours (night time) as prescribed in the Quarry Code of Practice.

Seven model receivers were positioned on adjoining land within the Low Density Residential Zone, Rural Living Zone or Village Zone. The closest sensitive receptacle is R1 (7 Vinegar Hill Drive). The sand pit extraction and the sand pit screening and loading activities were modelled separately for their sound power levels and frequency output. This data was then modelled against a ‘worst-case propagation’. The results conclude that the highest predicted sound pressure levels (worst-case dBA) would be received at the location of R1 and total 37 dBA for the extraction activities and 37dBA for the screening and loading activities. Both are below the criterion level of 45dBA and so the level of noise output is considered ‘acceptable’ as per the Environmental Protection Authority (2017) Quarry Code of Practice. The predicted noise level output of the proposed sand extracting activities will not cause unreasonable loss of amenity or unreasonable impacts on health and safety of a sensitive use, even though the activities may be heard from the surrounding (residential) land.

C9.5.2 Sensitive use within an attenuation area

Not applicable as no sensitive use is proposed.

C9.6 Development Standards for Subdivision

These provisions are not applicable to this application.

C15.0 Landslip Hazard Code

C15.4 Use or Development Exempt from this Code

C15.4.1 The following use or development is exempt from this code:

<p>(a) use of land within a low or medium landslip hazard band, excluding for a critical use, hazardous use or vulnerable use;</p> <p>(b) use or development of land for Extractive Industry where a mining lease under the <i>Mineral Resources Development Act 1995</i> is in force, excluding a hazardous use;</p> <p>(c) use of land for:</p> <p>(i) Natural and Cultural Values Management;</p> <p>(ii) Passive Recreation;</p> <p>(iii) Resource Development; or</p> <p>(iv) Utilities;</p> <p>(d) development on land within a low or medium landslip hazard band that requires authorisation under the <i>Building Act 2016</i>;</p> <p>(e) development, including subdivision, on land within a low landslip hazard band, if it does not involve significant works;</p> <p>(f) development for Resource Development on land within the low or medium landslip hazard band, if it does not involve significant works;</p> <p>(g) development for minor utilities or linear utilities associated with sewer, water, or stormwater systems, electricity, gas, telecommunications and roads, if it does not involve significant works;</p> <p>(h) subdivision of land within the medium-active or high landslip hazard band, if it does not involve any works; and</p> <p>(i) subdivision of land within a medium landslip hazard band if:</p> <p>(i) it does not involve significant works; or</p> <p>(ii) it does not create a new road, or extend an existing road</p>

Officer comments:

The proposed development was lodged with reference to a mining lease 2116P/M and the status at the time of lodgement was pending. Since being lodged the lease under the *Mineral Resources Development Act 1995* has been granted and is now in force. The proposal is therefore exempt from assessment under this code as per C15.4.1 (b).

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 externally to Department of State Growth who consented to the application being lodged.

The application was referred internally to the Environmental Health Officer 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 Annexure 14.1.7 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 five. All representations were reproductions so the issues raised in all are the same.

Issued raised	Officer comments
<p>No objection to the DA in principle but request minor alterations to the proposal:</p> <ul style="list-style-type: none"> Hours of operation be limited to 0900 to 1600hrs Monday to Friday and no activity on weekends. 	<ul style="list-style-type: none"> The hours of operation proposed (0700 to 1900hrs) are within the hours prescribed by the quarry code of practice. Therefore the hours of operation proposed are considered reasonable.

<ul style="list-style-type: none"> • No operation occur on Total Fire Ban Days as declared by the Tasmanian Fire Service or any other regulatory body. • The “road to quarry” relating to the Gravel pit be located further away from the boundary adjoining residential properties (at least 200m). • The sites be remediated at the completion of the works. • The maximum size of the extraction sites be limited in the permit. 	<ul style="list-style-type: none"> • The Tasmanian Fire Service is the authority responsible for regulating and enforcing the requirements of the <i>Fire Services Act 1979</i> which states that failure to comply with a total fire ban direction is an offence and can result in a fine. • The road to the gravel quarry is not part of this assessment. • Site remediation/revegetation works are proposed as described in the supporting documentation. Conditions (including rehabilitation) are imposed on mining leaseholders and are administered by Mineral Resources Tasmania (“MRT”). • The size of extraction is captured in the permit conditions.
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OFFICER’S RECOMMENDATION

That the application for Extractive Industry Use (Quarry – Sand) in the Rural Zone, by Gary Morrison for land located at Vinegar Hill Lady Barron Road, Lady Barron (Lot 1 on Plan 199735) be APPROVED subject to the following conditions:

- 1. The use and/or development must be carried out as shown on and described within the endorsed plans to the satisfaction of the Council, except where otherwise modified by conditions of this permit.**

The endorsed documents include:

- 1.1. Vinegar Hill sand pit and storage yard, Lady Barron: Development application supporting information by Van Diemen Consulting Pty Ltd dated 18 June 2022;**
- 1.2. Scenic and Ecological Assessments – CT199735/1 Vinegar Hill, Flinders Island by Van Diemen Consulting Pty Ltd dated 19 May 2022;**
- 1.3. Vinegar Hill sand extraction pit and quarry: environmental noise assessment (Report No. 5697_AC_R_R1 by Tarkarri Engineering Pty Ltd dated 4 November 2022; and**
- 1.4. Vinegar Hill quarry and sand pit, Lady Baron: Traffic Impact Statement by Van Diemen Consulting Pty Ltd dated 16 August 2022.**

Any minor amendment of, or variation to, the approved use and/or development must be approved by Council under Section 56 of the *Land Use Planning and Approvals Act 1993*.

Any other proposed development and/or use will require a separate application to and assessment by the Council.

- 2. The extraction of sand (white aeolian sands) is limited to a total extraction area of 3.4ha, of which no more than 4,999 cubic meters of material per annum may be extracted and transported from the site.**

3. **The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA 2022/00913-FC.**
4. **Prior to the commencement of the use the recommendations of the Traffic Impact Statement by Van Diemen Consulting Pty Ltd, dated 16 August 2022 must be installed to the satisfaction of Council as shown in Drawing No. VDC_GM_0001.**
5. **The clearing of vegetation, ripping, excavating, loading and carting sand from the pit to the storage yard is only permitted to occur during the hours of 0700 to 1900hrs Monday to Friday and 0800 to 1600hrs Saturday. Notwithstanding, no activity is permitted to occur on public holidays (those gazetted statewide).**
6. **The vibratory screening of sand is only permitted to occur during the hours of 0900 to 1700 Monday to Friday. Notwithstanding, no activity is permitted to occur on public holidays (those gazetted statewide).**
7. **The loading and carting of product for delivery is only permitted to occur during the hours of 0800 to 1700hrs Monday to Friday and 0800 to 1600hrs Saturday. Notwithstanding, no activity is permitted to occur on public holidays (those gazetted statewide).**

14.2 DEVELOPMENT APPLICATION DA2022/031

Action	Decision
Proponent	Gary Morrison
Officer	Jacci Smith Development Services Coordinator
File Reference	DA2022/031
Annexures	14.2.1 DA2022031 Gravel Quarry and Storage Yard Lady Barron V2 14.2.2 Scenic and Ecological Assessment Vinegar Hill 14.2.3 Vinegar Hill sand extraction pit and quarry environmental noise assessment_R1 14.2.4 Traffic Impact Statement V2 14.2.5 MAP - Mining Lease 2116P M - Morrison G A - Vinegar Hill 14.2.6 Response to Request for Crown Landowner Consent 14.2.7 Representations

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 Local Provisions Schedule* (the Scheme).

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

- (c) *“all applicable standards and requirements in this planning scheme; and*
(d) *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 Solutions or satisfying the Performance Criteria. The use of ‘or’ is to be read plainly in that if an application satisfies the Acceptable Solutions, no consideration of the Performance Criteria is required.

The purpose of this report is for Council to consider a proposal for a new extractive industry (gravel and rock quarry) on the site (199735/1). The extraction area will be approximately 9460m² over a 5 year period, of which a maximum of 4,999 cubic meters of material per annum will be extracted and transported from the site. The extractive activities are proposed to occur as described below:

Activity	Day and Hours of Activity
Clearing vegetation, ripping, excavating, loading and carting gravel and rock from the quarry to the storage yard	<ul style="list-style-type: none"> • Monday to Friday, 0700 to 1900 hrs • Saturday, 0800 to 1600 hrs • No activity on Sunday and public holidays (those gazetted statewide)
Crushing and/or vibratory Screening	<ul style="list-style-type: none"> • Monday to Friday, 0900 to 1700 hrs
Loading and carting of product for delivery	<ul style="list-style-type: none"> • Monday to Friday, 0800 to 1700 hrs • Saturday, 0800 to 1600 hrs • No activity on Sunday and public holidays (those gazetted statewide)

Council is also required to consider an application for another extractive industry use (sand – DA2022/029) on the same site however, these activities are not proposed to occur simultaneously. With only two employees proposed to operate the activities on the site either the sand will be extracted, or the gravel, but not both at the same time.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

POLICY/STRATEGIC IMPLICATIONS

3. Economy / Business - An environment where a variety of businesses can thrive and integrate.

3.1 Ongoing opportunities across all business sectors.

3.2 Sustainable and alternative energy opportunities embraced.

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	DA2022 / 031
Location	Vinegar Hill Lady Barron Road, Lady Barron (199735/1)
Planning Instrument	Tasmanian Planning Scheme – Flinders Local Provisions Schedule (The Scheme)

State Planning Provisions

ZONING

20.0 Rural Zone

20.1 Zone Purpose

The purpose of the Rural Zone is:

20.1.1 To provide for a range of use or development in a rural location:

(e) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;

(f) that requires a rural location for operational reasons;

(g) is compatible with agricultural use if occurring on agricultural land;

(h) minimises adverse impacts on surrounding uses.

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

20.2 Use Table

The Use Class Table for this Zone nominates Extractive Industry use as Permitted but the application details rely on Performance Criteria within the development standards of the Codes and therefore the application is deemed to be Discretionary.

20.3 Use Standards

Extractive Industry is a permitted use class and so clause 20.3.1 is not applicable.

20.4 Development Standards for Buildings and Works

20.4.1 Building height

Not applicable – no buildings are proposed.

20.4.2 Setbacks

Not applicable. The proposed works are not defined as a 'building' and so clause A1/P1 and A2/P2 are not relevant.

20.4.3 Access for new dwellings

Not applicable. The proposed development is not a dwelling.

20.5 Development Standards for Subdivision

These provisions are not applicable to this application.

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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
C8 Scenic Protection Code	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C9 Attenuation	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 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>P1.1 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>(iii) variations in car parking demand over time; or</p> <p>(iv) efficiencies gained by consolidation of car parking spaces;</p>	

<p>(d) it relates to an intensification of an existing use or development or a change of use where:</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>$N = A + (C - B)$ N = Number of on-site car parking spaces required A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 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 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: As per Table C2.1 Extractive Industry requires 1 space per 2 employees. The application is proposed to have a maximum of 2 employees and 2 parking spaces have been provided on the site in the storage yard. The proposal complies with A1.</p>	

C2.5.2 Bicycle parking numbers

Not applicable as per Table C2.1.

C2.5.3 Motorcycle parking numbers

Not applicable as Extractive Industry is not a listed use class as per C2.2.2.

C2.5.4 Loading Bays

Not applicable as Extractive Industry is not a listed use class as per C2.2.3.

C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone

Not applicable as Extractive Industry is not a listed use class as per C2.2.4.

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	
A1 All parking, access ways, manoeuvring and circulation spaces must: (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (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.	P1 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: (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.	
Officer comments: The proposal complies with A1 as the internal access path is proposed to be constructed of gravel over compacted road base, while the manoeuvring, circulation and parking spaces are proposed to be constructed of compact hard base material suitable for all-weather use. All stormwater will be contained on site in accordance with A1 (b) and the proposal is excluded from (c).		

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	
A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following: (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	P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to: (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;	

<p>parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6.</i></p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(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</p>	<p>(i) the proposed means of parking delineation; and</p> <p>(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></p>
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Officer comments:

Given the nature of the development and proposed use, the performance criteria has been assessed as formal delineation and compliance with the *Australian Standard AS 2890 - Parking facilities, Parts 1-6* is not paramount to this application. The performance criteria is considered to be satisfied as all parking, access ways, manoeuvring and circulation spaces on the site will be readily identifiable by the compacted hard base material and clear pathway to the storage yard and extraction pit. The parking dimensions and layout of the 2 proposed parking spaces is acceptable and the access and manoeuvring space on site is suitable for the intended use and low traffic volume generated by the employees. The proposed construction material is suitable for all-weather use. The relatively low level of activity on the site due to the limitation of the number of proposed employees is conducive to a safe environment for pedestrians and vehicles. The low topography of the site and proposed onsite drainage and detention supports a safe and efficient parking area. Given the nature of the development the site will not be open to the public and only delivery trucks and personnel will be permitted entry thus it is unlikely that persons with disability will utilise the site. A single delineated parking space will be located at the storage yard with other informal parking areas identified on the site via signage only.

C2.6.3 Number of accesses for vehicles

Objective:	<p>That:</p> <p>(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;</p>
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² Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

	(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 comments: There is one existing access which will be required to be upgraded in accordance with Department of State Growth (“DSG”) guidelines. This single access complies with A1.	
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: (i) pedestrian safety and amenity; or (ii) traffic safety; and (b) be compatible with the streetscape.
Officer comments: Not applicable. The proposal is not within the Central Business zone or a pedestrian priority street.	

C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone

Not applicable as the subject site is not within the General Business or Central Business Zone.

C2.6.5 Pedestrian access

Not applicable as the use does not require 10 or more car parking spaces and no accessible parking is proposed.

C2.6.6 Loading bays

Not applicable as there is no building area with >1000m² under a single tenancy.

C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone

Not applicable as the subject site is not within the General Business or Central Business Zone.

C2.6.8 Siting of parking and turning areas

Not applicable as the subject site is not within the Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone. C2.7

C2.7.1 Parking precinct plan

Not applicable. Flinders has not adopted a Parking Precinct Plan.

C3.0 Road and Railway Asset Code

C3.5 Use Standards

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Objective:	To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.
Acceptable Solutions	Performance Criteria
A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing.	P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to: (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.
A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.	
A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.	
A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than: (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.	
A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.	
Officer comments: A1.1 – Not applicable as Lady Barron Road is not a Category 1 Road as per the Department of State Growth (“DSG”) State Road Hierarchy. A1.2 – Written consent from the road authority has not been issued for the new (upgrade) junction. DSG have consented to the lodgement of the application, therefore the performance criteria is relied upon. A1.3 – Not applicable as there is no rail network on Flinders Island. A1.4 – Vehicular traffic to and from the site using the existing access location will increase to 10 truckloads delivered per day (= 20 movements), with an average of 5 truckloads per day. This is more than the amount specified in Table C3.1 and so the performance criteria is relied upon. A1.5 Lady Barron Road is a major road and traffic can enter/exit in a forward direction.	

Vehicular traffic to and from the site generated by the proposed use is considered to have minimal adverse effects on the safety of the junction and efficiency of the road network. The Traffic Impact Statement (“TIS”) prepared by Van Diemen Consulting considers the impact that the proposed development and use will have on the road network. Through this assessment it is considered that the proposal will be of low risk and impact to the road network provided that the recommendations of the report were followed which include, but are not limited to, the upgrade of the existing access, seal spray treatment within the site and installation of signage and a culvert.

The site is accessed from Lady Barron Road, a sealed road. While no sediment is anticipated to leave the site because of the sediment pond that will be installed and maintained throughout the life of the development, a 25m 2 coat spray seal will be applied from the current seal of Lady Barron Road onto the internal access track of the site. Sight lines from the existing access are in excess of 180m and so the anticipated seasonal traffic is unlikely to impact the safety or efficiency of the road network. The existing access will be reconstructed in accordance with DSG guidelines and requirements and Standard Drawing TSD-R05-v2 (truck access to rural properties ‘Type A’).

The proposed development is considered to comply with the performance criteria (P1).

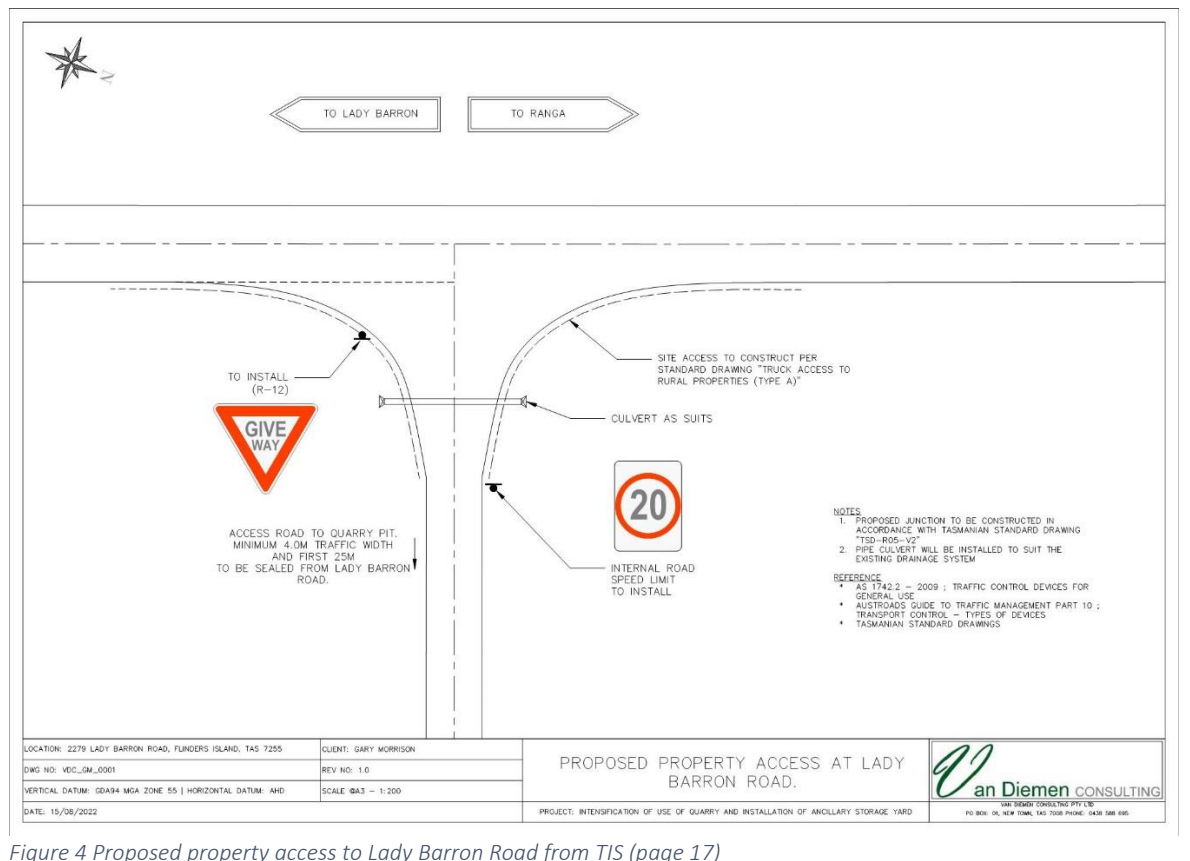


Figure 4 Proposed property access to Lady Barron Road from TIS (page 17)

C3.6 Development Standards for Buildings or Works

C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area

Not applicable as the application is not for a habitable building for sensitive use.

C7.0 Natural Assets Code

C7.5 Use Standards

C7.5.1 There are no Use Standards in this code.

C7.6 Development Standards for Buildings and Works

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Not applicable as there are no buildings proposed and no works are proposed in the waterway and coastal protection area.

C7.6.2 Clearance within a priority vegetation area

Objective:	That clearance of native vegetation within a priority vegetation area: <ul style="list-style-type: none"> (a) does not result in unreasonable loss of priority vegetation; (b) is appropriately managed to adequately protect identified priority vegetation; and (c) minimises and appropriately manages impacts from construction and development activities.
Acceptable Solutions	Performance Criteria
<p>A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.</p>	<p>P1.1 Clearance of native vegetation within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> (a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person; (b) buildings and works associated with the construction of a single dwelling or an associated outbuilding; (c) subdivision in the General Residential Zone or Low Density Residential Zone; (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design; (e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or (f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site. <p>P1.2 Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <ul style="list-style-type: none"> (a) the design and location of buildings and works and any constraints such as topography or land hazards; (b) any particular requirements for the buildings and works;

- (c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;
- (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;
- (e) any on-site biodiversity offsets; and
- (f) any existing cleared areas on the site.

Officer comments:

The proposed vegetation removal within the priority vegetation area is not within a building area on a sealed plan approved under this planning scheme. Therefore the proposal relies on P1.1 and P1.2 for compliance.

The proposed clearance of vegetation is of limited scale relative to the extent of priority vegetation on the site as demonstrated in Figure 2 below. Only a very small area of the overlay transects the priority vegetation overlay. Therefore the proposal complies with P1.1 (f).

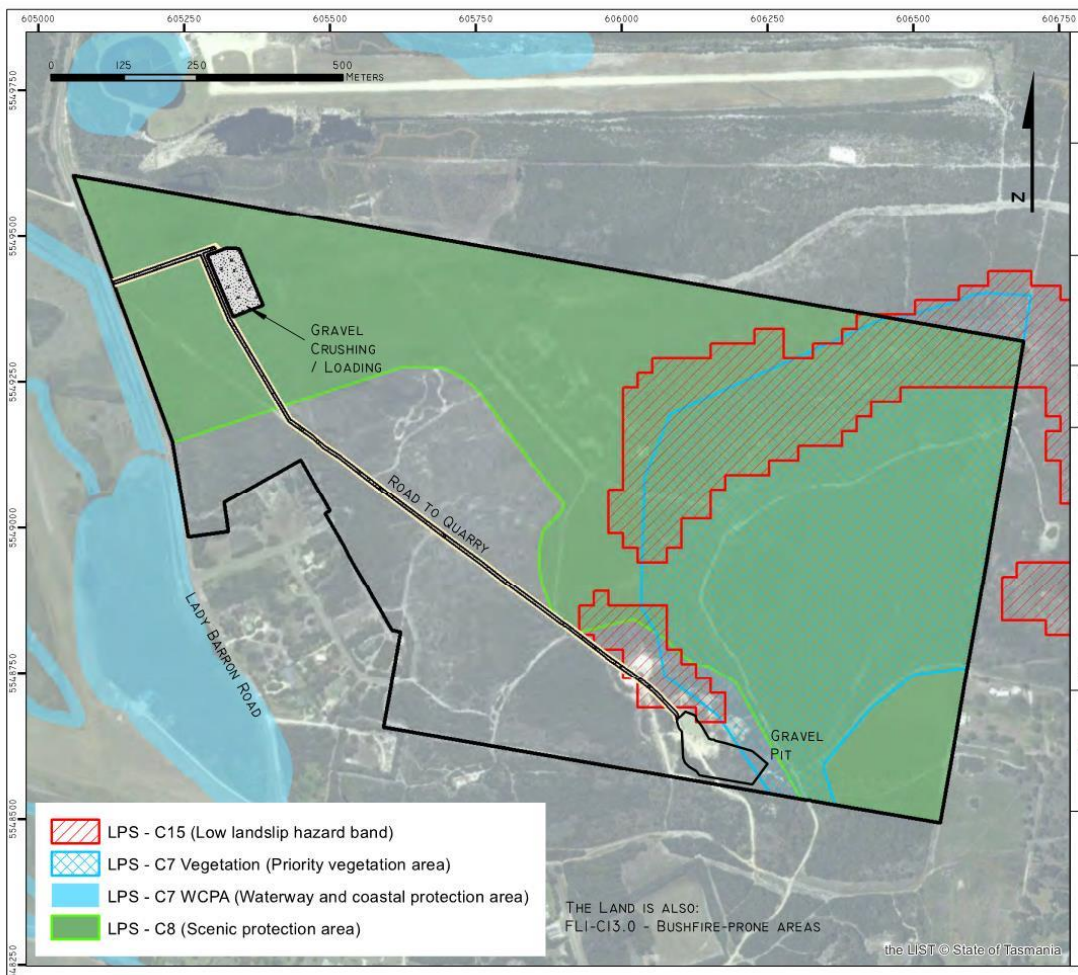


Figure 5 Map of overlay areas - an extract from the development application supporting information (Figure 5B page 27).

The proposed clearing within the priority vegetation area will minimise adverse impacts on priority vegetation. The location of works will be constrained to the area of extraction identified throughout the application documentation and mining lease. As no buildings are

proposed there are no particular requirements to be taken into consideration such as bushfire hazard management areas and no biodiversity offsets required. All other vegetation on the site will remain undisturbed, except where shown to be removed for access purposes. Therefore, the proposal satisfies P1.2.

C7.7 Development Standards for Subdivision

Not applicable as the application is not for subdivision.

C8.0 Scenic Protection Code

C8.6 Development Standards for Buildings and Works

C8.6.1 Development within a scenic protection area

Objective:	<p>That:</p> <ul style="list-style-type: none"> (a) destruction of vegetation does not cause an unreasonable reduction of the scenic value of a scenic protection area; and (b) buildings and works do not cause an unreasonable reduction of the scenic value of a scenic protection area.
Acceptable Solutions	Performance Criteria
<p>A1 Buildings or works, including destruction of vegetation, within a scenic protection area must:</p> <ul style="list-style-type: none"> (a) be on land not less than 50m in elevation below a skyline; and (b) not total more than 500m² in extent. 	<p>P1.1 Destruction of vegetation within a scenic protection area must not cause an unreasonable impact on the scenic value of a scenic protection area, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the vegetation to be removed; (b) the area of vegetation to be removed; (c) the topography of the site; (d) any visual impact on a skyline; (e) the nature of the reduction of the scenic value; and (f) the purpose of any management objectives identified in the relevant Local Provisions Schedule. <p>P1.2 Buildings or works within a scenic protection area must not cause an unreasonable reduction of the scenic value of a scenic protection area, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the location of, and materials used in construction of, driveways or access tracks; (c) proposed reflectance and colour of external finishes; (d) design and proposed location of the buildings or works; (e) the extent of any cut or fill required; (f) any visual impact on a skyline; (g) any existing or proposed screening; and

(h) the purpose of any management objectives identified in the relevant Local Provisions Schedule.

Officer comments:

Figure 5B of the supporting information identifies the small area of works (haulage road and storage yard) within the scenic protection area overlay within the Flinders Local Provisions Schedule. Figure 2 of the same document shows the maximum elevation of the proposed works (including the destruction of vegetation) are to occur within the overlay will be 55 - 60m AHD which is below skyline. The proposal therefore relies on the performance criteria for compliance.

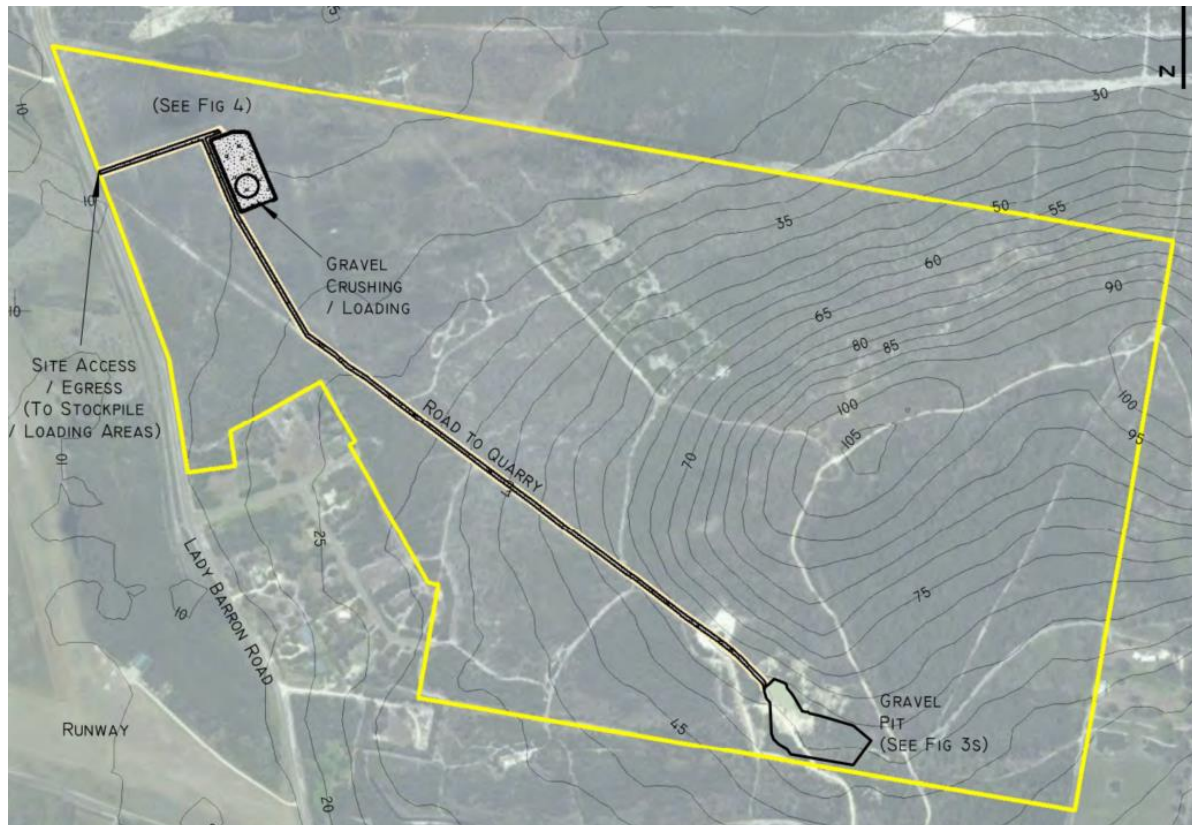


Figure 6 Site elevation from development application supporting information Figure 2 (page 14).

The ecological and scenic values of the site and in particular the area for extraction have been considered in the Scenic and Ecological Assessment prepared by Van Diemen Consulting P/L (“the Assessment”).

The destruction of vegetation and works required to facilitate the extractive industry has been thoroughly considered in the Assessment and will not cause an unreasonable impact on the scenic value of the protection area in accordance with the performance criteria P1.1 and P1.2.

The site contains native forest communities, non-forest communities and non-native land units. One native vegetation community identified in Schedule 3A of the *Nature Conservation Act 2002*, is known to occur on the land: *Eucalyptus viminalis* Furneaux forest and woodland. This community occurs on just over 17ha of land as indicated in Figure B1 of the Assessment. The area of extraction is outside of the threatened community footprint. Additionally, no ecological communities listed under Section 181 of the *Environmental Protection and Biodiversity Conservation Act 1999* occur on the site.

While clearing is proposed to occur as high as 55 – 60 AHD, no clearing will occur above this level or along the skyline. Due to the topography of the site some vegetation removal will be visible from the road and adjoining land. However, the small scale clearing proposed is considered to be consistent with the objective identified in the Flinders – Local Provisions Schedule: To maintain the scenic values created by the vegetation cover on the elevated parts of the hill by minimising disturbance of vegetation. Furthermore, the existing vegetation proposed to remain undisturbed on the site creates a visual barrier from many view points on adjoining land and areas that will be disturbed will be revegetated.

The proposal satisfies P1.1 and P1.2.

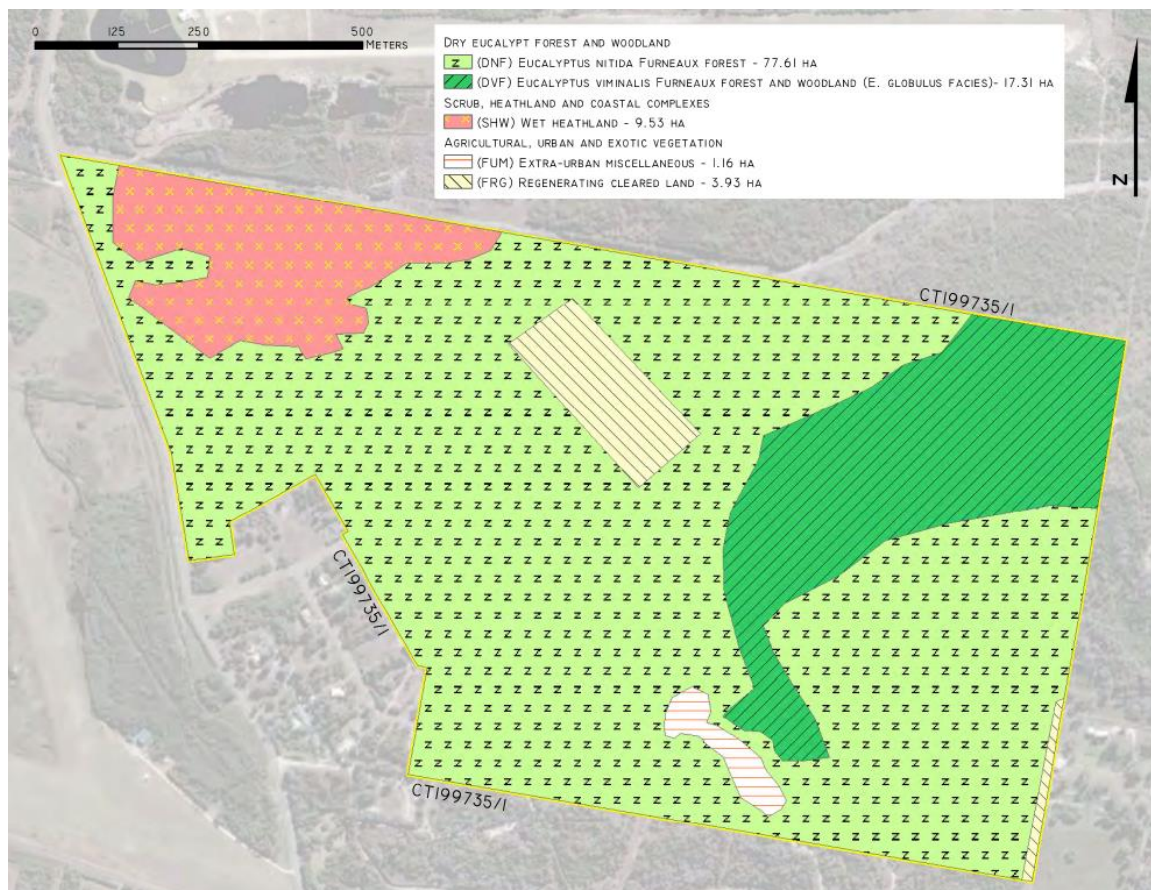


Figure 7 Excerpt of Figure B1 of the Scenic and Ecological Assessment prepared by Van Diemen Consulting P/L

C8.6.2 Development within a scenic road corridor

Not applicable as the site is not within a scenic road corridor.

C9.0 Attenuation Code

C9.5 Use Standards

C9.5.1 Activities with potential to cause emissions

Objective:	That an activity with potential to cause emissions is located so that it does not cause an unreasonable impact on an existing sensitive use.	
Acceptable Solutions	Performance Criteria	
A1	P1	

<p>The attenuation area of an activity listed in Tables C9.1 or C9.2 must not include:</p> <ul style="list-style-type: none"> (a) a site used for a sensitive use which is existing; (b) a site that has a planning permit for a sensitive use; or (c) land within the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone A, Rural Living Zone B, Village Zone or Urban Mixed Use Zone. 	<p>An activity listed in Tables C9.1 or C9.2 must not cause:</p> <ul style="list-style-type: none"> (a) an unreasonable loss of amenity or unreasonable impacts on health and safety of a sensitive use which is existing, or has a planning permit; or (b) unreasonable impacts on land within the relevant attenuation area that is in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone A, Rural Living Zone B, Village Zone or Urban Mixed Use Zone, having regard to: <ul style="list-style-type: none"> (i) operational characteristics of the activity; (ii) scale and intensity of the activity; (iii) degree of hazard or pollution that may be emitted from the activity; (iv) hours of operation of the activity; (v) nature of likely emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste; (vi) existing emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste; and (vii) measures to eliminate, mitigate or manage emissions from the activity.
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Officer comments:

Table C9.1 lists the attenuation area of the extractive industry (Level 1 listed activity: Quarry or extractive pit) as 500m where vibratory screening is proposed to occur. This is to attenuate for emissions such as noise, dust, ground vibrations and shock waves. The proposed activity will be more than 300m from any existing sensitive use. However, attenuation distance is measured as the shortest distance from the boundary of the site on which the activity is located, not the distance from the activity itself. The site adjoins the Low Density Residential zone and Rural Living Zone A to the south-west and south-east and is within 500m of the village zone. Therefore the performance criteria must be relied on.

The proposal, while not required to comply with both a and b of the criteria, satisfies both elements as the proposal will not cause unreasonable loss of amenity or unreasonable impacts on health and safety of a sensitive use, or unreasonable impacts on the areas within the Low Density Zone, Rural Living Zone or Village Zone. This conclusion is drawn from the data presented in the Vinegar Hill sand extraction pit and quarry environmental noise assessment (“the Noise Assessment”) by Tarkarri Engineering dated August 2022 having regard to elements (i) through (vii) of (b) above.

The Noise Assessment considers the ‘acceptable’ level of noise that can be emitted from quarrying and associated activities to be 45 dB(A) from 0700 to 1900 hours (daytime); 40 dB(A) from 1900 to 2200 hours (evening); and 35 dB(A) from 2200 to 0700 hours (night time) as prescribed in the Quarry Code of Practice.

Seven model receivers were positioned on adjoining land within the Low Density Residential Zone, Rural Living Zone or Village Zone. The closest sensitive receptacle is R1 (7 Vinegar Hill Drive). The gravel pit extraction and the crushing and loading activities were modelled separately for their sound power levels and frequency output. This data was then modelled against a 'worst-case propagation'. The results conclude that the highest predicted sound pressure levels (worst-case dBA) would be received at the location of R8 and total 40 dBA for the extraction activities and 41 dBA for the screening and loading activities as perceived at R1. Both are below the criterion level of 45dBA and so the level of noise output is considered 'acceptable' as per the Environmental Protection Authority (2017) Quarry Code of Practice. The predicted noise level output of the proposed gravel extracting activities will not cause unreasonable loss of amenity or unreasonable impacts on health and safety of a sensitive use, even though the activities may be heard from the surrounding (residential) land.

C9.5.2 Sensitive use within an attenuation area

Not applicable as no sensitive use is proposed.

C9.6 Development Standards for Subdivision

These provisions are not applicable to this application.

C15.0 Landslip Hazard Code

C15.4 Use or Development Exempt from this Code

C15.4.1 The following use or development is exempt from this code:

- (a) use of land within a low or medium landslip hazard band, excluding for a critical use, hazardous use or vulnerable use;
- (b) use or development of land for Extractive Industry where a mining lease under the *Mineral Resources Development Act 1995* is in force, excluding a hazardous use;**
- (c) use of land for:
 - (i) Natural and Cultural Values Management;
 - (ii) Passive Recreation;
 - (iii) Resource Development; or
 - (iv) Utilities;
- (d) development on land within a low or medium landslip hazard band that requires authorisation under the *Building Act 2016*;
- (e) development, including subdivision, on land within a low landslip hazard band, if it does not involve significant works;
- (f) development for Resource Development on land within the low or medium landslip hazard band, if it does not involve significant works;
- (g) development for minor utilities or linear utilities associated with sewer, water, or stormwater systems, electricity, gas, telecommunications and roads, if it does not involve significant works;
- (h) subdivision of land within the medium-active or high landslip hazard band, if it does not involve any works; and
- (i) subdivision of land within a medium landslip hazard band if:
 - (i) it does not involve significant works; or
 - (ii) it does not create a new road, or extend an existing road

Officer comments:

The proposed development was lodged with reference to a mining lease 2116P/M and the status at the time of lodgement was pending. Since being lodged the lease under the *Mineral Resources Development Act 1995* has been granted and is now in force. The proposal is therefore exempt from assessment under this code as per C15.4.1 (b).

**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 externally to Department of State Growth who consented to the application being lodged.

The application was referred internally to the Environmental Health Officer 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 are provided as Annexure 14.2.7 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 five. All representations were reproductions so the issues raised in all are the same.

Issued raised	Officer comments
<p>No objection to the DA in principle but request minor alterations to the proposal:</p> <ul style="list-style-type: none"> • Hours of operation be limited to 0900 to 1600hrs Monday to Friday and no activity on weekends. • No operation occur on Total Fire Ban Days as declared by the Tasmanian Fire Service or any other regulatory body. • The “road to quarry” relating to the Gravel pit be located further away from the boundary adjoining residential properties (at least 200m). • The sites be remediated at the completion of the works. <p>The maximum size of the extraction sites be limited in the permit.</p>	<ul style="list-style-type: none"> • The hours of operation proposed (0800 to 1600hrs) are less than the hours prescribed by the quarry code of practice (0700 to 1900hrs Monday to Friday). Therefore the hours of operation proposed are considered reasonable. • The Tasmanian Fire Service is the authority responsible for regulating and enforcing the requirements of the <i>Fire Services Act 1979</i> which states that failure to comply with a total fire ban direction is an offence and can result in a fine. • The road to the gravel quarry is an existing track. It is currently ~40m from the closest adjoining residential property. The relocation of the track (200m) further inward of the site would require further vegetation removal and works within the scenic protection area. This has not been considered as a necessary modification and has not been proposed as a condition of consent. Vehicle movements have been considered in the Noise Assessment, vehicle speed is considered to be ~20km/h and is not anticipated to generate a noise level of >45 dBA. Therefore residential amenity is not considered to be unreasonably impacted by the proposed use of the existing track. • Site remediation/revegetation works are proposed as described in the supporting documentation. Conditions (including rehabilitation) are imposed on mining leaseholders and are administered by Mineral Resources Tasmania (“MRT”). • The size of extraction is captured in the permit conditions. <p>Note: Council do not act as a planning tribunal but as the Planning Authority under <i>Land Use Planning & Approvals Act 1993</i>.</p>

OFFICER RECOMMENDATION

That the application for Extractive Industry Use (Quarry – Gravel) in the Rural Zone, by Gary Morrison for land located at Vinegar Hill Lady Barron Road, Lady Barron (Lot 1 on Plan 199735) be APPROVED subject to the following conditions:

8. The use and/or development must be carried out as shown on and described within the endorsed plans to the satisfaction of the Council, except where otherwise modified by conditions of this permit.

The endorsed documents include:

- 1.5. Vinegar Hill quarry and storage yard, Lady Barron: Development application supporting information by Van Diemen Consulting Pty Ltd dated 28 August 2022;
- 1.6. Scenic and Ecological Assessments – CT199735/1 Vinegar Hill, Flinders Island by Van Diemen Consulting Pty Ltd dated 19 May 2022;
- 1.7. Vinegar Hill sand extraction pit and quarry: environmental noise assessment (Report No. 5697_AC_R_R1 by Tarkarri Engineering Pty Ltd dated 4 November 2022; and
- 1.8. Vinegar Hill quarry and sand pit, Lady Barron: Traffic Impact Statement by Van Diemen Consulting Pty Ltd dated 16 August 2022.

Any minor amendment of, or variation to, the approved use and/or development must be approved by Council under Section 56 of the *Land Use Planning and Approvals Act 1993*.

Any other proposed development and/or use will require a separate application to and assessment by the Council.

9. The maximum area to be disturbed is shown in Figure 2, Figure 3c and Figure 4 of the Vinegar Hill quarry and storage yard, Lady Barron: Development application supporting information by Van Diemen Consulting Pty Ltd dated 28 August 2022. Within the maximum area, no more than 4,999 cubic meters of material per annum may be extracted and transported from the site.
10. Prior to the commencement of the use the recommendations of the Traffic Impact Statement by Van Diemen Consulting Pty Ltd, dated 16 August 2022 must be installed to the satisfaction of Council as shown in Drawing No. VDC_GM_0001.
11. The clearing of vegetation, ripping, excavating, loading and carting gravel and rock from the quarry to the storage yard is only permitted to occur during the hours of 0700 to 1900hrs Monday to Friday and 0800 to 1600hrs Saturday. Notwithstanding, no activity is permitted to occur on public holidays (those gazetted statewide).
12. The crushing and/or vibratory screening of gravel and rock is only permitted to occur during the hours of 0900 to 1700 Monday to Friday. Notwithstanding, no activity is permitted to occur on public holidays (those gazetted statewide).
13. The loading and carting of product for delivery is only permitted to occur during the hours of 0800 to 1700hrs Monday to Friday and 0800 to 1600hrs Saturday. Notwithstanding, no activity is permitted to occur on public holidays (those gazetted statewide).

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

14.3 DEVELOPMENT APPLICATION REPORT

Action	Information
Proponent	Council Officer
Officer	Jacci Smith Development Services Coordinator
File Reference	PLN/0105
Annexures	14.3.1 Development Application Report – February 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 Application 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 14.3.1 Development Application Report – February 2023.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Development Application Report – February 2023 be received.

15. INFRASTRUCTURE

15.1 INFRASTRUCTURE MANAGER'S REPORT – MARCH 2023

Action	Information
Proponent	Council Officer
Officer	Chris Wilson Infrastructure Manager
File References	WOR/3000
Annexures	15.1.1 Infrastructure Manager's Report – March 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 – March 2023 be received and accepted by Council.

16. NOTICE OF MOTION

16.1 NOTICE OF MOTION – APPOINTMENT TO AVIATION SPECIAL COMMITTEE

Action	Decision
Proponent	Councillor Carol Cox
Officer	Warren Groves General Manager
File Reference	COM/0104
Annexures	Nil

NOTICE OF MOTION

That Councillor Ken Stockton be appointed to fill the councillor vacancy on the Furneaux Group Aviation Special Committee.

COUNCILLOR'S REPORT

At the November 2022 ordinary meeting of Council, councillors were elected to fill positions on the Council's Special Committees. Councillor Ken Stockton was unable to attend that meeting and had not at that time, been sworn in as a Councillor. Knowing Cr Stockton's interest in aviation, a position was left vacant on the Furneaux Group Aviation Special Committee.

Cr Stockton has indicated that he is agreeable to being appointed to the Furneaux Group Aviation Special Committee.

I recommend to Councillors that this appointment be made to fulfill the membership requirements of the Furneaux Group Aviation Special Committee.

PREVIOUS COUNCIL CONSIDERATION

237.11.2022 22 November 2022

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

This is a matter for Council to decide.

STATUTORY REQUIREMENTS

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Furneaux Group Aviation Special Committee Terms of Reference

4. Good Governance - Effective, efficient and transparent management and operations.
 - 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

MOTION

Cr C Cox

That Councillor Ken Stockton be appointed to fill the councillor vacancy on the Furneaux Group Aviation Special Committee.

16.2 NOTICE OF MOTION – AUDIT PANEL POSITION VACANCIES

Action	Decision
Proponent	Mayor Rachel Summers
Officer	Warren Groves General Manager
File Reference	FIN/0401
Annexures	Nil

NOTICE OF MOTION

That Council

- a) Undertakes an Expression of Interest process to fill the two Audit Panel positions that will become vacant this year;
- b) Invites existing Audit Panel members to apply at the end of their term; and
- c) Invites Diana Droog to remain as an Audit Panel member until the Expression of Interest process for her seat is completed.

COUNCILLOR'S REPORT

Council established the Audit Panel to comply with Division 4 of the *Local Government Act 1993* (the Act), the *Local Government (Audit Panels) Order 2014* (the Audit Panels Order) and the *Local Government (Audit Panels) Amendment Order 2015*.

Its objective is to review Council's performance under Section 85a of the Act and report to Council on its conclusions and recommendations.

Audit Panel Members are appointed for a term of four years. In 2023, two Panel member's appointment will expire – Diana Droog on 26 March 2023, and Gerald Willis on 26 August 2023.

I ask that Council, in the interest of transparency, advertises the role and seeks suitably qualified candidates to be considered for both panel seats.

I further request that the existing Audit Panel members be invited to reapply as their contribution to the Audit panel has been valued.

As Ms Droog's tenure concludes on the 26 March 2023, I ask that she be invited to remain as a temporary Panel member until the expression of interest process is completed.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

Flinders Council has an established Audit Panel in compliance with Division 4 of the *Local Government Act 1993* (the Act), the *Local Government (Audit Panels) Order 2014* (the Audit Panels Order) and the *Local Government (Audit Panels) Amendment Order 2015*.

The Audit Panel has a Charter which sets out the panel's objectives, authority, composition, tenure, functions, reporting and administrative arrangements.

The Audit Panel comprises of a minimum of three independent members appointed by Council. Council additionally appoints an independent Chairperson, who may be located

remote from Flinders Island. Audit Panel members are appointed for a period of up to four years and may be re-appointed at the approval of the Council.

A fully staffed and well-functioning Audit Panel is of significant assistance to Council in providing an independent and objective resource to assist Council in fulfilling its financial, risk, strategic planning, internal controls and governance Objectives.

It is therefore appropriate to ensure the most transparent process in advertising for members of the panel, inclusive of inviting sitting members to re-apply.

STATUTORY REQUIREMENTS

Local Government Act 1993

Local Government (Audit Panels) Order 2014

Local Government (Audit Panels) Amendment Order 2015

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance – Effective, efficient and transparent management and operations.
- 4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
- 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

BUDGET AND FINANCIAL IMPLICATIONS

The Audit Panel positions are budgeted and therefore there are no financial implications emanating from this process.

RISK/LIABILITY

The main risk attributable to this selection process is a less than fully functioning panel if there are no applications and the incumbent member does not re-apply.

VOTING REQUIREMENTS

Simple Majority

MOTION

Mayor R Summers

That Council

- a) undertake an Expression of Interest process to fill the two Audit Panel positions that will become vacant this year.
- b) Invite existing Audit Panel members to apply at the end of their term.
- c) Invite Diana Droog to remain as an Audit Panel member until the Expression of Interest process for her seat is completed.

16.3 NOTICE OF MOTION – RECOMMENDATIONS FROM THE LADY BARRON SPECIAL COMMITTEE

Action	Decision
Proponent	Councillor Carol Cox
Officer	Warren Groves General Manager
File Reference	AME/0503
Annexures	16.3.1 Lady Barron Special Committee meeting 9 March 2023 Unconfirmed Minutes

NOTICE OF MOTION

1. That Council appoints Ms Claire Morgan and Mrs Wendy Jubb-Stoney to fill the vacant positions on the Lady Barron Special Committee.
2. That Council approves the installation of a BBQ and picnic table at Lady Barron Tennis Courts, noting that the Committee is considering funding options to supply these items.
3. That Council seeks a quote from Mr Parker to install a garden tap at the south end of the hall to service the memorial garden, and if the quote is agreed to by the Committee, for Council to authorise installation noting the Committee will fund Mr Parker's work.
4. That Council approves the installation of a weatherproof book swap box, at a site yet to be decided, outside the Lady Barron Hall.
5. That Council notes the Committee recommends the foyer of the Lady Barron Hall as the most appropriate place to display the John Parish paintings if Council decides they are to be displayed in the Lady Barron Hall.

COUNCILLOR'S REPORT

The Lady Barron Special Committee met on the 9 March 2023, and the recommendations/requests as per the above motions were put forward. Below is a report on each.

1. The Terms of Reference (ToR) for the Lady Barron Special Committee (the Committee) sets the maximum number of members at ten with there currently being eight members. The vacancies were advertised twice and two applications were received. The Committee welcomed the interest from both applicants who have skills that will complement those of the current membership. At the Committee meeting on 9 March 2023, the Committee unanimously recommended the appointment of Ms Claire Morgan and Mrs Wendy Jubb-Stoney. I ask that you support the Committee's recommendation "*The Committee recommends Council approve their membership of this Committee*".
2. A request has come to the Committee from the community to consider having a barbeque and picnic table installed at the tennis court area to complement the use of the tennis courts. The Committee considered the request and agreed it would be a positive addition to the area passing the following motion "*The Committee recommends to Council to approve the installation of a BBQ and picnic table and that it notes that this Committee is considering funding options to supply such in the tennis court recreational area*". Should council approve, then the Committee will begin searching for funds to supply the items, noting that the committee would not wish to be involved in the servicing of the barbeque once operational.
3. The Committee passed the following motion "*The Committee requests that Council seek a quote from Mr Parker to install a garden tap at the south end of the hall (note: it is envisaged that Committee-raised funds be used for this)*." This request is to enable the memorial garden to be watered more easily. Currently the accessible outside tap is at the northwest corner of the hall and watering the garden requires the dragging out of an

extremely long house and returning the hose to the store room post watering. The garden was developed when the memorial rock was moved to this more prominent position by the community. The agreement with council was that the committee/community would maintain the garden. Having an accessible tap will make it much safer for the volunteers maintaining the garden.

4. The Committee has been considering ways to enhance Lady Barron and has decided the addition of a book swap box will enhance the experience of residents and visitors alike by making books easily available and passed the following motion: *“The Committee request Council permission to install a weatherproof book swap box at a site outside the hall but yet to be decided”*. Book swap boxes are used in small communities all over the world, giving easy access to books for community members. Committee members will service the box, maintaining a varied supply of books, using books that would otherwise sit on shelves unused. The Committee will commission and pay for the building of the box, which it envisages to be wooden. The placement of the box is yet to be decided but it is envisaged to be close enough to the hall for some shelter but in an easily accessible position.
5. At its meeting on 31 October 2022, the Committee discussed the John Parish paintings, one of which used to hang in the Lady Barron Hall prior to the renovations and passed the following *“That the Committee recommends the foyer of the Lady Barron Hall as the most appropriate place to display the paintings if Council decides they are to be displayed in the Lady Barron Hall”*. It was considered that the main hall area would be unsuitable, given the scope of events the hall space can accommodate. The upstairs area is currently underutilised and would not showcase the paintings.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER’S REPORT

The Terms of Reference of the Lady Barron Special Committee of Council state its purpose to be twofold: per *“1.1 To act as advisers to Council on matters regarding the Lady Barron Hall, Holloway Park and the Tennis Court at Lady Barron: and per 1.2 To raise funds and/or initiate projects ...which shall be for the enhancement of the facilities and/or for the betterment of the Lady Barron community and visitors to the town of Lady Barron.”*

Recommendation one of this report relates to section 2.2 of the ToR, which permits membership of up to a maximum of ten members. As the appointments subject of this recommendation are within the stated maximum, it is open to Councillors to approve the membership of this committee.

Recommendation two of this report relates to a community-based request to have a barbeque and picnic table installed at the tennis court area to complement the use of the tennis courts. The request further notes that “this Committee is considering funding options to supply such in the tennis court recreational area”. This recommendation relates to both 1.1 and 1.2 of the Purpose of this ToR as well as 5.3 (Financial) where “use of Committee funds is at the discretion of the Committee. However, any purchase that may result in a capital asset, depreciation or maintenance must first be approved by the General Manager (Council).” The barbeque and table may constitute a capital asset and therefore be subject to Council’s acceptance of any attendant maintenance and depreciation liability. As it is not stated, it is assumed that the Committee will be responsible for the quotation and subsequent installation of the items. Additionally, dependent on the proposed location of the infrastructure, a

Development Application (DA) is likely to be required. Whilst Council may consider an application for a waiver of DA fees, the Committee would need to arrange the submission of this application also.

Recommendation three relates to a request “that Council seek a quote from Mr Parker to install a garden tap at the south end of the hall (note: it is envisaged that Committee-raised funds be used for this).” As per the previous Committee recommendation, 1.1, 1.2 and 5.3 apply, however it is unlikely that the proposed garden tap would constitute a capital asset. To simplify this request (quote within and payment outside Council’s procurement Code), it is suggested that the Committee seeks the quote and also funds the work as outlined, if Council agrees to the installation of a tap.

Recommendation four relates to a “Committee request Council permission to install a weatherproof book swap box at a site outside the hall but yet to be decided”. This recommendation relates to both 1.1 and 1.2 of the Purpose of this ToR as well as 5.3 (Financial) where “use of Committee funds is at the discretion of the Committee. The Committee further advises that they “will commission and pay for the building of the box, which it envisages to be wooden.” It is open to Councillors to approve this recommendation subject to final approval of the location, once determined.

Recommendation five relates to a committee recommendation that “... the foyer of the Lady Barron Hall as the most appropriate place to display the (John Parish) paintings if Council decides they are to be displayed in the Lady Barron Hall”. The most recent decision by Council in relation to the display of the John Parish paintings agrees only to the public display of the preserved paintings per motion 222.22.2021. As such, it is open to Councillors to give due consideration to this recommendation from the committee.

STATUTORY REQUIREMENTS

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

If Council determines to support the recommendation number two, there may be a small depreciation and ongoing maintenance cost to Council which must be balanced against the amenity and recreational benefit to the community of this likely minor capital asset.

RISK/LIABILITY

The main risk to Council from these recommendations relates to the maintenance and depreciation liability inherent in adopting capital assets into Council accounts. In this circumstance, that liability is likely to be small, depending on building materials and scope of the proposed barbeque and table.

VOTING REQUIREMENTS

Simple Majority

MOTION

Cr C Cox

- 1. That Council appoints Ms Claire Morgan and Mrs Wendy Jubb-Stoney to fill the vacant positions on the Lady Barron Special Committee of Flinders Council.**
- 2. That Council approves the installation of a BBQ and picnic table at the Lady Barron Tennis Courts, noting that the Committee is considering funding options to supply these items.**

- 3. That Council seeks a quote from Mr Parker to install a garden tap at the south end of the hall to service the memorial garden, and if the quote is agreed to by the Committee, for Council to authorise installation noting the Committee will fund Mr Parker's work.**
- 4. That Council approves the installation of a weatherproof book swap box, at a site yet to be decided, outside the Lady Barron Hall.**
- 5. That Council notes the Committee recommends the foyer of the Lady Barron Hall as the most appropriate place to display the John Parish paintings if Council decides they are to be displayed in the Lady Barron Hall.**

17. GOVERNANCE

17.1 REVISED FLINDERS COUNCIL AUDIT PANEL CHARTER

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File reference	FIN/0401
Annexures	17.1.1 Flinders Council Audit Panel Committee meeting 21 February 2023 Confirmed Minutes 17.1.2 Audit Panel Charter

INTRODUCTION

The Flinders Council Audit Panel established by Council under the *Local Government Act 1993*, and the Local Government (Audit Panels) Order 2014 has an essential statutory role to play and from time-to-time is required to make recommendations to Council for consideration.

Minutes of the meetings of Council's Audit Panel are normally presented to Council for endorsement and past practice has been to note unconfirmed minutes. In the future, only confirmed minutes of Flinders Council Audit Panel meetings will be presented to Council.

As per the Confirmed Minutes of the 21 February 2023 Audit Panel meeting (Annexure 17.1.1), presented to Council earlier in this agenda, this report presents a recommendation from the Audit Panel for Council's consideration.

PREVIOUS COUNCIL DISCUSSION

Nil

PREVIOUS COUNCIL DECISION

40.02.2018 15 February 2018
38.02.2019 22 February 2019
174.06.2015 18 June 2015

OFFICER'S REPORT

At the 21 February 2023 meeting of the Audit Panel, members discussed the Audit Panel Charter and amendments were made (Annexure 17.1.2 Audit Panel Charter). The Panel resolved the following:

"That the Panel recommend the revised Charter, with changes, to Council for adoption."

Adoption of this recommendation is considered appropriate.

STATUTORY REQUIREMENT

Local Government Act 1993

Local Government (Audit Panels) Order 2014

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance - Effective, efficient and transparent management and operations.
- 4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
- 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Recommendations from Council's Audit Panel are recommendations for Council to consider and not binding on Council. From a risk / liability perspective having independent expertise and advice of this nature is a sound risk management strategy.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the revised Flinders Council Audit Panel Charter with the changes recommended by the Audit Panel.

17.2 RISK MANAGEMENT POLICY

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	FIN/1003
Annexures	17.2.1 DRAFT S-W4 Risk Management Policy

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

804.05.20	14 15 May 2014
312.07.02	11 July 2003
486.08.05	25 August 2005
307.08.09	20 August 2009
292.09.10	23 September 2010
201.07.11	14 July 2011

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

Council's Policy and Procedure Framework requires that policies are reviewed every four (4) years at the beginning of each new Council term.

Council Officers have reviewed the Risk Management Policy and updated it to reflect recent staff changes.

The Policy is now presented to Council for consideration.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance - Effective, efficient and transparent management and operations.
- 4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
- 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

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

RECOMMENDATION

That Council adopts the Risk Management Policy as a strategic document and allows the Policy to lay on the table for 28 days for public comment.

17.3 FRAUD PREVENTION AND CONTROL POLICY

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	PER/0500 COU/0603
Annexures	17.3.1 S-HR14 Fraud Prevention and Control Policy

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

875.07.2014 21 August 2014

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

Council's Policy and Procedure Framework requires that policies are reviewed every four (4) years at the beginning of each new Council term.

The Fraud Prevention and Control Policy has been reformatted; has had no changes made to it; and is now presented for Councillors' consideration.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance - Effective, efficient and transparent management and operations.
- 4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
- 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

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

RECOMMENDATION

That Council adopts the Fraud Prevention and Control Policy as a strategic document and allows the Policy to lay on the table for 28 days for public comment.

17.4 VISITS - CAPE BARREN ISLAND POLICY

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COU/0600
Annexures	17.4.1 S-07 Visits – Cape Barren Island

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

341.10.2010	21 October 2010
248.05.04	20 May 2004

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

Council's Policy and Procedure Framework requires that policies are reviewed every four (4) years at the beginning of each new Council term.

The Visits - Cape Barren Island Policy has been reformatted; has had no changes made to it; and is now presented for Councillors' consideration.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance - Effective, efficient and transparent management and operations.
- 4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
- 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

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

RECOMMENDATION

That Council adopts the Visits - Cape Barren Island Policy as a strategic document and allows it to lay on the table for 28 days for public comment.

17.5 RELATED PARTY DISCLOSURE POLICY AND PROCEDURE

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/1000
Annexures	17.5.1 S-G13 Related Party Disclosure Policy 17.5.2 S-G13P Related Party Disclosure Procedure

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

237.10.94	11 October 1994
301.12.01	13 December 2001
486.08.05	25 August 2005
347.11.12	15 November 2012

PREVIOUS COUNCIL DISCUSSION

Council Workshop 6 September 2022

OFFICER'S REPORT

Council's Policy and Procedure Framework requires that policies are reviewed every four (4) years at the beginning of each new Council term.

The Related Party Disclosure Policy and Procedure have been reformatted; have had no changes made to them; and are now presented for Councillors' consideration.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance - Effective, efficient and transparent management and operations.
- 4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
- 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

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

RECOMMENDATION

That Council adopts the Related Party Disclosure Policy and Procedure as strategic documents and allows the Policy to lay on the table for 28 days for public comment.

17.6 WYBALENNNA POLICY

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	CUL/0103
Annexures	17.6.1 S-CS9 Wybalenna Policy

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

237.10.94	11 October 1994
301.12.01	13 December 2001
486.08.05	25 August 2005
347.11.12	15 November 2012

PREVIOUS COUNCIL DISCUSSION

Council Workshop 6 September 2022

OFFICER'S REPORT

Council's Policy and Procedure Framework requires that policies are reviewed every four (4) years at the beginning of each new Council term.

The Wybalenna Policy has been reformatted; has had no changes made to it; and is now presented for Councillors' consideration.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance - Effective, efficient and transparent management and operations.
- 4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
- 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

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

RECOMMENDATION

That Council adopts the Wybalenna Policy as a strategic document and allows it to lay on the table for 28 days for public comment.

17.7 INFORMATION MANAGEMENT POLICY AND PROCEDURE

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	ADM/0300, ADM/0900
Annexures	17.7.1 DRAFT S-G12 Information Management Policy 17.7.2 DRAFT S-G12 Information Management Procedure

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

324.12.2016 15 December 2016

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

Council's Policy and Procedure Framework requires that policies are reviewed every four (4) years at the beginning of each new Council term.

Council Officers have reviewed the Information Management Policy; updated it to reflect recent staff changes; and transferred the procedural content into a separate Procedure document.

The Information Management Policy and the Procedure are now presented to Council for consideration.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance - Effective, efficient and transparent management and operations.
- 4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
- 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

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

RECOMMENDATION

That Council adopts the Information Management Policy and Procedure as strategic documents and allows the Policy to lay on the table for 28 days for public comment.

17.8 WORK HEALTH AND SAFETY POLICY

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	PER/0500
Annexures	17.8.1 DRAFT S-W2 Work Health and Safety Policy

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

06.01.2016 21 January 2016

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

Council's Policy and Procedure Framework requires that policies are reviewed every four (4) years at the beginning of each new Council term.

Council Officers have reviewed the Work Health and Safety Policy, reformatted it and updated it in line with WorkSafe Tasmania standards.

The Policy is now presented to Council for consideration.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance - Effective, efficient and transparent management and operations.
- 4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
- 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

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

RECOMMENDATION

That Council adopts the Work Health and Safety Policy as a strategic document and allows the Policy to lay on the table for 28 days for public comment.

17.9 SUPPORT OF CAPE BARREN ISLAND ANZAC DAY DAWN SERVICE

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	CDV/0301
Annexures	Nil

INTRODUCTION:

Cape Barren Island is the second largest island within the Flinders Municipality, both in area and in population. Traditionally, on ANZAC Day, 25 April each year, a Dawn Service is held on the Island to remember those who fought and who gave their lives in service of the Nation in both world wars. Several Cape Barren Islanders were among the numbers who fought in these wars. The service is a poignant reminder that Aboriginal people went to war in Australia's name. The service is organised by the Flinders Island branch of the Returned and Services League of Australia (RSL) and the breakfast is prepared by Cape Barren Islanders.

Cape Barren Islanders are isolated from the main community on Flinders Island. It is vital that Flinders Council is not only perceived to, but seen to, value its relationship with Cape Barren Islanders.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

ANZAC Day is a significant national occasion which marks the anniversary of the first key military action fought by Australian and New Zealand forces during the First World War. Councillor visitation to Cape Barren Island is an important aspect of their representation of the Island and especially so on this day.

In previous years, Council has supported the Cape Barren Island ANZAC Day event by covering the cost of one return charter flight for one councillor and community members, as well as breakfast provisions for the Cape Barren Island community.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Nil

BUDGET AND FINANCIAL IMPLICATIONS

There is sufficient funding available in Council's budget to support this expenditure.

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

1. That Council approves an allocation of \$900 to support the following:

- **One return charter flight to allow attendance by one councillor and community members to the Cape Barren Island Dawn Service on ANZAC Day, 25 April 2023; and**
 - **Breakfast provisions for Cape Barren Islanders and community visitors attending the service.**
- 2. That Council discusses and selects a councillor to attend the Cape Barren Island Dawn Service on ANZAC Day, 25 April 2023.**

17.10 CODE OF CONDUCT FOR ELECTED MEMBERS

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COU/0603
Annexure	17.10.1 DRAFT Model Code of Conduct for Elected Members (version 4)

INTRODUCTION

Flinders Council has a Model Code of Conduct for elected members, as required by the *Local Government Act 1993* and detailed by the *Local Government (Model Code of Conduct) Order 2016* (the Order).

Under section 28T (7) of the *Local Government Act 1993*, Council is required to review its code of conduct within 3 months after each ordinary election.

PREVIOUS COUNCIL CONSIDERATION

495.03.2013	28 March 2013
936.11.2014	13 November 2014
101.05.2016	19 May 2016
125.06.2016	16 June 2016
42.02.2019	19 February 2019

PREVIOUS COUNCIL DISCUSSION

Nil

OFFICER'S REPORT

The Flinders Council Model Code of Conduct for Elected Members is presented to Council for consideration.

STATUTORY REQUIREMENT

Local Government Act 1993

Local Government (Model Code of Conduct) Order 2016

Local Government (Model Code of Conduct) Amendment Order 2018

POLICY/STRATEGIC IMPLICATIONS

4. Good Governance - Effective, efficient and transparent management and operations.
- 4.1 An organisation that provides good governance, effective leadership and high-quality services, within our means.
- 4.1.1 Ensure Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Council is required to adopt the Code of Conduct without alteration to be compliant under the Act.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council adopts the Flinders Council Code of Conduct for Elected Members – March 2023 (version 4).

17.11 HOUSING WORKING GROUP REPORT – FEBRUARY 2023

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/1102
Annexures	17.11.1 Housing Working Group Report 17 February 2023 Meeting (Elected Members Only)

INTRODUCTION

At the 25 January 2023 Council Meeting, council resolved to form a Housing Working Group with the membership being Deputy Mayor Vanessa Grace, Councillor Garry Blenkhorn, Councillor Peter Rhodes, Councillor 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 was held on Friday 17 February 2023. Due to the sensitive nature of the discussions at this meeting, the report has been provided for elected members only.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

17.12 COUNCILLOR RESOLUTION REPORT

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/0300
Annexures	17.12.1 Councillor Resolution Report March 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 17.12.1 – Councillor Resolution Report March 2023.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Councillor Resolution Report March 2023 be noted.

MEETING CLOSED
