



Agenda Ordinary Council Meeting

26 April 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 21st day of April 2023.



Chris Wilson
ACTING GENERAL MANAGER

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FLINDERS COUNCIL ORDINARY MEETING – AGENDA

WEDNESDAY 26 APRIL 2023

Venue	Flinders Island Arts and Entertainment Centre
Commencing	1.00 pm
Attendees – Councillors	Mayor Rachel Summers Deputy Mayor Vanessa Grace Cr Garry Blenkhorn Cr Aaron Burke Cr Carol Cox Cr Peter Rhodes Cr Ken Stockton
Apologies	Nil
Attendees- Staff	Warren Groves General Manager Chris Wilson Infrastructure Manager Sammi Gowthorp Community Services Coordinator Jacci Smith Development Services Coordinator Rowena Gill Acting Executive Officer Sue Mythen 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 Council Meeting held 22 March 2023 and from the Special Council Meeting held 3 April 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 March 2023 Ordinary Council Meeting

Question 1: Dennis Cooper

Council considers more consistent guidelines for committees e.g., joining Ramp v Aviation & “Road” verge report – steering committee i.e., how many, how selected are they paid? Etc

Mayor’s Response

The Terms of Reference for both the Flinders Boating Special Committee and the Furneaux Group Aviation Special Committee state that “When a vacancy occurs, the Chair is to report this to Council’s Executive Officer, who will deem the process for filling the vacancy”. That process is that an Expression of Interest is published in the Island News and online asking for interested community members to apply. All applicants are considered by the committee, who then make a recommendation to Council as to who should be appointed to the Committee.

Councillors are also able to put forward a Notice of Motion that changes any part of the Committee. For example, in October of last year, former Mayor, David Williams, moved a motion to accept additional members to the Flinders Boating Special Committee. He did not require a Committee recommendation to do so.

There is no Special Committee for a Road Verge Report.

Members of Special Committees are community members who volunteer their time and do not receive payment.

Question 2: Dennis Cooper

Would Council join in doing what some other Council’s have done and accept out of date boat flares?

Mayor’s Response

Council has a collection point at the Tip. MAST arrange shipping off the island when Council have a suitable number of flares.

Question 3: Dennis Cooper

Introduce visitor levy \$100 per visitor, paid with separate transaction records for this amount whether by Sharp or ship, to help maintain our external assets, roads, rubbish, etc. Vehicles on return bookings with the boat service be charged extra 50% on top of boat freight. Those working here would be eligible for a refund collected at the Council. This will have the added

benefit of keeping airfare price increase pressures down, as these fares are carried by all our residents every time they travel v visitor only when holidaying.

Mayor's Response

This matter has been discussed at length by Council, in previous years. After much deliberation, it was concluded that a mandatory tax does not meet the 'Island Way' and the legislative requirements to impose such a tax would be arduous to implement. Council are working toward a voluntary contribution for visitors and users of Council facilities. The aim is to roll this out when the two campgrounds, one at Emita and one at Holloway Park, are provided for overnight stay areas.

RECOMMENDATION

That the response to the public questions from the 22 March 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. LEAVE OF ABSENCE

10. WORKSHOPS & INFORMATION FORUMS

File No. COU/0205

Council Workshop – 22 March 2023

Council held a workshop on the following subjects:

- Item 1 Quarry Discussion with Brandie Strickland Consultant Planner
- Item 2 Community Grants and Gunn Bequest
- Item 3 IT Discussion
- 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 – 4)
Chris Wilson Infrastructure Manager	(Item 1)
Jacci Smith Development Services Coordinator	(Item 1)
Sammi Gowthorp Community Development Coordinator	(Items 2 – 3)
Brandie Strickland Consultant Planner (via Zoom)	(Item 1)
Rowena Gill Acting Executive Officer (note taker)	(Items 1 – 4)

Council Workshop – 12 April 2023

Council held a workshop on the following subjects:

- Item 1 DRAFT Long-Term Financial Management Strategy
Long-Term Financial Management Plan
Fees & Charges
- Item 2 General Manager's Update
- Item 3 Strategic Plan
- Item 4 Communications Policy & Procedure
Furneaux Futures Forum
Community Grants

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 – 4)
Chris Wilson Infrastructure Manager	(Items 1 - 2)
Marissa Walters Consultant Accountant	(Items 1)

Sammi Gowthorp Community Development Coordinator	(Item 3 - 4)
Rowena Gill Acting Executive Officer	(Items 1 – 4)

RECOMMENDATION

That the Council Workshop held on 22 March 2023 and 12 April 2023 be noted.

11. PUBLICATIONS AND REPORTS TABLED FOR COUNCIL INFORMATION

12. MAYOR'S REPORT

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

APPOINTMENTS

DATE	ACTIVITY
18/03/2023	Meeting with Minister for Heritage Madeleine Ogilvie
19/03/2023	Tomb of History event
22/03/2023	Council Workshop and Council Ordinary Meeting
27/03/2023	Citizenship Ceremony
29/03/2023	Lift Local Grant workshop
3/04/2023	Special Council Meeting
3/04/2023	Meeting with Tim Denby
4/04/2023	Community Meeting - Universal access to Early Childhood Education
4/04/2023	Flinders Council Audit Panel meeting
5/04/2023	Flinders Boating Special Committee meeting
14/04/2023	Meeting with Hon. Nick Duigan MLC
18/04/2023	Meeting with Josh Willie MLC - Childcare
19/04/2023	Meeting with Tim Rodda - Head of National Operations, Scott Whatley - Senior Manager Operations, Janie Finlay MP, Lisa Goss - Bendigo Bank Agency Beaconsfield.

CORRESPONDENCE IN

DATE	FROM	SUBJECT
15/03/2023	Simon Himson – Fortescue Future Industries	Mining Query
16/03/2023	Heather Kent – St Vincent de Paul Society Tasmania	Invitation to the Vinnies Chief Executive Officer Sleepout
17/03/2023	Nic Street MP	Invitation for comment on proposed reforms of the Local Government Act 1993
19/03/2023	Fran Bryson	Question on title of Flinders Council event
20/03/2023	Mary Crooks – Victorian Women's Trust	Invitation to join the Victorian Women's Trust for the Indigenous Voice to the parliament in the Australian constitution
20/03/2023	Sarah Underwood – Planning Matters Alliance Tasmania	Planning Matters Alliance Tasmania Invitation to Public Meeting
21/03/2023	David Harris	Truck Quote
22/03/2023	Brendan Blomeley – Mayor of Clarence City Council	Seeking support to be the Local Government Association of Tasmania President
22/03/2023	Joshua McDonnell – The University of Western Australia	Elected Member Invitation Survey Invitation
22/03/2023	Jenny Donohue – Tasmanian Young Achiever Awards	Invitation to the Tasmanian Young Achievers Awards Gala Presentation Dinner

23/03/2023	Scott Davies on behalf of Jason Clare MP	Response to Early Childhood Education and Care of Flinders Island
23/03/2023	Neil Duncan	Planning Scheme Query
24/03/2023	Guy Barnett MP	Housing in Whitemark
25/03/2023	Brendan Blomeley – Mayor of Clarence City Council	Invitation to meet regarding the Campaign for Local Government Association of Tasmania President
27/03/2023	Rebecca White MP	Letter regarding contact with new Shadow Minister for Local Government and Planning
28/03/2023	Kristy Flint	Feedback request for Project
28/03/2023	Local Roads and Community Infrastructure	Information of the extension to the project construction period for Phases 1, 2 and 3 of the Local Roads and Community Infrastructure Program
28/03/2023	Michael Edrich – Local Government Association of Tasmania	Bass Strait Islands Travel Subsidy Policy
29/03/2023	Councillor Ken Stockton	Citizenship Ceremony
29/03/2023	Andrew Benson	Aquatic Centre
29/03/2023	Kerrie Prescott	Bluff Track
30/03/2023	Tim Denby – Department for Education, Children and Young People	Invitation to community workshop and meeting with Council
31/03/2023	Brendan Blomeley – Mayor of Clarence City Council	Local Government Review
3/04/2023	Dion Lester – Local Government Association of Tasmania	Media Training Opportunity
3/04/2023	Ed Beswick – Thrive Group	Early Childhood Education community workshop
3/04/2023	Maddy Calcraft – Unions Tasmania	Invitation to the International Workers Memorial Day
3/04/2023	Peter Gaggin – Philp Lighton Architects	Flinders Island Community and Aquatic Centre
3/04/2023	Tasmanian Alliance Marine Protection	Salmon Industry
4/04/2023	Fran Bryson	Owner Builder Insurance
4/04/2023	Sophie Underwood – Planning Matters Alliance Tasmania	Planning Matters Alliance Tasmania Invitation to Public Meeting
4/04/2023	Tim Denby – Department for Education, Children and Young People	Invitation for meeting with Mayor and Thrive Group
5/04/2023	Brendan Blomeley – Mayor of Clarence City Council	Invitation to Council Workshop

5/04/2023	John Maloney – Director of JPM Hire Pty	Breakdown of JMP Company Works
6/04/2023	Jonathan Wassell – Tasmanian Audit Office	Determination of Audit Fees for the year ending 30 June 2023
6/04/2023	Kristin Fulton – The Local Government Health & Wellbeing Network	Healthy Tasmania Lift Local Grant Plans
6/04/2023	Melissa Geard on behalf of Nic Street MP	Media release from the Minister regarding the Future of Local Government Review
6/04/2023	Michael Ferguson – Deputy Premier of Tasmania	Holiday wishes and update on the Bass community
6/04/2023	Shannon Mansell – Tasmania Regional Coordinator	Firesticks Alliance Program
6/04/2023	Tasmanian Audit Office	Determination of Audit Fees for the year ending 30 June 2023
7/04/2023	Sophie Underwood – Planning Matters Alliance Tasmania	Clarence Community Motions
10/04/2023	Michelle Dracoullis – Mayor of Derwent Valley Council	Candidate for President of the Local Government Association of Tasmania President
11/04/2023	Nick Crawford – Business Centres Tasmania	Breakdown of Enterprise Centre
12/04/2023	Marcus Blackie – Mayor of King Island Council	Miscellaneous Provisions Act
12/04/2023	Tim Denby – Department for Education, Children and Young People	Summary of community workshop
13/04/2023	Christine Nyhof	Vinegar Hill Lookout Access
13/04/2023	Office of the Governor	Invitation to mark the coronation of Their Majesties King Charles III and Queen Camilla at a reception
13/04/2023	Shane Walsh	Safe Harbour Project
14/04/2023	Alison Demuth on behalf of Michael Ferguson	Invitation to phone meeting
17/04/2023	Flinders Island Business Incorporated	Furneaux Futures Forum 2023
17/04/2023	Joe Colbrook – Examiner Classifieds	Media Request
17/04/2023	Peter McGlone – Tasmania Conservation Trust	Future of Local Government and Submissions by Local Government
18/04/2023	Bec Thomas – Mayor of Glenorchy City Council	Candidate for President of the Local Government Association of Tasmania President

CORRESPONDENCE OUT

DATE	TO	SUBJECT
23/03/2023	Sue Hallas	Housing in Whitemark
25/03/2023	Brendan Blomeley – Mayor of Clarence City Council	Invitation to Council Workshop
29/03/2023	Tim Denby – Department for Education, Children and Young People	Invitation to community workshop and meeting with Council
07/04/2023	Sophie Underwood – Planning Matters Alliance Tasmania	State Election
29/03/2023	Elli Coleman – Office of Josh Willie MLC	Invitation to meet with Josh Millie regarding Child Care issues in the community
30/03/2023	Tim Denby – Department for Education, Children and Young People	Invitation to meet with Tim Denby regarding Child Care issues in the community
04/04/2023	Andrew Benson	Aquatic Centre
04/04/2023	Denise Gardner	Consultation with Cape Barren Island Aboriginal Association Incorporated regarding Cape Barren Island Policy
05/04/2023	Fran Bryson	Owner Builder Insurance
11/04/2023	Dennis Cooper	Public Questions from the 22 March 2023 Ordinary Council Meeting
14/04/2023	Christine Nyhof	Vinegar Hill Lookout access
17/04/2023	Office of the Governor	Invitation to mark the coronation of Their Majesties King Charles III and Queen Camilla
18/04/2023	Shannon Mansell – Tasmania Regional Coordinator	Firesticks Alliance Program

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Mayor's report be received.

13. 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.

13.1 DEVELOPMENT APPLICATION – DA2021/018

Action	Decision
Proponent	Cohen & Associates
Officer	Jacci Smith Development Services Coordinator
File Reference	DA2021018
Annexures	13.1.1 Title 13.1.2 Natural Values Assessment Report 13.1.3 Bushfire Report 13.1.4 7275 Plan of Subdivision REV 10 13.1.5 Representations

INTRODUCTION

This proposal is assessed under Flinders Planning Scheme 1994. The proposal was submitted in July 2021. Due to a request for more information and legal interpretation this proposal was only recently publicly exhibited.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

Nil

STATUTORY REQUIREMENT

The application was made pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*. Determination of the application is a statutory obligation.

POLICY/STRATEGIC IMPLICATIONS

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

BUDGET AND FINANCIAL IMPLICATIONS

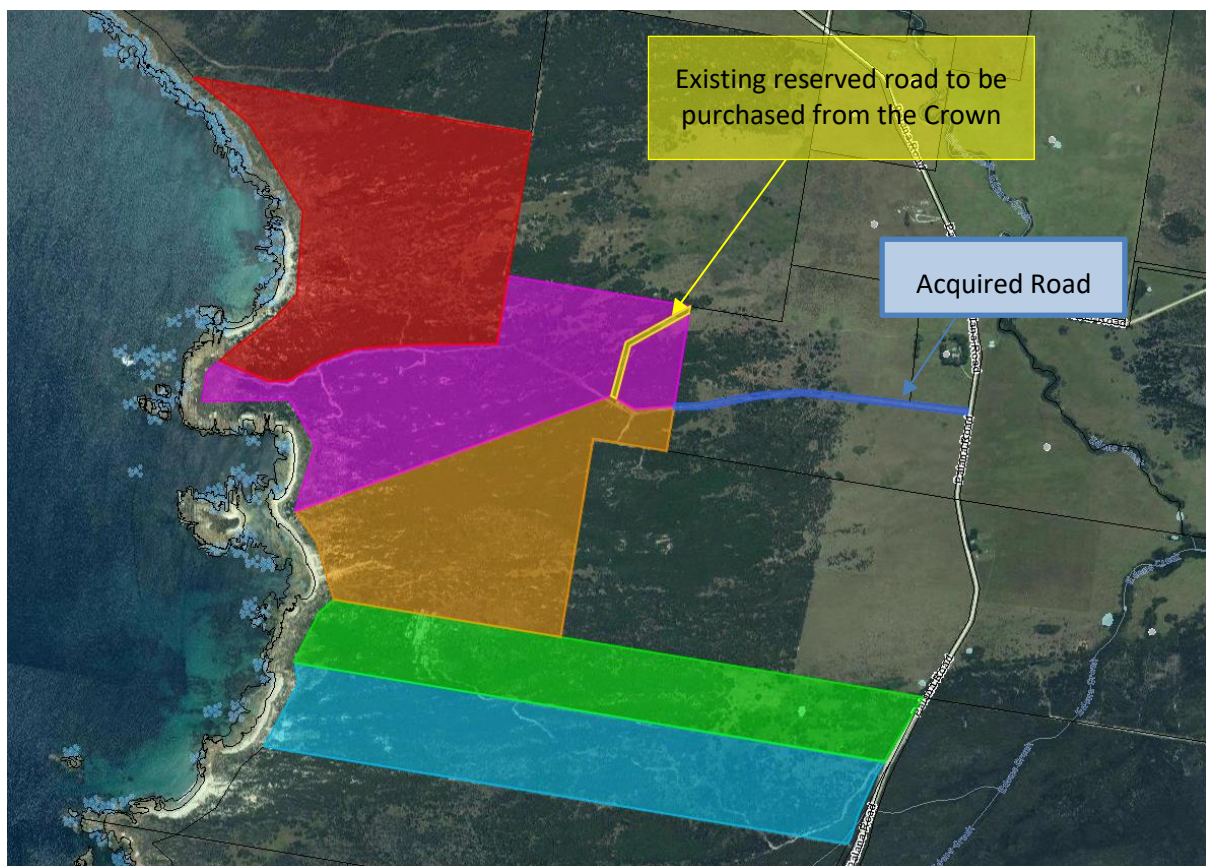
Financial impacts are normally limited to the application process and any appeal that may be lodged against the Planning Authority's decision, provided statutory obligations are met.

OFFICER'S REPORT

SUBJECT SITE AND SURROUNDING AREA

The subject site is located south of Blyth Point and west of Palana Road. The subject site comprises of 5 titles:

Title reference	Land owner	Area (ha)	Current legal access
174257/1	Ngarra Limestone Bay Pty Ltd	77.38	Via a private right of way 25m wide**
174257/2	Ngarra Limestone Bay Pty Ltd	52.97	Via a private right of way 25m wide**
174257/3	Ngarra Limestone Bay Pty Ltd	59.84	Via a private right of way 25m wide**
175979/1	Ngarra Holdings Pty Ltd	54.56	Frontage to Palana Road
175979/2	Ngarra Holdings Pty Ltd	66.93	Frontage to Palana Road



THE PROPOSAL

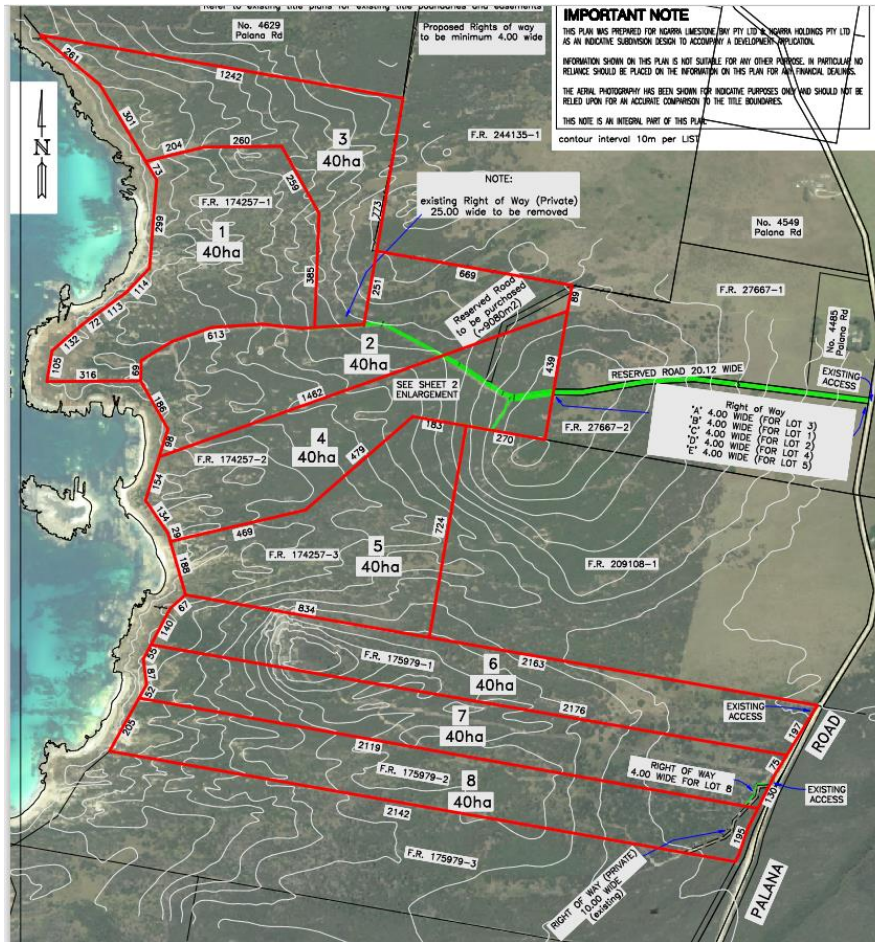
The proposal is to subdivide the 5 existing lots into 8 lots. Each lot will be 40ha and access will be via reciprocal rights of way 4m wide for proposed lots 1, 2, 3, 4 & 5 off the “Acquired Road” as it is denoted above.

The “Acquired Road” was acquired by the Crown via a proclamation under the *Public Works Execution Act No 2* on 22 November 1926 and is dedicated as a public highway, vested in the Crown. The “Acquired Road” is an unformed public road, although no road authority has created and/or maintained any formal road here. The public has a right to pass and repass this land – and therefore it is considered a “local highway” as per s50 of *Local Government Highways Act 1982*.

Proposed lots 6 & 7 has frontage to Palana Road; whilst proposed lot 8 will gain access to Palana Road via a 4m wide right of way over proposed lot 7. (See proposal plan below)

Approval of this proposal does not require Council to maintain the access road – being the “Acquired Road” and the reciprocal rights of way that provide access to the boundary of proposed lots 1 - 5. For a “local highway” to be maintainable by Council it must be accepted by the Council ‘as a road maintainable by it’ pursuant to the *Local Government (Highways) Act 1982*. Council’s Infrastructure Manager confirmed that Council will not take over any construction or maintenance of this road; nor enter into a Part V agreement (pursuant to *Land Use Planning and Approvals Act 1993*) regarding future maintenance of this road.

The Bushfire hazard management report, as discussed under Part 8 of this report, requires specific access standards, passing bays and a turning circle or hammer head in compliance with Planning Directive No. 5.1 Bushfire-prone Area Code. As per the recommended conditions of approval, the subdivider must construct this and it must be confirmed in writing by a Bushfire practitioner that it has been constructed in accordance with the mentioned report, prior to Council sealing the Final Plan of Subdivision.



Proposal plan

REFERRAL

The proposal was referred to EHO and Infrastructure Manager. No objections were raised by EHO. Infrastructure Manager confirmed that Council will not take over any construction or maintenance of this road.

NOTIFICATION

The application was advertised for 14 days in accordance with the Act and two representations were received.

Issued raised	Officer comments
<p>Jay Hetzel In short I support the application and commend the vision for a visually and environmentally sensitive development. I am a resident of Killiecrankie and believe that the Island's population will need to increase significantly in order to sustain basic infrastructure and local businesses. Subdivisions followed by building of appropriate dwellings will expand the ratepayer base and support the local economy. The proposed development will</p>	<p>This representation is in support of the proposal. Any future use and/or development of these proposed lots will require a new application and assessment under the Tasmanian Planning Scheme.</p>

<p>provide for eight blocks for which 'off the grid', low impact residences are foreshadowed. The block sizes significantly exceed the minimum 40Ha and the planned removal of vegetation is minimal at the same time as addressing the fire risk. I would welcome such a development in the north of the Island where population density is extremely low. Ensuring that subsequent developments have low visual and environmental impacts can be assessed in future DAs for individual blocks. I support the proposed subdivision.</p>	
<p>Furneaux Islands Protection Network Inc</p> <p>FIPNI is neutral in-so-far as agreeing or disagreeing with the proposal.</p> <p>However, what FIPNI would like to see incorporated into the proposed sub-division is some sort of provision to allow public access to Limestone bay. Community members are slowly being deprived of access to the coast throughout the municipality and are, therefore, being deprived of one of the natural beauties of these islands. For this reason FIPNI would endorse any actions by Flinders Council to provide access to the coast at Limestone Bay.</p>	<p>This proposal does not impact on any existing public access to Limestone Bay. If Council is of a mind to create/provide public access over private land, this is a matter for discussion and/or negotiation outside of this planning assessment process.</p>

PLANNING ASSESSMENT

LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS) ACT 1993 (LGBMP)

The *Flinders Planning Scheme 1994* does not contain a minimum frontage requirement - a boundary with a road for subdivision in the Rural Zone. Where a planning scheme fails to specify provisions relating to area, frontage, access and drainage, the requirements of S109 (1) of LGBMP must be met.

Council therefore requested the Tasmanian Planning Commission's approval pursuant to S109 (3)(i) of the Act for the frontage and access associated with the lots in this proposed subdivision as it relates to the frontage (boundary with a road) for a minimum lot specified in LGBMP.

A hearing was held to determine the outcome.

The Tasmanian Planning Commission concluded that the "Acquired road"/reserved road (Crown land) provides frontage to the subject site and that it is dedicated as a public highway. It also mentioned that this is not constructed to an appropriate standard to provide access to the proposed lots. The developer confirmed at the hearing that he will construct it to an

appropriate standard to Council's satisfaction (and that this could be incorporated as a condition of approval).

The Commission raised a concern that the end of the Crown reserved road did not have sufficient area to construct a turning circle and public users of the reserved road will be met with gated driveways at the end. The Commission required any conditions of approval to require the construction of the access road, reciprocal rights of way access, a turning circle on the subject land and a formal maintenance agreement with future landowners.

PART 5: ZONING

5.8 RURAL ZONE

5.8.1 Zone Intent

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

5.8.2 Desired Zone Character and Zone Guidelines

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

5.8.3 Subdivision Standards

- (a) The minimum lot size is 40 ha
- (b) A lot less than 40 hectares may be approved at Council's discretion for the following purposes;
 - (i) For an intensive agricultural use;
 - (ii) For a use, other than agriculture, that is consistent with the zone intent, desired zone character and zone guidelines;
 - (iii) For an aquaculture use;
 - (iv) For a servicing facility, infrastructure or recreational use;

- (v) For boundary alterations where no additional titles are created and the resultant lots will comply with the intent of the zone.
- (c) In considering an application under Clause 5.8.3(b) Council shall require a detailed assessment of the proposal prepared by a suitably qualified, independent, agricultural consultant that demonstrates:
 - (i) In the case of lots for intensive agricultural use, the capacity of the proposed lot(s)
 - (ii) other cases, the agricultural capacity of the proposed lot(s) (including any balance lot) and methods which will be employed to safeguard their agricultural capacity;
- (d) Before accepting an application under Clause 5.9.3(b) Council may require the applicant to submit a Development Plan for the land to which the application relates. The Development Plan should show that:
 - (i) Subdivision will not fragment or diminish the agricultural potential of the land;
 - (ii) Subdivision will not result in ribbon development along roads and coastlines;
 - (iii) Development will not cause significant adverse impact on the natural environment, flora and fauna, coastal waters, watercourses or skylines;
 - (iv) Development or use will not be likely to result in land use conflict with existing land uses in the vicinity.

Officer comments: the proposal is for a subdivision creating 8 lots from 5 existing lots. No future use of these proposed lots forms part of this application. The proposal still provides a pattern of large lots with native vegetation. Future development of these proposed lots will require a new application to be submitted and assessed under the current Tasmanian Planning Scheme requirements.

The proposed lots are 40ha in compliance with 5.8.3 (a). Subsections (b) to (d) are not applicable. The proposal is generally consistent with the Intent, and Desired Future Character and Zone Guidelines of the zone.

PART 6: USES AND DEVELOPMENT PRINCIPLES

6.1 USE

Principles		Complies	Not Applicable
A	Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Subdivision of land shall be carried out in accordance with the subdivision provisions for the zone within which the land is located or where that is not appropriate in accordance with: <ul style="list-style-type: none"> i. the requirements of the intended use, and ii. the Zone Intent, or alternatively by iii. an approved Development Plan that has been adopted by Council and inserted as a provision in the Scheme. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

C	Residential Zones shall be protected from encroachment by incompatible use or development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Rural Industrial operations shall be appropriately located and designed to avoid any detrimental effects on neighbouring land use or development, particularly in respect of atmospheric emissions, solid waste disposal and water pollution, soil erosion, noise or visual quality.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Mining and quarrying operations shall be located and carried out in a form which does not conflict with surrounding land use or development, scenic values and the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Officer comments: the proposed subdivision complies with the relevant zone provisions.

6.2 CHARACTER

Principles		Complies	Not Applicable
A	Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Subdivision layout, particularly roads, shall take adequate account of land contours and the need to avoid visual scarring.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Landscaping of use or development shall be of a type, form, variety(s) and character which is suited to the intention of the zone, the area and the nature of the use or development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Where trees are an important element in the character of an area they should be retained.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Signs shall be consistent in type, scale and location, with the intention of the zone, the streetscape and the building	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	or structure on which they are positioned or to which they otherwise relate.		
G	Forestry use or development, particularly plantations, shall be appropriately sited and planned to protect the visual quality and character of the countryside generally, and from important viewing locations in particular.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Officer comments: the proposed 40ha lots are consistent with the character of the area.

6.3 AMENITY

Principles		Complies	Not Applicable
A	Adequate public open space shall be provided in areas of new subdivision, to meet the recreational and open space requirements of the community generally and particularly the new owners of the lots created by subdivision.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Use or development shall accord all existing and/or future occupiers with adequate and reasonable levels of amenity, especially in relation to privacy, sunlight, aspect, views and noise disturbance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Dwellings shall provide an adequate amount and appropriate type of private open space, to meet the expected lifestyle requirements of occupants. Such private open space shall provide adequate privacy, be exposed to reasonable levels of sunshine and directly accessible from the dwelling to which it belongs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Officer comments: the proposed subdivision creates 40ha lots. This will provide landowners/developers with adequate private open space as part of future development. No public open space provision is made as part of this subdivision. In compliance with Council's Public Open Space & contributions Policy, a cash contribution, as per Council's relevant policy, will be required as part any condition of approval.

6.4 ENVIRONMENT

Principles		Complies	Not Applicable
A	Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	to an extent which is consistent with the protection of the values of the area.		
B	Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	<p>Use or Development shall not be located in areas of unacceptable risk (eg. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular.</p> <p>i. Lands subject to flood risk are those subject to a greater than one in a 100-year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and</p> <p>ii. Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and</p> <p>iii. Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	<p>Potentially incompatible Uses or Developments shall be adequately and appropriately located, sited and designed to avoid conflict. Level 2 activities or sources of pollution shall be sited in accordance with the following:</p> <p>i. Use or Development for a use of land that is a Level 2 activity under the provisions of the Environment Management and Pollution Control Act 1994 shall not be allowed within the lesser distance from a residential zone than that recommended by the Director of Environmental Management.</p> <p>ii. Use or Development of land that is not a Level 2 activity, but which Council nonetheless considers will or has the potential for environmental harm, shall not be allowed within a lesser distance from a residential zone than that</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<p>determined by Council after taking into account the advice from the Director of Environmental Management.</p> <p>iii. A dwelling unit shall not be erected within a lesser distance of any established Level 2 activity or other use of land which Council considers a source of pollution, than that determined by Council taking into account the advice from the Director of Environmental Management.</p>		
E	Activities involving extensive site works, such as quarrying, shall be suitably sited, screened, and rehabilitated where appropriate, to protect the ecological and visual qualities of the area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Officer comments: the proposal is for subdivision only. Future development of these proposed lots will require a new application to be submitted and assessed under the Tasmanian Planning requirements.

6.5 HERITAGE

	Principles	Complies	Not Applicable
A	Use or Development shall be undertaken in areas and in a manner which conserves items, sites, areas and customs of historic and cultural value.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	Any Use or Development carried out on or in the vicinity of an item, site, area, feature or customary activity (including Aboriginal sites and shipwrecks) or conservation value, shall adequately respect its historic and cultural integrity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	The protection and conservation of items, sites, areas, features and customary activities of historic and cultural importance applies to those previously identified and listed in the Scheme, and those which subsequently become known to Council.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

D	Where an item, site, area, feature or customary activity has or may have historic or cultural importance, Council may require a Statement of Cultural Significance to be prepared.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Use or development shall be carried out in accordance with the principles and practices of the Burra Charter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Use or Development involving any historic building or group of buildings shall adequately respect the design and construction elements of the building(s) and particularly the relationship of spaces, orientation, form, mass, scale, fenestration, detailing, style, materials and colour.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Areas of identified conservation value, including National Parks and Nature Reserves, shall be protected from inappropriate use or development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Officer comments: The subject site is not a heritage listed place. A standard note on any approval requires that if any relic is found on site, all works must stop and the find be reported to Heritage Tasmania.

6.6 ACCESS AND PARKING

	Principles	Complies	Not Applicable
A	Areas of identified conservation value, including National Parks and Nature Reserves, shall be protected from inappropriate use or development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

E	Footpaths shall normally be required in areas of new subdivision except where low vehicle traffic volumes are anticipated, in which case a footpath one side only or no footpath may be appropriate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Road intersections shall be kept to a minimum with the use of existing roads, service roads and/or shared driveways being encouraged where appropriate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G	Intersections of roads, footpaths and foot crossings and driveways shall provide adequate safety for all users and shall satisfy the relevant requirements of Schedule 4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H	New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I	New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J	On site turning shall be provided for development involving significant traffic volumes, heavy vehicle types and/or on roads which carry significant amounts of traffic.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
K	New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Officer comments: access to each lot will be provided in compliance with the bushfire hazard management report recommendations and the recommendations of the Tasmanian Planning Commission pursuant to S109 of the *Local Government (Building and Miscellaneous) Act 1993*.

6.7 SERVICES

	Principles	Complies	Not Applicable
A	Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Lot size and arrangement shall be adequate and appropriate to ensure an acceptable level of servicing, particularly in relation to waste disposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Officer comments: the proposal is for a subdivision only – 5 lots into 8 lots. Development within the bushfire prone area will be in accordance with the bushfire hazard management report recommendations and the recommendations of the Tasmanian Planning Commission pursuant the S109 of the *Local Government (Building and Miscellaneous) Act 1993*. The Final Plan of Subdivision will not be signed by Council until all conditions have been complied with – including any bushfire management requirements.

6.8 SOCIAL INTEREST

	Principles	Complies	Not Applicable
1	Use or Development should demonstrate how it suits the community interest.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Use or Development shall have adequate and appropriate types and levels of access to social facilities and services (eg.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	shops, government agencies, telecommunication, health services and educational facilities).		
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Officer comments: the proposal provides for additional land available for development on the Island. Future development of these proposed lots will require a new application to be submitted and assessed under the Tasmanian Planning Scheme. These proposed lots will have access to all available social facilities and services on the Island.

6.9 ADMINISTRATION

Principles		Complies	Not Applicable
A	In considering subdivision and/or rezoning proposals, an appropriate balance shall be maintained between current demand and stock available for use or development, and the number of new lots that would be created.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	<p>A Development Plan for an integrated development may be prepared and adopted by Council for any area in this Scheme,</p> <p>A Development Plan shall include:</p> <ul style="list-style-type: none"> i. The intended use for the land for which the Development Plan has been created; ii. The reason(s) for selection of the area; iii. A map showing clearly the area subject to the Development Plan showing principal physical features, including existing use or development, hills/slopes, trees, watercourses and existing services buildings and improvements; iv. The nature, form and capacity of proposed services including water, sewerage disposal, power, telephone, roads, footways and reserves; v. A plan of subdivision with proposed staging showing lot sizes and layouts, building envelopes where appropriate, and physical features intended to be conserved; 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

vi. Any special provisions to be used to control land use and development in the area (eg. height, form, character, materials, colours etc.);		
vii. Any other provisions intended to secure the intention of the Plan.		
A Development Plan shall be incorporated into the Scheme by way of a Scheme amendment in accordance with the Act.		

Officer comments: the proposal creates three additional lots. This will not involve any cost to the public in providing and maintaining infrastructure and services. The proposal was referred to Council's internal departments and no objections were raised.

Part 7: SPECIAL AREA PROVISIONS

Special Area	Applicable	Not Applicable
Visually Significant Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ecologically Significant Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Heritage Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shoreline, waterbodies and Watercourses	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7.2 VISUALLY SENSITIVE AREAS

7.2.1 These areas have been identified in recognition of their contribution to the landscape character and scenic values of the Planning Area. Important elements in their selection are:

- (a) Visual prominence when seen from public roads, foreshores and coastal waters;
- (b) Undisturbed landforms and natural vegetation; and
- (c) Minimal visible evidence of human activity in the form of buildings, structures or works.

7.2.2 The objectives of the Visually Sensitive Areas are:

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

7.2.3 Notwithstanding any other provision in this Scheme, within the Visually Sensitive Areas any application for Use or Development (other than those prohibited within the zone) shall be considered as a discretionary Use or Development in accordance with Clause 3.

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

- (a) The objectives listed in Clause 7.2.2.
- (b) The siting, orientation, setbacks, bulk, form, height, scale and external finishes of buildings and structures.
- (c) The visual impact of buildings, clearing, excavation, access, construction, fences, firebreaks or the deposition of fill.

- (d) The adequacy of proposed landscaping and whether any special works or practices are required to protect the scenic values of the site.
- (e) Whether development is proposed to be located on skylines or ridgelines.

Officer comments: the proposal is for a subdivision only. No works are proposed to remove vegetation and so the natural appearance of the area will not be compromised. Furthermore, the installation of services and works associated with the installation of access and such in accordance with the proposed permit conditions will have minimal visual impact on the area. Future use and development will require a new application to be assessed pursuant to the Tasmanian Planning Scheme provisions. The Tasmanian Planning Scheme - Flinders has the following overlays to be addressed and assessed:

- **Scenic Protection Code**
- **Natural Assets Code (Priority Vegetation)**
- **Coastal areas specific Areas Plan**
- **Bushfire prone Areas Code**

Part 8: SCHEDULES

Schedule	Applicable	Not Applicable
Schedule 2 – Buildings and Works of Historic Interest	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 3 - Riverside, Wetlands and Shoreline Areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 4 – Roads	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 5 – Signs	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 6 - Telecommunications Infrastructure Schedule	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 7 - Development in Bushfire Prone Areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schedule 8 - North East River Development Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Officer comments: The Bushfire Hazard Management Report by RMCG was prepared in accordance with all the elements of Planning Directive No. 5.1 Bushfire-Prone Areas code.

This report requires specific access standards; such as:

- a) **All weather construction**
- b) **Load capability of at least 20 tonnes**
- c) **Minimum carriageway width of 4m**
- d) **Minimum vertical clearance of 4m**
- e) **Minimum horizontal clearance of 0.5m**
- f) **Cross falls of <30**
- g) **Dips <70**
- h) **Curves with a minimum inner radius of 10m**
- i) **Maximum gradient of 150 for sealed roads and 100 for unsealed road**

- j) Terminate with a turning area for fire appliances provided by one of the following:
- (i) a turning circle with a minimum outer radius of 10m
 - (ii) a property access encircling the building
 - (iii) a hammerhead “T” or “Y” turning 4m wide and 8m long

The report also requires passing bays. The report mentions that certain areas along the access has a slope exceeding 10 degrees and therefore the slope must be reduced or sealed to be in compliance.

The conditions of approval includes a requirement for this multiple shared access over the reciprocal rights of way must be constructed in accordance with the bushfire report prior to Council sealing the Final Plan of Survey.

The report also states that houses can be constructed on these proposed lots with a BAL 19 rating. The static water supply must be provided as part of future development and subject to a new Bushfire Hazard Management Plan at the time.

OFFICER RECOMMENDATION

That the application for Subdivision in the Rural Zone, by Cohen & Associates P/L for land located at Palana Road, Palana (Lot 1 & 2 on Plan 175979 and Lot 1, 2 & 3 on Plan 174257) be **APPROVED** subject to the following conditions:

ENDORSED PLANS AND DOCUMENTS

1. The use and/or development must be carried out as shown on the endorsed plan by **Cohen & Associates Pty Ltd REF: 31-73 (7275-03) dated 6 May 2022, and Bushfire Hazard Management Report: Palana Road, Palana by RMCG dated 23 July 2021** to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

FINAL PLAN OF SURVEY

2. The Final Plan of Survey and Schedule of Easements (and three copies) must be submitted for sealing, together with a copy of the Survey Notes.
3. Unless this permit specifically provides otherwise, the Final Plan of Survey will not be sealed by Council until all conditions of this permit have been satisfied.
4. The Final Plan of Survey must include easements in favour of the Council (or other relevant public authority) over all infrastructure situated in non-public land.

CONSTRUCTION OF WORKS

5. Prior to the sealing of the Final Plan of Survey, any private or public infrastructure works must be constructed in accordance with plans and specification approved by the Council's Infrastructure Manager.

Such plans and specifications must:

- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. Electricity infrastructure
 - ii. Construction of access road
- b. Be prepared strictly in accordance with the Tasmanian Subdivision Guidelines applicable at the date of approval of the plans. These Guidelines are available at www.lgat.tas.gov.au;
- c. Be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.

COMPLETION OF WORKS

6. All works must be carried out to Council standards and to the satisfaction of the Council's Infrastructure Manager.

BUSHFIRE HAZARD MANAGEMENT PLAN

7. Prior to the Sealing of the Final Plan of Survey written advice from an Accredited Bushfire Practitioner must be submitted to Council to the satisfaction of Council's Development Services Coordinator advising that all recommendations and requirements of the **Bushfire Hazard Management Report: Palana Road, Palana by RMCG dated 23 July 2021** has been implemented including requirements regarding access, water supply and vegetation / fuel hazard management.

PAYMENT IN LIEU OF PUBLIC OPEN SPACE

8. Prior to the sealing of the Final Plan, the developer must pay to the Council a cash contribution as equal to 5% of the unimproved land value as stated by the Office of the Valuer General as at the date of this permit.

COVENANTS ON SUBDIVISIONS

9. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit either by transfer, by inclusion of such covenants in a Schedule of Easements or by registration of any instrument creating such covenants with the Recorder of Titles unless:
 - a) Such covenants or controls are expressly authorised by the terms of this permit; or
 - b) Such covenants or similar controls are expressly authorised by the consent in writing of the Council.

VEHICULAR CROSSINGS

10. Prior to the sealing of the Final Plan of Survey, a vehicular crossing onto Palana Road must be constructed in accordance with the LGAT Standard TSD-R03 and R04.

ACCESS

11. Prior to the sealing of the Final Plan of Survey:
 - (i) The access to the boundary of each lot must be constructed as per S4.3 of the Bushfire Hazard Management Report;
 - (ii) A turning circle with a minimum 12m outer radius must be constructed on the land currently identified as CT174259/2&3 as close as practicably possible to the end of the Crown land reserved road;
 - (iii) The developer must prepare a formal maintenance agreement for the access from Palana Road to the lot boundaries for future landowners; and
 - (iv) A sign must be erected at Palana Road informing users of the Crown land reserved road that this is a "No through road".

ROAD

12. Prior to the sealing of the Final Plan of Survey a road must be constructed from Palana Road to the boundary with CT174259/2&3. The road must be:
 - a) Two-wheel drive, all-weather construction
 - b) Load capacity of at least 20t, including bridges and culverts
 - c) Minimum carriageway width is 5.5m for a dead-end or cul-de-sac
 - d) Minimum vertical clearance of 4m
 - e) Minimum horizontal clearance of 2m from edge of the carriage way
 - f) Cross falls of less than 3 degrees (1:20 or 5%)
 - g) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads

- h) Curves have a minimum inner radius of 10m
- i) Carriageways less than 7m wide have 'No parking' zones on one side, indicated by a road sign that complies with Australian Standard AS1743–2001 Road Signs Specifications.

13.2 PLANNING AUTHORITY REPORT – DRAFT AMENDMENT AM2023-01 FLINDERS LOCAL PROVISIONS SCHEDULE, REZONE 4 CATTLE TRACK, WHITEMARK

Action	Decision
Proponent	Council Officer
Officer	Town Planning Solutions Pty Ltd – Strategic Planning Consultant
File Reference	PLN/0101
Annexures	13.2.1 LPS Amendment Assessment Report Flinders Local Provisions Schedule AM2023-01 - Rezone CT's 10875/1, 169274/101, 169274/102, and reserved road dissecting CT169274/101, Harleys Road, Whitemark to Rural April 2023 13.2.2 Tasmanian Planning Commission Decision – Flinders Local Provisions Schedule, (2022), (LPS Decision) 13.2.3 Section 35F Report, Local Provisions Schedule - Report on representations (35F Report) 13.2.4 Addendum to Section 35F Report Rural Enterprise concept Local Provisions Schedule January 2022 (LPS Rural Addendum) 13.2.5 RMCG, Rural Enterprise Concept Report (Rural Enterprise Report) 13.2.6 RMCG Enterprise Scale Report (Scale Report)

INTRODUCTION

This agenda item provides for the Planning Authority to consider an amendment to the Local Provisions Schedule (LPS) to address two unintended outcomes from the decision by the Tasmanian Planning Commission (Commission) in two parts:

- Part 1: reinstate the Low Density Residential zone over part of 4 Cattle Track, Whitemark, CT128758/2; and
- Part 2: apply the Rural zone to 115 Harleys Road, Whitemark (CT's 10875/1), CT's 169274/101 and 169274/102 Harleys Road, Whitemark, and the reserved road dissecting CT169274/101, Harleys Road, Whitemark.

Annexure 13.2.1 to this agenda item, *LPS Amendment Assessment Report Flinders Local Provisions Schedule AM2023-01 - Rezone CT's 10875/1, 169274/101, 169274/102, and reserved road dissecting CT169274/101, Harleys Road, Whitemark to Rural April 2023 (Supporting Report)* provides the following documents as attachments that are referenced through this report:

- *Tasmanian Planning Commission Decision – Flinders Local Provisions Schedule, (2022), (LPS Decision)*
- *Section 35F Report, Local Provisions Schedule - Report on representations (35F Report)*
- *Addendum to Section 35F Report Rural Enterprise concept Local Provisions Schedule January 2022 (LPS Rural Addendum)*
- *RMCG Rural Enterprise Concept Report (Rural Enterprise Report)*
- *RMCG Enterprise Scale Report (Scale Report)*

A recommendation was provided for the Planning Authority to consider.

PREVIOUS COUNCIL CONSIDERATION

50.03.2022 15 March 2022

PREVIOUS COUNCIL DISCUSSION

25 January 2023 Council Workshop

OFFICER'S REPORT

The Planning Authority will recall the various workshops and reports that were considered as part of the process of the LPS with the Commission. That process was ultimately completed when the Commission issued the decision on the LPS on 12 April 2022.

Following commencement of the LPS, it was identified that the zoning of four properties was not consistent with the evidence, submission and the LPS Decision.

Following consultation with officers at the Commission, AM2023-01 was split into 2 parts as it is understood that Part 1 is unlikely to require exhibition under the Act, as noted later in this report. Part 2 of AM2023-01 will need to complete public exhibition.

The supporting documentation was prepared to reflect these requirements. Part 1 of AM2023-01 was addressed in this report. The Supporting Report provided a detailed assessment for Part 2 that can be used for the public exhibition process.

Part 1 – 4 Cattle Track, Whitemark

Number 4 Cattle Track, Whitemark (CT128758/2), was described by the address Walker Street in the decisions, as the Cattle Track was not a Council maintained road at that time. Number 4 Cattle Track has an area of 4.5 hectares.



Figure 1 – Subject property and context

The property has frontage to the northern end of Walker Street, Lagoon Road and the Cattle Track, as shown in Figure 1 and highlighted by the red border.

Multiple representations were made to the LPS process about the zoning of this area as Landscape Conservation in the exhibited LPS. As a result of those representations, the zoning of properties around the Cattle Track, north of Whitemark, was reviewed.

Consultation with the affected property owner and the decisions of the Planning Authority identified that a portion of the property that was in the Landscape Conservation zone should be rezoned Rural Living D, with the south-western portion of the property remaining in the Low Density Residential zone, as shown in Figure 2.

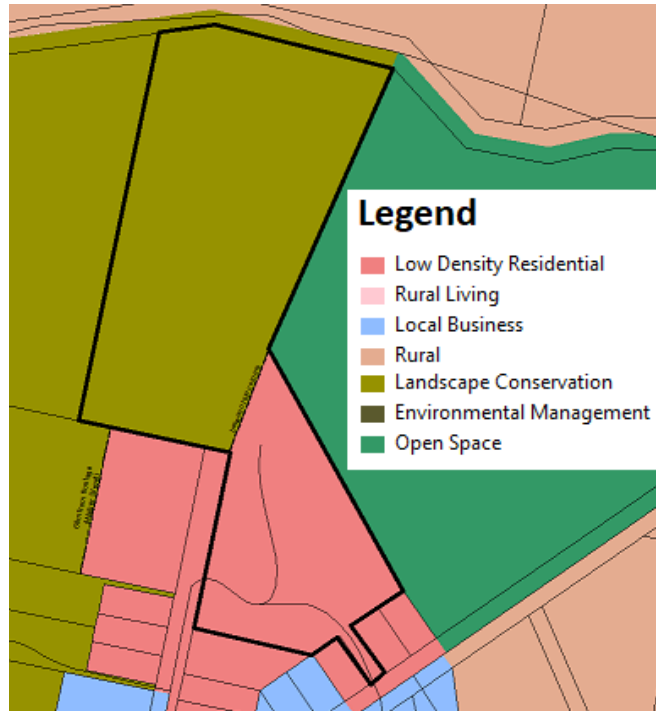


Figure 2 – Exhibited LPS zoning for area

Following representations to the LPS from the property owner, the use of the Landscape Conservation zone within the area was reviewed as part of the 35F Report and LPS Rural Addendum, with the proposal for the area described in Figure 3 and following.

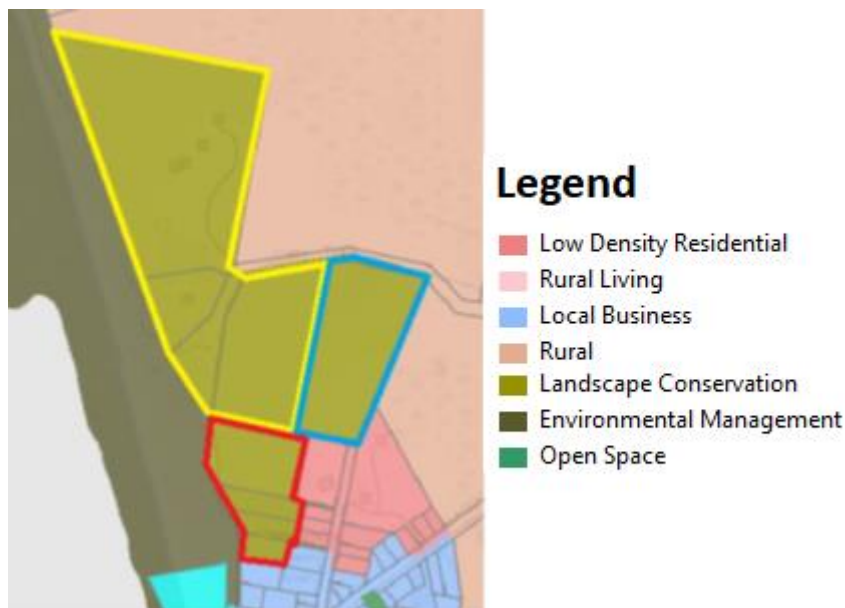


Figure 3 – Exhibited LPS zoning for area and suggested changes

The yellow and blue borders reflect the areas within the exhibited Landscape Conservation Zone that were recommended for the Rural Living D zone in the *March 2022 Response to Directions*. The titles within the red border were recommended for the Low Density Residential Zone. The blue border represents the part of 4 Cattle Track that was supported for the Rural Living Zone.

As shown in Figure 3, approximately 1.39 hectares were to remain in the Low Density Residential zone. The decision made by the Planning Authority at its March 2022 meeting was to (bold for emphasis):

Recommendation: modify the LPS as follows:

15.1 *rezone the following titles from Landscape Conservation to Rural Living D:*

- a) *Esplanade, Whitemark of the FR 15860/1;*
- b) *Esplanade, Whitemark of the FR 15860/2;*
- c) *1A Palana Road, Whitemark FR 53171/5; and*
- d) ***Walker Street, Whitemark FR 128758/2 (part).***

The 35F Report and LPS Rural Addendum were submitted to the Commission, who ultimately supported the combination of the Low Density Residential zone and use of the Rural Living D zone over the Landscape Conservation zone in its decisions. This was addressed at paragraph 46 of the decision, as follows:

46. *The Commission is persuaded that the Low Density Residential and Rural Living D zones, combined with the Priority Vegetation Area overlay, represent a more logical combination of zones for the land given the location of the land close to the centre of Whitemark. The zones are consistent with the requirements of Guideline No. 1.*

The decision that was then issued by the Commission rezoned the entirety of the subject property at paragraphs 47 and 48 of the decision:

47. *Modification:*

- *Revise the zoning of the following properties to Low Density Residential: ...*
- *Revise the zoning of the following properties to Rural Living D Zone:*

...

d. Walker Street, Whitemark FR 128758/2.

48. *Reason:*

- *To apply the Low Density Residential Zone and Rural Living Zone consistent with Guideline No. 1.*

Discussions with officers at the Commission confirmed that the final decision at paragraph 47 was not consistent with the representation that was lodged to the LPS, the submissions of the owners or the planning authority. Officers of the Commission indicated that this was an unintended error and is likely to meet the requirements of section 40I of the Act for exemption from the public exhibition process.

Part 2 – Three titles, Harleys Road, Whitemark

Part 2 of AM2023-01 seeks to apply the Rural zone to the following properties, as shown within the red border on Figure 4:

- 115 Harleys Road, Whitemark (CT's 10875/1), area 40.63 ha;
- CT's 169274/101 Harleys Road, Whitemark, area 42.07 ha;
- CT 169274/102 Harleys Road, Whitemark, area 42.1 ha; and
- the reserved road dissecting CT169274/101, Harleys Road, Whitemark.

A detailed assessment was provided in the Supporting Report for Part 2 of AM2023-01 to establish the strategic basis for the specific amendment.



Figure 4 – location and context

The LPS was prepared based on the draft *Flinders Structure Plan*, which identified the Rural Enterprise concept as a strategic intervention to diversify the rural economy on the Island, increase the opportunity for downstream processing and value adding of local produce, increase other opportunities associated with the natural and recreation opportunities on Flinders, particularly in the tourism sector. This was reflected in the draft LPS by the use of the Rural zone around Whitemark and shown in Figure 5 and highlighted by the red circle.

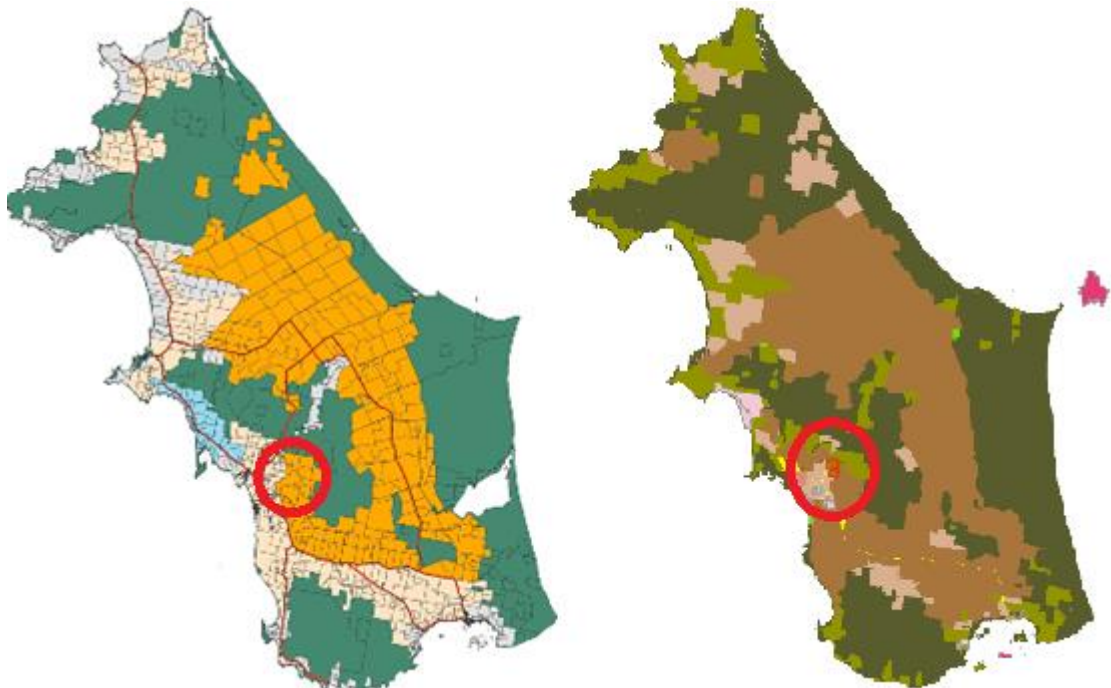


Figure 5 – Comparison Structure Plan (left) and LPS zoning (right)

The Commission did not accept the rural zoning that was proposed and directed the LPS to be exhibited with the Agriculture Zone across many of the subject areas.

The Planning Authority made representation to the LPS contesting the Commission Directions. Expert evidence and submissions were provided by RMCG regarding the Rural Enterprise concept, that supported the Council Strategic Plan and Structure Plan goals for population and economic growth on Flinders and was intended to be reflected through the LPS and representation from the Planning Authority.

The RMCG evidence supported use of the Rural zone in areas around Whitemark and identified the area in Harleys Road as well suited to the Rural Enterprise Concept, including the properties subject to Part 2 of AM2023-01. A detailed summary of that evidence and submissions was provided at section 4 of the Supporting Report.

In the decisions on the LPS, the Commission accepted that evidence and submissions, as noted at paragraph 112 as follows.

112. The Commission accepts the expert evidence and advice given in the agricultural assessment and is therefore satisfied that the Rural Zone is supported by Guideline No. 1 and should be applied. In particular, the Zone is supported by RZ 3 and AZ 6, which provide for the Zone to be applied to land identified as unconstrained in the State land potentially suitable for the agriculture zone mapping if supported by detailed local strategic analysis.

The subject properties in Harleys Road were omitted from the directed modifications at paragraphs 114 to 118 inclusive. Part 2 of AM2023-01 seeks to address that omission.

Following advice from the Commission, the Supporting Report was prepared to document Part 2 of AM2023-01. The Supporting Report provides a full assessment against the statutory requirements for Part 2 of AM2023-01.

STATUTORY REQUIREMENT

Land Use Planning and Approvals Act 1993 (Act)

- S.6 Delegation
- Division 3B Amendments to LPS's
- S.34 LPS Criteria
- S.40D preparation of draft amendments;
- S.40F certification of draft amendments;
- S.40I Exemption from public exhibition.

Section 40D(b) of the Act allows the Planning Authority to prepare an amendment of its own motion. There was no delegation to commence preparation of an amendment to the LPS and a decision of the Planning Authority was required to commence this process.

A recommendation was provided to commence a new planning scheme amendment to rezone the subject properties under Parts 1 and 2 of AM2023-01 to reflect the previous decisions of the Planning Authority.

Section 40F of the Act requires the Planning Authority to consider whether the subject amendment meets the LPS criteria at section 34 of the Act and if so, certify the amendment. An assessment of compliance with the LPS Criteria at section 34(2) follows.

- (2) *The LPS criteria to be met by a relevant planning instrument are that the instrument –*
- (a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*
 - (b) *is in accordance with section 32; and*
 - (c) *furtheres the objectives set out in Schedule 1; and*
 - (d) *is consistent with each State policy; and*
 - (da) *satisfies the relevant criteria in relation to the TPPs; and*

- (e) *as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*
- (f) *has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates; and*
- (g) *as far as practicable, is consistent with and coordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
- (h) *has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.*
- (2A) *A relevant planning instrument satisfies the relevant criteria in relation to the TPPs if –*
 - (a) *where the SPPs and the relevant regional land use strategy have not been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument is consistent with the TPPs, as in force before the relevant planning instrument is made; and*
 - (b) *whether or not the SPPs and the applicable regional land use strategy have been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with section 12B(3), as to the manner in which the TPPs are to be implemented into the LPSs.*

Compliance with subclause 34(2) of the Act was addressed by the Council and assessed by the Commission in the LPS Decisions and determined to comply for both Parts 1 and 2 of AM2023-01. In addition, the Supporting Report provided a detailed assessment of Part 2 of AM2023-01 and determined that it complied.

The following was noted for AM2023-01:

- The Tasmanian Planning Policies (TPP's) were not made at the time AM2023-01 was initiated. Pursuant to section 34(2A), AM2023-01 complies.
- AM2023-01 was assessed against the current Council Strategic Plan elsewhere in this report and was determined to be consistent with it.
- The subject site is not proximate to any adjacent municipal areas. Criterion (g) is not relevant to AM2023-01.
- The *Gas Safety Act* is not relevant to Flinders Island. Criterion (h) is not relevant to AM2023-01.

- (3) *An amendment of an LPS, or a draft amendment of an LPS, is taken to meet the LPS criteria if the amendment of the LPS, or the draft amendment of the LPS, if made, will not have the effect that the LPS, as amended, will cease to meet the LPS criteria.*

Part 1 of AM2023-01 was assessed as not causing the LPS to cease to meet the LPS criteria, if made, and therefore complies with the LPS Criteria. Part 2 of AM2023-01 was assessed at section 5.6 of the Supporting Report and found to comply.

This assessment demonstrated that parts 1 and 2 of AM2023-01 comply with the LPS Criteria at section 34 of the Act.

Section 40I of the Act allows the Commission to waive the public exhibition process that normally applies to LPS amendments under section 40H. Specified reasons to allow this waiver relevantly include the following:

- (2) *The Commission may only issue a notice under subsection (1) in relation to a draft amendment of an LPS if the Commission is satisfied that –*
 - (a) *an amendment of the LPS in the form of the draft amendment of the LPS is urgently required and the Minister has approved the issuing of the notice on this ground; or*
 - (b) *the draft amendment is for one or more of the following purposes:*
 - (i) *correcting an error in the LPS;*
 - (ii) *removing an anomaly in the LPS;*
 - (iii) *clarifying or simplifying the LPS;*
 - (iv) *removing an inconsistency in the LPS;*
 - (v) *removing an inconsistency between the LPS and this Act or any other Act;*
 - (vi) *removing an inconsistency between the LPS and the SPPs;*
 - (vii) *making a change to a procedure set out in the LPS;*
 - (viii) *bringing the LPS into conformity with a State Policy;*
 - (ix) *changing the structure of the provisions of the LPS, or the form of a provision of an LPS, so that the LPS conforms with the structure to which an LPS is required by the SPPs to conform or the form that a provision of an LPS is to take;*
 - (x) *a prescribed purpose –*
and if it is satisfied that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

As previously noted in this report, Part 1 of AM2023-01 seeks to address an inconsistency between the representations, submissions and evidence accepted by the Commission in assessment of the LPS for the subject property and the published decision. Following advice from Commission officers, it is understood that Part 1 of AM2023-01 would comply with one or more of the tests under criterion (b) of clause 40I(2) of the Act.

Section 6 of the Act allows the Planning Authority to delegate specific tasks or decisions. To improve the routine processing of the amendment, recommendations were provided for delegations to the General Manager to seek the exemption from the exhibition process for Part 1 of AM2023-01 and submit the relevant report if no representations are received to the exhibition of Part 2 of AM2023-01.

A recommendation was provided for the Planning Authority to seek an exemption to the public exhibition requirements for Part 1 of AM2023-01 and provide the delegations identified in this report.

POLICY/STRATEGIC IMPLICATIONS

The *Flinders Council 2021-2023 Strategic Plan* has significant potential to impact Council's strategic objectives to grow a sustainable population, improve housing affordability, enhance, maintain and protect the Island's agricultural economy, diversify and support a local economy and preserve the natural environment.

For Part 1 of AM2023-01, the Liveability focus area were relevant to AM2023-01 as follows:

- 1. *Liveability –*
 - 1.1.1 *Encourage and support an increased supply of affordable accommodation for long-term residential rental and purchase.*

- 1.3.1 *Finalise and promote the Flinders Council Local Provisions Schedule and Zone Strategy as part of the Tasmanian Planning Scheme to ensure sensible and sustainable development.*

For Part 2 of AM2023-01, the following additional focus areas and statements were relevant:

1. *Liveability:*
 - 1.1.2 *Promote the islands' authentic lifestyle, business and entrepreneurial opportunities to attract 'working age' population and families.*
 - 1.4.1 *Promote and support sustainable activities to conserve the islands' natural and agricultural environments.*
3. *Economy/Business:*
 - 3.1.1 *Support and encourage innovation and industry through partnerships, infrastructure provision and support services.*

Parts 1 and 2 of AM2023-01 were assessed as consistent with the Flinders Council Strategic Plan. Remaining focus areas were not assessed as relevant to AM2023-01.

BUDGET AND FINANCIAL IMPLICATIONS

Budget implications of the current process form part of the Council's operational costs and statutory obligations as a planning authority.

RISK/LIABILITY

Identified risks are considered to be addressed by the Planning Authority observing the statutory process.

A recommendation was provided to reflect the statutory process.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Planning Authority:

1. **Endorse preparation of AM2023-01 to the *Flinders Local Provisions Schedule* under section 40D(b) of the *Land Use Planning and Approvals Act 1993* to:
Part 1: apply the Low-Density Residential Zone to part of 4 Cattle Track, Whitemark, (CT: 128758/2); and
Part 2: apply the Rural zone to 115 Harleys Road, Whitemark (CT's 10875/1), CT's 169274/101 and 169274/102 Harleys Road, Whitemark, and the reserved road dissecting CT169274/101, Harleys Road, Whitemark, in accordance with this report and (Annexure 13.2.1) *Flinders Local Provisions Amendment Assessment Report AMD 2023-01 – Rezoning – Harleys Road, Whitemark*; and**
2. **Pursuant to Section 40F of the *Land Use Planning and Approvals Act 1993*, certifies that Parts 1 and 2 of AM2023-01 meet the LPS criteria; and**
3. **Instructs that adjoining property owners and occupiers must be notified of Part 2 of draft amendment AM2023-01; and**
4. **Under s40K, delegate to the General Manager the authority to:**
 - a. **submit a report on exhibition of AM2023-01 where no representations are received, pursuant to section 6 of the *Land Use Planning and Approvals Act 1993*; and**
 - b. **apply to the Tasmanian Planning Commission for exemption from public exhibition requirements under Section 40I for Part 1 of AM2023-01.**

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

13.3 DEVELOPMENT APPLICATION REPORT

Action	Information
Proponent	Council Officer
Officer	Jacci Smith Development Services Coordinator
File Reference	PLN/0105
Annexures	13.3.1 Development Applications Report – March 2023

INTRODUCTION

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

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

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

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

PREVIOUS COUNCIL CONSIDERATION

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

OFFICER'S REPORT

Refer to Annexure 13.3.1 Development Applications Report – March 2023.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Development Applications Report – March 2023 be received.

14. INFRASTRUCTURE

14.1 INFRASTRUCTURE MANAGER'S REPORT – APRIL 2023

Action	Information
Proponent	Council Officer
Officer	Chris Wilson Infrastructure Manager
File References	WOR/3000
Annexures	14.1.1 Infrastructure Manager's Report – April 2023

INTRODUCTION

The purpose of this report is to provide Councillors with an update of monthly activities undertaken by the Infrastructure Department.

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 – April 2023 be received and accepted by Council.

15. NOTICE OF MOTION

15.1 NOTICE OF MOTION – BENDIGO BANK AGENCY

Action	Decision
Proponent	Mayor Rachel Summers
Officer	Warren Groves General Manager
File Reference	EDV/0101
Annexures	Nil

NOTICE OF MOTION

That Council, working with current Whitemark Bendigo Bank Agency providers to advocate for the continuation of on-Island banking services including investigating potential options.

COUNCILLOR'S REPORT

On the 3rd of April, I, along with the General Manager, met with the franchise owners of the Whitemark Bendigo Bank Agency. Unfortunately, Bendigo Bank had made the decision to close all the agencies across Australia. Its loss will mean many of the banking procedures that the agency handles will no longer be able to occur on Flinders Island. This will be a major impediment to business banking and the supply of cash on the Island.

Bendigo Bank's decision to close the agency is a trigger for Council to act. The agency owners are supportive of Council working in this space to keep a bank on the Island and wherever possible will be a key consideration of any negotiations with other banks.

Ensuring there is a banking agency on the Island is supported by Council's current Strategic Plan 2021-31.

As a representative body of the community, it is important for Council to be involved in advocating for and investigating potential options for the provision of a banking service on Flinders Island.

PREVIOUS COUNCIL CONSIDERATION

Nil

PREVIOUS COUNCIL DISCUSSION

12 April 2023 Council Workshop

OFFICER'S REPORT

The Mayor Rachel Summers and I met with the operators of the local banking agency on the 3rd of April where they explained that Bendigo Bank intends to close their in-store agency and with it access to the suite of banking services that are currently available to businesses and individuals on Flinders Island.

Clearly this is a significant issue for the Island's communities and the motion put forward by the Mayor appropriately seeks support from Council to assist in any way possible to secure a fully functional bank agency on the Island.

It may be timely also, for Council and the community to consider and further investigate a more community focused banking model where local ownership could lead to funds invested staying on the Island. These models have worked very well in other parts of the country where the major banks no longer wish to offer banking services.

STATUTORY REQUIREMENTS

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.
- 3.1.2 Advocate federal and state governments for improved availability of critical services and industries on the Island and equalisation schemes, to benefit the Community and economy.

BUDGET AND FINANCIAL IMPLICATIONS

The advocacy subject of this Notice of Motion should not unduly impact on Council budget and resources and represents a key role of Council on behalf of the Community.

RISK/LIABILITY

Failure to have a functional banking agency on the Island would be a significant risk to the Island's ongoing commerce and sustainability.

VOTING REQUIREMENTS

Simple Majority

MOTION

Cr Rachel Summers

That Council, working with current Whitemark Bendigo Bank Agency providers, to advocate for the continuation of on-Island banking services including investigating potential options.

16. FINANCE

16.1 QUARTERLY FINANCIAL REPORT – MARCH 2023

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	FIN/0100
Annexures	16.1.1 Quarterly Financial Report – March 2023

INTRODUCTION

On a quarterly basis, Council is presented with a Financial Report.

This report, and the attached Quarterly Financial Report (Annexure 16.1.1) have been prepared based on changes made to formatting and presentation that were adopted as part of the 2023 Council budget and include high level operational reports for Council's information.

PREVIOUS COUNCIL DECISION

Not applicable.

OFFICER'S REPORT

Annexure 16.1.1 with overview provides a summary of income and expenditure for the Council at the end of the third quarter ending 31 March 2023.

The report includes Profit & Loss, Balance Sheet, Cash Flow Statement, Capital Works and Department reports. Where there are variances greater than 10% or \$50,000, commentary is provided by way of notes.

This report is for information only.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

No policy exists on this matter.

BUDGET AND FINANCIAL IMPLICATIONS

Budget affects all areas in the Council's Annual Plan with the budget implications identified.

RISK/LIABILITY

No foreseen risks or legal obligations were identified as a result of the financial report.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council receives and notes the Quarterly Financial Report ending March 2023.

16.2 FINANCIAL MANAGEMENT STRATEGY 2023-2033

Action	Decision
Proponent	Council Officer
Officer	Marissa Walters Contract Accountant
File Reference	FIN/0701
Annexures	16.2.1 DRAFT Financial Management Strategy 2023-2033 16.2.2 Long-Term Financial & Asset Management Plans, Strategies and Policy 2021-2031

INTRODUCTION

Section 70, S70A, S70B, and S70D of the *Local Government Act 1993* (the Act), requires Council to develop a range of strategic and operational plans that underpin the operations of Council. These include the Long-Term Financial Management Plan and Strategy, the Long-Term Asset Management Plan and Strategy and the Asset Management Policy. These documents all link to and form part of Councils Strategic Plan, Annual Budget Estimates, Annual Plan and Rating Strategy.

Council adopted the Long-Term Financial & Asset Management Plans, Strategies and Policy 2021-2031 (Annexure 16.2.2) at the Special Council Meeting 28 June 2021. A review of the previous Financial Management Strategy has been undertaken and a revised version has now been finalised which was presented to the Flinders Council Audit Panel Meeting of 4 April 2023. The Financial Management Strategy 2023-2033 is now presented to Council for adoption.

PREVIOUS COUNCIL CONSIDERATION

120.06.2021 28 June 2021

PREVIOUS COUNCIL DISCUSSION

12 April 2023 Council Workshop

OFFICER'S REPORT

A key component of sound financial management is the preparation of longer-term financial strategies and budgets. The development and adherence and continuous review of longer-term plans is critical to ensure the Council reaches financial sustainability.

The key reason for the development of a Financial Management Strategy is to:

- establish a prudent and sound financial framework over the next 10 years to ensure the Council's strategic objectives are achieved;
- provide an assessment of the financial resources required to accomplish the objectives and strategies included in the Council's Strategic Plan;
- establish a basis to measure the Council's adherence to its policies and strategies; and
- assist the Council to comply with sound financial management principles, in accordance with the *Local Government Act 1993* and to plan for the long-term financial sustainability of the Council.

The Financial Management Strategy 2023-2033 is an important part of the overall financial management activities of the Council. The key focus of the Financial Management Strategy is to demonstrate and maintain financial sustainability in the long term whilst achieving the strategic objectives of Council. In order to achieve this, the Council must ensure all aspects of its operations are adequately funded, including current service delivery and planning for future service delivery, in an affordable and sustainable environment.

It is important to note that the Financial Management Strategy is not about deciding what the Council will spend on individual projects. The Financial Management Strategy is about the various strategies, direction and assumptions that will effectively determine and influence the amount of funds that Council will have at its discretion in future years.

The Financial Management Strategy and the associated Long-Term Financial Management Plan are the guiding documents to consider when developing budget estimates, rather than documents that dictate the future decisions of Council. The Strategy and Long-Term Financial Management Plan will be revised and updated regularly to reflect strategies that arise from the Council planning processes.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

Strategic Plan 2021-2031

Long-Term Asset Management Plan

Long-Term Financial Management Plan

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

The Financial Management Strategy and the Long-Term Financial Management Plan provides a guide for Council to make informed financial decisions.

RISK/LIABILITY

The Financial Management Strategy 2023-2033 establishes the financial framework under which sound and sustainable financial decisions can be made. Failure to adhere to the strategy and other associated strategies and plans could expose Council to financial risk.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council adopts the Financial Management Strategy 2023-2033 and authorises the General Manager to make a copy of the Financial Management Strategy 2023-2033 available on the Council Website and for public inspection at the Council Office during ordinary business hours.

17. GOVERNANCE

17.1 QUARTERLY SERVICE REQUEST REGISTER REPORT JANUARY TO MARCH 2023

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/1000
Annexures	17.1.1 Quarterly Service Request Register Report January to March 2023

INTRODUCTION

This register identifies the service requests received, recommended actions and resolutions actioned by staff for the period ending 31 March 2023.

PREVIOUS COUNCIL CONSIDERATION

The report is presented on a quarterly basis.

OFFICER'S REPORT

Please read Annexure 17.1.1 Quarterly Service Request Register Report January to March 2023.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Service Request Register Report January to March 2023 be noted.

17.2 USE OF THE FLINDERS COUNCIL COMMON SEAL

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/1000
Annexures	17.2.1 Common Seal Register January to March 2023

INTRODUCTION

The purpose of this report is to provide Councillors with an update on the use of the Flinders Council Common Seal, as per the council motion 216.09.2016 passed at the 22 September 2016 Council Meeting.

PREVIOUS COUNCIL CONSIDERATION

Considered quarterly.

OFFICER'S REPORT

The use of the Flinders Council Common Seal binds the Council to act in accordance with the provisions of the document to which it is attached, and it is important that Councillors know the details of those documents so that they are aware of commitments to which the Council has become obligated.

The Flinders Council Common Seal Register was created on 26 September 2016 and is available to Councillors on request at any time. A report on the use of the Flinders Council Common Seal will be included in Council Meeting Agendas on a quarterly basis.

Annexure 17.2.1 details the use of the Flinders Council Common Seal from January to March 2023. The register is held by the Governance Department and is available for scrutiny at any time.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

No policy exists on this matter.

BUDGET AND FINANCIAL IMPLICATIONS

Nil

RISK/LIABILITY

Minimum

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the report on the use of the Flinders Council Common Seal from January to March 2023 be received.

17.3 QUARTERLY ACCIDENT AND INCIDENT REPORT JANUARY TO MARCH 2023

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	RMS/0100
Annexures	17.3.1 Quarterly Accident and Incident Report January – March 2023 (Elected Members Only)

INTRODUCTION

The Accident and Incident Report was previously reviewed by Council quarterly as part of the Quarterly Financial Reports and discussed at Workshops. As from August 2021, the Report will be presented to Council for consideration on a quarterly basis at Council Meetings.

PREVIOUS COUNCIL CONSIDERATION

Provided as quarterly reports to Council as from August 2021.

OFFICER'S REPORT

Please read Annexure 17.3.1 Accident and Incident Quarterly Report January – March 2023. This report is for the information of Elected Members only as it contains confidential personnel information.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Quarterly Accident and Incident Report January to March 2023 be noted.

17.4 COMMUNICATIONS POLICY

Action	Decision
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COM/0800
Annexures	17.4.1 DRAFT Communications Policy 17.4.2 Communications Policy 2016.01.06

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 the Council's exposure to risk.

Communications related to Council activities communicated by elected members or designated Council staff, must comply with applicable laws and regulations, maintain confidentiality and privacy guidelines and uphold Council's fundamental values, reputation, and integrity. Whether the communication is made on social media, traditional media, or any other form of communication, it must meet these standards.

This policy aims to ensure that Council activities are communicated accurately and positively, while protecting confidential information and complying with all relevant laws and regulations.

PREVIOUS COUNCIL CONSIDERATION

06.01.2016 21 January 2016

PREVIOUS COUNCIL DISCUSSION

5 July 2022 Council Workshop
12 April 2023 Council Workshop

OFFICER'S REPORT

Council's current Communications Policy has been in effect since January 2016 and requires review. Assessment of the policy has determined that the policy requires changes to simplify language, align with the current digital media environment and provide clearer guidelines for Councillors and Council Officers.

To uphold a good reputation for the Council, it is essential to effectively promote its decisions, services, programs, and projects, while setting clear media communication guidelines and appropriate standards for managing its communications.

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 the Council's exposure to risk in this area.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

17.5 QUARTERLY CONTINUOUS IMPROVEMENT REPORT JANUARY TO MARCH 2023

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/1004
Annexures	17.5.1 Continuous Improvement Register January to March 2023

INTRODUCTION

This register identifies the continuous improvement that Council has developed and documented as part of the organisational continuous improvement program.

PREVIOUS COUNCIL CONSIDERATION

The report is presented on a quarterly basis.

OFFICER'S REPORT

Continuous improvement is essential within an organisation, and this has been ongoing within Council for many years. The Annual Plan 2022-2023 contains the following action: AP-14 – Develop and document an organisational continuous improvement program. A continuous improvement register has been developed and will be brought to Council on a quarterly basis.

Please read Annexure 17.5.1 Continuous Improvement Register for the period of January to March 2023.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Quarterly Continuous Improvement Report January to March 2023 be noted.

17.6 QUARTERLY GRANTS REPORT JANUARY TO MARCH 2023

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COU/0601
Annexures	17.6.1 Quarterly Grants Report January to March 2023

INTRODUCTION

This report provides Councillors with an overview of grants received by Council and the progress towards grant acquittal, along with those grants that have been applied for and awaiting a result.

PREVIOUS COUNCIL CONSIDERATION

Considered quarterly.

PREVIOUS COUNCIL DISCUSSION

3 May 2022 Council Workshop

OFFICER'S REPORT

At the 3 May 2022 Council Workshop, Councillors requested a quarterly report on grants. Please read Annexure 17.6.1 Quarterly Grants Report January to March 2023.

STATUTORY REQUIREMENT

Nil

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

As with all capital projects there will be long term financial implications which will need to be incorporated into Council's long term financial and asset management plans.

RISK/LIABILITY

No foreseen risks

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Quarterly Grants Report January to March 2023, be received.

17.7 HOUSING WORKING GROUP REPORT – MARCH 2023

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/1102
Annexures	17.7.1 Housing Working Group Report 27 March 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 D/Mayor Vanessa Grace, Cr Garry Blenkhorn, Cr Peter Rhodes, Cr Ken Stockton, the General Manager, and the Development Services Coordinator. At this meeting, Council also requested a monthly report from the working group.

PREVIOUS COUNCIL CONSIDERATION

18.01.2023	25 January 2023
32.02.2023	22 February 2023
91.03.2023	22 March 2023

A report will be presented monthly.

PREVIOUS COUNCIL DISCUSSION

25 January 2023	Council Workshop
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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 to March 2023 be noted.

17.8 QUARTERLY REPORT AGAINST THE ANNUAL PLAN JANUARY TO MARCH 2023

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	COU/0600
Annexures	17.8.1 Quarterly Report January to March 2023

INTRODUCTION

The purpose of this report is to provide Councillors with progress updates on the various Annual Plan actions undertaken by the whole of Council for the third quarter of the financial year.

PREVIOUS COUNCIL CONSIDERATION

Provided as quarterly reports.

OFFICER'S REPORT

Please read Annexure 17.8.1 Quarterly Report January to March 2023.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Quarterly Report Against the Annual Plan January to March 2023 be received and accepted by Council.

17.9 COUNCILLOR RESOLUTION REPORT

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager
File Reference	GOV/0300
Annexures	17.9.1 Councillor Resolution Report April 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

17.9.1 – Councillor Resolution Report April 2023.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Councillor Resolution Report April 2023 be noted.

18. CLOSED COUNCIL

18.1 REPORT TO BE RECEIVED - GENERAL MANAGER'S PERFORMANCE REVIEW COMMITTEE MINUTES

18.2 AIRCRAFT HANGAR

Action	Information
Proponent	Council Officer
Officer	Warren Groves General Manager

REASON FOR CLOSED COUNCIL

Item 18.1 is **CONFIDENTIAL** in accordance with Section 15(2)(a) of the Local Government (Meeting Procedures) Regulations 2015.

Item 18.2 is **CONFIDENTIAL** in accordance with Section 15(2)(b) of the Local Government (Meeting Procedures) Regulations 2015.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council moves into Closed Council.

MEETING CLOSED
